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SECOND SESSION

VOLUME 116—PART 22

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AUGUST 17, 1970, TO AUGUST 31, 1970

(PAGES 29177 TO 30548)

UNITED STATES GOVERNMENT PRINTING OFFICE, WASHINGTON, 1970

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PROCEEDINGS AND DEBATES OF THE 91st CONGRESS, SECOND SESSION

SENATE—*Monday, August 17, 1970*

The Senate met at 11 a.m. and was called to order by Hon. HAROLD E. HUGHES, a Senator from the State of Iowa.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who inhabitest eternity yet makest Thy dwelling in the hearts of men, at the beginning of this new week we open our minds to the beauty and truth of Thy presence and to behold a vision of a world made new according to Thy kingdom.

Refresh all who serve Thee in this place. Arm them with Thy spirit. Guard them in temptation. Protect them in peril. Strengthen them in daily duties. Lift every endeavor to a divine vocation. May they be good men and women in the knowledge of truth and righteousness.

Renew the life of this Nation in godliness, in righteousness, and in morality wilt Thou so pervade the life and conduct of all the people that they may fulfill the law of God and be equipped with righteousness, justice, and compassion to serve all mankind.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 17, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. HAROLD E. HUGHES, a Senator from the State of Iowa, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. HUGHES thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 14, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

WAIVER OF THE CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the Legislative Calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRESIDENT NIXON SHOULD SUBMIT GENEVA CONVENTION BANNING CHEMICAL AND BIOLOGICAL WARFARE TO SENATE FOR RATIFICATION WITHOUT DELAY

Mr. YOUNG of Ohio. Mr. President, 45 years ago, the United States took the lead in drafting the Geneva Convention, the most basic and fundamental international treaty banning the use in war of all poisonous gases and biological methods of warfare.

Today, the United States stands almost alone among the powers of the world in failing to become a signatory to this treaty which we first proposed.

The fact is that the convention was first suggested in Geneva at an international conference by the head of the U.S. delegation, Representative Theodore E. Burton, from my native State of Ohio, with the full support of President Coolidge and Secretary of State Kellogg.

In June 1925, the United States signed the Geneva Convention but it was never ratified by the Senate. This was in large measure because the chemical industries and especially generals of the Army Chemical Service exerted considerable pressure against the ratification of the convention.

The convention was not defeated by the Senate. It was never voted upon, remaining in the Foreign Relations Committee until President Truman withdrew from the committee all unratified treaties prior to 1941.

From then until now, the Geneva Convention has remained in the White House as no Chief Executive has submitted it to the Senate for ratification.

Mr. President, the use of chemical and biological warfare has a long and grisly history.

As long ago as 600 B.C., Solon of Athens is said to have defeated the army of Kirrha by poisoning the enemy's drinking water. The Spartans were said to have besieged satellite cities of Athens in the Peloponnesian War with burning sulfur and pitch to create sulfur dioxide, a gas about one-fourth as irritating as chlorine.

During the American Civil War, Confederate troops once tried to delay the advance of their pursuers by leaving behind water holes polluted with the carcasses of dead animals. This according to the memoirs of Gen. William Tecumseh Sherman.

In the modern sense of chemical and biological warfare, the widest use of chemical agents took place in World War I. By the end of of the war, a total of 28 agents and 16 mixtures had been employed by both the Allies and the Central Powers amounting to more than 124,000 tons.

Mr. President, to date 84 nations, including virtually all the technologically advanced powers have ratified the Geneva Convention.

On numerous occasions, the United States has gone on record in support of the convention.

In 1943, President Roosevelt responded to the rumors of plans for German gas warfare by stating:

> Use of such weapons has been outlawed by the general opinion of civilized mankind. This country has not used them. I state categorically that we shall under no circumstances resort to the use of such weapons unless they are first used by our enemies.

In 1967, the Deputy Secretary of Defense told a Senate subcommittee:

> It is clearly our policy not to initiate the use of lethal chemicals or lethal biologicals.

Most recently, President Nixon last November 25 promised to send the Geneva Convention to the Senate for ratification. Now, 8 months later, the convention still remains in the White House. Although the President said he would submit the treaty and would ask congressional leaders to expedite action, Mr. Nixon to this good hour, has failed to send us this for ratification.

Mr. President, doubtless the reason that the President is withholding the Geneva Convention from the Senate is because the United States is continuing to wage environmental warfare in Indochina. The fact is that our use of herbi-

cides in Southeast Asia clearly constitutes a war atrocity.

Since 1961, 100 million pounds of chemical herbicides have been sprayed on 5 million acres of land in South Vietnam, an area the size of the State of Massachusetts. By the end of this year, more than 23 million gallons will have been sprayed in Vietnam. Most of that in South Vietnam.

Defoliation operations in Vietnam are carried out by squadrons of specially equipped C–123 cargo planes, each with tanks capable of holding a thousand gallons of herbicides. The official code name for the program is Operation Hades but a more friendly code name, Operation Ranch Hand is used. Operation Hades is a better name.

Mr. President, although recently, the Defense Department banned the use of its primary defoliant, "orange," Pentagon is continuing to use the white and blue herbicides which cause crop damage and often irreversible disruptions of the natural ecology of Vietnam. We are destroying the environment and extinguishing the plant life of the area which we claim we are trying to save.

Most appalling, and often lost amid our growing statistics of war dead and wounded and those of the Vietcong and North Vietnamese is the fact that more than half a million Vietnamese civilians—women, children, and old men—have been killed or maimed for life by our napalm bombing, and our use of chemical defoliants.

When I was in South Vietnam in early 1968 as a representative of the Senate Armed Services Committee I personally witnessed the horrible effects of our defoliation program and of our napalm bombing of villages and hamlets. I saw in hospitals and elsewhere women and also little children who had been horribly burned and maimed by our napalm bombing. Many had lost an arm to the shoulder or a leg.

Mr. President, approximately $350 billion of our taxpayers' money has been spent annually for chemical and biological warfare agents during recent years. For many years, the Department of Defense has purchased and stockpiled enormous amounts of toxic and infectious chemical and biological agents.

Today, a comparatively few nations possess these lethal weapons. However, any nation, large or small, can develop contagious bacteria and viruses. If and when they do, the danger of an accident or purposeful use becomes greater. The very survival of man is at stake. The development and stockpiling of these horrible chemicals and germs is a pursuit of armaments far in excess of those needed for our national security and national defense.

The President should immediately submit the Geneva Convention to the Senate for ratification. There is no longer any valid reason whatever for the United States to continue to ignore this most important existing treaty banning the use of chemical and biological weapons. We should put ourselves squarely on record in favor of limiting the use of lethal gases and deadly defoliants in international welfare.

President Nixon should ask the Senate to ratify the protocol prohibiting the use in war of asphyxiating, poisonous, or other gases, and of bacteriological methods of warfare, Geneva, June 17, 1925.

MR. GORE IN TENNESSEE

Mr. YOUNG of Ohio. Mr. President, the St. Louis Post-Dispatch, one of our Nation's greatest, in a recent editorial stated that Senator GORE's distinguished record entitled him to be elected to another term. This conclusion echoes the views of such a large majority of U.S. Senators that I ask unanimous consent that this editorial may be inserted in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MR. GORE IN TENNESSEE

The victory of Senator Albert Gore in the Tennessee Democratic primary appears likely to insure a genuinely significant election contest in November. Mr. Gore, a candidate for a fourth Senate term, will face Representative William E. Brock, who won the Republican primary. Mr. Brock, a millionaire candy manufacturer, is a strong backer of President Nixon; Mr. Gore, a liberal with a record of 32 years on Capitol Hill, is a critic of United States policy in Vietnam and voted against Mr. Nixon's two rejected Southern appointees to the Supreme Court. He refers to himself as the No. 1 White House target in the fall voting. So, as the election shapes up today, the issue in Tennessee is unequivocal. Mr. Gore's distinguished record entitles him to another term, and we hope he gets it.

ALL AMERICANS SHOULD KNOW OF THIS HORROR

Mr. YOUNG of Ohio. Mr. President, in the last 6 months the United States has spent more than $115 million on that undeclared, unpopular war in Southeast Asia.

Mr. President, in the last 6 years the United States has spent more than $115 billion on that undeclared, unpopular war in Southeast Asia. For 1969 alone the price tag was $30,400 million—$600 for every American family. This did not include economic aid programs to the Indochinese nations, CIA funds spent in the area, the cost of reductions in stockpiles of strategic materials, or the loss of productivity accompanying war expenditures. In 1969 of each tax dollar 23 cents went to pay for the Vietnam war, 13 cents of each dollar for past wars, and 35 cents in preparation for future wars. The Indochina war in 1969 cost more than the total of Federal spending for domestic goods, 10 times more than Federal outlays for medical assistance, and 30 times more than Federal grants for urban planning and development. It costs $500,000 to kill one Vietcong. This sum would support 3,400 youngsters in school or college or build at least 50 housing units.

One heavy B–52 raid costs about $40 million. This could purchase three 400-bed hospitals, or pay for the construction of 27 elementary schools, or for 4,050 housing units.

President Nixon, while campaigning for President, said he had a secret plan to end the war in Vietnam. Many citizens voted for him because of his claim. That secret plan is still his secret. Now he expanded and extended our involvement by invading Cambodia and by round-the-clock bombing all areas of Laos and Cambodia with our huge B–52's. Also America GI's were killed in combat in Cambodia and in the round-the-clock bombing in Laos, whose neutrality our Government guaranteed. Many thousands of unfortunate civilians, men, women, and children have been killed or maimed by our napalm bombing.

Even White House officials no longer call it the Vietnam war. It is now the Indochinese war. Young Americans of our ground and air forces are being killed daily. In a recent week 85 Americans were killed in combat, 760 were wounded. Many more were killed in what Pentagon terms "accidents and incidents." In World War II when there was no credibility gap" and no attempted deception such deaths were termed combat deaths.

American mercenaries including Thais, Laotians, and South Koreans equipped, armed and paid by American taxpayers with our CIA managing the mercenaries just as King George III and the English paid for the Hessian mercenaries which our patriot forefathers so hated and feared. Yet, with all our casualties and tremendous expenditure of American taxpayers money, President Nixon vetoed the $4,420,145,000 education bill terming this inflationary. When our aggression in Southeast Asia ends then inflation will end and desperately needed domestic programs for the welfare of all our people will be undertaken, we hope. Our domestic needs such as gainful employment, more jobs, better housing, eliminating slums, should have top priority.

Millions of acres of arable land in South Vietnam have been ruined by poison gas sprayed since 1961 by American warplanes and helicopters. Enough chemical defoliants have been sprayed to ruin almost 5 million acres of land in South Vietnam, an area about the size of Massachusetts—12 percent of the entire area of South Vietnam. By the end of this year, an additional 10 million gallons will have been sprayed, enough to cause a total of 7½ million acres to be polluted with deadly chemicals. The fact that these herbicides cost taxpayers more than $160 million deserves mention as well as the evil wrought by them. Now we are wreaking this same destruction on peace-loving Cambodians and also throughout Laos. This in the undeclared war which President Nixon has broadened.

The huge craters made by bombs from our B–52's are usually 35 feet in diameter and 10 feet deep. These fill with water and breed mosquitoes spreading debilitating malaria to men, women, and children of those countries. Far more tons of high explosives have been hurled over North Vietnam and South Vietnam than all of the Allies hurled against the Germans and their allies throughout the entire period of World War II. At the present rate including certain areas of Thailand and all of Laos and Cambodia that total will very shortly double the entire tonnage of bombs dropped by the United States and our Allies in World War II, in destructive power.

CALL OF THE CALENDAR—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, beginning tomorrow, the unobjected to items in the general orders of the Legislative Calendar of Business which have been cleared on both sides be considered immediately following the disposition of the reading of the Journal and prior to any transaction of routine morning business and also prior to any special orders recognizing Senators for speeches.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the same procedure obtain for each legislative day during the remainder of this session unless waived by unanimous consent and that the notice of such procedure appear each day in the Daily Digest and in the statement of the program of proceedings.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. SCOTT. Mr. President, this is pursuant, I believe, to the colloquy of last Thursday.

Mr. BYRD of West Virginia. It is.

Mr. SCOTT. I have no objection.

Mr. BYRD of West Virginia. Mr. President, this would, of course, not preclude an item on the consent calendar from being called up later during a day if it is cleared by both sides and by unanimous consent.

Mr. SCOTT. That is correct.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

FIND THE ENEMY

Mr. GOLDWATER. Mr. President, Gen. William C. Westmoreland, Chief of Staff of the U.S. Army, said recently in a speech:

> I foresee a new battlefield array . . . Battlefield combat areas that are under 24-hour real or near real time surveillance of all types . . . Battlefields on which we can destroy anything we can locate through instant communications in the almost instantaneous application of highly lethal firepower.

Mr. President, we have already in the last month had brief discussions on part of this whole integrated battlefield program. This concerns what we call ground sensors. There are other items, however, such as the starlight scope, thermal imagery, people sniffers, radar, and other systems and concepts.

Col. C. R. Sniffin, Deputy STANO Systems Manager, Office of the Chief of Staff, Department of the Army, has written a very interesting and short article in the Army Digest on the whole new concept of the Army of the eighties which is entitled "Find the Enemy."

I ask unanimous consent that this article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIND THE ENEMY

(By Col. C. R. Sniffin)

"I foresee a new battlefield array . . . Battlefield combat areas that are under 24-hour real or near real time surveillance of all types . . . Battlefields on which we can destroy anything we can locate through instant communications in the almost instantaneous application of highly lethal firepower."—General William C. Westmoreland

Night is the enemy's ally. In battle areas such as Vietnam, he can lay low and out of sight. When discovered during daylight, he holds out until dark, then disappears along any number of escape routes.

Today, however, technology provides the means to improve our capability of locating and fixing the enemy during darkness or periods of reduced visibility. STANO is the all-including term for this activity—Surveillance, Target Acquisition, and Night Observation.

Since 1965, the Army laboratories and industry have focused a major effort on development of STANO hardware. Their efforts have produced a new family of night vision devices.

The Starlight Scope, an individual weapons sight, amplifies starlight and moonlight reflected from the target thousands of times. Popular in Vietnam, these devices are being supplemented by medium- and long-range night vision systems that extend the range of hardware and lessen eye fatigue. To complement the ground night vision systems, similar aerial surveillance systems are being prepared for the UH–1 and Cobra helicopters.

Thermal Imagery is a new area being explored in the field of night vision. These devices sense the difference in the temperature of objects at a distance; the resulting image on a cathode ray tube presents a TV picture to the viewer.

"People Sniffers." Vietnam veterans are also familiar with the XM–3 chemical detector, often called a "People Sniffer." Detection is accomplished by sampling environmental condition changes caused by body wastes and human effluents.

Radars also have found increased use in Vietnam. The current family of ground surveillance radars, the AN/PPS–4, AN/TCS 25, and AN/PPS–5, are to be complemented by new lightweight radars such as the AN/PPS–9, and AN/PPS–10, which can be carried by the individual soldier on ambushes or patrols.

Ground Sensors are the latest addition to surveillance and target acquisition devices. These detect the movement and presence of an enemy by sophisticated electronic means, and report the information to a distant readout station. This gives the commander a capability of watching over wide areas.

SYSTEMS AND CONCEPTS

The prevailing problem, however, is not just to develop the most promising hardware but also to determine concepts and techniques for using these devices alone, or tied together to form a system. Concepts and doctrine in turn must be converted into techniques for use and then rapidly introduced into the Army's training programs and service schools. Soldiers going into combat must know and understand their capabilities.

The Army's solution to the problem is the Chief of Staff's concept of the integrated battlefield, which reflects the totality of the Army land combat system. This emphasizes the ties that exist between weapons, support, material, and organizational systems found in the differing functions of land combat.

Important on the integrated battlefield are acquisition systems of all types, which will be dovetailed with other intelliegnce sources, such as prisoner of war interrogations, agent reports, and reports from the other services. All will be tied back to the decision maker through a variety of processing means and communications links.

Maximum use will be made of automatic data processing. Analysis, evaluation, and dissemination will be focused at all levels. Each commander will have an increasing capability to manage the collection and assess the product presented to him.

The Battlefield Information and Coordination Center, manned by a small group of intelligence experts who control and manage intelligence collection and surveillance planning, will provide a focal point at each level for these activities. Here, thousands of bits of information accumulated by the many coordinated sensor devices, reconnaissance activities, and other intelligence sources, including human (HUMINT), will be carefully screened, sorted, analyzed, and then displayed for the commander to make his timely decision.

The integrated battlefield, however, does not stop at the command post, for the decision maker will be tied by highly efficient communications systems to his reaction capabilities. At each step, actions taken by the commander will provide the measured firepower or maneuver response needed to assure destruction or neutralization of the enemy, and concurrent support of the forces carrying out these activities.

MANAGEMENT AGENCIES

To insure that the concept of the integrated battlefield becomes a reality, the Chief of Staff in July 1969 directed the establishment of a special, intensive management program for STANO. This program establishes the STANO Systems Manager (STANSM) as a focal point for priorities and resource allocation.

Overall guidance of the program is provided by the STANO Steering Group, a committee of senior general officers headed by General Bruce Palmer, Vice Chief of Staff of the Army. A STANO Executive Committee meets biweekly to solve day-to-day problems. This committee consists of representatives from Army Staff agencies and major commands, principally Army Materiel Command, Combat Developments Command, and CONARC.

The STANSM, the Steering Group, and the STANO Executive Committee guide, support, and control the integrated battlefield concept, which will be tested by the field element of the STANO program, Project MASSTER (Mobile Army Sensor System, Test Evaluation and Review).

Project MASSTER was established in October 1969 at Fort Hood Tex., to test STANO items, organizations, and doctrine. It has a twofold objective—improving the capability to find the enemy, and supporting development of the integrated battlefield.

A staff of combat-seasoned military personnel and technically qualified civilians prepare, direct, and analyze field tests to be conducted by combat elements of the III U.S. Army Corps, augmented by special experimental units.

Items of material in various stages of development are taken to the field for evaluation in a simulated combat environment. Their military potential is analyzed along with their impact on current concepts, doctrine, organizations, training, and logistics.

Elements of the MASSTER test force will initially assess a unit's present STANO capability. After the pilot tests, unattended ground sensors, new light vision systems, and radars will be added to the test force, and the change in unit effectiveness analyzed. Changes in tables of organization and equipment will be effected accordingly. Concurrently, communications and automatic data processing systems will be integrated into the evaluation. At any time, an assessment can be made to determine the optimum configuration and effectiveness of given types of combat units for commitment anywhere in the world.

The STANO effort—encompassing the efforts of the Army Staff, the field commands, and Project MASSTER—will be directed at developing our Army's new battlefield array.

STANO/MASSTER and the integration

of the battlefield provide a basis for departture from today's methods of operation. They give us the test bed from which to adopt new ideas, weapons, and combat organizations.

In any weather, day or night, they will enable us to find the enemy and destroy him—and thereby meet the challenge of tomorrow's battlefield.

SENATE CONCURRENT RESOLUTION 80—SUBMISSION OF A SENATE CONCURRENT RESOLUTION

Mr. BYRD of West Virginia. Mr. President, several weeks ago the news media carried stories of the alleged atrocities committed against prisoners of war held in the South Vietnamese prisoner-of-war camp on Con Son Island.

The outrage expressed throughout America was both swift and just, and, as a result, improvements have reportedly been made at Con Son.

Unfortunately, Mr. President, the same cannot be said concerning the estimated 1,500 captured or missing Americans, most of whom presumably are being held prisoners of war by the North Vietnamese and the National Liberation Front. We can only feel frustration and grief that no apparent improvements have been made in the conditions under which these brave Americans must exist.

Our frustration is only heightened by the fact that the indignation expressed over Con Son did not carry over to North Vietnam, that the outrage expressed over alleged mistreatment of Communist prisoners did not extend to the mistreatment of American prisoners by Hanoi and the Vietcong.

Regarding the reported inhumane treatment of prisoners at Con Son, I said, in a Senate floor speech on July 10:

If the reports are true, the mistreatment of prisoners should be condemned strongly. The United States should withdraw any financial aid that might contribute to prison conditions such as those which have been described in the news media, and our government should use every means at its disposal to compel the government in Saigon to treat prisoners humanely.

Mr. President, the prisoner-of-war issue was not ended with the reported cleanup at Con Son. It gnaws at the moral fiber of the civilized world, and will continue to do so until we are assured that the Americans being held prisoner are being treated humanely—until we are assured that they are receiving proper medical attention, until we are assured that their families and friends know of their whereabouts and of their physical condition and are allowed to communicate with them and until they have been repatriated.

Until we receive these assurances, we must continue to keep the plight of American prisoners of war before the Nation and before the world. We must increase our efforts to arouse public opinion—not only here in the United States, but also throughout the civilized world—against the treatment of prisoners of war by North Vietnam and Vietcong.

On July 30, 13 other Senators joined me in a Senate floor colloquy concerned with the treatment of American POW's. At that time, I said:

North Vietnam, by its treatment of American prisoners of war, has made itself a piriah among the nations of the world, and this fact ought to be driven home to Hanoi in unmistakable terms by the American people and by every civilized nation of the world.

Mr. President, it is incumbent upon us to keep world attention focused on the Americans being held prisoner in Southeast Asia. One week ago today, the distinguished junior Senator from Massachusetts (Mr. BROOKE) and I wrote a letter to the three major television networks, requesting that they do a television documentary on the prisoner-of-war issue.

Today, I am submitting a Senate concurrent resolution on behalf of myself and the distinguished Senator from Massachusetts (Mr. BROOKE) which would establish a joint congressional committee to investigate the treatment of prisoners of the Vietnam war.

The joint committee would be comprised of five Members from each the Senate and the House, to be appointed by the President of the Senate and the Speaker of the House, respectively. Among the duties of the joint committee would be to conduct a study and investigation—as much as it is possible to do so—of the treatment of prisoners of war held by the Governments of North Vietnam, South Vietnam, the United States, and the National Liberation Front.

Mr. President, the committee would hold hearings, at which testimony could be received from Americans who either have escaped or have been released from Communist prison camps; from officials in any way connected with the prisoner-of-war situation in Vietnam or who have knowledge thereof; and from the families of men still being held captive by the North Vietnamese and the Vietcong.

The purpose of the study and investigation, Mr. President, would be to determine as much as possible, whether and to what extent the governments involved have been guilty of inhumane treatment of prisoners, and whether and to what extent the governments involved have been violating the Geneva Convention of 1949 relative to the treatment of prisoners of war. The joint committee would report its findings, along with any recommendations it deems feasible and necessary, no later than December 1, 1970.

I am hopeful, Mr. President, that other Senators will join in cosponsoring this resolution, and that it will be passed; that the joint committee will be established, and that, as a result, some succor and relief will be afforded prisoners of the Vietnam war and particularly American prisoners of war held by the North Vietnamese and the National Liberation Front.

Mr. President, I send the concurrent resolution to the desk, and I ask unanimous consent that it be printed in the RECORD.

The ACTING PRESIDENT pro tempore. The concurrent resolution will be received and appropriately referred; and, without objection, the concurrent resolution will be printed in the RECORD.

The concurrent resolution (S. Con. Res. 80), which reads as follows, was referred to the Committee on Foreign Relations:

S. CON. RES. 80

Resolved by the Senate (the House of Representatives concurring), That (a) there is hereby established a joint committee to be know as the Joint Committee on Treatment of Prisoners of War (referred to hereinafter as the "joint committee").

(b) The joint committee shall be composed of ten members selected as follows:

(1) Five members of the Senate to be appointed by the President of the Senate, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(2) Five members of the House of Representatives to be appointed by the Speaker of the House of Representatives, three of whom shall be members of the majority party and two of whom shall be members of the minority party.

(c) The joint committee shall select a Chairman and a Vice Chairman from among its members. Six members of the joint committee shall constitute a quorum, except that the joint committee may prescribe a lesser number of members to constitute a quorum for the purpose of conducting hearings. Vacancies in the membership of the joint committee shall not affect the authority of the remaining members to execute the functions of the joint committee, and shall be filled in the same manner in which original appointments thereto are made.

FUNCTIONS OF JOINT COMMITTEE

SEC. 2. (a) It shall be the duty of the joint committee to conduct a complete and comprehensive study and investigation of the treatment of prisoners of war held by the North Vietnamese Government and the treatment of prisoners of war held by the South Vietnamese and United States Governments. In carrying out such study and investigation the joint committee shall obtain testimony from prisoners of war who have been released by the Government of North Vietnam and from the families and relatives of persons being held as prisoners of war by such government.

(b) It shall be the purpose of such study and investigation to determine whether the treatment accorded prisoners of war by all Governments concerned is humane and whether such governments are otherwise complying with the Geneva Convention of August 12, 1949, relating to the treatment of prisoners of war.

(c) On or before December 1, 1970, the joint committee shall transmit to each House of the Congress a report containing the results of its study and investigation. The joint committee shall also include in such report such recommendations for legislative or administrative action as the joint committee shall deem appropriate. Upon the transmittal of such report, the joint committee shall cease to exist.

HEARINGS

SEC. 3. (a) In carrying out its duties under this concurrent resolution, the joint committee, or any duly authorized subcommittee thereof, is authorized to hold such hearings, to sit and act at such places and times, to require by subpena or otherwise the attendance of such witnesses and the production of such books, papers, and documents, to administer such oaths, to take such testimony, to procure such printing and binding, and to make such expenditures as it deems advisable.

(b) The joint committee may make such rules respecting its organization and procedures as it deems necessary. Subpenas may be issued over the signature of the chairman of the joint committee or by any member designated by him or by the joint committee, and may be served by such person or

persons as may be designated by such chairman or member. The chairman of the joint committee or any member thereof may administer oaths to witnesses.

STAFF AND ASSISTANCE

SEC. 4. (a) The joint committee shall have power to appoint and fix the compensation of such experts, consultants, technicians, and staff employees as it deems necessary and advisable.

(b) With the consent of the department or agency concerned, the joint committee is authorized to utilize the services, information, facilities, and personnel of the departments and agencies of the Government, and may employ on a reimbursable basis or otherwise the services of such personnel of any such department or agency as it deems advisable.

(c) With the consent of the chairman of any committee of either House of Congress, or any subcommittee thereof, the joint committee may utilize the information and facilities, and the services of members of the staff, of such committee or subcommittee whenever the chairman of the joint committee determines that such action is necessary and appropriate.

EXPENSES

SEC. 5. The expenses of the joint committee shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the joint committee or by any member of the joint committee duly authorized by the chairman.

Mr. BYRD of West Virginia subsequently said: Mr. President, may I inquire to what committee the concurrent resolution I introduced earlier will be referred?

The ACTING PRESIDENT pro tempore. It appears the concurrent resolution should go to the Committee on Foreign Relations.

Mr. BYRD of West Virginia. I thank the Presiding Officer.

Mr. President, I ask unanimous consent to have printed in the RECORD immediately following my remarks earlier, a statement prepared by the able junior Senator from Massachusetts (Mr. BROOKE), who is a cosponsor of the concurrent resolution.

There being no objection, the statement of Senator BROOKE was ordered to be printed in the RECORD, as follows:

CREATION OF A JOINT COMMITTEE ON PRISONERS OF WAR

Mr. BROOKE. Mr. President, I am indeed pleased to join with my distinguished colleague, the junior Senator from West Virginia, in proposing the creation of a Joint Congressional Committee on Prisoners of War.

It has long been a serious concern of ours that so little attention is paid to the plight of these men. We are additionally disturbed that so little factual information has been made available to the American public, in an organized way, about the conditions under which they and their families are forced to live.

It is our belief that if the American people were aware of the facts, they would make their voices heard from here to Hanoi in an overwhelming demand for humane treatment, better communication, international inspection of prison facilities, and an assurance of eventual release.

We believe that a joint committee of the Congress, by focusing continuing attention upon the plight of our POWs, can help to achieve these goals. We urge its creation by this Congress.

ORDER OF BUSINESS

Mr. GOLDWATER. Mr. President, I wish to ask a question of the distinguished acting majority leader.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. Does the Senator yield?

Mr. BYRD of West Virginia. I yield to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I was going to suggest that if there is no other morning business, when the Senator has completed his remarks I might fill in with a few remarks on the B–111, which would be outside the morning hour, or perhaps I could take all the time needed to fill the time between now and 12 noon.

Mr. BYRD of West Virginia. It would be my suggestion that we proceed with the morning business for another 10 minutes. Then, if no other Senator wishes to be recognized in the morning hour, the Senator might proceed.

Mr. GOLDWATER. I can wait until later. I wanted to have it appear that we were doing something.

Mr. BYRD of West Virginia. I appreciate the Senator's motive.

The ACTING PRESIDENT pro tempore. What is the pleasure of the Senate?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG or Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. YOUNG of Ohio. Mr. President, if no other Senator seeks recognition, I ask unanimous consent that I may be recognized.

The ACTING PRESIDENT pro tempore. The Senator from Ohio is recognized.

DOES NIXON RISK JAIL?

Mr. YOUNG of Ohio. Mr. President, President Thieu of the Saigon militarist regime, which has been kept in power by the sacrifice of more than 54,000 priceless American lives killed in combat and in what Pentagon terms "accidents and incidents" which in World War II were reported as combat deaths, and suffering of 300,000 American wounded, many maimed for life, plus $115 billion American taxpayers money squandered or spent in this undeclared unpopular war, recently proclaimed:

Anyone who talks about a coalition government for south Vietnam should be put in jail.

General Thieu's statement was made on the same day President Nixon asked Ambassador Bruce, our new Paris negotiator, to seek peace with the Vietcong and North Vietnam by agreeing to a coalition government in Saigon.

So far, however, President Thieu has not followed out his proclamation by suggesting that President Nixon should be thrown in jail.

Also, just recently Vice President Ky said:

The Americans could get out of Vietnam any time they want to. We didn't ask them in in the first place.

This by the way is just about the only truthful statement Vice President Ky has made in recent months. At that, ex-Air Marshal Ky, now Vice President, evidently reflects the sentiment of all the people of south Vietnam, military and civilian.

Recently the U.S. military command in South Vietnam conducted a survey or Vietnam "Gallup poll" to determine the views of South Vietnamese regarding the American presence in South Vietnam. Then on order of Ambassador Bunker and top U.S. Army generals in Saigon, publication of the results of the poll was suppressed and publication denied for all Vietnam newspapers. The American Broadcasting Co. in Saigon reported that 30 percent had no opinion, 5 percent, mostly in Saigon, wanted Americans to stay, and 65 percent of all South Vietnamese polled want Americans to get out.

ORDER FOR RECOGNITION OF SENATOR PROXMIRE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow immediately following the disposition of the unobjected-to bills on the General Orders Calendar, which has been cleared by both sides, the able Senator from Wisconsin (Mr. PROXMIRE) be recognized for not to exceed 45 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be allowed to speak for 15 minutes in the morning hour.

The ACTING PRESIDENT pro tempore. Is there objection? The Chair hears none, and the Senator from Wisconsin is recognized for 15 minutes.

THE ELECTRONIC BATTLEFIELD

Mr. PROXMIRE. Mr. President, I had intended to offer today an amendment to the pending bill which would insure that Congress had the necessary information before authorizing further development of the so-called sensor surveillance system, otherwise known as the automatic or electronic or integrated battlefield.

As I have already pointed out, this program has never been authorized as a

whole, despite the fact that it has already cost the American taxpayer $2 billion.

The hard estimate is at least $1.7 billion by the Defense Department. Speaking of this program, Gen. William Westmoreland has stated that: "It will revolutionize ground warfare." Despite the far-reaching significance of the program, Congress has never conducted a systematic, public review of its cost or effectiveness. The entire program has remained highly classified, and as a result, few Congressmen were even aware it existed until just a few weeks ago. In view of this general lack of knowledge about the implications and effectiveness of the system, there is a real need for additional information before further development proceeds.

Among the many unanswered questions concerning the system is its effectiveness in guerrilla warfare. Despite the optimistic reports released by the Department of Defense, there seems to be considerable question among the men who have used the equipment whether it is really effective. Several days ago I quoted a member of the Special Forces who monitored the sensors in Vietnam. He pointed out that the sensors could not differentiate between friend and foe, women and children.

> All we know is that something is moving out there. It could be the wind, an elephant or an enemy soldier. We really have almost no idea what we are shooting at.

This same individual cited several cases where patrols had searched areas shelled in response to sensor information and found only dead water buffalo.

Just recently I received a letter from a Lt. Jeffrey Belden who was in charge of all sensor operations within the II Corps in Vietnam. To quote Lieutenant Belden:

> During my tour (Jan. '69 to Jan. '70) I became intimately familiar with the functions, capabilities, costs, and effectiveness of these devices. One part of my job was to submit weekly progress reports to MACV headquarters in Saigon on the U.S. and ARVN use of these devices. In addition, I was information recipient of similar reports detailing the use of these devices throughout Indo-China.

These qualifications place him in an excellent position to judge the general effectiveness of the program. The Lieutenant's conclusions are very illuminating:

> The two points which I wish to make is that the system is not cost effective by any stretch of the imagination, nor would it be cost effective at one-tenth the price. The second point is that I have some doubts as to whether anyone could possibly have been given the whole picture about this system and still believe it is cost effective.
>
> While my contention that the system is not cost effective is admittedly a personal opinion, it is based on substantial familiarity with the system and is shared by virtually every person I have ever talked with on this subject including several high-ranking officers.

The Lieutenant went on to support his contention that the system is not cost effective:

> For example, I know that MACV (Military Assistance Command Vietnam) is only interested in the positive aspects of the program. However, statistics were frequently misused to exaggerate the value of the system and other methods were used to make the system look better than it actually was. In one briefing statistics were used to show that the system was 99% effective, when in reality it was not more than 50% effective. Every dead body found anywhere near the devices was counted as a "kill" for the sensors, when in reality these men may have been killed in general air or artillery strikes not all connected with information supplied by the sensors.

What is more, the lieutenant pointed out that:

> The name "the concept of general battlefield surveillance." They are planted in very narrow corridors where suspected enemy infiltration has been reported. These supply corridors are generally only 1–2 miles wide, and yet it takes thousands of these sensors to cover even a small area. Once the enemy discovers their location, they just make new trails around the sensors. To attempt to cover a relatively large area of several hundred square miles would cost a fortune in view of the fact that each sensor costs in the neighborhood of $2,000. This is why they cannot possibly be cost-effective—it would simply not be worth it to cover an entire battlefield with these devices—the number of enemy deaths as a result of the information supplied by the sensors would not warrant it.

While admittedly this is only one point of view, I believe it demonstrates the vital need for additional information regarding the effectiveness of the sensors in combat. This month's issue of the magazine Army contains an article entitled, "Our Widening Military Doctrine Gap," which supports this conclusion. The author, Col. Mark M. Boatner III, prior to his retirement, was chief of the Concepts and Doctrine Division in the Office of the Assistant Chief of Staff for Force Development. He points out that:

> We may be actually lowering our military effectiveness by overloading our combat units and higher commanders with innovations they have not learned to use.

Colonel Boatner, speaking of the electronic battlefield, says:

> They (distinctions between theory and operations) must be grasped by civilian officials of the Department of Defense, particularly the scientific and technological people who keep expressing astonishment over the military leader's lack of wild-eyed enthusiasm about the newest proposal to automate the battlefield.

The Colonel states further that:

> One result, for which only military leaders can be blamed, is that field headquarters have become so fat with the people needed to man these new electronic wonders and so heavy with equipment that they are practically immobilized. Command and communications troops account for almost 20% of the total strength of the division. Additional capability of military communications systems becomes overloaded as fast as it is created.

Mr. President, this point is very well taken. Contrary to the arguments of those who say that the sensor surveillance system will allow us to cut down our Armed Forces. Colonel Boatner points out that these electronic devices require many more support troops. Once again, we have been told the sensor surveillance system will allow us to reduce the size of our Armed Forces, but have not been told the number of new support units which it will necessitate. Clearly, we need much more information in this vital area of manpower demands.

These are just a few of the questions concerning the effectiveness of the sensor system. Perhaps even more important is the question of whether we actually need the system at all. The devices which have been developed so far are largely designed for use in guerrilla warfare. While some of them may have application in conventional warfare, it is questionable whether their potential use after Vietnam warrants the tremendous cost of developing and procuring these devices. The public has made clear—and I think most of us in the Senate agree—that we want no more Vietnams, and yet, by developing the electronic battlefield, we are in fact preparing for future guerrilla wars. The question must be asked, to what extent will such devices, by improving our capability to fight such wars, encourage our involvement in future Vietnams? No one can answer with any certainty, but what cannot be denied is that we will have the technology—we will have the capability, and there will be a constant temptation to make use of it. In view of this, do we want, do we need these sensor surveillance devices? Once again, the Congress has almost no information on which to make a judgment. Once again, there is a clear need for information concerning the potential of these devices and their possible future uses.

The second broad set of questions which must be explored before this system proceeds any further is the potential domestic and foreign applications of the devices. The Department of Defense, in a letter to me signed by John Foster, Director of Defense Research and Engineering, has declared:

> To the extent that the technology may be useful for civilian or other military purposes, it will be made available.

This policy of virtually unrestricted distribution represents a tremendous potential threat to the privacy of millions of Americans. As I pointed out in a speech last week, devices are now under development which will allow the user to literally "see" through solid brick walls and other heavy objects. The threat to privacy is only too obvious. And yet, despite the potential of these devices, the Department of Defense has stated that it will make these devices available to domestic police forces as the technology becomes available. Clearly, there is an immediate need for some minimal restrictions on the use and distribution of these sensors. We cannot allow the Defense Department to provide these devices to domestic police forces, without any controls whatsoever. The potential for abuse is too great.

Equally disturbing is the question of distribution of these devices to other foreign governments for use against indigenous guerrilla movements. Two weeks ago the distinguished Senator from Arizona (Mr. GOLDWATER) stated that sensor surveillance devices had been of incalculable aid to our men in Laos. At the time I pointed out that I doubted whether most Senators even knew we had men in Laos. This is just one example of how the

provision of these devices may lead to deeper involvement in conflicts similar to Vietnam.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Arizona.

Mr. GOLDWATER. I realize that my remarks relative to Laos could have been and were taken to mean that we had men in Laos. What I added the following day, to correct the mistaken idea, is that they helped our airmen in Laos, and that, in turn, has helped our ground forces in South Vietnam.

The real guts, you might say, of our censor system is in Thailand, where it is used on the Ho Chi Minh trail. This is where the great research has taken place. The ability to detect movement by these devices has resulted in a great many more kills than we would have had had we tried to rely upon daylight sight. That was the point I was making.

We have no men in Laos that I know of, and I do not think we have, but we have a lot of tactical aircraft that fly over Laos, over the Ho Chi Minh trail. They have been doing it for many years. I am always amazed at members of the Committee on Foreign Relations who stand on this floor and express great shock and surprise that we have been attacking the Ho Chi Minh trail, when we have been doing it for the last 3 years, that I know of, and probably longer.

Mr. PROXMIRE. The difficulty here, as the Senator knows, is that this is a very expensive as well as complicated kind of device. It may be that the Laotians have technicians who are able to operate and monitor this equipment and maintain it, and so forth, but there is also considerable suspicion that we may have to send in our own experts and advisers to handle this kind of operation. While the Senator is undoubtedly correct—because he knows what he speaks about, and speaks the truth—in suggesting that there may not be ground troops there, nevertheless, if we are going to have the equipment there, we may have to have experts there to see that this enormously expensive equipment is properly operated, maintained, and deployed.

Mr. GOLDWATER. Mr. President, I say to the Senator from Wisconsin that the center for this operation is manned by our technicians, but it is in Thailand, not Laos. Sensor equipment is dropped by aircraft, and its use is not confined to the Ho Chi Minh trail in Laos and, I suspect, in Cambodia, but it has also been used very successfully down in the IV Corps area, and to some extent in the I, II, and III Corps areas.

But I do not want the impression to be created that the Laotians or Thais are running this very sophisticated computer equipment that receives the signals from the sensors, analyzes them, and says whether they are worthy targets, wrong targets, or go targets.

The chief thing we are interested in, in the sensor field, in connection with this development in Thailand, is to detect trucks coming down the Ho Chi Minh trail. I must say it has been extremely successful. I wish I were permitted to discuss this further, and I hope within a relatively short time—because the staff of the Armed Services Committee is working on hearings on this matter to be held as soon as the current debate is ended—that we will be able to lift the veil of secrecy. I think it is rather falsely placed, because anyone with a meager knowledge of electronics can understand how this whole thing works. I have urged for the better part of a year that the Armed Services Committee expose itself to the sensor idea, so that we will know more about it, and whether the users consider it effective or not. Frankly, my only exposure to it has been in the field, and maybe I learned a little bit through my interest in electronics, but I think and have thought all along that this has tremendous potential. So does General Westmoreland, so does the Air Force, and frankly, so does everyone I have talked with about it, both in the field and in the Pentagon.

Mr. PROXMIRE. I certainly respect the Senator's opinion, and I might say that he has very able people, of course, who agree with him on it. The main thrust of my remarks is that this is controversial. There have also been competent people who have had a chance to observe this system who say it is not worth the tremendous cost involved.

All my amendment would do is try to get information. I am just trying to get the facts, so that we will be in a better position to authorize and appropriate funds, because the amount of funds involved is getting to be very large. It may be one of the best investments we can make, as the Senator seems to feel that it is; or it may be a bad waste of money. We cannot tell until we have the information before us. I agree with the Senator wholeheartedly that the degree of secrecy we have had on this subject, even from the top members of the committee when they try to get information on it, is certainly foolish.

Mr. GOLDWATER. I assure the Senator that if we can end this debate and get it over by Thanksgiving, or some good day like that——

The ACTING PRESIDENT pro tempore. The time of the Senator from Wisconsin has expired.

Mr. PROXMIRE. Mr. President, I ask for 10 additional minutes.

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. GOLDWATER. As I say, after we conclude the debate, I am sure we can supply the Senate with information that will then be downgraded in classification. I hope all of it will me, because the really exciting part of this the Senator and I cannot discuss on the floor, and it has yet to become the knowledge of the people, but I hope it will be.

Mr. President, because much of the sensor surveillance system equipment is extremely complicated, as the Senator from Arizona has conceded, it is necessary that advisers be provided along with the equipment to demonstrate its use and maintenance to the native forces. These advisers may then become the basis for an expanded U.S. presence should the President or the military seek to increase our commitment. In short, the sensors provide the "foot-in-the-door" which may lead to a much wider and expanded commitment—a commitment which Congress may not want, but may be powerless to prevent. Once again, the need for some limited restrictions is only too clear. Congress has a right to know where these sensors are being deployed and for what purposes. Only in this way, can we avoid future involvement in unwanted guerrilla wars such as Vietnam and Laos.

Mr. President, these are just a few of the questions which need to be answered before we proceed with further development of the electronic battlefield. Clearly, there is a need for much more information before we move to full-scale development of this program. The implications of unrestricted use are truly frightening. At the very least, Congress has the right to know where these devices are being deployed and what restrictions, if any, are being placed on their use. More important is the question of whether the system is actually worth the money—whether it may actually overburden our combat forces, and, as Colonel Boatner suggests, actually lower the military effectiveness of our men. These are serious questions and they deserve thorough study. For these reasons, I had intended to offer today an amendment which would provide for a comprehensive study of the sensor surveillance system by the General Accounting Office. I am not going to offer that amendment because I have run into a situation with the committee in which they seem to adopt the position of not accepting or even compromising any of these amendments in any way.

As a Senator, I have a right to ask the Comptroller General to make this study. I am going to do that, and I intend to rise in the Chamber every time this matter comes up, whether it is on an appropriation or an authorization, and ask detailed questions of the chairman of the committee or subcommittee until we get some answers.

That is all I am asking for in my amendment. If the committee does not want to accept that—and I saw from my experience the other day that they have clout to prevent—they are going to be in for extensive interrogation on the floor. It is too bad that we have to do it that way. It will take much more time in the Senate, but I think the committee must be challenged on this, and I am going to provide that challenge in depth and at length.

Among the questions which the GAO would investigate, first, are: Whether or not the sensor surveillance system has been effective in Vietnam; second, whether or not the Department of Defense will make these electronic devices available to foreign governments under the military assistance or sales program; third, whether or not sensors and other devices can be used effectively by law enforcement agencies and their potential applications in this field.

Other areas which would be explored under the amendment are the manpower implications of widespread use of sensor surveillance devices—that is whether the number of support troops needed may equal or actually exceed the number of

combat units which are replaced. The GAO would also examine the long-range need for the devices after Vietnam and the desirability of developing two new sensor generations. All of these areas deserve careful study in order that Congress may have the information it needs before authorizing further development of this system.

The second part of the amendment is designed to provide Congress with information on the distribution of these devices to both domestic police forces and foreign governments. While placing no specific restrictions on the distribution of these devices, this section of the amendment would require the Secretary of Defense to notify Congress at least 1 month in advance of any plans to make these devices available to domestic police forces. In those cases where the Department plans to make the devices available to foreign governments, the amendment requires the Secretary to inform Congress of all grants or sales within 2 months of delivery. This is sufficient time so that the enemy will not be able to take preliminary countermeasures against the devices. At the same time it will insure congressional knowledge of all those countries who possess the devices and to what extent we have committed advisers or other technical personnel to supervise their use. This will prevent so-called foot-in-the-door commitments where we become deeply involved before Congress is informed of the extent of our commitment.

Once again, in order to make this effective without the committee accepting the amendment, I presume we would have to keep hammering away at the Pentagon and at the committee when they came to the floor for funds, to ask for information as to how widely this is being dispersed throughout the world to other governments, and the implications for our committing advisers, technicians, supporting troops, and so forth.

Finally, the amendment would provide that the sensor surveillance system shall be subject to authorization after December 31, 1970. This provision would give Congress control over the development of new generations of sensors. Two billion dollars has already been spent on this program, most of it without any specific authorization. Some experts predict that the program, if widely adopted by the Armed Forces, could cost as much as $20 billion by the end of the decade. We cannot afford to allow such a huge program to fall outside the authorization process. The program needs to be carefully reviewed—making it subject to authorization will provide the necessary basis for this review. We cannot exempt this program from authorization on the grounds that it is merely a communications, and not a weapons system. The Department of Defense has repeatedly stated that the sensor surveillance system is part of an integrated fire control system. As such, it is an integral component of a coordinated weapons system. The devices detect and target the enemy and then an armed response is made, based on this information. In no way, can it be characterized as a separate communications system. It is an integrated firing system which must be made subject to authorization.

Again, I do not expect to be able to do that on this bill. I will have to hope that as we develop information, as we keep challenging the committee to give us this information, as the hearings—which the Senator from Arizona has said will be forthcoming in the committee—develop information, perhaps at that time it may be possible for us to get information on something which has already cost a great deal of money, hundreds of millions of dollars, and which we expect can cost billions of dollars in the future.

In conclusion, it should be clear that this amendment will not delay further development of these devices. The amendment is designed solely to provide Congress with more information in order that it can make an intelligent decision on further development and deployment of these devices. It will provide Congress with the information it needs to make sure the program does not get out of control.

Most important, it will provide Congress with an independent assessment of the need for, and effectiveness of this system. It will reduce the possibility of overruns and contribute to the development of a truly effective program. Information is the key to control. Once Congress has the information, it can take the appropriate action. The amendment I am introducing today is designed to take this first step—provide the information we need on which to base further decisions.

Under the circumstances, Mr. President, I do not intend to offer the amendment. As I have said, I will have to follow other techniques of trying to elicit information, both through requesting a study by the General Accounting Office and by questioning in great detail the managers of bills that come to the floor in which funds may be included for this system.

I yield the floor.

Mr. GOLDWATER. Mr. President, in the few minutes remaining before the time commences under the unanimous-consent agreement, I want to comment briefly on the remarks of the distinguished Senator from Wisconsin.

I have watched these sensors during their period of development at Fort Huachuca in my State. I have watched them in use in the field. I can assure the Senator that they do work.

They are not as near perfection as we would like to have them, but we are making great progress.

I might say, again, that this is not an electronic battlefield. Let us call it an integrated battlefield, because a sensor is only a part of this overall electronic approach. Radar will be greatly increased in its use.

We have something called a "people sniffer."

Mr. PROXMIRE. A "people sniffer?"

Mr. GOLDWATER. A "people sniffer." Do not get me into details, because we are burying some gas at sea, and I do not want to upset anybody. But this is more like perfume.

We have the AWACS program, which has only gone out to preliminary bid; and before this integrated system can work, we have to tie it in with airborne command posts, which we do not have now, and they are effective for relay purposes.

The cost of this device did run as high as $2,000, and some of them a little more, but the cost of these devices is now running around $700. So, instead of having a great increase in cost—I understand the Senator's concern about a $1.7 billion cost—it is leveling off. While we are going to spend more on it in the years ahead, I think the days of the $2,000 devices are over. The most expensive part of this system is a very comprehensive computer center. As the Senator knows from his experience with computers, they are extremely costly.

As to the application for civilian use, I might say——

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. I think that one of the lessons we have learned in the last few years is that a great deal of the overruns and of the excess costs have been in exactly this kind of thing, in the computer systems. Wherever electronic devices are used, costs just seem to skyrocket.

The Stubbings study of 11 major electronics systems the Defense Department has, bought about 1960, showed that they averaged more than 100 percent in overruns, were delivered late, and performance was very poor. This is another reason why I am suspicious of this. It is another reason why we ought to have this information.

Mr. GOLDWATER. I have more confidence in our American ability to solve these problems.

I recall that a year ago the ABM computer was almost given up by the developer. Now they feel that they have it whipped, and they are on their way. I know of some systems that run as high as $3,000 a day just to run, but maybe we saved twice that much in the training.

AMERICA NEEDS MIDDLE GROUND

Mr. AIKEN. Mr. President, on July 4 an article was published in the Albany Times-Union which may have escaped the attention of most Members of the Senate. The article, entitled "America Needs Middle Ground," was written by Jack Bell, who is well known to all of us.

In this article he refers particularly to the courage and wisdom of our colleague, the senior Senator from Maine, and I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AMERICA NEEDS MIDDLE GROUND

(By Jack Bell)

Sen. Margaret Chase Smith of Maine was speaking to all of us when she told her colleagues this week that Americans must find a middle way between anarchy and Hitlerist repression.

The voice of moderation is drowned out by the clatter of clubs on Wall Street, the turbulence of hyperbole in the speeches of public men and the lethal gunfire of unruly protest. The reasonable men who have kept

the nation on even keel in crisis before go unheard in an uproar of hysterical antiwar oratory.

My awareness of the critical disturbance we have traveled in dividing ourselves was sharpened by an indictment of president Nixon's military venture into Cambodia in The Progressive magazine. I have known and admired its editor, Morris H. Rubin, for 30 years. In that time I have regarded his magazine as an advanced voice for decent liberalism.

In a current issue—which carries Sen. J. William Fulbright's latest advice to campus peaceniks—the flat statement was made that the fate of all mankind hinges on the answer to this question:

"Does the United States possess the absolute and unbridled power to cross the frontiers of a supposedly sovereign nation, devastate their territory, and murder and maim their citizens as it sees fit?

Is that reasonable? "The fate of all mankind . . . ?" You hang a "murderer" tag on American soldiers sent into an area over which Phnom Penh has had no iota of sovereignty for years.

Yet I find no words of criticism in the magazine or in the speeches of impassioned dissenters of the fact that North Vietnam invaded Cambodia and either drove out or slaughtered the Cambodians in the drive to cache munitions and men to kill Americans in neighboring Vietnam.

There seems to be a feeling among the President's critics that Hanoi had some "constitutional" right to take over that portion of Cambodia. On the other hand, as Sen. Edward M. Kennedy, D-Mass., expresses it, Mr. Nixon is compromising our constitution by "the assumption of war-making power" in trying to clean out this nest of vipers.

In retrospect, Mr. Nixon blundered in not giving congressional leaders a few hours advance notice of what he was up to. As it develops, he need not have feared that, the inevitable "leaks" from such a session would tip off the enemy, because the Communists knew our intentions about as soon as the President made a decision.

Somewhere between Kennedy and Vice President Agnew there is a middle ground where the bulk of Americans must prevail over the extremes of left and right.

It is indeed time, as the courageous Sen. Smith said, "that the great center of our people, those who reject the violence and unreasonableness of both the extreme right and their consciences, mustered their moral and physical courage, shed their intimated silence and declared their consciences."

To express their will, centrist Americans have only to search out men and women of good will, who eschew bitterness and political opportunism, and vote for them in November, regardless of party. Perhaps then, we Americans can reason together.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. HUGHES) laid before the Senate the following letters, which were referred as indicated:

REPORT ON FUNDS OBLIGATED FOR CHEMICAL WARFARE AND BIOLOGICAL RESEARCH PROGRAMS

A letter from the Deputy Secretary of Defense, transmitting, pursuant to law, a secret report on funds obligated for chemical warfare and biological research programs (with an accompanying report); to the Committee on Armed Services.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need for improving the program for use and redistribution of excess materiel in the Pacific area, Department of Defense, dated August 14, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT ON RESEARCH IN AREA OF SCHOOL FINANCE

A letter from the Acting U.S. Commissioner of Education, transmitting, pursuant to law, a report on all research in the area of school finance (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT OF THE DIVISION OF COAL MINE SAFETY, BUREAU OF MINES

A letter from the Secretary of the Interior, transmitting, pursuant to law, a report of the Division of Coal Mine Safety, Bureau of Mines, for the calendar year ended December 31, 1969 (with an accompanying report); to the Committee on Labor and Public Welfare.

REPORT ON NUMBER OF INDIVIDUALS IN EACH GENERAL SCHEDULE GRADE EMPLOYED BY THE NATIONAL AERONAUTICS AND SPACE ADMINISTRATION

A letter from the Administrator, reporting, pursuant to law, on the number of individuals in each General Schedule grade employed by the National Aeronautics and Space Administration on June 30, 1969, and June 30, 1970; to the Committees on Post Office and Civil Service, and Appropriations.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. HUGHES):

A resolution adopted by the Sixth Illinois Constitutional Convention, relative to the 500th anniversary of the discovery of America; to the Committee on the Judiciary.

A resolution adopted by the Tenth Guam Legislature, praying for the waiving of the statute of limitations in certain claims relating to property in Guam; to the Committee on the Judiciary.

ENROLLED BILL SIGNED

The ACTING PRESIDENT pro tempore (Mr. HUGHES) announced that on today, August 17, 1970, he signed the enrolled bill (H.R. 15381) to amend the District of Columbia Income and Franchise Tax Act of 1947 with respect to the taxation of regulated investment companies, which had previously been signed by the Speaker of the House of Representatives.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. BURDICK:

S. 4247. A bill to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability of nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges; to the Committee on the Judiciary.

(The remarks of Mr. BURDICK when he introduced the bill appear below under the appropriate heading.)

By Mr. MURPHY:

S. 4248. A bill to amend title II of the Social Security Act so as to remove the limitation upon the amount of outside income which an individual may earn while receiving benefits under such title; and

S. 4249. A bill to eliminate the 50-percent fraud penalty against an innocent spouse and to relieve an innocent spouse of the tax liability for stolen or embezzled funds; to the Committee on Finance.

By Mr. SCHWEIKER:

S. 4250. A bill to provide that Flag Day shall be a legal public holiday; to the Committee on the Judiciary.

(The remarks of Mr. SCHWEIKER when he introduced the bill appear below under the appropriate heading.)

By Mr. SMITH of Illinois:

S. 4251. A bill to amend title IV of the Higher Education Act of 1965 to establish a Student Loan Marketing Association; to the Committee on Labor and Public Welfare.

By Mr. MCCLELLAN (for himself, Mr. HART, Mr. BURDICK, Mr. SCOTT, and Mr. FONG):

S.J. Res. 230. Joint resolution extending the duration of copyright protection in certain cases; considered and passed.

(The remarks of Mr. MCCLELLAN when he introduced the joint resolution and when it was passed appear later in the RECORD under the appropriate heading.)

S. 4247—INTRODUCTION OF A BILL TO AMEND THE BANKRUPTCY ACT

Mr. BURDICK. Mr. President, I introduce, for appropriate reference, a bill to amend the Bankruptcy Act.

This bill is a perfected version, which has wide support, of S. 3523 which I introduced on February 27, 1970.

It is identical to H.R. 18871, a similar perfected version, which was introduced in the House of Representatives on August 10, 1970.

The purpose of the proposed legislation is to effectuate more fully the discharge in bankruptcy by rendering it less subject to abuse by harassing creditors. Under present law creditors are permitted to bring suit in State courts after a discharge in bankruptcy has been granted and many do so in the hope the debtor will not appear in that action, relying to his detriment upon the discharge. Often the debtor in fact does not appear because of such misplaced reliance, or an inability to retain an attorney due to lack of funds, or because he was not properly served. As a result a default judgment is taken against him and his wages or property may again be subjected to garnishment or levy. All this results because the discharge is an affirmative defense which, if not pleaded, is waived.

The proposed legislation is meant to correct this abuse. Under it, the matter of dischargeability of the type of debts commonly giving rise to the problem; that is, those allegedly incurred as a result of loans based upon false financial statements, will be within the exclusive jurisdiction of the bankruptcy court. The creditor asserting nondischargeability will have to file a timely application in the absence of which the debt will be deemed discharged. The bill provides that at the same time notice is given to creditors of the date by which objections to discharge must be filed, creditors are

also notified of the date by which applications to determine nondischargeability of their debts must be filled. When timely filed, the matter will be heard in the bankruptcy court and final disposition made of it. The right to trial by jury as it presently exists is retained and the creditors' application does not subject him to the jurisdiction of the bankruptcy court for any other purpose.

The actual focus of the bill is to give greater effect to the discharge for those who need it most, that is, the ordinary wage earner. It is as to this type of bankrupt that the present abuse of the bankruptcy discharge occurs.

Section 4 of the bill is meant to accord greater protection to creditors by expanding the causes in section 15 of the Bankruptcy Act for which a discharge, once granted, can be revoked. Additionally, section 17b of the act will be amended to clarify existing case law regarding the status of debts during two or more bankruptcy proceedings of the same bankrupt, the earlier of which did not result in the bankrupt's obtaining a discharge.

In all, the bill, without changing the policy adopted by the Congress in determining when and as to what debts a discharge may be obtained, is all inclusive in updating the procedural aspects of the discharge to protect more fully the interests of both classes, bankrupts and creditors.

The PRESIDING OFFICER (Mr. RIBICOFF). The bill will be received and appropriately referred.

The bill (S. 4247) to amend the Bankruptcy Act, sections 2, 14, 15, 17, 38, and 58, to permit the discharge of debts in a subsequent proceeding after denial of discharge for specified reasons in an earlier proceeding, to authorize courts of bankruptcy to determine the dischargeability of nondischargeability of provable debts, and to provide additional grounds for the revocation of discharges, introduced by Mr. BURDICK, was received, read twice by its title, and referred to the Committee on the Judiciary.

S. 4250—INTRODUCTION OF A BILL TO PROVIDE THAT FLAG DAY SHALL BE A LEGAL PUBLIC HOLIDAY

Mr. SCHWEIKER. Mr. President, I introduce a bill to provide that Flag Day shall be a legal public holiday.

It is noteworthy that, although the United States is one of the world's youngest nations, the U.S. flag is one of the oldest national emblems. It predates the present Union Jack of Great Britain and the French and Italian flags. Back in 1775, the Continental Congress named a committee composed of Benjamin Franklin, Thomas Lynch, and Benjamin Harrison to develop a design for a new national emblem. As a result, on June 4, 1777, the Continental Congress, sitting in Philadelphia, resolved:

> That the flag of the United States shall be of thirteen stripes of alternate red and white, with a union of thirteen stars of white in a blue field, representing the new constellation.

There is a tradition that the first flag was made by Mrs. John Ross, familiarly known as Betsy Ross, of 239 Arch Street, Philadelphia, at the request of Gen. George Washington. As a matter of fact, the Ross home is now a national shrine and may be visited by citizens interested in seeing where the Stars and Stripes originally came into being.

It is reported that George Washington described the makeup of the new flag as follows:

> We take the stars from heaven, the red from our mother country, separating it by white stripes, thus showing that we have separated from her, and the white stripes shall * * * down to posterity, representing liberty.

According to one story, General Washington himself had a hand in designing the flag. A star with six points had originally been suggested. General Washington, it said, did not like this—perhaps because the British flag contained six-pointed stars—and he folded a piece of paper and cut across it with scissors, making a five-pointed star.

Throughout the years after the resolution, the observance of the anniversary of the original adoption of the flag grew slowly throughout the country. In 1893, the mayor of Philadelphia, after receiving a resolution of the Society of Colonial Dames of Pennsylvania, ordered the display of the flag on the public buildings in the city. A direct descendant of Benjamin Franklin, Mrs. Elizabeth Duane Gillespie, president of the Colonial Dames at the time, offered the resolution which proposed that the day be known thereafter as Flag Day and that the flag be displayed by all citizens on their residences and on all business places as well as on public buildings.

The anniversary, however, has never been designated as a legal holiday. It is customary to hold a celebration in the Betsy Ross house in Philadelphia, and the Patriotic Order of the Sons of America place a wreath on the grave of Betsy Ross in Mount Moriah Cemetery in Philadelphia. Generally the Daughters of the American Revolution observe the day with ceremonies, as do the Sons of the American Revolution.

Mr. President, it is my feeling that in these days of turmoil in this Nation it would be well for us to pause each year to commemorate the anniversary of our national flag. I propose that June 14 be designated as "Flag Day" to honor the flag of the United States of America. The establishment of Flag Day as a national holiday would give us the opportunity to reflect on the ideals of the Founding Fathers which have enabled this country to become the great and strong Nation that it is.

The PRESIDING OFFICER (Mr. BOGGS). The bill will be received and appropriately referred.

The bill (S. 4250) to provide that U.S. Flag Day shall be a legal public holiday, introduced by Mr. SCHWEIKER, was received, read twice by its title and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 3608

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Arkansas (Mr. FULBRIGHT), I ask unanimous consent that, at the next printing, his name be added as a cosponsor of S. 3608, a bill to amend the Consolidated Farmers Home Administration Act of 1961, as amended, to increase the loan limitation on certain loans.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

S. 3867

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Missouri (Mr. EAGLETON) and the Senator from Rhode Island (Mr. PELL) be added as cosponsors of S. 3867, to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

S. 4074

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from California (Mr. CRANSTON), I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. MURPHY) be added as a cosponsor of S. 4074, to authorize special appropriations for training teachers for bilingual education programs.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

S. 4154

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing the names of the Senator from New Mexico (Mr. MONTOYA), the Senator from Iowa (Mr. HUGHES), the Senator from Ohio (Mr. YOUNG), the Senator from Texas (Mr. YARBOROUGH), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Nevada (Mr. BIBLE), the Senator from Hawaii (Mr. FONG), and the Senator from Oregon (Mr. PACKWOOD), be added as co-sponsors of S. 4154, to assist in the provision of housing for the elderly, and for other purposes.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 80—SUBMISSION OF A CONCURRENT RESOLUTION TO ESTABLISH A JOINT COMMITTEE TO INVESTIGATE THE TREATMENT OF PRISONERS OF WAR IN VIETNAM

Mr. BYRD of West Virginia) for himself and Mr. BROOKE) submitted a concurrent resolution (S. Con. Res. 80) to establish a joint committee to investigate the treatment of prisoners of war in Viet-

nam, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. BYRD of West Virginia when he submitted the concurrent resolution appear earlier in the RECORD under the appropriate heading.)

SENATE RESOLUTION 448—RESOLUTION REPORTED AUTHORIZING THE COMMITTEE ON THE INTERIOR AND INSULAR AFFAIRS TO EXPEND ADDITIONAL FUNDS FROM THE CONTINGENT FUND OF THE SENATE

Mr. JACKSON, from the Committee on Interior and Insular Affairs, reported the following original resolution (S. Res. 448); which was referred to the Committee on Rules and Administration:

S. RES. 448

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to extend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

SENATE RESOLUTION 449—SUBMISSION OF A RESOLUTION SEEKING AN IMPARTIAL INTERNATIONAL INVESTIGATION BY THE UNITED NATIONS INTO THE TREATMENT OF PRISONERS OF WAR BY THE GOVERNMENTS OF NORTH AND SOUTH VIETNAM

Mr. BAYH (for Mr. GRAVEL) submitted a resolution (S. Res. 449) seeking an impartial international investigation by the United Nations into the treatment of prisoners of war by the Governments of North and South Vietnam, which was referred to the Committee on Foreign Relations.

(The remarks of Mr. BAYH when he submitted the resolution appear below.)

Mr. BAYH. Mr. President, on behalf of the Senator from Alaska (Mr. GRAVEL) I submit a resolution (S. Res. 449), and I ask unanimous consent that a statement, prepared by the Senator from Alaska, be printed in the RECORD, together with the resolution itself.

The PRESIDING OFFICER (Mr. DOLE). The resolution will be received and appropriately referred; and, without objection, the resolution and statement will be printed in the RECORD.

The resolution (S. Res. 449) was referred to the Committee on Foreign Relations, as follows:

S. RES. 449

Whereas there are now over 1,500 American military personnel and civilians missing or captured in Southeast Asia; and

Whereas there is also an unknown number of South Vietnamese missing or captured; and

Whereas the actual number of prisoners held by North Vietnam is unknown because of the refusal of Hanoi to release the names of its prisoners which is in violation of the Geneva Convention; and

Whereas allegations have been made against the Government of North Vietnam that American military personnel have been murdered; that U.S. and South Vietnamese prisoners have died of disease and maltreatment, aggravated by inadequate food and medical care; that prisoners being held by the Government of North Vietnam have been publicly humiliated, mistreated, and exploited; and

Whereas allegations have also been made against the Government of South Vietnam concerning the treatment of North Vietnamese military personnel including the recent disclosures of mistreatment of Viet Cong prisoners by the Government of South Vietnam in its Con Son Island prison; and

Whereas all these alleged acts by the Governments of North and South Vietnam are in violation of the Geneva Convention of 1949 relative to the treatment of prisoners of war; and

Whereas the Governments of North and South Vietnam have both ratified the prisoner-of-war agreements embodied in the Geneva Convention of 1949; Now, therefore, be it

Resolved, that the Senate of the United States calls upon the President of the United States to seek an impartial international investigation by the United Nations into the treatment of prisoners-of-war by the Governments of North and South Vietnam.

The statement of Mr. GRAVEL is as follows:

STATEMENT BY SENATOR MIKE GRAVEL ON THE FLOOR OF THE UNITED STATES SENATE

(Submitted by Senator BAYH)

Mr. President, I am sending to the desk a resolution calling upon the President of the United States to seek an impartial international investigation, under the auspices of the United Nations, into the treatment of prisoners of war by the governments of North and South Vietnam.

On July 30, 1970, I participated in a colloquy on the Senate floor concerning the mistreatment of American prisoners of war by the government of North Vietnam.

It was generally felt, by those Senators participating in the discussion, that the American press has been remiss in not providing more coverage of the plight of U.S. prisoners of war. In fact, it was suggested that the major television networks produce some documentaries on the deplorable conditions of captivity in which American prisoners of war are living in Southeast Asia.

I would like to reemphasize what I said on July 30:

"I think the American press has glorified or spectacularized the activities of treatment of prisoners of war in South Vietnam and has avoided information on the more subtle and diabolical treatment of prisoners by North Vietnam in the perpetration of the war."

At the same time, I expressed my belief that a resolution from the Senate requesting the Administration to seek a hearing before a Committee of the United Nations might be helpful in marshalling public opinion in this country and throughout the world against the inhumane treatment of prisoners of war by the North Vietnamese.

If such a hearing could be arranged, I would hope that our government would forcefully lay before the world the evidence that we possess on the mistreatment of U.S. prisoners of war and to do so on a continuing basis until Hanoi changes its unconscionable policy.

In fairness, any investigation by the United Nations should also include the activities of the government of South Vietnam with respect to their treatment of the 35,000 North Vietnamese prisoners of war.

As one of 89 Senators who signed a July 13 letter to North Vietnamese Premier Pham Van Dong insisting that U.S. prisoners of war in Southeast Asia be treated in accordance with the Geneva Convention, I am dismayed that the government of North Vietnam has failed to even acknowledge receipt of our correspondence.

Surely it is in the best interests of North and South Vietnam to abide by the prisoner of war agreement contained in the Geneva Convention. It should be noted and underscored that both countries have ratified this agreement.

I would also associate myself with the remarks of the President of the United States in his foreign policy statement of February 18, 1970 on the prisoner of war issue:

"In human terms, no other aspect of conflict in Vietnam more deeply troubles thousands of American families than the refusal of North Vietnam to agree to humane treatment of prisoners of war or to provide information about men missing in action. Over 1400 Americans are now listed as missing or captured, some as long as five years, most with no word ever to their families. In the Paris meetings, we have sought repeatedly to raise this subject—to no avail. Far from agreeing to arrangements for the release of prisoners, the other side has failed even to live up to the humane standards of the 1949 Geneva Convention on prisoners of war: the privision of information about all prisoners, the right of all prisoners to correspond with their families and to receive packages, inspection of POW camps by an impartial organization such as the International Red Cross, and the early release of seriously sick and wounded prisoners.

"This is not a political or military issue, but a matter of basic humanity. There may be disagreement about other aspects of this conflict, but there can be no disagreement on human treatment for prisoners of war. I state again our readiness to proceed at once to arrangements for the release of prisoners of war on both sides."

Therefore, I ask the Senate to support my resolution and I personally call upon the President of the United States to request a hearing before the United Nations on the treatment of prisoners of war by the governments of North and South Vietnam.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENTS NOS. 834 AND 835

Mr. NELSON. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Minnesota (Mr. MONDALE), the Senator from New York (Mr. JAVITS), the Senator from Ohio (Mr. SAXBE), the senior Senator from Michigan (Mr. HART), and the junior Senator from Michigan (Mr. GRIFFIN), be added as cosponsors of amendments 834 and 835 to H.R. 18127, the public works appropriation bill.

The first amendment would include $20 million to implement an important new Federal program authorized by the Water Quality Improvement Act signed into law in April for demonstration and preliminary planning projects for pollution removal and prevention in the Great Lakes.

The second amendment would add $18,219,000 to appropriations for section 5 of the Federal Water Pollution Act, as amended, for the purpose of fully implementing the section's authorities for water pollution control research, investigations, and information in the areas of inland lakes, oil, vessel, and pesticide pollution.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

ADDITIONAL COSPONSOR

AMENDMENT NO. 838

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing, the name of the Senator from New Jersey (Mr. CASE) be added as a cosponsor of amendment No. 838, to the military procurement bill.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

KIDNAPING TO ACHIEVE A POLITICAL GOAL

Mr. SCOTT. Mr. President, the murder of Mr. Dan Mitrione by Uruguayan terriorists is an offense against universal standards of human decency. There is no conceivable political excuse that can be accepted as a justification for violence against defenseless human beings, and I hope that men of good will in all countries of the world will speak up to say so.

Mr. Mitrione was kidnaped on his way to work, wounded seriously by his captors, denied hospitalization, and—in the end—brutally killed. The kidnapers apparently intended to use him to achieve a political goal: The overthrow of the Uruguayan Government. This was to be accomplished by demanding the freeing of more than 150 so-called political prisoners—many of who had, in fact, been legally tried and sentenced for crimes of violence. The kidnapers apparently believed that the Uruguayan people would not stand for this absurd ransom and that the United States would insist that the ransom be paid.

If the kidnapers had been successful with this strategy, they could have caused the fall of a government which has, in many ways, been a model of peace, order, and social progress. Presumably that is exactly what was annoying the perpetrators of this murder. Like many other extremists, they would prefer to bring about a rule of repression, so that they could have a better chance of gaining popular sympathy for their cause.

I believe that this sort of attempt against democracy is reprehensible in itself. What is more appalling, however, is the willingness of fanatical men to sacrifice an innocent life to their ends. If they really believe that any end could justify these means, I wonder what they think distinguishes them—in human terms—from another fanatic who was called Adolf Hitler.

I think it is clear that our Government could not go along with the kidnapers' plans against their own country. We could and did urge the Government of Uruguay to do everything practicable to bring about Mr. Mitrione's safe release, and I am told that exceptional measures were in fact taken. Mr. Mitrione's own friends in the Uruguayan police were involved in the search for him, and they mounted an unprecedented rescue effort. Though unsuccessful in its primary purpose of saving his life, this effort did result in the arrest of a number of leaders of the terrorists, perhaps helping to spare other lives in the future.

The kidnapers still hold two hostages—a Brazilian diplomat and American agricultural adviser, Claude A. Fly. Our Ambassador, Charles Adair, continues in constant touch with the highest Uruguayan officials on measures to achieve Mr. Fly's release.

The lights have been on all night in the State Department, too. There is no easy answer to this tragic problem. In dealing with problems of human life and representative government, there is very seldom an easy answer. I do think that the massive reaction of world public opinion against Dan Mitrione's tragic death gives some reason for hope, because the kidnapers must see that they have accomplished the opposite of what they intended.

Our first thoughts now go, of course, to Mr. Mitrione's wife and children. They know that he lived for a cause which he always served well. There is no way to ease the pain caused by his absence, but his family must find some consolation in the knowledge that in death he served the same cause he served in life—the cause of peace.

YET SOME SAY LET THE GENERALS RULE

Mr. YOUNG of Ohio. Mr. President, those partiots who drafted the Constitution of the United States provided that in our country civilian authority must always be supreme over the military. Yet there are some dimwitted Americans who assert that the generals should run the war.

A short answer to that stupid claim would be to recall that Gen. William Westmoreland, commanding in Vietnam in 1965, said:

I see the light at the end of the tunnel. The Communists are beaten. We are winning the war.

Also, Maj. Gen. Charles J. Timmes, commander of the U.S. Military Assistance Advisory Group in Vietnam—MAAG—in 1963 said:

The Vietnamese armed forces are as professional as you can get . . . I feel we could wrap this up by the end of the next dry season. We will have driven the Vietcong sufficiently underground by the end of next year that they will no longer be a national threat.

THE MEN IN THE BAMBOO CAGES

Mr. GOLDWATER. Mr. President:

Gentlemen may cry Peace, Peace, but there is no peace. Is life so dear, or peace so sweet, as to be purchased at the price of chains and slavery? Forbid it, Almighty God. I know not what course others may take, but as for me, give me liberty, or give me death!

So spoke Patrick Henry in 1775, in one of those ringing utterances by which mankind sometimes articulates the essential quality of the genius of men. These words have become a part of our heritage. In the broadest sense they are as applicable today as they were when they were first spoken.

Mr. President, our commitment to liberty applies also to our men whom Hanoi has shackled in bamboo cages in Vietnam, Laos, and Cambodia. We must never forget that they exist in a state of living death, contrary to every accepted doctrine of civilized man.

When will the liberty so passionately sought by Patrick Henry apply to them? When will Hanoi abide by the Geneva Convention rules which she herself agreed to? Are we to understand that they apply only to our side—that North Vietnam, because it insists on it, has the right to apply the signed conventions of international law as, if, and when it alone chooses?

THE GROWING U.S. INVOLVEMENT IN CAMBODIAN AFFAIRS

Mr. FULBRIGHT. Mr. President, the Far Eastern Economic Review of July 23 contains three articles concerning the war in Cambodia which deserve to be read carefully by every Senator. Each of the articles paints an ominous picture of growing United States and South Vietnamese involvement in Cambodian affairs.

The report by T. D. Allman ends by quoting a neutralist ambassador in Phnom Penh as saying:

From the beginning Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right.

Another article, which details the training of Cambodian forces in South Vietnam largely with American money apparently, sums up the situation in these two paragraphs:

How much the training of the recruits and the troops is costing the American taxpayer is a closely guarded secret. But more important is the fact that the U.S. agreed to do it secretly, using ARVN as a front, to further disguise its growing involvement in the Cambodian fighting.

Said one American officer, concerned about possible over-expansion of the U.S. military effort in Indochina: "I am afraid we are on the road to involvement at the worst in another Vietnam, at the best another Laos. Despite what the president says there is a tacit agreement here that we are not going to allow Cambodia to go under. And we are already involved in that. You know how we are 'not involved' militarily in Laos. That's the way we are nearly 'not involved' in Cambodia.

The third article describes the Vietnamese involvement in Cambodia and concludes:

Indeed, the South Vietnamese presence in Cambodia, complete with low profile, an excess of firepower and a built-in callousness toward the villagers, seems all too surely to resemble the first days of the American involvement in South Vietnam.

I ask unanimous consent that the articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

CAMBODIA: INTO AN ICEBERG WAR

(By T. D. Allman)

One reason the Cambodian government is increasingly optimistic about its chances for military survival is that the United States and South Vietnam, with US-supplied funds, are on the way to adding approximately three

divisions of trained and equipped troops to the National Khmer Armed Forces.

According to well-informed sources here, American and South Vietnamese officers and soldiers have begun training the first elements of two divisions of Cambodian troops at installations in South Vietnam. Another 10,000 or so South Vietnamese troops of Cambodian ancestry are being trained, and will be stationed permanently in Cambodia.

The programme, which began soon after US ground troops left Cambodia on April 29, apparently in being funded with a mixture of US-supplied South Vietnamese funds, American funds originally allocated for South Vietnamese military assistance, and direct US aid to the Cambodian government. The cost of the programme apparently surpasses publicly announced American aid commitments to Cambodia, which so far total only US $9.9 million.

Elements of the first division to be trained in South Vietnam, according to Phnom Penh sources, are being trucked and flown across the border to South Vietnam in company-sized groups. Sources familiar with the training programme leave little doubt that the US is bearing the major financial and training responsibility, even though the programme technically is part of a bilateral South Vietnamese-Cambodian accord. "The American in charge is on his fourth tour in Vietnam," said one of the sources. "In Korea one time, he killed 29 communists with a shovel. Those Khmers may be going in as gentle Buddhists but they are coming out tigers."

According to other sources, US personnel already have trained several battalions which have moved into Cambodia recently. They are Khmer Krom units—forces made up of members of South Vietnam's Cambodian minority. According to these sources, Khmer Krom troops in Cambodia soon will total about 10,000. About 4,000 belong to the American-trained and financed Mike-force, which long served as an elite mercenary force in South Vietnam. The rest are composed of Khmer Krom troops drawn from regular South Vietnamese units, given intensive training and sent to Cambodia.

Two of these newly-formed battalions arrived here several weeks ago aboard a convoy of US-donated transport trucks. According to one source more Khmer Krom are coming. They will continue to be paid with US funds sent through South Vietnamese channels.

The Khmer Krom soldiers are equipped with American weapons, and have been accompanied by two US-paid Australian mercenary officers. US embassy sources here, asked to comment on the financing of the Khmer Krom units, said they had "no knowledge" that they were being paid by Washington. But Khmer Krom officers say that "we are being paid through US aid".

The mass training programme for Cambodian soldiers was announced here last week. According to official sources, an initial 10,000 troops will be trained, and government sources say they will be followed by an equal number of trainees before the end of the year.

A decline in the level of communist military activity, a protective ring of US air strikes and South Vietnamese ground operations, and the psychological effect of what Cambodian officials here regard as an unequivocal American commitment to the survival of their regime, have combined to produce a semblance of euphoria in this isolated capital.

Only three weeks ago, when communist troops cut most of Phnom Penh's overland links with the outside world, imminent communist attack was expected here. Now, Cambodian Premier Lon Nol feels optimistic enough to predict "victory in the near future".

The optimism reflects significant evolution in the Cambodian situation. Fluidity has given way to a more stabilised situation in which the communists control most of the less densely populated areas, the government, with foreign help, holds the capital and several of the major provincial capitals, and a less dramatic but very debilitating struggle continues in the in-between areas.

The US air force has begun to fly around-the-clock sorties in Cambodia, not only against enemy sanctuaries but in tactical support of the Cambodian forces. Evaluations of the Cambodian situation have adjusted to the realities of war. What three months ago would have been considered a major communist attack is now interpreted as a government success if it does not result in a further dramatic erosion of the situation. By absolute standards, communist attacks have not declined greatly.

Many sources here believe that the partial lull is the result of a North Vietnamese decision to continuing to give priority to the war in South Vietnam. "A lot was destroyed in the sanctuaries," said one intelligence source. "But a lot is still out there. We assume the Vietcong now are infiltrating back in to retrieve their caches and re-establish bases near the South Vietnam border."

If the Cambodian government's optimism that the communists have been checked in Cambodia is therefore unfounded, its confidence in a fundamental American commitment to their cause seems increasingly justified.

"From the very beginning," commented one neutralist ambassador in Phnom Penh last week, "Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right."

South Vietnam: ARVN-half

Saigon: Some clutched the booty of war. Others played nervously with their ancient weapons. Some, too sick or tired to stand, lay on the parade ground in the hot sun. And others dressed in the tattered remnants of uniforms three decades old, squinted at the neatly-dressed throng of South Vietnamese soldiers who had come to stare at the survivors of the Cambodian Army's Northeast Regional Command.

"This is just like 1964," said one Saigon officer who could not believe his eyes. In front of him were several Khmer soldiers wearing aluminum cooking pots as helmets, brightly-coloured woolen scarves securing the pots to their swarthy heads. A nine-year-old boy with double bandoliers of machine gun ammunition across his chest stood at attention, holding a machine gun. NCOs wearing muddy shower shoes and French battle jackets from the other Indochina War barked instructions in guttural Khmer. And an unidentified Cambodian major, resplendent in new olive fatigues and American jungle combat boots, dashed fowl-like around, spluttering incoherent French, English and Vietnamese.

But looking at what was left of Cambodia's 54th Battalion it was difficult to accept the Vietnamese officer's comment that the Khmers looked like ARVN back in its blackest days. The Cambodians looked far worse.

And now, ostensibly at least, it was up to ARVN to straighten up their troops, dress them in modern army uniforms, and teach them contemporary military tactics. After five weeks of "refresher" training at Lam Son National Training Centre in the mountains near Nha Trang they will be sent back to Cambodia to replace some of the 18,000 South Vietnamese troops fighting across the border and Cambodianise the war.

Yet, despite Saigon's boast that it will be the Vietnamese who will be training the 54th—and four other battalions numbering 577 men each evacuated from Ratanakiri last month by ARVN—it will be the Americans who will be providing the cash and the real meat of the advice and refitting. Washington has not acknowledged this, of course, but then, as it does in Laos, it has its reasons.

Training began simultaneously at Lam Son for some of the 10,000 Cambodian Army recruits scheduled to receive instruction in South Vietnam. Although on the surface it looked as if the ARVN sergeants rounding up the green young men from Phnom Penh were firmly in charge the US was footing the bill. Moreover the large American advisory teams at Lam Son and at two other camps are also actively involved in their training.

Plans for the scheme were drawn up by the Americans at the Military Assistance Command in Saigon and the training began with the South Vietnamese acting as the perfect front for what is in reality a new American investment, and involvement, in the Indochina War.

The United States first showed interest in training Cambodian troops in May when the Lon Nol government, recognising that it could never train, equip and arm enough men in time to meet attacks from its enemies, appealed to Washington again for military aid.

The United States agreed to provide small arms, ammunition, trucks, light military equipment, and servicing for Cambodian Air Force planes as part of a $7 million publicly-acknowledged package deal. The plan to train Phnom Penh's troops also was included in the agreement but because it was thought this might be too large a pill for the American public to swallow it was decided to "allow" the South Vietnamese to do the training, a source close to the project said.

When the five battalions, plus about 4,000 dependents were snatched out of Bo Kheo and Labansiek after fighting off the North Vietnamese for several weeks (some of the battalions had lost as many as 200 men), it was decided to extend the training agreement and for the US to support them too. Transported in US Air Force planes they will undergo extensive schooling and rearming under the training extension.

How much the training of the recruits and the troops is costing the American taxpayer is a closely guarded secret. But more important is the fact that the U.S. agreed to do it secretly, using ARVN as a front, to further disguise the growing involvement in the Cambodian fighting.

Said one American officer, concerned about possible over-expansion of the U.S. military effort in Indochina: "I am afraid we are on the road to involvement at the worst in another Vietnam, at the best another Laos. Despite what the president says there is a tacit agreement here that we are not going to allow Cambodia to go under. And we are already involved in that. You know how we are 'not involved' militarily in Laos. That's the way we are nearly 'not involved' in Cambodia."

The eight weeks instruction add up to a crash course. ARVN recruits get twice that and even ARVN's training is considered hurried by American standards. They will drill with old War War II US carbines and light machine guns in company-sized units (about 100 men each) and then will be shipped back to Cambodia as complete companies with their carbines. At the moment, the Americans are concerned about the Khmers having to face up to the North Vietnamese fully automatic AK–47s with their outdated American equipment. "The feeling here is that they should all get M–16s or at least captured AKs," said one adviser. "We are trying to do something about it."

Southern-Fried Chicken

South Vietnam three months ago sent 40,000 of its American-trained, American-equipped and American-paid troops hurtling into Cambodia in a series of invasions under the codename "Operation Total Victory". The South Vietnamese forces may have per-

suaded many Cambodians that the Vietcong were the lesser of two evils, as they tore up the previously placid Cambodian countryside with orgies of firepower which even their American advisers found impressive.

South Vietnamese senior officers, notably General Do Cao Tri, a former ambassador to Taiwan, made pronouncements reminiscent of early American statements on Vietnam. A score of South Vietnamese military planners noisily took over the general headquarters here, in the process displacing a number of Cambodian counterparts—including the prime minister's brother—from their offices. Initial tension between the Cambodians and their newfound South Vietnamese friends was exacerbated by Cambodian massacres of Vietnamese civilians and the South Vietnamese habit of looting every village they liberated on behalf of the Lon Nol government.

Now all that is changed, officially at least. Like the Americans, the South Vietnamese are engaged in the difficult business of doing a great deal for the Cambodians while trying to appear to be doing very little.

In Phnom Penh, the South Vietnamese low profile is most evident.

The embassy and residence occupy two small villas. Charge d'Affaires Tran Van Phuoc keeps to himself—when not engaged in frequent conferences on policy matters with Lon Nol and Vice Premier Sirik Matak.

Phuoc, indeed, was specifically chosen to blend into the Phnom Penh scene. He was born in 1918 in the south Cambodia provincial capital of Takeo, attended Phnom Penh's exclusive Lycee Sisowath, and speaks Cambodian so fluently that most of his meetings with Cambodian officials are conducted in that language.

The South Vietnamese officer corps, which works on a counterpart basis with the Cambodian general staff, also affects a low posture. "We are simply here for liaison," insists a South Vietnamese colonel. "If you need any information, you should go through Saigon. Or better yet," he grinned, "contact the Cambodians. They are in charge here."

In fact, the South Vietnamese army corps plays as central a role in Cambodia as similarly placed American officers do in Saigon. They have the final say on all Cambodian military plans, provide transport, logistics and munitions for the Cambodian forces, and on many occasions have overruled the entire Cambodian general staff on matters of strategy and tactics.

But no South Vietnamese flag flies at the South Vietnamese military headquarters in Phnom Penh, and no South Vietnamese soldiers or officers can enter the capital without specific permission. "Even General Tri and General Dzu [the two South Vietnamese generals responsible for Saigon operations in Cambodia] must have permission to come here," says a South Vietnamese source, "and they aren't going to get it very often. They've also been told to give up press conferences on Cambodian soil." By whom? "President Thieu has taken a personal interest in this affair."

The low profile extends, less strongly, into the Cambodian countryside. In principle, South Vietnamese troops no longer occupy the territory they secure for the Cambodian authorities. They have orders to stay away from densely populated areas and to turn over to Cambodian troops towns they have taken from the communists.

The South Vietnamese involvement in Cambodia, despite the low profile, amounts to a relationship similar to that of a power over a protectorate. As of last week:

Khmer Khron troops of South Vietnamese citizenship had assured the defense of Phnom Penh, and occupied surrounding villages.

12,000 to 40,000 South Vietnamese troops, depending on the needs of the moment, assumed the major responsibility for patrolling most of the countryside which remains nominally under the Cambodia government's control. Every major battle in Cambodia during the past two months has pitted South Vietnamese troops against the Vietcong and North Vietnamese. The Cambodians have not won a major battle since the South Vietnamese expeditionary force arrived.

Several thousand South Vietnamese logistics and staff personnel provided all logistics and most planning for the Cambodia forces. The logistics range from flying guns and ammunition in transport planes to Phnom Penh to providing helicopters and advisers for Cambodian assault missions.

South Vietnamese helicopter gunships and artillery provided fire support for Cambodian troops on a regular basis.

An unknown number of South Vietnamese troops were moved into the border sanctuaries to continue the task of replacing US troops.

South Vietnam, serving as a funnel for US funds, was providing an undisclosed amount of material and direct financial support for the Cambodian government, according to sources here.

The South Vietnamese presence in Cambodia, therefore, despite its low profile, has become the major Cambodian defense. "This is only temporary," said one South Vietnamese commander, who spoke with an American accent picked up in the US. "It's their war." But the Cambodians, in any real sense of the word, have stopped fighting their own war. A typical episode of the Cambodian war occurred just north of Phnom Penh recently.

An air and water-borne South Vietnamese force of 5,000 men launched a search-and-destroy operation in a densely populated area on the peninsula formed by the Tonle Sap and the Mekong River. Cambodian villagers told reporters that the Vietcong had evacuated the area several days before. But there was no Cambodian liaison officer present, let alone any Cambodian troops. The soldiers spread through the countryside nonetheless and from the bank of the Mekong, smoke could be seen rising from the burning villages. A South Vietnamese artillery battery at 30-second intervals fired random "harassment and interdiction" fire in the Cambodian countryside, despite the fact that there was no longer anyone there to harass or interdict except Cambodian villagers.

A dozen South Vietnamese river craft were spread along the river front; eight American-provided helicopters were parked in a nearby field.

A South Vietnamese helicopter pilot sat in the shade with a basket of chickens at his side. He dressed and talked like an American.

"I didn't steal this chicken," he said anticipating the question. "I paid for it." He then went on to explain the search-and-destroy action in the Texas accent he had learned at flight school in the US. "So you see," he concluded, "this is just like an American operation."

Indeed, the South Vietnamese presence in Cambodia, complete with low profile, an excess of firepower and a built-in callousness toward the villagers, seems all too surely to resemble the first days of the American involvement in South Vietnam.

PRESIDENT NIXON'S STATEMENT ON FEDERAL ECONOMY

Mr. GRIFFIN. Mr. President, in a statement today President Nixon urged Congress to act promptly on measures he has requested that would permit greater economy in the operation of the Federal Government.

The President pointed out that congressional inaction is extremely expensive, with an average of about $2 million a day being wasted.

I ask unanimous consent that the text of the President's statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT ON THE FEDERAL ECONOMY ACT

At a time when the budget must be defended against excessive spending, and when every dollar must be directed to urgent national needs, an unnecessary leakage of two million dollars a day by virtue of delayed action by the Congress is indefensible.

Almost six months ago, I sent to the Congress my Federal Economy Message which listed 57 actions which could be taken to reduce unnecessary Federal spending. The Congress was asked to take 15 of these actions and I was prepared to take those remaining.

My total savings target in the budget was $2,132,000,000, of which $1,150,000,000 could be achieved by Executive action. The remaining $982,000,000 in savings required Congressional legislative action.

In those matters requiring enactment of new laws, the Congress appears to be proceeding on only $449,000,000 of savings, 46% of its goal. Further, the Congress is endeavoring to prevent me from achieving $167,000,000 in savings. In total, the Congress would leave $707,000,000 unsaved in fiscal year 1971, or nearly one-third of the total I proposed.

In those areas where I have been left free by the Congress to act, I am terminating, restructuring and reforming programs. The savings from my actions total $983,000,000 and represent 100% of those savings available to me and not affected by Congressional action.

Because the Congress has not addressed the potential savings with a sense of urgency, an average of two million dollars is being wasted every day on programs that are obsolete, low priority or inefficient. Congressional inaction is extremely expensive.

I urge the Congress to take prompt action, as I have done, to put the public interest ahead of the special interests—to put an end to those costly "sacred cows" that have been allowed to exist long after their original purposes have been served.

LUTHER: DE JURE AND DE FACTO SEGREGATION

Mr. RIBICOFF. Mr. President, I often find that the "comics" do a good job of confronting issues more directly than we often would like.

There has been much talk recently about the importance of the difference between de jure and de facto segregation, but no one has put this issue in better perspective than Brumsic Brandon, Jr.'s comic strip "Luther" in the Washington Post of August 11.

Luther is a black youngster often bemused and perplexed by everyday events in his life. On this occasion, perched atop a convenient garbage can, he is confronted by a black friend of his who begins:

Luther, it's dumb to sit around on vacation time thinking about school.

Luther replies:

But I still can't figure out this de facto de jure business.

Luther's friend has a simple answer:

My uncle said it's like getting hit by a car—what kind of car it is don't make no difference.

The Senate established a Select Committee on Equal Educational Opportu-

nity last spring to study the problems presented by de facto segregation in the North. The temptation has been to continue focusing on the difficult racial situation in the South, but I am pleased to learn that the select committee does plan to begin to hold hearings in the near future on de facto segregation. I hope that its distinguished members will understand what Luther's friend is trying to say.

TELEVISION AS A POLITICAL FORCE

Mr. PROXMIRE. Mr. President, on August 4, the distinguished Senator from Maine (Mr. MUSKIE) testified before the Senate Subcommittee on Communications. The subcommittee was then considering the question of the use of television as a political force and had before it Senate Joint Resolution 209, introduced by the Senator from Arkansas (Mr. FULBRIGHT).

I have just read the transcript of Senator MUSKIE's testimony. I must say that he has set forth with outstanding perspective the far-reaching problems included in this issue and has given us some concrete suggestions. It is clear that Senator MUSKIE understands fully television's impact on today's society. To borrow his own words, he says:

> Used to its fullest, television can determine the outcome not only of every political issue, but more importantly, of each and every national issue.

In short, the use of television is an issue. It is an immense issue—one we must explore in the greatest detail.

I commend Senator MUSKIE for this outstanding statement; and for the benefit of the entire Senate, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR EDMUND S. MUSKIE DEMOCRAT OF MAINE, BEFORE THE SUBCOMMITTEE ON COMMUNICATIONS OF THE SENATE COMMERCE COMMITTEE

Mr. Chairman and members of the subcommittee, I appreciate the opportunity to appear before you during your consideration of S.J. Res. 209. The impact of television on our society in general and particularly on our governmental institutions demands the most serious consideration by all concerned citizens. The fact that you, Mr. Chairman, have undertaken such an examination guarantees all Americans the deep and comprehensive investigation that is required.

Television is the overwhelmingly dominant instrumentality in forming public opinion not only in the market place, but on national issues as well.

The dimensions of the problem are graphically framed by Federal Communications Commissioner Nicholas Johnson in opening his book, *How To Talk Back To Your Television Set*. There, he says, and I quote:

"There are 60 million homes in the United States and over 95 percent of them are equipped with a television set. (More than 25 percent have two or more sets.) In the average home the television is turned on some five hours forty-five minutes a day. The average male viewer between his second and sixty-fifth year, will watch television for over 3,000 entire days—roughly nine full years of his life. During the average weekday winter evening nearly half of the American people are to be found silently seated with fixed gaze upon a phosphorescent screen.

"Americans receive decidedly more of their education from television than from elementary and high schools. By the time the average child enters kindergarten he has already spent more hours learning about his world from television than the hours he would spend in a college classroom earning a B.A. degree."

(*How To Talk Back To Your Television Set*, Nicholas Johnson, Commissioner, Federal Communications Commission; Atlantic Monthly Press Book, Little, Brown and Company (1969).)

No longer can television be considered as a plaything, a novelty or as an entertainment device—if ever it could. Television is how the facts are provided, how opinions are formed how judgments are made, how products are sold and—not least of all—television is how politics is played. On the latter score, used to its fullest, television can determine the outcome not only of every political issue, but more importantly, of each and every national issue.

Television can organize public opinion, activate and mobilize public energies and in the end, become the most potent instrument through which the government governs. After all, what happens is largely determined by what people think. And in today's world, television must be regarded as the greatest single influence on people's thought processes. Television has changed totally the whole system of checks and balances. It has changed the nature of the political process, making the value judgment of the people on specific issues far more significant than ever before in history.

Heretofore, the entire governmental process has been largely indirect. This, of course, is the nature of a republican form of government. Its control over the purse strings kept Congress at least in a competitive position in relation to the Executive. Both branches enjoyed the detachment granted by a benign electorate. Television has changed all that. The electorate is now far from detached in its relationship to the issues that emerge at every level of government. That is a good sign. But unless the challenge is met responsibly, rather than providing the greatest rejuvenation to our democratic institutions, this phenomenon called television can virtually destroy the checks and balances so carefully established by our Constitution. The country, the Congress and the industry must accept the awesomeness of this responsibility.

What is the challenge at stake? What is the responsibility involved? Clearly, it goes far beyond retaining the viability of the two-party system. It is also to maintain Congress as a "co-equal branch". But most importantly, it is for Congress to be permitted to discharge its duty to contribute to the dialogue out of which is determined the direction of this Nation on every front, and for television to be structured to contribute to a balanced national dialogue. The responsibility simply cannot be met by techniques of the past. The responsibility requires that we adapt to the present. That is the challenge. For Congress to meet its full constitutional obligations to the electorate, television must become part of the Congressional formula. Today it is not. Tomorrow, it must be.

The very first Article of the Constitution established the Congress. Its clear function was to provide a separate institutional filter through which the Nation's most important decisions must pass. It is important that television aid and not destroy that function. There exists today, however, a distinct imbalance in the use of this medium to communicate with the electorate. In the circumstances, I believe the emphasis should be placed not on restricting its use but in providing wider use of television to inform the American people. That is the legislative goal of S.J. Res. 209. It establishes a door-opening policy for the use of television by the Congress. In a nutshell, S.J. Res. 209 says: The people have a right to be informed of the prevailing Congressional attitude on the significant national issues.

The present disposition of the networks is to allow the President such television time as he requests. To my knowledge, he is never refused. It is given to him because of his office and because a statement by a President is considered newsworthy *per se*. On balance, I think this is a sound policy. It is hard to envision the mechanics of any voluntary system that could refuse a Presidential request. But it should be remembered that when the President addresses himself to the issues, he assumes the role of an advocate. This is a valid Presidential posture, if not a responsibility. A democracy is predicated upon an informed electorate.

In the past, the process of reaching the electorate with the facts and the arguments has been much slower and far less effective. Before the wide use of television, it actually took an immense effort on the part of the electorate to become informed, to obtain the information upon which to base a judgment.

That was especially true when it came to the complicated issues of national and international affairs. A great effort is still involved in the process, but more people are arriving at quicker judgments after an almost exclusive diet of television information. What we must assure is that the viewer receive a balanced diet. And the question is, how to mold television into a medium that presents a balanced picture of national and international issues.

There is no precedent here. The famed fireside chats that dominated the Roosevelt era were different because of the difference in the persuasive capacity of the media involved and more importantly—because television commands an audience of enormous proportions. The televised veto of the HEW appropriations bill in January of this year provides a splendid example. The entire viewing audience of one of television's most popular programs—the "Laugh In" show—sat captured while the President spoke. He rebuked a Congressional action and advocated a position on this issue on that weekday winter evening when Commissioner Johnson states nearly half the American people are watching. The position the President advocated was contested by overwhelming majorities in Congress with equal access to information. That Congressional position was never heard or seen by those Americans. If the President happens to be wrong, there is little that can be done to make that known to the people.

At an evening press conference on January 30, 1970, the President stated that the anti-ballistic missile system against China is now "virtually infallible". As a result, that statement was imbedded in the minds of millions although there is unanimity among scientists and admissions by the Administration subsequently that the statement was dead wrong. The awesome potential of this use of television could be brought home by other less striking examples.

In the circumstances, the question is what steps must now be taken to permit an evolution of television as it affects the national dialogue. A far better balance must be achieved. If differing viewpoints exist, a more competitive position must be assured. Leaving the American people open to the total and unquestioned impact of a Presidential pronouncement is simply wrong. What is missing is the perspective added by public officials representing a co-equal branch of government even if they happen to be of the same political party. The selection of the personalities and the format of the Congressional viewpoint should be left to the Congress. The networks might well

appreciate this exercise of responsibility on the part of the Congress preserving to the networks the detachment they seek.

But the televised response to Presidential pronouncements that is so necessary to provide balance and perspective is not enough. Congress takes many initiatives on national questions that deserve direct electorate participation and involvement. The tax relief and tax reform measure developed last year by Congress would be a recent example. What Congress conceived and achieved single-handedly with that issue was of such importance to the American people that a national airing of its many facets on television would have been highly justified. It was the most significant tax reform act passed by the Congress since the establishment of the income tax. It closed $6.6 billion in tax loopholes. It was conceived in the Congress and weaved its way through a plethora of roadblocks—many imposed by the Executive branch itself. To put it simply—the law would not exist today were it not for a Congressional demand for reform before granting the President's request to extend the income tax surcharge. Tax reform—said the Congress—had to accompany any surtax extension.

The Administration badly needed that surtax. But the country badly needed tax reform. This was the message Congress had for the people. If Congress could have conveyed its message through television to the people, I am convinced that the roadblocks would have tumbled quickly. That this viewpoint prevailed anyway is a fact attributable more to the actions of Senate Majority Leader Mike Mansfield's personal determination and insistence than to the direct insistence and determination of an informed electorate. The electorate deserved to be better informed on such an important issue. All I am saying is that the allocation of television time to Congress should be afforded as the need is justified. The issue will establish that need and when it does, then Congress must have the ability to determine its own format and its own participants. It is the only way. If the American people are to be assured a balanced diet of viewpoints, we must act now.

Of course, there are serious hurdles involved; questions like how much time should be made available; who shall speak for the Congress; what issues justify this procedure—and so forth. But these are problems than can and should be met on an *ad hoc* basis. Clearly the test would be met on any significant national issue where there is a substantial and prevailing viewpoint in the Senate or the Congress that differs from the Executive. In those cases, the opportunity to provide the "Congressional viewpoint" must be afforded and the selection of the "who" and the "how" should be left to the Congress. I am certain in most cases that the differing viewpoint will be shared on a bipartisan basis. On almost every issue, a Congressional majority is composed of members of both parties.

The party identification of a majority of that bipartisan view could provide the identification of the institutional leadership through which the networks could work. In many other cases, the leadership of the prevailing Congressional viewpoint is easily identified. On the recent national debate over the Cambodian invasion, the natural selection in the Senate would have been obvious. The leaders of that prevailing and bipartisan Senate viewpoint were Senators Cooper and Church. So it is no answer to say that making time available to Congressional viewpoints creates too many internal problems for the Congress. Congress is capable of working out these problems and I am sure it will, if afforded the opportunity. Our goal is to assure the American public its right to know—to know in much greater depth and from more varied perspectives the full impact and ramifications of the day's most vital issues. To be sure, the so-called hard news programs of the networks—wherein the world's happenings are compressed into 28 minutes in any one day—attempt to present a fair balance. But the limitations of time prevent in-depth coverage of the complicated national issues. It is the use of television beyond the hard news programs that presents the great imbalance. The American people have a right to know and there is thus a deep and abiding responsibility on the part of the Congress to make every effort to correct the communication imbalance and grant them that right.

In addition, we cannot ignore the special role that must be played by the Senate in setting the tone for the issues as they emerge in the national dialogue. The original concept of the legislative branch with the House of Representatives being elected every two years and the Senate every six, presupposed that the House would remain closer to the pulse of the people and the issues of the day. It was intended, on the other hand, that the Senate have an added degree of insulation from temporary changes in public attitude, precipitous acts of a transient majority or demands based upon the superficial whims of the electorate. Televisions has changed all this.

Toward the end of the 1960's, it became clear that the Senate of the United States was very sensitively attuned to issues, especially the issues that were drawing national attention on television. Perhaps it is because Senators, when they campaign, use the medium of television much more. They must be far more conscious of the tone and response attached to an issue by a larger statewide segment of the population. Senators set the tone of their own elections through the use of television. They in turn respond to the tone set by a national administration. The reaction of the Senate on crime legislation, and the reaction of the Senate on school busing and countless other matters are examples of this phenomenon at work. These were responses to the tone set by the Executive on these issues. They were national responses; not pitched to parochial biases but patterned to answer a national problem in a broad and comprehensive manner. As of now, the Senate has no way to participate fully or fairly in setting the tone to which it responds. I believe that the Senate has a special interest in assuring that the present imbalance is corrected.

One final point, Mr. Chairman. I would like to emphasize a dimension that goes beyond what we have been here discussing. It goes beyond the viability of the two-party system—beyond the maintenance of the Congress as a co-equal branch of government and even beyond our obligation to assure a national dialogue on the great issues that confront society. We must decide here and now that television will not become the *establishment medium* designed to preserve the *status quo*. Providing a fuller expression of the two major parties is not enough; providing a medium through which the Congress may report to the American people directly is a major start but still is not enough. We must guarantee that television can adapt as quickly as the times can change. We cannot always identify what the most pressing challenge will be 3 or 4 years hence. We must not structure our answer today that might conceivably deprive the airing of any viewpoint in the future. I don't know if a structural approach to the use of television can accommodate this most important dimension. I hope it will receive serious attention as these hearings develop.

In conclusion, Mr. Chairman, I must admit that I have raised more questions than I have answered. That is the nature of this subject. I have attempted to speak to the issues raised by S.J. Res. 209. As my remarks should have indicated, the thrust of S.J. Res. 209 is one that I wholeheartedly support. I only hesitate now in endorsing the measure because I would rather evaluate the attitude of the industry to these questions before urging legislative action. The heritage of the equal time and fairness doctrine has made me hesitant about structured solutions. I am not unmindful of the difficulties faced by the networks, competitive among each other both for audiences and revenues. They are asked to reach for the less lucrative public service formats without assurances that the other networks will do the same. The legislative approach embodied in S.J. Res. 209 may be the only answer for a beginning. I believe it must evolve this way to meet the national responsibility for the public to know; for the Congress to fulfill its responsibility; and for the government to assure its viability.

NIXON ADMINISTRATION BACKS DRUG INFORMATION CAMPAIGN

Mr. SCHWEIKER. Mr. President, no elected official today, whether from an urban or a rural area, can avoid coming into contact with the growing drug-use and drug-abuse problems. Therefore, all Senators will be interested in knowing about an outstanding drug education campaign which has been conducted this summer throughout the country, utilizing public service advertising in all forms of media.

Developed by the nonprofit Advertising Council, this public service campaign has been enthusiastically coordinated by the White House and has had the cooperation of three Federal agencies: the National Institute of Mental Health, within the U.S. Department of Health, Education, and Welfare; the Bureau of Narcotics and Dangerous Drugs, within the U.S. Department of Justice; and the U.S. Department of Defense. Charles "Bud" Wilkinson, Special Consultant to President Nixon, has coordinated the campaign for the White House, and a pamphlet distributed by the National Clearinghouse for Drug Abuse Information, operated by the National Institute of Mental Health, has been a focal point for the education campaign.

I commend President Nixon and these various Federal agencies for their interest and cooperation in working out this creative method to focus attention on our drug problems.

I am particularly proud that a Pennsylvanian, Thomas B. McCabe, Jr., vice president and group executive of the Scott Paper Co., Philadelphia, Pa., has been the volunteer coordinator for the Advertising Council on this project.

The pamphlet, entitled "A Federal Source Book: Answers to the Most Frequently Asked Questions About Drug Abuse," is 30 pages long, and contains answers to questions about drug abuse, marihuana, hallucinogens, stimulants, sedatives, narcotics, and other substances of abuse, as well as a three-page glossary of drug terminology. I commend this booklet to all citizens; it can be obtained from the following address: Drug Abuse Questions and Answers, National Clearing House for Drug Abuse Information, Box 1080, Washington, D.C. 20013.

A news release prepared by the Advertising Council, when this program was launched in July, explains the all-media advertisements themselves in greater de-

tail. I ask unanimous consent that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection it is so ordered.

(See exhibit 1.)

Mr. SCHWEIKER. Mr. President, as a member of the Subcommittee on Alcoholism and Narcotics, I have been both shocked and distressed by the staggering growth of drug use, particularly among young men and women. As a member of the Armed Services Committee, I have been equally concerned with the growing use of drugs by our servicemen, both at home and abroad.

Greater public education about drugs and awareness about their extensive use must be undertaken on a wide scale everywhere if we are ever to begin to bring this problem under control.

I commend the Nixon administration for its imagination and hard work in bringing about this particular advertising program. I also commend the advertising industry, through the Advertising Council, which sponsored this program, and the various advertising media, who donated the time and space for these advertisements, for their dedication and public service.

Private citizens, private organizations, government agencies, and elected officials must all work together in this serious drug problem area, and I am encouraged by this example of cooperation and public service.

EXHIBIT 1

ADVERTISING COUNCIL

NEW YORK, July 8.—The Advertising Council today unveiled a broad all-media public service advertising campaign on drug abuse information at a presentation held here.

Shown were advertising material for newspaper, consumer, business and employee magazines, radio, television, transit and outdoor media.

The campaign is designed to reach pre-high school youth, youth through college, inner-city residents, parents and military personnel.

The Council is a public service organization which conducts national public interest campaigns with the voluntary cooperation of advertising agencies, national advertisers and media. All advertising space and time are contributed by media.

A key part of the program is the availability of a Federal source book, "Answers to the most frequently asked questions about drug abuse," which gives information on many aspects of the drug problem.

Single copies of the booklet are free and people are urged to write to: Questions and Answers, National Clearinghouse for Drug Abuse Information, Box 1080, Washington, D.C. 20013.

Compton Advertising, Inc., the volunteer agency, developed this program after studying the problems in each of the five target areas. For example, a theme line, "Why do you think they call it dope?", has been incorporated in a number of ads after copy testing of the various campaign materials in Indianapolis, Denver, Buffalo, Los Angeles and New York.

Transit advertising is posting a special three-sheet poster directed at parents, showing the various types of drugs—"pot," "smack," "ups," "downs," and "acid," under the headline, "They might have learned about sex from their friends. They'd better learn about these from you."

Television networks and local stations will be offered initially a series of color film spots running from 10-second to 60-second lengths, covering each of the target audiences with different appeals.

Tom Seaver, Mets pitching ace, gives a pat on the back to kids who don't take drugs when he says, "Hey, you know who number one is? It's a kid like you who doesn't use drugs—that's number one!" This is one of a series of spots in a "hero" segment of the pre-high school youth effort.

In a 60-second film, "Ernie" a NARC (Narcotics Cop) asks parents to help him in his job by discouraging kids from taking drugs. He also asks parents to write for the free booklet so they can learn to talk with their kids about drug abuse.

Magazines are being asked to run a question and answer advertisement with questions for both parents and teenagers to ask one another to stimulate a dialogue on drugs. This ad also offers the booklet. Other advertisements for consumer, business and employe magazines are planned as part of the continuing campaign.

Newspapers across the country started running on July 5, for the next 13 weeks, 250 line (2 col. x 9") advertisements through the International Newspaper Advertising Executives cooperative Council program.

First advertisement is headlined, "Heroin is moving to the suburbs." Others in the series are headlined, "Lysergic acid diethylamide does not go in your car battery," "Can babies be born addicted to drugs?", "Your kid shouldn't know more than you do," and other similar provocative statements. Each advertisement carries a coupon to write for a copy of the Federal source book. A full page newspaper ad will also offer the booklet.

Outdoor advertising, in selected markets, is now contributing a rotating painted bulletin (14' x 48'). The design shows an arm "nailed" to a cross by a hypodermic needle. Other outdoor poster material is now in development for use this fall.

Spots for radio will be released shortly. These will include special songs for younger audiences, among a number of different radio approaches.

LABOR UNIONS SUPPORT RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, recently, widespread attempts have been made to discredit the genocide treaty and discourage Senate acceptance of it. A number of these have depicted labor union members and their leaders as against ratification of the treaty. I think it should be made very clear that the sentiment of labor unions on this vital issue is quite the opposite. Labor unions, like many other organizations of concerned Americans, realize the need for the United States to keep its word in regard to the Genocide Convention.

The testimony from labor unions that was received by the special Subcommittee on Foreign Relations on the Genocide Convention bears out my point. I ask unanimous consent that two representative letters to the subcommittee, one from the AFL–CIO, the other from International Union, United Automobile, Aerospace, and Agricultural Implement Workers of America-UAW, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

AMERICAN FEDERATION OF LABOR AND CONGRESS OF INDUSTRIAL ORGANIZATIONS,
Washington, D.C., May 4, 1970.

HON. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: Attached are AFL–CIO Convention resolutions and an Executive Council statement urging the ratification of the Human Rights Conventions, including the prevention of Genocide. We would like these documents to be part of the record of the Genocide Conventions hearings and want to register our support for this important measure.

Sincerely yours,

ANDREW J. BIEMILLER,
Director, Department of Legislation.

INTERNATIONAL UNION UNITED AUTOMOBILE, AEROSPACE & AGRICULTURAL IMPLEMENT WORKERS OF AMERICA-UAW,
Detroit, Mich., April 27, 1970.

Senator FRANK CHURCH,
Chairman, Subcommittee on the Genocide Convention, Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: This is to reaffirm the position of the United Automobile, Aerospace and Agricultural Implement Workers of America in support of the ratification of the United Nations Convention on the Prevention and Punishment of the Crime of Genocide. We welcome the request for ratification by the President, based upon the recommendations of Secretary of State William P. Rogers and Attorney General John N. Mitchell.

The failure of the United States to ratify the Genocide Convention during the past twenty years is probably our most dramatic omission in the area of international human rights. The crime of genocide, whether committed in time of war or in time of peace, is a monstrous crime which our nation must help prevent. Senate ratification of the Genocide Convention, which declares the planned mass destruction of a national ethnical, racial or religious group to be an international crime, would reaffirm our nation's concern for human rights everywhere.

Seventy-five nations have already ratified the Genocide Convention. The United States, which played a leading role in creating this Convention more than twenty years ago, must no longer delay ratification of the Genocide Convention, and we call upon the Senate to do so at this time.

Sincerely,

WALTER P. REUTHER,
President, International Union, UAW.

GUN CONTROL ACT OF 1968

Mr. DODD. Mr. President, I recently received a letter from the National Rifle Association demanding my answer to three self-serving questions on the 1968 Gun Control Act.

The questions were not only self-serving, but deliberate distortions of the 1968 Gun Control Act, which is the only effective firearms law adopted by Congress in 30 years.

The National Rifle Association, now a registered lobby, dispatched this printed, form letter to all Members of Congress as a part of its 1970 campaign to gut, if it cannot repeal, the Gun Control Act of 1968.

The special interests of this lobby came through clear to me in the letter, designed more to intimidate legislators than to elicit genuine response.

The printed signature on the letter was that of Ashley Halsey Jr., editor, the American Rifleman. The letter subtly threatened that my "substantial response" will "be reflected in due course in the pages of our magazine, circulation slightly over 1 million.'

I am not intimidated by this type of letter, and I do not believe that other Senators will be either.

I am embarrassed for the hundreds of

thousands of members of the National Rifle Association, God-fearing, fun-loving sportsmen, who are being inadequately represented in Washington, indeed their personal views are more often misrepresented.

The sportsmen I know, many of them members of the National Rifle Association, do not personally do their business in the high-handed fashion used by the Washington executives of the NRA.

Mr. President, I ask unanimous consent that the text of the NRA letter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DODD. Mr. President, I now address myself to the effectiveness of the Gun Control Act of 1968, and in the process correct the misrepresentations and distortions about that law's effectiveness put forth in the NRA letter to Congress.

For as long as anyone can remember, opponents of gun legislation have insisted that if the traffic in firearms is controlled, only criminals will have guns. Guided by that simplistic slogan, heavy efforts were made against the 1968 Gun Control Act for precisely the reason that gun legislation, any gun legislation, was firmly believed to be ineffective.

Two years have gone by since the 1968 act was passed, sufficient time to allow a dispassionate judgment on its efficacy.

The Treasury Department's Alcohol, Tobacco, and Firearms Division is responsible for the administration of the Gun Control Act.

I have consequently asked the Division for the record of arrests made under the Gun Control Act which became the law of the land almost 2 years ago. The report from the Division should quiet those, in and out of Congress, who daily bemoan the "failure" of this law.

In the 17 months since the effective date of the act, December 16, 1968, the Department's agents have made 1,482 cases resulting in 926 arrests under title I of the act, either alone or in conjunction with other violations of the act.

In the 17 months prior to December 16, 1968, the Department made 335 cases, resulting in 224 arrests under the old Federal Firearms Act.

Expressed in percentages, this is an increase of 342.4 percent in cases and 313.4 percent in arrests.

Because so many crimes are committed with guns, Gun Act investigations by Treasury agents often lead directly to a criminal suspect.

Thus, a recent police investigation of a brutal sex murder case revealed that a suspect might have recently purchased a firearm. The Treasury Department's investigation led to a fraudulently executed Treasury form required under the 1968 act, and led to the arrest of the suspect.

A bomb exploded under an unoccupied vehicle at Emory and Henry College in Emory, Va. Treasury Department examination of the type of explosive led to the arrest of two students who had purchased the material.

After police in Montana responded to a call from a bar where they found a dead body on the floor with customers professing no knowledge of the incident, the Treasury Department traced the German-made gun found next to the body through several States and finally back to Montana. A customer had carried the handgun into the bar that night, was present when the police arrived, and finally convicted in State court entirely through the Treasury agents' efforts.

Opponents of gun legislation will say that these are cases proving that a case can only be made after a crime has been committed; that the 1968 gun law, in effect, closes the barn door after the horse is out.

Nothing can be further from the truth. The files of the Treasury Department have at least as many cases of crime prevention as they have of detection after a crime has been committed.

One of the most spectacular cases is the arrest of Anthony Accardo, the 64-year-old Cosa Nostra leader whose slippery dealings have for years escaped successful prosecution.

Recently, however, he was indicted for a violation of two counts of the Gun Control Act. Since each count carries a maximum sentence of 10 years in prison, we may hopefully look forward to his removal from society. His indictment followed shortly after Felix Alderissio's conviction for violation of title VII, another gun control provision, of the Omnibus Crime Control and Safe Streets Act for which this Chicago Cosa Nostra chief received a 2-year prison sentence.

If the Gun Control Act has been successful in subduing the criminal syndicates, it has been no less so in apprehending criminals operating on their own.

For example, Gary, Ind., police arrested a man for possession of a sawed-off shotgun and sawed-off rifle. The suspect has a criminal record of 47 arrests of which 35 were for felonies. Through information supplied by the Treasury Department, the suspect is now under Federal indictment.

In Minnesota, a man purchasing a gun with a forged check turned out to be a felon convicted of first degree robbery. Through the cooperation of the Treasury Department, the man was arrested on charges of forgery and violation of the Gun Control Act.

Jack Ledbetter, a criminal with a three-page list of arrests, including burglary and robbery, bought a shotgun in Utah while furnishing false information to the seller. He sawed off the barrels the same day, and was subsequently arrested on a burglary charge to which was added his violation of the Gun Control Act. As a result, he was sentenced to two terms of 5 years imprisonment.

The Boston Federal grand jury returned indictments against a man who had made false statements while purchasing a gun; the suspect has a record of seven convictions for bank robbery.

Russel Payne, a felon appealing a manslaughter conviction in Wyoming, was convicted for transporting a registered firearm in interstate commerce and sentenced to 5 years imprisonment. Even though the gun was registered, Payne was transporting it in violation of a special provision of the new act.

In Springfield, Ill., Ronald E. Shafer was convicted in Federal court for 10 violations of the Gun Control Act by selling sufficient components to make a large number and variety of "destructive devices"—that is to say, homemade guns.

In none of these cases had an actual crime of violence been committed yet.

In each of these cases, crimes against persons or property would have been committed but for the existence of the Gun Control Act of 1968. The inescapable conclusion is that gun legislation does reduce crime; that it does contribute to the prevention of crime; that it can be extended to protect the law-abiding citizen.

Mr. President, I ask unanimous consent to have printed in the RECORD my letter to the Department of the Treasury, dated May 12, 1970, and the reply from Assistant Secretary Rossides, dated July 9, 1970, containing statistics, and anecdotal case histories illustrating the progress made under the legislation.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

MAY 12, 1970.

Hon. DAVID M. KENNEDY,
Secretary, Department of the Treasury, Washington, D.C.

DEAR MR. SECRETARY: I am writing to request that you make available to the Juvenile Delinquency Subcommittee information that would be helpful in evaluating the effectiveness of the Gun Control Act of 1968.

Specifically, we would like arrest data for the seventeen month period to and subsequent to the Act's effective date. This information should be broken down according to the various titles of the Act to include both the total number of arrests and the total number of cases for the comparable periods. Summaries of major cases made since the passage of the Act would also be of value.

In addition, arrest data under title VII of the Omnibus Crime Control and Safe Streets Act, as amended by title III of the Gun Control Act, would be of use to the Subcommittee study.

I appreciate the cooperation that you have extended me in the past and look forward to hearing from you as expeditiously as possible.

With every good wish, I am,

Sincerely yours,

THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency.

THE DEPARTMENT OF THE TREASURY,
Washington, D.C., July 9, 1970.

Hon. THOMAS J. DODD,
Chairman, Subcommittee to Investigate Juvenile Delinquency, Committee on the Judiciary, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have for reply your letter of May 12, 1970, to Secretary Kennedy in which you requested detailed arrest and

case data for the seventeen month periods prior to and subsequent to the effective date of the Gun Control Act of 1968, and in which you further requested summaries of major cases made since passage of the Act.

The necessary research has been completed.

Treasury's Alcohol, Tobacco and Firearms Division agents made a total of 1,482 cases resulting in a total of 926 arrests under Title I of the Gun Control Act of 1968, either alone or in conjunction with other violations, in the seventeen month period following the effective date of the Act (December 16, 1968).

In the seventeen months prior to December 16, 1968, a total of 335 cases, resulting in a total of 224 arrests, were made under the Federal Firearms Act, either alone or in conjunction with other violations.

A valid statistical comparison of cases and arrests under the Federal Firearms Act prior to December 16, 1968, and those under Title I of the Gun Control Act of 1968 after its enactment cannot be made, as Title I contains 26 unlawful acts as compared to nine unlawful acts contained in the predecessor Federal Firearms Act.

Title II of the Gun Control Act of 1968 incorporated the predecessor National Firearms Act. In the reporting period prior to December 16, 1968, a total of 869 cases resulting in a total of 377 arrests were made under the National Firearms Act, either alone or in conjunction with other violations. In the reporting period subsequent to the enactment of the Gun Control Act, 1,786 cases resulting in a total of 1,184 arrests were made under Title II of the Gun Control Act, either alone or in conjunction with other violations.

Title VII of the Omnibus Crime Control and Safe Streets Act of 1968 became effective on June 19, 1968. This title was amended by the Gun Control Act of 1968 and the amendment became effective December 16, 1968. In the reporting period following December 16, 1968, a total of 1,039 cases resulting in a total of 488 arrests were made under the Omnibus Crime Control and Safe Streets Act of 1968, either alone or in conjunction with other violations.

Summaries of major cases made since the passage of the Gun Control Act of 1968 are enclosed. Also enclosed is a trend chart which depicts criminal cases made versus man-days expended, both before and after the enactment of the Gun Control Act.

Sincerely yours,

EUGENE T. ROSSIDES.

ENCLOSURES

Police investigation of a brutal, sex murder case revealed that a suspect might have recently purchased a firearm. A Treasury Alcohol, Tobacco and Firearms Division Special Investigator was notified and through extensive records search found a record of a firearm sale to the suspect, who was in a prohibited category, and determined that the suspect had fraudulently executed Treasury Form 4473. The suspect was arrested and jailed. The Treasury agent, working alone, developed conclusive and final evidence as to the subject's guilt for the murder.

Ronald E. Shafer was convicted in Federal Court, Springfield, Illinois, for ten violations of the Gun Control Act. This case is significant as it involved the sale of components sufficient to make destructive devices. Shafer is awaiting sentencing.

Treasury's ATFD, IRS National Office Laboratory technology recently came to the aid of Virginia law enforcement officials when, on January 11, 1970, a bomb exploded under an unoccupied vehicle owned by the Dean of Men, Emory and Henry College, Emory, Virginia. An adjacent occupied dormitory was damaged. On January 22, 1970, two individuals, both students at Emory and Henry College, were arrested on State warrants charging felonious use of explosives.

The bomb contained gunpowder identified in the Alcohol, Tobacco and Firearms Division National Office Laboratory as "Hercules 2400." The laboratory examination was conducted on the material recovered at the bomb scene, a piece of burnt safety fuse, a hubcap, a hubcap rim, and a piece of asphalt.

The State prosecution of the defendants will rest solely on evidence developed by the Treasury agents and Treasury laboratory.

Anthony Accardo, the 64 year old alleged Cosa Nostra leader was recently indicted for violating two counts of the Gun Control Act. Each count carries a maximum sentence of 10 years in prison or a $10,000 fine or both.

Accardo's indictment followed shortly after Felix Alderissio's conviction for violating Title VII of the Omnibus Crime Control and Safe Streets Act. Alderissio, La Cosa Nostra's alleged chief advisor in the Chicago area, received a two year prison sentence.

Gary, Indiana, police executed an arrest warrant and seized a sawn-off shotgun and a sawn-off rifle. The defendant's criminal record consisted of 47 arrests, of which 35 were for felonies. In 1958, he was convicted of a violation of the National Firearms Act and was given a two year probated sentence which was later revoked and he served two years in prison. In the instant case, the information was referred to Treasury's Alcohol, Tobacco and Firearms Division, Internal Revenue Service, and Federal prosecution has been authorized.

In Montana, police responded to a call—a shooting in a bar. They found a body, a foreign handgun on the floor, and customers who avowed no knowledge of the shooting.

A request for assistance was made to the Billings, Montana, office of Treasury's Alcohol, Tobacco and Firearms Division, Internal Revenue Service. The ATFD Firearms Control Section traced the foreign handgun from Germany through Mississippi and finally to Montana. A Special Investigator continued the investigation and identified the last known owner—a customer who had carried the firearm into the bar the night of the shooting and was present when the police arrived. The killer was subsequently convicted of homicide in State Court.

In Minnesota, a man purchased a gun with a check. The next day he attempted to return the gun for a refund. The check he had used was stolen and forged. He was a felon, convicted of First Degree robbery. He had also used fictitious identification and furnished false information while purchasing the firearm. A joint investigation by local police and Treasury's Alcohol, Tobacco and Firearms Division, Internal Revenue Service, resulted in his arrest on charges of forgery and violation of the Gun Control Act of 1968.

The arrest record the Federal Bureau of Investigation maintains on Jack Ledbetter is three pages in length and lists arrests for violations including burglary and robbery. Ledbetter bought a shotgun in Utah, furnishing false information to the seller. He sawed off the barrels the same day. He was subsequently arrested by local police on a burglary charge—the shotgun was discovered and the information referred to Treasury's Alcohol, Tobacco and Firearms Division, Internal Revenue Service.

The investigation resulted in Ledbetter's conviction for violation of the Gun Control Act of 1968. He was sentenced to terms of five years' imprisonment on each of two counts.

On February 3, 1970, a Boston Federal grand jury returned a one count indictment charging a defendant with making a false statement to a dealer in the purchase of a firearm. At the time of his arrest Treasury's Alcohol, Tobacco and Firearms Division Special Investigators seized a loaded .38 caliber revolver, stolen from Colt. On February 24, the grand jury returned a second indictment charging an additional violation of the Gun Control Act. He was released on bail and is presently awaiting trial.

The defendant has seven convictions for bank robbery.

Russell Payne, a felon appealing a manslaughter conviction, was convicted in Wyoming District Court of transporting a registered firearm in interstate commerce without the authorization of the Assistant Regional Commissioner, Alcohol, Tobacco and Firearms Division, Internal Revenue Service, in violation of Section 922(a)(4), Chapter 44, Title 18, U.S.C. Payne was sentenced to five years' imprisonment. This is believed to be the first conviction in the Nation under this particular section of the Gun Control Act of 1968.

Alfred Harflinger had been convicted of robbery, assault with intent to kill, and breaking and entering into a United States Post Office—James Nash for concealing stolen postal money orders.

The two felons were spotted driving around an 18,000 gallon LP storage tank. They were stopped and questioned by local police, and a pistol was seen in their car. A subsequent search revealed a 30–30 rifle, a .38 caliber revolver, a .45 automatic and an armed bomb containing ten sticks of dynamite with a timing device that was set and ticking.

A request for assistance was made to Treasury's Alcohol, Tobacco and Firearms Division, Internal Revenue Service. ATFD Special Investigators entered the investigation and perfected the case. Harflinger and Nash were subsequently arrested, tried and convicted of violating the Gun Control Act of 1968, and sentenced to two concurrent ten-year sentences each.

On January 8, 1970, an undercover Treasury Alcohol, Tobacco and Firearms Division, Internal Revenue Service, Special Investigator, on behalf of the Erie County, New York, Sheriff's Office, purchased 100 sticks of dynamite and 100 blasting caps from two members of the "Chosen Few" motorcycle club.

On January 20, the U.S. Attorney obtained arrest warrants for the defendants charging them with violations of the Gun Control Act, in that they illegally possessed and transferred unregistered firearms (destructive devices), and engaged in the firearms business without a dealer's license.

Negotiations for a second "buy" were made and on January 20, 4,000 sticks of dynamite (Dupont), 4,000 blasting caps and 4,000 feet of safety fuse were seized in an "aborted" buy. The defendants were arrested and held in lieu of $20,000 bail each.

In a joint operation conducted by Treasury's Alcohol, Tobacco and Firearms Division, Internal Revenue Service, and by the Justice Department's Bureau of Narcotics and Dangerous Drugs, five firearms were purchased from Carl McFarland at a parking lot in Indianapolis, Indiana. Three of the five weapons had been previously reported as stolen. A search of McFarland's car revealed an additional 36 firearms, 14 of which turned out to be stolen. McFarland pleaded guilty to violations of the Gun Control Act and was sentenced to a total of ten years in prison.

COMMENTS

Overall increase in both cases made and man-days expended.

Cases made: Sept. 30–Dec. 30, 1968—decreased as enforcement personnel performed "compliance" functions during the November 1968 amnesty.

Man-days: Increased as overtime increased during the amnesty.

Cases made: Dec. 30, 1968–Mar. 30, 1970, reflect an initial upsurge and a continuing increase as cases made under the new firearms legislation become evident.

Man-days reflect a steady increase during this period as the result of increased hiring and increased emphasis on firearms enforcement.

EXHIBIT 1

NATIONAL RIFLE ASSOCIATION OF AMERICA,
Washington, D.C., July 29, 1970.

Hon. THOMAS J. DODD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR DODD: Because of intense and growing interest on the part of our readers, we are asking all Members of the Senate and House of Representatives of the United States whether they would care to respond to three questions. These are:

Your position on repeal of the 1968 Gun Control Act in its present form?

Whether you feel that the Act, if not repealed, at least should be modified to eliminate features which are of little use in crime control and apparently serve principally to harass law-abiding sportsmen?

Whether you would support replacement of the Act with some more practical and workable anti-crime measure in 1971?

We would deeply appreciate having whatever views you may wish to express. We hope for a substantial response which can be reflected in due course in the pages of our magazines, circulation slightly over one million.

Thank you, in any case, for your consideration of the matter.

Cordially,

ASHLEY HALSEY, Jr.,
Editor, The American Rifleman.

NO ACTION FROM THE JUSTICE DEPARTMENT ON THE FITZGERALD CASE AFTER 277 DAYS

Mr. PROXMIRE. Mr. President, more than 9 months ago I wrote to the Department of Justice, asking Attorney General Mitchell to investigate the intimidation and firing of A. Ernest Fitzgerald by the Air Force and to take appropriate action. To date, there has been absolutely no sign of any action whatsoever from the Department.

Fitzgerald testified before the Joint Economic Committee in November 1968, and told Congress of the $2 billion overrun in the C–5A project. For his candor, he was rewarded with the cold shoulder treatment, followed by a reduction in his duties, and finally, in November 1969, by outright dismissal.

Such action is a clear violation of the U.S. Criminal Code, which makes it a crime, punishable by up to 5 years in jail, to "injure" anyone on account of testifying before a congressional committee. This is exactly what happened to Fitzgerald. But the Justice Department, for reasons known only to it, has thus far refused to enforce the code.

Is the code for some persons and not for others? Are members of the administration exempt from the code?

Mr. President, what happened to the concept of "Equal Justice Under Law," which graces the entrance to the Justice Department? Is the Department no longer guide by this motto?

OIL CONTINUES TO ESCAPE TAXES

Mr. PROXMIRE. Mr. President, U.S. Oil Week has continued its public service of providing a table of the actual taxes paid by the major oil companies as a percentage of their net income.

Once again, the oil industry has escaped from paying its fair share of the tax burden. Most of the companies shown on the table paid a lower percentage of their net income in Federal taxes than an individual in the lowest tax bracket. Only one company paid about the same as the average for other industries—41 percent—of their net income in taxes.

This means that other taxpayers, far less able to pay than the gigantic oil industry, are going to have to shoulder the burden that should have been borne fellow earning $8,000 to $10,000 a year by the oil industry. This means that the with 4 mouths to feed must pay more in taxes so that the oil barons can continue to sit in their plush offices feeding from the public trough. All this in addition to the oil import quota program that seems so dear to this administration's heart but which costs the average family of four about $100 extra a year for oil and gas.

This outrage cannot continue. We took some small steps to close the depletion loophole last year, but we must do much more. We must take a look at the entire web of Federal subsidies and find out why they are not working. We must find out why the independent producers who traditionally found most of the domestic oil are going out of business. We must find out how to make any Government program cost effective, particularly when it is so expensive and the return presently received is so slight. These steps would go far to allocating the tax burdens equitably and alleviating the pending energy crisis.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TAXES ON BIG REFINERS STILL SMALL

Major oil companies—hit by a lower investment credit and slightly reduced depletion allowance—were still able to pay surprisingly small U.S. federal income taxes.

Gulf had the lowest percentage at 0.43% followed by Texaco with 0.76% of their net income before taxes paid to Uncle Sam.

U.S. Oil Week prints refiner tax figures because marketers are interested in the tax treatment of supplying companies and because no one else puts together the figures.

Major companies lump together in their reports to shareholders their federal, state and foreign income taxes usually under "provision for income tax."

But the U.S. tax figure is usually shown in 10K filings submitted to the Securities & Exchange Commission, our source for this table.

The actual federal income tax figures—and what percentage of the net before taxes they represent—follows:

Standard (N. J.)	$265,789,000	12.84
Texaco	7,250,000	.76
Gulf	4,264,000	.43
Mobil	41,800,000	5.73
Standard (Calif.)	10,900,000	1.84
Standard (Ind.)	64,200,000	15.92
Shell	5,464,000	1.77
Atlantic	4,063,000	1.47
Conoco	3,394,000	1.36
Sun	48,207,000	21.3
Phillips	24,231,000	13.6
Union	8,800,000	5.13
Marathon	3,250,000	1.19
Cities Service	27,254,000	16.7
Getty	11,400,000	8.1
Amarada-Hess	2,406,155	1.8
Standard (Ohio)	42,601,000	42.73
Signal	21,899,000	24.51
Tenneco	13,299,000	
Ashland	27,480,000	33.07

The only large refiner to skip federal income taxes completely this year was Tenneco.

Tenneco not only didn't have to pay anything, but gained a $13,299,000 tax credit available to lower or wipe out federal income taxes in future years.

While most refiners paid more federal income tax last year than they did a year earlier, for most of the companies the increase was small.

Heaviest taxes were paid by the smaller, domestic majors while the lowest percentages were paid by the international companies including the newer internationals such as Marathon and Continental.

This year a few companies have been listed on the table for the first time because mergers had reduced the number originally reported.

Not surprisingly Amarada Hess now pays only $2,406,155 in federal income tax while Hess Oil & Chemical alone had paid $11,913,000 on $40.1 million net income.

This year's tax table has several figures revised from last year when Atlantic, for example, reported no federal income tax in earlier years than 1968.

We checked with Atlantic and asked whether the figures shown in the latest statement of income going back to 1965 reflected taxes paid by companies that Atlantic had acquired.

Marty Connor, deputy comptroller, said changes in tax figures in part showed revisions of taxes based on settlement of the Atlantic-Sinclair merger cases.

The figures we carried for Sinclair—if adopted by Atlantic—would have given Atlantic higher federal income taxes than those actually shown.

Sinclair paid $10,585,000 in 1967, yet Atlantic only reported $6,188,000.

Atlantic reported no federal income tax that year to the SEC.

The lower figure stems from Atlantic's having to sell some of Sinclair's property to British Petroleum, he said.

Thus some of the earlier taxes of Sinclair's can't be shown as having been paid by Arco and subsidiaries.

And the accounting is complicated further by Sinclair's having held stock in Atlantic.

The table only shows companies of interest to marketers.

Thus many oil production firms with little or no taxes aren't shown.

Because companies have been added and subtracted from the table down through the years, total taxes for the table or the percentage shouldn't be compared from 1968 to 1969.

	Net income before tax	Federal tax	Percent	Foreign, some states' tax	Percent	Profit after tax
Standard (N.J.):						
1962	$1,271,903,000	$8,000,000	0.6	$423,000,000	33	$840,903,000
1963	1,584,469,000	69,000,000	4.3	496,000,000	31	1,019,469,000
1964	1,628,555,000	29,000,000	1.7	549,000,000	33	1,050,555,000
1965	1,679,675,000	82,000,000	4.9	562,000,000	33	1,035,675,000
1966	3,830,944,000	116,000,000	6.3	624,000,000	34	1,090,944,000
1967	2,061,000,000	166,000,000	8.1	700,000,000	34	1,915,028,000
1968	2,313,587,000	233,999,000	10.1	802,907,000	34	1,276,681,000
1969	2,069,697,000	265,789,000	12.84	756,269,000	36.54	1,047,939,000
Texaco:						
1962	546,371,000	13,000,000	2.3	51,700,000	9	481,671,000
1963	615,768,000	10,250,000	1.6	58,850,000	12	545,668,000
1964	660,761,000	5,500,000	0.8	77,900,000	11	577,361,000
1965	681,613,000	10,000,000	1.47	80,700,000	11.84	590,913,000
1966	808,991,000	32,500,000	4.02	104,700,000	12.94	671,791,000
1967	892,428,000	17,500,000	1.96	124,400,000	13.94	750,528,000
1968	1,006,246,000	23,800,000	2.36	162,800,000	16.18	819,646,000
1969	952,854,000	7,250,000	.76	175,800,000	18.45	769,804,000
Gulf:						
1962	488,351,000	19,389,000	3.9	128,871,000	26	340,091,000
1963	540,065,000	30,870,000	5.7	137,842,000	25	371,353,000
1964	607,343,000	52,443,000	8.6	159,782,000	26	395,118,000
1965	656,727,000	53,559,000	8.1	174,935,000	26	427,233,000
1966	813,868,000	90,008,000	11.0	219,098,000	26.9	504,762,000
1967	955,968,000	74,142,000	7.8	303,539,000	31.8	578,287,000
1968	977,321,000	8,005,000	0.81	342,997,000	35.1	626,319,000
1969	992,005,000	4,264,000	.43	377,183,000	38.02	610,558,000
Mobil:						
1962	379,339,000	8,300,000	2.1	128,700,000	33	242,339,000
1963	437,352,000	23,000,000	5.2	142,500,000	32	271,852,000
1964	464,660,000	27,700,000	5.9	142,800,000	30	294,160,000
1965	508,016,000	33,900,000	6.6	154,000,000	30	320,116,000
1966	555,412,000	23,200,000	4.4	176,100,000	31.7	356,112,000
1967	594,593,000	26,900,000	4.5	182,300,000	30.7	385,393,000
1968	673,739,000	22,000,000	3.3	223,500,000	33.2	428,239,000
1969	728,815,000	41,800,000	5.73	252,500,000	34.64	434,515,000
Standard (Calif.):						
1962	348,181,000	5,800,000	1.6	28,600,000	8	313,781,000
1963	356,568,000	2,900,000	.8	31,600,000	8	322,068,000
1964	448,053,000	14,100,000	3.1	125,837,000	28.1	308,116,000
1965	507,341,000	12,500,000	2.5	142,941,000	28.2	351,900,000
1966	564,256,000	27,300,000	4.8	151,019,000	26.8	385,937,000
1967	791,962,000	12,900,000	1.6	369,669,000	46.7	409,393,000
1968	569,431,000	16,700,000	2.9	100,900,000	17.7	451,831,000
1969	590,386,000	10,900,000	1.84	125,700,000	21.29	453,786,000
Standard (Ind.):						
1962	168,843,000	3,105,000	1.8	3,381,000	2	162,420,000
1963	208,022,000	22,182,000	10.6	2,748,000	1	183,092,000
1964	204,817,000	8,486,000	4.1	1,480,000	.7	194,851,000
1965	263,098,000	39,578,000	15.0	4,248,000	2	219,272,000
1966	300,531,000			49,672,000		255,869,000
1967	366,847,000	74,021,000	20.2	10,576,000	2.9	282,250,000
1968	395,064,000	74,678,000	18.9	10,892,000	2.8	309,494,000
1969	403,337,000	64,200,000	15.92	18,104,000	4.49	321,033,000
Shell:						
1962	173,555,000	7,200,000	4.1	8,680,000	5	157,675,000
1963	211,575,000	19,100,000	9.0	12,623,000	5	179,852,000
1964	213,575,000	2,800,000	1.3	12,585,000	5	198,190,000
1965	274,507,000	26,600,000	9.6	13,876,000	5	234,031,000
1966	313,085,000	46,100,000	14.7	11,785,000	3.7	255,200,000
1967	342,022,000	44,940,000	13.1	12,233,000	3.6	284,849,000
1968	387,767,000	63,378,000	16.3	12,298,000	3.2	312,091,000
1969	308,451,000	5,464,000	1.77	11,836,000	3.84	291,151,000
Atlantic:						
1962	61,110,000	0	0	14,844,000	24	46,266,000
1963	56,747,000	0	0	12,734,000	22	44,013,000
1964	61,081,000	0	0	14,005,000	22	47,076,000
1965	164,091,000	2,629,000	1.60	25,000,000	15.24	136,462,000
1966	203,356,000	7,637,000	3.76	23,877,000	11.75	171,842,000
1967	227,930,000	6,188,000	2.71	30,935,000	13.57	190,817,000
1968	240,272,000	2,999,000	1.2	37,713,000	15.7	199,560,000
1969	276,447,000	4,063,000	1.47	45,210,000	16.35	227,174,000
Conoco:[1]						
1962	73,477,000	1,065,000	1.4	3,335,000	5	69,077,000
1963	99,665,000	9,143,000	9.2	3,157,000	3	87,365,000
1964	204,184,000	235,000	.1	103,840,000	50.9	100,109,000
1965	201,914,000	4,670,000	2.3	101,093,000	50.1	96,151,000
1966	290,924,000	11,669,000	4.0	122,339,000	42.1	156,916,000
1967	280,584,000	7,649,000	2.7	123,973,000	44.2	148,962,000
1968	290,357,000	9,721,000	3.3	130,594,000	45.0	150,042,000
1969	248,868,000	3,394,000	1.36	88,406,000	35.52	157,068,000
Sun:						
1962	66,395,000	[2] 200,000	0	13,400,000	20	53,195,000
1963	79,976,000	1,300,000	1.9	17,460,000	22	61,216,000
1964	88,577,000	2,400,000	2.7	17,670,000	20	68,507,000
1965	113,405,000	10,300,000	9.0	18,220,000	16	84,835,000
1966	131,544,000	16,600,000	12.6	14,370,000	10.9	100,574,000
1967	146,946,000	24,700,000	16.8	13,670,000	9.3	108,576,000
1968	227,790,000	44,290,000	19.4	19,070,000	8.4	164,430,000
1969	226,052,000	48,207,000	21.3	25,585,000	11.32	152,260,000
Philips:						
1962	158,320,000	48,000,000	30.3	3,365,000	2	106,955,000
1963	160,954,000	52,000,000	26.2	3,491,000	2	105,463,000
1964	152,197,000	32,229,000	22.2	4,950,000	3	115,018,000
1965	165,876,000	31,745,000	19.1	6,415,000	4	127,716,000
1966	218,382,000	59,163,000	27.0	7,595,000	3.4	151,624,000
1967	227,766,000	52,255,000	22.9	11,496,000	5.0	164,015,000
1968	184,560,000	32,584,000	17.7	15,174,000	8.2	136,802,000
1969	178,155,000	24,231,000	13.6	19,602,000	11	134,322,000

Footnotes at end of table.

	Net income before tax	Federal tax	Percent	Foreign, some states' tax	Percent	Profit after tax
Union:						
1962	$59,421,000	$8,000,000	13.5	$5,500,000	9	$45,921,000
1963	73,028,000	13,100,000	17.7	6,000,000	8	53,928,000
1964	87,564,000	13,300,000	15.2	7,200,000	8	67,064,000
1965	119,214,000	15,604,000	13.2	8,840,000	7	94,770,000
1966	170,782,000	18,398,000	10.7	10,144,000	5.9	142,240,000
1967	163,820,000	10,400,000	6.3	8,457,000	5.2	144,963,000
1968	164,232,000	5,955,000	3.6	7,045,000	4.3	151,232,000
1969	171,430,000	8,800,000	5.13	9,400,000	5.48	153,230,000
Marathon:						
1962	36,064,000	[2] 2,200,000	0	205,000	0.5	37,889,000
1963	50,058,000	([3])	0	933,000	2	49,125,000
1964	63,220,000	([3])	0	2,844,000	4	60,376,000
1965	97,416,000	([3])	0	37,345,000	38	60,071,000
1966	130,927,000	2,400,000	1.8	59,700,000	45.9	68,826,000
1967	138,520,000	3,700,000	2.7	60,962,000	44.0	73,858,000
1968	155,335,000	4,350,000	2.8	67,659,000	43.6	83,326,000
1969	170,657,486	3,250,000	1.9	77,929,486	45.66	89,478,000
Cities Service:						
1962	84,143,000	20,773,000	24.7	3,185,000	3	60,185,000
1963	101,976,000	20,188,000	21.4	4,283,000	4	77,505,000
1964	105,299,000	19,819,000	18.9	967,000	0.9	84,513,000
1965	137,068,000	31,973,000	23.3	977,000	0.7	104,118,000
1966	194,456,000	51,760,000	26.7	902,000	0.4	141,794,000
1967	165,289,000	32,347,000	19.6	5,105,000	3.1	127,837,000
1968	138,613,000	12,683,000	9.1	4,594,000	3.3	121,336,000
1969	165,418,000	27,254,000	16.7	4,766,000		133,398,000
Getty: [4]						
1967	132,762,000	3,687,000	2.8	10,909,000	8.2	118,166,000
1968	112,798,000	6,712,000	6.0	7,836,000	6.9	98,250,000
1969	140,426,000	11,400,000	8.1	9,758,000		119,268,000
Amarada-Hess: 1969	133,875,499	2,406,155	1.8	46,813,568	34.97	84,655,776
Standard [Ohio]:						
1962	37,235,000	9,275,000	25.0	3,736,000	10	24,222,000
1963	54,008,000	15,225,000	28.1	4,896,000	9	33,887,000
1964	70,252,000	21,150,000	30.2	5,334,000	7	43,768,000
1965	82,848,000	26,300,000	31.7	6,386,000	8.3	49,712,000
1966	84,481,000	21,200,000	25.0	6,345,000	7.5	56,936,000
1967	101,496,000	29,200,000	28.8	8,412,000	8.3	63,884,000
1968	113,571,000	38,100,000	33.5	5,394,000	4.7	70,077,000
1969	99,706,000	42,601,000	42.73	5,183,000	5.2	51,922,000
Signal: 1969	89,339,000	21,899,000	24.51	15,130,000	16.93	52,310,000
Tenneco: 1969	88,692,000	−13,299,000				101,991,000
Ashland:						
1962	24,324,000	6,201,000	25.8	2,799,000	11	15,324,000
1963	28,769,000	10,556,000	37.7	104,000	.3	18,109,000
1964	36,385,000	9,672,000	26.8	2,977,000	8	23,735,000
1965	50,594,000	15,500,000	30.6	2,440,000	5	31,594,000
1966	69,324,000	20,830,000	30.0	5,570,000	8	42,924,000
1967	72,212,000	23,718,000	32.8	3,952,000	5.5	44,542,000
1968	79,115,000	26,251,000	33.2	4,524,000	5.7	48,340,000
1969	83,102,789	27,480,000	33.07	3,280,000	3.95	52,342,789
Sinclair:						
1962	57,936,000			10,586,000	18	47,350,000
1963	85,731,000	[2] 1,200,000	0	10,201,000	12	75,230,000
1964	66,444,000	[2] 3,119,000	0	10,827,000	15	58,736,000
1965	96,072,000	4,100,000	4.4	15,299,000	15.9	76,673,000
1966	123,232,000	13,996,000	11.3	14,892,000	12	94,344,000
1967	130,017,000	10,585,000	8.1	24,060,000	18.5	95,372,000
1968	101,265,000	[2] 2,747,000	0	27,429,000	27.1	76,583,000
Tidewater:						
1962	35,191,000	228,000	0.6	2,387,000	6	32,576,000
1963	42,795,000	[2] 63,000	0	3,384,000	8	39,474,000
1964	40,508,000	377,000	13.7	4,426,000	11	35,705,000
1965	60,397,000	58,000	0.9	3,783,000	6	56,556,000
1966	80,542,000	3,350,000	4.1	5,301,000	6.5	71,891,000
Sunray DX:						
1962	41,203,000	3,850,000	9.3	1,152,000	3	36,201,000
1963	48,223,000	4,321,000	8.9	1,374,000	2.9	42,528,000
1964	34,716,000	[2] 2,407,000	0	1,330,000	3.9	35,793,000
1965	41,445,000	980,000	2.3	1,597,000	3.9	38,868,000
1966	57,372,000	10,025,000	14.9	1,754,000	3.0	45,593,000
1967	74,526,000	17,672,000	23.7	2,390,000	3.2	54,464,000
Skelly:						
1962	22,674,000	1,260,000	5.7	250,000	1	21,164,000
1963	27,479,000	3,025,000	7.7	275,000	4	24,179,000
1964	26,601,000	785,000	1.2	275,000	2	25,551,000
1965	39,995,000	5,625,000	14.0	375,000	.9	33,995,000
1966	42,762,000	5,300,000	12.3	[5] 100,000	1.1	36,962,000
Pure:						
1962	27,680,000	[2] 2,546,000	0	1,276,000	4	28,950,000
1963	28,582,000	[2] 1,212,000	0	27,000	.01	32,718,000
1964	32,282,000	[2] 600,000	0	164,000	.5	31,518,000
Richfield:						
1962	36,615,000	6,000,000	16.6	0	0	30,615,000
1963	29,767,000	1,300,000	4.4	773,000	3	27,894,000
1964	26,255,000	[2] 629,000	0	5,249,000	21	21,455,000
Total:						
1962	4,198,331,000	169,492,000	4.0	838,954,000	19.9	3,194,770,000
1963	4,921,577,000	304,985,000	6.2	951,255,000	9.3	3,663,037,000
1964	5,322,329,000	233,241,000	4.4	1,251,442,000	23.5	3,838,846,000
1965	5,940,312,000	407,621,000	6.86	1,360,470,000	22.90	4,172,221,000
1966	6,985,171,000	577,436,000	8.27	1,609,663,000	23.04	4,798,072,000
1967	7,626,420,000	628,581,000	8.24	1,945,888,000	25.52	5,051,641,000
1968	8,131,063,000	623,458,000	7.67	1,983,326,000	24.39	5,524,279,000
1969	8,117,713,774	611,353,155	7.53	6,068,455,054	25.48	5,437,905,565

[1] Conoco's Federal income tax figure includes a reduction due to benefits arising from consolidation. Foreign and State taxes include Federal and State gasoline and oil excise taxes because the firm's financial statement gave no clear-cut breakdown.
[2] Cr.
[3] Marathon Oil's 10K filing with the SEC doesn't reveal how much Federal income tax Marathon paid in years prior to 1966.
[4] Getty income for 1967 includes companies previously listed as Tidewater and Skelly.
[5] State income tax.

ALBERT COADY WEDEMEYER—THE DISTINGUISHED NEBRASKAN OF 1970

Mr. HRUSKA. Mr. President, a great American soldier-statesman, Albert C. Wedemeyer, was presented the Distinguished Nebraskan of 1970 Award last Wednesday night. It was my honor and pleasure to serve as master of ceremonies of the noteworthy occasion.

This award is presented by the Nebraska State Society annually to a Nebraskan who has distinguished himself and his State by particular eminence in his chosen field of endeavor. General Wedemeyer is the ninth Nebraskan to be so honored.

It was most fitting that among those present to honor General Wedemeyer was the Ambassador of China, together with a number of our colleagues in both bodies of Congress.

My distinguished colleague from Nebraska (Mr. CURTIS) introduced General Wedemeyer to the State society in terms which received the overwhelming approval of those in attendance. General Wedemeyer responded with a message of great importance to our Nation in these troubled times.

Because General Wedemeyer has played an important role in decisions that have had a far-reaching influence upon the world today, I commend his remarks to my colleagues.

I ask unanimous consent that Senator CURTIS' remarks be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR CURTIS

The words "Duty, Honor, Country" are the revered motto of the United States Military Academy at West Point. They are dear to the hearts of every true Nebraskan. They are the hallmarks of General Albert Coady Wedemeyer, whom we honor tonight as the distinguished Nebraskan of 1970.

His name stands for a keen sense of duty, a high sense of honor, and a great love of country. It also stands for leadership, intelligence, and humility. Taken together, these qualities make Al Wedemeyer, not only the distinguished Nebraskan of 1970, but rather the distinguished Nebraskan of every year.

Al Wedemeyer's service to our Nation as a soldier, diplomat, author, businessman, and civic leader are well known to us all. What may be less well known is that he showed great potential at an early age.

While he was still a youngster in school this revealing incident occurred: His brother, Fred, who was two years older than he, usually went with him to and from school. One day, Fred became involved in a fight with Irving Henkle, a boy about his size. After a pounding, Fred ran away from Irving Henkle and rushed home to his mother's arms crying and with his nose bleeding.

"Oh, Mother," he sobbed, "if I could have caught that Irving Henkle, I would have fixed him." His mother was brushing away the tears and consoling Fred, when suddenly she realized that Al had not yet returned. "Where is your brother?" she asked. "Oh," said Fred, "Albert is down the street holding Irving Henkle so that I could get home."

That "The Past Is Prologue" was to be proven by what happened some years later in the Orient.

In 1944, Al Wedemeyer was ordered to China in the dual role of Theater Commander and Chief of Staff to Generalissimo Chiang Kai-shek. He was at that time the youngest Lieutenant General in the Army and the youngest Theater Commander in the War.

Prior to Al's coming to China there had existed an acrimonious situation between Chinese and American commands. There were charges and countercharges between the allies. A high level of distrust prevailed.

Working carefully, Al Wedemeyer brought a change. He announced that a lack of friendliness to the Chinese would not be tolerated in his command. He brought spiritual reinforcement and a faith in humanity that has always been part of his character. He told his American comrades, "If you trust a man, and give him your best, he'll almost never let you down." Two Major Generals, four Brigadier Generals, and twelve Colonels who failed to understand what Al wanted were sent out of the area.

Now, Americans helped the Chinese get efficient truck services rolling to distribute sorely needed American aid. Americans went without PX supplies so the Chinese might have decent clothes.

Chinese troops were inoculated against typhus, smallpox, and cholera. A medical corps and crude hospitals were established. Deaths from disease dropped down a whopping 89 percent, and deaths from wounds dwindled.

Al broke down the tradition that white men do not do manual work in Asia. American officers greased trucks and slid in the mud to teach Chinese officers how to care for equipment and handle troops. Soon, mutual respect had been established between the Chinese and Americans. Chinese homes were opened to Americans. The Chinese saved hundreds of American lives. On one occasion sixty thousand Chinese farmers left their fields to build an emergency airport. And what is more important, the Wedemeyer-trained Chinese troops begin to take on the Japanese and win.

The ultimate sign of confidence came when Chiang Kai-shek, inspired by the Wedemeyer brand of cooperation, offered to let the United States undertake a complete reorganization of the Chinese Government. We can only speculate what the outcome might have been had the State Department in Washington fully understood the changes brought about by Al Wedemeyer.

Humility and a dislike for pomposity are a part of Al Wedemeyer. In September of 1943, he went out to India, where he became the Deputy Chief of Staff of the Southeast Asia Command under Lord Louis Mountbatten.

Upon his arrival in New Delhi, he had occasion to confer with a British Major General—a man who at first meeting seemed to be pompous, with his bushy mustache and a chest full of medals. Al was not pleasantly drawn to him at their first meeting.

During the course of their conference, the word, "schedule" was used frequently by both officers. Everytime the British General used the word, he said "shedyule." Hailing from Nebraska, Al had never heard the word pronounced that way, so he decided that the Englishman was joking. Therefore, every time Al used the word, he pronounced it "skedooly."

Sometime later, when the two officers became better acquainted, Al discovered that the Englishman was a fine individual—not at all pompous. As are most Englishmen, the Major General was shy and diffident when he first met people. One evening at a small gathering, fortified no doubt by a few rum cocktails, the Englishman edged up to Al and said, "I say, Al, you Americans, you really don't say 'skedooly,' do you?"

Prior to the onset of World War II, Al earned the reputation of being an efficient and hard-working staff officer. As a Pentagon planner, he was given the job of accurately assessing America's manpower and materiel needs in a war that was looming over the horizon. Al's report predicted the size of the yet-to-be-created U.S. Army with amazing accuracy. Known as the "Victory Program" of September 10, 1941, this huge job has been hailed as one of the outstanding pieces of staff work during the World War II period.

Since retiring from the Army in 1951, Al has carved out a whole new career himself. He has been active in business, where his counsel is greatly respected. In 1958, he authored "Wedemeyer Reports!" which have been widely acclaimed as a substantial contribution to both the political and military history of World War II.

Moreover, Al has taken a keen interest in public affairs giving of himself unstintingly to those programs and causes in which he believes. He has helped scores of persons get started in life and then helped them over the rough spots. They affectionately call him "Uncle Al." He has done all these things with generosity, grace, and tact. He is truly a man for all seasons.

Because we admire you as a soldier, because we respect you as a citizen, and because we cherish you as a friend; it is my great privilege to present you this plaque—the symbol of the "Distinguished Nebraskan" award of 1970.

Mr. HRUSKA. Mr. President, there are some among us who take delight in holding our military in contempt and scorn. Their calumny even extends to questioning the motives of men who proudly serve our Nation. They accuse, at worst, our military of attempting to foment war. They might well heed General Wedemeyer's well-chosen words on this point:

Men of good will have long dreamed of a world governed by the rule of law. It is a beautiful dream shared by the overwhelming majority of people everywhere. And if that day of mutual trust and cooperation between peoples of every nationality and creed should ever come. I am confident that the American military will rejoice in the process of turning swords into ploughshares.

Mr. President, because of General Wedemeyer's eminent position as a soldier, diplomat, and historian, I ask unanimous consent that his remarks be placed in the RECORD at this point.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY GENERAL WEDEMEYER

Senator Curtis, Senator Hruska, distinguished guests, my fellow Nebraskans, and friends; thank you, Senator Curtis, you have been very kind and extremely complimentary. Your research of my life certainly accentuates the positive and eliminates the negative. I appreciate the honor bestowed upon me by the members of the Nebraska State Society. In accepting the "Distinguished Nebraskan" award, I am aware of the fact that there are many who are deserving and, unfortunately, are never heralded—never recognized—and seldom appreciated. Also I acknowledge with gratitude the loyalty and the dedication of thousands of fellow Americans, who were in large measure responsible for the accomplishments so generously attributed to me.

The famed historian of the American frontier, Frederick Jackson Turner, believed that the western pioneers represented the classic example of the rugged, self-reliant American. It was his thesis that the pioneer invariably looked all men in the eye, fearing none and envying none, working out his life in harmony with nature and with his fellow men—notably honest and industrious. As I look back on my days out west and recall the Nebraskans I have known, it seems to me that Turner's thesis is quite plausible. Surely there is considerable evidence here this evening that the manly ideals he described found

congenial soil and took deep root in our great state.

I had been in the Army only a short time, stationed at Fort Benning, Georgia, when I came in contact with a fellow Nebraskan who was low on the totem pole in rank but high in the esteem and affection of his comrades. Such a man was Sergeant John Cody. I never learned whether he came from the Cody branch of my family, but I would be proud to know that we had the same blood coursing through our veins.

Sergeant Cody was not a physical paragon. He had a red bulbous nose, leathery skin, and drooping shoulders from which long arms suspended like an orangutan. However, he had a certain dignity and a friendly spirit that made him one of the most beloved members of my company.

Cody had built two duck blinds on a river near Fort Benning and he often invited friends to join him. Among his companions were the great and near great of the military service. The late President Eisenhower went hunting with Cody and related this experience: "Sergeant Cody located me in the more favorable duck blind, and he took a position just beyond. It was a cold dawn and we waited patiently for more than an hour. I saw him frequently take a nip from a bottle obviously containing whiskey. I continued to sip hot coffee from my thermos. Suddenly a lone duck flew over, and I raised my gun and banged away. I missed. Then Cody raised his gun. It was waving like a wand. He fired. Down came the duck splashing in the river. I shouted, 'That's damned fine shooting, Cody.' Shaking his head, he shouted back, 'That wasn't nothin', I usually get two or three in a flock like that.'"

Some years later Sergeant Cody lost his life on the sand dunes of Africa in World War II. It was reported that he was dragging a wounded comrade to the rear when a burst from Nazi machine guns killed both of them.

There were worthy Nebraskans in the Far East too. Among them was a prominent member of my staff, Colonel Arthur Dobson of Lincoln, who served with distinction in China. And, of course, there were many others. When visiting the troops near Kweiling, I talked to an American soldier who, although twice wounded, had refused to be evacuated. His Captain reported that his leadership and courage had been an inspiration. I asked the soldier where he lived in the States. Before he could reply, my Chief of Staff who came from Atlanta, Georgia, said to me in a loud stage whisper, "I'll bet he comes from Georgia." But the soldier smiled and replied proudly, "No Sir, I come from Nebraska!"

Today, in a society which is bursting at its seams with revolutionary activities, I like to believe that the cherished values of early Nebraska will be carefully protected and perpetuated. I am not a moss-backed romantic who believes that modern twentieth century America could return to a rural golden age, or that we could somehow arrest the forward momentum of progress. I am convinced, however, that much in the old system of values remains important in the contemporary world, and you and I must use every opportunity to profess and defend those values.

Men of good will have long dreamed of a world governed by the rule of law. It is a beautiful dream shared by the overwhelming majority of people everywhere. And if that day of mutual trust and cooperation between peoples of every nationality and creed should ever come, I am confident that the American military will rejoice in the process of turning swords into ploughshares.

In the period between World War I and World War II—those days of euphoria when pious promises were considered a substitute for bombers and tanks, our military forces were emasculated. In the meantime, military jingoists in Japan, and power-hungry dictators in Europe, were preparing for ruthless conquest. A devastating war, costly in lives and treasure followed, creating power vacua throughout Europe and the Far East, which were quickly filled by the Communists. And now today we hear the same siren song of disarmament.

The United States and the Soviet Union, with vast military and economic forces at their disposal, continue to joust for predominance in the international arena. Each resorts to interventions and counter-interventions. Each is determined to accomplish its avowed purpose, to wit: the *United States*—to protect freedoms and to uphold the self-determination of people everywhere; the *Soviet Union*—to promote Socialism and to communize the entire world.

How can we Americans avoid conflict with the Soviets and yet achieve our objectives? The entire Communist world is organized in conspiracy to deceive, disarm, and destroy those who oppose. We note the loosening of alliances and the reneging of peacekeeping responsibilities by members of UNO, NATO and SEATO. So, under present circumstances, we cannot place too much reliance on collective security measures and the concerted action of so-called friendly nations.

The reasoned approach appears to be negotiation. However, it is axiomatic that we must negotiate from strength—spiritual and material strength. Furthermore, our experience in negotiations with communistic countries since World War II has been tragic in that they have repudiated or betrayed practically every agreement. To insure fulfillment of agreed commitments affecting our military security and economic stability, we must always insist upon foolproof safeguards.

Removing all sham and window dressing, I am convinced that the confrontation in Southeast Asia is primarily a continuation of the free world's struggle with international Communism. Likewise, the situation in the Middle East involving the Arabs and the Israelis could lead to serious confrontations between the United States and the Soviet Union.

I personally believe that we are fortunate in having Mr. Nixon as our President—a man who has been exposed to and successfully coped with the machinations of the leading figures in the Communist world. No President in American history has had broader experience in international relations prior to assuming the responsibilities of Chief Executive. I have no reservations whatsoever concerning President Nixon's dedication and integrity, notwithstanding the invectives and adverse judgments leveled at him by a few individuals in the political and journalistic worlds.

Like the President and many other loyal citizens, the military has recently experienced a good deal of harassment. These are not the most sunny of days for old soldiers. The fair weather of public acclaim which the global victory brought to our military men has given way to darker days of criticism and even mistrust. We soldiers are viewed in some quarters nowadays as men of deficient understanding, of questionable purpose, or of baneful influence in the councils of national policy. We are said to comprise one sinister element of that awful "military-industrial complex." Like all human institutions, the armed forces of the United States are far from perfect, yet I know too well the true heart of the men and women in uniform to be shaken by malicious efforts to discredit the military. Ladies and gentlemen, I am greatly encouraged by the thought that in honoring an old soldier on this occasion, you, too, have found us not wholly without honor.

Mr. HRUSKA. Mr. President, the program for the evening contained an excellent biography of General Wedemeyer and I ask unanimous consent that this biography also be placed in the RECORD.

There being no objection, the biography was ordered to be printed in the RECORD, as follows:

ALBERT COADY WEDEMEYER

Few Americans have distinguished themselves in as many fields as has General Albert C. Wedemeyer (Ret.).

While known primarily as a soldier, General Wedemeyer has been a statesman, industrialist and author as well.

Born in Omaha July 9, 1897, he decided as a schoolboy there that he would like a military career, and the opportunity came when the late Sen. George Norris nominated him for the U.S. Military Academy at West Point, where he was graduated in 1919.

From the time he left West Point with the gold bars of a second lieutenant on his shoulders until his retirement more than 30 years later with four-star rank, General Wedemeyer held assignments all over the world.

He is a graduate of both the General Staff School at Fort Leavenworth, Kansas, and the German War College in Berlin.

With the outbreak of World War II he became one of the War Department's top planners, serving with the general staff in Washington until 1944 when, at a critical period in Asia, he was sent to Chungking to fill a doubly-responsible role as commander of American forces in China and, at the same time, serve as Chief of Staff to Generalissimo Chiang Kai-shek.

In 1946, after the war was over, he returned home to become commanding general of the Second Army, but the following year President Truman sent him back to the Far East, with the rank of Ambassador, as head of a fact-finding mission to China and Korea. From this came the celebrated Wedemeyer Report which became snarled in international politics and was not made public until 1949.

Some thoughtful students of history maintain that had his recommendations been accepted, Communist control of mainland China might have been thwarted and the Korean and Vietnam Wars never made necessary.

Following that mission, General Wedemeyer served as deputy chief of Army staff for combat operations, then became commander of the U.S. Sixth Army, the post he held when, in 1951, he retired.

Retirement from the Army brought no cessation of activity. He served as Vice President and Director of Avco Manufacturing Corporation, director of Rheem Manufacturing Company and National Airlines. He has given up those posts, but remains a director of the Boys Clubs of America, trustee of the Little League Baseball Foundation, and trustee emeritus of the American Economic Foundation.

He has been decorated by his own country—he holds the Distingished Service Medal with two clusters and the Distinguished Flying Cross—and five other nations as well.

General Wedemeyer is the author of one book—"Wedemeyer Reports"—and is currently working on two more.

In 1925 he married Elizabeth Dade Embick. They have two sons, Albert Dunbar Wedemeyer of Potomac, Maryland, and Robert Dade Wedemeyer of Galveston, Texas, and six grandchildren.

He and Mrs. Wedemeyer reside at Friends Advice, Boyds, Maryland.

The Nebraska Society of Washington is proud to make General Wedemeyer recipient of its Distinguished Nebraskan Award as a man who has brought honor to his country and the uniform he wore so long, one who accepted heavy responsibilities in the best American tradition and carried out his duties efficiently and bravely and, always, modestly.

AUTHORIZATION FOR APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Pursuant to the previous order, the Chair now lays before the Senate the unfinished business, with the time between now and 3:00 p.m. to be equally divided between the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Mississippi (Mr. STENNIS).

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

THE FLY BEFORE YOU BUY AMENDMENT

Mr. PROXMIRE. Mr. President, we have before us the fly before you buy amendment. It is a moderate, information requiring amendment. All it does is to require a report from the Pentagon, when they ask for "production" funds for a weapons system, the degree to which they have followed the "fly before you buy" policy—a policy they say is already in effect. That is all.

EXAGGERATED OPPOSITION

Yet the Chairman of the Armed Services Committee (Mr. STENNIS), the Secretary of Defense, Mr. Laird, and the Senator from Arizona (Mr. GOLDWATER) would have us believe that it would tie up the Pentagon's funds, bring drastic changes, ruin the chances for future reform, put contractors in the dark, and bring the Pentagon and the procurement of major weapons to a sudden halt. This is just not true. The heart of the amendment is that it requires that the Congress be informed without sound, "fly before you buy" principle is violated in any major procurement.

Given the billions in overruns on major weapons systems, the fact that virtually every weapon we have is delivered many months or even years late, and that almost without exception the weapons do not meet their specifications and do not perform those specific functions for which they were designed. This is a limited amendment. There is an old saying that one begins a journey of a thousand miles with a single step. But this amendment, is only half a step.

SIMPLE IDEA

Fly before you buy is a very simple idea. Essentially it means that before we go into production of a weapons system it should be tested and it should work. Its purpose is to get the "bugs" out before spending billions of dollars on production.

GREAT NEED

It certainly is needed. The Comptroller General has just made a report to us that the overruns on 38 major weapons systems are $23 billion more than their original estimates. One can search futilely for a major weapon which was produced on time, met its original specifications, and which did not cost at least 50 percent more than its original estimates, excluding increases for inflation.

COMPTROLLER GENERAL SUPPORTS IDEA

In his report the Comptroller General states:

> The GAO believes that one of the most important causes for cost growth is starting the acquisition of a weapon system before it has been adequately demonstrated that there is reasonable expectation of successful development.

In other words, in the past there has been no "fly before you buy."

FITZHUGH REPORT RECOMMENDATION

Not only does the Comptroller General state that the absence of fully tested and workable systems in being before rushing into production is one of the most important causes of cost overruns, but the blue ribbon Fitzhugh Panel also said so.

They put forward a major recommendation, which is popularly known as the "fly before you buy" recommendation. The recommendation states:

> A new development policy for weapon systems and other hardware should be formulated and promulgated to cause the reduction of technical risks through demonstrated hardware before full-scale development, and to provide the needed flexibility in acquisition strategies.

The recommendation then spells out in 12 short sentences, how this "fly before you buy" policy can be implemented. The report was released on the 28th of July.

PENTAGON SUPPORT FOR FLY BEFORE YOU BUY

In a press conference on July 27, Secretary Laird said this:

> There are many portions of this report that, of course, will be implemented immediately. We have already started on the procurement recommendations of this report.
>
> We will be following the policy that is recommended and is the policy that we have started to implement in the Department of Defense of flying before we buy. Buys that will be made will be made on the "fly before you buy" basis.

The Secretary of Defense announced that "fly before you buy" is now policy. And he announced it in the context of the Fitzhugh report.

When asked in a press conference, "Mr. Secretary, what is this fly-before-you-buy procedure?" he replied:

> Fly before you buy is a characterization of the kind of procurement policies that we will be following in this Administration . . . So, before going forward with a major contract we will be doing more testing and evaluation; we will be checking out the systems well in advance and we will be flying aircraft before we buy the aircraft.

SAYS IT IS IN EFFECT

And in a letter to the chairman of the Senate Armed Services Committee, dated August 14, 1970, the Secretary wrote:

> In a broad sense, the philosophy of the new development policy recommended by the Panel has already been adopted as the Department's policy.

He was speaking there about the fly-before-you-buy policy.

VAST PUBLIC RELATIONS

Not only did the Secretary say that he was for a fly-before-you-buy policy, but the vast public relations machinery of the Pentagon went into high gear. "Fly before you buy" was promulgated the day before the entire Fitzhugh report was released in order to give it maximum publicity. And maximum publicity it got. There were no bones about it. "Fly before you buy" was now the policy.

The Washington Post had a three-column banner, "Fly Before You Buy Policy Set for Weapons Contracts." In a dispatch from San Clemente, Calif., by Ken W. Clawson, it read:

> Defense Secretary Melvin R. Laird said today that future weapons contracts will stress step-by-step testing and evaluation that will permit the Pentagon to cancel troublesome weapons systems before they result in huge cost overruns.
>
> Laird said Pentagon policy now is "fly before you buy."
>
> "We will be flying aircraft before we buy the aircraft," Laid said.

Even the staid New York Times, which leading members of the administration believe is the Bible of the intellectual effect and the handbook of University Machiavelli's, ran a highly favorable story on this obvious Pentagon effort to change its procurement image.

"Future Defense Contracts To Be Awarded in Stage," its two-column headline read. "Laird Adopts 'Fly Before You Buy' Plan for Weapons To Cut Down Losses—Will Stress Testing by Phases," the subhead said. In a story, also from the San Clemente press conference, by Robert B. Semple, Jr., the Times said:

> Secretary of Defense Melvin R. Laird said today that future defense contracts would be negotiated on a "fly before you buy" basis designed to prevent massive losses to taxpayers because of cost overruns.
>
> Under the new system, Mr. Laird said, contracts will be awarded in stage. A contract for actual production, for example, will not be signed until the weapon has been thoroughly tested and evaluated.

TWO-DAY STORIES

Not only did the Post and Times carry these stories on Tuesday, but "fly before you buy" also got a ride, as they say in the public relations firms, on Wednesday when the entire Fitzhugh report was released.

The Washington Post reported on July 29 that among the major recommendations were: "abandonment of contract policies that have led in many cases to huge cost overruns and to weapons that did not work."

This was the story the Nixon panel asked to have top to bottom coverage.

It would split operations into three units. The "fly before you buy" policy was prominently featured. And the New York Times reported on the same date that among the other key recommendations was one:

To rely on a system of procurement that concentrates on first developing and testing a prototype of a weapon before going into production, instead of depending on paper engineering studies.

I hold up these key stories for all to see. They were major, Pentagon, propaganda pieces.

TRAVELED LENGTH AND BREADTH OF COUNTRY

These stories were not limited to the east coast. They traveled the length and breadth of the country. They went into the States of the chairman and leading members of the Senate Armed Services Committee—into Arizona, Mississippi, and the State of Washington. They also were printed in my own State of Wisconsin, which is also the home State of the Secretary of Defense. Let no one say that the $40 million the taxpayers pay each year for the Pentagon public relations organization failed to publicize "fly before you buy." They got a million dollars of publicity for "fly before you buy."

On Tuesday, July 28, the Arizona Daily Star had a banner running across the entire front page of its final edition—"Pentagon To Buy No More Untested Planes." That is what it said. It quoted Secretary Laird as saying:

Future defense contracts would be negotiated on a "fly before you buy" basis designed to prevent massive losses to taxpayers because of cost overruns.

TWO-DAY STORIES IN ARIZONA

The next day the Arizona Republic had a five column front page story on the Fitzhugh report. In the story one of the key "fly before you buy" recommendations was featured in the story—the creation of a new test agency under a civilian head to ride herd on all weapons testing.

Both Arizona papers carried stories on both days in which the fly-before-you-buy and Fitzhugh panel procurement reforms were emphasized.

Similar wire service stories appeared in the Laurel, Miss., Leader Call and in the Clarion-Ledger. These are stories from Mississippi, the home State of the chairman of the Armed Services Committee.

In my own State and the home State of the Secretary of Defense, we read in the Wisconsin State Journal that Secretary Laird had met with the President for an hour and a half "to discuss new defense management techniques Laird claimed will save millions of dollars." I read from that article:

From now on, weapons systems will be bought on a "fly before you buy basis," Laird said in a news conference after the meeting.

In a front page story in the Milwaukee Sentinel, the UPI reported that the proposed changes would "decentralize decisionmaking, unify individual service programs in such areas as supply and testing of new weapons, and radically alter procedures for issuing defense contracts."

The Defense Department had a field day. "Fly before you buy" was in effect. Now we test before we go into production—so we were told.

EXTENSION OF MILESTONE POLICY

Not only that, we were told that "fly before you buy" was merely an extension of the Milestone buying policy—now almost a year old. As the Secretary of Defense said—and I repeat because it is so important:

In a broad sense, the philosophy of the new development policy recommended by the Panel has already been adopted as the Department's policy.

As one who has been concerned about defense waste, overruns, and Pentagon procurement on a day to day basis for a very long time, I took the Pentagon at their word, and I drafted an amendment. That amendment is before us now. And it does some very simple things.

AMENDMENT FOLLOWS FITZHUGH REPORT

It takes the specific Fitzhugh report recommendations for "fly before you buy." All it says is that before the Pentagon goes into the production of a major weapons system, the Pentagon shall report to the Armed Services and Appropriations Committees of the House and the Senate, the degree to which they have complied with the Fitzhugh fly before you buy recommendations.

All the amendment calls for is a report. It does not require that the Pentagon comply with the Fitzhugh recommendation. It merely says that one time—at that time when these billion dollar weapons systems go into production—the Pentagon will report the degree to which they have followed "fly before you buy"?

DO THEY CARRY OUT THE POLICY

What is wrong with that? Why should they not tell us whether they are carrying out their own policy? Is this too much to expect when billions are at stake? What do they have to hide?

Every major newspaper in the United States quoted Secretary Laird that "fly before you buy" is now in effect. All my amendment does is to say that on these weapon systems, the Secretary of Defense will have to report to us the extent to which it is in effect. What could be simpler?

But listen to the outcries this amendment provoked.

Last Friday, here on the Senate floor, the Senator from Arizona spoke against it. He said:

I do not think that it is any way to legislate this drastic change in the Defense Department by amendment (S13469).

"Drastic change?" All the amendment asks for is a report—stating the degree to which the new policy has been carried out. My amendment makes no requirement for change. All it asks is for the Pentagon to tell us, when a weapons system goes into production, whether they followed the "fly before you buy" recommendations which they now claim they are doing.

DOES NOT BYPASS THE COMMITTEE

The Senator charged that I was "bypassing" the committee. But my amendment does no such thing. It requires the Pentagon to report to the Armed Services Committee.

He asks why we are "always picking on the Department of Defense." If this amendment requiring the Pentagon to report to us on the degree to which they have implemented a policy they have shouted, from one end of the country to the other, is now in effect, is picking on the Pentagon, the English language has no meaning. Now the chairman of the committee (Mr. STENNIS) was only slightly more restrained. He charged my amendment was premature, that we have not yet had time to read the Fitzhugh report, that we have not yet had the benefit of a staff analysis and hearings.

He states that to adopt the amendment would spoil the chance for doing something constructive with it later. He said:

The situation would be all jumbled up; the Department of Defense would not be able to deal with it; the contractors would not be able to know how to submit bids.

That might be true if the Department had not announced that the policies are already in effect, and if my amendment did any more then to require a report.

OPPOSITION USES OVERKILL

But I do not see how asking the Pentagon to report to us the degree to which they carry out a policy they say is in effect—not only say, but announced with some of the biggest "whoop de da" in a decade—can jumble up the situation, panic the Pentagon, and make it impossible for contractors to bid.

To use the language of the Pentagon to describe the language of the opponents of this amendment, their words are a pertinent example of "overkill."

And when they say we must not pass the amendment until we have staff analysis and time to digest the report—all the stock phrases used to beat back any amendment—they forget one thing.

PRECEDENT SET ON WILLIAMS AMENDMENT

We have already passed by a vote of 77 to 0 one of the major recommendations of the Fitzhugh report. We have prohibited the Pentagon from leaking the announcement of a contract to a Member of the House or Senate before making it public. That was the Williams amendment. It was a key provision of the Fitzhugh report.

While the Secretary of Defense has opposed my amendment on the flimsy grounds that it is "premature," that "any congressional action, in this regard is premature until a thorough review has been completed," is the way he put it.

But Secretary Laird did not think the Williams amendment was "premature." He did not tell us to wait until the committee examined it. It was not necessary to have a "staff analysis."

This is what the Secretary said about the Williams amendment; and I quote from the transcript of his news conference here in Washington, D.C., on August 6:

Today I implemented the recommendation of the Blue Ribbon Defense Panel as far as the whole question of the announcement of major defense contracts. Many of you are familiar with one of their recommendations,

that we should end the practice of notifying members of Congress in advance of the notification here in the Department of Defense.

The Senate, by the way, voted 77 to 0 to adopt and to implement that recommendation of the Blue Ribbon Panel Report. We are moving ahead on that recommendation prior to any other action as far as the Congress is concerned.

The Secretary did not think that amendment was "premature." He did not claim it would "eliminate flexibility," as he claimed my amendment merely calling for a report on a policy he claims is already in effect would do.

PUBLIC RELATIONS GIMMICK

What is really behind the opposition of the Pentagon to this minor amendment—this amendment merely calling for a report? I think I can tell Senators what is behind it.

"Fly before you buy" is a public relations gimmick and not a get tough policy.

Last year it was the new "milestone" buying policy which was going to cure overruns and procurement waste. This year they found a new name. Next year it will be another. "Fly before you buy" is mostly eyewash. Its purpose is to lull us to sleep. It is designed to delay criticism. We are supposed to wait to see how it works out. That is what they said last year about "Milestone."

This refusal by the Pentagon to permit Congress to know whether "fly before you buy" is in effect and the extent to which it is in effect raises very serious questions whether they really intend to put it into effect. Do they? If so, why not accept the amendment and tell us. Why not?

OVERRUNS GO ON

The overruns go on. They continue. The newest report shows that $3 billion has been added to the overruns for 38 major weapons systems in the last 9 months. The GAO reports that they have increased from $20 to $23 billion in that small period of time. And they would have been higher except that the Pentagon cut back on the numbers of some weapons they were going to acquire. They did not urge more efficient policies. They bought fewer weapons. That should be called the "No bang for a buck" policy.

The Pentagon claims that the policy—fly before you buy—is already in effect, that it is merely an extension of the policy they started a year ago—the Milestone buying policy.

FUNDS REQUESTED IN THIS BILL

But in this bill, there are a dozen or more authorizations for spending on major weapons systems where there was no adequate testing before major production. I have detailed these twice in the RECORD, but I shall name some of them again.

There is money in this bill for the M60AI tank. It has all kinds of bugs in it. There has been a lot of trouble with our entire tank program. But we now are producing them at about 30 a month. Why has it not been fully tested before we go into production?

This bill contains money for the MBT–70. At the same time we are asked for $41 million for "advanced production engineering" we are still providing research and development funds. Why not get the bugs out before we produce it? Where is "Milestone" and "fly before you buy" on the MBT–70?

We are apparently building the F–14 Navy fighter while we are still spending money for R. & D. One-third of the request in this bill is for R. & D. Two-thirds was for production of 26 F–14A aircraft. What about Milestone there? Why do we not fly that one before we buy it?

SHIPS

And what about our new shipbuilding program? Perhaps it is impossible to fly before you buy with ships? But it is not impossible to test the radar, and the weapons, and the sonar systems before we spend hundreds of millions or billions on them. Yet in the DD–963 program, the shakedown cruise of that ship was one of the worst shakedowns in modern history. The components did not work. Many were delivered late. There was no "Milestone" or "fly before you buy" for them.

JUST GIVE US A REPORT

All this amendment asks for is a report. That is all. When the Pentagon asks for funds to go into production—to really spend the money on a new weapons system—this amendment calls for a report. Tell us the degree to which you are carrying out your own policy. Tell us to what extent you applied "fly before you buy." That is all.

The amendment does not cut off funds if you fail to do so carry out the policy. It does not stop a single weapons system even if you rush into production. It does not bring the Pentagon to a screeching halt.

It is a mild, modest, moderate request. Just report.

The Fitzhugh Commission recommended it.

Secretary Laird said it was now policy.

Why not report to us?

C–5A

We have wasted billions on the C–5A. We accepted those planes even with wing cracks. The 42 planes due by next June 30 will cost $85 million each. That is the cost of the Rayburn Building. We are buying 42 flying Rayburn Buildings—the most expensive airplanes ever built because we failed to "fly before you buy."

We have wasted billions on the TFX.

The GAMA boat is in production—and it has gone up from $69 to $438 million.

The Cheyenne helicopter was in production. It was canceled because it did not work.

The Comptroller General reported that the current estimates on the Army's UH–1H helicopter have gone up from $341 million to $1.2 billion. It is in production. The Army failed to "fly before you buy" on that one.

These are examples of major weapons where it is obvious that the bugs were not removed before production began.

MODEST AMENDMENT

I have offered a modest amendment. The arguments made against it indicate that it is either grossly misunderstood or, in the case of the Pentagon, that they just do not mean business.

Billions have been wasted on weapons systems. Our country is weaker because of it. Those funds could have been used for weapons which work, which would have made us stronger. Weapons which fail do not add to the strength or security of the United States. They weaken us.

Those funds could have been used to strengthen our economy, to train our youth, to put the unemployed back to work, to help the disadvantaged, to build homes for the homeless, to buy food for those in poverty, or to reduce the heavy burden of taxation on the people of this country.

The big spenders are the supporters of the Pentagon. That is where the big money goes and that is where the big money is wasted. Yet, on August 6, Secretary Laird said he was determined to see that his funds are not cut. In reply to a question quoting Congressman MAHON that he believes the Pentagon budget will be cut by a billion, Secretary Laird said:

I'm going to do everything that I can to see that it isn't.

I think we have submitted a rock-bottom budget this year.

Let us at least get the facts. Let us find out when weapons have been tested before we go into production. What is wrong with a report?

To vote against this amendment is to vote against securing information for us in the Congress on the heart of a new procurement policy designed to save billions. To vote "no" is to vote for no information. To vote "no" is to say they do not want to be kept informed on the progress the Pentagon is making in cutting down on these colossal overruns.

To vote "no" on this amendment is to show a cavalier disregard of by far the biggest and most conspicuous waste exposed in this Government in the past 10 years.

Our major weapons systems are costing us $23 billion more than their initial estimate. To vote "no" on this amendment means that the Congress does not even want to know about the progress of the principle method designed to overcome this immense waste.

There has been much criticism of former Secretary of Defense Robert McNamara. Many of us admired his great ability. I certainly did. I think he is a much maligned and abused man, but I think all of us recognize that many of the problems that developed did develop in the time that Secretary McNamara and the two Democratic administrations were in control of our executive branch and in control of the Pentagon.

Certainly, one of the problems was that the McNamara procurement policies did not use the "fly before you buy" concept. If this amendment had been in effect in 1961, it could have saved billions of taxpayers' dollars. It would have done so simply by requiring a report which would have alerted the Congress and which would have alerted the Secretary of Defense at that time to the fact that his method of following a procurement policy, of moving into production before the testing was completed, before the

"bugs" were out, could turn out to be enormously expensive.

I am sure that Congress, after some experience with this procedure, some time in 1962 would have made clear to the Secretary that we meant him to follow the "fly before you buy" policy except in extraordinary circumstances when we had to move ahead quickly without complete tests.

I think my amendment represents a sincere test of whether Members of the Senate believe in the "fly before you buy" concept. If we believe in it, I can see nothing wrong with requiring that the Secretary of Defense tell us whether or not he is complying with the principle he has enunciated, that he says he has put into effect. That is all my amendment does.

I reserve the remainder of my time.

Mr. STENNIS. Mr. President, I yield myself 15 minutes.

May I ask the Senator a few questions with reference to terms in the amendment?

The Senator will recall, I am sure, that he and I have discussed the meanings of the various terms used in the amendment, some of which were taken from the Fitzhugh report itself.

I ask these questions now with all deference to the Senator, because there is a difference of opinion as to what the terms may mean, even on the Armed Services Committee itself, to some degree.

I refer now to page 2 of the amendment, paragraph (a), one of the conditions that the report must cover, "that exploratory and advanced development of selected subsystems and components of the weapons system have taken place independently."

Just what does the Senator mean by the term there? I am not trying to take him by surprise. How would the Senator apply the term "advanced development" to some of the weapons systems to which his amendment refers?

Mr. PROXMIRE. I think the best way I can answer the Senator from Mississippi—and I think it is a good question, because he has quoted the amendment verbatim—is to say, as he pointed out, this does represent the specifications spelled out in the recommendation of that particular panel, and it does represent the definition, the best definition we could get, from the expert panel on the meaning of "fly before you buy." It was a reference to this particular section when the Secretary said they intend to support this policy, which the Fitzhugh panel itself has recommended.

In order to take Secretary Laird up on that, we thought the best way to do it was to use the precise language of the Fitzhugh report, which is what I did.

Let me also say that, as far as the "exploratory and advanced development" is concerned, I presume the best way to spell that out would be by example and by going into the "selected subsystems and components of the weapons system." There I would be referring to computers, radar, sonar on ships, and so forth.

Mr. STENNIS. That is an illustration to a degree, but what I was striking at was, just what do the words "advanced development" as applied to "selected systems" mean as used in this amendment?

I think it is fair to say it means different things with reference to different weapons. One stage for one weapon may be advanced development, whereas it would not be for another. A tank as contrasted with a plane would be altogether different.

I think it is largely a budgetary item that is used by the Pentagon in keeping up with the money and in making their cases to the Armed Services Committee. That is the principal meaning it has, if we are going to apply it across the board. They charge this money to research and development, testing, and engineering, and then comes procurement. So "advanced development" is a stage beyond basic research and beyond the preliminary research.

Frankly, however, I think any law that is written on this subject must of necessity define what is meant by the words "advanced development." There is no way around it.

Mr. PROXMIRE. May I say to the Senator from Mississippi that the Pentagon has been using this term, as I understand it, for some time. In the charts they used before our committee, when the Pentagon officials testified, they used it as a specific and key phase in their step-by step procurement procedure in their method. I thought this was a good way to pin it down, especially in view of the fact that this was what the Fitzhugh panel did recommend. I do not see anything that would be awkward in this language. Is the Senator's point that the Pentagon would have trouble in determining what we mean?

Mr. STENNIS. The first ones who would have trouble with it would be the lawmakers, right here on the floor of the Senate. There has been no hearing to show what the term means in the work fraternity, in the Pentagon, or with the contractors or researchers. There is no report on it to show what it means. It is just a term, as I say, that largely means budgeting, the budgeting of items, and applies largely to the bookkeeping. Its meaning varies from weapon to weapon, in a great many particulars.

Mr. PROXMIRE. That may well be. But as far as the Pentagon using it as a method of reporting, I am sure there would not be any question in their minds, because they have done this for years. They have used this term. If there was any ambiguity or any difficulty, it could certainly be worked out.

I do feel, honestly, Mr. President, that on the basis of the fact that this policy has been put into effect that they report to us on the degree to which they depart from it, it would not involve a major or serious problem for them.

Mr. STENNIS. The Senator and I are in agreement, as I understand it, that this term "advanced development"—and I have not just seized upon an isolated instance—that this term "advanced development" does not have a clear-cut definite meaning as far as we are concerned here on the floor of the Senate, as we have worked on this bill and as this amendment is being considered.

Mr. PROXMIRE. Well, as I understand it, it has been used for years by the Pentagon. It has been used, I am sure, before the Armed Services Committee. As I say, it was even used before our Joint Economic Committee. Because it was used by Defense with a firm indication, and they did not give examples of what it meant, I assumed the members of the Armed Services Committee were aware of it. If it requires further definition, I would be happy to modify my amendment to provide that.

But I do think that is an isolated instance. There may be some other phrases and words in here that have some degree of ambiguity, but I would not think that would be a serious problem in requiring the Pentagon to report to the committees.

Mr. STENNIS. I thank the Senator, but with all deference to him, I believe that we both agree, then, that this is a term for which there is no exact meaning so far as we know, and I say that there is no way to get at it except to have hearings and have the words defined, or a meaning, a ceiling and a bottom applied to the phrase by illustrations.

Mr. PROXMIRE. Is the Senator saying that the Pentagon would not know what "exploratory and advanced development of selected subsystems" are?

Mr. STENNIS. I think it is vague and indefinite, that it could be used largely as the Secretary of Defense at any given time might wish. I think that it would be well bottomed if we confined it largely to a budgetary consideration, and let it go at that. I would want something firmer, myself, and I think the Senator would, than a mere budgetary term used here.

To pass on: that same section includes the language, "selected subsystems and components of the weapons system have taken place independently of the development of the weapons system."

The term "weapons system" is used twice there in the same sentence. I raised the point the other day, just what does the phrase "weapons system" mean?

Mr. PROXMIRE. Well, "weapon system" has been used by all of us. Perhaps we should have been more meticulous and precise in defining it; but, as the Senator knows, we asked the General Accounting Office last year to make a study of weapons systems, the degree to which they exceed their initial planning estimates, and so on. No question was raised then as to what we meant by "weapons system." The General Accounting Office had no trouble in determining what a "weapons system" was; in fact, they zeroed in on 38 of them, and we know what they were. We know what the planning estimate on each weapons system was. If there was any real question as to the meaning of "weapons system," it seems to me it would have come up long ago. I do not think the Pentagon would have any trouble. If they do not know what a "weapons system" is, they can go to the General Accounting Office and ask what a "weapons system" is.

I think the Secretary of Defense not only knows now what a weapons system is, but he knew 16 years ago when he was in Congress. I have the report of the General Accounting Office here, in which the various weapons system are detailed.

Mr. STENNIS. Well, I would have to guess what the Senator meant by the

term "weapons systems" as he uses it here.

For instance, take a plane like the F–14, to which the Senator has referred. It is going to be a fighter aircraft, with a capability of a certain kind. It uses missiles, bombs, rockets, and guns. Now, what is the "weapons system?" Does that include the gun, the bomb, and the rocket, or is the Senator just referring to the plane? Ordinarily, I think "weapons system" as used there means primarily the plane, the fighter, the aircraft.

Mr. PROXMIRE. The Senator is correct.

Mr. STENNIS. But you can add all kinds of things to it. There ought to be and there would have to be a definition of "weapons systems" as used here. Otherwise, this thing has no beginning and no end.

Mr. PROXMIRE. May I say to the Senator that in that same clause (a) it refers to "selected subsections and components of the weapons system." In the obvious example the Senator has given, of the F–14 plane, the radar and the weapons that are on the plane are components of the main weapons system, which would be the F–14 itself.

Mr. STENNIS. Yes. Well, that is a generalization that we have both used here, but to really mean something definite and binding on the Department of Defense or anyone else, when we say "weapons system" and use that term in the law, it would necessarily have to be defined as used here. Otherwise there would be confusion compounded.

Mr. PROXMIRE. May I say to the Senator that although Secretary Laird did oppose this amendment, and stipulated several reasons for doing so in his letter, he did not state as one of them that he would have any trouble with the language. He did not say he would not know what a "weapons system" is, or would not know what "advanced development" is. He did not indicate that; and I am sure, knowing Secretary Laird, since he is an able man, he would have indicated we needed a more precise definition if he had felt that was the case.

Mr. STENNIS. Secretary Laird may not be troubled about it, but he is not passing on this legislation. He is not a Member of this body. We are concerned about what it means. I know the Senator is concerned. But there is no common ground of understanding as to what these words mean, and to use them in hard law, they would simply have to be defined.

Mr. PROXMIRE. Does the Senator recall when we passed the amendment last year—in which, as I recall, the Senator was very cooperative and helpful; we could not have passed it without his help—requiring the Comptroller General to make reports on weapons systems? At that time, the Senator from Mississippi did not object to our using that term. Evidently he felt it could be understood by the Comptroller General, and that his report would have significance. Why is this situation different from that of last year?

Mr. STENNIS. Well, there would be a great deal of difference.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield myself 5 additional minutes.

There would be a great deal of difference. The Comptroller General's office is a regulatory body. We were merely calling on him to make reports to use for our interpretation and use, and he would not be making a particular definition that would be binding on us.

We are trying to define things here, now, in a way that ties up money—hundreds of millions, in fact billions of dollars—unless the statute is complied with properly. I think it is fair to say we do not have a common understanding or idea of what these phrases mean. We have no testimony and have no report of a committee to look to, to get their meaning.

So just to throw it in here for whatever usage it is, there are a lot of differences about what usage is. I am not trying to pick flaws. I am illustrating the necessity of defining the terms.

A very noted person of history, the Senator will recall, said:

> When you speak with me, define your terms.

When we speak as a legislative body, it is binding on the President of the United States and it is binding on everyone in Government. So we have to define our terms.

I thank the Senator very much for his willingness to engage in this colloquy. We will return to it at another time.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

Mr. STENNIS. Mr. President, I had not yielded the floor.

Mr. FULBRIGHT. I am sorry.

Mr. STENNIS. We were speaking on my time. I have the floor.

Mr. FULBRIGHT. Mr. President, will the Senator yield for a question?

Mr. STENNIS. I will yield in a moment. I want to complete the point I am making about the necessity for a better understanding.

I invite the attention of Senators to the report to the President and the Secretary of Defense by the blue ribbon Defense Panel, July 1, 1970. It is the Panel from which this amendment is taken. Item "E" on page 9, at the bottom of the page, refers to major weapons system acquisition process. I turn now to page 20. I read the top paragraph on page 20 of that report:

> Selected staff reports have been identified as Appendices to this Report. The Panel's recommendations are in no case based exclusively on these staff reports, as its studies were broader and more extensive than the staff reports alone. Some of the appended staff reports contain detailed facts and evaluations bearing on specific recommendations of the Panel, while others address subjects, draw conclusions and suggest changes in areas which the Panel as a whole did not choose to address. In some such instances, there was a question as to whether the studies covered all of the particular subject or subjects sufficiently to enable the Panel confidently to make a recommendation. In still other areas of staff reports, the Panel lacked sufficient confidence in its judgmental capability to deal with the detailed, technical or specialized matter. However, they are of sufficient importance to be submitted with this Report as information, without necessarily implying endorsement of each item by the Panel.

This is where the panel frankly says that they have the reports of the staff, which they will identify as appendixes to this report; that sometimes the panel did not go into it far enough to make recommendations; that sometimes they doubted that the staff had sufficient information; and so forth. They say that for our enlightenment, for our assistance, they are going to file these appendixes—the staff reports as appendixes—and this amendment is being taken up before these appendixes have been filed.

The PRESIDING OFFICER. The Senator's additional 5 minutes have expired.

Mr. STENNIS. I yield myself 3 additional minutes.

The appendixes would be some help to us, and if we are going to pass on this matter without hearings, without committee recommendation, we at least ought to have the appendixes here which the panel thought were important enough to call our attention to.

I believe the Senator from Arkansas has a question.

Mr. FULBRIGHT. I am sorry that I was not here earlier, but the Senator referred a moment ago to the letter from the Secretary. I had read what the Secretary, himself, had stated about it being their policy to "fly before you buy." I was amazed to hear the Senator from Mississippi object to it.

Mr. STENNIS. I am not objecting to it. That is a phrase, just a phrase. It does not have any meaning for law.

Mr. FULBRIGHT. Does the Senator mean that the Secretary of Defense used a phrase that has no meaning?

Mr. STENNIS. We have to nail it down here when we incorporate this into the law of the land. It has to be nailed down in specific words, definitions, and mandates, and that is what this amendment fails to do.

Mr. FULBRIGHT. The meaning of the phrase, I thought, was self-evident. It meant you test the weapon before you buy a lot of them. I did not think that the meaning was abstruse.

Mr. STENNIS. That is a general term. These items vary a great deal.

The AX is a new plane. We are going to have two prototypes made by different companies, and they are going to compete with one another; and that is a fine way to do it when it is practical. It is a small plane, and it is applicable, and I think it will be helpful. That is an illustration of how these things vary a great deal.

The term "fly before you buy" does not have a meaning in law nor in science.

Mr. FULBRIGHT. It still seems to me to be commonsense to know what you are buying before you buy it. That is about what it means. If you go to buy an automobile, you do not buy one on some promise that it will do certain things. You usually try it out and run it before you buy it. That is all this means.

I did not assume there would be opposition to this amendment, and I was surprised to hear that the Senator feels that it is so vague and so uncertain that it is impractical.

I never thought of the Secretary of Defense as being a visionary, a man who speaks about things he does not know what he is talking about. He has had a great deal of experience in these matters.

The PRESIDING OFFICER (Mr. RIBICOFF). The time of the Senator has expired.

Mr. STENNIS. I yield myself 1 additional minute.

Mr. FULBRIGHT. I am amazed that the Senator opposes this. All the amendment means is that we should know what we are buying before we make vast contracts for helicopters that will not fly or spend billions of dollars on a plane that is of very questionable design. We have two glaring examples—the TFX and the C–5A.

I thought all this meant was that we were not going to do that any more, that we were going to wait to see what we were buying.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I think that if the Senator from Arkansas could find time to stay here for the debate, we would be glad to have him.

I yield 2 minutes to the Senator from Arizona.

Mr. FULBRIGHT. So far, it has been very unrewarding to hear this debate. I have not heard a single reason as to why this amendment should be opposed.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. How long has the Senator from Arkansas been here? How much has he heard?

Mr. FULBRIGHT. I have heard enough——

Mr. STENNIS. How many minutes has the Senator been here?

Mr. FULBRIGHT. It is frustrating enough. I am thinking of going to lunch.

Mr. STENNIS. How many minutes has the Senator been here?

Mr. FULBRIGHT. Long enough to know that there is not much to be learned.

Mr. STENNIS. I will withdraw the question. It seems to embarrass the Senator to answer it.

I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. I asked the chairman to yield so that I might say that in part I agree with the Senator from Arkansas that "fly before you buy" is a misleading term. I think the Secretary would have done well to explain what he meant by that.

The Senator's effort to compare an automobile with a sophisticated airplane just will not hold, because the automobile companies do spend millions of dollars in developing their prototypes.

For example, we have withdrawn procurement money from the Cheyenne helicopter because it has not worked. We are not buying any Cheyennes for the inventory. We have approved money to go ahead another year with research and development before we buy. So this is a case of "fly before you buy."

The AX is another example in which there is now design competition. That comes first. The aircraft will be developed by several companies, and we will fly them to see which one the Air Force wants.

The B–1, I think, is a classic example of what we have done under Secretary Laird, in that specifications were given by the Air Force, and we are not buying any for inventory. We are specifying, I think, a total of seven to be delivered around 1977. Then we will determine, one, do we want this weapons system and, two, if we want it, how many do we want of it. Thus, in effect, we are today buying before we fly, although, I think, speaking as one concerned with this matter, the term was an unfortunate one because we are not going to walk into McDonnell or Lockheed or Boeing and say, "Well, here we have several models of advanced bombers. I will buy that one." That is not the way they are developed. I want to make it clear that we are not procuring any questionable aircraft at the present time. I say questionable in the view of their ability to perform. We are no longer just buying blind.

I think this is a good step forward but I will develop my objections to the amendment as soon as I can get the floor. They will not particularly apply to this particular section, of course.

Mr. STENNIS. Mr. President, I yield back the remainder of the time we have taken, and yield the floor.

Mr. GOLDWATER. Mr. President, will the Senator from Mississippi yield me 10 minutes?

Mr. STENNIS. I yield 10 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 10 minutes.

Mr. PROXMIRE. If the Senator will yield there briefly, on the point he just raised, he said we are not buying any planes now that have not been tested. How about the F–14? We get what, a third of the money for research?

Mr. GOLDWATER. The F–14 is a fly before we really buy for the inventory. The F–15 is the same way. I have no doubt that we will buy them because, so far, there have been no bugs found in either aircraft. But we are not going to buy those aircraft for the inventory of the Navy until they fly. I think it will fly, either in December or January next.

Mr. PROXMIRE. We are asked to put 26 into production and we have not finished testing yet?

Mr. GOLDWATER. They have not even started testing these 26——

Mr. PROXMIRE. Twenty-six planes for testing?

Mr. GOLDWATER. That is a small amount for the size of the inventory we want to wind up with.

Mr. PROXMIRE. Twenty-six prototypes is an awful lot of prototypes; one, two, or three—but 26?

Mr. GOLDWATER. We used 26 on the C–5A, which is a quite different airplane.

Mr. PROXMIRE. Of course it is. There were not six or 26 C–5A prototypes, there were five.

Mr. GOLDWATER. I objected to passage of this amendment last week at great length. I do not intend to go at it any further today, except to say that I find nothing objectionable to the suggestions from the Senator from Wisconsin, but I think these things can be put into action by the Secretary of Defense.

What the Senator from Wisconsin is doing here is taking a part of the Fitzhugh report, in fact, we might say the innards, an important section of the Fitzhugh report, and making them law where, in my humble opinion, that action is not needed by Congress. I would remind the Senator—really, I do not have to remind him—of article I, section 8 of the Constitution, which provides that Congress shall have the power to make rules for the governing and regulation of our land and naval forces.

In 1947, under that, Congress reorganized the Defense Department. It is logical to assume that after 23 years, it is sensible to look at the Department of Defense again, which President Nixon did under the blue ribbon committee which studied the Department of Defense and which is known as the Fitzhugh report.

I think there are a great many parts of that report that can be put into action by the Secretary. Most of the things involved in the Proxmire amendment can be done at the Secretary's desire. However, I should like to remind my colleague that what we are dealing with here, under procurement, is discussed on page 19 of the Fitzhugh report. This was astonishing to me.

The report states:

> The Department of Defense procurement program involves approximately 12 million project actions a year. These are consummated by the Department of Defense procurement work forces of approximately 46,000 personnel, of which about 91 percent are civilian employees. For Fiscal Year 1968, contracts were awarded totaling about 43 billion dollars for supplies and services.

To go a little further into this and my objection to the amendment, I do not think that any report to the President or the Secretary of Defense which occupies 237 pages covering the largest spending organization in our Government should be just blithely overlooked or blithely passed by in the hope that someone will do something about it. The chairman of the Armed Services Committee of the Senate and the chairman of the similar committee in the other body have both assured us that there will be long hearings on this matter because there are some changes that some of us will object to, and that many will go along with.

For example, on page 211 of the report, under the heading "Organization." It says:

> The functions of the Department of Defense should be divided into three major groupings:

One of these would be a Deputy Secretary of Defense for Management of Resources and should be delegated the responsibility for the following functions, and they are rather numerous, as follows:

> (a) The Military Departments, which should continue under the immediate supervision of their Secretaries;
>
> (b) Research and Advanced Technology;
>
> (c) Engineering Development;

(d) Installations and Procurement (a modification of the present Installations and Logistics);
(e) Manpower and Reserve Affairs;
(f) Health and Environmental Affairs;
(g) Defense Supply Agency; and
(h) Advanced Research Projects Agency.

This calls for the creation of an Under Deputy Secretary of Defense, clearly coming under the purview of the Senate and the House.

Then we have another recommendation that there be a Deputy Secretary of Defense for Operations, and he should be delegated the responsibility for the following functions:

(a) Military Operations;
(b) The Unified Commands;
(c) Operational Requirements;
(d) Intelligence;
(e) Telecommunications (and Automatic Data Processir.g);
(f) International Security Affairs;
(g) Defense Communications Agency; and
(h) Civil Defense Agency (If Civil Defense is to be retained in the Department of Defense).

I call my colleague's attention to that subsection (h), "if civilian defense is to be retained in the Department of Defense."

We do not have the answer to that. I am not saying that this is applicable to the Senator's amendment, but I point out the very deep and serious implications in parts of the report.

Mr. PROXMIRE. Mr. President, will the Senator from Arizona yield?

Mr. GOLDWATER. I yield.

Mr. PROXMIRE. That is my point. None of the items the Senator has mentioned so far has anything to do with my amendment. This is a voluminous report with controversial recommendations, some of them the Secretary of Defense himself will probably oppose and many of which, I am sure, would be opposed by many Members of the Congress.

But this is one part of the report on which there seems to be unanimity. Everyone says we should follow a "fly before you buy" policy. The Secretary of Defense announced that he has. Especially in Arizona—I hold up a headline covering the whole of the page in the Arizona Daily Star with the headline, "Pentagon To Buy No More Untested Planes."

This is discussed as something the Secretary of Defense is promising.

Mr. GOLDWATER. As I said before, that is what we are doing.

Mr. PROXMIRE. We are not doing it.

Mr. GOLDWATER. We are doing it.

Mr. PROXMIRE. We are not doing it in instance after instance after instance. We did not do it with the F–14.

Mr. GOLDWATER. The F–14 is not an example. They are not being built for inventory until tested which will be next year.

Mr. PROXMIRE. The Senator is mistaken on the F–14. We are procuring 26 planes while a third of the money is still being spent on research and development. Tanks are another example.

Mr. GOLDWATER. I am not arguing about tanks. I agree that tanks should be tested. We talked last year about changing that.

Mr. PROXMIRE. Then, may I say to the Senator from Arizona, if the Senator is correct in the case of the airplanes we are testing, then there is no problem. All Defense has to do is report that that is what they are doing. If the tanks are not being tested, then they will report that, and then we will be alerted whether to appropriate funds for production, armed with sufficient knowledge to know that they have or have not been tested adequately.

Mr. GOLDWATER. They will have to go before committees of Congress, and Congress will report. I do not want to fly in an untested airplane. My objection to the Senator's amendment is not so much in the language or the detail, but that it jumps ahead of committee action. This report has only been out since the 1st of July. As I said the other day, as much as we dislike the idea, the Government does not move that fast. I think most of these items can come under the decision of the Secretary of Defense but as I am going to point out next, the third change in the secretariat structure: The Deputy Secretary of Defense for Evaluation should be delegated the responsibility for the evaluation and control-type activities, including:

First, Comptroller—including internal audit and inspection services; second, program and force analysis unit; and some modification of the present systems analysis unit; third, testing and evaluation; fourth, defense contract audit agency; and fifth, defense test agency.

I do not read these to make the point that they apply solely to the amendment of the Senator from Wisconsin.

I do bring out the fact that if we do create three new secretariats and one of them has a responsibility to cover these fields, we will have to have hearings in great depth as to the advisability of the suggestions of the Senator as to whether there is not real confusion created by subparagraph (g), for example, which reads: "that elements of the systems or subsystems do not include goldplating."

I think I have a vague idea of what the Senator means. But if we extend the language as far as possible, I point out that we use quite a bit of gold and quite a bit of goldplating.

I merely cite the use of this language to point out the confusion that can occur if we agree to this amendment. When the next Congress convenes, or even in this Congress if we get through with this legislation in time, I am sure that the Senator from Mississippi and the Senator from South Carolina will hold hearings on this 200-odd page report which for the first time in years undertakes some long overdue changes in the Pentagon.

I would like to see the Senate bill passed and see what we can do in this matter. Possibly we can develop many other protective devices that we can put under this Secretary. But I see no reason for doing it at this time.

Mr. PROXMIRE. Mr. President, the Senator raised the point, as he did the other day, about gold plating. The Senator from Arizona knows that I am not referring to gold and that the Fitzhugh Commission did not refer to gold. We are talking about the term as it has been used by the Pentagon for at least 10 years. It refers to providing for greater performance than needed. For example, if they need a plane that must fly at 1.5 mach, they might make one to fly at 2.0 mach. That costs more money. That is putting in the gold plating, the surplus and redundant kind of engine thrust, in this case, or radar, or sonar when they do not need it. That is the gold plating. That is what the Fitzhugh Commission meant. I am sure that the Senator recognizes it and that we all do.

If they put in something that exceeds the mission requirements in the initial estimates, they ought to tell us.

Mr. GOLDWATER. Mr. President, if the Senator would incorporate in his amendment the precise language he just used, it will do away with some of the confusion that might exist in the minds of a company in the boondocks of Arizona or Wisconsin on gold plating.

I agree with the Senator from Mississippi that the language is so imprecise that we would hope in the hearings that we might spell this matter out.

I am in sympathy with the language of the Fitzhugh report. In fact, I think that in some places I might go further than the Fitzhugh report.

I have not had time to completely read all of the report. Give me another week or two and I hope to get through with it.

I merely wanted to take the floor to repeat my opposition to the Proxmire amendment, not necessarily with the content, but because it is premature. Many of these things can be done without legislative action.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I yield myself 2 minutes and I then propose to yield to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, one illustration has been given here about the M–60A–1 tank. There are procurement funds of $60 million in here. That tank is our old workhorse tank. We refer to that as an old tank. It has been in production since 1962. That is the workhorse tank now. They are always trying to make improvements in it. Therefore, there will be something in here for research and development. They are trying to include a device for mounting the weapons sight. The tank has been in production for 8 years. It will doubtless continue to be used for several more years. There was a special turret problem. There is no money in here to cover that.

We have some research and development funds for the M–70 to which the Senator refers. I think that matter is being straightened out by Mr. Packard.

We propose, unless there is an emergency, to follow the long time testing and perhaps have a prototype on that one. But the one the Senator mentioned first, the M–60A1, has been in procurement for a long time.

Mr. PROXMIRE. Mr. President, I was referring to the Shillelagh.

Mr. STENNIS. We discontinued that. That is not in the bill.

Mr. PROXMIRE. The Senator is cor-

rect. The committee took that out, and I think that is a good example.

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 8 minutes.

Mr. McINTYRE. Mr. President, much of what I have to say here is simply by way of buttressing what I am certain the distinguished chairman of the committee has already said and what our very fine military authority, the Senator from Arizona, said this morning.

Mr. President, I would like to say a few words at this time about amendment No. 816 to the Military Procurement Authorization bill—the so-called Fly Before You Buy amendment offered by my good friend from Wisconsin (Mr. PROXMIRE). As chairman of the Armed Services Committee's Research and Development Subcommittee, I have a special interest in the subject matter of the amendment.

I have no quarrel, Mr. President, with the basic objective of the amendment. Our procurement policies in the past have often been deficient, and their deficiencies have cost our taxpayers untold billions of dollars.

I have no quarrel either with some of the specific practices which the amendment is designed to encourage. I have tried to encourage such practices myself, in my own work on the committee.

Nonetheless, I am forced to vote against the present amendment and to urge my colleagues to join me in doing likewise. Let me explain briefly the reasons behind my position:

First. To begin with, the subject matter of the amendment has not yet been studied adequately by the Defense Department itself. The language of the amendment is drawn almost word for word from the Fitzhugh report presented recently to the Secretary of Defense. It is composed of recommendations contained in that report. The Department is currently hard at work evaluating those recommendations. More time is needed to complete this evaluation, to determine which of the report's recommendations are fit for implementation and then to put them in appropriate directive form. I can sympathize with the desire of the Senator from Wisconsin to put our house in order in this area; we have delayed too long all too often in the past. But this is a time when patience is warranted. The Department should be commended for taking the initiative to request the wide-ranging review which the Fitzhugh panel has presented it. And it should be given a chance to follow through on that initiative.

Second. Moreover, the subject matter of the amendment has not been studied adequately by the Armed Services Committee either. The committee, too, needs further time to consider in depth this complicated area. Its staff is currently at work evaluating the recommendations of the Fitzhugh panel. We are trying to reach our own independent conclusions as to the proper actions to take. Once our conclusions are reached, we want to compare them with the conclusions reached by the Defense Department, and then to hold formal hearings designed to elicit a well-constructed bill.

Third. A further consideration is that hearings of this kind are essential if we are to have legislation which is technically sound.

There is more involved in the drafting of a bill than the putting of policy statements into a bill itself. The statements must be carefully formulated to insure that they apply as intended to all possible situations. And when the area covered is as complicated as this, formulation takes time and is not an easy matter.

At present, there are several aspects of the amendment which make it technically deficient. Many of the matters on which reports are required are ambiguously stated. Take gold plating, for example, which the Senator from Arizona referred to. We all know what this is in general. And we all agree that it should be eliminated. But by what self-applying standard does one determine in a concrete case whether a specific capability is gold plating or not? Perhaps the problem of eliminating gold plating is one that must be met otherwise than with a reporting requirement.

Not only are some of the terms in the amendment incapable of workable definition. Others are, but have yet to be defined. On the most elementary level, what is a "weapons system" for purposes of the amendment? The answer is just not clear.

Mr. President, we have made great strides in the past several years in improving the quality of our procurement practices. One of the best indications of our progress is that made in the procuring of close-in support aircraft. The Cheyenne development contract, written several years ago, made no provision for competitive prototypes, encouraged cost growth, and allowed for much gold plating. The AX contract, on the other hand, was soundly written, emphasized proven off-the-shelf technology, and included a prototype flyoff.

With all due deference to the Senator from Wisconsin, we are on the right path, but we need more time. If such time is permitted us, we will be able to evolve policies of general application which will stand us in good stead in the years ahead. If, on the other hand, we move with undue haste, we may well get results profoundly counterproductive, which could actually undo the progress made to date.

Mr. President, I must vote against the pending amendment.

Mr. President, in closing, I would like to say that earlier this year the Subcommittee on Research and Development took it upon itself to look at the Mark-48 torpedo program. I think the Mark-48 torpedo is one of the "horrible examples" to which the Senator from Wisconsin referred in his statement of Friday, citing the tremendous cost growth associated with the weapon. There has been a great deal of discussion about the cost growth associated with this program. It is too seldom recognized that much of this growth cannot be regarded as a simple cost overrun, which is nothing more than the failure to meet the terms of a specific contract. Several factors have accounted for the increases over initial planning estimates, and some of them are unavoidable.

For example, we were striving far beyond the state of the art to come up with a badly needed weapon in this torpedo. The contractor had a great deal of difficulty, and we had a great deal of difficulty in trying to break through on some of these areas where we did not know quite how to accomplish what we had in mind. At times there is no way to avoid such difficulties.

Moreover, it was decided after the program commenced to add another contractor and to develop competitive prototypes. This greatly increased the overall program costs.

But the tests on the torpedo, which is a tremendous weapon, are about to reach the state of fruition. The companies are making excellent strides now. While it is easy and nice to be able to say, "Look at this horrible example," this overlooks some of the facts involved

With all respect to the Senator from Wisconsin, I urge Senators to reject the amendment as being premature.

Mr. STENNIS. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I thank the Senator from New Hampshire and I commend him for his remarks. No one is better qualified in this body to speak on this subject than the Senator from New Hampshire. That is my humble opinion. The Senator has held hearings through the years on research and development, which includes the period when procurement began. The Senator brought out some very fine points and solid suggestions. It is very helpful to have his opinion and the opinion of his committee.

Mr. President, I yield myself an additional minute.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, the Senator from Wisconsin referred to the DD-963 as having the worst sea trials of any ship in modern history. His reference is bound to have been to some other ship. I do not know what it was, but the DD-963 has not even had the keel laid. That is a destroyer, much less having a trial run. That was some other trial production.

Mr. PROXMIRE. That was the DD-1052. We had the wrong number. It was the 1052.

Mr. STENNIS. I yield the floor.

Mr. PROXMIRE. Mr. President, before the Senator from Mississippi and the Senator from New Hampshire leave the Chamber, I would like to reply to both of them.

The Senator from New Hampshire said we need time before we put this into effect, that we need hearings; and the Senator from Mississippi made the same kind of point when he said we have appendixes here not yet filed and they may have an effect on the amendment. I think

we all recognize this is an enormous study and that it covers a great deal. The hearings will require a great deal of study also by the Committee on Government Operations. However, here is one specific limited recommendation that had the wholehearted support of the Secretary of Defense. He favors "fly before you buy." Defense publicized it in every State in the Union, and loudly announced that it is being put into effect.

All I ask is that where they vary from the sound concept, then tell us, and give us the information.

With respect to the argument that we have to have hearings just to define these words in great detail and redefine them, the Secretary of Defense knows what it is. He said he knows. We take the language from the Fitzhugh panel. It is beyond me why, under these circumstances, we cannot require the Department of Defense to make a report.

The Senator from Mississippi says that this amendment would provide that funds would be cut off unless a proper report is filed. Well, the Senator gives the amendment too many teeth. It would not do that at all. It requires that a report be filed. Any kind of report releases the funds. It is true you could insist on a very meticulous report. That would be up to the Committee on Armed Services.

So far as the language required, all we say is a report is required, and that is all. As the Senator from Mississippi indicates, this language is general. It should be general.

The Senator from Arizona (Mr. GOLDWATER) indicated that we should recognize that this Fitzhugh document also will require a great deal of study because it is so long.

He pointed out that new secretariats may be organized as it proposes, and one of the secretariats may be responsible for procurement. The answer to that is that it is a simple concept. If we wait until the Pentagon is reorganized, that could take years. Meanwhile, we lose hundreds of millions, possibly billions, of dollars on procurement because we do not have information on the basis of which we can make intelligent decisions on deciding on funds for a particular weapons system.

In general, I think the opposition to this amendment is one of "Let us take our time. Let us hold hearings. Things are going along pretty well now."

I just cannot be patient under those circumstances. I do not see how other Senators can be, either. If we had had a report such as here recommended, there would not have been the kind of C–5A, overrun we had. There would not have been any TFX scandal, or a whole series of weapons systems that have scandalized the American people and provided an enormous burden on them.

At the present moment, on our major weapons systems, there are overruns amounting to $23 billion. If we did not have that kind of situation, perhaps we could say, "Well, we do not have to worry about correcting this situation. We can go along with things as they are." But we have a situation in which we cannot be patient. I do not think the American people will be patient with Congress if we permit the Pentagon year after year to go ahead and proceed in such a precipitate way to move into production before they finish their testing, and, as a result, cost the American taxpayers billions of dollars.

A good example of that was the question which was raised by the Senator from Mississippi with regard to the so-called workhorse tank that we have. What I was referring to was the Shillelagh missile on the tank, and the fact that the Shillelagh had not been adequately tested and that the money for the Shillelagh was requested of the committee in this bill this year by the present Secretary of Defense, even though the fly-before-you-buy concept is supposed to be followed. It is true that the committee cut those funds, but I believe that the Congress—and I have detailed a list of the conditions—should be informed on whether the Department has complied with the fly-before-you-buy policy. It may be that we will want to go ahead because of emergencies, but we should know of it. My amendment calls for an informed Congress so that we know what we are doing.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 33 minutes remaining.

Mr. STENNIS. Mr. President, I am glad to yield 20 minutes to the distinguished Senator from Colorado (Mr. DOMINICK).

The PRESIDING OFFICER. The Senator from Colorado is recognized.

Mr. DOMINICK. Mr. President, unfortunately, I was unable to hear all the argument of the Senator from Wisconsin in favor of his amendment, but I have listened to a good deal of it. I heard it the other day, and I rose then to speak against it off the cuff. I rise again today to oppose it.

The author of the amendment has labeled it the fly-before-you-buy amendment. Just speaking colloquially and off the cuff for a minute, there is no doubt that the "fly before you buy" is a good idea on some occasions. This is what the Defense Department has said it wants to do. This is what we all would like to see it do, so that we do not get into another TFX problem and a variety of others. But my opposition against this amendment is raised on other points, chief among them being the ambiguity of the amendment.

In the 2 days of the debate many questions have been asked as to what is actually meant by certain terms in the amendment, such as "selected subsystems and components," "weapons system," and "gold plating." There is a lack of precision of terminology and an abundance of cliche-type language, and everyone, it appears, has a different definition of what these terms mean.

Again talking off the cuff, I think it is only fair to point out that the amendment itself says that no funds may be even authorized until the Secretary of Defense gives a report to the various committees, indicating the degree to which the Department has complied with some 12 conditions which are spelled out in the amendment.

That would mean the bill on which we are working, which is of tremendous importance to the security of our Nation, could not even be passed until such time as the Secretary of Defense had gone through this very long and very difficult series of conditions which are spelled out in the amendment.

Further, certain requirements called for by the amendment have not been adequately defined and in some cases not defined at all. We need hearings at the very least, probably extensive hearings, followed by deliberation and study by the Armed Services Committee, of which I am a member, before undertaking such a requirement as would be imposed by this amendment.

So the problem, Mr. President, is directly related to the fact the author of the amendment has attempted to transmit into law the language from the Blue Ribbon Defense Panel report which was only intended as policy recommendations by the Defense Department and by the Congress. These 12 recommendations were not written for legislative purpose and are, therefore, not properly composed for that purpose. It is questionable whether such criteria should be applied to all weapons systems even if you define "weapons systems" in its broadest sense. Also, the Senate should remember all of these suggestions by the panel have not been thoroughly studied by the Defense Department, not to mention by Congress, which is being asked to give them the force of law.

In fact, Mr. President—and I think this has some real bearing on it—the appendix supporting the recommendations of the Fitzhugh panel and the appendix supporting those sections dealing with procurement have not even been released at this time, and probably will not be released for another 4 or 5 weeks.

Mr. President, doubtless the Senator from Wisconsin means well in this endeavor. He is correct when he says many of the recommendations are generally recognized as sound by both the Defense Department and the Armed Services Committee. In fact, many of the recommendations are being carried out today and have been carried out in the past.

The Senate Armed Services Committee, of which I am a member, has considered competitive prototypes on certain weapon systems. An example is the Mark–48 torpedo, which is being developed in two different models by two different companies. It might also be well to note that the Mark–48 program has one of the greatest potential overruns of any weapons system program presently underway. Also at present we have a competitive prototype program on a short range air-to-air missile, and it is working well. Thus, I assume the point has been made that competitive protoypes are good on some weapons systems and bad on others. It would be very difficult to require a competitive prototype approach on an expensive and

unique development program, such as the B–1 bomber or the ABM.

The amendment also implies the need for a "fly before buy" policy on all weapons systems. This is practical in some cases, unwise in others. It is necessary to strike a balance between completion of research and development and beginning of production. In the past, we may have had too much concurrence, joint development and production, in our weapons programs—and I, for one, think we have had too much. One of the most glaring examples was the Inter-Continental Ballistic Missile program.

These two examples I have just cited, competitive prototype and "fly before you buy," illustrate my point that while these recommendations are generally sound, varying circumstances dictate flexibility in their application. Adoption of this amendment would restrict that flexibility. That is why the Senate Armed Services Committee has hearings, briefings and investigations on the various requests of the services and would need further extensive hearings before these proposals should be made hard and fast law.

Another point which concerns me, Mr. President, is that the distinguished Senator from Wisconsin stated very recently on the floor that he had very little confidence in the findings or conclusions of the Blue Ribbon Defense Panel chaired by Mr. Fitzhugh, which developed the general recommendations on which the amendment is based. He indicated that the members of the panel "did not inspire faith that they would arrive at an objective critical review of procurement." If the distinguished Senator from Wisconsin has such significant reservations about the members and their findings on procurement, why does he submit their major recommendations on this important subject as an amendment to the pending authorization bill, particularly when the appendix supporting these recommendations has not even been released.

Further, some of the recommendations imply the need for action which I could not necessarily endorse. One is the requirement of amendment No. 816 that the Armed Services and Appropriations Committees of Congress be advised about the degree to which the Defense Department has complied with the recommendation "that production schedules will be selectively lengthened" and "long range production will be contracted for." This may be found in paragraph "d" on page 2 of the amendment. Apparently this means that the next knowledgeable way in which to build a weapons system is to extend its production over the longest period of time possible. This is almost always the most expensive way to produce a weapons system. It ignores the speed with which that threat should be met. After all, the weapon is being built in the first place because of the threat we are facing.

Mr. President, it should be noted that in the first paragraph of the panel's report giving these procurements recommendations the panel stated that the purpose of these recommendations was to "provide the needed flexibility in acquisition strategies." It should be realized that passage of the pending amendment would reduce if not eliminate such flexibility. Also, based on my committee service during the past years, I feel strongly that improvements in these complex procurement matters can be better achieved without hard and fast rules which apply across a broad range of weapons systems. Many theories adopted in past years as intelligent approaches have proven unwise in practice. A perfect example is the TFX case where commonality was to save us millions and despite the best efforts of some of us in the Congress, it cost us hundreds of millions.

Finally, Mr. President, I wish to stress again my initial point that the ambiguity of this amendment alone should justify its rejection. The lack of a definition in the amendment of a weapons system brings into play considerable confusion. There are hundreds of programs which may or may not qualify as weapons systems. Some cost only a few thousands of dollars while others run into the millions. If reports covering all of the recommendations are to be submitted on even half of these programs, the Pentagon and the Congress will be covered up in a pile of paper.

It seems to me some feel they have have discovered an elixir to our procurement problems. The desire for solution has become so great they are seizing upon the latest study as being a magic remedy which, if written into law, will rub away our problems and bring out eternal sunshine. Unfortunately, this is not true.

Mr. President, I could go on at great length relative to each of the conditions cited in the amendment by the distinguished Senator from Wisconsin. The conditions laid down are very vast in scope and magnitude. They are conditions that require searching inquiry and should not be decided upon on the basis of a short debate on the floor of the Senate. Thorough and comprehensive hearings are required before this type of legislation should be brought to the floor for consideration by the Senate.

I, therefore, oppose vigorously amendment No. 816 as part of the military authorization bill.

Mr. PROXMIRE. Mr. President, will the Senator yield, on my time?

Mr. DOMINICK. Yes, I am happy to yield.

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

Mr. President, I have a high regard for the Senator from Colorado. He knows a great deal about armed services procurement. He has served on the committee for a number of years, and is an extraordinarily able man. But I am very much concerned about his opposition to this amendment. He seems to feel, as so many of the opponents seem to feel, that this would somehow inhibit effective procurement, that it would somehow commit us to a particular policy, that it would somehow require the Pentagon to act in a particular way.

Mr. President, it would not do anything of the kind. All it does is ask for information. It asks for a report. The amendment itself does not even come down on the side of "fly before you buy." All it says is, "If you are going to depart from the principle announced by the Secretary of Defense all over the country, in headlines from here to Arizona—Pentagon to buy no more untested planes—if you are going to depart from that, you let us know."

The Senator from Colorado has complained about the imprecise language, in addition to saying we need more hearings on this kind of thing to refine the language.

Once again, if we were putting into effect a policy and saying, "Henceforth we are only going into production after complete testing," I would agree wholeheartly, and I would also agree that that would be a very bad policy.

Certainly, if we were going to do anything like that, I would agree that we would have to have extensive hearings. But when we simply require a report from the Pentagon as to when they depart from a policy announced by Secretary Laird, it would seem to me that to wait for hearings would mean we could not proceed with this until next year, which would likewise be undesirable in that it would result in the withholding of information desirable for Congress to have.

The Senator says that competitive prototypes are good in some systems in and bad in others. I agree wholeheartedly. That is correct. All I am saying is that when they adopt a policy of not having competitive prototypes, they can tell us. All they need to say is, "It is not appropriate here; it is not feasible. We have tried this kind of thing before, and it does not work well."

The basic thesis of the Senator's criticism, that we would compel the Pentagon to follow a particular "fly-before-you-buy" policy, I think, is mistaken, in that the thrust of the amendment would simply require reporting if they do depart from it.

Mr. DOMINICK. I thank the Senator from Wisconsin. I realize that the amendment simply imposes a requirement on the Defense Department to make a report to Congress. The point I made originally, and the one I made last week when we were discussing this issue, is that under the wording of the amendment, we cannot even pass this bill until such a report has been submitted. We are talking about $20 billion worth of procurement here, much of it for long range items. If we do not even know what the weapons systems are, and the degree to which the Defense Department will be involved, we do not have the faintest idea as to when we might be able to get a report on all the subjects we are considering right now in this bill, not to speak of others that may come up later; and we would not be able to act on this bill. That, I think, is the fatal flaw in the Senator's amendment.

Then, taking subsection (g), which I did not any more than mention in passing——

Mr. PROXMIRE. Mr. President, if the Senator will yield, that is a very important point. Let me say that this amendment, if adopted, would not be retro-

active. That is not the law for the Pentagon now. And the House of Representatives would have to either accept, reject, or modify the requirement in this bill to some extent.

At any rate, it would not require that we could not free funds for this year. If the Senator feels that that is the case, I would certainly be happy to modify my amendment to make clear that this is prospective; because I would agree wholeheartedly that we should not have a retroactive provision of this kind that could have an adverse effect on the Defense Department, although I do think that they could file these reports within a matter of days. They have thousands of people, and hundreds of them are capable of filing the reports that are required.

Mr. DOMINICK. I appreciate the apparent flexibility that the Senator from Wisconsin is now placing on the interpretation of his amendment. In my opinion, it does not read that way, but he can interpret it so; and that will help so far as the record is concerned, in the event that the amendment should be agreed to.

Let me just take subsection (g), on page 3, which I did not really do more than just comment on in passing. It reads:

That elements of the systems or subsystems do not include "gold plating";

What is "gold plating"? It is a cliche, a popular phrase that has been used. It is a little like "gilding the lily" or something of that kind. It is something that many of us are concerned with, even in the aviation field, where we feel that perhaps the sophistication of the avionics and new aircraft is getting beyond what is necessary to make an efficient system.

But many people do not agree on what is "gold plating," and believe that whatever is being put in is necessary in order to accomplish the mission.

So we do not have a definition of "gold plating" and we do not know what it means. How is the Defense Department going to submit a report showing what is done with respect to "gold plating" when no one knows what it is?

Mr. PROXMIRE. The Defense Department knows what "gold plating" is. It has been used by Secretaries of Defense for years. Secretary McNamara used it at least 8 years ago. It has been used by witnesses before our committees again and again. It is when you have a situation where there is provided in a weapons system a greater performance than is required to meet the mission which the weapons system is assigned.

A good example of that would be if you have a fighter plane and all you need is a particular speed—say, a Mach 1.5; and in order to get greater speed, the Air Force acquires some powerful engines and redesigns the plane to give it a Mach 2.0. Under those circumstances, the Defense Department would have to report that the performance will exceed the definition of the mission that was originally recognized when the weapon was authorized. Perhaps it would be desirable to go ahead under those circumstances. This kind of "gold plating"—redundant, additional performance—should be made known to Congress so that we know we are paying for something that originally we did not think was necessary.

Mr. DOMINICK. I say to the Senator that if he says that Secretary McNamara knew all about "gold plating," I think the Senator from Wisconsin and I will agree that we spent more money and got less under McNamara than probably at any other time in the history of the country.

All we have to do is to look at the commonality feature he kept building into the TFX, which was going to make a fighter and a bomber and an all-weapons system, and none of them worked. He said that all this was not "gold plating" and that it all was necessary, and it was a total disaster so far as the country was concerned.

Mr. PROXMIRE. There can be a difference in understanding of "gold plating," but I think the Secretaries of Defense have always had a common recognition that whenever you build a weapon that exceeds in performance the original mission that was required, you are "gold plating"; and we should be told about it and informed that we are paying for something beyond what we originally intended. We might go ahead with it, anyway, but we should have the information.

The thrust of this amendment is simply to require information, not to impose a particular policy or to require the Defense Department to buy or not to buy a particular item, but so that Congress will be informed, so that we will know whether or not they are going beyond what was enunciated.

The Senator said in his speech that I have been critical of the Fitzhugh panel and that therefore it did not seem to be consistent for me now to ask the Senate to adopt a major recommendation of that panel. I have been critical of the makeup of the panel, which consisted of a majority of members who were defense contractors, and the head of the staff was Fred Buzhardt, who was formerly with Senator THURMOND and then became assistant to the Assistant Secretary of Defense and got his check from the Pentagon. I felt that this panel would not be sufficiently critical of procurement or any other practice of the Pentagon.

However, I think this commission does consist of able men. They have made some good recommendations and have failed to make some I think they should have. It seems to me perfectly proper to feel that they have not done a good job in some respects and, where it is universally accepted that it is a good recommendation, I can accept that and incorporate it into an amendment and ask the Senate to support it, especially when the Secretary of Defense, himself, agrees that this is a good policy.

Mr. DOMINICK. I would say, in response, that of course, it is totally proper for the Senator from Wisconsin to put in any of the things he wishes. I am not criticizing him. I just think it is ironic that the Senator from Wisconsin and the Senator from Arkansas suddenly find themselves in the position of sponsoring a recommendation made by the very panel about which they have been extremely critical. So I have no hesitation in putting that into my speech and repeating it. It is perfectly proper for the Senator to go ahead and do it, anyhow.

I repeat that, under the wording of this amendment, it would appear that we would not be able to pass this bill unless and until a report had been given on each one of the weapons systems that may be included, if anybody can figure out what "weapons systems" means in terms of this bill. We would not be able to pass the bill until that had been sent in. I do not know how long that would take.

The definitions are very ambiguous. Some are really derogatory in tone, I think, and may not result in getting the same information we need in committee.

Third, it would seem to me that this is not the time to put into firm legislative language what in effect were recommendations for further study by both the Defense Department and the committees of Congress.

I thank the Senator from Mississippi for having yielded me this time, and I yield the floor.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. FULBRIGHT. Mr. President, the argument that we are necessarily inconsistent because some parts of the Fitzhugh report may not meet our approval is a superficial argument.

The President of the United States is doing many things in the Middle East and elsewhere of which I approve. I do not feel that I am inconsistent in saying that he is doing a good job there because I, for one, disapprove of what he is doing in Vietnam.

It seems to me ridiculous to say that, because one had some criticism to find of the report, he is now inconsistent in trying to improve on it and put it into the law.

All the Senator is doing is taking what the Secretary of Defense said and what is in the report and putting it into legislative language, taking them at their word. I do not see what else the Senator is doing. He is doing what the Secretary of Defense has widely publicized all over the United States. Is that correct?

Mr. PROXMIRE. The Senator is correct.

The Secretary last year said that they were following the milestone policy, which meant they would complete one particular phase of procurement—research, development, and so forth—before they proceeded to the other. This year, he reinforced it by saying that they are having "fly before you buy." There were headlines all over the country. There was a great deal of publicity on it. Everybody said it was recognized that this was a new policy of the Secretary of Defense.

All I am saying is that if this is their policy, they should let us know when they depart from the policy; because departures from this policy have been enormously expensive in the past. The Comp-

troller General found that, and the Secretary of Defense, himself, found it. Unless we have that information and are informed on it, Congress will not be in a position to make intelligent decisions as to whether to proceed with production.

Mr. FULBRIGHT. They want to take the decision to proceed with production, and they want to take it on faith, without any proof that it will work. Is that correct?

Mr. PROXMIRE. That is exactly right.

Mr. FULBRIGHT. We have been taking it on faith now, to the detriment of the public treasurer, which runs into the billions of dollars. I think the Senator is entirely correct.

I want to ask the Senator about the argument, if there is anything to it, in the areas alluded to briefly by the Senator from Arizona, where we deal with sophisticated instrumentalities of destruction and death as compared to an automobile. He suggested that a company is not inclined to tool up for a prototype, unless it is agreed in advance that the Government will buy X number of planes, or whatever it may be. Is that a serious argument? Does the Senator think, that we have to make a contract for a certain number of C–5A's or TFX's long before they are really proved out, in order to get a company even to make a prototype?

Mr. PROXMIRE. When we have something like 26 prototypes, and that was the argument of the Senator from Arizona on the F–14, that is ridiculous. It makes sense for 1, 2, 3, 4, or perhaps even 5 or 6, under extraordinary circumstances, but 26 is ridiculous.

Mr. FULBRIGHT. What I was leading up to——

Mr. PROXMIRE. As I understand it, in that particular case, 19 of the 26 were supposed to go into inventory, but this was before they had finished their research and they are still asking for money in this bill for additional research on the F–14.

Mr. FULBRIGHT. But they claim they have 19 of the prototypes to go into inventory?

Mr. PROXMIRE. They certainly are not ready to be taken into inventory. This is a buy before we fly principle, I think.

Mr. FULBRIGHT. Yes; buy first, then see if it will fly. In view of the experience the Senator has had with Lockheed, as I understand it, they are still demanding between a $200 million to a $400 million grant to make up for their deficiencies on the C–5A?

Mr. PROXMIRE. The report says that they want $200 million right away, and if we are going to keep the 81 planes needed, they want $800 million in addition to what the contract calls for.

Mr. FULBRIGHT. I was going to say, if this is to be the practice of this Government—I cannot support it. But, anyway, I gather that they do not like to build a prototype unless we give them a large purchase order—even before it is proved out. If that is so, why would it not be better for the Government to build the plant and make the plane?

Mr. PROXMIRE. The Government owns the Marietta, Ga., plant. That is owned by the Government.

Mr. FULBRIGHT. If the Government has to pick up whatever the deficit is from a private company on a deal like that, why would it not be more likely to control the deficit or to control the costs if the Government did it all? The Navy built its own guns, at least some of them, in a gun factory here on the Anacostia River. We used to have Government arsenals all around. We were sold on the idea of these private enterprises, on the theory that they would be efficient and would not cost as much; but from the reports the Senator from Wisconsin has had and the very revealing hearings he has held over the past several years, it strikes me to be a very inefficient way to go about it. The way we are now proceeding is costing us a lot more.

If the Government would do its own research from the beginning, then it would not be under the pressure to commit itself to inefficient, unworkable systems after spending an awful lot of money. In that case, we could fly before we buy, because it would all be our own operation. Why would not that meet the situation? If these contractors object to this system, why not let the Government do it with a Government plant?

Mr. PROXMIRE. I am not so sure. I do not know. I do not feel that we have to have Government-owned defense plants. We have had a lot of trouble with anything the Government owns. There seems to be politics involved in it and problems with pay——

Mr. FULBRIGHT. That Marietta, Ga., plant—the Senator does not think there was any politics in that?

Mr. PROXMIRE. I would feel much better if instead of the kind of system we have now, we would try to do what we did in procurement in World War II, where there was a much greater effort to break down procurement into smaller units so that it would be more competitive, to standardize the procurement we had so that we could ask for competition and have participation by many more contractors, which would be on a prime basis, so that if we could get more competition into it, it would make for a stronger American economy. The strength of the American economy is not in gigantic corporations or any kind of governmental operation, it is where we have competitive and relatively modest, small operations.

Mr. FULBRIGHT. What percentage of procurement of these major weapons systems is today competitive?

Mr. PROXMIRE. Of all our procurement, only 11 percent is competitive.

Mr. FULBRIGHT. About 90 percent——

Mr. PROXMIRE. About 90 percent is negotiated. About 90 percent.

Mr. FULBRIGHT. I am not sure we would get anything Government owned to be competitive. But the present system seems no more competitive than if it were Government owned. I think, if we continue to have a private system as extravagant and as expensive as it is, we might save money and go ahead and have the Government operate the plants. After all, these plants are disguised as private enterprises. Their stock is sold on the New York Stock Exchange and when they get into trouble and lose money, they come around and ask the taxpayers to bail them out. What kind of private enterprise is that? That does not seem like private enterprise to me.

Where is the incentive to efficiency in a company where, after it makes a blooper, it asks the taxpayers to bail them out with more money? That does not strike me as being private enterprise. It is the worst of both private enterprise and socialism. We are subsidizing inefficiency. I am not for socializing such businesses, either, but this kind of business, it seems to me, has all the ills and the bad part of socialism and none of the good parts. We have people here trafficking in shares and stocks in a business which they expect the taxpayers to support. They expect to pay dividends and get big salaries. I do not see that there is any future to that kind of operation.

Mr. PROXMIRE. We now have the worst part of private enterprise, not the best, because we have a concentrated, monopolistic operation with no incentive for efficiency. Admiral Rickover testified for example, as did other experts, that the cost of negotiated procurement was 30 to 40 percent higher than competitive procurement. What we should have is more competitive operation, and break down procurement into smaller lots—units.

Mr. FULBRIGHT. The Senator's objection to consideration of this other approach is that there must be politics in it?

Mr. PROXMIRE. Politics would not be removed. I would put it that way. It would not solve the problem.

Mr. FULBRIGHT. What about the recent contract for the destroyers? Was that free of politics? How does the Senator feel about that program?

Mr. PROXMIRE. I understand that there were some distinguished political figures very much interested in the awarding of that contract.

Mr. FULBRIGHT. Was there any real competition in bidding for those ships or were awards made on other grounds?

Mr. PROXMIRE. I guess political competition.

Mr. FULBRIGHT. I thought the Senator said it was not to have politics in it.

Mr. PROXMIRE. I did not say that.

Mr. FULBRIGHT. The Senator said if the Government went into this, it would be. The implication was that there was not any politics in the present system.

Mr. PROXMIRE. The kind of proposal now being made, I think, by the colloquy I have just had with the Senator from Arkansas, dramatizes how modest and limited my amendment is.

Mr. FULBRIGHT. Exactly.

Mr. PROXMIRE. It would not provide a radical or drastic change in procurement. All it would do would be to provide that Congress would get the information, that we would be informed as to when we departed from policy which the Secretary of Defense has announced is a policy of the Defense Department, and we would know that and the extent to which they would depart. That is all

this amendment provides. If the Defense Department wants to depart from that policy, then they would go ahead and do it, but let us know about it and then we can determine whether to fund the program.

Mr. FULBRIGHT. But the vigor of the opposition to the Senator's amendment cannot help raising the question that those opposing the amendment do not really believe the Pentagon means what it says, that they do not really believe the Pentagon will fly before it buys. That is what it means to any ordinary observer. If they accept the policy and believe it will work, why would they oppose this amendment? I cannot imagine why.

Mr. PROXMIRE. The Senator's logic is absolutely unanswerable.

There is no reason in the world why the Secretary of Defense should not have said, "That is all right. I will support it, and we will take it." The chairman of the Armed Services Committee certainly would have said, "Fine. We will get these reports."

Otherwise, there must be something that they are hiding. They must not want us to know the extent to which they are departing from fly before you buy.

Mr. FULBRIGHT. They do not intend to fly before they buy. It is just a matter of public relations.

Mr. PROXMIRE. I am afraid the Senator is correct. If they had to report to us when they depart from the policy, it would be a different matter. The pressure on their following this wise policy would be very great. If they had to report to us, they would follow the policy of fly before you buy in many cases before they purchased.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. PROXMIRE. How much time does the Senator require?

Mr. DOMINICK. I would like to have 3 minutes.

Mr. PROXMIRE. Mr. President, I yield 3 minutes of my time to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. DOMINICK. Mr. President, I thank the Senator from Wisconsin. I have already used the time of the Senator. I appreciate his giving me this time.

What I want to do at the moment is to deny most emphatically some of the implications which the Senator from Arkansas and apparently the Senator from Wisconsin indulged in making charges that when the Secretary of Defense says that he is going to try to improve the procurement processes and look at this as he goes along and do the best he can and get into the "fly before he buys" in as many cases as it proves prudent to do so, he is not telling the truth. This is what the Senator from Arkansas implied.

I wanted to say that there is no evidence of that whatsoever, that most of the contracts he is talking about were let under McNamara, long before this Secretary of Defense ever came in. As a matter of fact, most of them were under a Democratic administration. We might as well be frank about it.

I think the motivation that has been assigned to this matter does not help the debate, and it certainly does not help the Senator from Wisconsin.

Mr. MURPHY. Mr. President, who controls time on the opposition?

The PRESIDING OFFICER. The Senator from Mississippi.

Mr. MURPHY. Mr. President, may I ask the Senator for 3 minutes?

Mr. PROXMIRE. Mr. President, I would be glad to yield 3 minutes to the Senator from California if he would promise to support the amendment.

Mr. MURPHY. I have an idea that the amendment will be permitted to die before it is permitted to fly.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator from California is recognized for 2 minutes.

Mr. MURPHY. Mr. President, I assure the Senate that the members of the Armed Services Committee have gone into all of these matters quite thoroughly. I know from long experience that it is quite easy to get up on the floor and make a broad, sweeping statement that it would be much more efficient to do it in the Government.

I can only think of one bureau in the Government that operates with what I would consider to be a high degree of efficiency. That is the Passport Office, and that Office is gradually being destroyed by attacks made upon them.

Reference was made to the Marietta facility. I wonder if the Senator knows how that facility came into being and when and why.

The Marietta facility was the most efficient facility of its kind ever conceived and built in our history at the time. It is a mile-long facility line where the material would come up on railroad sidings and by a continuous assembly line would never stop until a B–47 aircraft rolled out.

I know something about it. I was there during production. I was there when the first B–47 rolled out. It does belong to the Federal Government. The Federal Government built it because it was badly needed at the time. It has been leased to the manufacturers. The Federal Government does not say, "Go down and help yourselves to the Marietta facility." It says use it well but pay rent.

I find a great deal of complaint with the operation of the Department of Defense, particularly over the last several years when weapons systems were researched and developed and got up to the point where production was to start and were then canceled. Billions of dollars were spent and wasted.

I will cite one example, the Sky Bolt. It was a good weapon. It was canceled. We were told it was inefficient and did not operate properly. That is not true. I happen to know that it was efficient and it did operate properly.

This is only one case of many weapons systems.

These are the things that bother me when the impression is given that somehow or other these companies have an idea that they will somehow or other fool the public, that there is some collusion between the companies and the Department of Defense, to be inefficient or cheat.

I can say with all frankness that I think one of the greatest department leaders in Washington is Assistant Secretary of Defense Packard.

Here is a man who started business in a garage with $600 of his own money. This is one of the greatest success stories in American history. We are most fortunate to have him on the job and we are also fortunate to have a man with the experience of the Secretary, Mr. Laird, who is most capable and experienced in these matters.

I am not now concerned that there will be too much money wasted. I think we are coming into an era in the Department of Defense where the American people will be getting the most for the American tax dollars spent. The rights of the American people and the needs of national security will be uppermost in the minds of the Department. I think the need for this amendment no longer exists.

Mr. President, I thank my friend, the Senator from Mississippi, for yielding.

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, I think the issues here with reference to the amendment have been fairly well covered for the Senators, or at least in the RECORD. I say that with all charity to the Senator from Wisconsin as a legislator, and a very active one. I think that to write a report of this important provision into the law not only requires time, but the only sound way to approach the matter is by more study than has been given.

It is more or less admitted here that these terms do not have definite meaning in law or in science. It is shown here that some of them are merely budgetary terms. No one knows what advanced development means, for instance, the way it is used here, at least. There is no way to get around the fact that the idea would have to be defined.

This report has been filed for only a few weeks. By the way, I was at least one of those who discussed the matter with Mr. Laird soon after he came into office. We talked about the idea that a panel study ought to be made. I told him that the executive was the one to kick it off. In this vast enterprise that spends many billions of dollars every 12 months it is awfully hard to keep up with it. I know that it is very difficult for the committees to keep up with it.

I point out that in the past year the appropriation bill for the Department of Defense was completed by the Senate and the President signed it into law on December 20. The calendar year was virtually gone before we were ever able to get the appropriation bill finished and to the President so that he could sign it into law.

This panel study is valuable, but it is just a start. To become a part of the law

of the land requires further analysis by competent staff members and recommendations of some kind on the part of both the House and the Senate and on the part of our standing committees that work in this field all the time.

What I have in mind as chairman of that committee is to get started on the matter as soon as we can.

If we have a session following the November elections I would hope to get some hearings started during this calendar year. My idea was to ask Mr. Laird to come in and give us a statement in writing as to what he proposes to do about the suggestions raised by the entire panel, and we would be ready then to ask proper questions of Secretary Laird and other witnesses. Our staff would be ready to define any terms we saw fit to use in writing a report or writing any proposed legislation. I am sure the House of Representatives would follow the pattern I have outlined. Although I have not conferred with them that would be the logical approach. Then, we would have before the Senate and the House some proposed legislation that had been studied, developed, analyzed, and defined, and we would be able to advise this body of the impact of the legislation upon the Department of Defense with reference to contracts and with reference to every phase of this vast military program that is covered by whatever we recommended. In addition, there would be further facts developed.

If anyone did not agree with the committee he would have the facts and have something upon which to rest his position. As it is, here nobody knows just what this means. They do not know where to turn for further facts. Here is the panel report which states that they have not been able to complete all the information which backs up these recommendations.

That refers to the appendices I have referred to this afternoon. So I do not believe Senators want to just take the bit in their teeth and plunge on, even though there are good and meritorious points in the amendment.

To show how things look when they are viewed on the surface, this M–60A1 tank shows $56 million for procurement. The Senator from Wisconsin has been led to believe that was premature, whereas, in fact, that is the standby tank which has been in production for 8 years. It has a little research money here for making improvements.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, will the Senator yield on my time for a question?

Mr. STENNIS. Yes. But I would like to yield on the Senator's time for the question.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized.

Mr. PROXMIRE. On the tank matter, I was talking about the Shillelagh. This is the weapon, rather than the tank itself, on which we felt testing had not been completed before they moved into production.

Mr. STENNIS. In that case, the A–1 is the one the Senator referred to, but they attempted to put the Shillelagh on what was essentially the M–60A1 tank. It took some time in research and development, but it would not work so we just abandoned it. That was the whole story there, and they put the money on this regular tank, A–1, and they put the advance money in.

Mr. PROXMIRE. In reading from the committee report, it states:

> Work on the M60A1E2 started in 1965 and was to be a product improvement to the M60A1, primarily by adding a new turret and the 152 mm gun Shillelagh main armament system. Funds were provided in 1966 and 1967 for production, but the tanks were never assembled because of technical problems. The Army has requested $12.1 million to continue effort towards solution of the problems. The current investment in 300 tanks and 243 turrets totals almost $260 million and the Army estimates that about $110 million more is required.

My point is they went ahead with production of Shillelagh before they finished testing, before the bugs were worked out. That is what I was referring to.

Mr. STENNIS. I thank the Senator.

Mr. PROXMIRE. Mr. President, I yield myself such time as I may require.

Mr. President, earlier today the distinguished Senator from Colorado (Mr. DOMINICK) implied that this administration is not following the policy followed by the previous administration; and not following policies followed by Secretary of Defense McNamara, and that Mr. McNamara was primarily responsible for following a policy of moving precipitately into production before testing was completed.

I was referring to some of the requests that are contained in this bill by the present administration.

For example, at page 46 of the committee report, the committee recommends reduction in funds for the AIM–7F, stating that "the quantity is half that requested to permit additional development effort prior to a significant buildup in production."

It looks as if the Navy asked for production funds before it was fully tested. The committee refused to go along. I commend the committee. This is an example where the Pentagon was not following the "fly before you buy" principle.

On the Condor, the committee knocked out $28 million in procurement because the weapon needs more research and development. The Navy apparently asked for these funds before research and development was completed.

This amendment would provide assurance to Congress that we knew whenever the Department of Defense intended to proceed with production before testing had been completed. Although the Department of Defense objects to giving us this information, they never objected to the language of the amendment and never said they could not give us the information the amendment requires. They do say it would be premature and that they would prefer for various reasons not to have this requirement. But this requirement for information seems a minimum discipline the Congress should impose on a Department of Defense, regardless of the administration, a Department of Defense which has had a bad record of procurement and which has cost us billions of dollars.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. MURPHY. In the event of the acceptance of the amendment, and if the report came to Congress and Congress considered it and decided that possibly there should be more research and development, or something else done, with regard to a certain weapon, what would be the procedure under the amendment?

Mr. PROXMIRE. That is a very good question. Simply filing the report would free the funds, regardless of the attitude of Congress; Congress would have the opportunity to cut the funds or permit them to go through; but Congress would be on notice that they are departing from the "fly before you buy" principle and Congress could take whatever course it saw fit. As the Senator from Colorado pointed out the notice of fully testing would not be appropriate in some cases, but we would know the situation and decide if we should appropriate funds for production or hold them up.

Mr. MURPHY. We have the example before us of the C–5A, and there has been a great deal of discussion about it. The report identifies it as a good airplane. The aircraft does everything it is supposed to do. In fact, I think its first exhibition was a remarkable demonstration. But we are now contending we want to cut back production of the airplane for all sorts of reasons.

We have an amendment I am told which would cut back money for the B–1. The distinguished chairman of the Subcommittee on Research and Development even suggested that with some rebuilding the B–52 would be reusable into the 1980's, and we should not proceed with the B–1. This, of course, is unthinkable in my opinion.

This is like saying, "We can get along with that old apple; just cut out the bad spots and there will be a little left to eat." We will be able to get by, maybe.

If this gets into a game where Members of Congress, are involved, many with expertise on this matter, but most of whom do not have expertise, who would decide if we go ahead or stop or how long should we hold it in obeyance while the Senate debated the matter?

In the meantime, what would happen to our national defense posture, which at this moment in history leaves a great deal to be desired?

Mr. PROXMIRE. The fact that we get this information does not mean we would delay the report. We would have information to determine whether or not we were going to go ahead. If a Senator were interested, he could ask his staff to study it in order to determine whether a departure from the "fly before you buy" principle was a right one. If it were not, he would make a motion to delete the funds. At the present time we are flying blind; we do not know. All I am asking is that we have the information. It would inform the country that in this

particular case the Pentagon was not following the "fly before you buy" policy.

The Secretary of Defense has announced to the country that this is the policy of the Department. He did so in a press conference. On the basis of that press conference and press releases lasting several days, it was announced that the "fly before you buy" concept was the Department's policy. If it is our policy, fine, but we ought to know when we are departing from that policy.

Mr. MURPHY. I do not think the actual statement was "fly before you buy." I think that was intended as a figure of speech. I think it was to indicate that the old inefficient policy was not going to obtain any more. But at the present time—regardless of the semantics involved or what the Secretary of Defense said, and I do not think the entire national security depends on what he may have said at a press conference—there is for instance total disagreement of opinion with regard to the B–1 program between the Senator from New Hampshire, chairman of the Research and Development Subcommittee, and the Senator from California. We are absolutely in disagreement. If the production of any weapon system were to be held up or have to wait until some date when one could convince the other who is right in these matters, it might become even more unfortunate than some of the experiences we are uncovering now.

Mr. PROXMIRE. As far as whether this is the policy of the Secretary of Defense is concerned, here is the story in an Arizona newspaper, which I am sure the Senator from Arizona will agree is a good and responsible newspaper. What does the headline say? "Pentagon To Buy No More Untested Planes." It is that plain and simple. That is what the Secretary of Defense said in a press conference in San Clemente. The article states:

> Secretary of Defense Melvin R. Laird said Monday that future defense contracts will be negotiated on a "fly before you buy" basis designed to prevent massive losses to taxpayers because of cost overruns.

That is what Secretary Laird said. That is his policy. If that is the policy, let us not depart from it. I suspect the Defense Department would like to depart from that policy rather often. We should insist that Congress and the public should know about it if they do depart from that policy. That is the only way to get efficient procurement. Let us find out what the deficiencies are and criticize them when they are wrong.

If we say, "No" to this amendment, we are saying "No" to information, and we are saying "No" to being informed and knowing what is going on.

I am certain that the Senator from California does not want to be in that position. I am sure he does not want the people of California to believe he does not care what the Pentagon is doing. We should know what it is doing.

Mr. MURPHY. I do not think the Senator from California has had any surprises in the matter of overruns or some of the unfortunate experience with some of the buys in the past. As I said earlier——

Mr. PROXMIRE. If the Senator from California has not had that kind of surprise, he is in an unusual position, because if what I am sure are sincere and honest people in the Pentagon who made the estimates and who were proved to be wrong—in some cases $1.5 billion wrong; in the case of the Mark–48 torpedo, it was estimated to cost $682 million and is now going to cost $3.5 billion—those Pentagon officials were not surprised by that, they were telling lies. They must have been surprised. They were the experts. They should have known. We authorized funds for those weapons systems on that basis.

I think we were all surprised when we learned the cost had so enormously increased.

That is what we are trying to get at, by picking out one of the principal elements that the Comptroller General and the Pentagon people themselves say is one of the primary reasons for the overruns—not the whole reason, but certainly one.

Mr. MURPHY. Do I understand that during the development of that particular torpedo the information was not available to Members of Congress and the members of the Armed Services Committee, that would indicate that a tremendous overrun would be expected?

Mr. PROXMIRE. I am sure that in the course of the years between the time the original estimate was made, in about 1963, and the time when the latest estimate was made, which is $3.5 billion, a few informed people knew somewhere along the line; but I am sure that there was a determination on the part of Members of Congress to go ahead with the system in part because they thought it was a good buy at that price.

The C–5A is the best example of this. As recently as April 1968 the Air Force told the Appropriations Committee that the costs were "right on target," and that it was not going to exceed the upper limit of the estimated cost. They were wrong by $2 billion. It was a plane that was in research and development a number of years. The Air Force should have known.

It was their best estimate. They must have been very surprised, if they were telling the truth, when they saw it. Certainly, the members of the Appropriations Committee were surprised, and I am sure they were later when they found out how they had misunderstood it.

Mr. MURPHY. It was my understanding that Congress at all times had been informed that there would be overruns.

Mr. PROXMIRE. Not in this case.

Mr. MURPHY. And that the C–5A was going to exceed the contract cost.

Mr. PROXMIRE. In the hearing before the House Appropriations Committee in March or April 1968 the Air Force assured the Appropriations Committee that the costs were "right on target," in response to a question by a member of the House Appropriations Committee.

Mr. MURPHY. I would like to see that. Both the question and the answer within the context of the examination.

Mr. PROXMIRE. I shall be happy to show the Senator that.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. McINTYRE. I get a little confused about the terms "cost overruns" and "cost growth."

How does the Senator see them? As both the same thing?

Mr. PROXMIRE. Yes. The difference between "cost overrun" and "cost growth" is that the Pentagon uses the term "cost growth," because "cost overrun" has had what the Pentagon considered an unfortunate connotation of inefficiency, incompetence, and poor estimating, and so forth. They felt that "cost growth" would more precisely reflect the argument that there is inflation involved and that there are other elements involved. It is strictly and wholly a matter of public relations semantics. We had their matter out before our Subcommittee on Economy in Government. It was discussed at great length. When this matter came up, it was pointed out that "cost overrun" was the term used by the Pentagon for years. Then they shifted to "cost growth" as a policy determination in 1969. As a matter of fact, they sent a memorandum out ordering members of the Defense Department, when they appeared before Congress and were talking to the press, not to use the term "cost overrun"; to use the term "cost growth."

Mr. McINTYRE. As the Senator from Wisconsin uses the terms, he seems to regard them as interchangeable. In my own mind, I think of "cost overrun" as applying to a contractual situation, such as the C–5A, where we find we have to go above the contract price. But when we talk about a weapons system, say the Mark 48, and the initial planning estimate turns out to be low for a series of reasons, that is "cost growth." The former deserves a negative connotation, the latter necessarily does not.

Mr. PROXMIRE. I am not saying that if there is an overrun it is not justified. It may well be justified. The Senator from New Hampshire knows a great deal about research and development. He has been a specialist in that subject for the past few years.

He may very well be right, that there is a technological problem involved that makes it almost inevitable that we have this colossal cost growth. But the term "cost overrun" has been used to apply to the difference between the original planning estimate, which for the Mark 48–Mod O initially was $628.4 million, and the current estimate, which is $3.89047 billion. That was a growing comparable cost increase of more than fivefold.

Mr. McINTYRE. Mr. President, I am going to end it here, but in the paper in which it was indicated that some 38 weapons systems had a substantial cost growth, it was called a "cost growth," and that made sense to me. A lot of things have happened; changes have been incorporated, new routes have been taken, and a higher degree of sophistication bred in.

But I notice that in the Senator's paper he talks about these 38 weapons systems, not as "cost growths" but as "overruns." That puts it, in the mind of the hearer, in a class something like the C–5A, and I do not think that is fair.

Mr. PROXMIRE. Well, you can explain the increases in either way; I do not think it matters. As the Senator knows, inflation has been allowed for in the initial estimate. Furthermore, the increase in wholesale prices and manufacturing prices has not been as large as in the cost of living.

I do think this cost overrun can be disputed in specific and individual situations. But we have had an enormous cost growth or overrun on weapons system after weapons system, and the Comptroller General and the Secretary of Defense say one principal reason for it is because we have moved into production before we have adequate testing. He says his policy is now to the contrary, and I say we should say to him, "If you depart from that policy in the future, let us know."

I do not want to be on record before the American people as having said to the Pentagon, when this amendment came up, "I do not care; you can do whatever you want to in that situation," and that seems to me to be what the argument against the amendment would imply.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time remains for those in opposition to the amendment?

The PRESIDING OFFICER. The Senator from Mississippi has 10 minutes.

Mr. PROXMIRE. How much time do I have, Mr. President?

The PRESIDING OFFICER. The Senator from Wisconsin has 8 minutes.

Mr. STENNIS. Mr. President, I do not have notice of any other Senator wishing to use any time in opposition to the amendment.

Since we started this debate, some additional Senators have come in, and I want to repeat some points I made heretofore, Mr. President, specifically with respect to the situation about the F–14B.

The F–14A is the new Navy plane that has been criticized here as having gone too fast. But let us keep clearly in mind, Mr. President, that this F–14, the A version, was put together to take the place of the Navy version of the TFX, that never did work satisfactorily. So we found ourselves, years after the beginning, and at the time when it had been hoped to have gone into procurement, with an unsatisfactory plane, and Congress deleted that money, and, instead, put in money to begin the F–14.

It was really a kind of rush order, in a measure, by Congress, that the F–14 proceed as rapidly as possible. They moved into the A version, and we have almost completed whatever we will have to buy for the A version; on the F–14B, which is quite an improved version, they are already ahead of schedule on a revised and improved engine, and that is moving forward very rapidly, and almost all future F–14 planes will be the B version.

This illustrates very well that when you have emergency matters in connection with weapons, you have to move forward more rapidly than otherwise. At the same time, this tank weapons that was used as an illustration in favor of the Senator's amendment, I think, turns out to be very explainable, indeed. I shall not go over that again.

The major objections that have not been explained, to this amendment in its present form, are two. The first is that the mission, the panel that put all of these recommendations together, have not even had time yet to file with us the appendixes to their report, which give the benefit of their staff studies and staff recommendations.

Moreover, Congress has not had time to make any study of this panel report. The report has not been here but 5 or 6 weeks, and everyone knows what has been going on here during that short period of time. There has been no opportunity, even for staff members who were put to work on it immediately after it was filed, to complete their work on it. They need these appendixes, too. So, of course, we have not made any study or any recommendation. We have not had time to have hearings.

The committee already has in mind—and has had since the beginning, because committee members recommended this study—that just as soon as he can, Mr. Laird be called before the committee to testify with respect to the panel and what recommendations he proposes to make, and he will have to define his terms then, when he makes those recommendations. Our staff members will then have time to study the matter and go into questions that go to the very vitals of it, and they will have had time to define many of these terms, and then, for the first time, the legislative branch of this Government will be on its way.

We are not particularly trying to please Mr. Laird or the panel or anyone else. What we want is sound legislation in a field where I think some is needed, and that is what we will try to bring to the Senate floor: Sound recommendations that are explained, that are documented, where there will be analyses and definitions to back them up. There will be material, if we did not go far enough, where someone who wishes to push it farther will have a record to work on and testimony to support him; and those who think we go too far, if we do, will have a record to support them in efforts to cut it back. But it is through a process like that, and only through a process like that, that you get sound legislation.

We are not talking about making pitchforks or wheelbarrows, or even as simple a thing as an automobile. We are talking about many matters here as delicate as a Swiss watch, as to some of their components—all kinds of avionics and technical matters, all kinds of involved advanced methods, as exemplified by some of the marvelous weapons we now have, and some of the marvelous achievements of NASA in the moon shots and many other things they have done.

All of these things cannot be just stereotyped and set up as if we were sawing logs in a sawmill, or producing some of the ordinary instruments we are familiar with. It takes people who know the subject.

I want to make one further illustration. The term "weapons system" is used in this amendment a great many times. I am not being critical of the language, but this is legislation we are talking about now. These panel writers were talking about a report—just a Presidential report. We are talking about legislation, although the wording is the same. It is taken literally from this panel report, as I said, without explanation of meaning, without a report to back it up, without a legislative history, and without the good, fine points that the Senator from Wisconsin would be capable of if he had the time, of writing into this language and into the legislative history all the other things that go to make up a sound package or sound legislation.

I do not think that we are concerned here with what Mr. Laird believes or what Mr. Laird said, particularly, or what his predecessor said.

I know that the record does not look good with respect to some of these weapons systems. The so-called overruns in many cases, as the Senator from New Hampshire has said, are nothing but cost increases. Some of them are based upon figures that were improvidentially given in the first place, back in the early stages, when a weapon of a certain type was just a dream and no one could give anything that was an estimate of what it would cost.

Much later, after research and some development has transpired, is the first time, in my opinion, that one can make any figure in dollars that has the decency of being an estimate; and then, in times of inflation, increased wages, and everything else, one would have to tie to it certain well defined addenda that are part of those estimates.

When those tests are applied, a great many of these weapons come within the boundaries of estimates that were made after we had approached it.

The PRESIDING OFFICER. The time of the Senator from Mississippi has expired.

Mr. STENNIS. I thank the Chair.

I yield the floor.

Mr. PROXMIRE. Mr. President, I thank the distinguished chairman of the committee. He has a very great responsibility and discharges it extremely well, and he is always very fair and accurate in his statements.

I disagree strongly with the Senator from Mississippi. One of his arguments is that the Commission has not had time to file the appendices of the report, that Congress has not had time to study the report, that there has been no time for hearings, and that they would like to have Secretary Laird appear before the committee.

Mr. President, all these would be very good arguments if I were providing that we move into a particular kind of procurement, if I were imposing anything on the Pentagon except a report. What I am

doing is taking a principle of which the Secretary of Defense says, "This is what I am going to follow." He has told this to the country. He has told it as the New York Times headlined it: "Future Defense Contracts To Be Awarded in Stages." He has told it to the country in the Washington Post headlines: "Fly-Before-You-Buy Policy Set for Weapons Contracts." He has told them and every major newspaper in the country: In the Arizona Daily Star: "Pentagon To Buy No More Untested Planes." This is his policy. This is what he says he intends to do. He has assured the country of this, and the country believes that he is following that policy.

Mr. President, under these circumstances, it seems to me that we have a policy which is relatively simple. It is not a matter of being able to get a complex avionics system, as the Senator from Mississippi tells us. It is simply a matter of asking whether or not the Pentagon is following the policy it has announced as its policy. It would seem to me that this is the very least we can do in the mildest and most modest kind of discipline of a procurement system that obviously has gotten out of control. This amendment would not stop a single weapons system or delay it. All it does is call for a report at a time the production of a weapons system is funded, stating the extent to which the fly-before-you-buy policy has actually been applied to the particular system. Any Pentagon problem ends when the Pentagon provides this one-time report. They just report. Then the money is freed. Then we have information, however, on which we can determine whether or not we want to cut off funds for production, if we feel that the testing has not been adequate. But we have the information.

Senators who vote on this amendment should realize that if they vote "No," they are telling their constituents that they do not care whether the Pentagon has followed the fly-before-you-buy concept.

The Fitzhugh Commission strongly recommended this policy. It was one of their major recommendations. All it means is that testing and research should be finished before production begins. Get the bugs out before spending billions.

The Pentagon immediately embraced the recommendation. In fact, it claimed that it was already in effect. In a press conference on July 27, Secretary Laird said:

> Fly before you buy is a characterization of the kind of procurement policies we will be following in this administration . . .

But in the bill before the Senate, the Pentagon requested money for the production of weapon after weapon after weapon while research and testing were still going on.

Mr. President, procurement is still in a mess. The overruns on 38 major systems as of the latest report were $23 billion. Too much is spent on weapons which do not meet specifications, are years late in delivery, and cost far more than originally estimated. All this amendment does, as I have said over and over again, is to require a report. Are we afraid to get that information? Is the Pentagon refusing to give us this information on the ground that if they did, we might find that they are not following that policy and that we would be in a better position to criticize them? I do not blame the Pentagon for not wanting to be criticized. If I were Secretary of Defense, I would feel the same way.

I think that our job as Senators is to recognize where the waste is—and the waste has been enormous in going into production before finishing testing—and insist on the information, on the basis of which we can make an intelligent, informed decision on voting funds on these weapons systems.

I realize that when we have the opposition of the committee and of the committee members—and it is a very good committee—the Members of Congress have to be very careful in deciding whether to vote for an amendment which the committee opposes, particularly when they say, "All we want is time." But I do plead with the Senate to recognize that this is one very simple matter, this is not a matter of ratifying a comprehensive report which covers many enormously complicated things. I expect Secretary Laird to testify whether the Joint Chiefs of Staff, for example, should be removed, as the Commission recommends, from much of the power area and policy area which they have had in the past. There are many other recommendations in this report which are very profound and which require perhaps years, certainly many months of testimony and of study and of debate and discussion. But this amendment goes to one, only one principle which is simple, direct, and clear—one that the Secretary of Defense says that he, himself, has adopted.

It seems to me in this case that if we are going to move ahead with any kind of demonstration of concern, we ought to act promptly on an amendment that simply gives us information.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the question now before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin (Mr. PROXMIRE).

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. RIBICOFF (when his name was called). On this vote I have a live pair with the Senator from Florida (Mr. GURNEY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I therefore withhold my vote.

The rollcall was concluded.

Mr. BYRD of West Virginia. I announce that the Senator from Virginia (Mr. BYRD), the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Mississippi (Mr. EASTLAND), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Florida (Mr. HOLLAND), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. MANSFIELD), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Missouri (Mr. SYMINGTON), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I also announce that the Senator from Nevada (Mr. BIBLE) and the Senator from Wyoming (Mr. MCGEE) are absent on official business.

On this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from Alaska (Mr. GRAVEL).

If present and voting, the Senator from Nevada would vote "nay" and the Senator from Alaska would vote "yea."

On this vote, the Senator from Florida (Mr. HOLLAND) is paired with the Senator from Oklahoma (Mr. HARRIS).

If present and voting, the Senator from Florida would vote "nay" and the Senator from Oklahoma would vote "yea."

On this vote, the Senator from Mississippi (Mr. EASTLAND) is paired with the Senator from Michigan (Mr. HART).

If present and voting, the Senator from Mississippi would vote "nay" and the Senator from Michigan would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Tennessee (Mr. BAKER), the Senator from Oklahoma (Mr. BELLMON), the Senator from Arizona (Mr. FANNIN), the Senator from Hawaii (Mr. FONG), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Maryland (Mr. MATHIAS), the Senator from Vermont (Mr. PROUTY), the Senator from Alaska (Mr. STEVENS) and the Senator from South Carolina (Mr. THURMOND) are necessarily absent.

The Senator from Wyoming (Mr. HANSEN) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Hawaii (Mr. FONG), the Senator from Wyoming (Mr. HANSEN), and the Senator from South Dakota (Mr. MUNDT) would each vote "nay".

The pair of the Senator from Florida (Mr. GURNEY) has been previously announced.

On this vote, the Senator from New York (Mr. GOODELL) is paired with the Senator from South Carolina (Mr. THURMOND). If present and voting, the Senator from New York would vote "yea" and the Senator from South Carolina would vote "nay".

On this vote, the Senator from Oregon (Mr. HATFIELD) is paired with the Senator from Arizona (Mr. FANNIN). If present and voting, the Senator from Oregon would vote "yea" and the Senator from Arizona would vote "nay".

The result was announced—yeas 22, nays 43, as follows:

[No. 258 Leg.]

YEAS—22

Aiken	Metcalf	Smith, Maine
Bayh	Nelson	Smith, Ill.
Case	Packwood	Spong
Cooper	Pastore	Williams, N.J.
Fulbright	Pell	Williams, Del.
Hughes	Proxmire	Young, Ohio
McCarthy	Randolph	
McGovern	Schweiker	

NAYS—43

Allen	Dominick	McIntyre
Allott	Ellender	Miller
Anderson	Ervin	Murphy
Bennett	Goldwater	Pearson
Boggs	Griffin	Percy
Brooke	Hollings	Saxbe
Burdick	Hruska	Scott
Byrd, W. Va.	Inouye	Sparkman
Church	Jackson	Stennis
Cook	Javits	Talmadge
Cotton	Jordan, N.C.	Tower
Cranston	Jordan, Idaho	Yarborough
Curtis	Long	Young, N. Dak.
Dodd	Magnuson	
Dole	McClellan	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY ANNOUNCED—1

Ribicoff, for.

NOT VOTING—34

Baker	Gurney	Montoya
Bellmon	Hansen	Moss
Bible	Harris	Mundt
Byrd, Va.	Hart	Muskie
Cannon	Hartke	Prouty
Eagleton	Hatfield	Russell
Eastland	Holland	Stevens
Fannin	Kennedy	Symington
Fong	Mansfield	Thurmond
Goodell	Mathias	Tydings
Gore	McGee	
Gravel	Mondale	

So Mr. PROXMIRE'S amendment (No. 816) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. GRIFFIN and Mr. DOMINICK moved to lay the motion on the table.

The motion to table was agreed to.

SENATE JOINT RESOLUTION 230—INTRODUCTION OF A JOINT RESOLUTION EXTENDING THE DURATION OF COPYRIGHT PROTECTION IN CERTAIN CASES

Mr. McCLELLAN. Mr. President, I introduce and send to the desk a joint resolution, and ask unanimous consent for its immediate consideration.

The PRESIDING OFFICER. The joint resolution will be stated by title.

The legislative clerk read as follows: A joint resolution extending the duration of copyright protection in certain cases.

The PRESIDING OFFICER. Is there objection to the present consideration of the joint resolution?

There being no objection, the Senate proceeded to consider the joint resolution (S.J. Res. 230) which was read the second time by its title.

Mr. McCLELLAN. Mr. President, as chairman of the Subcommittee on Patents, Trademarks and Copyrights of the Committee on the Judiciary, I introduce for myself, the Senator from Michigan (Mr. HART), the Senator from North Dakota (Mr. BURDICK), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Hawaii (Mr. FONG) a joint resolution extending the duration of copyright protection in certain cases.

The purpose of this legislation is to continue until December 31, 1971, the renewal term of any copyright subsisting on the date of approval of this resolution, or the term as previously extended by Public Law 87-668, Public Law 89-442, Public Law 90-141, Public Law 90-416, or Public Law 91-147. The objective of this resolution, as well as the preceding interim extensions, is to temporarily continue the renewal terms of copyright pending the enactment by the Congress of a general revision of the copyright law, including a proposed increase in the copyright term.

It is now apparent that this Congress cannot complete action on the legislation for general revision of the copyright law, regardless of whether the session is resumed in November. The subcommittee reported the revision bill on December 10, 1969, to the Judiciary Committee, but the committee has yet to act. After consultation with the other members of the subcommittee it has been decided that no useful purpose would be served by seeking further action in the Senate on the bill during this session. Accordingly, all the members of the subcommittee are joining as cosponsors of this joint resolution.

The failure of this Congress to enact the copyright revision bill can be attributed in part to the many ramifications of the cable television issue. Section 111 of S. 543, the copyright revision bill, relates so the copyright liability of secondary transmissions by cable television systems. This section reflects a middle ground within the subcommittee and, in my opinion, represents a reasonable balance of the interests of the public, copyright proprietors, conventional broadcasters and the cable industry.

Prior to the drafting of this section I requested the Federal Communications Commission in 1969 to advise the subcommittee as to the Commission's recommendations. The Commission responded on February 17, 1969, that the CATV section of the copyright bill should be a meld of both copyright and communications policies. On March 11, 1970, the Commission announced that they were opposed to the inclusion in the copyright bill of provisions on the very subjects, such as the relationship between the copyright law and adequate television service to the public, which they previously said must be included in the copyright bill.

On June 24, 1970, the Commission adopted a notice of proposed rulemaking covering certain of the issues involved in section III as well as a number of CATV communication issues. The Commission has set November 23 as the final date for comments on the proposed rules. The Commission apparently now recognizes its responsibility to proceed expeditiously toward the adoption of appropriate rules so that the public may more fully enjoy the benefits resulting from cable television. The Chairman of the Federal Communications Commission has assured me that the Commission will make every effort to complete the rulemaking process by the end of this calendar year. The Commission has also indicated, however, that the implementation of certain of the rules, including those relating to improved television service to the public and the importation of certain distant signals, must await action by the Congress to resolve the CATV copyright question.

Accordingly, it is anticipated that by the time the 92d Congress convenes the FCC will have promulgated the necessary rules relating to the carriage of broadcast signals by cable systems, and associated matters. This should facilitate action by the next Congress on the CATV provisions of the copyright bill.

I have reviewed the proposed rules contained in the Commission's public dividend plan. It appears that the Commission now is seeking the same objectives sought by the subcommittee in section 111. I believe, however, that the subcommittee proposal is more workable and equitable. Section 111 recognizes that in certain situations it is desirable to protect the interests of broadcasters who have acquired the exclusive right to perform a particular copyrighted work in a certain market. Accordingly, it grants limited protection to such broadcasters and places certain restrictions on cable systems importing such programs. The Commission's proposed rules would give no protection to broadcasters who have acquired exclusive rights but proposes as an alternative a complex scheme whereby the commercials on the imported programs would be deleted and replaced by the commercials appearing on the local UHF stations. The purpose of this plan is to produce revenues for UHF stations which it is claimed may be harmed by the competition with imported signals carried by a cable system. Many experts in the communications industry who have commented on this provision of the public dividend plan have described it as unworkable. It is said that the costs of the necessary equipment and other expenses would absorb much of the anticipated revenues. I believe the Commission would be better advised to adopt rules based on the concepts contained in section 111.

I also have serious reservations concerning those provisions of the proposed rules requiring operators of cable systems to pay 5 percent of their subscription revenues to the Corporation for Public Broadcasting and local public broadcasting stations. It is not clear why cable television should be required to subsidize public broadcasting.

The FCC has indicated that the amount of copyright fees to be paid by cable systems should be determined by the Congress but the Commission has suggested a fee schedule for the consideration of the Congress. The payments provided under this schedule are generally in accord with the fee schedule contained in section 111. The Commission has attached great importance to the necessity for periodic review and possible adjustment of any statutory CATV-fee schedule. The subcommittee

had previously come to the same conclusion and, therefore, added to the copyright bill a new chapter 8 establishing a Copyright Royalty Tribunal to periodically review not only the CATV rates but all the statutory fees specified in the bill. This is a very useful provision which will permit adjustment of royalty rates to reflect changed conditions.

I stated in the Senate last August 5 that the failure to act on the pending copyright bill "would raise a very real prospect—that the entire revision effort may well collapse." I regret that this is a real possibility. The Copyright Act of 1909 is clearly inadequate to the country's needs. Authors, composers, recording artists, and other creators have the right to expect the Congress to enact a viable and progressive copyright law that will promote the constitutional purpose of encouraging and rewarding their contributions to the well-being of the Nation.

When I was initially elected to the House of Representatives in 1934, I served on the Committee on Patents. One of the first committee hearings in which I participated was on legislation to repeal the copyright exemption of the jukebox industry. In 1970 the Congress is still debating that issue.

The Subcommittee on Patents, Trademarks, and Copyrights, despite many difficulties, reported a comprehensive copyright bill which, as a whole, warrants the support of the Senate. I intend to introduce a successor bill in the next Congress, and it is to be hoped that it can be promptly processed by the subcommittee. Consideration can thus resume in the Committee on the Judiciary at the point where proceedings are now being suspended.

The subcommittee, with the cooperation of all the members, has discharged its responsibilities. The House of Representatives has passed a bill. The fate of copyright law revision in the next Congress rests to a considerable extent with the Committee on the Judiciary and the Senate.

Mr. President, I have talked with the leadership on both sides of the aisle about the joint resolution. It simply extends again the protection of copyrights for another year, until such time as, hopefully, we can pass a copyright bill. I know of no opposition to the joint resolution.

The PRESIDING OFFICER. The joint resolution is open to amendment.

If there be no amendment to be proposed, the question is on the engrossment and third reading of the joint resolution.

The joint resolution was ordered to be engrossed, and to be read a third time.

The joint resolution was read the third time, and passed, as follows:

S.J. RES. 230

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That in any case in which the renewal term of copyright subsisting in any work on the date of approval of this resolution, or the term thereof as extended by Public Law 87–668, by Public Law 89–442, by Public Law 90–141, by Public Law 90–416, or by Public Law 91–147 (or by all or certain of said laws), would expire prior to December 31, 1971, such term is hereby continued until December 31, 1971.

MILITARY USE OF HERBICIDES

Mr. NELSON. Mr. President, on July 16, I introduced the environmental warfare amendment to the pending bill before the Senate, the military authorization bill for procurement. The amendment would terminate our tactical military use of herbicides in Vietnam and elsewhere. It would also prohibit the transfer of chemical agents and requisite equipment to any other nation for such use.

Yesterday, an article appeared across the Nation on the U.S. herbicide program in Southeast Asia. The author, Mr. Seymour Hersh, Pulitzer Prize winner, raised a question of grave concern over the acknowledged defoliation of 173,000 acres in the Fish Hook area of Cambodia in 1969. In essence, the author has accurately stated that the State Department has declared that the United States was not responsible and that they did not know who was responsible. Yet, the article quotes Mr. Thomas R. Pickering, Deputy Director, Bureau of Political-Military Affairs, Department of State, as declaring before a House of Representatives subcommittee that the "damage was caused by a deliberate and direct overflight."

One must wonder how the State Department can determine the intent of the defoliation incident if it has officially declared that the origin is unknown. This presents significant contradiction on an important matter that ought to be resolved by appropriate congressional hearings.

Also, in an article appearing in the Philadelphia Bulletin, Mr. J. Regan Kerney pointed up other issues on environmental warfare which I intend to discuss when the environmental warfare amendment is called up for a vote. He states:

> Through its (herbicidal warfare) psychologically demoralizing effects, defoliation may have created more Viet Cong than it has destroyed.

Mr. Kerney, who has studied the U.S. defoliation program in Vietnam for 10 months, also pointed out—

> In Ho Nai Village, which has been sprayed at least twice since 1967, the reporter (Mr. Kerney) found reports that 30 percent of the people became sick with migrane headaches and nausea, classical symptoms of reactions to herbicides, following an accidental spraying in 1969.
>
> Villagers also reported six stillbirths and mortality in one third of their animals following the spraying. He said the dogs were puny and stunted for two months before death, another herbicide symptom.

These two columns raise several important issues about environmental warfare.

Mr. President, I ask unanimous consent that the articles of Mr. Hersh, published in the Washington Star, and Mr. Kerney's published in the Philadelphia Bulletin, be printed in the RECORD at this point.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Star, Aug. 16, 1970]

CAMBODIAN DEFOLIATION LAID TO UNITED STATES

(By Seymour Hersh)

A mysterious American defoliation attack on a group of Cambodian rubber plantations in 1969 may emerge as a pivotal issue in the upcoming Senate debate on America's much-criticized anti-crop chemical warfare program in South Vietnam.

The incident suggests, once again, a great disparity between what commanders think is going on in the field and what actually happens.

No U.S. official has admitted that the spraying took place, although the State Department is now in the process of settling a multimillion dollar damage claim resulting from the attack.

UNCONTESTED FACTS

The uncontested facts, now being studied by a number of anti-war senators, are these:

In April and May 1969, the U.S. Air Force carried out a number of extensive defoliation missions in South Vietnam's Tay Ninh province bordering the Fishhook area of Cambodia.

On May 5, 1969, the U.S. Government became aware of a charge by Cambodia that about 173,000 acres, many containing rubber trees, had been severely damaged by defoliation spread by U.S. planes.

Much of the damage was centered on three French-owned rubber plantations about 12 miles from the South Vietnamese border. At the time of the attack U.S. policy explicitly forbade any defoliation missions outside South Vietnam.

PROBE ORDERED

A four-man U.S. investigating team, including top defoliation expert from Ft. Detrick, Md., the U.S. biological warfare center, was sent to make an on site investigation in July 1969. Their report, filed with the U.S. Embassy in Saigon on July 12, concluded that crop-spraying had damaged about 70,000 acres, about 35,000 of them fertile rubber and fruit tree acreage.

Along with its formal complaint, the Cambodian government sought reparations of $8.6 million (later raised to $12.2 million).

The U.S. advisory team's report make clear that drifting of defoliants stemming from the spraying in Tay Ninh could not be the cause of the heavy damage to the rubber plantations.

DIRECT OVERFLIGHT

"The evidence we have seen, though circumstantial, suggests strongly that damage was caused by direct overflight," the report said. It did not suggest who might have sprayed the defoliants.

Six months later, an ad hoc international scientific commission composed of French and American scientists visited the damaged areas and reported that the herbicide used was a mixture of 2,4–D and 2,4,5–T, a chemical with the code name "Agent Orange" that had been widely sprayed by U.S. planes in South Vietnam. It noted the reduction of as much as 40 percent of the rubber yield in affected areas.

The commission reported that "there is, of course, no question that the responsibility for the extensive herbicidal damage we have observed in Cambodia rests upon the United States. Only the United States has the ability and material locally to carry out such operations."

SEVEN PLANES

The scientists estimated that a direct low-level overflight of at least seven planes, each carrying a payload of 7,900 pounds of Agent Orange, took part in the mission. They quoted local residents who had watched the planes spray the plantation during an early morning attack.

"We conclude," the scientist said, "that it is highly likely that the overflights were a deliberate violation of the Cambodian frontier." All sources interviewed agreed that rubber plantations are easily distinguished from the air and could not have been sprayed by accident.

The scientists' conclusions were buttressed by a high State Department official during testimony before Congress in December 1969. Thomas R. Pickering, Deputy director of the Bureau of Politico-Military Affairs, told the House Subcommittee on National Security Policy and Scientific Developments that "the damage was caused by a deliberate and direct overflight of the rubber plantations."

NO MISSIONS TARGETED

Pickering added, however, that "there were no U.S. missions targeted for the Cambodian areas involved, nor were the investigators able to determine that any U.S. aircraft were directly involved in spraying these areas."

But many officials on Capitol Hill and in the State Department have concluded that a group of U.S. airplanes staged the attack and that it was unauthorized—at least at higher headquarters.

The Pentagon has repeatedly denied any knowledge of the attack. U.S. headquarters in Saigon made a detailed investigation that lasted several months in 1969, but the Pentagon later said there was no evidence that U.S. planes were involved.

THREE REASONS

A State Department source suggested that there might have been three reasons for the military to stage the attack—to defoliate a known Viet Cong sanctuary; as a purely punitive action against Prince Sihanouk, who was then in power, and as a puntive action against the French plantation owners and operators, who were believed to be cooperating with the North Vietnamese.

The incident is sure to be cited when the Senate considers an amendment to the pending military procurement bill that would prohibit the use of herbicides and defoliants by the military. The amendment, offered July 16, is authorized by Sens. Gaylord Nelson, D—Wis., and Charles Goodell, R—N.Y., and sponsored by at least nine other anti-war senators.

One source said the Senate Foreign Relations Committee might be interested in "looking into who did this, and why. If the State Department is willing to pay reparations so quickly, why can't we say we did it?"

[From the Philadelphia Bulletin, Aug. 16, 1970]

DEFOLIATION IN TROUBLE; SENATORS WANT TO KILL IT

(By J. Regan Kerney)

(EDITOR'S NOTE.—Bulletin reporter J. Regan Kerney has studied the U.S. defoliation program in Vietnam for 10 months. Following interviews with officials, scientists and civilians in the U.S. and South Vietnam, here is his analysis of the program and its fate in the Senate this week.)

The U.S. defoliation program in Vietnam is in trouble.

This week, eight years and 50,000 tons of chemical herbicides after its birth, herbicidal warfare may receive a fatal blow on the floor of the U.S. Senate because of a three-sentence amendment to the Military Authorization Bill for Procurement, which has passed the House.

If the amendment is passed, it would go back for approval to a joint conference of members of the Armed Services Committees of both branches of Congress, when the House reconvenes. But passage in the Senate is expected to mean final approval, according to a Senate aide.

The amendment, sponsored by Sens. Gaylord A. Nelson (D-Wis) and Charles E. Goodell (R-NY), would eliminate herbicidal warfare, direct or indirect, anywhere in the world by U.S. forces. The Pentagon is expected to fight hard for the program.

Ranch Hand—or Haedes, as defoliation was once known—has sprayed over 5,070,800 acres of Vietnamese rice paddies and jungles to deny food and cover to Communist forces.

Defoliation was hindered toward the end of the Cambodian operation, in June, when much of equipment used by the 12th Air Commando Squadron's Operation Ranch Hand was used for transporting arms.

But defoliation has continued, and this year the Pentagon wants more money to buy defoliants.

Its critics have several strong arguments:

That defoliation has upset Vietnam's ecological balance.

That spraying rice crops has denied food not to the Viet Cong, but to neutral civilians.

That through its psychologically demoralizing effects, defoliation may have created more Viet Cong than it has destroyed.

And that one of Ranch Hand's herbicides has caused hundreds—maybe thousands—of stillborn or malformed babies.

EVIDENCE AGAINST THEM

The Pentagon denies the charges and argues that removing the thick cover from Vietnam's dark jungles has increased visibility, prevented ambushes and probably saved thousands of GI's lives.

But the evidence is stacked up against Ranch Hand. Two studies within the past year have shown that an impurity in one defoliant, 2, 4, 5-T, causes birth defects in mice and rats. One estimate holds the impurity to be a million times more powerful than thalidomide, a tranquilizer that malformed fetuses of pregnant women.

Use of 2,4,5-T was suspended in April, and a Pentagon official told congressional sources last week that its use would not be resumed but the damage is done.

Now other studies reportedly are finding similar defects caused by another defoliant, 2,4-D, and Ranch Hand's critics are asking what will happen if other herbicides turn out equally disastrous, but, like thalidomide, go unnoticed until it is too late.

This week, the Pentagon may fall back on a new study, being prepared jointly with the South Vietnamese Ministry of Health, that reportedly shows no increase in stillbirths or malformations due to defoliation.

SKETCHY RECORDS

The problem with the report is that it is based on birth and health records in Vietnamese hospitals near Saigon, where accurate health files seldom are kept. Few Vietnamese women go to hospitals to have their babies anyway, and fewer report stillbirths.

Two of the Pentagon's main defenses of Ranch Hand are that populated areas are never sprayed and that all damage is compensated for.

But in several villages 20 miles north of Saigon, near Bien Hoa Air Base, surveys last spring by The Bulletin and The New York Times indicated severe health problems due to herbicides.

In Ho Nai Village, which has been sprayed at least twice since 1967, this reporter found reports that 30 percent of the people became sick with migraine headaches and nausea, classical symptoms of reaction to herbicides, following an accidental spraying in 1969.

ANIMAL DEATHS

Villagers also reported six stillbirths and mortality in one third of their animals following the spraying. A liquid vendor reported two of his dog's puppies had died after another alleged spraying. He said the dogs were puny and stunted for two months before death, another herbicide symptom.

The vendor, and others, said herbicides often drift over Ho Nai when the Air Force sprays its security perimeter at the nearby air base. Ranch Hand officials say they check wind conditions before each spraying, and contend there is no spray drift.

The villagers of Ho Nai, mostly fiercely anti-communist North Vietnamese Catholic refugees, say they have received no compensation for their lost crops and animals. They are bewildered and say the spraying is hurting them.

That is one reason why Ranch Hand's congressional critics will stand a good chance this week to end what one called herbicidal genocide.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. GOLDWATER. Mr. President, at the outset of this discussion on the military authorization bill I said that from time to time I would discuss different weapon systems, particularly those which I feel more competent to discuss, weapons systems of the Air Force. I should like to discuss briefly today the aircraft that started out known as TFX and then became known as the F–111, which will now carry a designation of B–111 as that aircraft moves into the Strategic Air Command inventory.

I think we have to recognize the difficulties that this weapon system has gone through, I might say through no fault of its own. It started out wrong when the contract was given to the highest bidder. I say that without any reflection on General Dynamics or Boeing, because they are both well recognized in the field of aviation and aviation development and manufacture. But right from the start, Mr. President, there was a question raised, I might say not by the Armed Services Committee but by other committees, as to the propriety of that award. But let us forget about that. We have gone through a number of years now having this airplane in our inventory, and it has suffered some real damage in the minds of the public because of spectacular accidents.

Not facetiously, I suggested to the Chief of the Air Force some time ago that if they changed the identification of the aircraft, the public would forget the troubles it has had. But the truth is that this airplane, the F or B–111 has had as good an accident rate—in fact, for a long while it was running better—than any other jet fighter or jet bomber, and it still maintains an accident record that is equal to that of any other aircraft in the field.

Mr. President, the worst of these accidents occurred last December when a wing came off, and it was then decided by the Air Force—a decision concurred in by the Armed Services Committees of both Houses, after discussion—that it would be wise to take the aircraft out

of inventory, develop astatic and other sophisticated test systems, and test every aircraft in the program.

Mr. President, as I go along I intend to discuss the testing program for the benefit of my colleagues.

The original primary function was that of a multipurpose fighter. Since that time, this original or primary function has been changed to one of interdiction by the Tactical Air Command and strategic bombing by the Strategic Air Command.

The prime contractor, as I noted, was General Dynamics. Its powerplant, which has since been modified to a small extent and will be modified more, consists of two Pratt and Whitney PF 30–T–3 turbojet engines, that put out a little more than 20,000 tons of thrust each. The dimensions of the airplane are as follows: Its wingspan is 31 feet 11 inches retracted, and 63 feet extended. The length of the airplane is 73 feet 6 inches, and it stands 17 feet high.

Its speed originally was to be mach 2.5, or two and one-half times the speed of sound, which gets us up to around the 1,600 or 1,700 mile range, but it has since been reduced to 2.3. It was to have had a service ceiling of about 60,000 feet, and I feel confident this will be achieved. It has a long range, and the capability of being refueled.

Its armament is conventional weapons, including air-surface tactical missiles and rockets. The crew is of two—one service will use two pilots, another service will use two rated personnel. One will be a pilot, the other does not necessarily have to fit that description.

The status is that all of the aircraft came out of inventory and were returned to General Dynamics at Fort Worth for testing. They are now coming out of the tests, but I shall return to that later.

As I have done on other weapons systems, Mr. President, I assigned myself the sometimes unpleasant task, but a task that I think must be accomplished, of criticizing the report on military spending by Members of Congress for Peace Through Law, which was released on July 15 of this year. I now address myself to that report.

The report suggests that we discontinue our present emphasis on deep interdiction—enemy airbases—because of the relatively low payoff and the high attrition.

Admittedly, the disadvantages of fighting over enemy territory may include increased loss rates; however, there are also distinct advantages in carrying the air battle to the enemy territory. Mounting offensive air strikes over enemy territory tends to force the hostile air force into a defensive role. Attacking the enemy aircraft on the ground keeps those enemy aircraft from attacking friendly ground forces. Thus, the influence of enemy air on the ground battle is reduced.

In a counter air battle it is preferable to kill the enemy aircraft on the ground where they are in a purely passive posture. The F–111 can fly far enough to strike virtually all the targets in the European theater. This advantage can be used either to strike airfields well beyond the ground battle or to base the F–111 beyond the effective range of enemy tactical aircraft.

Attrition is an important consideration, but it should be viewed in the context of the expected exchange ratio, which is derived from losses which might occur to each side. An Air Force study shows that a highly favorable exchange ratio can be expected when hostile airfields in Europe are attacked, even using current conventional weapons. This exchange ratio can be substantially improved using certain new weapons specifically designed to destroy enemy aircraft in shelters.

Attacking enemy airfields at night and in bad weather can be an important factor in a counterair campaign. In many parts of the world, weather conditions are likely to constrain daylight, visual attacks on airfields. In eastern Germany, for example, daylight visual attacks requiring an 8,000-foot ceiling with 5 miles visibility are possible only 37 percent of the time. This calculation is based on a yearly, 24 hour average basis with a corresponding figure of approximately 20 percent if the requirement for daylight conditions is added. Night and bad weather affect the posture of enemy air forces as well. Because the majority of the enemy fighters are equipped only for day visual flight conditions, these fighters will be, necessarily, on the ground during night and bad weather. In addition, the enemy fighters with night and all-weather capability will be restricted to operating from major airfields where instrument approaches are available.

Thus, an even more lucrative target system—that is greater number of aircraft per airfield—occurs during nighttime and bad weather conditions. The enemy has recognized this vulnerable aspect of his air forces and has made significant efforts to improve the defense of his airfields and provide sheltering for his aircraft. The United States, in turn, has designed the F–111 to emphasize penetration of advanced defenses and is developing weapons to cope with the shelters.

The demonstrated F–111 radar bombing capability is more than adequate to strike airfields at night and during bad weather. This capability is unique to the tactical air forces of the United States. That is, the F–111 has the capability to strike at enemy airfields at night and bad weather but the enemy would be restricted to striking our airfields during that fraction of the time when visual attacks can be made. The F–111 can penetrate enemy territory at low altitude beneath the hostile radar coverage, thus denying the enemy usable knowledge of its exact location. In addition, bad weather and darkness preclude effective use of visually aimed antiaircraft weapons.

Mr. President, the reason we can say this with the degree of confidence that we do is a relatively new development called terrain-following radar, or, as we sometimes hear it, TFR. To our knowledge, this has never failed; if it has failed in actions not yet reported, we have no knowledge of it.

All it is, in effect, is a radar coupled with the automatic pilot system, that will fly the aircraft at any altitude above the terrain from 200 feet to a thousand feet, in increments chosen by the pilot. It is a very effective instrument. The low radar visibility of this airplane traveling at high speeds at 200 feet makes it almost impossible for it to be picked up by enemy radar.

In summary, by capitalizing on capabilities not possessed by the enemy—night, all-weather strike—and on capabilities where we possess a significant advantage—range and payload—we can seize the initiative in a counter air campaign. By being able to strike at will at the enemy air forces we can control the air battle. The F–111 is key to providing this capability for our future tactical air forces. I might say, also, that it will make a fine carry-on bomber for the period of time when the B–52 is beginning to show signs of giving out and the time when we will receive the B–1 into our total inventory.

So much for my comments on the Committee for Peace Through Law.

I should like now to remind the Senate that in the committee report, in section 503, we have this language:

> Prior to the obligation of funds, the Secretary of Defense must determine that the aircraft has successfully completed a comprehensive structural integrity test program. In approving a program for the procurement of such aircraft, the Secretary must certify in a written report to the Committees on Armed Services of the House and Senate that the structural test determination was made and indicate the basis for his determination and approval of the program. In other words, there must be sufficient testing to assure that the aircraft is completely airworthy and structurally sound.

Mr. President, I certainly do not pose as an aviation expert by any manner, shape, or form, even though I have been at it for more than 40 years. But it is my privilege to have flown this aircraft—the early model about a year and a half ago, before testing, and the other just a week ago, which plane was being tested for the Strategic Air Command and will be delivered to them. I have to say that even though I was most enthusiastic about the ride a year and a half ago, I would compare the ride this year to driving a Cadillac and a Model T Ford, the improvements have been so great.

During the time this aircraft was hauled in for static testing and other exotic testing, the Air Force and General Dynamics had an opportunity to modify it, to improve many systems that would have had to be improved later; and, in general, I think the airplane is much better off for having had the decision made to test it, even though at the time I felt that the waste of four aircraft to pay for the static test system would prove to be a rather hard to accept loss on the part of the Air Force.

Mr. President, they were on contract for 540 of these aircraft. The factory has completed 358, 262 have been flown, 233 were contractually accepted, and flight test aircraft in operation number 20. Delivery of the last of the 540 aircraft calls for accomplishment in July of 1972.

Now, to report on the special inspection and cold proof test program. I might say that this is a static test which imposes a positive G force of 7.3, which is 7.3 times the total weight of the aircraft. The cold or frigidly cost test—in fact, both of these static tests—is done in extremely cold conditions of 3.2. There are 374 aircraft in the program. As of August 10 of this year, we had completed the cold proof test on 67, had flown 20, and had delivered six, and the schedule for completion is March 1 of next year.

Other significant tests are as follows:

Preproof test No. 1, 68 inspected; no forging defects have been found.

Postproof test No. 1, five have been inspected; no forging defects have been found.

Postproof test visual inspection, 51 have been tested; no forging defects have been found.

It is very, very encouraging to realize that not a single evidence of a forging defect has been found in the number of aircraft tested. I might state that we do not subject other aircraft to this type of static test. As I said earlier, I had some doubts as to the wisdom of it. I think that now that we have had such success with the program, the Air Force might well consider going to spot testing, which would mean that we would not have to submit every airplane to this test.

I ask unanimous consent to have printed in the RECORD two charts, one on delivery status and one on significant results of testing.

There being no objection, the charts were ordered to be printed in the RECORD, as follows:

F–111 delivery status

Aircraft quantities:	
On-contract	540
Factory complete	358
Flown	262
Contractually accepted	233
Flight test aircraft in operation	20
Delivery of last (540th) aircraft	July 1972
Special inspection and cold proof test program:	
Aircraft in program	374
Cold proof test complete	67
Flown	20
Delivered	6
Scheduled completion	March 1971

NDI SIGNIFICANT RESULTS (ON AIRCRAFT)

NDI	Aircraft inspected	Forging defects
Preproof test NDI	68	0
Postproof test NDI [1]	5	0
Postproof test visual inspection	51	0

[1] Programed for 1st 5 aircraft only.

Mr. GOLDWATER. Mr. President, nine aircraft have been through the inspection and cold proof cycle and have been returned to operations. They include two SAC, six TAC, and one flight test airplane. Fifty-eight others have finished inspection and cold proof and are in prepartion for flight acceptance and delivery.

The FB–111A was programmed to replace the B–52 "C" through "F" versions. Plans were laid to produce 263 of these aircraft, yielding a tactical strategic force strength of 210. These were in the planning from September 1965, until October 1968, when the number was reduced to 112. In April of 1969, this was further reduced to 76 FB–111A's, providing a strategic force strength of 60.

In authorizing the fiscal year 1971 buy, the House Armed Services Committee endorsed the program heartily. They cited that the Defense Department has made a decision that the money available for aircraft procurement will be reduced by the amount required to finance the inspection and proof test program. They cited this "as an unprecedented procedure" and stated:

> The Defense Department should review this decision to assure that the needs of the Tactical Air Command are met, if necessary, by procurement action beyond the fiscal year 1971 period. The committee doubts that any other aircraft in the inventory can adequately substitute for the F–111 in its mission.

They also referred to the Air Force's firm requirement for six wings and stated that the fiscal year 1971 buy would complete only the fourth wing.

The Senate Armed Services Committee approved the fiscal year 1971 buy to fill out the fourth TAC wing. However, they stated that the fiscal year 1971 buy is to be the last and that the Air Force has given assurance to that effect. They also, as I mentioned earlier, required the Secretary of Defense to certify the F–111 structural soundness.

As I mentioned earlier, I do not want to pose as an aeronautical expert, but how the Secretary of Defense can fail to certify this aircraft, in view of its phenomenal success on probably the toughest testing ever given an airplane in the history of the United States, I do not know; and I look forward with great anticipation to the remarks the Secretary will make when he has to reach the conclusion as to whether or not the aircraft will fill the bill.

The amazing thing about this airplane—I speak now as a pilot—is the fact that it can fly at 120 knots an hour very comfortably. You cannot overcontrol it, but it will fly at 120 knots. It will also fly at Mach 2.3 or 2.2, which I think is the standard practice now. In fact, I know from personal experience that it will fly at 58,000 feet without any problems at all. It will make high "G" turns better than the other model would and has a very decent, comfortable landing pattern and a very easy-to-learn final approach pattern. I think the test results have been phenomenal. I believe that because of this we are going to find the country accepting this airplane. We are being extremely careful in checking our pilots out in it, but I have yet to find a pilot in the Air Force who does not enjoy flying this airplane.

In conclusion, Mr. President, on July 29 29, the Senator from Nevada (Mr. CANNON) reported to the Senate as chairman of the Special Committee on Tactical Air Power, that this was a favorable report and again cited that the Air Force still plans six operational wings. He also pointed out that the cost of the airplane is currently estimated to be $6.2 billion. Congress has already approved $5.5 billion. Therefore, only $700 million is required to complete the program, which includes six tactical air wings.

The FB–111F strategic version of the TACS 111F can provide Strategic Air Command with strategic bombers with added range and flexibility. The 111 production line is producing a greater number of modern weapons systems. It is in the Nation's vital interest to keep this production capability in being.

Mr. President, I have to remind my friends in the Senate and the House that the B–52 is now over 15 years old. If we are talking about flying this airplane into the 1984's, we are talking about an airplane that will be in the neighborhood of 25 to 30 years old, and in the subsequent discussion of the B–1, I hope I am able to show that trying to do that will result in an airplane more costly than the B–1 itself.

Mr. President, I ask unanimous consent to have printed in the RECORD the F–111 force structure table.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

F–111 force structure

Air Force Requested
TAC—6 wings
129 F–111A[1]
94 F–111E
96 F–111D
219 F–111F
SAC—7 wings
263 FB–111
(210 Unit Equipment Airplanes Available For Strike)
Currently Authorized
TAC—4 wings
129 F–111A[1]
94 F–111E
96 F–111D
82 F–111F
(Fiscal year 1971 not yet firmly authorized)
SAC—2 wings
76 FB–111A
(60 Unit Equipment Airplanes Available For Strike)

[1] Excludes test airplanes.

THE DEFENSE DEPARTMENT COST OVERRUN CONTROVERSY

Mr. GOLDWATER. Mr. President, we have heard a great deal on the floor of the Senate from our Democratic friends who say that the Republicans are causing the high cost of Government, inferring that Secretary of Defense Laird has done nothing toward solving the almost insurmountable problems he found when he took over from Secretary McNamara.

It is no secret that I consider Mr. McNamara to have been the worst Secretary of Defense this country ever had. As the days go by, we are finding that to be the case. I only hope he does not do as much damage to the World Bank as he was able to do to the Defense Department during the time he was there.

Mr. President, the staff of the Senate Republican Policy Committee has prepared a memorandum showing some of the problems that Secretary Laird inherited. I ask unanimous consent to have it printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

[From Newsweek, Aug. 10, 1970]

DEFENSE COST OVERRUN

(From the staff of the Senate Republican Policy Committee)

Defense Secretary Melvin Laird knew when he moved into the Pentagon nineteen months ago that he was taking over the hottest seat in Washington outside the White House. Accordingly, Laird . . . launched a carefully crafted campaign designed (1) to strengthen his own control over the Defense establishment's labyrinthine chain of command and (2) to dissociate himself from some of the more expensive mistakes chalked up against his . . . predecessor, Robert S. McNamara.

At their July 28 Policy Luncheon the Republican Senators requested the Policy Committee staff to prepare a study of the defense cost overrun controversy. This paper is in response to that request. Its purpose is to provide background information on the issue, to present the arguments currently being made, and to set forth the figures on which opposing claims are based.

INTRODUCTION

On November 13, 1968, Defense Department efficiency expert A. E. Fitzgerald testified to the Joint Economic Committee's Subcommittee on Economy in Government that the C–5 transport plane would cost at least $2 billion more than Defense Department planners had originally estimated. The Fitzgerald testimony catalyzed criticism of defense contract procurement practices, and precipitated investigations which led to the current controversy over the Military Procurement Act.

Today's cost overrun issue first arose in 1968, when hearings by the Subcommittee revealed alleged examples of waste, inefficiency, mismanagement, and excessive profits in defense contracts. Subsequent investigations disclosed similar instances, and called into question the system by which DOD estimates weapon costs and awards contracts. These hearings highlighted Congressional difficulties in obtaining information which would enable the legislature competently to oversee the DOD budget and programs.

THE SELECTED ACQUISITION REPORTING SYSTEM OF 1968

Before February 23, 1968, there existed no consistent reports of cost estimates at various stages of weapons production. On that date DOD established the Selected Acquisition Reporting System (SAR) showing the costs of fifty selected weapons systems at various stages of production. The current debate revolves around the latest SAR's, which appear in the Appendix.

While these SAR's are the best evidence currently available, their shortcomings are the source of much of the present argument. Four inadequacies may be mentioned:

The SAR's do not compare technical performance actually demonstrated with that specified in the contract.

They do not report the cost incurred in relation to the cost that should have been incurred for the physical progress of the work at a given point in time.

They do not outline pending decisions that may have an impact on the program, such as changes in quantity ordered or scope of the weapons system.

They do not determine the cause of increased costs, whether it be increased orders, technical modifications, inflation, poor planning or underestimation.

THE CRITICS' ARGUMENT

Pentagon critics make two main arguments: (1) DOD, through mismanagement, inefficiency, and deliberate underestimation, has paid amounts far in excess of those Congress contemplated when it authorized major weapons programs in the 1960's. (2) Many weapons were either obsolete when completed or fell short of design specifications which were part of the procurement package. Two glaring examples which document their case are:

The C–5A transport plane. Originally authorized in 1965 at $3.4 billion, the estimate grew by 1969 to $4.8 billion, according to DOD's own figures. (Fitzgerald's testimony before the Economy in Government Subcommittee projected the cost at $5.3 billion.) Tests revealed wing cracks and other structural defects, and in 1969 the Air Force cut its order from 115 planes to 81. Even so, the revised, smaller, program is expected to cost $4.3 billion, or $.9 billion more than the entire original program. Yet, when the C–5A contract was awarded, on September 30, 1965, Secretary McNamara had described it as "a model method of doing defense business . . . a damn good contract."

The F–111 fighter bomber. The Air Force originally contracted, in 1962, for 1726 planes at a cost of $5.5 billion. Today it expects to buy only 547 planes—but at a cost of $7.5 billion. Tests revealed that the F–111 needed more runway to take off, had a lower ceiling and speed, and needed refueling more frequently than specifications had envisioned. In one flight test, a wing fell off.

The critics, relying on the figures in the Appendix, also make the claim that because of poor management *every major weapons system without exception contracted under the previous Democratic Administrations has overrun its initial estimated cost.* In fact, they assert, the overruns are even larger because initial cost figures in some programs, such as the DE 1052 destroyer escort and Poseidon systems, were erroneous or did not include various post-delivery expenses. While the latter assertion may be true, the Appendix figures do not support the claim that all cost increases can be traced to mismanagement, since the tables do not isolate their causes.

Critics nevertheless see several manifestations of the inefficiency and waste to which they attribute the cost increases:

Noncompetitive bidding. Over 85 percent of defense contracts are negotiated by the DOD and the contractor.

The practice of "buying in". When two producers are negotiating for a contract, one will often deliberately bid below what he knows it will cost to produce the system, expecting to recoup in other ways. Since contracts must, by law, be awarded to the company which offers the lowest bid, this company is said to have "bought the business".

Mistake-perpetuating budgets. Robert Benson, a former employee of the Defense Comptroller asserts that the DOD budgeting process virtually concedes last year's amount and focuses on whether increments have been requested subsequent thereto. The result is uncritical acceptance of most past expenditures.

Nonuniform cost accounting. DOD does not require its contractors to keep uniform and consistent cost accounts. In one case, reported by Admiral Rickover, the Navy in the early 1960's allowed a shipbuilder to charge salaries and other pay directly to Government contracts, while similar costs on commercial contracts were charged as general shipyard overhead and allocated on a pro rata basis to both Government and commercial work. The Government thus paid directly for costs done on Government work and indirectly for work done on commercial contracts.

High profits among defense contractors. The critics argue that defense industry profits, 12 percent higher than those of American industries as a whole, indicate waste of money by the Pentagon, since the contractor's profit is a negotiated item in defense contracts. Suppliers of propulsion turbines, for example, are now insisting on a 20–25 percent profit as a percentage of cost.

Contractor inefficiency. Critics argue that $200,000 of the $430,000 per engine overrun on the jet engines of the F–111 could only be attributed to slipshod purchasing procedures, poor scheduling of men and machines, ineffective work standards, or other managerial deficiencies. They claim similar unverifiable examples in other programs.

THE PENTAGON'S ARGUMENT

The Pentagon and its defenders do not deny the existence of serious mistakes such as the C–5A or F–11 overruns under McNamara and Clifford. They do deny the cost increases in the Appendix tables are caused primarily by mismanagement. Using the $3.653 billion difference in the amount of the overrun between June 30, 1969, and March 31, 1970, as an example (see summaries of Tables I and II in the Appendix), they find a number of explanations for the cost increases:

$1.008 billion reflected the cost of increased capabilities for the Minuteman II and Minuteman III.

$365 million indicates inclusion of construction costs in the program cost estimate of the Minuteman II and III. These costs were in the original planning estimate, but did not appear as part of the June 30, 1969, SAR's. They were first included in the September SAR's as part of DOD's efforts to improve the scope and coverage of the reports.

$506 million was caused by schedule changes and stretch-outs in the Safeguard, P–3–C, and Minuteman III programs.

$285 million (7.8 percent) was due to economic change and inflation, a figure similar to that for the economy as a whole.

$1.345 billion of the difference was due to a Presidential decision to add a third site at Whiteman Air Force Base to the Safeguard program.

$144 million (5.4 percent) reflects increases in estimates and refinements in the estimates themselves.

In short, the Pentagon's defenders argue that only 5.4 percent of the cost overrun increase in the nine months between June and March could properly be called "overrun" or "miscstimation." The remainder can be traced to policy decisions raising the quantity or quality of weapons ordered, or changing the method of reporting, or to general economic conditions. They further claim that analyses of previous periods would reveal similar increases for similar causes.

CONCLUSIONS

Shortcomings in the current SAR's have been mentioned. Because of them, it is impossible for Congress to discover and respond to defective performance (except in glaring cases such as C–5A and F–111), to determine and oversee the cost progress of the work, or to assign precisely the causes of increased costs.

The Pentagon itself admits that SAR figures must be further refined. Much of the current controversy can be traced to different interpretations of the figures in the Appendix.

The present quarrel raises two additional questions:

(1) *Which figures are the proper base from which to evaluate subsequent costs?* Pentagon defenders asserts that planning estimates are little more than educated guesses, prepared when a new system has sprung from an imaginative head, and in the process of securing approval for it, DOD needs to determine a cost figure. They insist that it is unreasonable to hold the Pentagon to this figure forever, or to blame the Pentagon when more definite plans disclose a different figure.

The critics reply that the planning figure is the one Congress contemplated when it authorized the system. One major purpose of this estimate is to enable legislators to determine whether the program is sensible.

Care and accuracy should be required of DOD officials in preparation of this figure.

(2) *What is a cost overrun for which DOD can rightly be blamed?* The Pentagon insists that high-level policy decisions on quantities and qualities of systems, improved methods of cost reporting and general economic changes cannot be called cost overruns, and do not indicate inefficiency or obtuseness on the part of DOD officials.

The critics reply separately to the first two of these points: (1) The approval of new phases or sub-systems, such as the additional Whiteman ABM site, is automatically an overrun because it is an enlargement of a program which Congress did not contemplate in authorizing the original one. In the case of ABM, for example, they claim Secretary Laird implied that the new phase would not be initiated until the first one had been tested completely. (2) The inclusion of new costs is an overrun because they were present when Congress first approved the program, even though they were not then identified.

In short, critics seem to define "cost overrun" as any increase over the amount Congress initially authorizes for a weapons system. They assert that other Government and private planners would be accountable if their products eventually cost more than first planned. The Pentagon defines the term more narrowly and indefinitely, and insists that rapid technological change in the area of weapons systems makes more definite planning impossible.

TABLE I

A. SUMMARY OF ESTIMATED COST DATA AS OF MAR. 31, 1970

[In millions of dollars]

Number of systems	Planning [2] estimate	Contract [6] definition estimate	Earlier [7] estimates adjusted for quantity changes	Current [8] estimate through program completion
Army (8)	5,933.2	6,087.2	7,206.5	9,654.0
Navy (22)	18,278.4	21,998.8	26,245.8	31,948.1
Air Force (8)	18,479.0	22,136.9	17,386.8	24,877.2
Total (38)	42,690.6	50,222.9	50,839.1	66,479.3

B. SCHEDULE OF PROGRAM COST DATA APPEARING ON MAR. 31, 1970, SAR'S FOR 38 SYSTEMS [1] INCLUDED IN GAO REPORT ON STATUS OF THE ACQUISITION OF SELECTED MAJOR WEAPON SYSTEMS, B-163058 DATED FEB. 6, 1970

[In millions of dollars]

	Planning estimates	Contract definition cost estimates	Earlier estimates adjusted for quantity changes	Current estimates through program completion	Year [11] contract let
ARMY					
Dragon	382.2	425.4	191.7	284.2	1964
Shillelagh	357.4	357.4	332.7	495.8	1958
AH-10 [1]	49.8	70.7	466.2	561.0	1966
Safeguard	4,185.0	4,185.0	4,185.0	5,939.0	[10] 1966
Gamma Goal [3]	69.1	173.5	368.4	438.7	1963
Sheridan Tank	422.5	408.0	395.7	498.1	1960
Cheyenne [3]	125.9	125.9	125.9	201.8	1966
UH-1H [1]	341.3	341.3	1,140.9	1,235.4	1955
NAVY					
P-3C	1,294.2	1,294.2	2,265.3	2,552.8	1965
AN/BQQ2 [1]	126.9	179.0	178.5	269.9	1958
Sparrow E	687.2	740.7	280.9	290.7	(9)
Sparrow F	139.8	453.6	680.1	1,002.5	1966
Phoenix	370.8	677.4	903.4	1,501.0	1963
Mark 46-Mod 1 [1]	347.0	1,033.6	1,021.6	1,039.9	1958
Mark 48-Mod 0	682.4	642.4	678.5	3,570.0	1963
EAGB	689.7	817.7	767.0	1,058.6	1965
Walleye II	345.3	345.0	337.1	271.6	1965
F-14	6,166.0	6,166.0	8,492.0	8,279.1	1968
Standard Arm	180.3	241.6	200.2	223.7	1966
S-3A	1,763.8	2,891.1	2,891.1	2,931.7	1968
AN/SQQ-23	157.1	170.5	89.1	230.8	1956
A-7E	1,465.6	1,465.6	1,080.3	1,569.6	1967
Mark 48-Mod 1	70.7	71.6	64.9	185.4	1964
Condor	356.3	441.0	220.1	351.4	1965
F-4J [1]	770.0	770.0	2,509.6	2,743.7	1965
AN/SQS-26CX	95.7	83.8	88.3	119.6	1958
CH46 E/F helicopter [1]	323.6	589.0	577.1	550.6	1967
LHA	651.0	1,380.3	1,380.3	1,427.8	1967
DE-1052	1,285.0	1,259.7	1,259.9	1,469.9	1964
CVA-67 [1]	310.0	280.0	280.0	307.8	1964
AIR FORCE [4]					
Minuteman II	3,223.4	4,515.1	4,519.1	4,745.1	1963
Minuteman III	2,752.7	4,413.6	4,375.9	5,368.8	1967
C-5A	3,466.6	3,413.2	2,677.0	4,310.1	1965
Maverick	257.9	383.4	310.4	337.5	1966
A-7D	1,378.1	1,379.1	1,096.5	1,397.5	1966
Titan III [1]	932.2	745.5	745.5	1,130.5	1962
F-111A/C/D/E	4,686.6	5,505.5	2,924.2	6,380.8	1962
FB-111A	1,781.5	1,781.5	738.2	1,260.9	1962

[1] These systems are not on the SAR system. The figures appearing in this schedule are therefore the June 30, 1969, figures prepared on a one time basis for GAO by the Department of Defense.

[2] These estimates represent those reported as of Dec. 31, 1969, due to the fact that the Mar. 31, 1970, SAR was not approved as of the time this schedule was prepared.

[3] These estimates represent development costs only. Due to pending litigation, the Army's production liability is unknown.

[4] The Mar. 31, 1970, Air Force SAR's did not reflect the planning estimates. These figures were obtained for comparison purposes from the June 30, 1969, SAR's. The planning estimates for the Minuteman II, Minuteman III, and the C-5A were increased to include the military construction costs not originally reported.

[6] Formal estimate, prepared by military department, of cost anticipated to acquire system in the quantities needed. It is prepared prior to initiation of the formal acquisition cycle.

[6] Established during phase in which preliminary design and engineering are accomplished and system management planning is performed.

[7] If no new quantities had been ordered, this figure would be the same as either col 1 or 2, depending upon stage of the acquisition process at which new orders were placed.

[8] Cost expected to finish program. It is adjusted for such items as changes in quantity, current estimates of cost due to inflation, changes in scope, capability increases, and program stretchouts. Figure does not indicate which portion of the increased cost is attributable to each factor.

[9] Date of contract letting not available.

[10] Safeguard began as the Nike X system in 1959; it was renamed "Sentinel" in September, 1966 and "Safeguard" in March 1969.

[11] This is year in which first research and development contract was awarded. Date of production contract, which Pentagon prefers, is 1 or 2 years later in some cases.

TABLE II.—SUMMARY OF ESTIMATED COST DATA AS OF JUNE 30, 1969

[In millions of dollars]

Number of systems	Planning estimate	Contract definition estimate	Earlier estimates adjusted for quantity changes [1]	Current estimate through program completion
Army (8)	5,914.2	6,087.7	7,679.9	8,654.4
Navy (22)	18,042.4	21,444.0	23,220.9	28,758.9
Air Force (8)	18,009.9	22,309.6	18,166.8	25,475.9
Total	41,966.5	49,841.3	49,067.6	62,889.3

[1] The SAR heading for this column is Planned Costs at Current Quantity.

MESSAGE FROM THE HOUSE

A message from the House of Represenatives, by Mr. Hackney, one of its reading clerks, announced that the House had passed a bill (H.R. 17133) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance, in which it requested the concurrence of the Senate.

HOUSE BILL REFERRED

The bill (H.R. 17133) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance was read twice by its title and referred to the Committee on Commerce.

ONE HUNDREDTH ANNIVERSARY OF THE BIRTH OF A DISTINGUISHED ALABAMIAN—RICHMOND PEARSON HOBSON

Mr. ALLEN. Mr President, today marks the 100th anniversary of the birth of a distinguished Alabamian, the late Richmond Pearson Hobson, born in Greensboro, Hale County, Ala., August 17, 1870.

Having attended private schools and Southern University, he was graduated from the U.S. Naval Academy in 1889 and from the French National School of Naval Design at Paris in 1893. In recognition of an illustrious career in the Navy, he was commissioned rear admiral by act of Congress in 1934.

Admiral Hobson is perhaps best known in history for heroic actions in the Spanish American War when he, with a crew of seven volunteers, sank the Merrimac in Santiago Harbor. He was later awarded the Congressional Medal of Honor in recognition of valor in placing the welfare and considerations of his country above that of his life. In this action he was captured and held prisoner in a Spanish fortress from June 3 to July 6, 1898.

Mr. President, this is but one aspect in the long and distinguished career of Admiral Hobson. He was also a man of brilliance and uncommon dedication to the cause of country and humanity. He received the LL.D. degree from Southern University in 1906; a M.S. degree from Washington and Jefferson College in 1898, and later became a noted lecturer, speaker, writer and an eminent authority on Naval construction.

Admiral Hobson was a staunch advo-

cate of naval supremacy and of American leadership in the international movement for world peace.

As is characteristic of great men of "many parts" his interest and commitments led him into other fields of endeavor. In 1904, he served as presidential elector on the Democratic ticket of Parker and Davis. He was elected a Representative to Congress from Alabama and served in that capacity with great distinction from March 4, 1907, to March 3, 1915.

Thereafter, his consuming dedication to the welfare of his fellow man led him to organize the American Alcohol Association in 1921, and the Internatoinal Narcotic Association in 1923, which he served as president. In 1926, he organized the World Conference on Narcotic Education and served as secretary-general and as the chairman of its board of governors. He was also founder of the World Narcotic Defense Association which he served as its president. In addition, he was founder and president of the Constitutional Democracy Association.

Mr. President, Admiral Hobson's sincere convictions with respect to the harm and dangers of alcohol and narcotics led him to the distinction of being the first Member of Congress to introduce and advocate the prohibition amendment to the Constitution.

I might say, parenthetically, that these two interests of Admiral Hobson have placed him in the forefront of the effort to control alcohol and narcotics and to provide some method of treatment for addiction to alcohol and narcotics. They are two of the interests which have been debated right here on the floor of the Senate in recent days, weeks, and months. Certainly, he was the forerunner of the great effort for reform that occupies so much of our time and thought these days in the Senate.

Mr. President, Admiral Hobson lived a rich, full and distinguished life characterized by heroism and selfless dedication to world peace.

Admiral Hobson died in New York, N.Y., on March 16, 1937. Most appropriately, his body rests in Arlington National Cemetery. Needless to say, his memory and the inspiration of his life live on in the hearts and minds of Alabamians and others throughout the Nation who find inspiration in the life of great men and true patriots.

In this connection, Mr. President, the people of Alabama have preserved the home of Admiral Hobson as a State shrine. Countless thousands of visitors from throughout the United States have visited the beautiful and gracious antebellum home and gardens known as Magnolia Grove, located at Greensboro, Ala.

In conclusion, let me say that few things we do are more important than paying deference to the memory of our honored dead.

We believe that on the occasion of the 100th anniversary of the birth of Admiral Hobson, the issuance of a commemorative stamp would be most appropriate. We fervently hope that his memory may be perpetuated and honored by authorization and issuance of a Richmond Pearson Hobson commemorative stamp.

We salute his memory.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. ALLEN. I will be delighted to yield to my distinguished senior colleague, the able senior Senator from Alabama (Mr. SPARKMAN).

Mr. SPARKMAN. Mr. President, I am pleased that my colleague has taken this occasion to mark the centennial of the birth of one of the great citizens of Alabama, Adm. Richmond Pearson Hobson.

I remember when I was a little boy hearing about this great hero who sank the Merrimac and did it with a very small band of men, all of whom were volunteers. No one believed that they could come out of that alive. They managed to push the ship into the mouth of the harbor and sink it.

They were discovered and brought under hostile fire. Those who survived the sinking of the ship themselves were captured and taken prisoners.

I suppose that looking at it from our standpoint, we would say that unfortunately the ship managed to swing around and instead of blocking the mouth of the harbor, as they had hoped to do, it went in lengthwise and, therefore, even though it helped to cover the Spanish fleet—although they had hoped to bottle it up—the fleet was able to come out in such a way that our fleet was able to administer utter defeat to the Spanish fleet and break their back in that short-lived war.

Admiral Hobson was a great man. If I recall correctly, not only did he call the attention of this country to the danger of strong drink and drugs, but he also warned us against the yellow peril.

Mr. ALLEN. The Senator is correct.

Mr. SPARKMAN. Admiral Hobson pointed out in those days that Japan was a growing country and that it consisted of a military imperialism that hoped some day to dominate the world, and he warned that we ought to be on guard against that threat.

I have visited Admiral Hobson's town. I remember some of his great political feats. He was a great hero. When he first ran for Congress from Alabama, he succeeded in defeating a man who had been in Congress for many years, a Confederate general, the older Representative, John Hollis Bankhead, who was the father of Senator John Bankhead. There was also Speaker William B. Bankhead, another member of that distinguished Alabama family.

There is another interesting story in connection with that. A seat became vacant in the Senate at the time Representative Bankhead was defeated. John Bankhead ran for the office and was elected. He served in the Senate for many years and was the man who succeeded in getting passed through Congress the first bill authorizing an appropriation for what we would call today the Federal highway system. If I recall correctly, it was $75,000 to help build a small coast road which was authorized under the Constitution. Out of that grew our highway program and, we might say, the tremendous highway interstate program we have today. That is a bit of the interesting history of the two families. I believe that later William B. Bankhead became Speaker of the House and defeated Admiral Hobson for Congress.

That is when the two congressional districts were thrown together.

Mr. ALLEN. Admiral Hobson, I believe, ran against Oscar W. Underwood.

Mr. SPARKMAN. That was for the Senate. I remember that race. It was a very hot, strong race. That must have been in 1914.

Admiral Hobson died a few months after I came to Congress. I attended his burial in the Arlington Cemetery.

I join with my colleague and fellow Alabamian in marking the memory of this great and distinguished Alabamian and American.

Mr. ALLEN. Mr. President, the distinguished Senator has recalled so many interesting things about the life of Admiral Hobson that I wonder if he can remember a campaign tactic that Admiral Hobson used in his campaigns. After he had gotten through with his speech at the political rallies, he would offer to kiss all the young ladies.

Mr. SPARKMAN. And did.

Mr. ALLEN. And he got a lot of votes in that way.

Mr. SPARKMAN. Later, we had a Governor that was known as Kissing Jim.

Mr. ALLEN. The Senator is correct.

Mr. SPARKMAN. Admiral Hobson was the one who set the pace.

Mr. ALLEN. Certainly Admiral Hobson was a distinguished patriot.

Mr. SPARKMAN. And a distinguished character.

Mr. ALLEN. Yes, indeed. And the American people loved heroism and loved a hero at that time, just as we today love heroism.

When we think of Admiral Hobson, we think of a man of great foresight and perspicacity and a man of great heroism and high ideals.

He was a son of that great section of Alabama known as the Black Belt of Alabama, a section known for its gracious living, its culture, and charm.

We do take great pride in the fact that Admiral Hobson came from Alabama.

It gives me great honor to speak on the floor of the U.S. Senate and observe the 100th anniversary of the birth of Adm. Richmond Pearson Hobson.

Mr. SPARKMAN. I join in the Senator's remarks.

Mr. ALLEN. I thank the distinguished Senator.

Mr. President, I yield the floor.

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks of the able Senator from Wisconsin (Mr. PROXMIRE) on tomorrow, the distinguished Senator from California (Mr. MURPHY) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR DOLE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of the remarks of the able Senator from California (Mr. MURPHY), the distinguished Senator from Kansas (Mr. DOLE), who presently presides over this august Chamber, be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER (Mr. DOLE). Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 11 A.M. TOMORROW

Mr. BYRD of West Virginia Mr. President, I ask unanimous consent that when the Senate completes its business today, it stands in adjournment until 11 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE PRESIDENT'S VETO OF THE OFFICE OF EDUCATION APPROPRIATIONS BILL

Mr. PELL. Mr. President, it is my understanding that, tomorrow, the Senate will act upon the President's veto of the Office of Education appropriations bill. It is my intention to vote to override this veto, for I believe that the Senate must clearly state that there is no greater priority than the education of our children.

What to me is most fascinating is the fact that this administration constantly states its support of more funds to local and State governments. We are told that this is called creative federalism, and that we must share our tax revenues with State and local governments. Mr. President, I submit that the Office of Education appropriations bill as sent to the President does just that. The allocations of grants to State and local governments in the Senate bill total $954 million more than the amended budget request of the administration.

Therefore, it can be seen that the beneficiary of the increased funding will not be some Federal entity, but will be State and local schools and colleges, which are experiencing such difficulty in the present inflationary spiral.

I ask unanimous consent to have printed in the RECORD at this point a table showing the increases in grants by State, so that it can be clearly understood how the veto affects local budgets.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

OFFICE OF EDUCATION—ALLOCATION OF GRANTS TO STATES AND LOCAL GOVERNMENT—COMPARISON OF 1971 AMENDED REQUEST AND 1971 CONFERENCE REPORT

[Budget request included nothing for impact aid although President recommended $425,000,000 by message. Report included $536,000,000]

State and outlying areas	1971 amended request	1971 conference report	Difference
Total	$2,446,535,189	$3,400,819,218	$954,284,029
Alabama	63,239,784	84,252,949	21,013,165
Alaska	4,829,683	24,501,679	19,671,996
Arizona	22,246,132	36,162,449	13,916,317
Arkansas	38,190,816	47,374,375	9,183,559
California	194,189,374	308,266,773	114,077,399
Colorado	24,085,296	41,036,766	16,951,470
Connecticut	26,241,368	34,428,682	8,187,314
Delaware	7,090,510	15,478,969	8,388,459
Florida	69,661,894	95,592,300	25,930,406
Georgia	68,022,940	97,102,404	29,079,464
Hawaii	8,905,283	21,188,526	12,283,243
Idaho	9,347,933	13,772,614	4,424,681
Illinois	105,464,792	137,144,077	31,679,285
Indiana	44,991,312	57,868,670	12,877,358
Iowa	33,482,095	41,376,199	7,894,104
Kansas	25,480,512	39,286,107	13,805,595
Kentucky	56,747,207	75,389,619	18,642,412
Louisiana	58,763,928	73,347,502	14,583,574
Maine	10,835,486	15,959,837	5,124,351
Maryland	37,779,766	70,068,806	32,289,040
Massachusetts	52,334,115	77,097,027	24,762,912
Michigan	88,679,827	109,899,861	21,220,034
Minnesota	43,170,213	54,490,269	11,320,056
Mississippi	59,193,317	71,326,344	12,133,027
Missouri	52,238,874	70,102,218	17,863,344
Montana	$9,848,418	$17,042,583	$9,194,165
Nebraska	17,477,844	26,370,132	8,892,288
Nevada	4,677,556	9,355,493	4,677,937
New Hampshire	7,136,890	10,933,115	3,796,225
New Jersey	62,846,017	86,118,295	23,272,278
New Mexico	18,933,951	33,379,172	14,445,221
New York	262,405,414	325,698,961	63,293,547
North Carolina	90,809,283	118,527,743	27,718,460
North Dakota	10,727,481	16,927,233	6,199,752
Ohio	94,785,425	123,017,000	28,231,575
Oklahoma	35,642,214	55,292,217	19,650,003
Oregon	22,311,263	28,923,006	6,611,743
Pennsylvania	116,058,725	145,685,576	29,626,851
Rhode Island	10,738,281	16,486,339	5,748,058
South Carolina	52,286,673	70,114,530	17,827,857
South Dakota	12,064,678	18,803,341	6,738,663
Tennessee	61,741,043	78,793,315	16,998,272
Texas	147,991,255	201,417,464	53,426,209
Utah	12,638,655	22,577,776	9,939,121
Vermont	6,417,050	7,914,376	1,497,326
Virginia	58,045,631	103,889,495	45,843,864
Washington	32,069,562	51,513,353	18,943,791
West Virginia	32,482,292	38,593,650	6,165,358
Wisconsin	42,597,161	52,780,311	10,183,150
Wyoming	5,341,488	8,363,598	3,022,110
District of Columbia	12,802,482	19,840,122	7,037,640

NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES FOR THE DISTRICT OF COLUMBIA

Mr. BYRD of West Virginia. Mr. President, last Monday the other body, by a vote of 300 to 57, passed H.R. 18725, a bill granting the people of the District of Columbia an elected nonvoting Delegate to the House of Representatives. The legislation provides an opportunity for the people in the District of Columbia to choose their own spokesman in the Congress, and the measure should be promptly enacted by the Senate and sent to the President, whose support for it is already a matter of record. Quick action by the Senate would make it possible for the city to elect its Delegate in November of this year.

The bill provides that such a Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting, and shall have all the privileges granted a Representative by section 6 of article I of the Constitution. The Delegate would be required to be a qualified elector of the District of Columbia, at least 25 years of age, and a resident in the District of Columbia continuously for the 3 years preceding the date of his election. The term would be for 2 years, as in the case of Representatives.

There are some Senators who would prefer a constitutional amendment to give the city full voting representation in both Houses of Congress. I am not among those, and I would vigorously oppose such an amendment.

In the first place, article I, section 2, of the Constitution provides that the House of Representatives shall be composed of members chosen by the people of the "several States." Likewise, article I, section 3 of the Federal Constitution, and the 17th amendment provide for two Senators from "each State." I stress the word "State." The District is not a "State" and was never contemplated to be by the authors of the Constitution. Quite to the contrary, in paragraph 17, section 8, of article I, they specifically designated the seat of the Government of the United States as a "district—not exceeding 10 miles square."

Apart from the Original 13 States, the only territories and areas which have achieved voting representation in Congress have done so by becoming States as a result of the exercise by Congress of its power to create new States pursuant to article IV, section 3, paragraph 1 of the Federal Constitution.

Hence, District residents cannot be given voting representation in Congress except by constitutional amendment. Statutory action will not be sufficient.

And may I remind those who press for a constitutional amendment to provide for voting representation in the Congress, no such amendment would likely be enacted in this Congress or in any Congress in the near future. Moreover, ratification by the States of such an amendment would require years and could fail of ratification entirely. Thus, to delay action on the House bill in the hope that Congress may be persuaded to go the constitutional amendment route would be to lean upon a false hope and would push representation in Congress for District residents far into the unsure and inscrutable future. Now is the time for the Senate to act, while the iron is hot. The House has acted, the remaining weeks

before the November election are few, the 91st Congress is about to enter the final one-sixth of its 2-year period, and the propitious opportunity which is now before us to provide a nonvoting Delegate may not soon return.

There are today four-fifths of a million people in the District of Columbia. Their fiscal affairs, their transportation and other needs, their responsibilties to government—all of these dictate the necessity and the justification for their having an elected voice in that Congress which, under the Constitution, "shall have power to exercise exclusive legislation" over them.

A Delegate of the people of the District of Columbia in Congress—even though the Delegate were without a vote—would be in a position to more effectively speak for, and to articulate the needs of, the people of the city than can any mayor or city council. In other words, the people of the District, if this bill is promptly enacted, will have a duly elected person to represent them "on the inside" rather than on the outside of the Federal Legislature. And they are entitled to such an elected voice in their own everyday affairs. This would in no way contravene the powers granted to Congress by the Constitution to "exercise exclusive legislation" over the District, nor would it convey to the District the status of a "State" under the Constitution—which it is not.

I, therefore, urge my colleagues not to let this opportunity slip through their hands. To delay action now is to greatly endanger the prospects for any kind of District representation in Congress over the foreseeable future.

The old saw that "a bird in the hand is worth two in the bush" was never more appropriately applicable than in this instance and in this matter.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. Mr. President, I compliment the distinguished Senator from West Virginia for his remarks recognizing that the legislation relative to a nonvoting delegate is a step forward for the District of Columbia. I share his feeling in this regard.

The Senator is one of our most active and attentive members on the Subcommittee on Constitutional Rights. He and I have had an opportunity to discuss what I hope will be the next step which would be to give the District not just sitting representation but also voting representation.

I wonder if the distinguished Senator from West Virginia would give me his opinion. Is there some inconsistency with voting for this measure and still feeling strongly, as I do, that this is only the first step? The Senator from Indiana would like to see the District of Columbia have a voting Representative as well as an observer.

Mr. BYRD of West Virginia. Mr. President, in response to the question by the able Senator from Indiana, I would have to say that I would be opposed to voting representation in Congress for the people of the District of Columbia. I do not see any inconsistency in this position. The District of Columbia was not intended to be a State by the founders of our Republic and the authors of the Constitution; and I think only when an area or territory has the status of a State should it be given voting representation in the House of Representatives and the Senate.

I do believe the people of the District of Columbia are justified in asking for some type of representation in the Congress, and a nonvoting delegate in the other body would give them a voice in debate, which I think they should have, although they would not have a vote on decisions.

Mr. BAYH. I am sure it is possible for my friend from West Virginia and I to disagree on the next step. I salute him on his support of this first step. As the Senator knows, we have had a chance to discuss this in private.

The Senator from Indiana feels very strongly that there is something unjust about the fact that there are now between 700,000 and 800,000 citizens of the District of Columbia who are affected by national legislation, legislation that affects their sons and daughters, over which they have no command. I am hopeful we will have a chance to discuss this matter. At that time the Senator and I can offer differing thoughts, and perhaps similar thoughts; but I certainly concur with him that we should move as rapidly as we can to get as much as we can. The Senator from Indiana may want more than the Senator from West Virginia, but this is a step forward in the measure on which the Senator spoke so eloquently.

Mr. BYRD of West Virginia. I wish to say to the Senator, as he will recall, I am sure, that in the subcommittee meetings, which he so ably chaired, I took the position that I would support a measure which would provide for a nonvoting Delegate in the other body for the District, although I was opposed to our reporting such a measure prior to action by the House of Representatives in that regard, I felt that action on our part ahead of action on the part of the House with respect to a matter affecting that body might be misunderstood in the other body and might disturb the comity between the two bodies.

The other body has now acted, however, and I believe the Senate should promptly give its support to the proposal. Such a nonvoting Delegate, of course, can be provided by statute, whereas a voting representation in the Senate and in the House would require a constitutional amendment.

I stated in the Senator's presence in subcommittee meeting that I was unalterably opposed to such a constitutional amendment, and I would have to repeat that statement here. So, I do not view the provision of a nonvoting Delegate in the House as a "step forward" toward full voting representation in the Senate and House. But it is, in the overall sense, a step forward.

As I have already indicated, the only territories and areas which have achieved voting representation in Congress have done so by becoming States as a result of the exercise by Congress of its right to create new States under Article IV of the Federal Constitution. I do not look on the District of Columbia as a State. It is not "a" seat, but "the" seat of the government of the United States, and I do not think that the Founding Fathers contemplated that it should ever be a State or that it should ever have voting representation in the Senate and in the House.

As far as I am concerned, I cannot offer the Senator any encouragement as to another and succeeding step following the enactment of the House bill.

The people of the District of Columbia, of course, under the 23d amendment, already vote for President and Vice President.

So I think this is a very reasonable bill, and it accords with justice and fairness to the people of the District of Columbia.

Mr. ALLEN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. ALLEN. I want to commend the distinguished Senator from West Virginia on a portion his remarks on a nonvoting delegate or member of the lower body for the District of Columbia. The Senator from West Virginia takes the position, apparently, that there should be a nonvoting delegate in the House of Representatives for the District of Columbia, but that we should stop there. The distinguished Senator from Indiana, on the other hand, seems to adopt the position that we should vote for the nonvoting delegate as a step toward a voting Representative in the lower body and a voting delegate in this body. That would seem to represent two thoughts with respect to this bill.

The junior Senator from Alabama would take a third position, however, and that is that we do not have any type of Delegate for the District of Columbia other than the system that we now have. We have a very able Senate Committee on the District of Columbia and a very able House Committee on the District of Columbia, and it occurs to the junior Senator from Alabama that the District of Columbia is well represented through the District of Columbia Committees in the two bodies and through the 435 House Members and the 100 Senators.

It occurs to the junior Senator from Alabama that if we had a speaking Delegate, though nonvoting, in the House of Representatives we would have someone there who would seek to gain much publicity through the use of the House of Representatives as a forum, as a political stump, from which to voice all sorts of propaganda and complaints about problems respecting the District of Columbia.

So apparently the Senator from West Virginia agrees with the junior Senator from Alabama in one respect, and that is that we have no such delegate in this Chamber.

The junior Senator from Alabama is glad that he can find an area of agreement with his distinguished friend from West Virginia, because he would dislike very much not to be able to find a common ground.

So, as respects the effort to put a Delegate, whether voting or nonvoting, in the U.S. Senate from the District of Columbia, the junior Senator from Alabama would oppose any such effort. He would oppose any effort to provide a Delegate, voting or nonvoting, in the House of Representatives.

So we have at least three schools of thought with respect to this measure. The junior Senator from Alabama is delighted that he can agree with the distinguished Senator from West Virginia in the fact that there should be no voting or nonvoting Delegate from the District of Columbia in the U.S. Senate, other than the committee that we have and the 100 Senators, all of whom are charged with a responsibility with respect to the District of Columbia.

Mr. BAYH. Mr. President, will the distinguished Senator from West Virginia yield to me so I may make an observation to my good friend and esteemed colleague from Alabama?

Mr. BYRD of West Virginia. I yield.

Mr. BAYH. I am glad he feels a sense of gratitude and camaraderie because he agrees at least partially with the distinguished Senator from West Virginia, but it sort of makes the Senator from Indiana feel like a second-class citizen, because I do not feel there is any area of agreement which the Senator from Alabama has with the Senator from Indiana. I would like to think that we would have some area of agreement in this important matter.

Mr. ALLEN. Mr. President, the Senator from Indiana is correct in his feelings that in this particular area the junior Senator from Alabama finds no area of agreement with the distinguished Senator from Indiana; but the junior Senator from Alabama would suggest that if the distinguished Senator from Indiana would make a motion to adjourn today's session of the Senate, the junior Senator from Alabama would find himself in agreement with the distinguished Senator from Indiana on that point.

Mr. BAYH. Mr. President, will the Senator from West Virginia yield?

Mr. BYRD of West Virginia. Mr. President, I yield further to the Senator from Indiana, without losing my right to the floor.

Mr. BAYH. I appreciate the degree to which the Senator from Alabama would go to try to find some ground of common purpose with his friend from Indiana. I would just like to say, if I may, in a more serious vein, for the record should show that the last comments in the colloquy between the Senator from Alabama and the Senator from Indiana may not have been in a serious vein, that I am certain we recognize that in this body we have the opportunity to disagree and yet respect each other's judgment. So I would hope that before this session is over the Senate will look very carefully at the opportunity we have.

Of course—disagreeing, with all respect to my two colleagues, with the Senator from West Virginia and the Senator from Alabama—we have the opportunity to clear up an inconsistency which I suggest exists when here we are, in the Capital of the world's most powerful Nation, the Capital of the free world, and yet the citizens who live in the Nation's Capital do not have a free voice in some of the major national political issues which affect those who live here and their sons and daughters.

I recognize, with the Senator from Alabama, what the Senator from West Virginia has pointed out: We are in a unique piece of territory. Our Founding Fathers made this the Nation's Capital. So I think a reasonable argument can be made that the type of representation for the District can be differentiated, in a way, from that of the State of Alabama, the State of West Virginia, or the State of Indiana. But for us to tolerate a situation in which 700,000 or 800,000 people—and I point out that there are several States which have fewer people, and yet have full and complete representation—can continue to have a situation exist where they have no voice, not even that of an observer, is, I think, unconscionable. I say, with all respect to those who disagree with me, that I, of course, am in a camp 180 degrees away from my friend from Alabama and at least 90 degrees away from my friend from West Virginia. It hurts me that I am not in agreement with either of my fine colleagues; but I feel that the District is entitled to full representation, that they should have a say in how their tax dollars are spent, their sons are sent to battle, their aged are cared for, and their young are educated.

I am willing to accept, let me suggest, the best I can get. So if I can get representation and a voting voice in one House, that is better than none at all; or if, as the Senator from West Virginia suggests, I can get a nonvoting Delegate; that is better than where we are now.

I hope we will have a chance to study thoroughly the whole issue before this session is over, and will have a chance to vote on it.

I thank both my colleagues for their indulgence.

Mr. ALLEN. I thank the Senator from Indiana.

Mr. BYRD of West Virginia. Mr. President, may I say that Congress has not been niggardly in its appropriations to the District of Columbia. It is true that there are in both Houses legislative committees and appropriations subcommittees which deal solely with the business of the District of Columbia. Having served on the Appropriations Subcommittee on the District of Columbia for 10 years, and having once served as chairman of that subcommittee for 8 years, I know, Mr. President, something about the time and the work that are incumbent upon the members of those committees. I think it is our duty as Senators, it was my duty then as a member of the Appropriations Subcommittee, and it is the duty of those who serve on the legislative committee and appropriations committee in each House, to give liberally of our time and labor to discussing and debating and serving the needs of the people of the District of Columbia, because it is our Capital—the Nation's Capital. I am not among those who would espouse the idea that the District has been without due and considerate attention here in Congress, or that it has not been shown a sympathetic understanding of its problems, or that it has lacked support for adequate appropriations and legislation to deal with its problems.

Mr. BAYH. Mr. President, will the Senator yield briefly?

Mr. BYRD of West Virginia. If I may continue for just a moment.

For years I supported every dollar that we could possibly squeeze out of the total revenues for the cause of education in the District of Columbia, for the cause of public safety, for the cause of recreation, and so on. So, we have been conscientious in our work on behalf of the Capital City of the Nation. But, Mr. President, I think it is our duty to provide that the people of the District of Columbia, who are also taxpayers, should have a voice on the inside of the Federal Legislature. While it would not be a voting voice, it would be one which could participate in debate, submit amendments, and so on.

I do not agree that that individual would necessarily take advantage of his position to complain and propagandize any more than any present Member of Congress seeks to complain when he feels that his State is not getting an even break. I do believe that a nonvoting Delegate might constitute a more responsible voice than some of those who now pretend to speak for the District. One can visit almost any street corner in the city and find a self-appointed spokesman for the District of Columbia these days. These self-ordained spokesmen advocate demonstrations, protests—this and that and everything else in order to achieve their own self-serving goals. It seems to me that an elected voice in Congress would likely be a more responsible voice, and one that would be dedicated to the service of the people—not only of the District but, to some extent, of the Nation—while at the same time he would recognize his duties and responsibilities under the law and would, I think, go about trying to persuade and convince his colleagues of the needs of the people of the District of Columbia. In that way perhaps all sides would be better served by a nonvoting Delegate. He would at least be someone to whom District residents could turn in the handling of veterans problems, social security problems, and the many matters which can only be handled by a congressional office. At the present time, District residents have nobody on the Hill to whom they can go.

So, I do not see how we in the Senate can really deny the people of the District of Columbia a nonvoting delegate in the other body. I realize that the Federal Government, under the law, provides for a Federal payment each year to the District of Columbia—which is not provided to the 50 States of the Union; and so far as grants-in-aid are concerned, I think the District of Columbia makes out very well on a per capita basis. The District's share per capita is higher than that of most States with respect to Federal grant-in-aid programs.

So, in my judgment, Congress, as I say again, has not been niggardly to the District of Columbia. But I do not see

how we can justify denial of a nonvoting Delegate in the House of Representatives.

That body has already acted in this regard. As I say, I hesitated to have the Senate speak out in support of a nonvoting Delegate in the other body prior to action by that body itself. But that body has now acted, and I cannot see any foundation stone whatsoever upon which this body could stand in voting against the proposal that has already been passed by the House, or in delaying action on that proposal.

We all may have our differences with respect to the treatment of the District of Columbia as a State which would qualify for two Senators in this body and voting representation in the other. When we reach that point, I shall join with others in opposing such a move, and in that regard I would have to be 180 degrees apart from my able colleague from Indiana.

But with respect to this measure, which is on the calendar and awaiting action by this body, I stand with the Senator from Indiana, wholeheartedly in full support of favorable and prompt action by the Senate.

Mr. BAYH. Mr. President, will the Senator yield for one observation?

Mr. BYRD of West Virginia. Yes.

Mr. BAYH. I do not want to prolong the debate, necessarily, but I think it is helpful to this problem to say to the distinguished Senator from West Virginia and the distinguished Senator from Alabama that I did not want the record to show, nor do I think the record will show, that I would infer that my feeling about voting representation in any way demeans the efforts that have been made by some who have labored long and hard in the past. I look to the future, and I concur in the assessment of the distinguished assistant majority leader, the Senator from West Virginia, that to the degree that responsibility is given it will be carried; and I think we will have a higher degree of responsibility by giving some official status to some who, prior to this time, have been unofficial spokesmen in the various realms of the District of Columbia. I think, in fact I know, that this is one reason why the Senator from Indiana differs a bit with his friend from West Virginia. As I see it, as the amount of responsibility is increased, for example, to vote, the way this responsibility is carried through will be increased, and there will be a greater degree of responsibility if someone is given to Congress who has a vote as well as a voice. It is to that end that we differ, but we will have a chance to express these differences, and I hope that we can make some progress in this session.

Mr. BYRD of West Virginia. I am saying—and I think a nonvoting Delegate in the House of Representatives would have a far greater voice and would have far greater influence than does any mayor or mayor-commissioner or city council, and so forth. So the city would be far, far ahead of where it stands today if this measure were passed and the people of the District of Columbia could elect a nonvoting Delegate.

Mr. BAYH. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Indiana.

Mr. BAYH. I concur with the Senator from West Virginia. I think that to the degree people have a chance to choose someone to represent them, there will be a greater degree of responsibility, with all due respect to Mayor Washington, who I must say I think is a fine man. But I think the people who are represented feel much better and the chances of discontent and misunderstanding are significantly less if they have a choice themselves in who shall speak for them. Unfortunately, this is not the case at other echelons of representation in the District. Hopefully, we can do this at one level or another in Congress in this session.

I thank the Senator from West Virginia for yielding.

Mr. ALLEN. Mr. President, will the Senator yield for a question?

Mr. BYRD of West Virginia. I yield to the distinguished Senator from Alabama.

Mr. ALLEN. Under the bill as passed by the House and now pending on the Senate Calendar, does the nonvoting Delegate have the same allowances, the same franking privileges, the same right to attend committee hearings, and the same office space as provided for a Member of the House of Representatives?

Mr. BYRD of West Virginia. He would have all the privileges that are granted to a Representative under the Constitution, with the exception of voting.

Mr. ALLEN. He differs, then, in power and authority and role, only to the extent that he is not able to cast a vote?

Mr. BYRD of West Virginia. That is my understanding.

Mr. ALLEN. I believe the distinguished Senator said that he could even propose an amendment to pending legislation, under his conception of the bill.

Mr. BYRD of West Virginia. I do believe that is correct.

Mr. ALLEN. Does the Senator have a judgment as to how much of the duty and responsibility of a Member of Congress is embraced in the act of voting as compared to all the remaining functions and privileges and rights and duties of a Member of Congress? In other words, what percentage would the Senator say was represented by the voting and what percentage by all the rest?

Mr. BYRD of West Virginia. Mr. President, I am afraid that I could not answer this question by allocating on the basis of percentiles what portion the vote would represent and what the other activities would represent. But this individual, as I understand it, would have the same privileges of a Representative and the same powers that are now possessed by, say, the Resident Commissioner of Puerto Rico, and as was possessed, prior to the granting of statehood to Hawaii and Alaska, by the then Delegates from Hawaii and Alaska.

I served in the other body when our late and beloved colleague, Bob Bartlett was, I believe, a Delegate from Alaska. He served in that capacity for a long time. As I view it, a Delegate representing the District of Columbia would have the same powers and the same prerogatives as did the Delegate from Alaska at that time.

I do not believe that the Delegate was allowed to vote, but, as I recall, he was permited to offer amendments and bills, he could partcipate in debate, he could attend committee sessions. He was a member of certain committees. So he could propose, but he could not dispose of an amendment or a bill.

Mr. ALLEN. It occurs to the junior Senator from Alabama that as it passed the House all the bill would withhold from such a nonvoting delegate would be less than one-fourth of 1 percent of the total vote of the House of Representatives. So that it would seem to the junior Senator from Alabama that if we go to the extent of providing for a nonvoting Delegate, in the very next session of Congress a bill would be before the Senate providing for a full vote for that so-called nonvoting Delegate. It would be much easier then just to add this little one-fourth of 1 percent of the total vote of the House to the power of this nonvoting Delegate.

So this will be an entering wedge, the passage of this bill, as it comes to us from the House—an entering wedge providing, first, for a voting Delegate in the House; next would come a nonvoting or voting Delegate in the Senate; and, finally, doubtless two Senators and one or two Representatives. They would be treated just as though the District of Columbia was a State, which the distinguished Senator from West Virginia has eloquently pointed out it is not, and it was never intended that it should be.

So I am wondering whether we should be in favor of a bill which unquestionably would provide an entering wedge for the enactment of legislation providing for full membership in the House and in the Senate from the District of Columbia.

Mr. BYRD of West Virginia. Mr. President, there is no doubt that some people will view the passage of this bill and its signature by the President as an entering wedge. I think we must recognize, however, that such measures as are fearfully contemplated by the able Senator from Alabama have been introduced in past years. They have been introduced year after year, going back a period of several decades.

So the failure of enactment of this bill would be no guarantee whatsoever that efforts will not persist to pass legislation which would provide for a constitutional amendment giving the people of the District of Columbia a vote in the House and votes in the Senate. We are going to see such measures proposed regardless. They have been introduced heretofore, and we will continue to hear about them. But I do not believe that the enactment of this measure providing for a nonvoting Delegate in the House would necessarily portend the successful passage of a constitutional amendment later. As a matter of fact, it might have just the opposite effect. Of course, it might encourage Members to try a little more assiduously but that, in itself, I do not think, is so much to be concerned about. What we do have to deal with is the matter which now awaits Senate action; namely, how can we deny the people of the District of Columbia a nonvoting Delegate in the other body, which has already voted, by something like a 6-to-1 majority, to seat such

a Delegate in that body? I do not think they can be rightfully denied. I cannot see any justification whatsoever, legally, constitutionally, or morally for such a denial. That is what we have to face up to.

Mr. ALLEN. Is it possible that the other body may have thought the Senate, in its wisdom, would see that the legislation did not pass here in the Senate?

Mr. BYRD of West Virginia. I do not think we can second-guess the other body. I do not think the other body, really, would have had any justifiable reason to believe that the Senate would block passage of this legislation.

I call to the Senator's attention, may I say, that I feel there might have been some sentiment in the other body toward adding a nonvoting Delegate for this body, in the hope that if the House did include such, the Senate would then block the legislation out of opposition to a nonvoting Delegate in this body. But, since the House did not include that in the bill, I feel that the House fully expects the Senate to act favorably on the bill.

Mr. ALLEN. The Senator will recall that earlier this year the Senate, with a Senate resolution, set up the Committee on Equal Educational Opportunity and appropriated $375,000 to defray the cost of the work of that committee. Would it not be possible, under the law, if the House is so anxious to have a nonvoting Delegate from the District of Columbia serve in that body, for the House to handle that by a House resolution without concurrence of the Senate?

Mr. BYRD of West Virginia. The Senator means to provide for a nonvoting Delegate by a simple resolution?

Mr. ALLEN. Yes, sir.

Mr. BYRD of West Virginia. No, I do not believe so, because under the legislation the nonvoting Delegate would be accorded all the privileges of a Member of the House of Representatives. He would have the right, as I say, to participate in debate and, I believe, the right to offer bills and amendments, et cetera. Moreover, provision has to be made for his election by the voters of the District of Columbia.

Mr. ALLEN. The House by resolution could not make any such provision?

Mr. BYRD of West Virginia. I am not prepared to say it could or could not, but I seriously doubt it. I have not looked into that aspect of the question.

Mr. ALLEN. It just occurred to the junior Senator from Alabama that if the Senate could set up a whole committee and appropriate $375,000 for its work, the House could set up a one-man committee, so to speak, to look after the affairs of the District of Columbia there in that body.

Mr. BYRD of West Virginia. I do not share the Senator's suggestion, if indeed it is a suggestion. If he is asking whether it might have done so by a simple resolution, I do not believe it could.

Mr. ALLEN. The junior Senator from Alabama was merely asking the distinguished Senator from West Virginia his opinion in that regard.

Mr. BYRD of West Virginia. Well, my opinion is that the House could not have done that.

Mr. ALLEN. I thank the distinguished Senator.

Mr. BYRD of West Virginia. I shall want to verify my opinion, but I do not think the House could have done this by passage of a House resolution.

Mr. ALLEN. I thank the distinguished Senator and wish to pledge him my efforts when the next legislation comes up seeking to give the right to vote to this Delegate we are now asked to set up on a nonvoting basis. The junior Senator from Alabama will be working shoulder to shoulder with the distinguished Senator from West Virginia to prevent that.

Mr. BYRD of West Virginia. I thank the Senator from Alabama. Further anent the Senator's question, a simple resolution does not have the force of law. A simple resolution may be enacted by either body to establish an ad hoc committee of that body, and the committee may be paid out of the contingency funds of that body; but a simple resolution, which cannot carry the force of law, could not provide for election, in accordance with the District of Columbia Election Act, by the people of the District, of a Delegate to the House to serve during each Congress, and so forth.

A nonvoting Delegate in the House of Representatives would, in some measure, and as the Senator himself has suggested in terms of percentage, have a great impact upon the passage of legislation dealing with the District of Columbia and some impact on the passage of legislation dealing with the affairs of the country. I am confident that a simple resolution could not be made the vehicle whereby a nonvoting Delegate could be granted to the District of Columbia in the House of Representatives. It would not require an amendment to the Constitution, but it would have to be done by law.

Mr. ALLEN. I thank the distinguished Senator.

Mr. BYRD of West Virginia subsequently said: Mr. President, a little earlier in a colloquy with the able Senator from Alabama (Mr. ALLEN), who is presently presiding over this august body with a degree of efficiency that is "so rare as a day in June," I was asked to express a viewpoint as to what the responsibilities would be of a nonvoting Delegate to represent the District of Columbia in the other body.

Reading, Mr. President, from the Rules of the House of Representatives, under rule XII, "Delegates and Resident Commissioner," I find the following paragraphs in a footnote, and I quote them because they will shed a helpful light in answer to the able Senator's question:

> The law provides that on the floor of the House a Delegate may debate, and he may in debate call a Member to order. He may make any motion which a Member may make except the motion to reconsider. A Delegate may make a point of order. A Delegate has even moved an impeachment. He may be appointed a teller; but the law forbids him to vote. He has been recognized to object to the consideration of a bill, and has made reports for committees. The rights and prerogatives of a Delgate in parliamentary matters are not limited to legislation affecting his own territory.
>
> The office of Delegates was established by ordinance of the Continental Congress and confirmed by a law of Congress. The nature of the office has been the subject of much discussion; and except as provided by law the qualifications of the Delegate have been a subject of much discussion. A territory or district must be organized by law before the House will admit a Delegate.

I thank the able Senator from Alabama.

RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks of the able Senator from Kansas (Mr. DOLE), the able Senator from Oregon (Mr. HATFIELD) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

VETO OF APPROPRIATIONS FOR OFFICE OF EDUCATION

Mr. BYRD of West Virginia. Mr. President, I am prepared to propound a unanimous-consent request which has been discussed with the able Senator from Washington (Mr. MAGNUSON) and with various other Senators, including the able minority leader and the able assistant minority leader. It appears to be supported by all concerned.

Mr. President, I ask unanimous consent that, on tomorrow, the Senate proceed to vote at 4:30 p.m. on the motion to override the President's veto on H.R. 16916, making appropriations for the Office of Education for the fiscal year 1971 and for other purposes; with the time from 2:30 p.m. to 4:30 p.m. to be equally divided and controlled, respectively, by the majority and minority leaders, or their designees.

The PRESIDING OFFICER (Mr. ALLEN). Is there objection to the request of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I want to confirm the statements made by the distinguished Senator from West Virginia, the acting majority leader.

Of course, this is a matter which is privileged and can be called up at any time. The minority is aware of that. It is not the most convenient time for every Senator, but we have accommodated as many Senators as we possibly could. Therefore, I withdraw my reservation.

Mr. BYRD of West Virginia. I want to buttress the statement just made by the able Senator from Michigan. There are 100 time-scheduling problems facing 100 Senators. It is impossible to accommodate every Senator. We have done the best we could, however, to accommodate the Senate and to enable it to reach a vote on the motion to override. The unanimous-consent request that has been propounded seems to achieve that end.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The unanimous-consent argument subsequently reduced to writing, reads as follows:

Ordered, That on Tuesday, August 18, 1970 the Senate proceed to vote at 4:30 o'clock

p.m. on the motion to override the President's veto on H.R. 16916, making Appropriations for the Office of Education for the fiscal year 1971, and for other purposes, with the time from 2:30 p.m. to 4:30 p.m. to be equally divided and controlled respectively by the majority and minority leaders, or their designees.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, as I understand it, there will be another proposal made shortly perhaps for a unanimous-consent agreement.

Mr. BYRD of West Virginia. Mr. President, the leadership on both sides of the aisle has endeavored throughout the day to reach an agreement as to when a vote might be had on the amendment to be offered by Mr. BROOKE. Consultations are still underway, I believe, and it is hoped that, before the day is over, a unanimous-consent request to that end may be proposed.

Mr. STENNIS. Mr. President, I thank the Senator from West Virginia. The reason I make this inquiry—I am vitally interested in it myself—is that I want to use this time to comment some about the other amendment.

Mr. President, this is an important bill. The military procurement bill represents the hardware all of our services will need and have to be supplied with during the fiscal year now running. It looks forward, as everyone knows, 5, 6, or 7 years in advance.

There are 25 or more amendments. Some of those duplicate or overlap one another. Those amendments will either have to be abandoned or be disposed of one way or the other before the bill passes.

I feel that until we get the ABM matter disposed of, the bill will drag along. We have had the general debate. It has been explained and covered by the various subcommittee chairmen. There has been interrogation.

The general debate has been disposed of. We have had two votes on the ABM question. I think that when we do dispose of the ABM amendment, the bill will move along. I feel that until that matter is disposed of that it will not move.

I hope that we can get this unanimous-consent agreement. When we do, I believe then that it will be reasonably possible to get a very reasonable agreement for voting on the McGovern amendment, which is an important matter. It will provide that troops from Vietnam must be withdrawn by a certain date.

As I understand it, there will then probably be an overall appropriation reduction amendment, an across-the-board reduction, that will involve weaponry, which has already been discussed. I believe that we can get a reasonable agreement with reference to that.

It is so difficult to get the substance of the amendments, that is the opposition to them, before the Senate. I want to exercise the privilege of speaking with reference to some of these amendments that have been presented and are not being called up.

I want to get before the Senate and the public the position of the committee on the amendments.

I mention that now so that I will not be considered to be ill mannered. I am not saying that I will call them up and move to table them. But I will call up the subject matter of the amendment and discuss it from the viewpoint of the committee. It is time now for us to be voting on the amendments or disposing of the committee amendment.

I am ready to yield the floor.

DEATH OF HERMANN B. DEUTSCH, OF NEW ORLEANS, LA.

Mr. LONG. Mr. President, on the 25th day of June of this year, a great newspaperman, Hermann B. Deutsch, of New Orleans, died in his 82d year.

Among his well-known literary works was a widely read book entitled "The Huey Long Murder Case," the story of my father's assassination, extensively cited in the recent Pulitzer Prize biography by Harry Williams.

Among his survivors is his brother, one of my closest personal friends and advisers, Col. Eberhard P. Deutsch, also of New Orleans, a lawyer of national repute, personally known to many Members of this body.

Hermann B. Deutsch received his bachelor's and master's degrees and his doctorate from the University of Chicago, in each case with honors. While in college, he was editor in chief of the Daily Maroon, and he has been a writer and author of note ever since.

For a great number of years, Hermann Deutsch was regarded as an outstanding and highly reliable reporter of the news. During his later years, he wrote a daily column which enriched the day for those who lived in New Orleans and the surrounding area. Many of us came to regard him as one who carried in his memory intimate details of practically everything that had transpired in the New Orleans area for more than a half century. He was famous among his friends as a connoisseur of good food as well as good taste in other matters.

Up to the very moment of his passing, Hermann was, as he had been throughout recent years, writing actively as a columnist for the New Orleans States-Item; and his last two columns appeared after his death.

Perhaps one of his finest and most interesting literary compositions was his last will, written on his 80th birthday, in many of its passages a penerating, philosophical treatise.

Mr. President, this document deserves, in my opinion, a place in the history of literature, and in tribute to the memory of Hermann B. Deutsch, newspaperman, author, and philosopher, I ask that it be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

NEW ORLEANS,
March 16, 1969.

I, Hermann B. Deutsch, make this my last will, hereby revoking any and all others I may heretofore have made. I have never been married and both my parents have died. I have never adopted any one. So much for what I understand are normal legalisms.

I should like to add, however, that I repose complete trust and confidence in my brother Eberhard, whom I propose to designate as my executor. It is my conviction as I write these words that whatever disposition I choose to make of my possessions, these would be carried out by him regardless of how I phrased my wishes, as long as these were completely understood; and after a long lifetime of striving to put my meaning into comprehensible words, it is not likely that I would go up in my exit lines. Hence I have no fear that my disposal of what is—or rather, at the time these lines are read, "was"—mine will be thwarted or denied.

At the moment I set down the foregoing words, the heartening thought came to me that I need not fear anything else, either. Being a rational agnostic, who concedes he does not know what by its own express terms is the unknowable, making no claim that within the confines of a finite mind I can encompass the Infinite, and that, having conducted my worldly affairs as best I could, in accordance with what I conceive to be a reasonably ethical modus vivendi, I certainly need not fear any hereafter based on a concept of justice. Nor do I fear the extinction that would inevitably be the concomitant of the conviction that there is no hereafter beyond the continuing germ-plasm we pass on through the children who survive us.

I have known more delight than dolor, more contentment than frustration, more gladness than sorrow. The balance of gain over loss is so heavily in my favor that I am (if a light form of speech be permitted at a moment presumably solemn) in the position of a golfer who is four up and has but three to go, I can no longer lose. Life has been very good to me; and since I have nothing to ask of death, death can deny me nothing, least of all the serenity with which I look forward to a sounder, less troubled sleep than any I have known heretofore.

That is a long winded and therefore wholly characteristic prologue to what I intend this instrument to say. Oh well! the late Hermann Deutsch suffered chronic attacks of logorrhea. You who of necessity must wade through this, his ultimate outgiving, may draw comfort from the certainty that I can now commit no further offenses of this genre. All that once was I is now permanently cured of the vice of prolixity and I trust may therefore be pardoned one last surrender to garrulousness in disposing of what once was mine.

Of smallest worth among my possessions, is assuredly my body. I ask that it be turned over to one of the physician friends who survive me: Dr. James D. Rives, Dr. Arnold Lupin, Dr. Haroldd Kearney, and Dr. Abe Mickal, in the order named, if they have any use for it. When they have finished whatever they care to do with it, I ask that whatever remains of it be disposed of by them as other refuse is disposed of. Should this not be practical, or should the physicians declare they did not wish to accept it, I ask that a vessel putting out to sea from New Orleans, be charged with carrying it far enough from shore to assure it would not become a nuisance, and there to slide it overside to sink, to be devoured, or to blend in

decomposition with the primordial slime that has been the wellspring of all life on this terrestrial planet.

If legal technicalities should prohibit this, then let my body be cremated and have the ashes scattered over some field where something useful is grown. The one result I ask to assure by these alternative demands is that on an already over-burdened earth no one spot of ground which might be devoted to growing something serviceable shall be pre-empted senselessly by that which once was I; that a future which has no interest for or in me shall in no way permanently call attention to the supremely unimportant fact that throughout one minimal splinter of eternity my heart pumped approximately 72 times a minute, that my lungs drew in and expelled various gases some 20 times a minute, or that I laughed or wept from time to time as the occasion offered. Above all, let there be no gathering of any sort, no "wake", no funeral or other barbarous survival of an uncivilized past, no prayer, no rituals or other incantations I ask this with all the earnestness I could summon were I still alive.

Having thus disposed of the least of my possessions, I should like to pause for one more general observation before parceling out what were my material belongings. I feel that I owe the community in which my lot was cast an acknowledgment of the deep appreciation in which I shall hold it as long as the capacity for emotional response is vouchsafed me. I came to New Orleans with my friend Don Higgins when both of us were strangers here, and to all intents and purposes, penniless. In the fullest and most prodigal measure I was accorded the only boon I asked: the opportunity to make friends and to prosper to a degree which, however modest, satisfied my simple wants. This was a priceless gift. I can do no more (and no less) than make grateful acknowledgment of the obligation.

To this end it is also my earnest desire to record my affectionate appreciation to the Metairie neighbors among whom I passed more than a score of years. They made me welcome warmly when I first took up residence there, and did much to make my life among them happy and contented.

In disposing of my material possessions, I charge first that all debts *justly* owed by me to any man or institution be paid in full. I further charge that with the exception of whatever sums in royalties, or other payments for literary or editorial work might be due me at the time of my death, either for work done on my own account, or work done in collaboration with others, all who are in debt to me be forgiven whatever sums they might owe me.

I ask that the sum of $300 be set aside by my executor to defray the cost of a "business session" of Les Escargots (La Societe des Escargots Orleanaise). I ask further that the then Master Chancellor, whoever he may be, invite five, or if need be, more, non-member guests to adjoin themselves on this occasion to the cherished company in whose presence I may thus play host one last time: my brother Eberhard, Arnold Ginrish, Ralph Nicholson, Lester Klinger, John Schwegman, Dr. James D. Rives, Admiral Fred Reeder of Laurel, Walter Cowan, Ralph Vinson, Ben Franklin of Baton Rouge, and L. C. Montgomery, Jr. This would constitute no breach of the proprieties, since non-members have customarily shared with us the pleasures of such informal gatherings as we have termed our "business sessions."

I have listed nearly a dozen guests for the "five" place settings originally contemplated. But I think it unlikely all of these will be able (or wish) to attend. If, however, they do accept, I charge my brother to make up the additional cost out of the residual funds of my estate; it pleases me greatly, as I pen these lines, to think the invitations will be extended on my behalf to such of them as will be able to accept it. When all's said, this will be the final imposition I make on the good will of the other masters in an association I valued so highly.

My most excellent material possessions are my books. I leave their disposition unconditionally to my brother Eberhard, who is thus free and welcome to retain for himself such of them as he might wish to possess, particularly among the autographed volumes, some of which have, or will have some day, a substantial value over and above the sentimental value they have had for me. I suggest to him—but he remains free to disregard the suggestion in whole or in part—that whatever books he does not want for himself be tendered to the New Orleans Public Library as a small tribute from me to the shining memory of John Hall Jacobs who, in his day, redeemed the Library from the lamentable decadence into which it had declined under his several predecessors, and a tribute also to the dedication and the remarkable capacity Margaret Ruckert devoted to her assignments in the Library's services. I should like the same choice to be extended, at Eberhard's discretion, to the Metairie branch of the Jefferson Parish Public Library whose staff has been uncommonly cooperative over the years, whenever I had occasion to avail myself of its facilities.

Among the remaining volumes which neither my brother nor the public libraries might care to acquire, there will probably be some old text books, laboratory notes, diaries and the like which some university conceivably might wish to include as potential source material on their reference shelves. In that event, I suggest that such items be divided equally among the libraries of Tulane, LSUNO, LSU at Baton Rouge, and Loyola, observing, as best it can be done, what each of them might prefer, if anything.

Obviously, there will be a number of volumes no one wants. Quite a little trash has found its way to my bookshelves, as decade followed decade. I suggest that in their entirety these undesired items be contributed to some public school's scrap drive. Campaigns of this sort seem always to be in progress; in this fashion other minds might profit indirectly from the trove that so greatly enriched mine.

Only the less valuable part of my belongings now remains to be apportioned. To the survivors among three younger friends who, by their self-less affection and understanding companionship, gladdened my senescent years with the assurance that, whatever might befall, I would not be left to face the future in solitude, I now bequeath certain sums of money.

This is not done in requital or repayment for deference to my occasionally captious whims or wishes. I do not think any parent could have been rejoiced and comforted by greater devotion than Jimmy Enos, Jack Bates and Joseph Withers have accorded me. Obviously, therefore, the following bequests are in no sense "rewards" for something no sum, however munificent could repay adequately. May they in turn, one and all, find in others what so spontaneously and generously they offered me during the years of our friendship.

To Mary (Mrs. James D.) Enos, if living at the time of my death, I bequeath the sum of $10,000 (ten thousand dollars).

To Joseph Withers, if he survives me, I bequeath the sum of $15,000.00 (fifteen thousand dollars.)

To Cecile (Mrs. Jack W.) Bates, I bequeath the sum of $10,000.00 (ten thousand dollars.)

While all three of the foregoing bequests are made without stipulation or condition of any kind soever, the various sums were computed on the basis of my feeling that these amounts would suffice to provide for each of their children, in the event of adversity, adequate assistance to assure for them the boundless opportunities which only an adequate education can afford.

Frances Parkinson Keyes has expressed a desire to have the two black walnut book cases and matching table which I have used as dining room furniture. I hereby gratefully bequeath them to her in the event her death shall not have preceded mine. At this time I also make grateful mention and acknowledgment of the wealth of diversified and the considerable financial returns that have come to me as her editorial adviser over an extended period of years. The association has always been stimulating and animated. My thanks have always been, and still are, due her for this.

Though the foregoing bequests dispose of what, at conservative present-day appraisals, constitute a relatively small part of my material estate, I make relatively small bequests to the members of my immediate family. Those closely akin to me, my brother and sisters are all more than well provided for through the success that has marked their several careers which, in the case of my brother, at least, has been exceptionally noteworthy. I make no provision for any more distant kinsfolk, not recognizing that they have of right any claim upon me.

Further, I make no bequests to organized charity or welfare groups; in my estimation, the heavy imposts levied upon my earnings in life through taxes for the support of those less fortunate than myself or assistance to those less willing to exert themselves for the attainment of what earnest effort could almost surely have brought them, fully discharge any obligation I might have in this respect.

While my sisters are not by any standard in necessitous circumstances, I make the following bequests to them to enable the closing years of their lives to be perhaps a little easier and more pleasant:

To my sister Edith I bequeath the usufruct for the remainder of her life and without bond, of the cash sums of which the naked ownership is hereby and herein elsewhere bequeathed to the University of Chicago ($15,000.00), Louisiana State University in New Orleans ($15,000.00), Loyola University of the South ($10,000), and to my nephew Brunswick ($5,000.00).

To my sister Naomi I bequeath the usufruct, for the remainder of her life, and without bond, of the cash sum of $15,000, of which the naked ownership is herein elsewhere bequeathed to the Tulane University of Louisiana.

To my nephew, Brunswick G. Deutsch, I bequeath as a token of my affection for him, my photographic equipment and the naked ownership of $5,000.00, subject only to the usufruct hereinabove imposed thereon.

I bequeath to the following institutions the naked ownership of the sums set opposite their names, subject only to the usufruct hereinabove imposed thereon:

The University of Chicago, $15,000

The Tulane University of Louisiana, $15,000

Louisiana State University in New Orleans, $15,000

Loyola University of the South in New Orleans, $10,000

All of the legacies hereinabove bequeathed (except that of the residue of my estate bequeathed hereunder) shall be paid in full, free of any and all inheritance and estate taxes, and free of any costs and expenses of administration, and any and all other charges which may be due or claimed to be due thereon, all of which taxes, costs, expenses and charges shall be paid out of the residue of my estate after payment of said other legacies in full.

I bequeath all the residue of my estate to John L. Ivester of Grady, Arkansas, for many years my close friend, companion of unforgettable hunting and fishing excursions, the father of my godson and namesake, the only

one other than my brother, upon whom I could have called for any sacrifice in time of need. If by some quirk of fate his death should have preceded mine, I bequeath the residue to John's son, J. Hermann Ivester with the stipulation that he look after the welfare and financial needs of his mother, Margaret, with the affection and solicitude which his father would have exercised and wished his only son to exercise, during the balance of her life.

There now remain only those further technicalities without which I could not make an untroubled exit from a restless life into a restful and untroubled eternity into which I shall have entered by the time these lines fall within the view of other eyes than mine.

I nominate my beloved brother, Eberhard P. Deutsch, and in the event of his death, inability or unwillingness to serve, my nephew, Brunswick G. Deutsch, to be the executor of my estate with full seizin and detainer thereof, from the moment of my death, and without bond. Whatever fees shall be payable to them as executors, are to be in addition to the small bequests hereinabove made to them.

Finally, I take this last opportunity to put into words my abiding gratitude to my brother Eberhard, to whom this is a personal and very affectionate note of farewell.

Thus entirely written, dated and signed by me in my own hand at New Orleans, Louisiana, this 16th day of March, nineteen hundred and sixty-nine.

HERMANN B. DEUTSCH.

NEW ORLEANS, LA.,
March 18, 1969.

I, Hermann B. Deutsch of New Orleans hereby make this codicil to my will of March 16, 1969. I hereby bequeath to Dillard University the sum of $5,000.00.

Thus entirely written, dated and signed by me in my own hand at New Orleans, Louisiana, this 18th day of March, 1969.

HERMANN B. DEUTSCH.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. BYRD of West Virginia. Mr. President, the able assistant minority leader will be present in the Chamber in a moment. He has been momentarily called off the floor.

The able Senator from Massachusetts (Mr. BROOKE) will offer his amendment tonight. There can be discussion on it tomorrow.

Mr. STENNIS. Mr. President, may we have order so that we all can hear? There is an important matter.

The PRESIDING OFFICER. There will be order in the Senate.

ORDER FOR RECESS FROM TOMORROW, TO WEDNESDAY, AUGUST 19, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, now that the able assistant minority leader has returned, I ask unamimous consent that when the Senate completes its business tomorrow, it stand in recess until 10 o'clock Wednesday morning next.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

UNANIMOUS CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Wednesday morning next, following the prayer by the Chaplain, the Senate having recessed, the time on the amendment which will shortly be offered by the able Senator from Massachusetts (Mr. BROOKE) be limited to 3 hours, to be equally divided between the able Senator from Massachusetts (Mr. BROOKE) and the able committee chairman and manager of the bill, the Senator from Mississippi (Mr. STENNIS), and that a vote on the amendment occur at 1 p.m. on Wednesday next.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object, and I shall not object, here again I want to indicate that the leadership on both sides has struggled with a lot of problems. There are some Senators who will not be happy with this arrangement because it will involve a great personal inconvenience to them. Some Senators will not be able to be present.

But we have done the very best we could.

I know of no effort that would be made to table this amendment, but I would like to have the unanimous-consent agreement follow the pattern of other agreements where, if there were a tabling motion, the vote would come immediately preceding.

Mr. BYRD of West Virginia. Does not the Senator wish to shut out any tabling motion?

Mr. GRIFFIN. No, on the contrary, I want to make it clear there could be.

Mr. BYRD of West Virginia. Under the unanimous-consent request, as I have proposed it, a motion to table would be shut out.

The PRESIDING OFFICER. The Senator is correct.

Mr. GRIFFIN. The understanding, I take it, was that there would not be an opportunity for a tabling motion. In view of the fact that that was the understanding, I will not press the point.

Mr. BYRD of West Virginia. So, Mr. President, the verbiage in the unanimous-consent request would stand, and a tabling motion would not be in order.

The PRESIDING OFFICER. The vote would be at 1 p.m. on the amendment itself; no other amendments would be offered.

Mr. BYRD of West Virginia. The vote at 1 p.m. would be on the amendment shortly to be offered by the able Senator from Massachusetts (Mr. BROOKE.)

The PRESIDING OFFICER. The vote would be on the amendment and the time prior to that time would be divided between the Senator from Mississippi and the Senator from Massachusetts.

Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

UNANIMOUS-CONSENT AGREEMENT

Ordered, That the Senate proceed to vote at 1 o'clock p.m. Wednesday, August 19, 1970 on the pending amendment by Mr. Brooke (No. 821) to H.R. 17123, the military procurement authorization bill, with the time between 10 a.m. and 1 p.m. to be equally divided and controlled by the Senator from Massachusetts (Mr. BROOKE) and the Senator from Mississippi (Mr. STENNIS).

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. What was the response to the inquiry by the Chair that no other amendments would be offered?

Mr. BYRD of West Virginia. As I understand the unanimous-consent request and as I understand the precedents, an amendment to the amendment and may be brought up when all time had expired, but there could be no time for debate on such amendment.

The PRESIDING OFFICER. The Senator is correct.

Mr. BYRD of West Virginia. It would have to be immediately voted upon without debate and the vote on the amendment offered by the Senator from Massachusetts would immediately follow.

The PRESIDING OFFICER. The Senator is correct. No amendment to the Brooke amendment could be offered until the elapse of the entire time at 1 o'clock. The vote at that time would be on the amendment to the Brooke amendment, followed by the vote on the Brooke amendment.

Mr. STENNIS. Would the situation the Chair just outlined be correct and true even though the Brooke amendment is an amendment to a committee amendment and any amendment to the Brooke amendment would be the third amendment?

The PRESIDING OFFICER. It would be in the second degree.

Is there objection?

Mr. GRIFFIN. Was it established that the amendment being referred to is a printed amendment?

The PRESIDING OFFICER. It is to be called up and stated.

Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BROOKE. Mr. President, I call up my amendment No. 821 to H.R. 17123 and ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 17, beginning with line 15, strike out all down through line 5 on page 18, and insert in lieu thereof the following:

"SEC. 402. Funds authorized pursuant to this Act for the procurement of antiballistic missile defenses may be used only for defense of strategic forces deployed at Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana."

The PRESIDING OFFICER. The Senator from Massachusetts is recognized.

The BROOKE. I yield the floor.

Mr. BYRD of West Virginia. Mr. President, I wish to express appreciation on behalf of the leadership to the Senator from Massachusetts (Mr. BROOKE), the

minority leader, the acting minority leader, the manager of the bill, Mr. STENNIS, and all other Senators who made it possible to reach the unanimous-consent agreement.

Mr. STENNIS. Mr. President, I think the thanks go to those who work on the floor of the Senate, the Senator from Massachusetts, to the leadership, the Senator from West Virginia (Mr. BYRD), the Senator from Michigan (Mr. GRIFFIN), and others who have assisted them in working out this matter. It is very difficult and very complex. I wish to thank the Senator from Massachusetts (Mr. BROOKE) for his attitude in enabling us to get to a vote.

Mr. BROOKE. Mr. President, I thank the distinguished Senator, the acting majority leader, and the acting minority leader for working out the agreement. As the distinguished minority whip said there is no time which would accommodate everyone, but I think we have done the best we could under the circumstances.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, I am very glad we have this agreement on the ABM vote. I think that after that occurs, this bill will move along rapidly. I know it should and that everyone will cooperate in trying to bring about the consummation of these decisions. The matter should be concluded as soon as we can, and by all means action on this bill should be completed before we think about taking a Labor Day recess.

I thank the Senator.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon completion of the special orders for the recognition of Senators tomorrow, there be a brief period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, upon the conclusion of the transaction of routine morning business tomorrow, the unfinished business be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT TO 11 A.M.

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 11 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 32 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 18, 1970, at 11 a.m.

EXTENSIONS OF REMARKS

OREGONIAN SAYS MANY FORESTED AREAS HAVE TO BE LOGGED TO BE SAVED

HON. LEN B. JORDAN

OF IDAHO

IN THE SENATE OF THE UNITED STATES

Monday, August 17, 1970

Mr. JORDAN of Idaho. Mr. President, the Portland Oregonian, one of the Northwest's distinguished newspapers, recently published an editorial which pointed out that people who talk in emotional terms about saving our forest frequently overlook the fact that in many cases these forested areas must be logged to be saved.

The editorial cites the case of a 1,400-acre tract of Ponderosa Pine on the Metolius River in Oregon which had been set aside as a natural area since the 1930's but which has deteriorated into a mess. Large trees are dying, rust and bugs are taking a heavy toll, and snags dot the area.

This deteriorated area is contrasted with adjacent managed areas which have been protected against insects and logged under Forest Service supervision.

This well-reasoned editorial is especially significant to me because I have on display in my office a series of five photographs which graphically tell the story of a managed forest in the Willow Creek area south of St. Maries, Idaho, in the St. Jose National Forest.

This forested area was logged in the 1930's, about the time that the Metolius River area, described in the Oregonian, was set aside as a natural area. When this acreage was taken over by the Forest Service in 1938, only a few native seedlings were visible in the first photo in my series, showing the logged-over area, a sight that many people object to if they do not understand the cycle of a managed forest. In 1939 and 1942, CCC crews planted 4-year-old trees from the Forest Service nursery, filling in the blank spaces left by the natural seeding. This new growth is very apparent in the second photo, taken in 1944.

In the third photo, taken 11 years later, the hillsides are mantled with young trees. Shrubs between them provide abundant food for deer and elk. Because the earlier forest was clearcut, the new one contains sun-loving trees. The clearcutting also helped reduce the incidence of dwarf mistletoe, the parasitic problem plant referred to in the Oregonian editorial.

The fourth photo, taken 16 years after the management program began, shows a vigorous growth of new trees so large and dense that they would benefit from thinning and weeding. The last photo in the series, taken in 1969, shows a beautiful, maturing forest of the type that makes Idaho one of the most beautifully forested areas in the continent.

This series of photographs and the Oregonian editorial both make a case for multiple-use management of our forest resources. This type of management "saves" a valuable, renewable resource, and contributes to the welfare of our wildlife and to the economic welfare of man.

Mr. President, I ask unanimous consent that the Oregonian editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MANAGED FORESTS

The best possible management of national forests is everyone's business, but not everyone will take the time or trouble to get the facts straight. Preservationist fanatics who seek to block logging in vast acreages of federal commercial timber talk in emotional terms, of "saving" the forests. But the fact is, in many cases these forested areas must be logged to be "saved."

Before a Sierra Club critic makes the expected rejoinder, this is not at all like saying, as an American officer was quoted as saying in Vietnam, that he had to destroy a village to save it.

Doubters should visit a 1,400-acre tract of Ponderosa pine next to the road down the Metolius River below Camp Sherman which has been set aside as a "natural area" since the early 1930s. Foresters have guarded it against fire, but have not touched it in any other way. It looks a mess. Large trees are dying. Rust and bugs are taking a heavy toll. Snags dot the area. It is unlikely that the overstory will survive more than 10 years longer.

In adjacent areas the Forest service has permitted contract logging of trees of declining vigor to control infestation of the western pine beetle—up to 5,000 board feet per acre. This is a controlled landscape management program, also evident along the Santiam Highway, in which logging is done with rubber-tired vehicles on a snow cover, slash is burned, buried or chipped, and the more open, parklike result is a scenic stand of old growth pine.

In the same area, on a plateau above the river, another problem is being met in a way preservationists may scream about unless they listen to the reason. The villain there is dwarf mistletoe, a parasite which saps the life of conifers. The seeds of this destroyer are in berry-like fruits which, on maturity,

"explode" through the air for 50 feet or more and stick to other trees. Sometimes the mistletoe clusters reach great size, weighing hundreds of pounds. The growths which attack the trunks of younger trees will so weaken them that they will never reach maturity but will fall prey to insects and other diseases.

Clear-cutting—a practice not generally used in the "yellow-belly" pine country of Central Oregon—is the only sure, known method of getting rid of an infestation of dwarf mistletoe. Replanting with healthy stock is, of course, the necessary next step. But in the interim, complaints are expected about "desecration" of scenic forests. And there are 110,000 acres of ponderosa pine and 100,000 acres of other species among the 1,587,692 acres of the Deschutes National Forest, alone, seriously infected with mistletoe. Because of shortage of funds, it would take 10 years to clear and replant less than 20,000 acres of the infected, doomed mistletoe forest at the present rate of treatment.

This inability because of financing or other reasons to keep up with forest decay is the real problem of forest management, and it is not improved by the complaints from zealots who raise political storms about every clear-cut in the forest.

In a related situation, the Sierra Club has protested the Lucky timber sale on 13,000 acres of pine between the Cascades Lakes Highway and the Three Sisters Wilderness area. This is a regular commercial sale, but because it leads into the wilderness the Forest Service has laid down conditions for shelterwood and limited clear-cut logging which will preserve the timbered vista and provide for intensive slash clean-up.

The protest here is similar to that lodged against timber sales on the Western Cascades. The Sierra Club and some others demand "buffer strips" outside wilderness areas—in other words, an expansion of the wilderness area without benefit of congressional sanction.

As a matter of practice, the Forest Service itself provides a buffer strip by careful logging to preserve the scenic values. But it does not, and should not, permit the preservationists to commandeer the commercial forest outside wilderness boundaries. The sorry degeneration of the Metolius Natural Area shows why this should not be done. And Oregon's forest-based economy provides another sound reason for a managed, multiple-use forest.

MALE POVERTY SLOWLY FADING BUT WOMEN ARE TRAPPED

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, on Monday this House passed the equal rights amendment. As I listened to and participated in that debate I became even a stronger advocate of the need for action. After the debate, a Washington Post column by Richard Harwood which appeared July 22, 1970, was called to my attention. I think Mr. Harwood's article indicates one result of our failure to give all women equal pay for equivalent work.

The article follows:

MALE POVERTY SLOWLY FADING BUT WOMEN ARE TRAPPED

(By Richard Harwood)

The Census Bureau last week published a fresh communique on poverty in the United States. The gist of it was that the problem is slowly going away, at least as a statistical concept.

There were roughly 40 million poor at the start of the 1960s, about 22 per cent of the American people. At the end of the decade there were about 24 million, 12 per cent of our people.

For those who like to take a happy view of these things, the numbers seem impressive. Whites and blacks, old and young have been getting out of the poverty classification at the rate of nearly 2 million a year. As a result, the "total elimination of poverty" has become something the nation can easily afford.

It would have taken only $10 billion last year, the Census Bureau calculates, to raise the income of all poor people above the poverty line—$7 billion for the poor whites, $3 billion for the poor blacks.

That kind of money is peanuts in an economy generating more than $900 billion a year. But still Congress hesitates and the modest Family Assistance Plan proposed by the administration is stalled in a Senate committee room by well-fed men playing Hamlet.

Some of them no doubt believe that if you wait another 10 years or so the problem will solve itself, that it is a self-liquidating affliction.

That notion is a half-truth at best because people who are poor have unequal capacities for self-help. The record of the 1960s proves that point.

At the beginning of the decade there were nearly 5 million poor families in this country headed by a man under 65 years of age. By the end of the decade there were fewer than 2.5 million such families. This means that if you were a poor kid—either black or white—in 1960 and lived with your father, you had a 50–50 chance of getting out of poverty by 1970.

If your father was gone, however, and you lived with your mother your chances of getting out of poverty in that decade were zero. There were as many poor families headed by women in 1970 as in 1960. Among blacks, the situation was even worse.

The number of poverty-stricken Negro families headed by women has increased by more than a third over the past 10 years. There were 483,000 such families in 1959 and today there are nearly 700,000 containing 3.8 million people. They represent more than half of the poor blacks in America. Families headed by white women contain another 3.6 million of the poor.

For these families, any escape from poverty through the workings of the private economy—slices of a bigger pie—is little more than a pipe dream. They are locked in and they will remain locked in until their children get old enough to work or until an able-bodied male joins the household.

The reason is that the private economy is not generous to women in America, and it is most especially not generous to the poorly-educated "welfare mother."

If these women had left their homes and their children to enter the labor market in 1968, if they had had the same education and training as the "average" woman in the labor market, if they had held an "average" full time job and worked an "average" number of weeks they would have enjoyed an "average" income of $3,621. That doesn't quite get a family of four out of "poverty," which is currently defined as an income of about $3,800 a year.

This problem transcends the problem of racial discrimination. The median money earnings of white women who worked full time in 1968 was $3,731; for Negro women the figure was $2,766.

For men of both races, the rewards of work were far greater. White men had median full time earnings of $7,447; the Negro median was $4,761.

What this means is that poor men in America have some hope of getting themselves and their children out of poverty if they stick to it long enough for the private economy to slowly draw them in.

But the poor woman trying to raise a family alone is hopelessly trapped. The private economy simply will not take her out of poverty.

That is why the administration's Family Assistance Plan—or some version of it—is the only solution to her problems. The fact that the 1960s made no dent whatever in the problems of the poor women in this country is a national disgrace and it is time that the Senate faced up to it.

SOME SPRIGS OF GOOD NEWS

HON. WILLIAM B. SPONG, JR.

OF VIRGINIA

IN THE SENATE OF THE UNITED STATES

Monday, August 17, 1970

Mr. SPONG. Mr. President, in these times, when we are beset with so many problems, perhaps we forget that some encouraging things are happening, too. We are grateful to Bill Monroe of "NBC News" for calling attention to them recently in a "Byline Report" on the "Today" show.

For many listeners, Mr. Monroe's words proved to be a tonic. I ask unanimous consent that the text of his broadcast, "Some Sprigs of Good News," be printed in the Extensions of Remarks.

There being no objection, the text of the broadcast was ordered to be printed in the RECORD, as follows:

SOME SPRIGS OF GOOD NEWS

(By Bill Monroe)

In this summer of 1970, just as Americans had almost accepted the dismal idea that the news had turned permanently bad, a few sprigs of good news have appeared.

Because of an American peace initiative, which seems to have gotten some backing from the Russians, those bitter enemies, the Arabs and the Israelis, have said, all right, we'll try to talk it out. They may not succeed. But at least they're serious enough about it so that, on both sides, they're standing firm against their own extremists who don't want any attempt at peace.

In Vienna, Americans and Russians have been talking for almost four months about limiting the ominous escalation of nuclear weapons. Reportedly they're making progress.

In this country, there are signs of a more rational approach to our own deep internal divisions.

The government may not have changed its mind about some of its militant young critics but it seems to have eased its language of condemnation. It is seeking better contacts with students, with educators and with blacks.

There are reports from campuses, there are reports from black ghettoes, of more emphasis on change through politics, less emphasis on confrontation by seizure, by brickbat and by rabid rhetoric. The anger is still there but the moderates are insisting on a say in how it's expressed.

In magazine articles, leaders of the anti-Vietnam war movement write of their discovery that, while most Americans may not like war, they like flag burning even less. In Chicago, a group of black men contends

openly with a powerful young street gang over who's going to speak for their community.

These are some of the signs, at home and abroad, that there is less talk this summer of tearing down the house and more talk of fixing the roof. The roof, of course, may take plenty of fixing.

But there it is, nevertheless, more hopeful news, springing up like green shoots in burned-over land. And if you're one of those human persons who tends to blame television for bringing too much bad news, we'll be happy to accept your congratulations for our recently improved performance.

CZECHOSLOVAKIA

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DORN. Mr. Speaker, August 21 will mark the second anniversary of the Soviet-led occupation of Czechoslovakia. This outrageous violation of human rights and international law by the Soviet Union and its Warsaw Pact satellites abruptly halted the slow steps being made in Czechoslovakia to develop a certain measure of political liberty. At the time of this invasion the basic democratic and freedom-loving nature of the Czech people was gradually winning over the repressive and totalitarian aspects of Russian-style communism that had been imposed on that small nation. The courageous Czechoslovaks were discovering a new sense of personal freedom, freedom of political expression that we Americans take for granted. Such basic rights as the right freely to travel—also taken for granted under our Constitution—were to the Czechs a source of new found joy. Even the professional Communist leadership was slowly moving toward a form of two-party state.

All of this encouraging movement toward freedom was of course too much for the Soviet imperialists to swallow. For the Soviets, aptly called the "new czars" by their former Red Chinese allies, cannot tolerate the slightest manifestation of political freedom within their satellite empire.

The captive nations of Eastern Europe, together with the many captive nationality groups that make up the modern-day Soviet Union, comprise an empire held together by force, fear, and isolation. The Communist-militarists now in control in Moscow fear that a taste for freedom among their captive nations might well spread into the Soviet Union itself; they fear that once their young people tasted the freedoms of expression and movement that there would be no turning back to the modified Stalinism of the current regime.

So it was, Mr. Speaker, that the Soviet imperialists and their satellite lackeys struck out in fear to run roughshod over Czechoslovakia. The recent period of slow but sure Stalinization in Czechoslovakia has by now led to the total expulsion from the Communist Party of the leaders of the "Prague spring" and has led to the reimposition of hardline Communist totalitarianism.

Mr. Speaker, the ruthless and illegal actions of the Soviet imperialists on August 21, 1968, when considered together with Soviet imperialism in the Middle East and Southeast Asia, holds an obvious lesson for the free world. That is that the Soviets have combined the expansionism so much a part of Communist ideology with the worst aspects of 19th-century imperialism. The product of this combination is an aggressive and powerful nation-state intent on territorial, economic, and political expansion.

Mr. Speaker, we are currently engaged in negotiations with the Soviets of the most serious nature, as are our West German allies. Perhaps some good can come from these negotiations. But the lesson of August 21, 1968, is that in dealing with the Soviet imperialists we must always be wary, and always negotiate from a position of strategic strength.

THE NATIONAL ENVIRONMENT FOUNDATION, INC.

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 17, 1970

Mr. SCOTT. Mr. President, I wish to inform Senators of the National Environment Foundation, Inc., a charitable, scientific, and educational institution which was created to act as a catalyst and prime authority in the problems of the environment which face the Nation and its people, and which may make a lasting contribution in this field.

This foundation was formed to assemble and collate, and to place into a private data bank system for the first time, all information and on-going research from Government, industry, universities, and the private sector concerning the environment and matters ecological.

As Senators know, recent testimony before the House Committee on Merchant Marine and Fisheries recommended in substance that a central data bank on the environment within the Federal Government be delayed indefinitely. I am, therefore, most happy to inform the Senate that the National Environment Foundation is commencing activity along these lines, the comprehensive information from which will be made available to all interested parties.

When the accumulated data reaches such form, a foundation board of distinguished scientists with impeccable credentials in the particular fields will render findings and recommendations, both as to the acute and the long-range aspects.

Finally, the foundation will then widely disseminate this information and findings throughout school systems, the private sector, Government at all levels, universities, and other research areas.

The foundation thus becomes a prime source and authority in the environmental field, and occupies an unbiased posture somewhere between government and industry.

A basic belief of the foundation, as described to me, is that betterment of our environment will not come about by government and more government, nor through industry alone, but through a matter of national will, which in essence must be based upon the widespread dissemination of proper and correct educational information, particularly to the youth of America into whose hands the stewardship of the environment must pass.

To these ends the National Environment Foundation is committed.

Earlier this year I introduced Senate bill 3388 which would establish an Environmental Quality Administration to consolidate the more important agencies and authorities within the Federal Government, and to coordinate our basic Federal environmental quality efforts. Since President Nixon's proposed Environmental Protective Agency will establish these same ends, it is of particular interest to me, therefore, that sincere and dedicated distinguished Americans under the capable leadership and direction of Mr. Walker P. Buel, president, are uniting to engage in important environmental work through private endeavor which will parallel and benefit the efforts of Government in the critical areas of the environment.

As one of its major projects, the foundation is sponsoring Dimension U.S.A. Commitment: Environment, a major 20-city exposition tour beginning in mid-1971 in the city of Philadelphia, the birthplace of other important happenings in the history of this great Nation.

This will be the first of three such tours. The second is now scheduled into the bicentennial in 1976, also in Philadelphia, in the nature of a progress report on the environment to the American people, and the final exposition in 1980 as a review of the progress made by Government and industry and private research in this decade of the environment.

The exposition will illustrate the concern and activities of Government and industry, have a central theme, exhibit specific techniques and processes now extant, and include what is presently in the research stage and what is planned for the future.

Impact of the show will also illustrate the importance of the individual citizen's role in bettering his environment as an integral part of it.

Reasons for this exposition are two-fold: First, the exposition furthers the educational aspect of the National Environment Foundation, and second, the Department of the Interior three times has been rebuffed by industry for some type of illustrative trade fair on the environment, and Secretary Hickel has recently canceled a similar show here in Washington which was well underway.

As an unbiased, nonpolitical catalyst, the Foundation is in the unique posture of being able to bring industry and Gov-

ernment together in an exposition of this kind.

In summation, these exhibits will be available to millions of people who are now somewhat confused and uninformed about what the responsible segments of Government and the Nation are doing about the problems or, in fact, that they even care about them.

Final repository of the exposition exhibits themselves, which will be kept upgraded by the appropriate industry trade associations and governmental departments and overseen by the Foundation, will be in the Nation's Capital.

It is indeed my pleasure, therefore, to bring to the Senate this brief notification of the National Environment Foundation and its major aims, aspirations, and activities.

WE MUST PRESERVE OUR OCEAN RESOURCES

HON. DANTE B. FASCELL

OF FLORIDA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FASCELL. Mr. Speaker, recent activities regarding the disposal of lethal nerve gas in the Atlantic Ocean have focused the attention of the Nation and the world on a major problem—the preservation of our ocean resources. As I stated in the House of Representatives earlier this week, we must take positive action now if we are to prevent our waters from becoming the garbage dump of the world.

It is not idle philosophy to observe that although we tend to ignore or misuse the sea resources—as a nation and as a people—we will eventually live or die by the sea. Such a postulate takes into consideration our future utilization of the sea as a source of food, minerals, fresh water—via desalination—as well as its use as a storage facility.

Yet, in spite of such potentials, very little moneys are being spent on useful, relevant projects to enhance our understanding of this invaluable resource. For example, we know very little about the coral reefs portions of the sea—a vitally important ecological area.

Thus, in the absence of this knowledge, we are engaged in an ironic and senseless sort of war today—man against his environment. Unfortunately, man seems to be winning and the eventual outcome could mean his destruction. Obviously something must be done—and soon—to make compatible partners of the current combatants.

The University of Miami's Field Station at Pigeon Key in the sun-splashed Florida Keys represents one of the most tangible steps taken to evolve such a treaty. Don Groves, in his August 1970 Underseas Technology magazine article, has excellently summarized the work of this vitally important university activity. I call this important article to the attention of our colleagues:

PIGEON KEY—UNIVERSITY OF MIAMI'S FIELD LABORATORY

(By Don Groves)

Ecology, now beginning to receive considerable national attention, is emerging as a major field of emphasis in university biology and urban programs. Ecology, of course, involves intensive study of all aspects of the environment, including the tropical and subtropical marine areas. In these mangrove and coral reef portions of the marine environment, various principles and processes having broad application to all living things can be investigated in such a way as to reveal an understanding of the present, an interpretation of the past and a prediction of the future.

Unfortunately, such essential studies of marine phenomena often involve long and costly voyages. Moreover, as Dr. S. R. Galler, assistant secretary for science at the Smithsonian Institution, has said: " . . . The lack of adequate field facilities for observing living organisms in their normal habitats over long periods of time has been one of the principal handicaps in establishing the validity of working hypotheses which describe the mediums of primary productivity, biological cycles, and other fundamentally important biological phenomena. Usually, these hypotheses are constructed from three kinds of data—laboratory data (which is now relatively reliable), collections of preserved specimens (which at present are inadequate) and field measurements (few of which have been made) . . ."

Recognizing these facts, the University of Miami recently obtained a 20-year lease for a field station on Pigeon Key, Fla., to conduct tropical marine studies.

Named for the white-crowned wild pigeon, Pigeon Key is a small, isolated—but accessible—3.5-acre island in the line of the Florida Keys, lying midway between the Straits of Florida and the Gulf of Mexico. The area is one of the richest in coral growths and ocean fauna in the continental United States. The island is crossed by a seven-mile bridge which runs northeast to southwest between the town of Marathon on Key Vaca and Bahia Honda Keys.

The University of Miami's Rosentiel School of Marine and Atmospheric Sciences operated the facility for three years, beginning in 1965, as a biological research station until funding shortages curtailed operations. In 1968, the present 20-year lease was issued by Monroe County to the University of Miami. A committee representing the Rosenstiel School, the medical school and the main campus, the Monroe County Commission, the Marathon Chamber of Commerce, and the Florida Keys Recreation and Conservation Society administers the operation of Pigeon Key.

The facilities on the island are available primarily to student investigators and qualified groups. Saint Olaf, Harvard, Louisiana State, Tulane, Wooster, North Carolina and Princeton are but a few of the schools that have conducted studies at Pigeon Key. The facilities are made available on a first-come, first-served basis to both male and female undergraduates, independent researchers and graduate students. (Interested persons should first contact Dr. E. H. Man, Dean, Research Coordination, P.O. Box 8293, University of Miami, Coral Gables, Fla. 33124.)

The Pigeon Key facilities, which are currently being refurbished, include a general classroom and laboratories with several sea water holding tanks for both small and large specimens, a dark room and a cold room. Instruction in both scuba and skin diving are offered. Living quarters for more than 50 scientists are available.

The sea around Pigeon Key provides a magnificent laboratory. Here, for example, the properties of the water mass are sometimes oceanic and sometimes those of Florida Bay.

One of the characteristics of the bay and associated flats is the high salinity and temperature of the water during the summer months, and an associated high rate of calcium carbonate deposition. The entire area has a base of Key Largo limestone. Pigeon Key, like many of the other keys, is a promontory of this material with eroded rock shores and a covering of shallow organic duff.

The waters around Pigeon Key abound in coral growth. The cement pilings of the overseas highway are covered with growth of stony corals, alcynarians and sponges. At the bases of rocks below the low tide zone are small clusters of the coral *Porites*, several genera of coraline algae such as *Amphiroa, Jania and Goniolithon*, and other calcareous forms such as *Penicilus and Halimeda*.

Beyond Hawk Channel, about five miles from Pigeon Key, the Florida Barrier Reef lies parallel to the Gulf Stream. The reefs are extensive outcroppings of live corals such as *Acropora* and *Porites*, which lie inches below the surface at low tide and whose dead patches protrude above. Studies of the ecology of associated fauna such as reef fishes have been carried out in this vicinity by the staff of the Rosenstiel School, and the reefs afford valuable areas for many future studies.

Besides the extensive calcareous deposits and growth, the eroded rock along the shore affords refuge to most of the typical intertidal rock-dwelling invertebrates of the West Indian region. There are also extensive banks of the turtle grass *Thalassia* lining channels and rock outcroppings, where fauna is rich and varied in tropical invertebrates and fishes. These shallows are so shoal that at low tide, they are only two or three feet below the surface and often completely bare.

Because of the extensive movement of water during the tidal cycle, Pigeon Key does not appear to be endangered by polluted waters, even under extremes of settlement in nearby keys. The larger keys in the vicinity have growths of tropical plants and halophytic forms that are protected by conservation regulations and may be used for study.

SCHWEIKER PRAISES CENTRE COUNTY LAY CHAPLAIN

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Monday, August 17, 1970

Mr. SCHWEIKER. Mr. President, I invite the attention of Congress to an example of voluntary action and involvement by a Centre County, Pa., resident.

Charles Schlow, of State College, has been a lay chaplain to the inmates of the State Correctional Institute at Rockview, Pa., for over 50 years. He has not only conducted religious services for inmates, but has arranged for family visits, helped inmates to secure jobs upon their release from prison, and done many other acts of kindness for the inmates.

At a time when much criticism is being made about our penal system, and about the lack of rehabilitation being done in our prisons, this example of 50 years of unselfish service by Charles Schlow helps us to keep in proper focus just what our

prisons should be doing. I think the most important thing he has done during these 50 years has been to let the inmates know that they are not forgotten, that someone cares, and thus to serve as an inspiration for the inmates to better themselves when they leave prison.

The Centre Daily Times published an article about Charles Schlow on July 9, 1970. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CHARLES SCHLOW THE UNOFFICIAL BUT OFFICIAL ROCKVIEW CHAPLAIN

(By Nadine Kofman)

Last month, Charles Schlow of State College received a membership card from the American Correctional Chaplains Association in Washington—made out to Rabbi Charles Schlow.

He is the only member of that organization who is not a rabbi, but the confusion is understandable since for the past 50 years he has been a chaplain to the Jewish inmates at the State Correctional Institute at Rockview.

In 1920 he was asked by the former chaplain to assume the duties, and since that time, he has, on his own, met on Sunday mornings with a group of inmates, composed largely of Jewish prisoners, but usually with a few Protestant and Catholic men as well. The group has numbered from as few as one to as many as 14 at one time.

The Sunday services may include a prayer or a chapter reading from the Bible, but there is always a discussion around a specific theme, which may be a current events issue, a basic humanistic or religious idea or a book. He does not preach to the men.

"Religion is how you live," he says. "You don't preach to grown-up men, you've got to get them to think a little."

For one service, Mr. Schlow brought up the topic of pollution, and discussed it in terms of mind pollution.

One topic they do not discuss is their crimes.

"I never ask a man what he's done. What he did is water under the bridge," he says.

The important thing now, he feels, is to get the men to think—to get a discussion going, even to the point of argument. "To make them live outside for a minute," he says. Sometimes a guard comes in to listen.

On their own, the men read newspapers and books, which are available to them through the prison, and Mr. Schlow often lends books from his own extensive library. Recently, he supplied one man with a book on psychology.

He also sets aside time to listen to problems. Tuesdays or Wednesdays he makes individual appointments, "because a man may have something to talk about," he says. They meet informally in his office at the penitentiary, where the Sunday services are usually held.

Mr. Schlow has several files full of letters from men in the prison and men who have been released, thanking him for his help and letting him know how they are getting along.

Over the years, he has arranged for family visits and acted as liaison between the family, the prisoner and the prison. He has contacted businessmen to arrange for jobs for men so that they can be released, and agencies to help individuals after their release, and he has filled numerous special requests from men in the prison. On religious holidays he takes the men holiday food, which they cannot get at the institution.

He receives weekly letters from men at the penitentiary, usually with the heading—"friend-advisor."

He corresponds not only with the men, but also with their families, who often write for help and information.

Due to his closeness with the men, he has been asked by inmates on numerous occasions "to take them out"—which means to meet a man at the gate when he is released, rather than have the penitentiary arrange for transportation to his bus or train for the trip home.

Until about five years ago, the system was to release a man at midnight, and Mr. Schlow would take him to his home for a meal before driving him to the station. Now that prisoners are released in the morning, Mr. Schlow usually takes them to a restaurant for breakfast before the trip.

When silver dollars were plentiful, he gave one to each man to save for a telephone call to him if the need should arise. Now, he gives the man a half-dollar.

After 50 years as a lay chaplain, Mr. Schlow has arrived at several conclusions on crime and penitentiaries.

He feels that one climate which can give rise to crime among the young is lack of rapport between a child and his parents—what he calls "dropouts from families" caused by lack of family cohesion. This, he believes, and man's "acquisitive" nature are some of the major causes of crime.

Men who have committed a crime and have served sentences for it, he says, have a difficult time, because their families are ashamed and their employers are afraid of what might happen.

"Mankind is the worst group to his fellow man; they don't forgive," he says.

As to penitentiaries as a method of rehabilitation, he says, "penitentiaries are not a cure—jails are not for human beings. There's no such thing as rehabilitation. You can't rehabilitate a man; he rehabilitates himself. Punishment has never erased the will" to commit a crime.

Of his work at Rockview, he says that he goes to let the men know that they are not forgotten by their religious community. "You can't do much," he says of his efforts, "but be there and show you're interested."

His role at the penitentiary is largely that of a teacher—his first profession.

Born in Russia in 1886, he attended Central High School in Philadelphia, the only secondary school in the country which awards a bachelor's degree at graduation. He attended his high school's 128th reunion—they have a two year—in May, After earning a BA at Central, he attended the School of Pedagogy in Philadelphia and received his teaching certificate. He then earned a BS degree at the University of Pennsylvania.

He taught for five years in the public school system and seven years at the vocational technical school, both in Philadelphia, teaching courses in English, history, chemistry and math. For two semesters, he taught vocational education courses to teachers at the University of Pittsburgh.

In 1919 he came to Bellefonte and opened a store. He branched out with a store in State College in 1925, sold the Bellefonte store and maintained the one in State College for 40 years.

During World War II, he and his wife, Bella S. Schlow, who died in 1957, held parties on the lawn of their home every Sunday, for 100 Army Air Corps Cadets who were in training at the University. In 1954 Mr. and Mrs. Schlow were given a citation for their efforts by the Nittany Squadron Air Force Association.

In 1964 Mr. Schlow was presented a plaque by the State Correctional Institution at Rockview for his years of service to the institution.

The Pennsylvania Municipal Authority Association presented him with a plaque for 20 years of service to the Borough of State College Authority in 1966. He is a member and has been since its founding, of the Borough Water Authority, from which he stepped down as head two years ago. He was a councilman and served as president of Borough Council for a number of years.

In 1958 he donated a building on W. College Ave. for the founding of Community library, the Bella S. Schlow Memorial Library, which has since moved to E. Beaver Ave.

He was advisor to Phi Epsilon Pi fraternity for many years.

Mr. Schlow is currently a director of the State College Federal Savings and Loan Association, a member of the P'nai B'rith of State College and Bellefonte, the Friends of the Library, the Bellefonte Elks Club, of which he is a former exalted ruler, and the Masonic Order of Bellefonte.

At the present time, he says, his chief hobbies are "enjoying laziness, reading and raising tomatoes."

TROOP WITHDRAWAL FROM VIETNAM

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, 9 weeks remain in which the President presumably will accomplish the 50,000 phase four troop withdrawal from Vietnam he announced June 3. On August 13, there were 406,050 troops in Vietnam. The President's October 15 goal is, apparently, 374,000.

I favor the policy of withdrawing troops, but the pace of the withdrawal is too slow. I remain concerned that our withdrawal from Southeast Asia is linked to factors such as Vietnamization which are beyond our control.

I have other concerns. Has our withdrawal of troops been accompanied by a comparable scaling down of our military efforts in South Vietnam?

Are we trying to do too many of the same things with fewer troops?

I am deeply concerned about the American troops remaining in the war zone. My concern has been increased by a letter I recently received from a fellow Minnesotan. He forwarded to me a copy of a letter received from a company grade officer in Vietnam.

Mr. Speaker, this young officer's view of the Vietnamization program may be too narrow. The experience of his battalion may be unique. But if his experience has wider application, my fears about the present policy in Vietnam are deepened.

The letter follows:

JUNE 14, 1970.

Thank you very much for the letter. Needless to say I was very surprised and happy to receive it. I must admit it has been quite a long time since I've seen or talked to you, about nine months would be a good guess. Many things have happened to me in that nine months, good or bad I'm not really sure, but at least up to this point I'm still around to remember them. People say "War is hell" and how correct they are, but once a person actually becomes physically involved in it they seem to take a little different view on things. I know I have! I've seen death, I've faced it, and of all things I'm an officer who is in charge of young men that fight very bravely for something they don't really un-

derstand, nor do I. Maybe I should clarify something before I go on. I'm not complaining or bitching for myself, I knew what I was getting myself into when I went to OCS. It's just that I've seen so many things happen over here that seem so completely worthless and yet they have cost so many lives. Just a couple of examples. The people of higher rank that run this war do it on the most part from behind a desk. Obviously we can't have all the rank and authority out in the field—what I'm trying to say is that these people move companies of men around like people moving pawns on a chess board. This may be ok at times when they have the support to cover them, but as this happens the support is not there to give. Because this does happen some of our companies have been nearly completely torn apart. The companies in our battalion have been in heavy contact for the last two months. Because of this our company strengths are now down to about sixty people. This may not sound as bad as it really is, so here comes the rest. We are not getting the replacements to cover the people that have been killed and wounded. Oh, we get a few every now and then but nothing like we need. There are no officers coming into the battalion until Aug. or Sept. Right now we have no company out in the field that has the required amount of officers. At present we have three company commanders out there with less than sixty days left in the country. None of them had planned on becoming CO's. My turn will probably come in about three weeks. I guess I'm writing this to you because I know you are a powerful man both politically and otherwise. The only reason I'm telling you some of these things is because I know you and I just wanted to express myself to someone other than my father. One question: How do you explain to some PFC over here why he's risking his life for some war that is obviously not being fought to win?, yet the bullets still make a person very dead when hit in the wrong place. You'd probably say we're over here helping out until the ARVN's get strong enough to take over for themselves. If so, then how do you explain that when we've worked with them every time we have had contact we are the ones shot at and not the ARVN's, and yet these small, inefficient people try to run over us to get the hell out of the area when we come under fire.

This will probably come as quite a shock to you getting a letter such as this—if so I'm very sorry, but at times I do get very bitter about some things that happen over here.

Well thanks again for the letter and I hope you like the watch. Maybe we could have a nice long discussion when I get home. Politics from you and war from me and how they can possibly fit together.

Thank you for reading this letter.

Sincerely,

———— ————.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

ONE-THIRD OF THE NATION'S LAND

HON. LAURENCE J. BURTON

OF UTAH

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BURTON of Utah. Mr. Speaker, on June 23, 1970, the Public Land Law Review Commission presented its final report to the President. Since 70 percent of Utah's area is owned by the Federal Government, I was delighted to serve as a member of the Commission whose work will have an influence on the future of the West for decades to come.

General agreement was achieved among the members of the Commission, and there is little dissent reflected in its report. While I do not necessarily accept all the details of every recommendation, I certainly do approve of the general thrust of the report. It is my earnest hope that the administration and the Congress will cooperate to make significant progress in implementing the report in the near future.

I commend to the attention of my colleagues an article by Thomas J. Cavanaugh found in the August 1970 issue of the American Beef Producer, and the remarks made by Mr. Paul S. Rattle before the State Advisory Board to the Bureau of Land Management, August 10, 1970, at Cedar City, Utah. Both items give excellent brief summaries of the Commission's report.

The items follow:

"ONE-THIRD OF THE NATION'S LAND"—THE RECOMMENDATIONS ARE IN

(By Thomas J. Cavanaugh)

(NOTE.—Thomas J. Cavanaugh is the general counsel of the Public Lands Council, with offices in Washington, D.C. From 1961 to 1969 he served as Associate Solicitor for Public Lands in the Department of the Interior and was assistant to Elmer F. Bennett, general counsel of the Public Land Law Review Commission.)

One hundred and thirty-seven recommendations have been made by the Public Land Law Review Commission (PLLRC) which, if translated into new legislation and administrative practices would provide an almost totally new body of public land law.

Most of the recommendations are in the form of general statements of policy. The details of implementing legislation or administrative regulation have not been provided. Furthermore, in some instances the language of the recommendations and supporting text is of such a general nature that it may well generate considerable argument over its interpretation.

Commission chairman Wayne N. Aspinall, D–Colo., has repeatedly said the report must be read as a whole and this is certainly true. Almost each one of the eighteen chapters—containing specific Commission recommendations—suggests some public land policy modification which would directly affect all major users—and particularly grazing permittees.

Grazing permit holders will be interested in chapter six, entitled "Range Resources." Recommendation 44 near the end of the chapter says: "Fair market value—taking into consideration factors in each area of the lands involved—should be established by law as a basis for grazing fees."

The text material supporting Recommendation 44 is important and should be carefully examined. For example, the material explains "fair market" value for public grazing land is not necessarily the same as the value of private grazing land. According to the PLLRC, fair market value is the price which would be paid for public land grazing, given all of the advantages and disadvantages of grazing domestic livestock on public lands. The Commission does not attempt to list the advantages and disadvantages of grazing domestic livestock on public lands. The Commission does not attempt to list the advantages and disadvantages of grazing on public land because they are easily identifible.

The question of an allowance for permit value in fixing grazing fees is not answered very clearly. In the final version of the report, the Commission recommends an equitable allowance be offered to current permittees in establishing fees. But the PLLRC did not supply the basis for computing the allowance.

STABILIZING TENURE

The Commission favors greater stability of tenure and to accomplish this suggests permits be valid for a fixed statutory term; the conditions which will trigger use changes be spelled out precisely; and the permittee be compensated when permits are cancelled to satisfy other public uses. Furthermore, the Commission says, to whatever extent possible, the kinds of public uses for which a permit may be cancelled should be clearly spelled out in the permit.

Another interesting recommendation contained in the section on tenure suggests—whenever practical—rangeland be allocated on an area basis with the permittee being required to maintain specific range conditions regardless of the number of animals grazed. The adoption of this recommendation would mean that, in most instances, there would be no upper limit on the number of animal units which could be grazed each month under a permit, as long as the permittee maintained the range in accordance with the conditions of his permit.

The Commission would abolish the uniform fee system now used by the Bureau of Land Management and turn instead to a variable system much like the one used by the Forest Service. Criteria for determining the fee schedule for a certain area would be variances in operating and economic situations, and differences in the quality of the public land and forage yield.

Throughout the Commission report the "dominant use" theory is developed. This idea would require that the public lands be examined and designated as being chiefly valuable for one particular use. The lands would then be further designated as being in an area of "dominant use" for principal value identified. Other uses would be permitted but would be subordinate to the dominant use and, if a choice between competing uses had to be made, the dominant use would prevail. Thus, grazing would be the dominant use in areas which are identified as being chiefly valuable for grazing. Other uses could be subordinated in these areas to the point of being excluded, if necessary, to preserve the grazing value of the lands. Such a system of classification would be practical and realistic substitute for the present "multiple use" classification system.

While the Commission does recommend the wholesale disposition of some grazing lands, it is doubtful the criteria suggested by the Commission would result in any substantial sale. The lands to be disposed of would have to be chiefly valuable for livestock grazing, have a few or no other uses which would not be equally realized under private ownership, and disposition must not complicate the management of retained lands.

Concerning range improvements, the Commission states investments should be shared between the government and users based on the identifiable benefits to each. To pre-

vent double charging, however, the Commission believes that the user should be credited with his investment when he pays his grazing fee.

While grazing lands are being identified, those which are frail and deteriorated should also be recorded, said the Commission. Lands which are identified as frail and deteriorated would be classified as unsuitable for grazing—and grazing would be prohibited.

Wherever possible, the Commission hopes a balance between competing uses of public land can be achieved, and one which is fair to all. The Commission was sensitive to the thorny access problem. It indicated solution of the problem would be largely dependent upon public understanding and acceptance of reasonable ground rules. Unfortunately, meaningful ground rules are very scarce. The Commission recommended the government should assert control over access, which, while avoiding unreasonable interference with authorized livestock use, would also prohibit ranchers from unreasonably restricting public access.

The PLLRC recommended existing eligibility requirements should be retained for the allocation of grazing privileges up to recent levels of forage use (calculated by the permit holder's obligated use at the average level of actual use during the last five-year period). Forage which becomes available beyond this level would be subject to reallocation to new applicants at public auction. Present permittees as well as other ranchers in the area would be eligible to purchase the additional grazing privileges. The PLLRC did not explain just how this would work in an area in which there would be no upper limit on permitted use so long as the permit conditions as to range maintenance are observed.

The Commission also suggests there should be more flexibility in public land grazing policy and one way to achieve this would be to allow grazing privileges to be fully transferable upon request of the permittee.

And finally, the Commission states the same grazing policies should be uniformally applicable to all federally owned lands.

The body of the report in which the recommendations appear comprises 270 pages and, of course, it is not possible to detail each recommendation. It is possible, however, to highlight some of the other recommendations, which, if adopted will have the greatest impact on the user of public lands.

IN LIEU PAYMENTS

Since the founding of the Republic, the fact that federally owned lands are not subject to state and local taxation has been a source of frustration and concern in areas of heavily concentrated public lands. The Commission found present systems of shared revenues amount to much less than the revenue state and local governments would receive if the Federal lands were subject to taxation. Because the report recommends the retention of most federally owned land, the Commission believes the United States should reexamine its relationship to the states and local governments. The Commission has recommended, therefore, that payments in lieu of taxes be made to state governments. Because certain benefits are received by the state and local governments from federally owned lands within their boundaries, the Commission does not recommend that the public lands be taxed at full equivalency. Instead, it recommends a public benefits discount of not less than 10 percent and not more than 40 percent. The valuation of federal lands for tax purposes would exclude improvements. Also, payments would be made to the state governments on the assumption that the legislative process in each state would provide an equitable reallocation to local governments.

The immunity of the Federal government to suits against it has also been a matter of frustration. In its chapter on Trespass and Disputed Title, the Commission recommends the modification of this doctrine to permit quiet title actions against the United States. Further, the Commission advocates the doctrine of "adverse possession" operate against the United States where there has been a good faith occupancy for a substantial period of time. In land title suits brought by the United States, the Commission would permit citizens to assert defenses which have not heretofore been available. Reliance upon the acts of a government employee, even though unauthorized, could be a defense in such a suit under the Commission recommendations.

To reduce the number of title disputes, the Commission urges an intensified survey program be undertaken to locate and mark the boundaries of all public lands.

Finding the homestead laws and Desert Land Act to be obsolete, the Commission recommends they be replaced with new authority for the sale of public lands for intensive agriculture when that is the highest and best use of the land. State governments would have the right to certify or veto the potential agricultural use of public lands but only according to the availability of state water rights.

Lands would be sold for agricultural purposes only when a market demand exists in the area and then only at market value. Artificial restraints on the allocation of public land to agriculture, such as acreage limitations, farm residency requirements, and the exclusion of corporations as eligible applicants, should be removed according to the PLLRC report.

FISH AND WILDLIFE HABITATS

Of more than passing interest to ranchers are the chapters on fish and wildlife and outdoor recreation.

The "dominant use" theory appears again in this chapter with the Commission recommending that public lands be reviewed and key fish and wildlife habitat zones identified and formally designated for such dominant use.

The Commission believes that Federal officials should have authority for final land use decisions affecting fish and wildlife habitat and populations on public lands. However, they would not be permitted to take action inconsistent with state harvesting regulations except when overriding national need is discovered.

For the privilege of hunting and fishing on Federal lands, the Commission believes there should be a reasonable charge which, however, would not be a substitute for the licensing functions of the states.

Almost buried in the text of the fish and wildlife chapter is a sub-recommendation which probably will not bring joy to the hearts of ranchers. For the most part, the Commission believes wildlife population control should be left to natural mechanisms. To accomplish this, the Commission states it is convinced that predator control programs should be eliminated or reduced on Federal public lands. Elimination of these programs, in the opinion of the Commission, would assist in the reduction of the population of some game species, most notably deer and elk, to levels consistent with the capacity of the natural habitat to support them.

While the Commission believes that recreational use of public lands should help pay the cost of maintenance and management, it does not believe pricing should be used to ration such use. The PLLRC recommends a general recreation land use fee for a nominal amount. Rather than employ pricing as a control method, the Commission recommends recreation be regulated to minimize conflicts with natural conditions and other public land uses.

As to areas which are likely to be most suitable for intensive recreation use, the Commission appears to favor more state and local control either by outright conveyance or lease of the areas to the state and local governments. Such transfers would be made only in conformance with an approved statewide recreation plan.

The Bureau of Outdoor Recreation, the Commission believes, should be given the power to review recreation programs for the public lands administered under general multiple-use policy and disapprove of them if they do not conform with statewide recreation plans.

ACCESS RECOMMENDATIONS

The treatment of the "access" question in the chapter on outdoor recreation is most important to ranchers.

Recommendation 86 states: "Congress should authorize a program for acquiring and developing reasonable rights-of-way across private lands to provide a more extensive system of access for outdoor recreation and other uses of the public lands."

What is being recommended is, of course, that the land management agencies be supplied with funds for the purchase of rights of way.

In addition, the Commission recommends the agencies be given statutory authority to require public land lessees to grant reciprocal rights-of-way across their private lands in cases where, because of topography, relief, or geographic conditions, the landowner controls key access to significant areas of public land. The Commission cautions, however, such authority be exercised with careful consideration of the rights and privileges of the landowner. Also, the government would finance and maintain the access road or trail.

Land exchanges are dealt with in the chapter dealing with disposals, acquisitions and exchanges.

General exchange authority should not, according to the Commission, be used for the acquisition of major new Federal units. Instead, major new acquisitions should be accomplished only with specific Congressional approval.

On the other hand, with non-major acquisitions, Congress should express its feelings that proposed exchanges be accomplished where this can be done without detriment to federal programs or without excessive cost. This recommendation stops short of suggesting that the exchanges be mandatory, and keeps discretionary authority with the Secretary of the Interior. In addition, the Commission would make state exchanges discretionary rather than mandatory, as now.

Under the recommendations, all classes of real property interests would be subject to exchange with authority to equalize value differences with cash. It is, however, suggested there be a limit in the range of 25 percent of an exchange transaction which could be satisfied in cash.

Additionally, the Commission recommends as a general rule, within each department, all federally owned lands should be subject to exchange, regardless of agency jurisdiction and geographic limitation.

Throughout the report the Commission demonstrates a concern for maintenance and enhancement of environmental quality. In the chapter on environment the PLLRC made the following recommendations: mandatory hearings on proposed public land projects with respect to environmental factors at the request of the states or the Council on Environmental Quality; recognition of environmental quality as an important objective of public land management; and classification of public lands for environmental quality maintenance and enhancement. Getting to the heart of the matter, however, the Commission recommends public land agencies be required to qualify the use of public lands on compliance with appropriate environmental control measures. It is conceivable, under this proposal, a grazing permit could be conditioned to prohibit the shipment of livestock grazed under the permit to a feedlot determined to be in non-compliance with state or local environmental quality standards, even though the lot might be located some distance from the permitted area. As

the report states: "This recommendation is premised on the conviction that the granting of public lands rights and privileges can and should be used, under clear congressional guidelines, as leverage to accomplish broader environmental goals off the public lands."

As a part of the section of the report on land use planning, the Commission proposes a comprehensive review of the Classification and Multiple Use Act of 1964. In addition, the PLLRC recommended a complete review of all existing withdrawal to be completed within ten years. Those not renewed at the expiration of this period would terminate. In order to continue a withdrawal, it would have to be renewed under procedures which would require detailed justification, public notice and the opportunity for public comment, and public hearings. Large scale withdrawals would be limited to congressional action and a time limit of six months would be imposed.

Almost certain to be resisted by the land management agencies are some of the Commission proposals for involvement of state and local governments in the planning process. To give these governments an effective role in agency planning, the Commission would require that federal plans be submitted to them for comment and that such plans conform to state and local zoning. In addition, the Commission recommends that Congress provide by statute the federal action programs may be invalidated by court orders upon adequate proof that procedural requirements for planning coordination have not been observed.

Many proposals are made in the report for increased public participation in the decision making process. One such proposal is that statutory authority be provided for public land citizen advisory boards. Unfortunately, the Commission does not spell out the extent of authority it believes these boards ought to be given.

FOREST SERVICE

The Forest Service, the Commission recommends, should be merged with the Department of the Interior into a new Department of Natural Resources. Many people believe that just such a plan of reorganization has long been under consideration and the Commission report may well furnish the final impetus necessary to effect such a proposal.

Concerning water rights, the report does not recommend abandonment of the implied reservation doctrine but does recommend that it be clarified and limited by Congress. A reasonable time, the report states, should be provided within which federal land agencies would be required to ascertain and give notice of their projected water requirements for the next 40 years for reserved areas.

Also, Congress was recommended to establish a procedure for determining the reasonableness of the quantity of water claimed by federal agencies. Procedures would be established which would require future withdrawals and reservations to contain a statement of prospective water requirements and to express reservation of such a quantity of unappropriated water. Finally, the Commission would require the payments of compensation where the utilization of the implied reservation doctrine interferes with uses under water rights vested prior to the 1963 decision in Arizona vs. California.

The report contains many other recommendations and suggestions for future public land policy which are of interest and concern to the livestock industry. To discover these, the entire report, both specific recommendations and the text, must be read carefully. It must also be read as a whole since much of the material is interrelated.

The introductory material in each chapter and the explanatory material which appears with each recommendation were carefully and deliberately drafted and contain much of the real "meat" of the report. There can be no real understanding of what the Commission did without reading this material.

The report was completed after five years of intense study and the expenditure of almost $7 million. It is backed up by 32,000 pages of contractor and staff study documents as well as additional thousands of pages of comments from the land management agencies, conservationists and industry.

The report is a "consensus" report. Not all of the members of the Commission agree with all that is said in the report or with all of the recommendations. In those few instances where individual commissioners disagree strongly with a recommendation, their views are recorded in separate statements. Nonetheless, the report received generally strong support from the Commission members.

PUBLIC LAND LAW REVIEW COMMISSION SUBMITS ITS REPORT TO THE PRESIDENT AND CONGRESS

(NOTE.—Comments to the Bureau of Land Management State Advisory Board by P. S. Rattle, Utah Mining Association, representative on minerals to the Board, August 10, 1970, at Cedar City, Utah.)

State Director Bob Nielson has asked me for comments on the Public Land Law Review Commission's recent report, such comments to be oriented in particular toward my area of interest—the minerals industries.

After almost six years and the expenditure of over $7 million, the Public Land Law Review Commission on June 23 submitted its Report to the President and to Congress. The Report, which is some 342 pages in length, is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C., at $4.50 per copy. It contains 18 statements that the Commission lists as "basic concepts and recommendations for long-range goals," 137 specific recommendations that are numbered and over 200 unnumbered, supplemental recommendations that appear in italics.

The report is titled "One Third of the Nation's Land" and I am compelled to comment that over 90% of this land is located within our western states. Over 70% of the land in Utah is federally controlled. Some of the recommendations in the report of interest to the mineral industries are as follows:

The Commission recommends that the policy of large-scale disposal of public lands be revised and that, in the future, disposals be made only to achieve maximum benefit for the general public. As another basic principle, the Commission states that the United States shall receive full value for the use of the public lands.

In its recommendations regarding mineral resources, the Commission states that federal policy "should encourage exploration, development and production of minerals on the public lands and that mineral exploration and development should have a preference over some or all other uses on much of our public lands." However, Congress should continue to exclude some classes of public lands, such as national parks, from future mineral development, but federal agencies should make mineral examinations which will provide reliable information on lands recommended for exclusion as well as those where mineral activity is already excluded.

The Commission recommends that the Mining Law of 1872 be modified to establish a system which incorporates the desirable features of this Act as well as the leasing laws. "Unless a public land area is closed to all mineral activity, we believe that all public lands should be open without charge for nonexclusive exploration . . . However . . . different conditions should prevail if the prospector desires an exclusive right," or if significant surface damage may result.

In this regard, the Commission recommends the following:

"Whether a prospector has done preliminary exploration work or not, he should, by giving written notice to the appropriate federal land management agency, obtain an exclusive right to explore a claim of sufficient size to permit the use of advanced methods of exploration. As a means of assuring exploration, reasonable rentals should be charged for such claims, but actual expenditures for exploration and development work should be credited against the rentals.

"Upon receipt of the notice of location, a permit should be issued to the claimholder, including measures specifically authorized by statute necessary to maintain the quality of the environment, together with the type of rehabilitation that is required.

"When the claimholder is satisfied that he has discovered a commercially minable deposit, he should obtain firm development and production rights by entering into a contract with the United States to satisfy specified work or investment requirements over a reasonable period of time.

"When a claimholder begins to produce and market minerals, he should have the right to obtain a patent only to the mineral deposit, along with the right to utilize surface for production. He should have the option of acquiring title or lease to surface upon payment of market value.

"Patent fees should be increased and equitable royalties should be paid to the United States on all minerals produced and marketed whether before or after patent."

Additional and clarifying Commission recommendations—

In regard to legal requirements for the discovery of valuable minerals: "Federal land agencies are poorly equipped to judge what is a prudent mining investment, and this issue should be closed when the mineral explorer is prepared to commit himself by contract to expend substantial effort and funds in the development of a mineral property."

Stale claims: "Congress should establish a fair notice procedure to clear the public lands of long-dormant mining claims."

Uniform federal requirements: Discovery work required by state law often serves no useful purpose. "Federal statutes should fully prescribe uniform methods."

The Commission also recommended that legislation be enacted to authorize legal actions by the government to acquire outstanding claims or interests in public land oil shale subject to judicial determination of value. It also urged that some oil shale public lands be made available now for experimental commercial development by private industry.

The Commission recommends that the Forest Service be merged with the Department of the Interior into a new Department of Natural Resources.

As a parallel to the consolidation of public lands programs in the executive branch, the report recommends a consolidation of congressional committee jurisdiction over public land programs into a single committee in each house of Congress.

A major chapter of the report is devoted to "Public Land Policy and the Environment." The report states that "those who use the public lands and resources should be required by statute to conduct their activities in a manner that avoids or minimizes adverse environmental impacts, and should be responsible for restoring areas to an acceptable standard."

As to withdrawals, the Commission recommends that "large scale limited or single-use withdrawals of a permanent or indefinite term should be accomplished only by act of Congress. All other withdrawal authority should be expressly delegated with statutory guidelines to insure proper justification for proposed withdrawals, provide for public participation in their consideration, and establish criteria for Executive action."

Rep. Wayne N. Aspinall (D-Colo.) is chairman of the Commission and chairman of the House Interior Committee. He has indicated that his committee intends to hold

hearings in 1971 on legislation designed to implement the Commission's report.

Probably no single group of public land users will agree fully with the findings and recommendations of the Commission. They will agree with some, but not all of this work. The mining industry generally views with favor most, but not all, of the Commission's recommendations.

It is significant to note that the Commission was directed by the Congress to present *recommendations* to the President and Congress with respect to the retention, management and disposition of the public lands, excluding the Indian reservations. Except for a limited number of administrative changes that might be made by governmental departments within the framework of existing law, none of the Commission's recommendations can become effective until the Congress passes the necessary legislation. It is in this area where I identify the problems of the future.

When the Commission was established about six years ago, there seemed to be the feeling that, after a period of study and review, the group could arrive at a set of relatively firm, clear-cut, black and white objective recommendations to guide the legislative efforts of Congress. I am told that fairly early in the Commission's work, it became apparent that because of the complexity and interrelationship of existing public land uses, laws and policies, plus the potential pressures of the future, that clear-cut, black and white recommendations would frequently not be possible. We see this condition in the final report: In many cases we find what appears to be a firm, clear recommendation in one sentence only to be followed in the next sentence by modifying exceptions. Similarly, many of the basic recommendations are not and could not be clear-cut. Thus, there is enormous room for interpretation within the scope of these recommendations. The individual reader is provided the opportunity of wide latitude in his evaluation of the meaning intended.

But to make these recommendations effective, we still must have laws—legislation—passed by the Congress. And because of the interrelationship of the different land uses and existing land laws and in light of current public concerns, this legislation will be difficult to arrive at. To complicate issues we will have self-centered legislation proposed through the workings of special interest and pressure groups—such as yours and mine—plus the workings of practical politics and bureaucratic pressures in government.

As I mentioned earlier, Representative Wayne Aspinall of Colorado is chairman of the Public Land Law Review Commission and, in addition, chairman of the House Committee on the Interior. Rep. Aspinall hopes to hold hearings next year on legislation designed to implement the Commission's report. Perhaps the Interior Committee will consider proposing the extension of the Commission's work, this time directed toward preparing recommended legislation to accomplish the goals that the Commission has suggested in its report.

We in Utah were most fortunate in being very ably represented on the Public Land Law Review Commission. The vice chairman was Byron Mock, an attorney in Salt Lake, well known to many of us, who has a tremendous background and experience in land law. Our own Representative Larry Burton was a member of the Commission and a wide variety of specialists from our Universities at Salt Lake and Logan contributed substantially to the studies of the Commission. This names but a few from our state who were active in this project. A complete list would include many in this room tonight.

Perhaps we can hope that the Commission's recommendations will serve as a springboard for sound legislation to establish meaningful direction in the management of our public lands. It would be a pity if this tremendous work became but another dust collector in the libraries of our country.

Bob Nielson tells me that there are about 5000 different laws that now govern the administration of our public lands. In addition there are thousands of administrative rulings and court decisions that establish the framework for land management, all dating back for over 100 years. One could hope that there is a better way!

THE SECOND ANNIVERSARY OF CZECHOSLOVAKIAN INVASION

HON. JOHN BUCHANAN

OF ALABAMA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BUCHANAN. Mr. Speaker, on August 21 freedom-loving people everywhere will be saddened again by the memory of one of the blackest marks in the world's more recent history—the brutal invasion of Czechoslovakia by the military forces of the Soviet Union and its satellites. This date will mark the second anniversary of the Soviet-led invasion of a small and peaceful nation, whose citizens are still living under the oppression of complete Soviet domination. In Czechoslovakia August 21 will be commemorated as the "Soviet Day of Shame."

In addition to the endless personal suffering brought to the Czechoslovak people, the Soviet aggression and occupation was a direct violation of the United Nations Charter provisions prohibiting all members from the threat or use of force against the territorial sovereignty or political independence of another state. The continued Soviet presence in Czechoslovakia constitutes still another heinous crime against the right of the Czechoslovak people to freedom and self-determination.

As our thoughts turn once again to this tragic violation of human rights, it is the profound hope of those of us privileged to live in freedom that through our expressions of support the brave people of Czechoslovakia will be strengthened in their rightful quest for freedom and self-determination.

Because of continuing support for this goal of freedom for the people of Czechoslovakia, I have joined with several of my colleagues in the House of Representatives in sponsoring a concurrent resolution on their behalf. This resolution—House Concurrent Resolution 718—clearly indicates our condemnation of the brutal aggression against the Czechoslovak people, our deep concern over the continued oppressions suffered by them, and our conviction that certain steps should be taken toward helping the Czechoslovak people to obtain their freedom. The resolution is as follows:

H. CON. RES. 718

Concurrent resolution expressing the sense of the Congress with respect to the intervention in Czechoslovakia in 1968 by the military forces of the Soviet Union and its satellites

Whereas the intervention in Czechoslovakia by the military forces of the Soviet Union, in 1968, contravened the independence of sovereign states and the Wilsonian doctrine of self-determination; and

Whereas such intervention is in violation of the United Nations charter which states that "All Members shall refrain in their international relations from the threat or use of force against the territorial sovereignty or political independence of any state"; and

Whereas such intervention is further evidence of the perpetuation of colonialism as practiced by the Soviet Union; and

Whereas the agreement in Moscow between representatives of Czechoslovakia and the Soviet Union was reached under duress; and

Whereas the continued occupation of Czechoslovakia by the Soviet Union is another crime against the rights of the free people of a small country to determine their own destiny and aspirations; and

Whereas the people of Czechoslovakia are not resigned to the oppressive plans of the Soviet Union, and continue to resist and reject Soviet domination: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that, with respect to the Soviet Union and those states which participated in the intervention in Czechoslovakia, the President should take such steps as may be necessary—

(1) to prohibit the extension of any Government trade credits or guaranties to any of the intervening states;

(2) to prohibit sales, either for dollars or local currency, and grants under any title of the Agricultural Trade Development and Assistance Act of 1954, to any of the intervening states;

(3) to suspend all commercial air traffic between the United States and the Soviet Union; and

(4) to express support for the people of Czechoslovakia (as they commemorate August 21, 1970 as the "Soviet Day of Shame") in their efforts to achieve the withdrawal of the troops of the Soviet Union from Czechoslovakia.

SEC. 2. It is further the sense of the Congress that the President, acting through the United Nations and other international organizations, should take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

CONCERNED OVER INACTIVITY ON LEGISLATIVE REORGANIZATION ACT

HON. GEORGE BUSH

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BUSH. Mr. Speaker, it is a great concern to me that after more than a month of consideration of the Legislative Reorganization Act of 1970 it has yet to be voted on by the House. Unless the measure is given the highest priority so that discussion of the bill may be completed, Congress may adjourn without action on the reform bill. This would be a great tragedy.

The American people are looking to Congress to make reforms that are badly needed, and needed now. I therefore urge that the appropriate officials take prompt action to see that this first comprehensive reorganization bill to be considered by Congress since 1946 is scheduled for debate so action may be taken on it this year.

THE ECONOMICS OF SCARCITY

HON. WM. JENNINGS BRYAN DORN

OF SOUTH CAROLINA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DORN. Mr. Speaker, John E. Ray III, executive vice president of Union Camp Corp., recently delivered an outstanding address in my neighboring State of Georgia. I commend to the attention of my colleagues in the Congress and to the people of the country a very careful study and reading of this great address:

THE THIRD FOREST AND THE ECONOMICS OF SCARCITY

It's sort of ironic for me to address you in such a bountiful state as Georgia and after a fine and filling lunch because what I plan to talk about is the Economics of Scarcity, the very real Economics of Scarcity that the forest products industry is approaching right now.

Economics of Scarcity! That's a phrase we haven't heard very often for 30 years or more. It sounded strange to me too when it first came to mind as I was preparing this talk. Here we are producing and consuming more forest products and in greater quantities than ever before in the history of man—576 pounds of paper and paperboard per American capita and an annual total of 43.7 billion board feet of lumber and plywood.

Yet the Economics of Scarcity is, I believe, not only accurate but—to use today's popular adjective—relevant in describing our current situation.

Now our current standard of living is fabulous compared to, say, the hard times of the thirties. But even the depressed thirties would have appeared luxurious to the people of Elizabethan times. And Elizabethan conditions were beyond the wildest dreams of people who lived a thousand years earlier. And so on back to what Thomas Hobbes called the "nasty, brutish, and short" life of primitive man.

The point is that scarcity is relative. Our current levels of consumption may seem like anything but scarcity by previous standards. But we don't live by or derive our feelings of well being from previous standards.

Let's look at it another way. Suppose we were forced back to the consumption levels of ten years. Suppose, on a per capita basis, we had only 433 pounds of paper at our disposal, and 17 per cent less lumber and plywood. We would, I'd venture to say, feel very deprived, very much up against it.

And yet that's precisely the kind of retrenchment that could lie ahead of us. Let's examine some trends.

Presently there are about 2½ acres of woodlands for every person in the United States. Based on population growth projections and the erosion of forests to make way for airports, highways, housing developments and other manifestations of urban spread, by the year 2000 there will be no more than 1½ acres of forest land per American—and at Union Camp we're very much aware that that's only one pine growth cycle away.

That's a major element of scarcity developing . . . in the form of a shrinking supply base for our raw materials.

There are scarcities developing too in the means of production for transforming the raw materials into forest products. The scarcity of labor to tap pine trees, for example, has seriously weakened the gum naval stores industry. Georgia, which produces 85 to 90 per cent of domestic output, has seen this product group go down during the soaring sixties from $25 million to less than $9 million.

In the prime forest product area of paper—where for a long while now we've grown accustomed to talking and thinking in terms of overcapacity—the situation has suddenly reversed itself. Tight money, the traditionally low return on the huge outlays required for new mills and papermaking machines, and, most fundamentally, the increasing difficulty and cost of acquiring backup resources of wood and water have reduced the oncoming increments to production potential very significantly. In 1969 only 2.7 percent was added to existing papermaking capacity. Compare that to the average annual increment of 4.6 per cent for the rest of the sixties. And current industry plans call for a continued lowering of that average.

It comes as a shock—it happened so quickly—to realize that the problems ahead will more likely be in the area of supplying paper demand rather than creating demand to absorb production capabilities.

Turning to lumber, a scarcity situation could be shaping up there as well. If deferred demand breaks through the tight money bind, we could be heading towards the near-term needs of 2.5 million new housing units a year specified by Housing and Urban Development Secretary George Romney. In 1968—not a boom year but more typical than 1969's depressed construction level—we started 1.5 million new dwellings and produced 43.7 billion board feet of lumber and plywood. Applying straight percentage increases, meeting new housing needs at a 2.5 million level will require production of 73 billion board feet of lumber and plywood.

How did it all happen? Why, after 25 years of plenty, are we abruptly up against limits not only in our wood supply but in resources which have heretofore seemed limitless such as usable air and water?

The answer, I believe, is that, over the past generation, we've become a nation of voracious consumers. We eat more, buy more durable and non-durable commodities, use more services, and enjoy more luxuries than any nation in history. The average American uses almost 200 pounds more paper and paperboard than the average Swede who ranks next in per capita consumption and about nine to ten times as much as the average Russian who thinks he's coming along right well. Two-car American families are commonplace and some of our biggest cities are faced with the incredible problem of how to deal with abandoned cars, cars that people just walk away from when they break down. We consume so much that merely getting rid of our total refuse has become a major task.

Still it's a good life and I'm sure all of us would like to see continued improvement in living standards. With the accent on consumption, however, it's difficult to get across the problems of producers and ways of solving them.

But that's exactly what we have to do. By one tree growth cycle from now, demand for forest products is expected to double. And for the South, according to the Southern Resources Forest Committee, the rise will be even greater with wood usage going up 2.3 times current levels.

How do we go about combatting the pending Economics of Scarcity in the forest products industry?

If we define Economics of Scarcity as a situation in which supply fails to keep pace with demand, a course of action emerges. We have to accelerate supply.

Generally speaking, there are two broad roads to this goal. One is through greater utilization of our wood resources.

Georgia has made remarkable advances in this direction. During the sixties, while state pulpwood production went up about 35 per cent, the use of chips, sawdust, and other formerly wasted wood residues rose 250 per cent. That's had the impact of adding more than a million acres to Georgia timberlands. And, going by national and regional trends, it's reasonable to anticipate at least a doubling of current usage of wood residues over the next tree growth cycle.

I'm proud to say that Union Camp has contributed to Georgia's record. Our Savannah mill was the first in the state to use chips and pine slabs and today residues provide 21 per cent of our pulping needs.

We're also pursuing another form of increased utilization through two new Chip-N-Saw mills, now under construction in Georgia, which will enable us to process into lumber smaller diameter logs than was previously possible.

These and other utilization measures—like recovering more wood fiber in the pulping process—will help. But the most effective, direct approach to augmenting supply is by the other road . . . by increasing wood yield per acre.

That's where the Third Forest comes in. I'm sure most of you are as or more familiar with the idea of the Third Forest than I am . . . and that's a very good reason for me to clarify my use of the concept. The First Forest is the original virgin timberland, the forest primeval, and the Second is the Forest that replaced it according to the random forces of nature alone. The Third Forest is the scientifically managed Forest, the one in which we—businessmen, public servants, and interested citizens—play or can play a role.

I'm going to site figures that don't sound like much in themselves, but you have to realize that they are the backbone of our contribution—as people involved in the forest products industry—to the present peak in living standards. And what might read like slight changes in yield are reflected as thousands of tons of paper and millions of board feet of lumber.

Here again, Georgia shines. For the South as a whole, average annual forest yield per acre is .4 cords of wood. Georgia averages 25 per cent more or half a cord per acre.

As might be expected, companies in the forest products business do better. At Union Camp, for example, on our Georgia acreage we average .7 cords of wood per acre per year. On our best tree farms, under absolutely optimum conditions, we manage an annual acre yield of 2½ cords.

There's tremendous room for improvement in wood yield. But, by the nature of the slow-growing beast, that means sustained, consistent effort . . . continued research in growing bigger, more densely fibered trees and accelerating their growth; sharpening techniques of site preparation, seeding, fire and disease prevention, and harvesting efficiency.

Union Camp, for one, expects to be getting one to 1.2 cords of wood per average acre by the end of the seventies. Now, I realize that our company puts more time and money than most landowners into growing more wood. After all, it's a major aspect of our business. So I'm not suggesting our goal as a general standard to be achieved over the next ten years.

What I am suggesting is that we aim for that kind of average yield for the South by the year 2000, by the end of this beginning the growth cycle. If we could by then attain a 1.2 cords average per Southern acre—with the progressive state of Georgia showing the way with a 1½ cords yield—and if we could generalize that same tripling rate of advance nationally, we would offset the 40 per cent shrinkage that will have taken place in our base of supply. We will be able—with the help of the increased utilization of wood I mentioned before—to provide the greater number of Americans living then with the 800 pounds of paper and paperboard each is projected to consume, to supply their increased lumber requirements, and, in short, meet the double demand on forest products brought on by continuously improving standards of living and communications.

I don't think that kind of increased yield is an unreasonable expectation. State and federal forestry agencies and forest products companies will, of course, continue their efforts in that direction.

But the real hope of improvement lies, I'm convinced, in the private sector of the forest economy. Simply because so much can be done there.

Take this state, for example. Seventy-eight per cent of Georgia's timberlands are privately held . . . by some 200,000 farmers and businessmen. Fifteen per cent is owned by industry and the remaining seven per cent by federal, state, and local government. Business and government, we can assume, utilize progressive methods of silviculture and so get better than average wood yield. That means that the private sector—about 20 million acres—is producing somewhere under the half cord average for Georgia as a whole.

How can we help to beef up yields of private holdings? One way is to continue and step up what we have been doing . . . spreading the message of good forestry practices.

Our Georgia Forestry Commission does itself proud along these lines. With its assistance in fire fighting and prevention, and its counseling of private landowners on advanced cultivation practices, it ranks with the best public agencies in the nation.

The Future Farmers of America is another group that is doing its share. It is helping to bring an awareness of the importance of trees and increasing know-how and interest in forest cultivation into the classrooms. That will certainly have long-run beneficial impact on private land yields.

And business, including Union Camp I'm happy to say, is actively spreading the word. Like other forest products companies, we have been and are educating everyone who will hold still long enough, cooperating with all other groups in the field, and distributing free seedlings to landowners, youth groups, and others.

These and other educational activities have helped and will continue to help importantly increase yield in the private sector.

Another area that is definitely worth investigating is that of incentives. I would point out that, while industry had been installing improved silviculture practices for years before 1944 when timber production became eligible for capital gains treatment, that incentive did provide much added impetus to such programs. I would suggest that a more equitable ad valorem tax structure applied to forest lands would greatly encourage improved wood yield. I'm sure too that incentives can play a role in important special areas—such as hardwoods cultivation—where very little has been done and which involve inordinate expense for private enterprises or individuals.

It's interesting to note that the Third Forest started during a time of plenty. Companies were improving their forests and wood production 30 years ago, simply as good business practice, with no thought of imminent scarcities. Fortunately, with the help of public and private groups, a good start was made towards the higher wood yields we will need in the future.

Today with wood resources showing their limitations in the face of overwhelming growth in demand coupled with an eroding supply base, it is not too much to say that the Third Forest is as essential to the future progress of the forest products industry as the cotton gin was to the development of the early textile industry.

And I suspect the Third Forest will work in the same way. Just as volume production by the cotton gin put pressure on finding ways to pick cotton—and, incidentally, on increasing cotton yield per acre—so the Third Forest will generate pressure on the means of production.

Take, for example, the trend I described before in the slowed growth of new paper production capacity. If an increased flow of raw material is forthcoming from our lesser acreage, ways will be found—through equipment and processing advances, assuming that additional mills will not be feasible—to produce the greater quantities consistent with demand growth.

In housing, to take another example, production methods applied to the new factory built, modular homes indicate that 20 per cent more dwellings can be built from a given amount of lumber and plywood.

But again, whatever private enterprise can do is based upon the growth of the Third Forest. And that's a cooperative effort, entailing business and individuals, public and private organizations.

That brings up other resources which have become worrisome. Previously I mentioned useable air and water.

I'd like to make some remarks on them from a different viewpoint than that taken by the current chaotic concern. I find some very strong analogies between the need to combat pollution and the need to combat scarcity through the Third Forest.

I could say that the forest products industry has demonstrated concern with pollution long before it became a publicized problem. I could say that my company has spent $10 million over the past decade on preventing pollution and that we're continually upgrading our anti-pollution equipment and techniques.

All that is true, but it's beside the point. It's talking defensively and in no way induces a productive approach to the problem.

In reality, like the imminent scarcity of wood resources, the idea of air and water being in "short supply" has developed suddenly. It has taken us by surprise. Let's admit it. How many people really thought ten years ago that there might be limitations to these resources?

Let's also admit that we are all guilty. The consumer through his wants—and I dare say needs—for automobiles, paper, appliances, and most everything else; the producer through his desire to make a reasonable profit by satisfying these needs; the garbage-generating citizen is guilty; so is the tourist passing through; so is the Communist and the Capitalist, the Democrat and the Republican. We can all cry "Mea culpa!"

Once we get beyond the finger-pointing stage, we can think clearly. Like the Third Forest, combatting pollution of our elements is a collective project. It goes beyond the single company or the single industry, beyond the single state. It's as ridiculous to put a company out of the competitive running by laying on an exorbitant expense for pollution control as it is for a company to argue that it should continue to pollute air and water because it can't afford to install anti-pollution equipment. We don't even find general agreement as to what the most effective pollution control entails.

Conserving our air and water resources is at least a regional problem with strong federal overtones. It requires intensive, broad-based, coordinated action.

Despite the role of villain assigned to us by some groups, industry can be counted on to do its share. Looking at the forest products area, industry has certainly proven its cooperative, responsible attitude. Most companies have over the years, and despite satisfying ever rising consumption, planted millions more trees on the timberlands under thier jurisdiction than they've cut down. Industrial woodlands have consistently promoted the multiple use concept, providing hunting, fishing, and other forest recreational opportunities to more people than ever before.

Those of us who are concerned with growing forests and producing forest products stand at the interface between rising demand and the resources needed to supply it. I think we're in excellent position not only to satisfy greater consumption but also to expand the productive conservation of these resources.

SENATE—*Tuesday, August 18, 1970*

The Senate met at 11 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee that Thou hast given us this time in which to live, and in serving this Nation, to work for the betterment of the whole world. Grant us wisdom and strength for this day.

We thank Thee for all who through many generations have labored in this place and have brought strength and healing to the Nation.

We give Thee special thanks for Thy servant, Frederick Brown Harris, and for the sense of Thy presence he brought to this Chamber. We thank Thee for his Christian manhood and his church statesmanship, for his steadfast ministry of prayer and pastoral care, for the mysticism and poetry of his utterance, for his fidelity to truth and his espousal of righteousness, for his piety and patriotism, for the warmth of his friendship and the radiance of his personality.

May the mantle of his gentle and good life fall upon each of us. In sacred memory help us to love Thee more ardently and to serve Thee more faithfully all the days of our lives.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 18, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that the President had approved and signed the following acts:

On August 13, 1970:

S. 1076. An act to establish a pilot program in the Departments of the Interior and Agriculture designated as the Youth Conservation Corps, and for other purposes.

On August 15, 1970:

S. 3302. An act to amend the Defense Production Act of 1950, and for other purposes.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 17, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, with the acquiescence of the distinguished Senator from Wisconsin (Mr. PROXMIRE), who is to be recognized at this time, and without losing his right to the floor or any of his time, I ask unanimous consent that I may proceed with unobjected-to items on the calendar.

Mr. PROXMIRE. I am happy to yield for that purpose.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of Calendar No. 1030 and then proceed to the consideration of Calendar No. 1095, and the rest of the measures in sequence.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I should like once more to point out that the Daily Digest in the CONGRESSIONAL RECORD, on page D921, now calls attention to the fact that, beginning today, and on each legislative day hereafter, until further notice, there will be a call of the calendar, and the conditions and terms are set out in the RECORD there.

Thus, all Senators are now on notice.

Mr. MANSFIELD. Mr. President, I am very glad that the Senator from Pennsylvania reminded me of that. I was in Montana and returned only last night.

The ACTING PRESIDENT pro tempore. The clerk will state the first measure.

ADDITIONAL MEMBERS ON THE BOARD OF REGENTS OF THE SMITHSONIAN INSTITUTION

The Senate proceeded to consider the bill H.R. 14213 to amend sections 5580 and 5581 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution which had been reported from the Committee on Rules and Administration with amendments on page 1, line 9, after the word "States,", strike out "and"; in the same line, after the word "the", strike out "Senate and" and insert "Senate,"; on page 2, line 1, after the word "of", where it appears the second time, strike out "Representatives; together with", and insert "Representatives, and"; in line 4, after the word "of", strike out "Washington; and the", and insert "Washington, and"; in the same line, after the amendment just above stated, strike out "other"; at the beginning of line 5, insert "of whom"; in line 11, after the word "and", insert "the"; in line 12, after the word "the", strike out "Senate and House of Representatives" and insert "Congress.".;" and after line 18, insert:

(d) The second sentence of section 5582 of the Revised Statutes (20 U.S.C. 44) is amended to read as follows: "The board shall also elect three of their own body as an executive committee, and shall fix the time for the regular meetings of the board; and, on application of any three of the regents to the secretary of the institution, it shall be his duty to appoint a special meeting of the Board of Regents, of which he shall give notice, by letter, to each of the members; and, at any meeting of the board, eight shall constitute a quorum to do business."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1031), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND OF THE LEGISLATION

The Board of Regents is the governing body of the Smithsonian Institution. As established by act of Congress in 1846, the Board of Regents consists of 14 members.

There are eight public members:

The Vice President;

The Chief Justice;

Three Members of the Senate, appointed by the President of the Senate; and

Three Members of the House of Representatives, appointed by the Speaker.

There are in addition six private citizen members of the Board, appointed by the Congress by joint resolution. Of these, two must be residents of the city of Washington, and no two of the remaining four citizen regents may be residents of the same State.

Members of the Board of Regents are reimbursed for necessary traveling and other actual expenses incurred in attending meetings of the Board, but service on the Board is gratuitous.

The bill H.R. 14213 would increase the number of private citizen regents from six to nine, thus increasing the number of members of the Board from 14 to 17.

COMMITTEE CONSIDERATION

The Subcommittee on the Smithsonian Institution of the Committee on Rules and Administration conducted a joint hearing, together with the Subcommittee on Library and Memorials of the Committee on House Administration, on H.R. 14213 on September 23, 1969.

Dr. S. Dillon Ripley, Secretary of the Smithsonian Institution, testified on behalf of the Board of Regents in support of the legislation.

The committee was informed that the Board considers an expansion of its membership desirable because of the growth of the Institution's responsibilities, the need to reflect on the Board the national character of the Institution, and because of the Institution's interest in soliciting greater support from private, nongovernmental sources.

The committee noted that the number of States in the Union, and the population of the United States, as well as the functions and expenditures of the Smithsonian Institution all have increased substantially since the establishment of the Institution, with no adjustment in the size of the Institution's governing body.

The committee believes that additional members of the Board of Regents would permit a broader national representation in the affairs of the Institution, and would in addition permit members of the Board to contribute more significantly to the management of the Institution by enabling individual members to concentrate their attention on specific problems or opportunities encountered by the Institution.

The committee noted that because of the unique organizational structure of the Smithsonian Institution, the Congress bears a special responsibility in the governing of the Institution. Members of the Senate and the House of Representatives serve as members of the Institution's governing body, and the Congress is the sole authority for appointment of citizen regents. Although the Congress by tradition has acted on recommendations by the Board of Regents in appointing citizen regents, the committee expects appropriate committees of the Congress shall be consulted before the submission of such recommendations.

COMMITTEE AMENDMENT

The Committee on Rules and Administration adopted an amendment to H.R. 14213 to increase the number of members of the Board of Regents required for a quorum to conduct the business of the Smithsonian Institution. The quorum established by existing law is five. The committee amendment would increase the quorum to eight, reflecting the increase in the membership of the Board that would be authorized by H.R. 14213.

In adopting the amendment, the committee noted that the average attendance at the 10 most recent meetings of the Board has been 10 of the 14 members. The larger quorum, with a 17-member board, should therefore present no difficulty in conducting the business of the Institution.

The amendments were agreed to.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill was read the third time, and passed.

The title was amended so as to read: "An act to amend section 5580, 5581, and 5582 of the Revised Statutes to provide for additional members of the Board of Regents of the Smithsonian Institution and to increase the number of members constituting a quorum."

HEADSTONES OR MARKERS TO MEDAL OF HONOR RECIPIENTS

The bill (H.R. 6265) to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1085), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The bill is intended to authorize the furnishing of headstones to mark the graves of Medal of Honor recipients regardless of the character of discharge granted for their last term of service.

PRESENT LAW

Existing law (act of July 1, 1948, 62 Stat. 1215) provides that the Secretary of the Army is authorized and directed, when requested, to furnish headstones or markers for unmarked graves of members of the Armed Forces whose last service terminated honorably.

BACKGROUND

According to the testimony as reported in House Report 91–666 dated November 20, 1969, that of 2,198 Medals of Honor awarded as of that time, only 178 recipients were living; and that of those who are deceased, it appeared that only one received a discharge under other than honorable conditions. The committee is in accord with the House that a serviceman who distinguished himself at great personal sacrifice and merited the award of the Medal of Honor, should not be denied a proper grave marker despite any discharge under less than honorable conditions.

COST

The Department of Defense has indicated that enactment of this bill would, to their knowledge, cost no more than $31.

COMMAND OF THE U.S.S. "CONSTITUTION" BY RETIRED OFFICERS OF THE U.S. NAVY

The bill (H.R. 8662) to authorize command of the U.S.S. *Constitution* (IX–21) by retired officers of the U.S. Navy was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1086), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Passage of this bill would permit a retired officer of the U.S. Navy to command the U.S.S. *Constitution*, a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard.

EXPLANATION OF THE BILL

This bill would authorize the Secretary of the Navy to order to active duty a retired officer of the U.S. Navy for the purpose of commanding the U.S.S. *Constitution* (IX–21).

Under existing law, a retired officer of the U.S. Navy is prohibited from commanding a ship of the U.S. Navy. Since the U.S.S. *Constitution* is in a commissioned status, the law effectively prevents a retired officer from commanding the ship.

The U.S.S. *Constitution*, a historic naval vessel maintained "in commission, active status," and permanently berthed at the Boston Naval Shipyard, has been commanded by junior officers of the U.S. Navy for the past 15 years. However, because of the relative inexperience of those officers and because of their brief tours of duty, the mission of the U.S.S. *Constitution* has not been fully achieved. Because of the mission of the ship and because of her unique status as the sole relic of the earliest years of the Navy, the commanding officer's duties necessarily include those associated with positions of a museum director and curator.

In order that the ship may be fully developed as an extraordinary historical exhibit, it is considered necessary that her commanding officer be mature, possess an extensive knowledge of the ship and the naval period which she represents, and be able to remain associated with the ship for longer periods than the normal tour of duty. It is believed that a carefully selected retired officer of the U.S. Navy would most satisfactorily fulfill these qualifications.

In addition, the U.S.S. *Constitution* is often used for ceremonial purposes by the Navy such as retirement ceremonies and change of command. Therefore, the command of the U.S.S. *Constitution* should be under an experienced officer familiar with duties of command and the ceremonies and responsibilities incident thereto.

This bill is presented in order that the U.S.S. *Constitution* may more effectively fulfill its role through capable and efficient command of a retired U.S. Naval officer.

FISCAL DATA

Enactment of this proposed legislation would result in no additional costs to the Department of Defense.

INTERSERVICE TRANSFERS OF COAST GUARD OFFICERS

The bill (H.R. 9052) to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1087), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

Section 716 of title 10, United States Code, stipulates that the President may, within authorized strengths, transfer any commissioned officer with his consent from the Army, Navy, Air Force, or Marine Corps to, and appointment in, any other of those Armed Forces.

This bill will place the Coast Guard officers on the same parity as their counterparts in the military departments.

FISCAL DATA

Enactment of this measure will not involve the expenditure of any Federal funds.

DEPARTMENTAL POSITION

Letters from the Department of Defense and the Department of Transportation to the House Committee on Armed Services indicate there is no objection to enactment of this bill. A copy of each letter is set forth below and made a part of this report.

PRESENTATION OF U.S. FLAGS TO PARENTS OF DECEASED SERVICEMEN

The bill (H.R. 13195) to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1088), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 13195 is to amend title 10, United States Code, to provide that U.S. flags may be presented to parents of deceased servicemen, in addition to flags presented to the surviving spouse or next of kin.

EXPLANATION OF BILL

Under present provisions of law (10 U.S.C. 1482), if a serviceman or woman dies during a period of active service, the Secretary of the military department concerned may pay the necessary expenses of presentation of a U.S. flag to the following categories of persons designated to direct disposition of the remains, in the order named: the surviving spouse of the decedent, blood relatives of the decedent, adoptive relatives of the decedent, or a person standing in loco parentis to the decedent.

The bill as introduced provided that the flag to be presented to the parents of deceased servicemen would be smaller in size than the flag presented to the spouse or next of kin. The House Committee on Armed Services amended the bill to provide that a flag of equal size be presented to the parents for the following reasons: It was considered that presentation of a smaller flag would cause an increase in the administrative procedures in this proposal; and secondly, the presentation of a smaller flag would seem to indicate that the members' parents are in a second-class status, which was considered inequitable.

Interest in this legislation is evidenced by the fact that 60 Members of Congress cosponsored this, or similar legislation.

FISCAL DATA

Any increase in expenditure which might result from enactment of this legislation is estimated to be minimal and could be covered from within available appropriations.

CASA ANGELICA MENTAL RETARDATION FACILITY

The bill (S. 1196) for the relief of Casa Angelica mental retardation facility of Albuquerque, N. Mex., was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding any provision of the Mental Retardation Facilities Construction Act, if the State of New Mexico so desires, any application for a construction grant under part C of such Act (42 U.S.C. 2671 et seq.) may be submitted with respect to the facility known as Casa Angelica, of Albuquerque, New Mexico, and such application shall be treated and acted upon in like manner (insofar as possible) as if construction of such facility had not commenced at the time such application is submitted, except that no grant made under such part C shall be made, as a result of any such application, in an amount in excess of the amount of the indebtedness of such facility which was incurred as a result of the construction thereof and which is outstanding at the time such application is approved, and the Secretary of Health, Education, and Welfare may condition the payment of such grant on the payment of such indebtedness.

Mr. MANSFIELD. Mr. I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1089), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

SUMMARY

As reported by the Committee on Labor and Public Welfare, S. 1196 would allow the Casa Angelica Mental Retardation Facility of Albuquerque, New Mexico, to apply for a construction grant under the Mental Retardation Facilities Construction Act (42 U.S.C.

2671 et seq.) in spite of the fact that construction of the facility has been completed. At present, the State of New Mexico may not accept and act upon a construction grant application with respect to any facility where construction has been completed. S. 1196 would waive this preconstruction submission requirement in the case of this facility.

S. 1196 prohibits any grant to the Casa Angelica Mental Retardation Facility which would be in excess of the outstanding indebtedness of the facility at the time the application is approved.

S. 1196 does not amend any existing statutes.

BACKGROUND

Under pressure of parents with severely retarded children who could not have them admitted to the State facility because of long waiting lists, Casa Angelica did not apply for funds under the Mental Retardation Facilities Construction Act prior to the commencement of construction. Time was of the essence and construction began in May, 1966, and was completed in January, 1967. Had the facility complied with preconstruction application requirements, the completion and operation of the facility would have been delayed significantly. This failure to submit an application prior to the commencement of construction now precludes this facility from being considered for a grant under the Act. S. 1196 would only allow this facility to submit an application to the State and be given a priority rating by the State Advisory Council and Health and Social Services Board. Casa Angelica would then have to compete with other applicants in the State for the funds to which New Mexico is entitled under the Act.

S. 1196 neither amends the Mental Retardation Facilities Construction Act nor affects New Mexico's entitlement to Federal funds under the Act.

MEASURES PASSED OVER

The bill, S. 3355, to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training, and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions; House Joint Resolution 264, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women; and S. 437, a bill to amend chapter 83, title 5, United States Code, to eliminate the reduction in the annuities of employees or Members who elected reduced annuities in order to provide a survivor annuity if predeceased by the person named as survivor and permit a retired employee or Member to designate a new spouse as survivor if predeceased by the person named as survivor at the time of retirement, were announced.

Mr. MANSFIELD. Mr. President, I ask that these three bills go over.

The ACTING PRESIDENT pro tempore. The three bills will be passed over.

FEDERAL FIREFIGHTERS

The Senate proceeded to consider the bill S. 578 to include firefighters within the provisions of section 8336(c) of title 5, United States Code, relating to the retirement of Government employees engaged in certain hazardous occupations which had been reported from the Committee on Post Office and Civil Service with amendments on page 1, at the beginning of line 8, strike out:

"SEC. 2. The provisions of section 8348(g) of title 5, United States Code, shall not be applicable with respect to benefits payable pursuant to the amendment made by this Act."

And on page 2, at the beginning of line 3, change the section number from "3" to "2"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 8336(c) of title 5, United States Code, is amended by inserting after "United States" the following: "or are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment".

SEC. 2. The amendment made by this Act shall be applicable only in the case of persons retiring after the date of enactment of this Act.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1093), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE AND JUSTIFICATION

S. 578 extends to Federal employees whose duties "are primarily to perform work directly connected with the control and extinguishment of fires or the maintenance and use of firefighting apparatus and equipment" the same hazardous-duty retirement provisions of title 5, United States Code, now provided for certain Federal law-enforcement officers.

S. 1507, a similar measure for firefighters, passed the Senate unanimously in the 90th Congress. It was reported favorably by the House committee but was recommitted by House floor action and died in that body. The Senate committee believes congressional action to provide firefighters a more equitable retirement program is past due.

Section 8336(c) of title 5 provides for retirement with an immediate annuity at age 50 after 20 years' service for Federal law-enforcement officers who face hazards in the performance of their official duties. These special retirement provisions apply only if the head of the agency recommends such retirement and if the Civil Service Commission approves that recommendation. Thus, an individual determination of retirement eligibility based upon the danger of the employee's duties is made by responsible officials who have access to duty and personnel records. S. 578 amends section 8336(c) to include Federal firefighters, with the same safeguards applying to their early-retirement eligibility. No firefighter who had not in fact been exposed to hazards would be extended the liberalized retirement provisions. Section 8336(c) states:

"The head of the agency and the Commission shall consider fully the degree of hazard to which the employee is subjected in the performance of his duties instead of the general duties of the class of the position held by the employee."

More than 16,000 U.S. marshals, policemen, guards, and FBI and Treasury agents are covered by section 8336(c). Yet more than 11,000 Federal firefighters, whose fatality rate is 2½ times greater than that of policemen, are denied these special benefits. One out of every eight firefighters—or 12.5 per 100 men—sustained a lost-time injury in 1965. Fifty-five percent of firefighters' deaths resulted from heart and lung diseases. Clearly firefighters' duties involve frequent exposure to danger. Moreover, the ability of the average man to avoid and overcome the hazards of this occupation decreases as he gets older. In view of the dangers involved and a normal man's increasing susceptibility to injury with each year on the job, the committee believes firefighters should be offered an opportunity to shorten their careers. Thus, the committee endorses the 50–20 formula with agency recommendation and Civil Service Commission concurrence.

AMENDMENT

The committee has amended S. 578 by the deletion of section 2 of the bill and the appropriate renumbering of section 3. The section deleted related to the old section 8348(g) of title 5, which was repealed by Public Law 91–93. This is a technical amendment having no effect upon the operative provisions of the bill.

COST

The cost of each qualified firefighter's retiring has been estimated at $17,500. If an estimated 200 firefighters retire each year, the additional annual cost would be $3.5 million.

ARIE ABRAMOVICH

The bill (S. 1943) for the relief of Arie Abramovich was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of the Immigration and Nationality Act, Private Law 87–523 for the relief of Arie Abramovich is hereby repealed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1095), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to repeal Private Law 87–523 in order to restore the beneficiary's immigration status to that which existed prior to the enactment of the said law to make him eligible to apply for suspension of deportation.

MRS. PANG TAI TAI

The bill (S. 3853) for the relief of Mrs. Pang Tai Tai was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, notwithstanding the provision of section 212(a)(25) of the Immigration and Nationality Act, Mrs. Pang Tai Tai may be issued a visa and be admitted to the United States for permanent residence if she is found to be otherwise admissible under the provisions of that Act: *Provided,* That this exemption shall apply only to a ground for exclusion of which the Department of State or the Department of Justice has knowledge prior to the enactment of this Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report

(No. 91–1098), explaining the purpose of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who cannot read and understand some language or dialect in behalf of the sister of a U.S. citizen.

EAGLE LAKE TIMBER CO.

The bill (H.R. 1749) for the relief of Eagle Lake Timber Co., a partnership of Susanville, Calif., was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1099), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation is to pay the Eagle Lake Timber Co., a partnership comprised of Mr. W. Crook, John B. Crook, R. H. Emmerson, and A. A. Emmerson, of Susanville, Calif., $43,690 in full satisfaction of its claims against the United States for compensation for losses incurred in connection with the performance of a timber sale contract dated May 25, 1964, No. 11–150, between the company and the Forest Service, Department of Agriculture, based on the fact that the company failed, under the provision of the contract for amortizing road costs, to recover a substantial portion of the road construction cost incurred before the contract was terminated by mutual consent of the parties thereto because of a forest fire.

STATEMENT

In its favorable report on the bill, the House of Representatives set forth the facts in the case as follows:

The bill would authorize the payment of $43,690 to a company for the cost of roads which were constructed pursuant to a timber sale contract. The figure stated in H.R. 1749 represents the loss the company suffered since that amount had not been amortized when the contract was canceled due to a forest fire which swept over most of the timber remaining to be cut under the contract. The Department of Agriculture stated that the contract covered the sale of an estimated 25,030 thousand board feet of national forest timber to Eagle Lake Timber Co.

The timber sale was awarded to Eagle Lake Timber Co., after it bid successfully against one other bidder. On September 5, 1966, most of the uncut portion of the sale was burned over by a fire caused by lightning. At the time of the fire, 10,592 thousand board feet of timber had been cut and removed. Most of the remaining timber designated for sale under the contract, totaling an estimated 14,438 thousand board feet, together with intermingled undesignated timber which was intended to be left uncut, was affected by the fire. While both designated and undesignated timber affected by the fire were subject to deterioration, continuing over time, it nevertheless was merchantable. In such situations in California, it is both economically feasible and customary to salvage, log, and manufacture fire-affected timber into lumber products.

Shortly after the fire, Mr. John B. Crook, representing the Eagle Lake Timber Co., met with the Forest Service seeking relief under the sale contract. Mr. Crook was advised of the customary choices available under the contract. They were:

1. Continue operations, buying all fire-affected timber on the sale at contract rates; and

2. Apply to have the contract cancelled without liability for its incompletion.

The Forest Service offered to explore a third possibility whereby Eagle Lake could continue operations buying all affected timber at contract rates, except in portions of the sale area where prefire sale operations had been entirely completed.

In response to Mr. Crook's inquiries, he was told that the Forest Service had no authority under the contract to reduce timber prices or to pay Eagle Lake for the cost of advance roadbuilding not yet recovered by timber cutting. Mr. Crook advised he would recommend his firm that it apply for contract cancellation, and in that event, would seek enactment of a private relief bill. The Forest Service suggested, and it was agreed, that engineers representing each party would meet on the ground and seek to agree on the value of the unamortized road construction.

On October 11, 1966, the purchaser applied for contract cancellation, and this was approved by the Forest Service the following day. The burned-over area was then divided into three salvage sales which were advertised and sold. Eagle Lake Timber Co. purchased one of these sales. It was essential that the completed and uncompleted road work be measured and evaluated before existing work was disturbed or further work was performed under the salvage sale contracts. Forest Service engineers started their fieldwork and evaluations on September 28, 1966, concluding the work by mid-October. During this period, Eagle Lake was invited to participate and was kept informed of results. On October 18, 1966, the Forest Service called Eagle Lake and furnished its final results which are reported herein.

On November 9, 1966, Eagle Lake advised the Forest Service that its subcontractor had hired an engineering firm to make evaluations. Subsequently, on February 21, 1967, the parties met in the local office of the Forest Service to compare results. No agreement was reached.

Results of the Forest Service evaluation are shown in the attached table. They are properly based on the estimated road costs used in the timber appraisal at the time the sale was advertised. Four roads were involved and are identified in the table as roads 28N25, 28N31, 28N35, and 28N02. As shown in the table accompanying the Agriculture report, the amount of road construction work not recovered by Eagle Lake Timber Co. at the time of contract cancellation is $43,690. As has been noted, this is the amount stated in the bill.

The consulting engineer's report to the purchaser's logging contractor presented three alternative estimates of the unamortized portion of the completed road work. One estimate is $71,175, which was the amount originally stated in the bill H.R. 6662 introduced in the 90th Congress. The other estimates are $68,864, and $44,154.

The purchaser's sale contract was similar to hundreds of others in existence at the time. Under them, purchasers are authorized to build roads needed for each sale. Prior to advertising, the Forest Service estimates the costs to an average efficient purchaser of building the roads. Such estimates, along with other estimated sale operating costs, are used in the timber appraisal to set advertised stumpage prices. Prices bid are for purchase of timber, not roadbuilding, and the contract is not considered a road procurement contract. Bidders make their own judgments of profit opportunities, including possible road costs. Also, purchasers customarily build roads ahead of logging needs in order to facilitate needed flow of logs.

In this particular case, the fire was of catastrophic magnitude with more than usual impacts on the purchaser's plans. In turn, the Forest Service was faced with need to reshape its plan to promote salvage of the damaged timber, both to capture value and to prevent an insect epidemic. Contract cancellation enabled the Forest Service to accomplish this expeditiously.

The Department of Agriculture in its report to the committee in the 90th Congress, stated that the road work which had been completed at the time of the fire was a contribution to the speedy and successful salvage of the fire-damaged timber. The Department further noted that the advertised prices in the resales were enhanced by the amount of the appraised value of road construction which had been accomplished at the time of the fire. The result was that the Government realized the monetary benefits of the Eagle Lake Timber Co.'s road construction work which was not amortized because of the fire. Because of this fact and the other aspects of the case noted by the committee, the Department indicated it would have no objection to enactment of the earlier bill if the amount were amended to provide for a payment of $43,690. This is the amount the company would have recaptured for the completed work if the sale had proceeded to conclusion.

The committee also received a report from the Comptroller General of the United States concerning the bill. The comments of the Comptroller General are also set out following this report. The General Accounting Office report indicated that it would not object to the favorable consideration of the earlier bill provided the amount be amended to $43,690, which is the same figure recommended by the Agriculture Department. In this connection, the report of the Comptroller General stated:

"As noted above, contract No. 11–150 made no provision for recovery of road costs other than through amortization as the timber was cut and paid for by the purchaser. Since the Eagle Lake Timber Co. was unable to recover a substantial portion of its road construction costs because the contract was terminated by mutual consent of the parties as a result of a fire in the timber sale area, and since it is reported that the advance construction of the roads by the company did benefit the Forest Service, we would not object if H.R. 6662 were favorably considered by the Congress provided the amount stipulated therein be changed from $71,175 to $43,690."

Both the Department of Agriculture and the Comptroller General reports analyzed the basis for the figure $43,690 now in the present bill, H.R. 1749. The committee is satisfied that this figure represents the actual loss suffered by the company and, therefore, it is recommended that the bill be considered favorably.

The committee has been advised that an attorney has rendered services in connection with this matter. The bill therefore carries the customary limitation on attorney's fees.

The committee concurs in the action of the House of Representatives, and recommends that the bill, H.R. 1749, be considered favorably.

ANAN ELDREDGE

The bill (H.R. 2849) for the relief of Anan Eldredge was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1100), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to grant first preference status to the adopted son of citi-

zens of the United States, which is the status normally enjoyed by the alien sons and daughters of U.S. citizens.

GLORIA JARA HAASE

The bill (H.R. 12959) for the relief of Gloria Jara Haase was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1104), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to facilitate the entry into the United States in an immediate relative status of the alien daughter adopted by citizens of the United States.

STATEMENT OF FACTS

The beneficiary of the bill is a 21-year-old native and citizen of the Phillippine Islands, who presently resides in that country. She was adopted at age 16 by a U.S. citizen member of our Armed Forces and his wife. The beneficiary's mother died when she was 7 months old and the whereabouts of her father are unknown. The adoptive father has been stationed in Ohio since his tour of duty in the Philippines ended in August 1966. The adoptive parents are anxious that their daughter be permitted to join them in this country.

MRS. MARCELLA COSLOVICH FABRETTO

The bill (H.R. 13383) for the relief of Mrs. Marcella Coslovich Fabretto was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1106), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to enable the mother of a U.S. citizen to file a petition for naturalization based on the periods of time she has resided in the United States since her lawful admission for permanent residence on December 21, 1955.

VINCENZO PELLICANO

The bill (H.R. 13712) for the relief of Vincenzo Pellicano was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1107), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill is to waive the excluding provision of existing law relating to one who has been convicted of a crime involving moral turpitude in behalf of the son of citizens of the United States.

AMENDMENT OF SECTION 355 OF REVISED STATUTES

The bill (H.R. 15374) to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1111), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of the proposed legislation, as amended, is to substitute revised language for the first seven paragraphs of section 355 of the Revised Statutes having to do with approval of land titles by the Attorney General. The bill provides that the Attorney General is to be responsible for the approval of the sufficiency of titles to land acquired by the United States and that he may delegate this authority to other departments and agencies subject to his general supervision and regulation. The amended bill would preserve the existing law permitting the Tennessee Valley Authority to approve land titles as to land acquired by that Authority. It also provides for appropriate amendments to other provisions of law in order to conform them to the changes made by section 1 of the bill.

STATEMENT

In its favorable report on the proposed legislation, the Committee on the Judiciary of the House of Representatives set forth the facts of the case as follows:

ANALYSIS OF THE BILL

Section 1. The first section of the bill provides for the repeal of the first seven paragraphs of section 355 of the Revised Statutes, as amended, and to substitute the revised language contained in section 1. The revised language consists of five paragraphs.

The first paragraph requires that prior to the expenditure of public money for the purchase of land or an interest in land, the Attorney General must give written approval as to the sufficiency of the title. This requires the Attorney General to determine that the tile is sufficient for the purpose for which the property is being acquired by the United States.

The second paragraph provides that the Attorney General may delegate his responsibility as to the approval of land titles to other departments or agencies subject to his general supervision and in accordance with regulations promulgated by him.

The third paragraph provides that when the Attorney General has delegated the responsibility for approving land titles to a department or agency, that department or agency may request the Attorney General to render his opinion as to the validity of titles to land or may request his advice or assistance in determining the sufficiency of titles.

The fourth paragraph provides that unless otherwise authorized by law or provided by contract, the expenses of procuring certificates of title or other evidence of title as required by the Attorney General may be paid out of appropriations for the acquisition of the land or out of appropriations made for contingencies of the acquiring department or agency.

The fifth paragraph, added as a committee amendment, is identical to language now a part of section 355 of the Revised Statutes and makes it clear that the provisions of the section do not change the existing authority of the Tennessee Valley Authority with respect to the acquisition of land or interest in land, including the authority to determine the sufficiency of title.

Section 2. Section 2 of the bill repeals an obsolete provision in an act of March 2, 1889, which requires that all legal services connected with the procurement of titles to sites for public buildings be rendered by U.S. attorneys. This is not consistent with modern practices and is properly deleted.

Section 3. Section 3 of the bill refers to the act of March 1, 1911 (36 Stat. 962), which is set out as section 517, title 16, United States Code. This section requires the Secretary of Agriculture to secure safe titles to certain lands acquired by the United States and requires that title shall be satisfactory to the Attorney General. The bill would amend the provision by adding the words "or his designee" so as to be consistent with the amendments added by section 1 of the bill.

Section 4. Section 4 of the bill amends section 5 of the act of February 26, 1931 (46 Stat. 1422), which is set out as section 258e of title 40 of the United States Code. This section deals with condemnation proceedings and presently contains an exception concerning the provisions of section 355 of the Revised Statutes. The bill would delete this exception on recommendation of the Department of Justice because it is clear that a determination should be made that there is sufficient title in the United States prior to the expenditure of moneys as is provided in section 258e of title 40.

Section 5. Section 5 of the bill deletes an exception in the present law concerning the application of section 355 of the Revised Statutes. Sections 4776 and 9776 of title 10 presently provide that in an emergency and when the President considers it urgent, a temporary fort or fortification may be built on private land with the consent of the owner. The exception concerning a determination concerning the sufficiency of title under section 355 of the Revised Statutes appears to be surplusage since no title is acquired by the United States under such circumstances and therefore there appears to be no need for an exception for the provisions relating to approval of title.

Section 6. Section 6 of the bill conforms the provisions of section 6 of the act of February 18, 1929 (45 Stat. 1223, as amended), which is set forth as section 715e of title 16 by providing that the reference to approval land titles by the Attorney General shall include the words "or his designee." This section concerns the acquisition of land for certain purposes by the Secretary of the Interior and requires title to be approved by the Attorney General. The amendments would be to add the reference "to his designee" to make the language consistent with section 1 of the bill.

STATEMENT

The bill, H.R. 15374, is a revised bill resulting from the committee's consideration of the earlier bill, H.R. 14119. The original bill was introduced in accordance with the recommendation of an executive communication transmitted to the Congress by the Department of Justice. A subcommittee hearing was conducted on the first bill on October 22, 1969. After consideration of the recommendations of the Department and the testimony presented at that hearing, the bill, H.R. 15374 was introduced embodying the recommendations of the subcommittee. A hearing was then held on February 4, 1970, on the revised bill and the representatives of the Department of Justice at that hearing advised the committee that they had no objections to the bill.

The basic difference between the original bill and H.R. 15374 is that the revised bill places primary responsibility for the approval of the sufficiency of land titles in the

Attorney General and this permits him to delegate the authority. The original bill would have vested the authority to approve land titles in the head of all departments and agencies with respect to land acquired by the department or agency for the United States. The committee concluded that the Attorney General as the chief law officer of the United States should retain the primary responsibility for the approval of land titles. It is clear from the executive communication and testimony at the hearings that this authority can be properly exercised by other departments and agencies and in many instances it should be so exercised in the interest of efficient and effective operation. However, the original proposal of a general grant of authority to heads of all departments and agencies by legislative action did not permit a determination of whether an individual agency, in fact, had the capability of exercising the authority or the need for such authority in terms of its actual operation. The committee therefore concluded that a more approprate amendment to secton 355 of the Revised Statutes would be to preserve the primary responsibility for the approval of land titles in the Attorney General with additional authority for the Attorney General to delegate the responsibility to individual departments or agencies. This would make it possible to meet the needs of the departments and agencies actively engaged in land acquisition. They could be granted this authority when the Attorney General deems a delegation to be appropriate. This would result in the authority being exercised by departments and agencies familiar with the requirements concerning sufficiency of title and permits the Attorney General to determine whether the department or the agency has the capability, including the personnel and organization necessary to pass on such titles. Finally, the Attorney General is given a clearly defined role of supervising the exercise of the delegated authority with provision for implementing this supervision by regulations governing its exercise.

Section 355 of the Revised Statutes which would be amended by this bill is set out in three places in the United States Code (40 U.S.C. 255; 33 U.S.C. 733; and 50 U.S.C. 175), and prohibits the expenditure of funds upon land purchased by the United States for a construction site until the Attorney General has approved the title to that land. As has been noted this bill would continue to place the responsibility for the approval of land titles in the Attorney General and would further authorize the Attorney General to delegate this title approval responsibility to other departments and agencies subject to his general supervision and in accordance with regulations promulgated by him.

The basic provisions of section 355 were enacted in 1841 (5 Stat. 469) and have remained in effect since that time. At the time of its original enactment and for a considerable time afterward, title work was a highly specialized legal function. Title opinions were based on abstracts prepared by the examining attorney. These abstracts not only involved a search of the title records but often required many extraneous investigations. The need for searches outside the records subsequently became limited due to the fact that in the first half of the 20th century, the various States improved their title recording requirements and facilities. In the same period, title companies began preparing and certifying abstracts for examining attorneys. More recently and particularly in the past 20 years, certificates of title and title insurance policies have largely displaced abstracts and eliminated much of the need for record searches. In its communication, the Justice Department observed that these developments have gradually changed much title practice so that it now has many of the aspects of administration rather than legal decisionmaking.

These developments and practical considerations have prompted action on the part of both the Department of Justice and the Congress. In 1930, section 355 was amended to permit the Attorney General to accept certificates of title of a title company as evidence of title to land to be acquired by the United States (act of June 28, 1930, 46 Stat. 828). In 1940 the section was further amended to permit approval of a title upon any evidence which the Attorney General deemed satisfactory and to permit the relaxation of standards for the approval of title to low value lands to easements and to rights-of-way (act of Oct. 9, 1940; 54 Stat. 1083).

The Department of Justice in its communication stated that it had concluded that the time has come for an adoption of Government practice to more recent developments associated with land transactions. In recent years more than 93 percent of titles approved by the Department of Justice have been based upon title certificates or title insurance policies. While judgment must be exercised in examining encumbrances in title certificates and exceptions in title policies, this judgment is similar to those involved in determinations concerning other matters related to the effective operation of governmental programs. The Justice Department notes that agency heads must now make determinations concerning real property acquired for these programs. These determinations relate to the propriety, timing and scope of acquisition, as well as the development, use and disposition of such properties. Whether the interest in land, that is the title being acquired, is sufficient for the purpose of a program or presents unwarranted risks for the United States involves a similar sort of determination under current practices. The Justice Department therefore concluded that in many instances this latter determination could appropriately be made by certain acquired agencies in accordance with proper legal standards fixed by the Justice Department.

As has been noted in discussing the provisions of the bill, the committee has recommended an amendment which will have the effect of retaining the present language of section 355 of the Revised Statutes making an exception so that the provisions of the section will not affect existing law concerning the acquisition of lands or interests in land by the Tennessee Valley Authority. The following language is presently found as the first sentence of the seventh paragraph of section 355 of the Revised Statutes:

"The foregoing provisions of this section shall not be construed to affect in any manner any existing provisions of law which are applicable to the acquisition of lands or interests in land by the Tennessee Valley Authority."

Identical language is contained as the committee amendment following line 19 of page 2 of the bill. The committee has concluded that the present legal situation should be preserved so that there will be no question concerning the continuance of the legal basis for the procedures followed by the Tennessee Valley Authority in connection with titles to land and interests in land. It can be noted that this authority has been exercised by the Tennessee Valley Authority for the past 37 years. Under the TVA Act (16 U.S.C. 831 et seq.) TVA has approved titles for the acquisition of property needed for its program. This was approved by the Joint Congressional Committee Investigating the Tennessee Valley Authority, which in 1938 and 1939 made a detailed examination of all of TVA's operations. When 40 United States Code section 255 was amended in 1940, the provision referred to above was included explicitly preserving TVA's right to approve titles.

The committee has considered this legislation primarily on the basis that it provides for a realistic adjustment of Government procedures to meet modern conditions. The Department in the communication to the Congress noted that this improvement in the law will also result in certain economies to the Government. The proposal recognizes the fact that the assembly of title papers, curative work, closings and related title functions are already performed by the agencies. The considered use of the authority to delegate the functions of the Attorney General will have the effect of avoiding duplication which now exists as to some aspects of title processing by the Government.

In view of the factors described in this report and outlined in the communication of the Department of Justice, it is recommended that the amended bill be considered favorably.

The committee after a review of the foregoing concurs in the action taken by the House of Representatives and recommends favorable consideration of H.R. 15374.

BILLS PASSED OVER

The bills, H.R. 13810, for the relief of Lt. Col. Robert L. Poehlein, and S. 3419, for the relief of Capt. Claire E. Brou, were announced.

Mr. MANSFIELD. Mr. President, I ask that these two bills go over.

The ACTING PRESIDENT pro tempore. The two bills will be passed over.

JOHNNY TRINIDAD MASON, JR.

The Senate proceeded to consider the bill, S. 3529, for the relief of Johnny Trinidad Mason, Jr., which had been reported from the Committee on the Judiciary, with an amendment, in line 4, after the word "Act," strike out "Johnny Trinidad Mason, Junior," and insert "Johnny Mason, Junior (Johnny Trinidad Mason, Junior)"; so as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That, for the purposes of sections 203(a)(1) and 204 of the Immigration and Nationality Act, Johnny Mason, Junior (Johnny Trinidad Mason, Junior) shall be held and considered to be the natural-born alien son of J. D. Mason, a citizen of the United States: *Provided,* That the natural mother of the beneficiary shall not, by virtue of such parentage, be accorded any right, privilege, or status under the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1117), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill, as amended, is to enable the beneficiary to qualify for first preference status as the unmarried son of a citizen of the United States. The bill has been amended to correct errors in drafting.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Johnny Mason, Junior (Johnny Trinidad Mason, Junior)."

BILL PASSED OVER

The bill, H.R. 18127, making appropriations for public works, 1971, was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The ACTING PRESIDENT pro tempore. The bill will be passed over.

DR. PIO ALBERT POL Y ZAPATA

The Senate proceeded to consider the bill (S. 3129) for the relief of Dr. Pio Albert Pol y Zapata and his wife, Dolores S. Alvarez de Pol, which had been reported from the Committee on the Judiciary, with an amendment, strike out all after the enacting clause and insert:

S. 3129

That the periods of time Doctor Pio Albert Pol y Zapata has resided in the United States since his lawful admission for permanent residence on February 10, 1962, shall be held and considered to meet the residence and physical presence requirements of section 316 of the Immigration and Nationality Act.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1119), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF THE BILL

The purpose of the bill as amended is to enable the beneficiary to file a petition for naturalization. The bill has been amended in accordance with established precedents. The name of the beneficiary's wife has been deleted, inasmuch as there is no showing of need for citizenship in her case.

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A bill for the relief of Doctor Pio Albert Pol y Zapata."

MEASURES PASSED OVER

The bills H.R. 18110, to amend the Public Health Service Act to extend the programs of assistance to the States and localities for comprehensive health planning; H.R. 17570, to amend title IX of the Public Health Service Act so as to extend and improve the existing program relating to education, research, training and demonstrations in the fields of heart disease, cancer, stroke, and other major diseases and conditions, and for other purposes; the joint resolution, House Joint Resolution 236, authorizing and requesting the President of the United States to issue a proclamation designating the week of August 1 through August 7 as "National Clown Week"; the bill, H.R. 18725, to establish a Commission on the Organization of the Government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia; the joint resolution, Senate Joint Resolution 1, proposing an amendment to the Constitution to provide for the direct popular election of the President and Vice President of the United States; and the joint resolution, House Joint Resolution 681, proposing an amendment to the Constitution of the United States relating to the election of the President and Vice President, were announced.

Mr. MANSFIELD. Mr. President, I ask that these six measures go over.

The ACTING PRESIDENT pro tempore. The six bills will be passed over.

EXTENSION OF THE SECURITIES EXCHANGE ACT

The Senate proceeded to consider the bill (S. 3431) to extend the coverage of sections 13(d), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors, which had been reported from the Committee on Banking and Currency, with amendments. On page 2, after line 5, insert a new section, as follows:

SEC. 2. Paragraph (2) of subsection (e) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e) (2)) is amended by adding at the end thereof the following: "The Commission shall have power to make rules and regulations implementing this paragraph in the public interest and for the protection of investors, including exemptive rules and regulations covering situations in which the Commission deems it unnecessary or inappropriate that a purchase of the type described in this paragraph shall be deemed to be a purchase by the issuer for purposes of some or all of the provisions of paragraph (1) of this subsection."

At the beginning of line 17, change the section number from "2" to "3"; on page 3, at the beginning of line 3, change the section number from "3" to "4"; and at the beginning of line 8, change the section number from "4" to "5"; so as to make the bill read:

S. 3431

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the part of pargaraph (1) of subsection (d) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(d)(1)) which precedes clause (A) is amended—

(1) by inserting after "section 12 of this title" the following: ", or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,"; and

(2) by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

SEC. 2. Paragraph (2) of subsection (e) of section 13 of the Securities Exchange Act of 1934 (15 U.S.C. 78m(e)(2)) is amended by adding at the end thereof the following: "The Commission shall have power to make rules and regulations implementing this paragraph in the public interest and for the protection of investors, including exemptive rules and regulations covering situations in which the Commission deems it unnecessary or inappropriate that a purchase of the type described in this paragraph shall be deemed to be a purchase by the issuer for purposes of some or all of the provisions of paragraph (1) of this subsection."

SEC. 3. The first sentence of paragraph (1) of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(1)) is amended—

(1) by inserting after "section 12 of this title," the following: "or any equity security of an insurance company which would have been required to be so registered except for the exemption contained in section 12(g)(2)(G) of this title,"; and

(2) by striking out "10 per centum" and inserting in lieu thereof "5 per centum".

SEC. 4. Paragraph 8 of subsection (d) of section 14 of the Securities Exchange Act of 1934 (15 U.S.C. 78n(d)(8)) is amended by striking out clause (A) and redesignating clauses (B), (C), and (D) as clauses (A), (B), and (C), respectively.

SEC. 5. Subsection (e) of section 14 of the Securities Exchange Act (15 U.S.C. 78n(e)) is amended by adding the following sentence at the end thereof: "The Commission shall, for the purposes of this subsection, by rules and regulations define, and prescribe means reasonably designed to prevent, such acts and practices as are fraudulent, deceptive, or manipulative."

Mr. WILLIAMS of New Jersey. Mr. President, the Securities Exchange Act of 1934, as amended by Public Law 90–439, provides for the following disclosures in acquisitions and tender offers for 10 percent of any equity security registered under that act; the identity, background, and plans of the person or group making a tender offer or acquiring the securities; the size of the holdings of the person or group involved; the source of the funds used or to be used to acquire the shares; any contracts or arrangements relating to the shares; and if the purpose of the acquisition is to acquire control of the company, any plans to liquidate the company, sell its assets, merge it with another company, or make major changes in its business or corporate structure.

It also provides for investor protection against fraudulent activities in connection with these acquisitions and tender offers. In addition the Securities and Exchange Commission is authorized to regulate purchases by corporations of their own shares, and to require disclosures when there is a change in the majority of the board of directors of a corporation in conjunction with a 10-percent acquisition of securities or a tender offer.

Public Law 90–439 also substantively protects public investors to whom a tender offer is directed by providing withdrawal rights during the first 7 days and after the first 60 days of the offer. Furthermore it provides for a limited period during which securities must be taken up on a pro rata basis rather than on a first-come, first-served basis, and requires that any increase in the price offered during the period of the tender shall be extended to all persons who have previously tendered their securities.

Over the last 2 years this legislation has been most successful in lifting the veil of secrecy that had previously surrounded tender offers; however, certain legislative adjustments have now become necessary.

Anyone who reads the financial press is aware of the increase in corporate takeovers. Between August 1968 and April 1969 there were 243 filings made with the Securities and Exchange Commission announcing proposed tender offers. In addition, there were 188 acquisitions of more than 10 percent of a company's stock. The dollar amount for tender offers alone was $1.45 billion.

Ten percent of the stock of large corporations, indeed even 5 percent, can involve large amounts of money and can have a significant impact on corporate control.

The Banking and Currency Committee has also been informed of a recent tendency of people contemplating a takeover to terminate their acquisition at the 9-percent level in order to avoid compliance with the act's requirements. Here the need for the full disclosure provisions of the Securities Exchange Act are of the utmost necessity if we are to have adequate investor protection.

S. 3431 would extend the protections of Public Law 90–439 to acquisitions of over 5 percent of a company's stock. It would also extend coverage to shareholders of publicly held insurance companies who are currently at the mercy of secret takeover bids. This disparity in consumer protection is unwarranted and should no longer be tolerated.

The bill does not seek to disturb the decision reached in 1964 to leave periodic reporting, proxy solicitation and regulation of insider trading with respect to securities of insurance companies to the appropriate State authorities. However, in view of the nationwide basis of most tender offers and the fact that they are not presently regulated by State insurance commissioners, it is appropriate to bring within the purview of sections 13 (d) and 14(d) acquisitions of insurance company securities.

The bill would also subject stock-for-stock exchange offers made by means of a registration statement under the Securities Act of 1933 to the tender offer requirements of the act. Exchange offers involving the offer by a bidder of its own securities, in exchange for the securities of the target company are becoming more and more prevalent. This is particularly true in acquisitions of larger companies due to the enormous amount of money that would be required if a cash tender offer was used in order to gain control.

Exchange offers are presently exempted from the provisions of Public Law 90–439 because they are made pursuant to a registration statement under the Securities Act. This statement furnishes investors with adequate disclosure concerning the offer. However, this exemption also excludes the large groups of public investors to whom exchange offers are made from the act's substantive protections. These protections include the right of depositors under a tender offer to withdraw their shares during the first 7 days of the offer and after the expiration of 60 days; they require that the bidder take up all shares deposited during the first 10 days of the offer on a pro rata basis rather than on a first-come, first served basis; and they require the bidder to extend any increased consideration made in connection with the offer to persons who have already deposited their shares.

In addition S. 3431 would give the Commission rulemaking power with respect to fraudulent, deceptive, and manipulative activities used in tender offers. The techniques currently being used in these offers have become increasingly sophisticated and they change rapidly. This is particularly true when the takeover is resisted by incumbent management. In some instances industrial warefare occurs.

Claims and counterclaims, charges and countercharges are hurled back and forth. Efforts are made to influence the price of the securities involved. By granting this additional rulemaking authority the Congress would allow the Commission to deal promptly and with flexibility with these problems.

In his testimony before the committee, Chairman Budge of the Securities and Exchange Commission proposed an amendment to allow the Commission to adopt appropriate rules and regulations so that distinctions may be drawn between the issuer and its controlling persons in filings required under the act. Section 13(e) of the Securities Exchange Act grants the Commission rulemaking power concerning purchases by certain corporations of their own securities and specifies that for the purposes of section 13(e) a purchase by or for a person in a controlling relationship with the issuer is deemed to be a purchase by the issuer.

In adopting this amendment the committee felt that it was unnecessary to place on persons in a controlled relationship with the issuer all of the burdens of the section's requirements such as giving notice to shareholders after each purchase, which may be appropriate when the issuer purchases its own securities. When a company's funds are not used, the furnishing of information to shareholders does not involve all of the considerations and implications associated with the use of such funds.

Mr. President, this legislation is supported by the securities and Exchange Commission, the New York Stock Exchange, the American Stock Exchange, the National Association of Securities Dealers, the Investment Bankers Association and the Association of Stock Exchange Member Firms all of whom are involved on a daily basis with the problems which this bill attempts to solve.

The attitude of the securities industry towards this legislation is exemplified by a letter which I have received from James W. Walker, Jr., Executive Vice President of the American Stock Exchange. So that all Members of this body may have the benefit of Mr. Walker's views, I ask unanimous consent that his letter be included in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

APRIL 16, 1970.

Hon. HARRISON A. WILLIAMS, Jr.,
Chairman, Subcommittee on Securities of the Committee on Banking and Currency, U.S. Senate, Washington, D.C.

DEAR CHAIRMAN WILLIAMS: The American Stock Exchange thanks the Subcommittee for this opportunity to comment on S–3431. We wish to commend the Subcommittee for continuing to focus on the matter of disclosure requirements in connection with tender offers and takeover bids.

The Exchange supports the basic principles embodied in Senate Bill S–3431. Mindful of the essential objectives of the Bill, we believe the proposed legislation is in the public interest, and will strengthen the safeguards available to this country's investors.

In addition, the American Stock Exchange wishes to take this occasion to emphasize the importance of early disclosure requirements in tender offers and takeover bids to the protection of the public market. Adequate and timely disclosure requirements are, we believe, vital to the maintenance of the public market. In order to make certain that fair treatment is afforded to all investors sharing the public market, small and large alike, the flow of information necessary to make informed investment decisions must be assured. Above all, confidence in the public market must be preserved, and this confidence comes only when the investing public is certain that it it receiving all of the facts. The Exchange is particularly concerned that information of contemplated actions, if not made publicly available at an early point, can have a disruptive or unfair impact on the public market to the detriment of ordinary investors.

From the standpoint of the investor in the public market, it may be very important to know about a prospective acquisition. If the investor is a stockholder of the aggressor company, the entire nature of his investment could change upon the consummation of the takeover. Furthermore, it can be of equal importance to the stockholder of the target company to be informed at the earliest possible point of the prospective takeover venture since his investment may be radically changed as a result of the market impact of the buying activities in that connection. The information needs of the general investing public also warrant consideration in view of the fact that many of them may be contemplating the purchase of stock in either the aggressor or the target company.

Moreover, a program of purchases by several independent investors through the public market as a prelude to an acquisition, when arranged by a third party having no direct financial participation in such purchases, may be able to circumvent the proposed requirements of the Bill, if care is taken by such third party to see that no one purchaser attains holdings, at an early stage, of 5 percent of the stock of the target company. It may be difficult to prove that the total holdings of the participants in the early stages of such a program would fall within the proposed requirements since there would, of course, be no direct link between the various purchasers. The best interests of the investing public would appear to be served by a full disclosure of the plans—whether definite or conditional—for a takeover venture at the very outset or at an early stage in the implementation of these plans when they are to involve the use of the public market. It may be that legislation directly designed to this end should be considered by the Subcommittee.

A program of purchases, as a prelude to an acquisition, can have an additional significant consequence to the public market in that it may disrupt the fairness and orderliness of the market. As trading in a particular issue becomes concentrated in fewer hands, which would be the inevitable outcome of a program of purchases, it is more difficult to preserve liquidity in the market. An essential element of liquidity is a steady flow of round-lot orders on both sides of the market which may be disrupted if there is a concentration of block trading on the buy side. Furthermore, a fair and orderly market must accurately reflect public supply and demand for stock, whereas if there exists a concentration of large purchases in a given issue, the floating supply can be substantially reduced. The Exchange believes that the dangers to the public market in this method of acquisition cannot be overlooked.

The Exchange is in full accord with the view that further steps are necessary to see that all essential facts are placed in the hands of public investors. Despite the present lull in the number of tender offers and takeover bids, with an uptrend in the stock market and greater availablity of credit the number of tender offers and takeover bids may significantly increase. Conglomerate formations might again increase in both number and scope. It is our view that the growth of conglomerates represents a pooling of assets and diversification of investments not totally unlike the economic philosophy contributing to the growth of investment companies.

There is one additional thought which we would like to present relative to the importance of the objectives of this legislation. There have been expressions of opinions in the past that acquisitions are, in general, healthy to the nation's economy because inefficient management of the target company was replaced by the more capable leadership provided by the acquirer. These opinions were based on the premise that one of the reasons a takeover bid succeeded was because shareholders of the target company

were dissatisfied with incumbent management. However, the utilization of a program of purchases through the public market, even though by several independent investors and arranged by a third party having no direct financial participation in such purchases, may give the aggressor company such a substantial foothold within the target corporation that incumbent management is powerless to prevent the takeover irrespective of the regard in which management is held by the remaining shareholders. It may well be that the target company is selected because of the caliber of incumbent management since in particular a well-run company might be considered a more valuable holding.

The Exchange is in accord with the amendment which widens the scope of Sections 13(d)(1) and 14(d)(1) to include purchases involving equity securities of insurance companies. In addition, the Exchange concurs with the amendment which removes from Section 14(d) the exemption from filing requirements applicable to offers for tenders proposed to be made through a registration statement under the 1933 Act.

We would once again like to express our appreciation to the Subcommittee for this opportunity to comment on Senate Bill S-3431.

Very truly yours,

JAMES W. WALKER, Jr.

Mr. WILLIAMS of New Jersey. Mr. President, it is our Nation's legitimate businessmen as well as the more than 30 million American shareholders who have the most to gain from this legislation. This bill will put all on an equal footing with respect to the availability of significant facts about a tender offer or a corporate stock purchase program. All will be able to deal in the securities markets knowing that all of the pertinent facts are available. This is the premise under which our securities markets are supposed to work. Following this premise they have thrived and prospered over the years. Now is the time to eliminate the last remaining areas where full disclosure is necessary but not yet available.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91-1125), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

BACKGROUND OF THE LEGISLATION

This proposed legislation (S. 3431) would amend the Securities Exchange Act of 1934 to provide additional investor protection in corporate tender offers and other acquisitions of securities, and would supplement the protections afforded to investors by Public Law 90-439 enacted on July 29, 1968.

The Securities Exchange Act of 1934, as amended by Public Law 90-439, provides for the following disclosures in acquisitions and tender offers for 10 percent of any class of an equity security registered under that act and for the equity securities of closed-end investment companies registered under the Investment Company Act of 1940:

(*a*) the identity, background, and plans of the person or group making a tender offer or acquiring the securities,

(*b*) the size of the holdings of the person or group involved,

(*c*) the source of the funds used or to be used to acquire the shares,

(*d*) any contracts or arrangements relating to the shares,

(*e*) if the purpose of the acquisition is to acquire control of the company, any plans to liquidate the company, sell its assets, merge it with another company or make major changes in its business or corporate structure.

It also provides for investor protection against fraudulent activities in connection with these acquisitions and tender offers. In addition the Securities and Exchange Commission is authorized to regulate purchases by corporations of their own shares, and to require disclosures when there is a change in the majority of the board of directors of a corporation in conjunction with a 10-percent acquisition of securities or a tender offer.

Public Law 90-439 also substantively protects public investors to whom a tender offer is directed by providing withdrawal rights during the first 7 days and after the first 60 days of the offer. Furthermore it provides for a limited period during which securities must be taken up on a pro rata basis rather than on a first-come, first-served basis, and requires that any increase in the price offered during the period of the tender shall be extended to all persons who have previously tendered their securities.

PURPOSE OF THE LEGISLATION

The purpose of this proposed legislation is to provide additional protection for investors by augmenting the provisions of Public Law 90-439.

The bill would extend the coverage of Public Law 90-439 to encompass acquisitions of and tender offers for equity securities of insurance companies. It would also extend the act's full disclosure provision to acquisitions and tender offers of over 5 percent of a company's stock. Under Public Law 90-439 these provisions only apply to acquisitions and tender offers of over 10 percent.

In addition the bill would extend the substantive provisions of Public Law 90-439 which protects stockholders involved in cash acquisitions and tender offers to stock for stock exchange offers and would give the Securities and Exchange Commission additional rulemaking power to deal with certain types of fraudulent, deceptive, and manipulative practices. Finally, an amendment to the bill would give the Commission rulemaking power to differentiate between control persons and issuers in applying certain requirements of section 13(e) of the Securities Exchange Act.

SUMMARY OF THE LEGISLATION

First, the bill extends the provisions of sections 13(d) and 14(d) of the Securities Exchange Act to acquisitions of and tender offers for securities of insurance companies. The bill does not seek to disturb the decision reached in 1964 to leave periodic reporting, proxy solicitation and regulation of insider trading with respect to securities of insurance companies to the appropriate State authorities. However, in view of the nationwide basis of most tender offers and the fact that such offers are not presently regulated by State insurance commissioners, it appears appropriate to the committee to bring within the purview of sections 13(d) and 14(d) acquisitions of insurance company securities.

Second, the bill amends sections 13(d)(1) and 14(d)(1) of the Securities Exchange Act to reduce the 10 percent figure in those sections to 5 percent.

Section 13(d)(1) now requires that any person who acquires 10 percent of the equity securities of a company registered under section 12 of the Securities Exchange Act or of the equity securities issued by a closed-end investment company registered under the Investment Company Act of 1940, file with the Commission certain specified disclosures. These include information pertaining to the identity and background of the person who acquired the securities, the source and the amount of funds used, and the purposes for which the shares were acquired.

Section 14(d)(1) presently makes it unlawful to make a tender offer, for securities in an amount which, if successful, would give the bidder 10 percent or more of that class of securities, unless a statement containing essentially the same information required under section 13(d) is filed with the Commission, sent to the target company and the same equivalent information is furnished to investors who are invited to tender their shares.

The reduction for 10 to 5 percent would provide public disclosure of impending corporate takeovers at a more meaningful level. The Securities and Exchange Commission has informed the committee that in some instances persons or companies undertaking an acquisition have limited their purchases of stock in the open market to 8 or 9 percent as a means of avoiding the disclosure requirements of Public Law 90-439. This practice deprives investors of the material information which is necessary to enable them to make a decision whether to accept or reject the tender offer.

An investment of between 5 and 10 percent of the securities of a company can have a significant impact on the public market for that company's stock. Shareholders of the target company are entitled to full disclosure when over 5 percent of their company's stock is to be acquired by an outside group. These acquisitions may lead to important changes in the management or business of the company and the shareholders should be fully informed. Similarly, management of a target company should be advised of a tender offer under section 14(d) for securities in an amount of over 5 percent of its stock in order to appropriately protect the interests of its security holders.

At the hearings exemptions from sections 13(d) and 14(d) relating to acquisitions by stock exchange specialists, over-the-counter market makers, and investment companies were suggested by various segments of the securities industry. No reason for such exemptions were put forward other than inconveniences to the specialist or market maker. The committee did not include these exemptions in the proposed legislation since the statutory purpose could be evaded if an individual were permitted to accumulate over 5 percent of a company's securities which he could then sell in a block transaction without public notice. Any inconveniences or burdens to specialists or market makers can be appropriately handled by the Commission pursuant to its rulemaking authority which allows it to vary the filing requirements in these areas in order to avoid the repetitious filing of information.

Third, the bill would subject stock-for-stock exchange offers made by means of a registration statement under the Securities Act of 1933 to the tender offer requirements of section 14(d) of the Securities Exchange Act. Exchange offers involving the offer by a bidder of its own securities, in exchange for the securities of the target company are becoming more and more prevalent. This is particularly true in attempted acquisitions of larger companies due to the enormous amount of money that would be required if a cash tender offer was used in order to gain control.

Exchange offers are presently exempted from section 14(d) of the Securities Exchange Act, because they are made pursuant to a registration statement under the Securities Act. This statement furnishes investors with adequate disclosure concerning the offer. However, this exemption also excludes the large groups of public investors to whom exchange offers are made from the substantive protections of section 14(d) in connection with a cash tender offer. These protections include the right of depositors under a tender offer to withdraw their shares during the first 7 days of the offer and after the expiration of 60 days; they require that the bidder take up all shares deposited during the first 10 days of the offer on a pro rata basis rather than on a first-come, first-served

basis; and they require the bidder to extend any increased consideration made in connection with the offer to persons who have already deposited their shares. Moreover, in the absence of the applicability of section 14(d) to a registered exchange offer, solicitations or recommendations in opposition to such an offer are not subject to regulation.

At the hearing the question was raised as to whether making exchange offers subject to the disclosure requirements of both the Securities Act and the tender offer provisions of the Securities Exchange Act would impose an unnecessary burden of duplicate filings upon registrants. If this problem should arise, the Commission has adequate rulemaking authority to alleviate any unnecessary burden of duplicate filings and the committee would expect the Commission to take such an approach.

Fourth, the bill amends section 14(e) of the Securities Exchange Act to grant the Commission rulemaking power to define and prescribe means reasonably designed to prevent fraudulent, deceptive, and manipulative practices. The purpose of this provision is to allow the Commission to deal more effectively with the devices sometimes employed on both sides in contested tender offers. The language of the addition to section 14(e) is identical to that contained in section 15(c)(2) of the Securities Exchange Act concerning practices of broker and dealers in securities transactions in the over-the-counter markets.

COMMITTEE AMENDMENTS

In his testimony before the committee, Chairman Budge of the Securities and Exchange Commission proposed an amendment to the bill. He suggested that the Commission be granted power to adopt appropriate rules and regulations under section 13(e)(2) so that distinctions may be drawn between the issuer and its controlling persons in filings required under section 13(e). Section 13(e) grants the Commission rulemaking power concerning purchases by certain corporations of their own securities and specifies that for purposes of section 13(e) a purchase by or for a person in a controlling relationship with the issuer is deemed to be a purchase by the issuer.

In adopting this proposed amendment the committee felt that it was unnecessary to place on persons in a control relationship with the issuer all of the burdens of the section's requirements such as giving notice to shareholders after each purchase, which may be appropriate when the issuer purchases its own securities. When corporate funds are not used, the furnishing of information to shareholders does not involve the considerations and implications associated with the use of corporate funds. Moreover, a controlling person of a corporation is subject to the tender offer requirements of section 14(d) and the acquisition reporting requirements of section 13(d), whereas the issuer is exempt.

The amendments were agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

The title was amended, so as to read: "A Bill to amend sections 13(d), 13(e), 14(d), and 14(e) of the Securities Exchange Act of 1934 in order to provide additional protection for investors."

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR STENNIS TODAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the distinguished Senator from Mississippi (Mr. STENNIS) be allowed to proceed for not to exceed 20 minutes, following the remarks of the distinguished Senator from Oregon (Mr. HATFIELD) today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the conclusion of the remarks of the distinguished Senator from Mississippi (Mr. STENNIS) there be a brief period for the transaction of routine morning business with a time limitation of 3 minutes on statements made therein.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

DEATH OF REV. FREDERICK BROWN HARRIS

Mr. SCOTT. Mr. President, the passing of Rev. Frederick Brown Harris this morning is a source of grief and sadness to all of us in the Senate and to all of us who have met him and served with him during his tenure as Chaplain of the Senate.

He was a man of God who walked humbly with the Lord, but who always conducted himself joyously as a man, to whom religion was not only a part of his daily life but also something to be lived to the fullest in consonance with his firm trust and faith in the Almighty, and in the powers of the Almighty to guide mankind and to watch over us during our daily goings and comings in this place.

He was a very good man, a very much beloved man, and one whom we shall miss during our own remaining days in the Senate.

I know that all of us join in extending condolences to his family and are happy that he passed from this part of his experience in his sleep, which is equated by the poet with death as a forgetting. He must therefore have passed from one world to another in the gentle transition which accompanies this form of the ending of one's time upon the earth. This is, I think, a final kindness which his Creator bestowed upon him.

We shall miss him and mourn him and shall ever love him and his memory.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I wish to associate myself with what the distinguished minority leader has said.

Dr. Frederick Brown Harris was one of the Senate's outstanding Chaplains, a man of deep religious devotion, dedication, and integrity.

It is with sorrow that I have heard of our loss. It is with deep regret that I note this event.

So in response to what the distinguished minority leader has already said, I join in expressing my personal regret and the regret of this body, which he served so well.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Wisconsin is recognized for a period not to exceed 45 minutes.

VINCE LOMBARDI, SUPERCOACH—REMARKABLE MAN

Mr. PROXMIRE. Mr. President, a remarkable man lies ill. He has come to public knowledge not because he is a man of government or science or the professions. He has come to public knowledge because, as Art Modell, owner of the Cleveland Browns, said, he is the greatest coach in the history of professional football.

Vince Lombardi would have been great had he never played football or coached it. Mr. Lombardi is a remarkable man of dedication, determination, leadership, courage, and humility. He has those qualities in measures seldom seen in most men.

A large segment of the American public—sports fans and those who do not read the sports pages; poor and wealthy; black and white—are truly concerned about Mr. Lombardi. They know, however, that this unusual man is showing the same courage in his present travail as he did that day when, playing on the Fordham line, as a 170-pound guard and as one of the Rams' "Seven Blocks of Granite," an opposing tackle's repeated jabs opened a wound inside his mouth that required 30 stitches to close.

Vince Lombardi has always said that physical pain is something that is in the mind. He convinced the Packers and the Redskins that he coached that this is true.

We in Wisconsin hold Vince Lombardi in special admiration. Green Bay, the city the Packers represent, is not one of the 20 large metropolis centers in the country. It is viewed by many as a relatively small city. It is a city which had relatively little success with its football team in the years before Mr. Lombardi came. As a matter of fact, the year before he came to the Packers, the Packers had won only one game.

I remember when former Senator and former President John F. Kennedy came to Wisconsin to campaign for me that the Green Bay Packers had had one losing season after another. He said that what the Packers needed was a quarterback and that until they got a good one they would not win in professional football.

Lots of people debated whether they needed a good quarterback or better players or whether the management should have more money with which to buy outstanding players.

I think that Vince Lombardi proved that what it takes above all is a great football coach. He took over a football team that had had one losing season after another. He brought the Green Bay Packers up from the depths, after having won just one game the preceding season, to perhaps the greatest heights

that any professional football team has ever reached.

Vince Lombardi led the team on the field to unsurpassed triumphs—three straight championships and two straight victories in the Super Bowl. But in his office as general manager, he also made the team solvent and put it on a firm financial footing. Such a combination should not be considered unusual for an unusual man. For, after having graduated magna cum laude in 1937 from Fordham, and while working toward a law degree, Mr. Lombardi taught Latin and science at St. Cecilia's High School in Englewood, N.J., where he also coached football.

Despite his talents, Lombardi remained in relative obscurity until he reached Green Bay in 1959 as head coach and general manager.

He was then 45 years old, having been hired from the New York Giants where he had been assistant coach. So, the Packer offer became that rare combination: the right man in the right spot at the right time.

Just 2 weeks short of 9 years after he had signed that first contract at Green Bay, on January 14, 1968, Vince Lombardi and his Packers won the second Super Bowl, and he stood on the top—king of the sports mountain. In nine seasons at Green Bay he had won five league titles. In a decade that saw professional football boom—from 12 teams to 26 teams—it was Lombardi's Packers who were the winningest club in the pro game. It was Lombardi who put winning above everything but virtue.

In one way, Lombardi is an old-fashioned coach. He does not believe in razzle-dazzle. He believes in doing the basics well—not just well, but perfect. It was the fundamental running game—power sweeps, the off-tackle plays—that made the Packers. The secret was precise execution. That could come only by stressing perfection. And Lombardi, if he is anything, is a perfectionist.

I think one would have to have been in Green Bay during those remarkable years to understand the impact that the Packers and Lombardi made. Professional football players are like any group of young athletes. They are carefree and relaxed and they get into trouble as young men do everywhere. There was something different about the Packers after he took over. He convinced them that they had an obligation to the community to constantly comport themselves as gentlemen, to be respectful and respectable in the best sense; not that they did not still love life, but one would never see a Packer leaning against a bar in a tavern and one would never see a Packer engaged in any kind of activity that could bring criticism on the town, on the city, on the game, or on the Packers. It takes a remarkable quality to instill this in young athletes. It takes an unusual man to do this and at the same time have the team so devoted to him and to their cause that they not only were great football players but also remarkable emissaries of good will and good conduct.

As a coach at Green Bay, Lombardi was a taskmaster, and he was gruff. Yet he gained the affection of his players. I suppose no one ever organized a practice as he did. Vince Lombardi did not believe in long practices, but his practices were tightly organized and every single minute was well spent and well organized in such a way that the players and the coaches got the most out of practices.

In his book "Instant Replay," all-pro guard Jerry Kramer wrote:

> Vince is driving us like a madman; he never lets up. It's hard to resist hating him, his ranting, his raving, his hollering. But damn him, he's a great coach.

And Kramer was one of the players Lombardi made into a star. He along with another all-time great guard, Fuzzy Thurston, led the sweeps that became a Lombardi hallmark of "run to daylight."

Willie Wood came to camp as a free agent, and Lombardi made him All-Pro. Incidentally, Willie Wood is from a high school here in Washington. Paul Hornung became a star under Lombardi. As everyone who is interested in sports knows, Hornung was a Heisman trophy winner at Notre Dame as a quarterback but never seemed to be able to "get with it" in professional football. He was a playboy and a lover of life. He came under the discipline of Vince Lombardi and became a remarkable player, a great star, and broke all records for scoring; and it was largely because Vince Lombardi recognized what it took to make Paul Hornung into an outstanding football player.

Jim Taylor was the same way. Bart Starr came off the bench to become one of the best signal callers and passers in either league, again because of Vince Lombardi. I think many people feel that Bart Starr is one of the finest quarterbacks the game ever produced, along with John Unitas, and others.

But Lombardi has not sought to produce stars. Rather his aim has always been the success of his team. One of his players, Henry Jordan, is quoted in a book by Chuck Johnson, sports editor of The Milwaukee Journal, as saying:

> I don't think we have better players than anyone else. But we don't keep anyone here who doesn't become a part of the team. When a game is over, it's not how I did, but how the team did.

Bill Gleason wrote last Sunday in his column in the Chicago Sun-Times:

> The Packers of the championship years realize that Lombardi built great teams with the roisterers, the dum-dums, the culls, the malcontents, and the other oddballs that other coaches could not bend to their wills. And those who were roisterers and all those other things appreciate most the fact that the very moral man who was their coach did not try to change them.

There was, perhaps, one way in which Lombardi has changed some players. It is general knowledge now that Mr. Lombardi would not put up with bigotry. When he came to the Redskins there were some vestiges of racial tension on the squad.

I remember reading recently that one Redskin player said that in his view the real contribution Lombardi made to make the Redskins a better team was not in any of the more famous and well-known attributes he brought to the team or in his football technique, which was superb, but the fact that he was successful in abolishing the hostility that had developed on the Redskins between white and black players. Vince Lombardi would just not put up with that. He recognized men were men, and whether they were black or white did not make any difference to him.

Without giving speeches on civil rights or becoming a conspicuous civil rights champion, he was able through much better appreciation, understanding, respect, and affection to bring understanding between players of different colors. But Lombardi is a leader of men, and all the men on his teams are to him just that, men.

He also demands that his charges act like men at all times. Big celebrations in the locker room after a big victory can be seen with some other clubs—not with Lombardi's. No champagne, no horseplay, no throwing the coach into the shower. None of that kid's stuff for Lombardi. He is concerned about the image of professional football. That means the players must be responsible. In Green Bay, Lombardi did not say his players could not drink, but if a player were caught standing at a bar there he was subject to an automatic fine. And the players were expected to comport themselves like gentlemen and dress like gentlemen.

One could take time here to recount the wins and loses of Lombardi teams—an impressive record by any yardstick. But that would make it sound as though that record would not grow even more impressive. We all hope and pray that the winning ways of Vincent Thomas Lombardi will go on for season, after season, after season.

One of the most quotable statements ever made by Lombardi is this, for he often told it to his players:

> Only three things should matter to you: Your religion, your family and the Green Bay Packers, in that order.

That is a philosophy anyone could live by. There is one trouble with it, however, for fans and other football teams—for now, he is undoubtedly saying it to the Washington Redskins, and they will turn into latter-day Packers.

Another sampling of Mr. Lombardi's viewpoint beyond the football field can be found in a speech he made shortly after the Packers won their first Super Bowl.

He said:

> This is an age for heroes. The test of the century is whether we mistake the growth of wealth and power for the growth of strength and character. We've weakened discipline and respect for authority and let freedom of the individual predominate.
>
> It is the obligation of people who are in authority to see that we are awakened once more to the need to develop a strong interest in competitive spirit. Those who are in authority fail in that pursuit unless they preserve what has been an American goal—to win and to be first in whatever we do.

And Lombardi listed these qualities of leadership:

> It takes mental toughness. And it includes humility, Spartanism, love, loyalty, teamwork, respect for the dignity of the individual and charity.

And he gave advice for those who are led:

> We also need followers who will accept authority. In our search for individual freedom, in struggling to liberate ourselves from ancient creeds, we sometimes have idealized freedom against order. It has been the new

against the old, and, by reducing authority, we have lost discipline. Thus the freedom—too much freedom—has had an adverse effect. The strength of a company or a team is in the will of the leaders. If the manager is weak-willed, the company is poorly directed.

That speech was made to the American Management Association's annual personnel conference. But there is a measure of the man in it.

We know that the man in the hospital has the strength of character he needs. But there is a need we can fill, and we will fill it with our prayers.

Mr. President, I am very proud, as the senior Senator from Wisconsin, to pay this tribute to Vince Lombardi. Representative MURPHY of New York led a similar tribute in the House of Representatives a couple of days ago. Representative MURPHY had the great honor of playing under the coaching of Vince Lombardi when he was assistant coach at West Point.

It is unusual for a Senator to take the time of the Senate to pay tribute to a sports leader, but I say this is a most remarkable and unusual man. He has the kind of qualities America needs now as never before. He lies seriously ill, and I feel it is necessary and desirable that we recall these qualities, his record, and his dedication to the attention of our fellow citizens.

Mr. SPONG. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Virginia.

Mr. SPONG. Mr. President, I am pleased to join Senator PROXMIRE in tribute to Vince Lombardi, the fine coach of the Washington Redskins, and to wish his recovery from the illness which has kept him from his coaching duties. All football fans, and I count myself one, are the losers when a master coach such as Vince Lombardi is removed from the field of action.

When Mr. Lombardi became coach of the Redskins a wave of optimism swept through the ranks of Redskin fans. This optimism was justified, although the Redskins in their first year under him did not win a championship. The caliber of play seemed to improve magically, and just seeing Lombardi on the bench—or in his usual standing position—seemed worth the price of admission.

Vince Lombardi is an American success story. He won early fame as a member of the Fordham University football, team where he was one of the "Seven Blocks of Granite." He became a highly successful high school coach, then an able assistant to Red Blaik at West Point, and later won his professional spurs as assistant coach of the New York Giants. His success as coach of the Green Bay Packers is legend.

Vince Lombardi bespeaks everything that is good and great about America. He is a fighter—a determined, courageous man who instills those attributes into his players. But—more—he has studied the game of football until he has become one of its great masters. He is a magnificent American and I hope he will soon be back on the football field.

I am pleased to join in the tribute by the Senator from Wisconsin.

Mr. PROXMIRE. I thank the distinguished Senator from Virginia. I think what few of us realize is that we tend to focus on our own areas, our own narrow interests. The American public in recent years has probably paid more attention to football than to almost any other kind of activity. It has become almost a family joke that wives have been unable to get their husbands to do the chores they should do on Sunday afternoon because they are watching the football games. I suppose we can carry anything to extremes, but I think it has had a wholesome and healthy influence on American life. The terrific competition, the fierce competition in professional football is almost unparalleled anywhere else, when one considers the kind of excellence it takes to win.

So I think the fact that this country has produced a man of these remarkable qualities is something that all of us have reason to be thankful for and to recognize and to acknowledge.

I thank the Senator from Virginia very much.

Mr. YOUNG of Ohio. Mr. President, will the Senator yield?

Mr. PROXMIRE. I am happy to yield to the Senator from Ohio.

Mr. YOUNG of Ohio. Mr. President, may I say to the senior Senator from Wisconsin that I agree with every statement he has made today. I feel that he is rendering a fine service to millions of those of us who are rooters and fans for different football teams. It is with pleasure that I have listened to him and I desire to join in paying tribute to Vince Lombardi, the general manager of the Washington Redskins.

I hope that within the near future he will resume his duties as head coach of the Redskins.

He has been one of the very great coaches of our Nation. He has become a tradition. Vince Lombardi, in addition, has proven to be a very great American who has molded real men out of boys. He has molded champions out of football players wherever he has coached, from his early days as coach at St. Cecelia's High School, to his period of coaching internship under the great Red Blaik at West Point, to his unmatched success with the Green Bay Packers over the years, with whom he won three straight professional championships.

These are unparalleled achievements.

Mr. President, Vince Lombardi has dedicated himself to the attainment of excellence. I know, in joining with other Senators here and in announcing my views in support of everything that the distinguished senior Senator from Wisconsin has stated today, all of the football fans of my State of Ohio and around the entire country agree with us when we wish Coach Vince Lombardi a speedy and complete recovery and look forward to his resuming his work as head coach of the Washington Redskins.

I speak as one of those who customarily enjoy spending Sunday afternoons watching television. Whenever the Cleveland Browns and the Washington Redskins play, I am just one of some millions of men and women throughout our country who keep in front of the television screen throughout that afternoon, and we do not want to be interrupted by anyone.

Mr. PROXMIRE. Mr. President, I especially appreciate the tribute of the Senator from Ohio. Ohio has a long and well-deserved reputation for football achievement. I thinks perhaps the only coach who has a record comparable to that of Vince Lombardi's is Paul Brown. Paul Brown had those marvelous years with the Cleveland Browns. Many people thought the Cleveland Browns were named after him. Maybe they were. They won one championship after another. Now Paul Brown has gone to the Cincinnati Bengals, where he is doing a superb job. I know how much Paul Brown thought of Vince Lombardi, and how he deeply admired his qualities of determination and pride, and particularly the notion that professional football has an obligation for its men to deport themselves as gentlemen regardless of where they are.

I think that is the reason why we should be grateful to men like Paul Brown and Vince Lombardi for what they have brought to football. There is no question that they have made a finer and better country.

I appreciate what my friend has had to say. As the Senator has just stated, millions of Americans watch football games constantly, and it has a real effect on their attitudes and their character.

Mr. YOUNG of Ohio. What the distinguished Senator from Wisconsin says is, of course, true; and the Cleveland Browns were named after Paul Brown.

Mr. PROXMIRE. Oh, were they? I did not realize that.

Mr. YOUNG of Ohio. They were named after Paul Brown; and it is a fact that Paul Brown and Vince Lombardi are not only close personal friends, but they are outstanding coaches, and they have both done a great deal for all Americans. As an Ohioan, and now as a Washingtonian, I believe that Vince Lombardi ranks as the greatest and has done the most of all American coaches. When we speak of Paul Brown in connection with him, however, we are speaking of the two topmost coaches, it seems to me.

Again, I express my thanks to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. As I pointed out earlier, Art Modell, the owner of the Cleveland Browns, with greatest respect for and in no derogation of Paul Brown, said that Vince Lombardi is the greatest football coach who ever lived.

Mr. YOUNG of Ohio. I go along with that. May he have a complete recovery, and soon.

Mr. PROXMIRE. Mr. President, I would like to correct one completely inadvertent remark I made, which has been called to my attention. I said that when Lombardi came to Green Bay, that team had only lost one game the year before. They had only won one game. When Lombardi took over, they had a winning season immediately, and the following year were runner-up to the Philadelphia Eagles for the NFL championship. Then they won five championships in the next 7 years, and two superbowls. No other coach has ever accomplished anything like that.

Mr. MURPHY. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from California.

Mr. MURPHY. I am sorry that I did

not enter the Chamber until the last few moments, but I know of the subject that has been under discussion. I yield to no man when it comes to enthusiasm for sports. We pride ourselves, in California, that we have more professional baseball teams and football teams, and fine collegiate teams, than any other part of the country, and we are very enthusiastic about the great figures connected with them, and the contribution which they make to the pleasure of the spectators and to the American way of life.

There is one thing that supersedes even the pride that we Californians take in our own home State teams, and that is the respect we have for the outstanding leaders in competitive sports everywhere, even when they might be our rivals. Their spirit reflects the true spirit of our Nation, and we recognize and applaud great leaders and men in public life such as Vince Lombardi.

Truly, not only is he a giant in his chosen field of endeavor but he is, even more, a giant among our national leaders, and the example and leadership he has displayed throughout the years have brought hope and inspiration to young and old alike.

When we Californians speak of such rare individuals, we refer to them as "men to match our mountains," and although Vince Lombardi is not a Golden Stater, we have seen him not only match some of our most formidable sports "mountains" but also, all too frequently, topple them.

As the son of an Olympics coach, I know in a special way the importance of sports in this great Nation and the strength which true sportsmen like Vince Lombardi have contributed to the country.

With my Senate colleagues, I extend my most sincere wishes for a rapid recovery and for many years of health and happiness.

Mr. PROXMIRE. I thank the Senator from California. I know that the Senator's father was a crack track coach at Yale and that he himself was an outstanding athlete, and I am sure that Coach Vince Lombardi will deeply appreciate the fine statement he has made.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. PROXMIRE. I yield.

Mr. STENNIS. I have been delighted to hear the tributes paid by the Senator from Wisconsin and others to Coach Vincent Lombardi. I shall not try to add anything to what has been said about him as a coach, but I do feel that he has qualities of character, stamina, courage, and frankness that could well be emulated in public life, not only here in the Senate and in Congress, but back in the States, the cities, the towns, and the local governments. We need more people in public life, as I see it, who have those qualities. I think it would be an answer to the permissiveness and the uncontrolled carrying on of a great many misguided people. It would help add a firmness of purpose and a determination toward the attainment of personal goals, to have more men of the spirit of this truly great coach. I agree that he has added much to American life.

We cannot all be football coaches, but positions of leadership are open in every avenue under our way of life and our system of government, and we laud his qualities, and should try to bring them into focus in other fields, particularly in public life.

Mr. PROXMIRE. Mr. President, I thank the Senator from Mississippi. I think he has put his finger on exactly the quality that should be stressed here. This man has brought a character, a discipline, and a sense of responsibility and teamwork to football that, as the Senator has said, we need desperately right now throughout American life. In doing this, he has made an extraordinary contribution. I think that now, as he lies seriously ill in Georgetown Hospital, it is most appropriate and desirable that we pay our tribute to him.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield to the Senator from Arizona.

Mr. GOLDWATER. I am most happy that the Senator from Wisconsin has taken the floor to voice his regard and the regard of the Senate for Vince Lombardi. While we have never been close friends, we are friends. We belong to the same club, and I see him very often. In fact, I saw him just the day before his first operation. I was very shocked, the next day, to read that he had gone to the hospital, because he looked his usual healthy, husky self.

I have known of him, of course, ever since he played collegiate football. I think he has brought to the game precisely what the Senator from Mississippi has said. He has brought character, but he has also brought discipline, which is something that has almost vanished from American life. Young people hardly know what discipline is. Older people have known it and forgotten about it. But the secret of his success, to me, was not his superb knowledge of football, but his demand that discipline be followed by his players, and not just by his players, but by everyone associated with the game.

I think many of our young people today, wondering how they can better their lives, might look at the remarkable history this man has made, with mediocre football players in many cases, by making them hew the line to the point that they turned out to be outstanding players. I know many players who have played under him, and this is the first thing they laud about him. He taught these people discipline, and that is the reason he has had such outstanding success in football.

I join with my colleagues in the Senate, and I know with the American people all over the country, in their prayers and wishes for his speedy and complete recovery.

Mr. PROXMIRE. I thank the Senator from Arizona. I would like to reinforce what he has said. I agree that discipline, character, and dedication are the hallmarks of Vince Lombardi. At the same time, when he had people who were free spirits such as Paul Hornung, for instance, who loved to have a good time and never stopped enjoying the fun of life, he did not seek to remold them. Hornung was not changed in his essential character, but he was completely a team man. He was absolutely dedicated to the Green Bay Packers, while at the same time recognizing that he had to work with Vince Lombardi and become a part of that Packer spirit and that team spirit.

This is a very difficult element to define. I think the Senator from Arizona has done an excellent job in emphasizing how desperately and urgently it is needed in this country right now. Perhaps, the only way you can get it is by example. You cannot really get it by speeches or by any other method. It is most fortunate for this country that we have a man of such smashing success in this area, in a field which has the attention of literally millions of our young men and of our older men, for that matter, and of all our people.

Mr. President, I simply conclude by wishing fervently—as I am sure all Members of the Senate do—that Vince Lombardi, struggling for life, as I have said, at Georgetown Hospital, will recover and once again give to professional football and to America the great spirit and great example he has demonstrated.

I yield the floor.

Mr. PERCY. Mr. President, I am pleased today to have the honor of paying tribute to a man whose contribution to the betterment of our society stretches far beyond his brilliant playing and coaching career in college and professional football.

Vince Lombardi is the man I am speaking of today. He has inspired athletes to realize their full potential; he has taught fans and players alike the personal satisfaction realized when a complete effort is given; he has served as an example, not only to our youth but to every person whose life he has touched, of what it means to be a man in the truest sense of the word.

Many have felt the positive influence of Vince Lombardi and certainly all have benefited from it. His life continues to serve as a reminder to all of us that hard work, strict discipline, and complete dedication mold championship character. I can think of no more appropriate words to sum up the life of Vince Lombardi than those echoed by Tennyson in Ulysses when he said: "To strive, to seek, to find, and not to yield." Certainly, Vince Lombardi's life has been patterned after this meaningful thought by Tennyson.

Mr. NELSON. Mr. President, I would like to pay tribute to a friend, Coach Vince Lombardi.

Coach Lombardi came to my State 11 years ago. With him he brought a code of undeviating excellence and a personal determination that did not know the meaning of defeat. In a few years, the Green Bay Packers had become the standard of performance in American football and the inspiration to a generation of athletes.

Much has been said about the victories he won for Green Bay and more recently, for Washington. The record stands for itself and needs no further comment. What is singular about the victories, though, is the iron will behind them—that behind the fanfare is a man who could inspire other men to be great.

No coach, no leader can simply command people to be champions. First, he

must have the soul and the heart of a champion himself. Vince Lombardi led his teams with a tight rein. But what made his teams winners was the respect, admiration, and devotion that made them follow him.

Now Coach Lombardi has been temporarily felled by an adversary that knows no rules of sportsmanship. He is fighting back, after two serious operations, with all the resources of his great heart and his rugged, indomitable will.

I think I can speak for Wisconsin and for all of America in wishing him a quick victory in this contest and a quick return to the playing field. Our prayers and our hopes are with him as he struggles in his lonely battle. Good luck, Coach.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. At this time, and in accordance with the previous order, the distinguished Senator from California (Mr. MURPHY) is recognized for not to exceed 30 minutes.

C–5A SIGNIFICANT TO SECURITY

Mr. MURPHY. Mr. President, I rise today to speak with regard to an amendment which will be offered by the distinguished Senator from Wisconsin; and because I may not be present when it is offered, I would like to speak to it.

I once again find myself in the position of complimenting the distinguished Senator from Wisconsin (Mr. PROXMIRE) on his dedication to economy in Government. I share his zeal for economy and am pleased to work along side him in his endeavors whenever I can. Unfortunately, there are times when I find that I must disagree with his suggested programs. This is not too often, but the amendment which he will offer, No. 680, is one of those cases.

It is, therefore, with regret that I must urge Senators to oppose the amendment which will be offered by the Senator from Wisconsin, which would delete the $200 million contingency funds from the authorization of the Committee on Armed Services, which it has included and recommended in its report for the C–5A transport aircraft.

Much as I dislike to disagree with this amendment, I am convinced that it is necessary to do so, and before I turn to the C–5A specifically, I feel that some rather general background on this year's authorization would be appropriate and possibly necessary. The distinguished and dedicated chairman of the Committee on Armed Services—of which I am proud to be a member—the Senator from Mississippi (Mr. STENNIS), recently reported some interesting statistics worthy of reiteration.

Contrary to some of the figures of questionable accuracy which I have heard quoted in this Chamber, total appropriations for Defense will be only about 36 percent of the total Federal budget for fiscal year 1971. The lowest portion, I might add, since 1950. In addition to this, on an overall basis, the committee reduced the administration's $20.3 billion Defense authorization request by $1.3 billion, an unprecedented amount. On a dollar basis, the authorization before us is the lowest since fiscal year 1961—10 years ago. It is factual, then, that Defense spending is decreasing instead of skyrocketing, as some would have us believe. Furthermore, it is most important for Senators to realize and acknowledge that this bill provides—and I quote Chairman STENNIS—"the lowest possible dollar level consistent with the necessity for providing the weapons for our national survival." Chairman STENNIS is well known to choose his words carefully, and I cannot overstress that he has said our national survival depends on passage without further reduction.

As examples of the figures contained in this bill, it has been shown that the Air Force is buying fewer aircraft than at any time since 1935, 6 years before World War II, and it should be well remembered that this nearly did cost us our national survival. As I think back to those days, in reacting to people who said that we did not need armament, it nearly cost the freedom of the entire world, because this was during the period when the Nazis were building up their armaments with a plan to conquer all of Europe, possibly just for a beginning, and we, at the same time, had let our weapons systems fall into disarray because we felt that we would be protected by the Versailles Treaty.

The Navy is, also, buying fewer aircraft this year than at any time since 1946 when we were once again bent on disarming. That, Senators will recall, was just 4 years before the unfortunate situation in Korea which made it necessary, once again, to go to war.

Therefore, without burdening Senators with statistics, suffice it to say that the Armed Services Committee has reduced the administration's request by 6.7 percent to a total of $19.2 billion—to what we consider the bare necessity. In other words, Mr. President, if one really wants to know where the taxpayers dollars are doing, I can furnish that information. Total Government spending has increased 62 percent since fiscal year 1964, and of that total, 90 percent has gone to nondefense Federal agencies. There is one more figure that is significant, and again I quote Chairman Stennis:

> The pay of personnel—
>
> These are paychecks for jobs—
>
> and personnel related expenses now account for 60 percent of defense spending.

In other words, every time we cut $1 of defense spending, we cut approximately 60 percent—60 cents—from the payroll and dollars available for some individual's paycheck. I may be more sensitive to this than other Senators, because at the present time the cuts in the defense spending are being felt in my State probably more severely than in any other. Thus, I hope Senators can see the portion of the DOD budget we are discussing in its real perspective and in its proper context.

When the problem of the C–5A came up last year, I addressed myself to the matter; and I beg the forebearance of Senators if, at the risk of appearing immodest, I repeat what I said at that time.

We all regret cost overruns on this plane. Had we been able to deal on a fair or more clearly understood basis with the Department of Defense over the past 8 years, this might never have happened.

I am acquainted with Lockheed's officials, with many of their employees and with their union officials. I am more than normally aware of their many fine projects of the past. I can recall, back in the old days, when they came up with something called the P–38, when it was badly needed; then the U–2, which was highly publicized—and is still performing a great service lately, according to the press, to give us information which is badly needed about what is actually taking place in the Middle East; and later on the Polaris and Poseidon missiles, and the P–3 antisubmarine airplane, the Agena space vehicles, the fabulous SR–71, the world's fastest and highest flying aircraft, in the long and honorable history of this fine company. This company enjoys an outstanding performance record and deserves respect for its integrity throughout the Government and throughout the aircraft industry over many years. I know something about Lockheed and its reputation for integrity, both as to its people and its product. I was more than normally skeptical about the things being said about Lockheed and its product, the C–5A, things which by implication and innuendo seemed to allege or to create the impression that there was some sort of mischief or dishonesty afoot, that there was at least bad performance, that someone was trying to deceive the Government and the people of the United States, and that there had been sly activities going on.

Fortunately, my committee membership gave me access to information that would provide the complete and balanced in-depth story. I was able, I think, to put together all the pieces, at long last, and get a fairly true, dependable and factual picture of what had happened and what was going on.

Therefore, I must point out, first, that the C–5A contracts, which seem to be the cause of some of the trouble, were let during the McNamara years by the men who conceived the so-called "total package procurement technique," which has, so far, proved to work hardship upon both manufacturers and taxpayers, to say nothing of Members of Congress who took some time to discover and finally, at long last, to understand what the "total package procurement technique" involved.

I might add at this point that they did a good job confusing many of us. The matter of overruns in the contracts should not come as a surprise to Congress this year at this time. There have been warnings as evidence in past years that this was happening and, certainly, I was suspicious of it as far back as 4 years ago. That has passed. That is behind us. We should learn from these unfortunate lessons. But now we have the question of the C–5A, this badly needed aircraft, and what to do about it at the present time.

I do not want to take up the time of the Senate reciting statistics concerning C–5A performance. Suffice it to say that

the C–5A performance is excellent. This, I am sure, is well known to all my colleagues.

It was designed to satisfy the requirement rapidly to deploy fully equipped Army troops anywhere in the world, without the need for intermediate servicing stops, or without the need for sophisticated airport facilities when they arrived at their destination. We can carry an army, fully equipped and ready for operation, with great speed to any place in the world. This was a new concept in military tactics. The C–5A represents a major step forward in improving our capability for global military deployment in support of our national interests, while reducing our dependence on overseas bases. It insures that Army units being deployed will be accompanied by all their heavy equipment and will arrive in minimum time as a fully effective force, ready to go into operation immediately.

Since I spoke on this last year, we have had some concrete proof of capabilities of the C–5A.

The Associated Press reported from Charleston, S.C. on July 14, 1970:

> The giant C–5A military transport plane was given unqualified approval by Air Force personnel today after its first operational flight. "The trip was a most remarkable success," said Col. Harry Spillers, Commander of the Joint Task Force for operational testing of the C–5A.
>
> His comments came at a news conference following the return of the aircraft from a 10-day, 21,000-mile trip from Charleston Air Force Base to the South Pacific. Spillers said that craft took 83,000 pounds—83,000 pounds in one aircraft, Mr. President—of supplies to Vietnam and returned with 100,000 pounds of cargo from Japan. He said 41 C–147 cargo ships would have been needed to carry that load.

Mr. President, this is an amazing aircraft. I have seen it. I have been through it. I have studied it. It is unbelievable. It can carry five Greyhound buses, fully loaded, at one time. It can carry 1,000 troops fully equipped. There has never been an aircraft like it constructed. So, there is really nothing to which to compare it. Therein may lie some of the problems that have evolved from its construction.

Now, insofar as the return of our troops to American soil is concerned—and that is, of course, of great concern to all of us, I am sure we are all for that—I am among those who support the "remote presence" concept so ably articulated and nurtured by the distinguished Senator from Missouri, my friend, STUART SYMINGTON. The Senator has explained, through the use of systems such as the C–5A, that we can bring hundreds of thousands of boys home and keep them home and, yet, we can honor our treaties and our commitments from the United States and maintain our credibility through the ability to redeploy troops and heavy materiel via this massive airlift, to which, I might add, the C–5A is not only essential but is the key instrument.

The remote presence that the Senator from Missouri (Mr. SYMINGTON) has told us about should save us as much as $2 billion a year in maintaining our Military Establishment. In order to do this, though, we agreed that this massive airlift capability was necessary and, therefore, the Air Force was directed to put their best men on the problem. It was decided that 200 aircraft of the C–5A type would be the proper optimum number. However, the Department of Defense directed that we should construct 120, which would be enough to equip six squadrons. This was then reviewed, and 120 aircraft was the number decided upon by the best planners and, I might say, there was enthusiastic support for it here in Congress. In fact, Senators will remember that the first plan for 200 aircraft was greeted with what might be called exuberance in the Senate. It was an entirely new approach to maintaining our military capability. But today we are trying to provide for the continued production of the C–5A under the agreement, and at least 81 planes are needed.

Now, remembering that the Joint Chiefs of Staff still feel we need 120 aircraft, budgetary restraints have limited us to 81—a lesser number—in the opinion of this Senator, the bare minimum.

Now, the removal of the $200 million contingency fund, as proposed by the Senator from Wisconsin in his amendment, would stop production at the end of this calendar year, with only about 30 airplanes finished. It would force the Secretary of Defense thereby to retain thousands of American boys on foreign soil. I am certain that the Senator from Wisconsin and the Senator from California would not prefer that.

Our best qualified experts honestly believe, and I do and many other members of the committee do, also, that at least 120 C–5A aircraft are necessary both for our own security and to provide for a remote presence, especially in view of our military commitments around the world, a subject to which the Senator from Missouri (Mr. SYMINGTON) addressed himself in this Chamber on July 27.

But once again, the administration and the Congress of necessity are operating under very stringent budgetary restraints. We are still trying to arrest and stop inflation. The Committee of the Armed Services has agreed that we are in a time when such austerity is badly needed.

Mr. President, at the present time if the $200 million contingency fund is deleted from the appropriations bill, the Lockheed Aircraft Corp. will only have a financial capability of manufacturing 31 aircraft—certainly not nearly enough. This is obviously not enough, and the cost under these conditions would be prohibitive. If we had only 31 aircraft and spread the research and development costs, it would amount to $125 million for each aircraft.

With the $200 million contingency fund, the company would be able to continue manufacturing 81 of these aircraft, which all agree is a bare necessity in this new type airlift capability. This would cut the unit cost from $120 million to $56 million.

I would point out that if we went to the original number of 120 aircraft, the cost would again go down to $28 million.

If we were to revert to the original plan as conceived by the Joint Chiefs of Staff and the Department of Defense experts, of 200 aircraft, the cost would be reduced to $19 million.

Mr. President, I address myself to the $200 million discussed in the amendment. There has been a great deal of confusion as to what this $200 million in so-called contingency funds would actually do. It has been said that this would, somehow, accrue to the Lockheed Aircraft Corp. and the General Electric Co. profits. This is not so.

To the contrary, it would only keep the C–5A's coming off the production line and, the reverse of what has been said, would actually guarantee to Lockheed the continuance of its performance in what would seem to be an operating loss. Yet, it would guarantee to the American people and to the Military Establishment the aircraft we so badly need for this new military concept and for our national security.

Our colleague, the distinguished Senator from Pennsylvania (Mr. SCHWEIKER), has filed an individual report on this issue, and I believe he is misinformed or mistaken in some of his comments in that report which reads in part as follows:

> Congress can no longer allow itself to be lured by defense contractors into approving systems at low prices, and the taxpayers can no longer afford to pick up the tab for cost overruns.

This indicates that there is some sort of a malicious plan. I am sure in this particular case—and I have examined it carefully—that this was not the case.

I continue to quote from the minority report of the Senator from Pennsylvania:

> Deletion of the $200 million item, and official congressional approval of Lockheed's and the Defense Department's request for this new kind of government subsidy can set the proper tone for military procurement policy for some time to come. The "buy-in" and government "bail out" that has occurred with the C–5A is perhaps the most glaring example of the inadequacy of our military procurement system.

He continues:

> There are many other contracts with similar drawbacks. Holding the line at this time can have a healthy influence on all other existing contracts and serve as a deterrent against unrealistically low bids on all future contracts.

One sometimes gets the feeling that the wording of the contract is the important consideration.

I submit that this is not the case. The important consideration is the need of the military and the capability of providing for its needs at the lowest possible and practical available price.

I would point out with respect to this particular contract that it was a new venture. There was nothing to compare it to. There is no way of really knowing whether the management was at fault or whether it was a question of the times and the circumstances.

I happen to know that a good deal of question was brought about because of the particular timing of the contract. It came at a time when many of the contractors and subcontractors who would be necessary to carry out the contract were unavailable. They were busy on another commercial aircraft—and a good one, too, the 707 as well as the 747.

Mr. President, I must disagree with my friend, the Senator from Pennsylvania. This $200 million contingency fund is in no way a subsidy. It is merely money that the Department of the Air Force under the auspices of its best and most capable men and the Department of Defense under the auspices of Deputy Secretary Packard will provide to cover only the actual costs of production on one type of aircraft, and in no way will it subsidize any Lockheed program, be it Government or commercial. It certainly does not bail out anyone but the American taxpayer. It will insure a national security. The American taxpayers will lose billions of dollars and great safety if this program is stopped at this particular point.

This brings up another area in the broad view of this entire matter that I think is of great importance and must not be given just cursory attention.

Lockheed Aircraft and the Air Force are currently contenders in a legal dispute of sizable proportion. There is a disagreement about the terms of the contract as drawn by the lawyers. The amount in disagreement involves funds between $500 million and $600 million.

For the purposes of this discussion, my research indicates that the figure $567 million seems to be reasonably close to the amount upon which the contenders agree that they disagree legally. Lockheed claims that this money is properly owed to the company under this contract. The Air Force questions the claim, and the case is in adjudication now.

Should Lockheed be the eventual winner in this dispute by way of a decision from the General Accounting Office or in the courts as a result of litigation, that would very simply mean we could be required to appropriate the full amount since that would be what the Government owes Lockheed according to the contract; in other words, an additional $567 million. Furthermore, by its own timetable the Department of Defense must reach a settlement before next year's appropriation bill comes to the floor. The Department of Defense just does not wish to have this accomplished in the stipulated time. It is so required by its commitment. It must be accomplished.

Suppose Lockheed is right and the $567 million is paid. What happens with the $200 million contingency fund then? Why we would just deduct it from the amount owed. It is a contingency fund pure and simple; not a bail-out. It is merely a contingency fund for the purpose of continuing production, if that is necessary.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MURPHY. Mr. President, I ask unanimous consent that I may proceed for such time as may be necessary to conclude my remarks and I estimate that to be in the neighborhood of 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURPHY. On the other hand, I must agree with the Senator from Pennsylvania when he refers to the inadequacies of our military procurement system. Surely the examples of the TFX, and I have a list of some 28 others, are clear examples that something must be done. The most important thing we should recognize is the inadequacy which is part and parcel of something called "Total Package Procurement," invented by former Secretary of Defense Robert McNamara. It has taken, as I stated earlier, literally years for Congress to figure out what "Total Package Procurement" is; and now that we understand it we have situations like the TFX and the C–5A on our hands and some of us do not like it and some of us feel there should be a better way. In this I agree with the Senator from Pennsylvania and the Senator from Wisconsin.

On the question of overruns some persons have thrown up their hands in mock horror. They express shock and surprise. Who is surprised? We have known for at least 3 years we would have overruns in the C–5A and on literally hundreds of other contracts let since 1960.

Furthermore, Congress was advised in advance by the Department of Defense. We have had full disclosure at all times through our appropriate committees.

The plight of Lockheed, of the Air Force, of Congress, and the people, who are the most important of all in this controversy, is the result of this unfortunate "Total Package Procurement."

I intend to go into this subject specifically at another time. I have learned some very interesting things about it.

Let us recognize, however, that Lockheed did not "buy in," and I am not suggesting we "bail out" Lockheed. We are just trying to keep this vital program on the production line and get the aircraft we need at the best possible price under existing conditions.

I hope my colleagues will be aware of something additional at this point which seems to have been overlooked, or perhaps has not been brought forward. All of the manufactured materials for all 81 aircraft provided in this bill, four squadrons, has been delivered and is now in the hands of the contractors. This is important because we are not buying scrap aluminum, bolts, nuts, transistors, or just hardware. We are buying a completion of the manufacture of this aircraft which we need.

As to the airplane itself, it has growing pains similar to those of any aircraft. But as noted in the Bisplinghoff report, it is a good airplane that will do the job. I do not think anyone will disagree on this, especially if Senators have taken the time to read the report.

What is the point of this amendment? It seems there are those who would seize on this opportunity to downgrade our defenses, not believing Congress has been told the entire truth. I believe we heard the truth, certainly from Secretary Packard, himself, in his testimony before the Committee on Armed Services.

Mr. Packard told us he had established a Department of Defense team which had visited Burbank to search into depth into the company's financial burden. That team, working with Lockheed management, detailed for us Lockheed's sales potential, their cash receipts and disbursements, their work-in-process inventory positions, capital investments in machinery and structures, depreciation cash flow, and tax liabilities.

This is what is generally called a cash-flow analysis, and from such an analysis it can be determined whether the company will have the resources which are necessary to finance the work it has undertaken during the period for which the cash-flow analysis is made. It is possible to make a rather accurate cash-flow analysis for the short term because this involves work covered by contracts which are on hand, and the costs which are to be incurred during the short term are reasonably well known.

From such an analysis, it has been determined that the company has resources available to pay the costs of the work it will be doing through calendar year 1970.

There have been several suggestions put forward by many interested in this and other programs as to how to save Lockheed and it is germain to this discussion in the sense that we acknowledge that buy-ins and bail-outs are not a factor. Possible mergers have been considered, but this takes time plus the approval of the Department of Justice and, further, how many merger partners can there be for a multibillion dollar per year corporation, such as Lockheed?

Receivership has been suggested. Again, it takes a long time to establish such an arrangement. And what would be accomplished?

Broad, long, and deep lines of bank credit may be another answer, but it takes a group of the largest of banks to make such arrangements and, again, a long time to set it up. Thus, we are still left with the questions of what to do about the $200 million. We must buy this fine aircraft at the lowest possible price.

So to summarize some of these things we learned from Secretary Packard, and this Senator agrees, we must have the C–5A regardless of whom or what is at fault in this financial problem. The plant must be kept going. Production must continue. The Government, under the pending bill, is protected. This is a good airplane and will serve its purpose. It is being built under the wrong kind of contract which may be all right for trucks, or shoes or jeeps, but not acceptable for an entirely new weapons system. Lockheed will continue to operate at a loss under the bill and no funds will accrue to the profit of the company of the $200 million.

These funds do not "bail out" anyone but the American citizens, who need this particular aircraft.

There is a possibility that the GAO and the courts will rule in favor of Lockheed in its claim for several hundred million dollars against the Air Force, and should they do so, this debate becomes academic.

Let me point out what that means. Since the contract between the Air Force and the Lockheed Aircraft Corp. is in contest and if, because of the denial of the $200 million contingency funds, Lockheed would be forced to stop production. It would be completely probable that Lockheed would institute a damage suit against the Air Force for an amount of money which Lockheed feels is owed under the contract plus damages which would most certainly result in the event that the company were forced to stop production.

I feel quite certain that this amount of money would far exceed the $200

million discussed in the amendment plus the approximately $350 million which Lockheed claims is owed under the contract plus damages and would, therefore, present the worst possible financial situation for the American taxpayer. We would have received 31 aircraft at an unbelievable price, not to mention the fact that our future national security would have been greatly damaged by this entire unfortunate suggestion. And we would have to pay a tremendous damage claim should Lockheed win the case in the courts.

So, to summarize some of the things we learned: We must have the C–5A. We must have it at the lowest possible price.

As Secretary Packard put it:

> We must seek ways to assure its continued production and at the same time protect the Government's and the taxpayers' interest. We already have a large investment, over $2 billion, in the program to date, largely development and early production costs. If the program is cancelled now, we would have about 20 to 30 planes for the money. To abandon the production now would appear illogical in light of the incremental future cost to achieve the needed 81 airplanes.

Abandonment of the program now, in other words, would be stupid financial management on our part, and is unthinkable, and I believe Senators understand this. This Senator can go even further than that. 30 C–5's will be finished and delivered by the end of the year. But, what is not generally realized is that the remaining 51 C–5's are, in fact, in a partial state of completion—all 51 of them. The costs have largely already been incurred on these 51. In fact, the 31st C–5A is presently 98 percent complete. But even more importantly, the 81st C–5A is 50 percent complete on a costs incurred basis.

With these facts in mind, knowing 200 aircraft were originally planned, 120 absolutely needed, 81 underway on a really less than acceptable austerity basis, then to stop at 30, as this amendment would force us to do, to anyone who has studied both sides of the matter, is financial folly, unwise, and beyond any comprehension.

So, we must recognize that the question we face is one of choosing between prudent continuation of a vital program under sound guidance or throwing taxpayers dollars away needlessly by deleting the $200 million contingency fund, and getting only 31 aircraft which may cost us far more than even my records have indicated.

Mr. President, we need the C–5A, and we need it as quickly as we can get it. The only way to get it is to continue its manufacture at the present time and let it go on uninterrupted. The only way to avoid stopping production at this time is to provide the $200 million contingency fund, which is purely a contingency fund to be used only for that purpose, to keep the production of the aircraft going.

I thank the Chair and yield the floor.

MESSAGE FROM THE HOUSE— ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills, and they were signed by the Acting President pro tempore (Mr. ALLEN):

S. 3547. An act to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colo., and for other purposes.

H.R. 5655. An act for the relief of Low Yin (also known as Low Ying);

H.R. 12400. An act for the relief of Tae Pung Hills;

H.R. 12446. An act to confer U.S. citizenship posthumously upon Jose Gauldalupe Esparza-Montoya;

H.R. 13265. An act to confer U.S. citizenship posthumously upon L. Cpl. Frank E. Krea;

H.R. 13895. An act for the relief of Mrs. Maria Elosia Pardo Hall;

H.R. 13971. An act granting the consent of Congress to the Falls of the Ohio Interstate Park Compact; and

H.R. 13997. An act to confer U.S. citizenship posthumously upon S. Sgt. Ryuzo Somma.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to previous order, the Senator from Kansas (Mr. DOLE) is recognized for 15 minutes.

THE SENATE AND THE ABM

Mr. DOLE. Mr. President, first of all, I wish to concur with my colleague from Kansas, Senator PEARSON, who stated last Wednesday:

> President Nixon, Ambassador Smith, and the other U.S. negotiators assert, in the strongest terms, that congressional approval of the committee proposal is needed and is, in fact, essential; and that such congressional action offers the greatest chance for success of the SALT talks. It is against that assertion by the highest authority that I judge the path of my responsibility to be a resolution of whatever doubts I have in their behalf and to act in support of their position.

My senior colleague was addressing himself to the controversial ABM.

Mr. President, it is true that the Congress is a branch of the Government equal to the executive, but it is also true that the executive, because of its unique nature, is often in a better position to garner all the information needed to make a correct decision.

In general, we recognize that fact here in the Congress, and so long as we can have trust and confidence in the Chief Executive, we are prone to accede to his wishes in those areas where he has the greater expertise or is charged under the Constitution with the greater responsibility.

NO CREDIBILITY GAP

Certainly, today there is no reason for any Member of the Congress not to trust the President. There is no credibility gap.

The President is unwinding the war and bringing American soldiers home in accordance with what he has told the American people he would do.

The President brought American troops out of Cambodia on schedule.

The President has initiated a cease-fire in the Middle East.

He has abided by his principles in matters both foreign and domestic, and he has kept his word with the American people.

Mr. President, there are some who would substitute their judgment for that of the President even though it is doubtful that they have the knowledge the President has on which to reach a superior judgment.

All of those with differing views perhaps are of the best intentions, though a few, for reasons unknown to me, appear to seek what amounts to surrender in Southeast Asia.

Some efforts of ABM opponents are, in my opinion, detrimental to the defense of the United States and could cause a needless expenditure of Federal funds.

A prime consideration is the credibility of this administration. It is the Nixon credibility that is making possible real progress toward peace.

That progress is best illustrated by the most recent news stories to the effect that the United States has offered to give up its ABM deterrent entirely if the U.S.S.R. will do the same thing and will limit its numbers of offensive weapons.

This offer was made at the strategic arms limitation talks and was given in background form to the press. I am pleased, as all Senators are, at the general note of optimism that prevails today.

However, I am convinced we would not have a reason for optimism if three things had not happened. First, and perhaps most important, is the reinstillment throughout the world of a belief in the credibility of the President of the United States. Not only Americans, but world leaders everywhere know now that the President means what he says. They know he is not a tiger. They know he is determined that the United States remain strong enough both to defend itself and to live up to its commitments throughout the world.

Second, is the fact that the Senate—narrowly, you will recall—voted last year to approve the first two ABM sites.

Third, is the fact that the President has asked this year for enlargement of the program. If nothing else, this has given the U.S.S.R. the word that the President of the United States will take whatever political risks necessary to defend this Nation and its credibility as a deterrent to aggression.

In light of this, it is most difficult to understand how anyone can doubt that the ABM is a bargaining chip of the greatest importance.

BROOKE AMENDMENT

Let me now address myself to the amendment proposed by the junior Senator from Massachusetts (Mr. BROOKE).

That amendment, as proposed, says that:

> Funds authorized pursuant to this act for the procurement of antiballistic missile defenses may be used only for defense of strategic forces deployed at Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

The words of this proposed amendment, Mr. President, seem simple and clear. But it is difficult to determine their intent. Does, for instance, the Senator seek to add one more Safeguard site, but at Grand Forks or Malmstrom instead of at the proposed new base at Whiteman?

Does he seek to provide a Minuteman defense capability at Grand Forks and

Malmstrom equal to that the modified phase II defense would supply?

Does he seek reduction in the protection that can be provided for our strategic bomber force?

PURPOSE?

In other words, Mr. President, we have yet to learn the purpose behind the Brooke amendment. It obviously does not call for less money, only for less defense at the same price.

Does this make sense to those who seek a vast reordering of our priorities?

Certainly it does not make sense to those of us who have no intention of reordering our defense priority out of existence.

Nor does it make sense to those of us who wish to spend our defense money wisely.

Nor does it make sense to those of us who wish to provide the President with the best hand possible at the vital SALT talks.

I believe, Mr. President, it makes sense only to those who seek to reduce the effectiveness of America's defenses.

Because, in all candor, that is all the Brooke amendment will do. It will give us less defense at the same price. Mr. President, I believe we need more, not less, defense, but if we are to settle for less defense—and the devil take the consequences—then we should also cut back on the amount of funds to be spent.

The Brooke amendment does not do this.

Mr. President, I believe the Brooke amendment is ill-considered and illogical, from every standpoint that is in the best interests of our Nation's defense and our Nation's chances to reach agreement on limiting strategic arms.

I will vote against it, and urge other Members of the Senate to vote against it also.

Finally, Mr. President, I have a fact sheet that analyzes the possible effects of the Brooke amendment which I ask unanimous consent to have printed in the RECORD at this point.

There being no objection, the fact sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET

Subject: A Comparison of the Modified Phase 2 Defense of Minuteman With the Possible Effects of the Brooke Amendment.

FACTS

1. If, like Modified Phase 2, the intent of the Brooke amendment is to add one more Safeguard site, but at Grand Forks or Malmstrom instead of Whiteman then the impact on schedule, cost and effectiveness is as follows:

a. The operational availability of the third site would be delayed by about 12 months. This is because no analysis or survey work has been done for a second Safeguard site at either Grand Forks or Malmstrom. In contrast, significant analysis has been conducted of the Whiteman site under the old Sentinel program.

b. For a program cost approximately equal to that of Modified Phase 2, a third site at either Grand Forks or Malmstrom would result in reduced capability to defend Minuteman. This is due to two factors. First, because of the shape of the Minuteman fields the number of Minuteman silos that could be protected by a third site at Grand Forks or Malmstrom would be about 70 percent of the number protected by a site at Whiteman. Second, for an equal cost program, fewer interceptors could be deployed with the third site at Grand Forks or Malmstrom. This further reduction resulting in only about 35 percent of the interceptors at the Whiteman site is caused by the necessity to compensate for the program stretchout costs resulting from the delayed availability of a third site at Grand Forks or Malmstrom.

2. If, alternatively, the intent of the Brooke amendment is to provide a capability to defend Minuteman equal to that of the Modified Phase 2 defense of Minuteman (the two Phase 1 sites and Whiteman) then the impact on cost and schedule would be as follows:

a. Instead of three Safeguard sites, four sites would be required if deployment is constrained to Grand Forks and Malmstrom. The increased equipment requirements and the program stretchout would result in an increased program cost of $0.5B to $0.7B to provide equal capability. The fourth site is necessary to provide a sufficient number of Sprint protected Minuteman silos.

b. This four site defense will not be available until 15 or more months after the Whiteman site can be available.

3. Another consideration of restricting the Safeguard deployment to only Grand Forks and Malmstrom is the reduction in the protection that can be provided for our strategic bomber force. The Modified Phase 2 defense of Minuteman also can provide protection to fifteen to twenty percent of the strategic bomber force bases. A defense of Minuteman constrained to Grand Forks and Malmstrom would, in constraint, protect about five percent of the strategic bomber bases.

4. In summary the results of the Brooke amendment are:

a. to provide reduced Minuteman defense capability for equal cost or to provide equal Minuteman defense capability at increased cost.

b. to provide less protection of the strategic bomber bases.

Mr. DOLE. Mr. President, an editorial published in yesterday's Washington Evening Star entitled "Safeguarding SALT" touches on the so-called Brooke amendment. The editorial in part states:

The Brooke amendment strikes us as even more nonsensical than Cooper-Hart, lacking as it does the minimal virtue of saving money while gambling with the nation's security. The Massachusetts senator's proposal would provide the full $1.3 billion requested by the administration for Safeguard, but would limit its expenditure to the existing ABM sites in Montana and North Dakota.

Mr. President, I ask unanimous consent that the complete editorial be printed in the RECORD at this point.

There being no objection, the editorial ordered to be printed in the RECORD, as follows:

SAFEGUARDING SALT

The Senate did well when, by a 52–47 vote, it defeated the Cooper-Hart amendment, which would have pared $322 million from the $1.3 billion anti-ballistic missile authorization and blocked Safeguard's deployment to two new sites.

We are all for an end—or at least a limitation—to the international arms race. But that has to be achieved jointly through negotiations with the Russians at the strategic arms limitation talks (SALT) in Vienna and Helsinki; it cannot with a reasonable respect for the nation's security be brought about through unilateral disarmament on the Senate floor.

While a 52–47 vote is hardly a convincing demonstration of national unity and resolve, it is an improvement over the 50–50 vote by which last year's amendment to scuttle Safeguard failed. And it may be enough to convince the Russians, when the talks reconvene in Helsinki this fall, that they need to negotiate seriously to reach an agreement.

The Safeguard system, which is designed to protect Minuteman missiles in their underground silos from a first strike by the 300 giant SS–9 missiles which the Russians have deployed or have under construction, is not yet out of the woods. This week, yet another anti-ABM amendment, this one sponsored by Senator Brooke, will come up for a vote in the Senate.

The Brooke amendment strikes us as even more nonsensical than Cooper-Hart, lacking as it does the minimal virtue of saving money while gambling with the nation's security. The Massachusetts senator's proposal would provide the full $1.3 billion requested by the administration for Safeguard, but would limit its expenditure to the existing ABM sites in Montana and North Dakota.

By blocking the expansion of the system to Missouri and Wyoming, the nation would, in essence, be paying the same amount of money for a lesser degree of security, while at the same time depriving our SALT negotiators of an important bargaining point.

When the Russians agree to a mutual and verifiable limitation on strategic arms, it will be time to reduce expenditures on the missiles which are our best guarantee of national survival. That time is not yet. The Brooke amendment, like Cooper-Hart, should be defeated.

Mr. DOLE. Mr. President, also in yesterday's Evening Star there appeared a particularly interesting letter to the editor, written by Max P. Friedman, of Arlington, Va., with reference to the "Bloodbath Potential in Vietnam."

We shall be discussing the bloodbath potential in Vietnam as we get into the amendment to end the war or, as I prefer to call it, the amendment to lose the peace—or perhaps the amendment to extend the war, because the sponsors may now add 6 more months to the amendment.

I understand that one of the crucial issues will be whether or not there will be a bloodbath in South Vietnam if there should be a precipitate withdrawal. The facts indicate that that is very likely. The sponsors of the amendment would offer asylum to refugees at some place in this country yet to be designated—perhaps South Dakota, perhaps Oregon, perhaps Kansas; I have yet to learn where the asylum would be.

I ask unanimous consent to have printed in the RECORD the letter to the editor written by Max P. Friedman and published in yesterday's Washington Evening Star.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

BLOODBATH POTENTIAL IN VIETNAM

ARLINGTON, VA.

SIR: In a recent column, Clayton Fritchey challenged the Nixon administration on its predictions of a massive bloodbath if the United States precipitously withdrew from South Vietnam ("Nixon Figures on North Viet Purge Challenged"). Mr. Fritchey then went on to make the following statement about President Nixon and the Rand report on probable killings if the Communists took over the South (Hosmer report): "They both inflicted wild and unsupported guesses on an unsuspecting public." If this ridiculous claim is true, then every respectable and noted authority on Vietnam is guilty of the same thing because they all back the "bloodbath theory" of the 1954 "political purge" which Mr. Fritchey, on his own authority, states never happened.

Let's look at facts, not dreams. Ho Chi

Minh, in his "Letters to the Peasants and Cadres on the Successful Completion of Land Reform in the North (August 18, 1956)," told of how his Communist reformers committed errors and wrongly convicted (executed) party members, cadres, and others. Defense Minister Vo Nguyen Giap (Nhan Dan, Oct., 1956) said: "We executed too many honest people . . . seeing enemies everywhere, resorted to terror which became far too widespread. . . . Worse still, torture came to be regarded as a normal practice during party reorganization."

The following Vietnam authorities have written about the Communist purges in the North from 1954–56, giving the death toll a conservative low of 50,000 to a possible high of 500,000: Douglas Pike, "The Viet Cong Strategy of Terror," 1970; Bernard Fall, "Le Viet Minh"; Joseph Buttinger, "Vietnam: A Dragon Embattled"; Lucien Bodard, "The Quicksand War"; George K. Tanham, "Communist Revolutionaary Warfare: The Viet Minh in Indochina"; (especially pertaining to the land reform program) Harvey Smith et al, "Area Handbook for North Vietnam"; Hoang Van Chi (a Communist official in Ho's government who escaped in 1955) "From Colonialism to Communism"; Donald Lancaster, "The Emancipation of French Indo-China"; Dennis Duncanson, "Government and Revolution in Viet-Nam"; Bernard Fall, "The Two Vietnams," "Vietnam Witness," and "The Vietminh Regime"; J. Mallin, "Terror in Vietnam"; Chester A. Bain, "Vietnam: The Roots of Conflict"; and George A. Carver, Jr., "The Faceless Viet Cong," (Foreign Affairs, April, 1966). Columnist Jack Anderson who wrote two excellent articles on the subject of Communist terror in Vietnam, "Hanoi's Purges Curb U.S. Concessions" (Sept. 19, 1969) and "Hanoi, VC Kill Civilians Regularly" (Dec. 6, 1969).

Further confirmation of Hanoi's bloodbath potential was revealed by the statements of a North Vietnamese defector, Lt. Col. Le Xuyen Chuyen (Wash. Daily News, Nov. 25, 1969), who estimates that up to 5 million people might die if the Reds captured the South. Other defectors have mentioned the figure of 3 million possible deaths in the takeover and consolidation of power. Readers' Digest writer, John Hubbell, in his November, 1968 article entitled "The Blood-Red Hands of Ho Chi Minh," (besides giving the estimated deaths for the North Vietnam purges of from 50,000 to 100,000, slightly lower than Bernard Fall's estimates) told how Ho Chi Minh crushed, in bloody style, a revolt (one of many) in his own home province of Nghe An and home village of Nam Dam. Here about 6,000 unarmed civilians were killed, about equal to the number killed in a systematic manner in Hue, February, 1968 by the North Vietnamese-Viet Cong invaders.

So much for Mr. Fritchey's charge that both President Nixon and Stephen Hosmer (author of the Hosmer report) "inflicted wild and unsupported guesses on an unsuspecting public." The public is not so unsuspecting as one thinks, and obviously neither are the 15 other authorities or knowledgeable writers on Vietnam who are mentioned in this letter. It is Mr. Fritchey who is trying to put something over on the American public.

MAX P. FRIEDMAN.

Mr. DOLE. I also ask unanimous consent to have printed in the RECORD an article entitled "Nixon Moving Quietly Toward Disengagement," written by Richard Wilson, and published in the Washington Evening Star of Monday, August 17, 1970, which refers to disengagement not just in Southeast Asia, but around the world.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON MOVING QUIETLY TOWARD DISENGAGEMENT

(By Richard Wilson)

It is a year now since President Nixon flew around the world, stopping in Vietnam and Communist Europe, among other places. In that year, the shape of events has changed. The change has been in the direction indicated by the President a year ago, but something new may have been added.

This new thing is hard to define and largely speculative, but it would appear that the United States is in the first stages of what, in the next several years, may prove to be a large-scale disengagement from what once were considered its unavoidable world responsibilities.

That observation at once becomes suspect as an exaggeration. But at least it should be agreed that we are getting out of the fighting in Vietnam and not getting into a new fight anywhere else, including Israel.

That is not all. We are beginning to talk about getting out of South Korea and to think about getting out of Western Europe. Once this process begins, it takes on a velocity of its own as a kind of principle guiding separate actions, a subconscious sense of direction.

That is what has happened in the Nixon administration. And it is not, in practical effect, so much different from what Sen. Mike Mansfield and Sen. J. William Fulbright have been advocating in varying degrees all these years.

The element which threw them off was that in the process of disengagement Nixon does not propose to be badgered or have the United States taken advantage of.

Mansfield and Fulbright could not see Cambodia in that light; they saw it only as an extension of the war and as a reversal of the process of disengagement. Nixon viewed the Cambodia incursion as a modus operandi on the way to disengagement, and saw it as having the secondary effect of giving notice to the Soviet Union and other Communist nations that the United States would not permit itself to be taken advantage of while the process was under way.

The same conditions seem to apply in the matter of deploying anti-ballastic missiles. Nixon is not undertaking to do so on anywhere near the scale projected in the Johnson administration. But because he does so at all, the peace forces in the Senate are blinded to this further modification of previous policy.

Foreign and defense policies have in fact been modified drastically in the year since Nixon flew to Asia and around the world to spread the word of the Nixon Doctrine. It is only a little more than a year ago since he turned American policy around, beginning with the first announced withdrawals from Vietnam.

At this rate he will have completed the turn-around by the fall of 1972. It is at least conceivable that with luck in the Middle East, the United States then will not be engaged anywhere in the world in a direct military confrontation. It could happen that a week would pass without a single American combat death. And if it prayerfully does, the change will have come so slowly that it may be scarcely recognized as the end of direct American involvement in far-off wars.

Crises have a way of presenting themselves at the most inconvenient times, and this vision of the future may be marred by undesired events.

But it is at least moderately possible that in a relatively short period of time there will be no primary cause attributable to Washington for student disorder—the so-called national emergency which Chancellor Heard claims exists.

It is becoming more believable all the time that the military draft will be abolished in favor of a volunteer army. The sense of that comes through in recent congressional debate on other questions such as the women's rights amendment. Advocates contended that by the time the amendment could become operative, there no longer would be a military draft to which women would be subject.

It is even becoming more believable that reforms at the Pentagon may help to reduce military spending and that the Nixon administration will, in fact, reduce the Pentagon budget.

These are changes of considerable magnitude. Nixon's trip around the world signaled them in advance and there is no indication a year later that the signals have been changed.

Mr. DOLE. Mr. President, in preparation for what appears to be another extensive debate on the antiballistic missile system, the Senate again concerns itself with the extent to which our country should be made secure.

President Nixon, after carefully weighing all aspects of the ABM from national security to its effect on the arms limitation talks, has decided further development of it is in our best interests.

In a recent editorial entitled "Too Many Coaches," the Detroit News compares President Nixon and the "committee of 100" to a football coach and an alumni advisory group. I believe my colleagues will find this analogy pertinent to the forthcoming ABM discussions and therefore ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

SENATE JEOPARDIZES ABM GAME—TOO MANY COACHES

Imagine a football team in the big game of the year. And imagine the dilemma of the coach if, having drawn up a game plan based on expert analysis of the scouting reports, he were to get a new set of signals each quarter from a powerful but inexpert alumni committee sitting just behind him in the box seats.

If you can imagine that, you understand President Nixon's position vis-a-vis the United States Senate as he tries to conduct defense and foreign policy effectively and with some continuity of purpose.

The game can be lost if the President is repeatedly thwarted by Senate quarterbacks determined to call all the signals. As Kenneth Crawford observes in a column in Newsweek, "there is serious question about the competence of the Senate to sit as a committee of 100 to direct the nation's course in world affairs in times as dangerous as these."

The "committee of 100" is now prepared to grapple at length once more with the President over the diplomatically delicate and highly technical question of the Safeguard antiballistic missile system. One year ago, the issue apparently had been settled, after long and strenuous debate, in favor of the theory that defense is a good thing in this age of missiles and nuclear warheads.

Pursuing essentially the same logic that dictated the establishment of Safeguard, the administration now seeks to expand it. But the Senate foes of ABM remain as obdurate as before, which means that ABM must be justified all over again and that the logical expansion of the system could be defeated by the shifting and manipulating of one or two votes.

It's no way to run a ball game.

The last thing in the world President Nixon needs is another bruising battle over ABM but he has chosen to risk that battle because expert analysis of the scouting reports tells him that expansion of the system is in the best national interest.

We are willing to accept the judgment that Safeguard will make the nation more secure against enemy attack. If the administration errs in that judgment, at least it errs on the side of safety.

Moreover, it makes sense to proceed with Safeguard as an incentive for the Soviet Union to come to reasonable terms in negotiations for the limitation of defensive and offensive strategic weapons. Abandoning Safeguard would be the same as ordering the star quarterback to the showers with the game tied in the fourth quarter.

The "committee of 100" by its constant interference complicates the making of vital policy and in the case of the ABM jeopardizes the very security of the nation. For a change, the committee should give the coach some freedom to play according to his game plan.

Mr. DOLE. Mr. President, I yield the floor.

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Oregon (Mr. HATFIELD) is recognized for 15 minutes.

Mr. HATFIELD. Mr. President, I ask unanimous consent to suggest the absence of a quorum without losing my right to the floor, and without the time being deducted from my 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor and without the time being deducted from my 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator.

Mr. President, I ask unanimous consent that, notwithstanding the fact that the time for the transaction of routine morning business would close at 1 p.m., the unfinished business not be laid before the Senate until special orders for recognition and the transaction of routine morning business have been completed.

The PRESIDING OFFICER. Without objection, it is so ordered.

VICE PRESIDENT AGNEW'S VIEWS ON THE McGOVERN-HATFIELD AMENDMENT

Mr. HATFIELD. Mr. President, yesterday the Vice President of the United States spoke about an amendment which 24 Senators and I are sponsoring in the Senate—an amendment designed to insure responsible military disengagement from Indochina.

If this amendment proposed what the Vice President claimed, I would be the first to oppose it.

The Vice President's remarks evidence little understanding of the amendment and its goals. The unwarranted attack directed at its sponsors inhibits the opportunity for careful consideration of the Nation's most crucial issue.

Those who support the amendment, in Congress and the millions of citizens across the country, will not be intimidated by false and inflammatory charges.

What is needed now is thoughtful, rational discussion about the future of our policies in Vietnam and responsible congressional action to restore the constitutional balance in the conduct of foreign policy.

The Vice President has chosen to speak about the dangers of American military defeat and has talked about seeing this war through to an end.

Does this mean that he is advocating a new policy in Vietnam—one contrary to the President's previous statements?

On May 14, 1969, President Nixon stated:

We have ruled out attempting to impose a purely military solution on the battlefield.

On April 20, 1970, the President stated that "a political settlement is the heart of the matter."

But now we see a responsible plan for disengagement attacked with innuendo and emotional rhetoric, and hear pledges that "this Nation will not go down in humiliating defeat on the battlefield of Southeast Asia."

Those words suggest an attempt to seek a military solution to the conflict, and reflect the past, misguided thinking that has resulted in the tragic prolonging of this war.

His words raise an uncertainty about the administration's stated policies.

Even more serious is that the Vice President's speech entails a direct attack on our constitutional process. Apparently, he either fails to comprehend or simply disagrees with the provisions of our Constitution.

The responsibility for war is one that must be borne also by Congress—that is what our Constitution says Congress must assume its constitutional duty for sharing the responsibility for this war, and must now make decisive judgments about terminating our military involvement.

By attacking Congress' attempt to assume its rightful constitutional role, the Vice President is doing a great disservice to the President.

He is making the war "Nixon's war." He is implying that the President's policies for the war must be exercised without regard for Congress, just as President Johnson's policies were. The President could make no more unfortunate mistake than to assume that he alone is responsible for our policy in Indochina, that he alone must bear the burden of responsibility for every American that dies there, and that he alone must chart our course for the future. Yet, that is what the Vice President seems to be saying.

I believe that the Vietnam war should not now become "Nixon's war," in spite of what the Vice President states. I believe that any war must be determined by the people acting through their elected representatives. We, in Congress, must take the responsibility for determining the future course of our policy. That is the heart of the democratic process.

I am committed to see Congress fulfill its constitutional responsibility—regardless of the wishes or the words of the Vice President.

His speech makes this task more difficult, for his words contain information and inferences which are totally incorrect and completely unfounded.

I am sure that the Vice President would never speak in a manner intentionally calculated to deceive or mislead the American people. He may want to call his speech writers and researchers to task, however, for providing him with material containing misleading, false, and inaccurate statements.

The Vice President's lack of comprehension and understanding about these matters, and the goals and effects of the amendment, is evidenced by the fact that he did not recognize errors and correct them himself. I hope he would agree with me that it is as important for the Vice President to be accurate as it is for the New York Times to be objective.

He claimed that:

Should this amendment become law, and all American military operations in Southeast Asia cease by December 31, the immense burden of this war would fall immediately and totally upon South Vietnam.

First, the passage of this amendment would in no way have that effect. It would provide for all military operations necessary to protect our troops in the process of withdrawal.

Second, the amendment would in no way restrict continued military aid even after the date of withdrawal of our troops.

Further, the Vice President infers that our amendment would take risks with the lives of American men. The truth is that it would save American lives.

The central purpose of the amendment is the preservation of human lives—both American and South Vietnamese. As long as American troops remain in Vietnam, as long as we remain committed to staying in South Vietnam indefinitely, Americans and Vietnamese will continue to suffer and die.

The Vice President claims that our amendment restricts the President's power as Commander in Chief. This is false; in no way is the President's power to protect American troops called into question by this amendment.

The Vice President totally distorted the amendment by characterizing it as "a unilateral, precipitous American abandonment of South Vietnam." By phasing out the withdrawal of American troops over many months, in accordance with President Nixon's stated objectives, the amendment provides every possibility for the protection of American lives, and, in fact, assures lower casualties. In addition, the amendment would provide ample time for the South Vietnamese government to broaden the base of its support and encourage its leaders to reach a political accommodation with all factions within its borders.

After 285,000 American casualties and 43,000 deaths, is it "reckless, unwise, unjust, or illogical" to act now to bring this tragic war to an end? Is it precipitous, I must ask, after more than 2 decades of American involvement in Vietnam, for

Congress to stipulate that almost a year from now, with all due caution, American troops will be brought home to stay, which meets the goals of our President.

The Vice President also chose to ignore the amendment's provision for an extension of the timetable. If the President decides that conditions prevent the orderly and responsible withdrawal of American troops within the stated timetable, all that is necessary is Congressional action to provide the needed time. Such a proposal can scarcely be termed precipitous.

The Vice President argues that the amendment would destroy the chances for a negotiated settlement, but a fixed timetable could finally enable the stalemated Paris talks to make progress. With the evidence that America is determined to end the war, both Hanoi and Saigon would be forced to confront the political realities to end their own war. By calling the amendment "a lethal blow to the Paris peace talks," the Vice President assumes that the talks have been productive under present conditions. Other than the shape of the table, what has been produced? As the Secretary of State has already indicated, the possibilities for a negotiated settlement after Cambodia have been greatly reduced. If negotiations will go anywhere, the amendment provides the only impetus for the first real breakthrough between the various antagonists.

By invoking the so-called "blood bath" theory, the Vice President declared that hundreds of thousands of Vietnamese "who placed their faith in us will die for that error in judgment." His authorities for such a claim are the Rand Corporation and Douglas Pike, whom he called "the Nation's foremost authority on the Vietcong," and who is also a career USIA officer. However, the Rand Corporation report which the Vice President referred to also maintains that a new coalition or even an all-communist government would have decisive political reasons for holding down the level of political reprisals. The report continues that any new government would be primarily concerned with political consolidation, and assassinations and repression in an already divided country would only deepen the suspicions and divisions among the Vietnamese. The truth is that the only means of preventing violent reprisals is a broadly-based government in South Vietnam which would secure the support of a loyal population.

Furthermore, those who use the "blood bath" argument fail to recognize the fact that we are engaged in such action now and will continue with an unending commitment of American men to battle.

It should hardly be necesary to counter the Vice President's description of the amendment as isolationist. We desire neither a rejection of America's international responsibilities nor a retreat into a domestic cocoon. Rather, we desperately need a prudent and humane exercise of American power which will aid people in their search for political institutions of their own choice, which will preserve and improve life rather than destroy it, which will make the world safe rather than endanger it. We are not saying that any use of American power is wrong, but in Vietnam it is both unnecessary and futile. A withdrawal from Vietnam would provide us once again with the opportunity to wield moral and political leadership for peace in a divided world.

Since the Vice President attacked the logic of those supporting the amendment, one can properly inquire what kind of logic led him to the conclusion that a withdrawal from Vietnam would cause a rejection of the nonproliferation treaty and stimulate the nuclear arms race.

The issue in Vietnam is not simply one of victory versus defeat. Only the Vietnamese can win the war; only they can lose it. We cannot give them or impose on them what they do not want or will not do for themselves. That is the agonizing lesson of Vietnam, and the Vice President misleads the American public by offering them promises which cannot be fulfilled.

In the previous administration, those who criticized the Vietnam war were subjected to the charge of being unpatriotic. At that time, I believed that such charges achieved nothing, and stifled any rational discussion of the issue. On April 26, 1967, I stated in a speech:

> What kind of men have we at the helm of government who would deliberately coerce the public into accepting their policies on the threat of being branded traitors?

My position today has not changed. It is nonpartisan, and applies equally to the Johnson and Nixon administrations. Now I ask that same question of the Vice President.

The most repressive periods in history have occurred when public debate has been silenced by those who abused positions of political power. This has not been the exclusive domain of demagogs or dictators either on the left or on the right. Nazi Germany, McCarthyism, Hungary and Czechoslovakia, all stand as examples of people intimidated into silence and fear.

Full and rational discussions of vital issues, both here in the Congress and across the country, must not, and cannot, be curtailed by those who cry "Isolationist," "Pacifist," "Blind impatient politicians," or other such divisive intimidations.

I will continue to fight for an open forum that is free from fear, rather than cover to those who would drive dissent from that forum and thereby verify the claims of the revolutionaries.

The real threat to our "American way of life" is within the household of America rather than 10,000 miles away in Indochina.

Mr. FULBRIGHT. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. I am happy to yield to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I wish to commend the Senator on his statement. I know of no precedent, certainly since I came to the Senate, nor have I read of any in history, when the President of the Senate has attacked personally the Members of this body in any fashion comparable to the way the present President of the Senate has attacked the Senator from Oregon, the Senator from Arkansas, and a number of others.

I wish to draw attention to the fourth paragraph of the Senator's speech, in which he says:

> Those who support the amendment, in Congress and the millions of citizens across the country, will not be intimidated by false and inflammatory charges.

I wish I shared the Senator's confidence that they will not be or are not intimidated. I think there are enough signs to indicate that they are and have already been intimidated by reports and charges such as those leveled yesterday by the President of the Senate.

I believe that the Senator might compare the difference between the role that the Vice President, who is also President of the Senate, has in our Government and the position of the late Senator from Wisconsin, Joe McCarthy, to whom he referred in the latter part of his speech. It is well known that Joe McCarthy did have a period in which, at least, he intimidated the Senate and the people of this country, until the Senate, after quite a long time, finally censured him.

There is a great difference between Senator Joe McCarthy and the Vice President. As everyone knows, it has happened many times in our history that the Vice President may become the President who would speak for and represent the executive power of this Government.

It strikes me it is far more dangerous, with respect to intimidation, to have a man who could succeed to the Presidency, in case of any unfortunate accident, to be making threats of this kind and charges of this kind against Members of the Senate. I think it is very subversive of the democratic process, very dangerous, and, implicit in his statement, is subversive of the independence of the Senate itself.

It is no small thing to have the President of the Senate going about before the major veterans organizations of this country. Yesterday it was the Veterans of Foreign Wars, and the speech he made was reported in the press and was applauded at great length, particularly the attack on individual Senators.

Only a few days before, the President of the Senate made a similar speech before the Air Force Association. He has spoken to many patriotic organizations, arousing their animosity and their hatred against Members of the Senate and the Senate itself as an institution.

I believe that this is a very dangerous development especially when the kind of inflammatory language that is used is used by a person who could be President of the United States, as the Senator knows, and who is, of course, very influential and who now has complete access to all the minds of the people of this country.

I expect that every newspaper in this country, certainly all the local papers, carried the speech. If not in full, some newspapers reported it on their front pages, and I am sure it was on radio and television stations throughout the country.

I, for one, congratulate the distinguished Senator from Oregon. I think

he is very courageous to state what he did this morning in the Senate in the face of the personal reference to the Senator from Oregon.

I think it is far more serious than most people like to believe. We had this same kind of experience with a lesser light, as I say, about 18 years ago, but here, for the first time in our history, we now have the Vice President of the United States attacking one of the principal institutions of our democratic system.

Mr. HATFIELD. Mr. President, I am very grateful to the distinguished Senator from Arkansas for his comments. As he knows, I have been concerned about this issue for a long period of time. It is not a matter that I have taken lightly in any of my statements or comments on the issue of the war.

I recall that at the Republican National Convention in 1964, I think for the first time, in a major public address that I warned about this war. At the National Governors Conference in 1965 and again in 1966 I voted against resolutions to give full carte blanch support to President Johnson's Vietnam policy; the vote was 49 to 1.

So it has not been a Johnny-comelately situation, nor something which I have lightly touched upon, but rather it is a matter to which I have given many years of study.

I feel that as one Senator—I cannot speak for others—it is rather unfortunate that the Vice President should single out by name those with whom he disagrees and ascribe to them by sly rhetoric and sly methods of phraseology that they "do not give a damn"—and I would like to make that a quote—that we possibly "do not give a damn."

I think this is not becoming language for a man of such high public office. I do not believe that even by implication it would represent the views of any Senator, whether I might agree or disagree with him on any issue.

I think that is charging improper motives and creating suspicion and a divisiveness in this country—when people in the public at large see that a Senator of the United States, a man with some position of responsibility and integrity, is subjected to such an unwarranted attack, what does the average citizen feel about his right to stand in a public forum and to disagree with the President of the United States?

I say it is a dangerous situation in this country when any Senator or Representative or citizen concerned about bringing an end to this war fears that he will be charged with being soft on communism or with playing into the hands of the enemy or undermining the war effort in Vietnam or causing American casualties or aiding and abetting Hanoi or giving aid and comfort to the enemy.

This is not in keeping with what I feel to be the great ideals of a pluralistic democratic society where men can hold different views on questions of importance without having their motives undermined or challenged.

Therefore, this speech is not just one instance. This is a pattern. And I think that it is unbecoming to the administration which I fought for in the campaign.

I am proud of the fact that I was asked to be a surrogate candidate. I was asked to campaign in 17 States of the Union, including the States which my candidate for President said were five key States for his victory.

I went into those areas fully committed to the cause that this administration represented—a new purpose and a new change of dignity in the White House that I found lacking in the previous administration.

I think we have maintained that dignity in the President and in the White House. Yet I say that this kind of speech making upon the part of the Vice President may raise money for the campaign coffers and may tickle the audiences and cause them to laugh and applaud, but it is a disservice to the President and to the dignity he has brought to the office.

I do not rise without careful thought to make the statements I have made today. I have remained silent before in this matter. I have not called the statements of the Vice President to the public attention, as others have.

I say they do not represent the kind of Republican tradition and the kind of Republican party I became interested in during the Hoover campaign in 1932, the Willkie campaign in 1940, in the Dewey campaigns in 1944 and 1948, in Mr. Eisenhower's campaigns in 1952 and 1956, in Mr. Nixon's campaign in 1960, in Mr. GOLDWATER's campaign in 1964, and in Mr. Nixon's campaign in 1968.

I feel compelled, therefore, to rise at this time to express what has been in my heart and mind and what has been greatly disturbing me as to the kind of image and the kind of character that has been given to my party.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I ask unanimous consent that I may have 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I feel that this country needs desperately to have a two-party system. We need to attract the black, the young, the poor, the minority groups.

I would ask the distinguished Senator from Arkansas what was the genesis of the Republican Party. It was the party giving hope for the first time to the black people, to the ethnic groups, to the poor, to the farmer, to the businessman, to the young people.

Where is today the greatest weakness of the Republican Party insofar as attracting new and broad support? It is within the very groups that I have mentioned.

That is what disturbs not only as a party man, but also as an American first and a Republican second.

I do not feel that it is a disservice. I feel that it is a service I am trying to provide my party today in calling attention to these matters and asking my party leadership, my Vice President, a man I campaigned for, not that he change his viewpoints on this amendment—I do not ask for his agreement on this amendment—but that there be gentlemanliness and discussion in such a way that men do not have fear that their patriotism and their motives are undermined by such sly rhetoric as has been engaged in by the Vice President of the United States.

The PRESIDING OFFICER. The Senator's time has expired.

Pursuant to the previous order, the Senator from Mississippi is now recognized for 35 minutes.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 minute to the Senator from Kansas.

Mr. DOLE. Mr. President, I think the Senator from Oregon discussed everything but the amendment. I understood that was what the Vice President was talking about on yesterday. That part of the amendment is only 18 lines long.

It does provide that after December 31, 1970, no money could be expended for any purpose arising from any military conflict.

It does say that money can be expended for asylum. That indicates that the Senator from Oregon and the Senator from South Dakota do feel that there might be a blood bath, or that language would not be in the amendment.

It does say that after June 30, 1971, every American must be withdrawn from Vietnam.

I understand there is a move on the part of the Senator from Oregon and the Senator from South Dakota to revise the amendment.

I would only say, without any reference to what the Vice President said, that the amendment is very short and should be read.

Mr. STENNIS. Mr. President, I am very glad, as I said yesterday, that we have obtained agreement now to vote on what I believe is the major ABM amendment.

We have had splendid debate on it. And we will have some controlled time tomorrow. I believe when that matter is disposed of that we will have a new start and a more rapid disposition of the amendments that have been filed to the bill.

I have reason to believe and certainly think that the Members of the Senate can expect things to move along faster. It will take cooperation to get these important unanimous consent agreements.

Mr. President, I will have some remarks to make tomorrow on the Brooke amendment on the ABM. But I want to say a few words today as well as to address myself to another amendment.

It has been very clear to me, Mr. President, that we need Safeguard installations to protect our Minuteman forces not only at Grand Forks and Malmstrom, but also at Whiteman Air Force Base and Warren Air Force Base. This is the minimum that is needed for the protection of our land-based deterrent and to carry out the future development and deployment of the very vital Safeguard system in an orderly manner.

The proposition that we are faced with is that stable deterrence means that both the U.S.S.R. and the United States are able to absorb an initial attack by the other and still retaliate with overwhelming power. If we have this capacity the chances of an initial attack against us is greatly diminished—certainly as long

as the U.S.S.R. does not wish to commit suicide. While our retaliatory capability is fairly well assured at present, if the U.S.S.R. should develop the multiple independent reentry vehicle—MIRV—with reasonable accuracy our land-based missiles may some time in the future be in jeopardy. Therefore, defending the four Minuteman bases against the possibility of a Soviet attack is a very sensible step. It would mean that, when and after the Safeguard system is deployed and operational, we would probably have at least twice as many Minuteman missiles surviving a Soviet first-strike attack than would we have with only a two-base deployment.

We have said before that the additional base at Whiteman would increase the capacity for protection by 40 percent. That tells the story.

The very survival of the Nation may hinge on the vote which we take tomorrow and on whether or not we authorize all four bases for Safeguard installations as recommended by the full committee. When I say "national survival," I do mean, not only the survival of the United States of America as a national entity, but the survival of millions of Americans who would not survive if we become vulnerable and our strategic forces no longer deter. In addition, under those circumstances we would be prime candidates for nuclear blackmail.

We must not be led astray by the assertion that Safeguard does not protect the people but protects merely our bases. The Safeguard is designed to protect the people in that it protects our arsenal, our ability to hit, and our ability to protect ourselves. We protect the people most when we protect those things that are designed to be their protective weapon.

Let me remind you, Mr. President, that we voted in favor of the four-base deployment when we rejected the Cooper-Hart amendment last week. This was one of the direct issues presented to the Senate and, therefore, to adopt the Brooke amendment to reduce the Safeguard deployment around Minuteman bases to two rather than four would be a reversal of the action which we took last week and a step backward. I do not think that we want to take this leap to the rear at this time.

There is no middle ground. We either want four bases or we want two bases. Last week that was the prime issue with which we were concerned. The majority of this body, by a rather decisive vote, decided in favor of four bases. Now this amendment would come right along and state that we shall have only two bases. The only difference is that the Brooke amendment would leave in some of the money which the Cooper-Hart amendment would take out. That makes it eligible to be offered as an amendment, but the meaning is the same. With all deference to the Senator from Massachusetts, I think the orderly way to proceed with this matter would be to offer this amendment as a substitute for the Cooper-Hart amendment. Then we would have had a direct issue drawn; but now since we rejected the Cooper-Hart amendment, to come back now with an amendment providing for only two-site deployment is to march up the hill last Wednesday and back down the hill this coming Wednesday.

I just do not believe the Senate will do it. I do not believe the Senate wants to do that and I do not believe they will do that.

I want to point out at this point what Secretary of Defense Laird said about the cost in connection with money in the Brooke amendment. Secretary of Defense Laird was on the national televised program "Issues and Answers." The following is his anwer in response to a question by Mr. Peterson:

> Secretary LAIRD. Yes, I believe that the Brooke Amendment would give us less defense at more cost by using all of the funds that were provided in the authorization bill as requested by the administration at the two sites in North Dakota and Montana. We would be constructing additional radar time there and additional facilities. It would not give us the coverage of the Minuteman field that the third site would give us if constructed in Missouri, and would not give us the follow-on options for either area coverage or for accidental launch coverage that would be available should the third site go forward in Missouri.
>
> So what it would do, it would not limit the amount of funds. As a matter of fact, if we were to go forward and put all of these funds on these two sites, it would cost that additional $500 million. So we would have less defense, less coverage, at more cost.

I do not think that statement can be seriously contradicted. The Secretary of Defense is a knowledgeable man in this field and he is highly responsible for what he says.

Now let me turn to the SALT talks and the possible impact of the Brooke amendment on these talks. The second phase of these talks ended just a few days ago. The next phase is scheduled for Helsinki in November. The American officials have expressed guarded but clear optimism that progress has been made in these talks. One of the vital bargaining positions apparently revolves directly around Safeguard, and it would be a serious mistake at this delicate stage of the bargaining to pull the rug out from under the Government and limit this system as proposed by the Brooke amendment.

I mean that it would be a mistake of strategy, not a political mistake, in not backing up the President. The President is the head of this Government and he is the representative of the Government at these talks. He is the head man. Now, if we are going to march up the hill on this delicate matter that is directly involved in these negotiations and in favor of four sites, and then a week later we say, "No, we have changed our minds to two sites," we not only take the force out of his position but, with great respect, in the eyes of those at the negotiating table who are against us, it would make us look ridiculous.

It might be asked as to why four ABM deployments are more valuable and have more negotiability than two. The answer is as simple as two and two. As a matter of fact, it is precisely two and two, and two and two make four. Four sites certainly add to the force of our bargaining position and the strength of our negotiating power. This is one reason why the authorization for the Whiteman and Warren deployment is so important at this particular time.

There has been a momentum in the SALT talks which perhaps was not expected by most of us a few months ago. We need to maintain this momentum and a continuation with the Safeguard program will do this and enhance our bargaining position at Helsinki. On the other hand, the adoption of the Brooke amendment would not have this impact and would probably weaken our bargaining position which, it is reliably reported, revolves around an agreement involving the Safeguard and a limitation of some type of U.S.S.R. ICBM's, particularly the SS–9.

I think it would be very dangerous to adopt the Brooke amendment. Not only would we diminish the protection for our Minuteman sites, we might very well give a very adverse and perhaps fatal blow to the bargaining positions of our negotiators at Helsinki. I am sure that all of us who are interested in world peace do not want this result.

Let me make it clear that when the SALT talks are showing some encouraging signs of progress we are asked to unilaterally slow down the only program that we have which offsets the increasing offensive deployment of the U.S.S.R.

Refusal to proceed with the Whiteman and Warren deployments by adopting the Brooke amendment would be unilateral. We would receive nothing from the Soviets in return. Not a single SS–9 or any other Soviet ICBM would be shelved as a result.

I would not hazard any guess as to the amount which we would expend on Safeguard prior to a possible SALT agreement, but if our authorization of the four-site deployment of Safeguard creates enough pressure on the U.S.S.R. to bring about such an agreement then the cost is more than justified, regardless of how small or large it may be. In addition, let us remember that the Safeguard is a defensive weapon and is, therefore, in the nature of a hedge for the protection of our Minuteman sites in the event SALT should fail. The same cannot be said about the Soviet SS–9. That monster missile—which has a warhead which is equivalent of 25 million tons of TNT—can only be viewed as an offensive weapon and as having a potential first-strike capability.

Mr. President, while I appreciate the fine motives of the Senator from Massachusetts, I believe his amendment would impact adversely on the already tenuous balance of power, and I hope it will be defeated.

I think we will move into that debate tomorrow and then move into a very important vote and that there will be a very decisive reflection here in that rollcall that the Senate feels it has made up its mind, has taken its position, and the President can move forward and depend on that position, and then we will move forward to the rest of the bill.

As I said yesterday, I believe we will move forward rapidly after the vote tomorrow. We have many amendments. I shall start discussing many of them—not calling them up, but discussing them in advance in order to get the committee's view and my view into the RECORD.

THE HATFIELD AMENDMENT

Mr. STENNIS. Mr. President, I would like to make a few remarks with respect to amendment No. 765 submitted by Senator HATFIELD and cosponsored by other Senators, the purpose of which was to implement the recommendations of the Gates Commission with respect to making our Armed Forces an all-volunteer operation.

I realize that this amendment has not yet been called up and I will have far more detailed remarks at that time. In view of the significance of this proposal, however, certain preliminary observations are in order.

Let me first say, Mr. President, I fully realize that on its face this is a highly appealing amendment. In substance, this amendment presumes that after next July 1, when the present induction authority lapses, all entering the Armed Forces will be only volunteers and there will be no more draftees. It presumes that we can end the draft and provide enough volunteers to maintain the Armed Forces by increasing certain enlisted pay rates.

There are a number of basic reasons why this proposal should be voted down at this time.

First of all, for the Senate to adopt an amendment of this magnitude without committee hearings in either the House or the Senate is to repudiate the fundamental legislative processes. The amendment itself, 15 pages in length, proposes a number of changes, some of them far reaching, in the compensation structure of our Armed Forces.

The amendment would cover increases in:

First, basic pay rates, both active and reserve, for certain enlisted and officer personnel;

Second, proficiency pay;

Third, hostile fire pay;

Fourth, travel and transportation allowances for certain lower and enlisted grades;

Fifth, ROTC scholarship programs;

Sixth, recruiting incentives; and

Seventh, special pay for physicians and dentists.

Mr. President, the estimated annual cost of this amendment is $4,316,000,000.

There is not one iota of a recommendation or approval of this matter from the Budget Bureau. I shall refer to a small amount, $250 million, recommended here, that is related, but there is no recommendation for the $4.316 billion required to cover this amendment.

Mr. President, we worked here for days, and even months, to reduce the cost of the pending bill.

The Armed Services Committee worked very hard to reduce the cost of this bill from $20,605,489,000 to $19,242,889,000. Moreover, there are a number of Senators, as we all know, pressing to see this bill cut still further on the Senate floor. It is ironic indeed that we are now confronted with an amendment which would increase the cost of the bill as reported by the committee by 22.4 percent—an amendment upon which not even hearings have been held and on which there is no recommendation from the President or the Bureau of the Budget.

Mr. President, it is important for the Senate to know that the pending budget for fiscal year 1971 contains no funds for the adoption of the $4 billion amendment implementing the Gates report. The only pay legislation which has been submitted for this year is a proposal which has not passed either body which would increase the enlisted rates with under 2 years of service by 20 percent. This proposal would have an effective date of January 1, 1971, and involve a 6-month fiscal year 1971 cost of $250 million.

That is the only money recommendation we hear of here concerning this important matter.

What I have enumerated thus far, Mr. President, are just the cost elements of the amendment. Of equal significance is the fact that the amendment presumes that the authority for induction under the draft will be allowed to lapse next July 1. The President in his message to the Congress of April 23, 1970, made it clear that an extension of induction authority beyond July 1, 1971, would be required. At least, Mr. President, we should give the administration a chance to make its case rather than prejudge the issue some months before hearings are even conducted on the forthcoming extension legislation. I should add that if the induction authority is to be extended, the entire premise of this $4.3 billion amendment is wiped out.

I think everyone realizes that there must be a consideration of the all-volunteer Army proposal at the same time we consider the extension of the draft, the Selective Service. I think it is just as certain as night follows day that we must extend that Selective Service Act. The President of the United States thinks so. He said so in his message to Congress. So now for us to jump the gun and seriously considering this proposal as an amendment, even if it only passed this body, would be, I think, an abrogation of our legislative responsibility and would be legislating in the dark.

I am sure, Mr. President, that one of the arguments to be made in behalf of the $4.3 billion amendment is that it will save money. I would observe that for over 18 years this has been a customary argument presented in support of military pay legislation.

There is a hope that we may be able to save money after the shooting war is over and we will be able to settle down. I pray we will be able to settle down. The idea of considering the installation of an all-volunteer Army is a concept I do not totally reject, but, at the same time, many, many questions have to be settled. We do that first and settle the matter after extensive hearings, and after hearing witnesses from various sources.

I do not resent it, but I am disappointed that here, on a military procurement bill, we have an amendment that would propose such far-reaching matters, at such high cost, with so many unknown quantities, when that is not supported by the President of the United States, although he supports the idea somewhere in the future, and one that is not supported by the Secretary of Defense, although he doubtless hopes that something can be done at some time. All this is done while the war is still in the shooting stages. We hope the activity continues to go down, but it is by no means certain. There is always a possibility, and more than a possibility, for the attacks to be sustained.

Mr. President, let me say that I have the highest respect for the members of the Gates Commission. All of the men are either prominent in public life or have seen extensive military service in the past. They sincerely believe that the recommendations could result in an all-volunteer force.

I cannot understand how they could think that that could all be done, though, by June 30 of next year. I have the greatest respect for the ability and the high integrity of the authors of this amendment, who include some of our most valuable and experienced members. But I believe they have gone too far this time, rushing forward without hearings, rushing forward with all these facts staring us in the face, which they cannot overcome or ignore.

I would emphasize, however, that there has been at least one study in the past that throws considerable doubt on the practicality of an all-volunteer force. This study was completed in the Department of Defense in 1967. Moreover, in connection with the extension of the draft in 1967, it was then estimated that the cost of attracting an all-volunteer force of pre-Vietnam level of 2,700,000 persons would be from $4 billion to $17 billion annually with $8 billion additional annual cost being a reasonable guess. I do not say it would cost $17 billion; I think that is too high. But these men did vary in their estimates that much. This was at a time, Mr. President, when the price and wage levels were substantially lower than the existing scales. I point this out to show that there have been different views on even the cost of trying to attract an all-volunteer force.

I have grave doubts as to whether at this particular time we can maintain an armed force anywhere near our present size without a Selective Service System. And I want to say, too, Mr. President, that I do not buy all of this volunteer army concept, by any means. I am not satisfied, in my mind, what the army might become over a period of 20, 30, or 40 years, if there were not a stream of young fellows direct from civilian life, coming in and going out. I think the same is true as to young officers. I believe that that is one of the great safeguards in connection with our system of government.

Furthermore, I am very conversant with the fact that in many cases, the finest thing that can happen to these young men is for them to render military service to their country. It helps them find themselves, often as nothing else can do. It puts them on the road to training when they have rejected training of every other kind so far, or at least have not been adept in it, and have not realized the need for it.

It is an avenue of opportunity, it is an avenue of training, it is an avenue toward self-respect and self-sufficiency, and dedication to causes and purposes and to country, that many of these young men have not had until they received it from the military services. I think that training and dedication is a great plus that does not show up in the

cost accounts, but is one of the greatest assets this Nation has.

I would remind the Senate that the present Selective Service System was started in peacetime. Within a little over a year after World War II, this country could not maintain a total armed force of slightly over 1 million men without having in effect a Selective Service System.

We tried that after World War II. There was no Selective Service when I came to the Senate in 1947. But in 1948, before the cold war had gotten very far, and while we were at peace with everyone everywhere, we found that it was necessary to enact a Selective Service Act, and did in 1948—necessary to maintain even a minimum peacetime force. So how could we abolish it now, when we are still at war, and with many other uncertainties facing us as well?

I realize, Mr. President, that much of the impetus for the all-volunteer amendment arises from the disillusionment of the Vietnam war and the desire to greatly reduce our participation in this engagement. Aside from this factor, however, I would hate to see the day when we adopt the concept that the defense of this Nation is not a civic responsibility and that we should rely solely on volunteers. Moreover, that financial inducement would be the principal motivating force for maintaining the necessary manpower input for our Armed Forces.

It seems clear to me that the idea of an all-volunteer force at this time holds out only false hope to the mothers of the young men of America. We are saying to all mothers that "your son will not be drafted because there are sufficient sons of other mothers who will volunteer to meet our military requirements." I doubt if this will prove to be the case.

Mr. President, the forgoing remarks are not intended to be a detailed analysis of the amendment but merely to indicate some of the basic considerations why the Senate should vote down this amendment.

I hope that will be the course that this matter will follow. Of course, I do welcome debate.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I ask unanimous consent to proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE RESPONSE TO VICE PRESIDENT AGNEW'S SPEECH

Mr. DOLE. Mr. President, the Senator from Oregon, following his attack on the Vice President of the United States today, declined to yield to the Senator from Kansas. I had hoped to discuss with the Senator the so-called end-the-war amendment. That is the one item he failed to discuss in his onslaught on the Vice President—the so-called end-the-war amendment, which I have designated the lose-the-peace amendment, and which perhaps should now be called the extend-the-war amendment. It is very brief. With reference to South Vietnam, the pertinent section contains about 18 lines, fewer than 200 words, by which it is sought to lead the Senate and the people of America to believe that by adopting this amendment in Congress, the war in Southeast Asia would be brought to an end.

I have read very carefully the speech by the Vice President delivered yesterday in Miami, Fla., to the Veterans of Foreign Wars. I share the view expressed by the Senator from Arkansas and the Senator from Oregon that there should be limitations with reference to criticism of any Senator by another Senator, or by a member of the executive. But I might note that it was not too long ago that, in this Chamber, the Senator from Arkansas compared the Vice President of the United States, Mr. AGNEW, not to Joe McCarthy, but to Joseph Goebbels. I would comment, as many Senators have heretofore, that it is apparently fine for us to criticize, but the Vice President should not have that right—that he should not be as concerned about some happenings in Congress as other Americans are.

But I fail to find any aspersion concerning the character or the motives of any Member of the Senate in the speech delivered by the Vice President yesterday. In fact, he makes the point at least twice in the speech of emphasizing that he is not questioning the patriotism of any Member of the Senate, but that, as he has a right, he does question their judgment and their wisdom. I would hope that perhaps the propriety of his doing so would not be questioned at this point, after the sponsors of the amendment have raised a half million dollars or more, $600,000, by appealing to the emotions of the American people on an NBC program on May 12. Having now collected a sum in excess of a half million dollars based on their amendment, as they call it, to end the war, I understand it may now be changed, and the amendment to end the war may now become an amendment to extend the war, because, according to news stories this morning, the sponsors propose to extend the war for 6 months, or at least extend their endorsement of the war for another 6 months, until the end of 1971.

Simply by changing the amendment, those who have sent in $600,000 are told, "Well, we will have to go on 6 more months." I am not certain whether their money will be returned nor certain how the money is being used. But I, too, would question the advisability, the ethics and judgment of Senators who raise money from the public to lobby their own colleagues by use of paid TV commercials in many of our States, particularly the State of Missouri, the State of Kansas, the State of West Virginia, the State of Washington, the State of Virginia, and other States which, for some reason, were singled out for special treatment and special coverage.

What did the Vice President say? He discussed the amendment. I regret to say the Senator from Oregon failed to discuss the amendment. He said early in his remarks that the Vice President was making a false statement when he said that by December 31 the entire burden would fall on South Vietnam.

Let me read the amendment. That should be the best proof of what the sponsors intend. It reads:

> Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose—

I repeat—

> for any purpose arising from military conflict:

That seems clear to me. It was clear to the Vice President. It is clear to many Americans who understand the amendment. It says, very simply, that after December 31, this year, not a dime of taxpayers' money shall be spent in Vietnam for any purpose arising from military conflict.

Then it goes on to say that by next June—June 30, 1971—every American must be withdrawn from South Vietnam.

The senior Senator from Oregon condemned the Vice President because he talked about the possible bloodbath in South Vietnam should there be a precipitate withdrawal. Let us go back to the amendment. Again, that is the best proof of what the sponsors intend. I read from page 2, line 3, of the amendment:

> That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of the United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces:

The junior Senator from Kansas would assume that by the inclusion of that language, by making plans now to arrange for asylum for those South Vietnamese who might be physically endangered, at least the sponsors initially thought that there might be some danger of a bloodbath.

Really, the amendment to end the war advertising campaign has been successful. We have seen, for the first time in history, Members of the U.S. Senate go on nationwide television and raise more than a half million dollars, as lobbyists, to lobby their colleagues in Congress. We see full page ad after full page ad featuring a flag draped casket, with the inference being that the Senators listed are opposed to war and that the balance of us must be for war and against peace; that we enjoy the killing, we enjoy the death, and we enjoy the bloodshed, but that only those who cloak themselves in the so-called antiwar terminology are for peace; that those of us who support President Nixon want the war to go on, for some mysterious reason, even though the facts are to the contrary.

Where have some of these colleagues been for the past 5 years, when the war was escalating month after month? Where were they when the Gulf of Tonkin resolution was passed in the Senate by a vote of 88 to 2?

Why should President Nixon feel the brunt of their attack now, at a time when there is a deescalation of the war, at a time when some hope for peace is in sight, at a time when a renowned ambassador, David Bruce, has been sent to Paris to negotiate?

The Vice President yesterday in Miami, discussed the McGovern-Hatfield amendment—and that is how it is re-

ferred to in all the ads and commercials, the McGovern-Hatfield amendment—but somehow, it is wrong for the Vice President to use the name "McGovern" or the name "Hatfield." It is all right to use them to raise a half million dollars, but the Vice President should not refer to the amendment by name because the names mentioning Members of this body is an affront to them.

The Vice President said that if the McGovern-Hatfield amendment should be adopted, it would strike a lethal blow at the Paris peace talks. Why should the enemy negotiate if by legislative fiat we determine that all troops will be out by next June 30, 1971? What is there to negotiate—whether they come by boat or by air or walk? Because then we would have announced to the world and to the enemy that we are quitting in Southeast Asia; we are surrendering, if you will, in Southeast Asia.

I find no direct attack upon any Senator by the Vice President. I recognize the old shell game of "talk about everything but your amendment if it has no merit." And it has no merit, as the debate in the next 2 or 3 weeks will indicate. It says, very clearly, that not one dime shall be spent after December 31, 1970, for any military purpose. That is not difficult to understand. It does acknowledge the possibility of a bloodbath, because it provides for asylum and the expenditure of funds for asylum in this country. Where? In Oregon? In South Dakota? In the Vice President's home State of Maryland? In the State of Kansas? That, apparently, is left to the President though the sponsors do not leave the conduct of the war to the President. Just where does he put the South Vietnamese who seek asylum?

The Senator from Arkansas, who is always free with his criticism of the Vice President, seems to feel some special pain when the Vice President mentions his name, as he does from time to time. But the amendment is clear. The amendment is notice to the enemy that we will quit in Southast Asia, that we will retreat and withdraw if necessary. That is what the Vice President was talking about to members of the VFW, many of whom have risked their lives for our country.

Again, I do not question anyone's patriotism. I agree with the senior Senator from Oregon—he has been consistent; he has been opposed to the war from the start. I do not disagree with that. But the facts are that the President of the United States, President Nixon, is disengaging in Southeast Asia; that we have deescalated the war; and that it has been done without the McGovern-Hatfield amendment; and President Nixon will continue on a path for peace. He might even beat the timetable some are now attempting to impose upon him.

It occurs to the junior Senator from Kansas that there must be one person in America, the President—whether it be Nixon or Johnson or Kennedy, or whoever in the future—who has the authority to negotiate for our country, who has the right and responsibility and obligation to speak for our country. This does not mean that the Senate has no role to play in foreign policy. This does not mean that the Senate has no role to play in Southeast Asia.

But why now, I ask the sponsors of this amendment? Why now, the McGovern-Hatfield amendment? The President has returned 120,000 Americans. By next May 1, it will be 265,000. Why now, the McGovern-Hatfield amendment? The war is being deescalated. We will have an honorable peace and it will be because of the efforts of President Nixon and not of those who would seek to impose their will upon him.

I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Under the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

VICE PRESIDENT AGNEW'S ADDRESS TO VFW IN MIAMI, FLA.

Mr. THURMOND. Mr. President, yesterday, Vice President SPIRO T. AGNEW addressed the Veterans of Foreign Wars in Miami, Fla., on the threat embodied in the Hatfield-McGovern amendment.

He stated that he was not questioning the patriotism of the amendment's sponsors, but that he was deeply questioning their wisdom, logic, and judgment.

The Vice President called the end-the-war measure a perilous one and pointed out that its approval would have several deleterious effects. Among these are: Its approval could be a death blow to the Paris peace talks; and the South Vietnamese could collapse as a result of the hasty withdrawal of the American troops.

Mr. AGNEW documents his criticisms very effectively and raises several other important issues in this penetrating speech.

Mr. President, I invite the attention of my colleagues to the Vice President's remarks and ask unanimous consent to have them printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

I would like to speak to you today of a rising threat to everything our servicemen have fought to accomplish in Southeast Asia—a threat embodied in the Hatfield-McGovern Amendment.

Should this proposed Amendment become law, unless America declares war, President Nixon would be forced to end any military aid to Laos and to halt all military operations in South Vietnam—twenty weeks from today. Every American soldier, sailor, marine and airman would have to be out of Vietnam by June 30 of next year—ten and a half months from today.

Hatfield-McGovern is a blueprint for the first defeat in the history of the United States—and for chaos and Communism for the future of South Vietnam. The *Washington Post* was generous to call this amendment "reckless." It is worse than that; if adopted by the Senate and passed by the House, this publicized "Amendment to End the War" in Vietnam will go down in history as the amendment that lost the war in Vietnam and destroyed the chances for freedom and peace in Southeast Asia for the balance of the century.

Nothing less is at stake.

But, if this amendment, and any similarly irresponsible proposal which may be offered, can go down in humiliating defeat for its sponsors in the Senate—then this nation will *not* go down in humiliating defeat on the battlefields of Southeast Asia—I promise you that.

Today, I have a simple question. I am here to ask you, as fellow Americans, and fellow veterans—can the President of the United States count on your support?

The charges I have already made here are among the strongest since I took office as Vice President. But no more dangerous proposal has been presented to the American Congress in those 19 months—or in 19 years for that matter. While I do not question the patriotism of the sponsors of this amendment—I do deeply question their wisdom, their judgment and their logic. They are horribly wrong—and if their grave error is enacted into law, generations of Asians and Americans will suffer for their tragic blunder.

Let us look at the inevitable consequences should Hatfield-McGovern be enacted.

First, the amendment would be a final lethal blow to the Paris peace talks. Any vestige of hope that the enemy will negotiate with Ambassador Bruce at Paris would disappear overnight—for the last incentives for the enemy to talk seriously would be gone. He would have gotten what he came to Paris to get—a fixed final timetable for all Americans to get out of South Vietnam. Why should the enemy offer concessions to the United States for something Senators Hatfield and McGovern and their allies will give him free of charge in four months?

Should this amendment become law, and all American military operations in Southeast Asia cease by December 31, the immense burden of this war would fall immediately and totally upon South Vietnam. The government and people there would confront, alone and all at once, the completion of the enormous tasks of creating a stable democratic society, promoting economic and social reform, fighting an internal war against guerrillas and defending their nation from invasion from three frontiers.

Though South Vietnam has made enormous strides in development in recent years—today she could not carry those burdens alone. No developing nation could.

Hence, the result of a unilateral, precipitous American abandonment of South Vietnam would be the collapse of the government, chaos in the country—and ultimately the kind of Communism that literally decimated the civilian population of Hue in the Tet offensive.

The Rand Corporation estimates that if Communism prevails in South Vietnam, 100,000 Vietnamese who placed their faith in us will die for that error in judgment. Douglas Pike, the nation's foremost expert on the Viet Cong, estimates three million South Vietnamese could lose their lives in the bloodbath following a Communist victory.

Assuredly, this is not what Senators Hatfield, McGovern, and those supporting them want—but that is what they are inviting.

They say their amendment will provide for transport and a refuge for Vietnamese who would fear for their lives when the Americans go. But how—and where? Do Senators Hatfield and McGovern have in mind opening up Oregon and South Dakota to resettle the refugees? Hardly. And the place for these men and women who believe so deeply in freedom that they will become exiles rather than submit to the Communist yoke is not Oregon or South Dakota—it is South Vietnam.

It is clear from their mention of "provision" for refugees that Senators Hatfield and McGovern have considered that the collapse of South Vietnam will indeed be one consequence of their amendment. But have they considered the consequences of that collapse?

One wonders if they really give a damn.

If South Vietnam collapses then victory and success go to the hard-liners in Hanoi

and Peking who counseled belligerence and war instead of peace and negotiation.

If South Vietnam collapses then 285,000 Americans will have suffered and 43,000 will have died for nothing. An American Army, undefeated on the field of battle, will come home in humiliation because impatient pacifists in the Senate lost the war. What will be the reaction then when the American people wake up to learn that the thousands of lives and billions in taxes over a decade had been spent only to find national humiliation and disaster at the end of the road?

Will they then reward the blind impatient politicians who could not see the war through its final hours—and so snatched, for America, military defeat from the jaws of political victory?

If South Vietnam collapses, then Southeast Asia is gone. Those who do not believe in the Domino Theory, as the President has put it, have not talked to the dominoes. Already, Cambodia is half-occupied by North Vietnamese and Viet Cong. Laos is half-occupied by North Vietnamese and Pathet Lao. Thailand is fighting its own Communist insurgency, aided and encouraged from without. Does any rational man believe these countries—or Malaysia and Singapore at the end of the peninsula—can survive if South as well as North Vietnam should come under the rule of militant Communists?

Have the isolationists in the Senate pondered the full consequences of America's defeat in South Vietnam—and freedom's defeat in Southeast Asia?

Looking down the road to the year 2000, we see most Asian nations on the threshold of technological maturity; we see an Asia that contains 60 percent of all humanity; we see a world in which there are ten Asians for every American.

Are the isolationists content to let that Asia go by default to the Communists because they lacked the perseverance to see this through?

Well, we are not, my fellow Americans and my fellow veterans—and the President is not—and together we shall see this war through to an honorable end that will do justice to the sacrifices of all our sons.

Have the isolationists considered the impact of the abandonment of this one ally upon America's other allies around the world? Could any nation put trust in the word and capacity of the United States—if we slink home, defeated, from the battlefield of Southeast Asia?

The lessons for nations like Germany and Japan—even India—would be clear: The inescapable conclusion would be that the United States cannot be counted upon in the crunch and nations must depend upon themselves to survive. The nonproliferation treaty would be forgotten as every state rushed to develop its greatest possible deterrent. If collective security is a failure in Vietnam—who will place confidence in it in Europe or the Middle East

As I stated moments ago, while I do not question the patriotism of the Senators I criticize, I do question their wisdom, their logic and their judgment—and I question also their sense of justice.

Some of the same Senators who bewailed a Democratic President's lack of power in foreign policy ten years ago now contend that this newly installed Republican President has too much power.

Some of the same Senators who supported the "peace plank" at the Democratic National Convention in 1968 now condemn a President who has taken more risks for peace than that plank contained.

Some of the same Senators who were silent while a Democratic President sent 532,000 American soldiers to Vietnam are obstructing and undercutting a President who is bringing 265,000 Americans home.

What is there in the record of this President to justify the attitude and actions of these Senators?

When President Nixon took office there were 532,500 American troops in Vietnam. He did not send more troops in—he started bringing the boys home. He pledged in June of last year to bring home 25,000 troops; they have come home. He pledged in September to bring home 35,000 more; they have come home; he pledged in December to bring home 50,000 more; they have come home. Every promise he has made to the American people about the war in Asia, he has kept. American casualties are a third of what they were in 1968; time is now on the side of the allies, not the side of the enemy; and still they malign his policies and his performance.

The President has turned the war over to the South Vietnamese as rapidly as they have become prepared to shoulder the burden.

To proceed slower than that is to break faith with the American people. But to move faster than security dictates is to risk the lives of our men and invite a victory for Communism that tens of thousands of our lads died to prevent.

And no matter what the McGoverns and Hatfields propose—the President is not going to take those risks with the lives of American men.

The Senate sponsors of Hatfield-McGovern cannot win this war; they cannot conclude an honorable peace, but they can lose this war—as well as guarantee the ultimate failure of the uneasy peace to follow—if they convince enough of their colleagues to support their amendment.

They argue in the Senate that the Cambodian decision underscores the need to place limits and restrictions upon the President—to force upon him a timetable for withdrawal. I do not agree with that assessment. In my view, the President's decision to enter Cambodia and capture and destroy those tons of enemy arms and ammunition that would otherwise have been killing American men was an act of courage and the finest hour in the Nixon Presidency.

The Cambodian decision does not argue for putting shackles upon this President. It argues eloquently the case that the Senate should leave the President alone to exercise his Constitutional powers as Commander-in-Chief and determine what is necessary to protect the lives of American men.

Senator Fulbright now seeks a larger role for his committee in the conduct of foreign policy—but where the President decided and acted in a matter of hours to protect American lives—it took Mr. Fulbright and his colleagues seven weeks to decide on a simple amendment. His is a history of querulous "fuddy-duddying."

Many of the men in this great organization trace their military service to their country back to World War I. Yet, today, we see abroad in our land and in the halls of Congress the voices of that same short-sighted isolationism that lost the peace after World War I and helped to bring on World War II.

Let us not again forget the lesson that for the United States, there is no security in a retreat from the world. Let us not again force an American President to make in deepening despair the kind of statement that Woodrow Wilson made in St. Louis just 10 months after the armistice in France:

"If," he said, "(the Covenant of the League of Nations) should ever in any important aspect be impaired, I would feel like asking the Secretary of War to get the boys who went across the water to fight, together on some field where I could go and see them, and I would stand up before them and say,

"Boys, I told you before you went across the seas that this was a war against wars, and I did my best to fulfill the promises; but I am obliged to come to you in mortification and shame and say I have not been able to fulfill the promise. You are betrayed. You fought for something that you did not get.

"And the Glory of the Armies and Navies of the United States is gone like a dream in the night, and there ensues upon it, in the suitable darkness of the night, the nightmare of dread which lay upon the nation before this war came; and there will come sometime, in the vengeful Providence of God, another struggle in which, not a few hundred thousand fine men from America will have to die, but as many millions as are necessary to accomplish the final freedom of the peoples of the world."

Let us never force an American President to say that again.

TRANSFER OF JUDICIAL FUNCTION OF NLRB TO FEDERAL COURTS

Mr. THURMOND. Mr. President, the record is clear that the National Labor Relations Board has ignored the intent of Congress and time and time again fashioned law according to notion of Board members. Disregard for congressional purpose by the NLRB is at an all-time high. The Board shows both a zeal to aid union organizations and a preoccupation with punishing employees. Many times employees suffer economically because of unreasonable treatment by the NLRB.

Labor Board decisions have failed to follow the direction of Congress. For this reason they have unsettled the balance of power essential to sound collective bargaining and have contributed to the industrial strife and inflationary settlements which are now rampant.

An excellent editorial in the Wednesday, August 5, 1970, issue of the News & Courier in Charleston, S.C., deals effectively with this issue.

This is done by discussing pending legislation, S. 3671, introduced by the distinguished Senator from Texas (Mr. TOWER), that would transfer the Board's jurisdiction in unfair labor practice cases to the Federal district courts. The editorial says that Senator TOWER's pending legislation would be an improvement over the present unsatisfactory condition.

Mr. President, I will let this editorial speak for itself. The editors of the News & Courier, one of the Nation's leading newspapers, are to be commended for such forceful and sensible discussion of the matter.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

NLRB EXPERIMENT

Critics of the National Labor Relations Board, which Congress created in 1935 to oversee labor-management relations and disputes, long have contended that the agency has overstepped its authority by rewriting labor law and making biased decisions favoring organized labor.

The NLRB's record bears out much of this criticism. Nobody, however, seems to have been able to figure out a way to end the bias in this free-wheeling agency. Sen. John Tower, R–Texas, contends it can be done by transferring jurisdiction over unfair labor practice cases from the NLRB to federal district courts.

Sen. Tower says that the 35-year NLRB "experiment" of mixing prosecution, legislative, executive and quasi-judicial powers in the same agency has not been a success and

that Congress should undo its mistake. He is the author of a bill which would transfer the board's judicial functions to the courts.

The NLRB, Sen. Tower asserts, "has ignored the intent of Congress. It has become a policy-making body and has not hesitated to rewrite the law to suit its own purposes. It has subordinated the rights of individual employees, small unions and employers through biased decisions favoring big unions. In no small measure our present persistent labor relations problems derive from the structure which we have set up."

In 1968, a Congressional subcommittee on separation of powers was equally critical of the board and recommended transfer of its judicial powers to district courts. Nothing came of that recommendation.

Little doubt exists that Sen. Tower's bill is supported by a majority of business operators. A poll of members of the National Federation of Independent Business Inc. discloses that 82 per cent of those queried favor the Tower bill, 11 per cent are opposed and 7 per cent have no opinion. Eighty-seven per cent of South Carolina members of the federation endorse the bill.

There is no iron-clad assurance, of course, that Sen. Tower's proposal would automatically improve the government's handling of unfair labor practices. Just as there are some biased federal agencies there are some biased courts. The pro-union bias of the NLRB has endured so long and has been so pronounced that almost any means for improvement seems worth considering.

WELFARE RECIPIENTS IN POSH HOTELS

Mr. THURMOND. Mr. President, an article appeared in the Wednesday, August 5, 1970, issue of the New York Daily News which reported flagrant disbursements of taxpayer's money by the New York City Welfare Department.

These disbursements referred to in the article by Mr. Martin McLaughlin are extravagant expenditures by the New York Welfare Department to house welfare recipients in New York City's posh hotels. The only family whose picture appears in the article lives in posh hotel facilities that cost $85 a day. This will amount to $31,025 a year, tax free. It is also reported that the New York City Welfare Department is paying the same high prices for hotel facilities that are unfit to live in. A workingman with a family would have to earn a much larger sum than this in order to have a net spendable income of $31,025 because he would have to pay over 40 percent taxes on his income. The family referred to in the article does nothing to earn this large sum but the father could probably be trained to perform some kind of work. However, if he worked he would have to earn a much larger salary to end up with $31,025 net spendable income a year, so his financial incentive to work is killed.

The New York City Welfare Department reported that on Tuesday, August 4, 1970, there were 702 families living in New York City's better midtown hotels at a cost of more than $600,000 per month. The working people of the United States support the financing of the Federal Government through their tax dollars and the Congress is supporting this flagrant program by authorizing the Department of Health, Education, and Welfare to disburse funds to pay 50 percent of the cost of this program.

At the same time Congress is authorizing the Department of Health, Education, and Welfare to make disbursements for this and other wasteful programs, the Department of Health, Education, and Welfare is cutting off badly needed funds to southern school districts because they are not complying with HEW's arbitrary and unreasonable guidelines. The education of the children of our Nation is far more important than the administration of extravagant give-away programs that kill all incentives for the recipients to go to school so that they can maintain regular employment and support themselves and their families.

It is true that there are many needy persons in our country that are unable to work because of physical or mental impediments. We have a responsibility to aid these people financially and to rehabilitate and train them so that they can lead healthy and useful lives. However, Congress has neither a duty nor a right to implement or support programs that increase the monetary incentive for Americans to quit working. People receiving assistance payments should find it more to their advantage to go to work than they do now. It should not be financially more lucrative to stay at home, at the expense of the taxpayers, than to go to work.

Many American workers feel that they are currently overtaxed to support wasteful spending by the Federal Government. Welfare programs that house persons in posh hotels and provide welfare recipients with other luxuries than most working Americans cannot afford support their feelings. Most taxpayers cannot afford to stay in $85-a-day hotel facilities. The taxpayers of the United States are rightfully upset by overspending by the Federal Government. Overspending by the Federal Government is a prime contributing factor to the spiraling inflation our country is currently experiencing. In this spiraling inflation, the taxpayer often finds himself in a financial squeeze because his net spendable income decreases as taxes and costs of goods increase.

The average annual income per family in the United States in 1969 was $9,433. Only 3.6 percent of the families in the United States made over $25,000 in 1969. The family referred to in the article in the New York Daily News is, without lifting a finger, receiving financial aid in an amount greater than income earned by over 97 percent of all American families last year. The taxpayer should not be required to support give-away programs that disburse money to support recipients that is in excess of that which over 97 percent of the taxpayers earn.

I have been informed by Mr. Robert Carroll, assistant welfare commissioner for New York City, that this wasteful and flagrant give-away program in New York City is financed 50 percent by Federal funds, 25 percent by State funds, and 25 percent by city funds. The taxpayers will not stand for this continued irresponsible spending by the Federal Government. It is morally wrong to require taxpayers to support such programs as this.

What is needed at this time is the immediate discontinuance of wasteful spending of funds presently allocated for welfare programs rather than allocating additional funds for more give-away projects. Those agencies whose responsibility it is to disburse welfare moneys should not pay prices for goods and services that far exceed their true value.

This kind of spending contradicts what the Federal Government's fiscal policy should be. The fiscal policy of all Government agencies should be one that fights the inflation that our Nation's economy is troubled with rather than one that contributes to this already severe problem.

Those agencies whose responsibility it is to disburse welfare moneys should strive to attain the most benefits available for each dollar spent. This would increase the real benefits to welfare recipients, increase the number of our Nation's deserving needy persons that could be helped, and help decrease Federal spending's responsibility for spiraling inflation.

Mr. President, I will let this article speak for itself. Mr. Martin McLaughlin of the New York Daily News is to be commended for bringing this wasteful practice of the New York City Welfare Department and the Federal welfare program into public light.

I ask unanimous consent to have the editorial printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

RELIEFERS IN POSH CITY HOTELS

(By Martin McLaughlin)

Faced with a mounting crisis in housing for reliefers, the Welfare Department has turned to the city's better midtown hotels.

The department acknowledged that four families have been living at the Commodore for the past week at a cost of nearly $1,200 a week. It is paying $85 a day for one of the families and $27 and $30 a day for the other three.

Welfare reported that as of yesterday 702 families were living in hotels at an average of $900 a month for rent and food, for an overall cost of more than $600,000 per month.

$85 A DAY FOR 3 ROOMS

Presently and Beulah Harris and their seven children, who are in an $85-a-day suite of three rooms at the Commodore, which is at E. 42d St. at Lexington Ave., are typical of these families.

The Harrises said they were living in a comfortable house in Brooklyn until January, when the heater broke, the pipes burst and the Welfare Dept. moved them out because there was no heat. They went on relief three years ago when Harris became disabled.

"Since January," said Mrs. Harris, "we have been in four different hotels and slept on the floors of a friend's house on a couple of occasions. You couldn't believe how bad a couple of the hotels were. And how much the city was paying for these places!"

DAUGHTER IS RETARDED

The size of their family is not the only problem that the Harrises face in trying to find a place to live. Their daughter Bertie May, 14, was hurt in a car accident seven years ago. "The accident left her mentally retarded," said Mrs. Harris, "and injured her physically so that she needs a wheelchair most of the time."

She said that they need a place big enough to care for their daughter and that when most landlords learn they are on welfare and see the size of the family, with the daughter in a wheelchair, "they're just not interested."

Referring to the mounting housing crisis,

Assistant Welfare Commissioner Robert Carrol said that last November 390 welfare families were living in hotels and that the number has been steadily increasing to yesterday's total of 702.

"We have the responsibility of helping clients find housing—often on an emergency basis—and it's damned difficult because of the legal discrimination practiced against welfare clients," he said.

He said that although the costs at the Commodore may seem high, the department is paying the same amount for much poorer accommodations.

THE AGING CRISIS AND PENSION REFORM

Mr. JAVITS. Mr. President, my colleague, Senator KENNEDY, introduced in the RECORD on August 4, 1970, the extremely valuable and perceptive article, entitled "The Old in the Country of the Young," published in Time magazine of August 3.

I would like to join in commending the editors of Time magazine for publishing this authoritative and incisive examination of the truly bewildering array of problems confronting the elderly. Certainly the number and complexity of these difficulties has led to what can be termed "a crisis of the aged"—a crisis which is growing to such proportions that it contains all the ingredients for a vast social upheaval—unless we take the necessary steps to head it off.

In this connection, I would like to direct the attention of my colleagues to one critical passage in the Time article which, in my judgment, exposes the underlying core of the "crisis of the aged." As the Time report succinctly observes:

> Aside from health, money is the most pervasive worry of the aged: income maintenance is a major need. Private pension plans need attention too. According to one informed estimate, only 10% of the people who work under pension plans actually receive any benefits, usually because they do not stay long enough to qualify. As presently arranged, pensions also tend to lock older workers into their jobs and, if they become unemployed to lock them out. They are then denied jobs because it is too expensive to let them join a pension plan.

Without the means to take advantage of the opportunities for leading a positive and diversified existence, it is inevitable that many senior citizens will, of necessity, continue to lead frozen lives of deprivation, isolation, and despair. Thus, the key to any successful strategy for ending the forced and unnecessary obsolescence of the elderly, is to insure to the greatest feasible extent that the aged receive an adequate income.

It is important to appreciate that private pension plans can make a significant contribution to the economic security of large numbers of the elderly—giving to them together with social security a much higher level of living in retirement than would probably be the case from even a substantially liberalized social security system standing alone. While great emphasis deservedly falls on improving social security benefits, it is imperative that we also see to it that the private pension system operate in the public interest.

Since 1967 I have urged basic reforms to the private pension system, as proposed in my bill, S. 2167. In recent months, I have emphasized the basic lack of fairness in private pension plans which fail to provide retirement benefits to substantial numbers of employees because of harsh qualifying requirements. To determine the extent of this lack of justice in private pension plans, Senator WILLIAMS of New Jersey and I have recently commenced a survey—which will for the first time fully document the severity of this problem. This survey is being conducted among a representative sample of some 1,500 pension plans in the country and I believe that it will provide the necessary perspective the Congress needs to grasp the seriousness of this matter.

Lack of fairness, however, does not tell the complete story. To many thousands of retired workers, the additional income generated by private retirement plans could mean the difference between living in cheap, shoddy surroundings or living in modest but adequate housing; eating minimal unbalanced diets, or eating wholesome nutritious meals; foregoing or taking advantage of needed medical care and treatment; and existing in an isolated, friendless world or having the means to utilize existing transportation to visit friends and relatives and participate in community activities.

Unfortunately, for too many retired workers this anticipated retirement income will not be forthcoming simply because they will be victimized by the pension plans in which they had placed their confidence.

Incredible as it sounds, the Government not only permits this victimization to take place but encourages it by permitting employees to take tax deductions for contributions to pension plans which are so restrictively structured that they will only pay off to a handful of employees.

Not only this, but the Government permits its contractors to recover as an item of reimbursable expense, contributions made to a pension plan that will only rarely pay off in terms of benefits. And under the Fair Labor Standards Act, an employer is permitted to exclude from the rate of overtime compensation he must pay to his employees, contributions he makes to pension plans, even though that plan may hardly ever pay off and even though the employee has foregone wage increases in order to obtain promised retirement benefits that may never materialize.

And if this is not enough, consider that opponents of pension reform express concern that such reform will discourage employers from establishing new plans, as if by some parody of reasoning the failure to encourage the further extension of inequitable plans should cause distress.

I do not say that reform of the private pension system will automatically resolve the aging crisis. Of course, it will not. It will, however, provide that needed margin of security to many thousands that will enable them to confront old age with confidence and dignity.

I urge all those interested in securing a decent life for our senior citizens to give their attention to this matter of pension reform—and give it the highest priority. It is clear that pension reform is an essential ingredient if we are to successfully cope with the accelerating problems of the aging.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

SECRET REPORT FROM ASSISTANT SECRETARY OF DEFENSE

A letter from the Assistant Secretary of Defense, transmitting, pursuant to law, a secret report relative to the support of the Vietnamese and other Free World forces in Vietnam, and local forces in Laos and Thailand (with an accompanying report); to the Committee on Appropriations.

PROPOSED AMENDMENT OF NATURAL GAS ACT

A letter from the Chairman, Federal Power Commission, transmitting a draft of proposed legislation to amend section 14 of the Natural Gas Act (with an accompanying paper); to the Committee on Commerce.

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the status of development of the Joint Uniform Military Pay System, Department of Defense, dated August 18, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the need to improve the effectiveness of contractor procurement system reviews, Department of Defense, National Aeronautics and Space Administration, dated August 18, 1970 (with an accompanying report); to the Committee on Government Operations.

PROPOSED GRANT AGREEMENT WITH LELAND STANFORD, JR. UNIVERSITY, STANFORD, CALIF., FOR RESEARCH PROJECT

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, a proposed grant agreement with the board of trustees of the Leland Stanford Jr. University, Stanford, Calif., for a research project entitled "Atmospheric Pollution Aspects of Magnetohydrodynamic Power Plants" (with an accompanying paper); to the Committee on Interior and Insular Affairs.

THIRD PREFERENCE AND SIXTH PREFERENCE CLASSIFICATIONS FOR CERTAIN ALIENS

A letter from the Commissioner, Immigration and Naturalization Service, Department of Justice, transmitting, pursuant to law, reports relating to third preference and sixth preference classifications for certain aliens (with accompanying papers); to the Committee on the Judiciary.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

S. 3225. A bill to provide that the U.S. District Court for the Western Division of the Southern District of Mississippi shall be held at Natchez (Rept. No. 91-1126).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe (Rept. No. 91-1127).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MANSFIELD:

S. 4252. A bill to amend section 1372(e)(5) of the Internal Revenue Code of 1954 so as to exclude certain interest from the definition of passive investment income; to the Committee on Finance.

By Mr. PACKWOOD:

S. 4253. A bill for the relief of Michael Amamchuko Ojukwu; to the Committee on the Judiciary.

By Mr. HARTKE:

S. 4254. A bill to provide for the free entry of a 61-note cast bell carillon and a 42-note subsidiary cast bell carillon for the use of Indiana University, Bloomington, Ind.; to the Committee on Finance.

S. 4255. A bill to provide that Route 70 of the National System of Interstate and Defense Highways in the State of Indiana shall also be designated as Memorial Highway; to the Committee on Public Works.

(The remarks of Mr. HARTKE when he introduced S. 4255 appear below under the appropriate heading.)

By Mr. MURPHY:

S. 4256. A bill to authorize and direct the Secretary of Agriculture to convey certain lands in the Squaw Valley, Calif., to the State of California; to the Committee on Interior and Insular Affairs.

By Mr. HOLLAND:

S. 4257. A bill to authorize the Secretary of the Interior to sell reserved phosphate interests of the United States in certain lands located in the State of Florida to the record owner or owners of such lands; to the Committee on Interior and Insular Affairs.

By Mr. TYDINGS:

S. 4258. A bill to provide for greater flexibility in Federal transportation funding; to permit the States to elect to use a portion of the funds received from certain Federal trust funds to meet local transportation priorities; and to create an Urban Mass Transportation Trust Fund; to the Committee on Finance.

By Mr. INOUYE:

S. 4259. A bill to provide for the advancement in grade of a certain officer in the U.S. Naval Reserve; to the Committee on Armed Services.

By Mr. RANDOLPH (for himself, Mr. COOPER, Mr. ANDERSON, Mr. BAKER, Mr. BAYH, Mr. BOGGS, Mr. BURDICK, Mr. CANNON, Mr. DODD, Mr. DOLE, Mr. EAGLETON, Mr. EASTLAND, Mr. GRAVEL, Mr. GURNEY, Mr. HARTKE, Mr. HOLLINGS, Mr. INOUYE, Mr. JACKSON, Mr. MCGEE, Mr. MONTOYA, Mr. MOSS, Mr. PACKWOOD, Mr. PERCY, Mr. SPARKMAN, Mr. SPONG, Mr. STEVENS, and Mr. YARBOROUGH):

S. 4260. A bill to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public works planning, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. RANDOLPH when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4255—INTRODUCTION OF A BILL TO DESIGNATE HIGHWAY 70 WITHIN THE STATE OF INDIANA AS "MEMORIAL HIGHWAY"

Mr. HARTKE. Mr. President, our Nation owes a debt of gratitude to its veterans which can never be repaid. The bill I introduce is an infinitesimally small measure compared to their great effort; but nonetheless, one which I feel is entirely appropriate.

The bill would designate that part of Interstate Highway 70 within the State of Indiana, as "Memorial Highway" in memory of the brave Hoosiers who have served so gallantly in the armed services. I am proud to say that Indiana has done her part in the Nation's defense; Memorial Highway will pay tribute to the more than 890,000 Indianians who have served in uniform since 1914 and honor those who have made the final sacrifice for their country in Europe and the Pacific, in Korea, and in Vietnam. Indiana has thus far lost more than 1,200 of her sons.

Monuments come in many forms, but I can imagine few so fitting as a bustling artery of commerce, symbolizing the vigor and energy that has brought our Nation to greatness. Perhaps as Americans travel through Indiana on Memorial Highway past prosperous farms and thriving cities, they will reflect on those courageous Indianians whose sacrifice and devotion have guaranteed freedom for future generations of Americans.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred.

The bill (S. 4255) to provide that Route 70 of the National System of Interstate and Defense Highways in the State of Indiana shall be designated as Memorial Highway, introduced by Mr. HARTKE, was received, read twice by its title, and referred to the Committee on Public Works.

ADDITIONAL COSPONSORS OF BILLS

S. 3596

Mr. GRIFFIN. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing the name of the Senator from Wisconsin (Mr. NELSON) be added as a cosponsor of S. 3596, to amend the Fur Seal Act of 1966 by prohibiting the clubbing of seals after July 1, 1972, the taking of seal pups, and the taking of female seals on the Pribilof Islands or on any other land and water under the jurisdiction of the United States.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 3752

Mr. PEARSON. Mr. President, I ask unanimous consent that at the next printing the names of the Senator from Ohio (Mr. SAXBE) and the Senator from Nevada (Mr. CANNON) be added as cosponsors of S. 3752, a bill to amend the Fair Packaging and Labeling Act.

The growing support for this bill, which would bring unit pricing of food commodities to our modern supermarkets, should be most encouraging to the buying public. Present economic statistics indicate that inflation continues to make its cruel impact felt on consumers of this Nation. Unit pricing of food commodities would bring a substantial saving in this Nation's $120 billion food budget. It is a necessary tool for the fight against inflation.

Mr. President, I think it worthy of note that those Senators who presently are sponsors of my bill come generally from Western or Midwestern States—in clear contradiction to the notion that unit pricing is a "radical eastern idea," as has been suggested by certain segments of the grocery industry. I note that four Democratic Senators are cosponsors, as well as four Republican Senators, including myself.

Mr. President, few measures would benefit our people as directly as unit pricing. It would provide the shoppers of this Nation with the facts. It would provide shoppers the knowledge that the giant economy size may indeed be "giant" but often not "economic" at all. It has the support of the President's Special Adviser on Consumer Affairs, Mrs. Knauer, as well as others interested in consumers of this Nation, including certain chains within the grocery industry.

The chairman of our Consumer Subcommittee, Senator Moss, who is a cosponsor of my bill, has indicated he will schedule hearings in the immediate future. I commend the chairman for his statement in this regard, Mr. President, and wish to add my encouragement to this intention.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 4067

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Minnesota (Mr. MONDALE), I ask unanimous consent that, at the next printing, the name of the Senator from California (Mr. CRANSTON) be added as a cosponsor of S. 4067, a bill to amend title 5 of the Housing Act of 1949.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

S. 4197

Mr. GRIFFIN. Mr. President, on behalf of the Senator from Florida (Mr. GURNEY), I ask unanimous consent that, at the next printing, the name of the Senator from Texas (Mr. TOWER) be added as a cosponsor of S. 4197, to encourage States to establish junked motor vehicle disposal programs, and for other purposes.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

S. 4246

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Jersey (Mr. WILLIAMS), I ask unanimous consent that, at the next printing, the name of the Senator from Rhode Island (Mr. PELL) be added as a cosponsor of S. 4246, to amend the Older Americans Act of 1965 to authorize a special emphasis transportation research and demonstration project program.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Kansas (Mr. DOLE), the Senator from Oklahoma (Mr. HARRIS), the Senator from Rhode Island (Mr. PELL), the Senator from Arizona (Mr. GOLD-

WATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. CRANSTON), the Senator from South Carolina (Mr. THURMOND), the Senator from Virginia (Mr. BYRD), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Rhode Island (Mr. PASTORE) be added as cosponsors of Senate Concurrent Resolution 80, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENT

AMENDMENT NO. 841

Mr. RIBICOFF. Mr. President, I submit an amendment intended to be proposed by me to H.R. 16311, the proposed family assistance plan.

The amendment authorizes a series of pretests and evaluations of the major reform provisions in the pending welfare bill. The Secretary of Health, Education, and Welfare is directed to begin these tests immediately upon enactment of H.R. 16311, in the period of time remaining before full national implementation is scheduled. Three locations in various sections of the country would be selected as representative areas for the test programs.

The purpose of this amendment is to explore and evaluate family assistance as an operating program rather than an untried theory.

Mr. President, I have been increasingly concerned over the difficulties encountered by social legislation enacted in Congress. Laws that have been approved in legislative Chambers, and acclaimed as social milestones, have not passed muster in the field. The bureaucratic tangles and massive cost overruns of many of these measures have come as a profound shock to Congress and the country.

Too many social programs have been designed to perfection in social science laboratories only to fall short of expectation when put into effect.

The tendency has been to seek answers in position papers and other academic exercises. But, no social scientist, no administrator and no legislator can solve complex social problems on a piece of paper. People do not always react in accordance with predictions or pet theories.

In its past efforts to study and enact major pieces of social legislation, Congress has carefully reviewed the great questions of equity, Federal-State responsibility, cost estimates and the like. But, we have fallen short in giving enough attention to the equally great question of writing social programs that actually work in practice.

Traditionally, the failures of legislative concept and program administration are reviewed by Congress in the exercise of its legislative oversight function. But, such review is often sporadic and cursory. Administrative errors and legislative loopholes remain untouched for far too long.

Congress must take on a greater responsibility to insure that new programs are based on the best information attainable. This information can only be gained by experience. With the assistance of more practical information, these programs can be initiated on a sounder footing.

Five years ago, Congress enacted the historic medicare and medicaid laws. Today, these programs are beset by abuse and poor administration. After 3½ years of operation, Under Secretary Veneman has stated they are still in a shakedown phase. Only now, at the urging of the Senate Finance Committee, are steps being taken to correct the worst of these problems.

Similar administrative and conceptual difficulties have plagued the model cities program and the series of antipoverty and education bills passed several years ago.

These programs have not failed. But, their success has been short of what was predicted. Many social innovations have caused disillusionment because of these shortcomings.

Congress enacted these programs in a vacuum. No administrative experience or tryout preceded their full national implementation. As a result, problems unforeseen in the White House, Cabinet Room, or at legislative hearings have brought doubts about many programs.

Similar problems may plague the family assistance plan. H.R. 16311, now under review in the Senate Finance Committee, would drastically change our present system of public assistance. These changes include increased payments to families now on welfare as well as higher benefits to the aged, blind, and disabled. More importantly, some 12 million new Americans in families heretofore ineligible for Federal welfare would be entitled to assistance.

These additional millions of Americans coupled with new eligibility criteria, increased staffing requirements, and an expanded administrative role for the Federal Government, will all add their weight to the burdens of effective administration.

Yet, this program, if passed, will begin on a national scale, with little or no practical information available. How many of the newly eligible families will participate? How much assistance will they be entitled to? What new administrative plans must be activated to handle more welfare recipients? How will other social services be delivered?

Mr. President, H.R. 16311 is a major step in the direction of progressive welfare reform. But, the seeds of success or failure of new social programs are not found in the mere words of new statutory language. Innovation alone does not guarantee success, nor do good intentions insure good programs.

Very simply, my amendment would provide the means to answer the questions and meet the problems which arise only after a program is in operation. In this manner, it could foresee, and perhaps forestall, many of the innumerable difficulties which must, by nature, face any marked change in social policy.

Before welfare reform is undertaken nationwide, this amendment would provide the means to test its provisions. The amendment is not designed to delay welfare reform. It has become apparent that national implementation of any welfare legislation passed in the 91st Congress will not take place until 1972. Thus, the administration would have a full year to undertake the pretest programs and evaluations authorized by this amendment. The information so gained could be put to use as the full program goes into effect.

In essence, my amendment would authorize three pretests of the family assistance plan during calendar year 1971. The precise location of these tests would be left to the discretion of the Secretary. The design of the amendment, however, emphasizes that these tests should be in locations representative of as many variables in geography, living patterns, population, and income as possible. The test jurisdictions could be as large as a single State or as small as a single community.

The most radical change proposed in H.R. 16311 is the provision of Federal assistance to the working poor. Therefore, my amendment would stress that the tests and evaluations authorized would concentrate on the administration of this segment of the bill. Nevertheless, the Secretary will be authorized to test the full family assistance plan in at least one location.

These pretests would authorize the full implementation of welfare reform legislation including payment of benefits to all eligible persons within the test jurisdiction.

The amendment would also direct the Secretary to undertake an exhaustive and comprehensive evaluation of these test programs. Careful consideration must be given to all administrative details and a study made of how to improve the implementation of the legislation.

Equally important, the amendment directs the Secretary to review and evaluate the programs already operating in six States which provide financial assistance to the working poor. These States are New York, New Jersey, Pennsylvania, Illinois, Massachusetts, and Rhode Island. It is essential that we learn from those who have tried aid to working poor programs before us. All wisdom does not reside in Washington—or in the theories of Washington's consultants. Those things which have worked successfully at the State level should be incorporated into the Federal program. New York State, for instance, has administered such a program for almost 20 years. What can we learn from these existing programs about participation and attrition rates, income and employment improvement, and administrative details? A careful evaluation of these experiences will provide much useful information to assist the proposed Federal program. Justice Brandeis once wrote that States could be useful social laboratories for the Nation as a whole. Let us take advantage of the knowledge and experience gained in these States.

The amendment authorizes $15 million for the establishment of three pretests and the review and evaluation of existing State programs assisting the working poor. An expenditure of this nature will be a sound investment for a better welfare program.

The ACTING PRESIDENT pro tempore. The amendment will be received

and printed, and will be appropriately referred.

The amendment (No. 841) was referred to the Committee on Finance.

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 842

Mr. PERCY. I am today submitting an amendment to the House-passed Social Security Amendments of 1970 (H.R. 17550). I ask unanimous consent for the printing in the RECORD of the amendment which I submit, following my remarks, in order that my colleagues may study it.

Briefly, I propose to amend the Social Security Act so as to provide that a child dependent upon, but unadopted by, his grandparents with whom he is living, may receive the same benefits as if he were adopted.

Recently, I became aware of the fact that due to a provision in the social security law some children who are dependent on their grandparents cannot obtain benefits based on their grandparents' earnings. Under present law, a grandchild must be adopted by his grandparents before he qualifies for a child's social security benefits. This is most unfortunate, as there are cases in which the grandparents, for valid reasons, are either unable to or do not wish to adopt the child, yet still maintain a quasi-parental relationship.

The purpose of social security is to provide the family with a continuing source of income when the family income stops because of the death, retirement, or disability of a worker. Following this, social security benefits are paid to children whose parents have died, retired, or become disabled on the theory that children are generally dependent on their parents and suffer a loss of support when the parents' income stops. However, if that "parent" is a grandparent the child is made to suffer by denying him a social security benefit. Benefits are extended to grandchildren only when they are legally adopted.

This distinction which prohibits the unadopted child living with and supported by his grandparents from receiving the same benefits he would receive if he were adopted is grossly unfair. A child dependent on his grandparents is as deserving of social security benefits as is a child who is dependent on his parents. Perhaps even more deserving as grandparents very possibly would have less income. The payment of these benefits should be based on the realities of the situation.

Therefore, I am introducing today legislation to permit the payment of social security benefits to the dependent grandchildren of disabled, retired, or deceased workers when it can be shown that the child is actually dependent for support upon the grandparents.

My amendment would redefine the term "child" so that benefits would be provided for a grandchild if, at the time the grandparent died or became entitled to benefits, he had been living with the grandparents at least 1 full year—except in the case of death or disability of the grandparent within the same year as the loss of support from the parents. In addition, it would have to be shown that the grandparents actually furnished at least one-half of the child's support during that time.

Adoption of the measure which I propose would correct an anomaly in the social security program. It would make actual dependency the criterion for paying benefits to a grandchild.

Although this is not a major change when measured in terms of the number of people affected, it is nonetheless a major change when measured by the effect it will have on the incomes of those individuals who will qualify for benefits. Moreover, the social security actuaries inform me that because only a relatively few people could be expected to qualify for benefits, adoption of the proposal would have no significant effect on the total cost of the social security program.

OTHER SOCIAL SECURITY PROPOSALS

On May 21 of this year, the House of Representatives incorporated into H.R. 17550 several proposals which I recommended over a year ago. Specifically, it adopted my proposals to provide full social security benefits for widows age 65 and over; and to protect social security recipients from the combined forces of inflation and politics by including a provision to grant automatic adjustment of social security benefits to correspond with changes in the cost of living. I am delighted with the House's acceptance of these proposals, and I hope the Senate will retain them.

The House also voted to raise the earnings limitation on benefits from $1,680 to $2,000, but I hope the Senate will go further by accepting my proposal to increase this limitation to $2,400 immediately, and to eliminate it entirely over a period of 7 years.

It is not difficult to understand the extensive opposition to the present level of social security earnings limitation. Americans who have invested in social security through all of their working years reach age 65 only to discover that the traditional value America places on industry and productive labor seems to be penalized as soon as a man reaches age 65. At the present time, a beneficiary who earns more than $1,680 a year receives a reduced social security benefit. I believe that there is no more basic a right than the right to work, and therefore it is wrong to penalize people who want to work and to keep from them social security benefits toward which they have contributed for years. It is a scandal to penalize persons who need to work to augment meager incomes. My proposal to increase this limitation immediately to $2,400, and to eliminate it entirely after 7 years, would not only alleviate the financial pressures on the retired; it would also reassure them that our Nation encourages and values the continued productive participation of its older citizens.

To my regret, two of the proposals I submitted a year ago were not included in the House-passed bill: S. 1596, to provide a $30 minimum benefit for each dependent; and S. 1597, to partially refund payroll taxes for low-income workers.

Social security protects not only the retired. It is also the principal source of income for many families suffering the tragic loss of a wage earner. The benefit formula for surviving dependents is designed to take into account both the earnings record of the worker and the size of his surviving family. In most cases the balance provides an equitable replacement of income for the stricken family. But because of the fixed upper limit imposed by the family maximum, this is not true for the very large family. The costs of raising a family of four and a family of eight just are not the same, and under the existing formula large families do not receive any additional benefits to compensate for their size. I propose a simple formula through which this severe problem for a large family might be resolved. My bill would establish a minimum dependent benefit of $30 a month to reflect the added expenses which large families must incur to achieve the same living standards as smaller families.

The steady rise of social security benefits has been accompained by a steady increase in both the taxable wage base and the payroll tax. While this process imposes an important fiscal discipline on the system, it has over the course of time accentuated the regressive aspects of the payroll tax. We have, as a Nation, committed ourselves to the elimination of poverty, yet the payroll tax annually consumes $1.5 billion of the incomes of those families whose incomes fall below the poverty line. For millions of low-income families, social security is an ever-present tax burden with benefits a far distant reality. A country committed to the principle of progressive taxation finds that the social security payroll tax is increasingly regressive because the poor pay proportionately higher percentages of their incomes. For, as income levels rise, relatively fewer and fewer Americans are being taxed on all of their wages.

It is an accepted principle of the income tax system that income alone does not determine a man's ability to pay. This principle is implemented through the mechanism of deductions in our income tax code. In the design of the social security system we seem to have all but reversed this principle. The question of the structure and incidence of the payroll tax is one of the most basic issues that must be considered in a comprehensive review of public policy with regard to retirement income. I do not propose here to sidestep such a review but one fact is clear: The collection of $1.5 billion a year from families whose incomes fall below the poverty line is at odds with national policies directed toward the effective elimination of poverty.

While it would not be in the best interests of the poor themselves to exempt them totally from contributory participation in their future retirement incomes, I do believe that we should seriously consider the possibility that in the lowest income groups the payroll tax might be partially refunded. My bill would establish a formula by which 90 percent of the payroll tax paid by workers in the lowest income groups would be refunded.

The formula takes into account the size of the family, as well as the family income. Single persons with incomes

under $2,225 per year would be eligible for a 90-percent refund. A couple with income less than $2,850 would be eligible for a refund, while a couple with two children could earn as much as $4,100 and still be eligible for a 90-percent social security tax refund.

Because the payroll tax is inequitable, the income tax law should be amended to provide a partial refund of social security taxes. These refunds would accrue almost entirely to households classified as living in poverty. While I do not claim that this formula is perfect, I do believe this is an important concept which should be incorporated into our social security laws, and, therefore, offered this bill as a means whereby the Congress can consider and discuss its merits.

Certainly, when the Nation is considering the feasibility of a negative income tax a more preferable step would be to first eliminate oppressive Federal taxation of the poor.

Mr. President, the legislation I have introduced cannot take care of all of the shortcomings of the social security program. They are, however, matters which have often been brought to my attention by my constituents, and I believe they deserve careful consideration by the Congress. Until some of these shortcomings in our social security law are corrected, social security will not adequately protect those citizens it was meant to protect.

Within the ranks of the elderly is to be found the experience and expertise which built our Nation and created the highest standard of living in the world. We would be an exceedingly ungrateful people if we did not allow those in our society who helped shape our Nation to also share in the fruits of that abundance.

The PRESIDING OFFICER (Mr. CASE). The amendment will be received and printed and will be appropriately referred; and, without objection, the amendment will be printed in the RECORD.

The amendment (No. 842) was referred to the Committee on Finance, as follows:

AMENDMENT NO. 842

On page 57, line 13, insert "AND CERTAIN ADOPTIONS OF A CHILD BY HIS GRANDPARENT" immediately after "BENEFICIARIES".

On page 58, after line 22, insert the following:

"(c)(1) The first sentence of section 216(e) of the Social Security Act is amended—

"(A) by striking out 'and' at the end of clause (1) thereof; and

"(B) by inserting immediately before the period at the end thereof the following: ', and (3) a person who is the son or daughter of the child of an individual or the son or daughter of the child of the spouse of an individual, but only if (A) such person was living in such individual's household and receiving at least one-half of his support from such individual, at the time application for child's insurance benefits was filed on behalf of such person as the child of such individual, or at the time such individual died, and (B) such person began living in such individual's household before such person attained age 18'.

"(2) Section 202(d)(8)(E)(i)(I) of such Act (as amended by subsection (a) of this section) is further amended by adding immediately after 'child-placement agency,' the following: 'or in an adoption which did not take place under the supervision of a public or private child-placement agency if the child is the son or daughter of such individual's child or the son or daughter of the child of such individual's spouse and the child was living in such individual's household at the time application for child's insurance benefits was filed on behalf of such child,'

"(3) Section 202(d)(9) of such Act is amended—

"(A) by striking out the period at the end thereof and inserting in lieu of such period ', or '; and

"(B) by adding after and below paragraph (B) thereof the following new paragraph:

"'(C) was legally adopted by such individual—

"'(i) in an adoption which took place under the supervision of a public or private child-placement agency, or in an adoption which did not take place under the supervision of a public or private child-placement agency if the child is the son or daughter of such individual's child or the son or daughter of the child of such individual's spouse and the child was living in such individual's household at the time application for child's insurance benefits was filed on behalf of such child,

"'(ii) in an adoption decreed by a court of competent jurisdiction within the United States,

"'(iii) on a date immediately preceding which such individual had continuously resided for not less than one year within the United States, and

"'(iv) prior to the date such child attained age 18.'

"(4) Section 202(d) of such Act is further amended by adding at the end thereof the following new paragraph:

"'(10) A child who is a child of an individual under clause (3) of the first sentence of section 216(e) and is not a child of such individual under clause (1) or (2) of such first sentence shall be deemed to be dependent on such individual at the time specified in subparagraph (1)(C) of this subsection unless at the time specified in clause (3) of such first sentence such child was receiving regular contributions from—

"'(A) his natural or adopting parent, or his stepparent, or

"'(B) a public or private welfare organization which had placed such child in such individual's household under a foster-care program.'

"(5) The first sentence of section 203(c) of such Act is amended—

"(A) by striking out the period at the end thereof and inserting in lieu of such period '; or'; and

"(B) by adding after and below clause (4) thereof the following new clause:

"'(5) in which such individual, if a child who is entitled to child's insurance benefits on the basis of the wages and self-employment income of a person (but would not be so entitled except for application of clause (3) of the first sentence of section 216(e)), is not in the case of such person or the spouse of such person, except that the provisions of this clause shall not apply if such person has died.'

"(6) The amendments made by the preceding provisions of this subsection shall apply with respect to monthly benefits payable under title II of the Social Security Act for months after the second month following the month in which this Act is enacted, but only on the basis of applications therefor filed in or after the month in which this Act is enacted."

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENTS

AMENDMENT NO. 843

Mr. McCARTHY. Mr. President, on behalf of myself and the Senator from Ohio (Mr. YOUNG) I submit an amendment to the pending bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, and ask that it be printed. I intend to call up the amendment for consideration by the Senate tomorrow

The PRESIDING OFFICER (Mr. BELLMON). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 844

Mr. HATFIELD. Mr. President, I submit an amendment to H.R. 17123 cosponsored by Senators GOLDWATER, CRANSTON, SCOTT, McGOVERN, PACKWOOD, YOUNG of Ohio, DOLE, STEVENS, HARTKE, SCHWEIKER, GOODELL, MANSFIELD, CHURCH, BAKER, PROUTY, PROXMIRE, PERCY, and YARBOROUGH. The amendment would implement the recommendations of the President's Commisison on an All-Volunteer Armed Force.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The amendment will be received and printed and will lie on the table.

EXTENSION OF THE AGRICULTURAL TRADE AND ASSISTANCE ACT OF 1954, AS AMENDED—AMENDMENTS

AMENDMENT NO. 845

AMENDMENT TO AGRICULTURAL ACT TO MAKE FEED GRAIN AND WHEAT ADVANCE PAYMENTS MANDATORY

Mr. MONDALE. Mr. President, I am today submitting, with the Senator from North Dakota (Mr. BURDICK), an amendment to the Agriculture Act of 1970 requiring the Secretary of Agriculture to make advance payments to producers under the feed grain and wheat programs.

For 7 years advance payments have been made to feed grain producers and for several years advance payments were made to wheat producers when payments were made for additional voluntary diversion. For budgetary consideration, however, they were eliminated this year.

Under the advance payment program, which was tailored to farmers' needs, producers received half of their diversion payments each year immediately after agreeing to divert a specified acreage. These funds were received at planting time and helped pay the spring seed, fuel, and fertilizer bills. Advance payments of a part of the wheat certification have not been made in past years but there is no good reason why they should not be made in the future.

I am convinced that the decision announced by the Secretary of Agriculture to eliminate advance payments to farmers participating in the 1970 program is wrong for a number of reasons:

First, halting such payments is not a cost savings to the Government, but simply a shift in funding to another fiscal year; and

Second, it will place a new financial burden on our farmers who must borrow money at today's high interest rates in

order to finance crop planting and operating costs.

In 1969, Minnesota producers received $31 million in advance feed grain payments which were immediately used in paying spring planting bills. This year in order to accommodate a budget shift, grain producers were required to wait until July and August for their feed grain payments. This was an entirely unnecessary hardship for them and for the small businessmen from whom they buy their supplies.

Minnesota producers are diverting an estimated 2.7 million acres from feed grain production this year, about 10 percent fewer than last year, and are receiving about $130 million in payments. Fewer feed grain acres were diverted in Minnesota and nationally this year, than last, in part because advance payments were not made.

The amendment which Senator BURDICK and I are offering requires the Secretary of Agriculture to make not less than 50 percent of the feed grain and wheat program payments within 30 days after producers sign up under the annual programs.

Our amendment would result in about 3 months earlier payments of some $400 to $450 million under the wheat program and $700 to $800 million under the feed grain program.

Under our amendment, Minnesota farmers would receive some $70 to $80 million from the two programs about 3 months earlier than otherwise each year, at no additional cost to the Government except of the interest cost on the money advanced.

The interest cost to the Government in making these advance payments is far less than the cost to farmers if the same amount of money were borrowed by 1.5 million individual producers and small businessmen.

Even more important, many of the smallest producers are unable to obtain credit. The advance payments make it possible for them to buy supplies in the spring months when otherwise they would be unable to buy all the supplies at planting time that are needed for efficient production.

Mr. President, I hope that the Committee on Agriculture and Forestry will take favorable action on this important amendment during their deliberations on the House-passed Agricultural Act.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The amendment will be received and printed, and will be appropriately referred.

The amendment (No. 845) was referred to the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 765 TO H.R. 17123

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Vermont (Mr. PROUTY), the Senator from Illinois (Mr. PERCY), and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of amendment No. 765 to H.R. 17123, the Military Procurement Authorization Act.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). Without objection, it is so ordered.

AMENDMENT NO. 774 TO S. 3619

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that, at the next printing, the name of the junior Senator from Minnesota (Mr. MONDALE) be added as a cosponsor of amendment No. 774 to S. 3619, to create within the Office of the President an Office of Disaster Assistance, which would authorize the Small Business Administration to make loans to disaster victims to prevent the dispossession or eviction of any person from his residence as a result of the foreclosure of any mortgage or lien, cancellation of any contract of sale, or termination of any lease, oral or written, of the property which is such person's residence.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

AMENDMENT 838 TO H.R. 17123

Mr. GRIFFIN. Mr. President, on behalf of the Senator from New York (Mr. GOODELL) I ask unanimous consent that, at the next printing, the name of the Senator from Ohio (Mr. YOUNG) and the Senator from Michigan (Mr. HART) be added as cosponsors of amendment No. 838 to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

ENROLLED BILL PRESENTED

The Secretary of the Senate reported that on today, August 18, 1970, he presented to the President of the United States the enrolled bill (S. 3547) to authorize the Secretary of the Interior to construct, operate, and maintain the Narrows unit, Missouri River Basin project, Colorado, and for other purposes.

NOTICE OF HEARING ON S. 3201, TO AMEND FEDERAL TRADE COMMISSION ACT

Mr. EASTLAND. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice of public hearings to be held on August 27 and 28, 1970, by the full committee on S. 3201, a bill to amend the Federal Trade Commission Act to provide increased protection for consumers and for other purposes, which was re-referred to the Committee on the Judiciary from the Committee on Commerce with instructions to report back to the Senate not later than September 14, 1970.

Persons desiring to appear and give testimony with respect to this proposed legislation should notify the staff of the committee as soon as possible.

The hearings will commence at 10 a.m. on August 27 and 28 in the main Judiciary Committee room, 2228 New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

VICE ADM. H. G. RICKOVER HONORED BY STEUBEN SOCIETY OF AMERICA

Mr. HRUSKA. Mr. President, earlier this year Vice Adm. H. G. Rickover, pioneer in nuclear research and father of the nuclear submarine, was honored by the Steuben Society of America with its fifth Steuben Award memoralizing the highest type of public service.

The Steuben Society was founded to carry on the principles of Gen. Friedrich Wilhelm von Steuben, a native of Prussia who came to our shores in 1777 to offer his heart and hand in assistance in our struggle for independence.

As a recipient of the Steuben Society Award, Admiral Rickover joins the illustrious company of the late President Herbert Hoover, the late General of the Army Douglas MacArthur, Mr. J. Edgar Hoover, Director of the Federal Bureau of Investigation, and the late, beloved Senator Everett McKinley Dirksen.

In responding to this high honor by the Steuben Society, Admiral Rickover had some cogent thoughts for his audience. These remarks, having recently come to my attention, are worthy of consideration by the Senate.

Asked to offer his views on the Nation's involvement in Cambodia, Admiral Rickover responded with an answer which evoked considerable applause, as did much of his presentation. Pointing out that so much depends upon the credibility we place in our President, he said:

> We have had good Presidents and bad Presidents, but never a President who was disloyal to the United States.

Admiral Rickover went on to say that during World War II there were many who expressed bitter feelings toward President Franklin D. Roosevelt and called him a traitor to the United States. He added that no one was excoriated more than President Lincoln during the Civil War. Commenting that President Nixon inherited a difficult situation in Vietnam and noting that there has been no such commotion in the country since Civil War days, he declared:

> Mr. Nixon is President of all the people and he is trying to do his best.

Admiral Rickover concluded with a personal reminiscence. Noting that in 1958 he had accompanied the then Vice President Nixon to Russia as scientific adviser, he said he found Mr. Nixon to be a man of deep humanity, great intelligence, and one who carried the interest of the American people uppermost in his heart.

He said his conclusion was that the President has all the facts he needs when he makes decisions and that we should support him.

Mr. President, these are wise words from a wise and devoted public servant. They are the words of a lifelong military man dedicated to his country and his Commander in Chief. They are words which all of us would do well to ponder and heed in the days ahead.

TERMINATION OF NAVAL BOMBARDMENT OF CULEBRA ISLAND

Mr. CASE. Mr. President, I am glad to join the Senator from New York (Mr. GOODELL) in cosponsoring the amendment to H.R. 17123 which would end the naval bombardment of Culebra Island. I urge the adoption of the amendment.

Although this island is tiny and its inhabitants few in number, the Culebrans are American citizens and entitled to protection and rights which are not abridged by distance or size of population.

Since Culebra is a part of the Atlantic Fleet's principal gunnery range, it can only be a matter of time before an inaccurate shell adds to the four serious injuries which have been reported on Culebra. Just this year the authoritative Armed Forces Journal documented instances of bombs dropping as close as 400 yards to a dwelling, and in May three mortar shells were reported landing within 200 yards of children playing on the beach.

Alternatives to the use of an inhabited island for target practice certainly must exist, and should be thoroughly explored. As only one example, I understand that the Governor of Puerto Rico, Hon. Luis Ferre, has suggested the Navy's use of four uninhabited islands which are available in the same area.

I strongly urge that the Senate Committee on Armed Services, in its consideration of the Navy's proposal to double its land holdings on Culebra, uphold the rights of its residents and act to end the jeopardy in which they live.

FREIGHT RATES, PASSENGER SERVICE, UNION PACIFIC AND THE ICC

Mr. CHURCH. Mr. President, I am distressed by the recent action of the Interstate Commerce Commission in making permanent its interim across-the-board percentage freight rate increase granted on November 17 of last year.

Once again, the Commission has shown an insufficient regard for the interests of the consuming public, small businessmen and farmers of Idaho.

According to the ICC's own accounting procedures, the Union Pacific, in the first half of 1970, showed a $5.4 million increase in profits over the first half of 1969. Even in the face of this increased revenue picture, the ICC has granted this most recent freight rate increase. For years the railroads, without the ICC so much as raising an eyebrow, have imposed discriminatory freight rates on Idaho farmers. The rate schedules have always favored the Midwest over the intermountain States. Rather than correcting this inequity, the ICC compounds it by making premanent the interim 6-percent increase granted last year.

But freight rates are by no means the only problem. For years, I have been fighting a rearguard action to keep railroad passenger service alive in my State. Once again, the Union Pacific Railroad is pressing to discontinue passenger trains 35 and 36 between Salt Lake City, Utah, and Butte, Mont., via Idaho points. The UP maintains the losses sustained in the operation of these trains justify a discontinuance of the service to the public. Without regard for its public service responsibility, the UP has moved to halt this last remaining North-South passenger service. Twice before, I have presented testimony to the ICC in opposition to this move. But I am left to wonder whether the ICC response on this matter will be any more sensitive to the public need than the granting of this latest freight rate increase.

The ICC has allowed passenger service to deteriorate and disappear; it has allowed discriminatory rate schedules to go uncorrected; and it has shown no initiative in solving the chronic shortage of freight cars throughout the Western States.

In view of this dismal record, I hope the ICC will awaken at last to its public trust and permit no further passenger train discontinuances. However, if the past is any indication of what we may expect, the chances are small. The ICC has become so closely identified with railroad management, so vacillating in the performance of its duty to regulate on the peoples' behalf, that I must agree with the proposal recently made by the Senator from Montana (Mr. MANSFIELD). He said the time has come to abolish the Interstate Commerce Commission and turn its powers over to the Department of Transportation in the expectation that the Department would better protect the public. Certainly the Department of Transportation could do no worse. Hopefully, such a change would bring improvement.

Mr. President, after preparing these remarks for delivery today, I had an opportunity to read the August 14 issue of the National Association of Wheatgrowers' weekly newsletter. I was shocked to note that another freight rate increase request is in the works. This time the railroads will be back for a 15-percent increase.

If this report is accurate, this is the fifth rate hike requested by the railroads since 1967. If approved, it would amount to an increase of more than 30 percent in freight rates in the last 3 years. I oppose this latest request as I have such requests in the past.

I ask unanimous consent that the statement contained in the article be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

REMARKS FROM THE WHEATGROWERS' WEEKLY NEWSLETTER

Western and Eastern railroads are scheduling a general freight rate increase in the neighborhood of 15%. The railroads' request will more than likely be filed with the Interstate Commerce Commission by September 1, and it could become effective within 30 days. The increase is reportedly aimed at generating revenue to cover more than the "basic necessities."

The proposed rate hike will be the fifth requested by railroads since mid-1967, and, if approved by the ICC, it will amount to an increase in freight rates of more than 30% in the last three years.

AMENDMENT TO END THE WAR: SAFETY OF TROOPS DURING WITHDRAWAL

Mr. HATFIELD. Mr. President, I offer today the third in a series of articles on various aspects of American involvement in Southeast Asia. The article, entitled "The Safety of American Troops While Withdrawing from South Vietnam," was written by Arthur L. Karp and Comdr. G. E. Everly, U.S. Navy retired, for the Congress of Young Professionals for Political Action. The credentials of these individuals for commenting on the subject of troop withdrawals are most impressive and they are found in appendix B at the end of the article. Mr. Karp's and Commander Everly's research delves into methods of troop withdrawals from South Vietnam and sets forth the possible tactics that could be carried out following adoption of Senate Amendment No. 609 to H.R. 17123 in specific. Their conclusion is clear:

In summary, if withdrawal is viewed in purely military terms, a systematic, planned military withdrawal is the safest way to disengage. Any other method, however attractive on the basis of political considerations, will impose greater military risks and a number of casualties that would depend on South Vietnamese performance. Once fully committed to other than a systematic military withdrawal, the U.S. will gradually lose control of the situation. A failure on the part of the South Vietnamese forces could confront the U.S. with the choice between very high casualties or re-entry into the country with a rescue force. A straightforward military withdrawal runs no such risks.

As the matter of the safety of American troops is of the utmost concern to all of us in the forthcoming debate on American involvement in Southeast Asia, I ask unanimous consent that "The Safety of American Troops While Withdrawing from South Vietnam" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SAFETY OF AMERICAN TROOPS WHILE WITHDRAWING FROM SOUTH VIETNAM

(By Arthur L. Karp and Comdr. G. E. Everly, U.S. Navy, Retired)

The proposed amendment to end the war, sponsored by Senators Hatfield, McGovern and others, has given rise to concern about the vulnerability of our forces during a disengagement from South Vietnam in accord with the amendment. While much of the concern is undoubtedly genuine, much, when expressed by those familiar with military operations, must be regarded as false argument raised for other than military reasons.

To understand this, one must examine the withdrawal rate apart from domestic factors in the U.S. or the residual political situation in South Vietnam. That is, assume the U.S. is solely interested in removing its troops as safely as possible. If viewed strictly in such terms, the systematic *military* withdrawal called for by the McGovern Amendment is by all odds the safest method. In fact, in the absence of a cease fire agreement, a conventional military withdrawal, in which combat and support echelons are withdrawn in the normal sequence as the forces conduct an orderly fall-back centered on a final port of embarkation, is the only sound military method. Such a maneuver is a standard military operation and would be facilitated

by favorable conditions present in South Vietnam, as will be discussed shortly.

Stated in a somewhat overly simplified form, we have three basic options as to the method of our disengagement (again assuming no negotiated cease fire):

1. A standard military withdrawal as called for by the McGovern Amendment.

2. Withdrawal of all combat troops, within a year or two, leaving only support troops (probably between 50,000 and 150,000 men) to supply the South Vietnamese with those services which have brought about the current relatively favorable military balance, and which the ARVN cannot supply itself. These services include such central functions as close air support (by helos and tactical air), artillery support, and airlift. Under this option, the remaining U.S. troops must depend on ARVN combat units for protection against NVA/VC harassment and assaults. Moreover, they would have to stay in South Vietnam, in a state of precarious dependence, for however many years the ARVN took to develop the required skills and experience.

3. Withdrawal of U.S. combat troops down to the minimum level required to protect the U.S. support forces which remain to service the South Vietnamese. Under this option, we would probably have between 150,000 and 250,000 troops in Vietnam for many years to come.

It is difficult to judge whether the current Administration policy is option 2 or 3. Public statements have been vague on the matter of U.S. protective forces remaining with an unspecified number of support forces. In either case, however, the possibilities for disaster are quite high. At best, if ARVN continues to improve and functions moderately efficiently in the years to come, enemy harassment-type attacks could easily keep the U.S. casualty rate above 100 per week for as long as we keep troops there. At worst, if ARVN fails, the U.S. forces will be in a very precarious situation. The vulnerability of the remaining U.S. support and protective troops should be clear when one realizes that in order to perform the previously stated services, they must be distributed among a number of locations, in relatively small units. It is not too difficult to envisage a situation in which the President would be faced with an unhappy choice between a crash evacuation (and a large number of casualties), reintroducing large numbers of U.S. combat units, or employing advanced (read nuclear) weapons.

Thus, if our disengagement is protracted over a number of years, as would be the case under options 2 and 3 (options generated by considerations of a nonmilitary nature such as the composition of the regime in Saigon), we can expect continued, substantial casualties, and conceivably even a military disaster. However, a purely military withdrawal, as demanded by the McGovern Amendment, could take place with very low risk. The principal reasons supporting this assertion follow.

1. The war in South Vietnam is not such that large numbers of opposing forces are locked in fixed positions. Therefore, the initial break-off of contact will not be difficult. Furthermore, U.S. forces can withdraw from their positions without fighting a rearguard action against overwhelming enemy forces, as they had to do in Korea when the Chinese crossed the Yalu. In Vietnam the U.S. force has a degree of mobility unsurpassed in military history. This mobility makes the initial break-off of contact a routine matter.

2. The fall-back and withdrawal could take place with full tactical air support and complete air superiority. The air support would not need to diminish as the force perimeters become small in the final stages. Our heavy bombers are based outside of South Vietnam, carrier based air is available in large quantity, and if needed during final stages, helicopter gun ships can be supported on some of the LPH's (helicopter assault carriers). For the past two years or more, the North Vietnamese forces have not been able to move as large units in South Vietnam, primarily due to U.S. air power and extremely effective, antipersonnel air-to-ground weapons. This factor would not change during the withdrawal. Air power would be overwhelming to the end. Hence, there is no realistic danger of large scale attacks during withdrawal.

3. The rate of disengagement would be under the full control of the U.S. and could be adjusted to allow for orderly re-embarking of whatever equipment and supplies we wanted to remove. Given the full year provided for in the proposed amendment, no major disruption of shipping would be necessary to obtain lift bottoms. The orderly removal of supplies and equipment might require a comparatively long time, but a year would be more than ample.

4. The amendment permits a coordinated fall-back on a final re-embarkation port while maintaining the proper ratio between combat and support forces at all stages of the withdrawal. The success of the operation would not be dependent upon the performance of the South Vietnamese forces. To whatever degree they can and do take over the defense of their country, the operation would, of course be that much simpler. However, their success or failure in taking over the defense would not be a major factor affecting our successful withdrawal.

5. The normal crucial stage of a withdrawal would be the removal of the final echelon of combat troops. In this case, with complete air superiority and floating helicopter platforms, the final stage should present no problem. A 3 brigade covering force of 16,000 men with its artillery could be lifted out by helicopter in only 9 hours.[1] Thus, in this specific situation, there is no crucial final stage.

In summary, if withdrawal is viewed in purely military terms, a systematic, planned military withdrawal is the safest way to disengage. Any other method, however attractive on the basis of political considerations, will impose greater military risks and a number of casualties that would depend on the South Vietnamese performance. Once fully committed to other than a systematic military withdrawal, the U.S. will gradually lose control of the situation. A failure on the part of the South Vietnamese forces could confront the U.S. with the choice between very high casualties or re-entry into the country with a rescue force. A straightforward military withdrawal runs no such risks.

APPENDIX A.—THE U.S. ABILITY TO QUICKLY AND SAFELY WITHDRAW THE COVERING FORCE

This appendix shows that the U.S. can easily and rapidly withdraw the force covering the final withdrawal of U.S. troops from Vietnam. Such an operation can be done in a number of different ways, and the circumstances are also subject to much variation. The mode of withdrawal examined here would be appropriate if hostile action were a problem—otherwise simple dockside embarkation would suffice.

A covering force of 3 Brigades, each with 5 Maneuver Battalions and 1 Artillery Battalion, will be assumed. This force, roughly equivalent to a division, consists of almost 16,000 men and includes 54 howitzers, all to be helolifted from the withdrawal area.

A Separate Infantry Brigade consists of 2196 men in headquarters and support units to which infantry or tank battalions are attached.[1] The majority of the supporting units would be withdrawn before the last day. In particular, the Armored Cavalry Troop, the Aviation Company, the Engineer Company, and the Support Battalion are assumed to be gone. This leaves the Brigade Headquarters and Headquarters Company (287 men) and a Battalion of 105 mm towed howitzers (540 men). In addition, a Separate Brigade Medical Company[2] (125 men) is attached. These remaining support units include 962 men and 18 howitzers. From 3 to 5 maneuver battalions are attached to the headquarters and support units to form a brigade. In this case, the maximum of 5 battalions will be assumed. Since each infantry battalion consists of 849 men,[3] the total strength of the Separate Infantry Brigade is 5197 men.

To lift the whole covering force of 3 brigades, then, requires that 15,591 men and 54 howitzers be helolifted.

The U.S. Navy operates 7 "Iwo Jima" Class LPH's (Amphibious Assault Ships), each of which carries 20–24 CH–46 and 4 CH–53 helicopters and can berth 2090 troops.[4]

It will be assumed that 5 of the 7 are made available for the operation. Further assumptions are a complement of 22 CH–46 and 4 CH–53 helicopters and an average helicopter availability of 75%. This results in 17 CH–46's and 3 CH–53's per LPH or a total of 85 CH–46's and 15 CH–53's for all 5 LPH's. The CH–46's and 5 of the CH–53's would carry troops and 10 CH–53's would carry howitzers and other equipment.

Each CH–46A can carry 17 to 25 troops to a combat radius of 115 miles at 150 miles per hour.[5] For this paper, 21 troops per lift will be assumed. The CH–53A carries 38 combat equipped troops; a later modification, the CH–53D carries 64 in a high density arrangement. In this appendix, 38 troops will be assumed per lift. The CH–53 can also carry a 105 mm howitzer in lieu of troops. The CH–54 radius is given as 125 miles; the cruising speed, 170 miles per hour.

Thus, the helicopters from the 5 LPH's can simultaneously lift 1975 troops and 10 howitzers. For a one-way flight distance of about 50 miles, the round-trip flying time—at the slower CH–46 speed—is about 40 minutes. If 20 minutes is allowed for loading and unloading troops, refueling, etc., the helicopters can lift 1975 troops and 10 howitzers per hour.

Thus, in 9 hours (about 3 hours per brigade) the troop-carrying helicopters could lift out 17,775 men, somewhat more than the 15,591 men in the 3-brigade covering force. Similarly the 19 CH–53 helicopters could, in the same 9 hour period, lift the 54 howitzers with 36 sorties to spare.[6]

Are there spaces aboard the ships for this number of troops? The 5 LPH's carry 10,450 troops. These berths would be filled by 498 of the 662 CH–46 trips made during the nine hours.[7] The remaining trips could be made to LPD's. There are 12 LPD's in the fleet, and each of these LPD's could receive at least 45 landings in 9 hours.[8]

Assuming 7 of the LPD's are available, this

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[1] Data on the Separate Infantry Brigade from TOE 7–100G of 31 August 1966.

[2] TOE 8–147E, in Army Field Manual FM 101–10–2, dated January 1965.

[3] TOE 7–15G for "Infantry Battalion, Separate Infantry Brigade," dated 31 March 1966.

[4] In this appendix, ship data is from *Jane's Fighting Ships 1969–70*, McGraw-Hill Book Company, New York 1969.

[5] In this appendix, helicopter data is from *Jane's All the World's Aircraft 1969–70*, McGraw-Hill Book Company, New York 1969.

[6] Actual time to withdraw the covering force is from first lift-off to final lift-off of forces from Vietnamese soil. Thus, only 8 hours are required. On the other hand, some allowance should be made for sequencing waves; thus, the 9-hour estimate.

[7] Based on our assumptions 768 CH–46 trips can be made, but only 662 are needed to carry the troops not lifted by CH–53's.

[8] The LPD's have room for only about one operating helicopter at one time, so spacing helicopter arrivals 12 minutes apart, to give time for offloading, allows 5 arrivals per hour on each LPD, or 45 during 9 hours.

means a total of 315 landings could be made—but only 299 are required after the LPH's are filled. Of these 90 could be CH–53's carrying equipment, leaving 45 CH–53 and 164 CH–46 arrivals with troops. This would mean a total troop delivery of

$(45 \times 38) + (164 \times 21) = 1710 + 3444 = 5154$

The total of 5,154 troops on the LPD's plus 10,450 on the LPH's is 15,604; or just about the number to be lifted. And, the 7 LPD's can accommodate more than the 5154 troops—6180 in fact.

Another alternative would be to include the 2 "Paul Revere" class LPA's in the withdrawal fleet. Each of these ships can carry about 1500 troops. More important, each has a helicopter platform, and in 9 hours the two ships could receive 90 flights delivering over 1800 troops.

Other amphibious ships with helicopter platforms are 4 LST's, 4 LKA's, and 26 LSD's.

The above calculation applies to the removal of the final covering force. Other portions of the force would be taken off in the few preceding days. Table 1, which represents an arbitrary but reasonable assignment of ships, shows that a substantial force can be withdrawn in the last stage. The troops would be embarked over the course of a few days by helicopter, landing craft, and particularly in the case of the LST's, directly from the shore.

Note that all the ships are part of the active amphibious force, or the MSTS fleet. No use has been made of reserve fleet shipping (except for 8 MSTS troop ships, possibly), nor of this country's substantial airlift capability.

TABLE 1.—TROOP LIFT FOR AMPHIBIOUS AND MSTS SHIPS ASSIGNED TO THE WITHDRAWAL OPERATION

Type/class	Troop spaces per ship	Number in fleet	Number assigned to withdrawal	Total troop spaces available
LPH/Iwo Jima	2,090	7	5	10,450
LPD/Austin A	930	3	2	1,860
/Austin B	840	6	5	4,200
/Raleigh A	930	2	0	----------
/Raleigh B	860	1	0	----------
LSD/All	[1] 200	27	5	1,000
LKA/Charleston	300	4	2	600
/Tulare	135	1	0	----------
/Other	[1] 135	10	0	----------
LPA/Paul Revere	[2] 1,500	2	2	3,000
/Haskell	1,560	6	2	3,120
/Bayfield	1,500	2	0	----------
LST/Newport	430	4	2	860
/Suffolk City A	575	5	3	1,725
/Suffolk City B	430	2	1	430
/Terre Bonne Parish	395	14	10	3,950
/Other	147	31	20	2,940
MSTS Troop Ships	----------	([3])	11	25,585 to 36,094
Total	----------	----------	----------	59,720 to 70,229

[1] Estimates, not specified in Jane's.
[2] Jane's, 1968–69.
[3] Of the 11 ships, 3 are being used to shuttle ROK troops between South Korea and South Vietnam The other 8 were in an active but reduced operational status at the beginning of fiscal year 1970, but were scheduled to be in the National Defense Reserve Fleet by the end of fiscal year 1970. They could easily be brought back to a fully active status in 2 or 3 months. The lower estimates for troop spaces is the regular capacity; the higher estimate, emergency.

Source: (1) Department of Defense Appropriations for 1970, pt. 2, Operations and Maintenance, pp. 650 to 654. Hearings, Subcommittee on Department of Defense, Committee on Appropriations, H.R. 91st Cong., 1st sess. GPO, 1969. (2) Military Posture, pt. 1, p. 6904. Hearings, Committee on Armed Services, H.R. 91st, Cong, 2d sess. GPO, 1970.

APPENDIX B—THE AUTHORS

Arthur L. Karp is a graduate of M.I.T. (B.S. physics), New Mexico State College (M.S., mathematics), and has studied at the University of California, Berkeley. He has done research at the Naval Ordnance Laboratory, the Hugh Aircraft Corporation, and the White Sands Proving Ground. Since 1956 he has been with the Center for Naval Analyses, where he has directed studies on a number of problems of naval interest. He has also served as systems analyst on the staffs of the Commander Seventh Fleet, Commander Task Force Seventy Seven, Commander-in-Chief of the Atlantic Fleet, and the Commandant of the Marine Corps.

Commander G. E. Everly, USN (Ret.), served on active duty in the U.S. Navy from February 1941 until September 1965. During World War II, Cdr. Everly served on destroyer duty in the North Atlantic and submarine duty in the Pacific. In the post-war years his sea duties included command tours in both the destroyer and submarine forces. Cdr. Everly holds the Silver Star, Presidential Unit Citation, and Navy Letter of Commendation (with combat "V"), and Submarine Combat Insignia (six successful patrols). In 1965, Cdr. Everly joined the professional staff of the Center for Naval Analyses.

A NEWSPAPER DIES

Mr. PROXMIRE. Mr. President, it is a sad day when a newspaper dies. It happened last Saturday in Oshkosh, when The Paper for Central Wisconsin announced that it was suspending daily publication and would become a twice-a-week "shopper."

The Paper was a bright experiment, as bright as its generic name. It was begun in 1967—publishing for the first time on October 9 of that year—by the Miles Kimball Co. Mrs. Alberta Kimball, head of the firm that bears her late husband's name, wanted to do something for her community. She wanted to enliven it and make it live up to its potential as one of the fine places in a wonderful State and a wonderful country in which to live. Mrs. Kimball and her vice president, Ted Leyhe, were copublishers of The Paper.

It was a remarkable newspaper—alive, alert to the problems and assets of its community, and at the same time a tribute to the technology of printing. Twice, 2 years in a row, it was cited by the Inland Press Association for the best typography of any offset daily in the country. Twice, 2 years in a row, its women's editor won the Missouri-Penney award for content and makeup. Its photographers, individually, won many national awards.

But, most important, The Paper for Central Wisconsin was a force for good in its community. It pressed for open housing legislation by the Oshkosh Common Council, and that was adopted. It pressed for retention of the council-manager form of government, and the voters retained it. It pressed for bond issues for a needed second high school, and the voters responded in favor of education when the voters in many other jurisdictions were rejecting school bond referendum questions. It pressed for minimum housing legislation for Oshkosh to preserve it, and that, too, was accomplished.

The Paper was a public-spirited publication, dedicated to the betterment of its hometown. It was what every good newspaper should be—locally oriented.

But the times were not right economically for a new newspaper.

Competition is the life of the newspaper business. It can also be its death, as has been demonstrated in Oshkosh.

Nevertheless, newspapermen everywhere are dedicated to competition—for the advertising dollar, but also for the good of the readers. Competition to tell it first and accurately is the hallmark of a good newspaperman. It was remarkable that a city of 50,000 should have two independent newspapers dedicated to competing for the news.

Both kinds of competition are necessary to make a newspaper successful. The end of The Paper for Central Wisconsin as a 6-days-a-week publication is proof that it could not compete for the advertising dollar. In the other area, however, The Paper did compete, and it competed well. It was a noble experiment by a fine lady—Mrs. Kimball.

It is unfortunate that The Paper should die just as another of Mrs. Kimball's ventures, designed for the betterment of Oshkosh, is coming to fruition—Park Plaza.

Park Plaza is a $15 million shopping center. But it is different. Park Plaza is really an example of urban renewal in the private sector, for the Miles Kimball Co., without governmental help, cleared some 18 acres of blighted area in the heart of downtown Oshkosh and revitalized it. A modern, enclosed mall shopping center is nearing completion. It is bound to stimulate Oshkosh and bring more business to all merchants in the downtown area. If Mrs. Kimball wanted only a personal fortune, she would have built a shopping center on the outskirts of the city; she would not have started a morning newspaper.

One of her ventures designed to help Oshkosh has failed, for which the citizens of Oshkosh will become poorer. May she and Oshkosh be more fortunate with the other.

DEVELOPMENT OF AIR FORCE MANNED BOMBER, B–1

Mr. GOLDWATER. Mr. President, just recently before this distinguished body, the Senator from New Hampshire (Mr. MCINTYRE) provided a most thorough capsulation of how the Armed Services Subcommittee on Research and Development, under his able leadership, reached its conclusion to recommend to the Senate that we proceed with the development of the Air Force's manned bomber, the B–1. Following his astute

presentation, the Senator and I, plus the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the Senator from South Dakota (Mr. MCGOVERN), engaged in a rather comprehensive discussion of the B–1 program. I have had time to review this discussion and I would like to take this opportunity to further clarify several points which I feel are critical to the debate on the B–1 program.

First, you will recall my earlier remarks that the B–1 is designed to operate with the KC–135 tanker. At this point in time, I think this is a premise well known and accepted. What might not be as well appreciated is that as a normal course of action the Air Force continuously conducts studies as to the necessity and feasibility of replacement aircraft, be they tankers, fighters, bombers—whatever. Such studies necessarily involve the generation of cost and performance estimates for new systems in comparison with estimates for continuing or modifying existing systems. It was in this context that the Air Force prepared cost estimates for a replacement tanker. These were feasibility studies, not proposals.

I think it is important to realize that the Air Force employs aerial refueling in nearly every aspect of flying one might consider. Every day fuel is being transferred in the air from Air Force tankers to fighters, bombers, interceptors, transports, and even to helicopters. Not only do they serve as airborne service stations for the Air Force, but they refuel Navy combat aircraft as well. My point here is that the overall requirements for the tanker fleet are based upon much broader considerations than just those of the strategic bomber force. In the future, with due consideration of all pertinent factors, I certainly would imagine that the Air Force may well propose to procure new tanker aircraft as additions to or replacements for the current tanker force. But, I hasten to add that the Air Force has continuously and consistently planned the B–1 on the premise that it would be supported by the KC–135 tanker. The original performance specifications and all subsequent analyses have been worked on that assumption.

Next, I would like to discuss the B–1 strategic and tactical application. Before pursuing this further, let me clarify how the terms are normally used. Strategic air power is often considered synonymous with the use of nuclear weapons. On the other hand, tactical air power seems to imply the use of only conventional weapons. Neither implication is entirely correct. Strategic air operation deals with destroying enemy targets which primarily support their warmaking potential. Normally these are the heavy industries and command and control centers located deep in his homeland. The use of strategic air power was aptly demonstrated by our B–17 and B–24 raids against Germany in World War II. These raids were conducted entirely with conventional ordnance, however, in the future we could use nuclear weapons. Tactical air operations, as it applies to bombers, normally includes interdicting routes of supply and enemy massing areas. The ordnance carried may well be conventional as it is today by the B–52's in Southeast Asia. However, if the military political situation dictated and the President so directed, it could very well be nuclear.

How does all this affect the B–1?

As we all know, the primary purpose of our bomber and missile forces is to underwrite our strategy of nuclear deterrence with the unmistakable capability to inflict unacceptable levels of damage on any potential enemy. This is unequivocally the primary mission of the B–1. Granted that the B–1 will possess significant capabilities to deliver conventional weapons, however, these capabilities are inherent in the B–1 and provided on virtually a cost-free basis. The fact remains that the request for funds to develop the B–1 is based on the need for a manned strategic nuclear bomber for use during the 1980's. The capabilities of the aircraft to perform in either a strategic or tactical mission using conventional weapons are merely an added contribution to our ability to deter that level of warfare.

Now I wish to comment on what at first examination may to some persons look like an unwarranted luxury; that is, the supersonic capability of the B–1. Let me preface my comments on this subject by restating my belief, that trite as it may seem during these trying days of tight money and mounting domestic concerns, we must be certain that the taxpayer is receiving maximum defense for his dollar. However, I think that we, the Congress, may be going a bit far when we attempt to tailor weapon systems for the military to such an extent that we in effect dictate or limit the combat operational tactics. Those who believe that the B–1 should be only a subsonic capable aircraft may not be considering the total impact which speed can have on operational tactics.

I think that it is especially significant that the Air Force has proposed supersonic speed for the B–1 and limited it to high altitude only. This demonstrates to me that they have studied the B–1 speed requirements very thoroughly, as evidenced by their admission of their inability to justify in terms of incremental gain and added cost the requirement for supersonic speed at low altitude. In my opinion, the basic need for a supersonic capability at high altitude can be explained very easily. High speed is a very effective means for reducing the effectiveness of interceptor defenses. More simply, it means that you are within detection range a much lesser period of time and if detected are vulnerable to attack for a shorter period of time. Said another way, a supersonic B–1 permits enemy interceptors fewer attacks, whereas slower aircraft such as the distinguished Senator from South Dakota flew in World War II were subjected to repeated attacks by interceptors and ground to air defensive weapons.

Another consideration is that low altitude penetration, though it looks more favorable than high altitude penetration for the foreseeable future, might conceivably become less desirable. For example, since the Soviets are building surface to air missile and interceptor forces with improved low altitude capabilities, only time will tell the extent of their ultimate threat. It is conceivable that this growing low altitude defensive capability might require the penetrating bomber to utilize to a greater degree the presently higher risk high altitude penetration. It is important to realize, however, that supersonic speed will lessen that risk. Furthermore, coupled with the B–1's smaller radar image, reduced infrared emission and improved electronic counter measures, all of which degrade the effectiveness of ground launched and air to air defensive missiles, the high altitude penetration probability of success will be significantly enhanced.

In the final analysis, the capability of supersonic speed at high altitude provides our bomber force with the widest range of options. If the character of the Soviet defenses changes in the future, we will still have the flexibility to counter these changes with revised tactics. It is this flexibility that we should demand, not condemn, when we are considering the development of a bomber capable of providing a vital keystone in the strategic deterrence posture of our country through this perilous century.

THE CHIEF JUSTICE CALLS FOR SPEEDY TRIALS

Mr. ERVIN. Mr. President, the other morning in St. Louis, the Chief Justice of the United States addressed the American Bar Association. His address was noteworthy for a number of reasons. It was the first time the Chief Justice had ever given what he calls a state of the judiciary message to the country. Second, it was noteworthy because the Chief Justice's speech was carried live by the radio and television, and was an address to the Nation, and not only to the legal profession.

Noteworthy as are these two aspects of his address, the Chief Justice's message was far more important for its content than for its precedents. The Chief Justice warned the country that the court system was in danger of breaking down. Indeed, more than that. In some parts of the country—and one would have to include Washington, D.C.—we have to recognize that the court system has broken down. Surely, if the test is: Justice, fairly and speedily rendered, no one would contend that that is the case in this city, nor in most of the larger cities of the country.

The Chief Justice has no panaceas to offer to correct the deplorable state of our judicial system. No panaceas are possible when, as he said, the warning was given 64 years ago, in an address by Roscoe Pound, and not yet heeded. But if there are no quick and cheap cures for the progressive decrepitude that besets our courts, there are a number of slow, expensive treatments we can apply to start them back on the road to recovery.

One of the major points in the speech dealt with delays in criminal trials. The Chief Justice mentioned two legislative reforms in which I have been interested for many years. One is the Criminal Justice Act of 1964, which provided Government paid lawyers free to any criminal defendant who could not afford to

pay for his own. This reform did not confer the right to counsel on criminal defendants. It merely fulfilled the constitutional obligation that every man have the assistance of counsel during trial. The other reform is the much maligned, little understood Bail Reform Act. The Bail Reform Act did not revolutionize bail practices. It merely made effective a right of pretrial freedom which had been abridged and denied many citizens over the years on the simple ground of poverty.

I do not agree with an assessment which suggests that the delays in our criminal courts can be attributed to the passage of these two laws. But whatever the cause, the fact still remains that justice in our criminal system is an uncertain, cumbersome thing. The Chief Justice put it well when he said:

> There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.
>
> If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and the most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

I agree fully with what he said. For many months I have tried to convince Congress that expedients such as preventive detention were no answer to the problem of ineffective criminal justice. I have tried to convince the Congress that speedy trial and speedy punishment, and then effective rehabilitation—these are the ways that criminal conduct can be deterred and then corrected. Congress has chosen to enact preventive detention. Thus far, it has shown little predilection to move to assure speedy trials.

I have introduced a bill, S. 3936, cosponsored by 22 Senators, which I believe has the potential for being an effective device toward achieving criminal trials within 60 days of indictment. Quite simply it requires each Federal district court to prepare a plan which will enable it to meet the 60-day deadline. After a certain period of time, 60-day trials will become mandatory. If the Federal court has insufficient resources to meet the 60-day goal, then it must ask for a dispensation from the Judicial Conference. But in doing so, it must present the Conference with a plan and a request for additional resources which will enable that court to meet the legislative goal. That plan and its accompanying requests will be forwarded to Congress. Then the burden will be on this body to provide the resources necessary to carry out the legislative objective of the act.

Many persons have always been skeptical of any legislative obligation of 60-day trials. I include myself in that category, as well. But I believe that this approach has certain benefits which may point the way to a solution. In the past, there have not been 60-day trials because the judges have been under no obligation to meet such a deadline. Thus, there has been no pressure for them to tighten their procedures, or to impose strict rules upon themselves and the lawyers who practice before them. When delays have occurred, the tendency has been to point the finger at Congress and blame its refusal to authorize more judges. Congress, for its part, has seen little interest on the part of the courts to use their resources efficiently to modernize their workings, or to show a real concern for speedy justice.

Thus far, in other words, both Congress and the courts have been able to avoid carrying out their responsibilities simply by pointing the finger of blame at each other. I believe that the speedy trial bill can break this vicious circle. It provides, first, the incentive to speedy trials which has been lacking. The incentive quite simply is a legislative imposed obligation of trials within 60 days. Second, it requires the courts themselves to develop on their own initiative the plans and procedures which will satisfy the legislative obligation. Finally, if the court has insufficient means to meet the legislative goal, it must then present Congress with a carefully thought-out plan which will enable the court to meet its obligation. Congress then will have before it a clear choice: Are we willing to provide the resources which are necessary, or are we going to accept second-class justice? I believe that S. 3936 will get us off the circle of finger-pointing between the two branches.

I am pleased that the Chief Justice has taken this opportunity to address the country on the needs of the courts. I hope that his remarks will produce a renewed willingness on the part of the bar and of Congress, and the courts, to address themselves to the needs of justice in the 20th century.

I believe one place to start would be to enact a speedy-trial bill. But there is much else that should be done, and I urge all concerned to heed the Chief Justice.

Mr. President, I ask unanimous consent that excerpts from the speech by the Chief Justice, as it appeared in the New York Times on August 11, 1970, be printed in the RECORD. I also ask unanimous consent that an editorial entitled "The Chief Justice's Plea" published in the Winston-Salem Journal of August 12 be printed in the RECORD.

There being no objection, the excerpts and editorial were ordered to be printed in the RECORD, as follows:

EXCERPTS FROM BURGER'S TALK

ST. LOUIS, August 10.—Following are excerpts from an address by Chief Justice Warren E. Burger today before the opening assembly of the American Bar Association convention:

When President Segal and the board of governors of this association invited me to discuss the problems of the Federal courts with you, as leaders of the legal profession, my mind turned at once to one of the great statements on the problems of the administration of justice.

That was Dean Roscoe Pound's famous speech to this association at your meeting 64 years ago. He said then that the work of the courts in the 20th century could not be carried on with the methods and machinery of the 19th century.

If you will read Pound's speech, you will see at once that we did not heed his warning, and today, in the final third of this century, we are still trying to operate the courts with fundamentally the same basic methods, procedures and machine he said were not good enough in 1906.

In the supermarket age we are like a merchant trying to operate a cracker barrel corner grocery store with the methods and equipment of 1900.

The changes and improvements we need are long overdue. They will call for a very great effort and they may cost money; but if there are to be higher costs they will still be a small fraction, for example, of the $200-million cost of a C-57. The entire cost of the Federal judicial system is $128-million. Military aircraft are obviously essential in this uncertain world, but surely adequate support for the judicial branch is also important.

MODERN TECHNIQUES NEEDED

More money and more judges alone is not the real solution. Some of what is wrong is due to the failure to apply the techniques of modern business to the administration or management of the purely mechanical operation of the courts—of modern record-keeping, systems planning for handling the movement of cases. Some is also due to antiquated, rigid procedures which not only permit delay but often encourage it.

In the Federal courts today the problem areas are essentially in large cities. Here we find in the judicial system no more than a reflection of the complexities created by the population shift to large urban centers. The problems exist where the action is.

How did this situation come about in the face of numerous additional judgeships added by Congress in the past 30 years?

We can see three key factors that are important to our discussion:

First, the legal profession—lawyers and judges and Congress, with few exceptions—did not act on Dean Pound's warnings to bring methods, machinery and personnel up to date.

Second, all the problems he warned about have become far more serious by the increase in population from 76 million in 1900 to 200 million in 1970, and with it came the growth of great cities and the increase in the volume of cases.

Third, entirely new kinds of cases have been added because of new laws passed by Congress and decisions of the courts.

From time to time Congress adds more judges, but the total judicial organization never quite keeps up with the caseload. Two recent statutes alone added thousands of cases relating to commitment of narcotics addicts and the mentally ill. These additions came when civil rights cases, voting cases and prisoner petitions were expanding by the thousands.

Meanwhile, criminal cases, once a stable figure in the Federal courts, were increasing. The records shows that in all Federal district courts it now takes twice as long as it did 10 years ago to dispose of criminal cases from indictment to sentence.

But the increase in volume of cases is not by any means the whole story. Experienced trial judges note that the actual trial of a criminal case now takes twice as long as it did 10 years ago because of the closer scrutiny we now demand as to such things as confessions, identification witnesses, and evidence seized by the police, before depriving any person of his freedom. These changes represent a deliberate commitment—some by judicial decision and some by legislation—to values higher than pure efficiency when we are dealing with human liberty.

YARDSTICK GETTING AGED

It is an elementary fact, historically and statistically, that the system of courts—the number of judges, prosecutors, and of courtrooms—has been based on the premise that approximately 90 per cent of all defendants will plead guilty, leaving only 10 per cent, more or less, to be tried. But that premise may no longer be a reliable yardstick of our needs.

Changes in the laws that are part of what we lawyers call the "revolution in criminal justice," which began as far back as the 1930's, have brought this about. Anyone who questions these changes must recognize that until recently criminal law was the neglected stepchild of the law.

The consequence of what might seem on its fact a small percentage change in the rate of guilty pleas can be tremendous. A reduction from 90 per cent to 80 per cent in guilty pleas requires the assignment of twice the judicial manpower and facilities—judges, court reporters, bailiffs, clerks, jurors and courtrooms. A reduction to 70 per cent trebles this demand.

There is a widespread public complaint reflected in the news media, in editorials and letters to the editor, that the present system of criminal justice does not deter criminal conduct. That is correct, so far as the crimes which trouble most Americans today. Whatever deterrent effect may have existed in the past has now virtually vanished as to such crimes.

If ever the law is to have genuine deterrent effect on the criminal conduct giving us immediate concern, we must make some drastic changes. The most simple and the most obvious remedy is to give the courts the manpower and tools—including the prosecutors and defense lawyers—to try criminal cases within 60 days after indictment and let us see what happens. I predict it would sharply reduce the crime rate.

The price we are now paying and will pay is partly because judges have been too timid and the bar has been too apathetic to make clear to the public and the Congress the needs of the courts. Apathy, more than opposition, has been the enemy, but I believe the days of apathy are past.

As to the future I can do no more than emphasize that the Federal court system is for a limited purpose and lawyers, the Congress and the public must examine carefully each demand they make on that system. People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class actions and others in the Federal courts. We should look more to state courts familiar with local conditions and local problems.

MAJOR RECOMMENDATIONS

Let me list some major steps for the future—steps to begin at once:

(1) The friction in relations between state and Federal courts presents serious problems in both the review of state prisoner petitions and other cases. I strongly urge that in each state there be created a state-Federal judicial council to maintain continuing communication on all joint problems. Such a body could properly include a member of the highest state court, the chief judges of the larger state trial courts and the chief judges of the Federal district courts. In some states such bodies have already been created on an informal basis.

(2) State and Federal judges should continue their cooperation with the appropriate committees of the American Bar Association to establish standards of conduct of lawyers and judges that will uphold public confidence in the integrity of the system we serve.

(3) We should urgently consider a recommendation to Congress to create a judiciary council consisting of perhaps six members, one-third appointed by each of the three branches of government, to act as a coordinating body whose function it would be to report to the Congress, the President and the Judicial Conference on a wide range of matters affecting the judicial branch. This council could:

A. Report to Congress the impact of proposed legislation likely to enlarge Federal jurisdiction.

B. Analyze and report to Congress on studies made by the Judicial Conference and the Federal Judicial Center as to increase or decrease in caseloads of particular Federal districts.

C. Study existing jurisdiction of Federal courts with special attention to proper allocation of judicial functions as between state and Federal courts.

D. Develop and submit to Congress a proposal for creating temporary judgeships to meet urgent needs as they arise (some state legislatures authorize such appointments based on a formula of population and caseloads in order to adjust promptly to population changes in rapidly developing areas.

E. Study whether there is a present need for three-judge district (trial) courts and whether there is a present need for Federal courts to try automobile collision cases simply because of the coincidence that one driver, for example, lives in Kansas City, Kans. and the other in Kansas City, Mo.

(4) The entire structure of the administration of bankruptcy and receivership matters should be studied to evaluate whether they could be more efficiently administered in some other way. (Pending studies on this problem should be pressed to conclusion.)

(5) Over the years various statutes and decisions of courts have altered many aspects of criminal procedure. Meanwhile, some of the states have experimented with innovations and have developed new procedures to improve justice. Since Congress is now considering an entirely new Federal criminal code, we should soon undertake a comprehensive re-examination of the structure of criminal procedure to establish adequate guidelines reflecting adjustment both to the new code and judicial holdings.

(6) The system of criminal justice must be viewed as a process embracing every phase from crime prevention through the correctional system. We can no longer limit our responsibility to providing defense services for the judicial process, yet continue to be miserly with the needs of correctional institutions and probations and parole services.

(7) The whole process of appeals must be re-examined. It is cumbersome and costly and it encourages delay. Some courts, notably the overworked Fifth Circuit, have developed procedures to screen out frivolous appeals. Finality at some point is indispensable to any rational—and workable—judicial system.

(8) We made a wise choice in guaranteeing a lawyer in every serious criminal case but we must now make certain that lawyers are adequately trained so that the representation is on a high professional basis. It is professional representation we promise to give—nothing more—and within accepted standards of conduct. This association has now provided lawyers for the first time with comprehensive and authoritative standards and it is now up to the courts and the bar to make sure they are followed.

THE CHIEF JUSTICE'S PLEA

What we know of Chief Justice Warren Burger's judicial philosophy seems modest when compared with what we know of his opinions on how to run a courtroom.

True to his word on taking office, the chief justice has spent much of his off-bench time seeking support for his ideas on reforming the courts. In his most significant effort to date, he appeared this week before the American Bar Association to plead for reforms that would transform the federal judiciary from top to bottom and at the same time allow the state courts to play a more active role in the judicial process.

Not least among his recommendations was a proposal to bring every criminal suspect to trial within 60 days of his indictment. Sen. Sam Ervin is seeking the same thing in a bill now before Congress. To those familiar with the delays and frustrations of American courtroom procedure this may seem a wholly unrealistic idea.

But is it?

Though no provision of the Constitution is more widely ignored than the right to "a speedy and public trial," this guarantee is at the heart of Anglo-Saxon law.

And in Chief Justice Burger's eyes it has a practical as well as moral justification. What better way to reduce the rising crime rate than to make certain that defendants are brought to trial on time? By bringing a halt to unnecessary trial delays, we would eliminate the need for the unwelcome and probably unconstitutional "preventive detention" measure recently enacted by Congress as part of the District of Columbia crime bill.

It is true, as the chief justice says, that "the public may well be called upon to pay something more for the federal judicial system to increase its productivity."

The courts are undermanned, and courtroom space itself is lacking; but money alone is not the answer. We will not solve the problem of delay and confusion simply by hiring more lawyers, prosecutors and judges—not as long as the courts are in the habit of putting off cases at the slightest urging.

What Chief Justice Burger says must be taken as a piece with what he has said previously on the subject. His concerns do not stop with courtroom procedures, however. He seems thoroughly committed to the idea of reforming our penal institutions so that a convicted man will not come out of confinement more embittered against society than when he went in. This, in fact, was a central preoccupation of his before he became chief justice.

The sooner we put our faith in remedies of the sort he has recommended, rather than in the kind of repressive measures proposed by the administration, the safer our streets and playgrounds will become.

AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, as the debate on an all-volunteer armed force draws nearer, I think it only prudent to study this question from a number of perspectives. Because hearings which were to have been held in the Senate Committee on Armed Services on this subject have been postponed, many individuals who had hoped to testify have not had the opportunity to be heard on this vital issue. Consequently, I ask unanimous consent that the statements by the Right Reverend Paul Moore, Jr., bishop coadjutor of the Episcopal Diocese of New York—Bishop John Wesley Lord, Bishop of the United Methodist Church, Washington area—Arlo Tatum, national secretary of the CCCO—Gerard B. Noonan, chairman, Dubuque, Iowa, county selective service board 13–31—George Wald, Higgins professor of biology, Harvard—Robert E. Jones, executive director, joint Washington office for social concern, representing the American Ethical Union, American Humanist Association and Unitarian Universalist Association—and the Reverend Rodney Shaw, representing the board of Christian social concerns of the United

Methodist Church—be printed in the RECORD.

There being no objection the statements were ordered to be printed in the RECORD, as follows:

DRAFT REPEAL NOW

TESTIMONY IN BEHALF OF THE HATFIELD AMENDMENT TO THE MILITARY PROCUREMENT ACT OF 1970

I am the Rt. Rev. Paul Moore, Jr., Bishop Coadjutor of the Episcopal Diocese of New York, 1047 Amsterdam Avenue, New York, New York.

I served in the United States Marine Corps for four and one half years during World War II as a rifle platoon leader in combat in the Tulagi-Guadalcanal operation, where I was wounded, and later served on the Division Staff of the Third Marine Division, and also as Battalion Operations Officer and Company Commander. I attended the Marine Command and Staff School at Quantico. For the last three years I have been increasingly disturbed by the impact the Vietnam War is having upon our country and increasingly dubious about its validity. I have counselled many young men who are facing the draft.

I feel it is appropriate for a Churchman to present testimony at this hearing, because the Church has traditionally served as an institution responsible for preserving the ethical and human values of our society.

Christian (and Jewish) teaching, from the earliest times, has questioned the right to kill another human being. Because of the openness of the Church to all men, soldiers have never been excluded from the Church, and war has been tolerated as part of the sinful fabric of our society. Nonetheless, even when the Church has encouraged particular wars, there has never been a question as to the right of a person to refuse to fight for conscience's sake. The draft, in coercing persons to join the army, trespasses against this right. Nor does the presence of the Conscientious Objector section of present legislation protect this right, for the following reasons: The judgment as to the sincerity of the petitioner is made by a less than qualified board in most instances; the system is irregular, so that young men in different communities are subject to different standards; the sincerity of a citizen in a democracy should not be subject to the judgment of the state, no matter how impartial the judicial process; becoming a C.O. prejudices the future employment of the individual in our present society; and finally, the poor and uneducated do not have equal access to draft counselling, which works a hardship upon them.

For those who are drafted and who are sent into a battle situation, and indeed for anyone who participates in the military life, I have an even deeper concern. Having experienced the horrors of war myself, I am convinced that the exposure to this life does deep damage to the human spirit. It is bad enough to force a man to give his life involuntarily. It is even more evil that a man should be forced to take the life of another.

Military training has as one of its goals the brutalization of the human spirit so that the taking of human life becomes natural or even seems good. I have known that process within myself. I have calmly shot at another human being without the slightest twinge of conscience. Thus the so-called Mylai massacre did not surprise me. In my pastoral work I have frequently seen the scars of war distorting a life as much as twenty-five years later, and affecting the lives of other human beings, such as family members, who live in close association with the veteran. It took me many years to regain my own sensitivity after the war was over. I have seen sensitive young men go mad at the sight of human bodies bloated by the tropic sun; and well they might.

This process of brutalization not only affects the lives of individuals and their families, but also takes a deep toll on the life of our nation. It dulls compassion, encourages brutal behavior, and elevates violence to a virtue.

I also have a pastoral concern for the young people of our land, because of the effect the draft is having upon their spirit. Many of them have progressed in their thinking to the point where war is seen as an unmitigated evil, often perpetrated for unworthy cause, whatever the rhetoric used to rationalize. Because the draft forces upon them a way of life they totally reject, they are losing faith not only in our country's use of military power, but also in all those institutions of government which our culture has carefully built up over the years and without which, I believe, we cannot live as a free people. As one who loves our country and reveres our flag, I shudder at the lack of respect shown by many young people, but at the same time understand their feelings that much of our national life is hypocritical and works against the very values which we pretend to be protecting. The major symbol of this, the part of our system which touches the young most immediately is, of course, the draft and the seemingly useless and evil war which it forces them to support.

I feel that if a war does not have enough popular support to elicit a voluntary army, that it is undoubtedly unjustified. To draft a man to fight in a war which his own representatives have not declared is a further indignity. I also feel that if it is decided by Congress that our nation needs an army of a particular size, we should be willing to offer sufficient pay and benefits to compete for men's services on the open market.

I also reject the concept of universal service with the option to chose non-military service as a sop to the military draft. I feel it is dangerous to submit every young man to the control of the government for two years of his youth.

Enclosed is a statement against the draft passed by the House of Bishops of the Episcopal Church in the Fall of 1969.

THE HOUSE OF BISHOPS OF THE PROTESTANT EPISCOPAL CHURCH OF THE UNITED STATES OF AMERICA

SEPTEMBER 4, 1969.

Whereas, the Selective Service System, however necessary it might be in times of unlimited national emergency, deprives persons of their personal freedom, tends to lead us as a people to an increasing dependence on war and violence as a means for solving international problems and seriously undermines the morale of many of our youth; and

Whereas, the President of the United States on May 13, 1969, called for draft reforms "that will eliminate conscription as soon as feasible"; therefore be it

Resolved, the House of Deputies concurring, that this Special General Convention II calls upon the Congress to enact legislation to end the draft at the earliest possible moment.

POSITION FAVORING A VOLUNTEER MILITARY AND IN SUPPORT OF THE GATES COMMISSION REPORT

(By Bishop John Wesley Lord)

AUGUST 10, 1970.

In 1940 the Congress of the United States and the American people reluctantly accepted military conscription as a temporary measure to meet a drastic international emergency. At that time it was recognized that the draft constituted a serious curtailment of personal freedom and human rights and now in permanent form has been linked with the course of militarism in many nations.

It seems incredible that during the intervening years this great democracy has accepted this un-American and harmful influence to exist within the nation. We have lived with the draft so long, President Nixon has pointed out, that too many of us accept it as normal and necessary. The evils and inequities of the draft do not have to be recounted but its repeal would be the first step to regain control of our runaway military establishment. The two most serious consequences of the Selective Service System reside in its ruthless disregard for the rights and moral principles of our young men of draft age and its blank check authorization to the White House and to the Pentagon to prosecute the war they may choose. It is an evidence of spiritual erosion within the nation.

Our first President, George Washington, recognized in his Farewell Address to the people of the United States that "reason and experience both forbid us to expect that national morality can prevail in exclusion of religious principles;" and that the permanent felicity of any nation is not only related to its virtues but is "rendered impossible by its vices."

Many religious leaders and church bodies have noted from time to time that military conscription in the United States is linked to the vast growth of the military establishment and have urged that a voluntary system be substituted. They have also noted that the present draft permits the President to expand armed forces and to intervene overseas without effective congressional control or restraint. It is not in the American tradition to place this grave responsibility upon our President.

Most Americans think that the draft is simply a device by which men are forced into the army. This would be bad enough but there is more to it. Actually the draft has been used as a device to force young men into jobs or studies they would not otherwise have chosen. In the words of General Hershey, one time Director of Selective Service, the major purpose of the draft is not alone the "delivery of manpower for induction. . . . It is in dealing with the other millions of registrants that the System is heavily occupied developing more effective human beings in the national interest." Who is to determine what is in the national interest? "The problem," he says, "is how to control more effectively the service of individuals who are not in the armed forces. . . . There isn't anything that can't be solved now by having an individual pursue the things you want him to pursue and then use him. . . ." He illustrated his point by showing how he had forced upward the number of persons with engineering degrees from 27,000 annually in the 1950's to 48,000 annually by 1963–64. Might not this very fact threaten the free enterprise system of our land and lay the groundwork for an authoritarian society in still other ways? Has the "climate" in which men now live and move and have their being, been determined in part by such maneuvering and manipulation by draft boards under the Selective Service System? It is not pleasant for the writer to admit that there are men in our seminaries today who are there to secure military deferment from military service but who are not qualified for the Christian ministry. The church will suffer through such ministry and because of those whose motivations are suspect.

General Hershey writes, "The deferment is that carrot that we have used to try to get individuals into occupations and professions that are said by those in charge of government to be the necessary ones." Here is one carrot the nation can do without.

For these and other considerations, I support the report of the President's Commission On An All Volunteer Armed Force, now known *as* the Gates Commission Report. It comes with force and clarity and "with healing in its wings." It is the greatest national "antipollutant" measure yet received and, if

accepted, will remove much of the moral turpitude of our nation.

It calls for the abolition of the whole Selective Service System no later than July 1, 1971. In summary, the following recommendations should commend themselves to every thoughtful and patriotic American:

1. That voluntarism is preferable in our society to compulsion.

2. That a volunteer army will cause only a small budget increase, and will actually be cheaper in real economic terms than the draft.

3. That the all-volunteer force can be achieved by July 1, 1971 and that the draft can and should be ended then.

4. That a volunteer force is adequate to defend the nation, and that a peace time draft is not required to protect the nation in case of sudden attack.

5. That a stand-by draft should be minimal, and should be reactivated only by a joint resolution of Congress upon recommendation of the President. This is a vital provision and will prove to be the most controversial.

6. That an end of the draft will terminate the practice of "channeling" which provides the military and government with powers bordering on those of a dictatorship.

7. That a volunteer military would not vary in makeup from the present mixed system, particularly with regard to the number of Negroes serving and the economic profile.

STATEMENT ON THE DRAFT

(By Arlo Tatum)

AUGUST 11, 1970.

For eight years now I have headed up CCCO, An Agency for Military and Draft Counseling, founded in 1948 as the Central Committee for Conscientious Objectors. CCCO is a political, non-sectarian, and non-profit. Its three offices tie in with a few thousand draft and military counselors and draft information centers across the country, most of which use CCCO's technical memos, *Handbook for Conscientious Objectors* and *Advice to Conscientious Objectors in the Armed Forces*. About 400 attorneys cooperate with CCCO and its General Counsel, Marvin Karpatkin.

I have been and am highly critical of the draft system, which simply cannot function the way Congress intended. The explanation is simple enough; part-time volunteer board members cannot go through each man's file before making a decision. In metropolitan areas this would be a physical impossibility. One local board member told me he doubted it could be done even if they worked full-time.

As we know from court cases and Senate hearings, the same situation prevails at many state appeal boards and the Presidential appeal level. We therefore find ourselves in the extraordinary situation where a registrant can go through the entire appeal process without his file having been even opened by anyone with the legal and moral responsibility of classifying him. These part-time volunteers rely on the résumés or advice of professionals, which at best is a procedure of questionable legality.

But this should not be taken as a criticism of either the volunteers or their over-burdened secretaries and clerks. I think on the whole State Selective Service Directors and National Selective Service Headquarters honestly try to see that each registrant ends up with the proper classification, by whatever means. But surely this World War II relic is not something which should be preserved, even on a stand-by basis.

Reforms are good and fine persons in positions of responsibility are good, but neither can make the draft "good." There is no way to make provision for all genuine conscientious objectors, excluding those whose objection to military service does not spring from conscience. There is no way to establish objective criteria for "extreme hardship to dependents" deferments. To me these are not theoretical statements but are based on day-to-day experience.

I like President Nixon's phasing out of certain deferments and his desire to eliminate deferments for study. All deferments and exemptions should be eliminated if the draft continues, including the IV–B exemption for young Congressmen who vote to continue drafting others. Deferments and exemptions, like any lottery system, are designed to conceal the massive excess of manpower available—for this available manpower is the clearest indication that a draft is unnecessary.

Why preserve an institution which is so devisive in its social and political impact? Intrinsically, the draft favors those in our society already at an advantage and takes advantage of those already in difficulty. If all deferments and exemptions were ended, the military would still need to have standards for rejecting draftees. Who do you think would come to a pre-induction physical armed with letters from medical specialists and psychiatrists? The same young men whose parents are now paying their way through college. This is not a criticism of the middle class of which I am a part, but of a system which by its nature adds to the burdens of those young men who are already disadvantaged in this most competitive of societies.

In fact, the draft worsens every serious problem we have as a society seeking to be democratic. Have you considered the possibility that conscription is an institutionalization of the hostility we middle aged people feel toward the young? Whether a young man goes into the army or into prison, he will at least get the haircut which means so much to us. There is no solution to the generation gap so long as we compel young men to bend to our collective will. There is no solution to our racial problems, no solution to our urban/rural problems, no solution to our economic problems, no solution to the problem of violent, destructive dissent, until we end the draft.

To me the most discouraging proposed substitute for military conscription is the National Service concept. While it must be acknowledged that Hitler eliminated slums in Nazi Germany by this method, it would move us in a direction very few of us want to go. Let us recognize that "compulsory service" is self-contradictory. Voluntary service is true service. Compulsory service has another, more appropriate name in the 13th Amendment of our Constitution—"involuntary servitude".

There are pressing reasons to restore the traditional concept of what was once the American ideal of a citizen's relationship to his government: that the sole legitimate function of government is to serve its citizens; the role of citizens is to oblige the government to fulfill that function.

Involuntary servitude, even for purposes we might all endorse, has no place in the United States of America. The draft must be ended before the society wounds it is aggravating are beyond cure.

POSITION FAVORING A VOLUNTEER MILITARY

(By Gerard B. Noonan)

My interest in the Draft and Selective Service Procedures goes back over the past ten years. I am Registrar of a College of 1300 male students located in Dubuque, Iowa and became a member of the County Board with a special concern with problems of student deferments. I have been a member of this Board for six years, and am now the senior member in time of service and have been elected Chairman for the past three years. I have also participated in two panel sessions (National Association of Collegiate Registrars and Admissions Officers) with various State Directors and Washington officials over matters concerned with Selective Service. Although my first concerns were mainly problems regarding student deferments, I have gained a great deal of insight into the problems regarding all types of deferments and various selective procedures. I have missed one meeting of the Dubuque County Selective Board since my appointment six years ago, and believe that unless one has sat in this situation and attempted to make the decisions called for, you cannot understand the personal frustrations caused by such an event. You might ask: Why remain a part of a system you feel cannot work? I answer that according to my philosophy of life, one works for change as a part of the system rather than attempting reform through other more devious methods. I believe in change through legislative action and as such, present this testimony on behalf of a Volunteer Military.

REASONS

1. We should not attempt to run a system, that even if deemed necessary, cannot possibly function efficiently under its present procedures and standards. The document "Who Serves When Not All Serve?" National Advisory Commission On Selective Service points up some of the serious problems within the present system. Problems that I consider so great that it is not possible to have any type of a draft when needs for personnel are low, and a large number of deferments are issued by all Boards. We should just for a minute consider the following points taken from the publication: "Who Serves When Not All Serve."

a. The state of Alabama with 275 Draft Board members and thirty percent of the state's population Black and not one Black Draft Board member.

b. The state of Mississippi with forty-two percent of its state population Black with not one Black Draft Board member.

c. My own state of Iowa with large Black communities in Des Moines, Sioux City and Waterloo and not one Black Draft Board member.

d. The average age of Draft Board members at this time was 58. One-fifth of all board members were over 70, and of these, 400 were over 80 with 12 between 90–99. People at this age level are being asked to communicate with, have discussions with, and make decisions for 19–20–21 year old Americans.

e. The many different procedures as conducted from Board to Board and State to State as pointed out within this document.

The message from The President of The United States: 90th Congress First Session: House of Representatives: Document No. 75 which promoted the above study contained the following statements:

"We cannot lightly discard an institution with so valuable a record of effectiveness and integrity."

"Neither can we afford to preserve it, if we find that in practice it cannot adapt to the new controlling concept of equal and uniform treatment."

2. The Gates Commission states: Reform the inequity in the pay of first-term servicemen. Promote the efficiency and dignity of the armed forces by better training and recruiting. Allow every American man to determine his own life in accord with his own values.

If I did not feel that a volunteer force was adequate to defend the nation, I would not be in favor of such a program but as pointed out in the Gates Commission report, the improved incentives and training for the Ready Reserves are far more important in case of emergency than application of conscription. This Commission also points out that a voluntary military can be created, without great additional cost, without creating new internal threats or political or social problems, or without endangering external defense.

3. The Civilian Advisory Panel on Military Manpower Procurement: Report to the Committee on Armed Services House of Representatives Ninetieth Congress First Session, February 28, 1967 makes the following statement regarding a Completely Voluntary Military Establishment:

"That the concern of attempting to satisfy all future military manpower requirements with volunteers attracted by massive increases in compensation be rejected as an alternative to the draft."

This Commission puts forth its only objection on financial grounds but page 29 of the Gates Commission report states "When the hidden costs of conscription are fully recognized, the cost of an all-volunteer armed force is unquestionably less than the cost of a force of equal size and quality manned wholly or partly through conscription."

We should also call to mind that the Civilian Advisory Panel on Military Manpower also recommended the following regarding the Lottery System: "The Panel is firmly of the opinion that re-adoption of a lottery would be unwise and retrogressive." Almost everyone connected with Selective Service would agree that while the Lottery has failed to eliminate most of the problems of Selective Service it is an improvement in order to selection.

4. I believe that during the past six years, I have been as close to Selective Service as any single person except for those employed in this area. I believe most strongly that the Congress and the President of the United States owe to the young people of this nation the test as stated in the Hatfield Amendment:

POINT NO. 4

"A voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguard in the event that unforeseen circumstances create a need for additional military manpower;"

I think that this bill is most important at this time in our history. It seems that many people are always searching for the perfect answers to difficult social problems, before making any attempts at solution. It seems that in this issue like many others we should be willing to try new and sometimes dramatic solutions.

Each of you should have the experience of being on a local board and attempting to decide the classification of various registrants. After a few such meetings, I'm sure many would be asking the question.

WHO SERVES WHEN NOT ALL SERVE?

The only answer to this question is an all Voluntary Military.

ACADEMIC PROBLEMS CREATED BY THE DRAFT

(By George Wald)

Nothing now so poisons academic life in America as the draft. It distorts and disrupts our colleges and universities, distracting and harassing students and faculties alike. Many persons who would not otherwise wish to attend college come and stay to avoid the draft. Students who should go off for a time to work, or to study elsewhere, cannot do so because of the draft. One sees this at once by comparing the behavior of men and women students. At Radcliffe College, for example, about one student in six takes a year off during her stay; and the College regards this as highly advantageous for educational, economic and other reasons. At Harvard, largely because of the draft, such leaves of absence are rare.

There has been a great deal of public and Congressional interest lately in student unrest, and the ways in which the colleges and universities have dealt with it. It should be understood that the draft has much to do with both these problems. It accounts directly for much student unrest, and greatly hampers faculties in attempting to deal with it. Faculties that would like to discipline students by making them withdraw for a time or by expelling them must face the embarrassment of thereby exposing them to the draft. It does not help that draft boards and the services may be particularly severe with such cases. A faculty wanting only to send a student away for a time, or for good, must face the prospect of learning a few months later that it may have condemned him to fight and perhaps die in a war that most students and faculty members reject. Just as worthy young men, frequently worthier, who are not students are exposed to those hazards too; but college faculties didn't put them there.

Important aspects of undergraduate education that depend upon graduate students are now badly undercut by the graduate student draft. Many types of instruction, including almost all laboratory teaching in the sciences, are ordinarily done by graduate students. It is very much in the national interest that this go on, and be done well. Yet we now face disastrous cuts in graduate student enrollment. Many graduate students have been drafted, many others have abandoned graduate study for occupations that offer deferment. The country is losing many potential scientists, mathematicians and other highly trained persons that it is going to need; and is suffering now a serious lack of graduate students to teach our undergraduates in the sciences and other fields.

Some of these disabilities might be relieved by a wider exercise of student deferment; others again are the direct result of student deferment. In any case, student deferments provide no solutions, only delays. They only prolong the agony. It should be said also that neither faculties nor students are inclined to plead for special treatment for students, even though it be in the national interest.

There has been much talk lately of "equity" in this connection. Equity however is an ideal only when coupled with justice. To distribute an injustice equally only makes it worse. It means doing to all what should not be done to anyone. That is the essential effect of spreading the draft more widely.

If Congress wishes to improve the condition of our colleges and universities and their relations with the public and with government, probably the most effective thing it can do is to repeal the draft.

POSITION FAVORING A VOLUNTEER MILITARY

(By Robert E. Jones)

Mr. Chairman, my name is Robert E. Jones. I am Executive Director of the Joint Washington Office for Social Concern, representing three religious liberal groups—the American Ethical Union whose national headquarters is in New York, the American Humanist Association whose national headquarters is in San Francisco, and the Unitarian Universalist Association which has its continental headquarters in Boston.

We are presenting joint testimony today because we have nearly identical positions on the draft and conscription, and because our religious positions are similar. Just a word about the religious positions. All three groups take as their central belief a faith in freedom. We grant to our members individual freedom of belief, feeling that in matters of religion the individual conscience must be sovereign. We are, therefore, churches or religious associations without a fixed religious creed or dogma, though our members may have a consensus of belief in ethical and social matters. We are not in the category of "peace" churches but our members hold a range of positions on the questions of participation in war, including the pacifist position but not excluding members who support the use of force when deemed necessary in international relations.

We have reached the position, today, that the best interests of the United States and of its citizens will be served by termination of the authority to induct—an end to the draft—and a return to the all-volunteer armed forces which have characterized our nation's military preparedness for most of its history.

Until the Korean and Vietnam wars, this country had resorted to the draft only in time of major conflict—in the Civil War with its imperfect draft law, and in the First and Second World Wars. The tradition since the Revolution had relied heavily on volunteers to fight the smaller wars. Conscription, for most of our history, had been viewed as an undesirable use of governmental power, usually associated with European despotism, and resorted to by a democratic republic only in the gravest emergency.

Though Korea and Vietnam represented serious international crises, it cannot be said they represented a peril to the survival of the nation, as did the three major wars in our history—one domestic and the other two foreign—cited above.

In those three major wars the United States Government had little difficulty securing volunteers for its armed services and one is led to conjecture whether the draft was necessary at all in World War II, for instance, after Pearl Harbor united the nation and impelled thousands to enlist. It has been said by some that the popularity of a war with the citizenry can be gauged by the rate of enlistments in the fighting branches. If heavy enlistments are not forthcoming the war is obviously unpopular and may be unjust as well. Perhaps only wars of self-defense, as World War II, will rouse enthusiastic approval.

A good case could be made that if a war does not bring out volunteers to fight it, then that war is not worth fighting, for the people, in their wisdom, have decided not to support it.

We are concerned with the inequities of the draft and have supported reforms in the law such as the random selection method and liberalization of the conscientious objector provision.

We were pleased with the Seeger and Welsh decisions of the Supreme Court which made it possible for ethical and moral beliefs to qualify for conscientious objection recognition on equal footing with conventional religious belief. We are therefore, encouraged by the response of the Director of Selective Service, Dr. Curtis W. Tarr, to the recent Supreme Court decision on the non-religious objector, and feel that Local Board Memorandum 107, issued by the Selective Service System on July 6, 1970, gives local boards much-needed guidance in evaluating the sincerity of conscientious objector applicants and follows faithfully the Supreme Court dicta in the Welsh case.

However, pleased as we are with the trend toward liberalizing the conscientious objector section of the law, and with other steps which have been taken to make the law fairer in its administration and in its impact on youth, all three of our organizations have come to the realization that draft reform, though desirable, will never totally erase the inequities of Selective Service. We will still have to contend with local draft boards, with all their frailties, some of which exhibit the meanest kind of prejudice against conscientious objectors.

Unfortunately, in the case of the military draft, the rain does not fall on the just and the unjust alike. Indeed, the draft singles out certain segments of the young male population and subjects them to a disproportionate share of the burdens of citizenship. We are not in a frontier society where every able-bodied man and youth was expected to turn out for muster when the Indians or Redcoats appeared. Not everyone of draft age is needed.

Some 1.5 million young men turn 19 each year and become draft-eligible, but cur-

rently Selective Service is drafting about 180,000 a year. Selective Service was designed to meet the limited manpower requirements, over and above enlistments, where not every eligible young man is needed. Over the years, the Selective Service System has resorted to various deferments and exemptions as a way of narrowing the pool. Occupational and student deferments enabled many to avoid military service. Inevitably, this system of deferments and exemptions militated against the uneducated and the unskilled, and the channeling processes of Selective Service, for those not inducted or assigned to civilian service, robbed the individual of his freedom of choice.

In spite of the institution of a random selection, or lottery, method, the problems of inequality of sacrifice and general inequities remain. For, however the draft law is tinkered with, we come back to the reality that conscription is a denial of individual freedom; that it is a form of involuntary servitude.

Conscription has another aspect to it which is frightening in its implications. It stimulates foreign adventurism, and weakens democratic control over the Nation's foreign policy. The Chief Executive, armed with the draft, possesses the manpower to undertake quick, massive responses to crisis situations the world over. There is a temptation on the part of the President to commit troops quickly, without having to face adequate public discussion and debate, when the troops are available. Large standing armies, historically, have tempted their rulers to use them—either for foreign adventures or domestic repression—and often, for both purposes.

Another compelling reason for our opposition to the draft is what it is doing to the social climate of America. Large segments of our student and youth population are in resistance to the draft. Like Prohibition in the twenties, a significant portion of the citizenry are not obeying the law. The draft and the war, which many deem unnecessary and unjust, have caused a widespread disaffection with American society and institutions. Ending of the draft should do much to eliminate the anxieties and insecurities which plague our youth, and diminish the ferocity displayed in the revolutionary sectors of the student population.

It will be a healthy thing for this country to do away with conscription.

For these reasons, we endorse the voluntary system of military manpower procurement embodied in the legislation introduced by Senator Hatfield of Oregon, Senator Goldwater of Arizona, and others. It is our understanding that, in the absence of hearings in the Armed Services Committee, this will be presented as an amendment to the Military Procurement Act of 1970.

We urge its adoption.

POSITION FAVORING VOLUNTEER MILITARY

(By Rev. Rodney Shaw)

My name is Rodney Shaw. I am a minister of The United Methodist Church and served as a chaplain in the U.S. Army during World War II. I work in the Division of World Peace of the United Methodist Board of Christian Social Concerns and would like to present the general position of The United Methodist Church and also the more detailed position of the Board of Christian Social Concerns, an official agency of The United Methodist Church.

The 1968 Uniting Conference of The United Methodist Church, the only body that speaks for the whole church, has said: "We affirm the opposition of The Methodist Church to compulsory military training and service in peacetime."[1] This clearly means that the United States should return to the traditional voluntary system of raising manpower based on adequate pay and other inducements.

It is not only the violation of personal freedom, but the flexibility provided by conscription in determining the size of the armed forces that leads us to oppose strongly the renewal of the draft. This flexibility is simply another name for a blank check on the nation's young men that permits the Executive branch of government quickly to expand the army, to send troops into other countries, to engage in hostilities and to escalate into full scale war without a Congressional declaration of war or a debate on manpower.

A voluntary system of raising manpower in peacetime would make it necessary for the Executive Department to consult Congress and hence the people, before embarking on a major war overseas. Congress would thus regain the constitutional control over use of the armed forces that it lost when it allowed military conscription to become part of the American way of life.

For Congress to continue the draft is to abdicate its responsibility to the Constitution and to the people by facilitating the ability of the Chief Executive to launch and conduct an undeclared war. For the continuance of the draft is the continuance of an advance pledge of almost unlimited manpower for any military venture the Executive wants to launch.

If the White House and the Pentagon had to ask Congress to conscript men whenever they wanted to engage in an undeclared war, a national debate would be precipitated that might result in a substantially different course than the Administration had intended.

In fact, no Executive would dare try to authorize the escalation of troops from a few thousand military advisers to some hundreds of thousands of combat troops if he had neither a peacetime draft nor a Congressional declaration of war in his pocket.

When official spokesmen talk about the inequity of the draft they are operating on the principle that the issue before us is how to draft people equitably and not human freedom from such servitude. There is a real inequity in that the draftee's substandard pay means he is subsidizing society when there is no need to do so except to keep down the taxes.

However, the real issue is "the impact of conscription on the freedom, education, and vocations of young citizens."[1] The draft unnecessarily denies these young men freedom for a period of years, forcing them into a role they would not otherwise have chosen and delaying or jeopardizing plans for education, vocation, and marriage.

It is estimated that 40,000 young men have fled the United States so that they would not be subject to the draft. We need to recall that it was for essentially the same reason that many of our ancestors fled compulsory military service in a highly militarized 19th century Europe. The flight of these young Americans should be regarded as a danger signal, warning of the heavy burden of militarism and consequent loss of freedom in the United States even as the action of our ancestors was an indictment of Prussian militarism.

There are many responsible people in our society who believe that the United States is too deeply influenced by what President Eisenhower called the military-industrial complex, that the United States, in its power contest with Russia, has chosen to establish order in the world through its own might rather than through the strengthening of international institutions, that such a course inevitably involves more and more interference in the internal affairs of other nations, and that the draft is in a real sense the symbol of this whole trend and a key to its continuance.

In conclusion, as the United Methodist Board of Christian Social Concerns stated at its annual meeting in October, 1969, "The Board of Christian Social Concerns of The United Methodist Church . . . calls for an immediate end to military conscription in the U.S., through repeal of the Selective service law."[2]

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[1] "The United Methodist Church and Peace," resolution of the 1968 Uniting Conference of The United Methodist Church, paragraph 7.a.

[2] "Repeal of the Draft," resolution of the October, 1969 meeting of the United Methodist Board of Christian Social Concerns.

THE VICE PRESIDENT AND THE AMENDMENT TO END THE WAR

Mr. CRANSTON. Mr. President, the Vice President yesterday made some unfortunate and, I believe, unjustified conclusions about the amendment to end the war. Regrettably he chose to cloak his conclusions with some of his now familiar florid rhetoric and predictably he impugned the motives of those who have drawn conclusions different from his own on how best to disengage from Indochina.

Mr. President, Vietnam is a national disaster. We should be discussing it in a rational and temperate manner rather than using it as an excuse for partisan political bomb throwing. Those of us who support the amendment to end the war have attempted in speeches and in publications to outline in great detail the reasons why we believe a commitment to a fixed timetable for safe and orderly American disengagement offers the best way out of our disastrous involvement in Indochina. I should hope the Vice President would give us the benefit of the reasons which led him to draw different conclusions about the effect of our amendment.

Our President has promised to try to bring us together again. I am sure the Vice President shares this desire as do all the Members of this body. Our country is deeply divided today over many issues.

What we need to bring us together again is more reason and less emotional rhetoric. When we must disagree over the difficult problems we face we should discuss our disagreements with temperance and hopefully with some measure of charity and respect for the other fellow's point of view. We are after all discussing the problems of the greatest democracy the world has ever known, not wrangling at some lodge meeting. If we cannot conduct ourselves like gentlemen, how can we expect the people of this country to respect and uphold the rules of reason and of law which are the foundations upon which our social compact rests.

Mr. President, the Vice President, despite his verbal excesses, is a man of courage and conviction. I know that he has acted quietly and with great dignity to bring the moral weight of his office to bear against the military junta in Greece. While I disagree with him on many issues, I respect his convictions. I know he cares as deeply about this country as I do. But I hope he tones down his rhetoric before it causes deeper tears in our social fabric.

We desperately need reasoning men and reasoned debate today.

Our Vice President should be one of the first to recognize this.

OIL POLICY COMMITTEE MAKES RIGHT DECISION ON OIL IMPORT QUOTA SYSTEM

Mr. PEARSON. Mr. President, yesterday Brig. Gen. George A. Lincoln, Director of the Office of Emergency Preparedness, announced that the Oil Policy Committee, of which he is chairman, had decided to recommend retention of the present oil import quota system. In announcing this recommendation, General Lincoln also indicated that President Nixon concurred in the decision of the Oil Policy Committee.

This is a most significant decision, and I believe it is the right decision.

It would have been a great mistake to have adopted a new policy which might have served to weaken the domestic petroleum industry, particularly at a time when we face the prospect of a fossil fuel shortage of major, possibly crisis, proportions.

In announcing this recommendation, the Oil Policy Committee cited the following factors: Increased demands for the petroleum products in the last 6 months, decreased domestic supplies, growing shortages in other fuels such as natural gas and coal, sharp increases in Mideast oil and tanker costs, and the uncertainty as to when the great oil resources of the North Slope of Alaska will be available for consumption.

Some of these factors are fairly recent in origin. Most have been there all the time but have not been given their proper weight in the making of previous recommendations on oil import policy. The Oil Policy Committee, under the chairmanship of General Lincoln, is to be commended for its thorough and realistic appraisal of all the significant factors. The oil quota system has served this country well. Internal modifications of the program during the past few months have improved its operation.

Mr. President, I salute this action by the Oil Policy Committee and the President. It is appropriate and sound. It will serve to protect and advance the interests of the Nation as a whole.

RESOLUTION ON POW'S PASSED BY THE GRAND LODGE OF A., F. AND A.M. OF OREGON

Mr. HATFIELD. Mr. President, whatever policy is pursued by the United States with respect to our involvement in Southeast Asia does not alter the fact that the North Vietnamese have life and death control over the unknown number of Americans held captive over the years of conflict. As the Senate's attention becomes focused on a series of amendments which will have a direct bearing on American involvement and policy in Southeast Asia, I believe we must give important consideration to the effect these amendments will have on the status of American prisoners of war.

Secretary of Defense Laird's efforts in asking the North Vietnamese for a release of all Americans being held captive, or at least compliance with the 1949 Geneva Convention provisions relating to POW's, should be highly commended. But as our Nation continues to be a major combatant in the Southeast Asian war, our Nation's sharp protestations and invocations of international law have met with little success. I and the other cosponsors of the amendment to end the war—Senate amendment No. 609 to H.R. 17123—believe that our amendment, however, holds out a hope for these men not available under the alternative of continued conflict. We believe that Hanoi will hold Americans as prisoners of war only as long as they are fighting against American forces. When it is certain that we are determined to withdraw completely and end our own military involvement in this Asian conflict, then they will have no further incentive for maintaining these Americans as prisoners.

The Grand Lodge of the Ancient, Free and Accepted Masons of Oregon has passed a resolution regarding American prisoners of war urging, among other things, that our Nation not forget American POW's in their consideration of treaties, accords or agreements relating to our involvement in Southeast Asia. I commend the Grand Lodge for their concern in this area and can assure them that careful thought was given to this area in the formulation of Senate amendment No. 609. I ask unanimous consent that the resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the the RECORD, as follows:

RESOLUTION

Whereas, there is an undetermined number of United States citizens interned as prisoners of war by the Government of North Viet Nam, and

Whereas, some of these members of the military service of the United States have been imprisoned as long as five years, and

Whereas, the intelligence reports and information from those who have been released or escaped leaves no doubt that these men, while imprisoned, are subjected to unusual, cruel and inhuman treatment, to-wit: physical torture, psychological terror, public display, insufficient medical care and treatment, neglect of health, dietary and sanitary necessities, and are denied correspondence with relatives, and

Whereas, by inflicting such treatment upon the members of the military service of the United States of America, the Government of North Viet Nam has violated the fundamental standards of human decency and has grossly deviated from civilized concepts of international accords and agreements on prisoners of war, and

Whereas, the Geneva Convention of 1949 requires the fair, humane treatment of prisoners and the Government of North Viet Nam in 1957 became a signatory to said agreement and the said Government of North Viet Nam has refused to identify the prisoners whom it holds, to release the seriously sick and wounded prisoners, to permit inspection of the prisoner of war facilities and has refused to permit exchange of mail between the prisoners and their families, and has refused to permit the International Red Cross to inspect the prisoners, and

Whereas, the acts of the Government of North Viet Nam in this conduct have violated all standards of decency toward members of the military service, many of whom are members of Free Masonry.

It is, therefore, resolved that the Grand Lodge of the Ancient Free and Accepted Masons of Oregon at its annual Communication assembled June 11, 1970, does condemn in the strongest terms the conduct of the Government of North Viet Nam in its treatment and confinement of these members of the military service of the United States and does hereby petition to the United Nations and all of the free governments associated therewith for the Government of North Viet Nam to be censured and required to act as follows:

(1) To observe the terms and conditions of the Geneva Convention of 1949 as signed by the Government of North Viet Nam in 1957;

(2) To allow the International Red Cross and United Nations to immediately visit said prisoners to determine the number confined therein and advise their families and loved ones;

(3) To immediately release the seriously sick and wounded prisoners;

(4) To provide continued impartial inspection of the facilities of the prisoners by the International Red Cross and other appropriate organizations;

(5) To provide proper medical treatment of the sick and wounded;

(6) To provide a regular supply of sufficient food, medicines and other items to maintain a decent standard of living;

(7) To cease using prisoners for purposes of propaganda, public degradation and mental torture.

We do further resolve that the United States of America enter into no treaties, accords or agreements that will in any way prevent or delay repatriation of these members of the military service of the United States and their prompt return to the Government of the United States and to their wives, children and families.

It is further resolved that a copy of this resolution in appropriate form be sent to the President of the United States; the Vice-President of the United States; the Secretary of State of the United States; the Majority Leader and the Minority Leader of the Senate of the United States; the Speaker of the House of Representatives of the United States; and to the Secretary of the United Nations.

In witness whereof, the Grand Lodge of Ancient, Free and Accepted Masons of Oregon, has caused this Resolution to be executed by its Most Worshipful Grand Master and Right Worshipful Grand Secretary and the seal of the Lodge affixed thereto.

B. D. DOTSON,
Most Worshipful Grand Master.
W. L. ELLIOTT,
Right Worshipful Grand Secretary.

TO EVERYTHING THERE IS A SEASON

Mr. PROXMIRE. Mr. President, I believe it was Victor Hugo who once said:

Greater than the tread of mighty armies is an idea whose time has come.

We are drawing nearer to the time when we must make a momentous decision on a significant advance in international human dignity. I speak of the Genocide Convention.

To paraphrase a famous and poignant folksong, I firmly believe that "to everything there is a season." The season has come for courageous decisions on matters of human rights.

To everything there indeed is a season; a season for soul searching and a season for courage, a season for doubt and a season for decision, a season for council and a season for commitment. I ask that the Senate act on its con-

science when the United Nations Convention on Genocide comes to the floor of the Senate.

ADMINISTRATION TESTIMONY ON RIGHTS OF THE MENTALLY ILL

Mr. ERVIN. Mr. President, on August 12, 1970, the Subcommitee on Constitutional Rights resumed its hearings on the constitutional rights of the mentally ill. The purposes of this hearing were to ascertain the policies, programs, and plans of the Federal Government affecting the rights of the mentally ill and to evaluate the implementation of the 1964 District of Columbia Hospitalization Act.

Witnesses who testified at the hearing included Dr. Roger O. Egeberg, Assistant Secretary for Health and Scientific Affairs, Department of Health, Education, and Welfare, and Dr. Sherman N. Kieffer, Director of the National Center for Mental Health Services, Training, and Research of the National Institute of Mental Health. The witnesses were requested to comment upon the steps that have been taken over this decade by the Federal Government, and to describe the plans for the future, to: First, promote mental health research: second, encourage enlightened policies for effective and early treatment of mental illness; and third, assure better laws for protection of the constitutional rights of mental patients.

Dr. Egeberg outlined national trends in the medical and legal fields affecting the rights of the mentally ill. He pointed to a decrease in the mental institution population and emphasized the advantages of treating mentally ill persons in the community. He acknowledged the growing concern with the patient's right to treatment and the adequacy of treatment for those involuntarily committed to mental institutions. Dr. Egeberg said:

> The rights issue is extremely important and objective judicial and administrative review of the quality of services are crucial in a democratic society. It is the responsibility of health care professionals, however, to stay in the vanguard of changes in the service we are offering. The question of quality is not restricted to whatever are the levels of adequacy that can be legally enforced. Our responsibility and challenge is to assure the value of what we offer to those who come to us for help.

Dr. Sherman Kieffer, in discussing the implementation of the 1964 District of Columbia Act, said:

> A review of the past five years of operating experience indicates that the Act's legislative framework has generally proved to be both durable and flexible, and that the principles it embodies have ably withstood the test of time.

Dr. Kieffer strongly endorsed the concept of voluntary commitment, one of the fundamental purposes of the 1964 act. He summarized the position of the National Institute of Mental Health:

> We are opposed professionally to any practice which would tend to discourage patients from entering treatment on a voluntary basis.

Mr. President, in my opinion, Dr. Egeberg and Dr. Kieffer presented testimony which will be of great value to the subcommittee in its continuing study of the rights of the mentally ill. I believe that their statements will be of interest to every American concerned with the problem of mental illness. For that reason, I ask unanimous consent that these two statements and the brief remarks which I made in opening the hearing be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

OPENING STATEMENT OF SENATOR SAM J. ERVIN, JR., RESUMPTION OF HEARINGS ON THE CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL, AUGUST 12, 1970

With today's hearing the Subcommittee resumes the series of hearings we began in November of 1969 to consider the constitutional rights of the mentally ill. The lapse of time between the earlier hearings and this one was caused by the demanding responsibilities of the Subcommittee in other areas and the problem in scheduling additional witnesses.

Our hearings have been undertaken to provide a comprehensive "decade review" of the state of the law governing those who are subject to loss of liberty and to involuntary hospitalization because of mental illness. We have focused upon recent legal and medical developments in the field, commitment procedures and practices in various states, the availability of legal assistance to persons subject to commitment and to persons actually hospitalized, the significance of a patient's moral and legal "right to treatment" under the law, the implementation of the 1964 District of Columbia Hospitalization Act, and various suggestions for improvements in policies and practices affecting those persons in our society determined to be "mentally ill."

Thus far, we have heard from a distinguishing group of witnesses with experience and expertise in all areas of this subject. Our witnesses have included representatives from the American Psychiatric Association, the American Medical Association, the National Association of State Mental Health Program Directors, the National Association for Mental Health, the Medical Committee on Human Rights and the American Civil Liberties Union. We have also had the benefit of testimony from representatives of the District of Columbia Medical Society, the District of Columbia Health Department, the District of Columbia Judicial Conference, the District of Columbia Mental Health Association, the Neighborhood Legal Services, the District of Columbia Legal Aid Agency, and professors of law with knowledge in this area.

Today we are focusing upon the Administration's programs and plans concerning the mentally ill in our nation. We shall also hear first-hand from those charged with administering the new law for the District, how well it is working, and how it has been implemented. The 1964 Act was largely the product of this Subcommittee's study and hearings in the early 1960's. There is general agreement that this legislation constituted a significant improvement in protecting the rights of the mentally ill and in encouraging voluntary commitment. We have evidence to suggest that some of the purposes of this legislation have been realized. However, there is also evidence—including the testimony of previous witnesses—to underscore my belief that certain provisions of the 1964 Act have not been effectively implemented.

I am confident that the witnesses scheduled to testify today will be of great value in pointing out our shortcomings and in helping us to understand what should be done to remedy the areas of neglect. I also look forward to the testimony to be presented on behalf of the Administration as to its plans for coming to grips with the complex problems involved in responding to the needs of those who are mentally ill.

Finally, I hope that this entire series of hearings will encourage the Congress and the public to re-examine old assumptions and outmoded approaches concerning the problem of mental illness in this country. In a free society, a determination that any man shall be denied his liberty—even upon a good-faith belief that it is in his own best interests—should be made with the greatest caution and with the full protections of due process afforded the individual by our Constitution.

I would like for the record to show that in the appendix of the hearings, there is to be inserted a letter which we have received from Mr. Robert J. Golten, of the District of Columbia Legal Aid Agency. Also, I understand that the Center for Study of Responsive Law has undertaken a study of the rights of the mentally ill. The Center has given permission to include its report in our hearing record when it is available. In addition, in response to a Subcommittee questionnaire sent to the National Institute of Mental Health, we have received a very helpful collection of reports and statistical information which will also be included in the record with the questionnaire.

STATEMENT BY SHERMAN N. KIEFFER, M.D., ON CONSTITUTIONAL RIGHTS OF THE MENTALLY ILL

Thank you, Mr. Chairman. I appreciate the opportunity to appear before this distinguished Subcommittee to convey the professional opinions of the National Institute of Mental Health and the National Center for Mental Health Services, Training, and Research regarding the District of Columbia Hospitalization of the Mentally Ill Act.

A review of the past five years of operating experience indicates that the Act's legislative framework has generally proved to be both durable and flexible, and that the principles it embodies have ably withstood the test of time. I shall, however, comment on certain amendments to the Act which were proposed in S. 2869 as originally introduced, about which you ask our opinion.

When Saint Elizabeths Hospital was first established in 1855, its mission was stated as the provision of "the most humane care and enlightened curative treatment" for persons suffering from mental illness. This, Mr. Chairman, you translated into legislative language establishing the corresponding right of every patient to receive such treatment. What has changed over the years is not the goal itself, but the definition of "humane care" and of "enlightened curative treatment."

Through our accumulated research findings and clinical experience, we know that most mental illness can be treated more effectively when detected and diagnosed early and properly, and when the positive relationships between the individual and his family, his job, his friends, and his community are not severed. We also know that custodial care alone, no matter how compassionate, how enlightened, or how restitutive it may be, will not provide the kind of active support required to effectively rehabilitate an individual suffering an emotional crisis and to return him to a productive life in the community.

Dr. Egeberg has described the national efforts to bring about desired changes in the pattern of delivery of mental health services. He has traced the development of the Community Mental Health Centers program and, equally important, the growth of clinical research and training programs, without which programs of services would fail to grow in excellence.

The National Center for Mental Health

Services, Training and Research embodies all three elements of the national program in microcosm. It consists of three closely interrelated and interdependent Divisions—the Saint Elizabeths Hospital-Division of Clinical and Community Services, the Seymour D. Vestermark Division of Intramural Training, and the Winfred Overholser Division of Clinical Research. The Hospital Division forms the essential base for the delivery of clinical and community services. The Vestermark Division is a laboratory for the development of new and more effective techniques for the training of professional and paraprofessional personnel to provide such services. The Overholser Division carries out clinical and social science research programs which can be utilized by the other Divisions and by the Institute as a whole in exploring and evaluating innovative treatment approaches.

It is anticipated that the accomplishments of the National Center as a whole will be replicated by communities throughout the United States. The model provided by the Hospital Division should be particularly significant to them because it did not spring full-blown from a mental health planner's drawing board. Existing resources—in this case, the old Saint Elizabeths Hospital—are being utilized in new and creative ways. The hoped-for result will be a pattern of services which goes far beyond the old functions of providing intermediate or long-term inpatient care only. The services we are presently providing for the 155,000 residents of the District's Health Service Area D in our model community mental health center include, in addition to inpatient care when needed, a full range of alternatives to such care, for children as well as for adults. In addition, consultation to community agencies and concerned personnel, improved screening and diagnostic techniques, and intensified follow-up care for patients moving back to the community are available. These programs have all been developed in collaboration with the District Health Department officials.

The statements made before your Subcommittee by Dr. John Schultz, Associate Director for Mental Health and Retardation, D.C. Department of Public Health, last November 12, 1969, need clarification. He stated that ". . . the right to treatment of a patient presented to Saint Elizabeths Hospital for care includes the right to precare and the right to aftercare in his community and the full range of alternative services which Saint Elizabeths cannot provide. Saint Elizabeths can only admit or not admit." No one mental institution alone can effectively serve the entire population of an area the size of the District of Columbia. This is, in effect, the role Saint Elizabeths has been forced to assume ever since the District closed down its only security inpatient psychiatric facility at D.C. General Hospital in late 1966. For patients requiring security confinement, Saint Elizabeths is often the only available resource.

Mr. Chairman, we are willing and eager to, and do admit any and all residents of Health Service Area D and provide them with the most comprehensive range of services possible. For fiscal 1970, for example, we admitted a total of 1,650 patients from the other three health service areas of the District. We feel, however, that it is time that the parallel responsibilities of the District of Columbia to provide the same full range of services for residents of the other health service areas of the city were implemented in those areas. Until such time, however, we will certainly continue our cohort services to residents of Areas A, B, and C, and our overwhelming burden of services to patients committed for pre-trial examinations through the criminal process. We must frankly admit, however, that our resources are becoming strained to the breaking point. For many patients it is quite true that we cannot always offer the kind of comprehensive treatment services which in our professional judgment constitute an "adequate" program.

I have detailed the strengths and weaknesses of our treatment program not only because it is the only honest response to your question about the implementation of the "right to treatment" which your statute guarantees, but because the woeful lack of alternatives to inpatient care for three of the city's four health service areas renders inoperative another innovative feature of your statute—the right of the court to commit to such alternative resources in lieu of natory of the convention.

A number of studies conducted or supported by the NIMH or others have demonstrated that an extremely small percentage of civilly committed patients meet the statutory standard of danger to themselves or others to an extent that in our judgment necessitates inpatient care. Despite the legislative language, they are committed and retained because they are in need of care and treatment, they do not have the insight to seek such care voluntarily, and—there is nowhere else to send them. We hope the day is not too distant when, in the District of Columbia at least, commitment to partial hospitalization or outpatient care will be the rule rather than the exception.

Most of your questions regarding implementation of other specific sections of the Act are answered in the Addendum which I have submitted for the record. There, too, will be found a number of tables and charts which provide background statistical information about admissions and releases of patients in the years since the Act was passed. I would like to call attention to two charts which are particularly significant.

Table I presents a 3-year comparison of patient status at the end of each of the last three fiscal years. You will notice that in fiscal year 1969 particularly (the first year of the National Center's operation), the resident patient population was decreased from 5,476 to 4,865. This decrease of 611 resident patients represents an 11.16 percent annual rate of decline, or a 179 percent improvement compared to the average for 1962–1967. What is particularly significant is that this was accomplished in spite of a 70 percent increase in the admission rate for the five year period prior to 1969. This we attribute to our redoubled efforts to place patients in the community when hospitalization is no longer necessary. Since the establishment of the National Center in November 1968, we have reduced the average daily resident population by 1600. This marked reduction has enabled us to evacuate and close the 12 antiquated patient buildings constructed during the Nineteenth Century. It should be noted here that of the 6,000 patients discharged since November 1968, only 188, or about 3%, are currently rehospitalized. The national average for readmissions under similar circumstances has been about 50%.

Table IV is also of interest because it confirms what several witnesses have told the Subcommittee—that the number of D.C. resident patients alone seeking care on a voluntary basis has increased since the Act has been in operation. In fiscal year 1965, the first year of operation, of 1,011 civil D.C. resident admissions, only one-third (357) were voluntary. In fiscal year 1969, of 2,418 civil D.C. resident admissions, nearly one-half (1,180) were voluntary.

The increased utilization of the voluntary admission procedures is a trend we encourage in every way possible in the national mental health program. There is no question but that the prognosis for a motivated patient who takes the first hard step of acknowledging his need for help and seeking such help on his own initiative is very much better than for patients forced to enter treatment against their will. In addition, voluntary patients for the most part seek assistance at an earlier stage of their illness, at a time when therapeutic intervention can be maximally effective. For these reasons, we are opposed professionally to any practice which would tend to discourage patients from entering treatment on a voluntary basis.

We share the conviction of the great majority of mental health professionals throughout the country—whose representatives, I believe, have already testified to this effect before your Subcommittee, Mr. Chairman—that any procedure which would undermine the therapist's credibility and break faith with the patient should not be approved. The very meaning of the term "voluntary" implies a lack of coercion. In accepting a patient on this basis, we have obligated ourselves, ethically and professionally, to respect his right to seek or to reject our help as he may choose. If we fail to live up to this obligation by placing roadblocks in the way of his release, we have destroyed the very foundation of a meaningful therapeutic relationship.

In this connection, we would invite your attention to the amendment to section 21–512(a) of the D.C. Code proposed in section 5 of S. 2869 as originally introduced. The amendment would provide that if the chief of service has reason to believe that a voluntary patient is mentally ill and, because of such illness, is likely to injure himself or others if not detained, and if the chief of service applies for emergency hospitalization within 48 hours, then the hosptial would be permitted to detain the patient even though 48 hours had expired since he has asked to leave.

We believe this amendment requires some refinement so as to assure that it would not have the effect of discouraging patients from entering treatment voluntarily, while nevertheless assuring that the D.C. Public Health Department was notified in the case of a voluntary patient who seeks release while a danger to himself or others. We hope to complete our consideration of proposed changes in this amendment in the very near future and will at that time make our recommendations to the Subcommittee.

Turning to the emergency commitment procedures, we would recommend a modification of the D.C. Code as recently amended by the District of Columbia Court Reform and Criminal Procedure Act of 1970. The Code now provides that *any* physician of the person in question, and not merely a *family* physician, should be authorized to file for admission of a patient under emergency procedures provided for in section 21–521 of the Code. While we agree that the term "family physician" is perhaps a bit anachronistic for much of the population we serve today, and approve the change made by the new Reform Act in deleting the qualifying word "family", we do not think it is wise, from a therapeutic standpoint, to permit physicians employed by the treating institution to initiate a petition for involuntary hospitalization. It is no solution to limit the right to file emergency applications to physicians licensed to practice in the District of Columbia, as some witnesses have suggested. Many staff physicians at Saint Elizabeths Hospital are so licensed. We would prefer to see the language changed so that any physician, except one employed by the institution to which admission is sought would be qualified. I am advised by our Counsel that this may require an amendment not only to section 21–521 but also to section 21–582(a) which expressly deals with the question of the qualifications of hospital staff physicians to initiate such petitions.

In connection with the detention of persons upon application to the court by the Commission on Mental Health, we note that sections 6(d) and 7 of S. 2869 would author-

ize the court to issue an "attachment for the immediate apprehension and detention at a hospital" of a person "not otherwise in custody" for whom a petition for judicial hospitalization has been filed. In such cases, the Commission could detain the person for examination and a hearing for a period of up to seven days, unless the person or his counsel requests a recess. Proponents of the proposal, in testimony given to the House District of Columbia Committee, stated that its purpose is to handle the situation of the clearly mentally ill and highly dangerous person who refuses to submit himself to the Mental Health Commission for examination. We believe, however, that there should be a provision for notice and opportunity for a hearing on this matter, both with respect to the question of whether there is sufficient probable cause to *order* an examination and to consider the possibility of an examination conducted at home or otherwise on an outpatient basis. If the situation warrants, the emergency procedures under Subchapter III of Chapter 5 of Title 21 of the D.C. Code would be available.

I would like to make just one comment regarding the amendment to the D.C. Code, section 10(b) of S. 2869, which would add a new procedure by which hospitalized patients could submit a motion for release to the court which entered the order for hospitalization. The amendment would allow the court to restrict the patient to only one release motion, unless he claims that his mental condition has changed, there has been no court hearing to determine his present mental condition for a period of six months, and he has exhausted the remedy pursuant to section 21–547 of the Code and all other administrative remedies. He may thereby be precluded from offering to the court, in a proceeding under the proposed section 21–548 of the Code, evidence that what has changed is not his own condition but an outside factor, such as the existence of a suitable alternative to hospitalization. If he were to be so precluded, it would not appear to be consistent with the spirit and aims of the District of Columbia Hospitalization of the Mentally Ill Act. We would suggest that the amendment be studied further with this consideration in mind.

As mentioned before, the procedures, directives, forms, etc., developed to implement the various rights guaranteed to patients under the D.C. Code have been included in the Addendum to this statement, but the subject of competency to exercise a number of civil rights requires some further discussion in the light of our experience over the past 5 years. I hasten to assure the Subcommittee that the National Institute of Mental Health and the National Center for Mental Health Services, Training, and Research have always supported—and continue to support—the validity of the provisions which separate determinations of the need for hospitalization from determinations of incompetency. We have taken our responsibilities under Section 21–564 of the Code very seriously. Between September 15, 1964 (when the District of Columbia Hospitalization of the Mentally Ill Act was passed), and September 15, 1965, the hospital examined over 5,000 patients who had previously been considered incompetent solely upon the basis of an order of involuntary hospitalization. Since that time, every patient is examined at the time of or soon after his admission to the hospital to determine his competency to exercise each of the separate rights enumerated in the statute. (The form used to record this information and the results over the years are part of the Addendum). Although we are required to notify certain persons of the patient's mental inability to exercise particular rights, the statute does not require any of the persons so notified to take any legal steps to have the patient's alleged incompetency judicially determined. The subject of followup steps to protect such patients more adequately should also receive further study and consideration.

Before closing I would like to mention one provision in the present D.C. Code which may cause considerable administrative difficulties if or when the District of Columbia develops adequate services for the residents of Health Areas A, B, and C. As presently written, Sections 21–511 and 21–513 of the Code provide that voluntary applicants and non-protesting persons whose conditions justify hospitalization are entitled *as a matter of right*, to be admitted to the public hospital of *their choice*. As a result, the Administrator of Saint Elizabeths Hospital may not transfer a patient who resides in Health Areas A, B, or C but asks to be admitted to Saint Elizabeths Hospital to the appropriate facility in his own catchment area nor may the Administrator of an Area A, B, or C facility transfer a patient who lives in Health Area D to Saint Elizabeths Hospital. This means that any plan for more effective utilization of public facilities in the District would be nullified if the patient chose to request admission to a facility not located in his own residence community. This problem was first pointed out to your Committee in 1964 by both the District of Columbia and the Department of HEW at the time the legislation was under consideration but no action was taken at that time since the District had not yet developed its own facilities. We are now bringing the problem to the attention of this Committee once more so that it may consider the advisability of amending the present Sections 21–511 and 21–513 of the Code to make it more flexible.

Mr. Chairman, I want to say again how much I appreciate the opportunity to talk with you about the District of Columbia Hospitalization of the Mentally Ill Act, and to discuss our successes and our failures in carrying out the directives it embodies. I assure you that we share your determination as professionals and as concerned citizens that every possible protection will be given the human rights of persons afflicted with mental illness. We will now be happy to answer any further questions you may have about the statement or about the materials submitted in the Addendum.

STATEMENT OF ROGER O. EGEBERG, M.D.

Mr. Chairman, Members of the Committee: I am happy to appear at these hearings on the legal rights of the mentally ill to talk about the development of our national mental health program. The rights issue and, in particular, the legal-psychiatric concerns and discussions about the right to treatment have focused attention on changing emphases in American public and professional responses to the mentally ill.

These emphases have resulted in a shift from custodial care to community based treatment of the mentally ill. Essential to this shift have been growing public and professional expectations that almost all the mentally ill will be returned to meaningful and productive lives, and, increasingly, the prospect that with early community-based help, they should never have to seriously disrupt work and family relationships.

I know you are familiar with the custodial "snake pits" reported by Deutsch in the thirties, where the mentally ill were often treated inhumanly as outcasts, often by other outcasts from society who were charged with their care (Deutsch: *The Mentally Ill in America*, 1937). The shift from the "institutional solution," which again flourished after World War II with larger and larger public expenditures for new structures and equipment, has been relatively recent and significant. For one thing, since 1955, there has been a striking reduction in the number of hospitalized mentally ill at State hospitals.

In the ten year period prior to 1955, the number of resident patients in mental hospitals increased each year. This number rose to 559 thousand in 1955, when—with the introduction of psychoactive drugs and a new community centered approach to the care of the mentally ill—the trend was reversed. Since then we have seen a decrease of more than thirty percent so that at the end of 1968 there were only 367 thousand resident patients. If the decrease in the number of resident patients continues, we can predict that by 1973 we will have only 186 thousand resident patients in mental hospitals—a reduction of two-thirds in the period 1963–1973.

This will be quite a remarkable achievement, in view of the fact that if the upward trend prior to 1955 had continued there would have been 809 thousand resident patients by 1973. This decline in resident patients is even more remarkable in that total admissions to mental hospitals during the same period have been rising.

Several factors have contributed to the reduction of resident patients in mental hospitals. Progress in research into the care and treatment of mental illness, in large measure Federally supported and stimulated, recently has made it possible for the Nation and its States and communities to begin to establish a program of comprehensive community mental health services providing effective and early treatment of the mentally ill.

Increased knowledge about mental illness and its treatment has also increasingly resulted in new public acceptance and understanding of the mentally ill and of community-oriented treatment.

I would like, very briefly, to elaborate on these national trends.

Since 1948, the purpose of the Federal assistance program in the mental health field, administered by the Department of Health, Education, and Welfare through the National Institute of Mental Health, has been to provide grant-in-aid support for research, training and manpower development, and the development of mental health services.

In addition to financial support, the NIMH also provides stimulation in each of these program areas through staff consultation with State and community personnel, demonstrations of new programs, and the evaluation of their merit.

The dual role of Federal leadership and support was demonstrated with the advent of psychoactive drugs in the 1950's, when research in psychopharmacology became one of the major areas of successful effort in the Federal research support program, in terms of both basic and clinical research studies.

Fifteen years ago, psychiatry possessed no clearly useful drug treatment for any form of mental illness. Today, in large measure through Institute efforts, psychiatrists, using chemotherapy, have been able, in many cases, to shorten the length of inpatient treatment and to treat persons who remain in the community without serious disruption of family and work relationships.

I mention the progress of psychopharmacology as one example of the importance of research which we believe is the foundation of the entire mental health program. There are many other examples.

Suffice it to say that Federal support of mental health research has grown from 38 projects in 1948 to some 2,000 in Fiscal Year 1970. In FY 1970, 28.6 percent of funds available to NIMH—about $116 million—were allocated to the support and conduct of research. This amount represented approximately 65 percent of all support for mental health research in the United States.

Some of the most pioneering and outstanding work on schizophrenia and depression has been carried out in the Institute's intramural laboratories.

While there has been no breakthrough in treatment of schizophrenia, the most serious

and most prevalent of the mental illnesses, our understanding of the disease grows daily. Research in the treatment of depressions shows definite progress and the results are now being tested in treatment. Mania—long resistant to treatment—now responds promptly to lithium carbonate.

Throughout the Institute's extramural research program, basic scientific research is being augmented with new investigations into the multiple causes of psychopathology.

Research by physical and biological scientists is being examined and further interpreted by social scientists and practitioners, including psychologists, sociologists, anthropologists, economists, lawyers, and political scientists. These specialists contribute a broad perspective within which to explore properly the nature of such special mental health problems and phenomena as suicide; the difficulties of adolescence; the mental health problems of the aged; abuse of and dependence on drugs and alcohol; and the alienation of groups within our society.

This Department has long recognized the need to reform the laws affecting the rights of the mentally ill, and the restriction of liberties that often accompanied earlier approaches has come under increasing scrutiny during the transition from custodial to community-based treatment. Many State laws were enacted at a time when alternatives to confinement in large isolated State hospitals were nonexistent, when long-term hospitalization was the rule rather than the exception, and when in many States all judicially committed persons were automatically considered incompetent. On the premise that good treatment can only be based on enlightened laws, the NIMH has continued to support studies related to commitment and court procedures and to forensic psychiatry, and has provided consultation at the request of a few States in the updating of their commitment laws.

For example, since 1961 it has supported an American Bar Foundation study of civil and criminal commitment procedures. This study has documented the tendency of States to apply involuntary commitment procedures to any one considered mentally ill and in need of immediate inpatient treatment. Voluntary procedures were generally ignored in addition to the statutory requirement and safeguard, in those States in which it existed, that a person must be dangerous to himself or others as well as mentally ill in cases of involuntary commitment. An early Public Health Service Draft Act for Hospitalization of the Mentally Ill, while stressing voluntary hospitalization, permitted commitment even in the absence of danger if the individual was in need of custody, care, or treatment in a mental hospital and because of his illness lacked sufficient insight or capacity to make a responsible decision. Psychiatrists apparently acted on the theory that commitment was for the patient's own benefit, and legal safeguards were often reduced to routine and automatic administrative actions.

Differences between statute and practice are not an unfamiliar issue to this Committee. This is one reason for our keen interest in the D.C. experience with the Ervin Act and our grant support for the recently reported Judicial Conference study of the Mental Health Commission, which functions under the Act. It is also the reason we believe it important to carefully study the effects of changes in commitment laws and practices. The New York law which provides continuous review of the status of committed patients through a number of Regional Mental Health Information Service offices is an example of an effort that we have watched with great interest. The Pennsylvania Assembly has held hearings on a "right to treatment" bill to establish treatment criteria and standards. This effort also should be carefully observed and analyzed.

Recent California legislation has drawn particular attention to the growing emphasis on early voluntary and community-based treatment. The NIMH is supporting a study of California's handling of the mentally ill before and after the enactment of their new law.

The Lanterman-Petris-Short Act, as the California law is known, became operative in July of 1969 (Welfare and Institutions Code Sections 5000 et seq.), and has been described as the "Magna Carta of the Mentally Ill." While this may be an overstatement certainly its emphasis on voluntary treatment and alternatives to hospitalization is worthy of careful observation.

There are significant provisions in the California law for maintaining the mentally ill person's civil rights. Prompt administrative and judicial reviews are provided in the case of involuntary certification, and particularly interesting is the requirement that involuntary certification is allowed only after a bona fide effort has been made to have the person accept voluntary treatment. Furthermore, involuntary certification is for a period not to exceed 14 days and may be used only when a person's condition renders him dangerous to himself and others or gravely disabled. This is a far cry from routine involuntary commitment for treatment or custodial purposes.

Not all professionals agree that patients should be treated on a voluntary basis, but the trend toward early, voluntary, and community oriented care is unmistakable. Some in the mental health professions claim that mental illness requires not merely the restraint of the individual for the protection of society but also for his treatment for his own benefit. A recent decision by the California Supreme Court sustaining the State's right to provide a 14-day period of involuntary intensive treatment on medical certification under the new law [see Thorn v. Superior Court of San Diego County, 83 Cal. Rptr. 600 (1970), and County of San Diego v. Superior Court, 83 Cal. Rptr. 607 (1970)].

In any case, there is generally agreement that some individuals need to be restricted and treated, although the number is far fewer than were previously committed and thought to be a "danger to themselves and others."

The legal-psychiatric discussions on the right to treatment have focused primarily on insuring adequate treatment for persons involuntarily committed. That this issue is of growing concern is especially understandable in a period when society's response to the mentally ill has been shifting from custodial care to treatment.

The rights issue is extremely important and objective judicial and administrative review of the quality of services are crucial in a democratic society. It is the responsibility of health care professionals, however, to stay in the vanguard of changes in the service we are offering. The question of quality is not restricted to whatever are the levels of adequacy that can be legally enforced. Our responsibility and challenge is to assure the value of what we offer to those who come to us for help.

There is a certain amount of submission by the patient to the professional in every professional-patient exchange. Our responsibility for quality services is only made more explicit by the specific legal limitations of liberties in the case of involuntary commitment. The net result is a check on whether the individual receives some help in the facility to which he has been committed. Our professional concern extends much further; in this broader context, we need to make much more explicit the quality of care that should be provided in all health care situations. We need to identify standards of care and the extent to which new knowledge modifies previous treatment approaches.

In the light of these developments, it is important to understand that treatment no longer takes place only on an inpatient basis in public mental hospitals. Increasingly, patients are being treated as outpatients in their own communities, or with day or night care involving partial hospitalization. Facilities providing such services may be those of a non-profit, private organization. In addition, there are outreach efforts, where community mental health workers go into neighborhood areas to intercept crisis events such as suicide attempts. The mentally ill are less often locked up in wards, without treatment. It is now less necessary for the mentally ill to be hospitalized before mental health workers respond to their needs. Although the availability of these types of services is not yet universal, there has been much progress through the community mental health centers program.

To keep treatment procedures abreast of research findings, it has been necessary to accelerate our training programs. Federal support for training mental health manpower has produced a nucleus of professional and supporting personnel capable of treating mentally ill and emotionally disturbed individuals within their home communities. This is an extremely important advance, since the majority of mental health manpower in the United States are still trained in and oriented toward hospitals or large institutions. From its beginnings, the Federal program has attempted to emphasize the training of community mental health manpower, but sufficient public demand and Congressional support to make more than a token effort in this regard has been forthcoming only since 1963, with the passage of the Community Mental Health Centers Act.

With the adoption of this statute, the Congress recognized the need for increased Federal responsibility in upgrading and expanding mental health manpower training efforts. Through this support program, training facilities have significantly increased the numbers of mental health professionals now in practice. Many of these trained people serve in Community Mental Health Centers.

By the end of fiscal year 1970, approximately 420 community mental health centers will have been funded. These are located in every State in the Union and will make services available to approximately 57 million people.

There are still not enough of these facilities, but the effect of those centers now in operation has already been demonstrated. The National mental health program has reached the point where neither the professions nor the public would countenance a regression to the custodial character of the 19th and early 20th century mental hospitals.

I can only give you a brief summary today of the elements of community involvement in the fate of the mentally ill which were catalyzed by the Community Mental Health Centers Act.

In 1962 and 1963, Congress authorized funds to make grants-in-aid available to each State to help them develop plans for comprehensive mental health services programs as a first step in qualifying for center support.

Literally thousands of men and women—most of them volunteers—served on the first mental health planning committees and task forces. This was the Nation's first real commitment to a program in which each community's objective would be to provide total mental health care to a defined group of people.

From its outset the community mental health program brought individuals together from all of the helping disciplines. Their primary purpose was to assure not only adequate treatment of individuals who were already mentally ill but, simultaneously, through the establishment of consultation and education services in each community mental health center, to provide services for the prevention of mental illness. In addition, the development of emergency mental

health services available on a 24-hours-a-day basis made early intervention possible.

This is one of the clearest examples of a public policy of prevention in the health care field. From that experience has emerged a public policy of stimulating comprehensive health planning, with responsibility shared by Federal, state, and local governments, and the private sector.

In conclusion, Mr. Chairman, this Administration is committed to the extension and expansion of Federal Support for the community mental health centers program. We think it is a responsive, consumer-oriented effort. Congress recently enacted Public Law 91-211 which extended and broadened the scope of the Community Mental Health Centers Act, provided special support for community-based treatment and rehabilitation of mentally ill children, alcoholics and drug abusers; and provided preferential Federal support for the establishment and provision of mental health services in urban and rural poverty areas.

My purpose here has been to give you an overview of progress in the National mental health program. The experience of the Department of Health, Education, and Welfare, through the NIMH, has demonstrated that the public now considers adequate treatment of mental illness an important right and community responsibility. Mere custodial institutionalization of the mentally ill for indeterminate periods is no longer defensible therapeutically, legally, socially, or politically.

This concludes my prepared statement, Mr. Chairman. I would ask that Dr. Kieffer now be permitted to deliver his statement, after which we shall both be pleased to answer any questions the Committee may have.

MILTON FRIEDMAN ON THE VOLUNTEER MILITARY

Mr. HATFIELD. Mr. President, Milton Friedman, professor of economics and member of the President's Commission on an All-Volunteer Armed Force, is one of the most articulate spokesmen on the subject of voluntarism versus conscription with regard to military recruitment.

Due to the imminent debate on the issue of an all-voluntary Armed Force, I ask unanimous consent that a series of articles which Professor Friedman has written for Newsweek magazine on this subject be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE DRAFT

(By Milton Friedman)

The arbitrariness and deficiencies of our present method of manning the armed forces are highlighted by the recent directive ending automatic exemption for hitherto protected occupations and automatic deferments for most graduate students (the exceptions are students already in their second year or beyond, and students going into medicine, dentistry and related fields or into the ministry).

Academic administrators are expressing great concern that graduate-student enrollments will decline sharply and that teaching assistants will be scarce. This concern would be fully justified if all the young men who would have been deferred or exempted under earlier rules will in fact now be drafted—except of course for those who do not meet physical or mental standards or are granted status as conscientious objectors.

ONLY COLLEGE GRADUATES?

But arithmetic plus the needs of the military assure that this will not occur. The number of young men added to the eligible rolls is at least double the number who will be drafted. Supposedly, the oldest are to be drafted first. If that were done, all of the new draftees would be in their middle 20s, and most would be college graduates. Not one of the roughly 2 million young men turning 18 would be taken. Would the military be satisfied with this outcome? If there be conscription, it is certainly inequitable to give special treatment to young men who go to college. But, on the other hand, is soldiering one of the occupations for which college graduation should be a prerequisite? Is that a reasonable use of our manpower?

What is likely to happen is that, by one expedient or another, most college graduates and persons now exempt on occupational grounds will continue to be deferred. Public pronouncements will be one thing, practice another. But that does not mean that the pronouncements do no harm. On the contrary, hundreds of thousands of young men will be subjected to needless uncertainty and distress. They will find it more difficult to get employment because of the risk that they will be drafted. Employers will be induced to get along with less satisfactory employees. Thousands of colleges will take measures that will prove unnecessary or harmful. We shall have another striking example of the defect of compulsion as a method of deciding which young man shall serve in the armed forces and which two or three or four shall not.

Over a year ago, I wrote in this column that "a military draft is undesirable and unnecessary. We can and should man our armed forces with volunteers—as the United States has traditionally done except in major wars" (Newsweek, Dec. 19, 1966).

WHY NOT VOLUNTEERS?

In the interim, Congress has passed a bill extending conscription for another four years, yet there has also been increasing recognition of the defects of conscription. The case for a voluntary system has been presented in testimony before Congressional committees. Several bills have been introduced in both the Senate and the House providing for the early transition to a fully voluntary system of manning the armed forces.

Three books on the subject have recently appeared: "The Draft," which summarizes a conference held at the University of Chicago in December 1966 and presents evidence on all the alternatives (edited by Sol Tax, University of Chicago Press); "How to End the Draft," by five congressmen (edited by Douglas Bailey and Steve Herbits, National Press, Inc.); and "Why the Draft?" by seven young men connected with the University of Virginia (edited by James C. Miller III, with an introduction by Senator Brooke, Penguin Books). These books demonstrate that conscription is neither necessary nor desirable, that it is entirely feasible to man our armed forces by voluntary means provided the military stop underpaying new recruits and take effective steps to make a career in the services more attractive. These books consider and meet every objection that has been raised to a voluntary army.

Draft or no draft, this country would be now engaged in a searching debate over Vietnam. But the virulence and the divisiveness of the debate have been greatly increased by the draft, with its threat to civil liberties and with its closing of all alternatives except open revolt to young men who disagree strongly with our policy. Must we continue to add to the strain on our society by using a method of manning our armed forces that is inequitable, wasteful and basically inconsistent with a free society?

THE END OF THE DRAFT?

(By Milton Friedman)

At long last, the end of the draft is in sight.

Two months after his Inauguration, President Nixon appointed a commission "to develop a comprehensive plan for eliminating conscription and moving toward an all-volunteer armed force." That commission has now unanimously recommended a plan that it believes would permit conscription to end on June 30, 1971, when the present legal authority expires. It would retain only a standby draft to be put into effect in case of emergency by action of Congress on the recommendation of the President.

As a member of the President's commission, I was much impressed by the emergence of unanimity out of initial disagreement. As our deliberations proceeded, and especially as our knowledgeable staff developed a growing body of factual evidence, it became ever clearer to all of us how superficial are most arguments in favor of conscription and how inefficient conscription is both as a method of taxation and as a method of recruiting manpower.

MOSTLY VOLUNTEERS NOW

The often hysterical claims that an all-volunteer force is undesirable because it would be all black or all this or all that or because it would strengthen militarism or because . . . all these claims are contradicted by one simple yet overwhelmingly important fact: *our armed forces today consist predominantly of true volunteers.*

Many men "reluctantly" volunteer for a first term of service because of the threat of the draft. But we know that all men beyond the first term of service are true volunteers, and they alone number nearly 40 per cent of the total forces. In addition, our best estimates are that at least one-third of the first-termers are also true volunteers. In all, therefore, at least 60 percent of the armed forces are true volunteers. A change in the method of recruiting the remaining 40 per cent—mostly enlisted men in the very lowest ranks—cannot produce drastic changes in either the composition or character of the armed forces.

Enforced service by a conscript is a tax imposed on him no less than the check you send to Internal Revenue is a tax imposed on you. The size of his tax is the difference between the sum of money for which he would have served voluntarily and the pay he actually receives. Currently, this tax amounts to about 50 per cent of the potential civilian income of draftees. So unfair a tax imposed on so small a minority would never be passed explicitly by Congress. It persists only because it is hidden.

The tax is not only unfair, it is also inefficient. Every tax involves costs in addition to the amount of the tax itself. For conscription, these indirect costs are the heavy burdens imposed on actual and potential draftees, their families, universities, employers—and most important, on all of us through the weakening of the political fabric of society.

Most of these costs cannot be assigned a money value. But for those that can, the commission estimates that "for each $1 in tax-in-kind collected, an average of $2.50 is forgone by the public"—i.e., that it costs $1.50 to collect $1. That is one reason why, when the books are kept properly to show all costs and all returns, a volunteer force is far less costly than a mixed force of conscripts and volunteers. But it is not the only reason.

A young man is conscripted for two years. He spends the first six months or so being trained, the last few months being processed for his discharge. We are lucky if he spends one year in active service. In addition, the time of other men must be used to train him and move him in and out of service.

To man a mixed conscript-volunteer force of 2.5 million men (the middle of the range of force levels considered by the commission) requires recruiting each year about 440,000 enlisted men (excluding officers). Even with today's low first-term pay and

conditions of service, at least 250,000 would be true volunteers, leaving 190,000 who would have to be conscripted or induced to volunteer by threat of the draft.

An all-volunteer force of equal effectiveness has less turnover and uses manpower more efficiently. As a result, it requires recruiting each year about 325,000 enlisted men, or only 75,000 in addition to the present number of true volunteers.

THE REAL ALTERNATIVES

Compel 190,000 men per year to serve. Or improve pay and conditions of service to attract an additional 75,000 volunteers out of the 1.5 million who each year turn 19. These are the real alternatives.

(By Milton Friedman)

President Nixon's proposal of a draft lottery as an interim step to an all-volunteer military force has received generally favorable notices in the public press. These notices have stressed the reduction in uncertainty for men aged 18 to 26. Under the proposed plan, a young man would know by age 19 how large a chance he ran of being drafted, and this chance would not be affected significantly by his future behavior. He could then plan for the future in light of this knowledge. He would not, as now, have to keep a weather eye out year after year for how his current behavior will affect the likelihood that he will be drafted.

This is certainly a significant advantage. But there are also disadvantages of the lottery, less obvious to the naked eye, that have been overlooked. When account is taken of these disadvantages, it is by no means clear that the lottery would be a major improvement. What is abundantly clear is that either the present system or the lottery is distinctly inferior to an all-voluntary military force. Yet, by reducing the decibel level of protest to the draft, enactment of the lottery might delay or even prevent the introduction of this fundamental reform.

HIGHER CALLS

The lottery shares the key defect of the present system: compulsory service by a minority of the young men of the relevant age. It requires one out of three or four young men to serve, regardless of their willingness to do so and often at great sacrifice, while their fellows pursue their careers.

By comparison with the present system, an obvious disadvantage of the lottery is that it makes service in the military subject to Lady Luck. It reduces the solemn obligation to serve one's country to the level of the Las Vegas gaming tables. The present system at least purports to select on the basis of rational criteria.

A less obvious yet far more basic disadvantage of the lottery is that it would increase sharply the number of young men who would have to be conscripted—possibly to more than double the roughly 200,000 a year who are now conscripted. The lottery would raise draft calls because it would reduce the number of volunteers. Many men now volunteer partly in order to avoid the uncertainty involved in present draft procedures. The new plan would largely remove this uncertainty. Hence many men who now volunteer would not do so. Their places would have to be filled by conscripts even more reluctant to serve—as demonstrated by their unwillingness to volunteer even reluctantly under present arrangements.

If the lottery were the only alternative to the present system, the choice would be very difficult indeed. The number of young men who would gain from the lottery is much greater than the number who would lose—but the gain to most of the gainers would be small, while the loss to many of the losers would be large. There is no problem in the human calculus that is more difficult than to balance quality against quantity. Nonetheless, if this were the only alternative, I would probably prefer the lottery.

A BETTER ALTERNATIVE

Fortunately, there is a third alternative. We can start immediately to move toward an all-volunteer armed force by improving *substantially* the conditions offered to new recruits. The entering pay is disgracefully low—about $50 a week including cost of food, clothing and housing. Other conditions of service—quality of food and housing, the matching of skills to tasks and so on—are deplorable. Every other consideration aside, simple humanity demands a major improvement in the compensation and other conditions of military service. Such an improvement would convert many reluctant volunteers into true volunteers and many who are now drafted or who do not now serve into volunteers of either category.

These measures would not only reduce the residual number of young men who would still have to be conscripted but they would also provide invaluable information on how responsive the supply of volunteers is to the conditions offered. President Nixon has committed himself to moving to an all-volunteer force once the demands of Vietnam have eased. Perhaps experience would show that his object can be achieved even sooner.

Whether that be so or not, a major step toward a system of military recruitment fully consistent with our traditions and values is greatly to be preferred to a minor improvement in a system of compulsory service that denies the very basis of our existence as a society of free men.

A VOLUNTEER ARMY

(By Milton Friedman)

A military draft is undesirable and unnecessary. We can and should man our armed forces with volunteers—as the United States has traditionally done except in major wars.

Only a minority of young men now enter the armed forces. Hence, some method of "selective service"—of deciding which young man should serve and which two or three should not—is inevitable. But our present method is inequitable, wasteful and inconsistent with a free society.

On this point there is wide agreement. John K. Galbraith and Barry Goldwater, the New Left and the Republican Ripon Society have all urged that conscription be abolished. Even most supporters of the draft regard it as at best a necessary evil.

The draft is inequitable because irrelevant considerations play so large a role in determining who serves. It is wasteful because deferment of students, fathers and married men jams colleges, raises the birth rate and fuels divorce courts. It is inconsistent with a free society because it exacts compulsory service from some and limits the freedom of others to travel abroad, emigrate or even to talk and act freely. *So long as compulsion is retained, these defects are inevitable.* A lottery would only make the arbitrary element overt. Universal national service would compound the evil—regimenting all youth to camouflage the regimentation of some.

THE PAY IS LOW

Two principal objections are made to a volunteer force:

(1) That a "professional" army endangers political freedom. There *is* a real danger, but it arises from a strong armed force not from the method of recruiting enlisted men. Napoleon and Franco both rose to power at the head of a conscript army. However we recruit, the essential need is to maintain close links between the officers corps and the body politic.

(2) That a volunteer army is not feasible because, at present terms, too few men volunteer. Little wonder: the starting pay, including cost of keep, is about $45 a week! We could readily attract more volunteers simply by paying market wages. Estimates of how much total military pay would have to go up vary from $4 billion to $20 billion a year.

Whatever the extra amount, we are now paying a larger sum in concealed form. Conscription is a tax in kind—forced labor exacted from the men who serve involuntarily. The amount of the tax is the difference between the sum for which they would voluntarily serve and the sum we now pay them—if Joe Namath were drafted, his tax might well run into hundreds of thousands of dollars. The real cost of manning the armed forces now, *including this concealed tax,* is greater than the cost of manning a volunteer force of the same size because the volunteers would be the men who find military service the most attractive alternative.

THE COST IS HIGH

Moreover, a volunteer force would need fewer recruits. We now waste manpower by high turnover, unnecessary training and retraining and the use of underpaid servicemen for menial tasks.

Adding to cost, low pay for men in service encourages extravagant veterans' bonuses—currently more than $6 billion a year (over 40 per cent as much as total military pay). Young men seeking shelter from the draft impose unnecessary costs on colleges and universities. Other young men fritter away their time in stopgap jobs awaiting conscription, while industry seeks men to train.

The monetary savings that would come from abolishing conscription are dwarfed by even greater nonmonetary advantages: young men could arrange their schooling, careers, marriages and families in accordance with their own long-run interests; draft boards could be freed from the appalling task of choosing which men should serve, deciding claims for conscientious objection, ruling whether young men may leave the country; colleges and universities could be free to pursue their proper educational function; industry and government could hire young men on their merits not their deferments.

One of the greatest advances in human freedom was the commutation of taxes in kind to taxes in money. We have reverted to a barbarous custom. It is past time that we regain our heritage.

NO DRAFTEES TO VIETNAM

(By Milton Friedman)

President-elect Nixon is committed to ending military conscription and establishing an all-volunteer armed force as soon as manpower needs in Vietnam decline substantially. That is a consummation devoutly to be desired. But, in the interim, the new Administration could reduce enormously the bitterness, dissension and division arising from the Vietnam conflict by taking a major first step toward an all-volunteer army: sending no more draftees to Vietnam.

This proposal raises two basic questions: Is it desirable? Is it feasible?

The first question hardly needs discussion. Men who agree on little else about Vietnam would agree on the desirability of not using conscripts to fight the war.

The key question is, therefore, whether it is feasible to man the Vietnam war with volunteers. I believe the answer is, Yes. Will it be easy to do so? The answer is clearly, No. But that is hardly decisive. The aim of national policy should not be to make life easy for government officials, whether civilian or military.

THE FACTS

Here are the basic facts. Currently, about 540,000 men are in Vietnam: 360,000 in the Army, the remaining 180,000 in the Marine Corps, Air Force and Navy. The Air Force and the Navy use no conscripts; the Marines, a negligible number. Hence, only the Army raises a problem.

The strength of the Army worldwide is about 1.5 million. Only about 600,000 are conscripts; the other 900,000 are volunteers.

On a purely arithmetic basis, it seems clearly feasible to provide 360,000 men in Vietnam out of the 900,000 volunteers plus any conscripts who might waive their exemption. But this is misleading. The problem is harder than these numbers suggest.

1. The adoption of the new policy, *if nothing else were done,* might well reduce the number of "reluctant volunteers"—those who volunteer mostly under the threat of conscription. To offset this reduction, it would be highly desirable to raise substantiallly the pay of men who serve in Vietnam—a step that is called for in any event on grounds of equity.

Even substantial increases in combat pay are clearly feasible on budgetary grounds. A rise of $1,000 a year for all men in Vietnam would cost around a half billion dollars. Yet this rise, even if flat and across the board, would raise the pay of enlisted men by something like 40 per cent. And the rise should not be across the board. It should be concentrated on the positions for which volunteers are fewest.

2. Currently, the term of service of enlisted men in Vietnam is limited to twelve months. Disregard officers, and suppose that all of the nearly 900,000 volunteers in the Army enlisted for a single term of three years. Then each could spend only one-third of his service in Vietnam, so that a maximum of 300,000 men could on the average be in service in Vietnam.

The policy of limiting the term of service in Vietnam to twelve months has been strongly criticized on strictly military grounds as highly unsatisfactory and inefficient. It takes several months for men to learn their jobs; their last several months are homeward-looking; at most, six of the twelve months are useful service. In addition, the perpetual rotation makes it impossible to establish those informal lines of communication that are at least as important in every large administrative structure as the formal channels. Lengthening the normal term of service would cut sharply the number of men needed in Vietnam and thus doubly facilitate a policy of no draftees to Vietnam.

3. A third possible difficulty is that the Army needs units rather than individual men in Vietnam and it is undesirable to segregate all Army recruits from the outset into conscript and non-conscript units. However, this difficulty is not relevant. Initially, units as a whole were sent to Vietnam but currently men rather than units as a whole are sent as replacements.

THE CHALLENGE

The difficulties are real. But they are far from insuperable. They offer a challenge to the men who run the armed forces, not a reason for rejecting a policy that offers so many advantages. President Nixon and Secretary of Defense Laird should set a definite and near date after which no more draftees will be assigned to Vietnam—unless they volunteer for that duty. There is no other measure that they can take that will do more to unify the country and at the same time increase the effectiveness of our military forces in Vietnam.

REORGANIZATION OF OUR ENVIRONMENTAL PROGRAMS—SENATOR MUSKIE'S VIEW

Mr. EAGLETON. Mr. President, I am concerned that the agencies responsible for our programs in environmental control and improvement be provided enough manpower and funds to accomplish the tasks assigned to them by the Congress and the President.

Consequently, I am disturbed by an implication that the reorganization of these programs and agencies in the proposed Environmental Protection Administration will bring about reductions in Federal expenditures for environmental control and improvement.

As the Senator from Maine (Mr. MUSKIE) pointed out in his statement before the Committee on Government Operations, these programs already are underfunded and undermanned. The shortages are particularly critical, for example, at the National Air Pollution Control Administration.

Mr. President, I wish to join Senator MUSKIE in warning that "we should not expect expenditures for these already unerfunded, undermanned programs to decrease." I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE HONORABLE EDMUND S. MUSKIE ON REORGANIZATION PLAN NO. 3, CREATING THE ENVIRONMENTAL PROTECTION AGENCY, BEFORE THE SUBCOMMITTEE ON GOVERNMENT ORGANIZATION, SENATE COMMITTEE ON GOVERNMENT OPERATIONS, JULY 28, 1970

Mr. Chairman, as Chairman of the Senate Subcommittee on Air and Water Pollution, I appreciate the opportunity to testify today in favor of the President's Reorganization Plan No. 3, creating the Environmental Protection Agency.

The President has proposed to do by reorganization what I had proposed to do by legislation. Last December I proposed the creation of an independent watchdog agency to protect the environment, and on April 6 of this year I introduced a bill (S. 3677) to create the environmental quality administration.

Removing environmental regulatory authority from promotional agencies was the goal of my proposal, and it is the primary importance of the President's reorganization plan. At the same time, concentrating environmental protection programs in one independent agency should give our environmental quality efforts a measure of stability and coordination they have never known.

Few Federal programs and executive agencies have undergone the constant change in a relatively short period of the time that has marked our environmental efforts. Few Federal "Wars" are being fought with as much room for administrative improvement. Without a thorough reorganization—of the kind that the President and I have proposed—the pursuit of environmental quality will never achieve preeminence in the Federal government.

Even more important than the question of preeminence and organizational stability is the narrow focus of environmental protection without which no program will ever be successful. If the control of pollution is assigned to those responsible for the promotion of polluting activities at the same time, we compromise our goal of environmental protection. This is what happens now in the Department of Interior, in the Department of Transportation, in the Atomic Energy Commission and in several other agencies.

To meet these two criteria, organizational stability and autonomous environmental regulation, some have suggested the creation of a Department of Natural Resources or a Department of Conservation.

Whatever the merits of such a department to serve other purposes, such a move for these purposes would be a mistake for several important reasons.

First, it would ignore the fact that our environmental protection problem involves competition in the use of resources—a competition which exists in any department which must develop resources for public uses.

The agency which sets environmental quality standards must have only one goal: protection of this and future generations against changes in the natural environment which adversely affect the quality of life.

Second, we must recognize that environmental protection is not the same as conservation, although sound conservation practices should enhance the environment.

Finally, the traditional concerns of conservation activities have been too closely identified with the protection of natural resources separated from the population centers. Our primary concern must be man where he lives and the interrelationship between the natural environment and his man-made environments.

An independent agency, charged with the responsibility for developing and implementing Federal environmental quality standards, supporting basic research on problems of environmental quality, and providing technical and construction assistance to state, interstate and local agencies would reflect the national commitment we need if we are to avoid ecological disaster.

The President's reorganization plan meets these criteria. It transfers to the new agency the research, standards-setting, and grant-making authorities of the Federal Water Quality Administration and The National Air Pollution Control Administration. It includes in the new agency many of the other important environmental regulatory functions now scattered among The Atomic Energy Commission and other Federal agencies. At the same time, it excludes from the EPA any responsibilities for resource development or promotion. The single mission of the EPA will be the protection of the environment.

At the same time, there are several aspects of the President's plan which concern me. I hope that Administration witnesses will discuss these questions in detail.

First, there are important environmental protection programs that are not included in this reorganization.

Noise pollution control does not belong in the Department of Transportation. It should have been transferred to EPA in the plan.

The fragmentation of sewer construction grant programs confuses many communities and impedes effective coordination of water pollution control programs. Although the grant program administered by the Federal Water Quality Administration has been placed in this new agency, the programs of the Departments of Housing and Urban Development and Agriculture have not. Further transfers might be appropriate in this area.

NAPCA and FWQA have been criticized for their failure to monitor air and water quality adequately. These capabilities presently exist in the geological survey and the Environmental Science Service Administration, and we should consider transferring them to the new agency.

The *second* focus of my concern with the reorganization plan is the ability of the new agency to evaluate health matters quickly and to act on those evaluations. The National Institute for Environmental Health Services was *not* transferred to the new agency.

There needs to be assurance that the new agency will have the capacity to identify potential environmental health problems. Had the FWQA used the capacity of the Bureau of Water Hygiene, earlier identification of the present mercury crisis might have resulted. The committee should be assured that the EPA will have the environmental health personnel to set the adequate standards for radiation and pesticides which are needed immediately.

My *final* concern with the President's plan is reflected in the message that accompanied transmission of the plan to Congress. The message states that the EPA should result in more efficient operation of the government

It goes on to say: "It is not practical, however, to itemize or aggregate the exact expenditure reductions which will result from this action."

We should not expect expenditures for these already under-funded, under-manned programs to decrease.

The manpower shortage is especially serious at the National Air Pollution Control Administration. At the time of enactment of the Air Quality Act of 1967, the projected need for NAPCA manpower was for 1,900 in fiscal 1970. Instead, they are staffed about half that strength. The current employment is 961. The budget request for only 117 additional positions for NAPCA in the next fiscal year is clearly not adequate.

To demonstrate the effects of this shortage, one need only look at the progress on the first vital procedural step under the Air Quality Act. Of the 57 air quality regions which should have been designated in 1969, only 28 were designated. The Agency has only eight workers doing this essential work. A report prepared by NAPCA, but not released, shows that an additional 2,000 workers will be required by 1974 to implement the provisions of the Act.

A look at the funding history of NAPCA gives a good idea why there are manpower problems. In fiscal 1968, $109 million was authorized, but only $64 million was appropriated. In 1969, the authorization was $185 million, but the appropriation was only $89 million. And in fiscal 1970, $179 million was authorized but only $109 million appropriated.

The picture in water pollution control is not a great deal brighter. In fiscal years 1966 through 1969, the Federal Water Pollution Control Administration (now known as the Federal Water Quality Administration) remained from 1,000 to 600 positions below its authorized manpower, partly as a result of ceiling levels set by the Bureau of the Budget. The Agency is now within about 125 of its authorized level, but that is because the authorization has been cut back from 2,800 to 2,400. A 1969 study by the General Accounting Office showed that as a result of manpower shortages, there was insufficient technical assistance to the states and in some cases a hindering of the research effort and insufficient supervision of construction grants. Some additional positions have been added to the construction grant program as a result of additional appropriations for that program for fiscal 1970, but much improvement still is needed. We should not be cutting back authorized manpower when we should be greatly strengthening our water pollution control efforts.

The committee should request from the Administration accurate estimates of projected funding and manpower for the new agency over the next three years. The Congress should make clear its commitment to fund and staff the EPA. Without that commitment, EPA will be merely another example of unfilled promises.

I hope that the Administration witnesses who appear in the next two days will respond to the questions that I have raised.

On balance, the President's plan is a good one. If it is augmented by the additional transfers I have suggested and if it is administered and funded properly, the EPA would mark an important commitment to environmental quality.

These are big "ifs," but they represent the opportunity EPA would create. We could translate our concern into effective action, our financial commitments into results and our determination into strong enforcement. EPA will give us this chance, and I urge the Congress to approve the reorganization plan.

NO CONCRETE SUCCESS

Mr. COOK. Mr. President, Astronaut Frank Borman reported yesterday, August 17, that his efforts to obtain information about American prisoners of war in North Vietnam "had met with no concrete success" in Moscow and Stockholm.

This is indeed sad and disheartening news.

It may be recalled that President Nixon had requested Mr. Borman to make such inquiries during his tour of Europe. This was a part of the continuing effort of the administration to use every channel, official and unofficial, to persuade the North Vietnamese to comply with the Geneva Convention on Treatment of Prisoners of War. The North Vietnamese Government is a signatory of the convention.

Mr. Borman also announced he would not seek an interview with North Vietnamese representatives in Paris, inasmuch as Hanoi has already announced that any such request would be refused.

We wish to thank Mr. Borman for seeking information which would mean so much to the wives and families of the Americans held prisoner by North Vietnam.

We pledge ourselves to continue to use every channel in the hope that Hanoi will change its strange and inhumane policy with respect to prisoners of war.

I ask unanimous consent that a news dispatch on the subject be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

POW MISSION CALLED FRUITLESS

PARIS, Aug. 17.—Frank Borman, the retired American astronaut on a presidential mission to obtain information about American prisoners of war in North Vietnam, said today he has met "with no concrete success" in Moscow and Stockholm.

He arrived here from Stockholm after stopping earlier in Moscow.

"I have had a very sympathetic reception" Mr. Borman said and then added: "It's a very difficult undertaking but with no concrete success that I can point to."

He said he would not seek an interview with North Vietnamese representatives in Paris. A Hanoi spokesman said last week that any such request would be refused.

DEVASTATING CRITICISM OF WELFARE REFORM BILL

Mr. TALMADGE. Mr. President, the administration sent back to the Finance Committee what was supposed to be a rewritten bill aimed at reforming the welfare mess. The revisions were intended to stifle serious objections that arose when the committee began its careful study of the legislation as passed by the originating body.

The bill as it now stands is not improved. It is unacceptable for many varied and valid reasons.

Severe and devastating criticism of the reworked bill is being loudly voiced by individual citizens, some of whom—it might be anticipated—would be its most fervid champions.

A distinguished nationally syndicated newspaper columnist, Mr. Richard Wilson, correspondent of the Des Moines Register and Tribune, seriously questions the wisdom of passing the legislation. He says in his analysis that it would more than triple the welfare rolls in 13 States, and add millions in other States.

But three well-known advocates of welfare reform have made the most surprising arguments against the legislation, questioning it in clearly understood language before a national television network audience.

In my opinion, it will be worth while for every Senator to read and ponder the words of the three principals who appeared on the "Today," NBC television program on the morning of August 5, 1970.

They were Mrs. Betty Whaley, of the National Urban League; Chauncey Alexander, of the National Association of Social Workers; and Dr. George Wiley, of the National Welfare Rights Organization.

In the event that Senators are unfamiliar with the activities of the last named, Dr. Wiley, I also draw attention to an editorial published in the Washington Post of August 5, 1970.

In the transcript of the remarks by the participants on the "Today" show, they make the following points, should the administration's rewritten welfare bill be enacted:

First. That it will not bring about a reduction in the number of the Nation's large corps of social workers.

Second. That the proposal to furnish the so-called working poor families a guaranteed family income should be separated and dealt with apart from the provisions in the bill concerning welfare reform so the public can examine the Government income plan, especially its high cost and inequities.

Third. That the bill will create an even larger bureaucracy of Government social workers whose initial assignment will be to register on the welfare rolls 2 million persons who now have jobs.

Fourth. That the bill is also branded a very cruel deception as far as getting jobs for the poor.

Fifth. That the administration's chief developer of the welfare bill is labeled a clever "propagandist" who has oversold the bill as a reform vehicle.

Sixth. And that the true objective of advocates is a guaranteed income of $5,500 or $6,000 a year.

I ask unanimous consent that the transcript of the NBC telecast, Mr. Wilson's column which appeared in the Washington Star, July 31, and the Washir gton Post editorial concerning Dr. Wiley be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NIXON ADMINISTRATION'S WELFARE BILL

RON NESSEN. We have in the Washington studios this morning Mrs. Betty Whaley, Chauncey Alexander and Dr. George Wiley. They all represent organizations which are opposed to President Nixon's welfare reform proposal. In a few minutes we'll talk to them about why they are against it and some ideas they have of how they think it should be improved.

The three guests are Mrs. Betty Whaley who represents the Urban League, Chauncey Alexander who represents the National Association of Social Workers, and Dr. George Wiley who represents the National Welfare Rights Organization.

Mrs. Whaley, let me read you something.

About ten days ago on this same program Daniel Patrick Moynihan, the President's counselor who played a big part in writing the President's welfare bill, said this: "The Urban League has a long and respected tradition of social work, but you know I'm afraid social workers are against this program because they feel it might put social workers out of work." Now, is that the reason the Urban League opposes the welfare reform bill?

Mrs. WHALEY. Well let me say at the outset that that is a glaring example of a half-truth. The National Urban League has been on record for the past ten years as being in support of a basic minimum income for all people. And in fact, Mr. Moynihan will recall that the National Urban League testified on request before the House Ways and Means Committee and at that time endorsed the concept of a basic minimum floored income. And even though we have some reservations about that legislation as presented to the House Ways and Means Committee—particularly around the inadequacy of the level of income—we were prepared to support it.

Since that time we've had serious questions about the revisions which are being presented now before the Senate Finance Committee. In direct response to the question about social workers being out of jobs—if you really look at, very carefully at the legislation—the kind of investigative methods, the kind of tracing fathers, the kind of trials that social workers would have to undertake under that legislation—we would not be out of work. Social workers would not be out of work—in fact we would be busy at work doing jobs that would completely negate the principles that we have been fighting for for so long.

RON NESSEN. Mr. Alexander, you are the representative of the Association of Social Workers. Are you or your members afraid they'll be put out of business if this bill is passed?

Mr. ALEXANDER. Indeed not! We feel, however, that the American public should know what this bill contains and we have fought for the principle of an adequate income base for many years.

We feel that there should be a direct separation of the income payments from the social services so that the American public, taxpayers, and the consumers can see what goes into money payments and what goes into social services. Then you can measure it and see what is being produced.

We're asking for a program that will clean up this bill. We're working for amendments to the bill in order to separate the money payments from the social services aspect.

We feel that there should be an adequate income floor. This bill mixes the two together.

It is administratively inefficient. It will provide—instead of additional money to the poor—only about $2 billion of the program will go to the poor. The rest will go in supplements to the states for administration and a number of other programs of that sort.

RON NESSEN. In principle, you accept the idea of a Federal floor on welfare?

Mr. ALEXANDER. We have fought for that for many years, and we have asked for it, and we have tried to inform the American public of the fact that this is important in order to establish a base line in the country for adequate living for poor people.

RON NESSEN. But if this works the way the President says it's going to work, eventually the people on welfare would all go to work and there wouldn't be any more people on welfare—not very many. Wouldn't that indeed put your members out of business?

Mr. ALEXANDER. No indeed! We have plenty of business in a whole series of problems. Because just having a job does not eliminate some of the social problems that people have.

RON NESSEN. Do you agree with the President that his bill would indeed either force people to get jobs, train people to get jobs, encourage them to get jobs?

Mr. ALEXANDER. No we do not. We think that it, in effect, will create a large bureaucracy.

RON NESSEN. Larger than we have now?

Mr. ALEXANDER. Yes indeed. It proposes to register two million people—half of whom have jobs, and then in turn will only take care of about 250,000 people for job training, etc.

RON NESSEN. It holds out false hope then of getting a lot of jobs for people?

Mr. ALEXANDER. It's a very cruel deception and I think that it's important that the American public look into it.

RON NESSEN. Dr. Wiley, your button pretty well tells the story of your views. You think that $1600 is much too low.

Dr. WILEY. It's totally inadequate. The bill, as originally proposed, was a token change—it would make a small step toward changing the welfare system, and with the amendments that the Nixon Administration proposed to the Senate, it actually is an attack and denies income to more than seven and a half million people presently on Aid to Families with Dependent Children. These are the female-headed families who are the most vulnerable people in the population.

They are women and children who will be denied up to a $1,000 a year of present benefits that they are receiving under the old fashioned welfare programs who will be denied under Nixon's Family Assistance Plan.

That's a direct attack on poor people which is typical of the kinds of things that the Nixon Administration has been doing—to attack black people and poor people in a lot of subtle ways throughout their Administration.

And I think it is fraudulent on Daniel Moynihan's part. I've known him for a long time. He's one of the cleverest propagandists in this country—to sell this.

He's oversold it as a great sweeping reform. When it is not a great sweeping reform and when you undoubtedly examine the fine print, it actually denies a lot of money to a lot of poor people. And the fact that social workers have not been enthusiastic about it, is entirely because they don't understand the bill and most of the American public only understands Moynihan.

RON NESSEN. Let's go back a little bit. Now you do agree with the other two guests here that in principle the idea of a Federal floor on welfare is good, right?

Dr. WILEY. Oh yes, the principle of a Federal floor is excellent. The question is if you get the form of having a reform without the substance you have nothing. And if you take the momentum that has been generated by the militant pressure of welfare rights organizations on the welfare system which have exposed the inadequacies and the creaks and cracks which have caused a lot of people to be concerned about welfare problems, you take that initiative and you propose a token reform that does not really basically change the system. It seems to me that you're doing something that is deluding—doing a disservice to the entire country.

RON NESSEN. I'm not clear as to why you say this—not changing the substance. You're taking the responsibility for welfare away from the states.

Dr. WILEY. You're not, and that's what the people do not understand. This program is at least as complicated as the present program. It has layers and layers of administration in it. There will be a Federal Family Assistance Program. There will be a federal-state program to aid the aged, the disabled and blind. There will then be a supplemental state program to AFDC recipients—recipients would go to one place for food stamps, to another place for Family Assistance, to another place for supplemental aid. It would be, in fact, more complicated to the recipient than it is now.

Mrs. WHALEY. I think one of the major points that has to be recognized is that this legislation has been touted as finally giving some relief to the working poor.

What we have worked for is a federal subsistence for the working poor. In the original bill they were included. Now they are included in the state-supplemented program and we all know that in several states, particularly those in the South, can claim very little of the benefits now, and under this legislation now be able to forego their participation—simply give it to the Federal Government to administer—which certainly means the level of payments will be grossly inadeqaute.

The other population which is excluded is the unemployed head of the household. And Dr. Wiley has alluded to this and this is extremely crucial.

We've been concerned about keeping families intact. Mr. Moynihan himself said this bill would keep families intact. And immediately we see that this group is excluded from the Federal assistance.

RON NESSEN. Without meaning to contradict you, the bill is still being formed in Congress and some of these parts you mentioned—the Administration has said it would like, for instance, it would insist on including the working poor. I do want to ask Dr. Wiley, despite what you say in public I've always known you to be a realist—you don't really believe that $5500 minimum is at all politically realistic.

Dr. WILEY. With the reactionary Congress we have, with Russell Long and Wilbur Mills controlling those committees, no I don't think it's going to happen, that is likely to happen this year with those people. But the country has got to set the goal for itself for an adequate income for all people. It has just to say what it takes to live in our country today. And the Bureau of Labor statistics produced the figures upon which our $5500 demand is based. It wouldn't cost the country a nickel to set a goal of an adequate income. To define that $5500 is really what it takes. I might mention those figures were 1969. In 1970, it's $6000 for a family of four.

But we're talking about net income. Now you've got to set a goal of that kind of net income and when you talk about eliminating poverty you've got to talk about getting everybody, by work or by Federal income assistance, up to that kind of level. Now we have the money in the country to do it. We just don't have the political will.

Our organization is fighting to raise that issue and to fight for it and we say "$5500 or fight" and we mean just that.

RON NESSEN. In how many years would you think it would take them to reach that goal?

Dr. WILEY. We think it should be done this year.

RON NESSEN. But realistically.

Dr. WILEY. Realistically, it's as soon as the political muscle can be generated. As soon as a few of the Moynihans of this world start coming up for adequate income and get with the legitimate interests of poor people, we'll begin to move in that direction.

Mr. ALEXANDER. I think we ought to study positive what needs to be done in this country. We need to set an adequate goal for income payments. We also need to have Federal administration to oppose the kind of different standards that are set in the various states, and thirdly we need a work program—or we need the government to back a work program, not a program to push people off relief but rather a program where the government says we will make jobs. We have 5% unemployment today where poor people could not get jobs even if they were trained for them.

Mrs. WHALEY. May I say the National Urban League says by 1976, the 200th anniversary of

this country, should be the goal to eradicate poverty.

RON NESSEN. Thank you very much. Well, we've heard three guests who represent organizations which seem to agree with the President's welfare proposals, in principle, but have a lot of disagreement with some of the details. This is Ron Nessen in Washington.

MR. WILEY'S HARD-NOSED BARGAIN

Washington's welfare families are about to receive some money to help meet their furniture needs, aid that should bring at least a bit of comfort and cheer to their often barren but over-crowded surroundings. Things many people take for granted—chairs, dressers and beds—simply have not made the meager shopping lists of people dependent on public assistance. The money is coming because Mayor Walter E. Washington was able to raise a $50,000 donation from the United Givers Fund's dividends and interest, another $50,000 from an undisclosed source and, from these two gifts, the possibility of a matching $100,000 from the Department of Health, Education and Welfare.

All of this is welcome news, but it leaves out the events that led to it. They focus on George A. Wiley, director of the National Welfare Rights Organization, who took charge of the bargaining with Mayor Washington and gave it this particular character. After Mr. Wiley learned that the city government itself had no money for the furniture, he led welfare recipients in two demonstrations at the welfare department headquarters, that wound up with rock and bottle clashes and more than 50 arrests.

Furthermore, he realized all along that most of his followers believed they were marching there to pick up checks. At a subsequent set of sessions with the mayor, Mr. Wiley hinted that he would reject an initial, good-faith effort by the mayor that had produced the UGF offer and the probable $50,000 matching grant from HEW. The ever-patient mayor somehow rounded up the rest, and after a total of seven hours and much speechifying by Mr. Wiley about how the first offer was a pittance and how the city was shirking its responsibilities, the aid was accepted.

Now many welfare families will cheer Mr. Wiley for his victory, and there's little doubt that he deserves some sort of an award for perseverance. But Mayor Washington, who didn't have to take this kind of treatment and the ugly tantrums that preceded it, seems to have taken the time and sheer hard work to do what Mr. Wiley might have been able to do just as well on his own—or *with* the mayor instead of against him. There are times when the politics of pressure may be necessary, and times when city hall must be the victim because Congress, the real overlord, wouldn't stand for it for a minute. But Mr. Wiley's antics have severely tested the sympathies of those who can do the most for the people he is attempting to serve.

SENATE UNIT SPOTLIGHTS "WORKFARE" ANOMALIES

(By Richard Wilson)

President Nixon called it "workfare" when he proposed to Congress in August 1969 a wholesale revision of national welfare policy with a $1,600 floor under the income of all families. It sounded attractive, even though more expensive.

Incentives to work would replace an unsatisfactory system that encouraged idleness, was unfair and was generally judged a monstrous failure.

The House passed a version of the Nixon welfare plan in April this year which required the working poor to register for jobs or work-training while receiving federal assistance.

But it was not until the "workfare" plan reached the Senate Finance Committee that there could be said to be anything like a firm grasp on its meaning, cost and magnitude.

On the probably sound assumption that hardly anyone outside the Senate Finance Committee, and certainly not the public at large, has the foggiest idea of what this colossal measure provides, here is some information:

Federally assisted welfare recipients under the present law numbering 10 million would automatically rise to 24 million, or an increase of one and a half times, in the first year of operation.

In 13 states the welfare rolls would be more than tripled.

In 16 states more than 15 percent of the population would be on welfare, led by Mississippi with 35 percent—yes, more than one-third—of its population on relief.

The total cost to the federal government of welfare would nearly double, from the present estimated cost of $4.5 billion to $9.1 billion.

Other information brought forth by Senator John J. Williams of Delaware in hearings before the Senate Finance Committee includes:

An unemployed woman heading a four-person family in New York on welfare and without income would receive more net income than a woman with an income of $7,000 earned at work. So who should work?

In Phoenix, Ariz., a woman with four dependents and $5,000 in earned income would take a drop of $5 in welfare benefits if she was promoted to a job paying $6,000. So how does promotion get you off welfare?

In Chicago a woman with four dependents and an earned income of $720 would receive total benefits of $6,142. But if she earned $6,000 a year at work, received housing benefits and paid her taxes, her total would be only $6,001. So why get a full-time job?

These are a few of the anomalies and contradictions which neither former Health, Education, and Welfare Secretary Robert Finch nor the present secretary, Elliot Richardson, has been able to explain with any clarity to the Senate Finance Committee. They have arrived before the committee with their charts, beaming with confidence, and departed in confusion, not to say dejection.

What emerges is that there is a borderline, a shadowland, where incentive to work become highly problematical and subjective, depending on the personality of welfare recipients. It has to be borne in mind also that it costs money to work, in the form of transportation, clothing and meals away from home. For some the incentive to work must be powerful, indeed.

It becomes clearer that the Nixon welfare plan, if adopted, will be attended by a continuous procession of horrible examples which have aroused so much popular despair all through the history of publicly financed relief.

The Senate Finance Committee is probably the only barrier to the final adoption of some version of the Nixon welfare plan. Once this measure reaches the Senate floor, if it does, there will be attempts to increase the $1,600 income floor by double.

The idea was good. It was plausible in the beginning that the high "start-up" costs could be justified because the new system would lift people out of dependency and ultimately reduce the chronic costs of a permanent underclass in America.

Now, with the disclosures in the Senate Finance Committee, this premise becomes more doubtful, and the mind turns to the basic facts that federally supported welfare rolls will be more than doubled, the cost will be nearly doubled, and the incentives to work may not be sufficiently powerful.

AFL–CIO SPEAKS OUT ON HIGHER EDUCATION

Mr. YARBOROUGH. Mr. President, at its meeting in Chicago on August 3, 1970, the Executive Council of the AFL–CIO issued a statement on higher education policy.

In that statement, the AFL–CIO stresses the urgency of financial aid to students. As education costs go up and tuition goes up and living expenses go up, our young people will be priced out of higher education unless we also maintain a rising level of student assistance.

The statement by the council describes the issue very well. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE AFL–CIO EXECUTIVE COUNCIL ON HIGHER EDUCATION

Today, more than ever before, it is essential that every young person have opportunity available for education beyond high school. There is need for a wide range of possibilities—colleges and universities, technical institutes, community colleges—designed to accommodate the varied interests, abilities, desires of young Americans.

Yet the United States today faces a serious crisis in higher education which may wipe out the progress we have achieved over the years and again create a situation in which only the rich will be able to afford college. The sons and daughters of working people will find college beyond their means if present trends continue.

On the one hand the costs of higher education have increased sharply and on the other hand federal funds and private contribution for higher education have both diminished. The result is that students and their families are having to carry an increasing share of the financial burden through higher tuition. Mounting unemployment has further added to the problem by making it more difficult for students to find summer jobs.

Tuition and required fees, on the average, have more than doubled in the past ten years. Dormitory charges have also doubled in the same period. Four years at the average state university costs $6,000 and as much as twice that for students from outside the state. At private universities a four-year education can cost as much as $18,000 to $20,000. These trends are rapidly accelerating to the extent that union members who have come to take it for granted that their children should go to college are now having to ask themselves whether they can bear the financial burden which would be entailed. For most families with more than one child of college age, the hope has already faded.

The problem is further compounded by Administration cuts in work-study funds, a program which has been particularly helpful to students from labor families. Even more dangerous is the Nixon proposal to discontinue federal subsidization of student loans for all young people coming from families with an annual income of $10,000 or more, a category which includes many union families. A student, each of whose parents is employed and earning only $5,000 a year, needing student loans of $2,500 a year and having to pay the current interest rate of 9¼%, would have to pay back $27,822, including interest, over a 20-year period. If he marries a girl from a similar background, the young couple could begin married life owing a mountainous debt of almost $56,000.

These facts add up to the question of whether higher education is to be available only to a rich elite or whether the opportu-

nity for higher education is to be the common heritage of all American young people. The AFL–CIO has always been firmly committed to the second of these alternatives.

If, then, higher education should be available to all, the second question remains: who is to pay for it? We reiterate the view, which we have often stated before, that tuition-free higher education like elementary and secondary education, is to the benefit of the entire society and the cost should not have to be borne by the students who receive it. Tuition-free community colleges located within commuting distance of students' homes provide the best hope for expanding higher educational opportunities. In addition, every young person should have available free higher education in a wide variety of institutions.

Today this cannot be regarded simly as a hope for the future; it is an urgent and present need if working people are to know that their children, as well as those of the rich, will be able to obtain the benefits of college education.

PERSPECTIVE ON DISENGAGEMENT

Mr. COTTON. Mr. President, seldom in our history has anything touched off more controversy and more inflamed oratory than the war in Vietnam. Feelings throughout the country have been intense and passions aroused.

Because of the high degree of volatility involved it is always welcome to find in the press a cool, objective, and analytical examination of exactly what is happening today and the course of recent events. Fortunately, there is such an examination available in this morning's Baltimore Sun, in the form of a column by the distinguished journalist, Mr. Richard Wilson. In the column he scrutinizes the train of events starting last summer when President Nixon made his historic tour of the world.

In the column he discusses the changed course of history that followed this Nixon visit to Vietnam, and he analyzes what has happened to our military and foreign policy since.

His column is well worth reading and I commend it to the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON IS MOVING CAUTIOUSLY FOR MILITARY DISENGAGEMENT

(By Richard Wilson)

WASHINGTON.—It is a year now since President Nixon flew around the world, stopping in Vietnam and Communist Europe among other places, and the shape of events has changed. The change has been in the direction indicated by the President a year ago, but something new may have been added.

This new thing is hard to define and largely speculative but it would appear that the United States is in the first stages of what may prove in the next several years to be a large-scale disengagement from what were once considered its unavoidable world responsibilities.

Having said this, it at once becomes suspect as an exaggeration or as posturing some kind of profound insight. But it at least should be agreed that we are getting out of the fighting in Vietnam and not getting into a new fight anywhere else, including Israel.

But that is not all. We are beginning to talk about getting out of South Korea and to think about getting out of Western Europe. Once this process begins it takes on a velocity of its own as a kind of principle guiding separate actions, a subconscious sense of direction.

That is what has happened in the Nixon administration and it is not in practical effect so much different than what Senator Mike Mansfield (D., Mont.) and Senator J. William Fulbright (D., Ark.) have been advocating in varying degree all these years.

The element which threw them off was that in the process of disengagement Mr. Nixon does not propose to be badgered or have the United States taken advantage of. Senators Mike Mansfield and Fulbright could not see Cambodia in that light but only as an extension of the war and a reversal of the process of disengagement. Mr. Nixon viewed the Cambodia incursion as a modus operandi on the way to disengagement with the secondary effect of giving notice to the Soviet Union and other Communist nations that the United States would not permit itself to be taken advantage of while the process was under way.

The same conditions seem to apply in the matter of deploying anti-ballistic missiles. Mr. Nixon is not undertaking to do so anywhere near the scale projected by the Johnson administration, but because he does so at all blinds the peace forces in the Senate to this further modification of previous policy.

Foreign and defense policies have in fact been modified drastically in the year since Mr. Nixon flew to Asia and around the world to spread the word of the Nixon Doctrine. It was only a little more than a year ago since he turned American policy around beginning with the first announced withdrawals from Vietnam.

At this rate he will have completed the turn-around by the fall of 1972 and it is at least conceivable, with luck in the Middle East, that the United States will not be engaged anywhere in the world in a direct military confrontation. It could happen that a week would pass without a single American combat death. And if it prayerfully does, the change will have come so slowly that it may be scarcely recognized.

TEXAS TOURIST DEVELOPMENT AGENCY BOOSTS BIG THICKET

Mr. YARBOROUGH. Mr. President, I have fought to establish a Big Thicket National Park in southeast Texas for many years. My bill, S. 4, would provide a park of not less than 100,000 acres in this beautiful area of Texas.

The establishment of the Big Thicket National Park would provide many benefits to the people of Texas and the Nation. One of the important benefits would be the increased tourism in this area.

The designation of an area as a national park greatly enhances its attractiveness to tourists. When the Big Thicket is made a national park, more people throughout the Nation will be informed of its beauty and aware of its fascinating and amazing natural features.

One of the many organizations which have endorsed and supported the proposal to establish the Big Thicket National Park is the Texas Tourist Development Agency.

The chairman of this agency, Mr. John R. McCarty of Dallas, Tex., was one of the many witnesses who appeared to testify in favor of my bill, S. 4, when field hearings were held in Beaumont, Tex., on June 12, 1970. These hearings were conducted by the distinguished senior Senator from Nevada (Mr. BIBLE), chairman of the Parks and Recreation Subcommittee of the Committee on Interior and Insular Affairs.

Mr. McCarty testified strongly in favor of my proposal for a park of not less than 100,000 acres and stressed the importance of tourism to the state and its economy.

The newsletter of the Texas Tourist Development Agency carried a very interesting article about the Big Thicket and the hearings held on my bill in their June 1970, issue, on page 1. This issue was No. 10 of their volume 3.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BIG THICKET IN HANDS OF COMMITTEE

(By Ben Holub, Jr.)

The fate of the proposed 100,000-acre Big Thicket National Park is now resting in the hands of a nine-man parks committee of the U.S. Senate with Senator Alan Bible of Nevada as chairman.

Thirty-five witnesses testified at a federal hearing in Beaumont June 12 before Bible, National Parks director George Hartzog and members of the parks staff.

John R. McCarty of Dallas, vice-president of Frito-Lay Inc. and chairman of the Texas Tourist Development Agency board, was among those testifying at the hearing.

Anyone wishing to submit further testimony that has any bearing on the creation of the park had two weeks following the hearing to file a statement. Bible's committee will evaluate all testimony, then wait for the parks service recommendation on how the area should be developed, if at all. Chief controversy at the Beaumont hearing centered around the size of the proposed park.

Senate Bil 4, introduced by Senator Ralph Yarborough, who attended the hearing to speak on behalf of his bill, asked Congress to claim 100,000 acres of the Southeast Texas wilderness area for creation of the park.

East Texas interests, including some chambers of commerce and owners of land on which the park would be located, favor a 35,000-acre park.

In his statement, McCarty stressed the importance of tourism to the state and explained how the addition of the Big Thicket National Park would help increase the number of visitors coming to Texas for a vacation. He said research by the Texas Tourist Development Agency clearly shows people are inclined to visit an area containing more than one national park. Texas now has Big Bend National Park and Padre Island National Seashore.

Congressman Bob Eckhardt of Houston spoke out for the larger park saying he did not think the 35,000 acres would be large enough. He also suggested a section of the park be named for the late Lance Rosier, the noted East Texas conservationist whose lifetime dream was the creation of a Big Thicket National Park.

O. R. Crawford of Evadale, president of the Texas Forestry Association; Arthur Temple of Diboll, owner of Temple Industries; Cecil Reid of Austin, executive director of Sportsmans Clubs of Texas; Jim Webster, Kirby Lumber Co. of Houston; and Herman Brown of Lufkin, manager of the Angelina County Chamber of Commerce, were among those testifying in favor of the 35,000-acre park.

Dempsie Henley of Liberty, chairman of the Texas Indian Affairs Commission and considered one of the authorities on the Big Thicket, endorsed the 100,000-acre park, noting that tourist dollars would well offset any loss that area industry might suffer.

SUMMER NEWSLIGHT ON TEXAS

Copy continues to appear across the United States as the result of TTDA's travel writer tour last November. Here are some of the latest entries:

Deane Heller of Key West, Florida, writing for King Features Syndicate, which is distributed nationwide, lends help in the cause to save the Big Thicket of East Texas. "Down East Texas way there's a new battle cry to save the Big Thicket, an unbelievable wilderness and last refuge of some of Texas' rare wildlife. It's being waged by a small but hardy group of dedicated citizens who have banded together to form the non-profit Big Thicket Association of Saratoga."

Continues Mrs. Heller: "The wealth of flora and fauna is staggering to the imagination. For example, there are an estimated 1,000 specimens of fungi and algae along in the Thicket that have not as yet been classified."

Of the Big Thicket, the magazine states: "Way down deep in the pine and magnolia shadows of East Texas, in a land called 'the biological crossroads of North America,' the Big Thicket Association is battling to save the last remaining botanical wilderness in Texas from the deadly hum of a chain saw. Time is running out. Once the big thicket blanketed 3,350,000 acres. Now only 300,000 acres remain."

THE B–1 BOMBER

Mr. GOLDWATER. Mr. President, earlier today I made a few remarks on the B–1 bomber, which we have known as AMSA up until this past session of Congress. Those remarks were directed at an attempt to clear up what might have been some misunderstandings from a debate held earlier in this discussion of the military authorization bill.

Because we shall be voting tomorrow on the so-called Brooke amendment. While I do not think the Senate will be foolish enough to accept it, that chance always exists; so I think it is necessary now, more than ever, to back up a real blue chip in the deterrent stack; namely, the B–1.

A very fine article has been written by John L. Frisbee, senior editor for plans and policy, for the April 1970 Air Force Space Digest. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE B–1—BLUE CHIP IN THE DETERRENT STACK

(By John L. Frisbee)

The B–1, USAF's heavy-bomber candidate to replace the B–52, was conceived in 1963 as AMSA (Advanced Manned Strategic Aircraft). Ever since, there have been almost continuous attempts to destroy it in embryo.

The B–1 has been attacked on grounds of nonutility, marginal utility, and disutility. Its critics have ranged from Whiz Kids to members of Congress to intellectuals of the campus, the think-tanks, and the mass media. Their analytical methods cover the spectrum from slipstick and computer to gut reaction. Notably—almost uniquely—the opposition has included no military men of renown from any of the services. The B–1 has been more than thrice-blessed by the Joint Chiefs of Staff.

Not even the most dedicated B–1 opponent has questioned the ability of the US aerospace industry, with the technology of the 1970s, to build a better bomber than the B–52, basically a product of the early 1950s. Rather, B–1 critics have questioned the rationale underlying the requirement. Their key question has evolved from, "Will we need *this* bomber ten years hence?" to "Will we need *any* bomber by the end of the decade?"

So far, a majority of legislators has answered "Yes" to both questions, or has at least been unwilling to say "No" to either. And so the B–1 has survived. In mid-May a prime contractor will be selected to produce five prototype and two test models. If all schedules are met, the first true strategic bomber to be developed in this country in nearly two decades will fly in 1974. This says much for the viability of a concept that has been under siege for seven years.

But the B–1's greatest battle is yet to come—the fight for a go-ahead on production. If that battle is won, the new bomber could begin to join SAC's operational forces in 1978. By that time, the newest B–52s—the G and H models—will be from sixteen to eighteen years old. Their maintenance and modification costs, though not precisely predictable, are bound to be extraordinarily high.

The B–52 could, certainly, be kept operational for another ten years—perhaps longer—if we were willing to pay the cost. But how effectively it could penetrate Soviet defenses a decade from now is quite another question.

Visualize the odds against the B–36 (the newest of which would have been sixteen years old in 1970) in penetrating today's Soviet defenses. The performance gap between the B–36 and the B–52H is comparable to that between the B–52H and the B–1. And a weapon system that will not perform creditably in war is not a credible deterrent to war.

This brings us back to the key question, "Will we need *any* bomber by the end of the 1970s?" It is primarily a conceptual—not a technical—question. The answer will be affected by economic considerations (how soon and how many), but fundamentally, a decision must be based on need.

The question of need has to be examined in the context of US defense strategy, which is in a state of transition. During most of the past decade, our strategy has been to deter nuclear war by Assured Destruction—the ability of US strategic forces to survive an enemy attack, and in retaliation cause unacceptable damage to the aggressor. A corollary of Assured Destruction has been Damage Limitation, or the capacity to hold down the level of damage an attacker could inflict on this country. Damage Limitation received considerably less attention than Assured Destruction. Until recently, we have not had the technical means to defend against enemy missiles or to construct bomber defenses that promised to stop a high percentage of attacking aircraft.

Assured Destruction was achieved through a combination of land-based missiles, sea-based missiles, and bombers. As the missile force grew in size and reliability, the bomber was thought by earlier Administrations to contribute less and less to deterrence. Bombers took several hours longer than missiles to reach their targets. The bomber was believed easier to defend against, and to some it appeared needlessly duplicative of the destructive capacity of the missile forces.

Nevertheless, a reduced number of bombers was retained in the deterrent forces as insurance and because of certain characteristics unique to the bomber. It could, for example, be used effectively in a show of force, as in the Cuban missile crisis. It could carry much larger weapons than missiles, and was acknowledged to be useful against very hard targets that could not be destroyed by smaller warheads delivered less accurately by missiles. In this respect it provided a Damage Limitation dividend, as a counterforce system to be employed against hardened enemy missiles that might be held in reserve after an initial attack. The bomber also could be launched on ambiguous warning and recalled if the warning proved to be false. And the continued existence of US bombers forced the USSR to invest heavily in air defense systems, presumably diverting resources that might otherwise be used to build stronger offensive forces. Finally, the bomber force was regarded as a hedge against Soviet technological breakthroughs that might cancel or reduce the value of our missile forces.

All of these reasons for keeping the bomber alive and well were valid. And they will remain valid, along with other bomber contributions to deterrence, which will be noted later.

Nevertheless, many—probably a majority—of those who believed the bomber only marginally useful were convinced that a relatively low level of US Assured Destruction capability (perhaps twenty to twenty-five percent of the Soviet population and industry) was enough to deter nuclear war regardless of how many Americans might die in a Soviet attack on this country. Therefore, they questioned the need for *any* bombers and rejected the requirement for a new bomber to replace the B–52. This rejection has come to a head at a time when the bomber has, in fact, assumed more, rather than less, importance. The reasons relate both to strategy and to conceptual changes caused by technology.

For many months the Nixon Administration has been conducting an exhaustive study of national-security policy and strategy. There have been vague but persistent rumors that the President intended to revive a strategy resembling the "Massive Retaliation" of the Eisenhower-Dulles years, though it was difficult to understand the feasibility of such a strategy in view of the size and sophistication of Soviet strategic forces.

The first comprehensive, but still general, statement of the new Administration's defense policy was contained in President Nixon's "State of the World" message to Congress—UNITED STATES FOREIGN POLICY FOR THE 1970'S: A NEW STRATEGY FOR PEACE. Many questions were left unanswered, but the message roughed in a nuclear strategy that is neither Massive Retaliation nor Assured Destruction at a minimum level.

Several passages in the President's message are pertinent to the future makeup of our strategic forces. (*Italics have been added.*)

The overriding purpose of our strategic posture is political and defensive: to deny other countries the ability to impose their will on the United States *and its allies* under the weight of strategic military superiority. We must assure that all potential aggressors see unacceptable risk in contemplating a nuclear attack *or nuclear blackmail or acts which could escalate to strategic nuclear war*, such as a Soviet attack on Europe.

For the foreseeable future Europe must be the cornerstone of the structure of a durable peace.

Our NATO allies . . . view the U.S. commitment to deter Soviet aggression as being based mainly *on our maintenance of a powerful strategic posture.*

The United States will keep all its treaty commitments. We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region [referring to Asia] as a whole.

[*And in the section on General-Purpose Forces*]: The prospects for a coordinated two-front attack on our allies by Russia and China are low because of the risks of nuclear war and the improbability of Sino-Soviet cooperation. *In any event, we do not believe that such a coordinated attack should be met by U.S. conventional forces.*

A U.S. strategic posture adequate to prevent other countries from imposing their will not only on us, but on our allies, must meet two tests if it is to be credible to a potential aggressor. First, it must leave no

doubt in his mind that the U.S. would emerge from a nuclear exchange with some relative advantage over the attacker, in a position to defend itself against third nations, and able to recover more rapidly than could the attacker. Second, other nuclear powers must believe it a reasonable possibility that the U.S. would take some form of positive strategic action against them if they were to threaten really vital U.S. external interests. Such a U.S. force should have a stabilizing influence because of its multiple deterrent effect and since it could not be used rationally to initiate unprovoked aggression.

The strategy outlined in the President's message will require relatively large and versatile strategic forces, including a bomber that can retain its effectiveness well into the future. Also, some of the Soviet technological advances that the bomber has helped insure against have actually occurred. Since they threaten principally the effectiveness of US strategic missiles, they have the effect of enhancing the value of the bomber as a deterrent system. For example, the security of our land-based missiles is sensitive to the accuracy and warhead yield of enemy missiles. The unexpectedly rapid expansion of the Soviet missile force—particularly of the very accurate SS–9, which can carry a twenty-megaton warhead or three five-megaton warhead or three five-megaton weapons—is a real and present threat to American ICBMs.

The invulnerability of our sea-based missiles is sensitive to enemy antisubmarine warfare. In his Fiscal Year 1971 Posture Statement, Defense Secretary Melvin R. Laird stated that our Polaris submarines are still invulnerable, but that he could not guarantee continued invulnerability beyond the next five to seven years. For that reason, advanced developmental work was proposed on the Underseas Long-Range Missile System (ULMS), which would enable our missile-carrying submarines to operate in a vastly larger ocean area and still hit targets in the USSR or China.

The now-modest Soviet ABM system has an undetermined growth potential, and hence poses a future threat of uncertain proportions to both land-based and sea-based missiles. While ULMS will increase the Soviet problem of *detecting* US missile submarines, the longer flight time of ULMS probably will simplify the Soviet ABM *defense* problem so far as submarine-launched missiles are concerned.

In view of these Soviet counterforce developments, it would be a dangerous risk to allow the bomber element of the US strategic forces to deteriorate through obsolescence.

One of the bomber's greatest values as a deterrent has been given all too little attention. The bomber, in combination with missile forces, creates an almost impossible timing problem for an enemy planning an attack on the US. Put yourself in the shoes of the Soviet tactician considering a first strike to disarm the United States. The situation might look something like this:

Any one of the three US strategic systems, if used independently of the others, can cause an unacceptable level of damage to the USSR. For a surprise attack on the US, I must, therefore, plan it so that his missiles and bombers are reduced in effectiveness to a point where my defenses can handle them. It's particularly important that I get his bombers, since I want to hit only military targets. The bombers, because of their accuracy and high-yield weapons, have by far the best capability to hit my own hardened or mobile military targets in return. If I knock out the US bombers, the American President's options are reduced pretty much to attacking my cities with missiles. It then becomes a war against populations—a hard choice for any President. He may prefer to negotiate with us. How shall I plan my attack?

Now, US officials have said that they will not fire their missiles at my country until one of my warheads has actually exploded over US territory. It's reasonable to assume they mean this. Launching missiles on warning that may be ambiguous—perhaps even false—is simply too risky for them.

I'll use my land-based ICBMs with high-yield warheads against the hardened US land-based missiles. My submarine-launched missiles (SLBMs) are shorter range, less accurate, and have smaller warheads, but they will do very well to destroy his bombers if I can catch them on the ground.

The US Ballistic Missile Early Warning System (BMEWS) gives the Americans about twenty minutes' warning of attack by my ICBMs. Other US warning systems can pick up my SLBMs five to ten minutes before impact on SAC bases.

I'm going to optimize my surprise attack so my ICBMs will *arrive* over the enemy's missile silos at the same time my SLBMs hit his bomber bases. But wait a minute. That won't work. His radars will pick up my ICBMs even before I launch my SLBMs from a few hundred miles off the US coast. He'll flush his bomber force under positive control and, after my missiles have exploded over US territory, he'll give his bombers a go-ahead. And his surviving missiles, too.

Let's try it the other way. I'll optimize my attack against his bombers. I'll have to launch SLBMs and ICBMs for simultaneous *detection* by the US so as not to flush his bombers on warning. But that won't work either. If all goes very well for me, US radars will detect my SLBMs five to seven minutes from the most exposed SAC bases. Simultaneously, his BMEWs radars will see my ICBMs about twenty minutes' flight time away from US missile sites. That leaves the Americans twenty minutes to alert their National Command authority and maybe fifteen minutes after my first SLBM detonates over a SAC base to make a final decision, transmit orders, and launch their ICBMs.

Let's leave the Soviet planner with this dilemma. It will get worse for him when our satellite warning systems are perfected and when the B–1 becomes operational, with its faster reaction time, ability to disperse widely—even to highways if necessary—vastly improved penetration capability, and varied load of standoff and gravity weapons.

Several leading B–1 opponents have suggested that our need for a bomber may be obviated if the US adopts a policy of launching missiles on warning of an attack. That proposition can be put in a different way. If we do not have a bomber with a credible ability to penetrate Soviet defenses, *we would have to* launch missiles on warning, accepting the horrifying possibility, however remote, that the warning might be fallacious. That is a sobering thought.

Another plus for the strategic bomber is its usefulness in limited conventional warfare, as the B–52s have proved in Vietnam. Where heavy, concentrated firepower is needed, there is no substitute for the big bombers. The B–52s have had no fighters to contend with and very little ground-to-air opposition. But equally ideal conditions will not always be present. The B–1's supersonic speed, low-altitude capability, and advanced electronics will allow us to continue to use heavy bombers in a far less permissive conventional-war environment if future contingencies demand it.

But the B–1, a sophisticated and expensive aircraft, can be justified only if it makes a major contribution to the primary task of our strategic forces—deterrence of attack on the US and our allies.

The fundamental question, "Will we need *any* bomber by the end of the 1970s?" has been answered affirmatively by the Nixon Administration. So, it appears, has the next logical question, "Will we need *this* bomber—the B–1?" An economy-minded Administration is not likely to endorse a nearly $2 billion investment in developing and testing the prototype of a system unless it believes that system essential to national security. A reversal by DoD is unlikely unless there should be a gross reduction in the Soviet/Chinese threat, perhaps as a product of the SALT talks. The decisive arena has shifted from DoD (until two years ago strongly anti-B–1) to Congress (until two years ago overwhelmingly pro-B–1).

In his "State of the World" message, President Nixon said:

"Because planning mistakes may not show up for several years, deferral of hard choices is often tempting. But the ultimate penalty may be disastrous. The only responsible course is to face up to our problems and to make decisions in a long-term framework."

There is no decision on weapon systems to which that warning applies more pointedly than to the B–1.

A RAVE REVIEW

Mr. HART. Mr. President, it is not often these days that a group of young people gets a rave review. I suspect that that fact says more about what adults say and read than it does about what our young people do.

Therefore, it gives me a great deal of pleasure to report that "The Suitcase Theater," a group of high school students from Michigan, has been performing in Europe this summer and has been receiving high praise for their production, "These Truths."

Mr. President, I am indebted to a letter from the Honorable Jerome H. Holland, U.S. Ambassador to Sweden, for a report on the success of this group in Europe. Ambassador Holland saw excerpts of the production at our embassy in Stockholm July 29.

However, I must admit their success comes as no surprise, for the Suitcase Theater has received good reviews in this Nation.

As a matter of fact, when I wired the troupe on the eve of its departure in June, I said:

> So let me thank the troupe in advance for the fine job you are bound to do in Europe this summer.

Now I would like to say thanks again, this time for making my prophecy correct.

To document the fact that I know a good thing when I learn about it, I ask unanimous consent that Ambassador Holland's letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

EMBASSY OF THE UNITED STATES OF AMERICA,
Stockholm, Sweden, August 4, 1970.

Hon. PHILIP A. HART,
Senator from Michigan, U.S. Senate, Washington, D.C.

DEAR SENATOR HART: On July 29, our Embassy was honored by the visit of the group of high school students from the Greater Lansing area known as "The Suitcase Theatre." The group was accompanied by their director, Mr. Powell Lindsay, Mrs. Lindsay and other interested citizens. It was a magnificent and heart-stirring experience to see and hear these talented youngsters present excerpts from their production ". . . these truths . . . ," a story of the life and times of the Negro in America. And of course their Embassy audience is but a small part of the vast group of people whom they are reaching here in Sweden and throughout

Europe. We have heard nothing but praise for their exceptional talent and for the wonderful appearance they make. What is even more important is the fact that the group represents various racial and religious groups—a hallmark of the American system.

Junior ambassadors such as these from the great city of Lansing help to make our tasks easier in explaining the American way of life and our accomplishments to the Swedish people. May I take this opportunity to add my congratulations to those of the many other people who have been privileged to hear and see this group.

I know that the President is very interested in young people such as these, and I would certainly appreciate it if you would use your influence to see if they might be invited to visit the White House at some time.

With best wishes,

Sincerely yours,

JEROME H. HOLLAND,
American Ambassador.

VIRGINIA'S CONTRIBUTION TO THE PARTNERS OF THE ALLIANCE

Mr. BYRD of Virginia. Mr. President, four Virginia specialists in dentistry are traveling in Brazil as voluntary instructors under the Partners of the Alliance program.

The Partners of the Alliance is a nonprofit, private organization which seeks to develop economic and social self-help programs throughout the Western Hemisphere. I believe it is a strong adjunct to the Alliance for Progress.

The Virginians now visiting Brazil to conduct seminars in dental techniques are: Dr. Paul Bauman, an orthodontist; Dr. Douglas C. Wendt, a specialist in prosthodontics; Dr. Albert Paulsen, a specialist in periodontology; and Dr. Charles F. Fletcher, who has worked extensively in the fields of dental trade and laboratory relations.

Virginia has made a number of contributions to the Partners of the Alliance.

I ask unanimous consent that a listing of Virginia's contributions to this program be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

THE STATE OF VIRGINIA'S CONTRIBUTION TO THE PARTNERS OF THE ALLIANCE

Virginia joined the National Association of the Partners of the Alliance at the end of the year, 1967. At this time, Santa Catarina, Brazil, was designated as the Sister State of Virginia.

Before that time, contributions for the partner's program were made primarily by high school students to various parts of South America as follows:

Yorktown High School raised $550 for materials for desks for students in 2 villages in Bolivia, $550.00.

Mount Vernon High School students raised $200 for hand tools to be used in a training center in Peru, $200.00

Falls Church High School students donated $200 for teaching aids to be used in Piaui, Brazil, $200.00.

Herndon High School students sent $70 for educational materials for a rural school in Ecuador, $70.00.

After Virginia joined the Partners of the Alliance, and Santa Catarina became its Sister State, the following contributions have been made:

Herndon High School students (Herndon, Va.) raised $450 for the Escola Serte (school) in Santa Catarina. The Herndon Business and Professional Women's League assisted in this project, $450.00.

The Business and Professional Women's League of Virginia contributed funds to equip a language center in Florianopolis, Santa Catarina, $100.00.

Dr. Roscoe Hughes of the Medical College of Virginia contributed several boxes of scientific books to the University of Santa Catarina, $100.00.

The Virginia Partners Committee sent hospital equipment and fishing equipment (the Atlantic Ocean borders the eastern coast of Santa Catarina) to the Partners Committee in S.C., and distribution was accomplished under the auspices of the Ministry of Health there, $26,000.00.

The Virginia Partners shipped medical supplies consisting of polio vaccine and worm infection medicine. (Varig Airlines of Brazil assumed the cost of travel) A U.S. Public Health doctor, a nurse, and a student went to Santa Catarina and established an immunization program for polio, and a worm eradication program, $18,950.00.

Chesapeake Seed Corporation of Virginia donated 100 pine tree seeds for experimental tree farm in Santa Catarina, $100.00.

POLLUTION OF THE ENVIRONMENT BY GOVERNMENT CONTRACTORS

Mr. HART. Mr. President, mercury contamination of our Nation's rivers and lakes has been very much in the news lately.

In recent months, witnesses appearing before the Senate Commerce Committee's Subcommittee on Energy, Natural Resources, and the Environment have described the widespread presence of this chemical in our Nation's waters and the threat it poses to human life and health.

In the other body of Congress, the distinguished Representative from Michigan, Mr. O'HARA, has responded to the discovery of mercury with an imaginative piece of legislation. His bill would use the Federal Government's contract authority to require industries doing business with the Federal Government to take appropriate action to curb pollution of both air and water.

This legislation is particularly significant in terms of mercury pollution. An investigation by the Representative from Michigan has disclosed that of eight industrial firms charged by the Justice Department for contaminating waters with mercury, no less than five either presently hold Federal contracts or have held them in the past.

Recently, a House Judiciary Subcommittee held a hearing at which Mr. O'HARA testified on his bill. I found his testimony very enlightening on the extent that Government contractors contribute to the pollution of our environment. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

TESTIMONY BY REPRESENTATIVE JAMES G. O'HARA BEFORE JUDICIARY SUBCOMMITTEE NO. 4, AUGUST 6, 1970

Mr. Chairman, I sincerely appreciate the opportunity to appear before the subcommittee today to testify in behalf of my bill, H.R. 17222.

This legislation, Mr. Chairman, deals with the federal government's responsibility to do everything within its power to discourage the pollution of our environment.

I will not spend the committee's time with rhetorical descriptions of polluted air, which we all observed in abundance over the eastern seaboard last week, nor with the deteriorating condition of our rivers and lakes.

Volumes have been written about the environment and the damage wrought daily by man's ecological insensitivity and headlong rush to increase the gross national product, often at the sacrifice of the quality of our air and water, and often with real threat to human health and life.

I do want to mention recent discoveries of mercury contamination of some of our greatest lakes and rivers—contamination which competent medical experts believe could prove deadly to humans.

Adjoining my Congressional district, a great natural recreational resource—Lake St. Clair—has been damaged, possibly irreparably, by mercury contamination.

Mercury is an insidious element, difficult to detect, and, in fact, was only recently discovered to be present in quantity in our waters.

Other pollutants are more obvious, and anyone with eyes and a relatively sensitive nose is well aware of what we are doing to our air and water.

Happily, more and more Americans are recognizing that our environment is being degraded. They are calling for action to reverse this trend.

Congress several years ago stepped to the forefront of the environmental conservation effort with landmark legislation to curtail air and water pollution. Today, with Americans demanding action and offering their strong support for legislation, Congress has stepped up its activity in this area.

Typical of this activity are the two bills before you today. Both apply old, accepted principles to the subject of conservation. If enacted into law, they will attack pollution in bold and effective ways.

At this point, let me say that I wholeheartedly support the legislation introduced in the House by my able colleague, the gentleman from Arizona. This legislation would enable every citizen who feels strongly about pollution of his environment and wants to do something about it, to fight it through the courts.

I hope that the subcommittee will see fit to recommend its enactment into law. Mr. Udall's legislation could be used by any citizen against any polluter. My bill is more limited, but I believe it would have a most beneficial impact on the quality of the nation's air and water.

The legislation I have introduced is aimed at a specific group of industries and businesses—those that do business under contract with the federal government.

Mr. Chairman, for many years the Congress has required that private firms doing business under contract to the Federal government guarantee their employees safe and healthful working conditions in performance of the federal job and that the employees be paid the prevailing wage in their area or industry and not less than the national minimum wage.

We did this through a series of bills, the first dating back to the early 1930s. The pace-setting bill, commonly known as Davis-Bacon, dealt with construction contracts. Walsh-Healey applied similar rules to procurement contracts.

The third bill, dealing with suppliers of services, was enacted in 1965. I was pleased to have had a hand in writing that law, along with a great Senator, the late Pat McNamara.

It has been a most effective instrument, benefitting hundreds of thousands of workers.

These three pieces of labor legislation threw the weight of federal contract authority behind fair wages and safe working con-

ditions for employees of firms doing business with the federal government.

These laws simply require that every federal contract contain guarantees in the area of wages and working conditions. Those firms who will not sign such a provision, cannot be considered for federal contracts. Those firms who accept federal contracts and then violate the provision applicable to safe working conditions and fair wages can be placed on a list which is then circulated to all federal departments and agencies and be denied contracts with the federal government for a period of three yeras.

Recently, it occurred to me that the Service Contracts Act could be used as a legislative template for application to pollution control by federal contractors. H.R. 17222 is the result.

This bill would require that all contractors hired by the federal government to perform work in excess of $10,000 pledge, as part of the contract, that they will comply with all local, state or federal regulations against air and water pollution which apply to them, and further with any additional standards or regulations which the Secretary may deem proper in keeping with his responsibility to prevent damage to the environment. The bill further requires that any federal contractor failing to abide by this clause, and whose contract activities result in further air and water pollution, will be required to take any corrective measures necessary to abate the pollution.

To protect the public interest, no payment will be made to the contractor until the Secretary of the Interior determines that the anti-pollution clause has been satisfactorily met.

Following the pattern of the labor bills which I described earlier, the Secretary is directed to prepare a list of contractors who do not abide by their obligations under the terms of this act. The list is to be distributed to all federal agencies and those on the list can be barred from receiving federal contracts for a period of three years or until the Secretary certifies that the firm has agreed—again to the Secretary's satisfaction—that in the future the contractor will comply with the terms of the contract.

Finally, the Secretary is directed to prepare, and to distribute to the appropriate federal agencies, a list of those firms whether federal contractors or not, located either in this country or outside it, whose activities have significantly contributed to pollution of United States air and water. This list would also be circulated among federal agencies and those firms would be denied federal contracts until the Secretary certifies that they have provided assurances that they will control pollution by their plants and facilities.

Mr. Chairman, this is a tough bill, and it is meant to be. I do not for a minute believe that the federal government should be in the position of subsidizing a polluter, or of tacitly endorsing pollution in the execution of a federal contract.

To our credit, we are moving forward in the national effort to control air and water pollution. We can assume that by exercising the present air and water pollution control laws, we will eventually catch up with the federal contractor who either wantonly or carelessly pollutes the environment.

But we would do so after the fact, and would have no way of forcing him to clean up what he has already messed up. In addition it could take months—and in some instances it has taken years—to force compliance under the present laws.

Finally, under present statutes, the federal government must be invited by the governor of a state to take action against an intrastate polluter.

My legislation, Mr. Chairman, would put industrial firms interested in lucrative federal contracts on notice that they could not pollute in performance of those contracts. It would encourage those firms who have been federal contractors in the past to begin immediately to take corrective action against pollution. In any event, any firm who wants federal business would be forewarned that no pollution would be tolerated.

Since pollution control devices installed by a plant in order to comply with federal contract obligations would in all probability be used for *all* plant production, this legislation would have a generally salutory effect on industrial anti-pollution efforts.

The power of such action should not be underrated.

The federal government is, undisputably, the nation's largest purchaser of goods and services from private enterpise. The General Services Administration informs me that it enters into some 700,000 procurement contracts annually. The Defense Department reports more than 250,000 contract "actions" amounting to $10,000 or more.

Mr. Chairman, there is at this time little factual data available on the extent to which federal contractors are guilty of pollution.

However, in preparation for my testimony today, I attempted to gather information which would indicate the scope of the problem.

You will remember that last week the Justice Department filed suit against 10 firms which it accused of discharging mercury into rivers and lakes in seven states.

Of those 10, two (Oxford Paper Co., Rumford, Me. and Weyhauser Co., Longview, Washington) are presently working on federal contracts amounting to more than $10,000. Three others. Diamond Shamrock Co., Muscle Shoals, Ala., Olin Mathieson Chemical Corp., Augusta, Ga., and the Pennsalt Chemical Co., Calvert City, Kentucky, have previously held substantial federal contracts and can reasonably be expected to seek federal contracts in the future.

Another major mercury polluter, which claims to have halted discharges into the Detroit River and Lake Erie but was one of the first linked to mercury pollution of those waters, is the Wyandotte Chemical Corp., which also possesses contracts with the federal government.

This is just the tip of the iceberg. Virtually every expert with whom I talked indicated that they believe that a considerable number of federal contractors number among the polluters now being identified in lawsuits and legal actions across the nation.

If this bill becomes law, we will be able to move immediately to require that they do their work for the federal government in a manner that will not dirty the air or foul a river.

The idea of using the federal government's contractual power to achieve such an objective is not new. In 1965, President Johnson issued Executive Order 11288, which was primarily aimed at abating pollution from federal facilities.

However, Section Seven of that Executive Order went beyond federal facilities and directed that the "head of each department, agency and establishment shall conduct a review of the loan, grant and contract" and I emphasize contract, "practices of his organization to determine the extent to which water pollution control standards similar to those set forth in this order should be adhered to by borrowers, grantees or contractors with respect to their operations in the United States."

The results of this executive-ordered review were to be submitted to the Bureau of the Budget.

It is, I think, appropriate to say that this section of the Executive Order received little attention. I have reviewed the reports. Most of them dealt heavily with their loans and grants, and only lightly, if at all, with contracts.

Some agencies, notably the Defense Department and the Tennessee Valley authority, did report the inclusion of anti-pollution clauses in certain contracts, but generally these contracts had to do with construction or the use of land, not procurement contracts, to which my legislation is primarily directed. The present administration has also directed the agencies to review, as part of their responsibility to abate pollution, how contract practices affect pollution control efforts.

In his executive order 11514, President Nixon asked the heads of all federal agencies, consistent with Title I of the National Environmental Policy Act, to "review their agencies statutory authority, admnistrative regulations, policies and procedures, including those relating to loans, grants, contracts, leases, licenses or permits in order to identify any deficiencies or inconsistencies therein which prohibit or limit full compliance with the purposes and provisions of the Act."

The Executive Order calls for submission of agency reports to the Council on Environmental Quality by September 1, 1970.

Mr. Chairman, I want to be frank about this legislation. It was introduced early this year in response to discovery of the contamination of Lake St. Clair and Lake Erie by Mercury from Dow's plant in Sarnia, Canada, and from the Wyandotte Chemicals Corp. plant in Wyandotte, Michigan.

The contamination from the Dow facility has had a devastating effect upon sports fishing in Lake St. Clair. In addition to the dollar loss to businesses that rely upon sports fishing to generate customers, there has been an incalcuable loss in recreational opportunity on the lake.

It was in response to this serious situation that I introduced this legislation. I saw it as a vehicle for informing the public and the Congress about the extent to which companies holding federal contracts contribute to environmental pollution and the destruction of our ecology.

The legislation itself is not perfect. For one thing, it emphasizes water pollution, when I intended that the legislation would apply to all types of pollution. If President Nixon's plan to form a National Environmental Protection agency becomes reality, then the authority vested in the Secretary of the Interior in my bill should properly be transferred to the director of that agency.

But, I have full confidence in this subcommittee and know that it will use its wisdom and expertise to temper and perfect my bill.

In conclusion, let me just repeat two main points: my preliminary evidence indicates that a number of industrial firms doing business with the federal government are among the nation's major polluters.

Until our present laws catch up with them, which may be some time, they can continue to pollute while collecting money from the federal government.

This legislation would provide a tool for swift action against those firms, while serving notice to all firms who hope to do business with Uncle Sam that they will have to take appropriate anti-pollution action.

We have enacted general legislation, and we are making progress in the fight against pollution. But we would remiss, Mr. Chairman, if we did not take every opportunity to control pollution.

At the present time, the federal government is in a position of passing laws against pollution while at the same time sanctioning pollution by its contractors. This legislation would put an end to that.

DR. LESTER HUSSEY, NEW PRESIDENT OF AMERICAN OPTOMETRIC ASSOCIATION

Mr. JACKSON. Mr. President, in the course of an individual's career, there is no greater honor than to be chosen as

the top elected officer of the organization which represents one's own field of activity.

Recently, Dr. Lester Hussey, a Spokane, Wash., optometrist, was elevated to the position of president of a major national health care organization, the American Optometric Association. This was duly reported by the Spokane Spokesman-Review and the Spokane Chronicle.

Dr. Hussey is a native of Spokane, where he attended high school and was graduated from Whitworth College.

Following completion of his studies at Whitworth, Dr. Hussey attended the Los Angeles College of Optometry, from which he was graduated with the doctor of optometry—O.D.—degree in 1938. He has been in practice ever since that time in Spokane, where he has become a highly regarded leader in his church, in civic and service organizations, and within his own profession.

Dr. Hussey has given himself unstintingly to the work of such community service organizations as the Spokane Central Lions Club Blind Aid Committee, the Spokane Rehabilitation Center, the Washington State Society for Crippled Children and Adults, the Spokane Employ the Handicapped Committee, and a number of other civic groups.

During more than 32 years of service to his community and his many patients, Dr. Lester Hussey has also found time to serve effectively as lay leader of the Spokane District United Methodist Church. He and his wife have raised two fine sons. One son attends the Claremont, Calif., College of Theology as a graduate student preparing for the Methodist ministry; the other will soon enter his second year of preoptometry studies at the Pacific University College of Optometry in Forest Grove, Oreg.

Dr. Hussey has also been a powerful force in his local and State optometric organizations. He has served many years in various capacities within the American Optometric Association, which he now serves as president.

I congratulate Dr. Lester Hussey on his record of achievement which lead to selection by his fellow optometrists for the highest and most respected position his profession can bestow. I am proud to note that, again, one of our native Washingtonians has come to the forefront when effective leadership in his area of interest is of paramount importance. I feel sure that Dr. Hussey will do an effective job as president of the American Optometric Association, and I know all the members of the Washington State congressional delegation share my hope that the year ahead will be satisfying and productive for Dr. Hussey and the organization of the 15,000 members he represents as president.

TRIBUTE TO SENATOR MONDALE

Mr. INOUYE. Mr. President, the TV-radio section of the Saturday Review of August 15 contains an excellent article entitled "Mondaleism," written by Robert Lewis Shayon. The article commends one of our most able and articulate Senators. I hope that this kind of forthright, honest appeal to the American people will gain additional advocates and practitioners.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MONDALEISM

(By Robert Lewis Shayon)

Television news recently exposed Senator Walter F. Mondale to national audiences in a big way, and, having discovered him, it would do well to put him on camera more frequently. He practices a vivid, new style of political communication, which I christen Mondaleism and which ought to replace the old style, called McLuhanism. The latter, as all political disciples of the Canadian prophet now know, adjusts one's rhetorical image to the medium employed.

If you use radio, get hot; if television, stay cool. Heat and cold in TV politics are mutually exclusive: The life of one is the death of the other. If you're hot on television (like the Nixon of 1960 and 1964) you repell; if you're cool, you involve. The thermal difference between the old and the new Nixon on TV, according to his McLuhanized brain trust that fashioned his 1968 campaign image, meant the difference between success and failure.

Since then all politicians have obeyed McLuhan's First Law of Politics, and the result has been civic entropy. This concept, borrowed from the Second Law of Thermodynamics, suggests that effective energy depends on transacting states of being: As long as hot and cold interact, there is life; when the contraries are neutralized, there is rundown, nothing, frozen assets.

Senator Mondale illustrated how much useful, civic energy can be radiated by being hot and cold at the appropriate moments. First, *CBS Evening News* showed him pounding the table during a Senate subcommittee hearing, while he heatedly told the chairman of the Florida Citrus Growers that employers of migrant workers are mangling and destroying the lives of underpaid and undereducated workers.

The witness had indicted NBC News for smearing all migrant workers as "bums" in that network's recent documentary on migrant labor, *Migrant—An NBC White Paper*. Senator Mondale slammed the polished Senate table in moral indignation and told the witness that it was a migrant worker boy on the program who had described himself despairingly as a "bum," because of the rootless, hopeless conditions of his youth. The Senator's action was intensely human, a reflex of the years of dedicated commitment he has made to the improvement of the plight of the migrant laborers (years, oddly enough, during which no TV cameras were present, until NBC made the hearings news with its own program). The heat was truly on, and it was quite a welcome shock to see a politician acting like a man and not a politician.

The cool part of the Senator's energetic behavior pattern came a few days after the hearing, when CBS invited him to be the guest of its weekend program *Face the Nation*. There were no explosions as he talked about the state of the powerless poor in America: the blacks, the Indians, the people of Appalachia, the Mexican-Americans. But there was controlled conviction as he warned of the dangers inherent in the South's resistance to desegregation of the schools, and he expressed shock at the continued apathy of the American people over the wretched conditions of the subgroups in our nation who have no one to speak up for them in the councils of power. "I can't live with what I've seen," said the Senator, "and I feel it is my duty to do all that I can to get the nation to shift policies." The assertions were dispassionately made, or, so it appeared, superficially, but the heat in them was apparent. Politicians do not usually make such personal statements on television programs.

Senator Mondale, questioned about the resistance of blue-collar workers to the demands of black citizens, declared his faith in the former. They helped to elect him in industrial Minneapolis. They are decent citizens, the Senator said. But his expressions of shock at the "apathy" of the electorate to injustice to minority groups stood in contradiction to his faith. He was hot and cold, here as well, but that is also a good thing. A politician who is all hot or all cool suggests a computerized mind busily clicking as it manipulates. Senator Mondale transacts within himself as he does with his fellow citizens. He may blow hot or cold, but he blows an honest breath. As long as there is an energy gap between American ideals and American practices, there is a need for politicians who are two and one at the same time. Television, take note of Mondaleism.

AWARD OF 30-SHIP DD–963 PROCUREMENT TO LITTON INDUSTRIES, INC.

Mrs. SMITH of Maine. Mr. President, on June 29, 1970, I made a statement in this Chamber in which I seriously challenged the award of the 30-ship DD–963 procurement to Litton Industries, Inc. I challenged it on several bases. Among my observations were the following:

First. The rationale for awarding a $2 billion shipbuilding contract to a company already carrying the largest new ship construction backlog in the industry—a backlog already so diverse as to test management capability even without the addition of 30 new highly complicated destroyers. It is to be remembered that the Navy has already awarded a contract for nine LHA ships to this same shipyard. And prior to that the Navy announced this shipyard as winner of the as yet unfunded FDL program.

These contracts are in addition to submarine and merchant contracts presently under construction. The problems connected with handling a complex and diverse shipbuilding backlog are well-known. And the Pascagoula facility is a new and untested facility with no experience in handling a huge and highly diversified backlog.

Second. The dangers from the standpoint of the U.S. Government of concentrating a large portion of our new shipbuilding programs—including $2 billion plus total package procurements—under one corporate entity in the very face of the problems engendered by doing this in the Lockheed Aircraft Corp. case. A failure on the part of this shipyard's management in just one of these programs could have a severe impact upon our Navy's posture for the 1970's.

Third. Use of the "multiyear" contract developed by the McNamara regime, which requires that Congress pay tremendous "Cancellation Charges" should it decide in future years not to make appropriations for continuance of the program. This concept transfers control, for all practical purposes, out of the hands of Congress and virtually precludes an effective congressional review on an annual basis.

Fourth. The dangerous impact on fu-

ture competition leading in the long run to higher procurement cost in destroyer construction of an award of the Navy's entire destroyer program for the 1970's to a shipbuilding company which has already constructed a new shipyard on the basis of prior total package awards enabling it to drive out the proven destroyer-building capability throughout the country with a resultant serious impact on our defense mobilization base which the Congress has tried to protect over the years.

Recently, the President's Blue Ribbon Defense Panel Report of July 1, 1970, was released. In connection with the Blue Ribbon Defense Panel Report, I was fortunately able to obtain a copy of a staff report on navy ship procurement and construction made to the Blue Ribbon Defense Panel but which has not as yet been made public although no classification restriction has been placed upon it.

That staff report of outstanding experts, prepared under the cognizance of the first Comptroller of the Department of Defense, Wilfred J. McNeil, corroborates independently the very points that I made in my challenge of the Litton award.

Among the observations, conclusions, and recommendations of these highly knowledgeable and qualified experts are the following:

(1) Yet, if the Navy goes ahead with its announced intentions to seek series type production contracts for major ship programs in a single yard, there will be almost total concentration of major Navy work in three . . . yards—Newport News, Litton, Electric Boat . . . over a significant period of time. During this hiatus for the remainder of the yards, they may well lose their capability to respond to Navy shipbuilding requirements or go out of business altogether. Although the Navy cannot and should not attempt to keep all its former suppliers of ships in business the maintaining of a responsive production base and a healthy, competitive environment . . . is certainly as important as experimentation with new procurement techniques.

If recent history on moderately large Navy ship orders is any indication, large package ship procurements constitute a serious risk to the contracting shipyards' corporate survival. The DD963 destroyer program currently planned for 30 ships represents about $3 billion. A ten percent loss in performing on this contract ($300 million) would exceed the net worth of either of the shipyards competing for that program by at least a factor or two.

(2) As concentration of work in a few yards progresses with a high degree of specialized in each, there will be serious reduction in competition for Naval ships. In addition, there could also be a substantial reduction in the nations' total shipbuilding capability. This loss of a competitive environment in itself could offset the economic advantages of series production . . . The Navy . . . with respect to its combat vessels, must be concerned not only with the maintenance of an adequate production base but also with the continuation of a healthy competition within that base . . .

(3) In order to (a) insure an adequate production base for combat ships and (b) Continue to generate competition between shipyards for most classes of ships—The Navy should take such action as is appropriate to distribute major multi-ship prime contract awards among two or more yards.

(4) In order to (a) maintain a healthy competitive environment and (b) Insure a viable production base for Navy combat ships and auxiliaries—Prime contracts for series production of a single class of Navy ships should be awarded to more than one yard whenever the total order exceeds ten ships.

(5) In the case of the DX (DD963), the Navy could by now have a prototype ship virtually ready to sail and less money would have been spent than has by now been paid for paper only.

There it is, Mr. President, straight from the experts picked by the Department of Defense—experts who never consulted or contacted me—and experts with whom I have had no contact with regard to this subject or the DD–963 program.

It would appear, Mr. President, that the Department of Defense does not let its right hand know what its left hand is doing—that the Department of Defense acted directly in opposition to the strong advice and recommendations of its own chosen experts.

FEDERAL-AID HIGHWAY ACT OF 1970

Mr. PERCY. Mr. President, I am pleased and honored to cosponsor the Federal-Aid Highway Act of 1970 introduced today by the distinguished Senator from West Virginia (Mr. RANDOLPH). This bill is farsighted and seeks to meet directly many of the problems faced by this Nation in its transportation policies.

I am particularly pleased that the bill faces squarely the problem of housing destroyed by Federal highway construction. On June 19, I introduced S. 3992, a bill to authorize the use of highway trust funds to construct housing where necessary in order to assure that there is satisfactory, decent, safe, and sanitary housing comparable to the one from which a person is being displaced before the highway construction can go ahead. It provided that the funds needed to replace the housing would be included in the construction costs of federally aided highway projects.

Therefore, it is with a great deal of satisfaction that I see that section 17 of the bill provides that:

The Secretary shall approve as a part of the cost of construction of any project under any Federal-aid program which he administers the cost of (1) constructing new housing, (2) acquiring existing housing, (3) rehabilitating existing housing, and (4) relocating existing housing, as replacement housing for individuals and families whenever he determines that a proposed project on the Federal-aid system cannot proceed to actual construction because replacement housing is not available and cannot otherwise be made available as required by law.

Section 17 contains other provisions that are equally innovative and farsighted. Upon the affirmative recommendation of the Governor of a State, the Secretary of Transportation can approve the use of highway funds for the operation of public transportation facilities. The Secretary can approve funds for the operation of public transportation facilities including the purchase of equipment, to reduce losses in those cases which will facilitate expanded service, and facilitate the continuation of service which would otherwise be reduced or abandoned.

This fits in directly with the bill (S. 3499) I introduced February 24, 1970, which would provide Federal funds for retirement of debt incurred as the result of capital equipment purchases by public transportation agencies where otherwise service might be reduced or abandoned or where low-income riders would be adversely affected. I am hopeful that the Senate can make this greater commitment to public transportation this year.

I wish to again commend the distinguished Senator from West Virginia on his comprehensive and forward-looking legislation.

A REIGN OF TERROR IN AMERICA

Mr. EASTLAND. Mr. President, a reign of terror exists in America today.

One needs only to look at the headlines of the morning newspaper to prove this tragic and frightening fact.

Here is a sampling:

OMAHA.—Policeman killed when dynamite explodes in his face while investigating a citizen complaint.

MINNEAPOLIS.—Dynamite explosion rips Federal Building, causing a half-million dollars damage. Twenty sticks of dynamite shatter windows blocks away and hurl 300-pound concrete blocks through the air.

ATLANTA.—Three businesses damaged by firebombs.

COLUMBUS, OHIO.—Man charged with bombing two department stores.

WASHINGTON.—Telephoned bomb threat forces evacuation of United States Courthouse.

Mr. President, I hasten to point out this is only a single day in our country. Couple these terrorist activities with the sniper killing of a policeman in Chicago, add the death of a judge after he and his jurors were kidnaped at gunpoint from their own California courtroom, and place with this a dozen other such incidents which are occurring with an all-too-certain frequency in every part of this Nation. It is then that you realize the magnitude and significance of what is happening in America.

We do, indeed, live under a reign of terror.

The foundation of organized government is threatened by these terrorist tactics. No person is safe. No building affords any degree of protection. We are at the mercy of these killers who stalk every city day in and day out.

These anarchists have resorted to terror tactics in a determined effort to undermine organized government in this country. Public officials, policemen, and the average citizen are being forced to live in fear of another bombing.

This wave of terrorist attacks threatens now to sweep our entire country—from ctiy to town and from the campus to the streets.

It is imperative that we act without delay. Congress must take immediate and positive steps to see that these anarchists are dealt with promptly and severely. We must stop this wave of terrorists attacks before they undermine the structure of our government.

It is imperative that we arm our State and local police with the weapons they need to combat these attacks on our in-

stitutions and our way of life. We must give them the tools they need to operate in a climate of terror that exists in every part of this country.

It is for these compelling reasons that I have introduced S. 3924, a bill to prohibit the transportation and possession of explosives when not in compliance with the law. The bill is now before the Committee on the Judiciary. I will assure the Senate that I will encourage the committee to report this legislation to the Senate without delay. By the same token, I now ask that the Senate consider this bill at an early date after it is placed before this body and act on it with a sense of urgency demanded by the situation at hand.

We cannot afford delay. Lives are at stake. Property must be protected. All this—and more, too—for the life of our cities and even our country is seriously imperiled by the wave of anarchy and terror which is now sweeping America.

Our lives and our Government is threatened from within. We must act now—or I am afraid it will be too late.

EARTH WEEK

Mr. NELSON. Mr. President, on the motion of North Dakota Governor William L. Guy last week, the National Governors' Conference meeting in Osage Beach, Mo., unanimously supported a resolution for the Governors to declare the third week in April Earth Week in their respective States.

This is a very significant step toward making Earth Day an annual event, one which I enthusiastically support. Last fall, when I proposed the Earth Day effort, we felt it would have been a success had 300 to 400 colleges and universities joined in. However, last April 22, we saw a dramatic nationwide participation of 2,500 colleges and universities, 10,000 high schools and grade schools involving eight to 10 million students, and additional thousands of communities.

Earth Day represented a great national awakening to the crisis of our environment. And its greatest meaning will be if it is seen as a beginning—a beginning of a momentous, persistent, well-organized national effort built on environmental groups in every community in the land, to restore the quality of the American environment.

An annual Earth Week would be an invaluable event in continuing the involvement that is going to be essential to meet the environmental challenge. As the Governors' Conference resolution said, there is a compelling need to encourage a continuing commitment by all interests—including education, agriculture, business, labor, and civic and private organizations—to work to solve our grave environmental problems.

Furthermore, an annual Earth Week could provide a yardstick for our environmental progress. In looking back, it would assess whether we actually are making headway in dealing with this country's environmental crisis. In looking forward, it would greatly assist the Nation in establishing new objectives and priorities for meeting this critical challenge of providing quality as well as quantity in American life.

In addition to the Earth Week resolution the Governors' Conference adopted important resolutions regarding the mercury pollution disaster and the need to establish a national environmental clearinghouse to register chemicals of all sorts and monitor their impact in the environment.

As chairman of the Committee on Natural Resources and Environmental Management of the Governors' Conference, Governor Guy is to be commended for the excellent work of the committee and the conference in taking these important and forward looking environmental positions.

I ask unanimous consent that the text of the three environmental resolutions—Earth Week, National Clearinghouse, and mercury standards—be printed in the RECORD.

There being no objections, the items were ordered to be printed in the RECORD, at this point:

EARTH WEEK

Whereas, there is an urgent need to promote a broader awareness and understanding of the environmental crisis facing each and every state in the United States; and

Whereas, there is a compelling need to encourage a continuing commitment by all interests including education, agriculture, business, labor, and civic and private organizations, to work to solve these fundamental environmental problems;

Now, therefore, be it resolved that we as Governors assist in focusing the nation's attention on environmental problems and their solutions by declaring the third week in April "Earth Week" in our respective states and seek the broadest participation in its activities.

NATIONAL CLEARINGHOUSE AND REGISTRATION OF CHEMICALS

Whereas, over 6,000 chemicals are released into our air, water and land; and

Whereas, there is a need to study and analyze all chemicals before they are introduced into our environment; and

Whereas, there is a need to continuously monitor all chemicals in the environment;

Now therefore, be it resolved that the National Governors' Conference urges that a national clearinghouse be established to 1) register all chemical compounds released into our environment, 2) pre-screen each chemical as to its ecological effects prior to its introduction, and 3) continuously monitor these chemicals in our environment, and that this action by the member Governors be transmitted to the President as evidence of our sincere and genuine concern.

MERCURY CONTAMINATION STANDARDS

Mercury contamination of the Nation's streams poses danger to the health and well-being of our people and has brought forth expressions of protests and dismay from all parts of our Nation.

Approximately one-third of the states have streams which are involved with mercury contamination, thus indicating a need for corrective activity on the federal level.

The states directly involved with this grave problem have, by their respective separate actions, diligently pursued diverse courses of remedial and corrective measures, all well intentioned but lacking in uniformity so essential in interstate matters. Thus, due to the interstate nature of our streams any corrective activity involving regulatory measures should emanate on the federal level and should afford a just and equal criteria for all of the states involved.

It is imperative that certain measurable minimum amounts of allowable mercury outflow should be established which would not constitute a health hazard to the people of America. The Federal Water Quality Administration is the appropriate agency to initiate corrective measures which would be effective and binding throughout the several states; therefore, the National Governors' Conference urges the Federal Water Quality Administration to immediately initiate action for the determination of a minimum amount of mercury outflow which would not constitute a hazard to public health and upon such determination promulgate regulations having equal application throughout the Nation sufficient to insure that such minimum mercury outflow is not exceeded and that such regulations contain appropriate enforcement provisions.

COCA-COLA AND ITS MIGRANT AND SEASONAL FARM WORK FORCE

Mr. MONDALE. Mr. President, as chairman of the Subcommittee on Migratory Labor, I wish to share with Senators and the many other persons concerned with the plight of the farmworker, the testimony of Mr. J. Paul Austin, president of the Coca-Cola Co., before our committee last month.

Coca-Cola was called to testify following the public revelation in the recent television documentary, "Migrant—an NBC White Paper," that it was directly involved in the problems of migratory labor in its Florida citrus operation. Testimony by the Project for Corporate Responsibility further confirmed that Coca-Cola indeed had farmworkers that were living and working under less than desirable conditions.

In a forthright statement before the subcommittee, Mr. Austin recognized the problem and admitted to Coca-Cola's corporate responsibility for correcting this situation. In his prepared statement and in response to questions, he made specific reference to his company's knowledge of the problem for over a year. Since learning of the problem, a thorough study was commissioned to develop a comprehensive plan for correcting the problems.

Coca-Cola now has a plan of action which it believes will put that company on the track of correcting the situation. It is spelled out in some detail in their statement, which I will submit for the RECORD.

I think I can speak for most of my colleagues on the subcommittee when I say that we were impressed and encouraged with the ambitious efforts and intentions of Coca-Cola. We are all deeply concerned that Coca-Cola will institute the plan as soon as possible, and that it be carried forward to fruition without any undue delay.

The subcommittee will continue its interest in the plan, and we intend to maintain a close watch on its progress. Equally as important is our hope that implementation of the plan will set a precedent for all agribusiness throughout the Nation to institute similar plans. Perhaps with this action we will begin to see progress toward the solution of the plight of the farmworker—a plight which continues to be one of the greatest blights upon our American vision of economic and social justice for all.

Mr. President, in view of the significance of the Coca-Cola statement, and the great interest expressed by so many

persons upon the problems of the migrant, I ask unanimous consent that the statement of Mr. Austin be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF J. PAUL AUSTIN

I appreciate the opportunity to testify before the Subcommittee on Migratory Labor of the Senate Committee on Labor and Public Welfare. I am accompanied by Mr. J. Lucian Smith, the President of The Coca-Cola Company Foods Division.

Although The Coca-Cola Company grows only some three percent of the Florida citrus crop, we have become directly involved in the problems of the migrant worker. Throughout the United States, there are some three million farm workers; more than 250,000 of them are characterized, in the terms of this Committee's 1969 Report, as migratory workers. The Coca-Cola Company employs in its citrus groves in Florida approximately 300 full-time groves employees and a daily average of about 1,000 seasonal workers—migrants—over the eight month orange harvesting period.

As a citizen, I am concerned about the plight of every migratory worker in the nation; as a corporate executive I am directly responsible for the migratory workers employed by my Company. For the past year and a half, we have been examining the problem of the migrant in our citrus groves in an attempt to develop a program through which he can live and work in human dignity and economic security. The question we have asked is not whether to help the migrant worker; but how to help him—in a lasting way for himself and his family.

As this Committee well knows, the problem of the migratory worker in America is an enormously complicated one. It is, first and foremost, a human problem of severe psychological isolation. It is an economic problem involving health, education, citizenship and family structure. The migrant worker has problems of malnutrition, physical handicap and mental health, and most significantly, he suffers from a profound sense of futility.

To the migrant, the problem seems overwhelming. To the migrant's employer and the migrant's government, the problem is equally complex and frustrating. Money can build houses and buy food, but money alone cannot provide the environment in which a man can live and grow with human dignity, economically secure in a life motivated by hope for himself and his children.

We do not pretend to have all the answers to this complex question, but we are determined to do something about it. Portions of the program we have instituted may not work as we planned, but we are dedicated to a persistent and successful effort to place the employees in our groves on a parity with all other Company employees.

Our interest in citrus operations began with the acquisition of the Minute Maid Company in 1960. In the summer of 1967 these operations became part of a new Company Division. The Coca-Cola Foods Division, of which Mr. J. Lucian Smith was appointed President.

In late 1968 I began to read more and more about the crusade of Cesar Chavez in California on behalf of migrant labor. I called Mr. Smith in Houston and asked him to make certain that workers in our groves were not living in the sub-standard conditions that Mr. Chavez described for the workers in California. Mr. Smith personally visited the groves in December, 1968. He was so upset by what he saw that he came immediately to Atlanta to talk to me. He told me that many of the migrants in our groves were living in conditions that "could not in conscience be tolerated by The Coca-Cola Company." At that meeting he and I agreed that we must establish a program to correct these conditions and commit whatever funds and talent were necessary to do the job.

At that meeting I told Mr. Smith that my experience as Vice Chairman of the National Alliance for Businessmen had convinced me that the so-called "unemployables" could be placed on corporate payrolls and with appropriate job training and special care were capable of becoming permanent members of the nation's labor force.

Our first instinct was to move promptly and change the physical situation in which the migrant worker found himself trapped. We soon realized, however, that merely to provide housing and transportation, without facing up to the basic human problems involved, would do little more than temporarily ease the hardship of the migratory worker. A culture of despair and poverty, vested by generations of neglect, had to be rooted out and replaced. To do so involved the entire spectrum of social services and skills: child care, nutrition, adult education, psychological assistance and medical treatment.

We established a task force of both Company personnel and outside consultants, including Scientific Resources, Incorporated (SRI), of Union, New Jersey. The task force used a variety of study techniques.

During February, 1970, SRI sent three men and one woman into our citrus groves, one of whom worked as a migrant so that he could experience the life of the migrant in his job and his environment.

They talked to the migrant workers and their families and interviewed them in depth, to discover their psychological attitudes and their view of their major problems and needs.

They examined the housing of our migrant workers, and their problems in obtaining health care, education and other basic social services from the private sector as well as from government agencies.

They discussed the plight of the migratory workers with local, state and federal officials in Florida and representatives of local groups, religious and social, that had been active in the field for many years.

The task force made its recommendations to me in March of this year. I approved the recommendations and their immediate implementation. Mr. William Kelly, an experienced personnel executive of our Company, who was a member of the task force, was appointed a Vice President of the Foods Division with the sole duty of getting this job done.

We all realized that if the program were to be a success, it was essential that the migrant workers themselves participate in the development of the solution to their own problems. In recent years, as a result of our nation's experience with a variety of anti-poverty programs, we have come to recognize the importance of self-help and participation by the disadvantaged themselves in programs to raise their standard of living. We believe this is also true with respect to the migrant worker. He is the individual most immediately affected by our program and if it is to have its maximum impact, he must recognize that he has within himself the capability—the power—of improving his condition.

Many of the most important segments of our program were suggested by the migrant workers. For example, they repeatedly expressed the need to identify with the Company, the desire to own or rent their own homes at fair prices, the need for job security and life and health insurance, for training programs and grievance procedures, for better communication with their superiors, and a real measure of involvement in the communities in and near which they live.

From the Company's standpoint, we wish to identify those among our migrant workers with the basic talent and leadership ability to rise not only in our citrus operations but throughout the whole structure of our organization. Every migrant with the talent and ability to do so will have the same opportunities to rise in The Coca-Cola Company as any other employee. One of the key responsibilities of the vice president in charge of this program will be to identify and help motivate the migrant workers with this potential. In short, our plan is to place every groves and harvesting worker in the same status as every other employee of The Coca-Cola Company.

THE SEASONAL HARVESTING EMPLOYEES

Last year, during the eight month orange harvesting period, The Coca-Cola Company employed an average of 1,000 seasonal harvesting workers per day. Like most of the Florida citrus industry, they had no health, retirement or life insurance plans, and no job security. There are 86 housing units for their families and dormitories to accommodate about 400 male workers. In this group, we found a deep sense of hopelessness and futility.

These are the migrants who work only during the harvesting season, and then, often only a few days a week. We believe that our first responsibility is to provide as much full-time employment as we can for these workers. Beginning with a selected group, we intend to provide full-time employment with all the benefits that The Coca-Cola Company provides to its full-time employees. This will include the same retirement and life insurance plans, the same two to four weeks vacations and eight holidays, and the opportunity to enter the same training programs. As full-time employees, they will also be entitled to participate in the same tuition refund plans available to all Coca-Cola employees.

Currently the seasonal harvesting employee is paid by the piece. Beginning with this first group of harvesting empoyees, we will provide a basic hourly wage, on top of which piecework bonuses will be paid, somewhat similar to the salary and commission arrangement for salesmen of many major corporations. The combined salary and bonus will be significantly higher than the money they are presently making. In this way, we hope to combine a sense of security, both in pay and in job, along with the incentive necessary to maintain and increase productivity. If this program works and productivity increases—as we believe it will—we propose to extend it to cover 200 employees by the end of its first year of operation; 500 in two to three years and at least two-thirds of our harvesting employees in five to seven years.

We plan to organize our harvesting of oranges and lemons, and the work that must be done in the groves to maintain and care for the trees during the non-harvesting period, in a way that will provide full-time employment for the largest possible number of migrants. We must replace generations of despair, with hope and ambition and this will require a major and concerted array of social services. Sufficient time and patient understanding are essential.

Although our objective is to convert as many seasonal employees to full-time status as possible, the process will of necessity be gradual. During transition and thereafter we will need a number of migrant seasonal employees to handle the peak harvesting load. These seasonal harvesting employees will be placed in the same status as other seasonal employees of the Company, such as many of the men who work in our processing plants. Their pay will be increased, and they will be covered by special life insurance and health care plans. Their dormitories will be modern and sanitary with adequate recreational facilities. They will be offered three meals a day at cost and will be provided, free of charge, with transportation to and from neighboring communities. We hope to instill in these migrants the desire to become full-time employees of the Company.

FULL-TIME GROVES EMPLOYEES

Our task force revealed that the pay and benefits of full-time groves employees were in line with local citrus industry standards, rather than with the standards of the Foods Division. Thus, these employees had no retirement plan, only one week of vacation and five holidays per year. They received health benefits only after one year of employment and life insurance benefits of $1,000.

Effective September 1, our plan will place these employees in the same status as all other full-time Coca-Cola employees. They will be included in the Company retirement plan. They will receive two to four weeks vacation each year depending on their length of service. Their health insurance benefits will become effective thirty days after employment and life insurance benefits will be raised to $5,000. Their wages will be initially increased by 23 percent.

HOUSING

At present we provide housing rent free to approximately sixty percent of our groves employees. The remaining forty percent rent or own their homes. It will always be necessary for some of our employees to live in the groves. For them, we will provide modern and sanitary housing and dormitories and the maintenance services necessary to keep that housing clean, decent and liveable.

Early in our strategic planning, however, our long range objective was to have as many employees as possible own their homes. We have already surveyed forty acres of land, on which we are arranging for the construction of 60 to 70 houses at prices and mortgage payment schedules within the means of our citrus employees, and with appropriate recreational facilities and power and sewer service. These houses will be available exclusively for purchase or rental by our employees. We hope to use existing state and federal housing programs; but we are prepared, if necessary, to do this through Company-arranged private financing.

SOCIAL SERVICE CENTERS

We have decided to establish four permanent social service centers and one mobile social service unit for our groves and harvesting workers. The first of these centers and the mobile unit will be in operation at the beginning of the orange harvesting season in late November. The other three centers will be in operation within a year from that time. The centers will provide a one-stop service for the worker and his family. These centers will provide the physical facilities and professional personnel for: child care and pre-school training and education; adult education; medical care; family and social counseling; recreation; special tutoring for children attending local schools; and information centers on local, state and federal programs.

In addition to professionals, the centers and the mobile unit will be staffed by paid members from the migrant community itself. These staffs will be specially trained to work with migrant workers. The mobile unit will be operated in a manner similar to federal "outreach" programs. The unit and its personnel will seek out the migrants and their families, where they work and live and provide basic social services and medical care to them.

GENERAL PROGRAMS

There are a variety of other problems to which we have also directed our attention. For example, migrant workers spend substantial amounts of time in buses that break down too often. We have ordered twenty-five new buses, each with toilet facilities. Ten buses have already been delivered. These buses will efficiently transport workers to and from the groves and provide sanitary toilet facilities at the location of their work.

Finally—and most important in the long run—we have begun research into the tools used by the migrant workers. We will put forth our best efforts to the task of developing mechanical and other devices to ease the burden of this work and make the individual more productive.

This, in brief, is the program of our Company to deal with the migrant workers in our employ. I do not underestimate the difficulty of bringing hope to these men and women, for themselves and for their children. And I do not want to overpromise. Generations of abuse and neglect cannot be rooted out in weeks or even months. But we have looked at this problem with the best people we could find, and we believe the programs we are instituting will move a long way toward providing for the migrant and his family human dignity, motivation and hope.

Let me be absolutely clear on one point. As we begin our work on the program, we will meet many difficulties and certain portions may not work in the field as we have planned them on paper. We will seek other solutions where those we have do not seem to be working. We intend to put whatever resources are within our command to solve this problem and to do it promptly, humanely and permanently.

While I recognize that our major and most direct responsibility is to those in our employ, I am also mindful of our obligations as citizens and human beings. We have already informed other citrus growers and employers of migrant labor that our entire experience will be available to them as they begin to deal with their problems in this area.

CONCLUSION

Unfortunately, Mr. Chairman, neither you nor I alone can solve the problems of all the migrant workers in this nation. We employ only 1,000 migrants in 20 counties in a single state. There are more than 250,000 migrants working in 900 counties in 46 states.

These men and their families have been too long neglected by the entire nation in which they live and work. Only a massive, concerted and persistent effort by federal, state and local government can root out the sub-culture of poverty in which they barely survive.

Government housing programs specifically designed for the migrant must be enacted and funded. Special health and education programs must be created for the migrant and his children. Federal, state and local social services, now denied the migrant because of arbitrary residence requirements and out-right discrimination, must be opened to him. Outreach programs, by which government officials will seek out the migrant where he lives and works, must also be established. Until our citizens and their elected representatives, at every level of government, commit the resources and talent necessary to solve this problem, migrants and their families—one million human beings—will continue to live in poverty without hope. This nation and the states and communities in which the migrants live and work have the resources to solve this problem. The only question is whether they have the determination. We must, as a nation, show the migrant that there is hope for him in our country and that above all his children can aspire to break the cycle of poverty to which they have been condemned for so many generations.

Yet government alone cannot solve this problem. Through years of experience and the work of dedicated federal employees and legislators like yourself, the government has tried to help the migrant worker. Unfortunately, the impact of most of its programs has been marginal at best.

In 1968, largely because government, acting alone, met the same frustration in its attempt to deal with the problems of the hard core unemployed in our urban ghettos, the President formed a National Alliance of Businessmen. In partnership with the government, the NAB created the JOBS program to help train and employ the hard core disadvantaged in the ghettos of our largest cities. I was privileged to serve as the first Vice Chairman of the NAB.

I believe the time has now come to form a National Alliance of Agri-Businessmen to train and employ in dignity and with fair wages the migrant workers of our nation. I urge this Committee to consider such a program and recommend it to the Congress in its report. A National Alliance of Agri-Businessmen, working in partnership with the government, can do for thousands of rural migrant workers what the National Alliance of Businessmen has done for thousands of ghetto dwellers.

In closing, Mr. Chairman, let us recognize that the migrant represents a phenomenon in our society. The migrant and his family have the motivation to travel hundreds of miles across our country seeking one of the hardest jobs in our economy. If that motivation is fired with self respect and special training, we can reclaim hundreds of thousands of our citizens and create a major addition to our nation's work force. It is this inherent motivation of the migrant that gave me the confidence last March that the program of The Coca-Cola Company will work.

THE OEO LEGAL SERVICES PROGRAM

Mr. MONDALE. Mr. President, at this week's annual meeting the American Bar Association, the organized bar paid tribute to OEO's legal services program. It is legal services fifth anniversary, and the lawyers in this program have already had a major impact on our society.

For a basic principle of a democratic system is that it is a government of laws, not of men. But to those Americans who have been denied access to our judicial and legal institutions, there is a feeling that the system is repressive and unyielding. To them, America is a country governed by men, not laws.

OEO's legal services programs has gone a long way toward changing this fatalistic attitude. To many, legal services has meant the difference between hope and despair.

By insuring the opportunity to obtain counsel—to have representation in and access to courts and government agencies—we insure that grievances will be redressed through legal channels.

The attempt to provide legal representation to all Americans is not only a recognization of a basic flaw in our system—it is also an affirmation of our deep faith in the potential of this system. By accepting the necessity for society to be challenged in order to come viable, we have begun to breathe life into the words "equal justice for all."

On this fifth anniversary of the legal services program, it is appropriate to pay tribute to those lawyers and bar association officials who have struggled so long to make "equal justice" more than an empty slogan. As a result of their efforts, more and more Americans are able to depend on responsive institutions and forums for the redress of legitimate grievances.

Mr. President, I ask unanimous consent that two editorials on the legal services program—one from the New York Times

and one from the Washington Post—be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 11, 1970]

ATTORNEYS FOR THE POOR

In what was once regarded as a citadel of rigidity, there are new stirrings on behalf of the legally deprived in the United States. At the annual meeting of the American Bar Association in St. Louis, the fifth anniversary of the Office of Economic Opportunity's legal services program as well as the fiftieth anniversary of the National Legal Aid and Defender Association are being celebrated today. The fact that the A.B.A. is choosing to honor these lawyers and programs for the poor is a symbol of their acceptance in the courts.

Nearly 2,000 attorneys now work in 850 neighborhood law offices in hundreds of communities. They are representing people as clients, not simply as charity cases; in the process these dedicated young lawyers are making legal history in many fields affecting the most disadvantaged of Americans. So well have these O.E.O. attorneys performed that, paradoxically, the big city law firms have had a hard time competing for the talents of top graduates who often choose to enter the less remunerative field of anti-poverty law and legal-defender representation.

In the course of serving nearly a million clients, the O.E.O. attorneys have won important judicial decisions protecting and broadening the rights of tenants, consumers, food-stamp users, migrant workers and families on welfare.

The O.E.O. legal services program was funded for $54 million this year; $61 million is proposed for fiscal 1971. At least this amount is necessary to expand the services of the nation's biggest legal bargain—the talents of its finest young attorneys working for the poor.

[From the Washington Post, Aug. 11, 1970]

POVERTY LAW HAS NOT BEEN POOR LAW

In his "State of the Judiciary" address—on which we shall be commenting at length tomorrow—Chief Justice Warren Burger paid tribute to the performance of the Legal Services Program of the Office of Economic Opportunity. Among the many antipoverty efforts begun in the mid-Sixties, this has been one of the more quiet and more effective. It began on the assumption that many of the poor are not only denied their rights by law, but that few lawyers are available to protect those rights which do exist. "As late as five years ago," writes Bernard Segal, president of the American Bar Association, in the current ABA Journal, "less than 2 per cent of the legal needs of the poor of the country—more than 20 million of our people—were being filled." Five years ago this week, in a move that it was proud of then and is prouder of now, the American Bar Association embraced and endorsed the Legal Services Program.

Today, approximately 850 LSP offices operate in 49 states, staffed by 2200 lawyers and funded by the Office of Economic Opportunity for $53 million. In a real way, it is the nation's largest and most powerful law firm. The major accomplishments of the program can be listed under a variety of headings. First, there has been the day-to-day service—consumer cases, divorces, garnishments, repossessions. Many of the LSP clients have problems that do not require court action; often, only advice is needed, or a phone call to the proper authority. Second, test cases brought by LSP lawyers have resulted in the expansion of such previously narrow areas as landlord-tenant law, welfare law, public interest law, the administration of food programs. Third, the program has developed new kinds of legal forums for the resolution of disputes outside the courts—to lighten the strain on an already overburdened court system.

The program has not been without failures, nor has it lacked critics. Regarding the latter, however, it has had the right kind of critics—like Sen. George Murphy and Gov. Ronald Reagan of California. They have repeatedly tried to undermine legal services lawyers, but their bumbling efforts have usually led nowhere. Elsewhere, the governor of Missouri recently vetoed two LSP projects in his state; but his veto was overridden by OEO director Donald Rumsfeld, who stood by the poverty lawyers in the field.

One reason the Legal Services Program has the backing of both liberals and conservatives in the organized bar is the awareness that law is above partisan ideologies. Contrary to the rantings of some current "revolutionaries," the system can be changed, the overthrow of injustice can be orderly and the law can be converted from an enemy to an ally.

The same law theoretically applies to everyone and there is no reason that an impoverished inner city client should not receive the same first class service and intelligence that is available to others. Increasingly, such service and intelligence are being provided; in thousands of cases, the practice of poverty law has proved to be anything but poor law.

NIXON ADMINISTRATION'S POLICY OF FORCED INTEGRATION IN THE SOUTH

Mr. ALLEN. Mr. President, I ask unanimous consent that an editorial of the Mobile Register, dated August 14, 1970, and an editorial of the Montgomery Advertiser-Journal, dated August 16, 1970, be printed in the RECORD as an indication of the thinking of the people of Alabama and the South regarding President Nixon's trip South in support of the Nixon administration's policy of forced immediate desegregation of the public schools of the South.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Mobile Register, Aug. 14, 1970]

REPUBLICAN HOAX ACT ON SOUTH'S SCHOOLS

President Nixon and his bureaucratic entourage are coming South this Friday to bring more Republican political hypocrisy on school integration. Depend on it.

The junket to New Orleans for a huddle with "key Southern leaders" well may be the biggest hoax in the whole history of the "desegregation" crusade initiated and spearheaded by political liberals, an element diversely reported to be exercising increasing influence in and on the Nixon administration.

Out of the hypocritical political huddle in New Orleans will come nothing of value to the South. It will not produce freedom of choice for children in school attendance. It will not produce equal treatment for schools in the South on racial integration.

Its basic purpose is not educational but political. It is not designed to establish a policy of fair play between regions as a replacement for the double standard that wields a federal force blackjack in the South as other regions continue to practice wholesale segregation with impunity.

This hypocritical Republican political junket to put on an act of friendly understanding and helpfulness toward persecuted Southern states logically may be construed as stemming from the forthrightness of Sen. Strom Thurmond, Republican from South Carolina, in jumping down the Nixon administration's throat with both feet for its open sorry treatment of the South.

Even before and more particularly since Senator Thurmond delivered his blasts with no punches pulled, the question has been asked in political speculation among both liberals and conservatives whether Mr. Nixon could carry the South in 1972 if he offers himself for reelection and the Republicans renominate him.

The question may have been overtaken by obsolescence already. Whether George C. Wallace again becomes a third party candidate or not, the South may be beyond the reach of Mr. Nixon two years from now if the national Democratic party puts together a platform and candidate ticket of any substantial appeal in this region.

As of today, we would say that Richard Nixon has had it politically in the South if confronted with any promising alternative to which the majority of the electorate could turn.

Southerners who think and care will not be misled by the junket Mr. Nixon is leading into the South. They know in advance from bitter experiences that a soft-soaping on school integration is the most the South can expect from it.

They know the real motive, brought on by political fright, is to try to patch up the Nixon image that has just about struck rock-bottom in the South on the integration issue.

Most Southerners can recognize a hoax when they see it with their eyes wide open.

[From the Advertiser-Journal, Aug. 16, 1970]

FIDDLING WHILE THE SOUTH BURNS

Congressman William C. Cramer, Florida Republican, is only one among many who have predicted the nation (meaning the South) "may be headed for the worst school crisis in its history unless the Supreme Court immediately comes back off vacation and does its job."

Schools under orders to establish a "unitary" system in September have not been told what this means. Montgomery is one of the exceptions. At least we do have a plan, a zone plan, however it works in practice. In some areas, notably the new Carver district, the "white flight" courts have referred to is already on.

In a few other systems, Alabama federal judges have acknowledged that the effect of their orders, obeying the Fifth Circuit's mandate, will probably result in all-black systems. And even within some systems where this is not expected to happen there will probably be pockets of re-segregation as whites either move out or send their children to private schools.

As Cramer said, the Supreme Court must answer such critical issues as whether racial balance is required in schools, whether massive forced busing can be ordered, and whether the South must continue to live under a different set of rules than apply to other sections of the country.

In March, Chief Justice Warren E. Burger said the Supreme Court had a clear duty to resolve all these questions. It had the opportunity in the appeal of the Charlotte busing order, which covered most of the questions still dangling, but took off on vacation.

Normally the Justices do not return until October, well after many communities will have been involved in integration turmoil with no guidance provided by the Supreme Court. Many district judges are utterly baffled as to what the law is.

The court also recessed without hearing—as it has consistently refused to hear—a northern de facto case, this one from Cincinnati.

Administrators in many sections of the South have no earthly idea what is expected of them in September. They are to prepare

"unitary" programs without a definition of what this means. Cramer said:

"School officials are faced with a mass of confused, contradictory and often unreasonable rulings from the lower federal courts . . .

"This is no way to run our courts. It is no way to run our schools . . . Our courts seem determined to play some kind of numbers game with our children. For the first time in its history, America may be headed toward the establishment of racial quotas."

The neighborhood school concept, an ancient and honored one in this country, has been dis-established by the courts in many cases—whether by zoning (which pretends to recognize neighborhoods but does not), pairing, school closing and transfers, and other devices, most aimed at one result dictated by the social gospel of the times, a mix ratio.

Many of the future planners in Washington believe the whole thing could be solved by closing all neighborhood schools and busing students into one huge educational complex. This would be the ultimate solution, they say. But the burgeoning of private schools indicates otherwise. It could complete the job, already begun, of wrecking public education.

This is a totalitarian nightmare, but we are fast approaching it.

The Cramer Amendment to the 1964 Civil Rights Act is law, but totally ignored law. It says that "desegregation shall Not mean the assignment of students to overcome racial imbalance." The Fifth Circuit has ignored it, as have other southern courts, the most flagrant example being the Charlotte panzer plan to bus students by the thousands hither and yon to achieve the mix goal.

No one knows where it will all end. The reckless manipulation of school children has now acquired a momentum of its own, light years beyond anything mentioned in the original *Brown* decisions of 1954–55.

The Supreme Court, which could have at least tried to answer some of the riddles and inequities, needed its long summer rest too much to address itself to this, the most disturbing year in southern school integration. Maybe the Justices quietly decided they had no answers and would try to pick up the pieces in October, when it will be too late.

Even Senator Mike Mansfield has suggested that the court should abandon its long summer and go into an 11-month year. We fail to understand why a court constantly complaining of its heavy backlog should aggravate the situation by its extraordinary recess.

Not that we would expect any surcease or that the Justices could unscramble this egg. But it would be vaguely reassuring to know that they were trying, even as hundreds of school boards and superintendents are trying, fumbling in the dark.

Perhaps Chief Justice Warren E. Burger hinted of the reasons for the Supreme Court's strange withdrawal symptoms. In a speech before the opening assembly of the American Bar Association Aug. 10, he said the court was inundated by class action suits. He referred specifically to anti-pollution and consumer litigation, remarking that "we should look more to state courts familiar with local conditions and local problems."

That has a familiar ring. Just 15 years ago the Warren court turned over school desegregation cases to federal district judges for the same reason—they were more familiar with local conditions and problems. Then the appellate courts and the Supreme Court took these powers away from district judges, a fact lamented in the Sumter County decision by the three-judge court back in June.

The decision, written by Judge Frank Johnson, said that "effective with the commencement of the 1970–71 school year, the student body in the Sumter County school system will, in all probability, be composed of only Negro students."

The court's hands had been tied by Fifth Circuit orders, by the Supreme Court's action and inaction, and by the Justice Department. Johnson's rebuke was about as strong as a lower court could be:

"In the past 18 months, the United States Court of Appeals for the Fifth Circuit, under which Court's decision this Court is expressly bound, has reversed district courts in scores of cases for attempting to innovate in a manner such as the Sumter County board here suggests.

"Thus we find ourselves under a compulsion that requires the entry of an order in this . . . case that will probably result in an all-black student body, where nothing in the way of desegregation is accomplished and where neither the white students nor black students are benefited. However, the United States, through the . . . Department of Justice, insists upon a strict application of these legal principles to the Sumter . . . system. Faced with these clear mandates from the appellate courts and the insistence of the government that they be applied, we have no alternative except to apply them."

The Supreme Court, at the time this melancholy finding was handed down, still had more than two weeks before recessing. The three-judge court seemed to have made an unusual plea for the high court to take judicial notice of what was happening. But the Supreme Court did nothing on this, the Charlotte case or other critical school situations.

The Justices needed their rest and couldn't be troubled with such trivia as impossible orders which were to be effective before they returned.

NEED FOR ACTION ON INDIAN POLICY AND PROGRAMS

Mr. McGOVERN. Mr. President, history and events have converged to provide the Congress with a unique opportunity to address itself to one of our Nation's oldest domestic problems—the plight of American Indians. While Indians and the problems which beset them have been the subject of countless public and private explorations down through the years, with manifold theories, programs, and schemes being advanced for the ultimate solution of this long-standing and perplexing problem, the degree of interest and concern shown by the public and others for the Indian people has reached an all-time high.

The late Senator Robert F. Kennedy was chairman of a Special Senate Subcommittee on Indian Education, with the final work being completed by Senator EDWARD KENNEDY, Senator MONDALE, Senator FANNIN, and other equally dedicated Members of this body. Their findings and recommendations offer hope for improvement in at least one area of critical importance to the Indians and those in the Indian field. In addition, scholars, authors, journalists, advocate groups, and so forth, have, during the past several years, examined the full range of social and economic ills which combine to form a seemingly insurmountable barrier which prevents Indian citizens from sharing in America's bounty. And the Indian people themselves through new and traditional leadership are articulating their needs in a forceful manner with the just demand that their people be given an opportunity to enjoy a better way of life.

Our own actions here in the Congress during the Kennedy-Johnson years have contributed significantly to changing circumstances in the Indian field. Indians are now recipients of new-found aids emanating from several major Federal departments and agencies with an identifiable expenditure of more that $500 million in the 1970 fiscal year alone.

But what has this rediscovery of our Nation's first citizens and an infusion of new-found financial resources into the Indian field really contributed to the lives of the rank and file tribal members? Without belaboring you with a review of complicated statistical tables, one needs only to examine any set of standard indexes to know that Indians, as a group, continue to occupy the lowest rungs of our socioeconomic ladder.

The present administration has addressed itself constructively to the Indian problem through President Nixon's recent message to Congress on the America Indians. In reading the message, I was encouraged to note that the President has proposed several bold departures from traditional practices in the Indian field which reflect his own personal desire to cope with this longstanding problem. On July 15, I stated here in the Senate my support of these proposals in general. It is my hope that all of us will give careful considerations to the President's proposed Indian programs.

As chairman of the Subcommittee on Indian Affairs, I plan to launch a series of formal hearings on the President's proposal and accompanying legislation on September 21 and 25, 1970. These hearings will undoubtedly continue and I hope result in the passage of legislation, during the forthcoming 92d Congress.

This is a problem area that cannot be treated lightly. In order to realize lasting results, we will make certain that Indian people themselves become the center of any hearing process that we launch, so that their views and suggestions will have the proper influence upon the legislation before us.

In conclusion, I want to reiterate my belief that we stand on the threshold of an opportunity to contribute to an improved livelihood for thousands of Indian men, women, and children who are living under conditions of poverty through no fault of their own—other than that they are the victims of unfortunate historical and legal developments. I am hopeful that Members of both parties will join with me in an effort to consider the President's proposals at the earliest possible date.

I ask unanimous consent that a press statement by Senator JACKSON, released August 18, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

SENATE HEARINGS ON INDIAN POLICY

Chairman Henry M. Jackson of the Senate Interior and Insular Affairs Committee today announced public hearings for September 21 and 25 on President Nixon's recent message to Congress on American Indians.

Jackson said the hearings would start at 10 a.m. each of the two days in Room 3110 of the New Senate Office Building, and be conducted by the Subcommittee on Indian Affairs with Chairman George McGovern presiding.

"President Nixon's message proposed a

number of changes which merit careful consideration by the Congress," Jackson said. "I will soon be requesting the views and positions of national and regional Indian associations and tribes on these recommendations.

As Chairman of the Senate Interior and Insular Affairs Committee I will also want to hear a discussion of other alternatives. New policies and new programs must, I believe, originate in and be shaped by the Indian community if they are to be effective.

"By the same token," Jackson said, "whenever it is desired, the Indian community must be given full opportunity to administer and make decisions concerning programs which determine the quality of community life."

Jackson also said, "The hearings will continue over several months and a full scale effort will be made to probe into the special problems of our first Americans."

OIL IMPORT

Mr. HANSEN. Mr. President, the decision by President Nixon to continue the present mandatory oil import program is good news not only to those of us from oil-producing States but, if properly understood, should be good news to American consumers in all States.

It is most fortunate that recent events in the Middle East have brought on a situation that several of us have warned of for more than 2 years, and I hope the higher prices and shortages of imported crude oil and industrial fuel oils that have resulted will be only temporary. But it seems that a crisis such as this is sometimes necessary to prove the fallacy of dependence on a foreign source for a commodity as vital to this Nation as oil.

Without again belaboring the arguments against a tariff plan, which the President has now rejected, I would like to remind my colleagues that this would have been another attempt at price and supply regulation that has already proved to be a dismal failure in the case of natural gas.

We are now confronted with a definite shortage of natural gas brought on by restrictive Federal pricing policies.

The oil import tariff plan was designed to control domestic crude oil wellhead prices and would have discouraged development of additional gas, as well as oil supplies.

I told the President last week that I was concerned about the ability of this Nation to meet its energy requirements and that I had worked hard for 2 years in an attempt to get Government officials to recognize the problem before it reaches crisis proportions. I commended him at that time for recognizing the problem and taking action to find a solution.

Also to be commended for his untiring and most effective efforts to bring the proportions and seriousness of the problem to the attention of the President is my good friend and colleague from the other body, Representative GEORGE BUSH, of Texas, as well as the distinguished Representative from Wyoming, JOHN WOLD.

A number of Senators have worked long and tirelessly in bringing the matter into the proper perspective and debating the merits of self-sufficiency in our prime energy resource. Among these are the able and distinguished Senator from Texas, JOHN TOWER, the Senator from Oklahoma, HENRY BELLMON, the Senator from Kansas, BOB DOLE, the Senator from Alaska, TED STEVENS, and others.

This and recent policy changes by the Federal Power Commission in natural gas pricing are the first steps in a national energy policy that will encourage the development of the abundant energy resources we have and provide assurance that we will never be dependent on sources beyond our control or subject to blackmail by the countries controlling those sources.

And it is a major victory, the dimensions of which hopefully will never be realized for the consumer who prefers to pay reasonable prices for a dependable supply rather than to save a cent or two on a gallon on a source that might double in price overnight or which could be cut off completely.

COMPETITION OF SMALL BUSINESS WITH INDUSTRIAL LEVIATHANS

Mr. HOLLINGS. Mr. President, it has long been the belief of the American people that small business and manufacturing is necessary for a healthy and vigorous spirit of competition. Today, as we all know, the small businessman finds it ever more difficult to compete with the industrial leviathans. Large-scale firms have made effective use of computers, electronic data processing, and other costly processes and have thereby reaped great competitive advantages.

Changing times and new challenges now demand that small businessmen alter their methods of operation to take advantage of computer technology. By doing so, smaller firms could make optimum use of data relating to payrolls, inventory, purchasing, billing, sales, and so on. Electronic data processing offers a tremendous potential for small businessmen to compete on more favorable terms. EDP systems are not only efficient, but for many of the time-consuming tasks which small business must perform, it can also be more economical. Some firms are already utilizing computers and electronic data processing, but most small businessmen are not yet aware of the promise which these methods hold for the future.

Mr. Robert L. Chartrand, specialist in information sciences to the Legislative Reference Service of the Library of Congress, recently wrote a penetrating and informative article on this question which was published in Business and Economic Review 1970. I call it to the attention of Senators to the business community in the belief that it can be of inestimable help in putting small business into the best possible competitive position for the trying decade ahead.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COMPUTER SUPPORT FOR SMALL BUSINESS

(By Robert L. Chartrand) *

Electronic data processing technology represents man's innovative ability to overcome many of the problems inherent in collecting, indexing, storing, manipulating, and retrieving information. The impact of this technology on the public and private elements of our society has been pronounced. In the governmental realm, a recent report stated: "No single technological advance in recent years has contributed more to effectiveness and efficiency in Government operations than the development of electronic data processing equipment." [1]

The application of the computer and its ancillary tools to business problems also has proceeded at an accelerated pace. Today, while many larger corporations have tested and invested in electronic data processing (EDP) systems, a significant portion of the small business community remains unconvinced of the desirability or feasibility of using this new approach. At the same time, however, there is a growing awareness that the contemporary small entrepreneur must avail himself of those mechanisms and services which will allow him to survive in an age where competition is increasingly sophisticated and unrelenting.

There has been a recognized need on the part of the Federal Government—executive branch agencies and legislative branch components—and various private sector groups for an overall strategy to be conceived which would lead to a marshaling of resources to address the problem of linking the small business community with the potential of the computer.

An examination of the problem area has permitted the identification of three critical requirements for future action. First, a carefully coordinated investigation of user (that is, small business) needs for electronic data processing support should be initiated. The fragmentary data now in existence require updating, and should be analyzed in the light of state-of-the-art developments of the last few years. The responsibility for organizing this activity should be negotiated through discussions between cognizant government and business organizations.

The second vital requirement is related to identifying those hardware and software developments of the immediate past and foreseeable future in terms of their application to the multitudinous problems of the small businessman. The small business community is increasing at a substantial rate: 200,000 new small firms since 1961; 50,000 now taking their place in the competitive milieu every year. The role of industry in helping to match the new devices and man-machine techniques with the discrete applications cannot be underplayed, but the contributions of governmental groups also must be delineated and evaluated.

The third requirement, critical to an improvement of the status of the small business, is for a much enhanced program of orientation and education of the small merchant in terms of the support which can be gained from utilizing electronic data processing. The level of technical literacy must be raised, and a willingness to seek out and listen to counsel must be engendered. Although industry increasingly has provided information to the public about the pro's and con's of the new machine technology, the degree of understanding remains inadequate for the needs of our times.

INFORMATIONAL NEEDS OF THE SMALL BUSINESSMAN

The small businessman who would compete successfully in the complex, dynamic environment of mid-century America must

Footnotes at end of article.

be in a position to acquire, filter, correlate, store, process, and retrieve key information relevant to the present and future operation of his firm. This information may concern the day-to-day production of materials, analyses related to marketing surveys, fiscal planning, or data on counterpart organizations (both large and small) within the same competitive realm.

Changing times often require a change in the mode of operation of a business establishment. In many instances, the question of whether or not to use electronic data processing is raised. At this juncture, the owner or manager may wish to consult with one or more of several possible outside experts. These could include business equipment manufacturers, service bureau corporation representatives, management consultants specializing in information system design, trade association personnel, or, perhaps, a trusted accounting firm.

Before coming to grips with the many factors involved in considering the utility of EDP to a given company, its management may choose to review the basic elements and interrelationships existing within the organization.

When considering the introduction of a major innovation, such as electronic data processing, which may affect the future vitality and profit making capacity of a corporation, there are several questions [2] which might be considered carefully by management:

1. What new information can be secured through data processing to help me manage my business more efficiently?

2. Can the needed information be developed by organizing available data? In other words, is this a problem that data processing can solve?

3. Is the volume of data to be processed into the needed reports too great for manual handling, and is it sufficient to justify data processing?

4. How frequently is the information required?

5. Can the data to be processed be readily accumulated?

6. Can savings be generated by automating the present system? Or, to phrase it differently, will a better system necessarily increase profits?

The benefits from a survey of company operations and informational needs may be many, regardless of the ultimate decision concerning the acquisition (or not) of a data processing capability. The perceptive businessman knows that new retailing and manufacturing concepts and practices tend to reduce the margin for error. He also knows that he must obtain, on a continuing basis, that information which allows him to make the correct decisions: this may take the form of balance sheets, inventory records credit management listings, and other supporting data.

Many reasons have been offered by EDP users and providers as to why these devices should be employed, but predominant among these is the fact that for certain applications they are more economical. Four factors which reflect the economy being sought, and the ways in which EDP can contribute to attaining a more efficient working system, are:

1. computers provide new time dimensions for the working day and for the human concept;

2. computers provide more efficient and effective controls over human error;

3. computers provide large capacities for storing information, and the capability to access rapidly this information; and

4. computers provide automatic organizational, administrative, and management controls.[3]

Some information systems consultants will use the amount of paper work which must be created and handled in a company as a guideline for determining whether EDP is required. One rule of thumb is that, if you have enough paper work to keep one or more persons busy full time, you should at least check into the possibility of using electronic data processing; it may be cheaper than your present method.[4] Some companies which have chosen to use EDP declare that significant benefits may result even though costs remain essentially the same. In a number of recorded cases, decision making information has been made available as the result of processing routine paperwork. In an article entitled "Electronic Recordkeeping for Small Marketers," the example of using EDP to handle invoice billing is given, with this comment:

"As a byproduct you might get reports upon which you can base management decisions. Such reports might show: sales broken down by territory, item, or salesman; commissions and statements for salesmen; a history of accumulated past sales by customer; and credit analysis by customer." [5]

The problems faced by the retailer, the manufacturer, the marketing manager, and the wholesaler often are strikingly similar. When a confrontation of the problems takes place and the hard decision must be made regarding the allocation of existing or projected resources, the businessman must strive to understand definitely which personnel, equipment, and procedures he should add, delete, or change. The small businessman, in considering the integration of computers into his operation, must review the characteristics of EDP-oriented systems: first, thorough systematization of control and planning procedures must be effected; second, an array of problem-solving techniques must be reviewed, experimented with, and selectively applied; third, equipment selection must be based on an overview of the entire operating system; and fourth, delineation of current requirements of management must take place.

In determining which equipment is to be used and for what types of applications, it is imperative that the small businessman identify, assess, and then discuss with others his needs for information. He must review thoroughly the time constraints which govern his operation, the requirements for heavy volume processing of mathematical data, and the kinds of output which must be utilized in his operation. A number of small companies have expressed the opinion that they could not afford EDP if it were used only for the processing of routine records. They pointed out that the "real savings come when they use the information for making management decisions." [6]

Many retailers have found that EDP can help them. While small businessmen often were reluctant to invest in their own computers, corporative arrangements permitted utilization of the new tools. In New York City, the firm of Archie Jacobson, Inc., made the decision to invest $1,000 for an initial equipment capability and spend $140 per month for processing. The benefits were these: a pinpointing of weaknesses and strengths in their stocks, the ability to analyze supplies by units and prices, and better timing in scheduling merchandise arrival for less lag before it went on the selling floor.[7]

The small manufacturers also are using EPD. A small business requires a short delivery time and accurate, quick billing. In many instances, it must be able to respond rapidly to sudden market shifts, which result in rush requests, special billing and pricing situations, and the anticipated impact upon production projections. Several examples of small manufacturers' use of computers appeared in the volume prepared by Alexander M. Blanton and Joseph Traut and their associates at the Graduate School of Business Administration at Harvard University. In "Computers and Small Manufacturers," the following examples signified the role of EDP in this environment: [8]

"Cleveland Controls, Inc., a small firm with less than $2 million in sales and about 80 employees in the combustion instruments and controls industry is using a UNIVAC 1004 for a number of applications, including highly complex, nonstandard [sic] billing. The 1004 has not only solved the company's billing problems but as one company official expressed it, 'timely, highly detailed and accurate reports' are reeducating management about a business they thought they knew. 'In fact,' said Julius C. Weinberg, secretary-treasurer, 'they are providing us with solutions to problems we didn't know existed.' "

Her Majesty Underwear Co., a highly volatile apparel industry with approximately 500 employees, faces a common industry problem—an inventory of thousands of different styles, models, and sizes, coupled with the need for extremely fast response to sales demands. Her Majesty is using an IBM 1401 for inventory control, payroll (by piece rate), and other applications. The latest information available indicates that the company plans further applications, including automatic rescheduling of production integrated with existing inventory control. "This, along with the order-invoice processing presently being carried out on the computer," said T. J. Ford, director of data processing, "should provide a degree of scientific management never before realized—or even anticipated—in a garment concern."

Another company, Cooper Textile Mills, with about $3 million in sales and 90 employees, faces the problems of the textile industry—a squeeze on profit margins, intense competition, and high vulnerability. The company has been using an IBM 1440 since the first months of 1964, and Sanford Nemitz, comptroller, said recently that already the "net results have been vividly reflected in a widening profit margin." Nemitz went on to point out that the computer has become an important tool for management in the textile industry as a whole, because "in the most competitive industry in America, textiles, intelligent, alert management must use current data—not history—to survive."

A same-day-delivery policy on all orders has carved out a market niche for a $6 million, 80-employee company manufacturing high quality industrial control apparatus. According to the company's vice-president, "top management must recognize the computer's potential—in today's world the manager of a small company can no longer afford to operate with a green eyeshade and quill."

EVOLUTION OF ELECTRONIC DATA PROCESSING

During the past two decades, the ingenuity and production efficiency of computer manufacturers have resulted in increasingly more powerful and flexible EDP equipment and software. The evolution of data processing systems is thought provoking because it illustrates the fact that the need to process data is centuries old.

Perhaps the chief impetus to the invention and use of new data processing machines has been the much discussed and often maligned "information explosion." The needs of the user more and more are dictating the type of equipment produced. Similarly, software—sometimes defined [9] as "the ancillary techniques and aids needed for proper utilization of an EDP system"—is being designed for the tailor-made needs of various user groups. The power of the computer now surpasses even the most optimistic prognostication of 10 years ago. But the emphasis is changing perceptibly, many people believe, to devising, testing, and perfecting computer programs which will allow the fullest utilization of the hardware potential. A tremendous effort has gone into the writing and testing of software, and key personnel in consulting firms, equipment manufacturers, government, and private user

Footnotes at end of article.

groups continue to expend vital energy and money to this end.

The investment in equipment and software must be understood by the small businessman. Business applications are diverse and may require a modest computer configuration but a variety of computer programs. Some of these may be provided as part of a basic "package" by the computer firm which sells or leases the equipment. Other requirements may necessitate the writing of special programs. In planning for a computer installation today, the prospective owner must anticipate software costs which at least equal those of the equipment being obtained.

The technological development of electronic data processing usually is referred to in terms of "computer generations." The "first generation" of computers, which appeared in the middle 1950's, embodied the vacuum tube as the main electronic component. The "second generation," dominant in the late 1950's and early 1960's, utilized the transistor—the advantages: required less space and maintenance, could perform calculations more rapidly, and was more reliable. The "third generation" computers, introduced in 1964, featured miniaturization of components, which reduced costs, were faster than predecessor machines, and were even more reliable.

As the cost of computers has decreased in relationship to the benefits to be derived, as the space required for housing EDP units has lessened, and as the software has been more closely attuned to the needs of the small businessman, a realization of the potential of the second- and third-generation devices for use by the small business concern has come into being.

In 1950 the cost per bit—in this case, defined as "a unit of information"—was in excess of $2.60; today, the cost is 20 cents per bit. Time-sharing systems, where multiple users can simultaneously use a computer system, are expected to lower EDP costs to "one-tenth of that incurred under existing modes of operation." [10]

The cost of time sharing may be considered in two basic categories: (1) the cost of data processing per se, and (2) the cost of communications' circuits. Survey findings indicate that computer centers external to the business firms can perform many tasks on a reasonable price scale; "average" costs reportedly range between $325 and $350 per month. One computer center charges $350 for 50 hours of teletype console time, while another center charges $325 a month for 25 hours of shared time. The variations are many, ranging from a flat monthly charge to a yearly fee plus a per-item charge.[11]

The speed with which problems are handled often is a key factor in business applications. The speed of "first generation" computers was measured in seconds; "second generation" equipment in microseconds; and "third generation" devices in nanoseconds. To place this in a meaningful perspective, a nanosecond is to a second as a second is to 30 years.

The question of EDP support costs was disdiscussed in the hearings on "Economic Concentration" before the Senate Subcommittee on Antitrust and Monopoly; [12] the discourse between Senator Philp A. Hart and Byron L. Carter contains interesting information on the cost of EDP services to the small businessman. This discussion is reprinted below.

"Senator HART. In your prepared statement, which most certainly is interesting, you indicated, at least in a couple of places, the cost of the several services to the smaller retailer. I think you mentioned it in the case of the camera shop in California, which has a cost of about $125 a month, and you cited two other installments but did not identify the cost. What is the typical cost to the smaller retailer?

"Mr. CARTER. This varies according to reports produced and the work done. The average retail store pays about $100 a month. Now, this means that there are many below this figure and many above. An average accounts receivable job runs about $76 a month. In anticipation of the possibility of this question, I made some notes before I left. They are just pencil notes, but I called one of our data centers and said, 'Just read me over the phone some of your typical billings.'

"They read me figures of a pharmacy in Williamsport, Pa., their July billing, for their services. This particular store is a rather large pharmacy having 23,000 transactions processed by the data center for the month of July. They received a sales and inventory report, a clerk report, a profit and loss statement, and balance sheet for $119.50.

"Senator HART. A month?

"Mr. CARTER. This is a pretty good sized pharmacy.

"They also had us provide their customers with statements—265 statements at $63.38.

"There is a drugstore that received only the accounts receivable service, keeping the rest of his [sic] records manually, 336 statements, $68. There is a clothing store in Lancaster, Ohio, which received a retail sales inventory, profit and loss and balance sheet, for $83.80.

"There is a specialty store in West Virginia that got only a sales report on 5,000 input lines for $30.13. There is a photo processor in Dayton, Ohio, with 153 statements, profit and loss and balance sheet for $52.30.

"Senator HART. These are interesting to a person who believes that the presence of smaller manufacturers and businessmen is necessary for vigorous competition. They are very welcome. As you describe this advanced technology, instead of tolling the demise of the smaller entrepreneur, it would seem to indicate that it makes available to the smaller manufacturer a means for effectivley and more vigorously competing. Is that a fair conclusion?

"Mr. CARTER. I believe it is a fair conclusion. They will certainly be on a par, on an equal basis. There would be no opportunity, in our opinion, for a larger business to become more efficient than a smaller business if the smaller business is alert and takes advantage of the modern methods."

With the development of versatile EDP systems in the past few years, the small businessman has many more options available to him than previously. He may wish to perform certain routine functions on an in-house machine, while sending more demanding computer-oriented jobs to a service bureau. The use of keyboard or the more elaborate display terminals opens up many possibilities, and can free him of the problems which are concomitant with establishing and managing a company (i.e., internal) EDP facility.

APPLYING SYSTEMS TECHNOLOGY TO SPECIFIC BUSINESS PROBLEMS

The small businessmen of the nation, faced with a competitive situation that includes not only large companies but numerous new small firms, must reassess the ways in which they can operate more effectively. In selecting which applications (or company operations) are to be upgraded, either through the improvement of manual procedures or the introduction of EDP, they will have to consider the objectives they would like to attain as the result of their efforts.

Indicative of the objectives rating priority attention by American small business is the response of 100 companies—with an average number of 125 employees—to a survey discussed in Dr. Donald H. Sanders' "Introducing Computers to Small Business." [13] The eight classes of firms are: construction, durable manufacturing, nondurable manufacturing, transportation-communication, wholesale-retail trade, finance and insurance, service and miscellaneous, and petroleum. Table 1 represents the primary objectives of the sampled firms:

TABLE 1.—PRIMARY OBJECTIVES OF SAMPLED FIRMS, BY NUMBER OF FIRMS AND BY INDUSTRY CLASSIFICATION

Primary stated objectives	Number of firms, by industry class								
	Construction	Durable manufacturing	Nondurable manufacturing	Transportation and communication	Wholesale and retail	Financial and insurance	Service and miscellaneous	Petroleum	Total number firms [1]
Timesaving	4	4	4	1	8	9	10	8	48
Cost reduction		4	2	1	4	8	6	7	32
Greater accuracy		2	4		2	4			12
Better customer service						4	3		7
New information:									
Sales analysis		2			2				4
Cost analysis		1	1						2
Inventory control		2			1				3
Financial data					1	1			2
Greater prestige						1	3		4
Meet government rules						1			1
Better control					1	2			3
Expand business							2		2
Spacesaving						1			1

[1] Total does not equal 100 because several firms had more than 1 primary goal.

Within the realm of business activity, computers have been, and are being used, in conjunction with handling data on payrolls, inventory, record keeping, billing, purchasing sales data, the preparation of reports, and various types of management analysis and summary forms. Experience has shown that as users of equipment become more sophisticated in their understanding of

Footnotes at end of article.

what EDP can do, this awareness is followed by their expansion of requirements for EDP support. This may mean an increased in-house capability or additional support from a service bureau organization. It should be noted that the order in which applications are implemented is important. A small business firm may choose to "start small" with nothing more elaborate than an inventory listing on a weekly basis. Table 2 contains an example of an inventory analysis:

TABLE 2.—ILLUSTRATION OF INVENTORY ANALYSIS

Item No.	Item (card) count	Percentage (items)	Annual units	Unit cost	Annual dollar sales	Cumulative dollar sales	Percentage (dollars)
T7061	1	0.01	51,553	3.077	158,629	158,629	0.48
S6832	13	.12	243,224	.317	77,102	1,652,385	5.0
G9655	81	.74	6,768	4.876	33,001	4,957,154	15.0
T3320	93	.85	4,250	7.369	31,318	5,254,583	15.9
K5322	110	1.0	8,680	3.286	28,522	5,882,489	17.8
K2026	132	1.2	27,581	.930	25,650	6,609,538	20.0
H1981	209	1.9	52,765	.379	19,998	8,261,923	25.0
G9282	308	2.8	1,105	14.676	16,217	9,914,307	30.0
G9034	352	3.2	2,690	5.475	14,728	11,004,881	33.3
G9102	538	4.9	11,378	.980	11,150	13,219,076	40.0
H9339	626	5.7	22,224	.450	10,001	14,276,602	43.2
G9109	879	8.0	7,391	1.054	7,790	16,523,845	50.0
S5251	1,099	10.0	56,304	.115	6,475	18,209,277	44.1
M7868	1,352	12.3	9,984	.556	5,551	19,828,614	60.0
H3762	1,747	15.9	21,683	.205	4,445	21,844,523	66.1
S5634	1,835	16.7	23,796	.181	4,307	22,042,809	66.7
S6121	2,198	20.0	7,239	.490	3,547	23,662,146	71.6
K2018	2,615	23.8	3,571	.840	3,000	25,050,149	75.8
M6621	3,198	29.1	1,500	1.650	2,475	26,438,152	80.0
G2374	3,296	30.0	1,212	1.876	2,274	26,834,724	81.2
M2643	3,747	34.1	1,138	1.720	1,957	27,793,107	84.1
S7822	4,395	40.0	3,509	.450	1,579	29,015,872	87.8
K2174	4,934	44.9	1,042	1.256	1,309	29,742,921	90.0
S5904	5,494	50.0	2,337	.475	1,110	30,403,875	92.0
S6219	6,593	60.0	15,360	.050	768	31,395,306	95.0
K2068	7,329	66.7	3,494	.176	615	31,891,021	96.5
H3772	8,790	80.0	2,842	.120	341	32,618,070	98.7
N9773	9,098	82.8	2,439	.123	300	32,717,213	99.0
M2613	9,889	90.0	3,750	.048	180	32,915,499	99.6
G2605	10,439	95.0	198	.505	100	32,998,118	99.8
S6132	10,966	99.8	0	.062	0	33,047,690	100.0
M3742	10,988	100.0	0	.073	0	33,047,690	100.05

Source: "Scientific Techniques in Business Operations," Data Processing Information, Series B3 (White Plains: IBM Corp., Apr. 25, 1963), illustration of inventory analysis, p. 6.

As noted earlier, many small businessmen gain confidence in the role of EDP in performing useful support tasks and, as times goes by, plan to move into additional application areas. The need for a strategy often goes unrecognized, and there have been occasions when money has been spent unwisely because there was no allowance for controlled growth.

In summary, there is documented evidence that the small business community is taking seriously the potential of EDP and systems methodology for various routine and unique applications. A consensus is commencing to form that a more refined approach to management planning and scheduling is "paying off." Other benefits high on the list of those who have actually invested in EDP services are manufacturing control applications and the performance of sales analysis. Actual experience in implementing EDP-centered systems, however, shows that most small businesses start by converting routine accounting and finance operations, which may, in the long run, be of less benefit than some of the more sophisticated tasks.

ALTERNATIVE COURSES OF ACTION FOR THE SMALL BUSINESSMAN

In reviewing the needs of the small businessman for information, and in discussing the applications which lend themselves to EDP support, there is a third factor which requires intensive study. The management of the small business company must determine whether to establish a computer capability on the premises, owned (or leased) and staffed by the firm, or to rely upon external EDP equipment and personnel. Five alternatives may be posed, the first involving the "in-house" option and the latter four treating the "out-of-house" choices:

1. the establishment of an in-house EDP capability, including the purchase or rental of equipment, creation of an internal staff of programmers, analysts, data converters and operators, and possibly some form of educational course to orient managers and workers to the role of EDP;

2. the creation of a "joint usage" arrangement, where two or more companies establish an EDP center supported and used by each participating firm;

3. the use of a data center's EDP capability, which involves obtaining computer time on an hourly charge basis;

4. the contracting out to a service bureau, where charges usually are based on the fulfillment of an entire, clearly delimited, job; and

5. the utilization of a remote terminal, "timesharing," system, with keyboard or display devices tied via communication lines to a central processor.

The last four alternatives afford the small businessman a greater computer capability than he might otherwise possess. Service bureaus have been used heavily by small businesses for many years.

In selecting which alternatives to pursue, the small businessman may consult with organizations which retain professional staff experienced in EDP systems.

A national group which has concentrated on the technological needs of small business is the Association of Data Processing Service Organizations (ADAPSO). This association strives "to set performance standards, provide for the interchange of experience and data between members, and conduct a series of seminars, regional meetings, and conventions." [14] The American Management Association (AMA) also has become active in sponsoring orientation seminars discussing the role of EDP in the smaller company.

The decision to form an in-house automatic data processing facility usually is accompanied by a determination to unsettle existing procedures and personnel as little as possible. Redesign of an information system can be considered as having two equally vital facets: technical and political. The human element must understand and accept what is happening, or the firm may experience serious difficulties for longer than is necessary.

The selection of specific EDP equipment is based on the data processing requirements of the firm and the information which has been gathered on available equipment. The problem of gaining sufficient knowledge to make an intelligent decision is a significant one for the small businessman. Certain key factors should influence the selection of EDP equipment: [15]

1. which computer offers the greatest anticipated payoff,
2. how do costs compare,
3. what is the reputation of the manufacturer,
4. are other firms in the same locality using the equipment and capable of giving backup support in case of emergency,
5. what is the maintenance factor,
6. will there be product support by the manufacturer,
7. will there be compatibility with existing systems, and
8. what are its error-checking characteristics.

Along with studying the type of computer to be purchased or rented should be an investigation of what it would cost to establish and maintain an internal EDP staff. Should a full-time systems analyst be hired so that advice on the development of the system can be provided on an ongoing basis to management? What level of programing skills is needed, and are there shortcuts which can be taken? How many operators and data conversion personnel are needed, and should the latter function be performed out of house? These questions, and many others, may plague the prospective owner of an EDP facility. The number of business applications to be performed with EDP support also has a bearing on the number of computer personnel needed.

At this point in our discussion, it would be wise to consider seriously an important, but often neglected, point: is the small businessman basically dissatisfied with his present data processing capabilities? As the performance and costing ramifications of using an external capability, such as a service bureau, are set forth, the admonition of R. F. Neuschel should be remembered:

Footnotes at end of article.

"The choice of methods must be based on what work needs to be done, not on what a machine is capable of doing. This point may seem elementary, yet failure to heed it is probably the greatest single cause of unsound or unnecessarily expensive office machine applications." [16]

The decision to contract out is made for one or more reasons:

1. the service bureau can perform the job more cheaply;

2. the burden of operating an EDP center resides with the external systems group;

3. the requirement for EDP support does not justify the establishment of an in-house facility; and/or,

4. the staffing problems can be avoided, especially in the competitive (i.e., high-salaried) EDP categories.

The dilemma which may cause some "soul searching" is this: does the small businessman want to bring in an "objective" outsider to perform the feasibility study and system design, thereby revealing company secrets and problems, or is it better to train his own staff people and rely upon their knowledge of the operations and objectives of the company? These numerous decisions are difficult, but the alternatives posed should not be ignored.

Many service bureaus operate much as they did in the "early" days of the industry; that is, by collecting, processing, and delivering job-oriented data on a regular basis. The spectacular change of the industry in the past few years has involved the creation of "time-sharing" services. Some experts predict that by 1975, 90 percent of all computers will be on-line.[17]

The "time-shared" system allows multiple customer use of a central, remote computer external to their own firms through the placement of remote stations (usually keyboard-type terminals) in an office of each small company. Time sharing, it must be remembered, is only one type of service rendered, and the spectrum of service bureau-type corporations is broad.

Since the new emphasis is on time-shared systems, service bureaus, large and small, are analyzing the current and immediate future state-of-the-art offerings—EDP equipment (central processors and storage units), display devices, communications gear, and the large variety of software needed to support the families of new equipment—and are trying to decide which configurations will serve them and their customers best. Cost effectiveness is paramount in such considerations. In "The Challenge of the Computer Utility," the positive and negative factors related to the use of time-sharing services are listed.[18] These factors are reprinted below.

Cost effectiveness arguments

Positive factors:

1. Fast response.
2. Reduced user capital investment.
3. Better utilization of computer power.
4. Better balance between user needs and user costs.
5. Greater computer power for user.
6. Convenient access to broader data and procedure base.
7. Flexible system augmentation and modernization.
8. Reduced user maintenance and operating costs.

Negative factors:

1. Cost of communications facilities.
2. Executive control requirements.
3. Reliability and maintenance problems.
4. System saturation problems.
5. Lost time due to "swapping."

Much is being learned every day about the vast potential and limitations of time sharing. Both government and business elements are raising questions regarding the need to regulate the EDP communications duality which is coming into increasing prominence. The flexibility provided by time sharing is highly desirable for many business applications, but there is a recognized need for a study of this new development and its impact on both the EDP and communications activities of the nation. The figure below (not printed in RECORD) depicts a hypothetical basic time-shared system.[19]

As the small businessman surveys the types of support offered by the service bureau community, he will note that some firms specialize in only one application (e.g., payroll); others limit themselves to one to three task areas; while the remainder will contract for any type of a selected client industry. The scope of services may range from data conversion (key-punching) only to complete processing. Most service bureau firms concentrate on commercial applications, but a number of companies are willing to provide support for scientific applications.

The need for ready access to information regarding which service bureau companies will undertake what kinds of service is growing. In the field of computer programming, for example, a firm named International Computer Programs prepares a quarterly catalog listing operating programs used by others.[20]

CONCLUDING COMMENTS

The small businessman of today has reached a crossroads where he must decide which path of action to take. The criticality of his decision is affected by the number of competitors, a more volatile competitive environment, higher costs of investment and operation, and a need for ever better information for survival and attainment of his entrepreneur goals. The possibilities are many, and in order to arrive at a meaningful decision, a great deal of time and thought must be invested. The repeated demand for better tools and techniques with which to compete and attain success continues, and must be met by the innovative genius of American industry. Of equal urgency, however, is the requirement for the small business community to orient and educate itself regarding the proper role of EDP in its daily operations and plans for the future. If the public and private forces responsible for the vitality of the business sector of our nation cooperate and communicate, the prospects for the small businessman are excellent.

FOOTNOTES

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The views expressed in this article are those of the author and are not necessarily those of the Legislative Reference Service or the Library of Congress.

[1] Executive Office of the President, Bureau of the Budget, Report to the President on the Management of Automatic Data Processing in the Federal Government (Feb., 1965), p. 1.

[2] Byron L. Carter, "Data Processing for the Small Business" (New York: MacFadden-Bartell, 1966), p. 27.

[3] "An Introduction to Basic Computer Concepts" (Minneapolis: Control Data Corp. [no date]), p. 7.

[4] James M. Adams, Jr., "Electronic Recordkeeping [sic] for Small Marketers," *Small Marketers Aids*, n. 84 (Small Business Administration, Oct., 1962), p. 2.

[5] *Ibid.*

[6] *Ibid*, p. 2.

[7] Leonard Sloane, "Small Stores Turn Increasingly to Electronic Data Processing," *New York Times*, Feb. 6, 1966, p. 1.

[8] Alexander M. Blanton and Joseph Traut, "Computers and Small Manufacturers" (New York: Computer Research and Publications Associates, 1967), p. 33.

[9] U.S. Senate Committee on Government Operations Report No. 938, 89th Congress, 1st Sess., p. 6 (1965).

[10] Manley R. Irwin, "Small Business and Time-Shared Computer Systems," *Quarterly Review of Economics and Business*, VII (Spring, 1967), 23.

[11] *Ibid.*

[12] U.S. Senate Committee on the Judiciary (Subcommittee on Antitrust and Monopoly) Hearings on Economic Concentration, Pt. 4, and Concentration and Efficiency, 89th Cong. 1st Sess. (Aug. 24–26 and Sept. 9–10, 1965).

[13] Donald H. Sanders, "Introducing Computers to Small Business" (Park Ridge, Ill.: Data Processing Management Association, 1966), p. 41, Table XVI.

[14] Boris Yavitz and Thomas M. Stanback, Jr., "Electronic Data Processing in New York City" (New York: Columbia University Press, 1967), p. 64.

[15] W. E. Perry, Jr., "Don't Be Afraid To Use a Computer," *Administrative Management*, XV (Jan., 1963), p. 50.

[16] R. F. Neuschel, "Management by System" (New York: McGraw-Hill, 1960), p. 228.

[17] Manley R. Irwin, "The Computer Utility: Competition or Regulation?" *Yale Law Journal*, LXXVI, n. 7 (June, 1967), p. 1300.

[18] D. F. Parkhill, "The Challenge of the Computer Utility" (Massachusetts: Addison-Wesley Publishing Co., 1966), p. 139, chart 6–1.

[19] *Ibid.*, p. 97, fig. 5–1.

[20] *I.C.P. Quarterly* (Indianapolis: International Computer Programs).

SENATOR ALLOTT REPLIES TO PROFESSOR GALBRAITH

Mr. HANSEN. Mr. President, the New Republic of August 15 contains a letter from the distinguished senior Senator from Colorado (Mr. ALLOTT) rebutting a number of arguments advanced by Prof. John Kenneath Galbraith in an earlier issue.

So that all Senators may benefit from the distinguished Senator's arguments, I ask unanimous censent that his letter be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SENATOR ALLOTT REPLIES TO JOHN KENNETH GALBRAITH

The proposals Professor Galbraith outlines in your June 13 issue are sufficiently interesting, and his tone is (typically) sufficiently shrill to merit a substantial response.

Galbraith wants to unhorse all those legislators who want the United States to play the role of "universal gendarme and Communist hunter." If this is his objective, he can retire to his chalet in Gstaad, Switzerland, forthwith and write another book about the perils of affluence. I know of no Senators who want the US to play the role Galbraith describes. But let us press deeper into the causes of Galbraith's depression.

Galbraith is depressed by the fact that considerable power in Congress is controlled by what he calls "the committee mandarinate," and that turns out to be committee chairmen, many of whom do not agree with Galbraith about the politically true, good and beautiful.

The professor suggests three solutions to this terrible problem.

The first "and most conservative" is to disregard seniority and have an election between a liberal and a conservative for each committee chairmanship. The Speaker of the

House and the Majority Leader in the Senate would pick the two candidates. This raises a number of questions, three of which are: (1) Does the Professor think that the criteria of "liberalism" and "conservatism" are sufficiently objective and noncontentious that this would be feasible? (2) If, not, does the Professor think that the Speaker and the Majority Leader can be counted on to interpret these categories in a manner acceptable to the Professor? (3) Why does the Professor's obvious passion for participatory democracy not extend to an attack on the powers of committee chairmen?

The Professor's second and "practical" solution is for all congressmen and senators who are "serious" about "peace and racial decency" to vote for those Republicans as committee chairmen to replace those Democrats who do not interpret the public will and national interest the way the Professor prefers. The success of this proposal would depend on the truth of the assumption that "the Democrats would abandon the Southern warlords and white supremacists before they would abandon power to the Republicans." The Professor says this proposal is less "romantic" than his third proposal, but more about that in a moment.

Suffice it to say that this proposal fails on two grounds. First, the assumption is almost certainly false. Second, the assumption would never be tested because it would require very substantial blocs of what, for want of a better name, we shall call Galbraithians in both Houses of Congress, and it would require close cooperation between them. The Professor does not venture a guess as to how many votes he would count now, or how many will be hatched in November. His reticence on this point is eloquent.

The Professor's third and "more romantic" plan is for the Galbraithian Bloc to caucus before the party caucuses and threaten to vote for whichever party puts up the most attractive slate of candidates for chairmanships. Again, given the likely attendance at this early caucus, it is hard to underestimate the terror this threat would pose to the vast non-rebellious majority in Congress. Galbraith says that this proposal is "impractical" and I cannot imagine a more convincing appraisal.

The real solution to the Professor's problem is so simple, and straightforward that one does not need a Galbraith Doctrine of Social Reconstruction in order to discover it. If he is weary of the Democratic Party and its predictable committee chairmen, let him perform an act of radicalism which would be wondrous to behold. Let him vote Republican, and let those legions whose votes follow his guidance do likewise.

Of course Professor Galbraith will not be content with committee chairmanships that will result when the Republicans organize the Senate next November. Consider the following data, which lists current committee chairmen and their most recent ADA ratings, and *one possible* line-up of Republican committee chairmen and their ADA ratings:

Committee	Present chairman	ADA	Future	ADA
Space	Anderson (New Mexico)	44	Curtis (Nebraska)	0
Agriculture	Ellender (Louisiana)	17	Miller (Iowa)	17
Appropriations	Russell (Georgia)	17	Young (North Dakota)	6
Armed Services	Stennis (Mississippi)	6	Smith (Maine)	33
Banking and Currency	Sparkman (Alabama)	11	Tower (Texas)	0
Commerce	Magnuson (Washington)	78	Cotton (New Hampshire)	17
District of Columbia	Tydings (Maryland)	89	Prouty (Vermont)	39
Finance	Long (Louisiana)	0	Bennett (Utah)	6
Foreign Relations	Fulbright (Arkansas)	67	Aiken (Vermont)	56
Government Operations	McClellan (Arkansas)	11	Mundt (South Dakota)	6
Interior	Jackson (Washington)	78	Allott (Colorado)	6
Judiciary	Eastland (Mississippi)	0	Hruska (Nebraska)	6
Labor and Public Welfare	Yarborough (Texas)	78	Javits (New York)	100
Post Office and Civil Service	McGee (Wyoming)	39	Fong (Hawaii)	33
Public Works	Randolph (West Virginia)	78	Cooper (Kentucky)	50
Rules	Jordan (North Carolina)	6	Scott (Pennsylvania)	56

The average ADA rating for the current Democrat chairmen is 38.7. The average for the future GOP chairmen is 26.9. I should say two things. I for one do not accept the ADA catechism as a reliable index of liberalism. And a Senator's overall ADA rating often does not accurately reflect the performance of the Senator in the area of special concern to his committee.

Still, I think one thing is clear. Neither the Democrats nor the Republicans are pleasing to the ADA. This is, among other things, a sign of national health. It is also proof that Professor Galbraith and kindred spirits should quit looking for parliamentary gimmicks to inflate their minority position into a powerful force. The unadorned truth is that the American people do not want and, consequently, do not send to Congress men whose views conform to the Galbraith Vision of a Rational America.

I cannot conclude this response to Professor Galbraith without addressing myself to the tone and substance of his argument for new political alignments. Galbraith practices the Charles River Variant of that old phenomenon, McCarthyism. Those with whom the Professor disagrees are not merely mistaken, they are parliamentary lapdogs of the Pentagon. They suffer from "a knee-jerk response to the military establishment." They are unwavering spokesmen for the military. These people are not to be confused with those who consistently vote the preferences of those who agree with the philosophy the Professor espouses. These are not knee-jerk lapdog spokesmen for the ADA. Rather, they are creative statesmen seized with republican virtue. Of course all this is a tiresome, transparent semantic game which I should have thought readers of *The New Republic* would find distasteful.

Professor Galbraith, as is his wont, only interrupts his name calling long enough to venture one statement of hard fact, and the results are not such as to encourage future such departures. (He describes the District of Columbia, as "the nation's greatest urban concentration of black citizens," which, were *The New Republic* widely read on Chicago's South Side, would occasion widespread laughter. At the time of the 1960 census the black population of Chicago was 812,637, compared with 411,737 in Washington, D.C.)

The Professor also wants the United States to escape from "the superpower syndrome." This is an item from the Professor's inexhaustible inventory of social diagnoses. Its precise meaning is not self-evident, and the Professor does not see fit to make the general reader privy to it. Perhaps readers of *The New Republic* are supposed to understand this jargon; perhaps they are supposed to hold their peace and nod affirmatively when such jargon is dispensed. I am left to puzzle as to whether Professor Galbraith would prefer we were not a superpower; or thinks we are not; or should not be; or should follow his advice and cease to be.

Galbraith wants to reestablish civilian control over foreign policy and the military budget. Let us take these one at a time.

Who does he think controls foreign policy today? Perhaps there are Faceless Militarists who function in the Professor's cosmology the way the Gnomes of Zurich function in other conspiracy theories of history. Who does the Professor want to control foreign policy? Surely not the State Department; the Professor has never been bashful about broadcasting his derision of that Department. Readers will be pardoned for assuming that he wants more control vested in the Presidency. But that deathless doctrine has gone the way of all flesh. Thus summer's eternal verity is that Congress should control foreign policy. The only thing more puzzling than the Professor's tergiversations on this subject is the fact that he has not considered turning foreign policy over to the Supreme Court.

Now about establishing civilian control over the military budget. At the risk of being deemed a reactionary, I would like to inject some grubby facts into the vestal purity of the Professor's thinking. First, these are the facts about the way Secretary of Defense Laird—a demonstrable civilian—has reduced the military percentage of the budget:

Fiscal year	Dollars for defense (billion)	Percent of Federal budget
1960	$45.9	49.8
1961	47.4	48.8
1962	51.1	47.8
1963	52.3	46.9
1964	53.6	45.2
1965	49.6	41.9
1966	56.8	42.2
1967	70.1	44.3
1968	80.5	45.0
1969	81.2	44.0
1970	79.4	40.1
1971	73.6	36.7

The following are the facts about the nondefense origin of increases in the Federal budget during the last decade:

1960–68 Government spending, nonmilitary and military

[In billions]

1961	$97.8
1962	106.8
1963	111.3
1964	118.6
1965	118.4
1966	134.6
1967	158.2
1968	178.8
Nonmilitary spending:	
1961	50.4
1962	55.7
1963	59.1
1964	65.0
1965	68.9
1966	77.9
1967	88.2
1968	98.3
Total increase: $47.9 billion. Up 95 percent.	
Military spending:	
1961	47.4
1962	51.1
1963	52.3
1964	53.6
1965	49.6
1966	56.8
1967	70.1
1968	80.5
Total increase: $33.1 billion. Up 70 percent.	

Finally, some additional information about the defense resources.

THE TREND OF DEFENSE RESOURCES—CONSTANT DOLLARS IN FISCAL YEAR 1971 PRICES

[Billions of Dollars]

	Fiscal years—			
	Prewar, 1964	Peak VN War, 1968	1971	Change, 1968–1971
Defense budget	$66.8	$89.1	$71.8	−$17.3
Other Federal programs	$87.2	$117.2	$135.6	−$18.4
Intra-Government	−$3.6	−$5.1	−$6.6	−$1.5
Total	$150.4	$201.2	$200.8	−$.4
Gross national product	$775.8	$914.0	$1,020.0	
Percent defense budget to GNP	8.8	9.7	7.0	−2.7
Percent defense to total Federal budget	43.4	43.2	34.6	−8.6

One cannot help but notice the complete absence of data in the Professor's argument. I am reluctant to believe that American liberals are content with such vacuous theorizing. It does not constitute a solid case for reform of anything.

If the reforms Galbraith wants were achieved, would he be happy? I doubt it.

Readers will recall that the seniority system became entrenched in the House as a result of a successful liberal assault on the powers of the Speaker around the turn of the century. Now we are told that the seniority system stands between the Republic and bliss.

Again, the elephantitis of the Presidency is a contagion contracted from the Democrats. Galbraith, and his fellow hired pen, Arthur Schlesinger, Jr., have labored tirelessly for three decades to bring about an ever more powerful Presidency. (Of course in undertaking to improve upon the balance struck by the Founding Fathers, they were sustained by belief about political facts that was more important than all the theories they concocted: they believed that the Democrats would only take short and infrequent sabbaticals from the White House.) The seniority system and the expanded Presidency are, simultaneously, triumphs and aggravations for liberal "reformers." One can hardly suppress the suspicion that giving a reformer a victory is like giving a toddler a handgrenade. Neither gift is in the long term interests of the recipients.

Of course Galbraith has had some experience with the waywardness of current events. Professor Galbraith is in the running for the Millard Fillmore Political Effectiveness Trophy. Readers will remember Filmore had probems with parties disintegrating under him. Galbraith, when not pioneering a new literary form (the magazine article book), divides what must be his copious spare time between making Harvard what it is today (of diminished stature) and making the Democratic Party what it is today (of diminished strength). The latter is a service to his country for which a grateful nation will honor him when the last copy of *The Affluent Society* has been remaindered. Galbraith lashes Congress for tolerating a "gerontocracy." It appears the "youth movement" may have the same problem.

Galbraith, 61, speaking for the young, tells us that young people think "that the Establishment is not serious." There are many of us who, upon reading that, and upon reflecting that Professor Galbraith is a member in good standing of the Establishment, feel renewed respect for the judgment of young people.

GORDON ALLOTT,
U.S. Senator.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. CASE). The Chair lays before the Senate the unfinished business which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. GOLDWATER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLOTT TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon the conclusion of the vote today on the motion to override the President's veto, the able Senator from Colorado (Mr. ALLOTT) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF MAJORITY LEADER AND MINORITY LEADER TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the vote tomorrow on the amendment offered by the able Senator from Massachusetts (Mr. BROOKE), the able majority leader and the able minority leader be recognized for not to exceed 1 hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

OFFICE OF EDUCATION APPROPRIATIONS, 1971—VETO

The PRESIDING OFFICER (Mr. CASE), pursuant to the order of yesterday, laid before the Senate a message from the House of Representatives, which was read, as follows:

The House of Representatives having proceeded to reconsider the bill (H.R. 16916) entitled "An Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes", returned by the President of the United States with his objections, to the House of Representatives, in which it originated, it was

Resolved, That the said bill pass, two-thirds of the House of Representatives agreeing to pass the same.

The Presiding Officer laid before the Senate a message from the President of the United States to the House of Representatives

(For President's veto message, see p. 28170, proceedings of the House of Representatives of August 11, 1970.)

The Senate proceeded to reconsider the bill (H.R. 16916) making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes, returned by the President on August 11, 1970, without his approval, and passed by the House of Representatives, on reconsideration, on August 13, 1970.

The PRESIDING OFFICER. The question is: Shall the bill pass, the objections of the President of the United States to the contrary notwithstanding?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time consumed be charged equally against both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MAGNUSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Under the previous agreement, the Senate will vote at 4:30 p.m., the time between now and 4:30 p.m. to be divided equally and to be controlled by the majority and minority leaders, or whomever they designate.

The Chair recognizes the Senator from Washington.

Mr. MAGNUSON. Mr. President, I do not think we really need a speech today—

from the Senator from Washington—before we take action on the overriding the President's veto of the Office of Education bill. We have had plenty of speeches and rhetoric about the needs of education already—what the schools and the students need now is their money.

We made every effort to get this bill to the President early this year. By acting upon the final conference version in July, we did get this bill to the White House months earlier than last year and earlier than at any time during the last decade. Not since 1959, when the fiscal 1960 appropriations was enacted July 14, had the Congress taken final action on an education appropriations as early as we did this summer.

All along, our goal has been to get the money in this bill to the states and local school districts as early as possible. In less than 2 weeks, schools reopen for the new academic year; 52 million children return to classrooms; hundreds of thousands of teachers commence new programs of instruction.

So as chairman of the subcommittee on the education money bill, perhaps it would be somewhat remiss of me if we did not review this matter in some detail.

Let me begin with the figure of 289 to 114—this was the vote last Thursday by the House in overriding the veto, and this figure provides the Senate with the opportunity it has today.

Only a short time ago, the Senate demonstrated its support of the education appropriations bill for fiscal 1971. We voted our approval 88 to 0. I repeat, 88 to 0. The House passed this same measure by 357 to 30.

Those of us who worked hard—and there were many on both sides of the aisle—in perfecting and refining this bill thought we had disposed of the matter for this year. We had turned our attention to other pressing problems—specifically, as far as the Senator from New Hampshire and I were concerned, to the other portions of the Labor-HEW appropriation bill involving health and welfare services and the labor programs appropriation, which are also pressing at this time.

We thought that 445 yea votes out of 475 voting Members of the House and Senate was substantial enough to impress the President on what the legislative branch considered an appropriate minimum amount of Federal money to help provide a better education for educationally deprived children in the elementary and secondary schools—for additional teaching equipment and audiovisual materials—for badly needed guidance, counseling, and testing—and for assistance in overcoming language barriers under bilingual education.

I repeat, we thought that 445 yea votes out of 475 Members voting from both Houses was an overwhelming, stamp of approval of the bill. So we turned to other pressing problems, because we thought we had reached agreement on what should be provided—the bare minimum—for educating the handicapped children and providing job opportunities for students and adults under vocational and adult education.

Education for the handicapped is not only a worthy humanitarian program—it is anti-inflationary. It helps make productive taxpaying citizens of thousands who might otherwise be tax burdens and consumers of welfare.

We agreed that something had to be done on student loans. We provided a small increase, I think too small, to help the students and parents who needed a little assist to complete their educational program. And we added a few dollars—sadly needed—for continued construction of our rapidly expanding community colleges.

We added $25.5 million for libraries and $50 million for instructional materials in elementary and secondary education—the vast bulk of those funds, matching grant programs.

Right now—this very day—in not one of our States is there a library in every elementary school. In 16 of our States, 50 percent or more of the elementary schools have no library facility at all for millions of elementary schoolchildren. To me, this is deplorable. This lack of library facilities seems to me to be truly inflationary.

Yes, we added funds for libraries and money for books and library equipment. Surely that cannot be a poor investment. The President's "right to read" program would truly be empty rhetoric without these library resources.

But now the President has disagreed with us—and here we are again.

The White House is saying that everything we did was wrong and that everything it does is right.

That really is what a veto is all about. It ignores compromise—and we made many compromises before reaching final decisions on this bill.

The Senate gave up $362.7 million in conference with the House. We understand what it is to reach a common ground. I, also, suspect that the Congress knows something about what causes and what does not cause inflation. For the life of me. I cannot agree that investing money in raising the educational level of young people and adults in our Nation is inflationary. Surely it has the opposite effect. No one would seriously suggest that kids in school are inflationary.

We in Congress are very concerned about inflation. We in the Congress are just as concerned about inflation—in fact, maybe even more, concerned than the President—who I know, in all due respect, has great concern.

High interest rates are the real villain of inflation, not education. Long ago—last December, to be exact—we granted the President authority to act on credit and high interest rates—but nothing has been done. So to raise a strawman, and blame education and young people in school for inflation, seems to me to be a most inconsistent and illogical approach to the problem.

Congress is not being political or fiscally irresponsible in giving a high priority to education. To neglect the needs for education and other domestic problems in this country is to court disaster.

The real inflation in this education money bill is the inflation that would be caused by the failure of the Congress to adequately support these programs.

If we fail to act today—and these Federal matching funds which are less than 10 percent of the total education investment fail to reach the States and local schools now, then the States and those schools will have to raise local taxes or they will be forced to add substantially to the unemployment roles in thousands of communities. If they have to go to local financing, which is most difficult, it usually comes from taxes raised on property, whereas the Federal Government, for its share, raises taxes by the more equitable method of the income tax.

I do not see how these thousands of local school districts can do otherwise. There the tax will fall upon everyone, high, low, and medium income alike—and it is not a very equitable tax for this purpose.

More importantly—Mr. President—if we in the Congress fail to support these programs for the education of our youth and adults, there will be a far greater price our society and governments will pay in the future. The price of ill-educated, undertrained young adults, finding it impossible to compete in the modern labor markets and dropping out of life, is too enormous to calculate.

Educational programs help make it possible for all to compete and not cop out.

ADVANCE FUNDING

Generally, it is conceded that the Congress agreed to a $453 million increase over the President's budget—but there is a point to be made here.

The administration's request was really for $5.3 billion—of which $1.3 billion was for advance funding. This is a 2-year program, I must say in all fairness, but the Senate agreed with the House in disallowing this amount even though the administration requested that the Senate restore that House cut.

The main reason for our doing that was that all of the school authorities in the United States, in the thousands of local school districts and institutions of higher education, agreed that if they knew what they were going to get early this year, they need not have the advanced funding. It was much more important, therefore, to get it settled now, than to be late with the education bill.

My point is that, considering the full amount of the budget request, if we add this request for the advanced funding of $1.3 billion, we would end up approximately $885,729,000 under what the President actually requested Congress to provide.

Of course, priorities within education are at stake here, together with the basic philosophy of Federal sharing in the costs of educational programs.

To sustain this veto is to scorn decisions arrived at after long, tedious, and painstaking deliberations.

Sustaining this veto would be turning our backs entirely upon all of the au-

thorizing legislation which also survived painstaking review by Congress. We would turn our backs upon 52 million schoolchildren returning to classrooms during the next few weeks. We would cancel the promise to share in these costs, which has been a long-standing promise of Congress, to all the schools, colleges, universities, and State and local officials.

Vocational education is another program in which we added $54 million. The President, in his message, deplored that increase.

We must neither scorn vocational education nor shortchange these programs. Local communities, especially the community colleges, are the special place where so much can and is being done to improve vocational education and the opportunities thus afforded youth and adults.

As John Gardner, a former Secretary of Health, Education, and Welfare so aptly put it—

> An excellent plumber is infinitely more admirable than an incompetent philosopher. The society which scorns excellence in plumbing, because plumbing is a humble activity, and tolerates shodiness in philosophy because it is an exalted activity, will have neither good plumbing nor good philosophy.
>
> Neither its pipes nor its theories will hold water.

Mr. President, let me make a point or two about the veto message.

The President has indicated that some education programs are outmoded and ineffective; this is true. The committee agrees with that premise. All of us at the Federal level, as well as in the States and local schools, must continue to do all that is possible to make these existing programs effective—or change them—or repeal them.

But the proper method of change—for any President and for any Congress—is the lawful process of modification or repeal by legislation, through the legislative committees, not fiscal strangulation.

Impacted aid is the best example to cite in this bill. The way to squarely approach this problem is by considering impacted aid a payment in lieu of taxes.

When we talk about evaluating, I do not know how many study groups, task forces, and commissions have been appointed in HEW over the past few years. I know that there has been a rash of them over the last 18 months, to study this program and that program, and that is fine; but most of them have not come to any conclusions. If they have, there has not been much change. This evaluation process, which seems to be a continuing one, is all right.

But while we are evaluating, while we are studying, we cannot say to the children of the Nation, "You stand aside while another study is being made." They have to report to school next month, and the schools have to go on while we are evaluating these things. They should run parallel, and we are working under the conditions as they are now, what the law is now and that is what we tried to do in this bill.

The veto message said that not enough had been provided for research and innovation. This bill provides more than $132 million for research, planning, and evaluation of education.

In the special research and training account alone, this bill provides $90 million—an increase of $9,752,000 or 12 percent over last year. Together with the House, we felt that the increase was more than sufficient. I applaud the fact that we are looking at these programs, but until we do something to make the change, until we do it legislatively or through administrative regulation or through administrative programing down in the Department, these children have to go to school. This is most important, and this is what the bill had to be geared to do. The President wanted $28.2 million more, but together with the House we felt this lesser increase more than sufficient. Outside of that special account, we approved funds for research, planning, and evaluation within all of the other major program areas. That places an additional $41,915,000 available for these research, planning, and evaluation purposes. That is a total of $132 million—an increase of $18 million or 16 percent over 1970.

Yet, the irony of the veto message was that it stated that not enough had been provided for research and innovation.

One of the startling ramifications of this veto is that the President vetoed his own desegregation plan in which the Congress included an amount of $75 million for this purpose.

It makes one wonder just how serious this administration really is about providing equal opportunity for all children in all our schools.

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MAGNUSON. I will yield, but I would like to finish my remarks first.

Mr. GRIFFIN. I am a little surprised at that statement. The President asked for twice as much money as the committee gave him.

Mr. MAGNUSON. The President asked for $150 million. Nevertheless, the two Houses—mainly, in conference—decided that we could make a good start for $75 million and the rest of it could be provided after legislation is enacted. But $75 million was cut out of this bill, because the need was justified under the premise that it must be spent and implemented by September 30—less than a month and a half from now. That is the answer to the question of the Senator from Michigan.

Mr. GRIFFIN. Except that the Senator suggested some lack of good faith on the part of the President. I certainly do not suggest any lack of good faith on the part of the conferees.

Mr. MAGNUSON. I did not suggest that.

Mr. GRIFFIN. The fact is that they cut the request in half in that particular area.

Mr. MAGNUSON. I did not say anything about lack of good faith. I said that I wonder how serious they are not to at least take the $75 million and make a start, when we have a definite understanding that the remainder will be asked for later when the authorizing committees have acted.

The Senator from New Hampshire and I suggested that in the beginning—that the entire amount be put in the supplemental bill and not in this bill, because we were well on our way toward beginning to mark up this bill. The money was all to have been spent by September 30, 1970, and $75 million would be sufficient to cover the necessary amount. That was vetoed. I never mentioned the words "good faith" in this speech at all.

That is the irony of it. Of course, the $75 million had to go out with the vetoed bill. But the legislative processes sometimes have to be considered in these decisions which involve the veto of a bill. We have all agreed that this will come up in a subsequent request and it will receive, I suspect, very sympathetic consideration. Some other educational requests probably will come up in supplementals before we get through here.

The President in vetoing this bill took some pride in the increases that he recommended for education and implied that this should be plenty.

Mr. President, I ask unanimous consent to have the full text of the President's veto message printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MAGNUSON. Now, what about the supplemental requests that Congress is bound to receive before it concludes this session? Should Congress now disallow all such additional requests that are bound to flow up from the Budget Bureau? Disallow them because they might be too much?

It is hard to determine whether the administration is suggesting that this is plenty for today, or whether before the end of the fiscal year or the end of this session we will need more. An increase will be requested before the end of this session, just as sure as I am standing here.

Mr. President, I am not going to take much longer. Other Members have remarks they wish to make. But I want to emphasize that the needs and the issues have not changed since July 28. They are precisely the same as they were when the Senate voted 88 to 0 in support of the bill.

I understand and I know this is correct—that part of the displeasure of the administration, and particularly the Budget Bureau, was that they had strong objection to the fact there was a great deal of mandatory spending involved in the bill. If there were not mandatory spending, they would have free rein to establish their own priorities within education. They do not want any mandatory spending for education. They want to be able to establish their own priorities. Yet Congress also has the high responsibility to establish its priorities.

In Congress, we do not operate in a vacuum. We listen and adjust. There was plenty of give and take on our committee, between the House and the Senate. There is no give downtown—no sitting down and reasoning together among reasonable men and over varied viewpoints.

We heard scores of witnesses, all of

them highly competent and dedicated and thinking people—for hour upon hour and on every aspect of this most important subject involving the future of our Nation.

We came up with a very reasonable bill—fiscally. A bill that helps meet the bare minimums required.

The Bureau of the Budget and the White House were not exposed to those same dedicated people and those well thought out views. We were and we are entitled to some respect for our conclusions and to our 88 to 0 vote in the Senate.

The House is entitled to some respect for its overwhelming verdict also. I must say that we arrived at our initial verdicts independently.

We should vote today on this veto in the same manner—independently—and know that we will.

The responsibility of what is needed to adequately maintain our school systems—to meet these needs within our capabilities—must be shared by the Congress with the administration.

Others, I am sure, will speak about the total Federal budget for 1971, but I want to stress that those of us on my subcommittee also had that in mind. We did not operate in a vacuum as we considered the educational priorities within the bill itself.

When all of the totals are in, appropriations this session will be under the President's total budget.

So, we get down to the nitty-gritty of priorities, of what the priority will be for education. On priorities, there can often be a matter of honest difference.

If one is in touch with the people, education of our young people is of the highest priority. We in the Congress have been in touch with the people on this important question.

EXHIBIT 1

MESSAGE FROM THE PRESIDENT OF THE UNITED STATES

To the House of Representatives:

I return herewith, without my approval, H.R. 16916, an Act making appropriations for the Office of Education for the fiscal year ending June 30, 1971, and for other purposes.

I am determined to hold the line against a dangerous budget deficit.

I am determined to hold the line against the kind of big spending that would drive up prices or demand higher taxes.

For that reason, I am today returning, without my approval, two bills the Congress has passed that would increase the Federal budget deficit by nearly one billion dollars.

1. *The Independent Offices Appropriations* bill, which includes funds for urban development, exceeds my budget request by $541 million. I am mindful of the urgent needs of our cities, which is why my original request for urban renewal, water and sewer grants and housing subsidies was *double* the outlays in the last fiscal year of the previous Administration.

I am vetoing this bill because it would help drive up the cost of living, harming the people it is most designed to help. This kind of excessive spending would also help cause the kind of huge deficits that drive up interest rates, which would make it impossible to speed the recovery of the housing industry.

2. *The appropriation for the Office of Education* is $453 million over my budget request.

My request would have produced 28% more spending than in the last fiscal year of the previous Administration.

My budget asked $3.97 billion for the educational purposes covered by this bill—an increase of $972 million in spending over fiscal 1969. In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides authorizing legislation.

This is only part of what the Federal government provides for education programs generally. *Total* spending on Federally supported education programs will reach nearly $12 billion in 1971, the highest figure in history and substantially more than was provided for 1969. Thus the question is not one of cutting the present level of school funds. It is not even one of whether to increase school funds. It simply is a question of how *much* they are to be increased—and for what purposes.

Last March I stressed the urgent need for wide-ranging reforms in Federal aid to education. This bill raises the spending on old approaches that experience has proved inadequate, rather than moving boldly on the new approaches that we need—and it cuts requested funds for such forward-looking programs as dropout prevention, educational opportunity grants and research.

My veto of both these bills is painful, but necessary to hold down the rising cost of living.

We cannot have something for nothing. When we spend more than our tax system can produce, the average American either has to pay for it in higher prices or in higher taxes.

At election time it is tempting for people in politics to say "yes" to every spending bill.

If I were to sign these bills that spend more than we can now afford, I would be saying yes to a higher cost of living, yes to higher interest rates, yes to higher taxes.

I flatly refuse to go along with the kind of big spending that is wrong for all the American people. That is why I must veto these bills which add an extra billion dollars of pressure on prices.

Taken individually, there is much that can be said in favor of every spending bill, including the ones I have vetoed.

But a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans.

Acting in the best interest of the nation as a whole, and concerned with the average family struggling to make their incomes meet rising prices, I have drawn the line against increased spending.

I urge the Congress to reconsider the spending course it has taken, and to place first priority on achieving our goal: a healthy economy, expanding through peacetime activities, with reasonable price stability.

RICHARD NIXON.

THE WHITE HOUSE, *August 11, 1970.*

Mr. MAGNUSON. Mr. President, that is all I have to say on the matter.

Before yielding to the Senator from New Hampshire (Mr. COTTON), I want to mention that he and the rest of the subcommittee have spent hours and hours, many weeks, with the chairman on the bill. I also want to say that at no time during the independent review of this matter, with all the witnesses, was there a single taint of any kind or a single suggestion of partisanship. We looked at this matter solely and independently. We looked at the bare, minimum needs of what is required for education in this country, and we arrived at that independent conclusion.

Now, Mr. President, I am ready to vote, and I am happy to yield to the Senator from New Hampshire (Mr. COTTON) such time as he may require.

Mr. COTTON. I thank the Senator from Washington very much.

Mr. President, I desire to make a brief statement because I find it necessary to vote to override the veto of the President of the United States on this bill.

If any man in the Senate on the Republican side of the aisle should be supporting the President's veto, ordinarily it should be the ranking Republican member of the Subcommittee on Health, Education, and Welfare.

I wish I could vote to sustain the President's veto. I am an administration supporter. I am a Nixon Republican, and I make no bones about it. I like, whenever possible, to take a position supporting my President.

When the bill passed the Senate, I was one of the four Members who voted against its final passage. The bill, although devoted to what is a primary need in this Nation, that of public education, had been increased in the House of Representatives over the budget, and had been increased in the full Committee on Appropriations of the Senate. Then, when it reached the floor of the Senate, between $115 million and $125 million was added by amendments.

So that it went beyond the amount the subcommittee, led by the distinguished chairman, the Senator from Washington, had originally reported to the full Appropriations Committee, and beyond the Appropriations Committee's recommendations.

I voted against it. I thought we had added too much.

Then it went to conference. I am frank to say that I had hoped, when we went to conference, that we could reduce the bill more than we succeeded in reducing it. But we did reduce it substantially, because when the bill went to conference, it was nearly $1 billion over the President's budget. We almost cut that figure in half. When it came out of conference, it was $453 million over the original budget, but it was nearly $375 million under the bill that passed the Senate.

Frankly, I felt that we had done an excellent job. I felt that we had reported a bill that was held in restraint and held as near the budget as we could accomplish on this very sensitive and important subject. I said on the floor that I hoped and believed in this case that the President would sign the bill, because we remember that last year this bill was vetoed and the veto was sustained in the House. At that time—and I was very active in that project—we succeeded in passing a new bill with a total 2-percent cut which the President signed.

I felt this year that we had produced as good a bill as we could and that if we had to do it over again, we would not be able to do any better. We should bear in mind that the real obstacle in this

bill is the impacted area funds. The reason that the school districts and the people of this country are so vitally interested in impacted area funds is that they are the only funds in this whole $4 billion bill that go into the school districts with no strings attached, so that the local school boards can use them for their most pressing needs.

I think everyone will agree that the formula under which the impacted area funds have to be appropriated is an outmoded and distorted one. For example, the money goes into some of the counties and localities adjoining Washington where Government employees who work in the District live. These counties are rich in resources and they receive a disproportionate share of the funds.

The way to attack that situation, as the Senator from Washington has just said, is through the legislative committee to give us a proper formula in lieu of taxes, a formula which would be more equitable.

Mr. President, I think I understand why I have trouble with the President on this matter. He has been kind enough not to put me on the spot, for which I am very grateful. I believe he knows of my embarrassment.

I still believe in my heart that if this bill had hit the President's desk alone in the course of the appropriation bills that came along, he would have seen his way clear to sign it. However, it came there with another bill. This bill was $453 million over the budget. The other bill was $600 million-plus over the budget, I believe. The President very justifiably felt that he should hold the line and he vetoed both bills. By his action the President was performing his sworn duty as Chief Executive. I admire his courage, and I respect him for it.

Mr. President, I am compelled to vote to override the veto for three reasons.

The first is that the field of education is so vital that if there is an exception to be made, I believe it should be made in this bill. Bear in mind that the same subcommittee, led by the same Senator, the Senator from Washington, must go on now and cope with a bill to cover the fields of health and welfare that involve many more problems.

The second reason why I feel I am compelled to vote to override this veto is that the Senator from Washington and the other members of the subcommittee who were conferees along with the House Members in working out a final bill were willing to make concessions and were willing to help reduce the bill by nearly half a billion dollars. Having obtained those concessions, I feel honorbound to stand by the collective results, because had I then turned and voted against my own committee and against the conferees and against those who had yielded on many points, I would be violating my own duty to the chairman and to the others who had worked so hard throughout so many weeks to bring this bill to final passage.

The third reason that I feel I must vote to override the veto is because it is my honest opinion, after 10 years on this subcommittee and after nearly 10 years as the ranking minority member of the subcommittee, that if this veto were sustained and the bill were sent back and we had to start all over again, we would delay getting the money to the districts and make it impossible for the school districts to know what money they could depend upon as they go into the coming school year for the hiring of their teachers and laying down their work. If we did all of that, I am quite positive that we would not come up with any better bill from the standpoint of holding to the budget than this bill. It would be just as big. We would have marched up the hill and marched down again.

So, to keep faith with the chairman and with the members of the committee and hoping that I can still be effective to an extent as we try to deal with the twin fields of health and welfare and bring in a bill on those matters, I feel that I am to the best of my ability supporting the cause of education in the legislative process we have been through and, yes, still supporting the President of the United States, even though he felt it necessary to veto this bill.

For those reasons, I am compelled reluctantly and sadly to vote to override the veto of the President of the United States.

Mr. CASE. Mr. President, will the Senator yield?

Mr. COTTON. Mr. President, someone else controls the time. However, I am glad to yield to the distinguished Senator from New Jersey.

Mr. CASE. Mr. President, I asked the Senator to yield because I am a member of his subcommittee. I know how much the position he has taken this afternoon means to him. He has been a loyal administration supporter. In fact, pursuant to his long training and experience, he has also been a great friend of education.

Now that the "crunch" has come, I, for one, am not surprised to find the Senator on the side he has taken, as announced this afternoon. He is always fair with the members of his subcommittee. That goes without saying, but I am happy to be able to say it again. He is also scrupulously honest with his own convictions. It is a pleasure to serve in the Senate and on the committee and on the subcommittee with him. I honor him for the statement he has just made.

Mr. COTTON. I thank the Senator for his very kind words. I appreciate them.

Mr. MAGNUSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 13 minutes remaining.

Mr. MAGNUSON. Mr. President, I yield 13 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. YARBOROUGH. Mr. President, I congratulate the distinguished senior Senator from Washington, the chairman of the committee, and the ranking minority member, the distinguished senior Senator from New Hampshire, who has just spoken. It has been my privilege to serve with both of them for years on the Committee on Commerce, at which time the chairman of this subcommittee from the State of Washington was the chairman of the Committee on Commerce; and the distinguished Senator from New Hampshire was the ranking minority member of the Committee on Commerce. Through 7 years of close association with them I learned of their great impartiality, ability, and dedication to the Government.

Mr. President, no Senator rises to speak glibly about overriding a Presidential veto. It is not a "fun" course to override a Presidential veto. It is not pleasant for anyone and it is far more difficult for Senators across the aisle than it is for us. We realize that only patriotism moves them to vote to override a Presidential veto, especially when the President is a member of their own party. Mindful of that, and having served on the committee with them, I know of their dedication to education.

In more than 13 years on the Subcommittee on Education, I have served with Senators like Lister Hill, Wayne Morse, John Kennedy, Robert Kennedy, and Joe Clark; and from across the aisle Senator Smith of New Jersey, who is a Princeton man and who went back to some connection with Princeton, Senator Ives and others, all of whom worked devotedly. We worked together on the National Defense Act of 1958. Now we are about to determine if congressional or Executive judgment of education needs of the country shall prevail.

In its veto message on H.R. 16916, the administration devotes little attention to the state of the education system or its needs. I am chairman of the Appropriations Subcommittee which deals with the Bureau of the Budget. In questioning its spokesmen last year I found that of their 178 hearing examiners who pass on the whole budget of the United States and recommend to the President with respect to the needs of education and health, there is not a single health professional and there is not a single education professional in that group. So it is not surprising that they would recommend to the President that he whack away at education and health.

The reasons for the veto, as set forth in the message, in the press, and in the debate on the House floor, embrace the whole spectrum of the national economy. The bill was vetoed not because of its relationship to the education system, but for its relationship to the price structure.

I ask Senators to consider when they can recall any administration program for a military contract appropriation limited and cut back because of its impact on the economy.

When does any Senator remember an administration asking us to cut a military appropriation because it was inflationary? To the contrary, as we have noticed in administration after administration, let there be a desire to pursue war in Indochina, to construct fabulous boondoggles like the ABM, and Congress and the public are deluged with sophisticated technological information and rationalizations. But never a word of how the economy—the price structure—will suffer from expenditures for such

unproductive white elephants as the Indochina war and the ABM.

Fifteen to $20 billion this year for the war. While all other budget requests totalled are for less, there is a Defense Department budget request of nearly $75 billion. Where is the administration's fear for the inflationary impact of that budget request?

Why is the financing of education, housing, and veterans' care alone weighed for impact on the national economy, while the case for military expenditures for wild adventures overseas deals as though need were the only issue?

The administration does not deny the education system needs this money. It argues only with respect to its effect on inflation, spending, and the price structure.

The administration, in other words, does not deny that the education system needs this bill, because the administration cannot deny that the country needs it.

I say the school system of the country needs the $4.4 billion in this bill, which is about one-fifth of the cost for the war this year. The President said he did not veto it because of the $4.4 billion. As he said in his first message, in the first line on page 2, he was vetoing it because it is $453 million more than his budget request. However, all of it is only about one-fifth of the cost of the war in Vietnam for 1 year.

IMPACT AID

As I have said, the school system of the country needs the $4.4 billion in this bill. School districts educating children of Federal employees need to have the Government pay its share of local school costs, which is all that impact aid amounts to. For this, Congress provides 90 percent of the entitlement, $126 million more than the President asked.

At Randolph Air Force Base in San Antonio, Tex., 90 percent of the income for the school district serving that Air Force base is from impact aid. The few businesses around there would not begin to support the education system there.

We send military people overseas and then complain about building facilities to educate their children. Who lives in these areas? It is the soldiers, the airmen, the sailors, if it is a naval base, and their children.

We ask these military people to serve in foreign fields; should we not give their children a chance, the same chance as if they lived away from that base in a more affluent community?

If this money is not appropriated, who would make up that amount, other than parents and other local property owners? And why would not the economic impact be the same, no matter what the source? Or does the President contemplate that the Federal contribution would not be replaced, and education standards for these children should decline?

He does not bother to say that. He does not come clean with a full answer. He only states the veto is "necessary to hold down the rising cost of living." Is not a higher school tax in a local school district an increased cost of living? The districts do not have the resources, because of the loss of tax-exempt Federal property.

In order for a dollar to be spent for impact aid, two conditions must be present: First, children must be there by reason of a Federal activity. If 30,000 airmen were stationed at a base and there were no children, there would not be one penny of impact aid payable. Second, tax-exempt Federal property must be involved. In World War II, if there were 1,000 airmen going to school under contract with private companies, those companies were taxpaying; the impacted aid would not apply. So two factors must be present: children brought in as a result of activities of the Federal Government, and there must be tax-exempt property.

BILINGUAL EDUCATION

A $3,750,000 increase Congress made for bilingual education is part of the $453 million that prompted the veto.

This program is aimed at one of the most costly social conditions in the country—the failure of the education system to teach and train children from non-English speaking families. Two-thirds of these non-English speaking families speak Spanish. No group has a higher dropout rate than this one. The reason is that an English-language school system does not reach them, especially in the early grades.

The social and economic expense that results from this gap in the education system is many times $3,750,000. Every penny spent to teach these children in a language they understand means a gain in self-reliance and financial income for non-English speaking, who thereby become proficient in English also.

Bilingual education enlarges their earning capacity and reduces their dependence upon public services. It enlarges their contribution to the national income. It would be hard to find an activity where more can be accomplished with less money.

There are 3 million children from non-English-speaking families in this country and an appropriation of only $25 million, or only eight and a third dollars a child.

TITLE I—ESEA

Much the same can be said for the $161 million increase the bill carries for title I of the Elementary and Secondary Education Act. This title funnels money into better education for children from poor families.

How else will we break the poverty cycle that is such an expense to all levels of government, except by education that compensates these children for a lack of intellectual and cultural development at home? Money spent for title I is not inflationary; it is anti-inflationary, because it is the only way to reduce the infinitely greater financial expense to government of poverty.

There are 8 million children in these poverty brackets. The increase of $161 million is an increase of $20 per child. Education is not inflationary; war is inflationary.

Mr. President, there are 52 million schoolchildren in this country. Eight million come from poverty families; $20 a child for education in these areas is not inflationary.

SCHOOL EQUIPMENT

Another item that led to this veto was $50 million Congress added for the purchase of school equipment under title III of the National Defense Education Act.

At a time when technology is able to enhance teaching techniques, especially with children having learning problems, it is the worst kind of economy to eliminate this item, as did the President's budget. Congress has provided $50 million, not in addition to a budget request but as the entire amount that will be available.

It is a much smaller sum than the school system can profitably use. But it is a vast improvement over the false economy of the administration budget, and the President's veto message. A properly equipped school is a more economical school. Children learn better and faster. It is against every interest of our country to deny money to properly equip schools.

Mr. President, I taught in rural schools from the primary grade to the eighth grade. I taught in higher education. I taught at Texas University Law School. I can say that a school that is not equipped properly is half as efficient as a school that has proper teaching aids. We heard in our subcommittee how modern aids can help in teaching.

SUPPLEMENTARY SERVICES—GUIDANCE AND COUNSELING

Effective guidance and counseling are among education's most useful tools in helping children with learning difficulties. Children who lack parental guidance and motivation become the problems of the school system. Yet these services are difficult for local school districts to provide, and where they exist, they have been stimulated by Federal support. This is why we added $23 million to the program, bringing it to a level of $143 million. With the problems we have in schools today, this $23 million for counseling amounts to less than 50 cents per pupil per year for the 52 million schoolchildren in America.

VOCATIONAL EDUCATION

Another item in dispute is the $43 million more than was budgeted for vocational education.

Vocational education is the means whereby 8 million Americans last year improved their vocational skills. We are reading these days of skilled workers reaching a plateau of income, when their skills have taken them as far as they can go. These millions of people can advance only by learning. The $43 million is $5.33 per person for upgrading our work force.

CONSTRUCTION AT COMMUNITY COLLEGES AND LAND-GRANT COLLEGE SUPPORT

Community colleges are the bread and butter schools for over 2.2 million young people who cannot afford the expense of a 4-year education at an institution away from home. Community colleges go where the people are, and where the need for vocation-oriented courses is greatest.

The administration calls for a suspension this year of Federal grants for construction of these colleges. Should Congress accede, the education facilities for

middle-income Americans will be seriously crippled.

Federal funds make up less than 10 percent of the construction money for community colleges: but it is important "seed" money, stimulating much greater contributions from State and local governments. The working parents of college-age children will find themselves priced still further out of the education system unless we support community colleges.

Land-grant institutions are in much the same category. The administration wants to phase out payments to land-grant institutions, many of them serving poor rural areas and still developing into full-fledged colleges and universities. The budget provides nothing for them. Congress provides $10,080,000.

NDEA STUDENT LOANS

The largest item Congress added for higher education was for student loans out of the national defense student loan fund. The bill has $243 million for this purpose, $66 million more than proposed by the budget.

A low budget request of only $177 million was part of an administration effort to reduce direct loans and increase guaranteed loans from lending institutions.

That plan does not mean any longrun saving to the Federal Government. As loans are repaid and interest collected, the money will be returned to the Government, whereas Federal subsidies to private lenders will not be recouped.

Applications from educational institutions show that there is a great demand among students for NDEA loans. Both programs have a necessary role in student assistance. The bill will extend and support them both.

Mr. President, the whole point of the National Defense Education Act, of which I had the privilege of being a coauthor, was to make loans available to students. Now I go to different colleges and students tell me, "I do not know of anyone on the whole floor who was able to get a loan." Many more students need the loans. The budget request would reduce lending below the level of last year. We just heard this morning that the American Bankers Association want the student loans program phased out and all loans to be made through banks—at 9¼ percent interest.

This is no long-range way to save money for the Federal Government. The money is collected from the students. The same principle applies as did to building dormitories at the end of World War II, which the students paid back. There is a greater demand now for student loans under NDEA than ever before. These programs have a necessary role in student assistance. We have had five programs inaugurated in the time that I have had the privilege to be on the subcommittee. There was no previous Federal program for direct money to students except the GI bill. Now we have five such programs.

LIBRARIES AND PUBLIC EDUCATION

Another source of difference between the budget and the appropriation bill is in library support and educational television. Congress added $12 million for public libraries, $5 million for services and $7 million for construction. For college library services, we added $5.4 million, and for educational television, $7 million.

Every State has a backlog of applications for public library grants. These buildings and their materials are the information storehouse for the entire citizenry, for self-education as well as for entertainment and enrichment. The $7 million for construction could be used within many individual States. Yet the budget proposed nothing. The $7 million in the bill will be the only federal money available.

EDUCATION OF THE HANDICAPPED

The bill increases money to educate handicapped children by $10 million over the budget. Many school systems still have no special programs for the handicapped. We all know that great economic dividends flow from money spent to help these children. They, too, often become heavy consumers of public services, unless they are saved by specialized education. There are 5 million handicapped students in this country. This $10 million is only $2 per pupil. It takes far more in teacher training and equipment to educate a handicapped child than a nonhandicapped child.

In all these sectors, which comprise the major increases over the budget, Congress has added a minimal amount of money because we found it was needed for each specific program. The Appropriations Committees of the House and Senate go over these categories in minute detail.

A sound education system is the foundation of our national strength and our national economy. Approval of this bill by the Senate will help assure that we keep it sound. We do not have a large appropriation for the education of the 52 million schoolchildren and the 8 million college students in America. This total bill is only one-fifth of the cost of the war in Indochina. I think it more important to educate Americans than to kill Asians.

For this minimal bill, I beseech my colleagues on both sides of the aisle to vote to uphold the action of the Congress.

Mr. KENNEDY. Mr. President, I rise to urge that the veto by the President be overridden this afternoon when the Senate has an opportunity to address itself to that question, which will be in just about 1 hour.

Mr. President, earlier this morning I had the opportunity to meet in Boston with a distinguished group of educators from my State of Massachusetts. Among them was the commissioner of education, Neil Sullivan, and executives from the State board of education. There were also superintendents and representatives from several school systems in the State. There were representatives from the State associations for principals, for teachers, and for school committees. There were some college students who have studied the needs for students and there were several others. It was a broadly based and well-informed group of educators from Massachusetts.

I come back to the floor of the Senate with a renewed sense of urgency about the importance of the action to be taken by the Senate this afternoon in the vote on overriding the President's veto.

Mr. President, during the course of my meeting this morning, there were a number of very impassioned statements made by various representatives of those groups. These are men and women who have made careers in the field of education. They are professionals in their field, who have a deep understanding and a deep concern about the potential consequences of the President's veto being sustained.

Without exception, Mr. President, those men and women, one after another, as they spoke from their hearts about the educational needs of the people in my State, reiterated most emphatically and dramatically what would be the cost in terms of educational opportunity to the young people of Massachusetts if the President's veto were not overridden.

I remember the statement of Neil Sullivan, the commissioner of education for Massachusetts, who pointed out how the number of children of families on aid to dependent children, who are included in the formula for title I of ESEA, will increase in Massachusetts next year by some 22 percent, yet, he pointed out, even this bill vetoed by the President will increase funds for title I by only 11 percent. Even with this increase, there would have to be a curtailment of existing educational opportunities in the school systems generally around the State of Massachusetts. Without the increase, at the figure proposed by the President, consequences would be drastic. As Commissioner Sullivan said:

> The conference position would at least enable title I to absorb some of the cost represented by the added AFDC population; the President's position spells doom for many aspects of the current program.

In other words, Mr. President, even with these increases, the $453 million that we have added will be unable to meet the increasing demands to provide a continuing effort and to live up to expectations for the next year's school budget.

I remember the statement of Donald Graves, the director of the Southeastern Regional Vocational Technical School, one of the finest vocational technical schools in the Commonwealth of Massachusetts and generally throughout New England, talking about the progress that has been made in the field of vocational and technical training, and what would be the impact if we were not to receive the increased appropriations that have been provided in the conference report.

I have here a statement by Dr. William Ohrenberger, the Boston superintendent of schools, who says:

> The presidential veto of the Educational Bill is a serious blow to the children of not only the Boston Schools, but of schools throughout the country. Congress, through its passage of both this and preceding Education Bills, has truly recognized that education is the only means by which an individual or nation may move ahead. Nothing

is more important to the future of our nation than a proper investment in the education of our children.

He also talked about what the impact would be on the Boston school system if this veto were sustained.

Finally, Mr. Lawrence Creedon, superintendent of schools of Quincy, Mass stated in part:

If the President's veto is sustained Quincy will either be forced to abandon many of the programs that I have cited or redirect its limited funds from development in other critically needed areas to the support of those programs. A loss in federal assistance to the Quincy Public Schools would mean a re-assessment of the school building program, including the replacement of existing elementary schools that are now more than 100 years old and major renovation of existing high school facilities that have not been updated in the past fifty years.

This is only a sampling, Mr. President, of the comments and the statements made by distinguished Massachusetts educators.

I think the situation in Massachusetts is perhaps not unlike that in many other States. In 1967, Massachusetts received some $93.9 million, in terms of Federal help and assistance. In 1968, that amount was increased to $99.2 million. In 1969, the amount went down to $90.7 million, and in 1970–71, with the administration proposal, it would be only $90 to $95 million. In other words, under the original Nixon administration proposal, Massachusetts would actually have received a reduced amount of funding under what it received 4 years ago, in spite of the fact that tens of thousands of new students have been added to the school rolls, and in spite of the fact that the cost of education has risen approximately 13 percent per year.

Mr. President, in my State we rely, in terms of resources being made available to the various school districts, largely on the property tax. Seventy-four percent of all the funding that is provided for the education of young people in Massachusetts' primary and secondary schools comes from property taxes, as compared to a national average of some 52 percent of the funds for school districts that are raised from property taxes. Therefore, as in many of the old New England States that resort to the property tax for educational support, the sustaining of this veto would provide an extraordinary additional burden on all of the property taxpayers in the old communities and old cities of those older States that are already, at the present time, in an extremely tight and difficult situation.

Mr. President, the allegation has been made by the administration that this increase of $453 million is really an inflationary measure. But I wonder, Mr. President, why we do not hear any suggestion of a veto of the various authorizations and appropriation bills on weapons systems, which today are running to $24.5 billion in cost overruns. We do not hear the administration talking about vetoing any of those bills, though that is what we are today experiencing.

What Congress has provided is a $453 million increase in funds for the education of the young people of this country.

Mr. President, I reject this charge that this is an inflationary measure. We know that in providing quality education for the young people of this country, we are giving them the training for productive employment, and are hopeful of keeping them off the welfare and unemployment rolls. We believe the investment made now will save us untold millions of dollars in future family assistance programs and welfare payments.

Finally, Mr. President, I think it is important to realize that Congress appropriates some $125 a year for every person in South Vietnam; whether it is through Defense programs or AID assistance, or by whatever name we call it, it amounts to $125 for every South Vietnamese.

All we are asking is the provision of less than half of that for every American schoolchild, so that he can receive a decent education.

Mr. President, I feel that this is one of the most important votes we shall have the opportunity to cast. I disclaim the arguments which have been made in the past about the inflationary nature of the bill. There is an extraordinary need and demand for this kind of resource to provide quality education for people enrolled in our school systems.

I hope that the veto will be overturned.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a list of the participants at my meeting in Boston this morning, letters and statements which were submitted to me at that meeting, and a statement which I prepared and released in connection with that meeting.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

EDUCATION AT AUGUST 18, 1970, MEETING IN BOSTON WITH SENATOR EDWARD M. KENNEDY

Senator Edward M. Kennedy, Commissioner of Education Neil Sullivan.

Robert C. Graceffa, Michael J. Grealy, Donald Tye, Charles Avery, Coalition for Aid to Private Higher Education.

Daniel Coughlin, William G. Tobin, Title I Boston, Deputy Supt. Boston.

Everet G. Thistle, Asst. Commissioner, State Dept. of Education.

Wm. Philbrick Jr., Director, Bureau of Special Education.

Mrs. Laurence J. Kipp, Vice Chrmn., Board of Education.

Mrs. Mary E. Flynn, Mass. Bureau of Library Extension.

John A. Kariger, Director, Elementary Education, Pittsfield.

Superintendent Donald W. Dunnan, Peabody.

Don Torres, Bureau of Curriculum Innovation, Dept. of Education.

Donald E. Graves, Southeastern Reg. School District (Reg. Voc.).

Wm. A. Dwyer, Supt., Blue Hills Reg. Tech. Sch. District.

Joan M. McFarland, Asst. Dir., Project Lighthouse.

Richard J. Lavin, Director Merrimack Education Center ESEA–III.

James R. Howard, Asst. Director, Educative for Greater Boston, EDCO Title III.

Bryant Robinson, Springfield School Dept.

Thomas J. Donahoe, Springfield.

Harding J. Steward, Springfield.

Asst. Commission of Education Thomas J. Curtin.

Stewart Sargent, Quincy Public Schools.

Supt. Lawrence Creedon, Quincy.

Daniel P. Kulich, Brockton PS.

Blanche Martin, State Dept. of Education.

Fred Maffeo, Mass. Association School Committees.

Betram Holland, Mass. Assoc. of School Principals.

John Sullivan, Mass. Teachers Association.

David Cronin, Mass. Dept. of Education.

John E. Kearney, Mass. Dept. of Education.

George Membrino, Chicopee.

THE COMMONWEALTH OF MASSACHUSETTS, DEPARTMENT OF EDUCATION,

Boston, August 18, 1970

HON. EDWARD M. KENNEDY,
John F. Kennedy Federal Building,
Boston, Mass.

DEAR SENATOR KENNEDY: The Health, Education and Welfare Appropriation Bill that has been vetoed by President Nixon comes before the Senate for further deliberations on Tuesday, August 18, 1970. A determination to sustain the President's negative position will cause irreparable damage to the educational program in Massachusetts.

Without detailing the specific loss the Commonwealth faces within the $25,000,000 difference between the President's recommended budget and the House-Senate Conference Report, I would like to call to your attention important aspects of the bill. There has been an estimated 22% increase in the number of Aid to Dependent Children. From a 1970 figure of 68,220 the 1971 number is expected to raise to 86,500. The HEW Bill would increase the state's allotment under Title I, E.S.E.A. by 11% over the previous fiscal year. This disproportionate percentage rise will not allow Title I of the Elementary and Secondary Act to operate at its present program level. As unfortunate as this situation may be, the President has recommended a 1% decrease in this same program. The conference position would at least enable Title I to absorb some of the cost represented by the added A.F.D.C. population; the President's position spells doom for many aspects of the current program.

In another area, the President has recommended $10,000,000 less than the Conference Report for the education of handicapped children. The Department of Education records indicate that each year for the last three years we have been forced to deny more than 120 worthwhile projects to aid handicapped children in public schools and to deny traineeships or fellowships to more than 100 excellent candidates for further college and university training to teach handicapped children. In addition to inability to fund appropriate projects, the Department has been obliged to cut any approved project by approximately 35% in order to reserve funds to permit greater geographical coverage.

Among the results of these constraints are feelings of hopelessness among local educational agencies regarding any adequate funding, severe restrictions on the original comprehensive planning of individual or groups of local educational associations, and maximum difficulty in hiring administrators and teachers to staff Federally-funded projects.

The increases afforded by the present Federal appropriation act will alleviate these problems substantially.

Sincerely,

NEIL V. SULLIVAN,
Commissioner of Education.

SOUTH EASTON, MASS.,
August 18, 1970.

HON. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: May I thank you for the courtesy extended to me in providing time for myself and my colleagues to appear

before you this morning in an attempt to obtain the Senate approval required to assure passage of the recent education bill currently under presidential veto.

While I am concerned that education continue to advance in all parts of the country I am particularly concerned with vocational education and most specifically with vocational education in Massachusetts.

In recent years vocational education across the nation has made significant strides in providing occupational training opportunities for a great number of our citizens both young and old. These are people who are looking for this kind of training in order that they may take their rightful place in our society.

In Massachusetts as in so many other states we have in the last ten years seen many wonderful changes take place in vocational education and indeed in all elements of education due in large part to the federal aid which has been forthcoming.

I believe that we are within a few years of seeing regional occupational training opportunities extended to practically every community in Massachusetts. I can assure you without question this effort could not have been successful without the help of significant federal funds.

There are many accomplishments to date which are a matter of record and there are many goals yet to attain, far too many to present in this brief delivery.

May I urge you to do all in your power as a Senator from Massachusetts to insure that the recorded progress in education may continue.

Respectfully yours,

DONALD E. GRAVES,
Superintendent Director.

BOSTON SUPERINTENDENT OF SCHOOLS URGES SENATE SUPPORT FOR EDUCATION BILL

Dr. William Ohrenberger, Superintendent of the Boston Public Schools, stated emphatically today that school systems throughout the nation need increased financial aid. Dr. Ohrenberger remarked:

"The presidential veto of the Education Bill is a serious blow to the children of not only the Boston Schools, but of schools throughout the country. Congress, through its passage of both this and preceding Education Bills, has truly recognized that education is the only means by which an individual or nation may move ahead. Nothing is more important to the future of our nation than a proper investment in the education of our children.

"Federal funding has been of great benefit to our schools. Without such assistance Boston would have been unable to extend and expand its enrichment program for the disadvantaged or to initiate many worthwhile experimental programs which have a far-reaching effect on the entire school system and will improve greatly the quality of education.

"The continuation of these educational programs and the initiation of others hinges directly on both continued and increasing federal support. The present Education Bill contains Funding for both the Elementary and Secondary Education Act and Public Law 874.

"I strongly urge for the sake of all school children in the nation, especially those in urban areas, that the Senate of the United States follow the action of the House of Representatives in voting to override the veto of this vital Education Bill."

THE PUBLIC SCHOOLS OF SPRINGFIELD, MASS.

August 17, 1970.

Hon. EDWARD KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: I am deeply concerned that federal funds for the strengthening of educational programs in Springfield, are in danger of being cut.

Our federally funded projects during fiscal 1970, are listed on the attached sheet. In order that each of these highly successful, educationally significant, and sound projects be continued, it is imperative that their funding be increased or at least sustained.

It is difficult to single out any of these projects to emphasize the importance of this increased funding. They cannot be implemented without Federal help. Surely our Title VIII bilingual Elementary School program, which is unique in the Commonwealth, and which has been evaluated by an independent team as an excellent program to educate Puerto Rican children, deserves a $21,000 increase.

A city such as ours, needs the Title IV $67,000 to implement a positive program for the in-depth appreciation by our teachers of their changing role in an urban setting, vis-a-vis minority groups. The Teacher Corp has given the city a cadre of employees sensitive to the needs of disadvantaged children, and the Neighborhood Youth Corps furnishes needed jobs for the poor. We cannot disregard the effort which has put into the Career Opportunity Program which, if implemented, will give 50 individuals a chance for a college education, a profession, and a better way of life. I need not enumerate, the importance of the programs made possible by approximately $1,000,000 in ESEA Title I funds to our city.

All this and more will be placed in jeopardy unless the President's veto is overridden and anticipated funds are made available for the coming year. Please help us.

Respectfully,

JOHN E. DEADY,
Superintendent of Schools.

SPRINGFIELD PUBLIC SCHOOLS. SPRINGFIELD. MASS.
CURRENT FEDERAL AND STATE PROJECTS

	Fiscal year 1969	Fiscal year 1970	Increase
Title I. ESEA	851,000	919,000	70,000
Title II	27,000	27,000	0
Title III	257,761	272,608	15,000
Title IV (civil rights)	None	67,000	67,000
Bilingual title VII	80,000	101,000	21000
Education Professions Development Act (B-2)	29,175	41,140	12,000
Teacher Corps	85,190	90,000	5,000
Career opportunity program	[1] 1,440	67,000	65,500
Neighborhood Youth Corps	[2] 128,060	[2] 141,450	13,000
NDEA. title III	53,853	61,236	8,000
Total	1,513,476	1,787,434	

[1] Planning.
[2] Summer.

MEMORANDUM OF POSITION ON PRESIDENTIAL VETO OF EDUCATIONAL APPROPRIATIONS BILL, AUGUST 17, 1970

To: The Honorable Edward M. Kennedy.
From: Dr. William H. Hebert, Executive Secretary-Treasurer, Massachusetts Teachers Association.

Massachusetts stands to lose $25 million in federal funds ear-marked for education if the Senate does not override the Presidential veto. President Nixon wants to limit Massachusetts to a total of $52 million, while the proposed legislation calls for an allocation of $77 million. This 25 million dollar difference will have the most profound effect on current and planned educational programs in the Commonwealth. For example:

1. Massachusetts now receives $15 million for Impacted Areas (P.L. 874). This stands to be curtailed sharply and involved in 1969 approximately 200 cities and towns. A partial list of those communities includes Holyoke, Northampton, Pittsfield, Westfield, West Springfield, Chicopee, Granby, South Hadley, Springfield, Ayer, Concord, Fitchburg, Leominster, Waltham, Watertown, Framingham, Worcester, Bedford, Billerica, Burlington, Chelmsford, Lexington, Lowell, Methuen, Tewksbury, Wakefield, Woburn, Gloucester, Haverhill, Lynn, Peabody, Arlington, Belmont, Chelsea, Everett, Malden, Medford, Melrose, Revere, Saugus, Winchester, Winthrop, Brookline, Cambridge, Somerville, Boston, Fall River, Natick, Needham, Braintree, Brockton, Dedham, Quincy, Randolph, Bourne, Falmouth, Hingham, Hull, New Bedford, and Weymouth.

2. Funds allocated for Education for the Handicapped (Title VI A, Elementary and Secondary Education Act) will be reduced substantially. Programs for teachers and materials for the blind, hard-of-hearing and other unfortunate children will have to be eliminated or cut back.

3. The present allocation of $9.7 million for vocational and adult education would be increased to $10.8 if the Senate overrides the veto. This represents a gain of $1.1 million for Massachusetts.

4. The proposed bill calls for $17 million for Higher Education. The President wishes to allocate only $13 million, a potential loss of $4 million to the Commonwealth.

5. Student Aid programs would be reduced significantly if the President's wishes are carried out. For example, NDEA loans will be reduced, educational opportunity grants will be cut, and work study and cooperative educational programs will be curtailed. Further, money essential to permit construction at community colleges will also be pared.

6. Community Education, which involves a public library program, including funds for library materials, salaries and construction, will also be subjected to serious setbacks.

MASSACHUSETTS ASSOCIATION OF SCHOOL COMMITTEES, INC.,
Boston, Mass., August 18, 1970.

Hon. EDWARD M. KENNEDY,
Senate Office Building,
Washington, D.C.

DEAR SENATOR KENNEDY: The Massachusetts Association of School Committees respectfully requests that you vote to override the veto of the Office of Education Appropriations for the Fiscal Year 1971.

These funds make it possible for local school committees to improve the quality of education. The cost of these quality programs will need strong financial support from local, state and federal governments in order to achieve their goals. The increased cost of education requires that federal funds must be available to local communities if progress is to be made.

Your favorable action on the veto override will be most appreciated.

Sincerely yours,

Mrs. HELEN A BOWDITCH,
President.

MERRIMACK VALLEY REGIONAL EDUCATIONAL PLANNING CENTER,
Chelmsford, Mass., August 17, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate,
Washington, D.C.

DEAR SENATOR KENNEDY: The recent veto of the Education Bill by President Nixon prompts me to request your leadership in the Senate for action reversing this veto.

Merrimack Education Center (MEC) has become a vital operating force in a large segment of Massachusetts. As a child of ESEA Title III, we serve approximately 100,000 students in twenty cooperative and contiguous communities in the Merrimack Valley area. It has become a vehicle to be used by students, teachers, administrators, and towns.

Enclosed are two recent newspaper articles describing some of the services provided through our "center". It is important that the momentum that has been estab-

lished through "seed" monies from the Federal Government continue.

Your continuing efforts in behalf of education are very much appreciated.

Yours very truly,

RICHARD J. LAVIN.

[From the Christian Science Monitor, July 20, 1970]

FARMHOUSE EDUCATIONAL MIDDLEMAN

In a 19th Century Chelmsford farmhouse a group of professionals are taking education into the country—and big business atmosphere out of education.

The Merrimack Valley Education Center can hardly be distinguished from any well-preserved New England homestead. The only outward concession to the center's being a public building is a discreet parking lot, post-card setting of the center.

Headed by Dr. Richard J. Lavin, executive director, the center is a cooperative of 20 surrounding communities hop-scotching from Ashby to North Andover. It was established in 1968 with federal Title III funds which provides for innovative education centers.

According to Dr. Lavin, the center is a middleman between the communities it serves and larger educational resources. It works both ways—with the communities seeking help at the center, and the center itself scouting areas it might help.

Dr. Lavin says the center is a grass roots organization close enough to the local scene to know what's happening, and yet independent of individual school districts. The center, he said, can offer objective evaluation and still be free enough to create new solutions to problems.

The Chelmsford center serves teachers who could otherwise get so tangled in bureaucratic tape over a new program they want to learn about, it would tie them in knots.

The Merrimack Center's staff is small—two full-time professionals, several parttime professionals, doctoral interns, and secretaries. The center also uses consultants on a per diem basis when it's necessary.

Education, as anyone else involved in a constantly changing and experimented-with process, could spend half their working hours, all their free time, and any appropriation given them on "keeping up." Since teachers rarely have the time to read all the extant journals of their profession and taxpayers are more reluctant to spend money on something not tested by the fire of time, experimental and innovative projects are less likely to be tried.

The center, for instance, can serve a Lawrence principal who also hears of a new teaching technique which he feels would be beneficial to his school. The center can detail the information for the principal and collect and collate other data he may need.

The center can also, for example, buy kits outlining various science curricula available to school systems. The kit costs about $75, but since it's only used once, it wouldn't be economically feasible for one system to buy it. The center can—and lend it to whoever in the cooperative wants to use it.

The Title II money runs out next year. After that it will be up to the member communities to keep the Merrimack Center in operation. The members are assessed 25 cents a pupil—so the cost to a community is in proportion to its school population, and the benefits it can receive. If the center is supported by its members, it will know it's serving its school districts well.

The Merrimack Center searches out and evaluates new educational processes and programs, according to Dr. Lavin, but it does not mandate any programs. It assists client towns in developing innovative projects; in applying for funding assistance; in solving problems of curriculum, staffing, pupil and personnel, in providing in-service professional and para-professional training, and in developing cultural and industrial resources.

Among the technological aids at the center is a microfiche (similar to microfilm) library which contains hundreds of pieces of professional educational material. The center also rents computer time which enables guidance counsellors to scan in minutes possible college choices for an interested student.

A New England organization, cognizant of the New England tradition for individuality, the center doesn't press for homogeneous systems. The center will help school districts develop and implement new programs, but the help is so tailormade, said Dr. Lavin, that the schools maintain their own stamps. Nothing the center offers, said Dr. Lavin, is so rigid it can't be shaped to suit the school system.

The main thrust of the center has been in the education of young children, the handicapped, career guidance, and in-service education. During the center's first year and a half of existence, it developed about 10 projects with member districts. In addition, about 15 proposals have been prepared and submitted on behalf of individual districts.

In the fall, according to Dr. Lavin, the center will be working on vocational education, among other things.

[The Christian Science Monitor, July 20, 1970]

OUTSIDE AIDS POOLED: 20 REGIONAL SCHOOLS TAP SERVICE STATION

(By Lorraine Karcz)

CHELMSFORD, MASS.—An old farmhouse napping in a Chelmsford meadow is the unexpected setting for an energetic educational service station.

"I see the Merrimack Educational Center (MEC) as a catalyst for change in the 20 communities surrounding us," said Dr. Richard J. Lavin, the center's director, from his desk overlooking the meadow.

Dr. Lavin, an intense, soft-spoken educator with experience as an industrial consultant, travels about his 20-town area promoting much-needed cooperation among the school districts.

School people from the towns now come to the center to get new ideas to take back to their classrooms and to avail themselves of services and equipment they could not afford alone.

MEC is a child of Title 3 of the Elementary and Secondary Education Act, which provides for supplementary educational centers. These centers, operating outside local school systems, have the task of developing and disseminating bright new ideas in education.

BROKER FEATURE DESCRIBED

MEC, staffed with a small core of educational professionals, perform a special "broker" feature. "It matches resources from the outside world with the urgent needs of the school systems," saws Dr. Lavin.

Outside the school systems, he explains, universities and industry have developed a wealth of new programs and creative educational techniques which still have to undergo the fire of testing in the schools. MEC gives innovations their test of practicality by bringing them to the attention of teachers who can put them to work.

The center has introduced and made available to teachers of the Merrimack Valley new technological aids. Among them is the microfiche, an instrument for storing information which provides teachers with a wealth of professional material not available to them in local libraries.

Hundreds of these documents are stored at MEC. Individual schools get a catalog of the material stored on the microfiche and a viewer, and the teachers can take out on loan articles and reports in their fields.

VARIETY OFFERED

The microfiche is one example of expensive, modern equipment that the schools in the area can afford when they pool their resources.

Another example of new equipment in the Merrimack Valley introduced by MEC is computer terminals for guidance and math.

Guidance counselors in 14 of the region's 15 high schools now can refer Johnny to a computer when he wants to know of a medium-size rural campus in the Midwest with a good history department and a black-studies program. Johnny uses a manual and a simple keyboard on a terminal that is linked to a computer in Boston to find the school that matches his specific interests and abilities.

While a computer cannot replace personal counseling, its vast store of facts can be a great asset to a busy counselor, teachers find.

The center is doing more than bringing the benefits of modern technology to the area schools. It also sponsors conferences and institutes. Participating educators from the 20 towns gather to hear consultants tell about new teaching methods and new administrative approaches.

PERSONNEL MIX

Dr. Lavin and his crew also organize forums where teachers or school-board members or administrators from one town mix with their counterparts from a neighboring school system, talk, and find that they share common needs.

Such get-togethers did not occur prior to the establishment of MEC. The individual towns were facing on their own a host of difficulties in their educational systems. Industrial buildup along Routes 495 and 128 had brought a population boom and subsequent crowning of classrooms and finance difficulties to all the area's schools.

Local taxpayers were refusing to give any more money than they were already giving for educational innovations.

The Merrimack Center has awakened the towns to the fact that, by jointly financing projects, they can afford to hire consultants and buy equipment without increasing revenues.

Peter Gerefoli, superintendent of schools in North Andover, praises the work of MEC. "A single town can't afford a top-notch consultant," he says. "Many together can."

TAILORMAKING POSSIBLE

An important part of the center's philosophy is that each town participating in MEC activities can opt for the programs it likes and can afford. Towns as small as Ashby and as large as Andover can each afford to participate. Dr. Lavin feels that the MEC thus helps maintain the autonomy and uniqueness so valued by staunchly independent New England school systems.

Title 3 funding lasts three years, and at the end of that time the local communities will have to support the center on their own if they wish to retain it.

It is hard to tell how tightly local purse strings will be held. But educators from the area indicate that the high return on the local investment of such a regional approach is convincing the towns of MEC's value.

TESTIMONY PRESENTED TO SENATOR EDWARD M. KENNEDY BY LAWRENCE P. CREEDON, SUPERINTENDENT OF SCHOOLS, QUINCY, MASS.

I appreciate the President's concern over inflation. We share his concern. However, the remedy does not lie in curtailing that which is our nation's best investment—Education.

Quincy is a city of ninety thousand people, located in the Eleventh Congressional District of Massachusetts. Quincy maintains a public school system for twenty thousand students, ranging from Kindergarten

through a municipality operated junior college. If the President's veto is sustained, the net result could be to seriously disrupt the educational program of the Quincy Public Schools.

The 1970 budget of the Quincy Public Schools amounted to fifteen million dollars, 85% of that sum going out in salaries, 10% to operate and maintain the physical plant, and 5% for instructional materials. Over the past several years the budget has been increasing at the rate of 15% per year, causing a serious strain on the financial resources of the local taxpayer. In the Commonwealth of Massachusetts, 77% of the cost of public education is raised at the local level, 18% is contributed by the Commonwealth, and only 5% by the federal government. It is inconceivable that the President would consider reducing the federal contribution.

During the 1969–1970 school year, the Quincy Public Schools received from state and federal sources approximately $3,400,000. Of that amount, $2,000,000 was received from the Commonwealth, while $1,400,000 was received in federal aid through grants or programs financed by the federal government.

Programs within the Quincy Public Schools that would be seriously affected as a result of the Presidential veto include the following:

Adult Basic Education;

Manpower Development and Training Programs;

Neighborhood Youth Corps;

Title I Programs for the Educationally Disadvantaged;

Higher Education Work-Study Program;

Libraries under Title II;

Teacher Aid Programs under the Professional Development Act, Public Law 90–35;

Close to twenty programs funded in part under the provisions of the National Defense Education Act;

Several programs under the new comprehensive vocational education bill, Public Law 90–576; and

Breakfast and lunch programs for needy children.

In addition, the Quincy Public Schools would lose approximately $300,000 currently made available through the federally impacted areas law, Public Law 874.

Under the Adult Basic Education program, the Quincy Public Schools have been able to maintain programs in the Norfolk County House of Correction in Dedham, as well as for Quincy residents who are in need of basic skills in reading, mathematics, and language arts. Beginning in the fall of 1970, arrangements were being made to extend the Adult Basic Education program to General Dynamics in Quincy.

In 1966 and 1969, the Quincy Public Schools administered grants amounting to more than $110,000 in order to provide opportunities for unskilled and under-skilled workers to increase their marketability for employment. Many of these programs were carried on in conjunction with General Dynamics and the Quincy City Government.

Since 1965, the Quincy Public Schools have administered a Neighborhood Youth Corps program, caring for the educational and employment needs of 100–150 underprivileged young adults each year.

Under Title I of Public Law 89–10, the Quincy Public Schools have developed and implemented an educational program for about 450 young people in grades 1–3 in five public schools and in three non-public schools. In addition, Title I programs have been developed in guidance and education for the handicapped as well as summer programs for disadvantaged youth. During summer activities every effort has been made to involve parents and community leaders in identifying the needs of the neighborhood school and developing programs for correcting limitations in school organization and administration as well as the educational program. Approximately $200–225,000 per year has been committed to these programs.

Under the Higher Education Act of 1966, the Quincy Public Schools developed and implemented a work-study program, providing work stations for sixty students from Quincy Junior College. The entire program was geared to providing teacher aides for the Quincy Public Schools, and as a result many young people who graduated from Quincy Junior College have gone on to four-year baccalaureate institutions and majored in teacher education.

As a result of the impetus received through Title II monies, the Quincy Public Schools embarked on developing a Department of Library Services that now includes thirty professionally trained librarians and has a local budget for library materials in excess of $90,000. This is in addition to the $14,000 received under Title II.

Under the provisions of the Professional Development Act, Public Law 90–35, the Quincy Public Schools secured a grant in the amount of $29,000 in order to train forty people to serve as full-time teacher aides within the school system.

For more than a decade federal assistance under NDEA, the National Defense Education Act, has served to upgrade educational programs; particularly in mathematics and science. Without this kind of assistance, it is doubtful that the limited resources of the Quincy Public Schools would have allowed for the inclusion of critically needed equipment in these areas. During the last two years the Quincy Public Schools have received over $70,000 from NDEA.

Consistent with the provisions of the new Vocational Education Bill, Public Law 90–576, the Quincy Public Schools submitted proposals in excess of $600,000 in order to develop relevant vocational education programs at the secondary, post secondary, and adult levels. Vocational aducation is a major concern of educators in Quincy in that 70% of our students are not four-year-college-bound and thus are in need of vocational competence by the time they graduate from high school.

In 1965 Quincy embarked on the development of a new vocational-technical school at a cost of five and a half million dollars. In addition, the school system received a grant from the U.S. Office of Education in the amount of $650,000 in order to develop a program of instruction for the new vocational facility. While Quincy has been making every effort to provide relevant vocational opportunities for its students, the fact remains that only 30% of those who could benefit from vocational education are involved in such programs. Public Law 90–576 will allow Quincy to continue its efforts in this area.

Under federally aided food and nutrition programs the Quincy Public Schools received close to $70,000 during the last school year. In 1966 the Quincy Public Schools established the first federally-financed breakfast programs in the Commonwealth.

It is disheartening to be concerned about the possibility of cuts in the amount of federal aid available to local communities when educators across the nation were looking to the federal government for increased assistance. In particular, I anticipated critically needed increases in the areas of comprehensive vocational education, school lunch and nutrition programs, and programs funded under the Elementary and Secondary Education Act.

If the President's veto is sustained Quincy will either be forced to abandon many of the programs that I have cited or redirect its limited funds from development in other critically needed areas to the support of those programs. A loss in federal assistance to the Quincy Public Schools would mean a re-assessment of the school building program, including the replacement of existing elementary schools that are now more than 100 years old and major renovation of existing high school facilities that have not been updated in the past fifty years. In addition, efforts at making educational programs relevant, particularly in the vocational area, and providing learning materials that are responsive to the many and varied ways in which young people learn would have to be curtailed. Programs in inservice teacher education, including the use of para-professionals and community resources, would have to be abandoned.

In the President's veto message he indicated that to have signed the education bill would have contributed to inflation.

Inflation can be most effectively curbed by the prestige and the power of the President being directed toward the major industries of the United States. The continued spiraling of prices in all areas are a direct and an indirect result of their practices. Without a major change by this segment of our economy, the amount of goods and services we will be able to purchase to help educate our students will continue to shrink.

Education is an *investment* that guarantees the continued growth and development of our nation. Continued and increased support for education at the national level is not only imperative to the local communities but also to the nation.

STATEMENT OF SENATOR EDWARD M. KENNEDY FOR MEETING WITH MASSACHUSETTS EDUCATORS ON FEDERAL APPROPRIATIONS FOR EDUCATION

I appreciate the opportunity to meet with school administrators, educators and parents from across the state to discuss federal spending for education. For I feel strongly that the Federal Government has a responsibility to help pay the cost of educating our Nation's youth.

Earlier this year, after extensive hearings and full consideration, Congress appropriated $4.4 billion for the Office of Education for the present fiscal year. Last week the President vetoed the Education Appropriations for the second straight year, indicating that he was upset that Congress chose to spend $453 million more for education than he requested. I am pleased that the House of Representatives last Thursday voted to override the President's veto, and I hope that the Senate will do likewise in the vote expected this afternoon or tomorrow.

Failure to override the President's veto of education funds would be a disaster for Massachusetts and for the Nation. The immediate losers would be school children, parents and educators. The ultimate loser would be the country as a whole.

First, failure to override the veto—and accepting instead the amount requested by the President—would mean $25–30 million less in federal education money for Massachusetts. That money is desperately needed. Expenditures in the state for public elementary and secondary education alone have now risen to over $1 billion annually. School budgets have been pared to a bare-bones minimum, with the result that per pupil expenditure in Massachusetts is less than the national average. Teachers salaries are inadequate, buildings and equipment are getting older, children in many cases have been crowded into half-day sessions. Without adequate federal help, we simply cannot achieve top-quality education in Massachusetts.

Second, failure to override the veto would most likely raise property taxes in Massachusetts. For the money must come from somewhere, unless we are willing to give up on our children's educational needs. Already residents of Massachusetts pay a staggering 74% of school budgets out of local taxes, compared to 52% for the nation as a whole. It would be an unfair and outrageous burden to force property taxes up even higher

because the President vetoed education spending.

Third, failure to override the veto would cause delay and irreparable harm in planning school budgets for the coming academic year. Students will return to classes within the next few weeks. But until administrators know how much federal money their school systems will receive, they cannot set priorities and make realistic plans. Last year, for example, our schools suffered because administrators were kept on the hook until March 5, 1970—less than four months before the end of the school year—before the Education Appropriations bill was finally passed. That is why this year Congress decided to split off education from the general Health, Education, and Welfare bill and consider it separately and early. All this will be undone if we have to scrap the bill passed by Congress and start all over again in September on a new bill.

Fourth, failure to override the veto would deny student assistance to thousands of needy and deserving students in Massachusetts. For the Nation as a whole, Congress passed $243 million for National Defense Student Loans, compared to $176.9 requested by the President. Of that $66.1 million difference, Massachusetts would lose $2.7 million if we took the President's figure. An estimated 4,500 students in Massachusetts would lose assistance—students whose parents are desperately trying to find aid so that their daughter or son can go to college. I sponsored a successful amendment in the Senate to raise the amount for National Defense Student Loans, recognizing that families with college-age children face rising tuition and costs, difficulty in getting bank loans, and a decrease in jobs available for students trying to earn their way through school. We should not cut back on our commitment to student assistance at this time of greatest need.

In general, failure to override the veto would simply reduce the quality of education in Massachusetts and in the Nation. It would turn back the clock on our attempts to achieve equal educational opportunity regardless of the financial resources of a child's family. It would be a step backward at the very time that a sound education is becoming more and more necessary for good employment and advancement in our society.

The President has claimed that the $453 million increase in education appropriations would be responsible for further inflation. Certainly I share the concern of all Americans that prices rose by 6% last year, that interest rates are at the highest level since the Civil War, that unemployment is rising.

It is misleading and absolutely incorrect, however, to single out the Education Appropriations bill as the scapegoat for the President's inability to control inflation.

First, the $453 million is miniscule compared to the economy as a whole. It is only about one-fifth of one percent of the total budget request. It is less than one-twentieth of one percent of the Gross National Product. As one of the President's own economic advisors has pointed out, a shift of this amount simply does not have an appreciable effect on inflation.

Second, education spending is less inflationary than military spending, for example. It trains people for productive employment—which means less people on welfare or unemployment rolls, and an increase in needed goods and services. Especially in light of the present welfare mess, not just in Massachusetts but in the United States generally, education spending is a sound investment in the future.

Third, if anyone deserves the label of "big spender" it should be the Administration, rather than Congress. Last year, for example, Congress appropriated $6.4 billion *less* than the President requested. I am confident that this year again Congress will appropriate several billion dollars *less* than the President has requested. We will make off-setting cuts, so that the increase in education does not contribute to inflation.

Fourth, I say let's cut back federal spending from war programs, not from education programs. Let's stop pouring billions of dollars a year down the drain for cost overruns on military weapons which are not needed in the first place. Let's not blame inflation on education spending, when the President himself has been pushing so hard to spend $1.46 billion this year, and many billions more in the future, on the ABM.

Priorities are badly misplaced indeed when the President vetoes a total of $4.4 billion for education and then asks for more than 15 times as much for military spending. Priorities are badly misplaced when the Administration seeks over half a billion dollars to bail out a railroad and an aircraft company but objects to Congress adding less than that amount for education. Priorities are badly misplaced when the Administration is more concerned about ABM's than ABC's.

I support cutting back far more than $453 million from the subsidies we pay farmers not to work; from the supersonic transport plane which will pollute the environment at the same time that it leaves an earth-shattering boom in its wake; from pork-barrel public works projects; and from the proliferation of costly and unneeded military weapons.

I will fight vigorously and hard to make these cuts and reduce the President's overall budget. But in the meantime, we cannot and we must not shortchange our Nation's youth by cutting the funds which Congress has already deemed necessary for education.

School costs are rising at a rate of over 10% a year. Yet still the Federal Government, on the average, pays less than 7% of public elementary and secondary school budgets—and last year the Federal percentage dropped substantially. Even under the bill vetoed by the President education programs will be funded at less than half of the authorized amounts.

Surely a Nation which spends more than $1400 a year in armaments for each South Vietnamese soldier can afford to spend more than $54 a year for each American school child.

For if we lack the will to invest in education today, our children in Massachusetts and across the Nation will be handicapped tomorrow.

I urge that the Senate override the President's veto, and support the badly needed $4.4 billion for education.

Mr. MAGNUSON. Mr. President, would the Senator from Delaware be willing to yield 2 minutes to the Senator from Rhode Island, who wishes to make a short statement?

Mr. WILLIAMS of Delaware. I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. I thank the Senator from Delaware for yielding to me from the time under his control.

Mr. President, the President's veto of the education appropriations bill raises not only the question of what should be our national economic priorities but, even more important, who should set those priorities. Should it be Congress or the President? From the founding of our country until now, it has been Congress. But President Nixon apparently believes that this responsibility, this determination, should belong to the President.

A key paragraph in the President's veto message bears out this assertion. It reads as follows:

> The appropriation for the Office of Education is $453 million over my budget request.
>
> My request would have produced 28% more spending than in the last fiscal year of the previous Administration.
>
> My budget asked $3.97 billion for the educational purposes covered by this bill—an increase of $972 million in spending over fiscal 1969. In addition, I have committed myself to ask the Congress for an extra $350 million to fully fund the school desegregation program as soon as the Congress provides the authorizing legislation.

The implication of that language is that a $350 million excess would have been acceptable if it were available for expenditure as the President desired. I fail to understand why money spent as the Congress determines is inflationary, while that spent under Presidential direction is not. If $350 million in additional spending is inflationary, it is inflationary regardless of which program absorbs it.

In my opinion, the President, in vetoing this bill, is challenging the right of Congress to set priorities within appropriations bills. The Congress has always maintained its authority granted by the Constitution to appropriate funds by law. I know of no other time in history when a President, by the use of the veto, has challenged the authority of Congress to direct use of funds. Regardless of the subject matter for which this bill appropriates funds, be it education, health, or the national defense, the veto must be overridden as a matter of principle, in order to turn back this challenge of the right of Congress to appropriate funds according to its own priorities.

Finally, there is no more sensible and frugal investment than that of the education of our young people. In fact, there is more than a tenfold return to the Federal Government alone in the form of increased taxes resulting from the increased earning base.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. I yield myself 5 minutes.

Mr. President, I rise to indicate my support for President Nixon's veto of this bill. I recognize that it may not be very popular, politically, to support the President of the United States in this particular situation. It is seldom popular to appear to be in opposition to any education bill. Over the years, both in the other body and in this body, I have been a strong supporter of education in general.

I believe President Nixon has taken a very courageous and very statesmanlike position, one which provides the country with the leadership it needs at this very crucial time. His veto is not directed to this one bill alone; it is a veto on principle. I believe he deserves to be supported.

Those who are willing to vote for increases in taxes, those who are willing to have the value of the dollar eroded still further, and those who are willing to have more inflation, of course, can disagree.

Those who believe that President Nixon has not cut the defense budget far enough will say it should be cut still further. But those who think that a $12 billion slash in the defense budget—which has already reordered our priori-

ties significantly and dramatically—those who realize that significant increases have already been made in the educational budget, should support President Nixon in this situation.

The amount in this conference report is $453 million over the budget, nearly a half billion dollars. While it exceeds the President's budget by that amount, it also involves a cut of some $75 million from his request for emergency assistance to help in the desegregation of our school system.

As we have heard from the distinguished chairman of the subcommittee, some of the conferees apparently have in mind that at a later point they will provide the additional $75 million in a supplemental appropriation bill. So, I suppose, with that admission they are really saying that, although $75 million is not included here, it will be added later, which will bring the total appropriation to a figure which will be at least to $528 million over the budget.

It indicates, of course, a sharp disagreement on the part of the conferees with the President so far as priorities are concerned. This conference report says, in effect, that President Nixon's efforts toward educational reform are not to be implemented, because over half of the increases in this conference report go against President Nixon's efforts toward reform in education.

As already has been admitted, the big increases in the impacted aid program continue and increase—a program that desperately needs reform. It awards more money to the richest county in the United States, Montgomery County, in large amounts, while it does little or nothing for the poorest counties in the United States if they have a few Federal employees.

The money in this conference report actually cuts back on President Nixon's budget request for a dropout prevention program by some $5 million, indicating again that in the areas where President Nixon is seeking reform in education—reform that is desperately needed—as well as in the case of emergency assistance to help in the desegregation of our schools, this conference report is deficient. The conference report cuts back on President Nixon's requests in the areas of reform but, in other areas, it provides for increases far above his budget.

I believe that President Nixon has the support of the people in the fight he is making against inflation, in his fight to hold the line on taxes, and to try to hold the value of the dollar. No bill, not even an education bill, can be exempt or immune from the principles which must be applied if this important fight is to be won.

Every appropriations bill has to stand the test. If President Nixon had not vetoed this bill, which is nearly a half billion dollars over the budget request, his credibility in the fight against inflation would have been impaired. His credibility in this fight is very important; and I say, regretfully, that if the Senate votes to override the President's veto—and I suspect that will happen—surely the credibility of Congress, insofar as its determination to fight inflation is concerned, will be impaired.

Accordingly, I hope that the vote here today will be to sustain President Nixon in the courageous position he has taken.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a number of articles and editorials published in newspapers around the country, supporting the President's position.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Chicago Tribune, Aug. 13, 1970]

NIXON'S HEW CHIEF DEFENDS FUND BILL VETO—AGREES INFLATION COULD CRIPPLE PROGRAMS

ST. LOUIS, August 12.—Elliot Richardson, Secretary of Health, Education and Welfare, today defended President Nixon's veto of the $4.4 billion education budget as a move necessary to keep inflation from undercutting HEW efforts.

In a press conference at the American Bar Association's annual meeting here, Richardson said the appropriation was $1 billion above department requests.

Nixon yesterday vetoed both the education bill and $18 billion for the Housing and Urban Development Department on the ground that the increases added by Congress would mean "higher prices, taxes, and interest rates."

CITES BUDGET GROWTH

Richardson said his department could operate without the $1 billion. He noted that the HEW budget has been increasing 10 to 15 per cent every year. For the first time in more than 30 years, government spending for defense has been "massively reduced" to 34 per cent of the total budget, he said, while spending for human resources has been increased to 42 per cent of the total.

Richardson said his basic reaction to the vetoes is to urge Congress to pass some kind of education bill quickly, to avoid penalizing schools after the start of the school year next month, he said. Congress must now either override the vetoes, as it did recently with the federal hospital construction bill, or draft new measures to Nixon's liking, he said.

Richardson said that altho his department can always use money, he would not want to see any great increase in educational spending if it might seriously jeopardize national security.

BACKS WELFARE REFORMS

"From my experience in the State Department I recognize that spending for national security is also very important," he said.

Richardson was undersecretary of state until appointed to replace Robert Finch as HEW secretary.

In a speech before a session of the A. B. A., Richardson urged congressional passage of Nixon's family assistance program before the welfare situation becomes worse.

He acknowledged that many northern industrial states will be forced to supplement federal welfare programs even if the federal government takes over all administration of welfare. The change might also result in higher taxes, but most people would be willing to pay them, he said.

[From the Washington Post, July 30, 1970]

SIDES WITH FED ASSESSMENT: INFLATION'S STRENGTH IN UNITED STATES UNDERESTIMATED, SAYS OECD

(By Robert J. Samuelson)

The "clearest danger" of current Administration policies to expand the economy lies in a resurgence of inflationary pressures, the Organization for Economic Co-operation and Development warned yesterday in a report released simultaneously here and in Paris.

In its semi-annual review, the OECD declared that "the strength of the inflationary forces generated over the last two or three years has been consistently underestimated."

The OECD's assessment, written weeks ago, implicitly touches upon an open disagreement between President Nixon's Council of Economic Advisers and the Federal Reserve Board over the desirable rate of growth in the nation's money supply. The OECD seemed to side with Fed chairman Arthur Burns, who has claimed that the CEA's proposals for more rapid monetary expansion risk increased price inflation.

Nevertheless, the OECD predicted that the nation's "real" gross national product (GNP) would resume its upward trend in the second half of 1970, reaching a growth rate of 3.75 per cent in the first six months of 1971. During the first half of 1970, "real" GNP (actual GNP adjusted for price increases) declined slightly.

If the Administration's policies work successfully, the OECD said, the unemployment rate, now 4.7 per cent, should "peak" at about 5.5 per cent in early 1971, and the first half of 1971.

But the OECD—composed of the United States, Great Britain, France, Germany, Italy, Canada, and Japan—hedged all its inflation projections.

The current world-wide inflationary cycle ranks as the worst since the Korean War, the OECD said, because previous inflationary periods always left "one or more important countries in which prices remained fairly stable . . . Such islands of stability now hardly exist."

According to the OECD's latest data, reflecting April and May results, five of the seven OECD members are experiencing annual rates of price increases exceeding 6 per cent. Great Britain registered the largest gain (12.4 per cent), followed by Japan (7.2 per cent), the United States (6.7 per cent), France (6.1 per cent), Italy (6 per cent), Canada (3.9 per cent), and Germany (3.1 per cent).

The OECD gave an ambiguous endorsement to experiments with "income policies" aimed at halting the wage-price spiral. Big wage settlements, the OECD said, constitute the clearest threat to price stability. The latest information shows that manufacturing wages of OECD members increased from a minimum of 6 per cent (the United States) to a maximum of 19.7 per cent (Italy) over the past year.

Unlike previous inflationary cycles, the OECD said, the curernt price increases have spread to export products. Last year's export price rise amounted to nearly 4 per cent against an average of ¾ of 1 per cent between 1955 and 67.

The traditional stability of export prices, according to the OECD report, had reflected the competitiveness of international markets. "At any one time, there was one or more major exporter which, because of weak markets at home, acted as a check on other exporters," it said.

However, the combination of rising domestic expenses and strong export demand—OECD trade has expanded 40 per cent more since mid-1967 than it had in the previous five years—reduced pressures to keep prices low, the OECD said.

The universality of price increases contributed to inflation by raising costs for small countries, which import in bulk, and by weakening business' and governments' determination to restrain prices "since they have seen other countries similarly failing to hold the tide," the OECD declared.

[From the National Observer, Aug. 17, 1970]

OVERRIDING THE VETO

Not even the most imaginative economist has been able to devise an alternative way

of reducing the rate of inflation. There is only one way that works, and that is for the Federal Government to scale down or eliminate its budget deficits. To accomplish this, the Government must either raise taxes or cut spending or both. President Nixon long ago declared himself for controlling Federal spending.

It was in the light of this policy that the President decided to veto the education money bill that exceeded the Administration's request by almost half a billion dollars. Last week the House overrode the veto and this week the Senate is expected to take its own vote on the matter.

Throughout the hassle, many critics have attempted to depict Mr. Nixon as indifferent to the nation's school needs. And House Speaker McCormack has called the inflation issue a "scarecrow argument." Neither tactic will wash. Inflation is visible and ubiquitous, the Government continues to spend much more than it takes in, and a $4 billion request for education hardly suggests White House indifference.

The education measure would pump billions into the districts of congressmen, so its political appeal is large—especially in an election year. Too, there are few worthier ways to spend Federal funds than on the welfare of children. And whether to spend $4.4 billion, as Congress wants, or to spend slightly less than $4 billion, as the President prefers, is a question difficult for the average citizen to weigh on its merits.

But if one believes, as we do, that inflation is a paramount threat to the nation's economic health, then there can be no argument that steps should be taken to control it. Those steps involve meeting the nation's needs with careful consideration of the amount that can be spent safely for any given purpose. It is the President's judgment that $4.4 billion is too much to spend on education now.

Congress has replied that it disagrees, and in so replying it has cast doubt on its willingness to make the hard choices necessary if inflation is to be contained. At a time when the country faces yet another sizable Federal deficit, the action on Capitol Hill is regrettable. It is not within the power of the Administration to rein in inflation by itself, and Congress has now gone on record as saying that its help, to put it gently, will be exceedingly erratic.

[From the New York Daily News, Aug. 13, 1970]

TWO VETOES IN ONE DAY, HURRAY

In one of his most dramatic moves since he became President, Richard M. Nixon on Tuesday vetoed two big appropriations bills sent him by Congress.

One was for education—$4.4 billion—and the other called for $18 billion for housing, space and veteran expenditures. They added up, said the President, to $1 billion more than he wanted to spend under these heads.

Passages from his veto statement:

"If I were to sign these bills, that spend more than we can now afford, I would be saying 'Yes' to a higher cost of living, 'Yes' to higher interest rates, 'Yes' to higher taxes . . . a President is not elected to see any one bill in isolation. He must see them as part of a whole, because his constituency is 200 million Americans."

In other words, Mr. Nixon insists on being President of and for all the people, not of and for some of the people.

We think the majority of the people will back him enthusiastically in that instance, as we believe they should.

And if Congress overrides one or both of these votes, as Congress may do, the betting looks good that Congress thereby will improve greatly the prospects for election next Nov. 3 of a Republican-controlled Congress which will cooperate with the economy-minded GOP President, not try to sandbag him every other day or so.

[From the Baltimore Sun, Aug. 15, 1970]

VETO SCORE

The House of Representatives acted according to form on President Nixon's two vetoes, overriding his disapproval of a $453 million education item and sustaining him on his rejection of a $541 million housing item. The net effect, if the Senate joins the House next week in overriding the education veto, will be to reduce by half the inflationary impact of the two items as gauged by the White House. If the Democratic leaders in Congress can trim other Nixon administration budget recommendations by comparable amounts, or even more, the inflationary impact on the economy will be neutralized.

But the inflationary aspects of the vetoes cannot be separated from the political aspects, since Mr. Nixon is using the two bills to underscore his criticism of the Democrats in Congress as big spenders, a criticism which is to be used this fall in the Republican campaign for more seats in the House and Senate. Mr. Nixon has made a strong effort to impress this general point upon the American people, and he is on firm ground in declaring that total appropriations cannot be expanded beyond present limits without adding new inflationary pressures. But it should be noted that 77 House Republicans voted to override the President's veto of the education item, whereas 101 voted on his side. On the housing item the President fared better: 22 Republicans voted against the President and 155 for him. Some House Republicans, in short, are ready to qualify as big spenders along with the Democrats.

One more note: the Appropriations committee now has to rework the $18 billion Independent Offices bill which Mr. Nixon vetoed because of the increased housing item. If the President had the so-called item veto, as he should, he could have vetoed the single item without disapproving the entire bill.

[From the Washington Star, Aug. 14, 1970]

TALE OF TWO VETOES

President Nixon has won half a victory in his current skirmish with Congress over inflationary spending legislation. The challenge to his veto of the housing and independent agencies bill failed in the House yesterday. That bill, which would have spent $541 million more than the President requested, now must be rewritten more to his liking.

Whether the President scores a complete tactical success in the present confrontation will be decided next week. The House overrode his veto of the Office of Education appropriations bill, a matter of $453 million more than the budget request. The fate of the bill now is up to the Senate.

The President's vetoes of the two appropriations bills were justified as part of the deadly serious fight to slow inflation. For if that fight is lost, attempts to achieve adequate funding levels for domestic programs—such as many of those provided for in the two bills—are doomed to frustration as cost increases nullify the benefits of the larger expenditures.

Fiscal restraint is the keystone of the President's anti-inflation policy, so it was not too surprising for him to register his third and fourth vetoes on bills calling for $1 billion more than his budget requests.

Many of the spending increases sought by the congressmen would be for worthy causes, and the President conceded this point in his veto message. "Taken individually," he said, "there is much that can be said in favor of every spending bill . . ." But from the overall perspective of the Presidency, the ailing national economy needs to be brought back to full health or there'll be need for dozens more social programs to relieve those victimized by economic dislocation.

Mr. Nixon also made the point that his budget already called for substantial increases in programs aiding education and urban areas, so the argument between him and the congressmen is not so much about cutting expenditures as about how much they should be increased.

Whatever the course of the political arguments, the policy of fiscal restraint to control inflation is a vital one, and it already is under too much strain, with the administration estimate of a $1.3 billion deficit for fiscal 1971, and other estimates running to $15 billion. Though the vetoed bills together would have had a spending effect much less than $1 billion this fiscal year, because most of the outlay would have been deferred, the President was thinking about the continuing integrity of his anti-inflation stance, looking beyond next June 30.

While the President's general position is unassailable, one point should be made about the independent agencies bill. It provided a $105 million increase for Veterans Administration medical programs, including the VA hospitals housing the most seriously wounded veterans of the fighting in Southeast Asia. That these young men should get less than the best treatment is just as unthinkable as providing our men in the field with poor rations or inadequate ammunition. Yet there is much evidence that VA hospitals are not meeting the high standards expected of them, and that the spending increase is more than justified.

In the rewriting of this bill, the increase for the veterans' medical program should be preserved. The required anti-inflation economies can be accomplished elsewhere.

The education bill, which may survive its veto, has the potent backing of the education lobby and the advantage of $126 million more than was budgeted for the impacted-area pork barrel. The President complained that Congress neglected his proposals for new education approaches, while fattening old unsatisfactory programs. The bill could stand a through rewriting, in the happy event the Senate upholds the veto the House chose to override.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the distinguished Senator from Delaware.

Mr. WILLIAMS of Delaware. Mr. President, I join the Senator from Michigan in expressing the hope that the Senate will sustain the President's veto.

This bill as it was passed by the Senate provided for $984 million more than the President's budget. It is true that the conferees did a fair job, but the conference report still provides for $453 million over the budget. Perhaps that is as good as they could do, but I do not think it is good enough because this represents an increase of approximately 10 percent in the budget on this one item. I think that at some point we have to stop and draw the line.

The education bill as it is before the Senate calls for $3.97 billion in appropriations. That is $972 million—even at the President's request—more than was expended for the same programs in fiscal 1969, or a 28-percent increase. Certainly that is as much of an increase in education as we can afford at this time.

This is not the only educational spending bill at the Federal level. All together, Federal spending on education will amount to approximately $12 billion this year.

Much has been said about our concern over inflation and the high interest rates.

Certainly high interest rates are a part of the inflationary spiral, but I invite attention to the fact that our Government has spent during the past fiscal year a little more than a billion dollars a month more than it is taking in. Our national debt, on June 30, 1970, was $373.4 billion. Just 1 year ago it was $356.9 billion, or an increase in the national debt in the past 12-month period, the last fiscal year, of $16.5 billion. Even figuring that the Government can finance that deficit at interest charges of 7 percent, which is below the rate they have been paying recently, that means that we will be paying this year about one billion and a quarter million dollars in interest just on the deficit that was created by Congress last year. Next year the deficit is projected at approximately $20 billion if Congress does not take prompt action to curtail expenditures.

I repeat, it will cost us in this current fiscal year about one billion and a quarter dollars just to pay the interest charges on the deficits created in the last fiscal year. I think the time has come when Congress must stop this continuous increasing of expenditures over and beyond our income.

There is no question that if this spending spiral continues we will have a sizable request next year for a tax increase to collect the necessary revenues from the people. It will mean that Congress will have to raise taxes next year substantially, or we will have to borrow money and further increase the debt, which only devalues the American dollar. We must cut back on spending; that is the only answer.

I know that education is a popular program. We all like to support it. The argument has been made that a vote to sustain the President's veto will be a vote against education. The conferees have not used that argument, and I am sure they would agree with me that it is not a valid argument. Such an argument is no more valid than to say that those who oppose the President's veto and who will vote to override the veto are against the taxpayers. Certainly this deficit spending hurts all taxpayers. This Congress must accept its responsibilities in regard to inflationary spending. The President, with all his authority, cannot spend a single dime that is not first approved by Congress.

Much has been said by various Members about our concern for inflation. On this rollcall vote there will be an opportunity to back up such speeches and our concern with a vote where it will really count.

I hope that the President's veto will be sustained.

Mr. GRIFFIN. I yield such time to the distinguished majority leader as he may need.

Mr. MANSFIELD. Mr. President, the proposal before us has to do with impacted aid areas, where the need is great, as well as assistance to elementary and secondary education and title I, ESEA, which takes care of or attempts to take care of the education of deprived children, audiovisual equipment and teaching materials, guidance and counseling, and supplementary services which is also for bilingual education.

Under the title, "Education for the handicapped," that includes early childhood educational program grants, basic State grants, deaf-blind centers, specific learning disabilities, and special teacher training programs.

Under vocational and adult education, it calls for increased basic grants to States for vocational programs.

In the field of higher education, it covers national defense student loans, community colleges, construction matching grants, land-grant colleges under the Bankhead-Jones Act, and community services, as well as audiovisual equipment.

Then in the field of community education, there are public libraries, services and construction grants, educational television, equipment grants, college library resources, and Library of Congress cataloging services.

Mr. President, the education bill provides about $450 million more to the educational systems of our country than the President requested. The President requested $3.97 billion. This bill provides $4.4 billion.

The Senate has already saved, through cuts in the military bill now pending before the Senate, three times the amount added for educational programs in the vetoed bill. This is responsible action by the Senate. It puts the needs of the Nation in proper perspective.

Congress will appropriate this year about $135 billion for the Government to operate. This means that for every American man, woman, and child, this Congress will appropriate for Government spending approximately $670. For the educational systems of our country, the administration requested to spend about $19.97 of each taxpayer's $670 for the education of our youth. Congress wanted to do more. It raised the $19.97 to $22 for the education of our youth.

But this was called inflationary. Let me remind the Senate that of each American's $670 to be appropriated this year for Government spending, $375 of each American's $670 goes for Defense Department spending.

The ABM request for spending this year alone will cost each American $7.

The SST request of the administration for just this year is $290 million—or $1.45 for each American.

The increase for education by the Congress in this bill is about $3 for each American.

It is so easy to vote millions for ABM's and SST's and then to reject money for the ABC's. The issue here is not Government spending, but national priorities—not priorities by rhetoric but priorities by action.

Mr. President, I hope that the President's veto will be overridden this afternoon.

Mr. GRIFFIN. Mr. President, I yield 5 minutes to the Senator from Oklahoma (Mr. HARRIS).

Mr. HARRIS. Mr. President, I rise to urge the Senate to override the President's veto of H.R. 16916, the Office of Education appropriation bill. In vetoing this bill the President stated that it was inflationary and that he was "saying no to bigger spending and no to higher prices in the interest of all the American people."

The decision we are asked to make on the veto is not limited to being for or against inflation or a balanced budget. The Congress has reduced other, less important Presidential spending requests, adding some of these savings to education funds. The basic question concerns whether we will put first things first in this and future fiscal periods. This, I think, the Congress did when it passed the education bill and the independent offices and Housing and Urban Development appropriation bill, approved by overwhelming margins in both the House and the Senate. The vote on the Education bill was 357 to 30 in the House and 88 to 0 in the Senate. We also passed the HUD bill by a vote of 70 to 8, while the House passed the measure by voice vote.

Mr. President, within a week or so, approximately 52 million young people will be returning to school. We will seriously jeopardize the educational opportunities of millions of children if the veto is sustained. Oklahoma's allotment under the facilities construction section of the bill is approximately $600,000. There are at least three new junior college construction programs in Midwest City, Oklahoma City, and Tulsa, Okla., which will be seriously affected if Federal matching funds are not available. Over $8 million in funds for student loans, $21 million for title I, $13 million in impacted aid, and various other educational programs designed to help the disadvantaged and the handicapped in the State of Oklahoma will be in jeopardy. The result will be confusion and delays in educational planning. The Senate will recall that it was not until March 5, 1970, that the Congress approved the 1970 HEW appropriation bill. If the veto of the education appropriation bill is sustained, I am doubtful that we will be able to get another bill through the Congress before the end of this year.

The present bill contains approximately $453 million more than the administration requested. Yet the $4.4 billion appropriation will still not meet the needs of education in America. As a matter of fact, Mr. President, it will not meet the needs of America in education.

On August 13, the House voted 289 to 114 to override the Presidential veto. I might add that this was not an exercise in partisan politics, as 77 Republicans joined 212 Democrats to override the measure. By overriding the veto, the Congress is saying that this Government can ill afford the luxury of limited investment in the education of our young people, and that the priorities of this country should give increasing emphasis to the resolution of the many domestic problems which confront us.

Therefore, I will vote to override the President's veto of this important appropriation bill, and I hope that the necessary two-thirds of the Senate will do the same.

The PRESIDING OFFICER. Who yields time?

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask

unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GRIFFIN. Mr. President, I yield to the distinguished Senator from West Virginia.

Mr. RANDOLPH. Mr. President, I have genuinely regretted the action of President Nixon in vetoing the Office of Education appropriations bill which has had the strong approval of both the Senate and the House.

I agree that financial resources must be apportioned very carefully by the Federal Government during the present economic conditions. However, I disagree with the Chief Executive over the extent of the funding limitations and impact which can be absorbed by our educational programs.

The future of too many Americans depends on these educational support funds. Our school systems are unable to meet the requirements of today's society due to lack of money. New ideas cannot be tried; special and progressive programs must be dropped; and America's young people must bear the consequences. Such a stationary position or forced regression in our educational system leaves scars which may never be healed and which may spread with time.

We must continue to have purpose and progress in our programs of education. We must realize that education funds are an investment in our human resources.

I think it is important to stress just what the Chief Executive requested this year for the Office of Education. The President requested $3.9 billion for the Office of Education. Congress approved legislation amounting to $453 million over this budget recommendation from the President. I think this was a vital increase, but I also think it was a modest increase. We approved $232 million over the President's budget request for elementary and secondary education; $10 million for education for the handicapped; and $54 million for vocational education. I was gratified earlier this afternoon to listen to the able Senator from Massachusetts (Mr. KENNEDY), as he outlined and emphasized the value of our vocational educational facilities. The Congress also approved a $110 million increase for higher education in the United States. Certainly Members of this body who are familiar with the situation in these rapidly changing and complex times believe these to be wise investments.

Mr. President, the appropriations bill vetoed by the President would provide an additional $6 million to West Virginia. This measure is important to West Virginia because of the funds involved, but I do not advance my case on just the situation in the State of West Virginia. I think of the situation throughout the country. The need for additional funds for education is urgent in almost every area.

I am gratified that the House of Representatives last week voted to override the Preident's veto. I am confident the Senate will also be successful in the endeavor this afternoon in overriding the veto. What we do here will be to reinforce the commitment of Congress to our educational programs, even with the President's disapproval.

I shall vote to override the veto.

Mr. DOLE. Mr. President, I plan to vote to sustain the President's veto of the Office of Education appropriation bill, and in so doing affirm my belief in the importance and priority of education in America. President Nixon has given the highest priority to education, and has proved his devotion to this priority by his education budget request for fiscal 1971.

President Nixon asked the Congress for $3.97 billion for the Office of Education, an increase of $972 million or 28 percent over the last year of the last administration and $152 million more than the record level appropriated last year. But the President has not limited his efforts to improve education to one area. Indeed, all Federal moneys for education in general during fiscal year 1971, will reach a record total of nearly $12 billion—a record commitment for this administration or any other.

Mr. President, I am opposed to adding $453 million to the administration's carefully prepared and balanced program. The Federal Government cannot continue to allocate money which is not in the Treasury. It is time that the Congress join the President in exercising restraint and responsibility in coordinating appropriations and budget requests. The American public knows that higher costs of living, higher interest rates, and higher taxes simply cannot be tolerated merely to satisfy the congressional urge to appropriate more and more money, when less and less revenue is coming in.

Also, I have serious reservations that this additional $453 million will provide the best value for our educational dollar. In President Nixon's message to Congress on March 3, he proposed far-reaching educational reforms to eliminate the old approaches that have proven inadequate, and asked for additional research funds to provide continual reassessment. He stated that as new confidence is gained that our education dollars are being wisely invested, the administration will ask for increased funding. Unfortunately, this bill bypasses the forward-looking programs of the President and ask for an additional $453 million to continue the old approaches that have proven inadequate.

Mr. President, I shall vote to sustain the President's educational veto because the appropriation of these additional funds are clearly not in the best interests of the American people.

Mr. President, I ask unanimous consent to have printed in the RECORD an excellent editorial entitled "Overriding the Veto," published in the National Observer on Monday, August 17, 1970.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

OVERRIDING THE VETO

Not even the most imaginative economist has been able to devise an alternative way of reducing the rate of inflation. There is only one way that works, and that is for the Federal Government to scale down or eliminate its budget deficits. To accomplish this, the Government must either raise taxes or cut spending or both. President Nixon long ago declared himself for controlling Federal spending.

It was in the light of this policy that the President decided to veto the education money bill that exceeded the Administration's request by almost half a billion dollars. Last week the House overrode the veto and this week the Senate is expected to take its own vote on the matter.

Throughout the hassle, many critics have attempted to depict Mr. Nixon as indifferent to the nation's school needs. And House Speaker McCormack has called the inflation issue a "scarecrow argument." Neither tactic will wash. Inflation is visible and ubiquitous, the Government continues to spend much more than it takes in, and a $4 billion request for education hardly suggests White House indifference.

The education measure would pump billions into the districts of congressmen, so its political appeal is large—especially in an election year. Too, there are few worthier ways to spend Federal funds than on the welfare of children. And whether to spend $4.4 billion, as Congress wants, or to spend slightly less than $4 billion, as the President prefers, is a question difficult for the average citizen to weigh on its merits.

But if one believes, as we do, that inflation is a paramount threat to the nation's economic health, then there can be no argument that steps should be taken to control it. Those steps involve meeting the nation's needs with careful consideration of the amount that can be spent safely for any given purpose. It is the President's judgment that $4.4 billion is too much to spend on education now.

Congress has replied that it disagrees, and in so replying it has cast doubt on its willingness to make the hard choices necessary if inflation is to be contained. At a time when the country faces yet another sizable Federal deficit, the action on Capitol Hill is regrettable. It is not within the power of the Administration to rein in inflation by itself, and Congress has now gone on record as saying that its help, to put it gently, will be exceedingly erratic.

Mr. HART. Mr. President, I will vote to override the veto of the appropriations bills for the Office of Education.

Under our system of government, Congress has a responsibility to help determine national spending priorities. Many of us in Congress have been trying to change those priorities, to redirect more of our effort toward programs in education, health, pollution control, and law enforcement.

My vote today is part of that effort.

In voting to override the veto we will be voting for a level of funding approved earlier this month by a Senate vote of 88 to 0.

When we considered the appropriations bill for education for the last fiscal year I had printed in the RECORD a State-by-State, program-by-program breakdown comparing funding levels under the administration's budget request and under the figures approved by the Congress.

So that Senators may have that information available on this year's appropriation bill, I ask unanimous consent that a similar breakdown be printed at the conclusion of my remarks. The information was compiled by the Emergency Committee for Full Funding of Education Programs.

There being no objection, the material was ordered to be printed in the RECORD.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF ALABAMA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$34,986,823	$40,184,201	$39,599,049	$45,147,177	$44,397,907	$44,394,217
State administrative expenses	349,908	401,842	395,990	451,472	443,979	443,942
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					631,084	624,835
Supplementary services (ESEA III)	2,893,354	2,040,343	2,070,020	2,375,089	2,604,987	2,478,544
Federally affected areas:						
Maintenance (Public Law 81-874)	9,241,181	9,528,000		7,736,000	12,483,000	9,884,000
Construction (Public Law 81-815)	372,344	328,000		115,000	115,000	115,000
Grants to States for school library materials (ESEA II)	840,259	702,195	1,321,780	1,321,780	1,321,780	1,321,780
Strengthening State departments of education (ESEA V):						
Grants to States	531,860	531,860	524,625	524,625	596,821	524,625
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,888,098	851,705		428,811	1,883,118	1,143,999
Loans to nonprofit private schools						
State administration	35,243	34,770		34,103	34,103	34,103
Guidance, counseling, and testing (NDEA V)	315,250	263,508				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	51,454,320	54,966,424	44,011,464	58,234,057	64,611,779	61,065,045
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	571,028	571,028	623,847	662,940	642,117	642,117
Teacher education and recruitment	488,478					
Research and innovation	150,250					
Subtotal, education for the handicapped	1,209,756	571,028	623,847	662,940	642,117	642,117
Vocational and adult education:						
Grants to States (pt. B)	5,898,481	6,850,464	6,850,464	7,964,744	7,104,019	7,168,270
State advisory councils		42,566	42,566	42,566	42,566	42,566
Programs for students with special needs (pt. B)		378,489	378,489	445,393	445,393	445,393
Research and special project activities (pt. C)	29,598	17,228	470,701	377,256	771,608	796,474
Innovation (pt. D)		246,433			302,500	302,500
Consumer and homemaking education (pt. F)		333,881	333,881	389,659	556,851	473,257
Cooperative education (pt. G)		265,122	452,012	349,223	349,223	349,223
Work-study (pt. H)		80,368		104,006	104,006	104,006
Adult basic education (Adult Education Act):						
Grants to States	1,072,101	1,199,378	1,357,353	1,357,353	1,357,353	1,357,353
Special projects and teacher education	30,000					
Subtotal, vocational and adult education	7,030,180	9,413,929	9,885,466	11,030,200	11,033,519	11,039,042
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,263,130	[1] 915,698	[1] 1,165,470	[1] 902,524	[1] 1,165,470	[1] 902,524
Work-study and cooperative education (HEA IV-C)	3,540,009	3,771,234	3,927,713	3,888,436	4,277,280	4,277,280
Loans:						
Direct (NDEA II)	2,673,248	2,647,480	2,580,144	3,368,532	3,580,485	3,580,485
Insured:						
Advances for reserve funds						
Interest payments	251,574					
Special programs for the disadvantaged: Talent search	48,471					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	224,435	227,680		155,035	227,680	190,998
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	2,032,026					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	679,637	1,037,770			994,972	994,972
Other undergraduate facilities (HEFA I—Sec. 104)	3,436,369	433,104			433,104	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	102,579	102,859	88,802	88,802	88,802	88,802
Undergraduate instructional equipment (HEA VI-A)	240,351				236,853	114,555
College personnel development (NDEA IV; EPDA pt. E)	1,076,100					
Subtotal, higher education	17,617,929	9,212,825	7,812,129	8,453,329	11,054,646	10,199,616
Education professions development:						
Grants to States (EPDA B-2)	297,401	268,458	260,039	260,039	260,039	260,039
Personnel development programs	423,950					
Teacher Corps	285,388					
Subtotal, education professions development	1,066,739	268,458	260,039	260,039	260,039	260,039
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	633,492	539,187	539,187	633,492	633,492	633,492
Interlibrary cooperation (LSCA III)	42,892	42,892	42,892	42,892	42,892	42,892
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,251	25,251	25,251	25,251	25,251	25,251
Construction (LSCA II)	397,777	144,077		93,652	168,825	131,239
College library resources (HEA II-A)	313,692					
Librarian training (HEA II-B)	54,758					
Educational broadcasting facilities						
University community service programs (HEA I)	175,958	175,958		174,707	174,707	174,707
Subtotal, community education	1,683,329	966,874	646,839	1,009,503	1,084,676	1,047,090
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	561,688					
Total, Office of Education	80,563,941	75,399,538	63,239,784	79,650,068	88,686,776	84,252,949
Total, Office of Education, comparable basis [2]	74,607,215	75,399,538	63,239,784	79,650,068	88,686,776	84,252,949

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF ALASKA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$1,725,848	$1,874,230	$1,856,995	$2,116,158	$2,078,549	$2,078,364
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					8,185	8,185
Pt. C: Special grants for urban and rural schools					16,005	16,005
Supplementary services (ESEA III)	547,744	483,700	493,543	518,122	536,705	526,496
Federally affected areas:						
Maintenance (Public Law 81-874)	14,731,443	14,681,000		17,317,000	19,420,000	18,610,000
Construction (Public Law 81-815)	918,641	1,293,000		100,000	100,000	100,000
Grants to States for school library materials (ESEA II)	66,568	60,232	113,378	113,378	113,378	113,378
Strengthening State departments of education (ESEA V):						
Grants to States	242,131	242,131	243,649	243,649	277,642	243,649
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	106,156	52,995		26,682	117,173	75,996
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	49,999	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	18,551,863	19,000,621	2,957,565	20,698,322	22,930,970	22,035,406
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	200,000	200,000	200,000
Teacher education and recruitment	73,390					
Research and innovation						
Subtotal, education for the handicapped	173,390	100,000	100,000	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	538,238	403,555	403,555	469,237	418,527	422,312
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		22,295	22,295	26,240	26,240	26,240
Research and special project activities (pt. C)		15,000	220,277	214,262	45,459	46,924
Innovation (pt. D)		203,736			208,247	208,247
Consumer and homemaking education (pt. F)		19,668	19,668	22,956	32,806	27,882
Cooperative education (pt. G)		205,240	221,781	212,006	212,006	212,006
Work-study (pt. H)		7,022		9,088	9,088	9,088
Adult basic education (Adult Education Act):						
Grants to States	131,891	136,550	141,802	141,802	141,802	141,802
Special projects and teacher education						
Subtotal, vocational and adult education	670,129	1,044,134	1,060,446	1,126,659	1,125,243	1,125,569
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	61,078	[1] 30,246	[1] 38,496	[1] 29,811	[1] 38,496	[1] 29,811
Work-study and cooperative education (HEA IV-C)	164,593	130,963	145,638	144,182	158,599	144,182
Loans:						
Direct (NDEA II)	67,329	80,562	85,224	111,264	118,265	118,265
Insured:						
Advances for reserve funds						
Interest payments	6,941					
Special programs for the disadvantaged: Talent search	40,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	152,468	155,378		150,349	155,378	152,838
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	70,000					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		50,000			50,000	50,000
Other undergraduate facilities (HEFA I—Sec. 104)	190,628	50,000			50,000	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	28,901	35,400	43,454	43,454	43,454	43,454
Undergraduate instructional equipment (HEA VI-A)	8,119				9,210	4,384
College personnel development (NDEA IV; EPDA pt. E)	45,800					
Subtotal, higher education	885,857	582,549	362,812	529,060	673,402	592,934
Education professions development:						
Grants to States (EPDA B-2)	112,896	114,450	113,728	113,728	113,728	113,728
Personnel development programs	423,950					
Teacher Corps	1,500					
Subtotal, education professions development	538,346	114,450	113,728	113,728	113,728	113,728
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	136,935	130,406	130,406	139,935	139,935	139,935
Interlibrary cooperation (LSCA III)	40,200	40,200	40,200	40,200	40,200	40,200
State institutional library services (LSCA IV-A)	6,939	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	3,221	25,017	25,017	25,017	25,017	25,017
Construction (LSCA II)	21,765	84,436		80,945	86,150	83,547
College library resources (HEA II-A)	41,398					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	105,733	105,733		105,834	105,834	105,834
Subtotal, community education	356,191	425,301	235,132	431,440	436,645	434,042
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	21,175,776	21,267,055	4,829,683	23,099,209	25,479,988	24,501,679
Total, Office of Education, comparable basis [2]	20,464,678	21,267,055	4,829,683	23,099,209	25,479,988	24,501,679

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF ARIZONA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$9,384,173	$9,614,568	$10,474,927	$10,474,927	$10,474,927	$10,474,927
State administrative expenses	150,000	150,000	150,000	150,000	105,000	150,000
Pt. B.: Special incentive grants					46,199	46,199
Pt. C: Special grants for urban and rural schools					104,840	103,802
Supplementary services (ESEA III)	1,514,678	1,143,854	1,183,395	1,319,269	1,422,818	1,365,872
Federally affected areas:						
Maintenance (Public Law 81-874)	9,187,169	9,158,000		9,450,000	12,542,000	11,216,000
Construction (Public Law 81-815)	1,095,682	175,000		30,000	30,000	30,000
Grants to States for school library materials (ESEA II)	422,604	361,721	680,887	680,887	680,887	680,887
Strengthening State departments of education (ESEA V):						
Grants to States	368,490	368,490	369,169	369,169	419,533	369,169
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	784,359	366,659		184,603	810,682	507,399
Loans to nonprofit private schools						
State administration	16,488	16,610		16,785	16,785	16,785
Guidance, counseling, and testing (NDEA V)	147,487	125,883				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	23,071,130	21,580,785	12,958,378	22,775,640	26,798,671	25,051,040
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	224,757	224,757	245,547	260,934	252,738	252,738
Teacher education and recruitment	547,590					
Research and innovation	47,119					
Subtotal, education for the handicapped	819,466	224,757	245,547	260,934	252,738	232,738
Vocational and adult education:						
Grants to States (pt. B)	2,185,684	2,947,567	2,947,567	3,426,998	3,056,654	3,084,298
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		162,854	162,845	191,640	191,640	191,640
Research and special project activities (pt. C)	58,332	15,000	321,349	279,460	332,000	342,770
Innovation (pt. D)		220,815			245,948	245,948
Consumer and homemaking education (pt. F)		143,660	143,660	167,660	239,597	203,630
Cooperative education (pt. G)		229,193	312,971	266,893	266,893	266,893
Work-study (pt. H)		36,283		46,954	46,954	46,954
Adult basic education (Adult Education Act):						
Grants to States	346,188	379,898	420,118	420,118	420,118	420,118
Special projects and teacher education	200,000					
Subtotal, vocational and adult education	2,790,204	4,166,338	4,339,587	4,830,791	4,830,872	4,833,249
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,350,664	[1] 639,937	[1] 814,491	[1] 630,731	[1] 814,491	[1] 630,731
Work-study and cooperative education (HEA IV-C)	1,384,360	1,417,892	1,407,806	1,393,728	1,533,101	1,393,728
Loans:						
Direct (NDEA II)	2,169,754	2,123,484	1,803,139	2,354,105	2,502,228	2,502,228
Insured:						
Advances for reserve funds						
Interest payments	245,961					
Special programs for the disadvantaged: Talent search	138,751					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	177,936	180,964		152,007	180,964	166,342
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)						
Language training and area studies	133,600					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	807,119	415,830			388,282	388,282
Other undergraduate facilities (HEFA I—Sec. 104)	1,228,671	275,087			275,087	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	58,386	72,487	63,916	63,916	63,916	63,916
Undergraduate instructional equipment (HEA VI-A)	163,854				173,892	83,552
College personnel development (NDEA IV; EPDA pt. E)	230,933					
Subtotal, higher education	8,139,989	5,175,681	4,139,352	4,644,487	5,981,961	5,278,779
Education professions development:						
Grants to States (EPDA B-2)	181,870	186,777	182,441	182,441	182,441	182,441
Personnel development programs	1,363,104					
Teacher Corps	268,764					
Subtotal, education professions development	1,813,738	186,777	182,441	182,441	182,441	182,441
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	312,656	275,065	275,065	312,656	312,656	312,656
Interlibrary cooperation (LSCA III)	41,153	41,153	41,153	41,153	41,153	41,153
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,100	25,100	25,100	25,100	25,100	25,100
Construction (LSCA II)	215,407	105,542		85,442	115,407	100,424
College library resources (HEA II-A)	202,552					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	134,680	134,680		135,360	135,360	135,360
Subtotal, community education	91,057	621,049	380,827	639,220	669,185	654,202
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	37,605,584	31,955,387	22,246,132	33,333,513	38,715,868	36,262,449
Total, Office of Education, comparable basis [2]	34,063,356	31,955,387	22,246,132	33,333,513	38,715,868	36,262,449

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF ARKANSAS

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$21,811,725	$24,749,582	$24,389,185	$27,806,296	$27,344,819	$27,342,547
State administrative expenses	218,117	247,496	243,892	278,063	273,448	273,425
Pt. B.: Special incentive grants					365,058	361,444
Pt. C: Special grants for urban and rural schools						
Supplementary services (ESEA III)	1,213,497	1,266,286	1,298,231	1,452,631	1,570,324	1,505,599
Federally affected areas:						
Maintenance (Public Law 81-874)	2,842,356	2,586,000		2,292,000	3,596,000	2,906,000
Construction (Public Law 81-815)	1,245,726					
Grants to States for school library materials (ESEA II)	453,532	380,294	715,848	715,848	715,848	715,848
Strengthening State departments of education (ESEA V):						
Grants to States	388,193	388,193	384,783	384,783	438,866	384,783
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	886,740	448,166		225,640	990,893	610,488
Loans to nonprofit private schools						
State administration	18,499	18,376		18,278	18,278	18,278
Guidance, counseling, and testing (NDEA V)	165,473	139,263				
Planning and evaluation		100,000	100,000	1000,00	100,000	100,000
Subtotal, elementary and secondary education	29,743,858	30,323,656	27,131,939	33,273,539	35,413,534	34,218,412
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	297,836	297,836	325,385	345,775	334,914	334,914
Teacher education and recruitment	298,587					
Research and innovation						
Subtotal, education for the handicapped	596,423	297,836	325,385	345,775	334,914	334,914
Vocational and adult education:						
Grants to States (pt. B)	3,404,568	3,693,674	3,693,674	4,294,428	3,830,344	3,864,985
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		204,175	204,175	240,145	240,145	240,145
Research and special project activities (pt. C)	41,607	15,000	343,129	293,722	416,035	429,443
Innovation (pt. D)		224,551			254,196	254,196
Consumer and homemaking education (pt. F)		180,024	180,024	210,096	300,243	255,170
Cooperative education (pt. G)		234,433	333,248	278,899	278,899	278,899
Work-study (pt. H)		42,330		54,780	54,780	54,780
Adult basic education (Adult Education Act):						
Grants to States	631,826	701,583	788,027	788,027	788,027	788,027
Special projects and teacher education	150,000					
Subtotal, vocational and adult education	4,228,001	5,326,838	5,573,345	6,191,165	6,193,737	6,196,713
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,656,935	[1] 519,808	[1] 661,595	[1] 512,330	[1] 661,595	[1] 512,330
Work-study and cooperative education (HEA IV-C)	2,505,616	2,265,627	2,283,489	2,260,605	2,486,665	2,260,605
Loans:						
Direct (NDEA II)	1,830,256	1,788,966	1,464,653	1,912,192	2,032,510	2,030,510
Insured:						
Advances for reserve funds						
Interest payments	64,487					
Special programs for the disadvantaged: Talent search	42,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	189,394	192,476		152,753	192,476	172,418
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	648,560					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		557,980			532,626	532,626
Other undergraduate facilities (HEFA I—Sec. 104)	2,248,903	240,408			240,408	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	74,074	77,911	67,408	67,408	67,408	67,408
Undergraduate instructional equipment (HEA VI-A)	136,490				132,614	63,741
College personnel development (NDEA IV; EPDA pt. E)	230,933					
Subtotal, higher education	9,677,658	5,693,176	4,527,095	4,955,288	6,396,302	5,689,638
Education professions development:						
Grants to States (EPDA B-2)	187,861	191,233	186,674	186,674	186,674	186,674
Personnel development programs	665,111					
Teacher Corps	268,545					
Subtotal, education professions development	1,121,517	191,233	186,674	186,674	186,674	186,674
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	391,716	340,150	340,150	391,716	391,716	391,716
Interlibrary cooperation (LSCA III)	41,581	41,581	41,581	41,581	41,581	41,581
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,138	25,138	25,138	25,138	25,138	25,138
Construction (LSCA II)	346,970	105,542		87,465	128,570	108,018
College library resources (HEA II-A)	196,374					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	142,316	142,316		142,062	142,062	142,062
Subtotal, community education	1,183,604	694,236	446,378	727,471	768,576	748,024
Research and development:						
Educational laboratories	20,067					
Research and development centers						
Subtotal, research and development	20,067					
Civil rights education	441,183					
Total, Office of Education	47,012,311	42,526,975	38,190,816	45,679,912	49,293,737	47,374,375
Total, Office of Education, comparable basis [2]	43,349,974	42,526,975	38,190,816	45,679,912	49,293,737	47,374,375

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF CALIFORNIA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$80,232,375	$96,957,350	$95,547,164	$108,934,051	$107,126,163	$107,117,260
State administrative expenses	802,900	969,574	955,472	1,089,341	1,071,262	1,071,173
Pt. B.: Special incentive grants					1,042,072	1,042,072
Pt. C: Special grants for urban and rural schools					1,244,122	1,231,803
Supplementary services (ESEA III)	14,180,196	9,681,939	10,050,004	11,648,665	12,862,072	12,194,651
Federally affected areas:						
Maintenance (Public Law 81-874)	76,264,658	74,734,000		61,839,000	97,757,000	78,858,000
Construction (Public Law 81-815)	10,880,448	460,000		739,000	739,000	739,000
Grants to States for school library materials (ESEA II)	4,786,011	4,081,360	7,682,559	7,682,559	7,682,559	7,682,559
Strengthening State departments of education (ESEA V):						
Grants to States	1,908,448	1,908,448	1,910,647	1,910,647	2,167,114	1,910,647
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	5,335,635	2,580,066		1,298,994	5,704,519	3,535,998
Loans to nonprofit private schools						
State administration	174,462	175,073		175,210	175,210	175,210
Guidance, counseling, and testing (NDEA V)	1,560,552	1,326,826				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	196,125,685	192,974,636	116,245,846	195,417,467	237,671,093	215,658,373
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	2,397,629	2,397,629	2,619,406	2,783,546	2,696,116	2,696,116
Teacher education and recruitment	1,920,604					
Research and innovation	2,210,700					
Subtotal, education for the handicapped	6,528,933	2,397,629	2,619,406	2,783,546	2,696,116	2,696,116
Vocational and adult education:						
Grants to States (pt. B)	18,005,856	23,903,359	23,903,359	27,789,454	24,786,338	25,010,506
State advisory councils		93,203	93,203	93,203	93,203	93,203
Programs for students with special needs (pt. B)		1,320,663	1,320,663	1,554,000	1,554,000	1,554,000
Research and special project activities (pt. C)	1,468,244	60,113	1,499,053	1,050,626	2,692,182	2,778,945
Innovation (pt. D)		422,827			691,883	691,883
Consumer and homemaking education (pt. F)		1,165,014	1,165,014	1,359,542	1,942,885	1,651,219
Cooperative education (pt. G)		512,513	1,409,368	916,098	916,098	916,098
Work-study (pt. H)		390,527		505,388	505,388	505,388
Adult basic education (Adult Education Act):						
Grants to States	1,908,201	2,137,446	2,430,216	2,430,216	2,430,216	2,430,216
Special projects and teacher education	224,914					
Subtotal, vocational and adult education	21,607,215	30,005,665	31,820,876	35,698,527	35,612,193	35,631,458
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	11,127,949	[1] 6,548,209	[1] 8,334,349	[1] 6,454,006	[1] 8,334,349	[1] 6,454,006
Work-study and cooperative education (HEA IV-C)	13,636,446	12,567,739	13,004,762	12,874,714	14,162,185	12,874,714
Loans:						
Direct (NDEA II)	17,825,858	18,936,036	18,450,766	24,008,575	25,604,260	25,604,260
Insured:						
Advances for reserve funds						
Interest payments	2,567,470					
Special programs for the disadvantaged: Talent search	406,087					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	519,125	523,740		174,223	523,740	347,252
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	322,300					
Language training and area studies	2,275,532					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	6,699,777	3,453,412			3,205,727	3,205,727
Other undergraduate facilities (HEFA I—Sec. 104)	15,422,360	3,110,233			3,110,233	
Graduate facilities (HEFA II)	2,700,000					
State administration and planning (HEFA I—Sec. 105)	534,541	399,679	300,490	300,490	300,490	300,490
Undergraduate instructional equipment (HEA VI-A)	1,577,046				1,642,020	794,436
College personnel development (NDEA IV; EPDA pt. E)	7,096,900					
Subtotal, higher education	82,761,391	45,589,048	40,140,367	43,942,008	56,933,004	49,630,885
Education professions development:						
Grants to States (EPDA B-2)	977,178	1,079,123	1,030,190	1,030,190	1,030,190	1,030,190
Personnel development programs	6,201,146					
Teacher Corps	2,546,153					
Subtotal, education professions development	9,724,477	1,079,123	1,030,190	1,030,190	1,030,190	1,030,190
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	2,666,778	2,213,055	2,213,055	2,666,778	2,666,778	2,666,778
Interlibrary cooperation (LSCA III)	53,915	53,915	53,915	53,915	53,915	53,915
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	26,210	26,210	26,210	26,210	26,210	26,210
Construction (LSCA II)	1,313,062	388,295		145,682	507,365	326,523
College library resources (HEA II-A)	2,161,076					
Librarian training (HEA II-B)	703,007					
Educational broadcasting facilities	168,766					
University community service programs (HEA I)	506,766	506,766		506,816	506,816	506,816
Subtotal, community education	7,639,089	3,227,750	2,332,689	3,438,910	3,800,593	3,619,751
Research and development:						
Educational laboratories	4,171,896					
Research and development centers	3,242,638					
Subtotal, research and development	7,414,534					
Civil rights education	487,177					
Total, Office of Education	332,288,501	275,273,851	194,189,374	282,310,648	337,743,189	308,266,773
Total, Office of Education, comparable basis [2]	291,305,089	275,273,851	194,189,374	282,310,648	337,743,189	308,266,773

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF COLORADO

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$8,914,233	$9,283,738	$10,069,703	$10,448,857	$10,272,957	$10,272,091
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					281,882	281,882
Pt. C: Special grants for urban and rural schools					54,067	53,532
Supplementary services (ESEA III)	1,767,120	1,307,980	1,360,849	1,525,351	1,650,756	1,581,788
Federally affected areas:						
Maintenance (Public Law 81-874)	12,924,352	12,883,000		10,090,000	16,980,000	13,330,000
Construction (Public Law 81-815)	2,655,971					
Grants to States for school library materials (ESEA II)	541,044	462,359	870,323	870,323	870,323	870,323
Strengthening State departments of education (ESEA V):						
Grants to States	430,472	410,474	411,038	411,038	466,100	411,038
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	802,055	383,233		192,948	847,328	531,257
Loans to nonprofit private schools	3,900					
State administration	19,340	19,673		19,914	19,914	19,914
Guidance, counseling, and testing (NDEA V)	259,627	149,094				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	28,468,114	25,149,551	12,961,913	23,808,431	31,643,337	27,601,825
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	285,258	285,258	311,644	331,173	320,771	320,771
Teacher education and recruitment	696,367					
Research and innovation	498,738					
Subtotal, education for the handicapped	1,480,363	285,258	311,644	331,173	320,771	320,771
Vocational and adult education:						
Grants to States (pt. B)	2,518,883	3,293,775	3,293,775	3,829,433	3,415,598	3,446,489
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		181,980	181,980	214,143	214,143	214,143
Research and special project activities (pt. C)	76,218	15,000	350,908	298,815	370,987	382,943
Innovation (pt. D)		225,885			257,141	257,141
Consumer and homemaking education (pt. F)		160,534	160,534	187,346	267,733	227,541
Cooperative education (pt. G)		236,304	340,489	283,187	283,187	283,187
Work-study (pt. H)		45,451		58,819	58,819	58,819
Adult basic education (Adult Education Act):						
Grants to States	255,893	275,835	301,102	301,102	301,102	301,102
Special projects and teacher education						
Subtotal, vocational and adult education	2,850,994	4,465,832	4,659,856	5,203,913	5,199,778	5,202,433
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,061,131	[1] 880,449	[1] 1,120,607	[1] 867,783	[1] 1,120,607	[1] 867,783
Work-study and cooperative education (HEA IV-C)	1,823,059	1,697,619	1,775,107	1,757,356	1,933,091	1,757,356
Loans:						
Direct (NDEA II)	2,814,663	2,753,794	2,480,825	3,238,865	3,442,659	3,442,659
Insured:						
Advances for reserve funds						
Interest payments	363,089					
Special programs for the disadvantaged: Talent search	71,586					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	188,629	191,707		152,703	191,707	172,012
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	150,000					
Language training and area studies	175,765					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	940,502	483,869			493,581	493,581
Other undergraduate facilities (HEFA I—Sec. 104)	1,917,682	351,983			351,983	
Graduate facilities (HEFA II)	200,000					
State administration and planning (HEFA I—Sec. 105)	173,128	83,988	77,966	77,966	77,966	77,966
Undergraduate instructional equipment (HEA VI-A)	212,102				207,790	101,014
College personnel development (NDEA IV; EPDA pt. E)	1,558,200					
Subtotal, higher education	12,699,536	6,493,409	5,504,505	6,144,673	7,869,384	6,962,371
Education professions development:						
Grants to States (EPDA B-2)	231,798	210,921	205,377	205,377	205,377	205,377
Personnel development programs	1,597,409					
Teacher Corps	63,615					
Subtotal, education professions development	1,892,822	210,921	205,377	205,377	205,377	205,377
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	386,437	335,804	335,804	386,437	386,437	386,437
Interlibrary cooperation (LSCA III)	41,553	41,553	41,553	41,553	41,553	41,553
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,135	25,135	25,135	25,135	25,135	25,135
Construction (LSCA II)	232,843	114,404		87,330	127,691	107,511
College library resources (HEA II-A)	354,370					
Librarian training (HEA II-B)	102,866					
Educational broadcasting facilities	338,685					
University community service programs (HEA I)	142,295	142,295		143,844	143,844	143,844
Subtotal, community education	1,663,692	698,700	422,001	723,808	764,169	743,989
Research and development:						
Educational laboratories	346,000					
Research and development centers						
Subtotal, research and development	346,000					
Civil rights education						
Total, Office of Education	49,401,521	37,303,671	24,085,296	36,417,375	46,052,816	41,036,766
Total, Office of Education, comparable basis [2]	42,672,719	37,303,671	24,085,296	36,417,375	46,052,816	41,036,766

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF CONNECTICUT

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$8,699,833	$11,405,817	$11,237,792	$12,833,308	$12,617,835	$12,616,774
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					130,694	129,400
Pt. C: Special grants for urban and rural schools	2,331,546	1,687,122	1,749,460	1,976,658	2,149,925	2,054,631
Supplementary services (ESEA III)						
Federally affected areas:						
Maintenance (Public Law 81-874)	3,265,208	3,255,000		2,868,000	4,397,000	3,648,000
Construction (Public Law 81-815)						
Grants to States for school library materials (ESEA II)	717,392	610,790	1,149,723	1,149,723	1,149,723	1,149,723
Strengthening State departments of education (ESEA V):						
Grants to States	449,925	449,925	450,905	450,905	516,499	450,905
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	724,973	336,161		169,248	743,250	464,283
Loans to nonprofit private schools						
State administration	26,250	26,375		26,600	26,600	26,600
Guidance, counseling, and testing (NDEA V)	234,802	199,884				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	16,599,929	18,221,074	14,837,880	19,724,442	21,981,326	20,790,316
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	369,463	369,463	403,638	428,931	415,459	415,459
Teacher education and recruitment	534,275					
Research and innovation	170,485					
Subtotal, education for the handicapped	1,074,223	369,463	403,638	428,931	415,459	415,459
Vocational and adult education:						
Grants to States (pt. B)	2,727,244	3,402,846	3,402,846	3,955,904	3,528,401	3,560,314
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		188,007	188,007	221,216	221,216	221,216
Research and special project activities (pt. C)	95,930	15,000	391,358	325,302	383,240	395,590
Innovation (pt. D)		232,824			272,457	272,457
Consumer and homemaking education (pt. F)		165,851	165,851	193,534	276,576	235,055
Cooperative education (pt. G)		246,035	378,146	305,485	305,485	305,485
Work-study (pt. H)		56,570		73,208	73,208	73,208
Adult basic education (Adult Education Act):						
Grants to States	457,836	503,143	561,073	561,073	561,073	561,073
Special projects and teacher education	225,000					
Subtotal, vocational and adult education	3,506,010	4,841,341	5,118,349	5,666,790	5,652,724	5,655,466
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,668,912	[1] 801,634	[1] 1,020,294	[1] 790,102	[1] 1,020,294	[1] 790,102
Work-study and cooperative education (HEA IV-C)	1,597,398	1,593,508	1,679,997	1,663,197	1,829,518	1,663,197
Loans:						
Direct (NDEA II)	2,360,435	2,348,049	2,258,749	2,948,932	3,134,483	3,134,483
Insured:						
Advances for reserve funds						
Interest payments	1,796,129					
Special programs for the disadvantaged: Talent search	70,500					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	257,121	210,285		153,907	210,285	181,817
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)						
Language training and area studies	644,664					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	707,988	452,481			436,967	436,967
Other undergraduate facilities (HEFA I—Sec. 104)	2,461,717	385,934			385,934	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	91,915	96,574	85,465	85,465	85,465	85,465
Undergraduate instructional equipment (HEA VI-A)	163,167				172,663	83,405
College personnel development (NDEA IV; EPDA pt. E)	1,583,600					
Subtotal, higher education	13,453,546	5,938,465	5,094,505	5,691,603	7,325,609	6,425,436
Education professions development:						
Grants to States (EPDA B-2)	270,462	246,529	239,206	239,206	239,206	239,206
Personnel development programs	523,202					
Teacher Corps	171,534					
Subtotal, education professions development	965,198	246,529	239,206	239,206	239,206	239,206
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	514,029	440,842	440,842	514,029	514,029	514,029
Interlibrary cooperation (LSCA III)	42,244	42,244	42,244	42,244	42,244	42,244
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,195	25,195	25,195	25,195	25,195	25,195
Construction (LSCA II)	270,118	129,729		90,559	148,935	119,765
College library resources (HEA II-A)	418,350					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	162,263	162,263		162,087	162,087	162,087
Subtotal, community education	1,471,708	838,782	547,790	873,659	931,999	902,829
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	37,070,614	30,456,654	26,241,368	32,624,631	36,546,523	34,428,712
Total, Office of Education, comparable basis [2]	30,769,708	30,456,654	26,241,368	32,624,631	36,546,523	34,428,712

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF DELAWARE

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$2,520,995	$2,602,240	$2,837,447	$2,837,447	$2,837,447	$2,837,447
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					41,200	41,200
Pt. C: Special grants for urban and rural schools					22,497	22,497
Supplementary services (ESEA III)	714,568	597,711	610,744	654,232	687,250	669,101
Federally affected areas:						
Maintenance (Public Law 81-874)	2,000,165	2,109,000		1,987,000	2,453,000	2,197,000
Construction (Public Law 81-815)		801,000		5,158,000	5,158,000	5,158,000
Grants to States for school library materials (ESEA II)	134,057	117,339	220,873	220,873	220,873	220,873
Strengthening State departments of education (ESEA V):						
Grants to States	261,718	261,718	263,311	263,311	300,329	263,311
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	164,547	82,557		41,565	182,532	114,705
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	50,000	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	6,009,383	6,884,898	4,182,375	11,425,761	12,166,461	11,787,467
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	200,000	200,000	200,000
Teacher education and recruitment	116,735					
Research and innovation						
Subtotal, education for the handicapped	216,735	100,000	100,000	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	653,244	653,224	653,224	759,433	677,363	683,489
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		36,090	36,090	42,468	42,468	42,468
Research and special project activities (pt. C)	34,638	15,000	236,560	223,940	73,572	75,943
Innovation (pt. D)		206,271			213,843	213,843
Consumer and homemaking education (pt. F)		31,837	31,837	37,153	53,094	45,124
Cooperative education (pt. G)		208,795	234,036	220,154	220,154	220,154
Work-study (pt. H)		10,924		14,137	14,137	14,137
Adult basic education (Adult Education Act):						
Grants to States	155,845	162,892	171,929	171,929	171,929	171,929
Special projects and teacher education						
Subtotal, vocational and adult education	843,727	1,356,101	1,394,744	1,500,282	1,497,629	1,498,155
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	234,892	[1] 140,312	[1] 178,585	[1] 138,294	[1] 178,585	[1] 138,294
Work-study and cooperative education (HEA IV-C)	206,977	310,950	349,089	345,598	380,159	345,598
Loans:						
Direct (NDEA II)	358,429	358,899	396,355	515,160	548,637	548,637
Insured:						
Advances for reserve funds						
Interest payments	28,837					
Special programs for the disadvantaged: Talent search	85,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	157,678	160,612		150,688	160,612	155,601
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	117,925					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	75,582	84,324			90,042	90,042
Other undergraduate facilities (HEFA I—Sec. 104)	403,675	72,306			72,306	
Graduate facilities (HEFA II)	200,000					
State administration and planning (HEFA I—Sec. 105)	53,749	49,416	47,681	47,681	47,681	47,681
Undergraduate instructional equipment (HEA VI-A)	26,175				31,536	15,623
College personnel development (NDEA IV; EPDA pt. E)	148,400					
Subtotal, higher education	2,147,319	1,226,819	1,021,710	1,248,421	1,559,558	1,391,476
Education professions development:						
Grants to States (EPDA B-2)	125,971	128,150	126,743	126,743	126,743	126,743
Personnel development programs						
Teacher Corps	6,744					
Subtotal, education professions development	132,715	128,150	126,743	126,743	126,743	126,743
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	172,884	160,000	160,000	172,884	172,884	172,884
Interlibrary cooperation (LSCA III)	40,395	40,395	40,395	40,395	40,395	40,395
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,034	25,034	25,034	25,034	25,034	25,034
Construction (LSCA II)	133,812	88,754		81,865	92,135	87,000
College library resources (HEA II-A)	51,466					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	111,098	111,098		111,306	111,306	111,306
Subtotal, community education	574,198	464,790	264,938	470,993	481,263	476,128
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	137,618					
Total, Office of Education	10,061,695	10,160,758	7,090,510	14,972,200	16,031,654	15,479,969
Total, Office of Education, comparable basis [2]	9,142,795	10,160,758	7,090,510	14,972,200	16,031,654	15,479,969

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE DISTRICT OF COLUMBIA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$5,655,271	$6,110,433	$6,344,360	$6,875,664	$6,759,065	$6,758,491
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					88,483	88,015
Supplementary services (ESEA III)	1,088,238	705,509	719,782	780,861	827,308	801,772
Federally affected areas:						
Maintenance (Public Law 81-874)	5,436,944	5,418,000		3,720,000	7,050,000	5,224,000
Construction (Public Law 81-815)	544,264					
Grants to States for school library materials (ESEA II)	167,514	139,372	262,348	262,348	262,348	262,348
Strengthening State departments of education (ESEA V):						
Grants to States	273,711	273,711	272,313	272,313	312,497	272,313
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	254,359	83,393		41,986	184,382	116,292
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	79,191	51,609				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	13,662,825	13,045,360	7,848,803	12,216,505	15,747,416	13,786,564
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,397	100,397	109,684	200,000	200,000	200,000
Teacher education and recruitment	534,221					
Research and innovation	1,787,758					
Subtotal, education for the handicapped	2,422,376	100,397	109,684	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	774,982	826,189	826,189	960,380	856,594	864,342
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		45,648	45,648	53,705	53,705	53,705
Research and special project activities (pt. C)	700,697	15,000	245,895	230,052	93,040	96,038
Innovation (pt. D)		207,872			217,378	217,378
Consumer and homemaking education (pt. F)		40,267	40,267	46,986	67,145	57,065
Cooperative education (pt. G)		211,041	242,726	225,299	225,299	225,299
Work-study (pt. H)		13,655		17,671	17,671	17,671
Adult basic education (Adult Education Act):						
Grants to States	216,690	231,310	250,179	250,179	250,179	250,179
Special projects and teacher education	525,000					
Subtotal, vocational and adult education	2,217,369	1,622,050	1,681,972	1,815,340	1,812,079	1,812,745
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,046,615	[1] 458,426	[1] 583,470	[1] 451,832	[1] 583,470	[1] 451,832
Work-study and cooperative education (HEA IV-C)	1,079,303	748,751	733,608	726,272	798,898	726,272
Loans:						
Direct (NDEA II)	1,624,999	1,592,830	1,291,700	1,686,391	1,792,501	1,792,501
Insured:						
Advances for reserve funds						
Interest payments	3,603,390					
Special programs for the disadvantaged: Talent search	149,635					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	165,197	168,166		151,177	168,166	159,588
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	82,557					
Language training and area studies	345,215					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		74,111			76,857	76,857
Other undergraduate facilities (HEFA I—Sec. 104)	889,985	153,929			153,929	
Graduate facilities (HEFA II)	400,000					
State administration and planning (HEFA I—Sec. 105)	65,934	67,409	63,528	63,528	63,528	63,528
Undergraduate instructional equipment (HEA VI-A)	79,610				101,523	49,469
College personnel development (NDEA IV; EPDA pt. E)	1,136,919					
Subtotal, higher education	10,719,359	3,313,622	2,722,306	3,129,200	3,788,872	3,370,047
Education professions development:						
Grants to States (EPDA B-2)	132,452	133,436	131,765	131,765	131,765	131,765
Personnel development programs	636,278					
Teacher Corps	334,283					
Subtotal, education professions development	1,103,013	133,436	131,765	131,765	131,765	131,765
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	224,762	202,708	202,708	224,762	224,762	224,762
Interlibrary cooperation (LSCA III)		40,676	40,676	40,676	40,676	40,676
State institutional library services (LSCA IV-A)		39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)		25,059	25,059	25,059	25,059	25,059
Construction (LSCA II)	138,580	94,985		83,193	100,773	91,983
College library resources (HEA II-A)	172,298					
Librarian training (HEA II-B)	49,920					
Educational broadcasting facilities	227,328					
University community service programs (HEA I)	117,437	117,437		117,012	117,012	117,012
Subtotal, community education	930,325	520,374	307,952	530,211	547,791	539,001
Research and development:						
Educational laboratories	390,000					
Research and development centers						
Subtotal, research and development	390,000					
Civil rights education	152,065					
Total, Office of Education	31,597,332	18,735,239	12,802,482	18,023,021	22,227,923	19,840,122
Total, Office of Education, comparable basis [2]	20,990,855	18,735,239	12,802,482	18,023,021	22,227,923	19,840,122

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF FLORIDA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$32,030,278	$33,005,253	$35,965,703	$35,965,703	$35,965,703	$35,965,703
State administrative expenses	320,928	330,053	359,657	359,657	359,657	359,657
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					293,167	290,264
Supplementary services (ESEA III)	4,389,257	3,182,146	3,355,263	3,863,409	4,251,151	4,037,886
Federally affected areas:						
Maintenance (Public Law 81-874)	17,547,731	17,676,000		14,335,000	22,863,000	18,206,000
Construction (Public Law 81-815)	2,694,363	17,000				
Grants to States for school library materials (ESEA II)	1,358,173	1,178,032	2,217,472	2,217,472	2,217,472	2,217,472
Strengthening State departments of education (ESEA V):						
Grants to States	709,479	709,479	718,370	718,370	822,202	718,370
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	2,268,779	1,059,430		533,395	2,342,396	1,475,713
Loans to nonprofit private schools	1,200					
State administration	53,121	54,190		55,120	55,120	55,120
Guidance, counseling, and testing (NDEA V)	475,164	410,691				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	61,848,473	57,722,274	42,716,465	58,148,126	69,269,868	63,426,185
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	736,246	736,246	804,347	854,750	827,903	827,903
Teacher education and recruitment	839,519					
Research and innovation	324,352					
Subtotal, education for the handicapped	1,900,118	736,246	804,347	854,750	827,903	827,903
Vocational and adult education:						
Grants to States (pt. B)	7,331,487	9,767,350	9,767,350	11,355,250	10,128,125	10,219,726
State advisory councils		60,690	60,690	60,690	60,690	60,690
Programs for students with special needs (pt. B)		539,646	539,646	634,989	634,989	639,989
Research and special project activities (pt. C)	83,400	24,563	599,050	461,300	1,100,073	1,135,525
Innovation (pt. D)		268,449			351,100	351,100
Consumer and homemaking education (pt. F)		476,047	476,047	555,532	793,897	674,717
Cooperative education (pt. G)		295,999	571,500	419,975	419,975	419,975
Work-study (pt. H)		118,602		153,485	153,485	153,485
Adult basic education (Adult Education Act):						
Grants to States	1,040,045	1,159,832	1,312,124	1,312,124	1,312,124	1,312,124
Special projects and teacher education	79,950					
Subtotal, vocational and adult education	8,534,882	12,711,178	13,326,407	14,953,345	14,954,458	14,962,331
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,249,260	[1] 1,664,938	[1] 2,119,080	[1] 1,640,987	[1] 2,119,080	[1] 1,640,987
Work-study and cooperative education (HEA IV-C)	3,993,543	4,139,255	4,628,227	4,581,945	5,040,139	4,581,945
Loans:						
Direct (NDEA II)	4,509,571	4,468,163	4,691,266	6,124,727	6,510,103	6,510,103
Insured:						
Advances for reserve funds						
Interest payments	180,238					
Special programs for the disadvantaged: Talent search	50,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	264,313	267,743		157,632	267,743	212,142
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	851,904					
Language training and area studies	235,182					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,312,667	1,193,372			1,293,421	1,293,421
Other undergraduate facilities (HEFA I—Sec. 104)	3,661,823	766,372			766,372	
Graduate facilities (HEFA II)	250,000					
State administration and planning (HEFA I—Sec. 105)	168,491	132,528	112,265	112,265	112,265	112,265
Undergraduate instructional equipment (HEA VI-A)	398,154				417,052	199,228
College personnel development (NDEA IV; EPDA pt. E)	2,115,413					
Subtotal, higher education	22,290,559	12,682,371	11,600,838	12,667,556	16,576,175	14,600,091
Education professions development:						
Grants to States (EPDA B-2)	410,952	382,611	368,487	368,487	368,487	368,487
Personnel development programs	1,512,124					
Teacher Corps	685,906					
Subtotal, education professions development	2,608,982	382,611	368,487	368,487	368,487	358,487
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	908,640	765,698	765,698	908,640	908,640	908,640
Interlibrary cooperation (LSCA III)	44,384	44,384	44,384	44,384	44,384	44,384
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,381	25,381	25,381	25,381	25,381	25,381
Construction (LSCA II)	398,742	177,125		100,692	214,637	157,665
College library resources (HEA II-A)	553,565					
Librarian training (HEA II-B)	110,327					
Educational broadcasting facilities						
University community service programs (HEA I)	227,490	227,490		231,724	231,724	231,724
Subtotal, community education	2,308,038	1,279,587	874,972	1,350,330	1,464,275	1,407,303
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	518,550					
Total, Office of Education	100,009,602	85,514,267	69,661,894	88,312,972	103,461,166	95,592,300
Total, Office of Education, comparable basis [2]	91,304,417	85,514,267	69,661,894	88,312,972	103,461,166	95,592,300

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF GEORGIA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$34,745,771	$39,816,759	$39,236,958	$44,734,354	$43,991,936	$43,988,280
State administrative expenses	347,488	398,168	392,370	447,344	439,919	439,883
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					535,357	530,050
Supplementary services (ESEA III)	3,623,910	2,519,142	2,625,777	3,016,236	3,314,130	3,150,285
Federally affected areas:						
Maintenance (Public Law 81-874)	16,133,291	16,803,000		13,749,000	20,956,000	17,009,000
Construction (Public Law 81-815)	2,309,974	1,598,000		630,637	630,637	630,637
Grants to States for school library materials (ESEA II)	1,089,383	923,415	1,738,192	1,738,192	1,738,192	1,738,192
Strengthening State departments of education (ESEA V):						
Grants to States	628,796	628,796	625,028	625,028	709,664	625,028
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	2,226,363	999,405		503,174	2,209,681	1,372,931
Loans to nonprofit private schools						
State administration	44,018	43,958		44,096	44,096	44,096
Guidance, counseling, and testing (NDEA V)	393,735	333,140				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	61,542,729	64,163,783	44,718,325	65,588,061	74,669,612	69,628,382
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	682,477	682,477	745,572	792,292	767,406	767,406
Teacher education and recruitment	729,543					
Research and innovation	134,110					
Subtotal, education for the handicapped	1,546,130	682,477	745,572	792,292	767,406	767,406
Vocational and adult education:						
Grants to States (pt. B)	7,278,364	8,907,572	8,907,572	10,356,448	9,237,260	9,320,803
State advisory councils		55,348	55,348	55,348	55,348	55,348
Programs for students with special needs (pt. B)		492,145	492,145	579,137	579,137	579,137
Research and special project activities (pt. C)	95,576	22,401	543,043	424,626	1,003,311	1,035,645
Innovation (pt. D)		258,842			329,893	329,893
Consumer and homemaking education (pt. F)		434,142	434,14	506,669	724,006	615,370
Cooperative education (pt. G)		282,526	519,360	389,101	389,101	389,101
Work-study (pt. H)		103,581		134,047	134,047	134,647
Adult basic education (Adult Education Act):						
Grants to States	1,352,356	1,5156,10	1,719,026	1,719,026	1,719,026	1,719,026
Special projects and teacher education	700,000					
Subtotal, vocational and adult education	9,426,296	12,072,167	12,670,636	14,164,402	14,171,189	14,178,970
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,670,339	[1] 1,040,494	[1] 1,324,307	[1] 1,025,525	[1] 1,324,307	[1] 1,025,525
Work-study and cooperative education (HEA IV-C)	2,700,025	4,209,230	4,431,514	4,387,199	4,825,919	4,387,199
Loans:						
Direct (NDEA II)	3,242,368	3,182,532	2,931,781	3,827,615	4,068,453	4,068,453
Insured:						
Advances for reserve funds						
Interest payments	538,465					
Special programs for the disadvantaged: Talent search	40,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	240,444	243,763		156,077	243,763	199,486
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	2,550,985					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,044,455	1,063,460			1,095,526	1,095,526
Other undergraduate facilities (HEFA I—Sec. 104)	2,587,633	522,714			522,714	
Graduate facilities (HEFA II)	200,000					
State administration and planning (HEFA I—Sec. 105)	77,383	120,015	101,923	101,923	101,923	101,923
Undergraduate instructional equipment (HEA VI-A)	274,568				257,816	123,745
College personnel development (NDEA IV; EPDA pt. E)	1,536,809					
Subtotal, higher education	18,752,974	10,432,208	8,839,525	9,548,339	12,490,421	11,051,857
Education professions development:						
Grants to States (EPDA B-2)	311,043	321,528	310,457	310,457	310,457	310,457
Personnel development programs	750,849					
Teacher Corps	397,473					
Subtotal, education professions development	1,459,365	321,528	310,457	310,457	310,457	310,457
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	743,951	630,121	630,121	743,951	743,951	743,951
Interlibrary cooperation (LSCA III)	43,491	43,491	43,491	43,491	43,491	43,491
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,304	25,304	25,304	25,304	25,304	25,304
Construction (LSCA II)	357,471	157,345		96,478	187,217	141,847
College library resources (HEA II-A)	427,931					
Librarian training (HEA II-B)	218,930					
Educational broadcasting facilities						
University community service programs (HEA I)	196,164	196,164		197,128	197,128	197,128
Subtotal, community education	2,052,751	1,091,934	738,425	1,145,861	1,236,600	1,191,230
Research and development:						
Educational laboratories	670,000					
Research and development centers	789,680					
Subtotal, research and development	1,459,680					
Civil rights education	481,623					
Total, Office of Education	96,721,548	88,764,097	68,022,940	91,549,412	103,645,685	97,128,302
Total, Office of Education, comparable basis [2]	86,281,082	88,764,097	68,022,940	91,549,412	103,645,685	97,128,302

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF HAWAII

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$2,215,107	$2,756,538	$2,707,189	$3,107,503	$3,053,441	$3,053,175
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					57,633	57,633
Pt. C: Special grants for urban and rural schools					32,379	32,379
Supplementary services (ESEA III)	556,489	716,722	736,307	800,052	848,535	821,878
Federally affected areas:						
Maintenance (Public Law 81-874)	9,520,455	9,490,000		9,264,000	12,354,000	10,685,000
Construction (Public Law 81-815)	1,728,671					
Grants to States for school library materials (ESEA II)	193,833	163,537	307,834	307,834	307,834	307,834
Strengthening State departments of education (ESEA V):						
Grants to States	281,390	281,390	280,891	280,891	320,757	280,891
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	299,306	148,958		74,997	329,347	206,976
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	66,059	58,436				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	15,024,643	13,878,914	4,282,221	14,098,610	17,567,259	15,709,099
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	113,023	113,023	123,477	200,000	200,000	200,000
Teacher education and recruitment						
Research and innovation	131,534					
Subtotal, education for the handicapped	244,557	113,023	123,477	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,032,530	1,281,603	1,281,603	1,490,134	1,329,098	1,341,119
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		70,809	70,809	83,328	83,328	83,328
Research and special project activities (pt. C)	25,334	15,000	259,896	239,220	144,361	149,013
Innovation (pt. D)		210,274			222,680	222,680
Consumer and homemaking education (pt. F)		62,464	62,464	72,902	104,182	88,542
Cooperative education (pt. G)		214,409	255,761	233,108	233,108	233,103
Work-study (pt. H)		18,922		24,487	24,487	24,487
Adult basic education (Adult Education Act):						
Grants to States	235,281	251,540	273,315	273,315	273,315	273,315
Special projects and teacher education	120,986					
Subtotal, vocational and adult education	1,414,131	2,156,089	2,234,916	2,447,562	2,445,627	2,446,660
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	275,170	[1] 240,466	[1] 306,057	[1] 237,007	[1] 306,057	[1] 237,007
Work-study and cooperative education (HEA IV-C)	563,188	509,439	554,236	548,694	603,563	548,694
Loans:						
Direct (NDEA II)	319,050	664,557	877,556	884,590	940,250	940,250
Insured:						
Advances for reserve funds						
Interest payments	82,795					
Special programs for the disadvantaged: Talent search	66,286					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	162,092	165,047		150,975	165,047	157,941
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	185,300					
Language training and area studies	167,132					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	327,314	169,240			171,585	171,585
Other undergraduate facilities (HEFA I—Sec. 104)	547,034	108,157			108,157	
Graduate facilities (HEFA II)	600,000					
State administration and planning (HEFA I—Sec. 105)	30,490	53,635	49,359	49,359	49,359	49,359
Undergraduate instructional equipment (HEA VI-A)	58,366				53,070	25,839
College personnel development (NDEA IV; EPDA pt. E)	453,739					
Subtotal, higher education	3,887,956	1,960,541	1,837,208	1,920,625	2,447,088	2,180,675
Education professions development:						
Grants to States (EPDA B-2)	137,551	139,233	137,272	137,272	137,272	137,272
Personnel development programs	104,613					
Teacher Corps	282,716					
Subtotal, education professions development	524,880	139,233	137,272	137,272	137,272	137,272
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	203,338	185,071	185,071	203,338	203,338	203,338
Interlibrary cooperation (LSCA III)	40,560	40,560	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,049	25,049	25,049	25,049	25,049	25,049
Construction (LSCA II)	71,358	92,412		82,644	97,206	89,925
College library resources (HEA II-A)	112,262					
Librarian training (HEA II-B)	49,920					
Educational broadcasting facilities						
University community service programs (HEA I)	115,728	115,728		116,439	116,439	116,439
Subtotal, community education	657,724	498,329	290,189	507,539	522,101	514,820
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	21,753,891	18,746,129	8,905,283	19,311,518	23,319,347	21,188,526
Total, Office of Education, comparable basis [2]	19,338,242	18,746,129	8,905,283	19,311,518	23,319,347	21,188,526

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF IDAHO

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$2,947,216	$3,032,174	$3,305,670	$3,305,670	$3,305,670	$3,305,670
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					76,220	76,220
Pt. C: Special grants for urban and rural schools						
Supplementary services (ESEA III)	857,190	689,438	702,900	761,255	805,624	781,230
Federally affected areas:						
Maintenance (Public Law 81-874)	2,707,913	2,699,000		2,297,000	3,573,000	2,910,000
Construction (Public Law 81-815)	80,850					
Grants to States for school library materials (ESEA II)	180,728	153,059	288,111	288,111	288,111	288,111
Strengthening State departments of education (ESEA V):						
Grants to States	283,917	283,917	283,357	283,357	322,446	283,357
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	358,140	163,334		82,234	361,131	222,979
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	64,750	54,340				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	7,644,037	7,338,595	4,830,038	7,280,960	8,995,535	8,130,900
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	116,982	116,982	127,803	200,000	200,000	200,000
Teacher education and recruitment	134,140					
Research and innovation						
Subtotal, education for the handicapped	251,122	116,982	127,803	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,242,196	1,348,046	1,348,046	1,567,331	1,397,954	1,410,598
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		74,479	74,479	87,644	87,644	87,644
Research and special project activities (pt. C)	44,465	15,000	256,007	236,674	151,840	156,733
Innovation (pt. D)		209,607			221,207	221,207
Consumer and homemaking education (pt. F)		65,703	65,703	76,679	109,580	93,129
Cooperative education (pt. G)		213,474	252,140	230,874	230,874	230,874
Work-study (pt. H)		16,581		21,548	21,458	21,458
Adult basic education (Adult Education Act):						
Grants to States	146,680	153,041	160,663	160,663	160,663	160,663
Special projects and teacher education						
Subtotal, vocational and adult education	1,433,341	2,126,999	2,188,106	2,412,391	2,412,288	2,413,374
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	558,213	[1] 258,188	[1] 328,614	[1] 254,474	[1] 328,614	254,474
Work-study and cooperative education (HEA IV-C)	639,633	581,865	613,231	607,099	667,808	607,099
Loans:						
Direct (NDEA II)	806,240	783,258	727,493	949,785	1,009,547	1,009,547
Insured:						
Advances for reserve funds						
Interest payments	74,845					
Special programs for the disadvantaged: Talent search	40,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	162,907	165,865		151,028	165,865	158,373
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	50,000					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	400,064	206,857			210,209	210,209
Other undergraduate facilities (HEFA I—Sec. 104)	546,443	112,507			112,507	
Graduate facilities (HEFA II)	800,000					
State administration and planning (HEFA I—Sec. 105)	89,308	57,748	52,914	52,914	52,914	52,914
Undergraduate instructional equipment (HEA VI-A)	65,137				63,655	31,226
College personnel development (NDEA IV; EPDA pt. E)	154,800					
Subtotal, higher education	4,437,590	2,216,288	1,772,252	2,065,300	2,661,119	2,373,842
Education professions development:						
Grants to States (EPDA B-2)	152,799	136,719	134,884	134,884	134,884	134,884
Personnel development programs	488,709					
Teacher Corps						
Subtotal, education professions development	641,508	136,719	134,884	134,884	134,884	134,884
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	208,959	189,699	189,699	208,959	208,959	208,959
Interlibrary cooperation (LSCA III)	40,591	40,591	40,591	40,591	40,591	40,591
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,051	25,051	25,051	25,051	25,051	25,051
Construction (LSCA II)	131,159	93,087		82,788	98,141	90,465
College library resources (HEA II-A)	73,906					
Librarian training (HEA II-B)						
Educational broadcasting facilities	344,605					
University community service programs (HEA I)	115,079	115,079		115,039	115,039	115,039
Subtotal, community education	968,859	503,016	294,850	511,937	527,290	519,614
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	15,376,457	12,438,599	9,347,933	12,605,472	14,931,116	$13,772,614
Total, Office of Education, comparable basis [2]	13,160,315	12,438,599	9,347,933	12,605,472	14,931,116	13,772,614

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF ILLINOIS

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$44,413,015	$53,256,753	$52,482,435	$59,835,625	$58,842,582	$58,837,691
State administrative expenses	444,130	532,567	524,824	598,356	588,426	588,377
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					544,878	539,483
Supplementary services (ESEA III)	8,235,338	5,650,541	5,861,685	6,774,193	7,470,638	7,087,572
Federally affected areas:						
Maintenance (Public Law 81-874)	12,924,988	12,830,000		10,596,000	10,596,000	13,788,000
Construction (Public Law 81-815)	907,187					
Grants to States for school library materials (ESEA II)	2,681,475	2,271,614	4,275,978	4,275,978	4,275,978	4,275,978
Strengthening State departments of education (ESEA V):						
Grants to States	1,056,099	1,056,099	1,057,552	1,057,552	1,217,264	1,057,552
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	3,085,357	1,445,776		727,910	3,196,605	1,984,149
Loans to nonprofit private schools	2,460					
State administration	99,990	100,742		100,958	100,958	100,958
Guidance, counseling, and testing (NDEA V)	894,406	763,492				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	74,744,445	78,007,584	64,302,474	84,066,572	86,933,329	88,359,761
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	1,488,885	1,488,885	1,626,605	1,728,534	1,674,241	1,674,241
Teacher education and recruitment	1,499,900					
Research and innovation	918,573					
Subtotal, education for the handicapped	3,907,358	1,488,885	1,626,605	1,728,534	1,674,241	1,674,241
Vocational and adult education:						
Grants to States (pt. B)	10,661,193	12,769,779	12,769,779	14,845,440	13,241,143	13,360,897
State advisory councils		79,345	79,345	79,345	79,345	79,345
Programs for students with special needs (pt. B)		705,533	705,533	830,164	830,164	830,164
Research and special project activities (pt. C)	397,728	32,114	934,315	680,833	1,438,195	1,484,544
Innovation (pt. D)		325,957			478,047	478,047
Consumer and homemaking education (pt. F)		622,382	622,382	726,283	1,037,913	882,100
Cooperative education (pt. G)		376,654	833,315	604,788	604,788	604,788
Work-study (pt. H)		215,941		279,453	279,453	279,453
Adult basic education (Adult Education Act):						
Grants to States	1,460,494	1,633,780	1,854,177	1,854,177	1,854,177	1,854,177
Special projects and teacher education	500,000					
Subtotal, vocational and adult education	13,019,415	16,761,485	17,798,846	19,900,483	19,843,225	19,853,515
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	6,957,766	[1] 3,016,661	[1] 3,839,510	[1] 2,973,263	[1] 3,839,510	2,973,263
Work-study and cooperative education (HEA IV-C)	6,674,449	6,624,079	6,974,245	6,904,502	7,594,953	6,904,502
Loans:						
Direct (NDEA II)	9,003,578	9,290,708	8,499,990	11,097,244	11,795,497	11,795,497
Insured:						
Advances for reserve funds						
Interest payments	1,224,052					
Special programs for the disadvantaged: Talent search	146,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	385,726	389,721		165,537	389,721	276,519
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	380,000					
Language training and area studies	1,311,609					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	3,311,412	1,706,263			1,693,326	1,693,326
Other undergraduate facilities (HEFA I—Sec. 104)	7,145,802	1,433,544			1,433,544	
Graduate facilities (HEFA II)	1,150,000					
State administration and planning (HEFA I—Sec. 105)	268,425	227,574	185,852	185,852	185,852	185,852
Undergraduate instructional equipment (HEA VI-A)	627,907				665,986	323,725
College personnel development (NDEA IV; EPDA pt. E)	4,050,300					
Subtotal, higher education	42,637,026	22,738,550	19,549,597	21,376,398	27,648,389	24,202,684
Education professions development:						
Grants to States (EPDA B-2)	701,085	644,963	617,727	617,727	617,727	617,727
Personnel development programs	2,187,500					
Teacher Corps	1,238,523					
Subtotal, education professions development	4,127,108	644,963	617,727	617,727	617,727	617,727
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	1,746,355	1,455,333	1,455,333	1,746,355	1,746,355	1,746,355
Interlibrary cooperation (LSCA III)	48,925	48,925	48,925	48,925	48,925	48,925
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,776	25,776	25,776	25,776	25,776	25,776
Construction (LSCA II)	1,653,747	277,743		122,129	354,115	238,122
College library resources (HEA II-A)	1,001,350					
Librarian training (HEA II-B)	503,663					
Educational broadcasting facilities						
University community service programs (HEA I)	333,347	333,347		332,436	332,436	332,436
Subtotal, community education	5,352,672	2,180,633	1,569,543	2,315,130	2,547,116	2,431,123
Research and development:						
Educational laboratories	240,489					
Research and development centers	1,707,213					
Subtotal, research and development	1,947,702					
Civil rights education						
Total, Office of Education	145,785,726	121,822,100	105,464,792	130,004,844	139,264,027	137,139,051
Total, Office of Education, comparable basis [2]	127,098,647	121,822,100	105,464,792	130,004,844	139,264,027	137,139,051

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF INDIANA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$15,015,004	$17,081,476	$16,832,741	$19,191,136	$18,872,637	$18,871,068
State administrative expenses	150,191	170,314	168,327	191,911	188,726	188,711
Pt. B.: Special incentive grants					237,382	237,382
Pt. C: Special grants for urban and rural schools					71,160	70,455
Supplementary services (ESEA III)	3,974,139	2,766,361	2,868,526	3,298,148	3,625,941	3,445,650
Federally affected areas:						
Maintenance (Public Law 81-874)	4,159,363	4,146,000		3,202,000	5,468,000	4,269,000
Construction (Public Law 81-815)	157,850					
Grants to States for school library materials (ESEA II)	1,286,642	1,090,524	2,052,751	2,052,751	2,052,751	2,052,751
Strengthening State departments of education (ESEA V):						
Grants to States	630,850	664,602	662,709	662,709	753,065	662,709
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,950,699	889,093		447,635	1,965,782	1,217,833
Loans to nonprofit private schools						
State administration	48,185	48,281		48,292	48,292	48,292
Guidance, counseling, and testing (NDEA V)	431,016	365,908				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	27,803,939	27,323,059	22,685,054	29,194,582	33,383,736	31,163,851
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	745,215	745,215	814,147	865,164	837,989	837,989
Teacher education and recruitment	615,356					
Research and innovation	825,309					
Subtotal, education for the handicapped	2,185,880	745,215	814,147	865,164	837,989	837,989
Vocational and adult education:						
Grants to States (pt. B)	6,364,257	7,431,298	7,431,298	8,639,563	7,705,912	7,775,608
State advisory councils		46,175	46,175	46,175	46,175	46,175
Programs for students with special needs (pt. B)		410,579	410,579	483,127	483,127	483,127
Research and special project activities (pt. C)	172,804	18,688	562,490	437,360	836,983	863,956
Innovation (pt. D)		262,178			337,256	337,256
Consumer and homemaking education (pt. F)		362,189	362,189	422,673	604,030	513,354
Cooperative education (pt. G)		287,204	537,464	399,821	399,821	399,821
Work-study (pt. H)		105,922		137,076	137,076	137,076
Adult basic education (Adult Education Act):						
Grants to States	568,749	630,936	707,229	707,229	707,229	707,229
Special projects and teacher education	120,000					
Subtotal, vocational and adult education	7,225,810	9,555,169	10,057,424	11,273,024	11,257,609	11,263,602
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,980,453	[1] 1,585,291	[1] 2,017,708	[1] 1,562,485	[1] 2,017,708	1,562,485
Work-study and cooperative education (HEA IV-C)	2,626,683	3,548,133	3,600,674	3,564,667	3,921,134	3,564,667
Loans:						
Direct (NDEA II)	5,348,259	5,231,415	4,466,846	5,831,734	6,198,675	6,198,675
Insured:						
Advances for reserve funds						
Interest payments	483,347					
Special programs for the disadvantaged: Talent search	48,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	257,471	260,870		157,186	260,870	208,515
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	286,887					
Language training and area studies	780,439					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,044,962	1,050,631			1,049,243	1,049,243
Other undergraduate facilities (HEFA I—Sec. 104)	3,483,714	717,108			717,108	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	170,805	129,751	115,084	115,084	115,084	115,084
Undergraduate instructional equipment (HEA VI-A)	360,578				360,293	175,020
College personnel development (NDEA IV; EPDA pt. E)	2,725,327					
Subtotal, higher education	22,646,925	12,573,199	10,250,312	11,281,156	14,690,115	12,923,689
Education professions development:						
Grants to States (EPDA B-2)	349,257	361,618	348,543	348,543	348,543	348,543
Personnel development programs	1,077,531					
Teacher Corps	303,628					
Subtotal, education professions development	1,730,416	361,618	348,543	348,543	348,543	348,543
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	861,433	726,836	726,836	861,433	861,433	861,433
Interlibrary cooperation (LSCA III)	44,128	44,128	44,128	44,128	44,128	44,128
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,359	25,359	25,359	25,359	25,359	25,359
Construction (LSCA II)	206,881	171,455		99,484	206,777	153,131
College library resources (HEA II-A)	527,165					
Librarian training (HEA II-B)	574,301					
Educational broadcasting facilities	468,770					
University community service programs (HEA I)	207,111	207,111		207,436	207,436	207,436
Subtotal, community education	2,954,657	1,214,398	835,832	1,277,349	1,384,642	1,330,996
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	65,184					
Total, Office of Education	64,612,811	51,772,658	44,991,312	54,239,818	61,902,634	57,868,670
Total, Office of Education, comparable basis [2]	55,479,989	51,772,658	44,991,312	54,239,818	61,902,634	57,868,670

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF IOWA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$14,591,865	$15,057,157	$15,939,698	$16,916,803	$16,636,049	$16,634,666
State administrative expenses	150,000	150,571	159,397	169,168	166,360	166,347
Pt. B.: Special incentive grants					436,436	436,436
Pt. C: Special grants for urban and rural schools					73,585	72,857
Supplementary services (ESEA III)	2,292,488	1,648,450	1,687,138	1,904,281	2,069,872	1,978,800
Federally affected areas:						
Maintenance (Public Law 81-874)	2,653,905	2,596,000		1,782,000	3,380,000	2,504,000
Construction (Public Law 81-815)	670,028					
Grants to States for school library materials (ESEA II)	722,942	612,734	1,153,382	1,153,382	1,153,382	1,153,380
Strengthening State departments of education (ESEA V):						
Grants to States	461,077	461,077	460,360	460,360	523,765	460,360
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,119,359	486,312		244,845	1,075,234	659,104
Loans to nonprofit private schools						
State administration	26,323	26,194		25,924	25,924	25,924
Guidance, counseling, and testing (NDEA V)	235,455	198,519				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	22,923,442	21,337,014	19,499,975	22,756,763	25,640,607	24,191,874
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	432,885	432,885	472,926	502,561	486,776	486,766
Teacher education and recruitment	391,785					
Research and innovation	356,003					
Subtotal, education for the handicapped	1,180,673	432,885	472,926	502,561	486,776	486,766
Vocational and adult education:						
Grants to States (pt. B)	4,228,808	4,198,015	4,198,015	4,880,671	4,353,233	4,392,605
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		231,941	231,941	272,930	272,930	272,930
Research and special project activities (pt. C)	24,615	15,000	403,804	333,451	472,829	488,067
Innovation (pt. D)		234,958			277,170	277,170
Consumer and homemaking education (pt. F)		204,606	204,606	238,776	341,230	290,005
Cooperative education (pt. G)		249,029	389,733	312,346	312,346	312,346
Work-study (pt. H)		59,496		76,995	76,995	76,995
Adult basic education (Adult Education Act):						
Grants to States	284,335	309,838	339,991	339,991	339,991	339,991
Special projects and teacher education						
Subtotal, vocational and adult education	4,537,758	5,533,951	5,799,158	6,486,228	6,477,792	6,481,177
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,185,784	[1] 1,073,409	[1] 1,366,200	[1] 1,057,967	[1] 1,366,200	1,057,967
Work-study and cooperative education (HEA IV-C)	2,146,018	2,567,000	2,628,434	2,602,150	2,862,365	2,602,156
Loans:						
Direct (NDEA II)	3,611,023	3,656,333	3,024,524	3,948,696	4,197,154	4,197,154
Insured:						
Advances for reserve funds						
Interest payments	285,147					
Special programs for the disadvantaged: Talent search	40,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	212,383	215,572		154,250	215,572	184,607
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	795,105					
Language training and area studies	65,312					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,383,909	712,803			736,107	736,107
Other undergraduate facilities (HEFA I—Sec. 104)	2,136,021	437,700			437,700	
Graduate facilities (HEFA II)	675,000					
State administration and planning (HEFA I—Sec. 105)	99,713	109,775	94,665	94,665	94,665	94,665
Undergraduate instructional equipment (HEA VI-A)	244,835				234,618	114,571
College personnel development (NDEA IV; EPDA pt. E)	1,313,075					
Subtotal, higher education	16,244,325	8,822,593	7,163,823	7,907,728	10,194,381	9,037,127
Education professions development:						
Grants to States (EPDA B-2)	180,053	246,996	239,649	239,649	239,649	239,649
Personnel development programs	535,761					
Teacher Corps	569,241					
Subtotal, education professions development	1,085,055	246,996	239,649	239,649	239,649	239,649
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	550,334	199,402	199,402	550,334	550,334	550,334
Interlibrary cooperation (LSCA III)	42,441	42,441	42,441	42,441	42,441	42,441
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,212	25,212	25,212	25,212	25,212	25,212
Construction (LSCA II)	506,923	159,521		91,524	154,980	123,252
College library resources (HEA II-A)	422,878					
Librarian training (HEA II-B)	40,024					
Educational broadcasting facilities	316,617					
University community service programs (HEA I)	159,710	159,710		158,862	158,862	158,862
Subtotal, community education	2,103,648	625,795	306,564	907,882	971,338	939,610
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	48,074,901	36,999,233	33,482,095	38,800,811	44,010,543	41,376,203
Total, Office of Education, comparable basis [2]	42,223,118	36,999,233	33,482,095	38,800,811	44,010,543	41,376,203

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF KANSAS

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$9,784,956	$10,497,614	$10,742,914	$11,812,655	$11,614,121	$11,613,143
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B: Special incentive grants					129,762	129,762
Pt. C: Special grants for urban and rural schools					48,127	47,651
Supplementary services (ESEA III)	1,942,094	1,422,144	1,457,201	1,637,248	1,774,519	1,699,025
Federally affected areas:						
Maintenance (Public Law 81-874)	8,664,572	8,642,000		7,543,000	11,496,000	9,483,000
Construction (Public Law 81-815)	573,750	63,000				
Grants to States for school library materials (ESEA II)	556,782	465,110	875,502	875,502	875,502	875,502
Strengthening State departments of education (ESEA V):						
Grants to States	414,425	414,425	410,248	410,248	467,956	410,248
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	893,721	415,179		209,031	917,959	563,945
Loans to nonprofit private schools						
State administration	21,680	21,727		21,550	21,550	21,550
Guidance, counseling, and testing (NDEA V)	291,036	164,659				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	23,293,016	22,355,858	13,735,865	22,759,234	27,595,496	25,093,826
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	338,673	338,673	370,000	393,185	380,835	380,835
Teacher education and recruitment	780,110					
Research and innovation	299,868					
Subtotal, education for the handicapped	1,418,651	338,673	370,000	393,185	380,835	380,835
Vocational and adult education:						
Grants to States (pt. B)	3,180,467	3,598,952	3,598,952	4,184,173	3,732,002	3,765,756
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		198,841	198,841	233,980	233,980	233,980
Research and special project activities (pt. C)	49,833	15,000	364,910	307,984	405,354	418,417
Innovation (pt. D)		228,287			262,443	262,443
Consumer and homemaking education (pt. F)		175,408	175,408	204,702	292,534	248,620
Cooperative education (pt. G)		239,672	353,525	290,906	290,906	290,906
Work-study (pt. H)		48,767		63,110	63,110	63,110
Adult basic education (Adult Education Act):						
Grants to States	260,619	282,224	308,408	308,408	308,408	308,408
Special projects and teacher education						
Subtotal, vocational and adult education	3,490,919	4,818,219	5,031,112	5,624,331	5,619,805	5,622,708
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,070,461	[1] 872,547	[1] 1,110,550	[1] 859,994	[1] 1,110,550	859,994
Work-study and cooperative education (HEA IV-C)	2,015,111	1,948,114	1,931,768	1,912,450	2,103,696	1,912,450
Loans:						
Direct (NDEA II)	3,240,036	3,198,452	2,458,559	3,209,795	3,411,760	3,411,760
Insured:						
Advances for reserve funds						
Interest payments	98,308					
Special programs for the disadvantaged: Talent search	39,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	198,680	201,805		153,358	201,805	177,342
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	743,747					
Language training and area studies	218,743					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,051,377	531,076			562,089	562,089
Other undergraduate facilities (HEFA I—Sec. 104)	1,723,010	350,022			350,022	
Graduate facilities (HEFA II)	150,000					
State administration and planning (HEFA I—Sec. 105)	89,473	99,770	87,151	87,151	87,151	87,151
Undergraduate instructional equipment (HEA VI-A)	203,085					96,786
College personnel development (NDEA IV; EPDA pt. E)	1,393,500					
Subtotal, higher education	14,303,531	7,251,786	5,638,028	6,272,748	7,877,073	7,157,572
Education professions development:						
Grants to States (EPDA B-2)	207,864	211,581	206,004	206,004	206,004	206,004
Personnel development programs	336,778					
Teacher Corps						
Subtotal, education professions development	564,642	211,581	206,004	206,004	206,004	206,004
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	455,789	392,897	392,897	455,789	455,789	455,789
Interlibrary cooperation (LSCA III)	41,929	41,929	41,929	41,929	41,929	41,929
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,168	25,168	25,168	25,168	25,168	25,168
Construction (LSCA II)	201,413	122,734		89,104	139,238	114,171
College library resources (HEA II-A)	414,277					
Librarian training (HEA II-B)	146,541					
Educational broadcasting facilities	268,809					
University community service programs (HEA I)	149,218	149,218		148,596	148,596	148,596
Subtotal, community education	1,742,653	771,455	499,503	800,095	850,229	825,162
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	44,793,412	35,747,572	25,480,512	36,055,597	42,529,442	39,286,107
Total, Office of Education, comparable basis [2]	39,600,646	35,747,572	25,480,512	36,055,597	42,529,442	39,286,107

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF KENTUCKY

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$30,207,987	$34,326,959	$35,452,207	$40,419,331	$39,748,525	$39,746,222
State administrative expenses	302,084	343,269	354,522	404,193	397,485	397,452
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					503,821	498,833
Supplementary services (ESEA III)	2,622,860	1,849,465	1,901,271	2,153,182	2,359,545	2,248,048
Federally affected areas:						
Maintenance (Public Law 81-874)	8,407,184	9,477,000		8,139,000	10,626,000	9,262,000
Construction (Public Law 81-815)	230,278	127,000		48,500	48,500	48,500
Grants to States for school library materials (ESEA II)	759,127	641,127	1,206,827	1,206,827	1,206,827	1,206,827
Strengthening State departments of education (ESEA V):						
Grants to States	477,508	477,508	475,514	475,514	544,203	475,514
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,581,651	697,959		351,404	1,543,185	948,977
Loans to nonprofit private schools						
State administration	30,673	30,230		30,014	30,014	30,014
Guidance, counseling, and testing (NDEA V)	274,372	229,102				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	44,893,724	48,299,619	39,490,341	53,327,965	57,108,105	54,960,387
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	509,972	509,972	557,144	592,056	573,460	573,460
Teacher education and recruitment	387,755					
Research and innovation	343,102					
Subtotal, education for the handicapped	1,240,829	509,972	557,144	592,056	573,460	573,460
Vocational and adult education:						
Grants to States (pt. B)	5,602,669	6,212,161	6,212,161	7,222,590	6,442,067	6,500,330
State advisory councils		38,600	38,600	38,600	38,600	38,600
Programs for students with special needs (pt. B)		343,223	343,223	403,891	403,891	403,891
Research and special project activities (pt. C)	43,070	15,623	441,919	358,410	699,709	722,259
Innovation (pt. D)		241,497			291,602	291,602
Consumer and homemaking education (pt. F)		302,771	302,771	353,349	504,964	429,159
Cooperative education (pt. G)		258,198	425,218	333,357	333,357	333,357
Work-study (pt. H)		72,761		94,161	94,161	94,161
Adult basic education (Adult Education Act):						
Grants to States	910,457	1,019,688	1,151,842	1,151,842	1,151,842	1,151,842
Special projects and teacher education	477,989					
Subtotal, vocational and adult education	7,034,185	8,504,522	8,915,734	9,956,200	9,960,193	9,965,201
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,828,376	[1] 870,849	[1] 1,108,388	[1] 858,320	[1] 1,108,388	[1] 858,320
Work-study and cooperative education (HEA IV-C)	3,124,716	3,312,872	3,224,149	3,191,908	3,511,098	3,191,908
Loans:						
Direct (NDEA II)	3,014,967	2,932,428	2,453,774	3,203,548	3,405,119	3,405,119
Insured:						
Advances for reserve funds						
Interest payments	148,217					
Special programs for the disadvantaged: Talent search	117,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	219,025	222,244		154,683	222,244	188,129
Permanent		50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	864,600					
Language training and area studies	13,415					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,338,963	927,912			759,894	759,894
Other undergraduate facilities (HEFA I—Sec. 104)	3,034,025	402,793			402,793	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	84,070	103,380	85,668	85,668	85,668	85,668
Undergraduate instructional equipment (HEA VI-A)	239,537				222,369	106,780
College personnel development (NDEA IV; EPDA pt. E)	668,600					
Subtotal, higher education	15,689,511	8,822,478	6,921,979	7,544,127	9,767,573	8,645,818
Education professions development:						
Grants to States (EPDA B-2)	247,063	253,807	246,120	246,120	246,120	246,120
Personnel development programs	452,063					
Teacher Corps	671,384					
Subtotal, education professions development	1,370,510	253,807	246,120	246,120	246,120	246,120
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	596,161	508,456	508,456	596,161	596,161	596,161
Interlibrary cooperation (LSCA III)	4,235	42,690	42,690	42,690	42,690	42,690
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,234	25,234	25,234	25,234	25,234	25,234
Construction (LSCA II)	158,205	139,594		92,696	162,610	127,653
College library resources (HEA II-A)	309,262					
Librarian training (HEA II-B)	183,946					
Educational broadcasting facilities						
University community service programs (HEA I)	168,818	159,710		168,386	168,386	168,386
Subtotal, community education	1,485,370	915,193	615,889	964,676	1,034,590	999,633
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	5,912					
Total, Office of Education	71,720,041	67,305,591	56,747,207	72,631,144	78,690,041	75,390,619
Total, Office of Education, comparable basis [2]	66,848,259	67,305,591	56,747,207	72,631,144	78,690,041	75,390,619

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF LOUISIANA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$30,428,619	$34,326,959	$33,827,100	$38,566,534	$37,926,477	$37,923,326
State administrative expenses	304,314	343,270	338,271	385,665	379,265	379,233
Pt. B.: Special incentive grants					1,130,256	1,130,256
Pt. C: Special grants for urban and rural schools					468,034	463,400
Supplementary services (ESEA III)	3,074,668	2,150,754	2,228,360	2,554,704	2,803,651	2,666,731
Federally affected areas:						
Maintenance (Public Law 81-874)	3,447,717	666,000		2,671,000	4,483,000	3,491,000
Construction (Public Law 81-815)	351,676	813,574				
Grants to States for school library materials (ESEA II)	954,621		1,531,433	1,531,433	1,531,433	1,531,433
Strengthening State departments of education (ESEA V):						
Grants to States	535,430	535,430	536,860	536,860	611,269	536,860
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,806,533	912,117		459,227	2,016,688	1,246,845
Loans to nonprofit private schools						
State administration	37,949	37,976		37,908	37,908	37,908
Guidance, counseling, and testing (NDEA V)	339,449	287,811				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	41,280,976	40,173,891	38,562,024	46,843,331	51,487,981	49,506,992
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	570,824	570,824	623,624	662,703	641,887	641,887
Teacher education and recruitment	346,923					
Research and innovation	8,270					
Subtotal, education for the handicapped	926,017	570,824	623,624	662,703	641,887	641,887
Vocational and adult education:						
Grants to States (pt. B)	5,587,332	7,152,052	7,152,052	8,315,482	7,416,855	7,483,934
State advisory councils		44,440	44,440	44,440	44,440	44,440
Programs for students with special needs (pt. B)		395,150	395,150	465,005	465,005	465,005
Research and special project activities (pt. C)	5,430	17,986	485,481	386,934	805,586	831,548
Innovation (pt. D)		248,969			308,097	308,097
Consumer and homemaking education (pt. F)		348,579	348,579	406,818	581,373	494,097
Cooperative education (pt. G)		268,678	465,771	357,370	357,370	357,370
Work-study (pt. H)		84,660		109,560	109,560	109,560
Adult basic education (Adult Education Act):						
Grants to States	1,266,373	1,414,980	1,603,937	1,603,937	1,603,937	1,603,937
Special projects and teacher education						
Subtotal, vocational and adult education	6,859,135	9,975,494	10,495,410	11,689,546	11,692,223	11,697,988
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,533,113	1,028,548	[1] 1,309,103	[1] 1,013,751	[1] 1,309,103	[1] 1,013,751
Work-study and cooperative education (HEA IV-C)	3,081,348	3,778,457	3,810,300	3,772,197	4,149,416	3,772,197
Loans:						
Direct (NDEA II)	3,345,928	3,523,681	2,898,121	3,783,670	4,021,743	4,021,743
Insured:						
Advances for reserve funds						
Interest payments	182,628					
Special programs for the disadvantaged: Talent search	56,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	224,205	227,449		155,020	227,449	190,876
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,089,051					
Language training and area studies	203,255					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	306,071	939,932			904,989	904,989
Other undergraduate facilities (HEFA I—Sec. 104)	5,111,837	479,452			479,452	
Graduate facilities (HEFA II)	250,000					
State administration and planning (HEFA I—Sec. 105)	160,233	101,494	84,399	84,399	84,399	84,399
Undergraduate instructional equipment (HEA VI-A)	272,955				265,319	127,929
College personnel development (NDEA IV; EPDA pt. E)	1,330,908					
Subtotal, higher education	18,197,532	10,129,013	8,151,923	8,859,037	11,491,870	10,165,884
Education professions development:						
Grants to States (EPDA B-2)	322,474	295,177	285,423	285,423	285,423	285,423
Personnel development programs	611,791					
Teacher Corps	168,072					
Subtotal, education professions development	1,102,337	295,177	285,423	285,423	285,423	285,423
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	631,904	537,881	537,881	631,904	631,904	631,904
Interlibrary cooperation (LSCA III)	42,883	42,883	42,883	42,883	42,883	42,883
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,251	25,251	25,251	25,251	25,251	25,251
Construction (LSCA II)	229,744	143,887		93,611	168,561	131,086
College library resources (HEA II-A)	308,819					
Librarian training (HEA II-B)	182,226					
Educational broadcasting facilities						
University community service programs (HEA I)	178,251	178,251		178,695	178,695	178,695
Subtotal, community education	1,638,587	967,662	645,524	1,011,853	1,086,803	1,049,328
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	281,793					
Total, Office of Education	70,286,377	62,112,061	58,763,928	69,351,893	76,686,187	73,347,502
Total, Office of Education, comparable basis [2]	64,993,686	62,112,061	58,763,928	69,351,893	76,686,187	73,347,502

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MAINE

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$3,351,971	$3,884,709	$3,818,868	$4,374,936	$4,299,840	$4,299,840
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					23,559	23,559
Pt. C: Special grants for urban and rural schools					4,333	4,333
Supplementary services (ESEA III)	964,066	804,617	818,387	895,373	953,965	921,749
Federally affected areas:						
Maintenance (Public Law 81-874)	2,594,464	2,586,000		2,533,000	3,451,000	3,001,000
Construction (Public Law 81-815)		22,000				
Grants to States for school library materials (ESEA II)	253,111	213,526	401,930	401,930	401,930	401,930
Strengthening State departments of education (ESEA V):						
Grants to States	303,881	303,881	303,030	303,030	345,285	303,030
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	436,944	194,993		98,174	431,129	265,625
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	82,737	69,359				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	8,150,507	8,342,418	5,592,215	8,869,776	10,174,374	9,484,399
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	153,967	153,967	168,209	200,000	200,000	200,000
Teacher education and recruitment	155,543					
Research and innovation						
Subtotal, education for the handicapped	309,510	153,967	168,209	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,539,144	1,714,714	1,714,714	1,993,561	1,778,124	1,794,206
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		94,738	94,738	111,481	111,481	111,481
Research and special project activities (pt. C)		15,000	270,009	245,842	193,132	199,356
Innovation (pt. D)		212,009			226,509	226,509
Consumer and homemaking education (pt. F)		83,572	83,572	97,530	139,379	118,455
Cooperative education (pt. G)		216,842	265,176	238,592	238,592	238,592
Work-study (pt. H)		20,677		26,759	26,759	26,759
Adult basic education (Adult Education Act):						
Grants to States	192,097	204,502	219,519	219,519	219,519	219,519
Special projects and teacher education						
Subtotal, vocational and adult education	1,731,241	2,593,122	2,678,796	2,964,352	2,964,563	2,965,945
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	666,632	248,553	[1] 316,350	[1] 244,977	[1] 316,350	244,977
Work-study and cooperative education (HEA IV-C)	797,691	744,348	786,502	778,637	856,501	778,637
Loans:						
Direct (NDEA II)	780,846	758,059	700,343	914,340	971,872	971,872
Insured:						
Advances for reserve funds						
Interest payments	147,253					
Special programs for the disadvantaged: Talent search						
Institutional assistance:						
Aid to land-grant colleges:						
Annual	170,056	173,048		151,494	173,048	162,164
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	120,300					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	548,214	283,459			289,229	289,229
Other undergraduate facilities (HEFA I—Sec. 104)	620,484	129,423			129,423	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	85,786	65,833	58,654	58,654	58,654	58,654
Undergraduate instructional equipment (HEA VI-A)	53,126				61,581	25,614
College personnel development (NDEA IV; EPDA pt. E)	181,619					
Subtotal, higher education	4,222,007	2,452,723	1,911,849	2,198,102	2,906,658	2,581,147
Education professions development:						
Grants to States (EPDA B-2)	149,034	151,225	148,665	148,665	148,665	148,665
Personnel development programs	60,991					
Teacher Corps						
Subtotal, education professions development	210,025	151,225	148,665	148,665	148,665	148,665
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	258,291	230,310	230,310	258,291	258,291	258,291
Interlibrary cooperation (LSCA III)	40,858	40,858	40,858	40,858	40,858	40,858
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,075	25,075	25,075	25,075	25,075	25,075
Construction (LSCA II)	106,355	99,012		84,051	106,355	95,202
College library resources (HEA II-A)	143,115					
Librarian training (HEA II-B)						
Educational broadcasting facilities	72,216					
University community service programs (HEA I)	121,158	121,158		120,745	120,745	120,745
Subtotal, community education	806,577	555,922	335,752	568,529	590,833	579,680
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	15,429,867	14,249,377	10,835,486	14,949,424	16,985,093	15,959,836
Total, Office of Education, comparable basis [2]	14,495,704	14,249,377	10,835,486	14,949,424	16,985,093	15,959,836

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MARYLAND

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$14,445,834	$18,207,980	$17,942,957	$20,456,903	$20,117,396	$20,115,725
State administrative expenses	150,000	182,079	179,430	204,569	201,174	201,157
Pt. B.: Special incentive grants					233,380	233,380
Pt. C: Special grants for urban and rural schools					213,300	211,188
Supplementary services (ESEA III)	2,887,002	2,088,229	2,157,621	2,472,552	2,712,786	2,580,658
Federally affected areas:						
Maintenance (Public Law 81-874)	25,867,892	25,785,000		18,640,000	33,565,000	25,393,000
Construction (Public Law 81-815)	494,236	23,000				
Grants to States for school library materials (ESEA II)	936,620	805,571	1,516,369	1,516,369	1,516,369	1,516,369
Strengthening State departments of education (ESEA V):						
Grants to States	529,969	529,969	534,643	534,643	609,122	534,643
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,312,943	607,549		305,885	1,343,290	832,052
Loans to nonprofit private schools	12,890					
State administration	34,987	35,310		35,312	35,212	35,312
Guidance, counseling, and testing (NDEA V)	312,960	267,604				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	46,985,333	48,632,291	22,431,020	44,266,233	60,647,129	51,753,484
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	493,874	493,874	539,556	573,367	555,357	555,357
Teacher education and recruitment	376,451					
Research and innovation	426,695					
Subtotal, education for the handicapped	1,297,020	493,874	539,556	573,367	555,357	555,357
Vocational and adult education:						
Grants to States (pt. B)	4,084,864	5,241,683	5,241,683	6,094,001	5,435,441	5,484,600
State advisory councils		32,570	32,570	32,570	32,570	32,570
Programs for students with special needs (pt. B)		289,602	289,602	340,780	340,780	340,780
Research and special project activities (pt. C)	123,787	15,000	462,144	371,653	590,374	609,400
Innovation (pt. D)		244,966			299,260	299,260
Consumer and homemaking education (pt. F)		255,472	255,472	298,137	426,059	362,099
Cooperative education (pt. G)		263,064	444,046	344,506	344,506	344,506
Work-study (pt. H)		78,808		101,986	101,986	101,986
Adult basic education (Adult Education Act):						
Grants to States	615,676	682,321	765,998	765,998	765,998	765,998
Special projects and teacher education	53,331					
Subtotal, vocational and adult education	4,882,658	7,103,486	7,491,515	8,349,631	8,336,974	8,341,199
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,670,392	[1] 941,773	[1] 1,198,658	[1] 928,225	[1] 1,198,658	[1] 928,225
Work-study and cooperative education (HEA IV-C)	1,547,538	2,293,450	2,418,293	2,394,110	2,633,521	2,394,110
Loans:						
Direct (NDEA II)	2,346,063	2,785,347	2,653,616	3,464,454	3,682,442	3,682,442
Insured:						
Advances for reserve funds						
Interest payments	234,680					
Special programs for the disadvantaged: Talent search						
Institutional assistance:						
Aid to land-grant colleges:						
Annual	220,505	223,731		154,779	223,731	188,914
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	706,694					
Language training and area studies	13,131					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,345,896	693,653			688,924	688,924
Other undergraduate facilities (HEFA I—Sec. 104)	2,241,212	480,057			480,057	
Graduate facilities (HEFA II)	300,000					
State administration and planning (HEFA I—Sec. 105)	69,208	107,349	89,153	89,153	89,153	89,153
Undergraduate instructional equipment (HEA VI-A)	213,395				222,503	92,076
College personnel development (NDEA IV; EPDA pt. E)	1,624,327					
Subtotal, higher education	12,584,035	7,575,360	6,409,720	7,080,721	9,268,989	8,113,844
Education professions development:						
Grants to States (EPDA B-2)	318,527	293,258	283,599	283,599	283,599	283,599
Personnel development programs	622,171					
Teacher Corps	156,293					
Subtotal, education professions development	1,096,991	293,258	283,599	283,599	283,599	283,599
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	606,374	516,863	516,863	606,374	606,374	606,374
Interlibrary cooperation (LSCA III)	42,745	42,745	42,745	42,745	42,745	42,745
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,239	25,239	25,239	25,239	25,239	25,239
Construction (LSCA II)	393,560	140,820		92,958	164,310	128,634
College library resources (HEA II-A)	398,449					
Librarian training (HEA II-B)	102,510					
Educational broadcasting facilities						
University community service programs (HEA I)	178,121	178,121		178,822	178,822	178,822
Subtotal, community education	1,786,507	943,297	624,356	985,647	1,056,999	1,021,323
Research and development:						
Educational laboratories						
Research and development centers	613,880					
Subtotal, research and development	613,880					
Civil rights education	225,529					
Total, Office of Education	69,471,953	65,041,566	37,779,766	61,539,198	80,149,047	70,068,806
Total, Office of Education, comparable basis [2]	64,111,111	65,041,566	37,779,766	61,539,198	80,149,047	70,068,806

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MASSACHUSETTS

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$16,794,736	$21,630,141	$21,315,302	$24,301,739	$23,898,423	$23,896,437
State administrative expenses	167,965	216,301	213,153	243,017	238,984	238,964
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					279,886	277,116
Supplementary services (ESEA III)	4,108,964	2,867,743	2,958,214	3,402,304	3,741,143	3,554,778
Federally affected areas:						
Maintenance (Public Law 81-874)	13,710,871	13,994,000		12,120,000	18,300,000	15,097,000
Construction (Public Law 81-815)	116,046	465,000		250,000	250,000	250,000
Grants to States for school library materials (ESEA II)	1,296,227	1,103,113	2,076,448	2,076,448	2,076,448	2,076,448
Strengthening State departments of education (ESEA V):						
Grants to States	626,114	626,114	628,412	628,412	723,158	628,412
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,557,326	722,123		363,570	1,596,611	987,713
Loans to nonprofit private schools						
State administration	48,222	48,101		48,043	48,043	48,043
Guidance, counseling, and testing (NDEA V)	431,343	364,543				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	38,857,814	42,137,179	27,291,529	43,533,533	51,252,696	47,154,911
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	750,780	750,780	820,226	871,624	844,247	844,247
Teacher education and recruitment	1,258,348					
Research and innovation	813,925					
Subtotal, education for the handicapped	2,823,053	750,780	820,226	871,624	844,247	844,247
Vocational and adult education:						
Grants to States (pt. B)	5,562,570	6,866,845	6,866,845	7,982,984	7,120,290	7,184,686
State advisory councils		42,667	42,667	42,667	42,667	42,677
Programs for students with special needs (pt. B)		379,393	379,393	446,412	446,412	446,412
Research and special project activities (pt. C)	437,153	17,269	553,934	431,757	773,375	798,299
Innovation (pt. D)		260,710			334,016	334,016
Consumer and homemaking education (pt. F)		334,679	334,679	390,551	558,126	474,341
Cooperative education (pt. G)		285,146	529,498	395,104	395,104	395,104
Work-study (pt. H)		104,947		135,814	135,814	135,814
Adult basic education (Adult Education Act):						
Grants to States	750,102	835,242	940,892	940,892	940,892	940,892
Special projects and teacher education	273,000					
Subtotal, vocational and adult education	7,027,825	9,126,898	9,647,908	10,766,818	10,746,696	10,752,231
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	5,488,242	[1] 2,222,744	[1] 2,829,038	[1] 2,190,768	[1] 2,829,038	[1] 2,190,768
Work-study and cooperative education (HEA IV-C)	6,495,739	3,949,122	4,047,533	4,007,058	4,407,762	4,007,058
Loans:						
Direct (NDEA II)	7,070,873	6,942,565	6,262,986	8,716,710	8,691,191	8,691,191
Insured:						
Advances for reserve funds						
Interest payments	1,206,506					
Special programs for the disadvantaged: Talent search	127,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	268,977	272,428		157,936	272,428	214,615
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	50,000					
Language training and area studies	898,381					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,157,438	1,114,870			1,076,049	1,076,904
Other undergraduate facilities (HEFA I—Sec. 104)	4,330,783	881,731			881,731	
Graduate facilities (HEFA II)	1,800,000					
State administration and planning (HEFA I—Sec. 105)	208,175	173,339	131,834	131,834	131,834	131,834
Undergraduate instructional equipment (HEA VI-A)	507,779				499,755	206,285
College personnel development (NDEA IV; EPDA pt. E)	3,984,143					
Subtotal, higher education	34,644,036	15,606,799	13,321,391	14,714,296	18,839,833	16,567,845
Education professions development:						
Grants to States (EPDA B-2)	301,000	364,638	351,412	351,412	351,412	351,412
Personnel development programs	2,099,039					
Teacher Corps	829,390					
Subtotal, education professions development	3,229,429	364,638	351,412	351,412	351,412	351,412
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	940,815	792,186	792,186	940,815	940,815	940,815
Interlibrary cooperation (LSCA III)	44,558	44,558	44,558	44,558	44,558	44,558
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,396	25,396	25,396	25,396	25,396	25,396
Construction (LSCA II)	633,065	180,990		101,516	219,994	160,755
College library resources (HEA II-A)	919,725					
Librarian training (HEA II-B)	293,465					
Educational broadcasting facilities						
University community service programs (HEA I)	216,889	216,889		215,348	215,348	215,348
Subtotal, community education	3,113,422	1,299,528	901,649	1,367,142	1,485,620	1,426,381
Research and development:						
Educational laboratories	959,655					
Research and development centers						
Subtotal, research and development	959,655					
Civil rights education	91,670					
Total, Office of Education	90,746,904	69,285,822	52,334,115	71,604,188	83,420,504	77,097,027
Total, Office of Education, comparable basis [2]	74,629,878	69,285,822	52,334,115	71,604,188	83,420,504	77,097,027

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MICHIGAN

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$32,395,258	$42,339,633	$41,724,218	$47,570,100	$46,780,618	$46,776,730
State administrative expenses	324,175	423,398	417,242	475,701	467,806	467,767
Pt. B.: Special incentive grants					102,509	102,509
Pt. C: Special grants for urban and rural schools					396,683	392,756
Supplementary services (ESEA III)	6,790,000	4,691,787	4,850,885	5,600,320	6,172,271	5,857,683
Federally affected areas:						
Maintenance (Public Law 81-874)	4,550,314	4,536,000		4,508,000	6,151,000	5,398,000
Construction (Public Law 81-815)	194,618	3,000				
Grants to States for school library materials (ESEA II)	2,326,201	2,000,378	3,765,418	3,765,418	3,765,418	3,765,418
Strengthening State departments of education (ESEA V):						
Grants to States	990,466	990,466	1,002,131	1,002,131	1,134,950	1,002,131
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	3,421,788	1,553,289		782,040	3,434,317	2,116,053
Loans to nonprofit private schools	5,900					
State administration	86,061	86,366		85,916	85,916	85,916
Guidance, counseling, and testing (NDEA V)	769,811	654,538				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	51,854,592	57,379,055	51,859,894	63,889,626	68,591,488	66,064,963
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	1,268,699	1,268,699	1,386,051	1,472,906	1,426,642	1,426,642
Teacher education and recruitment	1,576,186					
Research and innovation	841,068					
Subtotal, education for the handicapped	3,685,953	1,268,699	1,386,051	1,472,906	1,426,642	1,146,642
Vocational and adult education:						
Grants to States (pt. B)	9,582,011	12,038,767	12,038,767	13,996,341	12,483,801	12,596,706
State advisory councils		74,803	74,803	74,803	74,803	74,803
Programs for students with special needs (pt. B)		665,143	665,143	782,682	782,682	782,682
Research and special project activities (pt. C)	449,550	30,275 }	838,636	618,182 {	1,355,935	1,399,634
Innovation (pt. D)		309,545 }		{	441,818	441,818
Consumer and homemaking education (pt. F)		586,753	586,753	684,741	978,548	831,649
Cooperative education (pt. G)		353,636 }	794,545	{ 552,045	552,045	552,045
Work-study (pt. H)		186,486 }		{ 241,334	241,334	241,334
Adult basic education (Adult Education Act):						
Grants to States	991,837	1,106,931	1,251,622	1,251,622	1,251,622	1,251,622
Special projects and teacher education	500,000					
Subtotal, vocational and adult education	11,523,398	15,352,339	16,250,269	18,201,750	18,162,588	18,172,293
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	6,080,085	[1] 2,690,991	[1] 3,425,007	[1] 2,652,278	[1] 3,425,007	[1] 2,652,278
Work-study and cooperative education (HEA IV-C)	5,006,293	5,922,710	6,144,144	6,082,702	6,690,974	6,082,702
Loans:						
Direct (NDEA II)	8,650,342	8,534,862	7,582,356	9,899,217	10,522,089	10,522,089
Insured:						
Advances for reserve funds						
Interest payments	435,727					
Special programs for the disadvantaged: Talent search	85,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	332,282	336,028		162,057	336,028	248,182
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	90,000					
Language training and area studies	1,159,039					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	3,315,772	1,701,935			1,726,844	1,726,844
Other undergraduate facilities (HEFA I—Sec. 104)	6,385,324	1,247,835			1,247,835	
Graduate facilities (HEFA II)	300,000					
State administration and planning (HEFA I—Sec. 105)	178,974	197,259	162,392	162,392	162,392	162,392
Undergraduate instructional equipment (HEA VI-A)	612,301				621,551	259,245
College personnel development (NDEA IV; EPDA pt. E)	2,691,606					
Subtotal, higher education	35,372,745	20,681,620	17,363,899	19,008,646	24,872,720	21,703,732
Education professions development:						
Grants to States (EPDA B-2)	550,647	579,893	555,910	555,910	555,910	555,910
Personnel development programs	2,279,616					
Teacher Corps	349,241					
Subtotal, education professions development	3,679,504	579,893	555,910	555,910	555,910	555,910
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	1,377,606	1,151,767	1,151,767	1,377,606	1,377,606	1,377,606
Interlibrary cooperation (LSCA III)	46,926	46,926	46,926	46,926	46,926	46,926
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,602	25,602	25,602	25,602	25,602	25,602
Construction (LSCA II)	925,674	233,453		112,693	292,719	202,706
College library resources (HEA II-A)	802,205					
Librarian training (HEA II-B)	522,737					
Educational broadcasting facilities						
University community service programs (HEA I)	283,198	283,198		283,968	283,968	283,968
Subtotal, community education	4,023,457	1,780,455	1,263,804	1,886,304	2,060,330	1,976,317
Research and development:						
Educational laboratories	384,500					
Research and development centers						
Subtotal, research and development	384,500					
Civil rights education	163,569					
Total, Office of Education	110,687,718	97,042,061	88,679,827	105,015,142	115,585,678	109,899,857
Total, Office of Education, comparable basis [2]	97,394,923	97,042,061	88,679,827	105,015,142	115,585,678	109,899,857

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MINNESOTA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$18,633,931	$20,127,632	$20,462,284	$22,613,655	$22,238,355	$22,236,507
State administrative expenses	186,630	201,276	204,623	226,137	222,384	222,384
Pt. B.: Special incentive grants					675,607	675,607
Pt. C: Special grants for urban and rural schools					179,259	179,259
Supplementary services (ESEA III)	2,976,699	2,097,802	2,171,620	2,488,811	2,730,770	2,597,693
Federally affected areas:						
Maintenance (Public Law 81-874)	3,331,658	3,368,000		2,698,000	4,438,000	3,517,000
Construction (Public Law 81-815)						
Grants to States for school library materials (ESEA II)	996,022	853,429	1,606,455	1,606,455	1,606,455	1,606,455
Strengthening State departments of education (ESEA V):						
Grants to States	544,185	544,185	548,158	548,158	622,014	548,158
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,563,031	719,373		362,185	1,590,532	987,778
Loans to nonprofit private schools	11,500					
State administration	35,901	36,211		36,308	36,308	36,308
Guidance, counseling, and testing (NDEA V)	321,136	274,431				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	28,650,693	28,322,339	225,093,140	30,679,709	34,439,684	32,707,149
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	552,633	552,633	603,750	641,583	621,431	621,431
Teacher education and recruitment	702,609					
Research and innovation	634,739					
Subtotal, education for the handicapped	4,889,981	552,633	603,750	641,583	621,431	621,431
Vocational and adult education:						
Grants to States (pt. B)	5,084,132	5,683,713	5,683,713	6,608,050	5,893,940	5,947,246
State advisory councils		35,316	35,316	35,316	35,316	35,316
Programs for students with special needs (pt. B)		314,026	314,026	369,525	369,525	369,525
Research and special project activities (pt. C)	472,021	15,000	471,479	377,765	640,174	660,805
Innovation (pt. D)		246,567			302,795	302,795
Consumer and homemaking education (pt. F)		277,015	277,015	323,285	461,999	392,643
Cooperative education (pt. G)		265,309	452,736	349,651	349,651	349,651
Work-study (pt. H)		78,808		101,986	101,986	101,986
Adult basic education (Adult Education Act):						
Grants to States	360,302	393,947	436,186	436,186	436,186	436,186
Special projects and teacher education	200,000					
Subtotal, vocational and adult education	6,116,455	7,309,701	7,670,471	8,601,764	8,591,572	8,596,153
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	4,093,988	[1] 1,340,828	[1] 1,706,563	[1] 1,321,539	[1] 1,706,563	[1] 1,321,539
Work-study and cooperative education (HEA IV-C)	3,074,487	3,107,129	3,205,052	3,173,001	3,490,301	3,173,001
Loans:						
Direct (NDEA II)	4,516,471	4,467,393	3,778,026	4,932,439	5,242,794	5,242,794
Insured:						
Advances for reserve funds						
Interest payments	416,615					
Special programs for the disadvantaged: Talent search	99,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	227,918	231,178		155,262	231,178	192,844
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	292,135					
Language training and area studies	260,387					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,824,346	951,515			983,409	983,409
Other undergraduate facilities (HEFA I—Sec. 104)	2,864,880	594,127			594,127	
Graduate facilities (HEFA II)	1,000,000					
State administration and planning (HEFA I—Sec. 105)	180,432	122,169	101,943	101,943	101,943	101,943
Undergraduate instructional equipment (HEA VI-A)	318,722				311,262	128,943
College personnel development (NDEA IV; EPDA pt. E)	994,100					
Subtotal, higher education	20,213,181	10,864,339	8,841,584	9,734,184	12,711,577	11,194,473
Education professions development:						
Grants to States (EPDA B-2)	331,551	304,739	294,507	294,507	294,507	294,507
Personnel development programs	1,166,053					
Teacher Corps	443,834					
Subtotal, education professions development	1,941,438	304,739	294,507	294,507	294,507	294,507
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	657,518	558,967	558,967	657,518	657,518	657,518
Interlibrary cooperation (LSCA III)	43,022	43,022	43,022	43,022	43,022	43,022
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,263	25,263	25,263	25,263	25,263	25,263
Construction (LSCA II)	177,371	146,963		94,266	172,826	133,546
College library resources (HEA II-A)	469,205					
Librarian training (HEA II-B)	280,541					
Educational broadcasting facilities						
University community service programs (HEA I)	177,277	177,277		177,698	177,698	177,698
Subtotal, community education	1,869,706	991,001	666,761	1,037,276	1,115,836	1,076,556
Research and development:						
Educational laboratories	800,000					
Research and development centers						
Subtotal, research and development	800,000					
Civil rights education	78,967					
Total, Office of Education	61,560,421	48,344,752	43,170,213	50,989,923	57,774,607	54,490,269
Total, Office of Education, comparable basis [2]	53,695,378	48,344,752	43,170,213	50,989,923	57,774,607	54,490,269

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MISSISSIPPI

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$32,395,258	$41,909,589	$41,299,313	$47,085,660	$46,304,219	$46,300,371
State administrative expenses	366,015	419,096	412,993	470,857	463,042	463,042
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					659,974	653,440
Supplementary services (ESEA III)	2,101,942	1,502,449	1,537,506	1,730,507	1,877,670	1,796,735
Federally affected areas:						
Maintenance (Public Law 81-874)	2,593,395	2,585,000		2,276,000	3,365,000	2,773,000
Construction (Public Law 81-815)	117,158					
Grants to States for school library materials (ESEA II)	589,397	491,458	925,097	925,097	925,097	925,097
Strengthening State departments of education (ESEA V):						
Grants to States	437,838	437,838	432,249	432,249	490,640	432,249
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,312,466	596,634		300,390	1,319,157	808,793
Loans to nonprofit private schools						
State administration	24,641	24,357		24,110	24,110	24,110
Guidance, counseling, and testing (NDEA V)	220,413	184,592				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	40,158,523	48,251,013	44,707,158	53,344,870	55,528,909	54,275,837
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	399,693	399,693	436,664	464,027	449,452	449,452
Teacher education and recruitment	229,137					
Research and innovation						
Subtotal, education for the handicapped	628,830	399,693	436,664	464,027	449,452	449,452
Vocational and adult education:						
Grants to States (pt. B)	4,405,983	4,712,410	4,712,410	5,479,202	4,887,082	4,931,282
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		260,361	260,361	306,400	306,400	306,400
Research and special project activities (pt. C)	45,826	15,000	389,802	324,283	530,814	547,920
Innovation (pt. D)		232,557			271,868	271,868
Consumer and homemaking education (pt. F)		229,675	229,675	368,059	383,076	325,568
Cooperative education (pt. G)		245,661	376,698	304,627	304,627	304,627
Work-study (pt. H)		56,375		72,956	72,946	72,956
Adult basic education (Adult Education Act):						
Grants to States	831,474	936,895	1,057,152	1,057,152	1,057,152	1,057,152
Special projects and teacher education	320,000					
Subtotal, vocational and adult education	3,603,283	6,720,002	7,057,166	7,843,747	7,845,043	7,848,841
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,470,096	[1]696,224	[1]886,131	[1]636,208	[1]886,131	686,208
Work-study and cooperative education (HEA IV-C)	3,159,065	3,188,960	3,301,930	3,268,911	3,595,802	3,268,911
Loans:						
Direct (NDEA II)	2,304,564	2,256,810	1,961,736	2,561,164	2,722,316	2,722,316
Insured:						
Advances for reserve funds						
Interest payments	28,300					
Special programs for the disadvantaged: Talent search						
Institutional assistance:						
Aid to land-grant colleges:						
Annual	98,669	201,794		153,357	201,794	177,336
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,929,260					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,197,927	640,999			653,093	653,093
Other undergraduate facilities (HEFA I—Sec. 104)	1,540,792	304,004			304,004	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	89,151	93,741	81,084	81,084	81,084	81,084
Undergraduate instructional equipment (HEA VI-A)	280,563				178,785	73,950
College personnel development (NDEA IV; EPDA pt. E)	572,726					
Subtotal, higher education	13,020,113	7,432,532	6,280,881	6,800,024	8,673,009	7,712,898
Education professions development:						
Grants to States (EPDA B-2)	214,182	217,901	212,009	212,009	212,009	212,009
Personnel development programs	145,925					
Teacher Corps	468,815					
Subtotal, education professions development	828,922	217,901	212,009	212,009	212,009	212,009
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	455,712	392,834	392,834	455,712	455,712	455,712
Interlibrary cooperation (LSCA III)	41,928	41,928	41,928	41,928	41,928	41,928
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,168	25,168	25,168	25,168	25,168	25,168
Construction (LSCA II)	139,226	122,724		89,102	139,226	114,164
College library resources (HEA II-A)	298,915					
Librarian training (HEA II-B)	139,973					
Educational broadcasting facilities						
University community service programs (HEA I)	150,559	150,559		149,826	149,826	149,826
Subtotal, community education	1,490,990	772,722	499,439	801,245	851,369	826,307
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	289,604					
Total, Office of Education	62,920,265	63,782,863	59,193,317	69,466,622	73,559,791	71,326,344
Total, Office of Education, comparable basis[2]	58,018,047	63,793,863	59,193,317	69,466,622	73,559,791	71,326,344

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MISSOURI

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$22,898,224	$26,049,684	$25,670,355	$29,266,967	$28,781,248	$28,778,856
State administrative expenses	228,982	260,497	256,704	292,670	287,812	287,789
Pt. B.: Special incentive grants					272,909	270,207
Pt. C: Special grants for urban and rural schools						
Supplementary services (ESEA III)	3,556,732	2,481,771	2,561,513	2,941,605	3,231,584	3,072,094
Federally affected areas:						
Maintenance (Public Law 81-874)	8,398,571	8,371,000		6,555,000	11,102,000	8,729,000
Construction (Public Law 81-815)	1,485,317			50,000	50,000	50,000
Grants to States for school library materials (ESEA II)	1,670,831	994,943	1,872,834	1,872,834	1,872,834	1,872,834
Strengthening State departments of education (ESEA V):						
Grants to States	596,859	596,859	607,581	607,581	692,582	607,581
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,655,991	772,977		389,174	1,709,051	1,054,691
Loans to nonprofit private schools						
State administration	41,641	41,652		41,500	41,500	41,500
Guidance, counseling, and testing (NDEA V)	372,479	315,664				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	40,905,627	39,985,047	31,068,987	42,117,331	48,141,520	44,864,552
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	641,800	641,800	701,166	745,103	721,700	721,700
Teacher education and recruitment	724,146					
Research and innovation	9,600					
Subtotal, education for the handicapped	1,375,546	641,800	701,166	745,103	721,700	721,700
Vocational and adult education:						
Grants to States (pt. B)	6,083,056	7,028,458	7,028,458	8,171,046	7,288,027	7,353,941
State advisory councils		43,672	43,672	43,672	43,672	43,672
Programs for students with special needs (pt. B)		388,323	388,323	456,929	456,929	456,929
Research and special project activities (pt. C)	20,573	17,675	510,373	403,233	791,594	817,105
Innovation (pt. D)		253,258			317,522	317,522
Consumer and homemaking education (pt. F)		342,557	342,557	399,752	571,275	485,515
Cooperative education (pt. G)		274,666	488,945	371,092	371,092	371,092
Work-study (pt. H)		91,487		118,395	118,395	118,395
Adult basic education (Adult Education Act):						
Grants to States	742,562	824,641	928,768	928,768	928,768	928,768
Special projects and teacher education	127,000					
Subtotal, vocational and adult education	6,973,191	9,264,737	9,731,096	10,892,887	10,887,274	10,892,939
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,586,582	[1] 1,414,063	[1] 1,799,774	[1] 1,393,720	[1] 1,799,774	[1] 1,393,720
Work-study and cooperative education (HEA IV-C)	3,295,787	3,733,029	3,677,540	3,640,765	4,004,840	3,640,765
Loans:						
Direct (NDEA II)	4,823,178	4,814,078	3,984,379	5,201,845	5,529,152	5,529,152
Insured:						
Advances for reserve funds						
Interest payments	130,362					
Special programs for the disadvantaged: Talent search	123,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	249,360	252,721		156,658	252,721	204,214
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,127,530					
Language training and area studies	239,679					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,972,556	1,017,094			945,265	945,265
Other undergraduate facilities (HEFA I—Sec. 104)	2,987,407	618,833			618,833	
Graduate facilities (HEFA II)	700,000					
State administration and planning (HEFA I—Sec. 105)	143,722	134,033	109,742	109,742	109,742	109,742
Undergraduate instructional equipment (HEA VI-A)	343,879				339,124	163,734
College personnel development (NDEA IV; EPDA pt. E)	2,396,200					
Subtotal, higher education	22,169,242	12,033,851	9,621,435	10,552,730	13,649,451	12,036,592
Education professions development:						
Grants to States (EPDA B-2)	346,701	338,688	326,759	326,759	326,759	326,759
Personnel development programs	470,198					
Teacher Corps	524,256					
Subtotal, education professions development	1,341,155	338,688	326,759	326,759	326,759	326,759
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	805,469	680,765	680,765	805,469	805,649	805,469
Interlibrary cooperation (LSCA III)	43,824	43,824	43,824	43,824	43,824	43,824
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,333	25,333	25,333	25,333	25,333	25,333
Construction (LSCA II)	512,392	164,733		98,052	197,459	147,756
College library resources (HEA II-A)	522,912					
Librarian training (HEA II-B)	61,748					
Educational broadcasting facilities	340,000					
University community service programs (HEA I)	198,738	198,738		197,785	197,785	197,785
Subtotal, community education	2,549,925	1,152,902	789,421	1,209,972	1,309,379	1,259,676
Research and development:						
Educational laboratories	2,683,838					
Research and development centers						
Subtotal, research and development	2,683,838					
Civil rights education	60,067					
Total, Office of Education	78,058,591	63,417,025	52,238,874	65,844,782	75,036,083	70,102,218
Total, Office of Education, comparable basis [2]	67,474,176	63,417,025	52,238,874	65,844,782	75,036,083	70,102,218

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF MONTANA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$3,460,422	$3,576,190	$3,897,883	$3,897,883	$3,897,883	$3,897,883
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					213,479	213,479
Pt. C: Special grants for urban and rural schools					9,274	9,274
Supplementary services (ESEA III)	888,162	686,277	696,082	753,338	796,867	772,936
Federally affected areas:						
Maintenance (Public Law 81-874)	4,204,578	4,191,000		4,469,000	5,696,000	5,171,000
Construction (Public Law 81-815)	844,364			400,000	400,000	400,000
Grants to States for school library materials (ESEA II)	185,736	155,462	292,635	292,635	292,635	292,635
Strengthening State departments of education (ESEA V):						
Grants to States	282,290	282,290	281,090	281,090	320,026	281,090
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	333,751	152,595		76,827	337,387	207,298
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	96,194	53,521				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	10,458,830	9,360,668	5,417,690	10,434,106	12,226,884	11,508,928
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	112,296	112,296	122,683	200,000	200,000	200,000
Teacher education and recruitment	143,729					
Research and innovation	32,075					
Subtotal, education for the handicapped	288,100	112,296	122,683	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,155,069	1,233,991	1,233,991	1,434,704	1,279,662	1,291,234
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		68,178	68,178	80,231	80,231	80,231
Research and special project activities (pt. C)	32,571	15,000	254,451	235,655	138,991	143,471
Innovation (pt. D)		209,340			220,618	220,618
Consumer and homemaking education (pt. F)		60,144	60,144	70,190	100,306	85,248
Cooperative education (pt. G)		213,099	250,692	230,016	230,016	230,016
Work-study (pt. H)		15,801		20,448	20,448	20,448
Adult basic education (Adult Education Act):						
Grants to States	156,723	164,109	173,321	173,321	173,321	173,321
Special projects and teacher education	138,000					
Subtotal, vocational and adult education	1,482,363	2,010,730	2,071,845	2,275,633	2,274,661	2,275,655
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	729,768	[1] 260,776	[1] 331,908	[1] 257,025	[1] 331,908	[1] 257,025
Work-study and cooperative education (HEA IV-C)	2,529,733	597,086	634,395	628,051	690,857	628,051
Loans:						
Direct (NDEA II)	877,702	848,766	734,784	959,305	1,019,666	1,019,666
Insured:						
Advances for reserve funds						
Interest payments	71,730					
Special programs for the disadvantaged: Talent search	50,394					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	163,086	166,045		151,040	166,045	158,468
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	21,300					
Language training and area studies	12,951					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	234,428	189,170			209,638	209,638
Other undergraduate facilities (HEFA I—Sec. 104)	662,620	109,909			109,909	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	68,765	57,831	53,806	53,806	53,806	53,806
Undergraduate instructional equipment (HEA VI-A)	59,639				60,521	25,153
College personnel development (NDEA IV; EPDA pt. E)	253,200					
Subtotal, higher education	5,785,316	2,279,583	1,804,893	2,099,227	2,692,350	2,401,807
Education professions development:						
Grants to States (EPDA B-2)	135,982	137,296	135,432	135,432	135,432	135,432
Personnel development programs	270,762					
Teacher Corps						
Subtotal, education professions development	406,744	137,296	135,432	135,432	135,432	135,432
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	210,196	190,717	190,717	210,196	210,196	210,196
Interlibrary cooperation (LSCA III)	40,597	40,597	40,597	40,597	40,597	40,597
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,507
Library services for physically handicapped (LSCA IV-B)	25,052	25,052	25,052	25,052	25,052	25,052
Construction (LSCA II)	88,347	93,236		82,820	98,347	90,594
College library resources (HEA II-A)	108,233					
Librarian training (HEA II-B)	33,737					
Educational broadcasting facilities						
University community service programs (HEA I)	115,187	115,187		114,763	114,763	114,763
Subtotal, community education	660,858	504,298	295,875	512,937	528,464	520,711
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	19,082,211	14,404,871	9,848,418	15,657,335	18,057,791	17,042,533
Total, Office of Education, comparable basis [2]	17,886,461	14,404,871	9,848,418	15,657,335	18,057,791	17,042,533

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NEBRASKA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$5,668,814	$7,491,253	$7,376,510	$8,431,031	$8,288,619	$8,287,918
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					53,780	53,198
Supplementary services (ESEA III)	1,353,663	1,024,798	1,051,683	1,166,306	1,253,633	1,205,611
Federally affected areas:						
Maintenance (Public Law 81-874)	4,624,472	4,610,000		4,389,000	5,263,000	5,390,000
Construction (Public Law 81-815)	457,928					
Grants to States for school library materials (ESEA II)	374,367	313,078	589,323	589,323	589,323	589,323
Strengthening State departments of education (ESEA V):						
Grants to States	340,817	340,817	338,719	338,719	386,565	338,719
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	576,770	258,291		130,042	571,080	354,630
Loans to nonprofit private schools						
State administration	13,673	13,656		13,691	13,691	13,691
Guidance, counseling, and testing (NDEA V)	183,554	103,492				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	13,744,058	14,405,385	9,606,235	15,308,112	17,669,641	16,483,090
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	217,458	217,458	237,573	252,460	244,530	244,530
Teacher education and recruitment	176,671					
Research and innovation	274,385					
Subtotal, education for the handicapped	668,514	217,458	237,573	252,460	244,530	244,530
Vocational and adult education:						
Grants to States (pt. B)	2,199,575	2,227,091	2,227,091	2,589,253	2,309,441	2,330,328
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		123,046	123,046	144,792	144,792	144,792
Research and special project activities (pt. C)	82,022	15,000	254,451	268,254	250,841	258,925
Innovation (pt. D)		217,880			239,468	153,851
Consumer and homemaking education (pt. F)		108,546	108,546	126,673	181,026	181,026
Cooperative education (pt. G)		225,076	250,692	257,459	257,459	257,459
Work-study (pt. H)		30,821		39,886	39,886	39,886
Adult basic education (Adult Education Act):						
Grants to States	207,912	221,891	239,406	239,406	239,406	239,406
Special projects and teacher education						
Subtotal, vocational and adult education	2,489,509	3,200,419	3,234,300	3,696,791	3,693,387	3,636,741
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,362,622	[1] 575,316	[1] 732,014	[1] 566,862	[1] 732,014	[1] 566,862
Work-study and cooperative education (HEA IV-C)	1,232,909	1,309,717	1,362,875	1,349,246	1,484,171	1,349,246
Loans:						
Direct (NDEA II)	1,786,869	1,813,595	1,620,549	2,115,724	2,248,848	2,248,848
Insured:						
Advances for reserve funds						
Interest payments	64,019					
Special programs for the disadvantaged: Talent search	60,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	180,520	183,560		152,075	183,560	167,712
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	280,000					
Language training and area studies	34,980					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	726,890	359,064			356,265	356,265
Other undergraduate facilities (HEFA I—Sec. 104)	1,136,397	232,407			232,407	
Graduate facilities (HEFA II)	300,000					
State administration and planning (HEFA I—Sec. 105)	75,908	74,549	67,335	67,335	67,335	67,335
Undergraduate instructional equipment (HEA VI-A)	125,481				131,608	58,841
College personnel development (NDEA IV; EPDA pt. E)	511,900					
Subtotal, higher education	7,928,495	4,598,028	3,832,773	4,301,242	5,486,208	4,865,109
Education professions development:						
Grants to States (EPDA B-2)	172,525	175,108	171,354	171,354	171,354	171,354
Personnel development programs	848,726					
Teacher Corps	541,734					
Subtotal, education professions development	1,562,985	175,108	171,354	171,354	171,354	171,354
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	330,484	289,742	289,742	330,484	330,484	330,484
Interlibrary cooperation (LSCA III)	41,249	41,249	41,249	41,249	41,249	41,249
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,109	25,109	25,109	25,109	25,109	25,109
Construction (LSCA II)	256,938	107,683		85,898	118,375	102,137
College library resources (HEA II-A)	204,610					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	131,132	131,132		130,820	130,820	130,820
Subtotal, community education	1,029,031	634,424	395,609	653,069	685,546	669,308
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	27,422,592	23,230,822	17,477,844	24,383,028	27,950,666	26,070,132
Total, Office of Education, comparable basis [2]	24,000,036	23,230,822	17,477,844	24,383,028	27,950,666	26,070,132

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NEVADA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$886,124	$932,847	$1,006,741	$1,058,509	$1,038,452	$1,038,354
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					4,123	4,123
Pt. C: Special grants for urban and rural schools					704	704
Supplementary services (ESEA III)	646,767	551,066	564,708	600,769	628,118	613,086
Federally affected areas:						
Maintenance (Public Law 81-874)	3,554,294	3,543,000		3,066,000	4,641,000	3,799,000
Construction (Public Law 81-815)	221,351	14,000				
Grants to States for school library materials (ESEA II)	113,689	100,155	188,527	188,527	188,527	188,527
Strengthening State departments of education (ESEA V):						
Grants to States	257,521	259,550	260,934	260,934	296,963	260,934
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	113,732	61,619		31,023	136,239	86,937
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	50,000	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	6,006,811	5,775,570	2,270,910	5,469,095	7,197,459	6,254,998
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	200,000	200,000	200,000
Teacher education and recruitment	90,967					
Research and innovation						
Subtotal, education for the handicapped	190,967	100,000	100,000	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	596,052	529,448	529,448	615,506	548,990	553,955
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		29,252	29,252	34,420	34,420	34,420
Research and special project activities (pt. C)	140,627	15,000	227,226	217,827	59,629	61,551
Innovation (pt. D)		204,670			210,309	210,309
Consumer and homemaking education (pt. F)		25,804	25,804	30,113	43,032	36,572
Cooperative education (pt. G)		206,550	225,346	215,008	215,008	215,008
Work-study (pt. H)		8,388		10,855	10,855	10,855
Adult basic education (Adult Education Act):						
Grants to States	121,076	123,829	173,321	173,321	173,321	173,321
Special projects and teacher education	160,000					
Subtotal, vocational and adult education	1,017,755	1,174,009	1,241,465	1,328,118	1,326,632	1,327,059
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	141,788	[1] 93,823	[1] 119,414	[1] 92,473	[1] 119,414	92,473
Work-study and cooperative education (HEA IV-C)	343,532	193,116	221,473	219,258	241,185	219,258
Loans:						
Direct (NDEA II)	222,484	219,899	264,362	345,141	366,857	366,857
Insured:						
Advances for reserve funds						
Interest payments	31,014					
Special programs for the disadvantaged: Talent search	44,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	158,867	156,784		150,440	156,784	153,580
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)						
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		61,219			64,573	64,573
Other undergraduate facilities (HEFA I—Sec. 104)	334,962	51,403			51,403	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	48,460	38,960	43,968	43,968	43,968	43,968
Undergraduate instructional equipment (HEA VI-A)	14,561				19,527	9,483
College personnel development (NDEA IV; EPDA pt. E)	117,800					
Subtotal, higher education	1,497,468	865,204	699,217	901,280	1,113,771	1,000,192
Education professions development:						
Grants to States (EPDA B-2)	3,661	124,027	122,827	122,827	122,827	122,827
Personnel development programs	46,706					
Teacher Corps						
Subtotal, education professions development	50,367	124,027	122,827	122,827	122,827	122,827
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	146,589	138,353	138,353	146,589	146,589	146,589
Interlibrary cooperation (LSCA III)	40,253	40,253	40,253	40,253	40,253	40,253
State institutional library services (LSCA IV-A)	20,753	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	5,299	25,022	25,022	25,022	25,022	25,022
Construction (LSCA II)	62,523	85,596		81,192	80,000	89,520
College library resources (HEA II-A)	57,175					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	109,324	109,324		109,524	109,524	109,524
Subtotal, community education	441,916	438,057	243,187	442,089	440,897	450,417
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	62,931					
Total, Office of Education	9,268,215	8,476,867	4,677,556	8,463,409	10,401,526	9,355,493
Total, Office of Education, comparable basis [2]	8,643,061	8,476,867	4,677,556	8,463,409	10,401,526	9,355,493

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NEW HAMPSHIRE

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$1,431,723	$1,627,712	$1,594,736	$1,839,186	$1,806,173	$1,806,011
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools						
Supplementary services (ESEA III)	815,216	665,545	682,108	737,109	778,917	755,932
Federally affected areas:						
Maintenance (Public Law 81-874)	2,065,756	2,059,000		1,785,000	2,765,000	2,277,000
Construction (Public Law 81-815)	−9,245	6,000				
Grants to States for school library materials (ESEA II)	168,878	146,053	274,924	274,924	274,924	274,924
Strengthening State departments of education (ESEA V):						
Grants to States	269,677	269,677	271,088	271,088	310,107	271,088
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	257,968	118,824		59,825	262,720	165,189
Loans to nonprofit private schools	2,970					
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	55,921	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	5,222,197	5,206,144	3,072,856	5,230,465	6,461,174	5,813,477
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	101,537	200,000	200,000	200,000
Teacher education and recruitment	73,850					
Research and innovation						
Subtotal, education for the handicapped	173,850	100,000	101,537	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	975,353	1,058,551	1,058,551	1,230,632	1,097,643	1,107,570
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		58,485	58,485	68,817	68,817	68,817
Research and special project activities (pt. C)	26,550	15,000	246,673	230,561	119,221	123,063
Innovation (pt. D)		208,006			217,672	217,672
Consumer and homemaking education (pt. F)		51,592	51,592	60,206	86,039	73,124
Cooperative education (pt. G)		211,228	243,450	225,728	225,728	225,728
Work-study (pt. H)		13,850		17,923	17,923	17,923
Adult basic education (Adult Education Act):						
Grants to States	153,033	160,283	168,945	168,945	168,945	168,945
Special projects and teacher education						
Subtotal, vocational and adult education	1,154,936	1,808,063	1,858,764	2,033,880	2,033,056	2,033,910
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	656,280	[1] 259,748	[1] 330,599	[1] 256,011	[1] 330,599	256,011
Work-study and cooperative education (HEA IV-C)	766,819	484,432	514,123	508,982	559,879	508,982
Loans:						
Direct (NDEA II)	804,338	785,378	731,887	955,522	1,015,645	1,015,645
Insured:						
Advances for reserve funds						
Interest payments	35,014					
Special programs for the disadvantaged: Talent search						
Institutional assistance:						
Aid to land-grant colleges:						
Annual	161,480	164,432		150,935	164,432	157,617
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	215,000					
Language training and area studies	50,731					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		168,618			169,813	169,813
Other undergraduate facilities (HEFA I—Sec. 104)	835,235	105,932			105,932	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	44,491	61,000	57,148	57,148	57,148	57,148
Undergraduate instructional equipment (HEA VI-A)	61,584				59,689	28,784
College personnel development (NDEA IV; EPDA pt. E)	366,300					
Subtotal, higher education	4,047,272	2,079,540	1,683,757	1,978,598	2,513,137	2,244,000
Education professions development:						
Grants to States (EPDA B-2)	147,716	135,038	133,287	133,287	133,287	133,287
Personnel development programs	281,745					
Teacher Corps						
Subtotal, education professions development	429,461	135,038	133,287	133,287	133,287	133,287
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	199,116	181,596	181,596	199,116	199,116	199,116
Interlibrary cooperation (LSCA III)	40,537	40,537	40,537	40,537	40,537	40,537
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,047	25,047	25,047	25,047	25,047	25,047
Construction (LSCA II)	152,018	91,905		82,536	96,503	89,320
College library resources (HEA II-A)	117,971					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	114,625	114,625		114,912	114,912	114,912
Subtotal, community education	688,913	493,219	286,689	501,657	515,624	508,441
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	11,716,629	9,822,004	7,136,890	10,077,887	11,856,278	10,933,115
Total, Office of Education, comparable basis [2]	10,514,434	9,822,004	7,136,890	10,077,887	11,856,278	10,933,115

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NEW JERSEY

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$24,487,811	$33,310,467	$32,825,491	$37,424,592	$36,803,488	$36,800,430
State administrative expenses	245,001	333,105	328,255	374,246	368,035	368,004
Pt. B.: Special incentive grants					342,743	339,349
Pt. C: Special grants for urban and rural schools	5,233,177	3,626,822	3,775,106	4,350,987	4,790,439	4,548,731
Supplementary services (ESEA III)						
Federally affected areas:						
Maintenance (Public Law 81-874)	10,321,861	10,287,000		8,589,000	15,684,000	12,536,000
Construction (Public Law 81-815)	773,195	27,000				
Grants to States for school library materials (ESEA II)	1,652,599	1,406,778	2,648,053	2,648,053	2,648,053	2,648,053
Strengthening State departments of education (ESEA V):						
Grants to States	738,898	738,898	742,620	742,620	856,573	742,620
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,796,586	863,566		434,782	1,909,341	1,188,248
Loans to nonprofit private schools						
State administration	2,432	61,901		62,196	62,196	62,196
Guidance, counseling, and testing (NDEA V)	552,014	469,127				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	45,804,574	51,224,664	40,419,525	54,726,476	63,564,868	59,333,631
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	866,823	866,823	947,003	1,006,346	974,736	974,736
Teacher education and recruitment	503,629					
Research and innovation	9,336					
Subtotal, education for the handicapped	1,379,788	866,823	947,003	1,006,346	974,736	974,736
Vocational and adult education:						
Grants to States (pt. B)	6,448,818	8,543,798	8,543,798	9,932,416	8,859,051	8,939,174
State advisory councils		53,087	53,087	53,087	53,087	53,087
Programs for students with special needs (pt. B)		472,044	472,044	555,425	555,425	555,425
Research and special project activities (pt. C)	338,844	21,486	657,391	499,502	962,232	993,242
Innovation (pt. D)		278,456			373,190	373,190
Consumer and homemaking education (pt. F)		416,411	416,411	485,923	694,421	590,174
Cooperative education (pt. G)		310,034	625,813	452,135	452,135	452,135
Work-study (pt. H)		136,743		176,962	176,962	176,962
Adult basic education (Adult Education Act):						
Grants to States	1,057,036	1,177,851	1,332,732	1,332,732	1,332,732	1,332,732
Special projects and teacher education	417,000					
Subtotal, vocational and adult education	8,261,698	11,409,910	12,101,276	13,488,182	13,459,235	13,466,121
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,636,170	[1] 1,065,148	[1] 1,355,687	[1] 1,049,825	[1] 1,355,687	[1] 1,049,825
Work-study and cooperative education (HEA IV-C)	2,751,188	3,272,107	3,419,849	3,385,651	3,724,215	3,385,651
Loans:						
Direct (NDEA II)	3,281,169	3,330,813	3,001,249	3,918,309	4,164,854	4,164,854
Insured:						
Advances for reserve funds						
Interest payments	2,023,322					
Special programs for the disadvantaged: Talent search	139,875					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	290,710	294,262		159,350	294,262	226,138
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	50,000					
Language training and area studies	423,131					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,260,985	1,162,358			1,188,662	1,188,662
Other undergraduate facilities (HEFA I—Sec. 104)	3,452,283	725,600			725,600	
Graduate facilities (HEFA II)	1,600,000					
State administration and planning (HEFA I—Sec. 105)	175,863	129,991	104,828	104,828	104,828	104,828
Undergraduate instructional equipment (HEA VI-A)	265,201				262,020	126,991
College personnel development (NDEA IV; EPDA pt. E)	1,875,400					
Subtotal, higher education	21,265,297	10,030,279	7,931,613	8,667,963	11,870,128	10,296,949
Education professions development:						
Grants to States (EPDA B-2)	420,452	437,488	420,621	420,621	420,621	420,621
Personnel development programs	705,047					
Teacher Corps	264,859					
Subtotal, education professions development	1,390,358	437,488	420,621	420,621	420,621	420,621
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	1,090,767	915,632	915,632	1,090,767	1,090,767	1,090,767
Interlibrary cooperation (LSCA III)	45,371	45,371	45,371	45,371	45,371	45,371
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,467	25,467	25,467	25,477	25,467	25,467
Construction (LSCA II)	545,193	199,000		105,353	244,961	175,157
College library resources (HEA II-A)	487,854					
Librarian training (HEA II-B)	248,366					
Educational broadcasting facilities						
University community service programs (HEA I)	249,254	249,254		249,966	249,966	249,966
Subtotal, community education	2,731,781	1,474,233	1,025,979	1,556,433	1,696,041	1,626,237
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	92,322					
Total, Office of Education	80,925,818	75,443,397	62,846,017	79,866,021	91,985,629	86,118,295
Total, Office of Education, comparable basis [2]	71,830,476	75,443,397	62,846,017	79,866,021	91,985,629	86,118,295

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NEW MEXICO

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$9,794,395	$9,888,110	$10,761,354	$10,761,354	$10,761,354	$10,761,354
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					488,844	488,844
Pt. C: Special grants for urban and rural schools					91,418	90,512
Supplementary services (ESEA III)	1,112,240	860,486	873,831	959,763	1,025,184	989,211
Federally affected areas:						
Maintenance (Public Law 81-874)	10,219,522	10,187,000		10,115,000	13,687,000	11,992,000
Construction (Public Law 81-815)	229,219					
Grants to States for school library materials (ESEA II)	288,109	241,076	453,791	453,791	453,791	453,791
Strengthening State departments of education (ESEA V):						
Grants to States	319,982	319,982	317,977	317,977	360,421	317,977
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	525,835	273,046		137,471	603,704	370,233
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	100,396	84,923				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	22,753,031	22,117,956	12,656,953	23,008,689	27,735,049	25,727,255
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	175,883	175,883	192,152	204,192	200,000	200,000
Teacher education and recruitment	291,082					
Research and innovation	485,629					
Subtotal, education for the handicapped	952,594	175,883	192,152	204,192	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,590,156	1,947,460	1,947,460	2,264,327	2,019,629	2,037,894
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		107,597	107,597	126,621	126,621	126,621
Research and special project activities (pt. C)	50,000	15,000	281,677	253,482	219,363	226,433
Innovation (pt. D)		214,010			230,927	230,927
Consumer and homemaking education (pt. F)		94,917	94,917	110,778	158,310	134,544
Cooperative education (pt. G)		219,649	276,068	245,024	245,024	245,024
Work-study (pt. H)		23,993		31,050	31,050	31,050
Adult basic education (Adult Education Act):						
Grants to States	289,178	314,160	344,873	344,873	344,873	344,873
Special projects and teacher education	933,162					
Subtotal, vocational and adult education	2,862,496	2,967,800	3,083,680	3,407,223	3,406,865	3,408,434
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	954,594	[1] 332,197	[1] 422,810	[1] 327,418	[1] 422,810	[1] 327,418
Work-study and cooperative education (HEA IV-C)	1,288,791	972,393	1,047,147	1,036,676	1,140,343	1,036,676
Loans:						
Direct (NDEA II)	1,040,703	1,007,149	936,027	1,222,038	1,298,931	1,298,931
Insured:						
Advances for reserve funds						
Interest payments	59,250					
Special programs for the disadvantaged: Talent search	113,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	169,625	172,614		151,466	172,614	161,935
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	159,660					
Language training and area studies	99,838					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		307,654			338,305	338,305
Other undergraduate facilities (HEFA I—Sec. 104)	1,361,848	156,457			156,457	
Graduate facilities (HEFA II)	300,000					
State administration and planning (HEFA I—Sec. 105)	80,506	62,013	57,006	57,006	57,006	57,006
Undergraduate instructional equipment (HEA VI-A)	73,684				85,535	41,531
College personnel development (NDEA IV; EPDA pt. E)	568,300					
Subtotal, higher education	6,319,799	3,060,477	2,512,990	2,844,604	3,722,001	3,311,802
Education professions development:						
Grants to States (EPDA B-2)	142,814	157,834	154,944	154,944	154,944	154,944
Personnel development programs	183,920					
Teacher Corps	456,756					
Subtotal, education professions development	783,490	157,834	154,944	154,944	154,944	154,944
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	255,312	227,858	227,858	255,312	255,312	255,312
Interlibrary cooperation (LSCA III)	40,842	40,842	40,842	40,842	40,842	40,842
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,073	25,073	25,073	25,073	25,073	25,073
Construction (LSCA II)	132,985	98,654		83,974	105,859	94,917
College library resources (HEA II-A)	196,710					
Librarian training (HEA II-B)	8,380					
Educational broadcasting facilities						
University community service programs (HEA I)	121,677	121,677		121,084	121,084	121,084
Subtotal, community education	820,488	553,613	333,282	565,794	587,679	576,737
Research and development:						
Educational laboratories	862,244					
Research and development centers						
Subtotal, research and development	862,244					
Civil rights education	367,646					
Total, Office of Education	35,721,788	29,033,563	18,933,951	30,185,446	35,806,538	33,379,172
Total, Office of Education, comparable basis [2]	30,562,527	29,033,563	18,933,951	30,185,446	35,806,538	33,379,172

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NEW YORK

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$120,339,680	$178,348,472	$175,753,809	$200,378,257	$197,052,746	$197,036,370
State administrative expenses	1,204,063	1,783,485	1,757,538	2,003,783	1,970,527	1,970,364
Pt. B.: Special incentive grants					1,130,256	1,130,256
Pt. C: Special grants for urban and rural schools					2,070,481	2,049,980
Supplementary services (ESEA III)	13,221,927	8,869,461	9,235,315	10,692,091	11,804,049	11,192,431
Federally affected areas:						
Maintenance (Public Law 81-874)	16,738,842	16,997,000		14,386,000	22,113,000	17,993,000
Construction (Public Law 81-815)	98,325	1,688,000		3,481,301	3,481,301	3,481,301
Grants to States for school library materials (ESEA II)	4,090,893	3,465,109	6,522,557	6,522,557	6,522,557	6,522,557
Strengthening State departments of education (ESEA V):						
Grants to States	1,474,535	1,474,815	1,477,979	1,477,979	1,722,759	1,477,979
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	4,198,623	1,928,151		970,773	4,263,134	2,657,948
Loans to nonprofit private schools	151,200					
State administration	156,767	153,851		154,869	154,869	154,869
Guidance, counseling, and testing (NDEA V)	1,402,273	1,165,991				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	163,127,128	215,974,335	194,847,198	240,167,610	252,385,679	245,767,055
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	2,331,331	2,331,331	2,546,976	2,706,577	2,621,564	2,621,564
Teacher education and recruitment	2,533,652					
Research and innovation	2,538,892					
Subtotal, education for the handicapped	7,403,875	2,331,331	2,546,976	2,706,577	2,621,564	2,621,564
Vocational and adult education:						
Grants to States (pt. B)	17,023,218	20,730,525	20,730,525	24,099,228	21,494,901	21,689,304
State advisory councils		93,203	93,203	93,203	93,203	93,203
Programs for students with special needs (pt. B)		1,145,363	1,145,363	1,347,641	1,347,641	1,347,641
Research and special project activities (pt. C)	872,939	52,134	1,348,923	952,320	2,344,682	2,409,923
Innovation (pt. D)		397,076			635,037	635,037
Consumer and homemaking education (pt. F)		1,010,377	1,010,377	1,179,005	1,684,886	1,431,949
Cooperative education (pt. G)		476,396	1,269,603	833,339	833,339	833,339
Work-study (pt. H)		339,615		439,501	439,501	439,501
Adult basic education (Adult Education Act):						
Grants to States	2,946,251	3,299,893	3,759,700	3,759,700	3,759,700	3,759,700
Special projects and teacher education	536,318					
Subtotal, vocational and adult education	21,378,726	27,544,582	29,357,694	32,703,937	32,632,890	32,639,597
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	12,047,255	[1] 5,023,882	[1] 6,394,237	[1] 4,951,609	[1] 6,394,237	[1] 4,951,609
Work-study and cooperative education (HEA IV-C)	9,537,189	10,320,156	11,411,374	11,297,260	12,426,987	11,297,260
Loans:						
Direct (NDEA II)	14,717,179	14,852,696	14,155,701	18,481,112	19,643,969	19,643,969
Insured:						
Advances for reserve funds						
Interest payments	9,779,625					
Special programs for the disadvantaged: Talent search	312,236					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	544,335	549,067		175,865	549,067	360,619
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	135,000					
Language training and area studies	2,857,698					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	5,210,882	2,623,120			2,938,723	2,938,723
Other undergraduate facilities (HEFA I—Sec. 104)	9,896,878	2,360,852			2,360,852	
Graduate facilities (HEFA II)	2,700,000					
State administration and planning (HEFA I—Sec. 105)	497,178	347,369	275,587	275,587	275,587	275,587
Undergraduate instructional equipment (HEA VI-A)	1,170,283				1,153,771	472,879
College personnel development (NDEA IV; EPDA pt. E)	8,008,950					
Subtotal, higher education	76,864,688	36,127,142	32,286,899	35,231,433	45,793,193	39,990,646
Education professions development:						
Grants to States (EPDA B-2)	392,515	931,283	889,739	889,739	889,739	889,739
Personnel development programs	4,832,101					
Teacher Corps	1,174,556					
Subtotal, education professions development	6,399,172	931,283	889,739	889,739	889,739	889,739
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	2,340,719	2,356,249	2,356,249	2,840,719	2,840,719	2,840,719
Interlibrary cooperation (LSCA III)	54,858	54,858	54,858	54,858	54,858	54,858
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	26,292	26,292	26,292	26,292	26,292	26,292
Construction (LSCA II)	2,521,607	409,187		150,133	536,326	343,229
College library resources (HEA II-A)	2,018,364					
Librarian training (HEA II-B)	656,562					
Educational broadcasting facilities						
University community service programs (HEA I)	493,850	493,850		485,753	485,753	485,753
Subtotal, community education	8,651,761	3,379,945	2,476,908	3,597,264	3,983,457	3,790,360
Research and development:						
Educational laboratories	3,644,494					
Research and development centers	495,973					
Subtotal, research and development	4,140,467					
Civil rights education	213,880					
Total, Office of Education	288,179,697	286,288,618	262,405,414	315,296,560	338,306,522	325,698,961
Total, Office of Education, comparable basis [2]	245,571,113	285,288,618	262,405,414	315,296,560	338,306,522	325,698,961

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NORTH CAROLINA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$49,388,344	$57,588,036	$56,749,453	$64,700,485	$63,626,704	$63,621,417
State administrative expenses	493,970	575 880	567,495	647,005	636,267	636,214
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					763,767	756,205
Supplementary services (ESEA III)	4,019,265	2,787,844	2,890,573	3,323,753	3,654,260	3,472,478
Federally affected areas:						
Maintenance (Public Law 81-874)	11,886,349	11,995,000		10,562,000	13,939,000	12,093,000
Construction (Public Law 81-815)	1,391,665	60,000		758,714	768,714	758,714
Grants to States for school library materials (ESEA II)	1,186,993	993,278	1,869,699	1,869,699	1,869,699	1,869,699
Strengthening State departments of education (ESEA V):						
Grants to States	1,110,464	669,081	659,015	659,015	750,148	659,015
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	2,543,076	1,130,562		569,208	2,499,669	1,542,773
Loans to nonprofit private schools						
State administration	48,734	48,642		48,470	48,470	48,470
Guidance, counseling, and testing (NDEA V)	435,921	368,639				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	72,504,781	76,316,962	62,836,235	83,238,349	88,646,698	85,557,985
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	805,195	805,195	879,674	934,798	905,436	905,436
Teacher education and recruitment	456,656					
Research and innovation	135,931					
Subtotal, education for the handicapped	1,397,782	805,195	879,674	934,798	905,436	905,436
Vocational and adult education:						
Grants to States (pt. B)	8,971,685	10,190,085	10,109,085	11,847,550	10,567,223	10,662,796
State advisory councils		63,317	63,317	63,317	63,317	63,317
Programs for students with special needs (pt. B)		563,004	563,004	662,519	662,519	662,519
Research and special project activities (pt. C)	457,975	25,626	590,494	455,697	1,147,766	1,184,755
Innovation (pt. D)		266,982			347,860	347,860
Consumer and homemaking education (pt. F)		496,651	496,651	579,617	828,316	703,970
Cooperative education (pt. G)		293,941	563,534	415,258	425,258	415,258
Work-study (pt. H)		118,212		152,980	152,980	152,980
Adult basic education (Adult Education Act):						
Grants to States	1,495,891	1,677,851	1,904,580	1,904,580	1,904,580	1,904,580
Special projects and teacher education	415,000					
Subtotal, vocational and adult education	11,340,551	13,695,669	14,371,665	16,081,518	16,089,819	16,098,035
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	4,329,263	[1] 1,437,343	[1] 1,829,403	[1] 1,416,665	[1] 1,829,403	[1] 1,416,665
Work-study and cooperative education (HEA IV-C)	4,815,571	5,388,943	5,517,832	5,462,654	6,008,921	5,462,654
Loans:						
Direct (NDEA II)	4,519,639	4,465,664	4,049,973	5,287,482	5,620,177	5,620,177
Insured:						
Advances for reserve funds						
Interest payments	164,526					
Special programs for the disadvantaged: Talent search	50,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	254,954	258,341		157,022	258,341	207,180
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	2,854,457					
Language training and area studies	127,573					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,664,358	1,368,374			1,270,865	1,270,865
Other undergraduate facilities (HEFA I—Sec. 104)	3,212,504	649,949			649,949	
Graduate facilities (HEFA II)	400,000					
State administration and planning (HEFA I—Sec. 105)	217,104	139,376	126,689	126,689	126,689	126,689
Undergraduate instructional equipment (HEA VI-A)	364,447				359,358	172,419
College personnel development (NDEA IV; EPDA pt. E)	2,291,206					
Subtotal, higher education	26,315,602	13,757,990	11,573,897	12,500,512	16,173,703	14,326,649
Education professions development:						
Grants to States (EPDA B-2)	337,952	338,289	326,380	326,380	326,380	326,380
Personnel development programs	809,378					
Teacher Corps	665,659					
Subtotal, education professions development	1,812,989	338,289	326,380	326,380	326,380	326,380
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	844,066	712,539	712,539	844,066	844,066	844,066
Interlibrary cooperation (LSCA III)	44,033	44,033	44,033	44,033	44,033	44,033
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,351	25,351	25,351	25,351	25,351	25,351
Construction (LSCA II)	388,584	169,369		99,040	203,886	151,463
College library resources (HEA II-A)	678,984					
Librarian training (HEA II-B)	301,099					
Educational broadcasting facilities						
University community service programs (HEA I)	207,608	207,608		208,836	208,836	208,836
Subtotal, community education	2,529,234	1,198,409	821,432	1,260,835	1,365,681	1,313,258
Research and development:						
Educational laboratories	820,000					
Research and development centers						
Subtotal, research and development	820,000					
Civil rights education	731,116					
Total, Office of Education	117,452,055	106,112,514	90,809,283	114,342,392	123,507,717	118,527,743
Total, Office of Education, comparable basis [2]	110,006,832	106,112,514	90,809,283	114,342,392	123,507,717	118,527,743

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF NORTH DAKOTA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$4,033,993	$4,703,614	$4,718,350	$5,294,981	$5,204,615	$5,204,170
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					216,115	216,115
Pt. C: Special grants for urban and rural schools					34,149	34,149
Supplementary services (ESEA III)	815,806	653,528	659,387	710,722	749,732	728,287
Federally affected areas:						
Maintenance (Public Law 81-874)	2,664,431	2,651,000		3,242,000	3,768,000	3,667,000
Construction (Public Law 81-815)		1,000		400,000	400,000	400,000
Grants to States for school library materials (ESEA II)	162,589	136,301	256,567	256,567	256,567	256,567
Strengthening State departments of education (ESEA V):						
Grants to States	273,216	273,216	272,292	272,292	310,381	272,292
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	329,954	146,026		73,520	322,863	196,253
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	88,341	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	8,531,663	8,878,018	6,156,596	10,513,415	11,527,755	11,238,166
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	109,151	109,151	119,247	200,000	200,000	200,000
Teacher education and recruitment	177,879					
Research and innovation						
Subtotal, education for the handicapped	287,030	109,151	119,247	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,313,021	1,207,190	1,207,190	1,403,584	1,251,903	1,263,226
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		66,697	66,697	78,490	78,490	78,490
Research and special project activities (pt. C)	45,834	15,000	249,784	232,599	135,976	140,358
Innovation (pt. D)		208,539			218,851	218,851
Consumer and homemaking education (pt. F)		58,837	58,837	68,667	98,130	83,400
Cooperative education (pt. G)		211,977	246,347	227,443	227,443	227,443
Work-study (pt. H)		14,630		18,933	18,933	18,933
Adult basic education (Adult Education Act):						
Grants to States	168,753	177,469	188,601	188,601	188,601	188,601
Special projects and teacher education						
Subtotal, vocational and adult education	1,527,608	1,991,407	2,048,524	2,249,385	2,249,395	2,250,370
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	893,715	[1] 283,305	[1] 360,581	[1] 279,229	[1] 360,581	[1] 279,229
Work-study and cooperative education (HEA IV-C)	753,069	700,121	718,959	711,769	782,947	711,769
Loans:						
Direct (NDEA II)	946,751	926,540	798,263	1,042,179	1,107,755	1,107,755
Insured:						
Advances for reserve funds						
Interest payments	175,900					
Special programs for the disadvantaged: Talent search	48,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	162,084	165,039		160,975	165,039	157,937
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	405,000					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	77,204	200,784			202,370	202,370
Other undergraduate facilities (HEFA I—Sec. 104)	919,319	109,575			109,575	
Graduate facilities (HEFA II)	253,165					
State administration and planning (HEFA I—Sec. 105)	72,802	58,948	54,101	54,101	54,101	54,101
Undergraduate instructional equipment (HEA VI-A)	71,130				68,041	32,912
College personnel development (NDEA IV; EPDA pt. E)	269,200					
Subtotal, higher education	5,097,339	2,494,312	1,981,904	2,288,253	2,900,409	2,596,073
Education professions development:						
Grants to States (EPDA B-2)	131,498	132,699	131,065	131,065	131,065	131,065
Personnel development programs						
Teacher Corps	29,604					
Subtotal, education professions development	161,102	132,699	131,065	131,065	131,065	131,065
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	203,285	185,027	185,027	203,285	203,285	203,285
Interlibrary cooperation (LSCA III)	40,560	40,560	40,560	40,560	40,560	40,560
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,049	25,049	25,049	25,049	25,049	25,049
Construction (LSCA II)	256,991	92,405		82,643	97,197	89,920
College library resources (HEA II-A)	133,911					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	113,911	113,911		113,236	113,236	113,236
Subtotal, community education	813,216	496,461	290,145	504,282	518,836	511,559
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	16,417,958	14,102,048	10,727,481	15,886,400	17,591,566	16,927,233
Total, Office of Education, comparable basis [2]	14,854,169	14,102,048	10,727,481	15,886,400	17,591,566	16,927,233

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF OHIO

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$33,370,827	$40,363,720	$39,755,953	$45,348,867	$44,596,250	$44,592,545
State administrative expenses	333,804	403,637	397,760	453,489	445,963	445,925
Pt. B.: Special incentive grants					408,849	404,801
Pt. C: Special grants for urban and rural schools	8,124,232	5,570,394	5,784,416	6,684,458	7,371,387	6,993,555
Supplementary services (ESEA III)						
Federally affected areas:						
Maintenance (Public Law 81-874)	10,796,237	10,686,000		7,675,000	14,032,000	10,617,000
Construction (Public Law 81-815)	601,890					
Grants to States for school library materials (ESEA II)	2,661,889	2,234,209	4,205,569	4,205,569	4,205,569	4,205,569
Strengthening State departments of education (ESEA V):						
Grants to States	669,081	1,110,464	1,098,447	1,098,447	1,254,063	1,098,447
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	4,089,849	1,870,951		941,974	4,136,666	2,560,178
Loans to nonprofit private schools						
State administration	101,489	101,499		101,420	101,420	101,420
Guidance, counseling, and testing (NDEA V)	905,668	769,226				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	61,654,966	63,210,100	51,342,145	66,609,224	76,652,167	71,119,440
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	1,519,923	1,519,923	1,660,513	1,764,567	1,709,142	1,709,142
Teacher education and recruitment	902,441					
Research and innovation	110,492					
Subtotal, education for the handicapped	2,532,856	1,519,923	1,660,513	1,764,567	1,709,142	1,709,142
Vocational and adult education:						
Grants to States (pt. B)	12,376,685	15,503,686	15,503,686	18,024,291	16,076,464	16,221,862
State advisory councils		93,203	93,203	93,203	93,203	93,203
Programs for students with special needs (pt. B)		856,581	856,581	1,007,925	1,007,925	1,007,925
Research and special project activities (pt. C)	2,239,722	38,989	959,985	697,641	1,746,155	1,802,429
Innovation (pt. D)		330,360			487,767	478,767
Consumer and homemaking education (pt. F)		755,628	755,628	881,801	1,260,161	1,070,983
Cooperative education (pt. G)		382,829	907,517	618,938	618,938	618,938
Work-study (pt. H)		222,768		288,289	288,289	288,289
Adult basic education (Adult Education Act):						
Grants to States	1,208,203	1,351,381	1,531,199	1,531,199	1,531,199	1,531,199
Special projects and teacher education	100,000					
Subtotal, vocational and adult education	15,924,610	19,535,425	20,607,799	23,143,287	23,110,101	23,122,595
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	6,825,477	[1] 2,875,956	[1] 3,660,424	[1] 2,834,582	[1] 3,660,424	[1] 2,834,582
Work-study and cooperative education (HEA IV-C)	4,369,310	6,842,259	7,071,655	7,000,938	7,701,032	7,000,938
Loans:						
Direct (NDEA II)	9,263,289	9,149,205	8,103,528	10,579,639	11,245,324	11,245,324
Insured:						
Advances for reserve funds						
Interest payments	353,134					
Special programs for the disadvantaged: Talent search	139,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	376,856	380,809		164,960	380,809	271,816
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	928,455					
Language training and area studies	228,989					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	5,062,019	2,208,535			2,215,139	2,215,139
Other undergraduate facilities (HEFA I—Sec. 104)	7,474,954	1,394,980			1,394,980	
Graduate facilities (HEFA II)	1,200,000					
State administration and planning (HEFA I—Sec. 105)	130,405	216,768	161,361	161,361	161,361	161,361
Undergraduate instructional equipment (HEA VI-A)	681,179				665,433	321,162
College personnel development (NDEA IV; EPDA pt. E)	2,814,700					
Subtotal, higher education	39,897,767	23,118,512	19,046,968	20,791,480	27,474,502	24,100,322
Education professions development:						
Grants to States (EPDA B-2)	615,679	635,989	609,202	609,202	609,202	609,202
Personnel development programs	1,529,997					
Teacher Corps	729,250					
Subtotal, education professions development	2,874,926	635,989	609,202	609,202	609,202	609,202
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	1,685,152	1,404,949	1,404,949	1,685,152	1,685,152	1,685,152
Interlibrary cooperation (LSCA III)	48,593	48,593	48,593	48,593	48,593	48,593
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,059
Library services for physically handicapped (LSCA IV-B)	25,747	25,747	25,747	25,747	25,747	25,747
Construction (LSCA II)	1,080,285	270,392		120,563	343,925	232,244
College library resources (HEA II-A)	1,016,270					
Librarian training (HEA II-B)	302,349					
Educational broadcasting facilities	131,687					
University community service programs (HEA I)	324,216	324,216		325,054	325,054	325,054
Subtotal, community education	4,653,808	2,113,406	1,518,798	2,244,618	2,467,980	2,356,299
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	156,630					
Total, Office of Education	127,695,563	110,133,355	94,785,425	115,162,378	132,023,094	123,017,000
Total, Office of Education, comparable basis [2]	116,370,990	110,133,355	94,785,425	115,162,378	132,023,094	123,017,000

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF OKLAHOMA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$16,791,317	$18,736,899	$18,464,057	$21,051,013	$20,701,647	$20,699,926
State administrative expenses	167,913	187,368	184,641	210,510	207,016	206,999
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					241,975	239,579
Supplementary services (ESEA III)	2,108,726	1,496,021	1,543,476	1,737,442	1,885,340	1,804,001
Federally affected areas:						
Maintenance (Public Law 81-874)	12,601,770	12,559,000		10,113,000	16,448,000	13,044,000
Construction (Public Law 81-815)	194,246	11,000				
Grants to States for school library materials (ESEA II)	596,823	507,271	954,862	954,862	954,862	954,862
Strengthening State departments of education (ESEA V):						
Grants to States	441,825	441,825	440,485	440,485	501,147	440,485
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,034,408	466,563		234,902	1,031,570	640,709
Loans to nonprofit private schools						
State administration	22,411	22,483		22,546	22,546	22,546
Guidance, counseling, and testing (NDEA V)	200,465	170,393				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	34,159,904	34,698,823	21,687,521	34,864,760	42,094,103	38,153,107
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	366,917	366,917	400,857	425,976	412,596	412,596
Teacher education and recruitment	380,135					
Research and innovation	100,000					
Subtotal, education for the handicapped	847,052	366,917	400,857	425,976	412,596	412,596
Vocational and adult education:						
Grants to States (pt. B)	3,795,552	4,541,401	4,541,401	5,279,822	4,709,249	4,751,840
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		250,912	250,912	295,249	295,249	295,249
Research and special project activities (pt. C)	253,116	15,000	377,356	316,133	511,498	527,982
Innovation (pt. D)		230,422			267,155	267,155
Consumer and homemaking education (pt. F)		221,341	221,341	258,304	369,136	313,722
Cooperative education (pt. G)		242,666	365,111	297,767	297,767	297,767
Work-study (pt. H)		52,864		68,412	68,412	68,412
Adult basic education (Adult Education Act):						
Grants to States	482,882	531,447	593,444	593,444	593,444	593,444
Special projects and teacher education	145,000					
Subtotal, vocational and adult education	4,676,550	6,117,121	6,380,633	7,140,199	7,142,978	7,146,639
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,349,126	[1] 949,548	[1] 1,208,554	[1] 935,888	[1] 1,208,554	[1] 935,888
Work-study and cooperative education (HEA IV-C)	2,264,220	2,396,494	2,418,706	2,394,519	2,633,971	2,394,519
Loans:						
Direct (NDEA II)	3,259,838	3,217,015	2,675,524	3,493,056	3,712,844	3,712,844
Insured:						
Advances for reserve funds						
Interest payments	81,295					
Special programs for the disadvantaged: Talent search	91,808					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	202,223	205,364		153,588	205,364	179,220
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	906,400					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,278,671	652,830			649,879	649,879
Other undergraduate facilities (HEFA I—Sec. 104)	1,937,759	385,280			385,280	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	163,842	97,138	85,038	85,038	85,038	85,038
Undergraduate instructional equipment (HEA VI-A)	243,359				237,320	114,174
College personnel development (NDEA IV; EPDA pt. E)	777,463					
Subtotal, higher education	13,606,004	7,953,669	6,437,822	7,112,089	9,168,250	8,121,562
Education professions development:						
Grants to States (EPDA B-2)	140,917	221,695	215,613	215,613	215,613	215,613
Personnel development programs	552,463					
Teacher Corps	134,527					
Subtotal, education professions development	827,907	221,695	215,613	215,613	215,613	215,613
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	480,232	413,019	413,019	480,232	480,232	480,232
Interlibrary cooperation (LSCA III)	42,061	42,061	42,061	42,061	42,061	42,061
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,179	25,179	25,179	25,179	25,179	25,179
Construction (LSCA II)	485,060	125,669		89,730	146,308	116,519
College library resources (HEA II-A)	395,613					
Librarian training (HEA II-B)	181,146					
Educational broadcasting facilities						
University community service programs (HEA I)	153,588	153,588		153,920	153,920	153,920
Subtotal, community education	1,802,388	799,025	519,768	830,631	887,209	857,420
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	55,919,805	50,157,250	35,642,214	50,589,268	59,920,749	54,906,937
Total, Office of Education, comparable basis [2]	51,930,596	50,157,250	35,642,214	50,589,268	59,920,749	54,906,937

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF OREGON

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$8,093,651	$8,256,688	$8,998,583	$9,032,085	$8,998,583	$8,998,583
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					167,630	167,630
Pt. C: Special grants for urban and rural schools					32,994	32,668
Supplementary services (ESEA III)	1,123,019	1,267,496	1,300,528	1,455,299	1,573,274	1,508,393
Federally affected areas:						
Maintenance (Public Law 81-874)	3,282,405	3,301,000		2,767,000	4,294,000	3,467,000
Construction (Public Law 81-815)						
Grants to States for school library materials (ESEA II)	485,416	426,653	803,112	803,112	803,112	803,112
Strengthening State departments of education (ESEA V):						
Grants to States	392,527	392,527	398,278	398,278	452,608	398,278
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	745,867	338,665		170,509	748,788	459,537
Loans to nonprofit private schools						
State administration	18,609	18,340		18,172	18,172	18,172
Guidance, counseling, and testing (NDEA V)	166,454	138,990				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	15,057,948	14,390,359	11,750,501	14,894,455	17,339,161	16,103,373
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	279,058	279,058	304,870	323,975	313,799	313,799
Teacher education and recruitment	994,455					
Research and innovation	613,213					
Subtotal, education for the handicapped	1,886,726	279,058	304,870	323,975	313,799	313,799
Vocational and adult education:						
Grants to States (pt. B)	2,577,575	3,138,872	3,138,872	3,649,238	3,254,877	3,284,314
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		173,422	173,422	204,067	204,067	204,067
Research and special project activities (pt. C)	253,116	15,000	345,463	295,250	353,530	364,924
Innovation (pt. D)		224,951			255,079	255,079
Consumer and homemaking education (pt. F)		152,985	152,985	178,531	255,134	216,834
Cooperative education (pt. G)		234,994	335,420	280,186	280,186	280,186
Work-study (pt. H)		42,525		55,032	55,032	55,032
Adult basic education (Adult Education Act):						
Grants to States	225,639	241,935	262,331	262,331	262,331	262,331
Special projects and teacher education	43,472					
Subtotal, vocational and adult education	3,099,802	4,255,752	4,439,561	4,955,703	4,951,304	4,953,835
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,901,186	[1] 834,098	[1] 1,061,613	[1] 822,099	[1] 1,061,613	[1] 822,099
Work-study and cooperative education (HEA IV-C)	3,422,079	1,536,246	1,634,421	1,618,077	1,779,884	1,618,077
Loans:						
Direct (NDEA II)	2,639,560	2,486,567	2,350,223	3,068,356	3,261,421	3,261,421
Insured:						
Advances for reserve funds						
Interest payments	348,206					
Special programs for the disadvantaged: Talent search	68,260					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	188,978	192,058		152,726	192,058	172,197
Permanent	50,000	50,000	50,000	50,000	5,0000	50,000
Strengthening developing institutions (HEA III)	106,950					
Language training and area studies	120,593					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 105)	978,887	502,615			512,143	512,143
Other undergraduate facilities (HEFA I—Sec. 104)	1,651,456	342,465			342,465	
Graduate facilities (HEFA II)	500,000					
State administration and planning (HEFA I—Sec. 105)	86,876	89,263	78,838	78,838	78,838	78,838
Undergraduate instructional equipment (HEA VI-A)	198,461				195,573	94,680
College personnel development (NDEA IV; EPDA pt. E)	1,321,922					
Subtotal, higher education	13,483,774	6,033,312	5,175,095	5,790,096	7,473,995	6,609,455
Education professions development:						
Grants to States (EPDA B-2)	203,938	202,355	197,239	197,239	197,239	197,239
Personnel development programs	1,309,266					
Teacher Corps	386,867					
Subtotal, education professions development	1,900,071	202,355	197,239	197,239	197,239	197,239
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	375,683	337,786	337,786	388,844	388,844	388,844
Interlibrary cooperation (LSCA III)	41,566	41,566	41,566	41,566	41,566	41,566
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,136	25,136	25,136	25,136	25,136	25,136
Construction (LSCA II)	387,922	114,693		87,391	128,092	107,742
College library resources (HEA II-A)	323,389					
Librarian training (HEA II-B)	228,958					
Educational broadcasting facilities						
University community service programs (HEA I)	142,684	142,684		142,508	142,508	142,508
Subtotal, community education	1,564,847	701,374	443,997	724,954	765,655	745,305
Research and development:						
Educational laboratories	1,763,473					
Research and development centers	518,759					
Subtotal, research and development	2,282,232					
Civil rights education	207,597					
Total, Office of Education	39,482,997	25,862,210	22,311,263	26,886,422	31,041,153	28,923,006
Total, Office of Education, comparable basis [2]	30,428,796	25,862,210	22,311,263	26,886,422	31,041,153	28,923,006

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF PENNSYLVANIA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$46,085,501	$56,549,804	$55,726,371	$63,534,060	$62,479,639	$62,474,446
State administrative expenses	460,885	565,498	557,264	635,341	624,796	624,744
Pt. B.: Special incentive grants					21,405	21,405
Pt. C: Special grants for urban and rural schools					551,393	545,934
Supplementary services (ESEA III)	8,692,138	5,928,233	6,129,230	7,084,901	7,814,299	7,413,108
Federally affected areas:						
Maintenance (Public Law 81-874)	9,290,582	8,759,000		6,037,000	11,401,000	8,460,000
Construction (Public Law 81-815)						
Grants to States for school library materials (ESEA II)	2,767,349	2,338,965	4,402,757	4,402,757	4,402,757	4,402,757
Strengthening State departments of education (ESEA V):						
Grants to States	1,071,500	1,071,500	1,070,926	1,070,926	1,239,960	1,070,926
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	3,992,360	1,796,266		904,372	3,971,538	2,447,213
Loans to nonprofit private schools						
State administration	104,487	103,732		103,199	103,199	103,199
Guidance, counseling, and testing (NDEA V)	934,630	786,156				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	73,399,432	77,999,154	67,986,548	83,872,556	92,709,986	87,663,732
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	1,672,090	1,672,090	1,826,756	1,941,227	1,880,253	1,880,253
Teacher education and recruitment	1,387,240					
Research and innovation	592,755					
Subtotal, education for the handicapped	3,652,085	1,672,090	1,826,756	1,941,227	1,880,253	1,880,253
Vocational and adult education:						
Grants to States (pt. B)	14,044,897	17,080,756	17,080,756	19,856,954	17,711,078	17,871,260
State advisory councils		93,203	93,203	93,203	93,203	93,203
Programs for students with special needs (pt. B)		943,714	943,714	1,110,411	1,110,411	1,110,411
Research and special project activities (pt. C)	753,769	42,956	993,434	719,544	1,923,700	1,985,695
Innovation (pt. D)		336,098			500,432	500,432
Consumer and homemaking education (pt. F)		832,492	832,492	971,461	1,388,290	1,179,879
Cooperative education (pt. G)		390,876	938,656	637,377	637,377	637,377
Work-study (pt. H)		233,107		301,668	301,668	301,688
Adult basic education (Adult Education Act):						
Grants to States	1,758,365	1,967,553	2,235,911	2,235,911	2,235,911	2,235,911
Special projects and teacher education	445,000					
Subtotal, vocational and adult education	17,002,031	21,920,755	23,118,166	25,926,529	25,902,070	25,915,856
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	6,920,537	[1] 3,022,911	[1] 3,847,465	[1] 2,979,424	[1] 3,847,464	[1] 2,979,424
Work-study and cooperative education (HEA IV-C)	5,302,145	7,898,003	8,141,348	8,059,934	8,865,927	8,059,934
Loans:						
Direct (NDEA II)	9,314,508	9,471,840	8,517,601	11,120,236	11,819,936	11,819,936
Insured:						
Advances for reserve funds						
Interest payments	1,819,562					
Special programs for the disadvantaged: Talent search	90,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	415,033	419,164		167,446	419,164	248,182
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	636,445					
Language training and area studies	927,017					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	5,381,842	2,754,310			2,697,489	2,697,489
Other undergraduate facilities (HEFA I—Sec. 104)	7,313,779	1,517,897			1,517,897	
Graduate facilities (HEFA II)	1,648,829					
State administration and planning (HEFA I—Sec. 105)	443,361	256,687	200,561	200,561	200,561	200,561
Undergraduate instructional equipment (HEA VI-A)	738,408				721,473	348,488
College personnel development (NDEA IV; EPDA pt. E)	3,701,000					
Subtotal, higher education	44,702,466	25,390,812	20,756,975	22,577,601	30,139,912	26,624,014
Education professions development:						
Grants to States (EPDA B-2)	719,912	661,121	633,078	633,078	633,078	633,078
Personnel development programs	2,324,878					
Teacher Corps	1,208,432					
Subtotal, education professions development	4,253,222	661,121	633,078	633,078	633,078	633,078
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	1,948,566	1,621,800	1,621,800	1,948,566	1,948,566	1,948,566
Interlibrary cooperation (LSCA III)	50,021	50,021	50,021	50,021	50,021	50,021
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,872	25,872	25,872	25,872	25,872	25,872
Construction (LSCA II)	1,274,143	302,031		127,303	387,784	257,543
College library resources (HEA II-A)	1,322,250					
Librarian training (HEA II-B)	245,608					
Educational broadcasting facilities						
University community service programs (HEA I)	350,978	350,978		349,235	349,235	349,235
Subtotal, community education	5,256,947	2,390,211	1,737,202	2,540,506	2,800,987	2,670,746
Research and development:						
Educational laboratories	2,700,000					
Research and development centers	1,454,332					
Subtotal, research and development	4,154,332					
Civil rights education	30,538					
Total, Office of Education	152,451,053	130,034,143	116,058,725	137,491,497	154,066,286	145,167,679
Total, Office of Education, comparable basis [2]	131,178,759	130,034,143	116,058,725	137,491,497	154,066,286	145,167,679

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF RHODE ISLAND

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$3,427,736	$4,261,172	$4,189,876	$4,797,926	$4,715,809	$4,715,405
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					46,320	46,320
Supplementary services (ESEA III)	950,666	751,529	766,512	835,130	887,333	858,630
Federally affected areas:						
Maintenance (Public Law 81-874)	3,458,728	3,443,000		3,065,000	4,532,000	3,761,000
Construction (Public Law 81-815)	125,400					
Grants to States for school library materials (ESEA II)	210,946	179,825	338,494	338,494	338,494	338,494
Strengthening State departments of education (ESEA V):						
Grants to States	280,536	280,536	281,321	281,321	322,752	281,321
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	281,708	125,274		63,072	276,980	170,886
Loans to nonprofit private schools	43,800					
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	69,988	58,982				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	9,007,841	9,363,651	5,826,203	9,644,276	11,383,021	10,435,389
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	127,696	127,696	139,507	200,000	200,000	200,000
Teacher education and recruitment	160,366					
Research and innovation						
Subtotal, education for the handicapped	283,062	127,696	139,507	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,125,087	1,294,166	1,294,166	1,504,552	1,341,961	1,354,098
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		71,503	71,503	84,135	84,135	84,135
Research and special project activities (pt. C)	124,574	15,000	259,896	239,220	145,758	150,455
Innovation (pt. D)		210,274			222,680	222,680
Consumer and homemaking education (pt. F)		63,076	63,076	73,606	105,190	89,399
Cooperative education (pt. G)		214,409	255,761	233,018	233,018	233,018
Work-study (pt. H)		18,141		23,477	23,477	23,477
Adult basic education (Adult Education Act):						
Grants to States	228,181	244,389	265,137	265,137	265,137	265,137
Special projects and teacher education						
Subtotal, vocational and adult education	1,477,842	2,162,026	2,240,607	2,454,213	2,452,424	2,453,467
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	820,489	[1] 317,502	[1] 404,106	[1] 312,934	[1] 404,106	[1] 312,934
Work-study and cooperative education (HEA IV-C)	548,835	669,589	665,251	658,598	724,458	658,598
Loans:						
Direct (NDEA II)	1,074,064	1,068,572	894,619	1,167,979	1,241,470	1,241,470
Insured:						
Advances for reserve funds						
Interest payments	351,741					
Special programs for the disadvantaged: Talent search	42,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	167,458	170,438		151,235	170,438	160,787
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	37,000					
Language training and area studies	46,837					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	366,701	189,606			180,445	180,445
Other undergraduate facilities (HEFA I—Sec. 104)	643,900	134,700			134,700	
Graduate facilities (HEFA II)	600,000					
State administration and planning (HEFA I—Sec. 105)	64,566	61,106	56,117	56,117	56,117	56,117
Undergraduate instructional equipment (HEA VI-A)	75,611				78,250	37,708
College personnel development (NDEA IV; EPDA pt. E)	931,289					
Subtotal, higher education	5,820,491	2,661,513	2,070,093	2,396,863	3,039,984	2,698,059
Education professions development:						
Grants to States (EPDA B-2)	140,866	143,140	140,984	140,984	140,984	140,984
Personnel development programs						
Teacher Corps						
Subtotal, education professions development	140,866	143,140	140,984	140,984	140,984	140,984
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	240,363	215,551	215,551	240,363	240,363	240,363
Interlibrary cooperation (LSCA III)	40,761	40,761	40,761	40,761	40,761	40,761
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,066	25,066	25,066	25,066	25,066	25,066
Construction (LSCA II)	122,211	96,859		83,592	103,370	93,481
College library resources (HEA II-A)	130,256					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	119,427	119,427		119,260	119,260	119,260
Subtotal, community education	717,593	537,173	320,887	548,551	568,329	558,440
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	75,073					
Total, Office of Education	17,527,768	14,995,199	10,738,281	15,384,887	17,784,742	16,486,339
Total, Office of Education, comparable basis [2]	15,077,595	14,995,199	10,738,281	15,384,887	17,784,742	16,486,339

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF SOUTH CAROLINA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$29,997,874	$34,304,985	$33,805,445	$38,541,845	$37,902,198	$37,899,049
State administrative expenses	300,015	343,050	338,054	385,418	379,022	378,990
Pt. B.: Special incentive grants					54,484	54,484
Pt. C: Special grants for urban and rural schools					536,594	531,281
Supplementary services (ESEA III)	2,876,411	1,634,142	1,680,942	1,897,085	2,061,914	1,971,261
Federally affected areas:						
Maintenance (Public Law 81-874)	8,148,582	8,485,000		7,414,000	10,767,000	8,937,000
Construction (Public Law 81-815)	1,090,261	559,000		251,030	251,030	251,030
Grants to States for school library materials (ESEA II)	647,442	542,285	1,020,771	1,020,771	1,020,771	1,020,771
Strengthening State departments of education (ESEA V):						
Grants to States	462,194	462,194	456,998	456,998	519,515	456,998
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,435,659	658,416		331,495	1,455,756	894,682
Loans to nonprofit private schools						
State administration	26,798	26,879		26,671	26,671	26,671
Guidance, counseling, and testing (NDEA V)	239,707	203,707				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	45,224,943	47,319,658	37,402,210	50,425,313	55,074,955	52,522,217
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	448,822	448,822	490,338	521,064	504,698	504,698
Teacher education and recruitment	183,963					
Research and innovation						
Subtotal, education for the handicapped	632,785	448,822	490,338	521,064	504,698	504,698
Vocational and adult education:						
Grants to States (pt. B)	4,705,545	5,581,203	5,581,203	6,489,335	5,788,053	5,840,401
State advisory councils		34,679	34,679	34,679	34,679	34,679
Programs for students with special needs (pt. B)		308,362	308,362	362,886	362,886	362,866
Research and special project activities (pt. C)	41,942	15,000	417,805	342,620	628,673	648,933
Innovation (pt. D)		237,360			282,471	282,471
Consumer and homemaking education (pt. F)		272,021	272,021	317,476	453,698	385,590
Cooperative education (pt. G)		252,397	402,678	320,064	320,064	320,064
Work-study (pt. H)		66,128		85,578	85,578	85,578
Adult basic education (Adult Education Act):						
Grants to States	938,021	1,056,859	1,194,355	1,194,355	1,194,355	1,194,355
Special projects and teacher education	120,000					
Subtotal, vocational and adult education	5,805,508	7,824,009	8,211,193	9,146,993	9,150,457	9,154,937
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,318,847	[1] 556,431	[1] 708,208	[1] 548,426	[1] 708,208	[1] 548,426
Work-study and cooperative education (HEA IV-C)	1,318,936	2,923,329	3,024,746	2,994,499	3,293,948	2,994,499
Loans:						
Direct (NDEA II)	1,755,247	1,785,215	1,567,846	2,046,917	2,175,711	2,175,711
Insured:						
Advances for reserve funds						
Interest payments	58,412					
Special programs for the disadvantaged: Talent search	29,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	203,508	206,656		153,672	206,656	179,902
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,322,163					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,352,252	758,609			750,494	750,494
Other undergraduate facilities (HEFA I—Sec. 104)	1,552,012	294,365			294,365	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	89,260	88,808	81,417	81,417	81,417	81,417
Undergraduate instructional equipment (HEA VI-A)	145,939				142,229	58,748
College personnel development (NDEA IV; EPDA pt. E)	535,600					
Subtotal, higher education	9,731,176	6,663,413	5,432,217	5,874,931	7,703,028	6,839,197
Education professions development:						
Grants to States (EPDA B-2)	225,427	230,095	223,593	223,593	223,593	223,593
Personnel development programs	204,116					
Teacher Corps	389,168					
Subtotal, education professions development	818,711	230,095	223,593	223,593	223,593	223,593
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	489,102	420,321	420,321	489,102	489,102	489,102
Interlibrary cooperation (LSCA III)	42,109	42,109	42,109	42,109	42,109	42,109
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,183	25,183	25,183	25,183	25,183	25,183
Construction (LSCA II)	191,554	126,735		89,957	144,785	117,371
College library resources (HEA II-A)	330,491					
Librarian training (HEA II-B)	68,841					
Educational broadcasting facilities						
University community service programs (HEA I)	156,011	156,011		156,614	156,614	156,614
Subtotal, community education	1,342,800	809,868	527,122	842,474	897,302	869,888
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	363,946					
Total, Office of Education	63,919,869	63,295,865	52,286,673	67,034,368	73,554,033	70,114,530
Total, Office of Education, comparable basis [2]	60,168,230	63,295,865	52,286,673	67,034,368	73,554,033	70,114,530

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF SOUTH DAKOTA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$5,384,852	$6,138,638	$6,039,975	$6,907,237	$6,790,114	$6,789,538
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					71,500	71,500
Pt. C: Special grants for urban and rural schools					65,130	64,882
Supplementary services (ESEA III)	209,789	670,038	679,400	733,964	775,438	752,638
Federally affected areas:						
Maintenance (Public Law 81-874)	3,425,076	3,410,000		3,665,000	4,667,000	4,261,000
Construction (Public Law 81-815)	192,626	24,000				
Grants to States for school library materials (ESEA II)	181,001	150,552	283,393	283,393	283,393	283,393
Strengthening State departments of education (ESEA V):						
Grants to States	280,643	280,643	279,034	279,034	317,606	279,034
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	351,316	151,605		76,329	335,198	206,010
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	92,268	50,790				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	10,280,904	11,139,599	7,531,802	12,208,290	13,568,712	12,971,328
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	113,577	113,577	124,083	200,000	200,000	200,000
Teacher education and recruitment	156,012					
Research and innovation	7,853					
Subtotal, education for the handicapped	277,442	113,577	124,083	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	1,314,560	1,228,372	1,228,372	1,428,191	1,273,851	1,285,372
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		67,867	67,867	79,865	79,865	79,865
Research and special project activities (pt. C)	105,000	15,000	252,118	234,127	138,360	142,819
Innovation (pt. D)		208,940			219,734	219,734
Consumer and homemaking education (pt. F)		59,870	59,870	69,871	99,851	84,862
Cooperative education (pt. G)		212,538	248,520	228,730	228,730	228,730
Work-study (pt. H)		15,215		19,690	19,690	19,690
Adult basic education (Adult Education Act):						
Grants to States	157,733	165,279	174,659	174,659	174,659	174,659
Special projects and teacher education	50,000					
Subtotal, vocational and adult education	1,627,293	2,004,149	2,062,474	2,266,201	2,265,808	2,266,799
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	931,287	[1] 279,677	[1] 355,964	[1] 275,654	[1] 355,964	[1] 275,654
Work-study and cooperative education (HEA IV-C)	835,548	764,132	665,251	804,128	884,540	804,128
Loans:						
Direct (NDEA II)	929,478	905,666	788,041	1,028,835	1,093,570	1,093,570
Insured:						
Advances for reserve funds						
Interest payments	68,059					
Special programs for the disadvantaged: Talent search	42,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	163,222	166,182		151,049	166,182	158,540
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	109,300					
Language training and area studies	6,477					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		219,374			239,042	239,042
Other undergraduate facilities (HEFA I—Sec. 104)	978,247	113,427			113,427	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	81,037	61,447	56,097	56,097	56,097	56,097
Undergraduate instructional equipment (HEA VI-A)	70,545				68,340	32,790
College personnel development (NDEA IV; EPDA pt. E)	222,400					
Subtotal, higher education	4,487,600	2,559,905	1,915,353	2,365,763	3,027,162	2,709,821
Education professions development:						
Grants to States (EPDA B-2)	152,859	136,118	134,313	134,313	134,313	134,313
Personnel development programs	184,482					
Teacher Corps	33,037					
Subtotal, education professions development	370,378	136,118	134,313	134,313	134,313	134,313
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	211,135	191,490	191,490	211,135	211,135	211,135
Interlibrary cooperation (LSCA III)	40,602	40,602	40,602	40,602	40,602	40,602
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,052	25,052	25,052	25,052	25,052	25,052
Construction (LSCA II)	264,000	93,348		82,844	98,504	90,674
College library resources (HEA II-A)	122,741					
Librarian training (HEA II-B)	36,290					
Educational broadcasting facilities						
University community service programs (HEA I)	114,690	114,690		114,106	114,106	114,108
Subtotal, community education	854,019	504,691	296,653	513,248	528,908	521,080
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	17,897,636	16,458,039	12,064,678	17,687,815	19,724,903	18,803,341
Total, Office of Education, comparable basis [2]	16,788,440	16,458,039	12,064,678	17,687,815	19,724,903	18,803,341

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF TENNESSEE

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$32,040,454	$36,662,972	$36,129,096	$41,191,057	$40,507,444	$40,504,077
State administrative expenses	320,413	366,630	361,291	411,911	405,074	405,041
Pt. B.: Special incentive grants					525,807	520,620
Pt. C: Special grants for urban and rural schools	3,110,281	2,179,882	2,240,639	2,568,848	2,819,295	2,681,550
Supplementary services (ESEA III)						
Federally affected areas:						
Maintenance (Public Law 81-874)	6,763,256	6,741,000		4,789,000	8,776,000	6,592,000
Construction (Public Law 81-815)	53,590					
Grants to States for school library materials (ESEA II)	887,491	748,560	1,409,054	1,409,054	1,409,054	1,409,054
Strengthening State departments of education (ESEA V):						
Grants to States	548,312	548,312	543,785	543,785	621,042	543,785
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,880,219	837,746		421,783	1,852,253	1,134,525
Loans to nonprofit private schools						
State administration	36,486	36,499		36,095	36,095	36,095
Guidance, counseling, and testing (NDEA V)	326,367	276,616				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	45,966,869	48,498,217	40,783,865	51,471,533	57,052,064	53,936,728
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	592,555	592,555	647,365	687,932	666,324	666,324
Teacher education and recruitment	755,063					
Research and innovation	377,353					
Subtotal, education for the handicapped	1,724,971	592,555	647,365	687,932	666,324	666,324
Vocational and adult education:						
Grants to States (pt. B)	6,544,967	7,399,834	7,399,834	8,603,098	7,673,389	7,742,788
State advisory councils		45,979	45,979	45,979	45,979	45,979
Programs for students with special needs (pt. B)		408,841	408,841	481,089	481,089	481,089
Research and special project activities (pt. C)		18,609	483,925	385,915	833,450	860,310
Innovation (pt. D)		248,702			307,507	307,507
Consumer and homemaking education (pt. F)		360,657	360,657	420,889	601,482	511,188
Cooperative education (pt. G)		268,304	464,323	356,512	356,512	356,512
Work-study (pt. H)		84,660		109,560	109,560	109,560
Adult basic education (Adult Education Act):						
Grants to States	1,111,779	1,243,389	1,407,690	1,407,690	1,407,690	1,407,690
Special projects and teacher education						
Subtotal, vocational and adult education	7,656,746	10,078,975	10,571,249	11,810,732	11,816,658	11,822,623
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	3,802,933	[1] 1,127,246	[1] 1,434,723	[1] 1,111,030	[1] 1,434,723	[1] 1,111,030
Work-study and cooperative education (HEA IV-C)	3,740,853	3,977,080	4,018,617	3,978,431	4,376,275	3,978,431
Loans:						
Direct (NDEA II)	3,915,617	3,853,342	3,176,221	4,146,745	4,407,664	4,407,664
Insured:						
Advances for reserve funds						
Interest payments	203,720					
Special programs for the disadvantaged: Talent search	95,774					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	231,544	234,822		155,498	234,822	194,767
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,690,064					
Language training and area studies	103,774					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,972,230	493,293			960,522	960,522
Other undergraduate facilities (HEFA I—Sec. 104)	2,385,730	580,969			580,969	
Graduate facilities (HEFA II)	200,000					
State administration and planning (HEFA I—Sec. 105)	139,223	116,041	100,888	100,888	100,888	100,888
Undergraduate instructional equipment (HEA VI-A)	293,417				288,968	139,471
College personnel development (NDEA IV; EPDA pt. E)	1,784,787					
Subtotal, higher education	20,609,666	10,432,793	8,780,449	9,542,592	12,434,831	10,942,773
Education professions development:						
Grants to States (EPDA B-2)	271,931	279,580	270,606	270,606	270,606	270,606
Personnel development programs	808,592					
Teacher Corps	892,463					
Subtotal, education professions development	1,972,986	279,580	270,606	270,606	270,606	270,606
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	682,542	579,567	579,567	682,542	682,542	682,542
Interlibrary cooperation (LSCA III)	43,158	43,158	43,158	43,158	43,158	43,158
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,275	25,275	25,275	25,275	25,275	25,275
Construction (LSCA II)	225,972	149,969		94,907	176,992	135,949
College library resources (HEA II-A)	408,431					
Librarian training (HEA II-B)	280,418					
Educational broadcasting facilities						
University community service programs (HEA I)	183,638	183,638		183,828	183,828	183,828
Subtotal, community education	1,888,943	1,021,116	687,509	1,069,219	1,151,304	1,110,261
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	376,697					
Total, Office of Education	80,196,878	70,903,236	61,741,043	74,852,614	83,391,787	78,739,315
Total, Office of Education, comparable basis [2]	71,926,325	70,903,236	61,741,043	74,852,614	83,391,787	78,739,315

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF TEXAS

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$73,314,190	$74,853,133	$81,555,130	$82,194,584	$81,555,130	$88,555,130
State administrative expenses	734,549	748,531	815,551	821,946	815,551	815,551
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					881,811	873,080
Supplementary services (ESEA III)	8,478,686	5,817,974	6,063,103	7,008,106	7,729,359	7,332,648
Federally affected areas:						
Maintenance (Public Law 81-874)	30,311,176	30,111,000		23,737,000	39,629,000	31,182,000
Construction (Public Law 81-815)	4,876,004	309,000		150,218	150,218	150,218
Grants to States for school library materials (ESEA II)	2,723,308	2,328,984	4,383,968	4,383,968	4,383,968	4,383,968
Strengthening State departments of education (ESEA V):						
Grants to States	1,214,477	1,214,477	1,216,664	1,216,664	1,377,024	1,216,664
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	4,554,006	2,326,392		1,171,277	5,143,645	3,198,198
Loans to nonprofit private schools	4,800					
State administration	106,791	107,263		107,680	107,680	107,680
Guidance, counseling, and testing (NDEA V)	955,233	812,916				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	127,273,220	118,729,670	94,134,416	120,891,443	141,873,386	137,915,137
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	1,598,917	1,598,917	1,746,815	1,856,276	1,797,971	1,797,971
Teacher education and recruitment	1,448,263					
Research and innovation	529,938					
Subtotal, education for the handicapped	3,577,118	1,598,917	1,746,815	1,856,276	1,797,971	1,797,971
Vocational and adult education:						
Grants to States (pt. B)	15,296,068	19,648,794	19,648,794	22,844,332	20,375,619	20,559,899
State advisory councils		93,203	93,203	93,203	93,203	93,203
Programs for students with special needs (pt. B)		1,085,598	1,085,598	1,277,466	1,277,466	1,277,466
Research and special project activities (pt. C)	425,455	49,414	1,009,769	730,241	2,213,110	2,284,433
Innovation (pt. D)		338,900			506,617	506,617
Consumer and homemaking education (pt. F)		957,654	957,654	1,117,612	1,597,152	1,357,386
Cooperative education (pt. G)		394,806	953,864	646,382	646,382	646,382
Work-study (pt. H)		240,910		311,766	311,766	311,766
Adult basic education (Adult Education Act):						
Grants to States	2,505,509	2,823,537	3,214,895	3,214,895	3,214,895	3,214,895
Special projects and teacher education	283,905					
Subtotal, vocational and adult education	18,510,937	25,632,816	26,963,777	30,235,897	30,236,210	30,252,047
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	7,466,566	[1] 3,254,435	[1] 4,142,141	[1] 3,207,617	[1] 4,142,141	[1] 3,207,617
Work-study and cooperative education (HEA IV-C)	8,341,028	9,160,666	9,466,983	9,372,313	10,309,545	9,372,313
Loans:						
Direct (NDEA II)	7,524,662	10,372,986	9,169,962	11,971,932	12,725,222	12,725,222
Insured:						
Advances for reserve funds						
Interest payments	1,107,488					
Special programs for the disadvantaged: Talent search	189,200					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	373,876	377,795		164,765	377,795	270,226
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,850,462					
Language training and area studies	425,414					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	4,437,818	2,284,545			2,278,572	2,278,572
Other undergraduate facilities (HEFA I—Sec. 104)	7,246,734	1,488,272			1,488,272	
Graduate facilities (HEFA II)	2,800,000					
State administration and planning (HEFA I—Sec. 105)	252,014	229,549	184,718	184,718	184,718	184,718
Undergraduate instructional equipment (HEA VI-A)	818,531				815,324	390,794
College personnel development (NDEA IV; EPDA pt. E)	2,487,200					
Subtotal, higher education	45,370,993	27,218,248	23,013,804	24,951,345	32,371,589	28,479,462
Education professions development:						
Grants to States (EPDA B-2)	627,577	658,726	630,803	630,803	630,803	630,803
Personnel development programs	1,632,485					
Teacher Corps	1,121,647					
Subtotal, education professions development	3,381,709	658,726	630,803	630,803	630,803	630,803
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	1,664,458	1,387,913	1,387,913	1,664,458	1,664,458	1,664,458
Interlibrary cooperation (LSCA III)	48,481	48,481	48,481	48,481	48,481	48,481
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,737	25,737	25,737	25,737	25,737	25,737
Construction (LSCA II)	1,622,353	267,906		120,033	340,480	230,256
College library resources (HEA II-A)	971,864					
Librarian training (HEA II-B)	374,104					
Educational broadcasting facilities	200,000					
University community service programs (HEA I)	332,502	332,502		333,603	333,603	333,603
Subtotal, community education	5,279,008	2,102,048	1,501,640	2,231,821	2,452,268	2,342,044
Research and development:						
Educational laboratories	1,709,715					
Research and development centers	820,000					
Subtotal, research and development	2,529,715					
Civil rights education	809,808					
Total, Office of Education	206,732,508	175,940,425	147,991,255	180,797,585	209,362,227	201,417,464
Total, Office of Education, comparable basis [2]	187,152,484	175,940,425	147,991,255	180,797,585	209,362,227	201,417,464

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF UTAH

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$3,013,832	$3,507,573	$3,447,224	$3,951,222	$3,883,158	$3,882,823
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					238,702	238,702
Pt. C: Special grants for urban and rural schools					26,004	26,004
Supplementary services (ESEA III)	1,088,519	866,965	886,432	974,396	1,041,369	1,004,543
Federally affected areas:						
Maintenance (Public Law 81-874)	7,069,317	7,047,000		5,280,000	9,202,000	7,073,000
Construction (Public Law 81-815)	1,235,518	773,000		50,000	50,000	50,000
Grants to States for school library materials (ESEA II)	296,752	250,725	471,954	471,954	471,954	471,954
Strengthening State departments of education (ESEA V):						
Grants to States	329,967	329,967	328,529	328,529	371,408	328,529
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	562,511	266,267		134,058	588,715	363,334
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	100,396	85,470				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	13,860,145	13,390,300	5,384,139	11,453,492	16,136,643	13,702,222
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	165,614	165,614	180,933	200,000	200,000	200,000
Teacher education and recruitment	443,578					
Research and innovation	3,537					
Subtotal, education for the handicapped	612,729	165,614	180,933	200,000	200,000	
Vocational and adult education:						
Grants to States (pt. B)	1,478,438	1,926,493	1,926,493	2,239,910	1,997,851	2,015,921
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		106,439	106,439	125,257	125,257	125,257
Research and special project activities (pt. C)		15,000	281,677	253,482	216,998	223,991
Innovation (pt. D)		214,010			230,927	230,927
Consumer and homemaking education (pt. F)		93,895	93,895	109,583	156,603	133,093
Cooperative education (pt. G)		219,649	276,038	245,024	245,024	245,024
Work-study (pt. H)		23,993		31,050	31,050	31,050
Adult basic education (Adult Education Act):						
Grants to States	146,169	152,742	160,321	160,321	160,321	160,321
Special projects and teacher education						
Subtotal, vocational and adult education	1,624,607	2,783,289	2,875,931	3,195,695	3,195,099	3,196,652
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,253,811	[1] 629,481	[1] 801,184	[1] 620,426	[1] 801,184	[1] 620,426
Work-study and cooperative education (HEA IV-C)	1,102,791	1,081,711	1,027,389	1,017,115	1,118,827	1,017,115
Loans:						
Direct (NDEA II)	1,047,412	2,268,497	1,773,678	2,315,643	2,461,346	2,461,346
Insured:						
Advances for reserve funds						
Interest payments	178,722					
Special programs for the disadvantaged: Talent search	50,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	168,195	171,178		151,373	171,178	161,177
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	117,600					
Language training and area studies	94,501					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		313,134			305,928	305,928
Other undergraduate facilities (HEFA I—Sec. 104)	1,830,753	224,368			224,368	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	54,045	67,778	63,154	63,154	63,154	63,154
Undergraduate instructional equipment (HEA VI-A)	189,561				156,304	75,961
College personnel development (NDEA IV; EPDA pt. E)	986,775					
Subtotal, higher education	7,124,166	4,806,147	3,715,405	4,217,711	5,352,289	4,755,107
Education professions development:						
Grants to States (EPDA B-2)	178,237	160,149	157,143	157,143	157,143	157,143
Personnel development programs	513,069					
Teacher Corps						
Subtotal, education professions development	691,306	160,149	157,143	157,143	157,143	157,143
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	345,448	219,738	219,738	245,448	245,448	245,448
Interlibrary cooperation (LSCA III)	40,788	40,788	40,788	40,788	40,788	40,788
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,069	25,069	25,069	25,069	25,069	25,069
Construction (LSCA II)	243,914	97,470		83,722	104,217	93,969
College library resources (HEA II-A)	227,431					
Librarian training (HEA II-B)	16,303					
Educational broadcasting facilities	59,310					
University community service programs (HEA I)	121,786	121,786		121,869	121,869	121,869
Subtotal, community education	1,019,558	544,360	325,104	556,405	576,900	566,652
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	24,932,511	21,849,859	12,638,655	19,780,446	25,668,074	22,577,776
Total, Office of Education, comparable basis [2]	22,052,124	21,849,859	12,638,655	19,780,446	25,668,074	22,577,776

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF VERMONT

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$1,632,466	$2,018,201	$1,979,533	$2,277,896	$2,237,603	$2,237,404
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					50,580	50,580
Pt. C: Special grants for urban and rural schools					415	415
Supplementary services (ESEA III)	637,800	543,728	554,362	588,753	614,828	600,498
Federally affected areas:						
Maintenance (Public Law 81-874)	136,062	136,000		91,000	176,000	130,000
Construction (Public Law 81-815)						
Grants to States for school library materials (ESEA II)	104,377	94,392	177,680	177,680	177,680	177,680
Strengthening State departments of education (ESEA V):						
Grants to States	251,499	251,499	254,064	254,064	289,858	254,064
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	187,862	82,130		41,350	181,590	114,034
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	50,000	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	3,163,399	3,439,283	3,215,639	3,694,076	3,991,887	3,828,008
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	200,000	200,000	200,000
Teacher education and recruitment	72,260					
Research and innovation	43,867					
Subtotal, education for the handicapped	216,127	100,000	100,000	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	—738,026	718,373	718,373	835,183	744,927	751,664
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		39,691	39,691	46,704	46,704	46,704
Research and special project activities (pt. C)		15,000	230,337	219,865	80,911	83,518
Innovation (pt. D)		205,204			211,487	211,487
Consumer and homemaking education (pt. F)		35,012	35,012	40,858	58,392	49,626
Cooperative education (pt. G)		207,298	228,243	216,723	216,723	216,723
Work-study (pt. H)		8,973		11,612	11,612	11,612
Adult basic education (Adult Education Act):						
Grants to States	131,267	135,709	140,840	140,840	140,840	140,840
Special projects and teacher education	30,680					
Subtotal, vocational and adult education	899,973	1,396,328	1,423,564	1,542,853	1,542,664	1,543,242
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	572,834	[1] 190,591	[1] 242,578	[1] 187,849	[1] 242,578	[1] 187,849
Work-study and cooperative education (HEA IV-C)	419,455	377,681	418,789	414,601	456,061	414,601
Loans:						
Direct (NDEA II)	589,299	597,750	537,025	701,119	745,234	745,234
Insured:						
Advances for reserve funds						
Interest payments	84,397					
Special programs for the disadvantaged: Talent search	15,700					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	156,343	159,271		150,601	159,271	154,893
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)						
Language training and area studies	72,165					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	208,229	112,256			133,742	133,742
Other undergraduate facilities (HEFA I—Sec. 104)	351,138	76,355			76,355	
Graduate facilities (HEFA II)	800,000					
State administration and planning (HEFA I—Sec. 105)	58,174	56,723	50,642	50,642	50,642	59,642
Undergraduate instructional equipment (HEA VI-A)	43,846				43,533	20,882
College personnel development (NDEA IV; EPDA pt. E)	148,400					
Subtotal, higher education	3,569,980	1,620,627	1,299,034	1,554,812	1,957,416	1,766,843
Education professions development:						
Grants to States (EPDA B-2)	120,221	122,645	121,513	121,513	121,513	121,513
Personnel development programs	144,578					
Teacher Corps						
Subtotal, education professions development	264,799	122,645	121,513	121,513	121,513	121,513
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	153,671	152,416	152,416	163,671	163,671	163,671
Interlibrary cooperation (LSCA III)	40,345	40,345	40,345	40,345	40,345	40,345
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,030	25,030	25,030	25,030	25,030	25,030
Construction (LSCA II)	22,344	87,648		81,629	90,601	86,115
College library resources (HEA II-A)	112,087					
Librarian training (HEA II-B)	24,510					
Educational broadcasting facilities						
University community service programs (HEA I)	108,892	108,892		109,100	109,100	109,100
Subtotal, community education	536,388	453,840	257,300	459,284	468,256	463,770
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	8,650,666	7,132,723	6,417,050	7,572,538	8,281,736	7,923,376
Total, Office of Education, comparable basis [2]	7,058,176	7,132,723	6,417,050	7,572,538	8,281,736	7,923,376

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF VIRGINIA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$26,959,114	$31,452,550	$30,994,548	$35,337,120	$34,750,658	$34,747,771
State administrative expenses	270,474	314,526	309,945	353,371	347,507	347,478
Pt. B.: Special incentive grants						
Pt. C: Special grants for urban and rural schools					356,762	353,230
Supplementary services (ESEA III)	3,568,334	2,498,188	2,599,571	2,985,804	3,280,471	3,118,402
Federally affected areas:						
Maintenance (Public Law 81-874)	35,704,596	35,182,000		26,519,000	44,448,000	35,110,000
Construction (Public Law 81-815)	3,589,739	635,000		787,600	787,600	787,600
Grants to States for school library materials (ESEA II)	1,057,993	909,967	1,712,879	1,712,879	1,712,879	1,712,879
Strengthening State departments of education (ESEA V):						
Grants to States	604,339	604,339	607,398	607,398	692,328	607,398
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,960,992	882,413		444,271	1,951,012	1,214,806
Loans to nonprofit private schools						
State administration	42,701	42,696		42,922	42,922	42,922
Guidance, counseling, and testing (NDEA V)	381,959	323,583				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	74,140,509	72,945,262	36,324,341	68,890,365	88,470,139	78,142,486
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	660,289	660,289	721,365	766,569	742,491	742,491
Teacher education and recruitment	689,322					
Research and innovation	27,317					
Subtotal, education for the handicapped	1,376,928	660,289	721,365	766,569	742,491	742,491
Vocational and adult education:						
Grants to States (pt. B)	6,874,002	8,325,655	8,325,655	9,679,706	8,633,651	8,711,735
State advisory councils		51,732	51,732	51,732	51,732	51,732
Programs for students with special needs (pt. B)		459,992	459,992	541,293	541,293	541,293
Research and special project activities (pt. C)	23,272	20,938	535,265	419,533	937,750	967,971
Innovation (pt. D)		257,508			326,947	326,947
Consumer and homemaking education (pt. F)		405,780	405,780	473,558	676,752	575,159
Cooperative education (pt. G)		280,654	512,118	384,813	384,813	384,813
Work-study (pt. H)		102,996		133,289	133,289	133,289
Adult basic education (Adult Education Act):						
Grants to States	1,132,973	1,272,206	1,440,646	1,440,646	1,440,646	1,440,646
Special projects and teacher education						
Subtotal, vocational and adult education	8,030,247	11,177,461	11,731,188	13,124,570	13,126,873	13,133,585
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,335,930	[1] 1,042,262	[1] 1,326,557	[1] 1,027,268	[1] 1,326,557	[1] 1,027,268
Work-study and cooperative education (HEA IV-C)	2,032,353	3,570,372	3,802,964	3,764,934	4,141,426	3,764,934
Loans:						
Direct (NDEA II)	2,951,774	3,062,674	2,936,761	3,834,117	4,075,365	4,075,365
Insured:						
Advances for reserve funds						
Interest payments	459,026					
Special programs for the disadvantaged: Talent search	40,000					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	241,008	244,330		156,114	244,330	199,785
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	1,006,475					
Language training and area studies	96,045					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,908,903	987,014			1,019,960	1,019,960
Other undergraduate facilities (HEFA I—Sec. 104)	2,551,185	531,957			531,957	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	104,159	115,965	103,412	103,412	103,412	103,412
Undergraduate instructional equipment (HEA VI-A)	267,588				263,491	126,769
College personnel development (NDEA IV; EPDA pt. E)	1,379,700					
Subtotal, higher education	15,424,146	9,604,574	8,219,694	8,935,845	11,756,498	10,367,493
Education professions development:						
Grants to States (EPDA B-2)	319,962	318,302	307,392	307,392	307,392	307,392
Personnel development programs	581,689					
Teacher Corps	341,530					
Subtotal, education professions development	1,243,181	319,302	307,392	307,392	307,392	307,392
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	747,843	633,325	633,325	747,843	747,843	747,834
Interlibrary cooperation (LSCA III)	43,512	43,512	43,512	43,512	43,512	43,512
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,305	25,305	25,305	25,305	25,305	25,305
Construction (LSCA II)	168,885	157,812		96,578	187,865	142,221
College library resources (HEA II-A)	420,852					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	196,597	196,597		197,658	197,658	197,658
Subtotal, community education	1,642,503	1,096,060	741,651	1,150,405	1,241,692	1,196,048
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	542,682					
Total, Office of Education	102,400,196	95,801,948	58,045,631	93,175,146	115,645,085	103,889,495
Total, Office of Education, comparable basis [2]	96,547,970	95,801,948	58,045,631	93,175,146	115,645,085	103,889,495

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF WASHINGTON

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$11,517,854	$12,691,030	$13,007,855	$14,276,980	$14,037,548	$14,036,369
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					33,009	33,009
Pt. C: Special grants for urban and rural schools					98,040	96,069
Supplementary services (ESEA III)	2,503,083	1,854,696	1,936,123	2,196,694	2,407,671	2,291,635
Federally affected areas:						
Maintenance (Public Law 81-874)	12,296,924	12,257,000		10,488,000	16,297,000	13,319,000
Construction (Public Law 81-815)	530,390	425,000				
Grants to States for school library materials (ESEA II)	819,428	701,488	1,320,448	1,320,448	1,320,048	1,320,448
Strengthening State departments of education (ESEA V):						
Grants to States	513,297	513,297	514,477	514,477	584,013	514,477
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,105,278	520,831		262,224	1,151,555	720,652
Loans to nonprofit private schools						
State administration	29,065	30,374		30,689	30,689	30,689
Guidance, counseling, and testing (NDEA V)	259,983	230,194				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	29,725,302	29,473,910	17,028,903	29,339,512	36,209,973	32,613,348
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	451,985	451,985	493,793	524,736	508,254	508,254
Teacher education and recruitment	433,170					
Research and innovation	284,584					
Subtotal, education for the handicapped	1,169,739	451,985	493,793	524,736	508,254	508,254
Vocational and adult education:						
Grants to States (pt. B)	3,724,103	4,779,695	4,779,695	5,556,995	4,956,468	5,001,295
State advisory councils		31,068	31,068	3,,068	31,068	31,068
Programs for students with special needs (pt. B)		264,079	264,079	310,748	310,748	310,748
Research and special project activities (pt. C)	47,383	15,000	441,142	357,901	538,350	555,699
Innovation (pt. D)		241,363			291,308	291,308
Consumer and homemaking education (pt. F)		232,956	232,956	271,864	388,515	330,191
Cooperative education (pt. G)		258,011	424,493	332,928	332,928	332,928
Work-study (pt. H)		72,370		93,656	93,656	93,656
Adult basic education (Adult Education Act):						
Grants to States	305,985	333,131	366,630	366,630	366,630	366,630
Special projects and teacher education						
Subtotal, vocational and adult education	4,077,471	6,227,673	6,540,063	7,321,790	7,309,671	7,313,523
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	2,518,068	[1] 1,229,052	[1] 1,564,298	[1] 1,211,371	[1] 1,564,298	[1] 1,211,371
Work-study and cooperative education (HEA IV-C)	2,745,963	2,375,723	2,485,067	2,460,216	2,706,239	2,460,216
Loans:						
Direct (NDEA II)	3,908,034	3,924,140	3,463,077	4,521,253	4,805,737	4,805,737
Insured:						
Advances for reserve funds						
Interest payments	250,413					
Special programs for the disadvantaged: Talent search	53,156					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	212,648	217,847		154,397	217,847	185,808
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	220,000					
Language training and area studies	453,264					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	1,372,312	709,565			719,018	719,018
Other undergraduate facilities (HEFA I—Sec. 104)	2,618,385	525,349			525,349	
Graduate facilities (HEFA II)	100,000					
State administration and planning (HEFA I—Sec. 105)	178,004	106,412	93,637	93,637	93,637	93,637
Undergraduate instructional equipment (HEA VI-A)	312,641				281,549	136,773
College personnel development (NDEA IV; EPDA pt. E)	1,517,613					
Subtotal, higher education	16,510,501	9,138,088	7,656,079	8,049,874	10,963,674	9,662,560
Education professions development:						
Grants to States (EPDA B-2)	292,833	268,288	259,877	259,877	259,877	259,877
Personnel development programs	1,284,423					
Teacher Corps	369,943					
Subtotal, education professions development	1,947,199	268,288	259,877	259,877	259,877	259,877
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	565,959	483,592	483,592	565,959	565,959	565,959
Interlibrary cooperation (LSCA III)	42,526	42,526	42,526	42,526	42,526	42,526
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,220	25,220	25,220	25,220	25,220	25,320
Construction (LSCA II)	323,350	135,966		91,924	157,581	124,752
College library resources (HEA II-A)	376,750					
Librarian training (HEA II-B)	357,552					
Educational broadcasting facilities						
University community service programs (HEA I)	165,768	165,768		169,913	169,913	169,913
Subtotal, community education	1,896,634	892,581	590,847	935,051	1,000,708	967,979
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education	142,010					
Total, Office of Education	55,468,856	46,452,525	32,569,562	46,871,840	56,252,157	51,325,541
Total, Office of Education, comparable basis [2]	49,313,337	46,452,525	32,569,562	48,871,840	56,252,157	51,325,541

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF WEST VIRGINIA

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$16,156,287	$19,517,670	$19,233,459	$21,928,214	$21,564,289	$21,562,498
State administrative expenses	161,563	195,177	192,335	219,282	215,643	215,625
Pt. B.: Special incentive grants					108,495	108,495
Pt. C: Special grants for urban and rural schools					281,788	278,998
Supplementary services (ESEA III)	1,615,010	1,186,348	1,210,809	1,351,106	1,458,031	1,399,228
Federally affected areas:						
Maintenance (Public Law 81-874)	520,634	519,000		353,000	676,000	499,000
Construction (Public Law 81-815)	−8,575					
Grants to States for school library materials (ESEA II)	420,151	345,700	650,730	650,730	650,730	650,730
Strengthening State departments of education (ESEA V):						
Grants to States	374,730	374,730	368,640	368,640	420,793	368,640
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	892,132	389,684		196,196	861,591	524,424
Loans to nonprofit private schools						
State administration	17,219	16,718		16,429	16,429	16,429
Guidance, counseling, and testing (NDEA V)	154,028	126,702				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	20,303,179	22,771,729	21,755,973	25,183,597	26,353,789	25,724,067
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	314,074	314,074	343,126	364,627	353,174	353,174
Teacher education and recruitment	235,097					
Research and innovation	58,498					
Subtotal, education for the handicapped	607,669	314,074	343,126	364,627	353,174	353,174
Vocational and adult education:						
Grants to States (pt. B)	3,101,498	3,544,340	3,544,340	4,120,765	3,675,448	3,708,689
State advisory councils		31,068	31,068	31,068	31,068	31,068
Programs for students with special needs (pt. B)		195,824	195,824	230,436	230,436	230,436
Research and special project activities (pt. C)	57,903	15,000	342,351	293,212	399,211	412,077
Innovation (pt. D)		224,418			253,901	253,901
Consumer and homemaking education (pt. F)		172,745	172,745	201,601	288,101	244,851
Cooperative education (pt. G)		234,235	332,524	278,471	278,471	278,471
Work-study (pt. H)		41,745		54,023	54,023	54,023
Adult basic education (Adult Education Act):						
Grants to States	497,755	550,582	615,329	615,329	615,329	615,329
Special projects and teacher education						
Subtotal, vocational and adult education	3,657,156	5,009,957	5,234,181	5,824,905	5,825,988	5,828,845
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	1,434,297	[1] 570,018	[1] 725,500	[1] 561,817	[1] 725,500	[1] 561,817
Work-study and cooperative education (HEA IV-C)	1,854,608	1,938,617	2,012,278	1,992,155	2,191,371	1,992,155
Loans:						
Direct (NDEA II)	1,783,385	1,787,768	1,606,128	2,096,896	2,228,836	2,228,836
Insured:						
Advances for reserve funds						
Interest payments	119,460					
Special programs for the disadvantaged: Talent search	33,850					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	191,149	194,239		152,867	194,239	173,348
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	655,786					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)		608,986			608,852	608,852
Other undergraduate facilities (HEFA I—Sec. 104)	2,373,604	245,325			245,325	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	78,080	79,459	65,899	65,899	65,899	65,899
Undergraduate instructional equipment (HEA VI-A)	135,930				144,888	70,079
College personnel development (NDEA IV; EPDA pt. E)	181,200					
Subtotal, higher education	8,891,349	5,474,412	4,459,805	4,919,634	6,454,910	5,750,986
Education professions development:						
Grants to States (EPDA B-2)	85,395	182,934	178,789	178,789	178,789	178,789
Personnel development programs	552,878					
Teacher Corps	287,331					
Subtotal, education professions development	925,604	182,934	178,789	178,789	178,789	178,789
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	403,825	350,119	350,119	403,825	403,825	403,825
Interlibrary cooperation (LSCA III)	41,647	41,647	41,647	41,647	41,647	41,647
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,143	25,143	25,143	25,143	25,143	25,143
Construction (LSCA II)	308,680	116,492		87,775	130,586	109,181
College library resources (HEA II-A)	199,360					
Librarian training (HEA II-B)						
Educational broadcasting facilities	283,826					
University community service programs (HEA I)	139,136	139,136		138,584	138,584	158,584
Subtotal, community education	1,441,126	712,226	456,418	736,483	779,294	757,889
Research and development:						
Educational laboratories	895,478					
Research and development centers						
Subtotal, research and development	895,478					
Civil rights education	65,429					
Total, Office of Education	36,786,990	34,465,332	32,428,292	37,208,035	39,945,944	38,593,750
Total, Office of Education, comparable basis [2]	33,082,867	34,465,332	32,428,292	37,208,035	39,945,944	38,593,750

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF WISCONSIN

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$14,388,760	$17,432,234	$17,178,501	$19,585,340	$19,260,298	$19,258,698
State administrative expenses	150,000	174,322	171,785	195,853	192,603	192,587
Pt. B.: Special incentive grants					138,987	138,987
Pt. C: Special grants for urban and rural schools					70,821	70,120
Supplementary services (ESEA III)	3,403,351	2,364,521	2,435,381	2,795,124	3,069,568	2,918,623
Federally affected areas:						
Maintenance (Public Law 81-874)	2,095,973	2,089,000		1,639,000	2,723,000	2,134,000
Construction (Public Law 81-815)	99,715					
Grants to States for school library materials (ESEA II)	1,153,770	982,463	1,849,342	1,849,342	1,849,342	1,849,342
Strengthening State departments of education (ESEA V):						
Grants to States	565,995	565,995	569,933	569,933	650,238	569,933
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	1,720,045	781,646		393,538	1,728,217	1,062,970
Loans to nonprofit private schools	111,630					
State administration	41,056	40,967		40,682	40,682	40,682
Guidance, counseling, and testing (NDEA V)	367,246	310,476				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	24,097,541	24,841,624	22,304,942	27,168,812	29,823,756	28,335,942
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	625,438	625,438	683,290	726,107	703,300	703,300
Teacher education and recruitment	767,180					
Research and innovation	420,384					
Subtotal, education for the handicapped	1,813,002	625,438	683,290	726,107	703,300	703,300
Vocational and adult education:						
Grants to States (pt. B)	5,609,990	6,327,757	6,327,757	7,356,721	6,561,704	6,621,049
State advisory councils		39,318	39,318	39,318	39,318	39,318
Programs for students with special needs (pt. B)		349,608	349,608	411,391	411,391	411,391
Research and special project activities (pt. C)	128,533	15,913	504,927	399,668	712,704	735,672
Innovation (pt. D)		252,304			315,460	315,460
Consumer and homemaking education (pt. F)		308,406	308,406	359,913	514,342	437,129
Cooperative education (pt. G)		273,356	483,876	368,090	368,090	368,090
Work-study (pt. H)		88,951		115,113	115,113	115,113
Adult basic education (Adult Education Act):						
Grants to States	543,151	600,765	672,723	672,723	672,723	672,723
Special projects and teacher education	260,000					
Subtotal, vocational and adult education	6,541,674	8,256,378	8,686,615	9,722,937	9,710,845	9,715,945
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	4,329,791	[1] 1,544,035	[1] 1,965,198	[1] 1,521,823	[1] 1,965,198	[1] 1,521,823
Work-study and cooperative education (HEA IV-C)	3,056,446	3,168,640	3,379,954	3,346,154	3,680,770	3,346,154
Loans:						
Direct (NDEA II)	4,831,288	4,721,490	4,350,600	5,679,967	6,037,358	6,037,358
Insured:						
Advances for reserve funds						
Interest payments	596,580					
Special programs for the disadvantaged: Talent search	73,884					
Institutional assistance:						
Aid to land-grant colleges:						
Annual	240,649	243,969		156,091	243,969	199,595
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	113,300					
Language training and area studies	822,013					
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	2,005,041	1,032,197			1,075,884	1,075,884
Other undergraduate facilities (HEFA I—Sec. 104)	3,404,584	673,709			673,709	
Graduate facilities (HEFA II)	500,000					
State administration and planning (HEFA I—Sec. 105)	189,230	134,944	113,051	113,051	113,051	113,051
Undergraduate instructional equipment (HEA VI-A)	353,677				355,530	172,363
College personnel development (NDEA IV; EPDA pt. E)	1,357,300					
Subtotal, higher education	21,923,783	11,568,984	9,858,803	10,867,086	14,195,469	12,516,228
Education professions development:						
Grants to States (EPDA B-2)	282,828	335,694	323,915	323,915	323,915	323,915
Personnel development programs	1,014,790					
Teacher Corps	313,757					
Subtotal, education professions development	1,611,375	335,694	323,915	323,915	323,915	323,915
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	745,365	631,285	631,285	745,365	745,365	745,365
Interlibrary cooperation (LSCA III)	43,498	43,498	43,498	43,498	43,498	43,498
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,304	25,304	25,304	25,304	25,304	25,304
Construction (LSCA II)	732,551	157,514		96,514	187,452	141,983
College library resources (HEA II-A)	518,630					
Librarian training (HEA II-B)	276,081					
Educational broadcasting facilities						
University community service programs (HEA I)	190,150	190,150		189,322	189,322	189,322
Subtotal, community education	2,571,088	1,087,260	739,596	1,139,512	1,230,450	1,184,981
Research and development:						
Educational laboratories						
Research and development centers	1,200,000					
Subtotal, research and development	1,200,000					
Civil rights education						
Total, Office of Education	59,758,463	46,715,378	42,597,161	49,948,369	55,987,735	52,780,311
Total, Office of Education, comparable basis [2]	51,170,887	46,715,378	42,597,161	49,948,369	55,987,735	52,780,311

See footnotes at end of table.

DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE—STATE TABLES OF 1971 BUDGET ESTIMATES
OBLIGATIONS IN THE STATE OF WYOMING

Program	1969 actual	1970 appropriation after 2-percent reduction	1971 amended request	House allowance	Senate allowance	Conference report
OFFICE OF EDUCATION						
Elementary and secondary education:						
Aid to school districts:						
Educationally deprived children (ESEA I):						
Pt. A: Basic grants	$1,364,174	$1,401,274	$1,633,026	$1,633,026	$1,523,712	$1,633,026
State administrative expenses	150,000	150,000	150,000	150,000	150,000	150,000
Pt. B.: Special incentive grants					74,149	75,149
Pt. C: Special grants for urban and rural schools						
Supplementary services (ESEA III)	580,075	501,223	507,391	534,204	554,494	543,345
Federally affected areas:						
Maintenance (Public Law 81-874)	1,696,509	1,691,000		1,774,000	2,287,000	2,058,000
Construction (Public Law 81-815)						
Grants to States for school library materials (ESEA II)	87,394	73,280	137,939	137,939	137,939	137,939
Strengthening State departments of education (ESEA V):						
Grants to States	249,634	249,634	249,024	249,024	283,559	249,024
Grants for special projects						
Acquisition of equipment and minor remodeling (NDEA III):						
Grants to States	144,298	66,403		33,432	146,817	90,759
Loans to nonprofit private schools						
State administration	13,333	13,333		13,333	13,333	13,333
Guidance, counseling, and testing (NDEA V)	50,000	50,000				
Planning and evaluation		100,000	100,000	100,000	100,000	100,000
Subtotal, elementary and secondary education	4,335,417	4,296,147	2,777,380	4,624,958	5,271,003	5,050,575
Education for the handicapped:						
Preschool and school programs for the handicapped (ESEA VI)	100,000	100,000	100,000	200,000	200,000	200,000
Teacher education and recruitment	79,389					
Research and innovation						
Subtotal, education for the handicapped	179,389	100,000	100,000	200,000	200,000	200,000
Vocational and adult education:						
Grants to States (pt. B)	620,814	544,453	544,453	633,004	564,597	569,704
State advisory councils		31,068	31,068	31,068	31,063	31,068
Programs for students with special needs (pt. B)		30,081	30,081	35,398	35,398	35,398
Research and special project activities (pt. C)	87,014	15,000	225,670	216,809	61,324	63,300
Innovation (pt. D)		204,403			209,720	209,720
Consumer and homemaking education (pt. F)		26,535	26,535	30,968	44,256	37,612
Cooperative education (pt. G)		206,175	223,898	214,150	214,150	214,150
Work-study (pt. H)		7,413		9,593	9,593	9,593
Adult basic education (Adult Education Act):						
Grants to States	124,625	127,831	131,830	131,830	131,830	131,830
Special projects and teacher education						
Subtotal, vocational and adult education	832,453	1,192,959	1,213,535	1,302,820	1,301,936	1,302,375
Higher education:						
Student assistance:						
Educational opportunity grants (HEA IV-A)	365,050	[1] 122,359	[1] 155,734	[1] 120,598	[1] 155,734	[1] 120,598
Work-study and cooperative education (HEA IV-C)	516,201	273,002	286,624	283,758	312,133	283,758
Loans:						
Direct (NDEA II)	411,098	402,525	344,768	450,115	478,437	478,437
Insured:						
Advances for reserve funds						
Interest payments	23,343					
Special programs for the disadvantaged: Talent search						
Institutional assistance:						
Aid to land-grant colleges:						
Annual	154,927	157,849		150,509	157,849	154,142
Permanent	50,000	50,000	50,000	50,000	50,000	50,000
Strengthening developing institutions (HEA III)	118,900					
Language training and area studies						
Construction:						
Public community colleges and technical institutes (HEFA I—Sec. 103)	169,890	87,843			94,578	94,578
Other undergraduate facilities (HEFA I—Sec. 104)	247,470	52,868			52,868	
Graduate facilities (HEFA II)						
State administration and planning (HEFA I—Sec. 105)	71,006	47,216	47,545	47,545	47,545	47,545
Undergraduate instructional equipment (HEA VI-A)	28,359				29,187	14,153
College personnel development (NDEA IV; EPDA pt. E)	240,581					
Subtotal, higher education	2,396,825	1,193,662	884,671	1,102,525	1,378,331	1,243,211
Education professions development:						
Grants to States (EPDA B-2)	116,931	117,580	116,701	116,701	116,701	116,701
Personnel development programs	56,147					
Teacher Corps						
Subtotal, education professions development	173,078	117,580	116,701	116,701	116,701	116,701
Community education:						
Public libraries:						
Services:						
Grants to States (LSCA I)	153,903	144,375	144,375	153,903	153,903	153,903
Interlibrary cooperation (LSCA III)	40,292	40,292	40,292	40,292	40,292	40,292
State institutional library services (LSCA IV-A)	39,509	39,509	39,509	39,509	39,509	39,509
Library services for physically handicapped (LSCA IV-B)	25,025	25,025	25,025	25,025	25,025	25,025
Construction (LSCA II)	105,309	86,474		81,379	88,975	85,177
College library resources (HEA II-A)	49,573					
Librarian training (HEA II-B)						
Educational broadcasting facilities						
University community service programs (HEA I)	106,901	106,901		106,830	106,830	106,830
Subtotal, community education	520,512	442,576	249,201	446,938	454,534	450,736
Research and development:						
Educational laboratories						
Research and development centers						
Subtotal, research and development						
Civil rights education						
Total, Office of Education	8,437,674	7,342,924	5,341,488	7,793,942	8,722,505	8,363,598
Total, Office of Education, comparable basis [2]	7,841,382	7,342,924	5,341,488	7,793,942	8,722,505	8,363,598

[1] Initial year awards only.
[2] The 1969 actual column shows obligations for project-type programs where the State-by-State distribution cannot be predicted in advance, and therefore, is not shown in the 1970 and 1971 columns. For this reason the 1969 comparable figure excludes obligations for project-type programs.

Mr. PACKWOOD. I support the President's veto of H.R. 16916, the Office of Education appropriations for fiscal 1971. I have always been a strong supporter of educational programs, all the way from construction to research to student assistance. The Federal education budget has expanded rapidly in the last decade—from $886 million in 1960 to $5,389 million in the 1971 budget—and while there is still room for vast improvement, to say the least, we have gone a long way toward quality education for all Americans. The authorizing and funding legislation required to sustain this effort will continue to have my wholehearted support.

But neither the administration's nor my commitment to education is the issue here. The fiscal 1971 budget requested education outlays nearly $1 billion higher than the education outlays during the last year of the previous administration. It is obvious that the question raised by the President's veto is not whether to increase education spending, but rather over the size of those increases, and the types of programs which will benefit. The bill, as sent to the President, would spend more money for outmoded programs while cutting back on some of the innovative ideas so badly needed in our school systems today. For example, it would provide $126 million above the administration's budget request for the outdated and inequitable program of assistance to schools in federally impacted areas. I have always supported the principle of "impacted aid"—but the program in its present form pays millions to some of the wealthiest school districts in the country, while depriving some of the poorest and neediest districts of support they desperately need. The past four Presidents have tried to reform this costly pork-barrel program without success, and once again Congress is inflicting it on the American people—and asking them to pay the bill.

Having increased funds for this inequitable program, Congress then went ahead and cut back on some of the most promising of the administration's requests, for example, dropout prevention, economic opportunity grants and education research. No one can convince me that the increases for impacted areas could not better be spent for these worthy programs.

No, this veto cannot be interpreted as a lack of commitment to quality education on the part of the administration. Nor is there any substance to the claim that this is a case of misplaced priorities. The record also needs to be set straight here. The administration's budget request for national defense is down $7.7 billion from the last year of the previous administration, and the space budget is down $1 billion. Savings from defense and space cutbacks have been channeled into physical and human resource programs: Requested spending for community development and housing has nearly doubled during the Nixon administration. Allocations for human resource programs are up $18.3 billion under this administration, including requested spending increases of $1.3 billion for education and manpower, $3.3 billion for health, and $13.9 billion for veterans and income security programs. Simply put, President Nixon's requested national defense budget is about 10 percent below the defense spending level when he assumed office; his requests for human resource programs are up 27 percent.

Those are the facts—those who would distort the administration's record for their own political gratification would do well to spend just a moment examining the administration's record before continuing their specious tirade. This administration has made a sharp turnaround from the practices and priorities of the previous two Democrat administrations. False political claims to the contrary should be labeled as just that—false political claims.

In addition to achieving a significant realinement of priorities, the administration has been waging a determined effort to halt the inflationary spiral which has all but devastated the American pocketbook. During a decade of deficit spending under the two previous administrations, or public debt rose from $290.9 billion in 1960 to $374.7 billion in 1970. Interest on the public debt alone costs the American taxpayers $19.3 billion a year, or $53 million every day. Not only is this a horrendous burden in and of itself; it also exacts a heavy toll by forcing prices and interest rates for business and the consumer higher and higher and higher. Continued deficit spending and the inflation it causes hit hardest the working man, and those on fixed incomes.

We in Oregon are even more particularly aware of the disastrous impact inflation has had on the housing industry. So long as Government must borrow huge sums to finance its operations, money will be in short supply for the potential home buyer—another fact of life that the big spenders always seem to forget. Inflation will continue so long as we have deficit spending, and deficit spending will continue so long as Congress insists on spending more than it takes in in revenues. But spending is popular, taxing is not. So Congress takes the most expedient political route—spending without taxing. It is especially interesting to note that many of the Members of Congress who last year voted to reduce tax revenues are now voting for huge increases in Federal spending. Having voted to cut taxes, how can they now in good conscience vote to spend money that is not there? Every American taxpayer has learned that you cannot spend money that you do not have. But until Congress learns this same basic lesson, and begins to help the administration balance the Federal budget, we will see no end to this inflation. No, Congress is not doing the American taxpayer any favor by spending more than it earns in taxes. So long as this goes on, Congress is guaranteeing larger and larger deficits in the Federal budget, deficits which are then translated into inflationary price and interest increases for every American. During the short 30-month period between January 1968 and June 1970, the cost of living—as measured by the Consumer Price Index—rose 14 percent, the effective annual interest rate for conventional mortgages soared from 6.1 to 8.5 percent—an increase of 38.4 percent—and the purchasing power of a dollar in take home pay shrank to 86 cents.

These are the figures that the big spenders have apparently not examined, for I cannot believe they would wilfully choose inflation knowing the real price it exacts of each and every American.

An urgent choice is ours to make here today. We can vote against the administration's effort to bring inflation under control—to bring fiscal responsibility back into the Federal vocabulary. Or we can vote for further Federal deficits, further inflation, and a continuing price spiral. These are the issues and these are the choices. Inflation is the taxpayers number one enemy, so my vote will be on the side of a balanced budget. Mr. President, I, therefore, vote to sustain President Nixon's veto of the education appropriations bill in its current form.

Mr. PEARSON. Mr. President, I shall vote to override the President's veto of the education appropriations bill. I do so for a number of reasons.

First, I wholeheartedly agree with a pledge made by the President to the American people on October 1, 1968, and I quote:

> When we talk about cutting expenses of government, either Federal, State or local, the one area we can't shortchange is education.

Second, after the disruptive delays in the Federal funding of educational programs last year, to me there seems to be no alternative to overriding this veto. It is absolutely essential that the school districts have a firm idea of what their spending can be before the school year opens—and within the next 2 or 3 weeks, 52 million children will return to school across this land. Further delay will hurt thousands of school districts and colleges.

Third, there are many important line items in this appropriations bill. Funds for aid to impacted areas; funds for the handicapped or for the special programs under the Education of the Handicapped Act; funds for aid to colleges or higher education, including loans to students and grants for college work-study programs; funds for the Library Services and Construction Act, as well as funds for the education professions development; and funds for emergency school desegregation assistance. These are only a few of the vital programs funded by this bill.

Fourth, this vote today is, in my opinion, the establishment of priority spending. It is my conviction that the immediate, urgent educational needs of the American people and of the cities and towns throughout this country are deserving of the highest priority in the allocation of Federal funds and that these essential needs must be met as completely as we can reasonably do so within our legislative responsibility.

Fifth, when this bill passed both Houses of the Congress, there was not one single dissenting vote against it. It

passed the House by a vote of 357 to 0 and the Senate by a vote of 88 to 0. These votes show, in my opinion, that the Congress places the highest priority on spending funds for education.

Mr. President, I am in full agreement with the President wanting to exercise control over Federal expenditures and keeping budget deficits as close to zero as possible. I believe the President is correct in saying again that unless we control the level of deficit spending, or eliminate it altogether, we only prolong the day when the battle against higher prices and higher interest rates is won.

Unfortunately, the decision we face today is not limited to being for or against inflation or a balanced budget. We also must consider where we will place our priorities for Federal outlays in this and future fiscal years.

To my way of thinking, funds for education are not really an expenditure of our assets, but a sound investment in our country's future. It is with a clear conscience that I will vote to override this Presidential veto.

Mr. BURDICK. Mr. President, today we in the Senate are presented with one of those opportunities of putting into practice what we have long been preaching. We have been voicing clearly and repeatedly our strong desire to redirect some of the priorities of this Nation. Today, we have been afforded the opportunity of proving that our rhetoric is not just that. Today, Mr. President, we can take firm and direct action toward this end by overriding the President's veto of the education bill (H.R. 16916).

The President stated that his veto of the education bill was painful—but that it was necessary to hold down inflation. The President has repeatedly stressed that while many programs are worthwhile and deserving of full funding when viewed separately—he must consider each program as part of the whole Federal budget. Let us then consider the education appropriation bill in the context of the entire Federal budget.

The amount at issue between the President and Congress—$453 million—amounts to about one-tenth of 1 percent of the total Federal budget for 1971, and about one-fiftieth of 1 percent of the Gross National Product. Furthermore, for each $1,000 the administration now requests for spending from each American, $7.50 goes for elementary and secondary education, as opposed to $375 for military defense. The size of the entire education bill—$4.4 billion, is less than the cost overruns for some of our overgrown military projects.

Mr. President, I am for fighting inflation as much as anyone, but I must question the President's logic in continually asking the poor, the sick, and the schoolchildren to carry the burden of this fight, while at the same time supporting high cost overruns in our Defense Establishment, the SST, and a large space program.

Mr. President, concerning the vetoed education bill before us today, let us look closely at what we did to it. We provided for increases totaling $556 million, but we also provided for decreases of $103 million, making a net increase of $453 million—the figure the President used. Of the $556 million increase, $492 million was for direct grants to States and local governments. This, Mr. President, is most important to remember. The $492 million of the total $556 increase was for State and local grants—and not for money to be spent in Washington or wasted. This is not inflationary, but is a shift of the burden of taxation in this country.

The Federal Government is now paying only 8 percent of the cost of education. Just last week, 40 Governors attending a national meeting in Missouri unanimously adopted a resolution which set forth their conviction that a greater proportion of funding for education be borne by the Federal Government.

Mr. President, I represent one of the least populated States in the Union, and yet I am no less concerned with the quality of education offered in our country's sprawling urban areas than in its rural areas. I firmly believe in accepting the challenge of John Adams who said:

> The whole people must take upon themselves the education of the whole people and we must be willing to bear the expense of it.

What affects one part of this country—affects us all, and we must all realize this.

About 72 percent of the Nation's population now reside in metropolitan areas. The local property owners of the city areas are bearing the heavy school tax burden of this influx of population into their communities. On account of the increasing cost of living and the added school tax load, the vast majority of our people in both urban and rural areas are demanding increased school aid from the Federal Government. The effect of increasing local property taxes has become so great as to result in the increasing regularity of local school bond issues being voted down.

Finally, Mr. President, it must be noted that a vote for increased spending for education is neither inflationary, but is wise and farsighted spending. Unlike many other appropriations, education spending offers a return on the investment. For every $1 spent on education, $14 is returned in the future through taxation. An investment in education is an investment in our country's future, and is repaid many times and in many ways. A better educated people produce more and pay more taxes.

To override this veto is not inflationary—it is good economics. To sustain the veto would not be a true saving. It would only be a postponement which would result in additional costs later.

Mr. President, President Nixon stated in the fall of 1968 that—

> When we talk about cutting the expense of government—either Federal, State, or local—the one area we can't shortchange is education. . . . When you cut expenditures for education, what you are doing is shortchanging the American future.

Mr. President, these words could not be more true. Education is the best investment in the future of America that one can make. It is only through education that the real problems of our society can be dealt with. Anything less, as the President has said—would be to "shortchange" the American future.

Mr. President, when this bill was finally approved by the Congress after careful consideration, it passed this body by a vote of 88 to 0. Today, we can do no less than to override this veto.

Mr. MONDALE. Mr. President, we have been told that increased expenditures for education are inflationary and that it is necessary to vote smaller sums for these worthy programs in order to "hold down the rising costs of living." The truth is that the administration is trying to make education and health programs pay the price of other ill-advised and inflationary policies.

The administration's budget reflected significant decreases in a number of education programs, as compared to 1970. The recommended figure for the Supplementary Centers Title was down $10 million from 1970. Funds for vocational education were $30 million below 1970. The recommendation for impacted areas was down by $95 million. Other vital educational programs like those under title I of the Elementary and Secondary Education Act were recommended at the same level as 1970. This allowed no room for program expansion and improvement but, more significantly, it provided no funds to meet the rising costs which are experienced by education as well as by other Federal programs.

The same pattern emerged in higher education programs. The administration proposed a decrease of almost $20 million for NDEA loans. It proposed to drop all higher education facilities grants and, at the same time, to reduce funds for the facilities loan program.

What the administration recommended was, therefore, not a forward-looking budget. It was not even a "standstill" budget. In reality, it was a backward-looking budget.

In these circumstances, the Congress had no alternative but to act responsibly, and selectively, to increase funds for a number of education programs. The overall increase of $453 million in a bill exceeding $4 billion can hardly be regarded as excessive or irresponsible.

The Congress will surely reduce appropriations in other areas in order to permit the holding down of expenditures which the President has called for. What we need is the administration's help in attempting to cancel or defer unnecessary or low priority programs. I would like to see some of the burden of the fight against inflation borne by the ABM and other wasteful and unnecessary weapons systems. I would welcome a plea from the President to make reductions in the space program budget as a contribution to holding down prices. I do not want to place this burden upon the shoulders of our children. Investments in education are investments in the Nation's future.

The cost to my State of reducing the education appropriations to the level requested by the administration has been estimated at $10 million. The major portion of funds involved is for support of ongoing educational programs. Therefore, if these funds were not approved,

it would be necessary for the State and local governments to levy increased taxes in order to avoid program cutbacks. This will merely put more pressure on the seriously overburdened real estate tax base.

To finance the cost of the funds which would be lost to Minnesota under the President's recommendations, an average increase in taxes of 4 mills would be required. This would cost the owner of a house assessed at $10,000 $40 per year.

In my State, returning to the budget recommendations of the administration would cost public schools approximately $1.5 to $2.0 million under ESEA title I. Another $1.5 to $2.0 million would be lost under the impacted areas program. We would lose over $1 million under ESEA title III and NDEA title III. Another quarter of a million dollars would be lost if we were to return to the administration's proposals for the library services and construction program.

One of the most unwise reductions proposed by the administration is in the programs to support vocational education. We should be sharply increasing efforts in this important area, rather than cutting back. The conference committee's bill provided only a modest increase for this valuable program over the 1970 level. Cutting it back to the administration's figure would cost my State more than $1 million.

In higher education, the same situation applies. The University of Minnesota, alone, would lose about $2 million under the President's proposals. Students throughout the State are hard pressed for loan funds. The increased funds included in the bill for the NDEA loan program should permit many of them to continue their education.

The reaction from educators and public officials from my State has been overwhelming. I do not believe I have ever seen such strongly worded criticisms of a Presidential action by people in the education community. For example, the Minnesota Education Commissioner, Mr. Howard Casmey, wired the President in these words:

Deplore your irresponsible and politically motivated veto of educational appropriations bill. All people pay for public education and federal assistance is not inflationary. Give priority to human needs.

I believe the people know that this veto was politically inspired. The President was advised to approve the bill by many Congressmen from his own party. The bill was passed initially with the overwhelming support of Members from both sides of the aisle, in the House as well as in the Senate. The President is attempting to make it look as if a "spendthrift" Democratic Congress is causing inflation. Members of Congress know that this is not the case. Just as we did last year, we are reshaping the Nation's priorities through the spending powers entrusted to us under the Constitution.

I do not believe in playing politics with education. I urge my colleagues to reject the President's veto and to join in the campaign for economies in other areas.

I ask unanimous consent that a number of telegrams from educators in my State be printed in the RECORD.

There being no objection, the telegrams were ordered to be printed in the RECORD, as follows:

MINNEAPOLIS, MINN.,
August 13, 1970.

Hon. WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

Your support requested for overriding veto of Education Appropriations Act. Education basic human need and noninflationary and must have high priority.

HOWARD B. CASMEY,
Commissioner of Education.

MINNEAPOLIS, MINN.,
August 17, 1970.

Hon. WALTER F. MONDALE,
Washington, D.C.:

Minnesota education association representating more than 40,000 thousand educators in public and private elementary secondary and higher education urges that you support efforts to override the veto by President Nixon of the HEW appropriation bill. Candidate Nixon in the fall of 1968 made the following statement to the teachers of America "seeing to 1' that young Americans are the best educated in the world, seeing to it that education is available to all our people, seeing to it that those who don't have an equal chance at the starting line are brought up to the starting line—this is the primary American objective. At budget cutting time. This is one area that must not be short changed. To do so would short change the future of our children and of our Nation."

"Investments in education are investments in our children. The kind of country they will live in, quality of life they will lead. Education is the one area in which we must not be miserly in which we must do everything necessary to help achieve the American dream."

Not only is the President's action unconsciousably but a serious threat to Minnesota programs that are already under way for the fall term. His action would cost Minnesota schools approximately 10 million dollars and would wipe out a substantial amount of the vocational school aid program, at a time when vocational education is badly needed.

The Congress must insist on establishing realistic national goals and redirecting national priority. To cut educational efforts under the guise of economy is indeed false economy and far more serious than might be realized.

A. L. GALLOP,
Executive Secretary Minnesota Education Association.

ST. PAUL, MINN.,
August 14, 1970.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

Contrary to Nixon's belief that the education increase "is not in the best interest of all the American people" we urge you to vote to override Nixon's veto of the education bill in order that we may become minimumly equipped to meet the challenges of the 70s.

FLORA ROGGE,
President Minnesota Federation of Teachers.

ST. PAUL, MINN.,
August 12, 1970.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

350 superintendents of schools meeting in Saint Paul for their annual summer meeting urge passage of the educational bill over the Presidential veto. These funds are urgently needed.

LE ROY HOOD,
Legislative Chairman Minnesota Association of School Administrators.

MINNEAPOLIS, MINN.,
August 17, 1970.

Hon. WALTER MONDALE,
Old Senate Office Building,
Washington, D.C.:

Urge your continued support of public education. Minnesota students need better education.

JOHN B. DAVID,
Superintendent of Schools, Minneapolis.

RICHARD F. ALLEN,
Chairman. Board of Education.

ST. PAUL, MINN.,
August 17, 1970.

WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

Urge you to override the President's veto of Education Appropriation Bill H.R. 16916.

Mrs. G. THEODORE MITAU,
Vice Chairman,
St. Paul Board of Education.

DULUTH, MINN.,
August 13, 1970.

Senator WALTER F. MONDALE,
Senate Office Building,
Washington, D.C.:

Urge that you vote to override the President's veto on education.

LEROY MESEDAHL,
Supervisor Audiovisual, Duluth Schools.

ST. PAUL, MINN.,
August 12, 1970.

Hon. WALTER F. MONDALE,
U.S. Senate,
Washington, D.C.:

It is imperative that Congress votes to override the President's veto of funds for education. Please vote to override the veto.

GEORGE P. YOUNG,
Superintendent of Schools.
ST. PAUL, MINN.

ST. PAUL, MINN.,
August 11 1970.

Hon. WALTER MONDALE,
U.S. Senate,
Washington, D.C.:

$350,000 addition to our vocational school depends on override President's veto urge your support.

A. L. NELSON,
Superintendent.
WINONA, MINN.

HIBBING, MINN.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Presidential veto on education irresponsible priority of military over national educational needs urge continued dedication to children by overriding President's veto.

RON CARLSTROM,
Northern Organizer,
Minnesota Federated Teachers.

NEWBRIGHTON, MINN.,
August 12, 1970.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

Request that you vote to over ride the President's veto of education appropriations bill and expedite funding.

DON MURPHY,
Legislative Chairman Audiovisual Coordinators Association of Minnesota.

HIBBING, MINN.,
August 12, 1970.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

The Iron Range Council of Teachers strongly protest Nixon's veto of the education bill. We respectfully request that you use the prestige of your office and speak out publicly to tell the people of the folly of a veto that cuts aids to education while other less important budget items are being expanded.

GABRIEL BRISBOIS,
Iron Range Council of Teachers
Publicity Chairman.

MINNEAPOLIS, MINN.,
August 12, 1970.

Senator WALTER MONDALE,
Senate Office Building,
Washington, D.C.:

We urge you to continue your strong support of education by voting to over ride the veto of the education bill. Thank you for your past efforts.

GEORGE BESKE,
Legislative Chairman,
BOB HILLEMAN,
Executive Secretary,
Hennepin Division, Minnesota Education Association.

Mr. CURTIS. Mr. President, the question before us is—shall we support the President of the United States in the veto of the appropriation bill for education? All citizens are interested in education, but this bill has unusual significance for those school districts that have been designated "impacted areas."

An example of an impacted area is a school district close to Offutt Air Force Base in Nebraska. This happens to be the public schools of Bellevue. I understand that approximately 78 percent of the enrollment in the Bellevue schools is children coming from the homes of the military. This indeed has an impact—a very great impact—on that school district. Other schools in that immediate area are likewise seriously affected. This added cost of maintaining the school districts in such impacted areas should be borne by the Federal Treasury. The U.S. Air Force, as well as all branches of our military forces, exists for the benefit of all the people of the United States and all the people should share in the cost of maintaining our military.

The bill the President has vetoed calls for an appropriation of $4.4 billion. We should keep in mind that only about one-eighth of that amount is used for impacted areas. In my opinion, the impacted areas program should have first priority for all moneys appropriated because it is an education expense that should be borne by the Federal Treasury. I think it can be safely said that the controversial features of this appropriation bill center around those programs other than the funds for impacted areas and around the funds for impacted areas that in no sense involve the military.

I think it is well that we examine President Nixon's budget for education. President Nixon recommended a total appropriation for this bill of $3.9 billion. If we compare this with the last Johnson budget for education, we find that President Nixon has been much more liberal. The last Johnson budget was for $3.4 billion.

Last year's appropriation bill was likewise vetoed. That veto was sustained. Let us examine the figures. The Congress was 6 months late in getting that bill passed. It was not passed until January. On January 26 the bill was vetoed. This education appropriation bill that was vetoed at that time was for $4.2 billion. This veto was sustained by a vote of the House of Representatives on January 28. Within 22 days thereafter the House of Representatives passed a new bill. This was subsequently passed by the Senate and signed by the President on the 5th day of March 1970. It appropriated the sum of $3.8 billion. The taxpayers were saved $400 million by the veto power of the President.

It is interesting to see how the funds for impacted areas fared last year. The amount provided for impacted areas in the bill that President Nixon vetoed last year was $505 million. In the bill that Congress passed soon after the veto was sustained there was provided for schools in impacted areas $505 million. In other words, the veto of last year, which ended up in a savings to the Treasury of $400 million, did not reduce the amount of money provided for impacted areas. Practically the identical amount was carried in the second bill for this purpose as was carried in last year's bill that President Nixon vetoed.

Mr. President, no one disputes the fact that should the President's veto be sustained that the Congress would proceed immediately to pass another appropriation bill for a total amount acceptable to the President. No evidence has been submitted to indicate that in such a case the reductions for the new bill would be taken out of programs other than the program for impacted areas just as was done in last year's appropriation.

If my memory serves me correctly, the impacted areas program was brought into being because of the impact the military had on so many school districts. This program should be reformed to conform to that original intent. It has been expanded by Congress over the years to include many categories other than military. For instance, many Government workers in Washington, D.C., choose to live in nearby Maryland or Virginia. These people are permanent employees of the Government. They pay whatever income taxes, sales taxes, real estate taxes, and personal property taxes the other residents of those two States pay. They live over a wide area. They are well-paid, well-housed citizens and there is no equitable reason why the Federal Government should, from the impacted aid fund, make a payment to the school districts where these children attend. Yet that is the case to the tune of millions and millions of dollars. We desperately need a reform of the present law pertaining to aid for school districts in impacted areas. This problem will not be solved by overriding the President's veto. In fact, such action may contribute to further delay in meeting this issue squarely and paying in full the just cost of the education of the children whose fathers have been ordered into that particular school district by the Federal Government as part of the total defense of our country. The bill before us today calls for a total of $551 million for aid to impacted areas, but more than $250 million of that amount is for children whose parents are not connected with the military but fall in such categories as mentioned above in the Maryland and Virginia area near Washington, D.C.

The law for aid to impacted areas should be reformed, not only as to the categories that are to be included in what constitutes an impacted area but also attention should be given to the percentage of the children falling in such categories as compared with the total enrollment in the schools. It would seem to me that if the added burden on a school district by reason of a military installation does not increase the enrollment of that school by more than 8 or 9 or possibly 10 percent, that the school district involved should absorb that extra load without any special Federal aid because the existence of a military establishment does generate considerable business wherever it is located. If this problem is met, there would always be ample funds to take care of the full entitlement of those school districts that have been called upon to carry such a great extra load.

Finally, Mr. President, is there any broad, fundamental reason for supporting President Nixon's veto? The facts speak for themselves. I hold in my hand the last printed daily statement of the Treasury Department. The national debt, subject to limitation, stands at $378.9 billion. This statement shows that 1 year ago the amount was $360.3 billion. In other words, in 1 year the national debt has increased by $18.6 billion. This is because the Congress spends too much money. I would also like to call attention to the fact that this year the cost of paying the interest on the national debt will exceed $20 billion. This interest load must be carried before there is $1 available for any other purpose of Government no matter how meritorious. To go on increasing the national debt will not help the schools of the country. It will not help anything or anybody. It will mean, among other things, that the interest load which must be paid first will be greater next year and in all the years to come.

Mr. President, again I point out that there has been no evidence submitted that if President Nixon's veto is sustained that the schools in impacted areas will receive less than the amount carried in the vetoed bill. They did not last year. They ultimately got the same amount of money that was carried in last year's bill that President Nixon vetoed and which was sustained by the Congress.

The basic question before us is: Shall this bill in the overall be for the amount recommended by Mr. Nixon's budget of $3.9 billion, or shall that budget be exceeded by $500 million?

Mr. MILLER. Mr. President, it would be terribly unfair and unrealistic to draw the conclusion that the President's veto of the Office of Education Appropriations bill and a vote to sustain the veto are at all indicative of any lack of concern over the needs of education. In fact, if one realizes that the President's budget request for Elementary and Secondary Ed-

ucation was $138 million more than the fiscal 1969 appropriation under the previous administration, it is evident that the President is acutely aware of the need for increased funds.

This awareness and concern must, however, be measured against the availability of money in the Federal Treasury.

Early this year I pointed out that those in control of the Congress had made a decision on the No. 1 priority. That decision was made when, after doing an outstanding job on tax reform and picking up billions of dollars in additional revenue, those in control of the Congress decided to use that extra tax money for what I have termed excessive tax relief. The result was that the money needed for various high priority programs simply is not in the Treasury. It is gone. All other programs—education, health, pollution control, and the like have to take lower priority.

And so, looking at the availability of the money the Congress has given the Treasury, the President has had to construct a budget which, in some areas, does not call for spending as much as he wished. This leaves two alternatives: First, to keep spending within the limits of the Treasury's funds; or, second, engage in more multi-billion-dollar deficit spending, with the inevitable consequence of continued inflation and high interest rates. The President chose the first alternative, and I am quite sure that one reason he was elected was because the people of our country were deeply hurt and alarmed over the inflation which they were suffering under because of the unwise fiscal policies of the previous administration and the Democrat-controlled Congress which put them into effect.

Now we have a President with sound fiscal policies, but we still have the same control of the Congress and the same proclivity to spend billions of dollars more than our taxes produce. It would not be so bad if those in control of the Congress would be willing to impose tax increases necessary to meet the increased spending they promote, but they are unwilling to do this and prefer, instead, to let the people of our country continue to suffer under inflation and high interest rates.

I have consistently complained about the deficit spending by those in control of the Congress, and I have consistently voted for amendments to reduce expenditures so that our Federal Government would live within its means. Indeed, I am one of the few Members of Congress who has publicly advocated a continuation of the 5-percent surcharge in order to cover some of the additional appropriations being voted.

In looking at the conference report on the education appropriations bill, which the President vetoed, there are four major items to be considered. Moreover, these should be considered against the fiscal 1970 appropriations, because if the veto is sustained, the Congress will continue the appropriations for education at the level established for fiscal 1970.

The first item is elementary and secondary education, with the conference report $232 million over the fiscal 1970 level. Iowa's share of this overage would be only $3.2 million. The second item is Federal aid for impacted areas, with the conference report $31 million over the fiscal 1970 level. Iowa's share of this overage would be only $100,000. The third item is vocational and adult education, with the conference report $75 million over the fiscal 1970 level. Iowa's share of this overage would be only $1 million. And the fourth item is higher education, with the conference report $117 million over the fiscal 1970 level. Iowa's share of this would be none, because we would go down $500,000 on construction money and up $500,000 on NDEA loans. Moreover, the administration's program of guaranteed student loans—as distinguished from direct NDEA loans—is calculated to greatly increase the number of students who will be able to participate in loan programs; and a pending bill to improve the secondary market for such guaranteed loans is going to encourage banks and other lending institutions which are presently having a liquidity problem.

From the standpoint of my own State of Iowa, then, the impact of the veto and a sustaining of the veto would be minimal—compared to what would happen under a continuation of funds at the fiscal 1970 level. However, if the veto were sustained, I am entirely confident that a compromise could be worked out between the administration and the Congress, just as was done last January with the bill that was vetoed then, so that some of the increases would take place.

Measured against the inflationary harm arising from spending hundreds of millions of dollars more than is available in the treasury—not only in this bill but in others as well, against the very small difference to my State between the fiscal 1970 appropriation level and that provided in the conference report, I am satisfied that a vote to sustain the veto is the prudent course to follow. I might add that no one should realize the seriousness of the impact of inflation and high interest rates more than those directly involved in education. The single greatest aid to education the Congress could render would be to put a stop to inflation and high interest rates. And this means keeping Federal expenditures in reasonable balance with Federal tax revenue.

Mr. MONTOYA. Mr. President, the Wyoming primary election is being held today, which explains the absence of the senior Senator from Wyoming (Mr. McGEE). Senator McGEE has asked that I present his view on the pending question before the Senate, the President's veto of H.R. 16916. I am pleased to ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement by Senator McGEE was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR McGEE

Mr. McGEE. Mr. President, there is a philosophical gap separating my view of this bill from that of the President, who said in his veto message that he flatly refused "to go along with the kind of big spending that is wrong for all the American people."

It is my unswerving opinion that funds spent for education cannot be called expenditures, really. They are in fact an investment in this country's future. And certainly they are not wrong for the American people. What is wrong, in my view, is any attempt to make education the scapegoat for inflation.

With the opening of a new school term just around the corner, it is imperative that the Senate join the House of Representatives and vote to get these funds on their way to the schools and colleges and libraries before the academic year begins, thus giving education the type of priority treatment it deserves in this country.

There really is no partisan issue involved here. We dare not make education a partisan issue, for it is so vitally essential to the future well-being of the country. That importance was recognized by the Senate before when it approved this bill and when it approved the Conference Report without dissent. We voted for increasing the Federal government's effort in education. We voted for greater allocations for impacted school districts, for education of the handicapped, for vocational education and supplementary services. We wanted to aid land-grant colleges and university community services, allocate more money for community college construction and for libraries and educational broadcasting facilities. I am sure we still want to do these things.

I am confident, Mr. President, the Senate will vote for the people once again and choose to override this veto.

Mr. MATHIAS. Mr. President, I shall vote to sustain the President's veto of the education appropriations bill.

The national priorities being established for the coming year by a majority of the Congress are not the priorities that I would wish to set myself. Yet the fact has to be accepted that we are now, or are about to be, committed to the expenditure of billions of dollars for various programs about which I have the severest reservations, such as continuing an agricultural subsidy program that is obsolete and purchasing an anti-ballistic-missile system that is premature.

This money has been spent—it is gone and we are not fiscal wizards who can spend it twice. No new sources of revenue open up before us.

The President is correct in pointing to the fiscal dangers that confront the Nation. The new economics impose restraints that are painful, but nevertheless mandatory. The plain fact is that we have eaten our cake, and cannot now have it too.

The educational community stands to lose as much if not more from increased or continued inflation as any other segment of our society. Today's high costs in elementary, secondary and higher education are directly related to inflation and the increasingly larger bite it takes each year from the needs of American students. I am deeply concerned about our educational system. I think it needs more financial help rather than less. But if inflation continues, perhaps rises this year, the additional 5 percent, 6 percent, or 10 percent it will cost will be deducted not only from Federal appropriations, but from local and State as well as National school funds and will be far greater than the amount in dispute in this bill.

The President has, in effect, asked us to take a second look. His request follows other significant congressional decisions, examples of which I have already mentioned. It is my opinion that

we should take that second look in the light of current conditions. It may well be that Congress will decide again that the amount provided in the bill is irreducible and will determine to risk the larceny of inflation. But the President has done his duty by flagging the Congress and the Nation of the danger. We should do our duty by reexamining it.

In addition to his specific warning with respect to this bill, President Nixon has accurately and helpfully highlighted the continuing fiscal problem of our generation: whether we can simultaneously have guns and butter. This question has been raised in the context of the war in Vietnam. President Nixon is himself directly addressing the problem by his participation in the SALT talks aimed at reducing our heavy expenditures for strategic arms. But the problem persists and must be confronted honestly and candidly each time it presents itself for a new determination. I do not like the answer I feel compelled to give today. In the past I have voted against farm subsidies and the ABM and other untimely expenditures and so could rationally justify another position. But no rationalizing will alter the facts or change the figures. Inflation is a real and present danger to America's schools, teachers, and students. I shall vote to avert that danger.

EDUCATION AT HOME DESERVES OUR COMPLETE SUPPORT AND OUR VOTE

Mr. McINTYRE. Mr. President, the House has seen fit to override Mr. Nixon's veto of the education appropriations bill. I hope that we in the Senate have the same foresight.

It is only fair to concede that adjusting our priority needs at home and abroad is a delicate procedure when inflation must be fought at the same time. But the administration erred when it measured educational funding with the same yardstick used to gage the worth of other programs.

Because its impact is so broad and so deep, the worth of education is, indeed, immeasurable, and this fact alone should assign it maximum priority.

The greatest wealth of any nation is its citizenry. And the citizens of tomorrow are the schoolchildren of today.

Any investment made in the cause of their education—be it time, energy, or money—will return dividends far beyond the original cost. By the same token, any cutback in funding will reap negative consequences which will be felt more and more profoundly with every passing year.

No one appreciates this fact more than the educator—the teacher, the principal, the superintendent of schools, the school board and all the others working at the vital task of educating our children. Sometimes I fear we may forget the devotion and dedication of those who go quietly about their work day after day to give our young people the kind of knowledge and training that will fit them for a life of accomplishment.

Mr. President, the amount at issue between the President and Congress is $453 million. On the surface, this would appear to be a substantial amount. But, when we consider that this figure represents barely one-fifth of one percent of the total Federal budget for 1971—and only one twenty-fifth of 1 percent of the gross national product—perspective is restored.

The expenditure of an additional $453 million for education—at a time when we are spending billions on many other programs—we spend 15 times this much for farm subsidies—quite obviously takes on a different appearance.

But this same amount will make a great deal of difference to our students and to the educators who are trying to upgrade the quality of schools and teaching, and, ultimately, the quality of national life itself.

If it is not overridden, the President's veto will be a blow to schools everywhere including those in my own State of New Hampshire, where the need for Federal support of education is great.

It means that New Hampshire will lose $3.8 million—or roughly $5 per taxpayer.

We will lose $2,740,000, for instance, in funds for elementary and secondary education.

Of this amount, $2,277,000 will be lost to our schools in impacted areas along the seacoast—Dover, Portsmouth, Newmarket and other communities.

We will lose $560,000 for our colleges and other institutions of higher education.

And we will lose $175,000 in funds for our vocational and adult education institutions—$98,000 in funds for education of the handicapped—and so on down the line.

New Hampshire can ill afford such a setback.

Then, too, Mr. President, there is another consideration—time.

If the veto is sustained, the whole process of drawing up, considering, and voting on new legislation will begin again, with no assurance as to when the new bill would be enacted.

This means that in just a few weeks 52 million children would return to a school situation fraught with uncertainty.

A delay in the allocation of Federal funds to thousands of school districts and to thousands of colleges will hurt—not just the schools and the teaching process—but most importantly, the students.

As many parents—and most teachers—recall, this was the case last year when the President vetoed the education bill.

To prevent any delays this year, the Congress resolved to complete action before the start of the school year, so that school administrators would at least be able to plan on the use of funds for the year. Both House and Senate were successful in finishing their work this July.

However, the veto has interrupted the action and if it is sustained, all of our efforts will have been in vain. A repetition of last year's unfortunate situation will occur. School districts will be forced to rearrange schedules, to cut back on important programs, and in some cases, to close schools altogether. And, most important of all, in order to maintain minimum educational standards, our taxpayers will be called upon to make up the difference between funds available and funds required in local taxes.

Mr. President, it is my sincere hope that we can prevent this situation. To do my part, I will vote to override the President's veto, and thereby reaffirm my conviction that education continues to be vital to our Nation.

CHILDREN HAVE RIGHTS, TOO

Mr. MONTOYA. Mr. President, last week America was taken aback by the veto of two critical appropriations measures by the President. The first bill contained funds Congress voted for housing, medical care for veterans, urban renewal, and water and sewer facilities.

We have heard much wailing these days about the plight of America in terms of domestic disorder. Our total national environment drastically requires reordering, restructuring, and reform. The vetoed funds I have already mentioned were a minimum attempt to hold back a tide that threatens to inundate the Nation. That veto has been sustained. What, then, will it mean? Urban renewal, new Government-aided housing, and other essential programs will be indefinitely delayed unless something is done.

In my own State of New Mexico, every metropolitan area will suffer accordingly. Those most in need of assistance will be hit most directly. Slums will continue to creep across the land. Urban blight will spread. Acute suffering and alienation will be their offspring. What we sow today, we shall reap tomorrow. Most lay people usually pass over water and sewer funds with but a passing glance. It is just not a subject that sets the national eyeballs atwitch, but I wonder how many people know how much a decent water and sewer system can and does mean to all the people in New Mexico. Their citizens have worked and scraped for years to come up with local money to make water and sewer systems a dream come true. Now, in many places across New Mexico, those dreams will be deferred.

Filth and danger of disease will have to be endured for still longer by thousands of people whose only sin is to want adequate water and sanitation facilities. Yet even more inexcusable is the veto of funds for medical care for our veterans. We are engaged in an endless struggle in Asia. Its harvest is death, disease, and crippling injuries. I shall not dwell now on arguments pro and con of this war. If we are to deny essential medical care to veterans of this and our other wars, we act in the most immoral, callous manner imaginable.

In New Mexico there is one old, short-of-funds facility to serve needs of 134,000 veterans, whose numbers are growing constantly. To veto funds for their treatment is one of the shabbiest ways of saving money any government ever indulged in. I wish to place myself on record as wanting to have no part of such a denial. In fiscal year 1969, my State received $51,333,403 for VA use for our veterans. That figure speaks for itself.

Yet it is the second veto, of the education appropriation measure, that has the least to recommend it. Here is where the Senate must act to override. The right of every American youngster to a decent educational opportunity is not negotiable. It is an utterly astounding act to veto such an integral portion of America's

future. Already, we can see decay setting in on various levels of our national education structure. Student loan funds are failing to meet requirements across the Nation. As inflation grows and grows, parents are finding it impossible to cope with skyrocketing education expenses. Student loan funds, which have meant a difference to so many young people by filling the gap, have been cut and cut again. How many will have to drop out of school because of their lack of availability?

Private schools are steadily closing across the Nation. We have just had several instances of this in Albuquerque. Everyone bemoans this. Everyone wails, wrings his hands, and murmurs about how it is too bad that a school had to close—that it could not keep its doors open any longer. But vetoing an education appropriations measure adds to it—compounding difficulties. Where are the bemoaners? Where are the sorrowers? Our children need help. This is not a partisan issue. Education is too essential for mere partisanship. The Senate affirmed this by approving the bill and the conference report without dissent. We all voted to increase the assistance of Government to education. To help impacted school districts with more money. For educating the handicapped. For vocational education. For libraries and educational broadcasting. We must continue to do these things. A shudder went through America's educational system because of this veto. It threatens the very structure of aid to education we have worked so hard over so many years to establish. This work was done by both parties over several administrations. It has been done in the name of our future—our heritage—our children. The Soviet Union does not shortchange its young in terms of education. While we battle to override a veto of education funds, they are building science cities and new technical institutes. So are the Chinese. So are our allies and industrial competitors.

My State of New Mexico is not a rich State. Our economy is fragile. Our tax base is slim, depending greatly on Federal aid to education, which has made significant differences across New Mexico in recent years. Many a child and young student in my State has received better educational opportunity because of Federal aid to our educational system. It is this lifeblood of finance that today stands endangered by the recent veto of the education appropriation.

In 1970, New Mexico received $29,033,563 in Federal aid to education. The President asked for $18,933,951 for my State in fiscal year 1971 in his budget request. Under the now-vetoed education measures, New Mexico would have received $33,379,172 in fiscal year 1971.

Just last week, Mr. President, the administration asked this body to approve an expansion of the ABM system. Here is what may very well turn out to be a $50 billion boondoggle. Here is a weapons system every physicist of stature in the Nation, when asked, has questioned the reliability of. Here is perhaps the ultimate in wasted military expenditure. Yet we are called upon to pass it, throw away the desperately needed cash, and call ourselves a responsible body.

But the education money is expendable. Surely this is an astonishing reversal of priorities. Surely there is something wrong when our veterans care is set aside. When sewer and water systems cannot be built. When housing and urban renewal funds are slashed and vetoed. And now we are told to watch helplessly while aid to impacted schools, to vocational education, to teacher training, bilingual education, student loans, all goes down the national drain. I think not, Mr. President. I believe education is too important. One does not try to reform transport by putting the horse into the cart. I shall vote to override the veto of the education bill.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

The PRESIDING OFFICER (Mr. BELLMON). Under the previous order, the Senate will now proceed to vote on the question, Shall the bill pass, the objection of the President of the United States to the contrary notwithstanding?

The Constitution requires that this vote shall be determined by yeas and nays.

Mr. MAGNUSON. Mr. President, may we have order so that we can hear the rollcall?

The PRESIDING OFFICER. The Senate will please be in order.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK (when his name was called). On this vote I have a live pair with the Senator from Alabama (Mr. SPARKMAN) and the Senator from Wyoming (Mr. MCGEE). If they were present and voting, they would vote "yea." If I were permitted to vote, I would vote "nay." I therefore withhold my vote.

The rollcall was concluded.

Mr. KENNEDY. I announce that the Senator from Alaska (Mr. GRAVEL), the Senator from Wyoming (Mr. MCGEE), and the Senator from Alabama (Mr. SPARKMAN) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Arizona (Mr. FANNIN) and the Senator from Florida (Mr. GURNEY) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT) would vote "yea."

If present and voting, the Senator from Arizona (Mr. FANNIN) would vote "nay."

The yeas and nays resulted—yeas 77, nays 16, as follows:

[No. 259 Leg.]

YEAS—77

Aiken	Gore	Murphy
Allen	Harris	Muskie
Allott	Hart	Nelson
Anderson	Hartke	Pastore
Bayh	Hatfield	Pearson
Bible	Holland	Pell
Boggs	Hollings	Percy
Brooke	Hruska	Prouty
Burdick	Hughes	Proxmire
Byrd, Va.	Inouye	Randolph
Byrd, W. Va.	Jackson	Ribicoff
Cannon	Javits	Russell
Case	Jordan, N.C.	Schweiker
Church	Jordan, Idaho	Scott
Cook	Kennedy	Smith, Ill.
Cooper	Long	Spong
Cotton	Magnuson	Stennis
Cranston	Mansfield	Stevens
Dodd	McCarthy	Symington
Eagleton	McClellan	Talmadge
Eastland	McGovern	Tydings
Ellender	McIntyre	Williams, N.J.
Ervin	Metcalf	Yarborough
Fong	Mondale	Young, N. Dak.
Fulbright	Montoya	Young, Ohio
Goodell	Moss	

NAYS—16

Baker	Griffin	Smith, Maine
Bellmon	Hansen	Thurmond
Bennett	Mathias	Tower
Curtis	Miller	Williams, Del.
Dole	Packwood	
Goldwater	Saxbe	

PRESENT AND GIVING A LIVE PAIR, AS PREVIOUSLY RECORDED—1

Dominick, against.

NOT VOTING—6

Fannin	Gurney	Mundt
Gravel	McGee	Sparkman

The PRESIDING OFFICER. Two-thirds of the Senators present and voting having voted in the affirmative, the bill, on reconsideration, is passed, the objections of the President of the United States to the contrary notwithstanding.

Mr. MAGNUSON. Mr. President, I move to reconsider the vote by which the bill, on reconsideration, was passed.

Mr. PELL. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. BELLMON). The Chair lays before the Senate the unfinished business, which the clerk will state.

The ASSISTANT LEGISLATIVE CLERK read as follows: A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senate will be in order. Under the previous order, the Senator from Colorado (Mr. ALLOTT) is recognized for 15 minutes.

Mr. ALLOTT. Mr. President, two or three Senators have asked that I yield to them for brief insertions. I ask unanimous consent that I may do so without the time they take being charged to my time.

The PRESIDING OFFICER. Without objection, it is so ordered.

S. 4260—INTRODUCTION OF THE FEDERAL-AID HIGHWAY ACT OF 1970

Mr. RANDOLPH. Mr. President, today I introduce the Federal-Aid Highway Act of 1970. The wide range of concern within the Senate for the important matters dealt with in this bill is expressed by the fact that 26 Senators have joined as cosponsors. They are Senators COOPER, ANDERSON, BAKER, BAYH, BOGGS, BURDICK, CANNON, DODD, DOLE, EAGLETON, EASTLAND, GRAVEL, GURNEY, HARTKE, HOLLINGS, INOUYE, JACKSON, MCGEE, MONTOYA, MOSS, PACKWOOD, PERCY, SPARKMAN, SPONG, STEVENS, and YARBOROUGH.

The Subcommittee on Roads of the Committee on Public Works has completed 15 days of general highway hearings, hearings conducted to build a body of knowledge and viewpoints on which to base this bill. The subcommittee will conduct additional hearings on August 25 and September 9, 10, and 11. On August 25 we will review the implementation of the National Environmental Policy Act as it relates to highways, and on September 9 the Secretary of Transportation will discuss the Federal-Aid Highway Act of 1970 with us.

At the outset of our hearings this year, I said that highways must be viewed not as entities unto themselves, but as a tool for achieving broader public objectives. It is essential that this concept be reasserted, and I have attempted to do so in this measure.

I fully anticipate and hope that the proposed legislation will be discussed in detail and that recommendations to perfect it will be made in the subcommittee, in the committee, and in the Senate. I expect, likewise, for some of the provisions of this bill to be controversial, but I do believe that each of them is fully justified in the light of today's transportation requirements.

I am, however, openminded on this proposal, as I consistently try to be on every bill that I introduce. While this bill is soundly based, I can conceive of its improvement as we bring the knowledge and experience of the Senate to bear.

I have said that I believe highway legislation we will consider this year to be of more than routine importance. There are several reasons for this. For the past 14 years the Interstate and Defense System has been the principal highway concern of the United States. The Interstate System was conceived and remains the greatest public works project ever undertaken by any nation.

The Interstate System is now more than 70 percent completed. Consequently, it is essential that we now begin looking toward and planning for highway programs of the future. During the past 14 years our preoccupation with the Interstate System has been so great and this network of freeways has been a drain on our roadbuilding resources to the extent that there now exists a substantial backlog of highway demands. The primary and secondary highway systems have been neglected while the Interstate System has evolved in directions that were not anticipated and could not have been foreseen in 1956.

At the same time, there have been many changes in public attitudes and in transportation requirements that must be given considerable weight in formulating national policy and writing highway legislation. Among these is the growing public demand, particularly in urban areas, for greater involvement by people in highway decisions that affect their lives and homes. Closely allied with this trend is the growing demand in many areas for improved and expanded public transportation facilities. Recent years have also seen increased concern with environmental quality, and certainly highways have a profound effect on the environment, an effect which must be taken into consideration in planning and designing roadways.

We recently witnessed the severe adverse effect automobiles can have on the environment in the smog conditions that prevailed over several major metropolitan areas, including Washington, D.C. The location and design of highways can help alleviate this situation, but the problem will never be completely solved until the automobiles themselves are so improved that they no longer emit dangerous substances into the atmosphere.

In the hearings by the Subcommittee on Roads, many aspects of highway construction and related activities were discussed. Appearing before us were Members of both Houses of Congress, Governors and mayors, administrators from Government agencies concerned with transportation, citizen groups, trade and professional organizations, and concerned individuals.

As you would imagine from such a diversified group, many viewpoints were expressed, and a number of recommendations were made for consideration of the Senate.

The Federal-Aid Highway Act of 1970, which I present today, is a response to the broadened concept of highways as not only the principal means of surface transportation in the United States but as an increasingly important factor in determining the style and quality of our national life.

In some respects, it is the continuation and refinement of earlier highway legislation. It enlarges considerably on provisions of the Federal-Aid Highway Act of 1968. But I also consider it significant in that it approaches new problems with new ideas. In that sense, there is much in this bill that is innovative, and there is much that will help determine national transportation policies and priorities for the rest of this century.

While the Congress is morally committed to the substantial completion of the Interstate System, it is imperative that we begin now to lay the groundwork for highway programs for the post-Interstate period. Many factors have contributed to the delay in completing the Interstate System beyond its original target. The cost of the system far exceeds the original projections of 1956. It is now anticipated that the Interstate System can be completed by 1977, and this bill includes provision for a firm cutoff date beyond which 90 percent Federal participation in interstate construction would not be available. I also anticipate that some highly controversial and expensive sections of interstate highways in urban areas will not be built, thus reducing the cost and time needed for completion.

Since highways affect virtually every aspect of our life, either directly or indirectly, it is logical that responsibility for their planning and execution should be broadly based so as to accurately reflect the needs and wishes of the people who will pay for and be served by these highways. This bill looks to filling this need by giving to Governors, mayors, and other local authorities a greater voice in highway decisions, since they are the direct and elected representatives of the people.

The effect of highways on the environmental, social, and economic life of our communities is widely recognized. This bill contains provisions seeking to assure that there are no adverse impacts on these factors as a result of highway construction. It plainly states what must be considered in the planning and construction of highways and provides the mechanism and money for meeting these requirements. To further assure that highways conform to the broader social objectives I have proposed a planning procedure under which highways and other public works facilities must be justified on the basis of and necessity in advancing community goals.

Recognizing, as we all do, that highways are not the exclusive domain of cars, I have included a section allowing highway funds to be used in support of public transportation systems.

Highways can be made to perform their functions more efficiently if there are sound, well-operated bus systems using them. It is only logical that if a bus can carry the same number of people as 15 or 20 cars, then highways are more fully utilized and congestion reduced through a public transportation system. This would likewise reduce the demand for additional highway construction with the associated problems and high cost, particularly in urban areas where these funds would be spent. The reduction of traffic loads on highways and the resulting speedier movement of vehicles would contribute to the lowering of air pollution levels.

I can conceive of a high ratio of benefits to the motorist from the relatively modest amounts that would be spent under this section to assist public transportation.

The problems facing public transportation in the United States were raised repeatedly during the subcommittee's hearings. This section of the Federal-Aid Highway Act of 1970 places them before Members of the Senate for further exploration and discussion.

The long neglected needs of our cities are provided for by the establishment and financing of an urban roadway system. The urgency for replacing the many old and deteriorated highway bridges virtually required the inclusion of a sec-

tion establishing a nationwide bridge replacement program.

One of the major problems of highway construction in urban areas is that of housing for people who are displaced. The Federal-Aid Highway Act of 1968 made great strides toward solving this problem by requiring replacement housing to be available before a roadbuilding project could be started. The proposal I present today expands the ability of highway authorities to provide the required replacement housing in instances where it is certified to be not otherwise available—a situation said to occur very infrequently.

This would not place highway departments in the housing business but would, I believe, expedite the construction of roadways that are delayed because of the nonavailability of replacement housing. In operation, this provision would doubtless be invoked infrequently to allow highway departments to build, rehabilitate or otherwise make housing available to persons displaced by road construction who would then purchase it from the departments.

I see this section as a last-resort tool to facilitate the start of work on highway segments so important that they cannot wait for housing shortages to be corrected through normal channels.

This bill provides that for the first time the highway safety and beautification programs be financed from the highway trust fund. Both of these programs, closely related to safe, efficient highway operations, have been seriously underfinanced in the past, so much so that their full implementation has never been possible. By utilizing the resources of the trust fund, both of these programs will have a reasonable assurance of continued financing that can produce results.

These are some of the major provisions of the Federal-Aid Highway Act of 1970. The complete measure is discussed in detail in a section-by-section explanation which I offer for inclusion in the RECORD.

American reliance on the motor vehicle for most transportation has become well established. There are now more than 100 million automobiles in the United States, and the growth in their numbers is much more rapid than had been anticipated.

"The love affair with the automobile," as quoted quite often, has brought with it many of the advantages of a personal, convenient mode of transportation. But this expansion of automobile use also has created severe problems associated with moving, servicing and storing them.

The bill I introduce today addresses itself to many of these problems and their solutions.

I conclude this discussion of the Federal-Aid Highway Act of 1970 by focusing attention on the highway trust fund. The trust fund was established in 1956 at the same time construction of the Interstate System was accelerated. There is a prevailing misconception that the fund was established solely to facilitate construction of the Interstate System. While the heavy demands of the Interstate System do take the largest proportion of the funds, the primary and secondary roads programs also are financed from the trust fund and actually have priority over the Interstate System.

In testimony before the Subcommittee on Roads, in speeches and other public statements by a considerable number of concerned individuals, in newspaper editorials, and elsewhere there have been many proposals in recent months for modifying the highway trust fund. At the same time, there has been a spirited defense of the fund and arguments for retaining it substantially in its present form to meet future highway needs. The most frequently advocated change is for the establishment of a single, unified trust fund to finance programs in all areas of transportation, including highways, airports and airways, railroads and mass transit. Many of the proposals are supported by strong and persuasive arguments.

From testimony heard by the Subcommittee on Roads, which I have the responsibility to chair, and from what I have heard and read recently, I believe that this year we are witnessing the first skirmish in what will become a major battle for the transportation dollar in the years immediately ahead.

I also detect a growing and unfortunate polarization between holders of differing viewpoints that could complicate the process of arriving at an equitable solution. There are those who accuse the so-called highway lobby of wanting to pave the country over with concrete. The other side maintains that their opponents are aiming for a complete halt in all highway construction.

I have listened carefully and I have read carefully, and I am convinced that neither of these assessments is correct. Those individuals and organizations involved in roadbuilding recognize the need for support of other forms of transportation, and even the most ardent supporter of mass transit sees the necessity to continue improving highway facilities.

I believe that there are essential truths on both sides, and I hope that all groups concerned with transportation can maintain the rational dialog that is necessary to meet the challenges we face. We recognize the need for a balanced national transportation system, and we can achieve it, but not without a lot of hard work on the part of all concerned.

Some modes of transportation certainly have been neglected. This can be partially attributed to the lack of coherent rational transportation policy as well as to a shortage of financing. The Congress is, I believe, aware of these problems and is concerned with solving them. The recently enacted airport and airways trust fund was a step in that direction. I hope we will likewise move quickly in other areas, particularly those concerning our national railroad system, which appears to be facing great difficulties, and the urban mass transit systems which are needed by many of our cities if they are to avoid traffic strangulation.

The highway trust fund is undoubtedly an attractive and appealing potential source of revenue to meet these needs.

The Federal-Aid Highway Act of 1970, in fact, expands considerably the area of highway related activities which are financed by the trust fund.

I cannot, of course, predict what will happen in the future, but it is imperative that no substantial changes be made in highway trust fund revenues until the Interstate System is finished.

Through the Federal-Aid Highway Act of 1970 we can make important progress toward creating and implementing a comprehensive national transportation policy in which highways and the other vital segments of our transportation system are utilized to the fullest to achieve the goals of American society.

Mr. President, I urge Members of the Senate to study this bill carefully, and I invite every Member to share with the Subcommittee on Roads and the Committee on Public Works their viewpoints and their knowledge so that we may produce an act that truly reflects the needs and aspirations of the people of the United States.

I ask unanimous consent that a section-by-section explanation of the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. BELLMON). The bill will be received and appropriately referred; and, without objection, the explanation will be printed in the RECORD.

The bill (S. 4260) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public works planning, and for other purposes, introduced by Mr. RANDOLPH (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Public Works.

The explanation, presented by Mr. RANDOLPH, is as follows:

SECTION-BY-SECTION EXPLANATION

TITLE I—FEDERAL-AID HIGHWAY ACT OF 1970

Section 101. Short Title. This Act may be cited as the Federal-Aid Highway Act of 1970.

Section 102. Revision of Authorization of Appropriations for the Interstate Program.

This section would provide authorizations for the Interstate Program through fiscal 1977. The fiscal year 1974 authorization presently set at $2.225 billion would be increased to $4 billion and the authorizations for fiscal years 1975 and 1976 would also be $4 billion with $2.125 billion authorized for fiscal year 1977.

Present authorizations as contained in the Federal-Aid Highway Act of 1968 extended to fiscal year 1974 and were based on a $56.8 billion estimate of the cost of completion of the Interstate System. The Interstate authorizations contained in the 1968 Act for the Federal share of the Interstate System totaled $50.35 billion.

The amounts which would be authorized by this section of the 1970 Act are based on the 1970 estimate of $69.870 billion to complete the Interstate System. It requires a $12 billion increase in the Federal share and therefore the new authorization years of 1975, 1976 and 1977 are added.

As of March 31, 1970, 29,906 miles of Interstate highway were open to travel. Construction on the entire system as of the same date has involved the expenditure of approximately $40 billion.

Section 103. Authorization of Use of Cost Estimate for Apportionment of Interstate Funds.

This section would authorize the use of the apportionment factors for the Inter-

state System contained in Table 5 of House Document 91–317 in making the apportionments through fiscal year 1974. It will be necessary to revise the table if Section 105 is adopted by the Congress to meet problems which would be encountered in North Dakota, Nebraska and other States.

Section 104. Extension of Time for Completion of System.

The time for the completion of the Interstate System would be extended to June 30, 1977. This section would direct the Secretary to submit to the Congress a revised Interstate System cost estimate in January 1976.

Section 105. Minimum One-Half Percent Appropriation Factor for Interstate System.

This section would amend Section 104(b)(5) of Title 23, United States Code to insure that no State shall receive less than one-half of one per centum of the apportionment for the Interstate System in any year. This provision is necessary because of the problem encountered in North Dakota and Nebraska and a few other States whose cost of completion of the Interstate System has become so small in relationship to the total cost of completion of the Interstate System as to make it difficult for them to maintain a meaningful level of construction activity on the Interstate System. This situation is the result in part of the designation of the additional 1500 miles of Interstate System provided by the Federal-Aid Highway Act of 1968 and the fact that the States involved have done an excellent job in bringing their portion of the Interstate System to early completion. This amendment would be an interim solution to the problem of the change over from the present Interstate program to any major post-Interstate program. The completion of the functional classification study required by the 1968 act and the results of the implementation of proposed Section 108 of this act will provide sufficient additional information by 1972 to enable the Congress to arrive at a permanent solution to the problem of the change over.

Section 106. Authorizations.

This section would provide authorizations for fiscal years 1972 and 1973 for the Federal-aid primary and secondary systems, their urban extensions, the Federal domain road program, including forest and public lands highways, and for the highway safety and beautification programs.

Subparagraph (1) would authorize $1.050 billion for the primary and secondary systems and their urban extensions in areas of less than 50,000 population. The funds would be divided 55 per centum for the primary system; 35 per centum for the secondary system and 10 per centum for their urban extensions.

Subparagraph (2) of Section 106 would authorize funds for the Federal-aid urban system which would be created by Section 107 of the bill. The authorization for this road program would be $450 million for each of the fiscal years 1972 and 1973.

The authorizations in paragraphs (1) and (2) are the first major departure in the authorization schedule for the Federal-aid road program since the creation of the secondary system and urban extension program in the Federal-aid Highway Act of 1944 and the acceleration of construction of the Interstate System in 1956.

The $1.5 billion which would be represented by the authorizations contained in paragraphs (1) and (2) is an increase of $75 million over and above authorizations for the Federal-aid primary and secondary systems and their urban extensions contained in the 1968 Act. In that Act, $1.1 billion was authorized for fiscal years 1970 and 1971 for the regular ABC program; $125 million for a special AB program for rural roads; and $200 million for the so-called TOPICS program, the Traffic Operations Improvement Programs in Urban Areas for each of those years.

The $1.050 billion, which Section 106 would authorize for the ABC program was arrived at by factoring the existing $1.1 billion authorization in accordance with the statutory division of 45 per centum primary; 30 per centum secondary; and 25 per centum urban and by factoring the $125 million AB program by factoring its statutory division of 60 per centum primary and 40 per centum secondary which resulted in the following amounts:

For the primary system:

	Million
45% x $1.1 billion equals	$495
60% x $125 million equals	75
Total	570

For the secondary system:

	Million
30% x $1.1 billion equals	$330
40% x $125 million equals	50
Total	380

The urban extension portion of the ABC system under existing authority amounted to $275 million. This was divided in the proportions in which urban populations are located in areas of more than 50,000 and less than 50,000. According to information from the Census Bureau, this is a 60–40 ratio. This results in an allocation for urban extensions in areas of less than 50,000 of $110 million. While these amounts when added together come to $1.060 billion, the figure was cut back to $1.050 billion. The amount in paragraph (2) of Section 106 was arrived at by taking the $200 million authorization in the existing TOPICS program which would be discontinued, adding to it $165 million, that portion of the existing "C" system, which was attributable to urban areas over 50,000, and adding $85 million.

This rearrangement excluding the additional $85 million roughly approximates how funds are being spent under existing authorizations.

All of these amounts will be appropriated from the Trust Fund and under existing law are drawn from the fund before any other highway funds are available for apportionment to the States.

Paragraph 3 of Section 106 would also authorize $33 million for each of the fiscal years 1972 and 1973 for forest highways and $16 million for each of these years for public lands highways. For the first time, these funds would come from the Highway Trust Fund. In addition, this section would authorize funds for the other Federal Domain Road programs from the General Fund in the following amounts.

[In millions]

Forest Development Roads & Trails:	
1972	$170
1973	170
Public Lands Development Roads and Trails:	
1972	3
1973	5
Park Roads and Trails:	
1972	----
1973	30
Parkways:	
1972	11
1973	11
Indian Reservation Roads and Bridges:	
1972	----
1973	30

Authorizations for the Highway Safety and Beautification Programs which for the first time would also be from the Highway Trust Fund are as follows:

[In millions]

Highway Safety Programs (Section 402):	
1971	0
1972	$100
1973	100
Highway Safety Research and Development (sec. 403):	
1971	0
1972	70
1973	115
Control of outdoor advertising (sec. 131):	
1971	20
1972	20
1973	20
Control of junkyards (sec. 136):	
1971	3
1972	3
1973	3
Landscaping and Scenic enhancement (sec. 319(b)):	
1971	20
1972	20
1973	20
Administration of Sections 131, 136 and 319(b):	
1971	1.250
1972	1.250
1973	1.250

Section 107. Federal-Aid Urban System.

This section would establish a new Federal-aid highway system, the Federal-aid urban system, in each urban area of 50,000 population or more. The urban system would be designed to facilitate the flow of traffic in urban areas and serve the goals and objectives of the community as determined by the responsible local officials. It would implement the urban transportation planning process required under section 134 of title 23. In addition, the urban system would include extensions of primary and secondary roads in these areas. Routes on the Federal-aid urban system would be selected by the appropriate local officials subject to the approval of the State and of the Secretary.

The funds authorized to be appropriated for the Federal-aid urban system would be apportioned to the States in the ratio which their population in urban areas of 50,000 or more bears to the nation's population in such areas. In addition to highway construction, these funds would be available to carry out the kinds of activities for which the discontinued TOPICS program was designed, for construction and development of fringe parking facilities, and for support of existing public transportation systems which new section 143 of Title 23 would authorize. The Federal share payable for projects on this system would be the same as for the ABC System—50 per centum.

Section 108. Elimination of Segments of the Interstate System Not to be Constructed.

This provision would insure the early completion of the presently designated Interstate System by requiring the States to submit to the Secretary by July 1, 1972 a firm schedule for the completion of segments on the Interstate System and to have brought these segments to the construction stage by July 1, 1975. Any segment not included in the schedule by 1972 or ready for construction by 1975 will remain as part of the Interstate System but would not be eligible for funding at the 90–10 ratio.

It is hoped that this provision would result in a careful reconsideration of a number of highly controversial and very expensive segments of the Interstate System which may not be essential to a fully connected system of Interstate and Defense Highways. At the present time, there are approximately 13 segments of the Interstate System representing some $4 billion based on present cost estimates which may have to be re-examined. Under the law, responsibility for inclusion of these projects on the Interstate System rests with the States and communities involved, and this language in no way is designed to require their elimination.

Section 109. Economic, Social, Environmental and Other Impact.

This section amends various provisions of Title 23 to insure proper consideration of economic, social, environmental and other impacts of highway construction.

The definition of "construction" and "highway" contained in Section 101 (a), Title 23, United States Code, would be expanded to require fuller consideration of these matters in the various stages of highway design and construction.

The Secretary is directed to issue guidelines for avoiding, minimizing and overcoming adverse economic, social, environmental and other impacts of Federal-aid highway projects.

After July 1, 1974, all plans and specifications for any future project would be required to include adequate measures to solve the impact problems identified in an analysis of the project. Among the problems which would be accounted for are:

(1) air, noise, and water pollution;

(2) destruction, or disruption of man-made and natural resources, aesthetic values, community cohesion, and the availability of public facilities and services;

(3) adverse employment effects, and tax and property value losses;

(4) injurious displacement of people, businesses, and farms; and

(5) disruption of desirable community and regional growth.

Subsection (b) would require soil erosion control plans for each highway project. Subsection (c) would require the Secretary to issue noise level standards for highways and to require that the appropriate standards would be applied to proposed highway projects.

Subsection (d) would authorize research programs designed to develop understanding of how to deal with adverse economic, social and environmental effects.

Section 110. Airport Access. This section would require the Secretary to give priority to projects which will provide adequate, direct and convenient access to public airports.

Section 111. Cost Reduction. The Secretary would be authorized to secure a value engineering or other cost reduction analysis of the plans, specifications and estimates for proposed Federal-aid highway projects when he determined such action advisable.

Section 112. Public Hearings. This section would strengthen the public hearing process. The two-hearing procedure, established by regulation after enactment of the Federal-Aid Highway Act of 1968, would be enacted into law. An additional hearing would be required on urban plans required under Section 134 of title 23 to afford citizens the opportunity to present their views as to the transportation systems which would best serve their needs. Responsibility for conducting the hearings would be placed with State and local officials designated by the Governor or the duly constituted State authority. The certification and transcript of the hearing now required by law would have to be accompanied by a report indicating the consideration given to the economic, social, environmental and other impacts of the plan, highway location and design and various alternatives raised at the hearings or otherwise considered by the highway department.

Amendments to the public hearings section would not change the basic legislative character of the hearing process. The purpose is to increase the ability of citizens to make their views known and to insure that the issues raised in a public hearing are given the consideration they deserve.

Section 113. Control of Outdoor Advertising. This section would authorize the use of up to $15 million of the funds authorized under paragraph (12) of section 106 for each of the fiscal years 1972 and 1973, for demonstration projects to determine the best means of accomplishing the control of outdoor advertising.

This provision is similar to the language of S. 1442, passed by the Senate during the First Session of the 91st Congress.

Section 114. Urban Planning. This section would amend Section 134, Title 23, United States Code to require consultation with local officials prior to the construction of highways in urban areas of 50,000 population or more.

Section 115. Fringe and Corridor Parking Facilities. This section would enact as a continuing program the demonstration fringe parking program provided by the 1968 Federal-Aid Highway Act. Funds for fringe and corridor parking facilities authorized under this section would be available from authorizations for the Federal-aid urban system.

Section 116. Equal Employment Opportunity. This section would authorize the Secretary to develop, conduct and administer highway construction-related training and skills improvement programs for the training of construction workers.

Section 117. Additional Authorizations in Chapter I. Three new sections are added to the end of Chapter I of Title 23, United States Code.

Section 142. Relocation Housing. This section would authorize the Secretary to approve as part of the cost of construction, the cost of acquiring, constructing, rehabilitating, or relocating housing as replacement housing for individuals and families who will be displaced by a project if such project on any Federal-aid system cannot proceed to actual construction because replacement housing required by law cannot otherwise be made available. This is a last resort authority to be used only when replacement housing is not available and the urban project involved is of such importance as to require its immediate construction. Based on information developed in connection with the planning and design of segments of the Interstate System in major urban areas, indications are that the cost of the relocation housing program would not exceed 3 per centum of the total construction cost for the Federal-aid highway program. This means approximately $130 million a year.

Section 143. Public Transportation. This section would authorize the Secretary to approve the use of portions of Federal-aid Urban System funds, by State or local public agency, for the operation of public transportation facilities when he determines that the use of these funds would reduce the need for additional highway construction and would improve the use of highway facilities of an urban area of 50,000 population or more.

This language is primarily directed to the maintenance and expansion of bus service—the major form of public transportation in the Nation—and is designed to focus the issue of the purposes for which highway funds may be legitimately used.

Section 144. Special Bridge Program. This section would establish a replacement program for bridges on any Federal-aid system which are no longer capable of safely handling traffic. A National priority inventory would determine which bridges should be replaced first. The priority would be based on safety and the economic importance of the structure to the area served. The Federal share payable for these projects would be up to 75 per centum, and $150 million would be authorized out of the Highway Trust Fund for each of the fiscal years 1971, 1972 and 1973 for this program.

Section 118. The Highway Safety Act of 1966 would be amended to provide that apportionment of safety funds to the States would be based on 75 per centum on the population and 25 per centum on the public road mileage in each State, but that no State would receive less than one-fourth of one per centum of the total apportionment.

Section 119. This section would provide for the establishment of a highway program for the Virgin Islands, Guam, and American Samoa. The Federal contribution to the cost of approved projects on this system would be 70 per centum, and $2 million for each territory is authorized out of the Highway Trust Fund for each of the fiscal years 1971, 1972 and 1973 for this purpose.

Section 120. This section would provide $100 million for the construction of the Darien Gap Highway, which would connect the Inter-American Highway with the Pan American Highway System of South America. Obligation and expenditure of funds would be on the same basis as the funding authorized for the Inter-American Highway.

Section 121. Relocation assistance payments for replacement housing would be expanded to include compensation for any increased rates of interest required for the financing of a replacement dwelling.

Section 122. This section would extend the time required for compliance by the States with certain provisions of Chapter 5 of Title 23, United States Code (Highway Relocation Assistance) until January 1, 1971, for those States which could not submit the required constitutional amendment for ratification prior to July 1, 1970.

Section 123. This section would authorize the President to enter into negotiations with Canada to reach an agreement authorizing paving and reconstructing a portion of the Alaska Highway.

TITLE II—PUBLIC WORKS AND FACILITIES ACT OF 1970

Section 201. Short Title. This title would create the Public Works and Public Facilities Act of 1970.

Section 202. This section would request the President to assist States in the development of a continuous, comprehensive, coordinated planning process to facilitate the enunciation by State authorities of the overall goals, objectives and priorities of the State with regard to a wide range of public policy determinations relating to conservation, energy production, education, water quality and water supply, air quality, resource utilization and preservation, community and residential development and the like. Enunciation of State objectives, goals and priorities with respect to these important subjects, together with the short and long range forecasts of State and community growth, would enable the State to better gauge its urban, suburban and rural development and to develop the public facilities and transportation services it believes necessary to meet the needs of its citizens.

Section 203. This section would require the President by July 1, 1972 to issue guidelines and procedures for the development of such plans.

Section 204. This section would require that statewide plans be coordinated with existing urban and economic development plans and such other Federal planning as may be required or authorized now or in the future.

Section 205. This section would make available to the States funds for carrying out the planning process in accordance with the provisions of Section 301 of the Public Works and Economic Development Act of 1965 and under the language of the section, no State could receive more than 10 per centum or less than one per centum of the aggregate planning funds.

Section 206. This section would provide that after July 1, 1974, every Federal agency which has jurisdiction over any public works program shall insure that the projects developed under those grant-in-aid programs are designed to implement the plan. With respect to direct Federal activities, Federal agencies would be required to conduct their activities in conformance with State plans unless the President determines that the paramount interests of the United States are to the contrary. Twenty-five million dollars for each of the fiscal years 1971 and 1972

would be authorized for this planning program.

This title is designed to increase the State's capability to rationalize the many Federal public works programs so that overall State goals and objectives will be met. While the Act would require that the planning be done in accordance with guidelines and procedures designed by the President, there is no Federal approval required once the plans are established. It would be assumed, however, that the President would direct Federal agencies to participate with the States in the development of the plans.

Mr. COOPER. Mr. President, on July 1, I introduced the administration highway bill, S. 4055, which I consider a very constructive bill. I have agreed to join as a cosponsor of the proposal of the chairman of the Committee on Public Works. Senator RANDOLPH is joining as a sponsor of the administration bill. In this way, both proposals will be before our committee for consideration as we work out our recommendation to the Senate.

Since that time, several members of the Committee on Public Works have expressed an interest in joining as sponsors of the administration bill, and a number are sponsoring both bills. This shows the broad interest of the members of the committee in developing an improved highway system.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. I wish to add to what the Senator from Kentucky has said. He is not only an able Senator in his own right, but also, I know that chairmen of committees, as I am, could never have a stronger arm for the purposes of such legislation than Senator COOPER.

I have joined Senator COOPER in his proposal, the so-called administration measure, and he has joined with other Senators in support of the general purposes of my proposal.

Mr. COOPER. I thank the Senator.

I have had an opportunity to study the bill that has been offered by the distinguished chairman. It has new initiatives in it. It has several new important programs, and I think that as it will finally come out of our committee, it will be a very great bill.

We all have learned to serve with our chairman in a nonpartisan way, and we all have profited by his leadership in the Committee on Public Works.

Mr. President, I ask unanimous consent that, at the next printing, the names of the following Senators be added as cosponsors of the administration highway bill, S. 4055: The Senator from West Virginia (Mr. RANDOLPH), the Senator from Delaware (Mr. BOGGS), the Senator from Kansas (Mr. DOLE), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. YOUNG), the Senator from Virginia (Mr. SPONG), and the Senator from Indiana (Mr. BAYH).

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

CONFESSIONS OF A CONSERVATIVE SOCIOLOGIST

Mr. ALLOTT. Mr. President, a conservative in the field of social science is a rarity, particularly one in sociology. Edwin Harwood, an assistant professor of sociology at Rice University, happens to be one of those rarities. As such, he presents an interesting view on today's students in his article, "Confessions of a Conservative Sociologist."

According to Professor Harwood, giving up the leisured and rich campus life for a 9-to-5 job is anathema to many students. As they do not want to face the harsh routines of adult life, how can they expect others in society to accept them. Therefore, because they are guilty, they cannot stand up to the militants and since the good campus life cannot continue indefinitely, they are angry.

I believe this article, which was published in the August 12 issue of the Wall Street Journal, will be of interest to all my colleagues, and I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CONFESSIONS OF A CONSERVATIVE SOCIOLOGIST

(By Edwin Harwood)

Everyone knows sociologists are biased. While I was taking in the poolside sun at a Houston motel recently, the man lounging next to me asked how I liked the book I had just picked up and was about to start reading—Ladislas Farago's "Patton: Ordeal and Triumph." I said I liked it because Patton the man intrigued me. The conversation warmed up. He had come down from Chicago to root for the Cubs against our Astros. Asked what brought me to Houston, I told him I lived here and taught sociology at Rice. He gave me a puzzled look, his eyes roving back to the book. What, he wanted to know, did I think about the campus disturbances.

That was all the opening I needed. I launched into my hard-lining talk about permissive campus authorities, the illogic of blaming Columbia University's 1968 spring disorders on Agnew's rhetoric, and how the fatuous "we want to be liked by the kids" attitude of college faculties only insured that they would be scorned by the kids. Summing it up, I said the universities were becoming the cancer of our society far more than its conscience—if we disregarded the causes students and faculty claimed they stood for and looked instead at the way they were behaving.

My poolside friend liked it, every word. Now *that*, he confessed, was not what he expected any sociologist to say!

I have gone through this before with acquaintances from outside academia, but always with some mixed feelings about the effect of my words. Should I try to correct an image of my profession many people have that is sadly accurate for large numbers of us? The fact is we are biased and we have contributed to the mischief, and I would not want to think that any patch job I did would lessen the chance that some Middle American might write his Congressman in anger at what we are teaching his children.

THE TAXPAYER'S OBLIGATIONS

The Bill of Rights as both he and I interpret it says only that those committed to revolution have the rights of assembly and free speech. It does not say the taxpayer is obliged to underwrite them by paying their salaries while they throw a wrench into the machinery of our government. Middle Americans are hard to get worked up in the first place. Because they are tempted to let things slide and mind their own business, there is the danger that if they meet just one no nonsense conservative in sociology, they will feel at ease. No, I can only hope that they get to know some of the rest of us.

My only motive for wearing conservative convictions on my sleeve is to spare myself embarassment in encounters with these civil people who are trying to do a job and raise their children, and are at loggerheads wondering how to repair at home the damaged ethics and etiquette their kids bring back from college.

We always assumed that free public higher education would raise the sons and daughters of the less privileged into better jobs. Did we ever consider, as the economist Joseph Schumpeter pointed out over 30 years ago, that the expansion of mass higher education could lead easily to a deterioration in teaching, with the result that students would be psychologically prepared for elite occupations in the Establishment without getting the necessary training to enter those occupations? Colleges were not, Schumpeter emphasized, just a matter of money, if nature set limits to the number of good scholars and teachers she chose to furnish for the task.

Consequently, today there is a good chance that the young man who once would have been content to follow his dad into the plant or apprentice himself in his uncle's craft, will now—thanks to the deterioration of college education accompanying its rapid spread—become psychologically unemployable.

He finds he cannot become a doctor, a lawyer, a corporation executive or a professor, but he will not take some lowly salaried white-collar job that would subject him to the indignities of taking other people's orders and following a bureaucracy's routines. After having touched the great traditions of Western thought, that would be a "cop out." But neither can he go back to his dad's plant and work as an operative, a plumber or a maintenance man. He is in limbo.

College, with its well-tended lawns and gardens, plushly furnished student gathering rooms and library alcoves, sauna, squash and tennis facilities, theater and concerts has introduced him to an affluent life-style—I would say, to the upper middle class lifestyle. (Can you think of any country club more richly equipped than the ordinary state college campus?) To graduate from that will mean for many students to graduate down to something infinitely less desirable. It means, as one Rice senior explained his contempt for a nine-to-five job to me, giving up the leisured and rich campus life for the discipline that most lower middle class and working class Americans are subject to, of being an ordertaker and an early-riser.

It is not the strange paradox many think that the University of California at Santa Barbara—one of the loveliest, best situated and lavishly equipped schools in the California system—should have become the scene of some of the worst rioting, that included the precincts of the business community serving it. Nor is it odd that well-dressed, suntanned kids could be found moving between dorms and classroom buildings covered with Eldridge Cleaver's enraged visage. That campus has the affluent American life-style and more, a West Coast Waikiki with the difference that while some study is expected of the guests there are no hotel bills to be paid.

Yet students can see that others work in the adjoining business district, and that these others have to get up much earlier in the morning than they to serve their needs: To take their orders for books, clothing, food and whatever else the student needs.

Guilt at the "oppression" of a business routine afflicting others, that the student is being adjusted to reject, weakens his self-confidence. If he doesn't want to face the harsh routine of adult life, how can he expect the blacks to accept theirs, or any group in society that must toil from 8 to 5 in return for a two or three week vacation at the end of the year? Because he is guilty, he connot stand up to black militants. And he is

also angry because he knows that the good life on campus will not go on forever.

Students see that their professors can take off at any time of the day to run errands, and that instead of the one-and-a-half or two-day weekend, they can arrange a teaching schedule that will give them three or even four days. If an old friend comes to town and wants a tour or a conference beckons, classes can be cancelled or re-scheduled. Naturally many students would like to have the very same freedoms for themselves. Academic salaries being what they are today, the economic privations that used to insure that only dedicated scholars would want these freedoms are no longer available to stem the flood of seekers after academic positions. It is this factor, not the draft as is so often claimed, that explains why so many undergraduates want to continue in graduate school.

THE NEW LEISURED CLASS

Radicals, who once told us that the leisured classes of society were parasitical for taking goods while refusing to work, are now defending the abuses of the new leisured class, of students and ex-students and anyone else in rebelling against society. In "The Making of a Counter Culture," Theodore Roszak defends the college dropout's rejection of a job. Why, he asks, should hippies be expected to work, even when they continue to demand the services others must produce, if America has "an economy of cybernated abundance that does not need their labor, that is rapidly severing the tie between work and wages, that suffers from hard-core poverty due to maldistribution, not scarcity." Given these "facts" about the American economy, Roszak believes the college dropout's refusal to get a "good respectable forty-hour-week job" is just simple good sense.

In another book addressed to young people "dedicated to the possibility of radical change," a sociologist, also teaching in the California systems, tells us that since full automation is just one decade off, "If you wanted to lie on the bench and do nothing, you could obtain the necessities of life produced in abundance by machines . . . nobody would be forced by economic necessity to work for somebody else or take a job he did not like." Only if the person wants luxury goods will he have to work to earn the money for them. (Frank Lindenfeld "Work, Automation, and Alienation" in "Radical Perspectives on Social Problems." Macmillan.)

Just how those automated bicycles, shoes, radios and telephones—none of them luxury goods in the article's view—are to be packaged, marketed and brought down to the beach is unclear. This sociologist raises the important question only to dismiss it: "Would people work if they didn't have to? That this question can be raised seriously is a reflection on the pecuniary twist of our values."

Who can blame the Middle American for getting sore at us when his youngster comes home from college and confronts the folks with *that*.

VICE PRESIDENT AGNEW'S WARNING ON THE HIGH COST OF SURRENDER IN VIETNAM

Mr. DODD. Mr. President, yesterday Vice President SPIRO T. AGNEW, speaking before the Veterans of Foreign Wars Convention, warned the country that "there is no security in retreat" and called for the defeat of the Hatfield-McGovern amendment.

He said that the so-called "amendment to end the war in Vietnam," if it were carried, "will go down in history as the amendment that lost the war in Vietnam and destroyed the chances for freedom and peace in Southeast Asia for the balance of the century."

He warned that the amendment would deal a fatal blow to the Paris peace talks because it would deprive our representatives of any diplomatic leverage.

He also warned that the amendment, if it carried, would destroy our credibility around the world and result in the rapid erosion of the system of alliances we have so laboriously built up.

And, he warned that the Nonproliferation Treaty would become a dead letter as every nation rushed to develop its own defenses, in the conviction that America can no longer be counted on.

I applaud the Vice President for saying some things that badly needed saying.

Some of the language he used was harsh, and the Vice President was aware of this. But it is a situation that calls for harsh language, because the stakes involved are exactly as the Vice President described them.

I know that some of the Senators who espouse immediate withdrawal from Vietnam took angry issue with the Vice President this morning. That is their privilege.

But as one Senator, I want to say that I agree wholeheartedly with the Vice President's evaluation.

As long ago as May of 1969, I made a speech in the Senate which I deliberately captioned "Shall We Run Up the White Flag in Vietnam?"

In this speech, I made the point, as the Vice President has now done more forcefully, that the demand for an immediate pullout was really a demand that we run up the white flag and surrender.

I pointed out, as the Vice President has, that such a surrender would result in an early Communist takeover in all of Southeast Asia.

Beyond this, looking at the world as it is today, I think it is a virtual certainty that our humiliation in Vietnam would encourage Kim Il Sung, the lunatic dictator of North Korea, to launch a second war of aggression against South Korea; that it would greatly increase the prospect of Soviet-Arab extremists action against Israel; that it might move the Soviet Union to challenge us with a renewed blockade of Berlin; and that it would result in an early harvest of "wars of national liberation" throughout Latin America and the underdeveloped world.

Mr. President, I can understand the frustration of the Senators who today support the so-called amendment to end the war in Vietnam. But, with Vice President AGNEW, I cannot help asking whether they have stopped to consider the consequences that are almost certain to flow from the course they now advocate.

President Nixon is winding down our involvement in Vietnam at a rapid rate.

But he is attempting to do so in a carefully measured way that gives the South Vietnamese time to prepare themselves to take over the much greater burden of defense they will be called upon to carry.

In this effort, I believe that President Nixon is entitled to the unstinting support of the American people and the U.S. Congress.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point the entire text of Vice President AGNEW's speech before the Veterans of Foreign Wars. I also ask unanimous consent to have printed in the RECORD the text of my Senate speech of May 8, 1969, captioned "Shall We Run Up the White Flag in Vietnam?"

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

AGNEW: "THERE IS NO SECURITY IN RETREAT"

(NOTE.—Following is the text of Vice President Spiro T. Agnew's address to the Veterans of Foreign Wars convention in Miami Beach.)

I would like to speak to you today of a rising threat to everything our servicemen have fought to accomplish in Southeast Asia—a threat embodied in the Hatfield-McGovern Amendment.

Should this proposed amendment become law, unless America declares war, President Nixon would be forced to end any military aid to Laos and to halt all military operations in South Vietnam—twenty weeks from today. Every American soldier, sailor, marine and airman would have to be out of Vietnam by June 30 of next year—ten-and-a-half months from today.

Hatfield-McGovern is a blueprint for the first defeat in the history of the United States—and for chaos and communism for the future of South Vietnam. The Washington Post was generous to call this amendment "reckless." It is worse than that; if adopted by the Senate and passed by the House, this publicized "Amendment to End the War" in Vietnam will go down in history as the amendment that lost the war in Vietnam and destroyed the chances for freedom and peace in Southeast Asia for the balance of the century.

Nothing less is at stake.

But, if this amendment, and any similarly irresponsible proposal which may be offered, can go down in humiliating defeat for its sponsors in the Senate—then this nation will not go down in humiliating defeat on the battlefields of Southeast Asia—I promise you that.

Today, I have a simple question. I am here to ask you, as fellow Americans, and fellow veterans—can the President of the United States count on your support?

"TRAGIC BLUNDER"

The charges I have already made here are among the strongest since I took office as Vice President. But no more dangerous proposal has been presented to the American Congress in those 19 months—or in 19 years for that matter. While I do not question the patriotism of the sponsors of this amendment—I do deeply question their wisdom, their judgment and their logic. They are horribly wrong—and if their grave error is enacted into law, generations of Asians and Americans will suffer for their tragic blunder.

Let us look at the inevitable consequences should Hatfield-McGovern be enacted.

First, the amendment would be a final lethal blow to the Paris peace talks. Any vestige of hope that the enemy will negotiate with Ambassador Bruce at Paris would disappear overnight—for the last incentives for the enemy to talk seriously would be gone. He would have gotten what he came to Paris to get—a fixed final timetable for all Americans to get out of South Vietnam. Why should the enemy offer concessions to the United States for something Senators Hatfield and McGovern and their allies will give him free of charge in four months?

Should this amendment become law, and all American military operations in Southeast Asia cease by December 31, the immense burden of this war would fall immediately and totally upon South Vietnam. The government and people there would confront, alone and all at once, the completion of the enormous tasks of creating a stable demo-

cratic society, promoting economic and social reform, fighting an internal war against guerrillas and defending their nation from invasion from three frontiers.

"BLOODBATH PREDICTED"

Though South Vietnam has made enormous strides in development in recent years—today she could not carry those burdens alone. No developing nation could.

Hence, the result of a unilateral, precipitous American abandonment of South Vietnam would be the collapse of the government, chaos in the country—and ultimately the kind of Communism that literally decimated the civilian population of Hue in the Tet offensive.

The Rand Corporation estimates that if Communism prevails in South Vietnam, 100,000 Vietnamese who placed their faith in us will die for that error in judgment. Douglass Pike, the nation's foremost expert on the Vietcong, estimates 3 million South Vietnamese could lose their lives in the blood bath following a Communist victory.

Assuredly, this is not what Senators Hatfield, McGovern, and those supporting them want—but that is what they are inviting.

They say their amendment will provide for transport and a refuge for Vietnamese who would fear for their lives when the Americans go. But how—and where? Do Senators Hatfield and McGovern have in mind opening up Oregon and South Dakota to resettle the refugees? Hardly. And the place for these men and women who believe so deeply in freedom that they will become exiles rather than submit to the Communist yoke is not Oregon or South Dakota—it is South Vietnam.

CONSEQUENCES OF COLLAPSE

It is clear from their mention of "provision" for refugees that Senators Hatfield and McGovern have considered that the collapse of South Vietnam will indeed be one consequence of their amendment. But have they considered the consequences of that collapse?

One wonders if they really give a damn.

If South Vietnam collapses then victory and success go to the hard-liners in Hanoi and Peking who counseled belligerence and war instead of peace and negotiation.

If South Vietnam collapses, then 285,000 Americans will have suffered and 43,000 will have died for nothing. An American Army, undefeated on the field of battle, will come home in humiliation because impatient pacifists in the Senate lost the war. What will be the reaction then when the American people wake up to learn that the thousands of lives and billions in taxes over a decade had been spent only to find national humiliation and disaster at the end of the road?

Will they then reward the blind impatient politicians who could not see the war through its final hours—and so snatched, for America, military defeat from the jaws of political victory?

If South Vietnam collapses, then Southeast Asia is gone. Those who do not believe in the Domino Theory, as the President has put it, have not talked to the dominoes. Already, Cambodia is half-occupied by North Vietnamese and VietCong. Laos is half-occupied by North Vietnamese and VietCong. Laos is half-occupied by North Vietnamese and Pathet Lao. Thailand is fighting its own Communist insurgency, aided and encouraged from without. Does any rational man believe these countries—or Malaysia and Singapore at the end of the peninsula—can survive if South as well as North Vietnam should come under the rule of militant Communists?

Have the isolationists in the Senate pondered the full consequences of America's defeat in South Vietnam—and freedom's defeat in Southeast Asia?

Looking down the road to the year 2000, we see most Asian nations on the threshold of technological maturity; we see an Asia that contains 60 per cent of all humanity; we see a world in which there are ten Asians for every American.

Are the isolationists content to let that Asia go by default to the Communists because they lacked the perseverence to see this through?

LOST CONFIDENCE

Well, we are not, my fellow Americans and my fellow veterans—and the President is not—and together we shall see this war through to an honorable end that will do justice to the sacrifices of all our sons.

Have the isolationists considered the impact of the abandonment of this one ally upon America's other allies around the world? Could any nation put trust in the word and capacity of the United States—if we slink home, defeated, from the battlefield of Southeast Asia?

The lessons for nations like Germany and Japan—even India—would be clear: The inescapable conclusion would be that the United States cannot be counted upon in the crunch and nations must depend upon themselves to survive. The non-proliferation treaty would be forgotten as every state rushed to develop its greatest possible deterrent. If collective security is a failure in Vietnam—who will place confidence in it in Europe or the Middle East?

As I stated moments ago, while I do not question the patriotism of the Senators I criticize, I do question their wisdom, their logic and their judgment—and I question also their sense of justice.

PRESIDENT'S RECORD

Some of the same Senators who bewailed a Democratic President's lack of power in foreign policy 10 years ago now contend that this newly installed Republican President has too much power.

Some of the same Senators who supported the "peace plank" at the Democratic National Convention in 1968 now condemn a President who has taken more risks for peace than that plank contained.

Some of the same Senators who were silent while a Democratic President sent 532,000 American soldiers to Vietnam are obstructing and undercutting a President who is bringing 265,000 Americans home.

What is there in the record of this President to justify the attitude and actions of these Senators?

When President Nixon took office there were 532,500 Americans troops in Vietnam. He did not send more troops in—he started bringing the boys home. He pledged in June of last year to bring home 25,000 troops; they have come home. He pledged in September to bring home 35,000 more; they have come home; he pledged in December to bring home 50,000 more; they have come home. Every promise he has made to the American people about the war in Asia, he has kept. American casualties are a third of what they were in 1968; time is now on the side of the allies, not the side of the enemy; and still they malign his policies and his performance.

"ACT OF COURAGE"

The President has turned the war over to the South Vietnamese as rapidly as they have become prepared to shoulder the burden.

To proceed slower than that is to break faith with the American people. But to move faster than security dictates is to risk the lives of our men and invite a victory for Communism that tens of thousands of our lads died to prevent.

And no matter what the McGoverns and Hatfields propose—the President is not going to take those risks with the lives of American men.

The Senate sponsors of Hatfield-McGovern cannot win this war; they cannot conclude an honorable peace, but they can lose this war—as well as guarantee the ultimate failure of the uneasy peace to follow—if they convince enough of their colleagues to support their amendment.

CAMBODIAN DECISION

They argue in the Senate that the Cambodian decision underscores the need to place limits and restrictions upon the President—to force upon him a timetable for withdrawal. I do not agree with that assessment. In my view, the President's decision to enter Cambodia and capture and destroy those tons of enemy arms and ammunition that would otherwise have been killing American men was an act of courage and the finest hour in the Nixon Presidency.

The Cambodian decision does not argue for putting shackles upon this President. It argues eloquently the case that the Senate should leave the President alone to exercise his Constitutional powers as Commander-in-Chief and determine what is necessary to protect the lives of American men.

Senator Fulbright now seeks a larger role for his committee in the conduct of foreign policy—but where the President decided and acted in a matter of hours to protect American lives—it took Mr. Fulbright and his colleagues seven weeks to decide on a simple amendment. His is a history of querulous "fuddy-duddying."

Many of the men in this great organization trace their military service to their country back to World War I. Yet, today, we see abroad in our land and in the halls of Congress the voices of that same shortsighted isolationism that lost the peace after World War I and helped to bring on World War II.

Let us not again forget the lesson that for the United States, there is no security in a retreat from the world. Let us not again force an American President to make in deepening despair the kind of statement that Woodrow Wilson made in St. Louis just 10 months after the armistice in France:

"If," he said, "(the Covenant of the League of Nations) should ever in any important aspect be impaired, I would feel like asking the Secretary of War to get the boys who went across the water to fight, together on some field where I could go and see them, and I would stand up before them and say,

" 'Boys, I told you before you went across the seas that this was a war against wars, and I did my best to fulfill the promises; but I am obliged to come to you in mortification and shame and say I have not been able to fulfill the promise. You are betrayed. You fought for something that you did not get.

" 'And the Glory of the Armies and Navies of the United States is gone like a dream in the night, and there ensues upon it, in the suitable darkness of the night, the nightmare of dread which lay upon the nations before this war came; and there will come sometime, in the vengeful Providence of God, another struggle in which, not a few hundred thousand fine men from America will have to die, but as many millions as are necessary to accomplish the final freedom of the peoples of the world.' "

Let us never force an American President to say that again.

[From the CONGRESSIONAL RECORD, May 8, 1969]

SHALL WE RUN UP THE WHITE FLAG IN VIETNAM?

Mr. DODD. Mr. President, I have not spoken on the subject of the Vietnam war since November of 1967. Because of recent developments, I now consider my duty to take up the subject again. And I do so with the hope that many Senators who cannot be present will at least read what I have to say.

I have listened with great interest to the remarks of the Senator from Tennessee.

There is no question that the great majority of the American people feel weary and

frustrated over the seeming endlessness of the Vietnam war and that they would like to see it concluded on acceptable terms at the earliest possible date.

It is clear, too, that this mood is reflected in Congress.

We would, of course, have peace tomorrow if we were prepared to throw in the sponge and withdraw on Vietcong terms. But the great majority of those who have been critical of our Vietnam involvement do not propose this. They would, on the contrary, strongly oppose the suggestion that we raise the white flag or that we scuttle and run in Vietnam.

Nor do they say that it should be none of our concern if the Communists take over in Vietnam and then proceed to massacre their opponents by the scores of thousands, as they have done in every country in which they have come to power.

Nor, do they go so far as saying that it is of no concern at all to our national security if the whole of Southeast Asia falls under Communist control.

Although there are countless nuances in the ranks of the opposition to this war, the majority of them convey the impression, although one could wish that they were more explicit on this point, that they, too, would like to see the war ended in an honorable manner, which protects the freedom of the South Vietnamese people to determine their own future and which does not undermine the security of free Asia and our own country.

The main thrust of their criticism is that the administration has not been doing enough to bring about a negotiated settlement in the Vietnam conflict.

No one can be blamed for being impatient over the Vietnam war. All of us want to see the killing stopped. Indeed, on the day President Johnson announced that he had ordered the bombing of North Vietnam stopped, I made a statement calling for an immediate across-the-board ceasefire, including the cessation of terrorist activities.

It has been a source of deep regret to me that we have not made the call for a total ceasefire our official position, from the beginning, in the Paris peace talks. It is a position that would have the support of all those who are committed to peace; and if the Communist delegations refused to go along with our proposal for a ceasefire, the onus for the continuation of the killing would clearly be on their shoulders.

But while we all wish to see the killing stopped as soon as possible, we must also be concerned over the possibility that too many public manifestations of impatience may give Hanoi the impression that the American will to resist has been broken, and that we are about to raise the white flag in Vietnam.

Needless to say, surrender is not the intention of most of those who have spoken impatiently, and particularly in recent weeks.

But when prominent and respected members of both parties and important private organizations and retired Government officials warn the Nixon administration that it has only a few months at the most to settle the Vietnam war, or when the call is made for an immediate, or almost immediate, withdrawal of American forces, the hard fact is that this is like telling the North Vietnamese Communists that if they hold on for just another few months, they will have us in a position where they can settle the war on their own terms.

Imagine the position our negotiators in Paris would be in if they implored the Communists to reach an agreement with us in a hurry, because the American people are increasingly impatient with the war and the Nixon administration will be in serious trouble if it does not end the war in two or three months.

If they said this, then the Vietnamese Communist delegation in Paris would simply sit back and wait for the American home front to collapse.

THE REDUCTION OF AMERICAN FORCES IN VIETNAM

Some of our ablest Vietnam experts are convinced that, even in the absence of an agreement with Hanoi, we can begin to withdraw some of our forces from Vietnam this year without adversely affecting the conduct of the war or our position in the peace negotiations. They believe that we could only gain from a carefully phased de-Americanization of the war, geared to the improved combat capabilities of the South Vietanamese forces, the state of the battle, and progress in the Paris peace talks.

A point of crisis was reached in 1964 and 1965 which made a massive entry of American forces imperative in order to prevent a Communist victory. This was so for a number of reasons.

First, we did not do as well as we might have done in the early stages because we lacked understanding of the nature of Communist political warfare.

Second, we failed to train and equip the South Vietnamese forces properly, so that until very recently they were at a serious disadvantage in competing with the superbly equipped Vietcong forces.

Third, we failed to use our influence to promote certain essential social and political reforms.

Finally, a massive American entry became essential when Hanoi decided to go for broke in South Vietnam by reinforcing the Vietcong with entire divisions of the North Vietnamese army.

The American buildup that took place after 1964 saved Vietnam from what appeared to be an almost certain Communist victory. This is its historic justification. But it inevitably had certain byproduct disadvantages.

It encouraged the Vietnamese people to regard the war more as an American conflict than as their own.

It produced widespread popular resentment, as the presence of large numbers of alien and affluent forces invariably does.

It played into the hands of the Vietcong propagandists by lending seeming authenticity to their charge that the Americans are imperialist invaders.

If we can now reverse the process and start de-Americanizing the war, most Vietnamese would welcome it, provided of course, that what is involved is an orderly and phased reduction in forces, and not a precipitate abandonment of the battlefield.

There are many reasons for believing that President Nixon has been thinking in terms of such an orderly reduction, even if there is no agreement with the Communists, and that there have already been discussions with our Vietnamese allies on the subject.

In an early press conference, President Nixon stated that he did not want to see a single American soldier in Vietnam for a day longer than was necessary. Since that time, President Thieu has announced that the expansion and improvement of the South Vietnamese forces will make it possible for them, at an early date, to take over a much larger share of the battle from their American allies.

But it does not help in this situation if President Nixon is publicly pushed and prodded to withdraw or reduce American forces.

The enemy could derive small comfort from a phased and orderly reduction of American forces, agreed upon with our Asian allies. The enemy, may however, become even more stubborn and inflexible if we give him the impression that the President has been compelled by mounting public criticism to embark on a complete pullout of American forces.

THE AMERICAN HOME FRONT

Actually, the picture of overwhelming popular opposition to our Vietnam commitment painted by the critics goes far beyond the facts.

The most recent Gallup Poll on the Vietnam war, published on March 22, 1969, showed that only 26 percent of the American people favored pulling out of Vietnam. A much larger group, 32 percent, said that they were in favor of going all out to win the war; 19 percent said that they favored a continuation of the present policy; while another 19 percent said that they were in favor of an end to the war as soon as possible, but did not demand a pullout or criticize the conduct of the war.

What this adds up to is that the administration can count on the backing of 70 percent of the American people if it calls for further patience and perseverance in honoring our Vietnam commitment.

Significantly, the Gallup report said that up to this point the public had not blamed President Nixon for any lack of progress in the Vietnam situation.

Despite the clamor and confusion which the critics have generated, the basic good judgment of the American people is once again manifested in these figures.

Certainly, these figures do not suggest that the American people are ready to raise the white flag in Vietnam, or that the Nixon administration will be in deep trouble if it does not find a solution in 2 or 3 months, as some people have suggested. When the critics make such dire predictions they are lapsing into the all-too-common error of identifying their own opinions with public opinion.

It has, of course, been Hanoi's belief for some time now that growing opposition in the United States to the Vietnam war would force us to withdraw on the Communist Vietnamese terms. Nor has Hanoi ever been bashful about stating this position publicly. Almost 4 years ago, when three Washington Post correspondents interviewed the Vietcong representative in Moscow, he made it clear to them that the National Liberation Front was counting on American public opinion rather than on military victory or on negotiations to force an American withdrawal.

In support of this contention, the Vietcong representatives flourished in front of the American correspondents a big batch of signed advertisements and appeals and speeches critical of American policy in Vietnam—see exhibit A.

In a recent article on "Vietcong Propaganda Abroad," Dr. Chester Bain, one of our foremost Vietnam scholars, said that the worldwide Communist propaganda effort on the Vietnam war is probably the largest and best coordinated campaign of its kind in history—see exhibit B.

Documents recently captured from the Vietcong show that, while they have been disappointed by the military failure of their recent offensive, the Communist leaders nevertheless believe that this offensive achieved its major purpose by encouraging the antiwar movement in the United States.

THE SEVERAL FACES OF THE VIETNAM CRITICS

There is a tiny minority in our country who have been particularly responsive to the Vietcong propaganda because their opposition to our Vietnam policy stems clearly from a commitment to the revolutionary overthrow of our Government. They do not oppose our involvement in Vietnam for pacifist or humanitarian reasons. They oppose our involvement because they frankly favor a Vietcong victory.

Some, but not all, of these extremist critics have made no effort to conceal their motivation.

For example, Prof. Eugene Genovese, of Rutgers, created nationwide indignation

when he said publicly in 1965 that he would welcome a Vietcong victory.

And, on the other side of the continent, at the University of California in Berkeley, Dr. Stefan Smale, one of the two chief organizers of the Vietnam Day Committee, told the press that he and his colleagues wanted the Vietcong to defeat the United States, because such a defeat would break American power elsewhere in the world and would also help to bring about revolutionary changes in the United States.

As small as the group represented by Smale and Genovese may be, they have nevertheless, played a role out of all proportion to their numbers in organizing and in giving leadership to the anti-Vietnam agitation in this country.

The fact that many of the leaders of the anti-Vietnam agitation are motivated not by pacifism, or by high ideals, but by a revolutionary anti-Americanism has become increasingly obvious. Indeed, many of the old-line pacifists and liberals who cooperated with the anti-Vietnam movement in its earlier stages, are gravely concerned over this development.

Mr. Philip Altbach, a Ford Foundation fellow at the University of Chicago and president of the Student Peace Union from 1959 to 1964, said early last year in the Socialist Party organ that a large part of the Vietnam protest movement is not a peace movement at all, but, on the contrary, wants to see a Communist military victory in the conflict. He complained about the strident chorus of anti-Americanism in the Vietnam peace movement, and said that it had the effect of presenting a one-sided view of the situation.

The revolutionary critics of our Vietnam policy have an unquestioned capacity for mischief and noisemaking, because they have all the zeal of the political fanatic.

To this revolutionary minority one cannot appeal for patience for the sample reason that they are ideologically committed both to a Vietcong victory and to the overthrow of our own Nation.

But the great majority of those who oppose the war have nothing in common with the revolutionary opponents of our Vietnam commitment. They would be unhappy about a Vietcong victory. But they nevertheless oppose our involvement in Vietnam either because they are pacifists, or because they believe we are overextended, or because they think that the Vietnam war is not the kind of war we should be involved in, or because they feel weary and frustrated and are disposed to regard the war as hopeless, or because they think it has not been properly managed or because they feel we are not moving fast enough to get the war concluded.

I can understand their position, and it is to these people that I am speaking today.

Since the honest critics of our Vietnam policy would unquestionably prefer to see an honorable settlement to a surrender, it should be possible to appeal to them for a limited measure of patience.

One cannot and should not ask them to forgo their criticism. I do not do so.

But surely it is not too much to ask that they weigh their statements carefully so that what they say cannot be exploited to undercut the position of President Nixon or of his representatives in Paris.

POLITICAL FACTORS FAVORING AN EARLY SETTLEMENT

At this point, some of those who are impatient with the Vietnam war will ask how long we must be prepared to wait while the war drags on and on.

Under other circumstances, it might be more difficult to venture an estimate. But within the past 8 months there has been a dramatic shift in the world situation which, in my opinion, militates against the indefinite prolongation of the Vietnam conflict and in favor of an honorable settlement at a relatively early date.

The Vietnam war would not have been possible without the massive assistance that Hanoi has been receiving from both the Soviet Union and Red China.

In order to make itself eligible for assistance from both sides, Hanoi has been playing an exceedingly delicate balancing act between Moscow and Peking. As tightrope walkers, indeed, the North Vietnamese Communists have shown themselves to be second to none in the world of politics.

However, a situation has now developed which will make this balancing act increasingly difficult. And even if Hanoi should succeed in maintaining a neutral stance between Moscow and Peking, the chances are that Hanoi's two chief suppliers will both be compelled to deescalate the scale of their military support.

Moscow's occupation of Czechoslovakia in August of last year and the political clampdown which it imposed on the Czechoslovakian Government last month have not by a long shot solved all of Moscow's problems in central Europe.

Despite the new controls, the Czechs continue to voice their defiance of the Soviet occupiers and the press continues to find ways of partially circumventing the censorship regulations.

The occupation, moreover, has resulted in widespread criticism and discontent throughout the world Communist movement, and the criticism has been particularly marked in the case of the European Communist Parties.

Elsewhere in central Europe, the cauldron of discontent continues to simmer despite the occupation of Czechoslovakia.

A press dispatch of March 4, for example, quoted a high-ranking Soviet Party official as saying that Moscow's great concern at the moment is the situation in Poland. This situation he described as roughly the same as the situation in Czechoslovakia at the end of 1966, that is, just before the overthrow of the conservative Novotny government—see exhibit E.

Apparently completely unintimidated by the Brezhnev doctrine and the numerous threats that have been made against them, Yugoslavia, Rumania, and Albania continue to hurl defiance at Moscow and to reject the concept of "limited sovereignty" which the Kremlin now seeks to impose on all other Communist nations.

And while all this is going on in central Europe, the growing accumulation of differences and tensions between Moscow and Peking has now erupted in an almost explosive intensification of the Sino-Soviet dispute.

There have, of course, been clashes before this along the Sino-Soviet frontier. But this is the first time that both sides have pulled out all the stops and moved to full-fledged propaganda and political warfare against each other. As a result of this outpouring of hate propaganda on both sides, there can be no doubt that both the Russians and the Chinese now hate each other with a genuine passion.

There can be no doubt, too, that this all-out hate propaganda has produced a much more precarious political situation and increased the probability of military conflict. There have been a number of indications that Moscow is seriously worried that Red China will be able to exploit the discontent of the tribal minorities in the border regions to stir up a Vietcong type guerrilla insurgency.

The Sino-Soviet dispute, if anything, is bound to intensify over the coming period; the trend has gone too far to be reversed.

Both governments will be under pressure to increase the already very large forces they maintain along the Siberian frontier.

Simultaneously, Moscow must confront the probability that its political position in central Europe will continue to deteriorate and that the intellectual revolt in the Communist countries will continue to grow.

All the evidence points to the conclusion that, as great as our own difficulties may be, both the internal and external difficulties faced by Peking and Moscow far exceed our own.

This does not mean that we can afford to relax our own guard on the assumption that the intensification of the Sino-Soviet conflict, by itself, will safeguard the Western World. Desperation always has a quality of unpredictability about it; and for this reason, the desperation and frustration which both Moscow and Peking must now feel may actually increase instead of decrease the danger to the free world.

Nevertheless, there is no question but that Moscow and Peking, both, will have to devote more of their energies and more of their resources over the coming period to their internal problems and to their problems with each other. To this extent it is reasonable to assume that Hanoi will not be able to count on the same degree of assistance from the Communist superpowers.

Besides, it is clear that North Vietnam is suffering desperately from the consequences of the war and that the North Vietnamese people are even more impatient and dissatisfied than the American people.

In a recent interview with an Italian journalist, General Giap, the North Vietnamese defense minister, conceded that the war had cost North Vietnam 500,000 dead. This is the equivalent of almost 7 million dead for a country the size of the United States.

On top of these incredible casualties, it is only reasonable to assume that Communist medical facilities have been utterly overwhelmed by the need to cope with the many hundreds of thousands of wounded, a large percentage of them maimed for life.

Remarkably enough, the figure of 500,000 dead, which was confirmed by General Giap, jibes almost exactly with our own estimates.

General Giap subsequently denied that he had made any such statement in the course of the interview. The Italian journalist replied that she had checked her notes carefully with the two friends, both Italian leftists, who accompanied her on her visit to Giap.

That General Giap subsequently denied the statement which he had made in an unguarded moment is not surprising. Hanoi's official position to this day is that there are no North Vietnamese forces serving in the South. In order to support this myth, Hanoi has had to organize one of the most remarkable campaigns of national deception in history.

Not merely does the North Vietnamese press make no mention of North Vietnamese activities and casualties in South Vietnam, but, to support this deception, the hundreds of thousands of servicemen who have been sent south have for all practical purposes become "non-people."

They are not permitted to write to their families.

They are not permitted any home leave.

And it is the ultimate inhumanity of this deception that even the tens of thousands of amputees and war-maimed are not permitted to return home, because this would give the lie away. What happens to these pitiful "non-people" is uncertain, but there are indications that they are detained in special centers in Laos and Cambodia and in secure areas of South Vietnam. They linger on in their awful suffering, cut off from their country and their families by a government that cannot admit their existence.

Those who are disposed to listen to the North Vietnamese Communists or to regard them as agrarian reformers, would do well to ponder the moral implications of the elaborate and inhuman facade that Hanoi

has erected to support the lie that it has not intervened in South Vietnam.

Not very surprisingly, there have been many evidences of division and discontent in North Vietnam and the North Vietnamese Communist Party and the Vietcong movement itself. How deep this discontent goes may be gaged from the fact that among those arrested by Hanoi have been a number of important party functionaries.

In North Vietnam during 1968 the Ho Chi Minh regime, already as ruthless as the Stalinist regime at its worst, introduced still further Draconian measures to deal with discontent and attempted subversion and sabotage. These measures were not kept secret. Their introduction was trumpeted aloud by press and radio, in an obvious effort to terrorize would-be resisters.

And in South Vietnam, at the same time as the will to resist is perceptibly weakening in America, the rate of defection from the Vietcong forces has soared to record levels. During the months of March and April, an average of 1,000 Vietcong defectors many of them officers and political cadres, have come over to the side of the government each week.

Recently captured documents reveal the grave concern of the Vietcong leaders over the growing defection rate. Vietcong unit commanders are warned that if any soldier shows himself particularly cooperative or willing to accept duties, he should be suspected of trying to set things up for his defection to the government side.

Captured documents also reveal concern over the general level of morale. They complain that too many Vietcong are keeping their eyes on the Paris negotiations instead of on the battlefield.

All of these facts strongly suggest that if we can show the stamina and courage to persist along the path of honor in Vietnam, Hanoi will in the not very distant future show a greater willingness than it does today to come to reasonable terms.

It is a situation that calls above all for patience, a situation which requires that all those who are impatient not only weigh the implications that will be read into their words but also weigh the consequences of an American defeat in Vietnam.

For let there be no mistake on this point: If we abandon Vietnam, or if we are defeated in Vietnam, or if we negotiate a settlement that paves the way for an early Communist takeover there, then it would mark the beginning of the end for American credibility and for America as a great nation.

I do not have much patience with those who say it does not make much difference who takes over there. I will say more about that later, but let me say right now that it makes a great deal of difference. If we have not learned that lesson from history, then we have a lot of catching up to do.

THE HIGH COST OF SURRENDER

President Johnson's historic announcement of March 31, 1968, led to widespread speculation that the American will to resist was nearing collapse. In the wake of the President's statement, Field Marshal Sir Gerald Templer, commander of the British Commonwealth forces that defeated the Communist insurgency in Malaya after World War II, warned of the consequences of an American pullout. He said:

"If the Americans pull out of Vietnam, the Communists will take over the whole of Southeast Asia—and Burma, India, right up to the Caspian Sea, would go. An American withdrawal would have absolutely disastrous effects, not only in the Far East but further afield."

These words deserve the most serious consideration, especially on the part of our antiwar critics, because they come from an Englishman who has a profound and intimate personal knowledge of Southeast Asia and of Communist guerrilla warfare.

Sir Gerald's word were echoed a few days later in a statement by Prime Minister Tunku Abdul Rahman of Malaysia, who is widely regarded as one of Asia's ablest democratic statesmen. Let me quote what the Malaysian Prime Minister said:

"If the Americans for some reason decided to give up this war in Vietnam and the North decided to take over the South, then it will be the end of us all."

Very similar statements have in the past been made by Prime Minister Souvanna Phouma of Laos, by Prime Minister Lee Kuan Yew of Singapore, and even by Prince Norodom Sihanouk of Cambodia. Their statements all coincided with the statement of the Malaysian Prime Minister on the essential point that an American defeat in Vietnam, or an American withdrawal from Vietnam, would be absolutely disastrous for the whole of Southeast Asia.

Let me also quote again the bitter words written by the well-known Filipino commentator, Vincente Villamin. He said:

"The abandonment of Vietnam, would be an indelible blemish on America's honor. It would reduce America in the estimation of mankind to a dismal third-rate power, despite her wealth, her culture, and her nuclear arsenal. It would make every American ashamed of his Government and would make every individual American distrusted everywhere on earth."

Similar opinions have been expressed by other Far Eastern anti-Communist leaders, ranging in their political views from conservative to neutralist to socialist—see exhibit F.

The high price of surrender has also been underscored by some of our best and wisest friends in Europe. The London Economist, which is generally regarded as free Europe's foremost political periodical, and which has also been stanchly pro-American through thick and thin, had this to say about the cost of a surrender in Vietnam, in words that should be noted and remembered:

"It is arguable that the cost of victory, in terms of bloodshed, is proving to be too great: but the cost of betrayal could be even greater. In the last analysis it is for Mr. Nixon to decide; it may yet become Nixon's war. The Americans have made considerable headway in the military field, and a modest degree of headway with their pacification program. If they have the endurance, they can still win the war, in the sense of definitely preventing a Communist takeover. After backing so many rickety regimes through thick and thin, it would be tragic if they were to ditch this much better government to let the Liberation Front in. It is an illusion to imagine that the United States can agree to a compromise peace that would amount to a sell-out and retain any credibility in Asia. Nor in Asia alone; for in this shrunken world credibility is indivisible."

The cost of defeat has also been underscored by American experts who are sensitive to the realities of international politics. Shortly before he became President, Mr. Nixon's principal foreign policy adviser, Dr. Henry M. Kissinger put the matter in these terms:

"The commitment of 500,000 Americans has settled the issue of the importance of Vietnam. For what is involved now is confidence in American promises. However, fashionable it is to ridicule the terms "credibility" or "prestige," they are not empty phrases; other nations can gear their actions to ours only if they can count on our steadiness. The collapse of the American effort in Vietnam would not mollify many critics; most of them would simply add the charge of unreliability to the accusation of bad judgment. Those whose safety or national goals depend on American commitments could only be dismayed. In many parts of the world—the Middle East, Europe, Latin America, even Japan—stability depends on confidence in American promises. Unilateral withdrawal, or a settlement which unintentionally amounts to the same thing, could therefore lead to the erosion of restraints and to an even more dangerous international situation."

So, let there be no illusion about the heavy price America will have to pay, in prestige and respect and credibility and world power, if it should seek to extricate itself from the Vietnam conflict under anything less than honorable conditions which assure the independence of South Vietnam.

THE TERMS OF PEACE

There are those who say that to talk in these terms is equivalent to demanding unconditional surrender by Hanoi.

My reply to this is that to talk in anything less than these terms should be equivalent to offering our own unconditional surrender to Hanoi.

The fact is that we do not demand an unconditional surrender.

We are already on record as favoring the inclusion of North Vietnam among the beneficiaries of the vast Mekong River plan. The experts who have worked on this plan tell us that it has a far greater potential for the entire region, that is, for Thailand, Laos, Cambodia, South Vietnam, and North Vietnam, than the TVA had for our Southern States. And the point has further been made that, economically, North Vietnam would gain far more from the peaceful cooperation with the rest of Southeast Asia within the framework of the Mekong River plan than it could ever hope to gain from the conquest of South Vietnam.

If Ho Chi Minh is really a Titoist, as some of the critics of the war pretend, the best way he could prove this would be to terminate the war, thus extricating himself from both the Red Chinese and the Soviet embrace, and to take his country into the Mekong River plan.

Moreover, the South Vietnamese Government has already made it abundantly clear that, while it opposes a coalition government, it is willing to promise a general amnesty when hostilities cease, to agree to free elections under international supervision, to assure the National Liberation Front of the right to participate openly in these elections on a non-Communist program, and even to enter into negotiations with the Vietcong in the interest of achieving a settlement.

This is conceding a good deal. In fact I do not know where people get the idea that our side is the inflexible one, and that we have refused to make any concessions to bring an end to the war.

Hanoi, therefore, can have peace in Vietnam on terms that do not represent an unconditional surrender for its side and which, indeed, would bring substantial benefits to it.

AGAIN THE NEED FOR PATIENCE

It is my judgment and prayer that this tragic and costly war will come to a close soon. It may not end in 3 months or 4 months; but then neither will it take 3 or 4 years.

But whether the war is terminated honorably or dishonorably depends in the final analysis on the patience and fortitude and unity we can display on the home front over the coming critical months.

Writing in the Washington Star on January 23, 1969, foreign editor Crosby S. Noyes said that "a demand in this country for quick results in the negotiations is a sure prescription for disaster." Mr. Noyes appealed for an abatement in the clamor for quick results. My own appeal for patience and solidarity is directed in the first place to those critics who until recently agreed that it was essential to the security of the free world to stop Communist aggression in Vietnam, but who now urge that we extricate ourselves on any conditions because the war is proving to

be longer and more costly than they anticipated.

This is a position which is difficult to understand.

THE MORALITY OF OUR VIETNAM COMMITMENT

If it was morally and politically right to come to the defense of South Vietnam to prevent a Communist takeover, then it does not cease to be right simply because the going has become tougher, or because the war is more costly.

Whether the cost of the Vietnam war is justifiable or unjustifiable depends in the final analysis, on one's estimate of the enemy.

If one believes that the Vietcong Communists are simple agrarian reformers, as many people believed about the Chinese Communists before they came to power, the Vietnam war would be difficult to justify.

The scales of justification give another reading, however, if one believes that the Communist system is just as totalitarian as the Nazi system; that it is equally contemptuous of human rights and human life; that the total volume of human suffering produced by this system even surpasses the volume of suffering under the Nazis, and that it is just as fanatically committed to the expansion of its empire, to the destruction of freedom, and, above all, to the destruction of the United States of America as the chief bastion of freedom.

That is the reading I get, and I think history is on my side in this estimate.

There are those who will reply to this that some Communist regimes today are less oppressive and some more oppressive, and that it is a mistake to lump them all together.

I have never lumped them altogether; my critics have sometimes thrown that bale of hay at me, but they will have trouble finding it in the record because it is not there.

While all Communist regimes are tyrannical, it has been true, historically, that some have been more bloody than others.

In the spectrum of bloodiness, however, the tyranny of Ho Chi Minh does not belong with the Dubcek regime in Czechoslovakia; it belongs, rather, with the bloodiest of all Communist regimes, the regimes of Stalin and Mao Tse Tung. That this is so should not be surprising in view of the fact that Ho Chi Minh himself is one of the small surviving band of original unreconstructed Bolsheviks.

Hanoi's aggression against South Vietnam must be resisted because it poses basically the same kind of danger to the freedom and security of the nations in the area, as did the Nazi regime. The only serious difference is that the Communists have refined the means of subversion and aggression to a point never dreamed of by the Nazis.

A Communist victory must also be resisted because, as Hanoi has repeatedly pointed out, such a victory would demonstrate America's complete inability to cope with "wars of national liberation" and would pave the way to more "wars of national liberation" in other parts of the world, especially in Latin America.

Finally, a Communist victory must be resisted on simple moral and humanitarian grounds.

Hoang Van Chi, a former North Vietnamese Government official, has estimated that more than 500,000 North Vietnamese were executed or killed in one way or another during the period when the Ho Chi Minh regime was consolidating its rule over North Vietnam. And this figure would unquestionably have been very much higher if it had not been for the fact that some 1 million North Vietnamese, out of their hatred of communism, took advantage of the Geneva Agreement to flee to South Vietnam.

There are many reasons for believing that the massacre that would take place in South Vietnam if the Vietcong were to come to power there would far exceed, in scale and ferocity, the massacre that characterized the establishment of Communist rule in the north.

It is common knowledge, for example, that the Vietcong have prepared long lists of political opponents whom they plan to massacre as soon as they take over. These lists include Government officials at every level, officers and noncommissioned officers in the army, religious leaders, labor leaders, and countless thousands of those who escaped from the north.

There are some who say that the number slated for execution by the Vietcong may run as high as several million. This estimate may be on the high side. But that the Vietcong execution lists are intended in earnest was demonstrated in the most gruesome manner during the Tet offensive of last year, when the Vietcong briefly occupied the city of Hue.

In Hue proper, when it was liberated from Communist control, the allies dug up from mass graves the bodies of more than 1,000 Vietnamese civilians who had been executed by the Vietcong. Many of them had been buried alive, with their hands tied behind their backs.

More mass graves containing the bodies of civilians executed by the Vietcong are being discovered all the time in the general vicinity of Hue. For example, a mass grave discovered about 12 miles southeast of Hue toward the end of March has thus far disgorged 134 bodies. Again, many of these had been buried alive. And this last April 7, another press report said that South Vietnamese soldiers had discovered a new mass grave about 3 miles north of the first one—see exhibit G.

Moreover, if the Vietcong should ever take power, the victims of their terror would not be limited to those who hold leadership positions and whose names appear on their execution lists. The incredible bestiality with which the Vietcong have fought the war makes it certain that a Communist victory would also be followed by mass killings of men, women, and children in areas that are considered unfriendly to them.

There could be no more dramatic evidence of the Vietcong capacity for indiscriminate massacre than what happened to the simple Montagnard people of the village of Dak Son in December, 1967.

Attacking the village by night, the Vietcong went with flame throwers from house to house, killing indiscriminately, at point-blank range, men, women, and children. When they were through with their flame throwers, 250 unarmed Montagnards, mostly women and children, had been killed; another 500 were missing, some of them dead, some of them kidnaped, some of them escaped; and scores more were suffering from ghastly burn wounds over much of their bodies.

Let no one, therefore, who now demands our immediate withdrawal from Vietnam plead innocence or ignorance if this agitation should in fact compel our withdrawal, and if, in consequence of this withdrawal, there takes place the frightful massacre of the innocents which has attended the establishment of Communist rule in every country.

In the accounting of history they will not be able to escape their responsibility for helping to make this massacre possible.

Nor will they be able to escape responsibility for the subjugation of other Southeast Asian countries by communism which would be bound to follow in the wake of an American capitulation in Vietnam. As the highly esteemed Institute for Strategic Affairs pointed out in a study last week, the validity of the domino theory can no longer be challenged.

When some of us talked about the domino theory a year or two or three ago, we were told, "That is old fashioned; that is a lot of bunk." Mr. President, it was not bunk then and it is not now. All you have to do to realize this is study history, look at the map, and think about the matter.

Referring to the Hanoi-backed Communist insurgencies in Laos and Cambodia, the institute's report said that these dominos were already ripe for tumbling, and that even Thailand's position was precarious.

The Vietnam war has been long and costly, in my judgment longer and costlier than it should have been because it has been so tragically mishandled.

The recognition that we have made errors, moreover, does not mean that we should now cut and run; it simply means that we must move as rapidly as possible to eliminate the errors, at the same time as we move to reduce and terminate the scale of hostilities.

To many people it no doubt appears that we have achieved nothing through our sacrifices. But despite the errors we have made, our efforts in Vietnam have served the cause of freedom well.

Through our sacrifices we have purchased precious time for the free nations of the Far East; and, with few exceptions, these nations have made good use of this time to strengthen their institutions and build up their economies.

Indonesia was saved from going Communist by a hair's breath; and it is probably no exaggeration to say that our Vietnam commitment made the difference between victory and defeat in this case, because, had another half dozen senior officers sided with the rebels, the Communists would almost certainly have emerged triumphant.

In the balance of history, therefore, our intervention in Vietnam has been anything but fruitless.

The American people have always carried themselves with exemplary fortitude in difficulties and crises.

By history and by temperament, they are not a people disposed to accept humiliation or to raise the white flag of surrender.

If the full facts on Vietnam were now put before the American people, the administration would have the backing of the overwhelming majority for a policy of continued firmness.

President Nixon must be given credit for doing everything in his power, for walking the extra mile and more, in an effort to put an end to the Vietnam war.

In this effort he needs and deserves the understanding and support of the American people. He deserves it all the more because no American President ever inherited a more difficult situation.

We are now closer to a settlement than we have ever been before.

As I have been speaking, the Communist-run National Liberation Front has issued in Paris a 10-point peace program of their own as a basis for a settlement in Vietnam. There has been no chance to analyze this proposal as yet. But it may signal the beginning of serious movement in the negotiations.

So I ask the honest critics of our Vietnam policy, the congressional critics in particular, to withhold their criticism for a while and let President Nixon and his representatives do the speaking for the United States, so that they can bring an end to this awful war.

I ask for patience because it is a fact that the President's position is undercut by calls for an immediate pull-out or by arbitrary deadlines for getting out of Vietnam.

Now, I am sure that the administration will not be misled by the clamor which comes from the misguided and from those who have lost hope and are now impatient.

Nor will the administration permit this clamor to reduce it to a suppliant posture in the Paris negotiations, because nothing could be more fatal to the outcome of the Vietnam war.

And, let us hope that the administration

will not allow this clamor to silence its voice at home or prevent it from reaffirming, in positive terms which every American can understand, the importance of Vietnam to the cause of freedom and the overwhelming moral and political justification for our presence there.

This is something, to my great regret, which the Johnson administration failed to do; and for this, it paid a very heavy penalty.

So let us all work to achieve a just and honorable settlement of the Vietnam conflict.

Let us constantly and repeatedly test the sincerity of the Communist negotiators by urging their acceptance of a total ceasefire.

Let us not say anything which might lead the enemy to believe that we are ready to surrender or put up the white flag.

And let us never repeat the folly of base appeasement because this will, as surely as day follows night, inevitably result in new aggression and new bloodshed under far more terrible circumstances.

Mr. President, I ask unanimous consent to have printed at the conclusion of my remarks several exhibits relating to what I have said today.

There being no objection, the items were ordered to be printed in the RECORD.

EXHIBIT A

Stephen R. Rosenfeld, Washington Post, May 28, 1965: "Flourishing a batch of American cartoons, signed advertisements, and speeches critical of American policy in Vietnam, the Front's new representative in Moscow made clear his reliance on American public opinion rather than on military victory or negotiations, to compel American withdrawal."

EXHIBIT B

Dr. Chester A. Bain, Foreign Service Journal, October, 1968: "The communists' worldwide propaganda effort on the Vietnam war is probably greater and better coordinated than any other propaganda campaign in history.

"Viet Cong and Hanoi propaganda directives point to groups upon whom to concentrate—pacifists, families of servicemen with the allies in Vietnam, student groups, church organizations. And they suggest means of encouraging dissent with American policy—anti-war demonstration, military desertions, and alienation of European countries from the United States. The echoes reverberate worldwide, produced and directed by an elaborate and sophisticated propaganda mechanism."

EXHIBIT C

Dr. Stefan Smale, the Oakland Tribune, October 29, 1965: "We want the Vietcong to defeat the United States for international reasons. If the U.S. is defeated in Southeast Asia, this will help break American power elsewhere in the world. This would give new impetus to revolutionary social change (wars of liberation) in such places as Africa and Latin America. And if surrounded by revolutionary changes, it will in turn make it easier to achieve radical change in the United States."

EXHIBIT D

Mr. Philip Altbach, New America, November 24, 1965: "There is a strong undercurrent in the protest movement which tends to view a Vietcong victory as a positive aim . . . The strident chorus of anti-Americanism has had the effect of presenting a one-sided view of the situation . . . A substantial part of the Vietnam protest movement is not a peace movement at all but rather supports the Communist side of the conflict."

EXHIBIT E

The New York Times, March 4, 1969: "An East European source asserted tonight that the apparent shifting in Communist tactics on Berlin in the last week reflected a division in the Politburo of the Soviet Communist party.

"The source, who said he was quoting an official of the Soviet party Secretariat who recently visited his capital, said it was significant that the Soviet leaders who had favored a conciliatory policy on Berlin in Presidium meetings were the ones who pleaded against an invasion of Czechoslovakia last year.

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"The Soviet official was reported to have said that among Moscow's greatest concerns at the moment is the situation in Poland. The country is 'roughly the same as Czechoslovakia at the end of 1966,' the official was quoted as having said. That period was a year before President Antonin Novotny was ousted by the Czechoslovakia Politburo and replaced as party leader by Alexander Dubcek, an advocate of reform."

EXHIBIT F

STATEMENTS ON VIETNAM BY ASIAN LEADERS

Philippine President Ferdinand E. Marcos, Manila, 1966: "It is established beyond dispute that the war in Viet-Nam is not a civil war. It is a war on an international scale involving massive aggression from Communist North Viet-Nam with the active encouragement of Communist China."

Korean President Pak Chung Hui, Korea, 1966: "The forces which support and control the Viet Cong in Free Viet-Nam today are the same forces which 16 years ago supported and controlled the southward aggression of the Communist troops in Korea . . . the situation in Viet-Nam is more than a simple domestic problem of that country. It represents rather a confrontation of the free world with Communist tyranny."

Prince Norodom Sihanouk of Cambodia, May 9, 1967: "They launched these attacks because they want to create civil war. . . .

"If we fail in our operations against them and if the Khmer [Cambodian] Viet Minh emerge victorious, they can transform the nation into a Communist country. If not they must continue to accept independence and neutrality. . . .

"The masters of the Khmer Viet Minh are the Viet Minh and the Viet Cong."

Eisaku Sato, Premier of Japan, November 14, 1967: "I wish to express my deep respect to you, Mr. President [Johnson], for the great efforts being made by the United States under your able leadership to bring peace and stability to the world, particularly in Asia in this moment."

Rajmohan Gandhi, editor of Himmat magazine, February 1965: "There is dangerous thinking in the West . . . progressives of the West believe that Communism will win and the best that they can do is surrender peaceably to it . . . they are free to expound their ideas from remote positions. But there are millions of people in Southeast Asia and 450 million people of India who, in spite of the basic defects in the structure of their society, will not permit themselves to be traded in the drawing rooms and cabinets of the Western world . . .

"If America compromises on this vital issue of freedom in Asia, she will have to pay the price dearly. . . . It is alarming that [responsible commentators] of the West should talk so lightheartedly about leaving India's eastern flank open to the dangers of Chinese invasion.

"[The] counsel of retreat to the West is certainly not what Asians want. We want and need the presence of the West on Asia's land and sea. The West can provide the power of balance to contain Communist China until such a time as democratic nations like India and Japan can provide it."

Singapore Premier Lee Kuan Yew, May 6, 1965: "If the Communists are able to advance their frontiers to envelop South Viet-Nam it will be only a matter of time before the same process of emasculation by military and political techniques will overtake the neighboring countries."

Prime Minister of Laos, Prince Souvanna Phouma, November 2, 1967: "We were fully satisfied with the [1962] Geneva accords. We thought that the nightmare of internal subversion and foreign aggression was over. But, alas, our people were grievously deceived. The accords were immediately and shamelessly violated . . . the Pathet Lao . . . , valet of the Hanoi Government, continued its sabotage. War, instead of stopping, grew more intense. Today, five years after the signature of the Geneva accords, we can count about 40,000 North Vietnamese soldiers in our territory. They are fighting beside 15,000 Pathet Lao, armed, paid, trained and encadred by North Viet-Nam. Development of our country is paralyzed. Thousands of refugees stream into Governmental zones. Hundreds of villages are abandoned. Only half of the soil is cultivated. The Ho Chi Minh trail has become an active transit route for North Vietnamese forces . . . But, the most distressing aspect is to think that this useless, bloody, tragedy could not have occurred if some ideological, greedy nations had not come and interfered directly or indirectly in our internal affairs. By what right, what moral, do they assume the right to 'liberate' us?"

The late Prime Minister Harold Holt of Australia: "It is in Vietnam that aggressive communist pressure—the greatest political danger in Asia today—is most severe and direct, and it is in this area that we must, for the time being, concentrate much of our defense effort and resources. . . .

"Let me repeat, in simple terms, why we are in Vietnam:

"We are there because we believe in the right of people to be free.

"We are there because we responded to an appeal for aid against aggression.

"We are there because security and stability in South East Asia are vital to our own security and stability.

"We are there because we want peace, not war, and independence, not serfdom, to be the lot of the peoples of Asia.

"We are there because we do not believe that our great Pacific partner, the United States, should stand alone for freedom.

"We will continue to be there while the aggression persists because, as a free and independent nation, we cannot honourably do otherwise."

Prince Norodom Sihanouk of Cambodia: "The fact is that as long as the Americans are there, China cannot yet swallow Cambodia. And what prevents the Americans from swallowing Cambodia is precisely the fact that China is there."

New Zealand Foreign Minister, Keith Holyoke: "Nothing is more essential to the maintenance of peace than a recognition that so-called wars of national "liberation" must be successfully challenged. . . . Vietnam is a small nation, New Zealand is much smaller. And we have a particular interest to protect the right of all nations, however small, to work out their future free from the threat of aggresion and conquest."

Armed Forces Daily, Indonesia, October 24, 1967: "Regardless of one's views on the war, it is evident that U.S. forces in Vietnam are both a deterrent to communist attack and a shield against Communist expansion in Southeast Asia. If U.S. forces are withdrawn to Australia, it would be very easy for the Chinese communists to continue their aggression and expansion to the south."

Foreign Minister Thanat Khoman of Thailand: "Let us smaller and weaker nations

candidly face the facts and realize that the imminent dangers which may descend upon our nations are less likely to come from nuclear deployment—although that can never be ruled out—than from combinations of military and political ventures which their proponents euphemistically call "wars of national liberation," and which, for all intents and purposes, are hardly different from the one which Adolf Hitler launched against the Sudetenland nearly thirty years ago. Such undertakings nowadays may be more insidious but no less lethal to our free and healthy existence. . . .

"North Vietnam and its supporters in the communist world, as well as its Vietcong agents in South Vietnam, wanted the outside world to believe that the war of conquest they have been waging for many years against the small and independent country of South Vietnam is a genuine national uprising or, to use their current terminology, a 'war of national liberation.'"

"This travesty of the truth has convinced neither the South Vietnamese people nor those who live near the scene of the crime and who are directly or otherwise suffering from its nefarious consequences. Only those who are farther away whose minds are less perceptive of the existing realities, and those who are always liberal with other people's freedom or are prompted by less than altruistic reasons, allow themselves to fall victims of this crude propaganda.

"But if questions as to what they think of the conflict in Vietnam are directed to those Asians who have their feet firmly on the ground and whose vision has not been clouded by the outlandish ideology of the frustrated author of 'Das Kapital,' they would reply in unison that it is in effect an old-styled colonial conquest with only a few renovated outward trimmings. . . ."

Mr. K. K. Sinha, director, Political and Social Studies Institute, Calcutta: "You cannot help being involved; you are involved, whether you like it or not. Your present indifference is a factor favoring one side in the battle. So don't imagine that by your silence you can escape.

"I have gone through much of the literature on Vietnam and more is coming out. One thing I am already convinced of and that is that this struggle is local as well as universal. Its final result will be crucial both for that small country—flapping like a small side-pocket for coins in the jacket of a continent—as well as for the continent and the world. Vietnam is a world issue indeed."

EXHIBIT G

A SECOND GRAVE OF DEAD CIVILIANS FOUND NEAR HUE

The Evening Star, Washington, D.C., Monday, April 7, 1969:

"DA NANG, SOUTH VIETNAM (AP).—A second mass grave containing bodies of men and women executed by Communist troops during the 1968 Tet offensive was found near Hue today.

"Workers exhumed 20 bodies and are continuing to open the grave 10 miles east of Hue during the remainder of the week.

"Twelve days ago, a Vietnamese soldier on patrol tripped across a wire binding the hands of a buried man. As they uncovered that body, the authorities found the first mass grave and in the following days removed 134 bodies.

"That area was about 12 miles southeast of Hue. The new gravesite is three miles north of the first one.

"We have no idea how many bodies we will find in this new gravesite," said one U.S. advisor. He added that Vietnamese soldiers patrolling the area also are checking reports of additional gravesites."

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ALLOTT. Mr. President, tomorrow we will have a chance to complete the business we began here last week—approval of the orderly, prudent, limited expansion into phase II of the Safeguard ABM system.

We can complete this approval by defeating the pending amendment introduced by the distinguished junior Senator from Massachusetts.

Today, I want to explain some of my reasons for opposing the Brooke amendment.

I am frank to admit that it is not entirely clear to me what the proponents of this amendment intend it to do. But I am satisfied that, regardless of the intentions of the proponents, it will work in one of the following two ways. On the one hand, it may enable us to have less defense than the phase II proposal will give but at the full cost of the phase II proposal. On the other hand, it may enable us to have the same amount of defense as the phase II proposal would give, but at a greatly increased cost.

I am inclined to think that the real effect of the pending amendment would be the former—less defense for the same amount of money. Let me explain.

It is particularly difficult to interpret the effect that the Brooke amendment would have on the Safeguard deployment configuration. I think the most likely intention of the amendment is to approximate modified phase II in adding one more Safeguard site to be paid for by the proposed funding. Where this amendment works a significant revision of the proposal worked out by the Armed Services Committee is in requiring that the additional site be located somewhere in the Minuteman fields, either near Grand Forks Air Force Base, N. Dak., or near Malmstrom Air Force Base, Mont., that is, the significant effect of the Brooke amendment would be in preventing the proposed funds from being used for one of the purposes for which they are proposed—for a site in the area of Whiteman Air Force Base, Miss.

Mr. President, this significant revision is unwise and unacceptable for two reasons. First, it reduces the defense effectiveness that will be purchased with the proposed funds—funds which the pending amendment does not seek to reduce. Second, this revision would guarantee that we would face severe deployment schedule delays as we expand our interceptor force to counter the increase in Soviet offensive capability.

I want to consider these matters in reverse order, which is in the order of ascending importance.

First, consider the effect on deployment schedules.

If this amendment is adopted, then regardless which of the two phase I site areas is selected to receive the additional site, there will be severe deployment delays since the increasing Soviet offensive capability makes it imperative for us to expand to a site beyond the Grand Forks and Malmstrom fields—as provided for by the unamended phase II proposal.

Consider these facts. If we proceed with the unamended phase II proposal, the Whiteman site will be operational by mid-1975. But, if the proposed amendment is accepted, thereby denying permission to begin work on the Whiteman site, there will be a minimum delay of 1 full year in making operational the third site, which was to have been at Whiteman but was instead improvised around the Grand Forks or Malmstrom Minuteman fields. The reason for this delay is clear.

During early planning for an ABM system, the four Minuteman fields near Grand Forks, Malmstrom, Whiteman, and Warren Air Force Bases were determined to be most suitable for defense. Thus preliminary surveys were conducted to determine how to tailor the defense of each field. Separate surveys were needed for each field because the geographical configurations of these fields vary.

As a result of these crucial surveys, an optimum defense was tailored for each field. If this proposed amendment passes, thereby mandating the expenditure of funds for a hitherto unthought of second defense site at either Grand Forks or Malmstrom, then some hasty improvising will be required. But there are limits to how hasty it could be; that is, it will take 4 months to do the kind of survey and detailed analysis which has already been done for the Whiteman site. In addition, climatic conditions in North Dakota or Montana will cause an additional 8-month delay over the projected construction timetable for the Whiteman site. Thus there will be a 12-month deployment delay resulting from construction problems, and from the need for expensive new surveys and analyses which will be needed as a result of scrapping the Whiteman program for which expensive surveys and analyses have already been done.

Now consider the way the amendment's revision would damage defense effectiveness.

A second site at one of the phase I locations will effect two kinds of reductions in our capability to defend Minutemen: First, because of the shape of the Minuteman fields as just described, the number of Minuteman silos that could be protected by a third site at Grand Forks or Malmstrom would be a maximum of about 70 percent of the number that will be protected by the proposed site at Whiteman; second, for an equal cost program, fewer interceptors could be deployed effectively with the third site at Grand Forks or Malmstrom. This further reduction would limit the number of interceptors at Grand Forks or

Malmstrom to about 35 percent of the interceptors planned for the Whiteman site. This would be caused primarily by the necessity to compensate for the program stretchout costs resulting from the delayed availability of a third site at Grand Forks or Malmstrom.

Mr. President, there is a final consideration which we should consider in evaluating the effect of the Brooke amendment on our defense capability. This consideration is the definite reduction in the protection that can be provided to our other land-based deterrent—our strategic bomber force. The modified phase II defense of Minuteman also can provide protection for 15 to 20 percent of the strategic bomber force bases. But if defense of Minuteman is confined to Grand Forks and Malmstrom we will only be able to protect about 5 percent of the strategic bomber bases.

Once again we must bear in mind that the pending amendment does not propose to reduce funding. Therefore, once again we must emphasize that this amendment will purchase less defense for our money.

Mr. President, the reasons I have outlined are among the most important reasons for rejecting the proposed amendment. They all call attention to the fact that this amendment proposes a revision in an extremely complex technical program. This program has been carefully designed by numerous specialists and has been the subject of long and intensive hearing in the Senate.

This amendment has not been the subject of hearings. It would effect a precipitate, ill-considered, inefficient, costly, wasteful, and perhaps very dangerous improvisation in a matter of the utmost complexity. This is why the proposed amendment should be defeated.

Mr. President, before closing today, I would like to take issue with two points made by the distinguished junior Senator from New Hampshire (Mr. McINTYRE), when he announced his support for the Brooke amendment. Senators will find the Senator's statement on page 28690 of the RECORD for August 13.

The Senator said this:

> The amendment leaves intact every dollar recommended by the committee for work on ABM. It authorizes precisely the same rate of production on ABM components. It provides accordingly the full momentum of an on-going ABM program, and of a growing capability to expand the systems deployment should the Strategic Arms Limitation Talks fail.

Mr. President, I want to take issue with this statement on two grounds:

First, as I have argued today, the proposed amendment would only guarantee the spending momentum of ABM without guaranteeing the capability momentum. I have to think, Mr. President, that this fact will be clear to the Soviet military experts, including those who are advising the Soviet negotiators at SALT.

Second, the distinguished Senator is misunderstanding the prerequisite for making our ABM system useful to our SALT negotiators. That is, he suggests that we need only be able to manufacture the hardware for ABM, and not that we be continuing to deploy our defensive interceptors at a rate responsive to their deployment of offensive missiles. Of course, this is not true.

Mr. President, there is one other point I want to raise concerning the distinguished Senator's statement. He suggests that the Brooke amendment will be useful for "defense in depth" with Safeguard components, and that this program has the backing of "a number of experts." He does not tell us who these experts are and I can find no testimony, expert or otherwise, in the record of the hearings that supports this plan for what he terms "defense in depth" with Safeguard components.

It is easy to understand why such support is lacking. This plan of "defense in depth" is only required when the enemy is targeting more than one reentry vehicle for each missile silo. Since we are not yet faced with anything like this, "defense in depth" would be a wasteful redundancy.

Mr. BROOKE. Mr. President, I shall not detain the Senate with a lengthy speech at this point. But in anticipation of the vote tomorrow on the ABM, I believe it will be helpful to my colleagues to have in the RECORD a statement developing the technical arguments in favor of "defense in depth."

I ask unanimous consent that the text of a study, plus an editorial in today's New York Times, be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TECHNICAL ADVANTAGES OF DEFENSE IN DEPTH UNDER AMENDMENT 821

The technical arguments for the Brooke amendment derive from the fact that the planned Safeguard defense of Minuteman sites is grossly inadequate in two respects: the radars are vulnerable and the number of Sprint interceptors is severely limited. If the Brooke approach is adopted, money not used for defense of Whiteman (and later Warren) Air Force Base could be used to accelerate work on a dedicated hard point defense (an option not discussed further here), or to strengthen the planned defenses at Malmstrom and Grand Forks. This can be done either by buying more Sprints and an extra Missile Site Radar or by buying many more Sprints and foregoing the extra radar.

If the former approach were adopted, it would be possible to have two radars at Malmstrom. If they were properly sited; i.e. far enough apart so that they both could not be destroyed by a single nuclear burst, yet close enough together so that either could control most of the Sprint interceptors at the base, there would be substantial advantage for the defense against heavy attacks. To negate the defense, the attacker would have to destroy *both* radars. The defense need defend only one. Thus, in effect, the defense would have to intercept only ½ of the warheads the attacker might deliver against the radars.

If radars were cheap, it would obviously be advantageous to have several at each base to be defended. However, since MSRs cost about $190 million each (including data processing systems), using two radars at Malmstrom implies buying many fewer Sprints. Thus, it is not obvious that one should deploy two radars for Malmstrom or buy more Sprints. It depends on the weight of the hypothesized attack.

To illustrate these points some simplified calculations have been made and the results are shown in Table I. The calculations are based on the following assumptions:

1. If the deployment recommended by the Armed Services Committee is pursued, the number of Sprints at Grand Forks, Malmstrom and Whiteman Air Force Bases will in each case be sufficient to intercept 60 arriving Soviet warheads.

2. Each Soviet arriving warhead is assumed to have a 100% probability of destroying its target, be it an MSR or a Minuteman missile. (A retargeting capability for Soviet ICBMs is implied in this arrangement.)

3. The effective radius of the Sprint missile is such that 100 Minuteman silos can be defended at each base if only a single MSR is used.

4. If the Spartans for Whiteman are not bought, it will be possible to buy enough additional Sprints to accomplish 50 additional intercepts.

5. If the MSR for Whiteman is not bought, it will be possible to buy Sprints to accomplish 80 additional intercepts.

TABLE I

	Minutemen surviving the arrival of N soviet warheads. N equals—				Number of arriving warheads to destroy all Minutemen
	700	800	1,000	1,200	
Case I: Defense of 3 bases (committee recommendation)	300	260	120	0	1,180
Options Under Brooke amendment:					
Case II: Defense of 2 bases, 1 MSR at each, plus added interceptors	300	200	155	100	1,310
Case III: Defense of 2 bases, 1 MSR at Grand Forks, 2 widely separated MSR's, at Malmstrom, plus added interceptors	300	277	153	30	1,230
Case IV: Defense of 2 bases, 1 MSR at Grand Forks, 2 closely spaced MSR's at Malmstrom, plus added interceptors	300	200	100	100	1,400

The intercept capabilities assumed are, of course, only approximate since the number of Sprints to be deployed at each base is not public and since kill probability against adversary warheads is unknown. However, the assumptions in this regard and also as regards tradeoffs between Sprints, Spartans and MSRs seem consistent with cost figures given by the Defense Department and assumptions used by them in analyses they have made.

Case I of Table I is for the deployment advocated by the Committee. The other three cases are all consistent with the Brooke proposal. They assume that the same level of funds as proposed for the Whiteman deployment is available to reinforce the defense at the first two sites. A number of observations can be made.

At the lowest attack level indicated, the same number of Minutemen (300) survive regardless of the defense. This is because the defense is irrelevant at these low attack levels. 700 Minutemen are undefended (by Sprints) in all cases. Therefor, if the Soviet Union could deliver only 700 warheads, it would presumably limit the attack to undefended Minutemen.

If the money saved from foregoing the Whiteman deployments were expended entirely for Sprints (case 2), it is seen that the defense is not as effective as that recommended by the Armed Services Committee against 800 delivered Soviet warheads, but *it is considerably better than the deployment recommended by the Committee if the Soviets can deliver 1000 warheads or more.*

Under these assumptions, if two MSRs are deployed at Malmstrom and if they are widely separated (case 3) so that essentially all of the Minutemen at that base are defended (instead of only half as would be the case with only 1 MSR per base), the number of Minutemen surviving is larger than with the Committee's recommended deployment at all attack levels (except, of course, at low levels where it is the same).

If 2 MSRs are deployed at Malmstrom and are sited so that each can control all the interceptors at its base (case 4), the number of surviving Minutemans is relatively low if the number of arriving Soviet warheads is 800–1000, but relatively high for heavier attacks. In this case the Soviets would have to deliver some 1400 warheads to destroy the Minuteman force, while only 1180 would be required if the system were spread more thinly at 3 bases.

The preferred outcomes for each Soviet attack level are indicated by underscoring. It is seen that deployment 3 is superior or at least as good as the Committee proposal at all levels of attack and that *deployment 4 is the preferred deployment for the heavier Soviet attack.* To repeat, these deployment options assume the same dollar level for all cases, including the Committee proposal.

The calculations are, of course, inexact because the actual numbers of Sprints are not public knowledge and other assumptions are open to some question.

In particular, the assumptions made regarding both Sprint and Soviet ICBM effectiveness, although consistent with those generally used by the Administration, are probably optimistic. Moreover, tactics other than simply exhausting U.S. Sprints, e.g. an attack based on saturating the U.S. defense capability, an attack based on a Soviet warhead leaking through the defenses, or an attack based on blackout bursts at successively lower levels might be used by the USSR.

However, different assumptions regarding numbers of Sprints, their effectiveness, or Soviet effectiveness and tactics could not change the general conclusion: *Defense in depth, as allowed by the Brooke approach, could provide a more effective defense of Minuteman than the Committee approach against a heavy Soviet attack and at least as good a defense against low levels of attack.*

A similar analysis has been made assuming, on the one hand, that under the Armed Services approach, Warren as well as Whiteman Air Force Base would be defended; and on the other, that with the Brooke approach the money for *both* Whiteman and Warren would be diverted to strengthening the two northern base defenses. The conclusions are qualitatively the same. *The Brooke approach provides a better defense at high levels of attack and at least as good a defense at low levels.*

SALT AND THE SENATE

From its origins in the Johnson Administration, the Safeguard ABM system has been a missile in search of a mission. The public rationale for anti-ballistic missile defense has been chosen, and repeatedly altered, in terms of what makes the best sales pitch to Congress.

This summer's curious rationale, just repeated at a White House press briefing in New Orleans, is that Safeguard expansion is the only way to get Russia to accept both a unilateral limitation of offensive SS–9 missiles and a mutual limitation of defensive ABM's at a low or zero level.

The immediate Presidential objective is to defeat in tomorrow's Senate vote the Brooke amendment, which seeks to suspend expansion of the Safeguard system beyond the two sites approved by a 50-to-50 tie vote last year. But the slight progress reported from Vienna in the strategic arms limitation talks (SALT), which have just adjourned until November, hardly bears out the Administration case.

Neither Safeguard, nor the deployment of multiple warhead MIRV missiles, nor any of the other measures explained as aiding "negotiations from strength," has hastened the still-lacking Soviet counterproposals needed to advance the SALT negotiations. But they probably have hastened countermeasures in Soviet weaponry, a likelihood that challenges the value of expanding Safeguard at this point as a supposed "bargaining chip" for SALT.

The Administration has defended its decision to seek a limited rather than a comprehensive halt in the nuclear missile race on the grounds that it would be better to halt expansion now of those weapons that can be halted easily in the growing nuclear arsenals of the two superpowers and to take up more difficult issues in a later phase of the talks.

The same argument was made, unfortunately, in 1963 for going ahead with a limited Soviet-American ban on testing nuclear warheads. Instead of accepting Premier Khrushchev's offer of two or three inspections a year to permit a comprehensive ban, including underground explosions, it was argued that continuous negotiations would achieve a comprehensive test ban later.

History has shown (1) that the proposal of two or three inspections a year, then seemingly few and risky, would arouse far less concern today, now that detection methods have improved; (2) that underground testing has permitted the weapons race to proceed at full speed, giving the world ABM and MIRV, which a comprehensive ban probably would have headed off; and (3) most important, that the limited test ban, by quieting world protest, has made it virtually impossible to achieve a comprehensive ban.

Whether a comprehensive rather than a limited halt in the missile race can still be achieved in the SALT talks now depends primarily on Moscow and the United States Congress.

If the Soviet Union really wants to halt the missile race and insists, in its counterproposals next fall, on banning MIRV and ABM, it is doubtful that the Nixon Administration can continue to demand on-site inspection and the other conditions it has advanced that make a comprehensive agreement impossible.

If the Senate still wants the comprehensive mutual halt in missile deployment it proposed by overwhelming vote last spring, it can begin to put teeth in its resolution by voting the Brooke amendment this week.

ORDER FOR RECOGNITION OF SENATOR MURPHY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent, at the conclusion of the 1 hour set aside under the special order for tomorrow, under which the able majority leader and the able minority leader would be recognized, that the distinguished Senator from California (Mr. MURPHY) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT TO 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McGOVERN TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately upon the disposition of the reading of the Journal of proceedings on tomorrow morning, the able Senator from South Dakota (Mr. MCGOVERN) be recognized for not to exceed 30 minutes, with the understanding that the pending question on the unfinished business, the amendment offered by the able Senator from Massachusetts (Mr. BROOKE), then be laid before the Senate at 10 tomorrow morning, and with the further understanding that the control of the time and the time for voting on the amendment offered by the Senator from Massachusetts (Mr. BROOKE) as agreed to yesterday still stand.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 9:30 tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Wednesday, August 19, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 18, 1970:

NATIONAL LIBRARY OF MEDICINE

The following-named persons to be members of the Board of Regents, National Library of Medicine, Public Health Service, for terms of 4 years from August 3, 1970:

James Chipman Fletcher, of Utah, vice Alfred Robert Zipf, term expired.

John Phillip McGovern, of Texas, vice Dr. Kathryn M. Smith, term expired.

INTER-AMERICAN SOCIAL DEVELOPMENT INSTITUTE

The following-named persons to be members of the Board of Directors of the Inter-American Social Development Institute for the terms indicated (new positions):

FOR A TERM OF 2 YEARS

Luis A. Ferre, of Puerto Rico.
John A. Hannah, of Michigan.

FOR A TERM OF 4 YEARS

John Richardson, Jr., of Virginia.
Charles W. Robinson, of California.

FOR A TERM OF 6 YEARS

Augustin S. Hart, Jr., of Illinois.
George Cabot Lodge, of Massachusetts.
Charles A. Meyer, of Pennsylvania.

EXTENSIONS OF REMARKS

YAF SPONSORS SEMINAR ON THE VOLUNTEER ARMY

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1970

Mr. CRANE. Mr. Speaker, on August 12, 1970, Young Americans for Freedom conducted a symposium on the voluntary military for a group of Congressmen. The symposium featured such outstanding speakers as Dr. Milton Friedman, Dean William Meckling, the Honorable BARRY GOLDWATER, the Honorable MARK HATFIELD, and Gen. Thomas Lane.

I would commend the remarks of these distinguished men to my colleagues and all interested Americans.

The articles follow:

SPEECH BY DR. MILTON FRIEDMAN

I have been connected with a great many controversial issues for quite a long time and the issue of the voluntary military has one characteristic that I have never observed in any other interest issue: that is, I have yet to see anybody who went carefully into the subject of the voluntary military, whatever his initial position, who has not increased his support for it. I have yet to see a single person who undertook to examine the evidence who moved, for example, from support for a voluntary military to support for the draft, not a single person. I have observed many people of various backgrounds and interests move the other way, and I think that speaks something for the evidence. I was particularly impressed with this in the connection with our Commission, the Gates Commission, of which I was honored to be a member. That Commission had people on it from a very wide range of backgrounds—some military people, some business people, academic people, and others. I would say at the outset when we met at our first meeting probably there was about a 50/50 split between pro-volunteer military and anti-volunteer military. By the time we completed our deliberations and after extensive examination of the evidence we had a completely unanimous report. There was not a single person on the other side. This was not an isolated experiment; I saw exactly the same thing happen at Draft Conference held in Chicago four or five years ago. I have seen it happen over and over again. The one thing I would really urge on anybody interested in this subject is to look at the facts, look at the evidence, because on the basis of my past experience, there is only one way you can move.

Now let me discuss the particular topic I was assigned, the economics of the volunteer military is to distinguish between the real cost to the country, the real economic cost of different methods of manning the armed forces in different ways on the one hand, and the budgetary impact of manning the army and armed forces in different ways on the other. To look at the real cost of the country, you want, for a moment, to pull away the veil of money which tends to conceal to some extent what's really going on. What are the real factors? It is the number of people who are involved in various activities, what they do with their time and with their efforts, and the amount of resources used trying to reach a certain degree of military effectiveness—and people can differ widely about that—but whatever degree of military effectiveness being sought, whatever degree of preparedness, the question arises: what is the most efficient way to reach preparedness from the point of view of the economic resources it absorbs.

Now one of the oldest findings from history is that slave labor is inefficient labor: forced labor is not efficient labor. You get far better service, far better and more efficient use of resources if people are voluntarily engaging in an activity. And that is no different for the military than it is for anything else.

In the first place, in order to man an armed force of a given size with a mixed force of conscripts and volunteers a larger total number of people is needed. Why? A man drafted for two years spends the first six months or so in training. The last three months of his service he is being processed for discharge. You are lucky if you get one year of service out of the man for two years that he is in the armed services. In addition there must be people on hand to train him, to move him about from one place to another, to process those papers for discharge and the like. The result is that, of a given total number of people in the armed forces, the number of people in an effective position is decidedly smaller in a mixed force of volunteers and conscripts than in a force of all volunteers. Now this shows up dramatically in the kind of figures the Gates Report produced and that Bill Meckling will talk about later.

To maintain a middle range mixed force of volunteers and conscripts, each year about 440,000 young men must be recruited for the enlisted forces leaving aside the officers corps. Under a completely volunteer army the number of people needed is 325,000. So each year there is an additional 115,000 people or so who have to be put through the mill of going into the service and coming out of the service. So clearly, just from the point of view of the military operation itself, a conscript force involves the use of more men more man-hours and thus waste resources for the same military effectiveness. But that is only part of the story. In addition to the waste of people in the excessive turnover in the military itself, there is the waste of people in the civilian side because of the activities young men and other people engage in as a result of the draft. As we said in our report there are not only draft-induced volunteers in the armed forces, there are draft-induced ministers, there are draft-induced graduate students, there are draft-induced deportees. Young men all over understandably, because of the existence of the draft, engage in activities they would not otherwise engage in. Employers are hesitant to recruit people for particular jobs because they may be subject to the draft and employers lose them. Consequently, you have inefficient use of the young men. You have the disturbance and the cost imposed on the college campuses. I think there is little doubt that a major source of the disruption on the campuses has been the draft. It has brought to colleges and universities hundreds of thousands of young men who would not otherwise be there. Their major interest has not been in education as a result they have denied places on the campuses to others who would have a stronger interest in education, and they have changed the character and the tone of the discussion. And moreover, because they felt guilty about being there while their friends were escaping they have tended to retreat to an irrational approach to great important issues. The issues of what our foreign policy should be is an extremely important issue, but it ought not to be considered in the kind of irrational, emotional tones that have dominated campus discussion, and I am sure a large part of that is indirectly a reflection of the existence of the draft.

So in terms of the real cost of the society, a volunteer military is a more efficient way of providing a given degree of effectiveness. It requires fewer people in the armed forces on the one hand, and it does less disturbance and harm to the rest of the society on the other. Now we turn from the real cost side to the budgetary cost. If you look at the problem of achieving a voluntary army, there is only one simple problem and that is, we are currently underpaying drastically people who are in the first term of service. A young man who is drafted in his first term of service receives on the average something like 60% of the income which he can earn in civilian life. I think it is an enormous tribute to the patriotism of our young people that so many people already volunteer under those circumstances no one is going to volunteer and enter the armed services for pay alone. But it certainly is true that bad pay can discourage a man from entering that might not otherwise enter. That is the fundamental problem.

The fundamental function of the draft is not to get men for the armed forces, make no mistake about that. The reason we have conscription is to reduce the tax load on tax payers in general, and instead impose a tax on the young people who serve. And nobody will put it that way. But if you look at it objectively, that is the essence of the situation. A young man who would be willing to serve in the armed forces for $5,000 a year who receives in the armed forces $2500 a year is paying a tax of $2500. However, it is a tax in kind. Its a kind of forced levy that we thought went out with the Middle Ages, the elimination of which was one of the great steps forward in the freedom of human beings from bondage. But that is what it is: a forced levy, forced service on people. A tax in kind. Our books are not kept well, our governmental books do not show as a receipt the tax in kind from the people who are serving compulsorily. Our governmental books do not show as an expenditure the true cost of manning the forces. If we were to adopt this procedure in general, we could reduce the book expenditures of the federal government very drastically.

If you simply drafted all people who are used in government construction or all of the civil servants who fill the buildings in Washington—if you required each and every one of them to serve at half his present pay, under penalty of being sentenced to jail if he didn't, recorded government expenditures would go down drastically. But I think no one would say that was a real saving. Well, that is the situation. Under present circumstances we are financing the armed forces in considerable part by a tax in kind on the young men who are required to serve and on those people who are induced to volunteer in order to avoid the draft. The essence of a shift to a volunteer armed force is a substitution of tax for a tax in kind. It does not, in fact, involve an increase in total government expenditures properly measured. It involves a reduction in total government expenditures properly measured. It involves a *reduction* in total government expenditures properly measured. But it does involve shifting from a tax in kind, shifting from requiring services through a forced levy, to a buying it on the market. And as a result, the *recorded* bookkeeping expenditures of the government will run higher. The estimates we made in the Gates Commission Report, and that Bill Meckling will perhaps develop further if anyone is interested were that the actual budgetary expense of shifting to a voluntary army force would be roughly of the order of something like 2½ billion dollars a year for a stable force mid range force of the side that is considered. And I may say, that that force is roughly that kind of force that is being contemplated, now that we are moving out of the Vietnam situation.

Now I have no doubt that from an immediate governmental point of view—from the point of view offered in the government—the need to spend 2½ billion dollars more. Out of pocket expenses that do have to be raised in cash taxes raises a problem, a political problem. You know there is the saying "an old tax is a good tax" in the sense that people get accustomed to it and any new tax is difficult tax. But it so happens that I think this political difficulty in the present instance a mixed one and much less serious in general and that is because the draft tax is so unpopular. It is hard to think of any other tax that we have that is not labeled a tax and has produced such a degree of taxpayer resistance. Maybe there are other taxes that are evaded to a greater extent. It is very hard to believe that there are.

It is hard to think of any other tax that costs so much to collect. In our report of the Gates Commission Report we made an estimate of the cost imposed on the rest of the community in order to get the dollar services collected in the tax in kind, it costs the country a dollar and a half to collect it. That is, a dollar and a half represented a rough estimate of the cost imposed on other people to evade the tax—the cost imposed on the people who went into one exempt occupation or activity or other for the purpose of evading the tax. So, in this case I think you have a situation where simultaneously a very bad tax can be repealed; in effect 2½ billion dollars more must be collected in dollar taxes in order to finance the budgetary outlay for this purpose. What you have is a shift of tax burden from the backs of the young men to the public at large.

Now, one other, most governmental expenditures that you consider are exhaustive expenditures; they involve using additional resources. If, for example, there is an extra $500 million voted to subsidize the SST, that will involve hiring engineers, using materials, in other ways reducing a volume of real resources available for other purposes. That is not true in this case. If in fact the Congress votes to have a volunteer military and this involves an additional dollar expenditures of 2½ billion dollars a year, that will be accompanied by a reduction in the amount of resources, manpower, and etc. that you absorb from the civilian economy. Because it is a rearrangement of the tax burden and not a net addition, this case, unlike the SST, will make more men available to the civilian economy, more material available because this will produce far more efficient use of the military. I have tried to stick so far as I could to the economics of it. I hope it will stimulate you to ask questions because it is much better to answer. Let me only close by saying that I think the basic issue involved in the voluntary army goes much beyond the economics of it, and I would not myself, although I am a professional economist I would not myself be so concerned with the issue if all involved were the economic resources. What is fundamentally involved is the fundamental principles and beliefs of this country and of this nation. We are free people. Then we should individually, as free people have control of our lives. It is fundamentally incompatible that a society of free men to have a system under which people are compelled to render specific services at penalty of incarceration and of imprisonment than it is perfectly feasibly, perfectly possible to hire those services on the open market to get voluntary arrangements that will serve that purpose. Thank you.

SPEECH BY DEAN WILLIAM MECKLING, DIRECTOR OF RESEARCH FOR THE GATES COMMISSION

Milton has suggested that I might correct David in regard to that last statement about my influence on the Commission report, and make it clear it was the facts that were responsible and not me that was responsible for the outcome. I had an interesting experience which I thought I would relate to you on the way down this morning on the plane that I think merits some attention. I was reviewing our Commission report on the way down and one of the stewardesses noticed I was looking at it and asked me what I was doing reading that book and I said I had some effect on what was written in those pages, and I have some interest in that. She was quite interested and said she and the other stewardess the night before had discussed the new Women's rights amendment and had suddenly discovered, or then felt they discovered that perhaps they'd be subject to the draft if the women's rights amendment really was enacted and they were quite concerned. So that I got attention all the way down from Rochester from the stewardesses this morning in an unusual way on an unusual subject. Now that is the first case that in the time we spent working with the Commission that I found young women really vitally interested in the draft issue in a direct sense, that is, they thought they might be affected by this.

I'd like to start from where Milton left off talking about the real reasons for objections to the use of conscription and it is basically a question of human freedom I think and not a question of economics. But much of the discussion that goes on about the draft involves questions which are essentially questions of fact and much of the Commissions staff effort in any rate went into trying to cover as much as we could about the fact with respect to the use of conscription. One of the major objections that occurred then and occurs now really revolves about the feasibility of a voluntary force. Many people say that an all volunteer force is not feasible. In regard that statement conviscates the issue because I think it is quite clear to most people if you ask whether at $50,000 a year for first-term servicemen we couldn't have a volunteer force. Most people, not all I might say, agree that at $50,000 a year for first-term servicemen we could have a volunteer force, and that the real issue is not of what we are going to have to pay that is the pay levels are going to have to be in order to achieve an all-volunteer force.

That is one of the things that the Commission spent a great deal of time on and a lot of people have raised questions on our estimates there, and those estimates are uncertain it is not possible to make certain estimates about that. I want to go back to that later, but I will say now that we made an honest effort to get the best kind of estimates we could for what it would take in terms of pay level to achieve terms of a transition problem. The feasibility question breaks down when you address it into two parts. One is I think a more extreme form of statement and that is that it is not feasible in the long run. Most people do not hold that position that is to say they will say that the all volunteer force is a good idea and that is what we should have in the long run but we can not have it now so that the issue results itself to one of the transition. And in fact, the staff of the Commission addressed itself not to just the long run problem but to the transition problem as well. I personally believe am convinced that the pay scales we suggested in the report would enable us to have an all-volunteer force. Even in the short run, that is to say, we can safely allow the present draft to expire next year, now that was not the position of the Commission on this was quite clear. The Commission members were concerned about precisely the problem that Mr. Teague mentioned, that is to say, that the President would find himself in a position where the draft would legally be abolished, and he had no alternative in terms of preserving the defense of the Nation. In fact, the steps we recommended were not as effected as we estimated they would be. So, the Commissions recommendations were directed to the question to the transition period as well as the long run stable situation. The Commission recommended the pay increase to be effected July 1, of this year precisely because they wanted a year of experience before the draft expires. So that the President and the Congress in a sense is not put in a box in the spring of next year where the law is extended and we don't have the information in terms of some experience with the new pay scales and the attempt to improve the conditions of service in the military so that an all volunteer force is possible. Let me get on to some of the data, about the feasibility issue because I think most people when they talk about the feasibility have, I think this is made perhaps most obvious and explicit case what Professor Friedman mentioned earlier, that when people begin to look at the facts on this question they always tend to move in the direction of being more favorably disposed to an all volunteer force.

On the feasibility issue one of the main facts, I think that is ignored generally is not understood is people making total objections about how difficult it would be to have a volunteer force they do not realize how many volunteers are in the military today. There are in the military today 1¼ million people beyond the first term of service, there can be no question that those people are true volunteers. That is, they are there because they chose to be there, they are not there because they are forced to be there by being provided the alternative of that or facing the judge. A million and a quarter people in the military today are volunteers, that was true in 1965, before the present rule. In addition to that, however, there are many volunteers in the first term of service. The number of not all those volunteers are true volunteers, some fraction of those people are induced to volunteer because they can get terms of service if they volunteer which they prefer to being drafted, that is to say, many of them prefer say three years in the Air Force as a technician, to two years in the ground forces in the Army is what is more likely they will find happen to them if they wait to be drafted. So they elect to enlist in order to avoid the draft. Because they have preference in terms of the service. We on two occasions had the military conduct surveys to look at the question of how many of those people volunteer are true volunteers. I might say it is not just those who volunteer it is also the inductees. We have done a survey with the first term servicemen to discover how first-term servicemen would have enlisted in the absence of the draft. In its estimates of the number of true volunteers the Commission used those studies.

There were two ways we could have gone about this. One was on the basis of these surveys; the other was directly from data on enlistment and how enlistments varied as a function of how many people were being drafted. Over time the number of draftees in a given year change. As draft pressure goes up this would have the effect of inducing more volunteers. The numbers we used in our study were the most conservative estimates of true volunteers. That led to a number on the order of 800,000 more true volunteers in the first term of service in 1967 and a similar number really in 1965 before we were involved in Vietnam. So that the Commissions estimates were about 2¼ million or 2 million in terms of the number of true volunteers that exist today and existed in 1965.

When you are talking about armed forces of the size of 2 to 2½ million you are really not talking about many more volunteers than we have now. And the problem there is essentially the problem that Professor Friedman had mentioned; that is we have to get the pay increased enough to encourage additional volunteers in that first-term to fill out this difference and that is not a very large number even if we go to the largest force conceivable, which is 2½ million. In that connection, I should add since the Com-

mission study it has become clearer and clearer that the size of the force that will in fact exist as a permanent peacetime force is likely to be on the smaller side of the estimates we used and not on the larger side. That will make it even easier to achieve the all volunteer force.

Similiarly, in the transition period the announcement has already been made that draft calls for the rest of this year will be reduced to 10,000 a month. If that level of draft calls is continued for the next year you are talking about drafting 125,000 in a year. There will be over 2 million who turn 19 next year, so you are talking about drafting 1 in 10 males. The situation also gets worse as time goes on. The number of 19 year olds will be close to 2½ million by 1980. By that time if we continued the draft we will be probably drafting something on the order of one out of 15 or 20 males. So the discriminating form of tax that Milton talked about will become more discriminatory over time as the male population in this age category increases.

Another important fact that I think people are not aware is that a military of a size of 2½ million in 1975 will be the same size of the one and a half million manned force in 1950—relative to the male population of males who are eligible for military service.

I might add one other thing: The number of volunteers that are now in the military, has an important implication for the allegation that Senator Hatfield mentioned about a mercenary force. The fact is that the mixed force we now have is largely mercenary, to mean by mercenary the people are there voluntary. The present force, especially the officer corps, are virtually entirely mercenary. No one would really claim I think that somehow that is immoral that the majority of our officers and non-commissioned officers are there on a volunteer basis.

I'd be glad to answer any other question you have in respect to the Commissions report. The Commission staff is publishing very shortly—I hope by the middle of August—a thick volume of about 1200 or 1300 pages of backup studies, which led to many of the figures in the Report itself. The papers which were done by various people around the country. The Report will be included that backup study

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SPEECH BY SENATOR HATFIELD

I'd like to extend to you a word of greeting, as you undertake this conference on the draft. A subject which has been dear to my heart for many years. There is really little that I could add to this as far as the rationale for developing the volunteer military than what already has been offered by the brilliant discourse of Dr. Friedman. I can only indicate that since the years that I filled out hundreds of SS forms 109 for the male students on the University campus where I was serving as dean, I was made much aware of the inequity of the so-called student deferment part of the SS program. The variations that occurred there within the different majors and yet that was not a part of the consideration given to the position that the males found themselves in grade averages whether you were a physics major or a music appreciation major made little difference or whether you came from High School that had great demands upon academic achievement or little demand. And so from those days back in the 50's on through, I have been, as I say deeply involved in the equities that were so apparent in the Selective Service System. In fact, I think the very title itself indicates the discriminatory character of the system. I want to say this morning that there has been very few people who influenced me more than Dr. Friedman's very outstanding participation in this discourse for these many years, because when I came to the Senate in 1967 I introduced the first bill for the repeal of the Selective Service program. And then followed that with another bill in 1969 but now we have behind us and undergirding our efforts the Gates Commission Report which was unanimous as you know and which will be given in greater detail I suppose as you go throughout the day by the gentlemen present. With this Gates Commission, we introduced a new bill to incorporate the exact language as we could and to translate that Commission Report's recommendation into legislative language. I say it was unanimous and this included not only the civilian members but General Gruenther and General Norstad as well. I think sometimes we find ourselves in this basic argument today or debate with the echelons of politics as sort of the old conundrum we hear so often about the military-industrial complex that it is the military versus the civilian. Well, this of course is a very superficial observation if one makes that because we find that really some of the greatest support for a voluntary military comes from within the military organization, and military leadership.

Navy Magazine talked about personnel turbulence upon occasion which they indicated was the single most important problem they faced as a military organization, because of the high rate of turnover they found was part of their problem. I would say today that the prestige of the military is greatly called into question and I think it is unfairly attacked from many quarters. I decry those who use the military as the scapegoat for many of their differences about political issues or political policies. I think one of the things we can do most significantly of all is to restore the military as the rightful arm of the defense of this nation. And to establish it on a voluntary basis. I think by removing one of the most important of all the targets of attack, mainly the draft, we could do the most to reestablish the rightful prestige the military should have in our country, I reject totally those who fear the military eliteism which a so-called professional mercenary army, they like to phrase it, would bring about. I reject that not upon an opinion only but upon the history of this country, upon the Constitution the way this Constitution guarantees our civilian control. Now we have the problem of the ROTC today which I think is often brought into focus, which I feel again is one of the most important parts of our military training program. The same people who fight ROTC are contradicting themselves when they say we want less militarism in this country. While the more we have of civilian involvement in civilian exchange and civilian environment, the greater we will find the military integrated into our total society. I have absolutely no fear, after all, we do have the records of our history of this county to point to as the reasons why we need not fear the military in this country. I think that we have to face up to the reality that the draft will expire in June 1971. We are going to be pushed up against the wall if we do not have any alternative program to present to the Congress and to adopt by the Congress before we face that deadline. If we do nothing in the Congress at this point we will find ourselves in with the only proposition presented to us and that is to extend the draft for another period of time.

So, I say that this is the time, this is the moment when we as a Congress should be undertaking an action which will provide us with other than up against the wall situation of extending the draft for another two years.

I think your conference and the understanding and the knowledge that you will gain from this conference by your distinguished panel members will be very important to our efforts on the Congressional side. Senator Goldwater is the main co-sponsor of my amendment and together we will wage this battle as we have waged battles together on previous occasions and the thing that I think is most interesting about this particular situation is it transcends all political philosophies, all political labels. We have one common cause here and that is for the basic freedom of this country, that we believe in and for an efficient military organization, which Professor Friedman has indicated already, cannot be efficient or effective under the present system of conscription. I would close my comments to you this morning by merely saying that I am most pleased to be able to be here this morning, to welcome your efforts and to ask for your support. We need your help. We will take this as an amendment procedure, directly to the floor of the Senate and I think when young people have involved themselves within the processes of Government which you have to intelligently and peaceably go about making your voices heard. It will be very effectual influencing and creating interest on the part of those in the so-called establishment, and I commend you therefore on establishing the means of communication and of expressing your opinions and moving those opinions into action. I am grateful to have a chance to be here this morning and thank you very much for your invitation.

SPEECH BY SENATOR BARRY GOLDWATER

Mr. Chairman and distinguished guests, I'm here today to tell you that the voluntary military proposal will definitely be brought to the Senate in this session. And what's more I think it has an excellent chance of passing. Now it may not stay in the bill as it comes from conference with the House. But the advantage of having one house act on it is that when it comes up again we know the position of the upper house and that helps a lot.

This plan now has fifteen votes that we can count on. We have that many Senators who are sponsors of the bill. We added Senator Proxmire just a little while ago. And I know several more that have the position for it, but they've not taken it publicly.

I want to make it clear that we are serious about this effort. It is not just something that we're trying to do to placate or trick the young people of this country. It is being done because we feel it is in the best traditions of our country. And it's a normal way of life under our system of government. In fact, up to the time of the Civil War there had never been a compulsory system of military service, in the United States. I might add that Napolean was the rascal who dreamed this all up in the last of his wars. He conscripted everything in France, including horses and women.

The involuntary draft first appeared in this nation in 1863. After that it was dropped and didn't show up again until 1917, when it was used and then, of course, it was dropped after the war. In 1940, the draft came again; it was allowed to expire in 1947. But one year later the Congress passed a draft law and that one is still with us. It stays until the end of June next year, at which time if it is to be renewed, the Congress will have to do it.

I think in the brief history you can see that the fact that the draft has continued since 1946 is contrary to the entire past history of the United States. This practice that has no place in our system of freedom except as a temporary expedient.

Now when the law is used to tell a young man how he shall spend several years of his life, this causes an invasion of the most precious and fundamental of human rights, the right of each citizen to live his own life, or as you young people say today to do your thing. And to do this as you may choose. This is why as a conservative I am so strongly and emotionally committed to the voluntary military approach. Not only do I believe that the draft is wrong, but I also believe it is ignorant to assume that free men have to be forced to fight for their country. I'm just old fashioned enough to believe that there is still a great many Americans among us who think enough of their

freedom that they are willing to fight for it. Furthermore, I think the rest of the Americans are willing to pay those who serve in the military a good and ample wage with fringe benefits for shouldering the task.

I would remind you this morning that this is not a new cause to me. I might say that I came to the conclusion to support this position during the last five years of my military service of 37 years as a reserve officer, during which my assignment was Deputy Chief of Staff for Personnel for the Air Force. As I watched the inefficiency of maintaining the draft I became convinced that we had to institute a different system. In acting on this belief I helped to draft the Republican National platform in '64, which pledged to end the draft altogether and as soon as possible. Also, I remember the very first speech of that cliff-hanging campaign I was engaged in in 1964, when I strongly endorsed the Voluntary system.

Since then we have heard a lot of talk about the plan, but all too often its been discussed in only an academic way. Now in 1970 the picture has changed. The opportunity for dismantling the draft is a real one. Now, all of you here I believe have heard of the findings of the Gates Commission—that is the Commission that was organized under the direction of the President to reach some conclusions on this issue. Their conclusion—to put it briefly—is that a Voluntary system will work.

In fact, it is not all that drastic a change in the system that we have right now. The truth is that our current military forces are made up predominantly of Volunteers. This is something that many people don't realize. We have in my state of Arizona for example such a large number of Volunteers that our draft call in many months has practically been non-existent.

According to the Gates Commission the great majority of servicemen are either individuals who have reenlisted after their original obligation had ended, or first-term enlistees who say they would have enlisted even had there been no threat of the draft looming over their heads. The existing base of volunteers is so large that the Gates Commission found, and I quote, "A fully Volunteer Force of 2.5 million men can be achieved by improving pay and conditions in service sufficiently to induce approximately 75,000 additional young men to enlist each year." Now let me repeat, all it would take to put a fully Volunteer Military force into operation is an additional 75,000 volunteers each year. And I feel this can be achieved.

I disagree somewhat with the cost estimates, the cost estimates say here it would cost no more than 3.2 billion in the first few years and would soon drop to 2.1 billion, once a voluntary force began operating on a continuing basis. Really the reason I was originally interested in this proposal was during my annual tours of duty with the Air Force in Personnel in the Pentagon. I was astounded at the amount of money that it cost just the Air Force alone each year to retrain a man for a slot that had been vacated by another man. This training in a four year term can run as high as $250,000 in the case of enlisted men. In the case of officers it can be double that amount. In fact, you may not know it but in a B–52 first-term pilot we have invested about a million dollars in training. The average enlistee or draftee that goes through let's say training in electronics at Kiesler Air Force Base has over $80,000 invested in him. Now if he dropped out somebody has to fill that slot and the estimate that I came up with, just looking at the figures that I had available was that it would save the Air Force alone about 2 billion dollars a year, if we could have men that we could keep. We have to note that the Commission study doesn't fudge at arriving at its estimates. Contrary to what some critics have said the Commission took full account of the problem which the army had in staffing itself in competition with the other services. The Commission wisely set its compensation tables at levels high enough to provide the army with the quantity and quality of volunteers required by it. The Commission noted "The evidence is overwhelming that if compensation is set at levels which satisfy army requirements, the other services will be able to attract enough qualified volunteers to meet their respective requirements."

Now another misleading question that you will hear raised by critics is "What happens in case of a national emergency?" Of course, the answer is that the first recourse will be to the ready reserves, including the National Guard. I have to say in a rather critical way that both of these sources of manpower have not been completely used in the Vietnam situation. Some Air National Guard groups have served in Vietnam, and some Reserve Air Lift Forces have helped, but there are literally hundreds of thousands of people who could have been used, who wanted to be used, but were not called up.

In the event of a national emergency of course we can always go back to the draft system. It takes just an act of Congress to set it in motion. But conscription cannot provide emergency forces, it never has, and I see no way, after 37 years of Reserve service that it can. We can have a sufficient existing reserve to meet any National Emergency. Thus it will be the Reserve forces which will provide immediate support to the active forces. Like the active duty forces the reserve forces will be recruited on a Voluntary basis.

The legislation which we have sponsored will automatically increase the drill pay for reserve participation, at the same time that it provides pay increases for the active component. In my view, this increase will be sufficient to encourage reserve enlistments adequate to maintain a voluntary reserve force which is large enough to support a Voluntary active duty force. Furthermore, our proposal takes the common sense approach of providing for a stand-by draft, in the case of an emergency. Conscription could be reinstituted by an act of Congress, almost immediately, because our plan provides for the continued registration of all young men in the United States even though the draft itself will be done away with.

In closing I want to repeat that the Voluntary Military Proposal is sensible and morally justified. Next week the members of the Senate will have the opportunity to stand up and be counted on this issue. I believe it will be successful. This is a cause whose time has arrived and for those of you who are staff members of either Senators or Congressmen, I think it would be very helpful if you, after listening to these remarks today, and having studied it, to counsel with them. Not too many people, unfortunately, in the Senate understand the draft or how it works—or even why we have it. While many of them have gone through the experience of being drafted, once they are here they forget about it, and depend on the Armed Services Committee, and unfortunately in the Armed Services Committee we don't have real high excitement about even hearings on this Bill. That is why we are going to try the amendment route and if we fail then we have the recourse to the Committee.

Speech of Major General Thomas Lane, Retired

I, in a sense, have been called off the bench to substitute for General Alfred Gruenther who was a member of the Gates Commission. He was unable to be here for personal reasons. So I come to you not as a supporter of the Gates Commission, not as a supporter of the Hatfield Amendment, not as a supporter of the YAF position on a Volunteer Army. I'm a retired Army officer, presently occupied as a newspaper columnist, writing on Public Affairs, so I come to give you my own personal views on the Volunteer Army. I do come before you as a supporter of the Volunteer Army. I've had some personal experience with the draft. From 1957 to 1960 I commanded Fort Leonard Wood, Missouri, which is one of the big training centers, receiving draftees from the North Central part of our country. More than that, I'm old enough to have served in the volunteer army which we had before World War II. So I've had experience both with the draft and with the volunteer army.

While I was at Fort Leonard Wood I saw the inequities of the draft, which Professor Friedman and others have noted. At that time, the Army Field forces at Fort Monroe were studying personnel problems in the military services, including the draft, and I forwarded the study to the Board of Officers with my recommendation for ending the draft or at least changing it very drastically. At that time, the military had set very high standards for the qualification of men to serve in the military We were screening out the poorer specimens from the bottom. This gave us good material with which to work. We had intelligent young Americans who could learn what they had to learn in the military service, and this made the training problem much easier and in a sense less expensive. This was a beneficial aspect of the draft which it seemed to me induced into the military services a certain complacency with its continuation.

I also saw the other aspects of the draft. The effect of the draft when you are taking only a small part of the eligible age population is to build up a popular escape mentality. People start figuring out how they can avoid the draft, the ways in which they can escape military service. It seems to me that this ultimately was building a poor mentality among the youth in the country. What we had done was to take a draft system designed for a general mobilization in World War II and to apply it in peacetime when we were taking a very small part of the eligible age population. Therefore the law operated so that the young man who accepted this military obligation and went into service, in a sense, had the penalty of losing two years of his civilian life (if you regard military service as a penalty), and the man who evaded that obligation in some way or other, escaped the draft. So the law operated to reward the people who avoided public obligation and service. In other words, it rewarded what you might say would be a selfishness and avoidance of public service, and it penalized those who accepted these obligations. I thought this had a very bad effect on our whole population, and I thought we should put an end to it. But at that time, as I say, the way the system was working, it was very hard to change it.

Another aspect of the draft, part of the holdover, was that while we were taking a small part of the population, and could get out of those coming of age each year enough to man the military forces, we continued the World War II requirement of eligibility up until the age of twenty-six. I saw young men who simply hadn't been called when they were younger, who then were called to active duty when they had families, when they were established in their work and in their business, and at the least opportune time. I saw no necessity at all for the operation of a draft in that manner in time of peace. These were the factors which, I say, affected the decision, and it seemed to me the military made a very bad decision in continuing the draft in peace

time. I tried to persuade them to change it, but had no effect.

The role of the draft as I see it is to provide an equitable distribution of the goods of war in time of a general mobilization. Without some such mechanism it is very difficult to mobilize a total population in time of general war, to have everybody go to his best slot, to make best use of the people you have. But I see the draft as having no place in our society in time of peace. I see no excuse for it at all.

Now when you talk about a draft you have to talk about force requirements—Dean Meckling has mentioned some of these—the problem of manning military services. The question of whether we need a draft at all is very intimately related to the kind of national policies we have and the way in which we use our military power. I have felt throughout these years since the end of WWII, that there has never been any need for a draft at all, that it is only the bad military policies which we have followed which have required the kind of manpower mobilization which we have actually had. If you take the situation in Vietnam, and Southeast Asia, you have some 20 million North Vietnamese who were lost to the Communists in 1954. You have among the Thais, the Laotians, the Cambodians, and the South Vietnamese 60 million people who want to be free. It seems to me obvious that those 60 million can beat the 20 million if the U.S. will simply support them. The real history of the war in Vietnam is that we have failed to support the people in South Vietnam and Southeast Asia who wanted to be free and have intervened ourselves in mistaken notions about how to preserve peace; we have caused the war in Vietnam. I see no excuse for ever having any commitment of men to Vietnam. If our power had been used properly there would never have been a war in Vietnam. Now a similar situation exists in Europe. The protection of Free Europe has been achieved by the U.S. nuclear deterrent.

There has never been any danger since the end of WWII that Russia would invade and conquer Western Europe, not while our military deterrent was committed to the defense of Western Europe. We lost Czechoslovakia in 1948. Thereafter the countries of Western Europe formed in the Brussels pact, a self defense organization. We then joined up in NATO and committed our power to the defense of Europe. Now the building of NATO forces which followed was in large measure window dressing. It did a lot to introduce dollars, but from the military point of view it was absolutely unnecessary to protect Europe. Our allies in Western Europe already had, under the Brussels Pact, ample military power to protect themselves. With the American deterrent Europe was secure. So I have felt in the intervening years there has never been any need for the 5 divisions which we sent to Europe in 1950. Those decisions were authorized by the Congress to be sent there only temporarily, to be replaced as fast as possible by divisions of four European Allies. By 1958 the need for those divisions even on that basis had lapsed. They could have easily been returned but then we were embroiled with the politics of Europe and no politician in Europe, of course, would like to increase his military appropriations and divert funds from social purposes when he can get the United States to provide the troops instead. And so we have played along with the politicians of Europe and allowed our men to stay in Europe.

Well, what I'm coming to, on this question of force requirements is that when you add it all up there's no need for the manpower we have in Europe and no need for the manpower the United States has in Vietnam, and that if we use our power properly we can reduce our forces and get well within the limits set by the Gate Commission. The effect of our overcommitment of manpower and the waste of our substance in this kind of war of attrition which we fought in Korea, which we have fought again in Vietnam, is to undermine our confidence and national confidence in the U.S.A. We have the spectacle now of senators saying well you can't win this war there. But how ridiculous it is to say the United States can't win this war. We never had a president who wanted to win the war in Vietnam. They've all said they didn't want to win the war. Of course we can win the war when we have the will to do it. And we have Senators now who are saying that, well, we can't afford to protect the free world. We have to withdraw from our outposts. Of course we can protect the free world. The free world has two thirds of the world's people, it has five sixths of the world's industry, and to say that the free world can't protect itself is utterly ridiculous. But there is a question of how you do it, and we've been doing it the wrong way.

Now if we're going to change and reduce our force requirements as they should be reduced, you then enter upon a question of timing. I say there's no need for this manpower we have in Southeast Asia and in Europe today. It could be brought back, but it takes time to do these things. In Southeast Asia, what we should do is go into Laos and knock the North Vietnamese out of Laos. That will secure the western border of South Vietnam, put an end to the attacks on that country and you'll have peace. In Europe we have to give the countries there whom we have been protecting a chance to build their own military forces to replace our forces which are being withdrawn, and this may take a little time. So there's a question whether we can do all this within the next year, or whether, perhaps, we should delay the time for the establishment of the volunteer army beyond the first of July, perhaps until the first of January, 1972.

About the bill itself, a lot of details have been taken, as Senator Hatfield said, from the Gates Commission. It would seem to me better simply to make in the bill a statement of policy for the volunteer army and put an end to the draft. Then we should call on the Defense Department to propose the amendments to law, which are required to restore the volunteer army. One point about the draft which I think is important is this: we have had a lot of discussion about the division of powers. How far may the president go in the use of the military forces which we have mobilized in time of peace, in defending the interests of this country around the world without committing us to war? There's been great concern about the buildup in Vietnam. It seems to me the draft can be a very useful instrument in this respect. I would think the draft . . . the provision for the stand-by draft should be this: the draft may be invoked by the President only in time of a war declared by Congress. The President, in time of peace should be limited to the volunteer force which he has and can maintain. In time of war, when he needs a greater mobilization, he must go to the Congress for a declaration of war in order to invoke a draft. I think in this regard the draft would be helpful in drawing that line between the presidential authority and the congressional authority.

One other aspect of this that should be considered in a volunteer army is the question of family allowances. As had been pointed out, the problem of getting volunteers for an army is not unrelated to the economic situation in the country. One of the bad aspects of the draft, I think, is that in continuing the war-time provision whereby everyone taken into service was given family allowances, regardless of his age, we have in these years, tended, I think, to promote child marriages. Young people who felt they were in love while the young fellow was going off into service would get married so the wife would get some income. The British, I think, at the time that I was at Fort Leonard Wood, had a different provision. They had a draft law. They said that anyone who was drafted did not get family allowances until he reached the age of 23. A man was presumed not to be married up to the age 23, and if he got married before that time and was then drafted, he got no family allowances while he was in the British Army. In the volunteer army before WWII we had no family allowances except for what we call the top three grades of the seven enlisted grades. So that a young man had to come into the army and had to work his way up through the lower four grades to the third grade from the top before he could draw family allowance. I think its important that in time of a mobilization under a draft that you have family allowances for everyone who is called a servant. In peacetime armies that is not required. I would think it would be very important not to have any such provision.

What we want in a peacetime army are young men who are looking for adventure and want to go out and see the world and learn a trade, find out what's going on in the world, and who are going to come back and get married after they've had their military service. The only provision for family allowances in a career army should be for those who are committed as career men and are going to spend their lives in the military service. This normally will be those in the upper grades. Well, that's the general picture of the draft from the military viewpoint as I see it. My only counsel at this point would be to do it.

DEEP EAST TEXAS DEVELOPMENT COUNCIL, ITS DIRECTOR C. A. "NEAL" PICKETT DEMONSTRATE EFFECTIVE METHOD FOR REGIONAL DEVELOPMENT

HON. RALPH YARBOROUGH

OF TEXAS

IN THE SENATE OF THE UNITED STATES

Tuesday, August 18, 1970

Mr. YARBOROUGH. Mr. President, for regional development to succeed, there must be cooperation and coordination among all the governmental units, communities, and people involved. It takes a man of great organizational skills to keep a regional development program moving forward and to pacify the natural and historic civic rivalries within a region.

The Deep East Texas Development Council, encompassing 13 counties, is a fine example of a regional development council at its best. Much of this credit, of course, goes to all the people of the 13 counties, who realize that their best interests are served by working through and with the development council.

However, much credit, too, must be given to C. A. "Neal" Pickett, the executive director of the Deep East Texas Development Council.

A former mayor of Houston, Mr. Pickett became director of the Deep East Texas Development Council in October 1967.

Mr. President, the East Texas Eye, in its July 23, 1970, issue, paid tribute to Mr. Pickett, traced his varied and outstanding career, and told of his work with the Deep East Texas Development Council. I ask unanimous consent that the article entitled "Neal Pickett is Mister Deep East Texas Development Council," written by Calvin Oates, be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"NEAL" PICKETT IS MISTER DEEP EAST TEXAS DEVELOPMENT COUNCIL

(By Calvin Oates)

C. A. "Neal" Pickett wears the title of Executive Director of the Deep East Texas Development Council as casually as most persons do a pair of old shoes that have long since reached the stage of being the most comfortable pair of shoes they own.

To those who know him, "Neal" is the Deep East Texas Development Council.

One comes away from the first meeting with "Neal" Pickett with the feeling that this young man of boundless energy and a quick, sincere smile must stand over six feet tall. It is necessary to force ones self to realize that he will soon be 68 years of age and that in cowboy boots he'd stand about 5'6".

He not only possesses the energy and stamina of a young man, he has that rare ability to make the person with whom he is speaking, feel that he is the most important person present and that what he is saying or is about to say is the one thing that he (Neal) has been waiting to hear!

To those involved in local government in the 13 county area of the Deep East Texas Development Council, "Neal" Pickett is a constant source of information and assistance in the involved and complex workings of the numerous state and federal programs whereby local government can secure financial assistance in providing for their citizens.

To comprehend the extent to which "Neal" Pickett can and does assist local governmental agencies, one must realize that by State order, after September 30, 1969, it was decreed that any agency of State or local government, or any organization or individual, which plans to apply for assistance to a project under any of the fifty-one programs listed in A–95 (A Budget Circular which covers any type project that a local government could or would use) must notify the regional clearinghouse (D.E.T.D.C.).

It was recognized that the success of any local program would be dependent upon the early contact between applicants for assistance and the governmental agency (state or federal) which has or control the funds.

This is the point where "Neal" Pickett begins to stand out like the evening star in the galaxy of East Texas.

A born organizer (and educated as one also) "Neal" informs each member of the executive council of the impending request, (each county in the council has one or more members on the executive council) the agency to which the request will be channeled, (state or federal) and to any other agency which may have an interest in the project.

He determines the need for the project, the availability of funds and in untold ways shortens the often lengthly process of some rural area having an adequate water supply or some small town an adequate sewage system.

The magnitude of work channeled through "Neal's" office in Diboll is astounding when one realizes that during the first half of 1970 more than 37 projects were worked through that office.

The projects cover the spectrum from a poultry processing plant, roads, recreational facilities, water systems, sewage disposal to air pollution problems.

Most everyone at one time or another has had to deal with the government in preparing forms, etc., so it can be readily understood how high a stack of papers 37 projects would make.

All this has been accomplished with one assistant and one secretary.

You may wonder, how did Texas manage to coax this man away from some fabulous position in the East. Texas didn't, she raised him!

C. A. "Neal" Pickett was born December 22, 1902 in the City of Houston, a city which he later served as Mayor.

He graduated from Brazoria and Beaumont High School; attended the University of Texas and Northwestern University.

He began to put his formal education of organization and government to practical use upon completion of college by serving as a chamber of commerce manager; then manager of the Insurance Exchange of Houston.

He moved to the position of Executive Vice President of the Lumberman's Association of Texas, the oldest and largest trade association in Texas. There he engaged in selling the FHA to the Lumbermen and Bankers of Texas.

In 1941, "Neal" was elected Mayor of the City of Houston.

1943 saw "Neal" join the Military Welfare Department of the American Red Cross and 30 months overseas in England and Belgium.

After the war years he served as Civil Defense Coordinator of Houston, moving to the position of Director of The Federal Housing Administration of the Houston District. A position he filled until he took the reins of the Deep East Texas Development Council in October of 1967.

"Neal" Pickett has received much recognition and many awards during the years he has devoted to public service.

To name a few, he was awarded the Medal of Freedom, the nation's highest civilian award for his wartime service. He was honored with The Luther Halsey Gulick Award by the Camp Fire Girls, Inc., the Outstanding Young Man Award of Houston, the International Order of The Lion by Lions International (Neal has been an active Rotarian for 41 years).

He is married to the former Margaret Yarborough and they have three children as well as a number of grandchildren. The Picketts are active in the Methodist Church.

Did I just meet "Neal"?

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Tuesday, August 18, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

DOMESTIC PRICE OF SCRAP GREATLY AFFECTS THE ECONOMY

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the excellent letter sent to me by Allison R. Maxwell, Jr., Chairman, Wheeling-Pittsburgh Steel Corp. concerning the problem of ferrous scrap exports. With the worldwide demand for ferrous scrap increasing, exports have risen and in consequence, driven up the domestic price of scrap.

As ferrous scrap is necessary in making steel, the inflation resulting from the rising domestic price of scrap greatly effects the economy, and it is the U.S. taxpayer who suffers.

As Mr. Maxwell points out, if the U.S. Department of Commerce would impose general export licensing requirements on ferrous scrap exports, the steadily rising prices on domestic ferrous scrap would stop.

The letter follows:

WHEELING-PITTSBURGH STEEL CORP.,
August 5, 1970.

Hon. JAMES G. FULTON,
House of Representatives,
Washington, D.C.

DEAR JIM: Because of your constituency, I am appealing for your help and support in a matter of most urgent direct consequence to American steel producers, and therefore, to all those who depend on the process which insures a strong and stable domestic steel supply.

The U.S. Department of Commerce has failed to exercise its legal authority to impose general export licensing requirements on ferrous scrap exports from United States to foreign mills. Because of a growing worldwide shortage of iron units in the face of an expanding global demand for steel, scrap exports from the United States have been displaying a dangerously upward trend line in recent years.

In the five years from 1964 through 1968, U.S. Exports of ferrous scrap ranged from a 5.1-million ton low in 1964 to 1967's high of 7.6-million net tons. Annual average for the three-year (1966–68) period was about 6.7-million net tons. But in 1969, this average jumped to 9.2-million tons, up 40 percent over prior year, and second highest on record. During the last 12-month reporting period—June 1969 through May 1970—total ferrous scrap exports were 10.9-million net tons. Current annual rate is still higher at 12-million net tons. There have been two immediate results of this:

1. American steel producers have had to dig into their scrap reserves to the extent of 1.5-million tons;

2. The scrap deficit has driven scrap prices up sharply, threatening financial well-being of American companies and stability of employment in American mills, as well as contributing to inflation already rampant throughout our economy.

The Iron Age composite index tells the price story. At the end of June, this year, the Pittsburgh-Philadelphia-Chicago price of No. 1 heavy melting scrap was $41.17 per gross ton. This was an increase of 41 percent over the same period a year earlier. Composite price of No. 2 bundles was $30.83, up 33 percent over the prior year.

I need not remind you that we cannot make steel without using scrap. In 1969, American steel production by means of the Open Hearth and Bessemer Processes totaled 60,934,000 tons. Scrap makes up from 40 to 60 percent of the Open Hearth materials charge. Basic Oxygen Furnace steel production in 1969 totaled 60,212,000 tons. Scrap makes up 30 percent of the materials charge into the BOF. Electric furnace steel production in 1969 was 19,924,000 tons. Scrap makes up 30 percent of the materials charge into the BOF. Electric furnace steel production in 1969 was 19,924,000 tons. Scrap makes up well over 95 percent of the electric furnace charge.

In all, during 1969, scrap steel consumption by American steel producers totaled 76.7 million tons. To demonstrate the cost effect of scrap price increases during 1969, alone, we need only consider that in 1968, approximate cost of the 3,489,000 tons of No. 2 bundles purchased by steel producers was $80.9 million; in 1969, 3,707,000 tons of No. 2 bundles were purchased at an approximate cost of $114.3 million, an increase of some $33.4 million.

As serious as this added financial pressure is, it is only part of the problem. We are now concerned about maintaining adequate reserves of this vital material.

Currently, we are at that time of year when our domestic scrap supplies should be building. Yet, they are not. We now have dropped to a scrap-inventory position of just 5 million net tons, a 3½-week supply. I leave to your appreciation what effects an unexpected interruption—a transportation strike, or a processors' strike, or an auto strike—could have on this scrap position. I need not remind you that we can't make steel without scrap. So, inadequate scrap supplies jeopardize both the jobs of people who make steel, and steel supplies on which our basic domestic and military positions both depend.

It was to insure adequate scrap supplies that basic criteria were set forth on the Export Administration Act of 1969. Three of these were:

A. to alleviate current shortages of basic raw materials, particularly ferrous scrap;

B. to reduce inflationary pressures on the domestic economy; and

C. to protect jobs of employees in steel plants and foundries.

I feel strongly that the time has come for the Department of Commerce to apply provisions of this act. Specifically, my company shares the industry conviction that Commerce immediately impose controls on export of all grades of iron and steel scrap for a minimum period of one year. These controls should limit monthly exports approximately the 1966–68 annual averages of 6.7-million net tons.

Since the need is so pressing; since the authority wisely has been provided in prior legislation—we feel most justified in asking that you urge Secretary Stans and Chairman Paul W. McCracken, Council of Economic Advisors, to review and without delay act, upon industry recommendations.

I recognize that America's international trade position must always be considered. But at the same time, I feel a 6.7-million net ton level would serve realistic requirements of that position without imposing undue hardship on American companies, their employees and their customers.

Further, I recognize the pressures upon your time, especially at this point in the session, but a solution to this problem is too necessary for me to avoid the risk of imposing on your time. With best personal regards, I am.

Sincerely yours,

ALLISON R. MAXWELL, Jr.,
Chairman.

TRIBUTE TO VINCE LOMBARDI

HON. WILLIAM T. MURPHY

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Thursday, August 13, 1970

Mr. MURPHY of Illinois. Mr. Speaker, it gives me great pleasure to join with my colleagues in paying tribute to Vincent Lombardi, coach of the Washington Redskins and a great American. Throughout his association with football Mr. Lombardi has displayed the qualities of excellence, courage, discipline, and dedication that are so important not only on the football field but in every aspect of life.

Vince Lombardi first came to public attention as one of the "Seven Blocks of Granite" at Fordham University. He later served as assistant coach to Col. Earl "Red" Blaik at West Point and then as offensive line coach with the New York Giants. In 1958 he left New York to become head coach of the Green Bay Packers and this was where the "Lombardi legend" really began.

Vince Lombardi has become renowned not only for the winning record he compiled as head coach at Green Bay but also for the way in which his players were willing and eager to play their best to win for him. In just one season as head coach of the Washington Redskins, he was able to inspire this same feeling in the players on the Redskin team and give new hope and pride to football fans in Washington. As one who has been a fan of the National Football League since its very early days I know that he is loved and respected by players and fans, no matter where their team loyalties may lie.

Mr. Lombardi is now in the hospital resting after two serious operations. I know that his courage and faith will help him win this battle as they have helped him win so many before.

The thoughts and prayers of both Mrs. Murphy and myself are with him for a fast recovery.

SENATE—*Wednesday, August 19, 1970*

The Senate met at 9:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Let us pray this morning in the words of the late Reverend Frederick Brown Harris:

"O merciful God, whose law is truth and whose statutes stand forever, we beseech Thee to grant unto us, who in the morning seek Thy face, the benediction which a sense of Thy presence lends to each new day. Unite our hearts and minds to bear the burdens that are laid upon us.

"In the vast difficulties confronting the makers of peace in these days so full of tension, restore and strengthen and sustain our souls and lead us in the paths of righteousness: for Thy name's sake.

"We seek in Thy presence a saving experience of inner quiet and certainty.

"With clear eyes, may we see Thee as our Father, our fellows near and far as our neighbors, and ourselves as our brothers' keepers. In that vision splendid of divine fatherhood and of human brotherhood, may we dream our dreams, fashion our lives, enact our laws, build our Nation, and plan our world until this shadowed earth, which is our home, moves in the orbit of Thy redeeming love.

"We ask it in the hallowed name of Him for whose coming kingdom we pray. Amen."

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Tuesday, August 18, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from South Dakota (Mr. McGOVERN) is recognized for not to exceed 30 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

THE STANDING ORDER ON CALLING OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, Senators will note that the Daily Digest does not state with regard to the program, in accordance with the standing order of Monday, that the call of the calendar of any unobjected-to bills which have been cleared on both sides would be undertaken on each legislative day prior to the recognition of Senators pursuant to special orders.

I want to explain this as an inadvertence on my part and as being due to force of habit. On yesterday, when I asked for a special order for recognition of the able Senator from South Dakota (Mr. McGOVERN), I failed to recall that the Senate had entered into a standing agreement on Monday under which the call of the calendar of unobjected-to bills would occur immediately after the disposition of the reading of the Journal

on each remaining legislative day of this session.

I make this explanation so that the majority leader and the acting minority leader will both understand the oversight.

Mr. President, it is my understanding, on the authority of the majority leader, that any unobjected-to bills cleared on both sides today may be called up later during the day following the vote on the pending Brooke amendment and special orders for the recognition of Senators.

Mr. WILLIAMS of Delaware. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. The Senator from South Dakota has the floor.

Mr. McGOVERN. I yield.

Mr. WILLIAMS of Delaware. Does that mean that later in the day there will be a calendar call; that we will lay aside the pending bill, and take up the calendar bills?

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. MANSFIELD. Only because of the inadvertence. Because of the failure to make the announcement, we think that the pending bill may be laid aside and those measures taken up. As a matter of fact, I do not know that there are any such bills to be called up.

Mr. WILLIAMS of Delaware. I do not know, either, but I think it would be a bad procedure to follow. Therefore, I will now file an objection to calling up unobjected-to bills today. I think it would be much more orderly procedure if we knew in advance when they were going to be called up, because if they are to be called up at any time during the day, we would be back to the old procedure.

Mr. BYRD of West Virginia. I am embarrassed because of my inadvertence. I will make sure it does not happen again.

Mr. WILLIAMS of Delaware. We all understand.

NEW TEXT OF AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, I have asked for time today, on behalf of myself and Senators HATFIELD, CRANSTON, GOODELL, and HUGHES, so that we might announce to the Senate our intention to substitute revised language for the present version of amendment No. 609, widely known as the amendment to end the war.

I want to note, first of all, that the concept of setting a legislative timetable for withdrawal of U.S. forces from Vietnam was first proposed by Senator GOODELL in his bill, S. 3000, introduced in September of 1969. That plan, which I had the privilege of cosponsoring, would have barred the use of funds for maintaining any troops in Vietnam beyond December 30, 1970. Senator GOODELL deserves special recognition for his initiative and for his important contribution to the creation of a viable, responsible means of ending our involvement in Vietnamese affairs.

Our present joint effort—introduced first on April 30 of this year and in slightly different form on May 5—builds on the time-certain disengagement concept with several strengthening variations. The language we are announcing today further clarifies and consolidates the essential provisions of those proposals.

This new draft retains the central purpose of the original version—the establishment of a definite timetable for the withdrawal of all American forces. We continue and reaffirm our conviction that unless such action is taken we must accept the dismal prospect of many more years of brutal and futile warfare. We suggest further that our proposal will reestablish the joint control by the President and Congress over military affairs which was contemplated by the Constitution.

Because several months time have passed since we first introduced the amendment, we have moved the deadline for withdrawal of American troops from June of 1971 back to December of 1971. On this point it is significant that a Harris survey published earlier this week, reflects strong majority support for legislative action to require complete withdrawal by the end of 1971 by respondents expressing an opinion. Some 44 percent of those polled favor withdrawal through congressional action of all U.S. troops from Vietnam by the end of 1971. Only 35 percent oppose this plan, with 21 percent unsure.

The revised language deletes a provision in the original version which would have limited funds to specified purposes after December 31 of this year. We intend no interference with the President's authority to conduct the withdrawal with full tactical flexibility. If there has been any concern over the relationship between our amendment and Commander in Chief powers, it should be quickly dispelled by this change.

The original version assured that funds would remain available past the withdrawal date for assistance to South Vietnam in amounts separately authorized, for arranging the release of prisoners of war, and for the provision of asylum for any South Vietnamese who might be physically endangered by the return of American troops. Those provisions are retained.

As was made painfully clear by the action in Cambodia, the conflict with which our amendment concerns itself must be regarded as regional in scope, including all of Indochina. The new language treats it as such, substituting a single uniform termination date for any military activities by U.S. forces in or over any of the three countries, Laos, Cambodia, and Vietnam. This replaces the separate dates we had previously proposed.

The new language places special emphasis on the search for means to assure joint executive-legislative responsibility over any further actions in Indochina. The Senate vote to repeal the Gulf of Tonkin resolution, seen by many as the sole source of Presidential authority to use military force in Vietnam, underscores the need for a new definition of policy, developed through the collaboration of the White House and the Congress.

The revised amendment incorporates specific procedures for that purpose. It calls upon the President to submit to the Congress any recommendations he might have on the conflict, along with his evaluation of the withdrawal process set by the amendment and any requests for further authority which he deems appropriate. They would be considered by the military and foreign affairs committees of the Congress, which would, in turn, report to the House and Senate, respectively.

It is clear that congressional responsibilities and powers on issues of war and peace are much broader than the simple power to declare war. The amendment itself would implement other constitutional provisions, primarily the power to raise and support armies and the obligation to review all military actions at least once every 2 years.

We have, therefore, eliminated any superfluous reference to a declaration of war in Indochina, and propose instead the use of the more flexible and limited vehicle of a joint resolution for action the Congress might take subsequent to adoption of the amendment. This procedure could, for example, be used upon a determination that additional time might be needed to assure that the withdrawal is completed with maximum safety.

What we seek by this amendment, in short, is to restore a measure of constitutional government to this body and to our parliamentary system.

Before I yield to the Senator from New York, Mr. President, I wish to make one side observation about some of the comments that were made by the Vice President earlier this week with respect to the integrity and the patriotism of Members of this body.

The Vice President said he was not questioning our patriotism, but only our judgment in offering this amendment. I want to underscore the patriotic character of the sponsors of this amendment by stating that more than 80 percent of them are combat veterans who have participated in war at firsthand, some of it very bloody combat, one cosponsor, the Senator from Hawaii (Mr. INOUYE) having lost an arm in World War II.

But whether the sponsors are veterans or not, all of them seek to restore constitutional government. They seek to establish a date certain, so that we can stop the killing in Vietnam, stop the killing in Indochina, stop the bloodbath that is now in progress there, and bring this war to an end.

Mr. President, in order to further clarify the specific changes we have made, I ask unanimous consent that the text we are announcing today be printed at this point in the RECORD, followed immediately by the version introduced on May 5 and the one Senator HATFIELD and I originally proposed on April 30.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

AMENDMENT 609—AMENDMENT TO END THE WAR—NEW LANGUAGE

Section . (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971,

to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under subsection (c) of this section) shall by joint resolution specifically otherwise provide.

(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations of United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

(d) For purposes of this section, the term "Indochina" shall mean North and South Vietnam, Laos, and Cambodia.

AMENDMENT NO. 605

On page , line , insert the following:

SEC. . (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchange of prisoners of war with the Government of North Vietnam, to the provision of food and other nonmilitary supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article of any military assistance or advice.

(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

(d) For purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

AMENDMENT NO. 609

On page , line , insert the following:

SEC. . (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: *Provided*, That funds may be expended as required for the safe and systematic withdrawal of all United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces *And provided further*, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

Mr. GOODELL. Mr. President, the Senator from South Dakota and I have joined as coauthors of this amendment, together with Senators HATFIELD, CRANSTON, and HUGHES, in announcing a revision of the wording of the amendment to end the war.

The basic language of the revision—barring use of funds for maintenance or introduction of U.S. forces in or over Indochina after a specified date—is language that I prepared. It adopts the concept—and utilizes the format—of my original Vietnam bill, S. 3000, proposed last year. That bill was the first legislation introduced in Congress to prohibit the expenditure of money for keeping any U.S. military personnel in Vietnam after a stated deadline.

I would emphasize that this group of Senators has been unvarying in embracing that concept of cutting off funds by a fixed date in the future, in order to establish congressional responsibility in ending the war.

The revised language prohibits the expenditure of money to maintain or introduce any military personnel of the United States in or over Indochina after December 31, 1971. Indochina is defined as North and South Vietnam, Laos, and Cambodia.

Mr. President, there may be some question about pushing the termination date back to December 31, 1971. I would emphasize however, that from the very beginning, in September of 1969, it was my conviction, that it would take about a year to withdraw all our forces from Vietnam in an orderly and safe manner. That is why, in the original S. 3000, I proposed a fixed date for withdrawal, a little over a year from the time I introduced S. 3000. That is why, last spring, when the five of us, subsequently joined by a total of 24 including the original five, cosponsored the amendment to end the war, we fixed the date approximately a year hence from the introduction of the legislation, taking account of the time that would be required for passage of the amendment.

Mr. President, when I introduced my bill last year, President Nixon said it was defeatist, that he wanted to get the troops out sooner than December 31, 1970. We all want to see our troops out sooner. We all devoutly wish that that could come about. But from the beginning, it has been our position—certainly it has been my position—that Congress should exercise its responsibility in this area in a reliable, sober, and responsible fashion. We could not simply call for immediate withdrawal, because immediate withdrawal was obviously impossible. We feared that those who demanded immediate withdrawal might really find themselves, 2 or 3 years hence, still shouting "Get out now" while our troops still remain there. S. 3000, the blueprint for the amendment, was an attempt to present a feasible means for Congress to exercise its direct responsibility in matters of war and peace.

Unfortunately, the comments of the Vice President in the last few days would indicate, I fear, that the administration is moving toward a confrontation—I believe an unnecessary confrontation—with Congress on this issue. I think it would be far better if the administration had recognized that what the sponsors of the amendment to end the war are saying to the administration is, "Yes, we hail your reversal of policy in Vietnam. We hail the fact that we have started to deescalate and withdraw troops. Any President must bear considerable onus in dealing with this chaotic situation in South Vietnam and Southeast Asia. However, Congress stands ready to share that responsibility with the President. This should not be a political or partisan matter. Almost all Americans today concede that, the war was wrong yet we find ourselves bogged down there, unable to withdraw."

Mr. President, I believe it is important that the amendment to end the war be passed by the U.S. Senate. The revision which we are offering makes it clear that U.S. bombing missions over Vietnam as well as Laos and Cambodia must cease by the termination date of December 31, 1971, and thus plugs a loophole in the existing language, which failed to expressly bar bombing missions over Vietnam from Thai or Guam bases. The revision also omits the language which was added to the amendment to end the war but was not included in my original bill, S. 3000. This language makes reference to Congress declaring war as a preface to the amendment to end the war. We said that, in the absence of a declaration of war, all troops must be out by the fixed date set forth in the amendment to end the war.

The revision thus makes it clear that the sole objective of the amendment is to secure U.S. disengagement from Indochina. The power to declare war is reserved to Congress under the Constitution, in any case. Certainly by putting in

that preface, we did not imply that we would recommend any circumstance known to us or anticipated by us in Southeast Asia, and reason for a declaration of war.

The revision creates a mechanism to give Congress the full benefit of the President's recommendation and advice in deciding upon any extension of the deadline.

It authorizes Congress to extend the termination date by joint resolution—after considering recommendations of the President. The President is required to submit his recommendations within 60 days after enactment, and may submit supplemental advice at any time of his choosing.

These Presidential recommendations would include his assessment of the military and political consequences of withdrawal, his analysis of the ability of U.S. forces to be withdrawn in a safe and orderly manner by the termination date, and his proposals as to the steps to be taken to secure the release of U.S. prisoners. The President's recommendations would be referred to the House and Senate Committees on Armed Services and Foreign Relations, which would be required to report to the Senate and House, respectively.

The ultimate decision of whether or not to extend the deadline, however, would remain with Congress, in accordance with its constitutional responsibility.

Like the existing language, the revised amendment would allow the expenditure of funds for the provision of economic and military aid, the return of prisoners, and the provision of asylum for Indochinese—provided these expenditures were authorized elsewhere.

The revised language establishes a single clear withdrawal deadline for all Indochina instead of the three separate deadlines now in the amendment. Recent events in Cambodia have shown that the war is one conflict that ignores national boundaries within Indochina. This makes separate withdrawal timetables for Vietnam, Laos, and Cambodia impracticable. A single withdrawal timetable for all Indochina is needed, and that is what the revised language provides.

Mr. President, I ask unanimous consent to have printed in the RECORD the text of the revised amendment, the text of the original amendment to end the war, and the text of my original bill, S. 3000.

There being no objection, the text of the amendments and bill was ordered to be printed in the RECORD, as follows:

AMENDMENT TO END THE WAR—NEW LANGUAGE

"SECTION . (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971, to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under subsection (c) of this section) shall by joint resolution specifically otherwise provide.

"(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

"(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations on United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

"(d) For purposes of this section, the term 'Indochina' shall mean North and South Vietnam, Laos, and Cambodia."

AMENDMENT TO END WAR—OLD LANGUAGE

SEC. . (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: Provided, That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces: And provided further, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

ORIGINAL GOODELL VIETNAM BILL, S. 3000

Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 602A. Presence in Vietnam.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970 to maintain military personnel of the United States in Vietnam."

Mr. McGOVERN. Mr. President, on Monday, August 17, the New York Post published the results of a Harris poll indicating that a majority of the American people now favor this amendment. Curiously enough, the sponsor of the poll, Mr. Harris, actually described it as a resolution of Congress calling for withdrawal from Vietnam by the end of 1971. So he had the revised language even before it was offered, and it is good that he did, because this gives us a test on the new language that is referred to as the resolution introduced by the Senators who are now in the Chamber.

By a vote of 44 to 35 percent, "a plurality of the public would favor a congressional resolution 'requiring that all U.S. troops be withdrawn from Vietnam by the end of 1971.'"

So, for those who follow public opinion polls with some interest, I ask unanimous consent to have the article printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HARRIS: MOST FAVOR VIET PULLOUT BY 1972

(By Louis Harris)

The desire on the part of the American people to see U.S. involvement in the Vietnam war liquidated runs so deep that, by 44 to 35 per cent, a plurality of the public would favor a Congressional resolution "requiring that all U.S. troops be withdrawn from Vietnam by the end of 1971." Such a resolution has been put forth in the Senate by Republican Mark Hatfield of Oregon and Democrat George McGovern of South Dakota.

On the other hand, when asked about the amendment offered by Sens. John Sherman Cooper (R-Ky.) and Frank Church (D-Ida.) which would have prohibited the President from spending military appropriations on U.S. troops in Cambodia, the public came down in opposition by 44 to 34 per cent. The Cooper-Church amendment passed the Senate, but was defeated in the House.

CAMBODIA AND NIXON

The difference in public reaction to these two measures illustrates graphically the state of public opinion following the U.S. ground operations in Cambodia. Despite widespread initial doubts about the Cambodian move, Nixon made good his promise to take American ground troops out by the end of June, and public confidence was restored in the viability of his pledge to withdraw 150,000 troops from Vietnam by next May.

The American people seem to be saying that they are willing to back the President's judgment as long as he gives assurances that it will pave the way for further troop withdrawals and an end to U.S. involvement in Vietnam.

The depth of feeling that this country should get out of Vietnam can be seen in the support for the Hatfield-McGovern resolution. It is ironic that although enough votes were mustered in the Senate to pass the Cooper-Church amendment, the Hatfield-McGovern resolution has been lagging for want of such support.

The patterns of public support and opposition to the resolution requiring withdrawal of all U.S. troops by the end of 1971 captures much of the deep division that exists across the country on the war itself. A substantial number of Americans are undecided on the issue, and neither side has a clear-cut majority.

A cross-section of 1300 households was asked between July 25–30:

"It has been proposed that Congress pass a resolution requiring that all U.S. troops be withdrawn from Vietnam by the end of

1971. Opponents say such a resolution would tie the hands of the President. Would you favor or oppose a resolution in Congress which would require all U.S. troops to be withdrawn from Vietnam by the end of 1971?"

WITHDRAW ALL U.S. TROOPS FROM VIETNAM BY END OF 1971

[In percent]

	Favor	Oppose	Unsure
NATIONWIDE			
By region:			
East	54	26	20
Midwest	45	37	18
South	38	39	23
West	36	40	24
Border States	41	39	20
By politics:			
Republicans	37	42	21
Democrats	46	32	22
Independents	51	38	11
By sex:			
Men	39	45	16
Women	49	26	25
30-49	43	38	19
Under 30	55	31	14
30-49	43	38	19
50 and over	36	36	28

By regions, the East and Midwest combine to provide a plurality in support of the Hatfield-McGovern resolution, despite opposition from the South and the West. Republicans tend to oppose total liquidation of the war by the end of 1971, while Democrats are inclined to favor it. But the marginal difference tipping the scales can be found among people who view themselves as Independents in their politics. Nixon and Wallace voters in 1968 are against the measure, but Humphrey voters are heavily for it.

SEX, AGE SPLIT

Perhaps the most significant divisions, however, are along sex and age lines. Men are opposed to legislation requiring an end to the war before 1972, but women favor such a bill by a wide margin. Older people split down the middle, but those under 30 are heavily for the Hatfield-McGovern bill.

On the Cooper-Church amendment, the balance was tipped the other way, by switches among residents of the Midwest, Democrats and those in the 30-49 age group. Independents, women, young people, and residents of the East stood their ground in support of both Cooper-Church and the Hatfield-McGovern resolution.

This analysis points up that the division over Vietnam at home is close and by no means do either the all-out proponents or opponents of the President's policy have a commanding position. The key turning point in the battle for public opinion clearly will be over the question of U.S. troop withdrawals and whether Nixon is liquidating American involvement in Vietnam fast enough to suit the public's desire to bring American fighting men back home.

Mr. GOODELL. Mr. President, will the Senator yield on that point?

Mr. McGOVERN. Yes.

Mr. GOODELL. Mr. President, I think it is important, when we look at polls, to recognize that the American people do not know about the alternatives available to them for ending the war. They want peace, overwhelmingly. That is clear from every poll that has been taken.

I recall that last year, with respect to my bill, S. 3000, Mr. Gallup conducted a poll that showed that 57 percent of the people favored it and 31 percent opposed it—about a 2-to-1 margin.

The poll by Mr. Harris indicates that a substantial majority of the American people, favor the amendment we have offered in its revised form. But I would say there is a great difference between a poll on a specific suggestion such as this—with a specific date named, and a mandate that Congress exercise its constitutional responsibility to end this war by that date—and support of the President.

Mr. McGOVERN. The Senator is correct.

Mr. GOODELL. This is the case because the American people do not know what the President's plan is. They know that it is a gradual withdrawal. They do not know whether there are any specific dates, other than interim dates the President has already announced.

Thus, a poll of this nature lends specific support for Congress ending the war by a specific date—acting legislatively to do so.

Mr. McGOVERN. I think the Senator's point is well taken.

I yield to the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from South Dakota.

Mr. President, I join with my colleagues this morning, Senator McGOVERN, Senator GOODELL, Senator CRANSTON, and Senator HUGHES, in submitting the new language or the modified language of our amendment to end the war.

I wish to draw attention to one particular aspect of this amendment which I believe is of crucial importance. That is the provision enabling the administration to present to the Congress its own plans and recommendations with respect to Vietnam, and for Congress to examine through its duly established committees the whole issue of disengagement from Vietnam. We all know that there are great uncertainties and complexities involved in the future of our policy in Vietnam. We know that in establishing guidelines for future policy, we need to have careful and thorough examination of all these issues. We cannot correct a mistaken policy of the past by a hasty or rash decision about our policy in the future.

That is why we have proposed that a procedure of hearings be established in order to examine in depth the considerations relating to our future policy.

All of us in Congress want there to be the proper constitutional balance between the legislative and executive branches as we formulate our course of action in Indochina. In particular, we have been searching for the method and procedure by which Congress should play its part, and fulfill the constitutional responsibility it has so long neglected in this process.

We believe that this amendment provides for that opportunity. It puts forth a procedure by which Congress shall play its role, in cooperation with the executive branch.

Seen in this way, the amendment sets forth the goal for our complete disengagement from Indochina at the end of 1971. But more important, it maintains that such a deadline shall be no inflexible or unalterable time; instead, that timetable is actually made contingent upon the process of hearings that are set forth, and upon full consideration of the administration's recommendation and viewpoints. This time frame can be changed simply by a joint resolution of Congress—the same vehicle that was used, in fact, for the Gulf of Tonkin resolution.

Thus, it cannot be said that this amendment in any way hinders our flexibility.

Rather, the amendment advocates the following: If the administration finds it necessary to maintain our troops in Indochina beyond 1971, then Congress should be told why this is necessary, and must give their approval by joint resolution.

In my mind, that is an utterly reasonable approach. It puts forth the time frame for withdrawal that is favored by the majority of the American public, as indicated by the Harris poll and other polls. It allows for Congress to play its Constitutional role. And it provides that our future policy in Vietnam shall be established in a clear and concise manner, restoring our constitutional integrity allowing us to bring this tragic chapter of our Nation's history to a reasonable and perhaps even redeeming conclusions.

Mr. McGOVERN. Mr. President, I believe that completes our time.

I do want to take 1 minute to commend the Senator from Oregon for the excellent statement he made yesterday—a most thoughtful and courageous statement.

I yield back the remainder of my time.

PRISONER-OF-WAR FATE STILL UNCERTAIN

Mr. HATFIELD. Mr. President, it is the middle of the monsoon season in Southeast Asia—a time of torrential rains and steaming heat. The season of dreary, damp heat adds to the discomfort and malaise of those hundreds of Americans who are held in grimly unpleasant detention by the North Vietnamese Communist regime. Their quarters are cramped and their shelter inadequate. They suffer unendurable hardships and do so with little complaint.

We must at all times bear in mind the conditions under which these men exist. We must continue our every effort to win their earliest possible release. Until such time as they are rescued we must do all in our power to make their tenure in prison more comfortable by restoring communications between them and their families on a normal, nonpropaganda basis.

So long as these men are held prisoner, we must not forget them.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The ACTING PRESIDENT pro tempore. The hour of 10 o'clock having arrived, the Chair lays before the Senate the unfinished business, which will be stated.

The assistant legislative clerk read as follows:

A bill (H.R. 17123), to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test,

and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. The question is on agreeing to amendment No. 821 of the Senator from Massachusetts (Mr. BROOKE).

Time is now under control. Who yields time?

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll, and the time will be charged equally to both sides.

The assistant legislative clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

PRIVILEGE OF THE FLOOR—UNANIMOUS-CONSENT REQUEST

Mr. BYRD of West Virginia. Mr. President, will the Senator from Massachusetts yield for a unanimous-consent request?

Mr. BROOKE. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that today, during consideration of the amendment offered by the able Senator from Massachusetts (Mr. BROOKE), all staff personnel be excluded from the floor and the lobbies, with the exception of the staff of the Secretary of the Senate, the staff of the Sergeant at Arms, the staff of the majority and the minority and the assistants thereof, the office personnel of the able Senator from Massachusetts (Mr. BROOKE), who is the author of the amendment, members of the Armed Services Committee, and any office personnel that the able Senator from Mississippi (Mr. STENNIS), the manager of the bill, may feel are required to assist him on the Senate floor during debate.

It is, of course, understood that any other Senator could, by unanimous consent, get permission for his staff to be on the floor.

I think I should state that a gallery is set aside for staff personnel of Senators and that it would aid, I think, in expediting matters on the Senate floor and would certainly lend to the dignity of the Senate if, on a very controversial vote, such as will occur today at 1 o'clock, the floor could be as clear as possible of staff personnel—certainly those personnel not needed by their Senators in connection with the pending amendment.

Mr. BROOKE. Mr. President, reserving the right to object, is it the intent of the junior Senator from West Virginia that members of the staff be off the Senate floor prior to the vote at 1?

Mr. BYRD of West Virginia. Mr. President, it is the intent of the Senator from West Virginia—and I would so specifically state—in my request to the Chair that the order begin running now and that it extend throughout the period of debate until the vote is announced on the pending amendment.

The Senator understands that I have in my unanimous-consent request reserved the right of the Senator from Massachusetts to have his personnel on the floor of the Senate.

Mr. BROOKE. Yes; I certainly understand that. I am very grateful for the consideration of the distinguished Senator from West Virginia.

Mr. President, this is an important issue. Unfortunately, many Members of the Senate are not in the Chamber at present and will not be on the floor until it is time for the vote.

It is important to me that as many members of the senatorial staff as possible, who might be able to assist their Senators when they come on the floor, hear the debate and be knowledgeable about the issue in all of its ramifications.

I believe that members of the senatorial staff will be quiet and courteous and considerate. They can be seated at all times.

I frankly see no valid reason why, on this particular amendment, we have to clear the floor. Because I feel that way, I respectfully object.

Mr. BYRD of West Virginia. Mr. President, I am sorry that the Senator has objected to the request. As I indicated, a Senator who wishes his staff to be present on the floor could ask unanimous consent. I would interpose no objection.

Staff members can sit in the gallery to my right, which is reserved for staff personnel. They can meet any Senator outside the Chamber at any time he indicates he wishes to see them.

I do this not because of any personal whim or wish. I present this request in the interest only of decorum and order in the Senate.

I sit in the Chamber day after day, week after week, and month after month when important votes occur. I see staff members of Senators sitting on the floor in the rear corner of the Chamber, and running all over the floor, and up and down the aisles.

Mr. President, I have made this request in order to expedite the business of the Senate and in order to preserve dignity and decorum and order in the Senate. It is not done with any desire to inconvenience any Senator.

As all may observe, the request will enable any Senator who wishes his staff to be on the floor to simply ask that they be given permission to enter the Chamber.

I hope the Senator will not again object.

Mr. BROOKE. Mr. President, the able Senator from West Virginia certainly has my respect. I understand his motive in making this unanimous-consent request.

And I agree with the Senator: We want decorum in the Senate. But I would also point out that in my limited time in the Senate, I have observed that many of the problems we have experienced have come, not so much from the senatorial staff, as from the Senators themselves. I say that very respectfully.

Mr. BYRD of West Virginia. The Senator from West Virginia knows that.

The ACTING PRESIDENT pro tempore. I think it is fair to point out that during this colloquy time is running against the Senator from Massachusetts.

Mr. BROOKE. Mr. President, I generally agree with my distinguished and able friend, the Senator from West Virginia. I would certainly go so far as agreeing not to have any staff members sitting on the floor of the Senate. But I feel so strongly that staff members should have the right to listen to this debate, and they cannot always get into the galleries, since the galleries at the last minute are filled, that I must respectfully object.

The ACTING PRESIDENT pro tempore. Objection is heard.

Mr. BYRD of West Virginia. Mr. President, I wonder if the Senator from Massachusetts is aware of the rule which places a duty on the distinguished Presiding Officer, on his own initiative and without request from the floor by any Senator, to enforce the rules and maintain order in the Chamber. By that rule, a Presiding Officer may take it upon himself to exclude staff members, in the interest of order, and no unanimous-consent request is needed.

I certainly hope, in view of the objection that has twice been voiced by the able Senator from Massachusetts (Mr. BROOKE), that the Presiding Officer will exercise his discretion today and will exclude from the Senate floor the clerks of Senators if those personnel are not on the floor in the actual discharge of official duties.

Often we have a request by the able majority leader, the able minority leader, or another Senator to exclude from the Chamber all except authorized personnel. The difficulty with that request is that when the Sergeant at Arms goes to talk to the clerks of Senators congregated in the corners and elsewhere on the floor, they all say that they are authorized personnel. That leaves the Sergeant at Arms uncertain as to his authority to exclude office staff personnel from the Chamber.

I have no objection to any staff personnel being present to aid their Senators. I realize that Senators do need assistance on the floor from their personal staffs at times. But some Senators have been known to have two, three, or four members of their staff on the floor at any one time. Other Senators seldom have a staff member come to the Chamber.

I must say, with all due deference to the staff personnel who do come to the floor, that the majority of them conduct themselves as they should. They sit in the rear of the Chamber and do not run up and down the aisles of the Senate Chamber. However, some staff personnel do abuse their privilege of the floor, and they can abrogate that privilege individually or collectively. Senators should not permit such abuse of the Standing Rules of the Senate.

If the Senator is going to object—and I respect his right to object—and he has twice objected to the request, I hope that the Presiding Officer today will, on his own initiative, take care to see that staff members who are on the floor are indeed here to aid their Senators, and that otherwise they be excluded from the Chamber and the lobby until the vote is announced; and that those staff members who are here stay in the seats at the rear of the Chamber and remain seated.

The ACTING PRESIDENT pro tem-

pore. The Chair says to the acting majority leader that several rulings of the Chair support the view he is expressing, some of which the Chair will quote:

The Vice President, in 1929, expressed the opinion that a clerk was not entitled to the privilege of the floor for the purpose of polling a committee on a matter.

In 1908, the Chair ruled under a strict application of the rule relating to the privilege of the floor, that a committee clerk on the Senate floor reporting, under instructions, to the chairman when a quorum was not in fact present, was not in the actual discharge of his official duties.

The rule is in the negative. It states:

No person shall be admitted to the floor of the Senate while in session, except as follows:

Then a paragraph at the end of the rule reads:

Clerks to Senate Committees and Clerks to Senators when in the actual discharge of their official duties.

I assure both the Senator from Massachusetts and the Senator from West Virginia that there will be decorum in the Chamber so long as this Senator is presiding.

Mr. BROOKE. I have great confidence in the Chair, as I do in the Senator from West Virginia, and as I do in members of the senatorial staff.

Mr. President, considerable time has been expended. This is an important matter. I am well aware that it is important and that the Senator from West Virginia has very strong feelings about this subject. He has voiced them on many occasions. I agree with him that we have had a problem with decorum. I think, however, that we can leave it up to the Chair to use good judgment with respect to whether the floor should be cleared of staff members. I would agree to that.

But I would object, most respectfully again, to unanimous consent on this matter.

Mr. President, is there any possibility the time that has been taken for this discussion might be charged equally to the opponents and the proponents of the amendment?

Mr. BYRD of West Virginia. The Senator has now objected a third time. However, in fairness to the Senator, I think the time consumed should be equally divided because the request which I proposed was a matter of importance to all Senators on both sides of the amendment and on both sides of the aisle.

Mr. President, I ask unanimous consent that the time that has been consumed be equally divided.

The ACTING PRESIDENT pro tempore. Without objection, the time will be equally divided.

Mr. BROOKE. I thank the Senator from West Virginia for his customary fairness. I am grateful.

The ACTING PRESIDENT pro tempore. Objection is heard to the unanimous-consent request of the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield to me for 30 seconds?

Mr. BROOKE. I yield.

Mr. BYRD of West Virginia. I assure the distinguished Senator from Massachusetts and all other Senators, that I, as chairman of the Subcommittee on Standing Rules of the Senate of the Senate Committee on Rules and Administration, intend to take up this matter before the full committee tomorrow to see if somehow we cannot tighten up the rules and regulations to guarantee a little more decorum and order in this body on the part of staff personnel of Senators who are permitted in the Chamber.

Mr. BROOKE. I would like to associate myself with the remarks of the Senator from West Virginia.

Mr. BYRD of West Virginia. I thank the Senator. I am pleased to know he so associates himself.

The ACTING PRESIDENT pro tempore. How much time does the Senator from Massachusetts yield?

Mr. BROOKE. Mr. President, I yield myself 25 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Massachusetts is recognized for 25 minutes.

THE BROOKE-M'INTYRE COMPROMISE: DEFENSE IN DEPTH

Mr. BROOKE. Mr. President, the issue before the Senate is one of the most difficult we shall face. How can we find a consensus on a vital issue of national security, an issue in which technical and political and strategic and diplomatic judgments vary widely? I know that every Member of this body is primarily concerned with finding a course which will both protect our Nation's security and promote an early success in the urgent strategic arms limitation talks.

In working to find such a course I wish to propose to the Senate a simple concept. It is one which, in my judgment, most nearly meets the basic objectives of both the proponents of ABM deployment and the opponents of further deployment. The amendment I offer is one which I developed over several months in discussion with colleagues on the Armed Services Committee and with knowledgeable experts in the Department of Defense and elsewhere. It enjoyed substantial support in the committee, and I believe it provides a reasonable basis for a Senate accommodation on this controversy.

The amendment I propose is brief. It reads:

Funds authorized pursuant to this Act for the procurement of anti-ballistic missile defenses may be used only for defense of Strategic forces deployed at Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

This modest geographical limitation takes no money from the President's request. By leaving full funds in the authorization it permits the Defense Department to pursue the option of defense in depth at the first two ABM sites, an option which many of the technical professionals in the Safeguard program themselves preferred to an extension of the system to new sites.

The option of defense in depth has long been considered in the Safeguard program and for a very good reason. Defense in depth at the first two sites enjoys important technical advantages over a simple expansion of the system. By deepening the defense at the initial sites, especially by increasing the number of radars, the serious problem of radar vulnerability is significantly reduced. With additional radars the defense is able to survive much heavier attacks and to protect the Minuteman force to a substantially higher degree.

Thus there is a major technical attraction to this concept. It in fact meets the principal technical objection which has been stated to the proposed deployment.

As one who opposed the deployment of phase I, I remain doubtful about the technical aspects of the Safeguard system and believe we should have the benefit of further experience with the system before making a larger commitment. At the same time, however, I appreciate the concern of the system's supporters that an expanded defense of the deterrent is likely to be required by a growing Soviet threat. Significantly, the Department of Defense is seeking to invest over $50 million in more advanced radars to supplement the large missile site radars proposed by Safeguard. My own preference would be to accelerate work on those radars and deploy them, if necessary, rather than the large and expensive MSR's now being constructed.

Given the fact that Safeguard phase I is being deployed, however, my plan would achieve several important objectives:

First. It would provide a comparable degree of protection of the Minuteman force to that which would be achieved through the administration's proposed deployment of an additional Safeguard site at Whiteman Air Force Base;

Second. It would maintain sufficient momentum in the ABM program to sustain it during the intricate SALT negotiations;

Third. It would limit the Safeguard deployment specifically to the two bases already approved by the Congress; and,

Fourth. Since it would take some time before additional radars could be installed at those two sites, it would increase the likelihood that progress on more advanced technology might permit deployment of improved radars.

The matter is obviously a complicated one, but I believe this amendment comes closest to meeting the objectives of both the opponents and proponents of further ABM deployment.

For those who feel we must go forward with ABM deployment at the rate proposed by the President, this amendment would permit a technically sound and sufficient program to meet the projected threat to Minuteman. It would maintain production lines at the same rate as the committee bill. Thus, it will be evident to the Soviets not only that we are protecting our deterrent but that, if SALT produces no satisfactory agreement, the United States will be able and prepared to expand the ABM deployment as seems necessary. Because of these advantages this plan fully meets both the strategic and diplomatic objectives which the administration has and which all of us, I am sure, respect.

At the same time, for those reluctant to see further expansion of the ABM system at this time, this alternative provides significant restraint. Most impor-

tantly it would mean that we would meet our strategic and diplomatic needs without going beyond the first two sites authorized by the Congress.

This body works best when it follows the line of reason to a sensible compromise. I cannot believe members will fail to see that this is the constructive middle ground for which we have all been groping on this divisive issue.

What I propose is a plan which enhances the prospects of SALT and which provides adequately for the contingency of failure in that historic negotiation.

All of us are concerned with continued expansion of Soviet strategic forces, particularly the large payload SS9 missiles which pose a grave potential threat to the American Minuteman force. The United States cannot permit such a threat to develop without taking suitable countermeasures to guarantee the survivability of sufficient strategic weapons for credible retaliation and confident deterrence. We hope that the strategic arms limitation talks will succeed in establishing strategic stability, but prudence demands that the United States take appropriate measures to guarantee its retaliatory capabilities should the threat continue to expand.

Preferable to a potentially destabilizing increase of American offensive forces, especially at this delicate stage of arms control negotiations, is the addition of further anti-ballistic-missile defenses to protect the Minuteman force. The President has voiced the informed judgment that defense of the deterrent in no way jeopardizes the mutual deterrence on which American and Soviet security rests. In fact it may provide additional incentives for the Soviet Union to enter a substantial arms limitation arrangement. Secretary Laird has testified that the diplomatic value of ABM in the context of SALT depends squarely on the system's contribution to the survivability of American retaliatory forces and not on its capacity to provide thin area defense against possible attacks by countries other than the Soviet Union.

Recognizing the primacy of the strategic relationship between the Soviet Union and the United States, the Armed Services Committee concluded that the United States should not undertake a nationwide area defense which might be misconstrued as the infrastructure for a heavy ABM system. Such a deployment might well trigger compensating increases in Soviet offensive forces and make more difficult the creation of stable security arrangements between the two principal nuclear powers. Thus the committee has already taken a highly constructive step in defining the mission of our ABM as defense of the deterrent. I commend our able and distinguished chairman of the committee and our colleagues for taking this important step.

My own amendment would further emphasize the system's purpose of Minuteman defense. Under this plan additional deployments for fiscal year 1971 would be concentrated at the phase I sites—Malmstrom Air Force Base, Mont., and Grand Forks Air Base, N. Dak. By installing additional ABM radar and computer capability together with a suitable increase in the number of interceptors, the system would provide a progressively deeper defense. The system will acquire the opportunity for so-called preferential defense and other important features to insure the survivability of an adequate number of Minuteman missiles.

As I mentioned, the proposed option has been studied for some time in the Safeguard program. It could consist of the following: A second radar, together with associated computer capability and an appropriate number of defensive missiles, could be installed at Malmstrom and at Grand Forks for defense of the high value Minuteman force there. The crucial advantage of this deployment is that it would impose on a potential attacker an exponential increase in the number of offensive missiles required to attack the defended targets.

By locating an additional radar at each base, together with Sprint missiles positioned to protect either or both of the radars at each base, the defense could choose to protect only one of the radars, if that proved tactically advantageous. Since the Safeguard firing doctrine can be computerized to determine whether such preferential defense should be adopted, a potential attacker would not know which of the radars would in fact be defended, forcing him to target both radars much more heavily than he would have to target a single radar to assure its destruction. Thus radar survivability increases dramatically and with it, the system's capability to insure the survivability of the Minuteman force.

Department of Defense analyses show that such a deployment would provide almost exactly the same degree of protection of the deterrent as the addition of a third ABM site at Whiteman Air Force Base.

Thus, the recommended deployment will meet the President's objectives of insuring a sufficient degree of Minuteman survivability against the emerging Soviet counterforce capability, of maintaining the momentum of the American ABM program should subsequent deployments be required, and of providing clear diplomatic incentives to the Soviet Union for earnest negotiations in SALT.

Precisely how to implement this concept would, of course, be left to the Department of Defense. For this fiscal year the Department could elect to use the available funds to start one additional missile site radar which would provide a total of three MSR's and would mean a substantial increase in capability over the present phase I system. The long-term costs of this would be quite comparable to the proposed Whiteman site. At some additional long-term costs a fourth MSR could be deployed at phase I sites, and would tremendously augment the net survivability of the Minuteman force.

This is exactly the type of contingency plan to which Secretary Laird himself alluded in his letter of August 7 to the distinguished Senator from Washington. The Secretary stressed that—

> Should the threat grow with extreme and unexpected rapidity so that it exceeds the Safeguard defense level before hardsite is available—something we do not predict at this time—we could strengthen the four-site Safeguard defense of Minuteman by deploying more Sprints and more MSRs in the same four Minuteman fields.

This is in substance the concept of defense in depth and it is also workable at the two phase I sites.

As I mentioned earlier, a number of experts in the Safeguard program actually suggested that the first two sites be beefed up prior to expansion to a third and fourth site. The Senate should be aware that the decision to seek a third site at Whiteman was a close technical judgment which was resolved largely on political and diplomatic grounds. In view of this fact, and of subsequent political and diplomatic developments unknown at the time the Whiteman site was proposed—I refer particularly to the close political balance here in the Senate and to the promising evolution of the SALT discussions—there is good reason for us to choose the credible technical option of a deeper defense at the first two sites.

Yet another way of implementing this option would be preferable to many. If the pace of the threat and technological progress permit, it may be possible to accelerate work on advanced radars to supplement the costly MSR's. Those advanced radars are already being worked on, and while there is some difference of opinion as to when they could be ready, they appear to be the best means of deepening the defense. If they were ready in time, then both the short-term and the long-term costs of this option could be less than the proposed extension to the Whiteman site, and system effectiveness could be much superior.

This option was the preferred course even of the O'Neill panel which advised the Department of Defense on ABM deployment options for the coming year. That panel explicitly concluded:

> If the only purpose of Safeguard is defined to be to protect Minuteman, Phase II–A as defined in March 1969 should not proceed.

The panel emphasized that a more cost effective defense of the deterrent can be devised, specifically a dedicated system of hard-point defense using smaller, more numerous, and less expensive radars and computers. The Department itself has repeatedly stressed that the use of Safeguard to defend Minuteman is only sensible in cost terms if the larger area defense is also built. In other words, if one is buying a thin, nationwide defense, then Department of Defense considers the marginal costs of defending Minuteman with this technology acceptable.

Since the time the panel reported and since the time the Department recommended a modified phase II, the Armed Services Committee has itself wisely declined to authorize an area defense. The committee's important decision to restrict ABM deployment to defense of the deterrent certainly underscores the O'Neill panel's recommendation that intensified efforts should be made to perfect a true hard-point defense. Passage of the Brooke-McIntyre amendment would provide a strong inducement in this direction. It is generally recognized that the complex programing for the Safeguard system is the pacing factor; that is, the ultimate deployment schedule depends primarily on how soon the computer programs can be written. With

the greatly simplified programing of a dedicated system, the defense might well be deployed about as soon as the presently planned system can be ready.

I stress, however, that this decision is left to the Department by my amendment. If required by the threat, the Department could do exactly what Secretary Laird described to our able colleague, Senator JACKSON, in his letter of August 7, namely, use existing MSR technology to reinforce the defense at the phase I sites.

To sum up, this amendment would meet the objectives stated by the committee and by the administration but it would do so at the two sites already authorized. It would take no funds from the bill, but would allow their use for defense in depth at Malmstrom and Grand Forks. This would permit the same protection of the deterrent as the addition to the Whiteman site; that is, the same number of surviving Minuteman could be guaranteed under this plan as under that recommended by the committee. Furthermore, production lines would remain open and we would retain all the diplomatic leverage of an ongoing ABM program. The program's momentum would in no way be disrupted and the Soviets would know that, unless SALT succeeds, the United States could readily expand its ABM system. There would be no question that this country is going to do whatever is required to insure that it always has a sufficient retaliatory capability.

When issues are so complex, the debate can easily be lost in murkiness. I believe, however, that Senators who think through this alternative will see that it is a reasonable and responsible course for the Senate to follow. No other plan so completely satisfies the conflicting interests and views which have emerged on this issue.

Let us decide this matter by the light of reason and good will, promoting both the security of our country and the integrity of independent Senate judgment on vital issues. This amendment will meet these objectives. I commend it to my colleagues and to my country.

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. STENNIS. Mr. President, may I inquire how much time I have remaining?

The ACTING PRESIDENT pro tempore. The Senator from Mississippi has 79 minutes.

Mr. STENNIS. I thank the Chair. Mr. President, I yield myself 20 minutes.

First, I want to thank the Senator from Massachusetts for his very valuable services to our committee since he has been a Member of the Senate. I thank him, too, for his work on the ABM. Although I think he is going too far in this amendment, he knows much about the subject, and I appreciate his willingness to work on it.

Whatever I say here, I am totally opposed to the amendment, for reasons which I shall state, but nevertheless I pay my compliments to the Senator from Massachusetts as a member of the committee.

Mr. President, everything has its practical side. The cold, hard facts are that after full debate on this entire subject matter, the Senate voted a week ago today, with an unusually high percentage of its membership being recorded—99 out of 100 Senators were recorded, and the other was absent only because of illness—and by a vote of 52 to 47, after considering all of the evidence and all the debate and everything about it, voted for a minimum of four sites for this defensive weapon, ABM, and that approval carried with it the money to carry out a year's program for those four sites. The amount to be expended on the fourth one was very slight, but it is a beginning. The third is the one in which I am vitally interested, because it will add at least 40 percent to our capacity to defend ourselves.

Anyway, the Senate voted for the four sites, with the money provided to carry on the program. Now, 1 week later, without one single change in any relevant fact—certainly no substantial change—no additional information, no event in world affairs, no difference whatsoever, we are asked to say that a week ago we made a mistake, that we want to retrace and retract and take a step backward, and make this only two sites after all.

Mr. President, I do not believe that the Senate will do that. There has been no change in the facts. There has been no change in the recommendations of the President or the Secretary of Defense, who are responsible in this field.

It is a rerun of the same proposition. With great deference to the author of this amendment, I think it would have fit in as a substitute for the Cooper-Hart amendment. There may be reason for it now in the Senator's judgment, and I accept his judgment. I am talking about the legislative standpoint. Whatever place it had has past, and today it is a rerun and a backing up with respect to a position that already has been taken and has been written into permanent record. There is no difference. This amendment does not change the money. It leaves the money in the bill, but says that the money shall not be spent for the third and fourth sites but for something else. With all deference to the Senator, if the money is to be taken from the sites, the money should be taken out altogether. That is just commonsense.

I do not complain about our going the matter again. That is entirely all right. It is part of our system.

Mr. President, I want to discuss again some of the matters on which we based our judgment on a week ago.

We are asked to consider an amendment to the military authorization bill submitted by the distinguished junior Senator from Massachusetts. The proposed amendment would restrict Safeguard deployment to the two phase I sites at or near Grand Forks, N. Dak., and Malmstrom Air Force Base in Montana.

In view of the intense debate on the ABM that has already ensued, and the large number of issues that have been raised and resolved, I believe it would be appropriate at this time to summarize the points that still remain at issue.

THREAT

Underlying any discussion of Safeguard should be an awareness and understanding of the threat.

That is why we are here this morning on this subject. As I reported to the Senate, our committee has examined with concern the continued expansion of Soviet strategic forces which poses a serious potential threat to our land-based deterrent.

The Senator from Kentucky (Mr. COOPER) spoke on that subject. He recognized these continuing developments, and he has more and more concern about them. He said so in the debate.

Their continuing momentum in deploying ICBM's capable of attacking our Minuteman force, together with the ongoing expansion of their nuclear ballistic missile submarine fleet capable of attacking our strategic bomber force, has raised a grave question as to the potential viability of our strategic deterrence—not now, but in the second half of this decade. This is the only time we have in which to get ready for the second half of this decade.

Let us again review the Soviet ICBM force.

Today, the Soviets have about 300 of the monster SS–9's deployed or under construction. It has been estimated—this was predicted last year and was scoffed at by some, but it is confirmed now—that 300 to 500 MIRVed SS–9's could very well give the Soviets the capability for neutralizing virtually all of our Minuteman force if we do not deploy an effective ABM system. I say that is where there is almost complete agreement—that we need an effective ABM system. It is now getting to the point that if size of enemy forces keeps growing against us, we will have to have one to be effective.

In addition, there are in operation more than 800 SS–11's. This is a smaller missile than the SS–9 that with improved accuracy could also have a kill capability against our Minuteman silos.

I recall the days when I did not want to listen to these facts and kept pushing the threat back in my mind; but I had to wake up some time ago, with great regret, to the facts of this threat.

Even if the Soviets should not install additional missile launchers, as they have been doing recently, the present number already deployed or under construction constitutes a delivery capability which, with qualitative improvements—do not ever discount them—would pose a serious threat to our land-based Minuteman deterrent unless we defend it in some way by the mid-1970's. That is what I want Senators to remember. We are not talking about now. We are talking about the mid-1970's, but now is the only time to prepare for it.

We simply cannot watch such a threat develop without taking suitable countermeasures to provide for the continuing survivability of our strategic weapons. We depend on credible retaliation and confident deterrence to prevent nuclear war.

That is our policy, in one sentence. We are not an aggressor nation. We have no plans to fire the first shot. We depend,

instead, on capable retaliation and confident deterrence to prevent a nuclear war. We want them to realize that we do have this deterrent and the capability of protecting it. I think that is the only real defense we have. Let them know that we are ready and that we have everything that is necessary to protect us.

I have said many times in this Chamber that if we give them doubt on that subject, we invite trouble; and it may be that after they have fired the shots, it will be too late on both sides. I think that millions and millions of lives would be lost on both sides should we ever turn these weapons loose against each other. That underscores the necessity for letting them know all the time that there is no weakness about our position or our capacity.

ARMED SERVICES COMMITTEE POSITION

It was for this reason that the Committee on Armed Services supported that portion of President Nixon's request which provided for the continuation of the Safeguard program to those sites devoted to the defense of the deterrent. In doing so, we wished to establish the primacy of active defense to increase the survivability of the land-based deterrent as opposed to increasing our offensive forces to achieve this end. In this regard we shared the President's judgment that defense of the U.S. deterrent in no way jeopardizes the security of the Soviet deterrent and, in fact, provides additional incentives for the Soviet Union to enter a substantial arms limitation agreement.

That is the very thing that is going on now. At long last, it seems that the worm has turned a little, and these two powerful nations of the world are sitting down at a table in earnest, trying to work out a mutual ground. If they do not go more than an inch forward, that is a start. Now, right in the middle of that, are we going to take back from the President's hand—I am not talking about Mr. Nixon; I am talking about the President of the United States, whoever he may be—the position that he has already told them he was standing on? Are we going to take a step backward from what we did last Wednesday? I do not think we want to do that. I do not believe the people want us to do that.

By the same token, the committee affirmed its conviction that there is no compelling need to move now to the deployment of an area defense of our population against a Chinese Communist ICBM attack by striking from the authorization the House-approved administration request to proceed now to advanced preparation of four area defense sites. That is a horse of another color. That is a defense system for another purpose. In our judgment, the prime threat—the threat that today poses the greatest danger to our security—is the Soviet threat to our strategic deterrent. That is where the soft spot is—the threat to our capacity to retaliate with our ICBM's, our influential deterrent. Therefore, our resources should not be diverted from the primary task of defending our deterrent from this threat. That is my answer. That is the committee's answer to all that has been written and said about our recommendation on that point.

In short, the action of the committee recommends—that of authorizing continuation of phase I with additional Sprint missiles for the two phase I sites, authorizing deployment of a third Safeguard site at Whiteman Air Force Base in Missouri, and authorizing advanced preparation of a fourth site at Warren Air Force Base in Wyoming—represents what we sincerely believe to be the minimum response we can make now to meet an urgent need—the minimum response. And, Mr. President, we must make it now—not 1 or 2 years from now, but now. I say this because throughout the past weeks of debate, I got the impression that some of us in this body are either not aware of, have forgotten, or have simply ignored a basic fact of life common to all complex, sophisticated engineering efforts such as Safeguard. That fact of life, Mr. President, is lead-time. We cannot go down to 12th and Pennsylvania Avenue and say, "I want to buy an ABM." We cannot get them that way. We must anticipate, plan, experiment, do research in engineering, testing, and developing further.

I keep hearing suggestions to "wait until phase I is completed," or "wait until we can deploy a better system." These suggestions are all fine in themselves, except that they ignore the fact that there is nothing we can do to make the Russians wait. That waiting has to be a one-way street. They might decide to stop deploying the SS–9; we might reach a satisfactory agreement with them at SALT; they might not upgrade the accuracy of the SS–11 or put MIRV's on the SS–9. Whatever they do, it will be based on their decisions, not ours. If we wait several years, doing nothing in the hope that the Soviets will accommodate us, we are playing real Russian roulette—for stakes we cannot afford.

My whole point, Mr. President, is that we cannot have an ABM defense overnight. We cannot wait until we are sure we need it, and then take items off the shelf, throw them in a truck, and be ready the next morning. We must make decisions now in order to achieve a capability 4 or 5 years from now. If we decide to deploy now, as the committee recommends, and the Soviet threat fails to materialize, then at worst we would have wasted some money. If, on the other hand, we do not decide to deploy and the threat does materialize, we have lost far more than money. We have lost our capability to deter nuclear war. I find that unacceptable. But further, if we do defer and lose this time, our adversaries around the world will realize, before all of us do, what a mistake we have made. It opens the door and invites them to make their plans as against an unprepared America. Regardless of whether they would use their weapons or not, it leaves us open to blackmail of the most vicious and effective kind.

Let us look now at the amendment proposed by Mr. BROOKE, and see how it compares with the committee's recommendation. Since funds are not reduced in the amendment, I must assume that it is permissible to deploy additional Safeguard radars and interceptor missiles at Malmstrom and Grand Forks Air Force Bases, the two we already have now and are working on.

Mr. President, to make the record clear, Senator BROOKE's amendment was considered by the Armed Services Committee and turned down by a large majority, while all of this was fresh on our minds.

EQUAL COST—LESS PROTECTION

If we deploy Safeguard components equivalent in cost to the committee recommendation and under the restrictions of the amendment, we would have a third Safeguard site at either Grand Forks or Malmstrom rather than at Whiteman. Since no analysis or survey work for a second site at either Grand Forks or Malmstrom has been done, this would impose about a 12-month delay in that site's achieving an operational capability. In other words, a 12-month delay beyond the time when the Whiteman site could be operational under the committee proposal. This is because most of the significant analysis required for the Whiteman site had already been accomplished under the old Sentinel program.

In addition to imposing a year's delay, deploying a third site under the restrictions of the amendment would also result in a reduced capability to defend Minuteman. This is caused by two factors—first, because of the shape of the Minuteman fields, the number of Minuteman silos that could be protected by a third site at Grand Forks or Malmstrom would be about 70 percent of the number protected by a site at Whiteman. However, if the funding is the same as the Whiteman cost. I am informed that only about 35 percent of the number of the Whiteman interceptors could be installed at a third site at either Grand Forks or Malmstrom.

Mr. President, that means for an equal cost, we get one-third the protection. That is far from being a cost-effective proposition.

The ACTING PRESIDENT pro tempore. The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. STENNIS. Mr. President, I, for one, will not recommend to this body the authorization of funds when it is obvious that we are not getting the most for the dollar.

Mr. President, I shall discuss that part of this matter later. I wish to reserve 15 minutes of time for my own use in closing debate on behalf of the committee.

I yield the floor now, Mr. President.

Mr. BROOKE. Mr. President, will the distinguished chairman of the Armed Services Committee yield to me, to answer some questions?

Mr. STENNIS. I shall be very glad to answer the Senator's questions.

The ACTING PRESIDENT pro tempore. Does the Senator from Massachusetts want to yield a specific amount of time?

Mr. BROOKE. How much time remains, Mr. President?

The ACTING PRESIDENT pro tempore. Fifty-four minutes to the Senator from Massachusetts.

Mr. BROOKE. Fifty-four minutes?

The ACTING PRESIDENT pro tempore. Yes.

Mr. BROOKE. And to the Senator from Mississippi?

The ACTING PRESIDENT pro tempore. Fifty-six minutes.

Mr. STENNIS. Shall we begin with 10 minutes equally divided?

Mr. BROOKE. Yes. Mr. President, I yield myself 5 minutes, from my time, with 5 minutes to be taken from the time of the Senator from Mississippi.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, does the chairman favor an area defense for the country? Or does the Senator agree that area deployment could well be self-defeating, by forcing the Soviet Union to increase its offensive capabilities to insure that it can retaliate?

Mr. STENNIS. I think, with all deference to the Senator, that is an academic question now. We are not discussing area defense at all under this amendment, or even under the bill.

Mr. BROOKE. Might I point out to the Senator that the House, as I understand it, would grant not only a deterrent defense but also an area defense as well in the bill it passed. If we go into conference with the House with the committee bill, there is a possibility, and perhaps even a probability, that we could end up with area defense. That prompts my question to the distinguished chairman.

Mr. STENNIS. I do not think there is any probability. We would all go to conference to represent the views of the Senate and vigorously represent that position.

My idea is that, everything considered, the high probabilities are that that position would prevail.

I have never been strong for this area defense. However, I do not close the door on it. I do not think that the threat there is imminent.

I think the primary purpose is to put the money on this deployment, as we have now, for these four sites, and perhaps on more.

There is no doubt in my mind about that. That is my purpose. That is what I propose to stay with.

If we are going to go into an area defense that would be debated in the Senate fully. But I do not believe the urgency is there. I do not have really a thought of urgency there. It is something in the future. The Senator is correct. However, this is not the time for it, as I see it.

Mr. BROOKE. Mr. President, is the distinguished chairman aware that the O'Neill Panel which advised the Department of Defense on this year's deployment options concluded that if the system's only purpose was designed to be defense of the deterrent, Safeguard technology is not cost effective and should not be used?

Mr. STENNIS. What was that question?

Mr. BROOKE. The O'Neill Panel advised the Department of Defense on this year's deployment options, and concluded that if the system's only purpose is designed as a defense of the deterrent, the Safeguard technology is not cost effective and should not be used.

Mr. STENNIS. The Senator means it should not be used as a defense for the missile sites we have here?

Mr. BROOKE. The technology should not be used because it is not cost effective.

Mr. STENNIS. The Senator means it should not be used for an area defense.

Mr. BROOKE. That is part of it.

Mr. STENNIS. Yes; I am familiar with that in a general way. It would not be used for area defense. However, we stayed out of the area defense altogether in the committee bill.

I think that when we get into that, we have to weigh a lot of other things. I am concerned about the ICBM's, and I know that the Senator from Massachusetts is, also. That is where our protection is going to be. That is protection for our people through protecting the arsenals.

Mr. BROOKE. Mr. President, I certainly agree wholeheartedly. As I think the Senator will recall, in my statement I not only give credit but also commend my colleagues on the committee for moving away from area defense.

I was raising the question of cost effectiveness.

As I understood the O'Neill conclusion, it was not only referring to area defense, but was also saying that Safeguard technology should not be used in any event.

I wonder if the chairman was aware that the O'Neill panel had reached that conclusion.

Mr. STENNIS. Mr. President, Dr. O'Neill—and I have here the statement that Dr. O'Neill gave in his testimony to the committee subsequent to the report—expressed the opinion that the missile site radar—MSR—would be required.

The O'Neill report did not recommend against Safeguard as a Minuteman system. That is very clear.

Mr. BROOKE. Mr. President, does the Senator acknowledge that the use of Safeguard technology is not cost effective at three sites any more than it is cost effective at two sites?

Mr. STENNIS. No; it is my understanding that the three-site defense is considerably more cost effective than the two-site defense. However, in weighing these matters, the scientists will disagree, cost analysts will disagree, and the budget people might disagree. The fact remains that we need an ABM first for our deterrent defense, and I believe the committee's recommendation is the cost-effective way to go about it.

I frankly think that we cannot weigh the matter of cost effectiveness at this time. The big program is to try to get an effective defense, an effective ABM.

With all due deference to the Senator, this is getting off on a side issue.

Mr. BROOKE. Mr. President, I raised this question with the distinguished chairman because he certainly has had a wealth of experience in conference committees.

It is my understanding that in conferences sometimes it is customary to split the difference. I am very much concerned that if we were to go into conference with the committee bill and the House bill, we could very well come out of the conference not only with Whiteman but with Warren as well, and perhaps an advanced site in the Northeast and the other areas which would, in effect, give us area defense.

I think that is a matter of very serious concern for our conferees, because of the House action initially.

Let me say to the distinguished Senator that this does not mean that I do not have the utmost confidence in our chairman and in the conferees. I know that they will do all they can to maintain the Senate position. But I wonder, since we have a rather extreme position taken by the House where we would be if a "middle ground" is adopted.

Mr. STENNIS. The Senator is speculating on something here that no one can give an answer to.

I can give an answer as far as attitude is concerned. There is no motive except what I have given for this committee acting as it did in bringing in this recommendation.

No one has in his mind, so far as I know, any idea of having this matter pass the Senate and then going to conference and bringing a whole hog back. There is not the least intention to do that.

If the Senator's amendment is rejected—and I believe it will be—everyone connected with this matter will be willing to settle on this for this year in the Senate bill.

That is the practical side of it. That is what I am going to fight for. I will tell everyone that.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TOWER. Mr. President, I think the point should be made that, notwithstanding phase I, even if it were to occur at both Whiteman and Warren, it would still not provide area defense—and it could not—for the major population centers in the Northeast, the east coast, and the west coast.

It could be used to protect Houston, Dallas, San Antonio, St. Louis, and some of the cities in the middle part of the country. Those four sites could not serve the purpose of area defense.

Mr. BROOKE. Mr. President, the Secretary of Defense on "Face the Nation" this Sunday, I believe, included some area defense at Whiteman itself. And if we get into these four sites, we will have area defense.

Mr. TOWER. But we will not have it in the major population centers.

The PRESIDING OFFICER (Mr. MUSKIE). The Senator's time has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent that we be permitted to continue for an additional 5 minutes.

Mr. BROOKE. Mr. President, I ask unanimous consent that we be permitted to continue for an additional 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BROOKE. Mr. President, I am very much buttressed by the statement made by our distinguished chairman that he believes that if we should reject this

amendment—and I am hopeful that we shall not and I do not expect that we shall—and go to the conference with the committee bill, that he will press for the Senate position.

Mr. STENNIS. There is no doubt about that in my mind. In addition, the Brooke amendment does not have a thing in the world to do with that situation. If we agreed to it or rejected it, the situation would be the same.

Mr. BROOKE. I do no think that is correct. Under the Brooke amendment there is a limitation on sites. You could not go beyond the existing first and second sites of phase I. So I think if we went into a conference with the Brooke amendment, we would be in a stronger position to maintain the distinguished chairman's position than we would if we went in with the committee position. That is my thinking on the subject.

Mr. STENNIS. I thank the Senator. I appreciate his suggestion.

Whatever area defense would come from Whiteman is purely incidental. That is not the object of the site at all.

Mr. BROOKE. I agree it is not the object of the site, but it is there; and I point that out to the disinguished Senator from Texas, who raised the question.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TOWER. I wish to remind the Senator that the committee rejected area defense. That is the committee position. The bill, as it came out of committee is, indeed, itself a compromise.

Mr. BROOKE. The Senator is correct, but the House did not reject area defense. That is my point.

Mr. TOWER. Since we have rejected it, that is the Senate position and I do not see that going in with the Brooke amendment would give us a better bargaining chip in that connection than the committee version.

Mr. BROOKE. I point out to the Senator, and I hope he understands what the amendment provides, that limitation would be helpful in conference—it would help the conferees on the Senate side to maintain the position which the committee bill has set forth.

Mr. TOWER. Mr. President, will the Senator yield further?

Mr. STENNIS. I yield.

Mr. TOWER. I wish to read the following language from the committee report:

> In taking this action, the committee wishes to establish the primacy of active defense to increase the survivability of the land-based deterent. The authorization the House approved at administration request to proceed now to advanced preparation of four area defense sites, the committee affirms its conviction that there is no compelling need to move now to the deployment of an area defense of our population against the Chinese Communists ICBM attack.

There is our position.

Mr. BROOKE. That is the committee position. The Senate has not taken a position yet.

Mr. TOWER. If we adopt the committee bill it is the Senate position.

Mr. BROOKE. We have not done that yet.

Mr. TOWER. But the Senator's amendment would put us in no better bargaining position with the House than the committee position.

Mr. BROOKE. I disagree with that; and I make the point my amendment would put us in a better position. Secretary Laird on Sunday stressed that a major reason for going to the Whiteman deployment was to keep open "the follow-on options for either area coverage or for accidental launch coverage."

In my opinion, that is an area defense option. I think the Secretary is keeping clear that option. That is why I asked the question of the Senator that I did.

Mr. STENNIS. We have tried to answer as fully as we know how.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I think I understand what the Secretary is getting at. He made no commitment to area defense, but any weapons planner would be foolish not to be looking ahead. You cannot say that site protection would not provide some area protection. There may be some small town within the radius of the cone of destruction. Whether they like it or not, they might be saved by the ABM designed to protect that particular missile. But I do not think anyone in the weapons business in his right mind would ever stop his thinking at this wall; namely, the protection of a missile site, because when we can prove a missile site protection system will work without danger to a community, we are going to see an about face by small towns and some large cities that now do not want the ABM near them.

I would not advocate that we go into area defense at this particular time, but I think the Secretary would not be acting in the way a Secretary should act if he is not thinking a long way ahead with respect to all problems connected with the ABM, including the possibility at some time of its use as an area defense.

Mr. BROOKE. Of course, any decision is reversible, depending upon the circumstances. As I understand it, he made this decision to go to deterrent defense rather than area defense not so much because people living in these various areas are objecting to it, but because we believe it gives us maximum security.

Our committee discussed that matter thoroughly; and the chairman made clear he supports it. But this language by the Secretary would indicate some possibility he might be seeking to restore that area defense when we go to conference.

I think it is important that we discuss this matter on the floor of the Senate. I am much buttressed by what the chairman has said.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. I do not believe the Secretary of Defense is trying to restore anything. The Senator, being a member of our committee, recalls that there was almost universal objection when the Secretary made his report to the so-called Chinese threat, and, in fact, there were quite a few members of that committee that I think would not have supported that. I have my doubts as to what I might have done. But when the committee came out with the language we arrived at, it ignored that part of it, and the Secretary agreed with that, and I feel that is the Secretary's position.

What the House of Representatives does is something else. It will be found the House goes beyond the Senate in practically every area of this bill. We will spend so much money on the B–1 and they are going to spend twice that much. We will have an amendment to strike $284 million from the F–15, but the House will think they should get the whole thing.

I think the Senator's experience on the committee will convince him that the House always goes beyond the Senate in this particular area. So when it comes to the work of the conferees, I do not think the Secretary has any weight at all because I do not think there are many things in this bill from the House that the Secretary either pushed for or did not push for. It is a House bill.

Mr. BROOKE. Mr. President, if I may refer another question to the chairman in the time allotted, the distinguished chairman raised a very serious question about the time factor. If we were to agree to this amendment and install additional radars at Malmstrom and Grand Forks, it is estimated it would take 12 months. In other words, there would be a 12-month delay, I believe the chairman said, because of the necessity for surveying for the location of the sites.

I certainly agree, as the proposer of the amendment, that it would take time to survey for the location of sites if we did add additional radar at each of the present sites. But my best information is that it could take as little as 2 or 3 months, not a year; the very most it could take would be a year. In this time, and I want to point this out to the chairman, of the $50 million we already allocated for advance work on radar technology——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I ask unanimous consent that we may proceed for 3 additional minutes.

Mr. STENNIS. I am happy to accommodate the Senator but I have an obligation of time.

Mr. BROOKE. We could finish this question in that time.

Mr. STENNIS. Very well; the time to be divided.

Mr. BROOKE. This time could be used to rush to readiness this radar technology, which would enable us to use more accurate and less costly radars than the costly MSR which is costing over $200 million each to construct. Also during this so-called delay SALT will be taking place at Helsinki beginning in November. Hopefully, at that time we may have come to some agreement with the Soviet Union which would do away with the necessity of spending these billions of dollars for this ABM system.

Mr. STENNIS. My quick answer to the Senator is that, however he puts it, the Brooke amendment just stops this program in its tracks so far as going beyond the two sites is concerned.

Mr. BROOKE. The production lines are open. We still have the production lines open on the MSR's, the computer capability, and the Sprint missiles. We are not closing those up, as they would have been under other amendments.

Mr. STENNIS. So far as additional sites are concerned, the amendment takes them out of the program and cuts them out, and the Senator knows there will not be any further legislation on this subject for another 12 months.

Mr. BROOKE. But if we are going to get more survivability of the Minuteman force, the improvement of the defense in depth of the two sites——

Mr. STENNIS. Well——

Mr. BROOKE. There is a scientific difference of opinion here as to whether or not that is true.

Mr. STENNIS. I have a memorandum here specifying how this money is going to be used. I have here four possible options that are available. We will go into that later.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 12 minutes to the Senator from Washington; more, if he wishes.

Mr. JACKSON. Mr. President, I wish to discuss briefly the pending amendment introduced by the distinguished Senator from Massachusetts (Mr. BROOKE). This amendment is not new to me or to other members of your Committee on Armed Services where it was originally introduced and, after discussion, rejected by a substantial majority.

I believe that the committee acted wisely in rejecting the pending amendment when it was before us, because I am convinced that it is basically unsound. This is not a judgment that I alone have made, although I have given this amendment careful consideration. The Secretary of Defense shares, I believe, my view that its adoption would be a poor use of the defense dollar because it would provide a less effective defense of Minuteman at the current budget level, or, alternatively, would cost substantially more for the same level of effectiveness. I will explain precisely why the proposal to deploy the same hardware scheduled for Whiteman Air Force Base at Grand Forks or Malmstrom—the phase I sites—would be a wasteful and unwise investment. But as I do so, I would call to the attention of the Senate that what is at issue here is the particular location at which the $320 million for phase II can best be spent.

First, Mr. President, if the proposed amendment is to provide a capability to protect Minuteman equal to the protection afforded by the Armed Services Committee recommendation, it would add to the cost of the committee's recommendation an additional $500 million. This substantial sum is greatly in excess of the phase II funds in the committee bill, and about equal to the total expenditure for the Whiteman site. In other words, the adoption of the amendment could add to the program cost twice the amount the Hart-Cooper amendment would have struck. Moreover, it entails some serious disadvantages with no offsetting advantage.

However, Mr. President, the proponents have not seen fit to amend the committee position so as to provide the funds necessary to implement their amendment. One is forced to the conclusion, therefore, that the crucial effect of the adoption of the amendment would be to reduce the effectiveness of Safeguard in protecting Minuteman by a significant amount. I must say that I am at a loss to explain the advocacy of this amendment by those who have opposed Safeguard with the argument that it is not cost effective.

Second, the amendment is difficult to evaluate because it is unclear whether its sponsors are advocating that the hardware scheduled for Whiteman be deployed at either Grand Forks or Malmstrom alone, or, alternatively, whether they mean to recommend that two additional radars be deployed, one each at Grand Forks and Malmstrom. In either case they are faced with the following dilemma: either they mean to suggest one additional radar, along with its complement of missiles, in which case there is a sharp decline in overall protection and a $100 million price increase, or they mean to suggest two additional radars, in which case the effectiveness is maintained but at double the price. Neither interpretation commends itself as an alternative to the system as presently designed.

Mr. President, my friend, the distinguished Senator from Massachusetts, appears to be under the impression that the addition of a second radar or radars at the phase I sites would provide "defense in depth" at these bases and, even more, "an exponential increase in the number of offensive missiles required to attack the defended targets." He has reference here to the tactic of "preferential defense," a concept that is fine in theory but that can be applied only in certain and rather precise circumstances. Had hearings on the proposal been held it would have been made clear that preferential defense cannot be beneficially employed at either Grand Forks or Malmstrom.

Mr. President, the reason why this tactic, attractive in theory, cannot in fact be employed has to do with the geography of the phase I sites and the range of the Sprint interceptors. I have examined detailed maps of the sites in question on which were drawn the actual deployment option for which the Senator is arguing. In an effort to give the amendment every consideration, the optimal deployment under this amendment was studied. The simple fact is that the addition of a single MSR and its complement of Sprint missiles at Grand Forks, the more favorable of the two sites, would bring under additional protection an astonishingly small number of Minuteman—a number, in fact, that is less than one-third of the number protected by deployment of the same hardware at Whiteman.

Alternatively, the addition of two radars and associated missiles—one each at both Grand Forks and Malmstrom—would add, as I have said, some $500 million to the cost over what it would be at Whiteman.

Third, there would be an unavoidable delay of at least 15 months in the operational readiness date of the fourth radar deployment—the only deployment that could—at greatly added cost—buy comparable effectiveness.

Fourth, the potential effectiveness of the possible eventual addition to Safeguard of a new smaller and less costly radar would be seriously reduced. The proponents of the amendment may hope that this radar can be developed in time to substitute for the third and fourth MSR's. I believe that they are in error here as this radar will not be available in time to substitute for these MSR's but may be available later should the threat require augmentation of the defense. However, the optimal use of a supplementary radar would be achieved by its use at a larger and not a smaller number of sites. Since this new radar, when and if developed, would function in harmony with the MSR thereby increasing the effectiveness of both, the MSR's would be optimally deployed at geographically separated sites.

Fifth, the dispersal of Safeguard at more rather than fewer sites seriously complicates the problems faced by a potential attacker. I could go into detail here, but suffice it to say that the effect of leaving two-thirds of the sites completely undefended simplifies the attacker's requirements.

Sixth, the choice of Malmstrom or Grand Forks over Whiteman would sacrifice the very considerable protection of our SAC bombers based in the vicinity of Whiteman. A minimum of 10 percent, and perhaps as much as 20 percent, of the bomber bases can be protected with the addition of the site at Whiteman, as compared with less than negligible bomber protection at the phase I sites.

Against all of this, Mr. President—against the increased costs or reduced effectiveness—or possibly both—against the technical complications, against the loss of bomber protection, must be set the merely rhetorical counterweight that the amendment would be a "geographical limitation on the system." Never mind that the geographical limitation is the source of the many disadvantages I have outlined. Never mind that the price paid for it is high. The fact is that the "geographical limitation" is of no consequence, save as a pointless and ill-considered symbolic defeat for Safeguard.

I hope that my colleagues will appreciate the full implications of the pending amendment. Its adoption would mean rejecting a planned deployment on which many thousands of hours have been spent in costing, analyzing, drafting, engineering and design, and substituting for it a proposal that is seriously deficient, that was rejected by the Armed Services Committee, on which no hearings have been held and which will have received the sum total of 3 hours consideration on the floor today.

This is not the way the Senate should decide these issues. It would be unwise to make our decisions in this way, even if there were, on the surface, some concrete advantages to the amendment itself. Its passage would be, in substance, nothing more than a symbolic victory over the Department of Defense and an unwarranted defeat for the President.

Mr. President, the proponents of the Brooke amendment have taken great pain to suggest that its adoption would leave our negotiating position in the SALT talks unimpaired. Their most affirmative claim is that the adoption of the amendment would not adversely affect our capacity to positively influence the Soviets in the direction of accommodation and agreement at the negotiations. This is the most the proponents have claimed for the amendment and even this claim, I believe, is based on only a partial appreciation of the relationship between Safeguard and SALT.

I have tried, in recent weeks, to point out to my colleagues that Safeguard is, in my view, a carrot and not a stick. It is a carrot in the sense that the real capability of the system to cancel the costly increases to the Soviet offensive forces should convince them of the utter futility of continuing to deploy more ICBM's. If the Soviet leadership comes to understand, as I hope they will, that every SS–9 on which they spend $30 million will be offset by an increment of defense at substantially lower cost, they will realize the wisdom of mutual limitation. For this reason Safeguard is an incentive to agreement, and for this reason it is quite beside the point to argue, as some have, that Safeguard cannot be an inducement to accommodation because it does not threaten the Soviet Union.

My analysis leads me to conclude that any revision of the deployment plans for Safeguard that reduces the real capability of the defense to protect Minuteman reduces our bargaining leverage proportionally.

In addition, Mr. President, there is an even more significant reason why the utility of Safeguard as an incentive at the SALT talks would be diminished by passage of the Brooke amendment.

The simple fact is that the futility and wastefulness of the continuing Soviet offensive deployment can only be demonstrated if it is clear that the Safeguard response will keep pace with any level of offense the Soviets might consider. An affirmative vote on the Brooke amendment, however, far from indicating our determination to offset increases in the Soviet offense, signals an irresolute and tentative support for the Safeguard system.

I think it is clear that the Soviets would read the passage of the Brooke amendment as an indication that Safeguard is being terminated by the first in a series of indirect and oblique senatorial attacks.

I have heard it argued, by proponents of the Brooke amendment, that its passage would be a compromise—as though compromise, in and of itself, were necessarily a good thing. I believe, and I am confident that many Senators share my view, that the careful and deliberate compromise worked out in the Armed Services Committee deserves to be sustained on the floor.

I am also persuaded that a compromise that imposes severe technical burdens on the Safeguard system and increases its cost by $500 million is a compromise in name only. What is compromised by the Brooke amendment is sensible defense planning and the utility of the defense dollar.

I am hopeful, Mr. President, that the SALT talks will result in limitations on both offensive and defensive weapons that can be adequately constrained, sustained, and verified. We should do nothing that will diminish the likelihood of success in Helsinki or Vienna or impair the quality of our defenses in the event we fail to reach agreement.

Mr. President, I yield the floor.

Mr. STENNIS. Mr. President, I thank the Senator for a very fine exposition on this subject, on this occasion as well as on others.

Mr. BROOKE. Mr. President, I yield 10 minutes to the distinguished Senator from New Hampshire.

TO MAXIMIZE PEACE AND SECURITY

Mr. McINTYRE. Mr. President, I rise to support the amendment introduced by my friend, the distinguished Senator from Massachusetts (Mr. BROOKE) which I cosponsor along with the distinguished Senator from Kentucky (Mr. COOK).

I will be brief—and I hope I can go to the heart of the decision we will make here today.

Nearly 15 months ago in a speech in my hometown of Laconia, N.H., I spoke on the ABM-Safeguard system. On that occasion I said:

> Only a few times in our Nation's history have we faced a more far reaching, more profound, more truly significant debate than we face today in dealing with the proposal to deploy the Safeguard system.

In that same speech I focused on basic issues which I felt must be confronted in reaching the decision:

Would Safeguard work?

Would it intensify the arms race?

Would it help in negotiating with the Soviets?

Would it be the best way to maintain the strategic balance in the world?

I have followed the same guidelines this year in arriving at my decision to support this amendment.

Will it provide the "bargaining chip" the administration and our negotiators at SALT feel is necessary?

Will it let us continue to develop the ABM so that we are certain we have a system which will accomplish its mission?

Will it escalate the arms race by provoking a response and thereby undermine SALT?

Will it meet any imminent Soviet threat to the strategic balance on which nuclear peace and our national security depend?

Will it provide a common meeting ground for the Members of the Senate who share divergent views on the action the Senate should take this year in this important area?

I have considered the various proposals on ABM within these guidelines. After a great deal of study on my part, after consulting with experts who were available to me, and after discussions with many of my colleagues here in the Senate, I am convinced that this amendment will accomplish the goals I seek within the guidelines I have set forth.

When I first announced my cosponsorship of this amendment, I reported that I had consulted, by telephone, with the highly placed officials at SALT while sessions were still underway in Vienna. We discussed the various ABM proposals then before the Senate, and I was told that in their view a "bargaining chip" on ABM was crucial to a successful outcome of these vital talks with the Russians. The officials I talked with are convinced that a static ABM would not provide that "chip." They believe there must be solid evidence that ABM is moving forward.

Others who have spoken on the amendment we have before us have made it quite clear that this proposal would, indeed, move ABM forward. I need not repeat their arguments.

I am assured that this amendment would provide the necessary forward momentum. And having considered the comments made to me by officials in Vienna, I have reached a firm and clear conviction that this amendment provides the "bargaining chip" they ask.

Now as to my second guideline, there is this question to consider:

Will this amendment allow us to proceed in the ABM system's development so as to make certain the system will work should it ever become necessary to use it?

As chairman of the Subcommittee on Research and Development of the Senate Armed Services Committee I want to make sure that the deployment of such a costly and complex system is firmly anchored to the soundest possible technical base.

You may recall that in last year's debate on the military procurement bill I offered an amendment designed to provide additional research and development to assure just such technical competence for the system. I believe the amendment we have before us today is consistent with the position I took last year and builds on the action of the Congress to deploy the first two sites.

The amendment we are now considering continues the deployment at those first two sites, strengthens deployment there, and provides additional research to eliminate technical flaws and weaknesses before we move too fast in additional deployment. Such indepth, onsite research should meet many of the technical criticisms of the Safeguard system.

Since we are talking here about the defense of our Nation—as well as the possibility of achieving a peaceful accommodation with the other leading world power—I think that the least we can do is to make sure, through research, that we are not buying a pig in a poke—or, should I say, silo?

I think the people want it this way. I would hope that the administration wants it this way. And I know from speaking to many of my colleagues that they want it this way.

As to the question of whether this amendment would encourage a dangerous escalation, I do not feel that it moves in that direction at all.

The ABM, as proposed to Congress this year, called for full deployment of the ABM system, including the concept of area defense. I believe this proposal would be esclatory to the point of danger.

I was pleased that the Armed Services Committee, after full consideration of this aspect of the program, took the posi-

tion that area defense was escalatory and might even be considered the first step toward the development of a first strike capability.

I believe the Brooke amendment makes the opposition of the Armed Services Committee to the area defense concept a matter of law. It expresses in forceful terms the Senate opposition to this part of the system. It gives our conferees additional support as they meet with their counterparts from the House.

On the question of meeting any threat to our strategic balance:

Since last year's debate, the Soviets have continued to deploy the SS–9's they had under construction. More disturbing, they have begun fresh installations of this same weapon even while we have been meeting at the SALT negotiations in Vienna.

We have heard persuasive testimony before the Senate Armed Services Committee that the size of these SS–9 missiles imply that they would be most logically used to attack our land-based missiles rather than used as instruments of deterrence.

We all hope and pray that this Soviet activity will be halted by a secure strategic arms limitations agreement.

But, if SALT is not successful and if the Soviets foolishly mean to try to degrade our deterrent, I know we all want to be sure that we have prepared a sufficient response to maintain the strategic balance.

My able and distinguished colleague, the Senator from Massachusetts (Mr. BROOKE), with whom, incidentally, I serve on the Armed Services Committee and on my Subcommittee on Research and Development, has designed his amendment with this grave issue especially in mind.

He has argued forcefully and persuasively that his amendment would enable us to meet the same, perhaps even a greater, threat level as we would be able to meet by moving to a third site.

Now, to my final guideline. Will this proposal provide a common meeting ground for the Members of the Senate who share divergent views on the ABM?

There are many sincere positions held by my colleagues. I respect their views, for I know that they were arrived at only after long hours of consideration, discussion, and decision.

Their positions range from severe cutbacks in ABM to full deployment of the system without any qualifications.

Many of these diverse positions appeared in the Senate Armed Services Committee when this matter was considered. The committee position obviously reflects the views of some members.

Then, too, we have voted on two proposals here on the floor of the Senate which have represented still other viewpoints.

None of these positions has yet achieved a majority in this body.

If those with varying viewpoints on ABM can agree on a common ground, we can resolve this issue and simultaneously restore a degree of unity at a time when there are far too many evidences of disunity.

I am not asking any faction to compromise their principles on this issue. I am asking them to seek the area of agreement, for I sincerely believe there is a common ground which can satisfy the basic concerns of all.

It is my honest conviction that the Brooke amendment offers the best possible accommodation of the varying views held by the Members of the Senate. I do not say this lightly. I say it only after considerable discussion with my colleagues, who will shortly be casting their votes.

Mr. President, I want to maximize our security at the same time we maximize the possibility of success in our strategic arms limitations negotiations. I am convinced that all of my colleagues share this desire.

The urgent desire of all of us is to arrive at peace in our world. This is the ultimate goal for each of us—in his or her own way.

The road to this goal is difficult, full of obstacles, fraught with complex problems to which each must seek the solutions.

I feel with great conviction that the adoption of the Brooke amendment will help move us along that difficult road, and I urge my colleagues to look at it in the terms I have set forth and to join in its support.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. I yield myself 1 additional minute.

I thank the able and distinguished Senator from New Hampshire. I know of the long and tedious work he has done as chairman of the Subcommittee on Research and Development of the Committee on Armed Services. I know that he has labored long with this amendment. He is one of its distinguished cosponsors. I am very grateful to him for what he has done, and I commend him for his very thoughtful and very scholarly speech on this subject this morning.

Mr. McINTYRE. I thank the Senator from Massachusetts. I want to say, too, that I know of the long hours that he and members of his staff have spent on this difficult problem, and I congratulate him on his amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, the debate on this important subject will be over in about an hour. It will terminate weeks of debate on whether we should or should not have an ABM. Although I recognize that the Brooke amendment does not go as far as the Cooper-Hart amendment, still, I think we can arrive at pretty much the same conclusions.

Judgments of the Safeguard antiballistic missile system proposed by President Nixon depend on the answers to six controversial questions.

The first question is, Does the Soviet Union intend to—or indeed can it—press the arms race so hard it develops a first-strike capability against the United States?

Opponents of Safeguard say the Soviet Union almost certainly cannot develop a first-strike capability against the diversified second-strike force of the United States, whether it wants to or not. At least some ABM foes say the Soviet Union has no intention of striking first anyway.

The Nixon administration, unwilling to judge Soviet intentions, believes the Soviet Union could be on the way to achieving the capability for a first strike in the 1970's and therefore wants to prepare the United States to defend against this possibility if necessary.

Mr. President, all the testimony and all the evidence I have seen—which I cannot discuss because of its privileged nature—has forced me to believe that the Soviets will pass us sometime in the next 12 months in the total ability to deliver nuclear weapons upon us.

The second question that I think has to be answered is this: Will Safeguard force an escalation of the arms race?

Critics of the system say the Soviet Union will be forced to upgrade its offense to compensate for the assumed effectiveness of Safeguard, and this Soviet move in turn will force a reaction from the United States.

Since Safeguard is purely defensive and will be installed in phases, proponents say, there is no reason the Soviet Union or any other enemy should react by increasing its own arms capacity.

The third question which has developed is this: Will the Safeguard system work?

Foes of the system say it is too easily overpowered by the offense, which has many options for deception. In addition, they dispute those who believe the system can ever be brought up to the peak of operational perfection required, much less maintained at that peak for the many years it may be necessary.

Its backers acknowledge it has not been fully tested but maintain that, on past experience with systems almost equally complicated, they have good reason to expect it will. Moreover, merely deploying the system complicates whatever enemy plans there may be for surprise attack. Safeguard's main value may be achieved without ever firing a missile.

The fourth question is this: Are the costs acceptable?

Opponents say Safeguard is a waste of money which could be better spent at home on the country's serious domestic problems. They say the current price tag is a serious underestimation, that the eventual cost may be up to 50 times as high as the $7.8 billion now estimated.

Mr. President, this is getting to be rather an everyday phrase used by opponents on every appropriation or authorization, that it will cost 20 to 50 times as much. While I do not say that we will keep costs within present estimates, I have to remind those who speak like that, that the cost expectations of Federal aid to education, medicare, the highway system, and so forth, have all gone up far greater than the cost, percentagewise, of our weapons system.

We heard some discussion this morning about cost effectiveness. If former Secretary of Defense McNamara did one thing that was more dangerous than anything else, it was the institution of the idea of cost effectiveness.

My argument is that there is no cost effectiveness measure that can be applied to the defense of 204 million American people. If it works, and if he can

afford it, any American will be glad to pay the whole cost.

I say that the billions of dollars we have spent on this have been wisely spent.

Proponents of Safeguard believe the United States must be able to afford whatever is necessary for its own defense, especially against enemies whose economies are inferior. Safeguard, they say, is necessary insurance to preserve the United States second-strike deterrent.

The fifth question is: Can the United States afford to delay deployment of the Safeguard system?

Critics believe the United States can take the risk of delaying a year or longer while the State Department and the Arms Control and Disarmament Agency try to work out an agreement to stop the arms race. The Soviet Union cannot mount by the mid-1970's, they say, the highly coordinated attack necessary to wipe out America's bomber, Polaris, and ICBM forces simultaneously.

The PRESIDING OFFICER (Mr. SPONG). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 2 additional minutes.

Mr. GOLDWATER. Mr. President, unless the Soviet Union is sure of a simultaneous kill of all three American forces, she must expect a devastating retaliatory blow. This devastation, Safeguard's foes say, the Soviet leadership will not risk even if the United States delays in building Safeguard for a year or longer.

President Nixon has chosen what he considers to be the minimum next step in the broad development of a nonprovocative anti-ballistic-missile system which could be needed if the Soviet Union presses on toward a first-strike capability. Even 1 year's delay could give the Soviet Union enough of a jump in developing its attack forces to threaten the U.S. deterrent.

The last question, the sixth question, which has come up in my mind is: What effect would rejection of President Nixon's Safeguard system have on the U.S. bargaining position in the pending arms control talks?

Delay in deployment of Safeguard, critics of the program claimed, would provide time and improve chances for progress in arms-control negotiations with the Soviet Union—before a new cycle in the spiraling arms race got underway.

Proponents of Safeguard warned, however, that a Congress-ordered delay or cancellation of Safeguard would be read in Moscow as repudiation of President Nixon, who was heavily committed to beginning installation of the system in 1969. Delay or refusal of funding might also be taken as a signal, it was said, that the Soviet Union need make no arms-limitation concessions of its own, since Congress was forcing the President's negotiating hand to give U.S. concessions in advance.

Mr. President, I ask my colleagues to reject this proposal. With all due respect to the Senator from Massachusetts, I think this is a dangerous step in a dangerous time in our history, when the world is beginning to doubt that the United States has the courage, the willingness, or the ability to defend itself, let alone to take care of the commitments it has made around the world.

All of the debate we have had in Congress over the past going-on 5 weeks has been of more help to the enemy than anything we could have done, when we question the wisdom of our military leadership and the wisdom of our President. I think it gives great aid and relief to those whom we do not want to give those things to.

Mr. COOK. Mr. President, will the Senator from Massachusetts yield?

Mr. BROOKE. Mr. President, I yield 10 minutes to the distinguished Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOK. Mr. President, I should like first to read an editorial published in the New York Times this morning. It reads:

CLARITY ON ABM

An Administration-created haze hangs over the vote the Senate will take today on the Brooke amendment. The White House, in opposing the amendment, is still leaning on the chief argument it used last week to defeat moves to suspend expansion to the Safeguard ABM system beyond its present two Minuteman sites. But that argument has no real pertinency to the Brooke amendment.

The decisive Administration contention in the earlier voting was that "the momentum" of Safeguard expansion is a vital bargaining tool in the missile curb talks with Moscow. Forty-seven Senators rejected that view last week, as does this newspaper. But others with deep reservations on the worth of ABM hesitated to challenge the Administration's judgment about these supersecret negotiations.

The Brooke proposal responds to these concerns. While limiting immediate Safeguard deployment to the two existing sites in Montana and North Dakota, it would provide more effective Minuteman protection than the Administration-supported authorization bill. That measure would divert $322 million to two additional Minuteman bases in Missouri and Wyoming.

The Brooke amendment would authorize the full $1.3 billion the Administration has requested for ABM, but would require that the controversial $322 million be spent to improve the two present installations. That improvement could be achieved in any of several ways.

The Missouri project involves long-range Spartan antimissiles and expensive missile site radar (MSR) as well as the fast, short-range Sprint antimissiles which provide the chief Minuteman defense. If all these funds were spent for additional Sprint missiles to be used at the North Dakota and Montana sites, substantially more Minuteman could be expected to survive a heavy Soviet attack.

Another alternative would be to extend radar coverage at the Montana base along with the installation of more Sprints. The Pentagon has admitted that one MSR radar, as presently budgeted, is insufficient to cover the 200-mile stretch of this Minuteman field. Installation of a second MSR there would double the number of attacking missiles the Soviet Union would have to fire to achieve the same destruction.

Even more useful would be expenditure of the added $322 million on development for close-in Minuteman defense of a better ABM system than Safeguard, which was designed for quite different purposes. Leading defense scientists on an Administration-appointed panel have confirmed the view of Safeguard critics that much more effective Minuteman defense could be achieved at much less cost in this way.

It is not Safeguard, but the certainty of a vastly more dangerous and expensive new round in the missile race that provides the real incentive for Moscow—as for Washington—to achieve an arms limitation agreement. Nevertheless, those Senators reluctant to challenge the Administration argument that it needs the Safeguard "bargaining chip" can vote for the Brooke amendment with the conviction that it would also provide a much better defense if the SALT talks fail.

Mr. President, having just read that into the RECORD, let me continue by saying that I am one of the few who will vote for the Brooke amendment because I think last year, when the ABM succeeded by a small margin, the Defense Department, in fact, asked for the most minimum and barest programs it could get by with. They are asking for another minimum program at the two additional sites. As a matter of fact, an argument in the remarks of the distinguished Senator from Washington (Mr. JACKSON), which he just finished making, states:

If the proposed amendment is to provide a capability to protect Minuteman equal to the protection afforded by the Armed Services Committee recommendation, it would add to the cost of the Committee's recommendation an additional 500 million dollars.

He admitted himself that the recommendation of the Armed Services Committee to protect the sites will be at greater cost and a far higher degree than the cost that has been expended in the ABM system itself as approved last year. I might also——

Mr. TOWER. Mr. President, will the Senator from Kentucky yield for a question?

Mr. COOK. Let me just finish this thought and then I shall be delighted to yield to the Senator from Texas.

I would also like to quote from page 4 of the remarks of the Senator from Washington:

Fifth, the dispersal of Safeguard at more rather than fewer sites seriously complicates the problems faced by a potential attacker. I could go into detail here, but suffice it to say that the effect of leaving two-thirds of the sites completely undefended simplifies the attacker's requirements.

I might suggest that we could have two-thirds of them undefended at every site we establish in the country, because we cannot establish an adequate radar system. Thus it will make it easier for the enemy at any place in the United States under the other financial proposal at two additional sites.

I can only say that I voted against the ABM last year. I voted against Cooper-Hart because I felt that one of the real weaknesses and one of the real unexplained problems we faced last year was the total and complete softness and weakness of the radar.

If we can have the two present positions totally and completely defendable and then work from that point of view to the next one and the next one, our defense system will truly be adequate.

Obviously if SALT does not succeed,

Congress will be asked for two more sites next year and two more sites the next year. And each of them will be an inadequate defense system as stated by the Armed Services Committee itself.

If we are to protect a system or the system let us try to really do it right. Let us not come back to the American people 2 years from now or 4 years from now, after the unsuccessful SALT talks—as they may be, but let us all hope that they will not be—and then say that we must ask the American people for $2 billion or $3 billion to make the system truly functional.

I am not concerned about overruns where the safety of the people are concerned. And I know that the Senator from Arizona is not either. In this we are in total agreement.

If we have to do this, let us do it right so that we do not have to ask the American people again. Let us do it right and completely defend each of these present sites as adequately as the Safeguard and the Defense Department can provide.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. TOWER. Mr. President, would the Brooke amendment enable us to provide that additional manned bombers be protected?

Mr. COOK. The Senator has asked me a question which I am not sure I can answer.

Mr. TOWER. I submit that it would not.

Mr. COOK. I did not say that it would. I would only say that it would give us capability by reason of adequate radar facilities at two sites to defend far more Minutemen than the program now intends.

Mr. TOWER. Mr. President, under the Brooke amendment, does the Senator admit that the preferential defense theory would be adopted?

Mr. COOK. I do not think so. I will tell the Senator why.

Mr. TOWER. Then, if it is not adopted, that means that we will deploy two additional radars at two sites for the same cost that we could deploy one at Whiteman. Is the Senator maintaining that position?

Mr. COOK. Mr. President, we are talking about defending more Minutemen. The Senator from Washington said in his remarks that it would defend more Minutemen.

Mr. TOWER. Does the Senator contend that it would defend more Minutemen at the cost anticipated here—that is to say, the amount that is in the budget? I submit that it would cost $0.5 billion.

Mr. COOK. It would not, because the committee itself said that it would cost $500 million. This is $322 million.

I might say to the Senator from Texas that if one suggests an alternative to what the Defense Department wants, it will always cost a half billion dollars more and will always take 15 or 20 months.

The Senator from Massachusetts said that he received information that these facilities could be upgraded and the protection extended to the Minutemen in a period of time of as little as 3 months.

Mr. TOWER. Mr. President, that is not borne out by the facts as outlined to me in confidential briefings by the Defense Department. Has the Senator from Kentucky received this classified briefing?

Mr. COOK. Mr. President, having been a cosponsor of this for more than a week, I would have loved to have the Defense Department contact me in my office and offer me the opportunity to have these briefings.

Mr. TOWER. The Senator did not ask for it?

Mr. COOK. No. I have been briefed on the ABM last year.

Mr. TOWER. I am afraid that the Senator is accepting some facts presented by the Association of American Scientists.

In this instance we have to trust the scientists and engineers and the planners of our Defense Department more than the Association of American Scientists, which is an organization opposed to the deployment of the ABM system. Therefore, the Association of American Scientists can be counted on to oppose the system.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Mr. President, I ask unanimous consent that I be permitted to continue for 1 additional minute.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, I wish that the Department of Defense could answer this question before 1 o'clock this afternoon. I would like them to answer for me in the record whether they feel that the sums they asked for last year for the two sites and the sums they are asking for this year for the two sites really give them all of the defense for all the missiles they really want to defend the respective sites.

Mr. TOWER. Is the Senator suggesting that we go into a closed-door session and get into classified material?

Mr. COOK. It would be perfectly all right with me.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr President, I yield 8 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 8 minutes.

Mr. THURMOND. Mr. President, the Brooke amendment No. 821, now being considered by the Senate, differs only slightly from the Cooper-Hart amendment which this body rejected by a vote of 52 to 47 last week.

In fact, of the two amendments, the Cooper-Hart amendment made more sense if the Senate wants to pull back on the Nation's anti-ballistic-missile program. Fortunately, the Senate rejected the Cooper-Hart amendment and the same refusal should be given to the Brooke amendment.

The Brooke amendment limits ABM deployment to two sites, just as the Cooper-Hart amendment. The only difference is that it would allow the money scheduled for the two additional phase II sites to be spent at the phase I location approved last year.

Mr. President, the Army does not want extra money for the phase I sites. The approval of additional money by the Senate for the initial two phase I sites would be wasteful and create problems in present schedules.

Thus, it is easy to see this amendment is merely designed as an attempt to sweeten the pie, so to speak, in hopes of picking up a few votes and bringing the Senate to a decision which would repudiate its action of last week and last year.

It must be realized that the wording of the amendment is such the Army could possibly take actions at the initial two sites which should not be taken without hearings by the appropriate committees of the Congress.

The amendment reads:

> Funds pursuant to this Act for the procurement of antiballistic missile defenses may be used only for defense of strategic forces deployed at Grand Forks Air Force Base, North Dakota, and Malmstrom Air Force Base, Montana.

Thus, if this amendment passes, the Army would be free to speed along the present deployment at the two phase I sites or build a third site or even a fourth site at Malmstrom or Grand Forks.

The amendment merely restricts use of the funds in the bill to these two locations without mentioning for what purpose the additional funds would be used.

Mr. President, the money in the committee bill scheduled for the two phase II sites amounts to some $322 million. Of this amount $298.4 million is scheduled for Whiteman Air Force Base and $15.4 million is scheduled for Warren Air Force Base. Why shift this money to Malmstrom and Grand Forks where it is not needed?

If the Army gets this additional money they should have to justify to the Congress how it would be spent. Can the author of the amendment say how it would be spent? The Army cannot because they have not requested it.

Further, we should ask the question as to whether these unrequested funds for phase I of the ABM could be used in a cost effective way. Would this expenditure amount to gold plating? Certainly there are Members of the Senate who would want these questions asked before supporting this amendment.

Mr. President, as I mentioned earlier, this amendment brings us full circle back to the Cooper-Hart amendment which the Senate has already rejected. They are identical except that the Brooke amendment would give the Army over $300 million they do not want. That is a lot of money to misdirect.

Mr. President, I submit it would be inconsistent and unwise for the Senate to accept this amendment. Supporters of the amendment admit they have no firm recommendation as to just how the $320 million the Army has not requested should be used at the sites where it is not needed.

If the Senate is of a mind to accept this amendment the members would have been wiser to take the Cooper-Hart amendment—at least it would have saved us from tossing out $320 million for unknown purposes. The Brooke amendment offers less goods for more money. I urge my colleagues to reject this amendment.

Mr. President, I want to say further that the work on the Whiteman site in Missouri and protection of our Minuteman missiles there would be delayed a minimum of 1 year if this amendment were agreed to. This is the estimate of the Department of Defense.

I wish to say further that use of $320 million at Whiteman in Missouri and Warren in Wyoming would provide 15 percent protection of our bomber force, whereas we would get protection of only about 5 percent of our bomber force at the Montana and North Dakota sites.

I wish to make the further statement that this amendment would result in a revision of extremely complex technical programs which have been planned by experts. It would be a great mistake, in my judgment, for the Senate to agree to this amendment.

The Brooke amendment would maintain the momentum of ABM spending but not ABM capability. Mr. President, which do we want: ABM capability or ABM spending? I am sure the Senate wants ABM capability and not just ABM spending, as would be provided by the Brooke amendment.

Again I say it is my hope the Senate will reject the amendment.

Mr. BROOKE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Massachusetts has 21 minutes remaining and the Senator from Mississippi has 17 minutes remaining.

Mr. BROOKE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 7 minutes.

Mr. BROOKE. Mr. President, it is said "Defense in depth" at the first two sites will provide less defense for more cost. I think that is not accurate. Studies I have seen indicate that how much additional defense one can acquire at the first sites will depend both on how resources are used at those first sites and on the level of threat one is considering. Generally, it appears that, for about the same amount of money, one should be able to cope better with the higher threat levels through defense in depth than by expanding the deployment to additional sites.

For my part I would prefer to insure that 100 Minutemen survive against an attack of perhaps 1,200 warheads than to concentrate on a deployment like Whiteman which might have no Minutemen surviving at those threat levels although more would survive at lower attack levels. I understand that defense in depth can provide more surviving Minutemen at those higher threat levels and it makes good sense to hedge against a greater, not a lesser threat.

It is obvious that if the Department's analyses focus only on relatively low threat levels and if they consider only the option of adding two additional missile site radars at the first two sites, defense in depth can be made to look relatively poor, compared to a three-site deployment. However, adding two radars is by no means the only option for beefing up the first two sites.

The Department could choose from a broad range of deployment, including as I have said, adding one or two radars and increasing the number of Sprint interceptors.

The arguments made here today have all revolved around deployment of two additional site radars at Malmstrom and Grand Forks. The Department of Defense has the option of choosing several different programs that might be deployed. They might go to one additional MSR, and if the secretary does that, it is suggested it be at Malmstrom; or he could not buy the very expensive and costly Spartan missiles, and purchase more Sprint missiles. He has several other options. He does have this broad range of deployment. I think the opponents of this amendment have almost entirely overlooked those options.

It is a fact, I am told, that the long-range Spartan missiles for area defense contribute very little to defense of Minuteman, while they cost substantially more than the Sprints. Thus, if one forgoes the number of Spartans contemplated for the Whiteman site, it would be possible to purchase a sizable increase in the Sprint interceptors available for use at the first sites. Let me review for you a brief technical analysis of the options which I introduced into the record yesterday.

TECHNICAL ADVANTAGES OF DEFENSE IN DEPTH UNDER THE BROOKE AMENDMNT

The technical arguments for the Brooke amendment derive from the fact that the planned Safeguard defense of Minuteman sites is grossly inadequate in two respects: the radars are vulnerable and the number of Sprint interceptors is severely limited. If the Brooke approach is adopted, money not used for defense of Whiteman—and later Warren—Air Force Base could be used to accelerate work on a dedicated hardpoint defense, an option not discussed further here, or to strengthen the planned defenses at Malmstrom and Grand Forks. This can be done either by buying more Sprints and an extra missile site radar or by buying many more Sprints and forgoing the extra radar.

If the former approach were adopted, it would be possible to have two radars at Malmstrom. If they were properly sited; that is, far enough apart so that they both could not be destroyed by a single nuclear burst, yet close enough together so that either could control most of the Sprint interceptors at the base, there would be substantial advantage for the defense against heavy attacks. To negate the defense, the attacker would have to destroy both radars. The defense need defend only one. Thus, in effect, the defense would have to intercept only one-half of the warheads the attacker might deliver against the radars.

If radars were cheap, it would obviously be advantageous to have several at each base to be defended. However, since MSR's cost about $190 million each—including data processing systems—using two radars at Malmstrom implies buying many fewer Sprints. Thus, it is not obvious that one should deploy two radars for Malmstrom or buy more Sprints. It depends on the weight of the hypothesized attack.

To illustrate these points some simplified calculations have been made and the results are shown in table I. The calculations are based on the following assumptions.

First. If the deployment recommended by the Armed Services Committee is pursued, the number of Sprints at Grand Forks, Malmstrom and Whiteman Air Force bases will in each case be sufficient to intercept 60 arriving Soviet warheads.

Second. Each Soviet arriving warhead is assumed to have a 100-percent probability of destroying its target, be it an MSR or a Minuteman missile. (A retargeting capability for Soviet ICBM's is implied in this arrangement).

Third. The effective radius of the Sprint missile is such that 100 Minuteman silos can be defended at each base if only a single MSR is used.

Fourth. If the Spartans for Whiteman are not bought, it will be possible to buy enough additional Sprints to accomplish 50 additional intercepts.

Fifth. If the MSR for Whiteman is not bought, it will be possible to buy Sprints to accomplish 80 additional intercepts.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point a table setting forth certain figures under the options available.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

TABLE I

	Minutemen surviving the arrival of N Soviet warheads				Number of arriving warheads to destroy all Minutemen
	300	260	120	0	1,180
Options under Brooke amendment:					
Case II: Defense of 2 bases 1 MSR at each, plus added interceptors	300	200	155	100	1,310
Case III: Defense of 2 bases 1 MSR at Grand Forks, 2 widely separated MSR's at Malmstrom, plus added interceptors	300	277	153	30	1,230
Case IV: Defense of 2 bases 1 MSR at Grand Forks, 2 closely spaced MSR's at Malmstrom, plus added interceptors	300	200	100	100	1,400

Note: N= 700, 800, 1000, 1200.

Mr. BROOKE. Mr. President, the intercept capabilities assumed are, of course, only approximate since the number of Sprints to be deployed at each base is not public and since kill probability against adversary warheads is un-

known. However, the assumptions in this regard and also as regards tradeoffs between Sprints, Spartans and MSR's seem consistent with cost figures given by the Defense Department and assumptions used by them in analyses they have made.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. I yield myself 3 additional minutes.

Case I of table I is for the deployment advocated by the committee. The other three cases are all consistent with the Brooke proposal. They assume that the same level of funds as proposed for the Whiteman deployment is available to reinforce the defense at the first two sites. A number of observations can be made.

At the lowest attack level indicated, the same number of Minutemen (300) survive regardless of the defense. This is because the defense is irrelevant at these low attack levels. Seven hundred Minutemen are undefended (by Sprints) in all cases. Therefore, if the Soviet Union could deliver only 700 warheads, it would presumably limit the attack to undefended Minutemen.

If the money saved from forgoing the Whiteman deployments were expended entirely for Sprints, case 2, it is seen that the defense is not as effective as that recommended by the Armed Services Committee against 800 delivered Soviet warheads, but it is considerably better than the deployment recommended by the committee if the Soviets can deliver 1,000 warheads or more.

Under these assumptions, if two MSR's are deployed at Malmstrom and if they are widely separated (case 3) so that essentially all of the Minutemen at that base are defended (instead of only half as would be the case with only one MSR per base), the number of Minutemen surviving is larger than with the committee's recommended deployment at all attack levels—except, of course, at low levels where it is the same.

If two MSR's are deployed at Malmstrom and are sited so that each can control all the interceptors at its base, case 4, the number of surviving Minutemen is relatively low if the number of arriving Soviet warheads is 800–1,000, but relatively high for heavier attacks. In this case the Soviets would have to deliver some 1,400 warheads to destroy the Minuteman force, while only 1,180 would be required if the system were spread more thinly at three bases.

The preferred outcomes for each Soviet attack level are indicated by underscoring on my chart. It is seen that deployment 3 on the chart is superior or at least as good as the committee proposal at all levels of attack and that deployment 4 is the preferred deployment for the heavier Soviet attack. To repeat, these deployment options assume the same dollar level for all cases, including the committee proposal.

The calculations are, of course, inexact because the actual numbers of Sprints are not public knowledge and other assumptions are open to some question.

In particular, the assumptions made regarding both Sprint and Soviet ICBM effectiveness, although consistent with those generally used by the administration, are probably optimistic. Moreover, tactics other than simply exhausting U.S. Sprints, that is, an attack based on saturating the U.S. defense capability, an attack based on a Soviet warhead leaking through the defenses, or an attack based on blackout bursts at successively lower levels might be used by the U.S.S.R.

However, different assumptions regarding numbers of Sprints, their effectiveness, or Soviet effectiveness and tactics could not change the general conclusion: Defense in depth, as allowed by this approach, could provide a more effective defense of Minuteman than the committee approach against a heavy Soviet attack and at least as good a defense against low levels of attack.

A similar analysis has been made assuming, on the one hand, that under the Armed Services approach, Warren as well as Whiteman Air Force Base would be defended; and on the other, that with the Brooke approach the money for both Whiteman and Warren would be diverted to strengthening the two northern base defenses. The conclusions are qualitatively the same. This approach provides a better defense at high levels of attack and at least as good a defense at low levels.

I repeat, because this was the question that was raised, this was the issue that was debated: The conclusion is that this approach provides a better defense at high levels of attack and at least as good a defense at low levels.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Texas (Mr. TOWER).

Mr. TOWER. Mr. President, several alternative deployments have been examined pursuant to the Brooke amendment. Deployment has been examined for two assumptions about the total amount of equipment deployed at the two phase I sites. In one case, constant total program cost is maintained; that is, the amount of equipment was adjusted so that the estimated total cost under the amendment would be the same as the total cost of the three-site deployment recommended by the committee. For the second deployment examined, the amount of additional equipment deployed under the amendment was adjusted at the Safeguard design threat level to maintain the same Minuteman defense effectiveness that was predicted for the three-site deployment recommended by the committee. For each of these cases one alternative deployment of the additional components under the restrictions of the Brooke amendment was laid out so as to make possible a tactic called "preferential defense."

"Preferential defense" is a well-known concept and it has been studied for many years. Whether or not it is advantageous depends on the detailed nature of the defense system, the size of the defense, the size, shape, and orientation of the defended missile field, the size of the threat and the probable attack techniques.

To illustrate, facing the direction from which attack would come, there are two defense batteries, each of which has a radar and 50 interceptor missiles, and that one battery is deployed to your right and the other to your left.

The defense batteries are far enough apart so that one penetrating warhead cannot kill both radars; yet the batteries are close enough so that the interceptor missiles at either battery can defend both radars. If these conditions are met, the defense can use the tactic of preferential defense, which means it can choose to defend one of the radars with all 100 interceptors and sacrifice the other radar. The attacker, not knowing which radar will be defended, would then target 100 warheads against each radar, with the result that the attacker would use 200 warheads to make certain that he negates a defense with only 100 interceptors. In theory, the scheme is attractive. In practice, it may or may not be advantageous. In past years preferential defense has been considered in analyses of the defense of Minuteman. It was found that, at each location, preferential defense has no evident advantage at the threat level Safeguard is designed to counter. This is primarily a result of the geography, or layout, of the Minuteman silos deployed in those wings. Stated briefly, when the two defense batteries are placed close enough together to allow their interceptors to protect both radars, the number of silos protected by the "umbrella" of Sprint interceptor coverage shrinks to the point where two separate batteries without preferential defense do as good or a better job for the same cost. Consequently, the following comparison of modified phase II as recommended by the Senate Armed Services Committee and deployment under the Brooke amendment are valid whether preferential defense is used or not.

For a program cost approximately equal to that of modified phase II, a third site at either Grand Forks or Malmstrom would result in reduced capability to defend Minuteman. This is due to two factors. First, because of the shape or layout of the Minuteman fields, the number of Minuteman silos that could be protected by a third site at Grand Forks or Malmstrom would be about 70 percent of the number protected by a site at Whiteman. Second, for an equal cost program, fewer interceptors could be deployed with the third site at Grand Forks or Malmstrom. This further reduction, resulting in only about 35 percent of the interceptors that would be deployed at the Whiteman site, is caused by the necessity to compensate for the program stretchout costs resulting from the delayed availability of a third site at Grand Forks or Malmstrom.

If, alternatively, a Minuteman defense capability equivalent to that of the modified phase II—the two phase I sites and Whiteman—were provided under the Brooke amendment, then, instead of three Safeguard sites, four sites would be required—two at Grand Forks and two at Malmstrom. The fourth site is necessary to provide a sufficient number of Sprint protected Minuteman silos under the restrictions of the amendment. The increased equipment requirements and the program stretchout would result in an increased program cost of $0.5 billion to provide equivalent capability.

In addition to comparison of performance and cost, there is the question of the impact of the amendment on deployment schedules. The three-site deployment under the amendment restrictions would be delayed about a year beyond the time the recommended three-site deployment would be available. This is due in part to the advanced engineering for Whiteman that was done under the Sentinel program, and in part to the more limited construction period available because of severe winters at Grand Forks and Malmstrom. For the four-site deployment under the amendment, a delay of about 15 months is incurred to get a level of defense equivalent to the proposed three-site modified phase II. Either way the amendment is interpreted—less defense for the same cost or more cost for the same defense—defense of Minuteman lags what we could do if modified phase II were approved.

The stretchout described above naturally contributes to increased costs. It is stretchout, plus the cost of an additional missile site radar and its Sprints, that results in the increase of at least $0.5 billion over the recommended program. This increase does not take into account inflation, which would probably further increase the added cost of deployment under the Brooke amendment.

Quite apart from considerations of cost and schedule, which do not favor the amendment, it has no other advantage. There is no advantage as far as strategic arms limitations talks are concerned. The Soviets would see little difference whether we restricted deployment to North Dakota and Montana or proceeded with deployment in North Dakota, Montana, Missouri, and perhaps later in Wyoming. Safeguard batteries in any or all of these States clearly cannot defend the very heavily populated regions in the Chicago-Boston-Washington triangle or the Seattle-San Francisco-Los Angeles area. Consequently, Safeguard defense of Minuteman, no matter how it is distributed in the Minuteman fields, does not degrade the Soviet deterrent force.

Although Safeguard sites at Whiteman, and possibly later at Warren, would not degrade the Soviet deterrent they would provide much greater protection for our strategic bomber force than additional deployment at the phase I sites. They would also provide the ability, if required in the future, to proceed more efficiently with protection of the bomber force.

Mr. President, I wish to reiterate the fact that the administration is very much opposed to the Brooke amendment. It favors the committee position as the minimum position that it can, indeed, endorse and support.

At this point, Mr. President, I make reference to a chart inserted in the RECORD yesterday by the Senator from Massachusetts (Mr. BROOKE). I regret to say that this chart, which appears on page 29406, is in error, and leads to inaccurate conclusions.

The reason that the defenses discussed under the Brooke amendment appear to be favorable when compared to the three-site defense recommended by the Senate Armed Services Committee, is that unfounded assumptions have been made with regard to Safeguard component capabilities, costs, and the geography of the Minuteman fields.

First, the erroneous assumption is made that "the effective radius of the Sprint missile is such that 100 Minuteman silos can be defended at each base if only a single MSR is used." This is simply not correct. No combination of Sprint performance and the geography of the Grand Forks and Malmstrom Minuteman fields permits protection of this many silos by Sprints that can protect the MSR. In fact, it is deployment at the Whiteman site which provides the greatest number of defended Minuteman silos for a single missile-site radar.

Second, in the case where a preferential defense strategy is assumed, the geography of the Minuteman fields appears to have been ignored. The addition of a second missile site radar close to the approved MSR at either Grand Forks or Malmstrom does not provide an increase in defense effectiveness as great as that provided by the addition of the Whiteman site. This is true at any threat level projected in the table.

The second MSR defends only a few additional Minuteman silos—about 70 percent fewer silos than the radar could defend if deployed at Whiteman.

Finally, the argument that the "Brooke" Safeguard provides the same defense as the Armed Services Committee Safeguard at the same cost is unsound. Proponents of the amendment ignore the substantial increase in costs which results from the stretchout in the program required by the Brooke amendment.

If the Department of Defense is forced to deploy at only Grand Forks and Malmstrom instead of at Whiteman, they will have to reduce the number of deployed Sprints to about 35 percent of those presently planned in order to avoid the expenditure of additional funds. Even so, the defense we get for our dollars will be greatly reduced.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Mississippi has 6 minutes remaining. The Senator from Massachusetts has 10 minutes.

Mr. BROOKE. I am sorry; I did not hear the Presiding Officer.

The PRESIDING OFFICER. The Senator from Massachusetts has 10 minutes remaining.

Mr. BROOKE. Mr. President, some question was raised as to the O'Neill panel report, and I think that it is not only relevant but essential that I read from that report the pertinent sections thereof, which I have referred to earlier in the discussion and colloquy with the distinguished chairman of our Committee on Armed Services.

Mr. STENNIS. Yes.

Mr. BROOKE. It reads as follows:

If the only purpose of Safeguard is defined to be to protect Minuteman, phase IIA as defined in March 1969 should not proceed. Instead, a dedicated system for active defense of Minuteman should replace or, if the need for the MSR is proved, augment phase IIA. As a minimum step, the complement of Sprints at Grand Forks and Malmstrom could be incorporated.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER (Mr. TALMADGE). The Senate will be in order. The Senator from Massachusetts may proceed.

Mr. BROOKE. The report continues:

In view of the possibility that the expected number of surviving Minutemen may be low for several years, techniques other than active defense should be vigorously pursued and necessary advanced developments related to such techniques should be undertaken. Among the techniques that should be considered are those of alternate basing, including techniques for increasing the number of aim points at which Minutemen might be placed. Techniques other than active defense should be evaluated for cost effectiveness when used to replace active defense and when used in conjunction with active defense.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself my 6 remaining minutes.

As I said this morning, and have stated before, say what you wish, take it as you will, the Senate has already made a judgment on this matter. This is a rerun and a rehash. I say that with all deference. The Senate made a solemn, firm judgment here last Wednesday in a recorded vote, by a margin that was not just razor thin, that the Senate wanted the four sites, and wanted the money put in to go with it.

That news went out all over the world, and has been accepted as such. I did not hear any terrible reaction from our people. But here we come, a week later, on the same issue, with the same facts, with no new light on the subject and no new developments, on the same basic facts, the same position by the President, the Secretary of Defense, the committee, and everyone else, and propose now to strike out what we did a week ago, reverse ourselves, and limit this matter to two sites only. It is proposed to leave the money in that was going toward the four, to be used in some uncertain way. I do not think it is all needed at all, but we are going to use it on these first two sites.

Mr. President, I do not believe that the Senate is now going to reverse itself, on the same facts. I believe we ought to get along with the bill, and I think that our people as a whole understand the situation and expect that.

Furthermore, Mr. President, I do not have any doubt in my own mind that, if we are going to carry out the purposes that we have in mind, of necessity, for proper defenses for the 1975-to-1980 period, we must start now, not 5 years from now, but now, as we started a year ago, putting our energy, our efforts, and all of our skill and learning toward perfecting the very best ABM system that we can possibly get. Otherwise, we leave ourselves open to blackmail. We discredit our President—and I am not talking only about President Nixon, but the Chief Executive, whoever he may be—at the conferences that are now going on, where, in the SALT talks, at long last, things

have started moving, and we all feel better about it. We feel that there is an underlying current that may produce something positive and affirmative, that will lead to some real steps. I do not expect much as a beginning, but a beginning is a beginning.

We have made public announcements about a proposal having been made—I mean that our Government has, our President has—and we recessed the meeting and are going to reconvene soon, and that is the proposal before the world.

Now we come along, just 1 week later, after taking that affirmative stand, and propose pulling the bung out of the barrel, so to speak, and spilling out everything that we have done, and saying to the President: "We have reversed ourselves. You cannot stand as you stood a week ago. We are going to take some of the air out of your tires." We can argue a long time about how much we took out, but I do not think anyone can say that this would not be a letting out of the air from the tires, a lessening of the pressure on the other side, and a setback for our team at the SALT talks, of which the actual head is our Chief Executive, as it should be.

I believe that the cause has been defined, the need has been described, and the vote has been taken; and I do not believe that we are going to turn back now.

EQUAL MINUTEMAN PROTECTION—GREATER COST

If the interpretation of the amendment is to provide a capability to defend Minuteman equal to that of the committee's recommendation, then a fourth site would be required at either Malmstrom or Grand Forks.

The fourth site is necessary to provide a sufficient number of Sprint-protected Minuteman silos. It would not be available until at least 15 months after the Whiteman site can be available. Because of program stretchout and increased equipment requirements—an extra missile site radar and its Sprints—this deployment would result in an increased program cost of from $0.5 to $0.7 billion to provide equal capability.

Mr. President, it is clear to me that we must move forward now to protect the Minuteman deterrent. It is equally clear that there just is not enough Federal money to meet all of the competing claims for the dollar.

The Armed Services Committee spent almost 4 months conducting hearings resulting in printed testimony of 2,715 pages on the military authorization bill. We were acutely aware of the severe financial condition of the Federal Government and the need to recommend the lowest possible authorization consistent with our national security requirements. The committee recommended a $1.3 billion reduction in the defense request.

Yet, under Senator BROOKE's amendment we are asked to spend $500 to $700 million more to give the same Minuteman protection the committee recommends. In my opinion, we would ultimately be spending one-half to three-quarters of a billion dollars to no advantage.

PROTECTION OF STRATEGIC BOMBER FORCE

Another consideration of restricting the Safeguard deployment to only Grand Forks and Malmstrom is the reduction in the protection that can be provided for our strategic bomber force. The deployment recommended by the committee can provide protection to 15 to 20 percent of the strategic bomber force bases. A defense of Minuteman constrained to Grand Forks and Malmstrom would, in contrast, protect only about 5 percent of the strategic bomber bases.

With regard to the SALT talks, I see no particular advantage in the amendment as compared to the committee's recommendation. Neither poses a threat to the Soviet's deterrent, and neither has the capability of providing a significant defense of our population.

In short, Mr. President, I am somewhat baffled by Senator BROOKE's amendment. It has no advantage that I can detect over the committee's proposal. It provides less Minuteman defense for the same cost or the same Minuteman defense at significantly greater cost; it is less timely in achieving operational availability; it provides less protection for the strategic bomber bases; and it provides no additional negotiation advantage, if indeed as much. For these reasons, Mr. President, I urge my colleagues to vote against it and continue to uphold the spirit that rejected the previous attempts to degrade the defense of our deterrent.

There has been talk about what the Defense Department position might be with respect to the Brooke amendment. I have here a very recent letter from the Secretary of Defense. I do not think there is time to read the letter, but the Secretary certainly covers the point and makes it clear that he is not in favor of any part of the Brooke amendment. He believes that our 40-percent increase in capacity should be continued and that this matter should be left as the committee brought it to the floor of the Senate.

I ask unanimous consent to have the letter printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE SECRETARY OF DEFENSE,
Washington, D.C., August 18, 1970.

Hon. JOHN STENNIS,
Chairman, Committee on Armed Services, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am pleased to respond to your request that the Defense Department comment officially on the Brooke amendment (No. 821) to the Defense Procurement Act (H.R. 17123).

The Department of Defense cannot support, and is opposed, to the Brooke amendment. It is the view of the Department that adoption of the amendment would both increase the cost and reduce the effectiveness of the Safeguard defense of Minuteman.

Analyses conducted at my direction indicate that the cost of providing under the provisions of the Brooke Amendment for a level of Minuteman defense equivalent to the protection gained by deployment at Whiteman Air Force Base would be a minimum of $500 million over and above the cost of the Whiteman deployment. Alternatively, under the constraints imposed by the Brooke amendment. Alternatively, under the constraints imposed by the Brooke amendment a defense designed for the same cost as the Whiteman deployment would be less effective because it would protect substantially fewer Minuteman missiles.

If the Department of Defense were forced to deploy Safeguard at only the Phase I sites, two additional Missile Site Radars (MSR) and associated equipment would be required to reach an effectiveness level equal to the defense obtained for $500 million less at the Whiteman site. The continuing growth of the Soviet threat and the necessity for an orderly Safeguard response would leave the Department no recourse but to request additional funds in this amount.

Moreover, the necessity of operating within the constraints of the Brooke amendment would impose burdens of schedule and technical effectiveness that are clearly inimical to an efficient and cost-affective deployment. A level of defense equivalent to the Whiteman deployment would achieve operational status some 15 months later.

The Department of Defense is, as you know, actively pursuing the development of a system of "dedicated hard-point defense." If and when this defense is successfully developed, and if the threat has then grown so as to exceed the level we now expect, we would anticipate deployment of new components to augment Safeguard. Unfortunately, one effect of the Brooke Amendment would be to prejudice the optimal deployment of this possible supplement to Safeguard since it can be most efficiently deployed when more rather than fewer Minuteman silos are defended. The Whiteman site geography is ideally suited to defense of a larger number of silos.

An additional disadvantage that is inescapable under the terms of the Brooke Amendment would be the loss of Safeguard protection to a substantial number of SAC bombers which are based within the protective umbrella at Whiteman. The cost of keeping on air alert the bombers otherwise protected by the Whiteman deployment is estimated to be a minimum of $250 million per year.

I can find no compensating advantages in the Amendment, and certainly none that would justify an increased cost of $500 million, the costly loss of bomber protection and an unacceptable delay in an adequate level of Minuteman defense.

Sincerely,

MELVIN R. LAIRD.

Mr. BROOKE. Mr. President, not long ago, this body adopted a resolution by a vote of 72 to 6 asking that the President of the United States propose to the Soviet Union a mutual moratorium on ABM and MIRV. Today, we are voting on an amendment to the committee bill providing for further expansion of ABM.

The opponents of the Hughes amendment and the Cooper-Hart amendment argued most eloquently before the Senate that what we needed most at the negotiating table at SALT was a bargaining chip. We had to prove to the Soviet Union that we were not stopping the momentum; that we were going forward; that we were not closing down the production lines; that if they did not negotiate with us, we were prepared to further expand, deploy, and continue to improve our ABM system. I was a supporter of the Hughes amendment. I voted for it. I voted for the Cooper-Hart amendlast year, on which the Senate divided equally, 50–50. This year, I was also a supporter of the Cooper-Hart amendment, which prohibited expansion of the ABM beyond the two bases already authorized, Malmstrom and Grand Forks, and reduced the amount expended for

the ABM program by approximately $322 million.

I then suggested an amendment which I had previously discussed in the Committee on Armed Services, proposing that we reach an accommodation with the President whereby we could limit the expansion of ABM to the existing sites but provide the full amount requested for development and deployment. This amendment would still give our negotiators at Vienna a bargaining chip, still keep open the production lines and give the Secretary of Defense an option to add additional radars at both of the existing sites—in other words, to give us indepth defense of the present sites—without moving on to Whiteman Air Force Base and to Warren, in Wyoming, or in any way incorporating anything which would indicate an area defense.

I want to commend again the chairman of the Armed Services Committee and my colleagues on that committee for recognizing the provocation implicit in an area defense, and authorizing only a deterrent defense. An area defense gives us less security. I am pleased that our committee has recognized that. But I am very much concerned about going into conference, as we will, with the House, which passed a bill giving the Defense Department everything it has asked for—expansion at Whiteman Air Force Base, a new site at Warren Air Force Base, and the advanced preps there and in several additional sites in the Northeast and elsewhere.

If we try in conference to reach a "middle ground" between the House bill and the committee position, we could conceivably end up with area defense as well.

I think the history of past conferences would indicate that both sides generally give up something. If we go in with the committee bill, the something that conceivably could be given up would be an insistence on deterrent defense only, and I think it would be a great tragedy.

I was somewhat buttressed and heartened by the chairman's very forceful statement today that he certainly would hold out for deterrent defense over area defense. That itself is reassuring, I am sure, to many of us. But the fact remains that if we do not adopt this amendment—and I certainly am hopeful that we will—we have then expanded the system. Symbolically, it could be very harmful to us when our negotiators again meet in Helsinki. I have argued—very persuasively, I hope—that we would get comparable protection of our Minuteman force with additional radars at the two existing sites at Malmstrom and Grand Forks, as we would get if we went beyond into Whiteman.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. COOPER. I wish to say to the Senator that I support his amendment completely. He has provided the best security for our missile force and, that being true, I think he provides a better bargaining point at the SALT talks. I hope his amendment is adopted.

Mr. BROOKE. I thank the distinguished Senator from Kentucky, who has been the leader in this fight.

The fact remains, in these waning moments, Mr. President, that last year 50 Members of this body voted against ABM.

The PRESIDING OFFICER. The Senator from Massachusetts will suspend. The Senate will be in order.

The Senator may proceed.

Mr. BROOKE. Mr. President, just a week ago, 47 Members of this body voted in support of the Cooper-Hart amendment which was a limitation of the ABM. It is obvious that the Senate is very closely divided on the issue. I cannot see that anyone who voted for the Cooper-Hart amendment could fail at this time to support my amendment which, admittedly, does not go as far as the Cooper-Hart amendment, but which I think is a substantial compromise.

Mr. RANDOLPH. Mr. President, the Brooke amendment does not reduce the amount of money that the defense procurement bill would authorize for the anti-ballistic-missile system.

I am on record on the Cooper-Hart amendment as having supported that effort to reduce the ABM authorization.

Inasmuch as there seemingly is only a geographic limitation in the Brooke amendment, I am not persuaded that it would actually do more than have the result of giving our country less defense at the same cost figure provided in the basic defense procurement authorization measure.

By its defeat of the Cooper-Hart amendment, for which I voted, the Senate already has rejected a reduction in the money to be authorized for the ABM system.

I cannot see any real purpose to be served by limiting the system only as to its geography, and not as to money amount also. Therefore, I cast my vote against the Brooke amendment.

IMPORTANCE OF RESTRICTING DEPLOYMENT OF THE ABM

Mr. KENNEDY. Mr. President, I support the amendment to restrict deployment of the ABM to the two existing sites and urge my colleagues to vote for its adoption.

I have argued, time and again, that the Safeguard system is technically unworkable. I have pointed out that even Pentagon officials admit the vulnerability of the system's missile site radar and the need for research into smaller, cheaper radars which could be part of a dedicated hard point defense.

The Brooke amendment encourages the Defense Department to seek a more effective ABM system, if such a system should prove necessary. It limits ABM expenditures to the two phase I sites, rather than permitting the administration to expand the defective Safeguard system to yet another site. It does not reduce the amount of money to be spent on ABM this year, but at least offers the hope that the money will be spent more wisely.

I do not subscribe to the theory that the Senate must support Safeguard in order to give bargaining chips to our negotiators at the SALT talks. But even supporters of that theory can have no quarrel with the Brooke amendment. The amendment leaves the amount of the administration budget request intact. Surely this is a sufficient bargaining chip.

I also support the Brooke amendment because it is an excellent way for the Senate to make absolutely clear its opposition to the area defense concept.

The Armed Services Committee deleted funds for area defense. Because of this, proponents of Safeguard have been arguing that the system is not provocative or destabilizing. But the administration has never withdrawn its commitment to area defense, and the House bill expressly provides for such defense. There is a real danger therefore that the most provocative aspects of the Safeguard system will be retained.

This danger was accentuated by a television interview given by the Secretary of Defense on Sunday. The Secretary was asked why he opposed the Brooke amendment. He replied that the amendment "would not give us the coverage of the Minuteman field that the third site would give us if constructed in Missouri, and would not give us the follow-on options for either area coverage or for accidental launch coverage that would be available should the third site go forward in Missouri."

In light of this statement by Secretary Laird, I think it is incumbent upon all those who reject the area defense concept, including the members of the Armed Services Committee, to vote for the Brooke amendment. We must make clear to the administration and to the House that the Senate is firmly opposed to any ABM system which purports to do more than protect our deterrent.

Mr. President, the Brooke amendment encourages the Defense Department to seek a more effective ABM system and helps lay to rest the area defense concept. For these reasons, I strongly urge its adoption.

The PRESIDING OFFICER (Mr. TALMADGE). The hour of 1 p.m. having arrived, the Senate will now proceed to vote on the amendment offered by the Senator from Massachusetts.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Mississippi will state it.

Mr. STENNIS. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment offered by the Senator from Massachusetts (Mr. BROOKE), No. 821.

Mr. STENNIS. I thank the Chair.

Mr. BROOKE. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to amendment No. 821 offered by the Senator from Massachusetts (Mr. BROOKE).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness and, if present and voting, would vote "nay."

The Senator from Ohio (Mr. SAXBE) is detained on official business.

The result was announced—yeas 45, nays 53, as follows:

[No. 260 Leg.]

YEAS—45

Aiken	Harris	Mondale
Anderson	Hart	Montoya
Bayh	Hartke	Moss
Brooke	Hatfield	Muskie
Burdick	Hughes	Nelson
Case	Inouye	Pastore
Church	Javits	Pell
Cook	Kennedy	Proxmire
Cooper	Magnuson	Ribicoff
Cranston	Mansfield	Schweiker
Eagleton	Mathias	Symington
Fulbright	McCarthy	Tydings
Goodell	McGovern	Williams, N.J.
Gore	McIntyre	Yarborough
Gravel	Metcalf	Young, Ohio

NAYS—53

Allen	Fannin	Pearson
Allott	Fong	Percy
Baker	Goldwater	Prouty
Bellmon	Griffin	Randolph
Bennett	Gurney	Russell
Bible	Hansen	Scott
Boggs	Holland	Smith, Maine
Byrd, Va.	Hollings	Smith, Ill.
Byrd, W. Va.	Hruska	Sparkman
Cannon	Jackson	Spong
Cotton	Jordan, N.C.	Stennis
Curtis	Jordan, Idaho	Stevens
Dodd	Long	Talmadge
Dole	McClellan	Thurmond
Dominick	McGee	Tower
Eastland	Miller	Williams, Del.
Ellender	Murphy	Young, N. Dak.
Ervin	Packwood	

NOT VOTING—2

Mundt	Saxbe

So Mr. BROOKE's amendment was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. TOWER. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

AMENDMENT NO. 843

Mr. McCARTHY. Mr. President, I call up my amendment No. 843.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to state the amendment.

Mr. McCARTHY. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

AMENDMENT No. 843

At the end of the bill, add a new section as follows:

SEC. . Notwithstanding any other provision of law, no live ammunition may be used in any weapon by any member of the National Guard of any State against the civilian population of any State if the weapon in which ammunition is to be used or the ammunition to be used was paid for in whole or in part with Federal funds, unless the Governor of such State has requested permission from the President of the United States for such use of such weapons or such ammunition in a specific locality for the duration of one week and the President of the United States has granted permission for such use.

Mr. MILLER. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the pending McCarthy amendment be limited to 1 hour, the time to be equally divided between the Senator from Minnesota (Mr. McCARTHY) and the Senator from Mississippi (Mr. STENNIS) after the time already allocated to the joint leaders to show our respect, regard, and affection for Mark Trice and after the remarks of the Senator from California (Mr. MURPHY).

Mr. STENNIS. Mr. President, reserving the right to object—and I shall certainly not object to this request—I have said before that I believe, with the ABM matter disposed of now, that the bill can and should move along very rapidly. I think it is possible to get very reasonable consent agreements. I know that the leaders on both sides are very much interested in this matter.

I want to express my opinion on the bill. Almost everything has been rather fully debated. There are some important amendments that will require some time. There is an amendment that brings the whole war into issue. There are other amendments that are rather far reaching. However, they have already been debated somewhat.

I believe that if Senators will stay on the floor, the ones who are interested and feel that they have a chance to get over the substance of their arguments, that will produce agreements to vote.

I think we can move with reasonable rapidity. Certainly it would be tragic if we were not to finish this bill well before the so-called Labor Day recess. I believe that all Senators want to do that. However, we all have to make personal sacrifices in order to do it.

Mr. MANSFIELD. Mr. President, I am in full accord with the views of the distinguished Senator. The distinguished minority leader and I have discussed the matter of meeting even on Saturdays as well as staying in session later in the evenings. I think the prospects for getting time limitations are reasonably good at the moment. If this pending request is obtained, time limitations will very likely be agreed to on other amendments. I ask for the question.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I thank the distinguished majority leader.

The PRESIDING OFFICER. The Senate will be in order.

Mr. SCOTT. Mr. President, I know what I am going to say, and I can hardly wait. I wanted to make the same point. If only we could agree on a time limitation now, we could be more accommodating to all Senators as we draw near this brief 2- or 3-day recess.

I believe there is an amendment by the distinguished Senator from Oregon (Mr. HATFIELD), having to do with the draft and/or volunteer service. I do not know whether he is amenable to a definite time or not.

Then there is a McGovern-Hatfield amendment. I do not know how many other amendments there are, but there was a clear indication at the meeting of Republican Senators yesterday that we are ready collectively, as far as I know, to see action on this bill completed as briefly as may be possible, with all due respect to those Senators who feel they need some time to explain their amendments.

So I do not know whether the Senator from Oregon has any time in mind on the draft amendment.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. HATFIELD. Mr. President, I would respond to my distinguished minority leader by saying that a number of people have indicated that they would like to be heard on this proposal. I would think no less than 10 hours would be required to hear various presentations. I have been ready to go forward on this amendment for quite some time but I am not going to deny Senators who want to be heard on this matter the right to be heard.

Mr. MANSFIELD. Did the Senator say 10 hours?

Mr. HATFIELD. Yes; I think so.

Mr. SCOTT. On the draft amendment.

Mr. HATFIELD. Yes. If I might ask the Senator to yield again, I do not think we are talking about a simple amendment that would change the language in a particular bill. We are talking about a basic system of military manpower procurement. This goes much to the heart of the Nation's problem today, having to do with our young people. It is a philosophical issue. It is one of the most fundamental issues we will be disscussing in this session of Congress.

Therefore, I think it is more than a mere amendment. As I say, it addresses itself to one of the most fundamental issues in the Nation today. I do not think we could do it in less than 10 hours.

Mr. MANSFIELD. Ten hours is an awfully long time. I say that as one of the cosponsors of this amendment to the bill.

Mr. SCOTT. As I recall the amendment, I would be very brief.

Mr. HATFIELD. I have a 4-hour speech, and then there are other speeches.

Mr. MANSFIELD. As an alternative, rather than agree to a 10-hour limitation, perhaps we should go ahead and take our chances and trust to the good judgment of the Senate as a whole. What I have to say on the matter I can say in 3 minutes, and explain my position—to my satisfaction, anyway—because I am in favor of the Hatfield proposal. The issue is clear. It is easy to determine what is involved.

The Senator is correct when he says that the amendment is important; but I point out that all the amendments are important. However, I must admit they are of a different nature than the amendment initiated by the Senator from Oregon.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. SCOTT. I yield.

Mr. HATFIELD. I would be agreeable to setting a time certain, a definite time, for a vote to be taken within a reasonable period, and leave to individual Senators the responsibility to present the facts and to be heard as long as they wish.

I have to be very candid with respect to this matter. I understood there was

some possibility that an effort would be made to make a determination of this matter on a procedural motion. I want to avoid that if possible.

Mr. MANSFIELD. Does the Senator mean a tabling motion?

Mr. HATFIELD. Yes.

Mr. MANSFIELD. As far as the majority leader is concerned, a motion to table will be resisted tooth and nail, unless matters get out of control. I think we have at times been too prone to use that procedure when it is in order to vote on the merits. In ordinary circumstances I am not in favor of tabling actions because again, in ordinary circumstances, every Senator should be allowed to express his views and obtain Senate disposition on the merits. There are times, understandably, when tabling actions are in order but those occasions arise out of special circumstances in my judgment. And I speak as one who himself has resorted to the use of the tabling device. I do not believe such circumstances are here involved to warrant such action.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. GOLDWATER. We have many other amendments that have to be considered, and if we reach an agreement today to vote, for instance, next Tuesday, we are going to preclude the consideration of many other amendments.

I would suggest, if it is in order, that we recognize that the Senator from Oregon will offer this amendment on a day of his own determination, probably Monday, and in the meantime all of us who have something to say on it could discuss it and discuss other amendments, and take care of other amendments; and on Monday, Friday, or whatever day the distinguished Senator deems proper, he could offer the amendment with the understanding that at a certain time on a certain day we will vote.

I do not want to see us agree now to any prolonged period of discussion on this amendment where we would preclude consideration and passage of other amendments. Is that possible?

Mr. MANSFIELD. The Senator, I think, placed his finger on the dilemma which confronts us. As the Senator from Mississippi said, and I am sure he speaks for all of us, we not only want to finish this bill, if possible, by the time we go into our Labor Day recess, but we want to complete action before that. There is other business that is being held up. I do not think it becomes the Senate to spend as much time as we have on this bill and to have wasted as much time as we have on this bill. I hope we can get to these amendments. Various Senators have indicated a desire to be cooperative and to place limitations on amendments.

For example, the Senator from Arkansas (Mr. FULBRIGHT), has an amendment on which he is prepared to agree to a 2-hour limitation. The Senator from Illinois (Mr. PERCY) has an amendment on which he is willing to agree to a time limitation of 1 hour; the Senator from Maryland (Mr. TYDINGS) has an amendment on which he is willing to agree to a time limitation of 1 hour; the Senator from Indiana has an amendment on which he is willing to agree to a time limitation of 1 hour. The Senator from Massachusetts (Mr. BROOKE) is willing to give consideration to a 2-hour limitation on an amendment he very likely will offer. So progress is being made. We must now get underway.

I am waiting only the approval of the distinguished chairman of the committee before making the requests covering these amendments.

Mr. SCOTT. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. I would inquire whether or not the Senator from Oregon would be willing at the conclusion of the amendment which has been read to lay down his amendment with an agreement to take 7 hours on it and to vote thereafter.

Mr. BAKER. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. BAKER. With respect to that suggestion, might I suggest as a possible alternative that we attempt to obtain a unanimous-consent agreement that the germaneness rule would not apply, with the understanding that early in the day, those of us cosponsoring the amendment might speak over a period of time without dedicating a great length of time, and still proceeding with amendments as they come up under controlled time.

Mr. SCOTT. I thank the Senator for his suggestion. The germaneness rule would not apply here if debate deals with the overall matter contained within the broad four corners of the bill. That is a very good suggestion and might enable us to use some of the time during the morning period.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. As far as the amendment offered by the Senator from Oregon (Mr. HATFIELD) is concerned, may I say that I would oppose to the best of my ability, any tabling motion. That goes for all of these amendments.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HARRIS. Mr. President, I shall offer an amendment to the amendment of the Senator from Oregon, and that amendment would be in order, so in any time limitation discussion that thought might be taken into account.

Mr. HATFIELD. Mr. President, if the Senator will yield, I would suggest that if we could get some idea of the various amendments that might be offered to my amendment on the draft, we could sit down and figure out a reasonable period of time, and I would be agreeable to a time limitation. In fact, I would initiate the idea of establishing one.

The only reason I was hesitant to suggest it at this time was that I understood a motion to table would be offered at some point before the Senate had had an opportunity to consider this matter and vote it up or down. I want an up or down vote.

Mr. SCOTT. Mr. President, if the Senator will permit me to make a suggestion here, if there is a time certain fixed, then the unanimous consent will be so phrased that no tabling motion can occur save at the expiration of the time. Of course, no Senator could be prevented from making a tabling motion after that time, but a Senator is prevented from cutting off his debate.

Mr. BYRD of West Virginia. Mr. President, if the Senator will yield, except if the unanimous-consent request required a vote on the amendment at a specific time, at which point the tabling motion would be shut off.

Mr. SCOTT. That is the point I was making. A tabling motion would be shut off if the unanimous-consent request would state in so many words that a vote up or down would occur at a certain time; but if it were simply an extension of time, after which the Senate could dispose of it in any way it wished, and did not provide for an up or down vote, the motion would stand.

Mr. HATFIELD. Mr. President, I would be willing to agree to a time limitation provided that at the expiration of the time limitation we would have an up or down vote.

Mr. SCOTT. I would have no objection to that.

May I leave it this way: that the Senator from Oregon will be good enough to ascertain later how many amendments will be offered to his amendment, and then discuss it with the leadership, and that we will again propose a unanimous-consent request, perhaps later on today?

Mr. HATFIELD. I thank the Senator.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, the following Senators have indicated an intention to call up amendments, and at the request of the majority leader I have contacted each of the Senators involved and they have agreed to a time limitation on each of their respective amendments. The matter has also been discussed with the able manager of the bill, the chairman of the Committee on Armed Services (Mr. STENNIS).

The Senators have agreed to limitations on each of their amendments as follows:

Mr. PERCY, 1 hour to be equally divided between himself and the manager of the bill (Mr. STENNIS).

Mr. TYDINGS, 1 hour, to be equally divided and controlled in the same way.

Mr. BAYH, 1 hour, to be equally divided and controlled in the same way.

I, therefore, ask unanimous consent that such time limitations be effected.

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That during the further consideration of H.R. 17123, the military procurement authorization bill, debate on any amendment to be offered by the Senator from Illinois (Mr. PERCY), the Senator from Maryland (Mr. TYDINGS) or the Senator from Indiana (Mr. BAYH) be limited to 1 hour with the time to be equally divided and controlled by the proponents of the amendment and the Senator from Mississippi (Mr. STENNIS).

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations and transmitting a protocol were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Presiding Officer (Mr. GRAVEL) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

J. MARK TRICE

Mr. SCOTT. Mr. President, one of the first people a newly elected Republican Senator meets is the present secretary to the minority, Mark Trice, and it has ever been thus. For 50 years now Mark has been the man who has taken the newly elected Senator by the hand and led him into the strange world of the U.S. Senate.

With dedication and deep devotion to duty, Mark Trice epitomizes the unseen and unheralded public servant whose anonymity could never cloak the distinction with which he does his job.

Fifty-four years ago—before many distinguished Senators were born—Mark Trice came to this Chamber. Ten years ago, our late, beloved Senator Dirksen said on the floor of the Senate that he had urged Mark to write a book and title it, "Senators Who Have Known Me." I would like to urge today that Mark do just that. When one thinks of the events that have occurred in the last 50 years and the great men who have graced this Chamber, one can hardly wait for a book like that to be written.

In addition to the service Mark performs for all Republican Senators, I want to personally express my thanks for the help he has given me in my role as Republican leader. As he guided me through my first days in this Chamber 12 years ago, so did he give me invaluable assistance and wise counsel when I was elected Republican leader.

Finally, Mark, I can think of no better words to express how I feel, and how I am sure my colleagues feel, about your dedicated service than the words uttered on this floor just 10 years ago today by Senator Dirksen:

> Deep is our affection, high is our esteem, wide is our admiration for the work you have done and for the service you have rendered.

I salute you, Mark, and I wish for you and your charming wife, Margaret, and your family, pleasure, happiness, and satisfaction in the years ahead.

Mr. President, I ask unanimous consent that all Senators may be given 5 days in which to extend their remarks in tribute to Mark Trice.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. THURMOND. Mr. President, it gives me great pleasure to pause and pay tribute to a man of uncommon ability and thorough dedication, J. Mark Trice.

Mark came to the Senate as a page at age 14 and, except for a 4-year period during which he practiced law here in Washington, he has served the Senate and the Republican Party with distinction ever since.

Mr. President, Mark's 50 years of service in this great body eclipses that of any other Senate official now in office, and it is a record approached by few in the history of the U.S. Senate.

This is an achievement in itself, Mr. President, but it does not tell the whole story. Mark can be best described as a man who is "always there when you need him," and he is there with the facts. No matter what the situation, Mark remains calm and professional, and this enables him to carry out his duties with a high degree of expertise.

Kipling said:

> If you can keep your head when all about you are losing theirs and blaming it on you . . . then you'll be a man, my friend.

Mr. President, Mark Trice is the kind of man as described by this well-known line.

Mr. President, I do not believe I have ever known a man who performs his responsibilities with as much consistent effectiveness, quiet tact, and helpful and considerate manner as does Mark Trice.

Mr. President, we are blessed with a man of quality and ability in a time when such virtues are of greatest importance, and I fervently hope that Mark will continue to serve for many, many years to come.

Mark Trice is fortunate to have such a lovely and capable wife, Margaret Trice, and she has been not only a devoted companion but also a great inspiration to him.

Gratefully I salute my friend, J. Mark Trice, a dedicated public servant, a true patriot, and a great American.

Mr. SCOTT. Mr. President, I now yield such time as he may desire to the Senator from New Hampshire (Mr. COTTON).

Mr. COTTON. Mr. President, I am sure that most of the Senate knows of my close personal friendship with Mark Trice, and I will take only a moment to participate in this time of appreciation of him.

I am not the most senior Senator in this body, but I claim to be the most senior Senator in this body as concerns Mark Trice, because 45 years ago I came here as an assistant clerk of a Senate committee under the late George H. Moses and served in and about the Senate for 4 years.

When I came here 45 years ago Mark Trice had been an attaché of the Senate for several years; and when I came back to the Senate I came to know him again, more intimately and closely than almost any other man with whom I have been associated.

I am proud of being possessed of his friendship. It is one of the treasures that will remain with me when I leave this body.

I cannot phrase adequately my admiration, respect, and affection for him. It is shared, I believe—and justly—by every Member of this body on both sides of the aisle. We hail Mark today as he completes 50 years of service here, and wish for him more years, we hope, of service here, and certainly many more years of the happiness and satisfaction, which he has earned and so richly deserves.

Mr. SCOTT. Mr. President, I now yield to the distinguished senior Senator from Utah (Mr. BENNETT) such time as he may require.

Mr. BENNETT. Mr. President, in a situation of this kind, my mind turns not to the public service that my friend Mark Trice has given to the Senate, but to the many personal kindnesses and forms of assistance he has given to me—things that, by themselves, did not seem to amount to much, but which over the years added up to a great service.

He has always been willing to help me with my problems. He has always been willing to give me advice, and I have always enjoyed the points of view that he has expressed, both on his job and on the doings of this very interesting body.

I think it is fortunate that, if we have men who serve in the Senate for long periods of time, we can have among them a man like Mark, whose seniority and experience have not turned his head, and who has always continued, through the years, to do his job quietly, unobtrusively, efficiently, and with a very pleasant sense of humor.

I am looking forward hopefully to the day when he can recover the job he held for a brief period of time as Secretary of the Senate. With all apologies to Mr. Valeo, I think this would be a wonderful crowning to his 50 years of service. I hope that particular thing will not wait too long, Mark, and I hope once you get it next time, it will last longer than it did the last time, because I think the service you have rendered this body, not only to the Members of your party but to all Senators, deserves that kind of recognition, and I shall add that as an issue in the campaign speeches that I make around the country this fall.

Mr. SCOTT. Mr. President, I yield now to the distinguished majority leader.

Mr. MANSFIELD. Mr. President, may I say to my colleagues how happy and how personally pleased I am to participate in this tribute to a great gentleman, an official of the Senate for the past 50 years in one form or another, a lawyer, a friend, and a good counselor.

When one stops to think what has happened in the history of this country since 1920, when Mark Trice first came to the Senate, and during the intervening 50 years, one begins to wonder about the fast pace this country leads. One begins to recognize the worth of an able official of the character of Mark Trice, who, though the chief official on the Republican side, is neverthelss courteous, kind, considerate, and impartial toward those of us who happen to reside on the Democratic side of the aisle.

He is a good friend who has made his "Mark" in this body. He is a man whose word is as good as his bond. He is a man whom I am privileged to call a friend. He is a man to whom I go for advice as the need arises, and a man whom I have always found forthright and fair in his dealings with all Members of the Senate.

In short, like so many of my colleagues I have come to rely upon Mark Trice and, in my small way, I pay tribute to him today as a man who has contributed much to the welfare of this body, and in so doing, to the welfare of the Republic as a whole. I only hope, may I say to Mark, that I will be around when the next 50 years are concluded.

Mr. SCOTT. Mr. President, I now yield such time as he may require to the distinguished assistant minority leader, the Senator from Michigan (Mr. GRIFFIN).

Mr. GRIFFIN. Mr. President, in the Senate we are so accustomed to having Mark Trice here among us that we almost consider him to be a permanent part of the Capitol. But contrary to public belief, as he told the Republican policy luncheon yesterday, he was not born in the Capitol, and he did not lay the cornerstone.

But there is a certain permanence about Mark Trice which is reflected in some statistics that have come to my attention.

Since the beginning of the history of the Senate, there have been about 1,800 Senators who have served in this body. Since Mark first came here as a page in 1916, he has served with 620 Senators, more than a third of the total number.

So, it will be seen that while Senators come and go—Mark Trice stays on and on—we hope, forever.

In the course of his long service, Mark has been a firsthand witness to the making of history, and often he has been a participant, too. He has seen the Senate meet and deal with many crises, and in the discharge of his official duties he has faced a few crises of his own.

One of these, I am informed, occurred in connection with the inauguration of President Eisenhower in 1953. At the time, Mark was Secretary of the Senate and he served as staff director of the inaugural committee which Senator Styles Bridges headed.

About 9 a.m. or so on the day of the inauguration, just a few hours before the ceremony, someone came to Mark and said the lectern to be used on the occasion could not be located.

Some urgent calls went out to the White House and to other points in the city. Finally, the lectern was located at a warehouse out on Wisconsin Avenue. Truckers were dispatched to rush it to the Capitol steps; it arrived just a short time before the ceremony.

As he has on every occasion, Mark met that particular crisis calmly and effectively—and the lectern was in place when the inaugural ceremonies were to begin.

Mr. President, 50 years is a considerable span of time in any man's life. It is difficult for me, as one of the more junior Senators, to realize that Mark, with his good health, continuing vigor and enthusiasm could have reached such a milestone in his career. Of course, it is also eloquent testimony to the loyalty, integrity and outstanding service he has performed.

Along with so many others who have come to the Senate over the years, I am deeply indebted to Mark Trice in many ways. Although I had spent a number of years in the other body, I came to the Senate as a relative stranger. Needless to say, the ways of the Senate are somewhat different from the ways of the other body. From the beginning of my Senate service I found in Mark Trice a wise guide and counselor.

Day in and day out, from one session to another, he has been here on the floor or in his office, cheerfully making available the great store of knowledge and wisdom he has accumulated since he came to the Senate as a page.

Mr. President, in addition to the extraordinary length of his service, it should be noted that few men have ever served the Senate in so many different ways as Mark Trice.

At various times, Mark Trice has been a page, the Deputy Sergeant at Arms of the Senate, the Secretary of the Senate, as well as secretary to the majority or the minority, as indicated by political circumstances from time to time.

So, I am pleased to have this opportunity to express my personal gratitude to Mark Trice for all the assistance he has given me as a junior Senator and as a Member of the leadership. On and off the floor, his advice and understanding have been invaluable.

It has been written that a man with many friends is a friendly man. This is certainly true of Mark Trice. Mark's friends, in and out of the Senate, are legion. I am delighted to join with them in wishing Mark Trice many more years of distinguished service to the Senate.

Mr. President, if Mark Trice was missed from his accustomed place on the Senate floor a little earlier today, I can report that he had good reason to be absent. He was at the White House for a visit with President Nixon. During the visit, Mark received from the President citation—the second such Presidential citation, I understand, that has ever been awarded—for his distinguished service to the Senate.

Mr. President, I ask unanimous consent that the text of the commendation be printed at this point in the RECORD.

There being no objection, the commendation was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.

The President of the United States of America awards this Commendation to J. Mark Trice for his 50 years of dedicated service to the Senate of the United States, starting as a page and now as Secretary for the Minority, during which time he has earned the respect and admiration of the Members of the Senate, his colleagues, and many friends.

RICHARD NIXON.

THE WHITE HOUSE, *August 19, 1970.*

Mr. SCOTT. Mr. President, I yield now to the distinguished chairman of the Senate Republican policy committee, the senior Senator from Colorado (Mr. ALLOTT).

Mr. ALLOTT. Mr. President, approximately 54 years ago, a young boy came to the Senate as a page. He served well and faithfully and became known among the others by his cheerful demeanor and his outstanding willingness to participate in everything demanded of him by the Senators whom he served.

In 1919, in recognition of his abilities, he was appointed Secretary to the Sergeant at Arms of the Senate, which position he held until 1929.

In the meantime, this young lad had studied law and was admitted to the bar. In 1929, therefore, he left the Senate to take up a law practice in the city of Washington.

But the call of the Senate of the United States was too strong—and after 3 years he returned to this building as a Deputy Sergeant at Arms. In 1946 he was elected secretary for the majority of the Senate for the 80th Congress during one of the few periods subsequent to World War II when the Republican Party had the good fortune to organize the Senate. Subsequently, through no fault of his own, he was relegated to the position of secretary of the minority, in which he served until 1953. But in January 1953, in another one of those rare recent occasions, there was a Republican Senate and this ex-page was again elected secretary to the majority, in which capacity he served for 2 years until again, by the vicissitudes of politics, was appointed to the position he now holds.

The ex-page boy to whom I refer is well known to all of us on both sides of the aisle. J. Mark Trice today celebrates his 50th anniversary of service to the U.S. Senate and to the Republican Party.

Those of us who have had occasion to deal with Mark Trice, whose lives have had the good fortune to intersect with his, have come away with the deep and certain knowledge that there stands one of the bulwarks of this body. Here, in his person, is one of the men little known outside the circles in which he moves, anonymous outside the walls of this building because he prefers it that way, but inside, and in this Chamber, one of its supporting pillars.

The Senate is better for having had Mark Trice serving it for 50 years. Seldom has any man achieved a record comparable to his. I know I speak the sense of everyone here in saying that we honor him and respect him, and wish for him many more years of continued service on the rolls of the U.S. Senate and in this Chamber.

Mr. President, Mark Trice is one of that very strong and quiet breed of men who have made our country and its institutions what they are. I know I can speak for everyone in thanking him for his extraordinary contribution to each of us and to the Senate.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Oklahoma (Mr. BELLMON).

Mr. BELLMON. Mr. President, as a new Member of the Senate, I want to join my colleagues in expressing respect and admiration for Mark Trice.

I am a new Member of this body, but in the brief time I have been here, I have found that Mark Trice is eminently fair to the junior Members of the Senate. I have found him to be a source of knowledge and wisdom, based upon the lifetime of service and devotion to duty with which he has characterized his service here. I have found him to be completely able and always willing to be helpful to junior Senators.

I should like at this time to thank him personally for the help he has given me,

as he has given to others in my situation over the years.

I am very proud, in this way, to join in paying tribute to Mark Trice upon the completion of a half century of service to the Senate, and to join others in wishing for him many more years in the same capacity.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Florida (Mr. GURNEY).

Mr. GURNEY. Mr. President, I take great pleasure in joining this tribute to Mark Trice.

He has served the Senate in various capacities since the administration of Woodrow Wilson. We are talking today about his 50 years with the Senate. But in looking at my Who's Who, I note that his service as a page began not 50 years ago but 54 years ago. He attended Georgetown Law School during his tour as Secretary to the Sergeant at Arms 1919 to 1928; had a brief stint in private practice, 1929 to 1932, and came back to the Senate as Deputy Sergeant at Arms from 1932 to 1946.

He was secretary to the majority in the Republican controlled 80th Congress, 1947 to 1949, and went back to minority status in 1950.

He has been an employee of the Senate longer than many of our younger Senators have lived. President Kennedy was born in 1917—the year after Mark became a page. When Mark came to work here, Charles de Gaulle was a prisoner in a German prison camp; Conrad Adenauer was the mayor of Cologne; Franklin Roosevelt was an Assistant Secretary of the Navy; Dwight Eisenhower had just graduated from West Point; and Lyndon Johnson was in grammar school. President Nixon was still a preschool youngster at Whittier. The span has been enormous, and the list of illustrious men who have served in the Senate during Mark's tenure is legion.

Mr. President, we in the Senate are blessed in having men like Mark Trice to assist us. We are deeply indebted to him and to the nameless gentleman who first convinced him to come to work for the Senate, and I wish him further long, continued service in this great legislative Hall.

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Oregon (Mr. HATFIELD).

Mr. HATFIELD. Mr. President, among my warmest and most pleasant memories of the first days I spent in Washington as a very junior freshman Senator, was the greeting I received from the gracious and generous secretary of the minority of the U.S. Senate. Mark Trice not only made me feel welcome but by his words, his actions, his very presence, imparted that feeling of belonging which is so vital to a newcomer to the Senate.

I soon found that this warmth and generosity were matched by his efficiency and effectiveness in helping me to establish my office and the routine necessary to the conduct of business. His helpful suggestions and ideas were numberless. And his knowledge about the Senate was so encompassing as to be staggering.

In succeeding days he has ever been ready at hand to help and to share his knowledge.

I have found that I am not alone in my deep admiration for the way in which Mark Trice greeted me and helped me. For over two decades he has been doing the same thing in the same easy, gracious way for every new Republican Senator.

Mark Trice does not come by these enormous assets through some miraculous gift, but rather through long and assiduous attention to the details of the many and varied tasks he has performed for the Senate and Senators. If there is any man alive whose very life and love have been the U.S. Senate that man is Mark Trice.

From boyhood he has served this body, as a page, as a secretary, and as an officer of the Senate. His entire life has been dedicated to the smooth functioning of the Senate as a parliamentary body, and to the well-being of individual Senators.

His devotion to the Senate and to its Members is deep and all consuming.

This great love of the Senate is such that it is easily transmitted to others. Those who are fortunate enough to see the Senate through his eyes find in it more than a mere political institution, but rather find it a very cornerstone of the American democracy.

Mr. President, let me say that in Mark Trice we have an extraordinary example of a man who has dedicated himself to the service of his country and the welfare of his fellow men.

It is with great pleasure and deep feeling that I add my voice to the chorus of those who say to Mark Trice after a half century, "You have done great and honorable service." It is with equal feeling that I add, "The past is but prelude to an even greater service."

Mr. SCOTT. Mr. President, I yield now to the distinguished Senator from Florida (Mr. HOLLAND).

Mr. HOLLAND. I thank the distinguished Republican leader for yielding to me in this connection.

Mr. President, the Senator from Florida happens to be a mere freshman in point of service in the Senate compared with Mark Trice. I have served here only 24 years. But from the time I came here I have received kindness and frequent acts of service and every bit as much consideration as I would have received had I sat on the other side of the aisle.

I had the pleasure of traveling with him and his lovely wife, and others, to the statehood celebration in Hawaii, and I want to say that on that trip I found him to be of valuable service and kindness not only to me but also to all who traveled with us. He was one of the indispensable members of the delegation because of his uniform courtesy to everyone and the fact that he joined in all the worthwhile things that took place on that trip.

I want this word, coming from this side of the aisle, to be added to the encomiums which have been spoken from the other side of the aisle.

I do not believe that anyone in the Senate could be happier about the Presidential award and honor which has come to Mark Trice today than the senior Senator from Florida.

I congratulate him. I am happy for him.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Maryland (Mr. MATHIAS).

Mr. MATHIAS. Mr. President, I thank the Republican leader for yielding to me and allowing me to say just a word at this point.

The tourist guides point out the place in the center of the Capitol, deep under its dome, where George Washington was supposed to have been buried.

I predict that future tourist guides will find a spot in the Capitol where, in spite of his denials, Mark Trice was supposed to have been born.

It is rare that a man can be so identified with his profession as to be actually a part of the fabric of the Capitol itself. I believe that that is why the legend has arisen that Mark Trice was born in the Capitol, because he is so nearly a part of the Capitol itself.

Mark Trice has made the Senate his profession. For some Senators the Senate is a laborious vocation. For other Senators it is an elegant avocation. For Mark Trice it has been the object of a career of dedicated professionalism, a dedication that is rarely seen in ordinary walks of life.

As a Senator from Maryland, I have a special reason to be thankful for Mark Trice's 50 years in the Senate.

His experience in the mysterious ways of the Senate, his knowledge of the traditions of the Senate and the way its mores affect its deliberations and determinations, and his instinct in finding a way through the parliamentary maze, are all talents beyond any price.

Maryland is fortunate in being able to count Mark Trice among her citizens because he, in a sense, gives Maryland the unique distinction of having three Senators.

I personally share in the deep sense of appreciation which has been expressed here today for the kind of service and for the quality of service that Mark Trice has rendered to the people of the United States through his service in the Senate.

I thank him for it and for the example he has set before all—every one of us who attempts to serve the people of this Republic.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Delaware (Mr. WILLIAMS).

Mr. WILLIAMS of Delaware. Mr. President, it is a tradition in the Senate, when we speak of one of our own associates, always to use flattering terms, but today the remarks being made about Mark Trice are not idle flattery.

Seldom does the Senate have an opportunity to greet and pay respects to one of its own who has had such a long and distinguished record as has Mark Trice with his 50-year record, and never has the Senate taken time to pay tribute to a more highly respected public servant.

Mark Trice during his 50-year record of service in the Senate has brought honor to himself, his family, and the Senate.

Mark's most brilliant achievement, however, was not his career in the Senate but in persuading Margaret to be his

bride and guiding counsel, and his luckiest day was when Linda came to join their happy home.

I am proud to join my colleagues in extending to Mark and his family our best wishes.

Mark, I congratulate you on a job well done.

Mr. SCOTT. Mr. President, I now yield to the distinguished Senator from Hawaii (Mr. FONG).

Mr. FONG. Mr. President, I want to thank the distinguished Republican leader for yielding to me.

Mr. President, I desire to join my colleagues on both sides of the aisle in congratulating Mark Trice, secretary for the minority, on completing one-half century of service in the U.S. Senate.

It seems like only yesterday that we extended our best wishes to him on 45 years of service. At that time, only the then President pro tempore of the Senate, the beloved senior Senator from Arizona, Carl Hayden, surpassed Mark in point of tenure.

With Senator Hayden's retirement, now Mark "outranks" us all.

This is truly a remarkable record.

I should like to repeat what I said 5 years ago in saluting Mark on his Senate seniority, for it is just as applicable today, with even greater emphasis. His is a remarkable record in point of ability, for though the political tides have shifted and though many Senators of diverse views have served in this body during the past 50 years, Mark Trice served all with the same diligence and the same selfless devotion to duty. We could not want a more faithful assistant.

It is remarkable in point of deportment, for Mark Trice has maintained an exceptionally high standard of conduct over five decades. We all know him as a man of impeccable integrity.

It is remarkable in point of esteem, for regardless of party affiliation, all who have come in contact with Mark have held him in highest regard. He is a gentleman and a scholar.

It is remarkable in point of disposition, for in spite of the pressures, in spite of the rigors, in spite of the frustrations of his arduous position, Mark has remained calm, cool, collected, and courteous. We could not ask for a more even-tempered aide.

I personally am indebted to Mark for many courtesies and kindnesses shown me since coming as a freshman Senator to this body in August 1959. His assistance has been invaluable. As we say in Hawaii, "Mahalo nui loa," thank you very, very much.

I would be remiss if I did not note for the record, that despite 50 years of hard work in the U.S. Senate, Mark Trice retains his youthful vigor and energy. I wish him many more years of continued health and happiness and hope that he will continue to accumulate many more years of seniority in the Senate.

Mr. SCOTT. Mr. President, I yield to the distinguished Senator from Colorado.

Mr. DOMINICK. Mr. President, I take great pleasure in adding my few remarks to the universal words of praise for the work of Mark Trice on the celebration of his 50 years of service.

I have only been in the Senate for some 8 years. However, on all occasions I have not only enjoyed working with him on Senate procedures but have also enjoyed his courtesy, his humor, and, on several occasions, his hospitality. It has been most pleasant.

I have an aide who started his service in the Government as a page in the Senate. But even he has not achieved this august maturity of having acquired 50 years of knowledge of Senate procedure.

Mark, I salute you. I have enjoyed my association with you. I hope that we will have together many more years in the Senate.

Mr. COOPER. Mr. President, when I came to the Senate for a 2-year term in 1947, Mark Trice was the second person I met, Senator JOHN WILLIAMS of Delaware, who was entering the Senate, being the first Senator I met.

In the years since that time, during my service in the Senate, I have seen Mark Trice quietly and effectively carrying out his duties, serving all the Members of the minority, and indeed serving the U.S. Senate, with honor and dignity.

I remember that in 1964, at the time of the unfortunate incident of Mr. Baker, we were proud but not surprised that Mark Trice was untouched in integrity and honor.

I am glad to join in this tribute to Mark Trice as an effective public servant, as a faithful official of the U.S. Senate and our country, and as a man of character. I also extend to Mrs. Trice, a gracious woman, congratulations and best wishes.

Mr. PROUTY. Mr. President, as we commend J. Mark Trice for his 50 years of service in the U.S. Senate, it is easy to allow one's praise to become lofty. I would like to keep my praise down to earth. The best way I can put it is: Mark, there are so many times that I recall when I could not have done my job without you.

In his role as Secretary for the minority, Mark's assistance and counsel has been invaluable.

I share the appreciation of my colleagues for Mark's service. I commend Mark for a proud record of a half-century of service to the U.S. Senate.

Mr. MILLER. Mr. President, it is a pleasure for me to join with many of my colleagues in paying tribute to J. Mark Trice, the able secretary to the minority, on the occasion of his 50th anniversary of service to the U.S. Senate.

When I realize that this is my 10th year in the Senate, those 50 years of service seem like an impossible achievement. And it is obvious that such an achievement would not have been possible were it not for Mr. Trice's deep love of the Senate and its Members.

It is this attitude which bespeaks the high quality and character of the service he has provided—knowledgeable, prompt, patient, accurate, good humored, respectful, and tolerant. What more could any of us ask?

Mark Trice has been so much a part of the Senate that, except when a rollcall vote is taken, it seems as though we have always had 101 members.

I share the prayerful hope of all of us that we will have the benefit of more years of splendid service from this outstanding public servant, whose personal friendship I highly esteem.

I would be remiss if I did not add that we also appreciate the fact that the man on the firing line usually performs in direct proportion to the loyalty and steadfastness of his wife back home, so Margaret Trice should also be accorded our fond salute.

Mr. PERCY. Mr. President, when I first heard of the plans to pay tribute to Mark Trice on his 50th-year anniversary, I was all prepared to join my colleagues in a rousing chorus of "Happy Birthday" and cheer Mark on as he blew out the candles on his cake.

Now, I have learned that we are paying tribute to Mark's 50th year of service to the Senate as secretary to the minority, and my reaction is one of admiration and reverence. All the times I have looked across the Chamber and wished I had the stamina and spirit Mr. Trice has, even when we were conducting business into the wee hours of the night, my wishes were predicated on the understanding that we were approximately the same age. Now I am really taken aback.

Seriously, I want to express my personal gratitude to Mark for his unfailing assistance to me and my staff during the 3 years I have served in the Senate. He has helped me to find my way around the Senate and has taught me that I can rely on him when I need to. I am confident that if the rest of the Senate business were conducted as smoothly as Mark handles his, we could adjourn every year by Labor Day.

I am sure that in this election year, Senators are especially sensitive to the rigors of achieving a long tenure in the Senate. That one's history in the Senate should be both long and very distinguished is especially noteworthy. Mark Trice has such a record, and I commend him for his long and devoted service.

Mr. PEARSON. Mr. President, I share with Senators this afternoon the feelings which have been expressed toward Mark Trice.

It is something for a man to start at the bottom in this great institution of our Government, the Senate of the United States, as a page, and to come up through the various steps into the position which he occupies as the secretary to the minority. He spans 50 years in this body, and obviously and factually he has seen men come and go.

It was only a little more than 8 years ago that I had the privilege of coming into this body as a Senator from Kansas. I quickly found that one of the most helpful men in the Senate was Mark Trice.

He can keep confidences; he is and has been fair; he has been more than helpful on many occasions; he is a model public servant.

Mark, I congratulate you on 50 years of distinguished public service and would offer you my thanks, as a U.S. Senator and a Republican, for your service, dedication, and devotion over the years. I wish you many more years of happiness and health.

It is a pleasure for me today to join in these tributes to you.

Mrs. SMITH of Maine. Mr. President,

this is Mark Trice Day in the U.S. Senate, and I am delighted to pay a richly deserved tribute to him on this 50th anniversary of his affiliation with the U.S. Senate. For 50 years he has given outstanding and distinguished service to the U.S. Senate.

No one has been conducting Senate business that long. And one of the most remarkable facets of this brilliant record of Mark Trice is that it has been achieved at such a relatively young age. I do not know what his age is, but, from his youthful appearance, it seems to me that Mark Trice must have been born in the Senate Chamber to have been with the Senate for 50 years.

He does so many things to facilitate and expedite the work of the Senate and he is such an indispensable executive on the minority side that it would be futile to try to list all of his indispensable activities. About the best way I can summarize his role is to say he is to the Republican side of the Senate what John McGraw was to the New York Giants, or Miller Huggins, Joe McCarthy, and Casey Stengel to the New York Yankees, or Knute Rockne to the Irish of Notre Dame, Bud Wilkinson to the Sooners of Oklahoma, and Vince Lombardi to the Green Bay Packers.

For while they were not the players of these teams on the baseball diamond and the football gridiron, they were the brains of the teams and they devised the plays and the strategy. In equal manner, while Mark Trice has not been a Senator from the standpoint of actually casting votes, engaging in debate, or making motions and offering amendments, he has been the manager and coach on the Senate Republican sideline and in the Senate Republican dugout masterminding the Republican team that he fielded in the Senate.

Among the many fine things that he has done for me and which I shall never forget has been his constant vigilance to help me prevent missing rollcall votes. Without him I could not have accomplished the string of 2,941 consecutive votes.

We all—regardless of political party—on both sides of the aisle—wish him well today—and another 50 years as the coach and manager of the Republican team in the Senate.

Mr. JORDAN of Idaho. Mr. President, this week marks the 50th anniversary of service to the U.S. Senate by one of the most dedicated men who has ever served the Senate.

J. Mark Trice, beginning as a page 50 years ago, has held all of the major positions auxiliary to the Senate. Recently, he has been invaluable as secretary to the minority.

Because of his tremendous background in the traditions of the Senate, I know of no one else who is of more help to the new Senators than Mark Trice, especially during the difficult early days of a Senator's first term in office. His fairness, honesty, and impartial dedication have made him a very important Senate tradition and we hope he shall have many more years of assstance under the dome of the Capitol.

I am pleased to add my voice to those of my colleagues in expressing my admiration, my deep respect, and my warm affection for Mark Trice.

The Senate is a better institution for his service, and I am a better Senator for having his wise counsel and never-failing support.

Mr. YOUNG of North Dakota. Mr. President, I think it is most remarkable that our good friend, Mark Trice, secretary to the minority, is today observing his 50th anniversary of service to the Senate of the United States.

Few people, if any, have served so faithfully and so effectively over such a long period. During half of Mark's 50 years here, I have been privileged to serve with him and have always found him to be most courteous and considerate.

Mr. President, Mark Trice must have been especially created for this job. He has handled many difficult and delicate assignments with his rare combination of good judgment, tact, and diplomacy. I know of no other person who could have survived as long in this position.

One of the nicest things about Mark is that he has not slipped a bit. In fact, he is just as good at his job now as when I first got to know him, if not better. This, along with all the other reasons, gives him little excuse to retire. I hope Mark Trice will be with us for many more years.

Mr. BOGGS. Mr. President, today marks the culmination of a half century of service by Mark Trice to the U.S. Senate and the Nation.

The distinguished secretary for the minority came to Capitol Hill as a page in 1916. With the exception of a brief interlude to practice law from 1929 to 1932, he has been here ever since and his contributions to the workings of this body over the years are many.

He has served as secretary to the Sergeant at Arms, as Deputy Sergeant at Arms, as secretary of the Senate, and as majority and minority secretary; and he has served continuously in his present capacity since 1955.

It has been a great privilege and pleasure for me to work with Mark for the past 10 years. I am certain that all Senators, not only those on the Republican side, share the great respect I have for his ability and counsel.

His tall, quiet presence on the Senate floor has become a familiar figure over the years. This is truly the place where he belongs. Much of the credit for the smooth and efficient operation of this body belongs to Mark. Necessarily, many of his accomplishments go unnoticed and unheralded. His best work often is taken for granted, but, without it, the Republicans would have been confused and in chaos.

Mr. President, many Senators have come and gone from this body since Mark Trice arrived. He has often served as their trusted confidant.

In fact, he has almost become an institution in himself. As he begins his 51st year of service to the Senate and the Nation, I wish him well and will continue to count on his service in the future.

Mr. SCHWEIKER. Mr. President, it is indeed a pleasure for me to join with my distinguished colleagues on both sides of the aisle in paying tribute to a friend and a great public servant, Mark Trice, for his 50 years of faithful service in the Senate of the United States.

Though I served in the House of Representatives for 8 years prior to coming to the Senate, I was still a stranger to many of the Senate's procedures, and I thank this distinguished secretary for the minority for being a tremendous help to me during this transitional period, as well as throughout the entire 91st Congress.

Mark has been a part of the Senate from the time he first served as a page in 1916 to his present position in 1970, with the exception of 3 years when he practiced law, and his dedication and devotion to the institution he has served so well deserves wide recognition.

Mark Trice represents the 20th-century Senate. His outstanding guidance, his friendly manner, and his vast knowledge have been an asset to all Senators. I commend this distinguished personality for his outstanding efforts.

Congratulations Mark, on this, your 50th anniversary, and best wishes for the years to come.

MARK TRICE: FRIEND AND MINORITY SECRETARY

Mr. SMITH of Illinois. Mr. President, I wish to add a few simple words of appreciation to those that have already been spoken about our friend and minority secretary, Mark Trice. As the newest Member of the Senate, I have probably known Mark Trice for a shorter time than any of my colleagues, but in that time, I have probably had reason to seek his assistance and good counsel more often than those of my colleagues who enjoy the benefit of longer Senate tenure. Mark Trice has never failed to offer that extra measure of assistance that made my transition from service in the Illinois House of Representatives to service in the U.S. Senate just a little easier, more convenient, and less bumpy. It is a pleasure to congratulate Mark on this anniversary of the beginning of his long and valuable service to the Senate, and to the people of the United States.

MARK TRICE: 50 YEARS OF DISTINGUISHED SERVICE

Mr. BROOKE. Mr. President, seldom in anyone's lifetime does the opportunity arise to salute a friend and colleague on the fulfillment of 50 years of service to a single institution. Even less often does a man of Mark Trice's quality and caliber devote himself so untiringly to the service of representative government in a free society.

I could not help thinking back, last evening, over all the many events in which Mark has participated during his 50 years in the Senate. When he first took office here, Senator Warren G. Harding had just been nominated for President of the United States. Mark served during his incumbency, and that of Calvin Coolidge. He served while Herbert Hoover was in office, and during the great depression. He served the 16 years of President Franklin Roosevelt and the New Deal, through the Second World War, the Marshall plan, and the rebuilding of Europe, the Korean war, the Eisenhower years. He has served through the turbu-

lent decade of the sixties. And now, still vigorous, still patient, and very wise, he is prepared to face a new decade here in the U.S. Senate.

Mr. President, it takes a very great man to grow with so many ages, to adapt to change and, in the parlance of the day, not "lose his cool." Mark Trice is such a man. He has the highest respect of his associates in the Senate, and I humbly join them in saluting him and Mrs. Trice on this great anniversary.

MARK TRICE HAS ENDURED

Mr. RANDOLPH. Mr. President, I join today in expressing tribute to J. Mark Trice, the secretary for the minority, who is completing a half century of service in the U.S. Senate. Others have been here longer, but no other man has held all the positions of trust in the Senate. Hundreds of Senators have come and gone during those 50 years, but Mark Trice has endured. His period of service covers the terms of 10 Presidents—and the most eventful period in our Nation's history.

When Mark Trice started as a Senate page, this Republic was just months away from entering into a world conflict, a "war to end wars." He is living witness to triumphs and tragedies, the first noble experiments in social engineering, the boom and bust and boom again of America's economy.

Mark Trice has seen America's horizons raised from an ocean hop to a moon landing, and the scientific genius that produced nuclear energy for destruction turn hopefully toward the salvation of mankind.

The loyalty, diligence, and ability that Mark Trice has given to the Senate and to America should not be forgotten, for certainly it canot be duplicated.

Mr. TOWER. Mr. President, I would like to join my colleagues in commending Mark Trice, who is today celebrating the completion of 50 years of service in the U.S. Senate.

Mark Trice's record speaks for itself. Over the 50-year span he has served as a page, an Assistant Sergeant at Arms, Sergeant of Arms, Secretary of the Senate, and now secretary to the minority. He has undertaken all of these tasks with a sense of dedication and pride. Anyone who knows Mark, as we in the Senate do, recognizes the contributions which he has made to the legislative process. I think I speak for all in saying he has truly facilitated the Nation's work.

Anyone who knows him must also marvel at his youth. I am sure we have it on good authority that he has been in the Senate for 50 years, but—considering his remarkable appearance of youth and vigor—one can be forgiven for asking if he was born in this Chamber.

Mark, I congratulate you and wish you well. Also, my thanks for your unfailing assistance and many courtesies, both to me and to my staff.

Mr. STEVENS. Mr. President, today we in the Senate are privileged to commemorate the 50th anniversary of Mark Trice's service.

As a young Senator, I have often turned to Mark for advice and information. He has never failed me. Each of us has his own reason for dedicating himself to public service. It is rare that we encounter the selflessness and dedication of a public servant such as Mark Trice. I feel that it is a privilege to be able to extend my congratulations to him.

MARK TRICE STAYED IN THE SENATE MORE THAN A TRICE

Mr. HRUSKA. Mr. President, although Webster's dictionary defines "trice" as a brief space of time, it has been 50 years since Mark Trice began his service to the Members of this body. It is my great privilege today to join my colleagues in paying heartfelt tribute to Mark for his half century of loyal and dedicated service to all of us and to the many great men who have stood in this historic Chamber in years past.

Starting 50 years ago as a page, Mark Trice has humbly and quietly watched the Nation's legislators come and go. He has been a friend to all—the great and the near great—and he has served them all with distinction, with understanding, and with true friendship. His helpfulness has known no bounds nor tolerated any distinctions.

Throughout the nearly 16 years of my own association with him, he has consistently represented the highest type of public service. We all know what a priceless commodity such selfless public service is, and it would be well to stop a moment to consider how fortunate we on this side of the aisle are to have the privilege of such service from a man like Mark Trice.

It is also appropriate, Mr. President, that we are able to join in this tribute while Mark is still with us. It has often been my regret that we have stood in this Chamber and spoken such words as these while mourning the departure of a beloved colleague. No matter how great the praise, there is unfortunately a quality still wanting in such a tribute. Is there one among us who has not yearned on such occasion for one fleeting opportunity to direct the praise to our colleague himself?

Of course, it is an opportunity which will not return once it is lost. It is a most rewarding experience, therefore, to be able to deliver these words of friendship and tribute to the gentleman while he is still in our midst. It is my conviction we would all benefit if more words of praise were offered under circumstances such as these.

There are many, many things which could be said about Mark Trice, Mr. President, though it would be difficult to summon words which do justice to our gratitude for his service. May it suffice to say we hope Mark will be with us as long as he would like. It certainly would be a different Senate without him.

Mr. JAVITS. Mr. President, 50 years of Mark Trice is an unalloyed pleasure and I say that even though I have been here for only 14 of the 50 years. The universality of Mark's appeal is shown by the unanimity of that opinion whether a Member has been here for a few months or decades. Mark not only senses the mood of the Senate but he senses the mood of each of us. He has that ineffable combination of grace and affection which attributes to each Member the faith and patriotism which alone sustains us in these arduous tasks. I join all Senators in bespeaking for him the ancient blessing of my faith for his lifetime until 120 and for his family, peace and goodness all their days.

Mr. SCOTT. Mr. President, it has been a great privilege for the Senate to pay tribute to so fine a friend, so good a civil servant, so devoted a public official, and to make here a record of our affection and our very high regard for him and for this great half a century of distinguished service.

Mr. President, at this point I yield to the distinguished Senator from West Virginia (Mr. BYRD).

Mr. BYRD of West Virginia. Mr. President, I join with my colleagues in the tribute which has rightfully been paid to Mark Trice today in recognition of his 50 years of invaluable service to the U.S. Senate. His service, as has already been stated, goes back to the days immediately following the administration of President Woodrow Wilson, almost spanning my entire lifetime. He has seen hundreds of Senators come and go in that period, and he has worked with the great and the near great.

In my 12 years in the Senate I have found Mark Trice to be a very warm, congenial, and affable friend—one who is always ready to listen to the problems of those of us who are elected to the Senate and, may I say, he has always been equally ready to assist in any way he can.

His accommodation of Senators extends across the aisle to those of us on the side where I stand. He is highly respected by all Members of the Senate. He is a man of integrity, an able man in whom we all place our trust.

I look upon the service of a man like Mark Trice—a service which is unequaled as far as I know—as a pearl of great price in a chalice of silver.

I wish for him many more years of rewarding service in his important position. I wish also that his family and friends will be able to cherish the thoughts that have been expressed today by the Members of the Senate.

Mr. President, the Senate could not function without men like Mark Trice. We Senators could not serve our constituents as well as we are able to serve them were it not for public servants like Mark Trice who stand at our sides and answer our beck and call and assist us in many, many, many ways.

Mr. President, I want personally to recognize that assistance by expressing to Mark Trice my own appreciation by saying that if that appreciation could somehow be miraculously transmuted into jewels, I would immediately lavish upon him more diamonds, sapphires, and rubies than were worn by the Queen of Sheba when she visited King Solomon, and I would bestow upon him more precious stones than Cleopatra ever displayed before Mark Antony and Julius Caesar.

Mr. SCOTT. Mr. President, after the Egyptian interlude, I yield now to the Senator from Kansas.

Mr. DOLE. Mr. President, I want to add my words of commendation to Mark Trice.

I served in the other body for 8 years. The other body from time to time takes a dim view of this body and of the Members of this body. I am not certain what the genesis of that may be.

I was not acquainted with many of the Senators when serving in the House. I was told when elected to the Senate that I should get acquainted with the Senators, but particularly get to know Mark Trice because he is an outstanding man, he is a gentleman, and he is always most helpful to any Member of the Senate—particularly any new Member.

That advice was good advice. I have followed that advice as a fledgling Member of the Senate and have sought advice almost daily from Mark Trice.

I can only say, as a junior Member of the Senate—and I speak for every freshman Member—that the assistance rendered by Mark Trice has been invaluable. He works quietly, effectively and tirelessly.

I wonder when he has time for any personal business or personal pleasure, because he is constantly doing something for the Senate or performing some service for a Senator.

I was most impressed in the early days of my first year in the Senate, with the day-to-day help and the day-to-day advice and consultation Members of the Senate had with Mark Trice and his unyielding and unending desire to be of assistance.

Fifty years of service is a long time. It has been 50 years of devoted service.

Mark Trice has made his mark. Above all, he has been and is a gentleman and I am proud to know and work with him.

Mr. MURPHY. Mr. President, I have been most fortunate in so many things in life that I do not know of anyone with whom I would trade. One of the most fortunate experiences I have enjoyed has been the friendship of Mark Trice who has done such a magnificent job in this Chamber.

I met him first back in 1935, when I came here on missions connected with problems of the motion picture industry. Then, I got to know him well during the Eisenhower inauguration in 1953. I was charged with programing that inauguration. I assure you, Mr. President, it would not have been possible to do the job we did had it not been for the great help, patience, wisdom, and knowledge of Mark Trice. At that time I did not have the slightest idea I would ever have the good fortune to become a Member of this body, but since I have been here over the last 6 years I know of no one who has done a finer job and who is always available, who is ever patient, whose wisdom and knowledge of the workings of this great body make it possible for fellows like me to do their job to represent their States in this Chamber.

So I shall be eternally grateful to you, Mark Trice, and I am certain all who know Mark Trice as well as I have over the past years value his friendship to a degree beyond words of mine to explain.

Now that he has arrived at this maturity it would be my fondest hope that he will spend another half century guiding Members of the Senate in the proper representation of their constituents, to the strength and well-being of this great Nation.

I congratulate you, Mr. Mark Trice.

Mr. FANNIN. Mr. President, only a few months after I entered the Senate, I experienced the observance of Mark Trice Day. It was in observation of his 45th anniversary of distinguished service.

So, today as we observe his 50th anniversary of service, it is quite normal of me to think of Mark Trice as a permanent fixture who ever will remain in service in these great Halls.

A lot of history has passed his way in the half century he has served as a page and as an officer of the Senate. He has watched five Members go on to become President of the United States—Harding, Truman, Kennedy, Johnson, and now Nixon.

I congratulate him for such a remarkable record while at the same time he remains so youthful in appearance and spirit. Mark Trice is clearly dedicated.

He is such a part of the Senate that he reflects the feeling of the Senate. I am grateful to his assistance during my brief tenure here. His great storehouse of knowledge is an asset to us all.

Many times have I called on the knowledgeable Mark Trice for advice in times of need.

To Mark and his lovely wife, Margaret, I join my colleagues on both sides of the aisle in paying tribute to them and wishing them well many years into the future.

Mr. HANSEN. Mr. President, it is a happy occasion when all of us in the Senate can join in paying tribute to such a man as Mark Trice.

True, Republican Senators for 50 years have had first call on the services of Mark Trice. But, he also served the Senate well, and this means Senators on the other side of the aisle. It means the Congress of the United States, it means our unique and enduring American form of government.

I know of no other Senate staff career which parallels that of Mark Trice. He literally grew up and matured in the Senate. His responsibilities became broader, more delicate, more essential for all of us, as he passed from youth to manhood, to the fullness of years—years of service now measured as five full decades.

Always ready, moving about with that quiet, unobtrusive easy manner, Mark Trice has been much like a sort of maestro helping to keep the legislative process going.

I cannot help commenting on his ready candor—he speaks his mind, he tells us what he thinks we should know, whether or not it is agreeable to our own particular opinions. This is perhaps his most valuable contribution. We know he is a man who says all that is necessary, but only that which is necessary.

Mark, thank you. We are all better Senators for your devoted duty to the Senate.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. SCOTT. Mr. President, I understand that the senior Senator from California waives the special order previously entered into with regard to granting him 20 minutes.

Mr. President, I yield 3 minutes for the present purpose to the distinguished Senator from California.

Mr. MURPHY. Mr. President, I greatly appreciate the courtesy of the distinguished minority leader.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from California is recognized.

THE B–1 SUPERSONIC BOMBER

Mr. MURPHY. Mr. President, I had asked for time today in order to comment on a report that was made on the floor of the Senate regarding the B–1 supersonic bomber. The report of the ad hoc Subcommittee on Research and Development recommended that $50 million of the suggested $100 million appropriation for this aircraft be deleted.

I read the remarks of the distinguished Senator from New Hampshire, who is the chairman of the subcommittee. As the ranking minority Member, I want the record to show that I did not agree with the report of that subcommittee nor did I agree with the logic that was presented or their reasoning for cutting $50 million from this very badly needed aircraft.

I would emphasize that at one point it was noted that someone in the Department of Defense or the Air Force had said that with certain new configurations the B–52 would be operational into the 1980's. I would point out that the B–52's now doing an excellent job—unfortunately they are still needed in Vietnam—average from 16 to 22 years in age. In another 10 years they would be 26 to 32 years of age.

I am quite certain that under certain conditions they could be kept flying, but this is beside the point. This is like comparing apples and oranges, roller skates with model T Fords, or model T Fords with modern Cadillacs.

Here we are talking about a new supersonic bomber. The B–52 is subsonic. It is getting old. We need this new supersonic bomber and we need it as fast as it can be built.

The only logic I can understand in view of projected circumstances is that we provide the funds for research and development and get on with production of the B–1 as quickly as possible so that the safety of this Nation may be made secure.

Many years have passed since we have had any new type of military aircraft. We find that the Air Force, unfortunately, has had to "make do" in some cases; and I think this is not the time nor is the world condition such that simply because we think this might be expensive, or simply because it might be complex to put together, or simply because there might be some confusion

about the manufacture, that we should cut the funds for the B–1 that have been suggested as needed by the Air Force, and as originally contained in the budget of the Department of Defense.

Therefore, I would recommend most highly to the Senate that we consider the restoration of the $50 million and to do everything possible to assure that the B–1 supersonic bomber which is so badly needed, may be put on the production line as quickly as possible and that it be made operational as quickly as possible so that the viability, strength, and dependability of our military posture may once again be restored.

As I recall, at the time President Eisenhower left office it was acknowledged that we had a 4-to-1 superiority in military strength, not to make war but to guarantee the peace. I am sorry to state that during the past 10 years we have allowed that military strength and superiority to slip away so that now there is some question whether we have any superiority at all. I think it would be dangerous and of very dubious wisdom to do anything except to get on with the construction of the badly needed weapons systems as quickly as we can achieve it. The B–1 is such a system and we should proceed on it immediately.

The PRESIDING OFFICER (Mr. GOLDWATER). The Chair reminds the acting majority leader that the time limitation agreed to on the amendment of the Senator from Minnesota (Mr. MCCARTHY) now begins.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 1 minute, without the time being charged against the time on the amendment, and that another quorum call may then be ordered without the time being charged against the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

REMOVAL OF INJUNCTION OF SECRECY FROM EXECUTIVE J, 91ST CONGRESS, SECOND SESSION

Mr. BYRD of West Virginia. Mr. President, as in executive session, I ask unanimous consent that the injunction of secrecy be removed from Executive J, 91st Congress, second session, the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, transmitted to the Senate today by the President of the United States, and that the protocol, together with the President's message, be referred to the Committee on Foreign Relations and ordered to be printed, and that the President's message be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The message from the President is as follows:

To the Senate of the United States:

With a view to receiving the advice and consent of the Senate to ratification, I transmit herewith the Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare, signed at Geneva, June 17, 1925. I transmit also the report by the Secretary of State which sets forth the understandings and the proposed reservation of the United States with respect to the Protocol.

In submitting this Protocol for approval, I consider it desirable and appropriate to make the following statements:

—The United States has renounced the first-use of lethal and incapacitating chemical weapons.

—The United States has renounced any use of biological and toxin weapons.

—Our biological and toxin programs will be confined to research for defensive purposes, strictly defined. By the example we set, we hope to contribute to an atmosphere of peace, understanding and confidence between nations and among men. The policy of the United States Government is to support international efforts to limit biological and toxin research programs to defensive purposes.

—The United States will seek further agreement on effective arms-control measures in the field of biological and chemical warfare.

Today, there are 85 parties, including all other major powers, to this basic international agreement which the United States proposed and signed in 1925. The United States always has observed the principles and objectives of this Protocol.

I consider it essential that the United States now become a party to this Protocol, and urge the Senate to give its advice and consent to ratification with the reservation set forth in the Secretary's report.

RICHARD NIXON.

THE WHITE HOUSE, *August 19, 1970.*

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, in accordance with the unanimous-consent agreement, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from North Carolina (Mr. ERVIN) be recognized for not to exceed 3 minutes on a matter of routine business, without the time being charged against the time on the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

SENATE JOINT RESOLUTION 231—INTRODUCTION OF A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION TO ABOLISH UNFAIR LEGAL DISCRIMINATION AGAINST WOMEN

Mr. ERVIN. Mr. President, I have today introduced a proposed constitutional amendment to abolish unfair legal discrimination against women without robbing them of necessary legal protection. For the information of Senators and Representatives, and the general public, I ask unanimous consent that a copy of the resolution proposing such amendment be printed at this point in the body of the RECORD.

The PRESIDING OFFICER (Mr. GOLDWATER). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 231) proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection, introduced by Mr. ERVIN, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 231

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. This article shall not impair, however, the validity of any law of the United States or any State which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. ERVIN. Mr. President, my proposed amendment is offered as a substitute to the House-passed equal rights amendment. The tragic truth is that no adequate hearings have ever been held on the House-passed equal rights amendment and no reasonable attempt has been made by any of its advocates to analyze its provisions or give the Congress or the country any reliable information concerning the constitutional and legal chaos which would be produced in America if it should be adopted by the Congress and ratified by three-fourths of the States.

An impartial, intellectual, and unemotional analysis of the House-passed equal rights amendment reveals that it represents a potentially destructive and self-defeating blunderbuss approach to this worthy objective; namely, the abolition of the unjust discriminations which society makes against women in certain areas of life.

While the advocates of the House-passed equal rights amendment seem to be unaware of its drastic implications, members of the State legislatures will undoubtedly learn of them if such

amendment is approved in its present form and submitted to the States for ratification.

It is inconceivable that a majority of the members of three-fourths of the legislatures of the 50 States will ever vote to ratify an amendment which nullifies all existing laws making any legal distinction whatever between the respective rights and responsibilities of men or women, no matter how reasonable the distinction may be in particular cases, and incapacitating Congress and the legislatures of the 50 States of any constitutional power ever to enact such laws at any time in the future.

On a subsequent occasion, I shall explain on the Senate floor the details of my proposed amendment and why it should be adopted instead of the House-passed equal rights amendment.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate resumed the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 843

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call not be charged against the time on the amendment offered by the able Senator from Minnesota (Mr. McCARTHY).

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McCARTHY. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

Mr. GRIFFIN. Mr. President, reserving the right to object, I wonder if the Senator, in view of the fact that his amendment was not read earlier, and I know it is a brief amendment, would permit the clerk to read the amendment now.

Mr. McCARTHY. I have no objection. I ask that the amendment be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read amendment No. 843, as follows:

SEC. . Notwithstanding any other provision of law, no live ammunition may be used in any weapon by any member of the National Guard of any State against the civilian population of any State if the weapon in which ammunition is to be used or the ammunition to be used was paid for in whole or in part with Federal funds, unless the Governor of such State has requested permission from the President of the United States for such use of such weapons or such ammunition in a specific locality for the duration of one week and the President of the United States has granted permission for such use.

Mr. GRIFFIN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator will state it.

Mr. GRIFFIN. Under the agreement that has been entered into, is an amendment to this amendment in order?

The PRESIDING OFFICER. An amendment to this amendment would be in order, but not until all time on the amendment had expired.

Mr. GRIFFIN. Is the time on this amendment controlled, half to a side?

The PRESIDING OFFICER. Yes. The time agreed to is 1 hour, 30 minutes under the control of the Senator from Minnesota and 30 minutes under the control of the Senator from Mississippi.

Mr. GRIFFIN. I thank the Chair.

The PRESIDING OFFICER. Who yields time?

Mr. McCARTHY. I yield myself 10 minutes.

Mr. President, the amendment, I think, is clear in its wording. It would require Presidential approval before a State Governor could send National Guardsmen with weapons and live ammunition against the civilian populations of their States.

"Live ammunition" refers to ammunition which can kill or maim.

The phrase "against the civilian population" includes not just the firing of live ammunition, but also the carrying of it to a locality for potential use. A Governor would have to seek and get Presidential approval if he wanted to send live ammunition to a locality. The Governor could not send the ammunition and then wait for a moment of crisis to seek Presidential approval.

Each Presidential approval of a Governor's request would apply to one locality or incident and would last for only 1 week. If a second civil disturbance arose within the same State or community in the same week, the Governor would have to obtain a second Presidential approval before sending armed guardsmen to that second disturbance. The purpose of this limitation is, obviously, to prevent some kind of blanket approval. If a disturbance continued for more than 1 week, the Governor would have to gain further Presidential approval to keep live ammunition on the scene for a second week.

The original responsibility for decision would remain the Governor's but this amendment would give the President an opportunity to prevent a Governor's use of federally supplied weapons and ammunition against civilians. The amendment does not, of course, limit the use of live ammunition by local and State police forces, and we know that there have been misuses of that authority in recent cases.

Gubernatorial control over National Guard units is a contradiction. As its very name indicates, the National Guard is a part of the Federal Military Establishment. The Federal Government pays for 100 percent of all National Guard equipment and 90 percent of its operating, maintenance, and training funds. The membership of the National Guard is directly related to the Federal Selective Service System which accepts service in a National Guard unit under certain conditions as of equivalent usefulness to the national defense as is active duty in the Regular Armed Forces of the country.

The reason why the National Guard is provided with half a billion dollars in Federal funds every year and 400,000 mostly draftable young men is to keep the Guard available for use in foreign wars and against foreign enemies, not for controlling, threatening, or shooting our own citizens.

The bill we are now considering, H.R. 17123, sets a nationwide force level for the National Guard of 400,000 men, the level which has been maintained for the last decade.

It is ridiculous to claim, as the chief of the National Guard Bureau recently claimed, that—

> The States are empowered to have a National Guard through Article I, Section 8 of the Constitution. (Maj. Gen. Winston P. Wilson, July 17, 1970, testimony before the Scranton Commission.)

It is Federal funds and the threat of being drafted into active military service which give the States their National Guard units, not the Constitution.

As for the Constitution, its references to "the Militia" gave the Federal Government certain powers over forces which were maintained at State and local expense, such as State and local police forces and volunteer fire departments of today.

The effect of the Constitution is to say that under certain conditions, the Federal Government can use State militia and State police officers. Article I, section 8, provides a degree of Federal control over military units in the States which do not receive Federal support.

This has been turned around to suggest that the Federal Government has to maintain State militia—the National Guard—to be used by the Governors.

In my judgment, the responsibility of Congress is clear. Congress supports the National Guard by providing it with men and money. When Congress provides men and money, it can and should set appropriate conditions for the controlled use of those resources. When Congress provides weapons and live ammunition, it can and should require the Governors to have Presidential approval before directing those weapons and ammunition at the civilian populations of their States.

Beginning with the Berkeley and Watts disturbances in California in 1964 and 1965, many State Governors have been faced with civil disorders. They have called out their National Guard units to contend with over one hundred civil disorders.

The Guard, for example, was called out in the Detroit riots of 1967.

The lieutenant general of the U.S. Army sent to command the National Guardsmen subsequently described them as "green" and "trigger-happy." In order to stop indiscriminate firing by the Guardsmen, the Army general ordered all units to unload their weapons, but less than 10 percent of the units actually obeyed this order; at that time they were acting as a federalized unit of the U.S. military.

At Kent State University this year, four students were killed by National Guardsmen, we understand, and 10 were wounded.

The FBI investigation has, according to press reports whose substance has not been denied, condemned the firing of live ammunition under the conditions that existed at that time.

It appears that only good luck has prevented more fatalities from the dispatch of guardsmen with live ammunition and weapons to troubled areas.

In Detroit, at Kent State, and in many other civil disturbances, indiscriminate firing by police or guardsmen has often been justified as a response to initial fire by "snipers." In some cases, careful investigations after the fact have shown that there was no fire by snipers at all. Even when there have been snipers, indiscriminate fire by policemen and particularly by guardsmen not trained for this action and not trained as sharpshooters has not solved the sniper problem, but has compounded it.

The Kent State tragedy is particularly important because it illustrates the danger of the Congress's putting soldiers and live ammunition under the command of State Governors without any check on the part of the Federal Government itself. The Governor of Ohio was then running in a closely contested primary for his party's nomination for the U.S. Senate. Two days before the voting, the Governor came into the small town of Kent, Ohio, bringing with him some 800 guardsmen, and delivered an inflammatory speech. The Governor referred to students whom he described as "worse than the 'brownshirt' and Communist element and also the night riders in the vigilantes—the worst type of people that we harbor in America." Then he made his promise to the voters:

We are going to eradicate this problem. It's over with in Ohio.

The guardsmen used their weapons the next day. Though they later claimed to have been threatened by a sniper, the guardsmen responded with a desperate remedy, a barrage of indiscriminate fire into students who were harassing them and into students who were walking between classrooms. Though they later claimed that they were about to be overrun physically by approaching students, the guardsmen killed no one closer than 75 feet away from them.

The dispatch of National Guard units by Governors may be appropriate for some civil disorders and for emergencies, but the dispatch of National Guard units with live ammunition should be an extraordinary measure subject to Presidential approval. If a riot really must be suppressed with the threat or use of live ammunition, Federal troops are surely more likely to remain cool under fire and to obey orders than are National Guardsmen.

The PRESIDING OFFICER. The time of the Senator from Minnesota has expired.

Mr. McCARTHY. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator from Minnesota is recognized for 5 additional minutes.

Mr. McCARTHY. National Guard officials are expressing some concern over the fact that the rules of procedure which they generally apply when a National Guard is federalized have not been adopted by all States. There is no indication how many States have accepted that manual of procedure. But on those occasions in which the Guard has been federalized, their actions have been restrained and their direction much more prudent.

If this amendment is enacted, a President can stop a Governor from sending armed guardsmen into action, if he feels that he should. A President could make the choice of authorizing the Governor to send in the Guard, under the direction of the Governor and State officials, or with a federalized guard, as has been done in the past—and send it in under Presidential authority, under Presidential control, and Presidential direction.

Mr. President, it seems to me that this amendment would not, except under the most unusual circumstances which might be conceivable, which are highly unlikely to arise, in any way interfere with the proper use of National Guard units in the kind of emergency in which the use of live ammunition and weapons would be justified as absolutely necessary. It leaves many options open to officials of the State, and, of course, the local authorities, and also it leaves, I think, the President with all the options that he should have.

The responsibility of Congress is quite clear. Training guardsmen is primarily under our direction under the law. Under the law and the regulations of the Federal Government, the financing of these operations is almost 100-percent Federal. In view of this fact, I think we have an obligation to look to the manner in which this kind of military power is used within the confines of the United States itself.

This is the very limited purpose of the amendment which I have offered.

Mr. HART. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. McCARTHY. I yield 1 minute to the Senator from Michigan.

Mr. HART. I am embarrassed to know which side of this amendment I am on at this point. I do not know which side of the argument I will come out on. I am not sure whether time should be yielded to me by the Senator from Mississippi or the Senator from Minnesota.

Mr. McCARTHY. I yield 3 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 minutes.

Mr. HART. As I understand it, under the Constitution, unless the Guard is federalized, the Federal Government cannot direct the use, deployment, or conduct of the troops. However, the Senator from Minnesota uses the peg in such cases as the Federal Government, in whole or in part, finances certain material; namely, guns and ammunition, so that we can constitutionally set up conditions as to the employment of those using such material. I assume that is a solid constitutional base.

I share with the Senator from Minnesota the unease that results when we see the indiscriminate use of firearms by National Guardsmen, whether on or off campus.

I would think that we might approach it more effectively and, in the long run, with greater safeguard both to State and Federal jurisdictions, if we could attach as a condition for the grant of the materiel, and its employment and requirement, that the State shall have adopted and made applicable to its Guard, when in the field, the Federal field manual requirement that would apply and operate on the Guard; and, if it had been federalized, might it not be better to condition the issuance of ammunition by guardsmen to those cases where the State Guard had adopted the Army field manual that bears on troop conduct in civil disobedience.

I wonder whether the Senator from Minnesota would think it appropriate to insert that as a condition, rather than an approval from the President. I take it that the sweep of the amendment is concerned not only with the use but also the issuance of it?

Mr. McCARTHY. The Senator is correct.

Mr. HART. Has the Senator from Minnesota given any thought to the appropriateness of trying to tie the Army field manual to the conduct of troops during civil disobedience, to the ammunition limitation he suggests?

Mr. McCARTHY. I have generally opposed that kind of refinement of the amendment to the general statutes. It seems to me that if the President is concerned over that, by direct communication with the respective Governors he could say, "You will accept and establish, first, that you will conform to the provisions of the field manual, 19–15, and if you do that and give me any indication that you want to call out the Guard, you will go ahead and have permission immediately." That is, in effect, what we are saying.

It seems to me, in the interim, until we find out what the National Guard is doing, what it has done about trying to get the State guard to establish some of these standards, we could simply give the President approval and the President could say, "Get the manual in shape and you will have no problem. Call me up and I will say 'go ahead, Governor.'" Until we have that protection, I want to take a look at each Governor, because if we look at the record, some Governors are especially prone to call out the National Guard. They called out the National Guard in the motorcycle riots, we remember. In California, they have called out the National Guard seven or eight times, I believe, in the past 2 years. South Carolina and North Carolina are States which have called out the National Guard.

Mr. HART. Will the Senator from Minnesota yield me 2 more minutes?

Mr. STENNIS. Mr. President, I would be glad to accommodate the Senator, but we have very little time——

Mr. McCARTHY. The Senator from Michigan is on the side of the Senator from Mississippi on this one. I will yield 2 minutes to the Senator from Michigan, or 3.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 3 additional minutes.

Mr. HART. I thank the Senator.

Mr. President, when a guardsman is called out, even if it is on an occasion that seems to us lacking in justification—for example, a motorcycle crowd in convention and their riot—I wonder whether it would not be a little easier to permit officers of the Guard at least to be in a position to move the troops who do have ammunition, although, perhaps, not issued to them, because, maybe, when we get to the motorcycle riot it is a real Donnybrook and the option might be to try a feint and move away, or run—which is not an appropriate way for a soldier to perform, of course. I think I am familiar with what the field manual suggests is the appropriate method of handling small arms in the case of civil disobediences, assuming that the manual would be adhered to, so that I think we would be doing justice, both to the innocent bystander, to the motorcycle rioter, and to the guardsman. Why can we not condition the grant of the ammunition—for the release of the ammunition—provided that each State national guard department has certified that it has ordered, even though it remains in State status, the field manual requirements with respect to the handling of ammunition?

Mr. McCARTHY. That would be helpful if we had any assurance that it would be handled properly.

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. McCARTHY. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER (Mr. HUGHES). The Senator from Mississippi is recognized for 4 minutes.

Mr. STENNIS. Mr. President, we find ourselves here in the midst of a Senate debate on a far-reaching amendment that has legal complications and upon which there have not been any hearings and no judgment rendered by any responsible official, including a judgment from the standpoint of the Governors.

Let us remember that the National Guardsmen are members of a State organization. They are responsible primarily to the Governors of their States.

I think the Senator from Michigan has made a fine point here, that there should be effective regulation and that we cannot let them have these guns and ammunition in the first place until they have made a showing that they have restrictions.

I would add with reference to the enforcement of the law by the National Guardsmen, that it would have to be limited to trained and seasoned troops who had been specially trained in this field.

It is impossible to get an intelligent consideration of this matter on such short notice. I do know that this is an affront to the honest, efficient, and loyal National Guardsmen in every State. They might be called out for riot duty or anything along that line and be cut off from the right of self-defense.

I want to see that this matter is regulated and that there are restrictions and that we make whatever safeguards we can. But I do not think that we can legislate here on a subject that we are not advised on and do not know the regulations in the different States.

We have men serving in the Senate that have been members of the National Guard.

Mr. President, I yield 3 minutes to the Senator from Arizona, a former member of the National Guard of his State.

Mr. GOLDWATER. Mr. President, the forces of the National Guard are the militia. Under the Constitution, Congress can regulate the militia, even to calling them out. But they do not come under Federal regulation until they are called out for active duty. The commander of the National Guard is the Governor of the State.

We would be taking a very serious and dangerous step if we were to try to go into a State and regulate the only weapon the Governor has with which to defend the people in his State when matters get so bad that the local police, the sheriff's office, and the highway patrolmen cannot handle it.

Mr. President, I might say to my good friend, the Senator from Minnesota, that this might work if we can get the people in this country who carry guns and demonstrate with Molotov cocktails and knives and chains to stop their activities. Then we would be able to get the National Guardsmen to agree not to use bullets.

This is extremely dangerous. I have been in the National Guard. The Governors I have known have been very judicious in the use of the National Guard.

I think I am safe in saying that the majority of the State National Guardsmen have been trained under the Regular Army concept of mob control and that the States operate in that way.

I might ask my good friend, the Senator from Minnesota, what we would do if we had a serious uprising like the ones in Newark, Watts, or Chicago? This seems to be constantly going on in Chicago. Are we going to write the President a letter and say, "Dear Mr. President: A number of our people have been shot and a number of stores have been burned down. We think the only way to handle the situation is to send out the National Guardsmen with live ammunition."

That would take a week.

I suggest this is no way for a Governor to maintain law and order in his State. I think it would be extremely dangerous to ban the use of weapons by the National Guard.

I do not like what is going on in this country and in some of our cities any more than the Senator from Minnesota does.

I suggest that it would get worse, in my opinion, if the hoodlums and fascists and people in this country who set about to disturb our country and, in fact, create a new form of government in our country, knew that they could do anything they wanted and that nothing would happen to them. In fact, I think our National Guard should have the right to defend themselves. I think that the police should have the right to defend themselves.

It is time that the American people call loud and clear for protection in their homes. I would say that there has never been a time in the history of our country when so many people have armed themselves in their home against the danger of being invaded.

There has never been a time when so many people have spent money for electronic devices or other means of protecting themselves.

I think the amendment is dangerous. I do not think it is called for in the bill. It is a completely new concept.

I hope that the amendment will be rejected.

[Applause in the galleries.]

The PRESIDING OFFICER (Mr. HUGHES). If there is any further display in the galleries, the galleries will be cleared.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Ohio.

The PRESIDING OFFICER (Mr. GOLDWATER). The Senator from Ohio is recognized.

Mr. SAXBE. Mr. President, I speak with some knowledge of the National Guard, having served for over 30 years at every level from private to battalion command and general staff officer. I cannot see where this would operate in such a way that it would help the National Guardsmen.

As we know, when the guardsmen are called out, it is against their wishes. They do not want to go. It is a distasteful service. It would be especially distasteful to be called out in the face of armed opposition. I am not speaking of kids who are out for a good time. We have seen the Weathermen faction and what they can do in New York and in Chicago. They are people bent upon mischief. They are armed and they mean business.

A young man called out on this type of duty, duty that he does not want, certainly should not carry an ad saying, "I do not have any live ammunition."

That is what we would be doing if we required the Governor to go to the President to ask for permission. Even if it involved a telephone call, it would then be too late for them to do the job they are supposed to do.

The National Guard consider civil disturbances as one of their minor duties. Their principal duty is to train as trained forces of the U.S. Army or Air Force. Ninety-five percent of their training involves training as combat units. To achieve a combat skill does not mean skill in handling a civil disturbance. That is one of the incidental duties.

I believe that the Governors of the several States do exercise control. I know for a fact that there are times when there is no live ammunition. But I do not believe there should be a general policy that advertises to every hoodlum that there is no live ammunition.

There are times when it is necessary. There are times when ammunition must be close at hand, even if it has not been issued.

This type of amendment, no matter

how well intended, will contribute to the loss of morale and contribute to the confusion that now exists in the Guard.

I can foresee the time when the States will say, "We have to have effective law enforcement based on a State level. We will forget about the National Guard and go back to our own militia and buy our own ammunition."

It has not been too long ago when there was a militia in most States and not a National Guard. I want to keep it the way it is at the present time.

The National Guard has served valiantly in many wars. They are always ready to go. I feel that if we are going to restrict the National Guard in this manner, we should do away with it. Let us not make it a Sunday afternoon group of picnickers, as we will be doing if we reduce it to a status of not having ammunition.

These men are soldiers. They are trained to kill; they are trained to serve their country. If you do not want them to do that, do not call them out; but do not make them into something less than they are supposed to be. They deserve this recognition and this honor.

I fail to see how this proposal would work to make them a more effective arm of the State, or how they would be able to control anything.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from California.

Mr. MURPHY. Mr. President, the experience of the city of Berkeley was mentioned earlier. Last week I had in my office the mayor, chief of police, members of the city council, and some business leaders of the city of Berkeley. I assure Senators they are not concerned with whether or not the militia has live ammunition. They were here to beg me to make a plea to the Secretary of Defense that they be supplied with flak jackets, helmets, and gas masks so they would have a chance to try to preserve law and order in an area where organized disruptions are taking place almost on a regular timetable.

I think the suggested amendment would be a complete invitation to more permissiveness where already too much permissiveness exists.

Mr. STENNIS. I wish I had more time. I yield 2 minutes to the Senator from Iowa, who is the former Governor of his great State.

Mr. HUGHES. Mr. President, I thank the Senator for yielding.

I want to say, as I began, that I have stood with the distinguished Senator from Minnesota in the midst of very trying times; and I have advocated his candidacy for the office of President of the United States. I stand with the goals he is trying to accomplish today because I think the misuse, misdirection, and perhaps miscommand of National Guard troops can be a very bad force in this country.

But over three terms as Governor of my native State of Iowa I have had to call out the National Guard many times. There was never a time when I willingly called up the National Guard for use in my State. There was never a time in my State that ammunition was fired to protect the lives of people or to protect property. They were well commanded, and they were basically well trained. They acted well under the most tense conditions.

Many times I had to call out the National Guard when there was no trouble. I did it, even though I was highly criticized for it, because the presence of the National Guard prevented trouble from developing.

I am sure that the circumstances the distinguished Senator from Minnesota has described could be satisfied by calling the President of the United States, and I agree it could be done. But the Governor, as the commander in chief of his National Guard, has to make decisions, he is basically responsible for the training of the National Guard, and he hopes to see them as the best equipped force in his State. They are used for broad and diverse reasons. I would hope they would never be used on campuses of colleges in the United States. I am opposed to the use of the National Guard on the campuses of colleges in our country.

I would like to point out one thing that has not been brought up. We could use the National Guard without making arrests, whereas, when we mobilized the State police, the county sheriffs, or the local police, they were compelled to make arrests for every single violation that seemed evident. That could result in a more severe confrontation than by the exercise of the use of the National Guard to maintain peace and order by their presence.

In my opinion the National Guard has been under excellent command in my State.

It is with some reluctance that I rise to say that I would vote against the amendment offered by the distinguished Senator from Minnesota, but while I shall vote against the amendment I want Senators to know that I am sympathetic with the goals he is trying to achieve. We should look into this matter and determine a better way to control the use of guns and ammunition in the hands of people in all circumstances, particularly on the campuses of the colleges of this country.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Oregon, the former Governor of his State.

Mr. HATFIELD. Mr. President, I would like to associate myself with the comments which have been made, and particularly those which have been made by my former fellow Governor, the Senator from Iowa (Mr. HUGHES), who is now my colleague in the Senate.

Any one who has been in the role of commander in chief of the National Guard, as the Governor is, and who has the responsibility for the maintenance of law and order in every community of his State appreciates the fact that the National Guard plays a very vital role, and it must be maintained on a very flexible basis.

I would like to share two experiences that occurred while I was Governor of my State in which we had riots in one of our coastal communities. We had anticipated the problem and, therefore, had called the National Guard leadership together and indicated our feeling that there should be special riot control training for certain elements of the National Guard. The National Guard had certain elements prepared for this type special duty and they were placed in this riot city.

The point is that the State police of my State were in command of the force. To maintain law and order, they worked with the county sheriff and the city police, and they had the National Guard backing them up. That is a vital role. I do not think we could maintain law and order as we were able to if we had not had that show of force of the National Guard.

If anyone in the Nation today questions the National Guard, let him assume the role of a Governor, who is the commander in chief, and who must be responsible for the actions and the training of the National Guard, or the lack of training of the National Guard.

Therefore, I plead that we reject the amendment, not because I disagree with the Senator's concept or his goal, but because as a former Governor I recognize that it is imperative that we maintain flexibility to have the National Guard able to move in and meet any occurrence in any crisis.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Florida.

Mr. GURNEY. Mr. President, I thank the Senator from Mississippi.

Mr. President, the permanent Subcommittee on Investigations, otherwise known as the McClellan committee, has just completed extensive hearings on bombings and terrorism in this country. The hearings were most revealing. They showed that bombing, terrorism, and violence in general increased dramatically in the last 10 years, but even more dramatic is the fact that in the last year or 2 years the scale of increase is sharply rising. Therefore, it would seem to me that a more inappropriate time could not be chosen to offer an amendment like this. It seems to me that this is an open invitation to more violence.

We found in our investigations by the permanent subcommittee that violence is being committed by people who are revolutionaries, and who have in their hearts and minds the destruction of this Government and our society. Certainly any society should have the right to protect itself.

Of course, one of the chief means of protection from civilian violence in this country is through the use of the National Guard. Certainly, at this time in our history we should not do anything to make this organization less effective; if anything, we should make it more effective.

I urge Senators to reject the amendment.

Mr. STENNIS. Mr. President, I am sorry I do not have more time. I am going to yield to the Senator from Rhode Island.

First, Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. There is not a sufficient second.

Mr. STENNIS. I yield 2 minutes to the Senator from Rhode Island, who is the former Governor of his State.

Mr. PASTORE. Mr. President, I real-

ize the emotional impact that is behind this amendment. I do not question the motive of the sponsor of the amendment. However, as a former Governor of my State, I realize the danger of this particular amendment.

I had the honor of serving as Governor for 6 years. I never once called out the National Guard. I do not know of any Governor in this Republic of ours who relishes the idea of calling out the National Guard. But if we are going to call out the National Guard and say to a young man in a soldier's uniform, "You can carry a gun, but you can't have a bullet in it," then I say do not give him a gun at all. Do not give him a gun at all.

Not only that, but in many instances we find that these men are called out not through any choice of their own, but are ordered to do so.

I am afraid that unless we do this in a proper manner, we are going to invite anarchy. When we realize that it would mean a young man in a soldier's uniform could have stones thrown at him or bags of fecal matter smashed into his face, or snipers, without having anything with which to defend himself, I am afraid we are toying here with explosive situations. I would regret the day when we would come to that kind of thinking and that kind of action in this country.

I know what happened at Kent. I regret that, too. I made a statement in my State that it was a pity that the lives of these four young people should have been snuffed out. I regret very much that it happened. But we must take the long view. If the National Guard is to be called out to repress anarchy, to suppress riots, the young men who are in those soldiers' uniforms must be properly equipped to cope with the duties and the dangers to which they are assigned. Moreover, the proper response to these situations is training and restraint on all sides.

Mr. STENNIS. Mr. President, how much time do I have left?

The PRESIDING OFFICER. The Senator has 5 minutes remaining.

Mr. STENNIS. Mr. President, I ask for the yeas and nays on the amendment.

The PRESIDING OFFICER. There is not a sufficient number.

The yeas and nays were not ordered.

Mr. STENNIS. Mr. President, I yield 2 minutes to the Senator from Wyoming (Mr. HANSEN), a former Governor of his State.

Mr. HANSEN. Mr. President, I should like to associate myself with the observations just made by the distinguished Senator from Rhode Island. Let me say that no Governor relishes the duty and responsibility of calling out the National Guard, but I think it must be apparent to everyone in this country that if we are going to put an end to anarchy, if we are going to restore and maintain order, there must be some mechanism by which the States can face emergencies and can deal with those emergencies adequately. It is with that thought in mind that it seems wholly unthinkable to me that we should ask young men serving in the Guard to assume the very grave responsibility of maintaining order, of seeing that the law is adhered to, and not giving them the proper equipment, in all manner, in order that they may enforce an order issued by a Governor.

During the 4 years I was Governor of Wyoming, I called upon the National Guard on several occasions. Historically, its mission has been, generally, to respond to emergencies such as floods, fires, and blizzards. Insofar as I know, never in the history of Wyoming has a guardsman fired a shot in order to quell a riot situation, but I think the very knowledge that the members of the Guard have ammunition obviates the necessity for firing a shot.

Mr. STENNIS. Mr. President, I yield 1 minute to the Senator from Michigan.

Mr. GRIFFIN. Mr. President, because it would not be in order, until all time had expired, for me to offer an amendment, I merely send an amendment to the desk as an amendment which I may offer at the appropriate time.

The PRESIDING OFFICER. The amendment will be stated by the clerk.

The legislative clerk read as follows:

At the end of the proposed amendment, add the following: This provision shall be applicable if all the participants in any riot or civil disturbance shall have certified to the Governor in advance that they will use no live ammunition in their weapons.

The PRESIDING OFFICER. The Senator from Michigan.

Mr. President, I would have the roll called on my amendment, which provides that the amendment offered by the Senator from Minnesota shall be effective only if all——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HANSEN. Mr. President, I ask for the yeas and nays and suggest that if there is not a sufficient number of Senators present, a live quorum be called.

The PRESIDING OFFICER. A Senator's time has to be yielded for that purpose.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 2 minutes remaining and the Senator from Minnesota has 13 minutes remaining.

Mr. PASTORE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PASTORE. Mr. President, will the Senator yield for that purpose?

Mr. STENNIS. I yield.

Mr. PASTORE. Is an amendment in order until all time has been yielded back or consumed?

Mr. GRIFFIN. I have not offered the amendment.

Mr. STENNIS. It was read for the information of the Senate.

I yield 1 minute to the Senator from Wyoming.

Mr. HANSEN. Mr. President, I again request the yeas and nays, and if there is not a sufficient number of Senators present to have the yeas and nays ordered, I suggest the absence of a quorum, and suggest that it be followed by a live quorum.

The PRESIDING OFFICER. The Chair would suggest that the Senator would have to wait until all time on the amendment had expired, because under the precedents there is not sufficient time left for the calling of a quorum.

Is there a sufficient second for the ordering of the yeas and nays on the amendment?

There is now a sufficient second.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. McCARTHY. Mr. President, how much time do I have?

The PRESIDING OFFICER. The Senator has 13 minutes.

Mr. McCARTHY. Mr. President, I think possibly all former Governors will disqualify themselves on this question as having a conflict of interest. I do not expect that suggestion to be honored; it is just a suggestion, since all former Governors who have spoken have said, "As a former Governor, I have had experience."

All this talk about sending guardsmen into action without ammunition or means of defending themselves against rioters, anarchists, and all the other people that have been listed here is completely irrelevant.

The substance of my amendment is that guardsmen could not be sent in to use live ammunition under present conditions unless the Governor had requested it and the President had honored that request with an affirmative reply.

The essence of the argument has been that the guardsmen are not prepared to deal with situations into which they have been sent. The President could say to any Governor, "I am satisfied that your Guard is not prepared for this kind of riot activity; therefore, I hope it will be trained," or at least that the provisions of the manual which is used when the Guard is federalized be recognized and adhered to under the Governor's direction.

It seems to me a simple proposition. Some of the debate here suggests that communications are still carried out by pony express. Someone has suggested that a Governor could not get to the President for a week. On an issue of this kind, I assume the Governor could get in touch with the President in 5 or 10 minutes. I cannot think of any National Guard in which the officer of the Guard could not be found in 5 minutes if the Governor were looking for him. So there would be as much access to the President as to the commanding officer of the State.

The question is whether we want the Guard to be used rather freely, as it has been under the various Governors, without any real assurance that they have been adequately trained or that they are subject to careful regulation, or whether we want a minimal regulation or requirement that the Governor of the State have the approval of the President before he acts—with the hope that this kind of pressure will provide some incentive for training the Guard properly and put some restraint on Governors who have too readily sent the Gaurd into situations in which they have no business being.

Mr. President, I reserve the remainder of my time.

Mr. THURMOND. Mr. President, I

oppose Amendment No. 843 proposed by the distinguished Senator from Minnesota (Mr. McCARTHY).

The amendment would prohibit the use of live ammunition in the weapons of members of the National Guard unless the Governor of the particular State requested permission from the President of the United States for use of ammunition in the weapons of the National Guardsmen.

First, it should be realized that the responsibility for law enforcement in each State is vested in the Governor of that State and not in the President of the United States.

Under the Constitution, the Governor is the chief law enforcement officer of his particular State and he must have the authority to act quickly in maintaining order, should such action be necessary.

If this amendment had been law during the riots which occurred throughout the Nation following the assassination of Martin Luther King, we would have had a chaotic situation. At that particular time each Governor exercised his authority in applying what force he felt necessary to maintain order.

Mr. President, it should also be realized the President of the United States has tremendous responsibilities which require his attention. He is often far away from situations in the various States to which the Governor would be able to give close attention. The Governor could obtain facts quickly and act on the authority under the Constitution; whereas the President would be placed in the decisionmaking process possibly with only second-hand information.

Even worse, Mr. President, adoption of this amendment might lead to a national police system if unnecessary powers are handed to the President of the United States. Most Americans abhor suggestions of a national police system which could spring from this amendment.

I urge my colleagues to join with me in rejecting this proposal to the military authorization bill.

Mr. MUSKIE. Mr. President, the aim of the amendment before us is laudable; namely, to help prevent the senseless and tragic killing of civilians involved in a volatile situation like the one that occurred at Kent State last spring. However, the amendment raises two important questions which concern me.

First, it fails to provide for exceptions for National Guardsmen who might be involved in situations requiring a reasonable right to self-defense.

Second, on those occasions when the Governor of a State did seek Presidential approval for the use of live ammunition, the President might be forced to make a quick and difficult decision without the benefit of the most up-to-date, on-the-spot information about the current situation. That information is available only to officers on the scene.

Mr. President, the Department of the Army has developed a reasonable set of guidelines governing the use of force by Federal forces involved in civil disorders. I ask unanimous consent that these guidelines be printed in the RECORD at this point.

There being no objection, the guidelines were ordered to be printed in the RECORD, as follows:

GUIDELINES

4. Application of Force:

(a) Operations by Federal forces were not authorized until the President was advised by the highest officials of the state that the situation could not be controlled with the non-Federal resources available. Your mission therefore is to help restore law and order and to help maintain it until such time as state and local forces can control the situation without your assistance. In performing this mission, your Task Force may find it necessary actively to participate not only in quelling the disturbance but also in helping to prevent criminal acts and in helping to detain those responsible for them. You are authorized and directed to provide such active participation, subject to the restraint on the use of force set forth below.

(b) The principal rule of use of force which controls all others is that you will at all times use the minimum force required to accomplish your mission. Due respect will be shown for the great number of citizens whose involvement in the disturbance is purely accidental. Your force options for determining how your troops may be armed to accomplish your mission are enumerated in Appendix 9 to Annex C of Department of the Army Civil Disturbance Plan.

(c) You are authorized to use non-deadly force, including riot control agents, to control the disturbance, to prevent crimes, and to apprehend or detain persons who have committed crimes, but the degree of force used must be no more than that reasonably necessary under the circumstances. For example, riot control agents should not be used if saturation of an area with available manpower will suffice. You are authorized to delegate the authority to use riot control agents and other forms of non-deadly force at your discretion.

(d) The use of deadly force (i.e., live ammunition or any other type of physical force likely to cause death or serious bodily harm) in effect invokes the power of summary execution and can therefore be justified only by extreme necessity. Accordingly, its use is not authorized for the purpose of preventing activities which do not pose a significant risk of death or serious bodily harm (for example, curfew violations or looting). Use of deadly force is authorized where (1) lesser means have been exhausted or are unavailable, (2) the risk of death or serious bodily harm to innocent persons is not increased by its use and (3) the purpose of its use is one or more of the following:

(i) self-defense to avoid death or serious bodily harm;

(ii) prevention of a crime which involves a substantial risk of death or serious bodily harm (for example, to prevent sniping);

(iii) prevention of the destruction of public utilities or similar property vital to public health or safety;

(iv) detention or prevention of the escape of persons against whom the use of deadly force is authorized in subparagraphs (i), (ii), and (iii) immediately above.

In addition the following policies in the use of deadly force will be observed:

(1) When deadly force is used, aim where possible to wound, not to kill.

(2) In order to avoid firing which creates a hazard to innocent persons and can create the mistaken impression on the part of citizens that sniping is widespread, warning shots will not be employed.

(3) Where other means have failed and firing is necessary to control sniping, well-aimed fire by expert marksmen will be used wherever possible and the number of rounds will be kept to a minimum to reduce the hazard to innocent persons.

(e) You are authorized to have live ammunition issued to personnel under your command. They are not to load or fire their weapons except when authorized by an officer in person, when authorized in advance by an officer under certain specific conditions, or when required to save their lives (including the prevention of serious bodily harm). You will insure positive control over use of weapons. You may at your discretion delegate that authority to use deadly force provided such delegation is not inconsistent with this paragraph and that the persons to whom such delegation is made understand the constraints upon the use of deadly force set forth in paragraph d.

5. Custody and Detention of Civilians:

Whenever possible, civilian police authorities should take civilian personnel into custody; however, when assistance is necessary or in the absence of the civilian police, Federal military forces have the responsibility to detain or take into custody rioters, looters, or others committing offenses. . . .

Mr. MUSKIE. Mr. President, following the incident at Kent State last May, I wrote to Secretary Laird inquiring whether all National Guard units throughout the country complied with these regulations. I learned that this is not presently the case. It seems to me that we should be working toward insuring that all National Guard units in every State comply with these Army guidelines, which are reasonable and seem to me to provide an appropriate balance between preventing indiscriminate use of deadly force by Federal authorities on the one hand, and protecting lives on the other.

Because of the reservations I have listed, I shall vote against the McCarthy amendment, but I shall work to help insure that all Federal forces, including the National Guard, comply with Army regulations.

Mr. McCARTHY. Mr. President, I am ready to yield back my time, if the chairman is agreeable.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. McCARTHY. I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Minnesota.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. What is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment (No. 843) of the Senator from Minnesota (Mr. McCARTHY).

Mr. STENNIS. This is the question on whether the amendment will be agreed to or rejected?

The PRESIDING OFFICER. Up or down; the Senator is correct.

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Tennessee (Mr. GORE), the Senator from South Dakota (Mr. McGOVERN), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Maryland (Mr. TYDINGS),

and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I further announce that, if present and voting, the Senator from Ohio (Mr. YOUNG) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senators from Illinois (Mr. PERCY and Mr. SMITH) and the Senator from Pennsylvania (Mr. SCHWEIKER) are necessarily absent.

If present and voting the Senator from South Dakota (Mr. MUNDT) and the Senator from Illinois (Mr. SMITH) would each vote "nay."

The result was announced—yeas 2, nays 87, as follows:

[No. 261 Leg.]

YEAS—2

Kennedy	McCarthy	

NAYS—87

Aiken	Fannin	Metcalf
Allen	Fong	Miller
Allott	Fulbright	Moss
Anderson	Goldwater	Murphy
Baker	Goodell	Muskie
Bayh	Gravel	Nelson
Bellmon	Griffin	Packwood
Bennett	Gurney	Pastore
Bible	Hansen	Pearson
Boggs	Harris	Pell
Brooke	Hart	Prouty
Burdick	Hartke	Proxmire
Byrd, Va.	Hatfield	Randolph
Byrd, W. Va.	Holland	Russell
Cannon	Hollings	Saxbe
Case	Hruska	Scott
Church	Hughes	Smith, Maine
Cook	Inouye	Sparkman
Cooper	Jackson	Spong
Cotton	Javits	Stennis
Cranston	Jordan, N.C.	Stevens
Curtis	Jordan, Idaho	Symington
Dodd	Long	Talmadge
Dole	Magnuson	Thurmond
Dominick	Mansfield	Tower
Eagleton	Mathias	Williams, N.J.
Eastland	McClellan	Williams, Del.
Ellender	McGee	Yarborough
Ervin	McIntyre	Young, N. Dak.

NOT VOTING—11

Gore	Mundt	Smith, Ill.
McGovern	Percy	Tydings
Mondale	Ribicoff	Young, Ohio
Montoya	Schweiker	

So Mr. MCCARTHY's amendment (No. 843) was rejected.

Mr. KENNEDY subsequently said: Mr. President, the amendment we voted on today to provide new procedures for the utilization of deadly force by National Guard units dramatizes the urgent need for a major overhaul of the practices in this field to assure that we do not have any more "Kent States."

The investigation I have conducted in my Subcommittee on Administrative Practice and Procedure convinces me that the Ohio National Guard, apart from any question of whether or not it violated any State or Federal law, clearly violated the words and the spirit of the applicable Army Field Manual in several respects. That manual permits the use of deadly force only where lesser means have been exhausted or are unavailable and only when the risk of death or serious bodily harm to innocent persons is not increased by its use. It requires that when firing is necessary to control sniping, well-aimed fire by specially trained expert marksmen should be used and the number of rounds kept to a minimum to reduce the hazard to innocent persons. It requires that whenever guns are used they are to be aimed to wound, not to kill. It permits general unit firepower to be utilized only as an extreme last resort, only after all other measures have failed, and only when failure to use such firepower would result in imminent overthrow of the Government, continued mass casualties, or similar grievous conditions.

At hearings we held in June, I asked representatives of the Army how the Kent State shootings could have occurred in the face of such clear and strong standards on the use of deadly force, and I was told that while the Army could promulgate training standards for National Guard units, it felt it could not enforce these standards when guardsmen were under State control. As I pointed out in a subsequent letter to President Nixon, a copy of which I ask to be printed in the RECORD at the end of my statement:

> If this is so, then we are left with the specter, as at Kent State, of troops in Army uniform and using Army guns and bullets and trained at Army expense applying deadly force in a manner and under procedures contrary to the Army's own requirements.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. KENNEDY. Mr. President, for no other reason than the fact that the National Guard units might be federalized at any time for civil disturbance duty under Army control, it would seem that the Army must have the power and the right to assure that such basic elements of National Guard training and standards as the use of deadly force are consistent with and at least as stringent as those of the regular Army. It is difficult enough for a part-time soldier to keep in mind the vital details of one set of standards and unreasonable and dangerous to require him to have two conflicting sets in mind.

The materials our subcommittee has collected from the various States, as well as the history of the performance of National Guard units under State control, show not only that they are not adhering to Federal requirements in practice, but also that the training materials they use are in conflict with the Federal training materials issued under the constitutional provision requiring the State to train their militias "according to the discipline prescribed" by the Federal Government.

Nevertheless, in replying to my letter to President Nixon, the administration has indicated that both the Justice and Defense Departments continue to deny that the Army can do anything more to require the National Guard units to comply with Federal standards of citizen protection. I am not persuaded by the arguments tendered to support their conclusion, and I expect to pursue the matter further with them at forthcoming hearings of the subcommittee.

I cannot accept the view that innocent citizens in the several States, and our society as a whole, must continue to be subjected to the individual risks and social consequences of gunfire from federally supported National Guard units according to the personal preferences of Governors and State commanders which may be in direct conflict with the rules that govern Army troops and are constitutionally required to govern National Guardsmen as well.

I think Senator MCCARTHY's amendment serves to highlight the glaring need for action in this area, and while it is not the only route, or even perhaps a sufficient route, my vote for it reflects my sense of urgency of this need.

EXHIBIT 1

JUNE 16, 1970.

DEAR MR. PRESIDENT: Last week, at a hearing before the Senate Subcommittee on Administrative Practice and Procedure, which I chair, several extremely disturbing facts came to light which involve so many federal agencies that I believe you should be aware of them.

1. Our Subcommittee has surveyed all the states to determine what rules their National Guard units use in the application of deadly force. While the results are not yet all in, the responses received thus far indicate clearly that there is a wide disparity in these rules from state to state and that there are vast departures from the Army's own guidelines in the contents, tone, and presentation of the various state National Guard standards. According to the testimony we received at our hearing, the Army has doubts whether it has the power to set minimum standards or uniform standards for the use of deadly force by National Guard units while on state-ordered civil disturbance duty. If this is so, then we are left with the specter, as at Kent State, of troops in Army uniform and using Army guns and bullets and trained at Army expense applying deadly force in a manner and under procedures contrary to the Army's own requirements. For no other reason than the fact that National Guard units might be federalized at any time for civil disturbance duty under Army control, it would seem that the Army must have the power and the right to assure that such basic elements of National Guard training and standards as the use of deadly force are consistent with and at least as stringent as those of the regular Army. It is difficult enough for a part-time soldier to keep in mind the vital details of one set of standards, and unreasonable and dangerous to require him to have two conflicting sets in mind.

2. The Applicable Army Field Manual FM 19–15, even as revised in October 1969, contains potential ambiguity as to whether the conditions for the use of deadly force must *all* be present, or whether firing is permitted whenever any one of them is present:

"Use of deadly force is authorized where—

"1. Lesser means have been exhausted or are unavailable.

"2. The risk of death or serious bodily harm to innocent persons is not increased by its use.

"3. The purpose of its use is one or more of the following:" (listing permitted purposes).

This ambiguity has been recognized in the form letter of instruction for civil disturbance task force, which changes punctuation and inserts an "and" to add some clarity, and in the actual letter of instruction which was sent to the Washington Task Force by the Army May 8, 1970, which adds the words "where all three of the following are true." Nevertheless the possibility for misunderstanding remains in the Field Manual itself, which is the last word from the Army as far as National Guard units are concerned and which is the primary training text for regular Army units.

3. Although there are a large number of diverse agencies which may be called upon to perform law enforcement functions in the District of Columbia concurrently, including the Park Police, Metropolitan Po-

lice, National Guard, Regular Army, Secret Service, White House Police, F.B.I., Narcotics Bureau, U.S. Marshals, and others, they have no common coordinated policy on the conditions and procedures for use of deadly force by their officers, and in fact their policies conflict in some respects. For example, some agencies direct their officers, when their criteria for firing weapons are met, to shoot to wound, some to shoot to kill, and some are silent on this factor. The lack of consistent instructions is especially important in the case of mass gatherings or civil disorders where several of these agencies may be involved in joint operations and where misuse of weapons, as we have seen elsewhere, could produce a tragedy of massive proportions.

4. The so-called "Special Orders" card carried by every Army and National Guard officer and enlisted man on civil disturbance duty anywhere in the country contains none of the conditions and criteria for the use of weapons set forth in the current version of Army Field Manual 19–15, especially the "minimum force" order, the requirement that "the risk of death or serious bodily harm to innocent persons is not increased by its (deadly force's) use," the requirement that limited fire by designated expert marksmen be used in case of sniper fire, and the shoot-to-wound order. The reason may be that the card was last revised in October of 1969 at which time many of the criteria and conditions were first set forth. Thus federal and National Guard troops on civil disturbance operations are presently carrying orders which are obsolete under the Army's own standards.

(An additional minor problem with the card is that it carries the historic Army seal, which includes the words "United States of America War Office," hardly a felicitous choice of words to be read by men under tension entering civil disturbance duty.).

I believe that each of these facts presents a continuing threat to the safety of our citizens and the stability of our nation. We are facing another mass gathering in Washington early in July, and it is not unlikely that National Guard units elsewhere in the country may have to be called in for civil disturbance duty in the coming months. I therefore recommend and urge that you take the necessary steps on an expedited basis to secure immediate action by the responsible officials along the following lines:

1. The General Counsel of the Army, in consultation with the Attorney General, should determine the outer limits of the Army's ability to enforce uniform standards of training and operations on National Guard Units in regard to the use of deadly force in civil disturbance operations. To the extent of that ability, the Army should insure that every National Guardsmen in the nation has been trained in and is prepared to apply standards and procedures at least as stringent as those of the Army. I am informed that the Secretary of the Army is prepared to proceed in this direction on a crash basis, and I urge that he be directed to do so.

2. Army Field Manual 19–15 should be revised to remove the possible ambiguity referred to above, and its rule for the application of force should be reviewed to determine whether the previous language which was retained even after the October 1969 revision needs to be altered to emphasize the restrictions imposed in that revision.

3. Every federal and district agency with current, standby, or potential law enforcement responsibilities in the District of Columbia should be directed to coordinate immediately on the adoption of a common policy on the use of deadly force. Efforts should be made to encourage and receive inputs from local human rights agencies, citizen groups, and bar associations, as well as such groups as the International Association of Chiefs of Police, in the formulation of guidelines.

4. The "Special Orders" card carried by troops on civil disturbance duty should be updated and revised to reflect all of the conditions and requirements for the use of deadly force set out in Army Field Manual 19–15; and the Seal of the Army should be replaced by the Defense Department seal both to remove the word "war" and to reflect the fact that units of other services use the card as well.

I know you join me in the belief that our nation can protect the rights of assembly and free speech as well as community safety even in times of great national division, and that we cannot afford another tragedy such as those at Kent State and Jackson State. It is in the spirit of mutual concern that I write, and express the fervent hope that you will take action on these matters.

Sincerely,

EDWARD M. KENNEDY.

Mr. MANSFIELD. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. The Senate will please be in order.

Mr. MANSFIELD. Mr. President, there are some amendments on which there is a time limitation but I do not see any of the sponsors here at the moment.

Mr. ANDERSON. Third reading.

Mr. MANSFIELD. Not yet. [Laughter.]

Therefore, if the Senate will indulge me, I suggest the absence of a quorum, briefly.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I understand that the distinguished Senator from Oregon (Mr. HATFIELD) is prepared to start speaking on his amendment and, hopefully, at an appropriate time we shall be able to obtain a reasonable time limitation on the discussion. I think this is good procedure on the part of the Senator from Oregon. He wants to be protected and should be protected, as any Senator should, and will be, insofar as the joint leadership is concerned.

The Senator from Oregon has indicated a willingness to consider a time limitation. He has been most cooperative and understanding of the difficulties which confront the Senate.

May I say that the same applies to the distinguished Senator from Mississippi (Mr. STENNIS).

Thus, hopefully, during the course of this discussion on this most important amendment, it may be possible to arrive at a time limitation, which will be satisfactory to all concerned.

Mr. SCOTT. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. I yield.

Mr. SCOTT. May I suggest that at this time the distinguished majority leader suggest the hour at which we may convene tomorrow?

Mr. MANSFIELD. Oh, yes.

ORDER FOR RECESS UNTIL 10 O'CLOCK TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 10 a.m. tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

(Later this order was modified to provide for the Senate to adjourn until 9:30 a.m. tomorrow.)

TIME LIMITATION ON AMENDMENTS

Mr. SCOTT. Let me point out that there is now an agreement on limitation of time on three amendments. There is no agreement on limitation of time on the amendment of the Senator from Oregon (Mr. HATFIELD), or on the so-called Hatfield-McGovern amendment, or on the amendment of the Senator from Arkansas (Mr. FULBRIGHT).

I state this merely for the record, so that Senators will know.

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on tomorrow, immediately after the disposition of the unobjected to items on the calendar, the Senator from New York (Mr. JAVITS) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF PENDING BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, following the remarks of the Senator from New York (Mr. JAVITS) on tomorrow, the Senate proceed to the consideration of the pending business, H.R. 17123.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. HATFIELD. Mr. President, I should like to preface my remarks by expressing my thanks to the majority leader and the minority leader in trying to work out a time limitation agreement.

Let me reiterate the fact that we stood ready at 3 p.m. this afternoon to make an agreement of 6 hours on the amendment and 1 hour on any amendment to the amendment.

I did ask that there be included in the amendment a "no tabling" clause. That seems to be our difficulty at this time, because I feel that the Senate has a right to engage in sufficient time in debate on this vital issue, and that the Senate would prefer to vote the issue up or down rather than make a determination on a procedural motion.

Therefore, Mr. President, at an appropriate time, I intend to bring up amendment No. 844.

However, at this time, I should like to address myself to the amendment only, and to the purpose of the amendment.

I might say that there is an extensive amount of material that should be included in this debate. Therefore, it may necessitate an extended period of time to present the material and the arguments on behalf of the amendment.

Mr. President, this amendment would implement the recommendations of the President's Commission on an All-Volunteer Armed Force, the Gates Commission, which made a thorough analysis of the economic factors including pay, recruitment, retention, administration, and training for various manpower levels of our Armed Forces affecting the creation of an all-volunteer force. At the completion of its study the Commission concluded that an all-volunteer armed force would be more efficient, equitable, and just than one recruited by any other system, and that we should begin to move now toward that end with an eye to abolishing conscription at the expiration date of the present Selective Service Act, June 30, 1971.

Today there are approximately 3.3 million men in our Armed Forces; but due to efforts to reduce this level to at least 2.5 million within the next few years, by this time next year, according to present Defense Department projections, our force level will be at 2.9 million men. To maintain our present force level at an all-volunteer basis of over 3 million men, 225,000 more volunteers would have to be recruited each year; but to maintain the necessary accession rate to keep our troop level at the eventual goal of 2.5 million men, only an additional 75,000 volunteers would be needed annually than are presently enlisting voluntarily. While the Gates Commission recognized that pay is not the only incentive for joining the Armed Forces, what seems surprising is that fewer men do not voluntarily enlist under the present pay scale. The first-term enlistee today receives a total compensation including basic pay, room, board, post exchange and commissary privileges, retired pay, specialty pay, bonuses and medical services, $3,251. Yet in the civilian sector he would have the total compensation of $5,202. In other words, computing income tax with the respective earnings, the first-term enlistee is being taxed 51 percent of what he would be earning in civilian life. The Commission found that by raising basic pay to a level comparable to compensation in the civilian sector we would insure the necessary accessions to maintain our troop levels on a purely voluntary basis. And if this and other inducement measures were taken now, continuing the draft until its expiration date of June 30, 1971, we would have enough data to support the discontinuation of the Selective Service Act.

The budgetary increase for fiscal 1971 to implement the transition to an all-volunteer force would be a maximum of $3.24 billion, according to the Gates study. Of this amount $2.7 billion would be for basic pay increases, the remainder being for such items as proficiency pay, ROTC, and Medical Corps expense. Yet when one computes the annual return in income tax—$540 million—savings in transportation costs—$68 million—savings in training and administration—$675 million—reduction of costs due to the civilization of certain military jobs—$100 million—the gain of productivity made by men not trying to avoid the draft—$3 billion—and other efficiencies, the cost of an all-volunteer force to society within 3 years will be negative. That is, by projecting these various cost factors ahead 3 years, a volunteer military will save the country money. Those who might argue that the additional expenditure to create an all-volunteer military would be inflationary fail to recognize the distinction between budgetary cost and the cost borne by the country in general. A volunteer military, while reflecting a budgetary increase, would be saving the country money and be counterinflationary. Yet even if this were not the case, from the point of equity the cost of maintaining our military should be shouldered by the entire country and not by the men who in many cases are forced to join. Irrespective of the fate of conscription, every taxpayer should share the financial responsibility for the defense of his country. I must point out that this amendment, or any legislation for that fact, does not and cannot commit the next Congress to extending or not extending the Selective Service Act in 1971. This amendment would allow draft calls to be reduced to zero within the next year, thereby eliminating the need to conscript men and consequently eliminating the need to extend the draft.

Beyond manpower and economic questions, there are two commonly encountered objections to an all-volunteer armed force. One is that such a force would become a group of professional mercenaries of questionable loyalty, isolated from the mainstream of American life, and pose a possible internal threat to our internal security. Criticizing an individual because he is well paid for doing a job is difficult to understand. We do not criticize doctors, lawyers, or other professionals because they are well paid, nor have we ever criticized our officer corps, which has always been professional, because they are well paid. Why should we, then, criticize a first-term enlistee, the lowest man in the military hierarchy, for receiving an equitable income? Furthermore, to call such a man a mercenary is incorrect. A mercenary is a citizen of one country who is hired by another to fight in its wars. This clearly is not the case in a volunteer armed force, nor was it the case in our more than 170 years' experience with an all-volunteer military. Many people forget that the past 20 years is the only time in our history that we have had peacetime conscription and only three times before was the draft instituted and then for a brief period during war.

There is no possible correlation between the method of recruitment and frequency of coup d'etat. It might well be argued that there is a positive correlation between voluntarism and decreasing militarism, for in the two countries closest to us historically and culturally—Canada and Great Britain—the influence of the military might be said to be decreasing, and both countries have all-volunteer armed forces. As Edward Luttwak states in his book "Coup d'Etat":

> There are three factors common to coups: (1) "severe prolonged economic crisis, with large-scale unemployment or runaway inflation"; (2) "a long unsuccessful war or a major defeat, military or diplomatic"; (3) "chronic instability under a multiparty system."

Control over the military by society depends on the strength of our leadership, and effectiveness of the President and Congress, and the loyalty of the Armed Forces officers and elisted men. If, as the Gates Commission recommended, the power to reinstitute the draft were to rest in the joint resolution of both Houses of Congress, and effective economic and administrative policies were adhered to, in the country in general as well as in the Armed Forces, our military men will not be alienated from the rest of our society, let alone pose a threat to our internal security. Be that as it may, the method of recruitment has little relevance.

The other most commonly encountered objection to an all-voluntary armed force is that it would be comprised primarily of members of minority groups, particularly blacks, or those below the poverty line. In that there are more than two times more whites than blacks classified below the poverty line—17.6 million whites compared to 8.3 million blacks—in our country, those who fear an all-black military have no reason for concern. To argue that increased pay would attract more who are below the poverty line than are now attracted neglects the fact that the monetary incentive to this group already exists in the military. The Gates Commission pointed out in its study that in a mixed force of conscripts and volunteers at a 2.5 million man level, 14.1 percent of the Armed Forces would be comprised of blacks, while in a voluntary force of the same size 14.9 percent would be black. The Army in a mixed armed force of conscripts and volunteers of 2.5 million men would have 16.6 percent blacks, while in an all-volunteer force of the same size blacks would comprise 18.8 percent of the Army. During the late 1960's blacks comprised 9.0 percent to 9.5 percent of the total Armed Forces and 11.7 percent of the Army.

Thus, while the percent of blacks will increase 0.8 percent in a volunteer force as compared with a mixed force, the proportion of blacks will increase at least 4.6 percent over the late 1960's

ratio, irrespective of the method of recruitment. In either case the increase is insignificant. But even if this criticism—that it is unjust to raise salaries to an equitable level, creating a volunteer military, because minority groups and the poverty stricken would comprise the majority of the members of our Armed Forces or bear the primary responsibility of defending our country—is true, it is not a criticism of a volunteer military; it is a criticism of a society which would allow the only means of financial, educational, and occupational improvement for a certain group to be through one institution, in this case, the Armed Forces.

To pass this amendment would not immediately stop inductions, it would not jeopardize the internal security of our country, nor would it threaten our external security by not being able to maintain needed manpower for our armed services. To pass this amendment would raise pay within the military to an equitable level, reduce inductions to zero, and eliminate the necessity of extending the Selective Service Act beyond June 30, 1971. If this amendment does not become law, we will be faced with a difficult alternative in 1971: extending the Selective Service Act for at least 1 more year, with all of its inherent inequities, injustices, and inefficiencies. There is no economic, moral, or social reason why we should have peacetime conscription. To the contrary, it is imperative that we should move now to create an all-volunteer Armed Forces.

I yield to the Senator from Arizona at this point if he wishes to ask a question.

Mr. GOLDWATER. I will wait until the Senator has finished his remarks. I have a statement I shall make.

Mr. STEVENS. Mr. President, will the Senator yield?

Mr. HATFIELD. I am happy to yield to the Senator from Alaska.

Mr. STEVENS. Mr. President, I wish to address a question to the Senator from Oregon.

As a cosponsor of the amendment I was under the impression in the beginning that we were talking about an amendment that would become effective July 1, 1971. As I examine this amendment, it becomes effective on the date of its enactment, with the exception of sections 6, 7, 8, 9, and 10. They become effective on the first day of the next calendar month after the bill is enacted.

I wonder if the Senator would tell me if he has any basic objection to postponing the effective date of this measure. I do have an amendment to this effect which I intend to offer.

Mr. HATFIELD. The only date involved in the amendment has to do with the immediate implementation of the pay scale which has been recommended by the Gates Commission. The idea was that this amendment would immediately implement a pay increase and thereby create one of the most basic necessities for implementing an all-volunteer force. In that connection I do not think we can wait until we reach the end of the present conscription law. I think the first printing of this bill had certain inaccuracies, which were typographical inaccuracies on the part of the Printing Office. The purpose of the bill is to undertake the implementation of an all-volunteer army now through this kind of pay increase program; and then be ready, underway, and already have the foundation laid for the creation of a volunteer army by the time we next reach the expiration date of the present draft law.

The only alternative at this point would be to wait until the expiration of the Selective Service System on June 30, 1971, at which time it would be rather impractical to undertake a new system because we would have to crank up one system and crank out another system. That is the reason for presenting the amendment now. This amendment would not, in itself, end conscription. Conscription could only be ended by an act to end it before the expiration date; or we would have to wait until it ends in 1971. Through this measure we will be waiting for the final expiration date in 1971.

Mr. STEVENS. It would seem to me that the Senator from Oregon has a good point concerning the change in the pay scale. However, as long as conscription is going to continue under the present draft act, it is my feeling that the new pay scale should go into effect at the time that conscription ends; and as I stated, originally I was under the impression that we were talking about an amendment that would go into effect when the present act expires.

I find it difficult to understand why we should put these provisions of the Senator's amendment, which I have cosponsored, into effect on the date of enactment which, if we are successful, would be prior to the expiration of the current draft system.

Again, I would be more than willing to work this out with the Senator or his staff. I do have an amendment which would simply delete the effective date clause and state that the act becomes effective July 1, 1971. That would mean the cost of the volunteer Armed Force will be in the next appropriation bill rather than require special supplemental appropriations and it will be directly related to a volunteer Armed Force.

I do not see how making the amendment effective immediately will be an incentive to the formation of a volunteer Armed Force beginning with the expiration of the current draft system, particularly since some of those who are serving in the armed services now do not do so by choice.

I would again seek the Senator's ideas on the effective date of this proposal which puts into effect upon enactment all the provisions except sections 6 through 10, and those would go into effect, if it were enacted today, September 1.

I would like to know why we cannot postpone it until next year, as originally intended.

Mr. HATFIELD. I think we are talking about two basic principles in this colloquy. We are talking about the concept of a volunteer military, and we are talking about the concept of an equitable or comparable pay.

I feel that we have stated our case and we have no misunderstanding on the concept of a volunteer army. This is the principle the Senator from Alaska and I, as well as other cosponsors of the bill, are committed to.

On the question of equitable pay the military today consists of not just draftees but also enlistees. It is a mixed force. There are over 12,500 men serving in the military today who are on welfare receiving monthly welfare checks because they are below the poverty level.

I think the inequity is there today whether we have a mixed military of conscripts and volunteers or an all-volunteer military. There is still the principle of equitable pay. To me, that is a separate and almost distinct issue although, in the discussion here, I think they are closely interrelated.

We are not going to get an all-volunteer military on poverty-scale pay. We are not going to get the kind of men to stay in the Armed Forces who are already there, nor are we going to get new enlistees, on such a pay base. I do not think it is right for the American public to ask young men, those who volunteer as well as those who are conscripted, not only to serve in uniform but, in a sense, to subsidize their service because of the difference between pay in civilian life and the military pay scale.

So I think it is vital, if we are going to undertake a commitment for an all-volunteer force, to implement a pay scale that will attract people into such a volunteer force. Second, those who are in service at this moment ought to have a decent pay scale, and we should not have in the Armed Forces people who would qualify for welfare and be under the poverty classification because of our miserly attitude toward military pay.

Mr. STEVENS. Mr. President, I thank the Senator from Oregon for his courtesy, and the Senator from Arizona for his.

I must disagree with the effective date in the amendment. I wanted to have this exchange with the principal sponsor of the amendment because I am a cosponsor.

I believe it is time to do what is intended by this amendment, to restructure the Armed Forces, but I do not think we can do it by the first day of the next calendar month. When we have a system that has been in effect for as long as the present draft system has been, which I understand has been continuously in effect for over two decades, I do not think it can be changed by simply increasing the pay by the beginning of next month, so that there will be an inducement for men to join or stay in the Armed Forces.

For instance, there is one provision in the amendments that requires the Secretary of Defense to report back to us in 9 months with recommendations for restructuring the Armed Forces to make recruitment of an all volunteer force more effective. I think we ought to wait for that. I think we ought to, by this amendment, indicate the Senate's intention that there shall be a volunteer armed force, and permit the administration to have the time that will be necessary to put it into effect.

I think the present date in the amendment is too early a date. I do not see how it could be done. As a matter of fact, if

it went into effect, I do not see how we could handle it. The appropriation bill will not be passed until December. Yet this amendment would call for increased pay next month.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. STEVENS. I yield.

Mr. HATFIELD. I would say that increasing the pay for the military forces is no more difficult than increasing pay for ourselves. We did not have any great problem in increasing our own salary in the Congress. We did it rather rapidly, and it was implemented with a great deal of ease. In my opinion, there has been an inequity for far too long a period in the pay scales of the military as compared with the pay for civilians, especially in the enlisted rates; and I am talking primarily about the enlisted personnel in the military. I do not see any great problem in having the amendment adopted and having the pay scale implemented immediately.

I point out again that we passed increased pay scales for postal employees and other government employees, and for ourselves especially. Even though I voted against it, I found it went through with relative ease. So I do not think we would find a great deal of difficulty here.

The Gates Commission recommended this procedure. It is not necessarily a personal viewpoint. It has the backing and support of the Gates Commission, which felt it should be undertaken immediately.

But I do not want to lose a cosponsor here. I would like to discuss it in some detail with the Senator from Alaska. If there is an irreconcilable problem, we will have to get at it through the amendment procedure, unless we can reach a better understanding than I have been able to achieve through my explanation on the floor.

Mr. STEVENS. I thank the Senator.

I understand that if our amendment is adopted the impact will be something like $2.5 billion for this fiscal year. What it would be for the next fiscal year we do not know. I want to see the proposal adopted, but we are already into the fiscal year. Where are the $2 billion-plus going to come from to pay for the salary increases?

I would like to see us work this matter out so our good friend, the chairman of the committee who is handling the bill on the floor, will not have the difficulty he would otherwise have with this amendment. I think perhaps we might be able to get him as an ally, in time, on the all-volunteer armed force concept.

MESSAGE FROM THE HOUSE—ENROLLED BILLS SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bills:

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the USS *Constitution* (IX-21) by retired officers of the U.S. Navy;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13712. An act for the relief of Vincenzo Pellicano; and

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

ORDER FOR ADJOURNMENT UNTIL 9:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF CERTAIN SENATORS AND FOR CONSIDERATION OF UNFINISHED BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the disposition of the unobjected-to items on a call of the calendar tomorrow if any are cleared on both sides, the able Senator from New Hampshire (Mr. McINTYRE) be recognized for not to exceed 20 minutes; that at the conclusion of his remarks, the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes; that the able Senator from New York (Mr. JAVITS) then be recognized for not to exceed 15 minutes, to be followed jointly by the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Oklahoma (Mr. HARRIS) for not to exceed 10 minutes between them; and that, upon the conclusion of the aforementioned special orders for recognition, the unfinished business be then laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. GOLDWATER. Mr. President, it is with a great deal of pleasure that I rise to support the amendment of the Senator from Oregon. I am particularly happy that the distinguished Senator from Oregon prepared it and submitted it, and that he allowed me to be a cosponsor.

I might say that I have lived for about the last 7 years with the idea that we can have a volunteer military force in this country. I shall explain my reasons briefly today. Then, as the debate proceeds, I hope to develop further thought on it.

AN ALL-PROFESSIONAL, VOLUNTEER MILITARY SERVICE

Mr. President, the Senate will reveal by its action on this amendment whether it views military service in the Armed Forces of the United States as an honorable and dignified profession, or whether it believes that the staffing needs of the Armed Forces can be met only by a system of human bondage.

Are we, as a nation, ready to turn away from the medieval concept of a conscript army, in which people have to be forced to serve, under penalty of being sentenced to jail if they refuse?

Are we willing to take the practical steps that are crying to be done, from a sense of equity alone, so that military service can be transformed into a rewarding and important profession?

Is military service to be equated to a jail sentence? Or is it to be seen as an honorable profession for which people will be glad to volunteer if they are offered a decent salary with fringe benefits similar to civilian opportunities?

Is a military career to be regarded as a shameful activity? Or will it be recognized that, even now, millions of men and women freely choose to volunteer for service in the Armed Forces out of a devotion to their country and a desire to contribute to the well-being and protection of their nation?

Now, we have offered an amendment that would allow the Senate to take a position on these matters. The amendment would restore military service to a completely voluntary status. It would move our society back to the normal state of affairs which has prevailed throughout our history.

Although the young people of our nation have grown up with the draft, it has not always been so. In fact, the current condition is a most unusual one in our culture.

While few people are aware of it, there never was a compulsory system of military service in the United States until the Civil War. The draft first appeared in America in 1863. After that war, it was dropped and did not show up again until 1917, when it was used and then, of course, dropped after that war. In 1940, the draft came again, but it was allowed to expire in 1947.

One year later Congress passed a draft law and that one is still with us. It stays until the end of June next year, at which time, if it is to be renewed, Congress will have to do it.

Mr. President, I think from this brief review it can be seen that the fact that the draft has continued since 1948 is contrary to the entire past history of the United States. This practice has

had no place in our system of freedom except as a temporary expedient.

For, when the law is used to tell a young man how he shall spend several years of his life, this causes an invasion of the most precious and fundamental of human rights, the right of each citizen to live his own life. And to do this as he may choose. This is why as a conservative I am strongly committed to the voluntary military approach.

Not only do I believe that the draft is wrong, but I also believe it is wrong to assume that free men have to be forced to fight for their country. I am just old fashioned enough to believe that there are still a great many Americans among us who think enough of their freedom that they are willing to fight for it. Furthermore, I think the rest of the Americans are willing to pay those who serve in the military a good and ample wage, with fringe benefits, for shouldering the task.

Mr. President, I would remind Senators that this is not a new cause to me. I might say that I came to the conclusion to support this position during the last 5 years of my military service of 37 years when as a Reserve officer, my mobilization day assignment was Deputy Chief of Staff for Personnel for the Air Force. As I watched the inefficiency of maintaining the draft, I became convinced that we had to institute a different system. This was during the early 1960's.

Since then the picture has steadily improved for the voluntary system until today, when we are standing on the precipice, ready to dismantle the draft and establish a fully voluntary, completely professional army.

Mr. President, I can only repeat what the Gates Commission found: In short, that a voluntary system will work. This was the unanimous finding of a commission that had started out with members having many different views and experiences. When the meetings began, there was about a 50–50 split among the provolunteer members and the antivolunteer members. By the time the Commission had concluded its study, not one person was on the other side. They all said that the voluntary service is feasible.

To get an idea of why the Gates Commission is so convinced that we can achieve a force of all volunteers, you must understand one of the curious facts about the composition of the present Armed Forces. The truth is that our current forces are already made up predominantly of volunteers. This is something that many people do not realize. We have in my State of Arizona, for example, such a large number of volunteers that our draft call in many months has practically been nonexistent.

Mr. President, there are in the military today 1¼ million persons who are serving beyond their first term of service. There can be no question that these people are true volunteers. They could have gotten out if they had wanted.

Next, there are approximately 800,000 additional true volunteers in their first term of service. They are individuals who say that they would have enlisted even if there had been no draft looming over their heads.

This means that we are talking about a military force which right now has on the order of 2 million true volunteers, with over a quarter million new ones each year. Indeed the existing base of volunteers is so large that the Gates Commission found—

> A fully Volunteer Force of 2.5 million men can be achieved by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year.

So, no one need fear that we will suddenly be required to attract 2.5 million volunteers all at one time in order to maintain a strong military force. All it will take is an additional 75,000 volunteers each year. Surely, we can improve the conditions of military service that much.

What will it cost? Well, it certainly will not bankrupt us. The Gates Commission came up with an extremely conservative estimate of $3.2 billion in the transition years and $2.1 billion once the voluntary force is fully operational. Now, to my mind, and distinguished members of the Gates Commission agree, this is too high. In fact, I might say, Mr. President, that what really got me interested in a voluntary force, outside of the rights that are concerned, was sitting, on periods of active duty with the Air Force, both in the Pentagon and out in the field, and realizing the tremendous waste that the Air Force alone went through each year as we would watch first-term draftees drop out to go home, after having had spent on their education in electronics, engineering, hydraulics, engine care, and so forth, from $85,000 up to the Lord knows what. My business sense told me that if we could keep those men, or a majority of them, in the Air Force, we could probably in the long run make money by it. I am still of that opinion. My instinct tells me that the savings to the Government have not been weighed heavily enough. I am speaking from experience because I studied the application of this proposal during my annual tours of duty with the Air Force in personnel at the Pentagon in the early 1960's. I was astounded at the amount of money that it cost just the Air Force alone each year to retrain a man for a slot that had been vacated by another man. This training in a 4-year term can run as high as $250,000 in the case of enlisted men. In the case of officers, it can be double that, or more.

In fact, Senators may not know it, but in a B–52 first-term pilot we have invested about a million dollars in training.

I admire these men, for they can look across the street and see an airline pilot for almost any domestic airline making almost three times what they are making; and, even realizing that when the 747 pay scale goes in they will be making five and a half times what these young men make, there are still enough of them willing to stay that it makes me believe we still have enough young men with the interests of their country at heart to fill a voluntary army.

The average enlistee or draftee who goes through—let us say training in electronics at Keesler Air Force Base—has over $80,000 invested in him. If he drops out, somebody has to fill that slot, and the estimate I came up with was that it would save the Air Force alone about $1 billion a year if we could have men that we could keep in these slots.

My thinking is borne out by the personal views of Milton Friedman, who has studied this for a long time. In his view, as an economist, the mixed force of part volunteers-part draftees is grossly inefficient. As he points out, in order to man an armed force with part conscripts a larger total force is needed. For example, a man drafted for 2 years spends the first 6 months or so in training. The last 3 months of his service he is being processed for discharge. You are lucky if you get 1 year of service out of the man for the 2 years he is in the military. In addition, there must be people to train him.

The result is that the all-volunteer force needs fewer people than a mixed force. The Gates report found that to maintain a 2.5 million-man force which includes draftees, each year about 440,000 young men must be recruited for the enlisted forces. Under a completely volunteer service, only 325,000 people are needed. In other words, the mixed force wastes 115,000 men a year in order to keep up the same military effectiveness as the all-volunteer force.

Mr. President, another point about the Gates report is that it is honest in arriving at its estimates. For example, contrary to what its critics charge, the Gates Commission tackled head on the problem that the Army faces in filling the hard-to-fill infantry spots. The Commission wisely set its compensation tables at levels high enough to provide the Army with the quantity and quality of volunteers which it requires. The Army was considered separately because the Commission recognized that this was a critical element. As the report indicates:

> The evidence is overwhelming that if compensation is set at levels which satisfy Army requirements, the other services will be able to attract enough qualified volunteers to meet their respective requirements.

So, if anyone says that the Gates Commission has not considered the special problems confronting the Army it is pure hogwash. They have not read the report.

Another misleading question that will be raised by critics is "What happens in case of a national emergency?" Again, this is nothing more than a scare tactic. If anyone thinks that the draft is going to provide emergency forces on the spot, then he does not understand much about war.

Conscription cannot provide emergency forces. It never has, and I see no way, after 37 years of military service that it can. The first recourse will be to the Ready Reserves, including the National Guard. In the words of the Gates report—

> Conscription cannot provide emergency forces: it takes many months of training for civilians to become soldiers.

Thus, it will be the Reserve forces which will provide immediate support to the active forces. Like the active duty forces, the Reserve units will be recruited on a voluntary basis.

The measure we have sponsored will automatically increase the drill pay for

Reserve participation at the same time that it provides pay increases for the active component. In my view, this increase will be sufficient to encourage Reserve enlistments adequate to maintain a voluntary Reserve force which is large enough to support a voluntary active duty force. Furthermore, in the case of an emergency, conscription could be reinstituted by an act of Congress, almost immediately, because our plan provides for the continued registration of all young men in the United States even though the draft itself will be done away with. This standby system will satisfy the long-term needs of the Nation.

This brings us closer to the truth about the proposed amendment. It will not end the draft immediately. It will not leave the country defenseless in time of sudden emergency. It will not bankrupt the budget. It will not injure the national security.

The voluntary military amendment will improve the conditions of military service. It will provide immediately upon its enactment for a 50-percent increase in the value of basic pay for first-term enlistees and 28 percent for first-term officers. The increase for those in their second term is about 9 percent.

In addition, it will provide that the Secretary of Defense shall put into effect, as soon as practical, several other features which will make military life more attractive. For example, proficiency pay should be made available to all persons with special skills. Promotions should be accelerated for high-quality personnel. Military men should acquire vested rights to retirement benefits after 5 years of service, similar to civilian employees. And, the Government should provide an equitable survivor annuity program for military retirees which is on a par with the one that is offered to civilian employees. The senior Senator from California (Mr. MURPHY) and I will offer an amendment shortly that will nail down the survivor feature of the volunteer proposal.

Mr. President, these changes are needed whether or not we move to an all-volunteer military. The hidden tax which is imposed on Americans who are valiantly serving their country should be removed even if we do not end the draft. The idea of regarding military personnel as some kind of feudal slaves who can be expected to labor at half of what the civilian market will pay is unworthy of a modern, civilized nation.

To my mind, any Senator who votes against this amendment will be announcing to the men and women now in the Armed Forces that he believes they are undeserving of getting the improved benefits our amendment will provide. A vote against the proposal is a clear-cut vote to deny to each of the persons now serving in the military their chance to be put on a level of equality with their civilian counterparts.

Not only that, but also by voting against the amendment, Senators will be sabotaging any chance that the draft can be permitted to die next year. If any Senator means more than lipservice when he says he endorses the principle of the voluntary military, then he will vote for this amendment as a way to set the foundation on which a voluntary system can be erected.

Why not give it a chance? Why not put into effect the improvements which we recommend and see whether or not this will attract an adequate number of volunteers so that the forced draft can end?

Mr. President, that has been my position all along. I want to give this a try. If it does not work, all Congress has to do is to reenact the draft.

We all realize that this issue will have to be debated again next year. We will each have to make a fresh decision at that time about whether or not conditions have changed sufficiently so that the draft can be allowed to expire on June 30 of 1971.

Therefore, if a Senator has a preconceived idea that the voluntary system will not work, and he wishes to create a situation in which that prediction will be borne out, then he will vote against the amendment. But if he is willing to keep an open mind on this matter, and if he is willing to give the voluntary proposal a fair test, then he will support the amendment.

What harm will be done? We are not voting to abolish the draft here and now. We are only voting now on whether we will give all military personnel, both conscripts and enlistees, officers and career members, decent and equitable service conditions. The question of finally ending the draft will not come up until next year.

Some Senators may wonder why we do not wait for hearings. Well, we can have hearings on the question of ending the draft next year. But time is running out on the chance to put into effect the benefits that are needed as a precondition to establishing a voluntary service.

After all, our proposal was originally introduced as a bill, as far back as January of 1969. We have been seeking hearings on the proposed legislation ever since. To use the fact now that we have had no hearings as a reason for not acting on the proposal does not seem to me to make much logic. There is no time left for hearings. These improvements in the pay structure have to be put into effect immediately. If hearings are desired, then I suggest that we should adopt this amendment now and plan to hold our committee sessions next year on the question of whether or not these changes are enough to make a completely volunteer system work.

In closing, Mr. President, I know there is some question about where the President stands on this. I have not talked to the President personally about it.

I need not remind my Republican colleague, the sponsor of the amendment, that a voluntary military was not only a part of the platform of 1964 but also of 1968. In fact, I recall that in the first speech I made seeking the office of President, in my hometown of Prescott, Ariz., I spoke on the subject of the voluntary military, and the President has since spoken out in favor of it.

I urge my colleagues to put the volunteer Army to the test. Set the stage so that we can honestly tell whether or not the draft can be allowed to expire next year. If it can, then the action we take today will, in a short time, restore America to the best traditions of a free society.

Mr. HATFIELD. Mr. President, I should like to commend the very outstanding presentation of the Senator from Arizona.

I have had the great privilege of knowing the Senator from Arizona now for over a decade. I have known him on the campaign trail as we campaigned together in 1964. I was proud to be on his team as he sought the Presidency of the United States.

I have seen him in his home State of Arizona and have observed him in the Senate since his return here.

Whether one agrees on all issues with the Senator from Arizona, it must be said that the Senator from Arizona is deeply concerned and committed to the principle of individual freedom in this country. I have never known him to take a stand on or to fight for a cause that did not at least recognize the importance of the individual and his rights within a free society.

I believe that his leadership on this amendment and his presentation today confirm and reiterate that characteristic which all of BARRY GOLDWATER'S friends, even his opponents, recognize in him.

I am proud to stand with him on the same issue and the same platform, shoulder to shoulder, and take this occasion once more to express my deep admiration and respect for him, not because we agree on this particular issue but, over and above all issues, this is the kind of integrity this man represents. I am proud to be a cosponsor with him.

Mr. GOLDWATER. Will the Senator from Oregon yield at that point?

Mr. HATFIELD. I yield.

Mr. GOLDWATER. I should like to thank the Senator from Oregon for his charitable remarks, and would like to point out something that many liberals in this country overlook and, I must say, many conservatives also overlook.

We hear the young people say in America today, "We want to do our thing." That is a great way to express what conservatives have been trying to say for hundreds and thousands of years; namely, "We want to live our lives unoppressed by a central government. We want to choose what we want to do with our lives, except in times of emergency when it becomes obvious that we have to resort to a tactic such as the draft."

That is the clear lesson I learn as I travel across America and visit with our young people in grade schools, high schools, and colleges, and why they will not call themselves conservatives, necessarily, and will not even identify themselves with any particular philosophy.

I believe that what we are finding in America today is not young people in opposition to military service, per se, inasmuch as it might mean serving their country. They are patriotic. They are loyal Americans. I just believe they have become imbued with the one central thought of what began the United States of America: Freedom.

I do not mean freedom from taxes, or freedom from oppression, but the free-

dom to do what one wants to do, as long as, in doing "our thing," it does not hurt someone else.

Mr. President, when I say that, I am stating what I have found in this country. I hope that my liberal friends on the other side of the aisle will pay some heed to this and not try to find in the remarks and activities of our young people some ulterior or obscure motive. To me, it is as plain as the sun coming up above my Arizona desert. These young people are ahead of us. We older people have got so used to oppressive government, so used to the government running our lives, that we sort of think we can help it no longer. But not these young people. I admire them for it.

Again, before I leave the Chamber, I want to thank my good friend from Oregon who had the courage to prepare this amendment and to introduce it.

I look forward, in the days ahead, to the opportunity to help.

Mr. HATFIELD. I thank the Senator from Arizona very much.

Let me point out one aspect of the remarks of the Senator from Arizona. He has eloquently focused upon how fallacious it is to apply labels to political personalities and political issues, that an issue is liberal or conservative, or someone is liberal or conservative.

I need not quote the famous line from the Gilbert and Sullivan operetta "Iolanthe," which indicates that every boy and every girl born into the world was born a little bit liberal or a little bit conservative.

But, it is important to note those who are generally referred to as conservatives, like my good friend from Arizona, and those who are generally referred to as liberals, such as perhaps my position would represent in the political spectrum; but I think basically, in terms of classical labels, we on the so-called liberal side have also prided ourselves that we put human rights before property rights. We like to pound the desk and make speeches about how we on the liberal side are always in the vanguard on any question concerning human rights.

I say that this is the most fundamental of all human rights, that we do not have to be liberal or conservative to recognize it; namely, whether we are going to maintain our medieval system of "tax-in-kind" requiring obligation, force, and coercion, as a basis for giving our lives to the government, in lieu of some other kind of tax. We abandoned that kind of thinking when this country was created. That kind of thinking abounded in Europe. That was the way the monarchies in Europe functioned. They declared that the males had to give that kind of support to their king and country.

I believe that we fall into some rather bad ways when we begin to accept that thinking as a way of life. I am disturbed at times when I find that there are those who say, "well, it is the lesser of two evils," or "it is the least of all evils," that "we must accept it, because there is no better way," or "it might cost us a little more money to do it some other way."

I do not believe that we can accept all that as being valid excuses for inaction.

Our young people have been patient in this country—far more patient than would be required even of someone who has had to live under this kind of inequitable and involuntary servitude, if we want to call it that. I do not believe it is exaggerating to call it involuntary servitude, when many young men are being pushed into a war that their conscience resents yet, because of draft inequities, are required to do so because there is not a broad enough interpretation of a conscientious objector or some other related issue.

I believe it is time that Congress stand up and recognize that one of the deepest issues in this country that divides our people today among the various segments, black or white, young or old, is that we have a system of inherent inequity. Its very title tells us that—"Selective Service." We could call it "discriminatory service" and that would be just about as accurate.

Until we abolish the draft and create the opportunity for our young people to give service to their country on a voluntary basis, we will find America deeply troubled, that increasing the police force alone will not solve it. We are going to find that force, no matter how applied, will not push down or put out the kind of resentment we find today against a compulsory, coercive and medieval system of conscription.

Mr. President, we are talking today, and we have been for several weeks, about the Military Procurement Act to which this amendment will eventually be proposed. I think when we talk about military procurement, we ought to think in terms other than mere weaponry. We are talking about, in a very germane way, the fundamental of our defense system—that is, its personnel.

This is one of the most significant—if not the most significant—amendments that we have considered up to this point. And that is manpower procurement. Let us broaden our view and vision as we talk in the days ahead on the Military Procurement Act and incorporate the concept to realize that we are talking about people as well as instrumentalities and weaponry and airplanes and tanks and aircraft carriers and so on.

Mr. COOK. Mr. President, will the Senator yield?

Mr. HATFIELD. Mr. President, I am happy to yield for a question.

Mr. COOK. Mr. President, let me say this to the Senator from Oregon and to the Senator from Arizona. One of the first bills that I became a cosponsor of when I first came here a year and a half ago was a bill to establish a Volunteer Army. I remember then in discussing it on many occasions that—as the Senator from Oregon mentioned—people would say it somehow or other is going to create a mercenary force. That was so well covered by the Senator from Oregon, who pointed out that the hierarchy of the military establishment is a professional force. These are professionals, as they should be.

I want to say in regard to the Senator from Arizona that one of the things I was able to do, and was delighted to do, was to hold the hearings open on the 18-year-old vote so that the distinguished Senator from Arizona could testify before our Constitutional Amendment Subcommittee. I think that we are talking about all of these things in one little ball of wax, really.

I think we are talking about a voluntary army to satisfy the desires of the young people of this country. I think we are talking about the opportunity for 18-, 19-, and 20-year-olds to cast their ballots in all elections across the country. I have been able to say to many of those from the sophisticated States that I now find myself associated with in the Senate of the United States, "Why did not you long ago do as the Commonwealth of Kentucky did in 1954 when we allowed the young people to cast their votes in all elections, starting in 1954?"

Another thing that we run up against, I would refresh the memory of the Senator from Oregon, is that when we talk about equal rights for women, the first thing someone says, if he wants to be contrary to the principles of the Constitution, is that everyone should be treated equally. The first thing they say is, "Are you willing to be drafted?"

It is not a matter of whether they are willing to be drafted. I think that every person in this country, man or woman, is willing to defend this country when this country needs to be defended.

When the young people of this country say, "Why does this have to continue," I have to say, "I think it is because we have gotten ourselves in a rut and have continued for so many years that we do not know how to stop it."

We started it before. We stopped it before. The Senator and I are on a separate bill that calls for registration in the event of national emergency declared under the Constitution by the President of the United States.

We are going to keep this bank of ability and capability that is so obviously and so absolutely ready to serve this Nation and will always be ready.

I would like to feel that one of the things that will really come out of this session of the Congress, at least from the standpoint of the Senate, is this amendment which will be well debated, and the fact that we—the Senate, and not the House—added the amendment on the extension of the Voting Rights Act of 1964 providing for the 18-, 19-, and 20-year-olds in this Nation voting in all elections, and the fact that we have on the calendar a constitutional amendment providing equal rights under the Constitution for every individual in this country regardless of sex, religion, or whatever the case may be.

I think that we have put all of the things in perspective in the year 1970.

I congratulate the Senator from Oregon and the Senator from Arizona—who has left the floor at the moment—because many of these things, as the Senator and I know—the Senator has been an advocate of for quite some time.

I wish to thank the Senator for allowing me to be a cosponsor of his amendment.

Mr. HATFIELD. I thank the Senator for his commendation.

Mr. STENNIS. Mr. President, will the Senator yield briefly?

Mr. HATFIELD. I yield to the Senator from Mississippi without losing my right to the floor.

Mr. STENNIS. I thank the Senator. I did not know how long the Senator was going to speak. I just want to ask some questions and make some comments also.

Does the Senator really propose in his amendment, should it become law, that after June 30, 1971, we shall no longer have a Selective Service Act? In other words, is this a bill to create a volunteer Army or is it a bill to, in effect, repeal the Selective Service? I think there is a great deal of difference between the two.

Mr. HATFIELD. There is a difference. I would respond to the Senator from Mississippi by stating that this amendment would implement as of now the pay scale for the existing military force of conscripts and volunteers. It would permit the selective service law we are now under to expire.

It does not commit the Senate at this time to repealing the Selective Service Act that is in effect, because it would merely permit it to expire. However, it would immediately implement the necessary ingredients for an all-volunteer military service.

I would add one final thing, that it does require and permit the machinery for a continued registration of the young men in this country. It does not permit the drafting of those young men because if Congress does not act to extend the draft, and the draft is permitted to expire in June 1971, there would be no draft system. There would be no draftees. Therefore the only obligation would be for a young man to appear at an appropriate place and give his name, address, and age.

The reason for continuing the registration system is simply—as referred to a moment ago by the Senator from Kentucky—that if this country should face the necessity of reinstituting the draft, that it be like the census in that we would have an inventory of the eligible young men who might have to be subjected to a new draft system.

That is the only purpose that the new registration system would provide or the only reason that it would exist.

Mr. STENNIS. Mr. President, I thank the Senator. That brings up another question. What would the Senator propose doing about a young man that was drafted 3 months before the Selective Service Act expired? What would be his situation?

Mr. HATFIELD. Any young man that would be drafted under the existing law would be subject to the provisions of the existing law.

Mr. STENNIS. He would have to continue to serve after the transition mentioned by the Senator.

Mr. HATFIELD. That would be the presumption unless specific action is taken later by Congress or some other provision created. But it would be the assumption that any man drafted under the existing law would serve out his obligation under the existing law, which is 2 years.

Mr. STENNIS. We have figures here, which I will not go into now on the Senator's time. They show that it is the Selective Service Act which brings the men in, who are really available to be assigned to Vietnam, or anywhere. This bill makes certain pledges, assurances, guarantees, and double guarantees, for example, as to the Middle East, and taking on additional burdens to those we already have.

We have figures which show the estimation of what the volunteer army concept would draw in getting men to go into one war that is already on. I will not go into that further at this time.

Mr. HATFIELD. May I respond to the Senator's comment at that point?

Mr. STENNIS. Yes. The Senator has the floor.

Mr. HATFIELD. I would like to comment that the matter of producing manpower requirements to meet the national needs, or implementing existing or anticipated foreign policy, is all found within the number of men required under each month's draft call, which, as long as this draft system operates, is very flexible. So this amendment at this time would have nothing to do with that kind of need or meeting unanticipated needs. Under an all-voluntary system you would find a greater capacity to meet unanticipated needs than we have found under the draft system.

We had the draft system at the time of the Berlin airlift or the Korean crisis and we had to call up World War II veterans in order to have qualified personnel to send to those areas.

Mr. STENNIS. That is the purpose of the Reserve. We spend considerable amounts of money each year on the Reserves. We called them up at the time of the Berlin crisis and the Korean crisis. In this war we did not call them up.

Mr. HATFIELD. We would continue under the volunteer system to expend money for the Reserve programs to meet such crisis.

Mr. STENNIS. We get a great number of those men in the Reserves through the Selective Service Act. The Senator should not forget that. If the Selective Service Act were repealed we would have a vastly different practice.

Mr. COOK. Mr. President, will the Senator yield?

Mr. STENNIS. I have waited a long time to ask a few questions, but if the Senator insists on being heard, I yield.

Mr. HATFIELD. I thank the Senator. I yield to the Senator from Kentucky.

Mr. COOK. I would hope that when the distinguished Senator from Mississippi presents his figures of those individuals who are brought in under the draft and those who volunteer, that we would take into consideration a new set of figures based on a new pay scale, because I do not believe we can hold out to the young people of this country an opportunity to volunteer at the present pay scale under the present military system.

I merely want to add that I hope when these figures are presented we understand they reflect the present pay scale under conscription and the Selective Service Act, because whether one is drafted or whether one volunteers, a private makes the same amount of money.

So I do not think we would have the complete picture in a reflection of figures showing that in the month of July the Selective Service took in 16,000 or 18,000 men and only 2,000 or 7,000 may have volunteered, because I think when you keep up with the cost of living and give a man a decent wage to participate in the voluntary system, he is more amenable to join that system than he would be under a reflection of present statistics.

Mr. HATFIELD. I appreciate the comments of the Senator because he puts his finger on the point that is involved here.

Furthermore, I would say to the Senator from Mississippi about the calling of the Reserves, under the Gates Commission recommendation, which this amendment incorporates, the hourly pay for reservists in the first year of duty would rise from $1 to between $2 and $2.50, depending on his grade and length of service.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. STENNIS. How many would volunteer to go to Vietnam for that $1.50 difference he would make?

Mr. HATFIELD. I did not understand the Senator's question.

Mr. STENNIS. How many would volunteer to go to Vietnam for the difference in pay he would be making? How many would volunteer?

Mr. HATFIELD. I could only say it would be more than is necessary to maintain the present level of services there. This is not based on personal opinion.

Again I refer to the Gates Commission which addresses itself to whether a volunteer military at this moment would provide enough manpower to maintain the Vietnam commitment. On that Gates Commission there was Gen. Alfred M. Gruenther, former Supreme Allied Commander in Europe, and General Norstad, who was also the former Supreme Allied Commander in Europe. Both of those generals, along with former Secretary Thomas Gates, came out with the unanimous viewpoint that we would have sufficient manpower to meet our present Vietnam obligations if we instituted a voluntary military at this time.

I know the Senator probably has the figures but, according to the Pentagon today 2 million volunteers are represented in our armed services.

This was also the case in 1965 before the great influx of the Vietnam draft. So when one considers the fact we have this number of true volunteers at the time of military involvement in Vietnam, I think it is ample evidence we should be able to maintain the requirements to carry out our policy. But it might also be an interesting commentary as to whether in a democratic system, a foreign policy is so out of keeping with the general popular will of the people that we feel we may not be able to implement that foreign policy by a voluntary military. I think it represents a very sad commentary on our approach to a

free society if in maintaining that foreign policy they cannot get the support of the people.

Mr. STENNIS. That is altogether another question. We are already in the war. I think, now, if you really want to stop the war in Vietnam, regardless of everything else, just repeal the Selective Service Act. That will stop the war rather soon, if that is to be the coming desire. It will stop the war, regardless. I think that will bring it to an end in a very short time.

Mr. HATFIELD. Mr. President, will the Senator yield at that point?

Mr. STENNIS. I do not want to impose on the Senator.

Mr. HATFIELD. I am happy to respond to any question the distinguished Senator asks.

Mr. STENNIS. I will ask the Senator this question, and then I will ask no further questions at this time.

The question has been raised by the Senator from Arizona, who has left the Chamber. He said something about the position of the administration on this amendment, and he reminded us the President advocated a voluntary Army, and so forth, under certain circumstances.

Mr. HATFIELD. Mr. President, I yield for a question.

Mr. STENNIS. I would like to make a statement.

I wanted to know just what the administration's position was before we entered into debate on this amendment. In the President's message of April 23, 1970, he made it clear that the authority of the Selective Service Act would have to extend beyond July 1, 1971.

I have a letter here from the Department of Defense which is totally opposed to this amendment. I submitted a question to the White House. I ask the White House on Monday morning. I told them I wanted a definite answer yes or no whether or not the administration was backing this amendment. I received the answer within the last hour or two. I am authorized to say on the floor of the Senate that the administration is opposed to the amendment as an amendment to the pending bill.

There is no doubt about it. The administration is fully opposed to it. Whatever is done about the subject matter, it wants it done in the regular processes of legislation, hearing, a bill, and determination. I want to make that clear and plain. I am certain that is the administration's position and that I have understated it a little rather than overstated it a little.

I bring that up now so we will not have any doubt about it. Here is the President's statement of April 23, 1970, stating that it will be necessary to have a continuation of the Selective Service System.

That is just commonsense, it seems to me, as long as we are in the situation we are.

I thank the Senator for yielding to me. I am going to stay here now until I can get the floor to make some points.

Mr. COOK. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. I yield.

Mr. COOK. Mr. President, I want it very clear in the RECORD, if the Senator from Oregon does not mind, that my support of this amendment has not one thing in the world to do with the present operation in Vietnam. I want the Senator from Oregon to know that and I want the Senator from Mississippi to know that. I do not want any question about it at all.

Mr. STENNIS. Mr. President, if I may reply to the Senator, I was not talking to the Senator from Kentucky; I was talking to the Senator from Oregon.

Mr. COOK. I merely want to say it was implied that if we want to bring everybody home and end the war now, by passage of this amendment that can be done. I want it in the RECORD right here and now that that is not the reason why I am cosponsoring the amendment. I am cosponsoring the amendment because I came to the Congress one of the first bills I sponsored was for a volunteer army.

I think there may be some degree of confusion in this debate, and this may be so during the whole tenure of the debate here, that, somehow or other, every amendment is geared to and aligned with a complete and absolute and immediate elimination of all U.S. forces from Southeast Asia.

I want to make it very clear that that is not the reason for my cosponsorship of the amendment.

Mr. HATFIELD. I thank the Senator from Kentucky, because that is the very point I was going to address myself to in response to the Senator from Mississippi.

It was the Senator from Mississippi who brought up the question as to whether or not, under a voluntary system, we could maintain our foreign policy and our foreign commitment in Vietnam. I responded to the Senator from Mississippi, as the record will show, that it was the opinion of the Gates Commission that we could meet that commitment. In order to take it away from a personal focus or personal opinion that might be distorted or misunderstood because of my known position on the war in Vietnam, I wanted it clearly understood that it was a position clearly taken by the Commission which included two former Supreme Allied Commanders in Europe and a former Secretary of Defense, and therefore it was not in response to a position based on personal opinion, but on the valid observation of men who might probably support the Vietnam policy in which we are now engaged.

I want to make it amply clear that my concern for the present mandatory manpower system predates Vietnam by several years.

Just for the record I want to make it clear that from 1949 to 1957 I happened to be serving as a member of the staff on the university campus and, included in my auxiliary duties was that of military adviser to students. In addition, it was my responsibility to fill out form SS–109 each year which had to be submitted to draft boards with respect to various male students at the university. It was at that time that I could gather, by the data and understanding, that it was a highly inequitable system as it related to those students who got deferments for taking one major as against other students who took other majors, which would bring the whole question into a matter of looking at a gray area, as to whether one student should be given a deferment for student qualifications as against another.

So it was on that basis, which predates the Vietnam war, that I took the position that our selective service system was highly inequitable.

I also saw it during the Berlin airlift and the Korean war, when the system failed to meet our needs on the specific basis of selection.

So I want the record clear that my feeling about this question antedated my view on the war in Vietnam, and has nothing to do with my commitment to see the Selective Service System repealed and a volunteer system enacted.

Mr. STENNIS. Mr. President, can the Senator conveniently yield to me for a few minutes' comment at this point? I would appreciate it. I know that the Senator is going to continue his speech.

Mr. HATFIELD. I am happy to yield to the Senator from Mississippi for that purpose, without relinquishing my right to the floor.

Mr. STENNIS. I appreciate the Senator's unfailing courtesy.

Mr. President, I have here a letter that I am sure will be of interest to the Senate and that I think should be in the RECORD, from the Secretary of Defense, Mr. Laird, dated August 14, 1970, addressed to me as chairman of the committee regarding this amendment.

I point out, Mr. President, that as I understand the facts, every statement the President of the United States has ever made on this subject assumed, or he expressly stated, that he expected a continuation of the draft. This amendment would cut that expectation off. He said that it is based upon a transition period, and this amendment does not provide for any transition period. This amendment is at the opposite pole from what the President, as Commander in Chief and as President of the United States, has really recommended.

Mr. Laird said:

The purpose of this letter is to advise you of my deep concern and strong opposition to Amendment No. 765 to H.R. 17123.

The amendment assumes the termination of draft legislation on July 1, 1971. I am convinced that military manpower needs will require the continuation of the draft beyond this date. I point out that the President in his April 23, 1970 message to Congress stated that steps to reduce draft calls to zero, increase the number of volunteers, and to end the draft system should be initiated subject to the overriding considerations of national security. In stating his position, the President provided three safeguards in proposing termination of the draft. First, the draft could not be ended all at once; there must be a phasing out of the system in order to insure maintenance of our defense posture at each step. Second, it would be necessary to extend the induction authority beyond July 1, 1971, and third, as reliance on the draft is decreased, a standby draft mechanism for emergency use should be developed. This amendment does not provide for these essential safeguards.

To terminate the draft, as proposed by this amendment, even before the Congress has

appropriated funds for pay increases and other incentive programs designed to increase the number of volunteers, would seriously impair the Services' ability to meet their military manpower requirements. Funding for such legislation is not provided in the FY 71 budget. A precise estimate of the costs associated with this amendment is not possible because of a lack of detailed information. However, the annual costs in pay rates alone (active and reserve) are estimated to be above $3 billion for a single fiscal year. Full implementation of the amendment would probably exceed $4.0 billion in budget costs.

And that is the lowest estimate I have heard on this matter yet.

The letter continues:

The President is determined to move to an All Volunteer Armed Force as rapidly as national security requirements and budgetary realities permit. To fix the date of July 1, 1971 for completion of the transition to an all volunteer force, however, without insuring that funds are available to apply toward the inducement of volunteers and without knowing the effectiveness of these inducements is, in my mind, to needlessly endanger our national security.

I strongly oppose this amendment and urge your assistance in its defeat. Members of my staff are prepared to provide any further information you or the Committee may desire on this critical subject.

Sincerely,

MELVIN R. LAIRD.

Mr. President, in my humble opinion there is nothing more dangerous that we could do for our national security than violate all the principles that the President of the United States has laid down, as delineated here by the Secretary of Defense. I do not believe it is possible—not possible at all—to in any way nearly maintain our military strength by shifting over under this amendment. I know what a hard time they are having finding money for the 1972 budget, which they are making up now. To just say that they can pick up $4 billion as though it were chicken change is to deny reality.

But the main thing is, this transition period is absolutely necessary. I hope that somewhere down the line we can have a so-called volunteer Army. But it is going to take more than dollars to buy it. It is going to take more than an amendment to get it. It is going to take tolerance, and hard recognition of commonsense like the President has laid down. It is going to take more than just a commission's finding to get a bill passed, in my humble opinion.

We should be getting into that Gates Commission report as soon as we reasonably can, and find out what it means and what its burdens are, rather than just the estimates, and see where we are. That is exactly what I have been looking forward to an opportunity to do. But to come here now, just because it is a fine thing to get done if we can, and ignore the best advice we have—and I think that is from the President and the Secretary of Defense—and say we are going to do it anyway, right now, why, I will not say it is ridiculous, but in my humble opinion it would be the height of irresponsibility for us to undertake to make such a drastic change.

I thank the Senator very much for yielding to me, and I shall return in a few minutes to listen further to his speech.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Mississippi for his comments on the basis of expressing his views, his commitments, and his convictions. I respect the Senator deeply for this as well as for many other actions that he has taken, even though I may disagree with him.

Mr. President, I think it ought to be pointed out that this cannot be referred to as a dangerous concept that endangers our national security. This is a concept that the President of the United States has endorsed. This is a concept that both major political parties of this country, each in its own platform, have endorsed. It is not a new concept.

This is an American concept. The draft is the alien concept involved here. The draft is the system that is not in keeping with the traditions of America. We have had more than 170 years of a voluntary system to prove its workability and the fact that it produced the manpower to defend this Nation.

Let us also point up one thing further. This is not a "quickie" action. This is not something we are undertaking here in the 11th hour, or without sufficient understanding, study, or consideration. I would like the record to show that this proposal was first introduced in 1967. It was reintroduced in 1969; and at some appropriate time, I intend to go back over the CONGRESSIONAL RECORD and recite again, particularly to remind the Senator from Mississippi about the fact that this matter was brought up on the floor at the time we discussed extension of the Selective Service Act, and at that time we were promised hearings on a volunteer military. We were promised hearings which never took place.

I think we have to realize, too, that this does provide for transition. It should be understood that this does not in itself repeal the draft. This amendment merely implements at this time a pay scale that is long overdue, regardless of one's viewpoint on manpower procurement philosophy; and it sets the stage for an orderly transition between a conscription system and a volunteer system, because this draft will remain in effect until July of next year, 1971. That is almost a year away. We will have an opportunity to see how successful this is in attracting young men on a voluntary basis.

If Congress waits until June of next year to act, I can assure Senators that it will have only one alternative—to extend the draft. I think the Senator from Arizona made it very clear earlier that anybody who gives lipservice to the idea of repealing the draft or getting rid of conscription has to support this amendment in order to set the stage for a reasonable and orderly transition from coercion to volunteerism.

Again, raising the fear that somehow we are going to place this Nation in great danger by adopting a voluntary system, I have to refer back again, because I think it is very important, to note that the President of the United States, Mr. Nixon, along with other Presidents who were his predecessors, saw fit to appoint a special commission to make a thorough study and review of the manpower procurement program.

I feel that here, again, we are talking about procurement; that is what is before us in this Chamber today. Manpower procurement is only one part of it, and this is the study that was referred to as the Gates Commission.

It should be clearly understood that we are discussing an issue which is not only germane to our basic bill but also has substance in support of a Presidential commission.

Let me digress, Mr. President. I am not aware that the President of the United States denounced this Commission's report at any point. I am not aware—if I am unaware, I would like to be made aware—that the President has specifically said that this Commission's report was wrong. He has not endorsed it positively, but he has not endorsed it in a negative way, either, to my knowledge.

The Chairman of the Commission which President Nixon appointed was Thomas Gates, who is chairman of the executive committee of Morgan Guaranty Trust Co., former Secretary of Defense, from New York City.

The following people were the other members of the Commission:

Thomas Curtis, vice president and general counsel, Encyclopaedia Britannica, former Representative from Missouri and ranking Republican on Joint Economic Committee, U.S. Congress, from St. Louis, Mo.

Frederick Dent, president, Mayfair Mills, Spartanburg, S.C.

Milton Friedman, Paul Snowdon Russell, Distinguished Service Professor of Economics, University of Chicago, Chicago, Ill.

Crawford Greenewalt, chairman, finance committee, E. I. duPont de Nemours & Co., from Wilmington, Del.

Alan Greenspan, chairman of the board, Townsend-Greenspan & Co., economic consultants, New York City.

Alfred Gruenther, former Supreme Allied Commander, Europe, from Washington, D.C.

Stephen Herbits, student, Georgetown University Law Center, Washington, D.C.

Theodore Hesburgh, president, University of Notre Dame, Chairman, U.S. Commission on Civil Rights, from South Bend, Ind.

Jerome Holland, president, Hampton Institute, Hampton, Va.

John Kemper, headmaster, Phillips Academy, Andover, Mass.

Jeanne Noble, professor, New York University, vice president, National Council of Negro Women; former member, National Advisory Commission on Selective Service; from New York City.

Lauris Norstad, chairman of the board of Owens-Corning Fiberglas Corp.; former Supreme Allied Commander, Europe; New York City.

W. Allen Wallis, president, University of Rochester, Rochester, N.Y.

Roy Wilkins, executive director, NAACP, New York City.

The Commission's recommendations were unanimous in supporting not only a voluntary military but also unanimous in its clear statement that this was the

hour, this was the time, to institute an all-voluntary service.

So this is not some idea that just came down the pike, that someone grabbed hold of and brought before Congress. This is something in connection with which the President of the United States has assisted in developing data in support of this distinguished Commission.

This is a concept that, as I say, is more in tradition and keeping with our history than the coercive conscription system we have now.

Mr. President, I have read the names of the members of this important Presidential Commission. I feel that at this point in the RECORD it would be very appropriate to include some of the language of that Commission, some of the feeling and thinking that was expressed by their formal report. In that Commission report we hear these words, which I think bring out very eloquently the cause for which this amendment stands today:

> Since the founding of the Republic, a primary task of the Government of the United States has been to provide for the common defense of a society established to secure the blessings of liberty and justice.

I think that those words in the very beginning indicate that this Commission, which talked about procurement, manpower procurement, had committed itself to one of the highest ideals for which this country has ever been known—liberty and justice.

The Commission report continues on this point:

> Without endangering the Nation's security, the means of defense should support the aims of society. The Armed Forces today play an honorable and important part in promoting the Nation's security, as they have since our freedoms were won on the battlefield at Yorktown. A fundamental consideration that has guided this commission is the need to maintain and improve the effectiveness, the dignity, and status of the Armed Forces, so that they may continue to play their proper role.

Mr. President, this is not a question of whether we are discussing merely a conscripted Army or a volunteer Army. This even strikes deeper at the cause of national defense, and that is that we want a military system that is effective, that is the best military system we can develop for the defense of this country and for the money that we, as taxpayers, are investing for that cause.

So we are not talking about purely a philosophical point. Some may say, "Well, everybody owes some time or some service to his country." I have had it asked me many times as I have spoken on this issue around the country, "Don't you feel that every young man and every young woman owes a duty to his country?" Of course, I do.

Mr. President, let us not be so narrow in our vision that we think that duty can only be performed in military uniform. Let us also be a little more careful in the definition of what is our country. I think that too often we of our generation think of "country" in terms of geography: "rocks and rills and temple hills."

I think that if we take the time to listen, take the time to discuss with many people today the great question of what is "my country," they will personalize it by saying, "My country is my fellow man; my country is people."

Therefore, I say that anyone who has a desire—and I hope that all people have such a desire—to serve their fellow man—a schoolteacher, an attendant in a psychiatric ward, a carpenter, a plumber, a doctor, a lawyer, a student—anyone who is pursuing a legitimate action in this country today who is adding to the overall production of goods and contribution of services, in my opinion, is serving his country. He is serving his fellow man. I think for all those who seek to serve their country through a military uniform should be given certain, adequate compensation and recognition for that fine service, just as much as anyone pursuing a legitimate role in civilian life should expect and have a right to get adequate compensation, recognition, and respect for the activities in which they are engaged.

I submit that is not the case today with our military service. As I indicated earlier, when thousands of young men today are on welfare, that certainly cannot create respect for a profession or a service wearing a military uniform.

Why should we require such young men to serve under those conditions when other young men can go ahead and pursue their education, go ahead and escape the service of military life through a classification system, and by pursing such legitimate professions and vocations they can build financial security and establish families, whereas other young men in the same community are forced to serve.

Any system that permits someone to escape military service and others to serve against their will, say, is not in keeping with the philosophy and traditions of a free society. That is what this Commission report is all about. That is what they are talking about here. The Commission, as it says, has not attempted to judge the size of the Armed Forces that the Nation requires. Instead, it has accepted a range of estimates made for planning purposes which anticipates maintaining a total force in the future somewhere between 2 million and 3 million men.

It further says that they unanimously believe the Nation's interests will be better served by an all-volunteer force, supported by an effective standby draft, than by a mixed force of volunteers and conscripts, and that steps should be taken promptly to move in this direction.

Steps should be taken to move promptly in this direction, Mr. President. That is what this amendment is all about. It would be a step toward realization of an all-volunteer force. It does not, in itself, create an all-volunteer force. Those of us who cosponsor the amendment believe that it sets forth the incentives and creates a new prestige and respect that must be part of an incentive system for young men to want to join the Army, to want to enlist in the Armed Forces of their country, to make them want to serve their country in that particular way. Thus, it is a step in that direction.

This Congress is not bound in the matter of repealing the draft or in committing itself at this moment. All it will do, come next June, or come next month, we can have an extension of the Selective Service System for another year, or 2 years—even adopting this amendment.

I am hopeful that the amendment will prove the lack of necessity to have to extend the draft system. I shall not support an extension of the draft system. I did not support it before. But that is not the point. The point is, it is expected, and based upon legitimate evidence—and very fine evidence—we can set forth a program now that will make an extension of the Selective Service Act next July unnecesary, and without diminishing the manpower supplies or requirements to meet any foreign policy we are presently involved in.

I think it should be pointed out, further, that besides the points we are talking about today, a little bit on the philosophical side, and a little bit on the matter of an efficient and economic military, it will save the taxpayers money.

At some point in debate I shall recite into the record certain facts that came to us from the Cordiner report. The Cordiner report was one which was established under the Presidency of Dwight D. Eisenhower.

He, like President Nixon, established a commission to make a study of manpower procurement. The Cordiner report indicated clearly—and I will have the specific facts and figures at an appropriate time—that this country would save money just in the area of military weapons maintenance, that today we have a high cost of maintenance problem, to a great degree due to the lack of proficiency of those handling this kind of instrumentality in weapons. Therefore, under an all-volunteer system, it would reduce the turnover and provide for a greater continuity of personnel and we could, therefore, realize great monetary savings over what is now going into maintaining a maintenance system based upon personnel who lack efficiency in handling the various mechanisms.

Thus, I think we have to look at that and not so much at the immediate budget. The question has been raised about how much it will cost, $3 billion or $4 billion.

I thought it was interesting that Secretary of Defense Laird—I want to read the letter in its total context before I make a response to it—but I do think it is interesting that Secretary of Defense Laird indicated there were no figures at the present time upon which to calculate an accurate figure, and then he goes ahead in the same letter and talks about a $4-billion figure. That, to me, is not quite consistent with the idea that there are no adequate figures upon which to calculate a specific cost. Whether the cost figures are $3 billion, which the Gates Commission talks about—$2 billion or $3 billion, or whether it is $4 billion, I say that the voluntary system will not cost this country 1 penny more than the conscription system.

The only difference is that we will be sending the bill to the taxpayer. That is who should be shouldering the bill today for defense rather than imposing upon the backs of military personnel the responsibility to subsidize their own service.

Thus, I think we have to be equitable and fair in our treatment of this issue. When we talk about $3 billion or $4 billion, we are not talking about payment in one lump sum. It is spread over fiscal year 1971. That is an annual cost.

I reiterate now and will reiterate each time the issue comes up on the floor that it behooves us to look at this in a fair manner. When we found it so easy to raise our own salaries, there were no questions raised about increasing the President's salary by double, or raising the salaries of Representatives here up to $42,500. Oh, we did that with great ease, at a time when many were talking about having to make greater sacrifices. But we wanted to put a 10-percent surtax on the backs of the taxpayers. The taxpayers should make the sacrifice. Let the taxpayer make the sacrifice, they said. It is the same concept as a military man making his sacrifice. We have to realize that they are being taxed, in a sense, with a hidden tax, a patriotic tax. They are paying that today by serving their country and then—as thousands are—having to go on welfare.

The figures we throw around so loosely, somehow that we will find the money for increasing the pay of the military people, should be put in the context of where we are spending our money in general. There was no argument about money for the ABM system. We could find billions of dollars to commit ourselves to the ABM system, a system which has great questionability, but somehow for the private or the seaman first class, we just cannot find the money. We have to keep them in poverty. We have to deny them the kind of increases they should have regardless of whether we want to maintain the draft or not.

Now, Mr. President, let me point out, too, as this report indicates, that the United States has relied throughout its history on a volunteer armed force, except during major wars, and since 1948. A return to an all-volunteer force will strengthen our freedoms, remove an inequity now imposed on the expression of patriotism that has never been lacking among our youth, and promote the efficiency of the Armed Forces and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values.

Here we have again a question of values. I do not ask my colleagues to agree that these young men who have left this country to escape the draft are right in doing so.

I have never counseled a young man to do anything that would be in violation of any law. I have said to many of the young men who have come to see and to talk to me, knowing my views on the draft, when they asked me, "What should we do about being forced in the service to fight in a war in which I do not believe," in every instance, "I cannot make the decision for you. No one can make that decision until he has walked the mile in your shoes." I have said, "I will never say anything to encourage you to violate the law of the land."

I agree with the great Abraham Lincoln who said:

> It is our duty to uphold the law of the land, even the laws with which we do not agree. It is our duty to change the laws which we do not like, but it is not our right to violate the laws with which we disagree.

I expect that the most trying time I ever experienced in my public life was in 1958, when I campaigned with my Democratic opponent in Oregon against the retention of the capital punishment law. I did not believe in it. I abhorred it. However, by that same election in which I was put into office and subsequently to which I took an oath to uphold the laws of my State, the people of my State turned down the referendum on capital punishment, and therefore we retained it as part of our law.

I inherited six people in death row. Soon one came before me with a plea for commutation—and I had to hear that case because in our State one man, the Governor, has control over the life and death of a man sentenced under our judicial system to the gas chamber.

Here I was in a position of being definitely opposed to the law that was sending this man to his death. I was in the position by a stroke of the pen of saving that man's life.

That is not a very comfortable seat to be in.

I looked at the situation. This man's guilt was beyond any question. There had been no mistrial and no new evidence presented. There was no question that there had not been a fair trial.

As I said then, I believe that every man in public office exercising his power must provide his constituency with a base and a measurement upon which his action can be reviewed. It cannot be merely a person's viewpoint, a person's philosophy, or a person's whim.

As I have said, Mr. President, the most difficult moment in my life in public office was spent when I had to say, "No. Let the law stand." The law in that instance required that a man go to the gas chamber.

Fortunately, we were able to repeal the capital punishment law in our State before I had any other such confrontation.

I believe deeply in a society based upon law. But let us remember that more than 60,000 young American men today have left this country, basically to escape the draft.

We can say that they are a bunch of long hairs or a bunch of irreverent kids, or this, that, or the other thing. But this is a resource of this country. Sooner or later we will have to face up to the very difficult question: How we are going to recoup that great resource.

We get concerned in Oregon about cutting trees in our great State because we are very concerned about conservation. We are concerned today about our natural resources and about water and other kinds of pollution.

Let us be more concerned about human resources.

I agree that the young men who have left this country have been chalked off in the minds of many citizens and perhaps in the minds of many of my colleagues. I hope not.

This is a system that is costing us far more than the dollars we see in the budget and in the audit system of our Government. It is costing us our manpower and human resources and an alienation and disenchantment and disillusionment of our youth with the Government.

It is not because our young people do not believe in democracy or in our way of life. It is because they have so much faith in it and do not see it working properly that they are concerned in many instances.

I feel there again that we have a great responsibility to take from the books in an orderly transition the kind of requirement and coercion that is alien to this country. Our forefathers came to this country to escape that kind of coercive government.

I am deeply concerned that we not look upon this as a question of whether we are for or against Vietnam.

We have as cosponsors of this provision people of all viewpoints on the war. We have people cosponsoring the measure who are of all political persuasions, philosophical perspectives, and party orientations. Both major parties have committed themselves to this measure.

Mr. Nixon in his campaign—and I want to make it very clear that I am not committing the President to this amendment, but I merely say, as the President said in his campaign, and he is a man of his word—said that he felt that at the appropriate time we ought to remove the draft as part of our manpower procurement system. He was speaking to the concept—not to this amendment, but to the concept—and in support of an all-volunteer system.

I do not believe it is being premature or being precipitate in asking for this amendment.

Again, let me emphasize that this amendment does not eliminate the draft. The draft would be permitted to expire. And if no action is taken to extend it, it will expire.

If we fail to take action of the kind that is incorporated in this amendment, we will have no alternative but to extend the draft. So this is a step toward the creation of a voluntary military. It does not in itself create one. The draft continues on as it has been enacted by Congress.

Mr. President, the Commission—and this should be noted here in its words—says:

> The commission bases its judgment on long range considerations of what method of recruiting manpower will strengthen our society's foundations. The commission members have reached agreement on total recommendation only as the result of prolonged study and searching debate and in spite of initial division.

I think this is a very important point to note, that many times on an issue of this kind, rather abbreviated discussions are handled on such an issue and many times people will start with one viewpoint. When that matter is debated as to the substance and the history and the administration and the arguments pro and con, they change their viewpoint.

I do not think there is anyone in the Senate who has not had that experience. They have had a preliminary attitude or viewpoint toward something and during the course of debate and discussion and study and involvement, one finds that he has the capacity to change his viewpoint.

I think it is interesting to note that this Commission started out acknowledging that they were on a basis of division. There were those who supported, in a preliminary understanding, a voluntary military. There were those who initially opposed the idea or concept of a voluntary military.

Yet, when this Commission completed its exhaustive study and its findings came out in final form they were unanimous in their position. Obviously some Members had changed their viewpoints. All I ask is that Senators take the time to read the report and that Senators take the time to read the RECORD as to the various viewpoints and expressions that will be made over the next—how many days I do not know. I will restate at this point in the RECORD that we have been willing to reach a time limitation agreement. I have listened to the impassioned pleas of those who say, "Let us clear this matter up, get the bill in final form for passage." I am willing to do that but we cannot at this particular hour give a cursory opinion on some preliminary understanding.

I do not think anyone who has failed to read this report can feel he is qualified to cast a vote in this decision, regardless of his viewpoint or background. This report is contemporary; it is not something of the past. It addresses itself to everything that is generally raised on the question of a voluntary military.

Mr. President, I do not wish to extend my remarks tonight and hold those who have other plans and make it inconvenient for anyone. I merely wanted to indicate by this introductory material and these statements that those of us who are joined together in support of the bill are ready to reach agreement on a time limitation but we are just as deeply committed to the proposition that we are going to discuss and debate this issue at length in order to get the Senate to consider what we feel to be one of the most pressing issues of this day, namely, a coercive system that has driven great wedges and divisions in our society and which has proven uneconomical and inefficient so far as building a strong military system for this country.

I yield the floor.

PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there now be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letters, which were referred as indicated:

REPORTS OF THE COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on a survey of the use of advertised contracting in military construction, Department of Defense, dated August 18, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on actions taken or planned to improve use of cargo space on aircraft operated under contract with the Department of Defense, dated August 19, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. BENNETT, from the Committee on Banking and Currency with amendments:

S. 3822. A bill to provide insurance for member accounts in State and federally chartered credit unions and for other purposes (Rept. No. 91-1128).

By Mr. EASTLAND, from the Committee on the Judiciary, without amendment:

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

SENATE RESOLUTION 451—SUBMISSION OF A RESOLUTION TO AUTHORIZE THE COMMITTEE ON FINANCE TO EXPEND $10,000 IN ADDITION TO THE AMOUNT SPECIFIED IN THE LEGISLATIVE REORGANIZATION ACT OF 1946

Mr. LONG submitted the following resolution (S. Res. 451); which was referred to the Committee on Rules and Administration:

S. RES. 451

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. JORDAN of Idaho (for himself and Mr. CHURCH):

S. 4261. A bill for the relief of Esther Catherine Milner; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for himself and Mr. RANDOLPH):

S. 4262. A bill to authorize the U.S. District Court for the Northern District of West Virginia to hold court at Morgantown; to the Committee on the Judiciary.

By Mr. CANNON:

S. 4263. A bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans; to the Committee on Finance.

(The remarks of Mr. CANNON when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY:

S. 4264. A bill for the relief of the State of Massachusetts; to the Committee on the Judiciary.

(The remarks of Mr. KENNEDY when he introduced the bill appear below under the appropriate heading.)

By Mr. HATFIELD:

S. 4265. A bill to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities; to the Committee on Agriculture and Forestry.

(The remarks of Mr. HATFIELD when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS (for himself, Mr. BIBLE, Mr. CANNON, Mr. CHURCH, Mr. CRANSTON, Mr. EAGLETON, Mr. FONG, Mr. GRAVEL, Mr. HOLLINGS, Mr. HUGHES, Mr. METCALF, Mr. MONDALE, Mr. MONTOYA, Mr. PELL, Mr. SMITH of Illinois, Mr. THURMOND, Mr. TYDINGS, Mr. WILLIAMS of New Jersey and Mr. YARBOROUGH):

S. 4266. A bill to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are sixty-five years of age or older; to the Committee on Commerce.

(The remarks of Mr. Moss when he introduced the bill appear below under the appropriate heading.)

By Mr. ERVIN:

S.J. Res. 231. Joint resolution proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection; to the Committee on the Judiciary.

(The remarks of Mr. ERVIN when he introduced the joint resolution appear earlier in the RECORD under the appropriate heading.)

S. 4263—INTRODUCTION OF A BILL TO PROVIDE AUTOMATIC COST-OF-LIVING INCREASES IN CERTAIN BENEFITS FOR VETERANS AND THEIR DEPENDENTS

Mr. CANNON. Mr. President, I introduce for appropriate reference a bill entitled "a bill to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans."

The bill proposes to empower the Administrator of the Veterans' Administration to increase veterans' benefits annually by the amount of the cost-of-living index when it has increased by 3 percent for a 3-month period. It would become effective in January 1971, and would have to have had a 3-month consumer index rise prior to September 30 of each year.

It would increase veterans' payments for those who are entitled to compensation benefits. Mr. President, a similar proposal has been made for social security recipients in H.R. 17550, presently being considered by the Senate Finance Committee.

The ruinous effect of inflation on our veterans and senior citizens must be halted. This can best be accomplished by tying a permanent cost-of-living escalator to their compensations.

I recommend the bill be referred to the Senate Finance Committee for appropriate action.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred.

The bill (S. 4263) to amend title 38, United States Code, in order to provide automatic cost-of-living increases in certain benefits for veterans and widows, dependents, and dependent parents of certain veterans, introduced by Mr. CANNON, was received, read twice by its title, and referred to the Committee on Finance.

S. 4264—INTRODUCTION OF A BILL FOR THE RELIEF OF THE STATE OF MASSACHUSETTS

Mr. KENNEDY. Mr. President, in February 1969, the U.S. Army abandoned work on a site in North Andover, Mass., which was to have been part of the discarded Sentinel ABM system. The Army left behind a road leading to nowhere and a landscape scarred by huge craters.

I am today introducing legislation which would require the U.S. Government to provide the State of Massachusetts with sufficient funds to restore the North Andover site and create a park there. This bill is a companion to one introduced in the House last week by Congressman MICHAEL J. HARRINGTON.

In one sense, this bill deals with a purely local issue, of interest only to the citizens of North Andover and neighboring communities. But in another sense, it is part of a much larger issue. As our cities and towns grow larger and larger and larger, no resource is more precious than open land, land which can be used for recreation and for renewed contact with nature. We cannot allow this resource to be destroyed needlessly by the military.

Fortunately the damage done at North Andover can be repaired. That is the purpose of the bill I am now introducing.

I ask permission that the bill be printed in the RECORD immediately following my remarks.

The PRESIDING OFFICER (Mr. GRAVEL). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4264) for the relief of the State of Massachusetts, introduced by Mr. KENNEDY, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S. 4264

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay out of any money in the Treasury not otherwise appropriated, to the State of Massachusetts the sum of $685,120.00 in full settlement of all claims against the United States for restoration of land owned by the State of Massachusetts within the Town of North Andover, Massachusetts, described as follows:

TRACT No. 300

A certain parcel of land situated in the Town of North Andover, County of Essex, Commonwealth of Massachusetts, being more particularly bounded and described as follows:

Beginning at a point on the centerline of abandoned Forest Street, also formerly known as Boxford or Dartmouth Road, said point being 1300 feet, more or less, northerly from the centerline intersection of Forest and Liberty Streets; thence running westerly 20 feet, more or less, to a point at the corner of a stone wall; thence running westerly and southwesterly along said wall, by land of owners unknown, 300 feet, more or less, to a corner in the wall; thence running in part along stone walls and by land of owners unknown by the following courses: north 13 degrees 30 minutes west, 280.5 feet, more or less, to a point; north 01 degrees 30 minutes west, 66.0 feet, more or less, to a point; north 73 degrees 30 minutes west, 330.0 feet, more or less, to a point; north 07 degrees 00 minutes east, 270.6 feet, more or less, to a point; north 39 degrees 30 minutes west, 151.8 feet, more or less, to a point; north 85 degrees 30 minutes west, 99.0 feet, more or less, to a point; north 46 degrees 00 minutes west, 60.72 feet, more or less, to a point; north 42 degrees 00 minutes west, 224.40 feet, more or less, to a point; north 41 degrees 00 minutes west, 118.8 feet, more or less, to a point; north 09 degrees 45 minutes west, 151.14 feet, more or less, to a point; south 88 degrees 00 minutes west, 495.0 feet, more or less, to a point; north 46 degrees 30 minutes east, 290.4 feet, more or less, to a point; north 40 degrees 43 minutes west, 49.5 feet, more or less, to a point; north 36 degrees 30 minutes east, 52.8 feet, more or less, to a point; north 59 degrees 30 minutes east, 124.08 feet, more or less, to a point; north 25 degrees 15 minutes east, 77.88 feet, more or less, to a point; north 09 degrees 00 minutes west, 128.04 feet, more or less, to a point; north 21 degrees 00 minutes east, 115.5 feet, more or less, to a point; north 03 degrees 30 minutes west, 181.5 feet, more or less, to a point; south 81 degrees 15 minutes west, 257.4 feet, more or less, crossing the westerly line of the Sharpner's Pond Sentinel Site, to a point; north 35 degrees 45 minutes east, 56.76 feet, more or less, to a point; north 28 degrees 30 minutes west, 198.0 feet, more or less, to a point; north 67 degrees 30 minutes west, 155.10 feet, more or less, to a point; south 78 degrees 45 minutes east, 436.92 feet, more or less, to a point; north 23 degrees 00 minutes west, 184.80 feet, more or less, to a point; north 04 degrees 30 minutes west, 346.50 feet, more or less, to a point; north 60 degrees 30 minutes west, 339.24 feet, more or less, to a point; north 67 degrees 30 minutes east, 320.76 feet, more or less, to a point; north 87 degrees 30 minutes east, 363.0 feet, more or less, to a point; south 76 degrees 30 minutes east, 304.92 feet, more or less, to a point; and north 00 degrees 45 minutes west, 30 feet, more or less, to a point on the northerly line of the Sharpner's Pond Sentinel Site; thence running along said line by other land of the Commonwealth of Massachusetts, south 69 degrees 00 minutes east, 3,185 feet, more or less, to a point on the town line between North Andover and Boxford; thence running along said town line south 23 degrees 43 minutes 12 seconds east, 205 feet, more or less, to a point on the easterly line of Sharpner's Pond Sentinel Site; thence running along said line by other land of the Commonwealth of Massachusetts, south 21 degrees 00 minutes 00 seconds west, 1,265 feet, more or less, to a point; thence running by land of owners unknown south 85 degrees 45 minutes west, 945 feet, more or less, to a point at the southerly end of a stone wall; thence running northerly and northwesterly along said stone wall 580 feet, more or less, to a point; thence running along a ditch, north 30 degrees 00 minutes west, 340.09 feet, more or less, to a point; thence running north 44 degrees 08 minutes west, 112 feet, more or less, to a point; north 78 degrees 54 minutes west, 11.2 feet, more or less, to a point; south 41 degrees 31 minutes west, 53.6 feet, more or less, to a point; and westerly 15 feet, more or less, to a point on the centerline of the aforesaid abandoned Forest Street; thence running in a southerly direction along the centerline of said road, 1,430 feet, more or less, to this point of beginning;

which was occupied and damaged by the United States in connection with preliminary work for a proposed radar site which was not completed due to an abandonment of plans for use of the location for that purpose. No part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

S. 4265—INTRODUCTION OF A BILL RELATING TO ADEQUATE SEWERS IN SMALL TOWNS AND RURAL AREAS

Mr. HATFIELD. Mr. President, I speak today about a problem which, at first might appear to be separate from others. When examined closely, however, it can be seen that it is only one facet of a larger problem.

The problem of adequate sewers in small towns and rural areas is troublesome to me, as I am sure it is to other Senators.

We must recognize that adequate sewers are needed if our small towns are to survive and prosper. Adequate sewer systems are more than an environmental nicety—they are an economic necessity.

Adequate sewage treatment plants have received much attention lately, as environmental protection needs are headline items. While I certainly share this concern, I must once again emphasize that it is not for environmental reasons alone that we must assist our small towns and rural areas.

Without satisfactory sewage treatment plants in these areas, economic growth is stifled and economic decay receives unwitting assistance. Small town officials in Oregon have discussed with me the monumental problems they have in attracting any new construction in areas without reliable sewer systems. Mayors, Chamber of Commerce presidents, economic development officials, and others in Oregon have told me that they are handcuffed in attempting to lure any new enterprises to their areas when no adequate sewer systems exist.

The lack of sewers strangles efforts to introduce new industry, construct new motels, build new homes—anything that would make the area a better place to live. One Oregon small town cannot even build a new park because there is no sewer service for rest rooms needed at the park.

I gave my full support to efforts earlier this year to increase funding for the FHA water and sewer system projects. Following this, I contacted a number of Oregon small town mayors, and several wrote me to advise me of the current status of their efforts to provide adequate sewers and sewage treatment plants.

Mr. President, I ask unanimous consent that at the conclusion of my remarks, several representative letters

from small town Oregon mayors be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. HATFIELD. Mr. President, I wish today to point out that what has happened is happening, and will continue to happen in small towns and rural areas that are without adequate water and sewer systems.

This lack of facilities strangles local efforts for economic growth. The effects of this are easy to see: young people migrate to large urban centers, where jobs are more plentiful. This lack of a younger population means that the average age of residents rises. Not only are new payrolls lost when younger people move, but also those who remain are more likely to be on fixed retirement incomes.

The lack of a growing tax base serves as a further shackle, for residents often will reject costly bond issues to help solve these problems at the local level.

The problems of rural areas and small towns, however, are not isolated. A man without a job in the country moves to the city. Every person who leaves a small town and moves to a large city adds to the many urban pressures we have discussed so many times on this floor. He may put another car in a city street, he may live in a sprawling suburb, he may be unable to find work and add to the city's welfare rolls.

We discuss urban problems many times in as isolated a framework as we discuss problems in rural areas. The two are intertwined, as I have tried to point out today in these remarks. This relationship between urban-rural problems should receive more attention.

Is a massive infusion of funding to solve urban problems the only way to attack this problem? I think not, and this is one area where I think dollars spent in rural areas can have a multiple effect.

Is overpopulation the problem that some consider it? I think a better way to phrase that would be: Is population concentration a pressing problem? Of course, to this I would say "Yes."

Small towns are pleasant places to live, raise children, work, and retire. We must encourage people to live in these areas. President Nixon stated, in transmitting his Report on Environmental Quality, that—

> It is essentail that we make rural life itself more attractive, thus encouraging orderly growth in rural areas.

I concur with the President's objectives. We must see that we do not add to urban pressures by avoiding rural problems.

In Oregon, 10 percent of our population lives in areas of under 5,500 population. Seventy-three percent of all rural communities do not have adequate sewage systems. In addition, 118 new community water systems are needed. This need is compounded by the fact that 64 percent of the rural households have annual incomes of less than $7,000.

Mr. President, we must recognize that these problems are not particular to Oregon alone. Rather, they are representative examples of the problems afflicting rural communities throughout the country.

I believe that Congress should provide substantially increased Federal funding to assist small towns and rural areas in providing adequate water and sewer systems. We owe this to the residents of our small towns and rural areas. If we fail to meet this challenge, we will only have to deal with this neglect in different forms in the future. If we solve this problem, adequate water and sewer systems can provide a stimulus to attract people from the cities back to small towns.

As one example of what happens when young people leave an area, and the average age of the population increases, I quote from a letter referred to twice earlier in statements regarding Rogue River, Oreg.:

> Two thirds of the inhabitants of Rogue River are over age 65 and living on fixed incomes. Five hundred thirty-eight social security checks were mailed to zip code 97537 of which Rogue River is the major part; these checks average $71.46.

This is a good example of the results of young people leaving an area and fixed-income, retired peoples' inability to finance sewer projects and break out of this vicious circle.

Under the bill which I introduced, the authorization ceiling on grants under the FHA for planning and development would be doubled, from $115 million to $230 million. This increase, while doubling the present program, represents a modest step toward solving these problems. The money figure is small, when compared to other money amounts—particularly those we are considering under the miiltary procurement bill we currently are debating.

When I looked at the need across the country in rural areas and small towns, I considered a more extensive program with greater funding. I decided that a more modest increase, working within the framework of an established program, represents a better initial step.

I ask unanimous consent that the text of the bill be printed at this point in the RECORD, to be followed by exhibit 1, referred to earlier.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4265) to amend section 306 of the Consolidated Farmers Home Administration Act to increase the aggregate annual limit on grants for water and waste facilities constructed to serve rural areas and to increase the aggregate annual limit on grants for plans for the development of such facilities, introduced by Mr. HATFIELD, was received, read twice by its title, referred to the Committee on Agriculture and Forestry, and ordered to be printed in the RECORD, as follows:

S. 4265

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) the first sentence of section 306(a)(2) of the Consolidated Farmers Home Administration Act of 1961, as amended (7 U.S.C. 1926 (a)(2)), is amended by striking out "$100,000,000" and inserting in lieu thereof "$200,000,000".

(b) Section 306(a)(6) of such Act (7 U.S.C. 1926 (a)(6)) is amended by striking out "$15,000,000" and inserting in lieu thereof "$30,000,000".

EXHIBIT 1

CHAMBER OF COMMERCE,
Yachats, Oreg., July 22, 1970.

Senator MARK O. HATFIELD,
Senate Office Building,
Washington, D.C.

DEAR SENATOR HATFIELD: I have just recently read your letter directed to Mayor Dave Freeland and your speech made to the senate in support of the 1971 Agriculture Appropriations Act. Your support of our efforts to obtain necessary funds for financing the building of a sanitary sewer system is appreciated by the Chamber and of all citizens in Yachats.

You gave a very comprehensive picture of the overall need of the small cities in Oregon for adequate sewage disposal facilities. In behalf of the Yachats Chamber of Commerce and all citizens I would like to emphasize what an impossible situation we have here in Yachats by not having Federal assistance to build an adequate sewage treatment facility. As you know we are a city of less than 500 population and you can imagine how impossible it would be to raise adequate funds for this project through local taxes. Without Federal funds we are beat.

In addition to the inconvenience to our citizens and the pollution of the area our business community is suffering. Although we are not trying to promote new industry or commercial businesses, there are several commercial businesses that are sorely needed. For instance, we need a Laundry-Mat or self service laundry and none can locate here due to the fact we have no sanitary sewers. In addition to our local people, we have thousands of tourists staying in our motels who are forced to drive eight miles to a neighboring city in order to find laundry facilities. Lack of such facilities is creating a financial problem for our business people as most of them depend on tourist trade for survival.

With such a public demand for solving our environmental problems and with the announced support for such a program by President Nixon and many Senators and Congressmen it is hard for us here in Yachats to understand why adequate funds have not been made available.

We hope that you will continue your efforts in our behalf and I am sure Mayor Dave Freeland will furnish you with any needed details that you may need to use in your efforts to obtain passage of the 1971 Agriculture Act.

Respectfully yours,
MAX GARDNER, *Secretary.*

CITY OF REDMOND,
Deschutes County, Oreg., July 30, 1970.

Sen. MARK O. HATFIELD,
Committee on Interior and Insular Affairs,
Washington, D.C.

DEAR SENATOR HATFIELD: I was greatly pleased to receive your July 16, 1970, letter regarding your whole-hearted support of our rural communities in Oregon regarding water and sewage systems. Your Senate speech was most interesting, and I have referred it to our local newspaper, the Redmond Spokesman, in order that our community may realize what you are doing in our behalf.

I concur with your strong statements and your beliefs that federal funding must be increased in order to provide rural Oregon communities with better water and sanitary sewage facilities. I am writing to you as your closing statement was that you wanted to offer any assistance that you could in these areas.

If you will notice in the estimate of major sewage needs in Oregon that was in your Senate speech regarding each city, Redmond was listed with an estimated total cost of $1,500,000. Monday evening, July 27, I met with my Council and our engineers who have finished a preliminary study under the HUD grant for the sewage system for the community of Redmond. Their estimate for our project would be $7 million in total. Bend, Oregon, 15 miles South of us, has an estimate total of $8,500,000.

Our two cities have the same problem of resting on top of a solid lava rock dome. We have a unique situation unlike any other throughout the whole United States. With a total population of 4100, you can readily see that the city of Redmond is facing an impossible task of bonding itself to pay the difference with the small amounts that would come from FHA and other government grants.

I would appreciate you personally looking into our situation and advising as to any relief that would be possible. If you would so desire, I would be most happy to forward to you a copy of our preliminary study from our engineers, CH2M Company of Corvallis, Oregon. Looking forward to hearing from you as soon as possible.

Sincerely yours,

GEROLD M. BARRETT,
Mayor.

CITY OF WINSTON,
Winston, Oreg., July 22, 1970.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

DEAR SENATOR HATFIELD: We received your letter of July 16, 1970 in which you explained the Amendment to the Agriculture Appropriations Act that you supported.

The City of Winston, having just last year set up a City Administrator form of government, is now in a position of looking for some financial assistance as to its growth problems.

Last January I wrote to the Department of Housing and Urban Development and received notice that a fieldman would be contacting us soon.

On March 25, 1970 we were called upon by their fieldman who was very courteous and had many suggestions pertaining to our area wide problems. He stated that in a few days their man that took care of detail work and gave instructions towards obtaining a program would be down to see us.

To date we have received no further communication.

The City of Winston, in 1957 bonded and put in our present Sewerage collection and secondary treatment facility that was designed for 3500 people. The bonded indebtedness was $265,000.00, which for 2000 people at that time was a pretty good load. Today we have 3 years to go and this paid off. We are now 2600 people and by the time these next 3 years pass we will be staring at an enlargement of our system in the face.

We are currently budgeting money each year for line expansion but obviously we are not able to keep up.

We need a study to be made showing our immediate and future needs. This takes money and we now understand that the 701 and 2 Programs have been sidelined and there are no funds available for this preliminary study work.

Douglas County has just presented us with their County-wide Comprehensive Water and Sewerage Plan that presents figures up to 2 million that our immediate area may spend before 20 years expire.

We are presently in the process of purchasing land to install an advance treatment lagoon system that will help us towards the solution but we need assistance as all small cities do.

Mr. Senator, if there is anything that you might suggest for us to try we would be most willing.

Thank you for your letter and hoping to hear from you again, soon, I remain,

Respectfully yours,

AL R. HOOTEN,
City Administrator.

THE CITY OF CANBY,
Canby, Oreg., July 23, 1970.

Hon. MARK O. HATFIELD,
United States Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: We are in receipt of your letter of July 16 regarding assistance to small cities. We are most certainly in need of financial assistance, principally in the sewer and water expansion fields, at this time.

The City of Canby owns and operates its own water, sewage, street and light distribution system and has operated and expanded the facilities without outside financial assistance except for a $165,000 bond issue in 1965 to construct the initial treatment and trunk sewer system. The population has increased from 2165 in 1960 to present estimated 3829 and we have served the new residences and businesses with no additional finance except a nominal increase in water rates several years ago.

The light department is some $50,000 in the red and although Bonneville Power Administration, from whom we get our power, have not refused to allow a rate increase, they are certainly reluctant to advise or relent to any program that is not in alliance with their low rate policy.

The City water storage and distribution system has been badly in need of expansion and improvements for some time and we have been trying to sell a $440,000 bond issue for that purpose since 1968 without even a bid being received.

We made some additions to our sewage disposal plant five years ago to meet state standards but the ever increasing population and the tightening of state requirements has made the plant inadequate and the State Environmental Quality personnel placed a ban on any further sewer connections, in May of this year, until we have made extensive improvement to the treatment plant. At that time, extensive engineering surveys were being made in both Clackamas and Marion Counties to determine the logical location for one or more regional treatment facilities, but Canby, lying between the two, was not included in either survey. Meetings were held in the Canby Council Chambers, when representatives of both counties, both engineering firms, CRAG and other interested parties were present, to determine where Canby would best fit into the picture. We were assured by all concerned that Canby would be placed on a high priority list for governmental assistance and that we would have no problems in having our requirements processed with a minimum of delay. Our applications were filed with CRAG by June 1st as prescribed.

A detailed story appeared in the Oregon Journal on July 9, 1970 listing the appropriations that had been approved for Oregon Cities and priority standings for other Cities who had made application for federal assistance. Canby was listed as one of the nine lowest towns priority wise. When our engineer contacted the CRAG personnel about this, they were not aware that this situation existed.

We made application to the Farm Home Administration, on their advice, for financial assistance, either by grant or loans, but were advised later that our requests had been denied because we do not represent enough population.

The City of Canby initiated a program last year for the State to improve a secondary highway in Canby which was in a bad state of repair and on which traffic was increasing rapidly due to a new school and a public swimming pool being opened in that area. Ultimately an agreement was signed between the State Highway Department and the City of Canby that the City would be responsible for curbs, sidewalks and storm sewers and that the State would complete the street improvement project. After preliminary engineering had been completed by both agencies, the State added a requirement that the City not only provide the storm sewer system but must construct a storm drain to the Molalla River which would make an additional $20,000 to $30,000 burden on the City. It is quite obvious that the project has not progressed beyond that point.

The economy of Canby has depended greatly in the past few years on housing construction to meet the increase in population. This of course is being limited at present by the sewer connection ban administrated by the State Environmental Control.

The City of Canby has engaged an engineering firm to design an adequate sewage disposal plant and the money is on hand to pay for that service but no construction funds are available without governmental assistance of some type.

Please give Canby's financial condition your immediate attention and rest assured that any assistance that you see fit to give us that is within your realm of control will be most graciously appreciated.

Very truly yours,

LAWRENCE J. HOUSEN,
Mayor.

CITY OF SHERIDAN,
Sheridan, Oreg., July 22, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.:

Thanks very much for your letter of July 16th and copy of your Senate speech as recorded in the Congressional record for Wednesday, July 8, 1970.

I also very much appreciate the interest which you have relative to funding of rural communities under 5,000 population for water and sewage systems as our community is presently facing a very critical situation in both of these areas.

You may recall that in 1953, the City of Sheridan installed an overall sewer system with a primary treatment plant in which the city paid 100% of the cost. At that time, the State Sanitary Commission assured our community that this type of treatment would be satisfactory for meeting their requirements in the future and also would take care of our population needs up to 2,500.

As you know, the rules have been changed and now require that the City of Sheridan install a secondary treatment plant in order to bring our discharge up to the 90% requirement of the State, at a further cost of between $200,000 and $400,000 while we still owe $145,000 plus interest on our present bonded indebtedness which was incurred back in 1953.

Sheridan, as you well know, has one of the highest tax rates of any city in the State of Oregon and this, of course, presents a very pressing financial problem for our city.

The disturbing thing is that although there is 30% allowed by Federal Funds for sewer systems, it appears that when one up-dates their present sewer system, such as adding a secondary treatment plant, which we are required to do and especially when they look toward a lagoon type system where it requires purchase of a large tract of land, that the government matching funds are not applicable to many of these expenses, as these items are not eligible. So, in reality, an installation of our's which may cost from $200,000 to $400,000 may end up with little or no matching funds. I believe that up-grading of the present sewer plants are just as important as the installation of the primary plant and should have the same consideration of eligibility of funds from the Federal and State government.

In addition to our sewer problem we also

have problems with our present water system and are in need of developing additional sources of water at our springs and also enlarging some of our transmission pipe line to the city from 6'' to 8'' as well as providing more storage in the city limits. This again will require a large investment and increasing debt servicing for the people of our community and when taking these requirements, along with the regular police, fire, sanitary, library, streets and other needs of the average community, it makes our task look almost hopeless.

These basic needs of people are certainly paramount and to me, have much higher priorities than many of the funds presently being met by our Federal Government. I sincerely hope that your efforts will see that proper relief is afforded to these communities so that the presssing needs of our day to day living can be resolved in an economical, feasible manner.

The City Council and myself will be watching congress to see what is being done to solve these vital problems and appreciate your continued interest in the small rural areas which are the real backbone of America today.

Sincerely yours,

J. A. HEBERT,
Mayor.

CITY OF FALLS CITY,
Falls City, Oreg., July 27, 1970.

Hon. MARK O. HATFIELD,
U.S. Senate,
Washington, D.C.

DEAR SENATOR HATFIELD: Your letter of July 16, 1970, in which you describe the action you are taking to help smaller communities in Oregon with sewer and water problems.

I'm sure you are in a position to realize the sewer problem facing cities as poor as our little town. Falls City is looking forward to the park and recreation plans that are contemplated for this area, and with this development comes the task of preparing for growth in population.

In the last few years Falls City has come a long way in restoring an antiquated water system. This is not finished but complete enough to control our source and good service. However, the plans for a recreation developemnt have been discussed and there is a real demand for property here, and several investors with money to spend wish to build here, but always run into the same problem—no sewer.

I have written several inquiries about sewer study—we would like this part without cost if possible, and the possibility of some kind of grant to help with the cost of installation after a study is completed. To date we haven't had anything too hopeful. I have contacted HUD and Farmers Home Administration. Perhaps you can suggest another avenue.

Any help you can direct in our way will surely be appreciated. We have a planning committee, and hope to make this little town something for Polk County to be proud of, and at the same time it will improve our tax structure.

Very truly yours,

FAY WILSON,
Recorder.

CITY OF ELGIN,
Elgin, Oreg., July 22, 1970.

Hon. MARK O. HATFIELD,
U.S. Senator,
Washington, D.C.

DEAR MR. HATFIELD: We received your letter of July 16, 1970, concerning grants for water and sewer facilities.

The City of Elgin has a population of 1,400. We have an up to date sewer system which was completed five years ago. We have an adequate supply of water consisting of three wells.

The great problem we have is in the distribution lines of our water system in getting ample water to the different areas of the City. Eighty per cent of the mains are of wooden pipe, installed years ago. Many of the lines are too small.

The City had a water system survey completed of our water system two years ago, and this brought out the many problems of the system.

If your office could be of any assistance in acquiring a grant or such for improving our water distribution system it would be greatly appreciated.

Respectfully yours,

RONALD D. SCOUBES,
City Recorder.

S. 4266—INTRODUCTION OF A BILL TO PROVIDE REDUCED FARES FOR SENIOR CITIZENS ON THE AIRLINES

Mr. MOSS. Mr. President, on behalf of myself and Senators BIBLE, CANNON, CHURCH, CRANSTON, EAGLETON, FONG, GRAVEL, HOLLINGS, HUGHES, METCALF, MONDALE, MONTOYA, PELL, SMITH of Illinois, THURMOND, TYDINGS, WILLIAMS of New Jersey, and YARBOROUGH, I introduce, for appropriate reference, a bill to amend the Federal Aviation Act of 1958 in order to authorize reduced-rate transportation on the airlines to individuals 65 years of age or older.

In America we pride ourselves on our concern for our senior citizens. Social security and medicare represent society's efforts to provide for their retirement years. But medicare only covers 45 percent of their medical needs and social security, the only source of income for more than 50 percent of our seniors, continues to be woefully inadequate. Some 5 million out of our 20 million live below the poverty line; thousands try to live on less than $100 a month.

Unfortunately, far too many of our elderly are not only poor economically, but socially and psychologically. Low incomes mean that they must make choices between food or medicine, clothes, transportation, or recreation. This turns many into recluses with little contact or contribution to society. The inevitable result is that millions of our elderly suffer from a kind of a poverty of the spirit.

There is an easy solution to these problems: we need only put the floor of economic decency under these citizens, thus giving our seniors an increased share in American abundance.

The Congress is trying in its piecemeal fashion to take care of the economic needs of our elderly by proposing increases in social security payments. Unfortunately, these increases do little more than make up for the losses that seniors experience as the cost-of-living index skyrockets upward.

So often we hear it said that the Government is mindful of the needs of seniors and that much more would be done except that these are troubled times. We have also heard administration spokesmen tell us that when the Vietnam war is finally ended that we should not look for a cut of the Defense budget and a reallocation of dollars to our domestic needs.

All of this leads to cynicism, but it is not out of cynicism but out of hope that I called last year for a program of rewards and incentives. I believe that the struggle to survive should rest with the youth and that those who have toiled long and hard for the society in youth deserve our thanks and recognition when they retire.

As an example of what I mean, I have called for a program of reduced fares for senior citizens on buses and subways. There are now some 35 major cities that allow their seniors to ride during off peak hours for about a dime. Many theaters have picked up the example and offer tickets at a discount.

It is my hope that the principle will be extended to prescriptions and other products in drugstores and that banks will give thought to providing free services; restaurants too could give discounts outside regular meal hours. Hopefully barber and beauty ships could give special prices on days when business is slow.

All of this we could do voluntarily for there is no deficit in the national resources, there is only a deficit in the national will.

In this spirit I wrote to the presidents of each of the major airlines asking that they consider instituting a program of reduced fares for seniors on the airlines. I pointed out that the standby principle would not be applicable to seniors who could ill afford standing in wait in airline terminals. My suggestion was for a direct discount up to 50 percent and a confirmed reservation for seniors during the middle of the week.

The letters from the airline presidents that I received were very cordial all giving technical reasons why they could not institute reduced fares for seniors on their own. In fact, three airlines have tried to institue such fares only to withdraw upon the suggestion from the Civil Aeronautics Board that such fares might be discriminatory.

Upon learning these facts, I decided to introduce this bill which would give legislative authority for the airlines to institute a program of reduced fares for those over 65 on the airlines.

A few facts, I am sure would be helpful at this point. There are two major categories of airlines at present, trunklines such as United and American which fly cross country and local service carriers such as Allegheny, Mohawk, and Frontier which serve particular parts of the country on short hauls.

Trunk airlines had an average load factor of 50 percent in 1969 meaning that last year the planes of United and TWA were only half full or half empty depending upon how you look at it.

Local service carriers had an average load factor of 43 percent last year. The best performer in this category was Mohawk with a load factor of 47 so that its planes were in effect 53 percent empty. Air West had a load factor of 39 percent—its planes were 61 percent empty in 1969.

An additional fact is that these local service carriers currently receive operating subsidies from the Federal Government. Last year the nine local service carriers received $36 million in subsidies from the Government. Air West for example received $8.7 million or about 13 percent of its total of $74 million in operating revenues from the Government.

Allegheny received $3.2 million in subsidy last year for 2.5 percent of its total of $120 million in operating revenues.

It is my hope that a program of promotional fares for senior citizens would be just the solution for these problems. Senior citizens are precisely the group that can take advantage of those empty seats during the middle of the week. Needless to say increased volume of passengers and more efficient utilization of our resources would be in the interest of all parties concerned.

The increased volume of passengers would be particularly helpful to our local service carriers. The increased revenues that they would take in would make it possible to reduce the $36 million subsidy that the Government paid out last year to underwrite these carriers.

I believe that airlines should provide seats to seniors on a confirmed reservation basis at 50 percent of full fare Monday through Thursday.

Senior citizens feel that they are just as entitled to reduced fares as our teenagers who presently enjoy travel at youth fare and standby rates.

I know that there are a great many of our senior citizens who have waited all their lives to travel and cannot afford it now. There is also the therapeutic effect of travel to consider; whether it is just getting away or to visit with loved ones.

Mr. President, I ask unanimous consent to have printed in the RECORD at this point statistics showing the net income of the subsidized airlines over the last 5 years as well as of load factor computations in addition to several letters written by constituents and others vitally interested in a program of reduced fares for senior citizens on the airlines.

The PRESIDING OFFICER (Mr. GOLDWATER). The bill will be received and appropriately referred; and, without objection, the statistics, computations, and letters will be printed in the RECORD.

The bill (S. 4266) to amend the Federal Aviation Act of 1958 in order to authorize certain reduced-rate transportation to individuals who are 65 years of age or older, introduced by Mr. Moss, for himself and other Senators, was received, read twice by its title and referred to the Committee on Commerce.

The material presented by Mr. Moss is as follows:

SUBSIDIZED AIRLINES—NET INCOME AFTER SPECIAL ITEMS CALENDAR YEARS 1965 THROUGH 1969

[In thousands]

	1965	1966	1967	1968	1969
Local service carriers:					
Air West (Pacific)	$700	$151	−$3,716	−$10,319	−$18,884
Allegheny	1,417	1,248	−516	−2,430	−6,224
Bonanza	843	862	530	(1)	(1)
Central	−187	405	93	(2)	(2)
Frontier	1,313	1,790	−121	−6,811	−12,214
Lake Central	344	−63	−4,248	−2,394	
Mohawk	2,645	1,243	−274	−4,360	−4,617
North Central	$,139	$1,155	$1,520	$70	−$2,312
Ozark	546	904	1,342	−650	−3,707
Piedmont	1,704	807	1,856	−166	−1,844
Southern	938	860	−159	−332	−844
Trans-Texas	595	991	−378	−1,483	−4,967
West Coast	716	836	−400	(1)	(1)
Total	22,722	11,190	−4,472	−28,875	−55,613

[1] See Air West.
[2] See Frontier.

PASSENGER LOAD FACTORS, CALENDAR YEARS 1965 THROUGH 1969

[In percent]

	1965	1966	1967	1968	1969
Nonsubsidized carriers, domestic trunks:					
American	58.8	63.2	59.9	55.7	52.7
Eastern	56.2	58.8	58.7	55.0	50.6
Trans World	53.7	53.5	54.8	49.5	48.4
United	53.8	56.7	58.4	53.5	51.3
Braniff	54.7	58.3	51.2	53.5	48.5
Continental	48.3	55.3	48.0	47.7	49.9
Delta	58.6	66.0	61.7	58.8	52.6
National	52.5	52.5	53.1	46.6	43.5
Northeast	(1)	(1)	(1)	46.3	43.1
Northwest	53.4	55.1	55.3	51.8	46.6
Western	56.0	61.1	56.9	54.3	46.4
Total	55.2	58.5	57.2	53.0	49.9
Subsidized carriers, local service:					
Air West (Pacific)	53.0	51.1	44.8	42.4	39.3
Allegheny	43.1	49.4	46.1	44.3	41.8
Bonanza	55.1	54.5	53.5	50.1	
Central	39.9	45.9	46.6		
Frontier	39.9	44.2	42.2	44.0	44.8
Lake Central	43.0	45.2	34.8	38.3	
Mohawk	53.4	53.8	50.0	45.7	47.2
North Central	46.4	48.1	45.7	39.6	39.3
Ozark	53.6	52.2	46.5	47.5	45.7
Piedmont	55.0	58.7	53.3	51.0	46.6
Southern	43.2	48.6	45.9	45.8	42.4
Trans-Texas	41.1	46.9	45.7	46.9	41.4
West Coast	47.2	50.8	44.2	44.9	
Total	47.3	50.2	46.4	45.2	42.9

[1] On subsidy, through Dec. 31, 1967.

CLEARFIELD, UTAH,
January 26, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR SIR: *Those who know* of your arguments for legislation that retired persons be given reduced air rates all hope to see a unanimous approval!

Were I not a member of N.A.R.C.E. I would not have known of it. I doubt that our Deseret News published anything about this action of proposal by *you*! The brief information appearing in the January issue of *Retirement Life* was most pleasant, and being discussed at our chapter meeting Our summation: give us four mid-week half-fare travel days and the planes will not be flying with the seats half empty.

Sincerely and best wishes,

FRED W. BANZ.

BRIGHAM CITY, UTAH,
January 23, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR MR. MOSS: I read with interest your efforts to secure reduced rates for air travel for elderly persons. I am a retired teacher. My children live in Las Vegas and Concord, California. It would be a distinct advantage to me to have the benefits of your proposal. My wife and I wish you success in your efforts.

Yours sincerely,

W. H. GRIFFITHS.

SALT LAKE CITY, UTAH,
January 31, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
U.S. Senate,
Washington, D.C.

DEAR SIR: We wish to thank you for all the help you've given in legislation for retired persons.

Anything you can do in the future will be greatly appreciated. We urge you to continue your fight to obtain reduced air fares for elderly persons. Thank you.

Sincerely,

LAMMOND AND IRENE MILLS.

LONG ISLAND CITY, N.Y.,
January 20, 1970.

DEAR SENATOR MOSS: Thank you for your fight to get reduced air fares for elderly people. I can see no good reason why retired people can't get preferential rates where they travel during those periods when aircraft travel with empty seats.

Keep up the good work. It's good that someone does more than make speeches about the "Golden Age."

Sincerely,

LEO SUMMER.

READING, PA.,
January 16, 1970.

Hon. FRANK E. MOSS.

DEAR SENATOR: I wish to thank you personally for the interest and effort on your behalf to have the Airlines give reduced fares to the elderly, aging and retirees. Inasmuch as the young are given reduced fares to travel during offpeak periods I can see no really good reason why the senior citizen should not enjoy these same privileges also. Fact of the matter is when all is considered it seems the elderly are in need of these reduced fares even more so because of physical, medical, and other problems which afflicts many of them; additionally because of fixed income and limited financial resources. What part can I play in this effort to effect such a reduction favoring these deserving citizens?

Most sincerely,

PAUL L. CLAUSER.

DENVER, COLO.,
March 3, 1970.

Hon. FRANK E. MOSS.
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR MOSS: I wish to endorse reduced air travel for elderly persons, this is the only way we can visit our loved ones now that most trains are gone. Most of us are not physically able to ride busses with their long lay-overs.

Thank you for your interest in our behalf.

Sincerely,

MARGARET A. BROWN.

RIVERSIDE, CALIF.,
January 30, 1970.

Hon. FRANK E. MOSS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: As a member of the National Association of Retired Civil Employees (N.A.R.C.E.) I want to express my appreciation for your efforts you made for legislation that would give retired persons reduced air fares.

Due to the age of the average retired person travel by common carrier, rather than personal automobile, is more common. Also, with a fixed income and the steadily growing high cost of living every possible saving is important.

Respectfully,

WILLIAM S. WHEELER.

WICHITA FALLS, TEX.

Hon. FRANK E. MOSS,
Old Senate Office Building,
Washington, D.C.

DEAR SIR: A recent article in Retirement Life stated that you are trying to get the public transportation systems (especially airlines) to give reduced fares to the older citizens of our country.

Wichita Falls no longer has railroad service, so air service is our only way to distant points.

I am retired from Depart. of Defense with visual problems and really appreciate your efforts.

Very truly,

Miss JANET CLAY.

ADDITIONAL COSPONSORS OF BILLS

S. 3528

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New Hampshire (Mr. MCINTYRE), I ask unanimous consent that, at the next printing, the name of the Senator from South Carolina (Mr. HOLLINGS) be added as a cosponsor to S. 3528, to amend the Small Business Act to encourage the development and utilization of new and improved methods of waste disposal and pollution control; to assist small business concerns to effect conversions required to meet Federal or State pollution control standards; and for other purposes.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

S. 4015

Mr. MURPHY. Mr. President, on June 23, I introduced legislation that would fill what is widely regarded as a most serious gap in the benefits available to career military personnel. S. 4015 would institute a system of survivor's benefits available to military retirees, enabling them to provide for the financial security of their survivors after they themselves pass away.

The measure is directed at correcting a blatant disparity that singles out the uniformed serviceman, from among all Federal employees, as ineligible for a survivor annuity plan in which the Federal Government participates. S. 4015, like measures being considered by the House, would institute an annuity program identical to the civil service annuity program.

Seventeen Senators have asked that their names be added as cosponsors of this widow's equity measure.

Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from South Carolina (Mr. THURMOND), the Senator from Alabama (Mr. ALLEN), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Florida (Mr. GURNEY), the Senator from Illinois (Mr. SMITH), the Senator from Oregon (Mr. PACKWOOD), the Senator from New Mexico (Mr. MONTOYA), the Senator from New York (Mr. JAVITS), the Senator from Washington (Mr. JACKSON), the Senator from Arizona (Mr. GOLDWATER), the Senator from New Jersey (Mr. CASE), the Senator from Texas (Mr. TOWER), the Senator from Wyoming (Mr. HANSEN), the Senator from Alaska (Mr. GRAVEL), the Senator from Alaska (Mr. STEVENS), the Senator from Utah (Mr. BENNETT), and the Senator from Montana (Mr. METCALF), be added as cosponsors of S. 4015, which would establish an equitable survivor benefits program for retired military personnel.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

Mr. MURPHY. Mr. President, I am very happy to ask to have added, as a starter at the last moment, the name of the Senator from Oregon (Mr. HATFIELD).

I also ask unanimous consent to have the names of the Senator from Kansas (Mr. DOLE), and the Senator from Arizona (Mr. FANNIN) as cosponsors.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

S. 4179

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from West Virginia (Mr. RANDOLPH), I ask unanimous consent that, at the next printing, the names of the Senator from Alaska (Mr. GRAVEL) and the Senator from Washington (Mr. JACKSON) be added as cosponsors of S. 4179, to amend the Public Works Acceleration Act to make its benefits available to certain areas of extra high unemployment, to authorize additional funds for such act, and for other purposes.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 225

Mr. GURNEY. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Illinois (Mr. PERCY), the Senator from South Carolina (Mr. THURMOND), the Senator from Arizona (Mr. FANNIN), the Senator from Colorado (Mr. DOMINICK), the Senator from Iowa (Mr. MILLER), the Senator from Vermont (Mr. PROUTY), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from South Carolina (Mr. HOLLINGS) be added as cosponsors of Senate Joint Resolution 225, authorizing and requesting the President to proclaim October 25–31 Law Officers Appreciation Week.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Tennessee (Mr. BAKER), the Senator from Indiana (Mr. BAYH), the Senator from Delaware (Mr. BOGGS), the Senator from North Dakota (Mr. BURDICK), the Senator from Missouri (Mr. EAGLETON), the Senator from Arizona (Mr. FANNIN), the Senator from Tennessee (Mr. GORE), the Senator from Florida (Mr. GURNEY), the Senator from Iowa (Mr. HUGHES), the Senator from North Carolina (Mr. JORDAN), the Senator from West Virginia (Mr. RANDOLPH), the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Pennsylvania (Mr. SCOTT) and the Senator from New Jersey (Mr. WILLIAMS) be added as cosponsors of Senate Concurrent Resolution 80, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

SENATE RESOLUTION 450—SUBMISSION OF A RESOLUTION EXPRESSING THE SENSE OF THE SENATE RELATING TO INTERVENTION IN CZECHOSLOVAKIA IN 1968

SOVIET DAY OF SHAME

Mr. HRUSKA. Mr. President, today I am submitting a resolution which expresses the sense of the Senate with respect to the Soviet Union and those states which participated in the occupation of Czechoslovakia. In this resolution we express our support for the Czechoslovakian people as they commemorate August 21, 1970, as the "Soviet Day of Shame" and as they strive to achieve the withdrawal of Russian troops from Czechoslovakia. The resolution also calls upon the President, acting through the United Nations and other international organizations, to take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

Two years ago, following the invasion of Czechoslovakia, I spoke in the Chamber of a test of courage of the Czech and Slovak people.

I stated that:

The first eight months of 1968 produced

one of the greatest tests of courage in this century. January saw the first halting step of a small country toward the goal of freedom. As the months passed, Czechoslovakia moved a little closer to its goal, and each month the Soviet Union became more threatening. The test of courage for the Czechs and Slovaks was whether, in the name of human dignity, they could stand face to face with an overpowering foe. The test of courage for totalitarian Russia was whether it dared allow one small country even a taste of freedom. Czechoslovakia won that test of courage.

On August 21, 1968, the Russians were forced to ruthlessly halt the mellowing of Communist Party rule of Czechoslovakia by use of military might. During the spring of 1968, the entire nation, without violence, united behind new, young leaders, rose in protest against the inhuman Stalinist regime. They began to expose and correct the blunders of the Russian regime.

The Kremlin felt that to allow this satellite freedom of expression might seriously threaten the Soviet system. Therefore, armed forces were rushed in to crush the modest reform of Alexander Dubcek's Communist government. At that time the conduct of the Czechoslovak people exemplified the courage they have shown at many other times in their history. The Czechoslovak peoples showed great courage in 1937 when, after the death of the great leader, Thomas Masaryk, Hitler's storm troopers occupied the land. Also after the war, even though Communist domination stifled Czechoslovak aspiration for a return to democracy, they still demonstrated a courage and quest for freedom that finally arose as a new spirit in the early part of 1968. However, their courageous resistance was suppressed by the roar of Russian tanks speeding into this small country.

The continued Soviet occupation of Czechoslovakia is a crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order; one that did not endanger anyone, and sought to contribute to the building of bridges of understanding across the discords of an ideologically divided world while lending aid to better understanding and cooperation among all nations on the basis of true progress and humanity.

The Czechoslovak people, however, are not resigning themselves to these aggressive plans of Moscow. They resisted, and continue to resist and reject Moscow's claim to a right to intervene in the leadership of the state; they deny Soviet Russia the right to determine who should govern their country or represent it in foreign relations. August 21, in Czechoslovakia, is being commemorated as the "Soviet Day of Shame." And those of us here in the United States, who are joining our friends in Czechoslovakia, urge the whole civilized world to support their effort to achieve the withdrawal of Soviet troops from Czechoslovakia.

It is my hope that by voicing strong criticism and outrage against the tyrannies of the Soviet Government imposed upon the people of Czechoslovakia, we can help these courageous people to sustain the weight of tyranny until a day again comes when they will free themselves from the bonds of oppression.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The resolution will be received and appropriately referred.

The resolution (S. Res. 450), which reads as follows, was referred to the Committee on Foreign Relations:

S. RES. 450

Whereas the intervention in Czechoslovakia by the military forces of the Soviet Union, in 1968, contravened the independence of sovereign states and the Wilsonian doctrine of self-determination; and

Whereas such intervention is in violation of the United Nations charter which states that "All Members shall refrain in their international relations from the threat or use of force against the territorial sovereignty or political independence of any states"; and

Whereas such intervention is further evidence of the perpetuation of colonialism as practiced by the Soviet Union; and

Whereas the agreement in Moscow between representatives of Czechoslovakia and the Soviet Union was reached under duress; and

Whereas the continued occupation of Czechoslovakia by the Soviet Union is another crime against the rights of the free people of a small country to determine their own destiny and aspirations; and

Whereas the people of Czechoslovakia are not resigned to the oppressive plans of the Soviet Union, and continue to resist and reject Soviet domination: Now, therefore, be it Resolved by the Senate, That it is the sense of the Senate that, the President should express support for the people of Czechoslovakia (as they commemorate August 21, 1970 as the "Soviet Day of Shame") in their efforts to achieve the withdrawal of the troops of the Soviet Union from Czechoslovakia.

SEC. 2. It is further the sense of the Congress that the President, acting through the United Nations and other international organizations, should take such additional steps as may be necessary to end as quickly as possible the continuing intervention in Czechoslovakia by the Soviet Union.

EXTENSION OF THE AGRICULTURAL TRADE DEVELOPMENT AND ASSISTANCE ACT OF 1954, AS AMENDED—AMENDMENT

AMENDMENT NO. 846

Mr. SMITH of Illinois (for himself and Mr. WILLIAMS of Delaware) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18546) to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes, which was referred to the Committee on Agriculture and Forestry and ordered to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENT

AMENDMENT NO. 847

Mr. STEVENS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 848

Mr. STEVENS. Mr. President, I ask unanimous consent that I may submit an amendment, intended to be proposed by me, to the amendment intended to be proposed by the Senator from Oregon (Mr. HATFIELD) (No 844) to House bill 17123, and have it printed and lie on the table.

The PRESIDING OFFICER (Mr. COOK). The amendment will be received and printed, and will lie on the table.

AMENDMENT NO. 849

Mr. MURPHY. Mr. President, as the author of the Senate bill establishing a survivor annuity program for military retirees, I am submitting for myself and the Senator from Arizona (Mr. GOLDWATER) an amendment which would place the Senate on record in support of a program that is most needed in formulating a benefit structure that could give rise to a voluntary military.

Our amendment makes it the sense of the Congress that the Nation should establish as soon as possible an equitable survivor annuity program for military retirees comparable to the program provided for civilian Government employees under the civil service retirement system. At present, the uniformed serviceman is the only employee of the Federal Government who, having served his country long and well, retires on a pension, succumbs, and leaves his widow and children without any portion of the pension he earned through reduced pay during active duty.

Justice demands that this situation be promptly corrected.

Moreover, the need of the fine women who in many cases are left destitute by this strange set of circumstances requires that this situation be put right.

Finally a realistic analysis of the benefit structure needed to make a voluntary military achievable demonstrates the need to proceed forthwith to change this situation.

Most Americans, I believe, are well aware that a member of the Armed Forces retired from active duty receives retired pay as long as he lives. However, it is not so widely known that no part of his military retirement income passes automatically to his survivors when he dies. Every other employee of the Government is assured that 55 percent of his retirement pay will pass to his dependents automatically unless he refuses to participate in an annuity program.

Mr. MURPHY. Mr. President, since that time, the Congress has moved to correst this flaw in the system of benefits for military personnel. Chairman L. MENDEL RIVERS has designated a Special

Subcommittee on Survivor Benefits which has concluded 2 weeks of open hearings which reveal, I think, the consequences of past inaction in an area that is quite clearly one of compelling human need.

The subcommittee heard the widow of Rear Adm. Miles L. Browning, Chief of Staff to Admiral Bull Halsey during World War II. Mrs. Browning has received only $74 a month income from a Veterans' Administration pension—the pension available to the widow of any man who has ever served in uniform. Mrs. Browning was reluctant to describe the full extent of the adversity she has encountered.

Yet over and over again, as the subcommittee heard six other widows, the story of hardship and privation was repeated. The question that will not be avoided is this: Can we, in good conscience, perpetuate an inequity of such brutal consequences? I say we cannot and must not. We must not for those who are being widowed while we deliberate over such a proposal—for our inaction compounds their tragedy. We should not if we are to give a voluntary army the fair chance proposed by amendment No. 844.

On June 23, I introduced legislation in the Senate that would establish an equivalent of the civil service survivors annuity program for uniformed servicemen. I ask unanimous consent that my remarks upon the introduction of S. 4015 be printed at this point in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

S. 4015—INTRODUCTION OF A BILL PROVIDING EQUITY FOR WIDOWS OF CAREER SERVICEMEN

Mr. MURPHY. Mr. President, I am introducing a bill which would create a fair and equitable system for providing economic security to the surviving dependents of career members of the uniformed services. This bill would provide the surviving dependents of the retired members of the uniformed services with the benefits that are now provided for the survivors of civilian employees of the Federal Government.

Many Americans would, I believe, be surprised to learn that the widow of a man who has retired from a career of service to his country does not continue to receive a portion of her husband's pension after his death. In order to qualify for the meager benefits provided by the Veterans' Administration, the surviving dependent must be able to meet a needs test—unless the death of the service member was due to a service-connected disability. This widow's pension—ranging from $17 to $74 per month—is available to the dependents of any veteran, whether he served 20 years or 90 days. No special provision is made for the dependents of our career servicemen.

The bill I have introduced would provide that whenever a retired member of the uniformed services dies, his wife and children, or if he is unmarried, a designated person who has an "insurable interest," would be granted an immediate annuity. This annuity for the surviving wife would be 55 percent of the retired pay the former member had received when he was alive, while each child, under 18, or under 23 and attending school, or over 18 and disabled would receive an additional amount depending on the number of children in the family and the amount of the member's retired pay.

The cost of paying this survivor's annuity would be paid for, like the similar annuity for survivors of civilian employees, by reducing the retired pay received by the member while he is alive. This reduction would be made under the same formula used for civilian employees; that is, the retired pay of the member would be reduced by 2½ percent of the first $3,600 and by 10 percent of everything above $3,600. This reduction would be automatic in the case of a person who was married at the time he qualified for retired pay, unless he states in writing that he does not wish to provide a survivor annuity for his wife or that he wishes her survivor's annuity to be based on only a part of his retired pay.

There is much discussion, Mr. President, of proposals to eliminate conscription in favor of "all volunteer" Armed Forces. President Nixon has committed his administration to this goal. As a member of the Armed Services Committee, I have carefully studied the matter and have made known my support for this concept. In the past, I have supported the enactment of every measure voted by the Senate to increase the compensation of men and women in uniform. I will continue to do so. This is because I feel that the excellence of the job they do is, in no small way, responsible for the freedom and prosperity our Nation enjoys. Should they not then share fully in the way of life—they unswervingly defend?

If the "all volunteer" Armed Forces are to become reality we must take the additional steps necessary to attract and retain sufficient numbers of qualified personnel to meet our defense requirements. Our efforts to achieve "comparability" of remuneration for our military with their civilian counterparts are not yet equal to this task. In fact, in the "Study of Military Compensation of 1964," the Defense Department noted:

"The evidence is conclusive that the military fringe benefits trends are running counter to private industry trends, with the net result that the military man is rapidly losing ground to this civilian counterpart in this significant part of the compensation package.

"Reductions in benefits are effectively reductions in pay. The study group is of the opinion that positive measures are necessary to arrest this trend . . ."

The U.S. Veterans Advisory Commission in a report dated March 18, 1968, stated:

"The Government now contributes to survivors' benefits programs for Civil Service employees and to railroad workers. In good conscience and equity, the Commission feels the nation cannot deny such support to members of the Armed Services.

"Therefore, the Commission recommends that a request be made to the Secretary of Defense to initiate and support the establishment of a federally financed survivors' benefits program as an adjunct of the present servicemen's retirement program."

I am sure that every American man wants to assure that his wife will be provided for after his passing; but if he elects a military career he soon learns that although he endures the reduced income that is his contribution to his retirement pay, his wife cannot collect one penny of his pension after his death.

As we make progress toward correcting the imbalance in actual pay between civilian Federal employees and servicemen, so must we also eliminate the manifestly inequitous arrangement in their respective death benefits. Delay in enacting this measure will not only penalize those noble women who have shared the hardships of their husbands' military career; it will undermine our efforts to build the all-volunteer Armed Forces.

The Congress has not been blind to the military man's need to assure that his family is provided for. In 1953, there was enacted a program which allowed military retirees to contribute to a survivor annuity plan. Seventeen years and seven amendments later, the adequacy of this effort is best described by the fact that only 15 percent of those eligible to participate in it do so.

Because the employer—The U.S. Government—does not contribute a cent to this so-called "Retired Serviceman's Family Protection Plan." it is prohibitively expensive for the employee—the serviceman—to do so.

I ask unanimous consent that two figures illustrating cost data of the RSFPP appear at this point in the RECORD. These charts demonstrate that the military retiree pays 2.5 to 5 times as much as the civil service retiree for the same survivor annuity.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

"TABLE I.—COMPARISON OF COSTS OF RETIRED PERSONNEL SURVIVOR ANNUITY PLANS—MILITARY VERSUS CIVIL SERVICE

Grade	Years of service	Age at retirement	Survivors annuity payable (monthly)	Military deductions (options 1 and 4 at ½)	Civil service deduction for the same annuity
Staff sergeant	20	40	$86.42	$12.71	$3.93
Technical sergeant	24	44	120.75	20.94	5.49
Master sergeant	30	50	201.88	43.77	14.21
Do	30	60	195.15	57.24	12.98
Do	30	65	191.46	64.62	12.31
Major	24	46	256.96	48.23	24.22
Lieutenant colonel	26	48	330.65	66.84	37.62
Colonel	30	52	461.42	107.00	61.40
Do	30	60	449.06	131.72	69.15
Do	30	65	440.56	148.71	57.60
Major general	30	54	600.09	148.03	86.61
General	30	56	749.23	196.25	113.76
Do	30	60	738.98	216.75	112.82

"TABLE II.—COMPARATIVE COSTS OF CENTS PER DOLLAR OF COVERAGE

Annual annuity	Dollars cost per year		Cents per dollars of coverage	
	RSFPP	Civil service	RSFPP	Civil service
Man 55, wife 53:				
10,000	3,764	1,548	37.6	15.5
8,000	2,521	1,185	37.6	14.8
6,000	1,890	821	37.6	13.7
4,000	1,260	457	37.6	11.4
2,000	630	94	37.6	4.7
1,000	315	45	37.6	4.5
Man 60, wife 58:				
10,000	3,764	1,548	37.6	15.5
8,000	3,011	1,185	37.6	14.8
6,000	2,258	821	37.6	13.7
4,000	1,505	457	37.6	11.4
2,000	753	94	37.6	4.7
1,000	376	45	37.6	4.5

Mr. MURPHY. Mr. President, in addition to the high cost of the RSFPP program—which falls hardest upon the enlisted man—the

complexity of its provisions offers another reason that servicemen have rejected it by nearly the same overwhelming margin as their fellow Government employees have accepted their annuity program.

The measure I propose today is essentially identical to the program that governs the survivor annuities for the civil service employee. It is simple, and avoids the complexity that hobbles RSFPP. It is comparable in cost to the participant. It is manifestly needed. I believe it would result in a participation rate equal to that of the civilian annuity program—better than 90 percent.

My friend and fellow Californian, our distinguished colleague of the other body, the Honorable CHARLES GUBSER, has introduced H.R. 6226 and leads this effort in the House. I join him and ask my Senate colleagues to join me, in committee, and on the floor, in working for passage of this bill to provide equal and equitable annuities for widows of career servicemen. Clearly, the time is past to put an end to the injustice of a situation in which the widow of one Federal employee is entitled to an annuity as a matter of right, while another is denied, any portion of her husband's retirement pay and must show need for a pittance that could maintain her only at a subsistence level.

The PRESIDING OFFICER (Mr. SPONG). The bill will be received and appropriately referred.

The bill (S. 4015) to amend title 10 of the United States Code to establish an equitable survivors' annuity plan for the uniformed services, introduced by Mr. MURPHY, was received, read twice by its title, and referred to the Committee on Armed Services.

Mr. MURPHY. Mr. President, I have previously cited the "Study of Military Compensation of 1964" which noted that military nonsalary remunerations were running contrary to the proliferation of generous fringe benefits being made available in the private sector. The amendment—No. 765—proposed by Senator HATFIELD recognizes the need for general upgrading in the compensation package of uniformed personnel. It provides specific increases in salary and analysis and recommendations of other inducements to career military service.

As presently written it assigns no priority to the very serious survivor's benefits problem.

Representative CHARLES GUBSER, whose expertise in these matters is recognized by his colleagues on both sides of the Hill, has been an important figure in the efforts to bring this matter to the attention of the Congress. The distinguished Congressman observed, at the opening of the hearings, "I will say that I do not think there is any hope whatsoever of achieving an all-voluntary military service until the time arrives when we can make a career out of the military service in every sense of the word. And certainly one of the first steps that we must take if we are going to make this an attractive career to our young men and our young women is to provide a survivorship benefit program equal to what is given the civil service."

While thoughts of retirement and death are not usually on the minds of young men and women, we older Americans realize the importance that these considerations will assume in later years. We must assure that our military personnel have available a vehicle through which they can participate in assuring the financial security of their spouses in later years. This is why I feel that an adequate and fair survivor annuity program must be a central feature of the expanded benefits program which we hope will attract careerists to the service of our Nation. I urge the adoption of the "widow's equity" amendment to the "voluntary military" amendment.

The PRESIDING OFFICER (Mr. ALLOTT). The amendment will be received and printed, and will lie on the table.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 838 TO H.R. 17123

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that, at the next printing, the name of the Senator from Missouri (Mr. EAGLETON) be added as a cosponsor of amendment No. 838 to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

AMENDMENT NO. 844 TO H.R. 17123

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Idaho (Mr. JORDAN) be added as a cosponsor of amendment No. 844 to H.R. 17123, the Military Procurement Authorization Act.

The ACTING PRESIDENT pro tempore (Mr. METCALF). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Florida (Mr. GURNEY) and the Senator from Kentucky (Mr. COOK) be added as cosponsors of amendment No. 844 to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. GOLDWATER). Without objection, it is so ordered.

NOTICE OF HEARINGS ON SPANISH BASE AGREEMENT

Mr. FULBRIGHT. Mr. President, the Committee on Foreign Relations will hold a public hearing at 11 a.m., August 26 in Room 4221, on the Spanish base agreement with administration witnesses. Prior to the public session, the committee will meet in executive session to discuss with representatives of the administration those parts of the agreement and the background of it they wish to keep secret and the reasons for that secrecy.

The purpose of the hearing is to explore in public the background, purpose, meaning, and implications of the 5-year agreement both for Spain and the United States.

ADDITIONAL STATEMENTS OF SENATORS

THE 50TH ANNIVERSARY OF FEDERAL AVIATION ADMINISTRATION'S FLIGHT SERVICE STATIONS

Mr. CANNON. Mr. President, August 20, 1970, is a significant milestone in our Nation's aviation system. It marks the 50th anniversary of the Federal Aviation Administration's flight service stations. These stations not only play a vital role in today's air transportation system, but throughout a half century of operations they have had a direct hand in the development and advancement of aviation communications, navigation, and flying safety.

Originally known as airmail radio stations, they were the outgrowth of pioneering efforts by the Post Office Department to establish a transcontinental air system from New York to San Francisco.

On August 20, 1920, the Postmaster General authorized the establishment of airmail radio stations along the transcontinental route to provide communication between the landing fields in the system. Of the original 17 stations established, only four have remained in continuous service for their entire 50-year history. They are Salt Lake City, Utah; Rock Springs, Wyo.; Washington, D.C.; and I am proud to say, Elko, Nev.

Not too long ago, I had the pleasure of being in the station at Elko with its present chief, Harold Griffin. There have been many changes since the early days when that flight service station was a one-man operation.

About the only qualification in those days was to be able to send and receive 30 words of code per minute. Most of the men were Navy veterans of World War I, and they quickly learned to improvise to keep on the air.

In any event, it was from these small beginnings that our flight service station system has evolved to a station network covering all 50 States and reaching out to Pago Pago, Wake Island, and Guam in the Pacific, and to Panama and the Caribbean.

As one of 700,000 pilots who use and appreciate their services, I commend and offer tribute to the Federal Aviation Administration's flight service stations for the role they have played in aviation and especially to the dedicated public servants, the 4,600 air traffic controllers who staff the network of 340 flight stations. They have well earned our gratitude.

I ask unanimous consent that the article entitled "First 50 Years of FSS," published in the August 1970 issue of the Pilot, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FIRST 50 YEARS OF FSS

(By Don Downie)

"Elko Radio, this is One Four Nine, VFR Reno to Elko, five west. Close us out, and landing advisory please."

"One Four Nine, this is Elko Radio. Flight plan closes at zero seven. Designated Runway 23. Wind light and variable. Altimeter 30.07. No reported traffic."

One Four Nine skims across town on final, touches down on a field that has been an active airport for 50 years, and taxis up to the line. Everything is pretty much routine. The new "low profile" air/ground console at Elko FSS permits the specialists to handle communications and still keep an eye out the window to give factual airport advisories.

Back in 1920, when Elko, Nev., was one of the first key stations on the transcontinental air mail service, things would have been

slightly different. A surplus arc radio telegraph would have sent a message to Salt Lake City, stating briefly, "Smith No. 249 arrived 4:10," and signed by the field manager. In the case of Elko, normally only a refueling stop, it would have been a brief arrival/departure message.

The FAA, which now has 340 Flight Service Stations in 50 states, celebrates its fiftieth year of service this August 20. There's an interesting history behind this service that we take so much for granted today.

When the Post Office Department decided to fly the mail on a transcontinental route, a string of radio stations was begun that August, 50 years ago. The western section included Omaha, North Platte, Cheyenne, Rock Springs, Elko, and Reno, with arrangements made to use the Navy radio station in San Francisco.

Historical experts in the FAA state that only four of the original transcontinental chain of stations have remained "pure communications stations" for their entire 50-year history. The others have been combined with towers at one time or another, been out of service for periods of time, or otherwise had a change of operation. The four "pure" 50-year-old communications stations are Washington, D.C., Rock Springs, Wyo., Salt Lake City, Utah, and Elko, Nev.

The first FSS in Elko was a one-man operation. Most radio operators were ex-U.S. Navy veterans of World War I. The primary qualification for employment was to send and receive 30 words of code per minute.

Elko's first predecessor of the FSS was located in a 20×20 building near the Humboldt River. Local folklore indicated that the building was still standing and currently in use as one of the town's legalized parlor houses. This makes a fine story, but unfortunately it isn't quite true.

Confirmation of the location of Elko's pre-FSS came from Jess Harris, who "used to hang around the station as a kid." Jess freely admits that he aided in the disappearance of a couple of five-gallon cans of alcohol (doped with potassium permanganate to elimate the possibility of human consumption). The alcohol was used to maintain the arc on the old two-kilowatt shipboard-type transmitters.

"We always picked up two cans of alcohol with a truck to drive them out to the station. Sometimes one of them would get lost," Harris grinned shyly in retrospect. "We found that we could take a copper radiator line from a wrecked DH Liberty engine, wrap it with asbestos and safety wire to form a coil, and then heat it with a blowtorch to distill the potassium out of the alcohol. That stuff was really potent. I believe that one Coke bottle full would get the whole town drunk!"

Jess Harris, frequently referred to as "Juice" by the early air mail personnel, is now the county sheriff, as was his father before him. Jess still flies a Cessna 180 and *Super Cub* to chase cattle rustlers. It was Sheriff Harris who discounted the rumored colorful location of the first Elko radio station. However, it was located at the far end of "the street."

The original reason for having transmitter stations located away from the airfield was to keep low-flying aircraft, grouping for the field in bad weather, from hitting the antennas.

The radio operator had to be a jack of many trades, and an expert in improvising, to keep his equipment on the air. The job was seven days a week and frequently before drawn, when the operator would exchange weather information with adjacent stations and relay this to the airfield. When the plane (Elko had one plane each way, each day, to begin with) took off, there was a departure message with the pilot's name, the ship number, and the number and weight of mail pouches. When the evening plane came in, the process was repeated. At division points like Salt Lake City, a daily report was forwarded to Washington, and the operator had to stay on duty until it went out. Starting pay was $1,800—per year.

Many of these early stations were installed and improved by Art Johnson, a near-legendary radio operator who is very much alive in Santa Monica, Calif. He ran his first amateur radio station in 1911 (at age 12), before there were any licenses, and had a call sign of 9AL a year later.

Johnson joined the U.S. Navy prior to World War I and spent nine months at a Navy electrical school. "It was a darned good program," he commented. "We had both theory and maintenance courses so that we could keep our equipment on the air."

Johnson explained that the original Post Office Department concept was to develop both communications and navigation systems for modified twin-engine bombers with radio operators aboard. About May 1920, pilot Wesley L. Smith flew from College Park, Md., to the Philadelphia Navy radio station "without regard to compass or ground indications, using a receiver with a fixed-loop antenna."

When the surplus single-engine DR–4s came into general use, there was room for the pilot and all the mail he could carry—but not for a radio operator. So the idea of both "nav" and "com" was discarded for a time, and the first wireless stations were used strictly for communications, to replace leased telephone wires.

There's a station log at Elko named "The March of the Idiots." Art Johnson reported that Elko was then the least desirable place on the entire transcontinental route. All the new men first went to Elko. One newcomer got off the train in Elko, looked around, and climbed right back aboard for parts unknown.

Present Elko chief is Harold Griffith, who moved here more than two years ago from what must have been an even less desirable post, Bryce Canyon, Ut.

When you fly along this mountainous No. 1 air mail route, it's easy to marvel at the pioneers who built this system from almost nothing. The original "com" building in Salt Lake City was on the fairgrounds, but the first airport structure, completed in 1924, still stands as a lean-to on an old United Air Lines hangar. It was here that much of the early cut-and-fit developmental work took place to put more punch into the surplus equipment.

Art Johnson recalls, "During heavy atmospherics, signals from the arc transmitters sometimes failed to get through. Phil Coupland and I developed a means of raising these two-kilowatt transmitters to five kilowatts by enlarging the power supply, installing larger field coils, and improving both air and water cooling. We used a 17-gallon Liberty radiator, mounted outside the building, to cool the water.

"We also developed a wave-change switch that would operate without shutting down the transmitter.

"We got jolts all the time," commented Johnson gingerly. "They'd burn, but they weren't dangerous. Sometimes the air and alcohol mixture would explode. We could have used a kerosene mixture, but that would have produced carbon around the arc. Those Navy arcs were almost foolproof—clumsy but rugged.

"The next year, Hadley Beedle (in Reno) and I (in Salt Lake City) began experimenting with vacuum tubes operating at short-wave lengths. Hadley developed a convenient transmitter utilizing two quarter-kilowatt tubes and a raw a.c. power supply, while I completed several working models along similar lines. His model had certain advantages, and he installed it in Reno and Sacramento while I built and installed similar units at all stations between Elko and Iowa City.

"All this equipment, including receivers, was built in spare time while we were standing a regular radio operator's watch. We had little or no money for the project and had to improvise in every way we could. Discarded half-inch copper gas lines from Liberty engines were used to form induction coils. Condensers were robbed from Navy spare parts. Discarded half-kilowatt power-line transformers were purchased from the power company for about $2 each and provided high voltage for the tubes.

"Most of our spare parts came from the Navy by the back door. Many of the Navy personnel working on the air mail circuit in San Francisco wanted to come to work for the Post Office Department, so we had little trouble in getting surplus supplies."

No one bothered about patents in those days. Johnson has none.

Johnson considered the Phillips Code (a system of dots and dashes with many abbreviations, set up originally for the railroads and press releases) superior to the International Morse Code, particularly when static interference was in the air. The air mail system was the only organization to use the Phillips Code for regular communications.

"That's where 'CAVU' came from—and many others," Johnson commented. "A good operator knew all the abbreviations and could keep ahead of the guy on the other end, particularly when he took the time to write out 'ceiling and visibility unlimited.' "

Other aviation abbreviations—'RON' (remain over night), 'ETA' (estimated time of arrival), and 'WILCO' (will comply)—were all started by wireless operators of the old Postal Service.

Working almost without a budget, the Post Office Department talked the cities along the line into providing land, a hangar, and runways. At Salt Lake City, for example, the original north-south runway was very soft when wet, and the city dumped its "hard garbage" (tin cans) and stove clinkers on the suface throughout the rainy season.

While you're in Salt Lake City, if you're lucky, you can drive to a rose-covered cottage within sight of the airport and spend an hour invading the privacy of a gentleman with pilot's license No. 99.

At 80 years of age, Henry Boonstra is just as sharp as they come. A pilot for the Signal Corps in World War I, Boonstra went directly from the Army to the Post Office Department, ferrying surplus aircraft to the repair depot in the infield of the Indianapolis Speedway. He made one of the early night flights while returning from the Dempsey-Willard fight in Toledo, O., with Indianapolis Star reporter Mary Bostwick in the front seat. He circled the racetrack until enough cars lined up with their lights for an eventful landing.

Boonstra was also instrumental in the May 1968 delivery of DH–4 "Old 249" to the Smithsonian Institution.

"I flew 249 out of here late in December 1922," he commented. "The weather was bad, but I went east along the Uinta range of mountains that parallels the course into Rock Springs. The carburetor iced up, and I landed on Porcupine Ridge on top of a mountain above the timberline.

"It was about 8 a.m., and the snow was up to my waist. I walked down all that day, that night, and all the next day. I could see a ranch about five miles away, but it took me all day to get there."

As soon as Boonstra reached "civilization," a mule team was sent out to bring back the mail. Later, the Liberty engine was hauled down the hill by a pair of mules, but the airplane remained more-or-less intact. Contrary to the policy of burning aircraft downed in isolated country, "Old 249" sat for 43 years too far out in the backwoods for people to strip it.

When John W. (Bill) Hackbarth (AOPA 212378), air mail mechanic and later pilot from Santa Paula, Calif., decided to rebuild a DH–4 to deliver over the old transcontinental route on the golden anniversary of the start of the air mail service, he chose "Old 249." He discussed the project with

Boonstra and then "trucked down about 600 pounds of junk" to start his rebuilding project.

Even Art Johnson had a hand in rebuilding "Old 249." His home is within an hour's drive of Santa Paula, and Art spent spare time helping with bits and pieces of the old bird. He built the wing struts by hand in his workshop.

Boonstra flew the same route for 15 years in DH–4's, Boeing 40–B–2s and 4s, the Boeing 247, and the 80–H Boeing Trimotor, after the Post Office Department turned the run over to Boeing Air Transport in 1927.

"We were just getting the DC–3's when I quit," he commented quietly. "I considered the Salt Lake-Rock Springs segment to be the roughest run in the country, but that Reno-SFO airway had a tough little segment."

Today the FSS in Salt Lake City is next to the "old terminal" and has a Weather Bureau (Department of Environmental Services Station) adjoining. The one-man operation begun here 50 years ago by Art Johnson now has a staff of 32 and includes remoted stations at Lucin, Bonneville, Ogden, Fairfield, and Price. Delta is manned 12 hours a day and Malad City 16 hours, with remote service out of SLC for the "midnight shift."

The flight from Salt Lake City to Rock Springs, Wyo., looks rugged even today. Lee Warren, deputy director of the nine-state FAA Western Region, cruised Victor 32 with a *Queen Air* and talked of the growth of the FSS. While he's a relative newcomer to the system, when compared with Art Johnson and Henry Boonstra, Warren began puttering around with aircraft radios in St. Louis in 1931.

"At first, I couldn't figure out why anyone would want to put a radio in an airplane," he quipped. "Who could hear the music over the noise of the engines?"

Warren worked for American Airways (later American Airlines) and helped develop an interline agreement among AA, Eastern, TWA, and United that developed into the first formal air traffic control system. He invented the word "center" for the Department of Commerce after aviation activities were transferred from the Post Office Department in 1927.

At that time radio stations, beacon lights, and intermediate landing fields were placed under the Bureau of Lighthouses. There was some talk about placing aircraft inspection and licensing of aircraft and airmen in the Bureau of Steamboat Inspection, "but the pilots wouldn't swallow that," remarked Art Johnson. "Instead, an Aeronautics Branch was created and handled such functions."

The first gas beacon was installed in Elko in 1924. Today's electric beacon stands on the same spot where the original beacon was erected on the hill east of the airport.

So Victor 32, once called "Green 3" and first named "The Transcontinental," was no stranger to Lee Warren and Dale Heister, chief of the Los Angeles FSS and a 28-year veteran of the service. While flying *Queen Air* N149, the pair pointed out that many oldtimers preferred outlying stations to working in the big city, even at the expense of a grade in pay.

Typical of these "back country" FSS chiefs is Cliff W. Wheeler, half Alaskan Indian, and 35-year veteran with the FSS and its predecessors. Wheeler was a little late at his Rock Springs station that morning. He'd just seen his No. 2 son, Gary, off for Vietnam and was expecting No. 1 son, Cliff Jr., back from the Far East that same week.

Wheeler would rather go out and fill gopher or badger holes on runways than fight the freeway. (One of his predecessors at Rock Springs interrupted a broadcast when a rattlesnake crawled up through a knothole in the floor of the original downtown wireless station.)

"The smaller towns have better recreational opportunities," he explained, "but there's no dollar advantage. When you're out in the back country, you have a little less paperwork. It's a satisfying job, and the new electronic aids make it a great deal easier to be helpful than in the old days."

When asked about FSS "saves," the Rock Springs chief was quite for a minute. "We do things like this almost all the time. It's just part of the service. I can remember the pilot of a 'T-craft' at Malad City who was lost in the mountains to the east. We brought him in to the airport just using landmarks; that was before VHF/DF. He was pretty 'shook up' and so scared that he was sick in the air. When he finally rolled to a stop, he literally got out and kissed the ground."

Looking out over the "low profile" installation toward the tabletop runway, Wheeler continued, "We had a case of a pilot who became ill in the air over the Fort Bridger area. His wife called our specialist Max Fullmer (now at Idaho Falls), who is a pilot. He calmed her down and brought her into our traffic pattern here after 45 minutes of talking. Fortunately, her husband revived sufficiently to take over and land."

Even after 35 years on the job, Wheeler is not anxious to retire. "I enjoy what I'm doing and I'm certainly not ready for a rocking chair. It'll be quite a few years before I get to that mandatory retirement age of 70."

It's 12 miles west from "no-name-mesa" to downtown Rock Springs. The neat tabletop airport replaced the original dirt strip located five miles north of town on the lee side of the White Mountains.

"Most of the early pilots considered [the old] Rock Springs the worst early airport in the West," Boonstra had explained earlier. "It almost always had a hazardous crosswind, and the currents off the mountains were terrible."

One of the Rock Springs residents who was "just messing around the wireless station as a kid" is Ray Ajo. His first checks came from the Post Office Department when he was a mechanic's helper. When Boeing Air Transport (later United Air Lines) took over the service, Ray stayed on and helped put 2,000-pound loads (400 pounds over gross) in the two mail pits of the Boeing B–2s.

Ajo spent 28 years in various phases of air mail and retired as manager and supervisor for United Air Lines. All of his duty was spent in Rock Springs.

"When we started, we had $80 per month for working all hours. There were no benefits, but we were so dedicated to the job that no one thought much about those things . . . One of the jobs I had was to change all the beacon lights between here and Salt Lake."

Today the hop from Rock Springs back to Los Angeles is strictly "no sweat." Cruising at 10,500 feet and sipping a little oxygen, you have radar traffic advisories over most of the route. The "system" vectors you through the smog and to a routine touchdown at bustling LAX terminal.

Next time you walk into an FSS for an in-person preflight briefing, you may find the man (or woman) behind the counter of fairly young age. However, in the background is a system that started with almost nothing and has shown a remarkable growth in its first 50 years.

Happy anniversary!

RESTORE BLUE LAKE TO TAOS PUEBLO

Mr. KENNEDY. Mr. President, many bills are pending before Congress dealing with broad general problems of the American Indian. And yet the Indian bill which has been the focus of the most public attention in recent months directly involves only one particular tribe, the Taos Pueblo of New Mexico.

In 1906, the Taos Pueblo suffered a grave injustice when the U.S. Government seized the Pueblo's sacred Blue Lake lands. H.R. 471, which has already passed the House, would right this wrong by removing the sacred lands from the Carson National Forest and provide that, henceforth, the United States would hold these lands as trustee for the Taos Pueblo. The lands would then only be used by the Indians for religious and traditional purposes and would be preserved forever as a wilderness.

Indians everywhere have spoken out in support of the efforts of the Taos Pueblo to regain their ancient religious sanctuary. The Taos Indians' historic struggle to regain ownership of their sacred lands is symbolic of the struggle of all Indians to enjoy the rights of religious and cultural self-determination which are part of the birthright of all Americans. As the Taos delegation told the Indian Affairs Subcommittee last month:

> In this fight we are . . . struggling to preserve the identity of our people as a tribe, to preserve our Indian way of life, and to obtain restitution of land wrongfully taken from us.

In seeking restoration of the lands, the Taos Indians have repeatedly rejected the offer of monetary compensation for the wrong done to them. They do not seek material gain. The Indian Claims Commission indicated that the Taos are the only Indians who have asked the Commission for the return of land in trust rather than a money judgment. They want the Blue Lake lands so as to maintain their religion and culture. The lands, one of the most beautiful wildernesses in this country, are a natural cathedral containing the holy places and altars of the ancient Taos faith, which remains the guiding force of their culture.

A religion that teaches reverence for nature and prohibits interference with the natural condition of the land, as does the Taos religion, is a religion from which we all can draw inspiration. I know of no reason to deny these people the assurance that their religion will be sustained by returning to them the sacred lands they need in order to practice that religion. Simple justice requires that the Taos Indians' modest request be granted.

I would hope the Committee on Interior and Insular Affairs should take favorable action on H.R. 471.

DEFENSE OF U.S. ARMY AGAINST MISREPRESENTATIONS

Mrs. SMITH of Maine. Mr. President, with the transportation and disposal of the dreaded nerve gas by the U.S. Army having been successfully completed without any fatality, injury, exposure, or damage to anyone or any area, I think that it is appropriate not only to give praise where praise is due, but as well, if not more important, to set the record straight in defense of U.S. Army on misrepresentations made against it creating extremely unfair attacks on it and its personnel.

In separating fact and truth from mis-

representation and maligning of the U.S. Army on the administration of its chemical and biological weapons program, I shall center my remarks on the activity of the U.S. Army at its post at Fort Detrick, Md. I made an inspection trip there earlier this year and I asked for specific information during my inspection there and for the supplying of information subsequent to my inspection.

What I found was most revealing and reassuring in refuting the scare and horror claims against this activity. Last year a congressional charge was made that a man, who was identified as being also a lifeguard, died from the plague that he caught while working at Fort Detrick.

What is the truth? The truth is that the man did not die. He did contract pneumonic plague in September 1959 but he was cured and returned to duty in less than 3 weeks after having the plague. He is alive and well today as my executive assistant checked on August 14, 1970, and talked with this man by telephone and found that he was alive, well and living in Boulder, Colo. He is Ralph L. Powell of the Infotronics Corp., former laboratory technician at Fort Detrick.

The congressional charge made over a year ago was not only that this man had died of the plague but that the incident was never reported to the World Health Organization. To the contrary, authorities at Fort Detrick reported the case to the State of Maryland on November 6, 1959, and the State of Maryland is the appropriate channel for report to the World Health Organization. Furthermore, details of this case were published in Annals of Internal Medicine 56(5): 789–800, May 1962, or 7 years before the false congressional charge was made.

The alleged victim was interviewed by a member of the press in November 1969 and the victim had nothing but praise for Fort Detrick and said that, if anything, instead of having a lack of safety precautions, officials at Fort Detrick overemphasized their safety program.

A series of articles on Fort Detrick was written by Richard Lebherz and appeared in the Frederick, Md., Post during the period of November 3 to 17, 1969. I ask unanimous consent that the last of the series of the five articles be placed in the RECORD at the conclusion of my remarks and I call attention to a statement by the writer in that article that—

This is merely one of a hundred examples of completely false information being made by reputable people against the biological research program. So far, there have been very few who will refute this false information, or who will present another side of the coin. Of course, from the Department of Defense comes only silence.

This lack of courage on the part of the Department of Defense to defend its maligned programs and personnel is shocking. It is a sad commentary that an outsider like Mr. Lebherz has to take the initiative to get the truth to the public and try to get fair play for the program and personnel at such activities as Fort Detrick. It is refreshing, however, that in this instance there is the contrast of the news media defending the military rather than maligning it.

Critics, false accusers, and enemies of Fort Detrick to the contrary, Fort Detrick has an enviable safety record. I cite the summary by Dr. A. G. Wedum, Fort Detrick director of industrial health and safety, made as of May 1, 1970.

Not only does Fort Detrick have an enviable safety record but, as well, an outstanding record of contributions made to Science and the Public Welfare. During my visit on April 29, 1970 to Fort Detrick, I requested a summary statement on this matter. In response I received a summary memorandum dated May 5, 1970. I ask unanimous consent that it be placed in the RECORD at this point.

Mr. President, I am sick and tired of the constant maligning campaign of derogation and false accusations against military personnel, establishments, facilities, and programs. The Fort Detrick case is but one example of this pattern.

But I am even more appalled at the failure of the top officials of the Department of Defense to defend dedicated personnel and to vigorously refute the false accusations made. The timidity and the half-heartedness of the Pentagon to defend its people is enough to make our military personnel sick at heart and leave the service at the first opportunity.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SUMMARY: SAFETY AT FORT DETRICK

MAY 1, 1970.

1. No open-air testing of infectious or toxic biological material is, or ever has been, done at Fort Detrick.

2. No member of the general public has ever been infected as a result of Fort Detrick's experiments.

3. Transportation: There never has been leakage of infectious or toxic biological material in the BW program, during a shipment by Army, Navy, or Air Force, by commercial or military transport. The rough handling test standards, for qualification of packaging for shipment, exceed the requirements for packaging of any other dangerous material; the only closely comparable standards are those for radioactive materials.

4. Laboratory Infections:

a. Since December 1965 there have been no hospitalized laboratory-acquired illnesses; during this time there were 9 minor non-disabling infections.

b. During 1943 to date there have been 422 laboratory-acquired infections at Fort Detrick. Among these, 27% had such mild illness that hospitalization was not required.

c. The 3 deaths (Anthrax 1951, 1958; Bolivian hemorrhagic fever 1964) among the 422 cases represent a mortality rate of 0.71%, which compares favorably with the 4.2% deaths among 3178 cases revealed by a Public Health Service-supported survey (Sulkin-Pike, U. Texas, 1969). Among the 3178 cases are 389 reported by Fort Detrick.

d. The man with pneumonic plague in September 1959 did not die as stated by a member of Congress in a public broadcast 3 May 1969. The case *was* reported 6 November 1959 to the State of Maryland, which is the appropriate channel for report to the World Health Organization.

e. As regards Rocky Mountain Spotted fever in Maryland, Governor Marvin Mandel announced 12 August 1969 that the increased incidence was not related to research at Fort Detrick.

f. Examination of National Safety Council figures for rates of disabling (lost-time) injuries per million civilian man-hours worked shows that the Fort Detrick rates from 1960 to the present time are equal to or better than any all-industry average, are 8 to 14 times better than for all civil service employees, and are 20 to 50 times better than many industry averages.

A. G. WEDUM, M.D.,
Director, Industrial Health and Safety.

CONTRIBUTIONS BY FORT DETRICK TO SCIENCE AND THE PUBLIC WELFARE

MAY 5, 1970.

HON. MARGARET CHASE SMITH,
U.S. Senate,
Washington, D.C.:

As promised during your 29 April 1970 visit here, a summary statement has been prepared that provides for you *selected examples* of Fort Detrick's contributions to science and the public welfare.

Scientific Publications.—Since the end of World War II, when the wartime restrictions on publications were removed, the scientists and engineers of Fort Detrick have published more than 1,450 individual contributions to the scientific literature. These have described the results of research investigations in the biological, chemical, medical and plant sciences; and in the various engineering specialties.

Scientific Symposia.—As one of this nation's largest biological research centers, Fort Detrick has sponsored six scientific symposia in the last decade. Each of these provided a contemporaneous and authoritative assessment of an important scientific topic.

Vaccine Development.—Our research program has developed three vaccines: A pentavalent toxoid for botulism (a form of food poisoning), a cell-free antigen for anthrax (so-called "wool sorters disease"), and a live vaccine for tularemia (also known as "rabbit fever"). Each of these biologicals initially has been extensively studied, and its potency and efficacy proven in experimental animals. Subsequently, they have been administered to man under well-controlled conditions, and found to be clinically acceptable and efficacious. For the latter two of these products (the anthrax antigen and the live tularemia vaccine), their evaluation in man has been accomplished in collaboration with the National Communicable Disease Center, U.S. Public Health Service, and with clinical investigators at the Medical Schools of the Ohio State University and the University of Maryland. Prior to the above-mentioned developments, effective protective agents for these diseases were not generally available.

Investigational Vaccines Program.—Once the Fort Detrick anthrax antigen, pentavalent botulinal toxoid, and live tularemia vaccine were developed, their characteristics became known to professional people in the health sciences, and repeated requests were made to Fort Detrick for supply of these materials to be administered to individuals at risk at universities, research institutes, diagnostic laboratories, and industry. After an initial period, during which Fort Detrick filled these requests if made by qualified physicians, the continuing problem of providing infrequently used immunizing agents that are not available commercially was reviewed with the National Communicable Disease Center's Advisory Committee on Immunization Practices. As a result, the Investigational Vaccines Program was established at the National Communicable Disease Center to provide such biologicals, and Fort Detrick supplied to that program its initial inventory of vaccines. Thus, these three products originally developed because of the defense interest of the Military Services are now available to the public at large.

[From the (Frederick, Md.) Post, Nov. 17, 1969]

FORT DETRICK: A SYMBOL OF CRISIS—NO. 5—COULD BIOLOGICAL WARFARE BE A SCAPEGOAT?

(By Richard Lebherz)

There are some scientists and researchers and even some Army personnel, who believe

that the biological warfare research and development program is being used as a scapegoat by the Department of Defense. Could this be true?

They reason this way: there is currently great public and political pressure being brought to bear on Congress to cut the budget of the Department of Defense for this coming year, in order to alleviate public resentment against that Department arising from the unpopularity of the war in Vietnam. Could it be that the biological warfare program is being used as a convenient sacrificial lamb, to placate those pressures?

In other words—some would suggest—if something has to go, let it be the chemical or biological research programs rather than, let's say, the equally controversial ABM system. After all, there seem to be no religious or political sects protesting against the use of the ABM system, but there are apparently quite a few protesting against CBW.

Out of the 90 billion dollars allotted last year to the Department of Defense by Congress, only about 20 million of it filtered down into the biological warfare research program—less than one-fortieth of one percent of the total defense budget. The assumption might therefore seem to follow that germ warfare is not really considered all that important. Then the next question we clearly must ask ourselves is simply this: is it or isn't it that important to our national defense and the security of the country?

When I was asked to do this series on Fort Detrick, my immediate action was to reject the idea, for several reasons. The principal reason was simply that I was quite aware of the emotional and moral reaction in certain segments of the public whenever the terms "Detrick" or "germ warfare" are mentioned.

I also knew it to be true that having the military post in our midst here in Frederick did offer the community obvious financial rewards, and to criticize it might conceivably jeopardize those rewards. Hadn't Seymour Hersh in his New York Times article of Oct. 18th all but affirmed that the reason for this coming together of the two communities, Detrick and Frederick, was a deliberate effort on the part of the Fort to diminish the resentment that the citizens of Frederick might harbor against biological research and the men who were part of it? This, however, I did not believe to be true when I read the article, nor do I believe it to be true now.

If the people of Frederick have accepted the members of Fort Detrick into their society, and vice-versa, it is principally because they like and enjoy each other as friends and fellow members of the community. If there are friendships in Frederick between Fort Detrick personnel and the rest of us, it is in spite of, and not because of, any resentment that may surround biological research.

I, too, had read Seymour Hersh's book, "Chemical and Biological Warfare, America's Hidden Arsenal." I, too, had heard on TV of the alleged horrors confronting us all in case a biological attack should get out of hand. Yet, I must confess, at the same time I wondered to myself if it were possible that all of these implications and accusations were really true, or if there were not more to the question of whether we should continue with a biological research program. Were there other sides to the question, I wondered, that we didn't know anything about? Would I be able to overcome a natural instinctive reaction against that kind of research in order to look at the problem objectively and dispassionately?

Like general public, I realized that I really knew very little about the whole subject. I had a moral and emotional reaction against it, just as the general public did, but this series, I decided, might give me a first-hand opportunity to assess the situation, and to answer, if possible—not only for myself, but for others as well—some of the confusion about exactly what does go on at Fort Detrick, and what the men were like who worked there.

Now, after having completed this series, I am firmly convinced that the basic problem that exists at Fort Detrick, insofar as presenting to the public important facts about biological warfare is concerned, does not originate within the Fort itself. It is much more involved and complicated than that. In fact, what is happening at Detrick is, I believe, the same major problem that confronts all Americans today, in regard to the role of the Department of Defense in our lives, and the lack of information about that role that is being provided to Americans, so that they can better comprehend and judge the need for this work.

It is always a frightening and dangerous course for a government to lose contact with the people who support it. It is even worse when a government misjudges or thinks the public inadequate to share with it the problems that they are facing. For it is the government's proposed solutions to these problems that the public will not only have to pay for, but whose consequences they will also have to bear in the future.

I believe that this is not only the crisis at Fort Detrick, but it is just as true of our present confused position with regard to the war in Vietnam. It is just as important for a country to understand and support a biological research program as it is to understand and support a war in which they have become engaged. I think both of these areas have never properly or realistically been explained to the American public, and this is why both areas have become symbols of crisis in our time.

For the past several decades, it has been indeed clear that the Department of Defense, together with the CIA and the State Department, have presumably felt that the American public is either insufficiently intelligent or politically knowledgeable to become a part of the decision-making that unquestionably involves the future of the American public and of the nation itself.

Yet this American public has been asked to go on paying taxes, which are increasing more and more each year. But we are apparently not supposed to ask where those funds are going and for what purpose. The American public has been asked to finance wars whose objectives have become less and less understandable to the people who constitute this Nation. Year after year, we send Congressmen and Senators to Washington, sending them on our behalf, in order that they may participate in major decisions that will guide us and our nation into the future. Only, as we come to realize in many cases, they sometimes know even less than we do.

I believe that it is essentially this feeling of isolation that is occurring between the American people and their government in Washington, this ever-widening feeling, that has caused this unconscious resentment to be deflected from the government itself, the silent Department of Defense, the CIA, and the State Department, and has in fact deflected that unconscious, ever-growing resentment in the direction of chemical and biological research programs, as a substitute for other frustrations in the world of today.

I believe this resentment to be out of all proportion to the realities of the situation, and I believe this resentment to be dangerous, because it is purely a moral indignation focusing on the smaller areas and not on the whole. It is a personal, misplaced resentment that has no place in deciding analytically and rationally what policies we should develop and maintain with regard to protecting this nation.

There is really only one valid reason, in my opinion, for America to decide either to continue or to end chemical and biological research and development programs, and that reason should be a realistic one. Can we afford not to continue these programs, in the face of the evidence that exists and confronts us about other nations, whose research exists and continues daily? That surely is the one and only realistic question to be asked, and it ought to be answered honestly, objectively, and factually, not morally or emotionally. It is my hope that this series will contribute in some way toward the answering of that question.

Unfortunately, not only has this resentment been reflected in the public's confusion but there is ample evidence that the Press has also been affected by it as well. There seems to be an automatic reflex reaction by newspapers and magazines, that biological and chemical warfare are the villains of the peace. Incidentially, who makes our tanks, I wonder? Who builds our bombers? Whenever you pick up an article these days about either of these research areas, you can be certain of the usual one-sided viewpoint that appears to be most acceptable these days.

This dangerous attitude has encouraged Congressmen and others to assume that what the press publishes is necessarily correct, that there are no other interpretations to be made, no new information to be offered, no new viewpoint to be rendered for the public's consideration.

Congressman Richard McCarthy (who has literally toured the country in his role of protecting the world against germ warfare), recently recorded a radio show in New York entitled, "From the People," May 3, 1969. The program was produced by United Press International. There were several panelists involved. Here is one of the question asked the Congressman:

"In your investigation, what would you say is the chance of an accident occurring in the U.S. within our research program?"

(Whatever investigation the Congressman has made, it never included an actual visit to Fort Detrick in person, to inform himself from competent sources, We must assume, then, that his remarks are deducted from what he has read about Detrick from secondary reports, stories, briefs, etc. And his deductions are confused.)

His reply: "The accident record is not very good at Fort Detrick. For instance, we have had thousands of infections of people working in all these exotic and deadly diseases, like the plague. One case, where a person who was there at Fort Detrick also was a life guard, and he caught the plague."

(There is absolutely no truth to this statement about thousands of infections being caused by all these exotic and deadly diseases, by the way. The security measures at Fort Detrick are so strict and intricate—and in fact so successful, overall—that many of the scientists and researchers working there complain about measures taken, and how it actually hampers rather than facilitates their work.)

"What happened to him?" asks one of the panelists.

"Well," replies the Congressman, "he caught the plague, which is a very deadly disease, and he ultimately died; and that incident was never reported to the World Health Organization."

Now, this is a Congressman speaking. We assume that men in Congress ought to know what they are talking about, especially if they are going to speak from an authoritative position. People hearing him make a statement like this one about Fort Detrick have no way of knowing that he is very badly misinformed about the life guard that he says caught the plague and died of it.

The lifeguard about whom the Congressman is speaking with such assurity was Ralph L. Powell. It may come as a shock to the Congressman, but Ralph Powell is not dead in the least. He is well, and he lives in Wilmington, Delaware. In fact, I spoke to him on the phone just last week.

True, he did catch the pneumonic plague,

yet having gone through such an experience, he had this to say of Detrick:

"If I had had more than a BS degree, I'd have asked to stay at Detrick as a research chemist. But I didn't have one, and I had to earn money immediately, so I had to look elsewhere for a job."

"Did you ever find that there was a lack of safety precautions at Fort Detrick?" I asked him.

He laughs. "If anything," he replies, "their safety program is a little ridiculous. They over-emphasize it."

"Is it true that your case was never reported to the World Health Organization?"

"Not a word of it. Why, I have newspaper clippings from all over the world about my case. It never was kept a secret. Of course they knew about it."

This is merely one of a hundred examples of completely false information being made by reputable people against the biological research program. So far, there have been very few who will refute this false information, or who will present another side of the coin. Of course, from the Department of Defense comes only silence.

I finally made an appointment with a high official at the Pentagon, in order to tell him what I felt was happening to the morale of the men at Detrick, and to ask that $64,000 question: Why hasn't the Department of Defense ever come to the rescue whenever Detrick is being maligned?

"Well," he says, with a patient smile on his lips, "we don't want to get mixed up in it. It's best just to remain silent."

"Couldn't you simply release the truth?"

"No," he says, "it's best just to remain silent and stay out of it. No one would believe us, anyway."

And there it ended.

There was one other main point that I wanted to clear up with regard to the necessity of having to continue the biological and chemical programs, and that one point could not be answered at Fort Detrick. One of the prime reasons for the continuation of CBW programs, says the Department of Defense, is because other nations are doing the same thing.

Since Japan, West Germany, and the Soviet Union, as well as England, are also carrying on research and development in CBW, I sent out more or less the following letters to the Ambassadors of each of these countries:

"Due to the recent interest in Chemical and Biological Warfare, both on Capitol Hill and in the newspapers, the above newspapers have asked me to do an in-depth series on the subject in relation to Fort Detrick, which is a part of our community.

"Since the Department of Defense uses as a basis for its continuance of this investigation the fact that your country is involved in the same investigations, I wonder if it might be possible either to discuss this with you or have a statement on the subject with regard to what your country's position is in this area. It would seem an advantageous opportunity to clarify your country's position one way or the other."

The Embassy of Japan was the only one to reply.

"The basic position of the Japanese Government on chemical and biological warfare may be summarized as follows:

"1) We should prohibit not only the use of chemical and biological weapons but also their development, production and stockpiling, since the effects on mankind of the possible use of these weapons might extend over a long period of time.

"2) The Japanese Government wishes to exert its utmost efforts to bring about an early and effective elimination of these weapons.

"We are of the view that it seems to be more appropriate to tackle biological and chemical weapons together rather than separately, despite the difficulties in verifying the production of chemical weapons as well as in determining the scope of the chemical agents to be prohibited.

"3) Although the Japanese Government has acceded to both the Hague Declaration of 1899 and the Convention of Land Warfare of 1907, it has not yet ratified the Geneva Protocol of 1925. Since the Geneva Protocol prohibits only the use in a war and of the weapons in question, without touching the production and stockpiling, and since different opinions exist as to the interpretation of its coverage, it is not a fully satisfactory international instrument.

"If, however, we should find ourselves in the unfortunate situation that an agreement to prohibit completely both chemical and biological warfare weapons cannot be concluded in the near future, the Japanese Government would be prepared to consider the ratification of the Geneva Protocol."

I have never received a reply from either the Soviet or West German Embassy.

It has not been my personal intention of taking a position in regard to Fort Detrick and its continuation of biological research, except to try to be as objective as I can be. My conclusions may not be objective in the least. What I have tried to do with this series was to bring to public awareness facts and information that the people might not have been made aware of—like the alarm system, which seems to me to be of the utmost national importance. I wanted to show that men were not being either forced or induced by financial rewards into becoming human volunteers in the Medical Unit. I wanted to point out that when human beings are used in experiments, only the highest ethical standards are utilized. I wanted also to bring out the fact that while we keep hidden factual information about biological warfare from the public, the Soviet Union educates its public to be aware of it, and how to defend themselves against such an attack.

But I think more than all the rest, it seemed to me that the men who work in Detrick each day, who potentially risk their lives in experiments that will have beneficial effects in our lives, that these men, lest we forget, are Americans. They are sincerely convinced that they are fighting, in their own way, to protect our country against a common enemy just as much as any soldier in Vietnam. True, there is no enemy at our shore, as yet, but they hope that if one ever comes, they will have helped this nation prepare for that attack.

Then, finally, I came up with this thought, this summary of what I may have learned out at Detrick:

The manufacture of ammunition, of tanks, of hydrogen bombs, and research and development for chemical and biological defense are not the causes of wars—they are the symptoms of that cause, in order to evaluate the impulse for war in man, you don't banish the symptoms without first discovering the cause, nor will such an effort be successful. It may very well be that the cause is no longer related to the symptoms, and that man is destroying himself and the world he lives in needlessly, due to some primitive, deeply-hidden mechanism he no longer needs to employ. Until man can discover that cause, however, we will continue to live with the symptoms, and perhaps mistakenly read the symptoms as the cause—a mistake man may come to understand one of these days, and thereby end that urge that is as deeply rooted in his soul as is the need to protect.

Therefore, in my view, ending chemical and biological research in the United States would merely be banishing the symptoms. There is obviously only one place for each of us to look for the causes of war, and that is within ourselves.

THE F–4—THE LAST AIR SUPERIORITY FIGHTER ACCEPTED INTO AIR FORCE INVENTORY SINCE 1958

Mr. GOLDWATER. Mr. President, it was in 1958 that the last air superiority fighter was accepted into the Air Force inventory, and that was the F–4. It has performed an admirable and outstanding job for the Tactical Air Command in both air-to-air combat against Migs and in interdiction and ground support.

During this same span of time the Soviets have introduced at least five interceptor types, all capable of higher speeds than the F–4, and all of these models are highly maneuverable posing a real threat to our pilots.

In December 1969, after 5 years of study, the McDonnell Aircraft Co. of St. Louis was awarded a contract to build a new air superiority fighter which we call the F–15. Even though this aircraft is badly needed by our Air Force, the members of Congress for Peace Through Law are proposing to cut $185 million from the budget covering research, development, testing, and engineering. This I call shortsightedness at its worst, but then the whole effort of this group ignores completely the need for an adequate defense of our country. I intend to discuss the F–15 more thoroughly in the coming debates, but I found an article in "Aerospace Safety" that points out some of the advantages in the F–15 and its system's safety. It was written by Maj. Robert M. Greene, Directorate of Aerospace Safety. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE F–15 AND SYSTEM SAFETY

(By Maj. Robert M. Greene)

Last December after more than five years of studies and intense competition, the McDonnell Aircraft Company was awarded the contract to build the F–15 air-superiority fighter for the Air Force. Pratt and Whitney is building a brand new afterburning turbofan to power this twin-engine airplane. This will be the first new fighter aircraft for the USAF since the F–4 and the first USAF fighter designed specifically for air superiority in almost 20 years.

With very few exceptions, Air Force pilots have always been at a disadvantage in thrust-to-weight ratio, turning ability, and some of the other performance factors that are important in a technically unexcelled "air superiority" fighter. In World War II, the *Thunderbolts* and *Lightnings* were technically out performed by some of the lighter, faster enemy aircraft. In Korea the F–86 came close to matching MIG–17 performance but was still on the short end of the stick. In the air war over North Vietnam, our F–4s and F–105s were still outperformed by the MIG–17s and MIG–21s when it came to the classic "turn and grunt" rat race. Nevertheless, from World War II through Korea to Vietnam, the American airman has compiled an impressive record of kills which stands as a tribute to his training, skill, courage and determination. This individual excellence has masked the aircraft performance edge that has generally gone to the enemy.

But the F–15 brings a new era to air superiority. The American pilot will have a greater thrust-to-weight ratio, lower wing loading, better cockpit visibility, and better

armament (including the SRM or "dogfight" missile) than any aircraft possessed or forecast for the "threat" powers through the 1980s.

For the first time, the American fighter pilot can go into combat in a machine that will outturn and outshoot his opponents.

How are we going to build an aircraft like this? It didn't just happen. It has taken years of agonizing effort by some of the best people in the Air Force. These people realized that we could not build an "all things to all people" aircraft and have a true air superiority fighter.

The concept of energy-maneuver-ability has been very diligently applied to this aircraft. Consequently, weight has been kept to an absolute minimum, as has the gadgetry and systems that inevitably try to attach themselves to any system.

Performance is not the only aspect of F–15 development that has been considered. The reliability requirements established for the F–15 are more stringent than in any previous fighter. Avionics, airframe, and armament systems reliability requirements have necessitated a new approach. System/cost effectiveness procedures have been applied to evalulate the functions of the total system, insuring that each function and each component are combined to produce the best weapons system for the dollars expended. In addition, the total cost of the F–15 weapon system has been under continuous scrutiny, so several features which would increase the system's overall effectiveness have been eliminated due to the austere funding environment.

Survivability/vulnerability (S/V) is receiving more emphasis than ever before. Our S/V lessons from the war in Southeast Asia are being applied to the F–15.

Extra attention is being given to the all important maintainability of the F–15.

These are just a few of many specialized disciplines that are being applied to the F–15 and its engines. The final result of all these efforts that are being expended before hardware is produced should be a weapon system that will require fewer redesigns, modifications and retrofits, and less money spent as a result of ECPs than any other fighter aircraft yet built.

Pratt and Whitney is running a similar program on the design of the engine for the F–15. The designation for the engine, under the new system, is "F–100," of all things!

But one of the most remarkable managerial aspects of this program is the long range planning by the SPO to reduce the cost of the program by reducing the accident rate. Each year we waste millions of dollars by bashing aircraft all over the world. Aircraft and lives are lost due to many cause factors, including combat, weather, pilot errors, materiel failure, and a whole host of other miscellaneous reasons, some of which we have little or no control over. But a substantial number of aircraft (not to mention missiles, munitions and other equipment) are lost each year due to what we call *design deficiency*, and this is something we *do* have some control over.

Millions more are spent in the retrofit and modification of aircraft and other systems to eliminate design deficiencies. This is not to imply that aircraft designers are negligent. There are several reasons why safety critical design deficiencies appear in the final design of an aircraft. Some are as a result of the simultaneously increasing complexity and performance of our new aircraft. It becomes more and more difficult for a single individual to have sufficient visibility over the system to foresee all the design safety problems. Designers of individual components or subsystems do not always have the "big picture" as to how their designs integrate into the total system and interface with other designs. This has made it necessary to employ a formalized safety engineering program on our new systems. If the point is not yet made, then consider the fact that we do not have an aircraft flying today which has not undergone a major retrofit modification as a result of an accident or series of accidents!

So with this knowledge in mind, the managers of the F–15 program are requiring McDonnell and Pratt and Whitney to perform several different types of safety analyses on the design of the aircraft and engines. These analyses are directed toward eliminating the features in the design that could eventually cause an accident. This relatively new approach to accident prevention is called "System Safety Engineering." Although we say that it is a new approach, it has actually been applied to nuclear weapons since their beginning. And the record for nuclear weapons is impressive in that there has never been an accidental nuclear detonation.

The first time System Safety was applied to another type of system was with the Minuteman missile, and the reduction in accident rate for the Minuteman over previous missiles has been substantial. System Safety was first applied to an aircraft during the development of the C–5A and then later to the A–7D. As a result of the system safety analyses numerous safety deficiencies were corrected in both aircraft before the hardware was ever flown.

The basic philosophy behind the system safety approach is founded on the assumption that sooner or later parts will fail, maintenance personnel will perform improper installation or repair operations, and pilots will make mistakes in judgment, technique, etc. The system safety engineer asks, "What happens if one of these failures occurs?" The result is a list of hazards which are categorized as to consequence. A hazard that would result in the loss of the system and/or the crew is called a Category IV hazard. Hazards that *could* cause loss of aircraft and/or crew if rapid action is not taken are called Category III. Category III and IV hazards are eliminated by redesign, or warning or protective devices are provided or appropriate procedures are inserted in the flight handbooks.

Another area where more safety emphasis is being placed is in the "lessons learned" category. Data from previous accident experience has been analyzed as has AFM 66-1 maintenance data. Bad design practices which have caused hazards in other aircraft have been identified and steps are being taken to insure that these practices are not repeated in the F–15. In addition, these lessons learned are inserted into the AFSC Design Handbooks for future reference and use.

Here are just a few examples of hazards that already have been designed out of the F–15. Each of these hazards has caused the loss of several aircraft of a particular type and some aircraft types have suffered losses due to all of these hazards.

1. In case of flight control linkage disconnect or battle damage control surface(s) will fail to a nominally neutral position rather than to a full travel position.

2. In case of a jammed stick (tools/FOD in the works) stabilator control is still available through the command augmentation system (CAS) which is actually an electrical (fly-by-wire) connection between the stick grip and the control surface actuator. The aileron has a safety spring cartidge which allows control of one aileron, if the other is jammed.

3. The fuel system requires no management by the pilot except for drop tank selection.

4. Fuel lines are submerged in the fuel tanks, except where absolutely necessary for them to be outside.

5. The primary heat exchanger is as close to the compressor bleed air valve as possible. Air exiting the primary heat exchanger is below the autoignition temperature of aircraft fluids.

6. Most equipment and lines have been removed from the engine bay to reduce the possibility of an engine bay fire.

There are many more examples of hazards that are being closely watched in the design of the F–15, but these few illustrate the fact that more safety is going into the *original* design of an aircraft than we have ever had before.

Another significant requirement to be applied to the development of the F–15 is the construction of a mathematical model of the system. This model is a computerized representation of the F–15 that is used to evaluate the safety impact of changes in the design, to identify safety problem areas and to actually predict F–15 safety performance and accident rates. There are other mathematical models of the F–15, including a reliability model and a performance model. All of these models are put together in the system cost effectiveness model which predicts total system performance.

And speaking of predictions, the F–15 is the first fighter aircraft to have a contractual requirement as to accident rate. The requirement is directed toward the objective of achieving no accidents during the first 5000 hours of flying time starting at first flight. In addition, McDonnell has been given the goal of a maximum cumulative accident rate of eight per 100,000 flight hours at the 200,000 hour time point. This reduced accident rate is better than what could be expected from improved technology alone, and McDonnell is predicting that, with the rigorous application of system safety engineering, the accident rate goal can actually be bettered.

System Safety is something that *will* pay off for the F–15. Our hardware is too expensive for us not to put a full time effort into a safety oriented design. So the young pilots coming up will enjoy a unique mating of two seemingly contradictory characteristics. They will truly be operating the world's best and safest fighter!

THE BIG THICKET: THE PRIMEVAL SHRINE OF TEXAS, A POEM BY CARLYSE BLISS

Mr. YARBOROUGH. Mr. President, the preservation of the wilderness land in southeastern Texas known as the Big Thicket is one of my major legislative concerns this session.

Since 1966, when I first introduced a bill to create a national park, I have urged the Senate to take immediate action on this unique forest wonderland in Texas. Once again, with the support of conservation and wildlife groups from my State and around the Nation, I ask for Senate approval of the bill S. 4, so that this Congress might set aside at least 100,000 acres of land in Texas as a Big Thicket National Park.

An excellent poem, entitled "Primeval Shrine," written by Carlyse Bliss, captures the essence of the beauty of the Big Thicket. The poem has appeared in "A Book of the Year, 1970," published by the Poetry Society of Texas. The "Primeval Shrine" has won the Francis E. Abernathy Award of the Poetry Society of Texas for a poem whose intent is to plead for the saving of the Big Thicket. Furthermore, these verses of Carlyse Bliss are, in part, the introduction to Lois Williams Parker's "Bibliography of the Big Thicket." I ask unanimous consent that the poem be printed in the RECORD.

There being no objection, the poem was ordered to be printed in the RECORD, as follows:

PRIMEVAL SHRINE

(By Carlyse Bliss)

Big Thicket is our state's primeval shrine,
Prismatic colors paint the season's scene in
leafy patterns—picturesque design—
Smooth shades of peas, and pine, and muted
green.
For this is freedom in its simplest form,
Where wild things thrive, partake of what
they have:
A tree is shelter from the sun and storm,
A stream is where all creatures lap and lave.

The chaparrals and baygalls shield the deer,
And close in fawn, bear cubs, and other
young;
The barriers of briers fence out fear,
Blithe hearts hold all songs that birds have
sung.
O leave God's creatures this last place that's
free
From worry, want, and dread of you and
me!

ADDRESS BY SENATOR COOK BEFORE LAW ENFORCEMENT OFFICIALS

Mr. PERCY. Mr. President, on August 12, I had the privilege of hosting a conference for 80 law enforcement officials from the State of Illinois. As part of the conference, my good friend the distinguished junior Senator from Kentucky (Mr. COOK), addressed the gathering and, if you will excuse the expression, he "stole" the show.

One of the reasons he stole the show was that he revealed again his sensitive regard for the enormous pressures being placed today on our policemen. The conferees knew almost from the moment Senator COOK assumed the podium that he had firsthand knowledge of their problems. And their intuitions proved accurate; for some 7 years just prior to being elected to the Senate, Senator COOK served as a county judge, having direct administrative responsibility for a 300-man police force. He knows the demands, he knows the pressures, he knows the sacrifices required, and he knows the enormous personal courage needed to take to the streets day after day.

Another reason why Senator COOK so impressed the conferees was that he demonstrated again both his deep personal desire to find the means by which crime can be brought under control and his commitment to stay within the confines of the Constitution in legislating and administering the law. He conceded early that the points of law may often be unclear as they pertain to specific, on-the-street situations, but urged that it must be every policeman's desire, as it must be every Congressman's desire, to adhere to the law as interpreted and handed down by our courts. Those who are charged with enforcing the law must abide by it, if anyone else is to be expected to.

Mr. President, Senator COOK was invited to address the Illinois Conference on Law Enforcement and Individual Rights because, as his Senate colleague, I have grown to respect and admire his understanding of the problems of crime control and his work in the Senate in this area. I am grateful for the message he brought to the conference. I ask unanimous consent that his remarks be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LAW AND ORDER WITH JUSTICE

(By Senator MARLOW W. COOK)

Recently over 20,000 Kentuckians answered a survey in which they were asked to list the nine major domestic problems. Crime was first. Crime was first because crime affects almost every American.

In 1969, over 600,000 Americans were victims of crimes of violence—including 14,000 murders, over 35,000 reported rapes, nearly 300,000 robberies and over 200,000 assaults. Over four and one-half million Americans were victimized by theft. In the same year crime cost individuals and businesses over $31 billion.

In addition, every American whose local officials have been corrupted by organized crime, every American who pays higher prices because of racketeering and every American whose local taxes are raised for extra police protection is a victim of crime.

Every American woman who dares not walk alone, every American who flees our downtown areas at night and every American who double-locks and chains his door is a victim of crime.

That includes almost everyone.

But, as law enforcement officers, you know that. You know that the rapid increase of crime in our cities and states has deprived our citizens of their basic right to be free from fear. When this freedom is lost, our country is in serious trouble, and Congress must respond. The rampage of crime can be stopped now and I can assure you it is very high on our list of priorities.

President Nixon set the stage for a "War on Crime" in his State of the Union Message this year:

"If there is one area where the word 'war' is appropriate, it is in the fight against crime. We must declare and win the war against criminal elements which increasingly threaten our cities, our homes and our lives."

If we are to win this war which is tearing the fabric of our country, we must have new methods. Congress has and will be considering several bills which should make your job more effective.

Although crimes such as murder and robbery are essentially local problems, the federal government can play a large role in helping state and local agencies to coordinate their efforts. For example, Congress has felt it necessary to respond to the serious threat posed by the abuse of drugs. As law enforcement officers correctly analyzed, drug abuse is a root cause of many personal crimes. The Senate has recently passed an omnibus narcotics bill, the Controlled Dangerous Substances Act, which amends the narcotics laws to provide a new and comprehensive penalty structure. It also increases the scope of the warrant and arrest authority of agents of the Bureau of Narcotics and Dangerous Drugs.

This bill, of course, is just the beginning. Congress continues to be concerned. The use of dangerous drugs has permeated every level and age group in our society. The number of narcotics addicts in the United States is now estimated to be in the hundreds of thousands. I am alarmed that this includes children who are being introduced to the deadly habit in the hallways of our schools. While we must provide stiffer penalties for all pushers, those who ply their wares to innocent children must receive the stiffest possible penalties. I was glad to note that the Dangerous Substances Bill provides additional penalties for those who sell to minors.

As you are well aware, the addict's complete dependence on narcotics drives up the daily cost of his habit and he must commit crimes in order to support it. The alarming increase in street crimes in recent years is due in large part to the narcotics addict. I am firmly convinced that we cannot halt the crime wave until we provide stiffer penalties for the pusher, and better treatment for the addict.

Organized crime has gone hand in hand with drug abuse in permeating every segment of life. Certainly, I think you would agree, this is one area that cannot be tackled by local law enforcement officials alone. Individuals, businesses and communities all across the country are affected—yes, even controlled—by organized crime. The imprisonment of one Mafia leader or the breakup of one loan sharking operation does not bring to a halt the crushing power of the criminal syndicate. It continues to terrorize individual citizens who are too weak to fight the gangsterism of a powerful international organization. But the United States government *cannot* and *must* not be intimidated by the criminal syndicate. The federal government has taken one lesson from the syndicate. They have organized. The Justice Department has organized, state, local and federal agencies to fight the destructive and tragic effect the Mafia has had in America. You, as representatives of local law enforcement agencies must join with Congress and the Justice Department in a concerted effort to eliminate organized crime once and for all.

The Administration and Congress are urgently aware of this problem and have pledged the necessary funds and manpower to attack the Mafia. In his drive against syndicated crime President Nixon has moved to expand the efforts of the Organized Crime and Racketeering Section of the Justice Department which has been woefully understaffed. In addition, new strike forces have been created. This technique brings together a team of federal agents from a variety of agencies under the direction of the Organized Crime Section. The Organized Crime Control Act of 1969, which passed the Senate and is now pending before the House, embodies the President's recommendations on syndicated gambling, the protection of witnesses against organized crime and the regulation of litigation seeking to suppress the infiltration of legitimate organizations by racketeers. The criminal syndicate is probably the most difficult problem our law enforcement officers have to face. But Congress will, I am sure, do its part in authorizing the necessary funds and manpower to get the job done.

As you probably are aware, one key way in which Congress has responded to the needs of local police agencies is the Law Enforcement Assistance Administration. This agency administers block grants to states to finance anti-crime programs. This year Congress appropriated $268 million for L.E.A.A., an increase of $205 million from 1969. According to the Justice Department the bulk of these funds has been spent to hire and train police personnel and acquire new equipment.

These are just a few of the programs Congress has authorized to deal with crime. Authorizing such programs is not always easy because of the careful consideration we must give to the effect they may have on individual rights. While we want to stock our law enforcement arsenal with every legal weapon, we must never authorize any device which infringes on our basic individual liberties. Our freedom of privacy and freedom from governmental invasion simply cannot be abridged. The example which comes most readily to mind is the D.C. Crime Bill which recently was enacted into law over objections of a number of Senators. While the bill contained a valuable and desperately needed overhauling of the court system in the District of Columbia, the no-knock and preventive detention provisions so flagrantly violated Constitutional principles, I could not vote for the bill. I find it ironic that Congress

was willing to take from the people of the District of Columbia a right which we fought the Revolution to secure—the right of privacy in the home. I agree with Senator Ervin, the leading opponent of the bill, who said that that right is a basic liberty worth preserving from encroachment. I remind you in *Ker vs. California,* eight of the sitting Supreme Court justices, agreed that the obligation of an officer of the law to inform the occupants of the house of his presence and purpose constitutes an integral part of the Fourth Amendment. I am aware that we must find ways to prevent valuable evidence from being destroyed. But these means cannot invade the liberties guaranteed by the Constitution.

The D.C. Crime Bill also contained a legislative attempt to deal with the problem of crimes committed by defendants out on bail. The bill enables a judge at his own discretion to jail an individual who may be a danger if released. Like the no-knock provision, I felt preventive detention contravenes the Constitution of the United States. The main objections advanced by opponents are that the right to reasonable bail is abrogated and the guarantee of due process is denied. Gentlemen, you undoubtedly know that these two essential freedoms are assured Americans by the Fifth and Eighth Amendments.

The problems created by crime are great and frightening and in an attempt to solve them, we may on occasion pass laws which are unwise or impractical. But Congress must never consider laws which are unconstitutional. In protecting every American's right to be free from fear, we must also protect his right to be free from governmental invasion of privacy.

I believe Congress has had more success with the conflict between improving crime control and individual rights in its fight against obscenity. As the father of five children, I am deeply troubled by the salacious advertising minors receive in the mail. While I firmly believe the right to free speech includes the right to read what you choose, I do not believe it includes the right to mail unsolicited pornographic materials to our children. I am sure some of you have received calls from justifiably irate parents whose sons or daughters have received this filth. They will be glad to know that Congress is also troubled by this criminal activity and is considering ways to prevent this trash from reaching the mailboxes of our youngsters. The Juvenile Delinquency Subcommittee, of which I am ranking minority member, is considering a bill which would prohibit the use of the mails for the transportation of unsolicited obscene materials to minors. I co-sponsored that and two other bills designed to strengthen the obscenity laws without trampling on individual freedoms. I, for one, do not intend to let these smut peddlers make a profit from the innocence of our children, and I believe there is a way to do this without violating the First Amendment.

I can assure you that Congress is alarmed by the crime wave sweeping our country and recognizes the obstacles that must be overcome to end it. We appreciate the virtually impossible job that faces our understaffed and overworked law enforcement agencies. We are ashamed that you are the subject of much undeserved abuse and humiliation from a minority of our young people. We are concerned that our jails are overcrowded and our court dockets are filled. We worry that many of our citizens are either apathetic or unaware of the widespread operations of the syndicate. But at the same time, we must not allow our zeal in fighting crime to cloud our judgment and destroy our basic liberties.

Ending our crime problem will not be easy. It cannot be done by Congress alone. It cannot be done by the Justice Department alone. It cannot be done by local agencies alone. But, I am convinced that together we can reduce the crime rate. Then, once again America will be a place where freedom from fear is a reality.

ADDITIONAL DEATHS OF CALIFORNIANS IN SOUTHEAST ASIA

Mr. CRANSTON. Mr. President, between Monday, June 29, 1970, and Monday, August 17, 1970, the Pentagon has notified 58 more California families of the death of a loved one in Vietnam and Southeast Asia.

Those killed—

Capt. David W. Ayers, husband of Mrs. Linda M. Ayers, of Santa Susana.

L. Cpl. John F. Barnett, husband of Mrs. John F. Barnett, of Oxnard.

Sp4c. William R. Bonner, son of Mr. and Mrs. Roy D. Yarger, of Sepulveda.

Sp4c. Mark C. Brantley, son of Mr. and Mrs. Loyd F. Brantley of El Monte.

Sgt. Laurence G. Brown, son of Mr. and Mrs. Walter G. Brown, of Fullerton.

Sp4c. Mark J. Bush, son of Mr. and Mrs. Carl A. Bush, of Anaheim.

Sgt. James L. Campbell, son of Mr. and Mrs. James A. Campbell, of Northridge.

Sgt. 1c. Thomas A. Campbell, husband of Mrs. Sylvia A. Campbell, of Seaside.

Sp4c. George A. Capuano, son of Mrs. Ruth C. Capuano, of San Diego.

Gunner's mate guns 2c. William J. Cariveau, son of Mr. and Mrs. James L. Cariveau, of Santa Barbara.

Sp4c. Roger J. Carr, son of Mr. and Mrs. William F. Carr, Sr., of Fullerton.

Sp4c. Carlos Chavez, Jr., husband of Mrs. Dora A. Chavez, of Oxnard.

Pfc. Thomas L. Cusson, son of Mr. Henry J. Cusson, of Essex.

Sp4c. Manuel L. Dick, son of Mr. and Mrs. George Dick, of Coleville.

Pfc. Jerry O. Emerine, son of Mr. and Mrs. Elwood B. Emerine, of Benicia.

Pfc. John A. Garza, son of Mr. and Mrs. Candelario Garza, of Porterville.

Sp. Arthur F. Gleim, Jr., husband of Mrs. Dagmar E. Gleim, of Aptos.

Pfc. Steven T. Griggs, son of Mrs. Johnnie A. Trotter, of Atwater.

Sgt. Mervyn E. Hargraves, husband of Mrs. Kathleen F. Hargraves, of Santa Maria.

Sp4c. Frank S. Hernandez, son of Mr. and Mrs. Christino G. Hernandez, of Fresno.

Sp5c. John J. Hoover, son of Mr. and Mrs. Estle L. Hooper, of Ventura.

Builder 2c Nelson M. Hyler, son of Mr. Robert T. Hyler, of Monterey.

WO 1. Mark T. Jernigan, husband of Mrs. Andrea C. Jernigan, of El Centro.

Pfc. Greg Keller, son of Mr. and Mrs. Garland Keller, of Whittier.

Sp4c. Thomas D. Kloss, son of Mr. and Mrs. William J. Kloss, of Temple City.

Sgt. John A. Martinez, son of Mr. and Mrs. Elifieo Martinez, of San Francisco.

Sp5c. Larry J. Meador, husband of Mrs. Cynthia L. Meador, of Sacramento.

Pfc. Dale P. Meehan, husband of Mrs. Sherry D. Meehan, Edwards AFB.

Pfc. Wieland C. Norris, husband of Mrs. Melodye J. Norris, of Gardena.

Pfc. Jesus C. Nunez, son of Mr. Jesus C. Nunez, of Los Angeles.

Sgt. Richard M. Pearl, husband of Mrs. Felisa B. Pearl, of Sacramento.

Sp4c. Lawrence L. Petersen, son of Mrs. Dorothy A. Moseley, of Eldridge.

Capt. James A. Petrie, son of Mr. and Mrs. Michael J. Petrie, of Carlsbad.

Sgt. Thomas L. Poole, husband of Mrs. Christine L. Poole, of Hawthorne.

Pfc. Melvine L. Pullen, husband of Mrs. Winifred G. Pullen, of Santa Cruz.

Sp4c. Larry W. Rasey, son of Mr. and Mrs. Charles E. Rasey, of Taft.

Sp4c. William D. Rollason, son of Mrs. Janet D. Rollason, of Riverside.

Sgt. Donnie H. Russell, son of Mr. and Mrs. Euell L. Russell, of Tracy.

Pfc. David F. Santa-Cruz, son of Mr. and Mrs. Frank S. Santa-Cruz, of San Jose.

Sgt. William M. Scanlon, son of Mr. and Mrs. Hubert P. Scanlon, of Los Banos.

CWO Anto J. Schoepke, husband of Mrs. Judith A. Schoepke, of Santa Barbara.

Sp4c. William F. Settle, son of Mr. Foy L. Settle, of Richmond.

Pfc. Gareth M. Silver, son of Mr. and Mrs. James M. Silver, of Palo Alto.

1st Lt. Lauren W. Standring, son of Mr. and Mrs. Paul Standring, of Reseda.

Pfc. Curtis E. Stelzer, son of Mrs. Irene D. Stelzer, of Lodi.

Sp4c. Boyd A. Stephens, Jr., son of Mr. and Mrs. Boyd A. Stephens, Sr., of Mendota.

Pfc. Robert Velasquez, son of Mr. and Mrs. John P. Velasquez, of Los Angeles.

Sp4c. Michael P. Vullo, husband of Mrs. Kathleen C. Vullo, of Brea.

Capt. John L. Wadsworth, husband of Mrs. Elizabeth E. Wadsworth, of Claremont.

CWO2 Marvin L. Wagner, husband of Mrs. Barbara E. Wagner, of Sacramento.

Pfc. Robert W. Ward, son of Mrs. Geraldine B. Ward, of Concord.

Pfc. J. V. Watson, son of Mr. and Mrs. Jessie Watson, of Los Angeles.

Pvt. Thomas E. Watson, husband of Mrs. Katherine N. Watson, of Costa Mesa.

Sp4c. David G. Weber, son of Mr. and Mrs. Gerald A. Weber, of Chino.

1st Lt. Wiltse L. Weber, husband of Mrs. Lynda B. Weber, of San Luis Obispo.

Sp4c. Frank A. Webster, husband of Mrs. Alberta A. Webster, of Torrance.

Capt. David R. Weigner, husband of Mrs. Mary A. Weigner, of Santa Maria.

They bring to 4,193 the total number of Californians killed in the war.

APPEAL FOR STUDENT RESPONSIBILITY FROM NATIONAL TEENAGER OF THE YEAR

Mr. GURNEY. Mr. President, last May we witnessed a great expression of public sentiment against our cross-border operations in Cambodia. Much of this protest came from young Americans who at times demonstrated their criticism in an inexcusably irrational manner.

Such hysterical reactions to national policy decisions have prompted many American citizens to be skeptical of our institutions of higher learning and to be rightfully disturbed at the attitudes which appear to be nurtured on college and university campuses.

I would like to suggest that even at such a time of furious protestation, there were thoughtful, responsible students who were making intelligent comments

about the future of the Nation's university system. One of these young people was 18-year-old Ralph A. Penalver, the 1969–70 National Teenager of the Year.

Ralph lives in Miami, Fla.; he came to this country from Cuba in 1961. His selection marked the first time that an immigrant has been chosen as America's top teenager.

As the holder of this year's title, Ralph visited numerous campuses and talked at length with students, administrators, and faculty members. At the height of the dissent over our move in Cambodia, Ralph issued an appeal for an end to violence and a return to reason in academic communities. This perceptive editorial was aired over WTVJ, channel 4, in Miami. I ask unanimous consent that Ralph Penalver's remarks be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN OPINION FROM THE NATION'S NO. 1 TEENAGER

Each year, an outstanding teenager is selected from each state. From those winners a National Teenager of the Year is selected.

The holder of that title this year is a Miamian—18-year-old Ralph Penalver, a graduate of Christopher Columbus High School. He is now a pre-med freshman at the University of Miami. Penalver has been visiting dozens of campuses, speaking, listening and observing.

In view of the current turmoil in the nation's university system, we asked Ralph Penalver to present a guest editorial on the subject:

"Our universities have always been citadels of free expression and diverse ideas.

"During the past days, this freedom has been challenged by an authoritarian and powerful minority who have imposed their political beliefs on the majority seeking an education.

"Apparently, these groups of students have failed to grasp the purpose of a university.

"Debate, rational argument and free expression of all beliefs are the means by which we should find solutions to the problems we are facing. Violence from any source cannot exist in an academic atmosphere.

"We hear voices in the land expressing opposition without alternatives, finding fault but never favor; perceiving gloom on every side and seeking influence without responsibility.

"The time has come for intelligent, unemotional and responsible students to assume positions of leadership on our college campuses. We cannot tolerate a privileged elite destroying our educational system for their radical interests. Our universities, our institutions, are not perfect, but they are far too good to be destroyed and far too good not to be made better."

VISTA NEEDS FEDERAL BOOST

Mr. YARBOROUGH. Mr. President, since 1965 VISTA has sent thousands of young Americans and other concerned citizens into pockets of poverty in this country to root out the great injustices that afflict our poor. And though the program has had certain problems in the past few years, VISTA has brought to many of both the urban and rural poor a degree of the skills and capabilities prerequisite to the end of impoverishing conditions.

But now VISTA is in trouble. The President has failed to appoint a new director to run the program. Further, some 40 percent of the high jobs are either vacant or only temporarily filled. The failure of the White House in this regard to provide leadership and the apparent disinterest of this administration in rejuvenating VISTA's potential in the poverty-ridden communities have left the organization shaky, drifting, and weak.

The war against poverty, by far the Nation's weakest war effort, is not being won. VISTA needs to be bolstered and strengthened, not discouraged and diluted.

If the President of the United States sincerely does not want to be the first President in our history to lose a war to which the Nation has committed itself, I suggest that he take immediate steps not just toward the preservation of such efforts as VISTA, but also toward their intensification and growth.

Mr. President, I ask unanimous consent to have printed in the RECORD Colman McCarthy's article on page A18 of the Washington Post of July 27, 1970, entitled "VISTA and the Collision of Styles."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

VISTA AND THE COLLISION OF STYLES

(By Colman McCarthy)

Until a few months ago VISTA (Volunteers in Service to America) was a unified and quietly well-run program. Since 1965, it had sent thousands of young people—as well as many of the middle and older-aged who rejected life on a shelf—into the places and scenes of American poverty. Despite the corruption and sickness of the system, and the way it tempts violence as the only means of change, the VISTAs wanted to work peacefully within it. Unlike many government attempts at compassion, VISTA was based on logic: since we send Peace Corps volunteers to serve the world's poor on the other side of the oceans, why not do likewise for America's poor on the other side of the tracks? Ghettos are in Lima, Ohio, not just Lima, Peru.

For the most part, the VISTA volunteers—paid about $600 a year—did their work well, stayed a year, perhaps two, then left. The returns on their efforts were often small, if not immediately diminishing. But at least the poor knew that someone from the washed and fed world cared—personally and with no speeches.

Lately, VISTA, with some 4600 members, has been a shaky and drifting organization. Under new management since the Republicans took office, the goals and style of VISTA are now the subject of a bitter fight that has no chance of being settled with in-house grace. All in all, disputes where ideologies, suspicions and methods are the issue, and not facts, neither side is all wrong or all right. Predictably, the long-haul losers will be the poor, not that it is ever any other way.

On one side is a large group of volunteers—as many as 500—who are meeting this week under the name of the National VISTA Alliance. Smaller groups have already met in Chicago, North Carolina and elsewhere. Their feelings were summarized by volunteer Richard Roose, Burgaw, N.C., who recently wrote to this newspaper: "It has become increasingly clear that the administration has initiated a deliberate and subtle campaign to render the VISTA program ineffective or altogether nonexistent."

On the other side are OEO director Donald Rumsfeld, acting VISTA director C. R. Lane and the White House where the shots are called. Rumsfeld and Lane, who are approachable, have met with dissenting VISTAs, but usually the meetings turned into arguments, not discussions.

Specifically, the collision of styles within the program mostly involves three recent events, two of which verify the "new directions" called for. First, Rumsfeld has repeatedly said that he and his new team are now stressing non-controversial ways of serving the poor—no more "community organization for the sake of community organization." Instead of these supposed confrontation tactics, volunteers should be recruited for and perform specific service activities. Second, Rumsfeld decided in April to end draft deferments for VISTA. Third, the White House has been unable to find a man to run the program, as well as staff for some 40 per cent high jobs now vacant or temporarily filled.

On the first point—de-emphasizing community organization—both sides have viewpoints that are easily understood. As head of OEO for a year now, Rumsfeld has learned the bitter fact that much of his work is in battling Congress for money. Ironically, he must regularly explain and defend OEO decisions to the same wolf pack of critics in which Rumsfeld himself, as a Republican congressman, once bayed for OEO's hide. He is also pressured by the White House cosmeticians to spruce up OEO and make it presentable to the Republican constituency that likes its social change quiet and tidy.

Beause community organization has been the one way the VISTAs have riled many congressmen—who hear the gripes from the back-home politicians, merchants and voters who accuse the volunteers of "agitating"—Rumsfeld can now state that he is cutting out this part of the program. As Lane said recently, "we are looking for a new type of volunteer who will work within the system and lower the noise level." Rumsfeld knows he loses friends in VISTA with this talk, but he is betting he will gain them in Congress, source of the mother lode.

The volunteers, who deal with lives, not budgets, see it differently. They learn quickly that poverty is invariably political and unless you organize the poor to seize their share of the power, you are just passing out Anacin. You treat the ache but not the sickness. Sargent Shriver, who delighted in the courage of VISTAs when he ran OEO, regularly received complaints from governors and mayors about volunteers. "Great," Shriver would often say, "That's a sure sign the kids are doing their job."

Many examples exist of community organizing that had a high noise level but also a high effectiveness. In Lee County, Ark., Dr. Dan Blumenthal, a VISTA physician, helped organize a cooperative health clinic. Blumenthal believed that medical care should be given to the poor not on the basis of charity—"we treat our Negroes fine down here"—but as a human right. This wild thinking angered much of the local power structure. The resulting noise is the same kind the Nixon administration is apparently now trying to quiet.

Another volunteer, Craig Robinson, beat the system at its own game when he organized a group of coal miners in West Virginia in 1968. He told them they deserved something better than getting the shaft from the coal companies. The organizing begun by Robinson led to the black lung movement of West Virginia, which further helped in the forming of the Coal Mine Health and Safety Act of 1969.

The Arkansas Gazette on June 29 summed up in a perceptive editorial the importance of arousing the poor; too often, they are not aware of their political powers, having all their lives been systematically encouraged to believe that local government buttressed by local capital was looking out for the best interest of everyone . . . VISTA workers in some communities have simply made the local poor aware of

what they are up against and how the democratic process can be put to work for them, just as it has been used by the economic power structure." The Gazette concluded that "some of the most insensitive criticism of VISTA has come from those communities that most need the kind of 'agitation' they contend the VISTA workers bring." On balance, the program, "has served the country well, it still has a great job before it if the poor of the country are to bring themselves nearer to what is often called in administration circles the mainstream of American life."

In ending draft deferments for the volunteers, Rumsfeld was within his rights. He reasoned that deferments "increase the exposure of draft-age men from poor families" and therefore OEO should be against that. Rumsfeld later eased the decree partly allowing those who already had deferments before April to keep them. But henceforth all others would be vulnerable.

Rumsfeld's decision quickly became a symbol to many volunteers that their leader was not looking out for them. "It showed us," said Mike Fox, an organizer of the National VISTA Alliance, "just how letter-of-the-law the men on top can be." As for being a gesture to the lower-class and poor, it is questionable what the Rumsfeld decision means. A thousand or two more eligible draftees will hardly effect the pattern that the poor get drafted first and the affluent last, if at all.

The third reason for volunteer discontent—that VISTA is now in its third year without a director to run the show—means that morale suffers. Other agencies, like the FTC, can go on indefinitely without a leader, but one like VISTA, where the troops are in it for other reasons than job security and money, a popular and charging man out front is essential. But that's the trouble. The administration, say the activists, doesn't want someone popular and charging since he would only become another flame to keep the VISTA pot boiling.

What comes through from the current eruption is the needlessness of it all—as if suddenly there wasn't enough poverty to go around. The administration could easily have kept on the former VISTA director, Padraic Kennedy, who was experienced and fair-minded. But he was a Democrat, so he got the gate. On the draft, Rumsfeld could have avoided taking a stance. Peace Corps volunteers get postponements, why not VISTAs? Moreover, many think the nation should be grateful to young men who want to save America rather than saving Thieu and Ky.

On the final issue—organizing power blocs—Rumsfeld's "new directions" may be right after all, though in a way he did not imagine. Many of the more frustrated volunteers are seeing that VISTA is a waste of time. First, more than a few of the poor are so suspicious of the Nixon administration that anyone working for them, even in VISTA, is also suspect. Second, many volunteers are realizing that you can't effectively organize power in a community in just one year. A lifetime commitment is needed, not a short sabbatical from Scarsdale. In fact, if a volunteer were realistic, he would avoid the idea of community organizing on the simple grounds that he is still too green to take on the local power gang. Better to spend the year toward getting a medical or law degree, or entering politics, or acquiring a similar talent, so that when one does help organize the poor and take on a crooked establishment, his ideals will be backed by hard skills and roots.

There is nervous talk that VISTA has had it. The events of this week, and the reaction of the administration, will tell much. One thing is sure. If the current toning down of VISTA is meant to discourage the political activist from joining up, officials needn't worry. Activists do not join VISTA—they are made by it.

PORTLAND ECONOMIC WOES DESCRIBED BY NEWSMAN

Mr. HATFIELD. Mr. President, the Baltimore Sun recently published articles detailing the effects of the current economic slowdown in middle-sized cities across the country. Portland, Oreg., was one city described in a well-written article by Art Pine.

As I have stated many times before on this floor, our State's economy has been hurt greatly by the administration's economic policies. Mr. Pine puts this in succinct form. He states:

Over the past 12 months, Portland has suffered some wounds from each of the weapons in the administration's economic arsenal—tight money, defense cutbacks, business slowdown—and in the process, it has lost 15,000 of its 467,000 jobs. On the surface, the battering seems brutal.

I certainly concur with Mr. Nixon's goal of ending inflation in the United States. I think this excerpt from the article shows why I disagree with some of the President's particular steps in cooling the economy.

Every Oregonian with whom I speak describes its effects on him, his family, and his job, profession, or business.

Inflation must be halted. I will not repeat what I have stated before concerning the Vietnam war's economic effects, both in absolute dollar terms and in economic terms. Cutting our military budget also would cool the inflationary fires, as I said last week before the ABM vote.

I ask unanimous consent that this fine article by Mr. Art Pine, published on the front page of the Sun, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ONLY EXPORTS BOLSTER PORTLAND

(By Art Pine)

PORTLAND, ORE., August 16.—The economic slowdown over the past 14 months has hit this coastal city from all sides except the sea. Its domestic-tied industries—forest products, electronics, and metal-fabricating—all are down. The only figures to go up have been exports—and unemployment.

Since the administration began its cutbacks, the jobless rate here has virtually doubled, reaching a whopping 6.0 per cent last month. Two weeks ago, the Labor Department added Portland to its list of 23 veritable disaster areas. Thousands have been laid off.

Still, as is seemingly the case in most such communities, Portland's economists and business leaders are not yet ready to call it a real recession. "Things aren't good," one analyst here conceded, mulling over the unemployment figures. "But," he added, "they certainly have been worse."

Time was when this foothill-studded city of 378,000 depended almost solely on its lumber industry for economic sustenance. "When housing was up, Portland was up," one economist here recounts. "When construction was in a slump, the economy here hit zero."

OTHER INDUSTRIES NOW

In recent years, the abundance of seaport facilities along Portland's factory-rimmed Willamette river has brought a diversity of other industries into the economy. The problem is, by happenstance, that the thrust of the government-induced slowdown has hit the new ones as well as the old.

Over the past 12 months, Portland has sufferred some wounds from each of the weapons in the administration's economic arsenal—tight money, defense cutbacks, business slowdown—and in the process, it has lost 15,000 of its 467,000 jobs. On the surface, the battering seems brutal.

As early as last summer, the tightening of credit and the sharp boost in interest rates already had knocked the bottom out of the housing market, cutting deeply into Oregon's shaky lumber industry and slowing construction to a rate that eventually would squeeze out 4,000 jobs.

Five months later, the cutback in defense spending had taken the steam out of the city's $40 million shipbuilding and vessel repair industry, all but emptying the huge drydocks at the Swan's Island marine yards—and sending 1,000 workers to hunt for new jobs before the end of last month.

By mid-February, the cut in corporate profits has deprived barge and freight-car manufacturers here of badly needed new contracts, while the slump at the Boeing Company in nearby Seattle squashed a major market for subcontractors and electronics firms. Manufacturing jobs dropped sharply.

Finally, a spate of labor disputes, both in and outside Oregon—combined with a shortage of materials due to delayed deliveries in the wake of the truckers' strike—seriously interrupted production throughout the Portland area. To top it all off, the downstate strawberry crop came in bad.

When the tab eventually was totaled, Portland had suffered heavy employment losses in its once-thriving manufacturing sector, construction had fallen off by 33 per cent, electronics firms were reporting business down as much as one-half, and metal fabricating slowed to a halt.

Worse yet, the series of setbacks had hit some industries so hard that some workers still have not found new jobs. The rate of persons who have used up their entire 26 weeks' unemployment compensation now is double its 1969 levels. Some 700 men a month are cut off without benefits.

To be sure, such a wide-spanning drop in nearly every one of Portland's manufacturing industries is not to be dismissed. The layoffs, when they have hit here, have been especially severe. A welder released from a ship-repair firm is likely to be unable to transfer to boxcar manufacture.

A 31-year-old maintenance electrician, laid off from his $172-a-week job at a marine yard last May, has been unable to find new work despite 3½ months of a day-to-day trying, and has had to eke along on a $55-a-week unemployment check—and relatives' loans—to support his family.

ANOTHER EXAMPLE

Another plant-worker, 63, spent four months looking for a job after he was dropped from a ship-repair firm's payroll when he broke an arm last March. He now works for a steel fabricating plant, but lost $2,300 in the process before he found work.

Still, as in other American cities which seem to be hard-hit by the slowdown, except for those persons who actually have been laid off from jobs, the downturn has meant little more than occasional inconvenience—cutting back on travel plans, putting off buying a house.

Portland's attractive downtown business section still brims with shoppers carrying armfuls of packages that belie any talk of a serious recession. While merchants report buyers are more price-conscious, only the luxury-item stores are off more than 3 or 4 per cent.

And while residential construction admittedly is in a slump, no such thing is true for commercial building. The city is filled with cranes operating feverishly to erect new skyscrapers. Bank deposits are down some 8 per cent, a vice president reports, but another banker says they are not down at all.

NOT ALL IN DOLDRUMS

Further, nowhere near every industry in Portland is in the doldrums. The fast-expanding service companies as maintaining a

moderate growth, and exports—which account for 8 per cent of Portland's economy—are up $60 million so far this year, about a fifth above 1969 levels.

Mrs. John Trout, a thirtyish housewife in Portland's northeast residential section, is pained more than by inflation than by the impact of the slowdown. Her family's decision to postpone buying a new car again this year, she said, was dictated more by interest rates than by any loss of income.

Despite the gloomy economic indicators, Portland's top business-watchers are more optimistic than might be expected about the outlook for the coming year. Certainly, they concede, the unemployment rate may rise a little more, and the economy will stay flat—but only for a few more months.

Rather, they are nearly unanimous in pegging the future of the city's economy to the performance of its old staple, the forest products industry. And, they note hopefully, the housing market—which keeps the lumber-mills humming—already is showing signs of turning up.

THE LOCKHEED C–5A PROGRAM

Mr. TALMADGE. Mr. President, during debate on H.R. 17123, the military procurement authorization bill, several Senators have referred to the Lockheed C–5A program as one of the worst examples of waste in defense spending.

It is unfortunate that the critics of the C–5A program have chosen to ignore a great many essential facts. I believe that an article in the August 17 edition of Barron's weekly has done an excellent job of putting the C–5A program in perspective. It points out the contribution that Lockheed has made and continues to make to our national defense and it also emphasizes the fact that the C–5A program is not the worst example of cost overruns.

Mr. President, I ask unanimous consent that the Barron's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

TARGET: LOCKHEED—SENATOR PROXMIRE'S ESCALATED WAR IS INDEFENSIBLE

During the past half-century, Lockheed Aircraft Corp. time and again has made aviation and aerospace history. Back in the 'Twenties, Captain George Wilkins flew over both the North and South Poles in a Lockheed Vega. Wiley Post's world-girdling "Winnie Mae" was a Vega, as was the craft in which Amelia Earhart soloed across the Atlantic. Lindberg flew a Lockheed Sirius over the Bering Sea to Tokyo, while Howard Hughes set his round-the-world record in a Lockheed Super Electra. During World War II, with the help of Rosie the Riveter, the Burbank firm mass-produced 20,000 combat planes, mainly the P–38 fighters that shot the Luftwaffe out of the skies. In Korea, Lockheed's F–80 Shooting Stars did the same to Russian Migs. Lockheed built the U–4 spy plane and the F–104 fighter; since 1952, the latter has been the mainstay of NATO's air defense. Its Agena rocket was the workhorse of the space program throughout the 'Sixties, with 250 successful launches. The Polaris submarine-fired ballistic missile, on which Lockheed completed development work two-and-a-half years ahead of schedule, for a decade has been an essential element in this country's nuclear deterrent. Now it is being phased out by the Lockheed-made Poseidon, which is technically superior to anything in the Soviet arsenal. After Poseidon's first under-water test launch a few weeks ago, a Russian tracking ship nearly crashed into a U.S. destroyer as it raced to pick up some hopefully telltale debris.

Survival of Lockheed as a going concern is clearly vital to the national security.

Main target of the attack is the C–5A Galaxy flying freighter developed by Lockheed for the Air Force, on which the company is accused of huge cost "over-runs." A $200 million item in the $18.9 billion Pentagon weapons procurement bill now before the Senate, which would assure uninterrupted production of the planes through mid-1971, has been labeled a "bail-out" for Lockheed. Senators Proxmire and Schweiker (R., Pa.) are trying to push through an amendment which, in effect, would bar use of the money unless Lockheed goes broke.

Such an outcome, to be sure, would make the Senators heroes in the eyes of all who seek to dismantle U.S. defenses and achieve "peace in our time" through unilateral disarmament. It also would take some of the heat off those responsible for the real scandal in Pentagon procurement—General Dynamics' ill-starred F–111, sometimes known as the Flying Edsel. For the nation as a whole, however, the demise of Lockheed would be a singular tragedy. To begin with, the taxpayer, whose interests Senator Proxmire claims to be protecting, would be dealt a severe blow through delays in production of the C–5A, which happens to be the one weapons system designed to trim the cost of meeting defense commitments. (Once it is deployed, whole divisions can be brought home from Germany or South Korea, at savings estimated at up to $2 billion annually. Yet, since in an emergency the plant could transport them and their equipment back in a matter of hours, it would enable the U.S. to maintain a "remote presence" where needed.) Moreover, since Lockheed is five times the size of the Penn Central (in gross annual revenues), collapse would send shock waves through the business and financial communities. Finally, an organization of unique technological capability, critical to the safety of this country, would be thrown into disarray or lost forever.

What has reduced the once-mighty Lockheed to such a parlous state? "Bad management," avers its Senate critics. The charge can easily be made against any company in difficulties, and Lockheed must shoulder its share of blame. Nevertheless, the company's long record of achievement, from the Vega through the Poseidon—and by no means excluding the C–5A, which flight tests show to be a great success—leads one to look further. No need to go beyond Secretary McNamara's Pentagon, which, among other sins of commission, foisted upon Defense suppliers a new buying system called TPP—total package procurement. Previously, in contracting for a new weapons system, the Pentagon let contracts in two stages: the first provided for development, design, engineering and testing, on a cost-plus basis; the second, covering production, was usually fixed price incentive. Officials held that no contractor called upon to design a new weapons system could possibly know in advance what his costs would be; only the government could carry the risk inherent in a DDET contract. Under TPP, however, the contractor first had to invent the product on a fixed-price basis. The C–5A was the first and most disastrous of the TPP contracts. (Recognizing the absurdity of the system, Secretary of Defense Laird is now in the process of overhauling the Pentagon's procurement stance, in essence, going back to the old system.)

Lockheed's original bid in 1965 for development and construction of 120 planes was $3.4 billion. Under the TPP plan, that was a "target price," subject to revision as warranted by changing conditions. Four years later, when the storm over "cost over-runs" broke, Lockheed was accused of having "bought in" the C–5A contract by bidding too low, assuming it could raise the ante later. If that was the strategy, however, the competition adopted it, too; all three bids on the C–5A were within 3% of each other. While costs undoubtedly spiraled, Lockheed officials deny they were at fault. The real villain of the piece, they say, was inflation, notably virulent in the aerospace industry, where orders for jet transports piled atop defense and NASA business to strain capacity and push up costs. Other elements included DOD insistence on higher performance characteristics than called for in the original specifications, a cutback in total orders, from 120 to 81 planes, which gave Lockheed less room to recoup on the production run; and higher-than-expected development costs.

Despite all the foregoing, cost escalation has been a great deal less than claimed by Lockheed's critics. Assistant Defense Secretary Packard told the Senate Armed Services Committee in May that he now expects the total tab for 81 planes to reach $4.5 billion; Lockheed has offered to deliver as many more as the Pentagon wants at $16 million each. That would bring the price for 120 aircraft to $5.2 billion, or 53% higher than the target set in 1965. By contrast, a Harvard Business School study of 12 major weapons systems showed that the average cost over-run was 220%. More recently a torpedo built under a TPP contract came in at 2,000% above the bid price.

Costly or not, the C–5A, in the words of a test pilot who flew it, is "one hell of an airplane," fully capable of carrying out its "remote presence" mission. The world's largest plane, it can load up with more than 100 tons of military equipment and fly to Europe non-stop at 500 miles per hour. Once there, it can land on a dirt runway only 1,200 feet long, or parachute the whole cargo out of its tail in 15 seconds. Coming in for a landing in zero-zero weather, all the pilot need do is take his hands off the controls and let the craft land itself. It carries a malfunction detection system that monitors 800 other systems in the plane, prints out a warning when anything is about to go wrong, and tells the crew how to fix the trouble. If the necessary spare parts aren't aboard, it sends a message ahead to the nearest parts depot and orders them. It carries its phenomenal cargoes at a cost of 2.5 cents per mile, half the cheapest air cargo rate currently available. Designed to be directly competitive with truck and rail transport, a non-military version, shuttling back and forth on a trans-continental run, could carry as much cargo as two 110-car freight trains.

Lockheed has taken its lumps for the cost over-run, writing off a pre-tax loss of $180 million on the C–5A last year. It claims that under provisions for cost escalation in its contract, the government owes it roughly $600 million. To collect, the company has taken its case to the Armed Services Board of Contract Appeals, where no decision is likely until late next year; then, if further appeal to the courts is called for, the delay could stretch into 1973. Rather than going through that snake dance, Lockheed and the Pentagon have agreed to negotiate a settlement; the procurement bill now before the Senate allocates $200 million as a contingency fund to meet whatever claims are allowed, plus another $344 million for regular payments on the planes as they are turned out. In addition, under the Defense Production Act extension already voted by Congress, the government proposes to grant Lockheed a $100 million V-loan. The heart of the issue, though, is the $200 million contingency fund, which Senator Proxmire labels a "bail-out" and Lockheed insists it must have if production of the badly-needed C-5A is to continue. The Wisconsin lawmaker is trying to amend the procurement bill to allocate the $200 million only if (1) the money is awarded Lockheed by the Board of Contract Appeals, or (2) if Lockheed goes into bankruptcy and a court-appointed trustee says the money is needed. Since there is no chance that the Board could act before year-end, the amend-

ment is a not-too-subtle device to force Lockheed to the wall.

Such a disaster would ripple far and wide. For Lockheed only now is flight testing its new L–1011 jet airbus, to finance the development of which a number of customers, notably TWA and Eastern, have put up about $150 million in advance payments. Moreover, a group of 24 banks has extended a $400 million line of credit, $320 million of which has been taken down. Lockheed concedes that "part" of the latter sum (other sources say about half) has been used to keep the C–5A and other programs rolling. Before shelling out the remaining $80 million of credits for the L–1011, the bankers want to see the color of the government's money. If it is not forthcoming (or if, as Senator Proxmire demands, Lockheed must go into bankruptcy first), the whole L–1011 program might crack up. With it might go creditors and customers alike.

Not long ago, we urged Washington to abandon its plan to save the beleaguered Penn Central, which subsequently plunged into bankruptcy. In that case too, the sum at issue was $200 million. We argued then that the rescue would do more harm than good, weakening the campaign against inflation and rewarding the mismanagement responsible for the Pennsy's plight. Lockheed, however, is a very different matter. The big aerospace firm has been brought to the brink of disaster less by its own mistakes, which of themselves would probably not be fatal, than by those of the Pentagon. The latter, in effect, first compelled its supplier to assume incalculable risks. It then proceeded to escalate a simple contract dispute into a matter of corporate life-and-death. The whole affair, finally, has been exploited unmercifully by legislators all too willing and eager to make political capital at the expense of the national security. The so-called military-industrial complex may have its flaws; if it weren't on the job, however, the U.S. government, including Senators Proxmire et al., would be out of business.

THE RESTORATION OF ACADEMIC AUTHORITY—ESSAY BY DR. ROBERT NISBET

Mr. ALLOTT. Mr. President, while the President's Commission on Campus Unrest—the Scranton Commission—continues its noisy trek around the Nation, the editorial page of the Wall Street Journal continues to serve as a forum for those who are more interested in shedding light than in generating publicity.

Today's edition of the Journal carries a wise and calm essay by Dr. Robert Nisbet, professor of sociology at the University of California, Riverside.

Dr. Nisbet is one of this Nation's most distinguished sociologists. His writing reflects the sobriety and urbanity of De Tocqueville, to whom Dr. Nisbet acknowledges a scholarly debt. His opinions on academic matters have been conditioned by a decade of experience in university administration. His article on "The Restoration of Academic Authority" should be of interest to every Senator.

So that all Senators may profit from it, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the essay was ordered to be printed in the RECORD, as follows:

THE RESTORATION OF ACADEMIC AUTHORITY

(By Robert Nisbet)

All of a sudden the word *authority* has become popular in even liberal circles of the academic world. The prospect of the coming academic year is not a pleasant one at Berkeley, Harvard, Columbia, Michigan and other major universities in the land. Memory is too vivid of the kinds of happenings last spring on these campuses that were direct, calculated responses to Cambodia and Kent State. If each of these events was sufficient reason for a scuttling of the curriculum and jettisoning of courses in the name of "reconstruction" or "reconstitution," there can hardly fail to be other, equally evocative reasons forthcoming from the New Left to justify additional scuttlings and jettisonings around the country. Nothing generates causes of revolt and insurrection like the presence of a permanent cadre of left militants seeking causes.

How do we account for sudden affection in liberal hearts toward academic authority and its resuscitation on the campus? First, the sheer fatigue occasioned by militant causes. There have been too many of them for too long. Each, with its inevitable rally, demonstration or picket line is a form of violence—verbal and emotional if no other—and hence an assault upon the contexts of genuine teaching and scholarship.

Second is the mounting fear among even the most sanguine of faculty that public patience may be running out; patience with the university as an institution in our mass democratic social order. Great societies and periods of history have existed before in human history without universities; they certainly can again. Despite the well-sown myth of the university's indispensability to our technologically advanced society, there are other, existing sources of such knowledge needing only to be developed and multiplied. They will be cheaper and more efficient, being unhampered by the plethora of ranks, privileges and immunities that go with the essentially guild-like quasi-aristocratic, Middle-Ages-sprung university. What the university in America had to offer was not unique manufacture of knowledge, but a unique structure of authority resident in a unique intellectual community. Very little else.

Third is the current state of academic freedom on the campus. Freedom to teach and learn is the principal casualty of events such as those which began at Berkeley in 1964 and reached a high point last spring after Cambodia and Kent State. When authority collapses in an institution, the scene is invaded by a host of petty tyrannies, no single one of them decisive by itself but, taken in the aggregate, capable of fettering inquiry in the classroom and, in the long run, of extinguishing free intellectual life on the campus. Such tyrannies range from direct violence through the semi-violence of building-blockades and picket lines all the way to the doubtless endurable but nonetheless corrosive emotional violence contained in public obscenity, epithet and relentless political pressure.

Add to these tyrannies the incessant rounds of faculty and committee meetings, not to mention conferences with students—whose capacity to be listened to is one of the great natural forces in the universe—and, all too clearly, the life of reason is made insecure at best.

One detects also a rising weariness, even among faculty members, with the kind of explanation of student insurrections that has become standard to the point of staleness when university presidents are consulted by members of Congress, by Presidential commissions and trustees. Viet Nam, black civil rights, the draft, imminent unemployment for some and the revolutionary ferment of modernity have been, by now, overplayed. It is too easy for many of us to recall the depression-grounded, Fascism-obsessed, unemployment-haunted and revolution-prone 1930s. Despite the swirling currents of national and international change, campuses were not then settings of vandalism masquerading as social idealism.

The student-faculty insurrections of the 1960s did not break down academic authority. *It was the prior breakdown of authority that caused the insurrections.* This breakdown had begun in the 1950s, the result of profound economic and social changes that disrupted the academic community and of a steadily rising internal politicization that fragmented traditional authority. In retrospect it is possible to see that even had there been no issues of Vietnam and of civil rights, no "malaise of student soul before technology," insurrections in the 1960s would surely have occurred. Everything we know about insurrectionary and delinquent behavior suggests that "reasons" can always be quickly manufactured. What is alone sociologically crucial, however, is prior extreme *liberalization and democratization of traditional authority.*

So high even at the present moment is the correlation between faculty-student outbursts on a campus and immediately prior—and substantial—increase in what has become dignified as "participatory democracy" that one may successfully predict in terms of this correlation. Over and over one finds that the worst and most prolonged of insurrections occur precisely where grants of governing authority to students and faculty have been greatest.

All of this is becoming clear to the great majority of faculty—the majority that chooses to be in class, to teach from scholarly competence, not revolutionary impulse, and that cherishes the academic community. Hence the rising demand for restoration of authority on the campus. Not only academic freedom but academic life hangs in the balance.

Instant authority is, however, no more possible than instant freedom. It would be very nice if the structure of academic authority, as this was known for so many decades in the American university, could be put together again; overnight; by majority vote of the faculty. But it cannot. That structure of authority was too fragile, too much the product of consensus, and of accepted academic role by all concerned, to be expected to rise now, Phoenix-like out of the ashes of the 1960s.

No other major institution in modern history has existed with the minimum of formal regulation and of contractual detail that one found in the university town until the late 1950s. It was unnecessary to *prescribe* meeting of classes for faculty. Potent though this structure of authority was, it was yet so finely drawn, and so much a part of the very atmosphere, as to be nearly invisible. Thus the essential character of the academic community; thus the special nature of academic freedom.

Such structures of authority, however, have one fatal weakness. Once seriously challenged by a militant minority, or subjected to chipping away by repeated acts of defiance by individuals, they cannot stand very long. They are vulnerable to even the feeblest and most jejune of attacks: Those such as the one mounted by Mario Savio and a few students at Berkeley in 1964. Once such structures are flouted, they are destroyed. Once destroyed they cannot be put together again.

It seems extremely unlikely therefore that present circumstances are likely to produce anything but new forms of *power* on the campus. Power, unlike the king of authority I described just above, is at once more personal, more direct, more detailed and more formal. Although most persons tend to think of *freedom* as the consequence of eroding authority in a culture, this is not the case, for freedom cannot exist save in circumstances of accepted authority. *Power*, not freedom is the invariable response in history to conditions of shattered authority. The history of the modern national state can be written in terms of the declining authori-

ties of other, older, traditional forms of authority in society.

What kinds of power can we expect to see on the campus as the condition of the minimal order required by academic performance in classroom, study, and laboratory? Let us overlook the repressive laws passed last year in 32 states, aimed at faculty-student disorders. We may take these for granted. An academic liberalism unable to distinguish between the authority of a dean or department chairman and the power of the legislature was bound to get ever larger dosages of the latter.

Let us also pass over the relentless increase in size and technical effectiveness of campus police forces. Let us, accepting the legislative and police powers as obvious by now, turn to other manifestations of power that will be vivid during the coming academic year. These are bound to have far more impact, upon the nature of the university in America than can legislature and police which, after all, only seek to maintain civil order, not reorganize the university.

The first and crucial manifestation will be increased participation of boards of trustees, *conservative boards, through effective majorities,* in academic, including curricular affairs on the campus.

One may regret this, as I do, for the history of trustee intervention in academic matters is surely a checkered one. But the lay board *is* sovereign in American colleges and universities, and the pressure of public opinion, of government officials, and, most assuredly, of alumni groups will make such intervention certain.

Such trustee intervention will touch areas heretofore sacred to faculties: Areas of appointment and promotion, of academic admissions, of academic tenure, and most especially, curriculum. For it was, as noted above, the seeming devastation of curriculum on the university campus last spring, in the wake of Cambodia and Kent State, that aroused public and government to a degree of alarm that nothing prior had been able to achieve.

None of these is an area in which trustee judgment is ordinarily very good. Trustees lack the qualifications of experience and of insight that can come only from experience. But trustee intervention will nevertheless take place in rising volume. One may hope that such intervention will quickly translate itself, time and crisis permitting, into more or less institutionalized, reasonably stable, channels. But who can be optimistic in times such as these?

The second major manifestation of power on campuses accustomed to, and now longing for, traditional academic authority will be—already is—*a striking increase in administrative management of all spheres of academic life.* University presidents are becoming stronger. The striking example set by President Hayakawa at San Francisco State a couple of years ago has virtually revolutionized trustee, alumni, and public conception of what a university and college president should be. The search for stronger presidents is, plainly, already on. Individuals of Mr. Hayakawa's combination of academic knowledge, temperamental buoyancy and fortitude are perhaps not common. But they exist—and in university faculties! It will not be necessary to go to industry, military or foundations for such persons, which is always a self-defeating mistake inasmuch as their ignorance of the details—the ever-vital details—of academic society makes them the prey of every academic charlatan on the campus.

But strong presidents cannot exist unless there are strong *presidencies.* Trustees appear to be seeing to that even as I write. One surmises that in many an institution only one instruction will be given a new president: Maintain academic and civil order. If he can do that, all gaucheries and sins in other respects will be overlooked. If he cannot do that, no amount of scientific, scholarly and professional distinction will save him for long.

With strong presidencies there will go strong administrations: Strong provosts, deans and department chairmen. One can trace much of the decline of academic authority in the American university after World War II through the degradation of these administrative positions, especially that of the all-important department chairman.

With strengthened administrations there cannot help but result substantially weakened faculties—I mean *politically* weakened faculties. This may have its advantages, for there are many teachers and scholars who believe faculty political strength is nurturing culture for permanent faculty politics. There is much evidence to support the view that the best of faculty, assessed by scholarly and teaching distinction, stay the farthest from the weird combination of Jacobin democracy and Byzantine bureaucracy that American university faculties have delighted in constructing during recent times. Such individuals elected academic life to teach and do research; not run for office. In academic *politics,* borrowing here from Yeats, the best do indeed lack conviction and the worst are filled with passionate intensity.

These are, I think, the major changes likely during the coming year or two. Among other changes, for good or bad, will almost certainly be abolition of tenure. Tenure came into being at a time when the university teacher was at about the level, in social and economic strength, of the country parson. No one would confuse the prestige, power and affluence of the university professor today with anything in the clergy. And the university is but a small part of the very large intellectual establishment in this country. Nowhere else in the intellectual establishment are mediocrity of mind, laziness and calculated subversion of role reinforced by the mystique of tenure. Tenure in the great universities has been for some time an anachronism. It will, I predict, shortly become a memory. The "reconstitution" and "reconstruction" of curriculum last spring made that inevitable.

There may be still other changes: For example the clearing from academic scene of the jungle of overgrowths in the forms of expensive, distracting bureaus, centers and institutes which have arisen under the university's Faustian assumption of role of Chief of Research Establishment, of Super-Humanitarian, of Patron of All Arts, of Adjunct Government to Washington, of Benign Therapist to identity-searching youth and of Loyal Revolutionary Opposition.

Each role is indeed an attractive one. But taking them together, it is difficult to imagine much teaching and scholarship getting done or an academic community existing. And, who knows, maybe as a consequence of these changes the university can commence the slow ascent once again of academic Olympus, to become once more an intellectual community, built around the learned disciplines and professions, rather than what it now so plainly is: Mere microcosm of society; expensive and unneeded microcosm of society.

TESTIMONY ON AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, it is unfortunate that the Senate Armed Services Committee hearings on the draft have been postponed. With the issue of voluntarism at hand, I would like to bring to the attention of my colleagues the testimony of several individuals which was prepared for these hearings.

I ask unanimous consent that the testimonies of the following be printed in the RECORD: Mr. Patrick E. Gorman, international secretary-treasurer of the Amalgamated Meat Cutters and Butcher Workmen—AFL–CIO; Mr. John de J. Pemberton, Jr., executive director of the American Civil Liberties Union; Mr. Sanford Gottlieb, executive director of A Citizens' Organization for a Sane World; Most Reverend Antulio Parrilla Bonilla, of Puerto Rico's Committee of Resistance to Compulsory Military Service; and Mr. Thomas Lindley.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF PATRICK E. GORMAN CONCERNING THE DRAFT REPEAL AMENDMENT

My name is Patrick E. Gorman. I am the International Secretary-Treasurer of the Amalgamated Meat Cutters and Butcher Workmen (AFL–CIO). Our Union's headquarters are at 2800 N. Sheridan Road, Chicago, Illinois 60657.

The Amalgamated is a labor union with more than 500,000 members organized in about 700 local unions throughout the United States and Canada. The Amalmagated and its local unions have contracts with thousands of employers in the meat, retail, poultry, egg, canning, leather, fish processing, sugar and fur industries.

UNUSUAL CIRCUMSTANCE—UNUSUAL PROCEDURE

Our Union participates in the legislative process regularly by making its views known before Congressional Committees. Representatives of the Amalgamated Meat Cutters and Butcher Workmen testify perhaps two dozen times each year in hearings on a variety of public issues.

Our testifying by writing a statement specifically for introduction into the *Congressional Record* is admittedly unusual. We regret that this procedure is necessary because hearings on this very important legislation have not been held by the Committee on Armed Services. We had understood that during the 1969 debate on limited amendments in the draft laws, the Committee had publicly assured the Senate that thorough hearings on the conscription laws—their possible repeal or reform—would be held this year. Unfortunately, those hearings have not been called.

DIVISION AMONG AMERICAN PEOPLE

We are making this statement to support Senator Mark O. Hatfield's amendment to the Military Procurement Act to repeal the current draft laws and institute a volunteer army. We take this position because of the deep concern about the extreme division and mutual hostility which currently exists among the American people. We believe the draft furthers this division which is tearing our nation apart. Conversely, we believe, an end to the draft will remove a major point of bitterness and an important cause of hostility among various groups of Americans.

On June 4, the Executive Board of the Amalgamated adopted an important policy statement, which is entitled, "One Nation under God, Indivisible, with Liberty and Justice for All." In it we stated the problem as follows:

"The most tragic and potentially the most dangerous of the many critical problems now facing the United States is the increasing division and mutual hostility among the American people. The nation appears to be losing not only its senses but also its confidence and faith in itself. The people are being fragmented into antagonistic groups which are increasingly willing to resort to or condone violence in competing with each other.

"Competition between groups in American society is certainly not new and it is healthy.

But the new attitude of individuals and groups in carrying out this competition poses extreme national dangers. Discussion, compromise, a belief in common standards and trust in the goodwill of others seems to be increasingly disregarded.

"Instead, some parts of the American people see other parts as absolute enemies with whom no accommodation can be reached. Groups fear for their very existence unless their point of view prevails completely. Each antagonistic faction sees itself outnumbered and misunderstood by all the rest of the nation and it believes it can assert itself only through fighting."

In the policy statement, we recognized the responsibility of the leaders of our Union—as well as all Americans who have any sort of leadership position—to deal with this problem. We outlined a number of steps we are taking to combat the antagonisms in which workers are involved.

CLASS DISCRIMINATION

The draft is one of the many causes for the division among the American people. The unfairness of the draft is causing outrage among young workers and their families. They feel that because they do not have the money to go to college, they must bear most of the burden of serving the nation. And they are right!

The draft currently discriminates against workers. It discriminates against those who are not wealthy enough to go to college or be sent to college. A man who works in a packinghouse, or a supermarket, or a poultry processing plant cannot get a student deferment. Yet, he certainly is performing an important function to society and the nation—as important as the student. And his parents, or wife love him as much as parents or wives love their student-sons or husbands. They are just as eager to avoid their men getting killed.

But among the students, too, the draft has a devastating effect. Many of them see it as forced service in a war they morally and philosophically oppose. And many of these young men are guilt-ridden about their preferred position in the draft. Many of the anti-social actions on college campuses can be traced directly to the frustration and bitterness caused by the draft.

The fact is that the draft is social dynamite.

NO HAND WRINGING

It is senseless to bemoan current views, to harken back to World War II, to deplore an alleged "lack of patriotism." Handwringing and endless argumentation on this theme are useless. We must first coldly recognize conditions and attitudes for what they are *now*. And then, we must use our traditional, democratic ways to change some existing conditions.

The very first recognition must be that the major cause for many of our current internal problems is the Vietnam fighting. We are in a miserable, undeclared war, which we should never have gotten into, which we should get out of immediately and which is sapping our national strength and faith. This war, unlike previous ones, does not have immense public support—to put the matter lightly.

This terrible, endless war makes the draft even more unbearable to a very large part of the nation. It increases the intensity of bad feeling about the draft. It makes the draft an even greater cause for national dissension, anger and frustration. Two major remedies to get the nation back to some sort of harmony and sanity therefore are to end the Vietnam war and to repeal the draft.

VOLUNTEER ARMY AND DEMOCRACY

The alternative to the draft is a volunteer army—an army made up of men who choose to serve in this way. Much has been written both for and against this proposal. Again, we regret that thorough hearings on end-the-draft legislation have not been held. If they had, these arguments could have been more thoroughly aired. And the particular adversary proceedings of the Congressional hearing room could have brought more light to the issue.

Obviously, the most disturbing of the arguments against a volunteer army are those which foretell a dread danger to democracy. An elite officer corps will lead an army of professional soldiers who will be unleavened by the citizen-soldier. That army may be apt to meddle in politics or make a military grab for power in the South American style. So the argument goes.

We are impressed by the studies and the arguments of the Gates Commission on this very subject. This distinguished group, appointed by President Nixon and headed by former Defense Secretary Thomas S. Gates, met the issue head on in two chapters of its report.

The Commission points to the experience of other nations. In England and Canada, which have volunteer armies, no apparent danger of militarism exists. In some of the European and Latin American nations where military takeovers have occurred, the armies are of a combined professional-draft makeup. This is more powerful evidence than the theoretical formulation about the rise of militarism.

The Gates Commission also doubted the democratizing effect of the draftee on the army. Those who have served in the armed forces would probably generally agree. Basic training exists—in large part—to bring the draftee around to the army's way of doing things and not vice versa. It is only in the recent two or three years that any sort of major dissent has occurred within the armed forces. Even in these cases, the dissent comes from a very small minority of the troops and is generally dealt with extremely severely.

The Gates Commission points out that it may be the very inducements of a volunteer army which will end the isolation of the military. Today, being drafted is to go into forced labor. It means not only being taken from where one wants to be, but it often means a severe cut in wages and the loss of various amenities of life. The higher remuneration—both in money terms and the services provided—which will come with a volunteer army will mean that a man may feel happier in serving in the armed forces and may feel much more an actual and integral part of American life.

BASIC FACTORS

But in the long run, the danger of militarism depends on much more basic factors. It depends on how strongly civilians control the armed forces. The traditional American concept of civilian control must be strengthened whether a volunteer army exists or not. Congressional participation in the nation's foreign and military policy decisions must be increased no matter what the outcome of the present or future debates about the makeup of the armed forces will be. And the rising and dread power in both politics and the economy of the military-industrial complex must be decreased regardless of the status of the draft.

Yet, even these factors are not the most elemental ingredient for the preservation of democracy against military takeovers. They are truly the second steps.

The most basic factor is the desire of the American people to make democracy work. It is the wish of the people to be concerned about our nation and its problems. It is the desire of Americans to preserve freedom at home, as well as abroad.

It is the avoidance of overreactions to behavior or actions which may seem outrageous to us. It is the maintenance of common sense to avoid calling a massive government crackdown against a few who may appear obnoxious to the many. Above all, it is—as our Executive Board's statement points out—the need for Americans to treat each other—everyone—with respect, dignity and a willingness to try to see the other person's point of view.

NO SERVITUDE

As a union, we naturally oppose forced labor. In the past, the draft may not have been considered as servitude, but today, it is by a very large number of those affected. This fact—and this fact alone—must give the nation pause and require it to consider the entire question. If no other factors were involved, this situation would require some changes.

But there are many other factors to urge the end to the draft and the substitution of a volunteer army. We choose to pay heed to all of those factors and we support the amendment to the Military Procurement Act sponsored by Senator Hatfield for this purpose.

We strongly urge the Senate to approve this amendment. It is an important and necessary tool to help this beloved nation of ours to come out of its current desperate internal crisis.

STATEMENT OF JOHN DE J. PEMBERTON, JR.: HEARINGS ON THE DRAFT

For half a century, the American Civil Liberties Union has defended, against governmental infringement, the fundamental protections afforded by the Bill of Rights. It has consistently represented those who have asserted the rights of conscience and religious liberty protected by the First Amendment and the right to due process and equal protection of law as guaranteed by the Fifth and Fourteenth Amendments.

Based on our long-time commitment to fundamental civil liberties and upon our special experience, it is our judgment that:

1. Under the present circumstances the Selective Service law as administered is an egregious violation of civil liberties and constitutional guarantees.

2. Peacetime military conscription is not only fundamentally at war with our Nation's constitutional commitment to individual liberty, but the experience of the past 22 years demonstrates that it is rife with inequities which are inherent in the system and demand its elimination.

3. Proposals to replace military conscription with a system of universal compulsory national service would do as great, or even greater, violence to American traditions of individual liberty.

THE BASIC WRONG OF PEACETIME CONSCRIPTION

All that America stands for teaches that conscription is a last resort, to be utilized only when the warrant for its imposition is irresistably convincing. Our ancestors settled this continent in flight from countless denials of liberty abroad, one of the most conspicuous of which was military conscription. Federal military conscription was foreign to our national experience until 1963 and peacetime conscription was never tried by the Federal government prior to the dark days of 1940 when the prospect of our involvement in World War II loomed ominously. Even in 1941, a mere four months before Pearl Harbor, the renewal of that experiment could muster but a one vote margin in the House of Representatives. A freedom loving people should not, and until 1948 did not, impose this servitude upon its own sons.

Compulsory military service is always a severe deprivation of civil liberties. It not only removes young men from their homes, occupations, education, and family for long periods of time, but even more seriously it deprives them of the intrinsic condition of freedom: the direction and control of their lives. Military conscription permits the State to exercise virtually complete dominion over the individual, and compels him to engage in

activities which he may find repugnant and contrary to his individual beliefs. This is why civil libertarians approach conscription as an evil inherently derogatory of freedom which should normally be opposed. Civil libertarians will insist that proponents of conscription always carry the burden of justifying the need for the government to force an individual into military service.

The justification for such invasion of civil liberties must ultimately rest upon what James Madison called "the impulse of self-preservation." We do not think it is inconsistent with a devotion to civil liberties for citizens to be willing to deprive themselves of some liberty in the interests of meeting a graver evil. But such deprivation of liberty through conscription, may only be warranted by the overriding need of national security, in time of war or the imminent danger of war.

In a public statement made on January 30, 1966, the ACLU called attention to this higher tradition in our Nation's historic devotion to liberty. We pointed out the passage of time since World War II, during which period America has lived almost constantly with peacetime conscription. We said then:

"The passage of twenty five years would alone warrant reconsideration of the implications of conscription for individual liberty. The urgency of reconsideration is underscored by the danger that conscription originally viewed as a temporary expedient occasioned by emergency, is becoming institutionalized. It is an accepted part of life: many citizens have grown to maturity almost without knowing a time when it did not exist."

Since then countless presidential commissions, congressional hearings, the mass media, public figures and private voluntary organizations have emphasized the denials of personal liberty inherent in conscription and the particular and systematic abuses which have been spawned under the Selective Service Acts.

The evils have become so apparent that the Executive Branch of the government has expressed its desire to terminate military conscription.[1] The ACLU believes that Congressional responsibility dictates the most searching examination [2] of the justification, if any, for continuing the draft.

We believe that those who would tolerate the continued imposition of conscription on our youth bear a heavy burden of demonstrating to the whole people that it is necessary. To date, no such showing has been made.[3]

The committee should critically and soberly examine whatever justification may be offered for the retention of a Selective Service law which has heretofore been unquestioningly renewed by prior Congresses, stimulating and sustaining the alienation of our youth, and fostering divisiveness within the entire society.

Illustrative of the conflict with democratic principles inherent in conscription are the implications to be drawn from this candid statement by the Selective Service System:

"Delivery of manpower for induction, the process of providing a few thousand men with transportation to a reception center is not much of an administrative or financial challenge. It is in dealing with other millions of registrants that the System is heavily occupied, developing more effective human beings in the national interest." [4]

A free people do not willingly assign to a government agency responsibility for channelling their individual educational, career, marriage and family choices in the manner that agency deems desirable for "developing more effective human beings in the national interest."

To the foregoing, let me add that objection to the present draft is obviously reinforced by our alarm at penetrating violations of civil liberties occasioned by the current military conflict in Southeast Asia, for the continuation of which the draft is now principally employed. Our urging on this Committee a discontinuation of the draft would be incomplete unless you were advised of our reasons for believing that civil liberties interests require termination of the Indochina War. I submit for the Committee's study this policy statement adopted by our Board of Directors on June 2, 1970:

The ACLU is deeply concerned with the continuation and expansion of the war in Southeast Asia. The military involvement of this country for purposes a large part of our society does not share has, among many adverse domestic consequences, had a highly detrimental effect on civil liberties. It has fostered an atmosphere of violence which has resulted in the slaying of college students and black people, violent attacks on and by demonstrators both for and against the war, and a climate of repression in which attempts have been made to stifle criticism of the war.

"A brief checklist illustrates the war's deep depredations on the Bill of Rights, both its specific guarantees and the spirit of human freedom that it represents.

"1. The present draft system, with its severe deprivation of personal liberty and its administrative inequities, still continues.

"2. The right of non-obstructive dissent by service personnel and civilians who oppose the war has been curbed—often by harsh measures.

"3. There still hangs over the heads of young men and women the threat of criminal prosecution for various forms of peaceful expression and symbolic speech, such as flag offenses and draft card burning.

"4. Frustrations have so infuriated and frightened those trapped in the maelstrom that violence rather than dialogue and reasoned debate have become, for many, the accepted technique for resolving social conflict. The shootings at Kent State, Augusta and Jackson are but recent episodes illustrating how violence can escalate.

"5. Academic freedom, the hallmark of a free and democratic society, has been violated by those who erroneously see coercion and destruction as the solution for society's problems. Anger over the war has so incensed student feeling that buildings have been burned, academic files destroyed, persons held hostage and mood of terror unleashed. In turn, governmental repression at academic institutions has grown to dangerous proportions. In such an atmosphere, academic freedom cannot be preserved.

"6. The festering sores of urban neglect have denied equality to millions, particularly non-whites, in jobs, employment, housing and in the administration of justice. These sores have worsened because of the intensified splits in our cities over the prolonged war and the diversion of national attention and resources from the urgent need to deal with them.

"7. Freedom of the press, a vital ingredient of democracy that checks abuses of governmental power has been imperiled by the Administration's subtle and not so subtle suggestions of a government crackdown. It is not unrelated that such attacks have mounted as the mass media have told of the growing dissatisfaction with the war in editorials and news coverage.

"8. There has been an increase in military domination of policy, dissipating the civilian control envisioned by the Constitution and essential to civil liberties.

"These examples underscore the war's responsibility for wide social divisions, tensions which have exacerbated public feelings on both sides, and today's climate of repression which is bound to affect political expression. A retreat from dialogue and peaceful dissent to ever more violent means of advancing one's cause is bound to result. This trend can be reversed if the fundamental cause of public frustrations is removed. Therefore, to preserve civil liberties, which provide the mechanism for peaceful change, the American Civil Liberties Union insists that the war in Southeast Asia must stop. In making this appeal, the Union bases its departure from its previous narrower focus on several grounds. Central to them is the enormity of the civil liberties crises which the war has produced. This action does not represent basic change in the Union's organizational role.

"In addition, the ACLU opposes our nation's continued involvement in this war because it violates the people's sovereignty. Their power, constitutionally delegated to the Congress—namely, the power to declare war has been designated by presidential usurpation.

"The ACLU recognizes that the President has broad constitutional powers in the conduct of foreign affairs. But it believes that basic liberties are violated when the people are deprived of the right, through their elected representatives, to have a formal declaration of approval or disapproval of an undertaking such as this—a massive and protracted armed conflict in a distant and foreign land.

"The ACLU recognizes that even a declaration of war would leave unresolved moral and civil liberties questions inherent in this or any other declared war.

"Because the continuation of the war in Southeast Asia so pervasively jeopardizes the exercise of civil liberties in our country, the ACLU now commits itself to work for an immediate termination of the war and the immediate withdrawal of all U.S. troops from Southeast Asia. To advance this position the ACLU will:

"1. Continue litigational attacks on the draft and seek its legislative defeat in Congress.

"2. Continue its attacks against all forms of governmental inspired repression.

"3. Urge all ACLU members through its 48 affiliates, to communicate with their congressmen asking them to work for an end to the war.

"4. Urge all persons and groups concerned in controversy over the war to eschew violence and coercion while continuing to exercise all their First Amendment rights.

"5. Enter *amicus curie* in the suit being brought in the United States Supreme Court by the Commonwealth of Massachusetts. This suit arises out of a recently enacted Massachusetts statute providing that a citizen of that state cannot be sent abroad to fight in the absence of a congressional declaration of war. The ACLU will also urge other state legislatures to enact similar laws.

"In view of the fact that Congress has not declared war, The American Civil Liberties Union calls upon it to refuse to appropriate money for the war in Southeast Asia and to repeal the draft of young men necessary for its continuance."

II. INHERENT INEQUITIES

The absence of convincing justification, in terms of national self-preservation. in the face of conscription's violence to basic human freedoms and its present relation-

[1] See N.Y. *Times* Friday, April 24, 1970.

[2] The President's Commission on an All Volunteer Armed Forces has concluded that a volunteer method of raising an army is feasible.

[3] Scholarly investigation has raised new doubts that peacetime conscription is even constitutionally authorized. See Friedman, Conscription and the Constitution: The Original Understanding. 67 Mich. L. Rev. 1493 (1969).

[4] Statement of Selective Service System, July 1, 1965.

ship to a divisive and despised war, is reason enough to end the draft. Were it not, however, the host of fundamental inequities which have grown under the present system, should conclude the case for repeal.

Of course, the itemization of many of these inequities suggests that it might be feasible individually to correct each. But their proliferation under the present system teaches us that, like manure in the Oregon stables, two more will replace every one that is corrected. The present law is essentially another renewal of the 1948 Act; if these inequities have not been dealt with successfully in twenty-two years, they hold little promise of yielding to systematic correction today. They underscore the case for repeal.

When discussing the absence of "due process" with relation to Selective Service, it is difficult to know where to begin. The system has inequities built into it at every level. The Administrative Practices and Procedures Subcommittee of the Senate Judiciary Committee has identified numerous inequities, some of which we describe below:

A. Substantive matters

1. The Uneven System of Classification: While the Union recognizes that the original purpose of vesting discretionary power with local boards in determining classifications was to insure that "classification actions" would be made by people familiar with the circumstances of individual cases, vis a vis community needs, this concept, in application, has proved to be fallacious. Substantial percentages of local board members live outside of the jurisdiction of their local boards,[5] thus, totally defeating the "little groups of neighbors" concept, and many more do not understand the criteria for deferments of exemptions under the present law. Expert testimony before other committees has revealed the abuse of discretion committed by many local boards throughout the country.[6] Common concepts of equity require that men similarly situated receive the same opportunity to receive the same deferment. National, uniform criteria for deferments, and the ability to administer them even-handedly across the country, are lacking.

2. Unjustified Deferments and Exemptions: The ACLU is gratified that the President has now eliminated occupational, agricultural and fatherhood deferments. But the Congress has still not granted to the President the authority he has requested also to eliminate college deferments. What clearer example of unequal treatment under law is required to show a system of protesting one class of citizens over others?

While the new lottery selection system is a further attempt at guarding against the pyramiding of deferments resulting in a total exemption from service, that end is largely defeated by the present retention of the II–S deferment. By permanently obtaining any of the deferments remaining in the present classification structure after he has enjoyed a II–S classification, a registrant may frustrate entirely the intent of the special provisos on 32 C.F.R. 1631.7 as amended this year.

We further believe that the exemptions granted to ministers of religions and divinity students are in violation of the establishment clause[7] and should be eliminated. Ministers and divinity students, are, as anyone, eligible to apply for conscientious objector status. Those who do not choose to do so should not be exempted from service required of others.

4. Lack of a Nationally Uniform Draft Call: The regulation of draft calls so as to establish a uniform national level within the lottery system is wanting. One area or locality may reach men for induction with a higher call priority number than that of other men in different sectors of the country. This is seen by those affected as inequity in treatment.

B. Structure of the selective service system

1. The Number of Local Boards: At the present time, the Selective Service System maintains over 4,000 local draft boards throughout the continental United States as well as its territories and possessions. The boards themselves are comprised of over 20,000 unpaid volunteers, who to a large extent have neither the time, inclination or capacity to administer the law. Much of the responsibility falls to the clerks at the board offices. The sheer numbers of people who must agree on the meaning and application of the standards for deferment make uniformity virtually impossible. While the average Selective Service local board has 8,000 registrants, some have as high as 50,000 and of these, many may have moved far from the jurisdiction of their local board.

The Marshall Commission and the Kennedy Committee, have urged that the number of local boards be reduced and that regional offices and directors be established.

2. Military Complexion of the Staff of the Selective Service System: Virtually all of the staff members of National and State Headquarters of Selective Service are members of the military or reserve officers. The Director of Selective Service for the past twenty-nine years has himself, been a general. There is absolutely no justification for placing the Selective Service System under the direction of military personnel.

The military operates traditionally with less regard for the rights of the individual than is expected in civilian life. All registrants are civilians and many will never serve in the military and those who do will serve only for a short time compared to career personnel. Registrants have the right to expect to be treated as civilians by those who understand civilian concepts of equity and fair play.

C. Due process for registrants

1. Registrants are not permitted to appear before boards with counsel.

The Supreme Court will be hearing argument next term on whether or not a registrant may be constitutionally denied the right of counsel before his local draft board.[8] See 32 C.F.R. 1624.1. Irrespective of the outcome of this case, the ACLU believes that the denial of the right to counsel is unconscionable. The Selective Service System is the only administrative body, governed by the Code of Federal Regulations which expressly prohibits representation by counsel. The age of many registrants and their varying degrees of maturity make departure from this basic element of due process unsupportable.

It seems unjustifiable that we afford a greater degree of due process to a taxpayer contesting his income-tax liability—even to the nation's inkeepers in the renewal of their licenses,[9] to welfare recipients[10] and to applicants for admission to the bar[11] than we do to Selective Service registrants.

2. Registrants are denied any statement of the reasons why their claims for deferment have been rejected.

The Selective Service System is specifically exempted from the provisions of the Administrative Procedure Act. Were it under the requirements of that statute, registrants would be afforded a number of safeguards (other than the right to counsel) which we believe are crucial to due process.

The absence of written findings by local boards denies several elements of procedural fairness. First, it handicaps a registrant in perfecting an intelligent appeal. Because no written findings exist, it is difficult to imagine that a registrant is being afforded true due process on appeal.

Second, the lack of written findings handicaps Appeal Boards in determining the basis for a local board's decision.

Third, the lack of written findings frustrates judicial review. Numerous appellate cases require remands to the districts courts for special hearings on why a board made a certain decision in a particular case.

In 1954 the Supreme Court stated in the *Gonzales* case[12] that, "The right to a hearing means the right to a full and meaningful hearing."

Concurrently in *Simmons*, the companion case to *Gonzales* it held, "The right to file a statement (before an appeal board) . . . includes the right to file a meaningful statement, one based on all the facts in the file and made with awareness of the arguments to be countered."

While the former National Director, whose continuing influence on Selective Service System policy is still felt, was highly concerned with the possibility of board hearings becoming quasi-judicial proceedngs, he also stated that every registrant is to be "deemed available until proven deferable."[13] Since such a burden of proof is borne by him, it is unfair that a registrant be denied the opportunity to build the record necessary to carry it.[14]

3. Registrants should be permitted to appear before Appeal Boards.

Since the sincerity of the registrant often becomes a factor in the issue of classification, especially in cases involving claims of conscientious objection, and since the appeal to an appeal board is a de novo review, a registrant should have the right to appear before an appeal board.

Again the argument that has been profferred in opposition to these recommendations is that they would spur attempts to turn the proceedings into legal forums. These allegations, however, should not be used as a basis for justifying a limitation on a registrant's right to due process.

4. Registrants are not permitted to transfer their registrations to a new local board upon the shifting of their permanent residence.

No provision within the Selective Service regulations exists which permit a registrant to transfer his local board solely because he has permanently moved far from the jurisdiction of his local board with which he originally registered. The prejudice caused to registrants by this factor is immediately apparent. A registrant far distant from his local board will incur hardship, both in time and cost, both in consulting his file and especially when desiring to take advantage of his right to a personal appearance.

5. A quorum of the local board is not re-

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[5] See table 1, p. 74, "A Study of the Selective Service System: Its Operation Practices and Procedures," Report of the Subcommittee on Administration Practices and Procedures (1963, "Kennedy Hearings").

[6] See hearings before Subcommittee on Administrative Practices and Procedures, pursuant to S. Res. 39, 91st Congress, 1st Session, pp. 58–78.

[7] See *Everson v. Board of Education*, 330 U.S. 1 (1946)

[8] *United States v. Weller*, 2 SSLR 3229 (N.D. Cal. 1968), on direct appeal taken by the government.

[9] See *Hornsby v. Allen*, 326 F. 2d 605 (5th Cir. 1968).

[10] See *Kelley v. Wyman*, 2921 F. Supp. 893 (8 D.N.Y. 1968, three --ct).

[11] See *Willner v. Committee on Character and Fitness*, 373 U.S. 96 (1963).

[12] 348 U.S. 407.

[13] Hearings on Senate Bill 1432 before Senate Committee on Armed Services, 90th Congress, 1st Sess., pp. 610–657.

[14] Many of the reasons which point up the inequity of this lack also compel us to mention the absence of transcripts of board appearances. Without them it is impossible to determine whether the boards findings are supported by the record.

quired to attend the registrant's personal appearance.

While Selective Service regulations mandate that a decision on the issue of classification be made by vote of at least a quorum of a registrant's local board or an appropriate panel thereof, the regulations do not require that a quorum of the local board, or an appropriate panel thereof be present at a registrant's personal appearance:

"Under present regulations only one board member is required to attend a registrant's personal appearance. This means that a registrant cannot be certain that a quorum of the board fully understands his petition. The lack of a quorum is particularly unfair when the registrant's sincerity is at issue as in conscientious objector cases."

D. Conscientious objectors

1. Universal Pacifists: Some of the most niggardly practices of the Selective Service System have centered on the treatment of the conscientious objector. Decisions of the Supreme Court have required the System to treat equally with the conventional religious pacifist, the unconventional religious agnostic and the non-religious pacifist. But the System has shown a remarkable resistance to the standards of equitable treatment which these cases have enunciated; for instance, the form for applying for exemption as a conscientious objector (Form 150) was not modified to take account of the *Seeger* decision for more than three years.

Provision for recognition of conscientious objectors has characterized all of our experience with conscription, both wartime and peacetime. It serves a high purpose in any social order, especially a democratic one. Law and order rest ultimately upon the readiness of individuals to know and act upon conscientiously held conceptions of right and wrong. A society which systematically compels individuals to violate conscience in a matter so central to it as the taking of human life, engages in the destruction of the very foundation of its order. Doing so by compelling military service is a particularly senseless toying with moral foundations, for a conscientious objector in uniform is necessarily a poor risk as a soldier. For these two reasons—respect for individual conscience and want of social advantage in overriding it—proper provision for the conscientious objector is essential to a sound system of conscription. For these same reasons the System's ofttimes grudging administration of the exemption is both an inequity to the individuals adversely affected and a subversion of the best in our social order.

2. Objectors to a Particular War: All of the same reasons apply to support the recognition of the conscientious objector to the particular war that objector faces. The differences between the "selective objector" and the universal pacifist are unessential to the policy of exemption. Both adhere to a moral command believed superior to that of the state. Both prefer society's ostracism and punishment to violation of that moral command. Neither can be inducted without violation of his conscience; putting either into uniform offers the Service a poor risk as a soldier. The only difference between them is an academic one; they have different beliefs about a war neither of them presently faces—a *hypothetical* future "just" war that may never occur, certainly not while either is of draft age.

That academic, hypothetical difference in their respective systems of beliefs is a difference that ought not to make a difference. It has no bearing on the violence which induction and military service will do to the conscience of either. It has no bearing on the advantage, or lack of it, which the Nation will gain from such induction. The conscientious objector to the war in which that individual presently faces service should be exempt, whether or not he is a universal pacifist.

The right to obey a moral law is reflected in the First Amendment guarantee of religious liberty, and is, we believe, implicit in our entire constitutional framework and origins. The "free exercise of religion" clause reflects the fact that obedience to conscience and morality that made this Nation a haven for freedom-loving men everywhere. The history of our national origins is largely a history of religious dissenters and conscientious objectors, like Puritans, Quakers, Roger Williams and others. Numerous provisions of the Constitution are directly designed to protect dissenting consciences in various aspects of civic life. The fact that selective conscientious objection is selective does not make it any the less conscientious. As one federal Judge has noted, "selective conscientious objection might reflect a more discriminating study of the problem, a more sensitive conscience and a deeper spiritual understanding." *United States* v. *Sisson*, 297F. 2d 902, 908 (D. Mass. 1969).

Indeed, by far the greater number and larger boards of all religions recognize the right of conscientious abstention from some wars but not others. The Catholic doctrine of the Just War is well known, and is deeply rooted in St. Augustine and St. Thomas Aquinas.[15] Various Protestant groups have asserted the right of selective opposition to unjust wars.[16] Jehovah's Witnesses believe in theocratic wars and in self defense of their bretheren and their church.[17] Even Quaker doctrine seems to approve of the use of force to maintain world peace.[18] The fact is that almost every pacifist believes in the use of force for self defense and for police purposes.[19]

As Chief Justice Hughes said in *United States* v. *MacIntosh*: [20]

"There is nothing new in such an attitude. Among the most eminent statesmen here and abroad have been those who condemned action of their country in entering into wars they thought to be unjust. Arguments for the renunciation of war presuppose a preponderant public sentiment against wars of aggression."

The ACLU believes that non-recognition of selective objection is out of harmony with both the First Amendment and the legislative intent of Sec. 6(j) of the Act.

III. UNIVERSAL NATIONAL SERVICE

Various proposals for compulsory National Service appeal to some as a substitute for military service. They would in reality import all of the evils of the draft into a much broader intrusion upon the lives of individuals. All of them necessarily encompass involuntary servitude.

Our objections to such proposals are numerous. In constitutional terms, the authority for military conscription stems from the Congressional responsibility to "provide for the common defense." The requirement of coerced *non-military* service certainly cannot be justified under this power, and it therefore would be prohibited by the Thirteenth Amendment. In broader civil liberties terms, such an enlargement of the system of military conscription is a totally unwarranted extension of the reach of government. The burden of justifying *military* conscription rests heavily on the government, such conscription inevitably works a severe deprivation of civil liberties; except when warranted by the overriding need of national security, it is a grievous departure from this nation's most cherished traditions of personal freedom. Proposals for marshalling every young person for non-military as well as military service threaten to introduce into this Nation regimentation of a type heretofore principally associated with totalitarian states.

The principal claim for national service as an alternative to the present system of conscription is that it would eliminate the inequity involved in that system's uneven and often discriminatory disposition of burdens and sacrifices. But national service would not significantly reduce these inequities, for the hard decisions as to who will be inducted into military service would remain. Even were that not true, the gain would never warrant the wholesale loss of liberty it would entail.

Where the present system, through the student deferment, gives an effective preference to young men whose families can afford to send them to college, national service would, in all likelihood, continue such class distinction but in a different manner, by offering as alternatives to military service such activities as the Peace Corps, whose high standards of eligibility would necessarily continue to make it much more accessible to college graduates than to their less well-educated contemporaries. It would not really be possible, even if it were desirable, to make civilian service comparable, in sacrifice and risk, to military service in combat.

Even if the burdens and risks could somehow be equalized, however, we do not think the elimination of the present system's inequities would justify extending still further its central fault; that is, the loss of liberty necessarily entailed by compulsion. If some persons in a society must surrender their liberty and risk their life and limb, because of an urgent need that cannot otherwise be met (a point which, we repeat, has not yet been established), their sacrifice will hardly be redeemed by attempting to impose on others equal sacrifices for which there is no equal need. Next to life perhaps, and certainly more than property, liberty is a precious commodity. Its loss by a few is not mitigated by taking it from many.

Much has been said about the socially desirable ends that could be achieved by national service: The needed service that could be provided, domestically and abroad, in education, welfare, conservation, and similar fields; and about the benefits that would accrue to the young people involved, in terms of both remedial education programs and the beneficial experience of selfless service. We agree that these ends are desirable, but we see no reason why they cannot be achieved by a system resting on free choice and economic inducement, like every other socially important service save the military. If, as we believe, compulsion cannot be justified as a way of curing the defects of the military conscription system, its only justification can be an economic one: compulsory service is, of course, cheaper than voluntary service. We do not think this Nation is in such economic straits that it cannot pay competitive wages to those it asks to undertake its important work.

We believe that it is no solution to the unfairness and inequity of the present military draft system to devise a program which will multiply that unfairness and extend the element of compulsion to all young citizens. If it is absolutely necessary that young men be compelled to render military service (and again we emphasize that the burden of proof of that proposition has not been met), the evil should be confined to the circumstance that occasions it—inadequate military manpower. It will only compound

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[15] See, e.g., St. Augustine, *City of God*, Book XIX, Ch. 7, (Image Books ed. 1958).

[16] See 4th Assembly of the World Council of Churches, July 17, 1968, p. 1 col. 3.

[17] See *Sicurella* v. *United States* 348 U.S. 385 (1955).

[18] See Sibley and Jacob, *Conscription of Conscience:* 1940–47 p. 25 (1952); see also William Penn's charter for world government.

[19] See e.g. *United States* v. *Purvis*, 403 F. 2d 555 (1968).

[20] 283 U.S. 605 627 (1931) dissenting opinion.

servitude and inequity to broaden the very compusion that is at the heart of what is wrong with the draft.

SANE Background Statement on Compulsory National Service

(By Sanford Gottlieb)

A Gallup poll of July 5, 1970, testing public opinion on the desirability of drafting young male Americans into a period of compulsory national service of a military or civilian nature, revealed that 71% of the American public favors such a program. While recognizing that such a plan may encourage initial idealistic reactions SANE is appalled that legislators and citizens alike have failed to understand the inherent dangers of such a system.

In an attempt to detail these dangers within the framework of a consistent policy base, SANE reiterates its long-standing policies on the draft and compulsory national service.

In 1966, in a policy statement supporting voluntary military service, SANE stated:

"SANE is also opposed to universal military training or any variant thereof which makes compulsory demands on the nation's youth. While lauding and supporting assistance programs such as the Peace Corps as representing the best in American neighborly and humane traditions, we believe the value of these programs would be vitiated by their becoming another aspect of compulsory service."

In elaboration, SANE stated, in testimony before the Senate Armed Services Committee in April, 1967:

"National Service would not end the inequities of the draft, but would compound them. Under Universal National Service all young men and women above a specified age would be drafted, and within the manpower requirements of the Department of Defense, non-military alternatives would be permitted to conscripts. In some versions, non-military service would be a voluntary alternative above the needs of the Department of Defense. A system of deferments would still exist, selection for actual military duty would proceed very much on the same basis as at the present, with its accompaniment of economic, class and educational differentiations. Nor is there any way at all of equating non-military service in activities which do not involve violence, killing and loss of life or limb.

"Purely on the basis of practicality, Universal National Service is a nightmare. It entails finding useful work for approximately one million men a year, and close to two million women per year. Assuming a three-year term for men and two years for women, a pool of around 7 million people would be available for national service. There would be no jobs available and no money with which to pay them. Universal National Service would be a gigantic latter-day WPA with all its social ills and abuses.

"The success of the Peace Corps and similar activities rests fundamentally on the individual motivation and volition leading to the desire to perform unselfish services for the good of others. There is no possibility that a system of conscription would be responsive to this motivation. It would, in fact, be destroyed by a system of coercion.

"Universal National Service would bring into being a wholly unparalleled system of state control far beyond the questionable provisions for conscription for military service, with serious and probably dangerous implications for democracy and civil liberties.

"Interpenetrating American society at home, and providing a governmentally-controlled instrument abroad, Universal National Service would constitute an instrument for advancing partisan political or narrowly conceived foreign policy goals—apt to present an irresistable temptation to any government. At home it would warp national life out of its sheer magnitude, requiring performance of social services at costs far below the open labor market. Abroad, by its lack of motivation and availability to influence, it would undo and reverse the constructive impact of voluntary and non-governmental agencies."

While these statements deal with the basic inequities and anti-democratic nature of compulsory national service in general, in 1970 we are faced with specific legislation, the National Service Act of 1970 (H.R. 18025) which would: (1) require universal male registration at 17 (females having been benignly neglected); (2) selective service counselling during the next year, and (3) choice at the age of 18 of (a) military service, (b) state civilian service, and (c) a chance in a military draft lottery.

Based on our view of the principle of voluntarism, we list below SANE's major objections to implementation of this Act.

(1) The Act would create the National Service Agency headed by a director appointed by the President. The Director would have sweeping powers over the lives of young Americans, with little effective control by Congress.

(2) The *National Service Director* would be *solely responsible* for determining whether a civilian service occupation "is of substantial social benefit to the community, Nation, or foreign nations . . ." This decision-making power, lodged in one official would have excessive influence over individuals, educational institutions, specific communities and economic groups.

(3) The terms of military service through the lottery is designated as two years, while the length of civilian service may be increased, *at the discretion of the National Service Director, up to a period of four years.* This provision, along with increased pay incentive and GI Bill for military service, while civilian workers receive "subsistence" salaries, would appear to reinforce the concept that civilian service is a penalty.

(4) The National Service Agency would pay civilian employees a subsistence salary set by the Agency. The private employer pays the prevailing wage to the Agency for that job. The private employer and the civilian employee thus join in a scheme which help subsidize the state.

(5) Four-year educational deferments for those enlisting in the armed forces, *granted at the discretion of the Director, would discriminate against young men who are already employed as well as those who choose civilian service.* The Director also has the responsibility to determine "that a program of education or training proposed to be undertaken by the registrant would enhance his potential contribution to the mission of the Armed Forces. . ."

(6) The Act would discriminate against young men who, if unable to find a job among the positions accredited by the Agency, would be placed in a Civilian Service Corps to work on federally-subsidized work projects. It is obvious that the majority of those unqualified for regular civilian service (where there is at least some choice of area of service) would be from the nation's undereducated and underprivileged.

(7) Individuals who found themselves in good conscience and with honorable precedent unable to participate in a system of national service would be required, as under the present system, to prove their case through hearings and appeals. The onus of proof is on the objector rather than on the Agency.

(8) If it is judged that there are not enough men in the military manpower pool, this legislation would permit the inclusion in the lottery of those who have completed their civilian service. Thus, some men could be subject successively to civilian *and* military service.

Puerto Rico's Committee of Resistance to Compulsory Military Service; Position Against the Imposition of any Kind of Military Service to Puerto Rico

Puerto Rico's Committee of Resistance to Compulsory Military Service wishes to let the people of the United States know its position on the Draft Law which is currently being discussed in the Congress of the United States. We submit the following statement:

The people of Puerto Rico became a colony of the United States as a result of Spain's defeat in the Spanish-American War. Before U.S. domination, Puerto Rico had an autonomous government. It was replaced by a United States military government. Two years later, in 1900, the United States formed a civil government on the island, totally dependent to the executive, legislative and judicial powers in Washington. In 1917, the Congress of the United States approved the Jones Act which made reforms on the island's colonial regime and imposed U.S. citizenship to Puerto Ricans. Since then, all Puerto Rican males have been totally under the jurisdiction of the American Military, notwithstanding Public Law 600 of the Congress of the United States which in 1952 gave way to the creation of the "Commonwealth of Puerto Rico", a more hypocritical form of direct colonialism.

Puerto Rico is a Latin American country formed by more than four centuries of history. The Puerto Rican nation, with its geographic, demographic, economic, cultural and psychological unity, has struggled for independence for more than a century, first against Spain and now against the United States. Our people's resistance to the United States' domination finds now its principal expression in the struggle against compulsory military service and the presence of militarism in our country.

Puerto Rico is a colony of the United States. When the Congress of the United States approved Public Law 600, it categorically stated:

"The enforcement of the Federal Relations Act with Puerto Rico and the exercise of the federal authority in Puerto Rico under its dispositions are not reduced in any way by the Constitution of Puerto Rico and cannot be affected by future amendments to that Constitution, nor by any law of Puerto Rico that is in conflict with the Federal Relations Act with Puerto Rico or with the dispositions of the Constitution of Puerto Rico, as it is expressed in Public Law 600 or with the Constitution of the United States, or with the laws of the United States that are not locally inapplicable, and should be void and should have no effect."

According to the Federal Relations Act with Puerto Rico, all the laws of the United States "have the same effect and validity in Puerto Rico as in the United States," with the sole exceptions of those "locally inapplicable."

The life of the people of Puerto Rico is regulated by the United States government. According to the U.S. Constitution, it is a prerrogative of the Congress of the United States to decide the destiny of all territories acquired by sale or conquest. And Puerto Rico was acquired by conquest.

The Congress of the United States has exclusive jurisdiction over Puerto Rico's foreign relations and trade, nationality and citizenship, emigration and immigration, armed forces, military draft, customs, transportation, monetary system, mail, radio and television, patents, quarantine laws and justice.

The Congress of the United States imposes the military draft on Puerto Rican youth and makes it participate in all wars waged by the United States, be they declared or not.

To safeguard the application of federal laws in Puerto Rico, like the compulsory military service law, the United States government maintains in our country a Federal District Court whose judges and officials are

designated by the President of the United States and where proceedings are carried out exclusively in English.

The United States has turned our island into a gigantic military base. More than 13% of our national territory is occupied by Army, Navy and Air Force bases. The United States Armed Forces have thus become one of the main monopolizers of Puerto Rican land. More than two and a half million Puerto Ricans live on our island of 3,435 square miles, of which such an enormous portion has been curtailed.

At Roosevelt Roads base, on the Southeastern shores of Puerto Rico, is the seat of the Caribbean and Antilles Command of the United States Navy. Rocket and atomic submarine facilities are found there, as well as installations for aircraft carriers equipped with thermonuclear warheads. A few miles offshore from the base, we find the Puerto Rican islands of Vieques and Culebra. In Vieques, the United States Navy controls more than 75% of the land. That monopoly has forced a big portion of the island's population to leave their homeland.

Culebra, the smaller of the two islands, completes the triangle of aggression against the people of Puerto Rico. Against the will of Culebra's municipal government and its population, the U.S. Navy continues using a section of the island as a target range. That use endangers the very existence of the population of Culebra and has already caused many casualties. The people of Puerto Rico has overwhelmingly opposed the Navy's domination of Culebra, to the point that the Culebra Affair has become "cause celebre" for the United States Congress and for U.S. and world public opinion.

United States military domination of Puerto Rico is total. It is not only our land, our coasts, our principal roads, our ports and our weather stations which are controlled by the United States military apparatus. Even more important is the direct control of United States Armed Forces over the Puerto Rican population, upon which compulsory military service has been imposed.

Puerto Ricans have no voting representative in the United States Congress nor participate in the election of the President of that nation. Neither do we want it. Our people, which form a nation different from the United States, wants to command its own destiny freely, independently and with sovereignty. What we want is to deprive Congress from any jurisdiction over our nation so that our people may govern itself. It is that United States Congress in which Puerto Rico is not and does not want to be represented, that passes the laws, military and otherwise, that affect the people of Puerto Rico.

The people of Puerto Rico have never participated neither in the passing or the implementation of United States military laws. Not even in the bureaucratic apparatus which administers the military laws have the Puerto Rican people any direct participation.

In the past, faced with the alternative of long prison sentences if they violated the compulsory military service law, a great many Puerto Rican youths were forced to bow to the draft. Puerto Rican soldiers drafted by the United States Armed Forces had to fight in World War II and in the Korean War, as well as now in the colonial war of aggression waged by the United States against the people of Viet Nam. Within the Armed Forces of the United States, Puerto Ricans are subject to all kinds of political, racial and national discrimination: Puerto Rico is forced to supply more soldiers than any state of the Union. The rate of Puerto Ricans drafted in relation to the island's population, is fourfold in comparison with Americans.

Popular resistance to compulsory military service appeared in Puerto Rico during World War II. Many Puerto Ricans, following the preachings of the Nationalist Party of Puerto Rico led by the Apostle of Independence don Pedro Albizu Campos, faced long jail sentences in federal prisons for opposing the draft. Also during the Korean War many Puerto Ricans preferred imprisonment to induction.

But massive national opposition to the draft began in 1965 with the escalation of the U.S. military aggression to Viet Nam. Since then, thousands of Puerto Rican youths have refused induction in the United States Armed Forces, thus defying the U.S. military power.

More than 100 Puerto Rican youths have faced judicial arraignments in the United States Federal District Court in Puerto Rico for having refused induction orders from the United States Armed Forces. Only three of them have been brought to trial; and only one has been convicted. Edwin Feliciano Grafals was sentenced to one year in prison by federal judge Hiram Cancio for refusing induction. The sentence was later reduced to one hour in prison and appealed to the Boston Circuit Court of Appeals. These facts show how deep is the Puerto Rican sentiment against the compulsory military service.

In November 1969 and May 1970, two massive anti compulsory military service demonstrations were held in San Juan. Both of them, one over 40,000 strong, were organized by Puerto Rican organizations as the Pro Independence Movement, the Puerto Rican Independence Party, the Labor Christian Youth and the Committee of Resistance to Compulsory Military Service. They were two of the biggest popular demonstrations ever staged in our country.

Puerto Rican youth has expressed its antidraft sentiment by other means. Selective Service Registration cards have been sent to the National Liberation Front of South Viet Nam. Many youths have not only refused induction, but have also refused registration in the Selective Service System. Resistance to compulsory military service has also been expressed in a consistent revolutionary struggle against the ROTC program and facilities at the University of Puerto Rico; the ROTC building at Rio Piedras Campus has been burned twice by the students. Also, clandestine revolutionary groups have placed numerous fire-bombs in Selective Service offices throughout the island, thus expressing armed revolutionary opposition to the United States military apparatus in Puerto Rico.

Puerto Rico's Committee of Resistance to Compulsory Military Service is a patriotic organization composed by members of different political, social, labor, religious and youth groups. It is a united front of the Puerto Rican people against the most violent colonial imposition on Puerto Rico: compulsory military service. Our Committee guides the struggle against compulsory military service towards the following objectives: (1) The developing of the Committee as an instrument of unity among all Puerto Rican patriotic organizations; (2) Developing the struggle against compulsory military service as the crucial element in the struggle for the independence of Puerto Rico; and (3) Creating a conscience for active resistance against the Compulsory Military Service Law among the Puerto Rican youth. As a part of this effort the Committee has appealed directly to the young for resistance to the imposition of that law.

The leaders of the Committee, Dr. Héctor Dávila Alonso, Chairman, and Dr. José Milton Soltero, National Director of Activities, have stated that the struggle of the Committee is "a campaign of civil disobedience made in endorsement of the resistance (of the draft) for political reasons", because "the colonial situation (of Puerto Rico) renders the United States incapable of taking legal action against a people which stands up to demand its rights of sovereignty and its political liberty."

Puerto Rico's Committee of Resistance to Compulsory Military Service declares that the Congress of the United States has no moral authority whatsoever to maintain a colonial regime in Puerto Rico and to continue legislating over the life of the Puerto Rican people. The Committee thus demands once more that the Congress of the United States abolish the Compulsory Military Service law for Puerto Ricans, that Puerto Rico be excluded from the jurisdiction of the military laws of the United States and that it formally and solemnly recognize Puerto Rico's national independence.

The Committee of Resistance to Compulsory Military Service appeals to all democratic forces of the people of the United States for endorsement to the struggle of the Puerto Rican people against Compulsory Military Service in the Armed Forces of the United States and for Puerto Rico's independence.

Notwithstanding the obstacles we may find on our way, we will develop ever more strongly our struggle for liberation. The bigger the opposition we find on our way, the larger the liberation force that will be developed until we achieve the goal of independence for Puerto Rico.

Position Favoring a Voluntary Military

(By Thomas Lindsley)

Statement of Testimony

This testmony is the result of discussions, assemblies, and the current time of crisis on the campuses of several Midwestern colleges. It is a statement that calls for an understanding of youth and for the opportunity to have the voice of draft age youth, that is, those most affected by its inequities, given significant hearing and proportionate weight in any consideration of the present peacetime draft system. Though I realize that this testimony is drawn from only a small portion of the nation's draft age men, we believe that the statements of this testimony give voice to a vast majority of that age group. This statement is a reasoned analysis from the eyes of draft age youth, also a rationalization of the increasing dissatisfaction and contempt among youth for the draft, its inefficiency, and its accepted position in a free society. No attempt at reason, however, can be disjointed from the disillusion regarding the draft that youth have experienced in the past few years. This brief statement hopes to capsulize some of the urgency of the issue.

It is time for a new military manpower policy. We must go beyond rhetoric. Action must be taken to end the draft as soon as possible. Now, more than ever, we are in a position to replace the draft with a completely volunteer armed force as a step practical and necessary for national defense.

Under the specific endorsement of representative organizations, Mr. Gerard B. Noonan, Registrar of Loras College and Draft Board Chairman of the Dubuque County Draft Board, and I have purposely decided to submit testimony together for the voluntary military as a far more honorable, desirable, and successful way of supplying manpower for defense than the apparently self-defeating principle of conscription. Our joint testimony gives evidence that there is an understanding of generations in the far-reaching problems of conscription. Testimony like ours for a voluntary service is the sound, logical, and inevitable result of the inadequacies and incompatibilities of the draft process. Since we were not able to submit testimony orally to the Senate Committees, we are submitting it here in part by written form. Because of the importance of this issue and its impact on the lives of most Americans, I believe it is crucial to hear the voice of that age group most affected.

We are attempting to replace disillusion with something positive. For a man to be conscripted and held involuntarily and paid a substandard wage for his service, this comes very close, in the minds of many young people, to an institutionalized force of "slave labor" which we have fought in every major war to eliminate and declare is not a part of our democratic process. It has taken a toll. As the Gates Commission Report states: "However necessary conscription may have been in World War II, it has revealed many disadvantages in the past generation. It has been a costly, inequitable, and divisive procedure for recruiting men for the armed forces. It has imposed heavy burdens on a small minority of young men . . ." It perhaps served the purpose of its time when initially the draft was designed as a necessity to meet the threat of a national emergency that called for the mobilization of a massive land army, but it is not the type of system to be considered lightly. The legitimacy in any society should be under constant scrutiny and its presence a challenge to a democratic people.

The draft has proved to this group, especially in the last year, to be neither a successful nor honorable institution, because of the wide variety of adverse effects produced by the existence of a system of forced conscription in a free society. The Gates Commission Report noted from its findings that: "It has weakened the political fabric of our society and impaired the delicate web of shared values that alone enable a free society to exist." The presence of the draft is increasingly impractical and antagonistic in the eyes of those faced with the needless disruption of their lives when there is a more practical, legitimate alternative to meet the manpower needs—that of the all-volunteer armed force. The maintenance of such a draft against the alternatives produces the only logical and honest result, that of criticism and resistance on the part of youth.

As students continue to gain an identity or self-consciousness as a group, it becomes clearer to them that there is unnecessary abuse, extreme injustice, and misunderstanding which is being played on them specifically. They feel more a part of society as they overcome educational disadvantages thereby escaping the syndrome of ignorance and begin to assume responsibility only to find serious inconsistencies and demands of the draft with no alternatives, no compromise, no trust. In regard to this, the Gates Commission observed: "Compelling service through a draft undermines respect for government by forcing an individual to serve when and in the manner the government decides, regardless of his own values and talents." Even now, this confrontation is open and tangible, though not necessarily spectacular; but, as was brought out in one group discussion, "its symptoms, general dissatisfaction, widespread malaise, and contempt for those in power, are difficult to put down, since their meaning is never unequivocal." And as the very respected Historian Hannah Arendt has said: "Contempt is one of the most potent springs of revolution."

I suggest that ignoring the presence of contempt which is obvious among draft age youth and the larger part of civilian society by retaining the draft system will produce a dangerous environment for our society. By turning values away from the integrity of man to political expediency, as the draft system seems to have facilitated in recent years, we can expect men to lose sight of their meaning, their liberty, their loyalty. When values are based on something as arbitrary and manipulated as government interests, then there is created, from an atmosphere of abuse and deception, that unique environment for revolution.

The people of my own geography in the Mid-West are increasingly united in their belief that replacement of the draft with a volunteer military is now both realistic and necessary. Their endorsement of this testimony declares that. And having lived in a community sharing the same age, pressures, ideals and frustrations, they believe that a continuation of the draft will produce a domestic crisis with a very serious threat to our national security.

Even among the veterans organizations on campus there is a unanimous concern about the draft, and its antagonistic effect on the patriotism of youth. They have spoken of the obvious injustice of the deferment system which provides a refuge to a large arbitrarily defined group, who are smart or rich enough to find their way under its roof, while a draftable few are left to face forced service. They have also discussed the need not only of restoring respectability to the defensive services, but also of a need of efficient personnel. Both, they concluded, could be accomplished by an end to the draft system as it presently functions. Some of the organizations involved in this testimony, have expressed the view that the status quo could be changed constructively and the society improved peacefully, by responsible and responsive government. There exists a hope that Congress, the last calm voice of the people, will resolve the issue of the draft, but it has reached that point in the minds of many that if it is not settled in Congress, and that voice not heard, then a voice should rise from the streets, which has proved before to be a less desirable yet effective means of significant change.

Any reform of the administrative or operational structure of the system cannot remove the stigma of involuntary servitude which seems the essence of military conscription, especially in peace time. A voluntary military would eliminate the inequities of the selective service system and end the injustice of forcing some to serve while allowing the majority to escape. And with its reduced turnover, it would provide a more efficient and effective military. Success in lifting conscription from the lives of American youth would also mean an important release of energy and optimism throughout the whole society.

We believe the draft exists now because of restricted leadership and vision. Because of the long toleration of the draft through the cold war, leaders have begun to function with an increasingly narrow vision of liberty, and such an acceptance by society is "weakening our moral and democratic fiber." The suppression of individual rights remains suppression, the evil remains evil, the perceiver merely becomes less sharp in his perception. It has been said that if it did not already exist, such a system would be impossible to invent today. Such an arbitrary, manipulated use of a certain segment of society would cause such indignation that it would never be born now. There is no other segment of society that would tolerate such a system of forced service; this in itself reveals something of the contempt for the present draft system on the part of the majority. Yet it is imposed upon youth with all its injustice and malfunction. This suggests to some, the inability of those in power to look for responsible alternatives. Is there a reason we should not be expected to sense some hopelessness in the face of such institutions we are called upon to "honor"?

Since we are almost politically impotent, we have less control over our social lives and feel we are denied an understanding. There exists with this the frustration of trying to live our freedoms in a free society. We are denied the right to *choose* to serve our country, which in the minds of youth, is vastly more important than to any other age group. No other system in society demands such absolute obedience of an individual, or such an involuntary forfeiture of individual liberties. Individual liberty has been called the "ultimate right in a democracy, it is not a concession that can be withdrawn or that must be paid for by military service."

We have rationalized the presence of a system that abrogates a man's rights as an unfortunate but dire necessity. Now the Gates Commission Report provides that necessary assurance, the absence of which was used before as an excuse to retain the draft, that sufficient numbers can be brought into military service on a completely volunteer basis. And if Congress has any intention of trying to eliminate forced conscription, now is the best, yet most crucial time, at least to try it. Now, there is little reason, except force of habit, to maintain the draft. We think it is hyprocrisy to a free society and something we cannot tolerate.

THE DEFEAT OF AMERICA

This is the first generation to have to grow up under the constant presence of systematic forced service. We are denied the opportunity to choose to serve our country, and, as a result, we are not only denied responsibility by a seemingly distrustful society but also take little pride in the forced "service" and eventually identify this compulsion with the systems and institutions of government. Compulsion of this kind in any history, including American, has never inspired patriotism.

To the founding fathers, "foundation of freedom" meant the foundation in practice of participatory democracy; this was to be the great experiment of America. Instead, we have turned to the contradiction of the "silent majority" as the epitome of the democratic process. No wonder youth feels that democracy is failing. As we interpret it facing the draft, it is. We are encouraged to remain silent, we are frustrated in attempts to *do* anything. Voluntary participation therefore, is a nonentity for us on the national scene. Apparently the individual is expected to accept this personal insignificance, dissolve himself in a higher power, and then feel proud in participating in the strength and glory of this higher power. But this is the destruction of freedom. It is a forfeit of self-realization. It declares null and void most queries into the nature of man's progress. It is a contradiction of the philosophy that brought America to be. It is an evasion of life.

The courage it took our country's founders to turn from history in the sense of making a new beginning is the courage of men of great purpose. It is a great purpose we call for now. We need to understand again the meanings that were attached to the words of our "self-evident" truths, our principles of government, our philosophy of life.

A NEED FOR REPEAL

We conclude that the present Selective Service System retains that basic injustice of requiring some to serve and others not to serve; especially student deferments where financial adequacy or other such arbitrary measurements are used to put the burden on others. Aside from the deferment system itself, the draft creates enormous uncertainty and anxiety for millions which is unnecessary, and it is inefficient from the military point of view, since it fails to recruit men with a stable commitment to service. This is seen consistently by those in the military. General Leroy Anderson has said: "Certainly a better standard of performance will be achieved by a much smaller number of properly paid professional military personnel supported by civilian employees where feasible." His professional observations led him to favor the total repeal of the draft: "The draft is a terrible injustice, not simply a poorly conceived system in need of repair. Let us end it and restore the voluntary spirit to the military." The first steps should include the elimination of the hidden "tax-in-kind" imposed upon first term service men and their substandard pay raise to reasonable levels. The rest of the

nation's population should pay its share of the common defense by assuming the expense paid by first term men. The Gates Commission put this tax, which is in the form of a loss of income, at a figure of $3,600 annually per man, amounting to $2 billion per year. As Senator Mark Hatfield stated: "The young men we force into the military subsidize their own service." The voluntary army would relieve this extremely disproportionate burden on those giving service, and as James C. Miller, III, asserts in his book WHY THE DRAFT?, it would force taxpayers "to recognize the true cost of military activity. If they would be unwilling to pay this cost, it must be because the benefits from such activity are less than what it costs." But that decision should be made by the population of taxpayers as a matter of common defense.

The draft is becoming obsolete in this age of technology. The advance of spohisticated weaponry is making the importance of the foot soldier less and less great. The volunteer system will provide far more competence for the technicians of the modern army. Tremendous losses due to a high turnover and redundant training will be eliminated. Whether the draft is spoken of in terms of national security, expense, military efficency, or in relation to the institutions of a free society, it is in every case far less preferable than a voluntary military. We can now make the transition from this obsolete system of conscription to a voluntary institution.

We recommend with the Gates Commission that: "A return to an all-volunteer force would strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has never been lacking in our youth, promote the efficiency of the armed forces, and enhance their dignity." The draft is systematically destroying our hope for such a generation of men of good will which society now desperately needs and which youth wish to be. It may be that without abolishing the draft it will be impossible for them to achieve their high ideals within our system. It is invaluable for youth today to be granted full exercise of their right to be free from the restrictions of arbitrary force. For the Congress to replace the draft with a volunteer system would be a major step toward restoring optimism and trust in a disillusioned youth. We urge an end to the draft now.

RECENT PRESIDENTIAL ANNOUNCEMENT OF COMMISSION ON STATISTICS

Mr. TALMADGE. Mr. President, it has escaped public notice, but for those interested in the performance of our Federal statistical system, last Wednesday, August 12, was a notable date. On that day the President announced the appointment of a distinguished Commission of 14 individuals to undertake the most complete review of the Federal statistical system in at least 20 years. I particularly welcome this action by the President because the Subcommittee on Economic Statistics of the Joint Economic Committee of which I am chairman, has for many years has been investigating various specific aspects of this system which generates the information and statistical data used by this Congress, by the executive agencies, the regulatory commissions and by private business and the universities to understand our economy and our society. We are well aware of the need for a useful review of this system. This seems a place where a Presidential commission could be useful. We wish it well and offer our cooperation. We look forward with great interest to its conclusions and recommendations and promise the Commission an early hearing upon completion of its work.

The President has wisely chosen one of America's most eminent scholars thoroughly familiar with these problems in the person of W. Allen Wallis, president of the University of Rochester, to be the Chairman of the Commission. The Vice Chairman is the equally distinguished professor of statistics at Harvard University, Frederick Mosteller, the former president of the American Statistical Association. I ask unanimous consent that the White House announcement of the appointment of the Commission and the full membership be printed in the RECORD.

There being no objection, the announcement was ordered to be printed in the RECORD, as follows:

WHITE HOUSE ANNOUNCEMENT

The President today announced the appointment of a Commission of 14 distinguished Americans to undertake a thorough study of the Federal Statistical System in order to maximize this service to the American people and to the Government. W. Allen Wallis, President of the University of Rochester, will be Chairman of the Commission, and Frederick Mosteller, Professor of Statistics, Harvard University, will be Vice Chairman. Daniel B. Rathbun, Director, Naval Warfare Analysis Group of the Center for Naval Analyses, will serve as Executive Director of the Commission staff.

The Commission will conduct a comprehensive review of the Federal statistics program. The last appraisal of the Federal statistical program under the first Hoover Commission occurred more than twenty years ago. Since that time, sixty million persons have been added to the nation's population and our economy has more than doubled in size; the complexity of society here and abroad has increased enormously; and data processing technology has been revolutionized.

In response to these developments and because of major advances in the social and physical sciences, there has been vigorous growth in the demand for more prompt, more accurate, more comprehensive, and more detailed statistics. To deal with these issues, answers to three basic questions are needed: (1) What are our present and future needs for information about the functioning of our economy and society? (2) How can we minimize the burden on respondents and insure that privacy and confidentiality are protected? (3) How can we organize Federal activities for the most effective production and utilization of statistics?

The examination of these fundamental issues and the recommendations thereto will be of great assistance to the public, the Congress, and the Executive Branch. The review will take into account the interests of those who supply and use statistical information, as well as those who are aware of the heightened place of statistics in our society. The Commission will seek the views of the Congress and of individuals and representatives of groups with interests in specialized fields. The President has directed that the Commission present its recommendations by June 30, 1971.

The Commission includes recognized experts in the field of economic and social statistics as well as individuals from business, labor, and the law. The members of the Commission are:

CHAIRMAN

W. Allen Wallis, Chancellor, University of Rochester, Rochester, New York.

VICE CHAIRMAN

Dr. Frederick Mosteller, Professor of Statistics, Department of Statistics, Harvard University, Cambridge, Massachusetts.

OTHER MEMBERS

Frank D. Stella, 19180 Gainsborough Road, Detroit, Michigan.

Dr. Ansley J. Coale, Office of Population Research, Princeton University, Princeton, New Jersey.

Dr. Paul M. Densen, Director, Center for Community Health and Medical Care, Harvard University, Boston, Massachusetts.

Dr. Solomon Fabricant, Member of Research Staff, National Bureau of Economic Research, Inc., 261 Madison Avenue, New York, New York.

Robert D. Fisher, 523 West 6th Street, Los Angeles, California.

Dr. W. Braddock Hickman, President, Federal Reserve Bank of Cleveland, Cleveland, Ohio.

Professor William H. Kruskal, Department of Statistics, University of Chicago, Chicago, Illinois.

Professor Stanley Lebergott, Department of Economics, Weselyan University, Middletown, Connecticut.

Richard M. Scammon, Director, Elections Research Center, Governmental Affairs Institute, Washington, D.C.

William H. Shaw, Assistant to the Treasurer, E. I. duPont de Nemours and Company, Inc., Wilmington, Delaware.

James A. Suffridge, 4000, 25th Place, N., Arlington, Virginia.

Dr. John W. Tukey, Department of Statistics, Princeton University, Princeton, New Jersey.

EXECUTIVE DIRECTOR

Daniel B. Rathbun, Director, Naval Warfare Analysis Group, Center for Naval Analyses, Arlington, Virginia.

YAF SYMPOSIUM ON THE VOLUNTARY MILITARY

Mr. GOLDWATER. Mr. President, last Wednesday the Young Americans for Freedom sponsored a symposium on the voluntary military. This group is the Nation's largest conservative youth political organization and I am very much pleased that they have decided to back the volunteer army concept. Their enthusiastic participation in this effort speaks well for today's generation of young Americans, which, as I have often said, is the best that I have seen come along.

There was an interesting exchange of thoughts at the meeting, and I believe a great many new arguments were developed in support of the voluntary military that the general public, and perhaps some Members of Congress as well, have not had an opportunity to study. I know that I heard several new points explored, and I would like to try some of these out once the debate opens on our voluntary military amendment.

In order that the record of the YAF symposium can be available for consideration and use during the forthcoming Senate discussions about the volunteer army, I ask unanimous consent that the transcript of the August 12 YAF meeting be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

TRANSCRIPT OF THE SYMPOSIUM ON THE VOLUNTARY MILITARY

Mr. DAVID ANCOCK (YAF Coordinator). As all of you know, on July 7, Senator Hatfield

introduced in the Senate, as an amendment to the military appropriations bill, legislation which would establish a voluntary-military force, effective July 1, 1971. The scheduled vote of the voluntary-military vote is planned for about August 19 and the purpose of this symposium today is to present a conservative viewpoint of the voluntary military for those Congressmen who wish to send representatives. Young Americans for Freedom is sponsoring this. We have sent out our voluntary-military packets to all the Congressional offices, we have sent out personal letters by Professor Milton Friedman and Frank Mier endorsing the concept of a voluntary military. Young Americans for Freedom is very honored today to inaugurate the symposium. We have a top-notch line-up of speakers; Randall Teague, our Executive Director of Young Americans for Freedom; Doctor Milton Friedman, Professor of Economics at the University of Chicago; Dean William Meckling, Director of Research for the Gates Commission Report, and Dean of the School of Business at the University of Rochester; General Thomas Lane; and at 11:00 Senator Barry Goldwater will be here.

As I said this bill was introduced on July 7; since then we have approximately 15 co-sponsors of the Voluntary-Military Amendment ranging from liberal to conservative. It is not a partisan effort in any sense of the word. I would like to introduce Randall Cornell Teague, Executive Director of the Young Americans for Freedom, who will speak on "The Student and the Draft", and what young Americans for Freedom is doing about the Voluntary-Military.

Mr. RANDALL TEAGUE. I would like to welcome you all here this morning. YAF has been engaged for the past four or five years in active program in support of the voluntary military. What makes the YAF position very different from that of many other youth organizations is that YAF is known quite openly as a conservative youth organization. YAF has supported the policies of eventual victory over communism is Southeast Asia. We have supported the President's position on Cambodia. In general over the past 10 years we have supported a strong national defense and a policy of responsible anti-communism. I think that most of the other youth organizations that are in strong support of the proposals for a voluntary military system probably do not all so share those other positions.

We do support the voluntary military because we do believe the draft to be a denial to an individual's right to live his life as he chooses. We support the voluntary military because we believe that governments are instituted among men to protect the right to live, not to destroy. We support the voluntary military because we believe the draft has been basic to every authoritarian regime, whether it be feudal, communist or fascist, and because we believe it to be largely incompatible with a free society.

YAF supports the enactment of the amendment to provide for a voluntary military. This amendment is now pending before the Senate. We believe the legislative enactment of the substance of the Gates Commission report to be overdue. Our only reservation about the amendment now pending before the Senate is in our opinion its failure to adequately provide the President with stand-by authority to reinstitute the draft in times of national emergency or war. YAF's official policy position in support of the voluntary military has always been predicated upon the assumption that the system would first be instituted during a time of peace. While we are not now in such a period, YAF felt it was not inconsistent with our long-standing position to support the amendment now, inasmuch as we appear to at least be moving towards peace in Southeast Asia. We do think, however, that some safeguard, in the interest of national security and the balancing of priorities as to national security, might be provided for in the amendment.

Our program here today is designed to provide members of the United States Senate and their staffs and representatives of the press with information about voluntary military from different perspectives. We have the presentation by Mr. Friedman on the economic aspects; Mr. Meckling on the administrative aspects; Gen. Lane, a former major-general in the United States Army, discussing why the voluntary military system is a preferable system; and political perspectives on the amendment and on the system itself by Senator Goldwater.

Dr. Milton Friedman, (Professor of Economics, University of Chicago). I have been connected with a great many controversial issues for quite a long time and the issue of the voluntary military has one characteristic that I have never observed in any other issue: that is, I have yet to see anybody who went carefully into the subject of the voluntary military, whatever his initial position, who has not increased his support for it. I have yet to see a single person who undertook to examine the evidence who moved, for example, from support for a voluntary military to support for the draft, not a single person. I have observed many people of various backgrounds and interests move the other way, and I think that speaks something for the evidence. I was particularly impressed with this in the connection with our Commission, the Gates Commission, of which I was honored to be a member. That Commission had people on it from a very wide range of backgrounds—some military people, some business people, academic people, and others. I would say at the outset when we met at our first meeting probably there was about a 50/50 split between pro-volunteer military and anti-volunteer military. By the time we completed our deliberations and after extensive examination of the evidence we had a completely unanimous report. There was not a single person on the other side. This was not an isolated experience; I saw exactly the same thing happen at Draft Conference held in Chicago four or five years ago. I have seen it happen over and over again. The one thing I would really urge on anybody interested in this subject is to look at the facts, look at the evidence, because on the basis of my past experience, there is only one way you can move.

Now let me discuss the particular topic I was assigned, the economics of the volunteer military is to distinguish between the real cost to the country, the real economic cost of different methods of manning the armed fores in different ways on the one hand, and the budgetary impact of manning the army and armed forces in different ways on the other. To look at the real cost of the country, you want, for a moment, to pull away the veil of money which tends to conceal to some extent what's really going on. What are the real factors? It is the number of people who are involved in various activities, what they do with their time and with their efforts, and the amount of resources used trying to reach a certain degree of military effectiveness—and people can differ widely about that—but whatever degree of military effetiveness being sought, whatever degree of preparedness, the question arises: what is th most efficient way to reach preparedness from the point of view of the economic resources it absorbs.

Now one of the oldest findings from history is that slave labor is inefficient labor: forced labor is not efficient labor. You get far better service, far better and more efficient use of resources if people are voluntarily engaging in an activity. And that is no different for the military than it is for anything else.

In the first place, in order to man an armed force of a given size with a mixed force of conscripts and volunteers a larger total number of people is needed. Why? A man drafted for two years spends the first six months or so in training. The last three months of his service he is being processed for discharge. You are lucky if you get one year service out of the man for two years that he is in the armed services. In addition there must be people on hand to train him, to move him about from one place to another, to process those papers for discharge and the like. The result is that, of a given total number of people in the armed forces, the number of people in an effective position is decidedly smaller in a mixed force of volunteers and conscripts than in a force of all volunteers. Now this shows up dramatically in the kind of figures the Gates Report produced and that Bill Meckling will talk about later.

To maintain a middle range mixed force of volunteers and conscripts, each year about 440,000 young men must be recruited for the enlisted forces leaving aside the officers corps. Under a completely volunteer army the number of people needed is 325,000. So each year there is an additional 115,000 people or so who have to be put through the mill of going into the service and coming out of the service. So clearly, just from the point of view of the military operation itself, a conscript force involves the use of more man-hours and thus waste resources for the same military effectiveness. But that is only part of the story. In addition to the waste of people in the excessive turnover in the military itself, there is the waste of people in the civilian side because of the activities young men and other people engage in as a result of the draft. As we said in our report there are not only draft-included volunteers in the armed forces, there are draft-induced ministers, there are draft-induced graduate students, there are draft-induced deportees.

Young men all over understandably, because of the existence of the draft, engage in activities they would not otherwise engage in. Employers are hesitant to recruit people for particular jobs because they may be subject to the draft and employers lose them. Consequently, you have inefficient use of the young men. You have the disturbance and the cost imposed on the college campuses. I think there is little doubt that a major source of the disruption on the campuses has been the draft. It has brought to colleges and universities hundreds of thousands of young men who would not otherwise be there. Their major interest has not been in education and as a result they have denied places on the campuses to others who would have a stronger interest in education, and they have changed the character and the tone of the discussion. And moreover, because they felt guilty about being there while their friends were escaping they have tended to retreat to an irrational approach to great important issues. The issues of what our foreign policy should be is an extremely important issue, but it ought not to be considered in the kind of irrational, emotional tones that have dominated campus discussion, and I am sure a large part of that is indirectly a reflection of the existence of the draft.

So in terms of the real cost of the society, a volunteer military is a more efficient way of providing a given degree of effectiveness. It requires fewer people in the armed forces on the one hand, and it does less disturbance and harm to the rest of the society on the other. Now we turn from the real cost side to the budgetary cost. If you look at the problem of achieving a voluntary army, there is only one simple problem and that is, we are currently underpaying drastically people who are in the first term of service. A young man who is drafted in his first term of service receives on the average something like 60% of the income which he can earn in civilian life. I think it is an enormous tribute to the patriotism of our young people that so many people already volunteer under

those circumstances; no one is going to volunteer and enter the armed services for pay alone. But it certainly is true that bad pay can discourage a man from entering that might not otherwise enter. That is the fundamental problem.

The fundamental function of the draft is not to get men for the armed forces, make no mistake about that. The reason we have conscription is to reduce the tax load on tax payers in general, and instead impose a tax on the young people who serve. And nobody will put it that way. But if you look at it objectively, that is the essence of the situation. A young man who would be willing to serve in the armed forces for $5,000 a year who receives in the armed forces $2,500 a year is paying a tax of $2500. However, it is a tax in kind. Its a kind of forced levy that we thought went out with the Middle Ages, the elimination of which was one of the great steps forward in the freedom of human beings from bondage. But that is what it is: a forced levy, forced service on people. A tax in kind. Our books are not kept well, our governmental books do not show as a receipt the tax in kind from the people who are serving compulsorily. Our governmental books do not show as an expenditure the true cost of manning the forces. If we were to adopt this procedure in general, we could reduce the book expenditures of the federal government very drastically. If you simply drafted all people who are used in government construction or all of the civil servants who fill the buildings in Washington—if you required each and every one of them to serve at half his present pay, under penalty of being sentenced to jail if he didn't, recorded government expenditures would go down drastically. But I think no one would say that was a real saving. Well, that is the situation. Under present circumstances we are financing the armed forces in considerable part by a tax in kind on the young men who are required to serve and on those people who are induced to volunteer in order to avoid the draft. The essence of a shift to a volunteer armed force is a substitution of tax for a tax in kind. It does not, in fact, involve an increase in total government expenditures properly measured. It involves a reduction in total government expenditures properly measured. It involves a *reduction* in total government expenditures properly measured. But it does involve shifting from a tax in kind, shifting from requiring services through a forced levy, to a buying it on the market. And as a result, the *recorded* bookkeeping expenditures of the government will run higher. The estimates we made in the Gates Commission Report, and that Bill Meckling will perhaps develop further is anyone is interested were that the actual budgetary expense of shifting to a voluntary army force would be roughly of the order of something like 2½ billion dollars a year for a stable force mid range force of the side that is considered. And I may say, that that force is roughly that kind of force that is being contemplated, now that we are moving out of the Vietnam situation.

Now I have no doubt that from an immediate governmental point of view—from the point of view offered in the government—the need to spend 2½ billion dollars more. Out of pocket expenses that do have to be raised in cash taxes raises a problem, a political problem. You know there is the saying "an old tax is a good tax" in the sense that people get accustomed to it and any new tax is difficult tax. But it so happens that I think this political difficulty in the present instance a mixed one and much less serious in general and that is because the draft tax is so unpopular. It is hard to think of any other tax that we have that is not labeled a tax and has produced such a degree of taxpayer resistance. Maybe there are other taxes that are evaded to a greater extent. It is very hard to believe that there are.

It is hard to think of any other tax that costs so much to collect. In our report of the Gates Commission Report we made an estimate of the cost imposed on the rest of the community in order to get the dollar services collected in the tax in kind, it costs the country a dollar and a half to collect it. That is, a dollar and a half represented a rough estimate of the cost imposed on other people to evade the tax—the cost imposed on the people who went into one exempt occupation or activity or other for the purpose of evading the tax. So, in this case I think you have a situation where simultaneously a very bad tax can be repealed; in effect 2½ billion dollars more must be collected in dollar taxes in order to finance the budgetary outlay for this purpose. What you have is a shift of tax burden from the backs of the young men to the public at large.

Now, one other, most governmental expenditures that you consider are exhaustive expenditures; they involve using additional resources. If, for example, there is an extra $500 million dollars voted to subsidize the SST, that will involve hiring engineers, using materials, in other ways reducing a volume of real resources available for other purposes. That is not true in this case. If in fact the Congress votes to have a volunteer military and this involves an additional dollar expenditure of 2½ billion dollars a year, that will be accompanied by a reduction in the amount of resources, manpower, and etc. that you absorb from the civilian economy. Because it is a rearrangement of the tax burden and not a net addition, this case, unlike the SST, will make more men available to the civilian economy, and more material available because this will produce far more efficient use of the military. I have tried to stick so far as I could to the economics of it. I hope it will stimulate you to ask questions because it is much better to answer. Let me only close by saying that I think the basic issue involved in the voluntary army goes much beyond the economics of it, and I would not myself, although I am a professional economist, be so concerned with the issue if all it involved were the economic resources.

What is fundamentally involved is the fundamental principals and beliefs of this country and of this nation. We are a free people. Then we should individually, as a free people, have control of our lives. It is fundamentally incompatible for a society of free men to have a system under which people are compelled to render specific services at penalty incarceration and of imprisonment when it is perfectly feasible, perfectly possible to hire those services on the open market by getting voluntary arrangements that will serve that purpose. Thank you.

SPEECH BY SENATOR HATFIELD

I'd like to extend to you a word of greeting, as you undertake this conference on the draft. A subject which has been dear to my heart for many years. There is really little that I could add to this as far as the rationale for developing the volunteer military than what has already been offered by the brilliant discourse of Dr. Friedman. I can only indicate that since the years that I filled out hundreds of SS forms 109 for the male students on the University campus where I was serving as dean, I was made much aware of the inequity of the so-called student deferment part of the SS program.

Variations occurred there within the different majors. Yet, as to grade averages, no consideration was given to whether you were a physics major or a music appreciation major. Also, it made little difference whether you came from a High School that had great demands upon academic achievement or little demand. And so from those days back in the 50's on through, I have been, as I say deeply involved in the inequities that were so apparent in the Selective Service System.

In fact, I think the very title itself indicates the discriminatory character of the system. I want to say this morning that there has been very few people who influenced me more than Dr. Friedman's very outstanding participation in this discourse for these many years, because when I came to the Senate in 1967 I introduced the first bill for the repeal of the Selective Service program. And then followed that with another bill in 1969 but now we have behind us and undergirding our efforts the Gates Commission Report which was unanimous, as you know, and which will be given in greater detail I suppose as you go throughout the day by the gentlemen present.

With the Gates Commission report in, we introduced a new bill to incorporate as much of the exact language as we could and to translate the Report's recommendations into legislative language. I say it was unanimous and this included not only the civillian members but General Gruenther and General Norstad as well. I think sometimes we find ourselves in this basic argument today or debate within the echelons of politics as sort of the old conundrum we hear so often about the military-industrial complex that it is the military versus the civilian. Well, this, of course, is a very superficial observation if one makes that because we find that really some of the greatest support for a voluntary military comes from within the military organization, and military leadership.

Navy Magazine talked about personnel turbulence upon occasion which they indicated was the single most important problem they faced as a military organization, because of the high rate of turnover they found was part of their problem. I would say today that the prestige of the military is greatly called into question and I think it is unfairly attacked from many quarters. I decry those who use the military as the scapegoat for many of their differences about political issues or political policies. I think one of the things we can do most significantly of all is to restore the military as the rightful arm of the defense of this nation. And to establish it on a voluntary basis. I think by removing one of the most important of all the targets of attack, mainly the draft, we could do the most to reestablish the rightful prestige the military should have in our country. I reject totally those who fear the military eliteism which a so-called professional mercenary army, they like to phrase it, would bring about. I reject that not upon an opinion only but upon the history of this country, upon the Constitution, and the way this Constitution guarantees our civilian control.

Now we have the problem of the ROTC today which I think is often brought into focus, which I feel again is one of the most important parts of our military training program. The same people who fight ROTC are contradicting themselves when they say we want less militarism in this country. While the more we have of civilian involvement in civilian exchange and civilian environment, the greater we will find the military integrated into our total society. I have absolutely no fear. After all, we do have the records of our history of this county to point to as the reasons why we need not fear the military in this country.

I think that we have to face up to the reality that the draft will expire in June 1971. We are going to be pushed up against the wall if we do not have any alternative program to present to the Congress and to adopt by the Congress before we face that deadline. If we do nothing in the Congress at this point we will find ourselves in with the only proposition presented to us and that is to extend the draft for another period of time. So, I say that this is the time, this is the moment when we as a Congress should be undertaking an action which will pro-

vide us with other than an up against the wall situation of extending the draft for another two years.

I think your conference and the understanding and the knowledge that you will gain from this conference by your distinguished panel members will be very important to our efforts on the Congressional side. Senator Goldwater is the main cosponsor of my amendment and together we will wage this battle as we have waged battles together on previous occasions and the thing that I think is most interesting about this particular situation is it transcends all political philosophies, all political labels. We have one common cause here and that is for the basic freedom of this country that we all believe in, and for an efficient military organization, which as Professor Friedman has indicated already, cannot be efficient or effective under the present system of conscription.

I would close my comments to you this morning by merely saying that I am most pleased to be able to be here this morning, to welcome your efforts and to ask for your support. We need your help. We will take this as an amendment procedure, directly to the floor of the Senate. Finally, I think when young people have involved themselves within the processes of Government, as you have, you can intelligently and peaceably go about making your voices heard. It will be very effective in influencing and creating interest on the part of those in the so-called establishment, and I commend you therefore on establishing the means of communication and expressing your opinions and moving those opinions into action. I am grateful to have a chance to be here this morning and thank you very much for your invitation.

SPEECH BY DEAN WILLIAM MECKLING

(NOTE.—Mr. Meckling is director of research for the Gates Commission Report, Dean of the School of Business at the University of Rochester.)

Milton has suggested that I might correct David in regard to that last statement about my influence on the Commission report, and make it clear it was the facts that were responsible and not me that was responsible for the outcome. I had an interesting experience which I thought I would relate to you on the way down this morning on the plane that I think merits some attention. I was reviewing our Commission report on the way down and one of the stewardesses noticed I was looking at it and asked me what I was doing reading that book and I said I had some effect on what was written in those pages, and I have some interest in that. She was quite interested and said she and the other stewardesses the night before had discussed the new Women's rights amendment and had suddenly discovered, or then felt they discovered that perhaps they'd be subject to the draft if the women's rights amendment really was enacted and they were quite concerned. So that I got attention all the way down from Rochester from the stewardesses this morning in an unusual way on an unusual subject. Now that is the first case in the time we spent working with the Commission that I found young women really vitally interested in the draft issue in a direct sense, that is, they thought they might be affected by this.

I'd like to start from where Milton left off talking about the real reasons for objections to the use of conscription and it is basically a question of human freedom I think and not a question of economics. But much of the discussion that goes on about the draft involves questions which are essentially questions of fact and much of the Commission's staff effort in any rate went into trying to cover as much as we could about the fact with respect to the use of conscription. One of the major objections that occurred then and occurs now really revolves about the feasibility of a voluntary force.

Many people say that an all volunteer force is not feasible. In one regard that statement confuses the issue because I think it is quite clear to most people that if you ask whether at $50,000 a year for first-term servicemen we couldn't have a volunteer force, almost all would agree that we could. This clarifies that the real issue is one of what we are going to have to pay—that is we must decide what the pay levels are going to have to be in order to achieve an all-volunteer force. That is one of the things that the Commission spent a great deal of time on and a lot of people have raised questions on our estimates. I want to go back to that later, but I will say now that we made a honest effort to get the best kind of estimates we could about what it would take in terms of pay level to solve the transition problem.

The feasibility question breaks down when you address it into two parts. One is I think a more extreme form of statement and that is that it is not feasible in the long run. Most people do not hold that position. They will say that the all volunteer force is a good idea and that is what we should have in the long run, but we can not have it now. So the issue becomes one of transition. And in fact, the staff of the Commission addressed itself not to just the long run problem but to the transition problem as well. I personally believe and am convinced that the pay scales we suggested in the report would enable us to have an all-volunteer force.

Even in the short run, we can safely allow the present draft to expire next year. The Commission members were concerned about precisely the problem that Mr. Teague mentioned, that is to say, that the President would find himself in a position where the draft would legally be abolished, and he might have no alternatives in terms of preserving the defense of the Nation. Therefore, the Commission's recommendations were directed to the question of the transition period, as well as the long run stable situation.

The Commission recommended the pay increase to be effective July 1, of this year precisely because they wanted a year of experience before the draft expires. In this way the President and the Congress in a sense would not be put in a box in the spring of next year when the law expires and we will not otherwise have the information in terms of some experience with the new pay scales and improved conditions of service in the military to prove that a all volunteer force is possible.

Let me get on to some of the data, about the feasibility issue, because I think when most people talk about feasibility they have—I think this is made perhaps most obvious and explicit because of what Professor Friedman mentioned earlier—that when people begin to look at the facts on this question they always tend to move in the direction of being more favorably disposed to an all volunteer force. On the feasibility issue, one of the main facts, I think that is ignored and generally is not understood, is people making total objections about how difficult it would be to have a volunteer force when they do not realize how many volunteers are in the military today. There are in the military today 1¼ million people beyond the first term of service and there can be no question that those people are true volunteers. That is, they are there because they choose to be there, they are not there because they are forced to be there. So a million and a quarter people in the military today are volunteers.

In addition to that, however, there are many volunteers in the first term of service. It is true that not all those volunteers are true volunteers because some fraction of those people are induced to volunteer in order to get terms of service by volunteering which they prefer to what they could have by being drafted; that is to say, many of them prefer say three years in the Air Force as a technician, to two years in the ground forces in the Army, which is what is more likely what they will find happen to them if they wait to be drafted. So they elect to enlist in order to avoid the draft. This way they have preference in terms of the service.

Nevertheless, we on two occasions had the military conduct surveys to look at the question of how many of those people who volunteer are true volunteers. I might say it is not just those who volunteer, it is also the inductees. We have done a survey with the first-term servicemen to discover how many first-term servicemen would have enlisted in the absence of the draft. In its estimates of the number of true volunteers, the Commission used those studies.

There were two ways we could have gone about this. One was on the basis of these surveys; the other was directly from data on enlistment and how enlistments varied as a function of how many people were being drafted. Over time the number of draftees in a given year change. As draft pressure goes up this would have the effect of inducing more volunteers. The numbers we used in our study were the most conservative estimates of true volunteers. That led to a number on the order of 800,000 more true volunteers in the first term of service in 1967 and a similar number really in 1965 before we were involved in Vietnam. So the Commission's estimates were about 2¼ million or 2 million in terms of the number of true volunteers that exist today and existed in 1965.

When you are talking about armed forces of the size of 2 to 2½ million you are really not talking about many more volunteers than we have now. And the problem there is essentially the problem that Professor Friedman had mentioned; that is we have to get the pay increased enough to encourage additional volunteers in that first-term to fill out this difference and that is not a very large number even if we go to the largest force conceivable, which is 2½ million. In that connection, I should add that since the Commission study it has become clearer and clearer that the size of the force that will in fact exist as a permanent peacetime force is likely to be on the smaller side of the estimates we used and not on the larger side. That will make it even easier to achieve the all volunteer force.

Similarly, in the transition period the announcement has already been made that draft calls for the rest of this year will be reduced to 10,000 a month. If that level of draft calls is continued for the next year you are talking about drafting 125,000 in a year. There will be over 2 million who turn 19 next year, so you are talking about drafting 1 in 10 males. The situation also gets worse as time goes on. The number of 19 year olds will be close to 2½ million by 1980. By that time if we continued the draft we will be probably drafting something on the order of one out of 15 or 20 males. So the discriminating form of tax that Milton talked about will become more discriminatory over time as the male population in this age category increases.

Another important fact that I think people are not aware is that a military of a size of 2½ million in 1975 will be the same size as the one and a half million manned force in 1950, relative to the population of males who are eligible for military service.

I might add one other thing: The number of volunteers that are now in the military has an important implication for the allegation that Senator Hatfield mentioned about a mercenary force. The fact is that the mixed force we now have is largely mercenary, to mean by mercenary that the people are there voluntarily. The present force, especially the officer corps, are virtually entirely mercenary. No one would really claim I think that somehow it is immoral that the majority of our officers and non-commissioned officers are there on a volunteer basis.

I'd be glad to answer any other question you have in respect to the Commissions report. The Commission staff is publishing very shortly—I hope by the middle of August—a thick volume of about 1200 or 1300 pages of backup studies, which led to many of the figures in the Report itself. The papers were done by various people around the country. The Report will be included in that backup study.

SPEECH OF MAJ. GEN. THOMAS LANE, RETIRED

I, in a sense, have been called off the bench to substitute for General Alfred Gruenther who was a member of the Gates Commission. He was unable to be here for personal reasons. So I come to you not as a supporter of the Gates Commission, not as a supporter of the Hatfield Amendment, not as a supporter of the YAF position on a Volunteer Army. I'm a retired Army officer, presently occupied as a newspaper columnist, writing on Public Affairs, so I come to give you my own personal views on the Volunteer Army. I do come before you as a supporter of the Volunteer Army. I've had some personal experience with the draft. From 1957 to 1960 I commanded Fort Leonard Wood, Missouri, which is one of the big training centers receiving draftees from the North Central part of our country. More than that, I'm old enough to have served in the volunteer army which we had before World War II. So I've had experience both with the draft and with the volunteer army.

While I was at Fort Leonard Wood I saw the inequities of the draft, which Professor Friedman and others have noted. At that time, the Army Field forces at Fort Monroe were studying personnel problems in the military services, including the draft, and I forwarded the study to the Board of Officers with my recommendation for ending the draft or at least changing it very drastically. At that time, the military had set very high standards for the qualification of men to serve in the military. We were screening out the poorer specimens from the bottom. This gave us good material with which to work. We had intelligent young Americans who could learn what they had to learn in the military service, and this made the training problem much easier and in a sense less expensive.

This was a beneficial aspect of the draft which it seemed to me induced into the military services a certain complacency with its continuation. But I also saw the other aspects of the draft. The effect of the draft when you are taking only a small part of the eligible age population is to build up a popular escape mentality. People start figuring out how they can avoid the draft, the ways in which they can escape military service. It seems to me that this ultimately was building a poor mentality among the youth in the country. What we had done was to take a draft system designed for a general mobilization in World War II and to apply it in peacetime when we were taking a very small part of the eligible age population.

Therefore the law operated so that the young man who accepted this military obligation and went into service, in a sense, had the penalty of losing two years of his civilian life (if you regard military service as a penalty), and the man who evaded that obligation in some way or other, escaped the draft. So the law operated to reward the people who avoided public obligation and service. In other words, it rewarded what you might say would be a selfishness and avoidance of public service, and it penalized those who accepted these obligations. I thought this had a very bad effect on our whole population, and I thought we should put an end to it. But at that time, as I say, the way the system was working, it was very hard to change it.

Another aspect of the draft, part of the holdover, was that while we were taking a small part of the population, and could get out of those coming of age each year enough to man the military forces, we continued the World War II requirement of eligibility up until the age of twenty-six. I saw young men who simply hadn't been called when they were younger, who then were called to active duty when they had families, when they were established in their work and in their business, and at the least opportune time. I saw no necessity at all for the operation of a draft in that manner in time of peace. These were the factors which, I say, affected the decision, and it seemed to me the military made a very bad decision in continuing the draft in peace time. I tried to persuade them to change it, but had no effect.

The role of the draft as I see it is to provide an equitable distribution of the goods of war in time of a general mobilization. Without some such mechanism it is very difficult to mobilize a total population in time of general war, to have everybody go to his best slot, to make best use of the people you have. But I see the draft as having no place in our society in time of peace. I see no excuse for it at all.

Now when you talk about a draft you have to talk about force requirements—Dean Meckling has mentioned some of these—the problem of manning military services. The question of whether we need a draft at all is very intimately related to the kind of national policies we have and the way in which we use our military power. I have felt throughout these years since the end of World War II, that there has never been any need for a draft at all, that it is only the bad military policies which we have followed which have required the kind of manpower mobilization which we have actually had.

If you take the situation in Vietnam, and Southeast Asia, you have some 20 million North Vietnamese who were lost to the Communists in 1954. You have among the Thais, the Laotians, the Cambodians, and the South Vietnamese 60 million people who want to be free. It seems to me obvious that those 60 million can beat the 20 million if the U.S. will simply support them. The real history of the war in Vietnam is that we have failed to support the people in South Vietnam and Southeast Asia who wanted to be free and have intervened ourselves in mistaken notions about how to preserve peace; we have caused the war in Vietnam. I see no excuse for ever having any commitment of men to Vietnam. If our power had been used properly there would never have been a war in Vietnam.

Now a similar situation exists in Europe. The protection of Free Europe has been achieved by the U.S. nuclear deterrent. There has never been any danger since the end of World War II that Russia would invade and conquer Western Europe, not while our military deterrent was committed to the defense of Western Europe. We lost Czechoslovakia in 1948. Thereafter the countries of Western Europe formed in the Brussells pact, a self defense organization. We then joined up in NATO and committed our power to the defense of Europe. Now the building of NATO forces which followed was in large measure window dressing. It did a lot to introduce dollars, but from the military point of view it was absolutely unnecessary to protect Europe. Our allies in Western Europe already had, under the Brussells Pact, ample military power to protect themselves. With the American deterrant Europe was secure.

So I have felt in the intervening years there has never been any need for the 5 divisions which we sent to Europe in 1950. Those divisions were authorized by the Congress to be sent there only temporarily, to be replaced as fast as possible by divisions of four European Allies. By 1958 the need for those divisions even on that basis had lapsed. They could have easily been returned but then we were embroiled with the politics of Europe and no politician in Europe, of course, would like to increase his military appropriations and divert funds from social purposes when he can get the United States to provide the troops instead. And so we have played along with the politicians of Europe and allowed our men to stay in Europe.

Well, what I'm coming to, on this question of force requirements is that when you add it all up there's no need for the manpower we have in Europe and no need for the manpower the United States has in Vietnam, and that if we use our power properly we can reduce our forces and get well within the limits set by the Gate Commission. The effect of our overcommitment of manpower and the waste of our substance in this kind of war of attrition which we fought in Korea, and which we have fought again in Vietnam, is to undermine our confidence and national confidence in the U.S.A. We have the spectacle now of Senators saying, "Well you can't win this war."

But how ridiculous it is to say the United States can't win this war. We never had a President who wanted to win the war in Vietnam. They've all said they didn't want to win the war. Of course we can win the war when we have the will to do it. And we have Senators now who are saying that, well, we can't afford to protect the free world. We have to withdraw from our outposts. Of course we can protect the free world. The free world has two thirds of the world's people, it has five sixths of the world's industry, and to say that the free world can't protect itself is utterly ridiculous. But there is a question of how you do it, and we've been doing it the wrong way.

Now if we're going to change and reduce our force requirements as they should be reduced, you then enter upon a question of timing. I say there's no need for this manpower we have in Southeast Asia and in Europe today. It could be brought back, but it takes time to do these things. In Southeast Asia, what we should do is go into Laos and knock the North Vietnamese out of Laos. That will secure the western border of South Vietnam, put an end to the attacks on that country and you'll have peace. In Europe we have to give the countries there whom we have been protecting a chance to build their own military forces to replace our forces which are being withdrawn, and this may take a little time. So there's a question whether we can do all this within the next year, or whether, perhaps, we should delay the time for the establishment of the volunteer army beyond the first of July, perhaps until the first of January, 1972.

As to the bill itself, a lot of details have been taken, as Senator Hatfield said, from the Gates Commission. It would seem to me better simply to make in the bill a statement of policy for the volunteer army and put an end to the draft. Then we should call on the Defense Department to propose the amendments to law, which are required to restore the volunteer army. One point about the draft which I think is important is this: we have had a lot of discussion about the division of powers. How far may the President go in the use of the military forces which we have mobilized in time of peace, in defending the interests of this country around the world without committing us to war?

There's been great concern about the buildup in Vietnam. It seems to me the draft can be a very useful instrument in this respect. I would think the draft . . . the provision for the stand-by draft should be this: the draft may be invoked by the President only in time of war declared by Congress. The President, in time of peace should be limited to the volunteer force which he has and can maintain. In time of war, when he needs a greater mobilization, he must go to the Congress for a declaration of war in order to invoke the draft. I think in this regard the draft would be helpful in drawing that line between the Presidential authority and the Congressional authority.

One other aspect of this that should be

considered in a volunteer army is the question of family allowances. As had been pointed out, the problem of getting volunteers for an army is not unrelated to the economic situation in the country. One of the bad aspects of the draft, I think, is that in continuing the war-time provision whereby everyone taken into service was given family allowances, regardless of his age, we have in these years, tended, I think, to promote child marriages. Young people who felt they were in love while the young fellow was going off into service would get married so the wife would get some income.

The British, I think, at the time that I was at Fort Leonard Wood, had a different provision. They had a draft law. They said that anyone who was drafted did not get family allowances until he reached the age of 23. A man was presumed not to be married up to the age 23, and if he got married before that time and was then drafted, he got no family allowances while he was in the British Army. In the volunteer army before WWII we had no family allowances except for what we call the top three grades of the seven enlisted grades. So that a young man had to come into the army and had to work his way up through the lower four grades to the third grade from the top before he could draw family allowance. I think it's important that in time of a mobilization under a draft that you have family allowances for everyone who is called a servant. In peacetime armies that is not required. I would think it would be very important not to have any such provision.

What we want in a peacetime army are young men who are looking for adventure and want to go out and see the world and learn a trade, find out what's going on in the world, and who are going to come back and get married after they've had their military service. The only provision for family allowances in a career army should be for those who are committed as career men and are going to spend their lives in the military service. This normally will be those in the upper grades. Well, that's the general picture of the draft from the military viewpoint as I see it. My only counsel at this point would be to do it.

SPEECH BY SENATOR BARRY GOLDWATER

Mr. Chairman and distinguished guests, I'm here today to tell you that the voluntary military proposal will definitely be brought to a vote in the Senate in this session. And what's more I think it has an excellent chance of passing. Now it may not stay in the bill as it comes from conference with the House. But the advantage of having one House act on it is that when it comes up again we know the position of the upper House and that helps a great deal.

This plan now has at least fifteen votes that we can count on. We have that many Senators who are sponsors of the bill. We added Senator Proxmire just a little while ago. And I know several more that have taken the position for it, but they've not taken it publicly.

I want to make it clear that we are serious about this effort. It is not something that we're trying to do to placate or trick the young people of this country. It is being done because we feel it is in the best traditions of our country. And it's a normal way of life under our system of government. In fact, up to the time of the Civil War there had never been a compulsory system of military service, in the United States. I might add that Napolean was the rascal who dreamed this all up in the last of his wars. He conscripted everything in France, including horses and women.

The involuntary draft first appeared in this nation in 1863. After that it was dropped and didn't show up again until 1917, when it was used and then, of course, it was dropped after the war. In 1940, the draft came again; it was allowed to expire in 1947. But one year later the Congress passed a draft law and that one is still with us. It stays until the end of June next year, at which time if it is to be renewed, the Congress will have to do it.

I think in the brief history you can see that the fact that the draft has continued since 1948 is contrary to the entire past history of the United States. This practice has no place in our system of freedom except as a temporary expedient.

Now when the law is used to tell a young man how he shall spend several years of his life, this causes an invasion of the most precious and fundamental of human rights, the right of each citizen to live his own life, or as you young people say today, "To do your thing." And to do this as you may choose. This is why as a conservative I am so strongly and emotionally committed to the voluntary military approach.

Not only do I believe that the draft is wrong, but I also believe it is ignorant to assume that free men have to be forced to fight for their country. I'm just old fashioned enough to believe that there are still a great many Americans among us who think enough of their freedom that they are willing to fight for it. Furthermore, I think the rest of the Americans are willing to pay those who serve in the military a good and ample wage, with fringe benefits, for shouldering the task.

I would remind you this morning that this is not a new cause to me. I might say that I came to the conclusion to support this position during the last five years of my military service of 37 years as a Reserve Officer, durting which my Mobilization Day assignment was Deputy Chief of Staff for Personnel for the Air Force. As I watched the inefficiency of maintaining the draft I became convinced that we had to institute a different system. In acting on this belief I helped to draft the Republican National platform in '64, which pledged to end the draft altogether and as soon as possible. Also, I remember the very first speech of that "cliff-hanging" campaign I was engaged in during 1964, when I strongly endorsed the Voluntary system.

Since then we have heard a lot of talk about the plan, but all too often its been discussed in only an academic way. Now in 1970 the picture has changed. The opportunity for dismantling the draft is a real one. Now, all of you here I believe have heard of the findings of the Gates Commission—that is the Commission that was organized under the direction of the President to reach some conclusions on this issue. Their conclusion—to put it briefly—is that a Voluntary system will work.

In fact, it is not all that drastic a change in the system that we have right now. The truth is that our current military forces are made up predominantly of Volunteers. This is something that many people don't realize. We have in my State of Arizona for example such a large number of Volunteers that our draft call in many months has practically been non-existent.

According to the Gates Commission the great majority of servicemen are either individuals who have reenlisted after their original obligation had ended, or first-term enlistees who say they would have enlisted even had there been no threat of the draft looming over their heads. The existing base of volunteers is so large that the Gates Commission found, and I quote, "A fully Volunteer Force of 2.5 million men can be achieved by improving pay and conditions of service sufficiently to induce approximately 75,000 additional young men to enlist each year." Now let me repeat, all it would take to put a fully Volunteer Military force into operation is an additional 75,000 volunteers each year. And I feel this can be achieved.

I disagree somewhat with the report's cost estimates, which say it would cost $3.2 billion in the first few years and would drop to $2.1 billion, once a voluntary force began operating on a continuing basis. This is too high. Really the reason I was originally deeply interested in this proposal was as a result of my annual tours of duty with the Air Force in Personnel at the Pentagon. I was astounded at the amount of money that it cost just the Air Force alone each year to retrain a man for a slot that had been vacated by another man. This training in a four year term can run as high as $250,000 in the case of enlisted men. In the case of officers it can be double that amount.

In fact, you may not know it but in a B-52 first-term pilot we have invested about a million dollars in training. The average enlistee or draftee that goes through, let's say training in electronics at Kiesler Air Force Base, has over $80,000 invested in him. Now if he dropped out somebody has to fill that slot and the estimate that I came up with, just looking at the figures that I have available, was that it would save the Air Force alone about 1 billion dollars a year if we could have men that we could keep.

We have to note that the Commission study doesn't fudge at arriving at its estimates. Contrary to what some critics have said the Commission took full account of the problem which the Army had in staffing itself in competition with the other services. The Commission wisely set its compensation tables at levels high enough to provide the army with the quantity and quality of volunteers required by by it. The Commission noted "The evidence is overwhelming that if compensation is set at levels which satisfy army requirements, the other services will be able to attract enough qualified volunteers to meet their respective requirements."

Now another misleading question that you will hear raised by critics is "What happens in case of a national emergency?" Of course, the answer is that the first recourse will be to the Ready Reserves, including the National Guard. I have to say in a rather critical way that both of these sources of manpower have not been completely used in the Vietnam situation. Some Air National Guard groups have served in Vietnam, and some Reserve Air Lift Forces have helped, but there are literally hundreds of thousands of people who could have been used, who wanted to be used, but were not called up.

In the event of a national emergency, of course, we can always go back to the draft system. It takes just an act of Congress to set it in motion. But conscription cannot provide emergency forces, it never has, and I see no way, after 37 years of Reserve service that it can. We can have a sufficient existing Reserve to meet any National Emergency. Thus it will be the Reserve forces which will provide immediate support to the active forces. Like the active duty forces the reserve forces will be recruited on a voluntary basis.

The legislation which we have sponsored will automatically increase the drill pay for Reserve participation, at the same time that it provides pay increases for the active component. In my view, this increase will be sufficient to encourage reserve enlistments adequate to maintain a voluntary reserve force which is large enough to support a voluntary active duty force. Furthermore, our proposal takes the common sense approach of providing for a stand-by draft, in the case of an emergency. Conscription could be reinstituted by an act of Congress, almost immediately, because our plan provides for the continued registration of all young men in the United States even though the draft itself will be done away with.

In closing, I want to repeat that the Voluntary Military Proposal is sensible and morally justified. Next week the members of the Senate will have the opportunity to stand up and be counted on this issue. I believe it will be successful. This is a cause whose time has arrived, and for those of you who are staff members of either Senators or Congressmen, I think it would be very helpful if you, after listening to these remarks to-

day, and having studied it, would counsel with them. Not too many people, unfortunately, in the Senate understand the draft or how it works—or even why we have it. While many of them have gone through the experience of being drafted, once they are here they forget about it, and depend on the Armed Services Committee. Unfortunately in the Armed Services Committee we don't have real high excitement about even having hearings on this Bill. That is why we are going to try the amendment route and if we fail then we will, by a high vote, at least have built the momentum for bringing up the plan in Committee.

QUESTION AND ANSWER PERIOD

Question. *Jerry Baukl, Associated Press:* I'd like to ask one question—I haven't heard answered or asked. How are you going to fill the hard to fill spots, like infantry people. I haven't heard that answered in all the material—I have read just about everything on the subject and I've never heard it answered.

Senator GOLDWATER: I'm not sure that these answers will be satisfactory to the question, but I think they will be. First of all, the requirements of the Army of the 1980's will be, I'd say, half of what they have been. We know this because of the success of electronic devices we are using to detect the enemy, which takes usually about 75% of the ground force, with 25% used for destruction. Then we have heavy airlift capability, which can put many men and much equipment anyplace in the world with great speed. We will increase pay, although we will have other problems than just the infantryman, or the ground pounder. We have the problem of doctors, we have the problem of lawyers, we have a very serious problem in the retention of atomic submarine crews who don't like being away from their families. We're already trying to correct those areas, making it possible for the family to be nearer to the man who is doing the fighting, or who is overseas someplace. We know that this is going to be a problem. It's always harder to get a man to volunteer for the infantry or the Marines than for the Navy or the Air Force.

I've always felt that there are enough people in this country who want to be soldiers, sailors and airmen, even though you can well argue there are other ways of life that are more attractive. I always think of the man who becomes a minister, the man who becomes a farmer, or a policeman, or a politician, as a man who gives up his life work to do something because of devotion and not because he's going to make money at it. I think this will apply here.

Professor FRIEDMAN. May we add something to that? I was just going to suggest that this is a problem that of course concerns us very much in the Gates Commission. If you will look at the Commission report you will see that as Senator Goldwater mentioned, the pay increases were judged primarily in terms of their effectiveness in recruiting men for the Army, as opposed to the other armed forces. If you look at the tables in Chapter 5 of the Report, you will see that the armed forces are considered separately in each case—the army is considered separately from the Department of Defense because we recognized that that was a critical element. As the report indicates it is our judgment that if you were able to get the recruits for the Army then you will have no trouble whatsoever with the other services, you'd probably have a surplus.

If you look also at situation table 5–1 which I think is in some ways the most interesting, for the army alone, it's also worth noting that 65% of the enlisted personnel in the Army are now true volunteers. So even in the Army, as opposed to the Armed Forces as a whole, the number is—well, I'm sorry, I was looking at June 30, 1965. On June 30, 1967 it's a little lower than that, it's 46%, whereas it's 60% for the Armed Forces as a whole. But the point I'm trying to make is that you do have a considerable number of people volunteering now. We have suggested pay scales which would represent the largest increase for precisely the kind of group of people you are talking about. The study suggests that would provide an additional number.

In addition, as Senator Goldwater is suggesting, with the higher pay for the armed forces there will be a strong incentive for the armed forces to be more efficient in the use of the ordinary foot soldier. So, I think that the problem you are raising is a very real one but not the most serious problem. I really think the most serious problem of all is the one Senator Goldwater just mentioned of the physicians—that's more serious than the infantry.

Dean WILLIAM MECKLING. In fact, the problem really isn't with infantry people in the army, it's with technical people. If you talk with people in the army you will find that their concern is not over the traditional infantry people but over getting technical people in the army. Secondly, one of the Commission's provisions was the recommendation to establish a new hostile fire pay, which is a substantial increase over what now exists—$200 a month. Also I think will help in respect to the infantry's itself.

JERRY BAULK. Isn't getting technical people more difficult than keeping them?

Dean WILLIAM MECKLING. It is now, but it won't be under this plan. It'll never be a hundred per cent.

Professor FRIEDMAN. But you see, on the keeping of them, the re-enlistment rate of draftees is very low. The re-enlistment rate of volunteers is very high. So that these are not really different problems. It's having terms which will induce technical people to volunteer, which will also enable you to keep them. And if you have to depend on the draft to get your technical people then you're not going to keep them, then you have the problem that Senator Goldwater is talking about—retraining.

Maj. Gen. THOMAS LANE. I would make just one brief comment. We shouldn't think of the infantry, in the old terms of the fellow walking along with a rifle. The modern infantry, particularly in a peacetime force which should be an elite force, will be a highly trained force. Your infantrymen are going to require considerable skill with modern weaponry. We tend for historical reasons to regard the infantry as something very different from the present infantry. QUESTION: LOWELL PONTE, "HUMAN EVENTS": Two questions, I apologize that they're not better related. One, in terms of controlling pay within the military, and setting it in those regards, I wonder particularly how General Lane and perhaps Senator Goldwater would respond to ideas of unionizing the military, as has been done off and on in some aspects of the West German Military, and what effect this would have on pay if men could collectively bargain to improve their pay?

Secondly, peripheral to that, a book just released this month by Rutgers press, includes several very distinguished military officers talking about lightning war, as a new alternative to the kind of situation we have found in Vietnam. A very fast-hitting war, the sort Robert Heinland talked about in his 1959 book. I wonder if this kind of war suggests what we need a high degree of professionalization among soldiers, even in the infantrymen—something that would preclude a draft force.

Senator GOLDWATER. I start off with this thesis, I don't think any person who works for the Government in any respect should ever be allowed to strike. I think they can collectively seek better living conditions and so forth, but I'd hate to think of any big segment of Government service striking. We saw it in the Postal service, and it disrupted this nation for two or three days, and a week of it could bring this nation to its knees. If the Army had the right to strike, or the Navy or the Air Force, I think this would be very very dangerous.

As to the lightning war, this is the aim of every war. First of all, no President in his right mind, wants to go to war; no Congress wants to go to War. War is an instrument of national policy that's used only after we've exhausted the possibilities of economic warfare, of political warfare, of propaganda warfare. And then the choice is a very tough one. But, if we have the forces necessary, and the enemy knows we have the forces necessary, and if the enemy knows we will use these forces as they should be used, the chances of not going to war are greatly improved. I might say, as I've said publicly, I've said it during my campaign, the war in Vietnam need never have started had we used the threats of our great air power, Navy, and Air Force, and had convinced the Vietnamese Government that we would not hesitate to drop conventional bombs—not atomic or nuclear bombs. This is the way Britain kept a pretty good peace in this world for nearly 200 years. Not that there were no wars, we've had 14,000 wars in 7,000 years, at two a year that's a pretty good average.

We've fought this war in Vietnam wrong. I hope to God we never get into one like it again, but if we do I hope we decide to win it the day we decide to go into it. Then you have the lightning war. This has dragged and dragged and dragged because Secretary McNamara and President Johnson, neither one of whom understood much about war, came up with this idea of limited war. There's no such thing! When you get into an argument you don't limit yourself, you use every faculty you have to get the argument over in your behalf.

Maj. General THOMAS LANE. I would agree with the remarks of Senator Goldwater on both of these questions. We organize military forces to protect this country. The purpose of organization must be to provide the most efficient force for the protection of the country. We don't organize it to provide employment to men or to provide occupations for anybody. I would say unionization had no place in a military force, and I would agree with Senator Goldwater, I think it has no place in a government organization. It's getting a place in government organizations only because government has taken on functions which are not its proper functions. As to the lightning war again I would agree, this is the right way to fight a war. The classic example in modern time is the six day war of Israel. If you're going to use military force that's the way to use it. Achieve your objective with a minimum expenditure of your fire power and force. And don't waste your forces in your fighting. Another classic example is the Soviet occupation of Czechoslovakia without any opposition. They didn't have any war of attrition in Czechoslovakia. If you're going to use your military force, there's a right way to use it, and we've been using ours the wrong way.

Question. Steve King, Senator Gurney's office: I wonder if Dr. Friedman or Senator Goldwater could amplify on the costs and savings of the transition to an all-volunteer army.

Professor FRIEDMAN. I'm not sure that I understand precisely your question because the savings have to be considered under two headings: Savings to the country and budgetary savings in dollars as they enter into the government budget. The savings to the country are, one, that you have fewer people spending their days and their nights in military service defending the country. Fewer man hours devoted to that because the manhours are used more efficiently, and fewer of them are spent and wasted in training. Saving number two to the country is that you have fewer manhours spent in trying to figure out ways to avoid the draft and get out

of military service. And that probably swamps the first saving. It's probably the major amount. Three, you have a smaller misuse of people, in private employment, because employers do not have to consider whether the people they hire will subsequently be drafted when they employ them. Therefore they can hire the people who are best suited for their jobs and who they get on the best mutually-agreeable terms. I think those are the three overwhelmingly important direct economic savings.

There are indirect economic savings, and in many ways these are more important. These include the draft's effect on the whole temper of the country, on the tone in which social economic and political problems are considered, from the removal of the enormously-divisive force of a draft which sets one part of the country against the other, which has done more to undermine the common shared values that we hold than anything else you can name. Now those are the savings from the real point of view, from the country's point of view.

Now you come to the side of the budget. The net figure—I happen to agree instinctively with Senator Goldwater's judgment, I really believe, even in terms of budgetary expense, when you finally shake everything out, it's going to be cheaper to the country. That's my own personal intuitive feeling. What the Commission did, however, was to lean over backward in trying to assure that it made the highest likely estimate (not the highest possible estimate, you can be absolutely absurd, as the McNamara group was when they came out with the 17 billion dollar estimate. This would have enabled you to add $10,000 a year to the pay of every single armed forces person, whatever year he was, which is absolutely absurd). The Commission said it was not going to take into account anything but what was pretty clear and pretty definite.

They added in the plus side the budgetary expense of the higher pay they proposed. They subtracted out as savings only very minimum amounts involving the fact that there were fewer people in training status and therefore they subtracted out their pay, the pay of the people doing the training and the people in training. They made a minimum allowance for possible civilianization, and in effect they made very little further allowance for a more effective use of the military manpower. So, I think you can take the Commission's estimates as an upper limit to the actual dollar budgetary cost of a voluntary force. As I say, my own judgment is that there are very large additional savings that would be forthcoming in the form of a more efficient use of manpower and less wasted manpower.

Question: Lowell Ponte, Human Events: Just a peripheral question. Mr. Friedman has mentioned the increased use of civilian manpower related to the military, and I wonder if he would anticipate civilians who would come in and be doing jobs now being done by military people, if they would have the capability of unionizing and bargaining collectively? Or whether they would be under more or less military type regulations.

Professor FRIEDMAN. You know, we're all of us very much affected by personal experiences. I remember my sense of shock at the absurdity of conscription. It was greatly heightened in the course of Commissions hearings when we had a session down at the Pentagon. The Pentagon provided cars to drive us back to our hotels, and the driver of my car turned out to be a man who had been conscripted into the military, spending his whole conscription service as a chauffeur in Washington. Now I think that's absolutely disgraceful, to use the power of conscription to force a man to be a chauffeur in Washington. You surely can hire chauffeurs in Washington, why was he being used as a chauffeur? Because this was a weekend, and a conscripted military man does not have to be paid time and a half, while the civilian employees used as chauffeurs would have to be paid time and a half. So from the point of view of the military calculations they were quite right. They were instructed to keep their budgets as low as possible. And it was cheaper in terms of the dollar expense on the books to have that conscripted man drive me to the hotel than it was to have a hired chauffeur. Of course what would have been cheaper yet would have been to hire a cab—to get the government out of the business of providing cars for people to go back and forth and use the private market.

But in any case, going to your question, I think that there are enormous opportunities in this way for having civilians used. In many many different jobs and activities. Now the next thing you asked was what about unionization. I think there is a problem of unionization. You are going to have civilian employees, and I don't really see that this raises any different problem in the kind of jobs we are now talking about for the military than it does for any other part of government. It doesn't seem to me a special problem. In fact, maybe it would increase the effectiveness of the country if the bookkeepers in the Pentagon went on strike. I can well believe that is the case.

I think the Senator and I are in complete agreement that this is a problem common to all government and has nothing special about it. Now I also agree with the statement that General Lane made. The reason we get into this problem is because government is doing things it ought not to be doing. We ought to have private postal services and then the postal employees would be striking against private employers.

I agree with Senator Goldwater what with respect to the essential functions of government there isn't room for strike and unionization. But when government engages in peripheral functions. If the government is going to put up a plant to manufacture a product then I don't see any reason why the employees of the Post Office should not be on the same basis as the employees of other enterprises.

Senator GOLDWATER. I might just add that a good example of what you're talking about has been done by the Air Force. In practically all bases in this country—I refer to Luke Air Force Base because it's near my home—all of the line maintenance on the F–100s and the F–104s and soon F–4s is done by contract with Lockheed, which brings civilians in. This releases a good enlisted man for other services. We've actually saved a lot of money by this. Now that man certainly has a union—and the Air Force has to bargain with these unions—but we can live without these workers if we have to. During ordinary times, this has turned out to be a great money-saver for the Air Force. But they have the right as anyone has in private employment to strike. With respect to public employment, even teachers . . . I think it's regrettable that any person goes into service at any level of government with the idea that their union can force the government to do something that the government really has no right to do because it is the people that the government represents.

Question. Chris Ong, Congressman Adair's office: What kind of personnel relationships would a Voluntary Army entail? And would a volunteer be able to differentiate between two and four year terms, or would he take a job in the armed services, as in industry?

Professor FRIEDMAN. If you look at the Gates Commission it proposes that the terms be made for enlisted men as they now are essentially for officers. This is also the impact of the amendment that has been offered. What this means is that typically speaking the individual who enlists would enlist for a minimum initial term, and the length of that initial term would be determined by the Armed Forces, in accordance with the amount of training that the man is going to receive. You don't want to let a man whom you are going to retrain as a pilot enlist for two years because you are throwing away the training. And so, the Armed Forces would have the right to specify minimum terms of enlistment, corresponding to the amount of training they were going to get. Beyond that, the individuals would be free to accept or not accept these terms.

We recommended that the Armed Forces try to make available a maximum of choice to potential enlistees about the branch of service, about the form of activity, and beyond that the initial obligated term of service. People would be on a contractual employment basis the way officers are in that an officer can at any time, unless he has made special arrangements about training, ask to be released. However, there are provisions that at a time of national emergency or war, this can be abrogated.

There are a number of other special escape clauses to allow for the obvious examples where it might be difficult. If a person has enlisted, lets say in the Navy, and he is on the shore duty, he can't quit simply because he has been assigned to sea duty. If you look at the amendment you will see that that is spelled out. The essential feature of it is to make the enlisted man's situation essentially similar to the present situation for officers.

I'm surprised that nobody here has raised the issue that I always get thrown at me, the problem of mercenaries. Bill Meckling touched on that a moment, but I really do think that that is an extraordinary misconception. I always answer that by saying that I'm a mercenary professor. You people are mercenary legislative assistants, Senator Goldwater, if he'll pardon me saying so, is a mercenary Senator. I am treated by a mercenary physician, and so on down the line if by that all you mean is that people are paid. Of course people are paid, and should be paid.

If by mercenary you mean what has sometimes been used, a foreigner who hires himself out with a gun—a gunslinger—over 60% of the people in the Armed Forces today who are volunteers are not mercenaries in that sense. The volunteers under the new arrangements are not mercenaries, they are professional people who are doing a job for their country.

I answer this also in a different way, saying when somebody says that we have a mercenary army, I say, "Well, would you really rather have a slave army?" If you are going to use the mercenary in this perjorative sense to describe the man who volunteers for service, then the appropriate counterpart of that is to use the term slave for the man who is compelled by force to particpate in the service. I think the U.S. cannot exist if it has to resort to either slaves in the one sense or to mercenaries in the other.

If this nation is going to exist it must be because service in the Armed Forces is an honorable and dignified career, contributing to the well being and the protection of our nation.

And let me say one more thing, I feel more strongly than I ever did before, that in many ways the chief reason why we must get rid of the draft is because it is undermining that concept of armed services. I think that the military has been enormously short sighted in not recognizing that the continuation of an effective military force in this country is impossible if we continue with conscription. Because conscription is destroying the image of the military. It is making military service appear to be equivalent to a term in the jail. It is demeaning the whole concept of military service.

Not all of the military people by any means, are short sighted but those military people who say well we can't do this because the extra money that will be required for voluntary pay is going to come out of military appropriations, and we badly need those military appropriation they are being short-

sighted. Congress and the country is not going to vote military appropriations to an army that is widely regarded as a shameful activity. You are not going to get it. If this country is going to maintain its military forces, if Congress is going to be willing to vote funds for an effectve military, its going to be because military service is regarded as a dignified, noble, patriotic, important activity. It will not be so regarded unless you restore to it a completely voluntary status.

May I say one more thing, I think entirely aside from all these other considerations, if you look forward, conscription is becoming unenforceable. We are getting into the situation with conscriptions that we were in with prohibition. When you are getting rates of refusal to be inducted on people who have been called for induction of 25% as you are in some parts of California, as I understand it; when you are getting the amount of legal manipulation to avoid it (there is no young man in this country today who can afford it, or who knows where to go, who cannot get legal and medical counsel that will enable him to avoid being conscripted. Now that is a little exaggeration, perhaps, but it is not much of an exaggeration) then you are getting conscription into the position where only the most ignorant and least knowledgeable people are ever going to be conscripted. When you are getting it into the position where a large fraction of the people who are called are not going to go, it is becoming an unenforcible part of our lives.

You are far better off to face up to that in advance, get rid of it, restore a voluntary army, restore dignity and prestige to the military, try to reform our military so it has a more effective recruiting procedure. Senator Hatfield made this point when he said that he was not one of those who was arguing for this as a way of undercutting our military strength; on the contrary, an absolutely essential prerequisite for the maintenance of an effective military force in my opinion is that we get rid of conscription.

DAVE ATCOCK. I understand that David Callard is here. He was the Deputy Executive Director of the Gates Commission Report.

DAVID CALLARD. I think the subject has been covered very well and I think you all have been an attentive audience. I think that the primary thing I could add—I think it's been said before so I won't dwell on it—is just that the many arguments that an all-volunteer force is undesirable assume that it radically changes the military. The figures that Dr. Meckling has quoted underline the fact that this isn't true, that we're talking about a difference that might involve at the most of several hundred thousand individuals. Our best estimates are that the same kind of people who have joined the military in the past are in it today. All the arguments that contend the all-volunteer force is a danger to the country, that it is going to be bad for the military, bad for the civilian society, assume a drastic change that just doesn't exist.

Anyone who examines the evidence—going back to Dr. Friedman's original point—really can't put together a convincing argument for the draft on that score. The arguments made, and I was just reading today an article by Peter Barnes in the New Republic, that an all-volunteer force will shake the foundations of society, are arguments put together by people who really haven't looked at the evidence at all and I think that is the thing that is shocking and very disappointing. Hopefully, the bill—the amendment—now that Senator Goldwater and Senator Hatfield have offered it will dramatize this fact and do away with a lot of the fog of really unfounded arguments that surround the issue of the all-volunteer force.

DAVE ATCOCK. In conclusion, let me extend Young Americans for Freedom's thanks to you all for attending and especially to our distinguished panel today. We also wish to thank the National Council to Repeal the Draft and their National Director Tom Reeves for their assistance in this important conference. We hope that you will return to your Congressman's office and give him the information that you have picked up today.

THE ENERGY CRISIS AND FAULTY TAX POLICY

Mr. GORE. Mr. President, suddenly and without warning, to hear some tell it, the United States is now faced with an energy, a fuels, crisis. We are, indeed, faced with a disturbingly dangerous crisis in our supplies of fuels for the generation of electricity, and without ample and reasonably priced electrical energy our whole national economy will be endangered.

Coal stocks for many powerplants are now "below normal operating levels," according to the Federal Power Commission. Some TVA powerplants are down to a few days' supply of coal, a work stoppage or a transportation tieup would cut power supply drastically and quickly.

Natural gas has been in short supply for months, and is now, again to quote the Federal Power Commission, "critically short."

Residual oil stocks are low, and rigid import quotas, only this week receiving the approval of President Nixon, keep them low.

There have been many delays in getting nuclear powerplants into operation. Even more important in the long run, the Nixon administration is denying funds for the development of new concepts of cleaner and more efficient nuclear reactors, and is resisting, also, the modernization of the nuclear fuel plants, a prefatory action to its plan to sell such plants.

With all this scarcity of fuel, much of it, I am convinced, artificially induced, prices of fuels are advancing pell-mell. Coal prices are going up at a rate of 56 percent per year; fuel oil is going up 48 percent per year. These administered price increases, together with other elements of cost, including the cost of borrowing money, one of the largest of all cost elements, will push up prices consumers must pay for electricity. Consumers may have to fork over another billion dollars each year for electricity. This will be another big increase in the cost of living.

And, what may be even more serious than cost problems, many plants, particularly small plants already operating marginally, may be forced to close, throwing more workers out of jobs.

This fuels shortage has become apparent with some degree of suddenness to the general public. But Government sources have known for a long time what was happening. Perhaps I may be pardoned in an election year to recall the several speeches I have made on the subject, beginning in 1966.

Administration authorities have known, but have refused to take needed action. The only action taken has been in the wrong direction, to keep the rigid import quotas on for foreign oil, thus making a bad situation worse. A revealing article, written by Mr. Bernard Nossiter, appeared in today's Washington Post. I ask that it be printed at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. GORE. Mr. President, various apologists for the Nixon administration, and for big business, have advanced a number of excuses for the current crunch. Among these are measures to preserve the environment and the coal mine safety bill. These are flimsy excuses. The real causes will be found elsewhere.

The truth of the matter is that the country is now faced with a quasi-monopoly of fossile fuels. The oil companies have gobbled up enough coal production to give them a corner on the market. The administration is helping out with its import quota on foreign oil and with tax policy. Moreover, the administration is even trying to "sell" our nuclear fuel processing plants to private investors, most likely a corporate cartel. Who else could buy, finance, and operate a multi-billion-dollar undertaking?

I must in all modesty repeat what I said in an address to the Senate on August 11, 1966. On that date I protested a tax ruling by the Internal Revenue Service which enabled X company, one of our largest oil companies, to swallow up Y company, one of our largest coal producers, with tax free money. During the course of my remarks, I stated:

> I can foresee a situation, not far off, when we will no longer have an independent coal industry. We may well have all major energy sources—petroleum, coal, uranium—under the control of a very few powerful corporations.

I take no credit for being a seer. That conclusion was clearly discernible on the basis of human nature operating in an atmosphere of ambitious corporate greed and grab that I have seen develop though I have fought it. The connivance of the Federal Government in this raid against the consumer, which I repeatedly fought in the Johnson administration, has become even more blatant in the Nixon administration.

The Government has been a party to this disgraceful filching to which consumers have been subjected. And, while I would lay much of the blame at the back door of the White House, the Congress, itself, cannot escape bearing its share of culpability. For Congress makes the tax laws, and it is the tax laws that form a good solid base for this empire building in the energy and fuels business.

Is it not ironical in the extreme that the consumer qua taxpayer is forced by his own Government to pay much of the cost of putting together these very conglomerate corporations which now demand their pound of flesh?

Tax advantages granted to combinations of economic power are not the sole motivation for the spate of corporate mergers, acquisitions, and takeovers that, in the past few years, have resulted in the concentration of our energy resources in the hands of a very few corporate giants. But these tax advantages are frequently of critical significance in effecting corporate combinations. Nor are the evils of corporate concentration limited to the energy field—for the consumer feels the adverse impact of the lack of free competition and the operation of an

open market mechanism in every area where the merger mania has hit.

But as the growing concentration of energy sources centers the power in a few hands to increase energy rates that must be paid by the American consumer, one is also forced to ask whether this consumer should be required, through special tax preferences, to subsidize the creation of these corporate octopuses whose tentacles are reaching into the budget of every household in the Nation.

I have taken time carefully to review those aspects of the tax laws that encourage this concentration of economic power because of the very great economic and social importance of developments. I will suggest specific remedies to eliminate the tax subsidies that are helping to promote monopoly and which are conducive to the development of corporate conglomerates that are exempt from the strictures of a free market system.

The greatest single tax incentive now to combinations of corporate giants is the privilege of combining one or more businesses through the tax-free exchange of corporate stock and/or assets. The growth of the corporate merger movement in the past few years has been startling. According to the Chairman of the Securities and Exchange Commission, the number of merger announcements in 1968 was over three times that in 1963. Over 90 percent of these mergers were classified by the SEC as conglomerate mergers; that is, mergers of two corporations in different fields of economic activity. For example, in the energy field, one of the largest combinations occurred in the tax-free acquisition of A company, a major coal-producing corporation, by B company, an oil and gas corporation.

The tax-free reorganization provisions of the Internal Revenue Code were originally enacted to permit tax-free changes in corporate structure that did not significantly change the economic status of the shareholders. However, this original purpose has long since disappeared as the tax-free privilege has been utilized to effect corporate combinations of profound and far-reaching economic significance, not only to the shareholders of the companies involved, but also to the entire consuming public and to our system of free economy.

To restore the tax-free reorganization provisions to their original purpose, and to put an end to the tax inducement for the ever-increasing concentration of economic power in fewer and fewer hands, the privilege of tax-free combinations, if permitted at all, should be limited to corporations in which the resulting corporate structure has combined assets of less than $50 million. This provision would enable smaller and dynamic companies to combine where considerations of efficiency and customer service dictate its desirability. On the other hand, it would inhibit those combinations that are motivated by a desire for economic concentration and power which, in the long run, can only serve to harm the interests of the American consumer.

The second major tax inducement to corporate combinations is the deduction allowed for "interest" paid on certain corporate securities used in corporate acquisitions. These securities, although nominally debt instruments, are in fact highly speculative equity investments in the acquiring corporation. From the standpoint of the acquiring company, a deduction for Federal income tax purposes is obtained for the interest paid on these securities. If these instruments—usually convertible debentures—were treated as stock, then payments made by the acquiring corporation would be nondeductible dividends rather than deductible interest. Quite a difference. Many of the large conglomerates today were formed by using just this technique. And, as the history of L–T–V, to give but one example, illustrates, the effects on investors and the public alike can be serious.

In the Tax Reform Act of 1969, Congress attempted to place a limitation on this debt-equity switch by denying the interest deduction in the case of debt obligations used to finance corporate acquisitions. I doubt if the action we finally took is sufficiently effective. It should be tightened still further. The provision may be circumscribed and I think it is safe to predict that the giant corporations, with their hosts of tax advisers, will be able to avoid these provisions with ease.

It should be said that Congress, with but little help from the administration, made an earnest attempt at tax reform. We accomplished much, but the job is only half done.

The heart of the conglomerate movement lies in the permissibility of questionable accounting practices. And, the present interest deduction rules subsidize these accounting manipulations. To remedy the present situation and effectively to close the loopholes still remaining after the 1969 Tax Reform Act, I propose the following changes with respect to the interest deduction rules in the case of corporate acquisitions: In a corporate acquisition where the combination is accounted, for book accounting purposes, as a "pooling of interest," the interest deduction would be denied for any debt issued or incurred with respect to the acquisition. In addition, even though the acquisition is treated as a "purchase," for book accounting purposes, the interest deduction for any debt issued or incurred with respect to the acquisition would be allowed only if any good will acquired is amortized, for book purposes, over a period not in excess of 10 years. Such a provision of law, would, I believe, put an effective end to the unwarranted tax subsidy of conglomerate acquisitions, which are especially noxious in the energy field.

I should note with some personal satisfaction that Congress did act in 1969 to put an end to a third tax loophole that contributed to the growing concentration of the energy resources of our Nation into the hands of a powerful few. This was the so-called ABC transaction which I had fought for years, and which was used in the natural resources industries to effect highly favorable, tax-subsidized corporate combinations. In such ways as this, I have represented the people of my State and my country. Politically, such actions are unrewarding because the general public pays but little attention to them while the special interests are infuriated.

In the most notable acquisition by an ABC transaction, XY company, an oil corporation, acquired the assets of YZ company, the largest single coal producer in the United States. I fought to repeal the ABC provisions at the time of that transaction, but, unfortunately, I was unable to overcome the opposition until the deal was sealed, the damage done. Congress did not act in time and we now have one of the largest oil companies and the largest coal producer under a single corporate umbrella—a marriage whose dowry was supplied by the American taxpayer. This merger was a bellwether in the development of the present monopolistic condition in the energy field.

Special tax provisions still contained in the Internal Revenue Code for natural resources are also contributing to the energy concentration problem. For example, in the case of coal, two special preferences are provided. One is the percentage depletion allowance for coal, and the second provides capital gains treatment to the recipient of payments on coal royalties. I have opposed both, but the combined influence of the administration and of the vested interests was impossible for me to overcome. In the field of tax reform, I have made many lonely fights—sometimes winning, sometimes losing, but always looking to the public interest. Now the special interests are having their turn to fight me.

These special provisions of percentage depletion and capital gains treatment of royalties were originally intended to act as incentives for coal exploration and development, and as aids to small producers. However, they are now used simply as subsidies to huge corporate enterprises, acting as a cushion on the profits of corporate atlases.

For example, the capital gains treatment is now being manipulated by major coal companies to their own advantage. Large coal companies establish corporate subsidiaries to which they transfer their coal holdings in exchange for royalties. The parent corporation then pays capital gains on the receipt of these royalties, instead of treating the income as ordinary income subject to depletion as would have been the case had the parent retained the full property in its own hands.

To end this tax abuse, I recommend that the capital gains treatment for coal and iron ore royalties be repealed.

In addition, the percentage depletion allowance for coal and other energy resources is surely not needed in the case of large corporate enterprises, if justified at all. This subsidy is being utilized to create an artificial profit margin which, in the case of the large coal companies, means that the open market mechanism is not operating freely to reflect the market's evaluation of prices that should be set by supply and demand forces. I, therefore, recommend that the depletion allowance for all natural resources be eliminated over a 5-year period for all taxpayers who derive more than $2 million annually in income from the sale of natural resources. Though the very

principle is questionable, to say the very least, this will permit the tax benefit to be retained by those small companies who are actively competing in our free market system. It will encourage exploration and development by these companies. On the other hand, it will remove the unjustified tax subsidy from the larger corporations whose anticompetitive conduct is being subsidized at the present time by the very consumer whose interests are being harmed most.

The Wall Street Journal of July 13 reports that coal exports are increasing at alarming levels to the detriment of U.S. coal users. Coal exports jumped 12 percent in 1969 alone. Estimates for 1970 indicate that these exports will rise by another 10 percent. This situation is seriously worsening our own domestic coal supply problem as foreign buyers are absorbing not only immediately available supplies, but are also signing long-term contracts for output that is badly needed by domestic electric utilities and steel mills. Indeed, the Wall Street Journal reports, one Japanese company has agreed to finance the construction of a 30-million ton coal mine in the United States.

In view of the dangerous situation being created by these exports, it was astonishing to find the Treasury proposing, and the House Ways and Means Committee adopting, a tax measure that is going to worsen this situation. I refer to the so-called DISC proposal advanced by the Nixon administration. Under this proposal a U.S. company can set up a domestic international sales corporation and defer—perhaps permanently—the profits on the export income derived by that subsidiary corporation.

Let me explain just how this tax bonanza would work to the detriment of the energy resources of the United States. A U.S. corporation can create a DISC subsidiary through which it can run one-half of the profits on its coal exports—normally conducted through its coal-producing subsidiary. These profits would then be distributed by the DISC to the parent corporation. One would think that a tax would then be due to the U.S. Government on these profits. But, if the parent corporation has excess foreign tax credits, as is often the case, and if it elects the overall limitation for foreign tax credit purposes, these profits would then be exempted from tax by virtue of utilization of the excess foreign tax credit. This result would follow because the DISC distribution is converted, under the Treasury proposal, into foreign source income as to which the foreign tax credit is available, even though the coal was mined within the United States and sold completely within the United States.

Thus, under this current administration proposal, it is the American consumer who both suffers and subsidizes. He will have to pay higher electrical rates because the electric utilities have to pay higher prices for ever scarcer coal and higher interest rates for artificially tight money. The Nixon administration, let the people understand, is proposing further to subsidize the scarcity through tax incentives to export coal to Japan and Germany. This is an outrageous situation and I will fight it.

Mr. President, I submit that this review of our tax laws amply illustrates the role that tax preferences have played and are playing in our energy crisis. I am pleased that Congress accepted some of my suggestions. I hope that Congress will take the further steps I have suggested to insure that these tax inducements to energy concentration and higher energy rates are eliminated.

We must have competitive energy sources if free enterprise is to survive in this permeating aspect of our economy.

EXHIBIT 1

OIL QUOTA DECISION WAS TAKEN WITHOUT ANY FORMAL DISCUSSION

(By Bernard D. Nossiter)

The Nixon administration decided to retain a multi-billion dollar program protecting oil prices without any formal discussions or working papers by the responsible officials involved.

This was acknowledged at a press conference yesterday by George A. Lincoln, who chairs President Nixon's Oil Policy Committee and directs the Office of Emergency Preparedness.

The program the administration is keeping has been estimated by the Senate Antitrust and Monopoly Subcommittee to raise domestic oil prices paid by consumers by $7 billion a year. A presidential task force put the figure at $5 billion annually.

Lincoln's name was signed to the letter released by the White House on Monday. It announced that no further consideration would be given to relaxing the quota system that curbs imports of low-priced foreign oil.

In response to reporters' questions, Lincoln said that his fellow Oil Policy Committee members only discussed the issue "now and then, casually" and "my staff didn't prepare written papers on this."

Lincoln also disclosed that Peter Flanigan, a White House aide, sits in regularly on the committee's meetings and was present at the crucial "principals only" session last Thursday when the Lincoln letter was adopted. Lincoln, however, denied reports that Flanigan had dictated the letter's essence. Lincoln acknowledged that he had discussed it in advance with White House figures whom he declined to name.

The decision, which was welcomed by oil companies, was denounced yesterday by two leading Democrats, Sens. Edmund S. Muskie (Maine) and Edward M. Kennedy (Mass.).

Muskie charged that the ruling "suggests blatant and cynical favoritism for a special interest group—the domestic oil industry."

He contended that the very reasons cited in the Lincoln letter, increased demand and decreased supply of oil, argue for scrapping and not retaining the restrictive system.

Kennedy said he was "deeply shocked and disappointed" by Mr. Nixon's decision. He recalled that the President's own Cabinet Task Force last February urged ending the quotas and lowering oil prices by imposing tariffs.

"The Task Force report," he said, "based on almost a year of detailed study, is simply cast aside without explanation or analysis."

Kennedy announced that his Subcommittee on Administrative Practice and Procedure would hold hearings on the decision "at the earliest opportunity."

At issue is a system adopted in the second Eisenhower administration to prop oil prices by fixing limits on imports of cheaper foreign oil in the name of national security. The Nixon Task Force urged a system of tariff with no fixed ceiling on the amount brought in from abroad.

Mr. Nixon took no action on his Task Force report and said a decision should await congressional hearings and consultations with other nations. He created the Oil Policy Committee with a mandate only to examine the management of the quota arrangements, not the tariff-versus-quota issue.

According to government officials, the new committee's first 14 meetings were limited to this task. Last Thursday, however, Lincoln called a meeting that excluded staff members.

There, he presented the three-page letter that urged ending any consideration of the tariff device. It was this letter that won the White House endorsement.

Attending the Thursday meeting, according to Lincoln, were himself and Flanigan; Attorney General John N. Mitchell; Commerce Secretary Maurice Stans; Treasury Secretary David M. Kennedy; Paul McCracken, chairman of the Council of Economic Advisers; Philip Tresize, assistant secretary of state for economic affairs; Barry Shillito, assistant secretary of defense for procurement; Hollis M. Dole, assistant secretary of interior and an Army major, James Ruth, who ran a slide projection machine.

Lincoln said that the Committee embraced his letter "unanimously" although four of its eight members, including Lincoln, had urged the move to tariffs six months ago.

Lincoln told reporters "I don't want to be too specific" about why he changed his mind.

Trade figures explained that from a public relations standpoint now is the ideal time to renounce tariffs because the prices of some imported oils are temporarily at a peak since the Middle East crisis has driven up rates. Thus the administration could argue, and Lincoln did, that a tariff system today would not mean lower prices to consumers for some Middle East oil.

COMMEMORATION OF DR. ARTHUR E. HERTZLER

Mr. PEARSON. Mr. President, a few days ago I had the privilege of attending ceremonies in Halstead, Kans., commemorating the 100th anniversary of the birth of Arthur E. Hertzler, the horse and buggy doctor. The record of this outstanding Kansan is well worth bringing to the attention of the U.S. Senate. Dr. Arthur Hertzler's service stands as a shining example of uncompromising dedication for the benefit of all mankind. The warmth of this man is well illustrated by a statement of his near his retirement:

> I regard as the chief reward for a long hard experience in the practice of medicine the opportunity it has given me to see so many children developing in an endless variety of environments.

Slightly more than a year after his graduation from the Northwestern University Medical School, Dr. Hertzler made his first trip to Halstead, Kans. On May 1, 1895, Halstead was devastated by a great tornado. The town had no physician, so the young Hertzler journeyed from Moundridge, Kans., a few miles away, to Halstead to these people's aid. He liked the community and decided to establish his country practice there following additional work at Southwestern College in Winfield, Kans., and Illinois Wesleyan University at Bloomington, Ill. Hertzler quickly established himself as a willing and able practitioner with all the warmth, concern, and physical stamina required in those days of long-distance travel by horse and buggy to see patients.

His ability was such, however, that although he preferred private practice to teaching, he soon was persuaded to ac-

cept a teaching position at the University of Kansas Medical School where he taught histology and pathology from 1902–07 and then surgery from 1907–44. Dr. Hertzler's warmth and concern was transferred to countless students of medicine during these years. As one former student has put it:

Dr. Hertzler was known to medical students as Pa; to his student nurses as Grandpa; and to his medical-surgical staff he was "The Chief." Dr. Hertzler was a teacher who believed in showing instead of telling how it was done. To do this he lectured only at times but to make up for not talking, he invited students between their third and fourth year of medical school to come to his hospital in Halstead to observe him at his work for two-week periods during the summer. All looked forward to attending these summer sessions.

Although teaching in medical school in Kansas City—about a 4-hour drive from Halstead by today's high-speed cars—Dr. Hertzler continued to oversee the hospital he had built in Halstead as well as return to see his patients. A reader of the Halstead Independent in 1911 would have seen the following advertisement:

Drs. Hertzler & Wutke, General Practice and Surgery, Dr. Hertzler will be in Halstead every Sunday and Monday and oftener if needed. Kansas City address: 402 Argyle Bldg.

Through most of his years in Kansas City, Dr. Hertzler would spend 5 days a week there, going to Halstead 2 days a week, "and oftener if needed." Such was the dedication to his fellow man's problems of this Kansas "horse and buggy doctor."

The memory of this remarkable man has remained, not only for his establishing of the Halstead Hospital, but also for the nationally renowned Hertzler Clinic for medical research. In 1948, following Hertzler's death on September 12, 1946, his colleagues honored him by chartering the Hertzler Research Foundation to carry on his work in medical research and to maintain the medical library he had established.

Mr. President, I can think of no more fitting conclusion to my remarks than the words about Hertzler in the Journal of the Kansas Medical Society in October 1962:

Hertzler's life was his greatest tribute. Emerging from a hard and troubled youth, he brought to rural Kansas medical care which rivaled that to be found anywhere. Widely known for his medical genius, he achieved world renown for his simple philosophy and warm humor. Restless and impatient, blunt and often tactless, outspoken and competitive, he symbolized a vanishing race of self-sufficient country physicians. His spirit still lingers in those who knew him, and the work which he started is carried on in his clinic today.

Mr. President, I commend the self-sacrificing record of Dr. Arthur E. Hertzler to the Senate. It is one of which we can all be proud and in which we can find inspiration.

NONPRAISE FOR AN UNDEFEATED SOFTBALL TEAM

Mr. HART. Mr. President, as the President of the United States did on announcing his veto of the education appropriations bill last January 26, I wish to share with Senators one of the most difficult decisions I have made since I became a U.S. Senator.

I have on my desk a speech praising my office softball team.

Now let us clearly understand the issues. The issue is not whether some of us like softball and others are against it.

There is no game which I consider more important to the health and welfare of my office staff than softball.

So, why, in an election year, particularly, would a Senator hesitate for one moment to give a speech praising such a politically popular activity as this?

For this reason, a Senator has an obligation to consider all the ramifications of a speech with this principle in mind: What is best for all the members of the team?

The team has one game remaining after which those members who are interns will be leaving Washington to return home.

At election time, it is tempting to place in the RECORD a speech praising them for their efforts, and then to send reprints to the parents of each.

However, I think this is wrong, for placing such a speech in the RECORD the day before the final game could jinx the team and cost it an undefeated season.

Therefore, my decision not to give the speech praising them for the six straight victories over the staffs of Senators LONG, MONDALE, DOMINICK, MCCARTHY, BROOKE, and TOWER is painful but necessary if we are to give them every chance of winning tomorrow night.

However, I would like to thank the interns for the envelopes stuffed, letters folded, errands run, newspapers clipped, records kept, research accomplished, sound suggestions made, and difficult questions asked between ball games.

MONOPOLIES SUPPORT MONOPOLIES IN SAN FRANCISCO

Mr. METCALF. Mr. President, last month a bill to exempt newspapers from the antitrust laws was signed into law by the President, whose administration has certainly on more than one occasion criticized media concentration. This new law further strengthening the news conglomerates makes the survival of the small, independent newspapers even more tenuous.

One such independent, the San Francisco Bay Guardian, a monthly, continues to struggle against the price-fixing unity of that city's two major dailies. The Guardian has pioneered many controversial areas untouched by the larger papers. And its courageous and excellent reporting has not gone unnoticed. During the past decade, the San Francisco Press Club has on two occasions awarded the Guardian its "Pulitzer of the West" Award—in 1964 and 1967. The Guardian has also won four out of the San Francisco Press Club's nine awards in the "nondaily" category during the past 3 years, including first place in the 1969 competition.

In view of this fine record, I was greatly surprised to learn from Bruce B. Brugmann, publisher of the Guardian, that his paper has been excluded from the Press Club's competition this year.

I believe this exclusion is explained, however, by the sad fact that the chairman of the Press Club's Awards Committee is none other than a public relations man from the Pacific Gas & Electric Co.

One of the courageous campaigns waged during the past 2 years by the Guardian has been against that company's monopolistic and political strength in San Francisco and northern California. The Guardian has documented P.G. & E.'s direct violations of the law—see articles in the CONGRESSIONAL RECORD, volume 115, part 7, pages 8692–8696. The Guardian has critized the company's love-in with the major San Francisco dailies, and finally, it has recently advocated municipal ownership of P.G. & E.'s local electric distribution system. One of the Guardian's editors, Peter Petrakis, recently suggested to the Public Utilities Commission a feasibility study on the acquisition of the system. This study is now underway.

Perhaps this was the last straw for P.G. & E. Its tolerance for "freedom of the press" has reached the breaking point. So through the Press Club the company is "punishing" this small, independent newspaper which it believes poses such a threat to its monopoly.

Mr. President, I am dismayed that P.G. & E. would choose this arena for its punitive and petty actions against the Guardian. I am appalled, however, that the San Francisco Press Club would allow its fine and respected halls to be used for such obvious derogation of the "freedom of the press" on which rests its tradition if not its very existence.

I ask unanimous consent that Mr. Brugmann's July 27 letter to the directors of the San Francisco Press Club, be printed in the RECORD. I also ask unanimous consent to have printed in the RECORD the Bay Guardian's June 8 release of Peter Petrakis' testimony before the San Francisco's Board of Supervisors, with its analysis of city acquisition of the electric system; and finally the recent comments of our Washington friend, Nicholas von Hoffman, who refers to the Bay Guardian as "the best and most reliable periodical in the city—San Francisco."

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE SAN FRANCISCO BAY GUARDIAN,
San Francisco, Calif., July 27, 1970.

DIRECTORS,
San Francisco Press Club,
San Francisco, Calif.

GENTLEMEN: I am writing you as a two-time winner in your "Pulitzer of the West" newspaper awards competition (1964, 1967) and as editor and publisher of a newspaper, The San Francisco Bay Guardian, that has won four of the nine awards in your "nondaily" category in the past three years. This includes first place in last year's competition.

I now find, to my surprise, that I am the recipient of the club's latest award: "Banned by the San Francisco Press Club." Let me explain.

The Guardian had been tipped off that, despite the fact we won the contest last year, an attempt would made to exclude our newspaper from this year's competition. We called the club several times through June and early July to ask when the entry blanks would be sent to us. (The past three years, we got them in normal course in the mail.)

In early July, the club secretary told us Larry McDonnell (PG&E pr man, chairman of the awards committee) and his committee were sending them out that Thursday.

We never got them. The secretary told me the committee had decided the category this year would be open to "weeklies only." The Guardian (a monthly) was out. I pressed her for details and an explanation, but she said the entry forms were being mailed out this year by PG&E and she didn't have much information. She referred me to McDonnell at PG&E.

I called McDonnell at PG&E. Yes, he said, the Guardian was out this year, but it was not the intent of his committee to exclude the Guardian. Instead, it was to initiate a category for weeklies only, to encourage them to enter and to get back to the original spirit of the press club contest.

How do you encourage weeklies (which have been in all recent contests, but still didn't contribute many entries) by excluding the Guardian (which had contributed more entries than any other non-daily in the past three years?) How do you justify banning last year's winner? Why is the only non-weekly to submit entries the past three years suddenly picked out, without explanation, without the courtesy of notification, and made the only newspaper ever blackballed in the history of the competition? Isn't this censorship to exclude The Guardian, one of the few Bay Area newspapers devoted to investigative reporting and solid journalistic crusades in the Pulitzer tradition? (Note Guardian enclosures.)

I pressed these obvious questions, but McDonnell refused to give any details beyond his "we want to encourage the weeklies" stand. He became incensed when I asked if the Guardian blackball had anything to do with the Guardian's two year campaign against PG&E and its illegal power monopoly in San Francisco that keeps cheap public power out of San Francisco in defiance of federal law, the U.S. Supreme Court and the city charter. (Note PG&E enclosures.)

McDonnell said his committee's decision had not been aimed at the Guardian and that the Guardian had not come up in the discussion. He denied vehemently that he or PG&E had anything to do with "the Guardian blackball," as I put it, and he threatened to hang up when I asked if it had anything to do with our PG&E campaign.

He refused to say how the ban originated, who originated it, or even who brought it before the committee in its first and only meeting on June 10. He even refused, until I pressed hard, to identify the other members of his committee.

The group that banned The Guardian, I found, was made up almost exclusively of advertising and public relations men—most of them representing companies the Guardian had criticized in its reportage. The committee: Chairman: McDonnell (PG&E), Robert Rezak (PT&T), Carl Albracht (Westinghouse), Paul Cane (Bechtel), Gordon Grannis (Crown Zellerbach), J. Campbell Watson (Editor & Publisher), Carl Spencer (General Electric), Charles St. Peter (Frank Albert-Guenther Law Adv. Agency), Robert Richelson (Carl Byoir Adv. Agency.)

I polled the committee by phone and found, contrary to McDonnell's explanation, that several committee members recall that: (1) PG&E's McDonnell brought up the rules change that axed the Guardian; (2) No other newspaper was mentioned by anyone; (3) The Guardian was mentioned several times during the session by name (4) The Guardian was mentioned, as CZ's Grannis put it, "as not being a weekly newspaper" and therefore not qualifying for this year's contest.

I brought up these points to each committee member and nobody rebutted them. If the member didn't agree with these recollections of his committee colleagues, he said he couldn't remember or he simply refused to answer questions (Watson, Richelson.) Rezak was quite specific. "He (McDonnell) threw it (the rules change) out on the table. There was some feeling that the Guardian wasn't an established newspaper . . . the Guardian couldn't qualify as a weekly newspaper."

Did you realize, I asked, that the Guardian was being purposedly excluded by McDonnell's proposal? Rezak: "You didn't have to hit me with a bat." He added: "If they wanted to change the rules, they could have heard from your paper."

Rezak said that, as a PT&T pr man, he read The Guardian regularly and that he, too, didn't like some of the stories and editorials, particularly those critical of PT&T. But "this wasn't the time or the place" to do something about them, he said.

Gentlemen: this is the point: the 1970 Pulitzer of the West newspaper awards contest is not the time or the place to begin censoring copy, banning newspapers or bringing the contest quietly into line with the PG&E Progress or, for that matter, a committee representing Westinghouse, GE, PG&E, PT&T, Crown Zellerbach, Bechtel or clients of local ad agencies. As GE's Spencer told me, "Nobody should be excluded from the contest."

Please do not misunderstand me. I do not ask you to reinstate the Guardian in this year's contest. Neither I nor the Guardian will enter the Contest again until we can be shown that our professional work will not be at the mercy of PG&E or any other committee dominated almost exclusively by public relations and advertising men.

Sincerely yours,

BRUCE B. BRUGMANN,
Editor and Publisher.

[From the San Francisco (Calif.) Guardian, June 8, 1970]

TESTIMONY OF PETER L. PETRAKIS, UTILITIES EDITOR OF THE SAN FRANCISCO BAY GUARDIAN, BEFORE THE BOARD OF SUPERVISORS OF SAN FRANCISCO, ON THE PROPOSED INCREASE IN MUNICIPAL RAILWAY FARES

I urge this Board to delay the increase in Municipal Railway fares until the Public Utilities Commission completes its feasibility study on the acquisition of the San Francisco electric distribution system of the Pacific Gas and Electric Company.

On April 14, the day the PUC passed the fare increase resolution now before you, it also passed, unanimously, a resolution proposed by the San Francisco Bay Guardian, authorizing a study on the feasibility of the city buying out PG&E, so that the city's Hetch Hetchy power can be delivered to its residents over a publicly-owned distribution system, with $30 million or more in annual profits going to the people rather than to the Company.

If the feasibility study shows that the city could profit by going into the retail electric power business, it might then become possible for the profits now going to PG&E to be used by the city to subsidize the Muni—and lower, not raise the fares.

This Board should not raise the transportation cost of working people, many of them hard-pressed minorities, without first exploring alternative ways of subsidizing public transportation.

The old gimmick of subsidizing the Muni with property taxes is no longer tenable. The taxpayers are already backed up against the wall. At the same time, raising the fares to finance improvements is self-defeating. It will discourage use of the Muni at a time when we are trying to persuade people to leave their cars at home and cut down congestion and eliminate air pollution. And it will work a hardship on those who depend on the Muni most.

Public transportation systems are inherently unprofitable. The number of such systems that have gone out of business in modern times proves that. Nevertheless, they are absolutely essential. Therefore, they must be subsidized. The question is how to subsidize them.

Our Public Utilities Commission manages two businesses: The Muni and the Hetch Hetchy Water and Power Project. The Hetch Hetchy Project is inherently profitable because it generates electricity, one of the most lucrative products that exist. Just ask PG&E. Seventeen cents out of every dollar the Company makes is pure profit, according to the Federal Power Commission.

If the feasibility study recommends buying out PG&E, we should do it with revenue bonds so as to not raise taxes, and get the maximum profits from Hetch Hetchy power by selling it to ourselves, and use part of those profits to subsidize the Muni.

We have been in the electricity business for nearly 50 years, but we have never done what both our City Charter and the Raker Act require—bring our power to San Francisco and distribute it to our own citizens over a publicly-owned distribution system.

Since 1913, when the Raker Act granted us Hetch Hetchy valley in Yosemite National Park, we have invested nearly $300 million in hydroelectric facilities, but all, as it turns out, for the benefit of everyone but our own citizens.

For 15 years, between 1925 and 1940, we openly sold the power to PG&E, which then turned around and sold it back to us at an exorbitant profit. When the U.S. Supreme Court declared that was in violation of the Raker Act, we still refused to buy out PG&E, even though our own City Charter Utility Policy reads: "It is the declared purpose and intention of the people of the city and county, when public interest and necessity demand, that public utilities shall be gradually acquired and ultimately owned by the city and county . . ."

Instead of fulfilling the mandates of the Raker Act and the City Charter, we proceeded to dissipate the electricity in unprofitable markets on the fringes of the PG&E empire, meanwhile letting PG&E take the high profits that rightfully belong to the people of San Francisco.

We are currently settling for a measly $3.8 million a year in Hetch Hetchy profits, on a capital investment of nearly $300 million—when all around us spreads an electrical distribution system, which, if we owned it, would net us at least $30 million a year.

Where does our power go? Forty percent of the 2 billion kilowatt-hour annual production we wholesale to the Turlock and Modesto Irrigation Districts, both of which had the good sense to go into the electric retailing business years ago. *These districts take that 40% and make more money retailing it to their residents than San Francisco makes out of the entire Hetch Hetchy output.* That clearly shows the superior profitability of retailing, as compared to wholesaling electricity.

The Districts use the profits from selling our electricity to subsidize the free distribution of irrigation water to their farmers and to finance improvements and additions. Still, their rates are 24% lower than San Francisco PG&E rates.

Another 40% of our electricity goes to a group of relatively unprofitable out-of-town industrial plants, which were "assigned" to the city by PG&E in order to keep us from pressuring for a publicly-owned distribution system in San Francisco, through which we could sell our own power to our own residents. These companies employ no San Franciscans and they pay no San Francisco taxes. They merely provide another "dumping ground" for San Francisco's electricity, and an accommodation to the PG&E monopoly.

The rest of our power goes to municipal facilities in San Francisco, and we pay PG&E nearly $2 million a year to bring that power 35 miles from the end of our transmission line at Newark.

This city can no longer afford the luxury of having a privately-owned monopoly, controlled mainly by large eastern brokerage firms and insurance companies, raking off high profits that rightfully belong to us. We have a huge electrical generating facility that many cities would love to have, but whose earning potential is being frittered away in unprofitable markets, out of deference to PG&E. And meanwhile, the Board of Supervisors contemplates payroll taxes, higher property taxes, increased water rates—and now, increased Muni fares.

It is a general practice in business for the management to use the earnings from the more profitable commodities to cover the losses from other commodities that are less profitable. That is the situation San Francisco is in. The management of our public businesses, the PUC, "sells" two products—public transportation, and electricity. The first product is unprofitable, but it must be "stocked." The second product, electricity, is the potential money-maker that could support the first—if we would but use it properly. That means we should buy out PG&E.

The performance of public power cities in this area strongly suggests that the feasibility study now underway will result in that recommendation. Palo Alto is one example of a highly successful public power city. Its municipal power rates are 15% lower than the PG&E rates in surrounding cities. It has one of the lowest tax rates in California—one-fourth that of the comparable city of Berkeley—because it uses the earnings from its retail power sales to provide a tax subsidy to the general fund. It also pays an "in lieu of tax" payment to the general fund. This is the amount of tax a private company would pay if it owned the Palo Alto system. And still there is enough money to systematically put existing power lines underground.

The stakes are so high on the PUC's acquisition feasibility study that the city should resolve to get along a while longer without a muni fare increase, pending the recommendations that emerge from the study. If we had bought out PG&E in the beginning, our public transportation system would not be the mess it is today, and our streets would not be so fouled and congested by the automobile. We can afford to wait a while until we can find out if sound, business-like arrangements are possible that could make a Muni fare increase unnecessary, and perhaps even cause the fares to be lowered, through partial or total subsidy from electrical revenues earned in a publicly-owned distribution system.

WHERE HAS SAN FRANCISCO'S POWER GONE? (EVERYWHERE BUT TO SAN FRANCISCANS)

6 YEARS OF HETCH HETCHY PRODUCTION: 1963–68 [1]

	Kilowatt-hours	Percent of total Hetch Hetchy output
1. San Francisco houses, business, and industries	(2)	0
2. San Francisco municipal accounts (wheeled from Newark to San Francisco on P.G. & E. lines, at an annual charge to San Francisco of $2,000,000):		
International Airport	636,000,000	
Municipal railway	378,000,000	
Municipal street lighting	264,000,000	
Water Department pumps	156,000,000	
All other municipal	605,000,000	
Subtotal	2,039,000,000	22
3. Irrigation District accounts:		
Turlock irrigation district	1,040,000,000	
Modesto irrigation district	2,670,000,000	
Subtotal	3,710,000,000	40
4. Industrial accounts:		
Dow Chemical Co. (Pittsburg)	1,399,000,000	
Kaiser Gypsum & Cement Co. (Santa Cruz)	939,000,000	
Hercules, Inc. (Pinole)	656,000,000	
Shell Chemical Co. (Pittsburg)	168,000,000	
California Ammonia Co. (Lathrop)	120,000,000	
Kaiser Aluminum & Chemical Co. (Santa Cruz)	111,000,000	
Norris Industries (Riverbank)	88,000,000	
Air Products & Chemicals Co. (Lathrop)	21,000,000	
Miscellaneous customers (Fresno, etc.)	28,000,000	
Subtotal	3,526,000,000	38
Total Hetch Hetchy power delivered	9,275,000,000	100

[1] Sources: Hetch Hetchy preliminary annual report 1969 P.G. & E. annual reports, 1963 through 1968.
[2] None.

COMPARING HETCH HETCHY PROFITS

San Francisco generates 2 billion kilowatt-hours of power a year at Hetch Hetchy, sells it to SF municipal services, out-of-town chemical plants and the Turlock and Modesto Irrigation Districts. But not to San Franciscans.

[In millions]

San Francisco's 1967–68 power earnings:
Gross ---------- $12.8
Net ---------- 4.0

The Irrigation Districts retail 1 billion kilowatt-hours of electricity (most of it from San Francisco) to their residents.

[In millions]

Irrigation Districts' 1967–68 power earnings:
Gross ---------- $13.6
Net ---------- 5.4

Conclusion: The Turlock and Modesto Irrigation Districts make $1.4 million more a year than San Francisco on half the amount of power. The point: The Districts do it by retailing the cheap public power which San Francisco sells wholesale to them. This is the same public power which San Francisco refuses to sell to its own citizens.

[From the Washington (D.C.) Post, July 13, 1970]

NEWSPAPER MONOPOLIES

(By Nicholas von Hoffman)

Last Wednesday, the day the House of Representatives voted to exempt the newspaper industry from the antitrust laws, you could see Secretary of Defense Melvin Laird out on the floor throwing handshakes and athlete's hugs at his old congressional buddies. It may have been a social call he was paying, or he may have been lobbying for a spare aircraft carrier, but whatever the reason for his presence this busy man had found time to talk to congressmen.

Spiro T. ("Ted") Agnew was not present, was not shaking legislative hands, was not lobbying against this bill which furthers the media concentration that our esteemed Vice President would have people think he objects to. The bill will make it legal for 44 newspapers in 22 cities to rig prices, divide markets and pool profits in the grand tradition of John D. Rockefeller the first. It will also permit any and all other newspapers to apply to the Justice Department for permission to do the same in the future.

The 44 newspapers which receive immediate permission to ignore the law that others must obey have been granted this privilege on the grounds that without it they will fail. The precedent is set; if business is bad, ask Congress to exempt you from free enterprise competition so you can enter into an agreement with your erstwhile commercial rivals to screw the consumer.

If the precedent holds you won't have to be going into bankruptcy, you'll only have to poor mouth and make it seem that you are. That's what these newspaper scalawags have done: made a loud noise about how poor they and their industry are.

Newspapers are not going out of business. There were, according to the testimony on this bill, 1,749 newspapers in America at the close of World War II. Twenty years later there were 1,754. During that time daily newspaper sales have grown by more than 10 million. And the advertising revenues? Up more than 400 per cent in the last generation so that last year they went over the $5 billion mark. New dailies are being started quite regularly, 33 in the past three years. This is not a moribund industry deserving special favors.

The case for the 44 newspapers which wanted this law because they've been operating with price fixing agreements is even shakier. Three of the beneficiaries of this legislative gratuity are The Birmingham Post-Herald, the Pittsburgh Press and the Evansville Press, owned by the Scripps-Howard organization which also owns 15 other newspapers, United Press International, United Features Syndicate, the Newspaper Enterprise Association (NEA), the World Almanac, five television stations and heavy investments in cable TV.

Another outfit that will directly profit from this law is the Newhouse newspaper chain which, according to testimony before the Senate's Antitrust Subcommittee, owns or has a heavy interest in at least eight newspapers and seven television stations. It's sometimes hard to be sure; the skein of corporate control can be so complex. In any event, Newhouse also has seven cable television companies, as well as Vogue, Mademoiselle, House & Garden, Glamour and Bride's magazines.

Other winners under this law are Hearst's many enterprises and John Knight's communication chain which reported first quarter revenues of over $60 million. If these are deserving candidates for exemption from the antimonopoly laws then what about dear, little DuPont and frail, fading General Electric?

Witnesses before the House committee which reported this monstrosity out onto the floor demonstrated that these collusive agreements cost us consumers not only in dollars but in lower quality product. After the San Francisco Examiner and Chronicle got together to fix prices, advertising costs in the Chronicle nearly doubled. Beyond that, the newspapers were able to offer two-for-the-price-of-one advertising deals that drove a new, competitive daily out of town.

Although the bill's purpose is to save financially dying newspapers and promote news and editorial diversity, the truth is the Chronicle had $7 million in the bank when it signed its agreement with its competitor. Moreover, the quality of local news coverage in both papers has become so bad that the best and most reliable periodical in the city is The Bay Guardian, a monthly put out by one man and a bunch of volunteer helpers.

The greatest shame here isn't Agnew's or Congress's but the newspapers'. In their rectitude, they denounce everybody else's circumvention of the give and take of the free market. By forcing this piece of tacky legislation through, they've shown they're just as scurvy as the special interests they love to denounce.

There are some noble, ironic exceptions to this, the most conspicuous being The New York Times which, unlike the Vice President, has spoken out against this new development in media concentration. (The Washington Post also editorialized against the Act.) Even the Justice Department, which doesn't do much right, fought it. But many newspapers have backed it or been silent. That will put them in a strange position when the printers' unions demand they be paid for the work machines do better and faster. If the publishers can violate the principles of free enterprise and live by legalized monopoly, why shouldn't the unions be just as economically irrational?

The papers will not only regret what they've done at the labor bargaining table but also in their dealings with the government. How free are they going to be when they are beholden to these same politicians for their abnormal profits? What they have done to themselves is far worse and far more worrisome than anything Agnew can do to them. Now they must live under the threat that this privilege may be taken away from them.

Perhaps the people in the newspaper industry can take some comfort in the fact that this vote showed that for a dying business they have awesome power. Members of the House of Representatives fought each other for a chance to vote for this bill, which was against both liberal and conservative principles.

WOMEN'S GROUPS SHOULD LEND SUPPORT TO HUMAN RIGHTS CONVENTION ON EQUAL RIGHTS FOR WOMEN

Mr. PROXMIRE. Mr. President, 1970 marks the 17th year since the United Nations Convention on Women's Rights was opened for signature. It is unbelievable—but it is a fact—that the United States is not one of the nations which has ratified the U.N. Convention on the Political Rights of Women. It is unbelievable because the convention deals with fundamental rights already guaranteed by the Federal Constitution, because it is not in conflict with State laws, and because it is a part of the accepted standards to which the United States is supposedly already committed. Senate inaction on this treaty creates a highly embarrassing and incongruous situation for this country.

Senate ratification would demonstrate to the world that we are concerned with this vital issue. It would reinforce our present national policies and laws, and extend our influence in this area both in the national area and in the international sphere.

But the convention remains tabled, although the chairman of the Committee on Foreign Relations has stated that it could be taken off the table whenever the committee so decided.

Thus it is up to organizations like the National Federation of Business and Professional Women's Clubs, Inc., and others to demand that the matter of the convention be reopened.

The overwhelming vote in favor of the equal rights amendment in the House of Representatives was largely a result of the active participation by such groups as the Federation of Business and Professional Women, the American Federation of Teachers, AFL–CIO, Federally Employed Women, B'nai B'rith Women, the YWCA, the United Automobile Workers, the NAACP, and many, many other groups. While the atmosphere is ripe, I would hope that these women's groups would lend their support and work toward the ratification of this all-important human rights convention that would be another step in the important work of guaranteeing the equal status that women deserve in our society.

CUT IN FUNDS FOR FLAMING GORGE NATIONAL RECREATION AREA, UTAH AND WYOMING

Mr. MOSS. Mr. President, we all recognize that these are trying fiscal times for the Federal Government. Our economy is badly dislocated, and our budget is strained by the demands of the war in Southeast Asia. We agree that we must make every effort to curb domestic spending.

But in some instances the slashes which have been made in funds are so deep that they are false economy and it will take years and eventually much greater expenditures to overcome the harm that we are doing.

An example is the deep cuts which have been made in the funds for fiscal 1971 for the Flaming Gorge National Recreation Area in Utah and Wyoming.

The Ogden Standard Examiner recently published an editorial which tells the painful story of what was done, and foretells the story of what will probably happen in the future because of our shortsightedness. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

FEDERAL ECONOMY AX CUTS FUNDS FOR FLAMING GORGE DEVELOPMENT

The ax of federal economy has fallen sharply on the collective necks of Utah and Wyoming at a place where it hurts, painfully—the development of the Flaming Gorge National Recreation Area.

During fiscal 1970, that ended June 30, Congress appropriated sufficient money to the U.S. Forest Service that $1,005,000 could be allocated to Flaming Gorge for new construction, sanitation, upkeep and maintenance.

Because of the increasing use of the National Recreation Area by the recreational-minded public of Utah, Wyoming and virtually every other state in the union, Flaming Gorge supporters asked for more money for fiscal 1971.

Sen. Frank E. Moss, D-Utah, in a statement to a Senate Finance Subcommittee as it considered appropriations for the Department of Interior and related agencies, put the request in specific terms. The Forest Service is a branch of the Department of Agriculture, but many of its appropriations do come through Interior, incidentally.

The Republican administration's proposed budget for fiscal 1971 called for $1,084,000 for the Flaming Gorge National Recreation Area.

"An additional $2,622,000 could be used to good advantage," the Utah Democrat told the committee, breaking the request down to show that about half of this additional amount would be used to finance already-overdue upgrading of water and sanitation systems.

Sen. Moss told his colleagues that they should recall when the recreation area, which initially was a joint enterprise of the Parks and Forest Services, was placed entirely under Forest Service jurisdiction just a few years ago.

"He knows what an attractive area has been created by this man-made lake," the senator said, referring to the subcommittee chairman, Sen. Alan Bible, D-Nev. "It has become a great recreation mecca for the people from Northern Utah, southern Idaho and western Wyoming, as well as for tourists from all over the country. The limited facilities which have been built are already overcrowded on any good summer day."

He read into the hearing's record evidence of support of the expanded appropriation, including a Feb. 22 Standard-Examiner editorial that pointed out the pressing need for better water and sanitation facilities, as well as campsites, to avoid a potential pollution hazard.

But the appeal was in vain.

The proposed budget was chopped drastically by the economy-minded Congress.

When the appropriation measure cleared both houses a few weeks ago it was so limited that the Forest Service was able to allocate only $600,000 for sanitation, upkeep and maintenance at Flaming Gorge National Recreation area in the new fiscal year. This also includes day-to-day operational costs.

This compares with $730,000 in the previous year.

For construction work, the 1971 appropriation is virtually a bust, as far as Flaming Gorge is concerned. Only $42,000 is available in the fiscal period now under way for what are technically termed water resource development related activities. Of this $10,000 will go for planning, $32,000 for highest priority new work.

In fiscal 1970 Flaming Gorge received $275,000 for water resource development related activities.

So instead of a Republican budget of $1,084,000 or Sen. Moss' requested total of $3,706,000, Flaming Gorge must get by from now until next June 30 on a total of $642,000. That's $363,000 less than the previous year.

Ouch!

We recognize that the federal government must practice economy.

But, we insist, such drastic reductions are false economy—even in these trying fiscal times.

When the federal government contracted, in effect, with the people of Utah, Wyoming and the rest of the country to develop Flaming Gorge as a National Recreation Area there was an implicit promise of progress.

With these cuts progress is impossible.

The Forest Service will be hard pressed to stay even—on maintenance and basic operation—on this bare-bones funding program. Only the dedicated service of the foresters will keep Flaming Gorge from slipping backwards under the pressure of mounting usage.

More than a million visitor days were recorded in the Ashley National Forest in 1969, mostly at Flaming Gorge. The 1970 records are, of course, still being made. We're confident, from reports we receive from this popular area, that the 1970 figure will far surpass that of 1969.

We also know there's going to be a sewage problem, both in campsites ashore and on the lake, where there are no facilities for the sanitary dumping of boat toilets, unless visitors cooperate better than they usually do. Since Flaming Gorge is on the headwaters of the Green-Colorado rivers system, this pollution could cause trouble all the way south to Lakes Powell and Mead and on to Arizona, California and Mexico.

In this economy move the Congress has not saved money. It has merely postponed an inevitable, necessary expenditure that will cost more to do in the future than it could be done for now. And Flaming Gorge visitors suffer in the meantime. Fishing's already below par.

ADVERTISING AND ECOLOGY

Mr. METCALF. Mr. President, the Friends of the Earth (FOE) and other conservation organizations have begun proceedings to apply the results of the fairness doctrine case against cigarette advertisers to misleading advertising by polluting industries.

This is commendable and long overdue. The need for applying this doctrine to other industries is well told by Jerry Mander, president of Freeman, Mander & Goss Advertising in San Francisco, in the enclosed June 1970 issue of Scanlan's magazine.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIX MONTHS AND NEARLY A BILLION DOLLARS LATER, ADVERTISING OWNS ECOLOGY

(By Jerry Mander)

A few months ago, my partner and I were treated to a meeting with an experienced advertising man, about to open a new agency. His idea was to run a full-page newspaper ad (which he has since done) announcing that right from the first day, his office was going to devote 20 per cent of its total time to "good" causes. He was going to raise money to fund this agency on that basis, and would I like to invest in this wonderful thing?

I asked him how he decided that 20 per cent was exactly the right amount of time to give to saving the world, instead of, say, 16 percent or 28 per cent. I don't think he got what I was driving at because he didn't leave, so I let it drop, but the point was that he was using "do-gooderism" as a gimmick to raise money for an otherwise normal advertising agency and that whatever he did, do-goodwise, was bound to be phony.

It shouldn't have surprised me, really, because advertising people in general have an inordinate fascination with "image." They assume that by *seeming* a certain way, the world will come flocking around, tearing at their clothes. My late partner, Howard Gossage, used to say he preferred the word 'identity" to "image"—the former having to do with the way one *really* is—which made him a lonely man in the advertising business.

Well, at one time, the difference may not have been all that important except for the psychic good health of advertising people and those few whose idea of fun is to spend their day reading collections of ads. But the way I perceive it right now, at this point in history, the difference may be more like life and death.

INDUSTRY SAVES ENVIRONMENT

With the sudden, immense outpouring of words from business and industry during the last six months concerning all the wonderful things they are doing to solve the pollution problem—most of these words being expressed in ads—it's worth having a look at what's being said; of course, when seen close up, it's all image and no identity.

Most of industry still sees pollution and environment questions as more of a public relations and advertising problem—in other words, an image problem—than as anything fundamentally related to the way they are doing business. Shell Oil Company, for example, recently ran a four-ad series showing: 1) how they saved the lives of a lot of fish by *not* polluting things as much as they had been; 2) how they are feeding starving millions by producing more and better pesticides (which on the other hand are killing the fish they just saved); 3) how they overcame a lovely little Connecticut town's fears that their new gas station would prove a blight because it would replace a number of lovely trees, by showing the townspeople that the station would itself be a lovely gas station, and 4) how they were against littering.

I'm sure that the president of that company feels that this position makes him a conservationist, because until recently it was unusual for an oil company even to mention pollution or ugliness. Now that there's public goodwill in conservation, now that it's a hot topic, it's "good business to think of the environmental *implications* of industrial action," as a major chemical company executive recently suggested.

Another example: a recent copy of the New York Times carried a Pan American Airways ad which announced "the latest breakthrough" in relieving airport congestion. I was ready to be told they had reduced their total number of flights, or scrapped the Boeing 747, or cancelled their SST orders. But it turned out that what they had done was to build a second terminal at Kennedy Airport in New York, so they could handle up to twice as many passengers with less congestion—inside. Getting the planes onto the ground without bumping each other is another matter, and getting passengers into New York City from the airport was somebody else's problem.

And we've all seen more than our share of power company ads. Usually they bring us one—or more—of four urgent messages: 1) use more electricity; 2) the folks at your neighborhood power company are working like crazy developing new and creative means for winning the War on Pollution. (A recent headline from Pacific Gas & Electric: "We Put A Smile On Mother Nature's Face."); 3) we need more power plants to fill our growing power needs, atomic ones; they're as safe as chocolate ice cream; 4) they need a rate increase to finance the research.

I had thought I had already reached the pinnacle of my own shame and disgust concerning utility advertising—what are they doing advertising at all if they are a *public* utility—when by chance I came across an old congressional record and found a speech by Senator Lee Metcalf which somehow has gone unnoticed by the press and by conservationists.

Senator Metcalf pointed out that during 1969, public utilities spent nearly $300 million on advertising, *more than eight times* what they spend on research, all the while proclaiming *in the ads* their feats of anti-pollution research. Metcalf also noted that about a fourth of all the power companies in this country actually did no research at all, yet they spent millions in advertising to *talk* about research and to sell us all on using more electrical power at the same time as they tell us there's a power shortage. If advertising dollars are going to be spent by utilities, one would think—considering this so-called power shortage which makes the introduction of nuclear plants "inevitable," in the words of Newsweek—that the ads would be appeals to use *less* power.

It's also worth noting that like other utility industries, power companies work on a cost plus basis. That is, they add up all their costs and then they can charge you and me, say, 7.5 per cent of the total and that's their profit. Advertising is included among the allowable costs and so you see they actually make more money by running more ads and artificially building up their costs.

THE JOYS OF NUCLEAR POWER

Westinghouse Corporation has *really* jumped onto the ecological bandwagon. As one of the major suppliers of the technology needed to build nuclear power plants, Westinghouse has been running four-color ads everywhere, extolling the anti-polluting virtues of atomic power. The picture shows a beautiful girl sunbathing upon a lake which has one of those dome-shaped neo-modernistic nuclear plants in view. "Nuclear power plants are good neighbors," says the ad, "reliable, low-cost . . . neat, clean, safe."

And in a corporate brochure called "The Infinite Energy," we read about the pollution problems of conventional power systems and the marvelous advance that nuclear power represents. As for fears of radiation hazard, those are overstated, says Westinghouse. Even the sun, after all, produces radiation! "Sunshine is a gold blanket of radiation," reports the brochure. "The sun is actually a giant nuclear furnace operating much like a nuclear power reactor that is used to generate electricity. Overexposure to some of these rays is dangerous, just as overexposure to the sun's rays can be dangerous."

Simply ignored are the extreme dangers of "nuclear excursion"—of which there have already been several fortunately minor instances. A "nuclear excursion" is a leak in a reactor which could potentially cause the radiation effects equal to an atomic explosion, without any of the visual appeal. All buildings and inanimate objects within range would remain; only people and other living things would be done in.

The likelihood of such a disaster is great enough that Dr. David Lilienthal—a former director of the AEC—when asked his opinion of a proposed nuclear power plant in Queens said, "I wouldn't live in Queens if there was going to be a nuclear power plant there." And Dr. Edward Teller—no trainee in nuclear physics, and no bird watcher either—has said "A single major mishap in a nuclear reactor could cause extreme damage, not because of the explosive force but because of the radioactive contamination. . . . So far we have been extremely lucky. . . . But with the spread of industrialization, with the greater number of simians monkeying around with things that they do not completely understand, sooner or later a fool will prove greater than the proof even in a foolproof system."

Westinghouse doesn't include *that* point of view while telling us of its concern with the environment. Nor does it, or any power company, while extolling the virtues of nuclear power, mention the radiation danger involved in the disposal of radioactive wastes. Nor do they mention that nuclear power plants produce another spectacular kind of pollution which is, if anything, *more* dangerous to the natural system than radiation, and that is thermal pollution: the water will be heated to the point where the ecological cycle will be disrupted, some species of fish or other living organisms will be killed, and whatever depends upon them for sustenance may not survive and so on up the line.

So much for Westinghouse's "non-polluting" power system.

"PLANT A LAWN IN A DEEP FREEZE"

Atlantic Richfield diverts us from their destructive Alaska Pipeline project by telling us that they are planning to seed the tundra areas done in by the pipeline. The fact is, they are going to *try* to plant grass, but no botanist outside the company thinks it's likely to work. And anyway, is planting grass a suitable solution for the terrible disturbances which the pipeline will cause to a very fragile wilderness?

Potlatch Corporation, a lumber company whose slogan is "the forests where innovations grow," has taken to running ads with pictures of trees and birds and rivers to show us that, as lumbermen, they have an intimate feel for the natural order. So while they are cutting down the innovations, we ought not to worry; they know what they are doing.

Coca-Cola ads tell us that it does offer "deposit and return" bottles but, on behalf of its customers who "demand" the no-deposit-no-return version of the bottle, they are continuing to put out that kind too. But just don't litter, they say, and everything will be all right.

Advertising is destroying the word "ecology" and perhaps all understanding of the concept. A few weeks ago, PG&E ran a head-

line advocating "a balance between ecology and energy." But ecology is not a thing that is balanced against anything else. The word describes a science of the interrelatedness of *everything*. Energy is a detail which only Man has decided to make a fuss over. That is what must be remembered, and it is getting increasingly hard to do so with this immense outpouring of diversionary, false and deadening information.

A BILLION DOLLARS OF REASSURANCE

I am prepared to make the case that the $300 million in advertising spent by power companies (which, by the way, is about a third of the entire federal anti-pollution budget in Mr. Nixon's budget message), combined with the millions spent by oil companies, chemical companies, auto companies, industrial associations, the newly burgeoning antipollution industries, and so on—nearly a billion dollars, I would guess—is actually producing a net *loss* in this so-called War on Pollution. It's called cooptation in other circles, and I believe that it's operative here, perhaps not deliberately, but nevertheless.

All of the government rhetoric, magnified by industrial assurances, has the effect of destroying the power of the ecology message. People's eyes are already beginning to glaze at the sight of still more jargon about saving the world. It's awfully hard to out-shout roughly a billion dollars of advertising money. Especially when you consider that last year's total offsetting advertising expenditures by for-real conservation organizations were only roughly $200,000—or two-hundredths of one per cent of the industry output.

The net effect of all this media spending and the government's cultivated image of activity is to encourage a society already dazzled by technology to be further assured that technology is solving the problem—people want so much to be assured—and so it's back to the television set. Perhaps even worse than the fact that the ads are misleading—even lying in many instances—is the fact that they divert the reader from a more basic understanding of what's really going on: that technological society is beginning to reach its limits, economic expansionism is going to end, and endless consumption is going to end, and we're all of us going to begin adopting some of the techniques of peoples who live on islands, say, and for whom a finite system such as island Earth, is a given.

If we don't develop that understanding of the limits of things, of the islandness of Earth, of the fact that we are wildlife, too, then all the anti-pollution messages and money will be useless. Suppose our technology does manage to develop a pollution-free car engine? Will *that* make it acceptable to cover the landscape with highways and automobiles?

ADVERTISING A DYING INDUSTRY

A short while ago I made some of these remarks to the San Francisco Association of Industrial Advertisers. I even went so far as to tell them that I personally believe advertising is a dying industry. Tied as it is to an expanding economy and given that we live in a finite system, on an island in space, advertising is doomed, eventually, at least in the form we now know it. If you don't need to sell more of a thing, then you probably don't need advertising.

If advertising has any future at all after, say, the next ten years, it will probably be more in the area of propagandizing for issues of one sort or another, basically issues which help expand the individual rather than the economy; or perhaps we'll have advertising of products that are related to issues—such as for a company which really has found a way to harness the sun's energy as a clean power fuel; or, it will be purely informational in nature: "We have eight old Fords here today."

I had expected, frankly, to be attacked by this industrial group—for having attacked them and for the nonsense about a no-growth economic system which didn't include advertising the annual style change. Instead, the response, after the first few minutes, was giggling, chattering under the breath and staring at the ceiling. Nobody was the slightest bit upset. Nobody *was listening*.

It was a very depressing evening. I eventually went out and got drunk with a Wall Street Journal reporter interested in the implications of the no-growth system. He had seen the no-response and remarked that for the first time, he really believed the world *was* coming to an end.

Business and advertising and public relations have gotten so adroit at imitating honesty that many of us have gotten out of the habit of just leveling, taking the good with the bad and hoping that since the basic intentions are good, things will work out. We can't avoid trying to steer the world back in our own direction. So the truly gratuitous act rarely takes place. Yet I believe a San Francisco dressmaker, Alvin Duskin, could be elected mayor of San Francisco with a little bit of effort, and it's only because he gratuitously committed himself publicly on a subject of concern—not turning over Alcatraz to H. L. Hunt—and at the end, he didn't try to sell anyone dresses, or finish up his stand with some catchy slogan like, "Always Interested in Beauty, Whether on Ladies' Dresses or in Your Bay."

But that kind of gratuitous behavior is very rare indeed. It is, in fact, discouraged as being unjustified by profits, whereas ads which self-serve while seeming to be taking up controversial questions in the public interest, are given extreme praise for their image of involvement.

For example, the most prestigious of all advertising awards are those given annually by Saturday Review "for distinguished advertising in the public interest." But what *they* call "public interest" is not exactly what you'd call public interest. Here is the way Saturday Review defined the way to think about the award-winning ads:

"Although corporate advertising does not have as its primary objective the direct sale of specific products to the consumer, it certainly does create and maintain a favorable selling climate among customers and prospects. It skillfully cultivates the image of quality. . . . Insofar as a corporation communicates a feeling of company responsibility, good neighborliness, and an awareness of public service, the sort of campaigns submitted in SR's 1970 competition must pay off not only in community relationships where the company operates but among its citizen customers."

It should therefore not be very surprising that this year, out of 40 awards, 16 (40 per cent) went to power companies, oil companies, chemical companies and mining and extracting companies, all of whom have a lot of "good neighborliness" needs to get across. Only three awards went to what you could call "do-good" institutions, if you are prepared to think of the American Institute of Architects, Blue Shield, and the Advertising Council as "do-good" institutions which are something beyond sophisticated lobbies. (Howard Gossage once said of the Advertising Council that it was willing to advocate causes, "but only those that would be thought of as controversial by people who are for cancer or against safe driving.")

As for Saturday Review's "18-Year Honor Roll" of award winners, it shows 20 winners, 11 of which are companies engaged in extracting—Weyerhaeuser, Shell Oil, etc.—and three of which are chemical companies in need of communicating "a feeling of company responsibility, good neighborliness and an awareness of public service."

HUMAN CHAUVINISM

Whereas corporate "institutional" advertising used to show pictures of labor and capital shaking hands, now it's "business and ecologists working together to control the environment," as a bank ad recently put it. Technology will take care of everything. Man's ingenuity will win out. Even the Ford Foundation says so.

I recently approached Ford about a project which had the possibility of countering the glut of industrial eco-advertising: an advertising foundation, funded by Ford and managed by a coalition of militant though "respectable" conservation groups. The ad foundation would be manned by the literally hundreds of ad men who have made known (to me, and also publicly) their interest in working solely on this subject—even at half salary. They would create ads which reveal the half-truths and omissions in industry ads; fight on specific issues as they come along; and undertake to educate the public as to truly basic, not cosmetic, solutions to the environmental crisis. They would take up such questions as life-styles, consumption patterns, the need for a no-growth economy in a finite system, the requirement that technological innovation ought to be scrutinized from the point of view that it is guilty until proven innocent, not vice versa.

It didn't take long for this Ford man, a certain Mr. Felling, to dismiss the project as hopelessly naive and to go on describing Ford's work in teaching young children how to "better manage the environment." The meeting broke up when I told him that that sort of education—"managing the environment"—would do far more harm than good. We are already *managing* the environment, and that's why we are in the mess we are in; it is a further example, borrowing from Women's Lib, of what let's call *Human* Chauvinism.

It hardly matters whether one believes that we were given dominion over other living things or we just took it, but in any event our excuse is that we've got the brains and can use machines, giving us some kind of de facto royalty status. As a result, however, we have removed ourselves from the processes that formed all the other living things; we forget that the fabric is all connected and we are just a thread of it.

Every ad that espouses a new technological intrusion into natural systems, even as a solution to pollution, encourages us to forget that fooling with one stitch alters the whole fabric.

CONTROLS ON ADVERTISING

We already see many signs that what began with cigarette advertising is likely to become the model for all advertising within industries which drastically affect the environment. Cigarette advertising, after all, is demonstrably less of a menace to society's survival than the advertising of pesticides or detergents or lumber or power.

Friends of the Earth, in concert with other conservation groups, has begun proceedings to apply the results of the Fairness Doctrine case against cigarette advertising to advertising of polluting industries. If they succeed, as I believe they eventually will, all radio and television stations will be required to provide a conservation organization with time in which they may present a counter message to an ad. If an automobile company runs a one-minute spot advertising its new model, Friends of the Earth could indicate what the implications of the annual style change are. Or they could talk about the pollution from cars, or the raw materials that go into building them, or the problem of disposing of them. And the roads needed to run them on. When a Standard Oil ad for its F-310 appears, calling it "the most long-awaited gasoline development in history," they will be able to put it in perspective by showing that the gas represents only a five per cent pollution improvement, leaving 95 per cent, and that the ad is filled with deliberately misleading information. (See Eco-pornography Portfolio.)

So far, I'm afraid, that sort of government

interference strikes me as the only way to mitigate the effects of the millions of ad dollars which are being spent to tell just one side of the story. The only other alternative is for ad people to get on the firing line and influence what kind of message is going down. It might be that a new period of laying it on the line would then ensue and we'd all be better off.

Advertising people are, by and large, intelligent; it's a question of commitment. I hope that more and more find themselves in the position of Mr. James Webb Young, who retired himself from the business one day to work for some worthy foundation. When asked why he did, it he said, "One morning I woke up and I didn't give a damn whether they sold more Quaker Oats than I sold Cream of Wheat."

THE SDS AT KENT STATE

Mr. HANSEN. Mr. President, when the President's Commission on Campus Unrest begins its investigation into the tragedy at Kent State, I would suggest that required reading for all members of the Commission should be the 1969 Annual Report of the House Committee on Internal Security. I refer particularly to chapter 4, pages 43 through 52, which is titled "SDS Activities at Kent State University, Kent, Ohio."

This section is a report on hearings held by the committee on June 24 and 25, 1969. Among those who testified at these hearings were Dr. Robert I. White, president of the university; Dr. Robert Matson, vice president for student affairs; Margaret A. Murvay, a student who attended SDS functions as a reporter for the campus radio station; Lt. Jack R. Crawford of the university police department; and Chester A. Williams, university director of safety and public services.

Testimony showed that SDS emerged as an organizational force on the Kent State campus in the spring of 1968 when a group which had been operating under the name of the Kent Committee To End the War in Vietnam decided it would become more well known under the name of SDS. This local chapter quickly became affiliated with the Ohio regional SDS, located in Cleveland, and the national headquarters of this organization. Key appearances during the fall of 1968 were made on the campus by Mark Rudd, chairman of the SDS chapter at Columbia University, who spoke on the campus on October 24 and returned November 5 to lead a rally and march protesting the national elections.

Witnesses testified that while the SDS produced some minor disruptions on the campus, a major effort was put into organizing a spring offensive, to begin on March 30, 1969, whose avowed purpose was to "smash the military in the schools." To implement this offensive, the SDS published an "Organizers' Manual for the Spring Offensive." The following section of this manual was introduced into testimony before the committee:

> During the course of the struggle, it will probably be necessary and helpful to carry out a series of escalating "mini" actions to help build consciousness and dramatize the issue. Beginning with guerrilla theater actions in dorms we can escalate to disrupting classes, street marches, quick assaults on buildings, etc., before moving to the major confrontation of the struggle.

The manual also spelled out the objective of such actions. SDS did not seek reforms but creation of a so-called revolutionary class consciousness among students which would enable them to identify with struggles in Vietnam and Cuba while struggling against capitalism and imperialism at home. SDS members were expected to hold themselves ready "to move, to desanctify, to confront, to escalate, and ultimately to defeat the system we live under."

Testimony showed that the university made good faith efforts to negotiate with the SDS but that the demonstrators refused to moderate their demands. The spring offensive was carried out in three major confrontations and a series of lesser disruptions during April and May. The militant tactics of the SDS were outlined in several speeches during these demonstrations.

The Kent Stater, the campus newspaper, quoted one SDS activist who spoke at a rally on May 6:

> They used guns at Cornell and they got what they wanted—it will come to that here.

Again, on May 22, another SDS member told a rally in front of the Student Union:

> We'll start blowing up buildings, we'll start buying guns, we'll do anything to bring this—(obscenity for school)—down.

Despite the militant tactics of the SDS, the report says that university officials took quick and effective counteraction during each of the demonstrations, aided by the Ohio State Police. This action prevented the SDS from shutting down the university. Another SDS pamphlet circulated after April 16, which was titled "The War Is On at Kent State," acknowledges that:

> The repression has clearly hurt us: over sixty of our people have been banned from the campus, at least eleven face heavy charges, with total bail exceeding $120,000.

While the testimony before the Internal Security Committee only covered the period until June 1969, I would strongly suggest that Governor Scranton and other members of the President's Commission on Campus Unrest review this testimony because the hearings clearly proved three facts: First, there has been an extremely active SDS chapter at Kent State with strong ties to the national organization; second, the chapter has been dedicated to "defeat the system"; and third, members of that chapter were advocating the use of any means, including guns and explosives, to achieve their objectives.

Any investigation which purports to examine the underlying causes for the tragic violence at Kent State University cannot, in good conscience, ignore this evidence.

Certainly, in the case of Kent State it will not be enough for the Commission merely to blame the rioting and the subsequent shootings on the President's decision to invade Cambodian sanctuaries.

Neither will it be enough to say that the cure is to attempt to control mobs, led by dedicated militants and anarchists with unarmed national guardsmen.

I am confident the Commission will find it useful and enlightening to read the report.

ARMS LIMITATION AND THE SOVIET UNION

Mr. MOSS. Mr. President, we spent a great deal of time in the Chamber last week debating whether ABM expansion would help or hinder U.S. interests in the SALT talks and in other dealings with the Soviet Union. The Salt Lake Tribune recently labeled the arguments of those who were sure that the Russians would be willing to come to terms on arms limitation if they see the United States is determined to go ahead with an antimissile network as a "Multibillion Dollar Bluff" and asked the very pertinent question as to how those who supported the system, while still doubting its value, are going to feel if the Soviet Union calls that bluff.

I ask unanimous consent that the very well written Salt Lake Tribune editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

MULTIBILLION DOLLAR BLUFF

One of the original arguments for constructing the Safeguard antiballistic missile system was that it would be a valuable bargaining pawn in any negotiations with the Russians to slow or call off the arms race.

Now that such talks are under way with Russia, the old argument has gained added weight, enough at least to sway a couple of critical Senate votes and enable the administration to beat back an attempt to curb enlargement of the Safeguard system from two to four bases. Two senators, Thomas J. McIntyre, D–N.H., and James B. Pearson, R–Kan., who voted against ABM deployment last year said they voted in favor Wednesday because of their new belief in the importance of Safeguard expansion as a prime bargaining chip.

The idea is that the Russians will be more willing to come to terms on arms limitations if they can see that the United States is determined to go ahead and up the ante by building an anti-missile network if the arms limitation talks fail. Without ABM expansion, the argument goes, the other side would have less incentive to reach agreement.

At this stage it's a difficult argument for anti-ABM forces to counter. But it is a transparent bluff and if the Russians call it we may see some of the poker faced senators who voted to expand ABM Wednesday changing their minds when they are asked to vote additional billions of dollars to complete a system of missile defenses that has yet to be proven effective.

Up to that time when the proposed network of Safeguard bases passes the point of no return it may do no great harm for the Senate to provide bargaining muscle the administration says it needs. After all, if agreement on arms limitation is reached soon, the ABM bases, still in the preliminary stages of planning and construction, can be cancelled. But at some point in the next few years the bargaining power argument will face its moment of truth. If it proves to have been in error, if it fails to elicit concessions from the Russians, then Safeguard must stand or fall on its credibility as an effective defense against an actual missile attack. By then the two bases already authorized and the two more now being debated in the Senate will have consumed several billion dollars.

If the bargaining bluff succeeds and actually contributes to arms limitation accord then the money may have been well spent. If

it falls and the bargaining muscle argument is no longer relevant the Senate will at last have to face the basic question it has avoided up to now: Can the U.S. afford to spend billions on a missile defense system that may not work and could be outdated before it is even completed? When that question is finally faced squarely we think the present narrow administration ABM "victories" will be reversed.

THE REPUBLICAN TREATMENT OF SENATOR GORE

Mr. GORE. Mr. President, my friends in the Republican Party are, at least in some notable respects, overly generous to me. Indeed, of late, they almost invariably give to me preferred treatment. For this, I must express perceiving appreciation.

True, the seniority I have attained in the U.S. Senate is an extremely valuable asset to the people of Tennessee, and it entitles me, by protocol and rules of the Senate, to certain recognition and rights. I have never particularly insisted upon them nor paraded them as assets, and I do not think I deserve all the deference and attention they accord to me. They not only accord me all the requirements of protocol, but in their generous concern for me and the people of Tennessee, whom I represent, they really are now going beyond the call of duty.

I am repeatedly singled out for preferential treatment by the highest and mightiest of the high and mighty within the Republican ranks. Only yesterday there was much ado about a political powwow at the White House where, my confidential sources reveal, I was the No. 1 subject of attention.

If this were a new experience, I would feel flattered, but since it is repeated so often, I am beginning to become a little wary. It begins to look like some of my distinguished and topmost Republican friends are about to become carpetbaggers bearing gifts. On the knees of my grandfather, I came to dislike carpetbaggers, and as a boy, loving to read history on lonely nights on the farm, I read from Euripides on the Trojan War, who said:

I fear the Greeks, even when bringing gifts.

Among surviving symbols of the Civil War in the South, none is more meaningful than the carpetbagger. Tennesseans know what a carpetbagger is, and they do not like carpetbaggers. No one needs to tell us what the term means.

An eminent historian has described carpetbaggers as "unscrupulous adventurers who came down from the North with the view of improving their fortunes." They brought little with them, their total worldly worth—small as it was—thrown into one tattered, greasy carpetbag.

The carpetbaggers came like locusts. They came by boat, by train, on foot. They had nothing to contribute, for their intrinsic worth was small.

But those old-style carpetbaggers had a plan—a Southern strategy, if you will. That strategy was threefold:

First. Seize political power, purging existing leadership.

Second. Take over the tangible economic assets—land, transportation facilities, banks, and commercial establishments.

Third. Exploit mercilessly the cheap labor they found in such abundance, and keep it cheap and hungry.

They became the merchants and the moneychangers. They ran up interest rates to keep the workingman from reclaiming a part of the native wealth which was rightfully his. They sweated and broke the backs of whites and blacks. They depressed the prices of everything the South could sell and ran up prices on what we had to buy.

In sum, they sought, and they carried out, the basest kind of economic exploitation, bleeding our people in the process with discriminatory freight rates, high interest rates, and other economic discriminations. We did not really begin to recover from this economic exploitation until the days of Franklin D. Roosevelt.

So, Mr. President, it is perhaps understandable that the people of Tennessee are customarily independent and jealous of their own rights and prerogatives.

The distinguished Vice President has specifically singled me out for special attention on at least four occasions. He even became so generous upon one occasion as to promise to come to Tennessee and to speak in the Tennessee senatorial campaign. The first such individual attention directed to me by the distinguished Vice President was contained in an exclusive interview with the Nashville Banner, in which I was the first Democratic Senator to be listed as a target of Mr. Agnew's attention in 1970.

As a further measure of personal consideration, Vice President AGNEW, even though somewhat displeased with my action as a Senator from Tennessee, assured Mr. Roger Mudd during a CBS television program that he did not wish to "single" me "out for retribution." Not at all. "No, not for retribution; we had him earmarked long before this," he said.

So you see, Mr. President, I have come to expect, if not to rely upon, this preferential treatment by the Vice President.

But this is not all. Even President Nixon has taken unprecedented action directed at me individually and personally. For instance, my opponent in the campaign for the Senate this year was selected at a conference with President Nixon in the White House many months ago. This had the beneficial effect, however, of relieving members of the Republican Party in Tennessee from making a choice; that choice having already been made by the Washington bigwigs.

Then President Nixon broke a precedent by taking only members of his own party on a taxpayers' plane on his visit to Knoxville earlier this year, where he publicly embraced my opponent before the assembled throng and television cameras. Please understand, Mr. President, that even if I had been invited to ride the taxpayers' plane to my home State, I would not have expected an embrace.

It was unprecedented, at least, to exclude me in this manner.

I was invited, I would like to add, to the White House a few days ago, along with other members of the Committee on Finance, when President Nixon signed into law the unemployment compensation bill, in which I have long been interested. The only thing unusual was that when the invitation came by telephone from the White House, I was also advised that the President "is now signing the bill." The traffic was a little heavy in Washington that day, so I decided that maybe the bill might be law before I could get there. I am sure, however, that was purely an accident, as we were assured by the call from the White House that it was not in any way intended as a personal slight.

The most recent incident in which I am given preferred treatment is in the official publication of the Republican National Committee, dated August 10, 1970. It says that in one particular regard—

Tennessee's Senator Albert Gore belongs at the top.

Now, I must admit that the words just quoted constitute only a part of the first sentence in an article which gives me top billing.

It is true that the people of Tennessee have held me "at the top" during a constructive and fruitful term in the U.S. Senate. Then, again in the primary elections for U.S. Senator in Tennessee on August 6, I was again "at the top" with the people of Tennessee. Though I did not receive as many votes as I would have liked, I did win with a total vote that was almost 40,000 more than the combined total of all three candidates for the Republican nomination to the Senate. So, assuming that I can retain the support of those who voted for me in the primary, not an unimaginable event, and assuming that my Republican opponent retains all of his support and obtains the support of all those who supported his opponents, then the support of any major part of the vote that supported my own distinguished opponents in the Democratic primary would place me "at the top" again on November 3.

But, Mr. President, far be it from me to take further license with an official publication of the Republican National Committee without quoting the entire first sentence of this notable article. It is as follows:

In making up any list of Congressional big spenders Tennessee's Senator Albert Gore belongs at the top.

For the first time, Mr. President, I must demand a recount. The Republicans are pretty slick bookkeepers, but they must have shortchanged me somewhere along the line. They call me the "big spender of the week" because in 18 years, they say, I have advocated the expenditure of $225 billion. Now something is wrong. President Nixon has already advocated spending almost that much so far this year. I surely must have done better than that.

I have been in the Senate for 18 years. During this time the budgets proposed by our Presidents, including Presidents Eisenhower and Nixon, have totaled $2 trillion. I have voted, I must admit, for every defense appropriation bill, for every farm money bill, for every social security bill, and for every veterans bill during all this time. The total of all these budgets is more than 10 times the amount with which I am being charged in this official indictment. In addition, I have supported the building of the Tennessee Valley Authority, which many Republicans

have opposed. I have supported atomic energy weapons programs, civilian nuclear power programs to try to save us from blackouts, and I kept the Nixon administration from giving away the atomic powerplants. Yes, too, I was coauthor of the Interstate Highway bill, which President Eisenhower signed into law, and I pushed the first medicare bill through the Senate over Republican opposition.

So, Mr. President, I demand a recount. I am simply not willing to admit that President Nixon has advocated nearly as much in 1 year as I have been able to think of and support in 18 years.

There is, I must admit, a difference. This official publication has charged me with supporting antipoverty programs, housing programs, programs to improve education, and veterans benefits and Appalachia, all of which President Nixon has vetoed. To this I plead guilty. I only wish this official publication might have had the decency to add that I have voted to reduce President Nixon's two budgets by many billions of dollars, that I opposed the soft loan giveaways to Latin America when our own communities were being denied funds for needed public facilities, that I have voted to impose limits on subsidy to the big corporation farmers, that I have supported a reordering of our priorities to give more attention to the needs of our people.

I firmly believe in careful, purposeful, but prudent spending for needed programs—education, health-care, housing, nurture of the young and care of the old in dignity and self-respect. These, let me acknowledge, stand high on my list. That is the reason why I voted to override Presidential vetoes of the Hill-Burton Hospital Act and of the Education Appropriation bill.

Perhaps these are some of the reasons, too, that I am "singled out" as target No. 1 in 1970.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, if there be no further morning business, I ask unanimous consent that the period for the transaction of routine morning business be closed.

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, what is the pending question before the Senate?

The PRESIDING OFFICER (Mr. ALLEN). The pending question is the committee amendment in the nature of a substitute as amended to H.R. 17123.

Mr. BYRD of West Virginia. I thank the able Presiding Officer.

Mr. President, I understand a Senator wishes to come to the Chamber. Therefore, I observe the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR HATFIELD TOMORROW

Mr. GRIFFIN. Mr. President, I ask unanimous consent that tomorrow when the Senate proceeds to further consideration of the Hatfield amendment——

The PRESIDING OFFICER. The Hatfield amendment has not been offered as yet. Does the Senator refer to the unfinished business?

Mr. KENNEDY. Mr. President, I ask unanimous consent that at the conclusion of the call of the Calendar of unobjected-to items, the distinguished Senator from Oregon (Mr. HATFIELD) be recognized.

The PRESIDING OFFICER. Is there objection?

Mr. BYRD of West Virginia. Mr. President, I observe that there are several special orders for the recognition of Senators following disposition of the call of the Calendar; and there is already unanimous consent to lay before the Senate the unfinished business following all such special orders for recognition.

If the able Senator from Oregon wishes to be recognized at that point there would be no difficulty.

Mr. KENNEDY. Mr. President, I ask unanimous consent that after the distinguished Senator from Oklahoma (Mr. HARRIS) concludes his statement tomorrow that the distinguished Senator from Oregon (Mr. HATFIELD) be recognized.

Mr. BYRD of West Virginia. Mr. President, reserving the right to object——

The PRESIDING OFFICER. The last Senator who has time alloted to him is the Senator from Connecticut (Mr. RIBICOFF).

Mr. KENNEDY. Mr. President, as I understand the situation, it is joint time between the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Oklahoma (Mr. HARRIS). Is that correct?

The PRESIDING OFFICER. After the Senator from Oklahoma (Mr. HARRIS) and the Senator from Connecticut (Mr. RIBICOFF) have had their allotted time, is it then that the Senator from Oregon wishes to be recognized?

Mr. BYRD of West Virginia. Mr. President, reserving the right to object, would the distinguished Senator from Massachusetts revise his request to read that the able Senator from Oregon (Mr. HATFIELD) be recognized immediately upon the laying before the Senate of the unfinished business?

Mr. KENNEDY. Mr. President, if my unanimous-consent request did not include that request, I amend it to so include it.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered, and the Senator from Oregon will be recognized as soon as the unfinished business has been laid before the Senate.

ADJOURNMENT TO 9:30 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 6 o'clock and 31 minutes p.m.) the Senate adjourned until tomorrow, Thursday, August 20, 1970, at 9:30 a.m.

NOMINATIONS

Executive nominations recevied by the Senate August 19, 1970:

FOUR CORNERS REGIONAL COMMISSION

Stanley Womer, of Arizona, to be Federal Cochairman of the Four Corners Regional Commission, vice L. Ralph Mecham.

IN THE ARMY

Gen. James Karrick Woolnough, xxx-xx-xx... xxx-... Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general under the provisions of title 10, United States Code, section 3962.

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3305:

To be colonel

Abrams, Lester W., xxx-xx-xxxx
Ackerson, Frederic, xxx-xx-xxxx
Adair, Don W., xxx-xx-xxxx
Adinaro, Joseph T., xxx-xx-xxxx
Agnor, Thomas J., Jr., xxx-xx-xxxx
Aguilar, Arthur xxx-xx-xxxx
Allen, Charles W., Jr., xxx-xx-xxxx
Allen, Robert W., xxx-xx-xxxx
Andersen, Gilbert K., xxx-xx-xxxx
Anderson, Ferd E., Jr., xxx-xx-xxxx
Arbuckle, Robert C., xxx-xx-xxxx
Asmus, Grover W., xxx-xx-xxxx
Babbitt, Bruce C., xxx-xx-xxxx
Badger, Frederick C., xxx-xx-xxxx
Barber, Roscoe A., Jr., xxx-xx-xxxx
Barker, Charles W., xxx-xx-xxxx
Barlow, Kendrick B., xxx-xx-xxxx
Barrett, John C., Jr., xxx-xx-xxxx
Basham, Edwin W., xxx-xx-xxxx
Bassler, Robert E., Jr., xxx-xx-xxxx
Beasley, Rex W., Jr., xxx-xx-xxxx
Becker, Jack G., xxx-xx-xxxx
Beckner, Richard G., xxx-xx-xxxx
Benedict, Calvert P., xxx-xx-xxxx
Bentz, Harold F., Jr., xxx-xx-xxxx
Berge, Einar, xxx-xx-xxxx
Berger, Roy H., xxx-xx-xxxx
Berridge, William J., xxx-xx-xxxx
Berry, Robert H., xxx-xx-xxxx
Bess, Victor E., xxx-xx-xxxx
Bigler, William R., xxx-xx-xxxx
Black, Charles S., xxx-xx-xxxx
Blazey, Frank E., xxx-xx-xxxx
Bledsoe, Thomas D., Jr., xxx-xx-xxxx
Bletz, Donald F., xxx-xx-xxxx
Blyth, Rodney A., xxx-xx-xxxx
Boake, Curwin, Jr., xxx-xx-xxxx
Bolz, Henry H., Jr., xxx-xx-xxxx
Bond, James E., xxx-xx-xxxx
Book, Clair L., xxx-xx-xxxx
Booth, Shephard A., xxx-xx-xxxx
Boundinot, Truman E., xxx-xx-xxxx
Bowers, Frame J., Jr., xxx-xx-xxxx
Bowie, Kyle W., xxx-xx-xxxx
Boyd, Benjamin F., xxx-xx-xxxx
Boyd, Russell R., xxx-xx-xxxx
Bresnahan, Richard xxx-xx-xxxx
Bridenbaugh, Donald xxx-xx-xxxx
Bronson, Don H., xxx-xx-xxxx
Brown, David D., xxx-xx-xxxx
Brown, Levi A., xxx-xx-xxxx
Brown, Lloyd A., xxx-xx-xxxx
Bryant David T., xxx-xx-xxxx
Bryant, Oren W., xxx-xx-xxxx
Burnell, Ray L., Jr., xxx-xx-xxxx
Burney, John C., Jr. xxx-xx-xxxx
Callaghan, John W. xxx-xx-xxxx
Campbell, Norman J. xxx-xx-xxxx
Carney, Clement E., xxx-xx-xxxx
Carroll, Edward F., xxx-xx-xxxx

Carson, John L., xxx-xx-xxxx.
Cavanaugh, Edward J., xxx-xx-xxxx.
Cheatham, Jesse R., xxx-xx-xxxx.
Child, John L., xxx-xx-xxxx.
Chrzanowski, John J., xxx-xx-xxxx.
Clavio, James D., xxx-xx-xxxx.
Cleland, John R. D., Jr., xxx-xx-xxxx.
Clifford, Carcie C., xxx-xx-xxxx.
Coleman, James E., xxx-xx-xxxx.
Collins, Edward J., xxx-xx-xxxx.
Conant, Frank D., Jr., xxx-xx-xxxx.
Collins, Joseph E., xxx-xx-xxxx.
Conger, Lester M., xxx-xx-xxxx.
Convey, James E., Jr., xxx-xx-xxxx.
Corcoran, Frank xxx-xx-xxxx.
Cound, William T., xxx-xx-xxxx.
Counts, Charles R., xxx-xx-xxxx.
Cramer, Robert G., xxx-xx-xxxx.
Crizer, Pat W., xxx-xx-xxxx 6.
Cronkhite, Willias D., xxx-xx-xxxx.
Crowley, Robert E., xxx-xx-xxxx.
Daniel, Charles D., Jr., xxx-xx-xxxx.
Darby, Charles R., xxx-xx-xxxx.
David, Bert A., xxx-xx-xxxx.
Davidson, Lonnie M., xxx-xx-xxxx.
Davis, Charles E., xxx-xx-xxxx.
Day, Franklin R., xxx-xx-xxxx.
Day, James A., xxx-xx-xxxx.
De Kay, Richard F., xxx-xx-xxxx.
De Moya, Harold G., xxx-xx-xxxx.
De Witt, Richard P., xxx-xx-xxxx.
Del Mar, Henry R., xxx-xx-xxxx.
Dennett, George L., xxx-xx-xxxx.
Dierauf, Frank, Jr., xxx-xx-xxxx.
Dixon, James T., xxx-xx-xxxx.
Doeppner, Thomas W., xxx-xx-xxxx.
Douthitt, Robert S., xxx-xx-xxxx.
Dubsky, Charles F., xxx-xx-xxxx.
Dumas, Walter A., xxx-xx-xxxx.
Dunlop, John xxx-xx-xxxx.
Dunn, Horace B., Jr., xxx-xx-xxxx.
Dupart, William L., xxx-xx-xxxx.
Edelstein, Leonard, xxx-xx-xxxx.
Edwards, Stephen O., xxx-xx-xxxx.
Elder, James M., xxx-xx-xxxx.
Elwell, Raymond G., xxx-xx-xxxx.
Ely, John A., xxx-xx-xxxx.
Emerson, John E., Jr., xxx-xx-xxxx.
Ensor, John O. xxx-xx-xxxx.
Fair, Stanley D., xxx-xx-xxxx.
Ferguson, Thomas J., xxx-xx-xxxx.
Filby, Robert A., xxx-xx-xxxx.
Fink, George S., xxx-xx-xxxx.
Finley, Joe W., xxx-xx-xxxx.
Flores, Joe B., xxx-xx-xxxx.
Flynn, Thomas B., xxx-xx-xxxx.
Forrester, Charles xxx-xx-xxxx.
Fox, Archie C., xxx-xx-xxxx.
Frazier, Rawls H., xxx-xx-xxxx.
Feitag, Horace V., xxx-xx-xxxx.
Fuller, Elisha J. xxx-xx-xxxx.
Fuller, Howard R., Jr. xxx-xx-xxxx.
Gannon, Vincent D., Jr., xxx-xx-xxxx.
Geary, John C., xxx-xx-xxxx.
Gemmer, Frederick L., xxx-xx-xxxx.
Gentry, Clarence E., xxx-xx-xxxx.
Gigante, James J., Jr., xxx-xx-xxxx.
Gilham, Jack K., xxx-xx-xxxx.
Gill, Harvey E., xxx-xx-xxxx.
Ginikowre, George J., xxx-xx-xxxx.
Godfrey, Wayne R., xxx-xx-xxxx.
Goepper, Edwin S., Jr., xxx-xx-xxxx.
Gordner, Henry L., xxx-xx-xxxx.
Gosling, Francis G., xxx-xx-xxxx.
Grady, John H., xxx-xx-xxxx.
Graham, Daniel O., xxx-xx-xxxx.
Greene, Byron D., Jr., xxx-xx-xxxx.
Grosz, Peter, Jr., xxx-xx-xxxx.
Gruenther, Richard xxx-xx-xxxx.
Haake, Thomas G., xxx-xx-xxxx.
Hack, Sidney, xxx-xx-xxxx.
Hadley, Alvan C., Jr., xxx-xx-xxxx.
Haisley, Philip D., xxx-xx-xxxx.
Hall, Charles M., xxx-xx-xxxx.
Hallgren, Hal E., xxx-xx-xxxx.
Halligan, Arthur J. xxx-xx-xxxx.
Halls, Alexander E., xxx-xx-xxxx.
Hamer, George R., xxx-xx-xxxx.
Hamilton, Milton M., xxx-xx-xxxx.
Hamilton, J. Y., xxx-xx-xxxx.
Hanson, Benjamin S., xxx-xx-xxxx.
Haralson, Browning xxx-xx-xxxx.
Hardin, George B., Jr., xxx-xx-xxxx.
Harrigan, Thomas Y., xxx-xx-xxxx.
Harris, Roland xxx-xx-xxxx.
Hassinger, Robert W., xxx-xx-xxxx.
Haughney, Edward W., xxx-xx-xxxx.
Hawkins, Harold M., xxx-xx-xxxx.
Hawley, George R., Jr., xxx-xx-xxxx.
Hayward, Fred O., Jr., xxx-xx-xxxx.
Hazzard, Rutledge P., xxx-xx-xxxx.
Hendericson, Harold xxx-xx-xxxx.
Hill, Benjamin H., xxx-xx-xxxx.
Hill, John G., Jr., xxx-xx-xxxx.
Hintz, Kenneth R., xxx-xx-xxxx.
Hisaka, Masakatsu xxx-xx-xxxx.
Hobson, James B., xxx-xx-xxxx.
Hockaday, Spencer T., xxx-xx-xxxx.
Hoefling, John A., xxx-xx-xxxx.
Hon, William M., xxx-xx-xxxx.
Hornbuckle, Rodney xxx-xx-xxxx.
Horne, Kibbey M., xxx-xx-xxxx.
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Rossini, Martin A., xxx-xx-xxxx.
Rouillard, Irving G. xxx-xx-xxxx.
Rufsvold, Robert M., xxx-xx-xxxx.
Rutledge, Walton A., xxx-xx-xxxx.
Sadler, John A. xxx-xx-xxxx.
Sandoval, Richard R. xxx-xx-xxxx.
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Sparano, James W. xxx-xx-xxxx
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Sproul, Donald N. xxx-xx-xxxx
Stanford, Leslie E. xxx-xx-xxxx
Stannard, John E. xxx-xx-xxxx
Starner, Ralph A. xxx-xx-xxxx
Steen, Kenneth J. xxx-xx-xxxx
Stephens, Travis J. xxx-xx-xxxx
Sterling, John E. xxx-xx-xxxx
Stilo, Frank G. xxx-xx-xxxx
Street, Oliver D., II xxx-xx-xxxx
Streiff, Richard W. xxx-xx-xxxx
Supplee, Charles R. xxx-xx-xxxx
Sutherland, Warren xxx-xx-xxxx
Syverson, Douglas W. xxx-xx-xxxx
Tadich, Dmitri J. xxx-xx-xxxx
Terrell, Harold A., Jr. xxx-xx-xxxx
Thayer, Raymond E. xxx-xx-xxxx
Thomas Eldridge xxx-xx-xxxx
Thomas, James D. xxx-xx-xxxx
Thomes, George E. xxx-xx-xxxx
Thompson, John G. xxx-xx-xxxx
Thouvenelle, Gerald xxx-xx-xxxx
Throckmorton, Elbert xxx-xx-xxxx
Thrush, Francis H. xxx-xx-xxxx
Thurman, John R., III xxx-xx-xxxx
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Tolar, Robert A. xxx-xx-xxxx
Tooles, John H. xxx-xx-xxxx
Torgerson, Allan C. xxx-xx-xxxx
Torrey, Clarence T. xxx-xx-xxxx
Troxell, Raymond A. xxx-xx-xxxx
Troy, Guy K. xxx-xx-xxxx
Tuck, Richard C. xxx-xx-xxxx
Tucker, Harlan W. xxx-xx-xxxx
Tully, Robert B. xxx-xx-xxxx
Turnmeyer, George E. xxx-xx-xxxx
Tymchak, Michael xxx-xx-xxxx
Uhler, Frederick C. xxx-xx-xxxx
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Walker, Sam S. xxx-xx-xxxx
Wallace, Josiah A., Jr. xxx-xx-xxxx
Wallis, Matthew R. xxx-xx-xxxx
Walsh, Joseph A. xxx-xx-xxxx
Warner, Jack W. xxx-xx-xxxx
Watkins, Norman C. xxx-xx-xxxx
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Weaver, Robert K. xxx-xx-xxxx
Webb, George K. xxx-xx-xxxx
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Webb, Harold J. xxx-xx-xxxx
Webb, Jesse W. xxx-xx-xxxx
Weber, Edwin L., Jr. xxx-xx-xxxx
Weible, Oscar J. xxx-xx-xxxx
Whalen, Thomas F. xxx-xx-xxxx
Whipple, Howard W. xxx-xx-xxxx
Whisler, John L., Sr. xxx-xx-xxxx
Whitaker, Howard K. xxx-xx-xxxx
White, John D. xxx-xx-xxxx
Whitener, William J. xxx-xx-xxxx
Whittington, Jere C. xxx-xx-xxxx
Wieringa, John S., Jr. xxx-xx-xxxx
Wildrick, Richard M. xxx-xx-xxxx
Williams, Charles T. xxx-xx-xxxx
Wilson, Minter L., Jr. xxx-xx-xxxx
Wirrick, James E. xxx-xx-xxxx
Wolfe, Melvin M. xxx-xx-xxxx
Wolff, Herbert Eric xxx-xx-xxxx
Woods, Harris H. xxx-xx-xxxx
Wray, William R. xxx-xx-xxxx
Wright, Charles K. xxx-xx-xxxx
Young, William H. xxx-xx-xxxx
Zerick, Thomas T. xxx-xx-xxxx

CHAPLAIN

To be colonel

Andrews, Joseph R. xxx-xx-xxxx
Foley, John I. xxx-xx-xxxx
Griffin, Johnson L. xxx-xx-xxxx
Heckard, Floyd L. xxx-xx-xxxx
Higgins, William J. xxx-xx-xxxx
Stegman, Leonard F. xxx-xx-xxxx

WOMEN'S ARMY CORPS

To be colonel

Bennett, Judith C. xxx-xx-xxxx
Gray, Dorothy L. xxx-xx-xxxx
Lane Mary C. xxx-xx-xxxx

MEDICAL CORPS

To be colonel

Bancroft, John E. xxx-xx-xxxx
Bethea, William T., Jr. xxx-xx-xxxx
Borski, Anthony A. xxx-xx-xxxx
Bosman, Robert I. xxx-xx-xxxx
Boyson, William A. xxx-xx-xxxx
Bralley, Ernest M., Jr. xxx-xx-xxxx
Bridgeford, Otis E. xxx-xx-xxxx
Busch, Edwin S. xxx-xx-xxxx
Chandler, Eugene F. xxx-xx-xxxx
Cook, Henry M., Jr. xxx-xx-xxxx
Deffer, Philip A. xxx-xx-xxxx
Dimond, Francis C., Jr. xxx-xx-xxxx
Eaves, Charles C. xxx-xx-xxxx
Eberlin, Eugene W. xxx-xx-xxxx
Edwards, David J. xxx-xx-xxxx
Eisen, Bruno xxx-xx-xxxx
Essex, Henry A. xxx-xx-xxxx
Gordon, John N. xxx-xx-xxxx
Green, Robert W. xxx-xx-xxxx
Hamilton, Richard O. xxx-xx-xxxx
Holzworth, Robert H. xxx-xx-xxxx
Hopeman, Alan R. xxx-xx-xxxx
Kolmer, Harold S., Jr. xxx-xx-xxxx
Krakaur, Richard B. xxx-xx-xxxx
Lamson, Thomas H. xxx-xx-xxxx
LeBourdais, Wallace xxx-xx-xxxx
McLeod, Donald G., Jr. xxx-xx-xxxx
Metzger, Joseph F. xxx-xx-xxxx
Moyar, John B. xxx-xx-xxxx
Nelson, Kenwyn G. xxx-xx-xxxx
Otto, Wayne R. xxx-xx-xxxx
Pope, James K. xxx-xx-xxxx
Schwamb, Halbert H. xxx-xx-xxxx
Simmons, John R. xxx-xx-xxxx
Sulak, Michael H. xxx-xx-xxxx
Vineyard, William R. xxx-xx-xxxx
Warren, Williard R. xxx-xx-xxxx

DENTAL CORPS

To be colonel

Bowers, Dale C. xxx-xx-xxxx
Burns, Doyle E. xxx-xx-xxxx
Cassidy, James E. xxx-xx-xxxx
Donahue, James L. xxx-xx-xxxx
Fischer, Willard G. xxx-xx-xxxx
Hamrick, John J. xxx-xx-xxxx
Hill, Ross H. xxx-xx-xxxx
Hobson, Robert W. xxx-xx-xxxx
Hunter, Ernest L. xxx-xx-xxxx
Klevan, Dean C. xxx-xx-xxxx
Nayer, John J. xxx-xx-xxxx
Nealey, Everett T. xxx-xx-xxxx
Sproull, Robert C. xxx-xx-xxxx
Summa, Joseph P. xxx-xx-xxxx
Swisher, Richard E. xxx-xx-xxxx
Turner, Charles E. xxx-xx-xxxx
Van Oyk, Robert F. xxx-xx-xxxx
Vanaman, Nathan E. xxx-xx-xxxx
Wakefield, Walter W. xxx-xx-xxxx
West, Robert H. xxx-xx-xxxx
Woods, Virgil xxx-xx-xxxx
Youmans, Robert D. xxx-xx-xxxx

VETERINARY CORPS

To be colonel

Carter, Leland B. xxx-xx-xxxx
Hughes, George M. xxx-xx-xxxx
Murname, Thomas G., Jr. xxx-xx-xxxx
Quigley, Joseph S. xxx-xx-xxxx
Rothe, William E. xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be colonel

Brubaker, Luther G. xxx-xx-xxxx
Cennamo, Sebastian xxx-xx-xxxx
Clark, Jack K. xxx-xx-xxxx
Cooney, Henry F. xxx-xx-xxxx
Fisher, Cretin L. xxx-xx-xxxx
Gottry, Samuel M. xxx-xx-xxxx
Grindell, James D. xxx-xx-xxxx
Halladay, Theodore xxx-xx-xxxx
Hesford, Douglas xxx-xx-xxxx
Hunter, Donald H. xxx-xx-xxxx
Kilby, Albert B. xxx-xx-xxxx
Lada, John xxx-xx-xxxx
Ledbetter, William xxx-xx-xxxx
Loyd, Reginald C. xxx-xx-xxxx
Maes, Henry E. xxx-xx-xxxx
Malizia, Walter F. xxx-xx-xxxx
Ostby, Wallace L. xxx-xx-xxxx
Parker, Richard B. xxx-xx-xxxx
Pastore, Joseph A. xxx-xx-xxxx
Roueche, Mossman xxx-xx-xxxx
Turk, Richard P. xxx-xx-xxxx
Wallace, Jack D. xxx-xx-xxxx
Waterfield, William xxx-xx-xxxx
Wheeler, Leigh F., Sr. xxx-xx-xxxx

ARMY NURSE CORPS

To be colonel

Kudletz, Rose M. xxx-xx-xxxx
Smith, Maude M. xxx-xx-xxxx

ARMY MEDICAL SPECIALIST CORPS

To be colonel

Evanson, Dolores L. xxx-xx-xxxx
Johnson, Fuchsia L. xxx-xx-xxxx
Preston, Mary R. xxx-xx-xxxx

The following-named officers for promotion in the Regular Army of the United States, under the provisions of title 10, United States Code, sections 3284 and 3299:

Army Promotion List

To be lieutenant colonel

Quigley, Quentin D. xxx-xx-xxxx

Army Promotion List

To be major

Cooper, Frederick E. xxx-xx-xxxx
Loberg, John C. xxx-xx-xxxx
Teed, John F. xxx-xx-xxxx

Army Promotion List

To be captain

Aljets, John W. xxx-xx-xxxx
Battaglioli, Victor xxx-xx-xxxx
Boettcher, Wolfgang xxx-xx-xxxx
Bouault, Louis L. xxx-xx-xxxx
Butler, Eulous S. xxx-xx-xxxx
Chavez, Juan I. xxx-xx-xxxx
Clark, Charles T. xxx-xx-xxxx
Colie, Dennis G. xxx-xx-xxxx
Colliton, Jeffry D. xxx-xx-xxxx
Comiso, Richard xxx-xx-xxxx
Covey, James D. xxx-xx-xxxx
Culver, Lyman C. xxx-xx-xxxx
Dean, John D. xxx-xx-xxxx
Dean, William R. xxx-xx-xxxx
Deutscher, Wayne E. xxx-xx-xxxx
Ecclestone, John S. xxx-xx-xxxx
Fritsche, Donald J. xxx-xx-xxxx
Garrett, Jimmie L. xxx-xx-xxxx
Godfrey, Thomas J. xxx-xx-xxxx
Gramer, Frank E. xxx-xx-xxxx
Heffernan, Walter B. xxx-xx-xxxx
Hendrix, Kenneth N. xxx-xx-xxxx
Higgins, Charles L. xxx-xx-xxxx
Long, Walter M. xxx-xx-xxxx
Marcinkowski, Garrett xxx-xx-xxxx
Minetree, James L. xxx-xx-xxxx
Moscrip, John Jr. xxx-xx-xxxx
Paine, Charles D. xxx-xx-xxxx
Parish, James H. xxx-xx-xxxx
Renaud, Kenneth L. xxx-xx-xxxx
Retterer, John M. xxx-xx-xxxx
Robillard, Robert J. xxx-xx-xxxx
Rosler, Edward F. xxx-xx-xxxx
Shaw, Delbert W. xxx-xx-xxxx
Smith, William C. xxx-xx-xxxx
Spencer, William A. xxx-xx-xxxx
Strunck, William G. xxx-xx-xxxx
Thomason, Jeffrey H. xxx-xx-xxxx
Viduya, Robert C. xxx-xx-xxxx
Waits, Charles M. xxx-xx-xxxx
Yoblonski, Leonard xxx-xx-xxxx

CHAPLAIN

To be captain

Hilliard, Henry C. xxx-xx-xxxx

MEDICAL CORPS

To be captain

Pedersen, Paul R. xxx-xx-xxxx

MEDICAL SERVICE CORPS

To be captain

Bateman, Robert M. xxx-xx-xxxx
Rosenberg, Leroy J. xxx-xx-xxxx

EXTENSIONS OF REMARKS

"THE FAMILY"—SERMON BY REV. MALCOLM MATHESON, D.D.

HON. EDWARD J. GURNEY

OF FLORIDA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 19, 1970

Mr. GURNEY. Mr. President, I ask unanimous consent to have printed in the RECORD a thought-provoking and eloquent sermon delivered recently by Rev. Malcolm Matheson, D.D., of the First Congregationalist Church of Winter Park, Fla. Dr. Matheson's words deserve wide circulation.

There being no objection, the sermon was ordered to be printed in the RECORD, as follows:

"THE FAMILY"

(By Rev. Malcolm Matheson, D.D.)

MAY 10, 1970.

"I am come that you may have life and have it more abundantly." John 10:10.

Dr. Georgia Harkness reminds us that the study of primitive origins, the family is universally found to be the basic unit of society. This is not always a father, mother, child, monogamous family in the modern sense; but with the family varying in size from the small unit to the clan. Yet everywhere the family is that social structure within which economic, political and cultural patterns have come into being and are perpetuated. Every family in today's society is the inheritor of many centuries of social change within which morals, manners and mores have been developed. So much is inherited that parent and child are at once compelled and threatened by being sustained. Man, like other animals, is a biological creature subject to natural necessity, but with some freedom to choose and fashion his life.

The home is the natural and best medium for maturation and growth. From Plato's Republic down to the present, some have considered institutions better suited to rear children scientifically. After the Revolution, Russia tried institutions but later realized that there is no substitute for the natural home. The primacy of the family is firmly sustained by Jesus in the Gospels. Family ties were highly regarded by the Jews. Probably the miracle of the survival of the Jews for 20 homeless centuries may be attributed to the solidarity of the Jewish family. Jesus came into the Jewish male-centered world with the dictum that men, women and children must be treated equally as persons.

In the new society that is emerging in the last quarter of the 20th century, the family is very different from what we may call the traditional family. Dr. Gibson Winters of Chicago writes that the new family is more of a launching pad than a foundation. Personal and moral stability are now the main contributions to be made to the child's future, rather than loyalty to the family. Achievement of value is most necessary.

Family life must cherish the human values of care and attention. The fundamental meaning of life must be acted out in the family relationship. This must be meaningful, person to person encounter and respect for each member. Democracy begins in the home if it is to begin at all in the person. Here we must learn to "give and take" criticism and approval. Good family living, day by day, develops a healthy respect for the rights and privileges of others. No topic of conversation should be taboo; but all phases of human behavior freely discussed—sex, politics, manners, etc.

Again see the picture of the launching pad. We have moved from rural to urban society. The family must prepare the child to leave the home for school, for work and for marriage, with all that this implies. The family must help prepare the young woman to share responsibility in the family, in our country and in the world. This responsibility also entails the political and spiritual realms and the institutions, as they are, or as they should be refashioned.

We ought to be pleased that our public school teachers, for the most part, are interested in teaching values to our young people at all levels. A survey was made several years ago to determine how much time was spent on formal religious education. It found that Jewish young people received 335 hours a year of Religious Education—Roman Catholics 200, and Protestants only about 30 hours.

One of the finest family articles to come to my attention is in the Saturday Review, April 25, 1970, written by Dr. Herbert Otto. He states as all discerning persons know that never in the history of Western civilization has the institution of marriage been under such close scrutiny as today. The cultural and theological heritage of monogamy is questioned at all levels of our society from teen-agers up—by those in schools, in professions and in industry. The American family is entering an unprecedented era of change and transition, with massive reappraisal. This is true, however, of all our social institutions, including the Christian Church. This is brought about by honestly facing the real situation as it is now! One divorce in every four marriages—one-third of all first-born babies from 1964 to 1966 were conceived out of wedlock. From 40% to 60% of all marriages at any given time are without marital counseling. Some sociologists refer to this period as the "divorce culture." Most Americans have a divorce experience either in the immediate family or among their relatives or friends.

I agree with Dr. Otto that we will continue family life in some way close to the structures we now have. However we ought not to be frozen into the moulds of family life or of Church life of the past. Sex roles and parental roles must be accepted as changing in our society. No longer can parents insist that they know better than the child, in a given situation, or that "a child should be seen and not heard." No longer is a wife the tool of her husband and children. New modes of family togetherness must emerge. A wife, mother and child—all must be recognized as being persons, with personality potential. In this time of rapid social evolution, we must encourage new forms of social and family innovation; platforms for genuine caring, loving and adventuring. Growth will ensue. Many possibilities exist without hurting or destroying the other person or persons. The wife and mother of any age must grow and develop mentally and spiritually, as well as socially. But always remember that in any person or institution, growth always involves change and emergence of the new. This is painful, but joyous and fulfilling.

Growth adds a new zest for living. The lack of this makes an unhappy home and family. We ought not to have as many unhappy homes. Too often this kind of home produces more unhappy homes. Marriage and family are the structures that best mature the personal core of human relationships. This is their main task, according to Dr. Winter. We certainly agree with him. We need to keep reminding ourselves of this every day. Character development, growth and action determine, in a large measure, the course of society.

The family must take the initiative together in reaching for new dimensions of love and spiritually. The challenge of family living is to help each member achieve the maximum of love, physically and emotionally. Jesus said, "I am come that you may have life and have it abundantly." Happy Mother's Day!

Bibliography: *Sex, Family and Society in Theological Focus*—Edited by John C. Wynn, Association Press, 1966.

Christian Ethics—By Georgia Harkness, Abington Press, 1957.

THE 1971 BUDGET SCOREKEEPING REPORT—AS OF AUGUST 13

HON. GEORGE H. MAHON

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MAHON. Mr. Speaker, the latest periodic "budget scorekeeping" report No. 9 prepared by the staff of the Joint Committee on Reduction of Federal Expenditures will be distributed to Members on August 17. This report reflects the cumulative actions of the Congress on the President's budget requests through August 13.

SCOPE OF THE REPORT

This report is factual and entirely objective. It is based upon the best information the committee staff has been able to obtain from various sources.

The report brings together into a single package all facets of the Federal budget as acted upon by the Congress: First, the appropriation bills; second, mandatory spending authorizations in basic legislation other than appropriation bills, such as pay increases or pensions or welfare increases for which spending proceeds as soon as authorized and prior to the actual appropriation of funds; and, third, spending authorizations which are in effect appropriations within themselves, such as a social security increase or an authorization to spend from public debt receipts, or contract authority in basic legislation.

The report also gives the status of legislative proposals that in effect serve to reduce budget spending such as postal rate increases—the so-called negative expenditure legislative proposals.

The report gives the status of various revenue proposals which directly affect the budget deficit.

The report gives the status and estimated cost of all pieces of legislation either proposed by the administration or acted upon by a committee of the Congress; these are not counted as directly affecting the budget unless they provide for mandatory spending or a so-called backdoor appropriation, but they are nevertheless tabulated because they serve as an indication of the future cost of such legislation.

PURPOSE OF THE REPORT

The purpose of this report is to show how the actions or the inactions of the

Congress on these many and varied pieces of the total legislative package affect the President's budget as originally submitted and as revised by him. It reports on congressional actions affecting the budget beginning with the actions of each committee as a bill is reported. It reflects—in separate columns—the actions of the House, the Senate, and final enactments by the Congress.

HIGHLIGHTS OF THE REPORT

The "scorekeeping" report is largely statistical and somewhat technical in nature and therefore not easily read. It is especially for this reason that I am inserting in the RECORD certain factual highlights from the introductory section of the latest report:

INTRODUCTION OF STAFF REPORT OF THE STATUS OF THE 1971 FISCAL YEAR FEDERAL BUDGET

HIGHLIGHTS AND CURRENT STATUS OF THE 1971 BUDGET

Presidential revisions in the budget

A. New budget authority for fiscal 1971 in the February 2 budget submission was estimated to be $218,030,495,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimates for new budget authority for 1971 by $2,691,932,000 to a new total of $220,722,427,000.

B. Budget outlays for fiscal 1971 in the February 2 budget submission were estimated to total $200,771,129,000. By budget amendments, legislative proposals and reestimates (May 19, 1970), the President has increased the estimated budget outlays for fiscal 1971 by $4,571,871,000 to a new total of $205,343,000,000.

C. Budget receipts for fiscal 1971 in the February budget submission were estimated to total $202,103,000,000, including $1,522,000,000 for increased taxes proposed to the Congress. By additional revenue proposals for estate and gift taxes ($1,500,000,000) and leaded gasoline tax ($1,600,000,000) offset by some adjustments downward in his May 19, 1970 reestimates, the President has increased fiscal 1971 estimated receipts by a net of $2,006,000,000 to a new total of $204,109,000,000.

Congressional changes in the budget

A. Budget authority for fiscal 1971:

1. *House* actions to August 13, 1970 on all spending bills—appropriations and legislative—have *increased* the President's requests for fiscal 1971 budget authority by $7,504,735,000.

2. *Senate* actions to August 13, 1970 on all spending bills—appropriations and legislative—have *increased* the President's budget authority requests for fiscal 1971 by $3,109,958,000.

3. *Enactments* of spending bills—appropriations and legislative—to August 13, 1970 have *added* $2,759,172,000 to the President's budget authority requests for fiscal 1971.

B. Budget outlays for fiscal 1971:

1. *House* actions to August 13, 1970 on all spending bills—appropriations and legislative—have *added* a net of $3,222,083,000 to the President's total estimated outlays for fiscal 1971.

2. *Senate* actions to August 13, 1970 on all spending bills—appropriations and legislative—have *added* a net of $2,456,779,000 to the President's total estimated outlays for fiscal 1971.

3. *Enactments* of spending bills—appropriations and legislative—to August 13, 1970 have *added* $1,776,361,000 to the President's total estimated outlays for fiscal 1971.

C. Budget receipts requested by the President for fiscal 1971 requiring Congressional actions total $4,622,000,000:

1. *House* actions to August 13 on revenue proposals total $708,000,000 (including a net of $173,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,087,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

2. *Senate* actions to August 13 on revenue proposals total $757,000,000 (including $439,000,000 not requested for fiscal 1971 by the President) leaving a balance of $4,304,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

3. *Enactments* of revenue proposals to August 13 total $516,000,000, leaving a balance of $4,106,000,000 additional revenue increases required to meet the President's revised fiscal 1971 budget requests.

THE PROJECTED BUDGET DEFICIT FOR 1971

The small unified budget deficit for fiscal 1971 of about $1.3 billion projected by the President in his May 19, 1970, statement on the fiscal 1971 budget rests on a number of uncertainties.

The deficit projection reflected about $4.6 billion increase in taxes to be voted by the Congress.

It reflected a sizable estimate for legislative proposals to reduce budget spending.

It counted on only a token increase in spending being voted by the Congress above the budget.

Without these items for increased revenues and negative spending proposals the unified budget deficit projection for fiscal 1971 would otherwise total nearly $10 billion.

Any estimate or determination of what the Congress, by its cumulative actions to date, has done to the projected budget deficit for fiscal 1971 must be very tentative and preliminary in nature since the work of the Congress is far from completed. But in briefest summary as of August 13, congressional impact on the projected deficit appears to be about as follows:

The House, by its actions to August 13, on both spending and revenue measures, has increased the projected deficit for fiscal 1971 by a net of about $3.2 billion.

The Senate, by its actions to August 13, on both spending and revenue measures, has increased the projected deficit for fiscal 1971 by a net of $2.2 billion.

There are a number of major differences between the Senate actions and the House actions affecting the projected deficit. For example, the House has added about $226 million in outlays by its actions on 12 appropriation bills together with some carryover for fiscal 1970 actions. The Senate has added about $1,114 million in outlays for its actions on seven appropriation bills together with the carryover from fiscal 1970 actions. The House has added about $3 billion in outlays for actions on various legislative items including a $1.5 billion increase in social security benefits on which the Senate has not acted. The Senate has added about $1.3 billion in outlays for actions on various legislative proposals.

Enactments to August 13 of both spending and revenue measures have added a net of about $1.6 billion to the projected deficit for fiscal 1971.

SUPPORTING TABLE NO. 1

Mr. Speaker, I am inserting one of the tables from the latest report—supporting table No. 1, perhaps the key table in the report. This table shows, bill by bill, what Congress is doing to change both the budget authority and the budget outlay—expenditure—sides of the President's budget. It shows these actions in terms of increases or decreases from the budget estimates.

By referring to the various subtotal lines on the table, the cumulative change from the budget estimates can be readily determined.

This table is in several parts.

APPROPRIATION BILLS

The first part of the table shows the effects of actions taken—to August 13—at this session on appropriation bills.

The report indicates that the net effect of House actions in appropriation bills to August 13 have resulted in decreasing 1971 appropriation requests for budget authority by about $746 million, and increasing estimated outlays over the President's budget estimates by about $226 million, excluding the vetoed Independent Offices-HUD appropriations bill. Outlays show an increase, because the outlay figure includes the effect in fiscal 1971 of the Labor-HEW-OEO appropriation bill for fiscal 1970 passed at this session—the budget for fiscal 1971 submitted in February did not reflect final congressional action on this appropriation bill, but did reflect final congressional action on all other appropriation bills for fiscal 1970, except, of course, the second general supplemental bill.

BACKDOOR BUDGET AUTHORITY

The second part of this table shows changes in the budget made in the form of new budget authority through the so-called backdoor appropriations process. To August 13, the House has voted or reported $6,893 million in budget authority over the President's budget requests. These items will have little or no effect on outlays, for fiscal 1971; therefore, no change is shown for outlays.

LEGISLATIVE BILLS MANDATING SPENDING

The third part of this table reflects estimates for budget increases or decreases which result from congressional action on legislation containing mandatory spending authorizations such as pay or pension increases for which spending does not wait until an appropriation is made as is the case for most legislation authorizing new or expanded programs.

The net effect of House actions to August 13 for such legislative items is an increase in 1971 budget authority of $418 million and an increase in 1971 budget outlays of about $2,062 million. This does not reflect enacted Federal or postal pay increases which were proposed by the President as increases to his own February budget and therefore not accounted for as congressional increases in the budget. But it does reflect the cost of the retroactive postal pay increase for 2½ months in fiscal 1970 which will be paid in fiscal 1971.

LEGISLATIVE BILLS RE PROPOSALS TO REDUCE

The fourth part of this table reflects the apparent changes in the budget resulting from actions taken to date on legislative proposals to reduce budget authority and outlays. Only items on which partial action has been taken are

counted for scorekeeping purposes at this time. For the House, the effect of these actions to August 13 is an increase in the 1971 budget authority of $939 million and an increase in 1971 budget outlays of $934 million. These estimates assume a 6-month delay in the effective date of a postal rate increase.

A similar tabulation, giving the details of congressional actions affecting fiscal 1970 estimates, is included at the bottom of this table:

SUPPORTING TABLE NO. 1.—EFFECT OF CONGRESSIONAL ACTIONS DURING THE CURRENT SESSION ON INDIVIDUAL BILLS AFFECTING BUDGET AUTHORITY AND OUTLAYS (EXPENDITURES)
(AS OF AUGUST 13, 1970)
[In thousands of dollars]

Items acted upon	Congressional actions on budget authority (changes from the budget)			Congressional actions on budget outlays (changes from the budget)		
	House	Senate	Enacted	House	Senate	Enacted
	(1)	(2)	(3)	(4)	(5)	(6)
FISCAL YEAR 1971						
Appropriation bills (changes from the 1971 budget):						
Labor, Health, Education and Welfare, and related agencies, 1970 (Public Law 91-204)				[1] +248,000	[1] +248,000	+248,000
Treasuy, Post Office, and Executive Offices (H.R. 16900)	−73,053			−65,000		
Legislartive Branch (H.R. 16915)	−9,394	−7,525	[††]−8,361	−8,750	−7,000	[††]−7,800
Education (H.R. 16916) [2]	+319,590	+816,047	[a]+453,321	+215,000	+417,000	[a]+239,000
Second Supplemental, 1970 (P.L. 91-305)				−19,700	−200,300	−123,000
Independent Offices and Department of Housing and Urban Development (H.R. 17548)	[b](+173,389)	[b](+1,186,796)	[b](+541,302)	[b](−114,650)	[b](+89,000)	[b](−1,800)
State, Justice, Commerce, the Judiciary and related Agencies (H.R. 17575)	−136,949			−50,000		
Interior and related agencies (P.L. 91-361)	−731	−4,637	−4,500	−3,350	−2,300	−3,500
Transportation and related agencies (H.R. 17755)	−36,235			−34,700		
Foreign assistance and related agencies (H.R. 17867)	−655,578			−150,000		
District of Columbia (P.L. 91-337)	−150	−150	−150	−150	−150	−150
Agriculture and related agencies (H.R. 17923)	−81,587	+727,581	(‡)	+105,800	[a]+635,000	(‡)
Military construction (H.R. 17970)	−137,763			−11,000		
Public Works and Atomic Energy (H.R. 18127)	−26,625	†−5,238			†+24,000	
Labor, Health, Education, and Welfare and related agencies (H.R. 18515)	+92,926					
Subtotal, appropriation bills	−745,549	+1,526,078	+440,310	+226,150	+1,114,250	+352,550
Legislative bills with "backdoor" spending authorizations (changes from the 1971 budget): [4]						
Emergency home financing (Public Law 91-351)	+1,500,000		+750,000	N.A.		N.A.
Alaska Omnibus Act extension (P.L. 91-367)	+851	+851	+851	N.A.	N.A.	N.A.
Land and water conservation (P.L. 91-308)	+30,000	[1] +30,000	+30,000			
Unemployment trust fund (P.L. 91-373)	[1] +194,000	+194,000	+194,000			
Urban Mass Transportation (H.R. 18185)	†+2,118,000					
TVA bonds (H.R. 18104)	+3,050,000					
Subtotal "backdoor"	+6,892,851	+224,851	+974,851			
Legislative bills with mandatory spending authorizations (changes from the 1971 budget):						
Employee health benefits (H.R. 16968)	+140,000			+140,000		
Wage board pay revision (H.R. 17809)	†+230,000			†+230,000		
Farm subsidy ceiling (H.R. 18546)	−60,000					
Dependents' health care (H.R. 8413)	+255			+255		
Public Health Service retirement (Public Law 91-253)	+259	[1] +259	+259	+259	[1] +259	+259
Social security (H.R. 17550)				+1,500,000		
Family assistance (H.R. 16311)	−450,000			−350,000		
Federal lands for parks (reduces offsetting receipts) (S. 1708 H.R. 15913)	†N.A.	N.A.		†N.A.	N.A.	
Postal reform—payi (P.L. 91-375)	+107,700	+107,700	+107,700	+107,700	+107,700	+107,700
Foreign Service retrement (Public Law 91-201)	N.A.	N.A.	N.A.	N.A.	N.A.	N.A.
Air traffic controllers' retirement (S. 3959)		+7,300			+7,300	
Savings bond interest increase (H.R. 14956)		+108,000			+108,000	
Veterans' hospital care for 70-year-olds (H.R. 693)	(+7,000)	(+7,000)	(‡)	(+7,000)	(+7,000)	(‡)
Veterans education assistance (Public Law 91-219) [5]	[1] +185,500	[1]+185,500	+185,500	[1] +169,000	[1] +169,000	+169,000
Veterans additional $5,000 insura nce (Public Law 91-291)	+45,000	[1] +45,000	+45,000	+45,000	[1] +45,000	+45,000
Veterans compensation increase (P.L. 91-376)	+226,481	+114,370	+218,000	+226,481	+114,370	+218,000
Redefine "child"—(dependency compensation) (Public Law 91-262)		+6,900	+3,552		+6,900	+3,552
Veterans auto allowance increase (H.R. 370)	+938			+938		
Railroad retirement (P.L. 91-377)	−7,700	N.A.	N.A.	−7,700	N.A.	+96,300
Subtotal, mandatory	+418,433	+575,029	+560,011	+2,061,933	+558,529	+639,811
Legislation affecting proposals to reduce budget authority and outlays:						
Medicaid reform (H.R. 17550)	+155,000			+150,000		
Postal rate increase (P.L. 91-375)	[6] +784,000	[6] +784,000	[6] +784,000	[6] +784,000	[6] +784,000	[6] +784,000
Subtotal, reduction proposals	+939,000	+784,000	+784,000	+934,000	+784,000	+784,000
Subtotal, legislative bills	+8,250,284	+1,583,880	+2,318,862	+2,995,933	+1,342,529	+1,423,811
Total, fiscal year 1971	+7,504,735	+3,109,958	+2,759,172	+3,222,083	+2,456,779	+1,776,361
FISCAL YEAR 1970						
Appropriation bills (changes from the revised 1970 budget):						
Foreign Assistance (Public Law 91-194)	[1] −150	[1] −150	−150	[1] −100	[1] −100	−100
Labor, Health, Education, and Welfare and Related Agencies (H.R. 15931, Public Law 91-204)	[1] +567,000	[1] +567,000	+567,000	[1] +335,000	[1] +335,000	+335,000
Second Supplemental, 1970 (H.R. 17399, Public Law 91-305)	−153,957	[7] +272,203	−408,637	−121,300	−84,800	−99,000
Subtotal, appropriation bills	+412,893	+839,053	+158,213	+213,600	+250,100	+235,900
Legislative bills with spending authorizations (changes from the revised 1970 budget):						
Food for needy children (Public Law 91-207)				[1] +30,000	[1] +30,000	+30,000
Veterans education assistance (Public Law 91-219)	[1] +107,400	[1] +107,400	+107,400	[1] +94,000	[1] +94,000	+94,000
Airports and airways development (Public Law 91-258)			+840,000			N.A.
Failure of enactment: postal rate increase	+156,000	+156,000	+156,000	+156,000	+156,000	+156,000
Subtotal, legislative bills	+263,400	+263,400	+1,103,400	+280,000	+280,000	+280,000
Total, fiscal year 1970	+676,293	+1,102,453	+1,261,613	+493,600	+530,100	+515,900

Footnotes on following page.

[1] Reflects conference or final action for comparability.
[2] $425,000,000 budget authority ($212,000,000 outlays) for impacted area school aid, carried in budget as "proposed legislation," is regarded as budget appropriation request for scorekeeping purposes although no formal amendment has been transmitted.
[3] Does not reflect outlay effect of $20,000 payment limitation.
[4] "Backdoor" refers to budget authority and outlays provided in basic legislation not requiring further appropriation action.
[5] Congressional increase of $185,500,000 subsequently included in budget amendment (H. Doc. 91-312).
[6] Reflects half-year delay in rate increase.
[7] Does not reflect provision of $300,000,000 for food stamp program to be charged against 1971 Agriculture Appropriation bill. Reflects point of order on the floor against foreign military credit sales.
‡Subject to or in conference.
†Committee action.
††Pending signature.
N.A.—Not available.
[a] Presidential veto overridden by House; pending in Senate.
[b] Presidental veto sustained by House.

PROCEEDINGS BEFORE THE AD HOC INVESTIGATING COMMITTEE OF BLACK ILLINOIS STATE LEGISLATORS—III

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MIKVA. Mr. Speaker, I herewith place in the RECORD the third part of hearings before an ad hoc investigating committee of the Illinois State Legislature.

The document referred to follows:

Mr. CLEMENTS. Yes.

Rep. WASHINGTON. You were on the scene the day that Rev. Jesse Jackson was escorted to the Labor Department Hearing at the Custom House?

Rev. CLEMENTS. Yes.

Rep. WASHINGTON. He has bodyguards assigned to him, is that correct?

Rev. CLEMENTS. That is correct, by the Federal Government.

Rep. WASHINGTON. How many?

Rev. CLEMENTS. Two. Two that I know of.

Rep. WASHINGTON. In light of your experiences there that day, and this is obvious public knowledge of what happened on the prior day, do you consider that sufficient bodyguards to get Rev. Jackson into the hearing?

Rev. CLEMENTS. Absolutely not.

Chairman NEWHOUSE. Thank you, Father.

(Witness excused.)

Chairman NEWHOUSE. We have two more witnesses, Mr. Donald Duster, and Mr. Gardner Stern, Jr., who are Co-Chairmen of the Chicago Forum.

Would you prefer to appear together?

Mr. DUSTER. Together.

(Witnesses sworn.)

Donald Duster and Gardner Stern, Jr. having been first duly sworn, were examined and testified as follows:

Chairman NEWHOUSE. Gentlemen, I appreciate your coming over to answer our invitation to aid us in our deliberations here today.

You are Co-Chairmen of the Chicago Forum. I wonder if you would care to tell us a little bit about your Forum, and what efforts have been made in terms of community police relations.

Mr. DUSTER. Thank you for inviting us to appear.

The Chicago Forum is an integrated group, composed of about 60 business and professional men, who have been meeting for the past two years to exchange ideas. And we appear to express ourselves on matters pertaining to urban conditions.

To attain this purpose, we hold monthly meetings, and we invite people to appear before our group and share in the current topics with us. One such meeting took place on February 18, 1969.

The subject matter that evening was Police and Community Relations, and we invited James Riordan, Commander of the 1st District of the Chicago Police Department, Kermit Coleman, Director of the Ghetto Projects, and legal coordinator for the American Civil Liberties Union, and John Webster, Professor of Criminology, University of Illinois, Circle Campus, and Renault Robinson, President of the Afro-American Patrolmen's League, to address our group that evening.

Following that discussion, the Forum decided the Police Department was not listening to the plea of the Afro-American Patrolmen's League, to be heard at the highest level in the department, and this resulted from conversations and direct testimony, almost a verbal confrontation between members of our panel, Commander Riordan, and Renault Robinson.

I want to give you this in chronological order, because the way the Forum became directly involved, this was February, 1969, when most people in the Chicago area had no real knowledge that the problem of the Afro-American Patrolmen's League was getting into.

The Chicago Forum took the position, since we are business oriented, we would like to have administrative problems handled in a business-like fashion. Therefore we wrote a letter to Commander Riordan, dated March 7th, where we thanked him for appearing in our panel, told him about the concern about the obvious disparity between the Patrolmen's League and Riordan's responsibility to the Department's position, even though Riordan at that time was expressing his own view and not that of the department.

And Riordan also indicated that he felt certain if all possible changes in rules and regulations would be followed by the League, he would probably receive a hearing.

Chairman NEWHOUSE. What was the attitude toward the League?

Mr. DUSTER. My impression of his attitude toward the League, was that he felt that it did not serve a useful purpose in coming into existence. The need did not exist.

Chairman NEWHOUSE. Now, the second question.

By implication, your last statement seemed to me, was something that the Afro-American Patrolmen's League had failed to do.

Did he make it clear that what they had failed to do, to prevent them from getting a hearing?

Mr. DUSTER. He said some discussions, suggestions during the Panel discussions.

Renault Robinson said he has done all the things and taken all the steps that Commander Riordan has suggested be done.

After the panel discussion, a few of us talked to Commander Riordan and it was our impression that he felt more could be done to exhaust the remedies within the Department. So we invited the commander to be the guest of the Forum at an Executive session of the Forum, to find out the steps, what the Afro-American Patrolmen's League could do to reach their objectives, to meet with Superintendent Conlisk.

We did meet with Commander Riordan, and we discussed what might be done. And it was Riordan's feelings that since he was not directly involved in human relations, in the Police Department, that the Forum should contact the expert in that area, who was Deputy Chief Sam Nolan.

Chairman NEWHOUSE. The expert in what area?

Mr. DUSTER. Human relations.

Chairman NEWHOUSE. I don't mean to keep cutting you off, Mr. Duster.

Mr. DUSTER. That is perfectly all right.

Chairman NEWHOUSE. That was your February 1969 meeting?

Mr. DUSTER. No. The February, 1969 meeting was a discussion panel, or panel discussion.

After that meeting, we did meet with Commander Riordan. And that was April 30th, we met with Commander Riordan.

Chairman NEWHOUSE. Two months later?

Mr. DUSTER. Two months later. We had one meeting which was postponed.

We also met with Renault Robinson and members of our executive committee met with Renault Robinson, and told him that we had met with Commander Riordan, and Commander Riordan suggested that there was some suggestions that further steps could be taken.

And the response of the Patrolmen's League, was that the Forum could do that if we'd like, but they thought that the results would be negative. They had tried as far as they knew, all the channels inside the Police Department, and the channels they thought would be effective, and they had met with resistance.

We asked, that is the Chicago Forum, in our meeting with the Patrolmen's League, asked the League to send us literature about their program, and why they wanted to meet with Conlisk; that the Forum as such did not want to become directly involved.

Our purpose was to try to bring the meeting between Conlisk and the Patrolmen's League together, and not take a stand on the situation as the Patrolmen's League spokesmen. We did this, and we have a copy of their letter to the Chicago Forum.

On June 6th, the Chicago Forum sent a letter to Superintendent Conlish, telling him of our meeting of the panel discussion, of our meeting with Commander Riordan, of our meeting with the Patrolmen's League, and of our purpose and asking him to meet with the President of the Afro-American Patrolmen's League.

Chairman NEWHOUSE. I notice that you have a one-page letter.

Is that a copy?

Mr. DUSTER. That is a copy.

Chairman NEWHOUSE. Would you care to read that letter for the record, please.

Mr. DUSTER. Yes.

It is addressed to Mr. James Conlisk, Superintendent, Chicago Police Department, 1121 South State Street, Chicago, Illinois 60605:

"Dear Mr. Conlisk:

"We, the Chicago Forum, are writing to propose for your consideration one concrete step toward the resolution of the critical problem of police-community relations. The Chicago Forum is an integrated group composed of 60 business and professional men, who have been meeting for the past two years to exchange ideas and, where and when appropriate, to express ourselves on matters pertaining to urban conditions.

"During the past two years we have invited experts, government officials, and community representatives to discuss with us topics including, employment, housing, education and economic development, with particular respect to the way these problem areas are being confronted in Chicago.

"With reference to Police-community relations, last winter we were addressed by a panel consisting of John Webster, Professor of Criminology, University of Illinois, Circle Campus, Kermit Coleman, the Community Legal Coordinator for the American Civil Liberties Union, Commander James Riordan,

and Renault Robinson, President of the Afro-American Patrolmen's League.

"Subsequent to the panel discussion, the Executive Committee of the Chicago Forum had luncheon meetings with Messrs. Riordan and Robinson, respectively, resulting in a greater familiarity with Police programs to promote communications with minority communities and with the A.A.P.L.'s interest in advancing the concerns of the members of minority communities.

"Based on the perspective of police-community relations, and as concerned citizens rather than as advocates of any cause, we would endorse and urge the initiation of an informal dialogue between you, as the highest representative of the Chicago Police Department, and the leadership of the AAPL.

"We take this position because we feel such a dialogue might achieve the following purposes:

"(1) It would tend to establish an atmosphere of mutual goodwill and understanding between the two groups at the highest levels and dispel possible suspicions based on lack of information.

"(2) It might lead to a relationship which would help to minimize the potential for violence this summer.

"(3) It could contribute to the positive evolution of police-community relations. (Indeed, we are advised you welcome the formation of the A.A.P.L. as potentially constructive.)

"We trust that our suggestions are helpful, for we recognize your concern both for public safety and for individual rights. To determine your reaction to our proposal we will call upon you in the next few weeks.

"If there is any way in which our organization or its individual members can be of any assistance, please do not hesitate to call upon us."

And it is signed by the then Co-Chairmen, Weathers Y. Sykes, and Robert D. Kestnbaum.

Chairman NEWHOUSE. For the record, could you tell us who are the Board members of the Forum?

Mr. DUSTER. We have no Board members. We just have a membership list.

The affairs are administered by an Executive Committee. We have a membership list; yes, sir.

Chairman NEWHOUSE. Who are the chief officers?

Mr. DUSTER. We have co-chairmen, Gardner Stern, Jr. on my left, and myself, Donald Duster.

Chairman NEWHOUSE. Go ahead.

Mr. DUSTER. Our response—or a response was received, and dated June 10, 1969.

Chairman NEWHOUSE. Would you please read it.

Mr. DUSTER. Yes.

"Gentlemen:

"Thank you for your letter of June 6, relative to your concern about the problem of police-community relations.

"As you know, the Chicago Police Department shares this concern and has manifested that concern by the institution of many innovative procedures and organizational restructurings. We have in our Department a separate division having as its main responsibility the establishment of the closest of ties with every member of the community. This division, the Community Services Division, is headed by Deputy Chief Samuel Nolan, a man whose vast range of experience and abilities makes him admirably suited to the task.

"In your communication you indicate that your Executive Committee has met with District Commander James Riordan and Renault Robinson, president of the Afro-American Patrolmen's League. You further indicate that these meetings have provided a familiarity with police programs in the area of community relations. May I suggest the possibility that Deputy Chief Nolan might be in the best possible position to explain the efforts of the Department in this area, since it is his main responsibility and he has represented me in meetings with Mr. Robinson on other occasions.

"At the present time, Deputy Chief Nolan is involved in a conference in the Washington, D.C. area, sponsored by the Attorney General of the United States, in matters relating to this nation-wide problem. He will, however, return to the city on June 16 at which time I shall request that he contact you to arrange to discuss this vital problem."

Signed, James B. Conlisk, Jr., Superintendent of Police.

Chairman NEWHOUSE. May I ask if you found that letter either satisfactory or responsive to your request?

Mr. DUSTER. Found it satisfactory in a business-like manner. We are business oriented, and it is frequently in practice to have all subordinates completely informed before the Executive officers take anything under advisement.

We did contact Deputy Chief Nolan. We did have lunch with Deputy Chief Nolan.

At our luncheon meeting, Deputy Chief Nolan agreed that a meeting between Conlisk and the Patrolmen's League would be beneficial and agreed to go to Superintendent Conlisk and ask that a meeting be arranged.

Sen. CHEW. Has it been arranged?

Mr. DUSTER. No.

Sen. CHEW. Have you heard from Deputy Chief Nolan on that?

Mr. DUSTER. We did hear from Mr. Nolan on the afternoon of our luncheon meeting, which was July the 3rd.

Deputy Chief Nolan called me and said that he had talked to Superintendent Conlisk, that a meeting would take place, and we had one understanding that the Patrolmen's League would submit an item of agenda, and items to be discussed, and that was not done prior to this meeting.

Sen. CHEW. Did the Patrolmen's League submit these agenda?

Mr. DUSTER. They submitted the following—they submitted it following this discussion from Deputy Chief Nolan that they meet.

Sen. CHEW. And what has been done subsequent to this?

Mr. DUSTER. There has been no official response from Superintendent Conlisk regarding the request made by the Patrolmen's League for a meeting.

Sen. CHEW. This is subsequent to Sam Nolan setting up the meeting apparently?

Mr. DUSTER. This was a condition that Nolan agreed to present to Conlisk for a meeting.

In other words, Nolan felt that the Superintendent would probably meet with the Patrolmen's League, if the Patrolmen's League detailed exactly what they wanted to talk about and not very broad, general terms in bringing about better relations with the community.

Sen. CHEW. Nothing has related since this?

Mr. DUSTER. We did ask the Patrolmen's League why they wanted to meet with the Superintendent and asked that a meeting take place.

If I may go on, when Deputy Chief Nolan talked to and said that Conlisk's response had been negative, that Conlisk's response was that the Patrolmen's League would have to go through channels, and Conlisk said that the patrolmen would know what that meant, or they could submit their proposal to the Patrolmen's representative, Officer Robinson.

Sen. CHEW. The Patrolmen's Representative, representative in the Police Department?

Mr. DUSTER. Yes.

Sen. CHEW. In other words, it was clear to you that Superintendent Conlisk had no intention of meeting with the Patrolmen's League?

Mr. DUSTER. That is correct.

Chairman NEWHOUSE. Anything further, Mr. Duster?

Mr. DUSTER. Only that the Patrolmen's League followed our suggestion, that they detail and outline their program for a meeting with Conlisk, and sent it to him by registered mail.

They did in the letter of July 16th, which is a three-page letter, which I will be glad to leave with you.

I have not talked to Deputy Chief Nolan to ask him what the response to the letter of the Patrolmen's League has been.

Chairman NEWHOUSE. Based on this correspondence, have you been able to draw any conclusions?

Mr. DUSTER. Yes. That there is no intention on the part of Superintendent Conlisk to meet with the President of the Afro-American Patrolmen's League.

Rep. COLLINS. What is the date of the Afro-American Patrolmen's League's letter to Superintendent Conlisk?

Mr. DUSTER. July 16th.

Chairman NEWHOUSE. Could you speculate as to the reasons why Superintendent Conlisk wouldn't meet with the Patrolmen's League?

Mr. DUSTER. Our belief is that the program, as we know it in the Forum, the Patrolmen's League challenges a number of existing practices of the Chicago Police Department.

Chairman NEWHOUSE. Do you think he would refuse to meet with the leaders of other organizations, like the Confederation of Police, or the Fraternal Order of Police?

Mr. DUSTER. I believe he will refuse to meet with organizations that have power to change the present policies of the Police Department.

Chairman NEWHOUSE. You mentioned that there were some changes that the Afro-American Patrolmen's League was going to offer to the Police Department that might take into account some system changes.

Mr. DUSTER. Yes.

Chairman NEWHOUSE. Are you speaking now of the negotiations of the protection of the black community?

Are you speaking of the patrolmen offering a completely different image, not upon oppression?

Mr. DUSTER. Yes. Those are provided terms.

If I may refer to the letter, because I am not a member of the Patrolmen's League and I don't want to misrepresent them.

And I quote:

"We must correct the injustices that the minority group members suffer because of improper or illegal police service or action. Contrary to public opinion, the League has found that the problem that affects police relations with the Black community is not caused by the individual policeman who acts improperly or misuses his authority by personal design. Rather, it is the improperly constituted structure that allows the individual policeman the relatively unrestricted personal discretion to act while under the color of law and, in many cases, within the legal limits of the law in a fashion that reflects prejudicial treatment."

Chairman NEWHOUSE. Is that all?

Sen. CHEW. Would you say that these——

Mr. DUSTER. If I may, there is one general statement I think will capsulize it.

"We of the League would like to join with you in a joint effort to exchange ideas and discuss ways in which we, as an organization representing black people, and you representing the Police Department can work together to make the Police Department improve its service in the black community and gain the respect of the black citizens. This, of course, is not an easy task. Many changes in police procedures, both on the street and in the station, stronger internal discipline, new procedures for handling citizen complaints, a reorganization of the Police-Community Relations Division, better trained

supervisors, and an increase in Negro personnel are only a few of the measures deeply affecting police work that need modification and/or change."

Chairman NEWHOUSE. Anything further?

I'm sorry. Senator Chew.

Sen. CHEW. In other words, it is your conclusion that the Superintendent of the Chicago Police Department has in fact ignored the things that were listed in the letter as not being existing, and is that what would be about your summation?

Mr. DUSTER. I know he has ignored responding to the letter.

Chairman NEWHOUSE. Gentlemen, you have been very patient. You have sat with us for quite a while.

Mr. Stern, you haven't even had a chance to get to the microphone.

Would you introduce yourself, and would you spell out the names of some of the Executive Committee for us?

Mr. STERN. My name is Gardner H. Stern, Jr., and as Mr. Duster indicated, I am a Co-Chairman of the Chicago Forum and among the members of the current Executive Committee are the two of us, Mr. Gordon Hegwood, Mr. John Montgomery, Mr. Peter Husting, Mr. Gerald Hines.

We have a new Executive Committee, and Mr. Phillip Ginsberg. And all of these gentlemen are either executives in their own busines, or in the City, or in one case or another with the University of Chicago Law School.

Chairman NEWHOUSE. Any further questions?

Sen. CHEW. Yes. I want to ask him one question if I may.

What has been done toward weeding out the bigoted white police officers that operate unlawfully in the black community?

Mr. STERN. That, Senator, isn't really our role as an organization. And we have not really addressed ourselves to that very definite problem, but that is not our primary function as an organization.

Sen. CHEW. Well, insofar as you are Chicago's relations from the conversational end of it, have you thought about this? This is the real crux of the whole problem of the Chicago Police Department.

Mr. STERN. Very definitely. As a result of our panel last February, during which time we first became exposed as an organization to the point of view of the AAPL, as a result of that panel, we recognize that the AAPL had a valid position.

And as a result of our efforts to meet with Superintendent Conlisk, we might bring together the two points of view and might result in some improvement in community relationships, which would include the handling of bigoted white policemen.

Sen. CHEW. I have had the opportunity to study some police departments throughout the country, and I find that the Community Relations Department of the Chicago Police Department is more or less a myth.

Have you had any concern on it?

Mr. DUSTER. May I respond to that.

When we met with Deputy Chief Nolan, there—this is not hearsay—he told me that he recommended to Superintendent Conlisk, that Conlisk meet with the Patrolmen's League, and responded—the response be for the Patrolmen to go through channels or through the Patrolmen's representative.

Here we have a Deputy Chief who has been told, "I am not taking your advice, but send to me a patrolman, Officer O'Brien. If he feels—if he tells me, I might do it."

I believe you are right. We do have a myth so far as any postiive power in that fashion is concerned.

Sen. CHEW. I feel that the Director of Community Relations is a shill for going into the office, his power is limited to nothing, and he is an excellent police officer, and should be placed in a position where he could use his talents.

But still he is like white companies putting a black man at the front door in tokenism, and I think this is what has happened.

I would like to see your organization, for instance, take a deep interest in the kind of personnel that the Department has, that are roaming in the black communities and not only are they abusing the citizens physically, but they seem to have a habit of taking a lot of money out of the community from people in business.

And since you are structured on a business basis, this definitely should be looked into. I know of many people that have come to my office and have complained about police harassing people in business, especially taverns, liquor stores, and how they set up arrests in various taverns where the people have not found the way to funnel the money into the headquarters.

And things of that nature, I think your organization could be very vital. As you know, I have called for the removal of the Task Force, because they are all—almost operating in the black communities, and they saturate and harass the citizens. I have called for the bigoted white policeman to be reassigned and brought up on the style and educational culture of black people.

I have called on the Mayor and asked for the support of the Superintendent of Police, and the response I have got has been nothing from either gentleman, and if your organization in these kinds of hearings can center yourself on these things, it would be helpful.

Mr. DUSTER. If I may respond, I think you are absolutely right with our involvement with the Patrolmen's League. It cannot be done, however, without the changes and your suggestions cannot be brought about by a group like the Chicago Forum.

The restructuring of the Chicago Police Department will take stern pressure, which we in our small way will try to bring about, if we can bring into this relationship other organizations that do have the power to bring about change.

Then I think we will have fulfilled a very vital function. But from our knowledge of the workings of the Chicago Police Department, we are trying to hit an elephant with a baseball bat.

Rep. WASHINGTON. I have one question of Mr. Stern.

We are here because Officer Renault Robinson alleges he has been harassed by the Chicago Police Department because of his involvement in the Afro-American Patrolmen's League.

If that is true, as a fact-finding committee, obviously I would like to know why. Perhaps the conclusion or the answer to my question is involved with Mr. Duster's response as to why Superintendent Conlisk would not cooperate with the Afro-American Patrolmen's League; to-wit, his answer was this:

The Afro-American Patrolmen's League posing a challenge to the Chicago Police Department in the area of reform, which the structure is not willing to concede to.

It would therefore follow that they would be opposed to the prime mover of that organization, Officer Renault Robinson, because he represents a challenge to remove the hierarchy from the Police Department.

Would you agree with that statement?

Mr. STERN. Yes, I would, completely.

Chairman NEWHOUSE. Gentlemen, thank you.

(Witnesses excused.)

Chairman NEWHOUSE. This Committee Hearing is now adjourned to a date one week from today, Friday, at the same place, at 10:00 o'clock a.m., at which time we expect to present witnesses who will be leaders of community organizations, attorneys who are working attorneys in the criminal practice who have some knowledge about police practices.

We are going to again issue an invitation to Superintendent Conlisk to appear. We hope he will do so.

Thank you, very much, for your patience.

(Whereupon the hearing in the above-entitled matter was adjourned, to reconvene at 10:00 o'clock a.m. (Friday, October 17, 1969, at the same place.)

AFRO-AMERICAN PATROLMEN'S LEAGUE OF CHICAGO,
July 16, 1969.

Mr. JAMES B. CONLISK, Jr.,
Superintendent, Chicago Police Department, Chicago, Ill.

Subject: Conference between the representatives of the League and the Superintendent of Police.

DEAR MR. CONLISK: The Afro-American Patrolmen's League, as you know, is an organization of black policemen who formed in order to seek solutions to the growing "problems" between the "police department and the Black community." Being professional policemen and also Black citizens and members of the Black community, we are primarily qualified to know the causes of conflict between the police institution and Black people.

There is no doubt in our minds that the police department is a necessary function of government. We also feel that no public institution now in existence is without flaw. Moreover there is no institution within the government that has a greater domestic responsibility than the police department.

By any objective standards the Chicago Police Department ranks high among police departments, not only in this country but also in the world. We of the League know that the problems facing the police department a decade ago were much different in complexity that they are today. No one will deny the fact that the police function has come under alone scrutiny from all areas of this society, including the federal government.

Today the League would like to join with you in a joint effort to exchange ideas and discuss ways in which we as an organization representing black people and you representing the police department can come together to make the police department improve its service and the Black community and gain the respect of the Black citizens. This of course, is not an easy task. Many changes in police procedures, both on the street and in the station, stronger internal discipline, new procedures for handling criteria complaints, a reorganization of the Police-Community Relations Division, better trained supervisors, and an increase in Negro personnel are only a few of the measures deeply affecting police work that need modification and/or change.

The impetus for change must rest with the police department because they are appointed public servants with the sworn duty to serve and protect all citizens in a fair and impartial manner and to the best of their ability.

We must correct the injustices that the minority group members suffer because of improper or illegal police service or action. Contrary to public opinion, the League has found that the problem that affects police relations with the Black community is not caused by the individual policeman who acts improperly or misuses his authority by personal design. Rather, it is the improperly constituted structure that allows the individual policeman the relatively unrestricted personal discretion to act while under the color of law and, in many cases, within the legal limits of the law in a fashion that reflects prejudicial treatment.

The League has worked in the Black community with many different community groups and organizations. In some cases we did not condone the stated purposes of some of the organizations. However, the general consensus of opinion from all the different

community groups and youth organizations is that unless the legitimate grievances relating to the police are confronted by the police administration, the avoidance of loss of life and damage to property will be impossible.

The League feels that you are a prudent man and that you realize your responsibility to the police officers under your command and the citizens of the city of Chicago. We believe you will use all of your influence to improve police service in this city, and avoid conflict and loss of life between policemen and minority groups. We further feel that your ability to carry out your duty is hindered by lack of certain information and objective facts concerning the police department and its relationship to minority groups. Being the top administrator of this department is a difficult position. You must rely on information received from secondary sources in order to make the decisions made by top level subordinates who sometimes are themselves ill-advised is a built-in problem of management.

Race, national origin, religion, age, employment, education and residency are only a few of the major differences that affect police work. Policemen know what steps to take when the law is violated. However, general crime and social violence or civil disorder are different problems and must be handled in different ways. Criminals and minority protestors both violate the law, but there is a distinct difference between the two and the police department must reflect the difference.

The bulk of police work today is involving social and domestic problems. In order for the police to be effective in handling these situations, a knowledge of the culture, habits and customs of the people is a necessary tool that today's policeman must have at his command. It goes without saying that to ignore the differences in people when performing the police function will tend to create unnecessary hostilities on the part of the people which are in turn met by superior force on the part of the policeman. This is an example of an unnecessary problem and its unnecessary escalation because of improper police actions.

The purpose of our meeting will not be a discussion of improved employment conditions for our membership or the usual demands of the organized labor representation provided by other police organizations. Ours is a desire to improve the structures through which the police department deals with the solution of social and domestic problems in minority areas—principally in black minority areas. It is a matter of urgent concern because we believe that our suggestions will not only improve the image of the entire police force and further the cause of justice but, further, we believe it will save the city from the eventual cataclysm which has so often been predicted.

The plan to deal directly with you is based on our conviction that you are aware of the degree of escalation of hatred against police and would like to employ an alternative to massive escalation of weaponry and retaliation. Our participation in the social struggles of Blacks has given us a new image which enables us to give a credible witness to the alienated if and when the department is ready to show the proper regard for their legitimate requests. It behooves the department to make this move and employ this moment of truth and reconciliation between black citizens and black policemen to set new goals and adopt healthier attitudes in building a city where justice will be pursued with compassion by an aware police department.

Proposed topics of discussion for the first meeting:

(A) Relationship of the League to the Chicago Police Department.

(B) Discussion of A.A.P.L. suggestions for an improved Chicago Police Department. Order of priority and convenient method of testing and implementing proposals.

(C) Discussion of other participants necessary to insure the success of our efforts in improving the Police Department of the City of Chicago.

Sincerely,

RENAULT A. ROBINSON,
President.

NEW MEXICO CITIZENS RESPOND TO QUESTIONNAIRE

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. LUJAN. Mr. Speaker, the residents of New Mexico's First Congressional District have expressed strong opinions on a number of important national issues in their answers to my recent voter questionnaire.

Over 40,000 individuals in all 14 counties of northern New Mexico took the time to think over my questions and send in their answers. The actual number of questionnaires returned numbered 22,456 with most responding for both him and her.

I am grateful to those many citizens for their efforts, and I draw encouragement from the fact that so many people are willing to take an active interest in government and in their elected representative in Washington.

The questions read as follows:

QUESTIONNAIRE

1. What is your opinion of President Nixon's handling of the Vietnam war?
2. If inflation continues, should wage and price controls be considered?
3. Do you favor ending the draft and creating a volunteer army?

The answers to these first three questions are as follows:

[In percent]

Responses by county	Questions						
	No. 1			No. 2		No. 3	
	Good	Fair	Poor	Yes	No	Yes	No
Total 1st district:							
His	51.7	24.7	23.6	75.7	24.3	53.9	46.1
Hers	51.1	24.6	24.3	78.4	21.6	61.8	38.2
Bernalillo:							
His	50.6	27.9	21.5	75.3	24.7	55.7	44.3
Hers	55.3	25.4	21.3	76.8	23.2	64.6	35.4
Colfax:							
His	41.7	20.8	37.5	73.1	26.9	66.8	33.2
Hers	39.8	25.3	34.9	70.4	29.6	61.9	38.1
Guadalupe:							
His	62.5	25.3	12.2	93.8	6.2	35.3	64.7
Hers	63.6	18.4	18.0	91.7	8.3	24.7	75.3
Harding:							
His	71.4	14.2	14.4	85.7	14.3	59.6	40.4
Hers	20.3	59.8	19.9	79.4	20.6	50.8	49.2
Los Alamos:							
His	50.2	20.7	29.1	72.7	27.3	56.5	43.5
Hers	37.4	31.4	31.2	86.7	13.3	58.8	41.2
Mora:							
His	44.4	27.6	27.8	77.8	22.2	64.7	35.3
Hers	33.1	41.7	25.2	83.3	16.7	63.6	36.4
Quay:							
His	75.3	14.1	10.6	76.1	23.9	34.6	65.4
Hers	67.5	27.8	5.7	73.3	26.7	37.8	62.2
Rio Arriba:							
His	37.0	33.2	29.8	88.9	11.1	57.7	42.3
Hers	28.6	42.9	28.6	90.9	9.1	56.5	43.5
Sandoval:							
His	68.4	15.6	16.0	76.2	23.8	44.1	55.9
Hers	61.1	22.2	16.7	73.7	26.3	44.4	55.6
San Miguel:							
His	59.4	16.3	24.1	87.3	12.7	64.6	35.4
Hers	55.3	21.5	23.2	92.2	7.8	59.5	40.5
Santa Fe:							
His	54.6	18.2	27.2	66.5	33.5	42.9	57.1
Hers	48.2	11.1	40.7	75.2	24.8	65.4	34.6
Taos:							
His	44.6	11.2	44.2	79.1	20.9	54.2	45.8
Hers	42.1	21.1	36.8	79.0	21.0	57.9	42.1
Torrance:							
His	68.8	18.8	12.4	66.9	33.1	44.4	55.6
Hers	64.3	21.4	14.3	81.1	18.9	61.1	38.9
Union:							
His	59.7	31.0	9.3	68.4	31.6	38.9	61.1
Hers	68.9	24.6	6.5	81.2	18.8	49.3	50.7

4. *Controlling Inflation:* View of voters in New Mexico's First District—

In order to keep federal spending in balance with income, it may be necessary to further cut the national budget. Any cuts should be made in the following order:

1. Foreign aid.
2. Space.
3. Federal construction.
4. Welfare.
5. Defense.
6. Labor training programs.
7. Education programs.
8. Health programs.
9. Antipollution programs.

One of the most gratifying aspects of the response to this question was the number of people who took the time and trouble to add individual comments on items they felt to be of special importance. It is significant that by far the greatest concern was with the high cost of just running our Government, and especially about the high salaries and expenses of Congress itself. I am glad that voters are keeping an eye on us here in Washington, and I hope they continue to do so.

I again want to thank the residents of the first district for sharing with me their thoughts on these issues.

PORTSMOUTH NAVAL SHIPYARD CITED FOR OUTSTANDING PERFORMANCE IN COST REDUCTION

HON. LOUIS C. WYMAN

OF NEW HAMPSHIRE

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. WYMAN. Mr. Speaker, I am submitting for the RECORD a recent news article from the Portsmouth, N.H. Herald which highlights the outstanding performance of the Portsmouth Naval Shipyard in the Department of Defense cost reduction program for fiscal year 1970.

Since 1964, Portsmouth has made an exemplary showing in this program in competition with a total of nine other naval shipyards. It should be emphasized that this consistently high performance during the past 6 years has been achieved in spite of the handicap occasioned by the pronouncement of the former Secretary of Defense, Mr. McNamara that the shipyard would be phased out by 1975.

Mr. Speaker, Portsmouth has again demonstrated its ability to produce new

ideas for the improvement of work techniques and procedures in order to achieve real economy as well as greater effectiveness in operation. Once again, I appreciate the opportunity to bring to the attention of readers of the RECORD the outstanding contribution being made to our national defense effort by the skilled men and women of the Portsmouth Naval Shipyard.

The article follows:

SHIPYARD HONORED FOR COST REDUCTION

Portsmouth Naval Shipyard, recently notified that its 1974 closure order had been rescinded, has now been nominated for a Defense Department award for outstanding achievement in cost reduction.

Rear Adm. Nathan Sonenshine of the Naval Ship Systems Command in Washington, D.C., said the shipyard has been nominated for attaining 225.5 per cent of its assigned goal, a validated savings of $3,748,200.

The shipyard commander, Capt. Donald H. Kern, said the recognition again emphasized the determination of shipyard employes to make Portsmouth a leader among all naval shipyards.

Twenty-five employes and PERA division, a unit within Design Division, received awards from Capt. Kern yesterday for contributions to the cost reduction effort.

Norman R. Turgeon, of Somersworth, received a Naval Ship Systems Command certificate of merit for cost reduction actions totaling $1,177,000.

Capt. Earl deR Barondes, director, and William H. Eckhart, chief engineer, received the awards on behalf of PERA personnel.

Certificates of merit for individual administration and wholehearted support of the program were presented to Richard P. Russell, 27 Wyman Ave., Kittery; Robert W. Burton, 9 Oliver St., New Castle; Michael A. Cyr, Somersworth; Clay B. Tucker, 26 Downing Ct., Exeter.

Certificates for outstanding individual achievement were presented to:

Henry J. Carpenter, 11 Lindsay Road, York; Mrs. Christine S. Bilodeau, 76 State Road, Eliot; Warren C. Galle, 32 Beach Road, Eliot; Gordon A. Fernald, 126 Main St., Eliot; John F. Lincoln Jr., Foyes Lane, Kittery Point; Robert W. Randall, Norwood Farms Road, York Harbor; James G. Tarling, Old Post Road, Kittery; James H. Pike III, Salisbury, Mass.; Domenico DiBona, Dover; Roger A. Blouin, New Road, Newmarket; Kenneth D. Lurvey, 9 Winchester St., Portsmouth; John K. Hall, Sweetbriar Lane, Hampton; Paul E. Moody, 6 Gray Ave., Portsmouth.

Also, Paul W. Smith, Portsmouth Ave., Stratham; James A. Coellner, 2 Blake Lane, Hampton; Richard M. Grossman, 6 Pamela Drive, Portsmouth; George W. Marston, Dover; William J. Minnon Jr., 4 Bonnie Drive, Exeter, and Bernard L. Bergeron, Dover.

THE SOVIET DAY OF SHAME

HON. HAROLD R. COLLIER

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. COLLIER. Mr. Speaker, the week of August 17 marks the second anniversary of the invasion and occupation of Czechoslovakia by the armed forces of the Soviet Empire. It was on August 20 and 21, 1968, that half a million Russian, Polish, East German, Hungarian, and Bulgarian troops crossed the borders of this small nation and brutally subjugated it.

What made this invasion and occupation particularly shocking was the fact that Czechoslovakia had been behind the Iron Curtain since February 1948. A few trifling political and economic reforms which had encouraged the people to believe that a brighter day was dawning were more than the tyrants in the Kremlin could stand.

Like its unhappy neighbor, Poland, Czechoslovakia has experienced but a brief interval of freedom. Just before World War I drew to a close, the Czechs and Slovaks secured their independence from the disintegrating Austro-Hungarian Empire.

Nowhere was the infant nation of Czechoslovakia greeted with greater enthusiasm than in the United States, where tens of thousands of Czechs and Slovaks had gone in search of the freedom that had been denied them by the Hapsburg monarchy. Unfortunately, their enthusiasm was short-lived, as the new nation's independence was extinguished by National Socialist Germany in 1939.

The end of World War II brought about the exchange of one set of masters for another. National socialism was dead but Marxian socialism was still very much alive. The Communists gradually took over and have controlled Czechoslovakia ever since.

Mr. Speaker, the Czechs and Slovaks have suffered much through the centuries. We know that their Christian faith will sustain them through the dark and difficult days that lie ahead and that despair will never overtake them.

Next Friday will truly be the Soviet Day of Shame, a reminder of the horrors of 2 years earlier. Let us on that day lift our voices to the Lord of Hosts and pray that the Czechs and Slovaks will soon be free again.

COMPETITIVE BIDDING

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD a letter recently received by me from Michael Baker, Jr., of Michael Baker, Jr., Inc., consulting engineers, planners, and surveyors.

Mr. Baker calls attention to a problem existing in the area of the Federal Government and the professional services. As Mr. Baker points out in his letter, competitive bidding is the best way to get the lowest price for a product, but not necessarily the best method of getting professional services where quality and safety are especially important.

The material follows:

MICHAEL BAKER, JR., INC.,
Rochester, Pa., August 10, 1970.

HON. JAMES G. FULTON,
House of Representatives,
Congress of the United States,
Rayburn House Office Building,
Washington, D.C.

DEAR CONGRESSMAN FULTON: Please find attached a copy of page 30 of the August 8, 1970 issue of the Business Week magazine. I have circled the article entitled "Pentagon wants engineers to talk price."

I ask you to exert your influence to stop this trend in Government of getting "competitive prices" for professional services.

We in private practice in professional engineering are required to be licensed as Professional Engineers. This requires education and experience and the taking of written examinations of two days' duration. It is required in each State for the protection of the public's health, welfare and safety. I am personally registered in 48 States, the District of Columbia and the Panama Canal Zone.

Engineers are professionals just the same as Attorneys and Doctors. Having three Doctors submit a bid for performance of a surgical appendectomy operation does not guarantee you will get the best quality performance. The same is true in submitting bids on engineering for government projects.

All State Laws recognize that the public's health, welfare and safety must be predominant in the determination of the qualifications of the Engineer to perform the professional service. Price is secondary and is negotiated between the client and the engineer or architect *after* the client has selected a firm presenting the best qualifications to fulfill the needs of the client.

I write to ask you to intercede with the Government to stop this effort to acquire and require "competitive bids" for professional service. The most efficient professional service in the taxpayers' interest will come by the selection of firms qualified to perform the service in the public's interest. Initial "bidding" price does not necessarily determine efficiency or quality to protect the public's life, health and safety.

I would indeed be grateful for your help and support in response to this request. Thank you.

Sincerely yours,

MICHAEL BAKER, JR.

PENTAGON WANTS ENGINEERS TO TALK PRICE

The Pentagon is trying to pressure architects and engineers into competing for contracts on the basis of price, but they are resisting the idea.

Still, the Defense Dept. wants to try. Unless blocked by Congress, it plans a one-year test in the Sacramento district of the Army Corps of Engineers and in the Charleston district of the Navy facilities engineering command.

Under the experiment, architectural and engineering firms would submit technical proposals accompanied by sealed-price estimates for contracts of more than $10,000. Contract winners would tentatively be selected on the basis of the technical proposals. Then the sealed prices would be looked at to determine who really wins.

If Defense decides that comparison shopping saves money, private industry might move in the same direction.

COMMENTS ON COLLECTIVE BARGAINING

HON. ROBERT O. TIERNAN

OF RHODE ISLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TIERNAN. Mr. Speaker, on Wednesday, August 12, Lane Kirkland, secretary-treasurer of the AFL–CIO, addressed the American Federation of Government Employees Convention held in Denver, Colo.

Mr. Kirkland's comments on collective bargaining are interesting and enlightening.

Without objection I include his address in the RECORD:

COMMENTS ON COLLECTIVE BARGAINING

I want first to tell you of the high regard in which the AFL–CIO holds this union and its President, John Griner. That regard is shared by all of his fellow members of the Executive Council. Brother Griner has been a vice president of the AFL–CIO for less than a year, yet he has already made a lasting contribution to the policy-making work of the Executive Council.

He is a fine trade union leader who really works at his trade and, day-in and day-out, gives the members of this union his total concern and devotion.

I want also to pay a well-deserved tribute to a group of workers too often abused—or as best taken for granted—the workers you represent, the dedicated civil servants of the United States.

One of the popular sports in America, widely encouraged by the press, is the game of kicking the federal worker around a bit.

No matter what the economic problem, the federal answer to fiscal crises is always the same—cut the federal payroll, eliminate jobs, refuse pay increases, scoff at the services of federal workers, make the federal worker bear the brunt every time.

The AFL–CIO does not enjoy that sport, and we strongly disagree with that approach.

We believe that America should be proud of its public workers.

They are fine, hard-working, conscientious—and underpaid—men and women. They deserve better from their employer—the federal government.

And the way they can achieve betterment is through collective bargaining. I am sure you are going to win it and the AFL–CIO is going to help you win it.

I want to register another vigorous objection—to the phony claim of some that federal workers are somewhat so different a breed that they shouldn't have the right other workers enjoy, the right to freely determine their own economic destiny. I refer, of course, to unionism—to united action—to collectively and freely negotiate the conditions of work and pay and standards that will exist in federal employment.

Federal workers have exactly the needs and aspirations of all workers. They need an adequate income, sound job security, realistic protections against the hazards of illness and old age, and the opportunity to make tomorrow better than today. All workers—no matter what color collar they wear or no matter who their employer—want to clothe, house, educate and care for their families.

I know you agree—that's why you are here as representatives of your fellow workers, at a union convention.

And I am sure federal workers agree. That's why the growth chart of the American Federation of Government Employees is encouraging.

So I congratulate you—on giving us such a fine Executive Council member as John Griner; on your adherence to the traditions and standards of the world's greatest self-help organization, the trade union movement; on your record of growth in numbers, in strength, and in dedication; and in your help to the rest of the trade union movement.

Let me report to you about the record of the American trade union movement as represented by the AFL–CIO in the last year.

It has been a very eventful one. In industry after industry, higher wage settlements have begun to move toward equity—to narrow the inflation gap and reach toward a more equitable comparison with industry's record profits.

The labor movement, along with our allies in the civil rights movement, has twice successfully defended the integrity of the Supreme Court on behalf of all the people of this land. We have— again on behalf of all the people—secured a measure of tax reform, and helped secure real progress on a long list of social legislative goals.

It would take a long time to review all of labor's recent achievements, which demonstrate, I believe, that the American trade union movement was never more alive and active than it is today, and that it is the most effective force for social and economic progress at work in America.

I want to talk about three great, historic victories of recent months. Each of them was a milestone in labor's long fight for the right of every American to join a union and take a voice in his own economic destiny—to bargain with his employer on the terms and conditions under which he will do his share of the nation's work.

I mean the strike at General Electric, the beginning of a new life for farm workers, and the breakthrough of your fellow government workers in the postal service into real, meaningful, collective bargaining.

All three of these achievements are victories for the entire labor movement, as well as for the union members directly affected. Each of the three has some meaning for members of the AFGE.

The General Electric strike, of course, was a battle to defend the basic principle of collective bargaining.

Any of today's giant corporations is, in effect, a government within a government. But none has any of the elements of a democratic government. Each is operated as an authoritarian regime.

Unions were created to balance their power over working people. And 35 years ago the National Labor Relations Act was passed in recognition of the fact that unions are essential if American workers are to remain American citizens, instead of corporate subjects.

General Electric has long been the chief citadel of opposition to that principle. It refused to really recognize that its employees had a right to advance goals of their own, and it refused to do business with their elected spokesmen.

So the General Electric strike was, at bottom, a test of democratic principles, of the people's right to speak on their own behalf.

Other corporate governments, of course, supported and applauded GE's position. If trade unionism had been destroyed at GE, the door would have been opened for attacks on unions everywhere.

But, of course, that didn't happen. The 150,000 strikers refused to be shaken by any weapon in the corporate arsenal. And they had the full support of all of their trade union brothers and sisters.

Members of this union played their full share in winning that victory, and on behalf of the AFL–CIO and the strikers I would like to thank everyone here for the financial and moral support that sustained the morale of the strikers and made victory possible.

You were among those who contributed more money than has ever before been raised to win a strike. You were among those who helped make the boycott of GE products the most successful action of its kind ever undertaken.

And you can be sure that you are among those who have a share in the fruits of victory. Because of the GE strike, the principle of collective bargaining is more secure. And the vitality of the labor movement, and the determination of its members to see justice done, is more clearly understood.

The other two victories have something in common. And they come even closer to home as far as members of the Government Employees Union are concerned.

Farm workers and government workers are, of course, the two groups of workers who were specifically excluded from the National Labor Relations Act. It has taken 35 long years to make the first step in winning for them the same basic rights that other workers won so long ago. And they have had to win their battle alone, not only unprotected by good laws, but victimized by bad ones.

For a long time the labor movement has protested the callous way in which Congress has sat back and watched indolently as the farm workers waged their uphill battle for equity.

That battle is far from over. But the start has been made. After years of effort, the members of the AFL–CIO United Farm Workers Organizing Committee have won their initial union contracts in the great majority of California's grape fields.

It was, of course, the grape boycott that made the difference, just as the GE boycott helped to make the difference in that battle. The American people, led by America's trade unionists, recognized a wrong that Congress ignored. They stopped eating grapes. and the strikers stood firm and the growers got the message.

Nobody knows better than the members of this union how hard the labor movement has protected the exclusion of that other group denied protection of America's basic labor law—government workers.

It is our conviction, as it always has been, that every American worker has a right to meaningful collective bargaining. It is our goal, as it always has been, to extend the right to every worker in the land. We can see no justification whatever for the exclusion of farm workers or government workers or any other workers.

We will never stop resisting the efforts of Congress and state legislatures and city councils and school boards to legislate their employees into second-class citizenship.

As far as the labor movement is concerned, there will never be more than one class of citizenship: First class.

A first-class citizen has a voice in this nation's political life, which he exercises through the representatives he elects at the polls. A first-class citizen has a voice in the nation's economic life, which he exercises through the representatives he elects at the polls. A first-class citizen has a voice in the nation's economic life, which he exercises through the representatives he elects and sends to the bargaining table.

Both of those rights are equally important. To deprive anybody of either is to deprive him of hope that he will be able to build a better future for himself and his family.

It is to leave him at the mercy of somebody else—a paternalist who says that he knows best and that what he says goes—leaving no hope that the worker's own needs and desires, as he sees them and lives with them, will be considered.

Those days are coming to an end for postal workers. They have won, for the first time, the same rights to collective bargaining that other workers in private industry have had for 35 years.

In the historic negotiations that brought about the end of the postal strike, the postal workers stated their case very well, and they had the support of the overwhelming mass of their fellow-citizens, as well as all their fellow trade unionists.

In a public-opinion survey last month, long afttr the issues have been off the front page, 61 percent of the American people told the Louis Harris organization that they *still* believe the postal workers were right, and the government was wrong.

The issues were quite clear to the American people, and they still are. The people agreed that another stopgap wage increase wouldn't solve anything, and that the basic injustice would not be solved until the postal workers had a means to prevent being victimized all over again by neglect, by political expediency, and by down-gradings and delays of legislative priorities.

So the postal workers are on their way. They have broken through the barrier, and I don't believe it's going to take 35 years or even 35 months for the next breakthrough to be made.

All three of these major victories of the GE workers, the farm workers and the postal workers indicate that the American people believe in collective bargaining as the best and most effective means that man has devised for resolving disputes between employers and employees.

Collective bargaining, through give-and-take at the bargaining table, is meant to produce solutions, not victories and defeats. It has nothing in common with the sort of confrontations that develop from the submission of take-it-or-leave-it offers on the one hand, or non-negotiable demands on the other.

There shouldn't be anything that is not negotiable if we hope to steer a course between tyranny and chaos.

So I am convinced the American people would see it as right and proper for the prnnciple of collective bargaining to be extended to every federal worker and every public employee, at every other level of government throughout the land.

That is the great unfinished task of the Federation of Government Employees, the AFL–CIO, and the labor movement. It is a task we mean to complete. It is an aim that we mean to gain, for the sake of human progress.

Thank you.

SPECIAL REPORT ON CRIME

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Wednesday, August 19, 1970

Mr. HOGAN. Mr. Speaker, WMAL radio and television consistently supported the passage of the District of Columbia omnibus crime bill throughout the long months of the Senate-House conference on the measure. I applaud their steadfastness in the face of constant pressures to relent on their support of the bill.

After enactment of the legislation, WMAL continued its battle against crime in Washington, by urging listeners to support the implementation of the new law. They have made several important points in a recent editorial which I would like to call to the attention of my colleagues in the event they did not hear the editorial broadcast. It follows:

WMAL EDITORIAL, JULY 30, 1970

Now that the District of Columbia anti-crime bill has become law, let us recognize that it is not a cure-all. The year-long debate over the bill is over. The hard work lies ahead. The major provisions of the law do not go into effect for 6 months. Now everyone has a job to do to make the law work properly. The President has the responsibility of naming outstanding judges for the new court system. Judges need to select an efficient manager to administer the court structure. Congress should show concern for other needs of District residents. Citizens ought to follow the advice of Mayor Walter Washington, who urged them not to prejudge the effects of the law—but to work toward its fair and impartial administration. The District of Columbia Police have the toughest job. The force under Chief Jerry Wilson deserves confidence that they can implement the new law wisely. They should make the law in practice as in theory—a model for the Nation.

Mr. Speaker, shortly after President Nixon signed the omnibus crime bill into law at the end of July, I sent a special newsletter on crime to all the residents of my congressional district. I include it at this point in the RECORD:

SPECIAL REPORT ON CRIME

(By Congressman LARRY HOGAN)

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C., August, 1970.

To residents of Prince George's and Charles Counties:

The highest item on my list of priorities since coming to Congress has been trying to curb the alarming increase in crime.

I am making this report to inform you of the action which has been taken on crime legislation I have sponsored. I am hopeful that this legislation will help to reduce the lawlessness which has plagued residents of Metropolitan Washington. Because statistics show that a high percentage of those arrested in Prince George's and Charles Counties have D.C. addresses, the recent enactment of the D.C. Crime Bill should help curb crime in the two counties I represent in Congress.

Sincerely,

LAWRENCE J. HOGAN,
Member of Congress.

CRIME PREVENTION

During his 1968 election campaign, Congressman Larry Hogan cited the alarming crime increase and promised to make the fight against crime his greatest concern in Congress.

As a member of the House District of Columbia Committee Congressman Hogan has been able to translate this campaign pledge into action. The subcommittees on which he serves were the two key subcommittees responsible for writing the District of Columbia omnibus crime bill. Minority Leader Gerald Ford has referred to Rep. Hogan as "the prime architect of the D.C. Crime bill."

Ranking Republican Ancher Nelsen said, "I don't know what we would have done without him."

Congressman Hogan has also served on three Senate-House Conference Committees. He was a Conferee on both the crime bill and the police, firemen and teachers salary legislation as well as the D.C. Revenue bill.

The omnibus crime bill contains many tough measures initiated by him which will help curb crime in the entire Metropolitan Area. D.C. crime has become suburban crime. Nearly 63% of persons arrested in Prince George's County are residents of the District of Columbia.

The omnibus crime bill responds to this area-wide problem and provides a total approach to the fight against crime.

APPREHENSION OF CRIMINALS

The current attitude toward law enforcement officers who daily risk their lives to protect others has made the apprehension of criminals a much more difficult task than it has been in the past.

Respect for law, and for the men in blue who enforce the law, is a key element in the fight to apprehend the perpetrators of criminal acts. It is the citizen's responsibility to cooperate with the police to make their job easier and more efficient.

If we want to attract the best possible men to this field, we must provide the monetary incentive. Police salaries must keep abreast of the times. The most recent salary increase for policemen was based in great part on legislation introduced by Congressman Hogan.

More funds must be channeled into education and training for law enforcement officers if the crime fight is truly to be a national priority. The Nixon Administration has taken notice of this factor by increasing by 33% over the 1970 appropriation the 1971 budget request for the Law Enforcement Assistance Administration. As a result, Federal assistance to State and local governments in the area of law enforcement will amount to over $1 billion this year.

Considering that only 11,504 arrests were made in 1969 while felonies in the District of Columbia totaled 51,419, it is readily apparent that the police must be given the tools to apprehend criminals. Of the 11,514 arrests only 2,583 were indicted and only 1,461 convicted. These are astounding statistics and indicate why the Nation's Capital needs a thorough reform and review of the arrest and conviction procedures. Crime legislation must provide these legal tools for the law enforcement officers in the Washington area.

COURT REFORM AND MODERNIZATION

Court reform is one area in which the fight against crime can be carried on immediately and where the results of effective change will be most evident.

Modern methods of management must replace the age-old traditions of court procedure which now bog down the judicial system and leave a backlog of hundreds of cases. Speedy trials and immediate sentencing will cut down drastically on the number of crimes committed by recidivists and hard-core criminals who now commit crimes while awaiting trial.

Redefinition of the roles of the public defender and the legal aid agencies and how they can be utilized to streamline the case backlog must also be accomplished. Congressman Hogan has introduced legislation to provide for this type of reorganization. In addition, he has approved a bill to establish a new District Court in Prince George's County to handle the large case load derived from the suburban areas. The case backlogs in the courts aggravate the crime problem.

The juvenile court system, in particular, deserves more attention and, in many areas, needs drastic overhauling. In recent years, juveniles have been committing a substantial number of serious and violent crimes. The attitude of the modern, sophisticated juvenile is that, if he commits a crime, nothing will happen to him because he is under 18 years of age. One solution to this problem is to remove from the juvenile court system 16- and 17-year-olds who commit serious and violent crimes such as murder, rape, robbery, burglary, and kidnaping. Treating these individuals as adult offenders would remove from the juvenile system the most hardened youths who frequently interfere with the potential rehabilitation of other less mature juveniles.

Outdated and incomplete methods for processing juvenile cases must be replaced

with modern and detailed procedures to provide expeditious and efficient handling of juvenile cases.

REHABILITATION

Incarceration and rehabilitation are probably the areas where society's response to criminal activity has been most lacking. Incarceration should be humane and the most modern techniques of rehabilitation should be employed. However, this is rarely the case.

As a member of the Select Investigating Subcommittee of the House District of Columbia Committee, Congressman Larry Hogan heard hours of testimony about penology.

Most prison systems throughout the country are archaic. This finding was corroborated in a meeting Congressman Hogan had with a group of rehabilitated ex-convicts who are seeking to improve the Nation's penal institutions.

Psychiatric care for inmates must be vastly increased for there is no segment of society which more desperately needs this care than the prison population.

In addition, more effort must be expended to teach inmates new work skills to equip them to lead productive lives in society after they have fulfilled their prescribed terms. The lack of adequate job training facilities in penal institutions is a major cause for the high rate of recidivism among ex-convicts. Not being prepared to function in society, the ex-convict soon resumes a life of crime to finance his needs.

Congressman Harry Hogan has introduced legislation to assist State and local governments with grants to construct new penal institutions and to modernize correctional institutions.

Of even greater urgency is the need for rehabilitation facilities in suburban areas, such as Prince George's Country and other metropolitan area jurisdictions, for teen-age drug addicts. This country is losing tremendous resources of talent because so many of its young people are becoming physically and mentally addicted to drugs. Rehabilitation in this field must be made available because so many drug abusers want to kick the habit but don't have any place to go to find help.

Congressman Hogan has introduced legislation which responds to the drug problem, not only from the legal, punitive point of view, but also from the rehabilitative aspect. He has introduced a bill dealing with the prevention, treatment and rehabilitation of drug abusers and two other bills which amend current narcotic and drug laws.

Congressman Larry Hogan recently said, "Criminal acts cannot be tolerated if our democratic society is to continue. Lawlessness must be prosecuted wherever it occurs so that respect for justice and rights will prevail.

"No segment of society should be given the impression that it can violate laws and the rights of others with impunity. This message must get through loud and clear to students—especially to that handful of troublemakers whose criminal acts disrupted the University of Maryland last Spring.

"Society's response to the crime problem should be fourfold: prevention, apprehension, adjudication, and rehabilitation."

OFFICE OF THE ATTORNEY GENERAL,
Washington, D.C., March 20, 1970.

Hon. LAWRENCE J. HOGAN,
U.S. House of Representatives,
Washington, D.C.

DEAR LARRY: I want to express my personal gratitude for your able and indefatigable work on the District crime bill. I am informed that your efforts on the floor yesterday were superb and contributed invaluably to the passage of the legislation.

Every person in the Washington area should recognize your leadership on the crime issue. Your cooperation with the Department of Justice and your tireless work on this vital legislation, are frankly acknowledged with my deepest appreciation.

Sincerely,

JOHN MITCHELL,
Attorney General.

THE WHITE HOUSE,
Washington, D.C., March 24, 1970.

Hon. LAWRENCE J. HOGAN,
House of Representatives,
Washington, D.C.

DEAR LARRY: You know how pleased I am by the House action which resulted in a wide margin of victory on the District of Columbia Omnibus Crime Bill, but I did want to tell you how much I appreciate your own role, while the bill was in Committee and also on the House floor. Without your fine work over the past months, this favorable action might not have been possible.

With warmest personal regards.

Sincerely,

RICHARD NIXON.

LEGISLATIVE ACTION ON HOGAN ANTI-CRIME BILLS

	House			Senate				
	Hearings Held	Approved by Committee	Passed by House	Hearings Held	Approved by Committee	Passed Senate	Conference Held	Signed into Law by President
H.R. 3105. To provide compensation for firemen injured or killed during riots								
H.R. 5584. To prohibit switchblade knives in interstate commerce								
H.R. 8868. To include the District of Columbia as a signatory to the Interstate Compact on juveniles	X	X	X	X	X	X	X	X
H.R. 10076. To prohibit dissemination through interstate commerce or the mails of materials harmful to persons under the age of 16 years and to restrict the exhibition of movies or other presentations harmful to such persons	X							
H.R. 10077. To prohibit the investment of income obtained from certain criminal activities in legitimate businesses	X			X	X	X		
H.R. 10078. A Federal "stop and frisk" law to permit the detention for questioning of suspicious persons under certain circumstances	X							
H.R. 10079. To provide additional jail terms for persons who participate in organized criminal activity or are convicted of a 3d felony in Federal court	X			X	X	X		
H.R. 10081. To require a minimum term of imprisonment upon conviction of a Federal felony involving the use of a firearm				X	X	X		
H.R. 10082. To make it a Federal crime to interfere with any fireman performing his duties during a riot								
H.R. 10083. Bail Reform Act amendments to authorize pretrial detention of persons found to be dangerous to the community	X			X				
H.R. 10084. To improve criminal procedures in the Federal system								
H.R. 10086. To establish a Joint Congressional Committee on Organized Crime								
H.R. 10087. To reinstate the enforcement of the wagering tax laws which a Supreme Court decision rendered ineffective	X			X	X	X		
H.R. 10599. To permit retirement after 20 years' service and provide increased benefits to those eligible under the District of Columbia Policemen and Firemen's Retirement and Disability Act of 1916				X				
H.R. 8786. To establish a U.S. District Court in Hyattsville, Md	X			X	X	X		
H.R. 12584. To reorganize the courts of the District of Columbia	X	X	X	X	X	X	X	X
H.R. 12855. To increase the effectiveness of the District of Columbia Bail Agency	X	X	X	X	X	X	X	X
H.R. 12856. To expand and improve public defender services in the District of Columbia	X	X	X	X	X	X	X	X
H.R. 12980. To provide a code of ethics for Federal judges, including Supreme Court justices								
H.R. 13056. To extend Federal compensation and annuity benefits to law enforcement officers and firemen not employed by United States who are killed or totally disabled in the line of duty								
H.R. 15339. To amend the District of Columbia Code to include imitation as well as real guns for premium punishment for armed crimes	X	X	X				X	X
H.R. 15340. To amend the District of Columbia Code to allow prior convictions to be introduced as evidence to impeach credibility of witnesses	X	X	X				X	X
H.R. 15341. To amend District of Columbia Code permitting a sentence for rape of any number of years or life	X	X	X				X	X
H.R. 15342. To amend District of Columbia Code making it unlawful to resist arrest	X	X	X				X	X
H.R. 15343. To amend District of Columbia Code to increase the penalties for breaking into vending machines, parking meters, coin telephones, etc	X	X	X				X	X
H.R. 15350. To amend District of Columbia Code to provide sentences for separate offenses to run consecutively unless judge provides to the contrary	X	X	X				X	X
H.R. 14655. To provide for a program of grants to State and local governments for the construction or modernization of certain correctional institutions								
H.R. 15693. To amend title 39 of the United States Code to exclude from the mails as a special category of nonmailable matter certain material offered for sale to minors, to protect the public from unsolicited sexually-oriented mail, etc	X	X	X					
H.R. 16376. To improve law enforcement in urban areas by making available funds to improve the effectiveness of police services								

	House			Senate				
	Hearings held	Approved by committee	Passed by House	Hearings held	Approved by committee	Passed Senate	Conference held	Signed into law by President
H.R. 16790. To amend the District of Columbia Policemen and Firemen's Salary Act of 1958 to provide pay raises	X	X	X	X	X	X	X	X
H.R. 17096. To provide certain medical and surgical services to officers and members of the fire department and the police department of the District of Columbia retired for total disabilities								
H.R. 18050. To protect the public health and safety by amending the depressant, stimulant and hallucinogenic drug laws	X			X	X	X		
H.R. 18051. To regulate and establish fees for the importation and exportation of controlled dangerous substances; to amend the narcotic and drug laws				X	X	X		
H.R. 18433. To provide for drug abuse and drug dependency prevention, treatment and rehabilitation								
H.J. Res. 687. Authorizing the President to proclaim May 11–17, 1969 as "Help Your Police Fight Crime Week."								

THE AMERICAN FLAG

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FARBSTEIN. Mr. Speaker, under leave to extend my remarks I wish to include the contents of a pamphlet issued by the T. J. Oakley Rhinelander II Post No. 6, American Legion, located in my congressional district at 248 West 14th Street, New York City. The pamphlet has a picture of a waving American Flag and is entitled, "Hello, Remember Me?" It has received wide distribution in New York.

The contents follow:

HELLO, REMEMBER ME?

(By T. J. Oakley Rhinelander II)

Some people call me Old Glory, others call me the Star Spangled Banner, but whatever they call me, I am your Flag, the Flag of the United States of America. . . . Something has been bothering me, so I thought I might talk it over with you . . . because it is about you and me.

I remember some time ago people lined up on both sides of the street to watch the parade and naturally I was leading every parade, proudly waving in the breeze, when your daddy saw me coming, he immediately removed his hat and placed it against his left shoulder so that the hand was directly over his heart . . . remember?

And you, I remember you. Standing there straight as a soldier. You didn't have a hat, but you were giving the right salute. Remember little sister? Not to be outdone, she was saluting the same as you with her right hand over her heart . . . remember?

What happened? I'm still the same old flag. Oh, I have a few more Stars since you were a boy. A lot more blood has been shed since those parades of long ago.

But now I don't feel as proud as I used to. When I come down your street you just stand there with your hands in your pockets and I may get a small glance and then you look away. Then I see the children running around and shouting . . . they don't seem to know who I am . . . I saw one man take his hat off then look around, he didn't see anybody else with theirs off so he quickly put his back on.

Is it a sin to be patriotic anymore? Have you forgotten what I stand for and where I've been? . . . Anzio, Guadalcanal, Korea and now Vietnam. Take a look at the Memorial Honor Rolls sometimes, of those who never came back to keep this Republic free . . . One Nation Under God . . . when you salute me, you are actually saluting them.

Well, it won't be long until I'll be coming down your street again. So, when you see me, stand straight, place your right hand over your heart . . . and I'll salute you, by waving back . . . and I'll know that . . . You remembered!

THE VITAL IMPORTANCE OF SCHEDULED AIR SERVICE

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PELLY. Mr. Speaker, the growth of the mass air travel market, within the United States and from this country to points abroad, is one of the most striking commercial developments of modern times. The Pacific Northwest, a part of which I represent, is a major producer of the commercial aircraft which have helped make possible the development of the mass air travel market. The market has also been made possible by the long-term lowering of air travel costs, through the promotional fares pioneered by the scheduled airlines and the more recent growth of the supplemental air carriers.

Congress has given each class of air carriers a distinct role. The scheduled air carriers must provide service at all seasons of the year, over heavily traveled routes as well as the less productive ones. The supplemental carriers, as their name implies, supplement this regularly scheduled service by providing charter service to a relatively few prime tourist spots.

A recent speech by James E. Landry, general counsel of the Air Transport Association, emphasizes the importance of preserving the essential difference in these two roles of commercial air service. Mr. Landry points out that the more productive routes of the scheduled airlines support less productive routes, thus enabling regularly scheduled air service to be provided to 525 cities in this country and 119 foreign countries. He concludes that diversion of scheduled traffic from a few prime routes threatens the economic strength of the entire scheduled system.

Scheduled service is the backbone of air transportation. In view of its importance to commerce, national defense, and the postal service, a weakening of the economic underpinnings of the service would not be in the national interest. Consequently, I think the points raised by Mr. Landry should be carefully considered and I include them at this point in the RECORD:

THE VITAL IMPORTANCE OF SCHEDULED AIR SERVICE

(By James E. Landry)

The current discussion of U.S. international aviation policy has about it a great air of irony. It is an irony of success.

We have long since proved out the technology of international air commerce. The public has made its demand for this service abundantly clear—to the point where it is the fastest growing phase of air commerce. International passenger air traffic has more than tripled in the past decade and international freight has increased more than fivefold.

Yet, there are some whose gloomy predictions make them sound rather like the Italian Jesuit of 300 years ago. Francesco de Lana, who said: "God would never allow such a machine to fly since it would cause much disturbance among the civil and political governments of mankind."

Most of today's ferment surrounding international air commerce arises because of the growth and the value of this commerce and the desire of governments and of various classes of carriers to secure themselves the greatest possible share of this commerce.

Understandably, more and more people wish to fly abroad and at the lowest possible rate.

Everybody loves a bargain. Nowhere is this better illustrated than by the new generation of economy-minded international air travelers taking advantage of the lower fares pioneered by the scheduled airlines in developing the mass travel market and, more recently, flying in groups aboard supplemental carriers over a few of the world's most heavily traveled tourist routes.

This phenomenon has led to a great deal of confusion in some quarters about the separate and distinct roles of scheduled and chartered services.

THE LAW REMAINS UNCHANGED

The confusion persists even in the face of the recent Presidential statement on international air policy which spells out the separate roles with unmistakable clarity. It say: "Scheduled services are of vital importance to air transportation and offer services to the public which are not provided by charter services. Only scheduled services are expected to offer regular and dependably frequent schedules, provide extensive flexibility in length of stay, and maintain worldwide routes, including routes to areas of low traffic volume. Substantial impairment of scheduled services could result in travelers and shippers losing the ability to obtain these benefits. Accordingly, in any instance where a substantial impairment of scheduled services appears likely, it would be appropriate, where necessary to avoid prejudice to the public interest, to take steps to prevent such impairment."

The Presidential statement on U.S. inter-

national air policy did not change the law. It could not and did not purport to do that. In the world of air commerce the role of the scheduled carirers is still preeminent. It must be, in the national interest. The role of the supplementals is still to supplement the regular service provided by the scheduled airlines, not to undermine it.

In view of such a clear statement, it is laughable that a president of a supplemental carrier should have said, and I quote: "For the first time it is now the stated position of the Federal Government that the role of the charter airlines is on a parity with that of the scheduled air carriers."

To the contrary, the role of the supplementals is still wisely confined to the performance of three types of charter service.

First, there are the single-entity charters, in which one entity charters an entire aircraft. An example would be the case of an insurance company chartering a plane to take its prize-winning salesmen and their wives on a holiday.

Next, there are the affinity group charters. Legally, these are not to be groups assembled on the spur of the moment for the purpose of flying off someplace. Rather, these have been defined as groups whose members share some continuing interest and activity other than the desire to take an air trip.

And lastly, there are the inclusive tour charters, in which a tour operator charters an aircraft and then sells tours to individuals who are not members of a group. The cost per person for such a tour package, however must include charges for ground transportation, hotels or other elements in addition to the cost of air transportation.

Those are the three legitimate areas of operation for the supplemental airlines. Nothing more, nothing less. Their role is, as the policy statement explicitly recognized, quite different from that of the scheduled carriers. It is a secondary role, a *supplemental* role. Implicit in the very naming of this class of carriers is a recognition that there is a primary, indispensible backbone of the air transport system. That, of course, is the scheduled service. The policy statement did not change that.

VITAL IMPORTANCE OF SCHEDULED SERVICE REASSERTED

The statement flatly declares that scheduled services are of *vital* importance to air transportation and offer services to the public which are not provided by charter services. It goes on then to explain the benefits that only scheduled services can provide. And, the statement realistically concludes that travelers and shippers could lose the benefits if scheduled services were undermined in any way.

As a further recognition of the separate roles of point-to-point scheduled services and the generalized, area-type charter service in our air transport system, the policy statement declares that intergovernmental agreements covering charter services should be kept separate and distinct from the agreements covering scheduled services and even more important, that there should be no trade-off as between scheduled service rights and charter service rights.

In a negotiating process that is horse-trading in the truest sense, that was the only way to insure that our scheduled airlines would not become the disadvantaged participants in the all-out competition for the world's air transport market.

When I referred to the text of the policy statement, I stressed the inclusion of the word "vital". I did that purposely because only the scheduled services are so described.

By contrast, charter services are described as having been useful, and as being a most valuable component of the international air transport system. No amount of rhetoric can change the fact that the preservation of an economically viable, extensive system of scheduled air service has always been, and continues to be, in the paramount national interest.

No one here, I am sure, would challenge the fact that it is the scheduled air transport system which meets the basic air transportation needs of the general public—by operating frequent, regular schedules, serving small points as well as large, in season and out of season, while offering a wide variety of group and individual fares including excursion fares, off-peak fares, family fares, group inclusive tour fares and bulk inclusive tour fares, and so forth.

As the supplementals' spokesmen have themselves conceded, we alone have a legal obligation to provide continuing service. They alone live in a permissive world in which they can operate when and where they deem demand sufficient on a flight-by-flight basis. Low fares are indeed easy to attain for the charter operator with permissive authority who can operate over high-density routes, in established markets, on long-hauls with controllable load factors far in excess of break-even requirements, and with no responsibility to provide regular and adequate service over thin national interest routes of lower density and shorter haul.

I do not mean to leave the impression that there is something improper about the way the supplementals conduct their business—tapping rich, established markets at times of peak demand. In a permissive world, without public service responsibilities, this is merely prudent business. It's about as simple a decision as the one Willie Sutton described in his hey-day. When asked why he robbed banks, Willie looked a little bit incredulous and responded "Because that's where the money is." The money . . . the *profit* is in the thick, developed markets.

THE CONSUMER'S STAKE IN SCHEDULED AIR SERVICE

The spokesmen for the supplementals have drummed incessantly and loudly on the theme that this is the age of the consumer. Their shibboleth is that the consumer will be heard. The scheduled airlines hope and pray that the consumer will be heard. He is our customer, as well.

But we urge the consumer to look behind the superficial blandishments tossed his way by our friends, the supplementals. The favorite argument of the supplementals that lifting of restrictions on responsibility-free operations is a magic wand leading to cheaper and cheaper air transportation overlooks a very important point for the consumer. What the supplementals are not telling the consumer is that a headlong rush to responsibility-free operations will lead inevitably to the product of air transportation simply not being available in many, many cases.

Let me try to explain that, because it is one of the least understood threats inherent in the supplementals' continuing drive for expanded authority. As I indicated, scheduled carriers have a requirement to serve adequately their non-profitable routes as well their profitable markets. In effect, the profitable routes of scheduled carriers subsidize many unprofitable routes. Therefore, when traffic is diverted from a profitable route the impact on that carrier's over-all profitability is much greater than the relative traffic which was diverted.

The degree of impact which traffic diversion from a highly productive route will have upon a scheduled carrier's systemwide profit picture depends upon the carrier's route structure. Although the impact would be most severe in cases where relatively few major markets accounted for most of a scheduled carrier's system operating profit—and there are such cases—all of the scheduled carriers are economically vulnerable when other carriers, such as the supplementals, cream-skim the scheduled carriers' most profitable routes.

I might add that while I have been stressing profitable and unprofitable routes, we should equally recognize that there are within a given route operation profitable and unprofitable seasons, profitable and unprofitable days, even profitable and unprofitable hours. And, if you allow wholesale raids on those thick routes or peak time periods, the scheduled carrier will ultimately be forced to seek authority to suspend or even abandon all but the cream of its own operations.

Think, for a moment, about the role of a good city bus service. We can naturally expect that it will be operating at maximum capacity during the rush hours. But we also expect that there will be a bus coming along to meet our needs when we work late at the office, or when the housewife decides to go in-town at mid-morning to do some shopping, without incurring all the headaches of a search for parking space for a private vehicle. The fact that the bus service is available both at the peak and off-peak hours is reflective of the genius of our transportation policy, which promotes, develops and *relies* upon a comprehensive system of scheduled service. But if you allow other operators to come in and take away a significant number of the rush-hour passengers, the off-hour service has to be dropped and you eliminate the genius of the policy, vastly inconvenience the public and ultimately destroy the system.

The scheduled air service right here in Milwaukee offers some good cases in point. Milwaukee-New York is a sufficiently thick run to permit one of the carriers to feed into it with a Madison-Milwaukee operation, and to feed into that with a Minneapolis-Madison operation. But that Minneapolis-Madison-Milwaukee-New York service could not be operated without the strength provided by the Milwaukee-New York segment. Take the strength away from that segment, and the Madison-Milwaukee and Minneapolis-Madison services begin to fade away. In fact, even on the thick Milwaukee-New York run, you have such traffic variations that the Friday/Saturday/Sunday operations support the services on Tuesday and Wednesday.

SUPPLEMENTALS NOT MEANT TO ERODE SCHEDULED SYSTEM

The great scheduled air transport system which we have developed in this country now links some 525 domestic points with 119 countries, covering most major cities—and many not so major points abroad whose commercial and developmental needs must be served by air, nevertheless. The service is performed year-round, in both the peaks and valleys of demand. Highly productive routes, as well as some that might be called "losers" are included in the system. Every citizen, every consumer has a great stake in the preservation of that system, designed as it is to meet the present and future needs of the foreign and domestic commerce of the United States, of the postal service and of the national defense.

When Congress recognized the new class of supplemental air carriers in 1962, it authorized them to provide a useful service as a "supplement" to the regular service provided by the scheduled airlines; at the same time placing certain restrictions on their operations so as not to permit them to erode the scheduled system. Consequently, Congress placed certain restrictions on the supplementals prohibiting the selling of air transportation to individually ticketed passengers and prohibiting the solicitation of the general public.

Of late, the supplementals have been raising a great hue and cry about those restrictions. They would have us believe that regulations framed by the CAB are too onerous to permit their healthy growth, or too restrictive to meet the charter demands of the traveling public. As to the question of

their growth, I would point to the 40% increase, from 1968 to 1969, in the total ton miles of civilian passenger traffic produced by the 14 certificated U.S. supplementals. Also, the U.S. supplementals accounted for 24.2 percent of all U.S. flag passenger traffic over the North Atlantic last year, a doubling of their share of the market in two years. These same supplementals accounted for 47 percent of all passenger charter activity over the North Atlantic last year, compared to 36 percent by foreign flag carriers and 17 percent by U.S. scheduled airlines.

But, most of all, I invite your attention to the fact that of all of the passenger traffic flown by U.S. flag carriers over the North Atlantic during last summer's peak tourist season, the U.S. supplementals scored the following penetration in key markets:

	Percent
New York—Rome	39.7
California—Europe	63.7
New York—Amsterdam	67.4
New York—Frankfurt	68.2

It should be remembered that with every percentage point rise in the diversion of scheduled service traffic in the thick markets, the possibility that a city such as Milwaukee can be developed into a substantial hub of international scheduled service operations becomes slimmer and slimmer.

As for the other point being argued by the supplementals, that the regulations are too restrictive, we need only note that a recent analysis revealed some 600 million memberships in charter-worthy organizations in this country at the present time. This averages out to three charter-eligible memberships per citizen. We are a nation of joiners . . . just pause to think for a moment of how many organizations you, or your wife or your children belong to right now. Most of them are charter eligible.

And pay no heed to the charge that the CAB is now planning a drastic curtailment by limiting the size of eligible organizations to 20,000 members. This limitation is high enough to take in virtually every organization you can think of, particularly if you consider it in terms of local chapters. And all that the CAB is proposing is a rebuttable presumption that eligibility for organizations of greater size would effectively entail the solicitation of the general public which Congress specifically precluded. If a bona fide organization of greater size seeks a designation as charter-worthy, it need only expose itself to CAB scrutiny and review—authorization by waiver is specifically contemplated.

CHARTER MARKET AMPLE FOR ALL CARRIERS

The supplementals are underestimating the potential of their legitimate market. It is an ample market, both under existing and proposed CAB regulations. The policy statement describes the need for charter services and repeatedly stresses that both scheduled and supplemental carriers are to engage in this activity, each with a fair opportunity to compete for that market.

Those who would embark on an increased cream-skimming from the scheduled system should consider two very important facts. The first is the current economic state of the scheduled airline industry. To put it succinctly, in 1969, 26 out of the 39 scheduled carriers lost money.

The second fact is that the scheduled airlines have written a history of promotional fares that began to lower the price of the average airline ticket long before the supplementals were born. By way of example, based on average yield per passenger mile, airline fares over the North Atlantic began declining nearly twenty years ago and are now 41 percent lower than they were back in 1951. In the last 10 years alone, our fares and rates in this market have resulted in a 32 percent drop in cost per mile to the passenger, a 39 percent drop in cost per ton mile to the shipper, and a 61 percent drop in cost per mail sack to the Post Office.

The present distinctions between scheduled and charter service have been established after the most careful deliberations by both the legislative and executive branches of government. Rather than making ill-conceived efforts to blur these distinct roles, both the supplementals and the scheduled carriers have more to gain by living within present well-defined boundaries.

The market is ample for all classes of carriers.

Most of our international market is fed by the U.S. traveler. It is in the interest of both the U.S. supplemental carriers and the U.S. scheduled carriers that they act to maintain and expand the share of the international air transport market served by U.S. flag carriers as a whole.

And rather than concentrating so much of our efforts on a few peak travel months, all classes of air carriers might be better served by working to create a heavier demand the year-round.

A principal roadblock to a heavy personal air travel market the year-round is the built-in system of summertime vacations from the classroom and from the job.

If schools operated year-round, with some groups taking vacations in Spring, others in Fall, others in Winter and others in Summer, the office vacation pattern could fall quickly into line.

The entire tourism industry, indeed the entire economy would benefit—not merely the vacationing public.

I leave this thought with you as an example of the type of positive approaches we should be exploring, rather than the all too-frequent, short-sighted internecine warfare approaches that can, in the long run, only weaken or destroy.

PROFESSORS DISAPPOINTED BY AGNEW'S VIEWS

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, as a followup on a meeting on June 4 between the Vice President and a group of regents' professors of the University of Minnesota, I believe the House will be interested in the enclosed letter which these professors have addressed to the Vice President:

DEAR MR. VICE PRESIDENT: It was with disappointment that we read your letter to the columnist, Victor Riesel, published on Aug. 2, 1970, regarding the supposed justification for a more charitable appraisal of the "hard-hat" demonstration which culminated in serious violence than you would give to student demonstrations which led to comparable violence.

When we spoke with you on June 4 we were encouraged to believe that you would give more credence to the reality of the moral integrity of the student antiwar protesters and be more even-handed in your condemnation of violence on the part of either the right or the left or the police establishment. We cannot agree with you that it is less reprehensible for hard-hats to employ violence, because they are acting out their convictions regarding "patriotism," than it is for war-dissenters to employ violence because they are following their moral convictions as to their ethical responsibilities to their countrymen and to humanity at large. Your attempted justification of hard-hat "protective anger" as opposed to the "destructive anger" which you ascribe to youthful violent protesters does not meet the essential issue. Violence arising from either emotion is equally incompatible with an orderly society.

We were also chagrined that you would endorse the archaic sentiments of Stephen Decatur: "Our country—in her intercourse with foreign nations—may she always be in the right; but our country, right or wrong." We consider that statement, if taken literally, to be not only chauvinistic but immoral. We consider it to be the duty of a true patriot in a democracy to do his best to persuade his country in non-violent ways to change course if it is wrong. We ardently hope that you did not really mean to endorse the opposite view. We subscribe to quite another sentiment: "Our country, may it always be right! When it's right, keep it right. When it's wrong, make it right."

As we said to you on June 4, what the Vice President of the United States of America says is too important to the country and to the world to be written or spoken with casual consideration of its consequences at home and abroad. We consider any approval of sentiments like those of Stephen Decatur to be both reprehensible and alarming. Alarming both to sincere patriots at home and to persons and nations abroad who look to the United States of America for leadership and guidance in the building of a moral society of nations. To exonerate, even partially, violence by hard-hats and to praise support of wrong national policy in the name of patriotism is not the way to enhance national stature.

REGENTS' PROFESSORS

Neal Amundson, chemical engineering; John Berryman, humanities; Ralph E. Comstock, genetics and cell biology; Ernst R. G. Eckert, mechanical engineering; Herbert Feigl, philosophy; Robert A. Good, pediatrics.

Paul Meehl, psychology, adjunct professor of law; Walter W. Heller, economics; Leon Hurwicz, economics; Alfred O. C. Nier, physics; James Serrin, mathematics; Wesley W. Spink, medicine; Maurice B. Visscher, physiology.

PAYS TRIBUTE TO NATION'S FIREMEN

HON. ALLARD K. LOWENSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. LOWENSTEIN. Mr. Speaker, I would like to take a few moments today to pay tribute to the Nation's firemen, particularly to the 250,000 volunteer firemen. These men do such a magnificent job, and they do it at a far greater cost to themselves than the public often realizes. Although we can never pay the debt we owe them, it is time we pay tribute to all they have done for us.

Some 12,000 persons die in fires in a typical year, and $2.5 billion worth of property is destroyed, almost double the loss attributable to crime. Yet while we quite properly often hear of the problem of crime, we fail to adequately consider the devastation of fire.

We are especially grateful to firemen because they protect those who are least able to protect themselves—our senior citizens and our children. Of all our people, the poor, the halt, the lame, the blind, and the young most need the concerned watchfulness of our fire departments because they have such a high risk of injury from fire.

In spite of all that firefighters have

done to protect us, it has only been in recent years that the Federal Government has taken even minimal steps to aid local firemen's units.

The Fire Research and Safety Act of 1968 has provided funds for needed research into the causes and the most recent techniques for the prevention of fires. This act has provided a comprehensive fire data bank, upon which all fire departments can draw for their information and improvement; has set up fire safety education and training programs for the public; and has funded the training of volunteer firefighters.

I have joined in sponsoring several measures in the House and will continue to press for their quick enactment into law. One would provide Federal pensions to the widow and family of a fireman or policeman killed on duty. Another would make programs for the training of volunteer firemen eligible for financial assistance under the Vocational Education Act. A third proposal would allow firemen to deduct for income tax purposes nonreimbursable expenses, such as those for uniforms, automobile accessories, gasoline, and other necessary items incurred by a volunteer fireman. Another proposal would exempt volunteer firemen's organizations from all liability for Federal income taxes, and exempt them from the filing of all reports pertaining to their income from donations and membership dues.

If my proposals become law, there still remains a great deal to be done to help protect these patriots who have willingly taken on the burden of protecting our lives and our belongings. Few men are so entitled to be called by the noble word of "patriot" as these firefighters who risk their lives to guard the community and their fellow men against the terrible threat of uncontrolled fire.

I would particularly like to call attention to the pride felt by many thousands of citizens in the work of the Massapequa Volunteer Fire Department, this year celebrating its 60th anniversary. It started simply and modestly enough in 1910 with a handful of men who manned a horse-drawn carriage apparatus, and has now grown to 200 volunteers in seven companies who can boast of having the most modern equipment in the world: seven pumper trucks, two ladder trucks, four rescue and emergency vehicles, one fire police truck, and several auxiliary vehicles.

Few communities have drawn so heavily on the valor of its volunteer firefighters, and few have had as many occasions to be grateful for their selfless and courageous response. There have been so many instances of sacrifice that they have almost become commonplace for this group of volunteers.

All of us familiar with the history of Massapequa remember these men fighting the brush fires on Palm Sunday in 1945 from 8 in the morning until 10 at night without a moment's rest, and battling the blazes on the Carroon Estate in 1952 in near-zero temperature at 4 in the morning. These and many less dramatic instances of devotion beyond the call of duty mark the tradition of this group of men.

I want to call to the special attention of my colleagues here and public spirited citizens all across the country the remarkable career of Christian Diehl, a charter member of the department in 1910 and an active member today, who personally contributed to the force's unique achievements over the past 60 years and is a living example to all members of the unit's rich history. He helped to build the fire department from the days when Mrs. Avignone, who owned the barn in which the first fire truck was housed, would run from her house and strike a large steel nail with a sledge hammer to alert the men to a report of a fire.

We in Nassau County are especially proud of Christian Diehl of the Massapequa Fire Department for through his 60 years service to the department, he is a symbol of national spirit, a spirit that is in the great tradition of America. I remember seeing an article just a few years ago where five volunteers from New Jersey were killed when a wall collapsed. This national spirit became clearly visible when, after the story was published, the number of volunteer firemen did not diminish—it increased. And, of course, one thinks of the five volunteer firemen in Corry, Pa., where, just a few months ago, an explosion at a paint firm, during what had appeared to be a routine fire, toppled a three-story brick wall over on them.

The names of such men deserve a special place on the honor roll of all the men who have died in the service of their country. It is sad that it took this terrible tragedy to prompt the House, and Senate to take the long-overdue action of setting aside the week between September 19 and 26 as National Volunteer Firemen's Week. One can, of course, think of no more fitting gesture that the American people might make toward their volunteer firefighters.

I hope that this year during National Volunteer Firemen's Week we will not only participate in ceremonies to honor these men but that we will also pay the greatest single tribute to them: pledge to take all preventive steps we can to guard against fires and to protect the Nation's volunteer firefighters. For these men who are prepared to risk their lives for others, we should not stint on doing whatever we can to minimize the risks they must face each time the scourge of fire threatens the community.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

PRAISE FOR OEO LEGAL SERVICES PROGRAM

HON. ABNER J. MIKVA

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MIKVA. Mr. Speaker, at the annual meeting of the American Bar Association currently underway, a joint anniversary is being celebrated: the 50th anniversary of the National Legal Aid and Defender Association and the fifth anniversary of the legal services program of the Office of Economic Opportunity. Chief Justice Warren Burger, in his "State of the Judiciary" message at this meeting, praised the legal services program.

Both of these tributes indicate that the legal profession is justifiably proud of the accomplishments of what the New York Times calls "the Nation's biggest legal bargain." The program was begun on the assumption that the poor were being denied their legal rights and access to the courts, and that unless this was charged the poor would lose their faith in the Nation's judicial system.

Today there are 2,000 lawyers working in 850 offices to furnish legal aid and assistance to the poor. The Washington Post refers to the legal services program as "the Nation's largest and most powerful law firm," and it appears so. Nearly 1 million clients have been served and the program has won a number of important judicial decisions protecting the rights of the poor.

There are two very excellent editorials which appeared in the New York Times and the Washington Post this week which I would like to place in the RECORD. And I would like to echo the Post by saying that "the practice of poverty law has proved to be anything but poor law."

The article follows:

POVERTY LAW HAS NOT BEEN POOR LAW

In his "State of the Judiciary" address—on which we shall be commenting at length tomorrow—Chief Justice Warren Burger paid tribute to the performance of the Legal Services Program of the Office of Economic Opportunity. Among the many antipoverty efforts begun in the mid-Sixties, this has been one of the more quiet and more effective. It began on the assumption that many of the poor are not only denied their rights by law, but that few lawyers are available to protect those rights which do exist. "As late as five years ago," writes Bernard Segal, president of the American Bar Association, in the current ABA Journal, "less than 2 per cent of the legal needs of the poor of the country—more than 20 million of our people—were being filled." Five years ago this week, in a move that it was proud of then and is prouder of now, the American Bar Association embraced and endorsed the Legal Services Program.

Today, approximately 850 LSP offices operate in 49 states, staffed by 2200 lawyers and funded by the Office of Economic Opportunity for $53 million. In a real way, it is the nation's largest and most powerful law firm. The major accomplishments of the program can be listed under a variety of headings. First, there has been the day-to-day service—consumer cases, divorces, garnishments, repossessions. Many of the LSP clients have problems that do not require court action; often, only advice is needed, or

a phone call to the proper authority. Second, test cases brought by LSP lawyers have resulted in the expansion of such previously narrow areas as landlords-tenant law, welfare law, public interest law, the administration of food programs. Third, the program has developed new kinds of legal forums for the resolution of disputes outside the courts—to lighten the strain on an already overburdened court system.

The program has not been without failures, nor has it lacked critics. Regarding the latter, however, it has had the right kind of critics—like Sen. George Murphy and Gov. Ronald Reagan of California. They have repeatedly tried to undermine legal services lawyers, but their bumbling efforts have usually led nowhere. Elsewhere, the governor of Missouri recently vetoed two LSP projects in his state; but his veto was overridden by OEO director Donald Rumsfeld, who stood by the poverty lawyers in the field.

One reason the Legal Services Program has the backing of both liberals and conservatives in the organized bar is the awareness that law is above partisan ideologies. Contrary to the rantings of some current "revolutionaries," the system can be changed, the overthrow of injustice can be orderly and the law can be converted from an enemy to an ally.

The same law theoretically applies to everyone, and there is no reason that an impoverished inner city client should not receive the same first class service and intelligence that is available to others. Increasingly, such service and intelligence are being provided: in thousands of cases, the practice of poverty law has proved to be anything but poor law.

ATTORNEYS FOR THE POOR

In what was once regarded as a citadel of rigidity, there are new stirrings on behalf of the legally deprived in the United States. At the annual meeting of the American Bar Association in St. Louis, the fifth anniversary of the Office of Economic Opportunity's legal services program as well as the fiftieth anniversary of the National Legal Aid and Defender Association are being celebrated today. The fact that the A.B.A. is choosing to honor these lawyers and programs for the poor is a symbol of their acceptance in the courts.

Nearly 2,000 attorneys now work in 850 neighborhood law offices in hundreds of communities. They are representing people as clients, not simply as charity cases; in the process these dedicated young lawyers are making legal history in many fields affecting the most disadvantaged of Americans. So well have these O.E.O. attorneys performed that, paradoxically, the big city law firms have had a hard time competing for the talents of top graduates who often choose to enter the less remunerative field of antipoverty law and legal-defender representation.

In the course of serving nearly a million clients, the O.E.O. attorneys have won important judicial decisions protecting and broadening the rights of tenants, consumers, food-stamp users, migrant workers and families on welfare.

The O.E.O. legal services program was funded for $54 million this year; $61 million is proposed for fiscal 1971. At least this amount is necessary to expand the services of the nation's biggest legal bargain—the talents of its finest young attorneys working for the poor.

SENATE—*Thursday, August 20, 1970*

The Senate met at 9:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Most Reverend Edward J. Herrmann, vicar general, Archdiocese of Washington, Washington, D.C., offered the following prayer:

O Lord, provident master of all things, You who have said through the mouth of the psalmist "Unless the Lord build the house, they labor in vain who build it"—Psalm 127: 1—we come to Thee at the opening of another session of this Senate to seek Thy divine assistance. In these halls some of the most important decisions which affect this Nation are made. The social and economic well being of other nations is also under their careful and fraternal interest. Grant that each and every action which finds its origin in this Chamber may be a reflection of Your divine love and in some way a participation of Your good providence.

May their efforts here establish a political, social, and economic order which will serve all men and individuals, and assist here and abroad to affirm and develop the dignity proper to them.

May all their actions be in harmony with Your divine knowledge so that as this Nation prospers and the individual citizen participates in the affairs of government through them, peace, justice, sincerity, and true charity may prevail and that all will redound to Your honor and glory and for the good of mankind. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication to the Senate from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U. S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 20, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

MESSAGES FROM THE PRESIDENT—APPROVAL OF BILLS

Messages in writing from the President of the United States were communicated to the Senate by Mr. Leonard, one of his secretaries, and he announced that on August 18, 1970, the President had approved and signed the following acts:

S. 1703. An act for the relief of Rosa Pintabona;

S. 1704. An act for the relief of Lillian Biazzo;

S. 2427. An act for the relief of Cal C. Davis and Lyndon A. Dean;

S. 2484. An act to amend the Agricultural Marketing Agreement Act of 1937 to authorize marketing agreements providing for the advertising of papayas,

S. 2863. An act for the relief of Mrs. Cumorah Kennington Romney; and

S. 3136. An act to confer U.S. citizenship posthumously upon Guy Andre Blanchette.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. ALLEN) laid before the Senate a message from the President of the United States submitting the nomination of Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology, which was referred to the Committee on Labor and Public Welfare.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 19, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of Calendar Nos. 1138, 1139, and 1141.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

U.S. DISTRICT COURT FOR THE WESTERN DIVISION, SOUTHERN DISTRICT OF MISSISSIPPI, AT NATCHEZ

The bill (S. 3225) to provide that the U.S. District Court for the Western Division of the Southern District of Mississippi shall be held at Natchez was considered, ordered to be engrossed for a third reading, read the third time, and passed, as follows:

S. 3225

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the last sentence of section 104(b)(3) of title 28, United States Code, is amended to read as follows: "Court for the western division

shall be held at Natchez and Vicksburg: *Provided*, That court shall be held at Natchez if suitable quarters and accommodations are furnished at no cost to the United States."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1126), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

STATEMENT

The purpose of S. 3225 is to enable the District Court for the Western Division of the Southern District of Mississippi to hold court at Natchez, Miss., provided that the holding of court at Natchez be at no cost to the United States. Natchez is an industrial center with a very active bar generating a substantial amount of Federal litigation. Moreover, local facilities are available at which court could be held without expense to the Federal Government.

Your committee believes that the District Court for the Southern District of Mississippi should be authorized to sit in Natchez when it determines that the litigation generated from that geographical area so warrants.

The Judicial Conference of the United States at its meeting on March 16–17, 1970, considered the provisions contained in S. 3225, and voted approval thereof with the proviso that the holding of court at Natchez be at no cost to the United States.

Attached hereto and made a part of this report is a letter to the chairman from the Acting Director of the Administrative Office of the United States Courts.

CHOCTAW INDIAN TRIBE

The bill (H.R. 15866) to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1127), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE

The purpose of H.R. 15866 is to repeal a 1959 statute which directed the Secretary of the Interior to complete the action authorized by a 1906 statute entitled "An act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes." The committee also considered a companion bill, S. 3445, introduced by Senators Harris and Bellmon of Oklahoma.

NEED

The 1959 statute directed the Secretary to complete this action by disposing of the few remaining tribal assets; and by conveying to a tribal corporation organized under State law any tribal assets which the tribe wants to retain. A per capita distribution of any tribal funds was already authorized by the 1906 act.

The 1959 statute did not affect the trust status of lands allotted to individual members of the tribe, but it did provide for a termination of all special relationships between the United States and the tribe as a governmental entity.

Numerous problems arose in carrying out the provisions of the 1959 statute, which directed that the statute should be fully executed within 3 years or as soon thereafter as practicable. This time requirement was extended by Congress three times to the present date of August 25, 1970.

The problems encountered revolved principally around clearing land titles and finding able and willing buyers for the tribal lands. In addition, some Federal programs initiated during recent years require continued Federal recognition of the tribal entity in order for the tribe to participate. Finally, there has been a change of sentiment within the tribe and within the Department of the Interior regarding the wisdom of terminating all special relationships between the Federal Government and the tribe.

Enactment of the bill is justified, the committee believes, on the grounds that (1) it has been difficult to clear title to tribal lands and dispose of them, (2) there is no need to proceed with the process rapidly, (3) dissolution of the tribal government at this time is not necessary for the accomplishment of any current Federal policy, (4) retention of the tribal government is desired by the Indians and will facilitate participation in some Federal programs, (5) if the 1959 statute were not repealed it would need to be amended in some particulars, (6) repeal of the 1959 statute will contribute to the economic betterment of the tribe and its members, and (7) under the language of the bill any possible rights vested under the 1959 statute would not be impaired.

The committee does not regard the enactment of this bill, before the termination of the Choctaw tribal government is an accomplished fact, as any precedent for reestablishing a tribal government that has already been terminated.

COST

Enactment of H.R. 15866 will require no Federal appropriation.

NATIONAL MACHINE TOOL WEEK

The joint resolution (H.J. Res. 1194) to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week," was considered, ordered to a third reading, read the third time, and passed.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. In accordance with the previous order, the Senator from New Hampshire (Mr. MCINTYRE) is recognized for not to exceed 20 minutes.

WILL ELK HILLS BECOME AS INFAMOUS AS TEAPOT DOME?

Mr. MCINTYRE. Mr. President, on June 11 of this year, the Department of the Interior sent a message to the Congress proposing that oil be pumped from the Elk Hills Naval Petroleum Reserve in order to compensate some, though not all, of the oil companies holding drilling leases in the Santa Barbara Channel.

It is not my intent here today to question the merit of that part of the Interior Department's proposal dealing with the compensation of the larger companies polluting the Santa Barbara Channel.

I do intend to question, however, the recommendation that the Elk Hill Reserve be invaded for a purpose not related to the national security, the methods by which this recommendation has been handled, and the implications of this proposal in light of the announcement earlier this week that the administration will not seek a structural change in the present oil import quota system.

ELK HILLS AND NATIONAL SECURITY

The Elk Hills Naval Petroleum Reserve consists of the second largest proved oil field in the United States, one of the 20 largest oil fields in the world, and a field which has been maintained as a national security petroleum reserve for half a century. Let me make this clear: Although Elk Hills is administered by the Navy, it serves as a total national defense reserve for the needs of all of the armed services and related industry. It is thus vitally essential to our overall strategic needs for petroleum sufficiency.

Let me point out just one of those strategic needs. At present, the U.S. Pacific Fleet receives the majority of its fuel from the Middle East. If, for any reason at all, those supplies were to be cut off, the fleet would look to the U.S. west coast for the fuel to keep ships in operation. The west coast is a crude oil deficient area. It does not produce enough crude oil to meet its own needs, let alone to meet the needs of the fleet. Elk Hills provides the only source of crude oil on the west coast immediately available to the Navy.

It was thus with some surprise that I recently learned of the Interior proposal to turn a portion of Elk Hills over to a small group of major oil companies. The strategic importance and requirement for the preservation of as much of Elk Hills as possible for national security needs are clear, so clear that I am absolutely amazed that this proposal is getting serious consideration.

But, Mr. President, perhaps I should not have been so surprised. Side by side with decades of national reliance upon the naval petroleum reserves, there has been a history of attempts by private companies to rape those reserves for their own gain. The most famous of such attempts was the attempt to raid Naval Petroleum Reserve No. 3, located at Teapot Dome, Wyo.

In 1921, President Harding, with the approval of Secretary of the Navy Denby, transferred the administration of the naval reserves at Teapot Dome and Elk Hills to Secretary of the Interior Albert B. Fall.

In 1922, the Department of the Interior leased the reserves at Teapot Dome to Harry F. Sinclair and the reserves at Elk Tills to Edward L. Doheny.

As a result of a Senate investigation under the chairmanship of Senator Thomas J. Walsh, of Montana, an extensive network of corruption was revealed at the foundation of these transfers. Doheny, for example, had made an unsecured interest-free loan of $100,000 to the Secretary of the Interior. The Secretary of the Interior had also received a $25,000 gift from Sinclair.

Secretary of the Interior Fall was ultimately convicted of bribery and sentenced to prison.

Today, I am happy to say, outright gifts from oil operators to high Government officials are no longer the normal way of doing business with the Federal

Government, though, of course, the penetrating articles by the Washington Post's Bernard Nossiter have revealed some disturbing latter day instances of these practices. Nevertheless, they have generally been replaced by the equally corrupting, though apparently somewhat more legal use of massive campaign contributions to the party in control of the White House.

But the aims remain the same—to gain access to these vast public reserves for private gain.

PROCEDURAL PROBLEMS OF THE INTERIOR PROPOSAL

After the sorry revelations of the Teapot Dome scandal had burst into public light, a number of steps were taken to protect the integrity of the naval reserves to avoid any further repetition.

One basic procedural requirement was to have a salutary effect, as long as it was observed. Under this procedure, found in 10 U.S.C. 7431, the Secretary of the Navy is required to consult with the Armed Services Committees of both the Senate and the House before agreeing to give up a single drop of oil for any purpose other than the national defense.

The Secretary of the Navy has not consulted with the Senate Armed Services Committee about this proposal to open the Elk Hills Naval Reserve.

Instead, the proposal to diminish our national security reserves was quietly steered to the Senate Committee on Interior and Insular Affairs. That committee is made up of many of the most honorable and distinguished members of the Senate, but their primary concern is logically directed to those provisions of the proposal dealing with the mess in Santa Barbara. Indeed, at the hearings held by the Interior Committee, not a single question was raised concerning the damaging impact on the national security which would occur if naval petroleum reserves were to be applied to nondefense purposes.

And up to this time the Secretary of the Navy has not complied with the requirements of the United States Code that he consult with the Senate Committee on Armed Services, a committee which has justifiably earned its reputation as a watchdog over our national security needs.

Indeed, Mr. President, the parallel between Teapot Dome of the twenties and Elk Hills of today grows more and more disturbing. One might think that the Department of the Navy, which this very month celebrates the 25th anniversary of its victory at sea in the Pacific, may be going down to defeat under the assault of a small group of powerful oil companies.

Perhaps, Mr. President, the Navy of today, like the Navy under the Harding administration, is simply unaware of what is being done to it. But I think that an unlikely explanation. Is it not more likely that the Navy has been told to remain quiet?

Now I have always been a strong supporter of the principle of civilian control over the military. But that civilian control must come from elected officials representing the will of the people. It must not come from corporate officials exercising the power of campaign contributions and corrupting influence in order to increase their profits at the expense of the national security.

Mr. President, in view of the implications of the proposal of the Department of the Interior and the procedures under which that proposal has been handled, I have requested that the chairman of the Senate Committee on Armed Services convene hearings, as promptly as possible, to consider the national security implications involved.

I have great confidence in the integrity and judgment of the Senator from Mississippi who heads the Committee on Armed Services, a confidence which is shared by every Member of this body. I am content to let him be the judge of the prompt need for a full and frank airing of the Navy's position.

RELATIONSHIP TO OIL IMPORT PROGRAM

One of the strangest and most confusing aspects of the Interior Department's proposal for Elk Hills is the lack of any consistency between that position and the position normally taken by the Interior Department and the industry. That position holds that our national security needs for oil reserves are so great as to require a $5 billion per year import subsidy for the oil industry.

For the past few years we have been hearing, on an almost daily basis, that our national security depends on a fragile interruptible, undependable supply of crude oil. But now we are told that Elk Hills, the largest, most efficient reserve of oil that we have, a reserve already earmarked for national defense needs, may be used for other purposes.

Mr. President, if we can give a portion of Elk Hills away, then we have no further need for the import quota system that the oil industry tells us is indispensable to national security.

Indeed, it seems, Mr. President, that the phrase "national security" is a very slippery phrase indeed in the mouths of the apologists for the oil industry. When their profits and campaign contributions must be expanded, they say that the "national security" requires an expensive subsidy program to build up new domestic reserves. But when they finally get a chance to use those reserves for other than defense purposes, then the "national security" fades into the background. It is a sorry day for the people of the United States, when a single industry can dictate the defense policies of the Nation for its own profit.

Mr. President, I yield the floor.

The ACTING PRESIDENT pro tempore. Under the previous order, the distinguished Senator from Ohio (Mr. YOUNG) is to be recognized at this time.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that this be without prejudice to the time allotted to the able Senator from Ohio under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. YOUNG of Ohio. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. At this time, the Chair, in accordance with the previous order, recognizes the Senator from Ohio (Mr. YOUNG) for not to exceed 20 minutes.

MURDER COMMITTED ON KENT STATE CAMPUS BY OHIO NATIONAL GUARDSMEN

Mr. YOUNG of Ohio. Mr. President, Allison Krause, daughter of Mr. and Mrs. Arthur Krause, 2010 Garrick Drive, Pittsburgh, Pa., a student at Kent State University and a very lovely young girl, was one of the four students, two boys and two girls, who were murdered on the campus of Kent State University at about 12:22 p.m. on a beautiful sunshiny day, Monday, May 4, 1970, at a time when the university was fully functioning and when classes were being held.

Allison was 19 years of age. On the afternoon of the day before she was murdered she walked up to a National Guardsman, spoke gently to him and put a flower in his gun barrel saying to him "Flowers are better than bullets."

On Monday afternoon at the moment she was struck down and killed she was a distance of about 450 feet from the nearest National Guardsman. The Akron Beacon Journal of May 24 reported:

> Alone of the four dead students, much of the bullet that struck Allison remained within her body. According to Dr. Robert S. Glasgow, the pathologist who performed the autopsy, the bullet fragmented into at least four pieces as it tore through her left lower lung, spleen, stomach, duodenum, liver and vena cava, the large vein leading to the heart.

It is evident that the National Guardsmen guilty of shooting to kill these unarmed students had been permitted by their officers to have their M–1 combat rifles loaded with live ammunition. Governor Rhodes and Adjutant General Del Corso must bear their share of the blame for this, and it is a huge share indeed. Furthermore, such unnecessary force is compounded by the evidence that some of the National Guardsmen "doctored" their regulation ammunition or had adopted a form of dumdum bullet which expands or shatters upon striking the victim. The effect of this shattering is comparable to an explosive charge going off inside the victim's body. From the description of the massive internal damage sustained by Allison Krause the bullet that entered her body had been "doctored" by the guardsman who did the shooting.

At about the same time Thomas Grace, a student from Syracuse, N.Y., suffered a bullet wound in the side of his leg close to the ankle and that bullet penetrated downward to the ankle and exploded or shattered there. This inflicted a very severe wound and permanent disability.

Robert Stamps of Cleveland who was seriously wounded by a rifle bullet was 610 feet away from the frontline of the National Guard. This is approximately the distance of two football fields. He was struck in the rear by a bullet entering

his buttocks, missing his spinal column by approximately an inch or an inch and a half and emerging from the front part of his body. He is still disabled and under treatment.

Mr. President, in an attempt to justify these murders, Adj. Gen. Sylvester Del Corso made a number of false claims. One utterly untruthful statement he made was that a sniper fired at National Guardsmen from a rooftop. All evidence was to the contrary. For example, seven helicopters of the Ohio State Highway Patrol were flying back and forth over the university buildings and commons throughout the entire day of May 4, 1970, right up to the time of the shooting and killing, and all these pilots reported there was no sniper on any rooftop or firing from any window. Del Corso later reversed himself and said there was no sniper fire at the guardsmen. His allegations that guardsmen fired in self-defense have been proven fantastically false by the findings of the FBI. Their report to the Department of Justice following a thorough investigation by approximately 100 FBI agents covering a period of about 2 weeks directly proved the falsity of Del Corso's allegation, as did the statements and conclusions of seven investigative reporters who spent 2 weeks interviewing witnesses.

Adjutant General Del Corso should apologize for his untruthful allegations and resign forthwith from the political job he now holds.

President Robert I. White testified yesterday, Wednesday, August 19, before the President's Commission on Campus Unrest that he never requested Gov. James A. Rhodes to send National Guardsmen onto the campus of his university. Indeed, it is a matter for amazement that Governor Rhodes called out some 600 National Guardsmen for alleged riot control duty at Kent State University in the absence of any request from the president of that university.

Furthermore, Governor Rhodes and his political appointee, Adjutant General Del Corso, have a tremendously heavy burden to bear in that they, on their own, called to serve on the campus at Kent State University tired and wornout National Guardsmen who had, from April 29 to the evening of May 2, lost sleep and sustained injuries in Cleveland, having been called there by Governor Rhodes at the request of Cleveland city officials to restore order from a chaotic situation which had developed during a wildcat strike between truckers and conflicting elements of the Teamsters Union. There had been shootings and brutal assaults. Truck drivers had been pulled from their trucks and beaten. Their trucks had been burned and overturned. All this strife continued night and day from the time the guardsmen commenced their duties in Cleveland on April 29 until Saturday evening, May 2 when the wildcat strike ended. Then this particular sleepless, battered and wornout contingent of guardsmen were ordered that Saturday night to go immediately to Kent State University.

This, despite the fact that in nearby cities such as Warren in adjoining Trumbull County and in Youngstown in adjoining Mahoning County, there were National Guard military police units trained in riot control who had not been called on by Governor Rhodes for any service.

In addition, Governor Rhodes and his political appointee, Adjutant General Del Corso, have a tremendously heavy burden to bear in that the National Guardsmen ordered to Kent State University were furnished with, and permitted to have in their rifles, live ammunition.

ADMINISTRATION LEADER HEDGES ON TROOP WITHDRAWAL

Mr. YOUNG of Ohio. Mr. President, Secretary of State Rogers stated in a recent press conference:

I said we'd get our troops out of combat in South Vietnam. Now, we have made it clear all the time that there will have to be some combat troops remaining to function with the support of elements that are left, but the objective is to get American troops out of the combat role in about a year. . . .

The following question and answer period then ensued:

Question. Mr. Secretary, on this mid-1971 target date for getting out of combat, as I understand it that would leave 250,000, roughly, of American troops in South Vietnam.

Answer. It might be a little bit more than that. I'm not sure. I think the mathematics are something like 280,000 or 275,000, something like that.

Question. What's the target date for getting all out? That's what the young people are asking now.

Answer. Well, we haven't announced any target date for that. . . .

Then the Secretary disclosed that the Nixon administration will not bring the boys home next year.

He said:

Question. Mr. Secretary, can you state with fair confidence, or good confidence, that American troops will continue to be withdrawn from South Vietnam after 1971?

Answer. I don't want to comment on what is going to happen after 1971.

Mr. President, in 1968 in New Hampshire and elsewhere during the presidential campaign, Richard Nixon stated he had a secret plan to end the war in Vietnam. Now, almost 2 years later, that plan is still his secret. However, his Secretary of State makes no secret of the fact that at least 275,000 young American servicemen will still be in Vietnam in mid-1971. Even more tragic, the top cabinet official of the Nixon administration, Secretary Rogers, cannot state with any confidence whatever that troop withdrawals will continue after 1971. How long will this madness continue?

Instead of an involvement in a civil war in Vietnam American GI's and airmen are now waging an expanded war in Laos, Cambodia, and Thailand, and Americans are now being killed in combat in these countries. Also, mercenaries maintained by billions of dollars of our taxpayers' money, directed by our generals and CIA, are fighting in increasing numbers and Nixon administration leaders now term this the Indochinese war.

THE OIL LOBBY IN ACTION

Mr. YOUNG of Ohio. Mr. President, over the years, a number of Senators, newsmen, and other interested observers have speculated on the ways that the powerful oil industry seems to always be able to take care of itself in the councils of government at the public's expense.

Last month, the public received a rare glimpse into the ways that the oil lobby actually works. The Oil Daily of July 27, 1970, in its regular column, "Petty's Oil Letter," reminded the industry of its source of power. According to this column in the Oil Daily:

We would suggest that if they (oilmen) make contributions to political office-seekers—as many do—they should urge, if not insist, that if their candidate is elected he will at least give the oil industry the full-time active support which it deserves in the politician's home state, and will put on his staff men who have the oil facts and are ready to help the senator or congressman debate, quickly and fully, with those who can find little, if anything, good about the oil industry.

Mr. President, this is an unusually frank statement from the oil industry to its members, frank in that the Oil Daily is publicly admitting that the oil industry uses its campaign contributions to obtain leverage on high public officials. I feel that the general public ought to become familiar with this article, so I ask unanimous consent to have it printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PETTY'S OIL LETTER

WASHINGTON, D.C.,
July 25, 1970.

DEAR SIR: There's no substitute for an executive, or a politician, doing his own home work on issues, rather than relying on outside help when he gets in a bind. The man who commands the facts, and can interpret them simply but effectively, has a big head-start on those who debate with him.

This goes double for Washington politicians and the oil industry on Capitol Hill. The truth is that today oilmen have no steadfast champion on Capitol Hill—unless it is Sen. Cliff Hansen, R-Wyo., former governor of his state, former chairman of the Interstate Oil Compact Commission and a man with a sensitive realization of how important oil development is to his state—ranking among the top five oil producers in the nation.

Hansen is articulate on oil issues, ever ready with the rejoinder to oil's attackers in the Senate, and, perhaps more important, personally convinced that Oil is too important to the nation for the raw deal it has been receiving, politically, over the past couple of years.

The trouble is that there are too few Hansens in the Senate, or the House. While there are many members of both houses from oil states, they seem to take oil issues for granted, supine in the feeling that it does no good to debate oil issues with their critics, or, simply, that the issues will just blow away and the status quo will remain.

But, that's not how it has been for the last 18 months under the Nixon Administration—an administration, ironically, which was believed to have had a sharper appreciation for the importance of energy to the American economy and the role which the petroleum industry plays in meeting energy needs.

One reason Hansen has become the most

vocal and articulate champion of the industry in the Senate—for outshining the senators from Texas, Oklahoma, Kansas or other big oil states—is that he has a man on his staff who knows the industry, is able to gather the facts quickly and accurately and keeps the senator posted on all the big oil issues and each development as it occurs.

This is what every other oil-state senator and congressman should have on his staff, too. But, with startling rarity, few do. Some, like George Bush, R.-Tex. running for the Senate this year, need no oil "expert" to advise them because they are oilmen themselves. But far too many oil-staters on the Hill, with no personal experience in the petroleum industry, have been coasting too long on the big oil issues.

True, they are ready to make a speech on the Senate floor, once in a while, or speak to an oil meeting, but their interests appear heavily weighted in other directions—perhaps because of the lofty heights of greater political rewards they can see in the distance, which they believe far transcend parochial or sectional support for the industries in their states.

On the other hand, Oil's opponents have become much more sophisticated on oil issues in the last few years, with men on their staffs who are young, bright and dedicated, who are able to put to the greatest possible advantage for their senators or congressmen the real or imagined weaknesses of the petroleum industry. And, Oil's opponents have an easier job of it—they can make one charge after another, never waiting for the answer to the first charge. And, it is always easier to make a charge than to prove it is wrong.

We assume that oilmen, like all other citizens, work for, or at least vote for, the men of their choice who are running for political office in Washington. We would suggest that if they make contributions to political office-seekers—as many do—they should urge, if not insist, that if their candidate is successful he will at least give the petroleum industry the full-time, active support which it deserves in the politician's home state, and will put on his staff men who have the oil facts and are ready to help the senator or congressmen debate, quickly and fully, with those who can find little, if anything, good about the oil industry. And, it wouldn't hurt if the senator or congressman did a little homework himself, ready to speak from personal conviction on the issues, as they develop. The stakes are too high to accept any less of a man in Congress from the big oil states. The next big battle could come from those who see the petroleum industry ripe for full federal control—as a "public utility"—in the U.S.

Very truly yours,

JAMES M. COLLINS.

A NONVOTING DELEGATE FOR THE DISTRICT OF COLUMBIA

Mr. YOUNG of Ohio. Mr. President, Calendar No. 1134 has been on the calendar for a number of days. This is an act to establish a commission on the organization of the government of the District of Columbia and to provide for a Delegate to the House of Representatives from the District of Columbia.

If a majority of the Members of the House of Representatives really want a nonvoting delegate for the District of Columbia in that body, as a humble Senator, the senior Senator from the State of Ohio, I have no objection. I have no voice in what they may do in the other body. But this measure is on the Senate Calendar, and I wish to speak briefly on the entire matter.

Mr. President, this is a fantastic amendment—in my judgment, an unthinkable amendment—yet it is likely to be offered here and would provide a nonvoting Delegate for the District of Columbia. Let us consider that very briefly.

Other Senators and I are confronted with the predicament of a lack of office space. Allowing for a nonvoting Delegate from the District of Columbia would involve more office space and an unnecessary waste of taxpayers' money for the salaries of the nonvoting Delegate and all the members of his staff. Indeed, this would involve the expenditure of many thousands of dollars every year for a clerk hire allowance and maintenance of an office suite and equipment for the Delegate and his staff.

The patriots who drafted the Constitution of our country drafted a wonderful document, to which we should pay attention. The very first section of the Constitution deals with the legislative branch of the Government. They wanted three equal, coordinate branches of our Federal Government, which we have had for nearly 200 years, but they placed first in the Constitution the provision relating to legislation and to the Congress, article I, section 8 of the Constitution states:

> To exercise exclusive Legislation in all Cases whatsoever, over such District (not exceeding ten Miles square)—

Mind you, Mr. President, not a State but a little district—

> as may, by Cession of particular States, and the acceptance of Congress, become the Seat of the Government of the United States, and to exercise like Authority over all Places purchased by the Consent of the Legislature of the State in which the Same shall be, for the Erection of Forts, Magazines, Arsenals, dock-Yards, and other needful Buildings;—And
>
> To make all Laws which shall be necessary and proper for carrying into Execution the foregoing Powers, and all other Powers vested by this Constitution in the Government of the United States, or in any Department or Officer thereof.

Thus the District of Columbia was created, not to exceed 10 miles square, as provided in the Constitution.

Let us now consider the facts, when they talk about two Senators and one Representative from the District of Columbia, or talk about a nonvoting Delegate. In 1968, in the District of Columbia, there were nearly 828,000 residents. That number has now decreased.

On July 1, 1969, the Census Bureau estimated there were 798,000 persons living in the District of Columbia.

An estimate furnished me by the Census Bureau recently shows that the number of persons now living in the District of Columbia will be considerably under the estimated 798,000 of 1969.

It seems fantastic that anyone would consider a nonvoting Delegate to represent that number when we have in both the Senate and the House the District of Columbia Committee. Fine committees, with dedicated and knowledgeable Senators and Congressmen working with fidelity and zeal to improve conditions in the District of Columbia. Indeed, a valid argument against a nonvoting Delegate in the House is that it would involve duplicating the very effective work of the House Committee on the District of Columbia.

A nonvoting Delegate is not needed in either branch of Congress. I want to say now, Mr. President, that I will oppose to the utmost of my ability and energy any such proposal.

I may not have anything to brag about when it comes to ability, but when it comes to energy I know that the Presiding Officer, the distinguished Senator from Alabama (Mr. ALLEN), who is my personal friend, will agree with me that when I say I am going to dedicate all the energy I possess in opposition to any proposed constitutional amendment to give two Senators and one Representative to the Congress for this Federal district, this Federal city, which gets so much from the Senate, I may have something to offer.

Very definitely I am unalterably opposed to any constitutional amendment that may be offered to give the District of Columbia a nonvoting Delegate in the Senate or to give valuable space to a large staff that would have very little to do and could not accomplish as much for the people of the District of Columbia as the Senate has already done over the years, and is now doing in the fine District of Columbia Committee.

We should let well enough alone and not fall for these fantastic ideas being urged on us by some ambitious politicians living in the District of Columbia.

Mr. President, I yield the floor.

HANOI'S BLACKMAIL

Mr. PERCY. Mr. President, the word "blackmail" has an ominous sound about it. It was originally used to describe the practice of Scottish bandits who demanded a tribute from travelers wishing to proceed safely. Since then, it has been applied to all manner of coercion. It has been variously called black rent, Danegeld, and blood money. It is universally recognized as one of the lowest forms of intimidation.

The North Vietnamese are callous extortionists. They currently hold an undisclosed number of Americans captive, hoping to ransom our men for military and political advantage.

It has been 6 years since they first adopted this practice. Six years of frustration, pain, and degradation for our men; but no benefit to their captors.

Hanoi should realize by now we will not negotiate out of fear; we will not capitulate in the face of criminal acts.

Our refusal to pay ransom does not stem from any lack of compassion for our men. We keep faith in them and daily pray for their safe return. But we also remind ourselves of words once spoken by a great poet:

> We never pay anyone Danegeld,
> No matter how trifling the cost.
> For the name of that game is oppression and shame,
> And the nation that plays it is lost.

ORDER OF BUSINESS

Mr. PERCY. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. YARBOROUGH). Without objection, it is so ordered.

Under the previous order, the Senator from New York (Mr. JAVITS) is now recognized for 15 minutes.

U.S. STATEMENT ON MIDEAST CEASE-FIRE VIOLATIONS

Mr. JAVITS. Mr. President, I have asked for this time this morning in order to make a brief statement respecting the situation of the cease-fire standstill in the Middle East and the reaction yesterday of the Secretary of State on that score.

Mr. President, I ask unanimous consent to have printed in the RECORD the statement of the Secretary of State.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AUGUST 19, 1970.

We have concluded that there was some forward deployment of surface to air missiles into and within the zone west of the Suez Canal around the time the cease-fire went into effect: there is some evidence that this continued beyond the cease-fire deadline although our evidence of this is not conclusive.

With respect to additional information which the Israeli Government has brought to our attention concerning possible violations of the cease-fire, we will examine it and be in touch with Israel through diplomatic channels. We do not now anticipate making further public statements on this matter.

Adherence to the cease-fire and standstill is of great importance to the success of current peace efforts. The main thing now is to concentrate all efforts on getting discussions going under Ambassador Jarring's auspices. The United States believes that these talks should begin promptly.

Mr. JAVITS. Mr. President, the fragility and continuing danger of the situation in the Mideast have been underscored by the developments relating to violation of the cease-fire standstill agreement. Yesterday's statement of the Secretary of State, while conceding the basic question of a violation, concludes that calling off the peace talks is not warranted. We expect that the flow of needed military equipment to Israel will continue. This is an indispensible element in the situation and for the prospects for peace, given the factors on the Arab and Soviet side.

The President's words in announcing the historic new U.S. Mideast policy on July 1, must be borne constantly in mind. He said:

Once the balance of power shifts where Israel is weaker than its neighbors, there will be war.

The President's statement emphasized the new dimension of the Mideast struggle in these words:

It is not just a case of . . . Israel versus the Arab States, but the Soviet Union is now moving into the eastern Mediterranean.

Seventy-one Senators have assured the President of their support for his "clearly expressed policy on the part of the United States to protect and defend its interest in the Middle East."

Mr. President, the euphoria of people about the Mideast, if it ever existed, was certainly shattered by the events of the last few days. Indeed, euphoria over Mideast peace prospect is far from warranted, as demonstrated by the standstill violations which have already occurred. Vigilance and determination are very much demanded.

The basic consideration is that the Soviet Union and the United States both have far too much at stake in avoiding a resumption of war in the Mideast to condone violations of the cease-fire and standstill.

The Soviet Union can jeopardize the cease-fire and standstill by tolerating any violation by Egypt, thus providing that Egypt cannot be relied on, and freeing Israel of any obligations to keep the cease-fire and standstill.

The United States through its bold and brilliant initiative in proposing the cease-fire and standstill, has a moral responsibility to withdraw its sponsorship of it if it is going to be violated or undermined, thereby putting Israel in grave jeopardy. Israel's participation in the cease-fire and standstill and in the impending peace talks was gained only after the most solemn assurances that the United Arab Republic's undermining of the cease-fire and standstill would not be tolerated.

Indeed all should understand very clearly that Israel's very existence and the life of its people are at stake. Its statesmen have said as much in recent days. Israel must necessarily be highly sensitive to any breach or threatened breach of the cease-fire and standstill. The Secretary of State's statement obviously and, probably wittingly, plays down the issue. Nonetheless, even that statement gives a clear though implied warning that "adherence to the cease-fire, and standstill is of great importance to the success of current peace efforts."

These incidents emphasize how critical it is that the Soviet Union and the United Arab Republic feel themselves committed in good faith to honoring the cease-fire and standstill. If they do not, it could dash all hopes we have for Mideast peace; and it is hard to believe that the Soviet Union would want to be responsible for such dire consequences. The peace talks should go forward as the Secretary of State asks.

The United States should make it clear to Israel that we would have no hesitation if further violations continue, to agree to a discontinuation of the cease-fire and standstill, as we are the ones who created it in pursuance of our responsibility in undertaking negotiations.

We should express the hope that the United States has a very clear duty not to hold back now in terms of supplying Israel with the military equipment, including aircraft, parts, electronics, and so forth, which it needs in order to maintain its balance of force, which the President himself spoke about on July 1.

I have the deepest confidence that the President understands this matter and will follow through on this. But the support of 71 Senators is indispensable to that effort.

My purpose in speaking today is so that my colleagues may maintain their interest which is so essential in the giving of their support without which, in my judgment, it would be very difficult to move forward.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, I would like to say that we are fortunate indeed to have in this body, the senior Senator from New York, a Senator who has such expertise in this particular area of the world because I think that peace and stability in that area depends on such vigilance.

Obviously not only the people of Israel, but also the people of Arab nations want peace and security. They have seen the utter futility of years of warfare which has certainly not benefited any of the people of that area.

I would like to commend the administration for the initiative it has taken and for the cautiously conservative optimistic outlook we can now have, in our expectations that peace can be brought about through negotiations.

For the most part, the end of conflicts throughout history has been brought about only through surrender of one side or through negotiations.

There is going to be no surrender here. There will have to be a negotiated settlement.

The Nixon administration should be commended for its creativity and initiative in this respect.

I feel that we must now make certain that the integrity of each side is maintained. All parties must recognize that they would bring about a destruction of what is now a very hopeful outlook for peace if the cease-fire is broken.

I would like to ask one question of the distinguished Senator. I do not think we have any chance of having our peace objective reached if there is not a national interest to be served by the various parties involved. The various parties involved are the State of Israel, the Arab nations, and the Soviet Union, as well as ourselves, because the latter are both involved in supplying equipment.

When we see that the action of the commandos—the Fedayeen and others—could carry them and force them into a position where it would jeopardize the stability of the Arab Nations themselves and pull the Soviet Union into a situation beyond their control, is there not a national interest, therefore, to be served for all parties, including the governments of the Arab States, as well as the Soviet Union, to have the cease-fire scrupulously observed and have negotiations begin and get underway in a serious manner?

Mr. JAVITS. I thoroughly agree with everything the Senator said about the desirability of peace for the Arab States

themselves. I have striven for that all of my public life, and I will continue to do so.

My words today are only designed to see that there is a peace negotiation that is meaningful, that it is a true peace and not a prelude to further war. Let us remember the bitter experience of 1956 and 1957 when the President really induced Israel to pull out of Sinai, based on Nasser's promises. When they were not honored, the United States did nothing about it. This is a bitter experience, and I am sure Israel remembers it more than we do.

We have to realize Israel's concern to screen out guerrilla activity from government activity on the part of Jordan. I think that confidence in Israel's ability to do this is well placed.

We have every right to expect Jordan and other Arab governments will help in that process by isolating the commando activity to make sure that it is commando activity and that it is not government backed.

I thank the Senator.

Mr. PERCY. Mr. President, I further commend the distinguished Senator from New York for approaching this matter in an absolutely bipartisan fashion. There are very few controversial matters where greater unanimity of accord has been reached in the Senate than in this matter where 71 Senators on both sides of the aisle are working with the administration to bring about an accord and to make certain we do move in the proper direction.

I commend the Senator.

Mr. JAVITS. I thank the Senator for his remarks.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order the Senator from Connecticut (Mr. RIBICOFF) is recognized for not to exceed 10 minutes.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 850

Mr. RIBICOFF. Mr. President, the proposed family assistance plan is now under intensive review by the Senate Finance Committee. Several weeks of hearings have already uncovered serious deficiencies in the work-incentive features of the legislation.

I wholeheartedly share the concern of my fellow committee members that adequate incentives to move Americans from relief to productive employment must be an integral part of any welfare reform bill.

But the foundation of any work incentive program must be the availability of actual jobs. The lack of real job opportunities makes meaningless any effort to reduce the number of relief recipients. There can be no "workfare" without work.

And yet the present form of the family assistance plan fails to provide a single job opportunity.

Therefore, the distinguished Senator from Oklahoma (Mr. HARRIS) and I submit an amendment intended to be proposed by us, jointly to the pending welfare bill, H.R. 16311, to provide a minimum of 30,000 public service jobs at the beginning of this program. This amendment would authorize the Secretary of Labor to contract with public or nonprofit organizations in establishing a program of employment in the public domain for welfare recipients eligible for work training provisions of H.R. 16311.

Mr. President, there has been much rhetoric about the necessity for welfare recipients to find employment. No one questions that we are all better off if the basic needs of Americans can be met by earned wages rather than public relief checks.

But, we have to do more than just talk about jobs. We have to provide them as well.

Over $600 million has been earmarked for the work training sections of family assistance. But, not one dollar of these funds will actually provide a job. Much of it will instead be spent on more training and counseling.

Obviously, better skills can markedly increase a man's employability. But, it cannot add a penny to his income if there is no job opening at the end of his training cycle.

This Nation spends more money on training people for fewer jobs than anybody else in the world. The result has been justifiable frustration for the poor and unemployed.

Under the present AFDC program, HEW estimates that over 1.2 million people are employable. With increased training, this number will rise.

But, where will they work? The present labor market in the private sector is already glutted. The unemployment rate stands at 5 percent. Over 4 million Americans are out of work. Many of these are highly trained professionals or skilled craftsmen.

In the face of this gloomy picture of employment opportunities in the private sector, H.R. 16311 provides only more training and counseling funds.

Former Health, Education, and Welfare Secretary Robert Finch readily admitted before the Senate Finance Committee on April 29:

> I don't think this bill really attempts to meet the problem of guaranteeing jobs.

Mr. Finch stated that 150,000 training slots would be created but no jobs.

We cannot continue this charade that a little training will enable the poor and undereducated to find decent job opportunities. We must learn from sad experience that training is no guarantee of work.

In 1967, Congress authorized the work incentive program—WIN—to provide a comprehensive network of services to increase the employability of AFDC recipients. These services included remedial medical care, an income supplement, child care, training, counseling, and placement.

The results of WIN have been disappointing. An independent evaluation by the Auerbach Corp. for the Department of Labor points out that the major failure of WIN has been the lack of job opportunities at the end of the training cycle. The report states:

> Now that the program is underway, there is a growing feeling among local WIN staff that many participants, women in particular, will not obtain jobs in the already tightly restricted—and, in some cases, declining—labor market existing in many communities.

Yet, there is work to be done in this Nation which only lacks manpower and money for its accomplishment.

A study undertaken by Harold Sheppard for the Urban Institute in 1968 shows that at least 140,000 job opportunities for nonprofessionals already exist in the 130 largest cities in the United States. These are jobs existing and available now. They could be filled in a few weeks if the necessary funds were provided.

For a longer period, the National Commission on Technology, Automation, and Economic Progress has estimated that over 5 million additional jobs could be filled in the public sector.

Too often we allow ourselves to equate public sector job programs with makework. But, the truth is we are only beginning to recognize the massive need to upgrade and expand vital community services.

Several months ago, in hearings before the Senate Finance Committee, Mr. Charles Stewart of the Arkansas Nursing Home Association, pointed out the great need for more manpower in his particular field. Stewart stated that 95 percent of the subprofessionals hired through training programs stayed on the job. Most started at around $1.45 an hour but quickly worked up to wage levels of $2 or more an hour in only a matter of months.

As Stewart pointed out, every hospital and medicare care facility in the country is in dire need of more manpower. In addition, other problems need our immediate attention. Our major cities are dying at the core. Social service agencies are understaffed. Police and fire stations are often manned by skeleton staffs. Teachers aides and housing inspectors are in short supply. Our sidewalks, streets, and countryside are often filthy.

There is work to be done in America and there are people who are willing and able to perform the necessary tasks. It is time we brought these ends and means together.

At the same time, the amendment we propose will provide the means to put welfare recipients to work in a meaningful capacity without markedly increasing the cost of public assistance programs.

The administration has estimated that over $600 million will be spent in the first year on work training and child care programs.

This amendment would earmark 30 percent of these funds or approximately $180,000,000 for the creation of 30,000 jobs.

But, let us make clear that the creation of these jobs may well eliminate or markedly reduce welfare payments to the new job holder and his family. It is estimated that the 30,000 or more jobs authorized by this amendment would result in welfare savings of approximately $90 million.

We believe that using a portion of the funds directed toward counseling and training for the creation of actual job

opportunities in areas of urgent national concern is a wise investment in the future.

The PRESIDING OFFICER (Mr. YARBOROUGH). The amendment will be received and printed, and will be appropriately referred.

The amendment, No. 850, was referred to the Committee on Finance and ordered to be printed.

Mr. RIBICOFF. Mr. President, I wish to pay tribute to the distinguished Senator from Oklahoma (Mr. HARRIS) for his deep concern and unflagging attention to the social and economic problems of this country. On the Committee on Finance the Senator from Oklahoma is a very constructive force in analyzing the complex matters which the committee undertakes. He is deeply concerned with the inadequacies of many of the provisions of the administration's welfare program and he has introduced a series of most constructive amendments.

I have great hopes that members of the committee, including the Senator from Oklahoma and I, and the Senate, can work together to improve the present welfare program now before the Committee on Finance.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am happy to yield to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I am grateful for the fine words spoken about me by the distinguished Senator from Connecticut. I am very happy to join with him today in this amendment to the family assistance plan which is now pending before the Committee on Finance of which the distinguished Senator from Connecticut and I are members. No member of the Committee on Finance or the Senate is more knowledgeable in this broad field than is the Senator from Connecticut, who is a former governor and the former Secretary of the Department of Health, Education, and Welfare. I am grateful to him for the fine work he has done in the past and is doing now on the Committee on Finance in connection with this subject matter. He is constantly trying to improve the law and the programs now on the books, and is trying in particular to improve the family assistance plan which President Nixon has recommended to the committee and that is now under consideration.

Mr. President, the amendment which the Senator from Connecticut and I offer today would provide a program of public service employmcnt. We believe the addition of this employment program will be a significant improvement to the family assistance plan.

In the President's Family Assistance plan, responsibility for employment lies with the private sector alone. Certain employment services are provided by the Government: job counselling, testing, job training, job development and funds for relocation. But the actual jobs are to come from private industry. The single exception to this philosophy is the provision for special work projects defined in section 431(d).

If we are actually concerned about getting people employed, we must recognize that this approach has serious weaknesses.

It is unrealistic to expect private industry to increase employment when the economy is slack. Unemployment is currently at 5 percent. It is expected to be at least that high for the next 12 months. Many of those now unemployed were working 2 years ago. They are unemployed primarily because of a lack of jobs in the economy. Programs which retain people for jobs that do not exist can only add to their frustration. If we really want to put people to work, we will not provide them training alone. There must be jobs. That is the purpose of this amendment.

The jobs we provide should be good jobs. They should offer stable employment and a chance for advancement. As I mentioned, the family assistance plan provides for some Government employment through special work projects. But at best, these special projects are short-term affairs. Under these projects, a man may become employed, but 6 months later the project may expire and, through no fault of his own, the person may be unemployed again. Clearly, this is no way to stabilize a family's economic situation.

It is for these reasons that Senator RIBICOFF and I propose that $180 million of the funds currently proposed for job training be reallocated for a program of public service job creation.

By public service employment, we mean such jobs as teachers aides, community health aides, and comparable jobs in the fields of public safety, recreation, pollution control, housing, and rural development—jobs which need to be done. Anybody familiar with these areas knows we are not talking about make-work. These jobs represent critical needs in the public sector. By providing FAP recipients an opportunity to take such jobs we will be making one program serve two needs.

Under our amendment, employment grants would be allocated by the Department of Labor to programs designed by the States and cities. In these programs, the Federal Government would pay 90 percent of a job, while the State governments would pay 10 percent. We include this 10 percent State share because we believe that a State's planning will be improved by the recognition that some of its own funds are involved.

It is important to keep the size of the program in perspective. As I have said, we propose that the program be funded at a level of $180 million. By our estimates, that will mean the creation of 30,000 jobs. In addition, we specify that these jobs should be monitored by the Department of Labor to provide badly needed information on Government employment of poor people.

These are important steps, but they will not end our employment problems. In no sense can we consider this bill a substitute for the comprehensive manpower program contained in Senator GAYLORD NELSON's bill, S. 3867, which was recently reported out of committee. It is at best a partial supplement.

Finally, let me make a remark about cost savings. By reallocating funds from job training to jobs, we will be giving employment to about 30,000 people. We will be removing those people and their families from the family assistance rolls. We will be saving the money which would otherwise be allocated for their welfare payments.

It is our intention that these welfare savings should be plowed back into the program. They can be used to expand day care services. They can be used for more employment creation. They can be used in other ways to strengthen the working of FAP.

In proposing the family assistance plan, President Nixon said he wanted to remove people from welfare rolls and put them on payrolls. Senator RIBICOFF and I agree. At the same time, we recognize that you cannot put people to work if there are not any jobs. But with this amendment, we believe we can make a dent in that problem.

ORDER OF BUSINESS

Mr. PERCY. Mr. President, I ask unanimous consent that I be permitted to speak for not to exceed 3 minutes.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

ILLINOIS FISCAL POLICY

Mr. PERCY. Mr. President, during the past several weeks I have been reviewing in depth the Federal budget to see where we might cut waste and eliminate unnecessary and outmoded programs; only in this way can we avoid the double dangers of more deficit spending and less Government service where it is so badly needed today in the fields of health, housing, education, job training, welfare reform, law enforcement and the like.

My State of Illinois, like her sister States throughout the country is grappling with the same problem. Because I believe that one way the public can get more for its tax dollar is for the Federal Government to coordinate and avoid duplication with what our States and local governments are doing, I have examined in some detail the budgetary situation in my own State. Today I want to commend the State of Illinois for what is being planned for this fiscal year and particularly the manner in which the State administration of Gov. Richard B. Ogilvie is going about getting the job done.

Moreover, this success story is pertinent to our deliberations, and I wanted to pass on to my colleagues here in the Senate, as a member of the Senate Government Operations Committee, the benefit of my findings in an area vital to the Nixon administration's concept of "New Federalism" and to the health of our 50 States.

Last year the financial position of my State was near bankruptcy. Under the leadership of Governor Ogilvie this crisis is being solved in two ways—tax reform and tight fiscal controls. Regarding the former, Illinois adopted a growth-responsive income tax and reduced considerably its heretofore exclusive reliance on consumption and propety taxes.

A review of the objectives and accomplishments of the fiscal control system is

appropriate because the budgetary process should provide direction to State government. For only with the discipline that the chief executive can bring to bear through fiscal controls can we hope to achieve our vision for Illinois.

This budget is superior, in my judgment, to any Illinois budget in recent years in allocating money where it is most needed. Before last year executive review of budget requests was limited. Individual agencies often dealt directly with the legislature. Agency submissions often were passed on to the legislature without change. Once appropriation bills were enacted into law, the Governor had no mechanism to control expenditure of money by the agencies.

This year, the Illinois Bureau of the Budget within the office of the Governor has breathed new life into Illinois State government. No new taxes, reduced operating costs, and smaller payrolls are the direct results of the modern tools of management approved by this general assembly and utilized to the fullest extent possible by the Ogilvie administration.

In place of the decades-old procedure of allowing agencies to submit budget requests with little or no executive direction and then passing on the entire package to the legislature, we have substituted a system of controlled executive budgeting. Department heads submitted their final requests this year only after receiving detailed guidelines and policy determinations about the direction of the State's overall program. As a result, no less than $350 million was cut from the original requests before the final budget was presented to the general assembly.

In applying tight fiscal controls the Ogilvie administration stressed four management objectives:

First. Cutting costs. The goal is to insure that all the State money is spent efficiently. Previously, Illinois has had no effective control over the cost of State government. This year, Governor Ogilvie instituted a system of apportioning funds to State agencies every 3 months. Under the former practice, agencies were free to spend at will without controls during the entire 2-year life of their individual appropriations. Now they must justify their commitments and costs each quarter. The apportionment system has enabled the administration to conduct an ongoing budget and expenditure review throughout the year.

In addition, a cost reduction team has been trained to review ongoing agency operations. Each agency is compelled to assume that its operations will increase in productivity through experience and effective management.

Second. Holding down State employment. State government has always employed too many people to do the jobs assigned, a problem that plagues our State governments, particularly those with outmoded spoils systems. The result has infected all State government operations. Our present Illinois State administration is determined that there not be more people on the State payrolls than are needed; coincidental with this goal is a determination that each State employee earn his keep.

The Governor has instituted a personal control system designed to provide the information required to insure that people are employed only where they are needed.

Third. Getting government out of activities it need not be in. One of the basic functions of State government is to provide people with services that they truly need and want. All too often, however, government continues to operate programs that are no longer effective. Frequently, traditional formulas for distributing funds become excuses for avoiding the hard decisions. The budget review provides an opportunity to examine the base of each State program.

The Governor has served notice that next year he intends to look at traditional institutional funding practices and formula grant programs just as critically as his administration surveyed operations this year.

Fourth. Accountability. State government has not been held accountable as it should have been. In the past agencies have proliferated so that responsibility became diffused and avoided. Over 50 agencies with separate appropriations report directly to the Governor.

Many governments, facing a troubled society and major new demands, have taken the easy route of reorganization, at the top, into super-agencies. All too often nothing has changed below. This year careful consideration is being given to the reorganization of the executive branch. This will be reorganization from the bottom with the emphasis on programs, not hastily imposed box shuffling from the top down.

This approach means that Illinois is attempting to make every tax dollar provide the maximum possible benefit for those who pay the bills, the general public. It means the Ogilvie administration is putting an end to programs which are no longer effective, and phasing out jobs that are no longer necessary. Sound management also demands accountability. Illinois is avoiding the easy answer of reorganizing at the top to simply create a more ponderous bureaucracy.

It also means that my State has instituted a system of controls which will bring under a continuing review the spending process of government—thus ending the year-end rush to spend all appropriations in order to justify the same or a higher budget the next time around.

The evidence of this kind of sound management philosophy can be found on every page of the detailed State budget document itself. And the result has been good news for our people in 1971—no new taxes.

And probably most important of all, the 1971 budget actually reduces the operating costs of Illinois government. This means that more State tax money will return to the communities and individual citizens of Illinois—in the form of unrestricted bloc grants to local governments, aid to hard-pressed police departments, assistance for hard-pressed school districts, and help for the needy, the sick, and the disabled. And fewer tax dollars will be staying behind in the agencies and departments of the bureaucracy.

Sound management, of course, is only half the battle. The other—and equally important—half is the establishment of firm, clear priorities for the allocation of our limited resources. The fiscal year 1971 budget for my State reflects those priorities.

It provides for the strongest and most far-reaching program of environmental protection in the history of our State—or of any State in the Union. Every power proper and necessary to arrest the continued damage to our air, water, and land is contained in that legislation. The general assembly also approved appropriations necessary for hard scientific study of pollution problems and ways of solving these problems.

The State has undertaken a massive program for land acquisition for public parks and recreation areas, and funds have been appropriated to permit State installations to come into complete compliance with high standards of pollution control. Moreover a long-range plan to help finance sewage treatment projects in Illinois communities to abate the major source of water pollution in our lakes and rivers will be put to the voters at this coming general election.

Social legislation with the potential for making historic breakthroughs got priority attention this year. It includes an expanded program of providing day care for children to free their mothers to work and to learn, a new school breakfast program for the hungry, and continued pilot efforts in welfare services aimed at breaking the cycle of despair and defeat among the poor.

For education, the State is providing more money than ever before in the history of Illinois—nearly $1.7 billion—to aid local schools at all levels, to provide increased support for State colleges and universities, and to broaden substantially the opportunities to provide financial assistance for deserving students.

The current State budget implements new programs and funds for housing, an area of great personal interest to me, that made it possible for Illinois to qualify for private foundation grants and Federal funding. This support, in turn, may lead to dramatic progress despite the current stagnation in housing development.

For correctional work and law enforcement, there are major new efforts to educate and rehabilitate prisoners. Additional agents were authorized for the Illinois Bureau of Investigation, and a high level of support was given to the Illinois Law Enforcement Commission to allow it to continue as the best such State-directed effort in the Nation.

Tax relief has been extended to larger numbers of the elderly and special assistance was given to local governments which will feel the impact of the exemptions granted individuals from the hated personal property tax.

For road building, the legislature has approved the largest program in our history to rebuild and extend a system that had fallen into a State of disrepair and neglect. Necessary funds have been provided to create a new major airport near East St. Louis that potentially can be the catalyst to restore prosperity to this sadly impoverished area.

I would like to call attention to several significant new programs in the Illinois budget. The total dollars involved are comparatively small. But each has importance far beyond its dollar amount. These are innovative developmental programs. Echoing Justice Brandeis, Governor Ogilvie said:

> I am convinced that the state must be the laboratories for the nation. Ours is the opportunity to launch new starts without wasting money in potential failure.

If these programs—in housing, manpower, rehabilitation of prisoners and social services—prove successful, they can be expanded. The objective at this time is to advance each of these programs prudently and well, and to carry them through with quality performance.

First. Housing: The traditional State role in housing has undergone qualitative expansion since the beginning of the Ogilvie administration, and it will continue to do so through innovative programs under the Illinois Housing Development Authority. This year's budget for housing includes $1 million for a slum rehabilitation program under which rents withheld by the department of public aid will be added to proceeds from receivership certificates.

Second. Manpower: Manpower training efforts are budgeted in several major departments to link people with jobs in industry, and to take people off welfare rolls and put them on payrolls, an objective I have long sought and the reason why I support the Nixon program of welfare reform. Our State administration is actively seeking out potential trainees for the new work-incentive program by making sure that special teams of doctors, day-care specialists, and counselors are in contact with welfare recipients. Moreover money has been budgeted for intensive minority group recruitment and training programs within State government.

The most basic challenge of crime control, of course, is to do more than merely punish offenders. We must rehabilitate them. The Illinois Department of Corrections' budget has been increased by 20 percent to do this. It will concentrate upon remedial education of the one-third of its inmates who are functionally illiterate and will revamp its vocational training program. It will shift its emphasis from isolated institutions to communities, where through group homes, halfway houses and intensive counseling it can supervise men while they do useful work.

The Ogilvie administration cooperated fully with the Illinois Law Enforcement Officers Conference I sponsored in Washington this month.

Third. Social services: The State budget also renews the request for funds for experimental social service work designed to end the redtape and the confusion which permeate Government efforts to help people who need help. Results from projects now in the design stage may show that with new management programs the effectiveness of the welfare system can be dramatically improved. We cannot just strike out senselessly at this system even though we recognize its obvious deficiencies.

Through sound fiscal management, continuing review of program development, and the proper allocation of its limited resources, the State of Illinois is better meeting its responsibilities and serving its people.

Mr. President, I commend Governor Ogilvie and the members of the general assembly for their outstanding record and recommend a study of this record to my colleagues in the Senate who so graciously have shared their own creative thinking in many areas with me.

PROPOSED USE OF UNUSED HIGHWAY TRUST FUNDS FOR URBAN MASS TRANSIT

Mr. PERCY. Mr. President, this year the CTA raised its fare to an all-time high of 45 cents to keep from going broke. And the bus systems in Joliet, Danville, and Peoria failed for lack of funds.

Urban centers are finding it more and more difficult to get funds for adequate urban mass transit. Yet last year the highway trust fund had a surplus of over $2 billion in unobligated funds.

That situation seems pretty ludicrous to me.

I have cosponsored a bill to allow highway trust fund money to be used for urban mass transit. The money could be used to purchase equipment and to retire debts incurred by forward-looking mass transit systems like the CTA, which obligated itself and is now having difficulty paying off bonds.

I strongly feel that as long as mass transit systems are raising rates or failing or both because of lack of funds, enormous amounts of money should not be going unused when their judicious use in mass transit may help greatly in relieving the pressure on highways in or in proximity to our metropolitan areas.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Pursuant to the previous order, the Chair lays before the Senate the unfinished business, which will be stated by title.

The assistant legislative clerk read as follows:

> A bill (H.A. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to the consideration of the bill.

The PRESIDING OFFICER. Under the previous order, the Senator from Oregon (Mr. HATFIELD) is recognized.

Mr. MANSFIELD. Mr. President, if the Senator will yield, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I shall speak briefly, partly on a matter of procedure concerning the amendment offered by the Senator from Oregon and other Senators, which incorporates the plan of the so-called volunteer army.

Let me preface those remarks by a brief statement. This is more than an amendment, as that term is ordinarily understood. It is a basic, sweeping change in policy in our plans for national security and for the plan of having the manpower available to carry out those policies.

In effect, it would say that we are not going to have a selective system any longer, after it expires on June 30, 1971. Instead, we are going to have the so-called volunteer army.

This amendment, as an amendment, in its present form, is opposed by the President of the United States.

President Nixon made a recommendation on this subject matter. He appointed a commission and that commission made an affirmative recommendation which was filed sometime in April of this year.

But when the matter was coming to the floor and was being pressed in a serious manner, I needed to know exactly what the position of the White House was. I therefore made that inquiry and I got an answer.

I am authorized to say on the floor of the Senate that in its present form, and as a part of the procurement bill, the President of the United States is opposed to it.

Generally, what he favors in this field would be the orderly and regular development of a legislative enactment contemplating hearings, and contemplating the ordinary procedures necessary to a substantial change in policy.

I have not talked to the President myself, but I talked to one representing him directly. I do not think it is necessary for me to go any further than to say that the White House has backed up what I have just said. I will give the name of the man I talked to, upon request of any Senator. It is no secret. I have not spoken to the President. I just do not want to go any further than I should. But I had to know on that point, and I got the answer.

I state that as a fact now, as a part of my background of thought that, after all, this is not an ordinary amendment.

Now, Mr. President, in a bill of this magnitude——

Mr. HATFIELD. Mr. President, will the Senator from Mississippi yield for a question at that point, for clarification?

Mr. STENNIS. I yield.

Mr. HATFIELD. I thank the Senator from Mississippi.

Do I correctly understand that the President has provided the Senator from Mississippi with some written statement on his position on this amendment?

Mr. STENNIS. No, he has not. He has not. We need not waste a bit of time in questioning now how the President feels about this, I do not think.

Mr. HATFIELD. May I ask another question?

Mr. STENNIS. Yes.

Mr. HATFIELD. I understand that the President's position on the concept of a volunteer military is that he has very definitely come out in support of it. Both during the campaign and, I think, when he appointed the Gates Commission to make this study, he indicated his support. I am a bit confused as to whether the President is expressing himself on the concept of a volunteer military or on the timing or implementation.

Mr. STENNIS. I said, as plainly as I could, that the President opposes this amendment, as an amendment to the bill. The thing that he favors about the volunteer army is a bill which would be enacted in the regular course of the legislative process. That is what he, in effect, has already said over and over, and made a start on it with the Gates Commission.

Now I want to continue, as that is the situation.

Mr. HATFIELD. This has been a telephone conversation with the President with the Senator from Mississippi?

Mr. STENNIS. No. I said I had not talked with the President. I am not in the habit of quoting people by name from the President. I have my facts.

Mr. HATFIELD. I am not challenging the Senator's facts. I just want to understand what the facts are, as to whether the Senator talked with the President, or a staff person, in writing, or what.

Mr. STENNIS. I told the Senator that I do not have it in writing. But I have it. I can back it up.

Mr. HATFIELD. I thank the Senator from Mississippi.

Mr. STENNIS. Yes. I thank the Senator for his questions.

Mr. President, another thing that affected me, I cannot agree to a request here for a few hours debate on this measure. I think the Senate is due an explanation on that.

There comes a time when the man who is the so-called manager of a bill must make up his mind what his duty is.

Thus, confronted with this amendment, so seriously pushed yesterday afternoon, I saw that I had to decide what my duty was, not what I would like to do.

Accordingly, I was satisfied that my duty was to say that this matter should not be passed on by the Senate in its present mood, until it is fully debated and the facts are known to the membership, and to get those facts out. It just cannot be done in these few hours. I have proposed to develop the facts here on the floor as best I can, as will others.

Another point that weighed on me was that the amendment, in its present form, calls for a $4 billion increase per year—a $4 billion increase per year, Mr. President, in the budget.

I do not know of any time in the history of the Senate that it has ever passed a new policy and a new bill that added—and this is just wartime, like World War II—that added $4 billion to the budget with 4 or 6 hours of debate. Of course not.

This thing has got to be developed on the facts, as far as it can.

The $4 billion is actually $4.3 billion, and that is the lowest responsible estimate that I know of. It is generally admitted that it may be more. Some think considerably more.

So, I reached the conclusion as to what my duty was and I do not hesitate to try to carry it out.

I want to mention that I am getting the actual facts together that will have a bearing on this issue.

It is said that we are going to get men who will take volunteer courses to carry out this policy.

We are at war now, Mr. President, and I want it to end; but I do not favor just pulling out, regardless.

The amendment would increase the pay of an E2, which is the corporal level, $160 a month.

My commonsense tells me that that is not going to get the men to do the job that we are involved in now. We are already in war.

I am going to show the full facts from authenticated official figures before the debate is over. But as a preliminary matter, the riflemen in Vietnam represent 16 percent of the Army in Vietnam. But they took 54 percent of the casualties.

When we add the mortarmen and the tank helpers that go along with the riflemen, they constitute only 22 percent of the Army in Vietnam. But they took 67 percent of the casualties in the fiscal year 1970.

Those are official figures in Vietnam.

Can we argue here that we are going to get men to volunteer for a $160 a month increase in pay to go into a situation like that? I do not think so. At least, the matter should be weighed more than it can be here on the Senate floor.

I am going to develop these figures more at length. They are not classified. They show what we are up against.

Those are just some of the matters that come to my mind more readily that have a direct bearing.

The volunteer army may be all right once the shooting is over. I do not just condemn everything about it, but I think personally that it will be many years before it would work.

Those who sponsor the call lay down certain necessary transition steps to take. I am talking now about the President of the United States. He is the man who sponsors the call.

Mr. Laird in a recent letter to me in response to a request I made for his ideas on this amendment said:

> This amendment assumes the termination of the draft legislation in July, 1971. I am convinced that the military manpower need will require the continuation of the draft beyond that date.
>
> I point out that the President in his April 23, 1970, message to Congress stated that steps to reduce the draft call to zero, increase the number of volunteers, and to end the draft system should be initiated subject to overriding considerations of national security.
>
> In stating his position, the President provided three safeguards in proposing the termination of the draft.
>
> First, the draft could not be ended all at once. There must be a phase-out of the system in order to secure maintenance of our defense posture in each step.
>
> Second, it would be necessary to extend the induction authority beyond July 1, 1971.
>
> Third, as reliance on the draft is decreased, a standby draft mechanism for emergency use should be developed.
>
> The amendment does not provide for these essential safeguards.

This is the President speaking and not the Senator from Mississippi.

I continue to read:

I will develop this later. I want to bring out now some of the major things that this amendment does, and would do, contrary to the recommendations of the President of the United States. He is, of course, the one whose opinion carries weight. Even though some might have suggested it before he did, the President is still the real father of this proposal. So, those points will have to be debated and argued.

I call on those who sponsor the amendment to give some solid, sound reasons to show why the President is wrong, where he is in error, and where he cannot sustain these reasons that he gives.

Let us not refer to the Commission. I have great respect for the Commission. The responsibility of that Commission was over when its report was filed. They are eminent men. They did the best they could.

I know some of them and I respect those that I know and I respect the reputation of all of them. But I doubt that they talked to a GI since World War II. I doubt that they have talked to any GI concerning the things he thinks about since World War II. That was a long time ago. Maybe some of them did. I hope that they did. It sounds kind of like a remote proposition.

Mr. President, I think the President of the United States has had more contact by far—I know he has—than any of the Commission members have within the last few years with this problem. Those are some of the things in the background of my mind.

I want to identify the statement of the President to which I have referred. It was a message from the President relative to reforming the draft system, 91st Congress, second session, April 23, 1970. That was referred to our committee. There were hearings. As I have said, I am not trying to kill the whole concept of a volunteer army.

The thing that I have been concerned about in the hearings has primarily concerned the extension of the draft, which I think is absolutely necessary. It expires by operation of law next June 30.

This matter came up last December after the House had passed an amendment providing for what we call the lottery system. There was a feeling and a sentiment in the Senate that, when that matter came to the floor, it would have a lot of amendments tied to it. It was already about November, as I recall.

I felt certain that, if there were a lot of amendments, the matter would not pass in conference.

I favored the so-called lottery system. I remember that we talked to the leader about it. However, skipping over all of those things, there was an understanding that, if the amendment that the House had passed was permitted to come to the floor and not be amended, that in early 1970, this year, our committee could

start hearings on the proposition of the extension of the Selective Service Act. That was agreed to. I agreed to that, and the bill came on the floor and was passed without the scintilla of amendment. It became law. The President got his request on that matter. I think as a whole that it has operated all right.

Mr. President, I want those Senators who are present to listen to this. We were back in session in January and February. General Hershey was retired and a new draft Selective Service man was to be selected.

Mr. President, I will go back just a little. As early as last fall when this agreement was had we had a man in Selective Service assigned to the preparation of these hearings. Mr. Braswell, our Chief of Staff, worked with him during that preparation, and they made a lot of headway getting ready for these hearings that I planned to hold.

They had to have a head of Selective Service. Without recalling names, several persons were discussed and it took a good while. Finally, Mr. Tarr was selected. I thought he was an outstanding choice. He was approved and he went into the matter with his sleeves rolled up. I said, "What about hearings?" He said, "Please give me time." I thought he was entitled to it.

We called on the White House for a bill on Selective Service extension and they had to work on it a good deal but they got it together. However, time was running all the while and we had to start our hearings on this massive bill that is now before the Senate.

I made some effort and thought a lot about the appointment of a subcommittee for hearings on the Selective Service. It is a sticky subject. I just never did get to the selection of that committee. I am thinking now in terms of the Selective Service Act.

In the meantime discussion about the volunteer army came up, and that report was filed in late April. I recall that Mr. Gates came by my office and talked about it before they filed it. In my mind, and I know everyone agreed with me, the Selective Service hearings would bring up the subject of the volunteer army.

I never dreamed that, with the exception of some opposition, the proposal would be not to have Selective Service continue. The war was still on. According to the President's plan, it would probably continue a while, and the President himself was saying all the time, "We have to have a transition and I have to have an extension of this Selective Service."

The Senator from Massachusetts had been in favor of hearings early, and he continued to be in favor of them. I conferred with him from time to time. We got into this massive bill, and we had subcommittees running day and night. They held hearings. That has already been described.

This is a huge bill and we had witnesses of all kinds. We finally got to the markup of the bill and we spent 2 weeks on that. Then, there was the campus unrest and everything else going on by then. That loomed pretty large in my mind about opening those hearings then. It was not the proper time to get at it in that atmosphere. I wish to be frank about the matter. I knew the House would not start hearings unless it was after the election. That is part of life, running for reelection. We had men running for reelection, too. That added to the problem. It was not reason enough, but it was part of the picture.

Anyway, I always thought we should have hearings as soon as we could. I was prepared for them. I expected and really wanted the volunteer army matter to come in with the hearings and as part of those hearings. I still think the only logical way to hold hearings is to have the hearings on the extension of Selective Service.

Am I impinging on anyone's time?

Mr. MANSFIELD. No.

Mr. STENNIS. Then, we could take up the volunteer army as maybe a segment of those hearings, as soon as we get this bill off the floor, whenever that is, and subject to the necessary duties our committee will have and that many members of the committee will have in conference on this bill, which I hope will be short. This is the very matter I expect our committee to take up next, and I am talking about in the year 1970.

It is a matter of making room for other things that will be coming along. I want to get Selective Service hearings started in 1970, and that will include this volunteer army concept. We will get the views of the Secretary of Defense and anybody else in official life, and outside witnesses. We will be churning along on this matter because we are already ready on the Selective Service part.

Now, I stated a moment ago the White House sent down its proposals. I am reminded now that it was limited to giving the President discretion in this student deferment and a change in the quota system. We do not yet have an actual bill for extension of Selective Service from the administration. We have several proposals from Senators, one of them being rather long. We have bills for the volunteer army. However, we do not yet have an actual bill on Selective Service extension as a whole, although we know about what it will contain. We know the problems that go with it and that have been worked on.

If we can get this bill off the floor and subject, as I said, to the situation with respect to the conference, the hearings on Selective Service and also the volunteer army will be the next order of business.

I revert to what I started to say in the beginning, to outline the matter briefly, about the matter being pressed for passage here as a part of procurement for the military services. I do not blame anyone, but I think before it is passed the facts should be before the membership in the best way we can get the facts under the circumstances. I am getting together all those facts, as are other Senators, and we are trying to draw these issues as well as we can.

I warn the membership of this body that we are running far, far ahead of time; we are running away with the recommendations of the President. It seems to me we are closing our eyes to the war that is going on in Vietnam. Unfortunately, I think it will continue for some time under the policy of the President, which I am supporting.

Now, to come in here contrary to his recommendations and his wishes and pick this thing up off the floor without really a chance to develop all the facts and put it on such an important bill, a bill that must pass this year because they cannot make appropriations until this bill passes, I think is a highly unwise thing to do. I think it would cause harm; I think it is unsound. I think it would seriously jeopardize our security—not some alliance; I am not thinking about some obligation we have on the other side of the world.

I am thinking about the security of our Nation, our people. I am concerned about the war we are already in. It is on the other side of the world. I feel a precipitate withdrawal there would cause us far more trouble in the future than we are in now. There is a difference of opinion on that.

I think we have to meet these facts as they are, rather than as we would like them to be.

Whatever merit the proposal has, it ought to stand on its own rather than be brought in here as a part of this bill. I will oppose it to the utmost for the reasons I have given.

Mr. President, that states, in brief form, the reasons I have in asking for more time to gather the facts and debate this amendment.

I yield the floor.

Mr. GOLDWATER. Mr. President, I have no intention now, or ever in the future, of debating with my chairman. I hold him in as high a respect and admiration as I do any man that I know in this world. I am not going to dispute anything that he said, because he speaks from years of accumulated wisdom, far superior to mine.

I would, however, like to reemphasize several things I said yesterday. While they might be termed "rebuttal," they are not; they are just a restatement of this amendment because I happen to be one of the cosponsors.

First of all, this amendment does not repeal the draft. I want to make that abundantly clear. The draft ends automatically the end of June, 1971. If the Congress wants to renew the draft, it can do it; but this amendment has nothing to do with July 1 or June 30, 1971.

I like to think of this proposal as I used to think of a promotion when I was in business. If I had an idea to advertise, to attempt to get more customers or keep customers, I did not spring it overnight. I would sort of urge them on, entice them, you might say. I think that is something this measure does. Before we can ever talk about a voluntary military, we have to let the troops know that they are going to get more money, they are going to get more fringe benefits; and I do not think the time to do that is July 1. I think we should pay it to them now, so that they can be thinking about it, and think, "Well, by golly, maybe the grass is greener in my uniform than it is going to be in my backyard at home, looking for a job."

The pay increases, the fringe increases,

are, to me, the real meat of the Gates Commission report.

We have raised the pay of the military several times in the last few years, but I do not think anybody can say that the military pay, particularly in the lower enlisted grades and the lower officer grades, would be enticing enough to anybody to say, "I want to be a soldier." Yes, there are many young men in this country who look forward to wearing the uniform, and they do not care about the pay, just as we have many young men in this country who are going to become ministers and do not care about the pay. We have many men in this country who engage, in many areas, in politics that are not profitable. I cannot make that same argument about the Senate and the House. Many men are going to become policemen and firemen; certainly the pay is not what attracts them to that. But whether we can get the 75,000 men a year that we need to keep a standing Army, Air Force, Navy, and Marine Corps going I think, is something we cannot gamble with. Certainly, a little more enticement is going to help.

So all this amendment really does is say, "Look, fellows, here is what you are going to get if you decide to stay in the military."

I can say that the last pay bill had a very salutary effect on the troops, and I think this one will have the same effect.

I became interested in this subject a long time ago, I think before anybody else in the country. As I said yesterday, I have spent 37 years in the Active Reserve, the Air Force, and the National Guard. In my last 5 years, when I was in the Senate, before my self-imposed sabbatical leave, I had a Mobilization Day assignment, Deputy Chief of Staff for Personnel for the Air Force. That meant that if war came, within 10 days I would put on a blue suit, march over to the Pentagon, and be a Deputy Chief of Staff for Personnel.

So I have spent a good many years in that area. I have taken whatever correspondence courses could be taken on military pay and on control of personnel.

Looking at the number of dropouts that we have every year in just the Air Force alone, young enlisted men who had spent 4 years, say, studying electronics at Keesler Air Force Base, or photography, or hydraulics, or engine maintenance, only to lose them and see them go to work for some company at a much better salary, I became convinced that we could save money by this move.

Dr. Milton Friedman is a member of the Gates Commission. I am not. He is a learned economist. I am a layman at best. But I have had quite a bit of experience in the personnel field in both civilian life and in the military. Both he and I agree that there ultimately will be a saving.

Here we are talking about what I have to confess are estimates. The Gates Commission is pretty much talking on guesses. The figures the military will use to oppose this amendment are guesses. My guess at one time was that the Air Force would save $1 billion a year if there were a proper pay scale and fringe benefit improvements and promotion improvements to entice young men into making the Air Force their career. I apply this to every other branch. Possibly in the Air Force there has to be more of an education program because we are in a little more sophisticated area than the other services find themselves in—without any reflection on the other services.

So I feel that my original motive in this matter certainly has not changed. We are not proposing to end the draft. We are merely proposing to set the foundation stones on which we can build a voluntary military service.

The question arises, what are we going to do in an emergency? What have we always done in an emergency? The Congress has passed draft laws. We had one in 1917. We had one in 1940. We had one again in 1948, and the one passed in 1948 has never been rescinded.

In the amendment that the distinguished Senator from Oregon, I, and other Senators are sponsoring, we provide for something that has never been provided for before—a real basis on which to build a working Reserve. After 37 years spent in the Reserve I think I know a little about it, perhaps not as much as some people know, but more than most people know. We have never had a universally effective Reserve force in this country, except for the ground National Guard and now the Air National Guard, and some segments of the Reserves which are active in air transport. We have never had a Reserve, for example, that could be called up. I remember back in 1939—I was then a first lieutenant in the Infantry Reserve, I think it was the 317th Brigade, though I may have forgotten it—but they called up all the officers. First of all, we had only half officer strength, and only three of us could pass the physical. That would have been a heck of a division, marching off with three officers, three first lieutenants with rifles on their shoulders. I have never seen any improvement in the Reserves since, except the National Guard, ground and air, and I would add the Navy, although I do not think the Navy, outside of the air component, could muster a real reserve force.

When I think of Reserves, I think of young men in this country up into their thirties, who have had some exposure to military training. I do not necessarily mean ROTC. I can remember the days of the Citizens Military Training Corps, that gave us many fine officers in World War II, and its training consisted of a month each year for 4 years, and then an examination, and the young man would be commissioned a second lieutenant in the Reserves.

We are turning out, contrary to what Senators might hear in the media or read in the newspapers, more Reserve officers than we ever have in the ROTC. The Air Force alone has about 140 requests from colleges that it cannot meet. The Army has about 67; I think that figure is substantially correct.

So the source of our officer strength, the ROTC, is not disappearing. We wish we had had better reception at some of the colleges where we have it, but it has not been received, and I suggest that the Pentagon take it out of all the schools that do not want it. If some of our fine eastern and western colleges do no want the ROTC, let us take it away from them and give it to some of the little schools that do want it, because frankly, I think we get a finer grade of officers from the smaller schools anyway.

Mr. COOPER. Mr. President, will the Senator yield?

Mr. GOLDWATER. I am happy to yield to the Senator from Kentucky.

Mr. COOPER. I was interested in the Senator's point, because two colleges in my State of Kentucky have been seeking for 5 years or more to have ROTC installed in those colleges, and they have the support of both the faculty and the regents and the student body. One of them has more than 8,000 students.

Mr. GOLDWATER. I appreciate the remarks of the Senator, and I happen to know that is true, because I have seen those two schools listed among those that want to have an ROTC program, either Army, Air Force, or Navy.

But, not having had what you could really call a reserve system in this country, where we could call the troops up, except in the cases I have listed, this bill is designed to provide a starting base for a Ready Reserve. One of the ways in which that can be accomplished is that we are going to require the continued registration of every young man in the country. This does not mean he will be drafted; it just means we will have the name and address of every young man, and then we can try—we are not going to force him—but we can try to interest the young man in taking some kind of military training. I do not mean 25-mile hikes and all that business, but at least to understand what war is and why nations have to go to war sometimes, to understand the need for discipline, and to begin to understand the need for leadership.

I think we could do a pretty good job with young men of this country if we approached them on a voluntary basis and said, "Look, we have a voluntary Reserve in this country; it would be to your advantage to join it. We are going to pay you a little bit to attend drills; you are not going to get rich on it, but one thing you are going to do, you are going to know a little bit something about being a soldier or an airman or a sailor or a marine, and if it ever becomes necessary to institute the draft again, you will be called."

I think I can speak with experience greater than that of any other Member of this body who has been in the service in saying that the man who has been exposed to training is usually the man who does not get hurt. It is the man we try to make a soldier of in 6 weeks, or an airman of in 8 weeks, or a marine of in about the same time, who just does not understand it, and he is more prone to be hurt than the other men. I would use that argument with any of my grandchildren, in urging them to take some kind of military training.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. GOLDWATER. I am happy to yield.

Mr. KENNEDY. I have read some of the comments of the Senator from Arizona on this question at other times.

Just looking through the amendment, is there a provision in this amendment to require some kind of universal military training?

Mr. GOLDWATER. No.

Mr. KENNEDY. There is nothing in the amendment that would require, in any way, some sort of universal military training for all young people, even for the limited period of time of which the Senator from Arizona has spoken. Is that correct?

Mr. GOLDWATER. No; and I say to my friend from Massachusetts, moreover, that I would lead the fight against universal military training. In addition to my interest in this legislation from the point of view of thinking we could save money, there is also my concern with the rights of the people of this country. As I said yesterday, I do not think it is right for our Government to tell any young man how he is going to spend 2 or 3 or 4 years of his life.

I think we have enough young men who, if they were left alone, would meet the need for 75,000 volunteers a year. But universal military training, while it has been very effective in some countries, I just cannot fit in with the American way of life, and I say to my friend from Massachusetts that if anything like that is ever proposed here, I will be out in front, leading the fight against it.

I would propose an appeal, a very understanding appeal by the military services to the young men to associate themselves with some Reserve unit; and while I may have sounded critical here this morning of the services, we have had very little attention paid to the Reserves over the period of years that I was associated with the Reserves, which was well over half of my life. Outside of the Navy, which constantly pays attention to its Reserves, and the Air Force, which pays attention to the Reserve units that have transport assignments, and the National Guard, both ground and air, we have nothing that we can bank on in time of war.

So we have proposed, through the mechanics of this amendment, to set up a way for the services to become interested.

Mr. KENNEDY. The training the Senator was talking about, then, was in relationship to the Reserves?

Mr. GOLDWATER. That is right.

Mr. KENNEDY. Strengthening the Reserves?

Mr. GOLDWATER. The Senator is correct.

Mr. KENNEDY. I thank the Senator.

Mr. GOLDWATER. Mr. President, I have four grandsons. When they get to the appropriate age, in school, I would try to interest them in taking military training. I might go farther than some grandfathers, because I have got a lot out of it myself. I would urge joining up with a local Reserve unit that would meet, say, twice a month for 2 hours to learn about the problems of being a soldier, an airman, or a sailor. But in no way should this be mandatory or required.

My personal feeling, I might say to the Senator from Massachusetts, is that a young man is a lot better off having exposed himself to some military training. It is much like when I was a boy, all of us learned how to box. We did not do it to go around being bullies; we just did it so we could protect ourselves, and because if others knew we could box, they would put us on a list to be left alone.

This might be important to the United States; if the potential enemies of this country knew we had a Ready Reserve, ready to go, that could be called up overnight, maybe it might have a salutary effect so far as peace is concerned.

Mr. President, I did not intend to speak long on this measure at this time. I shall devote further time to it. But I hope Senators on both sides will pay close attention to this matter. The learned Senator from Mississippi has had more experience in this field than, possibly any of the rest of us.

But we think—those of us who sponsor this amendment—that now is the time to lay the groundwork. Now is the time to tell the troops around the world that we are going to pay them a little more money and that we are going to give them a little better fringe benefits. I have in mind, for example, if a man is stationed in the Mediterranean, let his wife come to the Mediterranean. If he is stationed any place that his family can go, take the family there. Make it easier for him. We do not make it impossible for our civilian employees to live overseas, but we certainly put all the rocks in the world in the road of a man going overseas in uniform.

We could improve the fringe benefits in medicine, for example. We could provide better housing where better housing does not exist now.

We are talking about a large chunk of our population. It is not going to be 3.5 million men. It is probably going to be between 2 million and 2.5 million men when Vietnam is over, or it might even be before Vietnam is over. But, still, that is a lot of people.

I witness Senators on the floor of the Senate every day shedding big crocodile tears about 100,000 people or 500,000 people who lead a tough life. Right now, 3½ million men—potentially 2½ million men—lead a tough life all the time, regardless of what they are paid. When a man is risking his life and defending the rest of this country and the free world, I do not think one can put a dollar sign on it.

So it is something we have to be serious about and considerate about—all the things I have mentioned and many, many more.

Mr. President, I hope that we have a long debate on this matter. I think it will help the country to understand what we are trying to do and to understand what I think we will have to do.

Mr. ERVIN. Mr. President, will the able and distinguished senior Senator from Arizona yield for several questions?

Mr. GOLDWATER. I yield, but I should like to remind the Senator that I am the junior Senator. I am one of the oldest junior Senators in the Senate. [Laughter.]

Mr. ERVIN. I would say, if the Senator from Arizona would permit me to do so, that the seniority in experience of the very distinguished junior Senator from Arizona has conferred upon him great wisdom.

My questions are these:

First, does not the Senator from Arizona think that every man has the same duties to his nation that all other men have?

Mr. GOLDWATER. I agree with the Senator. I feel that way. But I do not think we should force that service on a man, unless we are in times of real emergency, when we have to get 10 or 12 million men into uniform.

Mr. ERVIN. Does not the Senator from Arizona agree with the Senator from North Carolina that service in the Armed Forces of the Nation has a tendency to make a man understand more clearly his duties to his country and to value his country more highly?

Mr. GOLDWATER. I could not agree more with the Senator from North Carolina. He is a distinguished veteran himself and wears one of the highest decorations this country gives.

I know of very few men who have served in the military services who have ever turned against their country. A few, yes. But, on the whole, they not only come out of this experience with a greater regard for their country but a better understanding of their country as well. In addition, they come out of it with a distinct, clear understanding of the need for leadership—and we have too little of it in this country today—and the need for discipline. I do not mean the kind of discipline of clicking heels or popping to a salute. I mean the discipline that we do not find today—the discipline of respect, the discipline of time, the discipline of work.

If I had my life to live over again—I have said this often—I probably would have taken my appointment to West Point, and I would either be a general today or I would be dead; but I would have enjoyed my life a great deal more.

Mr. ERVIN. I know it to be true that the distinguished Senator from Arizona. nothwithstanding the fact that he did not make of himself a professional soldier, has devoted a large part of his time and his energy to serving his country in the armed forces—and even in times of peace, in the Reserves of the United States. I think he merits the commendation of our Nation for having so conducted himself.

I should like to ask the Senator from Arizona if he does not agree with the Senator from North Carolina that, if the financial status of the Federal Government permitted, it would be highly desirable for the Federal Government to require every young man to receive training in the armed services of the Nation for a limited period of time, and if he does not agree with the Senator from North Carolina that such a policy would ultimately promote the health of the Nation as well as better citizenship in the Nation.

Mr. GOLDWATER. I might say to my friend that I have always said that there are two things a man has to do—he has to pay taxes and he has to defend his country. I would not agree that, even if the Federal Government could afford it, we should force an unwilling young man to take military training. I think it would be to his advantage. But he might disagree.

In answer to a question from the distinguished Senator from Massachusetts, I said that I would not favor universal military training, because one of the two major premises that I stand on in relation to this amendment is that I do not think the Federal Government has the right to tell any man or woman how they are going to spend 3 or 4 years of their life. This is in regard to the young man who does not want to be drafted or does not want to be a voluntary member of the military. I think it would be to his advantage to take this training, but I could not back the type of universal training that it would take to do what the Senator thinks is wise, even though I think the training would be wise.

Mr. ERVIN. Does not the Senator from Arizona concede that a very good case can be made for the proposition that it is just as fair to depend on voluntary taxpayers for the support of the U.S. Government as it is to depend solely upon volunteers for furnishing the manpower for our armed services?

Mr. GOLDWATER. The Senator makes a very interesting point. I am afraid that if we had voluntary taxpaying, we would not raise a great deal of money. But I am not worried about depending upon the young men of this country to provide a voluntary military force.

Keep in mind that I am talking about the normal times in which we hope to live. I am not talking about World War I or World War II or—well, I do not like to use Korea, but even Vietnam. Had we had a voluntary military, I think that we would have been able to fill all the slots needed in a war the size of Vietnam had we fought that war the way we should have fought it. I do not happen to agree that under the direction of Secretary McNamara or President Johnson, this war was fought in a proper way. But that is beside the point. So while I am very much interested in becoming a voluntary taxpayer—something I do not believe we will ever see—I do not believe we can compare the two, enticing as that might be.

Mr. ERVIN. I would certainly agree with my distinguished friend from Arizona that the conflict in Vietnam has not been fought in the proper way. I would be inclined to the opinion that the same observation could be made with respect to the Korean episode. I have always been convinced that those civilians who have the ultimate charge of our military forces would be intellectually enabled to serve their country in troublous time in a more effective manner if they would pay less attention to trying to find out a concensus of opinion and would spend more time reading the advice which Polonius gave to his son, Laertes, on the occasion when the latter was about to journey from Denmark to Paris. In substance, Polonius told Laertes, "Beware of entrance into a quarrel, but once in it, so bear thyself that the enemy will beware of thee."

I say with the firm conviction of the correctness of my assertion that if the civilian authorities had permitted the military to take charge of the situation in South Vietnam, the military would have won this war 3 or 4 years ago.

I cannot help confessing another abiding conviction, that a nation can never justify sending its boys into battle to die in a war it does not permit them to win.

I want to thank the distinguished Senator from Arizona for his courtesy in yielding to me. I rejoice in the fact that he and I ordinarily share kindred views on military subjects, even though my views in respect to the pending amendment prevent me from voting for it.

Mr. GOLDWATER. I thank the distinguished Senator from North Carolina with whom I have served in such a delightful way for many years. It is true that we do not agree on this question, but I would hope that the Senator would lend his judgment to it as we go along. I certainly agree with the remarks he just made. The observation made after the fall of Dienbienphu, that the French did not lose Dienbienphu in Vietnam, they lost it in Paris, is precisely what is happening in America today.

If we lose the war in Vietnam, we will have lost it in New York and Washington. We will have lost it through the distortions made by the news media regarding the war and what it does.

I have said time and again that had we made up our minds to win the war in Vietnam at the same moment we went into it, the war might not even have started, because any nation facing up to the fact that they would be opposed by the greatest power on earth, by the naval and air forces of the United States, I do not think they would choose to fight.

I suggest, as distasteful as it might seem, this is one of the instruments of national policy which this country has never understood.

I do not believe that World War II would have occurred had the United States been armed and prepared and had Germany known that a foot on Poland, or a foot on England would also mean a foot on the United States.

Mr. President, it is unfortunately true that peace is kept only through power. I wish it were not so. I hope that my grandchildren will live to see the day when peace in the world will be kept because of the goodness in men's hearts and minds and not their evil.

Mr. ERVIN. Mr. President, if the Senator will permit me one more observation, without losing his right to the floor, I should like to state as an abiding conviction that when statesmen or politicians, or whatever we may call them, fail to such an extent that war comes, they should take a back seat and allow the military men, who have been especially trained to wage war, to direct the actual tactics in the area where the war is being waged.

Mr. GOLDWATER. The Senator is absolutely correct. There is not one single instance in history that will not back him up. It is unfortunate, but it is true.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, continuing this dialog on the voluntary Army concept which has been proposed by the Senator from Oregon (Mr. HATFIELD) and cosponsored by the Senator from Arizona (Mr. GOLDWATER) and other Senators, I want to make some comments at this time concerning the dilemmas in which we find ourselves.

I have had an opportunity to read the Gates report and to read the proposed amendment. I have been in favor of a voluntary Army, and have made speeches on the subject, for at least 5 years.

The question obviously becomes filled with emotion when we think of the deep resentment people feel around the country, be they young or old, over the arbitrary selection caused by the draft laws.

The other day, I had the opportunity to talk to people in the Defense Department and to talk to some people, impartial civilians, looking into the subject; and almost everyone agrees, so far as I can see at this time, that any draft law which drafts less than all the people must, of necessity, be inequitable. There is no possibility of making it operate evenly, because we are going to select certain people and make them do things which we are not going to make others do.

It is also obvious that the country and the taxpayers, cannot possibly afford any kind of uniform service law, where everyone is required to serve for a stated length of time whether we are at war or peace. I am not sure that it would be right anyhow, for reasons which the Senator from Arizona (Mr. GOLDWATER) just stated.

Then we have the other situation, when we are at war, whether declared or undeclared. Many Americans have been killed and many Americans are still in Vietnam. In an unpopular war of this kind can we maintain the necessary forces to complete the President programs if the draft is dropped? What we are looking at is not the situation we were faced with as this administration came into office, but what the situation will be in Asia and the rest of the world after July 1, 1971. Hence, we will try to determine what kind and what categories of personnel will be needed to provide security for this country.

According to the President's announcements which have already been made public, our armed services in Southeast Asia, as of May 1, 1971, will be about 240,000 troops as compared to 540,000 in January of 1969.

Many of these troops will be logistic forces—communications, supply troops, and so forth. Some of them will be artillery. Some of them, obviously, will be ordinary infantry, defending whatever bases and depots we have still there.

No one knows now what the situation will be 3 months later, whether we will be reducing the number of troops still further—which we all earnestly hope we will be—or whether by that time we will have reached some kind of agreement with North Vietnam which will enable us to get out even more rapidly.

In looking around the rest of the world outside of Southeast Asia, where else are we liable to be using troops in ground infantry action? It is very difficult to see where this would happen except perhaps in Western Europe in the event the Soviets decide to heat up that area.

We have had some 350,000 troops, members of the armed services, in Europe for 25 years. For the life of me I have

been unable to understand why we have done this. For the life of me I have been unable to understand why the United States should use its own forces in the area of Western Europe, which is economically and, from the point of view of manpower, better able to protect itself than is any other area that I know of around the world.

It makes no sense to me. Over and over again I have joined with the Senator from Montana (Mr. MANSFIELD) in urging that we have a very substantial reduction of forces in that area.

In the Mideast fortunately, and through the very fine activities of our Secretary of State and President, we have at least a tenuous cease-fire. We hope that we will be able to move from that into further negotiations for a permanent peace in that troubled region.

Mr. PERCY. Mr. President, would the Senator yield for a comment on that point concerning his comments on the European forces?

Mr. DOMINICK. I am very happy to yield to the distinguished Senator from Illinois.

Mr. PERCY. Mr. President, I think the distinguished Senator's comment is most pertinent. I can well understand why Europe would want to have more than 500,000 Americans in Europe today, more than we have actually in Vietnam. They are there as hostages. In the event western Europe should be attacked, we will be there.

What I cannot understand is their reluctance in the past to bear their fair share of the cost of troops needed for a common defense. This, I think, has been ludicrous and I think it is a scandal that in years past we have not said, "If you want us here, the least you can do with your high level of prosperity is to pay a fairer share of the costs involved."

These countries now recognize that they must pay a fairer share. The question is how much. I think we are some ways apart in what we think is a fair share.

The point the Senator makes is very well taken. It has been an unfair situation. I have talked with officials who helped create NATO. They never envisioned that we would, 25 years later, have troops in Europe to the present extent and bear the present level of expense.

I thank the Senator for yielding.

Mr. DOMINICK. Mr. President, I thank my friend, the Senator from Illinois. The points he has made are very accurate. Not only have they not paid for the costs of our troops, but also they have not fulfilled their own NATO commitments. As a matter of fact, one of our NATO allies, France, has thrown us out and required that we be in another country.

Apparently the whole complex was developed from the idea that we might be facing a threat from Eastern Europe. I think that is still a possibility. But one country that has been urging us to keep our forces there Western Germany has now reached a nonaggression treaty with the Soviet Union. I do not know that it is worth anything but if it is this further emphasizes the desirability of removing our troops from there. We can meet our commitments to NATO by airlift. We can bring our troops back in. We have no desire to go back on our commitments.

The point I make is that 1.25 million volunteers are in the armed services. Some 800,000 additional men are volunteers in their first term of service. If we have this capability now in this country, do we in fact need to further extend this draft situation which can be nothing but inequitable, no matter how we look at it?

The major argument in favor of it is that we cannot get troops for the "nitty-gritty" ground combat. People are enlisting in other specialities. They will volunteer to be pilots or to go on Navy ships. They will enlist for the electronics field or communications. But we do not find many people enlisting for ground infantry action.

This is a problem and the question is how do we solve it.

Again, we have to look at where we will use troops of this kind in the future. What is the immediate threat which would create a need for drafting a number of troops of this kind?

It is hard, frankly, to see the realism behind it.

We now have a proposal to reduce our overall services to 2.9 million from about 3.5 million. But for each troop we put into combat, for each flier, for each Navy combat person, or for each marine we have more backup support troops than any other country in the world. I think it is somewhere in the neighborhood of 11 to 13 or something of that number for each person who actually conducts any fighting. I am not sure of the exact figure, but it is very, very high.

We do not need to go in this Cadillac form if we are engaged in a war which involves the security of the United States.

We need to give the necessary support pay and recompense to the actual people who are engaged in this as a career, yes. But do we need an overall force of this size—2.9 million persons?

My own thinking is that we do not as long as we have a method of calling up large masses of people if we find ourselves in a very serious problem, as well as keeping a strong Reserve and National Guard force.

We can reduce the Regular Army by a considerable amount of personnel. These points seem to militate in favor of this amendment and in favor of a volunteer army and dropping the draft as of July.

The things that we cannot envisage right now concern the defects that would turn up if we were to have rather extensive hearings on this matter next year.

Does this amendment which we have under discussion in fact provide the proper amount in order to be able to make a high-class volunteer army more practicable?

How much additional training allowance or pay will we have to have in order to get combat troops in the infantry?

Why are the Marines able to fill their lists with volunteers while the Army infantry cannot. Is there that much difference in their fighting roles, or their pay and allowances or their service living conditions? Or is it the method of recruiting or the allure of the Marine morale? These questions need to be examined.

What are the policy problems of the future with respect to the actual use of troops?

Will we have to find ourselves in the Cuban area, for example?

Strong intelligence indications that have recently come to light show that the Cuban problem, far from getting better, is getting worse. They are stronger militarily, their missile capability is getting better, and their nuclear capability is being increased.

There is at the present time one nuclear noncritical plant in operation used for peaceful purposes. It is my understanding that another one is proposed for 1971 or 1972 which is a critical mass type nuclear plant.

Every Cuban working in it has been trained in the Soviet Union. There are continued reports from Cuban intelligence that missiles are in the country. What is going to happen in Western Europe? Is there going to be an agreement which will calm down some of the tensions which have existed in that area? Are we going to be able to stay out of the Middle East or find ourselves engaged there, God forbid, in a more direct way?

These are all problems we are going to have to wrestle with in determining what we are going to do in connection with this amendment. I am frank to say I have not made up my mind. Are we being premature in taking the amendment up at this time or is it necessary to get started on it now, as has been suggested by the Senator from Arizona and the Senator from Oregon so we can test it out in the intervening 6 or 8 months prior to the time the draft expires and comes up for renewal? It is a most perplexing and difficult problem and it is one that should be examined at this time.

We have been wrestling with other problems that are difficult but we have not been wrestling so much in connection with problems which affect the welfare of so many of our young people, as well as those who are enjoying the luxuries and freedoms we have in our Nation. I have not made up my mind on what to do about this matter, but I hope before the final vote we would have some debate, some discussion, and open remarks as to what our policy position may be around the world within the next 2 years, because it is within those 2 years that I feel this voluntary Army versus the draft situation will be most critical.

Mr. HATFIELD. Mr. President, I am grateful to the distinguished Senator from Colorado and Senators who have engaged in this colloquy today on the subject which we intend to lay before the Senate very shortly, namely, amendment No. 844.

Mr. President, Before I make any further comments, I ask unanimous consent that the name of the distinguished junior Senator from Illinois (Mr. SMITH) be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, the

very able Senator from Colorado has just addressed himself to some of the most fundamental points we are concerned with in the overall manpower procurement responsibility that we in Congress have, a responsibility to enact legislation that will provide our military organization with sufficient manpower to meet not only domestic defense needs of this Nation, but to implement our foreign policy as well. I am pleased that the Senator touched on these important points of foreign policy which depend on an adequate military force to carry them out and to implement them.

I shall make only one or two points this morning because when we call up the amendment we will go into other arguments and debate on the matter.

The question has been raised this morning by the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), about the cost of an all-volunteer military. The distinguished Senator from Mississippi has used the figure $4 billion as the cost which would be required to implement an all-volunteer system.

I would like to quote from the same letter from the Secretary of Defense, Mr. Laird, who indicated that there is not today in the Pentagon a real basic set of data on which to compute accurately an exact cost. I would add further that the Gates Commission report, on page 7, indicated that with the basic pay increase, proficiency pay, Reserve pay increase, additional Medical Corps expense, recruiting, ROTC, and miscellaneous, the figure would come to $3.24 billion.

Mr. President, I wish to emphasize very carefully this morning that it costs approximately $6,000 to train a soldier. Today we have draftees coming into our military program under what we call a mixed force; namely, we have volunteers, and we have those volunteers who volunteer to avoid conscription, and we have draftees. When one considers we have a 92 percent to 95 percent turnover rate within our draftee group, I think it is very apparent that we are expending a great deal of taxpayer money to train people to a point where, at about the time they become proficient, they are out of the service.

The Navy has indicated that it is believed the No. 1 problem they face today is what they call "personal turbulence," and that is simply another word for turnover rate. That is in a branch of service in which there is today an all-volunteer recruitment program. Some of those volunteers are not true volunteers; they are enlisting to avoid the draft. The point is that even in enlisted situations there is this high turnover rate.

We are expending over $3 billion for the training of draftees. Our present system is costing us over $3 billion and I am saying, and my cosponsors believe, if we accept these figures—and they are very general and I do not purport to say they can be computed to the exact dollar or perhaps even millions of dollars—if for the moment we accept the $4 billion figure given by the chairman of the Committee on Armed Services, that the all-volunteer system would cost us, I would point out that it costs us over $4 billion to maintain the coercive nonvoluntary draft program.

When one considers the two figures, it is obvious that by reducing the turnover rate under a voluntary system, we would receive far more in return for our $4 billion in an all-volunteer force than we get from $4 billion in a draft mix system.

Further, we have the support of a very important committee appointed by President Eisenhower in 1957, which was headed by Ralph Cordinier. The report became known as the Cordinier report, and I would like to quote from that document.

It was estimated at that time, and this goes back to 1957, so if anything the figures would be increased as they apply to the situation today, 10 percent of the military force is engaged in training new recruits.

When one considers that by instituting an all-volunteer system, under the best calculations which have been given us, we would release a number of people today who are involved in a constant training program; and that is estimated at a 3-percent reduction in personnel for training purposes. If one considers a 2.65 training level, as the Cordinier report referred to at that time, that would mean 79,500 personnel could be released from the entire time they have to give to training, for other military assignments.

The Gates Commission states that when you take the present accession and other recruitment programs, we have about 250 million true recruits or enlistees; and on that basis, out of the 325,000 that go in as "new" each year we would have to have only 75,000 additional new enlistees to have an all-volunteer system.

When one considers the savings that could be made in manpower alone in an all-volunteer system in the area of training, it is obvious we would not have to pick up a great number more men than are voluntarily enlisting without the pressure of the draft.

The question has been raised this morning also as to the matter of whether all young men have a duty to perform to their country and whether that duty can only be performed through military service.

I would like to say that I speak as a combat veteran of World War II. I feel that the experience I had in the Navy was a very excellent experience. At the same time, I do not believe that, because I was privileged to serve in the Navy in World War II, fighting for my country, I should assume I have a higher degree of citizenship than any person who was not able to serve in the Armed Services, as many of my friends with whom I had attended the university were denied entrance into the military service, when they were seeking to serve. It was excellent for me, but, by the same token, I do not believe it gives me an extra badge of citizenship that is denied those who were not in the military service.

Furthermore, as I indicated yesterday, when we talk about serving our country, we should not restrict our thinking to believing that the only way to serve our country is through serving in a military uniform. I think that is one way of serving one's country, but I think there are many other ways one serves his country. I would hate to think that we would restrict our thinking, in discussing the amendment, to the thought that only young men in uniform are rendering a service that is looked upon as doing one's duty to his country.

Mr. KENNEDY. Mr. President, will the Senator yield for a brief observation, and then I should like to ask him some questions.

Mr. HATFIELD. I yield.

Mr. KENNEDY. Mr. President, I will support a volunteer Army in peacetime. But when, as now, battlefield casualties are high I do not believe a volunteer Army is either equitable or wise.

In my view, it is inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the Army by a pay raise. And it is unwise to insulate from the horrors of war middle- and upper-class Americans who might lead the protest against senseless foreign adventures.

I recognize that the present draft system has many of the defects of a voluntary system. But the draft can be made more equitable, as I have fought to do for years. The volunteer Army is inherently inequitable.

There are some who argue that we never would have become involved in a large scale war in Indochina, if it were not for the draft. This is sheer speculation. The one certain fact is that we are in Indochina now, and that the process for determining who will serve there should be a fair one.

Some suggest that if the draft were ended, American involvement in Indochina would have to come grinding to a halt. This, of course, directly contradicts the finding of the Gates Commission that our military manpower needs could be met by an all-volunteer force. In any event, if the Congress wishes to end the war, it can do so by legislation directly aimed at that goal.

Finally, I note that the cost of the Hatfield amendment for this year is at least $3.2 billion dollars. When we have such pressing budgetary problems and domestic needs, I sharply question whether a volunteer Army, even if desirable, should rank so high on our list of national priorities.

I would now like to ask the Senator from Oregon how his cost figures are related to the level of unemployment?

Mr. HATFIELD. In reply to my friend and colleague, the figures that I quoted included unemployment.

Mr. KENNEDY. What level of unemployment?

Mr. HATFIELD. Is the Senator referring to the Cordinier report?

Mr. KENNEDY. I am familiar with the figures in that report. I am referring to present estimates of the cost of a volunteer army under the Senator's amendment.

Mr. HATFIELD. The $3.2 billion under the Gates Commission finding?

Mr. KENNEDY. Yes. It has been some time since the Gates Commission report was made. Unemployment has increased

since that report. It has actually doubled. How does the Senator think that fact affects the cost of his proposed program?

Mr. HATFIELD. The Senator is quite correct in saying that the figures on unemployment are changing, but as far as the report is concerned, unemployment was approximately 5 percent at that time.

Mr. KENNEDY. So the cost of the Senator's proposed program is based on an unemployment figure of 5 percent?

Mr. HATFIELD. Yes.

Mr. KENNEDY. How does it vary as unemployment varies? Of course, this matter was developed quite completely in a Defense Department report and lead to extraordinary estimates on the cost of a volunteer Army, ranging from about $4 or $5 or $6 billion up to $17 billion, as I remember. The cost was very closely related to the unemployment question.

Has the Senator any information now which would suggest that, under his amendment, there would be a difference in cost if there were a reduction in the unemployment rate or a rise in the unemployment rate over the period of the next 2 years?

Mr. HATFIELD. The figures we are using at this time are on the basis of the finding in the Gates Commission report, which was based on an unemployment figure of approximately 5 percent, as I have said. As far as the total cost is concerned, we must realize that we are dealing here with certain variants—the size of the military force we are going to base it on, whether it be 2.5 million or 2.6 million, and the fact that we must include in this estimate anticipated savings, following the recommendations of the Gates Commission, which among other recommendations, would transfer certain present military duties to civilian jobs.

Mr. KENNEDY. That is being done at the present time, as I understand.

Mr. HATFIELD. That action has been taken in certain instances.

Mr. KENNEDY. Nothing currently prohibits the military from moving in that direction in a more extensive way, or even recruiting civilians for clerk and typist jobs, for example.

Mr. HATFIELD. There is no prohibition. The point is that we would be calling upon the military, by action of the Congress, to accelerate that program or policy.

We do go into other cost factors, for example, transportation. It is estimated by the Gates Commission that we would save a minimum of $68 million in transportation, on the basis of a lesser call for transporting recruits or inductees from one place to another.

In the field of training and administration, the estimated reduction in the cost of such programs is $675 million.

In the area of what they call civilianization, or the very point we were just discussing, moving further in the direction of providing civilian personnel with responsibilities now being performed by military personnel, the estimate is that there would be a saving in cost of $100 million.

Then, as far as the impact upon the general economy is concerned, there is a very interesting figure, which I am sure the Senator from Massachusetts is aware is an element in the cost calculation, and that is the loss of productivity to society by men trying to avoid the draft. We are losing a great resource in this country, as the Senator knows, as a result of a sizable number of people—it is up to 60,000—moving out of the country to escape the draft. And it is estimated that over 30,000 men have now refused induction. Others are in colleges and universities in an attempt to avoid the draft. This has resulted in an increased cost of education for people who are not really seeking an education or who are qualified to receive it, but are there for the single purpose of avoiding the draft. That is a difficult figure to state in specific terms, but it is estimated that the saving could reach as high as $3 billion, and that, of course, would have another great impact on our economy.

So I think all these factors must be considered when we consider the cost of a volunteer system versus a coercive system, and what it means in the long run.

As I indicated yesterday, I may add to my comments to the Senator from Massachusetts, the real cost of this program under a volunteer system would not be any more than the present cost. By that I mean that the present costs are being borne not just by the taxpayer, who should bear all the costs for the defense of this country, but by the requirement that we are placing upon the shoulders of our servicemen to subsidize their own military service because of the noncomparability of the pay scale they are receiving when contrasted to what they could earn in civilian life.

John Kenneth Galbraith called this "the patriotic tax," Dr. Oi called it "the hidden tax." Whatever you call it, it is still there.

Therefore, when we consider or talk about an all-volunteer system in terms of dollars, it really is not going to cost, in real dollars, more money. It means only that we are going to send the bill to the taxpayer, rather than requiring the young men to subsidize their own service.

Mr. KENNEDY. Those same savings in cost would have existed in Australia, when they instituted the volunteer army system, would they not?

Mr. HATFIELD. I am sure in some degree. Perhaps not to the same magnitude.

Mr. KENNEDY. But all the different cost-saving elements, lower administrative overhead and the others which the Senator has mentioned, were there perhaps, in some varying degree.

Mr. HATFIELD. Let me interrupt the Senator at that point. When the Australians moved from one type of system to another, they did not include any additional incentives, as we are doing, so we could not make quite the direct comparison the Senator is attempting to make between the two countries.

Mr. KENNEDY. They had some modification, did they not, in pay scales?

Mr. HATFIELD. No significant modification.

Mr. KENNEDY. Well, one can question whether the pay scales included in the Senator's amendment are going to be significant enough and sufficiently attractive to young people to induce them to participate in our involvement in Southeast Asia.

I understand that in the Australian experience, the principal consideration was the unemployment question. When they instituted the volunteer army, they had relatively high unemployment. As soon as that unemployment was met with economic expansion, the bottom, effectively, fell out of the whole volunteer army system in Australia. The Australian experience does not suggest that we should expect any savings from a volunteer army.

I wonder if the Senator would reveal to us any information he has about other industrial countries that have tried to introduce this system and tell what additional savings have been made with the institution of volunteer armies. Because I suspect the record of other countries that have attempted it has not been quite as sanguine as my colleague from Oregon suggests.

Mr. HATFIELD. I am happy to say to the Senator, in response, that I think he has posed at least two questions here. He attempts to draw an analogy to the Australian situation, and I think, upon reading the Gates Commission report, the Senator would find this is a most inappropriate analogy, and that it is not possible to draw a valid analogy between Australia and this country.

Let me quote from page 171 of the report, addressed to that very question:

> Some has cited the Australian decision to return to a draft as evidence that an all-volunteer force is not feasible for the United States. There are several reasons why this argument by analogy is inappropriate. First, the Australians have not made a concerted effort to attract additional recruits on a voluntary basis. Once the decision was made to use conscription to raise force levels, no serious effort was made to increase voluntary enlistments either by raising pay or redoubling recruiting efforts. Second, the Australian economy is heavily unionized and apprenticeship programs requiring four or more years deplete the pool of men available for military service. Third, Australia has enjoyed a rapid growth in its economy (the unemployment rate is about 1 percent) which makes civilian jobs relatively more attractive than military service. Finally, civilian earnings significantly exceed military pay rates. Civilians receive over-time and other supplementary compensation in excess of the common wage rates set by the government for both the military and the civilian economy.
>
> The Australians could have expanded the size of the Armed Forces on a voluntary basis by raising pay—

What we are planning to do here—

> and reorganizing recruiting.

Which we provide in this amendment:

> Given the important differences between the two countries, one cannot conclude that the Australian experience shows that the United States would be unable to attract enough recruits on a voluntary basis if energetic and efficient recruiting were combined with competitive rates of pay.

Let me add one further point as to the second question that I believe the Senator from Massachusetts raised, and that is, have we any other evidence of any other countries? Yes, we have. We have very outstanding evidence in both Can-

ada and Great Britain, where they have instituted this kind of system.

Mr. KENNEDY. How did the force levels in Britain change over a period of time after they adopted a voluntary army? Have they increased, remained the same, or been reduced?

Mr. HATFIELD. Let me respond to the Senator's question with a quotation of further facts from this report:

The Canadian Armed Forces have always been entirely voluntary except for the period from 1940 to early 1945. The Canadian forces presently number slightly less than 100,000 men—

Mr. KENNEDY. 100,000 men?

Mr. HATFIELD. 100,000 men—

supported by an annual inflow of about 12,000 men.

So that is the situation as far as Canada is concerned.

Mr. KENNEDY. The Senator is not suggesting that the fact that the Armed Forces of Canada have been able to raise 100,000 men demonstrates that we can have a voluntary army here with our much broader military obligations.

Mr. HATFIELD. That was not the question the Senator from Massachusetts asked.

Mr. KENNEDY. Well, I was talking about some kind of comparable experience. Because 100,000 men does not even meet the present demand for troops in Vietnam——

Mr. HATFIELD. Would the Senator care to suggest some country that is comparable, in terms of the obligations we maintain?

Mr. KENNEDY. No, but is there an industrialized society that has to any extent a force level, in terms of total population, which would be comparable to the United States? Canada, quite clearly, with 100,000 men, is not.

Mr. HATFIELD. I would say there is no country comparable to the United States as far as the requirements that we have for military forces. Perhaps the Senator would be willing to accept Great Britain. But he is not going to find any country that has the requirements we have today for the maintenance of a high manpower level in the armed services, because of our international commitments and our international involvements.

Mr. KENNEDY. All right.

Mr. HATFIELD. Consequently, the Senator is asking a question for which it is impossible to provide an answer.

Mr. KENNEDY. Well, I just questioned using the example of Canada as a possible response to my question. I think Great Britain may be a useful example if the Senator would indicate to us what their force levels were prior to the time that they went to the volunteer army, and what gradual reductions in force levels have been experienced since the transition to a volunteer army system.

Mr. HATFIELD. Yes.

Mr. KENNEDY. Because I do not think anyone has demonstrated on this floor, that we could get a volunteer army that would reach even 2 million men, with the kind of pay raise the Senator suggests. I am questioning that point.

Mr. HATFIELD. Let me make the record clear here, because I would not want the Senator's implication to stand as a fact. We have today a volunteer military force of more than 2 million.

Mr. KENNEDY. But that is not completely accurate. Surely the Senator does not mean to suggest that the 2 million who volunteered were not influenced by fear of the draft?

Mr. HATFIELD. The Senator was not here earlier to hear the very careful description we made, based upon these two reports. If the Senator has other studies, I shall be glad to study them, but these two, one prepared by the Defense Department and the other by the Gates commission, have both indicated very clearly that in our Armed Forces today there are between 2 million and 2.25 million true volunteers, of which 1.25 million are men beyond their first tour of duty.

Mr. KENNEDY. Well, the Senator has the figures. I do not have them handy. Does he have the Marshall Commission figures on this particular question?

Mr. HATFIELD. No. I have studies more recent than the Marshall Commission report. The Marshall report was in 1966.

Mr. KENNEDY. But did not the Defense Department study you refer to precede the Marshall Commission?

Mr. HATFIELD. 1966 was the Marshall report, and we are now dealing with the report of 1970. But I might say that the Gates Commission report is based upon the Defense Department's own study figures.

Mr. KENNEDY. All I mean to say is that the Marshall Commission looked into this very question as well; and, their report being one of the basic documents, I was wondering whether the Senator had the results of that report.

Mr. HATFIELD. I do not have the Marshall report here. I have later reports. I do not have the Marshall report in its total form, but I do have these figures from the Marshall Commission report. They set their base at 2.65 million men and estimate that it would cost between $4 and $7 billion. The Gates Commission concludes that $2.12 billion would be needed to expend annually for a stable force of 2.5 million.

So when we raise these reports, we have to determine the base we are starting from, because we have different bases from different studies.

Mr. KENNEDY. I am sure the Senator from Oregon will say that we are just as justified in relying upon the Marshall Commission report, with their estimates, as we are on the Gates Commission report.

Mr. HATFIELD. No, I would not say that; because the Gates Commission report is a more recent report. I think it probably represents a more thorough approach and study than does the Marshall report.

Mr. KENNEDY. That is really a question of personal subjective judgment, I am sure. As a matter of fact, it seems to me, in looking through the Gates Commission report, that there was a good deal of reliance upon many of the findings of the Marshall Commission report.

Mr. HATFIELD. I think it is quite obvious that all these commissions are required to use certain basic data that would be similar to all of them.

Mr. KENNEDY. That is correct.

But if the manpower level were going to be 2.6 million, does the Senator question the Marshall Commission report about the cost of a voluntary army?

Mr. HATFIELD. Yes. Let me just point out one or two things about the Marshall Commission. They did not estimate the recruitment short fall and the elasticity of supply correctly. Consequently, their pay projections, I believe, can be considered as less than totally accurate.

Using the $17 billion figure—let us take that as a point—a first-term enlistee would receive $13,045 annually.

Consequently, I think we are dealing here with quite a range of calculations that makes the Marshall report less reliable, in my opinion, than the Gates report, which sets a pretty clear base upon which they make their calculations.

Mr. KENNEDY. As I understand—I wish the Senator would correct me if I am wrong—this $17 billion figure was developed in the Defense Department study report. Am I not correct? It was developed by a distinguished citizen of the Senator's State, as I recall—Dr. Oi.

Mr. HATFIELD. Dr. Oi, from the State of Washington, the University of Washington.

Mr. KENNEDY. Those figures were propounded by the Defense Department, not the Marshall Commission report. But in any event, both studies run contrary to the recommendations that were made to the Gates Commission. The Senator would agree with me on that, would he not?

Mr. HATFIELD. The only thing I would agree with is that all these reports are using certain basic DOD data, and each commission, I suppose, has a certain approach to its assignment and perhaps certain preliminary or prior commitments or convictions.

I should like to take note of one interesting thing on this point. Within the knowledgment that the members who came together to serve on the commission came together with certain prior viewpoints. Yet, as they moved into the data and made their evaluations and studies, it was a unanimous report.

Consequently, I think that one has to say that any commission is going to start its assignment with certain prior commitments, convictions, or viewpoints. But the important thing is that as these commissions made their studies and came forth with their recommendations, there is the widest range of representation on the Gates Commission, that a far more in-depth program was undertaken by the Gates Commission. Therefore, I would say that because of its more recent date, 1970, we are dealing with much more current viewpoints as it relates to our national commitments and international commitments.

I am not saying that one has to pick one report over the other. They all have made their contribution. I am saying that I would like to pick the latest findings, the latest commission study, because I think it is far more current.

I should like to point out one thing further to the Senator from Massachusetts. The Marshall Commission was not

concentrating, was not focused, upon the issue of the voluntary military. The Gates Commission was specifically studying that particular issue.

Mr. KENNEDY. As the Senator pointed out earlier, the Gates Commission was appointed by the President and realized that the President had made certain statements during the course of the campaign on the desirability of a volunteer army. I am not prepared to suggest that the Gates Commission was either required or forced to come out with an endorsement of the volunteer Army; but, as the Senator pointed out quite clearly, these commissions started off from different points of view.

Mr. HATFIELD. I would point out to the Senator from Massachusetts that both the Marshall Commission and the Gates Commission did have some continuity or similarity of staff people, so there was some relationship between these commissions.

Mr. KENNEDY. I take the Senator's word for that. I was rather interested in the Senator's comments yesterday——

Mr. HATFIELD. Let me comment before that, if the Senator will permit me to interrupt, on the last implication, that the President had made certain statements in the campaign, the implication being that perhaps the commission might reflect those statements of the President.

I think it is amply clear that the President, Mr. Nixon, has appointed a number of commissions; and, as one reviews some of these commissions, it certainly has not followed that they have reflected the prior statements of the President. I would only cite one as an example this morning, and that is the commission studying pornography.

The preliminary—or at least, the announced—findings thus far of that commission certainly do not reflect the prior statements of the President of the United States. Therefore, I would not want the record to show that there was any implication here that the President's prior statements would have had that kind of effect upon a commission studying the voluntary military.

Mr. KENNEDY. As the Senator pointed out, the Gates Commission was established to get into the question of the volunteer army, its prospects, and was directed toward that particular question, as I recall, rather than toward making a broad and general survey of how to eliminate the inequities in the present draft system, including the question of a volunteer army, which was the charge of the Marshall Commission.

Mr. HATFIELD. Let me point out again that it was very clearly indicated that all those who had been appointed to this commission by President Nixon did not have common agreement as to their viewpoint at the time of their appointment, so it was not as though we had a stacked commission.

Mr. KENNEDY. I was interested in the Senator's comments yesterday about the ability to raise the armed forces that will be necessary through the volunteer system. The Senator quoted several military leaders as being authorities on this point.

I am wondering whether the Senator has had the kind of experience I have had in going around to colleges and universities and asking the young people how many of them would actually volunteer for the Armed Forces. I recall a comment by the distinguished Senator from South Carolina in which he said that he has done that at nine or 10 universities and has a volunteer army of about seven and a half. He said that at one college a fellow put up about half an arm.

I am wondering what the Senator could add to the consideration of this question from the impressions he has gathered from his travels to universities and colleges.

Mr. HATFIELD. I would be happy to share my experiences which now total close to 200 campuses I have visited in the past 2½ years discussing this subject, not in each and every instance, but on a goodly number of campuses.

I have found, one, that the young people of this country today overwhelmingly—I do not now include any minority, hard-core revolutionary groups—I am talking about the overwhelming number of university students today—have great, great desire to experience in their lifetime an opportunity to make a major contribution to their country.

In other words, I find no overwhelming desire to shrink from a responsibility to one's country among our student population.

I think they feel that service to one's country is not looked upon as being exclusively carried out or performed in a military uniform.

I find that students today are interpreting service to their country to mean people, not just geography, national boundaries, or a national state. They see it as their fellow man. There is a certain universality in their philosophy about their fellow man, in all parts of the world. This has proved true by their response to the Peace Corps, VISTA, and other such programs.

Two, I find that the students today evidence a growing concern about the coercive element in our society, the kind of regimentation, the kind of authoritarianism which they feel Government policy represents and in the civilian sector, meeting certain military requirements such as the draft represents.

I think, too, when we look at the attitude of the student toward the military today, we cannot divorce that from their attitude toward Southeast Asia and the war in which we find ourselves. That particular point is hard to distinguish because it is so interrelated. But I am saying that a number of young people today are indicating support for a volunteer military.

Let me give the Senator the range. We have men like Sam Brown and Dave Hawk who were active in organizing the moratorium program. They might be considered as being of a different philosophical persuasion than the YAF which is the Young Americans for Freedom. They have all endorsed this amendment. In other words, here is a broad range of what we would call, without labels, liberal to conservative, and we should also consider men like Roy Wilkins, and Ralph Abernathy who are certainly in touch with the members of the black community, and the YMCA, which is another representation of today's youth, all of whom endorse this proposal. So, if I were to respond in a general, one-sentence statement, I would say:

I find overwhelming support for a voluntary system.

I want to emphasize strongly, however, that I do not ascribe to our young people today any lack of patriotism or lack of desire to serve their country. I think there is great danger, when we say on the one hand that the young people do not want to join the military and, through implication, that they do not sense a responsibility to their country.

When we look at the ROTC programs on many of the campuses where I have visited, those programs are filled. I find that in the applications coming to my office for appointments to the Army, Navy, and the Air Force Academies, the young men from my State who are applying represent young men such as student body presidents, captains of football teams, and many top students academically. So that we will get the highest caliber of young men out of high school in Oregon today who are applying, through my office, to the service academies.

Thus, in every way that I can measure it, I believe that the young people of this country will perform their duty to their country at any time their country has a requirement for them. I have that kind of confidence in the students of today.

Mr. KENNEDY. I am wondering whether the Senator has had an opportunity to ask young people, when he goes to these college and university campuses, how many of them would volunteer.

I have yet to find even a small minority in the schools, colleges, and universities that I have had a chance to visit showing any enthusiasm. Everyone seems to be for a volunteer army, but I think the fundamental question is, how many young people who go to college will actually volunteer?

With all respect to the Gates Commission report, and to General Gruenther's experience in recruiting, the attitudes of students in the schools, colleges, and universities today, attitudes I know the Senator must be very much aware of, have led me to the very strong feeling that we would not be able to get many college students in a volunteer army.

Mr. HATFIELD. Mr. President, I should like to comment further on the question the Senator from Massachusetts poses to university students by asking them how many would volunteer. I do not really think one could expect to get much in the way of results from that kind of question. Of course, I accept the Senator's report this morning. But let me remind the Senator from Massachusetts that only 8 percent of the draft manpower pool are being conscripted. Thus, we are dealing with a hypothetical attitude. How could any young man answer that question if he is not looking forward to a career in the military?

Only 8 percent are being drafted. Therefore, there is no volunteer system

today as it relates to those in the draft manpower pool. That is, they are all subject to the draft. I do not think we can make this measurement, or give them an alternative, until there is a viable alternative to ask them that question.

Mr. KENNEDY. The Senator is assuming, correctly, that university students are sufficiently intelligent and aware of what a volunteer army is. They are probably better briefed on the question of a voluntary army than many Members of this body. They know that a voluntary army would mean in terms of payments, in terms of, perhaps, an increase in educational opportunity. But I really challenge the Senator to find out how many young people—especially those going to college—will volunteer. I had the opportunity to do so in my own State. It has been extraordinary to find such an unenthusiastic response. At first, when I asked the question, there was a sprinkling of hands of people who would volunteer, but today this is virtually nonexistent.

Mr. HATFIELD. Does the Senator purport to represent this as some kind of scientific poll?

Mr. KENNEDY. No. But I asked the question enough times to convince me that there was not much interest in the military. I think my experience would convince any open-minded Senator that volunteers for a volunteer army are just not there from any of the universities, colleges, vocational trade schools that he might mention. I do not question that, perhaps, in some of our urban areas, in Appalachia and other areas, or in Alaskan native villages, where the young people have never been beyond the fences of their own homes or reservations, one could talk to young people about the benefits of a voluntary army and there would be some volunteers. I do not question that at all. But that is one of my objections to a volunteer army in wartime. Its appeal will only be to less affluent Americans. The more fortunate young men will not have to serve.

Mr. HATFIELD. Does not the Senator realize that the average draftee is 19 years old and a high school graduate? I mean, the Senator is developing a conscription system primarily from the same basis of what we think about as student deferments.

Mr. KENNEDY. I am opposed to student deferments.

Mr. HATFIELD. Mr. President, the point is where are the draftees coming from today? Are they coming from the universities and colleges from which the Senator from Massachusetts has not been able to get much of a response concerning volunteering? Not at all. We are talking about the high schools. That is where the average draftees comes from.

Mr. KENNEDY. The draft system, which I support, reaches across the board.

Mr. HATFIELD. The Senator is correct.

Mr. KENNEDY. I find a paucity of people in the high schools or in the colleges or universities who say they will volunteer. Maybe the situation is different in the State of Oregon. But I seriously doubt it.

The thing that I do not doubt is that I can go to places in my own State, in the lowest income areas, and offer the kind of pay which is suggested in the amendment of the Senator and come up with some individuals who will volunteer because they are being denied an opportunity to participate in our society in a meaningful way. The armed forces, in their judgment, offers them the only opportunity to fulfill their desires. I do not question that.

Mr. HATFIELD. Mr. President, let me ask if the Senator will yield for a question. Is the Senator in support or in opposition to a comparable pay program for the military serviceman?

Does the Senator feel that we have a comparable pay situation today?

Mr. KENNEDY. I do not think we have a comparable pay situation.

Mr. HATFIELD. Would the Senator support a pay increase, particularly for enlisted people, at this time?

Mr. KENNEDY. A modest pay increase, yes; but not in the Senator's figures. I would support a modest pay increase. Probably it would not be comparable pay.

Mr. HATFIELD. The Senator is for a modest pay increase but not for comparable pay.

Mr. KENNEDY. A modest increase; that is correct.

Mr. HATFIELD. Is the Senator aware that we have at least 12,500 military personnel receiving welfare checks today because they qualify under welfare status?

Mr. KENNEDY. I was aware that there were some; yes.

Mr. HATFIELD. Does the Senator not agree that this is something that needs to be done?

Mr. KENNEDY. Yes. But it is a question of priorities with our budgetary problem and our pressing civilian needs, I do not think a $3.2 billion military pay raise has the highest priority.

Mr. HATFIELD. Mr. President, let me reiterate what I think is something that we should keep before us. This amendment does not repeal the draft.

I think the colloquy on the inequity of the draft this morning has been a good discussion. I have enjoyed it. But let us not lose sight of the fact that the colloquy this morning on the elements of the draft do not really concern us at this moment in this amendment.

This amendment simply adds to the pay scale of those serving in our military branches on the basis of affording comparable pay. It goes beyond the modest pay increase expressed by the Senator from Massachusetts.

From the standpoint of those who cosponsor the amendment, we believe that the young men serving in the military today ought to have comparable pay to that which they could otherwise earn in civilian life. We think this is equitable. We do not think a man serving in the military should be put on a basis of second-class citizenship. We do not think we should say to him, "You don't have the right to comparable pay."

We who sponsor this amendment do not believe that is fair or equitable. We do not believe that our ideals and our concepts of Government should perpetrate this upon our young people.

I want to make it very clear that this amendment will not decide the continuation or lack of continuation of the draft. If we agree to this amendment, we will have almost a year to answer some of the questions that the Senator has raised to his satisfaction and permit him then to support negative action or lack of action to permit the draft to expire.

This is the purpose of those of us who cosponsor the amendment. We will have almost a year in which to see whether we can recruit men and get a sufficient number on the basis of increased pay to have a volunteer army or military. But we cannot transfer from one system to another without a realistic transition period.

That is why we have offered the amendment today. I appreciate the comments from the Senator from Massachusetts, because he and I have discussed this matter before. I respect his viewpoint.

I feel that we are working for the same objectives. I feel that our differences perhaps are on the basis of procedures by which to accomplish those objectives.

Let me say again that this amendment in no way commits Congress to action either by extending the draft or by doing nothing and permitting it to expire.

Mr. KENNEDY. Mr. President, if we are talking about comparability or pay increases, this is something else again. I think all of us want to do justice to those who are being called to serve in the Armed Forces. But, as I said, I think we have to balance that against other kinds of economic needs.

I am not prepared at this point to debate that matter. But I am prepared to point out that on page 4, line 1 of the amendment, it states:

> The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the nation through a voluntary program of enlistments.

And no matter how we say it, that is a volunteer army.

I do not question that we can get volunteers. But the kind of volunteers we will get are those in our society who have been disadvantaged in one way or another and who will look to the Army as being their only means of getting out of a more difficult and perhaps more hopeless situation.

I quite sincerely challenge my good friend, the Senator from Oregon, to inquire at the colleges and universities and the community colleges of his State or any State. He will find there, I am sure, that the young people are for the voluntary army.

If he asks how many are prepared to volunteer, I think the Senator will find a much better indication of the sentiment of these young people than the report of the Gates Commission, with all due respect, and the findings of General Gruenther. And he would perhaps understand more fully my concern about the inequities of an all-volunteer army.

Mr. HATFIELD. I thank the Senator from Massachusetts. I would restate that

I think we are dealing with a very unrealistic hypothesis when we try to take a poll or make some kind of a survey as to how many college or university students will volunteer for military service when that is not the source from which we derive our inductees and draftees. They are not coming from the colleges and universities. They are coming from the high schools.

Mr. KENNEDY. The Senator is not accurate in that statement. With the abolition of graduate student and occupational deferments the random selection system is more and more applying to all young men.

Mr. HATFIELD. Let me point out again that when the Senator speaks of random selection he is dealing with a manpower pool of 12 million.

Mr. KENNEDY. But the draft is beginning to assume that out of those 12 million, college students serve as well as others.

Mr. HATFIELD. I am sure the Senator from Massachusetts would agree that we are not drawing from college students proportionately in relation to the inductees we take into the draft each year. The fact remains we still have from that group of people he referred to rates of enlistment of true volunteers.

Mr. KENNEDY. But surely college students will not volunteer even nearly as much as men from the lower income groups.

Mr. HATFIELD. But let me remind the distinguished Senator from Massachusetts that when he talks about this group, we might take the blacks as one such disadvantaged group in this country. We have 11.7 percent in the Army through the draft program and enlistment program. At the same time——

Mr. KENNEDY. Would the Senator tell me the reenlistment rates for blacks in Vietnam?

Mr. HATFIELD. I have the overall reenlistment rates.

Mr. KENNEDY. Would my good friend tell me the reenlistment rates for blacks in combat divisions in Vietnam?

Mr. HATFIELD. First I would like to finish my thought. The ratio of blacks to the total population is about 12 percent; so we have comparability with those who are serving as volunteers, forced volunteers, or inductees. That is the point we should keep in mind.

Mr. KENNEDY. The point I would like to keep in mind is the rate of reenlistment in combat divisions in Vietnam. There are twice as many among the minority groups. In the 1st Cavalry I believe, 42 percent of the reenlistments were black. The reason is they get additional pay for jump pay or combat pay.

The question we have to decide is whether the volunteer army will be made up solely of the poor people in this country, the people who are denied the opportunity for economic or other reasons, of going to school or college and getting good jobs.

Mr. HATFIELD. I think the Senator has put his finger on probably the most fundamental point of all. The Senator pointed to the fact that in this country, outside the military, there have been conditions growing over a period of time which have denied certain people in this country the same rights to achieve and progress as other people. But must we put that responsibility upon the military procurement program we adopt in this country? I believe the Senator has been a leader in attempting to rectify this situation, and I have indicated my involvement in trying to change the condition in this country. We have made a commitment to the poor and the black in this country that we are going to provide them with equal opportunity.

Mr. KENNEDY. Mr. President, I will say to my dear friend from Oregon that I will be the first person to support the volunteer army when we rectify those inequitable conditions. When we eliminate these conditions, I will be the first to support the volunteer army.

Mr. HATFIELD. I hope the Senator does not forget that the enlistment rates for those below the poverty line and for blacks are approximately the same irrespective of the method of recruitment. In other words, what difference does it make at this point whether a black or a poor person thinks he has a better opportunity if he goes into the military to achieve greater status, income, and dignity under a draft system rather than a voluntary system?

Mr. KENNEDY. The question is whether under a volunteer army system all who serve will be poor. I think they will be and I object to the volunteer army for that reason.

Mr. HATFIELD. I suggest two things: Reenlistment rates of whites are substantial today under a draft system. Therefore, I think while we hope to establish a purely volunteer system, the reenlistment rates would be greater because there would be more adequate comparable pay. Second, because there has been a denial of lack of opportunity for those in our civilian society, let us not thrust on the military program the responsibility for that inequity in our society. We in Congress must move and do our job and maintain our responsibility to correct those inequities. But I do not think we should put the onus for those inequities upon the military and indicate it is their responsibility by some implication.

I would like to quote one other statement from the Gates Commission report. The Senator was concerned about whether we would be able to maintain our volunteer rates with the war and all that is going on now. Under the Department of Defense study, the Gates Commission, which drew from those studies, it is indicated we have the same number of volunteers today as before the Vietnam war.

ORDER OF BUSINESS

Mr. GRIFFIN. Mr. President, will the Senator from Oregon yield for a moment or two so that a colloquy may ensue at this point? I hate to bring this spirited debate to an end. It has been very interesting and helpful.

Mr. HATFIELD. I yield.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. GRIFFIN. Mr. President, the distinguished majority leader is in the Chamber and I would like to ask him if he would enlighten the membership concerning the program for the remainder of the day and the week, if possible.

Mr. MANSFIELD. Yes, indeed. I am glad to respond to the acting minority leader. I am delighted the chairman of the Committee on Armed Services is in the Chamber. This request has been agreed to by the distinguished Senator from Mississippi (Mr. STENNIS), the distinguished Senator from Arkansas (Mr. FULBRIGHT), and the distinguished minority leader (Mr. SCOTT).

Mr. President, I ask unanimous consent that on amendment 813 there be a time limitation of not to exceed 1 hour, the time to be equally divided between the Senator from Mississippi (Mr. STENNIS), the manager of the bill, and the Senator from Arkansas (Mr. FULBRIGHT), the sponsor of the amendment.

The ACTING PRESIDENT pro tempore. Is there objection?

Mr. STENNIS. Mr. President, I shall not object. I think we can get through with that amendment and dispose of it today.

Mr. MANSFIELD. I would imagine there will be a vote on that amendment, although what the outcome will be I do not know.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, there is a possibility that a second Fulbright amendment may be called up but we will have to wait to see what happens.

Tomorrow the distinguished Senator from Illinois (Mr. PERCY) will offer an amendment under a 1-hour time limitation, as, hopefully, will the Senator from Indiana (Mr. BAYH) and the Senator from Maryland (Mr. TYDINGS).

After those amendments have been disposed of it is the intention of the joint leadership to call up Calendar No. 1129, H.R. 18127, an act making appropriations for public works, and so forth. That is the public works appropriation bill and there will be time available in which to consider it. The leadership gave serious consideration to calling up that measure this afternoon but it could not because of developments over which there was no control and which came up overnight. Therefore, to the best of my knowledge, we will have at least one amendment to be voted on this afternoon, and maybe another one. There will be three tomorrow. When disposed of, the Senate will take up the public works appropriation bill.

Mr. GRIFFIN. I thank the majority leader.

Mr. MANSFIELD. I thank the Senator from Oregon for yielding.

The ACTING PRESIDENT pro tempore. Does the Senator from Mississippi ask that the unanimous consent be held up for the time being?

Mr. STENNIS. With respect to amendment 813? No, I do not.

The ACTING PRESIDENT pro tempore. Without objection, the request is agreed to.

ORDER FOR RECESS TO TOMORROW

Mr. MANSFIELD. Mr. President, if the Senator will yield further, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9:30 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day this order was modified to provide for a recess to 9 a.m. tomorrow.)

ORDER FOR RECOGNITION OF SENATOR JAVITS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the Journal has been approved and the unobjected to items on the calendar have been disposed of, the distinguished Senator from New York (Mr. JAVITS) be recognized for not to exceed 20 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. MANSFIELD. And that at the conclusion of his remarks the Senate then return to the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 1749) for the relief of Eagle Lake Timber Co., a partnership, of Susanville, Calif., and it was signed by the Acting President pro tempore (Mr. ALLEN).

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Chair recognizes again the Senator from Oregon (Mr. HATFIELD).

Mr. DOLE. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. DOLE. First, as a cosponsor of the amendment, I wish to commend the distinguished Senator from Oregon for his continuing leadership with reference to the all-volunteer Army proposal. For my information, does the Senator from Oregon know at this time when the amendment might be considered.

Mr. HATFIELD. The chairman of the Armed Services Committee, the Senator from Mississippi, the majority leader, the minority leader, and I discussed this matter yesterday. We stood ready for a time agreement, and we are ready to move on a time agreement, but it was not satisfactory to the chairman of the Armed Services Committee.

So I can only give the Senator a general estimate, and that is that even though we stand ready now for a time limitation, it provides that the amendment will not be laid before the Senate before Monday, and a vote had not before Tuesday, or perhaps even Wednesday.

Mr. DOLE. If the Senator will yield further, one question raised in the colloquy yesterday between the distinguished Senator from Oregon and the distinguished Senator from Missisippi was with reference to the possible effective date and whether or not adoption of the amendment would amount to repeal of the Draft Act. Speculating with the Senator from Oregon on the possibility of arriving at a compromise, if the amendment of the Senator from Oregon were effective when the President determined it was in the national interest, could the apparent conflict he avoided between those opposed to an all-volunteer army for that reason and those of who now support the all-volunteer army proposal.

Mr. HATFIELD. In response to the Senator from Arkansas, at the present time, under the wording of the amendment, it would be implemented on the first calendar month following enactment as far as the pay increase is concerned. I would like to emphasize again, as the Senator from Arizona (Mr. GOLDWATER) emphasized this morning, the amendment in no way commits the Senate to action on the draft, which is due to expire June 30, 1971. It in no way commits the Senate to that question. It commits the Senate only to an implementation of a pay increase, which would be comparable pay to civilian employment, or an approximately 60 percent increase for the enlisted rates and an approximately 25 percent increase for junior officers.

Therefore, we do not really confront the question of the expiration or of action on the draft.

Second, let me point out that it is the very intention of those of us who have been cosponsoring this proposal that it is a step toward an all-volunteer military. The Senator from Kansas, who holds the Purple Heart and many other awards for distinguished military service, realizes that every program for recruitment cannot be cranked up 1 day after the expiration of an existing system on the previous day. Therefore, there must be some sort of transition period.

We feel that from this point until June 1971, almost a year from now, we would have ample time to make a judgment and an evaluation of whether or not recruitments and enlistments were increasing sufficiently to meet our needs, whatever those needs may be at that time. Therefore, we avoid the kind of problem that would occur if we tried to throw out one system one day and start another system the next day.

That is why we feel it so important to implement this new effort, to get that period of testing and experience, to see how people respond to it. That is why I think it is important to do it now.

Mr. DOLE. Let me say to the Senator from Oregon that I agree largely in his response. There appears to be a very serious question, however, whether there may be a gap between the effective date of this legislation and the expiration of the Selective Service Act, assuming that act were not extended.

I am only suggesting a possibility that might bring together some with differing views, whereby the amendment would be implemented, when determined by the President as Commander in Chief to be in the national interest.

The President, whoever he may be, is the Commander in Chief of the armed services and of course has a direct interest.

I would also point out, as the Senator from Oregon knows, that President Nixon, should he be the President, is a strong supporter of the all-volunteer-Army concept. We have a President who supports the concept, but who questions when it should be implemented.

I am simply raising that possibility in an effort to reach some accommodation.

Mr. HATFIELD. May I respond to the Senator from Kansas that I appreciate his idea of getting support for the basic commitment we have in common, which is an all-volunteer armed force. I would point out that the Senate is going to have to make a decision on the question of the draft before the next presidential election. In other words, I think we can pretty well depend, with God's protection and grace, that Mr. Nixon will make the decision on implementing this measure, if it is to be implemented, between now and June 1971. Otherwise, if it is not implemented at this point, we are going to be faced with the probability of having to extend the draft, come next June, for at least another year, and maybe two. Whatever the length of time, we will be faced with that reality.

That is why I feel the sooner we can implement this proposal, the sooner we can get perhaps a more accurate base on which to determine whether this Nation is ready at this moment for an all-volunteer armed force, based on whether we can get the needed manpower. We will have that amount of time and have that experience in order to make that kind of judgment in June. We will have alternatives. We will not be faced with only having to extend the draft for another year or another 2 years—which would be about the only alternative as I see it, at that time.

Mr. DOLE. There is a great deal of merit in bringing up the amendment at this time as we should move forward.

I understand there have not been full and complete hearings but I am realistic and knowing that hearings might be held, but that no bill would be reported to the Senate.

So this is an opportunity to present the amendment and at least discuss the pros and cons. If we can assure the American people, young and old, that there will be no gap, it will be a great step forward.

Mr. HATFIELD. I think that the Senator, here again, has raised a most valid

point, and one that the record should certainly show, clear and unencumbered by any confused language, and that is that we are doing this at this time in order to avoid a gap, and this is what I believe to be at least the best insurance we could get against just that one thing, the gap that the Senator refers to.

If we implement this at this time under this pay increase, the cost question has been raised, that the cost is such today that if we cranked the whole thing down to zero inductions, we would be saving about $3 billion, according to the best figures we can get from Gates Commission. This Commission has indicated about a $3.2 billion cost under the various components and the pay program, and rather than an added-on figure, I think it could be shown that, after a transition period, we would be trading one figure for another: that is, the $3 billion it would cost us for the draft as opposed to $3 billion for an all-volunteer system. But in addition, we would be getting far more for our money, because we are going to have less turnover than with our inductees today, and the military services are going to require fewer men for training programs and training stations, who can then be reassigned to other functions.

So I think there are many savings that could be effected by an all-volunteer system. The Senator from Arizona said this morning he believed we would actually save money, with less outlay than we have today under the conscription system.

Mr. DOLE. As I understand, only about 7 percent of the young men drafted now stay in the Armed Forces beyond their 2-year obligation. According to the Gates Commission there would be very little difference in the cost question, which would mean, with the lower turnover, as the Senator from Oregon has pointed out, less expenditures for training. You start with the same number, but they remain longer under the volunteer concept.

Perhaps the senior Senator from Massachusetts raised a valid question. I have asked a number of college students about the voluntary army, and find a great many are for it, because they do not plan to volunteer. But this is a fact of life. Many of these same young students are now in college because of a draft deferment, so they are in a sanctuary, in any event.

The idea is to get away from peacetime conscription, which may not be involuntary servitude, but something close to it. So the concept, so far as I am concerned, is sound. There will be inequities, but in an effort to answer some of the objections, I have prepared a list of a number of questions and then have tried to provide appropriate responses. I ask unanimous consent to have printed in the RECORD at this point some of the usual objections raised to the all-volunteer army concept, together with some of the responses to those arguments.

There being no objection, the objections and responses were ordered to be printed in the RECORD, as follows:

OBJECTIONS AND RESPONSES—VOLUNTEER ARMY

I. COST

One objection often registered against the all-volunteer army is that it is simply too expensive.

Responses

(1) The President's Commission On An All-Volunteer Armed Force (The Gates Commission) has estimated that the cost of the program, if it is initiated in fiscal 1971, would be $3.24 billion.

(2) But this figure does not take into account savings due to reductions in personnel turnover. As the Gates Commission Report noted: "When force levels are stabilized, the additional expenditures needed in the transition to a voluntary force will be partly offset by savings engendered through lower turnover and a reduction in the number of persons in training status."—page 8.

Other authorities have commented on these savings:

(a) "Lower turnover means that fewer recruits must be trained, producing considerable cost savings since at present there is nearly one trainer for each trainee."—Walter Y. Oi, professor of economics, College of Business Administration, University of Rochester in Current History, July, 1968.

(b) ". . . At the present time, only about 7 percent of the young men drafted stay in the Armed Forces beyond their 2-year obligation.

"This high turnover rate causes many of the services' most experienced personnel to be tied down in training new recruits. Today, seven out of every 10 men in the Army have less than 2 years military experience. As one Pentagon military official has noted:

" 'As soon as we are able to operate as a unit, the trained men leave and we have to start all over again.' "—Senator Hatfield on the Senate floor. Congressional Record, volume 115, part 2, page 1432.

(c) "The essential wisdom of the American scheme of allocating its resources through voluntary mechanisms rather than through government management needs to be extended to this important area of human resources where the costs of misallocation are measured in years, productive and important years, of hundreds of thousands of our citizens."—Scholars Committee on Selective Service Report to President K. S. Pitzer Stanford University, page 12.

(d) "Every young man who has served in our armed forces knows the incredible waste of our persent system of forced but short-term service. He knows the money that could be saved, the new efficiency that could result from a volunteer system which calls on young men not to endure two years of service because they have to, but to choose it for a longer period because it offers advantages that seem to them appealing."—Adlai E. Stevenson, speech at Youngstown, Ohio, October 18, 1956. In the Congressional Record, volume 115, part 2, page 1437.

II. FLEXIBILITY

Some opponents argue that an all-volunteer army would undermine our military flexibility.

(A) An all-volunteer army would not provide us sufficient military manpower. The volunteer concept simply cannot work.

(B) Given time the concept will work, but not under present circumstances. We need a more gradual phase-out of the draft.

Responses

(1) In case of a national emergency, the President will have authority under the Hatfield amendment to request a standby draft by a joint resolution of Congress. If the need is clear, Congress would respond. As the Gates Commission concluded: "The Commission has recommended a standby draft which can be put into effect promptly if circumstances require mobilization of large numbers of men. History shows that Congress has quickly granted the authority to draft when needed"—page 13.

(2) The volunteer system could certainly provide us the same number of men as we employed before our involvement in Vietnam. The Gates Commission program is based upon a force of 2.5 million men, roughly the same figure (2.48 million men) as we maintained in the force before Vietnam.

(3) In fact, the all-volunteer force would enhance, rather than undermine, the flexibility of our military. The guerrilla wars of the 1960's and 70's require well-trained compact units, as opposed to the large masses of men that conscription produced for our World War II commitments.

As Mr. Nixon pointed out in a speech of October 17, 1968:

"Conscription was an efficient mechanism for raising the massive land armies of past wars. Also, it is easier and cheaper simply to order men into uniform rather than recruiting them. But I believe our military needs in the future will place a special premium on the services of career soldiers." Congresional Record, volume 115, part 2, page 1434.

III. BLACK AND POOR PEOPLE

It has often been suggested that the all-volunteer army would attract a disproportionate number of poor people, especially blacks, thus leaving the burden of national defense primarily on them.

Responses—Poor people

(1) It is unfair to criticize the all-volunteer army because it might, in increasing salaries to improve the force, attract those who are presently unable to earn higher salaries elsewhere. It is not the all-volunteer army which is to be blamed; rather we should take further steps to insure that good paying jobs become available throughout society.

(2) There are some jobs in society which are often considered to be unattractive and often dangerous. But no one considers that employees to be exploited, since they take the job voluntarily and receive adequate remuneration.

Responses—Black people

(1) No matter where the poverty line is drawn, there will always be a greater number of whites than blacks who fall into that category. The Gates Commission provided some statistics: "The proportion of blacks below the poverty line in 1967 was 38 percent while only 11 percent of whites were in the same category. But, in absolute numbers more than twice as many whites (17.6 million) as blacks (8.3 million) were below the poverty line"—page 142.

(2) When we look at true volunteers under the present system, we do not find a disproportionate number of blacks. The Gates Commission commented: "Among true volunteers, blacks are now serving in the armed forces almost exactly in proportion to their numbers in the U.S. population"—page 144.

(3) It is physically impossible, just in terms of numbers, for blacks to compose the majority of the armed forces. Economist Milton Friedman, writing in The New Guard, noted: "It has been estimated that even if every qualified Negro who does not now serve were to serve, whites would still constitute a substantial majority of the Armed Forces."

(4) Two concluding remarks should be made concerning blacks serving in the all-volunteer army:

(a) Present advances that are being made in providing equality for blacks should mean that more jobs will open up in the civilian economy. This would reduce the likelihood that blacks would turn to the army in disproportionate numbers.

As Mark Hatfield commented: "As we expand the opportunities in the civilian job sector, fewer black men will find the military to be the most attractive road to higher economic and social status, and this will tend to place an effective ceiling on the proportion of blacks who enlist."—speech reprinted in CONGRESSIONAL RECORD, volume 115, part 7, page 8670.

(b) The Gates Commission made the following prediction on the number of blacks that would serve in the all-volunteer force:

"For the Army, we estimate that the proportion of blacks will be 17 percent for the mixed force and 19 percent for the voluntary force as compared to 12.8 percent in the Army today."—page 15.

IV. MILITARISM

Opponents to the all-volunteer army may argue that it would destroy the constitutional and traditional subordination of the military to the civilian sector. The expression often used in connection with this argument is "mercenary army," describing a bloodthirsty force that kills for cash.

RESPONSES

(1) It is unrealistic to suggest that employing only volunteers at higher pay would completely transform the military-civilian relationship or that it would make drastic changes in the motives of our men.

(a) "To suggest that men who enlist to serve their country do so only for pay is to demean the hundreds of thousands who voluntarily serve today. More than half of all the men in today's forces are true volunteers." The Gates Commission Report, page 136.

(b) "A mercenary is a soldier of fortune—one who fights for or against anyone for pay. What we're talking about now is American soldiers, serving under the American flag. We are talking about men who proudly wear our country's uniform in defense of its freedom. We're talking about the same kind of citizen armed force America has had ever since it began, excepting only the period when we have relied on the draft." Richard Nixon, campaign speech, October 17, 1968.

(2) It should be noted that the only real change in the composition of the army's personnel will be in the lower ranks. The higher echelons, which are composed of career men anyway, are the ones who determined the relationship of the military to the civilian sector.

(a) "The danger of military elitism comes primarily from the officers who are, and always have been, professionals. The civilian influence must be injected at the top—in the office of the Secretary of Defense and the Secretaries of the Army, Navy and Air Force, if we are to establish safeguards against the dangers of a military clique or class. The possible military threat to political stability is largely unrelated to the system used in recruiting enlisted men."—Senator Hatfield, Congressional Record, April 29, 1969.

(b) "To the extent that a military force endangers freedom and democracy, the danger comes from the higher ranks of commissioned officers, all of whom are volunteers, as are most of the lower ranks of officers and all of the higher ranks of noncommissioned officers. Using conscripts instead of volunteers in the lowest enlisted grades, and those are the only ranks in which we use appreciable proportions of conscripts, is no protection—as was illustrated by recent coups in Greece and South America."—W. Allen Wallis, University of Rochester in Science, March 28, 1969.

V. THERE ARE SOME LESSER WORKABILITY ARGUMENTS WHICH COULD BE ADVANCED

You should be aware of these:

(1) We, and specifically President Nixon, could be taking steps now to enhance the attractiveness of the military, short of adopting an all-volunteer system.

(a) Senator Scott alluded to this on the floor July 27, 1970:

He noted that President Nixon can and should be ". . . gradually replacing those draftees who are presently serving in Vietnam with volunteers . . . By sending only volunteers to Vietnam to replace those soldiers whose tours of duty in Vietnam have ended, the administration can take the lead. It can visibly demonstrate that the volunteer concept is a viable one."

(b) "The President would like to reduce the draft gradually and to improve the quality of the military services by increasing their appeal. He has asked Secretary of Defense Mel Laird to prepare new programs that will encourage men to re-enlist.

"Laird is ready to offer up to 10,000 new family units, educational opportunities for servicemen who would like to study, and various financial inducements. He is even willing to abolish KP and hire civilians to do the hated kitchen work."—Jack Anderson, "Volunteer Army is Far in Future," *The Washington Post*, March 27, 1970, page D–15.

(2) How can we possibly attract doctors and other high-skill people since they can no doubt always make better pay in the civilian economy?

(3) Will all branches of the armed forces receive the same pay? If so, won't everyone seek to serve in areas or branches (Navy or Air Force) which would entail the least direct risk?

(4) We could end the inequities of the present draft system by ending deferments and initiating a program of national service for everyone. This would obviate the need for the all-volunteer force.

Finally, we propose three reasons why the draft should be replaced with an all-volunteer system:

(Note that counter-proposals, such as the one above for National Service, would not answer all these points.)

I. Conscription is the greatest enfringement of personal freedom in America today.

"We should recognize that (the draft) is about the most odious form of Government control we have yet accepted. We should not forget that it is a basic violation of our traditions of freedom and individualism."—The Wall Street Journal, March 1967 editorial.

II. The present draft is unfair and inequitable.

(A) Even under the lottery system, with the risk supposedly spread equally, some young men are forced to serve while others are not.

"Any system which selects only some from a pool of many will inevitably have some elements of inequity."—President Nixon in his message to Congress, May 13, 1969.

(B) It is discriminatory within society as a whole since those who are forced to serve are burdened with a "hidden tax."

(1) "Whatever the extra amount, we are paying a larger sum in concealed form. Conscription is a tax in kind—forced labor exacted from the men who serve involuntarily . . ."—Milton Friedman, "A Volunteer Army," *Newsweek*, Dec. 19, 1966.

(2) "We shift the cost of military service from the well-to-do taxpayer, who benefits by lower taxes, to the impecunious young draftee."—John Kenneth Galbraith, "The Case for a Volunteer Army," *Time*, Jan. 10, 1969.

(3) "Men who are forced to serve in the military at artificially low pay are actually paying a form of tax which subsidizes those in the society who do not serve. Furthermore, the output of the civilian economy is reduced because more men serve in the military than would be required for an all-volunteer force of the same strength."—*The Gates Commission Report* page 9.

III. It is inefficient and real costs can be reduced. Drafted men lack the desire and intensive training that would exist under the all-volunteer system.

(A) "A volunteer army would be manned by people who had chosen a military career rather than at least partl by reluctant conscripts anxious only to serve out their term. Aside from the effect on fighting spirit this would produce a lower turnover in the armed services, saving precious man-hours that are now wasted in training or being trained. It would permit also intensive training and a higher average level of skill of the men in the service. And it would encourage the use of more and better equipment. A smaller, but more highly skilled, technically competent, and better armed force could provide the same or greater military strength."—Milton Friedman, The New Guard.

(B) The Association of the U.S. Army (AUSA), which does not advocate a volunteer army, concluded nonetheless that "an all-volunteer force should be a more efficient one."

Mr. DOLE. I thank the Senator for yielding.

Mr. HATFIELD. Mr. President, I should like to comment briefly on what the Senator from Kansas has said, because I believe he is putting his finger on a number of good points.

The idea that somehow the draft provides us with an across-the-board, more equitable system of recruitment than an all-volunteer system, merely because college and university students are not responding to a question as to whether they are going to volunteer, if we carried that logic to its conclusion, we would not accept any volunteers in the military.

Mr. DOLE. That is very true. And a great number of people would volunteer as generals, but not many want to volunteer as privates. The Senator from Oregon, the principal sponsor of the amendment, understands that one way to attract young men into the Army is through realistic pay scales. Perhaps some of those would be college students—perhaps not any great number, but, as the Senator knows, our induction rate is very low now. Our draft calls will be down to practically zero next year. In fact, as Secretary Laird has already announced, I do not recall in which month, but in one of the coming months the draft call will be zero, because of volunteers and deescalation in South Vietnam.

The Senator gave the figure; was it only 8 percent who are reenlisted, out of the drafted manpower pool?

Mr. HATFIELD. Yes.

Mr. DOLE. So we are not discussing any great departure. We are proposing a realistic proposal that would make it attractive for young men to enter the service and to have some comparability with those on the outside as far as pay scales are concerned. That is the primary thrust of the Senator's effort.

Mr. HATFIELD. That is correct.

Mr. DOLE. I do not believe it is a radical departure. It is not an effort to create some mercenary force; it is not an effort to create an all-black army; it is not an effort to create an army composed only of poor people. I agree with the Senator's earlier statement in that we are going to have pretty much the same black-white ratio we have now; maybe a slight increase of blacks, but a very slight increase.

The objections should be answered. This is a serious question. It is a departure in some sense, but not the radical departure many feel it is, because they fail to understand the volunteer concept. It has great merit, and I support it.

Mr. HATFIELD. I appreciate the comments of the able Senator from Kansas, because here again I think we have to realize, when the Senator speaks about this not being a radical departure or an innovative scheme that has not been tried, that for 170 years of this Nation's history, we relied completely, to provide military services for this country, on a volunteer system. For 170 years; this is the first time in the history of this Nation that we have tolerated peacetime conscription.

The Senator knows the history of conscription in this country; it has been used only in times of great emergency—the Civil War, World War I, World War II—and I think the fact is that we have come to accept it as a way of life because it is the easiest thing to do, and that we, therefore, have not really attempted to put into action a voluntary system, which would be far more in keeping with the history of this Nation than a conscription system.

I think when we look at Canada, Great Britain, Australia, and the other countries of the Western World which have relied upon a volunteer system and have done so successfully, that it is certainly a general indication; even though they are not comparable at all to our country's requirements and commitments, it certainly shows that other countries as well as the United States have been successful in the raising of armies and other military branches on a volunteer system, plus the fact that we, today, have a volunteer program providing the military manpower for the Marines, the Navy, and the Air Force, and it is only the Army for which we basically have to rely on the draft for manpower.

I do not think we would have to do that if we returned to the tradition of this country by providing equitable pay. I do not think it is fair for the men themselves to bear the cost of their own military service. The taxpayers should pay for the military requirements of this Nation, and that is all the amendment proposes.

One last word. President Nixon has made it very clear, both in his campaign and in the Republican Party platform of 1968, as well as the Republican Party platform of 1964, that this Nation, under his leadership, is committed to an all-volunteer army.

Let us not read more into what the President has said, or try to interpret the President, because he has stated it very clearly in a radio message he gave to the American people during the 1968 campaign. He predicated the timing of this change on a diminished manpower requirement in Vietnam. So I think it ought to be very clear that we are not claiming the President has endorsed this particular amendment at this time; but the President has stood very clearly and firmly in support of the concept, as well as both major political parties, Democrat and Republican, in their party platforms.

Lastly, I think this gives the President and Congress an opportunity to undertake this through a reasonable transition, in a very responsible way, to see if it will work; I for one believe it will, but it certainly will have at least almost a year to determine the validity of my belief.

Mr. DOLE. I have the exact comment that then candidate Nixon made on October 17, 1968. He addressed himself to the voluntary army concept and also the objection it would be a mercenary force. He said:

> A mercenary is a soldier of fortune—one who fights for or against anyone for pay. What we're talking about now is American soldiers, serving under the American flag. We are talking about men who proudly wear our country's uniform in defense of its freedom. We're talking about the same kind of citizen armed force America has had ever since it began, excepting only the period when we have relied on the draft.

I believe that is the statement that the Senator from Oregon had in mind.

Mr. HATFIELD. Yes.

Mr. DOLE. The President made clear without equivocation; that he supports the all-volunteer army concept.

Mr. HATFIELD. I would say further, in connection with the point about the number of draftees serving in Vietnam, which has been discussed this morning, that we have the figures which indicate that 88 percent of the infantry riflemen in Vietnam are draftees; but under President Nixon's withdrawal projections, they will have left by this time next year—that is, those who are being withdrawn—and we expect to have most of those draftees out of Vietnam. As of July 1, 1970, we find, computing the total armed force strength in Vietnam, that approximately 25 percent of them are draftees.

So that we have, again, the basis of a mixed force fighting in Vietnam. It is not a matter of having all our draftees there and our professionals or nondraftees elsewhere.

Mr. President, I look forward to the continuation of this discussion, and I am hopeful that the chairman of the Committee on Armed Services can——

Mr. EAGLETON. Mr. President, will the Senator yield, with the understanding that he will not lose his right to the floor?

Mr. HATFIELD. I yield.

Mr. EAGLETON. Mr. President, I will vote against the Hatfield amendment to create an all-volunteer Army.

The effects of this amendment would be so far reaching that I feel it is unwise to just tack it onto another bill without full and extensive Senate committee hearings.

I have several serious questions about a volunteer Army which should be answered in such hearings.

First, what will it cost? According to the Department of Defense, it would cost $4.3 billion, but some observers estimate it could cost far more. When the budget deficit for this fiscal year is currently estimated at over $10 billion—when there are desperate needs in such areas as education, health, housing, and the environment—I believe Congress must seriously study both the total cost of this proposal and its priority as it relates to other national needs.

Second, would a volunteer Army increase the already substantial power and influence of the military on American life?

Third, what effect would this amendment have on the war in Vietnam? Although I oppose the war in Vietnam, and am a cosponsor of the McGovern-Hatfield amendment to end the war, the effects of precipitately instituting an all-volunteer Army in the midst of a war need further and serious study.

Fourth, what are the alternatives? Although the Gates Commission which studied the volunteer Army concept released a report of over 200 pages, only four were devoted to "Alternatives to an All-Volunteer Force." I think possible alternatives deserve more consideration.

Fifth, is the push for an all-volunteer Army a reaction to the tragic involvement in Vietnam rather than a needed and practicable reform? After all, in peacetime we virtually have an all-volunteer Army and in times of war some type of draft will probably be necessary anyway. What is really gained?

I believe questions such as these should be explored in depth in legislative hearings and that it is not sufficient to adopt such a far-reaching program by the simple expedient of an amendment to a bill on the floor of the Senate.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield.

Mr. STENNIS. Mr. President, I am very much impressed, indeed, with the fine analysis of this problem—the points involved and the consequences of the adoption of this amendment—put forth by the Senator from Missouri. I think that with his fine, analytical mind, he has analyzed the matter clearly and has made an excellent contribution to the debate.

Mr. EAGLETON. I thank the Senator from Mississippi. And I thank the Senator from Oregon for yielding for this purpose.

Mr. HATFIELD. I am not so sure that I am glad I yielded at this point, but I am happy to say that I appreciate very much the questions raised by the Senator from Missouri; because I think he has raised not only valid questions but also questions that really go to the very heart of this amendment, and for which we certainly feel we have the material and the data to give response. I would like to have the privilege of a copy of the Senator's questions. They certainly deserve more than an off-the-cuff response at this point.

I think that by reading the colloquy that took place this morning, the Senator from Missouri will find that we did address ourselves to most of these questions, and I would be happy to go into greater depth on the points he raises.

Mr. President, I am about ready to yield the floor. Before I do so, I want to reiterate that the cosponsors of this amendment and I are and have been ready to reach an agreement on time. I am hopeful that the chairman of the Committee on Armed Services, together with his colleagues who oppose this amendment, can come to some kind of agreement so that we can look forward to a vote—not trying to hurry the debate but recognizing, as the Senator from Mississippi said yesterday, that the Senate is trying to clean up its work, trying

to move ahead, trying to accomplish its task here within a reasonable period of time. I want it understood that we who are the proponents of this amendment do not want to hold up the business of the Senate in any way. We feel that this is important business, but we are ready—have been and stand ready today—to reach an appropriate agreement on time.

On that basis, I am happy at this time to yield the floor.

Mr. STENNIS. Mr. President, I wholeheartedly agree with the Senator about his intention to move along on the bill. I know that is his position. It certainly is my position. As I said this morning, this matter is of such far-reaching import, so highly important, that I thought it could not be condensed into a few hours of debate. As soon as I get evidence that the facts have drifted through here, I will be willing to have some controlled time.

The PRESIDING OFFICER. The amendment has not yet been offered, the Chair would point out.

Mr. STENNIS. It is very much in debate, however.

CURBING THE BOMB THROWERS

Mr. FANNIN. Mr. President, senseless cowardly acts of violence continue to plague our Nation. A young police officer with five children is the latest innocent victim in the malicious pattern of bombings that has lasted all too long and appears to be growing even worse. What could be more despicable than to set a fatal trap for an unknown man answering a call to help someone in distress?

Yet, that is what happened to patrolman Larry Minard who was killed in a dynamite explosion at Omaha, Nebr.

And on the same day, an explosion in a Federal building at Minneapolis, Minn., caused a half-million dollars damage. To the South, in Atlanta, Ga., and in the Fort Lauderdale, Fla., area, there were firebombings of businesses and schools.

Mr. President, these shocking events come on the heels of Senate hearings which brought out some startling statistics on the extent of bombings.

Assistant Secretary of the Treasury Eugene T. Rossides reported that from January 1969, to April of this year there were 4,330 bombings, an additional 1,475 attempted bombings and, t reported 35,-129 threatened bombings.

Assistant Attorney General Will Wilson pointed out the FBI alone had investigated 776 bombings and arson attacks during a period of just over 18 months. Property damage in these attacks amounted to $24 million, 11 persons died, and more than 100 persons were injured. Wilson noted that the number of bomb threats to Federal buildings soared from 46 in fiscal 1969 to 383 in fiscal 1970. Actual arson or bombing incidents went up from 13 to 38 in a single year.

Mr. President, all of this makes it abundantly clear that we must proceed with all possible speed to take action to curb irresponsible and demented persons who perpetrate the bombings.

One step in this direction is the administration's proposal to beef up Federal law against bombing. The proposal would leave the primary responsibility for stopping bombings in the hand of local law enforcement, but would provide new authority for Federal action when it is needed.

The bill would expand the definition of explosives and broaden the provisions against transporting explosives or incendiary devices with knowledge they are intended to be used to kill, intimidate or injure persons or damage property.

Among other things, the bill also would provide severe penalties for bombings which cause injury or death. Several provisions in the bill are aimed at curbing the bombings of Federal buildings.

This bill introduced by the distinguished Senator from Nebraska (Mr. HRUSKA), currently is before a Judiciary subcommittee, which, I understand, is awaiting the report on the Government Operations Committee which held the hearings on bombings.

Mr. President, this legislation may not be a complete cure to the bombings, but it is a step in the right direction.

Recently there was an outcry when it was revealed Federal agents had in some instances checked library records to see who was reading books on how to make bombs. There was surprisingly little concern over the fact that books on bombmaking may be readily available to disillusioned or violently revolutionary individuals. In our society, libraries rightfully are free to choose the books they will stock and to distribute such books to those who want them. Bomb-making knowledge now apparently is widespread among the so-called revolutionaries and would be revolutionaries. It would be almost impossible, even if we tried to keep this information out of the hands of those who are violence-prone.

Many of the bomb-throwers and their supporters see their activities as a major step in an attempt to overthrow the traditional American form of government. Citizens of our Nation have not been confronted with a problem of this type or magnitude before.

Our recourse, it would appear, is to provide the tough penalties to deter those who would become involved in bomb-throwing incidents. And at the same time we must give law enforcement the tools so that bomb-throwers will know punishment will be swift and certain.

Legislation providing for closer control of explosive materials also would help deter the would-be bomb-thrower.

There is no justification for bombings.

No grievance is so great as to warrant use of a weapon which maliciously destroys property and kills innocent citizens. Bomb-throwers are cowards who are afraid to meet their problems—real or imagined—face-to-face.

In Wednesday's Washington Post I noted a story in which former Attorney General Ramsey Clark is quoted as praising radical dissenters and condemning calls for law and order. Clark reportedly told students meeting in St. Paul that calls for law and order are entirely emotional and to many ears they mean repression.

This is a strange comment coming from a man who not long ago was supposed to be the chief advocate of law and order in the United States.

I do not believe it is repression to demand that people with grievances use the many legitimate channels of peaceful and effective protest they have in this Nation rather than turning to violence.

I am not calling for repression.

I have not heard anyone in the administration call for repression.

But I will agree that if violence such as bombings and planned rioting are to become regular tools of the dissenters, there will in the future be calls for repression. Acts of terrorism eventually inhibit freedom.

Democracy in America has flourished because it has offered a maximum of both freedom and security for the individual.

When public safety wanes, when individuals no longer feel safe in their homes, on the streets or in public buildings, then the people are likely to turn to the very type of repression the so-called revolutionaries now imagine they are fighting.

Action on legislation to curb bombings is a step toward freedom—freedom for the mass of people threatened by unreasoned violence. More effective anti-bombing legislation would be a move to avoid the repression that worries Mr. Clark and others.

Mr. President, again, I urge the Senate to move as rapidly as possible in enacting legislation S. 3650 to curb bombings and arson.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. SCOTT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

NONVOTING DELEGATE TO THE HOUSE OF REPRESENTATIVES FROM THE DISTRICT OF COLUMBIA

Mr. SCOTT. Mr. President, I have reference to a Calendar matter which I, of course, have no intention of calling up, but I simply want to make a comment on it.

I refer to Calendar Order No. 1134, H.R. 18725, which would provide for a nonvoting delegate to the House of Representatives from the District of Columbia.

I take the time simply to point out that there is no hold on this side of the aisle on this bill. I would not make the statement except that statements have been made to District of Columbia officials to the effect that there exists a hold on the part of representatives on the nonvoting delegate matter.

This is not the case. There is no hold. We have no objection to the bill being called up on the call of the Calendar at

any time. We are prepared to proceed. I am prepared to support it. I would have no objection to a constitutional amendment being brought up.

I do not believe that any votes on the constitutional amendment would be affected adversely or otherwise by our action on the bill. This is a small step for the District of Columbia, but a great step for recognition of a lot of people. And I see no reason whatever why we should not be voting on a nonvoting Delegate for the District.

It makes no difference to me whether the delay in this matter comes from one person or another, from one Senator or another, from one section of the country or another. The delay is exactly the same if we are not acting upon it. Therefore, with full respect for the views of every other Senator, I think it should be made crystal clear—if I might use the expression—that there is no reason on our side of the aisle why we should not vote on the nonvoting Delegate bill on the next calendar call or as expeditiously as we can.

Mr. President, I hope this will put to rest any concern existing in the District to the effect that there is some objection. There is none. There has not been any objection to my knowledge since I have had cognizance of the bill being on the calendar. I have been informed of no objection.

If this matter is being held up, those who are holding it up will have to assume full responsibility for it. I will not assume any at all.

ORDER OF BUSINESS

Mr. SCOTT. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. RIBICOFF. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE SITUATION IN THE MIDEAST

Mr. RIBICOFF. Mr. President, I am saddened and perplexed by our Government's treatment of a stanch and trustworthy ally—Israel. While I cannot help but be impressed by the State Department's zeal in pursuing its present peace initiative, I am most distressed over its refusal to face the unpalatable, but undeniable fact of serious Soviet-Egyptian violations of the cease-fire along the Suez Canal. Either the Soviets and Egyptians have emplaced at least a dozen new missile batteries of six launchers each inside the ceasefire zone since August 8—or they have not. I am skeptical that our own intelligence sources cannot verify this after more than 11 full days. Israeli intelligence is acknowledged by our Government as being excellent—and its past reliability is not in doubt. Why then is it not considered reliable in this case?

But the State Department's reply yesterday to these grave charges is essentially one of "see no evil, hear no evil, speak no evil."

The rather remarkable statement by the Department spokesman yesterday begins with the following paragraph:

> We have concluded that there was forward deployment of surface-to-air missiles into and within the zone west of the Suez Canal around the time the ceasefire went into effect; there is some evidence that this continued beyond the ceasefire deadline, although our evidence of this is not conclusive.

What this says is that there are new surface-to-air missiles in this zone, but we still aren't sure this constitutes violations even though there is evidence this occurred after the deadline. But if there have been violations, the State Department feels they are not important anyway. Israel is in effect told—why worry, let us proceed with the talks, and not confront the violators with facts. Meanwhile, the Soviets and Egyptians are being permitted to do what the Israel Air Force prevented them from doing for 6 months.

This reply coming after the shameful incident of the U.S. transmission of Israel's acceptance of the cease-fire to Ambassador Jarring, must be treated seriously. This handling of Israel's charges could be a sad lesson in how to lose friends and alienate people, if it were not so frightening in its implications for Israel's survival and American interests.

Israel originally agreed to the latest U.S. initiative knowing full well how it could affect her most vital security interests. The Government of Israel in deference to our own President did not make public its grave doubts over the ultimate wisdom of Secretary Rogers' initiative. At the expense of splitting its coalition government she accepted our initiative. In doing so, Israel relied on our own country reassurances that it would guarantee the terms of the proposed limited cease-fire and insure that the military balance was not further tipped against Israel. Now Israel is being scolded for complaining about severe violations of this arrangement which have, in fact, drastically altered the balance along the canal.

State Department officials have been described in the press as being "irritated" over the fuss the Israelis are making. But the dispute here is not over a trivial matter—it is Israel's very existence. One cannot help but draw a parallel to a situation in which a victim of a criminal assault is charged by a policeman at the scene of the crime with disturbing the peace because she screamed, while her assailant goes free.

The drama which has unfolded in Israeli-American relations during the past few weeks could charitably be described as a sell-out. Actually, it is worse than that. A sell-out in international relations implies that in return for sacrificing another nation's interests, you gain something in return. I fail to see how the United States will benefit from her failure to provide Israel with a minimum of diplomatic and military support at this crucial juncture.

Will we really achieve "peace in our time" in the Middle East? Will we gain the admiration of the Russians for our self-induced myopia in overlooking her missiles? I think not. By now it should also be clear that we will not be able to woo the radical Arab states away from Russia by a gradual erosion of our support for Israel.

If war is too important to be left to the generals, the pursuit of a lasting peace in the Middle East is too vital to be left to the Arabists in the State Department. I wonder how "even-handed" these specialists can be after spending their foreign service careers almost exclusively in Arab countries. But in recent months, in the hope of finding a solution to a complex problem, they have been given their head. The results now unfolding reveal a disaster for both Israel's security, and the United States' strategic interests in the Middle East. I, too, favor quiet diplomacy—but not when it is used to quiet the truth.

The Russians are firmly entrenched—both literally and figuratively—in parts of the Middle East.

The Israelis have bled for 22 years to defend themselves from Arab aggressors seeking their destruction. All during this time, however, their first priority was to seek peace and reconciliation with their Arab neighbors. It still is today. But the issue is no longer the Arab-Israeli conflict. Israel is now facing the most up-to-date Soviet jet aircraft flown by Russian pilots and serviced by Russian technicians. All of Egypt bristles with the latest Soviet missiles manned and defended by Soviet personnel. Egypt alone has five times the number of supersonic aircraft Israel has—and the number of Russian-piloted planes alone exceeds Israel's small total.

By recklessly choosing to ignore the Soviet buildup in the Canal Zone during the cease-fire, the United States is forcing Israel into a corner. We are unwittingly encouraging Egypt to attempt a canal crossing under the cover of Russian missiles and planes whenever she feels she is ready militarily.

As a result of what the State Department prefers to term "inconclusive evidence," Soviet missiles now cover not only the Egyptian side of the canal, but portions of the Israeli-held side to a depth of over 10 miles. It is meaningless now to mouth the vague reassurance of not permitting a shift in the balance of military power. It has already shifted—due to Russian boldness and American timidity during the past year.

Stripped of her ability to provide air cover for her vastly outnumbered troops, Israel is being forced to make a choice between piecemeal surrender or new costly military action—with unforeseen consequences for all the parties involved. I have no doubt which course she must choose. The failure of the United States to impress upon the Soviet Union the necessity of honoring the current cease-fire is a clear signal to the Russians that the security of Israel is a secondary consideration, and that we will accept peace talks on Russian terms. But Israel is not prepared to stake her national existence on the good intentions and magnanimity of the Soviet Union.

Mr. President, I have watched events in the Middle East since the 6-day war in the hope of finding some signs of movement toward peace. But the Western powers have encouraged Arab intransigence and greater Soviet involvement by pursuing their own narrow in-

terests. There was the shameful episode of the French arms embargo, where France acted retroactively in denying Israel the Mirage jets for which she had already paid. There was the British refusal to sell Israel Chieftain tanks, tanks which Israel actually helped design. These policies were largely motivated by fears of disruptions in oil supplies.

By the same yardstick of national interests, one can explain Russian expansion into the Mediterranean area in terms of a desire to reopen the Suez Canal, and to gain warm water ports, and air bases. However, I fail to see what interests of the United States are served by the present actions of the administration in undermining Israel's position on the eve of the peace talks.

Mr. President, this administration has to date failed to supply a single jet aircraft to Israel except for those delivered under an agreement made by President Johnson. Not a single American tank has been added to Israel's increasingly obsolete armored forces—except those captured from Jordan in the 6-day war. True, we have permitted Israel to make restricted purchases of other equipment here for cash on the barrelhead. And we profit handsomely from these commercial sales.

As a result of these expenditures, Israel must now spend 30 percent of her gross national product on defense needs. The United States, with its worldwide commitments, spends only 9 percent. The threat to Israel posed by Russia's military might is immediate and real. Four attacking Russian Mig–21's were shot down by Israeli flyers shortly before the cease-fire. Perhaps Israeli pilots can teach the Soviet air force a thing or two—but they should not have to stand up to the Soviets without modern aircraft.

Mr. President, Israel's current conflict with the Soviet Union, and Israel's proven readiness to sacrifice her own blood and treasure, calls for the extension of the Nixon doctrine to the Middle East. This doctrine, first enunciated by the President at Guam, can serve as the basis for a rational American policy in the Middle East today. The doctrine, as explained in the President's State of the World message states:

> The United States will keep all its treaty commitments.
>
> We shall provide a shield if a nuclear power threatens the freedom of a nation allied with us, or of a nation whose survival we consider vital to our security and the security of the region as a whole.
>
> In cases involving other types of aggression we shall furnish military and economic assistance when requested and as appropriate. But we shall look to the nation directly threatened to assume the primary responsibility of providing the manpower for its defense.

In this message, the President further explained that—

> This approach requires our commitment to helping our partners develop their own strength. In doing so, we must strike a careful balance. If we do too little to help them—and erode their belief in our commitments—they may lose the necessary will to conduct their own self-defense or become disheartened about prospects of development. Yet, if we do too much, and the American forces do what local forces can and should be doing, we promote dependence rather than independence.

Israel has shown three times in 20 years how well she can fight to defend herself. She does not need American troops—nor does she want them. Israeli-American relations do not require a formal treaty commitment. The bonds between our two nations are too real and too deep to require this formality. But Israel does need our help and support now—not against her Arab foes—but against the Soviet Union.

Israel is proud to be in a position where she assists 26 developing nations in Africa. But it must be remembered, Israel is a country the size of New Jersey, poor in natural resources, and with a population of less than 3 million. If we can provide supporting assistance funds to a country like Haiti—surely Israel is as worthy a recipient. Why should U.S. military and economic assistance be lavished on corrupt dictatorships who devote more effort to repressing internal dissent than fighting external enemies?

Events are moving very quickly. Israel, for good reasons feels she has been seriously let down by the United States.

If our own Government finds it more convenient to force Israel to swallow serious truce violations than to insist on Soviet and Egyptian adherence to the agreement, then our own role as a peacemaker is underminded. And our credibility as a world power in this region is undercut.

Here in the Senate within the past 3 months, there have been two clear and overwhelming manifestations of support for Israel. At the end of May, some 76 Senators joined in a letter to Secretary Rogers urging the immediate dispatch of jet aircraft to Israel. During this past month, 72 Senators wrote to President Nixon affirming support for his forthright statements of July 1. These were expressions of the belief that Israel is a valuable material and spiritual asset to the United States, and is worthy of our support.

Mr. President, history will have to pass judgment on the actions of our Secretaries of State and Defense during this current troubled period. I must admit I have found their recent statements puzzling and disturbing. The deterioration today in United States-Israeli relations, and the growing Russian threat in the Middle East calls for the continuing personal attention of our President. Traditionally, Israel has been able to rely on the statesmanship, courage, and compassion of our Presidents. President Nixon, too, has these attributes of leadership.

For the good of our country, for the sake of a genuine peace in the Middle East, and for the benefit of mankind, I am confident that the President will pursue an honorable course for the United States at this critical juncture.

Mr. HUGHES. Mr. President, will the Senator yield?

Mr. RIBICOFF. I am pleased to yield to the distinguished Senator from Iowa.

Mr. HUGHES. Mr. President, I wish to commend the distinguished Senator from Connecticut for calling attention to the very critical problem in the world today in which our country is directly involved in trying to bring about a peaceful situation. Lord knows, we are all seeking peace. I would like to ask the distinguished Senator a few questions in relation to his address.

Does the Senator believe there is evidence that forward moving SAM sites have been, in fact, completed or installed since the cease-fire was called for?

Mr. RIBICOFF. There is no question in my mind that this took place. I believe the American intelligence community will assure the Senator concerning the accuracy and the superiority of Israel intelligence over these many years. As a matter of fact, Israel intelligence and American intelligence have often worked closely together, and the best intelligence on the Middle East comes from Israel sources.

The pictures that were shown yesterday, taken by Israel sources, are not controverted. It is interesting to note that neither Egypt nor the Soviet Union has denied the fact that these missile bases have been moved forward. What to me is so disturbing is the fact that the United States, unwilling to face up to this situation, has been unwilling up to yesterday, and then with mealymouthed language, failed to even acknowledge it has taken place. Now, as I read the press and understand the situation, the United States has forwarded a letter or a private complaint to Egypt and the Soviet Union, with a great degree of timidity.

Let me tell the Senator from Iowa what bothers me. The Russians are tough. The Russians are smart. The Russians are unsentimental. The Russians, beginning in February, have been pushing Israel and especially challenging the United States to see what the American response would be. And this effort has continued with a continued buildup of jet planes, jet supplies, and missile bases in Egypt, and the United States has basically remained silent.

As a matter of fact, last February the President of the United States forwarded a private letter of complaint to the Soviet Union concerning the situation, and it is my personal belief that the President of the United States was treated almost with contempt by the Soviet Union in its response to the President of the United States.

If the Soviet Union—and the Israelis are smart enough to realize this—get to feel that they can take any step they want without the United States calling the turn or even publicly calling the Soviet Union and the Egyptians for their activities, it spells out a disaster for Israel because it means that Israel will go into peace negotiations under the aegis of the United Nations and the four big powers. France is against Israel. England does not count very much in international affairs and will not do anything. The Russians stand four-square with an all-out commitment to the Egyptians. If the United States does not take a strong position in those negotiations, what it spells out to the Russians and Egypt is that they can make any demands they want and Israel will be forced against the wall and forced to take

a dictated peace against her interest, and the United States, which is supposed to be and to remain her ally, will not exert her great power against the Soviet Union. This is a potential tragedy to the American interest in the Middle East, and also is a question of life and death for Israel.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. STENNIS. I am compelled to leave the floor on an urgent matter. I am very much impressed by the remarks made here by the Senator from Connecticut. I respect his judgment. I know his fine summary is correct on the facts. He points up a very serious situation. I was one of those who signed the letters that he mentioned. I am glad the Senator has spoken. I think he has made a contribution here and elsewhere on this subject.

Mr. RIBICOFF. I thank the Senator. May I say, while the Senator is present, because he is chairman of the Armed Services Committee, and may I say for the benefit of other Senators, that some of the historical facts which appear are very important in America's relations with Israel. The Senator, who is chairman of the Armed Services Committee, has a right to take pride in his continuous appraisal of the Joint Chiefs of Staff and the Military Establishment. The Joint Chiefs of Staff and practically every military man in this country who has had the responsibility has recognized the problem of America's basic interest in the Mediterranean area, NATO, the Indian Ocean, and the Persian Gulf. The Defense Department has usually been sympathetic to the problem of Israel in relation to the U.S. interests.

The same cannot be said of the State Department. Historically, the State Department has always been pro-Arab, and against Israel. If it had been for the State Department, there would not have been an Israel, and Israel would not have survived.

Every President of the United States has had a distinct understanding of this problem. It is only because Presidents of the United States have repudiated our own State Department time and time again, that America's interests have been retained in the Middle East, and Israel has survived.

That is why it is so important today that President Nixon follow his predecessors in office, whether it be President Roosevelt, President Truman, President Eisenhower, President Kennedy, or President Johnson, in this realization, because the President of the United States understands the world picture and understands the interests of the United States.

That is why there is so much dismay in the hearts of the Israelis, and those who understand the situation, because they know that the Arabists in the State Department, whose training has been basically in Arab countries, whose sympathies are with Arab countries, are continually trying to sell the interests of Israel down the river to the different Arab dictatorships.

Mr. STENNIS. I thank the Senator. I must leave.

Mr. HUGHES. Mr. President, will the Senator yield further?

Mr. RIBICOFF. I yield.

Mr. HUGHES. I believe the Senator indicated, and I will ask him in order to clarify the matter, that the State Department had indicated that there was substantial evidence that there may have been construction of SAM sites over and above the completion of those already begun, though they felt the evidence was not conclusive. Am I right in that?

Mr. RIBICOFF. I will read a portion of the Department's statement again. The statement is as follows, and I quote the State Department:

> We have concluded that there was forward deployment of surface-to-air missiles into and within the zone west of the Suez Canal around the time the ceasefire went into effect; there is some evidence that this continued beyond the ceasefire deadline, although our evidence of this is not conclusive.

In my opinion, that is doubletalk. I think the State Department's conversations—and different members of the press have reported this—that the State Department is angry that the Israelis had the consummate gall to call attention to these violations of the cease-fire, and to do it publicly.

I think the Israelis would have had to be absolutely insane if they kept quiet when this was going on in violation of the understanding and agreement. The Israel Government was close to breaking up over the question. The coalition government split up because there was a big body of opinion in the Israel Government and among the population that believed there should not have been only a limited cease-fire. I think the Israeli Government was correct in agreeing to the cease-fire, and the Israelis put their trust in the U.S. Government. I can understand the dismay in the hearts of the Israelis today when they see what has taken place in the past week.

Mr. HUGHES. Did the Senator further say that these forward SAM sites are being manned by Soviet personnel, or is there evidence of that?

Mr. RIBICOFF. No; I do not have proof that they are being manned by Russian personnel. My understanding is that the SAM–2's that have been put in the forward sites are being manned by Egyptians. There are reports that Russian supervisors at these sites have been killed in Israeli raids.

But basically, they are Soviet SAM sites. They use Russian missiles, the Egyptians do not manufacture them. The Egyptians have been completely trained by the Russians, and, while I do not know about the particular ones that have been moved into the so-called neutral zone, basically there has been Soviet supervision of the SAM missiles. The feeling is that, while there is no proof that the Russians actually fired them, they are so complicated and sophisticated that the Russians have been supervising and giving the directions at the most localized level.

Mr. HUGHES. Would the Senator be kind enough to refresh my memory on what President Nixon's pledge was to the Israelis, in return for the cease-fire?

Mr. RIBICOFF. The President assured the Israelis the United States would continue to maintain a balance of power. He assured the Israelis that they would have secure and agreed-upon borders before withdrawal, and that the vital interests of the Israelis would not be sacrificed if they accepted the cease-fire.

It was with these assurances from the President of the United States that the Israelis accepted the cease-fire.

Mr. HUGHES. Does the Senator feel that there has been some substantial slipping of this pledge during the following days?

Mr. RIBICOFF. I would say that without question there has been slippage in the pledge. It took place in two ways. First, when the Israelis accepted the cease-fire, they transmited to the United States their acceptance, emphasizing that they would accept the principle of withdrawal only to secure and recognized boundaries, as stated in the U.N. Security Council resolution of November 1967.

When the Secretary of State forwarded the Israel acceptance to Ambassador Jarring at the United Nations, for transmission to Secretary General U Thant this condition was deleted. This vitally impairs the Israel position, and came as a great shock to them because it changed the frame of reference of the Israel understanding.

There is an article in today's Washington Post, which I ask unanimous consent to have printed in the RECORD at this point, by Columnist Joseph Kraft in which he details what took place during this period.

There being no objection, the article was ordered to be printed in the RECORD as follows:

ISRAEL IN DANGER

(By Joseph Kraft)

On Thursday, Aug. 6, Prime Minister Golda Meir of Israel picked up the phone and put through a call to Washington's chief action officer for the Near East, Assistant Secretary of State Joseph Sisco. She wanted to draw urgent attention to a point in the frame of reference for the negotiations that would follow a cease-fire.

Next day Ambassador Itzhak Rabin was summoned to a 10 o'clock meeting with Secretary of State William P. Rogers on what he assumed would be the point raised by the Prime Minister. The Secretary, it developed, was not available, and so the Ambassador went back to his office. He was summoned again for another meeting at 2:30 that afternoon.

This time the Ambassador cooled his heels for half-an-hour while the Secretary finished his lunch. Then he was called in and told that in one hour the cease-fire would be announced from United Nations headquarters in New York. No allowance would be made for the point raised by Mrs. Meir.

That little episode, told here for the first time I think, has poisoned subsequent relations between this country and Israel. It explains the recent public spitting match about violations of the truce on the Egyptian side. For the Israelis feel they have been taken in by the cheap lawyer's trick of ducking issues with documents.

But whatever the provocation, the debate now going on is harmful. The issue is not whether the Secretary of State is a knave or a fool, or whether the cease-fire was violated in the spirit or the letter. The issue is the security of Israel.

For one thing, there took place in the hours around the commencement of the

cease-fire, a massive forward movement of Soviet surface-to-air missiles along the Suez Canal. These weapons can now hit incoming Israeli planes over Israeli territory.

Unchecked artillery fire would endanger the present Israeli fortifications along the Canal—the so-called Bar-Lev line. Once those were shattered, the Israelis would be vulnerable to a cross-canal operation by Egyptian forces and a rollback across Sinai.

Moreover, questions have been raised about American assurances to Israel. At a press conference in Los Angeles President Nixon had assured the Israelis they could "agree to negotiate without fear" that their "position may be compromised or jeopardized." Much the same message was conveyed to Mrs. Meir in a letter from the President.

But with the Israeli position endangered, the United States seems to be walking away from these assurances. This country has not, as it easily could, expressed outrage with what is a clear break in the spirit of the cease-fire; nor, as it easily could, has the United States increased the flow of military equipment to Israel. Thus what the Israelis took to be a guarantee is now vanishing to nothingness before their eyes.

Finally, the frame of reference for the peace negotiations yet to come is distinctly adverse to the Israelis. The Israelis have always insisted that in return for withdrawal from territories seized since the six-day war, there be acceptance of "secure and recognized boundaries," as set forth in the United Nations Security Council resolution of Nov. 2, 1967.

A chief point of Mrs. Meir's call to Sisco was to get that wording into the cease-fire announcement. That is the precise issue on which she was fobbed off. The cease-fire announcement issued at the U.N. on Aug. 7 makes reference to "Israeli withdrawal from territories occupied in the 1967 conflict." It says no word about "secure and recognized boundaries."

Maybe the Russians intend to push for a peace settlement in the end. Maybe they are only building up positions of strength to facilitate compromise.

But it is at least possible, that the Russians really intend to crack the Israelis, the better to penetrate the Near East. If so, they are in fine position. For they have the Israelis now backing down a slippery slope with the massive steamroller of Soviet power poised above them.

In these circumstances, there is no point in trading insults, in petty intrigues, or in the casuistry of lawyers. There is point only in one thing. And that is to assert the Israeli peril, once again, in a way that engages the conscience of serious men.

Mr. RIBICOFF. It is my understanding that the facts related in the Kraft article are entirely correct. This did take place, and the columnist, Mr. Kraft, has the facts as to what took place between the Secretary of State and Ambassador Rabin. This caused deep dismay in the Israel Government, and has increased Israel's fear of U.S. intentions.

When the Israelis later confronted the United States with solid evidence of serious Egyptian and Soviet violations of the cease-fire agreement, the United States became very angry at the Israelis for calling it to the attention of the world.

Here again, the Israelis, who depend on the good faith and assurances of the United States, are understandably uncertain whether the United States will act in good faith or not. Now they must prepare for the peace talks with great fear in their hearts. The Egyptians have a steadfast friend in the Soviet Union, but Israel apparently does not even have the trust of the United States. Without American diplomatic support, Israel is one tiny nation against all the major powers, all by herself.

Mr. HUGHES. Is it not true that the substantial evidence of the last 20 years indicates that the small nation of Israel, with the small population, the heavy commitment of manpower and percentage of their gross economic capabilities invested in their defense, their survival has been more or less guaranteed by the United States in this ongoing policy, and that if Israel were to wait, for example, for Soviet armaments to be placed or their borders to be crossed, with the imbalance in manpower and the capability of the Russian nation of supplying armaments to the Arab nations, obviously they would never have been able to wait until the last moment?

Mr. RIBICOFF. The Senator is correct. I think the Israelis feel, and the events have proved, that the Israelis alone can defend themselves against 100 million Arabs. Less than 3 million Israelis are willing to face 100 million Arabs; but I think it would be foolhardy to think Israel could take on the military might of the Soviet Union.

As for the Soviet Union's deepening military involvement, there is the puzzle of why it committed its own aircraft in face-to-face combat with the Israelis shortly before the cease-fire. This is the first time since World War II that the Soviet Union has ever committed its forces outside of Eastern Europe. Perhaps the Soviets were testing out their own ability to be able to handle the tiny Israel Air Force in an air war.

The Israelis downed four late model Soviet Mig–21's, with Russian pilots. The Russians have apparently made an out-and-out commitment to support Egypt's war of attrition against Israel. I do not know what the Soviet Union's ultimate intentions are. I do not think anyone knows. But there is little question in anyone's mind that after many years of trying all the dreams and ambitions of the czars to control warm water ports and become a Mediterranean power have finally been achieved. Today the Mediterranean is rapidly becoming a Russian lake.

With their control of the Suez Canal and the Mediterranean area, they are free to seek control of the Persian Gulf and the Indian Ocean. This opens up the prospects of Soviet domination of that whole area of the world.

What it would be doing would be outflanking the United States and its NATO allies. It would jeopardize Greece, Turkey, Italy, Iran, and all of Europe. It is too bad that the European nations, which should realize this, still put almost the entire burden of Mediterranean defense on the shoulders of the United States. But France has followed its own narrow policies under De Gaulle, and England, with its oil interests, has sat quietly by.

Mr. HUGHES. Mr. President, I again commend the distinguished Senator from Connecticut for what has been a really enlightened outline of the problems as they now exist in the Middle East and the difficulties the little nation of Israel is facing. I am sure the Senator would join me in commending the President of the United States and the Secretary of State for their initiatives for peace, and the steps they have taken in trying to bring these parties to the bargaining table for the solution of their differences by peaceful means.

I am sure also, as the Senator has so capably pointed out, that the little nation of Israel has almost torn itself asunder and approaches these negotiations with great fear and trepidation, and that the commitment of the United States to this small nation could indeed be jeopardized without support in terms of the needed evidence that we have today.

I think the speech today by the distinguished Senator from Connecticut, at a very critical point in the history of the Middle East, can again focus the attention of the American people not only on our hopes for peace, but on our responsibility to work for peace by keeping our commitments to maintain the delicate balance in that area.

Mr. RIBICOFF. I thank the Senator for his remarks. History is going to have to judge the cynicism displayed in the past few weeks of the present Secretaries of Defense and State. I hope that history will not judge the President of the United States by the same yardstick. I have confidence in the grasp of world affairs of every President of the United States, and I cannot help but feel that the present President of the United States must be unhappy over the events of the past week. July 1, in his television interview in California, the President indicated his desire for maintaining the balance of power in the Middle East. He stated his desire that Israel be secure, and cited the motives of the radical Arab States to drive Israel into the sea.

The President deserves high marks—very high marks for this statement. He should be commended for trying to bring this long struggle between the Arabs and the Israelis to a peaceful and just conclusion. But I would hope the President would continue to recognize the importance for peace of these commitments he has made publicly to Israel. No President of the United States should do less.

Mr. KENNEDY. Mr. President, will the Senator be kind enough to yield?

Mr. RIBICOFF. I am pleased to yield to the Senator from Massachusetts.

Mr. KENNEDY. I join my colleague from Iowa in commending the Senator from Connecticut for bringing this matter so clearly and forcefully to the attention of the Senate today. I think he has presented a balanced and thoughtful commentary on the Middle East. I think he has stated, not only in his prepared text, but also in his subsequent comments, that he commended the President for trying to initiate the recent peace initiatives in the Middle East. But I think that the most important point in the most reasonable and balanced presentation of the Senator from Connecticut is his feeling that the United States ought to be prepared to identify and specify and seek to correct any violations of the cease-fire agree-

ment on either side, that the United States, as one of the principals in trying to bring about the peaceful negotiations, should be willing, as the Senator suggested, to state the facts clearly and forcefully when violations have occurred so that no party is taken advantage of.

I think that the kind of standard the Senator is prescribing in terms of our conduct in the Middle East, as I understand it, is one of balance and one of equal treatment for both sides. He has properly recognized that one of the key requirements for any kind of negotiation would be observance of the full terms of the cease-fire. Thus it is disturbing to many of us that, in spite of the protestations and evidence offered by Israel, the United States still has failed to face up to the question of infringements of the agreements. Therefore, the United States is, whether we like it or not, reflecting to the world, as well as to our adversaries, that we are not really interested in the balanced approach which I think underlay the President's initial efforts to try to bring this difficult and trying and perplexing situation to an end by peaceful negotiation.

Mr. RIBICOFF. I thank the Senator for his contribution.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. RIBICOFF. I yield.

Mr. BYRD of West Virginia. Mr. President, I want to congratulate the able Senator from Connecticut on his very well reasoned speech. He expresses an extremely grave concern which I share, about the dangerous situation that is continuing to develop in the Middle East. He and I and other Senators have discussed this developing situation many times, and I have joined with other Senators in signing letters which the able Senator has addressed to various personages in the executive branch. I think the situation in the Middle East is perhaps a part of the price we have to pay for an overriding preoccupation with our involvement in Vietnam, to the exclusion of adequate attention and concern with respect to our interests in the Middle East.

I believe that the Senator performs a great service in taking the floor today. He spoke of history's judgment of the Secretary of Defense and the Secretary of State and his hope that it would not also render an adverse judgment against the President. I hope additionally that it will not render a judgment against those of us who sit in the legislative branch.

The able Senator from Connecticut has spoken at a timely moment to express concern. I know that he wishes the peace talks to go forward expeditiously. We pray fervently not only that they will go forward but also that they will produce results that are fruitful, and beneficial, and lasting, and that a just and workable peace will come to that troubled part of the world.

At the same time, I think it is incumbent upon us, not only as an ally of Israel, but, also if for no other reason, out of pure selfish self-interest, to express a strong protest, and in no uncertain terms, to the Soviet Union and to the Arab powers with respect to reports that forward movements of SAM missiles have taken place during the cease-fire.

The Senator has rightly spoken.

The Senator's speech, as usual, has been well thought out, excellently presented, and, as I have said, very well reasoned. I shared his viewpoint. I trust that our country will take a stand, and that it will be firm, while there is yet time; because the Soviets are not among those who are slow to sense timidity and hesitancy on the part of an adversary. They also recognize determination and firmness especially when it is manifested by a power which is in a position to act with firmness.

I thank the Senator.

Mr. RIBICOFF. The Senator's comments are absolutely correct. The Soviet Union appreciates power, and is never afraid to use its power, when it is in its interest. They are exercising their power in the Middle East today.

I thank the Senator very much for his valuable contribution.

Mr. ALLOTT. Mr. President, I think that the speech of the Senator from Connecticut has been helpful. I must say that I cannot agree with all his conclusions, particularly with respect to the question of whether the State Department has always been pro-Arab and anti-Israel. I have two observations to make in respect to this.

During the course of the years, as a member of the Subcommittee on Defense for Appropriations I have had many, many occasions to talk with the former Secretary of State Dean Rusk, for whom I have great respect. If there were time this afternoon—and there is not—I could detail some of the specific instances in which he took action which was very much in Israel's interests rather than in the Arabs' interest. Of course, I do not say that the Arab desks are not trying to look out for the friendship of the Arabs. But I could not go along with the conclusion that the State Department has always been pro-Arab.

Second, I think it should be said here that, after several years now—in fact, since the last war, which the Arabs commenced—it was the President who finally took the lead in the initiative to get the Near East situation off dead center. But I think that anyone who writes off the State Department and Secretary Rogers in the negotiations that have gone on behind the scenes is making a very grave error in judgment of history. Further, it is possible that such statements will confuse rather than elucidate the situation with respect to the Near East, about which all of us are very concerned.

S. 4273—INTRODUCTION OF A BILL TO MODIFY THE BOUNDARIES OF CERTAIN NATIONAL FORESTS IN THE STATE OF IDAHO

Mr. ALLOTT. Mr. President, by request, I introduce to the desk, for appropriate reference, for myself and on behalf of the chairman of the Committee on the Interior (Mr. JACKSON), a bill to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes.

This proposal was submitted and recommended by the Department of Agriculture, and I ask unanimous consent that the executive communication accompanying this draft legislation be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLOTT. Mr. President, I apologize to the present occupant of the Chair. He may wish to join in sponsoring this bill. I did not realize that I had it with me until I took out my file.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The bill will be received and appropriately referred.

The bill (S. 4273) to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes, introduced by Mr. ALLOTT (for himself and Mr. JACKSON), by request, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

EXHIBIT 1

DEPARTMENT OF AGRICULTURE,
OFFICE OF THE SECRETARY,
Washington, D.C., April 27, 1970.

HON. SPIRO T. AGNEW,
President of the Senate.

DEAR MR. PRESIDENT: Transmitted here with, for consideration of the Congress, is draft bill "To modify the boundaries of th Coeur d'Alene, Nezperce, Payette, Bois Sawtooth, and Targhee National Forests i the State of Idaho, and for other purposes

The Department recommends enactmen of the draft bill.

The proposed legislation would add areas of small to moderate acreage to the s National Forests within which they are situ ated, and additionally, two areas that a adjacent to boundaries of certain of the Forests. Most of these tracts are interior e clusions within the exterior boundaries of t National Forests in which they are locate

Presumably, the described areas were n included within the respective National Fo ests at the time the Forests were esta lished because of expected mining activit mining settlements, or because they we thought valuable for agriculture use. T value and use of these lands for these pu poses has not materialized. Resource ma agement values and needs are similar to a intimately related with those occurring adjacent National Forest lands.

Upon inclusion of the areas in the spective National Forests, the public doma within them would be transferred from t administration of the Bureau of Land Ma agement in the Department of the In rior to the administration of the Forest Se ice in this Department. On certain parc from this unreserved public domain, as scribed in Sec. 2, the United States co consider applications from the State of Ida for indemnity school land selection, fo period of one year from enactment of t bill in the same manner as before. The tra fer would eliminate duplication of progra by two agencies in the same localities a reduce administrative costs.

Timber, grazing, watershed and recreat resources within the areas covered by t proposed legislation are logical parts of larger complexes of the surrounding Natio Forest lands. Unified planning and devel ment of such complexes would result more economical and planwise improvem and management and in better correlat of recreational uses.

In addition to about 52,000 acres of reserved public domain and the 6,000 a of National Forest, the areas proposed addition to the designated National For

include about 57,000 acres of private land and 17,000 acres belonging to the State of Idaho. Status and use of the non-Federal lands would not be affected by their inclusion within National Forest boundaries. However, the lands would thereby qualify under existing authorities for exchange transactions involving National Forest land.

The transfer of administrative jurisdiction which would be effected by this proposal would be in accord with recommendations made following joint studies by the agencies concerned. The Department of the Interior has reviewed this proposal and concurs in its submission to the Congress for enactment.

The Bureau of the Budget advises that there is no objection to presentation of this proposed legislation from the standpoint of the Administration's program.

A similar letter is being sent to the Speaker of the House of Representatives.

Sincerely,

J. PHIL CAMPBELL,
Under Secretary.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. ALLOTT. Mr. President, no task is so unpleasant as opposing legislation which aims to achieve a goal one wants, but which is an inappropriate means for achieving that goal. This is the situation many of us face with regard to the pending Hatfield-Goldwater amendment.

I want to say, by way of preface, that I recall back in 1958 and 1959 when the distinguished Senator from Arizona (Mr. GOLDWATER) was interested in trying to upgrade the pay of the various branches of the service upon the basis of their capability and the tasks they were performing. Very few paid any attention to him. I did pay attention to him. I joined him in those efforts time and time again, and never during those last years of the 1950's and the first 2 or 3 years of the 1960's were we able to make any progress in that. So what I have to say is made from the context of my own record in the Senate with respect to this matter and the way I have expressed myself generally in the past with respect to the military.

Mr. President, in my remarks today, I want to explain why I think the Hatfield-Goldwater amendment is not the right vehicle for bringing about the goal which many of us share with the Nixon administration—the goal of establishing an all-volunteer armed force. In doing this I want to explain some of the complex questions which need the sort of investigation that can only properly be done through Senate hearings.

I will confine my remarks on the amendment itself to the first three sections.

The first section begins with the words "The Congress hereby finds" and lists six findings. Three of these are true and can be acted upon without establishing an all-volunteer army. These are findings one, five, and six pertaining to the desirabilty of elevating the status of the military, the desirability of promoting the success of voluntarism as a source of military manpower and the desirability of improved training and equipment for Reserve forces.

The remaining three "findings" are more complex and contentious. Finding No. 2 involves a description of conscription which I do not think does justice to that practice which has served us well at various dangerous moments in our eventful history as a nation.

This "finding" says that—

> Involuntary service in the Armed Forces is a discriminatory tax-in-kind upon those persons required to serve because it falls upon a relatively small number of the total population.

My objection to this description is twofold, involving matters of logic and of moral judgment.

First, the word "because" in that sentence suggests a logical entailment that does not in fact exist, or at least does not exist without several important planted premises. I do not think it is self-evident—unless one accepts a somewhat eccentric semantic fiat—that any civic duty that does not fall evenly on the general population shall be called a discriminatory tax-in-kind.

Second, this description implies—vaguely but ascertainably—a moral judgment about the propriety of the practice of a Government instituting duties that are not universal. I do not think there is support for this moral judgment in the great texts of political philosophy, or in the proven practices of this Nation which has an altogether honorable record of respect for private rights.

Finding No. 3 concerns a question of fact and is, I think, false. It says that Congress has found that—

> The military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system.

My objection to this is threefold, concerning matters of literal interpretation, good legislative practice, and verbal ambiguity.

First, the statement, taken literally, is false. Neither Congress nor a committee thereof has reported any such finding. A commission appointed by and reporting to the executive branch has asserted that this proposition is true. But that is all. Congress has not.

Second, this is precisely the kind of pivotal proposition which must be investigated in the Congress if we are to function as a thorough and careful legislative body rendering independent judgments. This is not the sort of matter on which we should allow another branch of Government to substitute its assertions for our judgments.

Third, the meaning of finding No. 3 is obscured by the ambiguous meaning of the word "effective" in the statement that—

> The military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system.

On the one hand, if the word "effective" is supposed to mean "successful in generating the required manpower," then the statement is true but not significant. On the other hand, if the word "effective" does not have all that meaning packed into it, then, as I have said, the proposition simply asserts an important and contingent conclusion that should be the subject of extensive hearings in this body.

Finding No. 4 leaves its meaning unclear. It says that—

> A voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower.

My puzzlement about this stricture is twofold.

First, what criteria of practicality are to be controlling? Second, what duration of testing will constitute a "fair test"?

These questions are particularly urgent in light of the subsequent two sections of the proposed amendment.

The second section of the amendment deals with continued registration of young men. It provides that—

> Notwithstanding the delimiting date specified in section 17(c) of the Military Selective Service Act of 1967, the President shall provide for the continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious delay in the event the President determines pursuant to section 4 of this Act that such action is necessary and legislation authorizing conscription is enacted pursuant to such determination.

The third section of the amendment provides for "reinstituting conscription." It says this:

> If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

Mr. President, it seems clear that this amendment presupposes that the draft law will be allowed to expire in 1971 and that no comparable law will be passed in its place. I should have thought that this would be the object of detailed scrutiny next year, and that this legislative decision would be made other than by indirection, as it is in this bill.

However that might be, these two sections of the proposed amendment do shed some light on the practical implications of the terms used in finding No. 4 in the first section.

That is, I would assume that if the President deemed the transition to complete voluntarism to be impractical in 1971, he would ask the concurrence of Congress in a new draft law. But it is

not unlikely that this will be the case. Thus, this amendment holds out a promise—the end of conscription—by next year that probably cannot be met.

After all, what is contemplated here is a vast experiment with the market mechanism. We are not dealing with a seminar in price theory. We are dealing with the sinews of national security, and any fair and practicable test is going to have to be intensive and prolonged.

Such a fair and practical test will have to take account of any peculiarities in the Nation's general manpower situation. For example, there has been some increased unemployment among young people as a result of the very necessary cooling of our inflationary economy. This has meant that during the months of June and July this summer, unemployment among young people between the ages of 16 and 21 rose to 15.7 percent.

This was the highest rate in 6 years and represents an increase of nearly 3 percent over the 12.8 percent unemployment among this same age group last summer. It is obvious that changes in the employment picture would have important influences upon the effectiveness of particular programs designed to increase the military's competitiveness in attracting voluntary manpower.

We must face the fact that there are dramatically different estimates as to the probable cost of an all-volunteer armed force.

The Gates Commission estimated a first-year cost of $2.7 billion, with decreases in subsequent years. But the Defense Department has estimated that the cost could be $17 billion a year.

I do not know which of these estimates is correct, or even the most correct. But one thing is clear. Sincere and learned and experienced men and women can and do disagree about very significant and important aspects of this problem.

What is needed is for hearings to be held for the purposes of allowing these opposing parties to deploy their arguments and their facts and explain their premises and compete for the favorable judgment of the Senate's proven experts on the Armed Services Committee and, of course, eventually the U.S. Senate itself.

There can be no blinking at the many budgetary factors which can further complicate consideration of the economic picture as it relates to the prospects for an all-volunteer armed force. I will give just two examples. One concerns the widespread desire to continue the Nixon administration's policy of reducing the percentage of the Federal budget devoted to defense expenditures. The second concerns possible new burdens on the budget.

If we are going to continue to reduce military expenditures, in real terms and as a percentage of the budget, then it becomes all the more imperative that we make sure that our finite funds are spent so as to maximize defense capability.

Thus we should be very careful about building into future defense budgets a new expense that, given the prevailing mood of Congress, may have to be matched by cuts in other portions of the defense budgets and may have to be matched, Mr. President, even with other important parts of our overall budget. We should not build any such future expenditures into the budgets without careful prior deliberations by the Congress, and especially by those Senators who, by their committee responsibilities, are charged with evaluating the proper mixture of American military capabilities, from manpower through weapons systems.

In addition, Mr. President, before we build any such new expense into future budgets, we should take the long view with regard to all aspects of the Federal budget. For example, the Nixon administration is currently advocating a vast overhaul of the Nation's welfare programs.

The Finance Committee is currently giving this proposal the kind of scrupulous scrutiny which all major legislative proposals deserve. If this overhaul is adopted—and I do not know whether it will be or should be—it will build a very large expenditure into future Federal budgets. Is it not possible that adoption of the proposed welfare program would be an important datum in any careful consideration of the fiscal feasibility of an all-volunteer armed force?

Mr. President, is it not clear that the budgetary implications of this major program deserve careful and comprehensive consideration by the Congress, and most especially by those Senators whose committee responsibilities give them a special concern about the infinite demands competing for satisfaction from our finite revenues?

Thus far I have dealt with some of the economic complexities which will make any experiment with voluntarism a difficult experiment from which to extract the sort of conclusions one needs to gage the long-run effectiveness of voluntarism.

There is another kind of complexity that involves matters which are, if anything, more imponderable than the vicissitudes of our economic life. This is the international situation.

Obviously, any fair and practicable test of voluntarism will be one which establishes that the military, operating within realistic budgetary restraints, will be able to compete with civilian employment for voluntary manpower under various conceivable economic conditions and will be able to attract the necessary number of men. But various complex judgments must be made before we can know what constitutes the "necessary" number of men.

There is considerable disagreement among learned and sincere American men and women concerning the nature of the current threat to national security, and the likely future of that threat. This is not a subject which preoccupied the Gates Commission. But it is a subject which must receive the intense study of this body before we legislate on the matter of an all-volunteer armed force.

I admit I am distressed by some of the premises on which some supporters of an all-volunteer army appear to be relying. In my judgment, some are underestimating the scale and the durability of the threat to our national security.

Others, Mr. President—and I do not include any Senators in this category—seem to favor quick transition to an all-volunteer armed force because they expect that it will mean a significant reduction in available manpower. These persons favor such a sharp reduction because they want to diminish America's capacity for foreign commitments. They are content to see our capacity for flexible response evaporate. They are content to see us faced with a stark alternative in every kind of foreign crisis—the choice between absolute impotence or the use of a high-level force.

Mr. President, whatever one thinks of the moral and strategic wisdom of such thinking, one must agree that such thinking should be advanced overtly, and not covertly, through the medium of support for voluntarism in military manpower selection.

There is one other important international consideration that is relevant to the provisions of this proposed amendment. It is all very well for the second and third sections of this amendment to provide for a mechanism whereby the President, in conjunction with Congress, can reinstitute conscription in the event of a grave national crisis. But is it not likely that there would be dangerous and destabilizing ramifications of such an act in a period of high tension?

Such periods of high tension are just the sort of periods in which, on the one hand, we might want to have access to conscription, but which, on the other hand, could be badly aggravated by such an important act as reinstituting conscription. In fact, is it not likely that in times of high international tension the act of reinstituting conscription might be interpreted by a nervous antagonist as an act tantamount to a declaration of war? Again we find ourselves confronted with a scenario of the gravest sort, and one which deserves the careful consideration of the Senate.

Finally, Mr. President, before we can have a fair and practicable test of voluntarism—indeed, before we can have a clear understanding of what would constitute a fair and practicable test—we must consider one additional kind of complexity. Beyond the problem of varying economic conditions and budgetary restraints, and beyond the problem of gaging international developments, there is the problem of the shifting attitudes of our citizens toward the military and toward the idea of national service.

I do not think it is accurate to say that this generation of young people is hostile to the military. Nor do I think that those who disdain service to America are representative of this generation. Nevertheless, it would be unwise to ignore the fact that there is abroad in the land, among members of all generations, and not insignificant among proponents of an all-volunteer armed force, the belief that conscription is inherently iniquitous and a violation of the 13th amendment, and that any service in the Armed Forces of the United States is morally reprehensible.

Being cognizant of the existence of this minority doctrine which is so vociferously expressed—which I abhor personally to the greatest extent it is possible to do so—we must take two precautions.

First, we must try to gage the extent to which this doctrine is spreading

and might become capable to jeopardizing voluntarism in the long run.

Second, we must recognize that the reasons for supporting something are sometimes as important as the fact of supporting it. In this case, we must recognize and make clear that our support for voluntarism does not stem from the notion that military service is dishonorable in America, or that conscription is always wicked.

We can best make these judgments clear through the sort of full hearings and debates that a major legislative act deserves. This reinforces my belief that the next step on the orderly route to an all-volunteer armed force must be hearings before the appropriate committee.

Mr. President, I hope three things will happen with regard to the problem of the draft.

First, I hope that the Armed Services Committee will hold comprehensive hearings on an all-volunteer army at the earliest possible moment.

Second, I hope that these hearings will be guided by the questions raised by the Gates Commission report. That is, I would hope they would give critical examination to the presuppositions—economic, political, and moral—that underlie that report.

Third, I hope that the hearings will devote special attention to the area which is the most in need of careful scrutiny. This is the problem of devising a safe and certain mechanism to see us through the transition from conscription to voluntarism.

This last is especially important, Mr. President, because this mechanism will go a long way toward determining the long-term success of voluntarism as applied to military service.

Fortunately the Senate has at hand the people who should undertake such an investigation. The Armed Services Committee and only the Armed Services Committee is equipped by commission and experience to consider this matter, and to make its recommendations to the Senate.

No Member of this body is more competent at taking the comprehensive view of the Nation's military needs than is the distinguished junior Senator from Mississippi (Mr. STENNIS). I think all of us would feel more confident of the ultimate wisdom of our action in establishing an all-volunteer military if we were able to proceed on the basis of findings gathered by those Senators who have a special commission to make encompassing considerations of military needs—the able members of the Armed Services Committee.

At this point, Mr. President, I would like to respectfully direct an inquiry to the distinguished chairman of that committee.

I would like to know if we can expect hearings to be held on this matter in the next session of Congress. I know how burdened this able committee is, and how diligent all the members of that committee are in dispatching the many chores which a grateful Nation entrusts to them. Particularly do I know and understand how diligent and burdened with work the distinguished chairman of the committee is. I also know that it is impossible at this point to talk in terms of specific dates for such occurrences.

Nevertheless, it is certain that the Military Selective Service Act of 1967 expires next year, and conscription—and alternatives to it—will be a matter of congressional concern at that time. That would be an appropriate time for hearings to be held concerning the problems and prospects of an all-volunteer armed force. I would like to inquire of the distinguished chairman of the Armed Services Committee if I am correct in interpreting a recent statement of his—2 days ago, as a matter of fact—as a notice that such hearings will be held as part of the comprehensive review of military manpower policies that must take place next year before the draft law expires?

Mr. STENNIS. Mr. President, first I wish to say to the Senator that I think he has made one of the finest presentations of this problem and one of the best analyses that I have heard. He brought us also a very timely speech representing his thoughts on what to do and what not to do. I think he has correctly sized up this amendment. We do not condemn the idea of the amendment; we accept the motives of the sponsors. But the Senator's address sizes the amendment up by saying it is premature to bring it into being now; that there has to be a transition, at best; and that we have to maintain our own security. I think the Senator made a very fine and well reasoned speech. I know the Senator's speech will have influence on those who are making this decision. I want to thank him for taking the time to do this work and to make his address.

Mr. President, the Senator's question about the hearings is very appropriate. I went into some detail this morning about what had developed with respect to this problem as to the question of starting hearings on the Selective Service Act which expires automatically next June 30, and also on the matter of the volunteer army. As a matter of fact, we started last November or December to make special arrangements with the Selective Service to assemble material for a hearing. I will not go into detail again, but we have not had any of the records of Selective Service here for sometime.

I said today we have very definite plans that when this bill leaves the floor, subject only to the conference it will have to go through, this very definitely is the next order of business. The question to be considered in the hearings will be renewal of the Selective Service Act and also the volunteer army concept, because they come along together.

I have never doubted for one moment that we have to have a continuation of selective service beyond June 30. I have never doubted for 1 minute that we have a rather sticky subject to deal with in connection with the hearings. So when we start we must be well prepared. I contemplate now it may be possible for us to get into it some this calendar year.

We will get some of the preliminary parts of the hearing. If we come back into session following the November elections, I am sure we will get into a part of it. Certainly we will be geared to consider it as the first order of business in January. I know it must be done because of the expiration of the Selective Service Act. It should be done as soon as our committee is able to. We will be ready. We will have our staff ready and the Selective Service staff ready.

The administration has not yet sent us a bill calling for it, although the President said the act would have to be extended. The administration has not put a bill together for the continuation of selective service beyond June 30, although I am sure it will do so.

So the matter will have the top priority of all our hearings, beginning in 1971, if not before. As far as time is concerned, the pending bill will have to start moving soon. I am mindful that we must get started in 1970, and that we must get a bill to the floor early in 1971, so there will be plenty of time. When we have hearings, they are going to encompass the voluntary army, for one thing, deferments for another, and all the other changes that the report has suggested. Then we must consider the practical side of a volunteer army. That is just part of the bill. The money item is involved. The lowest estimate of cost we have for a voluntary army is $4.3 billion per year. The estimates run as high as $17 billion. So it could actually be from $6 to $8 billion. So more than one change is involved in that measure, and they all must be gone into.

The President has never varied in his position on this question. He has never recommended that we not renew the Selective Service Act. He knows now it must be renewed. He said so in his statement.

The Senator may have heard me say this morning that I had to know the position of the White House before the debate started. Very clearly and succinctly, this amendment is not favored. The idea of a volunteer army should come not before the Selective Service Act is renewed, but after. There must be a transition. There must be consideration of the whole matter.

I feel I have completely answered the Senator's question. If he wants to ask some other phase of it, I shall be glad to answer further.

Mr. ALLOTT. I thank the Senator for his answer, but I must say it does not get entirely to the matter I want to discuss.

Let me say first I have no empathy with those people who want a volunteer army because they know they are not going to volunteer; they are going to leave the burden to somebody else. I saw plenty of them when I was in the Army myself.

I am convinced, also, that there is a great feeling in this country—and I am in sympathy with it—that we should move toward a volunteer army.

I construe the Senator's remarks as meaning that we will consider the draft bill next year, and it looks now as if it will have to be extended in some way or another, but that the matter of a voluntary army would not be a matter of prime hearings and a determination before the Armed Services Committee It occurs to me——

Mr. STENNIS. Mr. President, may I interrupt the Senator there?

Mr. ALLOTT. Yes.

Mr. STENNIS. I intend to give full hearing and full consideration to the

volunteer army concept at those hearings.

Mr. ALLOTT. In conjunction with the draft?

Mr. STENNIS. Yes, in conjunction with the draft. To that extent there will be hearings on each, because they are interwoven. The issue has been drawn. The proposal is up. The President of the United States has made recommendations on it. I would not attempt to ignore it.

I do not know how the voting in the committee will come out or what the recommendations will be. As far as I am concerned, I can say we must renew the Selective Service Act, as I see it, as long as this war is going on, and perhaps for some time after. That is the way I see it.

Second, as an individual Member of the Senate, I might see it strongly enough to put some provisions in the bill about a volunteer army, to be implemented or put into use as the President may determine, or something of that kind, because, as I understand, he is in favor of a transition period and knows it is necessary. That is the way we will get to it, as I see it, and I think there is sentiment for it.

If I may just enlarge on this point a little, a Senator said to me, "Well, we are going to have to try it. I do not think it will work but, at the proper time, it has got to be tried." That was his version.

I think if we jumped up and enacted a half-baked plan here for a volunteer army, so-called, and there was an increased cost of $4 billion a year, all of it would fail and we would have to junk all of it except the pay increase, and we would be left with that.

I favor an increase. I like the idea especially that the lower grade men should get more pay. But I think it must be worked in and tied down. It will not be an incidental matter to the volunteer army. There will be mutual hearings.

Mr. ALLOTT. That is the assurance I wanted to hear from the distinguished Senator, because I believe that, either through the administration or through interested Members of the Senate, there will be a bill or bills on the voluntary service offered next year. I think it is absolutely imperative that we consider it.

I am inclined to agree with the opinion of my friend—in fact, I do agree with it—that probably we are going to have to continue the conscription law next year. To me, the key to this question and to the achievement of the possibility of a volunteer army is study, work, and testimony that will come out of the Senator's committee. This is what will permit us to make an orderly and successful transition after we have instituted the voluntary system.

In other words, we cannot just say, "All right, next May we are starting a voluntary army. As of the 1st of July, we are through with conscription." I just cannnot imagine anything that could possibly leave this country in a worse situation.

At the same time, it seems to me that with the great capability of the chairman and the members of this committee—and no committee of the Senate has a more capable membership—we could work out a plan which would institute the voluntary system, lapping it over with the conscription system. Then we could be sure that the voluntary plan is workable and will work, and in that event, we will not be leaving our country barehanded in its defense posture in the eyes of the world.

Mr. STENNIS. I think the Senator has expressed it well. Incidentally, my idea of due process of law would be to give this voluntary Army plan a real hearing, and have its day in court, and let the committee actually pass on its merits. That is what will happen, as far as I am concerned.

Second, as to the Senator's speech, I liked very much that part wherein he said others have had their say, and the Gates Commission has done its work, but until now the ones who have the real responsibility of passing legislation have not had a chance to dig into this thing, to weigh it the best they can, and render a judgment that they owe to the people.

That can only be done with hearings, as the Senator pointed out, a report, competent staff work, and then competent debate. I could not agree, here, to encompass this thing within 4 or 6 hours of debate. I knew that was not the way to get at the heart of it.

Mr. ALLOTT. I thank the distinguished Senator for his remarks. His remarks prompt one comment about commissions in general.

The Chairman of that particular Commission has been a friend of mine for many years. I have only the highest respect for him, as I did when he was Secretary of the Navy.

But also, in my speech, I pointed out that that Commission did not primarily concern itself with the uncertainties and vagaries of our international situation.

In addition, another significant factor which people are often prone to forget about commissions is that they are responsible to no one. They are responsible only for filing a report which evidences their best judgment. They do not have to go back and be responsible to people who elected them, as do Members of Congress.

I thank the distinguished Senator.

Mr. STENNIS. Mr. President, that is a wonderful point the Senator has made. Their mission is completed when they file their report. They have no responsibility thereafter.

Mr. ALLOTT. That is correct.

Mr. STENNIS. We appreciate what they have done. Mr. Gates was Secretary of the Navy, as the Senator has stated. I remember he also served as Secretary of Defense for a while.

Mr. ALLOTT. And Secretary of Defense, yes.

Mr. STENNIS. I thank the Senator again.

Mr. ALLOTT. When the distinguished chairman of the Armed Services Committee spoke to the Senate on August 18 to explain his opposition to this amendment, he noted—page 29268 in the RECORD—that there has not been "one iota of a recommendation or approval of this matter from the Bureau of the Budget" and that there are many questions which must be the subject of committee hearings. He also said this:

I think everyone realizes that there must be a consideration of the all-volunteer Army proposal at the time we consider the extension of the draft, the Selective Service.

But the distinguished junior Senator from Mississippi also warned that any action undertaken before these planned hearings would constitute "an abrogation of our legislative responsibility and would be legislating in the dark." He declared that he has an open mind on the question of an all-volunteer armed force and that he was anticipating "extensive hearings" that would involve "hearing witnesses from various sources."

Mr. President, the idea of an all-volunteer armed force is an idea whose time is coming. It has not come yet. I will cooperate with every effort to bring this universally desired institution into being in a way that is consistent with the needs of naional security and the great interest we have in making the new approach to national service a success.

Mr. President, I yield the floor.

THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT MAY END THE PROTECTION OF WOMEN

Mr. ERVIN. Mr. President, on August 14, 1970, the Washington Star carried a column by one of the Nation's most impartial and intelligent commentators, Richard Wilson, which asserts that in approving the House-passed equal rights amendment "the House of Representatives went on record in favor of a constitutional amendment without a clear idea of what it will mean" and that "when unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased."

Mr. Wilson's column makes highly pertinent observations concerning this potentially destructive amendment which ought to be read by every Member of the U.S. Senate. For this reason, I ask unanimous consent that his article be printed at this point in the body of the RECORD.

There being no objection, the article was ordered to be printed in the RECORD as follows:

WOMEN'S RIGHTS AMENDMENT MAY END PROTECTION

(By Richard Wilson)

Reading in the Congressional Record the hour of debate devoted to the so-called women's rights amendment is hard going but worth it for one reason.

The House of Representatives went on record in favor of a constitutional amendment without a very clear idea of what it will mean. When unnumbered millions of women find out that they will lose privileged status so that their militant sisters may claim rights—and responsibilities—equal to men, they may not be very pleased.

The woman who thinks that making a home and raising a family is the greatest career to which she aspires, and wishes to be protected in what she considers to be her noble and natural role, may quite conceivably find that she has lost some of the protection.

Let us take, for example, a young woman of 20 who wishes to marry and settle for a long, rewarding life with children in a comfortable home. First, she may be subject to the draft, although the women in Congress assure us that she will not have

to fight if she is not fitted for it. Some girls of 20 are, of course, quite equal to the ardors of military campaigning as they so ably demonstrate in the sports arena, and some of them can shoot straight, too.

Once married, and if things go awry, some young women may find themselves liable to pay alimony to a wronged husband. The responsibility for the financial support of children may lie equally upon her instead of solely upon a wayward husband.

These details are mentioned with hesitancy and deference because we have the assurance of Mrs. Martha Griffiths, the able congresswoman who accomplished the amazing one-hour feat of putting across an amendment pending for 47 years, that 30 million women are at work nowadays and desire equality more than protection.

In practical effect, as under the social security program, this equality will extend to men such privileges as are accorded women. But Mrs. Griffiths has a little different twist on it. She wishes to reserve for women some existing privileges based upon physiological differences. She asserted in the debate that separation of the sexes by law would be forbidden under the amendment except in situations shown to be necessary because of an overriding and compelling public interest. "For example, in our present culture," she said, "the recognition of the right of privacy would justify separate rest room facilities in public buildings."

However, it seems to be admitted on all sides that the equal rights amendment raises hundreds of other questions in many states concerning family relationships, divorce, separation, alimony, age of consent, military service, child custody, bastardy. The contention cannot be dismissed lightly that the equal rights amendment releases men from sole family and public responsibilities that society has traditionally imposed upon them and not upon women.

An overwhelming majority of the House of Representatives set aside these doubts, raised incidentally by orthodox liberals, largely out of the conviction that women are discriminated against in employment. This is demonstrably true and women are unjustly discriminated against in other ways.

Mrs. Griffiths dismisses the idea that any real protection will be lost to women but her opposition raised a great many telling points, which were not explored in debate nor were they the subject of prior hearings in the House of Representatives.

The amendment was passed over Judiciary Chairman Emanuel Celler's plea to wait until after hearings he had scheduled in September. It can readily be understood that the women's rights advocates placed no trust in Celler's plea since in all the years he has been chairman of the Judiciary Committee he has been unmoved by continuous pressure for adoption of the amendment.

The House acted, and presumably the Senate will act also under heavy pressure from women's organizations who desired this "Magna Charta" in tribute to the 50th anniversary of women's suffrage.

But much more seems to be expected from this simple amendment than it actually promises. Other enactments "liberate" women without sacrificing their protection. The prudent woman will wish her state legislature to take a long look at this deceptive amendment when the ratifying process begins. It was designed by men to get women's votes nearly a half century ago.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 813

Mr. FULBRIGHT. Mr. President, what is the pending business?

The PRESIDING OFFICER. There is no amendment pending at the present time.

Mr. FULBRIGHT. Mr. President, I call up Amendment No. 813.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 19, after the period in line 8, insert the following: "None of the funds appropriated to or for the use of the Armed Forces of the United States may be used for the purpose of paying any overseas allowance, per diem allowance, or any other addition to the regular base pay of any person serving with the free world forces in South Vietnam if the amount of such payment would be greater than the amount of special pay authorized to be paid, for an equivalent period of service, to members of the Armed Forces of the United States (under section 310 of title 37, United States Code) serving in Vietnam or in any other hostile fire area."

The PRESIDING OFFICER. The Chair understands that there is a 1-hour limitation as to the time on this amendment, to be equally divided between the Senator from Arkansas and the Senator from Mississippi.

Mr. FULBRIGHT. Mr. President, I yield myself 10 minutes.

The purpose of this amendment is to give fair and equal treatment to American servicemen in Vietnam. It would prohibit the payment of special overseas allowances to Thai or other foreign forces in Vietnam, financed through the Department of Defense budget, at a rate greater than the combat pay allowed American servicemen fighting there. When the Griffin amendment to the military sales bill was being considered in the Senate, I stated that I intended to introduce such an amendment to the first appropriate bill.

The record of the Symington subcommittee makes clear that neither South Korea, Thailand or the Philippines would have sent troops to South Vietnam if there had not been assurance that the United States would provide funds so that individual soldiers could get double or more their regular salaries—plus American-style PX privileges—if they "volunteered" to go. Whether, in the case of the Philippines, the soldiers got that extra money is questionable.

It is not by chance that the State Department has required key portions of the negotiations with these countries to be kept secret by insisting that this information be deleted from the RECORD cleared for publication. The real story of the use of mercenary forces in South Vietnam is a dubious practice in our already blotted record of policymaking in this war. The argument which the executive branch has used for keeping the details of these special payments secret—a secrecy which the Symington subcommittee has not been able to get reversed—is that if the forces of one allied nation knew what the United States was paying the forces of another allied nation, there would be jealousy and bickering. Before I had studied the tables of the allowances paid these soldiers by our taxpayers, I was inclined to accept that argument. But after I compared the results with the combat pay we give our own brave men in Vietnam, I now wonder if the secrecy on these figures was not imposed to keep these facts from our own GI's.

How many of our citizens know that for American troops sent to Vietnam the highest monthly special combat allowance is $65 no matter what their rank? Yet, at the same time, the United States pays twice as much combat pay, or more, to Thai and Korean officers in Vietnam as it pays to our own men, who actually do most of the heavy fighting. I also point out, for example, that a Thai lieutenant serving in Vietnam gets $120 a month from the United States and only $50 a month in base pay from his own country.

Senators should realize that the United States pays an annual overseas allowance to a Thai lieutenant general nearly seven times larger than the allowance it pays to an American general of equivalent rank—$5,400 as compared to $780 for the American. The Thai lieutenant general's annual allowance, paid by the United States is 41 times the $130 annual per capita GNP of Thailand. If an American lieutenant general were to receive an overseas allowance 41 times as large as the annual per capita GNP of the United States, $3,670, his annual overseas allowance would be $150,470. I have never heard a satisfactory answer as to why these extra large allowances should be paid by the United States when it is the security of Thailand and South Korea that is more directly affected. They are paid, of course, because that was the only way we could get these soldiers to Vietnam—thus providing "proof" to the world, of a sort, that this was not really an American, but an Asian, war.

This system leads to distortion of both the recipients and our own values. The American people for years—unaware of the existence of these bonuses—were continually told by their leaders that the free world forces in Vietnam represented recognition that all Asian nations had a stake in the outcome in Vietnam. That stake—it now turns out—was in good part money. I believe such special treatment should be stopped now and prevented in the future.

But beyond these facts there is massive self-deception of seeking to fool ourselves that these allowances only permit countries such as Thailand, South Korea and the Philippines to do what they otherwise might not be able to do. Our policymakers have forgotten that it was money that brought them into the battle in the first place and they look upon their presence as a voluntary allied effort to defeat communism. This kind of misconception colors all our thinking and inhibits the making of policies which are

truly in the interest of the American people.

Mr. President, I believe it is time that we stop making mercenaries out of allies and allies out of mercenaries. The time has come to stop the practice of making it profitable for countries to send troops to fight wars we believe should be fought in order to protect their countries. We must prevent our money from distorting the ability of countries to determine their own national interests. We must stop deceiving ourselves as to what our own interests are in Southeast Asia.

The first step in this process should be to treat these U.S.-financed forces no better than we treat our own GI's for purposes of combat pay. I hope that Senators will vote to end this kind of discrimination against our servicemen and that the amendment will be adopted by the Senate.

Mr. President, by coincidence, I received a letter on August 14 to the Committee on Foreign Relations, addressed to me, from an American serviceman in Vietnam. It happens to pertain to this subject, although the writer mentions some other matters. I will read part of it. I may say that I have the complete letter here, with the writer's name. I will omit his name, but if any Senator wishes to see his name, it is available. He writes:

> The exorbitant salaries paid to civilians, the black market, and the military preoccupation with kill ratios are all well known hypocrisies. It is not unusual for U.S. Government agencies to pay $3,000 per month for a 4 bedroom house in Saigon, and so on . . . I thought I'd heard it all . . . but this is a land of incredible happenings. I recently learned that the 50,000 Korean soldiers stationed in Vietnam are on full salary parity with U.S. troops. That a Korean Major, for example, receives the same salary as a U.S. Major. However, there is one exception, and that is—the Koreans do not have to pay for their food at an organized mess, whereas we do. I find this almost beyond belief in that the U.S. and Korean economies are on such vastly different levels. And then we wonder why the Koreans, with all this extra cash are so heavily engaged in the black market. The Thais are equally involved in the black market . . . the standing joke over here is "the only way you'll get the Thais to fight is to put a PX between the VC and them."
>
> Anyone who has read the history of Southeast Asia must certainly know that it is pure folly to expect these traditional enemies to rescue each other . . . however no doubt they will do it if the price is right!

Mr. President, there are many other aspects of this matter. I had thought that perhaps the chairman of the committee would see the wisdom of this amendment. I wish to put one or two other things in the RECORD.

I asked the Department of State whether congressional approval was sought or received for the rates agreed upon with either or both countries—that is, Thailand or Korea. Their reply stated that congressional approval for the specific allowance rates was neither sought nor given, which again highlights the freedom which the Executive believes it has to make agreements committing this country to the expenditure of very large sums of money in payment to other countries, either for base rights, as in some other countries, or, as in this case, for the hire of their soldiers to fight in Vietnam.

I think, Mr. President, that this deception was originally imposed upon the American people and the world primarily because of an effort by the preceding administration—and I may say that all these agreements to which I refer were made by the previous administration and not by the present administration—to persuade the American people and others that these Asian countries were so devoted to our interests, and so committed to our objectives in Southeast Asia, that they voluntarily offered their services. From the record itself, this does not appear to be the case.

So I hope that this matter can now be resolved by the adoption of this amendment, which would simply say that American combat soldiers should receive as much as foreign combat soldiers; or, the reverse, that we should not continue to pay any foreign soldiers a higher combat allowance than we pay our own soldiers.

Mr. President, I ask unanimous consent to have printed in the RECORD a table I used in a former statement which outlines in detail the monthly base pay and quarters allowance pay by the Philippines, the monthly per diem and overseas allowances paid by the United States to Philippine soldiers, the same for Thailand, and the same for U.S. soldiers, as well as a table comparing the annual overseas allowances paid to U.S. soldiers and to Thai soldiers in terms of the respective annual per capita gross national product.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PHILIPPINE FORCES SENT TO VIETNAM [1]

	Monthly base pay and quarters allowances paid by Philippines	Monthly per diem and overseas allowances paid by United States	Monthly Total
Brigadier general	$305	$210	$515
Colonel	235	195	430
Lieutenant colonel	195	180	375
Major	153	165	318
Captain	125	150	275
1st lieutenant	102	135	237
2d lieutenant	90	120	210
Master sergeant	53	76	129
Sergeant 1st class	53	45	98
Corporal	43	36	79
Private 1st class/private	43	33	76

[1] The average monthly per capita Philippine income is $16.67.

THAI FORCES IN VIETNAM [1]

	Monthly base pay paid by Thailand	Monthly overseas allowance paid by United States	Monthly total
Lieutenant general	$370	$450	$820
Major general	330	390	720
Special colonel	240	330	570
Colonel	190	300	490
Lieutenant colonel	140	240	380
Major	98	180	278
Captain	70	150	220
Lieutenant	50	120	170
Master sergeant	48	69	117
Sergeant	38	60	98
Corporal	33	50	83
Lance corporal	30	45	75
Private	26	39	65

[1] The average monthly per capita Thai income is $13.92.

Note: Quarters and rations paid by United States for both Thai and Philippine forces.

Source: Department of Defense.

U.S. PAY AND OVERSEAS ALLOWANCES [1]

	Monthly average base pay [2]	Monthly overseas allowances [3]	Monthly total
Lieutenant general	$2,426.70	$65.00	$2,491.70
Major general	2,180.20	65.00	2,245.20
Colonel	1,425.30	65.00	1,490.30
Lieutenant colonel	1,209.30	65.00	1,274.30
Major	962.40	65.00	1,027.40
Captain	870.00	65.00	935.00
1st lieutenant	731.40	65.00	796.40
Master sergeant (E-9)	903.60	22.50	926.10
Sergeant (E-5)	395.40	16.00	411.40
Corporal (E-4)	330.60	13.00	343.60
Private (E-1)	124.50	8.00	132.50

[1] The average monthly per capita U.S. income is $285.08.

[2] U.S. Armed Forces are paid according to the number of years of service they have accumulated. Thus there is a varying pay scale within each rank. The above figures were supplied by the Department of Defense based on the average number of years a person has served when he attains the given rank.

[3] In addition to the above amounts, which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

Rank	Thai forces in Vietnam: Annual overseas allowances paid by United States	Thai forces in Vietnam: Exceeds the annual per capita GNP of Thailand ($130) (times)	U.S. forces in Vietnam: Annual overseas allowances paid by United States [1]	U.S. forces in Vietnam: Annual overseas allowances U.S. forces would receive [2]
Lieutenant General	$5,400	41	$780	$150,470
Major General	4,680	36	780	132,120
Colonel	3,600	27½	780	100,925
Lieutenant Colonel	2,880	22	780	80,740
Major	2,160	16½	780	60,550
Captain	1,800	14	780	51,380
Lieutenant	1,440	11	780	40,370
Master Sergeant	828	6	270	22,020
Sergeant	720	5	192	18,350
Corporal	600	4½	156	16,515
Private	468	3½	96	12,845

[1] In addition to the above amounts which represent an allowance for "combat pay," the salaries of enlisted men serving in Vietnam are exempt from income tax and officers' salaries are exempt up to $500.

[2] If paid in same ratio to annual per capita GNP of the United States ($3,670) as Thais are paid.

Note.—Figures in columns 1 and 3 are from Defense Department. Figures in columns 2 and 4 are arrived at by relating the Defense Department figures to the annual per capita gross national product of the United States and Thailand. The GNP figures used are from the World Bank Atlas 1969 and are for the year 1967, the most recent year for which accurate figures are available.

The PRESIDING OFFICER. The 10 minutes of the Senator have expired.

Mr. STENNIS. Mr. President, I yield myself 10 minutes, and I should like to ask the Senator some questions during that time.

As I understand it, the Senator from Arkansas has related—I ask him whether this is a correct statement of the facts—that certain military men of these Asiatic countries are fighting with us and the South Vietnamese; that we are paying the compensation to which this amendment relates, the additional pay they get for fighting away from home and hostile pay; and that we are footing the bill under an agreement that was made by the State Department. Is that correct?

Mr. FULBRIGHT. They were made by the previous administration, and I think negotiated by the State Department with military advice, I assume.

Mr. STENNIS. I state, further, that it is a fact, as the Senator has found it to be and as we have found it to be, that some members of the military in this special kind of pay receive a greater allowance than our own men receive for what we call hostile pay.

Mr. FULBRIGHT. That is correct. Sometimes it is called hostile, combat, or overseas pay. They all mean the same thing.

Mr. STENNIS. There is overseas pay, and there is hostile pay, also. In some instances, however, it is not greater but less. I mean that some of the troops from other countries do not receive more than our men, as I understand it.

Mr. FULBRIGHT. I do not know to which ones the Senator refers.

Mr. STENNIS. Some of the difference in the ranks. I think that is a fact. The Senator's amendment just relates to those who receive more than our men receive.

Mr. FULBRIGHT. That is correct. In effect, it says that more overseas or combat pay should not be paid to a foreign soldier than is paid to an American soldier. That is the simple substance of it.

Mr. STENNIS. If I may relate myself, it is true, though, that we have considerable numbers over that, who are carrying on and fighting our part of the battle in South Vietnam. Of course, I personally think it is as much their problem as it is ours. But we are the ones in there and we induced them to come in.

Of course, the United States of America must always redeem its promises and live up to its word. I do not know just what we will run into in trying to get some adjustment of this matter, but I am impressed with it and if some adjustment can be made consistent with our honor and our promise, I should like to see it done. We do not want to abrogate a contract or a firm agreement. In conference, we might be able to work something out that would take care of the present and certainly control any new arrangement. With that understanding, I accept the Senator's amendment in its full impact. I would be willing to take it to conference and make a real effort to get an adjustment of it and see what the House's viewpoint of it is.

The Department of Defense opposes the amendment. We have the Vietnamization program going, as well as the withdrawal of our troops program going on. We do not want to curtail that or drastically interfere with it, but I think within the limits of the discretion we have in this matter, that we should do something about it and I am willing to take this matter to conference and make a real effort to get some kind of adjustment on it.

Mr. President, I see the Senator from Arizona (Mr. GOLDWATER) in the Chamber, and other members from our committee, including the distinguished Senator from South Carolina (Mr. THURMOND).

Mr. GOLDWATER. As a member of the Armed Services Committee, I certainly find nothing wrong with the amendment. In fact, I should like to propose a question or two to either the chairman of the Foreign Relations Committee or the Armed Services Committee, which they could answer.

Would it be improper to ask either the State Department or the Department of Defense to make reports regularly on payments to foreign troops?

I was in Bangkok the night the Thais decided to send some troops over there and we had a long discussion about it. But this never entered into it. It has come as a complete surprise to me. I feel that the Senate and the Congress should be entitled to receive such reports, but I do not know whether it is proper or not to ask.

Mr. FULBRIGHT. Could I respond to that? The Symington subcommittee had a difficult time getting this information even in executive session. At first, the State Department refused to produce what we call the Brown letter, which is the basic agreement, the secret agreement, on Korea. We had a terrible hassle with the U.S. Ambassador to Thailand because he said that it would embarrass the Thais if he even talked to the committee in secret session. When he said that, we adjourned the committee meeting. I took the matter up with the Secretary of State and finally they came and most reluctantly gave us this information. This information about what we pay the Thais to go to Vietnam is taken from those hearings.

The Senator says should we receive periodic reports. My goodness, it took 6 months to get this one report. I would like to see my amendment applied to existing agreements, but the press reports that we are presently negotiating, if we have not already agreed, to pay an additional 5,000 Thai troops to fight in Cambodia. I assume—they do not tell us—that this is probably under a similar arrangement. It makes it much more profitable for the Thais to go to Vietnam than to stay at home. It has been a matter of concern to people in Thailand as to who is allowed to go to Vietnam in order to enjoy this high pay. We allowed the Koreans to come down with nothing but one duffle bag and to take away one ton—that is right—one ton—here is the actual phraseology:

Each Korean military person returning from his tour of duty in Vietnam is granted a whole package allowance of one measurement ton, 40 cubic feet of cargo.

Then they list what they get to bring back: TV sets; American beer; American cigarettes; C rations; phonographs; and American electronics.

This Vietnam service is very profitable for them. We know when we hear that these people want us to fight on to victory, and so forth, that their judgment has been distorted because we pay them so well. It is a commonsense matter that these excessive payments should not be continued. The relationship between what we pay them and their own standard of living is out of all proportion. If we paid our lieutenant generals the same percentage of our annual per capita GNP that we pay the Thais in terms of their GNP, our generals would receive something like $150,000 a year additional payment for combat duty.

Mr. GOLDWATER. Let me propose another question——

Mr. STENNIS. Let me answer briefly that question——

Mr. GOLDWATER. I had another one to ask.

Mr. STENNIS. Go ahead.

Mr. GOLDWATER. Commenting on this pay business, I was reading some history the other night, that Roman soldiers were paid the equivalent of $10,000 in 1946 dollars. Thus, high pay for troops is not confined to our period.

I wanted to ask the Senator from Arkansas, what was the reason the State Department gave him, that this material had to be classified, and if so, why should it be classified?

Mr. FULBRIGHT. The main reason was, they agreed with Thailand at the time that they would keep it secret. That was the main reason. They have used this secrecy agreement several times on matters of this kind. One statement about it—I am not sure they made it—but in the course of discussion, I asked them about it; was it not a fact that they did not want to reveal the Brown letter because it would make the Philippines jealous of what we were paying the Korean forces, because it was more than was paid to the Philippines, and therefore could not enter into it? The Philippine case is different, because the GAO reported it had been unable to trace the money or to learn whether the troops actually received it. Our understanding was that they would receive it, but the GAO says they do not know whether they received it or not.

Mr. GOLDWATER. They are faced with the same problem that we Senators and Congressmen are faced with, through the required publishing of the pay we give to each of our Members, which makes it almost impossible to control pay. Maybe that is the reason they do not want to bring the reports out.

Mr. FULBRIGHT. It is public. But the foreign governments did not want these agreements to be public. Furthermore, they like to have us imagine that they are doing this out of their allegiance to this country, being good friends of ours. Not only do they get this combat pay, but other pay as well, for the military and economic assistance in addition. Korea has been getting $200 to $250

million a year. These allowances are only part of it. Of course, we also transport them, set up special communication systems for them, and do a lot of other things in addition to paying their allowances. However, my amendment goes only to the pay of the soldiers.

Mr. STENNIS. Further to answer the Senator's question, the Armed Services Committee does get a report quarterly on the expenditures of money in this bill, including what is spent in the different countries, but there is no itemization or anything of that kind.

Yes; we could require a report on that item.

Mr. GOLDWATER. This matter does not come under the surveillance of the Armed Services Committee. The State Department does it?

Mr. STENNIS. No. This money comes out of the bill, as I understand it. Yes; the State Department was negotiator and they made the arrangements, but it is money that is authorized in this bill for military aid to Southeast Asia.

Mr. GOLDWATER. Might I ask, how is it itemized?

Mr. STENNIS. It is $2.5 billion. It was not itemized at all as to items of this kind. They give us a report quarterly for the sum in each country. But it is not itemized as being so much for military pay.

I want to do something about this. But I want to make it clear that we have agreements here and that we are withdrawing. I do not feel that we should go in there with a meat ax and just go to chopping things up. The agreements have already been made.

I think the Senator agrees wholeheartedly with that.

Mr. FULBRIGHT. Mr. President, I have already mentioned that there apparently is a new agreement with Thailand. The Senator agrees. The Senator from Arizona, I am quite sure, could stop that.

Mr. STENNIS. Absolutely.

Mr. FULBRIGHT. Mr. President, these past agreements were secret. Certainly we did not approve of them. The practice is anything but in the spirit of the national commitments, resolutions. I point out that not only did Congress not receive these agreements, but not even the committee received them. I think the report from the GAO makes it very clear that the reports the Armed Services Committee received were not complete.

Mr. STENNIS. They were not itemized.

Mr. FULBRIGHT. They were not complete. If the Senator would allow me to continue, with regard to the Philippines, I will read a part of the GAO report on the Philippines which has been declassified. It says:

> In accordance with section 401(b) of Public Law 89-367 and section 640(b) of Public Law 89-687, which authorized the support of the Free World Military Assistance Forces in Vietnam with military appropriation funds, DOD submitted quarterly reports to the Congress on the estimated value, by country, of such support based on actual or estimated obligations for material contracts and services. The total cost for this support reported for the Philippines from fiscal year 1966 through the second quarter of fiscal year 1970, when PHILCAG redeployed from Vietnam, was $17 million, or less than 50 percent of the support costs incurred. This variance appeared to be caused by the fact that DOD reports apparently included only personnel and operations and maintenance costs associated with PHILCAG but excluded the cost of equipment.

In other words, it was not complete. I continue to read:

> A recapitulation of PHILCAG-related cost data, by source, follows:

	Million
DOD budget data	$40.8
Reported by DOD to the Congress	17.3

There is quite a discrepancy in the amount reported.

I do not think anybody was aware of this. I know we never heard of it.

Mr. THURMOND. Mr. President, will the distinguished Senator from Mississippi yield?

Mr. STENNIS. How much time does the Senator from South Carolina want?

Mr. THURMOND. Five minutes.

Mr. STENNIS. Mr. President, I yield 5 minutes on the bill to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I would like to call the attention of the Senate to the fact that President Nixon's Vietnamese program is progressing nicely. We have withdrawn 100,000 troops. The announcement has been made of the withdrawal of 150,000 additional troops.

I am very concerned that if our Government reneges on its agreements with these free world countries whether they will allow their troops to remain.

If they do not allow their troops to remain, then we, the United States, may be forced to cancel the withdrawal of some of our troops which we now have on schedule.

I realize that the amounts in what are called monthly per diem overseas allowance are what we might really call supplementary pay. That is what it amounts to. But I would also remind the Senate that these troops from the free world countries, even with the supplementary amounts provided by the United States, will still be receiving far less than our troops are paid. For instance, I will give an example.

A colonel in the Philippine Army is getting this supplementary allowance from us in the amount of $195 a month. That makes his total pay $430.

A colonel in the Thai Army is getting $300 supplementary pay which makes his total pay $490.

A colonel in the U.S. Army is receiving only $65 overseas pay, but his total pay is $1,490. In other words, the pay of a colonel in our Army is almost four times as much as that of a colonel in the Philippine or Thai armies.

Mr. President, this may sound high for overseas pay. If we put it on the basis purely of overseas pay, it is high. It is much more than we allow for overseas pay. However, these people are there helping us. We induced them to come in to help us. They are helping to bail us out.

We are bringing our troops home. Their troops are staying there and fighting the battle.

It seems to me that we had better think well before we try to renege on an agreement that may cause us to have to keep our troops there longer.

It is my thinking that it would be better for the chairman of the Armed Services Committee to take this matter up with the Defense Department and see what can be worked out rather than pass an amendment here today which would indicate to the Thais and to the Filipinos and others that we are cutting off their pay.

It may excite them and cause them immediately to withdraw their troops, in which event we, the American people, would suffer. I believe that the American people would rather pay this supplemental amount to the Thais and the Filipinos and to the soldiers of other free countries than to keep the American troops over there.

I think it is a simple matter. It is a matter that concerns not just our troops alone, but also the American people.

It is my hope that we will not take hasty action on this amendment which could have very serious repercussions.

Mr. STENNIS. Mr. President, I think that the Senator from South Carolina has made a very fine point. I stated that if there is talk about reneging on anything we have done, we have to bear in mind our Vietnamization program.

I think that something ought to be done about this. I believe that the thing to do is to preserve this matter, take it on to conference with the promise that we would try to work out something.

I have in mind calling on the Department of Defense to really give us the schedule of operations there. If they want to, they can bring in the Department of State, too.

I do not know what the attitude of the House would be. But it was in that spirit that I spoke when I said that we would take it to conference.

Mr. THURMOND. Mr. President, I should be pleased to cooperate with the distinguished chairman in this matter. Possibly some step can be taken to effect some reduction in the supplementary pay which is called overseas pay.

But I do hope nothing will be done to cause these 69,000 troops of these other free world countries to be withdrawn and put a greater burden on the United States, disrupt our Vietnamization program, and cause us to stop withdrawing American troops.

Mr. PERCY. Mr. President, will the Senator yield for just an observation on this point?

Mr. THURMOND. I think my time has expired.

Mr. STENNIS. I yield 2 minutes to the Senator from Illinois.

Mr. PERCY. Mr. President, I think a very good point has been raised today. I would be very disturbed if anything would happen to interfere with Asian nations participating actively in their own defense of Asia.

I feel the statement made by the distinguished Senator from South Carolina might be modified when he said Asian forces are in Vietnam helping us. As I understand the whole theory of our involvement, we are there helping them and they are there protecting themselves.

One of the greatest disappointments I have ever had was to find that we were over there in Vietnam virtually alone in

this effort, unless we are willing to pay all the expenses to other nations in Asia, leaving the burden on us entirely of defending them.

Our shores are not endangered. Our own vital national security is not imperiled here.

Early in my Senate career when I introduced a resolution suggesting Asian nations offer more help in Vietnam to protect their own interests and security themselves, 25 Senators cosponsored that measure. Secretary of Defense Clark Clifford subsequently went on a mission to call on Asian countries, and one of the bitterest disappointments I have had was when he came back and revealed that not one single country had offered one single soldier.

I hope the Senator would not mind my pointing out that in connection with his statement I feel certain he meant to say we are there helping them and they are not just helping us. On the other hand, I would not want to see the rug pulled out from under agreements already made, but I am pleased that the chairman of the Armed Services Committee has indicated his intention to correct inequities in the future as suggested by the proposed amendment.

Mr. THURMOND. Mr. President, will the Senator yield 2 minutes to me?

Mr. STENNIS. I yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I agree we are helping the Asian nations over there to maintain their freedom, but I remind the distinguished Senator from Illinois that we got involved first, before these other free nations came into this conflict, and that we have induced these other free nations to come in now and assume some of their responsibility. To that extent they are helping us because they are remaining while we bring our troops home.

I believe it is in our national security for us to be there. I know this is a controversial point, but, in my judgment, if South Vietnam goes down the drain, the whole of Southeast Asia will go down the drain and next may be Malaysia, and maybe the Philippines, and maybe other countries over there; and then, aggression will continue until we will be more endangered than we are now.

Mr. PASTORE. Mr. President, will the Senator yield to me for 1 minute?

Mr. FULBRIGHT. I yield.

Mr. PASTORE. Is that not the point being made by the Senator from Illinois? If they are going to go down the drain, it means they are still fighting for themselves. That is the point. Here we are giving them premium pay.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. My time is limited.

Mr. PASTORE. I will get time later.

Mr. THURMOND. Mr. President, if I may finish my thought, I agree they are helping themselves, and they should. They should have come into the conflict sooner. President Johnson was unable to get them in to any extent. I am glad the Nixon administration has been able to get them in to a greater extent.

It is my judgment it would be a great mistake now not to support them because American troops would have to bear the burden.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 1 minute to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I wish to recall something I experienced in Bangkok. I was at the home of Premier Kittikachorn the night he was sending a battalion of Thai troops into Vietnam.

I said, "I want to thank you for helping us." He did not call me "Senator"; I was not a Senator then. He called me "General." He said:

> We are not sending them to help you, but to help ourselves. We realize the danger of communism, and I do not think you do.

Mr. PASTORE. Mr. President, will the Senator yield to me for 2 minutes?

Mr. FULBRIGHT. I yield 2 minutes to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I think we have chewed this bone dry and that we have heard all sides of the question, but somehow it irks me to have it said that they are helping us rather than that we are helping them. I think it is an injustice to American soldiers to give a foreign soldier premium pay in excess of his own for foreign duty. That is one thing we should consider.

This idea that when we add to their pay and it adds up to less than is paid an American colonel does not impress me because their standard of living is lower than ours. For instance, we pay our plumbers more than they pay their plumbers; and we pay our soldiers more than they pay their soldiers.

I am saying we should not have to pay anybody any more than we pay an American soldier.

Mr. THURMOND. I would say to the Senator that plumbers are not subject to being killed and soldiers are.

Mr. PASTORE. Yes. Our boys are being killed—and for whom?

It is said we are going to slow the withdrawal of American troops. Why should we? Why should we not tell them, "We are going to take our troops out and it is about time that you do your own fighting, without premium pay"?

Mr. THURMOND. That is what we are doing. We are taking out our troops, and the other troops are assuming the burden, and we are paying dollars instead of boys over there.

Mr. PASTORE. The withdrawal of American troops has only been a token withdrawal so far. We should take them out faster. We have been there for 6 years, and we are no better off today in Vietnam than we were 6 years ago. The time has come when the President—not the Congress but the President—should stand up and say to the South Vietnamese, the North Vietnamese, the Thais, and the Cambodians, "This is your war and we are going to get out and you had better start fighting your own war."

Mr. THURMOND. We have withdrawn 100,000 troops and President Nixon has announced the withdrawal of 150,000 more troops. He has kept his word so far and I believe he will keep it in the future. There is certainly evidence that he will.

The PRESIDING OFFICER. Who yields time?

Mr. PASTORE. Mr. President, will the Senator yield to me for 1 additional minute?

Mr. FULBRIGHT. I yield 1 minute to the Senator from Rhode Island.

Mr. PASTORE. Mr. President, I conclude by saying I applaud the President for the troop withdrawals. It should be accelerated, it should come faster, and we should withdraw all of our combat forces as soon as possible. I realize we have withdrawn 100,000 American troops but we still have more than 400,000 American troops there and the time has come when we should speedily bring them all home.

Mr. THURMOND. All of these men are not combat troops.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. PASTORE. I have no more time to yield.

Mr. FULBRIGHT. Mr. President, in view of this colloquy, I wish to ask a question of the distinguished Senator from Mississippi. As I understand it, the Senator from Arizona and the Senator from Mississippi are very sympathetic to this problem.

It should be possible for the Senator and the committee, to stop new arrangements of this kind with Thailand such as that being spoken of in the newspaper.

Mr. STENNIS. Yes.

Mr. FULBRIGHT. I realize there is a problem about the existing arrangement, even though it was secret.

The other thing I would like the Senator to commit himself to is that from here on all arrangements be regularly reported, so we know what they are all about. I strongly object to secret agreements involving millions of dollars. I think I saw where over $200 million was paid to Korean troops, not to mention the PX privileges and other privileges, which are worth as much as the other payments.

I hope the Senator could commit himself, if he feels embarrassment about undoing the Brown letter on Korea, by doing two things: To prevent a renewal agreement and to make public future agreements. Everybody is entitled to know how and where we spend taxpayers' money, especially when it is as difficult to get as it is.

Mr. STENNIS. We have the responsibility to follow up any money that comes through this bill. I favor the idea of calling for reports that are more in detail, especially on something like this that is unusual; but most of this money is used for paying battle costs in actual war, and we have not required reports in detail so much. They make these quarterly reports to us, and, according to their notion, they are classified. We could get some of that material unclassified. I have never claimed they had final responsibility for saying what is classified. We will follow up on future agreements.

Mr. FULBRIGHT. The trouble is that the executive branch can jockey this back and forth between the Department of Defense and the State Department. First the Department of Defense says, "This was made by the State Depart-

ment." The State Department then says, "Well, we agreed with the foreign government not to make it public."

We had a difficult time ourselves in finding out about this agreement, even in executive session. It never should have been in executive session. I think they were improvident agreements.

With all deference to the Senator from South Carolina, it was not the fighting quality of these troops that Secretary Rusk and President Johnson were interested in. They merely were interested in a gesture to try to convince the American people that these Asian nations were very interested in this matter and wanted to defend themselves. The Asians had to be persuaded to do it and they had to be paid large amounts relative to their own standard of living, and they are very large amounts relative to their own standard of living.

Mr. STENNIS. I wanted to get them in and, frankly, keep them in.

Mr. FULBRIGHT. The reason was the psychological aspect. The soldiers from the Philippines, for example, did not do one iota of fighting. That was the agreement. We paid them very well to go down there and sit on their behinds because it was supposed to show some solidarity between the Philippines and ourselves. They did not agree to do any fighting. Some of the "Tiger" divisions of the Koreans fight very well, but from letters I have there are different reports about the Thai soldiers.

I have great confidence in the Senator from Mississippi. He is willing to take it to conference to do two things: To keep us advised, so that Congress knows about it, and also to make no agreements in the future.

I would like him to use his persuasion to rework the existing agreements. Because of the way they were made, they never were really commitments of this country.

Mr. STENNIS. That was in a war, and it was already passed. I want to be frank about it. The agreement was made.

Mr. FULBRIGHT. In answer to my specific request, the Secretary of State, in a letter dated August 2, said congressional approval for the specific allowances rates was neither sought nor given by the Congress. They did not ask the Senator's committee.

Mr. STENNIS. We knew nothing about it.

Mr. FULBRIGHT. I know it did not. The State Department negotiated them, although there were military personnel present who cooperated with it.

Mr. STENNIS. Mr. President, I am willing to yield back my time.

Mr. FULBRIGHT. Mr. President, while the Senator is on his feet, is he willing to take up the next amendment now and dispose of it?

Mr. STENNIS. I am willing to take it up. I do not know about disposing of it.

Mr. FULBRIGHT. I understood that the Senator was kindly disposed toward it, too.

Mr. STENNIS. Let us dispose of this first one.

Mr. FULBRIGHT. I am willing to yield back my time.

Mr. STENNIS. I do, too.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment.

The amendment was agreed to.

ORDER FOR RECESS TO 9 A.M., TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATORS JAVITS, ERVIN, AND DOLE TOMORROW MORNING

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately upon the disposition of the unobjected-to items on the calendar tomorrow morning, the able Senator from New York (Mr. JAVITS) be recognized for not to exceed 30 minutes; that he be followed by the able Senator from North Carolina (Mr. ERVIN) for not to exceed 45 minutes; that he be followed by the able Senator from Kansas (Mr. DOLE) for not to exceed 20 minutes, whereupon the unfinished business be laid before the Senate and at 11 o'clock tomorrow morning the able Senator from Illinois (Mr. PERCY) be recognized to call up an amendment, which I understand to be numbered 818, and that there be a time limitation on that amendment of 1 hour, the time to be equally divided between the offerer of the amendment and the manager of the bill, and that a vote occur on the amendment at 12 o'clock noon.

I have discussed this request with the offerer of the amendment and the manager of the bill and the assistant minority leader. All are agreeable to the request.

The PRESIDING OFFICER (Mr. SAXBE). Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on tomorrow, at the conclusion of the remarks by the able Senator from Kansas (Mr. DOLE) and prior to the laying before the Senate of the unfinished business and recognition of the Senator from Illinois (Mr. PERCY) to call up his amendment No. 818, the distinguished Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 812

Mr. FULBRIGHT. Mr. President, I call up my amendment No. 812.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment (No. 812) as follows:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

The PRESIDING OFFICER. There is no unanimous-consent agreement on this amendment.

Mr. FULBRIGHT. There is no agreement on this amendment. After conferring with the Senator from Mississippi, we are not prepared at this time to make an agreement, but I would like to make a statement, and then we will either arrive at a time later or go to a vote.

Mr. PASTORE. Mr. President, do we expect to vote on this amendment tonight?

Mr. STENNIS. Mr. President, if the Senator will yield, I really do not believe that we can dispose of the amendment this evening. It is too late. There is a complication about it. I think we ought to open the debate and perhaps, tomorrow, agree on a time to vote on it, somewhere around 12 o'clock. This is the way I see it now. I do not think we ought to agree now.

Mr. PERCY. Mr. President, if the Senator will yield, we have a unanimous-consent agreement for a vote at 12 o'clock.

Mr. STENNIS. We can arrange it tomorrow. I would like the debate to start.

Mr. FULBRIGHT. Mr. President, I shall make my statement on the amendment now.

The amendment would carry out the intent of the Armed Services Committee by prohibiting the use of Department of Defense funds to finance Vietnamese or Thai military operations in support of the Cambodian Government. In addition, it would go one step further and prohibit use of Defense Department funds for military actions by these countries in support of the Laotian Government.

The Armed Services Committee's report states:

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

The committee is to be commended for drawing the line on use of U.S. tax dollars to finance a war by proxy in Cambodia. Recent events prove that its concern over growing U.S. involvement in propping up the Lon Nol government, through third countries, is well justified.

According to press reports a de facto military alliance exists between South Vietnam and Cambodia. Nearly 2 months after all U.S. ground forces were taken

out of Cambodia, 20,000 Vietnamese troops are still spread throughout much of the country, fighting side by side with Cambodian units. Apparently, it is now standard practice for U.S. aircraft to provide close air support for Cambodian units in the thin guise of "interdiction" operations.

The extent of Thailand's current involvement is not yet clear. But the State Department has admitted that tentative agreement—I repeat, tentative—has been reached with Thailand for sending 5,000 "volunteer" troops to Cambodia. That was the report I referred to in connection with the former amendment.

The State Department spokesman said on August 14:

> The nature and extent of whatever support we may provide will depend in part on arrangements worked out between the Thai and Cambodian governments, including the training and disposition of the troops involved.

I interpret this as meaning, in plain English, that we will foot the bill for whatever deal the Cambodians and the Thais decide to make among themselves. Unless the Congress acts it is likely that the American taxpayers will again find themselves the hapless victims of a fait accompli by the executive branch which sucks the United States ever deeper into the quagmire of Cambodia.

The history of the U.S. relations with the Asian nations that, at our urging, send troops to Vietnam is replete with deception and coverup by executive branch officials. Both the Congress and the public have been victimized by a conscious policy to hide the facts about the nature of the agreements with South Korea, Thailand, and the Philippines. If it were not for the diligent work of Senator SYMINGTON's subcommittee the public would still be in the dark about the price exacted from us by those countries. I am sure that the Thais would welcome a United States promise to make Cambodia a profitable operation for their troops, as we did for them in Vietnam.

In any debate over paying other countries to fight a war in Cambodia for us, which is what this amendment is all about, we should not lose sight of a fundamental lesson from our experience in Vietnam; wherever American tax dollars for waging a war go, the American flag inevitably follows. There will be no winning of the war in Cambodia on the cheap, by paying foreign forces to do the fighting. Once the decision is made to try to save Cambodia with foreign troops the die will be cast and our involvement—and our unwritten commitment to save Cambodia—escalated. What will the President do, for example, if Communist forces threaten Thailand in response to a Thai move into Cambodia? Will he be likely to refuse to answer Thailand's call for help under the SEATO Treaty? The possible consequences of encouraging the Thais to go into Cambodia are far more serious than the tens of milions of dollars it is likely to cost us. The cost may very well be a far wider war.

T. D. Allman, the experienced and perceptive reporter who was banished by the Cambodian Government several days ago, had an article in the July 23 issue of the Far Eastern Economic Review describing the growing U.S. involvement in the war. He ended by quoting a neutralist ambassador in Phnom Penh, who said:

> From the very beginning Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right.

It appears that only through action by the Congress can they be proven to have been wrong.

My amendment goes a step beyond the committee's position by prohibiting U.S. funding of Vietnamese military operations in support of the Laotian Government. It is, I believe, a logical extension of the committee's intent, and but another step in the Senate's attempt to establish outer limits on American involvement in what has become a general war in Southeast Asia. The Senate has now gone on record twice as saying to the executive branch that it cannot go beyond certain bounds in prosecuting the war. It has said, in effect, that "although we may be up to our neck in the quagmire, we are not going to march in over our head." This amendment builds on the Senate's action of last December in prohibiting the sending of U.S. ground troops to Laos or Thailand, and on the Cooper-Church amendment prohibiting further U.S. involvement in the war in Cambodia. Thus far the executive branch has chosen to ignore the Senate's intent in passing the Cooper-Church amendment. By providing U.S. air support to Cambodia forces and in agreeing to pay Thai forces to fight in Cambodia, it has emphasized the danger of delaying further in drawing the line to deeper involvement in either Cambodia or Laos.

My amendment is also consistent with the administration's policy on Laos, as I understand it. On May 18, Secretary Laird when questioned before a subcommittee of the Foreign Relations Committee concerning possible incursions by United States or Vietnamese forces into Laos said:

> The important thing . . . to bear in mind is that a force engaged in combat or carrying out an operation in the border area quite possibly could have crossed the border when it was engaged in combat. It is necessary, from time to time, as far as the South Vietnamese are concerned, to do that, but I want it made very clear that there has been no change. Their mission is not a ground combat mission or a search-and-destroy mission or anything like that. Their activities are in connection with either a battle that is being carried on at a particular time or the air interdiction campaign or rescue operations that may be carried out on the Ho Chi Minh Trail.

Later, when asked specifically by Senator GORE if the "rules of engagement" applicable to U.S. forces applied to Vietnamese forces as well, he said:

> The rules of engagement so far as South Vietnamese and U.S. forces located along the border with Laos are concerned are still the same . . .

Yet, pressures have been at work to send the Vietnamese Army into Laos. Two days before Secretary Laird assured the Foreign Relations Committee that the United States did not support a Vietnamese invasion of Laos, a Laotian Defense Ministry spokesman, according to the New York Times, "suggested that, from a military point of view, it was necessary that South Vietnamese forces intervene to help 'clean up' Laos." And news reports periodically appear stating that the Vietnamese are preparing to do just that.

On July 25 the Washington Star cited reports—

> Vietnamese army commanders are eager to obtain political permission for a major strike into Southern Laos.

The same story reported:

> Lao Communists have accused the United States of "preparing a dangerous military adventure" with U.S., South Vietnamese, Thai, and Lao troops in the panhandle of southern Laos.

In recent days, the Pathet Lao have charged that the United States has sent Vietnamese army units into Laos. Such charges by the enemy have often proved to be very close to the mark in the past.

The possible consequences of a Vietnamese move into Laos are grave. The Chinese-owned Hong Kong Standard has warned that an escalation of the war into Laos "will inevitably bring in the Communist giants" and reminded its readers of China's intervention in Korea. I do not believe that the Congress should leave any opening for the Vietnamese to escalate the war in Laos or risk provoking China into intervening. The only way to lock the door to Vietnamese adventurism in Laos is to cut off the money. That is the purpose of the second part of my amendment.

I feel confident that members of the Armed Services Committee had no desire to authorize U.S. financing of Vietnamese support for either the Cambodian or the Laotian Governments. But the change in the existing law, proposed by the committee, opens the door to financing Vietnamese troops wherever they may be. Existing law authorizes Department of Defense funds to be used to support "Vietnamese and other free world forces in Vietnam." The committee proposes to change that to read:

> Vietnamese and other free world forces *in support of Vietnamese forces.*

Although the committee's stated intent was to make it clear that U.S. funds can be used to support Vietnamese operations in the Cambodian sanctuary area and for "protective reaction strikes in these locations" the change in language permits the executive branch to foot the bill for any operations the Vietnamese choose to undertake, including an invasion of Laos or China. And it would also permit the financing of any Thai operation in Laos or Cambodia as long as it is claimed that the action is to aid Vietnamese forces in these countries.

There is certainly no assurance that the executive branch will follow the committee's restricted intent when the language in the statute is far more broad. And, the Senate has no assurance that the House conference report will not seize upon a generous—and quite different—interpretation of the new wording, superseding the effect which the Senate committee hoped to achieve. If the legislative history is confused, we can be sure that the executive branch officials who will be implementing this authority

will choose the broadest interpretation possible. The only practical way to insure that the language is not used to finance Vietnamese military adventures in Cambodia and Laos is to say so in the statute.

The Senate is slowly but surely imposing effective limits on U.S. involvement in this tragic war. To approve the language in the bill, as now written, would reverse that process and invite a further expansion of the war by the Vietnamese and the Thais, using an American proxy. I hope that the Senate will continue to build on the record of the past and adopt this amendment by an overwhelming margin.

Mr. President, as I conceive this amendment, it is, as I said, a further step in the same direction taken by the Cooper-Church amendment, which was passed by this body only recently. It is also consistent with the amendments offered by the Senator from Kentucky and others last December in an appropriation bill, forbidding the sending of American ground combat troops to Laos and Thailand.

All we are saying now is that money in this bill shall not be used to finance Vietnamese troops to go into Cambodia or into Laos.

There is an article in today's newspaper, supplementing what I have just read from other newspapers, indicating that the Vietnamese are preparing and anxious to go into Laos.

I ask unanimous consent to have printed in the RECORD an article by Murrey Marder, published in this morning's Washington Post, and other articles on the same subject.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 20, 1970]

ALLIED ROLE SEEN BASIS OF LAO CHARGES

(By Murrey Marder)

Allied sources acknowledged yesterday that clandestine reconnaissance units operating in Laos may be the target of the latest Communist charges of war escalation.

For years there has been secret penetration of the Laotian border from the South Vietnamese side by allied patrols, air spotters, and sometimes raiding parties, hitting the Ho Chi Minh infiltration trail area. It was not determinable yesterday, however, if these covert actions suddenly have been intensified or not.

The latest public charge by the pro-Communist Pathet Lao that the United States introduced Saigon "army units" into Laos could be an attempt to forestall an anticipated South Vietnamese bordercrossing attack in force, U.S. sources noted, or it could be for psychological warfare purposes.

Washington and Saigon sources concede that their military planners are urgently pressing for sizeable border crossings into Laos. But these sources say both capitals still regard such operations as too hazardous in domestic and international political terms for the Nixon administration to risk at this time.

The Defense and State Departments in Washington and official sources in Saigon yesterday reiterated their carefully phrased standard disclaimers concerning operations in Laos. These statements are designed to sound like sweeping denials; however, they contain semantic loopholes to circumvent official acknowledgment of clandestine operations.

American spokesmen, in answer to questions, again denied there are any "U.S. ground combat troops in Laos." The Defense spokesman noted that United States aircraft, including helicopters, engage in "air interdiction" against the Ho Chi Minh trail and in "rescue operations which contribute to the safety and security of U.S. and allied personnel," and that the South Vietnamese government has denied sending its "troops" into Laos.

Neither this statement nor one by a State Department spokesman, however, faced the question of whether U.S. helicopters are dropping South Vietnamese patrols into Laos.

"PROTECTIVE REACTION"

A State spokesman went a bit further but still stopped considerably short of the question. He noted that in the past it has been stated that: "Small groups of South Vietnamese have had to cross the border in 'protective reaction' operations; those forces may or may not have been accompanied by American advisers."

A new variation on what the Pathet Lao charges is going on was broadcast late Tuesday night. It claimed the United States is sending "Saigon puppet units" into the Dak Lang area of Saravane province "so as to coordinate action with the Lao puppet (anti-Communist) troops there."

From Saigon the Associated Press reported that despite official denials there, sources said most of the reconnaissance patrols going into Laos "are landed by U.S. helicopters along the 200-mile Ho Chi Minh trail in the lower panhandle of Laos to spot targets for American bombers."

[From the New York Post, Aug 10, 1970]

THAIS GETTING UNITED STATES INVOLVED?

(By William J. Coughlin)

BANGKOK, THAILAND.—Thailand's growing participation in the Cambodian conflict has widened U.S. involvement there, according to diplomatic sources.

Both Thai and U.S. officers here said last week that the U.S. appears to have a clear obligation to come to the aid of Thailand if Bangkok's efforts to support the Lon Nol government provoke attack by North Vietnamese and Viet Cong forces.

A high American official said he believes the U.S. would act under such circumstances.

SEATO OBLIGATIONS

Unlike its position in regard to Cambodia itself, the U.S. under the SEATO pact is pledged to defend Thailand in the event it is attacked by Communist aggressors. In the view of both Thai and U.S. diplomatic sources here, that covers any North Vietnamese counterattack which might be touched off by Thai actions in Cambodia.

Thus, the U.S. might be even more deeply committed in the Cambodian conflict than the Administration's Congressional critics have charged.

Thai police forces already have crossed the Cambodian border in actions against the Viet Cong and sources here report that Cambodian government troops have gone over the boundary to seek sanctuary in Thailand. But, thus far, no Thai regular ground forces are believed to have been committed to Cambodia.

Thai Foreign Minister Thanat Khoman said last week that his country would send regular Thai forces into action in Cambodia if the Thai border is threatened or if the overthrow of the Cambodian government appears imminent.

CITES ASSURANCES

Asked whether the U.S. then, would still have an obligation under the SEATO pact to defend Thailand against outside attack, the foreign minister expressed the belief it would.

* * * * *

Thanat is aware, however, that the pertinent article of the SEATO treaty calls for action in accordance "with Constitutional processes," which possibly could bring the Senate into the act.

There has been some question whether there is a requirement for unilateral American action under the treaty.

But former U. S. ambassador to Thailand Graham A. Martin was asked by Sen. Stuart Symington (D-Mo.) during hearings in November on U. S. commitments.

"Do you believe that under the SEATO treaty, we were and are committed to defend Thailand against Communist aggression and that if we did not go to their defense if they were attacked by a Communist country, we would be violating the treaty?"

Martin replied, "Yes, I do." Later, he named North Vietnam as one of the possible aggressors.

[From the Washington Post, Aug. 15, 1970]

THAI AID ACCORD CONFIRMED BY UNITED STATES

(By Murrey Marder)

The State Department confirmed yesterday "tentative" agreement for American military aid to send Cambodia about 5,000 "volunteer" troops recruited or trained in Thailand.

State Department Press Officer Robert J. McCloskey said "the United States has made it clear that we look with favor" on such "Thai-Cambodian cooperation."

"The nature and extent of whatever support we may provide," he said, "will depend in part on arrangements worked out between the Thai and Cambodian governments, including the training and disposition of the troops involved." McCloskey reiterated that "no final overall agreement on U.S. support for troops recruited or trained in Thailand" has yet been reached.

It was under newsmen's questioning that McCloskey acknowledged that what has been decided so far could be described as a "tentative" agreement for U.S. aid for 3,000 Thai troops described as "ethnic Cambodians" and about 2,000 Cambodians now being trained in Thailand. Labeling these troops as Cambodians and "volunteers" enables Thailand to contend it is sending no Royal Thai government forces into Cambodia.

Sen. Frank Church (D-Idaho) charged yesterday that the reported U.S.-aid intentions, if carried out, "would represent the second violation of the Senate-approved Church-Cooper amendment within a week's time."

The "first" violation, said Church, "was the disclosure that direct American air support is now being extended to Cambodian troops."

Officially, the Nixon administration denies it is engaged in direct air support; it claims this is "air interdiction" of Communist forces in Cambodia to prevent them from remounting a challenge to U.S. troops in South Vietnam. Senate critics counter that this is semantic trickery.

After intense debate, the Senate on June 30 passed an amendment to the Foreign Military Sales Act sponsored by Sens. John Sherman Cooper (R-Ky.) and Church. It would forbid retaining any U.S. forces in Cambodia, using U.S. funds for other nations' combat forces in Cambodia or providing U.S. combat air support for Cambodian troops.

Church said yesterday that "each passing week reaffirms the wisdom of the Senate" in prohibiting the use of "mercenaries" in Cambodia, and rejecting opponents' contentions that the Cooper-Church amendment was "moot" because all U.S. troops were being withdrawn from Cambodia by June 30.

He said he was "dismayed" to hear of "another instance of the abuse that flows from unchecked executive power."

The Cooper-Church amendment was tabled by the House on July 9 on a 237-to-153 vote, without debate, and sent to Senate-House conference where the foreign military

sales bill now languishes. Administration sources indicate they hope to circumvent the Cooper-Church barrier on money to support third-country forces in Cambodia by drawing on funds for direct U.S. aid to Cambodia.

[From the Washington Star, Aug. 11, 1970]

GROUND ATTACK INTO LAOS WEIGHED

(By Orr Kelly)

Ground operations by non-Americans to cut the Ho Chi Minh Trail in Laos are under serious consideration at the Pentagon, but no decision to recommend such an operation is imminent.

One official who keeps a close watch on the situation in Southeast Asia was asked about periodic reports that a major military operation against the North Vietnamese and Viet Cong in southern Laos and northern Cambodia might be mounted by South Vietnamese, Thai, Cambodian and possibly Laotian troops.

"We are constantly assessing our air effort to stop men and supplies moving down the trail," he said, "and trying to determine if the job might be better done with people on the ground. But nothing along those lines is close to a decision."

Such an operation probably would be a relatively quick in-and-out attack similar to the South Vietnamese penetration deep into northeastern Cambodia in the latter stages of the operation against the sanctuary areas.

The major force in such an operation almost certainly would be contributed by the South Vietnamese.

The Cambodians and the Laotians both have plenty of trouble without going looking for more.

The Thais probably are capable of carrying out such an operation, but as one official said, "the Thais have a very low risk-taking propensity."

American forces are specifically barred from taking part in any such operation on the ground by a congressional restriction which prohibits spending money for ground combat operations in Laos or Thailand.

Although this restriction is frequently overlooked by those who fear an expansion of the American involvement in the war in Southeast Asia, defense officials are very much aware of the limit.

While the restriction woud not prohibit the use of South Vietnamese troops in Laos, it would restrict the use of American helicopters to carry them into battle and American artillery to support them.

Even if such an operation across the border into southeastern Laos should be carried out, it likely would be limited in scope and duration because of the lack of American assistance.

"The dollar is the driving force there," one official said, "and there just aren't many dollars for operations not connected with getting Americans out of Vietnam."

This restriction also makes it unlikely that any of our allies in Southeast Asia will embark on any other, more ambitious military operations that have a certain appeal to the Pentagon from a strictly military textbook standpoint.

If forces were available, there probably would be a considerable military advantage to placing a blocking force in the north central section of Cambodia, close to the borders of Thailand, Laos and South Vietnam where two major rivers, the Mekong and the Sekong, join.

Although their efforts are hampered by the monsoons, the North Vietnamese are attempting to establish a firm supply line through that area, using the two rivers as the basis for their transportation system.

At this point, the Sekong is the key river, because it flows southwest from the Laotian town of Attopeu, now in North Vietnamese hands. The river joins the Mekong below the impassable Khone Falls.

A sizable ground force in that area could either block the enemy supply line or force the North Vietnamese to fight in that relatively uninhabited area far from their home bases.

But the likelihood of anything but relatively limited in-and-out attacks in the near future is virtually nil.

[From the Far Eastern Economic Review, July 23, 1970]

CAMBODIA: INTO AN ICEBERG WAR

(By T. D. Allman)

One reason the Cambodian government is increasingly optimistic about its chances for military survival is that the United States and South Vietnam, with US-supplied funds, are on the way to adding approximately three divisions of trained and equipped troops to the National Khmer Armed Forces.

According to well-informed sources here, American and South Vietnamese officers and soldiers have begun training the first elements of two divisions of Cambodian troops at installations in South Vietnam. Another 10,000 or so South Vietnamese troops of Cambodian ancestry are being trained, and will be stationed permanently in Cambodia.

The programme, which began soon after US ground troops left Cambodia on April 29, apparently is being funded with a mixture of US-supplied South Vietnamese funds, American funds originally allocated for South Vietnamese military assistance, and direct US aid to the Cambodian government. The cost of the programme apparently surpasses publicly announced American aid commitments to Cambodia, which so far total only US $9.9 million.

Elements of the first division to be trained in South Vietnam, according to Phnom Penh sources, are being trucked and flown across the border to South Vietnam in company-sized groups. Sources familiar with the training programme leave little doubt that the US is bearing the major financial and training responsibility, even though the programme technically is part of a bilateral South Vietnamese-Cambodian accord. "The American in charge is on his fourth tour in Vietnam," said one of the sources. "In Korea one time, he killed 29 communists with a shovel. Those Khmers may be going in gentle Buddhists but they are coming out tigers."

According to other sources, US personnel already have trained several battalions which have moved into Cambodia recently. They are Khmer Krom units—forces made up of members of South Vietnam's Cambodian minority. According to these sources, Khmer Krom troops in Cambodia soon will total about 10,000. About 4,000 belong to the American-trained and financed Mike-force, which long served as an elite mercenary force in South Vietnam. The rest are composed of Khmer Krom troops drawn from regular South Vietnamese units, given intensive training and sent to Cambodia.

Two of these newly-formed battalions arrived here several weeks ago aboard a convoy of US donated transport trucks. According to one source more Khmer Krom are coming. They will continue to be paid with US funds sent through South Vietnamese channels.

The Khmer Krom soldiers are equipped with American weapons, and have been accompanied by two US-paid Australian mercenary officers. US embassy sources here, asked to comment on the financing of the Khmer Krom units, said, they had "no knowledge" that they were being paid by Washington. But Khmer Krom officers say that "we are being paid through US aid."

The mass training programme for Cambodian soldiers was announced here last week. According to official sources, an initial 10,000 troops will be trained, and government sources say they will be followed by an equal number of trainees before the end of the year.

A decline in the level of communist military activity, a protective ring of US air strikes and South Vietnamese ground operations, and the psychological effect of what Cambodian officials here regard as an unequivocal American commitment to the survival of their regime, have combined to produce a semblance of euphoria in this isolated capital.

Only three weeks ago, when communist troops cut most of Phnom Penh's overland links with the outside world, imminent communist attack was expected here. Now, Cambodian Premier Lon Nol feels optimistic enough to predict "victory in the near future."

The optimism reflects significant evolution in the Cambodian situation. Fluidity has given way to a more stabilised situation in which the communists control most of the less densely populated areas, the government, with foreign help, holds the capital and several of the major provincial capitals, and a less dramatic but very debilitating struggle continues in the in-between areas.

The US air force has begun to fly around-the-clock sorties, in Cambodia, not only against enemy sanctuaries but in tactical support of the Cambodian forces. Evaluations of the Cambodian situation have adjusted to the realities of war. What three months ago would have been considered a major communist attack is now interpreted as a government success if it does not result in a further dramatic erosion of the situation. By absolute standards, communist attacks have not declined greatly.

Many sources here believe that the partial lull is the result of a North Vietnamese decision to continuing to give priority to the war in South Vietnam. "A lot was destroyed in the sanctuaries," said one intelligence source. "But a lot is still out there. We assume the Vietcong now are infiltrating back in to retrieve their caches and re-establish bases near the South Vietnam border."

If the Cambodian government's optimism that the communists have been checked in Cambodia is therefore unfounded, its confidence in a fundamental American commitment to their cause seems increasingly justified.

"From the very beginning," commented one neutralist ambassador in Phnom Penh last week, "Lon Nol and Sirik Matak were absolutely confident that the United States would rescue them. They seem to have been completely right."

[From the Far Eastern Economic Review, July 23, 1970]

SOUTH VIETNAM: ARVN-HALF

SAIGON. Some clutched the booty of war. Others played nervously with their ancient weapons. Some, too sick or tired to stand, lay on the parade ground in the hot sun. And others dressed in the tattered remnants of uniforms three decades old, squinted at the neatly-dressed throng of South Vietnamese soldiers who had come to stare at the survivors of the Cambodian Army's Northeast Regional Command.

"This is just like 1964," said one Saigon officer who could not believe his eyes. In front of him were several Khmer soldiers wearing aluminum cooking pots as helmets, brightly-colored woolen scarves securing the pots to their swarthy heads. A nine-year-old boy with double bandoliers of machine gun ammunition across his chest stood at attention, holding a machine gun. NCOs wearing muddy shower shoes and French battle jackets from the other Indochina War barked instructions in guttural Khmer. And an unidentified Cambodian major, resplendent in new olive fatigues and American jungle combat boots, dashed fowl-like around, spluttering incoherent French, English and Vietnamese.

But looking at what was left of Cambodia's 54th Battalion it was difficult to accept the Vietnamese officer's comment that the Khmers looked like ARVN back in its blackest days. The Cambodians looked far worse.

And now, ostensibly at least, it was up to

ARVN to straighten up these troops, dress them in modern army uniforms, and teach them contemporary military tactics. After five weeks of "refresher" training at Lam Son National Training Centre in the mountains near Nha Trang they will be sent back to Cambodia to replace some of the 18,000 South Vietnamese troops fighting across the border and Cambodianise the war.

Yet despite Saigon's boast that it will be the Vietnamese who will be training the 54th—and four other battalions numbering 577 men each evacuated from Ratanakiri last month by ARVN—it will be the Americans who will be providing the cash and the real meat of the advice and refitting. Washington has not acknowledged this, of course, but then, as it does in Laos, it has its reasons.

Training began simultaneously at Lam Son for some of the 10,000 Cambodian Army recruits scheduled to receive instruction in South Vietnam. Although on the surface it looked as if the ARVN sergeants rounding up the green young men from Phnom Penh were firmly in charge the US was footing the bill. Moreover the large American advisory teams at Lam Son and at two other camps are also actively involved in their training.

Plans for the scheme were drawn up by the Americans at the Military Assistance Command in Saigon and the training began with the South Vietnamese acting as the perfect front for what is in reality a new American investment, and involvement, in the Indochina War.

The United States first showed interest in training Cambodian troops in May when the Lon Nol government, recognising that it could never train, equip and arm enough men in time to meet attacks from its enemies, appealed to Washington again for military aid.

The United States agreed to provide small arms, ammunition, trucks, high military equipment, and serving for Cambodian Air Force planes as part of a $7 million publicly-acknowledged package deal. The plan to train Phaom Penb's troops also was included in the agreement but because it was thought this might be too large a pill for the American public to swallow it was decided to "allow" the South Vietnamese to do the training, a source close to the project said.

When the five battalions, plus about 4,000 dependents were snatched out of Bo Kheo and Labansiek after fighting off the North Vietnamese for several weeks (some of the battalions had lost as many as 200 men), it was also decided to extend the training agreement and for the US to support them too. Transported in US Air Force planes they will undergo extensive schooling and rearming under the training extension.

How much the training of the recruits and the troops is costing the American taxpayer is a closely guarded secret. But more important is the fact that the US agreed to do it secretly, using ARVN as a front, to further disguise its growing involvement in the Cambodian fighting.

Said one American officer, concerned about possible over-expansion of the U.S. military effort in Indochina: "I am afraid we are on the road to involvement at the worst in another Vietnam, at the best another Laos. Despite what the president says there is a tacit agreement here that we are not going to allow Cambodia to go under. And we are already involved in that. You know how we are 'now involved' militarily in Laos. That's the way we are nearly 'not involved' in Cambodia."

The eight weeks instruction adds up to a crash course. ARVN recruits get twice that and even ARVN's training is considered hurried by America standards. They will drill with old World War II US carbines and light machineguns in company-sized arms (about 100 men each) and then will be shipped back to Cambodia as complete companies with their carbines. At the moment, the Americans are concerned about the Khmers having to face up to the North Vietnamese fully automatic AK-47s with their outdated American equipment. "The feeling here is that they should all get M-16s or at least captured AKs," said one adviser. "We are trying to do something about it."

SOUTHERN-FRIED CHICKEN

South Vietnam three months ago sent 40,000 of its American-trained, American-equipped and American-paid troops hurtling into Cambodia in a series of invasions under the codename "Operation Total Victory". The South Vietnamese forces may have persuaded many Cambodians that the Vietcong were the lesser of two evils, as they tore up the previously placid Cambodian countryside with orgies of firepower which even their American advisers found impressive.

South Vietnamese senior officers, notably General Do Cao Tri, a former ambassador to Taiwan, made pronouncements reminiscent of early American statements on Vietnam. A score of South Vietnamese military planners noisily took over the general headquarters here, in the process displacing a number of Cambodian counterparts—including the prime minister's brother—from their offices. Initial tension between the Cambodians and their newfound South Vietnamese friends was exacerbated by Cambodian massacres of Vietnamese civilians and the South Vietnamese habit of looting every village they liberated on behalf of the Lon Nol government.

Now all that is changed, officially at least. Like the Americans, the South Vietnamese are engaged in the difficult business of doing a great deal for the Cambodians while trying to appear to be doing very little.

In Phnom Penh, the South Vietnamese low profile is most evident.

The embassy and residence occupy two small villas. Charge d'Affaires Tran Van Phuoc keeps to himself—when not engaged in frequent conferences on policy matters with Lon Nol and Vice Premier Sirik Matak.

Phuoc, indeed, was specifically chosen to blend into the Phnom Penh scene. He was born in 1918 in the south Cambodia provincial capital of Takeo, attended Phnom Penh's exclusive Lycee Sisowath, and speaks Cambodian so fluently that most of his meetings with Cambodian officials are conducted in that language.

The South Vietnamese officer corps, which works on a counterpart basis with the Cambodian general staff, also affects a low posture. "We are simply here for liaison," insists a South Vietnamese colonel. "If you need any information you should go through Saigon. Or better yet," he grinned, "contact the Cambodians. They are in charge here."

In fact, the South Vietnamese army corps plays as central a role in Cambodia as similarly placed American officers do in Saigon. They have the final say on all Cambodian military plans, provide transport, logistics and munitions for the Cambodian forces, and on many occasions have overruled the entire Cambodian general staff on matters of strategy and tactics.

But no South Vietnamese flag flies at the South Vietnamese military headquarters in Phnom Penh, and no South Vietnamese soldiers or officers can enter the capital without specific permission. "Even General Tri and General Dzu [the two South Vietnamese generals responsible for Saigon operations in Cambodia] must have permission to come here," says a South Vietnamese source, "and they aren't going to get it very often. They've also been told to give up press conferences on Cambodian soil." By whom? "President Thieu has taken a personal interest in this affair."

The low profile extends, less strongly, into the Cambodian countryside. In principle, South Vietnamese troops no longer occupy the territory they secure for the Cambodian authorities. They have orders to stay away from densely populated areas and to turn over to Cambodian troops towns they have taken from the communists.

The South Vietnamese involvement in Cambodia, despite the low profile, amounts to a relationship similar to that of a power over a protectorate. As of last week:

Khmer Krom troops of South Vietnamese citizenship assured the defense of Phnom Penh, and occupied surrounding villages.

12,000 to 40,000 South Vietnamese troops, depending on the needs of the moment, assumed the major responsibility for patrolling most of the countryside which remains nominally under the Cambodia government's control. Every major battle in Cambodia during the past two months has pitted South Vietnamese troops against the Vietcong and North Vietnamese. The Cambodians have not won a major battle since the South Vietnamese expeditionary force arrived.

Several thousand South Vietnamese logistics and staff personnel provided all logistics and most planning for the Cambodia forces. The logistics range from flying in guns and ammunition in transport planes to Phnom Penh to providing helicopters and advisers for Cambodian assault missions.

South Vietnamese helicopter gunships and artillery provided fire support for Cambodian troops on a regular basis.

An unknown number of South Vietnamese troops were moved into the border sanctuaries to continue the task of replacing US troops.

South Vietnam, serving as a funnel for US funds, was providing an undisclosed amount of material and direct financial support for the Cambodian government, according to sources here.

The South Vietnamese presence in Cambodia, therefore, despite its low profile, has become the major Cambodian defense. "This is only temporary," said one South Vietnamese commander, who spoke with an American accent picked up in the US. "It's their war." But the Cambodians, in any real sense of the word, have stopped fighting their own war. A typical episode of the Cambodian war occurred just north of Phnom Penh recently.

An air and water-borne South Vietnamese force of 5,000 men launched a search-and-destroy operation in a densely populated area on the peninsula formed by the Tonle Sap and the Mekong River. Cambodian villagers told reporters that the Vietcong had evacuated the area several days before. But there was no Cambodian liaison officer present, let alone any Cambodian troops. The soldiers spread through the countryside nonetheless and from the bank of the Mekong, smoke could be seen rising from the burning villages. A South Vietnamese artillery battery at 30-second intervals fired random "harassment and interdiction" fire into the Cambodian countryside, despite the fact that there was no longer anyone there to harass or interdict Cambodian villagers.

A dozen South Vietnamese river craft were spread along the river front; eight American-provided helicopters were parked in a nearby field.

A South Vietnamese helicopter pilot sat in the shade with a basket of chickens at his side. He dressed and talked like an American.

"I didn't steal this chicken," he said anticipating the question. "I paid for it." He then went on to explain the search-and-destroy action in the Texas accent he had learned at flight school in the US. "So you see," he concluded, "this is just like an American operation."

Indeed, the South Vietnamese presence in Cambodia, complete with low profile, an excess of firepower and a built-in callousness toward the villagers, seems all too surely to

resemble the first days of the American involvement in South Vietnam.

[From the Washington Star, July 25, 1970]

REDS WARN U.S. ON LAOS

(By Henry S. Bradsher)

HONG KONG.—Lao Communists have accused the United States of "preparing a dangerous military adventure" with U.S., South Vietnamese, Thai and Lao troops in the panhandle of southern Laos.

In a small-scale forerunner of this, the "Lao Patriotic Front" has charged South Vietnamese and Thai troops are already fighting alongside Lao government troops in the area.

The accusations follow reports in Saigon that Vietnamese army commanders are eager to obtain political permission for a major strike into southern Laos.

AIM HO CHI MINH TRAIL

The goal would be the cutting of the complex of routes from North Vietnam through the panhandle which are collectively known as the Ho Chi Minh Trail.

If they could be cut west of the northern part of South Vietnam the benefits of cutting off Communist supplies now being claimed for the southern part of the country as a result of attacks on Cambodian sanctuaries might be obtained for almost all of South Vietnam and for Cambodia, too.

It is, however, a very big "if."

The ruggedness of the terrain and the probable determination of Hanoi not to lose overland access to South Vietnam and Cambodia could turn any attempt to pinch off the trail in Laos into a major new theater of indefinite warfare.

PERIL TO NEUTRALITY

A major military move into Laos, as distinct from the current semi-secret operations there of U.S., Thai and possibly also—as the Communists charge—South Vietnamese forces would create political problems.

It would endanger the grayed remains of Prince Souvanna Phouma's claim to neutrality for Laos, as established in theory by the 1962 Geneva agreements.

In an apparent effort to bolster the appearances of neutrality and thus try to stave off a military move into the panhandle, Lao Communists have been making new efforts to open talks with the prince's government in Vientiane.

Prince Souphanouvong, leader of the Pathet Lao which forms the Communist core of the "Lao Patriotic Front," has announced that he is sending a messenger to his half-brother Souvanna Phouma.

SEEKS BOMB HALT

The messenger also will seek to arrange for the two sides to meet and discuss "the cessation of U.S. bombing so as to ensure safety" for broader political talks.

Souvanna rejected in March a proposal for political talks which was tied to his telling the Americans to stop bombing. His military position in northern Laos depends upon U.S. airpower, and the U.S. position in Vietnam depends upon bombing of the trail in the panhandle.

Souphanouvong, who is assumed by Vientiane observers to be under Hanoi's influence, is believed in Vientiane to be more concerned with getting the panhandle bombing stopped than in advancing positions in the northern Laos of his North Vietnamese-led forces.

His sending a messenger now suggests eagerness to get talks started despite Souvanna's position.

WIDE PLAN POSSIBLE

That he is acting as part of a wider plan was suggested by an announcement that the International Control Commission is prepared to police any political arrangements which can be reached.

This was announced in the name of all three ICC members. Canada has long been willing, but Poland has shown such willingness only when it gets the word from Hanoi via Moscow. The ICC chairman, India, also has sought Soviet clearance before doing anything.

This political maneuvering comes, as the Lao Communist accusations indicated, at a time of intensifying military and diplomatic activities.

The "Lao Patriotic Front" issued its statement in Sam Neua, the Pathet Lao capital, Monday and it was broadcast in sections concluding Thursday. It marked the eighth anniversary of the 1962 Geneva agreements.

LENGTHY SUMMARY

The statement contained a lengthy summary of U.S. activities in Laos which it contended violated the agreements. The summary was culled from American congressional reports, press reports and other sources.

It said that when U.S. troops went into Cambodia, many Thai army battalions "were sent by the United States" to the Lao panhandle. At the same time, "the United States ordered the Saigon puppet army to launch operations in southern Laos."

South Vietnamese commando units are operating in the panhandle, the statement said. It added, "On May 19, a U.S. Defense department spokesman said: 'United States advisers are authorized to accompany South Vietnamese forces' during operation in Laos."

"The joint operations by Lao and Thai troops and the intrusions of Saigon puppet troops into southern Laos show that the United States is preparing a dangerous military adventure in this area in the face of new developments in Cambodia," the statement said.

FOUR-PARTY AXIS

It referred to "busy diplomatic activities (which) have taken place among Vientiane, Bangkok and Phnom Penh" lately, with Saigon also involved.

On May 28, it said, the Lao army commander secretly visited Bangkok. On June 8, the head of Lao military intelligence and others visited Phnom Penh, it said, and on June 15 the head of Cambodian intelligence was in Vientiane.

"Thus, a four-party axis among the anti-Indochina Indochinese and the anti-Asia Asians has been formed to put into practice the 'Nixon Doctrine,'" the statement said.

In this situation, it added, "the United States and the ultra-reactionaries in Laos are pressing Souvanna Phouma to 'reshuffle his cabinet' in Vientiane. They have threatened to stage a coup d'etat in order to cow Souvanna Phouma into implementing their plans strictly and actively."

It is this danger of Souvanna's being pushed into agreeing that South Vietnamese and Thai troops could openly enter his country that Souphanouvong is believed to want to head off by his new attempt to get talks started.

[From the Washington Star, May 11, 1970]

U.S. GROUND ATTACK URGED BY LAOTIANS

(By Tammy Arbuckle)

PAK SE, LAOS.—Laotian rightist leaders here said the United States should hit the Ho Chi Minh trail in south Laos at the same time it is attacking Cambodian sanctuaries.

They said as long as the Communist Vietnamese are using the Ho Chi Minh trail in eastern Laos to send reinforcements and material to Cambodia and South Vietnam, the U.S. effort in Cambodia cannot be fully effective.

The Lao military criticized President Nixon for setting time and territorial limits on American actions in Cambodia. "The North Vietnamese will withdraw to the west then return and rebuild the base areas when the Americans leave," a Lao general said.

Laotians said they expect the Communists to become active in northern Cambodia and to try and build up the Red Cambodian indigenous movement in these areas, supplied from new sanctuaries in Laos, Cambodia border areas.

The Lao military reaction was sparked by enemy moves in military region IV, the southern half of the Laos panhandle. Pak Se is military region IV headquarters.

Heavy fighting is going on now at Phou Luan, the highest point of the rice-rich Bolovens Plateau, 30 miles north of the Lao-Cambodian border.

"If they get the Bolovens they can hide and feed five divisions," the south Laos commander, Gen. Bounphone Mahaparak, said. North Vietnamese forces are grouping west of Saravane, which is the best access route to the plateau.

The Laos lost the province capital of Attopeu last month, opening the Sekhong River Route into Cambodia.

Current U.S. military help to Laos in this area is confined to Army advisers, Air Force forward air controllers, air logistics and Central Intelligence Agency operatives who lead tribal guerrillas from small airstrips on the eastern edge of the Bolovens Plateau.

[From the New York Times, May 16, 1970]

LAOTIAN AIDE SEES NEED FOR SAIGON ARMY'S HELP

VIENTIANE, LAOS, May 15.—A Laotian Defense Ministry spokesman expressed today the growing concern of the military command over the situation in southern Laos and suggested that, from a military point of view, it was necessary that South Vietnamese forces intervene to help "clean up" Laos.

The spokesman, Col. Thong Phanh Knosky, said during a news conference that the North Vietnamese on May 9 had seized the large village of Tang Vay, 57 miles from the town of Savanaket, and today were encircling the Nong Boua Government post 19 miles from Tang Vay. He suggested that the North Vietnamese wanted to open new communications links in Laos to increase their supplies from North Vietnam to South Vietnam and Cambodia.

"From a strictly military point of view a South Vietnamese intervention to cut the Ho Chi Minh trail would be a necessity," the colonel said.

The North Vietnamese were today increasing their threat to the city of Saravane northeast of the Bolovens Plateau in southern Laos where 2,400 civilians have been evacuated in the last few days, Colonel Knosky said.

[From the Washington Star, June 6, 1970]

KY URGES ALLIES TO KEEP REDS OUT OF SANCTUARIES

SAIGON.—South Vietnamese Vice President Nguyen Cao Ky returned here today from a two-day official visit to Cambodia, warning that the allies' Cambodian operation could become a "failure in the future" if the enemy is allowed to return to its former border sanctuaries.

"If we are just satisfied with the results we have gotten until now and we stop our move and go back and sleep and discuss politics, then the enemy will come back in a few months," Ky told newsmen.

"If we do nothing and then the enemy comes back, the success of today will be the failure in the future," he said after his arrival at Tan Son Nhut airport.

He said the future intentions of the allies were more important than the North Vietnamese and Viet Cong ability to fight.

The vice president, met at the airport by U.S. Ambassador Ellsworth Bunker and other ranking U.S. and South Vietnamese officials, conferred with Cambodian Premier Lon Nol during his Phnom Penh visit.

Ky said he had gone to Cambodia to discuss closer cooperation between the Cambodian and South Vietnamese armed forces.

He said he was "very pleased" with the results of the talks.

But Ky, who has stated there is no deadline for the withdrawal of South Vietnamese troops from Cambodia, said he could not elaborate on the military aspects of his Cambodian talks. The United States plans to withdraws its forces from Cambodia by the end of this month.

Ky announced that South Vietnam plans to train 4,000 Cambodian residents of South Vietnam and send them to buttress the Cambodian army.

"What we are doing now is to protect our common interest," Ky said. "They've helped us, they kicked Sihanouk out and now in return we are helping them."

In response to a newsman's question, the vice president said that if the Laotian government asks for assistance in fighting Communist forces, "we would do our maximum to help them." But he did not elaborate.

Ky said he expected "no real hard problems in the future" concerning Cambodia's Vietnamese residents, thousands of whom were placed in detention or refugee camps following the Cambodian coup that ousted Prince Norodom Sihanouk as chief of state in March.

The vice president said he had negotiated the abolition of the afternoon curfew that had been imposed on Vietnamese in Phnom Penh, Cambodia's capital.

Vietnamese in "remote and insecure provinces" will be moved into Phnom Penh until security is restored, Ky said. He added that the South Vietnamese government would repatriate those who wished to leave Cambodia.

[From the Washington Post, May 21, 1970]

KY RIDICULES JOINT PULLOUT TALK AS SILLY

(By Robert G. Kaiser)

SAIGON, May 21.—Vice President Nguyen Cao Ky this morning ridiculed the notion that South Vietnamese troops would withdraw from Cambodia when American forces do as "a silly argument of silly people."

Ky declared that "we will not let anybody tie our hands" to prevent continued prosecution by South Vietnam of the war in Cambodia. He said the South Vietnamese forces had the capabilities to fight on the Cambodian front and in Vietnam simultaneously.

Ky's remarks, delivered at graduation ceremonies of the Vietnamese War College in Saigon, were the toughest yet heard from a senior Vietnamese official on the increasingly sensitive subject of South Vietnamese operations in Cambodia after June 30.

It appears that the South Vietnamese government is determined to continue those operations after President Nixon's deadline for the withdrawal of American troops from the Cambodian front.

NIXON'S STATEMENT

[When President Nixon announced May 9 that "all Americans of all kinds, including advisers, will be out of Cambodia by the end of June," he was asked whether the South Vietnamese would abide by the same deadline. He answered: "No, they do not. I would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out, our logistical support and air support will also come out with them."

[Last Saturday, White House officials in Key Biscayne said they had every reason to believe the South Vietnamese forces would withdraw from Cambodia on approximately the same timetable as U.S. forces.]

Such determination to flout the wishes of the United States has been seen here before, but this time it appears to be more serious than previously.

* * * * *

Whether President Thieu would use such harsh language as Ky's "silly people" remark in this context is doubtful. But the Thieu-Ky relationship sometimes resembles the Nixon-Agnew relationship: the vice president here, as in the United States often does the President's tough talking, though Thieu's language on the issue has been more restrained, he has also said there is "no deadline" for his forces in Cambodia.

[Wednesday, Lt. Gen. Do Cao Tri, commander of South Vietnamese troops operating east of the Mekong River in Cambodia, was asked about reports from Washington that a South Vietnamese withdrawal would be linked with the U.S. pullout, according to news dispatches.

["I have not heard that from the Vietnamese side," he said, adding that the Saigon troops "are not under any restrictions, like U.S. forces, unless President Thieu orders us back to our territory."

[Asked how long South Vietnamese troops might remain in Cambodia, Tri replied: "That depends on the enemy. * * *"

[From the New York Times, May 9, 1970]

THIEU ASSERTS LON NOL AGREES ON TROOPS

(By Terence Smith)

SAIGON, SOUTH VIETNAM, May 8.—President Nguyen Van Thieu said tonight that he and Premier Lon Nol of Cambodia had worked out "agreements in principle" for South Vietnamese troops to conduct continuing military operations in eastern Cambodia.

In addition, Mr. Thieu said the two Governments had discussed the feasibility of a South Vietnamese naval blockade of the Cambodian coast line and principal port—Kompong Son, formerly called Sihanoukville—to prevent the North Vietnamese from bringing in military supplies by sea.

"Our navy is capable of guarding the whole coast," Mr. Thieu said. "We have the ships and we think it would be a good idea."

Mr. Thieu made it clear that South Vietnamese troops would not be bound by the restrictions President Nixon has placed on the United States forces operating in Cambodia.

Mr. Nixon promised Congressional leaders last Tuesday that American troops would withdraw from Cambodia by the end of June and would penetrate no deeper than about 20 miles without Congressional approval.

Mr. Thieu said: "We have no deadline, no limits. We will move on intelligence. When there is a target, we will strike it."

Mr. Thieu discussed the Cambodian situation and other topics at a small dinner at the Presidential Palace. Eight foreign correspondents—seven Americans and one European—sat with him at a table under the elm trees on the palace grounds while the President talked for four hours about the situation in Indochina.

Relaxed and expansive in an open-necked blue sportshirt, Mr. Thieu said he was in daily contact with the new Cambodian Premier through the South Vietnamese delegation established last week in Pnompenh. The two countries have had no formal diplomatic relations since 1963.

"I have a friend," he said, laughing, when he was asked about his earlier contacts with the Cambodian regime, "We keep in touch."

The President said he and General Lon Nol had come to their "agreement in principle" about South Vietnamese operations in eastern Cambodia two or three days before President Nixon announced on April 30 that United States troops would cross the Cambodian border to clear out North Vietnamese and Vietcong sanctuaries.

He said Premier Lon Nol had requested support from South Vietnamese forces for the general defense of Cambodia east of the Mekong River.

In the short term, Mr. Thieu said, the agreement would involve direct South Vietnamese military assistance and probably the naval blockade. He said he had already supplied some 4,000 American-trained ethnic Cambodian troops from the South Vietnamese forces, but he expected that more would have to be sent to Pnompenh to bolster the position of the Lon Nol Government.

In the long term, he said, the South Vietnamese would take on the job of training the Cambodian Army, which Mr. Thieu described as weak and poorly equipped. "But they have the manpower," he said, "and we can provide the advice."

Mr. Thieu said he believed that the next six months would be critical for the war as well as for political leaders.

"If Lon Nol and Cambodia stand for the next six months," he said, "then I think Mr. Nixon will win the Congressional elections this year and be re-elected in 1972, because then the operations will have proven a success."

"Also," he said, "if we keep up the pressure on the Communists for the next six months, then I think they will have no choice but to negotiate a settlement or fade away."

[From the Christian Science Monitor Aug. 3, 1970]

OPPOSITION SEEN ON EFFORTS TO WIDEN VIET WAR—JOINT CHIEFS OF STAFF PROPOSALS SAID TO OFFER THREE OPTIONS

(By George W. Ashworth)

WASHINGTON.—The Joint Chiefs of Staff are proposing a significant expansion of the allied war effort in Indo-China.

According to well-informed sources, papers prepared for the chiefs by the joint staff and now being circulated support:

The coordinated use of Thai and South Vietnamese forces to move against enemy troops in northern Cambodia and southern Laos.

Use of allied troops for operations within the demilitarized zone that separates North and South Vietnam.

The proposals already have run into opposition within the Pentagon. According to a dictate of Secretary of Defense Melvin R. Laird, all proposals of the joint chiefs concerning Indo-China must be given a thorough review by his civilian staff before they reach the secretary for final consideration.

Under the new review system, instituted by Mr. Laird after the decision was made in April to launch allied attacks inside Cambodia, defense review of proposals would be formally finished before reaching the White House.

According to sources, however, the White House already has received at least informal indications of what the chiefs now are seeking.

NEW CHAIRMAN FUNCTIONING

The proposals are among the first major papers prepared under the new chairmanship of Adm. Thomas H. Moorer, who replaced retired Gen. Earle G. Wheeler in early July as chairman of the joint chiefs.

Some officials believe the proposals may reflect the beginnings of a somewhat harder line on major defense issues under the new chairman, who is deeply interested in the war.

According to sources, the proposals are essentially grounded in the belief that the allied effort in Cambodia caused the enemy forces deep distress and that much could be gained by applying continued pressure.

There is feeling among many military men that continued hitting at the enemy, wherever concentrated, could keep Hanoi off-balance, thus saving American lives and preventing buildups that could threaten allied forces in the several theaters of the war zone.

The proposals pertaining to Laos and Cambodia would call for substantial United States logistical backing and the use of American airpower to bolster Thailand and Vietnamese forces on the ground.

According to sources, Admiral Moorer told

the defense civilian hierarchy that the Thais and Vietnamese could fight with American support as proposed with no necessity to increase war expenditures during the current fiscal year.

That point is heatedly disputed by officials in other Pentagon offices. Certainly, it would be harder now than before to take such actions since the budgetary allowances for the war have been cut drastically.

Expenditures for the war peaked at about $29 billion annually in 1968. They began falling as American disengagement got under way in 1969. Current estimates put the war expenditures at about half of the peak level.

As the administration budget is predicated on fairly steady drops in war costs, it might be difficult to finance anything that would keep expenditures level over a long span, much less rising.

The chiefs present three options in the paper on Laos and Cambodia now being circulated.

The first is to continue doing what is now being done, i.e. support the Vietnamese with limited activities in the sanctuary areas, but not deeper into Cambodian territory now being occupied by the enemy.

The second calls for use of Thai and Cambodian forces in portions of northern Cambodia and southern Laos now occupied by North Vietnamese and their allies.

The third option is the same as the second, with the addition of U.S. ground forces.

According to administration sources who have seen the paper, the third option is discounted, largely because of congressional feelings toward use of U.S. forces outside Vietnam and because of the present mood of the public.

The first option; essentially what is being done now, is described, as one source put it, "with a lot of bad words" that make it seem less attractive.

That leaves the middle-road option, and that is what the chiefs now are pushing.

Opposition here largely revolves around a deeply held belief that such activities as the chiefs now are proposing increase instability and spread allied forces thinly without any guarantees of success.

While there is little doubt that the Thais and the Vietnamese could batter the opposition—given heavy American help—the opposition response would be uncertain, as would results, and dangers could be posed for Vietnamization, which many officials continue to view as the Indo-Chinese concern of greatest magnitude at this point.

DEEP CONCERN EVIDENCED

While the views of Gen. Creighton W. Abrams are not known on these new proposals, he has evidenced deep concerns in the past, particularly toward the close of the allied operations in Cambodia, lest Vietnamese and American attentions be allowed to wander too far from the business at hand in Vietnam.

The administration is steadily becoming more deeply involved in Cambodian military affairs, but the President and his closest advisers apparently still adhere to the view that the United States should help Cambodia as it can, short of U.S. troop involvement. That, they believe, must not come.

If the North Vietnamese are indeed preparing to take over Phnom Penh and destroy the Lon Nol government, then disruptive attacks against them in present gathering points and strongholds should disrupt that. But few believe the North Vietnamese are willing now to indulge in such a risky venture. If this is the case, then allied activities could not prevent anything that is not going to happen anyway.

The proposals relating to the DMZ are quite another matter. The chiefs would be interested in receiving approval for allied operations inside the DMZ.

This will be opposed by those who see no threat justifying such a change and would not like to complicate the situation at the DMZ or cause deterioration of the situation created by the "understandings" that preceded the bombing halt over the north.

Mr. FULBRIGHT. This quotation is from one of the most recent articles:

Allied sources acknowledged yesterday that clandestine reconnaissance units operating in Laos may be the target of the latest Communist charges of war escalation. . . .

Washington and Saigon sources concede that their military planners are urgently pressing for sizable border crossings into Laos. But these sources say both capitals still regard such operations as too hazardous in domestic and international political terms for the Nixon administration to risk at this time. . . .

From Saigon the Associated Press reported that despite official denials there, sources said most of the reconnaissance patrols going into Laos "are landed by U.S. helicopters along the 200-mile Ho Chi Minh trail in the lower panhandle of Laos to spot targets for American bombers."

All these articles raise this question, and suggest that preparations for such ventures are being made and that the expectation is that the Vietnamese forces will move into Laos.

So I submit that if we meant what we said when we adopted the Cooper-Church amendment and the other amendments which were adopted last year, this amendment is entirely consistent with that action.

I am very much afraid that if we do not adopt this amendment, with the changed language in the existing law, even in spite of the fact that the committee in its report said this is not intended to finance Vietnamese forces, the House probably would not agree with that, and the administration, the executive department, in connection with preparations being made, would choose to say that the legislative record is fuzzy and not precise and they should go ahead, because the law, it seems to me, could easily be construed to authorize it.

So I do hope that the Senate will accept this further step, consistent with what we did in the previous steps, to restrict our involvement in the war in Cambodia and in Laos.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. Mr. President, I am very glad that the distinguished Senator from Arkansas and the distinguished Senator from Mississippi have decided that we would not vote on this matter tonight, because I think we have to give it some thought.

I understand perfectly what the Senator's amendment intends to do. At the outset, I have some reservations about two points: First, whether this would involve the United States in the governmental decisions of another country; and, second, if we decide that this is all right, how we control this money when we give it in a lump sum. We do not know which dollar is being used for which purpose.

These are the two questions that come immediately to my mind, and I appreciate the time to think them over tonight. I certainly understand the Senator's concern, and I might even reach the point of agreeing with him in that concern. But I would like to hear the amendment debated a little further, so that we can understand what we do, for example, if, under this lump sum of money that we appropriate for Southeast Asian use, in separating the dollars that might be used by the South Vietnamese for sending South Vietnamese forces into Laos from the money they use to send troops into Cambodia or use to fight their own portion of the war.

I would hope that during the course of the debate tomorrow, the distinguished chairman of the Committee on Foreign Relations would give us his thoughts on those two subjects.

The question of our involvement in telling another government what to do does not present such a big problem with the Senator from Arizona as how we control the funds when we know they are not identified. We have just gone through an amendment in which we discussed this, in which the funds are asked of us in a lump sum. No report is made that says that one, two, three, four, and five, "We spent the money in these particular ways."

I hope that some time during the debate we can get some thought as to how this can be controlled, so that if the amendment is adopted, it will be effective and not just be another exercise in semantics on the floor of the Senate that the State Department could get around easily.

Those are my concerns, and I look forward to tomorrow and an opportunity to hear more about it.

Mr. FULBRIGHT. I appreciate the Senator's comments, and I would not minimize the difficulty in sustaining the kind of relationship we have with the government of South Vietnam.

As a matter of fact, practically all their funds do come from us, directly or indirectly; and if we wish to encourage them to invade Laos or Cambodia with their forces, of course they will do it. If we wish to discourage them, I think we can have great effect upon them.

What bothers me most of all is that I think the idea has grown up in Saigon that the United States is their captives. As evidenced, I submit the statement made by the Senator from South Carolina that they are helping us. This is an attitude of many people—that the Saigon government is helping us. It is our war, seems to be the view, and they are coming in very graciously to help us—that is if we pay them to help.

However, not too long ago, most Americans were under the impression that we were helping them. But we get these different points of view. If I understand the Senator from South Carolina, he really believes that this is primarily our fight, because he views this fight as one directed against a worldwide international Communist conspiracy and he believes it is our responsibility to fight that conspiracy, wherever it is. Apparently it is purely incidental that this particular fight is in South Vietnam, but primarily it is our fight, and the Vietnamese and others have been gracious enough, with enough pay, to help us. I think that is the way he views it, and I am sure other people view it that way, also. It all de-

pends on the way one looks at these fights, whether they are taking place in South Vietnam or in the Middle East or in Berlin.

Of course, I do not agree with his analysis, and I do not believe that was the justification that President Johnson originally gave us—whose basis for intervention in Vietnam changed almost daily, according to the criticism.

It reminds me a little of the ABM. About every 2 weeks there is a different justification for it. Secretary Rusk and President Johnson had the same flexibility of justification as to why we were fighting in Vietnam.

I say to the Senator that I appreciate the difficulty, but I do think that, in view of our investment—the cost to his country, and so forth—we, the Congress and the Nation, ought to have something to say about where our money is used and whether or not our money should be used to finance the Vietnamese in Laos or Cambodia.

The Armed Services Committee, itself, has changed this language. I pointed out that they have changed the existing language "would not appear to authorize." Now why did the committee change the language? I think it was to make way for attacks on the sanctuary, just the sanctuary. I say to the Senator from Mississippi, is that not what he——

Mr. STENNIS. If the Senator would yield to me now——

Mr. FULBRIGHT. Yes; I yield.

Mr. STENNIS. I appreciate that, and I would like to get the floor to give a chronological development on that point.

Mr. FULBRIGHT. I am perfectly willing to yield the floor because I think it is that change in language, together with the committee report, which precipitated the amendment. I immediately began to wonder what was the purpose. All I am trying to do is to implement what the committee said was its intention. I should like it to be put in the law, because I have seen often how these interpretations in committee reports, if they do not suit the executive branch, are ignored in practice.

Mr. President, I yield the floor.

Mr. STENNIS. I thank the Senator from Arkansas.

Mr. President, it is well for us to come to this point, to state the committee's position as we understand it. I call attention here, and I think this is an historical development, step by step, which is important and is a part of the legislative history that we draw in here together, and it may well have a bearing.

I have before me, first, title 4 of the general provisions of the bill as it came to our committee from the House, in connection with these funds, which is really what we have been calling all these years: foreign military aid. That ordinarily came through the Foreign Relations Committee.

Until a few years ago, when the war thickened, by common consent, it was sent to our committee, under rather broad language, because of the proximity of things there. Some of this foreign aid was granted to pay the Philippine Army, and the Korean Army, some was for equipment, and some was for this and that. They had given us a report on these items, but it never has been defined with great particularity. For most of it, there is good reason for that, because it is more or less picking up and paying the cost of a battle. The Army moves on. Over the years, though, they have given us an accounting, of a kind. Last year, we put this at a $2.5 billion ceiling. The language read as follows—in the House bill—which was a rescript of the language last year:

> Funds authorized for appropriation for the use of the Armed Forces of the United States under this or any other Act are authorized to be made available for their stated purposes in support—

And here comes the foreign aid, military aid—

> Vietnamese and other free world forces in Vietnam.

I emphasize those last words, "in Vietnam."

When this bill passed the House, the sanctuary in Cambodia had not arisen. When the bill was before us, this battle of the sanctuary was going on, full tilt. So we struck out the words, "in Vietnam." The battle had moved beyond Vietnam. That was, though, consistent with the argument made here that this was not an invasion of Cambodia. It was an extension of the battlefield. So we took out the words "in Vietnam" as being too limited. Our purpose was to cover the sanctuary battle and things that had happened in connection with it. We did not know, then, how far it would go. It was not our purpose, though, to launch into a broad authorization here of unlimited support with military aid to sustain, to guarantee, or to underwrite the Government of Cambodia. We looked upon that as another war. I did. And I think that was the prevailing sentiment in the committee.

After striking out those words, "in Vietnam", we wrote the language this way:

> To support (a) Vietnamese and other free world forces in support of Vietnamese forces.

I go over that again:

(a) on line 4 of page — of the Senate——

Mr. FULBRIGHT. Nineteen.

Mr. STENNIS. Page 19, right. I thank the Senator.

It reads now:

> To support Vietnamese and other free world forces in support of Vietnamese forces.

Now, at that time, Vietnamese forces were over in Cambodia. There was a battle going on over the sanctuary. Understand now, that none of this money goes to U.S. soldiers or to their cost in any way. This is all foreign military aid. Then that was the way we covered in the body of the bill support of these forces over in Cambodia who were supporting the Vietnamese forces. They were supporting us, too, in a way.

But that is the way we covered the area of the sanctuary and we did not know how far that was going to extend. In the report, we spell out here now, further, what was meant. I refer to page 106 and read briefly from the middle of that page:

> The committee is of the opinion that the phrase 'in Vietnam"—
>
> Meaning in the House bill—
>
> should be the subject of clarification and therefore has substituted the words "in support of Vietnamese forces". The reason for the substitution is to make clear the use of the authority for the purpose of supporting non-U.S. free world forces with respect to the border sanctuary and related area operations in Cambodia, and the protective reaction strikes in these locations. This clarification is for the purpose of protecting U.S. troops and the acceleration of the Vietnamization program.

In other words, at that time, this battle was still going on, the extent of it was not known, and it was our idea not to stop in the middle of the battle or to put on any restrictions, however far this went, as long as it was protecting U.S. troops or accelerating the Vietnamization programs that would be legal.

Then, on the top of page 107, the language covers the point—part of the point, in a way—I read from page 107—when I say report, I mean the official report of the Senate committee on the bill filed July 14, 1970:

> In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of Vietnamization or the protection of U.S. troops military action becomes necessary.

Now that is broad enough, and we intend it to be broad enough to include areas of Cambodia as long and as far as it was connected with the sanctuary or any program that the President was carrying out. That paragraph on page 107 is as clear as language can make it. We made it broad enough to cover anything connected with our activity there, our Vietnamization, and, that our troops could go back in in another sanctuary under like circumstances. That is what it was intended to cover, going back in for the same purpose.

Then they put the negative here:

> There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian government.

That means the Cambodian Government as such in a movement beyond the reasonable limits of what we had already described. That is the way the bill is before the Senate and the way it explains it is, I think, clear.

I do not think there is any ambiguity dealing with the vague situation we had to deal with which changed from day to day.

I want to make it clear that we intended then to cover the authority of the President if there arose again the need to clear out sanctuaries so that he could do it so far as this was concerned and could pay for military aid to help those that were fighting with the Vietnamese and us, although we used the word "Vietnamese."

I lay that down as a part of the history and part of the situation that led up to the amendment that the Senator has offered.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. Let me cite right there the part of the Senator's amendment. I think it ought to come in the RECORD at this point.

The language of the Senator's amendment provides:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

Let us leave out the words "or Laos" for just a minute. I think it does complicate it. It reads "to provide military support and assistance to the Government of Cambodia." That is apart from or in addition to what has already been described. That is my interpretation of it.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. FULBRIGHT. Mr. President, with respect to the language the Senator has just read, I sought to use the language of the Armed Services Committee report as nearly as I could.

There are a couple of questions I would like to ask the Senator. I think my amendment would put into the statute what the Senator described just now as what he intended to achieve by this change in language. That is the way I and my staff interpreted the amendment, that it would put into the statute what we believe the Senator intended by his statement in the report. If that is so our only difference is as to whether it ought to be in the statute or not.

I suppose this reflects our relative trust as to whether the Executive will follow the committee report rather than the statute. Maybe the Senator has great confidence that the Executive will follow the report. However, I think it is better to put the language in the statute. We do not seem to differ.

Mr. STENNIS. Mr. President, may I ask the Senator a question at that point, because he has raised a point there. Is it the Senator's interpretation of the bill, as written now, and the report that there is no prohibition in any way on the battle of the sanctuaries, so-called? Then, my next question would be whether there would be any prohibition on additional sanctuaries.

Mr. FULBRIGHT. Mr. President, I was going to raise that very point. What is a sanctuary? After all, that has already taken place.

If the Senator is concerned that this same situation of the sanctuary matter might arise again, that does not bother me too much.

What I am trying to avoid is becoming really involved in a close-scale operation in support of the Government of Cambodia and the Government of Laos.

I say that is the language of the Senator's own report. It denies military assistance to the Cambodian Government from these funds.

Two things occur to me about the sanctuaries.

First, is their definition. The President described them, as the Senator well knows, and set a limit of 21½ miles, I believe, and said that he did not propose to go beyond that point with our troops.

It was generally conceded that was the limit of the sanctuaries as of that given date.

The President also made the argument—and I do not wish to misquote him, but I will describe what he said—that he regarded that incursion, as they use the word, into Cambodia as simply part of the war in Vietnam and not an invasion of another country.

I believe that is a fair way to state it. He said, therefore, that he did not need any additional authority, that the attack on sanctuaries was not a violation of the sovereignty of Cambodia.

The Senator has described the chronological development of this matter. If that is true, either the Senator is saying that the President went in there without authority or that he is trying to rectify that matter now.

If he did not have authority, I do not see why we need to change the language.

If his action then was authorized, then it is still authorized. I do not object to that, if that is it. So why not leave the language like it was.

Mr. STENNIS. In the House bill?

Mr. FULBRIGHT. Yes. I do not know how the Senator can get away from the fact that by insisting on this language in order to give the President authority to operate in the sanctuaries, he must be saying the President did not have this when he invaded the sanctuaries before.

Mr. STENNIS. I think it is purely academic for us to argue about the battle of the sanctuaries now. That is over.

Mr. FULBRIGHT. I agree with that statement.

Mr. STENNIS. What is done is done. At the time we wrote this language, the battle was still going on, so far as that is concerned. We were not in favor of bringing a bill to the floor that someone could jump on and say, "This bill limits what the President is now doing."

So we intended to enlarge it and did enlarge it and also added language that says that as long as the Vietnamization program—and that is a little indefinite—is protecting our men—and that is a little indefinite, but those are the general terms that are used—this money could be used for these foreign troops.

If the Senator agrees that the President did have authority to use this money, talking about military aid, in a recurrence of this kind in the future, why it seems to me that that would end the argument. It is a clear-cut agreement. And I do not see any use for the amendment, leaving Laos out for the time being.

But I want to be frank. I believe we are almost together, and we just want to make a record of it.

Mr. FULBRIGHT. My intention in offering the amendment was to express my explicit agreement with the Senator's statement in the report. That was my purpose; to show I agree with the Senator's sentiment expressed in the report. My difficulty is that I was afraid the language in the bill itself did not accurately and forcefully enough reflect the Senator's intention. My intention is the same as his. I do not want us to get involved in all-out support of the Government of Cambodia—and that is what the report said—or of the Government of Laos.

Then, the only question is, how to tie that down so that the administration would be in agreement with the Senator and me. It is not that I disagree with the Senator but we might find ourselves in disagreement with future administrations.

Mr. STENNIS. You cannot control the administration in these words. Let us stay away from that, if we may. I will be frank with the Senator.

If the Senator agrees the situation would be clear for these purposes I have stated—Vietnamization, and that includes withdrawal and for the protection of our troops; and that another sanctuary would be permitted, I think that ends the argument about the Senator's amendment.

Mr. FULBRIGHT. It seems to me it ends the argument, I agree, the Senator agrees, and the Senator from Arizona agrees. If there is any need for new language, and the House has that language, and we say that language means this, they would have no reason to say otherwise, and that would end it because we do not need new language. Why do you not revert to the House language and say that all agree it will allow the President to do what he has already done? Otherwise, you are bound to have to say, "If you do not agree with that, he did it without authority to go in there in the first place."

Mr. STENNIS. No; we could go back to the House language; it could be argued again that the President exceeded his authority.

Mr. FULBRIGHT. I do not make any argument. The Senator and I agree he did not. We accepted that.

Mr. STENNIS. But there are others.

Mr. FULBRIGHT. Who would dare do that?

Mr. STENNIS. I yield to the Senator from Arizona. I see now why we did not agree to a time limitation. This is a difficult matter.

Mr. GOLDWATER. I think we are much closer to agreement than it would seem.

I would like to ask the Senator from Arkansas if his amendment would cover the type help we have been giving; and I refer to two parts. Would it prevent tactical air support in Laos?

Mr. FULBRIGHT. This only deals with funds for foreign forces. This does not deal with funds for our forces. This is only foreign aid which the Senator was talking about.

Mr. GOLDWATER. I wanted to make that clear.

Mr. FULBRIGHT. It does not deal with our own forces.

Mr. GOLDWATER. Would it prevent the use of helicopters by the South Vietnamese in support of Laotian troops, say, in the Plaines des Jarres?

Mr. FULBRIGHT. It might. The Senator refers to South Vietnamese troops

in support of Laotian troops in the Plaines des Jarres.

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. I think it would. We are trying to avoid becoming involved by our associates, whatever it is, and drawn into an overt war in Laos. It would not make any difference if it were in Laos or Cambodia. We are trying to apply the same principle. The only difference might be there are more sanctuaries in Cambodia. I am perfectly willing to agree with the Senator's idea about sanctuaries.

I think it would prevent paying South Vietnamese forces to go to the support of Laotian forces in helicopters, on foot, or in trucks, or in any other way.

Mr. STENNIS. I wanted to propose that we leave Laos out of this amendment.

Mr. FULBRIGHT. The Senator posed the question.

Mr. GOLDWATER. I asked about Laos because I think this is the thrust of the Senator's amendment.

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. I am referring now to the border between Laos and that portion of South Vietnam that is close to North Vietnam. If South Vietnamese forces were used to upset any sanctuaries that might develop in that area, would this run contrary to the Senator's amendment?

Mr. FULBRIGHT. No; to be consistent, I think there are some sanctuaries right on the border. To be consistent I do not know how I could distinguish between them.

Senators will remember the theory of the President in explaining the incursion; that it was not an extension of the war; that it was not an incursion into a foreign country. That is about the way he put it.

Mr. GOLDWATER. Yes.

Mr. FULBRIGHT. Then, he had to have whatever authority he had with respect to the war.

That is why I think there is a logical inconsistency in saying now he must have this change to make it legal. The reverse has to be that it was not legal before. You cannot have it both ways. I would rather have it the old way and commit myself to accept his theory that he was entitled to go into the sanctuaries to protect our own troops and our program in Vietnam.

What we are really after is expansion of the war into two other countries, and I think that is what the committee said—support of the Government of Cambodia; it is almost a replay of the Vietnam war. That is what the Senator from Kentucky was saying, and I thought the committee agreed.

Mr. GOLDWATER. I can assure the Senator this was not the intention of the committee. We at no time proposed any language to support a new government.

Mr. FULBRIGHT. That is correct.

Mr. GOLDWATER. What we want to make sure of in our language is that we do not prevent the South Vietnamese from taking care of situations that are similar to the one the President had to decide on in connection wih Cambodia.

Mr. FULBRIGHT. The sanctuaries.

Mr. GOLDWATER. Yes. I would hate to see us accept language that would prevent that.

Mr. FULBRIGHT. We do not seek that, but we do seek to prevent the South Vietnamese or the Thais, with our money, from going in there and building a full-fledged partnership with the Government of Cambodia and drawing us in.

Mr. GOLDWATER. My interpretation of the committee language is that it does that. I think it spells out plainly that we are not supporting the governments of these other countries.

Mr. STENNIS. The Senator is correct.

Mr. FULBRIGHT. But the change in language—if you will leave the language as it has been without this change, and with this legislative history, I would be satisfied. People will say, "Why did you change that language? It must mean something. The House did not have it." People assume that it means something.

Mr. STENNIS. May I answer the Senator?

Mr. FULBRIGHT. I think it would be better to take it out and we would agree what it means.

Mr. STENNIS. It means to cover the sanctuary situation as it was going on when that language was written, or as it may recur. It means nothing more.

The Senator agrees he would approve that, so we are at home base.

Mr. FULBRIGHT. I approve it. The only trouble is, will the administration approve it? The administration has not approved it. I agree on that and we should get the language into the bill.

Mr. STENNIS. Let me suggest this. This matter goes to conference. The language of the House bill will be in conference. The language of the Senate bill will be in conference, and so far as it relates thereto, the report language will be before the conferees. What the Senator from Arkansas has said will be before the conferees. That is true of the Senator from Arizona, the Senator from Mississippi, and other Senators who may have discussed this matter here. If we leave Laos out, are we not together on this problem?

Mr. FULBRIGHT. I do not quite see why, if we agree to this rather broad interpretation that the Senator from Arizona mentioned, we should leave Laos out. What is "bugging" the Senator on Laos? I do not understand it.

Mr. STENNIS. Leave it out of this amendment because it is an altogether different situation.

Mr. FULBRIGHT. Well, not altogether.

Mr. STENNIS. The Ho Chi Minh Trail is there.

Mr. FULBRIGHT. We are not going to bother the Ho Chi Minh Trail. We had that out on the Cooper-Church amendment. I am not trying to bother the Ho Chi Minh Trail. What I am trying to to do is to avoid becoming involved in support of these countries against internal civil wars they may get into. That is how we get dragged in behind them.

Mr. STENNIS. The Senator asked me why I want to leave Laos out. If I may finish my answer now, the question is, Why does the Senator from Mississippi suggest that we strike the words "or Laos" out of the amendment? An altogether different situation is involved. We have been in there a long time. We went into Cambodia just for the sanctuary battle.

Mr. FULBRIGHT. What does the Senator mean when he says "We have been in there a long time"?

Mr. STENNIS. The Senator knows we have been in there for a long time. The Ho Chi Minh Trail is there. We bomb it constantly.

Mr. FULBRIGHT. Oh, yes; but I am not talking about that.

Mr. STENNIS. Let me finish. We have all the complications that go with that. We provide some military aid to the Laotians. The Senator is familiar with that. It is in the bill. Cambodia has been left out, as the Senator knows. The situation in Laos is known. It is stabilized. The language in the Senate bill is exactly as it is in the House bill. The language that says we can still aid the local forces is still in the bill. We have no such language for Cambodia.

So, like it or not, good or bad, Laos has a status, and it is a part of our battleground, just as the sanctuary was.

I think we could agree on something if the Senator would leave Laos out of the amendment.

Mr. FULBRIGHT. As I have said, I am not bothering what we ourselves do. The amendment will not bother what we give to the Laotians. It is simply saying, "Look, we do not want our so-called allies from Thailand and Vietnam to go up and get us further involved. We have some degree of control over what we are doing."

It will not disturb what has been the past practice in Laos. The Senator says that Cambodia is not provided for, but the administration right now, according to word that we have—and this is an additional reason why the amendment is important and it is coming up here to brief us on it—is in the process of negotiating a very substantial aid program for Cambodia. I think that is a very dubious proposition, but they are in the process of doing it.

The Senator says that they were left out of the bill, but it is not left out of the planning of the administration, although no presentation has been made to our committee on this matter. Of course, the President has discretion, up to $50 million, to take funds designated for one country and give them to Cambodia; but no aid was contemplated for Cambodia at the time we considered the bill. This is a new deal.

That fact makes it all the more important that we make it explicit that we do not want to get bogged down in another war like Vietnam or Cambodia or Laos. I do not expect the amendment to affect what has been going on in Laos—that is, the bombing of the trail, our assistance to Laos, or what our people are doing

there—because it does not affect that. It is to keep the Vietnamese or the Thais from dragging us into another war. In a word, that is the purpose of the amendment.

Mr. STENNIS. So the Senator from Arkansas is saying that anything we have going on in Laos now is not to be affected in any way by the amendment he offers?

Mr. FULBRIGHT. Not that I know of. The reports in the newspapers as of today—I know it officially—indicate that the South Vietnamese are getting ready to mount an invasion. I hope that is not true; but in my opinion that is not acceptable. What I was referring to was what has been the traditional operation; what was going on 2 or 3 months ago, such as the bombing. Recent actions are what I would exclude. If they have been doing something else in the last day or 2, that is what I would object to.

Mr. STENNIS. The Senator would exclude anything such as might have happened in the last 2 or 3 days.

Mr. FULBRIGHT. Exactly; anything such as has been published in the newspapers as having taken place quite recently.

Mr. STENNIS. The Senator would exclude anything that has been taking place in recent days. He does not intend by his amendment to exclude——

Mr. FULBRIGHT. To exclude what we call the traditional operations——

Mr. STENNIS. In Laos?

Mr. FULBRIGHT. Yes. That was the whole thrust of the amendment of the Senator from Kentucky. He did not want to have us become further involved in Laos. But his amendment related to Laos and Thailand. He did not include Cambodia; we got into that later. This is entirely consistent.

Mr. COOPER. Mr. President, I hesitate to get into the debate because I think the Senator from Arkansas has made his point clear. I merely repeat—we have talked it over so many times—that his purpose is to prevent these funds from being used to get the United States involved in support of Cambodia through the use of Vietnamese troops.

Mr. FULBRIGHT. That is correct. It is not intended to be a rollback. I do not intend it to be a rollback, but to stop the operations from going further.

Mr. STENNIS. May I ask the Senator from Kentucky a question out of order? The Senator has heard what I have said concerning the situation as I see it. Does he agree that it is correct?

Mr. COOPER. I agree that what the Senator from Mississippi and the Senator from Arkansas have agreed on is correct, yes. I favor the language that the Senator from Arkansas has proposed, because it makes so clear that the activities on the Ho Chi Minh Trail would not be curtailed.

Mr. STENNIS. I think we have had a most helpful exchange and a very fine presentation. I do not think we can dispose of the amendment tonight. There are other amendments from our committee that I would like to have a chance to speak to or to have colloquy on with any Senator who wishes to speak to them.

Mr. FULBRIGHT. I wish to compliment the Senator from Mississippi for his contribution and for making it very clear that he does not approve of expanding the war by proxy into U.S. support of the Cambodian-Laotian action. There is confusion about this, and there is considerable concern that it might be expanded if we do not take real, positive steps to prevent it. I am very much pleased that the Senator from Mississippi thinks as he has just expressed himself.

Mr. STENNIS. I have told the Senator from Arkansas everything that is on my mind. I want to make it clear that I am a "sanctuary man," and the Senator from Arkansas agrees to that.

Mr. FULBRIGHT. I accept that. I am not trying to roll back anything; I am trying to prevent any advance.

Mr. STENNIS. I thank the Senator from Arkansas for yielding. I believe the debate has been profitable.

I understand that other Senators desire recognition, so I do not claim the floor any longer.

Mr. PERCY. Mr. President, it had been my intention to call up my amendment No. 818 to H.R. 17123 some time early next week. However, to facilitate the work of the Senate, and in accordance with the suggestion made by the majority leader and the assistant minority leader, I have agreed to a unanimous-consent arrangement whereby we shall begin debate on this amendment at 11 o'clock tomorrow morning and will vote at 12 noon.

Because of the shortness of time, I am delivering tonight to each Senator a copy of the statement that I shall give tomorrow, so that Senators may have adequate time tonight or tomorrow morning to study this matter.

In addition, I have just come across a piece of additional information that I should like to have printed in the RECORD tonight, so that it may also be studied by Senators, because there is not time for me to reproduce it and deliver it to their offices this evening.

The material to which I refer is a portion of the Fitzhugh report, which is technically known as the Blue Ribbon Defense Panel Report, dated July 1, 1970. Under section III, entitled "Military Personnel," subsection b, "Rotation," on pages 137 and 138, the report concerns itself with the overdone practice of transferring officers. It agrees with the basic thrust of the amendment that I have put forward. This section entitled "Rotation" states very clearly:

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

A staff study of Army, Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,695 assignments, or an average of 21 per man; the average duration per assignment was 14 months. Looked at another way, the average officer had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff assignments.

Although this is a relatively small sample, there is no reason to believe that it is not reasonably typical of the prevailing career pattern of all military officers.

It is recognized that some assignments must be of limited duration: for example, operational assignments to hardship or combat duty. School assignments also are of limited duration as these are determined by the length of the course. However, in the case of the other assignments, there are no such inherent limitations.

The driving force in almost all of these assignments (combat assignments excepted) is to give the officer a wide variety of exposure as an aid in his training and development. The problem is that the requirements of the job seem to be secondary to the career pattern which has been mapped out for the officer.

This system of rotation of officers leads inevitably to deficiencies in management. Officers assigned for such limited periods simply cannot acquire a knowledge of the work, become familiar with the qualifications of the people, make plans, set goals and push the work ahead.

This system of rotation not only fails to provide management and leadership needed on the job, but also has deficiencies in accomplishing its stated purpose—the development of the officer himself. Men are not developed by being observers; they must have responsibility to assure growth.

From the point of view of the position to be filled, as well as in the best interests of the officer himself, his job assignments should be of sufficient duration so that he can become thoroughly involved in the work and be fully responsible for results.

There is merit in giving to officers opportunities in a broad spectrum of military responsibilities. Nevertheless, under existing conditions in which technical or professional training in areas other than commanding men have become of increasing importance, the Services' current rotation policies and rates are counter-productive.

In the technical and professional areas, the rotation rules often call for rotation of an officer out of an assignment at a very critical point in the job he is performing. In addition, when an officer is rotated out of a technically complicated job, his replacement often either comes at the time of rotation or later, and therefore, does not have an adequate opportunity to acquire the necessary background before his predecessor leaves.

In other words, this practice that has been observed for so many years by the military services actually destroys what they are trying to do. It does not add to the training of the men; it detracts from the training of the men. It does not add to the morale; it detracts from the morale of the families.

It is the very reason that my own administrative assistant, after 14 years in the U.S. Navy, a Naval Academy graduate, a man who was executive officer of a nuclear submarine, a man whom the Navy had put years of experience into training, and who finally left the service so that he could be with his family more frequently, helped in the preparation of this amendment. He, like many others in the military service, simply had to put being a father ahead of being a military officer.

This same situation exists with many military personnel I have worked with, and the amendment is based on my own experience as a naval officer and my working relationship with the military service over a period of 28 years.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the Senator from Wisconsin.

Mr. PROXMIRE. I commend the Senator on his amendment. As I understand, it would save a certain amount of money. The cost on this——

Mr. PERCY. The cost on this is $1.3 billion, for that particular section. By excluding all combat areas, for instance——

Mr. PROXMIRE. That is what I wanted to bring out. The amendment would exclude Vietnam?

Mr. PERCY. It excludes Vietnam. It also excludes $300 million for the training of personnel, and I have taken that whole amount out, even though I recognize that the training cost would be less if they did not rotate the men so frequently.

By taking out those two sections, we have remaining $560 million, and I have only asked for a reduction of 25 percent from that amount.

We have given DOD 11 months for planning the program before putting the plan into operation, because this does not take effect until July 1, 1971.

In other words, we have made it an absolute amount, and the size of the Armed Forces presumably will be substantially lower 18 to 24 months from now, so that the $420 million allowance should certainly provide plenty of money for them; but it should cause them to take a good, hard look and discard some of these old procedures and practices that have been carried on for so long, which I think it is about time to discard. Without detracting in any way from the efficiency and the modern approach and procedures used by many of our military services, in my opinion some officers and some enlisted personnel cling to their old procedures and practices, and I believe it is about time we guide them, even kicking and screaming, into the 20th century, and relate them to the new circumstances and the new cost-effectiveness we must have in all these programs.

Mr. PROXMIRE. The reason I asked the Senator to yield is that I think that many people will think primarily on the manpower question, of men sent to Vietnam.

Mr. PERCY. We have totally excluded that.

Mr. PROXMIRE. And I think we would both agree that is extremely important, of course, and that anything that would endanger that rotation would be extremely hard for us to accept. But the Senator exempts combat zones entirely, so that rotation would not be affected by his amendment in any way; is that correct?

Mr. PERCY. That is correct. With those remarks, I apologize to my colleagues for not preparing the material early enough to present it to them and allow adequate time for study; but I think that by making this insertion in the RECORD at this time, it will enable them to properly prepare for the vote tomorrow.

I know that $140 million is not an earth-shaking amount in a bill of this size, but I think when we are trying to reduce in every conceivable way unnecessary and wasteful expenditure, we should take every opportunity that we can to identify and clearly focus on areas which I think have too long been overlooked, and that this area should now be reappraised and analyzed. Let us ask whether or not we can now establish the principle that we are going to rotate personnel less frequently, and perhaps the Department of Defense itself can come up with an even larger reduction in the next fiscal year.

Mr. President, I yield the floor.

AMENDMENT NO. 853

PROXMIRE-SCHWEIKER C–5A AMENDMENT

Mr. PROXMIRE. Mr. President, I am honored to submit an amendment with the distinguished junior Senator from Pennsylvania (Mr. SCHWEIKER). Senator SCHWEIKER and I have worked hard and long to try to achieve an amendment that is fair to the taxpayer as well as, in our view, assuring that we will obtain production on these C–5A planes.

On behalf of Senator SCHWEIKER and myself, as well as the Senator from Texas (Mr. YARBOROUGH), the Senator from Massachusetts (Mr. BROOKE), the Senator from Ohio (Mr. YOUNG), the Senator from Missouri (Mr. EAGLETON), and the Senator from Alaska (Mr. GRAVEL), I offer the amendment, and ask that it be printed and lie on the table.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

Mr. SCHWEIKER. Mr. President, it is a pleasure and a privilege to join with my colleague from Wisconsin in sponsoring this amendment. I do so in the very firm belief that there is something wrong—terribly wrong—with a defense procurement system which allows the conditions which have been so widely publicized on this contract. But I hold an even stronger belief that if we merely rubberstamp the Defense Department's request for money they firmly maintain they do not even owe, we shall be setting the worst kind of precedent.

In my view, particularly with all of our needs for money for so many important domestic programs, the Air Force's request for an additional $200 million for the C–5A program is one of the most important defense procurement issues facing this Congress, or, indeed, that has faced any prior Congress. This can be our opportunity to make a landmark decision, whether to bring our military procurement policies out of the "horse and buggy" era, and begin to exercise control over our inefficient and grossly wasteful defense procurement practices, or whether we will again approve another Government giveaway, a practice that could not flourish in the private sector of our economy.

If we choose the latter course, then I believe that the taxpayers of this country will have every right to believe that we are running away from our constitutional responsibilities of legislative oversight.

So much has been written and said about the unfortunate state of affairs that surrounds the C–5A contract, and the huge cost growth estimates associated with it, that I will not take the time to go ino all the sad details. As nearly as one can determine, the original Air Force estimate for 81 planes was approximately $2.67 billion. The latest estimate, as contained in the committee's report on the bill, is approximately $4.6 billion.

No one really knows at this time what the eventual cost of these 81 planes will be. Unfortunately, we can only deal in estimates at this time. But the Air Force originally wanted to buy 120 planes, and their estimate for those aircraft, at the time the contract was signed, was substantially below the $4.6 billion they are now estimating what only 81 planes will cost.

In addition, the Department of Defense has come to Congress this year and asked for more than $600 million for this program. The $200 million of this amount the Air Force says they do not owe to Lockheed. But in the next breath, they tell us that Lockheed will have to stop building planes shortly after December 31, 1970, if they do not get the $200 million we do not owe.

I ask my colleagues: What kind of procurement system do we have? What kind of procurement system do we have in which the buyer says, on one hand, says: "I don't owe him this money," and, on the other hand, says, "but I have to pay it to him if he is going to keep producing the product for me." Mr. President, as a former businessman, I cannot for the life of me understand how this body can allow such a system to operate in this foolish way any longer.

As a member of the Armed Services Committee, I proposed an amendment to the bill, in committee, which would have simply deleted the $200 million dollar amount from the Defense Department's request.

Although that amendment lost, by an 11 to 5 vote, and I am very grateful for the support of those who supported my view in committee, I am aware of the reasons why our country has a need for these planes. I do not quarrel with the rationale for that need. I believe the Government should have these planes, and at the least possible cost.

Our amendment has been drafted with a basic purpose in mind: To assure that the Congress would no longer have to take on faith the information provided by the Government and by the contractor. Senator PROXMIRE and I agree that the only way that the Government and the people who pay the bills will acquire these planes at the most reasonable cost possible is to insure that we have some independent judgment in the process, that somebody other than DOD or the Air Force makes an assessment about the cost of these planes to the taxpayers. This is why we stipulate that part or all of this $200 million contingency fund can be authorized or spent only after such a determination by the Armed Services Board of Contract Appeals, or at the direction of a court appointed trustee, under a voluntary or involuntary bankruptcy or corporate reorganization proceeding.

Earlier this year, the Defense Department stated its position on Lockheed's financial problems in a fact sheet, in which it said, in part:

The Department of Defense has repeatedly emphasized to Lockheed management . . . that it is not the intent of the department

to preserve the corporate entity or its present management. To the contrary, the efforts by the Department have been directed toward protecting the public investment in those vital national security programs which the company has in development and production.

I believe I speak for my colleague, the Senator from Wisconsin, and I certainly speak for myself, when I say that we agree with the objective. So does our amendment.

We have no intention of arguing that the Government does not need these planes. We have no intention of putting 20,000 people out of work.

But we also have no intention of letting the Government pay any more for these airplanes than is absolutely necessary, and we have no intention of allowing the outdated procurement practices, so evident in this instance, to be followed indefinitely.

Last year, as Senators will recall, I felt so strongly about this kind of problem—the problem we are facing now—that I offered an amendment to the military procurement bill calling for quarterly audits of major defense contracts. I was grateful then, and I am grateful today, for all those who supported my efforts, and if we did not win the war at that time, at least we won the battle. Today, my concern has not lessened. It has grown. If we had a system such as I proposed last year, we would know a great deal more about the immediate crisis financially in Lockheed and where the Government stands.

A Presidential commission has recently advocated substantial reforms in defense procurement practices. Many of those reforms can be implemented administratively. But, if this body does not take steps now, as I believe we must, to put the Pentagon and its contractors on notice, then I believe we will have lost a golden opportunity.

I ask Senators to support this amendment, whether they believe that the C–5A is needed or not, in the hope that we can give the clear indication to the Defense Department, the defense industry, and, most important, the people who pay the bills, that we are unwilling to sit back and give a blank check to these requests, without asking "How much?" "How many?" "When?" and "Why?"

Mr. President, before concluding, I ask unanimous consent that the following material be included in the RECORD at the conclusion of my remarks: The text of my additional views, included in the Armed Services Committee report on the military procurement bill for fiscal year 1971; an article published in the Washington Sunday Star of June 7, 1970, entitled "C–5A Money Troubles Obscured Over Years"; and an article published in the Wall Street Journal of May 28, 1970, entitled "Ailing Lockheed Urged by Pentagon To Seek Bank Aid, Merger, as Well as Federal Help."

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ADDITIONAL VIEWS OF SENATOR RICHARD S. SCHWEIKER

The Fiscal Year 1971 Military Procurement Authorization Bill contains an unprecedented $200 million request over and above our contracted obligations for the controversial C5A transport plane.

In my view, this request is one of the most important defense procurement issues Congress will face this year. This can be our opportunity to make a landmark decision—whether to bring our military procurement policies out of the horse and buggy era. The issue is whether we will turn down the $200 million request and begin to exercise control over extravagant and wasteful defense procurement practices, or whether we will approve another government give-away and broadcast to all defense contractors that a blank check military spending policy remains in effect.

My amendment in committee to delete this $200 million from the bill was rejected by an 11–5 vote, and I will soon bring the issue before the full Senate. Thus it is imperative that all Senators be aware of the enormous, and in my view, unwarranted and unwise precedent Congress will be setting if the money is authorized.

This is a classic case of a corporation bidding in low to get a contract, and then handing the final inflated bill to the government and the taxpayers to pay when the contract price and performance cannot be met by the successful bidder.

Lockheed corporation won the contract with a bid in 1965 of $1.8 billion, nearly a quarter-billion dollars less than the bid of the Boeing Company whose design was recommended by the Air Force. A recent report by the Securities and Exchange Commission dealing with Lockheed and the C5A concluded that Lockheed purposely lowered its bid unrealistically to insure it would get the contract.

Many of the facts and figures are a matter of public record, and do not need detailed exposition here. Even though the total buy has been estimated at more than $2 billion above the original contract price. And if the wing design should have to be re-done, as scientific reports indicate may be required, the cost could easily escalate by many millions more.

Lockheed is in financial trouble, and on March 2, 1970, wrote Deputy Defense Secretary David Packard to request approximately $641 million as a "contingency fund" for contract disputes on four major projects, including the C5A. Not long afterwards, the Defense Department admitted that the $200 million request in this bill was not just the first increment of the "contingency fund," to enable Lockheed to continue production under their existing C5A contract. This, I think, is worse.

I am against spending one cent above the contract price merely to subsidize corporate inefficiency or contract mismanagement. I believe Congress must use this issue to draw the line. Denial of this request for $200 million will serve notice loud and clear that although both government and industry have been sloppy in the past, we are going to demand efficient performance by contractors and strict adherence to contract prices and specifications in the future.

An historical perspective is helpful to understand why this $200 million bail-out request is such a symbolic issue, and why this line must be drawn.

Ever since World War II, military procurement policies have fundamentally not changed. A blank check has been given to military spending without the careful scrutiny and cost accounting demanded of other foreign and domestic expenditures. Until recently, military appropriations have breezed through Congress with little debate, and have received, at best, only routine analysis within the Executive's Budget Bureau.

Weapons system technology has leapfrogged, and the military procurement process hasn't caught up. With the growing sophistication and complexity of military systems today, costs have skyrocketed, which means we can no longer afford haphazard buying practices for the systems we want, and we can no longer afford to buy systems that may not work or that may not be needed.

Another antiquated and wasteful practice which cannot be permitted with today's costs is allowing production to commence before research and development is completed. If production equipment must be changed to incorporate the results of the final stages of R&D, it is obvious that original contract prices will jump dramatically. But, too often, Congress initially authorizes development of a defense system at a moderate price, when, if the final price tag had been known, such initial authorization would not have been given. Then, once millions are already expended, we have to either approve the cost overruns, or throw the initial money down the drain. More often than not, we yield to this financial blackmail, and pour millions more into the project to "protect" our initial investment. Only the contractors who bid in low in the first place gain, and ethical and responsible bidders are punished.

Congress can no longer allow itself to be lured by defense contractors into approving systems at low prices, and the taxpayers can no longer afford to pick up the tab for cost overruns.

Deletion of the $200 million item, and official Congressional refusal of Lockheed's and the Defense Department's request for this new kind of government subsidy can set the proper tone for military procurement policy for some time to come. The "buy-in" and government "bail-out" that has occurred with the C5A is perhaps the most glaring example of the inadequacy of our military procurement system. But, there are many other contracts with similar drawbacks. Holding the line at this time can have a healthy influence on all other existing contracts, and serve as a deterrent against unrealistically low bids on all future contracts.

Only if Congress is willing to take this step now can the public have any real confidence in our commitment to protect their pocketbooks. And only if Congress is willing to draw the line at this time will other contractors be on notice the buy-in bids over-optimism, and poor management will no longer be rewarded, or winked at, but will be subject to the most searching and thorough investigation, and will be paid for by the company and its own stockholders, instead of by the government and its taxpayers.

This amendment does not affect the $344.4 million in the bill requested by the Department of Defense for as yet unfunded obligations under contract. It does signal a halt to government rewards for inefficient production, and the beginning of the government use of sound business practices in its defense procurement. It urges the setting of an important precedent which will benefit all taxpayers.

To pass this amendment is to take the first real step toward reversing our World War II military procurement climate that so strangles our national budget and our weapons systems selection process today.

[From the Washington (D.C.) Sunday Star, June 7, 1970]

C–5A MONEY TROUBLES OBSCURED OVER YEARS

(By Stephen M. Aug)

Despite growing financial and technical problems designing and building the controversial C5A jet transport plane, Lockheed Aircraft Corp. continued issuing mostly rosy reports to its shareholders, a two-volume Securities and Exchange Commission staff investigative report indicates.

The 198-page report, the product of more than a year of intensive investigation, strongly hints also that the Air Force in at least two instances kept quiet about problems it had uncovered in the C5A program in order to protect Lockheed's financial situation—and in particular the price of Lockheed stock.

In one case, after the Pentagon had issued

a "cure notice" on Feb. 1, 1967—in effect advising the company to cure deficiencies in the plane or the contract would be cancelled—the Air Force prepared, but never made public, two press releases on the matter.

And in spring 1968, the Air Force ordered kept out of widely circulated reports on the C5A its own estimates that Lockheed "will over-run the ceiling price of the contract by a significant margin, that is, they will encounter large monetary losses on the program."

ACTION EXPLAINED

The Air Force said it never made its estimates public because they were estimates only—and if they eventually proved wrong after wide publicity, the Air Force would be accused of acting irresponsibly. The study which produced the estimates bore the notation they were considered "extremely sensitive in view of adverse publicity and stock market implications."

The investigative report is the basis on which the SEC has decided to conduct a wide-ranging proceeding into questions concerning the adequacy of disclosures made to share holders and other investors with respect to costs incurred on major defense contracts.

The report details transactions by 16 corporate insiders in Lockheed stock—but the staff has made no conclusions that these transactions were made in violation of SEC insider rules. The commission itself has found no such violation.

A section of the report on "disclosure," however, details the publicity Lockheed gave to the C5A as the years wore on and as the company began to suffer from the effects of what was a radically new concept of aircraft procurement contract. The report does not say the company violated any SEC rules.

Lockheed won the contract in September 1965 to design and build 58 jet transports. The contract was to extend six years, and the Air Force had the option of buying an additional 57 aircraft between January 1969 and March 1972.

Lockheed won the contract on the basis of its substantially lower bid than either of two competitors: $1,714 million. Boeing Aircraft Co. had bid $2,014 million and Douglas $1,793 million. The Air Force said Boeing's entry was a better design.

"Lockheed wanted this contract badly and apparently knew they had to come in with a low bid to get it," the SEC report says. As a result, they cut estimates sharply—but figured the firm still would make a profit of 3 percent of costs.

In the year following, problems arose and costs soared from the original $1.3 billion projected to more than $2.4 billion by mid-1968, and far more later. This not only wiped out the anticipated profit, but imposed on Lockheed the possibility of very significant losses.

In early 1969 the estimated loss was reduced after the Air Force decided to buy some additional planes, but the SEC says "there is sitll potential for incurring a substantial deficit on the program." Estimates of the deficit ranged from $500 million to $640 million

STATEMENTS TRACED

The SEC investigative report traces Lockheed's public statements chronologically.

In the 1965 annual report, Lockheed noted it had won the largest single military transport contract ever awarded. It was the first of its kind, and made Lockheed wholly responsible for technical, schedule and price performance. In fact, Lockheed had to meet specifications 100 percent, compared with the long-standing practice of meeting more generalized goals.

In the 1965 report, the SEC noted there was no mention of early technical or inflationary problems "which had surfaced at that time, but the impact of these was probably unclear so early." Lockheed did not disclose the anticipated rate of profit.

In mid-1966 Lockheed announced unveiling of the first full-scale mockups—but made no mention of substantial redesigning activity, other than that the size had been increased slightly.

The 1966 annual report—being put together after the company had been threatened with contract termination—contained a notation in the financial statements that it had been notified that action must be taken to assure there would be no default on performance. It noted that lead-time problems had increased.

THREAT ISSUED

In March 1967 Lockheed filed with the SEC a registration statement to issue $125 million in debentures. The Air Force threat had been issued Feb. 1, 1967. The underwriter was notified of it Feb. 17.

The prospectus included two brief mentions of the C5A which gave some indications that problems had arisen. The SEC staff questioned whether the two brief paragraphs adequately described the Air Force notice.

In addition there was no mention of technical problems and related cost over-runs "which had been experienced to date, of cost increases . . . caused by economic factors in the industry and in the economy as a whole, of increases in labor and overhead rates . . . of schedule uncertainties . . . of the fact not only had the engineering task been uncertainties . . . of the fact not only had the engineering task been underestimated" but there were problems in tooling and concern over production. Nor was indication given of financial problems.

Reports to shareholders in mid-1967 included information on progress, but "there was no indication of production cost problems having arisen."

The 1967 annual report was dated March 15, 1968, a few days before Air Force officials briefed Lockheed that according to their estimates the company "was in a substantial loss position" and three weeks before the company told the Air Force it was estimating a small loss.

The cover of the report showed the roll-out of the first C5A, the report included praise by some of those present at the ceremony; the plane was reported on schedule: first sales in 1967 were $117 million; sales for 1968 would be nearly $500 million.

SILENCE ON COSTS

In May 1968 an interim report to shareholders made "no mention of any cost problems."

In July 1968 a semiannual report to shareholders included a picture of the first flight and quotes by outsiders at the first flight. "No mention was made that by this time Lockheed was projecting a substantial loss if it did not" get an additional order for planes, and that even if it did get the additional order, "considerable loss might be incurred." The same report said five C5A's were scheduled for 1968 delivery, and second half sales would increase substantially. "No mention was made of the fact that the company was planning on booking these sales at zero profit because of cost increases," the SEC said.

By the time the 1968 annual report was issued, a note in the financial statements indicated the company might not realize a profit. The note said that in January 1969 the Air Force had exercised its option to buy an additional 57 planes—a total of 115—and on that basis "no loss is anticipated."

But in 1968 the Air Force was projecting a $285-million loss on the 115 planes. The SEC report said: "The Air Force was projecting a loss of $500 million on the 83-aircraft program. Lockheed was still predicting break-even." The Air Force now says it needs only 81 of the planes.

The SEC staff said the 1969 statements of the company "include a much more complete picture of the real level of the contingencies involved." The 1969 report, while still contending the company will break even, reflects a possible pre-tax loss of $500 million to $640 million based on the C5A program only, while no potential loss was given for 1968.

[From the Wall Street Journal, May 28, 1970]

AILING LOCKHEED URGED BY PENTAGON TO SEEK BANK AID, MERGER AS WELL AS FEDERAL HELP

WASHINGTON.—The Pentagon told Congress that it hasn't yet found a solution to Lockheed Aircraft Corp.'s tough financial problems.

But Deputy Defense Secretary David Packard stressed that it will require private as well as Federal assistance to enable the defense contractor to get back on its feet and continue major military projects.

Testifying before the Senate Armed Services Committee, the Pentagon's No. 2 man declared, "It isn't my intent today to present to you a resolution for the Lockheed financial predicament as much as I would like to do so." But, he added, "I recognize the necessity to segregate (Lockheed's) commercial from Government business, and I am convinced that no resolution can be achieved short of bankruptcy and reorganization under Chapter 10 of the Bankruptcy Act, without financial support from the private sector."

Therefore, Mr. Packard said he had urged Lockheed's management "to seek financial assistance from the banks and even through merger in order to preserve their capability."

"Even with the most favorable resolution of the Government contract problems that I could consider at this time," Mr. Packard said, the company would find itself short of cash unless it also got private help.

MERGER ALTERNATIVE LISTED

"The most desirable course, therefore, is for the company to seek additional financial strength through commercial channels," the Pentagon official said. "The alternatives would include a merger with a strong partner, substantial additional underwriting of their financial requirements by commercial banks or investment bankers."

Lockheed is currently "in the process of exploring" these alternatives, Mr. Packard told the Senators. He said, "It will take a month or two, at least, for them to cover the possibilities which might be available."

On March 2, Lockheed told the Pentagon that it would have to halt work on four major defense programs within one year unless it received more than $600 million of interim financing. The programs are the C5A cargo jet for the Air Force, engines for the SRAM missile for the Air Force, the Cheyenne helicopter for the Army and several shipbuilding projects for the Navy.

In Burbank, Calif., a Lockheed spokesman said the company has been and is continuing to explore possibilities of securing additional financing from the private sector. The company said it was pleased that "Under Secretary Packard underscored the critical importance of continued Government financing of the C5A and specifically that he stressed the absolute necessity of the $200 million contingency in the military authorization bill for C5A progress payments in the 1971 fiscal year."

Mr. Packard asserted that Lockheed's "financial crisis" is complicated by the fact that it is having problems with its commercial "air bus" as well as with its military programs—a point that was made last week by Sen. Proxmire (D. Wis.), a frequent critic of the defense contractors. Lockheed has denied problems with the air bus.

In yesterday's testimony, Mr. Packard said he has stressed to Lockheed's creditors that "no Government funds can be allowed to flow

into the air bus program and that this and other commercial programs must be financially supported from private sources."

C–5A PROGRAM

Discussing the C–5A program, which is at the heart of the company's problems, Mr. Packard said that unless Congress approves the Administration's request for $544.4 million for the year starting July 1 it "would, in effect, be curtailing the C–5A program." Of this amount, $344.4 million is required for prior-year unfunded production obligations (with $296 million going to Lockheed) and the $200 million is for "contingencies," according to the Pentagon.

"Under any possible solution to the Lockheed problem which I can now see, the $200 million will be required for work which must be done" in fiscal 1971, Mr. Packard said. "I can assure you that there is no possible solution in which these funds wouldn't be required except that involving the termination of the C–5A program."

However, Mr. Packard promised the Senators that "actual use of the $200 million will occur only after the Lockheed problem has been defined and the proposed solution reviewed with the appropriate Congressional committees."

Noting that the Government already has over $2 billion invested in the C5A program, Mr. Packard said that a cancellation at this point would mean that "we would have about 20 planes for that money." Abandonment of the program now, he suggested, "would appear illogical in light" of the fact that so much of the early money went for research and development rather than the planes themselves. And the Deputy Defense Secretary said the Air Force needs the "airlift capacity" the C5A will provide for the rapid deployment of Army divisions.

CRITICIZE DESIGN, COST

At the same time, however, Mr. Packard offered the most critical assessment of the C5A by a Pentagon official to date—declaring that "a better design and a lower cost should have been possible."

In its latest annual report, Lockheed asserted that the C5A "is meeting or exceeding performance guarantees." Yet Mr. Packard said the Pentagon has "encountered technical problems in three areas"—structures, landing gear and electronic systems. Pending completion of testing, the defense official said that the C5A's maximum gross weight will be restricted to 712,500 pounds (compared with the anticipated 728,000) and the payload to 174,000 pounds (compared with 220,000).

"We may decide to accept some modification of the operational requirements," Mr. Packard said. "The decisions in this area must be made with a strong emphasis on cost." He added that it probably won't be possible "to hold the contractor responsible to meet all of the contract specifications" because "he doesn't have the financial capability to do so with his own resources."

If the Government decided to pay for additional development work, Mr. Packard said, "I am sure we will find" that some of the electronic systems requirements "in hindsight weren't needed."

Nevertheless, Mr. Packard expressed confidence that these problems can be corrected without compromising the basic mission of the aircraft."

Turning to other Lockheed projects, Mr. Packard made these points:

—Development should be continued on the Cheyenne helicopter, which ran into rotor problems, to enable the Pentagon "to make cost and performance analyses with helicopter systems already in our inventory."

—Lockheed's claims for extra money for its shipbuilding programs should be processed through established procedures and "not treated in an unusual manner" because of the company's financial troubles. In the past two weeks, claims for $46 million were settled for $17.9 million; others are still outstanding.

—Claims under the SRAM missile program, for which Lockheed Propulsion Co. is a subcontractor for the motor, will be resolved through established procedures by the Armed Services Board of Contract Appeals. The Pentagon won't deal directly with Lockheed to avoid undermining its relationship with the price contractor, Boeing Co.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. SCHWEIKER. I yield.

Mr. PROXMIRE. I congratulate the Senator from Pennsylvania on his very forceful and effective statement about the amendment.

I was especially impressed with the great emphasis he put at the beginning of his speech on the fact that, on the basis of the judgment of the Air Force, we do not owe this $200 million to Lockheed at all. There is no legal basis for providing these funds except as a grant. Is that not correct?

Mr. SCHWEIKER. The Senator is correct. The Air Force has admitted this time and again before our committee, and that is the irony of the situation.

Mr. PROXMIRE. So what we are doing here is giving them $200 million of the taxpayers' money—giving it to them. This is in spite of the fact that this was a contract that had a target price. It had a ceiling price far above the target price. In addition, it was revealed this morning in the Washington Post—and I am going to discuss this in some detail in my speech—that there was a further adjustment even above the ceiling price of more than $200 million. On top of that, the committee would propose that we give this defense contractor an additional $200 million, and, furthermore, that this is just the beginning—that they are going to get $800 million above the contract, even as the contract fattened and generously interpreted by the Air Force, before we get the 81 planes. Is that correct?

Mr. SCHWEIKER. I think that is a very important point; because, actually, the $200 million is only a starter—it is only an ante up the ladder—because DOD now says, "Even though we owe them nothing more, we are going to have to pay them at least $800 million more to keep them solvent"—$800 million. That still could be in dispute, because Lockheed says that they need something like $600 million.

So we are really going to raise the contract perhaps another billion dollars. No one seems to be concerned about it.

I want to say to the Senator from Wisconsin that he has expended a great amount of effort and pioneer work and factfinding, and conscience searching as well, on this whole problem. I congratulate him on his efforts and am pleased to join him today in what I hope will be a mutual effort to alert the people of this country as to what is happening in the procurement system. I highly commend the Senator from Wisconsin for his leadership in this area.

Mr. PROXMIRE. I thank the distinguished Senator from Pennsylvania. I think that all of us here were surprised when we found Congress was about to go along with the administration to give $200 million to Penn Central. After it was given more consideration by Representative Patman and others, the administration backed down and decided it was better to let Penn Central go into bankruptcy.

People then said, would the trains run on time, or even be able to operate, or would people be thrown out of work?

What happened?

The $200 million was not given to Penn Central. It did go into bankruptcy. The trains have not been interrupted even by one single hour, let alone a week, a day, or a month. No jobs have been destroyed. It has been handled according to law and without government largess—and, most important, it has been handled without precedent, a precedent that would have haunted this body and Congress as a whole for years.

Now, if we are going to give $800 million or $1 billion to the biggest defense contractor in the country, because they say their costs run too high, where do we draw the line?

THE SAGA OF THE C–5A—WHY THE PROXMIRE-SCHWEIKER AMENDMENT SHOULD BE PASSED

Mr. President, the conditions tied to the $200 million contingency fund for the C–5A in the military procurement bill do not protect the public interest.

This is especially true if Lockheed Aircraft Corp. carries out its threat to default on its contract with the Air Force.

The lack of tough conditions on the $200 million fund is just another example of the Pentagon's penchant to roll over and play dead in the face of complaints from Lockheed.

Let me summarize the current situation. The Government has paid Lockheed everything it has coming under the contract. The Air Force claims that it owes Lockheed no more. But the Pentagon proposes in this bill to pay them $200 million anyway. Lockheed claims the Government owes them the money on the C–5A but refuses to make public their cash flow and other financial data so that a reasonable judgment can be made The least the Senate should ask is to know that that money is necessary, or are we going to give them the $200 million on their word?

Lockheed threatens to default on the contract if the money is refused, in which case, the company says, subcontractors would go under, employees would be fired, and the company would fold.

The amendment which my cosponsors and I are offering would see to it that, first, the planes were finished and delivered; the subcontractors kept whole, and, finally, the workmen kept at their jobs building the C–5A's. We say, if Lockheed deserves the money, give it to them if they have it coming. Right now the Armed Forces Board of Contract Appeals has the Lockheed claim before it. The appeal has been there since early this year, and it should be decided quickly since this is an administrative board. If the board determines that Lockheed does not have the money coming to it, then two events could occur. The company would still be able to finish the contract—and we have no hard evidence they could not—or the company would default on their contract. In the event of a default, our amendment would keep

the plant open and get the 42 planes built.

As matters stand now, the bill proposes to give Lockheed $200 million, which the Air Force says it does not owe. Our amendment attaches conditions to the money to insure that the interest of the Government, the taxpayers, and the men in the plant are protected before this huge amount of money is paid out.

I think this must be done if our stewardship responsibilities are to be discharged. This is a watershed decision, a precedent which will affect the Government's dealings with contractors for years to come. In view of the importance of the decision facing us, I believe it would be worthwhile to review the history of this program to put our current problem in proper context.

Mr. President, the history of the C–5A has been marked by concealment and attempts by the Pentagon and its principal contractor to mislead the Congress and the taxpayers. On November 13, 1968, the previously concealed $2 billion overrun was revealed in the course of hearings before my Subcommittee on Economy in Government. Since that time, we have persisted in our attempts to get the full facts on this disastrous program. We have had a difficult time.

FIRING OF FITZGERALD

The Air Force witness who confirmed our staff's initial estimate of the huge C–5A overrun was isolated, stripped of his major responsibilities, harassed, and finally fired for his testimony. The Air Force tried frantically to repudiate the testimony and to discredit the witness. However, subsequent events proved that the testimony of this witness, Ernest Fitzgerald, was accurate and conservative.

We learned that a party line was concocted in the Air Force to minimize the C–5A difficulties in order to avoid jeopardizing Lockheed's $125 million bond issue. It was revealed that the Air Force's own internal cost reports were falsified in order to protect Lockheed's stock market position.

STRUCTURAL DEFECTS

In the course of our inquiries, we learned that the structural integrity of the C–5A had been suspect since late 1966. That is the bill itself. Meanwhile, the Pentagon had been claiming, indeed boasting, that the aircraft exceeded all specifications. We learned that they were able to make this claim only by reason of the fact that the specifications had been reduced to match the expected lower performance of the contractor's product. Our requests for full disclosure of the technical status of the aircraft were evaded by the Pentagon. Later my colleague on the Subcommittee on Economy in Government, Congressman WILLIAM MOORHEAD, learned that even the reduced specifications were not being met by the aircraft when they were accepted by the Air Force.

OUTCOME PREDICTED LAST YEAR

Last year, I introduced an amendment to the Defense Procurement Authorization bill aimed at requiring factual analyses of the C–5A program. I thought that we should do this before authorizing the first installment of what appeared to be a blank check for further purchases of this extremely suspect airplane. During the debate on my amendment, I presented what I thought were compelling arguments for delaying the ruinously expensive pig-in-a-poke commitment proposed by the Pentagon. I have no desire to embarrass the Senators who argued against me at that time, but I invite them to reread last year's debate. I argued that by the end of 1970, all the funds owed to the company would be used up; that the planes would not be built; and that they would be back for added money. Of course, that is exactly what happened.

The record is clear. Anyone can make a mistake. The Senate made a mistake on the C–5 issue last year. Not only were hundreds of millions of dollars wasted in the unhappy decision, but to make matters worse, we appeared to be rewarding the perpetrators of deception and poor stewardship.

It is clear that we have been and are dealing with a highly organized and deliberate concealment and evasion of facts by the Pentagon. In fact, documentation of this situation is now so overwhelming that the purpose of the Pentagon's evasion and deception is showing through. Clearly, they are putting the immediate financial welfare of a giant, favored contractor ahead of the interests of the hard-pressed taxpayers. In my opinion, they are putting the welfare of existing contractor management groups ahead of true defense capability. Every attempt by conscientious civil servants and military officers to bring the runaway C–5A costs under control has been blocked by top officials at the Pentagon. For an excellent account of this shabby affair, I call attention to the article entitled "The Lockheed Scandal," by James G. Phillips, in the August 1, 1970, issued of the New Republic.

Mr. President, I ask unanimous consent to have this article printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

THE FREIGHT TRAIN IN THE SKY

Mr. PROXMIRE. Mr. President, Senators opposing my amendment last year predicted dire consequences would result if we held up additional planes until making the cautious and factual review I have proposed. In place of the orderly, systematic review so clearly dictated by the facts at that time, we had instead a largely rhetorical and emotional defense of the "Great Freight Train of the Sky." On this basis, the opponents organized the overwhelming defeat of my amendment.

Only a few months later, the disastrous cost increases so accurately predicted by my staff forced the Pentagon to reduce the planned quantity of C–5A's from 115 to 81. Bit by bit, news of the severe technical difficulties in the program sifted through the Pentagon's elaborate information barrier. Slowly but surely, the Congress and the hard-pressed taxpayers realized that they had been conned again. The miracle of military procurement was another disaster.

LOCKHEED THREATENS DEFAULT

Early this year, my staff learned that Lockheed was threatening bankruptcy as a means of enforcing their demands in negotiations with the Pentagon. On February 27, I wrote to the Air Force to ask them to stand firm against this tactic. On March 4, the Air Force denied knowledge of the bankruptcy threat. On March 5, the next day, Mr. Packard, the Undersecretary of Defense, essentially confirmed the situation, disclosing that Lockheed had threatened suspension of work on vital military programs if their demands were not met.

Once again, my staff and I were suspicious. Despite the obvious and growing financial catastrophy for the taxpayers, we could see no reason in the military programs for an immediate cash problem, given the Pentagon's generous practice of paying giant contractors progress payments based not on their progress, but rather on costs incurred.

The Senator from Virginia (Mr. BYRD) brought out on the floor that we paid them, not, as I suspected, 90 percent progress payments, but 100 percent. Therefore, on March 10, I wrote the Comptroller General, asking him, among other things, to provide me an analysis of Lockheed's cash flow on all their major programs, military and commercial. It seemed clear that programs other than military projects were contributing to Lockheed's current cash bind.

Again, the Pentagon stalled. They pleaded ignorance. They pretended not to know what we were talking about when we asked for this most elementary of financial analyses, one required by every prudent smalltown banker as a precondition for a business loan. Any smalltown banker would require a cash flow before making a modest loan. I have learned that this form of evasion is standard practice in the Pentagon, and is known as the idiot treatment in their colorful jargon.

After weeks of delay we were told that, although the Pentagon did not have a cash flow analysis for Lockheed's programs, one would be provided. Incidentally, we were shocked to find that they did not have a cash flow on their biggest contract, one of the big firms that does most of its business with the Defense Department. Yet the Defense Department did not know the cash flow of this firm, on which they depend for so many weapons, although it was so critical that we would follow through. The promised delivery date came and went, and still no cash flow. After further delay, we were informed through the GAO that the cash flow was available but that we could not see it. When I pressed for an explanation, Mr. Packard sent two Assistant Secretaries of Defense to explain the situation to my staff and me.

PUBLIC DENIED CASH FLOW DATA

The discussion with these two gentlemen, Mr. Moot and Mr. Shillito, was most revealing. Why were we denied the cash flow? Simple. Lockheed did not want us to have it. Apparently, the U.S. Congress is expected to cough up money as directed—never mind what for. Mr. Moot did tell us that the Pentagon would guard against diversion of the military

bailout money to commercial programs, but he could not explain how this protection could be accomplished. Finally, Mr. Moot acknowledged that the immediate cause of Lockheed's cash difficulty was their commercial program, the L–1011 airbus. The Air Force conceded that the commercial program was the cause of their difficulty. Our worst suspicions were confirmed.

Once again, the Congress was made to appear foolish. Once again the taxpayers were to be asked to pony up. And what for? Although there are vague military overtones to the latest request, it is crystal clear that the overriding consideration is the fact that Lockheed said it needs the money.

I have no particular antipathy toward Lockheed. As a matter of fact, I suspect that the proposed public bailout of Lockheed is often repeated in the Pentagon's obscure and convoluted dealings with other giant suppliers. We simply know more about the Lockheed disaster than most other similar situations due to the wholesome effect of systematic and persistent congressional inquiry. Moreover, I have only sympathy for the employees and stockholders who would suffer if their management's mistakes are not made good by the Government. I would even favor sensible measures to soften the blow for innocent victims of this and similar management disasters.

MEANINGLESS CONTRACTS?

On the other hand, where do we draw the line? Are contracts with giant firms meaningless? Are they the new royalty, immune from the consequences of their actions? Must we deprive other segments of our population in order that pets of the Pentagon may be protected from the realities of our American business system?

If we subsidize Lockheed's commercial programs or its mistakes on military programs, even indirectly, how can we deny others? I am told that more than 400 contractors requested bailouts soon after the Pentagon's sympathetic reception of Lockheed's plea. There are dozens of firms, large and small, in my home State of Wisconsin who are having a difficult time, some losing large amounts of money. Are they less deserving or less important than Lockheed? Should the Government make good their losses?

I intend to do all I can to see that we retain at least a semblance of free-market motivation in our dealings with giant military contractors.

Any attempt to make substantial reductions in the funds for giant contractors will be strongly opposed not only by the Pentagon, but also by immensely powerful and influential business interests, who in turn have demonstrated their influence over the Congress. There has already been the disastrous decision to approve blindly the funding for Run B, the second buy of C–5A's. Political support for continued handouts to giant firms is very strong.

Nonetheless, on behalf of Senator SCHWEIKER and myself and the following cosponsors, Mr. YARBOROUGH, Mr. BROOKE, Mr. YOUNG of Ohio, Mr. EAGLETON, and Mr. GRAVEL, we are proposing what we believe is the minimum protection which the Senate can, in good conscience, give the taxpayers. Our amendment takes no money at all from the bill. The $344,400,000 to pay for past deliberately concealed overruns is left intact. The $200 million Lockheed slush fund which the Air Force says it does not owe is still in the bill.

NO NEW PLANES PROVIDED IN BILL

Unhappily, the $622,200,000 of C–5A funds in the bill does not authorize a single additional plane. Speaking bluntly, it is simply this year's payment on the enormous but as yet undefined total bill for bungling on this disastrous program.

The first major provision of our amendment is intended to protect the taxpayer in the event the Pentagon decides to take a dive, or throw the game, in negotiations with Lockheed. This may appear to be an overly harsh and suspicious view, but the record proves it is justified.

HISTORY OF AIR FORCE LENIENCY WITH LOCKHEED

We now know that the Pentagon relaxed many technical aspects of the C–5A contract. We now know that the Air Force initiated the proposal to convert Lockheed's C–5A contract to cost-plus, a move which would remove contractual restraints on Lockheed's free-spending habits. According to reports in trade and financial journals, Mr. Houghton, Lockheed's Board Chairman, and Mr. Kotchian, its President, have expressed confidence in their ability to negotiate cost-plus arrangements with the Pentagon on both the C–5A and the Cheyenne helicopter. Their confidence is well justified, given the Pentagon's generous and permissive attitude toward this giant firm.

Moreover, new evidence keeps surfacing which further confirms the Pentagon's willingness to shave points in the legal game with big firms. Recently, another example was brought to my attention by several young men who have spent the summer studying military contracts. These young men are Vince Darago, Larry Burgess, and Bob Creecy, all engineering students at MIT, and David Taxin and Alan Schwartz, law students at George Washington. They uncovered documentation which proved that the Air Force had generously revised the C–5A contractual language in such a way as to give Lockheed a legal advantage which, on the basis of 115 planes, would have amounted to hundreds of millions of dollars.

This obscure, complicated, and hitherto undisclosed change affected the C–5A repricing formula which proved so unwise. As a matter of fact, it compounded the folly and did so after the full and highly expensive implications of the golden handshake formula were well known, at least in the Pentagon. For those interested in the legal details, I ask unanimous consent that both the original and revised contractual language be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 2.)

CHANGE NETS $295 MILLION ON ORIGINAL ORDER

Mr. PROXMIRE. This change, which apparently was made voluntarily by the Air Force on January 18, 1969, cost the Government $295 million for the 115-plane program, according to the Air Force's own analysis, which was uncovered by my staff. Based on this analysis, Lockheed would have lost $580 million prior to the approval of supplemental agreement No. 235 on January 18, 1969. Subsequent to the Air Force's generous sweetening of the golden handshake formula, their own analysis showed the then-estimated loss reduced to $285 million, a difference of $295 million.

Mr. President, I ask unanimous consent that a copy of the Air Force cost analysis also be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 3.)

Mr. PROXMIRE. Mr. President, I also ask unanimous consent that an article by Bernard Nossiter in this morning's Washington Post on this matter be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered. (See exhibit 4.)

GIFT OF $240 MILLION FOR 81-PLANE ORDER

Mr. PROXMIRE. How does this supplementary change affect the present 81-plane program? According to the calculations the supplementary change will mean at least $214 million to the company which they otherwise would not have coming to them.

Put the other way around, the Government's liability to build 81 planes would be at least $214 million less than the Government now agrees it owes under the contract.

If it had not been for this supplementary change, instead of the Government now owing $344.4 million under the contract and providing additional funds of $800 million which it does not owe, the Government would owe only $130 million under the contract and we would be asked for $1.014 billion over and above any amounts owed by the Government in order to produce 81 planes.

In other words, in addition to the $800 million, which the committee in its report calls on Congress to give Lockheed above the contract, we would be asked to provide an additional $214 million above the contract or $1.014 billion.

The second major provision of our amendment would facilitate continued production of C–5A's in the event of bankruptcy proceedings cost the Nation the services of Lockheed's present management. This provision should also allay the fears of those who are concerned about the unplanned adverse employment aspects of bringing C–5A costs under control.

Lockheed has threatened to default on its contract. Our amendment makes certain that if the company does that, that the employees and the taxpayers will not suffer from that act of the present management. We direct the Secretary of Defense to take actions to build the planes and to protect the Government's interests.

Finally, our amendment provides for

a GAO study of the financial capability of the C–5A's prime contractor to meet his contractual obligations.

Opponents of our amendment have charged that it is a deliberate attempt to force Lockheed into bankruptcy and thereby throw thousands out of work.

LOCKHEED THREATENS DEFAULT

Nothing could be farther from the truth. It is Lockheed that threatens to default. That was disclosed in a letter from Lockheed to Secretary Packard on March 2, 1970. Under our amendment, Lockheed should have no trouble whatsoever getting all the money due them if they have a sound legal case. The case does not have to be considered by courts of law. Our amendment provides that they can get their money if the Armed Services Board of Contract Appeals—ASBCA—rules they are right. Now, the ASBCA has had the Lockheed case for months, since January 9, 1970. The ASBCA is staffed by DOD personnel and is under the administrative control of the Pentagon. Mr. Packard, the Deputy Secretary of Defense, has said that the Lockheed case would receive top priority. Under these circumstances, I see no legitimate reason for further stalling on the ASBCA decision.

Far from forcing thousands of people into the ranks of the unemployed, our amendment would clear the way for rapid relief measures in the event ASBCA decides against Lockheed and Lockheed's financial condition does prove as desperate as has been pictured for us.

I should reemphasize that we do not really know what Lockheed's financial outlook is. We have been told by them, they are in dire financial straits and that we must now begin making payments on the bailout bill. At the same time, Members of the U.S. Senate are brazenly told that they cannot see the really pertinent cash flow analysis. Why? Can any Senator tell me why the Senate is being asked to authorize hundreds of millions of dollars in bailout money, and at the same time is denied public access to the elementary financial justification?

$200 MILLION ON A WHIM

The situation is outrageous, particularly in light of the record of systematic deception on this scandalous program.

Finally, some opponents of our amendment have tried to stampede the Senate into blind approval of the Lockheed bailout fund by picturing Lockheed's threat to go bankrupt in the blackest possible terms. This is a scare tactic. It was tried, unsuccessfully, I am pleased to say, in the case of the Penn Central bankruptcy.

It is true that Lockheed's Board of Directors could choose to liquidate the company if they decided to file for bankruptcy. It is true that they could choose to lay off all their employees and stop production on the C–5. The important point, however, is that these dire actions would be Lockheed's choice. That is their threat, not ours. They are the ones threatening to default.

They could also file for reorganization under the bankruptcy procedures. This is the option available for those who wish to try to continue business operations under the protection of the bankruptcy procedures. Under this option, it is doubtful that anyone other than a handful of top management people would be subject to undue risk of losing his job.

REORGANIZATION IS REAL OPTION

In any event, if Lockheed's board of directors should decide—and it would be their decision—to reorganize under the protection of the bankruptcy procedures, the great bulk of their employees would carry on as usual. As you know, this was true in the case of Penn Central, where such dire effects were described by those who tried to panic the Congress. Production of the C–5A could continue. To the extent that more money would facilitate this process, our amendment would help, not hinder. Our opponents are dead wrong here. This is true because our amendment would specifically approve the use of these funds in advance by a trustee in the event the company carries out its threat to go bankrupt. The pending bill does not do this.

Moreover, we are not at the mercy of Lockheed's decision as to whether or not production of C–5A continues. If continued production of the C–5A is threatened by bankruptcy or default, the Secretary of Defense can assure continued production under the very considerable powers he already has and the provision of our amendment stating that the Secretary of Defense shall take all appropriate measures to insure that first, the financial interests of the United States are fully protected, and second, priority is given to the expeditious completion of the C–5A aircraft contract, in the event the contractor carries out the threat to default and to go bankrupt.

The Secretary will have the power if he chooses to use it. It is a matter of choice. The Secretary of Defense can choose to let a disastrous situation get worse, or he can choose to bring order out of the chaos. It is up to him. Our amendment leaves him all the money he has requested to finance the decision he makes, if a trustee states that the funds are needed to build the 42 planes and keep the men at work.

I cannot leave the subject of misleading statements without commenting on the discussion of the effect of additional numbers of aircraft on unit costs of C–5's. This discussion is summarized on page 18 of the Armed Services Committee's report on this year's military procurement bill. In addition to the tenuous assumption that all the costs of future procurement of C–5's are now revealed, the computation ignores the value of work in process in computing the cost of completed aircraft and incremental costs of additional aircraft. Clearly, even if the administration were to decide to cut off production of C–5's short of the 81 airplanes now ordered, it would not be necessary to allow uncompleted airplanes to corrode and gather cobwebs where they stand. If the Air Force knows the status of the work in process, it should not be an overwhelming problem to negotiate a reasonable completion cost with either Lockheed or a successor tenant of the Government-owned C–5A assembly plant. Moreover, the detail fabricated parts not needed to complete partly assembled aircraft would be diverted for spares, thereby reducing this amorphous but enormous requirement.

I am certain that this analysis was provided by the Air Force and I would hope they would provide a supplementary analysis which recognizes the important factor of work in process.

Whatever the final decision on quantities of C–5's finally bought, it appears that the average price for each of the 42 airplanes will approximate the cost of the Rayburn Building. I cannot help but wonder how Senators would justify to their constituents the acquisition of two new Rayburn buildings each month.

MODEST AMENDMENT

In conclusion, I wish to point out once again the modest nature and reasonable conditions provided by the amendment we are offering. It does not seek to rectify last year's blunder which will result in blowing more than a billion dollars of the taxpayers' money. It does not deny this year's installment of $622,200,000 get-well money. It in no way impedes—indeed it facilitates—continued production if the company carries out its threat to default. This is true even though the Pentagon has never furnished the factual, objective, military justifications for the quantities of the aircraft ordered.

The fact is, as our colleagues in the House of Representatives have pointed out, the bill this year authorizes no new airplanes at all for the enormous amount of money. By and large we are buying "overruns" this year—not airplanes.

The amendment does provide minimal protection against a repetition of the Pentagon's ingrained habit of caving in when negotiating with a giant contractor. It does facilitate continued production in the event Lockheed's long-threatened bankruptcy takes place. It asks the GAO to make a review of Lockheed's financial ability to produce C–5A's, hopefully to provide the Congress with basic financial facts we should have had long ago.

PRESERVE GOVERNMENT INTEGRITY

Perhaps, most importantly, I believe adoption of our amendment will help restore the integrity and independence to the U.S. Government. Increasing numbers of our citizens believe that by our unwillingness to act, the U.S. Congress becomes a party to the concealment, deception, and rank disregard for our national resources that have marked the C–5 and other Pentagon procurement scandals. Our amendment offers Senators a chance to demonstrate to our citizens and taxpayers that we intend to carry out our constitutional functions when the purse strings of the U.S. Treasury are involved.

EXHIBIT 1

WHAT REALLY HAPPENED—THE LOCKHEED SCANDAL

(By James G. Phillips)

Air Force Colonel Joe Warren, a crusty cost-efficiency expert, was unmoved by Lockheed Aircraft's attempt to snow him over its C–5A jet transport program. Lockheed's briefing, he wrote Air Force headquarters almost four years ago, was "like seeing the rerun of an old movie—the plot still has drama and suspense, the script was excellent, the acting superb, but the outcome will be the same as it was the first, second or tenth time it was

shown. The contract costs will be exceeded." Warren was right. With the Air Force refusing to impose tough cost discipline on a favored aerospace contractor, Lockheed has run up one of the most whopping cost overruns ever experienced on a weapons procurement program. Worse still, there's been no change in the inner workings of the military-industrial complex, which precipitated the C–5 disaster.

New evidence I have obtained indicates that at least $1.5 billion of the $2-billion C–5A overrun was clearly avoidable. In the first place, the Air Force gave Lockheed the contract (probably for the sole reason of keeping the company in business) despite known deficiencies in its design proposal that were sure to lead—and did—to expensive redesign work. Even then, much of the overrun might have been salvaged if the Air Force had clamped down on excessive plant overhead rates and blatant inefficiency on the production line. But despite the early warnings by Col. Warren and other cost experts, top Air Force brass and bureaucrats swept these problems under the rug. At every stage, the Air Force's primary interest was in concealing the problem, not solving it.

The C–5 program was destined for trouble from the beginning, and here's why: the contract, signed in October, 1965, contained a novel provision permitting Lockheed to come in with a low bid to land the program, with the virtual assurance of getting bailed out later by the government in the event of trouble. This provision was called the "repricing formula" by the Air Force and later the "golden handshake" by critics. It allowed the company to offset at least part of its losses on Production Run A of 58 aircraft by recomputing the price agreed on earlier for Run B of 57 planes. Although the second run would be undertaken at the option of the government, it appeared almost certain that the Air Force would want the extra planes and more. Air Force long-range airlift plans called for a 120-plane, six-squadron program. The other five planes would be procured from Run C—another option for the purchase of up to 85 planes at a price to be negotiated later.

The "handshake" clause, based on an extremely complicated mathematical formula, provided essentially that if actual costs of Run A exceeded the original contract "target cost" (contract price less profits) by more than 40 percent, target cost of Run B (set at $490 million in 1965) would be increased by approximately $1.25 for every additional dollar spent on Run A above the 40-percent cost growth mark. Cost increases of less than 40 percent would be financed as follows: for increases of 30 percent or less, Lockheed and the government would share responsibility, with the government paying 70 percent. Lockheed's share would be applied against its projected Run A profits of $128 million, which would be evaporated once costs rose by more than 30 percent. If the Run B option weren't exercised, Lockheed would bear full responsibility for all cost growth over 30 percent. But if the Air Force bought Run B, the "golden handshake" would go into effect once growth passed that mark. For cost increases of 30 to 40 percent, the handshake would reimburse Lockheed 87 cents on every additional dollar it spent, and above 40 percent Lockheed would get back $1.25. (Both the 87-cents and $1.25 formulas, however, were pegged to the number of aircraft ordered under Run B, and lesser amounts than those would be paid if the government bought less than 32 of the Run B planes.)

Once a 40-percent cost increase appeared likely, the handshake loomed as a reverse incentive encouraging Lockheed to be less efficient. At this point, it would be in the company's interest to run up even greater costs on the initial production run in order to make 25 cents profit on every additional dollar it spent. Because of the sharing formula on the first 40 percent of extra costs, the cost growth would have to be astronomical before the handshake could turn Run A losses into an overall profit on the program. (The original target profit agreed to for the Run B option was only $49 million.) But at the same time, catastrophic losses would be impossible unless the Air Force decided not to buy Run B or the company actually lost money on its Run B operation—a prospect that appeared unlikely because aircraft costs per unit characteristically decline as a contractor gains experience with a program. Undoubtedly, this protection against big losses was an important factor in Lockheed's decision to cut corners on its bid.

Desperate for new business, Lockheed's management in early 1965 ordered its staff's lowest cost estimate reduced by 10 percent in order to undercut its competitors—Douglas Aircraft (now McDonnell-Douglas) and the Boeing Co. Lockheed's bid of $1.9 billion for research and production, including Run B if ordered, was $79 million less than Douglas' and $300 million less than Boeing's. The Lockheed proposal expressed a high degree of technical optimism that was unfounded under the circumstances. It also made little allowance for inflation though the Air Force had warned all three contractors to take that factor into account as a normal business risk over the first two years of the contract (after that, the contract provided that inflationary increases would be covered largely by the government). Nor did the Lockheed proposal make allowance for the fact that the C–5 award was the first of a new type of contract called "Total Package Procurement," under which the contractor would commit himself to a fixed price ahead of time for both research and production—a risky proposition that might have given Lockheed pause had it not been for the protection afforded by the golden handshake provision. Although an Air Force Source Selection Board found Boeing's proposal superior in its technical aspects, Lockheed won the contract on the basis of its low cost bid. The entire program was to cost $3.4 billion, including the airframe, engines and spare parts.

In a move to narrow the technical edge held by Boeing, Lockheed had hurriedly adopted certain design changes suggested by the Air Force just before submitting its bid. It had vastly underpriced the cost of these changes, increasing its bid by only $48 million. At least one high-ranking Air Force official told company management that its allowance for the changes was far too low, but Lockheed ignored his advice.

Almost from the start of development work in early 1966, Air Force cost experts assigned to a top-level headquarters management group began citing evidence of a big cost overrun in the making. A. E. Fitzgerald, the deputy for management systems who later was to lose his job after testifying to Congress on the C–5's problems, noted early in the year that overhead rates at the company's production facility in Marietta, Ga., were vastly exceeding target, Col. Larry M. Killpack, chief of the Air Force's Cost and Economic Information Bureau, found by year's end that several key parts of the program were overrun by more than 100 percent. On Dec. 8, Killpack concluded in a memo to Air Force Headquarters that "Lockheed is in serious difficulty on the C–5A." Five days later, Col. Warren penned his memo. All these reports fell on deaf ears.

As Lockheed admitted later, the reason for its early overspending was a massive redesign effort related partly to the last-minute technical changes the company had squeezed into its contract proposal. The most significant of these changes had been enlargement of the wing to meet Air Force requirements for the plane's short-field landing capability. But reconfiguration of the wing brought on weight problems, which required a new round of redesign work. After Fitzgerald learned of the extent of the redesign effort, he reported that these engineering problems almost certainly would mean a heavy cost impact when the plane moved from research to production.

By late 1966, the C–5's Systems Program Office (SPO), the office charged with day-to-day monitoring of the C–5 contract, joined the efficiency experts in their concern over the C–5's mounting costs. The SPO had become alarmed at indications from Lockheed management that the company did not intend to make good on the full contract performance specifications. One of the developments that bothered the SPO was Lockheed's proposal for a "tradeoff," as the company described it, relaxing the weight requirements in exchange for increased engine thrust, to be provided at government expense. The proposal was rejected.

In an extraordinary move, the SPO on Feb. 1, 1967, sent Lockheed a "cure notice" indicating the contract would be cancelled unless Lockheed presented a satisfactory plan for improvement within the next 30 days. It was the first such action ever taken by the Air Force on a major weapons program. Although Air Force Headquarters questioned the advisability of the action, the SPO prevailed. Standby press releases announcing the move were prepared both at Wright-Patterson Air Force Base, Ohio, where the SPO is located, and at Air Force Headquarters in Washington. But both were marked for use only in the event of press inquiry, and when press questions failed to develop, neither was ever released. This was one of the most blatant of all the Air Force's cover-ups and one of the most costly in terms of the public interest. Since the plane had not yet moved into production, disclosure of its problems at this stage might have led to enough pressure to induce the Air Force to switch the contract to Boeing or at least bear down on costs.

The cure notice evoked tremendous concern at Lockheed, which was then preparing a public offering of $125 million in convertible debentures. Within the next three weeks, Lockheed met repeatedly with the SPO but to no avail. With time running out, Lockheed finally swayed the SPO on Feb. 21, by promising to dispatch a top-level technical team from corporate headquarters in California to help the foundering Lockheed-Georgia management resolve the plane's technical problems. The cure notice was rescinded.

Despite the presence of the headquarters technical team, it was business as usual on the production line. Col. Jack W. Tooley, a former Army airlift expert working as a civilian adviser to Lockheed, reported that he observed incredible inefficiency in the plant. "From time to time," he recalled recently, "since I had nothing better to do, I would walk through the main plant, observing what was going on. The number of workers loafing on the job was absolutely unbelievable. In fact, my major contributions to Lockheed probably were these trips through the production line, since workers seeing me without a badge and in a suit and white shirt went back to work, as they were not sure of who I was."

Tooley added that he talked at some length with one of the supervisors on the production line, who told him that he had "40 more men in his department than he needed; that he was getting about six hours' work out of eight hours; that when he went to ten hours and over, the production dropped to five hours." Tooley also said he knew "personally of two cases where the individual was making $10 an hour, did not have a degree, was not doing anything, and yet spent 60 hours a week doing it because that is what the contract called for. This can be multiplied by many hundreds of times."

The situation was not much better at

General Electric's plant in Evendale, Ohio, where the C–5's engines were under production. Here Fitzgerald also found excessive overhead rates and a large part of the work force loafing. After one trip to the facility in early 1967, Fitzgerald wrote Air Force Headquarters: "I observed a total of 134 people, of whom 35, or 26 percent, appeared to be working. The modal pace of work was quite low, approximately 70 percent of normal. Machine utilization appeared to be about 50 percent on the day shift and lower still on the swing shift." Fitzgerald later told Congress that at least $1 billion of the C–5 overrun could have been saved if the Air Force had required reasonable efficiency and economy of work forces at the Lockheed and GE plants.

Annoyed by the continuous appearance of cost analysts, Lockheed and their sympathizers in the Pentagon began seeking their systematic exclusion from the program. Orders were cut sending Warren to Addis Ababa as Air Attaché. Fitzgerald and other friends of Warren at Air Force Headquarters were able to block that appointment, but Warren was still removed from the program and assigned to a Pentagon computer manager job. Kilpack was transferred to Vietnam, and Tooley quit Lockheed-Georgia in disgust.

With its technical problems mounting, Lockheed turned to costly and exotic materials such as titanium to help pare down the excess weight. By now the company had found it was useless to try to wiggle out of contract specifications. Despite some expressions of unhappiness at higher levels, the SPO refused to budge.

Without doubt, the SPO's adherence to the contract dealt Lockheed a stunning blow. When the company had run into production problems on earlier programs, the Air Force would often waive specifications or provide enough contract change orders (sometimes called "contract nourishment" in the trade) to ensure that the company came out well. Lockheed's chief development engineer, on the program later told Securities and Exchange Commission investigators that he never suspected the C–5 contract would be enforced: "As is so frequently the case with multi-layer management," he said, "someone at the top can say do it this way to avoid this, that and another, and these people down below say here's the contract, but that's just a lot of boiler plate and we'll work together." In its 1969 report to stockholders, the company said the Air Force's strict insistence on performance specifications and delivery dates "resulted in expenses by contractor far beyond the original estimate to avoid ever-present threats of cancellation for default. . . . Contract terms were regarded as sacrosanct even though a relaxation of specifications and delivery dates could have greatly lessened costs."

In May 1967, Lockheed moved from research to the production phase of the program with the plane's technical problems far from resolved. At a meeting of the top-level Air Force management group, at least one official complained that more time should have been spent on development. "This is the first major aircraft system," he said, "to begin operational systems development after completing an extensive contract definition phase. The central idea of contract definition is to define achievable performance and to develop realistic schedules and credible cost estimates in relation thereto. Clearly, Lockheed flunks the course on this basis."

Despite continuing SPO concern over the technical difficulties, Lockheed characterized the problems as nonrecurring and refused to acknowledge their potential impact on costs. Late in 1967, Lockheed-Georgia notified corporate headquarters that "the bulk of the program remains before us, giving us ample opportunity for cost savings. . . ." Although Lockheed added a $90 million contingency fund to its cost estimates by the end of 1967, it explained to its auditor, Arthur Young Co., that it was merely being conservative and that the funds would not be needed. Arthur Young's notes indicate unbounded optimism on Lockheed's part. The first indication of a really disastrous overrun on the Lockheed program came in April 1968, when the SPO estimated costs of $2.9 billion through Run B, a $1 billion overrun. The SPO figured Lockheed had known about the cost situation since the early part of the year, since the company at that time had "intensified their efforts to maneuver within the contract framework to get the Air Force to pay for work we contend is already on contract. In addition, they started attempting to limit our visibility on program cost."

Nonetheless, Lockheed insisted the SPO projections were far too high, and it pressured the SPO to change them. SEC investigators found later that Lockheed had threatened to follow the SPO briefing team wherever it went, to shoot down their figures.

But with a decision soon due on the Run B option, Lockheed decided to adopt a low profile and hope that, as before, Air Force Headquarters would not become unduly alarmed at another pessimistic SPO estimate. As the SEC staff put it, the rebuttal package was ready if needed "to help protect Lockheed's position in this respect, but would not be used unless necessary because of the danger of focusing attention on the cost increase." The SPO apparently recognized this same motive in June when it wrote that it was definitely in Lockheed's favor to keep the Air Force "in the dark" on the costs of Run A, because of their potentially adverse impact on a decision to exercise the Run B option.

At this point, however, even the SPO, which had been relatively tough on Lockheed, became concerned over the effect that disclosure of its cost projections might have on the company's liquidity position. Its reports to higher headquarters contained the following notation: "Security considerations. You will see we are estimating that Lockheed will overrun the ceiling price of the contract by a significant margin, that is, they will incur large monetary losses on the program. The SPO has treated this information as extremely sensitive in view of the adverse publicity and stock market implications." SPO said there was no pressure from Lockheed or higher headquarters to insert this warning in its report. It said the suggestion was made "purely and simply because the cost figures . . . were estimates and were not concurred in by the contractor. There was a wide variation between the estimate contained in this report and the contractor's estimate. It was felt that should the Air Force prove to be inaccurate subsequent to wide public disclosure, the Air Force would be accused of acting irresponsibly."

Instead, the SPO decided to err on the side of the contractor and let the public be damned. Air Force Headquarters moved quickly to close off possible leaks by directing that the information be limited to top-level reports and be excluded from any document receiving wide circulation. Although Congress had been notified of the SPO's August 1967 estimate of a $331 million overrun, it was not informed of the new projection. Neither was it told of a follow-up study in October, which placed the overrun on the entire program at $2 billion, including $1.5 billion on the Lockheed program. The SEC staff revealed that the Air Force considered rewriting performance specifications at this point to give Lockheed a better break. (Some of the performance specifications were relaxed later, and the Air Force now is planning significant further relaxation in order to avoid another costly redesign of the wing.)

The next episode came in early November, when Richard Kaufman, staff economist for the Joint Congressional Economic Committee's Economy in Government Subcommittee was setting up a subcommittee hearing on "The Economics of Military Procurement." Kaufman had followed the C–5 program closely and knew of the latest overrun estimate. Although no subcommittee member or staffer had yet contacted Fitzgerald, several Pentagon associates recommended him.

When Kaufman invited Fitzgerald to testify, bedlam broke loose in the Pentagon. Defense Department Comptroller Robert Moot, the Pentagon's top financial officer, warned Fitzgerald that his testimony "would leave blood on the floor." The Pentagon sought to substitute a more manageable witness, but the subcommittee chairman, Sen. William Proxmire (D, Wis.), insisted that Fitzgerald appear. Finally, the Pentagon agreed to let Fitzgerald attend as a backup witness. At the hearing Nov. 13, Proxmire ignored the Pentagon's hand-picked witness and called Fitzgerald immediately to the stand. Fitzgerald confirmed Proxmire's estimate of the $2-billion overrun, leading to his immediate removal from the program and eventual dismissal from his job.

With Congress and the public enraged about the overrun, the Pentagon flatly repudiated Proxmire's figures. Its Public Affairs Office put out a release contending that current estimates for the program were only $4.3 billion instead of the $5.3 billion Proxmire had revealed. Supplementary material requested of Fitzgerald for the hearing record was altered by the Pentagon to show the lower figure. The difference turned out to be the Air Force's omission of some $900 million for spare parts—another item that was badly overrun. The spares were mostly engines and ground equipment—items the Air Force classifies as an operating cost and not as original investment. The Pentagon news release failed to make this distinction, however, thus conveying the impression that Proxmire was overstating costs.

Despite opposition from the Defense Department's Systems Analysis Office, which sought to limit the C–5 program to three squadrons, the Air Force on Jan. 14, 1969, exercised the Run B option, but instructed Lockheed for the time being to limit production to long-leadtime items for only 23 more planes. On grounds of budgetary restraints, the Air Force announced last October that it would curtail the program after completion of 81 planes. With the effect of the golden handshake formula now blunted (because the Air Force was ordering less than 90 planes), Lockheed stood to lose more than $500 million. Contending the Pentagon's exercise of the Run B option required purchase of all 57 Run B planes, Lockheed sued the government for default. (Lockheed now figures it would have broken even on the full 115-plane program.)

The cozy relationships of the military-industrial complex came to light again this spring when Lockheed requested $640 million in emergency financing and Pentagon officials, backed by military enthusiasts in Congress, sought to expedite the company's claim. Even when the Pentagon learned that Lockheed's immediate cash program had resulted from its commercial program—the L–1011 "airbus"—it still maintained its support of the proposed bailout money. Lockheed was a national asset like the redwood tree.

Even the Securities and Exchange Commission (but not its tough-minded staff) has shown sympathy for the embattled contractor. At the completion of the SEC staff's year-long investigation of Lockheed's cost disclosures on the C–5 program and alleged illegal dumping of company stock by corporate insiders, the Commission announced June 2 that the investigation "did not disclose evidence of unlawful insider trading." The Commission's terse announcement seemed at odds with the findings of the staff's report. Citing specific instances of heavy selling by top corporate officers at

critical junctures in the program, the staff raised the "possibility that this was done on the basis of inside information." Rumors abounded that the staff had recommended indictments; the SEC denied it.

Although the SEC release announced the Commission's decision to study cost disclosures on a number of weapon contracts, including the C-5A, it gave no indication of the staff's considerable misgivings over Lockheed's disclosure policy on the C-5 program. In its report, the staff raised the question of "the adequacy of disclosure in annual and interim filings with the Commission and with the [New York Stock] Exchange, as well as information prepared for public distribution." The staff also raised questions as to the adequacy of Lockheed's description of the cure notice in a registration statement it filed with the SEC in March 1967, covering the $125 million debenture issue. The Commission at first put the staff report under wraps but later made it public under stiff pressure from Congress.

As I said earlier, much of the C-5 overrun could have been avoided if the Air Force had really cracked down. Of the $2-billion overrun, less than $200 million can be attributed to inflation. The rest is due entirely to Lockheed's redesign effort and pure inefficiency on the Lockheed and GE production lines. Even if Lockheed had charged an extra $200-$250 million in the beginning to get its design up to a par with Boeing's (or by that same token if the contract had gone to Boeing), the whole program should have cost no more than $3.8 billion, given reasonable efficiency. Thus about $1.5 billion of the overrun should have been saved. As it is, the Air Force estimates that even the 8-plane program is going to cost $4.6 billion—$1.2 billion more than the original contract estimate for 115 planes. Thus far the Air Force has spent $2.5 billion on the program and has received one operable plane!

Defense Secretary Melvin R. Laird has sought to prevent recurrence of C-5 type fiascos by setting "milestones" which a contractor must reach before he moves on to the next phase of a weapons program. This policy means little, however, unless Pentagon bureaucrats clamp down on contractor boondoggling. Signs are thus far that they haven't. Pentagon studies already are predicting a $1-billion overrun on Lockheed's S-3A antisubmarine aircraft program, the first major weapons purchase initiated by Laird. Deputy Secretary of Defense David Packard recently succeeded in preempting headlines about that overrun by issuing a non-story that he had warned the Navy to keep close tabs on program costs. Packard acknowledged only a $100-million overrun on the current portion of the contract and did not reveal the present estimate for total cost at completion.

It is too much to expect that Pentagon bureaucrats will move voluntarily to shape up military procurement. That would involve harsh measures against favored contractors and, for the less efficient among them, a bankruptcy or two. The ties that bind Pentagon bureaucrats and the giant contractors—the mutual interest in huge defense budgets, the promise of lucrative jobs in industry for former military and civilian officials, and the feeling that they must stand four-square against an unappreciative public—are simply too strong for that.

Perhaps the only answer is a series of taxpayer suits against government officials who breach the public trust, particularly with respect to concealment of cost problems that could lead to gigantic expenditures later if not brought under control. Not too long ago, the public wouldn't have stood for the C-5 affairs. In 1956, T. Lamar Caudle, an assistant attorney general under President Truman, was convicted and sentenced to two years in prison for failing to prosecute tax fraud cases that came under his jurisdiction. The charge on which he was convicted was conspiracy to deprive the government "of the fair services of Caudle." That law ought to be applied to Pentagon bureaucrats.

EXHIBIT 2

ORIGINAL AND REVISED CONTRACT LANGUAGE

The original contract October 1965 clauses read as follows:

"(iv) Multiply each unit target cost for aircraft and associated equipment in Production Run B by (iii) and add the product to each unit target cost in Production Run B.

"(v) Establish a new ceiling price on each aircraft or item of associated equipment in Production Run B, at 130% of the unit target cost as adjusted in (iv)."

Supplemental Agreement 235 (effective Jan. 14, 1969, signed Jan. 17, approved and likely to figure in a Senate debate next week. The lawmakers are then expected to vote on a Pentagon proposal to give Lockheed still another $200 million as a down payment on its claims against the government.

Sen. William Proxmire (D-Wis.), whose inquiries disclosed the huge cost overruns, will introduce today an amendment limiting the conditions under which this down-payment can be granted.

Appraised of the C-5A contract change, Proxmire said yesterday:

"This remarkable discovery demonstrates the Air Force's lack of concern for the taxpayers and its willingness to serve as a cornucopia for Lockheed. It is incredible that a government agency should rewrite an agreement to give a supplier, for no apparent reason, a handout of several hundred million dollars."

"It is one additional reason for placing strict curbs on further advances to Lockheed. That is precisely the purpose of my amendment."

Proxmire's amendment would permit the $200 million advance to Lockheed only under either one of two conditions. The Pentagon's board of contract appeals must find there is some merit in Lockheed's claims; or if the company goes through with its threat to default on the contract, a trustee must find that Lockheed needs the money to fulfill its obligation to produce C-5A's.

The newly discovered contract revision affects the repricing or "golden handshake" formula in the C-5A contract. The original version of the "golden handshake" compels the government to pay premium prices for the second batch of C-5A's. These prices rise by a multiple of the costs that Lockheed incurs on the first batch of 58 planes. The revised agreement extends the premium formula to cover the first as well as the second batch.

The company disputes the Air Force calculation that this change is worth several hundred million dollars. According to Lockheed, the new language simply divides up the money yielded by the repricing formula between the first and second batches and does not add a new sum to the first batch.

Officials familiar with the C-5A negotiations said yesterday that the revision was ordered by Robert H. Charles. A former aerospace executive, he was the Air Force assistant secretary in charge of procurement in the Johnson administration and has publicly claimed credit for the C-5A contract.

The revision was inserted in a supplemental agreement made by the Air Force to bring the number of planes purchased up to 115. However, Congress has authorized only 81 and the Pentagon has cut back its program to this number.

The Air Force originally expected to pay $3.4 billion for 120 planes or $27 million each. The current estimate is $4.6 billion for 81 planes or $57 million each.

The discovery that the C-5A contract was changed more than three years after its original signing was made by two local area law school students and three undergraduates from the Massachusetts Institute of Technology.

The five are working here this summer on a volunteer project to examine military contracts. In the course of their study, they noted the two versions of the re-pricing formula.

EXHIBIT 3

AIR FORCE COST ANALYSIS—POSSIBLE CEILING INTERPRETATION

[In millions of dollars]

Combined ceiling—After change	Amount	Separate ceiling—Before change	Amount
R.D.T. & E.	468	R.D.T. & E. cost	468
Run A cost	811	Run A cost	811
Run B cost	[1] 1,013		
Target cost	2,292	Total	1,279
Escalation	190	Escalation	101
Target cost	2,482	Target cost	1,380
Ceiling	3,169	Ceiling	1,764
Total estimated cost (Air Force)	3,454	Air Force estimate	2,436
Lockheed loss	285	Lockheed loss	672
Profit of $177,000,000 absorbed at a 70 (Government)/30 (LGC) rate from 2482 to 3169.		$128,000,000 profit absorbed at 70/30 rate from 1380 to 1764.	
		Run B	[1] 1,013
		Escalation	89
		Target cost	1,102
		Ceiling	1,405
		Air Force estimate cost	1,018
		Profit $49,000,000 plus 50 percent of difference between actual cost and target cost or $42,000,000 Lockheed loss	672
		Run B recovery	91
		Total loss	580

[1] By formula.

EXHIBIT 4

[From the Washington Post, Aug. 20, 1970]

C-5A CONTRACT REVISION SAID TO COST $200 MILLION

(By Bernard D. Nossiter)

In the dying moments of the Johnson administration, the Air Force rewrote its C-5A contract in a way that appears to give Lockheed Aircraft an extra sum of more than $200 million for the costly cargo plane.

Documents made available to The Washington Post yesterday describe the hitherto unrevealed change. The original Air Force-Lockheed contract was signed in October,

1965. The $20 million-plus amendment was written in on Jan. 17, 1969.

Last year, the Air Force office of financial management privately estimated that the contract change would cost the government $295 million. Since then, however, the multi-billion cost overruns on the plane have led the Pentagon to trim back its purchases. As a result the amendment is now unofficially estimated to have increased Lockheed's take by slightly more than $200 million.

Last night, the company denied that the revision had increased its payments. Lockheed spokesman said:

"There is no financial effect from this supplemental agreement change that is different than the one provided for in the original contract."

The revision, he said, was merely designed to clear up an ambiguity.

The discovery of the revised agreement is distributed on Jan. 18) to the original contract reads as follows:

"(c) Paragraph C.(1)(a)(iv) is revised to read:

'(iv) Multiply each original unit target cost (as specified in Contractor's Document 4–12, dated 69–01–10) for aircraft and associated equipment in Production Run B by (iii). The total of the increase will be added to the total target cost of the contract, and will also be added in appropriate increments to the unit billing price of any or all of the 110 production aircraft.'

(d) Paragraph C.(1)(a)(v) is deleted and the following submitted in lieu thereof:

'(v) A new ceiling price will be established by multiplying the total increase established above by 130% and adding that product to the then current ceiling price of the contract.'"

Mr. TALMADGE. Mr. President, I wish to comment briefly at this time about the remarks made today by the distinguished Senator from Wisconsin (Mr. PROXMIRE) as he and the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) submitted their new amendment dealing with the C–5A. I will wish to comment in much greater depth when the amendment is before the Senate for debate and vote.

First, I would like to introduce at this point in the RECORD a statement by the Lockheed Aircraft Corp. in response to the press release issued by Senator PROXMIRE in advance of his Senate speech. The statement reads as follows:

There are many statements in Senator Proxmire's press release today which are misleading and inaccurate. One example is the statement that the Proxmire-Schweiker C–5A amendment would see to it that the planes are finished and delivered. The amendment, as we understand it, in fact might have quite a different result, and in any event, would create a whole series of uncertainties.

His statement that Lockheed has virtually nothing invested in the C–5 program and facilities is a severe distortion of the truth.

It is gratuitous and totally inaccurate for Senator Proxmire to say that Lockheed has threatened to file for bankruptcy. As we have said before, we do not believe bankruptcy is either necessary or likely in this case, and it certainly would not be in anyone's best interests. This includes the Government, Lockheed employees, Lockheed stockholders, and our sub-contractors and suppliers.

Next, I wish to reiterate quickly what I said on the Senate floor on August 12 about this new C–5 amendment. I noted then that the amendment provides only two conditions under which the $200 million contingency fund can be paid to assure continuing production of the C–5A.

The first condition is impossible to meet, and the second condition is bankruptcy for Lockheed, the C–5 prime contractor.

Conspicuous by its absence, I said then, is a condition which would allow the contingency fund to be spent following a negotiated settlement of the legal dispute between the DOD and Lockheed. The fact that this condition is absent, and the fact that the first condition of the Proxmire-Schweiker amendment is impossible, can only lead to the conclusion that the amendment is deliberately designed to force the contractor to bankruptcy.

In his press release issued today, the distinguished Senator from Wisconsin refers to the first condition in the new amendment. This is the one which says the money could be spent if the Armed Services Board of Contract Appeals has made a decision as to the amount, if any, owed to the contractor from the contingency fund, and if a judicial review, or appeal, has also been completed. Senator PROXMIRE's press release says that the Lockheed claim has been before the ASBCA since early this year, and it should be decided quickly since this is an administrative board.

However, the estimates I have received indicate that an ASBCA decision could not be reached before mid-1971 at the earliest—some 6 months after the $200 million would have been required for the uninterrupted production of the C–5A. Then if the time required for an appeal decision by the Court of Claims is added, the final decision could not come before mid-1973.

Also contained in the press release from the distinguished senior Senator from Wisconsin is a statement about the "Pentagon's penchant to roll over and play dead in the face of complaints from Lockheed." This implication about the Pentagon certainly is not borne out by the facts as we know them today.

Lockheed already has had to declare losses of $290 million on the four military contracts where it has had problems—hardly an inconsequential result for a corporation that has a net worth of about $325 million. And it is hardly an indication that the Pentagon has been excessively permissive in its treatment of Lockheed or that it is overlooking its responsibility in guarding the public interest.

My last comment on this subject for the moment deals with yet another C–5 "news" story written by Bernard Nossiter, which appeared in the Washington Post this morning and where the distinguished Senator from Wisconsin has placed in the RECORD. It is strange indeed that this story should appear on the eve of the introduction of a new C–5 amendment and just prior to the Senate debate and vote. It is particularly strange when one considers that the circumstances this story describes occurred 19 months ago, and then was described and discussed in the well publicized Whittaker report 13 months ago.

But suddenly, reporter Nossiter, with superb timing, discovered this horrible situation just yesterday.

Had he taken the time to read the July 1969 C–5 report from Assistant Air Force Secretary Philip Whittaker, he would not have found it necessary to wait until now to write about it.

Then Mr. Nossiter claims that an "Air Force calculation" indicates a contract wording change made in January of 1969 would have a favorable effect to Lockheed of $295 million under a 115-airplane order. He did have the courtesy to say that Lockheed disputes this, but I am still waiting to hear who in the Air Force made such a calculation. I just learned this afternoon of an Air Force statement which also denies any favorable financial effect for Lockheed.

Mr. President, I read the Air Force statement:

AIR FORCE STATEMENT RELEASED AUGUST 20 BY DEPARTMENT OF DEFENSE

Any allegation that a contract change covering the C–5 has been previously undisclosed is totally false. It was addressed in the Whittaker Report of July 1969 on page 20 and page 2–7 and even before that the effect of the supplemental agreement on the repricing formula was addressed in detail before Congress during April, May and June of 1969. The contract documents themselves have been made available on request to anyone who asked to see them so you can see that it is far from a new issue.

Supplemental Agreement 235 is the agreement executed in January, 1969, in which Air Force funded advance buys for 23 Run B aircraft. That agreement, as has been available to the Congress and the press for many months, changed the wording of the contract as it affects the repricing formula to insure that the contract language actually and accurately reflected the intent of the contract. The word change in no way altered the amount of money to which Lockheed would be entitled under the repricing formula.

It did provide for spreading the repricing adjustment over the total production buy. In other words, it changed the timing of repricing and it has allowed the payment of interim repricing adjustments.

I should remind Senators at this time that reporter Nossiter is the same reporter who wrote two stories for the Washington Post last year in which he said the Air Force had provided a special agreement for Lockheed. This was a reference to the inclusion of the repricing clause in the C–5 contract, and it led to the often repeated allegations of a "golden handshake" and a "sweetheart contract," with all their innuendos of connivance and sly agreements.

The only trouble with this "special agreement" claim by Mr. Nossiter is that it is totally untrue. For we had repeated statements from both the Air Force and Lockheed that the repricing clause was offered identically to all three competitor companies prior to the C–5 contract award—hardly a special agreement for Lockheed. But the Air Force and Lockheed have had to live for more than a year with the constant repetition of the "golden handshake" allegation—all based on complete falsehood. Fortunately, most reporting on the C–5 of late has been balanced and objective, and has avoided severe distortions and untruths. I hope we will not have another round of biased criticism of the C–5 from Mr. Nossiter or from any other source as we prepare for Senate debate on the latest C–5 contract.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. TALMADGE. Yes; I am delighted to yield to my friend from Wisconsin.

Mr. PROXMIRE. Mr. President, with respect to the Senator's last point—there are a number of points here I would like to go into at a little later time, but with respect to the last point, in connection with the story in the Washington Post this morning, the Senator indicated, as I understood him, that this was something that had been disclosed a long time ago, with the Whittaker report.

I have studied the Whittaker report and discussed it with Mr. Whittaker at length, and while it is true that the report discussed the repricing formula, there was no analysis of what this interpretation would mean in dollars and cents.

I put a report into the RECORD today showing that under the initial interpretation of the program, the Lockheed loss would have been $580 million, and then, under the combined ceiling which they agreed to, it would have been $295 million.

As I say, it is true they did let us know there was this repricing formula, and so forth, but the dollars-and-cents significance of this new interpretation was not disclosed at that point.

The change in language proposed by the Senator from Georgia was for more than what he has just called merely a more accurate reflection of the intent of the contract. It was exactly a $295 million change. I repeat, a $295 million change, and that is a lot of taxpayers' dollars.

Mr. TALMADGE. I point out to the Senator that on May 16, 1969, the Senator himself made a speech on the floor of the U.S. Senate in which he addressed himself to that particular repricing formula. So apparently the Senator from Wisconsin himself was aware of it more than a year ago.

Mr. PROXMIRE. Oh yes, we knew all about the formula. As I say, we were well aware of the repricing formula. We complained about it often and consistently, on the Senate floor, in committee, and elsewhere.

What I am talking about is this particular dollars-and-cents interpretation of that repricing formula, the supplemental agreement. That is something that was just disclosed, and is new as far as I am concerned.

Mr. TALMADGE. The Whittaker report itself, on page 20, the third paragraph, reads:

> A number of other ambiguities exist in relation to the price adjustment clause. Examples include: (1) intended sequential or substitutional use of the formula factors of 1.5 and 2.0 (see attachment for formula), and (2) the extent to which exercising the Run B option in January 1969 triggered the repricing. The Supplemental Agreement which exercised the Run B option resolved an earlier ambiguity in Lockheed's favor by specifying that the price adjustment clause would adjust a single contract target/ceiling for RDT&E. Run A and Run B rather than adjusting only the Run B target/ceiling.

Mr. PROXMIRE. That is a general description of it, of course, but without the implications, without the analysis, without letting us know the significance of it in terms of dollars and cents.

Mr. TALMADGE. That is, without the law student's analysis of it that was suddenly drafted. It was disclosed more than a year ago.

Mr. PROXMIRE. No; that is the Air Force's own analysis. I do not have any law student's analysis here; I hold in my hand the Air Force's own analysis, which, as I say, shows a $295 million difference.

Mr. TALMADGE. Who in the Air Force made that analysis? I just quoted a statement from the Air Force released just today that contradicts that analysis, and put in in the RECORD.

Mr. PROXMIRE. Well, as I say, I put in the RECORD earlier today this document which comes from the Air Force, and I identified it.

Mr. TALMADGE. The Senator did not disclose his source. Mine presumably was released by the Secretary of Defense, or the Secretary of the Air Force. Is it a former Air Force employee that the Senator is quoting from, who is no longer employed by the Air Force?

Mr. PROXMIRE. This was an analysis, which we shall do our best to identify further, but at the present moment let me say it has been given to me on the basis of its being an official Air Force cost analysis. It is identified as chart 14, SAFFMS, June 1969. That means it was Colonel Pewitt's chart. It was included in a report from Mr. Thomas H. Nielsen to Mr. Whittaker. But the dollars and cents were not disclosed.

Mr. TALMADGE. I do not know what source the Senator is quoting from, but the statement I read was issued by the Department of Defense today, and I assume a release from the Department of Defense carries the integrity of the Secretary of Defense with it. He is the highest authority in the Defense Department.

Mr. PROXMIRE. Does the Senator deny that this change in language amounted to a $295 million change for the benefit of Lockheed?

Mr. TALMADGE. I quoted the Secretary of Defense in denying it, and I presume he knows what he is talking about.

Mr. President, the Senator from Wisconsin finds himself in a position that is contrary to the President of the United States, contrary to the Secretary of Defense, contrary to the Deputy Secretary of Defense, contrary to the Armed Services Committee of the House of Representatives, contrary to the views of the House of Representatives, and contrary to the views of the Armed Services Committee of the U.S. Senate.

Mr. PROXMIRE. May I say to the Senator——

Mr. TALMADGE. The Senator has a right to his views, but apparently this overwhelming group of experts in the field who deal with military affairs think the Senator is in error.

Mr. PROXMIRE. Why does not the Senator throw in the Appropriations Committee, the Supreme Court, and the Georgia Legislature?

Mr. TALMADGE. Because they had nothing to do with it, they did not consider it.

Mr. PROXMIRE. Of course they did not. What did the President of the United States have to do with this?

Mr. TALMADGE. The President of the United States, is the boss of the Defense Department.

Mr. PROXMIRE. That may well be, but the President of the United States has made no study of this matter.

Mr. TALMADGE. I presume the President of the United States knows what the Defense Department is doing, and if he was dissatisfied he would remove the Secretary of Defense.

Mr. PROXMIRE. There is certainly no presumption that the President of the United States makes a study of this kind of detail.

Mr. TALMADGE. I presume the Secretary of Defense is appointed by the President of the United States, and holds office at the pleasure of the President of the United States, and if he makes a statement, he is speaking in behalf of the President of the United States.

Mr. PROXMIRE. I do not deny that. I simply say that the President of the United States undoubtedly, as we all know, had no personal knowledge of this kind of detail. President Nixon is a very competent man, but——

Mr. TALMADGE. I do not know about that, but I assume if he disagreed, the present Secretary of Defense would no longer be Secretary of Defense.

Mr. PROXMIRE. Then I suppose we should hold the President of the United States responsible for the $2 billion overrun. We were told by the Air Force there was no overrun at all. The Appropriations Committee was assured there would be no overrun on the C–5A in March of 1968, when they knew there would be. Is the President of the United States responsible for that? Can we say that President Johnson, at that time, was not telling the truth? Can he be held personally responsible for that? Of course not.

Mr. TALMADGE. The President of the United States has had made a study of all the overruns in the military. Unfortunately, there have been too many. The overruns of Lockheed have not been too many, however. I am sure the Senator from Wisconsin has studied Lockheed's history of overruns for the past 50 years. They have had the fewest overruns of any defense contractor in America.

Mr. PROXMIRE. The Senator can make that kind of a statement, but the fact remains that this is not a modest overrun.

Mr. TALMADGE. I agree. The Senator from Wisconsin is opposed to inflation, and so am I. But this was a new and novel contract that was dictated by the Secretary of Defense, and it had never been tried before. Fortunately, this administration has abandoned it. I think it was a bad contract for the Government and it was a bad contract for Lockheed. Certainly, if they have lost $290 million on it, it was a bad contract for them.

Mr. PROXMIRE. May I say to the Senator that I was the first one to call attention to the overrun on this contract. Furthermore, I was one of the first to call upon the administration to aban-

don the contract, which they finally have abandoned. The Air Force had maintained it was an excellent type of contract.

Nevertheless, the fact is that under this contract there was a target price that has been exceeded; there was—far above the target price—a ceiling price that has been exceeded. There is now this readjustment, which the Senator and I have been discussing, which adds another $214 million; and in addition to all this, they want $800 million. If that is not a big overrun, I would like to know what is.

Mr. TALMADGE. I commend the Senator from Wisconsin for his work in this field. Even though he is not a member of the Armed Services Committee, which has jurisdiction in matters of this kind, he has explored this activity with much tenacity for several years, and I compliment him for it.

But what I part company with the Senator from Wisconsin about is the fact that he wants to set himself up—and to set the U.S. Senate up—as judge and jury of a disputed claim between Lockheed and the U.S. Air Force.

Mr. PROXMIRE. Quite the contrary. The position of the Senator from Wisconsin is that this should be decided by the Defense Department's own board, and on the basis of that decision——

Mr. TALMADGE. But the Senator from Wisconsin put conditions in his amendment that are absolutely unattainable in this fiscal year, and the Senator should know it.

Mr. PROXMIRE. I certainly do not know that. The fact is that this has been before the board since January 9 of this year. They have had ample time to work on it. Secretary Packard has given it top priority. This is an administrative board. It is true that it is a complex problem, but it certainly should be able to be resolved in 6, 7, or 8 months.

Mr. TALMADGE. The Senator from Wisconsin, of course, is aware that the contract officer's decision was made in December 1969. The complaint appealing the decision was filed before ASBCA in January of 1970. The answer to the complaint was filed in March 1970.

I read from a schedule of proceedings of the ASBCA:

Rule 4 process: Air Force files on C5A compiled, transferred to Lockheed, documents and files studied by Lockheed, April to July of this year.

Discovery motions prepared and filed by both parties. Probable date of submission, September to October 1970.

Compliance with discovery requests will take about 60 days.

Study of discovery data and preparation for trial, about 60 days. The trial will take about 2 weeks to one month. Preparation of briefs will take about 60 days. Preparation of reply briefs, about 30 days.

Board deliberates and writes its opinion, about 60 days.

Time required, under the most optimum conditions, from date that discovery motions are filed, 10 months.

That takes us beyond this fiscal year, beyond the time of the authorization being considered here. It will have expired. And that does not even include any appeals to any court in the land. That precludes any right for judicial determination.

Mr. PROXMIRE. I disagree with the Senator on two points.

No. 1 is that it would take anything like this long if it is given real priority. It is true that they can make the charge that it would take many months, but when it is given top priority, they can do it faster.

The other point, the principal point, is that what the Senator is saying is that since it is in dispute, give them the $200 million; give them $200 million above and beyond what they have coming under the contract; give it away.

Mr. TALMADGE. I am saying that this is a dispute between Lockheed, on one hand, and the Air Force, on the other. I do not know who is right. There may be some errors on both sides. But it gives them an opportunity to determine it by negotiation.

The Senator says that the Board can complete action on this matter very quickly. I quote from notes on a conversation with Mr. Richard C. Solibakke, chairman of the Armed Services Board of Contract Appeals.

The first item discussed was the question of whether both parties to a case before the ASBCA has the right to appeal to the Court of Claims. The answer is that both parties do have such a right, but a Government appeal almost never occurs. In effect, the ASBCA is acting for the Secretary of Defense, and therefore an appeal by the Department of Defense would be in this sense an appeal from the Department of Defense's own decision. However, the Department of Defense does occasionally appeal the decision, sometimes for the purpose of having the decision reviewed by a higher judicial body, for the sake of appearances as well as for the purpose of having a stronger position.

Mr. Solibakke estimated that less than one percent of ASBCA cases are appealed by the DOD.

Mr. PROXMIRE. Mr. President, will the Senator yield at that point?

Mr. TALMADGE. Let me finish my statement.

The next question discussed was the average length of time required by the ASBCA to reach a decision. Mr. Solibakke indicated that this, of course, depended on the complexity of the case and the volume of material that had to be reviewed. He said he had known of cases that were decided by the ASBCA in less than one and a half years from the date of the case being docketed, but the average time required would be over two years.

In the C–5A case now before the ASBCA, he stated that his opinion is that the minimum time required for an ASBCA decision would be approximately eight months from this date, and that could only occur if extremely expeditious handling were given to the case. He felt that the urgency and the importance of the C–5A case is such that all parties would give expeditious handling to the procedures, but that the procedures would still require, in his opinion, a minimum of another eight months.

I yield.

Mr. PROXMIRE. The first part of what the Senator is telling us reenforces the argument I have made, that in the event that the board finds in favor of Lockheed, that is the end of it. There is no further appeal; there is no further delay. The Defense Department, as he pointed out, rarely—in 1 percent of the cases——

Mr. TALMADGE. But both parties do have the right of appeal. The Senator wants to close the door not only on the time element but also on the right of either party to appeal his case.

Mr. PROXMIRE. We are not closing the door.

Mr. TALMADGE. The Senator certainly is. The Senator is setting up a condition that is impossible to achieve.

Mr. PROXMIRE. Lockheed does not have any right to that money.

Mr. TALMADGE. The Senator says so, but others say otherwise.

We are setting up conditions under the committee bill the Armed Services Committee of the U.S. Senate and the Armed Services Committee of the House of Representatives must approve the expenditure of the $200 million. Very firm conditions are written into the act, as the Senator knows.

Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the committee report, beginning on page 15, "C–5A Aircraft Program," extending through pages 16 and 17, down to "Safeguard Antiballistic Missile System."

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

C–5A AIRCRAFT PROGRAM

FUNDING REQUEST

The fiscal year 1971 budget request in this legislation for the C–5A aircraft totals $622.2 million constituting the following elements:

(1) $344.4 million for unfunded prior year production commitments;

(2) $200 million in contingency funds. This amount represents a sum in excess of the amount required to fund the contract to ceiling price as interpreted by the Air Force. This interpretation is not agreed to by the contractor. The Committee takes no position on the merits of the contractual disagreement;

(3) $66.2 million for initial spares and $11.6 for research and development. It might be noted that the fiscal year 1971 request for the C–5A also includes an item of $1.4 million for military construction not contained in this bill.

COMMITTEE RECOMMENDATION

The Committee recommends approval of all the budget items relating to the C–5A in the fiscal year 1971 request totaling $622.2 million, subject to the condition, as explained below, that the $200 million will not be obligated until the Secretary of Defense has presented a plan for the use of $200 million to the House and Senate Committees on Armed Services and these bodies have approved such a plan.

The basic issue for the Committee was whether the need for the C–5A aircraft beyond the number of about 30 (which would be delivered by December 31, 1970 under the present contract funding as interpreted by the Department of Defense) was sufficiently great to justify the "contingency" funding of $200 million. It was the view of the majority of the Committee that despite the financial problems of the contractor and the necessary extraordinary contracting procedures this program should not be allowed to cease shortly after December 31, 1970. The fact is that additional C–5As are essential for national defense purposes. The basis for the Committee's decision therefore is the essential need of this aircraft.

RESTRICTIVE COMMITTEE LANGUAGE

The Committee adopted two highly significant language provisions not contained in the House version of the bill concerning the C–5A funds for fiscal year 1971. The first restriction relates to the use of the $200 million in contingency funds until their use

has been approved by the Senate and House Committees on Armed Services.

Except for approximately $82 million which will be requested in fiscal year 1972 for the C–5A program, the remaining required funding will be in excess of the contract obligation as interpreted by the Air Force. As previously indicated the contractor does not agree with the Departmental interpretation.

In this connection it should be noted that the funding for the C–5A program up to fiscal year 1971 (fiscal year 1970 and prior) totals approximately $3.4 billion. The Department of Defense estimates the cost of completing the remainder of the 81 plane program will be approximately an additional $800 million over and above all funds approved prior to fiscal year 1970 and the $344.4 million in this bill. The $200 million in this bill therefore represents only a portion of the anticipated costs of completing the program.

The Committee in Section 504(a) provides that the $200 million will not be obligated until the Secretary of Defense has presented a plan that has been approved by the House and Senate Committees on Armed Services. In effect this means that the proposed contractual arrangement both for the use of the $200 million and the completion of the entire C–5A program will require approval of the two Committees. Through this method there will be the opportunity of a complete review by the Committees on this problem.

The second Committee language provision provides for strict statutory guidelines which will insure that the $200 million in contingency funding will be used only for the C–5A program insofar as the contractor is concerned and not possibly intermingled or diverted to other uses among the various other programs of the company. The bill in section 504(b) expressly excludes other uses for the $200 million.

DISCUSSION OF COMMITTEE POSITION

The basic premise of the Committee position is the fact that the C–5A aircraft is needed as an essential element of our national defense because of its unique role in any deployment plans.

The original C–5A program formulated in the early 1960's contemplated six squadrons totaling 120 planes. Subsequently this program, as a result of increased cost and other factors, was reduced to four squadrons or 81 planes which is the present program. In November 1969 the Secretary of Defense announced the program would be held to 81.

The C–5A was designed for the specific role of carrying the outsized equipment of combat divisions that no other aircraft can transport. These include such items as tanks, self-propelled Howitzers, and other equipment of mechanized or armored divisions. The items which will be transported by the C–5A constitute about 75 percent of the heavy firepower of the armored divisions. The C–5A will be used as a complement to other types of aircraft which will transport the troops and lighter equipment of the fighting units.

The C–5A is the largest aircraft ever built. As an example of a typical deployment sortie to Europe, each C–5A would carry 75 tons of outsized equipment, an additional 6 tons of bulk cargo, with 81 men.

The number of about 81 aircraft is considered the minimum number essential to constitute a meaningful military capability.

POSSIBLE ALTERNATIVES

The Department of Defense has made it clear the funding request of $344.4 million would finance the C–5A program for only approximately the first 6 months of fiscal year 1971. Without additional funding beyond the $344.4 million, the C–5A program would substantially cease about December 31, 1970, because of the severe financial condition of the company. The $200 million in contingency funds would be sufficient to finance the C–5A program for the latter 6 months of fiscal year 1971. Under these circumstances the following alternatives present themselves insofar as the fiscal year 1971 request is concerned:

(1) If no funding is authorized for fiscal year 1971, the Air Force would receive only 17 aircraft for appropriated funds of about $3.4 billion;

(2) The Air Force estimates that the fiscal year 1971 fund request of $344.4 million for prior year unfunded deficiencies will allow continuation of the program through December 1970 and allow the completion of 13 additional aircraft for a total of 30. It should be noted that the Committee voted on the matter of funding only the $344.4 million and deleting the $200 million in contingency funds. This proposed amendment was not adopted by the Committee;

(3) The $200 million in contingency funds would be required for funding during the remaining 6 months of fiscal year 1971 and would allow scheduled completion of 12 additional aircraft for a total of 42 aircraft scheduled to be completed by the end of fiscal year 1971;

(4) The Committee also considered the alternative of another aircraft program in view of the cost of the C–5A. Testimony was received indicating that no other aircraft could perform the unique role of the C–5A. Moreover, the cost of initiating or reopening new production lines would be financially impractical as compared to the ongoing C–5A program.

The crucial decision of the Committee therefore is the recognition of the need for the aircraft and the necessity for continuing the program if a reasonable solution can be found to provide the additional financial resources to complete the program.

EFFECT ON UNIT COST OF ADDITIONAL NUMBERS

The following figures are persuasive for continuing the C–5A program with respect to the unit cost per aircraft under the various funding alternatives:

(1) If no additional funding is authorized we will have 17 aircraft at a cost of about $3.4 billion or approximately $200 million per aircraft;

(2) If additional funding of only $334.4 million is authorized, for fiscal year 1971 approximately 30 aircraft will be delivered at a cost of approximately $3.75 billion or $125 million per aircraft;

(3) If the entire $544.4 million in the fiscal year 1971 request is approved for a total of $3.95 billion, it will result in 42 planes with the cost per plane approximately $94 million;

(4) If a total of 81 aircraft are procured, the total cost is estimated to be approximately $4.585 billion or a unit cost of approximately $56 million each. These totals include an amount for spares, support, and R. & D. for this program.

In other words, after the $344.4 million owned under the contract is authorized, additional funds of $800 million will be required for 50 additional planes resulting in an average cost of about $16 million each for the remaining planes.

TECHNICAL PROBLEMS

The Committee recognized the current technical problems with this aircraft and considered the potential cost and performance impact. The Committee will continue to maintain the program under careful scrutiny as further testing is conducted.

The Deputy Secretary of Defense anticipates that the various technical problems that have arisen in connection with the plane can be satisfactorily resolved.

Mr. TALMADGE. Those are the conditions under which the money could be paid, and only those conditions. They are very stringent, much more stringent than those adopted by the House.

Mr. PROXMIRE. Regardless of the condition, what the committee said is that they were going to get it—under those conditions it is true, but whether they have a right to it or not.

Mr. TALMADGE. This involves two parties who have dealt before in contracts—Lockheed and the Defense Department—for 50 years. There is an argument. The Senator has had arguments; so have I. We contend one thing; the opposing party contends something else. Frequently, we can get together and adjust those arguments. It is possible that that can be done here. But the Senator does not want that sort of settlement. He sets up two conditions, neither of which Lockheed can achieve.

Mr. PROXMIRE. The answer is that Lockheed just does not have a right to the money.

Mr. TALMADGE. Of course, that is the Senator's opinion. He has made it clear.

Mr. PROXMIRE. That is the Air Force's opinion.

Mr. TALMADGE. He has made it clear this year, last year, and in previous years.

Mr. PROXMIRE. That is the Air Force's opinion.

Mr. TALMADGE. But other Members of the Senate think otherwise.

Mr. PROXMIRE. And that is the committee's opinion.

Mr. TALMADGE. No; it is not the committee's opinion. The committee sets up the conditions.

Mr. PROXMIRE. I refer the Senator to page 18. It indicates clearer the $800 million will be required over and above the contract.

Mr. TALMADGE. The Senator is seeking to change what the Senate committee did.

Mr. PROXMIRE. That is exactly right. We are going to add additional conditions to protect the taxpayers so that they do not get it unless they have it coming, or it is necessary in order to keep the planes in production, to keep the assembly lines going, and to keep people at work.

What could be fairer than that?

Mr TALMADGE. The Senator has made his views quite clear on previous evenings, on previous days, and in previous years.

Mr. PROXMIRE. I thank the Senator. As I say, he has made his case. The Senator from Pennsylvania (Mr. SCHWEIKER) and I will respond in some detail later. This colloquy has been most helpful. The Senator has been able to make his rebuttal to our speeches tonight. I believe that we can have a clearer and more useful debate on this subject at a later time.

I thank the Senator from Georgia very much

Mr. TALMADGE. I thank the Senator from Wisconsin.

Mr. President, I yield the floor.

TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be a period for the transaction routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER (Mr.

ALLEN). Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following communication and letters, which were referred as indicated:

PROPOSED AMENDMENT TO THE BUDGET, 1971, FOR THE DEPARTMENT OF HEALTH, EDUCATION, AND WELFARE (S. DOC. NO. 91–97)

A communication from the President of the United States, transmitting a proposed amendment to the budget for the fiscal year 1971, in the amount of $5,140,000, for the Department of Health, Education, and Welfare (with an accompanying paper); to the Committee on Appropriations, and ordered to be printed.

REPORT ON DEPARTMENT OF ARMY RESEARCH AND DEVELOPMENT CONTRACTS

A letter from the Deputy Assistant Secretary of the Army, Research and Development, transmitting, pursuant to law, a report on Army research and development contracts for $50,000 or more awarded during the period January 1, 1970, through June 1970 (with an accompanying report); to the Committee on Armed Services.

REPORT OF COMMISSION ON CIVIL RIGHTS

A letter from the Chairman, U.S. Commission on Civil Rights, transmitting, pursuant to law, a report of the Commission on the ethnic isolation of Mexican Americans in the public schools of the Southwest, dated August 1970 (with an accompanying report); to the Committee on the Judiciary.

PETITION

A petition was laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. ALLEN):

The petition of James A. Tavolarri, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

ENROLLED BILLS SIGNED

The ACTING PRESIDENT pro tempore (Mr. ALLEN) announced that on today, August 20, 1970, he signed the following enrolled bills, which had previously been signed by the Speaker of the House of Representatives:

H.R. 2849. An act for the relief of Anan Eldredge;

H.R. 6265. An act to provide that a headstone or marker be furnished at Government expense for the unmarked grave of any Medal of Honor recipient;

H.R. 8662. An act to authorize command of the USS *Constitution* (IX–21) by retired officers of the U.S. Navy;

H.R. 9052. An act to amend section 716 of title 10, United States Code, to authorize the interservice transfers of officers of the Coast Guard;

H.R. 12959. An act for the relief of Gloria Jara Haase;

H.R. 13195. An act to amend title 10 of the United States Code to provide that U.S. flags may be presented to parents of deceased servicemen;

H.R. 13383. An act for the relief of Mrs. Marcella Coslovich Fabretto;

H.R. 13712. An act for the relief of Vincenzo Pellicano; and

H.R. 15374. An act to amend section 355 of the Revised Statutes, as amended, concerning approval by the Attorney General of the title to lands acquired for or on behalf of the United States, and for other purposes.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. SPARKMAN, from the Committee on Banking and Currency, with an amendment:

S. 3330 A bill to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes (Rept. No. 91–1129); and

S. 3775. A bill to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code (Rept. No. 91–1130).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, without amendment:

H R. 15351. An act to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission (Rept. No. 91–1131);

S. Res. 440. Resolution increasing the limit of expenditures for hearings before the Committee on Armed Services;

S. Res. 448. Resolution authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate;

S. Res. 451. Resolution to authorize the Committee on Finance to expend $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946; and

H. Con. Res. 679. Concurrent resolution authorizing the printing of additional copies of "Education in Israel" for use of the Select Committee on Education (Rept. No. 91–1133).

By Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, with amendments:

S Res. 442. Resolution to investigate matters pertaining to constitutional rights (Rept. No. 91–1132).

By Mr. McCLELLAN, from the Committee on Appropriations, with amendments:

H.R. 17575. An act making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1135).

EMPLOYMENT AND TRAINING OPPORTUNITIES ACT OF 1970—REPORT OF A COMMITTEE—SUPPLEMENTAL AND INDIVIDUAL VIEWS (S. REPT. NO. 91–1136)

Mr. NELSON. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (S. 3867) to assure opportunities for employment and training to unemployed and underemployed persons, to assist States and local communities in providing needed public services, and for other purposes. I ask unanimous consent that the minority on the committee have until the conclusion of business today to file supplementary and individual views.

The PRESIDING OFFICER (Mr. HUGHES). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Wisconsin.

BILLS INTRODUCED

Bills were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. SPARKMAN:

S. 4267. A bill to broaden the coverage of section 242 of the National Housing Act to include proprietary hospitals; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear below under the appropriate heading.)

By Mr. SPARKMAN (for himself and Mr. BENNETT):

S. 4268. A bill to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes; to the Committee on Banking and Currency.

(The remarks of Mr. SPARKMAN when he introduced the bill appear below under the appropriate heading.)

By Mr. FONG (by request):

S. 4269. A bill to provide for employment within the Environmental Protection Agency of commissioned officers of the Public Health Service, and for other purposes; to the Committee on Post Office and Civil Service.

By Mr. FONG (for himself, Mr. BOGGS, and Mr. STEVENS):

S. 4270. A bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes; to the Committee on Post Office and Civil Service.

(The remarks of Mr. FONG when he introduced the bill appear below under the appropriate heading.)

By Mr. McGEE.

S. 4271. A bill for the relief of Reva J. Cullen; to the Committee on the Judiciary.

By Mr. MAGNUSON:

S. 4272. A bill to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935 to provide housing for persons of low and moderate income; to the Committee on Banking and Currency.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. ALLOTT (for himself and Mr. JACKSON) (by request):

S. 4273. A bill to modify the boundaries of the Coeur d'Alene, Nezperce, Payette, Boise, Sawtooth, and Targhee National Forests in the State of Idaho, and for other purposes; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. ALLOTT when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

S. 4267—INTRODUCTION OF A BILL TO EXTEND TO PROPRIETARY HOSPITALS HUD MORTGAGE INSURANCE

Mr. SPARKMAN. Mr. President, I am introducing a bill to amend section 242 of the National Housing Act to extend to proprietary hospitals HUD mortgage insurance authority, now available to help finance the construction and modernization of nonprofit hospitals.

This new authority is needed to help the private sector of the health industry meet the financial requirements and improve the efficiency of our health care delivery system.

The Department of Health, Education, and Welfare estimates that present hospital construction and modernization needs would cost in excess of $11 billion. Traditional sources of financing—philanthropy and government—cannot meet this need. The private sector and investor sources should be encouraged to participate in the expansion and improvement of our health facilities.

The existing provisions of the Housing Act relating to mortgage insurance for health facilities provide that both proprietary and nonprofit nursing homes and intermediate care facilities, as well as nonprofit hospitals, are eligible for the benefits of the act. This bill would simply extend that eligibility to proprietary hospitals.

There are approximately 1,000 investor-owned hospitals in the United States, representing about 20 percent of the nongovernment hospitals. In some areas of the Nation, investor-owned hospitals represent closer to 100 percent of the available hospital care because communities have been too poor to finance new hospitals or have grown too rapidly to keep up with exploding hospital needs. It is inequitable and unreasonable not to allow these facilities to apply for mortgage insurance in connection with expenditures for modernization or needed expansion.

The legislation which I am introducing requires that the designated State health agency certify the need for the capital expenditure prior to approval by the Secretary of Housing and Urban Development for mortgage insurance. This will assure proper planning and quality of care in hospital expansion programs.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred.

The bill (S. 4267) to broaden the coverage of section 242 of the National Housing Act to include proprietary hospitals, introduced by Mr. SPARKMAN, was received, read twice by its title and referred to the Committee on Banking and Currency.

S. 4268—INTRODUCTION OF A BILL TO FACILITATE GREATER EXPANSION OF THE EXPORT TRADE OF THE UNITED STATES

Mr. SPARKMAN. Mr. President, I introduce for myself and Mr. BENNETT, a bill to amend the Export-Import Bank Act in order to facilitate greater expansion of the export trade of the United States.

I ask unanimous consent that the bill, together with an explanatory statement of the bill, be printed in the RECORD.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the bill and explanatory statement will be printed in the RECORD.

The bill (S. 4268) to amend the Export-Import Bank Act of 1945, as amended, to allow for greater expansion of the export trade of the United States, to exclude Bank receipts and disbursements from the budget of the U.S. Government, and for other purposes, introduced by Mr. SPARKMAN, for himself and Mr. BENNETT, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4268

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Export-Import Bank Act of 1945, as amended (12 U.S.C. 635), be and the same is hereby further amended as follows:

By adding at the end of Section 2(a):

"The receipts and disbursements of the Bank in the discharge of its functions shall not be included in the totals of The Budget of the United States Government and shall be exempt from any annual expenditure and net lending (budget outlays) limitations imposed on The Budget of the United States Government. In accordance with the provisions of the Government Corporation Control Act, as amended, the President shall transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank."

The material submitted by Mr. SPARKMAN is as follows:

EXPLANATORY STATEMENT

World trade is expanding at an average annual rate of 9.1 percent, but international liquidity is only increasing at 2.9 percent per year. It is obvious, therefore, that financing becomes an ever-important factor each year.

The proposed legislation would strengthen significantly the ability of American exporters to effectively compete with their foreign counterparts. It thus offers an important means of improving the nation's balance of international payments, both short range and long term.

The proposed bill would remove the operations of the Export-Import Bank of the United States from computations of The Budget of the United States Government and thus also from any annual expenditure and net lending limitations imposed on The Budget. Notwithstanding the proposed change in recording the Bank's operations, its activities would continue to be subject to Executive Branch control and annual review by the Congress. The President of the United States would transmit annually to the Congress a budget for program activities and for administrative expenses of the Bank.

The Bank's basic legislation, the Export-Import Bank Act, was designed by the Congress to provide the Bank with the flexibility of financing its operations in the most economical and manageable manner as necessary to meet the changing needs of the export industry. Until recently the Bank's facilities were required principally to assume risks and terms of repayment that were beyond the capability of the private sector. Under current and projected conditions, the Bank's facilities are required also to assure the export community of continuing liquidity for the financing of sales abroad and for making financing available at competitive rates when there is demonstrated need.

The important element of the flexibility is negated, however, by the inclusion of the Bank's activities in The Budget. The magnitude of need for Eximbank participation, indeed, often runs counter-cyclically with the alternating policies of budgetary restraint and relaxation.

By removing the operations of Eximbank from the constraints imposed by the Unified Budget, the Bank would be in a position to more adequately respond to the demonstrated need for its participation in financing export transactions, to more efficiently and economically manage its resources and authority, and, importantly, to establish a new program urgently needed for supporting those export transactions requiring short-term financing at competitive rates.

Exports provide the principal portion of the nation's receipts in its balance of international payments account. Achieving equilibrium, or preferably a surplus, in this account clearly requires an increase of exports at a rate considerably higher than current growth.

A portion of the nation's export business is defined as cash transactions; this segment, of course, makes an immediately beneficial contribution to the balance of international payments. Availability of cash for external purchase is directly subject to the ever-changing cost and supply of convertible currency in the purchasing country. Clearly the success of United States exporters in the international marketplace is directly influenced by these conditions and increasingly relies on the ability to extend credit.

A look at the composition of our trade, the nature of our customers, and the practices of our competition will explain this need for credit:

First, achieving our export expansion goals depends heavily on a rapid growth of sales abroad of "technology-intensive" manufactured goods—jet aircraft, nuclear power installations, petrochemical plants, computer complexes, and the like. Over half of our potential for increasing exports consists of these kinds of products. Few buyers, public or private, are able to pay cash for such purchases. The terms, cost of financing and its availability are frequently the most important factors in the purchaser's decision as to where and when he places his order.

Second, achieving our export expansion goals depends heavily also on the development of new markets. Reduction in multinational and bilateral development assistance shifts the burden of developing new markets in the lesser developed countries to the availability of export financing. In the industrialized countries, "pay as you earn" is the byword, and incremental increases in purchases of United States goods will require that the United States supplier provide an ever larger proportion of financing.

Third, achieving our export expansion goals requires that the total United States sales package continue to be competitive. Buyers are demanding credit terms that meet their needs, and our competitors from the other countries are meeting this demand with strong government support. Twenty-nine export credit institutions representing twenty-three countries, members of the Berne Union, an international export credit forum, report significant annual increases in the amounts of export credit they are supporting. United States exporters must have credit facilities to keep pace with or surpass their competitors.

Commercial banks are traditionally the principal source for financing of United States exports in short- and medium-term. Insurance companies, trusts and funds, too, participate in longer term transactions. For half a decade until 1968 our United States private financing sources gave United States exporters a clear advantage in the world markets.

The United States Government has for many years recognized that it has a role in export financing. It is well understood that the paramount purpose of any government financing facility is to supplement and not compete with private sources of financing, but certain aspects of international trade can be provided only by government participation. Shortage of liquidity in the commercial money markets, repayment terms beyond those which commercial sources are willing or able to extend, political risks which commercial financial institutions cannot be expected to assume, and competitive interest rates substantially below the internal domestic level are serious burdens that face this country's exporters today. These deficiencies can only be met by a well financed and soundly operated government facility.

The Export-Import Bank is the principal United States Government agency for financing the expansion of commercial exports. The Bank serves this purpose by making loans directly to overseas buyers of United States goods and services, by guaranteeing and insuring export transactions financed by others, and by loaning against export debt obligations held by commercial banks.

All of these Eximbank activities result in a 100 percent direct positive contribution to the United States balance of international payments. Eximbank's disbursements are paid to United States suppliers in the United States, but *all* repayments of financing extended or assisted by the Bank are *repaid into* this country *in dollars*.

Eximbank does not require appropriated funds. Existing authority granted by the Congress provides the means of financing either through the Department of the Treasury or outside of the Government through sales of its debt obligations. The sound operation of the Bank since its inception has earned a respected position in the capital markets in the United States and abroad.

Eximbank has in the past and will continue to use its resources effectively to supplement and not compete with private financial sources. Endorsement of the nation's private banking community attests to this true partnership operation.

In May 1969, in response to urgent and demonstrated need the Bank's management began a comprehensive overhaul of programs and activities. New forms of export credit insurance were devised. Guarantee facilities were revamped. Greater emphasis has been placed on active cooperation with private, international and public financial institutions at home and abroad. Intensive and continuing consultation with United States exporters and buyers abroad has revealed areas of cooperation hitherto untapped. Notably, the Bank has revised its direct lending activities to produce more sales for each dollar supplied.

Eximbank's direct loans under its current operation are now made only in combination with funds from private institutions, thereby freeing resources otherwise not available to the foreign buyer and moderating the cost to an acceptably competitive level. The Bank has expanded use of the financial guarantee program to now cover export loans extended by foreign as well as United States financial institutions. Relending credits today are used solely, but effectively, for trade expansion. Bank credits are being combined with private sources of funds in purchasing countries to achieve effective leverage on Eximbank's cash availabilities.

The Bank's redesigned medium-term commercial bank discount program has successfully encouraged larger numbers of commercial banks to engage in export financing. Extension of the program to cover short-term transactions has not been possible because of the budgetary constraints. Iron and steel, paper products, textiles, apparel, fertilizers, agricultural products, and consumer goods move on short-term financing account. With unified budgetary restraints removed, Eximbank could provide the kind of support demonstrably needed to counter the liquidity and high interest rate problems confronting traders in these commodities, and add materially to the expansion of this important segment of United States exports.

The Bank, since its inception, has authorized direct loans, guarantees and insurance producing some $35 billion of export sales. Out of its total volume of business, less than 1/10 of 1 percent is either in default or delinquent. This ability to "collect" on Eximbank obligations is an asset that should be fully exploited.

On every hand there is evidence that foreign competition is increasing and the nation's very thin balance of trade surplus is in danger of disappearing. Eximbank's ability to meet this rising need is now so constrained that its full usefulness cannot be brought into full play.

Under present budget concepts, Eximbank's net disbursements (defined as the difference between outlays resulting from direct lending programs and commercial bank export credit discount programs) and receipts (defined as the repayment of principal and interest on outstanding loans and so-called "sales of assets") impact the Federal budget as well as the Congressionally imposed budget outlay limitations.

Thus, while in 1968, after extensive hearings and consideration, the Congress authorized an increase in Eximbank total outstanding program activity from $9 billion to $13.5 billion, the newly imposed and supplemental budget constraints effectively prevent the Bank from supporting exports as clearly intended.

It is proposed, therefore, that the Congress enact legislation which would (a) remove crippling restraints on Eximbank's ability to fund its lending activity, and (b) make certain that commitments by the Bank do not aggravate future budget deficits or endanger desirable surpluses.

It has been alleged that an exemption of this kind for Eximbank would create a precedent for a similar exemption of other Government programs.

Actually, precedent does exist for removing certain activities from the budget—the Federal old age and survivors insurance fund, the Federal hospital insurance fund, the Federal disability insurance trust fund, the Federal National Mortgage Association, the Civil Service retirement fund, the Banks for Cooperatives Trust Fund, the Federal Intermediate Credit Banks Fund, and the Railroad Retirement Fund are useful examples.

The current proposal nonetheless does not rely on precedent, nor does it establish precedent. Eximbank's activities are strikingly dissimilar to other Government net lending activities. Eximbank's activities are key in providing a beneficial impact on the balance of international payments. It is the only effective mechanism for countering the export credit schemes of competitive nations. Its disbursements are uniquely different from normal Government expenditures. They are repaid with interest. Most Government programs, laudable as they may be, involve only a specific segment of the United States economy or population and are affected only by the conditions of the domestic economy. Eximbank's programs benefit nearly every segment of industry and the population and are directly responsive to world economic conditions primarily to meet competition from other exporting countries.

Further, a successful solution to the chronic balance of payments deficits strengthens the dollar and adds to the long-term economic health of the country.

Exempting Eximbank's net lending activities from the budget constraints as they are now defined would allow the Bank over the next several years to increases its net disbursements from non-appropriated funds. However, repayments of the loans plus interest and fees would, in the course of a relatively few years, equal disbursements under its programs, adding an additional element to the future fiscal strength of the country.

S. 4270—INTRODUCTION OF A BILL RELATING TO ADJUSTMENT OF RATES FOR THE STATUTORY PAY SYSTEMS UNDER TITLE 5, UNITED STATES CODE

Mr. FONG. Mr. President, on behalf of myself, the Senator from Delaware (Mr. BOGGS), and the Senator from Alaska (Mr. STEVENS), I introduce, for appropriate reference, a bill to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes. I ask unanimous consent that a statement of purpose and justification for the bill be printed in the RECORD.

The PRESIDING OFFICER (Mr. EAGLETON). The bill will be received and appropriately referred; and, without objection, the statement will be printed in the RECORD.

The bill (S. 4270) to amend title 5, United States Code, to direct the President to adjust the rates for the statutory pay systems, to establish an Advisory Committee on Federal Salaries, and for other purposes, introduced by Mr. FONG (for himself and other Senators), was received, read twice by its title, and referred to the Committee on Post Office and Civil Service.

The statement of purpose and justification, presented by Mr. FONG, is as follows:

STATEMENT OF PURPOSE AND JUSTIFICATION

The purpose of this draft bill is to provide a continuing improved procedure for adjusting salaries for General Schedule employees, Foreign Service employees, and doctors, dentists, and nurses in the Department of Medicine and Surgery of the Veterans Administration. This legislation is necessary to properly implement the policy adopted by Congress in 1962 for relating the rates in these schedules to salaries paid for similar work levels in the private sector.

As stated in section 5301 of title 5, United States Code, the policy of Congress is that Federal pay fixing be based on the principles that—

(1) there be equal pay for substantially equal work, and pay distinctions be maintained in keeping with work and performance distinctions; and

(2) Federal pay rates be comparable with private enterprise pay rates for the same levels of work.

This draft bill is designed to reduce the time lag between salary surveys and schedule adjustments and to make other improvements in the procedure for applying the pay comparability principle to the adjustment of salaries for these Federal career employees.

Enactment of the salary review and adjustment procedures in this draft bill would afford an appropriate role to employee organizations, the President, and Congress. Employee organizations would be consulted regarding the coverage of the Bureau of Labor Statistics survey, the salary comparison process, and the adjustments in Federal salaries required to achieve comparability with private enterprise salaries.

In addition, employee organizations would be afforded the opportunity to have their views and recommendations with respect to the annual report of the President's agent considered by an impartial body. The proposed legislation would establish an Advisory Committee on Federal Salaries composed of three members appointed by the President from outside the Government service for six-year staggered terms. The Advisory Committee would review the annual report of the President's agent and give thorough consideration to such further views as might be presented with respect to the analysis and pay proposals in that report by unions, professional organizations, and other Federal officials. Upon completion of its review, the Committee would report to the President.

This proposal would vest in the President the responsibility for adjusting statutory schedules each year in accordance with policies established by law. Congress would con-

tinue to deal with changes in policy by the usual legislative process.

By giving the authority to the President, action can be completed in a much shorter time following the comparison of Federal and private enterprise salaries. When the President arrived at a decision on what adjustment was needed to raise Federal salaries to comparability with private enterprise rates, that adjustment could be put into effect in a timely manner. Now the President's recommendations must be sent to Congress where the necessary legislative action generally takes a minimum of two or three months and sometimes a much longer period. Especially in times when salaries in the private sector are increasing rapidly, the Federal employee should not have to wait for the adjustment to which he is entitled.

The draft bill fixes a date on or before which the President must adjust the salaries each year. If for reasons of national emergency or economic conditions affecting the general welfare the President should consider it inappropriate in any year to make the adjustment required by law, he would have to prepare and transmit to Congress in advance his alternative plan, and if neither House of Congress disapproved on or before September 30, the plan proposed by the President would become effective on October 1.

The draft bill specifies an October effective date for the adjustments. An exception is made, however, for the first two adjustments. Section 3 of the bill specifies that these adjustments will be effective in January 1971 and January 1972, respectively. The October date is introduced so that the survey schedule may be adjusted to better accommodate to the budget cycle. The time lag between the survey and the effective date of the adjustment would be unchanged. The survey would be made earlier and the adjustment would be made earlier. With the present survey schedule and a January adjustment, it is necessary to seek a supplemental appropriation not only for the current year but also for the next fiscal year.

Federal salary rates must be adequate to enable the Government to employ persons well qualified to conduct its programs; they must be fair to Federal employees and they must be fair to the taxpayer.

Salaries fixed in accordance with the principles established in 1962 meet these objectives. This draft bill reaffirms the established principles and provides improved procedures for carrying them out.

The achievement of true comparability dictates that the annual adjustments be made on a timely basis. The draft bill assures that this will be done by requiring that the President make the adjustments by a certain date.

Congress has established the policies. Congress can by this proposed legislation establish the needed authorizations for the continuing administration of the program. As with any other program administered by the Executive Branch, Congress will oversee the work and consider and enact legislation as needed to change it.

S. 4272—INTRODUCTION OF BILL RELATING TO AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935

Mr. MAGNUSON. Mr. President, I introduce, for appropriate reference, a bill which would amend the Public Utility Holding Company Act of 1935 to enable utility holding-company systems to participate in federally assisted low- and moderate-income housing programs and I ask unanimous consent that this bill be referred to the Committee on Banking and Currency for consideration and action.

The bill would amend the Holding Company Act to empower the Securities and Exchange Commission by rule, regulation, or order to authorize companies subject to the act to construct, own, or operate low- and moderate-income housing either through investment in housing subsidiaries of the holding-company system or through investment in individual housing projects in which corporations created or organized pursuant to title IX of the Housing and Urban Development Act of 1968—such as the recently formed National Corporation for Housing Partnerships—participate. The bill is narrowly drawn and would limit utility holding company housing investment to federally assisted low and moderate housing projects within the service area of the holding-company system and would retain for the Securities and Exchange Commission the authority to regulate the extent and nature of this investment thereby assuring continuing review by the SEC in the interests of the utility's consumers and investors.

This bill is designed to assist the Department of Housing and Urban Development in its efforts to encourage electric and gas utilities throughout the United States to participate in low and moderate income housing projects in the communities they serve. Additionally, utilities have been encouraged to invest in housing projects sponsored in part by the National Corporation for Housing Partnerships, a congressionally chartered corporation, created to facilitate private enterprise investments in low and moderate income housing projects on a limited partnership basis.

It should be recognized that public utility companies can play a unique and valuable role in providing critically needed low and moderate income housing in their service areas. These companies have a special social and economic interest in the stability and well-being of the communities they serve. They have the financial and managerial resources to construct low and moderate income housing. They are familiar with Government regulation and can work effectively under federally assisted housing programs. They occupy positions of prestige and stability in their own communities and can play a catalytic role in involving other local business leaders in housing and community development problems.

While many private businessmen are unwilling to subject themselves to Government controls and do not desire to participate in federally assisted low and moderate income housing programs, a number of utility holding-company systems have expressed a willingness to become involved in this much-needed housing construction. I believe that they can make a contribution to attaining our national housing goals and should be encouraged to do so.

This bill is needed because of a recent ruling by the SEC that the Holding Company Act does not empower the SEC to authorize utilities subject to the act to invest in federally assisted housing development. This decision of the SEC did not suggest, however, that holding-company system participation in low and moderate income housing is detrimental to the interests of the utility's consumers or investors. To the contrary, the SEC recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3-to-2 vote that utility holding-company activities in this field were not contemplated by the Holding Company Act as originally enacted in 1935.

I am pleased to report that the SEC has participated in the drafting of this bill and has stated that it has no objection to its passage.

Mr. President, I have received a letter from Secretary George Romney describing the bill, its justification and the need for its expeditious passage. I ask unanimous consent that the bill and Secretary Romney's letter and its attachments be included at the conclusion of my remarks and printed in the RECORD.

Because this bill deals with housing for low- and moderate-income families under federally assisted programs, I have discussed this matter with the distinguished chairman of the Committee on Banking and Currency. I am hopeful that the Committee on Banking and Currency will be able to include the proposed amendment in this year's housing bill which I understand is now being marked up in executive session. Without waiving, in any way, the Commerce Committee's jurisdiction over the Public Utility Holding Company Act, it is our view that the need for immediate action on the subject matter of the proposed amendment is such that the housing bill is the appropriate vehicle for the amendment. Accordingly, I ask unanimous consent that this bill be referred to the Committee on Banking and Currency for its consideration.

The ACTING PRESIDENT pro tempore (Mr. ALLEN). The bill will be received; and, without objection, the bill will be referred to the Committee on Banking and Currency, and the bill, letters, and memorandum will be printed in the RECORD.

The bill (S. 4272) to assist in meeting national housing goals by authorizing the Securities and Exchange Commission to permit companies subject to the Public Utility Holding Company Act of 1935, to provide housing for persons of low and moderate income, introduced by Mr. MAGNUSON, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4272

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 9(c) of the Public Utility Holding Company Act of 1935 (15 U.S.C. 791(c)) is amended by omitting the word "or" at the end of subsection (2), substituting a semicolon for the period and adding the word "or" at the end of subsection (3), and adding the following:

"(4) (A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act, as amended, or a substitute thereof, or (B) securities of or interests in a company organized for such housing programs within the service area of a holding-company system and which receives financial or other as-

sistance from a company created or organized pursuant to title IX of the Housing and Urban Development Act of 1968. In no event shall such acquisitions be made except within such limitations and upon such terms and conditions, and with due regard to other provisions of this title, as the Commission may permit by rules and regulations or order as not detrimental to the public interest or the interest of investors or consumers."

The letters and memorandum, presented by Mr. MAGNUSON, are as follows:

SECURITIES AND EXCHANGE COMMISSION,
Washington, D.C., August 12, 1970.

Hon. GEORGE ROMNEY,
Secretary of Housing and Urban Development, Washington, D.C.

DEAR MR. SECRETARY: I have your letter of July 16, 1970, in which you suggest an amendment to the Public Utility Holding Company Act of 1935 so as to permit this Commission to authorize public-utility holding-company systems to participate in government assisted programs to provide low and moderate income housing. To your letter is appended a proposed bill to accomplish this purpose.

The Commission has considered your proposal. The Commission would have no objection to your proposed addition of paragraph (4) to Section 9(c) if revised as follows:

"(4) (A) securities of a subsidiary company engaged in the business of providing housing for persons of low and moderate income within the service area of the holding-company system under housing programs authorized by the National Housing Act, as amended, or a substitute thereof, or (B) securities of or interests in a company organized for such housing programs within the service area of a holding-company system and which receives financial or other assistance from a company created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968. In no event shall such acquisitions be made except within such limitations and upon such terms and conditions, and with due regard to other provisions of this title, as the Commission may permit by rules and regulations or order as not detrimental to the public interest or the interest of investors or consumers."

You also suggested an amendment to Section 6(b) of that Act, but in our opinion this amendment is unnecessary. Section 6(b) as it now reads already provides an exemption, by rule or order, for the issue and sale of securities by a subsidiary company of a registered holding company engaged in owning and operating low and moderate income housing.

Our staff has discussed these changes with Mr. G. Richard Dunnells, Special Assistant to the Under Secretary.

Sincerely,

HAMER H. BUDGE,
Chairman.

AUGUST 18, 1970.

Hon. WARREN G. MAGNUSON,
Chairman, Committee on Commerce, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I am enclosing for consideration by the Senate Commerce Committee a bill which would enable public utility holding-company systems to participate in Federally-assisted programs to provide low and moderate income housing.

The bill would amend the Public Utility Holding Company Act of 1935 to permit such utilities to construct, own or operate Federally-assisted low and moderate income housing either individually or in partnership with a national housing corporation created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968. Under the bill, the Securities and Exchange Commission would retain the authority to regulate the extent and nature of participation by holding company systems in these housing activities, thereby assuring continuing review by the Commission in the interests of the utility's consumers and investors.

The legislation is necessary because of a recent ruling by the S.E.C. that the Holding Company Act does not empower the S.E.C. to authorize utilities subject to the Act to participate in such housing activities. The decision of the S.E.C. did not suggest, however, that utility participation in low and moderate income housing programs is contrary to the interests of utility consumers or investors. The S.E.C. recognized the policy of the National Housing Act to assist private industry in housing programs but concluded by a 3–2 vote, that utility holding-company activity in this field was not contemplated by the Holding Company Act as originally enacted in 1935. This reversed a previous 3–1 S.E.C. decision which had authorized a utility subject to the Act to construct low and moderate income housing.

I am pleased to report that the S.E.C. has participated in the drafting of the subject bill and has stated that it has no objection to its passage.

I recognize that utility holding-company systems represent only a fraction of the nation's public utilities and that, in terms of dollar investment and number of housing units produced, their contribution to solving the critical housing needs of low and moderate income families might be deemed to be minimal. However, for some time this Department has recognized the unique and valuable role that public utility companies can play in providing low and moderate income housing in their service areas. These companies have a special social and economic interest in the stability and well-being of the communities in which they do business. They have the ability and resources to finance and construct low and moderate income housing, can work effectively with the branches of government involved in housing and, as business leaders of their communities, can play a catalytic role in involving other business leaders in local housing and community development problems.

While many private businesses are unwilling to subject themselves to government controls and do not desire to participate in low and moderate income housing, we have found that a number of utility holding-company systems are willing and able to become involved in this much needed housing construction. The Department believes that they can make a contribution toward attaining our national housing goals and should be encouraged to do so.

I realize that there are many important matters before your Committee, but I sincerely hope that you may act upon this bill at the earliest possible date. The S.E.C.'s recent decision, which was noted above, has halted plans for the immediate construction of a number of low and moderate income housing units and has postponed planning for other projects.

Sincerely,

GEORGE ROMNEY.

MEMORANDUM ON PROPOSED AMENDMENT TO PUBLIC UTILITY HOLDING COMPANY ACT OF 1935 TO AUTHORIZE PARTICIPATION IN LOW AND MODERATE INCOME HOUSING PROGRAMS

PRELIMINARY STATEMENT

The Department of Housing and Urban Development (HUD), with the participation and concurrence of the Securities and Exchange Commission (S.E.C.), has recommended to the Congress an amendment of the Public Utility Holding Company Act of 1935 which would make clear the authority of the S.E.C. to permit companies regulated under that Act to participate in government-assisted low and moderate income housing programs. This memorandum will indicate the background and need for the proposed legislation.

BACKGROUND

In adopting the Public Utility Holding Company Act of 1935, Congress provided in Section 11(b)(1), 15 U.S.C. § 79k(b)(1), that holding-company systems must be limited to the utility business in which they are engaged and "such other businesses as are reasonably incidental, or reasonably necessary or appropriate to the operations of such integrated public-utility systems."

In March of 1969, the S.E.C., by a divided vote, held that the participation by a holding-company subsidiary in low and moderate income housing programs administered by HUD satisfied the statutory standards of the Holding Company Act.[1] The majority held in this connection:

"This overwhelmingly necessary and yet relatively limited investment of private capital cannot, in our view, be considered 'detrimental to the carrying out' of the simplification and integration provisions of the Holding Company Act. Investment of private capital for such a purpose has been generally determined by Congress to be in the national interest and specifically determined by management to be in the corporate interest—and both determinations have been made on the basis of compelling and uncontroverted facts of great significance to both the country and the company."

However, in a recent ruling on the same question the S.E.C., again by a closely divided vote, reversed its position.[2] While not questioning the desirable social purpose served by utility holding-company participation in low and moderate income housing programs, the S.E.C. concluded that the Holding Company Act, as adopted in 1935, did not authorize this activity by companies subject to regulation thereunder. The purpose of the legislation now proposed is to clarify the language of the Holding Company Act in that regard.

THE NEED FOR BROAD PARTICIPATION BY PRIVATE INDUSTRY IN LOW AND MODERATE INCOME HOUSING PROGRAMS

In enacting the Housing and Urban Development Act of 1968, Congress declared as follows:

"The Congress affirms the national goal, as set forth in section 1441 of Title 42, of 'a decent home and a suitable living environment for every American family.'"

It is apparent, however, that this goal has not been accomplished and that the gap between supply and demand for decent housing has been growing at an alarming rate. In an effort to mobilize all sectors of the economy in the drive to provide adequate housing for our citizens, there has been an increasing awareness of the desirability of enlisting the efforts of private business in helping to solve the shortages of housing for low and moderate income families. In his message to Congress of February 22, 1968, accompanying the proposed Housing and Urban Development Act of 1968, President Johnson said in part:

"The Government's concern is to stimulate private energy and local action—to provide capital where needed, to guarantee financing, to offer assistance that encourages planning and construction.

"The real job belongs to local government and the private sector—the homebuilder, the mortgage banker, the contractors, the non-profit sponsor, the industrialist who now sees in the challenge of the cities a new opportunity for American business."

Similarly, President Nixon, in his transmittal to the Congress of the Second Annual

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[1] Re Michigan Consolidated Gas Company, Holding Company Act Release No. 16331.

[2] Re Michigan Consolidated Gas Company, Holding Company Act Release No. 16763.

Report on Housing Goals on April 1, 1970, again emphasized that

"The Administration, the Congress, private industry, and labor must cooperate closely in removing the obstacles and making the commitments necessary to meet our housing objectives within the framework of sustainable economic growth."

The Congress has likewise expressed its conviction that private industry must play an important role in meeting the Nation's housing needs. For example, the preamble to the Housing and Urban Development Act of 1968, after indicating that "highest priority" must be given to programs designed to meet the housing needs of low and moderate income families, states that ". . . in the carrying out of such programs there should be the fullest practicable utilization of the resources and capabilities of private enterprise and of individual self-help techniques."

The principal vehicle for participation by private industry in low and moderate income housing programs is through the formation of "limited dividend" corporations, as authorized by the National Housing Act, as amended. A limited dividend corporation is limited as to its rate of return on its equity investment in the housing project, and HUD has broad regulatory control over its operations and accounting methods. In addition, HUD maintains complete control over the rents that may be charged to tenants and over construction costs, design, building methods, size of units and economic feasibility of each housing project constructed under these programs.

THE IMPORTANCE OF UTILITY PARTICIPATION IN LOW- AND MODERATE-INCOME HOUSING

Because of the regulation of rate of return and rents and the other restrictions necessarily imposed upon limited dividend corporations by the National Housing Act and HUD regulations, many businesses are unwilling to participate as sponsors of low and moderate income housing projects. However, HUD has found in recent years that public utilities are able and, in a number of instances, willing to participate in these programs, and HUD has been actively encouraging such participation.

The reasons that public utilities have responded to the call for greater participation by the private sector in low and moderate income housing programs are basically two:

First, the construction and operation of housing projects under HUD regulation is remarkably similar to utility regulation. As noted above, rents, like utility rates, are set by a government agency and may only be increased upon a showing of higher operating costs. The rate of return on the company's investment in a housing development is regulated, again like return on utility operations. A uniform system of accounts is prescribed for the housing operation which is similar to that prescribed for utility companies. A limited dividend corporation must file detailed reports on its operations, much like the utility's periodic reports to state and Federal regulatory bodies. In short, a utility is accustomed to operating within the regulated framework required by the Federal housing laws, which, to many businesses, would present a significant deterrent.

Second, utility companies serving urban areas are necessarily committed to the long-range welfare of those areas. Unlike many other businesses, a utility cannot simply remove its plant and work force to an outlying area to avoid urban problems. A utility's investment in service facilities and its customers are located in the urban areas it serves. Its interest in the rebuilding and rehabilitation of those areas is thus direct and compelling. Thus, in addition to social incentives, the utility has an economic incentive in the rebuilding of the cities that makes it a logical and sometimes indispensable catalyst in the initiation and successful implementation of low and moderate housing programs.

Finally, HUD has found that utilities generally have the managerial and financial resources necessary to insure efficient construction and operation of low and moderate income housing projects. Under circumstances where time is money, and the prompt construction of projects is essential to carry out housing programs, such expertise is of real value.

THE NATIONAL CORPORATION FOR HOUSING PARTNERSHIPS AND THE NATIONAL HOUSING PARTNERSHIP

Title IX of the Housing and Urban Development Act of 1968 authorized the creation of National Corporation for Housing Partnerships (NCHP) and The National Housing Partnership (NHP) as vehicles by which private businesses would be further encouraged to participate in providing low and moderate income housing using government-assisted programs. NHP will be managed by a general partner, NCHP. NHP's principal activity will be investing in local limited partnerships throughout the United States, each of which will construct and operate a housing project. In the usual case it is expected that these local projects will be financed under HUD programs. NHP would ordinarily become a limited partner in a local partnership and provide no more than 25 percent of the equity investment required for a project. Local investors interested in sponsoring low and moderate income housing projects would provide the remaining 75 percent.

Certain companies regulated by the S.E.C. under the Public Utility Holding Company Act have indicated that they desire to participate in the program proposed by NHP and NCHP as general or limited partners in local partnerships formed to construct and operate specific low and moderate income housing projects in their service areas.

EFFECT OF PROPOSED AMENDMENT

The proposed amendment would authorize the S.E.C. to permit companies subject to the Public Utility Holding Company Act to construct, own or operate low and moderate income housing under HUD-assisted housing programs either through housing subsidiaries of the holding-company system or through direct investment in local housing projects in which national corporations or partnerships created or organized pursuant to Title IX of the Housing and Urban Development Act of 1968 participate. The proposed amendment would retain for the S.E.C. discretion over whether to approve each low and moderate income housing activity of a company subject to the Holding Company Act, but would make it clear that the S.E.C., if it elected to do so, would have the authority to approve such an activity.

ADDITIONAL COSPONSOR OF A BILL

S. 2658

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Texas (Mr. YARBOROUGH), I ask unanimous consent that the name of the senior Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of S. 2658, which would entitle veterans of World War I and their widows and children to a pension on the same basis as veterans of the Spanish-American War and their widows and children respectively.

The PRESIDING OFFICER (Mr. ALLEN). Without objection. it is so ordered.

ADDITIONAL COSPONSORS OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Nevada (Mr. BIBLE), the Senator from Kansas (Mr. PEARSON), the Senator from Kentucky (Mr. COOPER), the Senator from Colorado (Mr. ALLOTT), the Senator from North Carolina (Mr. ERVIN), the Senator from Georgia (Mr. TALMADGE), the Senator from Montana (Mr. METCALF), and the Senator from Michigan (Mr. HART) be added as cosponsors of Senate Concurrent Resolution 80, to establish a joint committee to investigate the treatment of prisoners of war in Vietnam.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). Without objection, it is so ordered.

SENATE RESOLUTION 452—ORIGINAL RESOLUTION REPORTED AUTHORIZING PRINTING OF ANNUAL REPORT OF THE NATIONAL SOCIETY OF THE DAUGHTERS OF THE AMERICAN REVOLUTION AS A SENATE DOCUMENT (S. REPT. NO. 91-1134)

Mr. JORDAN of North Carolina, from the Committee on Rules and Administration, reported an original resolution (S. Res. 452) and submitted a report thereon, which report was ordered to be printed, and the resolution was placed on the calendar, as follows:

S. RES. 452

Resolved, That the seventy-first annual report of the National Society of the Daughters of the American Revolution for the year ended March 1, 1968, be printed, with an illustration, as a Senate document.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 850

Mr. RIBICOFF (for himself and Mr. HARRIS) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. RIBICOFF when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 851

MEDICARE AND MEDICAID

Mr. BENNETT. Mr. President, on July 1, I informed the Senate of my

intention to offer an amendment to the social security bill now pending in the Finance Committee to provide a new system of professional review of health services provided under our Federal health plans. The proposal was outlined in substantial detail in my speech. At that time, I indicated that its genesis was in a draft given me by the American Medical Association. My amendment, however, is more comprehensive and more positive. In addition, it shifts the primary emphasis for review from State medical societies to local societies. The amendment also contains a number of provisions assuring public accountability and responsibility.

That amendment, which I am submitting today, would authorize the establishment of professional standards review organizations, generally at local levels, as the primary mechanism to control and moderate the soaring costs of medicare and medicaid.

We have learned from long, hard, and costly experience that the Federal Government and its various public and private agents generally have been unable effectively to monitor and assure economical and efficient use of properly provided health care services in medicare and medicaid. What we must have are assurances that, in medicare and medicaid, only services necessary to proper health care are provided; that those services are provided on a basis consistent with professional standards; and that where medically appropriate, less costly alternative modes and sites of health care are called to the attention of the attending physician.

Unquestionably, those necessary determinations can best be made by health care professionals who recognize and accept the need to provide those assurances as a legitimate responsibility and concern of their profession.

Thus, my amendment provides that Professional Standards Review Organizations would be established in each area of the country, with the Secretary of Health, Education, and Welfare giving priority to designating qualified local medical societies as those review organizations.

Let me explain what is meant by a "qualified" medical society. In some cases, it would involve groupings of local societies, or possibly multicounty organizations. In other areas, State medical societies might be designated as the Professional Standards Review Organization. In any event, however, a medical society must be willing and capable of assuming responsibility for the on-going review and approval of all health care services rendered or ordered by physicians and of making suitable arrangements for the review of other health care services rendered by nonphysicians. All of this would be undertaken in accordance with a formal plan for progressive assumption of review responsibilities which would be approved by the Secretary of Health, Education, and Welfare.

Where organized medicine is unwilling or unable to assume the responsibilities of a Professional Standards Review Organization, or where the performance of a particular organization is only pro forma or token, the amendment contemplates that the Secretary would arrange for the designation of another private or public organization or agency which has the professional competence to undertake the necessary functions.

All Professional Standards Review Organizations initially will be approved on a conditional basis—not to exceed a period of 2 years. During that trial period, all existing review mechanisms would continue to function until such time as the Professional Standards Review Organization effectively and satisfactorily has demonstrated its capacity to perform an equivalent or superior review. The amendment would give up none of the review mechanisms we now have until there is solid proof that the new organization can do better.

The on-going review would involve maintenance and regular examination of patient, practitioner, and provider profiles of care and service. Additionally, the Professional Standards Review Organization would be responsible for approval in advance of all elective admissions to hospitals and nursing homes. Emergency admissions obviously should not require prior approval, and under my amendment they would not. There would be a subsequent review and a need for further approval by the Professional Standards Review Organization where a physician desires that his patient remain in the hospital beyond the average stay for patients of a given age and condition.

I would stress at this point the fact that objective and impartial review must be provided by a Professional Standards Review Organization. Malice and vendettas by members of the review group against other practitioners are by definition "nonprofessional" and in the unlikely event of such occurrences, I would expect that the Secretary of Health, Education, and Welfare, in the absence of immediate voluntary corrective action by the organization would promptly act to terminate the contract with that organization.

Following my July 1 speech, I have talked with a number of groups representing several health professions and medical specialty organizations. All stressed their interest in peer review. Most expressed concern that review activities be performed by actual peers. In other words, they feel that any review of a medical specialist such as a neurosurgeon should be performed by other neurosurgeons. Others stated that review of health services such as physical therapy should be the responsibility of other physical therapists.

The amendment, I believe, essentially and effectively deals with these concerns. Responsibility for review is placed with physicians, since it is the physician who is ultimately responsible for ordering or providing virtually all health care services. However, the local Professional Standards Review Organizations would have authority to engage and would be expected to utilize medical specialists such as neurosurgeons for specialty review. Similar arrangements could be made with those qualified to review physical therapy and other health services.

Under the amendment, Professional Standards Review Organizations are to apply professionally developed regional norms of care and treatment in their review process. There is a large body of readily available data on length of hospital stay by age and diagnosis in all areas of the country. For example, the Committee on Professional and Hospital Activities, an organization sponsored by the American Hospital Association, the American College of Physicians, and the American College of Surgeons has developed comprehensive published data based upon many millions of hospital discharges—which indicate average lengths of stay by age, diagnosis and areas of the country.

This type of data would be used by the National Professional Standards Review Council in publishing norms of care by regions for use by the Local Professional Standards Review Organizations.

During work on the amendment, it became obvious that the present system of medicare recertification of need for hospital care makes little sense from a professional standpoint. Currently, a physician must recertify as to continuing need for hospitalization at the 12th hospital day. This point was selected arbitrarily, and bears no relation to whether the patient's age and illness would usually warrant a longer or shorter hospital stay.

With professionally developed data available, it would be far more sensible, and efficient, for the Professional Standards Review Organizations to apply the average length of stay for a given diagnosis as a checkpoint for review of continued need for hospitalization, and this is what my amendment proposes.

The professionally developed and published norms of care which would be applied under the proposed amendment are intended to be review checkpoints. They are not proposed as barriers to any additional care that may be needed beyond the predetermined checkpoint.

There is no intention, either in the operation of the Professional Standards Review Organizations or in the application of norms of care and treatment to stifle innovative medical practice or procedure or to inhibit the exercise of reasonable professional discretion. The objectives of the proposal are reasonableness—not conformism in medical practice.

Any information acquired by a review organization in discharging its responsibilties would in general be confidential and available only for program purposes or to protect the rights of patients, practitioners, and providers. Violation of confidentiality would be punishable by up to 6 months imprisonment and a fine of up to $1,000.

Many of the provisions in the amendment are patterned after medical society sponsored foundations, such as the San Joaquin and Sacramento Foundations in California.

Spokesmen for these foundations testified before the Finance Committee that it would be easier for them to do an effective job of review if they could also assume responsibility and risk with re-

spect to the review and payment of claims.

I have included in my amendment a provision authorizing demonstration programs so that the Secretary can contract with Professional Standards Review Organizations on an insured basis. This would permit comparison of results between Professional Standards Review Organizations where risk is assumed and those where no risk is undertaken.

Mr. President, the intent, substance, and safeguards of my amendment may be determined through a reading of the amendment itself and a section-by-section summary of its provisions. I, therefore, ask unanimous consent that both the amendment and the summary be printed in the RECORD at the conclusion of my remarks.

I do not contend that the amendment is incapable of improvement. It is, however, the product of a great deal of effort and consultation. Hopefully, during the course of the next several weeks and during public hearings on the social security bill in September, the amendment can be refined and further improved on the basis of the informed and thoughtful comments and suggestions of concerned and interested citizens and organizations.

All of us, Mr. President, share a common concern with the need to assure reasonable professional controls in medicare and medicaid—in fact, in our entire health care system.

The amendment which I submit today was prepared and is offered in a spirit of meeting the legitimate concerns of millions of citizens who depend upon medicare and medicaid, the professions concerned with providing health care, and the public interest in general. I invite all of my colleagues to join with me in sponsoring this amendment.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be received and printed, and will be appropriately referred; and, without objection, the amendment and summary will be printed in the RECORD.

The amendment (No. 851) was referred to the Committee on Finance, as follows:

AMENDMENT No. 851

On page 142, between lines 17 and 18, insert the following:

PROFESSIONAL STANDARDS REVIEW

SEC. 240. (a) (1) The heading to title XI of the Social Security Act is amended by striking out

"TITLE XI—GENERAL PROVISIONS"

and inserting in lieu thereof

"TITLE XI—GENERAL PROVISIONS AND PROFESSIONAL STANDARDS REVIEW

"PART A—GENERAL PROVISIONS".

(2) Title XI of such Act is further amended by adding after section 1122 thereof (as added by section 221(a) of this Act) the following:

"PART B—PROFESSIONAL STANDARDS REVIEW

"DECLARATION OF PURPOSE

"SEC. 1151. (a) In order to promote the effective, efficient, and economical delivery of health care services for which payment may be made (in whole or in part) under title XVIII, under State plans approved under titles V or XIX, or under any other program or plan established by or pursuant to any other title of this Act, it is the purpose of this part to assure, through the application of suitable procedures of professional standards review, that the services for which payment may be made under the Social Security Act will conform to appropriate professional standards for the provision of health care and that payment for such services will be made—

"(1) only when and to the extent, medically necessary, as determined in the exercise of reasonable limits of professional discretion; and

"(2) in the case of services provided by a hospital or other health care facility on an in-patient basis, only when and for such period as such services cannot, consistent with professionally recognized health care standards, effectively be provided on an outpatient basis or more economically in an inpatient health care facility of a different type, as determined in the exercise of reasonable limits of professionals discretion.

"(b) Whenever the term 'health care services' is used in this part, such term shall include appropriate services (as determined under regulations of the Secretary) provided, pursuant to section 1121, in intermediate care facilities.

"DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1152. (a) The Secretary shall at the earliest practicable date, but not later than January 1, 1972, enter into agreements with qualified organizations whereby such an organization shall be designated in each area of the United States as the Professional Standards Review Organization for such area.

"(b) For purposes of subsection (a), the term 'qualified organization' means—

"(1) when used in connection with any area—

"(A) a nonprofit professional society (i) (or a component organization thereof) which is composed of physicians engaged in the practice of medicine or surgery in such area, (ii) the membership of which includes a substantial proportion of all such physicians in such area, and (iii) which has available professional competence to review health care services of all types and kinds with respect to which Professional Standards Review Organizations have review responsibilities under this part, or

"(B) such other public, nonprofit private, or other agency or organization, which the Secretary determines, in accordance with criteria prescribed by him in regulations, to be of professional competence and otherwise suitable; and

"(2) which the Secretary finds to be willing to perform and capable of performing, in an effective and timely manner and at a reasonable cost, the duties, functions, and activities of a Professional Standards Review Organization required by or pursuant to this part.

"(c) (1) The Secretary shall not enter into any agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A) unless, in such area, there is no organization referred to in subsection (b) (1) (A) which meets the criteria specified in subsection (b) (2).

"(2) Whenever the Secretary shall have entered into an agreement under this part under which there is designated as the Professional Standards Review Organization for any area any organization other than an organization referred to in subsection (b) (1) (A), he shall not renew such agreement with such organization if he determines that—

"(A) there is in such area an organization referred to in subsection (b) (1) (A) which (i) has not been (nor has its predecessor been) previously designated as a Professional Standards Review Organization, and (ii) is willing to enter into an agreement under this part under which such organization would be designated as the Professional Standards Review Organization for such area;

"(B) such organization meets the criteria specified in subsection (b) (2); and

"(C) the designation of such organization as the Professional Standards Review Organization for such area will result in an improvement in the performance in such area of the duties and functions required of such organizations under this part.

"(d) (1) An agreement entered into under this part between the Secretary and any organization under which such organization is designated as the Professional Standards Review Organization for any area shall provide that such organization will—

"(A) perform such duties and functions and assume such responsibilities and comply with such other requirements as may be required by this part or under regulations of the Secretary promulgated to carry out the provisions of this part; and

"(B) collect such data relevant to its function and information and keep and maintain such records as the Secretary may require to carry out the purposes of this part and to permit access to and use of any such records as the Secretary may require for such purposes.

"(2) (A) Any such agreement with an organization under this part shall provide that the Secretary shall make payments to such organization equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such organization in carrying out or preparing to carry out the duties and functions required by such agreement.

"(B) Any such payments to an organization shall be made in advance or by way of reimbursement and in such installments as the Secretary shall prescribe by regulations.

"(3) Any such agreement under this part with an organization shall be for a term of 12 months; except that, prior to the expiration of such term, such agreement may be terminated—

"(A) by the organization at such time and upon such notice to the Secretary as may be prescribed in regulations (except that notice of more than 6 months may not be required); or

"(B) by the Secretary at such time and upon such reasonable notice to the organization as may be prescribed in regulations, but only after the Secretary has determined (after a formal hearing on the matter) that such organization is not fully complying with or effectively carrying out the provisions of such agreement.

"REVIEW PENDING DESIGNATION OF PROFESSIONAL STANDARDS REVIEW ORGANIZATION

"SEC. 1153. Pending the assumption by a Professional Standards Review Organization for any area, of full review responsibility, and pending a demonstration of capacity for improved review effort with respect to matters involving the provision of health care services in such area for which payment (in whole or in part) may be made, under title XVIII, any State plan approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, any review with respect to such services which has not been designated by the Secretary as the responsibility of such Organization, shall be reviewed in the manner otherwise authorized under law.

"TRIAL PERIOD FOR PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1154. (a) The Secretary shall initially designate an organization as a Professional Standards Review Organization for any area on a conditional basis with a view to determining the capacity of such organization to perform the duties and functions imposed under this part on Professional Standards Review Organizations. Such designation may not be made prior to receipt from such organization and approval by the Secretary of

a formal plan for the orderly assumption and implementation of the responsibilities of the Professional Standards Review Organization under this part.

"(b) During any such trial period (which may not exceed twenty-four months), the Secretary may require any organization, during the period it is conditionally designated as a Professional Standards Review Organization, to perform only such of the duties and functions required under this part of Professional Standards Review Organizations as he determines such organization to be capable of performing. The number and type of such duties shall, during the trial period, be progressively increased as the organization becomes capable of added responsibility so that, by the end of such period, such organization shall be considered a qualified organization only if it effectively assumed full responsibility for all activities and functions required of Professional Standards Review Organizations under this part. Any of such duties and functions not performed by such organization during such period shall be performed in the manner and to the extent otherwise authorized under law.

"(c) Any agreement under which any organization is conditionally designated as the Professional Standards Review Organization for any area may be terminated by such organization upon ninety days' notice to the Secretary or by the Secretary upon ninety days' notice to such organization.

"(d) In order to avoid duplication of functions and unnecessary review and control activities, the Secretary is authorized to waive any or all of the review or similar activities otherwise required under or pursuant to any provision of this Act (other than this part) where he finds, on the basis of substantial evidence of the effective performance of review and control activities by Professional Standards Review Organizations, that the review and similar activities otherwise so required, are not needed for the provision of adequate review and control.

"DUTIES AND FUNCTIONS OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1155. (a) (1) It shall be the duty and function of each Professional Standards Review Organization for any area to assume responsibility for the review of the professional activities in such area of physicians and other health care practitioners and institutional providers of health care services (including any facility for intermediate care) in the provision of health care services for which payment may be made (in whole or in part) under title XVIII, under any State plan approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, for the purpose of determining whether—

"(A) such services are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services are proposed to be provided in a hospital or other health care facility on an in-patient basis, such services could, consistent with the provision of appropriate medical care, be effectively provided on an outpatient basis or more economically in an in-patient health care facility of a different type.

"(2) It shall also be the responsibility of each Professional Standards Review Organization to determine, in advance, in the case of—

"(A) any elective admission to a hospital, intermediate care facility, or other health care facility, or

"(B) any other health care service which will consist of extended or costly courses of treatment, whether such service, if provided, or if provided by a particular health care practitioner or by a particular hospital, intermediate care facility, or other health care facility, would meet the criteria specified in clause (A) and (C) of paragraph (1).

"(3) For purposes of subsection (a) (2) (A), initial admissions shall be approved for periods certain determined in relation to standards intervals established by diagnosis, age, and other medically relevant criteria. The time for recertification shall be established at such point in time as will provide the attending physician and the Professional Standards Review Organization with adequate and timely opportunity for proper review of such request prior to expiration of the period of initial approval.

"(4) Each Professional Standards Review Organization shall be responsible for the development, maintenance, and regular review of profiles of care and services received and provided with respect to each patient, utilizing to the greatest extent practicable in such patient profiles methods of coding which will provide maximum confidentiality as to patient identity and assure objective evaluation consistent with the purposes of this part. Profiles shall also be developed, maintained and regularly reviewed on an ongoing basis with respect to each health care practitioner and provider to determine whether the care and services are consistent with the criteria specified in clauses (A), (B), and (C) of paragraph (1).

"(5) Physicians assigned responsibility for the review of hospital care may be only those having non-courtesy hospital staff privileges in at least one of the participating hospitals in the area served by the Professional Standards Review Organization.

"(6) No physician shall be permitted to review patient care with which he is directly or indirectly involved or with respect to care or service in any institution in which he has a direct or indirect financial interest within the meaning of section 318 of the Internal Revenue Code.

"(b) To the extent necessary or appropriate for the proper performance of its duties and functions, the Professional Standards Review Organization serving any area is authorized in accordance with regulations prescribed by the Secretary to—

"(1) utilize the services as necessary, of specialists in the various areas of medicine or other types of health care, which specialists shall, to the maximum extent practicable, be individuals engaged in the practice of their profession within the area served by such Organization;

"(2) undertake such professional inquiry either before or after, or both before and after, the provision of services with respect to which such Organization has a responsibility for review under subsection (a) (1);

"(3) examine the pertinent records of any practitioner or provider of health care services providing services with respect to which such Organization has a responsibility for review under subsection (a) (1); and

"(4) inspect the physical facilities in which care is rendered or services provided (which are located in such area) of any practitioner or provider.

"NORMS OF HEALTH CARE SERVICES FOR VARIOUS ILLNESSES OR HEALTH CONDITIONS

"SEC. 1156. (a) Each Professional Standards Review Organization shall apply professionally developed norms of care and treatment based upon average patterns of practice in their region as principal points of evaluation and review. The National Review Organization and the Secretary shall provide such technical assistance to the organization as will be helpful in utilizing and applying such norms of care and treatment. Where the actual norms of care and treatment in a Professional Standards Review Organization area are significantly different from regional or national norms for comparable conditions, as shall be determined and approved by the National Professional Standards Review Council based upon its analyses of appropriate and adequate data, the Professional Standards Review Organization concerned shall be so informed, and in the event that appropriate consultation and discussion indicate reasonable basis for usage of such unusual norms in the area concerned, the Professional Standards Review Organization may apply such actual norms in such area as are approved by the National Professional Standards Review Council.

"(b) Any such norm with respect to methods and sites of treatment for any particular illness or health condition shall indicate—

"(1) the type and extent of the health care services which are considered appropriate, consistent with professionally recognized and accepted standards, in the treatment of such illness or health condition;

"(2) the type of health care facility (including a facility for intermediate care) which is considered, consistent with such standards, to be the type in which health care services which are medically appropriate for such illness or condition can most economically be provided.

"(c) (1) The National Professional Standards Review Council shall prepare and distribute to each Professional Standards Review Organization and to each other agency or person performing review functions with respect to the provision of health care services under title XVIII, under State plans approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, appropriate materials indicating the regional and national norms to be utilized pursuant to this part. Such data concerning norms shall be reviewed and revised from time to time.

"(2) Each review organization, agency, or person referred to in paragraph (1) shall utilize the norms developed under this section as a principal point of evaluation and review for determining, with respect to any health care services which have been or are proposed to be provided, whether—

"(A) such services are or were medically necessary;

"(B) the quality of such services meets professionally recognized standards of health care; and

"(C) in case such services are provided by a hospital or other health care facility on an in-patient basis, such services could, consistent with professionally recognized health care standards, be effectively provided on an out-patient basis or more economically in an in-patient health care facility of a different type.

"SUBMISSION OF REPORTS BY PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1157. If, in discharging its duties and functions under this part, any Professional Standards Review Organization determines that any health care practitioner or any hospital, intermediate care facility, or other health care facility has violated any of the obligations imposed by section 1160, such Organization shall report the matter to the Statewide Professional Standards Review Council for the State in which such Organization is located (or if there is no such Council, to the Secretary) together with the recommendations of such Organization as to the action which should be taken with respect to the matter. Any Statewide Professional Standards Review Council receiving any such report and recommendation shall review the same and promptly transmit such report and recommendation to the Secretary together with such comments or recommendations thereon as it deems appropriate.

"REQUIREMENT OF REVIEW APPROVAL AS CONDITION OF PAYMENT OF CLAIMS

"SEC. 1158. Notwithstanding any other provision of law, no Federal funds appropriated under any title of this Act for the provision of health care services shall be used (di-

rectly or indirectly) for the payment, under any such title or any program established pursuant thereto, of any claim for the provision of such services if—

"(1) the provision of such services is subject to review by any Professional Standards Review Organization, or other agency; and

"(2) such Organization or other agency has, in the proper exercise of its duties and functions under or consistent with the purposes of this part, disapproved of the services giving rise to such claim, and has, prior to the provision of such services, notified the practitioner or provider providing such services and the individual to receive such services of its disapproval of the provision of such services to such individual.

"NOTICE TO CLAIMS PAYMENT AGENCY OF DISAPPROVAL OF SERVICES

"SEC. 1159. Whenever any Professional Standards Review Organization, in the discharge of its duties and functions as specified by or pursuant to this part, disapproves of any health care services furnished by any practitioner or provider, such Organization shall promptly notify the agency or organization having responsibility for acting upon claims for payment for or on account of such services.

"OBLIGATIONS OF HEALTH CARE PRACTITIONERS AND PROVIDERS OF HEALTH CARE SERVICES; SANCTIONS AND PENALTIES

"SEC. 1160 (a) (1) It shall be the obligation of any health care practitioner who, and hospital or other facility (including any facility for intermediate care) providing health care services which, provides health care services for which payment may be made (in whole or in part) under title XVIII, under any State plan approved under titles V or XIX, or under any program established by or pursuant to any other title of this Act, to assure that services provided by him (or it)—

"(A) will be provided only when, and to the extent, medically necessary; and

"(B) will be of a quality which meets professionally recognized standards of health care.

"(2) Each health care practitioner, and each hospital or other provider of health care services (including any facility for intermediate care), shall have an obligation, within reasonable limits of professional discretion, not to take any action, in the exercise of his profession (in the case of any health care practitioner), or in the conduct of its business (in the case of any hospital or other such provider), which would authorize any individual to be admitted as an in-patient in or to continue as an in-patient in any hospital or other health care facility unless—

"(A) in-patient care is determined by such practitioner and by such hospital or other provider, consistent with professionally recognized health care standards, to be medically necessary for the proper care of such individual; and

"(B) (i) the in-patient care required by such individual cannot, consistent with such standards, be provided more economically in a health care facility of a different type; or

"(ii) (in the case of a patient who requires care which can, consistent with such standards, be provided more economically in a health care facility of a different type) there is, in the area in which such individual is located, no such facility or no such facility which is available to provide care to such individual at the time when care is needed by him.

"(b) (1) If after reasonable notice and opportunity for discussion with the practitioner or provider concerned, any Professional Standards Review Organization determines that such practitioner or provider, in providing health care services over which such Organization has review responsibility and for which payment (in whole or in part) may be made under title XVIII, under any State plan approved under titles V or XIX, or under any other program established by or pursuant to any other title of this Act, has—

"(A) by failing, in a substantial number of cases, substantially to comply with any obligation imposed on him under subsection (a), or

"(B) by grossly and flagrantly violating any such obligation in one or more instances, demonstrated an unwillingness or a lack of ability substantially to comply with such obligations, such Organization may report and recommend to the Secretary (which report and recommendation to the Secretary shall be submitted through the Statewide Professional Standards Review Council which shall promptly transmit such report and recommendations together with such comments and recommendations thereon as it deems appropriate) and he (in addition to any other sanction provided under law) may—

"(C) require that (as a condition to the continued eligibility of such practitioner or provider to provide such health care services on a reimbursable basis) such practitioner or provider pay a monetary penalty to the United States in an amount (not in excess of $5,000) (i) determined by the Secretary to be reasonably related to the the significance of the acts or conduct involved, or (ii) in case such acts or conduct involved the provision by such practitioner or provider of health care services which were medically improper or unnecessary, an amount not in excess of the actual or estimated cost of the medically improper or unnecessary services so provided, or

"(D) exclude (permanently or for such period as the Secretary may prescribe) such practitioner or provider from eligibility to provide such services on a reimbursable basis.

"(2) The amount of any such fine may be deducted from any sums owing by the United States (or any instrumentality thereof) to the person upon whom such fine is imposed.

"(C) It shall be the duty of each Professional Standards Review Organization and each Statewide Professional Standards Review Council to use such authority or influence it may possess as a professional organization, and to enlist the support of any other professional or governmental organization having influence or authority over persons providing health care services in the area served by such Review Organization, in assuring that each practitioner or provider (referred to in subsection (a)) providing health care services in such area shall comply with all obligations imposed on him under subsection (a).

"HEARINGS AND REVIEW

"SEC. 1161. (a) Whenever any Professional Standards Review Organization takes any action or makes any determination—

"(A) which denies any request, by a health care practitioner or other provider of health care services (including any facility for intermediate care), for approval of a health care service proposed to be provided by such practitioner, or provider;

"(B) that any such practitioner or provider has violated any obligation imposed on such practitioner or provider under section 1160; or

"(C) disapproving (in whole or in part) any claim by any such person for payment or health care services provided by such person;

such Organization shall, immediately after taking such action or making such determination give notice to such practitioner or provider of such determination and the basis therefor, and shall provide him with appropriate opportunity for discussion and review of the matter.

"(b) (1) Any practitioner or provider who is dissatisfied with any action or determination of any Professional Standards Review Organization, which action or determination is taken pursuant to subsection (a) with respect to his obligation under section 1160, shall, upon request to the Secretary (filed within such time and in such manner as the Secretary shall by regulations prescribe) be entitled to a hearing on the matter by the Secretary.

"(2) Within 30 days after any such hearing by the Secretary is held, the Secretary shall make a final determination as to whether the action or determination of the Professional Standards Review Organization which was the subject of such hearing should be affirmed, modified, or reversed.

"(c) Any practitioner or provider who is dissatisfied with a final determination of the Secretary, under subsection (b) (2), which is made after a hearing by the Secretary requested by such practitioner or provider with respect to his right to provide health care services for which payment (in whole or in part) may be paid, under title XVIII, any State plan approved under titles V or XIX, or any other program established by or pursuant to any other title of this Act, is revoked or suspended by action of the Secretary pursuant to section 1160(b) shall be entitled to judicial review of the Secretary's decision after such hearing to the same extent as is provided in section 205(g).

"STATEWIDE PROFESSIONAL STANDARDS REVIEW COUNCILS; ADVISORY GROUPS TO SUCH COUNCILS

"SEC. 1162. (a) In any State in which there is located two or more Professional Standards Review Organizations, the Secretary shall establish a Statewide Professional Standards Review Council.

"(b) The membership of any such Council for any State shall be appointed by the Secretary and shall consist of—

"(A) one representative from and designated by each Professional Standards Review Organization in the State;

"(B) such number of physicians (but not more than two as may be designated by the State medical society of such State to serve as members on such Council; and

"(C) two physicians from such State whom the Secretary shall have selected as representatives of the public in such State.

"(c) (1) It shall be the duty and function of the Statewide Professional Standards Review Council for any State, in accordance with regulations of the Secretary, to coordinate the activities of, and disseminate information and data among, the various Professional Standards Review Organizations within such State.

"(2) It shall also be the duty of such Council to promptly transmit to the Secretary, reports and recommendations received by it from Professional Standards Review Organizations, together with the comments and recommendations of the Council on such reports.

"(d) The Secretary is authorized to enter into an agreement with any such Council under which the Secretary shall make payments to such Council equal to the amount of expenses reasonably and necessarily incurred, as determined by the Secretary, by such Council in carrying out the duties and functions provided in this section.

"(e) (1) The Statewide Professional Standards Review Council for any State shall be advised and assisted in carrying out its functions by an Advisory Group (of not less than 7 nor more than 11 members) which shall be made up of representatives of health care practitioners (other than physicians) and hospitals and other health care facilities (including facilities for intermediate care) which provide within the State health care services for which payment (in whole or in part) may be made under any program established by or pursuant to this Act.

"(2) The Secretary shall by regulations provide the manner in which members of such Advisory Group shall be selected by the

Statewide Professional Standards Review Council.

"(3) The expenses reasonably and necessarily incurred, as determined by the Secretary, by such Group in carrying out its duties and functions under this subsection shall be considered to be expenses necessarily incurred by the Statewide Professional Standards Review Council served by such Group.

"NATIONAL PROFESSIONAL STANDARDS REVIEW COUNCIL

"SEC. 1163. (a)(1) There shall be established a National Professional Standards Review Council (hereinafter in this section referred to as the 'Council') which shall consist of 11 physicians, not otherwise in the employ of the United States, appointed by the Secretary without regard to the provisions of title 5, United States Code, governing appointments in the competitive service.

"(2) Members of the Council shall be appointed for a term of 3 years and shall be eligible for reappointment.

"(3) The Secretary shall from time to time designate one of the members of the Council to serve as Chairman thereof.

"(b) A majority of the members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice who have been recommended to the Secretary to serve on the Council by one or more national organizations recognized by the Secretary as representing practicing physicians.

"(c) The Council is authorized to engage such technical assistance as may be required to carry out its functions, and the Secretary shall, in addition, make available to the Council such secretarial, clerical, and other assistance and such pertinent data prepared by, for, or otherwise available to, the Department of Health, Education, and Welfare as the Council may require to carry out its functions.

"(d) Members of the Council, while serving on business of the Council, shall be entitled to receive compensation at a rate fixed by the Secretary (but not in excess of the daily rate paid under GS–18 of the General Schedule under section 5332 of title 5, United States Code), including travel time; and while so serving away from their homes or regular places of business, they may be allowed travel expenses, including per diem in lieu of subsistence, as authorized by section 5703 of title 5, United States Code, for persons in Government service employed intermittently.

"(e) It shall be the duty of the Council to—

"(1) advise and assist the Secretary in the administration of this part;

"(2) collect and distribute, among Statewide Professional Standards Review Councils and Professional Standards Review Organizations, information and data which will assist such Review Councils and Organizations in carrying out their duties and functions;

"(3) review the operations of Statewide Professional Standards Review Councils and Professional Standards Review Organizations with a view to determining the effectiveness and comparative performance of such Review Councils and Organizations in carrying out the purposes of this part; and

"(4) make or arrange for the making of studies and investigations with a view to developing and recommending to the Secretary and to the Congress measures designed more effectively to accomplish the purposes and objectives of this part.

"(f) The National Professional Standards Review Council shall from time to time, but not less often than annually, submit to the Secretary and to the Congress a report on its activities and shall include in such report the findings of its studies and investigations together with any recommendations it may have with respect to the more effective accomplishment of the purposes and objectives of this part. Such report shall also contain comparative data indicating the results of review activities, conducted pursuant to this part, in each State and in each of the various areas thereof.

"APPLICATION OF THIS PART TO CERTAIN STATE PROGRAMS RECEIVING FEDERAL FINANCIAL ASSISTANCE

"SEC. 1164. In addition to the requirements imposed by law as a condition of approval of a State plan approved under titles V or XIX, and in addition to any conditions, or requirements imposed as a condition of any grant to a State to carry on any other program for the provision of health care services to individuals established by or pursuant to this Act, there is hereby imposed the requirement that provisions of this part shall apply to the operation of such plan or program.

"CORRELATION OF FUNCTIONS BETWEEN PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS AND ADMINISTRATIVE INSTRUMENTALITIES

"SEC. 1165. The Secretary shall by regulations provide for such correlation of activities, such interchange of data and information, and such other cooperation consistent with economical, efficient, coordinated and comprehensive implementation of this part including usage of existing mechanical and other data-gathering capacity), between—

"(A)(i) agencies and organizations which are parties to agreements entered into pursuant to section 1816, (ii) carriers which are parties to contracts entered into pursuant to section 1842, and (iii) any other public or private agency (other than a Professional Standards Review Organization) having review or control functions, or proved relevant data-gathering procedures and experience, and

"(B) Professional Standards Review Organizations, as may be necessary or appropriate for the effective administration of title XVIII, State plans approved under titles V or XIX, or any program established by or pursuant to any other title of this Act.

"PROHIBITION AGAINST DISCLOSURE OF INFORMATION

"SEC. 1166. (a) Any data or information acquired by any Professional Standards Review Organization, in the exercise of its duties and functions, shall be held in confidence and shall not be disclosed to any person except (A) to the extent that may be necessary to carry out the purposes of this part or (B) in such cases and under such circumstances as the Secretary shall by regulations provide to assure adequate protection of the rights and interests of patients, health care practitioners, or providers of health care.

(b) It shall be unlawful for any person to disclose any such information other than for such purposes, and any person violating the provisions of this section shall, upon conviction, be fined not more than $1,000, and imprisoned for not more than 6 months, or both together with the costs of prosecution.

"LIMITATION ON LIABILITY FOR PERSONS PROVIDING INFORMATION, AND FOR MEMBERS AND EMPLOYEES OF PROFESSIONAL STANDARDS REVIEW ORGANIZATIONS

"SEC. 1167. (a) Notwithstanding any other provision of law, no person providing information to any Professional Standards Review Organization shall be held, by reason of having provided such information, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof) unless—

"(1) such information is unrelated to the performance of the duties and functions of such Organization, or

"(2) such information is false and the persons providing such information knew, or had reason to believe, that such information was false.

"(b)(1) No individual who, as a member or employee of any Professional Standards Review Organization or who furnishes professional counsel or services to such Organization, shall be held by reason of the performance by him of any duty, function, or activity authorized or required of Professional Standards Review Organizations under this part, to have violated any criminal law, or to be civilly liable under any law, of the United States or of any State (or political subdivision thereof).

"(2) The provisions of paragraph (1) shall not apply with respect to any action taken by any individual if such individual, in taking such action, was motivated by malice toward any person affected by such action.

"(3) For purposes of paragraph (2), an action by an individual shall be deemed to be motivated by malice toward a person or provider affected by such action, if the individual taking such action has consistently failed impartially to take similar action in similar circumstances which involved other persons or providers.

"FEDERAL OWNERSHIP OF FILES, RECORDS, AND MATERIALS

"SEC. 1168. All files, records, and materials of any Professional Standards Review Organization or any Statewide Professional Standards Review Council which such Organization or council shall have compiled or acquired in the exercise of its duties and functions imposed under this part shall be the property of the United States and shall be held, transferred, or otherwise disposed of, in such manner as the Secretary shall by regulations prescribe.

"AUTHORIZATION FOR USE OF CERTAIN FUNDS TO ADMINISTER THE PROVISIONS OF THIS PART

"SEC. 1169. Expenses incurred in the administration of this part shall be payable from—

"(1) funds in the Federal Hospital Insurance Trust Fund;

"(2) funds in the Federal Supplementary Medical Trust Fund; and

"(3) funds appropriated to carry out the provisions of—

"(A) title V;

"(B) title XIX; or

"(C) any other title of this Act (other than titles XVIII and XIX) which establishes or pursuant to which there is established any plan or program for the provision of health care services to individuals;

in such amounts from each of the sources of funds (referred to in clauses (1), (2), and (3)) as the Secretary shall deem to be fair and equitable after taking into consideration the costs attributable to the administration of this part with respect to each of such plans and programs.

"AUTHORIZATION OF DEMONSTRATION PROJECTS

"SEC. 1170. (a) In order to determine the feasibility and potential economics of methods whereby Professional Standards Review Organizations, in addition to their responsibilities under this part, assume responsibility and risk with respect to the review and payment of claims for health care services payment for which may be made (in whole or in part) under any program established by or pursuant to this Act, the Secretary is authorized to enter into agreements in periods ending not later than December 31, 1975 with such number of Professional Standards Review Organizations, in the same or in different areas of the Nation, as may be necessary to permit adequate and proper comparison of results, with respect to the review and payment of claims for such services, as between areas in which risk is assumed by Professional Standards Review Or-

ganizations and areas in which such risk is not assumed by such Organizations. The Secretary shall submit reports to the Congress on the results of such demonstration projects from time to time but not less than annually.

"(b)(1) The Secretary shall undertake such agreements with Professional Standards Review Organizations which indicate willingness and capacity to assume responsibility for review and full payment for all care and services for which beneficiaries or recipients resident in such geographic areas are eligible. Reimbursement to such Professional Standards Review Organizations for such commitments may be on a capitation, prepayment, insured or related basis for renewable contract periods not in excess of one year. Such amounts may not, on an annualized basis for the initial agreement period, exceed per capita beneficiary costs in the geographic area concerned during the 12-month period prior to the effective date of the agreement. For any subsequent periods the base 12-month period per capita beneficiaries costs shall also be applicable and adjusted by appropriate factors representing unit cost increases in covered services.

"(2) Where such agreements are negotiated, provision shall be made for assumption of risk by the underwriting Professional Standards Review Organizations through agreement to make contingent payments for physicians' services of not in excess of 80 per centum of the amounts otherwise allowable for such services in the absence of such agreement.

"(3) From any amounts remaining at the end of the agreement period, provision shall be made for equal division of such amounts between the Secretary (and the State in the case of a federally matched program) and the Professional Standards Review Organizations. The amounts actually paid to the Professional Standards Review Organizations from the divided excess may not exceed the 20 per centum of otherwise allowable amounts withheld plus an incentive payment not in excess of 25 per centum of the total amounts allowable and payable for physicians' services during that year. Any remaining amounts of the Professional Standards Review Organizations calculation in excess shall revert to the Secretary or to the State in the case of a federally matched health care program.

"(4) Any deficit shall be assumed by the Federal or State agency in order to assure beneficiaries and recipients of payment for necessary care. The Professional Standards Review Organizations shall not be entitled to the 20 per centum of the otherwise allowable amounts for physicians' services withheld in such period. In any subsequent year, the Secretary shall recover from any excess amounts remaining such additional amounts as had been paid by him to eliminate deficits in prior periods before calculation of any payments of withheld and incentive amounts to the Professional Standards Review Organizations."

The summary, presented by Mr. BENNETT, is as follows:

PROFESSIONAL STANDARDS REVIEW—MEDICARE AND MEDICAID

SECTION-BY-SECTION SUMMARY OF AMENDMENT

Declaration of purpose

Sec. 1151. Purpose of the subtitle is to promote effective, efficient and economical delivery of health services for which payment may be made under the Social Security Act, through application of professional standards review procedures which would assure that such services are of appropriate quality, and are provided only when necessary and then in the most economical fashion consistent with professional recognized health care standards.

Designation of Professional Standards Review Organization (PSRO)

Sec. 1152. The Secretary of Health, Education, and Welfare shall at the earliest practicable date, but prior to January 1, 1972, enter into agreements in each area of the United States with qualified organizations to serve as Professional Standards Review Organizations (PSRO).

In making such agreements, the Secretary would give first priority to local medical societies or subsidiary organizations which represent a substantial portion of physicians in the area. Where such groups are unable or unwilling to enter into agreements, the Secretary would make such agreements with other private nonprofit, public, or other agency or organization with professional competence.

The agreement shall provide that the designated organization will perform the duties and functions of a PSRO and that the Secretary shall pay for reasonable and necessary expenses. Agreements shall be for periods of 12 months, and may be terminated by the organization upon reasonable notice, or by the Secretary after a formal hearing.

Review pending designation of Professional Standards Review Organizations

Sec. 1153. Pending assumption of responsibility, and demonstration of capacity for improved review efforts by a PSRO, presently authorized review and audit activities shall be continued.

Trial period for Professional Standards Review Organization

Sec. 1154 (from the PSRO). The Secretary shall, after receipt and approval of a formal plan for progressive assumption of full responsibility, initially designate an organization as a PSRO on a conditional basis. During the trial period (not to exceed 24 months) the Secretary may require the PSRO to perform only such duties and functions as he deems them capable of performing. Assumption of responsibility for duties should proceed in accordance with the approved plan, so that at the end of the trial period, the PSRO is performing all required duties and functions.

An agreement by which an organization is *conditionally* designated as a PSRO may be terminated by either party on 90 days' notice.

Any duties and functions not performed by a PSRO during the trial period shall continue to be performed as presently authorized. The Secretary is authorized to waive any other review requirements where he finds, based on substantial evidence, that the PSRO meets or exceeds those requirements.

Duties and functions of Professional Standards Review Organization

Sec. 1155. It shall be the duty and function of each PSRO to assume responsibility for review of the professional activities of health care practitioners and providers with respect to health care services for which payment may be made under the Social Security Act. Such review shall be for the purpose of determining whether the services are necessary to proper health care; meet recognized professional standards of health care; and are provided in the most economical fashion consistent with recognized standards of care.

Each PSRO shall also determine, in advance, that elective inpatient admissions or extended, costly out-patient courses of therapy meet the above criteria. Hospital admissions shall be approved for periods certain related to patient age and diagnosis; and recertification by the attending physician shall be necessary for extensions of the period initially approved.

Each PSRO shall be responsible for the development, maintenance and review of practitioner, patient, and provider service profiles.

Each PSRO is authorized to: utilize specialists as needed in the review process; undertake necessary professional inquiries; and examine pertinent records and sites of care.

Norms of health care services for various illnesses or health conditions

Sec. 1156. Each PSRO shall apply professionally-developed and published norms of care and treatment based upon patterns of practice in the region as principal points of evaluation and review in determining quality and medical necessity of services.

Where actual norms in an area differ significantly from regional norms, the PSRO can, with approval of the National Professional Standards Review Council, apply such norms in its geographic area. The National Review Council shall prepare and distribute to each PSRO appropriate materials concerning the regional and national norms to be utilized as initial checkpoints.

Submission of reports by professional standards review organizations

Sec. 1157. If a PSRO determines that a practitioner or provider has violated any obligation imposed by Sec. 1160, the PSRO shall transmit a report of findings and recommendation to the Secretary through the Statewide Professional Standards Review Council, which shall transmit the report and recommendations along with such comments as the Statewide Council deems appropriate.

Requirement of review approval as condition of payment of claims

Sec. 1158. Where a PSRO has reviewed and disapproved a proposed health care service, and has prior to the provision of such service, notified the practitioner and provider and the patient of the disapproval, no Federal funds appropriated under the Social Security Act shall be used for the payment of any claim for the provision of such disapproved services.

Notice to payor of disapproved claim

Sec. 1159. The PSRO, upon disapproval of a proposed service, shall promptly notify any claims payment agency concerned of such disapproval.

Obligation of Health Care Practitioner and Providers of Health Care Services—Sanctions and Penalties

Sec. 1160. It shall be the obligation of any health care practitioner or provider to assure that the services they provide, for which payment may be made under the Social Security Act will be provided: only when medically necessary; will meet recognized professional standards of health care; and in the case of in-patient services will be provided in the most economical facility consistent with professionally recognized health care standards.

If after reasonable notice and opportunity for discussion, a PSRO finds that a practitioner or provider has consistently failed to comply or has flagrantly failed to comply with his obligations, the PSRO may then recommend to the Secretary (and he may require) that such practitioners or providers pay a monetary penalty not to exceed $5,000 (as a condition of remaining eligible for program payments for his services) or the Secretary may temporarily or permanently exclude such practitioner or provider from the program.

Hearings and Review

Sec. 1161. Whenever a PSRO takes any action which denies approval of a proposed service, or indicates that a practitioner or provider has violated the obligations imposed upon him, the PSRO shall give notice to the practitioner or provider, and provide an appropriate opportunity for discussion and review.

Following such discussion and review any practitioner or provider who remains dissatisfied shall, upon request to the Secretary, be entitled to a hearing by the Secre-

tary. Within 30 days after hearing the Secretary shall make a final determination on the matter.

A practitioner or provider who is dissatisfied with this final determination may within 60 days appeal such determination to the courts.

Statewide Professional Standards Review Councils: Advisory groups to such Councils

Sec. 1162. In each State with two or more Professional Standards Review Organizations the Secretary shall appoint a Statewide Professional Standards Review Council consisting of one representative from each PSRO, two physicians designated by the State Medical Society and two physicians from the State selected by the Secretary as public representatives.

It shall be the function of each council to coordinate the activities of and disseminate data among the various PSROs and promptly to transmit to the Secretary reports and recommendations received from the PSROs.

The Secretary shall make payments to cover reasonable and necessary expenses.

Each Statewide Council shall be advised and assisted by an Advisory Group consisting of representatives of the various types of health care practitioners (other than physicians) and providers, providing covered health care services in a State which it shall select in accordance with regulations prescribed by the Secretary.

National Professional Standards Review Council

Sec. 1163. There shall be established a National Professional Standards Review Council consisting of eleven physicians appointed by the Secretary for three-year terms. A majority of the members of the Council shall consist of physicians of recognized standing and distinction in the appraisal of medical practice nominated by one or more national organizations representing practicing physicians. The Secretary shall provide such personnel and other assistance as may be necessary for the Council to carry out its functions.

The Council shall advise the Secretary in the administration of this part; distribute among Statewide Councils and PSROs pertinent information and data; review the operation of PSROs with a view to determining their comparative effectiveness and performance; and approve or disapprove requests of PSROs for usage of other than regional norms. The National Council shall, at least annually, submit to the Secretary and the Congress a report on its activities, and comparative data indicating the results of review activities in each State and area.

Application of this amendment to certain State programs receiving Federal financial assistance

Sec. 1164. Provisions of this amendment shall apply to the operation of any State plan approved under the maternal and Child Health, Medicaid, Intermediate Care, and any other health care or health care related programs.

Correlation of functions between Professional Standards Review Organizations and administrative instrumentalities

Sec. 1165. The Secretary shall by regulation provide for correlation and cooperation between carriers, intermediaries, government agencies and PSROs. Such cooperation shall include usage of existing mechanical and other data gathering capacity.

Prohibition against disclosure of information

Sec. 1166. Any information acquired by a PSRO in the discharge of its functions shall be held in confidence, except as may be necessary to carry out the purposes of this part or to assure adequate protection of the rights of patients, practitioners or providers. Disclosures of information other than for such authorized purposes shall be unlawful and shall upon conviction be punishable by a fine of up to $1,000 and imprisonment for up to 6 months.

Limitation on liability for persons providing information and for members and employees of PSROs

Sec. 1167. Persons providing information and members or employees of PSROs shall in general not be liable if such information were genuine, and if any actions taken are not motivated by malice. An action shall be deemed to be motivated by malice if the individual or PSRO has consistently failed impartially to take similar action in similar circumstances involving other persons or providers.

Federal ownership of files, records and material

Sec. 1168. All files, records and materials of a PSRO or a Statewide Council shall be the property of the United States.

Authorization for use of certain funds to administer the provisions of the part

Sec. 1169. Expenses incurred in the administration of this part shall be payable from the Hospital Insurance Trust Fund, the Supplementary Medical Trust Fund, and funds appropriated for other Titles of the Social Security Act in such proportion as the Secretary deems to be equitable.

Authorization of demonstration projects

Sec. 1170. The Secretary is authorized to enter into agreements (ending not later than 1975) with such number of PSROs as are necessary to permit a comparison of results where a PSRO assumes a financial risk for the payment of Medicare claims in contrast to areas where a PSRO does not assume financial risk.

Where a PSRO indicates a willingness and capacity to assume financial responsibility for the review and payment of all claims, reimbursement to such PSROs may be made on a capitation, prepayment, insured or related basis for renewable contract periods not exceeding one year. Such amounts may not exceed per capita beneficiary costs in the area concerned during the preceding 12-month period.

Where such agreements are negotiated provision shall be made for the PSRO to assume a risk by making payments for physicians' services at a rate not in excess of 80% of otherwise allowable amounts for such services.

Any sums remaining at the end of the agreement period shall be divided so that the Government receives 50% of the savings. The Government shall also receive amounts, if any, remaining after the PSROs have received the 20 percent or other risk factor withheld and an incentive payment not in excess of 25% of 100% of the physicians' allowable program charges during the agreement period.

Renewable agreements shall be at the base or initial year rate of payment adjusted for appropriate increases, if any, in the unit costs of covered services during the prior year.

PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1971—AMENDMENT

AMENDMENT NO. 852

Mr. NELSON (for himself, Mr. MONDALE, Mr. HART, Mr. JAVITS, Mr. GRIFFIN, Mr. MCINTYRE, Mr. MUSKIE, Mr. PELL, Mr. PERCY, Mr. BAYH, Mr. CRANSTON, Mr. YOUNG of Ohio, Mr. TOWER, Mr. EAGLETON, Mr. CANNON, and Mr. MONTOYA) submitted an amendment, intended to be proposed by them, jointly, to the bill (H.R. 18127) making appropriations for public works for water, pollution control, power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes, which was ordered to lie on the table and to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENTS

AMENDMENT NO. 853

Mr. PROXMIRE (for himself, Mr. SCHWEIKER, Mr. YARBOROUGH, Mr. BROOKE, Mr. YOUNG of Ohio, Mr. EAGLETON, and Mr. GRAVEL) submitted amendments, intended to be proposed by them, jointly, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which were ordered to lie on the table and to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSOR OF AN AMENDMENT

AMENDMENT NO. 844 TO H.R. 17123

Mr. HATFIELD. Mr. President, I ask unanimous consent that, at the next printing, the name of the Senator from Illinois (Mr. SMITH) be added as a cosponsor of amendment No. 844 to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

DEATH OF FORMER SENATE CHAPLAIN, THE REVEREND DR. FREDERICK BROWN HARRIS

Mr. THURMOND. Mr. President, all of us in the Senate were saddened to learn of the death on Tuesday of the Reverend Dr. Frederick Brown Harris, Chaplain of the Senate for more than 24 years.

Dr. Harris served as Chaplain of the Senate until January 9, 1969, when our present Chaplain, the Reverend Dr. Edward L. R. Elson was elected by the Senate and assumed these duties.

Mr. President, no Member of the Senate who served here during Dr. Harris' tenure will ever forget this kind, gentle, saintly man. He was a daily inspiration to those of us who labor here. His prayers which opened the Senate each day were

inspiring and challenging. He constantly called upon us to heed the teachings of Jesus.

Dr. Harris was an eloquent and precise speaker. He was a storehouse of quotations, stories, and illustrations on religious teachings. While his voice is stilled, his words remain with us, and will provide a source of strength to all of us.

I feel a personal loss in his passing and hasten to extend my heartfelt sympathy to his dedicated and loyal wife, Helen, and to his two daughters, Mrs. Barbara Louise Marrs and Mrs. Constance Cole, who reside in the Washington area.

Mr. President, I ask unanimous consent that articles published in the Washington Post of August 19, 1970, and the Washington Daily News of August 19, 1970, on the death of Dr. Harris be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 19, 1970]

F. B. HARRIS, SENATE CHAPLAIN, DIES

The Rev. Dr. Frederick Brown Harris, chaplain of the Senate for 24 years, died yesterday after a heart attack at his home. He was 87.

Mr. Harris was elected Senate chaplain in 1942 and served until 1946 when he was succeeded by the late Rev. Peter Marshall.

In 1949, Mr. Harris replaced Mr. Marshall just as Marshall had replaced him. He retired as chaplain 20 years later.

Mr. Harris delivered a prayer every morning the Senate was in session. These prayers were recently collected in five volumes.

Once, Mr. Harris performed a wedding in the Caucus Room of the Senate Office Building. He married a 69-year-old Western Union messenger to a 60-year-old widow at a specially constructed altar.

Visiting ministers often asked their home state senators to ask Mr. Harris if they could substitute for him in delivering the daily invocation. The Senate chaplain usually agreed, but he once complained to the then majority leader, Lyndon B. Johnson, that in a matter of a few weeks he had been replaced 17 times.

"Now look here, Reverend," Johnson consoled, "if you ever want me to call a halt to this sort of thing, you let me know, and we'll just restrict the number of visiting preachers."

Mr. Harris did not remind Johnson that he already had two requests from the senator's office for permission for two Texas ministers to preach.

Born in Worcester, England, Mr. Harris came to the United States at an early age, making his first U.S. home in New Jersey.

He was graduated from Pennington Seminary in 1905, took a bachelor of arts degree from Drew Theological Seminary in 1912, and a doctor of divinity from Dickinson in 1923.

He organized and built the Greenwood Avenue Methodist Church in Trenton, N.J., moved from there to St. Luke's Church in Longbranch, N.J., and then to Grace Church in New York City.

Mr. Harris came to historic Foundry Methodist Church in Washington in 1924, retiring from the position in 1955.

He wrote a column called "Spires of the Spirit" which appeared in the Washington Evening Star and which was collected into a book.

He conducted funerals for President Herbert Hoover, Sen. Robert A. Taft and Gen. Douglas MacArthur.

Mr. Harris, who resided at 4000 Cathedral Ave. NW, is survived by two daughters, Mrs. Barbara Louise Marrs, of Kensington, and Mrs. Constance Cole, of Bethesda, and seven grandchildren.

[From the Washington Daily News, Aug. 19, 1970]

FREDERICK HARRIS, 87, CHAPLAIN OF THE SENATE

Services for the Rev. Frederick Brown Harris, 87, chaplain of the Senate for 24 years, who died yesterday after a heart attack, will be at 2 p.m. Friday at the Foundry Methodist Church, 1500 16th-st nw. He lived at 4000 Cathedral-av nw.

Mr. Harris was elected Senate Chaplain in 1942, and served until 1946 when he was succeeded by the late Rev. Peter Marshall. In 1949 Mr. Harris replaced Mr. Marshall.

He was born in Worcester, England, and came to the United States at an early age.

He wrote a column for the Washington Evening Star called "Spires of the Spirit", later collected in a book.

DISTRICT OF COLUMBIA NONVOTING DELEGATE BILL

Mr. KENNEDY. Mr. President, after consulting publicly and privately with leaders in District of Columbia affairs and with Members of the Senate, I have asked the majority leader to defer the Senate consideration of the District of Columbia nonvoting Delegate bill until after the Labor Day recess.

I believe that this brief delay will enhance the prospect of achieving full voting representation in Congress for the District of Columbia, and I am confident that it will not jeopardize the enactment of the nonvoting delegate bill in this Congress.

I fully support a nonvoting Delegate in Congress for the District of Columbia, and I commend the extraordinary success of Senator TYDINGS, Congressman NELSEN, and District leaders in bringing this goal within easy reach at last. I especially commend Mayor Washington, Sterling Tucker, David Carliner, and the other leaders of the District for the common bond of unity they formed in pressing the nonvoting Delegate issue to its successful passage by the House last week. the leaders have served the District well. There is no difference among us on our overall goal. The question that has risen is entirely one of timing and legislative strategy.

A number of Senators and District leaders with whom I have now conferred share my concern that the immediate passage of the nonvoting Delegate bill will diminish the very real opportunity we now have in this Congress to achieve our vastly more important goal of full voting representation for the District of Columbia—two voting Senators and two voting Congressmen. I intend to offer a constitutional amendment on the Senate floor in September to achieve this goal.

Already, however, sentiment is developing in Congress that the nonvoting Delegate bill is enough of an accomplishment for this session and this Congress. It is nothing of the sort. The nonvoting Delegate is not an end in itself. The very real value it has is as an interim measure, a half-way house to tide us over the brief period while a constitutional amendment for full voting representation is enacted by Congress and ratified by the States.

On Tuesday, September 8, when the Senate returns from the Labor Day recess, I hope to sit down again with Members of the Senate and leaders of the District of Columbia to plan final action on both the full voting representation amendment and the nonvoting Delegate bill. At that time, there will be ample opportunity for enactment of the Delegate bill, well before the congressional adjournment rush.

At that time also, the Senate schedule will be clear enough to know whether my District of Columbia full representation amendment can be brought to a vote early in September. Even if Senate consideration of the Direct-Election-of-the-President Amendment is delayed until later in September, it may well develop that the Equal Rights for Women Amendment will be amended by the Senate, and will, therefore, become an attractive alternative vehicle for the District of Columbia full representation amendment.

Full voting representation in Congress is an act of simple justice for the District of Columbia that is long overdue. For nearly a century, every effort to accomplish this goal has met with uniform frustration and defeat. Now, at last, we have a good chance of success, if only we keep our sights high, and do not relax our effort before the job is done.

I believe that the delay of 25 days I have requested is a very small price to pay for a better chance to achieve the higher goal we seek. Eight hundred thousand citizens of the Nation's Capital are denied the most basic right of all in a democratic society, the right of representative government, and it is long past time for Congress to end this injustice.

SENATOR MUSKIE ON THE POWER CRISIS

Mr. EAGLETON. Mr. President, the Senator from Maine (Mr. MUSKIE) delivered a significant and timely address to the American Bar Association in St. Louis on August 12 on the subject of our growing national electricity shortage crisis. He addressed himself particularly to the threats to the quality of our natural environment which are posed by the way we presently generate electricity.

Senator MUSKIE perceptively identified our shortcomings in dealing with these challenges—"an absence of planning, a lack of sense of community—and—a failure of common purpose" on the part of industry and Government at the local, State, and Federal levels. He outlined the inadequacies of the existing patchwork of local, State, and Federal responsibilities, and the absence of any overall policy to resolve the "avoidable conflict in values" between our needs for power and our concern for the environment.

Mr. President, when Mr. Nixon took office, he cast aside the results of major electric reliability studies and corrective legislation initiated by a Democratic administration in response to the giant 1965 Northeast blackout. In the intervening period of more than 18 months, rep-

resentatives of his administration have consistently opposed far-reaching legislation before the Congress which would establish a framework for achieving our dual objectives of serving our need for power and protecting our natural surroundings.

Senator MUSKIE pointed out the administration's abdication of its responsibilities to the American public on these important issues. He called attention to the fact that for 12 long months administration representatives have repeatedly promised an administration proposal to deal with these problems but have utterly failed to make good on their promises. I might note, Mr. President, that this is the administration headed by the same Mr. Nixon who harshly criticized the Congress recently for taking 6 months to responsibly and carefully consider the air pollution proposal he finally offered the Congress over 12 months after he took office.

In the face of the administration's neglect of these urgent problems, Senator MUSKIE issued a call for congressional action now to provide the tools to deal with them.

With the foresight and vision that is characteristic of him, Senator MUSKIE has introduced S. 2752, a bill which establishes a means for coordinating the activities of local, State, and Federal governments in dealing with these problems. It provides for a system of orderly and rational planning for the accomplishment of our dual objectives of adequate, reliable electricity supply and protection of the environment. Since these problems touch upon national, as well as regional interests, his proposal calls for action on a regional basis within the broader framework of national policies.

Mr. President, I want to commend Senator MUSKIE's proposal, S. 2752, to the Senate and respectfully suggest that it—and the subject matter with which it deals—deserve early and responsive action by the Senate.

It is a great pleasure to serve with Senator MUSKIE. I deeply appreciate his vigorous leadership and the deep sense of urgency which he attaches to solving our serious and increasingly urgent national power and environmental problems.

I ask unanimous consent that Senator MUSKIE's speech be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY SENATOR EDMUND S. MUSKIE

I am delighted to be at your second general assembly and to participate in this unique discussion.

I congratulate the ABA that it saw fit to devote this assembly to so vital a subject.

Let me apologize in advance for being compelled to leave early. The ABM vote is coming up today and since Mr. and Mrs. Mitchell didn't make their plane available to me, I have chartered a plane to be back for the vote. I did try to convince Senator Mansfield that the *ABA* had priorities over the *ABM*, but I didn't win that petition.

At the first assembly you and the nation were privileged to hear the chief justice deliver a state of the judiciary address. It was a sober message and a call for reform.

Today this panel will be reporting on the state of life in the decade of the seventies. Here, too, the message is a sober one and the need for reform critical.

I have chosen for my topic one element of the quality of life-power. *Not establishment* power, although that *is* involved. *Not power* for *people*, although that is involved too. The power I refer to is the *raw power* of electric energy. And it is a pervasive power, affecting every aspect of our public and private life.

Its production—from nuclear or fossil fuels—is a pollution risk.

Its transmission lines and plants are an affront to the eyes of conservationists.

Its use is indispensable to a vast array of goods and services.

Its existence suggests one of the "clean" alternatives to the combustion engine.

It is the indispensable energy source for the mass transit systems so desperately needed in our cities.

It is, at one and the same time, an environmental hazard and one of the "cleaner" sources of energy.

It is a great and challenging environmental dilemma which is central to other similar dilemmas.

The automobile, the single greatest air polluter and a vital source of transportation to millions of our citizens in present circumstances.

Oil, the great actual and potential desecrator of oceans and shorelines and wild-life and whatever beauty it touches and the mover of nations in peace and war.

Nuclear energy, an environmental hazard of the first magnitude but "cleaner" than other forms, and the most likely source of the massive amounts of energy we need in our future.

These environmental dilemmas suggest that we may be in the process of consuming our very planet.

It is obvious that if such "mixed" blessings are to become less "mixed" from an environmental point of view, their use and application must be drastically modified.

We take electric power for granted. We use it to improve the quality of our life. We assume it will be there when we need it. And we assume that it is one of the benefits of our tremendous technological excellence.

But how reliable are those assumptions? Let me give you some signs and portents that have a chilling effect on this aspect of our quality of life.

Example 1—Recently there was a massive power failure in New York. It became the subject of jokes when a reporter observed that some nine months later there was an upsurge in births in New York City. But is it funny when there is a power failure in the hospitals where those births are taking place?

Example 2—Within these last months residents in our major cities were warned of blackouts and brownouts.

Example 3—For the past seven years Consolidated Edison has found no acceptable site for a new power plant to service New York City.

Example 4—Only several weeks ago, Consolidated Edison had to purchase and trade power with generating plants here and in Canada in order to keep New York City from blowing its fuse. And the supreme irony is that one of its sources was the Tennessee Valley Authority.

What does this mean? What do these examples portend? Let me tell you. Very simply:

They mean that we are in danger of massive electric power failures.

They mean that we are losing the race between the capacity of people to use electricity and the capacity of our nation to supply it.

They mean that electric power is one of the chief pollutants of our atmosphere.

They mean that power systems are in desperate need of new sites and can't find them.

They mean that our planning in this area is at such an immature stage as to approach a national scandal.

Few of us, I am sure, have focused on these problems, even in as sophisticated an audience as this one.

How has this happened, you ask? Hasn't the government, or someone, somebody, been looking after our interests?

The hard short answer is "no." And what I would like to do today is tell you *why* the answer is no and face up to the issues that need facing.

In a larger sense, our failure to cope with the twin and conflicting needs of massive electric power and clean environment is the result of a tool failure of another sort—the failure to fashion the tools needed to deal with a problem of such magnitude.

Governmentally, in this area we are at the stage of the first incandescent electric bulb.

Local and State governments, jealous of sovereign prerogatives, have failed to work out the regional plans and develop the regional sites needed both to provide for electrical expansion and to avoid environmental degradation.

And now the communities they guard so jealously are in serious danger of being damaged by the effects of pollution and power failures.

On the Federal level, the Federal Power Commission has long avoided facing up to the needs for a national power network. We know how to build and regulate broadcast networks, sports networks, merchandising networks, food distribution networks—but not a power network.

And now we end up having hundreds of thousands of kilowatts of power unable to reach New York in an emergency because the necessary transmission lines have not been built. Literally, no one is manning the switches that count the most. All too often we do not have the switches.

On the national level, too, we have not yet even developed an overall national power policy. No one—neither Government nor industry has really planned—or is yet planning—or is even in a position to start planning effectively for this decade.

Despite our numerous advisory bodies, commissions, studies, monographs, and reports, no national policy has emerged to set forth guidelines and directions.

Many persons at many levels of government have the power to say "No" to a specific power project—but no one has the clear authority to say "Yes" and make it stick.

From an overview, what we see here is an absence of planning, a lack of sense of community, a failure of common purpose. We see—

Advocates of clean air and water battle industry representatives:

1. Before public utility commissions which lack power to cross State lines,

2. Before city councils who don't know how to cope with the problem, and

3. In State and Federal courthouses with their inevitable delays and limited jurisdictions.

But no one of these institutions has any real mandate to try to balance the requirement of adequate power with that of a wholesome environment.

As long as this situation persists, the potential for paralysis and more serious pollution will spread far beyond the city limits of our major urban centers—not only in the summertime, but in every season of the year. And every aspect of our life will be affected.

Bear in mind that in the last 20 years, the national use of electric power has quadrupled:

That in the next 20 years, we will have to build at least 250 more plants to satisfy our estimated power needs.

That of these plants, more than 150 may have to be nuclear-powered, eventually surrounding every major body of water in this country.

That, no technology has yet been devised to keep today's electric power plants from releasing nitrogen oxide into the air—even nuclear-powered plants, in their present form are an inept substitute. For they pose the dangers of radiation leakage and thermal pollution of our rivers and streams.

That, we need money to support far greater research and to develop methods to limit and eliminate the polluting by-products of electric power plants.

That we need to explore entirely new methods for generating power, such as solar energy.

Given these hard facts, is it not obvious that we dare no longer tolerate a patchwork approach?

What is at stake is truly the quality of life. The need for more electric power is essential to economic growth which we badly need in and of itself . . . to modern requirements for rapid communications and more effective mass transit . . . and to the providing of homes, job opportunities, and leisure time activities to which more people are becoming accustomed, to which disadvantaged people aspire, and which they are not prepared to forego.

In an age increasingly concerned about air pollution, are we really prepared to do without air conditioning?

What, then, is the price that ought to be paid for protecting our environment and supplying our power? How do we serve both masters? How is the bill to be paid? And who is to pay it?

The questions are hard and unpleasant. And to an increasing extent, the answers are being sought in the courts—courts which are overburdened but which, nevertheless, have an overriding responsibility to preserve the opportunity for legal redress against public as well as private wrongs.

But we must recognize that the courts have been established more to resolve disputes than to formulate policy. And they cannot forever be the first or even the best answer to the fundamental problems of power and pollution.

Industry, unfortunately, has not stated *what* mechanism it would support to solve these problems. Industry has long avoided public discussion of its future needs and the location of new facilities. It has only been vocal with regard to what it opposes. And now that policy has resulted in public distrust of practically every proposal that industry offers.

And as I said, governments—local, State and Federal—have not performed much better.

That is why I (and others) have introduced legislation designed to coordinate the activities of local, State and Federal agencies *now*.

That is why we must develop a system of orderly and rational planning *now*.

That is why we must develop speedy administrative machinery *now*, where the processes are both speedy and due.

And that is why we must do this on a regional basis—tied to national policies—if we are to have a sufficiently broad resource and policy base to make informed and timely decisions on how best to supply the most power with the least effect on the environment.

I do not deny the possibility that the legislation I have proposed—Senate Bill 2752—may be susceptible to modification and improvement. There are other legislative proposals that have been introduced in the Congress, and the administration continues to promise—as it did last year and again this spring—that its legislative recommendations will be available shortly.

But the point is that we can no longer afford a casual and relaxed attitude about these problems which only grow more complex and difficult with the passage of time. . . . We must consider legislation to deal with these problems *now*. We are already running out of time.

Otherwise, the public outcry which *will* intensify with each power slowdown or failure may ultimately stampede Congress into enacting crisis legislation of the most stringent variety—legislation which might provide for Federal preemption of State and local governmental authority . . . for Federal control over industry-making . . . or for nationalization itself.

Bad cases, you all know, make bad law and bad crises, all too often make bad legislation.

Perhaps part of my function this morning is a lobbying effort. But it is also to enlist your talents.

As members of the bar, you undoubtedly possess the professional skills to help us fashion imaginative legislative solutions, and to design then new administrative procedures we so urgently require to solve these problems . . . and just as important, I believe you have the skills and understanding to advocate to your clients and your communities the need for *them* to reach decisions about these problems while *they* can still make a difference.

Just consider the influence you might exert on some of your clients. The electric power industry criticizes, for example, any proposal to lay underground transmission lines because they would cost too much under present technology . . . But the industry spends, in the aggregate, less than 2/10 of 1 percent of its annual revenues for all research. How persuasive you could be in making that point.

Most vital of all, however, we must *all* recognize that the problems of power and pollution are only a *single aspect* of the whole environmental challenge of this decade.

After all, what we are addressing ourselves to this morning is the future of people's lives . . . and the extent to which people can fulfill their potential in a decade threatened by overcrowding . . . crime . . . unwholesome air and water . . . and the failure not only of power plants but of social institutions as well.

And so, the environmental point of view in the 1970's must mean a comprehensive way of examining our lives. It must encompass not only the businessman worried about what a power failure may do to his business operations, but also the mother concerned with the tenement life and what it may do to her children . . . not only the people who care that the sky is clear during the day, but also the people who care that the streets are safe at night.

We are facing an *avoidable* conflict of values. The problem as each of you knows too well is not simple. But *we do know that* cheaper electricity at the cost of thermal pollution is not necessarily progress; that two car families at the cost of poisoned atmosphere is not necessarily progress.

All costs, private and social, must be counted and weighed.

It would be easy to declare that oceans should be fished and sailed, never drilled; that mountains should be viewed and walked upon . . . never mined—that all land should be dedicated to the preservation of wild life—never despoiled to build new towns, but man is also a part of the ecology.

To achieve the proper balance may be at one time both the most difficult and unavoidable task man has ever faced.

How we approach it, with what values, and with what commitments may determine the very liveability of this earth.

The need for electric power poses the challenge in its entirety, forcing us to recognize:

That technological innovation must now play an overriding role in any accommodation to our fragile environment;

That the scale of human activity on this globe is limited; limited by the finite capacity of the earth to absorb punishment and abuse.

That if we simply equate environmental quality with cleaning up pollution; occupying ourselves with the mess we have made, we shall fail.

That above all forceful judgments must be made immediately about what constitutes acceptable human behavior.

In short, the challenge of the seventies will require as much in the way of restraint as expenditure, the very limit of the lawyers' skill will be called in to play.

The challenge is as long as the list of human activity. We will have to decide what kind of power we can accept in an automobile. We must decide whether automobiles are to be permitted at all in major cities and if so, under what limitations.

We will have to decide what kind of products can be produced with what kind of packages. We may even have to distinguish between acceptable advertising based on necessity and wasteful product advertising appealing only to whims.

The list is inexhaustible but . . .

It should be obvious to us by now that the problems of the environment require more from us than a determination to clean up the mess we have created, although that determination is important. We must also—at this point in time—start thinking in terms of preventive law . . . to change the very habits which permitted us to abuse our environment in the first place. Our objective? To avoid the apocalypse which James Thurber once warned us about:

"Man is flying too fast for a world that is round. Soon he will catch up with himself, in a great rear-end collision and man will never know that what hit man from behind was man."

"THAT MAN NAMED H. ROE"

Mr. SYMINGTON. Mr. President, the stories told by and about H. Roe Bartle are legion in Kansas City. He is one of the most beloved citizens of our State.

Recently the Country Squire magazine published an engaging account of a reporter's encounters over the years with him.

Before placing the article in the RECORD, I am glad to update it by reporting that H. Roe Bartle is now out of the hospital and feeling much better.

I ask unanimous consent that the article entitled "That Man Named H. Roe," written by Tom Leathers, and published in the Country Squire magazine of July 9, 1970, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THAT MAN NAMED H. ROE

(By Tom Leathers)

To a 20-year-old reporter for The Kansas City Star, the huge man was an awe-inspiring sight. Not only because of his immense girth which he carried impressively wherever he went—but more important, the big one was H. Roe Bartle. And to anyone who grew up around here, Roe Bartle is as much Kansas City as the Liberty Memorial or Swope Park.

It was 1949 when I was first assigned by The Star to cover the Boy Scout Round-up at the Municipal Auditorium. It wasn't exactly the prime assignment for a reporter. Not only was it looked upon as sort of dull, but it also was difficult to cover—chiefly because of the confusion resulting from thousands of uniformed boys running every which way.

But Roe Bartle made it easy for me. He spotted my inexperience and quickly came to my rescue. Roe was Chief Scout Executive and, as such, he could have chosen a place that night in the spotlight of the Arena. But he chose to take a seat next to a young man who needed help. And help he did. Not once did he budge from his

seat during the two hours. In that booming voice filled with those beautiful Bartleisms he described each and every event. The way he told it, the Round-up was an exciting, thrilling and cherished experience for thousands of energetic, vigorous and dedicated young men. And before he was through, I believed it as much as he did.

Plenty of people can tell Roe Bartle stories. Some may start them with an off-the-cuff explanation that Bartle is a bag of wind—but before they get very far into the story, you'll see their eyes light up as they recount an act of kindness performed by the hulking man. After all, it really isn't the thing to love a man while he's alive. You're suppose to do that after he's dead. So much of the anecdotes people tell about his thoughtfulness are carefully camouflaged a bit with smiles and jokes—the same kind dished out so well by the man himself. But his love has touched many, many people, whether we're big enough to admit it or not.

Twenty years after that Boy Scout Round-up I visited him again as a reporter. It was 1969 and this time I was doing a story for *The Squire*. I felt like I was the only one 20 years older in the room. Roe Bartle hadn't changed. He had the same vigor, the same excitement for Kansas City that he had had that night in the Arena. We sat for three hours in his apartment on the Plaza, literally surrounded by memorabilia of his long service to the Boy Scouts and countless other organizations. His memory as usual was infallible. No detail had disappeared in the past. He could tell a story like it was happening right then and there, and with all the flourishes of a 100-piece brass band.

The interview took place on one of those rare days when he had been in town. Most of his time had been spent on speaking engagements in all parts of the country, speeches that netted him as much as $1,500 a time. And in each speech, he never forgot to talk about his beloved Kansas City.

Some say Roe Bartle likes money since unquestionably he's a millionaire. But those that really know admit that while Roe Bartle likes money, it's principally for what it can do to help others. For years, he's lived modestly, spending only a fraction of his earnings on himself and his family. Much of the rest has gone to charities, colleges and people who need it worse than Roe.

The other day I heard from him again. A low, raspy voice on the phone announced that "This is the Super Chief himself." He has been a patient at St. Luke's Hospital for more than two months, fighting off numerous set-backs to the amazement of a team of eight doctors.

Though his voice occasionally halted and broke for a moment, he recounted his operation as only he could do it. The doctors weren't able to give him the regular anesthetic so Roe was wide awake during the long, and undoubtedly painful experience.

"I talked to the surgeon the whole time he was carving," Roe explained. And then repeated word-for-word some of his choicest comments during those crucial times.

Then, he got his nurse on the phone to say hello.

"Do you remember that mean, old nurse at Camp Osceola when you were a Boy Scout?" he asked. "Well, she's still helping me out."

As she talked for a moment, you knew she was used to the Bartle humor—in fact, like most of us, she looked forward to it.

Then, it was time to say goodbye. Once more he lamented that he could have no visitors, something more painful to him than the operation itself.

"I'm lucky to be surrounded by people who will go the extra mile," he said. "And you can tell people I haven't fired the staff or reorganized the hospital like people expected me to do."

And then he added:

"God love you and take care of your family."

That night I was driving downtown, past the Bartle apartment and then on down the Southwest Trafficway. And I though that if Kansas City really wanted to thank its number one citizen it could name the trafficway in his honor. Bartle Trafficway would be a fitting gesture to a man who's worked so hard to keep Kansas City moving . . .

And if they're going to do it, they might as well get on with it now as later. Roe often likes to joke about his doctors who he says have been trying to bury him for years.

"But instead, I've buried all of them," he says.

Chances are that right now he's preparing for his escape from St. Luke's and his next trip to some speaking date. Like the Liberty Memorial, the Kansas City Chiefs, and the Boy Scouts, there will always be a Roe Bartle . . .

J. MARK TRICE

Mr. GOLDWATER. Mr. President, early in January 1953, a very frightened and somewhat timid desert rat landed in Washington, feeling as out of place as anyone possibly could. I had not been in my hotel room 15 minutes when the phone rang and the voice at the other end said, "This is Mark Trice," and I wondered then who that could be.

He immediately told me that he was Secretary of the Senate and his interest that morning was in helping me to get started. He came to me like a life ring comes to a drowning man, and I eagerly trotted over to his office and told him of my abysmal ignorance of everything connected with the job. He sat with me for several hours, explaining the functioning of the Senate, its committees, how I would be assigned my different committees, and what was expected of me as a freshman Senator.

Later he arranged my first press conference and supervised it in a way that a mother eagle would watch her fledgling birds to make sure they did not get hurt. I have never forgotten the great warmth and sincerity of this fine man. He went out of his way to help a freshman Senator from a far off small State. Through the years since, I have enjoyed more and more not only his friendship but also the friendship of his beautiful wife, Peggy, and his family.

It is difficult for me today to look at him and believe that such a young looking person could have been in this city and in the Government for 50 years. I know some men to have been here 2 years and they look 110 years old; but Mark long ago solved the problem of worry, and it is reflected not only in his youthful appearance but also in the extremely efficient way he gets the job done. He is an irreplaceable asset, not just to the Republican Party, but to the entire Senate and our Government, and, while I will not go so far as some of my colleagues in wishing him another 50 years, I certainly hope he is around for many years to come.

DEVELOPMENT OF A NEW HELICOPTER TO REPLACE THE "CHEYENNE"

Mr. McINTYRE. Mr. President, the Armed Forces Journal of August 17 contains an article about a new helicopter being developed for the Army as a replacement for the Cheyenne. The Armed Services Committee has recommended a termination of the Cheyenne program.

According to the article, prototypes of the new helicopter are being developed by Sikorsky with company I.R. & D. funds. The new gunship is expected to approach the Cheyenne's specs, yet to be available at less than one-fifth the Cheyenne's cost, $675,000 to $775,000 per copy as opposed to almost $4 million per copy for the Cheyenne.

I have not yet had an opportunity to verify the facts contained in the article. Nor am I fully persuaded as yet that a new attack helicopter is needed by the Army. If the facts are true, however, and if a new helicopter should be required soon, it would be ironic if the company which lost out on the Cheyenne contract itself due to Lockheed's buy-in tactics were to be the winner in the end.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SIKORSKY TO FLY AH-3 PROTOTYPE IN FOUR TO SIX WEEKS

(By Brooke Nihart)

Company-funded prototype of an AH-3 alternative to the Army's AH-56 Cheyenne gunship program will be flown by Sikorsky within the next few weeks, The Journal has learned from Pentagon sources. Sikorsky recently gave the Army an unsolicited revised proposal for the armed SH-3 derivative.

Sikorsky's move is reminiscent of Bell's successful effort late in 1965 to prototype its AH-1G Cobra gunship as an "interim" AAFSS.

Capitol Hill observers say the future of Sikorsky's proposal looks a lot brighter in light of Senator Thomas P. McIntyre's (D-NH) attack against continuation of Lockheed's work on the Cheyenne. Among McIntyre's charges is that "Lockheed bid in low to get the contract, expecting to later recover any additional costs incurred." Lockheed's bid, said McIntyre, "despite the fact it had never built a helicopter—was only $77-million, as compared with Sikorsky's $114-million." Charging also excessive cost growth, McIntyre said: "The unit cost of the Cheyenne has increased from a preliminary planning estimate of about $1-million to an admitted present estimate of almost $4 million.

The company's first proposal, submitted 12 August 1969, was reported in The Journal (22 Nov.). Sikorsky's latest proposal, delivered to the Army last month, breaks down the developmental work incrementally to meet new DoD milestone contracting procedures and lower budget funding levels.

The AH-3 will use dynamic components—rotors, gearboxes, shafting engines—of the Navy's SH-3 and add them to a new cockpit and streamlined fuselage containing armament and fire control equipment. The new configuration, Sikorsky believes, would meet most of the Army's AAFSS (Armed Aerial Fire Support System) or AH-56 Cheyenne gunship requirements. (As noted previously [Journal 25 April], the Air Force has in the past attempted to lay claim to the AH-56 for its own on grounds it is a "convertiplane"—a compound [winged] helicopter—which the AH-3 is not.)

Sikorsky officials queried about the prototype were tight-lipped and would neither confirm nor deny Pentagon reports that such a project is underway or that the AH-3 will soon be rolled out and flown

Characteristics of the proposed AH-3 were believed to be as follows:

Speed—dive 200kn, cruise clean 180kn, cruise with armament 172kn.

Rate of climb—1480fpm on one engine.

Hover ceiling (95° out-of-ground effect) 4,000 feet at 17,290 pounds gross weight.

Armament—XM–140 30mm cannon, XM26 airborne TOW missile system, XM159 2.75 rocket launcher.

Cost—$675–775,000 plus GFE (government furnished equipment).

THE DISABLED AMERICAN VETERAN

Mr. DOLE. Mr. President, on August 17, Mr. Harold Russell, Chairman of the President's Committee on Employment of the Handicapped, spoke before the national convention of the Veterans of Foreign Wars in Miami Beach, Fla. Mr. Russell's remarks concern the important role played by the VFW in meeting the needs of the disabled veteran who has given so much for his country.

Mr. Russell commends the progress that has been made in fulfilling the needs of these men, but points out that much more remains to be done in order to assure every opportunity to all disabled veterans. Improved medical care, rehabilitation counseling, training, education, employment, and the elimination of architectural and transportation barriers are vital to the realization of full opportunity for every disabled veteran, and all handicapped Americans.

I invite the attention of the Senate to Mr. Russell's remarks and ask unanimous consent that they be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY HAROLD RUSSELL, CHAIRMAN, THE PRESIDENT'S COMMITTEE ON EMPLOYMENT OF THE HANDICAPPED, BEFORE THE NATIONAL CONVENTION OF THE VETERANS OF FOREIGN WARS, MIAMI BEACH, FLA., AUGUST 17, 1970

It was a very different world when the Veterans of Foreign Wars was "born" in 1900. It is a far better world today for the American veteran thanks to the leadership and dedicated effort of the VFW.

Seventy years of progress for the veteran is a proud occasion for our Nation. I am personally pleased and honored to be with you today to share in the celebration.

It is a great privilege for me to present your Commander-in-Chief Ray Gallagher, on behalf of the President of the United States a special award from the President's Committee on Employment of the Handicapped.

But, before I present the award, I'd like to make a few comments about what has happened to the veteran, specifically the disabled veteran, in seventy years of VFW leadership.

Frankly, there are no figures following the Spanish-American War. We do know that a staggering percentage of those seriously wounded in World War I died immediately after receiving their wounds. This is not, as you know, the case in Vietnam.

In 1921, the first year for which figures are available, 523 handicaped Americans were rehabilitated under the infant Federal-State Vocational Rehabilitation Program. Last year, 241,390 handicapped men and women were successfully rehabilitated under the same program.

At the beginning of World War II, in 1941, 38,000 handicapped men and women were placed in jobs by the Federal-State Public Employment Service. In Fiscal Year 1969, 324,600 disabled workers were placed by these offices.

The Federal Government alone has hired over 250,000 handicapped workers in the past 20 years; the Veterans Administration has rehabilitated 700,000 disabled veterans in the past 20 years; 6 million handicapped workers have been placed in jobs by the Public Employment Service in the past 20 years of which a large percentage have been disabled veterans.

That's real progress for the handicapped. And, it's groups like the Veterans of Foreign Wars that have led the country in committing the needed resources to make this progress—particularly for the disabled veteran.

The latest indication of VFW leadership has been its splendid "Project Alarm" which has focused public attention—and concern—on the conditions in VA hospitals. Today, thanks largely to this effort, Congress and the Administration are aware that VA hospital system needs help and are actively seeking ways to provide that help.

In the past 23 years, the President's Committee has been proud to help make the dream of opportunity for all the handicapped a reality. Our Nation has made great strides in this effort, but much more remains to be done.

The 275,000 wounded veterans returning from Indo China need our support. We must redouble our efforts to open opportunities for these fine men who have given so much for their country. Many of them will need to be retrained as they will be unable to go back to the jobs they held before the service because of their disability. Many have set their sights higher than they had before becoming disabled, and want further education. But in this vast land of ours, only a handful of colleges and universities are *fully* accessible to the severely physically disabled. And barriers are by no means limited to college campuses. There are architectural barriers barring the severely disabled from public and private buildings from coast to coast. And there are transportation barriers which prevent the severely disabled from being able to afford getting to a job.

The older, disabled veterans of World War II and Korea are confronting new job obstacles because of age and outmoded skills. They need the energetic support of your members who are employers.

And—most certainly—your full support is required to assure the disabled veteran that his rehabilitation *will* lead to successful employment and *will not* be obstructed by insurance barriers.

In too many cases, employer recognition of the desirability of hiring disabled veterans is overshadowed by the knowledge that if a disabled veteran does have a job-connected accident, workmen's compensation costs may be higher than if the same accident involved a nonhandicapped worker.

I don't think I have to tell some of you older disabled veterans what this insurance barrier is like. You and I know that workmen's compensation in the United States has been—and continues to be—a major roadblock to the rehabilitation and employment of disabled veterans.

In thirty of the States, second injury laws do not properly protect employers who would like to employ disabled veterans. In four other States, employers have no protection whatsoever.

We are trying—constantly and energetically—to get these States to improve their workmen's compensation laws so as to give employers parity of risk if they hire disabled veterans. In this, we need your help.

In addition, we are exploring the possibilities of a one-step national solution to the insurance problem of disabled veterans. We would like to see a Federal second injury program which would reimburse employers for workmen's compensation costs in the case of service-connected disabled veterans.

This is specifically where we need your full support. We have asked for consideration of a Resolution at this convention requesting the Secretary of Labor to seek Congressional authorization and an appropriation to reimburse the Nation's employers for excess insurance costs if their disabled veteran employees suffer on-the-job accidents.

It is my sincere hope that you will give this Resoltuion your most serious attention.

VFW leadership can—and does—make the difference. Your leadership in supporting efforts to more effectively rehabilitate and train disabled veterans through VA hospitals is a tribute to your Rehabilitation Commission and its dedicated Director, Norman Jones, who represents VFW on our Executive Committee.

As a veteran, and a disabled one at that it gives me personal pleasure and satisfaction to present to the Commander-in-Chief of the Veterans of Foreign Wars the following award which reads

"The President's Committee on Employment of the Handicapped Salutes The Veterans of Foreign Wars of the United States on its Seventieth Anniversary and Expresses Appreciation for its:

Seventy Years of Concern for and Active Support of Rehabilitation and Employment of Disabled Veterans.

Active and devoted participation in the programs of the President's Committee and Governors' Committee on Employment of the Handicapped;

Outstanding Awards and Public Information Programs which have greatly advanced the rehabilitation and employment of America's handicapped;

Continuing cooperation in support of the President's Committee's goal of full opportunity for every handicapped American.

BILLBOARD REMOVAL

Mr. MOSS. Mr. President, unquestionably one of the most effective one-man lobbies at work in Washington today is Douglas T. Snarr, the young and aggressive Utah billboard owner who is trying to make Congress show that it meant what it said when it passed the Highway Beautification Act of 1965 and decreed that billboards should be removed from rural sections of the Interstate and primary highway systems.

As we all know, the 1965 act has never been implemented; Washington bureaucracy has never come up with regulations that are either workable or within budget limits.

But Doug Snarr has a plan which is both practical and workable. It would not cost much, would cut quickly through the redtape, and would bring results within a relatively short time after it was put into effect. I was sold on the Snarr plan as soon as it was explained to me, and I introduced a bill which the Senate has now passed to put it into effect. The House of Representatives has taken no action, although it has had the bill for more than 9 months.

In today's Washington Post, Colman McCarthy has written an excellent column on Doug Snarr and his plan. I ask unanimous consent that it be printed in the RECORD. I commend it particularly to our colleagues in the House.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BILLBOARDS AND EYE POLLUTION

(By Colman McCarthy)

Douglas T. Snarr, 35, a Utah billboard owner, supporter of Goldwater in 1964 and Richard Nixon in 1968, a former Mormon

missionary in Ireland, is currently a one-man lobby to get the government to obey its own law. He realizes that may be asking a lot, but the law he wants obeyed is the 1965 Highway Beautification Act. "It involves pollution and saving the earth," says Snarr, "and if the public can't get action on that issue now, it never will."

The 1965 act ordered all billboards removed by July 1, 1970 from rural sections of the interstate and primary highway systems. This involved some 800,000 signs bordering 235,000 miles of roadway; the billboards are still up—despite its illegality—and have a fair chance of staying up. Because this issue comes when the public is highly sensitive to saving the environment and rural billboards are clearly anti-environment, the dispute is in many ways a test case.

Three sides are feverishly at work: Snarr, the Department of Transportation and the Minnesota Mining and Manufacturing Co. The moves of each are part of a rising curve of activity that remains calm until questions of law and money are raised.

Douglas Snarr wants the billboards down for two reasons. First, he has a simple faith in the law, born from his big sky, open-country heritage of the west. The second reason is dollars. The Highway Beautification Act provided just compensation to sign owners for their potentially illegal signs. This would pay back the bill board owners for money they invested in good faith before the law became pro-beauty. "For me," says Snarr, "with 1300 signs in 13 states, this means an original investment of $3 million. I don't want every last cent of that back. I only want a fair settlement so I can start another business."

Three years ago, Snarr, on seeing the government's fumbling and often do-nothing efforts regarding billboard removal, devised a plan. Basically, it was a lost-cost, speedy, non-red-tape approach by which the signs would be removed company by company by the owners themselves, expense free. In turn, each would be paid by the federal and state governments, in 75 and 25 per cent shares. Previously, the states, in partnership with the U.S. Bureau of Roads, were empowered to remove the signs—one by one, week by week, century by century. Since five years have passed without the first sign's getting the ax, only light year numbers are accurate in guessing when sign 800,000 would come down.

Snarr, with Utah officials won over to his plan two years ago, came to Washington. After 37 trips back and forth—and with his wife and children now holed up in a one-room apartment with sleeping bags—Snarr has had the ear of Transportation Secretary John Volpe. Surprisingly, Volpe, once viewed as a lay-on-the-asphalt man, is now actively working for highway environment and has endorsed the Snarr plan.

In an unusual move, Volpe recently sent his department's general counsel—James Washington Jr., a former dean of Howard University law school—to interview billboard owners in several Western states. He discovered that the smaller firms were sinking fast. Even worse, the beautification act mocked its original intention, because now the billboards were often unable to be either removed or maintained; so they rotted, peeled, swayed and they made the eye sorer than ever.

Washington discovered other curious facts. First, contrasted with the small owners—who were now technically in an illegal business and thus could get no financing from banks—the large companies were often doing better than ever. They could afford to buy up the signs and sign leases of ailing small firms, gambling that since the law was not enforced for the previous five years, it would not be suddenly enforced now. Second, the large companies leased land for future signs where the highways were yet to be built. Finally, and most frightening to many who value scenery, the large companies erected signs 661 feet off the highway. That distance was chosen because the 1965 act forbids signs up to 660 feet. "Obeying" the law, the companies went a foot beyond, building jumbo billboards four times the normal size, making them visible without binoculars which the companies shrewdly realized most motorists wouldn't use as they whizzed by.

With this information from his general counsel, plus advice from Snarr, Volpe is now vigorously pushing an amendment to the beautification act. With money from the highway trust fund—$50 million annually—the Volpe amendment would allow the billboard companies to move their signs within six years, fairly paid. The jumbo boards beyond 660 feet would also be outlawed, as well as the existing ones. Thus, Volpe is after a total clean-up.

The largest of the billboard companies that the Department of Transportation describes as visual polluters and resistant to the Volpe amendment is Minnesota Mining and Manufacturing Co., which owns 38,000 signs through its subsidiary National Advertising Co. 3M markets such items as scotch tape, cameras, recorders and a powerful reflective fabric, Scotchlite—used on nearly all of the 800,000 illegal signs. Last April the board chairman of 3M, Bert Cross, was appointed head of the Nixon administration's National Industrial Pollution Control Council, a group meant to advise the government on how industry can obey the law and improve the environment.

As an alternative to the billboard section of the beautification act, 3M proposes what it calls the "federal scenic area law" that "would permit a reasonable number of rural signs to survive." A 3M spokesman, in discussing his company's position, stated that billboards were actually good for the country. "Let's say you get rid of all these signs," said John J. Verstraete. "What do you do about informing and instructing the public? Ninety per cent of our signs are a direct aid to the motorist while he is a motorist. How is a guy going to find out where he can get a tire fixed, where he can get gas, where he can sleep for the night? You take those billboards down and he won't know where he's at . . . It's a safety hazard not to have billboards."

Staff men to Secretary Volpe know they are in a battle with 3M, a powerful company. "Their proposal," said a Volpe aide, "doesn't solve the problem. It's a cosmetic tampering that will leave signs on the highway." Another DOT official added: "I'm not accusing 3M of anything, but let's just say that in this matter their hands don't seem to be clean."

An early ally in the fight to obey the beautification law was Sen. Frank Moss of Utah. Much of what the DOT is proposing was originally in the Moss bill that asked for quick billboard removal and compensation. Sen. Moss has also seen the lobbying efforts of 3M. "They have used every sort of device to delay. It's economic with them, an opportunity to profit."

None of the three sides in this dispute—nor the fourth side, the public—has any idea of its eventual outcome. As usual, legislation is needed, plus money. Crucial to a decision is the House subcommittee on roads, chaired by Rep. John C. Kluczynski. It meets in mid-September to write a law.

While the politicians listen to lobbyists, argue among themselves and mosey to a decision, a few scenery-loving citizens are enforcing the law in their own way. In Fort Collins, Colo., where purple-hazed foothills rise into the distant Rockies eight billboards were found flattened one morning. Douglas Snarr didn't saw them down because he was in Washington. But it was likely some citizens who agree with him. The trouble is, they are a little less patient than he. They can't wait to see the far country again with nothing in the way but antelope and deer.

4–H CLUB WORK IN HAWAII

Mr. FONG. Mr. President, during this week, August 17 through August 22, the University of Hawaii Agricultural Extension Service is holding on its campus the 30th Annual 4–H State Conference, called the Ahaoleo—Get Together.

On this occasion, I wish to congratulate Hawaii's 4–H clubs and to commend the 4–H State leader, Mr. James Shigeta, and his staff for the excellent work they have done.

Because of the accomplishments of the 4–H clubs, their constructive youth program, their significant contribution to the development of citizenship and to the agricultural economy, the story of Hawaii 4–H clubs deserves recognition.

The first 4–H club began in Haiku, Maui, in 1918 as a club to raise prize pigs. It had 31 members. This was only 4 years after the enactment of the Smith-Lever Act—1914—which authorized the Federal Cooperative Agricultural Extension Service to work with the State land-grant colleges and universities, and under which 4–H clubs were organized on the continental United States. This was during World War I, when the Nation adopted the slogan, "Food Will Win the War," encouraging people to produce more food—to produce "two blades of grass when one grew."

Although the then territory of Hawaii was not included under the Smith-Lever Act, agricultural research and extension work was nevertheless carried on by the Federal Agricultural Experiment Station in Hawai. This included the organization of 4–H clubs on the islands. The first Haiku 4–H club was organized by the late Dr. Frederick G. Krauss, then a staff member of the Federal Experiment Station, and subsequently professor of agriculture and director of the Agricultural Extension Service, University of Hawaii.

Another pioneer was Miss Mabel Greene, also a member of the Federal Experiment Station, who was placed in charge of 4–H club work in 1923 for the then territory of Hawaii. By 1925, 4–H was a going club program on Oahu, Maui, and on the Island of Hawaii; it was extended to Kauai in 1926.

In 1928, at the request of the legislature of the territory of Hawaii, Congress amended the Smith-Lever Act to include Hawaii as a full-fledged participant in the Federal Agricultural Extension Service, a cooperative program with the State's land-grant university. Upon the enactment of the amendment, Dr. David L. Crawford, then president of the University of Hawaii, inaugurated on September 1, 1928, the Federal Agricultural Extension Service as a part of the university's program.

Soon thereafter, Dr. William A. Lloyd, U.S. Department of Agriculture, who was in charge of the Federal Agricultural Extension Service for the then 11 Western States, arrived in Hawaii to help organize its new Agricultural Extension Service. The Hawaii 4–H Club is now in its 42d year of existence.

County extension agents and home demonstration agents organized 4–H

Clubs throughout rural Hawaii with local community leaders in charge. Clubs held meetings once or twice a month, carrying out farm projects in poultry raising, home gardening, and home orcharding, under the guidance of the county agents, and home demonstration projects in food preparation and clothing, under the guidance of home agents.

From the modest beginning of 31 members and one simple pig-raising project, the 4–H Clubs have expanded dramatically in projects and membership. Today, about 14,000 members are either enrolled or participating in about 35 different projects. They are engaged in a number of constructive urban as well as rural endeavors. Boys study livestock, community beautification, soil conservation, career exploration, among other projects. Girls learn to bake pies, to sew their own dresses, to groom themselves, and to prepare nutritious and well-balanced meals, among other projects.

Though the traditional role of 4–H relating to agriculture and home economics in rural areas is still important, in recent years 4–H has kept pace with changing needs and demands by entering into urban areas. It now gives out-of-school experience to city youths in automobile repairs, electricity, planting trees, and so forth. The real-life focus of 4–H programs is fitting the needs of urban youngsters.

Again, the 4–H program is flexible enough to allow participation in international experiences. For the past 20 years, Hawaii's 4–H clubs have cooperated with the international farm youth exchange program of the National 4–H Club Foundation, receiving mainland U.S. trainees who are en route to Asia, as well as Asian trainees who are en route to the United States. This is an exchange and training program which offers an opportunity to young farmers and homemakers—20 to 30 years of age—to go to a foreign country for a period of 3 to 6 months, to live and work in rural youth programs.

Under this exchange program, Hawaii has sent six IFYE delegates to England, Mexico, Nepal, Turkey, Japan, and India. The Hawaii 4–H has given assistance to the 4–H teen caravan program sponsored by the National 4–H Club Foundation in behalf of the Agricultural Extension Service of the State land-grant universities, and has participated in two caravans—one to Japan and the other to Spain. This is a summer exchange program for older 4–H Club members—17 to 20 years of age—to go to a foreign country and live in the homes of counterpart 4–H members.

Hawaii has been exchanging 4–H members with the British Columbia 4–H department for the past 3 years.

To date, 173 delegates attended the National 4–H Congress in Chicago; 81 delegates, the National 4–H Conference in Washington, D.C.; five delegates, the 4–H Leaders Citizenship Training Forum at the National 4–H Club Foundation, Washington, D.C.; 59 volunteer leaders, the Western Regional 4–H Leader Forum which is held on a rotation basis among the 13 Western States, and two delegates representing the United States attended the Canadian National 4–H Club Week, Toronto, Canada.

At the annual Hawaii State 4–H Conference—Ahaolelo—delegates from American Samoa and Guam have attended in the past. At my request, this year for the first time, two delegates, a boy and a girl, from Okinawa attended the conference. The Department of the Army and the University of Hawaii 4–H department fully cooperated to bring the two 4–H youngsters from distant Okinawa.

The 4–H remains today a means and a process by which the character of youth is strengthened through habits of thrift, self-reliance, self-help, industry, and cooperation. Through guidance, demonstrations, and public speaking, leadership is stressed and good citizenship is taught. Through projects, a sense of responsibility and a desire for achievement are encouraged.

The 4–H challenge is, "To Make the Best Better." The four H's, incidentally, stand for "head" for clear thinking, "heart" for greater loyalty, "hands" for larger service, and "health" for better living for the club, community, and country.

This is the story of Hawaii 4–H club work which tells briefly the vital role the 4–H is playing in building our young boys and girls into useful and responsible citizens, as well as in getting them actively involved in meaningful international relationships. At a time when a tiny minority of errant youths occupy the spotlight it is all the more necessary to pay tribute to the millions of American young men and women who are busily engaged in the constructive endeavors of the 4–H clubs.

FUNDS TO ACT NOW ON POLLUTION

Mr. HART. Mr. President, in his recent message to Congress, the President of the United States warned:

> We face the prospect of ecological disaster.

The President went on to say:

> There are still large gaps in our environmental knowledge, but a great deal of what needs to be done can be identified. Much of this already has begun, and much more can be started quickly if we act now.

I agree both with the expression of urgency and with the call to action.

The President made these comments in connection with the first annual report of the Council on Environmental Quality and went on to urge congressional action on a series of legislative recommendations.

Congress is considering those proposals, and will act on those it thinks valuable in the fight against pollution.

But I was disappointed to find no recommendation dealing with one antipollution measure already on the books, a measure which if enforced could enable the administration to act with the urgency the President asks of the Nation and of Congress.

I refer to the Refuse Act of 1899.

The act establishes criminal penalties for dumping waste into navigable waters without a permit from the Corps of Engineers.

When written it was intended to prevent sediment from clogging up ship channels.

However, the language of the act is well suited to the fight against pollution. As a matter of fact, the administration has on a few occasions used the act to move against polluters, most recently in connection with reports of mercury pollution..

Yet corps officials told the Senate Subcommittee on Energy, Natural Resources and the Environment, that the present budget contained no funds to enforce this act as an effective antipollution weapon and that no funds would be requested until next fiscal year.

Apparently, the main reason the corps was not asking enforcement funds was budgetary restraints.

Mr. President, here is a clear example of what many of us mean when we say our spending priorities are out of whack.

The administration warns of a dire environmental crisis and warns that we must act quickly if we are to avoid disaster.

Yet when it comes to providing funds to enforce a law which could stop present and prevent future poisoning of our waters, the administration begs off until next year.

How does that position square with the urgent call to action?

Following our hearings, the corps said it could use $4 million to begin full-scale enforcement of the act this year.

I have written the Senator from Louisiana (Mr. ELLENDER), the able chairman of the Appropriations Subcommittee on Public Works, urging the inclusion of $4 million for this purpose in the public works appropriations bill now before his subcommittee.

I hope for and seek the support of the administration in this request.

If Congress provides the money and the administration spends it, then the Federal Government will have indeed moved with a sense of urgency against pollution.

If we do not, we can only expect renewed criticism from those who point to the gap between the rhetoric of the Nation's leaders and the reality of their actions.

THE CHICAGO MARKET

Mr. PERCY. Mr. President, in volume 34 of Markets of America, Mr. Louis Goldblatt, president of Goldblatt Bros., Inc., has written an article detailing the economic strength of Chicago and the qualities that make Chicago a unique and vibrant city.

Mr. Goldblatt has participated actively in the life of the city for many years and is a noted philanthropist in Chicago.

I think this profile of Chicago is of general interest and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MACKEREL—AND CHICAGO LIKE IT REALLY IS

(By Louis Goldblatt)

Mackerel must swim constantly to stay alive. If they stop swimming they sink to the bottom and die. That is a fact . . . not a

statistical fact, but one way of telling you about the Chicago market.

The statistically based facts are—as you'd expect them to be, outstanding . . . extraordinary. After all, it is Chicago . . . and Chicago didn't "just happen". I leave statistics to later, and at all will hopefully offer both the ones you didn't expect even for Chicago . . . and those to update its spectacular market image.

CHICAGO IS "DIFFERENT"

I want to measure Chicago's character for you, its real differences from other great cities as a greater market. Firstly, it's a city with an economy that is healthy, wealthy and wise because . . . of its work force of about four million people there is no one particular industry or business that controls its economy.

Thirty percent are employed in manufacturing; about eighteen percent in wholesale and retail trade; thirty-five percent in services . . . and the remainder in a wide variety including government. That is sensible and amounts to a claim to fame that the other "advertisers" can't make . . . like New York, Detroit, or Los Angeles.

What is there really about the 8,000,000 people of the Chicago Metropolitan Area . . . that has built a city ideal for manufacturing and business locations, better servicing the created demand for goods . . . not to omit economical distribution . . . all under most favorable operational conditions? After all, you advertisers and manufacturers just as we, tap a "people-market" too in seeking to increase product sales.

The answer is "growth" . . . and growth stems from a natural power that forms within some men like a tornado. Chicago has more than its fair share of those men. They are more than just mackerel; merely existing is never their concern . . . it's empire building! The abundance of such extra-endowed men that continuously reseed the markets for growth of their "piece" of the trading area, provided a thrust so great as to force a main stream . . . and so much of the rest is caught up in that main stream.

AWARE AND AGGRESSIVE

What about those who cannot be empire builders; are they different too? In an important way they are.

It has been said that Chicago is a city of villages; that it therefore has not one heart, but many. Clearly, this compounds civic interest, and clarifies the affairs of a man and his family. Often his neighborhood is of clannish nationality and a pillar of religious strength, providing contentment that grows from this and the preservation of his culture. (The tendency of people to cluster with others of their own background holds true in the suburbs too.) It's a form of security . . . and has a way of heightening his interest in a new plant, or in his industry rising toward Number One output. He seems more "aware" of his Chicago business community, and is more aggressive too.

We have the best of what is big (Chicago); and the best of every part (the neighborhood and community) . . . and everything grows together. It's both . . . a breed that grows out here and builds a city, and a city that makes a breed grow.

Let's look at growth . . . signs of increasing product sales. In almost every one of the neighborhoods, and certainly in every suburb, there are many manufacturing plants, shopping centers and other evidences of a great, vital and expanding market. Despite the remarkable growth of the suburb areas, Chicago's largest and most famous shopping market still is the Loop . . . a thirty-five block area containing the city's biggest stores and many of its most important businesses.

CLUSTER OF DEPARTMENT STORES

On just one street . . . that great street, State Street . . . within only 5 blocks, the aggregated major department stores represented (Carson's, Field's, Goldblatt's, Sears, Ward's, Wieboldt's), create the world's most concentrated shopping area. Your product growth in sales . . . the expanding market . . . lies not only in the powerful new developments and trends "inside" and "at the edges", but you readily see the retention and flourishing, in fact, of the core itself. That's not a transfer for growth, it's a two-fold expansion *of* growth

SWEEPING URBAN PROGRAM

This is not to be confused with redevelopment where no less than 27,000 buildings were leveled in Chicago in what was the nation's most sweeping urban redevelopment program. No sooner had the old buildings toppled when the new arose to replace them: Carl Sandburg Village to the North; Hyde Park—Kenwood to the South; Chicago Circle campus on the near west side. There is a unique vitality to such growth and it carries promises of great rewards . . . greater markets. Fine new high rise apartment buildings sprang up all along the lake front . . . Lake Shore Drive, Sheridan Road, and Marine Drive. There was new construction throughout the near North Side, and in Old Town, and many other parts of the city.

Any great city has a right to build something special, but only Chicago emits a whole volley: Marina City, the John Hancock, the 60 story First National Bank Building costing $94,000,000, the 35 story Equitable Building, Inland Steel's all steel headquarters, the $87,000,000 Civic Center, and the almost finished 30 story Time and Life Building. For half a mile on the west bank of the Chicago River is arising a series of four 22 story office buildings, part of the $100,000,000 Gateway Center.

Then there are the new networks of expressways, built to link the burgeoning suburbs with the central city—Edens and the Kennedy to the north and northwest; the Eisenhower to the west; the Dan Ryan to the south. All this on top of having built one of the world's longest bridge approaches, the Calumet Skyway that speeds traffic over congested industrial areas.

MEANING OF CHANGES

Expansion—redevelopment—construction—and some of the finest transportation in the country and indeed the world!

Alright, so the last 15 years produced metamorphic changes in Chicago . . . what have all those changes produced in terms of strengthening the market place?

Chicago is Number One in steel production (we wrested the title from Pitttsburgh a few years ago), Number One as an airline and transportation center, Number One in manufacturing radios and television sets, Number One in meat product manufacturing, Number One in the manufacture of household appliances (from percolators to refrigerators), for decades Number One in mail order business (accounting for 93% of all the mail order business in the nation), Number One in export trade selling more goods to foreign countries than any other city in the United States.

IMPORTANT FIRST

It exports by air, and from "the fourth seacoast" . . . the St. Lawrence Seaway . . . (four-fifths of a billion dollars of manufactured goods a year), Number One in candy manufacturing, Number One in industrial machinery manufacturing, metal products manufacturing, tool and die making, musical instruments, in commercial printing (from bubble gum wrappers to encyclopaedias, telephone directories, Life, Time, The New Yorker . . . with 1100 printers in the city and 2200 printers in the suburbs), furniture marketing, business form production, athletic goods, plastics, railroad equipment, lighting devices, telephones, soap, Diesel engines, wire products, lamp shades, office machines . . . and I could go on and on, aware that Chicago may well be second in some respects, but this youngest of the world's ten biggest cities has so many important Firsts that it can take justifiable pride in itself, and especially in its hopes and prospects for the future.

I like to think of all these firsts as adding up to a lush and natural setting for all who seek to do business here. Notice that we're first in so many different areas.

A greater market must produce greater wealth.

Not too long ago the New York suburb of Scarsdale in Westchester County ranked as the nation's wealthiest community with an average annual family income of $29,276.

OPULENCE

This past year, at least three Chicago suburbs exceeded that figure. Kennilworth leads with a median family income of $35,866. Barrington ranked second with its $32,700. Flossmoor ranked third with its $30,693. Three other suburbs (Winnetka, Glencoe, Olympia Fields) had median family incomes above $25,000 a year. In fact, the median family income for the ten leading suburbs is reckoned at $26,000.

Similarly, in no fewer than 6 suburbs (Kennilworth, Barrington Hills, Flossmoor, Winnetka, Olympia Fields, and Lake Forest) the median value of a home was above $50,000. In 6 others, the median value of a home was between $40,000 and $49,000. In a very real sense, of course, it's the City of Chicago that makes the suburbs great. It is where most suburbanites earn the money that helps them achieve those remarkable median family incomes and pay for the expensive homes. Nor is the wealth confined to the suburbs . . . what with areas in Chicago like the near north (Gold Coast) where the median family income is reckoned at $27,960—topped by only the three leading suburbs.

AIR CENTER

Suburbanites accounting for many of the more than 30 million airline passengers who passed through O'Hare International Airport this past year—helped make Chicago the undisputed air center of the world. Imagine, a plane lands or takes off every 47 seconds on the average, around the clock, day and night, spring, summer, fall and winter. No other airport in the world even comes close.

Let's get back to mackerel. Mackerel eat almost every kind of small fish and will even sometimes eat a smaller mackerel. They glide through the water like torpedos and they swim together in schools. Schools break up at night and come together when it is daylight . . . always moving lest they die. The habits of a species! I wonder . . . do we Chicagoans have the right to call ourselves a species? (I would hate to think of us eating our own kind, of course . . . but the pace, the competition of a fast track keeps us improving and "off the bottom".) Look at all that's happened where we live and work . . . it can't all be luck. If we are different I leave it to the social technicians to really find out why.

I do know, however, of the unbelievable saga of brothers who founded and forged a business that grew to giant proportions and who began with only three assets. They had each other, $500, and the people of this city.

FROM ACORN AND THREE ASSETS

The incredulous part of the story, the Goldblatt's story, is the support of employees who rallied to every new location and with every administrative expansion, as though part of the family itself with deep and rare ownership interest. Presumedly there are such people everywhere, but I can't help believe that the number of them, within the total that came with us, is so high . . . they are indeed our greatest asset. No other single factor so assuredly is responsible for our growth . . . and the relative swiftness with which it came.

We believe Chicago and its people are different. In a sense, our company has proven it. The golden tales of success and fortune in America that reached us from a foreign land long ago lauded Chicago as the land within a land of opportunity . . . the tug at the boot-strap and the American dream. The memories of success tucked within the pages of my mind . . . are memories of people.

You readers who seek markets, locations, and create demands, who collectively spend about twenty billion dollars annually in advertising (in all media) . . . think warmly of Chicago and its total facets for living. It is not only a place to work:

By any yardstick, Chicago could boast the greatest concentration of educational facilities in the country. It has more fine colleges and universities than you find elsewhere. There are such institutions as Northwestern University (both in Evanston and Chicago), the University of Chicago, the University of Illinois, and a host of smaller colleges and Junior Colleges, along with such specialized institutions as medical, dental, business, and law schools.

FOREMOST CONVENTION CITY

Chicago is the foremost convention city in the world. More people come here for meetings, conferences and exhibits than go anywhere else. In 1969 there were 1100 conventions here. The Furniture Market alone attracts 80,000 furniture dealers.

Typical of the big exhibitions are the Home Furnishings Market; Chicago Automobile Show; National Houseware Show; National Boat, Travel, and Outdoor Show; Chicago Golf Exposition; Chicago World Flower and Garden Show; Chicago Shoe Show . . . there's no end. The popular site for many is the International Amphitheater, and soon the new McCormick Place rising from the ashes of a disastrous fire.

The city's facilities for such spectator sports as baseball, football, basketball and hockey . . . and virtually all the participatory sports are outstanding, whether it be fishing, boating, swimming, or tennis.

Our city excels with one of the world's most intense concentrations of medical research facilities. Both patients and practitioners come here from around the world, and it has been estimated that one out of every five doctors in the United States gets much or all of his training in Chicago.

Our theaters and auditoriums, while not first in number in the nation, nonetheless present some of the finest and most artistic productions to be found anywhere.

This is the home of the world-famed Art Institute and of the Field Museum, the Shedd Aquarium, the Adler Planetarium, and the Museum of Science and Industry.

There are 438 parks, and one of the longest beachlines anywhere. Its major athletic teams are the Cubs, White Sox (each with its own park); and there are the Chicago Bears, Chicago Bulls, Chicago Blackhawks, a host of others . . . even in soccer and rugby.

TRANSPORTATION HUB

I would be remiss if I didn't apply special attention to Chicago's role as the nation's ground transportation center. Twenty trunk line railroads representing half the nation's railway mileage come here. Chicago handles more than 35,000 freight cars in its switching district, along with more than 140,000 rail passengers and commuters. An average 1200 buses carrying more than 35,000 passengers enter the city daily. Besides it is port-of-call for 90 percent of the ships engaged in Great Lakes overseas trade, and the only connecting link between the St. Lawrence Seaway and the Mississippi Waterway system.

WORLD TRADE

Accordingly, consider its position in the world of trade, from retail to international. In the year just ended, retail sales for the eight county area that make up Metropolitan Chicago came to $14,600,000,000. Over 30,600 retail establishments do business here. There are 12,000 wholesalers with sales of $37,520,000,000 in 1969 . . . over two billion dollars more than the preceding year.

Typical of this city's vigor, is its manufacturing activity beginning with its champion steel output what with twenty percent of the country's raw steel coming from the district. In 1969 production of 26,200,000 tons of ingots broke all previous records. All of this in 16 companies with melting furnaces, and 24 plants where steel is rolled, forged or drawn, amounts to $17,422,000 a day in business.

Because of Chicago's easy access to raw steel and metals, and its incomparable transportation system, its Number One position in the making of steel products follows naturally . . . from storm windows and doors to automobile parts, from gutters and downspouts to huge tanks for oil and water.

Through the Chicago Mercantile Exchange, this city is the world's biggest trader in futures in egg, butter, poultry, farm produce, live cattle and hogs. Although no longer "Hog Butcher To The World" it holds its Number One position in meat products manufacturing with such giants as Armour, Swift, Wilson, Oscar Mayer, Mickelberry's and Rath headquartering here. And more and more:

The Chicago Board of Trade at the South end of the LaSalle Financial District, is the world's leading commodity market.

The world's largest hotel, the Conrad Hilton . . . it's here too.

The world's biggest water filtration plant, in Chicago.

The world's largest underground garage, accommodating nearly 4000 cars beneath Grant Park.

The Merchandise Mart, the world's largest commercial office building . . . in Chicago. The world's tallest apartment building, the Lake Point Tower; the John Hancock Center, the tallest apartment-office building (only a bit shorter than the Empire State Building.)

The world's largest Home Center, a Goldblatt's innovation in retailing of home furnishings and an exhibition in styles of living . . . a few miles west of Chicago in Downers Grove.

EYE-ON-THE-FUTURE

Whatever has been written or said about Chicago, one thing stands out above all else: It will never stand still.

In 1969 the gross metropolitan product was $47,200,000,000, 2 billion dollars more than the preceding year. Employment reached an all time high and so did total investment in construction and purchases of leases of industrial facilities plus land purchased for future expansion.

Chicago too has its housing problems, but it moves forward in an urban renewal program that will cost $900,000,000 and will hopefully, says Mayor Richard Daley, "eliminate slum and blight from every neighborhood." This is but a part of a Comprehensive Plan of Chicago that will cost $6,000,000,000 to benefit the millions who will reside here by 1980—and to create virtually a new city by the year 2000.

Additionally, $2,000,000,000 spent by 1200 industrial firms and educational institutions for research and development, point up Chicago "tomorrow". Some 60 colleges and universities as well as Chicago-based trade, professional and service associations engage in probing everything from economics to future mass transportation, to atomic energy, aerospace, theoretical physics and the stubbornest of man's serious diseases (the latter inspiring a unique organization and mass effort of our own many thousands of Goldblatt's employees, mobilized under the masthead of the Nathan Goldblatt Employees Cancer Research Foundation).

Let it be noted that the war against cancer is deeply woven in the Chicago fabric. It was Fermi's demonstration of the world's first controlled nuclear reaction at the University of Chicago that led to creating radioactive substances such as cobalt used for irradiation of deep-seated cancer. The use of methotrexate for certain rare cancer in women, although pioneered in Bethesda, Maryland, was strongly substantiated at Chicago's Passavant Hospital. Dr. Charles Huggins of the University of Chicago was awarded the Nobel Prize for relating some types of cancer of the breast and prostate to sex hormones. Furthermore, the use of Yttrium seeds for destroying cancer tissue was developed at the University of Chicago.

RELENTLESS WAR AGAINST CANCER

Permit me to pay tribute to my brother Maurice Goldblatt, founder in 1947 of the University of Chicago Cancer Research Foundation and still its Chairman. A leading merchant of this city, he has somehow paralleled a brilliant career with a lifetime of anti-cancer activity and philanthrophy in countless important compartments of cancer research . . . here in Chicago, but for all humanity, in all the world.

Whatever pressing problems confront us in the 1970's our history is certainly on our side, and we have many examples to inspire us. The years were dotted with disasters: the financial panic of 1837, the Great Fire of 1871, the Depression of 1929, and many others. Each time Chicago thrust back like the indomitable and forward moving giant it is.

I might conclude with . . . "holy mackerel, Chicago's on the GO!" It is obvious that with Chicago's typical zeal, its expanding facilities of past-present-and-future, a tremendous energy and potential, Chicago will continue to achieve goals in the years ahead.

VIEWS OF FORMER REPRESENTATIVE FISH ON U.S. INVOLVEMENT IN SOUTHEAST ASIA

Mr. PELL. Mr. President, several weeks ago, on June 17, 1970, I brought tc the attention of the Senate the prescient testimony presented by former U.S. Representative Hamilton Fish, of New York, during Senate consideration of the Southeast Asian Collective Defense Treaty in 1954.

In his testimony before the Committee on Foreign Relations at that time, Mr. Fish issued a warning against U.S. military involvement in Southeast Asia, predicting the result would be a long, bloody, and costly war that would be immensely unpopular and contrary to our national interests.

I have since been in communication with Mr. Fish. He has prepared and sent to me a statement reflecting his current views on the war and his own suggestion on how the fighting might best be ended.

Believing that Mr. Fish's statement and suggestions have very real merit and that Senators will be interested in Mr. Fish's views, I ask unanimous consent that his statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

AUGUST 5, 1970.

WHY NOT STOP THE KILLING IN VIETNAM BY AN OFFER OF CEASE-FIRE SIMILAR TO THAT BETWEEN THE ARAB STATES AND ISRAEL?

(By Hon. Hamilton Fish)

No one knows whether the offer of a cease fire between the Arab States and Israel will eventually be successful. But it is certainly a worthwhile, constructive suggestion by

President Nixon and Secretary of State Rogers.

Why not offer a similar cease fire on a status quo basis, to the Communists in North Vietnam and the Vietcong, by the United States, South Vietnam and its allies. It would have the overwhelming approval of the American people, probably 90% or more, irrespective of partisanship, just to stop the killing and peace negotiations could follow. The longer they took, the better as it would provide time to train, equip and arm additional troops from South Vietnam and Cambodia to defend themselves against Communist aggression.

As one who believes that our involvement without the consent of Congress, in virtually a civil war in Vietnam, 10,000 miles away, was in the wrong place, at the wrong time, and in the wrong war, I am convinced that the time has come for immediate action to end the war by an outspoken worldwide offer of a nonpartisan cease fire, on a status quo basis, subject to later peace negotiations.

Sixteen years ago in opposing the SEATO Treaty, before the Senate Foreign Relations Committee, I stated that the signatories would run out on us and leave us holding the bag which they did, including France and Britain. I further stated if we became involved in a civil war in Southeast Asia and sent our armed forces there, that the Communist PolitBureau and the Communist General Staff would celebrate by getting drunk for a week as they would like to keep our armed forces in the jungles and swamps of Vietnam. Unfortunately that is exactly what they have succeeded in doing by draining our military and financial resources while they were taking over economically, politically, and militarily, the Arab nations, the eastern Mediterranean areas, and jeopardizing American oil reserves there.

The initiation of a cease fire between Israel and the Arabs, by Secretary Rogers and President Nixon establishes a sound precedent for an open appeal to North Vietnam and the Vietcong for a similar cease fire in order to stop the killing and casualties on both sides.

It seems somewhat strange that the United States should take the leadership in urging a Near East cease fire instead of publicly proclaiming to the world, a cease fire for the cruel and far more deadly war in Vietnam.

I believe in the integrity and sincerity of President Nixon and his determined efforts to end the war in Vietnam on a basis of a fair and honorable peace. I commend him for taking the first step by the withdrawal of over 100,000 American troops from Vietnam and believe by the end of the year it will be reduced by over another 100,000. But why continue the killing of American soldiers, those of our allies and our enemies, in Vietnam for a single day in this tragic and bloody war; the longest in the history of the United States and the third deadliest.

I urge President Nixon to immediately offer a cease fire by our armed forces and those of the enemy without any reservations of any kind on a status quo. Such an offer by President Nixon would be acclaimed by all neutral nations as a definite act by the United States to secure peace in Vietnam and to stop the bloodshed.

President Nixon in answering a question at a press conference, six weeks ago, stated that he was in favor of a cease fire, but indicated there might be difficulty in supervision of the Vietcong and guerrillas. This may be so but not half as much as in the case of the Arab guerrillas. The United Nations by its very nature ought to be willing to cooperate to provide the necessary supervisory forces. If not, both sides could maintain the status quo of their armed forces and could provide sufficient supervision.

A cease fire offer by President Nixon should be made on a non-partisan basis directly to the leaders of North Vietnam and the Vietcong. It should be supplemented by a world wide television public announcement supported and endorsed over the same television by Sen. Mike Mansfield, the Democratic leader of the Senate representing the entire Democratic party. If North Vietnam and the Vietcong turn down a peace offer based on a cease fire, then all the neutral nations will place the stigma for any continued fighting and killing upon the Communists in North Vietnam and the Vietcong.

There may be some risk but there are always risks in war, to begin it, to make it or to end it. But as a combat officer and former member of the General Staff, I believe a cease fire offer has been grossly exaggerated and am inclined to think that most of our top generals would favor a fair cease fire.

The fundamental concept of military tactics is to get your enemy into an area of your own choosing. This our enemies have done and I firmly believe we are playing into the hands of the world Communists by being there.

If President Nixon publicly urged a cease fire, and I see no sound reason why he doesn't, it would help stop all the Vietnam war unrest that has been going on in the United States increasingly and change overnight our prestige and influence in the free nations of the world. No Vietnam peace offer on a massive world-wide scale has yet been made. The Communists in North Vietnam and the Vietcong have suffered enormous casualties, their country and farms have been devastated, and they might be willing to stop the killing in order to secure a just and honorable peace. Certainly a cease fire offer on a non-partisan and global basis, should be made. Even if the chances of success are uncertain, like that in the Middle East, yet if a non-partisan cease fire offer is made and succeeds there is enough honor and glory for all those who participate in it. "Blessed are the peacemakers, for they shall be called the sons of God."

DETERIORATING POSTAL SERVICE—TULIA HERALD CALLS IT A NATIONAL DISGRACE

Mr. YARBOROUGH. Mr. President, Mr. H. M. Baggarly, one of the Nation's most respected country editors, recently wrote a hard-hitting editorial on the disgraceful decline in postal service during recent months. In this editorial, Mr. Baggarly points out some of the incredible practices in which the Post Office Department has engaged.

For example, in Tulia, Tex., the square dance news was mailed at the Tulia Post Office on Monday and was placed in the post office box maintained by Mr. Baggarly's newspaper in the Tulia Post Office on Thursday. This means that it took 3 days for a letter to go from the drop box to a post office box within the same post office building. The reason for this delay is that the letter was taken from the Tulia Post Office and sent to Amarillo, approximately 50 miles north of Tulia, where it was given an Amarillo postmark and then it was sent to Claude, Tex., which is approximately 28 miles east of Amarillo and 72 miles northeast of Tulia, for some reason which is yet to be explained, and eventually returned to the Tulia Post Office and placed in Mr. Baggarly's box, Thus, to send a letter from one place within the Tulia Post Office to another, the letter traveled approximately 150 miles. This outrageous situation is a typical example of "Blountized" corporate inefficiency in handling the postal affairs of this country.

This is but one example of the lack of concern the present administration seems to have for the needs of our citizens of rural America. The Post Office Department (or Postal Service as it is now called) has restricted the use of local postmarks in many of our smaller cities, such as Tulia, Dumas, Hereford, Littlefield, and Plainview, a city of 25,000 people, to local mailings, thus causing these cities to lose their identity. All of this loss of identity of cities and long, expensive and useless hauling of mail is to get it to machines in Lubbock or Amarillo for cancellation. Letters are hauled a a total of 150 miles just to run it through a canceling machine, with days of time lost in getting the mail from sender to receiver. This is an example of Blount's increasing inefficiency. We cannot afford to run the Post Office like a Government contractor runs the cost-plus contracts.

Instead of trying to correct these problems, all that the Postmaster General has devoted his energies to has been the conversion of the Post Office into a corporation type moneymaking institution. In other words, the motto of the new postal corporation should be "Less Service for More Money."

Mr. President, Mr. Baggarly is close to the people of rural Texas and knows what things concern these people. I submit that the people of America will not tolerate this type of postal inefficiency for long. So that all Senators may have the benefit of Mr. Baggarly's insight into this problem, I ask unanimous consent that the editorial entitled "Postal Service—National Disgrace," published in the Tulia Herald of August 13, 1970, be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POSTAL SERVICE—NATIONAL DISGRACE

Maybe not "from the halls of Montezuma to the shores of Tripoli" but at least from Caribou, Maine, to Birchville, California we read severe criticism of the postal service.

The Wilmington, N.C., Star reports that it frequently has been forced to omit syndicated columns mailed in New York and Washington and received in Wilmington four days later . . . by air mail!

Columnist David Lawrence reports that one air mail letter addressed to him in Washington from Sarasota, Fla., reached him 11 days after it was postmarked.

New Mexico residents complain that it takes mail three days to travel 20 miles!

Here in Tulia week before last the square dance news was mailed at the Tulia post office on a Monday and finally was placed in our box in the same post office on Thursday. It had been sent to Amarillo, then to Claude.

Our out-of-town papers, including Kress and Happy, were sacked and ready to go by 6:05 last Wednesday afternoon. But the door was locked at 6 and these papers had to lay in the Tulia post office until about 6:30 Thursday afternoon—24 hours and 30 minutes—before they moved! Postmaster Sanderson is cooperating to prevent this from happening again, but in so doing is probably violating the spirit of postal policy.

The deteriorating postal service is a national scandal. True, the service has problems, due largely to the increasing volume of mail to be delivered. But communications, including the mail service, telephone, telegraph, airlines, are the life blood of America, both commercial and personal.

With modern technology at our disposal, we should have the fastest and most efficient mail service in the world. As it is, mail service in "backward" Mexico is both faster and cheaper! Mexican postal service is operative seven days a week! And why shouldn't it? People live seven days a week—not four and a half or five!

The policy of the postal service is saturated with inconsistencies. For instance, it is making an effort to reduce if not eliminate "night work" because night workers are paid a slightly higher rate.

Any knowledgeable person knows that the general pattern of business mail is this: It is mailed in the afternoon and is expected to arrive at its destination the next morning. We have in the past dispatched letters in the late afternoon and they were delivered in Dallas, Denver, Oklahoma City or Albuquerque the next morning.

This simply means that mail must travel at night. We can no more limit night work in the postal service than we can eliminate night work for the police, firemen, hotel clerks or ambulance drivers. It's a part of the system.

Then there is the problem of cost, the culprit that must bear the blame for poor service.

Americans have priorities . . . or should have. Some will drive a 10-year-old car in order to have a new home. Some will forgo good clothing in order to have a new car. But there are some areas in which we demand the best . . . regardless. Business men cannot operate without reliable and efficient communications. Poor mail service means lost sales. It means halted production pending the arrival of a part or supplies. For a newspaper, it means the loss of its life blood, news, features, before publication, and effective readership after publication.

The Easter mail strike in New York City dramatized the effect of poor mail service on banking, stock markets, credit institutions, pensioners, and a thousand other businesses and individuals.

Americans want efficient mail service. And they expect to pay for it, either in the price of a stamp or through taxation. They are not interested in false economy even though it might make Mr. Nixon's budget look a little better.

VISION FOR NEW FOODS

Mr. DOLE. Mr. President, among the achievements of the World Food Congress held last month in The Hague under the auspices of the Food and Agricultural Organization of the United Nations, was a goal of seeing that every schoolchild be provided at school with half of his or her daily requirements of calories and proteins by the end of this decade.

This worthwhile goal is of particular interest to me, Mr. President, because Kansas is helping to achieve that goal as the principal supplier of wheat-soy-blend, or WSB, a versatile new low-cost high-protein food product formulated by the U.S. milling and bulgur industries in cooperation with the U.S. Department of Agriculture, and now widely distributed throughout the world under the food-for-peace program.

Mr. President, an editorial published in the Southwestern Miller of July 21 summarized the objectives of the World Food Congress and what it could mean in terms of improved human nutrition. I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

VISION FOR NEW FOODS

That "every school child be provided at school with half of his or her daily requirements of calories and proteins" is one of the principal goals adopted by the second World Food Congress held under auspices of the Food and Agriculture Organization of the United Nations in The Netherlands. That goal, recommended by the Commission on Higher Living Standards and Improved Diets, was among the most ambitious spelled out for achievement in the decade of the 1970's. It was presented not only as a challenge to the governments of the developing nations, but also for the developed nations such as the United States. The developed nations were urged by the commission's chairman, Professor V. A. Oyenuga, not only to assure that that child feeding target be attained among their own underprivileged populations, but also to assist the developing nations toward that very same objective.

It is no surprise that the proposal for spelling out a very specific target for nutrition level provided through school lunch programs originated with a spokesman from private industry, in this case an American company that has done considerable pioneering work in the field of specially blended foods. That Herbert J. Waters, who attended the Congress as a representative of Archer Daniels Midland Co., should be the originator of the proposal is, if anything, a tribute to the spade work that must precede acceptance of specially prepared foods as one answer to the world's very serious nutrition problems. Mr. Waters spelled out for the Oyenuga Commission the success attained by the United States in distribution of Wheat Soy Blend (WSB) and Corn-Soya-Milk (CSM) in foreign donation programs, and the undisputed documentation of the tremendous advances in health and vitality achieved in areas where these foods have been accepted. He cited the great opportunities for further enhancement of nutritional well-being around the world through application of the technology and skills already gained in what must be viewed as barely minimal steps.

No one, even the United States, could claim at The Hague sessions that the goals for the 1970's in the way of nutrition had already been achieved in their country. In the same week that the Congress was under way, Secretary of Agriculture Hardin did declare, "America has turned the corner in its drive to eliminate hunger and malnutrition." That "turning the corner" from what has generally been regarded as a shocking level of malnutrition is largely due to the Nixon administration's efforts to expand both the school lunch and food stamp program and to assure that every county provides some type of federal food assistance. Currently, some 5,000,000 needy youngsters are receiving free or reduced price lunches, compared with only 3,000,000 a year ago. In face of that progress—bringing the food stamp and commodity distribution programs to 10,000,000 people in needy families, against slightly less than 7,000,000 in May, 1969—it is generally conceded that budgetary restraints are checking success. Senator George McGovern of South Dakota, chairman of the Senate Select Committee on Nutrition and Human Needs, recently praised the administration's progress in the war on hunger as "one of its most impressive accomplishments," but at the same time declared "millions of Americans remain hungry."

The avenue raised at The Hague for dramatic improvements in the health of school children throughout the world—utilizing grain-based foods specially prepared to achieve stated nutrition levels—has hardly been given a chance in the United States. This is in face of the fact that experts such as Mr. Waters and Robert G. Lewis, both Washington consultants with government experience in the areas of food and nutrition, believe that this nation cannot afford to overlook that method. Mr. Lewis has estimated that it would cost just under $2,000,000,000 a year to reach 31,000,000 people with one pound per day of high protein, fully enriched and fortified "full nutrition food." That quantity would provide all the daily requirements for protein, minerals and vitamins and two-thirds of the calorie needs, Mr. Lewis points out that his cost estimate is less than half the outlay the Department of Agriculture is proposing for a food stamp program that will reach far fewer people. Mr. Lewis states that the use of "full nutrition foods" is not only economically feasible, but is socially desirable.

For some years one of the basic tenets of food assistance overseas was that no food could be donated abroad that did not already have commercial acceptance in the United States. The success of CSM as an overseas relief food has largely ended reliance on that precept. Based on the willingness of the World Food Congress to embrace specially blended foods as an answer to nutrition needs and the continued reluctance of domestic food administrators to take that same stand, it appears that introduction of these foods into domestic programs may well depend upon further successes with the hungry overseas.

AMERICAN BAR ASSOCIATION JOURNAL ARTICLE OPPOSING THE GENOCIDE CONVENTION

Mr. ERVIN. Mr. President, I was gratified to learn several weeks ago that the Committee on Foreign Relations had decided not to report the Genocide Convention proposal at this time. I believe that the committee acted wisely because of the far-ranging consequences which would flow from the ratification of this treaty.

In the July 1970, issue of the American Bar Association Journal, two scholars, Judge Orie L. Phillips and Mr. Eberhard P. Deutsch, who have investigated in detail the provisions of the convention and its ramifications, published an article entitled, "Pitfalls of the Genocide Convention." Even though the Genocide Convention will not be considered at this time, I hope that all Senators will read the article. It is an outstanding scholastic work, and its authors deserve praise for the public service they have performed by bringing their well reasoned objections to this treaty to the Senate's attention.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PITFALLS OF THE GENOCIDE CONVENTION

(By Orie L. Phillips and Eberhard P. Deutsch)

On September 8, 1949, the American Bar Association, through its House of Delegates, expressed the sense of the Association "that the conscience of America like that of the civilized world revolts against Genocide[1] . . .; that such acts are contrary to the moral law and are abhorrent to all who have a proper and decent regard for the dignity of human beings, regardless of the national, ethnical, racial, religious or political groups to which they belong; [and] that Genocide as thus understood should have the constant opposi-

[1] The word "genocide" was coined by the late Professor Raphael Lemkin (1900–1959) of the Yale Law School, whose parents were purged in Poland.

tion of the government of the United States and of all of its people".

The House nevertheless placed the Association on record as opposing approval by the Senate of the United States of the Convention on the Prevention and Punishment of the Crime of Genocide "as submitted" to the Senate for its advice and consent by President Truman less than three months earlier—on June 16.[2]

At its Midyear Meeting in Atlanta on February 23 of this year, the House reaffirmed the position taken in 1949, voting down by a narrow margin a recommendation for reversal of that position and for unreserved approval of the convention.

The authors of this article are in complete accord with both the declaration of and the conclusion reached by the Association. This article is written as a record of the background of that position, which, in the last analysis, is simply that wholehearted concurrence in the lofty ideals that engender promotion of moral issues should not be permitted to substitute the ephemeral tissue of those ideals for the enduring fiber of constitutional limitations.

The Genocide Convention originated in the United Nations. On December 11, 1946, the General Assembly adopted a declaration to the effect that genocide "is contrary to moral law and to the spirit and aims of the United Nations"; that "many instances . . . of genocide have occurred when racial, religious, *political* and other groups have been destroyed, entirely or in part"; and that genocide is a crime, whether it "is committed on religious, racial, *political* or any other grounds" (emphasis supplied). The declaration invited "the Member States to enact the necessary legislation for the prevention and punishment of this crime".

The United States joined in this declaration. Standing foremost as a world leader in the protection of individual rights, she could do no less. The authors of this article are in complete and unequivocable accord with the following statement made by the American Bar Association's Section of Individual Rights and Responsibilities in its report on the Genocide Convention submitted to the House of Delegates in February of this year:

"The United States, which was founded on the basis of protest against government excesses, and which grew great in substantial measure because it was a haven and the hope for oppressed persons everywhere, should be in the lead in joining in the declaration of revulsion at the organized effort to eliminate a whole people during World War II, and of determination that such an effort should not be undertaken ever again."

But the conviction of the authors is equally firm that having joined in such a declaration as to a matter which lies ultimately within the domestic sphere of each of the world's nations, the United States has gone far enough. She should not, in our opinion, join in a convention by which she would commit herself in advance to protect the people of other nations against their own governments. Nor should she agree that such other countries may determine what is to be deemed to be genocide within the borders of the United States and invite them in advance, in the words of Article VIII of the Genocide Convention, to take through "the competent organs of the United Nations, such action under the Charter of the United Nations as they consider appropriate for the "suppression" thereof.

The Section report itself makes this point abundantly clear. It is stated therein that under Article VIII of the Genocide Convention:

"Even if the complaint involved alleged prohibited action by one country against an ethnic group within its own country . . the claim that the United Nations could not consider the matter because it concerned the domestic jurisdiction of one state . . . would be foreclosed. The Security Council, or the General Assembly, or the Economic and Social Council would all be authorized to hear the complaint. In appropriate cases, where the complaint was borne out by the facts, the United Nations organs could recommend or decide on measures to be taken."

TREATIES SHOULD NOT BE USED FOR INTERNAL GOVERNMENT

It is submitted that treaties with other nations are not the proper constitutional means for the government of the people of the United States in their internal affairs, which should continue to be regulated by our own federal, state and local legislative bodies through enactments that have their foundation in our own constitutional processes.

We subscribe wholeheartedly to the statement made by John Foster Dulles as Secretary of State, testifying before a subcommittee of the Senate Judiciary Committee on a proposed constitutional amendment to limit the effect of treaties as internal law within the United States:

"I do not believe that treaties should, or lawfully can, be used as a device to circumvent the constitutional procedures established in relation to what are essentially matters of domestic concern. [The United States should] favor methods of persuasion, education and example rather than formal undertakings. . . .

"We do not ourselves look upon a treaty as the means which we would now select as the proper and most effective way to spread throughout the world the goals of human liberty to which this Nation has been dedicated since its inception."

The authors of this article do not agree with the extravagant statement in the Section report that "in terms of a threat to international peace and security, the occurrence of genocide anywhere in the world is as much a matter of international concern as, for example, the spread of nuclear weapons"; or that "when some states—or, as in this case, 74 states—consider a matter to be of sufficient concern to make a treaty about it, then realistically it is of international concern".

This is the old bootstrap doctrine by which a domestic issue, not subject as such to regulation by treaty, can be transmuted, by the very prohibited act of making it the subject of a treaty, into the arena of international affairs subject to regulation by treaty. It is the same doctrine that gave rise to the 1950 dictum by the Department of State that "there is no longer any distinction between 'domestic' and 'foreign' affairs".[3]

If the limitations contained in the Constitution of the United States are subject to circumvention by this jurisprudential sorcery, the matter becomes one of broad constitutional policy rather than of strict constitutional law. Our constitutional philosophy should not be so impaired by transplanting matters within our domestic jurisdiction into the international forum, subject to legislation by treaty and adjudication by international tribunals.

GENOCIDE BY GOVERNMENT IS NOT IN THE CONVENTION

There can really be no question, as stated in the Section report, that "the crimes which gave rise to the Genocide Convention—mass murder of Jews . . . by the Nazis was, of course, done with the encouragement and indeed at the direction of the government of Germany". It is the position of the authors of this article that in order for genocide to be an international crime, and therefore a matter of international concern appropriately the subject of a treaty, it must, by definition, be committed with the complicity of the government concerned, not merely by individuals.

When the convention was being formulated, the representatives of the United States, backed by those of other Western nations, sought as a *sine qua non* to have genocide defined as having been committed "with the complicity of government", because its "delegation felt in fact that genocide could not be an international crime unless a government participated in its perpetration."[4]

This demand was rejected, and under Article IV of the convention states-parties are required merely to enact legislation providing punishment for "persons committing genocide" and requiring the trial of "persons charged with genocide", whether they are "public officials or private individuals". Instead of including government complicity as an element of the offense, Article VIII of the convention permits "the competent organs of the United Nations" to interfere in the domestic affairs of member nations by hearing complaints as to the conduct of their individual citizens, and to "take such action . . . as they consider appropriate" against them.

The type of problem with which the United States might be faced in this regard, if it became a party to the Genocide Convention, is illustrated graphically and startlingly by a recent news item in *Time* of December 12, 1969, which reported that a "San Francisco lawyer who represents the [Black] Panthers . . . revealed plans to go before the United Nations and charge the United States with 'genocide' against the Panthers".

VAGUE LANGUAGE CAUSES PROBLEMS

Another constitutional question of some significance arises from the vagueness of

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[2] In 1950 the Senate Foreign Relations Committee, headed by Senator Connally of Texas, having before it the genocide treaty from President Truman for advice and consent, ordered hearings by a subcommittee under the chairmanship of Senator McMahon of Connecticut. Hearings were extensive, running over a number of days. Many persons appeared in support of ratification. Carl B. Rix of Milwaukee, a former President of the American Bar Association, the late George Finch of Washington, D.C., then and for many years Editor-in-Chief of the *American Journal of International Law* and professor of international law at Georgetown University, and Alfred J. Schweppe of Seattle, formerly Dean of the University of Washington Law School and at the time Chairman of the American Bar Association's Committee on Peace and Law Through United Nations, appeared and testified against ratification, pointing out the grave inadequacies and risks of the proposed convention. The testimony taken at the hearings is part of the Senate records. After these 1950 hearings, the proposed convention became dormant for some twenty-one years, until revived by President Nixon in February, 1970. It appears significant that Dean Rusk, who as Assistant Secretary of State presented the State Department's position to the McMahon subcommittee in 1950, was Secretary of State for eight years under two recent Presidents, but did not revive the Genocide Convention, even with a heavy Democratic majority in the Senate. Equally significant is the fact that during the Eisenhower Administration John Foster Dulles, the Secretary of State, announced that the administration would not bring up the Genocide Convention.

[3] State Department Publication 3972, Foreign Policy Series 26 (1950).

[4] See record of the proceedings of the Ad Hoc Committee in 1948, and especially the statement made on April 15, 1948, by Mr. Maktos of the United States, chairman of the committee, as to the position of the United States, and also the proceedings and votes on the Sixth (Legal) Committee (75th and 128th meetings), and the Official Records of the Third Session of the General Assembly, Part I, "Legal Questions".

certain provisions of the convention. It provides in Article II, for instance, that genocide consists of certain "acts committed with intent to destroy, in whole or in part, a national, ethnical, racial or religious group, as such" by "(b) causing serious . . . mental harm to members of the group".

There would seem to be grave doubt as to whether so vague a provision as that of "mental harm" could be cured by implementing legislation such as, for example, that proposed by the Section of Individual Rights and Responsibilities in an annex to its report on the convention, which refers to conduct "with the intent to destroy" and which "causes serious harm to the . . . mind". Even the February 19, 1970, message of the President to the Senate, with its attached letter from the Secretary of State, requesting advice and consent to ratification recommends that this be done with an "understanding" that the words "mental harm" be construed as having a clarifying narrow meaning.

Language so broad and vague, if not unconstitutional in legislation defining crime, could well have been held to characterize racial segregation practices prior to 1954 as genocide. In *Brown* v. *Board of Education*, 347 U.S. 483, the Supreme Court held expressly that separation of Negro children "from others of similar age and qualifications solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone . . . [and] has a tendency to [retard their] education and mental development".

"POLITICAL" GROUPS REMOVED FROM THE CONVENTION

Just as the United States and her political allies were unable to get "complicity of government" into the definition of genocide, they also acquiesced at the insistence of the Communist bloc in the omission of "political" from the categories of groups as to which genocide is to be prohibited.

The original United Nations declaration denounced genocide whether "committed on religious, racial, *political* or any other grounds" (emphasis added). When this declaration was being converted into the convention, the Communist nations insisted on omission of "political" from the listed categories, and the United States capitulated. None of the Communist nations, therefore, can be charged under the convention with committing genocide by inflicting intolerable "conditions of life" on a political group and seeking to destroy its members.

When this point was raised in the House of Delegates last February, Nicholas de B. Katzenbach, a former Under Secretary of State of the United States said, in effect, that omission of "political" from the convention was simply a "trade" in the course of compromise between the Communist and Western nations by which "we succeeded in getting 'ethnical' included among the groups in place of 'political' ". Considering that "ethnical" in its ordinary meaning is defined as "pertaining to or designating races" and that "racial" already was in the draft of the convention, a compromise for the insertion of "ethnical" in return for the omission of "political" seems to have been a one-sided trade, with our side the loser.

The elimination of "political" groups and "with the complicity of government" now permits genocide where it goes on (Czechoslovakia, Hungary, Africa, Asia). Sir Hartley Shawcross, a former British Attorney General, said that the adoption of the convention will delude people into believing that a great step forward has been taken, whereas nothing has been accomplished.

This "legislative history" as to the circumstances under which "political" was omitted on the insistence of the Soviet Union and other Communist nations, so that assassination of political groups is not prohibited by the convention, is explained and confirmed by the refusal of the Soviet Union to ratify the 1957 Convention on the Abolition of Forced Labor, because it prohibits the imposition of forced labor as a means of political coercion or as punishment for the expression of political views opposed to those of the government.

WHERE CAN GENOCIDE TRIALS BE HELD?

Aside from the answerability of governments for violation of the convention on charges filed with the United Nations, the treaty provides (Article VI) that "Persons charged with genocide . . . shall be tried by a competent tribunal of the State in the territory of which the act was committed, or by such international penal tribunal as may have jurisdiction with respect to those Contracting Parties which shall have accepted its jurisdiction."

In an article in the January, 1970, issue of this *Journal* (page 71), Bruno V. Bitker inadvertently omitted the words "in the territory of which the act was committed" when he quoted from Article VI. In a letter to the editor in the April issue (page 296), the omission was corrected by Mr. Bitker, but his January article concludes that a United States citizen charged with genocide under no circumstances could be tried elsewhere than in a court of the United States.

And in the report of January, 1970, on the genocide convention submitted by the Standing Committee on World Order Under Law to the House of Delegates, the same egregious *non sequitur* is drawn to the effect that since there is no such international tribunal as is contemplated under this article, no "American citizen could be deprived of his constitutional right to trial by jury, or be forced into a trial in some foreign court under procedures not American".

It seems especially difficult to understand this fallacious syllogism in light of the provisions of Article VII of the convention that genocide is not to be considered a political crime and that the parties to the convention "pledge themselves in such cases to grant extradition", presumably for trial in "the State in the territory of which the act was committed" (Article VI), "in accordance with their laws and treaties in force".

These jurisdictional and "extraditional" provisions raise important practical problems for the United States. The authorities in Hanoi have charged that members of the Armed Forces of the United States have been guilty of genocide in "the alleged massacre of civilians in a South Vietnamese village". If the United States were a party to the Genocide Convention, she would necessarily have agreed that these soldiers are subject to trial in Vietnam under the provisions of Article VI and, if the United States and Vietnam should ever have an extradition treaty, would be subject to extradition for trial in Vietnam, even if deemed or found innocent in this country.

Of course, no extradition would be necessary as to our American prisoners in North Vietnam. That country, it may be assumed, would cite the Genocide Convention, if we were a party to it, as our consent to the trial of those prisoners on genocide charges in that country, with the Nuremberg trials as a sanctioning precedent.

WHAT HAS HAPPENED TO THE "NUREMBERG DEFENSE"?

This suggestion in turn raises another interesting, serious and dangerous question for the United States. The "Nuremberg defense", universally pleaded in war crimes trials, is that the accused was following orders he was required to obey. Article IV of the Genocide Convention provides: "Persons committing genocide . . . shall be punished, whether they are constitutionally responsible rulers, public officials or private individuals." As stated in the report of the Section of Individual Rights and Responsibilities: "The Genocide Convention makes clear, in Article IV, that in respect of the crimes specified, no one, not governmental officials, not private individuals, can escape responsibility for his action through this [Nuremberg] defense."

We join in asking the rhetorical question posed in his dissent by Ben R. Miller, a member of the council of the Section:

"Would not the military strength of this nation and hence the nation itself be endangered if in following orders of a superior officer in the heat of battle subordinates would be faced with instant decision of whether to risk court martial for refusing to follow orders, or punishment for genocide if a (tribunal) in the calm aftermath of a war could consider the result of following a particular order to have been genocide? For the Treaty abolishes the defense of subordinates that they were but following orders of their superior officers."

INTERNATIONAL PENAL TRIBUNAL STANDING IN THE WINGS?

Opponents of the Genocide Convention have insisted that if the convention were ratified by the United States, there would be the possibility of the trial of an American citizen accused of genocide before an international penal tribunal when, as and if such a court should be established and its jurisdiction accepted by the United States. The trial would be without the constitutional safeguards by which he would be protected in a court of the United States.

To this the proponents of the convention said in the Section report that "the answer is simple. No such tribunal has been established." They added:

"If one were established, parties to the Genocide Convention would have the option whether to accept its jurisdiction or not. For the United States, that option would have to be independently exercised through the Treaty Power, that is only with the advice and consent of the Senate by a two-thirds vote."

Issue is taken, in the first place, with the last-quoted statement. This is just the type of action that, like recognition of a new foreign government, might be accomplished by an executive agreement without the advice and consent of the Senate. The point is well illustrated by the recent case of the International Anti-Dumping Code, concluded by the United States with seventeen other nations in Geneva on June 10, 1967. All those countries treated the code as a formal treaty requiring parliamentary approval—and so ratified it. The United States alone dealt with the document as an executive agreement, and because certain of its provisions were in direct conflict with corresponding provisions of Congressional tariff acts, the code was not submitted to the Senate for its advice and consent for fear of adverse action by that body.[5]

There possibly would be no practical way in which to assert the invalidity of an executive agreement accepting, in behalf of the United States, the jurisdiction of an international penal tribunal established for the trial of offenders under the Genocide Convention, once that convention itself had been ratified by the United States.

Nor can it be said cavalierly that it is not contemplated by the United States that an international penal tribunal is to be established. The minutes of the 74th meeting of the Sixth (Legal) Committee of the General

[5] See Public Law 90–634, 82 Stat. 1347 (October 24, 1968), 19 U.S.C.A. § 160, note (Suppl.), suspending certain provisions of the code, and its legislative history in *U.S. Congressional and Administrative News* (1968), Vol. 3, 4359 *ff.* See also Long, *United States Law and the Anti-Dumping Code*, 3 INT'L LAWYER 464 (1969).

Assembly of the United Nations, held at Paris in October, 1948, contain a significant statement to the effect that the United States delegation stated that it "intended, at a later stage, to show the need for the establishment of an appropriate international tribunal" in connection with Article VI of the Genocide Convention.

George A. Finch, a former Deputy Under Secretary of State, professor of international law at Georgetown University, Vice President of the American Society of International Law and editor-in-chief of its journal, in an address before the annual meeting of the society at Washington on April 29, 1949, said: "The proposals . . . to prevent genocide . . . have been framed so as to take American domestic questions out of the jurisdiction of American courts and place them under some form of international jurisdiction."

In a book on international enforcement of human rights, Professor Paul Gormley of the University of Tulsa School of Law states: "A private individual must be able to prosecute an action before an international tribunal—in his own name—against an offending government, particularly his own."

The Bangkok Conference on World Peace Through Law, held in September, 1969, unanimously adopted a resolution commending its committee engaged in a project entitled "Toward a Feasible International Criminal Court" and giving it all possible support and assistance.

How can it be said in good conscience, in the face of this wealth of background material to the contrary, that Americans may rest assured that ratification of the Genocide Convention by the United States at this time will not carry with it the ultimate establishment of an international penal tribunal for the trial of citizens of the United States charged with commission of offenses thereunder?

An American citizen or any other person residing in the United States who is tried by an international tribunal created for the trial of persons charged with the offense of genocide would be deprived of many of the rights provided in our Constitution for persons charged with offenses against the laws of United States in our national courts. Among these are the right to be charged for a capital or infamous crime only on a presentment or indictment of a grand jury and the right to a speedy and public trial by an impartial jury of the state and district wherein the crime is alleged to have been committed. The privilege against self-incrimination and the protection against unreasonable searches and seizures also might disappear.

Another reason militating against ratification of the Genocide Convention arises from the provision of Article III(c) making punishable "direct and public incitement to commit genocide" vis-à-vis the First Amendment's guarantees of free speech and press. Suffice it to say here that there is at least grave doubt under recent decisions of the Supreme Court as to the effect to be given, even by that Court, to such a treaty provision in the circumstances of different cases—certainly completely incomprehensible to judges of an international tribunal to whom our concepts of freedom of thought and expression might be chimeric mysteries at best.

RESERVATIONS ON ADHERENCE WOULD BE INEFFECTIVE

It is extremely doubtful that objections to the ratification of the convention by the United States can be obviated by reservations attached to our adherence. It will be recalled that by the Connally Amendment to the reservation of the United States to its declaration of adherence to the International Court of Justice, it is stipulated that the United States is not to be subjected to the processes of that court as to disputes which are essentially within her own domestic jurisdiction "as determined by the United States of America".

To circumvent that reservational safeguard, it was provided by Article IX of the Genocide Convention:

"Disputes between the Contracting Parties relating to the interpretation, application or fulfillment of the present Convention, including those relating to the responsibility of a State for genocide or any of the other acts enumerated in article III, shall be submitted to the International Court of Justice at the request of any of the parties to the dispute."

This article clearly overrides the Connally Amendment and subjects the United States to the unreserved jurisdiction of the International Court of Justice as to all matters involving the "interpretation, application or fulfillment" of the convention. Thus, if our Supreme Court should hold that a case under the convention is within this country's domestic jurisdiction and the conduct protected by the First Amendment, any party to the treaty could take the matter before the International Court of Justice, which need not follow our Court's decision. It might hold that the case was not within our domestic jurisdiction, and the United States would be bound by that decision despite the Connally Amendment.[6] This is a constitutional consummation devoutly to be avoided.

HOW EFFECTIVE COULD THE GENOCIDE CONVENTION BE?

In the final analysis, the prohibition of genocide by treaty must become an exercise in futility. Adolph Hitler would hardly have restrained the frightful acts of genocide that gave rise to the convention, even if it had been in existence and Germany had been a party to it during the Nazi reign of terror. The Soviet Union and her Communist-bloc allies were not deterred from the 1968 invasion of Czechoslovakia by the nonaggression provisions of the Charter of the United Nations.

The Genocide Convention places in the hands of nations whose peoples have never known the freedoms guaranteed under our Constitution the power to judge whether those freedoms are being protected properly within our domestic borders.

It is submitted that an international convention whose provisions may be invoked in an international forum when an individual commits a crime within the domestic jurisdiction of a state would cause far more friction between peoples and governments than does the evil it seeks to correct. It would tend to promote war rather than to maintain international peace and security within the letter and spirit of the charter of the United Nations.

ADVICE OF BAR SOUGHT ON REVISION OF ARTICLE 9

The permanent editorial Board for the Uniform Commercial Code is inviting all interested members of the Bar to comment on Preliminary Draft No. 2 of amendments to Article 9 of the Code. On May 22 the draft was submitted for members' suggestions at the 47th Annual Meeting of the American Law Institute.

The Uniform Commercial Code is cosponsored by the institute and the National Conference of Commissioners on Uniform State Laws. The editorial board is appointed by the two sponsoring organizations.

Copies of Preliminary Draft No. 2 of the Review Committee for Article 9 are available from the executive office of the Permanent Editorial Board for the Uniform Commercial Code, 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

Since its completion in 1952, the Uniform Commercial Code has been adopted in forty-nine states, the District of Columbia and the Virgin Islands. In the words of the Review Committee, Article 9 "was the first integration of the badly fragmented field of chattel security" and "the most innovative of the articles of the Code".

Preliminary Draft No. 2, replacing an earlier draft dealing with fixtures, contains all the current recommendations for revising Article 9. Professor Robert Braucher of Harvard Law School is Reporter to the Committee and Professor Homer Kriske of New York University Law School is Associate Reporter.

Following reconsideration of the draft in light of the suggestions received, the committee hopes to submit final proposed amendments with official comments to the editorial board before January, 1971.

Comments on Preliminary Draft No. 2 should be addressed to Secretary of the Permanent Editorial Board, 4025 Chestnut Street, Philadelphia, Pennsylvania 19104.

RESULTS OF 1970 ELECTIONS FOR STATE DELEGATES

Jurisdiction	Delegate elected	Ballots mailed	Ballots returned	Percent of return
Arkansas	John C. Deacon, Jonesboro	887	484	55
Colorado	James K. Groves, Denver	2,219	1,052	47
Delaware	Howard L. Williams, Wilmington	439	210	48
Georgia	Kirk M. McAlpin, Atlanta	2,580	1,281	50
Idaho	J. Blaine Anderson, Blackfoot	466	263	56
Indiana	C. B. Dutton, Indianapolis	2,593	1,413	54
Louisiana	Thomas W. Leigh, Monroe	2,843	1,142	40
Maryland	Norman P. Ramsey, Baltimore	3,971	1,670	42
Minnesota	John B. Burke, St. Paul	2,513	1,079	43
Nevada	Procter Hug, Jr., Reno	457	338	74
New Hampshire	Shane Devine, Manchester	435	245	56
New York	Lyman M. Tondel, Jr., New York	14,971	6,288	42
Ohio	Fred A. Smith, Toledo	6,481	3,490	54
Oregon	Hugh L. Biggs, Portland	1,690	1,192	71
Rhode Island	James H. Higgins, Jr., Providence	661	296	45
Utah	Calvin A. Behle, Salt Lake City	607	324	53
West Virginia	Frank C. Haymond, Charleston	794	576	73
Total		44,607	21,343	48

U.S. POLICY TOWARD GREECE

Mr. PELL. Mr. President, in an article published in the Washington Post on August 9, Mr. Alfred Friendly succinctly described the present situation in Greece and pinpointed what I consider to be the principal failings of current U.S. policy toward the junta. The article, appropriately entitled "The Greek Junta's Hopeless Future," underscores the need for a clear public statement of disapproval on the part of the Nixon administration of the junta's failure to begin the process of a reform to democratic government. Such action is long overdue and, as Mr. Friendly points out, the failure of the U.S. Government to take an unequivocal stand on this issue may well cost us "the

[6] See Phillips, *The Genocide Convention*, 35 A.B.A.J. 623, 625 (1949).

good will and future friendship of the oppressed Greek people."

I ask unanimous consent that Mr. Friendly's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE GREEK JUNTA'S HOPELESS FUTURE

(By Alfred Friendly)

ATHENS.—In the more than three years since it seized power, the Greek military regime has run up a curiously mixed record of success and failure. It has been completely successful in establishing itself in power. Its control of the country is absolute and not threatened by any force, internal or external, on the horizon. It has completely failed to fulfill its promises of giving Greece a new basis for political life, a political "cleansing" or even a minimally competent government. Most important, it has failed miserably to win popular support at home or acceptance abroad.

A striking consequence of these failures—and also in part a cause of them—is the junta's total inability to enlist anyone of technical competence, good reputation and public stature to work in the government. The feeling remains, and is probably growing, that anyone who joins up is a quisling.

For the last few weeks it has been common knowledge, and the source for much joking in Athens, that Prime Minister George Papadopoulos has been hawking top jobs to battalions or prominent Greeks who are anti-junta. Some of them have only recently returned from prison or exile. Papadopoulos is known to be frustrated on this score and to realize—as his infinitely more blinkered and primitive military colleagues do not—that his government is simply unable to deal with its problems. It can make its writ run, but its writ is incompetent.

The failure to win popular support, to operate an effective government, to obtain the necessary economic agreements with the Common Market and other international agencies abroad, to secure the flow of indispensable foreign investment—these are the junta's Achille's heel. Because of this, the Western democracies, and the United States in particular, possess some leverage that can be exerted on the dictatorship. The junta can afford to be indifferent or unmoved by the essentially meaningless threat of withholding future weapons supply but it can not remain unconcerned about international condemnation and lack of real American support, for these are at the root of the junta's hopeless future prospects. Greece has not reached the point of Spain and Portugal, nor is soon likely to, where it can thumb its nose at the rest of the world.

But it is in just this area of pressure politics where Greek liberal (as against left) anti-junta opinion leaders believe the United States has not made intelligent or courageous use of its clear potential. Whatever they think about the attitude of the Pentagon or CIA, a small group of informed and pro-Western Greeks concedes that the White House and the State Department detest the junta and are sensible to the dangerous consequences of its continuance.

But, they complain, the American government has not made clear to the junta, in cold turkey terms, the degree of its condemnation, nor threatened to use the not insignificent arsenal of political and psychological weapons at its disposal if the junta does not begin the process of a return to democratic rule. Granted, the Greek critics continue, the United States cannot tell the colonels how to run the Greek government. But it can certainly make much more explicit to the colonels that they cannot expect to be admitted into decent society, must less be supported or loved, as long as they are on their present course.

A second complaint against the American government is that in failing to take its stance of moral opposition to the junta clearly and publicly, it is forfeiting the goodwill and future friendship of the oppressed Greek people. Instead—at least until the arrival here of American Ambassador Henry Tasca, who put a stop to it—American military officers would greet their Greek counterparts with excessive cordiality and fulsome statements, all of which were reproduced by the government and disseminated far and wide as evidence of how the United States loved the regime. Even Tasca has on occasion carelessly shown up on platforms with junta leaders, and seen his appearance instantly exploited by the junta propaganda machine. The gist of the complaint is that Papadopoulos is a brilliant chess and poker player who has made chumps of us.

In defense, the Americans insist that they are telling the junta, privately but in the most emphatic terms, that America intends sharply adverse action, of which public denunciation will only be one part, if the junta fails to announce before the end of the year a date for parliamentary elections.

They also argue that for maximum influence America must apply the carrot as well as the stick: an outright public condemnation at this point would be premature and would simply drive the colonels out of the Western ball park and end any possible outside influence on them.

The defense is not particularly persuasive. It is hard to see a good reason why the United States cannot play poker as well as Papadopoulos or why it cannot reassure the Greek people about its attitude toward the junta and its suppression of democracy. Instead, it lets persist in the mind of the overwhelming proportion of the Greeks—almost everyone but a handful of staunchly pro-Western sophisticates—that we cherish the colonels and support them to the hilt.

It is hard to see any good reason why the American government has not officially and publicly expressed its ourtrage at the indecencies the junta commits against civil rights. Or why it has not shown—as it could, subtly but unmistakably to an audience as politically savvy as the Greeks—that it will support a democratic opposition movement as it develops in the society. The question is how long America can remain equivocal, at least in public, and still convince anyone that it is *not* in love with the junta, or that it is really using what weapons it has to push toward a democratic future for Greece.

SECOND ANNIVERSARY OF THE INVASION OF CZECHOSLOVAKIA

Mr. YARBOROUGH. Mr. President, I have long held a high regard for the courage and strength of character found among the people of Czechoslovakia. After the outbreak of World War II, I requested combat service overseas and was assigned to the 97th Division. This division saw action as a part of the 1st Army in the Rhineland when the powerful Allied armies raced across Europe to attack Hitler's Germany. The 97th was subsequently shifted to General Patton's 3d Army, where it spearheaded the drive to liberate Czechoslovakia. The people of Pilsen rose in defiance against the Nazi occupation forces on May 4, 1945, when students and workers took over the radio station and city hall. The next day, May 5, 1945, the liberation was consummated by the victorious tanks of the U.S. Army which definitively ended the rule of the swastika over West Bohemia. I am proud to have had a small role in this noble effort.

Unfortunately, the Czechoslovak people were not long to enjoy the freedom of choice which they so richly deserved. The demise of Nazi Germany left a vacuum into which the Soviet Union was soon to step. During the summer of 1968, after a long series of frustrations, there appeared to be cause for hope. The people of Czechoslovakia were engaged in a vigorous struggle to prevent the lamp of liberty's faint glimmer of light from being extinguished. The Czechoslovak citizenry, after over 20 years of oppression, had a real chance to restore some of their basic human rights. Unfortunately these hopes, like all the others, were soon to be dashed by the Soviet invasion of the Czechoslovak Republic on the night of August 20, 1968. I was in Prague for one day visit during April of 1969, 24 years after the country's liberation from Nazi Germany. At that time I witnessed the great sadness in the faces of the people who had again lost the freedoms that they had worked so hard to restore.

By the morning of August 21, 1968, the Soviet Armed Forces had completely invaded and occupied the territory of the Czechoslovak Republic. In order to make her brutal act appear more respectable, the Soviet Union was joined by the armies of four other members of the Warsaw Pact in this infamous venture. Since then, only her own forces have remained stationed in Czechoslovakia—a symbol of Soviet oppression and exploitation.

Through this act 2 years ago, the Soviet Union violated the fundamental rules of international law as accepted and practiced by civilized nations, and embodied in the Charter of the United Nations. Czechoslovakia is a sovereign state. The Soviet invasion and occupation violated her sovereignty and independence. The Soviet invasion of Czechoslovakia made a mockery of the hope that the Soviet Union had become a law-abiding member of the family of nations.

By invading Czechoslovakia and occupying her territory, the Soviet Union violated the treaty of friendship that had bound the two countries together since 1943. In that treaty the partners promised to respect each other's sovereignty, independence, and territorial integrity, and not to interfere in one another's internal affairs. The Soviet Union invaded and occupied Czechoslovakia to change certain internal developments in Czechoslovakia so as to fit Soviet interests. Not a single Czechoslovak could legitimize the Soviet Union's conduct.

Finally, the Soviet invasion and occupation of Czechoslovakia destroyed the arrangements that the United States and the Soviet Union had made with regard to Czechoslovakia in 1945. The United States and the Soviet Union had agreed that their Armed Forces, which liberated Czechoslovakia from the Nazi rule and had been stationed on her territory through the first postwar months, would evacuate the country and that Czechoslovakia would not be subject to Allied

occupation. American and Soviet forces left Czechoslovakia before the end of 1945. In the summer of 1968, in blatant violation of that agreement so essential to the balance of power on the continent of Europe, Soviet Armed Forces invaded Czechoslovakia and stationed themselves on her territory permanently.

Since then, Czechoslovakia has been no more than a Soviet colony. The Soviets forced upon the Czechoslovak people, as their rulers, a group of men who have no legitimacy whatsoever. The only source of their power is their willingness to carry out the orders of their Soviet masters. The morale of the Czechoslovak people, once among the highest in Europe, is again at its lowest. The purposeful demoralization of the nation through purges, persecution, and threats is still being carried out at full speed.

The Czechoslovak people are being bled white. Faced with the overwhelming and brutal presence of the Soviet Armies, they cannot raise their own voice in protest. I urge my colleagues in the Senate to appeal to the conscience of the entire world not to leave the Czechoslovak people at the mercy of the Soviet Union. The time has come for the Czech people to determine their own destiny.

REORGANIZATION PLANS NOS. 3 AND 4

Mr. BAKER. Mr. President, when President Nixon submitted Reorganization Plans Nos. 3 and 4 to the Congress on July 9, I prepared a statement in support of these measures for inclusion in the RECORD. For some reason which I have been unable to ascertain, this statement was not printed on July 9. I ask unanimous consent that my remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR HOWARD H. BAKER ON PRESIDENT NIXON'S REORGANIZATION PLANS ESTABLISHING A NATIONAL OCEANIC AND ATMOSPHERIC ADMINISTRATION AND AN ENVIRONMENTAL PROTECTION AGENCY

As a member of both the Public Works Committee Air and Water Pollution Subcommittee and the Commerce Committee Oceanography Subcommittee, I have a considerable interest in the two executive reorganization plans sent to the Congress today.

Reorganization Plan 3 establishes the Environmental Protection Agency as a new independent agency within the executive branch, bringing together in a single organization the major federal pollution control program now existing in four separate agencies and one interagency council. Reorganization Plan 4 establishes the National Oceanographic and Atmospheric Administration within the Department of Commerce, bringing together in a single administration the major federal programs dealing with the seas and atmosphere.

Basically the President is proposing that we order our federal house as a necessary first step for effective national programs to control pollution and to make wise use of our atmosphere and oceans. The EPA will permit the rapid recognition of new pollution problems and early, more effective controls because one agency will be clearly responsible. We must support the new agency, supplying it with authority, funds and personnel, but it is equally important to support the concept that it represents. We must commit ourselves, as individuals and as a nation, to restoring the quality of our environment.

There are many possible approaches to the problem of pollution, some immediate, some long-term. In proposing the formation of the new agency, the President has attacked the immediate problems. But in proposing the National Oceanic and Atmospheric Administration in tandem with this proposal, the President also seeks to work toward an understanding of both the immediate and long-term consequences of environmental contamination upon our lives and our resources.

NOAA is, in fact, an environmental agency formed with in the Department of Commerce around the nucleus provided by its Environmental Science Services Administration. One of its most important tasks will be to provide the basic, multi-purpose environmental monitoring capacity to underpin the national effort to reverse the process of pollution.

This is by no means all NOAA will be called upon to do. It will work to protect the nation against the natural hazards which are ever with us, and will support the industrial, transport, recreational, agricultural and commercial activities of the nation.

The President's Reorganization Plan 4 will bring together an outstanding group of organizations and talents to achieve these high tasks. They include the Bureau of Commercial Fisheries, the Sea Grant program, the U.S. Lake Survey, the Coast Guard Data Buoy National Development Program, the marine sport fish programs of the Bureau of Sport Fisheries, the Bureau of Mines' marine mining technology program, and the Navy's National Oceanographic Data and Instrumentation Centers.

These agencies, and these capabilities—historically effective and respected in their separate efforts—will give the Commerce Department the opportunity to build an environmental team second to none.

I support these two reorganization plans and pledge all possible assistance to overcome the problems these two new organizations are designed to achieve.

EXTENT OF GOVERNMENT INVESTMENT IN LOCKHEED FACILITIES AT MARIETTA, GA.

Mr. TALMADGE. Mr. President, on August 17, during debate on his "fly before you buy" amendment, the distinguished Senator from Wisconsin (Mr. PROXMIRE) said that the C–5 is built in a plant "that is owned by the Government."

Mr. President, I wish to set the record straight on the matter of the Lockheed capital investment in the Georgia facility. To do so, I need to point out that the Government built that plant during World War II. During this time it was known as the Bell Bomber Plant. Following the war the plant was used as a machine tool storage center until it was reopened by Lockheed in 1951 at the request of the Government. The Government's total fixed asset investment in the Marietta plant up until today is about $95 million.

Since 1951, Lockheed has invested $126 million. Lockheed has also arranged leases from private owners of additional assets costing another $46 million.

Therefore, at acquisition cost, the Government's investment represents only 35 percent of the total.

Mr. President, as I mentioned earlier, the Government investment in plant and facilities began during the mid-1940's. Therefore, if one were to estimate depreciated values for the Government's investment as industry does, the earlier Government investment would represent a smaller proportion on the total—approximately 17 percent.

Mr. President, I have here a table which shows the ownership of the facilities at Marietta, Ga. I ask unanimous consent that the table be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

LOCKHEED MARIETTA PLANT DATA

[Dollar amount in millions]

	Amount	Percent
Company owned fixed assets at depreciated book value	$69.708	62.2
Leased fixed assets at depreciated book value	23.694	21.2
Government owned fixed assets at estimated depreciated book value	18.688	16.6
Total facilities at depreciated book value (June 1970)	112.900	100.0
Company owned fixed assets at cost	126.134	47.0
Leased fixed assets at cost	46.429	17.4
Government owned fixed assets at cost	95.331	35.6
Total facilities at cost (June 1970)	267.894	100.0

THE FAIRNESS DOCTRINE AND TELEVISION BROADCASTING

Mr. DOLE. Mr. President, I wish to report to the Senate today that 36 of the TV stations across the Nation have responded to my request to present contrasting views to answer the "paid" commercials of the so-called amendment-to-end-the-war committee. These stations understand the fairness doctrine and are presenting to their viewers arguments on both sides of this particular issue. The stations presenting contrasting views are as follows:

WSAV–TV, Harrisonburg, Va.
KQTV–TV, St. Joseph, Mo.
KSD–TV, St. Louis, Mo.
KOMU–TV, Columbia, Mo.
WHIS–TV, Bluefield, W. Va.
KODE–TV, Joplin, Mo.
KIFI–TV, Idaho Falls, Idaho.
KCRL–TV, Reno, Nev.
WTAP–TV, Parkersburg, W. Va.
KOAM–TV, Pittsburg, Kans.
KFYR–TV, Bismarck, N. Dak.
KTTS–TV, Springfield, Mo.
WPSD–TV, Paducah, Ky.
KCMO–TV, Kansas City, Mo.
WDTV–TV, Bridgeport, W. Va.
KHQ–TV, Spokane, Wash.
KID–TV, Idaho Falls, Idaho.
KOAT–TV, Albuquerque, N. Mex.
WDBJ–TV, Roanoke, Va.
WSAZ–TV, Huntington, W. Va.
WPRI–TV, Providence, R.I.
WDAF–TV, Kansas City, Mo.
KXYL–TV, Spokane, Wash.
KING–TV, Seattle, Wash.
KCND–TV, Pembina, N. Dak.
KVAL–TV, Eugene, Oreg.
WCHS–TV, Charleston, W. Va.
WVNY–TV, Burlington, Vt.
KOB–TV, Albuquerque, N. Mex.
KRCG–TV, Jefferson City, Mo.
WBOY–TV, Clarksburg, W. Va.
WSTV–TV, Steubenville, Ohio.
KREM–TV, Spokane, Wash.
KMTV–TV, Twin Falls, Idaho.

KTVN–TV, Reno, Nev.
WTVR–TV, Richmond, Va.

A number of other television stations have refused to present contrasting views, but some have indicated that they are adhering to the requirements of the "fairness doctrine." A few responses, unfortunately, indicate only those with money are entitled to express their views on this powerful public media, while other responses indicate that the "fairness doctrine" has been complied with in various ways .

Those stations declining to present contrasting views are:

KVOS–TV, Bellingham, Wash.
WMUR–TV, Mancheser, N.H.
KBIM–TV, Roswell, N. Mex.
WTRF–TV, Wheeling, W. Va.
WOAY–TV, Oak Hill, W .Va.
KXJB–TV, Fargo, N. Dak.
WDAY–TV, Fargo, N. Dak.
KTVC–TV, Ensign, Kans.
KBOI–TV, Boise, Idaho
KOLO–TV, Reno, Nev.
KORK–TV, Las Vegas, Nev.
KGGM–TV, Albuquerque, N. Mex.
KMED–TV, Medford, Oreg.
WTEV–TV, Providence, R.I.
WSLS–TV, Roanoke, Va.
KYTV–TV, Springfield, Mo.
KTVH–TV, Wichita, Kans.
KTVC–TV, Dodge City, Kans.
Cascade Broadcasting Co., Yakima, Wash.

Now that the principal sponsors of the so-called amendment to end the war—which should be designated the "lose the peace amendment"—have entirely rewritten their proposal, I shall again contact the stations which previously declined. The amendment is more meaningless than ever and it occurs to me that the sponsors should return the hundreds of thousands of dollars solicited from the public—based on the original text of the amendment.

CHINA THE REAL WINNER OF OUR INCURSION INTO CAMBODIA

Mr. PELL. Mr. President, Look magazine contains a very interesting article, written by Philippe Devillers, to the effect that the real winner of our incursion into Cambodia is China.

I agree with the thrust of his article and think it would interest Senators.

I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A FRENCH EXPERT'S VIEW: CHINA—THE REAL WINNER IN CAMBODIA

(By Philippe Devillers)

President Nixon's decision to mop up the Cambodian sanctuary will have long-term results that the American people do not expect. Rather than shortening the war, the move will extend it and make it even more dangerous.

"It was the drop which made the bottle pour out,' Chou En-lai, the premier of China, has said. "Following the sudden overthrow of a royal, neutral and even pro-Western prince [Norodom Sihanouk] by just a group of ambitious politicians and generals supported by the CIA, no government in the world can now feel secure. Now is the time for action."

American intervention in Cambodia has indeed given China a valuable opportunity. For years, it has been waiting to take over the leadership of Asian nationalism and anti-imperialist resistance. The decision has facilitated the work of the Chinese political strategists.

Secretary of State William Rogers indicated recently that he recognized this, when he told an interviewer: "They [the Chinese] have increased their influence with Hanoi as the result of the Cambodian incursions. We think the Soviet Union's influence has decreased at the expense of Communist China. Whether the Communist Chinese have any reason to want to bring an end to the war or not, we do not know. We rather doubt it. We think it serves their purposes to have the war continue, because, in effect, they use Hanoi as their instrumentality for causing trouble."

When Ho Chi Minh died on September 3 of last year—about a week after having written to President Nixon that a bit of goodwill could permit a settlement to take place—the Maoist group in Hanoi, led by Truong Chinh, increased its influence. Convinced that the White House did not want to negotiate seriously, except on the basis of North Vietnam's political surrender, the Maoist group won a shift to the strategy of "protracted war"—protracted until 1972 and the next U.S. President.

Rather than respond to valuable overtures from President Nixon, Secretary Rogers and others, Hanoi and the Provisional Revolutionary Government (PRG) in South Vietnam preferred to use the pretext of U.S. insistence on "mutual withdrawal" and "the legality of the Saigon government" and to remain immobile in Paris. This reflected, perhaps, a stalemate in the political struggle in Hanoi.

There are hints that in the Communist camp other voices were saying that this tactic could not achieve results and could even lead to uncontrolled developments. It would be wiser, they reasoned, not to let opportunities pass.

There was significance, in this respect, to the trips made by Le Duan, Ho Chi Minh's real heir, to Moscow in January, and by Le Duc Tho, the chief adviser to the delegation at the peace talks, to Paris from January 30 to April 10. The "downgrading" of the Paris conference by Washington certainly did not help.

At the same time, in Cambodia, Prince Norodom Sihanouk maneuvered on his own to defeat the "protracted war" plan. He agreed with Prime Minister Lon Nol that something had to be done to press the Vietcong out of Cambodia, and was going to Moscow and Peking to ask them to request from Hanoi more discretion and realism. Both Le Duan and Sihanouk were thus moving in a direction that could have brought a resumption of serious negotiations in Paris—the cheapest way to end the war.

Nixon's Cambodian decision wrecked, for a long time, any diplomatic possibility of a settlement and polarized forces in Indochina in such a way that the United States now can expect years more of fighting there—if the Paris negotiations fade out. This can only raise serious doubts about the quality of information supplied by the American intelligence services or Washington's capacity to assess any situation in Asia.

The President apparently made his decision on purely military grounds: prevent the Vietcong from preparing or launching important offensives while the American withdrawals are proceeding; deprive them of sanctuaries and resources; support Lon Nol's government in its struggle against the VC; accelerate the "Vietnamization" in South Vietnam and save American lives. Indeed, the motivation for the decision was only local and military, linked to the belief in the "necessity" of reinforcing the Saigon regime and maintaining in Paris a political position that Washington knows well to be unacceptable for the other side.

Surprisingly, the decision neglected vital political considerations. The stake was not Sihanouk as man or leader but Cambodian neutrality. On March 18, Paris, Moscow and Peking seemed unwilling to take sides, provided Pnompenh stood firmly on the policy of strict neutrality.

But in Pnompenh, the right wing wanted not only to oust Sihanouk but also the Vietcong. It could not do that without American aid. For this, it had to shift from neutrality to de facto belligerence. And then Hanoi and the PRG had to react. And Saigon and Washington rushed into the trap.

By welcoming Sihanouk (who did not find support in Paris or Moscow) in Peking on March 23, the Chinese Government seized the opportunity to play a wonderful Cambodian card: not with a small and weak Red party or a joker, but a head of state, a Westernized prince. Sihanouk could bring Cambodian resistance, leftist, centrist and nationalist, under the Chinese umbrella and patronage, and give the Indochinese struggle as a whole the look of "nationalism"—putting "Communism" in the background.

At the same time, Peking showed the Hanoi "doves" that they no longer had to rely on Moscow or to trust Nixon. They had only to side with the "Indochinese Front" advocated by Sihanouk—a front that is resolutely anti-imperialist and will find a wide response in the Third World. The Indochinese conference (April 24–25), in which the Chinese did not participate, welded the alliance of the four governments and parties—North Vietnam, Sihanouk's government in exile, the Pathet Lao and the PRG—opposing the United States.

China now looks like the Big Brother and the Great Ally of the Indochinese people struggling for freedom and independence.

Sihanouk and Le Duan can no longer act without China's assent. In Vietnam, Cambodia, Laos and Thailand, Malaysia, Burma, Indonesia and even Bengal, all anti-American forces are now entirely under Chinese patronage and encouragement. No settlement in the area can be arranged without the approval of Peking. China has emerged as the dominant factor in this part of Asia and cannot easily be divested of its role. This means that the U.S. is now in direct confrontation with China, even if for the time being this confrontation remains political and is fought locally by indigenous forces.

In any settlement, the Indochinese people *alone* will act—backed by the Chinese behind the scenes—in the name of independence and democracy, nationalism and self-determination. This clearly puts Washington on the defensive. There is no longer any point to arrange a conference in Geneva, to court intermediaries such as Britain or Russia or to establish an international control commission with "false neutrals." The Indochinese expect, and will be ready for, direct negotiations with the Americans when the time is ripe.

The United States has succeeded in ten years in eliminating neutralism in Asia, and this March, it helped overthrow the last neutral, Sihanouk. Everywhere, the U.S. now faces leftist nationalism, which China has the capacity to help.

Of course, the Soviet Union is not wholly eliminated and will still probably be listened to in Hanoi. Its influence, however, will be weaker than that of Peking, and China has the capacity to counter Russian influence in Asia. It is, therefore, a waste of time for Washington to ask Moscow to pressure Hanoi for "flexibility." Now Washington can negotiate its peace only with the Indochinese.

Faster than Mr. Nixon, the other side has succeeded in "Asianizing" the war.

MORE PRAISE TO THE PORTSMOUTH NAVAL SHIPYARD AND THE DEDICATED MEN AND WOMEN WHO MAKE IT THE BEST IN THE NATION

Mr. McINTYRE. Mr. President, last week I spoke here of the fact that the Portsmouth Naval Shipyard had achieved first place in the Navy's cost-reduction program for 1970. I praised the shipyard, its officers, its civilian leaders, and the thousands who work there and made this achievement possible.

I now have additional facts and figures available which reveal the amazing accomplishments at the shipyard in cost reduction and some of the individuals responsible can now be identified.

First, I ask unanimous consent to have printed at this point in my statement a table showing the results of the cost-reduction program at the shipyard since 1965. During these years these figures showing a saving of nearly $10 million by the shipyard. This table shows that among nine major shipyards, the Portsmouth Shipyard has never rated below fourth in its cost reduction efforts in the last 6 years, and it shows that it has been first among the nine yards during 2 years and second during 3 years.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

COST REDUCTION PROGRAM HISTORY—PORTSMOUTH NAVAL SHIPYARD

	1965	1966	1967	1968	1969	1970
Annual goal	$5,000,000	$7,500,000	$1,000,000	$1,200,000	$1,696,000	$1,662,500
Cost reduction account	7,970,000	9,462,000	2,100,000	2,040,000	2,114,900	3,748,200
Percent of goal attained	159	126	210	170	125	225.5
Standing among 9 shipyards	2	2	1	2	4	1

Mr. McINTYRE. Mr. President, cost reductions such as have been achieved at Portsmouth do not come from adding machines or computers. These reductions come because there are dedicated men and women who work hard, such as Capt. D. H. Kern, the commander of the shipyard, and Mr. D. T. Sowerby, the cost-reduction program manager.

Under the direction of these leaders, the able workers at the shipyard have achieved these reductions. I am proud to say that many of these workers live in New Hampshire and I would say a special word of praise to them. I would also like Senators to know who they are, for during the last year alone they brought about more than $2 million of the cost reductions.

Mr. President, I ask unanimous consent to have printed in the RECORD, the names of these New Hampshire citizens and a brief description of the awards they so richly deserved.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

N. R. Turgeon, Somersworth, N.H.: Received a Navy certificate of merit from the Naval Ships Systems Command, Washington, D.C. Mr. Turgeon's principal cost reduction item resulted in the elimination of the scheduled procurement of 32 Sub Safe piping components for the USS TINOSA and the USS HADDO. In addition, he directed a review and analysis of the scheduled work on the main propulsion train of the USS TINOSA, USS HADDO, USS POLLACK and USS JACK which reduced or modified the requirements while still meeting overhaul objectives and directed a procedural modification which utilized naval personnel to accomplish the work of removing and replacing all deck coverings during submarine overhauls.

Robert W. Burton, New Castle, N.H.: For outstanding performance in administration and support to the PNSY Public Works Dept's Cost Reduction effort.

Michael A. Cyr, Somersworth, N.H.: For outstanding performance in administration and support to the PNSY Production Dept's Cost Reduction effort.

Clay B. Tucker, Exeter, N.H.: For outstanding performance in administration and support of the PNSY Cost Reduction effort in the PERA (SS) Dept. Mr. Tucker's efforts were a significant factor in the PERA (SS) achievement of 47.4% of the validated total shipyard savings.

Bernard L. Bergeron, Dover, N.H.: Improved installation of value hangers by utilization of asbestos tape thus eliminating slippage and misalignment.

J. A. Coellner, Hapton, N.H.: Reported a cost-saving action for the procurement of torpedo rammer control valves on a multi-ship-basis.

R. M. Grossman, Portsmouth, N.H.: Reported three cost-saving actions that resulted in a substantial reduction of Fleet Ballistic Missile Weapons information sheets sent to other activities and a tech spec modification which reduced the man-days required for engineering drawing preparation.

George W. Marston, Dover, N.H.: Eliminated duplicate inspection of material that was a direct delivery item to a production shop and modified inspection procedures to make them responsive to the value of the material.

W. J. Minnon, Jr., Exeter, N.H.: Reported two cost-saving actions involving the identification and utilization of surplus material.

Domenico DiBona, Dover, N.H.: In collaboration with James H. Pike III improved method of lagging pipe to facilitate location of valves and joints.

Roger A. Blouin, Newmarket, N.H.: Suggested a new technique for restoring undersized bearing seats on submarine auxiliary motor shafts eliminating the need for remachining.

Kenneth D. Lurvey, Portsmouth, N.H.: Took action to show that the use of aluminum-bronze nipples in a submarine's electronic fresh water cooling system were corrosion free; thereby eliminating the scheduled replacement purchase of 19 CRES nipples.

John K. Hall, Hampton, N.H.: Consolidated the review of Technical Repair Standards by individual shipyard and developed standardized tests for restoration of electric submarine motors.

Richard P. Millette, Hampton, N.H.: Recommended by the utilization of refurbished secondary propulsion motors thus avoiding the re-docking of two submarines at a late date; consolidated individual shipyard planning effort for refurbishment of complex submarine components.

Paul E. Moody, Hampton, N.H.: Had inspection requirements modified for submarine torpedo ejection pump cylinder heads and eliminated the necessity for removing the pumps.

P. W. Smith, Stratham, N.H.: In collaboration with C. S. Bilodeau reported two cost-saving actions which significantly reduced the amount of work involved in the development and issue of drawing and material ordering schedules.

A REQUEST FOR EXPLANATION

Mr. CHURCH. Mr. President, the recently concluded Executive agreement on extending our use of military bases in Spain has stirred misgiving among Members of the Senate. The Foreign Relations Committee has called for hearings at which administration spokesmen would appear before the committee and explain—perhaps "translate" would be a better word—the meaning of the executive agreement.

An editorial published in the Rexburg Idaho, Standard takes the same point of view. The editorial suggests that the Nixon administration "has not made a convincing case" that the accord be in form of an executive agreement, rather than a treaty subject to ratification by the Senate. The editorial state:

At very least, however, the administration should respond to the Foreign Relations Committee's promised demand that it explain, in public, and on the record, what the agreement involves.

I agree and ask unanimous consent that the editorial published August 11, 1970, under the title "The Agreement With Spain," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE AGREEMENT WITH SPAIN

There are strong arguments on both sides of the running controversy over presidential and senatorial power in the conduct of foreign affairs. Neither the administration or Chairman Fulbright and other members of the Senate Foreign Relations Committee have all truth by the tail in this many-faceted dispute.

Having noted this, we come down on the side of Fulbright and like-thinkers in the matter of the new military agreement with Spain. This extends for five years the U.S. right to air and naval bases in that country, in return for loans and grants which may total as much as 400 million dollars.

Such an arrangement, we believe, should have been made in the form of a treaty requiring the advice and consent of the Senate. It is not palatable that, instead, the extension is embodied in a mere executive agreement on the basis of prolonged negotiations in which the Senate played no part.

The administration maintains that no stated or implied commitment to defend Spain against attack is involved, and that therefore the agreement need not be in treaty form. This may be so, but the assurance is not wholly convincing. We think it significant that members of the Foreign Relations Committee have doubts on this point and others.

Sen. Frank Church of Idaho, for example, said he spoke for a majority of the committee in remarking, "I don't approve of secret deals with the Franco government, particularly of the kind that could involve us in a war." He further said, "I think the committee, the Senate and the people of the United States are entitled to know what this agreement is all about" and added: "Without question it (the executive agree-

ment) deals with a prolonged involvement in Spain of such importance that it ought to be the subject of a treaty."

The administration has not made a convincing case to the contrary. Now that the executive agreement has taken effect, perhaps the Senate will not be able to do anything about it. At very least, however, the administration should respond to the Foreign Relations Committee's promised demand that it "explain, in public and on the record, what the agreement involves."

Someone's figured that the U.S. population is shifting westward at the average rate of 58 feet a day. There just doesn't seem to be anything stable and certain about life anymore.

ARTICLE IN AMERICAN LEGION MAGAZINE CALLS FOR ALTERNATIVE HEALTH SYSTEMS

Mr. YARBOROUGH. Mr. President, one of the most significant problems our society faces is our health crisis. Too little has been proposed, and there has been too little discussion of the alternatives we must choose from to deliver improved health care to our citizens at a reasonable cost.

American Legion magazine for August, 1970, contains an article entitled "Better Medical Care at Less Cost is Possible," written by Roul Tunley. Because of the article's contribution to the discussions of improved health delivery and its relation to a national health plan, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BETTER MEDICAL CARE AT LESS COST IS POSSIBLE

(By Roul Tunley)

In the matter of medical care and doctors' bills, America's patients have been just that—*patient*. But at long last, after a generation of frustration, it looks as though relief were on the way. Better medical care at less cost is not only possible, but a small section of the American public has been enjoying it, almost unnoticed, for a quarter of a century.

Today, the medical situation has gotten so bad for the rest of us that all of a sudden more people are paying attention to those lucky few who are members of what are called "prepaid group practice" medical plans. Perhaps the rest of the long-suffering public, and doctors too, will join them in the near future.

For years we've been talking about doctor shortages, hospital shortages and inescapably high and rising costs. And as long as we talked, things just got worse. We concerned ourselves principally with how to pay the bill and argued about the need to socialize the *cost* of medicine—with sparks flying on all sides of the argument.

Now there is increasing evidence that the experts are beginning to realize what the rest of us have known for a long time—that the sickest thing around is the delivery of medical care. It's not so much the question of where to find the money as it is the costly and wasteful method by which we receive that health care.

Anyone who has had to wait three months to see a specialist, anyone who has waited two hours in a doctor's office *after* he got his appointment, anyone who's tried to persuade a physician to make a house call, anyone who's struggled to pay a medical bill which he thought was covered because he had insurance *knows* that something is wrong.

No one doubts that we have good medicine and fine doctors. But who wants to keep reading about miracle heart transplants when the business of affording regular shots for the kids seems more and more of a miracle? And who wants to renegotiate the mortgage just because a parent has had a longer hospital stay than Medicare allows? Especially when you know that right across the border in Canada no one has had to pay a hospital bill in ten years—or that about 5 million are already getting better care at less cost right here at home, with about 2 million of them in a primarily West Coast "group practice" plan that dates all the way back to WW2.

The trouble with the traditional practice of American medicine is not the medicine or the doctors. The trouble is the distribution and financing. Or rather the lack of any sensible system for either of them. And the results are health statistics that, compared with other countries, get worse all the time despite all those headlines about miracle drugs and operations.

For example, according to the latest United Nations survey, a boy in America today can expect a shorter life than a boy in 21 other countries, and it's not a great deal better for girls. If you're an American mother, you have a better chance of dying in childbirth than in 11 poorer nations. Moreover, our infant mortality gets worse each year. We were sixth among Western nations in 1950. Today we're down to 16th! And let no one tell you this is because the unfortunates in the ghettos "spoil" the statistics. Someone recently eliminated all minority groups and found we *still* had inferior ranking in infant mortality—10th! While other countries continue to increase their life spans, ours has stopped expanding and actually started to decrease for the first time in years. No wonder that at an international conference on health in Holland almost a decade ago an American heard his country described as "undeveloped."

No one spends more on medicine than we do. The proportion of our gross national product now going into medical care is the highest in the world—almost 7%, or $63 billion. Moreover, the rate of increase is such that, if it continues, it will reach the absurd point of absorbing *all* the gross national product by the next century. In other words, after doctors, hospitals and drugs are paid for there won't be anything left for food, clothing or shelter, to say nothing of education, defense or the salaries of politicians. And if comparative trends hold, we'll be even further behind other countries. Naturally it can't go on like this, and it doesn't have to. It has already been proved here and abroad that the problem is simply one of organization and *not* a shortage of doctors, hospitals or money. We are spending all the money on medicine that we need to spend. We have all the doctors and hospitals required to deliver the kind of health care we need. The main reason we don't *seem* to have such doctors and hospitals is because we are still stuck with an archaic, outgrown system—a curious anomaly for a nation that prides itself on its organizational genius in business, in science and in production generally. According to Harvard Medical Deal Dr. Robert H. Ebert, our doctors operate "one of the last of the pushcart industries." It's costly, inefficient and dangerous.

Because of a number of factors, but largely the opposition of organized medicine—which in its time has opposed everything from Blue Cross to Social Security—we are the only industrial nation in the world without some form of national health plan. And because we have been unwilling to solve our problems on a coordinated, nationwide scale, we are now trapped between the grinding millstones of skyrocketing costs and giant shortages in doctors, hospitals and facilities. President Nixon has rightly called it a "massive crisis."

The symptoms are everywhere:

1) Hospital costs have gone up 100% faster and doctors' fees 50% faster than the cost of living. By the end of this decade, experts predict hospital rooms will cost $400 to $600 a day.

2) In rural areas, there are thousands of communities that have no resident doctor. It is estimated that one out of 50 Americans cannot get a doctor under any circumstance.

3) City areas look better off on paper, but for vast segments of the population they might just as well be living in the Sahara as far as doctoring goes. New York, for example, has a high doctor ratio of one for every 360 citizens. Sections of Park Avenue seem to have nothing but doctors' offices on the ground floors, but there are ghetto areas where the ratio is worse than one doctor for 10,000 people. We're told we need 55,000 more doctors and 85,000 more hospital beds immediately. That's probably true if we stick with our present system, but meanwhile, the system isn't producing them.

4) Voluntary insurance leaves disastrous payment gaps. Although roughly 80% of Americans have some sort of medical insurance, it pays only a third of the total medical bill.

Faced with rapidly worsening conditions, medical watchers say we have a strong climate for change, and that we'll have some form of national health insurance within two to five years. In fact, a recent Harris poll indicated a majority for the first time (51%) favoring a Medicare-like plan for all ages.

"It's no longer a question of *whether* we'll have a national plan, but *when*," says. Rep. Martha Griffiths, of Michigan.

The air, especially in Washington, is thick with proposals.

But what sort of national health insurance? If it is to be just another way of paying the bills it won't get us very far. In fact, Dr. Sidney Garfield has been warning of disaster ahead if all we do is set up an assured bill-paying system for everybody under a federal plan. The present doctors and hospitals, with their archaic system, would be snowed under by a rush of patients who could afford good care for the first time in their lives. Nobody could cope with the rush, says Dr. Garfield, who set up the remarkably successful Kaiser "group practice" system on the West Coast back before WW2.

Most of the proponents of various national health insurance plans, except the American Medical Association and some (not all) insurance companies, are tuned in to Dr. Garfield. Their proposals for national health plans include some sort of reorganization of medical practice in line with the tested and proven "prepaid group practice" concepts that Dr. Garfield pioneered.

Although such practice is operating today in only about a dozen cities and involves no more than 5 million Americans, repeated studies have shown that the savings in cost, doctors and hospitals, as well as the achievements in health, are overwhelming. The basic idea is unbelievably simple. You pay your medical insurance premiums regularly to a medical group—and it then gives you whatever care you need. While there are all sorts of details, basically that's it!

If that seems just too simple to be an answer to the medical problems we're burdened with, let's look briefly at a couple of extreme cases of personal medical disaster, in and out of "group practice."

The Wall Street Journal of last May 7 featured the medical catastrophe of a Virginia Beach, Va., couple, John and Betty Baines. Their little daughter, Karen, was stung by a bee and developed nephrosis (a serious kidney malfunction). In one year and four days the costs came to $57,794, and Karen apparently needs four more years of the same if she's ever to be normal. The medical insurance ran out almost before care

had fairly begun, although the insurors bent over backward to pay all they could under the contract. The Baines' pediatrician, Dr. Harriett Guild, never even sent a bill. Baines said he wouldn't think her wrong if she charged $20,000 for the care she'd given Karen. Johns Hopkins University came up with some special funds to help the family out. Though John Baines is a top level executive in a large firm, he and his family are now strapped financially while the catastrophe stretches out farther ahead than behind.

Under a contract like Kaiser's, Karen's care would have been assured at no additional cost above the premiums Baines would have been paying regularly. The Baineses would not have gotten off scot free, because there were costs at home to readapt to Karen's predicament, but tens of thousands of dollars worth of care under the old system would simply have been given with no billing.

Let's look at a Kaiser patient in need of costly care. Mrs. Cathlyn Albanese, of San Diego, told—on a CBS telecast—what happened to her. "About Thanksgiving time," she said, "I had an operation at the Kaiser Hospital in San Diego and they discovered that I had cancer. They don't have the cobalt equipment in the Kaiser Hospital in San Diego. So they brought me to the Kaiser Hospital in Los Angeles. I was concerned because I thought it would be very expensive and I'd have to pay for an apartment and they told me, no, I didn't—that it was completely furnished at no cost to me at all. The apartment is one bedroom and it has two beds, and linens, and it's quite large for a one bedroom. We have maid service, and it's quite nice as you can see. My husband comes up on weekends and takes me home and then we come back on Monday, and Monday and Tuesday are his days off so he stays with me then and then he goes home. I'll be here for six to eight weeks, approximately 34 treatments. It's five-day a week—Monday through Friday—therapy The cobalt treatment won't cost me anything. It's all furnished with the plan."

But getting whatever care you need is only a small part of the story. The unique thing about prepaid group practice is that it has a built-in incentive for doctors *to keep patients well and to hold costs down*. Other plans like Medicare, Medicaid, Blue Cross-Blue Shield and private insurance schemes merely pay bills (or part of them) *after* they've been incurred. Under these plans there's no real incentive for doctors either to save money or to keep people well by practicing preventive medicine, while there is an incentive to run up the bills. For this reason, prepaid group practice has been called "health insurance" and, by contrast, all other forms "sickness insurance."

Let's see how this works by taking a look at the largest, and possibly the best, of the country's group practices—the famous Kaiser Plan.

Starting back in the Depression, California's Dr. Garfield conceived the idea of giving total medical care for a fixed fee to Kaiser workers on the Colorado River project. The idea was adopted for all of Henry J. Kaiser's shipyard workers during WW2. After the war, when most of the workers had gone home, the rolls were opened to the general community. From 9,000 members in 1945, the Kaiser Plan has grown to 2 million today, embracing all income levels from gas station attendants to university presidents. Having its own doctors, hospitals and outpatient clinics, the plan grows steadily at the rate of about 10% a year. It could grow faster if hospitals could be built and doctors enrolled more quickly. Moreover, it's operated along strictly business lines. The plan, except for one minor instance, has never accepted a penny of government support and has never launched any community drive for funds.

"We're incredibly capitalistic," remarked a Kaiser spokesman recently. "You can't tell our board meetings from General Motors', except the product is different."

Kaiser doctors have absolute control in medical matters. And they are never inhibited in choosing a course of treatment by uncertainty over whether the patient can afford to pay. They know it will cost him nothing more than he has already paid. They also have free choice of patient, just as the latter has free choice of doctor. When members are first enrolled, they are given a fairly long list of doctors in the group from whom they choose a "family" physician, either an internist or a general practitioner. Some keep him for years; others change. When they need a specialist, they are referred to a Kaiser consultant by their "family" doctor. If they need hospitalization, they get it promptly. The only extra charge is $1 or $2 for an office call, just to keep the patients from dropping in to waste time.

Dr. Garfield described the Kaiser plan in a recent issue of Scientific American as follows:

"Since 1945 the plan has grown of its own impetus, without advertising, to its present size: more than 2 million subscribers served by outpatient centers, 51 clinics and 22 hospitals in California, Oregon, Washington and Hawaii and in Cleveland and Denver. The plan provides comprehensive care at an annual cost of $100 per capita, which is approximately two-thirds the cost of comparable care in most parts of the country.

"The plan is completely self-sustaining. Physical facilities and equipment worth $267 million have been financed by health-plan income and bank loans (except for gifts and loans to the extent of about 2%). The plan income provides funds for teaching, training and research and pays competitive incomes to 2,000 physicians and 13,000 non-physician employees."

For your $100 a year you get the medical care you need. There's no complex contract putting elaborate fences around what's covered.

Kaiser costs have gone up less than half as fast as general medical costs, largely because of its unique, cost-conscious structure. For example, each year Kaiser doctors negotiate a contract with the plan. In return for a fixed sum of money, they agree to give complete care, including hospital but excepting some things like dental care, to all members. If any money is left over at the end of the year—and it always is—the funds are divided as a bonus among the physicians, in addition to their regular salaries. Doctors at Kaiser currently average about $36,000 a year, although some range up to $60,000. These figures, plus regular hours, paid vacations and generous pensions are enough to attract top physicians.

There is another factor working toward superior doctors. Since sloppy medical care can lead to expensive treatment and long hospitalization, both of which affect year-end bonuses, Kaiser doctors choose their colleagues with extreme care. New physicans serve a probationary period. If they prove incompetent, wasteful or too prone to surgery, they are dropped. In this way, doctor quality remains high.

So does patient care. Members are urged to have routine checkups, Pap smears, electrocardiograms, shots and all the other safeguards of modern medicine. Since there is only a minimum financial barrier to office visits, symptoms are unlikely to run on without being checked. With no incentive for unnecessary surgery, Kaiser members have only half as many operations as those with comparable coverage in Blue Cross-Blue Shield or private indemnity plans which do not have such effective roadblocks against useless surgery. Moreover, many diagnostic procedure (x-rays, etc.) which people go to hospitals for because that's the only way to get the bills paid under their hospital insurance, are handled in ambulatory, outpatient clinics at Kaiser. The result of all this is that Kaiser patients spend only half as much time in hospitals as those with the other plans. Thus hospital care, the most fantastically expensive item in the whole health package, is kept to a minimum—something that the government operators of Medicare and Medicaid envy and would like to emulate.

Kaiser's success in keeping costs down and care up is probably the best in the country. But other prepaid group practices around the country are doing well. New York City's Health Insurance Plan, for example, is the second largest in the country (770,000 members), and it has been giving better-than-average care at less-than-average prices for several decades. Despite the handicaps of not owning its own hospitals (like Kaiser) and not being as fully organized, its records in infant and maternal mortality are considerably better than the rest of the city, even those using private, fee-for-service practitioners.

The improvement that systematic, group medicine can bring to people was dramatically demonstrated several years ago when H.I.P. agreed to enroll half the city's Medicare patients on old-age assistance, i.e. 13,000 persons. This gave researchers a chance to compare these people with the other 13,000 outside H.I.P. After the first year, the record showed no difference in mortality. But after the second year, when H.I.P. care had a chance to make itself felt, the group's Medicare patients showed *14% less mortality than the others.*

Since the success of group practice depends largely on attracting and holding good doctors, care is taken not to waste their time and skills in doing things that can be done by less highly-trained assistants. For example, group optometrists (vision testers and eyeglass prescribers) do routine eye exams and refractions. Scarce ophthalmologists (eye physicians) are thus saved for disease and surgery. With children, nurses take histories, weights and measurements, give injections and do other things that do not require the attention of busy baby doctors. Moreover, automated, multiphasic health testing is often used to save time in checkups, and there's a liberal use of nutritionists, health educators, social workers, psychiatric assistants and other non-doctor medical technicians whenever possible.

Best of all for the patient, group medicine is practiced in a fishbowl. Doctors are always looking over doctors' shoulders so that, unlike private practice, shoddy medicine and downright mistakes cannot be hidden. A Columbia University study, made for the New York Teamsters Union, once found that as high as 33% of hysterectomies are unnecessary. And in a study of the care of federal employees, group practice's hysterectomy and appendectomy rate was only half what it was among those covered by Blue Shield. Tonsillectomies were only a quarter as many.

In spite of the excellent record of prepaid group practice in providing quality medicine at lower cost, however, and despite the fact that every study examining it has ended with its recommendation, progress has been slow. Largely this is because of the determined opposition of organized medicine, often at the lower level, which has looked upon any change in traditional methods as a threat. Even today there are 17 states which still have restrictive laws called "Blue Shield Acts" which prohibit group practices like Kaiser from operating.

Despite this opposition, the enthusiasm for group practice has never been higher. "This is because those who are chiefly concerned with national health are worried, and as they look around, the only thing they see on the horizon that works is group practice," says Louis J. Segadelli, of the Group Health Association of America.

In any event, almost all medical planners are making group methods a part of their proposals. The Administration is encouraging such groups, private insurance companies are starting them, even Blue Cross is involved in setting up several. In addition to the 12 cities with established plans (San Francisco, Los Angeles, Honolulu, Seattle, Portland, Denver, St. Paul, Cleveland, Detroit, Washington, Philadelphia and New York), new ones have recently been inaugurated in Cambridge, Mass.; New Haven, Conn., and Columbia, Md. Other plans are being readied for Providence, Nashville, Cincinnati, Newark, Pittsburgh and Phoenix. And the Group Health Association has just received a government grant from the Public Health Service to set up 18 more across the land.

Interestingly enough, even the most loosely-structured groups, hastily thrown together and without the careful planning of a Kaiser, seem able to achieve better-than-average results.

Not long ago, for example, the state of California contracted with the regular medical society in the San Joaquin valley to give all necessary care to those eligible for Medicaid. It turned over to the society those funds that the state planned to spend that year. The doctor members knew that if bills got out of hand, if one practitioner got a lion's share, or if someone had an expensive illness as a result of incompetent treatment the others would have to pay for it. Consequently, they set up a review board to police the quality of care, using computers to spot deviations from the norm.

The result was that even though doctors were paid on the traditional fee-for-service basis, they not only managed to treat all who came to them but even had $200,000 left over at the end of the year which they returned to a startled state finance department.

The San Joaquin experiment was important in that it encouraged national health planners to insist we don't have to wait until the entire nation develops group practice before we embark on a universal scheme. We can, they say, contract with almost any group of doctors—medical society, hospital, school, even those linked by nothing more solid than being in the same "medical arts" building.

They also insist that with medicine organized on a group basis, the country has all the doctors and hospitals it needs, and that present shortages are artificial, induced by a wasteful and inefficient non-system.

There is plenty of evidence to support this argument.

For example, it has been repeatedly established by outside survey that Kaiser gives as good or better care than is generally available by using a doctor ratio of one per 1,100 patients. Group practices as a whole average one per 1,000. On this basis, we'd need only 200,000 doctors to care for *every* man, woman and child in the United States. Since we have between 275,000 and 300,000 physicians practicing at the moment, there would be plenty of physicians left over for research, teaching, administration or just practicing privately if that was what they wanted.

As for hospitals, we now have 3.9 beds per 1,000 people for the country as a whole. We are told this is not nearly enough. Yet Kaiser manages to meet *all* the hospital needs of its 2 million members with a ratio of only 1.7 beds per 1,000, *less than half the national average*. On this basis, we have far more beds than we need.

Certainly some sort of organization is needed to prevent hospitals from acting like jealous little empire-builders, acquiring expensive equipment for status purposes rather than for the community's needs. Moreover, through charity drives they're constantly asking citizens . . .

In Denver, for example, there are four hospitals within a five-block area all of which have costly cobalt radiation treatment centers. Since these are used less than 50% of the time, the duplication not only wastes money but the medical talent to staff them as well.

In New York City, there are 18 open-heart surgery teams in 18 different hospitals. Yet nine of them do 90% of all the operations. This is not only a misuse of one of the costliest services in medicine but a dangerous one as well. For, unless such a team performs at least one operation a week, its statistical chance of success has proven to be poor.

Since this kind of medical extravagance would come out of doctors' pockets at Kaiser and other groups, such duplication of costly skills and equipment is virtually unknown.

All in all, the record of prepaid group practice has convinced the experts that the old methods of practice are not good enough. The group way is less costly and more productive of good health. The old charge of organized medicine that group practice is "assembly-line" medicine no longer seems valid. On the contrary, people are realizing that just the opposite is true. For, group doctors, freed from having to worry about whether a patient can afford it, are able to practice "purer" medicine. They also are finding, incidentally, that they can earn more money than in private practice—and have decent hours, too. On balance, prepaid group practice appears to many doctors to be less radical than our present Medicaid system in which the poor run up bills of varying amounts to be paid by the government.

"It's the only effective answer to socialized medicine," says Dr. J. Fenimore Cooper, one of Kaiser's top specialists, who feels that the profession should rally round the prepaid system.

Indeed, what is more American and less socialistic than accepting a private job at an agreed wage, price or salary scale? That's how almost everyone else works.

Certainly, with costs going through the roof and with medical care being priced out of the reach of even the middle class, few planners see much sense in just pouring more and more money into the old, leaky system in which more and more people bid for the services of too few doctors and facilities and drive prices even higher. The feeling is that what we need now is a drastic overhaul of the way medical care is delivered, not just more oil.

With all our medical problems, one might expect an air of pessimism. We're spending more than anyone else and not getting as good results. But the opposite is true: medical reformers today exhibit an air of optimism that is almost heady. Precisely because we *have* reached such a low point, they say, and because the achievements of group practice are so heartening, we have a better chance now than ever before of getting the kind of national health plan that will provide America with the quality of care we can not only afford but have long been capable of delivering, namely, the best in the world. And this time they feel it will have built into it that philosophy that Americans have learned the hard way: it's cheaper to *keep* people well than to *make* them well!

THE REAL SOVIET PLOY IN THE MIDDLE EAST

Mr. GOLDWATER. Mr. President, during the course of debate on the military authorization bill, we have heard remarks from several Senators, particularly those who serve on the Foreign Relations Committee, relative to the situation in the Middle East. I cannot recall, however, ever hearing any of these Senators discuss what should be obvious to every Senator, the real Soviet ploy in the Middle East. I think it should be obvious to any student of foreign affairs that the Soviets are not there to help the Egyptians; they are there to gain control of the Suez Canal either by force or by requiring Nasser to recognize this control in return for helping them against the Israelis.

The central question as many of us see it is whether we should face up to the Soviet challenge now or wait a few years, when our strategic situation will have deteriorated to nothing.

One of my best sources for information on this ticklish part of the world has always been Dr. William R. Kintner of the Foreign Policy Research Institute of the University of Pennsylvania. He has written a paper which I think every Senator should read. The paper is entitled "The Soviet Orchestration of the Middle East Crisis." I ask unanimous consent that it be printed in the RECORD.

There being no objection, the paper was ordered to be printed in the RECORD, as follows:

THE SOVIET ORCHESTRATION OF THE MIDDLE EAST CRISIS

PRELUDE

The Soviet Union has designedly transformed the Arab-Israeli conflict into an adroit campaign to upset the world balance of power. Yet Washington appears to act as if the Arab-Israeli dispute still overshadows the emerging test of will and power between the Soviet Union and the United States.

Soviet offensive strategy in the Middle East has been masked under the cover of providing Egypt assistance in defending the West Bank of the Suez Canal. Its ultimate purpose is to force Israeli withdrawal from the Canal's East Bank. If this maneuver succeeds, the tenuous balance of power that now exists in the Middle East will be shattered beyond repair. If the scheme is to be checked the United States may be confronted with what an Eastern European diplomat has described as a Cuban Missile Crisis in reverse with momentous consequences for all mankind.

Soviet policy in the Middle East since 1967 has been persistent and logical. By supporting the Arab position morally, militarily, and politically the Soviet government has eliminated any American overtures to the Arabs which do not compromise the Israeli bargaining position. From Mr. Nasser's viewpoint, Soviet help served to keep him afloat until the U.S. (the only power sufficient to pressure the Israelis) weighed its interests against Soviet influence and found the Israelis not worth the cost. If the Soviets could obtain sufficient credit for the results, then Soviet positions would be ratified and Egypt could resume her "neutrality." Moscow need be relied upon rigidly only long enough to detach or isolate the U.S. and Israel.

The Soviet government, which conducts a Great Power policy, understands better than the Egyptian government that Egyptian "neutrality" after such a Soviet triumph would be imaginary. In this respect, although there is a distinction between Mr. Nasser's wishes and Mr. Brezhnev's object, there is no difference in the end. The Soviets are perfectly agreeable to detaching the Israelis and pressuring the Americans. As for Nasser's waning independence, the Soviets

would at least save Nasser from his worst enemy: himself.

As for the U.S., the Nixon Administration decided that a show of detachment from Israeli policy might restore American influence in Arabia, while incidentally enabling the Soviet government to detach herself from the Arab states. Then the two powers could negotiate a settlement. This was the rationale for the Rogers Plan. The plan itself proposed that the Israelis withdraw to "negotiated and secure" boundaries in exchange for "binding" Arab commitments to peace. In any case, the new boundaries might involve only "insubstantial adjustments" in territory. While peace and security were thus established, the refugees and status of Jerusalem could be settled. The refugees would be either paid off or repatriated to pre-June 1967 Israel, since the West Bank must be returned to Jordan. Jerusalem should be administered in light of "its international character."

By proffering the plan in the Four-Power talks without reference to the immediate situation in the Middle East, the United States spared the Soviet Union a nasty wicket. Working against time, Mr. Nasser had convinced himself that he could not await the deliberations of the Four-Power gentlemen in New York and survive. Palestinian guerrillas were active already on other fronts. Occasional artillery barrages along the Canal Zone were not enough to return Nasser to the forefront of Israel's opponents. In April 1969, the Egyptian government proclaimed the end of the cease-fire. The Egyptian Army opened an artillery offensive. Despite testimony of U.N. observers that Mr. Nasser was not whistling when he took this responsibility, *neither the U.N. nor the Western powers did anything.* Nor were Four-Power talks made contingent upon the official cessation of hostilities. In short, the war resumed, *while the diplomats behaved as if they were considering peace.*

Since a great weight of Soviet-supplied artillery had to be used against the entrenched Israeli positions on the East Bank of the Suez Canal to make Nasser's War of Attrition effective, the Soviets must have been astonished to receive an American peace plan, which not only required the resurrection of Hussein—whose position had become almost hopeless between the guerrillas and the Israeli Army—but necessitated a Soviet-American condominium to work. Was it not evident that the U.S. feared to be alone with Israel, and wished to avoid any clear choice between Israel and Arabia—hence its "neutrality?"

The Soviet government might have accepted the Rogers Plan at once if both powers had arrived at it through a joint communiqué. However, with no pressure about the cease-fire violations, and the spirit of compromise in the Rogers Plan, why should the Soviet government allow advantage to the U.S.? Would Mr. Brezhnev compel the Arabs to abandon their 1967 Khartoum summit conference position of no negotiation, no recognition and no concession, for the sake of restoring American influence with the Arabs? Should the Soviet Union pay for a détente in the Middle East with the compromise of its clients?

The Soviets thus had proof, buttressed further by the delayed Phantom jet affair, that their initial premises were correct. American policy would not stand on Israel alone for fear of jeopardizing U.S.-Arabian interests. At the same time, the U.S. would not contest Egyptian renewal of the war, so long as the Soviets were not "directly" involved.

Mr. Nasser's game, in turn, became easier. He had only to proclaim the dawn of coming Arab victories. When the inevitable Israeli retaliation embarrassed these proclamations, he had only to threaten the Soviets that he might be "lost" without fresh evidence of their support—artillery, missiles, and eventually Migs, all of which had to be Russian manned or directed if they were to be effective.

The Israeli government, a quaking coalition unable to decide minimum or maximum terms, settled upon a diplomacy fit for the least likely situation: both victor and defeated should sit together, bargaining out the oddballs in either camp. The only acts Mrs. Meir's government seemed able to countenance were inertia, and meeting force with force. The last policy went seriously awry when Israeli bombing in Central Egypt provided the justification for Russian pilots and SAM–3 defenses.

While the Soviets have helped to isolate Israel and the U.S. by simple intransigence, they have chosen physical involvement to save Nasser from himself. The only risk they face lies precisely in the last point. Prestige has its inertia, too. As Dean Acheson wrote: "Prestige is but the shadow of power." Mr. Nasser's prestige and Soviet power are now entwined.

INTERLUDE

It has been held that fear of confrontation prevents either major power from unilateral intervention with its own forces in the Middle East. This thesis derives from the same simple logic sustaining the détente. The U.S. and USSR are equal in their capacity for mutual nuclear destruction. Serious confrontations in exciting circumstances change this devastation. These confrontations are therefore to be mitigated or avoided. But the notion of détente is also based on the willingness of one power to meet the other should the challenge be presented. The spirit of détente is devoted to eliminating these "challenges."

Thus, détente in the Middle East rests upon a willingness of one power to meet an intervention of another power with its own, and the fear of both powers regarding the ensuing confrontation. Should either the U.S. or the USSR conclude the other unwilling to meet such an intervention, then the fear of confrontation sustaining the logic of détente recedes or disappears.

To avoid such a test, Secretary of State Rogers launched a fresh diplomatic initiative in June to stop the fighting along the Suez Canal. There were two main specifications in "the American initiative." The first called for a 90-day temporary cease-fire. The second asked for all parties to negotiate through Mr. Jarring on the U.N. resolution, as interpreted by Mr. Rogers in his original approach. This overture sustained Soviet and Arab assumptions. For if it were true that the U.S. feared "confrontation" with the Soviet Union, and feared isolation with Israel for its oil and strategic interests, then U.S. policy could be expected to take two directions. First, the United States would wish to avoid or lessen the chance of confrontation. Second, the Israelies must be pressed for some concessions, while at the same time the U.S. publicly refrains from dispatching military supplies.

In a televised appearance on July 12, 1970, Undersecretary of State Joseph Sisco confirmed these impressions. The purpose of *not* announcing a sale of U.S. jets was twofold: (1) not to "provoke" further "destabilizing" maneuvers by the Soviet Union or the Arabs, and (2) to make the Israelis more amenable to the Rogers initiative.

In late June and early July, President Nixon evidently decided the situation was approaching a confrontation. In his press discussion of July 1, and in subsequent briefings, Mr. Nixon and his staff issued sternly phrased warnings to the Soviet Union. The U.S. would do what was "necessary," even into confrontation.

Unfortunately, these solemnities confused rather than clarified our position. The Secretary of State and his Undersecretary persisted in regarding the Soviet missiles as "defensive."[1] While Mr. Sisco admitted that recently arrived armored amphibious craft were "offensive" weapons, his diplomacy attempted simultaneously to avoid confrontation by proposing solutions chiefly deleterious to the Israeli position. Having been emptied of significance by the diplomacy of his own government, Mr. Nixon's gestures were rewarded by amphibious craft, SAM–3 installations and on July 26–27, Soviet pilots battling the Israelis in the Canal Zone.

At this point, both the Secretary General of the U.N. and unnamed diplomats declared that Moscow had submitted a "substantial" improvement in the Soviet peace plan. The improvement seems to be a requirement that the Arabs declare more than simple nonbelligerency as their recognition of Israel. For this document, the Israelis are to return to the geography of 1967, and the demography of 1947, loaded with verbal security guarantees enforceable only by the Soviet Union's influence over the Arabs. One suspects the "substantial improvements" resides in the realm of desire.

In conclusion then, Soviet orchestration of the Middle East crises has proceeded against the détente thesis. Extension of Soviet air and missile power indicates that they no longer fear the chancy confrontation which sustains the détente concept. The Soviet game is to destroy our political position in the Middle East by undermining the State of Israel, with inevitable repercussions upon the security of Western Europe.

The next 90 days: finale?

Acceptance on August 8th of the Rogers 90-day cease-fire in the Middle East has inspired a wave of euphoric anticipation towards a Middle East settlement. At last the shooting would stop and the talking would start.

On July 24, 1970, President Nasser accepted the American peace initiative. Addressing the Arab Socialist Union National Congress, Nasser explained that this "initiative" was in fact "no more than a procedural process." According to Nasser, this maneuver was in response to Nasser's own May Day speech stressing that a cease-fire must be connected to total Israeli withdrawal from occupied territories. Indeed, Mr. Nasser declared, he had only broken the original cease-fire and begun the "War of Attrition" because Israel would not accede to the U.N. resolution of November 1967, which provided for total withdrawal from "all occupied territories." The basis for this interpretation, Mr. Nasser explained, was the preamble to the resolution: "the inadmissibility of the acquisition of territory by war. . . ." Secretary Rogers had proposed (June 19) that the cease-fire be reestablished for 3 months, and discussions engaged between the parties on the basis of the resolution; the Egyptian government accepted this proposal, according to its interpretation of the resolution.

Mr. Nasser thus employed the diplomatic language peculiar to the Middle East. He accepted the cease-fire initiative as a procedural matter, but only if it issued in a substantive result: negotiations on the basis of complete Israeli withdrawal * * *.

The Jordanian government soon followed

[1] NOTE.—The missiles are supposedly defending Mr. Nasser's political perch against the demoralizing deep penetration raids, and are thus merely a "protective reaction" against Israeli initiative. It is alarming to hear such nonsense from high persons. The Israeli raids, in the pattern of all air forces mesmerized by "strategic bombing," inspired new support for Mr. Nasser when the inevitable civilians were killed. Despite their unwisdom, the raids began in response to the *War of Attrition* in the Canal Zone, proudly and unilaterally declared by Nasser himself. That initiative was made possible by Russian artillery pieces.

suit, although King Hussein had never declared a War of Attrition. Here again, the other main Arab demand besides withdrawal was stressed. Jordan would observe the cease-fire, but the justice of the Palestinian Cause could not be constrained: the guerrillas would continue their operations.

In accepting the Roger's Initiative, Mr. Nasser took a considerable gamble. The Algerian, Syrian and Iraqui governments—the latter with 12,000 troops in Jordan—denounced Nasser bitterly. The Palestine Guerrilla outfits swore to sabotage the cease-fire, regarding the Egyptian move as a betrayal. Mr. Nasser, in brief, staked the prestige of his claim to Arab leadership on his acceptance, for if something should come of the negotiations, he must enforce his part of the bargain. And if the result involves recognition of any State of Israel, Nasser and Hussein will be separated from the three States mentioned, not to speak of the moral consequences to his leadership claim. This is an expensive prospect for a man of Mr. Nasser's sensibilities.

After much hesitation and maneuvering, better publicized than Mr. Nasser's five-week delay on the Rogers proposal, the Israeli government also accepted the proposal. On August 14, the *New York Times* published an Israeli release of Truce Accord, signed by Israel and the U.A.R. There are two important additions to the normal criteria of a cease-fire, that is, absence of shooting. First, "both sides will refrain from changing the military status quo extending 50 kilometers to the east and the west of the cease-fire line." Maintenance of facilities is permitted: *new facilities* are prohibited. Second, verification shall be primarily by the national means of the parties.

In the same article, the Israelis let it be known that the United States and the Soviet Union were also monitoring the situation through spy devices, and that previous to the ceasefire, the U.S. had given categorical assurances regarding the enforcement of these clauses, assurances only possible if the Soviet Union itself had transmitted its responsibility for Egyptian observance of the bargain.

The Israelis have also taken great chances in accepting the initiative. Their chances are not in the realm of claims to leadership. Should the U.A.R. break the first of the qualifying clauses to the cease-fire, Israel would consider three paths. She could publicize the violations and complain to the U.N. and the U.S. as foreseen in the acceptance text. She could refuse the peace talks or bomb the new installations if the U.S. and U.N. and USSR did not get the U.A.R. to remove the violations. She could continue the "negotiations" and do nothing.

In all of these cases, the initiative for discussion would be throttled by either one of the parties, or by the U.S. or Soviet Union in their respective roles as guarantors for local behavior.

What do the Great Powers stand to gain or lose from the next ninety days, that is, by talking instead of shooting? To comprehend this question, we must engage in the most necessary and risky analysis, the meaning of recent events, specifically the War of Attrition.

What did the War of Attrition accomplish? For one thing, as President Nasser said, the Egyptian government refused to accept the status quo. It is easy to see that the status quo, with diminishing hopes of either political or military changes, should have doomed Nasser himself. For the status quo registered as "final" the most momentous defeat in modern Egyptian history.

Even more importantly, from the Soviet point of view, the status quo symbolized Moscow's impotency in aiding her clients during the Six-Day War. The Soviet Union could hardly be expected to tolerate such circumstances. Finally, the United States for reason of financial and political stakes, could hardly allow herself to remain in near total isolation from most of the Arab states.

The routes taken by each of the parties concerned to alter the status quo is instructive. The Soviet Union rearmed the Arabs. The Arabs refused to negotiate or concede the existence of Israel. The Western Powers divided their efforts into diplomatic overtones, and sporadic arms agreements, with the French concentration on the Arabs, and the United States on both sides.

The crucial point in these different routes lay in the attitudes of the Great Powers. The Soviet Government promoted the Four-Power and Two-Power discussions, and clung closely to the Arab position. The United States, after the Nixon Administration took office, produced the more "even-handed" approach of the Rogers Proposals. In these plans, peace could be secured by an exchange of almost all Israeli occupied territory (with "insubstantial exceptions") for declarations of recognition and security for Israel by the Arab States. Plainly, such proposals required the collusion of the Soviet Union in enforcing the settlement. For these good reasons, the Arabs and Soviets initially turned them down.

The "War of Attrition," however, comprised more than merely diplomatic discussion. Egyptian bombardment of Israel's Suez Canal positions was enabled by Soviet artillery. When the Israelis tired of steady losses and replied with flying artillery, Egyptian military weakness stood exposed. Mr. Nasser could have no diplomatic chances if he had no military chances. The Soviet government then had a critical choice. Since the Egyptians could not maintain any military position on their own, would the United States tolerate more direct Soviet intervention?

The answer to this question also involves the question of détente. Fear of direct confrontation sustains the concept. But under *conditions of parity*, it is logical to presume that conventional faits accomplis can hardly be reversed by threats of mutual suicide.

According to Soviet diplomats, the Middle East "talking" now in prospect is the consequence of the Middle East "shooting" of the War of Attrition. Mr. Nasser is now "strong enough" to negotiate because the Israeli military advantage has been worn away by Soviet military intervention. And the United States is now less "pro-Israeli," as evidenced by the stalled Phantom deliveries. According to other Soviet spokesmen, direct confrontation can now be avoided by defining carefully what constitutes cause for confrontation.

These propositions were embodied practically by the appearance of Soviet-piloted planes and SAM sites—with high and low altitude capability—in the Canal Zone. The aircraft were supposedly "out of bounds"; the SAM's were not. Hence, the Soviet Union was merely "defending" Egypt and President Nasser by giving her the means to wage the War of Attrition preparatory to a political settlement which would restore the pre-1967 Egyptian political position.

There is one difficulty with this version of events. Why did Soviet jets engage Israeli planes twice in late July over the southern Canal Zone,[2] immediately after President Nasser accepted the Rogers Proposal? Was this to be a further "incentive" for the Israelis to accept the initiative? And if so, could not the War of Attrition be simply extended by degrees to force the Israelis into diplomatic defeat before she suffered military defeat through loss of air superiority?

One might surmise that Mr. Nixon's strong remarks on July 1, regarding American willingness to "do what is necessary" in the Middle East would thwart the Soviet plan. In a security briefing on June 26 (published by the *Jerusalem Post*), the White House staffer recognized that the "expulsion" of Soviet troops was a primary desire of American policy. The U.S. thus recognized that Soviet diplomacy was pursuing an inflexible position while improving the military situation sustaining that position. Shy of threatening "mutual suicide," the U.S. could only aid Israel with equipment. Unfortunately, the Nixon Administration compromised this card by delay in the name of possible damage to negotiations and Arab interests. In fact, the delay and its explanation place the U.S. dilemma in sharper focus than ever before. For the Administration has taken upon itself an obligation to review, judge and act directly upon any threat to Israeli security. When and if the U.S. should do such a thing, as Mr. Nasser stated in his May Day threats, the Arabs would see clearly that the Israelis were imperialist puppets and the U.S. directly inimical to all Arabia.

Thus, the War of Attrition demonstrated that the Arab military position could be dramatically improved by direct Soviet military intervention in the face of American displeasure. Was it therefore not entirely to the advantage of Israel to get into diplomatic discussions before it suffered military defeat with fatal consequences for its future independence? Was it not sensible for the Americans to develop a diplomatic position much more amenable to the Arab demands lest it suffer fatal political consequences upon an Israeli military defeat? Could Mr. Nixon's remarks be taken very seriously, if they were combined with the Rogers cease-fire initiative, an activity with great military risk for the Israelis?

Thus, whatever Mr. Nasser's desires for military triumph, the Rogers initiative *as a procedure* was a convincing demonstration of Soviet prowess. Since the nuclear threat is not credible, and the Phantom supply now represents a confession of diplomatic disaster for the U.S. in the Arab world, the Soviet Union can and is exploiting American fears to produce a favorable settlement.

During the next ninety days, the U.S. faces the following possibilities. The Soviet Union's assurances of the status quo on the Canal Zone will prove worthless; the Israelis have complained that SAM missiles are already moving into the Canal Zone. This is merely a repetition of the same tactic employed in the War of Attrition. Will the United States therefore abandon a "procedure" while the Soviet side unilaterally alters the "substantive" military circumstances? If the U.S. does not secure Soviet compliance, the U.S. then faces the same circumstances of impotency she had in late July, save that the Israeli air force's accomplishments of the last three months in denying amphibious capability to the Egyptian army will have been lost. Then it will be even easier to favor a settlement on Soviet terms, even if those terms insure the Soviet Union as arbiter and guarantor of the Middle East. As for Israel, any formula for returning her to the military position of 1967 and the demographic position of 1947, even with declarations of non-belligerency, are equations for her ruin.

The noxious dispute now surrounding Israeli charges of truce violations in the movement of Soviet missiles is an ominous sign. On Sunday, August 16, Secretary Laird (as reported in the *New York Times* of August 17) delared it was impossible to ascertain any violations within the first twenty-four hours, because U.S. intelligence procedures were not completely in track.

Secretary Laird added, however, that the important thing was to begin negotiations, rather than quibble over violations. Meanwhile, the Israelis charge another missile movement occurred on August 13. Foreign Minister Eban has complained that all bene-

[2] Joseph Alsop, "M.E. Ceasefire Was Preceded by Soviet-Israel Aerial Dogfight," Philadelphia *Bulletin*, Tuesday, August 11, 1970; July 25 and 27 were the battle dates.

fit of doubt was being extended to the Arabs and none to the Israelis. According to Mr. Eban, continuance of the talks, while the cease-fire was being "mocked" by the U.A.R. and the Soviet Union, undermined all confidence in the value of signed commitments with these states. In Washington, however, high officials were described as "very irked" with the Israeli position. Marvin Kalb reported for CBS on August 17 that the charges had not even been raised with the Soviet Union, and not "seriously with the U.A.R." The U.A.R. has not bothered to comment on the changes at all.

If Secretary Laird's remarks are official policy, then the "inertia" of peace-talks will overcome the cease-fire guarantees. The consequence of this inertia is a new version of the War of Attrition. Should the "talks" not be settled on Arab or Soviet terms, (the Egyptian government, in the inimitable form of Husaynen Haikal, Abdel Nasser's confidant, have reiterated strongly that their policy is still on the Khartoum formula), then the prospects are Israeli military defeat by Soviet intervention.

Continued American acceptance of the War of Attrition strategy will thus lead straight to military and diplomatic catastrophe. The "impression of ascendancy" by the Soviet Union, and the "impression of descendancy" by the United States would be given a general credence with global repercussion. One term or the other, the diplomatic position of the Soviet government and the Arabs on substantive matters, or Soviet military intervention, must be altered. Otherwise the meaning of détente will be Soviet diplomatic superiority.

The Israelis cannot be expected to allow their security to wash away in American misunderstanding of the stakes. They may attempt a maneuver as desperate as 1967, probably at the Southern sector of the Canal, where a good tank road leads to Cairo, and a swing movement against the Egyptian Army at the central and northern sectors, while they have still got air cover. It is no coincidence that Soviet pilots have engaged them in this area.

A new Middle East war caused by Israeli desperation with inevitable Russian participation must signify the death of the détente.

Should the Israelis lose, will it not be too late to speak of "power balances" in the Middle East? Will both the impression and fact of ascendancy thus established by the Soviet Union not erode the rest of our Middle East position, as regimes rally to the victors? And what will happen to the cherished détente, the foundation of possible improvements with the Soviet Union?

But a Middle East war will be disastrous to everyone—to Israel, to the Arabs, to the United States, to Western Europe, and to the Soviet Union. The immensity of the booty at stake in the Middle East must sorely tempt the Kremlin leaders. The Soviet and Egyptian governments can only be encouraged into new escapades by unmistakable revelation of American weakness. If this progression is not reversed, the confrontation recognized; the Soviet Union faced straight-away with prospects of American invention. then we shall have neither safety nor relief. Sir Winston Churchill said: "There is nothing the Soviet government respects more than strength and nothing they despise more than weakness." The moment for concessionary proposals to those who never concede has passed. The perilous moment for action against those who are testing us has arrived.

At this eleventh hour the United States must communicate convincingly to the Soviet Union its determination that the basis of détente, the fear of mutual confrontation, will not be abrogated unilaterally in the Middle East. To forestall the death of the détente and the success of the War of Attrition during the next 90 days, the U.S. must regard any refusal to abide by the cease-fire guarantees as the end of the cease-fire, and cause for dispatching Phantoms to Israel.

AN IDAHO LUMBERMAN COMMENTS ON THE NEEDS OF THE FOREST SERVICE

Mr. CHURCH. Mr. President, Theodore "Ted" Hoff is the president of the Hoff Lumber Co., of Horseshoe Bend, Idaho, and is extremely knowledgeable in the area of forest management.

Recently he sent me an excellent letter in which he decried the level of funding which has been granted to the Forest Service to properly administer its functions over the past 10 years. I commend it to the attention of my colleagues.

I ask unanimous consent that the text of Mr. Hoff's letter and the table he enclosed be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

HOFF LUMBER CO.,
Horseshoe Bend, Idaho, July 30, 1970.

Hon. FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR FRANK: I have been reviewing the USFS fiscal financing for the years 1963 through 1970, an eight year total.

I was born and raised in McCall, Idaho, a small community adjacent to the Central Idaho Wilderness Area. My life, except for 5 years in the Navy Air Corps during World War II, has been lived within the natural resource habitat. Living within the natural resource area has given me an excellent opportunity to observe the multiple use practices of the Forest Service, and the impact of its management program.

No federal agency that I have observed, gets as much mileage from a dollar in preplanning and programing and its performance, as does the Forest Service. As a matter of fact, it is my considered opinion that these dedicated Forest Service employees are giving back to the public much more in land management, loyalty and performance than is appreciated by the public and some public servants. This does not get to the point of my letter, merely scratches in my background and interests.

On the fiscal comparison sheet enclosed, you will note that the planned financing for the United States Forest Service, percentagewise, is well over the actual financing. To one such as myself who makes his living by working with natural resources, this indicates that the Department of Agriculture, which budgets and our Congress which votes the dollars, are willing to settle for less than 100% land management and multiple use programs.

The second item, "Reforestation and Timber Stand Improvement" is a perpetuity program that will give back to future generations, timber stands for housing, recreation and wildlife habitat. You will note that in the reforestation and timber stand improvement, Congress has financed 40% of the program. Our past Secretaries of Agriculture have been content with this inadequate financing. Future generations will pay for this lack of funds.

Another point, when you talk about water and soil improvements, you are talking of a program that reaches into perpetuity. In soil and water management, 52% of the program during the eight years was actually financed and 48% of the program requested by the USFS was not financed. Our papers are full of future water requirements, water pollution and related problems. Something as basic to the life of future generations as soil and water require full time management and monies necessary for buying full time performance.

Idaho is blessed with natural resources. A large percentage of the lands that contain these natural resources are federally owned. We are all dedicated in passing on to future generations improvements for their livelihood. We must not let them down by underfinancing a national forest system management program.

Please let our track record, so to speak, be a better one over the next eight years than the one attached to this letter designating the financing and expenditures for the past eight years.

As a United States Senator, let me urge you to take a firm stand and not settle for lukewarm compromises.

Thank you.

Sincerely,

THEODORE HOFF, Jr.,
President.

COMPARISON OF PLANNED LEVEL OF FINANCING FOR THE NATIONAL FOREST SYSTEM AND THE ACTUAL EXPENDITURES FOR THE PERIOD FISCAL YEARS 1963–70

[In millions of dollars]

Activity	Fiscal years 1963–70 (8-year total) Planned level of financing	Actual financing	Percent financed
Timber sale administration and management	285	271	95
Reforestation and timber stand improvement	342	137	40
Recreation	572	260	45
Wildlife habitat management	54	34	63
Range management, revegetation and improvements	120	97	81
Soil and water management	94	49	52
Minerals and special uses	38	32	84
Land classification, adjustments, and surveys	68	41	60
Forest fire protection	283	203	72
Construction and maintenance of improvements for fire and general purposes	142	100	70
Insect and disease control	99	93	94
Acqusition of lands	52	14	27
Roads and trails	1,138	842	74

Note: This fact sheet taken from public document "Management Practices, Bitterroot National Forest."

ARTICLE BY JUDGE FRANK ARMSTRONG IN OPPOSITION TO THE PROPOSED NATIONAL COURT ASSISTANCE ACT

Mr. ERVIN. Mr. President, as a member of the Senate Subcommitee on Improvements in Judicial Machinery, I have followed the progress of S. 3289, the so-called National Court Assistance Act, since it was introduced several years ago. Since its introduction, I have doubted the wisdom of the Federal assistance to our State court structure which would be required by the act. Because of this extensive Federal involvement, I have felt that the bill would be a negative force in our concept of separate State and Federal court systems.

After introducing the National Court Assistance Act, the Subcommittee on Improvements in Judicial Machinery asked numerous State judges for their comments on the bill. I am familiar with many of these letters and with their almost unanimous opposition to the bill. This year an outstanding superior court judge from North Carolina, Frank M. Armstrong, has expanded his views in

opposition to the bill into an article in the American Bar Association Journal. Judge Armstrong has performed a real public service by examining S. 3289 in great detail, and I feel that his comments merit the attention of the Senate. Accordingly, I ask unanimous consent that the article published in the August 1970 issue of the American Bar Association Journal entitled, "The Proposed National Court Assistance Act" be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE PROPOSED NATIONAL COURT ASSISTANCE ACT

(By Frank M. Armstrong)

(NOTE.—Under the guise of helping the states improve the organization, procedure and administration of their courts, the proposed National Court Assistance Act, sponsored by Senator Tydings, would not help the fight against crime and is unnecessary, expensive and wasteful. But, most serious, it would undermine the American federal concept of dual court systems.)

Senator Joseph D. Tydings of Maryland introduced in the 91st Congress a bill to create a new federal agency, the Institute for Judicial Studies and Assistance. The purpose of this institute would be "to further the adoption and development of improvements in the organization, procedure, and administration of local and State courts". This is the third time that this proposal has been made, as Senator Tydings sponsored similar bills during the 89th and 90th Congresses.

The bill, S. 3289, has been referred to the Senate Committee on the Judiciary and by it to the Subcommittee on Improvements in Judicial Machinery. Because in my view passage of legislation of this description would have an adverse long-run impact on the independence of state and local courts, I am writing to alert the members of the American Bar Association and others to the provisions of this bill.

The proposed legislation, called the National Court Assistance Act, contains two main sections. The first adds a new chapter to Title 28 of the United States Code establishing the Institute for Judicial Studies and Assistance. The second sets out an appropriation authorization for the first three years of the institute's operations. In discussing the proposal, references will be made to the purposes of the proposal as explained by Senator Tydings. Unless otherwise indicated, the Senator's expression of purpose will be drawn from his remarks in the *Congressional Record*.

The governing board of the institute would consist of seven members appointed by the President. Six of the seven must be state court officials, and the seventh must be an attorney engaged in the private practice of law. The board is required to hold regular meetings at least twice a year and has the final responsibility for establishing institute policies. The board has the authority to select the director of the institute, who serves at the pleasure of the board. The director's position is viewed as a high-level one; he is to receive the same salary as a federal district court judge and have highly attractive retirement provisions.

Although the board is granted the final power with respect to the external activities of the institute, the director has the sole right of selecting the employees of the institute. He also has the right, within certain constraints, to fix the compensation of employees. No limit is set on the number of employees, although Congress would undoubtedly exercise control through the appropriation process.

To be eligible for appointment as a board member, a person must have a full-time professional association with state or local courts. The bill requires that the board be composed of two active state appellate judges, two active state trial judges, two state court administrative officers and one attorney engaged in the private practice of law.

Members are to serve staggered three-year terms and are eligible for reappointment to one full term of office. The President is to designate one of the board members as chairman, who serves as such at the pleasure of the President. The legislation enjoins the President to give "due consideration to recommendations and endorsements from professional societies and organizations concerned with judicial administration and management techniques, including . . ." The organizations then specifically listed are the American Bar Association, the American Society for Public Administration, the Association of American Law Schools, the American Judicature Society, the Institute of Judicial Administration, the Conference of Chief Justices, the National Conference of Court Administrative Officers, the National Conference of Metropolitan Courts, the National Conference of State Trial Judges and the North American Judges Association.

To assure balance on the Board, no two members may be residents of the same state, and no more than four members may belong to the same political party.

INSTITUTE WOULD HAVE TWO MAJOR OBJECTIVES

The two major objectives of the institute, as characterized by Senator Tydings, would be (1) to establish a grant-in-aid program to encourage and financially assist the modernization and improvement of judicial machinery in state and local courts; and (2) to serve to create a national reservoir of up-to-date information on court management and organization.

These purposes are reflected in the caption to the bill, though the powers actually granted the board in the text are slightly broader and the stated purpose of the institute is more generalized. Among the powers granted the board are (1) to conduct studies and evaluations of local and state court systems; (2) to make grants to local or state courts for such studies and evaluations; and (3) to make grants to public or private nonprofit organizations making such studies and evaluations.

The expected outgrowth of these studies and evaluations of local and state court systems is to be "recommendations for organizational, procedural, and administrative improvements of such systems . . .". Following these recommendations, the board is authorized to make grants to local and state courts, and to public and private nonprofit organizations, to implement the recommended improvements.

Other provisions grant the board the power (1) to conduct, or make grants to courts and others to conduct seminars and other educational programs for judges and personnel of local and state courts; (2) to make grants to establish in accredited universities and colleges programs of instruction in court administration and management; (3) to cooperate with and render technical assistance to federal, state, local or other public or private agencies in carrying out the purposes of the act; and (4) to make grants for other purposes, consistent with those of the act, as the board determines necessary or desirable in carrying out the purpose of the institute.

As the making of grants is perhaps the most important function of the institute, the proposed legislation contains a specific section on that. The director is required to make regulations establishing general standards for obtaining grants and for reporting to the director by recipients of grants. These regulations are subject to the approval of the board. Applications are to be processed by the director, who recommends approval or disapproval to the board. No grant is effective until approved by the board, but the director is responsible for disbursement and may control the timing of payments and place conditions on the payment of installments. The matter is not clear, but under a permissible reading of the bill's language the board may not make a grant unless it first secures the director's recommendation for approval.

RESTRICTIONS ON THE INSTITUTE IN FAVOR OF STATE COURTS

There are two major restrictions on the powers of the institute, restrictions that Senator Tydings states are designed "to protect the independence and autonomy of State and local courts". One of the provisions is an administrative restriction in the grant procedure:

"No application submitted by any local or State court for a grant under this chapter shall be recommended by the Director for approval unless such application has been first approved by the highest judicial authority of the State in which is located the court submitting such application. No application submitted by any public or private nonprofit organization for a grant under this chapter in connection with any local or State court shall acquire [*sic*] the approval of any State's highest judicial authority. . . ."

It is not clear whether the word "acquire" in the second sentence is intended or whether it is a misprint for "require". The literal impact of "acquire" would be that an outside organization could not get a grant to study a local or state court even with the approval of the highest judicial authority of the state. The probabilities are that the word is a misprint, especially in light of the second restriction:

"Nothing in this Act shall be construed as authorizing the Institute, the Board, or the Director thereof, to supervise or control in any manner or to any extent the administration, organization, [*sic*] of any local or State court, or to conduct or to cause to be conducted any study of [*or?*] evaluation of any local or State court without the prior approval of the highest judicial authority of the State in which such study or evaluation is to be conducted."

The term "highest judicial authority" of a state is defined to mean "the person or body of people who have been granted, by State constitution or statute, supreme supervisory authority over the courts of the State or, in the absence of such a grant, the chief judge of the State's highest court".

In connection with these two restrictions, Senator Tydings stated on introducing the bill that others have suggested that the veto power be lodged in the judge of the court directly involved rather than with the "highest judicial authority". He said: "I believe that this issue would benefit from further hearings and pending the recital of the views of other State and local judges, I am reserving final judgment on this matter."

As an indication of the scale of the institute's activity as visualized by Senator Tydings, the final section of the bill authorizes up to $15,000,000 in grants to be made during the first three years of operations. These authorized sums, even if retained in enacted legislation, are subject to being cut down on passage of actual appropriation measures, but the actual figure is often a substantial fraction of the authorized amount.

CRITICISM OF THE TYDINGS PROPOSAL

During the years that Senator Tydings has been advocating his National Court Assistance Act, I have contended, along with many other appellate and trial judges and lawyers throughout the United States, that it is a dangerous and unnecessary measure. My criticisms are that Senator Tydings is arguing on a misleading basis

in asserting that the current law and order crisis makes his bill necessary.

The bill is unnecessary on several different counts.

The proposal will be expensive and wasteful and will lead to bureaucratic rigidity.

The safeguards in the bill to preserve the independence and autonomy of state and local courts are illusory and ineffective.

Even with safeguards, the bill constitutes a long step toward dismantling our dual system of courts and substituting a unitary system.

MISLEADING INVOCATION OF THE LAW AND ORDER CRISIS

Senator Tydings, having heretofore failed to get the Congress to approve the bill on its merits, has changed his tactics in an effort to frighten the Congress, the Bar and the public into lending support to the bill by referring to the law and order crisis and by citing the staff report to the National Commission on the Causes and Prevention of Violence. In his remarks on the introduction of the bill, Senator Tydings quoted from this report and other authorities to the effect that congestion, delay and poor management in our criminal courts may be a major abetting cause of the crime wave those courts were intended to eliminate. Any person who carefully considers this argument, however, will see that it is more illusion than substance. The causes of crime and violence, as all informed persons who study the recent reports on the subject know, are extremely complex. The behavior of the courts may constitute a piece of the problem, but it is not a significant element.

In any event, the type of congestion and delay pictured by Senator Tydings as endemic in urban criminal courts will not be cured by mere incremental improvements in management and efficiency. The real problem is a many-fold increase in the number of cases, and the only effective solution is a corresponding increase in judges, court personnel and courtrooms. The bill, however, contains this restriction on grants:

Provided, That no such grant or part thereof be used for the construction, improvement, or alteration of buildings, or for the payments of salaries of judges or court personnel on a continuing basis.

I do not question the wisdom of this provision so far as this grant proposal is concerned, of course, but it does indicate clearly the extent to which the proposal is irrelevant to the law and order crisis.

LACK OF NECESSITY FOR BILL

The proposed measure appears to be unnecessary on several different counts.

First, as a law and order measure it would have to give way to the Omnibus Crime Control and Safe Streets Act of 1968. This act provides for the creation by the states of state and local plans with respect to criminal justice, and it applies to the entire criminal justice system—including the courts. Under the block-grant provisions of this act, states that have modernized their courts on their own motion (as has my own state) may utilize the moneys received from the Federal Government in a perhaps different manner from that employed elsewhere. North Carolina has received $5,174,000 from the Federal Government under the 1968 act and to date has allocated $1,532,063 for the improvement of criminal justice in the state. The projection for the next five years is $40,000,000 in planning and action grants. So, North Carolina, through the concerted efforts of all elements of its criminal justice system at the state and local levels, is proceeding promptly and effectively with the business of meeting the challenge of the law and order crisis. The other forty-nine states are meeting this challenge in the same manner.

Second, since 1966 I have been corresponding with Senator Tydings regarding this bill. I repeatedly have requested an explanation as to why he is so interested in establishing another federal bureaucracy for the purpose of improving the organization, procedure and administration of the state courts when, according to former Chief Justice Warren, the federal courts are in such a deplorable condition. His first concern should be the improvement of the quantity and quality of justice in the federal system of courts. Senator Tydings has not answered my inquiries because, I believe, there is no plausible answer. Senator Tydings and the Congress should concern themselves with the tremendous volume of litigation and congestion in the federal courts, rather than assume the role of guardian in the states' courts and legislative bodies. In my view, those responsible for the improvement of the state courts have done and are doing much more than those responsible for the operation of federal courts, including Congress, have done and are doing to remedy the ills that beset us all.

Third, the things that are to be done under this bill are already being done in most if not in all the states by those who are experienced and have first-hand knowledge of their state court systems. The American Bar Association, state and local bar associations, the law-making bodies of the states, citizens' committees, the National College of State Trial Judges, the Institute of Judicial Administration, judicial councils, legislative councils, as well as the appellate and trial judges of the states, are working toward the common end of improving the administration of justice in the courts nationwide. How can a Washington bureaucracy do more, especially with a politically inspired and less efficient staff?

To illustrate the duplication of effort and needless waste of funds that would be involved in the administration of the Tydings bill, I call attention to what my own state has done in recent years without any prodding or unsolicited assistance from the Federal Government. While I believe we have had, for about a century, one of the best and most efficient judicial systems in America, needing only a little attention here and there to make it meet the needs of the times, nevertheless, in 1962 the people of North Carolina rewrote the judicial article of our constitution. The General Assembly has implemented our new judicial article, which provides for a state-wide General Court of Justice, with effective administrative management staffed by able men with judicial and administrative ability to co-ordinate and supervise the business end of our General Court of Justice. This was a major task! And it was performed by North Carolinians utilizing their own resources.

EXPENSE AND WASTEFULNESS OF ANOTHER FEDERAL BUREAUCRACY

Whether or not the grants made by the Federal Institute for Judicial Studies and Assistance were to total $15,000,000 during the first three years of its existence, this amount would certainly be only a small fraction of the ultimate cost of the program. The scope and extent of federal intrusion into the affairs of state government are well known, and there is little doubt that the long-term effect of the Tydings bill would be the creation of another sprawling bureaucracy, with its legions of bureaucrats who, armed with guidelines sanctioned by federal court decrees, would eventually be breathing down the necks of state judges and court personnel. The bill's ostensible safeguards against these abuses are manifestly nothing more than gestures of appeasement, temporary in nature, since they can be later removed by amendment.

ILLUSORY NATURE OF THE PURPORTED SAFEGUARDS

Each time Senator Tydings has introduced this bill he seems to have recognized that it does pose a threat by the Federal Government to the preservation of the autonomy and vigor of the state and local courts. He has stated that he has "placed in the act specific provisions to protect the independence and autonomy of State and local courts," and he has mentioned the following provisions of the bill:

The restrictions on the composition of the board—with special emphasis on the requirement that six of the seven members be associated with state courts.

The veto power of the "highest judicial authority" of a state over grants to local and state courts.

The veto power of the "highest judicial authority" of a state over any study or evaluation of its local and state courts that might be conducted under the terms of the act.

The explicit restriction forbidding the institute, the board or its director from supervising or controlling "in any manner or to any extent" the organization or administration of any local or state court.

After a close study of the provisions cited by the Senator, I fail to see by any reasonable interpretation that they provide these safeguards. The last general prohibition is broad almost to the point of meaninglessness. It prohibits direct control or supervision or administration, but it nevertheless leaves the door open to indirect and informal controls through the process of enforcing grant guidelines, written and unwritten. The veto power given the "highest judicial authority" of a state does nothing to protect the independence and autonomy of the local and state judges and other court personnel who might be subject to the subtle and unsubtle pressures generated by studies and evaluations of their courts. It is conceivable that these studies would take forms and directions not reasonably to be anticipated by the "highest judicial authority" from the generalized descriptions of the projects as initially submitted for state approval. Last, it is obvious that the important day-to-day shaping of institute policy will be by the director—not by the state officials on the board, who will meet only infrequently in Washington and who will continue to serve full time in their state positions.

AN AMENDMENT TO THE BILL WOULD HELP, BUT NOT CURE

Senator Tydings should be willing at least to insert more iron-clad restrictive language in his bill. I have suggested to him that he amend his proposed act to include wording similar to this:

"It is the intention of the Congress that nothing in any of the provisions of this Act shall be interpreted to require any judge of any local or State court of record to perform any act, make any report, attend any seminar, or do anything whatsoever under this Act unless such judge voluntarily consents in writing to do so. Any order, direction, guideline, or rule issued by the Director, the Board, anyone under his or its direction, or by anyone else under the purported authority of this Act shall be null and void and unenforceable in either the State or Federal courts. This section shall be controlling notwithstanding that the chief or presiding judge of a local or state court, or that the highest judicial authority of the State, may have elected to receive grants or other assistance under this Act or to permit studies or evaluations under this Act."

This language and protection could be improved, but Senator Tydings has refused to amend his bill in accordance with the substance of this proposal. But even if Senator Tydings were to consent to a restrictive provision of this type, I still am unalterably opposed to the bill because of its basic philosophical and policy thrust.

UNDERMINING OF OUR DUAL SYSTEM OF COURTS

Under our constitutional system of checks and balances, we have maintained a dual

system of courts: the federal courts on the one hand and those of the states on the other. Except for authorization of injunctive and contempt powers designed to secure the jurisdiction of the lower federal courts from encroachments by the state courts, our fundamental statutes have called for direct review of state court action only by the Supreme Court of the United States. This desirable separation of judicial powers has been weakened in recent years. One major example has been the federal decisions shifting to more liberal interpretations concerning the federal habeas corpus rights of state prisoners. Nevertheless, the dual court structure of our nation is still substantially intact and functioning.

I am confident that from a lack of knowledge of our dual system of courts many persons do not realize that the Tydings bill is another step—and a long one—toward a unitary judicial system in America. If that is the ultimate objective, it should be approached openly and constitutionally. The architects of our system of courts were judiciously and bitterly opposed to a unitary system for the same reasons that it should be rejected today. The concentration of excessive power invites corruption and collapse.

I hope this article will serve to inform the *Journal's* readers of the important issues that underlie the proposed National Court Assistance Act. The admonition of Justice Brandeis is pertinent:

"Experience should teach us to be most on guard to protect liberty when the government's purposes are beneficent. . . . The greatest dangers to liberty lurk in insidious encroachment by men of zeal, well-meaning, but without understanding."

J. MARK TRICE, 50TH ANNIVERSARY OF SERVICE TO THE U.S. SENATE

Mr. CASE. Mr. President, I am happy to join Senators, both Republicans and Democrats, in pausing briefly today to honor J. Mark Trice, who has served this institution and countless individual Members, but most of all our country, for 50 years. It takes a most unusual combination of many qualities to fit a man for the service Mark has rendered. Intelligence, industry, sensitivity, compassion are among these qualities, and I think most important of all is the kind of simple, straightforward integrity which has guided Mark's every action and relationship over this half century.

It is an especially happy occasion when we can honor one who is still around to hear what is said about him. And we all, I think, will agree that what Samuel Johnson called the "tardy bust" is no comfort to the man it honors too late.

Mrs. Case and I join in wishing Mark and his lovely wife long life and continued happiness in it and in each other. We look forward to sharing it with them.

DESTROYER CONSTRUCTION AWARD TO LITTON INDUSTRIES, INC.

Mrs. SMITH of Maine. Mr. President, in a Senate speech on June 29, 1970, I challenged the award of the construction of 30 destroyers to Litton Industries, Inc. on several bases. One challenge was on the base of credibility—essentially the credibility of a situation where almost overnight after three rounds of prices Litton could drop its price by some $270 million from the last previous price it submitted.

Another aspect of doubt as to the credibility of Litton's overnight drop in price was the contract pricing reset provision introduced as a last minute change—for this may have permitted a contractor to take an irregular advantage of the regulations to lower estimated costs with the full knowledge that costs can be negotiated upward several years after the award at a small sacrifice in profit—but at the expense of another substantial overrun to the Government.

To use a harsh, but potentially most accurate, term—a "buy-in." In fact, a high Defense official admitted to me that the combination of the sudden last minute drop in Litton's price together with the last minute change of the price reset provision gave a very strong appearance of a potential "buy-in" maneuver but with this admission he expressed doubt that a "buy-in" could be proved now but might take some years to prove.

The credibility factor on this award continues. The Navy has resorted to what might be characterized as a "numbers" or "figures" game in which the commander of the Naval Ship Systems Command provides a lower estimated cost figure to the chairman of the Senate Armed Services Committee on a classified basis marked "Confidential—For Official Use Only" but on the other hand makes statements to the news media for publication of another and much higher figure—nearly three times as high as that submitted on a confidential basis to the chairman. At my request, the Navy subsequently gave me the same memorandum.

This pertains to the estimated cost impact on the DD–963 program if the construction is split between two shipbuilders instead of being given to one.

I do not know how Admiral Sonenshein can really make a credible estimate of extra cost unless he has not required from Litton and Bath what their respective prices would be if there were a split in the contract. Bath officials tell me that the Navy has required of Bath its prices in the event of a split contract. I do not see how anyone can make a really intelligent and informed estimate other than the suppliers themselves. If Admiral Sonenshein has not required Bath officials to make such an estimate on their part, then what credibility can be attached the estimates that Admiral Sonenshein advances?

Let me first deal with the restricted "Confidential" classification placed by the Navy on Admiral Sonenshein's memorandum of May 18, 1970. The credibility of that classification restriction is highly suspect—when the estimated extra cost set forth in that memorandum is the same as reported on page 30 of the July 4, 1970, issue of Business Week in its Washington Outlook section.

One wonders why such restriction is placed by the Navy on the Senate Armed Services Committee—when the Navy turns around and gives the same figure to a national weekly magazine. What is the credibility of the classification?

The estimated extra cost set forth in that so-called confidential memorandum to the chairman of the committee is the figure of $225 million as reported by Business Week.

Not long thereafter the writer of that confidential memorandum, Rear Adm. Nathan Sonenshein, commander of the Naval Ship Systems Command, made statements to the news media, and which statements were published, to the effect that splitting the work would inflate the cost by $600 million. Thus, within a matter of a very few weeks, Admiral Sonenshein tripled his estimate of extra cost from a split award. All of us know that we have inflation, but we never realized that it was so runaway that within the short period of a month to 6 weeks the cost could triple on a split of this contract.

In fact, the rise in the estimate of the extra cost of $225 million as of May 18, 1970, to $600 million prior to the July 4, 1970, issue of Business Week is incredible—and on its face raises a serious question of the credibility of the Navy in this award. The pattern of lack of credibility runs all the way from the lack of credibility of the sharp last minute drop in Litton's price and the last minute change by the Navy to let Litton reset the price 39 months later after the award now to the lack of credibility in the Navy's "confidential" classification on its memorandum to the chairman of the committee and the widely differing estimates by Admiral Sonenshein confidentially to the chairman of the committee and publicly to the news media.

Business Week characterizes Admiral Sonenshein's publically announced estimate of an extra $600 millions as a "scare figure." Now remember, that is the characterization made by Business Week. However, I will not take issue with that characterization in view of the fact that Admiral Sonenshein, in giving an estimated cost to the news media, tripled the estimate cost given confidentially to the chairman.

Business Week itself has questioned the credibility of Admiral Sonenshein's $600 million estimate by calling it a "scare figure"—obviously interpreting it as trying to "scare" the Congress out of splitting the award legislatively.

Attempting to scare Congress will not add to either Admiral Sonenshein's credibility nor the Navy's credibility on this matter of the DD–963 award about which there is such a lack of credibility in so many respects. Let us hope that the Navy's defense of the award and its tactics, whether "scare" or not, are not so repeatedly lacking in credibility as to threaten an adverse image on the score of integrity.

REMARKS OF SENATOR SAM J. ERVIN, JR., BEFORE THE NORTH CAROLINA LAW ENFORCEMENT OFFICERS ASSOCIATION

Mr. ERVIN. Mr. President, on August 4, 1970, I was privileged to attend the annual meeting of the North Carolina Law Enforcement Officers Association in Salisbury, N.C. The association is concerned with the profession of law enforcement in our State and its president, Sheriff L. B. Falkner, has done a magnificent job leading the organization. In addition to Sheriff Falkner, I was greatly

impressed with the men I met in Salisbury who were guiding the association. The officers are Sheriff L. B. Falkner, president; W. M. Anthony, first vice president; M. A. Goldston, second vice president; Carson B. Annis, secretary-treasurer; M. J. Dellinger, sergeant at arms. Also, I was privileged to meet the members of the board of directors who were attending the meeting. Their names are J. T. Rich, J. A. Creech, Marvin Pope, A. L. Whaley, F. G. Fleming, and Broadus Hester.

You can tell a great deal about an organization from the caliber of its leaders; and from talking to these officials in Salisbury, I realized how fortunate we were to have such dedicated men in the profession of law enforcement in North Carolina.

Mr. President, at the meeting, I made a speech on the work of the Law Enforcement Assistance Administration in North Carolina. Since I had strongly supported the Law Enforcement Assistance Act of 1965, and the Safe Streets and Crime Control Act of 1969, I was very glad to have an opportunity to review these programs and the benefits they have brought to North Carolina. I hope the Senate will find my State's experiences with the Law Enforcement Assistance Administration at the Department of Justice typical of their own.

Mr. President, I ask unanimous consent that my speech given in Salisbury, N.C., on August 4, 1970, before the North Carolina Law Enforcement Officers Association, be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

REMARKS BY THE HONORABLE SAM ERVIN, JR.

A few months ago I received a letter from your president, Mr. Falkner. He stated that I had been chosen to speak to you because my record shows that I have an understanding of the job you are trying to do. I find it difficult to believe that anyone in America today does not realize the importance of the work our law enforcement personnel are performing.

Crime has become a bitter, grim reality in this country. For millions of Americans fear is a daily companion; fear spawned by the soaring crime rate reaches into every city of every state. No one is immune. Crime is tarnishing the whole quality of life in the United States in very real and evident ways.

As law enforcement officers, you bear the initial burden in the fight against crime. It is not an easy burden to bear. Criminal behavior today is as complex as our society. Not only are you faced with increased crime in the streets, but also with vast numbers of low visibility crimes: vice crimes, white collar crimes and those committed by the professional criminal. Last year alone, crime took 13,000 lives in the United States and cost more than $30 billion.

But I don't have to tell you about the magnitude of the crime problem. Right here in North Carolina an average day brings the murder of at least one person, the forcible rape of one or two women, the robbery of five people, the serious aggravated assault of forty citizens, the theft of 20 cars, 51 major thefts and 70 burglaries. And these daily averages are twice what they were in 1960.

It was statistics like these that prompted Congress to create the Law Enforcement Assistance Administration in 1968 to provide financial and technical assistance to aid states and local governments in improving the administration of criminal justice throughout the country; in short, to help halt the increase in crime. Because I believe LEAA will prove to be the turning point in the war on crime, I want to spend a good part of my time with you today talking about LEAA and the activities it has funded, particularly in North Carolina.

In fiscal 1969, the LEAA budget was $63 million. In fiscal 1970, that amount was increased four-fold to $268 million. This fiscal year, which began July 1, LEAA has requested and appears certain to receive an appropriation of $480 million—nearly eight times the amount it received two years ago when it began. You can see from the increases that the problem of fighting crime in the streets and improving the administration of criminal justice has become a major federal priority.

Because we believe that fighting crime is a job which must be done primarily on a state and local basis, most of LEAA's funds are distributed in the form of block grants allocated to the states on the basis of population. Each state has a planning agency which distributes the money throughout its state on the basis of comprehensive statewide plan approved by LEAA.

For example, in fiscal year 1970, North Carolina requested and received $4,625,000 to carry out its plan. That amount is almost 7½ times the $621,307 awarded to this state in the previous year.

In its 1970 plan, North Carolina placed heavy emphasis on police-related activities. Almost 50% of the funds was spent on programs to improve the detection and apprehension of criminals; approximately 9% was devoted to the prevention and control of juvenile delinquency; 5% went to improving police-community relations, and 1% each to prevention of crime and public education, and prevention and control of civil disorders.

The remainder of the funds was spent to improve prosecution and corrections, both vital areas for a well-rounded system of criminal justice. It is not enough to improve our ability to apprehend criminals. That is the first step, and is an extremely important one. But even if you doubled arrests tomorrow, there would be no real progress if the courts were still backlogged and the prisons unable to rehabilitate.

I don't have to tell you that court dockets are crowded—so crowded in some cases that individuals have to wait as long as two years before they come to trial. By that time witnesses may have disappeared, the criminal probably will have lost the connection between the offense and the punishment, and he may even have committed more crime.

Once he is tried and sent to prison, his time in jail may just be further training for a criminal career. Studies indicate that between 40 and 70 percent of those released from prison go on to commit new crimes. Eight out of every ten offenders in a recent FBI study had at least one prior arrest, and seven out of 10 had a prior conviction. These and similar statistics prove that we must improve our abilities to convict and rehabilitate criminals, as well as apprehend them. For this reason, LEAA block grant funds must be devoted in each State, as they have in North Carolina, to comprehensive systemwide improvements in all components of criminal justice.

In addition to block grants to the states, LEAA also makes several types of direct grants. One of these, the discretionary grant program, provides funds to help meet special problems such as those of big cities.

In the fiscal year which ended June 30, North Carolina received ten discretionary grants, totalling $778,426. A little more than half of these funds were used for corrections-related projects. Cumberland County is establishing a new community correctional center to replace its old facilities. Other projects in the corrections field helped improve employment opportunities for offenders, aided diagnosis and treatment of juvenile problems, and provided fellowships for correctional personnel.

Two grants were made to improve police-community relations in Winston-Salem and Charlotte. Another provided an attorney for the Winston-Salem Police Department to advise and train the police.

A second type of LEAA direct grant program provides academic assistance funds for public law enforcement officers and people who promise to enter the law enforcement field. These funds are given in the form of loans and fellowships to finance college studies for police and correctional personnel.

In fiscal 1970, 19 institutions of higher education in North Carolina received a total of $65,600. This amount sent 434 law enforcement officers to school during the last school year. This year, 23 of our colleges and universities have already received $145,344, and it is estimated that they will receive close to $100,000 more by June 30, 1971. That means that over 1,700 law enforcement officers in North Carolina will study under the program in the coming year.

Finally, I would like to tell you about an LEAA-sponsored program that will have special meaning for North Carolina. It is called the Pilot Cities Program and Charlotte is one of three cities chosen to initiate the project subject to the resolution of final details.

What does this program mean for Charlotte?

For the first time, a project will emphasize system-wide improvement in criminal justice operations. Past improvements in law enforcement and criminal justice have generally been piecemeal in character: one city updates its police communications capability, while a second city improves its bail procedures, and a third tests a work-release program. Under the Pilot Cities Program, LEAA, in cooperation with cities like Charlotte, will test the impact of coordinated improvements throughout the entire justice system. Particular emphasis will be placed on typical urban problems, such as street crime, drug addiction, drunkenness and delinquency.

In addition, new data systems will be developed in three areas: crime reporting, local system-wide criminal offender information systems, and statistical data for analytical purposes.

The result of the Model Cities Program will be used to aid other localities in improving their law enforcement operations by providing a comprehensive approach to urban problems.

In this short time, I have tried to give you some idea of what we, at the federal level, are doing to ease the burdens of local law enforcement.

But the problems of today require effort and cooperation at every level.

One of the most important aspects of law enforcement today is frequently referred to as "community relations." It is important because respect for you as law enforcement officers, and for your profession in general, is necessary if there is to be any respect for the law. Cooperation from the public can also make your job much easier.

This is one goal, however, that can only be accomplished through the individual efforts of each of you.

In this regard, I am reminded of a story that appeared in last month's FBI Bulletin. It told of the arrest by the FBI of a young man who was wanted for false pretense. The young man was known to be a militant political activist. The day after the arrest the man telephoned the local FBI office and told them he felt obligated to inform them of his feelings about his arrest. Like many

people today, he had been skeptical about law enforcement officers at local, state and federal levels. He stated, however, that the professional manner in which his arrest had been handled had given him a new attitude toward law enforcement.

I sincerely hope that you will take full advantage, not only of the opportunities available under the LEAA program, but also of those that are available to you to increase public respect for your uniform, your profession and the system of laws you represent.

CLEAN WATER IS A MATTER OF HUMAN RIGHTS

Mr. PROXMIRE. Mr. President, I wish to call this body's attention to the fifth international water quality symposium now meeting at the Sheraton-Park Hotel during this week. The theme of this year's symposium is "Water Pollution and Health." Sponsored by the Water Quality Research Council, this body has gone far in making the public aware of the increasing danger that exists in the quality of water. In the keynote luncheon speech yesterday, my distinguished friend and colleague, the Senator from Indiana (Mr. BAYH) emphasized the need to stem pollution by forcing technology to take the initiative in adapting to human needs.

Mr. President, I have been speaking regularly on the floor of the Senate in behalf of the Human Rights Convention on Genocide, Women's Rights, and Forced Labor. But clean water, Mr. President, is also a matter of human rights. And the Senator from Indiana has made a significant contribution to the efforts to secure these rights.

Mr. President, I ask unanimous consent that the full text of Senator BAYH's address to the fifth international water quality symposium be provided in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

NOW IT'S TECHNOLOGY'S TURN

(Speech by Senator BIRCH BAYH, Fifth International Water Quality Symposium, August 19, 1970, Washington, D.C.)

Poets, like politicians, once joined in complaining that good deeds were so quickly forgotten that they seemed to have been written in water.

Well, today what is written in our water is not good deeds, but the misdeeds of an entire civilization. Today our water is a dirge containing words such as: "coliform organisms," "virtuses;" chemicals spanning the inorganic alphabet from ammonia to zinc; organic chemicals that poison quickly, such as cyanide, and those that climb slowly up the food chain, such as DDT. And for those with a taste for more exotic words, the moving finger of our industrial progress has written on the water such Doctor Strangelove terms as "Radium 226" and "Strontium 90."

Yes, we look into our water and perceive, not a reflection of beauty, but the record of what ignorance, irresponsibility, greed, and contempt for nature can accomplish.

Our waters would not stand as silent witness to neglect and abuse if it were not for the attitude of the people and the nation which uses them.

The attitude to which I refer has been implicit in our Western society ever since James Watt harnessed steam, and a host of inventors found ways to put it to work pumping out mines, driving trains, spinning cotton, and in a thousand ways doing the world's work. Grateful to a power that lifted the heaviest burden of labor from his back, man has not only adapted to the new technology but, more importantly, adopted the attitude that *Man adapting to machine* was the right and proper and only course.

If trains hooted in the night, it was the sweet sound of success.

If factories belched clouds of sulphur dioxide, people took a deep breath of relief. Black smokestack plumes were pennants of progress, to be engraved proudly on stock certificates and featured in corporate coats of arm. Women looked up from the sewing, noticed those black bars of smoke across the horizon and said a silent prayer: "Thank God the men will be going back to work."

The attitude of man adapting to technology naturally included our waters. Each stain and befoulment was evidence that somewhere upstream the machines were humming; the chemical processes proceeding. Pollution formed visable signs that we were being enriched.

Machines were king, and for two centuries man played them court only to discover that he had become their jester. There was no question about whether this was good or bad. We were involved in a kind of industrial geometry in which certain factors were given as axiomatic. And, being given, were accepted. Machines make noise . . . produce soot and smoke . . . poison water. True. But that was considered to be the nature of machines, just as it is the nature of dogs to bark

Further, while it is in the nature of machines to dispose, it was equally in the nature of man to accept.

Thus, we have inherited the results of 200 years of machine disposing and man accepting.

It is now technology's turn to do the accepting.

After 200 years of man adapting to technology there is a swelling chorus of questioning voices.

At first a few quite voices wondered—wondered whether it was necessary for man to continue accepting the degradation and ultimate destruction of his world.

Then more and more voices were added, young people appalled by the legacy we had devised for them; and from others who had been awakened and who were asking the most explosive question ever uttered by man throughout history: "Why?"

All these voices joined into a demand that technology adapt to man before there would be no man left to adapt to technology.

These basic questions created still others—here at this symposium being so expertly and minutely delineated and examined—concerning the *ways* by which technology can be made to adapt to the needs of man.

And may I say that the very fact that there is a fifth annual water quality symposium asking "how" is itself a significant measure of the distance we have traveled in this revolution in attitude.

But the kind of questions being asked at this symposium reflects another fact as well: water pollution is not a "real" problem.

"Real" problems, in my judgment, consist of those questions for which no answers have yet to be discovered.

What is the shape of the universe?

What is the cause of cancer?

What is the ultimate physical particle?

What are quasars?

What is gravity?

What need we do to bring peace to the world?

These and a host of other elemental questions comprise the universe of "real" problems. In regard to such questions, science has not reached the "how" stage but is still searching for the more basic answers. Indeed science cannot even be sure it is asking properly framed questions.

With water pollution the situation is quite different. Although there are many technical areas for which full answers are not yet available, as the panels during these two days will attest, we do know what causes water pollution. And, most important, we do know essentially how to stop water pollution.

In reaching this point, many of you here in this room have made an enormous contribution to civilization and the quality of life.

If water pollution is not a "real" problem, why is it such a matter for public concern? Why, indeed, is it a problem at all?

The answer lies not in a failure of science but in a failure of policy.

You have done your job well.

It is we in the political arena who have failed.

The new attitude, that technology must adapt to man, has not been translated into programs and policies because the will to do so has been absent.

We see the job. We have the tools. But we are not willing to provide the funds and the legislation that will unite job and tool.

My major purpose today is to explore ways by which that unity of job and tool may be effected, and to suggest some steps through which the will to act may be generated and supported.

The first step is *education*. And by education I do not mean a spate of articles and speeches, no matter how well executed, on environmental quality.

The attention span of the public is short, and there are always new issues standing in the wings ready to elbow today's out of public attention. The news media, by definition, cannot linger over what everybody has already heard. Remember when there was a deluge of stories about Appalachia? The stories come no more, but Appalachia still exists. The novelty has worn away while the poverty there remains.

I think it vital that education concerning ecology generally, and water quality in particular, be institutionalized.

I propose a program of public education that would stretch from the primary school to the White House.

For the school system, I urge the United States Office of Education to begin immediately devising curricula for various grade levels, employing the latest learning techniques, and thereby instilling a knowledge of the importance of repairing our environment and protecting it when required.

While the school system is thus creating a new generation free from ecological illiteracy and liberated from the outworn and obsolete attitude of accepting as indivisible both the benefits and the banes of technology, the vast educational potential of the White House could be enlisted to inform and to dramatize. Specifically, I suggest that the president consider an annual or bi-annual State of the Environment Address, informing the nation of the air and water quality balance sheet and suggesting legislation needed to plug gaps in public policy. The whole moral force of the highest office in our land would thus constantly reinforce the need for action.

Concurrently with this program of education and fostering of public awareness, we should employ the most modern management skills to advance this vital cause.

A first step in this direction is placing under one roof all the agencies concerned with the environment. I made such a proposal in a speech last Feb., and was highly pleased to see the president adopt this idea a few weeks ago when he outlined to the Congress his plan of reorganizing environmental agencies. I think the new Environmental Protection Agency, given proper support and leadership, can do much to shake from environmental matters both the timid hand of bureaucracy and the forceful grip of entrenched special interests.

But it is not enough merely to establish an independent agency to attack the nation's pollution problems. To help assure

that an Environmental Protection Agency reaches its maximum potential effectiveness, I would suggest that it must aggressively seek out ways to employ proven space age techniques to meet the crisis facing space ship Earth.

I specifically refer to the methods used by our space program to place a man on the moon. Just a dozen years ago, no matter how much the United States would huff and puff, we couldn't seem to get even a grapefruit size satellite off the ground. Then the Russians stunned us with Sputnik, and the country rolled up its sleeves.

Those years of space activity are nothing less than one of the greatest management stories in history.

Fortunately, there is no secret about the methods used to gain this success. The former Administrator of the space agency, James E. Webb, has told precisely how it was done. According to Mr. Webb, it is vital for a large scale research and development task to move beyond the confines of a traditional bureaucratic establishment. Success in such a venture requires flexibility; it requires organizing and managing the use of available knowledge and technology in a purposeful and effective way; and it requires maximum use of the experience and skills of private industry.

All of these elements are important. And all, I hope, will be facilitated by creation of the new Environmental Protection Agency.

But there is yet another element that Mr. Webb considered absolutely essential—a specific goal.

"I believe," he told us, "that it is necessary to make the most careful analysis of all known needs at the start, to fix on a goal or set of goals that will encompass all of these needs and at the same time make adequate allowances for unknown factors and unexpected developments."

A goal.

The Manhattan Project had a specific, measurable goal, and we won the race to create atomic power.

Projects Mercury . . . Gemini . . . Apollo—each had its goal leading to the ultimate goal of achieving that first giant leap for mankind to the moon.

Water Quality too must have its goal.

We must enlist all the skills at our command, first to devise a goal or set of goals, and then to match our reach with our grasp.

For example, we might set 1980 as the deadline for each city and town in America to equip itself with adequate waste disposal facilities. We would establish water standards for every river and lake in the country. And we would determine exactly what the limits are to using the oceans as sinks for our waste products.

We would, in short, revise our priorities to reflect the fact that achieving water quality is one of the central political tasks of our age, a task that can no longer wait: to produce the vision needed to lift our eyes and inspire our hopes and, above all, to generate, the will to *act*.

A few weeks ago, on our national holiday, thousands of people met here in Washington in another kind of symposia—called Honor America Day. There were speeches . . . pagentry . . . flags . . . music . . . and the singing of songs about America the Beautiful. With the end of that day, the pageant disbanded; the last echoes of the songs and speeches and shouts died away; the flags were folded and stored. The celebration honoring America the Beautiful ended. But time is now too short to permit us any longer the luxury of affording annual genuflections and emotional outpourings to a beautiful America. We have to move from rhetoric to action, and from pageantry to concrete policy.

I call for honoring America, not by remembering the beauty even as it is being eroded, but by creating and restoring the beauty that is our heritage and the heritage of all men. Let us together join in waging an all out battle against threats to our environment.

Let us devote our energies and minds to the creation of an America great not because it has under its control terrible powers of destruction but because it has demonstrated the most effective powers of construction and the proper measure of respect for nature and for this Earth that is our home.

SICKNESS ABSENTEEISM OF ALCOHOLICS

Mr. HUGHES. Mr. President, E. I. du Pont de Nemours & Co. has been a pioneer in recognizing alcoholism as a disease and in initiating programs for the rehabilitation of their alcoholic employees. Since du Pont first hired an alcoholic counselor in 1942, many of their employees have recovered from the disease of alcoholism and gone on to high positions within the company and have made outstanding contributions which would have been lost were it not for the company's foresight and humanitarian attitude toward its employees.

Sidney Pell, Ph. D., and C. A. d'Alonzo, M.D., both of I. E. du Pont de Nemours & Co., have recently completed a study which was published in the June 1970 issue of the Journal of Occupational Medicine entitled "Sickness Absenteeism of Alcoholics." This study clearly demonstrates the economic drain caused by untreated alcoholics. The untreated alcoholic averages 14 days excess sick leave every year as compared with non-alcoholic employees. This increased absenteeism is due to gastrointestinal ailments, accidents, and so forth.

As I have pointed out in this Chamber many times, untreated alcoholism is costing American industry in excess of $7 billion each year.

I commend E. I. du Pont de Nemours & Co. for its pioneer leadership and ask unanimous consent that this article be printed in full in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SICKNESS ABSENTEEISM OF ALCOHOLICS

(By Sidney Pell, Ph. D. and C. A. D'Alonzo, M.D.)

Absence from work is one of the major factors contributing to the economic cost of alcoholism, but there is surprisingly little documentation of the amount of absenteeism among alcoholics and how much their absenteeism differs from that of nonalcoholics.

One of the earliest studies, done by Stevenson in a steel mill, started in 1940.[1] In one year, 382 employees lost 2,692 working days as a direct result of drinking, an average of seven days a year. Stevenson's data did not include time lost by alcoholics for illnesses unrelated to drinking. An analysis of absenteeism among problem drinkers and in a matched control group was done by Observer and Maxwell, but they investigated only 48 problem drinkers, and the absences they studied were only those whose duration was eight days or longer.[2] However, they found that the absence rates of the alcoholics were 2.5 times as great as in the control group. Thorpe and Perrett reported the average number of days of absenteeism of 97 to 119 alcoholics in each year from 1953 to 1956.[3] The average declined from 29.9 in 1953 to 17.6 in 1956. Among all employees, the averages in these years were, respectively, 10.5 and 8.9. Trice found the proportion of employees losing 10 or more days per year to be 37 percent in 72 alcoholics, and 6 percent in 204 "normal" subjects.[4]

The data reported here have been derived from a long-term DuPont Company study of alcoholism in the DuPont Company that was started in 1964. During that year, the authors conducted a survey of DuPont physicians to identify all known or suspected alcoholics. The first phase of this project was a retrospective comparison of the prevalence of chronic disease between alcoholics and a matched control group of nonalcoholics. This phase has been completed and the findings published.[5,6] Another phase, now under way, is a long-term follow-up of the alcoholics and controls to assess the mortality experience of the alcoholics. A third phase, an analysis of sickness absenteeism, is presented in this paper.

METHODS

The information required for these studies of alcoholism has been derived mainly from DuPont's medical program, which was started in 1933. This program provides, for all employees, periodic health examinations, consultations, emergency treatment, and work evaluation after a disabling illness. The periodic examination is given annually to employees 40 years of age and older, and biennially to employees under 40 years. The medical section in each plant maintains close surveillance over employees absent from work because of illness. Company physicians frequently contact private physicians and local hospitals to obtain diagnoses and other information needed to determine the employee's fitness for work at the end of his disability. In addition, some plant medical units provide a visiting nurse service.

The Medical Division's activities also include an alcoholic rehabilitation program, which has been in operation since 1942. Employees who appear to have a drinking problem are asked to seek help from medical personnel or Alcoholics Anonymous. The program is conducted, to a large extent, by a recovered alcoholic who is a member of Alcoholics Anonymous and on the staff of the Medical Division. His main functions are to: (1) educate employees by talks to groups at all levels on the nature of alcoholism and how it can be controlled; (2) contact problem drinkers to induce them to enter the company's program; and (3) follow up alcoholics under treatment. As a result of the program, many alcoholics who might have remained hidden are brought to the attention of company physicians, and subsequently rehabilitated.

CASE FINDING

The alcoholics in this study were identified, as mentioned earlier, by a survey of Du Pont physicians conducted in 1964. The physicians were asked to place each alcoholic into one of the following categories:

Known alcoholics: This category includes persons who exhibit alcohol dependency, drinking patterns, and behavioral characteristics, such as disturbed personal relations and impaired work efficiency, that clearly demonstrate they are chronic, uncontrolled alcoholics.

Suspected alcoholics: These are problem drinkers who show evidence of excessive drinking, but for whom information is insufficient to determine unequivocally whether they are alcoholics as defined above.

Recovered alcoholics: These are arrested alcoholics who, as far as it can be determined, are no longer drinking.

SELECTION OF CONTROLS

For each alcoholic admitted to the study, an employee not known to be an alcoholic was selected at random to serve as a control. The controls were matched to the alcoholics by four factors: age, sex, payroll class (ie,

Footnotes at end of article.

salaried or hourly-paid), and geographical location. The age matching was so arranged that the control was not more than two years younger or two years older than the alcoholic. The division by payroll class separated the white-collar workers from the blue-collar workers. In this paper, the former have been designated as "salary", and the latter as "wage." The selection of the controls was made from a complete list of company employees, with the aid of a table of random numbers.

CHARACTERISTICS OF THE COMPANY POPULATION

At the time the survey was conducted, the company employed about 100,000 persons, but the number surveyed for this study was 76,687. The remainder were not included because they were located at small installations, such as sales offices, warehouses, and small plants. Employees at these locations are examined by part-time or referral doctors and, therefore, are not under medical surveillance that is close enough to detect evidence of alcoholism.

The ratio of wage roll to salaried workers in the company is about 3 to 2, and the ratio of males to females is 6 to 1. Employees range in age from 17 to 64. Retirement is mandatory at age 65.

COLLECTION OF DATA ON SICKNESS ABSENTEEISM

Sickness absenteeism of the alcoholics and controls were analyzed for the year 1965, the year following the survey. No influenza epidemic occurred in the company population that year, so that the data on sickness absenteeism are fairly representative of a normal year. From the medical section at each plant and office location, a list of sickness absences of each subject during the year was obtained. The information included the diagnosis of the illness. Only those absences which began between January 1 and December 31 were included. Sickness absences which started before January 1 and extended into 1965 were excluded. When a sickness absence began in 1965 and continued beyond December 31, the number of days of disability that extended into the following year were included in the study.

MEASURES OF SICKNESS ABSENTEEISM

To analyze the frequency and duration of sickness absences, frequency distributions were constructed of the number of sickness absences and of the number of days of disability, and various kinds of rates computed. Three of these were the frequency rate, disability rate, and severity rate, defined as follows:

$$\text{Frequency rate (FR)} = \frac{\text{Number of sickness absences}}{\text{Number of persons}}$$

$$\text{Disability rate (DR)} = \frac{\text{Number of days of disability}}{\text{Number of persons}}$$

$$\text{Severity rate (SR)} = \frac{\text{Number of days of disability}}{\text{Number of sickness absences}}$$

Thus, the frequency rate is the number of absences per person; the disability rate is the number of days of disability per person; and the severity rate, the number of days of disability per absence.

The disability rate is equal to the frequency rate multiplied by the severity rate (DR = FR x SR); that is, the total number of disability days is determined by the number of absences and the duration of the absences.

The "percent disabled per day", which is the average percentage of persons who are disabled each day of the year were also computed. To compute this rate directly, the number of persons disabled on a given day is divided by the number of persons in the work force on that day. The average percentage for the year was computed by the following formula:

$$\frac{\text{Total number of days of disability x 100}}{\text{Number of person-days}}$$

When the number of person-days equals the number of persons x 365.

The rate can also be computed by dividing the disability rate by 365.

RESULTS

The survey identified 922 alcoholics. For this study of sickness absenteeism, however, persons who left the company population during the year of the study because of layoff, retirement, or death had to be excluded. Also excluded were employees at certain office locations where records of short-term absences are not maintained. After these exclusions, there was usable data for 764 alcoholics and 863 controls.

The breakdown of the number of alcoholics and controls by sex and payroll class is shown in Table I; and the age distribution by drinking category, in Table II. Of the 764 alcoholics, 168 were classified as "known," 344 as "suspected," and 252 as "recovered." The median age of the alcoholics was 50.7 years, and was about the same in each drinking category. The median age of the controls was 50.9 years. The large majority of the alcoholics were middle aged; only 97 (12.7 percent) were below the age of 40.

TABLE I.—NUMBER OF ALCOHOLICS AND CONTROLS, BY SEX AND PAYROLL CLASS

	Number	Payroll class	
		Wage	Salary
Alcoholics:			
Male	729	547	182
Female	35	15	20
Total	764	562	202
Controls:			
Male	817	608	209
Female	46	22	24
Total	863	630	233

TABLE II.—AGE DISTRIBUTION OF ALCOHOLICS BY DRINKING CATEGORY

Age	Number	Drinking category		
		Known	Suspected	Recovered
25 to 29	7	1	6	0
30 to 34	15	4	9	2
35 to 39	75	14	42	19
40 to 44	111	19	58	34
45 to 49	146	37	61	48
50 to 54	197	42	85	70
55 to 59	151	38	62	51
60 to 64	62	13	21	28
Total	764	168	344	252
Median age	50.7	51.1	49.7	51.6

FREQUENCY AND DURATION OF SICKNESS ABSENTEEISM

Among the 764 alcoholics, there were 984 sickness absences and 9,941 days of disability during the year. Among the 863 controls, the number of sickness absences was 569, and the number of days of disability, 5,046.

The frequency rate of the alcoholics was 128.8 percent, compared to 65.9 percent among the controls, a ratio of almost 2 to 1. The disability rates were 13.0 days per person among the alcoholics and 5.8 among the controls, a ratio slightly greater than 2 to 1. The severity rate of the alcoholics was 10.1 days per absence, compared to 8.7 among the controls. The average percentage of alcoholics disabled each day was 3.6; among the controls, it was 1.6.

Of the two factors that make up the disability rate, frequency and duration, the frequency of illness contributed more to the excess absenteeism of the alcoholics than did the duration of the absences, as evidenced by the greater disparity seen in frequency rates than in severity rates.

Differences in sickness absenteeism between the alcoholics and controls can also be seen in the frequency distributions of the number of sickness absences and number of days of disability. Repeated bouts of illness during the year were much more common among the alcoholics (Table III). Two or more absences occurred in 32.7 percent of the alcoholics and in 15 percent of the controls; four or more absences, in 9.1 percent of the alcoholics and in only 2.5 percent of the controls. The differences between the frequency distributions of the alcoholics and controls was highly significant ($P < 0.001$).

The alcoholics also showed a greater incidence of prolonged periods of disability (Table IV). Twenty-three percent of the alcoholics compared to 10.3 percent of the controls were disabled for 15 or more days. Thirty or more days of disability occurred in 12.8 percent of the alcoholics and in 6.5 percent of the controls. Twenty-nine alcoholics (3.8 percent) and only six controls (0.6 percent) were disabled for 90 days or more.

TABLE III.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF SICKNESS ABSENCES AMONG ALCOHOLICS AND CONTROLS[1]

Number of sickness absences	Number		Percent		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls	Alcoholics	Controls
0	289	515	37.8	59.7	100.0	100.0
1	226	212	29.5	24.6	62.2	40.3
2	115	83	15.1	9.6	32.7	15.7
3	65	31	8.5	3.6	17.6	6.1
4	38	14	4.9	1.6	9.1	2.5
5	18	7	2.4	.8	4.2	.9
6	6	1	.8	.1	1.8	.1
7	3	0	.4	0	1.0	0
8	2	0	.3	0	.6	0
9+	2	0	.3	0	.3	0
Total	764	863	100.0	100.0		

[1] Chi-Square = 101.7 (5 df) $P < 0.001$.

TABLE IV.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF DAYS OF DISABILITY AMONG ALCOHOLICS AND CONTROLS [1]

Number of days of disability	Number		Percent		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls	Alcoholics	Controls
None	289	515	37.8	59.7	100.0	100.0
1 to 2	82	100	10.8	11.6	62.2	40.3
3 to 4	61	67	8.0	7.8	51.4	28.7
5 to 9	107	62	14.0	7.2	43.4	20.9
10 to 14	49	29	6.4	3.4	29.4	13.7
15 to 19	38	16	5.0	1.8	23.0	10.3
20 to 29	42	18	5.5	2.1	18.0	8.5
30 to 59	53	36	6.9	4.2	12.5	6.4
60 to 89	15	14	2.0	1.6	5.6	2.2
90 to 119	14	3	1.8	.3	3.6	.6
>120	14	3	1.8	.3	1.8	.3
Total	764	863	100.0	100.0		

[1] Chi-Square=112.6 (9 df) P<0.001.

Fig 2 (not printed in the RECORD) shows graphically the cumulative percent distribution of the number of days of disability of the alcoholics and controls who were absent at least once during the year. The curves, therefore, represent the rate of return to work following the onset of illness. It is clear from a comparison of the two curves that the alcoholics returned at a slower rate. The inceasing distance between the curves for the larger numbers of days of disability indicates the higher incidence of prolonged disability among the alcoholics that was mentioned previously.

In addition to an examination of excessive absenteeism of alcoholics, it is also worthwhile to note those alcoholics who had no sickness absences during the year or who had what might be regarded as an acceptable number of days of disability (Tables III & IV). Of the 764 alcoholics, 289, or 37.8 percent, had no sickness absenteeism. An additional 143 were disabled for from one to four days, so that a total of 422, or 55.2 percent of the alcoholics had a reasonably good attendance record for the year.

Age: Disability rates for the alcoholics and controls are shown by age from 35 to 64 years. Age groups under 35 years were omitted because of the small number of subjects. Disability rates were considerably higher among the alcoholics at all ages. The curves were rather erratic, but indicated a general increase of rates with age in both groups.

Sex and payroll class: Women have long been known to have higher rates of sickness absenteeism than do men. This can be seen from the data in Table V which shows frequency, disability, and severity rates by sex and payroll class for alcoholics and controls. The higher rates in women usually arise from an increased frequency of absences rather from longer duration of absences. The data in Table V show that the increase in disability for the female alcoholics was roughly proportional to the increase found in male alcoholics, when each is compared to its respective control groups. For both sexes, the frequency rate of the alcoholics was about twice that of their controls.

A further breakdown by payroll class shows higher frequency and disability rates among wage-roll employees for both alcholics and nonalcoholics. There were only 15 female wage-roll alcoholics in the study, but their illness experience indicated an especially high rate of absenteeism. Their frequency rate was 233.2 percent, and disability rate 22.1 days per person per year.

Occupation: Frequency and disability rates in seven occupational categories are shown in Table VI. In every category, illness rates were considerably higher in the alcoholics than in the controls. Both frequency and disability rates were highest among alcoholics classified as "laborers and other unskilled workers." There is no indication in these data that any particular occupational group of alcoholic employees is able to keep its absenteeism down to the level of nonalcoholics.

TABLE V.—FREQUENCY RATES, DISABILITY RATES, AND SEVERITY RATES OF ALCOHOLICS AND CONTROLS, BY SEX AND PAYROLL CLASS

	Total	Wage	Salary
Males:			
Frequency rate (percent):			
Alcoholics	125.0	132.2	103.3
Controls	63.3	65.8	56.0
Disability rate (percent):			
Alcoholics	12.8	12.9	12.3
Controls	5.8	5.9	5.4
Severity rate (percent):			
Alcoholics	10.2	9.8	11.9
Controls	9.0	9.0	9.6
Females:			
Frequency rate (percent):			
Alcoholics	213.9	233.3	190.0
Controls	110.9	113.6	108.3
Disability rate (percent):			
Alcoholics	18.0	22.1	15.0
Controls	7.1	9.7	4.8
Severity rate (percent):			
Alcoholics	8.2	9.5	7.9
Controls	6.4	8.6	4.4

TABLE VI.—FREQUENCY RATES AND DISABILITY RATES OF ALCOHOLICS AND CONTROLS, BY OCCUPATION

Occupation category	Number of subjects [1]		Frequency rate (percent)		Disability rate	
	A	C	A	C	A	C
Professional and technical	59	48	120.3	72.9	18.3	7.0
Clerical workers	56	54	117.9	85.2	9.3	4.1
Foremen, supervisors, and superintendents	76	111	122.4	42.3	9.8	5.6
Craftsmen	139	195	119.4	77.4	10.7	7.2
Operatives	357	378	138.4	62.2	13.6	5.6
Service workers	32	40	103.1	67.5	11.5	3.8
Laborers and other unskilled workers	36	26	144.4	88.5	21.8	7.2
Total	755	852	129.1	66.2	13.0	5.9

[1] A=Alcoholics; C=Controls.

TABLE VII.—SELECTED INDICES OF SICKNESS ABSENTEEISM OF ALCOHOLICS AND CONTROLS, BY DRINKING CATEGORY

	Total	Drinking category		
		Known	Suspected	Recovered
Number of subjects (n):				
Alcoholics	764.0	168.0	344.0	252.0
Controls	863.0	207.0	378.0	278.0
Number of absences (a):				
Alcoholics	984.0	242.0	471.0	271.0
Controls	569.0	110.0	274.0	185.0
Number of days of disability (d):				
Alcoholics	9,941.0	3,257.0	3,726.0	2,958.0
Control	5,046.0	1,115.0	2,168.0	1,763.0
Frequency rate (percent) (a/n × 100):				
Alcoholics	128.8	144.0	136.0	107.5
Controls	65.9	53.1	72.5	66.5
Disability rate (d/n):				
Alcoholics	13.0	19.4	10.8	11.7
Controls	5.8	5.4	5.7	6.3
Severity rate (d/a):				
Alcoholics	10.1	13.5	7.9	10.9
Controls	8.7	10.1	7.9	9.5
Percent disabled per day:				
Alcoholics	3.6	5.3	3.0	3.2
Controls	1.6	1.5	1.6	1.7
Percent disabled 1 time [1]:				
Alcoholics	62.2	69.0	64.5	54.8
Controls	40.3	34.3	42.1	42.8

[1] Differences between alcoholics and controls significant by chi-square test in all groups. P<0.01 in Recovered category; P<0.001 in all other groups.

DIFFERENCES BY DRINKING CATEGORY

Frequency rates: Table VII shows various rates of sickness absenteeism in each of the three drinking categories. The frequency rate was highest among the known alcoholics (144.0 percent), somewhat lower in the suspected group (136.9 percent), and lowest among the recovered alcoholics (107.5 percent). In all categories, however, the rates among the alcoholics were considerably higher than those of the controls. It is interesting that, although the recovered alcoholics had a notably lower frequency rate than those found among the known and suspected alcoholics, they nevertheless had a much higher frequency rate than the controls to whom they were matched; ie, 107.5 percent compared to 66.5 percent.

Disability rates: Among the known alcoholics, the disability rate was 19.4 days per person, considerably higher than the rates found in the suspected and recovered groups, which were 10.8 and 11.7. In these latter groups, the rates were a little less than twice that of their controls, but the disability rate of the known alcoholics was 3.6 times the rate in their control group.

Perhaps the most meaningful estimate of the amount of excess absenteeism resulting from alcoholism is the difference in disability rates between the known, uncontrolled alcoholics and their controls; ie, 19.4 less 5.4. This difference, 14 days per person per year, is an estimate of the average number of disability days among alcoholics that is in excess of what can normally be expected among nonalcoholics.

Severity rates: The severity rate was highest among the known alcoholics (13.5 days per absence), but it was not much higher than the rates in the other two categories, or than in the control groups. The severity rate of the suspected alcoholics, 7.9, was comparatively low and equal to their controls.

Incidence of prolonged disability: Although a majority of the alcoholics were disabled for five days or less, a comparatively high percentage were disabled for long periods of time (Table VIII). About 1 out of every 10 controls were disabled for 15 or more days, but this amount of disability was experienced by one out of three known alcoholics and one out of five suspected and recovered alcoholics. Disability of 30 or more days and of 60 or more days occurred at a slightly higher rate in the suspected and recovered alcoholics than in the controls, but among the known alcoholics, the incidence was very high: 36, or 21.4 percent, were disabled for 30 or more days; and 16, or 9.5 percent, for 60 or more days. The proportion of controls disabled for these lengths of time were, respectively, 5.8 percent and 1.9 percent.

TABLE VIII.—PERCENT OF ALCOHOLICS AND CONTROLS DISABLED FOR 15, 30, AND 60 OR MORE DAYS BY DRINKING CATEGORY

Number of subjects	Total	Drinking category: Known	Suspected	Recovered
Number of days of disability:				
15 or more days:				
Alcoholics	178.0	55.0	75.0	48.0
Controls	90.0	19.0	39.0	32.0
30 or more days:				
Alcoholics	98.0	36.0	31.0	31.0
Controls	56.0	12.0	25.0	19.0
60 or more days:				
Alcoholics	45.0	16.0	12.0	17.0
Controls	20.0	4.0	8.0	8.0
Percent:				
15 or more days:				
Alcoholics	32.3	32.7	21.8	19.0
Controls	10.4	9.2	10.3	11.7
	(1)	(1)	(1)	(2)
30 or more days:				
Alcoholics	12.8	21.4	9.0	12.3
Controls	6.5	5.8	6.6	7.0
	(1)	(1)	(3)	(2)
60 or more days:				
Alcoholics	5.9	9.5	3.5	6.7
Controls	2.3	1.9	2.1	3.0
	(1)	(4)	(3)	(3)

[1] $P<0.001$.
[2] $P<0.05$.
[3] Not significant.
[4] $P>0.01$.

CAUSES OF DISABILITY

In analyzing sickness absenteeism by cause of disability, it was necessary to contend with a certain amount of inaccuracies in the diagnosis reported. The problem is greatest for short-term absences, when very often the employee is not attended by a physician, so that the diagnosis must be based upon symptoms reported to the plant medical section by the employee when he returns to work. The problem is even greater for alcoholics. Short-term absenteeism resulting from alcoholic intoxication would probably be reported as some common minor disorder, such as a cold, "flu," or gastrointestinal upset. In this study, a diagnosis of alcoholism was made in only 26 absences. There were probably many more.

Frequency rates for alcoholics in major diagnostic categories (Table IX) were higher in all categories except genitourinary disorders. The magnitude of the differences is shown by the ratio of frequency rates; that is, the rate among the alcoholics divided by the rate among the controls. The highest ratios were seen for accidents (3.5), musculoskeletal disorders (2.7), and digestive disorders (2.4). The ratio for mental illness was 3.3, but the number of absences in this category was small. All the disabling accidents of the alcoholics occurred off the job.

TABLE IX.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS BY DIAGNOSTIC CATEGORY

Diagnostic category	Number of absences	Frequency rate (percent)	Ratio of frequency rates: alcoholics / controls
Respiratory infections:			
Alcoholics	294	38.5	1.7
Controls	194	22.5	
Digestive disorders:			
Alcoholics	215	28.1	2.4
Controls	103	11.9	
Musculoskeletal disorders:			
Alcoholics	111	14.5	2.7
Controls	46	5.3	
Virus infections, unspecified:			
Alcoholics	53	6.9	1.3
Controls	45	5.2	
Cardiovascular disease:			
Alcoholics	40	5.2	1.9
Controls	23	2.7	
Accidents:			
Alcoholics	35	4.6	3.5
Controls	11	1.3	
Alcoholism:			
Alcoholics	26	3.4	
Controls	0	0	
Neurological disorders:			
Alcoholics	23	3.0	1.5
Controls	17	2.0	
Genitourinary disorders:			
Alcoholics	19	2.5	0.6
Controls	34	3.9	
Mental illness:			
Alcoholics	15	2.0	3.3
Controls	6	.6	
Other illnesses:			
Alcoholics	75	9.8	2.0
Controls	42	4.9	
Unknown:			
Alcoholics	78	10.2	1.8
Controls	48	5.6	
Total:			
Alcoholics	984	128.8	2.0
Controls	569	65.9	

Respiratory infections and digestive disorders combined accounted for about one-half of the absences and about one-third of the total number of disability days in both the alcoholics and controls. Frequency distributions of the number of absences in these illness categories are shown in Tables X and XI. Differences between the frequency distributions of the alcoholics and controls are highly significant ($P<0.001$). In both categories, a much higher percentage of alcoholics than controls were absent one or more times, and had repeated bouts of these illnesses. Two or more absences for respiratory infections occurred in 7.2 percent of the controls and in 3.8 percent of the alcoholics. Differences between alcoholics and controls were even greater for digestive disorders. Almost 20 percent of the alcoholics but only about 10 percent of the controls were disabled at least once. Two or more absences occurred in a little more than one percent of the controls, but in 5.8 percent of the alcoholics.

TABLE X.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF ABSENCES AMONG ALCOHOLICS AND CONTROLS FOR RESPIRATORY INFECTIONS[1]

Number of absences	Number		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls
0	540	707	100.0	100.0
1	169	123	29.3	18.1
2	42	29	7.2	3.8
3	11	3	1.7	.4
4	2	1	.3	.1
Total	764	863		

[1] Chi-square=28.7 (2 df) P<0.001.

TABLE XI.—FREQUENCY DISTRIBUTIONS OF THE NUMBER OF ABSENCES AMONG ALCOHOLICS AND CONTROLS FOR DIGESTIVE DISORDERS[1]

Number of absences	Number		Cumulative percent	
	Alcoholics	Controls	Alcoholics	Controls
0	616	773	100.0	100.0
1	104	80	19.4	10.4
2	28	8	5.8	1.1
3	13	1	2.1	.2
4	1	1	.4	.1
5+	2	0	.3	.0
Total	764	863		

[1] Chi-square=36.1 (2df) P <0.001.

For some of the more common illness categories, specific illnesses within these categories were examined to find out how much each illness contributed to the excess rate in the alcoholics. The breakdown of various types of digestive disorders is shown in Table XII. The category *gastrointestinal upsets* accounted for most of the absences and the largest difference between alcoholics and controls. This category includes such conditions as nausea, vomiting, diarrhea, indigestion, gastritis, gastroenteritis, and "stomach upsets," usually resulting in only short-term, but, among the alcoholics, frequent disability. Occasionally, diagnoses of this type may have been made when alcoholics stated they were afflicted with one of these conditions to explain an absence resulting from alcoholic intoxication. At other times, these conditions may actually have occurred, but as a result of excessive drinking.

As for the other diagnoses in the category of digestive disorders, the numbers of absences were too small to draw any firm conclusions. It is worth noting, however, that six alcoholics, but no controls,, were disabled by cirrhosis of the liver; and 11 alcoholics and 4 controls, by hernia.

TABLE XII.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED DIGESTIVE DISORDERS

Diagnosis	Number of absences	Frequency rate (percent)
Gastrointestinal upsets:		
Alcoholics	167	21.9
Controls	66	7.6
Cirrhosis of liver:		
Alcoholics	6	.8
Controls	0	0
Peptic ulcer:		
Alcoholics	18	2.4
Controls	13	1.5
Hernia:		
Alcoholics	11	1.4
Controls	4	.5
Gall bladder disease:		
Alcoholics	6	.8
Controls	7	.8
Other digestive disorders:		
Alcoholics	7	.9
Controls	13	1.5
Total:		
Alcoholics	215	28.1
Controls	103	11.9

Table X shows frequency rates for the four illnesses that made up the category *respiratory infections*: upper respiratory infection, influenza, bronchitis, and pneumonia. In each of these illnesses, the frequency rates were higher in the alcoholics, and the ratios of rates were about the same.

TABLE XIII.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED RESPIRATORY INFECTIONS

Diagnosis	Number of absences	Frequency rate (percent)
Upper respiratory infection:		
Alcoholics	173	22.6
Controls	116	13.4
Influenza:		
Alcoholics	71	9.3
Controls	51	5.9
Bronchitis:		
Alcoholics	35	4.6
Controls	24	2.8
Pneumonia:		
Alcoholics	15	2.0
Controls	4	.5
Total:		
Alcoholics	294	38.5
Controls	194	22.5

The very high incidence of absenteeism of alcoholics for musculoskeletal disorders was unexpected. A breakdown of the six most common diagnoses in this category are shown in Table XIV. For each of these diagnoses, the frequency rate of the alcoholics was considerably higher than that of the controls. The frequent occurrence of low back disorders, disc problems, and muscular strain may have been brought on as a result of poor judgment or impaired reflexes in lifting or in the execution of other bodily movements while under the influence of alcohol.

TABLE XIV.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED MUSCULOSKELETAL DISORDERS

Diagnosis	Number of absences	Frequency rate (percent)
Arthritis:		
Alcoholics	18	2.4
Controls	5	.6
Rheumatism:		
Alcoholics	15	2.0
Controls	7	.8
Low back disorders, etiology unspecified:		
Alcoholics	22	2.9
Controls	7	.8
Bursitis:		
Alcoholics	17	2.2
Controls	5	.6
Disc disorders:		
Alcoholics	14	1.8
Controls	2	.2
Muscular strain:		
Alcoholics	16	2.1
Controls	6	.7
Other:		
Alcoholics	9	1.2
Controls	14	1.6
Total:		
Alcoholics	111	14.5
Controls	46	5.3

Absenteeism for cardiovascular disease was almost twice as great among the alcoholics as among the controls. Frequency rates for the most common forms are shown in Table XV. Although the rates were higher among the alcoholics in each category, the breakdown yields numbers that are too small to draw any inferences. In the comparison of chronic disease history between these alcoholics and controls, it was found that among the alcoholics the prevalence rate of hypertension was 2.3 times as great as in the controls; and the prevalence of coronary heart disease, 1.3 times as great.[5]

Footnotes at end of article.

TABLE XV.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED CARDIOVASCULAR DISEASES

Diagnosis	Number of absences	Frequency rate (percent)
Coronary heart disease:		
Alcoholics	9	1.2
Controls	8	.9
Other heart disease:		
Alcoholics	7	.9
Controls	4	.5
Hypertension:		
Alcoholics	6	.8
Controls	4	.5
Hemorrhoids:		
Alcoholics	6	.8
Controls	3	.3
Cerebrovascular disease:		
Alcoholics	4	.5
Controls	1	.1
Other cardiovascular disease:		
Alcoholics	8	.9
Controls	3	.3
Total:		
Alcoholics	40	5.2
Controls	23	2.7

The same study of chonic disease history among these subjects revealed, for almost every disease, a higher prevalence among the alcoholics. The one notable exception was kidney stones. A history of this condition was found in only 32 alcoholics—compared to 55 in the control group. This difference is reflected in the data on sickness absenteeism, even though the numbers are much smaller; that is, three alcoholics compared to nine controls. The data in Table XVI suggest that the alcoholics may be less prone to develop other types of disorders of the urinary system as well. Urinary tract infections caused disability in 6 alcoholics and 12 controls and, in a miscellaneous and ill-defined group of kidney disorders, there were no alcoholics and four controls. When the three classes of urinary disorders were combined, nine cases were found among the alcoholics and 25 among the controls, frequency rates of 1.2 percent and 3.3 percent, respectively.

TABLE XVI.—FREQUENCY RATES OF ALCOHOLICS AND CONTROLS FOR SELECTED GENITOURINARY DISORDERS

Diagnosis	Number of absences	Frequency rate (percent)
Urinary tract infection:		
Alcoholics	6	0.8
Controls	12	1.4
Kidney stones:		
Alcoholics	3	.4
Controls	9	1.0
Prostatitis:		
Alcoholics	4	.5
Controls	1	.1
Miscellaneous kidney disease:		
Alcholics	0	0
Controls	4	.5
Other genitourinary disorders:		
Alcoholics	6	.8
Controls	8	.9
Total:		
Alcoholics	19	2.5
Controls	34	3.9

Respiratory infections by drinking category: Absence rates for respiratory infections did not differ appreciably among known, suspected, and recovered alcoholics (Table XVII). In fact, the disability rates of the three groups were almost identical. It is worth noting that there was no indication of any significant reduction in absenteeism for respiratory infections among the recovered alcoholics. In all groups, all absence rates were higher among the alcoholics than the controls.

Digestive disorders by drinking category: In contrast to respiratory infections, there were notable differences in absenteeism for digestive disorders among the three categories of alcoholics (Table XVIII). The dis-

ability rate among the known alcoholics, 3.5 days per person, was substantially higher than those of the suspected and recovered alcoholics (2.2 and 1.3 days, respectively). This elevated disability rate of the known alcoholics came about mainly as the result of a rather high severity rate: 14.4 days per absence. Although the absence rates of the recovered alcoholics were somewhat lower than those of the known and suspected alcoholics, their rates were higher than the rates of their control group.

TABLE XVII.—SELECTED INDICES OF ABSENTEEISM OF ALCOHOLICS AND CONTROLS FOR RESPIRATORY INFECTIONS, BY DRINKING CATEGORY

	Total	Drinking category		
		Known	Suspected	Recovered
Number of absences:				
Alcoholics	294.0	61.0	144.0	89.0
Controls	194.0	35.0	91.0	68.0
Number of days of disability:				
Alcoholics	1,567.0	344.0	739.0	484.0
Control	936.0	147.0	432.0	357.0
Frequency rate (percent):				
Alcoholics	38.5	36.3	41.9	35.3
Controls	22.5	16.9	24.0	24.5
Disability rate:				
Alcoholics	2.0	2.0	2.1	1.9
Controls	1.1	.7	1.1	1.3
Severity rate:				
Alcoholics	5.3	5.6	5.1	5.4
Controls	4.8	4.2	4.7	5.2
Percent disabled 1 plus times:				
Alcoholics	29.3	28.0	32.6	25.8
Controls	18.1	13.0	18.7	20.9
		[1]	[1]	[2]

[1] $P<0.001$.

[2] Not significant.

TABLE XVIII.—SELECTED INDICES OF ABSENTEEISM OF ALCOHOLICS AND CONTROLS FOR DIGESTIVE DISORDERS, BY DRINKING CATEGORY

	Total	Drinking category		
		Known	Suspected	Recovered
Number of absences:				
Alcoholics	215.0	41.0	120.0	54.0
Control	103.0	19.0	49.0	35.0
Number of days of disability:				
Alcoholics	1,701.0	591.0	773.0	337.0
Control	951.0	136.0	558.0	257.0
Frequency rate (percent):				
Alcoholics	28.1	24.4	34.9	21.4
Control	11.9	9.2	12.9	12.6
Disability rate:				
Alcoholics	2.2	3.5	2.2	1.3
Control	1.1	.7	1.5	.9
Severity rate:				
Alcoholics	7.9	14.4	6.4	6.2
Control	9.2	7.2	11.4	7.3
Percent disabled 1 plus times:				
Alcoholics	19.4	19.5	22.7	14.7
Control	10.4	9.2	10.6	11.2
		[2]	[1]	[3]

[1] $P<0.001$.

[2] $P<0.01$.

[3] Not significant.

DISCUSSION

It is difficult to come up with a single figure that will specify by how much absenteeism of alcoholics exceeds that of nonalcoholics. One reason is that absenteeism is measured in different ways: by the frequency with which it occurs, by the duration of the absences, and by a combination of the two. The latter, the disability rate, is probably the most meaningful. It specifies the number of days of disability per person during a given period of time. Using the disability rate, the data in this study show that alcoholics were disabled, on the average, for 13 days per year, and the controls for 5.8 days, an excess among the alcoholics of 7.2 days, and a ratio of 2.2.

Another problem in measuring the amount of excess absenteeism of alcoholics is the differences in absenteeism that exist among different types of alcoholics. Alcoholics differ with respect to the stage to which the disease has progressed, by drinking patterns, or by whether they are controlled or uncontrolled. In the three categories established, "known," "suspected," and "recovered," some notable differences were found in absenteeism. Not unexpectedly, absenteeism was highest among the known, uncontrolled alcoholics. In this group, the disability rate was 19.4 days of disability per year, compared to 5.4 days in the control group, an excess of 14 days per year, and a ratio of 3.6.

Among recovered alcoholics, the disability rate was 11.7 days per year, considerably lower than the rate found in known, uncontrolled alcoholics. Nevertheless, sickness absenteeism of the recovered alcoholics was substantially greater than among the nonalcoholics. Three factors may explain the excess absenteeism of the recovered group. First, not all of them may have actually recovered. The decision to classify them *recovered* was based only on what could be observed. It is not known how many of these alcoholics, if any, were classified *recovered* simply because they had become more skillful in hiding their drinking. Second, some of the recovered alcoholics could have suffered relapses during the year of the study, either with or without the knowledge of their supervisors or the plant medical department. Third, the most important and most likely reason is that physical and emotional disturbances that produced absenteeism while they were drinking may have persisted among some recovered alcoholics even after they stopped drinking.

The various absence rates presented in this report are essentially averages, and describe the experience of the subjects as a whole, without regard to differences among individuals. Therefore, the picture is not complete without an examination of the frequency distributions of the numbers of absences and the numbers of days of disability. One important feature of these distributions is that a substantial proportion of alcoholics (controlled and uncontrolled) had good attendance during the year of the study. About 38 percent had no sickness absences, and an additional 19 percent were disabled for no more than four days. Two-thirds had either one or no sickness absences during the year. Obviously, poor attendance is not universal among alcoholics, and even a certain segment of uncontrolled alcoholics can at least maintain a good attendance record. How well they perform while on the job is another question, and beyond the scope of this paper.

In studying the causes of sickness absenteeism, it was found that the differences between alcoholics and nonalcoholics were greatest for accidents, musculoskeletal disorders, and digestive disorders. The "accident proneness" of alcoholics needs no explanation. A rather high frequency of disability for low back problems, disc disorders, bursitis, and muscular strains may be a direct effect of alcoholic intoxication. Gastritis is a well-known effect of heavy drinking, and is probably responsible for most of the excess disability reported as gastrointestinal upsets.

Absenteeism for respiratory infections was also excessive among the alcoholics, but to a lesser extent than for the previously mentioned conditions. How many of these absences were actually the result of drinking bouts reported as colds or "flu" is not known, but it is possible that poor nutrition and laxity in health habits of some alcoholics may reduce their resistance of infectious diseases.

A word of caution is needed at this point regarding generalizations of the data presented here to other populations. Absence rates vary by time and place. Over a period of time absence rates are affected by prevailing economic conditions, changes in environmental hazards, and epidemic infectious diseases. Rates also vary among working populations because of such diverse factors as the age and sex composition of the working force, socioeconomic characteristics, types of occupations in the population, provisions of disability insurance plans, and the extent of supervisory control over absenteeism. These factors may affect the magnitude of differences between alcoholics and nonalcoholics in various study populations.

Regardless of the variability of absence rates, there is little doubt that excessive drinking produces excessive absenteeism in alcoholics. It can do so either by causing behavioral changes or by producing physiological changes that lead to acute or chronic illness. These data have thrown some light on the role of each factor, but still leave not completely answered the question of how much excess absenteeism of the alcoholics is due exclusively to alcoholic intoxication, how much to acute illness brought on by heavy drinking, and how much to chronic conditions directly or indirectly related to alcoholism. In addition, some of the excess absenteeism of the alcoholics may result not from alcohol *per se*, but from such factors as excessive use of other drugs, heavy cigarette smoking, inadequate diet, and certain mental and physiological characteristics that lead to disabling illness and, concomitantly, play a role in the etiology of alcoholism.

SUMMARY

Sickness absenteeism of 764 alcoholics during a one-year period was compared to that of a control group of 862 nonalcoholics. The

subjects were divided into three categories: known alcoholics, suspected alcholics, and recovered alcoholics. The frequency rate of the alcoholics was 128.8 percent compared to 65.9 percent among the controls. The disability rate was 13.0 days of disability per person per year among the alcoholics and 5.8 days among the controls. Alcoholics greatly exceeded nonalcoholics in both short-term and long-term disability. Age, sex, and occupation appeared to have little influence on the amount of excess absenteeism of the alcoholics.

Absenteeism of known, uncontrolled alcoholics exceeded that of suspected and recovered alcoholics. The disability rate of the known alcoholics was 19.4 days per person compared to 5.4 days in their control group, an excess of 14 days per year.

Although absenteeism of recovered alcoholics was less than that of the drinkers, their rates of absenteeism were, nevertheless, considerably greater than that of the controls.

A little more than one-third of the alcoholics had no sickness absences during the year, and an additional 20 percent were disabled for from one to four days, so that slightly more than half had an acceptable attendance record for the year.

Absenteeism of the alcoholics was greater than that of the nonalcoholics in all major diagnostic categories except for disorders of the urinary system. The excess among the alcoholics was greatest for accidents, musculoskeletal disorders, and digestive disorders.

Acknowledgement: Coding and collection of data were done by Mrs. Cora W. DiJosie, and statistical calcula+'ons by Miss Ann Dawson.

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CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER (Mr. ALLEN). Is there further morning business? If not, morning business is concluded.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 a.m. tomorrow morning.

The motion was agreed to; and (at 7 o'clock and 1 minute p.m.) the Senate recessed until tomorrow, Friday, August 21, 1970, at 9 a.m.

NOMINATIONS

Executive nominations received by the Senate August 20, 1970:

OFFICE OF SCIENCE AND TECHNOLOGY

Edward E. David, Jr., of New Jersey, to be Director of the Office of Science and Technology, vice Lee A. DuBridge.

EXTENSIONS OF REMARKS

SECOND ANNIVERSARY OF THE DEATH OF REFORM IN CZECHOSLOVAKIA

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 20, 1970

Mr. SCOTT. Mr. President, today marks the second anniversary of the death of reform in Czechoslovakia. Two years ago today, troops of the Soviet Union, the Polish People's Republic, the Hungarian People's Republic, the Bulgarian People's Republic, and the German Democratic People's Republic, smashed across the Czechoslovakian border and ended the reform movement of Premier Alexander Dubcek.

For 8 months, Dubcek's regime had been loosening the Communist grip on the people of Czechoslovakia. Hardline Stalinists were expelled from the Government, censorship was eased, and fuller civil rights were promised. But these liberties were short lived. The 200,000 troops who poured into Czechoslovakia the night of August 20 effectively snuffed out the candle of liberalization.

Admittedly, Mr. President, the reforms were not all-encompassing, but it was a start. The people of Czechoslovakia, for the first time while under Communist occupation, experienced a lessening of internal tensions and a broadening of their individual freedoms. The reforms even went so far as to seek a peaceful relationship with the much persecuted Roman Catholic Church.

The Communist bloc leaders, however, afraid of truth, knowledge, and freedom, could not stand idly by. Ultimately 650,000 troops swarmed across Czechoslovakia. Accordingly, the cities were ringed with tanks, reformers were jailed, and the reform movement branded "counterrevolutionary." The valiant Czechoslovakians carried out a program of passive resistance. The Czech people are not quislings. This alone indicates the intense desire for freedom which burns deep in their souls. Mr. President, I began by saying that 2 years ago reform had been killed in Czechoslovakia. The hope and desire, however, for reform is not dead. The Czechs live. Today we let them know that we stand with them.

COMPLETING THE WORK OF CONGRESS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, as the House contemplates a 3-week recess, I must express the hope that its purpose is to restore our energies so that the unfinished business of the 91st Congress can be substantially completed before submitting its record to the voters in November. The electorate, according to all recent surveys, is becoming increasingly discerning and increasingly impatient.

Americans of both the silent and vocal varieties are well aware that in 1969 a new President came into office with a politically opposed Congress for the first time in 120 years. They applaud and approve of President Nixon's program of reform and redirection. They will judge the Democratic leadership of this Congress by its record of cooperation and support.

That record, Mr. Speaker, is sadly deficient so far in some key areas.

I would be less than candid not to concede that the people's House, the more responsible and representative body in modern times, has a far better score than the other body in this Congress and in this session to date. This is true not only in matters of national security and foreign affairs, where our distinguished Speaker and many of his Democratic colleagues have never hesitated to put country above partisanship, but also in some of the far-reaching domestic reforms and legislative innovations sought by the Nixon administration.

Among these I particularly mention the first fundamental reform of the U.S. postal service, comprehensive overhaul of the tax laws, welfare reform, a more equitable draft selection system and historic advances for the District of Columbia in crime control and self-government.

Nor is there cause this year to be critical of the pace of the appropriations process in the House of Representatives. The Senate is another story. The sums finally appropriated may, unless the recent warnings of the President are heeded, prove to be budget-busting and inflationary in the aggregate. But the foot-dragging and delay of the Democratic majority in this Congress, of which some of my Republican friends are speaking, cannot fairly be blamed on the House Appropriations Committee.

I have carried in my pocket throughout this Congress a little list of major requests which President Nixon has made to the legislative branch of the Government since the voters elected him Chief Executive less than 2 years ago. No appropriation bills are included.

There are 100 Presidential requests for congressional action on my list.

In 19 months, this Congress has completed action—not always favorably—on only 39 of them. Five more for a total of 44 out of 100 have passed both the House and Senate. They either are in confer-

ence or awaiting final conference action at this time.

There are 56 major requests to Congress by the President—reasoned reforms and critically needed programs which cannot be carried out without legislative approval—56 items out of 100 which remain unfinished business.

On 34 of these measures neither body of this Democrat-controlled Congress has worked its will. Twelve have passed the House only; 10 have Senate approval only.

How can any President hope to carry out his mandate for change from the American people when he sends 100 major proposals to Congress and nothing happens to more than half of them? How can Democrat critics assert that the Nixon administration has shown little initiative in the domestic field and has failed to follow through on its recommendations with specific legislative drafts? Draft legislation has been sent up for every one of these 56 uncompleted measures on my list of 100 Nixon initiatives. These are important reforms geared to the new directions Americans want their National Government to go in the 1970's. Why have we had no action?

I do not suggest that this Congress should be a rubberstamp for the White House. We are still burdened with the disastrous results of the lopsided Democratic 89th Congress of 1965–66 which rubberstamped almost everything President Johnson sent up, leading to spectacular spending deficits.

But I do say we should bring these measures to the floor of the House and of the other body before election day. Let every elected legislator stand up and be counted for or against President Nixon's proposals. They should not be allowed to languish and die in Democrat-dominated committees while Democrat campaign orators berate President Nixon for lack of legislative results.

On the very top of my little list of unfinished business are the President's anticrime bills. Law enforcement and crime control are uppermost in the concerns of all our citizens.

The Nixon administration responded promptly with a strong example and a specific list of legislative requests—17 bills to strengthen the Federal Government's hand, effectively but constitutionally, in an all-out war against crime and criminals.

Of these, only one relating to the District of Columbia—where lawmakers feel the same personal concern for their families that all Americans do—is now public law. The House has acted to curb pornography and extend the Law Enforcement Assistance Act—a Republican minority initiative in the 90th Congress—and the Senate has passed somewhat weakened versions of other parts of the anticrime package.

But the real hangup is here in the House.

Why did the Committee on the Judiciary take 13 months to schedule hearings on the organized crime bill? Why has a jurisdictional dispute been permitted to delay House consideration of the important drug control measures sought by the Nixon administration?

Mr. Speaker, these are vital tools which the law enforcement agencies desperately need to stem the tide of crime and violence that threatens every citizen's safety and happiness. Will this Congress adjourn sine die, or go home for election, without heeding President Nixon's requests in this fundamental field?

Also high on my unfinished business list are the administration's widely hailed proposals for revenue sharing with the States, improvements in social security, consumer protection, environmental cleanup, disaster assistance, occupational safety, and scores of others.

Fifty-six out of 100 important Nixon requests to Congress—and no final action.

Forty-four of these have still to reach the House floor. I list them in the order in which the President proposed them, along with the month and year in which draft legislation was available to the Congress:

Wagering tax amendment, January 1969.
Illegal gambling, April 1969.
Witness immunity, May 1969.
Organized crime, May 1969.
Grant consolidation, May 1969.
Food stamps, June 1969.
Drug control, July 1969.
Occupational safety, August 1969.
Mass transit, August 1969.
Manpower training, August 1969.
Rail passenger bill, August 1969.
Revenue sharing, September 1969.
Equal Employment Opportunity Commission, October 1969.
Consumer protection, November 1969.
Consumer representation, November 1969.
Estuarine resources, November 1969.
Trade Act, November 1969.
Family planning, December 1969.
Highway user, December 1969.
Consumer product testing, December 1969.
Latin American program, January 1970.
Parklands, February 1970.
Water pollution control enforcement, February 1970.
Water pollution research and training, February 1970.
Waste treatment facilities, February 1970.
Environmental financing authority, February 1970.
Emergency public interest protection, February 1970.
Economy Act, February 1970.
Asian Development Bank, March 1970.
Public broadcasting, March 1970.
Education institute, March 1970.
Employee benefits, March 1970.
Small Business Administration extension, March 1970.
Higher education opportunity, March 1970.
Housing and Urban Development, March 1970.
Explosives legislation, March 1970.
Fire, research, and safety, March 1970.
Great Lakes disposal, April 1970.
Disaster assistance, April 1970.
Selective Service amendments, April 1970.
Ports and waterways safety, May 1970.
Emergency school aid, May 1970.
Emergency transportation assistance. June 1970.
Indian affairs bills, July 1970.

Mr. Speaker, at the close of the first session of this Congress, I declined to join those who characterized it as a do-nothing, do-little, or dilly-dallying Democrat Congress. I said I would wait and see. I am still reserving final judgment. But my little list tells me it had better do something soon.

DEATH OF DR. MELCHIOR PALYI

HON. PETER H. DOMINICK

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Thursday, August 20, 1970

Mr. DOMINICK. Mr. President, recently Mr. Felix Wormser, a good friend and a highly respected and competent financial analyst and former Government official, sent to me an article by Mr. Sidney Brown, published in the Commercial and Financial Chronicle of August 6, 1970, outlining the career of the late Dr. Melchior Palyi.

Dr. Palyi's currently thoughtful analyses of this country's monetary and gold dilemmas and his many books and articles on the subject were widely read in the financial worlds but, unfortunately, not understood or at least not followed by our governmental leaders or Members of Congress.

His strong objections to fiat money, inflation, and cheap dollar theories so prevalent in our country's history will be sadly missed.

I ask unanimous consent that the article be printed in the Extensions of Remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DR. MELCHIOR PALYI DIES

Dr. Melchior Palyi, 78, died suddenly, July 29, in Billings General Hospital, Chicago, Ill. His home and office were located in Chicago.

His column, "A Point of View" appeared weekly in this space, and he formerly wrote a weekly column for the Chicago Tribune's news section. Dr. Palyi was hardly a stranger to the medium, having written for more than 40 major newspapers which required frequent assignments abroad covering economic and political conditions.

An internationally distinguished economist, Dr. Palyi was on intimate terms with the workings of every major financial crisis just prior to World War I through the most recent June 21 Penn-Central accentuated one. He was equally familiar with most of the world's leading economists going back to Max Weber who held a professorship at the University of Munich at the time when, and where, Dr. Palyi obtained his doctorate and taught, and under whom Dr. Palyi studied and later assisted immensely.

A scholar and author in his own right, Dr. Palyi had a superb felicity for turning even his esoteric constructive criticisms of economic nostrums into a popular, understandable magnetic style for the readers of his column. At the same time, his books commanded the respect of the world economic community. They included: The Chicago Credit Market (1937), Compulsory Medical Care and the Welfare State (1950), The Dollar Dilemma: Perpetual Aid to Europe (1954), Managed Money at the Crossroads (1958). An

Inflation Primer (1961) and, scheduled for publication in the fall of 1971, The Twilight of Gold. The latter distills his behind-the-scenes knowledge of the workings of the European central banks, and the great European banks, to which he blends his years of economic analysis with his first hand knowledge of economic and political events.

Indicative of his pressing concern these past few years, Dr. Palyi's first formal column with this publication dealt with "A Flood Tide in Monetary Nostrums" (September 26, 1968) and his last column, published a week ago, July 30, after his death, coincidentally re-examined many of the current economic "Remedies (which he showed) Are Worse Than The Cure". Over the many years, he contributed numerous articles to this and other publications both here and abroad.

A conservative economist, opposed to Socialism, he defined a conservative as one willing to change for something better, and castigated liberals for their inflexible inability to admit the deleterious consequences of their inspired causative prescriptions gone awry.

ESSAYS CAPTURED CRUCIAL EVENTS

One tragedy which his column caught was the substitution of flat money for a $35 dollar redeemable gold standard, the search for a "Gold Standard Without Gold," blaming "A Gold Shortage on Watered Stock", and making ourselves "Prisoners of Our Debt Behemoth". He took no joy in twitting the "The Dry Rot in Bretton Woods,," the "pie-in-the-sky" promulgation of "Painless Anti-Inflation Policies—Shamless Surrender to Inflation", the evolution of our economy into "A Workers' Paradise Lost", and "the Generic Name of SDR's—Easy Money."

Prior to the leveling out of the stock market in 1968, he called attention to 1929 parallels. In 1963 he wrote on the Federal Reserve's teetering on the edge of a monetary catastrophe (which we now know). One of his analyses of Milton Friedman's fixed money supply growth rule saw therein a strange variation of Keynesianism—one that would require heavy governmental stabilizing efforts to make the proposed 4 per cent money supply formula work.

He was a strong advocate of: "credit created for productive purposes only; a monetary system of currencies and credit measured and tested by a redeemable gold standard; a relatively fixed exchange rate; and deflation as a necessary, unavoidable medicine whenever we failed to take the opportunity to check avoidable inflationary excesses.

The Hungarian-born son of a newspaper publisher, Dr. Palyi was educated in Switzerland and Germany and received his master's degree from the Munich School of Commerce and his doctorate from the University of Munich.

His academic career included faculty memberships in the Universities of Goettingen and Kiel, and it was at the Graduate School of Commerce at Berlin that he obtained his professorship of finance in 1929.

His banking experience included the Austro-Hungarian National Bank, the Deutsche Bank in Berlin, and guest consultants to the Midland Bank, Ltd., London. He was adviser to the Reichsbank, the central bank of Germany, from 1931–1933, and an expert to the German government's Industrialization Nationalization Committee.

Dr. Palyi's first visit to the United States was in 1926–27 as visiting professor and research economist at the University of Chicago; also, Wisconsin, Southern California, and Northwestern University.

In 1933, he elected to live in and become a citizen of the United States. He was a member of the Executive Committee of the Economists' National Committee on Monetary Policy, and a member of the Board of Lehigh Valley Industries, Inc. As a private consultant, he took numerous trips to Europe for first hand knowledge of developments there.

He leaves his wife, Raissa, who is a Russian language Professor, presently on the faculty of Rosary College.

There are few truly great economists left who personally lived through the accomplishments, hopes and misfortunes of the pre- and post-World Wars' economies. Unfortunately, economists did not appreciate his adamant advice against inflationary policies as a cure to economic ills. When the world wanted gold that glittered he could only offer gold.

OF WORDS AND WAR

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, as we commemorate the second anniversary of the ruthless Soviet-led invasion of Czechoslovakia, certain voices in our Nation are calling for a unilateral cessation of our opposition to communism. We are told that the Communists have changed, that there is a new spirit of rapprochement, and that a yielding by the United States on one or another issue will be sufficient to change their attitudes.

A very thoughtful article in the July–August issue of Ordnance magazine belies these assertions. It is entitled "Of Words and War" and is written by the noted military strategist and author, Samuel F. Clabaugh. Colonel Clabaugh cites historical events in this article and notes that the Communists consider international negotiation as a means of waging and continuing hostilities, as well as ending them. Colonel Clabaugh's article follows:

OF WORDS AND WAR

(By Col. Samuel F. Clabaugh)

One of President Nixon's favorite phrases is "from confrontation to negotiation." It is a good one, and especially timely, as we continue the Strategic Arms Limitation Talks (SALT)—the most crucial and hazardous negotiations in the history of our relations with the Soviet Union—and as other negotiations proceed in Paris, in Geneva, and in Panmunjom.

Like most such phrases, it requires analysis. In the quarter century of the cold war, what has been our experience with confrontation and negotiation as we moved from one to the other?

In Communist strategy and ideology, negotiation and confrontation are parts of one organic whole. They are practically synonymous. Each, to paraphrase Clausewitz slightly, is a continuation of war by means of the other. As Senator Henry M. Jackson said more recently:

"Some Americans see international negotiation as a means of ending conflict. They are blind to the fact that negotiation as practiced by Moscow is equally adapted to *waging* and *continuing* conflict."

To confrontation and negotiation must be added a third phase—the treaty. Indeed the word "treaty" derives from the French *traiter*—to negotiate.

The treaty is implicit as a consequence of confrontation and negotiation. Like them, it may come at any point in the sequence of the cycle. It may initiate the conflict, or it may end it. Sometimes, to the surprise of one or both parties, it may—in due time—revive it.

Treaties, all treaties, constitute a paper chain—the treaty trap—as they are described in a recent excellent book by that title ("The Treaty Trap," by Laurence W. Beilenson; Washington: Public Affairs Press, 1969). Confrontation, negotiation, and the treaty—there abide these three, and the worst and most dangerous of these is the treaty.

In our confrontations we have more often succeeded; in our negotiations we have more often failed; and in our treaties we have usually been entrapped. This was true of both World Wars. We won the wars, bungled the peace negotiations, and were trapped by the treaties.

The Soviet Union began the cold war with the Allied occupation of Berlin. They rejected the United States offer of Marshall Plan assistance, clobbered Czechoslovakia when she tried to participate, and denied free elections to the countries of Eastern Europe.

The fruits of Yalta and Potsdam, they greedily plucked; the commitments they as readily repudiated. New negotiations failed. In their attempted strategy of driving the Allies from West Berlin, the Soviets engaged in one harassment after another in their familiar probing tactic. Finally they blockaded West Berlin.

It was a critical time. Some in the military wanted to arm a convoy and send it through, which the Allies had a right to do. It seems inconceivable that the Soviets would have resisted with force when the United States had a monopoly of atomic weapons.

The Soviet blockade was imposed on June 24, 1948. It is reasonable to believe that confrontation, in the form of a counterblockade by the West, would have brought the Soviets to terms, as indeed it did in February following.

But the immediate crisis was the survival of the 2,250,000 people of West Berlin. Gen. Lucius Clay inaugurated the airlift on June 26th. There were questions of its feasibility and its possibly provocative effect. General Clay told a reluctant Washington that "whenever the Soviets want to make war, they will not be deterred by our weakness." President Truman supported General Clay's decision.

When, seven months later, the Western Allies imposed a tight counterblockade, Stalin sought negotiations immediately. On May 4, 1949, the Allied powers announced agreement to end the blockade, and on May 12th the Soviet blockade came to en end. The airlift continued until September 30th because of material in the pipe line and to restore the city's depleted reserves.

It was a magnificent achievement. It had carried 2,500,000 tons of vital supplies to the beleaguered city and enabled its people to survive. It was accomplished at terrific cost, including the loss of 48 lives. It could have been avoided if the Soviet Union had been confronted immediately with a counterblockade.

The airlift cost the Soviets nothing. Stalin was glad to have Western air power thus occupied. But the West's counterblockade was something else. That hit him where it hurt. It should have been a valuable guide to the new North Atlantic Treaty Organization (NATO) which had been born April 4th. It should have been—but it was not.

In Korea, the confrontation came first and seemed to be succeeding. General MacArthur, declaring there was "no substitute for victory," advocated bombing the Communist bases across the Yalu and blockading the coast.

Official Washington feared that the bombing of the "privileged sanctuaries" would bring the Chinese into the war. It also feared the loss of the support of our UN "allies." The Chinese came anyhow, and the support of our UN allies remained minimal.

In the controversy between President Truman and General MacArthur, the general was summarily removed. The see-saw war continued until the "uneasy truce," which

was followed by 18 years of humiliating and fruitless negotiation.

The "United Nations War," with 50,000 American soldiers and the South Korean Army, bids fair to out-live the United Nations itself. Both confrontation and negotiation continue in the travesty in Panmunjom, hardly a satisfactory substitute for victory.

The Cuban missile crisis in 1962 came to a climax in the magnificent mobilization of our air and sea power and the "selective interdiction" of Soviet missiles bound for Cuba. The United States won the almost unanimous support of the free world. The trade and shipping of our allies that had been supporting the Cuban economy declined sharply. The Organization of American States was ready to support an economic and military blockade of Cuba. The instant confrontation was an instant success—but short-lived. What we won in confrontation we immediately lost in secret negotiations between President Kennedy and Khrushchev. The great array of ships, aircraft, and armor was dispersed to their bases even more quickly than they had been mobilized.

Khrushchev felt relieved of the threat of the invasion of Cuba and even reneged on his promise of international inspection of his missiles. The ships of our allies resumed their flow of critical supplies to Castro, and the ardor of our Latin-American friends was cooled somewhat by the revival of old grievances.

We later removed our missiles from Turkey—but seven years later Cuba is still a powerful air, naval, and missile base for the Soviet Union and a training ground for guerrilla forces for use throughout the Americas, including the United States itself.

Vietnam has presented us with our most horrible potpourri of confrontation, negotiation, and treaties.

Despite the recommendation of the military strategists, we have had the wrong sort of confrontation with North Vietnam and the Viet Cong, and only a fantasy of negotiation. From the beginning of the confrontation (escalation) to the mythical negotiation (deescalation) it has been our sorriest performance in the 25-year record of confrontation and negotiation with the Communists.

In Vietnam, as in Korea, we have failed to win either the war or the negotiation. We have failed to win the negotiation precisely because we have failed to win the war. We have failed to win the war primarily for the same reasons: (1) we have granted privileged sanctuaries (such as Haiphong) and safe havens to the enemy—at least until the Cambodian entry; (2) we have failed to cut off his source of supply, and (3) we have suffered from civilian direction of military operations.

In Vietnam, we threw ourselves into the war and began suing for peace at the same time—something rare in history. Each negated the other. Each was directed at the wrong target, in the wrong way, with the wrong weapons, at the wrong time.

North Vietnam was bombed just enough to arouse and unite the people but not enough to deter them. Vital targets were spared. Our mighty bombers attacked footbridges, rice paddies, and jungles, and scorched the earth in South Vietnam, while a free flow of deadly weapons has poured through the port of Haiphong unhindered.

The negotiations which President Johnson had proposed "anywhere, any time" were begun in response to imaginary smoke signals. They have set a new low even for the Communists. But nothing better could have been expected.

President Nixon has found himself on the horns of a polar dilemma—to get in or to get out. That's the nature of dilemmas—two equally painful choices. But he can seize *both* horns; first, get in effectively, and then, get out honorably. The operations to clean out Red armament and supply caches and to uproot COSVN in the Parrot's Beak of Cambodia are boldly in that direction.

The mutual threat to national survival now impels the two great powers to look to the third instrument of conflict resolution—treaty making—to curb the arms race which is growing more intolerable daily.

So it is that the world watches with hope and apprehension the Strategic Arms Limitation Talks (SALT), as it recalls the dismal pattern of treaty making and breaking throughout history—and especially on the part of the Soviet Union.

COLONEL CLABAUGH

Colonel Clabaugh, an Ordnance Reserve officer, has served as military attaché in London, as a member of the General Staff Corps, a faculty member of the Industrial College of the Armed Forces, and as a research associate of the Center for Strategic and International Studies.

TRAUMA—THE NEGLECTED DISEASE OF MODERN SOCIETY

HON. LAWRENCE J. HOGAN

OF MARYLAND

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. HOGAN. Mr. Speaker, WRC–TV recently devoted their editorial time to a discussion of the fourth highest cause of death in the United States—trauma, or accidental injury.

WRC has performed a true public service in calling attention to this little-known killer which strikes most often among persons between the ages of 1 and 37.

For the benefit of my colleagues who may not have heard this editorial broadcast, I include it in the RECORD at this point:

TRAUMA

Trauma, which is defined as physical injury, is the fourth highest cause of death in the United States. And tragically, most of its victims are between the ages of one and thirty-seven. In that life span it is the major cause of death.

Yet, based on recent figures, less than 50 cents was spent on research for each of the 10 million persons who suffered accidental injury. At the same time $220 was spent for each of an estimated 540 thousand cancer cases.

Trauma is not limited to weekdays or working hours. It strikes at any time. And when it does—the first thirty minutes in an emergency room of a hospital are most important.

Vital signs must be monitored by specialists, yet many emergency rooms are staffed by junior physicians and life and death decisions, even for experts, are too often limited because of inadequate treatment facilities. Much-needed chemistry and blood laboratory facilities and supplies are not available around the clock.

The condition of emergency rooms in Washington area hospitals was dramatically revealed in a recent survey. Of the 22 civilian hospitals with 24 hour service, only five were rated as "very good," eight were rated "good."

This is not a reassuring picture for the thousands in the Washington area that will become victims of accidental injury.

There is a good deal of trauma research results available—WRC–TV urges that it be applied, and quickly, to Washington area emergency hospital facilities.

In connection with the intent of this editorial, I recently had the opportunity to address the delegates to the International Trauma Symposium held here in the Nation's Capital.

In preparation for this speech, I had the opportunity to explore many new ideas which I would like to share with my colleagues. For this reason, I include my remarks before the symposium at this point in the RECORD:

ADDRESS BY HON. LAWRENCE J. HOGAN BEFORE THE INTERNATIONAL TRAUMA SYMPOSIUM

It is a great pleasure to join with you this morning for the start of the first international conference devoted to the study of trauma. I commend you for coming together to examine this critical problem and I hope you have a very successful meeting.

April 22 was hailed throughout the country as Earth Day 1970. Our deteriorating environment received a lot of attention on that day as a result of a nationwide teach-in on our college and high school campuses. I joined in the activities of that day and in several speeches pointed to our dirty air, our foul water-ways, our congested traffic, and our deplorable housing and urged a massive effort to restore the quality of our surroundings. I said, at that time, that the issue, in a word, is survival, and that's not something we can compromise with.

I bring up my activities on Earth Day because the National Academy of Sciences considers accidental injuries, or trauma, to be the nation's most important *environmental* health problem. Considering that physical injury is the leading cause of death among persons between the ages of 1 and 37 and that they are the fourth leading cause of death at all ages, then it is readily apparent that the issue is indeed one of survival.

The tragedy of this realization is that trauma kills thousands of our young people in the first half of the life span who otherwise could expect to live long and productive lives. Preventable accidental death afflicts the very same young people who are today demonstrating in the streets against the ravages of the war in Southeast Asia. We must find ways to communicate to them the fact that in one year alone automobile accidents kill more Americans than we lost in the Korean war. We must tell them that accident costs in the neighborhood of $18 billion are rapidly approaching the annual appropriation of $20 billion for conducting the war in Vietnam. Somehow, we must get our young people as involved in protesting this abuse to the life and well-being of members of their generation as they are about the threat of the draft and military service in Vietnam.

I am pleased that you have stated as one of your purposes for meeting this week the effort to generate more scientific attention to a neglected field, but also to stimulate greater *public* awareness that trauma is a major national health problem. Public apathy is one of the greatest hurdles in this field. The public finds injury and trauma "distasteful" and would rather not think of it.

Most of us, and I include myself in the category of the generally unaware public, do not realize that most accidents not only damage the outer body but that, too often, the real "accident" and the resulting traumatic state are brought on by internal injuries. For example, a study of 950 autopsies of accident cases revealed that in 38 percent of the cases of those who died following a fracture of the hip, the primary cause of death was actually pulmonary embolism. Yet in a large number of similar patients who had not been autopsied, pulmonary embolism was the recorded cause of death in only 2 percent of the cases. These figures, I believe, demonstrate how much we really

still don't know and how much further research can teach us.

These are astounding facts and they can only be attributed to a lack of awareness on the part of the general public but apparently also on the part of general medical practitioners. It would seem to be the responsibility of the members of this symposium to reach the latter group and I hope that concerned public officials and interested citizens will continue to disseminate information about this neglected killer to the general public.

I said before that these statistics also show us the tremendous need for more research in this fight against accidental death and disability. We must increase appropriations for further research in this area. We expended vast amounts of money for cancer and cardiovascular research to find cures for those afflicted with chronic diseases which usually take their toll late in life. Why then have we not placed a similar priority on finding a better means of treatment for trauma? Recent studies indicate that the National Institutes of Health and the Public Health Service expend only 50 cents for each of the 10 million persons disabled by accidental injury, while research funds in the amount of $220 and $76, respectively, are expended for each of the estimated 540,000 cancer cases, and 1.4 million cardiovascular cases.

My interest in emergency medical care was aroused by a series of reports on the ambulance situation in the District of Columbia and by the concomitant problems in the emergency rooms of D.C. hospitals.

As a member of the House District of Columbia Committee, I investigated the complaints of citizens regarding the ambulance service and I was appalled at the deficiencies in emergency care in the capital of this great country. This word-of-mouth testimony was supplemented by several studies, including a report by the District of Columbia City Council Ad Hoc Committee on Emergency Ambulance Service; the Definition: Emergency reports aired by WWDC radio; and an in-depth study by the National Highway Safety Bureau of the U.S. Department of Transportation.

In addition to these studies, I received first-hand exposure to the shortcomings of our emergency medical facilities by participating in a mock disaster drill held in Washington on June 28 of last year. In order to assess the effectiveness of emergency medical response by rescue workers and the emergency rooms of ten area hospitals, I along with over one hundred other volunteers, served as a litter case "casualty" with very realistically simulated second degree burns of the face and lungs. Cyanosis was my simulated condition.

The overall mock disaster exercise pointed out many shortcomings in our emergency facilities which are probably symptomatic of similar conditions throughout the country, particularly in more rural areas.

While most of the hospitals have well thought out plans for handling emergency cases, the implementation of these plans frequently leaves much to be desired.

Most of the emergency rooms—the good and the less than good—are very busy. If you have to go to one, chances are you would have to wait, and you probably would have to wait longer than the period that particular hospital considers an average waiting time, since, like most patients, you would probably arrive in the evening or on a weekend.

From a legislative point of view, the major thrust of my efforts in this field has related to a bill which I sponsored last year to establish an Ambulance Service Corps for the District of Columbia, administratively separate from the Fire Department under which it is now placed.

Because of the highly specialized nature of life-saving services, it is quite evident that we need a special system for recruiting and training men with a special aptitude for ambulance work. The Armed Forces have recognized this for a long time.

Once the corps is established it will be responsible for the selection, training, and supervision of its own personnel. As it stands now, members of the fire department serve for one year in the ambulance service. Many do so reluctantly. Others have no special aptitude for this work and, as far as I am concerned, it is imperative that anyone who is involved in emergency medical service be particularly dedicated to his work for it requires an unusual interest and empathy which many do not have.

At the present time a man serving in ambulance work must prove his proficiency in fire-fighting in order to qualify for a promotion. Under the administrative setup which my bill envisions a member of the Ambulance Service Corps could make a career in the ambulance field and be promoted on the basis of his proficiency in this work within his own organization. Those who dedicate themselves to this essential activity are entitled to recognition, as well as satisfaction. The new organization would also provide the technical training which each member must have to keep abreast of the newest techniques and developments. There are some problems related to Washington's emergency medical service to which my bill does not respond.

An important adjunct to the new Ambulance Service Corps is establishment of the neighborhood health centers which the city has requested to take the burden from the ambulance service and allow them to concentrate on true emergencies. Presently, the ambulance service in Washington has been overburdened and deviated from its purpose by being used as a "taxi service" to bring indigents, most ambulatory, to the hospitals. While such "taxi runs" are being made, a real emergency victim must wait, and, in some tragic cases, die. I believe that the neighborhood medical centers will help to solve this problem.

I have spoken so far in terms of emergency when applied to individual victims. However, there is also the very important question of disasters. In such cases, augmentation of personnel is needed. I have provided in my bill for trained volunteers who will serve as reserve members of the Ambulance Service Corps. In having a volunteer reserve, the authorities could call upon an additional force to assist, knowing that they are trained in the methods and use of equipment.

Particularly in the case of disaster relief, an emergency rescue service must be prepared with the proper equipment. During the mock disaster in which I participated, helicopters were used to transport the "casualties" to the hospitals. This service is not now available in the District of Columbia.

The ambulance corps which would be established by enactment of my bill would regulate its equipment needs according to its criteria for proficient operation. As the transportation picture changes with the introduction of new equipment, the corps can utilize new methods to achieve its own particular mission. It is imperative that technical equipment is available as close to the point of injury as possible. For example, ambulances should be equipped with electrocardiographs and they should be furnished with devices to alert the hospitals to their imminent arrival. These are two serious deficiencies in the present system.

The helicopter has proved itself on the battlefield as an excellent emergency vehicle and it is now used in many parts of this country for highway emergencies and disaster evacuation. While I was in Vietnam last August, I was most impressed with the "dust-off" helicopter pilots who could pick up the wounded from the battlefield and within a matter of minutes transport them to hospitals. Enroute the helicopter pilots would alert the emergency centers in the hospital and a team of medical experts would be prepared for their arrival. This procedure is so refined that even artificial kidneys are always available because the kidneys of the wounded often break down when the human body is under great stress and strain.

The versatility and speed of the emergency care available in Vietnam must be harnessed as an adjunct to ambulance service in this country.

The Vietnam war has also developed skills in many of our returning veterans which can and should be utilized in the field of emergency medical care here at home.

There are, of course, many other aspects of emergency medical service and accidental injury which I haven't mentioned but I'm sure you, as experts in this field, are aware of them and will discuss their merits and demerits during this symposium.

I'm hopeful that your discussions will lead to many useful recommendations for implementation throughout this country and in other parts of the world. I look forward to being kept informed of your progress.

ST. STEPHEN'S DAY

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Thursday, August 20, 1970

Mr. SCOTT. Mr. President, today marks the annual observance of St. Stephen's Day—a celebration in honor of the patron saint of Hungary. Hungarians everywhere, especially Hungarian-Americans, point to St. Stephen as a symbol of freedom.

St. Stephen was a man of outstanding ability. It was he, as King of the Hungarian nation, who shaped that nation and gave it a greatness of purpose that still endures in the Hungarian soul. That purpose is an intense desire for universal freedom. The Hungarians have demonstrated this deep-seated emotion many times in the past. We all anxiously await the day when the Hungarian nation will once again take its rightful place in the family of free nations of the world.

King Stephen, among his many accomplishments, made two outstanding contributions to humanity. He taught the Hungarians the exemplary virtues of charity and tolerance. He taught that it was the responsibility of the rich to help care for the needy. He taught that it was the moral responsibility of every man to be tolerant of, to respect, and to love all other people—regardless of class or background. These teachings, in combination with his other Christian virtues accounted for the cannonization of King Stephen by the Roman Catholic Church.

Would that all men in the world today were of St. Stephen's caliber. As we commemorate him here today, we honor and salute all Hungarians, who have wisely chosen him as their patron saint.

CARL BRABLEC'S PREMATURE RETIREMENT

HON. JAMES G. O'HARA

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. O'HARA. Mr. Speaker, on September 17, the Board of Education of Roseville, Mich., will host a dinner in honor of the premature retirement of Carl Brablec, after 23 years as superintendent of the Roseville Public Schools.

I describe Carl Brablec's retirement as "premature," as I would do if he were retiring 20 years from now—because his is the kind of experience, and dedication that cannot be let go without being sadly missed.

His contribution to education in the city of Roseville and, indeed, in the State of Michigan as a whole, can only be hinted at by a list of the formal activities in which he has served the public over these years. In addition to his professional title as superintendent of schools, Carl Brablec has been a member of the State Corrections Commission for Juveniles, a member of the Governor's Commission on Educational Finance, president of the Detroit Metropolitan Region School Administrators Association, a member of the State Advisory Committee on Teacher Education and Certification, and in 1959, he served as emergency interim State superintendent of public instruction. From 1957 through 1966, the people of Michigan selected Carl Brablec to serve as a regent of the University of Michigan.

But, Mr. Speaker, as most of us know, it is not in a man's titles that you find his life work. And this is particularly true in the life of an educator. In the Roseville district's schools—of which there were four when he took office, and of which there are 24 now; in the 14,750 students—as opposed to the 1,200 when Carl first took office; in the growth of Roseville as a strong, healthy, and happy community—there we find Carl Brablec's accomplishments.

It is my privliege and my pleasure to join with my friends and neighbors in Roseville and the adjoining communities in our unlimited good wishes to him in the years ahead.

I ask unanimous consent, Mr. Speaker, that an article from the Macomb Daily of June 16, 1970, be printed at this point in the RECORD. The article seeks, as these few remarks of mine have sought, to delineate something of the priceless public resource that we call Carl Brablec:

THE "OLD MAN" BEHIND ROSEVILLE'S RAPID GROWTH

(By Jane Hoyt)

ROSEVILLE.—The Roseville school district has undergone three large boundary changes.

The four original schools have changed in size and character and the student enrollment has increased from about 1,200 to 14,750.

All of these changes are due to the firm guiding hand of an administrator with a dry wit, called "the old man" by teacher federation members in the same way young naval officers respectively dub their commander.

When Carl Brablec retires in September he is going to "get out of town for a bit so my successors can clean up the school system."

His associates will likely miss the characteristic chortle that usually accompanies such a statement.

Nonetheless, the district owes its structure to Brablec and those who aided him in the years since he began his job in 1947.

At that time the district, which was known as Kern-Washington, contained East Detroit, Roseville and St. Clair Shores. "In the early 50s we reorganized so our district attached the part of Roseville north of Ten Mile," he said.

East Detroit annexed the area south of Ten Mile, and Lakeview incorporated the area between Beaconsfield and Little Mack. The next annexation to the Roseville District was the Eastland District, north of Twelve Mile and, toward the end of the 50s, the Greater Gratiot District.

Now the district coincides with the city boundaries except for three-quarters of a mile into the Fraser district.

The original Roseville district consisted of four schools, according to Brablec. Today the system consists of 24 schools.

The old Burton building which served as a junior and senior high was torn down in 1966 and the new Burton school stands on the site. It was the only school demolished over the years, although MacArthur School, one of the original four, will be demolished this summer to make way for the I–696 Freeway.

The two elementary schools have a new look. Lincoln's original eight classrooms are now called the "old building" and the third of three additions is just being finished. Pierce School has had two additions.

Despite an impressive construction record, it is not, according to Brablec, his most rewarding accomplishment.

"Taking part in the development of educational opportunities for all the children means more," he said. "The rewarding part is not, for example, that we have a new high school, but that there's a good environment with the necessary facilities and materials."

"Born on a farm in Ogden Township, Lenawee County, in 1908, Brablec received his B.S. from Eastern Michigan, his M.A. from the University of Michigan and served as an American Exchange Fellow at Charles University, Prague, Czechoslovakia.

A teacher and principal at Britton High School he later served as superintendent of that district and the Clarkston district before coming to Roseville as head administrator in 1947.

In education, he feels "we are doing a good job but not the best. We're trying to educate all the children which wasn't done in the old days," he said.

In the future, we will increasingly employ technology, so the efforts of any one person are extended. We will find this university true in our society," he said.

He doesn't think this means fewer teachers.

"We will find that the teaching force is greater, but deployed in different ways," he said. "Technology would extend teaching effectiveness, giving more opportunity to reach those children in need of special assistance."

Although he is a life member of the National Education Association, he feels teachers should leave many decisions to their representatives.

"I believe we see the best education where teachers are free to teach. It's troublesome to see the confusion which has resulted in recent years when teachers enter into administration and policy-making to such an extent that their concern upon their specialty is reduced. I think most teachers would like to be out of this .

"In the past years when boards and administrations might have been capricious and not given to due process, perhaps this was good, but now there are safeguards and representatives can work."

He served as a University of Michigan regent from 1957 through 1966 and believes, "there is no question that over the past 10 years more students are more involved and this will continue, but no one can be heard while he's burning the library down."

"I'm inclined to think that whatever the students had to express by this means has been done and any further lawless and violent means will not be beneficial to their goals."

He believes "the thing has peaked and young people will employ different methods because they have gone about as far as a very liberal society is going to allow."

This does not mean he is against young ideas. "The kids have something to say. There is so much in society just screaming for remedy and in some intuitive way the young grasp this are alarmed at it and have reacted, in some cases overreacted. If they believe in our democracy and means for bringing about change, they can work within the system," he said.

An avid sportsman (even his wife is skilled with a pistol) and a member of the Small Arms Commission of Michigan, he is also a noted naturalist.

"You can save almost anything you're determined to save," Brablec said, for 10 years he has been encouraging the preservation of 40 wooded acres near Bryden. "We've attracted quite a bit of wild life into the sanctuary," which is part of a woodland management program.

Brablec believes conservation is "one place where people will rally rapidly," and compares it to diminishing the effects of polio in a surprisingly short time. He has much faith in people whom he said will realize the necessity for action and "will respond rapidly as a nation."

SECOND ANNIVERSARY OF INVASION OF CZECHOSLOVAKIA

HON. JOHN S. MONAGAN

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MONAGAN. Mr. Speaker, on the second anniversary of the invasion of Czechoslovakia, the development of events in Eastern Europe and especially the continuing trend toward consolidation of Soviet control in Czechoslovakia provide mournful fare for those who hope for better things for the people of this area. This August 20 marks the anniversary of that invasion which, in its blatant disregard of every tenet of international law and diplomatic convention, produced a shockwave of revulsion around the world.

The history of the past 2 years in Czechoslovakia can be found mirrored in the life of Alexander Dubcek, the illfated reformer who failed in his attempt to liberalize the Czech economy and society. In the immediate wake of the Soviet invasion, Dubcek was permitted to remain in his position as First Secretary of the Czechoslovak Communist Party; under the most unsubtle pressure of Soviet troops, tanks, planes, and secret police, he was forced to dismantle the major achievements of his brief rule: freedom of the press and freedom of expression of political dissent. Then, once the Russians had secured their hold on the Czech Government through the aid of

Czech collaborators, Dubcek, with many of his fellow reformers, was shipped abroad to fill a diplomatic post. The reason underlying his appointment as Ambassador to Turkey was clear: Dubcek was still far too powerful a domestic political force to attack openly at that time; his appointment to Ankara was therefore a convenient method for the hardliners to move him away from the center of affairs with the smallest amount of domestic strife, and thus make it somewhat easier for them to carry out their regressive policies at home.

Last month, having finally secured their hold on Czechoslovakia, and with 70,000 Soviet troops to back them in case of trouble, the neo-Novotny faction recalled Dubcek from Turkey, dismissed him from his ambassadorial post, and proceeded to strip him of his membership in the Communist Party. These steps were justified by the allegation that he had led the country to "the brink of chaos and destruction." Today Dubcek is incarcerated in a prison disguised as a mental hospital, where he has undergone harassment and interrogation by his pro-Moscow captors. There exists a possibility that he will be subjected to the ordeal of a show trial, both for the benefit of the Russians and as a warning to the Czech nation at large.

The progressive blackening of the reputation of this Czechoslovak patriot and confirmed Communist, and the continued degradation of his official position and the destruction of his reforms, are symptomatic of the malady which afflicts Czechoslovakia today. They provide proof that the ultraconservative wing of the Czech Party remains ascendant, that its program of recasting Czechoslovakia in the mold prepared for it by Moscow continues apace. What has happened to Alexander Dubcek, then, is far more than just a personal tragedy, for it has happened, and is happening now, to literally tens of thousands of less well-known Czechoslovaks. Oldrich Cernik, Dubcek's Prime Minister, has been suspended from both the Central Party Committee and from the party itself. Seven members of the Czechoslovak Supreme Court, including its president, have been dismissed on the grounds that they purportedly hold rightist, opportunist, anti-Socialist, and anti-Soviet views. The entire presidium and secretariat of the National Trade Union Council were also removed from their positions. A purge of the entire Czechoslovak Communist Party is underway, and 200,000 people from all walks of life have been expelled from it along with Dubcek.

One of the areas of Czechoslovak society most heavily affected by this renaissance of Stalinism is the academic world. According to the Czech Government itself, over 300 university professors and lecturers and over 1,000 students have defected to the West. An additional 300 professors have been arbitrarily removed from their posts. Students in Czechoslovak universities are being forced to undergo rigorous loyalty tests before being allowed to continue their studies. Those now in power are also bringing about extensive changes in curricula, and are eliminating almost entirely any study in those disciplines such as political science, logic, sociology and philosophy which are considered threats to the new pro-Soviet dogma. The Husak government taking another leaf from the Moscow book, has also undertaken a systematic campaign against writers and poets.

Further evidence of the results of the internal upheaval produced by these new policies is to be found in the Czechoslovak foreign service. Rather than return home to face the kangaroo courts in Prague, several prominent Czechoslovak diplomats have defected to the West, among them the Czech Ambassador to Denmark, the third ranking official of the Czech Mission to the United Nations, and the scientific affairs officer of their Embassy here in Washington.

Mr. Speaker, it is with an eye on these events that I again call attention to the two resolutions which I introduced earlier in this session of Congress, House Concurrent Resolution 457 and House Concurrent Resolution 465. I feel that it is particularly important at this point in time that we express to the world our own sense of anger and outrage at the actions and policies of the present leaders of Czechoslovakia. To this end, House Concurrent Resolution 457 attacks the Soviet invasion for what it was, a denial of the basic sovereign rights of an independent nation; it asks the President to instruct our representative to the United Nations to ask the General Assembly of that organization to condemn the Soviet action and to direct the U.S.S.R. to remove once and for all those forces which it still maintains in Czechoslovakia in violation of international law. In addition, it stipulates that the Czechoslovak question be added to the agenda of any future negotiations between this Government and the Soviet Union. Further, in view of the fact that we may expect more, and increased, numbers of defectors as the Husak regime continues to enforce and toughen its harsh and repressive laws, I feel that it is imperative that steps be taken to aid those brave Czechoslovaks who are fleeing their homeland rather than submit to the iron rule of Soviet sycophants and Russian tanks. Recognizing this problem, House Concurrent Resolution 465 asks the President to direct the United States representative to the United Nations to ask the U.N. High Commissioner for Refugees to provide funds to aid the more than 60,000 Czechoslovak defectors seeking to remake their lives in free lands.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOODS—XI

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FARBSTEIN. Mr. Speaker, I have today released a Department of Agriculture survey of European open food dating laws, which demonstrates that consumer protection in the United States is far behind more stringent requirements in many European countries.

Open dating of packaged foods is a well-established practice in eight of the nine countries surveyed, and in at least 17 other countries. The survey found open dating has met with a strong and positive consumer response, especially in those countries in which open dating is most extensively applied.

The food industry abroad had been no less reluctant to provide consumers with information on the quality of their products than have their American counterparts.

In Germany they warned that the consumer would choose the freshest dated item, even though other items were still good.

In Austria, there came a similar warning.

In Denmark, the food industry claimed that open dating was unnecessary for brand items, as both producers and retailers were interested in supplying good products from the quality point of view.

But the European food industry has generally learned to live with the practice. Except for some problems during the short transitional period, none of the expected difficulties arose. In Germany, for example, the trade associations now fully accept the idea of open dating. In many countries the food industry not only found it popular with the consumer, but also profitable for themselves to the point where many companies are introducing open dating on products not required by law.

The Department of Agriculture survey of nine European countries found that Denmark, France, and West Germany have adopted relatively extensive open dating requirements; and five others have less comprehensive regulations. Only Great Britain did not require its food industry to provide the consumer with information about the freshness of its products, although here also many supermarkets have adopted the practice voluntarily, because they found it to their economic advantage to do so.

Denmark, which initiated consumer dating requirements in the 1950's on a limited basis, found that consumer response was so positive that the Government has now extended the policy to a significant portion of all food sold. A government unit, the Home Economics Council, hopes to extend open dating to all commodities in the near future.

A spokesman for the West German Ministry of Health said that his country found open dating to have a positive effect from the point of view of the consumer, "by improving product quality and freshness." A representative of the French Government said that the experience of his country, which dates many canned goods as well as perishable items, is that it forced many retailers to pay closer attention to their inventory.

The food dating survey was done by the U.S. Foreign Agriculture Service through the agriculture attachés in the various countries being surveyed. They were asked to investigate: First, if the country had open dating laws and regulations; second, circumstances sur-

rounding their enactment; third, their economic impact; fourth, the consumer reaction; fifth, the government's assessment; and sixth, the food industry's reaction.

The Department of Agriculture was also able to supply me with data on food dating requirements in other countries.

At the present at least 25 countries have open dating requirements. These include Argentina, Australia, Austria, Belgium, Chile, Denmark, Finland, France, Germany (West), Greece, Israel, Italy, Netherlands, New Zealand, Norway, Pakistan, Portugal, Poland, Spain, Sweden, Switzerland, Thailand, Turkey, and Yugoslavia.

The European Economic Community is currently considering open dating requirements.

The experience with open dating in Europe and elsewhere clearly demonstrates how fallacious is the argument that the American food industry would lose its shirt by better informing the consumer.

I insert at this point in the RECORD the text of the survey and excerpts from a World Health Organization survey summarizing many of the countries which have open dating requirements:

U.S. DEPARTMENT OF AGRICULTURE,
FOREIGN AGRICULTURAL SERVICE,
Washington, D.C., August 7, 1970.

Hon. LEONARD FARBSTEIN,
House of Representatives

DEAR MR. FARBSTEIN: Following the arrangements which have been previously discussed (conversations with Mr. Levin of your office, my letter of July 30, 1970 to you), I am enclosing the replies received from our agricultural attachés to the inquiries, made at your request, regarding the practices abroad concerning open-dating of packaged foods.

To permit a complete over-view of this project from the enclosures, I am including also a representative copy of the inquiry that was sent to the attachés regarding foreign practice on open-dating. This is followed by the responses received from Austria, Belgium, France, Germany, Italy, Spain, Switzerland, and United Kingdom.

In the case of Austria, the current response mentions an earlier cable on a related subject; that cable is also enclosed. In the case of France, the aircomm to which reference is made has not yet arrived; when it comes it will be forwarded separately to your office.

Sincerely,

RAYMOND A. IOANES,
Administrator.

COPY OF INQUIRY SENT TO AGRICULTURE ATTACHÉS PARTICIPATING IN THE FOOD DATING SURVEY

Representative Farbstein of New York has asked us to secure from you a report regarding the experience in Switzerland with respect to opendating of food products. His concern is principally with packaged food products but extends to nonpackaged foods also; please respond accordingly.

The Congressman's interest related to bill he is sponsoring is in opendating for food offered at retail as differentiated from code-dating. A legislative reference service (Library of Congress) survey for the congressman has listed Switzerland among these that have legislation applying to either (1) pull-date (2) date of packing (3) date of manufacture (4) any similar date or variants thereof. This may even include a labeling of crop year or year of manufacture with no more precise labeling.

What we are asking from you is a discussion of (a) what regulations exist with regard to such dating (b) what background preceded the adoption of those regulations (c) what exceptions if any occur under the regulations (d) What their acceptance has been by both consumer and trade group (e) What effects economic or otherwise can be attributed to their operation and (f) What assessment of the operation of such regulation has been made by Government or other official agency? Please differentiate to the extent necessary among the various commodities as they might be covered in your discussion.

The detail in which you can provide the desired discussion will obviously be limited by the deadline for this request. Please plan that your report on this subject shall be received in fas not later than August 4.

The legislative reference service report for Switzerland follows:

Under the Swiss Federal Constitution the issuance of laws on trade in food products and consumer articles is within the jurisdiction of the Confederation; the execution of such laws is however a cantonal matter (sec. 69 BIS).

The basic federal act on the trade in foodstuffs and consumer goods dates back to as early as Dec. 8, 1905 (Vereinigte Sammlung der Bundesgesetze und Verordnungen 1848–1947. v. 4 p. 549) but its original text was subject to a great number of amendments in the course of its over-sixty-years of existence.

There is no general provision in this act which requires the dating of food and other consumer products for the period during which these articles may remain on the shelves of stores. Only the amendment of this act of Dec. 29, 1954 (Amtliche Sammlung der Bundesgesetze und Verordnungen v. 1954 p. 1354) states that every bottle of milk must bear an inscription or label indicating "the date of the production (gewinnung) of the milk."

Similar inquiry being dispatched to Vienna.

REPORTS ON FOOD DATING LAWS PREPARED BY THE LEGISLATIVE REFERENCE SERVICE, WHICH WERE SENT TO AGRICULTURE ATTACHÉS

AUSTRIA

(Prepared by George Jovanovich, senior legal specialist)

There are no provisions dealing directly with the dating of food and other perishable products for the period during which they may remain on the shelves of stores. However, certain controls have been established by the Law Concerning Food and Drugs (*Lebensmittelgesetz*) of 1896,[1] reintroduced in 1951[2] and amended in 1952,[3] 1960,[4] 1965,[5] and in 1966.[6] This Law regulates commerce in food, drugs, cosmetics, spices, tapestry, as well as china ware, cooking utensils, and the like (Sec. 1).

This Law provides for controls on the marketability of the product and the determination of its fitness for human consumption, as well as for establishing agencies to be in charge and outlining the scope of their authority in regulating, controlling and conducting health inspections (Sec. 2).

The Law contains provisions for standards to be met, violation of which entails punishments and fines (Sec. 9–18). It also provides for establishing a commission to collect all regulations and instructions concerning food and drugs, as well as to issue the Food and Drug Legal Compilation (*Österreichisches Lebensmittelbuch—Codex Alimentarius Austricus*) (Sec. 23).

The compilation is arranged by the groups of provisions affecting a particular food or drug product.

The inspection agencies, the Commission and the courts have the power to confiscate and destroy all merchandise declared unfit for human consumption. This system has no specific provisions for dating merchandise for the purpose of exhibiting it for sale.

FOOTNOTES

[1] *Reichsgesetzblatt*, No. 89/1897.
[2] *Bundesgesetzblatt*, No. 239/1951. (Hereinafter cited as BGB1.)
[3] BGB1., No. 160/1952.
[4] BGB1., No. 245/1960.
[5] BGB1., No. 175/1965.
[6] BGB1., No. 235/1966.

BELGIUM

(Prepared by Dr. Virgiliu Stoicoiu, senior legal specialist)

The only regulation on the dating of foodstuffs was found in the Ministerial Resolution of September 1, 1949 (as amended), Creating Official Control over the Quality of Butter, *Moniteur belge*, September 22, 1949, which reads as follows:

Art. 9. The butter from a dairy farm classified in the first category (with a control stamp) must, among other things, have a mark in conformity with the model reproduced below on its package or container:

The National Office of Milk and its Derivatives shall establish and directly inform the interested enterprises about the models and conditions according to which the control stamp shall be applied to the package or container.

This office shall, among other things, require the reproduction of the control stamp to be accompanied by an indication of the date of production or the number of the order to determine the date.

FRANCE

(Prepared by Dr. Domas Krivickas, senior legal specialist)

According to the provisions of Article 3 of Decree No. 66–180 of March 25, 1966, the labeling of dietetic products must contain mention of "the date of production or else the date limit for consumption and, if necessary, the precautions to be observed for the preservation of the product as established by interministerial order."[1]

Flavored milk (lait aromatisé). Milk containers should bear the following information:

An indication of the time of pasteurization and the period for use under conditions established by a joint order of the Minister of Agriculture and the Minister of Public Health and Population (Art. 5 quater of the Decree of March 25, 1924, as amended by Decree No. 55–952 of July 17, 1955).[2]

Coffee called "superior." According to the provisions of Article 4 of Decree No. 65–763 of September 3, 1965, the date of roasting must be marked on the label or wrapping. However, this date may be replaced by the date limit for sale to consumers.[3]

Powdered and dry milk. The Decree of August 24, 1961, prescribes that the date (year and month) and the place of production be indicated on the wrapping.[4]

"Gruyère de Comté" or "Comté" cheese. The month of production must be mentioned on the label.[5]

Canned Foods. The date of production must be indicated on canned food.[6]

FOOTNOTES

[1] *Journal officiel*, March 30, 1966. p. 2583.
[2] *Ibid.*, July 19, 1955. p. 7193.
[3] *Ibid.*, September 9, 1965. p. 8049.
[4] *Ibid.*, August 30, 1961. p. 8125.
[5] R. A. Dehove. *La réglementation des produits alimentaires et non alimentaires. Répression des fraudes et contrôle de la qualité.* 6th ed.
[6] *Ibid.*, p. 606.

FEDERAL REPUBLIC OF GERMANY

(Prepared by Dr. William Sólyom-Fekete, senior legal specialist)

Labels on prepackaged or canned food products have been regulated by the Gov-

Footnotes at end of article.

ernment of Germany since 1916.[1] Such regulations have often been the subject of changes and amendments during the past decades.

The Government of the Federal Republic of Germany most recently amended the provisions for the contents of such labels in 1966 through a decree.[2]

This Decree included amendments on the description of groups of different food products which are subject to similar rules of labeling requirements and also provided regulations pertaining to the indication of the date of production or the period of shelf life of perishable food products.

The provision of the Decree pertinent to the date of production reads as follows:

Section 2. (1) On packages or containers [the following] shall be indicated on an easily visible place in the German language in clear and easily legible writing:

1–3. [irrelevant]

4. in case of food products described in Section 1(1), Nos. 1–3,[3] the time of production of the food product given uncoded by day, month and year, or, if the food product is not packaged immediately after production for the purpose of delivery to the consumer, the time of packaging or filling; these data may be omitted if the time until which the food product may be stored is given uncoded by the day, month and year; in case of the products described in Section 3(2), Nos. 2 and 3,[4] the indication of the day, and in case of the products described in Section 3 (2), No. 4,[5] the indication of the day and month may be omitted.

FOOTNOTES

[1] Holthöfer - Juckenack - Nuse. *Deutsches Lebensmittelrecht.* Berlin, 1961. p. 6 v.

[2] Decree of September 9, 1966, to Amend the Food Labeling Decree, *Bundesgesetzblatt I,* p. 590.

[3] Meat, fish and other seafood products.

[4] Deep frozen products and hard smoked sausages, hams and raw meat products.

[5] Other food products which are not perishable for at least one year.

ITALY

(Prepared by Kemal Vokopola, senior legal specialist)

Italian legislation on foods and consumer goods does not provide any general rule in regard to the period during which such foods and consumer goods may or should remain on sale.

However, Article 8 of Law 441 of February 26, 1963, amending the Unified Text of Laws on Hygiene and Health of 1934, states that regulations will eventually establish what food products and manufactured beverages should bear the date of their production.[1]

A law was enacted in 1951 with regard to the rules and regulations for the production and sale of baby food as well as dietetic food. This law requires that such products must show the date of production and the quality expiration date.[2]

FOOTNOTES

[1] *Codice della legislazione sulle sostanze alimentari.* Roma, 1964. p. 496.

[2] *Le Frodi alimentari.* Milano, Giuffrè, 1963. p. 422.

SCANDINAVIA

(Prepared by Veijo Ollikainen, legal specialist)

A thorough search of Danish, Finnish, Norwegian and Swedish literature in the Library of Congress holdings did not disclose any laws providing for the dating of food packages or other consumer products for the period during which they may remain on the shelves of stores.

There is a provision dealing with dating packages of products sold retail * in Denmark, according to which "meat products may be supplied with information on keeping qualities or the last day they may be sold." This information is not mandatory. In some of these countries products such as butter, milk, fish, etc., must bear the date of packaging on the container.

SPAIN—CONSUMER PROTECTION REQUIRING DATE LIMITATIONS UNDER FOOD LAW

(Prepared by Helen L. Clagett, Chief, Hispanic Law Division, Law Library—Library of Congress)

Decree 2,484 of September 21, 1967 adopted Spain's new "Food Code," covering in its 38 chapters many detailed aspects on the handling of food and beverages and related activities. The first part of the *Código Alimentario* is concerned generally with applicable measures on processing, marketing, sanitary and health treatment, storage, transportation, additives and impurities, and other matters. The following chapters are devoted to specific categories of food, such as dairy products, meat, seafood, preserved or canned products, and to categories of beverages—alcoholic and non-alcoholic, coffee, tea, etc.

On the particular point of interest to this report, that is, the setting of dates beyond which a product should not be sold to or used by the consumer, the Code contains several instances of direct and indirect limitations of time.

Part II of the Code deals with general requirements and rules governing materials, their treatment, and persons in contact with the preparation, processing, distribution and consumption of food. Section 2.04.18 of this portion concerns dating controls in this manner:

The corresponding Regulations shall indicate, in addition to those specified in this Code [referring to data on labels], the manner and form in which they are to be consigned, expressed either in authorized figures or in code, showing the lot number, date of manufacture or date of canning, in the case of those foods requiring it; and for those whose contents may be altered or contaminated after opening, the additional warning must be included: "For immediate consumption once opened."

In the chapter of the Code dealing with aspects of food storage and transportation, the general rules for storing, under Section 2.06.02, include a condition under Paragraph (c) which reads: "The rotation of stock and periodic removal based on duration of storage and conditions required by each product for its preservation."

In the specific chapter dealing with eggs, milk and other dairy products, Section 3.14.15 deals with the imprinted data that must appear on the eggs, or on their containers, which reads as follows:

Preserved eggs [*conservados*—defined as being under a certain degree of refrigeration for more than 10 days, but less than 6 months] and refrigerated eggs [defined as refrigerated at specified temperature between 15 and 30 days] must be marked on each shell, in visible and indelible characters: a) the type of egg, as defined under Section 3.14.42; b) the date it was placed under refrigeration, or the means of preservation employed. . . .

Milk and milk by-products are governed by Section 3.15.06 of the Code. In setting forth hygienic requirements, different treatment is indicated for fresh milk when delivered directly to consumer, and when served elsewhere.

Paragraph (g)—Milk containers must bear on the main body of the container, or on its carrying strap, or on the opening, a stamp in clear and indelible letters stating the limitation date for its sale; [Refers to milk delivered to homes].

Paragraph (h)—The sale of sanitized milk for consumption at group centers or institutions may be made in containers of larger size [than ½ gallon] . . . with a stamp thereon indicating the date for limitation on its sale.

Other sections of this Code requiring a date stamp on containers or labels, or indicating notice of similar nature, relate to containers used for meat or vegetable preserves, or for prepared and seasoned foods in containers. Section 3.26.07 refers to indication of the dates when processed or canned, while Section 3.26.08 indicates requirement of vigilance as to the dates of entry or departure from storage places of this conserved food "pursuant to the time expiration of same, according to the local climatical conditions." Similar dating treatment is prescribed for breakfast foods requiring cooking, cereals made from dried grain, flour, powdered milk, etc., on which the label, according to Section 3.26.24, must express "the expiration date, when its preservation so requires it."

SWITZERLAND

(Prepared by Dr. Ivan Sipkov, assistant chief)

Under the Swiss Federal Constitution, the issuance of laws on trade in food products and consmer articles is within the jurisdiction of the Confederation; the execution of such laws is, however, a cantonal matter (Sec. 69 bis).

The basic Federal Act on the Trade in Foodstuffs and Consumer Goods dates back to as early as December 8, 1905,[1] but its original text was subject to a great number of amendments in the course of its over-sixty-years of existence.

There is no general provision in this Act which requires the dating of food and other consumer products for the period during which these articles may remain on the shelves of stores. Only the amendment of this Act of December 29, 1954,[2] states that every bottle of milk must bear an inscription or label indicating "the date of the production (*Gewinnung*) of the milk."

FOOTNOTES

[1] *Bereinigte Sammlung der Bundesgesetze und Verordnungen, 1848–1947.* v. 4, p. 459.

[2] *Amtliche Sammlung der Bundesgesetze und Verordnungen,* v. 1954, p. 1354.

TEXTS OF COMMUNIQUES FROM THE AGRICULTURE ATTACHÉS

Following information keyed to questions raised in para 3 ref fasto:

A. The only Austrian regulation which sets forth labeling requirements re dating of food products is food labeling ordinance of 1963, details reported in A–41, dated Jan. 16, 1969. On the basis of this ordinance, a limited number of packed food products, besides other labeling requirements, must carry in uncoded form information as to date of packing, or show date up to which the food will keep under proper storage conditions. For a number of other food products, the date of packing in coded form is mandatory. There are no such requirements for unpacked foods. The food labeling ordinance became effective Jan. 1, 1970; foods packed prior to the date in a way that does not conform to provisions of the ordinance may be sold for one additional year.

The following packed food products must either show in uncoded form the date of packing, or the date up to which they will keep under proper storage conditions. (For foods marked with #'s, this date must indicate month and year of packing, or month and year up to which product should be consumed; for other food items, the indication of the year only is required):

Preserves from meat and other food preserves with meat added; partially preserved food products from meat or with meat added (#); preserves from fish and crustaceans, or

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* Decree on the Sale of Certain Meat Products Sold at Retail of April 24, 1968, Art. 6, *In Lovtidende for Kongeriget Danmark 1968 Afdelning A.* Kobenhavn 1968. p. 234–245.

other food preserves with fish or crustaceans added; partially preserved food products from fish and crustaceans added (#); diabetic foods, including infant foods (#).

B. Prior to adoption of regulations which established open-dating labeling requirements for a limited number of packed food products, such dating was not practiced in Austria. However, code-rating of food preserves has always been customary among local canners.

C. Packed foods are exempt from labeling requirements provided that the total weight does not exceed the 50 gram mark.

D. Consumer representatives consider existing labeling regulations as first step toward their goal, i.e. the open-dating of all major food products. At present, consumer organizations are striving for inclusion of dairy products and margarine in existing labeling requirements.

Representatives of the food industry believe that consumers would reject open-dated products if food carried label indicating that it was either produced one or two years earlier but is still of good quality, or has to be used within a few months.

E. Reports from importers and wholesalers indicate that a number of foreign suppliers are not in position or are reluctant to label their products in accordance with Austrian regulations. Austria is considered to be too small a market to justify special labeling of food products. Since the responsibility to meet domestic labeling requirements rests with importer, a large number of them put aside bids for foods which are * * * with labeling specifications. Past experience shows that small foreign suppliers are more willing to comply with labeling regulations than larger firms. As result, some Austrian food importers now seem to do more business with small food exporters and packers than before. Price increases in connection with labeling of packed food have not been observed thus far by Austrian food trade.

F. The authorities are not yet in position to make an official assessment of the implementation and effectiveness of the ordinance, especially since it provides for transition period ending Dec. 31, 1970. Austrian authorities informed us inofficially that so far no major problems have occurred in connection with execution of the ordinance and that its operation is presently judged satisfactory. The inclusion of other packed foods in the food labeling ordinance is a possibility.

JANUARY 16, 1969.

From: AmEmbassy Vienna.
Subject: New Food Labeling Ordinance.
Ref.: OBR, No. 64-57, July 1964.

Under authority of the "Federal Law Against Unfair Competition of 1923", the Ministries of Trade and Agriculture recently issued an ordinance which establishes labeling requirements for a number of packed food products. The ordinance will become effective on January 1, 1970. Foods packed prior to that date in a way that does not conform to the provisions of the new decree may be sold in Austria for one additional year.

The packer or, in the case of a custom order, the individual or company placing the order is responsible for the observance of this ordinance. For foreign-made goods, the responsibility rests with the importer.

The 15 separate labeling requirements provided for by the ordinance call for (as informally translated from the text):

1. The labeling in wording of common usage which, together with other specifications, defines the nature of the food product;

2. (a) The name (or abbreviation thereof) and address of the producing, packing, or merchandising firm; in the case of foreign products, also the country of origin; or, (b) the label "Produced in . . ." with information as to the place and country of production;

3. The net weight according to the metric system, i.e. the average weight of the food product being packed; deviations due to packing technique and technology will be tolerated;

4. The net volume according to the metric system, i.e. the average volume of the food product being packed; deviations due to packing technique and technology will be tolerated;

5. The raw product filling weight (expressed in metric units) of the ingredients determining the product value at the time of packing, i.e. the quantity of fruit, fish, or meat (in the case of poultry, including bone weight) used in filling; deviations due to packing technique and technology will be tolerated;

6. Information as to the methods applied in the production of the packed food product. This includes such methods as pasteurization, sterilization, deep-freezing and dehydrating;

7. Information as to limited shelf life, stating "limited shelf life" or "for early consumption";

8. Conditions under which a product is to be stored, *in German language;*

9. Date of packing, or date up to which the food product will keep under proper storage conditions, in uncoded form:

(a) indicating month and year; or (in other cases):

(b) indicating the year; or (in other specified cases):

10. Date of packing in coded form;

11. A listing of vitamins added, by kind and quantity;

12. Information as to the average number of dishes (portions) which may be prepared from the packed food, or the quantity required for the preparation of a specific amount of food;

13. Information as to the average number of eggs or egg yolks contained in the product;

14. Information as to the number of pieces; deviations due to packing technique will be tolerated;

15. Information as to the cocoa content in weight percentages.

The ordinance also stipulates a few exemptions from the above labeling requirements. These are of minor importance, however. Finally, the labeling text must be clearly legible and in wipe-proof letters. If it is not possible or not feasible to place the information on the container or the package, it is permissible to place the required labeling near the packed foods on display. The labeling text must be in Latin letters and in Arabic numbers.

The following packed food items will become subject to these labeling requirements: (Numbers following the commodity description denote specific labeling requirements as listed above applicable for individual commodity groups.)

Preserves from meat and other food preserves with meat added; (1), (2), (3), (5), (6), (8), (9b), and (11).

Deep-frozen foods made from meat or other deep-frozen foods with meat added—excluding poultry (whole birds, plucked, with intestines removed); (1), (2), (3), (6), (8), (10), and (11).

Partially preserved food products from meat or with meat added; (1), (2), (3), (7), (8), (9a), and (11).

Preserves from fish and crustaceans or other food preserves with fish or crustaceans added; (1), (2), (3), (5), (6), (8), (9b), and (11).

Deep-frozen foods from fish and crustaceans or other deep-frozen foods with fish and crustaceans added; (1), (2), (3), (6), (8), (10), and (11).

Partially preserved food products from fish and crustaceans or with fish and crustaceans added; (1), (2), (3), (7), (8), (9a), and (11).

Vegetable preserves—excluding dry pulses; (1), (2), (3), (5), (6), (8), (10), and (11).

Deep-frozen vegetables; (1), (2), (3), (6), (8), (10), and (11).

Partially preserved vegetables; (1), (2), (3), (7), (8), (10), and (11).

Vegetable juices; (1), (2), (4), (8), and (11).

Fruit preserves—excluding citrus fruits, grapes and preserves of fruit falling within customs tariff number 08.05; (1), (2), (3), (5), (6), (8), (10), and (11).

Deep-frozen fruit products; (1), (2), (3), (6), (8), (10), and (11).

Marmalade (jam), fruit jelly; (1), (2), (3), and (11).

Fruit juices and fruit syrup; (1), (2), (4), (6), and (11).

Partially preserved fruit; (1), (2), (3), (7), (8), (10), and (11).

Diabetic foods, including infant foods; (1), (2), (6), (7), (8), (9a), (11), and, optionally, (3) or (4).

Meat extracts and extracts from other protein-containing products, products therefrom, substitutes for these extracts and products; (1), (2), (11), and, optionally, (3), (4), or (12).

Whole egg and egg yoke; (1), (2), (3), (6), (8), and (13).

Baking powder and pudding powder; (1), (2), (8), and (12).

Candies; (1), (2), (11), and, optionally, (3) or (14).

Chocolate in bars, blocks, etc.; (1), (2), (3), (11), and (15).

Chocolate products; (1), (2), (11), (15), and, optionally, (3) or (14).

Chocolate products in fancy shapes; (1), (2), and (3).

Bakery products with extended shelf life; (1), (2), (8), (11), and, optionally, (3) or (14).

Coffee, coffee extracts and their substiutes, tea, mate and their extracts; (1), (2), (8), and, optionally, (3) or (12).

Pastries; (1), (2), (3), and (13).

Pre-sliced bread, biscuit, bread crumbs; (1), (2), and, optionally, (3) or (14).

Rolled oats, oatmeal, oat grits, and oat flour; (1), (2), (8), and, optionally, (3) and (12).

Rice; (1), (2) and (3).

Edible oils and fats; (1), (2), (8), (10), (11), and, optionally, (3) or (4).

Comment: So far as we know, most U.S. food products packed for export to Austria already specify all or most of the information called for under this new ordinance. A few of the requirements may cause difficulties, however. The obligation to show weight in the metric system, storage conditions in German, and the date of packing or latest safe consumption in uncoded language could prove troublesome and expensive for some packers.

BRUSSELS

1. Belgium has no repeat no general requirement of opendating of food products. Only requirement this area is that mentioned by legislative reference service which applies to butter produced on farms classified first category. Date becomes in effect part of the control stamps. All other butter is not repeat not required to show date of production on package.

2. Food inspection division of public health ministry not repeat not in favor opendating of food products. States that most canned products such as peas keep indefinitely and opendating would tend to influence consumers to buy newest product first thus making a problem of moving older products. This might result in waste. Said that dating of semi-preserved products considered but that difficult to know exact condition of product when it preserved and if this done they would have to prescribe preserving methods to be followed.

3. Understand that EC commission considering the possibility of regulation requiring opendating but there is considerable

difference of opinion among EC countries and whole idea generally opposed strongly by food processing industry.

COPENHAGEN

The discussion below of current regulations applicable to opendating of food products in Denmark is limited by the short time available for pulling information together and the Danish vacation season.

The Law on Foodstuffs (No. 174 of April 28, 1950 and amendments) contains no overall requirement for open or code-dating of food products. Regulations on opendating or code-dating are not contained in any one single law or uniform decree but have been introduced for individual commodities as the need or demand developed. The regulations are in nearly every instance laid down in decrees issued under basic legislation by the pertinent Ministry involved in control of the specific commodities (Agriculture, Interior, Fisheries). More coordination among the authorities involved in food legislation is expected in the future. The following listing of products to which regulations apply on opendating is believed to be complete and shows the most recent applicable regulation. Code-dating has been included in the listing as in certain instances it may be supplemented or substituted by opendating. A copy of each regulation can be forwarded to Washington if desired.

In addition to what is required by regulations, a number of chainstores and supermarkets have voluntarily introduced opendating which goes beyond the requirements set forth in the legislation. This practice is spreading.

Milk: Ministry of Interior Decree No. 377 of September 13, 1967—Article 13, clause 1, item 3. *Day of the week of heat treatment* must be shown on the packaging. Exception for buttermilk and special milk products (yoghurt, etc.) where day of packaging (bottling) or final processing must be shown. On a *voluntary* basis, all milk sold in the Copenhagen area is marked with two dates, the day of heat treatment as well as last sales date (pull-date), which normally is 3 days after heat treatment day.

Ministry of Interior Decree No. 441 of December 5, 1967 (on Aromatizer Milk Products)—marking of cocoa milk and fruit yoghurt must be according to Article 13 of above Decree. For sterilized milk products, the *sterilization date* shown must include day, month and year. If last sales date also given, the date of heat treatment must be clearly shown.

Butter: Ministry of Agriculture Decree No. 295 of June 23, 1967, Article 5, clause 1, item 6, and Article 13, clause 2, item 5—revised by *Ministry of Agriculture Decree No. 93 of March 25, 1968. Date of manufacture* must be given on each individual retail package—applies both to domestic as well as export sales. Repackaged butter must show date of packaging on each retail wrapping. Effective date April 1, 1969.

Cheese: Ministry of Agriculture Decree No. 540 of December 3, 1969, Article 17, clause 1d. and Article 18, 1e. Applies only to sliced cheese, dried cheese products (powdered, grated, granulated) and processed cheese. *Date* or calendar week of *packaging* for sale to wholesale trade (sliced and dried cheese) or *date of manufacture* (processed cheese) must be shown on individual packages—however, may be in *code*.

Date-marking is not applied to other dairy products, such as ice cream, canned milk products, etc.

Eggs: Ministry of Agriculture Decree No. 295 of June 23, 1967, Article 7 clause 1 (marking of eggs) and Article 9, clause 3 (marking of retail containers)—revised by *Ministry of Agriculture Decree No. 430 of December 20, 1968*. Each egg of prime quality must be stamped with *code* defining week or grading (weekly codes are announced in daily press). Consumer retail containers (cartons, etc.) of prime eggs for sale on home market must be marked with *weekly code number* as well as *beginning and ending dates* of week in question. Effective date of latter regulation February 1, 1969.

Egg Products: Ministry of Agriculture Decree No. 341 of August 1, 1967, Article 6g. Applies to eggs without shell (fluid, frozen and dried). Packaging must be marked with *production serial number* so date of manufacture can be identified.

Meat: Law No. 189 of June 4, 1964, Article 7, clause 2, re Deep-Frozen Foods—*date of packaging* must be shown on ready-packaged, sliced meat products in retail packages (applies to "chilled" products).

Ministry of Interior Decree No. 369 of December 19, 1964, Article 6, clause 1f. re Deep-Frozen Foods, except Ice Cream—*month and year of packaging* must be shown; may be in *code* on *retail* packages but *opendating mandatory on wholesale* packages.

Ministry of Interior Decree No. 133 of April 24, 1968, Article 6, clauses 4 and 5 (note this is decree referred to in last para of referenced FASTO)—applies only to certain meat products in retail packages (salami, smoked pork backfat, sliced and chopped bacon and heat-treated sausages) and only to sales premises not approved as butcher and delicatessen stores. *Opendate* of packaging must be shown. Date of keeping quality limitation or last sales date *may be* shown.

NOTE.—New coordinated regulation by Ministries of Agriculture and Interior about to be issued which will apply to all prepared meat products and which will require showing of *packaging date* and *pull-date*. See also section on Deep-Frozen Foods.

Canned Meats: Serial production number must be stamped on base of can so date of manufacture can be identified.

Fish: Ministry of Fisheries Decree No. 6 of January 10, 1962, Article 32, clause 5, re production of fully and semi-hermetic fish products, etc.—*day, week or month and year of manufacture* must be shown; may be in *code* provided code approved in advance by Ministry of Fisheries' Industrial Board.

Ministry of Fisheries Decree No. 310 of September 1, 1966, Article 2. Applies only to semi-hermetic fish products—*opendate* of manufacture must be shown (i.e. code marking not allowed).

Ministry of Fisheries Decree No. 305 of August 13, 1968 re Ready-Packaged Fresh Fish and Fish Products in Retail Packages, Article 5, clause 4—*opendating of packaging* and *open last sales date* must be shown.

Ministry of Fisheries Decree No. 90 of March 31, 1965, Article 7, clause 5, re slightly-preserved fish and fish products—*open packaging date* mandatory.

Fresh Fruits: Ministry of Agriculture Decree No. 379 of July 25, 1969, Article V6—Packaging date must be shown on containers sold in wholesale trade—applies only to fresh apples and pears.

Canned Fruits and Vegetables: Ministry of Interior Decree No. 377 of December 19, 1959, Article 4, clause 1. Mandatory that labels on all *domestically-produced* items must show the *year of manufacture* expressed by the last two figures.

Marmalade, Jams, etc. Ministry of Interior Decree No. 97 of March 30, 1955, Article 5. *Date of week or date of month and year* mandatory for domestically-produced items—may be given in *code*.

Margarine (Dietary): Ministry of Agriculture Decree No. 162 of May 10, 1962, Article 5e. *Date of manufacture* (may be in *code*) as well as *last sales date* to consumers must be shown.

Deep-Frozen Foods: Ministry of Interior Decree No. 414 of August 21, 1969, Article 8, clause 1f.—the *month and year of packaging* of the retail packages must be given—may be shown in code determined by the Ministry of Interior on the retail packages, but in such cases the wholesale packaging must carry opendating.

Mayonnaise: Copenhagen Health Commission Decree of October 1, 1966—applicable to Copenhagen only. *Last date of sale* must be shown. May be extended to apply to whole country.

Regulation on mayonnaise and mayonnaise products presently being studied by special Interior Committee, which would require opendating of these products, but study not yet completed.

Opendating applies also to vitamin preparations and certain medicines but is not covered by this report.

There has been considerable discussion among trade and consumer groups regarding the opendating of food products but no final overall solution has been reached. In general, trade groups are opposed to government regulations requiring opendating, preferring to handle on a voluntary basis, while consumer groups are working actively for the declaration of last sales date, packaging date, and keeping quality deadline. Several supermarket chains have voluntarily introduced opendating, usually pull-date or keeping quality limits, on many items and this practice is spreading to other trade groups. It has been found to have consumer appeal and is believed to be an economic advantage to the stores in question. The authorities have taken the standpoint that voluntary action by the trade on opendating is preferable to government regulations.

In regard to the deep-frost law, the authorities' main concern prior to adoption was whether the "cool chain" could be maintained from producer/processor to consumer. This is, however, no problem today. Consumer organizations strongly recommended that the decree of August 1969 require opendating but this was not supported by the industry, and the final decree was a compromise.

The Home Economics Council carried out an investigation of semi-hermetic fish products in retail trade in 1965, which demonstrated that the product turnover rate was not sufficiently rapid. The investigation was a contributory factor to issuance of the decree on opendating of semi-hermetic fish products in September 1966.

It should perhaps be mentioned that Denmark is expected to support the Codex international proposal for labelling of prepackaged foods, which will be presented this year for acceptance by Codex country members. Although it was discussed, agreement was not reached on the inclusion of general regulations on opendating and the question has been referred to the individual commodity committees.

The Government Home Economics Council, a strong advocate of opendating of foods, prepared a document on the subject in November 1969, summarizing current regulations and attitudes. Informal excerpt translations of this paper are given below:

"The Home Economics Council regards it as a very important objective to work for the marking of keeping quality limits of a large number of consumer products, particularly in regard to food products, as it is a reasonable consumer demand that products bought retail are of satisfactory quality. Satisfactory quality not only means that the products are wholesome from the health standpoint but also that they have not become so aged that the flavor has markedly deteriorated.

"Legislative action is aimed primarily at assuring health aspects but unfortunately appears to do so to some extent at the expense of the product quality in general. Even though it is not directly injurious to eat dried-out frozen products and old bread, consumers cannot be satisfied with such products in a modern society where it is possible to regulate production, distribution and trade

for the improvement of quality on the market.

"The Government Home Economics Council has during the present decade worked for opendating in several ways:

"The Board of Health requested the Council on February 11, 1961 for a statement on the desirability of certain products being marked with, inter alia, the packaging date. In its reply, the Government Home Economics Council pointed to a number of products that should be date-marked. This applied to milk, cream, etc., eggs, butter, margarine, frozen products, mayonnaise and products, semi-hermetic products, consumer packages of fish, cleaned vegetables, and bread.

"For use in discussions on opendating problems in the *Nordic Committee on Consumer Questions*, the Council prepared a paper on September 21, 1963 on the positive and negative sides of various forms for opendating (this was revised on September 5, 1968). The discussion in the Nordic Committee in October 1963 concluded with unanimous support of opendating and recommended that the most suitable form for each commodity group should be considered.

"At the request of the Ministry of Interior on April 9, 1964, the Federation of Danish Industries issued a statement on December 30, 1964 on opendating in relation to the specific products mentioned by the Council above. The Federation believes that the marking of keeping quality need only be considered for a few products but agreed to some extent to the utilization of packaging date in code plus open packaging date on wholesale containers so that the trade can assure appropriate product turnover. The arguments against opendating include the factor that the raw materials, production methods, packaging, etc., result in such variation in keeping quality that the period cannot be set with any certainty, which might lead to the discarding of still usable products if the pull-date has been exceeded. . . . Exactly the same arguments are used by consumer groups in favor of opendating, as included in the Home Economics Council's comments of March 15, 1965 to the viewpoints expressed by the Federation of Danish Industries. The Council finds that opendating is becoming more and more necessary as the variety of products increases. In addition, manufacturers must be the ones who are most familiar with the qualities of their products.

"The Council's latter statement gave a detailed account of the Council's investigation of semi-hermetic fish products (Råd og Resultater med Tekniske Meddelelser No. 1, 1965) as an example of a non-dated product with limited keeping quality. Although this product has a keeping period of seven months, its rate of turnover is not sufficiently rapid. Cans one or more years old were found in several stores. Thirteen percent of the old cans purchased that were more than five months old needed discarding, which leads to the conclusion that at the time of the investigation semi-hermetic products to a value of about 200,000 kroner that should have been discarded were on sale in stores throughout the country. A cautious estimate indicates that about one million kroner's worth of this product is discarded each year and this is a product with a relatively small turnover. . . .

"The industry's arguments are surprising as it does not appear likely that opendating could make this situation worse. In addition, it would seem to be in the interests of the manufacturers that their products reach the consumer in a condition which invites a new purchase. The semi-hermetic investigation was instrumental in issuance of the decree of September 1, 1966 which required opendating of semi-hermetic fish products. . . .

"The Government Home Economics Council has prepared statements earlier on the opendating of consumer products which form the basis for the comments given below as well as the discussion that has taken place in the daily press of the eight forms of date-marking presently used.

"During the last few years, a number of chainstores and supermarkets have introduced the marketing of keeping quality (pull-date) on a large number of products on a voluntary basis. This initiative is welcomed by the consumers—it is a step in the right direction—but fewer, more appropriate forms of marking would be preferable. It would be easier for the consumer, and consumer institutions would be more strongly placed in relation to the legislative authorities if they were able to present concrete proposals in regard to the form of marking which ought to be introduced."

(The eight types of marking listed by the Council are: (1) date of manufacture; (2) date of packaging; (3) date of placement in cool desks; (4) control date; (5) date of heat treatment; (6) last date of sale; (7) "Also fresh until . . . (date) or period of keeping quality; (8) period for cool-desk life (for deep-frozen products).)

"While the industry claims that date-marking is unnecessary for brand items as both producers and retailers are interested in supplying good products from the quality point of view, consumer approach (to the Council) indicates that consumers often complain about the quality of the product because of the age of the product. It is unreasonable that consumers, who neither have any influence on the rate of turnover nor on storage conditions, should carry the risk of buying products which have deteriorated because of errors in producers' or retailers' turnover estimates. . . .

"Looking at the question of amount of desirable information, it appears that the pull-date (keeping quality deadline) supplemented by packaging date and period of keeping quality are the dates most acceptable from the consumer viewpoint; however, the packaging date should also be given for products which require maturing (cheese, semi-hermetic fish products). In order to trace non-acceptable products back to the production date, the packaging or manufacturing date—at least in code—is recommended."

The Home Economics Council also lists the advantages and disadvantages of the various forms of opendating as well as a summary of opendating in Sweden, but lack of time prohibits translation. If this information is desired, please let us know.

HARLAN J. DIRKS,
Agricultural Attaché.

PARIS

Repression des fraudes laws passed by French assembly place responsibility of selling only safe, edible foods on manufacturer and retail distributor. Administration has assisted industry in meeting such obligations by establishing measurable criteria. Ref. dating of food, manufacturing dates were first used, and for some products are still used, i.e., canned items. Milk and dairy product were historically consumed by children and aged people. High sickness and death rates in children from unsafe milk and dairy products led government to impose date of consumption markngs on most dairy products to aid mothers in purchasing such items.

The repression des fraudes, Dairy Producers Association, Consumers Technical Institute, Food Retailers Association, not aware of any studies on economic effects of regulations. The repression des fraudes has not done any "in house" evaluation of these operations.

Additional information including pertinent regulations contained in our aircomm pouched to FAS/W on July 31. Copy of Aircomm sent open mail to Engebretson.

PARIS

Enclosed are copies of information on date-marking in response to ref FASTO. These include: (1) Copy of the Law of 1905, on which government administrative actions are founded; (2) Regulations referring to coffee; (3) Regulations on canned and semi-processed foods; (4) Dating of certain cheeses which is an industry ruling—not government; (5) Regulations on hamburger; (6) Explanations of dating code for use on canned foods; (7) General background on Repression des Fraudes—why it was brought into existence; (8) Remarks by Institute Technique de Consumption on labeling.

We were not able to obtain published reports or notes concerning background information on the adoption of such regulations as we were told there are none. The government invites interested parties to a round-table discussion and determines the regulations to be issued after such meetings. No public hearings are held.

Exception Question (e) paragraph (3) rather broad. In dairy industry-butter (except butter made from pasteurized cream) and ice cream not currently covered, as well as aged cheeses. Fresh produce is not covered nor pasta products. Frozen products are marked-as-to-year and date-of production.

Consumers have not been aware of requirements until recently and do not seem to have an opinion except wonder what dates mean. This is caused by a lack of consumer education. Trade groups satisfied as they were heavily involved in decision making meetings.

Economic effects—All responses to this question were that no analyses have been made but feelings were that it was small. It has caused some small retailers to be more accurate on estimating sales volume and in some cases to group purchases with other retailers. It has also increased the returns of expired items to the manufacturer but it is not known how much.

The Repression des Fraudes told us that they do not have sufficient staff to properly carry out the surveillance, let alone do a study assessing their operation.

We hope the above information is helpful. Some people handling this question were on vacation. If more information is wanted, please let us know.

FRANK A. PADOVANO,
Acting Agricultural Attaché.

GERMANY

1. The following points are in response to your fasto 151 concerning the open-dating of food products in Germany:

A. The provisions for open-dating of products are included in (1) the food labeling ordinance (Lebensmittel-Kennzeichnungs-Verordnung) of May 8, 1935, as amended February 25, 1970, (2) the butter ordinance (Butterverordnung) of June 1951, as amended July 31, 1967, (3) the EEC regulation on marketing standards for eggs, No. 16 19/68 of October 15, 1968 and (4) the first implementing ordinance to the milk-law of May 15, 1931, as amended December 9, 1968.

The above mentioned ordinances basically provide open-date labeling for the following major food products: butter, canned and packaged meats and fish products, certain sterilized, dried and canned dairy products and fresh milk and eggs.

2. B. A campaign for the adoption of open-dating for food products was originally started by the consumer association as early as 1962/63. It was based originally on the relatively frequent cases of spoilage experienced with semi-preserved fish products. In contrast to fully preserved foods, which are usually canned and/or heat sealed, semi-preserved foods have a limited shelf life and require refrigeration. They are usually treated with chemical preservatives. At that time, consumers and retailers did not realize that these semi-preserved products have

a substantially shorter shelf life than fully preserved products. Also, more and more prepacked items, such as prepacked sliced sausage, ham, hard and semi-hard cheeses, etc. which vary considerably in shelf life were being introduced in Germany and the need to inform the consumer re shelf-life was intensified. This problem was taken up by the Bundestag, which on Dec. 6, 1963 decided that the ministry of health should prepare draft legislation establishing open-dating for certain foods (Bundestagsdrucksache IV 1623). The first action, however, was taken by the ministry of agriculture, which established an amendment to the butter ordinance providing for open-date labeling on butter, i.e. the day of packaging. This decision represented a compromise between the consumer associations request to show the production date of the butter and the industry which advocated maintaining a coded dating of the day of packaging, which at that time was the general practice.

The Ministry of Health then prepared a draft amendment to the "federal labeling ordinance" requiring open-dating for certain meat and fish products (for details and comments see agr. 11 of July 22, 1966).

As a result of the most recent amendment to the labeling ordinance, February 25, 1970, certain sterilized, dried and canned dairy products also became subject to open-date labeling.

The processor in the case of domestic products and the importer in the case of imported products is free to choose to either put the open-date of production or the expiration date of shelf life of the particular product on the package. So far only packaged products are subject to open-date labeling. In the case of eggs, the date of packing (i.e. 1 up to 52 depending on the calendar week) the eggs were packed, must be shown on each carton.

3. C. The legislation does not provide for exceptions for those product groups subject to open-date labeling. However, many of the larger product groups are not yet covered by open-date labeling provisions, eg. fresh and processed fruit and vegetable products, all bakery products, chocolate, fats, (other than butter) and numerous other products which have almost unlimited shelf life. The federal ministry of health, however, plans eventually to also include bread into the group of foods subject to open-date labeling.

4. D. Originally trade associations advocated against the adoption of open-date labeling, stressing the possible difficulties for the whole-sale and retail trade which might occur through consumers selecting the freshest products and leaving the older, but still well within the limits of shelf life. However, according to information obtained from trade associations, none of the difficulties at first anticipated, except during a short transitional period, apparently materialized. The trade now generally accepts the idea of open-dating. Consumer acceptance of this action was relatively good though a fairly large number of consumers do not yet, make full use of the dating. It is the general feeling in government and industry circles that the consumer still must be further educated as to the meaning of these dates and even more so about the importance of the proper storage of the dated products.

5. E. Contrary to the relatively positive statement obtained from the trade associations, the food processing industry stresses that many food processors had to increase prices as a result of open-dating. This development is reportedly due to two cost factors: (1) the additional cost of installing the dating machinery and the continuing dating adjustments and maintenance and (2) additional costs such as more frequent delivery of products etc. which apply heavily to processors. This goes so far that the trade requests the processor to take back products getting close to the expiration date of shelf life and replace them with fresher products. This is usually done by the processor, who in turn includes a corresponding loss factor into his price calculations. This factor varies considerably from product to product depending on the additional delivery costs etc. and no one seems willing to estimate the degree of price increases attributable to date labeling. Most contacts, however, agreed that the introduction of open-date labeling has generally improved product quality and freshness.

6. F. The Federal Ministry of Health has not made any official assessment of the effects of open-date labeling on food products. They have, however, indicated that open-labeling has generally had a positive effect, particularly from the point of view of the consumer, in spite of the limited price increases.

ITALY

The following is the situation regarding open-dating of food products in Italy.

1. Article 8 of law No. 283 of April 30, 1962 was amended by article 5 of law 441 of February 26, 1963 with a proviso that regulation concerning dating will be issued in the near future listing all food items that have to show on their labels the date of packing (unspecified whether a code date or open date). Neither the regulation nor the list of food items concerned has as yet been published.

2. According to some sources we understand that the ministry of health has a proposed regulation drafted which is currently being circulated to other ministries for their concurrence. No comments or action are anticipated before September. It has been also brought to our attention that confindustria (the industrialists association) has already started a move to reduce the number of items to a minimum. The proposed draft refers to code dating only.

3. According to article 9 of presidential decree No. 578 of May 30, 1953 all baby foods are required to carry label declaration showing date of production and the extent of safe period based on the judgment of high commission for health and hygiene. Actually present labeling shows only open date of the expiration date.

4. According to article 30 of law 994 of May 9, 1929 the law required that bottles containing milk for human consumption must visably show the date of bottling. However, article 3 of law 1504 of August 11, 1963 and circular 158 of August 1968 indicate that either bottling date or expiration date are acceptable. In practice, however, an open date is used on tetrapack indicating the quality expiration date.

SPAIN

1. In response to Congressman Farbstein's interest, Embassy representatives have completed brief but extensive study Spanish regulations relative to dating food products for Spanish market.

2. Codigo Alimentario Espanol cited by legislative reference service in Reftel was approved through decree 2484 September 21, 1967. However, this decree specifically limits itself to approval text of food code. Decree requires Spanish council of ministers to take further action before distinct parts of code enter into effect. This has not yet been done and no one will hazard a guess as to when it will be done. According to trade, the various Spanish syndicates (tripartite labor, management and government organizations which control all economic activity within specific lines) related to food processing are now currently adapting their various regulations to the provisions of the code. Even these regulations are not being effectively enforced at this time. In absence compelling force, trade apparently relying upon individual company policy relative to dating, with result that practices vary widely fro no date, coded or open, to consumer recog nizable open dating. This latter practic rather limited and date not too precise. Ma jor packers are generally code dating in ord be able determine production date and batc their products.

3. Food industry is governed by countles official regulations which are not codifie and are widely dispersed through at leas eight of the aforementioned syndicates re sponsible for various groupings of food prod ucts such as flours and breads, edible oil fish and fish products, meat, meat product and dairy products, candies, etc. within tim limitations established by Reftel, its impos sible to determine dating requirements thes various regulations. In response to embass staff inquiry, pertinent syndicates were un able to produce codified or other compre hensive compilation official food processin regulations including requirements for da ing in any form, that may be applicable the constituent firms. Spot check of local super markets failed to indicate any extensive c consistent pattern application of produc dating.

4. Codigo Alimentario Espanol is result o four year study by special commission plu two year subsequent consideration by inter ministerial committee. This action result o long felt need for efficient government con trol over wholesomeness of canned and othe preserved foods to protect consumers fro overage products. According directorate ge eral of health, the office officially responsibl for policing trade, consumers have welcome this system because they believe it consti tutes protection for their health an welfare. Trade, on other hand, feels con sumers not too concerned about dating a voluntary basis seriously limits extent thi practice.

5. One important spokesman for trade re ported his firm would like to see food cod officially implemented as he feels would giv him competitive advantage since his organi zation presently able to meet requirement code. He believes Spanish food code possibl best piece of legislation in its field, not onl in Europe, but possible in world.

6. If Congressman Farbstein or Washing ton agencies desire them, additional copie Codigo Alimentario Espanol can be mad available at approximately $1.20 per cop

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SWITZERLAND

1. The Swiss food control regulations re quire open dating of only a few food prod ucts. Milk and dairy products, dietetic food and meat products in retail packages fa under this category. Reason for open datin these products is quite obvious since the are the most perishable foods.

2. Besides this compulsory open datin voluntary open dating is gaining importanc Big cooperative retail chain migros went int open dating of most of their food product except for the very stable products lik canned fruits and vegetables. Other firm are also open dating a variety of foods lik potato chips, dried soups, biscuits etc. Thi practice has been welcomed by consumer wh is thus ensured fresh products. Most commo dating system is "to be sold until . . ."

3. Swiss food control commission is cu rently studying a food declaration syste under which all ingredients of product woul have to be declared on the label. Compulsor declaration is already applied for variety o colors, preservatives and additives. Commis sion might take up at same time compul sory open dating of all food products.

UNITED KINGDOM

We are informed by Ministry of Agricul ture, Fisheries and Food that no regulation on the dating of food for consumer protec tion exist in the United Kingdom. Protectio provided in the Food and Drugs Act of 195 which makes it an offense to sell food whic

would be harmful is considered adequate. Nevertheless, certain firms voluntarily print on their packages the date by which the food should be eaten and/or cooked, for example, bacon, cooked ham and some other meat products. This voluntary dating is provided as a service by the manufacturer to both the retailer, as an aid to stop rotation and to protect them from the possibility of selling stale or decayed food, and to the consumer.

Code dating on cans and other packages is commonly practised in the United Kingdom, but only as an aid to manufacturers and distributors, again for stock rotation purposes.

Therefore, questions B, C, D, E and F do not apply in the absence of regulations. Mrs. Joyce Butler, M.P. for Wood Green in London conducts an assiduous campaign for the introduction of such regulations. While Mrs. Butler has been successful in some field (U.K. Trade Descriptions Act is due in large part to her pressure on the last Government), there is as yet no sign that she will be successful in geting dating regulations introduced.

We wonder if the reference to legislation found by Library of Congress refers to private members bill, the labelling of food and toilet preparations bill, bill 52, given first reading House of Commons and printed December 4, 1969, sponsored by Mrs. Butler. Under procedure for private bills in House of Commons little time is made available unless backed by Government; No Government backing for this bill. The bill was again due for second reading March 5, March 13, March 20, April 10, April 17 and several subsequent dates. On each occasion bill objected to and deferred and the prorogation of Parliament prior to election, June 18, meant uncompleted bills automatically lapsed. In requesting copy of the bill, we learned that copies of all lapsed bills are disposed of and are unavailable. That is the case with this bill.

[From World Health Organization-Food and Agriculture Organization of the United Nations, *General Food Labelling Provisions*, May 7, 1965]

IV (v)—Is the date of packing or production required on packages, and if so, in code or otherwise?

The date of packing or production, or both, is generally required in Spain, in Pakistan, and in Yugoslavia, where the time limit for use must also be given for perishable foods.

In a number of countries the date of packing or production is required for specific foods, as shown:

(Canada, India, Luxembourg, and the United States excluded since their dating requirements are limited to coded dating.)

Australia: Under Commonwealth legislation on imports and exports, imported food is subject to special requirements including disclosure on the label of the date when the food was packed. The date is required in *Queensland*, only for bottled milks, infant foods and oysters removed from shells, and in *Western Australia* for infant foods. In *New South Wales* the date is required only for infant foods, pre-packed meat and oysters in glass containers. No dates are required in *Victoria* or *Tasmania*.

Chile: Dates are required on margarine; foodstuffs for medical uses, including flour products for infants; foods for animal or plant origin in cans or glass containers; frozen foods of animal or plant origin; meat sauces; concentrated broth; powdered eggs; smoked fish; sausages in general except Vienna sausages, for which the date must be shown on the container for distribution; milk in all forms except pasteurized milk, on the containers of which only the name of the day of distribution need be shown; cheeses; containers for the distribution of small cheeses and for the transport and distribution of oysters.

Denmark: Deep-frozen foods (month and year; may be in code); milk and cream; lurbrand butter (date and year); fish, fish products and semi-preserved fish products (week, month, year; may be in code); fish fillets (date of production; may be in code); cheese (date or week; may be in code); eggs (in code); fruit and vegetable preserves (week or month, year; may be in code); apples (date of packing).

France: Certain perishable foods (yoghurts, fermented, flavored or powdered milks, cheeses); preserves and semi-conserves. The indication is almost invariably in code.

Germany (Fed. Rep.): Vitaminized foods; dietetic foods, and (since 1 April 1965) butter.

Greece: Dried currants (year of harvest).

Israel: Most standardized foods; all foods intended for export; preserves in hermetically-sealed containers; cereal products in quantities greater than 10 kg. The date of production is to be furnished; for cereal products, the date of import must be added. For standardized foods, the day is indicated on plum preserves and sauerkraut, a less precise date is accepted in the other cases, indicating the production season (which runs officially from November to April for citrus and certain other fruits).

Netherlands: Pasteurized milk products.

New Zealand: Butter and dairy products, such as pasteurized cream and milk.

Norway: Cold cuts, bacon and pre-packed foods in sealed packages in plastic, etc., must bear the last date for consumption (i.e., the date until which the product is guaranteed to maintain its quality). Codes may not be used.

Portugal: Flour (packaged or for bread-making); pasteurized milk; margarine.

Sweden: Cheeses other than fresh or processed cheeses must bear the date of curdling; salt herring sold otherwise than on retail premises (year and month during which salting took place).

Thailand: Canned foods.

Turkey: Perishable foods (date of manufacture).

In Argentina, the label must state, if appropriate, that the product is for immediate consumption. In certain cases (e.g., peaches *au natural* and tomato preserves) the expiration date must be given.

In Austria, the production date must be shown in code on bagged wheat and rye flour and semolina (by giving the number of the milling lot). The production date of butter, evaporated or powdered milk, and casein must be shown, in code or ordinary terms. The Dairy Economy Board may require the date, in code or ordinary terms, on rendered butter. The date, in ordinary terms, or the number of the loaf, must appear on Emmonthaler, mountain and Alpine cheeses.

In Finland, the last permissible day for sale must be indicated for milk. Dates may be given in code in some cases in Canada, Luxembourg and the United States of America.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SENATE—*Friday, August 21, 1970*

(Legislative day of Thursday, August 20, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Breathe on us, breath of God.
Fill us with life anew,
That we may love what Thou dost love
And do what Thou wouldst do.

In the silence of Thy presence, cleanse us, refresh us, and in the toiling hours yet to come be our companion and our guide. Keep us from parading our piety, or from the worse hypocrisy of pretending to be worse than we are. For we are the sons of Thy creation and redemption—born to be free and in freedom under Thy rulership to guide our own destiny. We need Thee, O Lord. Every hour we need Thee.

Strengthen our weakness, control our emotions, calm our anxieties, allay our fears and fill us with the hope of the gospel, that we may have the wisdom and character for the living of these days.

In the Redeemer's name. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Thursday, August 20, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President in the interest of time, it is the intention of the joint leadership not to call up unobjected-to items on the Legislative Calendar today.

ORDER FOR ADJOURNMENT TO MONDAY, AUGUST 24, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 11 a.m. on Monday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Subsequently, this order was modified to provide for the Senate to adjourn until 10 a.m. on Monday.)

ORDER FOR RECOGNITION OF SENATOR FULBRIGHT ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next, following the disposition of the Journal and the unobjected to items on the calendar, and after the unfinished business has been laid before the Senate, the distinguished Senator from Arkansas (Mr. FULBRIGHT) be recognized for 1 hour.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. JAVITS) is now recognized for 30 minutes.

Mr. MANSFIELD. Mr. President, will the Senator from New York yield to me so that I may proceed for about 2 minutes?

Mr. JAVITS. I am glad to yield to the majority leader.

THE VICE PRESIDENT'S SPEECH IN LOS ANGELES

Mr. MANSFIELD. Mr. President, it is my understanding that the distinguished Vice President of the United States, SPIRO AGNEW, the Presiding Officer of this body, made a speech in Los Angeles on yesterday. According to a report in the Los Angeles Times, he is supposed to have stated that the press would headline the speech not as he would like it—a speech in support of the candidacy of our distinguished colleague from California (Mr. MURPHY)—but would instead probably label it to the effect that "Agnew Assails Mansfield and O'Brien."

Mr. O'Brien can speak for himself. The Senator from Montana can speak for himself, as well.

Evidently, the reference is to some questions raised by the Vice President about a speech which I made on the economic state of the Union. It was delivered pursuant to the unanimous request of my Democratic colleagues, following a report on the same issue by the President of the United States.

In my speech, I indicated that $375 out of each $1,000 which the administration spends for every American man, woman, and child goes for military spending while, at the same time, only $7 of each American's $1,000 is being spent for health and mental health research; $7.50 for elementary and secondary education; $5 for urban renewal; $4.50 for air and water pollution control; $1.40 for vocational education; 50 cents for education for the handicapped; and $2.40 to assist State and local governments in combating crime. In citing these figures, I had hoped to convey to the American people the misplaced emphasis of our national priorities.

Mr. President, it is reported that Mr. AGNEW referred to these figures taken from data in the budget saying they "are essentially correct," but that they "do not give a complete or accurate picture of comparable efforts in the categories mentioned."

I am delighted that the Vice President did say that the figures used by me "are essentially correct." The Vice President is entitled to his opinion, just as I am, and just as every other Senator is.

I wish to make the record clear. I do not consider this as a personal attack upon MANSFIELD. I am particularly delighted that the Vice President acknowledges that the figures used are essentially correct.

I would hope that if and when we debate the economic and other issues, we would do so not on the basis of personalities but on the basis of facts and figures. Though they may be interpreted differently by different individuals, the figures are a matter of record. Furthermore, any differences between us should be placed on a high plane, to the end that we will maintain the dignity, the integrity, and the dedication of the Senate as a body, of Senators as individuals and, may I say, of the Vice President himself, as the Presiding Officer of this institution.

Mr. President, I ask unanimous consent to have printed in the RECORD the speech which I made detailing the figures referred to so that the whole story can be told so far as the Senator from Montana is concerned.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

THE NATION'S ECONOMY AND THE CONGRESS

It is unusual for a Member of Congress to report in this fashion to the people of the Nation. I do so because the circumstances are unusual and so, too, are the times. The matters to which your attention is directed affect every American. They hang over every deliberation of the Congress.

The Congress, I might say, was established by the very first article of the Constitution. Along with the executive and the judiciary, it is a coequal branch of the Government of the United States. Your Representatives in Congress—Members of the House of Representatives and of the Senate—are there to do a job for you. In the main, it consists of writing the laws. You have a right to know how that job is being done.

I speak with you today as the elected leader of the majority of the U.S. Senate and with the concurrence of the majority leadership of the House of Representatives. In recent days, you have heard from the President on the state of the Nation's economy. It is on the same matter that I ask your attention.

Three words say a great deal about the Nation's economy: inflation, unemployment, and war. Whether the term is used or not, these words spell recession. That is today's fact. It is not a political fact. It is an economic fact. References to the mistakes of the past cannot paper over it. The rhetoric of a radiant tomorrow does not alter it. To be sure, much of what transpires now began in an earlier time. We may regret it but we cannot undo it. To be sure, the basic strength of the American economy promises a great deal. But that is for the future. What of today? What of the now?

Inflation is still with us; it is still rising. Three years ago prices were up by 3 percent; 2 years ago by 4.6 percent. Last year they rose 6.1 percent. In recent months the increase has been at a rate of 6.3 percent. Interest rates have climbed to highs not seen in over 100 years. Today it costs a builder 10 to 11 percent in borrowing costs to finance the construction of a home. To finance its purchase, home buyers put up another 9 percent or more in interest charges. Even at those inflated rates, mortgages are often impossible to obtain.

Five years ago the typical monthly payment on a $20,000 house was $115. To buy the same house today takes an outlay of $205 a month. Inflated costs and higher interest rates represent the difference. Recently the administration's Secretary of Housing and Urban Development put it bluntly: he said that 80 percent of the American people cannot afford to buy a new home.

Unemployment climbs steadily, from 3½ percent a year ago to 5 percent-plus last month. There are over 1 million more people out of work now than there were last year. In farming, there are a quarter of a million fewer people employed. The price the farmer is paid for his crops has actually declined since 1968 but his costs have increased by 10 percent. The take-home pay of factory workers has fallen. Corporate profits are $10 billion lower than they were a year ago. Stock prices have slumped.

Homebuilding was at the low rate of 1.5 million new units a year ago. It has slipped still further to 1.2 million. That is less than half the 2½ million new homes needed each year to keep up with the growth of new families. It is less than half of what this Nation set as its housing goal to replace substandard housing 2 years ago.

In short, the things which should be going up—home building, take-home pay, and real economic growth—are coming down. At the same time, the things that should be coming down—such as interest rates, the cost of living, and unemployment—are going up.

Congress shares the responsibility for correcting these discouraging economic trends which started under previous administrations. To be sure, the Congress has not concurred completely in the President's approach to them. Nor has the President responded to all of the actions of the Congress. That is neither unprecedented nor undesirable. Each branch has its separate responsibilities even as each branch shares in a common obligation to the people of the Nation. When there are differences, insofar as the majority leadership is concerned, it will not waste time in political recriminations. It will concentrate, instead, on doing what can be done in the Congress.

In my judgment, much of what can readily be initiated by Congress to improve the economic situation has been forthcoming. Congress has required no prompting from any quarter, for example, to make cuts in the administration's budget as a counter to inflation. Overall spending for this fiscal year was reduced by $6.4 billion. To repeat: Congress did not increase the administration's budgetary requests; Congress made a $6.4-billion reduction.

Acting on its own, Congress passed a selective credit control law last December. The law gives the administration authority which can be used to bring down home mortgage costs. I do not know why that authority has not been used by the administration; nor do I know, if the legislation is unsatisfactory, why a legislative alternative to reduce mortgage rates has not been requested by the administration.

Acting on its own, Congress last year passed a general Tax Reform and Reduction

Act. Tax loopholes of $6.6 billion were closed. These savings were converted into lower taxes for all Americans. Millions of persons on low and fixed incomes will get the principal benefit of these changes, which will begin to take effect in the months immediately ahead. This initiative was, first, ridiculed as impossible to achieve, then, enactment was resisted. Now the Tax Reform and Reduction Act is embraced. The fact is that its benefits will be no laughing matter as they begin to flow to persons dependent on moderate salaries or other fixed incomes.

Congress can cooperate with the administration in dealing with the problems of the economy. We have done so and we will continue to do so. We can provide the President with specific authority to take action. We have done so and we will continue to do so.

We can support the President if he wishes to use the persuasion of the Presidency, for example, as a means of discouraging excessive price and wage increases. That persuasive power has yet to be tried. It is not clear why it has not been tried. Its effectiveness was demonstrated in 1962 when prices were rolled back in a basic industry by the determined efforts of the President at that time. As a result, other industries held the price line, the economy avoided inflation and experienced a sound and dynamic growth. By contrast, without Presidential intervention, prices in that same basic industry have been raised four times already this year—and the year is only half over. Other industries follow suit. The dollar loses value both at home and abroad. Millions of Americans are caught in a vise of higher prices and declining incomes.

Congress has already given more authority to the President than he wishes, apparently, to use against the rise in prices. That is his option. I do not criticize his decision. But the record should be clear. Congress has been ready and stands ready to cooperate with the President. We are prepared to move on any proposals which may be forthcoming from the administration to end the inflation and to check the slide into a deepening recession. We need concrete proposals for today. We can hardly act on either the administration's rejection of what was done yesterday or on the administration's assurances of what will emerge tomorrow.

Last Wednesday, President Nixon announced the formation of a National Commission on Productivity. It is a welcome initiative. The commission will gather the information on the basis of which wage and price changes can be measured—guidelines for control of inflation. The concept of guidelines, however, has not yet been accepted by the administration. If it is not, then for what purpose will the Commission function? What is the value of a commission in controlling inflation if its work is not subject to use as a yardstick to persuade all who require persuasion to stay within established limits?

Congress cannot very well call to the attention of particular business and labor leaders the consequences of excessive price and wage increases. But the Congress can and, I am confident, will support the President should he decide to do so.

Congress cannot itself draw up and administer a set of guidelines for reasonable wage and price behavior on the part of industry and labor. But Congress can and, I am confident, will, support the President if he chooses to do so.

In short, Congress can and, I am confident, will, support initiatives of the administration which are designed to reverse the whole psychology of inflation.

For its part, Congress, as I have noted, cut $6.4 billion from the administration's budgetary requests last year. Further cuts below the President's spending requests are to be anticipated this year.

For this part, Congress is attempting to assist the housing industry. The Senate began work last February on the Emergency Home Finance Act, a measure conceived by Congressman PATMAN and Senator SPARKMAN which now has the support of the President. It has passed the Senate unanimously. The House has scheduled action on the measure tomorrow.

Congress will provide funds for expanded manpower training programs to equip the unemployed and the disadvantaged for jobs. The President has requested it. It will be forthcoming.

The Congress will enact improved unemployment compensation, as the President has requested. Indeed, both Houses of Congress have already acted, and final passage of this authority awaits only the formal approval of details to be worked out between the two Houses.

The willingness of the Congress to work with the President reaches beyond efforts to stop the downward drift in the economy. The fact is that the economic uncertainty today is only a reflection of a deeper concern. The root of our economic difficulties lies in the distorted use of the Nation's resources. We are casting vast quantities of these resources, for example, into the continuing war in Southeast Asia—the estimates are over $26 billion a year, not to speak of the tragic loss of young lives.

We are using our resources at a reckless rate and with dubious wisdom in other places and in other ways.

Government spending, to put it bluntly, is seriously out of date. It is not how much is being spent. It is how it is being spent. Priorities are still determined largely by yesterday's fears and fallacies. They scarcely meet today's urgencies. They only begin to perceive tomorrow's needs.

If there is an overriding imperative, it is to readjust these national priorities—these allocations of Government expenditures. It will take a great and painful effort to make the changes. Yet, they must be made, if this Nation is to have a strong economy, a healthy people, and a livable environment. It is a matter of emphasis.

How we choose has much to do with what we conceive to be threats against the national security. To be sure, we are strong militarily, and we use by far the greatest share of the taxpayers resources to maintain the Defense Establishment which provides that strength. But while the security of a nation depends on a sophistication of arms, it depends, too, on the inner stability and unity of the nation.

Nations may be attacked from without. They may also crumble from within. For 5 years we have put great emphasis on protecting the Nation from the inhabitants of Vietnam, Laos, and now Cambodia. In the meantime, what of the attacks on the very livability of our cities and their surrounding suburbs? What of the growing pollution of the environment? What of the mounting array of domestic difficulties? Crime? Transportation? Railroads? Drug addiction? Power shortages? Educational needs? Racial tensions? Health? Have any of these difficulties yet been brought under reasonably secure control? Will they stand still, awaiting some undefined solution to the war in Vietnam when, presumably, sufficient resources will be released to permit them to be dealt with without inflation? Will they remain quiescent, to the end that the United States may first be enclosed in a web of antiballistic missiles at a cost of billions of dollars which may or may not act to protect us from a missile attack which may or may not come before the system is obsolete?

Every dollar spent by Government whether for Vietnam or for weapons or whatever comes from you, the taxpayer. For every man, woman, and child in the United States, the administration now requests about $1,000 in spending. How and where each $1,000 is spent sets the Nation's priorities.

For the coming year, of each $1,000:

About $7 is requested for health and mental health research;

About $7.50 for elementary and secondary education;

About $5 for urban renewal for our cities;

About $4.50 for air and water pollution;

About $1.40 for vocational education;

About $0.50 for education for the handicapped;

About $2.40 to assist State and local government in their fight against crime;

Over $375 for military defense.

Consider that just the cost overrun—that is, what was actually paid above what was quoted to the Congress as the initial price tag—for a single airplane—the C5–A cargo plane—has cost each American $10. Consider as well that it costs every American today $70 a year to back and maintain in Europe the several hundred thousand U.S. forces and their dependents who are still there—25 years after World War II.

These illustrative examples clearly demonstrate where the emphasis in Federal spending has been placed for many years. For too long, we have pursued the Nation's security all over the globe. For too long, we have forgotten that national security begins at home. It has taken the tragic war in Indochina to show us that our resources are not unlimited. Our wealth is not endless. Inflation and recession are a part of the price of this overdue insight.

As I have noted, Congress has begun to deal with the reality of our limited resources by reducing Federal spending by $6.4 billion, I must say, also, that the President reduced expenditures by $3 billion and I commend him. By far, the greatest share of the congressional cut was taken for defense spending and the foreign aid program. Foreign aid alone was cut by $1 billion. Of the $32 saved for each American, Congress attempted to reallocate $5 to pressing needs in health, education, and the protection of the environment.

That is what has been labeled in some quarters as inflationary and irresponsible. Let the most be made of the labels. For those reallocations, there will be no apology from the congressional leadership. Nor will the Congress be deferred from trying to meet essential domestic needs of this kind by charges of isolation or neoisolation. There is not a Member of the Senate who believes this Nation can turn away from the international problems of peace without devastating consequences to this Nation and the world. By the same token, the neglect of needs at home will no longer be accepted in the name of some vapid internationalism such as we have witnessed on the mainland of Asia during the past 5 years—well over 50,000 American lives later, a total of 331,000 casualties overall, and well over $100 billion in resources later.

The congressional majority seeks to cooperate with the President in an effort to readjust the Nation's budgetary priorities in terms of today's needs. It must be stated in all frankness, however, that there are still differences to be reconciled if that cooperation is to be possible. It is difficult, for example, to understand how a congressional effort to divert about $1 billion of the $6.4 billion savings in the budget to pollution control, education, health, and welfare is struck down by a veto as inflationary but at the same time the Senate is urged not to foreclose a future expansion of military and foreign aid spending in Cambodia.

When you consider, moreover, that $2.50 a person was all that was allocated by the administration during this past year to combat rising crime—one wonders whether it is rhetoric or results that count.

The Senate has passed all but two of the major 13 administration crime proposals. In addition, Congress has originated and passed seven additional anti-crime laws which have been endorsed by the administration. Even the enactment of these laws will be insufficient, however, if we do not devote greater

resources to the causes of crime, to reform of penal institutions, and to providing assistance to enforcement officials. Two dollars and fifty cents per person for crime control is simply not enough.

These issues which I have been discussing are of the utmost seriousness. Every American is affected directly or indirectly by an economy in distress and the war from which, to a great extent, the difficulties are derived. Every American has a stake in the way the Government makes broad commitments of national resources abroad and at home. It was for this reason that I was asked by colleagues in the Senate and the majority leadership of the House of Representatives to address you this afternoon.

We hold the view that the economic problems of this Nation will not disappear at a date uncertain in the future, if only they are left alone by Government, especially in the light of our continuing involvement in the war in Indochina.

We do not accept the view that a little unemployment is good for the Nation any more than we can believe that a lot of inflation is good for the Nation.

Within these premises, the majority in the Congress will give the most respectful consideration to whatever the President may propose to halt the inflation and high interest rates, to reduce unemployment, and terminate our involvement in Vietnam. To that end, the President has had the cooperation of the Congress in the past. He has it now. He will have it in the future. He has it in good conscience—without ifs, ands, or buts.

The Republic deserves no less.

Mr. SCOTT. Mr. President, will the Senator from New York yield to me for about 3 minutes?

Mr. JAVITS. I have just been warned that I will not get any more time after 9:30, so I will yield 3 minutes to the Senator from Pennsylvania.

Mr. SCOTT. I appreciate it.

Mr. President, I rise only to say that I have read the speech of the Vice President and I am very glad and, as a matter of fact, very much relieved to find that in it there is no attack on the distinguished majority leader.

I also rise for the purpose of making the Vice President's speech available to the distinguished majority leader. I believe the only phrase other than the normal use of someone else's name refers to a suggestion for more careful research, something we may say about each other. The reference is to another gentleman in here where the phraseology goes, perhaps, more in depth, but I would like to show the speech to the distinguished majority leader, if he has no objection, and then will ask unanimous consent to have it printed in the RECORD.

My purpose in rising, in addition to that——

Mr. MANSFIELD. Mr. President, will the distinguished Senator from Pennsylvania yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. I would be delighted if the Senator would place that speech in the RECORD. May I say that I find no personal fault with the Vice President, but I did refer to his statement, that was published in the Los Angeles Times of this morning—and how that paper gets here so early on the same day is something I have not figured out yet. Mr. AGNEW was said to have said—and I am paraphrasing now—that the main purpose of his being in California was to encourage and support the candidacy of our distinguished colleague, Senator MURPHY, but—he added—the press would probably headline it to the effect that "Agnew Assails Mansfield and O'Brien."

I wanted to make the record straight. There is nothing personal in it, so far as I am concerned.

I think the Vice President did well to call attention to these figures. I am delighted that he said they were "essentially correct." As on all issues, there is room for honest differences of opinion as to what they mean in terms of priorities. I wanted to make my views known and put them in the RECORD for all to see.

Thus, I hope the Senator from Pennsylvania will have the Vice President's speech printed in the RECORD, as well.

Mr. SCOTT. I, too, appreciate it. I think the Vice President does make that statement in the speech. But my purpose in rising is principally to point out that while he refers to the amount of spending for military defense, for health and mental research, for elementary education, and other items, and that while these items seem small when one takes for example $7 for health and mental research out of every $1,000 of taxes, the point he does not make—and he might well have made it—which I intend to research myself and to make, is that each of these items out of a given $1,000 represent, or certainly must represent, a greater proportion of the $1,000 unit than ever heretofore appropriated in any fiscal year.

While I am not certain that this figure will always stand up, I know that in some instances it will.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. SCOTT. I yield.

Mr. MANSFIELD. Mr. President, I agree with the distinguished minority leader. In some areas no doubt, it is more money than in previous years. The purpose in using the figures in the way I did was to make comparisons so that all Americans can better understand where tax dollars were being spent by the Federal Government on a category-by-category basis.

Mr. SCOTT. The other reason that I have for inserting it in the RECORD is that the Vice President mentioned the 10 members of the majority on the Senate Labor and Public Welfare Committee and noted that the bills proposed by them, without duplication or overlapping, but referring only to limited appropriation bills, where the appropriation can be deduced from the bills themselves, would call for an expenditure of $440,960,030,600 a year, which is over two times our Federal budget and more than one-half the gross national product of our country.

The ACTING PRESIDENT pro tempore. Does the Senator from Pennsylvania desire to offer the speech for the RECORD?

Mr. SCOTT. Mr. President, I ask unanimous consent that the speech of the Vice President, delivered in California last night, be printed at this point in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE VICE PRESIDENT

Back in June, President Nixon delivered an address to the nation on the economy. It was a balanced and positive message, well considered. It was not partisan. Immediately, however, there was adverse comment from some of our friends in the other party.

Among the most interesting observations were those of Lawrence O'Brien. Because President Nixon refused to clamp on wage and price controls, O'Brien stated that the President had "sold out to big business."

Now, I trust that all of you know who this man O'Brien is. He used to be Postmaster General. He then left the Federal Government to go work for an investment house on Wall Street. In fact, he became the President of that investment house. Under his adroit management, the firm collapsed, and it is presently being liquidated. Isn't that a splendid credential for a man who would advise the President of his country on economics? And isn't that an interesting background for a man who would accuse his President of selling out to big business?

I should not forget to note, however, that Mr. O'Brien did not stick around to see the final demise of that old brokerage house that he had guided so clumsily. Mr. O'Brien is a shrewd and knowing man. When he saw the end in sight, he hitched up his pants and ran.

Now he is chairman of another shaky organization, the Democratic party. It is not faring too well, either. Small wonder, when it cannot find men more qualified than Larry O'Brien to lead it.

And that same Democratic Party is why our country is having economic difficulties now. We have high prices and we have high interest rates today because for eight years Democrats like O'Brien sat in the highest councils of this country. For seven of those eight years they spent more than they took in, and in that period they piled up a deficit of $57 billion dollars. In their final year alone, the Johnson Administration recorded a deficit of $25 billion dollars. That is the greatest single year deficit that any administration has incurred since World War II.

And so, fellow Republicans, I am going to talk about Democrats tonight, and about spending, and about the economics of our national priorities, because these are important matters—and because the Democrats have been raising certain questions about them that have to be answered.

A number of Democrat leaders have been saying lately, among them Senator Mansfield and Mr. O'Brien, that we Republicans are not spending the taxpayers' money the way we should be spending it, and that we have our national priorities backwards. Senator Mansfield said it in June in his message to the American people, and Mr. O'Brien said it in those 25 minutes that he managed to obtain free of charge from a TV network in order to make a partisan attack on our President.

The two Democrat leaders complained that we spend $375 for military defense out of every $1,000 of taxes, while for the coming year we have requested only $7 for health and mental health research, only $7.50 for elementary and secondary education, only $5 for urban renewal, only $4.50 for air and water pollution control, only $1.40 for vocational education, only 50¢ for education for the handicapped and only $2.40 to assist state and local governments in their fight against crime.

Our Democrat friends are playing tricks with figures. They found these data in our National Budget and they are essentially correct. But they do not give a complete or accurate picture of comparable efforts in the categories mentioned. The comparisons they make may be valid in a country where the only expenditures for health, education, crime and pollution control are those made

by the central government—in other words, a one government, socialistic or totalitarian system; but they are not valid comparisons for our three-level system, which is further supported by the free enterprise system.

Let's put these figures into context. The Democrats have implied that spending $375 out of every $1,000 on national defense is a terrible thing when we only spend so little for other pressing concerns like air pollution and education. But it seems that they have never bothered to consider that the Federal Government is the only entity in our entire society—private or public—that can properly undertake the national defense and that, therefore, virtually every penny spent by this nation for national defense must and does show up in the Federal Budget.

This is not the case for air pollution or vocational education or mental health research. In fact, it is not the case for any other major "problem" that we face today. Because for all of our major concerns outside of defense there is substantial spending by state and local governments and by private business as well as private educational institutions and churches and foundations and labor unions.

Consequently, in order to assess the balance between national defense and our other major concerns; that is, in order to judge accurately our national priorities as reflected in our spending, it is necessary to consider not only the figures that show up in the national budget, but the outlay of the entire nation.

Let me give you an example. The Democrats have complained that the Federal Government spends only $7.50 out of every $1,000 in taxes for secondary and elementary education, as compared to $375 for defense. But what about the $15.7 billion spent by our fifty states? And what about the $23.5 billion spent by the 22,000 local school systems within those states? What about the $5.1 billion spent by parochial schools and private schools? What about the contributions of foundations and business and fraternal orders and labor unions?

All of these expenditures for our nation's elementary and secondary schools together with the Federal outlay, amount to more than $47 billion dollars per year, that is, about $235 dollars for every citizen in this country. And that, my fellow Republicans, is the figure that counts, not the meager and highly unrepresentative $7.50 that is quoted by our friends who are busy feeding the donkey what they hope will be high potency vitamins.

Indeed, if Mr. Mansfield and Mr. O'Brien had been more careful in their research, they would have noted that the Defense Department itself will spend $963 million for education this coming year, and that, therefore, it is somewhat inaccurate to say that $375 out of every $1,000 are spent on military defense. That figure represents what the Department of Defense spends, but that Department spends its money on many things, among which are education, as well as housing and health.

And there are also many other public expenditures for education besides those indicated by our Democratic friends, expenditures not reflected in agencies that bear the title, "Education".

In fact, if you look at the whole picture, you will see that there has been a complete reversal of priorities since the Nixon Administration took office. In the current fiscal year the expenditures for defense, as a percentage of Gross National Product, will be the lowest since 1950, at the start of the Korean War.

And in the area of education alone, the switch in emphasis is startling. In 1968, with a Democratic Administration in Washington, the American people spent $23 billion more on the military than we spent on education at all levels, public and private.

In the fiscal year ahead, with a Republican Administration in Washington, the American people will spend $2.4 billion *less* on the military than on education.

How's that for a country moving in the right direction?

And that is how it is for all of the top priority issues that our Democratic friends have touched on. In every single case, whether it's health and mental health research, or pollution control, or urban renewal, or vocational education, or whatever, you will find that their figures just do not represent the true investment of our society. And their figures do not represent the true efforts of the Federal Government, either. For Mr. Mansfield and Mr. O'Brien did not mention that we pass laws to require rather heavy expenditures on the part of the private sector for things like pollution control and we pass tax regulations that will encourage investment in areas like education. Yet none of this shows up in the Federal Budget.

So, if the Democrats come whining and bawling to you and say that this Republican Administration is neglecting education for defense, do not believe them. Do not let them tell you that this country is spending only $7.50 for elementary and secondary education per person this year, because that is not true. In point of fact we are spending $235.00 per person. And do not let them tell you that we are only spending $4.50 for pollution control, because that is not true. We are spending well over $30 per person. Do not let them rearrange the figures in order to make it appear that America is in such terrible shape, because the plain fact is that America is in darn good shape. We have problems, I'll be the first to admit it. But we also have a great system that can take care of our problems, and we should be proud of it.

And, you know, that is one of the differences that has always stuck me, between the Democratic and the Republican parties. The Democrats are always trying to spend their way out of America's imagined difficulties, while the Republicans are always trying to find ways to pay the bills run up by the Democrats. Every time we get the bills paid, the Democrats come in on another set of free-wheeling, fancy promises and run up a new set of debts.

Some day the American people are going to reject that Democratic cotton-candy and leave the fiscally responsible party in office long enough to restore true prosperity without inflation and war.

I've given you an exemple of how the Democrats look at spending for National priorities and how we look at spending for National priorities. And the example I've given points out that our approach to government is quite different from theirs. We believe that we have a good flexible system in America. It has worked well for almost 200 years, and we believe that we should not tamper with it too much. Yet, if we took into the hands of the Federal Government all of the money that the Democrats would need for the programs that they propose, we would no longer have a free economy. We would have socialism.

And if you think that I exaggerate, listen to these statistics: Senator Alan Cranston—I trust that this audience will know who he is—Senator Cranston, as a member of the Senate Labor and Public Welfare Committee, sponsored or co-sponsored 13 bills in the present Congress that had specific, limited appropriations. If all of these bills were to be passed by Congress, they would cost the American taxpayer $37 billion, $824 million, $250 thousand dollars *per year*.

But that is not all, Senator Cranston also sponsored or co-sponsored 18 equal additional bills that had *no* ceilings on their appropriations. In those bills, limit on appropriations was to be sent after the bill was passed.

Senator Kennedy of Massachusetts, as a member of that same Senate committee, has sponsored or co-sponsored 24 bills, which if enacted, would cost the American taxpayer $44 billion, $128 million, $672 thousand dollars *per year*. And these are only the bills with set appropriations. Senator Kennedy has sponsored 45 bills that do not have any appropriations ceilings.

What these two senators have proposed are staggering sums. Yet these are but *two* of the ten Democrats on the Senate Labor and Public Welfare Committee, and if we take the appropriations proposed by all the Democrats on the committee—let me name them here: Cranston, Kennedy, Eagleton, Hughes, Mondale, Nelson, Pell, Randolph, Williams and Yarborough—if we take the appropriations proposed by these Democrats on that one committee alone, and add them up in such a way as to have no overlap and no duplication, we shall find that in this Congress alone they have proposed spending $440 billion, $963 million, $30 thousand, $600 hundred dollars of public money *per year. That is over two times our present Federal Budget and more than one-half the Gross National Product of our country!* And remember, that does not include the bills that were open-ended and had no limit on their appropriations. And remember also, there are the expenditures proposed by only *ten senators on one committee of Congress* and that these Senators also sit on many other committees.

Ladies and gentlemen, in view of these statistics, I have absolutely no hesitation in saying that if we accepted all these proposals, the American private enterprise system would be taxed beyond its capability and collapse.

And that is the reason why we Republicans have always felt that solutions to our national problems should come as much as possible from the private sector, at times prodded by public law, but nevertheless funded by the productivity of the free enterprise system.

And that is why I am here tonight at a dinner for George Murphy. I want you and the people of California to know that he is a Republican in the best sense of that word. I want you to know that the President needs him, and that we want to see him reelected.

He has accepted his responsibility as a Senator to deal with the problems that face our nation, and he has tried to do this in a way that is both effective and yet preserves the power in the private sector.

Let me give you an example. In 1967 the famous "Murphy Amendment" was added to the Air Quality Act. This amendment allowed California to set its own auto emission standards above the Federal levels, because this state was already requiring auto emission control in 1967. This was an extremely important bill and, though at the time the Murphy Amendment may have seemed strict to some, there is hardly a person today who will not praise Senator Murphy for his foresight.

Yet the significance of this legislation will not show up in the Federal Budget, because the cost of this emission control is borne by the automobile producers. How much money is spent because of this one bill is impossible to determine, but the best estimates place the amount in the millions.

Similarly Senator Murphy has encouraged home ownership here in California through "Sweat Equity." There has been some Federal money involved, but the basis of the program has been the farmer's own efforts. He builds his own home. Yet the equity that he puts into his own house will not show up in the Federal Budget, because that man's labor was never converted into tax dollars that had to pass through the Federal bureaucracy.

The same is true of jobs. After the Watts riots of 1965, Senator Murphy supported your own Chad McClelland in his efforts to provide jobs to the unemployed through private business. This type of program has now attained national scope through the National Alliance of Businessmen and is a major part of the Administration's Manpower Program.

In 1967 George Murphy authored the outstanding dropout prevention program that is based on performance contracts farmed out by the Federal Government to private industry.

In 1967 he co-sponsored the Bilingual Educational Act that is so important to the Spanish-speaking and the Chinese, and Japanese-Americans right here in California.

What about George Murphy's contributions to education? In 1969 he introduced the Urban and Rural Education Act. And in general Senator Murphy has offered his support to so many important bills concerning education that he has been given the distinguished service award by the National Education Association.

In the area of pollution control, apart from his recognized accomplishments of the past, Senator Murphy has co-sponsored seven separate bills that are pending in the Congress presently.

In the area of crime control, he supported the Organized Crime Bill, the D.C. Crime Bill, and the Controlled Dangerous Substances Act.

In 1968 he introduced an amendment to the Manpower and Training Act extension which would have granted to the states a certain amount of control over this program. And in 1969, he was co-sponsor of the Revenue Sharing Bill, which is the cornerstone of President Nixon's New Federalism.

This is what Senator Murphy has done. I am here tonight to praise this man who has tried to solve the problems of our nation in a way that is compatible with our American system. He has sought to involve the private sector and he has sought to decentralize the governmental effort. He has done this out of the clear realization that our system as it now functions is the most efficient in the world for devising and producing solutions to its own problems. It is efficient because it's free.

But our efficiency and our freedom depend on leadership. George Murphy has supplied and will continue to supply that leadership.

The real story in my speech tonight is the accomplishments of a great Senator—George Murphy of California. However, you will probably not see much of that reported tomorrow. It will probably be "Agnew assails Mansfield and O'Brien." So I guess I'll have to depend on you to carry the word to the California voters—ladies and gentlemen. The Murphy record is outstanding and worth repeating to your friends and associates.

Let me close with a few brief personal observations about George Murphy. I have not known him very long, but he has qualities that strike you immediately—an obvious human decency and an honest candor that he doesn't have to overstate. Murphy is the kind of man you can trust completely. He has been the kind of man you can trust to represent you well in the Senate, and he will represent you well in the years to come. It is inevitable, because you won't let him lose. The loss would be the country's loss.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York is recognized.

Mr. JAVITS. Mr. President, I ask that the Chair advise me when 5 minutes of my time remain.

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 854

Mr. JAVITS. Mr. President, I rise for two purposes this morning: First, to submit an amendment to the Family Assistance Act of 1970; and second, to make some analysis of the trade bill which has been reported out of the other body and which will be coming over here in due course. Due to the fact that they are under the rule, it is likely that we will get the bill without amendment.

Mr. President, I submit my amendment to the Family Assistance Act of 1970 (H.R. 16311), to mandate the inclusion of the so-called "working poor" for purposes of State supplementation under the act and ask that it be printed under the rule and referred to the Finance Committee and that the text thereof be printed in the RECORD.

The ACTING PRESIDENT pro tempore (Mr. METCALF). The amendment will be received and printed; and, without objection, the amendment will be printed in the RECORD and referred to the Finance Committee.

The amendment, No. 854, was referred to the Committee on Finance, by unanimous consent, as follows:

AMENDMENT No. 854

On page 23, beginning with the word "other" on line 16, strike out all before the period on line 18.

On page 27, beginning with the word "other" on line 15, strike out all through "unemployed" on line 18.

Mr. JAVITS. The term "working poor" applies to families headed by full-time working males with incomes below the poverty line—$3,720 for a family of four. In 1968, 39 percent of poor families with children came within this category, yet under the current program known as aid to families with dependent children—AFDC—such families have not been eligible for welfare payments. There are approximately 1½ million families in this category, consisting of about 7.8 million persons.

The administration's proposed Family Assistance Act eliminates this exclusion in respect to the Federal eligibility-payment standard; and under the proposed act, working families headed by males as well as those headed by females are eligible for a family assistance payment of $1,600 for a family of four. For the purposes of the Federal benefit payment, the family's net income is determined by deducting the first $720 in earnings plus one-half of the remainder—other deductions are allowed for costs of child care and for income earned by a student; and, as a general matter, the family then receives the difference between $1,600 and its net income.

Since the Federal floor of $1,600 is less than the payment standard under AFDC in 42 States, the proposed Family Assistance Act requires the States to supplement the Federal payment for such recipients up to the payment level in effect in the State as of January 1970, or up to the poverty level, whichever is lower. The House-passed bill provides for 30-percent Federal sharing in the cost of these supplementary payments.

However, no matching is available for supplementary benefits paid to the "working poor" nor is there any requirement in the act for the States to pay such benefits to the "working poor." The proposed Family Assistance Act provides, as passed by the House, that supplementation must apply to:

> Any family other than a family in which both parents of the child or children are present, neither parent is incapacitated, and the male parent is not unemployed.

When he appeared before the Committee on Finance on July 21, 1970, Secretary of Health, Education, and Welfare Elliot L. Richardson noted three undesirable social consequences of the exclusion under current law.

First, the exclusion constitutes a basic inequity, since working poor families may have financial need equal to that of families in which there is no full-time working male, yet they are unable to receive Federal public assistance under current law. As the Secretary noted:

> This unwise and unjust public policy has had predictable results in terms of social tensions. First, an understandable discontent has been generated among those who are excluded and who see others no worse off than they being assisted. Second, ominous racial overtones have developed since current AFDC recipients—those who are helped—are about 50 percent nonwhite, while the working poor—those who are excluded—are about 70 percent white. This country can no longer afford to have one of its most important and needed anti-poverty efforts viewed by many of its citizens as a divisive, unfair and arbitrary failure. Such a view does not help to bring us together, does not promote understanding among people, and does not help to restore public confidence in the wisdom of our social policies.

Second, the exclusion produces an incentive for male heads of households to work less, rather than more. The current welfare program includes, in a number of States the "AFDC unemployed fathers" program under which families headed by father working no more than 30 hours per week—for 35 hours, at each State's option—are eligible. Thus a father who is on welfare is better off working no more than 30 hours a week. If he works more than that, he is suddenly no longer "unemployed" and he loses assistance. I ask unanimous consent that a table indicating the States with AFDC–UF programs be printed in the RECORD at the conclusion of my remarks.

Third, the exclusion of the working poor has provided encouragement for families to dissolve or for couples never to marry. In situations in which a full-time workingman is not making as much as the mother of his children could receive in welfare benefits, the couple is financially better off if the man leaves home. Over 70 percent of the fathers of families currently on AFDC are "absent from the home."

Mr. President, the considerations which have prompted the administration to include the "working poor" under the basic Federal payment apply equally in respect to the supplemental payments. For example, in States that now provide a total AFDC payment of $2,000 or more, a mother and her three children would receive a payment of $2,000 under the

present AFDC program. Under the Family Assistance Act, she would also receive $2,000—consisting of the $1,600 Federal family assistance payment and a $400 State supplementary payment. However, the same family of four, consisting of a mother, a father, and two children would receive $1,600 and no State supplementation.

There are more than 35 States in which the total payment exceeds $2,000 and, in fact, 22 States in which it exceeds $2,500 providing, in effect, an even greater incentive not to work and greater encouragement for the male to leave the home. I ask unanimous consent that there be included in the RECORD at the conclusion of my remarks a table prepared by the Department of Health, Education, and Welfare, indicating the expected levels of supplementation for each State above the Federal payment.

Mr. President, the Department of Health, Education, and Welfare has indicated that, if the working poor were supplemented, as proposed under my amendment, 1,473,300 families would be included; under the act, as passed by the House, only 924,600 working poor families would be covered for purposes of the $1,600 payment only. I ask unanimous consent that a chart entitled "1971 Estimated Caseloads of Working Poor Under H.R. 16311," prepared by the Department of Health, Education, and Welfare, be included in the RECORD at the conclusion of my remarks.

Mr. President, my amendment would also eliminate a provision in the House-passed bill submitted by the administration to the Finance Committee on June 11, 1970. During the spring hearings, the committee had noted that under the House-passed bill, a work disincentive and an equity issue was left in the AFDC–UF category. As I indicated earlier, under the program which is in effect in 23 States, families headed by fathers working no more than 30 hours per week—or 35 hours, at each State's option—are eligible for State supplemental benefits. The committee pointed out that this was inequitable to a family headed by a full-time, working male. In commenting on this discrepancy in his testimony on July 21, 1970, Secretary Richardson stated:

> The Administration has proposed eliminating this problem by abolishing the federal matching assistance for recipients in the Unemployed Fathers category—about 90,000 families out of a total AFDC caseload of almost 2-million families. As a result, all male-headed families would be treated alike, and an unbroken set of incentives would apply.

He indicated that although one means of eliminating the discrepancy was mandating the extension of State supplementation to the working poor, it was considered too costly; he estimated that such inclusion could cost approximately $1 billion in fiscal year 1971.

Experience in the six States which now provide assistance to the working poor—Pennsylvania, Massachusetts, Illinois, New Jersey, Rhode Island, and New York—indicates that such programs are underutilized even in States that have a high rate of utilization of all other categories of aid.

Moreover, as noted by Assistant Secretary of Labor Jerome M. Rosow in the Wall Street Journal, March 30, 1970:

> One fact to bear in mind about the working poor is that they are not likely to become long-term recipients of assistance payments. Because of rising wage scales due to increased productivity, about 200,000 of the working poor rise above the poverty line each year. Upgrading efforts on the part of the manpower agency will increase this movement to self-sufficiency.

In fact, inclusion of the working poor in the State supplementary benefit program should eventually reduce the costs of welfare as a whole as individuals move off welfare as a result of increased earnings.

With respect to the ability of the States to assume any additional costs arising from the inclusion of the working poor, I wish to indicate that this amendment is offered in conjunction with Amendment No. 802 to H.R. 16311, which I introduced with a number of other amendments on July 31, 1970. This latter amendment would provide for Federal sharing in State supplementary payments on a variable basis ranging from 50 to 83 percent depending upon State fiscal capacity, rather than on the 30 percent basis prescribed for all States under the House-passed bill.

As President Nixon emphasized in commenting on the scope of his welfare reform proposals on August 11, 1969:

> These are far reaching effects . . . they cannot be purchased cheaply or by piecemeal efforts.

The administration deserves credit for understanding the long-overdue overall reform of our welfare system and for including the working poor under the Federal benefit portion of the Family Assistance Act, but we must be assured that we begin with a consistent approach, and that we do not perpetuate in the new law the inequities which we hope to eliminate from the AFDC program.

When we review this legislation as a whole I consider the matter of including the working poor in these supplemental payments as one of high priority, along with the inclusion of single persons and childless couples, increases in the basic level, and in Federal sharing in the interim.

Mr. President, the amendment I have submitted is designed to correct a very serious inequity which appears in the administration's proposed Family Assistance Act. This inequity inures in the fact that if a welfare eligible family is headed by a fully employed male that family is penalized by not being the beneficiary of State supplementation, required for female headed families, amounting to the difference between the $1,600 Federal base which will be established for a family of four, and whatever amount the State pays.

Hence, those male heads of poor households in the working pool will be discriminated against and yet the interesting thing is that it is these poor who are the most quickly working themselves off the welfare rolls.

About 200,000 of the working poor rise above the poverty level every year. This, hence, is the area where we should be in a position to give this final little shove which will get these people above the poverty level. Yet, it is precisely these persons whom the House bill discriminates against.

Accordingly, I am presenting this amendment. I hope very much that it will be included in the bill as passed. I would like to enlist the aid and assistance of my colleagues in the matter.

I have noted recent reports that Secretary Richardson testified that the estimated cost of this amendment is $1 billion. That is a figure which is based upon the worst possible capabilities which adhere in the situation, rather than what would be normal and expected on the record.

We are not figuring the cost of a potential atomic bomb in this matter. We are trying to get a reasonable figure for the families who will require this kind of assistance. The figure of the Health, Education, and Welfare Department must be regarded as inflated, and I shall demonstrate that as I go along.

We are still up against the hard rock of dealing with a clear and blatant discrimination against the most deserving families rather than the least deserving, mandating the supplementation which States pay and which will not be required for families in which the father is doing his job and working full time and not making the grade.

I think that this is most unfair. I believe that the Senate will give its sympathetic consideration to so obvious an inequity. I hope very much that the Finance Committee in its effort to turn this bill into a "workfare" bill, will do something about this. I am sure that they will give their attention to the problem. I urge them not to be scared off by the HEW figure, but to break it down and see what it reasonably may be.

I shall point out two reductions in the figure: First, the fact that so many of these families escape poverty which is a very refreshing experience in welfare; in addition, because of the characteristics of the people we are dealing with, this is one of the materially underutilized elements of welfare in every State in which it exists. Many working poor families have tremendous pride and dignity and do not want anything to do with a welfare existence if they can avoid it.

Mr. President, I ask unanimous consent that certain charts showing the States that provide aid in the various categories to which I have been referring, the nature of the supplemental aid by State, and the estimated caseload by State be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

TWENTY-THREE STATES WHICH PROVIDE AID TO FAMILIES WITH DEPENDENT CHILDREN OF UNEMPLOYED FATHERS

California, Colorado, Delaware, Hawaii, Illinois, Kansas, Maine, Maryland, Massachusetts, Michigan, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island, Utah, Vermont, Washington, West Virginia.

Source: Department of Health, Education and Welfare, March 31, 1970.

State supplemental payment to an eligible family of 4 with no other income[1]

Alabama	0
Alaska	$620
Arizona	602
Arkansas	0
California	1,052
Colorado	768
Connecticut	2,000
Delaware	188
District of Columbia	1,327
Florida	5
Georgia	0
Hawaii	1,508
Idaho	1,328
Illinois	1,556
Indiana	200
Iowa	1,315
Kansas	1,244
Kentucky	356
Louisiana	0
Maine	416
Maryland	752
Massachusetts	1,772
Michigan	1,532
Minnesota	1,868
Mississippi	0
Missouri	0
Montana	829
Nebraska	800
Nevada	116
New Hampshire	1,304
New Jersey	2,564
New Mexico	592
New York	2,156
North Carolina	319
North Dakota	1,532
Ohio	716
Oklahoma	620
Oregon	1,087
Pennsylvania	2,012
Rhode Island	1,460
South Carolina	0
South Dakota	1,712
Tennessee	0
Texas	173
Utah	728
Vermont	1,856
Virginia	1,245
Washington	2,252
West Virginia	53
Wisconsin	776
Wyoming	800

[1] Under H.R. 16311 as amended June 1970. Based on April 1970 AFDC payment levels.

Source: Department of Health, Education and Welfare.

1971 ESTIMATED CASELOADS OF WORKING POOR UNDER H.R. 16311

[In thousands]

United States	Working poor families receiving FAP only	Working poor families receiving FAP and/or State supplement if working poor are supplemented	Increase in number of working poor families who would receive benefit
Alabama	31.6	39.5	7.9
Arizona	9.0	15.7	6.7
Arkansas	15.7	15.7	
California	45.9	102.3	56.4
Colorado	18.2	18.2	
Connecticut	7.7	11.8	4.1
Delaware	5.1	5.1	
District of Columbia	1.2	1.2	
Florida	34.1	43.0	8.9
Georgia	43.6	45.2	1.6
Hawaii	2.8	4.3	1.5
Illinois	25.5	76.8	51.3
Indiana	10.9	20.9	10.0
Iowa	19.2	37.9	18.7
Kansas	7.1	15.2	8.0
Kentucky	22.5	27.8	5.3
Louisiana	36.8	53.9	17.0
Maryland	7.7	9.2	1.5
Massachusetts	2.3	16.3	14.0
Michigan	20.1	35.4	15.3
Minnesota	23.2	64.9	41.6
Mississippi	33.2	34.5	1.3
Missouri	20.9	51.5	30.5
New Jersey	14.4	40.9	26.5
New Mexico	9.0	10.3	1.3
New York	40.3	106.3	66.0
North Carolina	46.5	46.5	
Ohio	31.8	31.8	
Oklahoma	11.6	12.9	1.3
Oregon	7.3	13.3	6.0
Pennsylvania	45.4	69.1	23.7
Rhode Island	1.3	5.5	4.2
South Carolina	16.7	23.2	6.4
Tennessee	32.8	37.9	5.1
Texas	70.8	80.0	9.2
Utah	1.2	16.3	15.1
Virginia	30.8	38.2	7.4
Washington	8.3	19.5	11.2
West Virginia	10.2	10.2	
Wisconsin	15.4	29.1	13.7
Other States:			
Northeast (Maine, New Hampshire, Vermont)	17.2	42.2	25.0
North Central (Nebraska, North Dakota, South Dakota)	53.6	74.6	21.0
West (Alaska, Idaho, Montana, Nevada, Wyoming)	15.0	18.8	3.8
Total	924,600.0	1,473,300.0	548,700.0

1971 ESTIMATED CASELOADS OF WORKING POOR UNDER H.R. 16311—Continued

[In thousands]

THE TRADE BILL

Mr. JAVITS. Mr. President, I speak this morning because the Senate has really been very little heard from in respect to the trade legislation presently before the Congress.

A very admirable initiative was undertaken by a bipartisan group in the other body. They expressed their opposition to what is taking place by means of this trade bill. I think it is time that those of us here who feel relatively the same way express ourselves.

The trade legislation (H.R. 18970) will come up on the House floor when they return from the recess under a closed rule. It is very unlikely that it will be changed. It will be voted either up or down. My guess is that it will be voted up.

When it comes here, as it inevitably will, the real issue rises. This is where it will be amended and amended substantively as trade legislation always has been.

The principal reasons for being against the bill—and in particular the quota concept of this bill—are based entirely upon the national interest of the United States. It has nothing to do with "hands across the sea" or ideas about international friendship. First, they are based on the fact that quotas will impose an enormous tax on the consumers of the United States. I will give demonstrations of that in a moment. Second, quotas will hurt the total trade of the United States, and this will cost Americans jobs, rather than get them jobs. Yet that is the particular claim made for the quota approach.

On the question of jobs, it is a fact we are now running a growing export surplus, and that is the normal position of the United States. Millions of jobs are at stake on the export side, because it is clear there will be retaliation and serious retaliation if the United States goes into the quota business.

We are no longer "cock of the walk" as we were right after World War II. We have tough competition from Germany and Japan, to name two countries, and every other exporting country. We cannot run this matter as we would like. So this competition, which is causing us trouble already, when buttressed by retaliation action will make it more difficult for the workers in the United States.

Now, Mr. President, the problem as I see it, and the reason for crying out against it—not in any way derogating from the diligence and high degree of expertise of WILBUR MILLS and his committee, who have been the leaders in terms of trade legislation in the other body, Mr. MILLS and his committee faced a situation and not a theory, of serious character.

But the trade legislation (H.R. 18970) that has just been reported out of the Ways and Means Committee, is legislation that has little connection with our national interest or the interests of the American consumer, and will be counter productive in its effect on the United States and the world's economy.

When all the rhetoric is stripped away, we are faced with a quota bill which would turn the clock back on the liberal trade policies that have served us so well since the end of the war. Perhaps even more importantly, the bill raises a critical issue of Presidential power. For, the bill as it presently stands can rightfully be considered the Tonkin Gulf resolution of international trade. I am also deeply concerned about the justifications given by members of the Nixon Cabinet and the Ways and Means Committee for the need for such quota legislation.

If it were not so serious, one could almost be amused by the selection of products to be covered by quotas. The "political clout" of the textile industry, the shoe industry, and the oil industry is well known—but glycene and mink? Perhaps, mink was thrown in to insure that all clothing bills will be higher in the years to come—from dresses to mink coats. As for glycene, it is produced by only one company in the United States and the tariff quotas on this product will not only insure this company's monopolistic position, it will have an impact on prices of buffered aspirin, sugar substitutes, deodorants, and ink.

The following provisions of H.R. 18970 are particularly unfortunate:

Section 301(5)(a) contains what is apparently a completely rigid, mechanical, and arbitrary trigger clause which leaves little room for flexibility and for fair consideration of the various factors that must be involved when a determination of injury from imports is to be made. If the rigid mechanical formula is met, the law then states in section 113(b):

> The President shall proclaim the increase in, or imposition of, any duty or other import restriction on the article concerned . . . unless he determines that such action would not be in the national interest.

This provision places an enormous burden on the President of the United States, and I do not feel this is wise. Furthermore, it raises a myriad of questions concerning the term "national interest." The situation can easily be foreseen where, despite the fact that imports meet the mechanical test set forth in section 301(5)(a) the imposition of duties or other import restrictions would be patently unwise; and the imports in question may be of such marginal importance to our economy that equating these imports with the national interest would be patently absurd. The net result would be that a senseless import restriction could be established. I am encouraged by newspaper reports that Congressman MILLS opposed this arbitrary, mechanical formula. I would hope that the Senate, in its consideration of the bill, would delete such mechanical formulas based on strict percentages which, by their very nature, cannot provide a fair consideration of all the factors involved.

The wording in Section 301(b)(1) also lends itself to abuse. This paragraph says:

> The Tariff Commission shall promptly make an investigation to determine whether an article is being imported into the United States in such increased quantities, either actual or relative, as to *contribute substantially* (whether or not such increased imports are the major factor or the primary factor) towards causing or threatening to cause serious injury to the domestic industry producing articles like or directly competitive with the imported article.

The administration's original trade bill (H.R. 14870) contained the provision of "primary cause" in describing the relationship between increased imports and serious injury. The bill we are considering today is considerably more restrictive of trade. It substitutes "substantial" for "primary" and makes it clear that increased imports do not have to be a major factor in assessing injury. It is possible that the Tariff Commission could interpret this language to open the door to numerous affirmative findings and this could become a tidal wave of protectionism.

Section 301(3) is also a highly significant change in our trade law. Under the new definition contained in this section, a domestic industry would be the aggregate or firms or appropriate subdivisions thereof that produce the domestic article. The part of the plant in which that article is produced would be considered an appropriate division. This language would permit unlimited arbitrary segmentation of an industry to carve out that part that might be injured by imports.

In essence, it incorporates the principle of gerrymandering in our trade policy.

It would return to the segmentation provision of the original 1951 escape clause, which was expressly repealed by the Trade Expansion Act of 1962. Under the new proposed wording, if a number of related products were being made in five plants, and only one plant was being hurt by imports, a basis for higher tariffs or quotas should be established for all the products in all the plants, even though the operation of the other four plants were healthy and profitable. This again is a serious move toward protectionism and again a clear indication of why the quotas aspect of the bill is backward looking, toward discredited past laws, rather than forward-looking.

Finally, it is most interesting that this bill enacts into law the principle of decision by the minority. I refer to section 301(5)(1). I call to my colleagues' attention that this section says:

> If a majority of the Commissioners present and voting makes an affirmative determination under paragraph (1), the Commissioners voting for such affirmative injury determination shall make an additional determination under this paragraph which shall consist of determining (i) whether either criteria in subparagraph (A) or the criteria in subparagraph (B) are met, and if so, (ii) whether the criteria in subparagraph (C) are met.

The determination of whether these criteria are met is of considerable if not key importance since this is the triggering formula for a mandating duty increase or other import restrictions unless the President determines such restrictions are not in the national interest. In essence then, what this law provides is that the majority of the Commissioners make one preliminary determination. For example, 3 out of 5 voting Commissioners could make such a determination. The majority—these three Commissioners—would then vote to determine whether certain additional criteria were met. The net effect of this procedure would be that the vote of two Commissioners—if five were voting—could determine the thrust of our trade policy. This language, which permits the determination of criteria by the majority of the majority, could lead to decision by the minority. This is a sad provision of a law in a democracy.

The fact that this is a backward-looking, protectionist quota bill that turns the trade policy of our Nation around 180 degrees is bad enough, but there is an equally serious issue. The bill gives any President enormous discretion and leeway in imposing quotas and other import restrictions. The question must be asked whether this enormous discretionary power should be given to any President. I find it more than strange that on one hand the Congress is attempting to reassert its constitutional powers as to war; while on the other hand, in the trade field, it is willing to delegate sweeping authority to the President.

Recent events have made it clear that a President can and will use trade policy for domestic political ends. The granting of enormous discretionary powers to any President only confirms this. That is why I call this bill the "Tonkin Golf resolution of international trade."

Finally, Mr. President, oil deserves special mention. Section 104(a) in effect freezes the oil import quota system that has served the Northeast and Midwest so badly. The inequitable working of this system has been brilliantly exposed by a Presidential task force report under the Chairmanship of the then Secretary of Labor George Shultz. The executive director of this Cabinet task force has just written in the New York Times:

> If, furthermore, world prices are so likely to reach and exceed the U.S. domestic price that is artificially propped up by import controls, why insist so strenuously on retaining strict quotas?

The Ways and Means bill would prohibit the President from implementing the policy recommendations put forward by a majority of his own task force. It must be asked whether perpetuation of present policies will meet the needs of our Nation in the 1970's.

I am well aware that the administration has just decided—and this is a decision which I very much regret—that it is "discontinuing consideration of moving to a tariff system of control, but rather continuing our efforts to improve the current program." The current program, of course, is the system of rigid import controls that has been in effect since 1959 and which has increasingly hurt major sections of our Nation.

There is a puzzle here. The day before this decision was announced a prominent story in the Wall Street Journal quoted a key Nixon administration economist who contended that a cut in unrealistically high gasoline prices would help ease the threat of a winter fuel oil shortage. In his view, a lower gasoline price would make it relatively "more profitable for oil companies to divert more of their production into the heavy heating oils." The story went on to say that one of the plans being considered was to offer the bonus of new or bigger quotas to those refiners who had idle capacity and were willing to turn out a higher proportion of the lower-profit heavier fuels from usually cheaper imported foreign crude oil.

I am puzzled, since the oil import quota system has always had the effect of maintaining a high price of gasoline by drastically curtailing imports of cheaper Venezuelan, Canadian, and Middle East crude oil. The quota system has also limited the construction of refineries on the east coast which limits the increase in the production of residual heating oils at the point of demand. Since the inception of the oil import quota program in 1959, no new oil refineries have been built on the east coast. Thus, even if existing east coast refineries upped their residual production to the level of that being produced by refineries elsewhere in the United States—from 2- to 3-percent range to the 6- to 14-percent range—they could not meet the demand for heating oils in the New England and Mid-Atlantic States. Since the heating oil crisis is so near at hand, it is impossible for the Northeast to build new refineries in time to materially affect the rapidly developing crisis, even if oil were to be made available.

Based on these facts, one must pose the question whether maintenance of the rigid oil import system which was in effect during the 1960's is not, therefore, directly responsible for the severe heating oil shortage now facing the Nation. One must further ask whether the maintenance of a similar program in the 1970's—either by administration fiat or legislation—is in the best interests of our Nation or just prejudices the Northeast.

I have stated the rigid quota legislation is not in the interests of the Ameri-

can consumer. Briefly, here is what the quota systems already in effect have cost the consumer.

Oil: The recent report of the President's Cabinet task force on oil import controls estimated that in 1969 alone consumers paid $5 billion more for oil products than they would have paid in the absence of import constriction.

Beef: Governor Rockefeller has informed me that the price of rib roast in one New York City grocery chain increased from $0.99 per pound in 1960 to $1.49 a pound in 1970, an increase of 50 percent. According to the Bureau of Labor statistics, the price of hamburger in the New York/northeastern New Jersey area increased from $0.49 a pound in 1960 to $0.88 a pound in 1970. This was a price rise of 79 percent. The import of second grade beef is strictly controlled and it is clear that the increase in the prices of such beef have increased far more rapidly than has the Consumer Price Index.

Steel: Following the adoption of the "voluntary" restraint agreement, the price per net ton of steel increased to $140.34 on July 3, 1969 and to $156.26 on July 2, 1970. At the end of 1968 finished steel prices per net ton averaged $131.76. The percentage gain in steel prices since the signing of the voluntary agreements is far in excess in the percentage increase in the wholesale price of all commodities.

These are just three examples of the effect of quotas on prices. Additional examples are set forth in a recent study made by Dr. Stephen D. Cohen entitled "Import Quotas and Prices—A Reply." This linkage between import quotas and higher prices underlines the danger of passing rigid quota legislation at the same time inflationary pressures remain high. Such quota legislation could make it more difficult to bring such inflationary pressures under control. In the hearings before the Ways and Means Committee, past trade policies of the United States were characterized as "Uncle Sucker" policies by a Cabinet officer and committee members gloomily speculated about the survival of the American economic system if the United States were to remain the only open market in the world. I can only conclude that this is the economic side of the dangerous trend toward neoisolationism in the United States which has been brought on by dissent from the war in Indochina. But this economic neoisolationism is based on false premises and false analyses.

An editorial in the July 25 edition of Business Week should put some of these false premises to rest. Business Week said:

> The notion that the United States is an open market is pure myth. More than 20 percent of U.S. imports are controlled by quotas (such as those on oil and farm products); the average U.S. tariff level on industrial goods is above the Common Market average.

Rising protectionist sentiment could be better understood, if our trade balance were in the red. But it most decidely is not, despite the fact that the severe inflation our economy has faced over the past 5 years has upped the demand for imports. Now that the inflation shows signs of moderating, our trade surplus is strengthening and moving further into the black. On a seasonally adjusted basis, the export surplus rose to $848 million in the second quarter of this year compared to a $518 million first quarter surplus. A trade surplus for 1970 is likely to approach $3 billion. It is tragic that the Congress is now considering protectionist measures that could adversely affect one of the few plus items on our otherwise bleak balance-of-payments ledger.

Also, what is overlooked is the power under our laws to take substantial action under dumping, countervailing duty, tightened escape clause and adjustment assistance laws which can also be beefed up by nonprotectionist legislation. Certain provisions now in H.R. 18970 do precisely this and should be maintained. These provisions in connection with the DISC proposal could have a highly favorable effect on our trade balance as well as substantially alleviating the serious problems being caused by certain sectors of our domestic industry by the sudden impact of sharply increasing imports.

It also must be recognized that we are not even using the powers now on the books to take care of the individual unitary problems in given items of imports which are troubling us.

It seems to me that this is a very important point for the Committee on Finance to consider when it wrestles with this problem, not to just embrace the quota idea, which has so many disadvantages for the United States.

Again, I beg Senators to remember it is long after 1945; that we face the sternest kind of competition in every market abroad and in the markets represented by the major exporting countries. That is where we do most of our business with the industrialized countries of the world.

Mr. President, another problem of the quotas, as distinguished from the approach that I am suggesting as our best bet in this situation, is that it is across the board. We will find—because it is inevitable in this situation, as it goes for the efficient and efficient alike—that there will be a very serious problem of windfall profits here. It is a fact that many segments of our textile industry, for example, have no need for this kind of regulation at all and whose income will go out of sight because of the restrictions, whereas it will not materially help the inefficient industries. That has always been the history of the quota—I think represents a very deleterious development as far as our country is concerned.

I have as little patience as any Senator does with the intransigent opposition—almost the blind opposition—of the Japanese textile industry to any effort to avoid this very serious world situation by coming to some voluntary agreement with the United States on some aspects of the manmade textiles field.

Even there, the question is, What do we do about it? What is the best way to get such an agreement? In my judgment, the best way to get such an agreement is to use the powers of the President and the Tariff Commission or of a Special Presidential Commission to make clear that where the Japanese are imposing upon us, we will not accept it. That will not involve retaliation. On the contrary, it will be language the Japanese very well understand, and is very likely to produce an agreement; whereas if we give them the objective of quotas and a complete reversal of the policy of the United States we put them, both economically and politically, in a position where they can do nothing else but retaliate against us. So we would guarantee a trade war instead of trying to cure, in an intelligent way, the difficulty between the two countries.

I believe, as we begin to look into this question, as more Members of the Senate begin to learn what is at stake, as more Members of the Senate begin to check into their own States to find out what the effects of imports as compared with exports mean to their own States, they will not be so affrighted that there are so many hundreds of thousands of workers affected. This is especially true of the agricultural States, from which so many Senators come, in which agriculture represents a very important economic base.

Finally, it is an economic truism that our most efficient high-wage industries are also our best export industries. In turn, our least efficient low wage industries are generally protectionist. A move to protect the inefficient sectors of our economy could lead to retaliation against the efficient, high wage sectors. Through the working of this process, protectionism can weaken the domestic economy, maintain inflationary pressures, and be detrimental to our national security.

I thank the Senate.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from North Carolina (Mr. ERVIN) is recognized for 45 minutes.

THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT: A POTENTIALLY DESTRUCTIVE AND SELF-DEFEATING BLUNDERBUSS[1]

UNFAIR LEGAL DISCRIMINATIONS AGAINST WOMEN

Mr. ERVIN. Mr. President, the objective of those who advocate the adoption of the House-passed equal rights amendment is a worthy one. It is to abolish unfair discriminations which society makes against women in certain areas of life. No one believes more strongly than I that discriminations of this character ought to be abolished, and that they ought to be abolished by law in every case where they are created by law.

Any rational consideration of the advisability of adopting the House-passed equal rights amendment raises these questions:

First. What is the character of the unfair discriminations which society makes against women?

Second. Does it require an amendment to the Constitution of the United States to invalidate them?

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[1] The descriptive phrase "a potentially destructive and self-defeating blunderbuss" is borrowed from the article of Leo Kanowitz, Professor of Law, University of New Mexico, which is entitled "Constitutional Aspects of Sex-Based Discrimination in American Law," which appeared in the Nebraska Law Review, Vol. 48, No. 1 (1968). See page 182.

Third. If so, would the House-passed equal rights amendment constitute an effective means to that end?

It is the better part of wisdom to recognize that discriminations not created by law cannot be abolished by law. They must be abolished by changed attitudes in the society which imposes them.

From the many conversations I have had with advocates of the House-passed equal rights amendment since coming to the Senate, I am convinced that many of their just grievances are founded upon discriminations not created by law, and that for this reason the equal rights amendment will have no effect whatsoever in respect to them.

When I have sought to ascertain from them the specific laws of which they complain, the advocates of the equal rights amendment have cited certain State statutes, such as those which impose weight-lifting restrictions on women, or bar women from operating saloons, or acting as bartenders, or engaging in professional wrestling. Like them, I think these laws ought to be abolished. I respectfully submit, however, that resorting to an amendment to the Constitution to effect this purpose is about as wise as using an atomic bomb to exterminate a few mice.

From the information given me by many advocates of the equal rights amendment and from my study of the discriminations which society makes against women, I am convinced that most of the unfair discrimination against them arise out of the different treatment given men and women in the employment sphere. No one can gainsay the fact that women suffer many discriminations in this sphere, both in respect to the compensation they receive and the promotional opportunities available to them. Some of these discriminations arise out of law and others arise out of the practices of society.

Let me point out that Congress has done much in recent years to abolish discriminations of this character insofar as they can be abolished at the Federal level. It has amended the Fair Labor Standards Act to make it obligatory for employers to pay men and women engaged in interstate commerce or in the production of goods for interstate commerce equal pay for equal work, irrespective of the number of persons they employ.

Congress has also decreed by the equal employment provisions of the Civil Rights Act of 1964 that there can be no discrimination whatever against women in employment in industries employing 25 or more persons, whose business affects interstate commerce, except in those instances where sex is a bona fide occupational qualification reasonably necessary to the normal operation of the enterprise. Furthermore, it is to be noted that the President and virtually all of the departments and agencies of the Federal Government have issued orders prohibiting discrimination against women in Federal employment.

Moreover, State legislatures have adopted many enlightened statutes in recent years prohibiting discrimination against women in employment.

If women are not enjoying the full benefit of this Federal and State legislation and these Executive orders of the Federal Government, it is due to a defect in enforcement rather than a want of fair laws and regulations.

A good case can be made for the proposition that it is not necessary to resort to a constitutional amendment to abolish State laws which make unfair discriminations between men and women in employment or any other sphere of life. This argument rests upon the equal protection clause of the 14th amendment which prohibits States from treating differently persons similarly situated, and is now being interpreted by the courts to invalidate State laws which single out women for different treatment not based on some reasonable classification.

To be sure, the equal protection clause may not satisfy the extreme demands of a few advocates of the equal rights amendment who would convert men and women into beings not only equal but alike, and grant them identical rights and impose upon them identical duties in all the relationships and undertakings of life.

It cannot be gainsaid, however, that the equal protection clause, properly interpreted, nullifies every State law lacking a rational basis which seems to make rights and responsibilities turn upon sex.

My view is shared by legal scholars. Their views on this subject are succinctly expressed by Bernard Schwartz in his recent commentary on the Constitution of the United States which declares "that a law based upon sexual classification will normally be deemed inherently unreasonable unless it is intended for the protection of the female sex."[2]

As I shall point out later, the House-passed equal rights amendment is shrouded in obscurity, and no one has sufficient prophetic power to predict with accuracy what interpretation the Supreme Court will place upon it. One possible interpretation is that it will nullify every existing Federal and State law making any distinction whatever between men and women, no matter how reasonable the distinction may be, and rob Congress and the legislatures of the 50 States of the legislative power to enact any future laws making any distinction between men and women, no matter how reasonable the distinction may be.

If it should be adopted and this interpretation should be placed upon it by the Supreme Court, the House-passed equal rights amendment would produce constitutional and legal chaos, and would not accomplish the objective of any of its advocates. This is so because under this interpretation the equal rights amendment would merely abolish all laws making any distinctions between men and women. It would not bring into existence any new laws giving us a discrimination-free society, and those who desire such a society would have to implore Congress and the legislatures of the 50 States to enact new laws creating the kind of society they seek, insofar as such a society can be established by law.

Consequently, those who seek a discrimination-free society should seek to persuade Congress and the legislatures of the various States initially to enact suitable legislation to accomplish their purpose insofar as such purpose can be accomplished by law without first invalidating all laws making distinctions between men and women and plunging society into constitutional and legal chaos.

For these reasons, the House-passed equal rights amendment represents a potentially destructive and self-defeating blunderbuss approach to the problem of abolishing unfair discriminations against women.

What has been said makes it manifest, I think, that society does make unfair discriminations against women, and that the House-passed equal rights amendment does not constitute a sensible approach to their abolition.

This brings us to the questions whether Congress should consider the submission to the States of a constitutional amendment to deal with the matter, and whether such amendment should permit Congress and the States acting within their respective jurisdictions to make reasonable distinctions between the rights and responsibilities of men and women in appropriate areas of life.

I honestly believe that the equal protection clause, properly interpreted, is sufficient to abolish all unfair legal discriminations made against women by State law.

Nevertheless, I am constrained to favor a constitutional amendment which will abolish all unfair legal discriminations against women without robbing them of necessary legal protections and without imprisoning the legislative powers of Congress and the States in a constitutional straitjacket.

My reasons for so doing are twofold. First, some advocates of the House-passed equal rights amendment do not share my opinion of the efficacy of the equal protection clause; and, second, the equal protection clause does not apply to Congress, and it is problematical whether the Supreme Court will hold in this instance, as it did in *Bolling* v. *Sharp*, 347 U.S. 497, that the due process clause of the fifth amendment imposes the same prohibitions on the Federal Government that the equal protection clause does on the States.

While I believe that any unfair discriminations which the law makes against women should be abolished by law, I have the abiding conviction that the law should make such distinctions between the sexes as are reasonably necessary for the protection of women and the existence and development of the race.

I share completely this recent observation of a legal scholar:

> Use of the law in an attempt to conjure away all the differences which do exist between the sexes is both an insult to the law itself and a complete disregard of fact.[3]

Let us consider for a moment whether there be a rational basis for reasonable distinctions between men and women in any of the relationships or undertakings of life.

[2] Bernard Schwartz: Rights of the Person, Vol. 2, Section 482, Page 534.

[3] Ibid., p. 538.

FUNCTIONAL DIFFERENCES BETWEEN MEN AND WOMEN

When He created them, God made physiological and functional differences between men and women. These differences confer upon men a greater capacity to perform arduous and hazardous physical tasks. Some wise people even profess the belief that there may be psychological differences between men and women. To justify their belief, they assert that women possess an intuitive power to distinguish between wisdom and folly, good and evil.

To say these things is not to imply that either sex is superior to the other. It is simply to state the all-important truth that men and women complement each other in the relationships and undertakings on which the existence and development of the race depend.

The physiological and functional differences between men and women empower men to beget and women to bear children, who enter life in a state of utter helplessness and ignorance, and who must receive nurture, care, and training at the hands of adults throughout their early years if they and the race are to survive, and if they are to grow mentally and spiritually. From time whereof the memory of mankind runneth not to the contrary, custom and law have imposed upon men the primary responsibility for providing a habitation and a livelihood for their wives and children to enable their wives to make the habitations homes, and to furnish nurture, care, and training to their children during their early years.

In this respect, custom and law reflect the wisdom embodied in the ancient Yiddish proverb that God could not be everywhere, so he made mothers.

The physiological and functional differences between men and women constitute earth's important reality. Without them human life could not exist.

For this reason, any country which ignores these differences when it fashions its institutions and makes its law is woefully lacking in rationality.

Our country has not thus far committed this grievous error. As a consequence, it has established by law the institutions of marriage, the home, and the family, and has adopted some laws making rational distinctions between the respective rights and responsibilities of men and women to make these institutions contribute to the existence and advancement of the race.

OBSCURITY OF THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT

In the nature of things, lawmakers use words to express their purpose and courts must ascertain their purpose from their words.

In his famous opinion in *Towne* v. *Eisner*, 245 U.S. 418, 425, Justice Oliver Wendell Holmes made this trenchant observation:

> A word is not a crystal, transparent and unchanged; it is the skin of a living thought and may vary greatly in color and content according to the circumstances and the time in which it is used.

During my many years as a lawyer, a judge, and a legislator, I have discovered that many words have many meanings, and that the purpose they are intended to express must be gathered from the context in which they are used. I have also learned that the most difficult task which ever confronts a court is determining the meaning of imprecise words used in a scrimpy context.

The word "sex" is imprecise in exact meaning, and no proposed constitutional amendment ever drafted exceeds the House-passed equal rights amendment in scrimpiness of context. The amendment contains no language to elucidate its meaning to legislators or to guide courts in interpreting it. When all is said, the House-passed equal rights amendment, if adopted, will place upon the Supreme Court the obligation to sail upon most tumultuous constitutional seas without chart or compass in quest of an undefined and unknown port.

The imprecision of the word "sex" as used in the proposed amendment is clearly revealed by these definitions set forth in the recently published "American Heritage Dictionary of the English Language":

> 1. a. The property or quality by which organisms are classified according to their reproductive functions. b. Either of two divisions, designated male and female, of this classification. 2. Males or females collectively. 3. The condition or character of being male or female; the physiological, functional, and psychological differences that distinguish the male and the female. 4. The sexual urge or instinct as it manifests itself in behavior. 5. Sexual intercourse.

When one undertakes to ascertain the obscure meaning of the ambiguous House-passed equal rights amendment in an impartial, intellectual, and unemotional manner, he is inevitably impelled to the conclusion that it is susceptible of several different and discordant interpretations

If it should accept the fourth and fifth definitions of the term "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the House-passed equal rights amendment merely annuls existing and future laws visiting upon the adulterous acts of women different legal consequences from those it visits upon such acts of men.

If it should accept the first, fourth, and fifth definitions of "sex" as set forth in the dictionary, the Supreme Court could reach the conclusion that the amendment is only concerned with sex per se, and has no application whatever to legal distinctions made between men and women on the basis of their respective functions in the relationships and undertakings on which the existence and development of the race depend.

A learned student of the constitutional aspects of sex-based discrimination in American law, Prof. Leo Kanowitz, accepts this interpretation. He had this to say in a Law Review article on the subject:

> It is submitted that the adoption of the Equal Rights Amendment would not fundamentallly change the picture. While the proposed amendment states that equality of rights shall not be abridged on account of sex, sex classification could continue if it can be dmonstrated that though they are expressed in terms of sex, they are in reality based upon function.[4]

If it should accept the third definition of "sex" as set out in the dictionary, the Supreme Court could reach the conclusion that the House-passed equal rights amendment annuls every existing Federal and State law making any distinction between men and women, however reasonable such distinction might be in particular cases, and forever robs Congress and the legislatures of the 50 States of the constitutional power to enact any such laws at any time in the future.

This is the interpretation which I fear the Supreme Court may feel itself obliged to place upon the House-passed equal rights amendment. I am not alone in entertaining this fear.

When the so-called equal rights amendment was under consideration in 1953, Roscoe Pound of the Harvard Law School; Albert J. Harno, of the University of Illinois Law School; Charles Warren, noted constitutional lawyer and author of "The Supreme Court in United States History"; Leon Green, of the University of Texas Law School; Dorothy Kenyon, distinguished lawyer and one-time Judge of Municipal Court of New York City; Monte M. Leman, noted constitutional lawyer; E. Blythe Stason of the University of Michigan Law School; Harry Shulman of the Yale University Law School; William H. Holly, U.S. District Judge; Everett Fraser of the University of Minnesota Law School; Walter Gellhorn of the Columbia University Law School; Glenn A. McCleary of the University of Missouri Law School; and Douglas B. Maggs of the Duke University Law School, joined one of America's greatest legal scholars, Paul A. Freund of the Harvard Law School, in a statement opposing the equal rights amendment upon the ground that they feared that this devastating interpretation might be placed upon it if it should be adopted. This statement made these indisputable observations:

> If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court of the United States. Every statutory and common law provision dealing with the manifold relation of women in society would be forced to run the gauntlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen, but it would certainly embrace such diverse legal provisions as those relating to a widow's allowance, the obligation of family support and grounds for divorce, the age of majority and the right of annulment of marriages, and the maximum hours of labor for women in protected industries.
>
> Not only is the range of the amendment of indefinite extent, but, even more important, the fate of all this varied legislation would be left highly uncertain in the face of judicial review. Presumably, the amendment would set up a constitutional yardstick of absolute equality between men and women in all legal relationships. A more flexible view, permitting reasonable differentiation, can hardly be regarded as the ob-

[4] Leon Kanowitz: "Constitutional Aspects of Sex-Based Discrimination in American Law," Nebraska Law Review, Vol. 48, No. 1 (1968), p. 182.

ject of the proposal, since the Fourteenth Amendment has long provided that no state shall deny to any person the equal protection of the laws, and that Amendment permits reasonable classifications while prohibiting arbitrary legal discrimination. If it were intended to give the courts the authority to pass upon the propriety of distinctions, benefits and duties as between men and women, no new guidance is given to the courts, and this entire subject, one of unusual complexity, would be left to the unpredictable judgments of courts in the form of constitution decisions.

Such decisions could not be changed by act of the legislature. Such a responsibility upon the courts would be doubtless as unwelcome to them as it would be inappropriate. As has been stated, however, the proposal evidently contemplates no flexibility in construction but rather a rule of rigid equality. This branch of the dilemma is as repelling as the other.

After analyzing in some detail the laws whose validity might be jeopardized by the equal rights amendment, the statement concluded with these observations:

The basic fallacy in the proposed Amendment is that it attempts to deal with complicated and highly concrete problems arising out of a diversity of human relationships in terms of a single and simple abstraction. This abstraction is undoubtedly a worthy ideal for mobilizing legislative forces in order to remedy particular deficiencies in the law. But as a constitutional standard, it is hopelessly inept. That the proposed equal rights amendment would open up an era of regrettable consequences for the legal status of women in this country is highly probable. That it would open up a period of extreme confusion in constitutional law is a certainty.

THE DESTRUCTIVE POTENTIALITY OF THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT

Time and space preclude me from an attempt to picture in detail the constitutional and legal chaos which would prevail in our country if the Supreme Court should feel itself compelled to place upon the House-passed equal rights amendment the devastating interpretation feared by these legal scholars.

For this reason, I must content myself with merely suggesting some of the terrifying consequences of such an interpretation.

Congress and the legislatures of the various States have enacted certain laws based upon the conviction that the physiological and functional differences between men and women make it advisable to exempt or exclude women from certain arduous and hazardous activities in order to protect their health and safety.

Among Federal laws of this nature are the Selective Service Act, which confines compulsory military service to men; the acts of Congress governing the voluntary enlistments in the Armed Forces of the Nation which restrict the right to enlist for combat service to men; and the acts establishing and governing the various service academies which provide for the admission and training of men only.

Among the State laws of this kind are laws which limit hours during which women can work, and bar them from engaging in occupations particularly arduous and hazardous such as mining.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, all existing and future laws of this nature would be nullified.

The common law and statutory law of the various States recognize the reality that many women are homemakers and mothers, and by reason of the duties imposed upon them in these capacities, are largely precluded from pursuing gainful occupations or making any provision for their financial security during their declining years. To enable women to do these things and thereby make the existence and development of the race possible, these State laws impose upon husbands the primary responsibility to provide homes and livelihoods for their wives and children, and make them criminally responsible to society and civilly responsible to their wives if they fail to perform this primary responsibility. Moreover, these State laws secure to wives dower and other rights in the property left by their husbands in the event their husbands predecease them in order that they may have some means of support in their declining years.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to forbid any legal distinctions between men and women, it would nullify all existing and all future laws of this kind.

There are laws in many States which undertake to better the economic position of women. I shall cite only one class of them; namely, the laws which secure to women minimum wages in many employments in many States which have no minimum wage laws for men, and no other laws relating to the earnings of women.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to prohibit any legal distinctions between men and women, it would nullify all existing and future laws of this kind.

In addition, there are Federal and State laws and regulations which are designed to protect the privacy of males and females. Among these laws are laws requiring separate restrooms for men and women in public buildings, laws requiring separate restrooms for boys and girls in public schools, and laws requiring the segregation of male and female prisoners in jails and penal institutions.

Moreover, there are some State laws which provide that specified institutions of learning shall be operated for men and other institutions of learning shall be operated for women.

If the House-passed equal rights amendment should be interpreted by the Supreme Court to forbid legal distinctions between men and women, it would annul all existing laws of this nature, and rob Congress and the States of the constitutional power to enact any similar laws at any time in the future.

I do not believe that the advocates of the House-passed equal rights amendment wish to nullify laws which are adopted for the protection of women and for the promotion of the highest interest of society. Moreover, I am unwilling to attribute any such motive to the Representatives who voted for the House-passed equal rights amendment, or to the Senators who have sponsored the Senate version of such amendment. I attribute to all of them the laudable desire of abolishing unfair discriminations against women without destroying laws reasonably designed to protect them, and without robbing Congress and the legislatures of the 50 States of the power to enact similar laws in the future.

MY AMENDMENT

For these reasons, I have drafted a substitute Federal equal rights amendment which will accomplish the undoubted purpose of the advocates of the House-passed equal rights amendment; that is, to invalidate any present or future laws making unfair discriminations against women without nullifying any existing laws reasonably designed to protect the best interest of women and the highest interest of society, and without incapacitating Congress and the legislatures of the 50 States, acting in their respective spheres, to enact similar salutary laws in the future.

My amendment has already been introduced. I ask unanimous consent to have it printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The text of the amendment is as follows:

S.J. RES. —

Joint resolution proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States within seven years of the date of its submission by the Congress:

"ARTICLE —

"SECTION 1. Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex. This article shall not impair, however, the validity of any law of the United States or any state which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

"SEC. 2. The Congress and the several States shall have power, within their respective jurisdictions, to enforce this article by appropriate legislation.

"SEC. 3. This amendment shall take effect two years after the date of ratification."

Mr. ERVIN. Mr. President, the crucial part of my amendment is section 1, which consists of two sentences. The first sentence is lifted bodily out of the House-passed equal rights amendment, and provides, as it does, that—

Equality of rights under the law shall not be denied or abridged by the United States or by any State on account of sex.

The second sentence states that—

This article shall not impair, however, the validity of any law of the United States or any State which exempts women from compulsory military service or which is reasonably designed to promote the health, safety, privacy, education, or economic welfare of women, or to enable them to perform their duties as homemakers or mothers.

Candor compels me to confess that I cannot comprehend how any rational being in America can find any objection to this provision.

My amendment differs from the House-passed equal rights amendment in three respects. It preserves existing laws reasonably designed to protect women and retains for Congress and the legislature of the 50 States the power to enact similar laws in the future.

My amendment provides that it will go into effect 2 years after its effective date rather than 1 year after its effective date in order to accord to Congress and the States an opportunity to consider whether it is necessary to amend any existing laws in order to make them conform to the amendment. This 2-year limitation is necessary because the legislatures of some States meet biennially instead of annually.

My amendment also provides that it must be ratified by three-fourths of the States within 7 years after its submission to them in order that it may conform to the provision customarily put in resolutions proposing constitutional amendments.

I respectfully submit that the Senate of the United States ought to act with great deliberation in writing a proposed constitutional amendment for submission to the States. When an amendment is added to the Constitution it has an infinite capacity to bless America if it be wise, and an infinite capacity to curse America if it be unwise.

Before we act, let us meditate upon the warning given by Omar Khayyam ages ago:

The moving finger writes; and having writ,
Moves on; nor all your piety nor wit
Shall lure it back to cancel half a line,
Nor all your tears wash out a word of it.

THE PROSPECT OF RATIFICATION BY THE STATES

It would be an exercise in futility by Congress to submit the House-passed equal rights amendment to the States if there is not a substantial prospect that the States will ratify it.

Even if the Senate should join the House in voting to submit it to the States, the House-passed equal rights amendment would have to receive the affirmative approval of either 75 or 76 separate legislative bodies sitting in 38 of the 50 States before it could become a part of the Constitution. This is so because nothing new can be added to the Constitution without the consent of three-fourths of the States and all the States except Nebraska have bicameral legislatures.

It is scarcely conceivable that State legislators sitting in 75 or 76 separate legislative bodies in 38 States will ever agree that the millions of women whom they represent ought to be denied forever legal protection which their physiological and functional characteristics may reasonably justify. Yet, that is precisely what the House-passed equal rights amendment, if ratified by them, could be interpreted by the Supreme Court to do.

For this reason, sound thinking seems to indicate that there is no substantial prospect that 75 or 76 State legislative bodies sitting in 38 States will ever ratify the House-passed equal rights amendment in its present potentially destructive form. Hence, I suggest that an implacable insistence on the part of its advocates that there be no alteration in its wording is likely to defeat their worthy objective of outlawing unfair legal discriminations against women.

With all deference to them, I express my conviction that it would be the better part of wisdom for them to join me in urging Congress and the States to make my amendment a part of the Constitution. By so doing, they can reasonably anticipate that their worthy objective to abolish unfair legal discriminations against women will meet with success. It seems sound to assume that all legislators, both Federal and State, would welcome the opportunity afforded by my proposed amendment to abolish all unfair legal discriminations against women without depriving them of necessary legal protection and without robbing Congress and the States forever of the power to make legal distinctions in favor of women where reason justifies their so doing.

In yielding the floor, I earnestly urge those who have hitherto supported the potentially destructive and self-defeating House-passed equal rights amendment to aid me in my effort to achieve these objectives.

Mr. President, this completes my prepared speech on this subject. Since my allotted time has not yet been exhausted, I wish to speak on a related subject.

Mr. METCALF. Mr. President, will the Senator yield?

Mr. ERVIN. I yield.

Mr. METCALF. Mr. President, I have been very much impressed by the usual, able and cogent argument that the distinguished Senator has made against this constitutional amendment. I have made a prolonged study of the matter but not nearly as thorough a study as the Senator has made.

I agree and concur that this is a very dangerous sort of amendment to present. It is one that we should carefully study and carefully analyze with the view of actually protecting the women whose rights we are seeking to preserve.

I would like to be associated with the Senator in his constitutional amendment, but heeding the admonition he has given as to the advocacy of any constitutional amendment, I will study the matter carefully and will perhaps join him later in his better, more precise, and more carefully written amendment to the Constitution, if one is really needed, to take care of the rights of women that have been taken care of by State statutes and amendments.

Mr. ERVIN. Mr. President, I thank my friend, the Senator from Montana, for his remarks. I suggest to him that if his study leads him to believe that I have followed a very wise course in offering this amendment, I would be glad to have him join with me.

I have prepared my amendment after a protracted study of the House-passed resolution and its implications. I believe that my proposal would pass the Senate unanimously, be agreed to by the House, speedily be ratified by the States within a very short period of time, and thereby accomplish what I believe to be the objective of the organizations which have endorsed the House-passed amendment.

Mr. METCALF. I am inclined to agree with the Senator from North Carolina. I feel that with a further study of the matter, I will have a more determined agreement.

WHY THE MAJORITY AND MINORITY LEADERS OF THE SENATE OUGHT TO COMPLY WITH THE REQUEST OF THE SENATE JUDICIARY COMMITTEE THAT THE HOUSE-PASSED EQUAL RIGHTS AMENDMENT BE REFERRED TO THE SENATE JUDICIARY COMMITTEE FOR STUDY

Mr. ERVIN. Mr. President, some days ago the Senate Judiciary Committee, with one abstaining vote and one dissenting vote, requested the majority and minority leaders of the Senate to refer the House-passed equal rights amendment to the Senate Judiciary Committee for study with the understanding that the Judiciary Committee should complete its work by September 19, 1970.

On August 12, 1970, the New York Times carried an editorial entitled "The Henpecked House" which made these assertions: First, that the House passed the equal rights amendment "without committee hearings and after only an hour's debate"; second, that in so doing the House engaged in "an exercise of political opportunism"; and, third, that the House-passed equal rights amendment contemplates "a constitutional change of almost mischievous ambiguity."

The editorial further asserts:

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in the House.

It also said:

The Constitution and the rights of women are both too important for any further playing to the ladies' gallery.

In due deference to all concerned, I respectfully submit that the majority and minority leaders of the Senate should forthwith take the course requested of them by the Senate Judiciary Committee and refer the House-passed equal rights amendment to the committee under circumstances which will give that committee a reasonable opportunity to make an intelligent study and analysis of the implications of this potentially destructive proposal and to enlist the aid of competent constitutional scholars in so doing.

I sincerely hope that the majority and minority leaders of the Senate will take this action forthwith and by so doing make it possible for the Senate Judiciary Committee to make arrangements for brief hearings to elicit opinions with respect to this matter from constitutional experts.

Mr. President, I ask unanimous consent that the editorial of the New York Times be printed at this point in the body of the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE HENPECKED HOUSE

Equal rights for women is a proposition so unarguable in principle and so long overdue in practice that it is a pity to have it approached by the House of Representatives as an exercise in political opportunism. For 47 years that body regularly rejected out

of hand all proposals for a women's rights amendment to the Constitution. Now it approves, without committee hearings and after only an hour's debate, a constitutional change of almost mischievous ambiguity.

The proposed amendment declares: "Equality of rights under the law shall not be denied or abridged by the United States or by any state on account of sex." The implications and consequences of such language are obscure. There are many laws specifically protecting working women; they cover such subjects as night work, dangerous and heavy work, maximum hours and maternity leave. These laws would be thrown into confusion. So would a great body of law governing divorce, child support, custody, alimony, the age at which a woman reaches her majority, and a widow's rights in her husband's estate.

Prof. Paul Freund of the Harvard Law School has warned: "If anything about this proposed amendment is clear, it is that it would transform every provision of law concerning women into a constitutional issue to be ultimately resolved by the Supreme Court. Every statutory and common law provision dealing with the manifold relations of women in society would be forced to run the gantlet of attack on constitutional grounds. The range of such potential litigation is too great to be readily foreseen."

The prospect of a prolonged and confusing litigation is not necessarily a conclusive argument against the amendment, but it is a powerful argument in favor of holding exhaustive hearings so that an amendment, if one is found necessary, will be carefully drafted and its consequences fully understood by Congress and the states before they act.

It may be perfectly fair to charge that male chauvinism was the only factor that kept the amendment from getting such an assessment through a half-century of total neglect, but that does not wipe out the need for a real evaluation now, no matter how fierce the pressure from the embattled women's lobby.

The clear responsibility of the Senate is to give the amendment the thorough analysis it never got in The House. The Constitution and the rights of women are both too important for any further playing to the ladies' gallery.

ORDER OF BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senator from Kansas is recognized for 20 minutes.

S. 4274—INTRODUCTION OF A BILL TO AMEND THE FEDERAL REGULATION OF LOBBYING ACT WITH RESPECT TO CERTAIN ACTIVITIES OF MEMBERS OF CONGRESS

Mr. DOLE. Mr. President, today I want to raise some questions about the efforts of some Senators to bring public pressure on their colleagues to support their amendment.

The group involved is the Amendment To End the War Committee, made up entirely of Senators.

I have not, as the junior Senator from Arkansas noted recently, been a Member of this body very long, certainly not as long as some of those attempting to bring pressure upon the junior Senator from Kansas by slick Madison Avenue spots on Kansas television stations. Nevertheless, before coming to this body, I did spend 8 years in the House of Representatives, a place where many sought to persuade me, but none sought to bring outside pressures against me. As a result of this total experience, I am aware of not only the need for a high ethical standard in the Congress of the United States. But also of an equal need for a strict adherence to the laws that govern lobbying, income, and solicitation of funds.

My purpose today is not to accuse anyone of violation of either ethics or laws. It is instead to seek information.

First, Mr. President, I believe the questions raised by the activities of the "Amendment To End the War Committee" deserve replies.

INCOME

As I understand, the Internal Revenue Code defines gross income as "all income from whatever sources derived." Money received for any purpose, therefore, is income unless the recipient can establish that it is a gift. Are the donations received by the Amendment To End the War Committee regarded as income?

The junior Senator from South Dakota (Mr. McGOVERN) on June 29 said that "these funds become earned income of the ultimate recipients," implying that since there are offsetting expenditures to the gross income received, there is no tax liability on the part of the Amendment To End the War Committee. If this is so, then I believe it is incumbent upon him to seek a ruling from the Internal Revenue Service. It would be helpful to know what answer the IRS gives him. It is my understanding that under the 1962 amendment to the Internal Revenue Code, expenses for propaganda are never deductible and expenses incurred in connection with lobbying are only deductible when the taxpayer has a direct economic interest in legislation.

If these funds are regarded as income, then questions of tax liability should be answered.

POLITICAL GIFTS

Second, if the committee does not regard the donations as income, then are they considered "political gifts" or "campaign contributions" under Revenue Procedure 68–19.

If the committee wishes to rely on this revenue ruling, then, of course, it is subject to the Federal election laws and the Federal Corrupt Practices Act. Senator McGOVERN on June 29 indicated that this is the case when he said that the Amendment To End the War Committee is similar to political campaign committees. If the committee chooses to have it this way for tax purposes, then it must also have it this way under the pertinent Federal statutes. The junior Senator from South Dakota is quoted in the August 10, 1970, issue of Broadcasting, on page 10, as saying that the TV spots being used by the Amendment To End the War Committee are "paid political announcements."

For instance, Mr. President, a political committee is required to have a chairman and a treasurer and to accept no contributions and make no expenditures until those officers are chosen.

The obvious question is then, Is there a chairman and a treasurer? If so, were they functioning before contributions were accepted and before expenditures were made?

Again, Mr. President, under the law, the treasurer is required to keep a detailed and exact account of all contributions and the name and address of every person making a contribution. The question: Is this being done?

Under the law, Mr. President, $5,000 is the limit that can be contributed to a political committee or that can be accepted by that committee. I ask especially if this limit has been adhered to, and, if the answer is "Yes," how can the contributions from the Council for a Livable World be explained?

I ask also, Is there a record of all expenditures and a record of the names and addresses of those with whom the money is spent

Has the committee yet filed a quarterly report with the Clerk of the House, including the names and addresses of all persons contributing $100 or more within the calendar year?

REFUNDS

Finally, Mr. President, since the committee has changed its amendment, will it refund donations to those who gave?

LOBBYING

Mr. President, despite all of the foregoing, there is here more than just a matter of income and outgo. There is the question of lobbying, and whether the laws on lobbying are being adhered to.

First, Mr. President, is senatorial participation and collaboration in organized lobbying campaigns proper? Is it proper for Senators to form a committee such as the Amendment To End the War Committee to solicit money from the public for the purpose of persuading citizens and organizations, via TV spots and newspaper ads, to lobby Senators to vote for certain legislative proposals?

Mr. President, over the years lobbying has been a matter of recurrent concern to Congress. While in most instances lobbying is an exercise of the right of petition, the demonstrated potential of lobbying for abuse has at times threatened the integrity of the legislative process. In 1946, Congress recognized this by imposing legal requirements for disclosure on certain lobbying activities. An obvious pre-supposition of this legislation was that the activities being regulated were those of private persons, not elected officials. Prior to that, in at least one instance, the Senate adopted a resolution censuring a Senator for his direct personal involvement in lobbying activities. That was Senator Bingham, of Connecticut, who hired as one of his clerks a lobbyist for manufacturing interests and then brought the man into committee deliberations on pending tariff legislation. The Senate's action set a precedent in condemning the Senator's use of his official position to assist in lobbying. In addition, it strongly suggests that participation by Senators in lobbying activities is highly questionable.

The nature of the legislation involved is not a relevant part of the context for weighing the propriety of senatorial conduct. The real context is the proper functioning of our constitutional system, and particularly what the role of Sen-

ators is in relation to the Senate on the one hand and private persons on the other.

The basic problem is the preservation of the Senate as a deliberative body. To preserve the Senate's deliberative character, no Senator can permit his involvements with outside groups to override his obligations as a Senate Member.

The problem is a complex one requiring careful study and inquiry because there are many ways in which Senators can and should relate to outside groups interested in pending legislation.

But, on the other hand, is it satisfactory to say that a Senator remains a citizen and thus has the rights of all citizens to engage in lobbying? Judges are citizens, military men are citizens, civil servants are citizens, yet all of them must recognize various legal or ethical inhibitions pertaining to their own types of official positions against activities open to the ordinary citizen, inhibitions that must be respected if our system is to function properly.

COLLECTION AGENTS

If it is ethically permissible for Senators to join in collecting and spending money on TV and newspaper advertising aimed at pressuring other Senators, what limits are there? Might not a Senator decide that, in addition to spending money on advertising to get other people to lobby his fellow Senators, the best lobbyist would be the Senator himself, or a Senator with similar views, who should be retained with the collected funds to urge the position in question upon other Senators?

And whether or not a Senator is paid from privately contributed funds, does not the fact that he may be approaching his colleagues as the agent for an outside group undermine the mutual confidence that should exist? Is it proper for a Senator to seek to influence other Senators by drumming up outside pressure on them, or by seeking to influence them himself while acting in the dual capacities of Senator and lobbyist? Does such a dual role depreciate his functioning as a Senator? And does it give him, as a lobbyist, an unfair advantage not enjoyed by spokesmen for opposing views who are not Senators?

No criticism of any Senator is implied by these questions, Mr. President, but they are questions deserving of answers—for the important thing is to protect our system and the role of the Senate as a deliberative body.

Perhaps not directly related to the topic of lobbying is the matter of the involvement of nonprofit foundations in the operations of some of the lose-the-war groups.

I would like to know, for instance, what is the relationship of the Brookings Institution to the Committee for Peace Through Law, a blood kin of the Amendment To Extend the War Committee?

Can a nonprofit foundation retain its tax exemption if it participates in only one side of an issue?

Are research and speechwriting services provided for lobbying groups by a nonprofit foundation regarded as gifts or political donations?

These, too, are questions that must be answered.

LOBBYISTS AND THE COURTS

Mr. President, the Supreme Court's criteria for applying the lobbying law are these: First, the lobbyist must have solicited, collected, or received contributions; second, one of the main purposes of such contributions must be to influence the passage or defeat of legislation by Congress; and third, the intended method of accomplishing this purpose must have been through direct communication with Members of Congress.

It is a fact that Senators involved in the Amendment To End the War Committee have solicited and collected contributions. It is a fact that the main purposes of the contributions has been to influence the vote on the McGovern-Hatfield amendment.

That leaves only one question. Has the method been through direct communication with Members of the Congress? Mr. President, certainly the Amendment To End the War Committee has used indirect communications and members of the committee have used direct communications to lobby for the end the war amendment.

There are the TV and newspaper ads asking the American people to pressure Senators, and members of the committee, when they discuss the issue, are, in effect, lobbyists.

The question then is, Should members of the committee, who are also Members of the Senate, be required to register as lobbyists? Have they done so? Do they intend to do so?

NEW GROUND

Mr. President, regardless of the merits, if any, of the war amendment, there is no doubt that its sponsors have broken new ground in the field of lobbying.

I believe, however, that it is more a quicksand than solid ground. I believe they have inaugurated a practice that is fraught with danger to this body.

I believe that in their eagerness they do a disservice to the Senate and the Congress by lobbying their colleagues and by soliciting money in order to bring pressures against those colleagues.

NEW LEGISLATION

These activities are in a relatively untested and murky legal realm, and one cannot say with any firm authority that statutory provisions have been violated. However, today I am proposing legislation to clarify this area. The public interest demands that firm lines of demarcation be drawn and currently existing loopholes be closed.

Our democracy affords a free and unobstructed opportunity for citizens to petition the Government for redress of their grievances as well as the right to express their views to their elected representatives in the Congress on legislation and issues of importance.

At the same time, however, if the integrity of the legislative function is to be maintained and preserved, identification should be required of parties seeking to influence the passage or defeat of legislation by direct appeals to the Congress or by stimulation of the public intended to produce direct communication with the Congress.

The legislation I propose specifically imposes the full requirements of lobbying disclosure on Members of Congress who engage in these activities.

There is more at stake here than merely the loss of the peace amendment. At stake is whether the Senate is going to remain a deliberative body.

The text of the bill I introduce provides as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 307 of the Federal Regulation of Lobbying Act (2 U.S.C. 266) is amended by adding at the end thereof the following new paragraph:

"The provisions of this title also shall apply to any Member of Congress who directly or indirectly solicits, collects, or receives money or any other thing of value to be used principally to solicit or aid in the solicitation of communications to be made by members of the public to one or more other Members of Congress for any of such purposes.".

The PRESIDING OFFICER (Mr. NELSON). The bill will be received and appropriately referred.

The bill (S. 4274) to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress, was received, read twice by its title, and referred to the Committee on Rules and Administration.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from Ohio (Mr. YOUNG) for 20 minutes.

THE NIXON RENT-A-TROOP DOCTRINE: TWENTIETH CENTURY HESSIANS

Mr. YOUNG of Ohio. Mr. President, American people should know that officials of our Central Intelligence Agency are spending many millions of dollars of American taxpayers' money to enlist, arm, maintain, and train thousands of Thai "volunteers," so-called, in a continuing effort to maintain the Lon Nol government in power in Cambodia. In addition, generals of our Armed Forces in Vietnam with the assistance of Ambassador Ellsworth Bunker and his staff are continuing all-out efforts to support the Korean forces in Cambodia. Not only CIA officials but AID officials and officers of our Armed Forces are enrolling, equipping, and trying to mold into a fighting force thousands of Cambodians. This, despite the fact that Cambodians historically have been a placid peace-loving people. It is expensive business for American taxpayers to try to make good fighting men of them.

This is evident from today's news reports that the capital city, Phnom Penh, is under attack by the Vietcong forces within 6 miles of the Emperor's palace.

In addition, Mr. President, leaders of our Armed Forces are also going all out with our foreign aid money and our military and military advisers to equip more and more Thais to fight as our allies and, in fact, as mercenaries.

We Americans would do well to remember that those patriots who fought and

won our war for independence despised the mercenaries from Hesse-Cassel and other German archdukes who rented troops to King George III. Gen. George Washington captured 2,000 of these mercenaries in his surprise attack on Trenton after crossing the Delaware on Christmas night. This great victory was regarded as the turning point in our Revolutionary War. Later, in General Burgoyne's invasion from Canada, many more Hessians were captured in the surrender at Saratoga.

Now Pentagon officials report that the first installment of this 20th century Hessian fighting force numbers 5,000 troops, secured by agreement with the Government of Thailand. This 5,000 is the first contingent of so-called volunteers who will invade Cambodia. Unfortunately for our generals, at the present time all Cambodia, except a small area around the capital city of Phnom Penh, is controlled by forces opposed to the present rulers of that country. The fact is, Cambodia is not under the control of the government we are supporting.

The Prime Minister of Thailand has announced:

> We have reached an agreement that the United States will help finance Thai troops to be sent to Cambodia. Also, we have reached an agreement that the Cambodian soldiers undergoing military training in Thailand will also be financed by the United States.

Here is a demonstration that President Nixon has expanded and escalated our involvement in Southeast Asia instead of bringing our boys home.

It is also well known that the United States is recruiting more Koreans to add to those already in Vietnam. We have all along paid and maintained the ground troops of South Korea who have been in Vietnam since late 1965, and now we are expanding that force.

Mr. President, we are becoming more and more involved in waging war in Southeast Asia. Buying more and more mercenaries. Engaging in continual bombing in Laos, Cambodia, and Vietnam. And the same generals and policymakers who send our own boys to death in a senseless Asian struggle, now spend your money and mine to buy mercenaries to continue their folly.

The American people want to get our boys and our money out of this endless Asian struggle. The Nixon rent-a-troop doctrine will not accomplish this goal. It is with a feeling of sadness I report this situation.

THE TRADE BILL

Mr. HANSEN. Mr. President, the able and distinguished senior Senator from New York (Mr. JAVITS) in his remarks on the trade bill now pending in the other body made a number of references to the oil import quota system and th; Meat Import Act that I feel should be challenged.

First, the Senator says the trade bill "turns the trade policy of our Nation around 180 degrees" which, I believe would be called a reversal of present policies. But in the case of both oil and meat import quotas have been in effect for several years and have served the Nation well. In the case of oil, the quota program has been in effect for 11 years and in the case of meat about 6 years.

I cannot understand why Senators from the large consuming and manufacturing States such as New York continue their advocacy of unlimited imports of oil, meat, textiles, and all of the other foreign products that can be sold in this country at prices considerably lower than comparable U.S. produced products. Actually that is not the case in oil and oil products now but the Senator is using the same tired old arguments that have now been discredited by events in the Middle East.

Mr. President we have independence of action now in our international policy in the Middle East which would be restricted should we become dependent to any great extent on Middle East and North African oil, all of which is produced by countries alined against the United States-Israeli position.

I might also mention that this "cheap" oil from that area is now costing about 75 cents a barrel more delivered to east coast ports than the delivered price of U.S. crude oil. The "$5 billion" saving to U.S. consumers the Senator speaks of has now evaporated—actually it never existed—and instead that "cheap" oil would be costing in addition to a delivered price of $4.25 to $4.50 a barrel an additional $1.35 per barrel in tariff which adds up to $5.60 to $5.85 per barrel as compared with a delivered price of U.S. crude to New York City of about $3.80 per barrel.

The Senator blames the U.S. oil industry for a shortage of fuel oil refining capacity on the east coast and says the oil import quota system is responsible. But the Senator does not mentiton the fact that 80 percent of the fuel oil now used on the east coast is now imported under this quota program he calls rigid. How rigid can a program be that has lifted all restrictions on the import of residual or industrial fuel oil on the east coast? As an example, just in the last year residual fuel oil imports have increased from 820,000 barrels a day to 1,489,000 barrels a day. But what was "cheap" imported residual fuel oil a year ago—about $2 a barrel—has now doubled in price to $4 and more per barrel.

The $2 price which prevailed until the Middle East situation changed things is the real reason the oil companies did not build the refining capacity to produce this type of fuel oil. Under the U.S. free enterprise system, a business or industry must operate at a profit to stay in business.

The oil companies and a number of us in Congress have warned for several years that increasing dependence on foreign sources was hazardous and that these sources could be cut off or tightened up overnight as they have been.

The Senator speaks of the House trade bill "freezing" the oil import quota system "that has served the Northeast so badly."

First, the President has practically unlimited authority under the quota system to increase imports as he recently did by 100,000 barrels per day of crude and 40,000 barrels per day on home heating oil for New England. In fact the separate views and recommendations of the Secretaries of Interior and Commerce in the Oil Import Task Force report recommended substantial increases over the next 5 years to supplement domestic production and rapidly increasing demand.

The Senator may have noted in the task force's report a recommendation by the Secretary of Defense that the question of residual fuel oil has not been adequately analyzed and believes that the effects of virtually free access to foreign residual oil on U.S. markets and U.S. refining capabilities have been such as to make the continued exemption of residual oil from import quotas open to question.

So the Senator is actually damning the oil industry if it does and damning it if it does not. He questions the President for not adopting the now discredited oil import tariff plan which was designed to open up imports and further reduce the producing and refining capability of the domestic industry and at the same time blames the oil import quota program for limiting the production of residual heating oils on the east coast.

This is a case of being caught in your own trap and I certainly sympathize with the Senator from New York and his constituents who undoubtedly will have to pay higher heating and utility costs this coming winter.

But I know of no ready solution to remedy the situation.

The President is well aware of the crisis and has appointed a high-level committee to make an immediate investigation and recommendations.

Congress now is considering long-term solutions in a national energy policy directed toward self-sufficiency in all minerals including fuel minerals. We have waited too long now in establishing such policies but opening the floodgates to imports of oil that can be cut off or double in price overnight is not the answer.

Why does the Senator from New York and others continue to flay an industry that has actually done a remarkable job in this country's progress and is even now increasing production to what may well be its capacity in an effort to make up the shortages brought on by the Middle East situation and past Federal gas pricing and import policies.

The Senator is right that the oil import program needs revising and I believe it will be. Such exceptions and exemptions as have been allowed to leave our largest population centers on the east coast dependent on imported oil should certainly be corrected.

The oil industry was able through careful planning in cooperation with the Federal and State governments to prevent a fuel crisis in Europe following the 1967 Arab-Israeli war and the Middle East and North African oil embargo. Production was increased by more than a million barrels a day to supply our own east coast with the oil that had been coming from that area, part of Canada's east coast and much of Europe's need, including NATO.

It is doubtful that we have the producing capacity to do so again but the

industry will, I believe, prove that it can take care of our own needs or at least the essential needs.

The Senator's concern for consumer prices including gasoline is certainly to be commended but I believe he should also be concerned about the reliability and dependability of the supply of that gasoline. And inasmuch as the Senator said the oil import quota system has always had the effect of maintaining a high price of gasoline, I would like to ask where in the world—in what country or countries—is the price of gasoline less than the U.S. price?

I have here an article from the Washington Daily News of March 10, 1970, with a compilation of European gasoline prices which shows that the average European price per gallon is 60 cents for regular and 69 cents for premium, which, I believe the Senator will agree, are somewhat higher than even New York prices.

And I am sure the Senator is aware that oil and gas supply 75 percent of our total energy requirements and 99 percent of the energy that motivates our entire transportation system.

As a Nation and world power, we would be as helpless as the giant the Lilliputians tied up in his sleep if we ever allowed ourselves to become dependent on foreign sources of oil and gas. Even so-called friendly sources seem to have a grudge against Uncle Sam as they have demonstrated in Latin America by expropriating U.S.-owned properties after they are developed. Algeria has done the same thing and Libya recently took over all foreign-owned oil marketing facilities.

What kind of a world power would be at the tender mercies of State-controlled oil supplies that could be used for blackmail or price hijacking?

The sleeping giant had better wake up before the Lilliputians take over the oil spigot.

With estimates beyond comprehension of undiscovered oil and gas in addition to vast reserves of coal, oil shale, and uranium and we had better get on with the job of developing them for self-sufficiency in energy rather than criticizing the oil companies for wanting to operate at a profit.

With respect to the price of beef, which also was singled out by the distinguished Senator from New York, I would like to point out that American consumers are, at this time, actually spending a smaller percentage of their total income for food than ever before. And purchases of beef account for only about 15 percent of the total amount spent for food. The average consumer today spends only about 16.5 percent of total disposable income for food, compared to 20 percent in 1960. I think that is a bargain.

Further, I would note for the record that Government statistics show an increase in the average price per pound of beef at the retail level of 20.7 percent during the 10 years between 1960 and February 1970. During that same period, the price paid for choice steers increased only 15.3 percent.

While steer prices increased 15.3 percent over a 10-year period, we find that hourly earnings for construction workers rose 63 percent, consumer services rose 46.3 percent, average nonagricultural hourly earnings rose 50.7 percent, and per capita disposable income rose 63.8 percent.

Beef is a bargain for the American consumer. The average consumer now buys about 110.7 pounds of beef per year, compared with 85 pounds in 1960. The livestock industry has, during the years since 1964 when the meat import quota law was enacted, made it possible for even the poorest families to eat red meat.

It should also be noted that the domestic livestock industry accounts for the consumption of enormous amounts of grain and feed products, which as we all know have been in such surplus as to require a Government management program costing $3 billion annually.

And while I am on the subject of beef, I should like to comment on the charge made by some that there is a shortage of "second grade" or manufacturing beef in this country, thereby necessitating increased imports from abroad.

Mr. President, this is a myth. There is no shortage in this country of the kind of beef referred to as "processing" meat. Over one-half of the domestically produced processing meat comes from fed carcasses, which is proof of my contention that imported meat does compete directly with domestic products. The portion of beef available for processing has been steadily increasing in this country, not only because larger numbers of cattle are being fed, but also because the grade standards were relaxed a few years ago requiring less finish for an animal to reach the good, choice, and even prime grades.

At the risk of repeating myself, I must say again that free trade and fair trade must go together. Free trade advocates argue that the American consumer is entitled to the prices at which foreign producers are able to sell their wares in this country.

But the notion that imports should be given priority over domestic production to the extent of bulldozing the jobs of our workers out of the way and leaving it up to us to pick up the pieces and repair the wreckage of a system of adjustment assistance is a wholly unjustifiable philosophy. I doubt that a New York City textile worker would be willing to trade his job for a relief check in order to buy a cheaper shirt made in Japan.

That foreign producers should be able to pay wages that would be illegal in this country and then build a destructive trade on that basis with the blessing of our Government, seems incredible. This philosophy assumes that if an American producer cannot compete with imports, he is necessarily inefficient. Yet, on a relative efficiency basis, which is to say, output per man-hour or per man-year American industry continues to lead the world.

Mr. President, if all people would renounce war and insist on living in peace, if all people would be equally as concerned for every other human as for themselves, if all people would reject greed and cupidity there is no question but that free trade would best serve humanity.

But this is not the world we live in today.

Americans have been reasonably generous in rebuilding wartorn countries. We have tried to help developing nations. We have shed some blood to insure freedom and self-determination for other people.

But we could not have done these things if we had not been a strong nation. Our total strength will reflect the industry, the jobs, and the services we are capable of sustaining in the United States. America proved long ago that power is the result of brains and energy applied to natural resources.

The competition American business is facing now is not fair. Wages, standards of living, and social responsibility—taxes—place a most unequal burden on us. Free trade and fair trade should go hand in hand.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DRIVING IN EUROPE: GASOLINE COSTS MORE BUT YOU USE LESS

[From the Washington Daily News, Mar. 10 1970]

Gasoline prices vary from country to country in Europe because of wide differences in taxes, but they all have one thing in common. They are high by American standards.

The American Automobile Association, which each year plans motor trips abroad for thousands of American travelers, says the average European price per gallon is 60 cents for regular, 69 cents for premium. However, some countries use the imperial gallon measure, which gives the driver about a fifth more fuel than the regular U.S. gallon. These countries include Great Britain and Northern Ireland, Ireland (Eire), Greece, Turkey and Yugoslavia.

Motorists in typically economical European cars will normally spend no more than $3 for 100 miles of driving on gas.

Tourist gasoline discount coupons are available to foreign motorists at border crossings into Italy and Yugoslavia.

Here is the latest information on gasoline prices abroad as compiled by AAA World-Wide Travel experts on the scene:

	In cents	
	Regular	Premium
Austria	55	62
Belgium	64	68
Czechoslovakia	49	60
Denmark	60	63
Finland	70	75
France	75	85
Germany (West)	55	62
Great Britain	70	79
Greece	70	80
Ireland (Eire)	65	70
Italy	75	80
Netherlands	55	60
Norway	55	60
Portugal	76	90
Spain	40	60
Sweden	84	87
Switzerland	54	59
U.S.S.R.	40	47
Yugoslavia	40	49

PENTAGON PUBLIC RELATIONS—"VIETNAMIZATION"

Mr. YOUNG of Ohio. Mr. President, President Nixon and his Defense Secretary say that when Vietnamization is

completed our GI's can be brought home and the Saigon regime of Thieu and Ky will be on their own. Vietnamization commenced more than 12 years ago under President Eisenhower. In January 1961, when he left the White House, we had 685 military advisers in Vietnam—no combat troops. On that sad day in November 1963, when President Kennedy was assassinated we had 16,200 military advisers in Vietnam—no combat troops. Under President Johnson we soon had 500,000 military advisers and combat troops in Vietnam.

How absurd and fantastic that with approximately 54,000 killed in combat and by accidents and incidents, so-called, by Pentagon leaders in waging this undeclared unwinable war in Southeast Asia, more than 300,000 wounded—many-maimed for life—and more than $130 billion spent over the years—our losses should be increased in a now expanded war. Also, more than 280,000 Americans who are Vietnam veterans, now civilians, are suffering from malaria and will probably continue to suffer from this debilitating ailment for as long as they live.

The policies of President Nixon are incompatible with a negotiated settlement. This undeclared war has been escalated into Cambodia and Laos. How many more years does President Nixon claim are needed for Vietnamization? Is this the Nixon prescription for an endless war of aggression in Southeast Asia?

As if American taxpayers are not harassed enough as it is, a recent statement by Senator J. WILLIAM FULBRIGHT revealed that the Department of Defense has been less than candid in reporting the extent of its public relations activities in its own behalf. Senator FULBRIGHT was urging a $10 million ceiling on Pentagon public relations spending. The last such limit, imposed in 1959, set a limitation of $2,755,000 when the total defense budget was $43 billion. In 1970, defense spending was $77 billion, but Defense Department public relations spending was up 1,500 percent to $40,447,000. Spending this vast amount of money in a Pentagon propaganda apparatus of 4,400 public relations men, so-called. In 1969, Pentagon officials claimed that lobbying and public relations spending was almost $28 million. Now, apparently anticipating the possibility of a new legislative ceiling, Pentagon officials have decided to disclose that the 1969 public relations cost was really $44,062,000. Judging from their ability to systematically disguise and distort the extent of public relations expenditures it would appear that Pentagon officials have learned the lessons of Madison Avenue only too well.

WAR AND THE AMERICAN TAXPAYER

Mr. YOUNG of Ohio. Mr. President, in the last 6 years the United States has spent more than $115 billion on waging a ground and air war in Southeast Asia. For 1969 alone, the price tag was $30.4 billion—$600 for every American family. This total did not include economic aid programs to Indochinese nations, CIA funds spent in the area, the cost of reductions in stockpiles of strategic materials or the loss of productivity accompanying war expenditures. In 1969, of each tax dollar 23 cents went to pay for the undeclared war in Vietnam, 13 cents for past wars, and 35 cents in preparation for future wars. The Indochinese war in 1969 cost more than all Federal spending for domestic goods and services, 10 times more than Federal outlays for medical assistance, and 30 times more than Federal grants for urban planning and development. Now it has been expanded and extended into Cambodia and Laos. It costs $500,000 to kill one Vietcong. This sum would support 3,400 youngsters in school, or college, or build at least 50 housing units. One heavy B–52 raid, and these are being made daily, costs about $40 million. This could pay for constructing three 400-bed hospitals, or 27 elementary schools, or about 4,050 housing units.

MORE ABOUT SAIGON CORRUPTION

Mr. YOUNG of Ohio. Mr. President, American taxpayers seem to be on the losing end constantly when it comes to our involvement in Southeast Asia. First, in a civil war in South Vietnam which has been escalated and expanded into a ground and air war not only in Vietnam but also in Cambodia, Laos, and Thailand. This fact is so evident that Nixon administration leaders and Pentagon generals now refer to this as an Indochinese war. Unfortunately, we Americans have been waging an unwinnable war in Southeast Asia since 1963.

Recently, the Defense Minister of the Saigon militarist regime, which is in power due solely to the presence of more than 400,000 Americans fighting in Vietnam against the forces of the National Liberation Front, or Vietcong, and those soldiers who have infiltrated from North Vietnam, offered for sale to the highest bidder 202,887 rifles, a large number of machineguns, and small arms. All of these weapons paid for by American taxpayers were given in recent years to the Saigon militarist regime for use by the army of South Vietnam.

These weapons furnished by the United States from 1963 to 1966 presumably to be used to fight the Vietcong are being sold for a total sum which may amount to several million dollars. Will this money be turned over to representatives of the United States? No indeed. For whose benefit will all this money accrue? Will it be used by a democratic government to aid a people who are constantly shot at, harassed, and brutalized, in the majority of cases, by their own leaders? Will it be used to alleviate the suffering of civilians stuffed into overcrowded, filthy, and dehumanizing refugee camps? If past experience is any guide, this entire amount will go to some corrupt leaders of the Saigon regime in power because of our armed might and the war policies of President Johnson and now President Nixon. How can our government officials in Saigon justify, in good conscience, giving these leaders machineguns and other war materiel, paid for by American taxpayers, to sell in the open international market?

Vice President Ky and a number of South Vietnam generals already have unlisted bank accounts in Hong Kong and in Switzerland. The total sum of money received from the sale of these machineguns and other war materiels will probably go to fatten those accounts.

ORDER FOR ADJOURNMENT UNTIL 10:00 A.M. MONDAY, AUGUST 24, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 10 a.m., on Monday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD ON MONDAY

Mr. BYRD of West Virginia. I ask unanimous consent that immediately upon disposition of the unobjected-to bills on the Legislative Calendar on Monday morning next, the able Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 45 minutes. This is without prejudice to the previous order under which the able Senator from Arkansas (Mr. FULBRIGHT) is to be recognized at approximately 11 a.m. on Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

MESSAGE FROM THE HOUSE—ENROLLED BILL AND JOINT RESOLUTION SIGNED

A message from the House of Representatives by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the following enrolled bill and joint resolution, and they were signed by the Acting President pro tempore (Mr. METCALF):

H.R. 15866. An act to repeal the act of August 25, 1959, with respect to the final disposition of the affairs of the Choctaw Tribe; and

H.J. Res. 1194. Joint resolution to authorize the President to designate the period beginning September 20, 1970, and ending September 26, 1970, as "National Machine Tool Week."

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Under the previous order, the Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. Under previous order, the Chair recognizes the Senator from Illinois.

PRIVILEGE OF THE FLOOR

Mr. PERCY. Mr. President, I ask unanimous consent that my legislative assistant, William Lytton, may have access to the floor to help me during consideration of my amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Illinois yield to me very briefly, to suggest the absence of a quorum for not more than 1 minute, without losing his right to the floor?

Mr. PERCY. I yield.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 818

Mr. PERCY. Mr. President, I call up my amendment No. 818 and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the bill add a new section as follows:

"SEC. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense."

Mr. PERCY. Mr. President, on August 3, I introduced amendment No. 818 to H.R. 17123. This amendment would direct the Secretary of Defense to initiate promptly new procedures with respect to domestic and foreign permanent change of station—PCS—assignments for military personnel.

The amendment provides that the Secretary of Defense shall achieve a 25 percent reduction in expenditures for PCS moves beginning July 1, 1971. This, of course, does not apply to those who are assigned to combat zones, or to the expenditures that are incurred by normal training, separation, and promotion.

The purpose of this amendment is threefold.

From the point of view of economy, this amendment is especially timely. Because of the urgent need for us to adjust our national priority of spending and achieve a level of fiscal responsibility, I have resolved to identify areas where $4 billion could be saved annually. I am doing this because we face the possibility of a deficit as large as $10 billion for fiscal 1971.

In fiscal 1971, $1.3 billion is earmarked for permanent change of station moves, which is basically the rotation of military personnel from assignment to assignment.

Approximately $460 million of the total will go for rotation of servicemen after 12 months of duty in Southeast Asia.

Another $300 million of the total is to go toward the normal cost of training and separation. But the cost of this amendment does not affect them as long as we are in Indochina. Both of these costs are necessary so long as we have the draft, and this amendment does not affect them.

However, I should like to point out that the $300 million in training, separation, and so forth, might well be reduced as we reduce the level of our forces. And as we reduce, of course, the number of times we rotate, but I am not touching either one of those items.

Approximately $559 million is to be spent for the remainder of PCS moves. By reducing this amount by 25 percent, as this amendment would, a savings of $140 million could be realized. In a time when each of us is looking for areas to cut spending, I know that it is unusual to suggest a savings relatively so small and to many so uncontroversial. However, this is an area where the money can be saved, and I think it should be saved.

The second purpose of this amendment is to try to drag the military services, as some might term it, "kicking and screaming" into the 20th century. Though many procedures and practices of the military are modern and advanced, there are certain officers and procedures that are archaic and outmoded. Some time ago I pointed out how the various services were wasting at least $500 million a year by not following up on the recommendations of the White House Conference on Food, Nutrition, and Health. By keeping the system of feeding men in groups of 200, which was effective in the time of Custer we now have a system where there are, for instance, 110 separate mess halls at Fort Bragg alone. Petty jealousies between the various services and a resistance to change have prevented modernization of this antediluvian practice.

I should like to point out that we do spend about $7 billion on food. A reduction of one-half a billion dollars would be 14 percent, which I think would not affect the quality of any food but would improve the efficiency of its service. We could institute some practices in this area of spending that we have found to be of advantage, and they might even be adopted in other areas.

Likewise, even a quick perusal of the military PCS system reveals a shocking disregard for modern cost-effective procedures. Most organizations in the private sector that rotated personnel as frequently as does the military services would go bankrupt. The practice is overdone, wasteful, and inefficient as now carried out.

Officers are moved from assignment to assignment, trying to give each enough expertise as if every member of the Armed Forces was being trained to become a member of the Joint Chiefs of Staff. Personnel are moved so frequently that job efficiency suffers severely.

With an eye toward a more efficient and more professional Army, the military services should act now to utilize the modern techniques employed successfully in the private sector. Let a man learn his job well and let him stay on the job long enough, using his expertise to the advantage of both the military and himself and let him be transferred only when it will benefit both efficiency and morale.

This, Mr. President, brings me to my third point—morale. The constant moving around that the military subjects many of its men and their dependents to is very disturbing to family life. Though my first two points deal with figures and cost effectiveness, this third point is probably the most important. For here we speak of the human element, a man and his family being shunted from base to base; the children constantly moving away from friends. We have all heard of Navy brats and Army brats, children who were constantly moving, children who never lived in one place long enough to consider it a home—only a house or a trailer or a temporary apartment.

I have talked with many servicemen and I have received many letters on this subject. None commented on how we would save money; all commented on how far this would go toward stabilizing family life and actually reducing the high rate of termination of personnel from the military services.

I speak with some experience, though. My own experience goes back many years to World War II when I served 3 years as a naval officer. I have also had some degree of contact as a defense contractor and as a man interested in working with the military services for some 28 or 29 years. I have firsthand knowledge of the insufficient and wasteful methods of the military services in constantly rotating men between posts.

One of my constituents sent in a copy of an editorial from the Lafayette (Ind.), Journal and Courier which concerns this proposal. I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the editorial

was ordered to be printed in the RECORD, as follows:

UNNECESSARY MOVES

Illinois Senator Charles H. Percy has an idea that makes sense to save money in the military budgets.

He suggests that the military services cut drastically the transfer of military personnel except for the rotation of those in the combat area.

Senator Percy calls the frequent transfer of military personnel "overdone, wasteful and inefficient" and says that lengthening the duration of certain assignments could lower the 1.3 billion earmarked for such purposes.

He says that at least a 25 per cent cut in such moves from base to base would make it easier on military families affected by the "move often" principle. And he said that at least $140 million a year could be saved by even that small curtailment of the moving program.

If organizations in the private sector rotated personnel as frequently as the military services do, they would go bankrupt," Senator Percy declared. "The practice is overdone, wasteful and inefficient as now carried out.

It stands to reason that in addition to increased family stability and the substantial savings that Senator Percy mentioned, job efficiency might be improved by the experience and familiarity with local problems that a longer assignment entails.

With the bulk of manpower not engaged in combat, the military services could be accused of "Mickey Mouse" in making many base-to-base transfers. And as for special training and experience that transfers might provide, some of this could be engineered into programs of posts where the servicemen are now stationed.

The change Senator Percy suggests may go against tradition that has found the services reluctant to give a man time to put down roots. But it wins applause from taxpayers, and doubtless from servicemen's wives, who say, "Try it!"

Mr. PERCY. Mr. President, upon introducing this amendment, I asked the Department of Defense to prepare an analysis of its position concerning the amendment. I have received DOD's reply, and I ask unanimous consent that it be printed in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

DOD POSITION ON AMENDMENT NUMBER 818 TO H.R. 17123—DOD APPROPRIATIONS FOR FISCAL YEAR 1971

The Department of Defense is in complete agreement with the intent of the proposed Section 507 to be added to H.R. 17123 (Amendment No. 818), i.e., "To reduce annual expenditures in connection with permanent change of station assignments of military personnel and—further stabilize the lives of members of the armed forces and their dependents." The Department, however, is opposed to lengthening overseas tours in general and to any limitation on the number of permanent changes of station that may be ordered within a given time frame. It is recomemnded that Amendment No. 818 not be enacted.

The effect of such restrictive legislation would:

a. Limit the full range of skill selectivity from total resources and void the concept of equity in assignments to both desirable and undesirable overseas areas.

b. Accelerate among personnel resources not directly affected by the restrictions the inevitable chain reaction set up when transfers are made.

c. Reduce turn-around time for those personnel, particularly those in short supply, available for assignment to hostile fire areas, force shortages of critical skills in other overseas areas, or increase tour lengths in undesirable, unaccompanied tour areas.

d. Create far greater inequities in all overseas assignments to include hostile fire areas.

e. Require an increase in accessions and end strength to sustain forces in hostile fire areas.

f. Increase consecutive unaccompanied tours.

g. Lower morale and career satisfaction of the majority and affect adversely the overall force effectiveness at a most critical time.

Overseas tour lengths have been a matter of continuous study within the Department of Defense for many years. In 1957, after nearly two years of intensive research, certain basic policies were adopted to apply to all Services. Fundamental among these policies are that (1) tours will be the same length for personnel of all Services stationed in the same area; (2) tours for unaccompanied personnel will be shorter than when dependents are persent; and (3) the length of tour will contribute to the maximum effectiveness of the forces, giving due consideration to the morale of the individual.

The exact length of duty tour in a particular location is established by the Secretary of Defense, based on recommendation of the military department having the major interest (usually the greatest personnel strength) in the area and in coordination with the other military departments. Determination of tour length is an extremely complex matter, involving consideration of such tangible factors as the effect of tour length on the operational readiness of the overseas forces; the ability of the Services to support short-term rotation within authorized numerical strengths and skill resources; dollar costs of movement; the impact of tour length on the frequency of overseas duty for individuals; loss of productive man-years resulting from an increased personnel pipe-line; collateral movements generated by increased movement of personnel to and from overseas; the turbulence created in CONUS activities which must continually supply personnel for overseas shipment and absorb returning personnel. In addition, a less tangible but nonetheless compelling consideration influencing final decision on the matter is the effect of transfers and family separations on the retention of career personnel.

Personnel are reassigned only to meet valid military requirements and Department of Defense policies governing the assignment of individuals outside the CONUS provide that:

a. Professional qualification to perform the duties required is the paramount consideration in selecting an individual.

b. An equitable distribution of overseas assignments, to both desirable and undesirable areas, is to be maintained within the Service concerned.

c. Periods of forced separation and adverse effects of overseas service encountered by military personnel and their dependents is to be minimized.

d. Personnel having dependents but serving overseas unaccompanied will be permitted a differential in tour length to reduce family separation.

Since the end of World War II the overseas forces of the military services have been of such size that their support has constituted the major problem in personnel assignment. At the present time approximately 33% of the total military strength of the Department of Defense is stationed outside the continental U.S. As of March 31, 1970, approximately 46% of this overseas force was ashore or afloat in Southeast Asia; 20% was assigned to other Far East locations while 29% was stationed in Western Europe. Within each military service, 43% of the Army was overseas, 30% of the Air Force and lesser percentages of the Navy and Marine Corps were stationed ashore overseas. For the careerist—officer or enlisted—the overseas commitments of the U.S. necessitate his spending about ⅓ of his total service on foreign duty, frequently without his family, even in the absence of combat. Continuing support of operations in Southeast Asia is increasing this factor.

Career attractiveness of military service has been recognized as essential in the procurement and retention of personnel in sufficient numbers to maintain a trained, stable defense force. This career attractiveness is directly affected by the length and conditions of foreign service required of military personnel and visual evidence that individuals of like skill and grade are sharing equally in overseas duty in desirable and undesirable areas. Achievement of an all-volunteer force is totally dependent upon career attractiveness. The problem facing management has been, and will continue to be, to strike a balance between the optimum tour to maintain maximum operational capability and readiness, on one hand, and the impact of foreign duty—including duty in hostile fire areas—on the retention of personnel, on the other. The entire overseas rotation plan for military personnel is affected by the length of time an individual is present for duty at an overseas station, the frequency with which he becomes due for foreign service, and whether or not his foreign assignment will separate him from his family. This, in turn, is affected by the personnel turnover within the Services which increases as conditions of service become less desirable.

Areas such as Europe, Hawaii and Japan are considered "desirable" and have a 36 to 48 month tour with dependents and a basic 24 months tour for all others. Conversely, the tour in Vietnam is 12 months. Part of Korea is designated as an unaccompanied 13-month tour area for all personnel. The most current statistics indicate that approximately 64% of Army personnel and 42% of Air Force personnel stationed in foreign overseas areas are serving where dependents are not authorized.

No standard tour for CONUS is established by Department of Defense. It, of course, forms the primary sustaining base for all overseas forces. For example, a new accession into a Service may spend only that amount of time needed to meet training proficiency before proceeding to his first overseas station. On the other hand, personnel assigned to various duties such as Departmental staffs, Service school facilities, ROTC duty and recruiting duty may be stabilized for 24 to 36 months. In connection with support of South East Asia operations, however, all the Services attempt to avoid returning an individual for a repeat tour in Vietnam within 24 months of his previous tour completion. They have not been uniformly successful in all skills and grades simply because the CONUS force structure is not large enough, nor is such a force practicable, to support the rotational requirements of Vietnam and other overseas areas on a skill and grade basis. This fact has caused the Department of the Army, for example, to designate Europe and certain other areas as part of the sustaining base.

Consequently, Vietnam in particular and all undesirable tour areas in general are inextricably related to manpower resources in CONUS and other overseas areas. So long as equity in assignment to duty in hostile fire areas and family separation is to be maintained as a significant contribution to service attractiveness, the concept of share and share alike must prevail. Further, increasing the standard tour length beyond 36 months, for example, in a given area would only serve to stabilize the individual who enjoys that particular area and will re-enlist

to continue his tour or the individual who may be held in place because his remaining term of service is sufficiently long to compiete the tour. In effect, the careerist would be stabilized in the more desirable areas and the share of duty in undesirable areas would be determined increasingly more on the chance basis of remaining service at time of reassignment eligibility. Many proposals are received for shortening overseas tour lengths. Seldom is a proposal received from any source which advocates lengthening the separation from family and friends.

The Department of Defense is keenly aware of the general desirability and necessity to achieve maximum stabilization in personnel assignments. It is also not unmindful of the repeated interest and guidance of the Congress in the area of reducing costs attributable to permanent changes of station. The following actions are indicative of continuing efforts in this regard:

a. Overseas assignments are filled with eligible personnel who are available for reassignment and must be moved (graduates of the various school systems and those completing CONUS tours).

b. Number of overseas levies on CONUS commands has been held to a minimum through the use of voluntary and involuntary consecutive overseas tours.

c. Where feasible and a requirement is forecast, personnel eligible for assignment to Southeast Asia have been restricted from other permanent changes of station.

d. Personnel in long tour areas not eligible for assignment to Southeast Asia have been authorized and encouraged to extend their tours.

e. Qualified overseas returnees are utilized to fill selectively manned activities (reduces CONUS to CONUS moves).

f. Voluntary tour extension program in Vietnam for periods up to six months and under Public Law 91-302 for six months or longer is eminently successful (175,100 have extended for six months or longer).

g. Stringent policies govern the official sponsorship and movement of dependents to and from overseas areas.

It must be pointed out, however, that the time frame in which the restrictions proposed in Amendment No. 818 would become effective is expected to present critical personnel assignment problems. The continuing downward trend in overall force levels, with the accompanying adjustments in force structures and locations of those forces, may demand an increase in permanent change of station funds in relation to total military strength.

Present policies are continuously under study, with the objective of reducing costs, increasing efficiency, and maintaining career patterns which will attract and keep qualified personnel in the Armed Forces. While not opposed to any change of the present system which will contribute to these objectives, the Department of Defense cannot support changes which will significantly lessen the ability of the Armed Forces to perform their defense mission or affect adversely the morale of its fighting forces. Based on 13 years experience and refinement of its standardized tour policies, it is the belief of the Department of Defense that the presently established tours are in the best interest of the Department and the Nation. The permanent change of station travel requirements for FY 1971 are considered minimal for mission accomplishment.

Mr. PERCY. Mr. President, I would read this analysis, but I do not wish to lull anyone to sleep. I assume that the Department of Defense spent a great deal of time preparing the reply, and I appreciate the effort put into it. However, I regard this as a classic of what might be termed military gobbledygook. The language used is repetitive, nearly unintelligible and meaningless as a defense. It does not square with my own personal observations as a naval officer for 3 years any more than as someone who has worked closely with the military services for a quarter century.

Department of Defense, giving its reasons for not supporting the amendment, says the measure would "limit the full range of skill selectivity from total resources." I suppose that someone in the Pentagon understands that phrase and feels that it justifies a $1.3 billion expenditure a year.

Department of Defense says the amendment would "create far greater inequities in all overseas assignments to include hostile fire areas." Now, Mr. President, I assume that "fire areas" are always hostile. But, in this instance, I yield to Department of Defense expertise. But, speaking more to the point, this amendment expressly does not apply to military personnel in combat zones.

DOD says that this amendment would "lower morale and career satisfaction of the majority and affect adversely the overall force effectiveness at a most critical time." Mr. President, I just do not believe this to be the case. Most of our military personnel are in noncombat areas. These are the men this amendment concerns. Allowing them to stay longer at their assignments will, as I have already mentioned, increase both morale and effectiveness. Whoever wrote the DOD analysis would seem to be out of touch with the men and families who are being indiscriminately and too frequently moved around without any apparent reason.

I would like to deal with one last point. The report says that the time frame in which the restrictions proposed in amendment No. 818 would become effective is expected to present critical personnel assignment problems. Mr. President, I for one have faith in the ability of the military to resolve such problems. In August of 1943, at the Quebec Conference, the decision was made to start planning D-Day detail. On June 6, 1944, 11 months later, 10,000 planes, 80 warships, 4,000 other ships, 450,000 tons of vehicles, 4 million tons of equipment, and 100,000 U.S. Army men participated in D-Day. Within the next 100 days, 2.2 million men had been moved to the French coastline.

And in Vietnam on February 7, 1965, the North Vietnamese attacked two of our bases. At the time, our force level in Vietnam was 23,000 men. Eleven months later it was 196,000 men.

The problem posed only a 25-percent reduction of PCS moves is negligible as compared to the preparations required for D-Day and the Vietnam buildup. I assure my colleagues that the military is up to the task even if some of them feel they are not. The amendment gives the Secretary of Defense 11 months to achieve this reduction, and I believe that this is more than adequate time, considering that this is 11 months from the beginning of planning and that they will have another 12 months time.

Mr. President, I do not believe that the Department of Defense has made a convincing case. However, I want this in the RECORD so that every one of my colleagues will have a right to take whatever action they may wish.

I believe this amendment should pass. This is an instance where we can begin to move against outmoded procedures and practices.

Mr. President, I did have printed in the RECORD last night material from the Fitzhugh report. I simply would like at this time to reiterate as of last night what Deputy Secretary of Defense David Packard had to say when he addressed the Armed Services Management Association meeting in Los Angeles.

I have known Mr. Packard for a long time. I consider him to be one of the ablest men in industry that I have ever known. Certainly the President and Secretary Laird were very wise in selecting him to be Deputy Secretary of Defense. We are very fortunate indeed to have men of his intellect, deep experience, knowledge, and forthrightness serving the U.S. Government at this time.

With his usual candor he said at that time:

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

He also said that most of the 113 recommendations of the blue ribbon study panel would be implemented.

Certainly when he refers, in this one particular case, to the movement of military personnel, the Fitzhugh report is very clear indeed in this area.

It says:

Officers and enlisted men are rotated among assignments at much too frequent intervals.

It is clear from the evidence that the rotation practices which have been followed result in (a) excessive and wasteful cost, (b) inefficiencies in management, and (c) difficulty in fixing responsibility.

And later it states:

This system of rotation of officers leads inevitably to deficiencies in management. Officers assigned for such limited periods simply cannot acquire a knowledge of the work, become familiar with the qualifications of the people, make plans, set goals and push the work ahead.

Even in the report the Department of Defense sent me, they indicate in several sections of that report that they were very sympathetic with what we were trying to accomplish in this amendment.

They said:

The Department of Defense is in complete agreement with the intent of the proposed Section 507 to be added to H.R. 17123 (Amendment No. 818), i.e., "To reduce annual expenditures in connection with permanent change of station assignments of military personnel.

Mr. STENNIS. Mr. President, would the Senator yield?

Mr. PERCY. I yield.

Mr. STENNIS. Mr. President, who is that communication from?

Mr. PERCY. This communication is from the Department of Defense, and it is signed by Colonel Farlow. I addressed my communication to the Secretary of Defense, and Colonel Farlow answered, I presume on behalf of the Secretary.

Mr. President, the final section I would

like to read from that rather lengthy report states:

The Department of Defense is keenly aware of the general desirability and necessity to achieve maximum stabilization in personnel assignments. It is also not unmindful of the repeated interest and guidance of the Congress in the area of reducing costs attributable to permanent changes of station.

I think for the benefit of all of my colleagues, the one example given in the Fitzhugh report is an exceedingly interesting example. It will just take a moment to read it:

A staff study of Army, Navy and Air Force promotions to General Officer and Flag rank in 1969 revealed this situation: there were 174 officers in the group and their average service was 24 years; these officers had been given 3,695 assignments, or an average of 21 per man: the average duration per assignment was 14 months. Looked at another way, the average officer had spent: 8 years in Operational assignments, 5 years in Service Schools and other educational assignments, and 11 years in Staff assignments.

Although this is a relatively small sample, there is no reason to believe that it is not reasonably typical of the prevailing career pattern of all military officers.

Mr. President, I ask the distinguished Senator, whom we are most fortunate to have heading the Armed Services Committee and who has had such deep experience in this area, if he knows of the time consumed when an officer comes aboard, of the time taken for welcome parties and getting acquainted parties and of the fact that we have an average officer assignment of 14 months.

How can that man really perform that function and duty? It is not just the Army and the Air Force which are involved, but the Navy is also in that position. From the standpoint of efficiency and of morale the ships are hardly ever in a condition of readiness with the rate of turnover we have.

The study states, "Let us do something about it." The services themselves and the Department of Defense say they are in sympathy with the many recommendations made by Members of Congress and the services themselves. The procedure is not only costly but it also affects the morale of the personnel involved.

I urge the Senator to support this amendment which will cause this principle to go forward.

What we are offering is a $140 million reduction in 2 or 3 years. I think the military could double or triple that amount on their own initiative later.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the distinguished Senator from Mississippi.

Mr. STENNIS. In the first place I wish to say that this matter of personnel has to be reviewed from many standpoints when the shooting stops in Vietnam. It is a matter that our committee has not gone into very much, not since I have been chairman. These matters are passed on directly by the Committee on Appropriations. As the Senator knows, money for personnel is itemized to a degree and passed on by the Committee on Appropriations.

Frankly, I think most of the military dollar for going-personnel, operation and maintenance, goes for that purpose. I believe 60 cents out of every military dollar goes for that purpose.

There must be a sweeping review of this matter if we are to have a modern, hard-hitting and effective military service in all the groups.

But the Senator has brought up something here that appeals to me some. I think the Senator's percentage of 25 percent is high. I think that is too much to expect in the beginning.

I want to ask a few questions. The Senator has expressly excepted here, in applying the formula, the assignment of military personnel in combat zones. The Senator means by that any personnel sent to South Vietnam. Under this amendment he would classify that as a combat zone. Is that correct?

Mr. PERCY. That is correct. All combat zones are excluded.

Mr. STENNIS. It would take out all activities in combat zones. Then the Senator excepts expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense. That is within all the services and the Department of Defense, such as training down at Lackland Air Force Base where the new men go. That is basic training. Would that be excepted? Then, they go on to another base to technical training; some of them are assigned to one school and some are assigned to another school. Would the Senator except all of their activities in this field of initial training?

Mr. PERCY. I except all of this from that amendment. My feeling is that if we stop this excessive turnover, there will not be a need for all of this training, because not every man will become a member of the Joint Chiefs of Staff.

Mr. STENNIS. But you except those?

Mr. PERCY. Absolutely.

Mr. STENNIS. Let us take the National War College. That is excepted and would not be counted in any way?

Mr. PERCY. That is correct.

Mr. STENNIS. From the bottom to the top is all excepted?

Mr. PERCY. All is excepted.

Mr. STENNIS. That is a good way to get at it.

The starting point is the figure of 25 percent reduction. Line 8 on page 2 of the amendment states: "as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970,".

The Senator's amendment would freeze the situation, so to speak, at July 1, 1970, and use that next period as a starting point.

Again, we have the war going on and we have these troops coming back from South Vietnam, and a lesser number going to Vietnam. That is an abnormal situation. We believe it is going to be better than that. What is the Senator's response to that? That swells the formula. But when you take those items out and apply the Senator's 25 percent it presents another problem.

Mr. PERCY. This gives them an extra kitty because I would not reduce the base they have now, a high base because of the turnover. They have a much higher turnover of personnel now. I do not exclude that. They work on a high base and we are asking them to reduce 25 percent of that high base. They might come in with a substantially lower figure. My concern is that the figure of 25 percent might be too low, but I have taken that into account and what I want to do is to establish the principle because as Secretary Packard said last night, and I think these words are exceedingly important on this very provocative matter:

In my memo I told the Services to select people with the right background and education for management, give them appropriate training, give them recognition, and leave them on the job long enough to get something done.

All four services have accepted my recommendations.

Mr. President, I ask unanimous consent to have printed in the RECORD the entire text of the speech by Secretary Packard.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY HON. DAVID PACKARD, DEPUTY SECRETARY OF DEFENSE, AT ARMED FORCES MANAGEMENT ASSOCIATION DINNER LOS ANGELES, CALIF.

I am delighted to be with you here in Los Angeles tonight. I am sorry I was not able to spend more time at this conference, and particularly sorry not to hear Gil Fitzhugh this noon. He and his Blue Ribbon Panel have done an outstanding job in making recommendations which will improve the operation of the Defense Department.

Secretary Laird and I intend to move ahead as quickly as possible to put most of the 113 recommendations into effect.

I agree in particular with the Committee's recommendation that more decentralization of the Department is necessary. To me that means more decision-making at a lower level and less time-consuming and duplicate second-guessing topside.

This gives me a problem on the recommendation for the three deputies. We do not want to create a structure that adds more top-level involvement in the working man's business. I appreciate the implication that I have to work hard. I do put in long hours. I assure you, however, that much of my time has been spent doing things that lower levels should do. Three deputies would tend to pull even more decision-making up to the top, and we do not want to move in that direction. What we want to do is give a man a job and let him do it.

The report greatly under rates the Joint Chiefs of Staff. I have spent a great deal of time working with the Chiefs during the past year and a half. I found them among the finest, most dedicated, most capable men I have ever known. They have given Secretary Laird and me their complete support and cooperation.

There is no question about civilian control of military operations. Secretary Laird or I approve every operating order; but we do need to streamline the chain of command for operations. This will be done on a careful, step-by-step basis because the problems are complex, and also because we need to assure uninterrupted combat readiness of our forces.

We intend to give the Service Secretaries and the Services more responsibility so that they can do their jobs. Before they can do their jobs right they will have to break down some of the multi-layer staffing that has built up over the years and work together better to avoid unnecessary duplication. In short, the problem is not the people—it's

the system. And now, how does this apply to the procurement problem and this meeting you have been holding this week.

I suppose that some of our critics will call this a meeting of the military-industrial complex. So be it. I am not embarrassed by the fact that we need industry to help the Department of Defense. I am only embarrassed that we haven't done a better job. Many of you, and certainly those *not* in the industry, may expect me to talk about what a grand job we have all done and how necessary we are for one another. I am not going to do that. I am going to talk about the things we do wrong and the things that we have to do better.

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers' dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the Defense business. Some uncertainties will always exist. *However, most of it has been due to bad management, both in the Department of Defense and in the Defense industry. We can and are doing something about that.* I am not talking just about cost over-runs as so many of our critics do. Over-runs are the end product of our mistakes rather than the key issue to be addressed. I am surprised that our critics took so long to discover cost over-runs. They have been around for a long time, and many of the cost over-runs that receive the most publicity were organized by Defense and industry years ago. *We are now paying the price for mistakes in contracting, in development and in management.*

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

Let me first mention two things that won't help.

It won't help for Congress to legislate detailed and inflexible rules governing procurement.

Nor will it help to put the General Accounting Office in the process of making management decisions. The GAO deserves the highest marks for auditing, but the talents of a good auditor are not identical with those of a good manager.

The pressures are strong to insert the Congress and its right arm, the GAO, into the details of day to day management decisions in the Department of Defense. Until we in the Department and you in defense industry demonstrate that we can provide capable and efficient management, these pressures will continue.

I have been in this job now for 19 months. Frankly, I am ashamed I have not been able to do very many of the things that need to be done to improve the situation I found here in January 1969. The most frustrating thing is that we know how we ought to manage—you, me, all of us—and we refuse to change based on what we know. Every time we want something done in a hurry and want it done right, we have to take the project out of the system. We give a good man direction and authority and let him go—and it works. When we needed sensors in a hurry for Vietnam, we got the best man we could find—General Starbird—gave him all the authority he needed and told him to produce—and he did. And I don't know why anybody would be surprised. His successor, General Lavelle, has had the same authority, has consistently returned money from his budget, has done all the management things that people say you are supposed to do, and meets every requirement—financial, managerial or operational—that we could want. Industry does the same thing. The "Skunk Works" in Lockheed has had tough, complex, expensive and demanding programs. Kelly Johnson produces.

On the other hand, when we are not in a hurry to get things done right, we over-organize, over-man, over-spend and under-accomplish. The most dramatic contrast is within Lockheed. Kelly Johnson and his programs, and the Air Force and Lockheed on the C–5A. I simply cannot understand why we are unable to change the system to avoid the C–5As and get more Skunk Works. We must find a way to do this job right, and you bear as much responsibility as I do.

We need good people—and by that I mean you—who will step up to their responsibilities. That is what decentralization is all about.

In the hope you would do this, on May 28 I issued a memorandum of guidelines for Major Weapons System Acquisition. There is nothing in this memorandum that you don't already know. As a matter of fact, the management principles in my memorandum are so simple that anyone who could not have written the memorandum himself doesn't belong in management. Again and again I have made a big point about getting the right man in the right job and giving him authority. But it is just not that simple. Admiral Rickover is a good example. The Admiral is a man of considerable capability. He has his own style, but he produces. He got a program, had to fight the system tooth and nail to get it, challenges the system every chance he gets, but is still saddled with the system. I had a long talk with him after the 28 May memorandum was published, and it was clear that I hadn't taught him anything about management. He told me that the principles were great but that if we couldn't get to the system that sits on top of the manager, nothing else mattered. He is right.

I know Secretary Laird and I bear the responsibility for the system in the Department of Defense, and I am going to keep working at it. But you in industry bear a similar responsibility, and I expect you to do the same thing.

In my memo I told the Services to select people with the right background and education for management, give them appropriate training, give them recognition, and leave them on the job long enough to get something done.

All four Services have accepted my recommendations—and their letters say that they agree. But on at least two occasions they have taken actions exactly contrary to those suggested. The Air Force and the Navy are both involved. In one case, a small dedicated Air Force team developed the gunships which have been so successful in Vietnam. The Air Force decided to put this program into its formal system. About a month ago I asked when we would be able to get some more gunships. The answer was in two years. That program is now out of the Air Force system, and we will have more gunships in six months.

In the other case the Navy, shortly after agreeing that a good manager should be kept on the job long enough to get it done right, proceeded to promote a key manager at a critical time from an important program to another assignment. The system wins and the cause of good management loses.

In my memo I talked about policies for development of new weapons spstems. The lesson that comes through loud and clear here is we should buy only what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost. And we in the past have sometimes been guilty of over-optimism on our cost estimates and over-demanding in our requirements. We share the blame together, but the mistakes of the past cannot be repeated if we are to provide for the nation's defenses in today's climate of a critical public and a critical Congress. We are going to buy only things that we need, and we are going to make sure they work before we buy. The same thought carries over into full-scale development and production. We must know what we are going to do and how to do it before we go into production. We are not going to put things into development until we are sure we need them, and we are not going to put things into production until we are sure that they work.

This has been a short speech. I have tried to speak very frankly and directly this evening because the problem is very real. It is you people here tonight and the Department of Defense that must take action to solve these problems. We recognize that these problems cannot be solved overnight and perhaps some of them cannot be solved at all, but it is very clear that it is unacceptable to continue to do business as we have done it in the past.

The things I have had to say tonight and the things I said in my 28 May memorandum are simple. Many times we have done a bad job—we are going to do a better one. We are going to know what we are doing before we do it, and we are going to manage it better. We have a lot of obstacles in front of us and some of them we created ourselves. We have given our critics the opportunity to find us at fault, and we run the danger that their efforts to direct Defense management will just compound the mistakes in the Department. We don't need more supervision and more people in the act. We need fewer people. The system in the Department of Defense is going to change. Secretary Laird and I are going to demand it. I expect you who are here tonight and everyone else who does business with the Department of Defense to do the same. That is all I have to say.

Mr. PERCY. Secretary Packard recognizes, as do other personnel at the top level, that the system of rotation is counter productive.

Mr. President, I ask for the yeas and nays.

Mr. STENNIS. Will the Senator withhold his request? Let us debate this matter a while longer.

Mr. PERCY. Mr. President, I withhold my request.

Mr. STENNIS. The Senator has almost exhausted his time. Does the Senator wish to yield the floor so that I may make a few comments?

Mr. PERCY. I would be glad to do so, but first I wish to ask how much time I have remaining.

The PRESIDING OFFICER (Mr. BAYH). The Senator has 3 minutes remaining.

Mr. PERCY. I thank the Chair.

Mr. STENNIS. The Senator has been speaking on his time and his time is nearly exhausted.

Mr. PERCY. The distinguished Senator means that he also has been speaking on my time, but that is perfectly all right. I have concluded most of my argument.

The PRESIDING OFFICER. The Senator is recognized for 5 minutes.

Mr. STENNIS. Mr. President, we have other members of the committee present and I am not going to take more than a little time.

As I have said, this matter has not been neglected. In other words, the figures show that there was a reduction in the 1971 budget of $88 million on this very item, bringing it down from $524

million, by $88 million in round numbers. Of course, we have a war. That figure is for the Army only. We have the war figured in on this matter, which makes it an exception. This is a matter that is passed on by the Appropriations Committees heretofore with reference to items of this kind.

I think, frankly, the matter of personnel is something that has to be reviewed. Reductions are going to have to be made. I believe we can save some money with reference to the repeated assignments. Perhaps there are too many of them, anyway. Others can pass on that question better than I can, to a degree; but I think we can save some money and stabilize the matter somewhat.

I remember 10 years ago, during consideration of the military construction bill, concerning the matter of messhalls, we authorized battalion messhalls with the very idea of meeting the problem the Senator outlines. I do not know how far that program went, but it was trying to get at the very thing the Senator from Illinois appropriately brought out.

Even though the money is not in the bill, I have been concerned about the personnel cost and about the quality of the men rather than a great number.

I look with some favor on the idea of a more active review of this matter each year, but I have great reservations about the level of reduction embodied in the amendment. If it goes to conference, I hope the Senator will understand that we will do the best we can with it, but that 25-percent level seems mighty high.

I am ready to yield the floor, or will yield to any Senator who wants to speak.

Mr. GOLDWATER. Mr. President, will the Senator yield me some time?

Mr. STENNIS. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I think the amendment of the Senator from Illinois points up one thing that we probably overlook in this body as we constantly criticize the military for the personnel policy. When we stop and think about it, the military really has not had any time to stop and organize. There was no military to speak of prior to World War II. All of a sudden, overnight, we had to provide forces up into the millions. We followed antiquated methods of personnel policy and deployment of personnel. When World War II was over, we all remember the cry of "Get the boys home by Christmas," and by Christmas we did not have a military establishment to talk about.

Then we had Korea. Then, overnight, we had to organize again. Then Korea sort of petered out, although not completely.

Then Vietnam came, and when it came the President of the United States said, "We are not going to send any boys to Asia." So we did not have the force levels we needed. Consequently, when, the year following, we sent thousands and thousands of men to Southeast Asia, we had to again engage in, we might say, nonlucrative, and almost senseless, personnel procedures. We robbed the NATO forces in the early stages of the Vietnam war, to provide men for Vietnam.

So I do not think we should be so openly critical of the Pentagon, because, really, we have never had enough time, in the last 30 years, for the Pentagon to pause and decide what could be a workable, sensible personnel plan.

I might say to my friend from Illinois that the figures he quoted from the study at first glance are very shocking. I can agree with him, having been in business as he has been, that we would never subject our executives to that intensive type of training. But, again, the Pentagon really has not had enough time to get down to the nub of how it should train men for higher jobs. For example, for a long time—and it still may be—a man was never considered for a top position unless he had had combat experience in the different forces. I remember in the Air Force when a pilot could not fly in combat because he had not been trained by the Air Force, or the Air Corps in those days.

Those things have changed, but the time that the average enlisted man or officer spends in permanent assignment is too short. The only exceptions are the assignments in Washington, where the L and L officers stay for years, and they turn into mighty fine officers for their respective branches.

I do think that some changes have to be made in personnel in all the branches, but, again, until we can get this country into a period of peace, I do not believe we can expect any radical changes in personnel practices.

I know there is great concern about this question in all the branches, but little is known about it and they do need help. Roger Kelley, an expert on personnel, whom the Senator knows, and who was formerly with Caterpillar Tractor, is now heading up personnel in the Pentagon. He and I discussed some changes he is going to make that will be quite radical in their nature.

I am in great sympathy with the Senator's amendment. I am very hopeful my chairman will take the amendment, take it to conference, and argue hard for it.

But the part of his amendment that appeals to me the most is when he talks about morale. This has become, I would say, probably the greatest cause for people dropping out of the service—the fact that they have to be separated from their families, not just for a year or 14 months, but perhaps, in 4 years, half of that time. We know from studies we have made that that has been the great contributing factor to a young officer's saying, "I am not going to continue."

May I have 3 additional minutes?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Arizona.

Mr. GOLDWATER. If the Senator used no other argument, that argument in itself would convince me of the wisdom of the amendment. We have to do something about it—and it goes past this amendment—and the forces are working on it. For example, I mentioned yesterday that if an able person is sent to the Mediterranean for a year's tour or 2 years' tour, what is wrong with his wife going to Italy, or some other country adjacent to the Mediterranean, so that the family could be together once in awhile? This is one of the greatest factors accounting for losing our atomic submarine commanders. They cannot see their families for long periods. The morale factor involved in this problem is tremendous.

I think the saving to the forces as a result of retaining personnel in the forces because they can see their families once in awhile would more than pay back the cost at the outset.

I may say to my chairman that I think the amendment has merit. I agree it could be a little too high, but I do not think we or the Pentagon can say whether it should be 20 or 25 or 30 percent, because it is very difficult to approach this question from the scientific standpoint and say precisely how much money will affect how much turnover.

Mr. PERCY. Mr. President, will the Senator yield on that point?

Mr. GOLDWATER. I yield.

Mr. PERCY. It is just about 10 percent of the total item of $1.3 billion, when we try to take into account the real savings in both areas. I attach the 25 percent only to this one item; so, overall, it is not much of a reduction.

Mr. GOLDWATER. I might say that 25 percent is a good starting point, and I would hope that my chairman would see fit to accept this amendment and take it to conference, and, in a very persuasive, learned way, argue for it, as he always does.

I know there are times when Members of this body think this particular chairman does not fight for what the Senator has passed. While I have never been a conferee, I have attended conferences, and I can tell you he is a grownup tiger when it comes to fighting for what we pass over here. So I have no fears about what might happen. I happen to be on very friendly terms with the majority on the House Armed Services Committee, and I shall do my conference work in a different way, but it is effective.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I yield 7 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I think the distinguished Senator from Illinois has made some good points on the amendment he has presented to the Senate. He first mentions economy, and I feel that this amendment would bring about some economy. I have long felt that there have been too frequent transfers in service.

On the other hand, this is a delicate matter, and I think it is one that is very difficult to legislate on. It is my judgment, though, that steps can be taken to improve the present situation.

The second point the distinguished Senator from Illinois made is to try to "drag the military services kicking and screaming into the 20th century," as he expressed it. I would not say I agree with that point, although many times I have felt that the military services have not come abreast of the situation as well as they should.

The thing that hurts me now is to see that so many Senators who probably take that position of "dragging the military services kicking and screaming into the 20th century" are opposing a lot of the

very weapons that the military services are advocating to bring them into the 20th century.

For instance, the MBT–70 armored tank is the most modern tank that has been advocated; and yet we have had sizable sentiment here in the Senate to stop that tank. I presume the Senator from Illinois would favor going ahead with that tank, would he not?

Mr. PERCY. I have taken a position, I believe, in support of that. May I interject just the comment that though the distinguished Senator's remarks are very pertinent, he was not on the floor when I made my comments.

Mr. THURMOND. But the Senator from South Carolina has read the Senator's full speech and is familiar with what he said.

Mr. PERCY. I amplified considerably on the section "though many procedures and practices of the military are modern and advanced," and I wanted to emphasize that, because I pointed out that some of the techniques used by the military services are the most advanced in the world. I am constantly amazed at their aggressiveness and modernity in certain areas.

This is to differentiate between those officers who are modern in their approach, whom I commend and those who are reluctant to modernize, who cling to the past, who do not want to change the procedures, and who are motivated, sometimes, by petty jealousies. I thank the distinguished Senator for permitting me to make that clarification.

Mr. THURMOND. Mr. President, of course, in every organization, you are going to find some with more imagination, more initiative, more drive, and more intelligence than others. The military services, I think, are typical of the American people as a whole.

Another modern weapon we need is the Navy F–14 plane. I think we have some in this body who are opposing that plane. Another weapon system we need is the F–15 supersonic plane. We have some who are opposing that plane.

Those weapon systems are supposed to help to bring us into the 20th century faster than we would otherwise. I presume the distinguished Senator from Illinois would favor the F–14 Navy plane and the F–15 Air Force plane, would he not, to help bring us into the 20th century?

Mr. PERCY. Mr. President, I do not feel that this is an appropriate time for me to commit myself on advanced weapons systems that I have not thoroughly studied.

There is one, though, I am dubious about that I have studied a great deal—the F–111—and I would like to carry on the conversation as to that at an appropriate time. But for the most part, I think the weapons the military have advocated are advanced, and represent a step in progress.

Mr. THURMOND. In the area of the anti-ballistic-missile system, I am sure the Senator is familiar with the tough, hard fight we have had here for 2 years to get an ABM, which is purely a defensive weapon. It does not cross the water, and does not destroy property or people, but would merely destroy the enemy's missiles if they sent them over here to destroy us.

This is a weapon of the 20th century. The Soviets have beat us to it. They have already built and deployed it. In fact, they have had it deployed since 1963.

Mr. PERCY. Would the distinguished Senator permit a comment at that point?

Mr. THURMOND. I would be pleased to yield.

Mr. PERCY. Of course, this is another advanced weapon, but I fully support the Nixon administration position, which is, let us go for zero ABM if we can get a mutuality of agreement with the Soviet Union, and they will desist from production of S–11's and S–9's.

I think the Senator and I both agree that it would be better for us not to spend $40 billion or $50 billion on any weapons system we might not need. I again commend Secretary Packard for his remarkable speech last night, in pointing out that many times we go into these weapons systems that are expensive and time consuming, and never perform the function they are intended to serve.

Mr. THURMOND. I believe the Senator is sufficiently familiar with the ABM to know that the Minuteman point site cost is $11 billion, rather than $40 billion.

Mr. PERCY. It has been estimated by experts that to have an effective area defense as well as point defense, it would cost $40 to $50 billion; and there are people who still feel we ought to build the full system, not the thin system proposed.

Mr. THURMOND. I am not just taking the Defense Department's figures.

Another weapon many have felt we need to bring us into the 20th century is the MIRV, the multiple independently targeted reentry vehicle. We feel this would be a deterrent.

The PRESIDING OFFICER (Mr. BAYH). The Senator's time has expired.

Mr. THURMOND. Mr. President, will the distinguished Senator from Mississippi yield me 10 more minutes?

Mr. STENNIS. How much?

Mr. THURMOND. Ten more minutes.

Mr. STENNIS. That is about all the time we have, I am afraid. Five minutes?

Mr. THURMOND. Five more minutes.

It is important that we go forward with MIRV. I think this is a 20th-century vehicle. Another is the C–5A plane. Some Senators who would bring the military department screaming into the 20th century are opposing the C–5A. I assume the distinguished Senator from Illinois would favor the C–5A, would he not?

Mr. PERCY. In direct reply to that question, I favor advanced cargo planes, of course, but I do not favor this type of procurement, which has been condemned by competent defense authorities probably as much as any other single procurement we have gone into. I trust that the example of the C–5A, in the end, will save us hundreds of billions of dollars. Because of the sloppy procedures used, the cost overruns that we have gone into, the lack of performance against specifications, and the failure of the contractor to really perform as he had originally pledged.

Mr. THURMOND. The Senator feels that we do need the C–5A plane, does he not?

Mr. PERCY. I favor advanced cargo planes adequate to move our equipment and personnel around the world, which I hope will enable us, then, to bring back many of our servicemen from abroad, and rely more upon mobility.

But I think the attack on the C–5A has primarily been on a procedural basis, and I think the Deputy Secretary of Defense, in his remarkable speech last night, accepted in principle the point of those attacks.

Mr. THURMOND. And, of course, we need the C–5A to take equipment and some personnel to other parts of the world in case they are needed in an emergency.

The Cheyenne helicopter is another example of coming into the 20th century. The thing that amuses me, Mr. President, is for someone to make the statement that we have got to drag the military services into the 20th century when, as a matter of fact, they are trying to get into the 20th century, and there is sentiment here, and sizable sentiment, among certain Senators, to keep them from coming into the 20th century.

That is exactly what some of us are trying to do, to bring the military services up to date, to help them to come into the 20th century.

The next point the Senator made in his speech was on the question of morale. I think this is a matter, of course, that cuts both ways.

I think the Defense Department has made too frequent transfers and too many transfers of personnel. On the other hand, we must keep in mind that they must have the power to transfer officers and men in order to train them to provide the necessary leadership. They must be put in positions of leadership and get that training. This is important, and it must be kept in mind.

Mr. President, in my opinion, there is merit in this amendment, but I think it is an intricate matter. I think it would have to be worked out later. The Defense Department should be conferred with and we should get their opinions if we are going to legislate on this question as to some of the things that could be done. I would suggest and hope that the chairman would agree to take the amendment to conference, and then we could work it out.

I do not think it will save the money that the distinguished Senator from Illinois thinks it will, but I do think it will save money if it is properly worked out. I believe the improvement can come in the field and that good can result. For that reason, I would go along with the chairman if he sees fit to accept the amendment and take it to conference.

Mr. STENNIS. Mr. President, I thank the Senator from South Carolina.

It is of value here to have the opinion of the Senator from South Carolina and the Senator from Arizona, who are well versed from actual experience in the practical side of this matter.

I want to emphasize to the Senator from Illinois that all of us on the committee approve the principle he has in his amendment. He sees that all of us think that 25 percent is too high, perhaps. But we are entirely willing that this

be added as an amendment to the bill, and we will take it to conference.

As the Senator from South Carolina has said, the Defense Department and the services will be given a chance to really get down to the nub of this matter and make whatever showing they wish. The conferees on the part of the House will be well versed in this matter. It is a matter that has been handled by appropriations heretofore, and the Appropriations Committee may become concerned about this matter.

Within those lines, we want to make the principle of the Senator's amendment stick, and if we do that, it will be a start.

Under those circumstances, I am glad to support the amendment.

Mr. PASTORE. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from Rhode Island.

Mr. PASTORE. I congratulate the Senator from Illinois for offering this amendment, because this has been a matter of grave concern even to the Joint Committee on Atomic Energy. We are moving now into a different kind of armament arsenal—thermonuclear weapons, nuclear submarines, and missiles—and a man is just about trained for a specific task, and the next thing we know, he is shifted to another task.

The point is that in the process we are wasting a great deal of money and, secondly, we are actually depriving ourselves of the expertise acquired—the expertise that is essential in these demanding times.

The Joint Committee on Atomic Energy has had very exhaustive hearings on this matter of rotation. We have admonished the Defense Department time and time again. I understand that one cannot get a promotion unless he moves one from one post to another. Because of that, the Government is wasting money that is used to train these people and then the Government is being denied their expertise that is necessary in this complex age. This is because rotation displaces old skills with new hands.

I would hope that this amendment would stick in conference.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from Iowa.

Mr. MILLER. Mr. President, I understand what the amendment of the Senator from Illinois seeks to do, and I am wholeheartedly in support of it. I think it is a real contribution.

I would just like to suggest, however, that in the provision of his amendment which would exempt from its application the assignment of military personnel in combat zones, we also add the phrase "or hardship areas."

The reason for doing this is that I am quite sure the Senator would not want this to apply in the case of assignments to far-off places such as the DEW line, in Canada, or Thule, in Greenland. There are not many of these, but I think they are very important.

This is just by way of suggestion, based upon a little of my own personal experience.

Mr. PERCY. I understand that the distinguished Senator from Arizona is in accord with the distinguished Senator from Iowa's suggestion. I would also feel that it might meet some of the additional leeway that the distinguished chairman has asked for here, if we accept this amendment, to include hardship areas as well.

So I ask unanimous consent that the modified wording suggested by the distinguished Senator from Iowa be incorporated in the amendment.

Mr. STENNIS. The Senator can modify it. It is modifying language.

I think the Senator should spell out, by illustrations, what he means by those words.

Mr. MILLER. The modification to which the Senator from Illinois refers would come on line 14, page 2, following the word "zones," and it would consist of the words "hardship areas."

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOLDWATER. Actually, the language contained in this amendment, "combat zones," would be better served if we called it "hardship areas," but it is too late to change. I am sure we know what we are talking about. The addition of "hardship areas" would take care of the relatively few men who serve on the DEW line, who serve in the Antarctic, who serve in hard-to-live places around the world. They would come under hardship pay and not combat pay. It is all the same thing.

I think the Senator has been very wise in accepting this, and this colloquy should make perfectly clear what we mean and should make it easy for the Secretary of Defense to make up his mind.

Mr. PERCY. I thank the Senators for their contribution to this matter.

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Illinois has 3 minutes. The time of the Senator from Mississippi has expired.

Mr. PROXMIRE. Mr. President, will the Senator from Illinois yield to me?

Mr. PERCY. I yield 1 minute to the distinguished Senator from Wisconsin.

Mr. PROXMIRE. I, too, commend the distinguished Senator from Illinois for his amendment. I think it is a good amendment, a thoughtful amendment, one which was recommended by the Fitzhugh committee report, so it has had careful consideration. The need for the amendment has been well documented by the Senator from Illinois.

The amendment would save $140 million and at the same time it would improve morale.

I think it is especially important that we reassert again that it would not affect assignment to Vietnam. This would not mean that it would increase the period that troops have to serve in Vietnam. The amendment specifically exempts combat zones.

I think it is a fine amendment, and I congratulate the Senator from Illinois. It is very hard to get amendments adopted to this bill, and he has shown the way to do it, and I congratulate him also on his effectiveness.

Mr. STENNIS. I do not know that it is hard to get an amendment adopted to this bill. It depends on the merit of the amendment.

Mr. PROXMIRE. My point is that the Senator from Mississippi has been pitching a no-hit game here. Any time he opposes an amendment, it goes down. I am congratulating the Senator from Illinois on the effectiveness of this one.

Mr. PERCY. I am glad to have the testimony as to the flexibility and wisdom of the chairman of the committee. He has done a wonderful job in steering this bill through.

In a bill this size, one may think of $140 million as a small amount, but the principle is important. The principle has been established that there are initiatives that Congress must take, not in opposition to the executive branch or the Department of Defense, but to shore up and strengthen the hand of those within the Defense Department who are looking for funds for urgent, vital needs that we are not meeting now because they have had to pare and reduce other expenses. If we can find soft areas and give them that money and restore it to them for other weapons systems where the money can be better spent, I think we are wise in doing so.

Mr. STENNIS. Is the Senator certain that his modification is in the RECORD?

The PRESIDING OFFICER. Would the Senator care to ask unanimous consent to incorporate the requested modification in his amendment?

Mr. PERCY. I ask unanimous consent for that purpose.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, I ask unanimous consent that the names of the Senator from Oregon (Mr. PACKWOOD) and the Senator from Iowa (Mr. MILLER) be added as cosponsors of the amendment.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). Without objection, it is so ordered.

Mr. PERCY. Mr. President, I should like to express my deep appreciation to the members of the Armed Services Committee, on both sides of the aisle, for their patience and the time they have given me and for their acceptance of the amendment.

Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. BAYH). All time on the amendment has now expired.

The question is on agreeing to amendment No. 818 of the Senator from Illinois (Mr. PERCY).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr.

HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Georgia (Mr. RUSSELL), the Senator from Alabama (Mr. SPARKMAN), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), and the Senator from Texas (Mr. YARBOROUGH) are necessarily absent.

I further announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Iowa (Mr. HUGHES), the Senator from Alabama (Mr. SPARKMAN), the Senator from Alaska (Mr. GRAVEL), and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. SCOTT. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from Kentucky (Mr. COOK), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. GRIFFIN), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Colorado (Mr. DOMINICK) is detained on official business.

If present and voting, the Senator from Kentucky (Mr. COOK), the Senator from South Dakota (Mr. MUNDT), the Senator from Oregon (Mr. HATFIELD), the Senator from New York (Mr. GOODELL), the Senator from California (Mr. MURPHY), the Senator from Illinois (Mr. SMITH), and the Senator from Colorado (Mr. DOMINICK) would each vote "yea."

The result was announced—yeas 69, nays 0, as follows:

[No. 262 Leg.]

YEAS—69

Allen	Fong	Mondale
Allott	Fulbright	Nelson
Anderson	Goldwater	Packwood
Bayh	Hansen	Pastore
Bellmon	Harris	Pearson
Bennett	Hart	Pell
Bible	Holland	Percy
Boggs	Hruska	Prouty
Brooke	Inouye	Proxmire
Burdick	Javits	Randolph
Byrd, Va.	Jordan, N.C.	Ribicoff
Byrd, W. Va.	Jordan, Idaho	Schweiker
Case	Kennedy	Scott
Church	Long	Smith, Maine
Cooper	Magnuson	Spong
Cranston	Mansfield	Stennis
Curtis	Mathias	Talmadge
Dole	McClellan	Thurmond
Eagleton	McGee	Tower
Eastland	McGovern	Williams, N.J.
Ellender	McIntyre	Williams, Del.
Ervin	Metcalf	Young, N. Dak.
Fannin	Miller	Young, Ohio

NAYS—0

NOT VOTING—31

Aiken	Cotton	Gore
Baker	Dodd	Gravel
Cannon	Dominick	Griffin
Cook	Goodell	Gurney
Hartke	Moss	Sparkman
Hatfield	Mundt	Stevens
Hollings	Murphy	Symington
Hughes	Muskie	Tydings
Jackson	Russell	Yarborough
McCarthy	Saxbe	
Montoya	Smith, Ill.	

So Mr. PERCY's amendment (No. 818), as modified, was agreed to, as follows:

At the end of the bill add a new section as follows:

SEC. 507. In order to reduce annual expenditures in connection with permanent change of station assignments of military personnel and in order to help further stabilize the lives of members of the Armed Forces and their dependents, the Secretary of Defense is directed to initiate promptly new procedures with respect to domestic and foreign permanent change of station assignments for military personnel under which the length of permanent change of station assignments will, whenever practicable and consistent with national security, be made for longer periods of time. The Secretary shall achieve not less than a 25 per centum reduction in such expenditures in the fiscal year beginning July 1, 1971, and in each fiscal year thereafter, as compared with expenditures for such purposes in the fiscal year beginning July 1, 1970, taking into account the relative number of men in military service during such fiscal year and other relevant factors. The provisions of this section shall not apply with respect to the assignment of military personnel in combat zones or hardship areas or with respect to so-called fixed expenditures resulting from training, separation, promotion, and similar activities within the Department of Defense.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. FULBRIGHT. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on the amendment of the Senator from Arkansas. It is amendment No. 812.

Mr. FULBRIGHT. Mr. President, I hope that we can dispose of this amendment very soon. I hope that some Senators will remain in the Chamber for at least a brief period of time. The Senator from Mississippi wishes to make a statement. We had a long colloquy of an hour and a half or 2 hours on yesterday.

Mr. STENNIS. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MANSFIELD. Mr. President, it is anticipated that we will take up the pending business, which is the Fulbright amendment, then the Bayh amendment, and that we will then go into the consideration of the Public Works appropriations bill. If we possibly can, we will try to finish the appropriations bill this afternoon. So, everyone is on notice.

Mr. STENNIS. Mr. President, I insist on order. This is an important amendment that is of interest to every Senator.

The PRESIDING OFFICER. The Senate will be in order.

Mr. FULBRIGHT. Mr. President, on yesterday afternoon we had a very interesting and thorough colloquy regarding this amendment.

The Senator from Mississippi and I are very close in our views on this amendment. The amendment seeks to put into law the language of the committee report and add Laos. The Senator and I have discussed an understanding of this amendment and what the committee intended.

I think that we mean to accomplish the same objective. It is primarily a question of whether this language should be in the law and Laos included.

I yield to the Senator from Mississippi.

Mr. STENNIS. Mr. President, I thank the Senator. It is possible that this matter can be disposed of, if that is the will of the Senate. It is a highly important matter. I think that every Senator here ought to have a chance to be heard. It is a little complex, but we will not rehash it.

I heartily agree with the Senator from Arkansas that we had a colloquy here yesterday that very fully, I think, and clearly stated the position of the Senate Armed Services Committee in this question of certain funds for military aid in South Vietnam and all the Indochina area.

My remarks now relate to amendment 812, the matter now before the Senate. Briefly stated the position of the Senate committee was that we approve the expenditure of these funds over into Cambodia on the sanctuary—the principle of destroying sanctuaries, and forays that had to do directly with the Vietnamization program, the withdrawal of our troops, and the protection of our troops.

Our interpretation was that that language permitted the President even to use this money to go back in on a sanctuary matter, if necessary. We took this up when the battle was going on over there.

The amendment of the Senator from Arkansas places a limitation on clause A, as pointed out by the colloquy that we had. I think it is a part of what was intended as a part of the law.

So I said to the Senator this morning if his amendment goes to conference we will have at the conference table the bill as passed by the House, and that has the language in it "in Vietnam" which we thought was too narrow. We took that out and substituted the language I already described. Then, we will have before us the Senate language and also the Senate report and we will have the Senator's amendment. All of that material will be in conference.

We had a splendid discussion here yesterday which was participated in by the Senator from Arkansas, the Senator from Arizona, the Senator from South Carolina and others. I do not recall the names of all the Senators who participated but the substance of the colloquy was that we are not limiting the sanctuary idea—the destruction of it—limiting the support of the Government—period. That is it.

I feel we could accept this amendment.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. I had only one feeling of doubt, as I expressed yesterday, and that would concern the interpretation of our possibly interfering with activities of another government. I

studied this proposal last night. I think the language the Senator proposed would not do that.

We are not saying to South Vietnam, "You cannot attack Laos." We are saying "You cannot expect any help from us if you do it."

I think the language of the Senator from Arkansas is clear on that point. I think the colloquy yesterday established the fact that neither the Senator's language of the committee, nor the language of the House will preclude the use of our tactical air support of the Laotian army when they call for it.

I must say this is a limited time of year, when the monsoons are over there, as the Senator knows. This would include the use of a helicopter drop but it would prevent the use of our ground forces at any time. I would certainly support any move in that direction and would deny funds to South Vietnam for support of any invasion of theirs. If they want to do it on their own, with their own money, it is up to them.

I think the amendment, as the distinguished chairman has said is one we can take to conference. I think, having slept on it overnight, it is better language than we came up with, and we worked a long time on this because we were in the middle of the Cambodian sanctuary move and we were very anxious that the language we reported to the Senate would indicate that the committee did not want to support any government, not only in Southeast Asia, but any place.

I certainly hope, Mr. President, we can take this to conference and that it will prevail.

Mr. STENNIS. I thank the Senator.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield to the Senator from South Carolina.

Mr. THURMOND. It appears that this amendment is in line with the committee report and also from the colloquy yesterday between the distinguished Senator from Mississippi, the chairman of the Committee on Armed Services, and the distinguished Senator from Arkansas (Mr. FULBRIGHT), exactly what it means. It has been interpreted more clearly now, and I think it would be proper and wise for the Committee on Armed Services to go along with this amendment. I would suggest to the chairman that we do go along with it. As far as I am concerned, I am willing to go along with it.

Mr. STENNIS. I thank the Senator.

Mr. FULBRIGHT. The Senator from Mississippi mentioned a number of Senators a while ago. The Senator from Kentucky has been extremely interested in trying to define the limits of the engagement in Southeast Asia. He has made a great contribution to the Senate's consideration of this subject.

I interpret this amendment and the intent of the committee to be quite consistent with the intent of the Cooper-Church amendment, that is, to prevent an expansion of the war. The amendment does not relate to our own activities but to those of countries that could be financed under the authority of this bill.

I again reiterate this pertains to the possibility of our financing military activities by the South Vietnamese or the Thais in support of the governments of Cambodia and Laos. I believe everybody agrees that we should not do that. It seems to me intolerable that we should finance that kind of activity.

I am very pleased the chairman will accept the amendment and take it to conference.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. MILLER. So that we are absolutely clear on this point, the Senator knows the Thais are concerned about possible incursions into Cambodia which, in turn, could pose a threat against Thailand. Does the Senator see anything in his amendment which would preclude some of this support for Thailand forces operating actually in Cambodia but for the purpose of avoiding attack on their own country?

Mr. FULBRIGHT. I am bound to say it would prevent us from financing from these funds Thai forces which might fight for the Lon Nol government. If they want to do it on their own we cannot stop them. But we do not have to pay the bill. This is somewhat like the subject we discussed yesterday. We have been paying these people far more in bonuses than we give in combat pay to our own troops. That is not a good practice and it distorts our whole relationship with these countries.

In this case I would interpret the DOD funds are not to be used to support Thai forces that go into Cambodia to support the Lon Nol government. That is one of the objectives of the amendment.

Mr. MILLER. The Senator from Iowa understands the sentiment is not to allow Thai troops to go into Cambodia in support of the Lon Nol government. But that was not the question.

The question was with respect to the use of these funds to allow Thai troops to go into Cambodia, not to support the Lon Nol government, but to help them protect Thailand from a fairly imminent attack on Thailand from Cambodia. There has been the problem of some incursions coming in from Laos, into the northern areas of Thailand.

Mr. FULBRIGHT. They were not involved. The Senator is expanding the concept into a whole new area.

We are talking about operations by the South Vietnamese in the sanctuaries and for the protection of our troops in Vietnam. That is what the money under this authority is limited to.

My interpretation is that the Senator's example is forbidden by this amendment. We are not going to finance the Thais; they can finance their own operations in Cambodia, if they choose to intervene.

Mr. GOLDWATER. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. GOLDWATER. It might better be explained by saying that if the Thai government wants to attack anybody at any place that is their business. They do it on their own but not with our money.

Mr. FULBRIGHT. That is true. We are not trying to tell the Thais they cannot attack Burma or China, but that none of our money will be used to finance their doing it.

Mr. MILLER. I think what I am geting at is that we are so prone to think about privileged sanctuaries along the border of South Vietnam that we overlook the fact that we can have privileged sanctuaries in Laos or the western area of Cambodia, which bases would or could pose a threat to Thailand.

That is the type of situation that I am directing my question to. There is a great deal of difference between taking care of a sanctuary situation in the western part of Cambodia which poses a threat to Thailand and sending a lot of troops into Cambodia and supporting the Lon Nol government. I am trying to bring that situation out because I believe the example I put in the RECORD is not one we would want to cover by this amendment.

Mr. FULBRIGHT. I do not know that I have anything to add to what I have said. That is not the policy of the committee, as I understand it, as expressed in the report.

Mr. MILLER. May I ask the distinguished chairman what the policy of the committee would be on that point?

Mr. STENNIS. Mr. President, this is all reflected in the committee report. I think the best way to get it in proper focus is to read the committee amendment and the committee report.

The House bill and the Senate version of the bill expressly provide that this money can be spent for local forces in Laos and Thailand, so there is no doubt about that, and it is left as it was in the House bill.

Let me read the committee language first, on page 19 of the bill, line 4. It states that the funds are to be made "available for their stated purposes to support: (A) Vietnamese and other free world forces in support of Vietnamese forces, (B) local forces in Laos and Thailand." We took the words "in Vietnam" out because that was too narrow to cover the sanctuaries. We wanted to cover the sanctuaries.

We define that further in the report on page 106:

> The Committee is of the opinion that the use of the authority in section 401 of the fiscal year 1970 act (and its related appropriation act provision) to support South Vietnamese and other free world forces in border sanctuary operations in Cambodia and in protective reaction strikes in these same areas was correct. Such action is in line with the policy of Vietnamization which in turn has and will continue to assist in the reduction of U.S. forces in Vietnam and the protection of such U.S. forces as remain in Vietnam. Doubt has been expressed by some that because of the use of the words "in Vietnam" in this section, as to whether any support for South Vietnamese or free world forces outside of Vietnam in the sanctuaries of Cambodia is authorized. The Committee desires that there be no misunderstanding about the authority for those important actions and has accordingly changed the language of this section to remove all such doubt.
>
> In making this clarification it must be clearly understood that there is no intent to broaden the authorization beyond the support of participation in border sanctuary and related operations in order to protect U.S. forces in Vietnam or to accomplish protective reaction strikes. The purpose of the clarification is to make clear that the use of Defense funds is authorized for support in those areas of Cambodia where for the purposes of

Vietnamization or the protection of U.S. troops military action becomes necessary.

And that means the action we were in when the report was written or any future actions of that kind; and the Senator from Arkansas agrees with that—

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

So money from this bill cannot be used for anything that is primarily in support of the Cambodian Government. The money provided in the bill can be used for anything that goes with the Vietnamization program, the withdrawal program, the protection of our troops, the destruction of sanctuaries. We have heartily agreed on that. That is the extent of the amendment. I think it is time we get it clearly understood. I cannot go any further than I have.

Mr. MILLER. Mr. President, will the Senator from Arkansas yield to me so I can ask the Senator a further question?

Mr. FULBRIGHT. I yield.

Mr. MILLER. I appreciate the Senator from Mississippi's explanation.

As I understand it, the last sentence that we read—

There is no intent to permit the use of DOD appropriations under this authority to support Vietnamese and other free world forces in actions designed to provide military support and assistance to the Cambodian Government.

actually is expanded still further by delimiting the type of sanctuary operations to those which are pretty much related to U.S. forces in South Vietnam, and that if there are sanctuary operations that are not so related, then the proscription would apply?

Mr. STENNIS. Generally that is correct; yes.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Arkansas.

The amendment (No. 812) was agreed to, as follows:

On page 19, after the period in line 8, insert the following: "Nothing in clause (A) of the first sentence of this paragraph shall be construed as authorizing the use of any such funds to support Vietnamese or other free world forces in actions designed to provide military support and assistance to the Government of Cambodia or Laos."

Mr. STENNIS. Mr. President, the Senator from Indiana (Mr. BAYH) has an amendment.

I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceed to call the roll.

Mr. BAYH. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 828

Mr. BAYH. Mr. President, I call up my amendment No. 828.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk proceeded to read the amendment.

Mr. BAYH. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered. The amendment will be printed in the RECORD.

Mr. BAYH's amendment (No. 828) is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. —. Section 412 of the Military Construction Act of 1959, as amended, is amended by adding at the end thereof a new subsection as follows:

"(d) (1) Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the active duty personnel strength of such component for such fiscal year has been authorized by law.

"(2) Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time."

The PRESIDING OFFICER. Under the previous order, the time on the amendment is limited to 1 hour. How much time does the Senator yield himself?

Mr. BAYH. Mr. President, I yield myself such time as I may require, not to exceed 30 minutes.

Mr. President, this amendment requires Congress to annually authorize military manpower levels for the components of the Armed Forces.

Section 1 of the amendment, in addition to requiring annual authorizations for the active-duty personnel of each component service, would prohibit the appropriation of funds for military manpower in the absence of such authorizations. The amendment would not become effective, it should be noted, until fiscal 1972, when the present suspension of the old statutory ceilings on manpower levels expires.

Section 2 of the amendment requires the President, in requesting legislation to authorize the active-duty strength of the component forces, to spell out the relationship between the levels requested and our national security policies in effect at that time.

Mr. President, there is a critical need for this amendment, institutionalizing an annual authorization process for manpower, and just how critical will become evident on further examination, if we quickly take a close look at the history of manpower legislation since World War II, the nature of congressional control over the military budget, the relationship between manpower and foreign policy, and the development of the military procurement bill itself.

Mr. President, I favor a strong defense establishment for the United States—a defense establishment in line with congressionally approved policies. At the same time, I see nothing contradictory with that in the provisions of this amendment requiring Congress to set troop levels. The Congress, after all, has the constitutional responsibility to raise and maintain the Armed Forces. That is, to authorize the size of our Defense Establishment. Congress should exercise this vital constitutional function.

It is interesting to note, in this regard, that Congress has in the past authorized troop levels. As part of the Selective Service Act of 1948, for example, the Congress established the following manpower ceilings: for the Army 837,000; for the Navy 540,000; for the Marines 400,000; and for the Air Force 502,000.

These congressionally authorized levels were extended for 1 year by congressional action on July 10, 1950. Later that year, in the face of events in Korea, Congress voted to suspend the previously authorized manpower ceilings until 1951, at which time the Selective Service Act was due to expire. It was argued by those supporting the suspension that Congress would have an adequate opportunity to debate the size of our Armed Forces the following year.

In 1951, with the Korean war in progress, Congress voted to continue the suspension, but this time until 1954. An overall ceiling of 5 million was enacted in lieu of the previously authorized individual ceilings. The suspension was reenacted in 1954, 1957, 1959, 1963, and, most recently, in 1967—each time without so much as a word of debate on how large a standing military force the United States needed and why.

In the absence of statutory authorizations for the components of the Armed Forces, the process of raising an army simply has become an act of appropriating money. It is true that during the period of the suspensions there was an overall ceiling of 5 million. That ceiling, however, as a congressional control on the military, was quite meaningless. Was there ever any prospect of approaching that level in the absence of a declaration of war? I think not, but it was possible to swell the size of the Armed Forces without any congressional control up to 3.4 million men.

It was for that reason that the distinguished Senator from Kentucky (Mr. COOK), and I authored an amendment to the procurement bill last year setting the ceiling at a more realistic 3.285 million level. This amendment, Mr. President, is the logical conclusion to that initial effort. It represents another positive step in the reassumption of congressional responsibility for raising and maintaining the Armed Forces.

Military manpower, Mr. President, is the largest single item in the defense budget. I would repeat that, because I am not too sure that all of us are aware of this. Military manpower is the largest single item in the Defense budget. In fiscal 1970, pay and allowances for military personnel amounted to $22.4 billion—or nearly 30 percent of the total defense outlay. In addition, expenditures for operations and maintenance, which is directly attributable to the size of our forces, amounted to another $21.4 billion—for a total of approximately 57

percent of defense spending. Neither manpower nor operations and maintenance costs, it should be pointed out, is subject to congressional authorizations and scrutiny. Yet together they accounted for the staggering sum of $4 billion.

It can be easily seen, therefore, that manpower costs far exceed spending on the more glamorous hardware items in the procurement bill. Congress should exercise greater legislative control over this vast outlay of tax dollars—and the most logical way to do that is to require authorizations.

Mr. President, military manpower is a key element of American foreign policy. The distinguished chairman of the Armed Services Committee himself (Mr. STENNIS) stated that—

> Congress should be well aware that our defense requirements are based in part on the need to be prepared to help defend other nations with whom we have mutual defense agreements.

This is one of the basic contingencies we have to consider when determining the size of our force level.

Since some of our foreign policy commitments do entail the use of American military personnel, Congress should have an opportunity to relate these strategic considerations to manpower levels, on a regular basis.

This amendment, it seems to me, is the next logical step in the development of the procurement bill itself. Annual authorization for hardware, interestingly enough, is a very recent phenomenon. It is the product of increasing congressional concern over the size of our Defense Establishment. The first procurement bill was not enacted until 1961 and provided for authorizations for aircraft, guided missiles, and naval vessels. In subsequent years the process was expanded to include tracked combat vehicles, almost all weapons systems and, as of next year, torpedoes. Why not authorize military manpower?

Included in the expanded authorization process is the requirement that the force level of the Selected Reserve of each component armed services be set on an annual basis. The requirement was first written into law in 1968, as Congress, in section 6 of Public Law 91–168, provided that:

> Beginning with the fiscal year which begins July 1, 1968, and for each fiscal year thereafter, the Congress shall authorize the personnel strength of the Selective Reserve of each Reserve component of the Armed Forces, and no funds may be appropriated for any fiscal year beginning on or after such date for the pay and allowances of the members of any Reserve component of the Armed Forces, unless the personnel strength of the Selected Reserve of such Reserve component for such fiscal year has been authorized by law.

So, Mr. President, I think it is safe to say my proposal, the amendment I now present to my fellow Senators, is not new. We have been doing this since 1968 for our Reserve forces. It seems to me the time has come to do it for our regular forces as well.

I might summarize very quickly by making three significant summary points:

First, manpower represents a critical component of the costs of the defense establishment. Military pay and allowances alone account for about 28 percent. If we include civilian pay and allowances as well as other operation and maintenance costs, manpower represents nearly 60 percent of the defense budget. As I said earlier, it is the largest single expenditure in our entire defense establishment.

Point number two: Manpower strengths constitute a major index of U.S. diplomats and overseas defense programs. They, therefore, require at least as much explanation and evaluation as procurement and research and development.

Third, and finally, manpower is our most precious asset. It seems to me that it should require at least the same justification that we provide for hardware. In fact, although we now seem to treat manpower as a function of how much hardware we buy, it seems to me that it should be the other way around in many cases, particularly where we have large numbers of forces in the Army and the Marine Corps. Surely, we should not treat military manpower, human life, as almost a free good simply because of the draft. We should demand the same justification in this area, for the recruitment and maintenance of personnel, as we do now for missiles, aircraft, combat vehicles, and ships—and Reserve forces, let me add. Rather than separate the two categories, we should consider them jointly, especially since many of the newer weapons systems will actually involve higher operation and maintenance costs than their predecessors.

What we are doing here, I suggest, is not in any way to limit the ability of this country to defend itself or to pursue a given foreign policy, but to make consistent the type of authorization process we use for manpower with that we now use for Reserve forces and hardware.

Mr. GOLDWATER. Mr. President, will the Senator yield?

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. We do not have controlled time.

The PRESIDING OFFICER. We are under controlled time.

Mr. STENNIS. I yield 5 minutes to the Senator from Arizona.

Mr. GOLDWATER. I think this is a very worthwhile amendment. In fact, I am rather surprised that somebody has not come up with this long before, and I am surprised that I have not.

The way we have determined the size of the Armed Forces has been by the dollar and cents route rather than by the personnel route. I believe that prior to the Reorganization Act of 1947, the Armed Services Committee did determine the force levels. I do not think it is right for the Appropriations Committee to do this, because, as the Senator from Indiana has pointed out, we make the determination in the Armed Services Committee as to how many tanks we are going to buy, how many aircraft we are going to buy, how many ships, and so forth; and the Appropriations Committee now makes a determination, in effect, of how many men we should have.

I think it would be a much better procedure to have the members of the Joint Chiefs of Staff or the separate Chiefs—as they come before our committee every year to argue for their needs—include an argument for the number of men they feel they need. Then the committee can, in discussion with these commanders, relate their own experiences and decisions with weapons, vehicles, and so forth, with what the brass actually are asking for.

I think the military would like this procedure much better, because we can get down to the real nitty-gritty of how many men we need to man the weapons we have authorized.

I think this is a good amendment. It is one that we should have had a long time ago.

I might mention, in connection with the provision in paragraph 2 pertaining to the President, that the President does this already, in effect; but he does not do it in the clear way that the Senator from Indiana suggests; namely, to submit in his report recommendations for the active duty strength level of each component of the Armed Forces. If he will do this, he will do it after consultation with the Joint Chiefs of Staff, the National Security Council and, in all probability, the Secretary of State. As the Senator has very wisely pointed out, the military of this country is a very big stick in our collection of foreign policy sticks; and if we do not have adequate strength, I do not care what kind of foreign policy we talk about, we will never be able to put it across.

I cannot say this with certainty, but I feel that the President would welcome this, also, because it would give him a better hand on the force level of the entire military.

As the Senator has pointed out, this is the biggest single item of expense in the military budget, approaching 50 percent. I might say, parenthetically, that it is also the biggest cost in any enterprise, whether it be the military, Congress, or a plain business. Salaries run close to 50 percent in any business.

To further emphasize this point, every time we can wisely lower the force level by 100,000 men, we save $1 billion. We are aiming at lower force levels in the coming years. I have talked with General Westmoreland. I have inserted in the RECORD two speeches of his which point out his thinking, that we can have a greatly reduced ground Army in the armies of the 1980's.

So we are making headway. I think the Senator's amendment is a step in that progress, in that it returns to the proper committee the job and the responsibility of either agreeing with the force levels recommended by the Chiefs or disagreeing with them.

I am glad that the Senator has offered this amendment. I hope the chairman will look as kindly on it as I do, even though the chairman, with his keen eye for perfection, might find a few little points that need brushing up. I would certainly support the amendment.

Mr. STENNIS. I thank the Senator.

Mr. BAYH. Mr. President, I yield myself 15 seconds to express my deep appre-

ciation to the Senator from Arizona who, of course, has been active in the military regular forces and the Reserves and speaks with great authority. I certainly appreciate the thoughtful remarks he has made.

Mr. THURMOND. Mr. President, will the Senator yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the distinguished Senator from South Carolina.

Mr. THURMOND. Mr. President, the Senator from South Carolina feels that this amendment has considerable merit. Until 1948, the Armed Services Committee made authorizations for active duty personnel, and after that, for some reason, it was changed; and now the Appropriations Committee makes the determination in effect by the appropriations it makes for the armed services.

The Armed Services Committee makes authorizations for planes, guns, weapons, ships, missiles, and all types of equipment. The Armed Services Committee fixes levels of Reserves. It would seem logical and natural that the Armed Services Committee would fix the authorization for the active duty personnel.

I see no objection to the amendment. I think it is a helpful amendment, and I believe the amendment should be adopted. I hope the distinguished chairman of the Armed Services Committee will see fit to accept the amendment.

Mr. STENNIS. I thank the Senator very much.

Mr. BAYH. Mr. President, I reiterate what I said earlier with respect to the distinguished Senator from Arizona. The Senator from South Carolina, too, has had a great deal of experience not only on this committee but also personally, in the military, and I think his judgment is excellent and certainly is very helpful. I appreciate his thoughtful remarks.

Mr. STENNIS. I yield myself 5 minutes.

Mr. President, if the Senator from Indiana will refer to his amendment, I have a suggestion to make with respect to some wording. As the Senator from Arizona has said, we always have to change it a little.

I suggest that on line 1, page 2, after the word "the," before "active," the Senator include the words "average annual active duty." That is the way it works. That is to modify the amendment in that particular.

Also, the same modification on line 11, following the word "the," to modify it by having it read "average annual active duty strength," because it would hardly be a certain figure on any particular day.

Mr. BAYH. I would be glad to accept and ask unanimous consent that my amendment be modified according to the suggestions of the distinguished chairman, the Senator from Mississippi.

The PRESIDING OFFICER (Mr. WILLIAMS of New Jersey). The clerk will state the amendment as modified.

The legislative clerk read as follows:

At the appropriate place in the bill insert a new section as follows:

"SEC. . Section 412 of the Military Construction Act of 1959, as amended, is amended by adding at the end thereof a new subsection as follows:

"'(d) (1) Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the average annual active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the active duty personnel strength of such component for such fiscal year has been authorized by law.

"'(2) Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the average annual active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time.'"

The PRESIDING OFFICER. The amendment will be modified accordingly.

Mr. STENNIS. Mr. President, just a few words. This is a matter that the membership has looked into on the committee more than casually. It has been on our minds before. Until the Korean war, the law required not over certain levels and when the war came on, that provision was indefinitely suspended and has never been reenacted. The way it has been working, it has not been neglected by any means, but the actual figure was set by the Appropriations Committee when it set a certain amount of money for the particular items that went to pay personnel. As a member of that committee, I have been over this many times. There is a great deal of logic and commonsense in requiring the Armed Services Committee to make a judgment on these matters.

If this amendment becomes law, we will not have the final say. The President will make his recommendations and then the committees of the two bodies will set the ceiling for each of the component services—the highest number authorized for that calendar year. Then the Appropriations Committees will decide how many within that number they will allow or recommend, at least, and Congress will make the final judgment. So this does not displace the Appropriations Committees by any means. It gives to the Joint Chiefs of Staff the opportunity to come before the Appropriations Committees early in the year and outline the manpower needs to our committee, and also the House committee.

It does not put any additional burden upon the President. Someone said to me in the Chamber a moment ago that the amendment would require the President to file his strength levels too early. I believe that to be in error because that is what he does now. When he submits a budget, he asks for a certain amount of money for the normal strength in each of the services. So the only change in the law is that it will have to be justified before the committees of the two Houses on Armed Services, passed on by the two bodies legislative-wise, and then the Appropriations Committee will set it within those limits.

If anything comes up during the year that the President may want to request more than his January 31 report, he will do the same thing he does on other matters, he will send down a supplemental request, and it would be in order, and it would be allowed. But, anyway, the Armed Services Committee will have the authority to put more in than the President asked for, anyway, if it wishes, or put in less than he asked for.

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield.

Mr. THURMOND. In view of the long service the distinguished chairman of the Armed Services Committee has had on the Armed Services Committee, and on the Appropriations Committee, too, considering Defense appropriations, does he not feel it would be of benefit and help for the Appropriations Committee to have the advice of counsel of the Armed Services Committee on this particular question, whether they agree with it or not?

Mr. STENNIS. I think that is a good point the Senator has made; yes. It will be of value. In fact, I have heard it said in the Appropriations Committee, "Well, what did the Armed Services Committee recommend?"

This was once a hard law. It was a permanent ceiling at one time, fixed into the law. That was right after World War II. It did not come up every year unless there was a proposal to change the law. This will let it come up every year and be reviewed.

I am pleased to have this amendment and I recommend that we support it and take it to conference. I believe we will make some headway there. I know that we will try.

Mr. President, I yield the floor.

Mr. BAYH. Mr. President, I should like to make an additional observation. First, I thank our distinguished chairman for accepting the amendment and for adding his observations, improvements, and corrections, to the amendment. In addition to giving the Armed Services Committee the opportunity to use their expertise, which I think can be helpful, I think that we are doing two additional things: First, we are making this body and the House—the Congress—realize that there is a direct, absolutely inseparable relationship between our foreign policy and manpower.

As our distinguished chairman, the Senator from Mississippi (Mr. STENNIS), said in an earlier speech, sometimes we get involved in some of the foreign policy agreements that perhaps we do not consider forcefully enough at the time. The fact is that if we had fulfilled the agreements, manpower would be required. Second, we bring a degree of consistency into the authorization process. It will mean that we will look much better if we wipe away this discrimination which has existed in the way we treat manpower. As I said earlier, if we are going to authorize bombers or authorize a missile system, and torpedoes, it seems to me we should treat the most precious commodity in our arsenal of defense, manpower, with equal care.

Mr. President. I yield the floor.

The PRESIDING OFFICER (Mr.

SPONG). Do Senators yield back their time?

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

Mr. BAYH. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

The question is on agreeing to the amendment, as modified, of the Senator from Indiana.

The amendment, as modified, was agreed to.

ORDER OF BUSINESS

Mr. MANSFIELD. Mr. President, my understanding now is that no amendments are pending at this time to the military procurement bill and that there is no prospect of anything new being considered on the bill at the present time.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The ACTING PRESIDENT pro tempore (Mr. METCALF) laid before the Senate the following letter, which was referred as indicated:

PROPOSED LEGISLATION TO REVISE AND IMPROVE LAWS RELATING TO DOCUMENTATION OF VESSELS

A letter from the Secretary of Transportation, transmitting a draft of proposed legislation to revise and improve the laws relating to documentation of vessels (with accompanying papers); to the Committee on Commerce.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner; and

William Robert McLellan, of California, to be an Assistant Secretary of Commerce.

Mr. MAGNUSON. Mr. President, from the Committee on Commerce, I report favorably sundry nominations in the Environmental Science Services Administration which have previously appeared in the CONGRESSIONAL RECORD and ask unanimous consent, to save the expense of printing them on the Executive Calendar, that they lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Edward M. Gelb, and sundry other persons, for permanent appointment in the Environmental Science Services Administration.

EQUAL EMPLOYMENT OPPORTUNITIES ENFORCEMENT ACT—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (REPT. NO. 91-1137)

Mr. WILLIAMS of New Jersey. Mr. President, from the Committee on Labor and Public Welfare, I report favorably, with an amendment, the bill (S. 2453) to further promote equal employment opportunities for American workers. I ask unanimous consent that the report be printed, together with the individual views of the Senator from Colorado (Mr. DOMINICK), the Senator from California (Mr. MURPHY), and the Senator from Illinois (Mr. SMITH).

The PRESIDING OFFICER (Mr. MATHIAS). The report will be received and the bill will be placed on the calendar; and, without objection, the report and individual views will be printed, as requested by the Senator from New Jersey.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. JORDAN of North Carolina, from the Committee on Agriculture and Forestry, with an amendment:

S. 3070. A bill to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest (Rept. No. 91-1138).

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. DOLE:

S. 4274. A bill to amend the Federal Regulation of Lobbying Act with respect to certain activities of Members of Congress; to the Committee on Rules and Administration.

(The remarks of Mr. DOLE when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. PELL:

S. 4275. A bill for the relief of the Welsh Manufacturing Co.; to the Committee on the Judiciary.

(The remarks of Mr. PELL when he introduced the bill appear below under the appropriate heading).

By Mr. FONG:

S. 4276. A bill for the relief of Janet Christine Newman; to the Committee on the Judiciary.

By Mr. HARRIS (for himself and Mr. BELLMON):

S. 4277. A bill to convey certain federally owned land to the Cherokee Tribe of Oklahoma; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. HARRIS when he introduced the bill appear below under the appropriate heading.)

By Mr. HARRIS:

S. 4278. A bill to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any Government agency having the right of eminent domain; to the Committee on Agriculture and Forestry.

(The remarks of Mr. HARRIS when he introduced the bill appear below under the appropriate heading.)

By Mr. MILLER:

S. 4279. A bill to require travel agents to post performance bonds to assure the performance of travel services in interstate or foreign commerce; to the Committee on Commerce.

(The remarks of Mr. MILLER when he introduced the bill appear below under the appropriate heading.)

By Mr. MAGNUSON (for himself, Mr. HATFIELD, and Mr. PACKWOOD) (by request):

S. 4280. A bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920; to the Committee on Commerce.

(The remarks of Mr. MAGNUSON when he introduced the bill appear below under the appropriate heading.)

By Mr. GRAVEL:

S. 4281. A bill for the relief of Allen D. Ray; to the Committee on the Judiciary.

S. 4275—INTRODUCTION OF A BILL FOR THE RELIEF OF THE WELSH MANUFACTURING CO., AND A RESOLUTION RELATING THERETO

Mr. PELL. Mr. President, I ask unanimous consent at this time to introduce a bill for the relief of the Welsh Manufacturing Co. of Providence, R.I., and a resolution of the Senate which will, in effect, refer this bill to the chief commissioner of the U.S. Court of Claims in order that he might report thereon to the Senate at the earliest practical date, giving such findings of facts and conclusions so that the Congress may be informed of the nature and character of the demand of this claim against the United States.

This legislation was necessitated by a decision of the Treasury Department, which established a separation between official monetary and private commodity transactions in gold, causing an increase in the private market price. This increase in the price of gold resulted in the Welsh Manufacturing Co.'s suffering a financial loss on a contract with the Defense Department. To the best of my knowledge, every attempt has been made to resolve this matter administratively; and in general, both Treasury and Defense Department officials have been sympathetic to the plight of the Welsh Manufacturing Co. However, under existing legislation, there would appear to be no relief available for this small business concern.

Therefore, at the request of the Welsh Manufacturing Co., I introduce the bill and submit the resolution.

I ask unanimous consent that the bill and resolution be printed at this point in the RECORD.

The PRESIDING OFFICER (Mr. BAYH). The bill and resolution will be received and appropriately referred; and without objection, the bill and resolution will be printed in the RECORD.

The bill (S. 4275) for the relief of the Welsh Manufacturing Co., introduced by Mr. PELL, and the resolution (S. Res. 453) relating thereto, submitted by him, were received; the bill was read twice by its title, both bill and resolution were referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the Welsh Manufacturing Company of Providence, Rhode Island, the sum of $15,939.25 for losses incurred by such company in performing Defense Supply Agency contracts numbered DSA120-68-C-2647, dated January 10, 1968, DSA120-68-C-2692, dated February 1, 1968, and DSA120-68-C-2872, dated February 15, 1968, as the result of a change of policy of the United States in no longer selling gold to domestic industrial users thereby requiring such company to buy gold to perform its Government contracts from private sources at a rate in excess of the rate previously paid to the United States for gold.

SEC. 2. No part of the amount appropriated in this Act in excess of 10 percent thereof shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same is unlawful, any contract to the contrary notwithstanding. Violation of the provisions of this section is a misdemeanor punishable by a fine not to exceed $1,000.

S. RES. 453

Resolved, That the bill (S. 4275) entitled "A Bill for the relief of the Welsh Manufacturing Company", now pending in the Senate, together with all accompanying papers, is referred to the chief commissioner of the United States Court of Claims; and the chief commissioner shall proceed with the same in accordance with the provisions of sections 1492 and 2509 of title 28, United States Code, and report thereon to the Senate at the earliest practicable date, giving such findings of fact and conclusions thereon as shall be sufficient to inform the Congress of the nature and character of the demand as a claim, legal or equitable, against the United States, or a gratuity, and the amount, if any, legally or equitably due from the United States to the claimant.

S. 4277—INTRODUCTION OF A BILL TO CONVEY CERTAIN FEDERALLY OWNED LAND TO THE CHEROKEE TRIBE OF OKLAHOMA

Mr. HARRIS. Mr. President, for myself and my distinguished colleague (Mr. BELLMON), I introduce for appropriate reference a bill to convey to the Cherokee Tribe of Oklahoma in fee 38.5 acres of federally owned land in Cherokee County, Okla. The tribe is required under the bill to reimburse the United States in the sum of $2,258.80, which represents the original acquisition costs to the United States.

The land involved is a part of a 93.07-acre tract formerly used by the Sequoyah Indian School. In 1964 a part of this tract was conveyed to the Cherokee Tribe after it was no longer being used for school purposes. This tract was used for an industrial development project which has been expanding at a rapid rate. On the tract a restaurant, arts and crafts shop, service station and a warehouse have already been developed. Other projects are underway and the prospects are good that further development, if additional land is available, will result in more job opportunities for the Cherokees living in the area. The purpose of this bill is to make available the additional land that is needed.

The 38.5-acre tract, which is the subject matter of this bill, is no longer needed for school purposes.

The bill has the approval of the Secretary of the Interior and the Bureau of the Budget. I hope that prompt action can be taken on the bill since the uses for which the Cherokees wish to make of the land will benefit them greatly.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be received and appropriately referred.

The bill (S. 4277) to convey certain federally owned land to the Cherokee Tribe of Oklahoma, introduced by Mr. HARRIS, for himself and Mr. BELLMON, was received, read twice by its title and referred to the Committee on Interior and Insular Affairs.

S. 4278—INTRODUCTION OF A BILL TO REMOVE CERTAIN LIMITATIONS ON THE ESTABLISHMENT OF ACREAGE ALLOTMENTS

Mr. HARRIS. Mr. President, I have been contacted in recent months by Mr. Harold V. Hunter, State executive director of the Agricultural Stabilization and Conservation Service, in Stillwater, Okla., concerning the transfer of allotments from farms acquired by an agency having the right of eminent domain. As the law presently stands—section 378(a) of the Agricultural Adjustment Act of 1938—when an owner of a farm is displaced he may transfer the allotment for the farm from which he was displaced to another farm owned by him, provided that the allotment for the receiving farm does not exceed comparable allotments for similar farms in the area.

The State ASC committee has considered this limitation very carefully and feels that it is no longer appropriate in view of limitations which have been placed on the transfer of cotton and peanut allotments by sale or lease.

Also, due to past experiences, the State ASC committee felt that in some cases, when land was acquired by an agency having the right of eminent domain, that the displaced owner was not informed of this limitation with respect to similar farms. This has, therefore, caused some confusion.

After having been contacted by Mr. Hunter, I asked the Agriculture and Forestry Committee for comment on this proposed legislation. In response I received a letter from the distinguished chairman (Mr. ELLENDER) which I ask unanimous consent to have printed at this point in the RECORD. And I herewith introduce a bill to carry out the request of the State ASC committee.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be received and appropriately referred; and, without objection, the letter will be printed in the RECORD.

The bill (S. 4278) to amend section 378(a) of the Agricultural Adjustment Act of 1938, as amended, to remove certain limitations on the establishment of acreage allotments for other farms owned by persons whose farms have been acquired by any government agency having the right of eminent domain; introduced by Mr. HARRIS, was received, read twice by its title, and referred to the Committee on Agriculture and Forestry.

The letter presented by Mr. HARRIS is as follows:

WASHINGTON, D.C.,
May 8, 1970.

HON. FRED R. HARRIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR: This responds to your letter of May 5, 1970 with which you enclosed a letter of April 29 to you from Mr. Harold V. Hunter, State Executive Director of the State ASC Committee.

Mr. Hunter suggests an amendment to section 378 (a) of the Agricultural Adjustment Act of 1938 which deals with the pooling of allotments on lands acquired by agencies having the right of eminent dommain. Mr. Hunter's amendment would strike out the provision which limits allotments created from the pool to a size not exceeding those for similar farms in the area. Mr. Hunter advises that the State ASC Committee feels that the limitation is no longer appropriate in view of the limitations which have been placed on the transfer of cotton and peanut allotments by sale or lease. At present the transfer of cotton allotment is limited to an amount which will not cause the allotment of the farm receiving the transferred allotment to exceed the 1965 allotment for such farm, plus 100 acres. The Administration has expressed its support for a so-called consensus farm bill which would remove this limitation, and advises informally that there apparently has been no objection to this provision of it. Section 358a (g) of the Agricultural Adjustment Act of 1938 authorizes the Secretary to include reasonable limitations on the size of the resulting allotments on farms to which peanut acreage allotment is transferred, and provides further that the total peanut allotment transferred to any farm by sale or lease shall not exceed 50 acres.

The suggestion of the State ASC Committee does not appear to be unreasonable. If you care to introduce a bill on this subject, the Committee will, in accordance with its standard procedure, obtain the views of the Department of Agriculture and have the matter thoroughly studied, first by the subcommittee, and then by the full Committee. Until this has been done, I cannot, of course, advise you as to what the Committee's recommendations may be.

With kindest personal regards, I am,
Sincerely yours,

ALLEN J. ELLENDER,
Chairman.

S. 4279—INTRODUCTION OF A BILL TO REQUIRE TRAVEL AGENTS TO POST PERFORMANCE BONDS TO ASSURE THE PERFORMANCE OF TRAVEL SERVICES IN INTERSTATE OR FOREIGN COMMERCE

Mr. MILLER. Mr. President, I introduce for appropriate reference a bill to require travel agents to post performance bonds or provide equivalent security to assure the performance of travel services in interstate or foreign commerce. This bill would require travel agents engaged in interstate or foreign commerce to file a performance bond or equivalent security arrangement with the Secretary of Transportation to assure that if travel services are not furnished in accordance with contractual requirements, the travel agent would be in a position to make appropriate compensation to the travelers.

There is an important exception to this requirement. The filing of such a bond could be waived by the Secretary

upon a satisfactory showing by a travel agent that its record of performance or financial condition are such as to make filing an unnecessary requirement. This provision is designed to be administered on a reasonable basis by the Secretary so that reliable travel agencies will not be put to unnecessary expense. The bill is calculated to protect the public from travel agency operations which pose a threat to the good faith of the traveling public.

All of us were, I am sure, shocked and deeply disturbed by the recent bankruptcy of a travel agency and the resultant disappointment and financial loss to the many students and teachers who were in Europe participating in tours sponsored by that company. Many of us have had sons or daughters or other close relatives participate in such tours and can well imagine the anxiety and frustration of the victims of such an inexcusable occurrence. The bill I am introducing today is calculated to prevent such hardship in the future, and I hope the appropriate committee will act expeditiously on this matter.

The PRESIDING OFFICER (Mr. MATHIAS). The bill will be received and appropriately referred.

The bill (S. 4279) to require travel agents to post performance bonds to assure the performance of travel services in interstate or foreign commerce, introduced by Mr. MILLER, was received, read twice by its title and referred to the Committee on Commerce.

S. 4280—INTRODUCTION OF A BILL TO AMEND THE MARITIME LIEN PROVISIONS OF THE SHIP MORTGAGE ACT OF 1920

Mr. MAGNUSON. Mr. President, by request, I introduce for appropriate reference, on behalf of myself and the Senators from Oregon (Mr. HATFIELD and Mr. PACKWOOD), a bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920.

Last year I introduced S. 2817, another bill to amend the maritime lien provisions of the Ship Mortgage Act of 1920.

That bill was requested by the National Association of Port Authorities, to permit them to exercise lien rights against delinquent vessels to collect their charges for certain services rendered such vessels in accordance with tariffs filed with the Federal Maritime Commission, notwithstanding the existence of a "no lien clause" in the charter party or where, for any other reason, the person ordering the services was without authority to bind the vessel therefor and where the furnisher knew, or could have known, of such lack of authority.

S. 2817 has raised a number of problems and has not yet been finally acted upon by the subcommittee to which it was assigned. Other suppliers of services and necessaries to ships believe, as do the port authorities, that the existing maritime lien statutes discriminate against them and they too should have the relief required and requested by the port authorities. Other problems have arisen as well.

The bill I introduce today does not make any item lienable which is not lienable under maritime law today. No new interpretations of what is a "service to the ship" are required. No changes are made in the schedules of priorities between various claims against the ship, all well established in maritime law. It gives no authority to bind the vessel to one tortiously, or unlawfully, in possession or in charge thereof.

The amendment I introduce today simply says that no longer shall owners and charterers—and it is with the foreign flags that the problem primarily exists—by contract between themselves, and perhaps, their bankers—a contract to which the terminal operators, the ship chandlers, the ship repairers, the stevadores, and others supplying necessities to the ship are not parties—be able to deny to those suppliers the lien rights they would otherwise have in the absence of such a contract.

I do not pretend that this bill is the only answer nor do I suggest that arguments may not be advanced against it. The session is late, and I expect no legislative action on this bill this session. It is, however, another approach, a more practical approach and I introduced it in the hopes that hearings thereon, perhaps next year, may ultimately lead us to a solution acceptable and fair to all.

I ask unanimous concent that the bill and an accompanying memorandum in support of amendment to the Federal maritime lien law be printed in the RECORD.

The PRESIDING OFFICER (Mr. DOMINICK). The bill will be received and appropriately referred; and, without objection, the bill and memorandum will be printed in the RECORD.

The bill (S. 4280) to amend the maritime lien provision of the Ship Mortgage Act of 1920, introduced by Mr. MAGNUSON, for himself, and other Senators, by request, was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4280

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

That section 30 of the Ship Mortgage Act of 1920 (46 U.S.C. 971–975) is amended as follows:

(1) by striking from Subsection R thereof (46 U.S.C. 973) the semicolon, substituting a period therefor and deleting all thereafter.

The memorandum presented by Mr. MAGNUSON is as follows:

MEMORANDUM IN SUPPORT OF AMENDMENT TO THE FEDERAL MARITIME LIEN LAW

Under long established principles of maritime law, suppliers of necessaries to vessels have been accorded the right to impose a lien or arrest the vessel in support of their right to collect their proper charges for such necessaries. Over the years priorities between such suppliers have been established with the seaman's rights to his wages at the head of the list. Over the years the question of what services and supplies constitute "necessaries to the ship" have likewise become fairly well defined.

In 1910 there came into the Federal Maritime Law what is now 46 USCA 973. This section takes away these lien rights:

"When the furnisher (of necessaries) knew, or by the exercise of reasonable diligence could have ascertained, that because of the terms of a charter party, agreement for sale of the vessel, or for any other reason, the person ordering the repairs, supplies, or other necessaries was without authority to bind the vessel therefor."

This section of the code was relied upon recently in the case of *The Port of Tacoma vs. S. S. Duval*, 364 F2d 615 (CCA 9th 1968) wherein the Port of Tacoma sought to assert a lien for wharfage or dockage and the court held that because there was a "no lien clause" in the charter party under which the Duval was being operated that the port had no right to a lien.

Stevedores, ship chandlers, ship repairers, as well as ports and marine terminal operators have likewise run into this problem primarily with foreign flag vessels chartered to foreign operators. Stevedores alone in the San Francisco Bay Area have sustained losses over the years in excess of two million dollars. In the Willamette-Columbia River Area in the last five years, losses in excess of $45,000 have been documented, along with a report of at least one company forced into bankruptcy because of such a loss. The losses to ports, ship chandlers and ship repairers doubtless would run into very substantial sums. All of these people report that their problems are not with domestic owners or charterers who for the most part are responsible.

It is difficult for these American businessmen to understand why our law should permit a contract to be made in Athens, for example, between an owner and a charterer, and to which no American supplier is a party, which effectively denies a right to a lien which they would otherwise have in the absence of such a contract provision.

Accordingly, Senator Magnuson of Washington at the request of the National Association of Port Authorities introduced S. 2817 which, as introduced would have given a lien to any person furnishing services to a vessel in accordance with the provisions of tariffs filed with the Federal Maritime Commission in spite of the existence of a "no lien clause" in the charter party. This would have given some, but not complete, relief to a marine terminal operator but none to stevedores, ship chandlers, ship repairers or other persons. This bill ran into problems with the Federal Maritime Commission which really has no interest in the policy question involved here, but is concerned about the administrative responsibilities conceivably created by S. 2817. S. 2817 has had a hearing but no action has been taken on it by the Subcommittee of the Senate Commerce Committee and none is expected.

Interestingly enough Senator Magnuson's remarks at the time he introduced his bill (Congressional Record August 19, 1969) suggested that ". . . the simplest amendment to that (lien) law might be said to be deletion of everything in Section 973 after the semicolon in the fourth line. This would permit the imposition of liens by all persons covered in Section 971, a much broader class than Marine Terminal Operators . . ."

The Senator was absolutely correct and the attached bill proceeds along that very "most practical legislative" road. The attached bill makes no changes in the definition of necessaries, it makes no changes in the priorities of liens, it simply prohibits a clause in a contract to which the supplier was not a party and of which, in a practical sense, he has no knowledge, from being deprived of a lien for his services to which he would otherwise be entitled. It does not give any one tortiously or wrongfully in charge of a vessel the right to incur or permit any such lien to attach.

The theory behind the present law apparently is that the owner, or perhaps the mortgagee, should not have his property or

his security arrested without his consent or knowledge. But this is not the law on land. There is not a piece of property sold or mortgaged where in the documentation thereof, there is not a prohibition against the purchaser for credit, or the mortgagor suffering or permitting liens to attach. Yet this provision in the contract of sale or mortgage does not deny to the plumber, the carpenter or other artisan a lien for his services should they be furnished and not paid for. Nor should it with respect to a vessel.

While a supplier of necessaries might be said to be able to demand and inspect the charter party and refuse to supply necessaries in the face of such a "no lien clause" this is not a practical answer. The vessel is in the harbor, it must be unloaded, serviced or repaired by members of highly competitive industries. Except for such an obscure clause in an involved document they are entitled to a lien. As a practical matter they have no opportunity to advise themselves and protect themselves.

If the owner, or mortgagee, is to be considered an innocent party, certainly so is the supplier of necessaries. And there is a well established principle of law that where one of two innocent parties must suffer a loss, that loss must fall on the one who by his affirmative act makes it possible, or creates the condition under which another suffers the loss. The owner, or mortgagee, by chartering or surrendering possession of the vessel clothes the master thereof with at least apparent authority to bind the vessel. If a loss must be suffered the owner, or mortgagee, should suffer it.

And the fact of the matter is that the owner, or mortgagee, can much more easily protect himself contractually, by bonds, or otherwise, at the time he charters or advances money on the vessel than can the supplier of necessaries to a vessel under great economic pressure to get back to sea.

This attached bill enjoys, at this time, the unqualified support of the West Coast Association of Stevedores, the National Association of Marine Services and the National Ship Builders Association. The National Association of Port Authorities support is expected as is that of a number of other organizations and individuals.

ADDITIONAL COSPONSORS OF A BILL

S. 1362

Mr. COOK. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS), I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. JAVITS) and the Senator from California (Mr. MURPHY) be added as cosponsors of S. 1362, to provide Federal financial assistance to Opportunities Industrialization Centers.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

SENATE RESOLUTION 453—SUBMISSION OF A RESOLUTION TO REFER THE BILL (S. 4275) TO THE U.S. COURT OF CLAIMS

Mr. PELL submitted a resolution (S. Res. 453) to refer the bill (S. 4275) for the relief of the Welsh Manufacturing Co. to the chief commissioner of the United States Court of Claims for a report thereon, which was referred to the Committee on the Judiciary.

(The remarks of Mr. PELL when he submitted the resolution and introduced S. 4275 appear earlier in the RECORD under the appropriate heading.)

THE FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENT NO. 854

Mr. JAVITS submitted amendments, intended to be proposed by him, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance, by unanimous consent, and ordered to be printed.

(The remarks of Mr. JAVITS when he submitted the amendments appear earlier in the RECORD under the appropriate heading.)

SOCIAL SECURITY AMENDMENTS OF 1970—AMENDMENT

AMENDMENT NO. 855

Mr. CURTIS submitted an amendment, intended to be proposed by him, to the bill (H.R. 17550) to amend the Social Security Act to provide increases in benefits, to improve computation methods, and to raise the earnings base under the old-age, survivors, and disability insurance system, to make improvements in the medicare, medicaid, and maternal and child health programs with emphasis upon improvements in the operating effectiveness of such programs, and for other purposes, which was referred to the Committee on Finance and ordered to be printed.

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 440 TO S. 2838

Mr. COOK. Mr. President, on behalf of the Senator from Delaware (Mr. BOGGS), I ask unanimous consent that, at the next printing, the names of the Senator from New York (Mr. JAVITS) and the Senator from California (Mr. MURPHY), be added as cosponsors of Amendment No. 440 to S. 2838, to establish a comprehensive manpower development program to assist persons in overcoming obstacles to suitable employment and for other purposes.

The PRESIDING OFFICER (Mr. DOMINICK). Without objection, it is so ordered.

NOTICE OF HEARINGS ON DISTRICT OF COLUMBIA LEGISLATION

Mr. SPONG. Mr. President, as chairman of the Subcommittee on Public Health, Education, Welfare, and Safety of the Senate Committee on the District of Columbia, I wish to give notice of a public hearing to be held at 10 a.m. on August 28, 1970, in room 6226, New Senate Office Building. At the hearing, the Subcommittee will hear testimony on the following legislation:

H.R. 18086, a bill to authorize the Commissioner of the District of Columbia to sell or exchange certain real property owned by the District in Prince William County, Va.;

H.R. 9017, to amend the District of Columbia Alcoholic Beverage Control Act;

S. 3010, to authorize in the District of Columbia a program of public day-care services; and to amend the District of Columbia Public Assistance Act of 1962 so as to relieve certain adult children of the requirement of support and to provide public assistance in the form of foster home care to certain dependent children.

H.R. 670, to amend section 19(a) of the District of Columbia Public Assistance Act of 1962;

S. 3944, to authorize the District of Columbia to enter into the Interstate Agreement on Qualification of Educational Personnel; and

H.R. 13307, to amend chapter 3 of title 16 of the District of Columbia Code to change the requirement of consent to the adoption of a person under 21 years of age.

Individuals and representatives of organizations who wish to testify should notify Edward Maeder at 225–4161 prior to August 26, 1970.

Written statements, in lieu of personal appearance, are welcomed and may be submitted to the assistant chief clerk, room 6218, New Senate Office Building, Washington, D.C. 20510, for inclusion in the hearing record.

ADDITIONAL STATEMENTS OF SENATORS

WASTED TECHNICAL TALENT

Mr. ALLEN. Mr. President, like so many others within this body and elsewhere in our great Nation, I have long been concerned with the need for shifting our tremendous technological resources from war to peacetime.

I felt this same concern on the certain knowledge that our vast storehouse of scientists, engineers, and managers within the National Aeronautics and Space Administration would be left without useful tasks as the great crash program to reach the moon peaked and began its decline to a more normal pace.

In February of this year, in a radio message to the people of Alabama during which I discussed the problems of salvaging our environment, I expressed the belief that the President would do well to make use of the reservoir of technical knowledge within the Department of Defense and NASA in helping to win the battle for our environment and other national problem areas.

Mr. President, it is no secret to the world that much of the technical capability to which I refer is located at Huntsville, Ala. That is where Dr. Wernher von Braun directed his magnificent team in developing the massive Saturn boosters which carried the Apollo astronauts to the moon. And the Army's Redstone Arsenal—also at Huntsville—is where a superb management team of civilian and military scientists and en-

gineers developed and continues to develop the missiles and rockets with which the United States discouraged and discourages massive aggression against the free world.

It is from these Alabama headquarters of the George C. Marshall Space Flight Center and the Army Missile Command that the vast aerospace and electronics industries throughout the Nation received their direction and inspiration.

It is also no secret, Mr. President, that the budgetary restrictions placed on NASA and the Army have now dealt a severe blow to these magnificent management teams. The men and women who made up these teams were educated through taxpayer support of their colleges and universities. Most of them received additional specialized training under agency programs. They are on the payroll and are ready, willing, and able to assume new tasks.

Not to make use of the people and the laboratories and other expensive facilities is a criminal waste of precious national resources to say nothing of the loss in taxpayers dollars. Here, within the great but declining aerospace complex, are Government civilian employees who, with minimal additional expense, could contribute immeasurable knowledge and leadership to other programs now needed by our Nation—such as salvage and redemption of our environment, urban problems, transportation, communications, nutrition, housing, and education.

Mr. President, we in Congress and those in the administration owe an obligation to these men and women who have worked so diligently and well for their Nation, only to find themselves without jobs and without a future.

Mr. President, during the past few days, an open letter to the President in the form of an advertisement has appeared in the Wall Street Journal and other metropolitan newspapers dealing with this very problem.

And on Wednesday, July 29, 1970, a news story written by Jack Hartsfield, science editor of the Huntsville Times, one of Alabama's finest daily newspapers, puts into words the plight of these capable government and industry employees whose livelihoods and careers are threatened because of changing priorities and a limited national budget.

Mr. President, these two articles pinpoint the very problems to which I now address myself, and I feel that they would prove informative and suggestive of solution to the Members of the Senate. I therefore ask unanimous consent that these two newspaper items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

[From the Huntsville (Ala.) Times, July 29, 1970]

GOLD MINE OF LOCAL TALENT JUST SITS WAITING

(By Jack Hartsfield)

A multi-million-dollar gold mine, situated in the heart of Huntsville, is up for sale—but as ironic as it seems, bargain hunters are being sheepish about mining the wealth.

The fortune isn't subterranean. It's right on the surface for anyone to scoop up.

The nuggets, scattered throughout the city, come in various sizes, shapes and values. In fact, they're so diverse that there are several thousand to choose from.

The wealth is talent, people. The jobless corps of highly-trained specialists these days spend time waiting for the telephone to ring.

Or writing resumes. Or puttering around their homes doing domestic chores. Or trying to plan new futures because the past seems to have run out.

They pray, they hope. They are keeping the faith and talking of better days ahead.

An estimated 3,000 of them, victims of economic slashes in space, defense and industry, are trying to ride out the storm in Huntsville.

"I'd rather be out of work here in Huntsville than anywhere else," one jobless aerospace executive moaned. "There really aren't many jobs available anywhere in the country.

"So I'll wait. As long as I can or until I see daylight somewhere, somehow."

Few want to leave Huntsville. In essence, they're betting their futures that they can remain and find work with new industries, flirting with ideas of major moves to the city to absorb the multi-talent going unused.

Amazingly, most of the cream of the crop of the city's jobless executives are still here, even after three months, six months, a year without work.

They're playing a waiting game, but it's the kind of game that can become frustrating, discouraging, almost mortifying.

Life savings can hold out only so long. Working wives, part-time jobs, shrinking family money reserves fray the nerves.

The dilemma is no different for an elite 317 seeking the help of the Alabama State Employment Service.

Name the specialty and one of them has the background, the experience—but no job.

The 317 alone amassed salaries of $4.1 million last year. But now they're doing without, not by choice, but by circumstances.

Almost all of them are still here—waiting, hoping.

For William C. Ragsdale, a $24,000-a-year engineering executive with Chrysler until he lost his job last February, the dilemma has meant a nightmare of sending out more than 1,000 resumes to prospective employers.

Not one has resulted in a job offer.

Discouraged but not beaten, the 16-year Chrysler veteran refuses to give up. With no other recourse, Ragsdale, 45, is trying private enterprise on his own.

"When all else seemed useless, we started two companies of our own, using 'displaced engineers'," Ragsdale added. The two firms are Teleconference Inc. and Associated Engineers.

"So far, though, it's been all outgo and no income," he confided, "but we have hopes." The only new income comes from the $75 a week his wife brings in her new job as a social worker with the Career Opportunities Program, irony in itself to say the least.

If the two new firms don't turn a profit and Ragsdale doesn't find a livelihood, then what?

"I guess D-Day would be about the end of September," he said. "I don't have any other place to go . . . there are relatives in Denver, Kansas City, but that's the last resort."

With three grown children, there's his 12-year-old son still at home.

"I heard last night that the economic situation nationwide was easing up," Ragsdale, an expert mechanical engineer, added. "I thought that was real fine—but I haven't noticed."

Willard R. McKewen, caught up in the reduction in force at the Army Missile Command, gets his last paycheck Wednesday from the Army. He was a $20,000 a year logistics analyst. His leave status runs out Wednesday and there's no job for him to return to.

He wants to stay in Huntsville if he can. "We've prayed about it and we have to believe that everything will work out to our own good," the father of two teenagers added.

McKewen, 46, is still holding onto the slim possibility that he'll be recalled to his job at the arsenal. He's spent 28 years in civil service.

If nothing happens, he says, the only answer will be for him to apply for retirement and look for other work. "I'll have to find something, somewhere," he injected.

In some cases, though, there can be no more waiting. Norman W. Levora, 44, father of three, will reluctantly leave Huntsville Saturday.

With no work in sight, he's heading back to Ohio and college to get his doctorate in physiology. His wife, Martha, has been bringing home a small paycheck as a social worker here.

Levora was a physiologist with Chrysler until he lost his job last November.

His luck at finding other work anywhere?

"Terrible!" he admitted. "I've had 50 to 75 resumes floating over the country with not a single response."

Levora would stay in Huntsville if the proper job was available. In fact, the Ohio native has nothing but praise for the city.

"Huntsville has done a magnificent job of keeping up its economy despite the space and defense cutbacks," he said, naming off Dunlop, Automatic Electric, Pittsburg Plate Glass, others.

While there are jobs in Huntsville at such firms, none fit the training, experience or specialized ability of Levora.

For the most part, the jobs at Dunlop, Automatic Electric and others are assembly line work, semi-skilled employment.

A highly trained engineer goes wanting while those of less education and experience fill the assembly line jobs.

Basically, the problem adds up to an engineer losing a job and two assembly line workers making up part of the difference.

It is little solace for the highly-trained technical man who might just as well be living in a tent in the Sahara Desert as far as job openings are concerned.

"But I think Huntsville's economy will continue to move up," Levora added. "The city is in an excellent position." Somehow, through, it has ruled Levora out.

Levora, a $10,000 a year man, simply cannot afford to wait.

"My need is a job right now. Not next week. Not next year," he explained, "so I have to go now." In a couple of years he plans to have his doctorate, aimed at environmental research.

"At least a doctorate will qualify me to teach if nothing else is available then," he added.

At the Alabama State Employment Service, the list of unemployed executives here is rising by 75 to 100 a month.

Many times that number are seeking to find jobs on their own with mostly saddening results.

Some are heroic about their dilemma. One, hoping to get his job back at the arsenal, refuses to equate his job loss with the gearing down of defense.

If the slashes in defense mean an end to the Vietnam War is in sight, he'll never complain.

"To get that war over with, I'd prefer to have to look harder for a job if that's what it takes."

The Nixon administration insists that the economy is on the upswing and job opportunities are slowly becoming available, but the list of 317 top jobless executives wonders.

A survey of their luck in finding work brought responses from 181 of them.

Of the total, only one had been offered a job in another part of the country.

"It's a shame we can't offer them all something in Huntsville right now," one city official confided.

"That much talent . . . that much brainpower—all going to waste."

AN OPEN LETTER TO PRESIDENT RICHARD M. NIXON

DEAR MR. PRESIDENT: I wonder if your advisers have notified you of the urgency that exists today in the field of high technology.

Numerous companies in the United States of America have built our image to a point of technological leadership throughout the the world. These organizations have given birth to new fields for the betterment of mankind in areas of communication, transportation, aerospace, nuclear energy, and oceanography. They have accomplished the landing of the first man on the moon. These scientific achievements have been the result of the efforts of our doctors, engineers, designers and researchers. These same valuable people are in serious trouble due to lay-offs and the closing of plants. Their outlook is bleak. Economic pressures force them to turn elsewhere to earn their basic livelihood.

I find that the unemployment rate of top-ranking scientists, engineers and designers is at an extremely dangerous level for our national well-being. Furthermore, it is rising daily, which trend can only have the subsequent effect of lowering the enrollment rate of the upcoming generation in these fields. Unless immediate action is taken, it will require at least five years to replace this brain power. I am quite sure that you want the United States to remain number one in the field of technology and not have it become a second-rate power.

Therefore, after consultation with leaders of various industries, I suggest that some of the following projects be undertaken for a peacetime economy to prevent technological displacement:

1. The majority of the world population is classified as illiterate. Microwave Communications on a world-wide basis could play an important role in eliminating this blight. The capability for this endeavor has already been developed through out NASA Space Program.

2. In the fight to control pollution of our atmosphere, our Aerospace Industry should be designing and developing computerized electronic transportation systems to eliminate they daily use of automobiles powered by the combustion engine.

3. Oceanography is of prime importance, and more research should be directed here, first to develop a source of food for the world population, and also for making minerals available to all countries.

4. We, as a world leader, should be assisting undeveloped countries to move forward in the development of nuclear power plants in order that they can produce electricity cleanly, efficiently and economically.

5. Our Defense Arsenal should be phased out of the era of the 50's and 60's and be brought up to date with the new technology of the 70's.

6. In the fields of Health and Education, our Health Program could be enhanced by the electronic sensor and computer technology developer for our Astronauts. Our Education System should be brought up to date with new programs that will prepare our youth for the world they must face tomorrow—a world where progress must be pollution control, nuclear power plant development and oceanography.

It is my belief that private industry could not only achieve these peacetime goals, but surpass them if money for such projects were made available, with the assistance of the Government, through long term, low interest rate loans by the United States or International Banks.

Such a program could save our scientists, engineers and our country from technological oblivion. This program would also offer true assistance to underdeveloped countries regardless of their national aspirations, and at the same time set the United States firmly in the position of World Leader in Technology.

I have the honor to remain,
Yours faithfully,
BENJAMIN FRIEDMAN.

THE NATIONAL SCIENCE POLICY

Mr. MANSFIELD. Mr. President, Representative DADDARIO, chairman of the Subcommittee on Science, Research, and Development, has undertaken a long-overdue congressional study on science policy. No Member of Congress is more qualified than Mr. DADDARIO to conduct this investigation. He has long demonstrated an understanding and concern for the scientific and research needs of this country as well as a willingness to expend the great energies of the magnitude required.

He requested that I submit my views to his subcommittee, especially with respect to the relationship of the Defense sponsorship of basic research and the desirability of transferring the emphasis of the sponsorship from Defense to the civilian agencies.

I ask unanimous consent that my testimony before the subcommittee on August 11, 1970, be printed in the RECORD.

There being no objection, the testimony was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MIKE MANSFIELD

RECHANNELING THE PUBLIC RESOURCES FOR BASIC SCIENCE THROUGH THE CIVILIAN AGENCIES: A NEW GOAL FOR NATIONAL SCIENCE POLICY

I have been asked to comment on the government's role regarding the support of research. I appreciate this invitation by the Chairman of the Subcommittee on Science, Research and Development. Specifically, I suppose the question really is whether adequate government support of science can be carried on if there is a permanent shift away from the role of the military in the conduct of research. What must be considered is the relationship of the Department of Defense and other mission agencies to the matter of research; what part research plays in their overall functions and as a related matter, whether strong ties should be continued between the Pentagon and our universities. The answer to these questions by and large will determine this nation's entire science policy for the years ahead.

At the outset I should say that the quality of life on earth tomorrow will be determined in large part by the measure of the scientific research undertaken today. There is thus a significant public responsibility to sponsor research in the various scientific disciplines and to keep the way clear to follow up on new discoveries. Determining the emphasis, however, is a most delicate responsibility. To a great extent the emphasis is determined by the size of the resource devoted to the various disciplines.

Since the end of World War II, the Government's contribution to research, development and the supporting facilities has reached nearly $200 billion. Where and by whom that money was spent has determined not only the science policy of this nation but the entire emphasis in science education and training. During this time well over half of the government's contribution to science has been channeled through the Department of Defense. It must be clearly understood that most of this money purchased research of the highest quality. However, not nearly so clear is the rationale that dictated that the Department of Defense should be the principal sponsoring agency for much of this vital research.

For the past 25 years the Pentagon has sponsored research in almost every scientific discipline imaginable. From the most esoteric examinations of ornithology to the study of broad social movements in foreign countries, the Pentagon has run the gamut in its research endeavors. By necessity, therefore, the Pentagon assumed a significant role in determining the nation's science policy. The desirability of such a large role for this mission agency is the basic issue confronting us.

It is not difficult to understand how we got where we are today. The phenomenon of channeling so much of our research money through the Defense Department developed over the years not only from normal bureaucratic urges to grow but because the science community and the Congress acquiesced in that growth. So the question is not how we got here. It is why. To put it simply: Why should the Defense Department be the principal government agency through which is funded the federal research that has no apparent relationship to the security needs of this nation?

To reply by saying that the research community has found that funds simply were more readily available at the Defense Department rather than at other civilian agencies states a fact. But it is not an answer. Nor is it sufficient to say that Pentagon requests for funds receive less Congressional scrutiny than those requested by non-military agencies. Too often in the past the prevailing attitude has been expressed by the question: Are we giving you enough? Perhaps it should have been: Why do you need so much? In part the historical answer lies in the fact that the cloak of national security lined with the international threat of communism simply prevented a close scrutiny of Defense requests including requests for research and development. In part, the answer is that Defense spending requests became so large that even billions for research and development seemed dwarfed. As a result the scientific community came to rely upon the immunity of Defense funding from close scrutiny and occasional budgeting squeezes. For years Defense funding provided a very stable source of research money. It was the easiest path for the research community to follow.

It wasn't long before many of the most able members of the science community gravitated to this source of funds. It became apparent, too, that although only a relatively small fraction of the federal research dollar was spent on university campuses, that money was very important to those universities in maintaining their status. The salaries paid by the research grant paid in effect the salary of the faculty member and a good share of the institution's overhead as well. The universities were not prepared to accept direct subsidies for fear of losing their autonomy—but they were apparently prepared to accept such a dependence indirectly with no questions asked.

Two years ago during Senate debate on the Defense appropriations bill for fiscal year 1969, I offered an amendment which would have limited the payment of indirect costs for a research grant or project to 25 percent of the direct costs.[1] From my preparation for this measure and subsequent debate, I saw the grave financial difficulties faced by our universities today and noted the disturbingly heavy dependence of virtually all of our leading universities upon hidden subsidy via indirect costs. A total of 620 academic institutions in fiscal year 1968 received federal support for research and development totalling $1.4 billion. Of this the Department of Defense accounted for $243 million and the National Science Foundation, $212 million. This money largely benefited only a few institutions. The top 100 accounted for 87 percent, or $1.2 billion.[2] Even under the limitation of my

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amendment, these top 100 would have received $300 million for indirect costs; money that the individual scientists would never see but which would go into general university funds. Of this, in turn, 20 percent would have come from the military appropriations. And since overhead charges by many institutions were higher than the 25 percent limit I proposed, the Defense Department in 1968 was supplying more than $60 million to the indirect cost accounts of leading universities. Under these circumstances, I concluded that the situation was most unhealthy. To better gauge the ramifications of the federal subsidy to universities through overhead payments, I wrote to Philip Handler, then Chairman of the National Science Board and now President of the National Academy of Sciences. In a frank reply, he pointed out that of $1,671 million of federal funds for research at universities for fiscal year 1967, only about $426 million were utilized to support research in the most immediate sense. The remainder found its way into institutional funds and departmental funds.[3]

Subsequently the National Science Board proposed to the President that this situation of a hidden and unhealthy subsidy be corrected through grants to the universities so that future proposals for research would need cover only the direct and out-of-pocket costs of the work. I hope that the silence which greeted this recommendation within the Executive Branch will not be permanent and that Congress will assess its practicability as a way to establish more honest relations between the universities and the agencies of the federal government that fund on-campus research and higher education.

A contributing reason for the expansion of defense interests into almost each imaginable field of research in my opinion is the past and present inadequate information about what kind of research is being done by whom and where.

It has often occurred to me, and to other Members of Congress, that because many federal departments and agencies fund so many research projects, there is a real possibility of overlap and duplication simply because "the word" does not pass between federal research administrators. Note that I am not speaking of research that one scientist deliberately carries out to confirm or refute the discovery of another, for this is an essential part of the scientific process. Rather, I have been and am still concerned with the probability that needless and unwitting duplication of work occurs which could be minimized if scientists and administrators had a current, reliable and complete source of information about who is doing what research with federal funds. So I asked the agencies to supply me with a list of current research projects. Having little success with the direct request, I arranged for the Bureau of the Budget to ask the agencies to comply.[4] When all of the replies finally trickled in, it was evident that whatever the agency project information systems may be, they are simply incapable of readily providing summary information on research. Eight departments and agencies finally responded. Five separate replies were sent by Defense and six by the Department of Health, Education and Welfare, bringing the total number of project information readouts to 17. Eight replies appeared to be printouts of computer systems, with the rest manually prepared. Two defense agencies submitted computer products and three manual ones. Later it was reported to me informally that project information had been taken from the computer-based systems, edited and put back in before being printed out for transmittal. Three of the agencies of HEW and four other agencies used the science classification system specified by the Bureau of the Budget in its Circular A-46. The remainder employed their own systems for identifying fields of science. The system used by the National Science Foundation, presumably the lead agency for federal information on science and technology, was different from that specified by the Bureau of the Budget.

Parenthetically, considering the many computers and elaborate information systems of government agencies, this simple request should not have produced the administrative convulsions that it did. The administrative entanglement indicated to me that each department goes its own way in research with little attention to that funded by others. There simply does not exist a system capable of quickly and easily informing research administrators in one department of what research of potential interest or use to them is currently funded by another federal agency. While coffee-break exchanges among scientists have their value, they are not an adequate substitute. It is well over a year since I inquired into this matter. Yet the Office of Science and Technology has not decided what current information about research projects should be collected, who should do the collecting, how it should be collected and who can have access to it. Perhaps we need some one to tackle this issue with the vigor of past efforts when the related question of cataloging and making available the results of research already done was exhaustively considered. Perhaps the reorganized Office of Management and Budget can give this a priority among its management functions.

My experience in trying to get current information on research confirmed yet again my observation that bureaucracies must often be kept after to obtain improvements in the administration of government-funded research. These improvements are all the more necessary in a time when the dominant question has changed from: "What can we spend our increasing research appropriations on?" to "How can we best spend the available appropriations for research?"

In this connection, to overcome the inertia, to get out of comfortable, well-worn ruts sometimes require heroic measures.

It was during the Senate's appropriation hearings in 1968 that I asked Dr. Foster of the Defense Department about duplication of research and about the relation of Defense-sponsored research, particularly its basic research, to that of other agencies. It was abundantly clear in his response that the Pentagon then believed all fields of science and technology were open to it, that it saw no inconsistency in funding basic research in fields already funded by civil agencies, and that all research projects it sponsored were somehow relevant to Defense needs. The Defense Department was adamant in its position that it must continue the full spectrum of research then being undertaken, even though by definition the outcome of much such research can neither be predicted nor its possible relevance to military science known. This testimony reinforced the conviction that research funded by the military appropriations had built up an enormous momentum, and that only the most forceful efforts by Congress could effect change in the direction of rechanneling federal responsibility for the funding of basic research. At the time, it seemed clear that there was not a national policy that viewed the nation's long-term interests. What to do about it was another question.

During the floor debate on the military authorization bill (PL 91-121) for fiscal year 1970, I added a rider which appeared as Section 203. It reads as follows:

"None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct or apparent relationship to a specific military function or operation."

That provision became law and the same provision now appears as Section 204 of the military authorization bill reported to the Senate for fiscal year 1971, but does not appear in the bill reported in the House.

I believe Section 203 is a necessary and practicable step towards the goal of reducing the heavy dependence of American science that has built up since the early 1950's. Properly and imaginatively administered, it can also lead to a strengthening and a rebuilding of the foundation for the future of much of American science.

The intent of the provision is clear. It is a mandate to reduce the research community's dependence on the Defense Department when it appears that the investigation under consideration could be sponsored more reasonably by a civilian agency. After all, the National Science Foundation was created by Congress back in 1950 specifically to channel federal funds into basic research. Since its creation, it has been the orphan child of the federal government's science policy. Since 1955 NSF has been given $2 billion to sponsor basic research. During this same period, Pentagon spending has been $3 billion on this same type of research; it has spent 50% more for the fundamental investigations—in addition to the many billions on advanced research and development of specific military needs—than has the agency set up for this sole purpose.

The addition of Section 203 to the military authorization law thus sought to set in motion a realignment. The language was intentionally imprecise in an effort to afford the Executive Branch an opportunity to start a process that would lead to the transfer of resources from the Defense Department to the civilian agencies—primarily to the National Science Foundation.

Clearly, Congress, does not exist to operate the daily workings of the Executive. By law, however, Congress does have a responsibility together, with the President, to establish broad policies. Congress has a right to assume that policies so established will be followed. Much progress has already been made since Section 203 became law in the face of the resistance that has lingered in some quarters. The authorization for NSF funding for this coming fiscal year has been increased by about $75 million over last year. By comparison, this year the Defense Department's share of basic research funds will be $50 million less than that of the National Science Foundation.

By no means, however, does Section 203 intend to cut off the Defense Department from research that it needs. It is neither anti-military nor anti-research. Whether the language chosen is interpreted strictly or loosely, it is hoped that the ultimate result of this whole endeavor will be a continued high level of basic research funding by the federal goverrment. Hopefully, we will see in the near future that the civilian agencies under the leadership of the National Science Foundation will develop as the primary source for these research funds. The responsibility of the civilian agencies to fund an appropriate share of basic research is in no way diminished by Section 203. The Pentagon will continue to have a responsibility for research—even basic research, one that allows those entrusted with military defense to maintain a full and necessary exchange with the researchers at the frontiers of science. The role of the Defense Department in sponsoring basic research, however, is intended to be incidental rather than predominant.

Turning now to the DoD response to Section 203, I believe that the review of research by DoD could have benefited from guidance and criteria issued by its top management. That did not happen. Instead, all that the Defense Department did was to send a memorandum to its constituent agen-

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cies informing them of Section 203 and telling them to comply.

When I inquired of DoD about their follow-through on this provision, Deputy Secretary of Defense Packard replied in part that the Department had contacted the National Academy of Sciences and invited them to consider carrying out an examination of all projects which might be affected. I thought this a constructive idea and wrote to Dr. Handler on December 5, 1969, to support this participation by the Academy. To my disappointment, Dr. Handler replied on December 12 that he must decline to involve the National Academy of Sciences directly in the review. He did volunteer to offer the Academy for any follow-up review. More important, he agreed it would be useful for the Academy to do two things. First, to formulate principles which might guide the administration of Section 203. Second, to undertake a projection of the implications and consequences of Section 203 with respect to the future of federal research policy and the national welfare. While I did not ask the Academy to do so then, experience with Section 203 indicates that it should do so now.

To date, there have been differences in application within the Department of Defense. On the one hand, for example, the Advanced Projects Research Agency asserts that none of its projects fail the test of Section 203, even though the General Accounting Office has singled out some as questionable in terms of this legislation and as more properly supportable by the State Department than by military appropriations. On the other hand, the Department of the Air Force has seized upon Section 203 to terminate research funded from appropriations prior to fiscal year 1970, with the excuse that they were carrying out the "Mansfield" philosophy.[5]

Of the 6,600 research projects that were reviewed, 220 were found affected by Section 203 which involved fiscal year 1970 funds totalling $8.8 million. This is about 4 percent of the $223 million that DoD obligated during this fiscal year for research at colleges and universities, and less than 1 percent of the $1,295 million of federal funds for university research and development estimated by the Bureau of the Budget for fiscal year 1970.

By comparison, the general tightening of the Defense research budget for fiscal year 1970 caused a reduction of $64 million, notwithstanding Section 203.

Recently, the Secretary of the Air Force testified that approximately 7 percent of the research projects, representing 3 percent of the Air Force research program, failed to pass Section 203. In comparison, tightening funds required a cut of over 10 percent.

Of course, Section 203 goes beyond the 220 projects immediately affected. Research projects funded from prior years' funds that do not meet the test of this legislation will be affected as they come up for renewal. The Comptroller General was unable to provide us with an estimate of the number of projects in this category or their total funding. Nonetheless, in my judgment, such projects should continue to their normal expiration, which will provide time for coordinated review by the Department of Defense with the civil agencies and for leadership and initiatives from the Office of Science and Technology. Despite its limited reaction to date, I still look to the Office of Science and Technology to provide the leadership necessary so that research affected by Section 203 which should be continued in the national interest will have a fair chance at the available basic research funds.

All that is required under Section 203 is relevance, which is not a dirty word as some critics of the Section sometimes seem to suggest. Relevance does not preclude agencies from funding basic research. Section 203 does not forbid the Defense Department from funding any and all research at colleges and universities. Had that been our purpose, we would have so written this legislation. What Section 203 does is to begin to close out a second and a backdoor National Science Foundation which has grown up in the Department of Defense.

It seems to me that the Defense Department can readily identify and justify many fields of fundamental research about which enough is known to judge their relevance to defense needs now and in the foreseeable future. Research funded in such fields as a result of announcement and publication of such DoD interests should produce proposals for research that would permit scientists to explore aspects of science which add to understanding in fields reasonably related to Defense needs.

The idea of relevance is now new. I should think that the Science Advisor to the President would be well acquainted with the following statements that support the principle of relevance.

First:

"The Foundation shall be increasingly responsible for providing support by the federal government for general-purpose research through contracts and grants. The conduct and support by other federal agencies of basic research *in areas which are closely related to their missions* is recognizable as important and desirable especially in response to current national needs, and shall continue."

Second:

"Mission oriented governmental agencies do and should support much long-range basic research, information from which is calculated *to have a direct bearing on some aspect* of their mission. . . . All mission oriented agencies need to be in close contact with the best and most advanced research which can apply to their problems."

The first is from President Eisenhower's Executive Order No. 10521 of March 15, 1954, on scientific research. This order still stands. It was not rescinded by President Kennedy, by President Johnson or by President Nixon. The second comes from the recent advice to the President by his Task Force on Science Policy.

Section 203 opened to the Administration a unique opportunity to set in motion a rebalancing of the responsibilities of federal agencies for the funding of basic research. The section became law on November 19, 1969. Yet the budget for fiscal year 1971 does not indicate that this opportunity has been taken. There is no indication of a shift of basic research unrelated to defense needs to the National Science Foundation or other agencies and, at the same time, a corresponding reduction in Defense funding.

In short, timely arrangements have not been made for orderly decisions pursuant to Section 203. I wrote last fall to the Director of the Budget Bureau and to the Cabinet officers of Departments and other agencies concerned on that point. The letters have had no appreciable effect. The Research Management Advisory Panel to your Subcommittee recommended that the Section be administered so as to produce an orderly shift in sources of research support. What has happened to that recommendation? In the meantime, where is the contribution of the interdepartmental system for coordination in research to which reference is always made when Congress starts to talk about improving the administration of federal appropriations for research? What has it done?

All that is heard are requests for the abolition of Section 203. Indeed, there seems to be almost a willingness to risk the wreck of the whole DoD basic research program rather than take an innovative and imaginative response to the law. Again, however, what may be involved is the built-in inertia of bureaucracy.

To carry out the intent of Section 203 will require new ventures in interagency coordination. That is the responsibility of the reorganized Bureau of the Budget and the Office of Science and Technology under the President. Thus far, unfortunately, the White House science office apparently sustains the rigid opposition of the agencies to Section 203. That is most unfortunate because if there are to be improvements in coordination and a shift in the emphasis of federal policy with regard to support of basic research, it is going to take a joint effort by the President and the Congress.

To sum it up: We are in dire need of a new national policy on the federal role in science. Whether technological progress depends upon basic research is no longer an issue. That was agreed upon years ago; and I am sure it is the conviction of Congress that maintenance and hopefully growth in scientific activities are essential to the public welfare and the nation's future. But the policies of the 1950's and 1960's are not suitable for the already perplexing 1970's. Too much is at stake to depend upon fortune, upon luck, upon happenstance. Our policies must be soundly and thoughtfully conceived and guided.

If the Executive Branch is thinking about policy in these terms, no evidence of it has yet appeared in the public press despite recent inputs from the President's Task Force on Science Policy and the National Goals research staff.

I hope we can look to the scientific community for advice. Yet I recall that this community speaking through the National Academy of Sciences in 1965 was unable to answer the questions on how much money should be spent for research and how it should be divided up.

Recognizing the risk of oversimplifying, it would be my judgment that we can no longer rely for guidance upon an uncoordinated, unplanned collection of laws, orders, statements, understandings, and traditions. These all have their place. But we must now bring them together, which is what the inquiry of the Subcommittee is all about. I would hope that the Subcommittee on Science, Research and Development will continue its role of Congressional leadership and stimulate enough interest so that our leaders of government and science will sit down together and work out the principal outline and content of the kind of policy that is needed. It is up to Congress to assert its long-neglected responsibility and set forth a national policy for science. It is long overdue.

FOOTNOTES

[1] CONGRESSIONAL RECORD, vol. 114, pt. 22, p. 29322.

[2] "Federal support of research and development at universities and colleges and selected nonprofit institutions, fiscal year 1968." National Science Foundation report NSF 69–33, 1969, pp. 3 & 14.

[3] For the text of Mr. Handler's letter, see CONGRESSIONAL RECORD, vol. 114, pt. 22, pp. 29338–29339.

[4] C.f. Bureau of the Budget Bulletin No. 69–8, dated December 3, 1968, Subject: Listings of Federal Government contracts and grants for support of research.

[5] In his letter to Rep. Daddario of June 5, 1970, Secretary Seamans wrote of Section 203: "We have attempted to meet the intent, as we understood it, rather than merely the letter of Section 203. Accordingly, we made no distinction between FY70 or prior year funded research in our review. . . ."

COMMUNIST OCCUPATION OF CZECHOSLOVAKIA

Mr. CURTIS. Mr. President, on this day 25 years ago Soviet troops completed their occupation of Czechoslo-

vakia. Today, on this anniversary of Czechoslovakian enslavement, I would like to recall briefly the continued devotion of the Czechoslovakian people to freedom.

Even before they united, the Czechs and Slovaks fought autocracy whenever it was imposed. During the First World War the Czechs resisted their oppressors in house-to-house engagements, and great numbers of Czech troops passed over to the Allied cause. The war's end brought unification of the two peoples and a brief taste of freedom.

Their liberty ended in 1939 when the Munich Agreement was signed. Winston Churchill gloomily proclaimed:

> All is over. Silent, mournful, abandoned, broken, Czechoslovakia recedes into the darkness.

Mr. President, the tiny nation was in darkness but she was not broken. During 5 years of Nazi rule, the Czechs again fought their oppressors at every turn. They demonstrated, and the Nazis suppressed all higher and secondary education for Czechs. Gestapo courts condemned hundreds to death. The Czechs killed their cruel overlord, Reinhard Heydrick, and the Nazis obliterated the little village of Lidice.

The war's end brought the fall of one tyrant and the accession of another. By 1945, Russian troops had completely occupied the little state.

In 1948, the Russians precipitated a cabinet crisis, forced the resignation of 12 anti-Communist ministers, and murdered the non-Communist foreign minister, Jan Masaryk. On May 30, 1948, Czech voters were offered the familiar one-slate ballot and the Communists won full control.

Like the Nazis before them, the Communists have been quick to crush the persistent signs of the Czech love for liberty.

The 1968 events—the accession of Alexander Dubcek declaring his intention to make Czechoslovakia democratic, the military invasion by Russia in response, the brutal end of demonstrations and institution of strict censorship, and Dubcek's quick fall from power—are fresh in the minds of every Senator.

So, too, is the Brezhnev doctrine.

Mr. President, these words are not a sufficient tribute to the continued courage of Czechoslovakia in the face of a quarter-century of modern tyranny. The voices, acts of resistance, and tread of troops speak for themselves.

Today, the Czechoslovakian people are temporarily muted, but—judging by their brave and valiant past—we shall not expect them to be long silent.

TRIBUTE TO DR. LEE DuBRIDGE

Mr. MANSFIELD. Mr. President, the White House recently announced that Dr. Lee DuBridge has chosen to resign his duties as Science Adviser to the President and Director of the Office of Science and Technology. Dr. DuBridge brought to this administration a dignity and professional reputation that was unsurpassed. He is one of the leading scientists of our Nation and a man of great honor and esteem.

I was particularly disturbed by a reference in an editorial of the New York Times today that a speech I made last July 10, 1970, taking issue with Dr. DuBridge's attitude with respect to the Defense research and the undue dependence of the scientific community on this source of funding was a personal attack upon Dr. DuBridge. It was not intended to be, nor in rereading that statement today do I think it can be fairly characterized as such.

I disagreed with Dr. DuBridge and expressed that disagreement. Dr. DuBridge had expressed fully and ably his disagreement with my desire for a swift transfer of resources from Defense to the civilian agencies. I believe we both seek the same result. We have viewed the urgency from different perspectives. I am certain that Dr. DuBridge was greatly concerned that a great amount of extraordinarily high quality research would be abandoned in the transfer process. That is a risk—a risk, however, that can be prevented—but a risk in my opinion that must be taken to assure the continued health of the research community and the universities. I believe strongly that it will also inure to the benefit of the Department of Defense.

But these disagreements should never have been interpreted as in any way affecting any great respect for Dr. DuBridge as a man, a scientist, and public official. It is when government attracts men of his caliber to its service that faith can be bolstered that the system can work.

SENATOR RANDOLPH STRESSES VALUE OF AGRICULTURAL CONSERVATION PROGRAM

Mr. RANDOLPH. Mr. President, since the first of the year when the budget for the Department of Agriculture was announced, I have received a number of letters and other communications from farmers in West Virginia, as well as other persons interested in agriculture, protesting the proposed elimination of the agricultural conservation program from the fiscal year 1971 budget.

As Senators know, the appropriations bill recommended by the Senate Subcommittee on Agriculture Appropriations and recently approved by the Senate reinstates funds for this important program. I commend the members of the subcommittee for this action. I hope, however, that when the Senate conferees meet with those from the House they will agree to the $195.5 million approved by the House—the same level of funding as in fiscal year 1970. And I urge the administration to allocate the full authorization to the States rather than withholding part of it as they have for the 1970 program.

President Nixon has called on our Nation's farmers to help restore the quality of our environment by adopting pollution control practices. This is a worthy objective and our farmers have been doing this with the help of the agricultural conservation program since it was authorized by Congress in 1936. Under this program in 1969 permanent cover was seeded on nearly 4 million acres and nearly a million acres of rotation cover were added. And over 5¾ million acres were seeded to keep the soil from washing or blowing during the entire year, over the winter or the summer seasons. Further, the permanent cover on over 4 million acres of range and pastureland was improved for soil protection. Among other practices established to prevent erosion and the silting of streams are tree planting, strip cropping on the contour, establishment of sod waterways and terraces, erosion control dams and other wind control operations.

For the enhancement of natural beauty, conservation programs were carried out on 110,000 acres. Practices to protect and improve wildlife were established to serve about 1 million acres.

Mr. President, in West Virginia over 15,000 farmers participated in the ACP in 1969 and during the last 5 years approximately 30,000 farmers participated for at least 1 year. These figures show that it is not the same farmers who have participated every year. The program is open to every farmer. In 1969, the assistance for conservation practices under the ACP averaged only $104 per farm in my State as compared to a national average of $213. The size of these payments is small and yet they provided the incentive to the operators of over 2.3 million farms to protect, improve and enhance the Nation's soil, water, and wildlife resources.

It is my belief that our Nation derives substantial benefit from the funds expended for this program. Over the history of the ACP, it has been proven that farmers do not carry out the same volume of practices when the funds are reduced. Thus, the elimination or curtailment of funds for this program will endanger the completion of a half billion dollars worth of conservation on our Nation's soils annually. With the incentive provided by the ACP farmers contribute, in time and money, more than the amount allocated through the Federal budget. It is my genuine hope that the agricultural conservation program will be supported at the $195.5 million level this year.

INTERNATIONAL SYMBOL OF ACCESSIBILITY TO AID HANDICAPPED

Mr. DOLE. Mr. President, I invite the attention of Senators to a significant step forward toward the recognition of the problems faced daily by this Nation's millions of handicapped persons and their families.

Too many persons with handicaps lead lives thwarted by inaccessibility to transportation, buildings, and facilities. They cannot use most stores, offices, factories, churches, and other buildings. It is difficult for an able-bodied person to imagine the frustration and hardship this situation presents to the disabled.

Many advances have been made toward the elimination of architectural barriers in the past several years. Recent Federal legislation unanimously passed by the Congress requires that certain public buildings, financed in whole or in part with Federal funds, be accessible and usable by people with physical dis-

abilities. Also, the greatest majority of the States have taken some type of legislative or other official action in recognition of the problems of the handicapped in this regard. However, some of the legislative action taken to date is both vague and weak.

Recently an international symbol of access was adopted by Rehabilitation International and recommended for worldwide use. The symbol consists of a stylized silhouette of a person sitting in a wheelchair. It was designed by the Scandinavian Design Students Organization. The symbol should be used on doorways wide enough to admit a wheelchair, on entrances which are at ground level or have a ramp instead of a stairway, on drinking fountains and telephones that can be reached by a person in a wheelchair, on restrooms that will admit wheelchairs and that have bars to assist disabled users, on parking spaces wide enough to permit transfer from vehicle to chair.

Other places the symbol should be displayed when architectural barriers do not exist are transportation facilities such as airlines, air terminals, railroad stations, buses, subways, public buildings, historical sites, shops, restaurants, schools, theaters, hotels, and motels. It should not be displayed unless the disabled will find the facilities genuinely barrier free.

Copies of the symbol will be made available by Rehabilitation International to the press, and television and to its national secretaries throughout the world who will provide it on request to architects, town planners and all who may be interested in its use and display. The President's Committee on the Employment of the Handicapped, in conjunction with the Easter Seal Society for Crippled Children and Adults, is also working with its Governor's committees throughout the States to make the recognition of these needs of the handicapped an integral part of American life.

Accessible schools and homes, more barrier-free institutions of higher learning, and more accessible buildings and transportation facilities will enable the disabled to learn and work to live useful and productive lives. The adoption of such a symbol is a positive step forward in the worldwide effort to open all doors to the handicapped.

I invite the attention of Senators to the International Symbol of Accessibility and urge them to encourage its use.

NATIONAL JOURNAL STUDIES ROLE OF DRAFTEE IN VIETNAM

Mr. PROXMIRE. Mr. President, on June 30 I submitted the Proxmire-Nelson-Hughes amendment to stop sending draftees to Southeast Asia. At that time I stated:

> To stop sending draftees to Southeast Asia is not only feasible, and urgent, I also believe it is right. Not only is this an undeclared war, but the draftee has borne an unfair proportion of the fighting burden.

In a recent article in National Journal, congressional correspondent Andrew J. Glass supported this statement with the best analysis of the draftee's role in Vietnam to date. In his article, entitled "Draftees Shoulder Burden of Fighting and Dying in Vietnam," Mr. Glass revealed these startling facts:

> Through March 31, 1970, battle deaths among Army enlisted men have totaled 23,890, of whom 13,093, or 54.9 percent, were draftees.
>
> Over the five years in which Americans have been in combat in Vietnam, draftee casualties (killed and wounded) have run 130 per 1,000 per year and non-draftee casualties have run 84 per 1,000 per year.
>
> In 1969, Army draftees were killed in Vietnam at nearly twice the rate of nondraftee enlisted men.
>
> In 1969, the relative chance of a draftee being killed or wounded in Vietnam was 23.4% as compared to the 13.7% of the volunteer.

Mr. President, the reason behind these statistics is relatively simple: The Army has followed a policy throughout the course of the Vietnam war whereby a prospective soldier is guaranteed a noncombat assignment if he agrees to serve for 3 years. In other words, the volunteer has a choice of support assignments, to stay out of combat, and the draftee does not. It is just that simple.

This policy has resulted in the disproportionate use of draftees in the hard-core combat jobs, such as infantry, armor, and artillery. As William K. Brehm, assistant secretary of the Army for manpower and reserve affairs, stated:

> The popular jobs are the ones for which people enlist. They don't enlist for the hard-core combat skills. That is why draftees tend to populate the hard-core combat skills: 70 percent of the infantry, armor and artillery are draftees.

And, as Mr. Glass found in his study:

> In the Army as a whole, 11.4 percent of all personnel are assigned to the rifleman MOS—which Pentagon generals call "11 bravo" but which grunts in Vietnam call "11 bush." Two-thirds of the infantry riflemen trained in fiscal 1970 were draftees.

Mr. President, the National Journal article by Andrew Glass is, I believe, the most convincing statistical argument to date in support of the Proxmire-Nelson-Hughes amendment. This amendment, which has recently been cosponsored by Senators CRANSTON, YOUNG of Ohio, CHURCH, YARBOROUGH, and MCGOVERN, will provide that after the date of enactment of the military authorizations bill, no funds may be expended for the purpose of sending draftees to South Vietnam, Cambodia, or Laos. On behalf of Senators NELSON, HUGHES, and myself, and our additional cosponsors, I hope that this amendment can be brought to the floor for debate, in the near future.

In view of this, I ask unanimous consent that the National Journal article of August 15, 1970, entitled "Draftees Shoulder Burden of Fighting and Dying in Vietnam," written by Andrew J. Glass be printed in the RECORD. I am convinced that the article will prove helpful and informative to all of us in the upcoming debate on the Proxmire-Nelson-Hughes amendment.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DEFENSE REPORT/DRAFTEES SHOULDER BURDEN OF FIGHTING AND DYING IN VIETNAM

(By Andrew J. Glass)

Army draftees were killed in Vietnam last year at nearly double the rate of non-draftee enlisted men.

During 1969, Army draftees were being killed in action or wounded at the rate of 234 per 1,000. Draftee deaths were 31 per 1,000.

By contrast, Army enlisted volunteers were killed or wounded at a rate of 137 per 1,000 and 17 per 1,000 died. Both draftees and volunteers serve 12-month tours of duty in Vietnam.

Draftees comprised 88 per cent of infantry riflemen in Vietnam last year while first-term Regular Army men comprised 10 per cent of the riflemen. The remaining 2 per cent were career Army men.

In the past two or three years, draftees have suffered comparatively higher death rates as their proportion of the Army's combat forces has risen from earlier phases of the Vietnam war.

Battle deaths among Army enlisted men have totaled 23,890 men through March 31, 1970, of whom 13,093, or 54.9 per cent, were draftees.

Previously unavailable draftee casualty statistics reveal that over the five years in which Americans have been engaged in combat in Vietnam, draftee casualties (killed and wounded) have run 130 per 1,000 per year and non-draftee casualties have run 84 per 1,000 per year. The Army General Staff prepared the study at the request of *National Journal*.

How policy is set: Under broad guidelines established by the Defense Department, draftee utilization policies reflect the manpower needs of the service that conscripts the draftee.

Jonas M. Platt, the Defense Department's newly named director of manpower utilization, under the assistant secretary of defense for manpower and reserve affairs, Roger T. Kelley, reported that draftee policy for the Army is formulated within the Army. (The Army has inducted 97.2 per cent of all draftees called to duty during the Vietnam war period.) In an exception to that rule, Platt, a retired Marine Corps major general, noted that since 1967 the Office of the Secretary of Defense has sought to impose a uniform policy of using the skills of college graduates who enter the armed services to the best advantage of the military. Three of five college graduates who enter the Army are draftees.

Draftees in combat: In discussing with *National Journal* the reasons for the disparity between draftee and non-draftee battle deaths, William K. Brehm, assistant secretary of the Army for manpower and reserve affairs, said:

"The popular jobs are the ones for which people enlist. They don't enlist for the hard-core combat skills. That is why draftees tend to populate the hard-core combat skills: 70 per cent of the infantry, armor and artillery are draftees."

Brehm said that President Nixon's Vietnamization policy will have the effect of bringing Army troop replacements below 20,000 a month by May 1971. But he estimated that one-third to one-fourth of the replacements will still have to be combat soldiers.

"That means we'll have to supply somewhere between 5,000 and 6,000 hard-core combat skills a month. My estimate is that we couldn't come anywhere near the 5,000-man level without the draft," Brehm added.

Enlistments vs. inductions: The disparity between draftee and volunteer casualty rates

directly reflects the tasks that the Army assigns each group of soldiers.

Regular Army volunteers may enlist for two or three years. In the first six months of 1970, 16,243 men enlisted for two years. They were placed in the same manpower pool with the 92,750 draftees called to duty for two years by the Army during the same period.

Three-year volunteers, however, have the option of selecting their Army jobs and four out of five make their own choice. In 1970, less than 3 per cent have asked to serve in the infantry.

"As strange as it sounds," Brehm said, "only 800 young men a month out of 200 million Americans are enlisting for combat. If we went to an all-volunteer force in Vietnam, it's quite conceivable that that's all we might get."

Procedures being reviewed: The Army Audit Agency, a semi-autonomous watchdog unit, is currently studying the full range of job classification and assignment procedures within the Army.

However, there are no present plans to withdraw or alter the option to serve in non-combat roles being offered three-year volunteers, Brehm said.

"I think, given the circumstances, the draftee is getting a pretty fair shake from the Army," he added.

Several high-level officers and Pentagon civilians interviewed by *National Journal* agreed with Brehm's analysis of the draftee-combat problem—but not with his judgment of the equities involved.

A Defense Department manpower expert, who asked not to be identified by name, said:

"We've studied this problem very carefully. People don't seem to enlist in the Army to fight. We recognize the inequity this causes in a shooting war but we don't know what to do about it."

An Army general who has served more than two years in Vietnam and who asked anonymity said: "Given the way draftees are used by the Army, it's quite obvious that they'll take the brunt of the casualties.

"It's very sad, really. But the whole g—d— war is very sad."

VIETNAM

In Southeast Asia, "grunt" is GI slang for a frontline soldier. (The term comes from the grunting sound foot soldiers make while carrying heavy field packs.) The vast majority of grunts in Vietnam are draftees.

Fighting force: On July 1, slightly more than 30 per cent of the Army's draftees were serving in Vietnam while 25 per cent of Army volunteers were stationed there.

In Vietnam itself, the ranks of the Army's enlisted and officer force (293,200 men) now include 115,100 draftees, or 39 per cent of the total. (This total is scheduled to drop to about 225,000 Army personnel by May 1971, with a proportional—or better than proportional—drop in grunt-draftees, as more and more combat units are deactivated.)

While the Pentagon keeps no statistics on the chances of a draftee serving in Vietnam during his two years in the Army, a comparison against draft calls reveals that a draftee's chances of going to Vietnam have fluctuated between 50 and 80 per cent. (Currently, draft calls are running at a rate of 10,000 men a month, and draftee replacements are being flown to Vietnam at a rate of 8,000 men a month.)

Killed and wounded: Draftee casualties in Vietnam are a sensitive matter to the Pentagon. While the Defense Department issues weekly summaries of casualties in Southeast Asia, detailed statistics for draftees are difficult to obtain.

Through March 1970, 13,097 draftees (including four who had become officers) had been killed in Vietnam as a result of enemy action. Another 1,545 had died from other causes, such as air crashes or diseases. Separate records are not kept on the number of draftees who are wounded, hospitalized, missing or captured.

Percentage of draftee deaths—Over the course of the Vietnam war—in which some 43,500 American fighting men have died through mid-August—draftees account for about 32 per cent of the total killed in action, 49 per cent of the Army dead and 55 per cent of the dead among Army enlisted men.

Casualties among draftees, and the implications they raise, have been analyzed by the Army General Staff. The studies have been conducted within a unit known as the Equal Rights-Personnel Affairs Army Command Service Branch, Special Affairs and Review Division, Directorate for Military Personnel Policies, under the deputy chief of staff for personnel.

Chances of surviving—By comparing average monthly force levels in Vietnam against actual deaths, and extrapolating the number of draftee-wounded, the Army has been able to compute the statistically valid chance that a draftee or a Regular Army volunteer has of being killed or wounded during his 12-month tour of duty there.

The Army study shows that, for the course of the war, an average enlisted man or Army officer had a 1.96 per cent chance of being killed and an 8.47 per cent chance of being wounded seriously enough to require treatment at a medical facility.

Draftee vs. volunteer—However, for an Army draftee, the chance of being killed was 2.44 per cent and the chance of being wounded was 10.54 per cent—or a total of 12.98 per cent.

For a non-draftee enlisted man, the chance of being killed was 1.58 per cent and of being wounded 6.84 per cent, or a total of 8.42 per cent. Thus, a draftee had about a 54 per cent greater chance of being killed or wounded than did his Regular Army counterpart.

Early airborne influx—These results are influenced, however, by the fact that the initial surge of Americans in Vietnam brought elite (and largely Regular Army) air cavalry and airborne divisions. (While draftees serve in airborne divisions, they do so voluntarily.)

By contrast, in the later phases of the war, when Americans suffered their heaviest loss of life in Vietnam, the fighting was largely in the hands of infantry, armor and artillery units with higher proportions of draftees.

Employing the same statistical procedures as in the Army study, the relative chance of a draftee or a volunteer being killed or wounded in 1968 were calculated by *National Journal* as follows:

	Killed	Wounded	Total
Draftee	3.89	11.79	15.68
Volunteer	2.33	6.63	8.96

Note: For 1969 calculation, see "Survival in Vietnam" chart.

Rating previous wars—In revealing these statistics, the Army notes that draftee death rates in Vietnam—even though higher than total Army enlisted losses—are still significantly lower than death rates sustained by the U.S. Army during both the Korean war and World War II.

(In both those wars, the present enlistment system—under which a prospective soldier is guaranteed a non-combat Army assignment if he agrees to serve for three years—did not exist.)

In Korea, Army killed as a percentage of its forces in the war zone came to 4.32—more than double the 1.96 per cent over-all rate in Vietnam. During World War II, the figure was 5.19 per cent for the European theater in 1944–45.

Vietnam wounds higher—However, wounded rates for draftees in Vietnam in 1968–69 ran at levels comparable to or higher than Korea or World War II. (For Korea, the figure was 12.11 per cent; for World War II, 15.20 per cent.)

The Army study further shows that 72 per cent of enlisted casualties were sustained by personnel in grades E5 (sergeant) or below. Most of these men do not plan on Army careers and serve either two or three years.

Reasons behind statistics: Disparities between draftee and non-draftee casualties in Vietnam stem from two main factors:

Career Regular Army soldiers, counted as enlisted men in the study, tend to serve in rear-echelon units and in non-combat roles.

Enlisted men who arrive in Vietnam in non-combat jobs (selected by themselves before they enlisted) are subject to less hostile fire than draftees, who have no choice in their Army tasks and who consequently fill about 70 per cent of the combat jobs in the Army.

In private conversation, some high-ranking Army officers express surprise that draftee casualties, given the present system of enlistments, are not actually higher than they have been.

In the course of the war (fiscal 1965–70), about 56 per cent of new enlisted personnel entering the Army have been draftees; this is close to the percentage of draftees who have died in Vietnam among total Army enlisted deaths.

The Army tends to assign its draftees to more hazardous combat roles—a fact which should and does yield higher casualty rates. However, a career Army man sometimes must serve several tours in Vietnam, thus exposing himself to a higher over-all risk of being killed or wounded than a single-tour draftee.

Re-enlistment practices: Until very recently, the Army offered a draftee who was serving in Vietnam a chance to terminate his draftee status and re-enlist for three years from the date of his change of status.

Draftees are eligible for this "re-up" provision after serving eight months in the Army. Most draftees arrive in Vietnam after five months of training and leave time in the United States.

Usually, if a draftee in Vietnam elected to "re-up," he was shipped back to the United States for training in a new MOS. In all likelihood, he would return to Vietnam as a Regular Army enlistee, but to serve in a rear area in a combat-support MOS.

Battlefield recruiting—In an article published last Feb. 8 by the New York Times Magazine, entitled "Closeup of a Grunt," James P. Sterba, a Times correspondent in Vietnam, reported that Army re-enlistment sergeants regularly approach draftees in infantry rifle companies just after they have been through combat, seeking to induce them to "re-up" in exchange for not having to serve "out there" any longer.

An Army spokesman said that the Sterba report led to an investigation, but he did not disclose its results. William Brehm, the Army's manpower chief, said, however, that reenlistment rates for draftees, which had been running at about 5 per cent, have more recently fallen off to close to zero.

Infantry MOS frozen—On Aug. 11 the Times reported in a dispatch from Vietnam that new orders were distributed several weeks ago which, in effect, bar draftees with combat MOS's from reenlisting in exchange for immediate transfer from the battlefield.

The Times cited a confidential Army directive, issued by Lt. Gen. Frank T. Mildren, deputy Army commander in South Vietnam. The directive said 1,298 combat soldiers in

the command had changed their MOS's between March 1 and May 1, 1970.

ASSIGNMENTS

Before he receives his first duty assignment, the Army draftee spends, on average, about 19 weeks in what the Pentagon calls the "pipeline."

Draftee pattern: Typically, a draftee's Army career would begin with a day of processing at one of 74 Armed Forces Examination and Entrance Stations throughout the country.

A draftee next spends three or four days at one of 11 Army Reception Stations. From there, he enters a mandatory eight weeks of basic combat training at one of nine Army Training Centers.

On completing basic training, which emphasizes infantry skills, a draftee receives advanced individual training (AIT) in a military occupational skill (MOS). This occurs in one of three ways:

Eight weeks of AIT in such combat MOS's as infantry, armor or artillery at an Army Training Center. (Before they are shipped to Vietnam, infantrymen receive an extra week of training in the combat conditions they may expect to find there.)

Four to 10 weeks of MOS training at one of 71 Army schools. The average school cycle is eight weeks.

On-the-job training or an immediate duty assignment in a civilian-acquired skill (CAS) at an Army installation within the continental United States. Most CAS personnel enter the Army with skills that the Army values highly; scientists, engineers, carpenters, electricians and architects are typical of this group. A draftee outside the CAS program may be given an MOS called "duty soldier" and receive on-the-job training in, say, cutting grass.

After AIT, a typical draftee is granted two weeks leave, plus the time he needs to travel to his first assignment. He arrives there having received about four months of Army training.

Volunteer pattern: A typical Regular Army volunteer begins his Army career in the same fashion as a draftee. But, after basic training, he may spend the rest of his time in the Army in an occupation he has chosen for himself.

In each case, a volunteer makes this choice before he enters the Army. His recruiting sergeant notes his choice and a place is reserved for him at a school for the time that he would be ready to begin AIT.

In the first six months of 1970, 43,706 three-year volunteers exercised their option to receive specialized training of their choice. This group represented 79.3 per cent of the three-year enlistments (55,099 men) in that period.

Computerized selections: Since 1965, the Army has assigned virtually all of its MOS's for combat and for specialized training through a computer program.

(One exception to the rule is the MOS for operating the MOS-selection computer program. These soldiers, who work in the Pentagon and who include draftees, are handpicked.)

Two-tier process—In essence, the Army employs a two-stage formula to assign MOS's to its soldiers. The first stage is relatively simple; the second, highly complex.

In the first stage, the computer matches three-year enlistees with the specialized training berths they have selected. Some coveted MOS's—such as the MOS for optical laboratory specialists—are fully subscribed in this way.

However, less than 5 per cent of the volunteers ask to be trained in a combat-arms specialty. These combat assignments are virtually left open once the "first cut" is completed and must be filled during the second and final "cut."

When the "deck" (as in a deck of cards, the Army's term for prospective MOS holders) is run again, draftees, two-year Regular Army volunteers and three-year volunteers who have not exercised their option are placed in a common manpower pool. (Some volunteers are found to be unqualified for the option they want but enlist anyway and find themselves in the pool.)

Accessions breakdown—In the first six months of 1970, of the 164,092 men who entered the Army, 56 per cent were drafted, 10 per cent enlisted in the Regular Army for two years, 7 per cent enlisted in the Regular Army for three years but failed to exercise their job option and the remaining 27 per cent enlisted for three years with a guarantee from the Army that they would be given the MOS of their choice.

The "second cut" by the computer, therefore, includes the 73 per cent of all new accessions into the Army who are given no choice in picking a military job by the Army or who fail to make a choice.

Shuffling the deck—The computer program attempts to fill each MOS, insofar as vacancies still exist, at what the Army regards as a satisfactory level.

This level is known as "desire" in the computer program. Criteria for what is "desirable" include such factors as the manpower needs of the Army at the time, the qualifications set for a particular MOS, the distance of a soldier from a prospective training site (calculated to minimize transportation costs), the soldier's civilian background, his own preferences as determined during a postinduction interview, and, finally, a detailed profile of the soldier's physical and mental background.

Among the 46 individual bits of information scanned by the computer before it matches a new soldier with an MOS requirement are such factors as his aptitude and intelligence test scores, physical profile, previous education and language proficiency.

"Relax" program—If the computer is unable to fill the quota set for a particular MOS at the "desire" level, it is programmed to "relax" its standards in several successive stages until all the vacancies are filled.

If, after reaching the lowest rung of the "relax" program, the computer has still been unable to fill the quota—known as "the white book requirement"—the machine goes through a final searching sequence.

Down in the pit—This time, the computer is programmed to operate at a "mandatory" level, below which the Army refuses to lower standards for a particular MOS. (For example, the computer is told that it is "mandatory" that no one with a criminal record in civilian life be made a military policeman.)

Sometimes, the program is written in such a way that a set and limited percentage of substandard soldiers is permitted to take a particular MOS. Informally, this is known as a "goofball ceiling."

All combat MOS's now carry a high priority, some of them 100 per cent. Such troop requirements must be filled even if the computer has already scraped the bottom of the barrel and has ceased assigning men. In that event, the quota is filled by hand; Pentagon staff officers use their judgment in further dropping the standards.

These "standards" do not necessarily reflect on the quality of the soldier. For example, the standards the computer follows may prohibit using a college graduate in a menial job or flying a man for training from the East Coast to California.

Operational center—These policies are carried out by the Trainee Assigning Section, Training Input Branch, Requirements Division, Enlisted Personnel Directorate, Office of Personnel Operations of the Army.

Computer vs. draftee—In theory, there is no MOS for which a draftee is ineligible. In practice, however, the computer is programed, often down to the "mandatory" level, to accept only three-year volunteers for MOS's that involve long training periods.

Such MOS's as medical lab processor, which requires a total of 64 weeks' schooling, are virtually free of draftees. Other MOS's for which the Army prefers (because of the training time involved) to shun draftees include the mechanics who service the Army's various tactical missiles as well as the soldiers who repair such devices as radars, television and microwave systems, teletypewriters and code machines.

Special considerations—Apart from receiving a general set of instructions, the computer is also given certain special orders:

No soldier under the age of 17 years, eight months can be assigned to a combat-arms MOS. (Draftees are usually inducted at age 19.)

College graduates cannot be assigned to such jobs as cook, ammunition handler and tent repairman.

But college graduates can be—and often are—selected as infantry riflemen on the Army theory that they would have a full opportunity to exercise what the Army terms their "leadership potential" in such an MOS.

Analyzing the results: In fiscal 1970, 16,362 (9 per cent of the draftees inducted during the period) were handpicked for the civilian-skills (CAS) program and were consequently left out of the "deck." This group was certain to serve its entire two-year tour within the continental United States.

About 80 per cent of the draftees who remained in the pool were put into a group of MOS's in which draftees have comprised 50 per cent or more of the manpower over the course of the Vietnam war.

This group, heavily laden with draftees, includes the basic infantry, armor and artillery MOS's, various radio and telephone communications jobs, light vehicle drivers, cooks, clerks, military policemen and medical corpsmen. (*For number and percentage of draftees and enlistees trained in selected combat-arms MOS's, see table.*)

About 63 per cent of all draftees entering training were given jobs within this cluster during fiscal 1970—with 20 per cent alone being trained as infantry riflemen.

In the Army as a whole, 11.4 per cent of all personnel are assigned to the infantry rifleman MOS—which Pentagon generals call "11 bravo" but which grunts in Vietnam call "11 bush." Two-thirds of the infantry riflemen trained in fiscal 1970 were draftees.

Combat Duty: Only 11 per cent of Regular Army volunteers voluntarily serve in an MOS that is heavily laden (50 per cent or more) with draftees. And even among that 11 per cent, there is a strong statistical tendency to become a clerk, a cook or a telephone operator rather than an infantry rifleman, an armor crewman or an artillery spotter.

Only those Regular Army volunteers who select an option under the guarantee program may escape the possibility of combat-arms duty; remaining volunteers, including two-year Regular Army men, are assigned to combat MOS's in about the same proportion to their over-all numbers as draftees.

College men—A college degree also offers no guarantee of being assigned to non-combat duty in the Army. (About 15 per cent of the men entering the Army graduated from college.)

A study of college graduates who entered the Army during fiscal 1969 shows that 61 per cent of them (23,111 men) were draftees. (No statistics are available, however, on the number or percentage of draftees who are college graduates.)

Of the college graduates who entered the Army in fiscal 1969, 50.5 per cent were assigned to combat-support units and 24 per cent were assigned to combat-arms units, with some 16 per cent entering the infantry.

A separate study released June 18 by Kenne

Peterson, a civilian manpower expert attached to the Office of the Secretary of Defense, revealed that 36.2 per cent of the college graduates who entered the Army in calendar 1969 were given combat MOS's, compared with 43.3 per cent of all enlisted men, including draftees.

Duty stations: Once a soldier is assigned to and trained in an MOS, no distinction is made between draftees and volunteers in the selection of their duty stations.

These decisions are made by Policy Branch, Distribution and Readiness Division, Procurement and Distribution Directorate, under the deputy chief of staff for army personnel, Lt. Gen. W. T. Kerwin Jr.

The Pentagon staff officer under Gen. Kerwin who actually makes the theater assignments shuffles a stack of cards (to break up the computerized alphabetical sequence in which he receives them) without knowing which card represents a draftee and which a Regular Army enlistee.

Personnel just completing their advanced training (AIT) are taken first, as a matter of policy, in meeting the levies of overseas commands. About 60 per cent of AIT graduates are assigned directly to a one-year tour of duty in either Vietnam, Thailand or Korea.

Since 70 per cent of the combat-arms MOS's in the Army are filled with draftees, a higher proportion of draftees serve in Vietnam than elsewhere because combat MOS's are in more urgent demand in Vietnam than elsewhere. (*For comparison of draftee assignments during Vietnam war period, see chart.*)

At any given time, 54 per cent of all draftees are serving within the continental United States, 30 per cent are in Vietnam and the remaining 16 per cent are in other over-seas assignments.

Army manpower statistics

Table below shows numbers of Army personnel on active duty as of the end of each fiscal year from 1965 to 1970 who entered the service through the draft and as volunteers.

	Draftees	Volunteers
1965	233,833	619,792
1966	395,292	682,343
1967	546,264	747,208
1968	549,603	831,782
1969	480,478	836,001
1970	368,965	780,650

Listed below are sources of entry into the Army and the number of men coming from each source between January and June 1970.

Draftees (56 percent)	92,750
Volunteers (44 percent)	71,342
2-year (10 percent)	16,243
3-year (7 percent) (nonoption)	11,393
3-year (27 percent) (using option)	43,393
Total	164,092

Table below shows numbers of enlisted men in Vietnam at end of fiscal years 1965 through 1970 who entered service through draft and as volunteers. Figures for 1965 are for Aug. 31, 1965.

	Draftees	Volunteers
1965	9,865	24,915
1966	44,654	88,542
1967	129,856	128,319
1968	133,400	176,200
1969	144,100	179,100
1970	115,100	154,900

Table below shows numbers of Army personnel killed in Vietnam through March 31, 1970, broken down by source from which the men entered the service. Percentage column indicates number killed per 100 men in each category.

Source	Deaths	Percentage
Draftees	13,093	2.44
Volunteers	10,688	
Reservists	49	1.58
National Guard	60	
Total	23,890	1.96

PRESSURES

The draft utilization issue comes before the Army at a time when it is reacting with extraordinary sensitivity to public criticism.

Westmoreland view: In a speech before the National Exchange Club, delivered July 27 in Atlanta, Gen. William C. Westmoreland, the Army's chief of staff and former over-all commander in Vietnam, said:

"Some of the criticism leveled at us in indeed justified. Some of it is misdirected, emotional tirade . . . Some who undoubtedly are well intentioned are doing the country a disservice by unknowingly undermining the confidence of the public in the Army. Others, I believe, have motives less innocent."

In this climate, the Pentagon is encountering political pressure to stop sending draftees against their will to Southeast Asia.

Congressional initiatives: On both sides of Capitol Hill, there is talk over instituting an all-volunteer policy in Vietnam as an interim step before undertaking a complete American military withdrawal.

House—Rep. Garry Brown, R-Mich., introduced a bill (H.R. 18719) on July 30 under which draftees who are inducted after Jan. 1, 1971, could not be assigned without their consent to Vietnam or any other area where the United States is engaged in an armed conflict.

"Philosophically, my proposal is right; pragmatically, it can be implemented," Brown said. "Especially in view of the reduction in personnel in Vietnam, I am confident the Pentagon can work within this limitation on combat service," he added.

Senate—While the Brown bill is likely to be buried in the House Armed Services Committee, the Senate is virtually certain to hold a test vote on this issue in late August.

The initiative is being pressed jointly by three Democrats—Sens. William Proxmire, Wis., Gaylord Nelson, Wis., and Harold E. Hughes, Iowa—in the form of an amendment to the military procurement bill (H.R. 17123), which is the pending business on the Senate floor.

If adopted, the amendment would prohibit the Defense Department from sending draftees to the war zone after President Nixon signs the procurement measure into law.

In presenting the amendment on June 30, Proxmire said on the Senate floor:

"The connection between campus unrest, the war and the inequities in the present Selective Service system lend an urgency to this proposal."

"To stop sending draftees to Southeast Asia," Proxmire said, "is not only feasible and urgent—I also believe it is right. Not only is this an undeclared war, but the draftee has borne an unfair proportion of the fighting burden."

Pentagon response: Defense Secretary Melvin R. Laird has responded to such pressure by publicly holding out the hope that an all-volunteer policy in Vietnam might begin next year.

Thus, in mid-May, Jerry W. Friedheim, deputy assistant secretary of defense for public affairs, told a Pentagon news briefing: "The Secretary (Laird) has said he feels that when we get down to 200,000–240,000 men, that's the time we can begin seriously to think about that possibility."

Troop withdrawals—Laird's overall timetable calls for turning over the ground combat mission to the South Vietnamese Army by May 1971.

By that time, according to the timetable announced by the President, U.S. troop strength in Vietnam will total 284,000 men—a reduction of 265,500 men since Mr. Nixon took office in January 1969.

Pessimistic estimates—In sharp contrast to the hopeful tone being struck by Secretary Laird and his chief spokesman, Army manpower planners see a continuing need to assign draftees to combat roles—a need that stems directly from the policy of granting three-year volunteers a choice of available support assignments.

In the calculations of the Army manpower planners, the fact that draftees comprise only a quarter of the men who entered the U.S. armed forces during the course of the Vietnam war, and only 12 per cent of the combined services' present total strength has little bearing on the problem.

"Even if we hold to the most optimistic schedule of Vietnamization," Brehm told *National Journal*, "we would still need two or three times what we could supply next year without the draft."

Brehm, however, sees no conflict between the Army's continuing need to draft soldiers for combat duty and Laird's all-volunteer planning.

"The Secretary understands the problem," he said. "He is committed to making the Vietnamization policy work. But he also knows that it would not be possible for us to continue with our present plan if we had to go to an all-volunteer group in Vietnam."

Counterthrust in Senate—In the meantime, the Pentagon is quietly seeking to undermine support in the Senate for the Proxmire-Nelson-Hughes amendment.

On July 9, Leonard Niederlehner, who was serving at the time as acting general counsel of the Defense Department, wrote to Sen. John C. Stennis, D-Miss., chairman of the Senate Armed Services Committee, to express the department's official disapproval of the proposal.

"A great part of the problem," Niederlehner wrote Stennis, "is providing in required numbers personnel who possess the required skills without incurring shortages of these skills in Army units elsewhere.

"Until it is reasonably sure that this problem can be mastered, it would be unwise to restrict the pool of military personnel eligible for service in Vietnam to those who would enter the armed forces voluntarily."

While Niederlehner did not say so, Army manpower experts who echoed his views made it clear that the "skills" to which he referred were infantry, armor and artillery—the hard-core combat group. Niederlehner's letter has not been officially released.

Non-governmental pressures: Peace groups opposed to the American military involvement in Southeast Asia have focused their political efforts on seeking a speedy withdrawal of troops, and have not widely raised the draftee issue.

Draft resistance, however, is tied closely to the Vietnam war.

Court cases—The courts have been reluctant to deal with the issue of whether it is constitutional to send servicemen to fight in Vietnam without a congressional declaration of war. They have ducked the issue by ruling that the question is not justiciable—that it is too broad in scope to be decided in the context of a lawsuit, or that it is a political question.

However, in two recent cases, the courts have addressed the issue. Both cases were brought by volunteers, but the decisions would apply to draftees as well.

Berk v. Laird—Berk contested the Army's right to send him to Vietnam to fight an undeclared war. On June 19, the 2nd Circuit Court of Appeals ruled that the issue was narrow enough to decide, but that it was a political matter. The appeals court remanded the case to the U.S. district court for the Eastern District of New York. The Justice

Department has filed a petition there to dismiss the case, which is being argued by Theodore C. Sorensen for the New York office of the American Civil Liberties Union.

Orlando v. Laird—The U.S. district court for the Eastern District of New York decided the case on the merits; it ruled July 1 that the Army could send Orlando to Vietnam, because Congress, in authorizing and appropriating funds for Vietnam, had acquiesced as if it had actually declared war.

Massachusetts law—The Supreme Court will have an opportunity when it reconvenes in October to consider the legality of sending draftees to fight in Vietnam. On July 22 the state of Massachusetts filed suit in the U.S. Supreme Court contesting the Defense Department's right to draft Massachusetts citizens to fight an undeclared war in Vietnam. The suit was brought under a state law enacted April 2, challenging the legality of the Vietnam war. The Defense Department has until Sept. 22 to file a response to the state's petition.

All-volunteer Army: The problem facing the Pentagon is further compounded by the President's commitment to a policy of reducing draft calls to zero and instituting an all-volunteer Army.

Gates study—In March 1969, Mr. Nixon, fulfilling a campaign pledge, created a 15-member commission headed by Thomas S. Gates Jr., chairman of the executive committee of Morgan Guaranty Trust Co., and a former Secretary of Defense (1959–61), to study the feasibility of an all-volunteer armed force for the United States.

The Commission reported to the President Feb. 21, 1970, unanimously recommending the creation of an all-volunteer force by July 1, 1971, concurrently with the expiration of the present Selective Service Act (81 stat. 100). *(See p. 431; for report on draft issues, see Vol. I p. 223.)*

On April 23, in a special message to the Congress, Mr. Nixon said: "After careful consideration of the factors involved, I support the basic conclusion of the commission. I agree that we should move now toward ending the draft."

Hatfield overture—The initiative for an all-volunteer Army has been taken up in the Senate by Sen. Mark O. Hatfield, R-Ore., who is planning to offer an amendment to the military procurement bill that would implement the Gates Commission's findings. He has attracted 14 cosponsors for his proposal, ranging across the political spectrum from Sen. George S. McGovern, D-S. Dak., to Sen. Barry Goldwater, R-Ariz. (The White House has expressed opposition to the Hatfield bill on grounds that it is premature.)

One feature of the Hatfield bill would compensate servicemen who face enemy fire an extra $200 a month. The measure would also raise the base pay of a first-year enlisted man by $1,700 a year. (Currently, all enlisted men serving in Vietnam, whether or not they are actually in combat assignments, draw an extra $65 a month in "hostile fire pay" and are exempt from federal income taxes.)

Insufficient incentives—Army manpower experts doubt that pay incentives alone, no matter how generous, would bridge the gap between the number of combat soldiers now needed in Vietnam and the number who volunteer for combat duty.

"If I put myself in the position of these young men, money alone wouldn't convince me," Brehm said. "Moreover, it would be a mercenary force. I don't think I like that."

Alternative policy: As a means of giving its draftees and non-draftees a relatively equal chance of surviving in Vietnam, the Army could suspend its enlistment-option system for the duration of the war.

This approach has been followed by the Marine Corps, an elite group whose over-all manpower needs are far smaller than the Army's.

Army manpower experts predict that such a step would increase draft calls sharply as enlistments fell off.

"We've brainstormed this," Brehm said, "and we've discarded this approach because the policy is to keep the number of draftees in the Army as low as possible." (The Army took about 200,000 inductees in fiscal 1970, the lowest number since the 102,555 inductees the Army took in fiscal 1965; and the Pentagon has announced a lower rate of draft calls in the first half of fiscal 1971.)

"It's too bad that the draftees have to do most of the fighting," Brehm added. "Believe me, I don't enjoy signing those draft calls. But, after all, one of the things the Army is all about is combat."

HOW ARMY FILLS COMBAT JOBS

The table below shows the numbers of men from the Army's three manpower pools who performed the major combat military occupation specialities (MOS). Percentage figures indicate the percentage of total manpower in each combat MOS drawn from each of the three pools.

The first pool consists of draftees (US). The second is Regular Army volunteers (RA) who have enlisted for three years and exercised an option to choose their MOS. (About 80 per cent of three-year RA's exercise this option.) The third group, Regular Army, unassigned (RAU), comprises the 20 per cent of RA's who failed to exercise their options and two-year RA enlistees, who have no choice in their assignment. Figures are for fiscal 1970.

Specialty (MOS)	US		RA		RAU		Total
	Men	Percent	Men	Percent	Men	Percent	
Infantry rifleman (11B)	36,599	67.2	1,364	2.5	[1] 16,526	30.3	54,489
Mortarman (11C)	5,953	64.4	292	3.1	3,004	32.5	9,249
Armor intelligence (11D)	4,292	64.9	804	12.2	1,517	22.9	6,613
Armor crewman (11E)	3,791	70.7	645	12.0	929	17.3	5,365
Field artillery (13A)	13,614	72.3	764	4.1	4,442	23.6	18,820
Total	64,249	68.0	3,869	4.1	26,418	27.9	94,536

[1] Includes 3,832 officer candidates.

Source: Defense Department.

MARINE CORPS WAY: LOWER DRAFTEE DEATHS

U.S. Marine Corps policy toward draftees differs sharply from that of the Army. As a result, Marine draftees suffered significantly lower casualty rates in Vietnam than their Army counterparts.

Marines make up 8.5 per cent of the armed services, against 43.2 per cent for the Army. Over the course of the war (fiscal 1965–70), the Marines have taken 42,700 draftees, or 2.6 per cent of all men drafted. (In the same period, the Navy took a scant 2,526 draftees, and the Air Force filled its manpower needs through volunteers.)

Small draft component: In fiscal 1970, the Marines took into their ranks 67,600 enlisted volunteers (79.6 per cent) and 7,880 draftees (10.4 per cent).

On June 30, the last day for which figures are available, there were 15,058 draftees serving in the Marines—5.8 per cent of enlisted and officer Marine strength.

On July 23, the Marine force in Vietnam numbered 38,600 men, of whom 3,500 were draftees. Thus, on that date, some 23.2 per cent of all drafted Marines were serving in Vietnam, although only 14.9 per cent of the Marine Corps as a whole was stationed there.

Vietnam deaths: The Marines have lost 14,320 men in Vietnam since their arrival there in 1965. Draftees account for 749 (or 5.2 per cent) of those killed or fatally wounded—considerably below the percentage (9.1) draftees bear to the total Marine manpower now assigned to Vietnam.

Unlike the Army, the Marines place all their enlisted volunteers (who may sign up for two, three or four years) and two-year draftees into a common manpower pool, where individual skills are tested and rated before military jobs are assigned.

A Marine general who declined to be quoted by name told *National Journal:* "I would be willing to wager a month's salary that our average draftee falls into a higher-quality mental group than our average volunteer.

"So the machine (a computer) simply and fairly assigns draftees to billets where their higher-level skills can be put to the best use for the Corps. And that's why so few of them are being killed."

The sole exception to the Marines' policy of assigning jobs to volunteers rather than letting them choose is an aviation program—where a place in the program is guaranteed only to those who agree beforehand to enlist for four years.

Because the training program alone takes a year to complete, the Marine command feels it would get a poor return on its investment if it allowed draftees to enter the ground-support aviation schools.

In fiscal 1970, 8,990 men signed up for the aviation program. The entire remaining pool of Marine volunteers (86.7 per cent) took their job-assignment chances alongside the Marine draftees.

Phasing out draftees: The Marines last inducted draftees in February 1970, when they took 1,200 men into the Corps from the Selective Service System—from a total monthly callup of 19,000 men.

Under present policy, the Marines will be draftee-free by February 1972, when the last draftee group to have entered the Corps is mustered out. By that time, according to current manpower estimates, a small reduction in over-all Marine forces combined with a projected improvement in enlistment and reenlistment rates will permit the Marines to return to their pre-Vietnam status as an all-volunteer force.

Marines move out: Since President Nixon's Vietnamization program took effect last year, Marine withdrawals from Vietnam have occurred at a far swifter pace than the Army pullout.

The Joint Chiefs of Staff have agreed to the accelerated rate of withdrawal for the Marines, under pressure from Marine commanders who have asserted in Pentagon councils that a policy of taking the Marines out first is needed to make sure the Marines will be able to meet their long-standing primary mission as an expeditionary strike force.

LEST WE FORGET

Mr. DOMINICK. Mr. President, today marks the second anniversary of the brutal Soviet-led invasion and occupation of peaceful, freedom-loving Czechoslovakia. On this occasion, we should again remind the rest of the world that the Soviet Union, by this ruthless action, flagrantly violated the principles of in-

ternational law as incorporated in the Charter of the United Nations.

The Soviet aggression and occupation of Czechoslovakia:

First, violated the sovereignty of a member state of the United Nations—article 2, section 1;

Second, violated article 2, section 4, prohibiting the use of military force in the relations between individual members of the United Nations;

Third, violated the principle of self-determination of peoples—article 1, section 2;

Fourth, was in conflict with article 2, section 7, prohibiting outside intervention in matters essentially within the domestic jurisdiction of any state; and

Fifth, was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly resolution 2131—XXI—adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion. This resolution prohibits intervention in the domestic affairs of any state, and guarantees the protection of its independence and sovereignty.

One year ago, on the first anniversary of that humiliating aggression and occupation, Czechoslovak democratic organizations called a protest meeting in Washington, D.C., which was attended by many representatives of other exile and ethnic groups and won strong endorsement by many U.S. Senators, Governors, and Congressmen. That meeting voted, by acclamation: August 21 shall henceforth be called the "Soviet Day of Shame."

On this, the second anniversary of the "Soviet Day of Shame," let us remember that the continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order—an order that did not endanger anyone, and sought to contribute to the building of bridges of understanding across the discords of an ideologically divided world while lending aid to better understanding and cooperation among all nations on the basis of true progress and humanity.

During the forthcoming General Assembly of the United Nations, there will be many occasions for denouncing Soviet aggression and repeating demands for the withdrawal of Soviet forces from Czechoslovakia. I hope that representatives of all free nations will not let this opportunity be lost, but will help solve a problem that endangers not only the peace in Europe, but throughout the world.

AGRICULTURAL ACT OF 1970

Mr. MONDALE. Mr. President, as a result of the agricultural bill which passed the House August 5, the wheat and feed grain farmers of Minnesota stand to lose between $40 to $50 million annually in lower price supports. This figure does not include the future loss in income to those raising livestock—which will be an inevitable result of lower feed grain prices.

The House bill does contain a reasonable dairy class I base plan, a needed extension of the Food for Peace Act, and an acceptable extension of the Wool Act—all of which should be retained in any bill passed by the Senate.

But in regard to wheat and feed grain farmers, the House bill does not approach the income stability of the present farm program. The inadequate and unfair provisions of this bill are in part a result of vacillation and lack of leadership by the administration.

Under the guise of giving farmers more flexibility, the bill would instead assure lower wheat prices and lower feed grain prices. Wheat and feed grains are already selling too cheaply, and yet the House passed a bill which will further force down the prices for these commodities.

I have written to the Senator from Louisiana (Mr. ELLENDER), chairman of the Committee on Agriculture and Forestry, urging his committee to report a bill which will meet the needs of Minnesota farmers. I intend to do everything possible in the Senate to assure the passage of a fair and equitable farm bill.

Since farmers have been caught in a terrible cost-price squeeze in recent years—one that has made our farmers the chief victims of both recession and inflation—an improved farm program is essential.

Instead, the House passed a farm bill which can only worsen the plight of wheat and feed grain farmers in America.

For years, Representatives and Senators from predominantly rural States have been told that they must explain to their constituents the problems of America's urban areas—and that they must support programs to improve our decaying cities.

Many of them have done so. Now, it is time for those from predominantly urban States to understand the needs of rural America and to support programs to meet these needs.

For in the long run, it is not just America's farmers who will suffer if the House-passed Farm bill becomes law; this bill will have an adverse impact on our entire society.

When the farmer's income is lowered as a result of reduced prices, more and more farmers will be forced off of farms and will migrate to already overcrowded cities. At a time when we desperately need to revitalize and rejuvenate the rural areas of our country—when we need a policy of rural-urban balance—we will be moving in precisely the opposite direction by enacting this bill. There will be more unemployment, more poverty, and our cities will be further overwhelmed by their problems.

If the legitimate needs of rural America are understood, then I am confident that the Senate will reject the harmful provisions of the House bill and will pass legislation to provide better income protection for the American farmer.

Mr. President, I ask unanimous consent that the text of my letter to Senator ELLENDER be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 13, 1970.

HON. ALLEN J. ELLENDER,
Chairman, Senate Committee on Agriculture and Forestry, Senate Office Building, Washington, D.C.

DEAR MR. CHAIRMAN: I am most concerned about certain provisions of the House-passed Agricultural bill which is pending before your Committee.

First, the House bill does not provide an assured minimum price support level for wheat and feed grains. While approximately 530 million bushels of wheat for domestic food use will be assured parity, the remainder of the crop—which has been running as high as 1.5 billion bushels—can be given loans down to 0% of parity at the Secretary's discretion. The Secretary's intent is reflected in his indication to the House Committee that he believes the loans should be below world prices.

Further, while one-half of the corn crop will be supported the Secretary can, at his discretion, set the other half at 0% to 90% of parity. Since all feed grains are supported in relation to corn, feed grain producers will have no assurance of a minimum over-all return from their crops.

I urge the Committee to adopt a provision ensuring firm minimum price support levels, related to parity, for the entire wheat and feed grain crops.

It is estimated that in Minnesota alone, wheat and feed grain farmers will lose between $40–$50 million annually in lower price supports. This figure does not include future loss in income to those raising livestock—which will be an inevitable result of lower feed grain prices.

Secondly, the House bill authorizes a new production and acreage control system—a system resting on the conserving base. In a letter to the House Agriculture Committee in May, Secretary Hardin described the conserving base approach as having "inequities and weaknesses." There is no requirement or assurance in the bill that the program will not be administered in such a way as to allow millions of acres of cropland to be brought into production.

If positive production controls are not required, we may again face serious surpluses which will depress markets and cause great financial damage to producers.

Finally, I am concerned about the failure of the House bill to provide positive assurance that diverted croplands will not be used to expand and depress the livestock industry. I would recommend that the bill reported by your Committee contain an explicit prohibition against using acreage removed from crops for grazing at any time—except in the case of bona fide emergencies.

If the final Agriculture bill adopted by the Congress does not take care of these problems, I believe that wheat and feed grain producers will be better served by an extension of the present farm programs rather than enactment of the House bill.

Sincerely,

WALTER F. MONDALE.

PROMINENT OHIO CITIZEN REPORTS ON CASTRO'S CUBA

Mr. YOUNG of Ohio. Mr. President, Edward Lamb, of Toledo, is one of the Nation's most highly respected industrialists. He has been my personal friend over many years. In his younger days he became an outstanding lawyer in Ohio, winning renown as a trial lawyer representing labor unions. Edward Lamb, or "Ted" Lamb as he was known to his friends, was a comparatively poor man financially in those days. Now as an industrialist he is known and respected in international business circles and due to his own efforts he has become a multi-

millionaire. His progressive views on all public questions are a part of him now as they were years ago.

Throughout many years Ted Lamb has distinguished himself for his services in behalf of underprivileged. In the course of my many years practicing law in Ohio I was familiar with his achievements as a lawyer and his services as a humanitarian not only in behalf of members of labor unions but in behalf of unemployed and underprivileged men and women.

From time to time Edward Lamb has spoken out vigorously for trade relations between our Nation and the Soviet Union and Communist China and with Cuba. He believes that trade promotes friendships and that the customer-dealer relationship would bring nations closer together just like it does for individuals.

Mr. President, recently Edward "Ted" Lamb returned from 2 weeks in Cuba.

I ask unanimous consent that the report on the trip made by Edward Lamb following his return be printed in the RECORD.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

TOLEDO, OHIO, August 6, 1970.—Edward Lamb, Toledo industrialist, returned today from two weeks in Cuba and told the following anecdote:

On March 22, 1969, Mr. Lamb discussed with Fidel Castro in Camaguay Province the possibility of producing several consumer products, using sophisticated mechanized equipment. He told of his American production of plastic shoes with foreign-made machinery which he had acquired in West Germany and Italy. He gave Prime Minister Castro samples of the shoes and furnished him with brochures and literature of the Italian and German equipment manufacturers. On June 10, Castro sent three engineers to Italy and Germany, and on July 5, the representatives of the shoe machinery manufacturers were in Cuba bidding for the equipment business.

The Cubans purchased the equipment and installed it in a plant in Havana and began production on December 5, 1969. Castro stated in his July 26 speech that "The Cuban plastic shoe production has now reached more than 30,000 pairs a day in a plant with 300 workers operating 10 machines." The plant will shortly produce daily 60,000 pairs of shoes with a few more machines now being installed. Each machine has 10 stations and processes up to 200 pairs of shoes an hour. The equipment is operated 24 hours a day with four 6 hour shifts. The Havana plant presently produces only women's shoes but is has already supplied every woman in Cuba with at least one pair of the new vinyl shoes. Mr. Lamb said the quality of the production, as far as wearability, color retention and even styling, is equal to anything which has been turned out elsewhere. Another plant which will produce men's shoes is under construction in Santiago in Oriente Province. The total plastic shoe production will amount to 30,000,000 pairs a year by mid-1971.

Prime Minister Castro emphasized that this vinyl shoe story provides a remarkable model of the use of technology to satisfy consumer needs with a minimum of human labor. There will soon be twice as many of the new vinyl shoes as are now being turned out in the leather shoe factories. The present production in the leather plants uses 19,000 workers turning out only 18,000,000 pairs of shoes a year. However, the new equipment will produce more than 30,000,000 pairs of vinyl shoes a year with less than 1,200 workers.

Mr. Lamb who sat on the stage in Havana and listened to Castro's account of the attempts to mechanize their fields and factories said that in his opinion, *no country in the world has shown a greater receptivity to technological progress than now exists in Cuba.* He said that "the building of schools, housing, road construction, dams for the irrigation of the fields, and many recreation centers are an inspiring sight and that the United States should not 'kid itself' about the improvements now taking place in the Cuban economy. They have domestic problems, as do we, but the fact is that the Cuban people are seriously attacking those problems and they are not involving themselves in foreign adventures. Like any developing nation, Cuba has need for foreign know-how and Havana University has recruited 185 teaching specialists for the new fall term."

Mr. Lamb attended a luncheon given for foreign industrialists who are doing business with Cuba and these included important Swedish, Italian, Japanese, French, Spanish, Canadian and other businessmen from the non-socialist countries. One guest wisecracked, "This is an open meeting—open to any foreign multi-millionaire with know-how for sale!"

"The American boycott of Cuba is unfortunate," Mr. Lamb said, "and outside of its moral implications merely drives a lot of good business into the arms of foreign producers." This was the third trip Mr. Lamb has made to Cuba within the last 15 months, and he stated that the Cuban people are vigorously improving their social and economic conditions. He expressed the hope that the American people will demand all the facts and the truth about Cuba. We must have an objective look and then determine whether our "national welfare and security couldn't be better advanced by a policy of peace and friendship with our neighboring country."

MARK TRICE

Mr. SAXBE. Mr. President, I should like to add my voice to those that have been raised in the last few days for Mark Trice, an unusual man, indeed. One of the first men I met when I came to the Senate was Mark Trice, a fixture in this body for half a century. Mark was a tremendous help to me in my fledgling days in the Senate. What is even more significant, and typical of the man, however, is that he continues to be a great help—even though the class of '68 supposedly has learned its way around in the last 20 months or so.

At any rate, I want to commend Mark Trice, our distinguished secretary to the minority of this body, on the occasion of 50 years of dedicated service. His wisdom, competence, fairness, and judgment have aided us all at various times. His service has brought honor not only to himself, but that honor extends to this body, his family, and his friends.

Mark Trice has seen many Senators come and go in the last 50 years. In numerous ways, his life has touched theirs. I could continue at length about this man whom I have known a relatively short time. But let me conclude with this observation: Mark Trice has helped me to do my job. I can pay him no higher tribute.

PLIGHT OF CHILDREN OF MIGRANT FARMWORKERS

Mr. MONDALE. Mr. President, in the course of the testimony presented before the Migratory Labor Subcommittee, the Select Committee on Equal Educational Opportunity and the Select Committee on Nutrition and Human Needs, we have heard numerous references to the plight of the migrant farmworker. Recently, this was reported also on a nationally televised documentary by the NBC network.

I have just received a letter from a teacher in Seattle, Wash., which describes in moving detail the conditions under which these children are forced to live. It is an incisive letter, Mr. President, which tells among other things how even a free lunch can be a negative experience for a child when, in order to receive it, he must place his poverty on public display.

I should like to have Senators share Miss Oyler's concern for those she calls "the little children with the dancing eyes and the singing names." I therefore ask unanimous consent that the letter from Miss Elaine Oyler be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

JULY 27, 1970.

DEAR SENATOR MONDALE: I am writing to tell you, "Gracias, gracias, gracias". Your probe into the migrant living situation is not only desperately needed but a most humanitarian gesture. My association with the migrant has been in Colorado where the total population is primarily Spanish-American. I am a school teacher and have worked in a Title III school. The locale in which I lived, the Poudre Valley, produces sugar beets which is the major agricultural crop harvested by these people. Let me preface my remarks by saying that your comments on the "Today Show" were quite accurate. Having been deeply involved with these people it is no stretch of the imagination to state that their living conditions are "not to be believed". In many articles and newsbroadcasts I have been familiar with of late, the states of Florida and Texas are pointed out as being particularly bad in terms of housing conditions and labor relations. I do not have a vendetta against Colorado, I simply can't imagine these states being any worse.

After hearing your many investigations I am sure you can empathize with how it feels to be a Spanish-American (many times native born) living in this land of plenty. I ask you though, to please regress for a moment and imagine yourself age six, Spanish-American and away from your family for the first time in your life . . . you are attending a rural public school. To begin the year, more often than not you must enter school six weeks to two months late. This is because your parents have been picking the late summer crops and have not settled down to the five month off-season lull until now. In school everything sounds strange to you. The little children in your room are doing some elementary reading but they are doing so in English. English, this is the language you hear when you go into town to the supermarket or what your parents speak to the "Anglo's". You decide for the time being you will like your teacher. When you came into the room she met you with a warm, friendly smile and pleasantly said, "Hello, I'm Mrs. Brown". She took you by the hand, introduced you to the class and then showed you to your seat. In front of you sat an "Anglo" girl who did not even look up from her book when you sat down. Behind you was a Spanish boy like yourself, but he was different. Boy, were you surprised when you found out that he did not speak Spanish! Mrs. Brown then brought over some books and asked you to step to the back of the room. She began to ask some questions but all you could do was look blankly at her

because everything seemed so strange and foreign. "Juan, have you ever been to school before?" "Juan, do you know your alphabet?" "Juan, how far can you count?" In desperation, Mrs. Brown calls Carlos, another Spanish boy to the back of the room. She asks him some questions and in Spanish he asks if you know how to say your alphabet and count your numbers. "Si, uno, dos, tres, cuatro, cinco, seis, siete, ocho, nueve, diez". "No, no Juan, you are in school now, you *must* speak in English". By this time the room is getting noisy so Mrs. Brown asks you to come to her desk. There she gives you a box of crayons and several pictures to color. At your desk you stare at the crayons for awhile and then gingerly, with all your fingers wrapped around the crayon, make some marks on the paper. Why couldn't Mrs. Brown understand that you have never had a crayon in your hand before and if you make a mess, she will think you dumb and stupid.

Finally a bell rings and you are told that it is lunchtime. Who eats lunch? At home it's cornmeal in the morning and frijoles and tortilla's at night. Carlos comes over to you and together you go down the line to the lunchroom.

There you must stand in another line in which you are given a piece of paper with "FREE" stamped on it. You don't know what it means but if they are going to feed you and you don't have to pay for it, you don't care what it says. Never, in your entire life have you seen so much food. You like the lady who is dishing it out. She looks so clean and friendly and you hope she won't forget you too are coming through the line or the food will not run out before you get there. On your tray you see a paper container and a straw. You ask Carlos if it is "cafe" and he says, "Noh, leche". You think to yourself, leche (milk), that is the stuff they give little babies. I wonder what it tastes like? Carlos then directs you to a small table in the far corner of the room. At this table are several other Spanish children but they are much older than you. You ask Carlos why you don't sit with the other children in your room and he tells you that your table is where the "free lunch" sit. In just a few days you learn what it means to get "free lunch."

On the playground you decide to stick to Carols like glue and he is nice about it. You see the other children playing games and long to be playing with them but no one asks you. Finally while Carlos and you are throwing rocks into a dried-up mud hole one of the boys from your class decides to talk to you. "Hi ya, Mex! Where'd they drag you up from?" About the time you are being asked this you see several other boys closing in on you and the next thing you know, feel yourself being punched all over your body. At this same moment, the dutiful playground supervisor comes around the corner, sees a scrap and before you can believe what is happening to you, you find yourself in the principal's office and she is saying, "Oh those —— Spanish. The first day at school and already a fight. I don't know why but it seems the whole bunch of them are so angry?" Your first experience with the principal is memorable. A great, gigantic man with a mean look in his eyes, who spoke very fast. Too bad you could not understand what he was saying to you. He asked you what happened and Carlos began to speak for you but the principal quickly shut him up by saying, "Let the boy speak for himself". "What was this fight all about Juan?" "Who started it?" "Come on, speak up boy". "Noh, noh comprendo, senor".

Back in your classroom, Mrs. Brown greets you once again with a smile. The children are dancing and singing to a record. Mrs. Brown asks you to join in the circle but several of the children won't break it to let you in. Finally Mrs. Brown gets in the circle herself and brings you in but you can feel the little girl who is holding one of your hands sure wished she wasn't. You know everybody knows this and wished you could run out of the room but Mrs. Brown has a strong grip on your other hand. Later, while the children are getting their afternoon drink you can see the little girls pointing at you and giggling. You ask Carlos what they are saying and you're told they are laughing at your pants and shoes. So what, they were good enough for Manuel and Jose, why not me? And what if your shoes did have cardboard in them. You know you must make them last as there is not enough money in the winter when there are no crops to pick. You were clean though. Mama had washed all of your clothes special because you were going to school and you knew this was a job for Mama who had to carry the water from the big cistern in the camp. You then looked at your hands and knew why the little girl had not wanted to hold yours. Sure they had blisters on top of blisters but that is what you get when you hoe sugar beets. In your family, if you're big enough to hoe beets you work, even if the hoe has a sawed-off handle.

Soon the day ends and you must walk back the way you came to the place where you were told you would be picked up by the man who owns the camp your family is now living in. At this place you must wait and wait and wait. Finally he comes, you climb into the back of the truck and as it pulls into camp never did anything look so good as to see Mama, Papa and the babies in front of your cabin. "Como esta, Juanito" you hear Mama calling. Spanish, it was the best sound in the whole wide world. Now you knew you were really home.

In many schools around this nation where the Spanish-American migrant child attends they are being drastically short-changed. We, as educators, speak of meeting the needs of all the children, of planning behavioral objectives and yet, in many areas, the Spanish-American are a foreign entity and just don't "fit in". Many Spanish-American children are suffering from acute learning disabilities, many of these physiological in nature. You spoke of the conductive hearing loss. This exists but I feel there is a problem far more pressing than this. It is the permanent loss of intellectual capacity due to prenatal and postnatal malnutrition. If these children do not get the proper amount of protein at the optimum time (prenatal period and the first 12 months of life) they can develop permanent learning disabilities. After this period of time, there can still be some damage but not as extensive. This has serious implications as to their ability to integrate material correctly, hence, being able to read and write. I became fascinated with this area because I had a little boy in my room who was severely malnourished in early life and as a result, was totally apathetic (minimal autism) at the age of 5½. I am not working with these children any more but they are still very much on my mind . . . and in my heart. I am trying to help them in another way by working on a M.Ed. specializing in specific learning disabilities children develop because of a lack of early protein in the diet. This is a new and open field, but one that needs to be looked into more severely. There are implications here for why children in "poop-up programs" such as Headstart do not maintain their acceleration, why many people of this lifestyle are so apathetic in attitude and why the cycle of decadence evolves. I choose to feel that it *all* does not depend on the socio-environmental conditions as does Hurley.[1] Research says that there are now definite physiological changes in the biochemical and neurological makeup of individuals subject to early malnutrition. If you are interested in this area there are many competent men who can give you intense detail. May I suggest the work of Dr. Joaquin Cravito of Mexico City, Dr. Fernando Monckeberg of Santiago, Chile and Drs. Delbert Dayton and Merrill Read of the National Institute of Child Health and Development, Growth and Development Branch.

I will close this letter to you by saying, thank you again for your interest. I call these children, "the little children with the dancing eyes and singing names". Please sir, please . . . help them to get their fair break in life.

Most Appreciatively,

ELAINE J. OYLER,
Seattle, Wash.

[1] Rodger Hurley, *Poverty and Mental Retardation: A Causal Relationship* (New York: Vintage Books, 1969).

CIVIL RIGHTS AND THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, statements by organizations dedicated to the advancement of human rights was an integral part of last spring's hearings on the Genocide Convention by a special Subcommittee of the Foreign Relations Committee. Mr. Bayard Rustin, the distinguished chairman of the Executive Committee of the Leadership Conference on Civil Rights and Mrs. Katherine L. Camp, president, U.S. section, of the Women's International League for Peace and Freedom have been strong supporters of the Genocide Convention. Their statements stress the importance of ratifying the convention in order to reaffirm the fundamental U.S. commitment to human rights and human dignity.

Mr. President, I ask unanimous consent that the statements be printed in the RECORD.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

STATEMENT OF BAYARD RUSTIN, CHAIRMAN OF THE EXECUTIVE COMMITTEE OF THE LEADERSHIP CONFERENCE ON CIVIL RIGHTS

The Executive Committee of the Leadership Conference on Civil Rights, at its meeting on April 29, 1970, unanimously endorsed ratification of the Genocide Convention.

Many of the 125 national civil rights, labor, religious and civil groups that participate in the work of the Leadership Conference have already expressed their individual support of ratification. It is our hope that endorsement by the Leadership Conference will help focus the Senate's attention on ratification of the Genocide Convention as a civil rights issue.

When the United Nations, our own country included, adopted the Genocide Convention in 1948, it was in direct response to the most heinous crime of this century: the murder by Nazi Germany of more than 6 million men, women and children, simply because of religious, ethnic or political minorities. The intervening years have only made ratification of the Convention more imperative and the reluctance of the U.S. Senate to act, in more than 20 years, a matter almost beyond comprehension.

Lately in this country we have heard members of the black minority express the fear that concentration camps and gas chambers may someday be prepared for them. It is a pernicious fear; and it persists in spite of disavowals by the highest officials of government.

One way to demonstrate that the fear is groundless is for the Senate of the United States to ratify the Genocide Convention.

Seventy-five countries have already ratified the Convention. We must, too, if we are to convince our citizens and the world that we mean what we say; that we are ready to go beyond mere professions of high principle and take an unequivocal stand against the monstrous destruction of groups of people because of their birth or their beliefs.

We urge the Senate to take prompt action in ratifying the Convention on the Prevention and Punishment of the Crime of Genocide.

STATEMENT BY KATHERINE L. CAMP, PRESIDENT, U.S. SECTION, WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM

The Women's International League for Peace and Freedom strongly urges ratification of the U.N. Convention on Genocide. This Convention manifests man's striving for a more humanitarian way of life by condemning the organized destruction of any racial or religious group. The U.N. unanimously adopted the Convention on Genocide in 1948 and since that time 75 countries have ratified it. Both the Secretary of State and the Attorney General have stated that there are no Constitutional obstacles to U.S. ratification.

Man's goal of living in a world without war, with freedom and justice for all, can only be realized if we build a firm foundation of international law. The Genocide Convention is a vital part of such a foundation. This Convention embodies the revulsion of all civilized men at the systematic destruction of any group of people because of their racial or religious origin. U.S. ratification of the Genocide Convention would demonstrate our commitment to abide by the decent opinion of mankind everywhere.

Since the U.S. Section of the Women's International League for Peace and Freedom first endorsed the Genocide Convention in 1949, we have repeatedly urged the United States to ratify it. Ratification of the U.N. Convention on Genocide this year would be a particularly fitting manner to celebrate the 25th Anniversary of the founding of the United Nations.

GENEVA PROTOCOL OF 1925 SUBMITTED TO THE SENATE

Mr. FULBRIGHT. Mr. President, I am pleased that the President, in fulfillment of his promise of last November, has today submitted the Geneva Protocol of 1925 to the Senate for its advice and consent. This action, together with the President's previous renunciation of the use and possession of biological warfare agents by the United States, will substantially strengthen the barriers protecting mankind from the horrors of chemical and biological warfare.

The dimensions of the danger posed by the existence of these frightful agents has been amply illustrated during the past few days as a result of the Army's disposal of a shipment of deadly nerve gas. More than anything else, the episode of the nerve gas underscores the potentially suicidal absurdity of producing weapons which are too dangerous even to destroy.

Fortunately, the President's actions over the past few months have had the effect of removing major chemical and biological weapons from their previous place in our military planning. In my opinion they should never have been there in the first place but the President deserves full credit for having initiated a comprehensive review of our chemical and biological programs.

At the same time there is still widespread concern over the erosion of U.S. restraint with regard to the use of agents at the lower end of the spectrum of chemical warfare. I refer specifically to the heavy United States use of harassing gases in Vietnam and to the extensive defoliation operations which we have conducted in Vietnam, including the destruction of food crops.

The administration is reported to have weighed the questions of harassing gases and herbicides very carefully in deciding upon the action it has taken today. Indeed, it is reliably reported that it was the effort to resolve precisely these problems which has delayed submission of the protocol until this late date in the congressional session.

Quite frankly, I would have preferred for the President to have interpreted the protocol in accordance with the position adopted by the U.N. General Assembly in an 80-to-3 vote last December, as prohibiting the use of harassing gases and herbicides. While he did not do so, I am nevertheless pleased that in submitting the protocol he did not formally reserve the U.S. position with regard to those weapons.

There are ways other than action on the protocol by which the Senate can express its views on these issues. One of these ways is by our action on the herbicide amendment to the Defense procurement authorization bill sponsored by Senators NELSON and GOODELL. Passage of their amendment would be an effective means of curtailing the use of herbicidal agents by the military in Vietnam.

Too little is known about the long range effects of these chemicals on the environment or on human beings to justify their continued use at this time. What little we do know about some of the chemicals being used in Vietnam has led to their being prohibited for civilian use in this country. Until these questions are more fully studied, it is in my view unthinkable that we would continue to inflict them upon the long suffering Vietnamese.

I intend to support the ratification of the Geneva protocol. Before taking a final position on all of its interpretations, however, I believe that the Senate should make a careful study of the complicated legal, technical, humanitarian questions involved. While this need not be as lengthy as the executive branch review of these same issues, there are many points of view which deserve to be heard and considered.

Finally, I wish to commend the President again for the decisions which he took last November and for the action which he has taken today. Together they have moved U.S. policy a considerable distance toward conformity with the remainder of the world community.

INDIAN AFFAIRS LEGISLATION

Mr. MONDALE. Mr. President, last month President Nixon sent to the Congress a message on Indian affairs. This was a significant statement by our Nation's Chief Executive. It was a statement deserving of attention and, in many respects, deserving of praise.

It is too early to tell how much of the President's message will be rhetoric and how much will be turned into action. But it is encouraging to note that the administration has submitted to Congress three bills which would implement some of the President's recommendations.

On July 20, the Forum, the newspaper serving Fargo, N. Dak., Moorhead, Minn., and the surrounding areas, published an editorial analyzing the statement. The editorial succinctly summarized the key points of the message and recognized the significance of self-determination if the Indian is to progress beyond the state of poverty in which so many of our Nation's first citizens are forced to dwell.

I ask unanimous consent that the Forum's editorial be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NIXON'S MESSAGE IN INDIAN AFFAIRS CONTAINS PROPOSALS WHICH SHOULD BE ACTED UPON

President Nixon's message to Congress on Indian affairs contained recommendations which we hope are enacted into law.

Mr. Nixon's program can best be described as one of self-determination for the Indian. It condemns both paternalism and neglect in government policies. Mr. Nixon stated that Indians are "the most deprived and most isolated minority group in our nation." The chief executive stated that even the federal programs which are intended to meet the needs of Indians "have frequently proven to be ineffective and demeaning."

One of the nation's leading spokesmen on behalf of the Indian, Democratic Sen. Walter Mondale of Minnesota, had praise for the President's message. Mondale, a member of the Senate subcommittee on Indian education, has long been a champion of many of the reforms Mr. Nixon recommends.

The President asked Congress to renounce its previous endorsement of the "termination" policy which promoted the weakening and ultimate finish of the reservation system. Instead, Mr. Nixon would affirm that "the historic relationship" between Indians and the government cannot be abridged without Indian consent . . .

"Even as we reject the goal of forced termination, so must we reject the suffocating pattern of paternalism. We must assure the Indian that he can assume control of his own life without being separated involuntarily from the tribal group," said the President.

Mr. Nixon proposed that Indian tribes be empowered to take over the control or operation of present federally run programs if they choose without loss of federal funds.

For example, Johnson-O'Malley school aid would go directly to Indian tribes and communities as well as to public schools in order to prevent misuse of these funds. Many school districts, after receiving the Johnson-O'Malley Act federal funds for Indian education, have turned the money into the general fund, with Indians getting little benefit.

President Nixon, in his message, recognized the fact that many Indians are turning from rural to urban life, going to the cities where they are meeting special problems of unemployment and lack of social inaction. Mr. Nixon proposes to expand the operation of urban Indian centers, such as exist on a limited basis in Minneapolis and other large cities.

The President presented an impressive list of other measures which would help the Indian meet social, economic, education and health needs.

Throughout the message, the emphasis was on self-determination, giving the Indian the opportunity to live in dignity whether he chooses the reservation system or wants to enter the mainstream of American life.

The Indian himself has become more and more vocal for self-determination and participation. He wants some of the decision making power which too long has been in the hands of an impersonal bureaucracy.

With favorable action by Congress and new and eager leadership among the Indian population, perhaps we will see some strides which will help both the Indian who chooses to retain his tribal way of life, and the Indian who would rather integrate into the larger society of American life.

TAKING AGRICULTURE FOR GRANTED

Mr. DOLE. Mr. President, sometimes it takes a catastrophe—a near disaster—to bring us to our senses—to bring us back in touch with reality.

Such is the case now with a serious blight affecting cornfields across the Nation.

Although exact figures are not yet available, apparently we are going to lose a substantial portion of the 1970 crop. Estimates of nationwide losses now range from as low as 10 percent to as high as 50 percent. In Illinois, last year's leading corn-producing State, the State department of agriculture estimates that fully one-fourth of the crop has been seriously damaged. We will not know the full extent of the damage until USDA surveys now underway have been completed.

I have discussed this problem with officials of the U.S. Department of Agriculture and the National Educational Institute for Agriculture, a nonprofit organization which seeks better public understanding of farm issues, and I believe enough is known to draw some useful and important conclusions.

First—and this is foremost—American agriculture is being taken for granted; if nothing else, what has happened should alert us to this fact. U.S. agriculture is one of the real miracles of the modern age; farmers have broken record after record; and agriculture has become so dependable that the thought of going without needed food or fiber almost never occurs to anyone in this country any more.

A blight that may well ruin one-half of the largest crop our country produces—the largest both in terms of value and volume—is a very serious matter, yet in the larger sense it tells us just how lucky we really are.

In America even a 50-percent loss—a staggering figure by any standard—is not really a disaster. Anywhere else in the world it would be unthinkable.

In America we have combined research and reserve capacity to prevent the tragedies that occur elsewhere from natural causes.

Our extensive agricultural research facilities, and the people who man them, are the world's best—and given time, they will find a way to prevent damage from the fungus that is causing the current blight. And once the cure is found, our farmers will apply it immediately and effectively, because they know the value of research, and over the years have learned to utilize it well.

In America, the average citizen can afford to be unconcerned that severe shortages of basic products may occur—he does not need to race his neighbors to the nearest grocery store to stockpile staples to guard against an impending emergency—but only because adequate food and fiber reserves protect us all.

These reserves are made possible through our agricultural programs—the price support and acreage control system made available to farmers over the past 37 years. Today we have approximately 1.5 billion bushels of feed grains—corn, grain sorghum, oats, and so forth—in reserve. This is considered an adequate carryover between harvests. It will prevent what could have been a disaster from becoming just that.

I do not lightly dismiss the threat posed by the current corn blight. Obviously, serious disruption will occur as a matter of course in many major segments of American agriculture.

The effect on next year's corn plantings could be most dramatic of all.

But certainly, a sharp reduction in corn supplies will have immediate impact on the beef, poultry, and swine industries.

If feed costs rise—and they most likely will—meat prices will follow and reflect the increase.

I believe we will weather this adversity with a minimum of economic disruption, but only because our agricultural programs make it possible to plan for the unexpected.

These present circumstances also strongly underscore the need for adequate reserves as part of our total national food budget.

If we ignore the lessons of history—if we let supply outstrip demand—then we will plunge ourselves back into a serious oversupply situation. That is why 3 million farmers still need Government farm programs to gear output to meet demand—to maintain a reserve to meet just this type of emergency, yet avoid price depressing surpluses.

We hear many complaints about farm programs, especially from the standpoint of the costs involved. Actually, the costs to taxpayers have been minimal when compared to the benefits brought about as a result of expenditures on farm programs. In effect, these programs have subsidized the consumer to a greater extent than the farmer.

Anyone familiar with basic economics knows that buyers pay more when supplies are short, and that they pay less when there is too much; in agriculture, prices drop even when there is a slight abundance. Farm programs have assured the American consumer an abundance of food and fiber.

The costs have been small indeed—especially if compared to what can happen in a period of short supply.

The corn blight is a serious problem, but one that American agriculture can and will solve. The present situation serves to dramatize the fact that Americans have taken agriculture too much for granted—for too long.

THE SERVICE OF J. MARK TRICE

Mr. CURTIS. Mr. President, it is indeed a privilege to join with many others in congratulating the Honorable J. Mark Trice on this unusual occasion. The fact that everyone calls him "Mark" indicates something about the fine character that he possesses. He is a friendly man. The Senators and Senate employees like him. He is a man of humility. These are all desirable attributes.

We honor Mark at this time not just because he has served for 50 years. This indeed is a remarkable record in public service. A half a century in a particular activity is a long time. We do honor him because he has reached this milestone, but we also honor him because of the quality of the service that he has rendered throughout these years.

Mark has been a source of intelligent and dependable service for everyone who has turned to him. It has been my experience that when a question or request was directed to Mark, he responded with accuracy, thoroughness, and utmost fairness. His sincerity and his personal integrity, plus his competence, made it possible for all of us to totally rely upon him.

So at this time when we are honoring him for his unusual services, it should also be a time when we express our gratitude to him. I personally want to thank Mark for his kindness and help extended to me throughout the years. I am sure that there are many in our offices and employed elsewhere by the Senators who join me in this. This is especially true of the page boys. Mark is respected and admired by them. I know that he has the gratitude of all of them.

Mr. President, I shall leave to others the enumeration of the many events in Mark's life and the writing of the biography for him. I simply want to praise him for his devoted public service. Mrs. Curtis joins me in an expression of congratulations, gratitude, and best wishes to Mark, to Mrs. Trice, and to their daughter.

PROJECT SOC—SUCCESSFUL MDTA PROGRAM

Mr. MONDALE. Mr. President, a very interesting training program here in Washington was described in the August 12, 1970, issue of the Los Angeles Times. This model program, Secretarial Opportunities Consortium or Project SOC, has succeeded in preparing disadvantaged young women, many of them high school dropouts, and many with undeveloped skills, for responsible jobs in the community. This goal is achieved not only by teaching basic clerical skills, but through a process of broadening the individual's total outlook; with an emphasis on providing new opportunities and productive careers.

I should like to bring this unique and highly successful program to the attention of the Senate and ask unanimous consent that the article, entitled "The Saga of Lunch-Hour Tutor," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SAGA OF LUNCH-HOUR TUTOR

(By Marlene Cimons)

WASHINGTON.—Two years ago Mary Wolf was working as a secretary in the White House, and she was bored. So during her lunch hours she began tutoring a young black girl who had dropped out of high school.

It was to be the beginning of a much larger project, although Mary Wolf didn't know it

then. A project which the Department of Health, Education, and Welfare today wants to use as a model for similar programs in other cities.

Pat, the young Negro girl had left school in the 10th grade to get married. When Mary Wolf met her, Pat was a welfare recipient with two children and no husband.

"At first I was going to teach her English and history," Miss Wolf said. "But she said to me, 'Look, these things aren't going to help me get a job.' So I started teaching her shorthand and typing. She was extremely bright and I began to feel that I just couldn't do enough for her with just my lunch hour.

"So I started looking around for a program to put her in—a program at the secretarial level. I found clerk/typist programs and clerk/steno programs, but I felt these would only lock her in. There's so much more to being a secretary than just knowing the basic skills."

So when Mary Wolf, a 30-year-old blonde, couldn't find that kind of a program, she started her own.

Mary Wolf left her White House job—she had been working in the office of an official in charge of recruiting new talent for government executive positions—and began putting together her plan. Miss Wolf managed to cut through bureaucratic red tape to get a $54,783 grant jointly approved by the Department of Labor and HEW's office of education under the Manpower Training Act.

"I'd sit in all those meetings at HEW and I was sure they were all thinking, 'What is this child doing here?'" she said. "But I guess they were listening more to what I was saying instead of thinking about how young I looked."

Soon after, Project SOC—Secretarial Opportunities Consortium—was born.

Mary Wolf, who had never really taught anything before or run anything before, suddenly found herself a teacher and an administrator. She wrote a curriculum and found a local Washington church willing to donate part of its third floor for classroom space.

COST OF UTILITIES

"We just pay $450 a month for utilities," Miss Wolf said. "And that comes to almost $6,000 a year—which isn't bad, considering we'd have to pay something like $15,000 if rent were included." (They aren't able to hold classes on weekends—that's when the church needs the space for Sunday school.)

The program became a cooperative training venture right at the start when the Communications Satellite Corp. (Comsat) agreed, at Miss Wolf's request, to participate. The program, as it is now set up, provides for the girls to spend a specific period of full time classroom training with Miss Wolf, followed by a specified number of weeks studying a half day with Miss Wolf and working a half-day at Comsat.

"At Comsat they are placed in secretarial jobs or jobs that meet their need to learn the atmosphere of an office," she said. "The main reason for this is to ease them gradually into an office situation, while they still know they can come back to the classroom.

"They are also paid for going to school—$51 a week, plus bus fare and $5 for each child they have. The money comes from Comsat and the Washington employment service."

GIRLS STUDY

The girls, all of them black, all of them selected and recommended through the Washington employment service, study a curriculum which, in addition to typing, filing and shorthand, includes black studies, personal dynamics, English, vocabulary, reading (right now they are reading "The Autobiography of Malcolm X") current events, debating and office practices. These categories cover everything from how to answer a telephone to how to fix an Afro hairstyle. "Last week we had a 'bush doctor' come in and teach them how to do their naturals," Miss Wolf said.

According to Timothy Halnon, an education specialist in the office of education (which administers Project SOC), Mary Wolf's program is considered unique by the department of health, education and welfare.

"There are other programs similar to this but none that really address themselves to the total individual, like hers does," he said. "And it also adds the opportunity—through Comsat—to try out on the job and still be able to return to the classroom to work on weak points."

Of the 30 girls who attended the program last year, six dropped out, two were dismissed (one for fighting in class, the other for poor attendance), and 20 girls, out of a graduating class of 22, were placed in jobs.

"One of those who was not placed weighed about 300 pounds and she simply refused to lose weight," Miss Wolf said. "I told her she just wouldn't be hired if she didn't lose, but she didn't believe me. Anyway, we couldn't find her a job. The second girl just wasn't able to get her typing speed above 35 words a minute."

The other results were more encouraging. "One girl who had been working as a waitress in a drugstore when she came to me is now working for a congressman," Miss Wolf said. "Another girl was hired by a radio station here as a secretary and was recently asked by the company's vice president to become his private secretary."

And Pat, the young black girl who started the whole thing, is earning $6,000 a year as a private secretary at Comsat.

PRIVATE SECRETARY

"She finished the course early," Miss Wolf said. "And she changed tremendously. When I first had her she was very overweight, her hair was a mess. She changed her hair to an Afro and went from Size 12 to a Size 7."

The project, now in it's second year, hasn't changed too much. Miss Wolf, who now has two black teaching assistants and a counselor, received a grant of $68,491 this year and was able to raise her own salary from $10,500 to $13,000.

Miss Wolf, a native of Fremont, Ohio, was graduated from Ohio University in 1965. She is the only white person involved in Project SOC, and it really hasn't caused her any problems. "Except, I feel that a program like this one is more effective if its a black teaching blacks—that gets away from the white-in-authority situation." she said.

Miss Wolf would like to see her idea spread to other cities—if not she'll probably do it herself. "I'm now working on a proposal for one in New York City geared to Chinese and Puerto Ricans, with English language training added. After that, I'd like to work in an Indian reservation."

HAWAII MOVES INTO ITS SECOND DECADE UNDER STATEHOOD

Mr. FONG. Mr. President, 11 years ago today, when Hawaii became the 50th State of the Union, it was predicted that the decade following statehood would be the most prosperous that the islands of Hawaii had ever experienced. That prediction turned out to be true.

And now, on this August 21, 1970, as Hawaii enters the second decade of statehood, I predict that the next 10 years will be equally challenging.

As we enter this new decade, we reflect on what has accompanied the acceptance of Hawaii as the 50th State of the Union. Hawaii has demonstrated its willingness to become a full and equal partner with the other States in our Nation's economic and social growth.

The decade just ended saw the transition from an agriculturally based economy to one marked by broad industrial diversification, although Federal spending continues as Hawaii's principal source of income.

Visitor arrivals exploded from 243,000 in 1959 to 1.3 million today. The resident population has grown at twice the national rate—from 622 million to approximately 800 million.

Personal income increased 136 percent versus 95 percent nationally; retail sales increased 120 percent.

We in Hawaii are proud of the good health of our citizens. Hawaii residents are healthier than their mainland counterparts with only 1.9 general hospital patients per 1,000 population compared to 2.9 for the mainland.

In size, Hawaii ranks 47th among all the States. In dollar volume of building permits, Hawaii ranks among the top 10.

Hawaii produces more than a million tons of raw sugar a year—approximately one-fifth of all the sugar grown under the American flag. Hawaii produces more canned pineapple products than the rest of the world combined.

On this statehood anniversary day, we in Hawaii have much to be grateful for. But foremost is the fact that statehood gave Hawaii's people both voice and votes in the Congress.

As a territory, Hawaii had but one nonvoting delegate in the House of Representatives. On August 24, 1959, after Hawaii's first State election, I took my seat in the U.S. Senate, along with my late colleague, Senator Oren E. Long. And at the same time, of course, Hawaii gained voting representation in the House.

During the years of struggle that led to statehood—a struggle in which I was proud to play a role—President Eisenhower expressed the hope that Hawaii, under statehood, would be a "shining example, of the American way to the entire earth."

I believe that the 50th State of the Union has, during these past tumultuous years, lived up to the late President's wish. Despite the pressures of a fast-growing population, despite urbanization and its attendant problems, the people of Hawaii continue to hold firm to the ideal of racial amity and concord.

Mr. President, the people of Hawaii call this the spirit of aloha. It is our most valuable attribute to our most important export.

BOORDY, A MARYLAND VINEYARD

Mr. MATHIAS. Mr. President, scholars and anthropologists debate if and when and where Ralph Waldo Emerson enjoined the ambitious to "make a better mousetrap." But the editors of Emerson's Journals certify that he did say, "I trust a good deal to common fame, as we all must. If a man has good corn, or wood, or boards, or pigs, to sell, or can make better chairs or knives, crucibles, or church organs, than anybody else, you will find a broad, hardbeaten road to his house, though it be in the woods."

Under Emerson's rule, there will be such a road in Maryland, and because it not only represents a better product, but also an entirely new and imaginative

enterprise, I think it should be widely recognized.

An outstanding example of a new way our unique Maryland environment can and should be made productive was brought to my attention by a recent feature in the Washington Post concerning the Boordy winery in Riderville, Md. Boordy was begun by Mr. and Mrs. Philip Wagner as a hobby to produce wine for the family table.

The Wagners' hobby has developed into a thriving business largely as a result of the introduction of a French-developed hybrid grape. Mr. Wagner, formerly editor of the Baltimore Sun papers, feels that the French hybrid embodies all the best qualities of both its American and European ancestors. The demand for the Boordy vintage and widespread success of the plants from his nursery speak for the accuracy of his judgment.

The Wagners' wines are justifiably served with local pride. The Wagners are themselves a source of pride for all of us as their industry and ingenuity is of the essence of the vitality of our great country.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 16, 1970]

VIN ORDINAIRE AS AN ELEGANT AVOCATION

(By Judith Martin)

"Boordy," said Philip Wagner, is "one of those fine old Maryland place names of the future."

Look it up in a wine encyclopedia, and you will find it is a small winery and nursery in Riderville, Md., owned and run by Philip Wagner and his wife, Jocelyn. (Not that people do look it up, Wagner added modestly, but those who find themselves in the B's trying to read about Bordeaux might come across it.)

Boordy, with its fields scattered in what has become expensive suburban Baltimore countryside, sells 5,500 cases of wine a year, and grapevine cuttings to amateur and professional winemakers all over the country. On a hilltop above the winery, in what used to be vast quiet countryside but is rapidly being enclosed by highways, is the informal, gentleman-farmer-ish white clapboard house where the Wagners live.

Both Boordy's success as a supplier of good vin ordinaire and local pride to restaurants and liquor stores in the Washington-Baltimore area, and its inability to meet the demand it has created are due to rules which the Wagners set long ago to keep the winery in proper perspective in their lives.

The first is that the vineyard, in which the original idea was to provide wine for the family table, and the nursery, with which they demonstrated that respectable wine could be produced in country which had been deemed unsuitable, should pay for themselves.

The second is that it should not interfere with the rest of the Wagners' activities.

Boordy, for all its success, is, after all, the rather elegant hobby of people whose lives are concerned first with politics and writing. Wagner says it's his version of another man's sailboat or herd of prize cattle.

In his chief career, he has been a free-lance writer, foreign correspondent, author, editor of both Baltimore Sun papers and now, in semi-retirement, a syndicated political columnist—while his spare time, and much of his wife's time, were devoted to the expanding winery and nursery.

While he was helping build the Sun papers in national stature and international activity, Wagner and his wife built the first small cool shelter for their presses—he digging the hole, and she fashioning the stucco work on the walls. Harvest time meant that after the day's news, the two of them would crush and press grapes until two in the morning.

Now, in semi-retirement, it's a more leisurely pace. Wagner works on his political column at least two days a week, in an office above the original winery, wandering down to work or talk with the winery's three full-time employes as needed. Mrs. Wagner, who does most of the paperwork and correspondence, finds time for her chamber music group, in which she plays the piano.

And they travel a good deal—to California last week, probably to Yugoslavia in the fall and always to upstate New York, to France and Germany, Italy and Spain. "We go where the vine grows," said Mrs. Wagner, but then they entwine it with his work, visiting local wineries and local politicians, observing the grape fields as well as the larger scene. Mrs. Wagner acknowledges that she could stand looking at a cathedral now and then, like everybody else.

It also means they have friends, among winemakers and wine connoisseurs, wherever they go, and he feels that talking about wine has often proved a valuable entree into political circles—in Moscow, for instance—that might not have been open to him just as a journalist.

At home, they try to keep up with the interest of visitors in Boordy, and have set aside Thursdays and Fridays for appointments for winemakers and tourists. Their friends are drawn from a variety of circles which may not have anything directly to do with either of the Wagner careers—but when Wagner was asked to describe his most famous colleague, the late H. L. Mencken on whose literary career Wagner has written a small book, he said, "He was a beer drinker. He made a big pretense of being hardy, but he was really quite abstemious, and never drank until after dinner."

The occasional dinner parties at the Wagners' house up the hill from the winery feature several wines, of course, and bottles and bits of cheese brought to casual visitors on their rolling lawns. But they've learned not to accept the eager offers of friendly help when it's work time at the winery.

"It's pretty grim," said Wagner. "It's not much fun after the first ten minutes, and then we've got all those people on our hands."

Instead, they hire students at vintage time—"starting with the school boys, and then the private school boys because they go back later in the fall, and finally the college boys."

Wagner started in journalism as the editor of the Michigan Daily when he was at college at Ann Arbor, worked on the Philadelphia North American, and, when that paper died, did public relations work for General Electric. Then he started writing "light pieces with a little bite" for magazines, such as Harper's and the Atlantic Monthly and, "jumping the usual reporting apprenticeship," went to Baltimore in 1933 to be associate editor of the Evening Sun.

Boordy started at the same time, just at the end of Prohibition. Neither of the Wagners was much of a gardener, but they read a lot and decided to take advantage of the fact that you could legally make up to 200 gallons of wine for home use then, and that grapes were plentiful because the California wineries were shipping their then-useless grapes east.

But when Prohibition was over, the grapes stopped coming. "Only the cats and dogs" were available then, said Wagner, who was by that time too deeply involved in wine-making to stop over a technicality like Repeal. He had never been that wild about Californian grapes, anyway, and began to investigate hybrids which were being developed then in France.

In the hybrids, he felt he had found the ideal combination of grapes for American growing—"the flavor of the classic European wine grapes, with the hardiness and disease-resistance of the American. They had a certain amount of American blood in them, so I thought they might turn out to be good here." From them, Boordy produces a red wine, a white, a rose and a blumchen.

The hybrids were a success, and the Wagners, who found that they soon made more grapes than they could squeeze, began to sell them. By establishing a large nursery business, they were also able to prove from reports of their customers what they had suspected and hoped—that such grapes could be cultivated in parts of "just about every state except North Dakota."

Independent wineries, said Wagner, "are experimental stations that the government doesn't have to pay for. Official agriculture is dead from here up. If an industry is in trouble, it gets an appropriation, but if anyone has an original idea, he gets no help."

His feeling about university agricultural departments wasn't helped much by a conversation he had with a University of Maryland official who was pinning a blue ribbon on Boordy grapes at a local fair. Wagner inquired why the university wasn't working on grapes in its agriculture department and the response was, "Don't you know? Maryland just isn't good for growing grapes."

Maryland soil was so good for Boordy that the Wagners have had to limit their wine production and restrict their sales to this region to prevent their hobby's overtaking them. "If we let go, it would be five times this size," he said.

They have also formed an association with Seneca Foods, acting as consultants and supervisors for a Seneca-sponsored upstate New York wine which is "a variant of the Boordy label."

Their future will probably be with Seneca, said Mrs. Wanger, because their children—a doctor, a free-lance writer, a businessman and an educator—have scattered and aren't even always close enough to come pick up their Christmas wine cases. But all of them have worked in wine-making and love wine, said Wagner, and the grandchildren have also enthusiastically tasted both the work and the wine.

As for the senior Wagners—"We'll probably keep it up until we drop in our tracks," she sighed. "I used to think I'd sit on the porch and rock in my old age. Not a chance."

And when they count up what it's given them, it's not only more than the original goal of family table wine, but much more than just the distraction of a hobby.

"An enterprise this small still has every single problem—personnel, taxes—of a big enterprise," he said. "It has served as a constant illustration for me, and given me an insight many newspapermen don't have. It's easy to laugh at the Rotarians who say you never had to meet a payroll, but there's a point where that is serious.

"And newspapers keep you worrying over ethical matters and all that business. Here there's no ethical problem involved—except that you've got other worries, like is it going to frost tonight."

THE AMENDMENT TO END THE WAR

Mr. McGOVERN. Mr. President, the junior Senator from Kansas (Mr. DOLE) kindly sent me a copy yesterday of the speech he delivered in the Senate today. Scanning the Senator's remarks last night, I was impressed with the purity of his purpose and his remarkable awareness of the danger of sin in others.

The Senate is fortunate to have a Member with 8 years' experience in the House of Representatives—"a place," in his words, "where many sought to persuade me, but none sought to bring outside pressures against me." The Senator from Kansas has humbly confessed that this pristine experience in the House left him aware of the urgent need for both "a high ethical standard" and "a strict adherence to the laws."

Since I had only 4 years' service in the House of Representatives and have been exposed to the abominations of the Senate for nearly twice that length of time, I should perhaps be grateful that the junior Senator from Kansas has given me the benefit of his close scrutiny and vigorous standards of personal conduct.

In a word, the Senator from Kansas is most fearful than I and other Senators sponsoring the amendment to end the war may have violated the high ethical and legal standards that he brings to the Senate.

A series of questions indicates his fears that we may have violated certain lobbying, accounting, or tax regulations. Personally, I am confident that we have neither violated any laws nor jeopardized a proper sense of ethics and propriety. We have accounted for every penny received or disbursed and have published our reports in the CONGRESSIONAL RECORD. We have also designated two trustees, former Senator Ernest Gruening, a Democrat, and Mr. Edward Burling, a distinguished Washington attorney and a Republican. These trustees are aided by a bonded accountant.

But lest all of this not satisfy the junior Senator from Kansas, may I remind him that the junior Senator from Arizona (Mr. GOLDWATER) has asked the Department of Justice to determine whether or not we have violated any laws. Deputy Attorney General Richard Kleindienst has said that he is looking into the matter. I am sure that even Senator DOLE would not challenge the reliability of an investigation by Mr. Kleindienst, whose standards were so high that he was selected by the Senator from Arizona (Mr. GOLDWATER) to manage his presidential campaign in 1964.

To quiet any remaining fears of the Senator from Kansas, my cosponsors and I are asking the Internal Revenue Service for a ruling on any tax responsibilities we may have as a consequence of the contributions received and expended by the committee for the amendment to end the war.

Perhaps after all these investigations and reports are completed, the Senator from Kansas will be inspired by the discovery that he is not the only Member of the Senate with "a high ethical standard" and "a strict adherence to the laws."

But while the lawyers and tax experts pursue these intricate questions, let us remember that young Americans are still dying in Indochina. Let us remember, too, that wartime inflation is still straining our economy and weakening the value of our stocks and our dollars. Let us remember that a disastrously mistaken venture into Southeast Asian affairs we cannot resolve is still dividing and eroding our society.

These are the issues that we need to keep at the center of our attention in the coming debate on the amendment to end the war.

Let me speak very plainly to my colleagues—the junior Senator from Kansas, the junior Senator from Arizona, and other Senators who may share their approach. I am not going to be diverted from the central question soon to be raised in the Senate: Should the Congress exercise its constitutional power to set a limit on the time American forces are committed to Indochina? Or, is the Congress simply a frail and helpless reed ready to submit to one-man rule on the easy assumption that the burdens of war and peace are the President's alone?

That is the issue raised by the amendment to end the war and that is the issue I intend to pursue above all others until we have resolved it as duly elected representatives sworn to uphold the Constitution of the United States.

I have asked Mr. Gordon Weil, my staff assistant who has been handling the details of the amendment effort for my office, to prepare answers to the specific inquires of Senator DOLE. I ask unanimous consent that those answers as prepared by Mr. Weil be printed in the RECORD:

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS

INCOME?

The Amendment to End the War Committee does not regard its receipts as income under the Internal Revenue Code and has received legal advise that its position is correct.

POLITICAL GIFTS?

The Amendment to End the War Committee regards donations as political gifts. It believes that such gifts are subject to applicable federal legislation. However, a distinction should be drawn between political gifts for candidates in election campaigns and political gifts relating to an issue before the Congress. Second, the situation in the present case, is relatively unprecedented and the exact way in which federal statutes apply will have to be determined by appropriate authorities.

The appellation "paid political announcements" as applied to the short announcements sponsored by the Amendment to End the War Committee was decided upon by the stations which carry these announcements, not by the Amendment to End the War Committee.

The Amendment to End the War Committee had co-chairmen and treasurers designated prior to the receipt of contributions and the disbursement of funds. The funds are under the supervision of outside trustees—one a Democrat and the other a Republican.

The treasurer has kept a detailed and exact account of all contributions, the date of all contributions, and the names and addresses of every person making a contribution.

No contribution has exceeded $5,000. The Council for a Livable World acted as a collection agency for contributions to the Amendment to End the War Committee. It received individual contributions, none of which were in excess of $5,000 and, to the best of our knowledge, it has kept a record of all contributions, the date of such contributions, and the names and addresses of all persons making contributions.

A record of all expenditures and a record of the names and addresses of those with whom money is spent has been kept and a detailed account has been published in the Congressional Record on two occasions.

The Amendment to End the War Committee has not filed a quarterly report with the Clerk of the Senate since it appears that such a report applies to election campaigns. However, the Committee is prepared to make such a report if it is deemed necessary.

REFUNDS?

The Amendment to End the War Committee is of the opinion that although there have been modifications in the Amendment, this does not necessitate a refund of donations since the essential element of the Amendment—a fixed deadline for the withdrawal of United States forces from Indo-China—remains an integral part of the revised text.

LOBBYING?

The activities of the Amendment to End the War Committee have been under the supervision of a bipartisan group of Senators. Because the Committee is composed exclusively of Senators, we have not considered that it is a lobby in the accepted sense of the word. To ask staff members to aid in this effort and to accept the help of volunteers is well within the bounds of legislative activity Senators may undertake in support of their proposals in the Senate.

COLLECTION AGENCIES?

As has been stated previously in the Senate, the sponsors of tne Amendment to End the War did not solicit funds for an extensive television and newspaper campaign and were themselves surprised by the size of the funds received. All contributions were from individuals, so far as can be determined, and not from any outside group.

These funds have been used in an attempt to present to the American public views on the Indo-China war differing from those of the President, who has unlimited and untrammeled access to the public most significantly, free, prime time on the TV networks. The spokesmen for the Amendment to End the War have certainly not had an "unfair" advantage in presenting their case.

There has been absolutely no institutional or fiduciary link between the Amendment to End the War Committee and the Members of Congress for Peace through Law.

ARBOR DAY

Mr. CURTIS. Mr. President, we in Nebraska take special pride in Arbor Day which was celebrated in Nebraska this year for the 98th consecutive year and which for the first year was designated by President Nixon as a national observance.

While Arbor Day had long been celebrated by every State in the Union and many foreign countries, it was my friend and distinguished senior colleague from Nebraska (Mr. HRUSKA) who this past year sponsored legislation permitting the President to elevate the annual tree-planting ceremony to the status of a national observance.

I might also remind Senators that Arbor Day symbolizes Nebraska's concern many years ago for the conservation and replenishment of our natural resources and the environmental control which such conservation promotes.

In the emphatic and proper concern of our citizenry over the pollution of our Nation today, I am proud to point out that such a concern motivated J. Sterling Morton, Nebraska City, Nebr., pioneer and one-time Secretary of Agriculture, to begin the annual conservation

observance back in 1872. If more of our citizens had adopted and practiced his conservation philosophy a number of years ago, our pollution problems might not be as great today as they are.

We are also indebted to Senator HRUSKA for succeeding in attributing to the annual Arbor Day the national importance which the observance so well deserves.

Although Arbor Day has come and gone this year, a reporter for the Lincoln, Nebr., Sunday Journal and Star reported in a most interesting fashion on a recent visit to Arbor Lodge, the State park near Nebraska City which houses the memorabilia of the founder of Arbor Day. I commend this interesting report to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INEXPENSIVE TOUR CAN BE REWARDING

(By Bob Munger)

NEBRASKA CITY.—It costs 25 cents for an adult to tour Arbor Lodge State Historical Park on the western edge of this city. And it may well be the best 25 cents a person ever spent, in this day and age.

The home of J. Sterling Morton literally reeks with history.

It is filled with stained glass windows, original furniture, pictures, and all the other furnishings that a family of "means" would have had in their home a hundred years ago.

J. Sterling Morton, who was Secretary of Agriculture under President Grover Cleveland, was a nut on trees. According to tour guides he corresponded with people all over the world, and never failed to ask for seedlings of their native trees.

So it is easy to see why, in 1872, he proposed to Nebraska that the state adopt Arbor Day as a day to plant trees. He got it done, and the proclamation was issued in 1874 by Gov. Furnas.

His arboretum (tree study area) at one time contained an official 280 different species of trees, and the grounds on the Morton estate are covered with a jungle of trees and shrubs.

In 1923 the Morton family gave the proptery to the state for a state park, and it became only the second state park in Nebraska. On the property are the gigantic mansion, a nearby carriage house in which horses and buggies were kept, a small picnic area, and the replica of a homesteader's shack . . . plus trees, everywhere the eye hits, trees by the thousands.

A visitor touring the Morton home is told that J. Sterling was at various times a newspaper owner, and a large land investor. He was supposedly a good manager. It is rather obvious, for he founded the fortune that eventually was developed into the Morton Salt Co. of present-day fame.

Supt. Ira Glassser works continually on enhancing the property, refurbishing picture frames to original condition, painting, fixing and cleaning it up. This of course is the reason for the fees of 25 cents for adults, 10 cents for children, and 5 cents for organized groups of children of over 10 youngsters—to maintain the property.

A visitor will remember bits and pieces of information . . . that Mr. Morton preempted land there, 160 acres, in 1854; and that he filed for homestead rights in 1855 after he had had a chance to have it surveyed . . . or that his arboretum was at one time the only one between the Missouri River and the Pacific Coast and is still the oldest in that area . . . or that President Cleveland came out and stayed at the Morton home during his term of office . . . or that Mr. Morton first began plantings in his arboretum in 1858.

Perhaps bits and pieces of 100-year-old history are the best.

It is certain that they are interesting.

MODERN DAY BLADESMITH USES TECHNIQUES OF COLONIAL TIMES

Mr. MATHIAS. Mr. President, 50 miles west of Metropolitan Washington, in the Middletown Valley of western Maryland, lives William Moran, Jr., bladesmith.

Although there are a few other bladesmiths in the United States, Mr. Moran believes that he is the only one who uses authentic 17th-century methods to make knives and ironwork by hand. He rediscovered the ancient technique by trial and error to make anything from a field knife to the Cinquedea, a copy of a Renaissance dagger. In his work Mr. Moran uses tools from past centuries and a few self-styled implements. He is interested in old things and thinks "we are living in an age when things are mass produced and shoddily produced." He also thinks "there is far too little knowledge about our American heritage."

Mr. Moran embodies all the qualities of the free enterprise system, of which he is a strong advocate. He is the type of man Thomas Jefferson would have called "the salt of the earth." He is a businessman, individualist, patriot, but above all, a master craftsman.

On July 30, Penny Kolsrud wrote an article in the Baltimore Sun about Mr. Moran, his method and his beliefs. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INTERESTED IN OLD THINGS: MODERN-DAY BLADESMITH USES TECHNIQUES OF COLONIAL TIMES

(By Penny Kolsrud)

Just off Braddock Mountain, nestled in the rolling green patchwork of Middletown Valley, is the small, dusty shop of William Moran, Jr., bladesmith.

His wares range from combat knives with fiercely curved blades, made for men in Vietnam, to colonial chandeliers with graceful spirals. Knives cost between $50 and $500, depending on whether you want a field knife or the Cinquedea, a copy of a Renaissance dagger which takes two weeks to make.

Although there are a few other bladesmiths in the United States, Mr. Moran believes he is the only one who uses authentic Seventeenth Century methods to make knives and ironwork by hand.

Mr. Moran rediscovered the ancient technique by trial and error. "Knives were among the first things mass-produced in this country and the art of making blades had been totally lost," he said. I'd take an old blade and test it to see how it was tempered.

"From the time I can ever remember, I've always loved knives," he said. "Nothing much was written on them. Old bladesmiths handed their techniques down from father to son and made a real big deal of how complicated it was—it wasn't really."

For many years, making knives was hobby for Mr. Moran, who owned a dairy farm. "I got so many orders that I sold the farm," he said. "Right now I'm at least two years behind in my orders, which is kind of frustrating." He said he has been making knives and ironwork for about 27 years.

Each knife takes two or three days to make. The bar of steel is first cut off in one piece with the tang, a thinner piece over which the handle fits. The knife is heated in the fieldstone forge and then hammered into shape on the anvil many times.

"I grind it down to where it's nearly finished and then temper it by heating it and quenching it in oil" which, Mr. Moran explained, cools the steel more slowly than water and changes the molecular structure so that it hardens.

The knife is then "drawn" so that it is hard from the center of the blade to the cutting edge, with the dull edge or back "like a spring. This makes the knife almost impossible to break," he said.

The finished blades have a highly polished reflective surface which comes from 3 h.p. polishing wheels. Early bladesmiths used water wheels to achieve this high gloss, he said.

Utilizing other crafts, Mr. Moran designs and carves the knife handles and their brass fittings and makes the leather sheaths, which are quite thick because of the sharpness of the blades. Handles are usually rosewood, but other materials include curly maple, ebony, ivory, walnut, hickory, lignum vitae and either crown or branch stag.

ABOUT 125 YEARS OLD

Among his tools are an anvil he estimated to be 125 years old and many hand-made implements, such as tongs. When he doesn't know how to make something, Mr. Moran designs a tool to do the job. One tool, described as a bar with a bump in its middle, was made to twist the spirals in the colonial chandeliers.

Mr. Moran's shop is cluttered and hung with dried ears of corn, stag horns, signs of his political affiliations and all kinds of tools and samples of his work. He wears boots and a leather apron over his work clothes.

"I'm really interested in old things," he said. "I think we're living in an age when things are mass-produced and shoddily produced.

"I think there's far too little knowledge about our American heritage," he said. "I like to give talks on the free-enterprise system. I think we have a wonderful system of government and the greatest possible system of wealth."

As a shrewd and independent man who has used free enterprise to build a business from nothing but his own interests, he naturally believes that people should "do it on their own" without help from the federal government.

His work often immerses Mr. Moran in history. Before making a copy of a Bowie knife, he talked to several people who had researched it and looked at between 1,500 and 2,000 different old knives. He has done copies of a crusader's sword and also makes tomahawks and medieval battleaxes.

"I got a crossbow kick once," he said pointing to a ponderous looking instrument on the wall. "There was a lot I didn't know about them. The first one I built was 400 pounds and shot about like a BB gun. I was so disappointed.

"I finally got it down so when we shot it, I couldn't even see the shaft go by."

In addition to his flexible hours ("I can go fishing any time I want to"), his work enables him to deal with exceptionally nice people, Mr. Moran said.

His customers include "hunters who go on African safaris," men serving in the Green Berets, or Special forces, in Vietnam and knife collectors all over the world. One of his knives was presented to a member of Italian royalty. He gets orders from as far away as West Germany and recently got his first from behind the Iron Curtain, Czechoslovakia.

A trip to William Moran's shop is almost like a trip through time. You pass through the Nineteenth Century in Braddock Heights, a town of white frame houses perched precariously close to the road, with a decaying, Gay Nineties-type amusement park nearby.

The atmosphere is altered by only a few suburban brick houses until you reach the Seventeenth Century in Mr. Moran's shop, an anachronism, but perhaps a reminder of a simpler time.

OCEANS AND PLAN NO. 4

Mr. NELSON. Mr. President, one of the most rapidly developing environmental crises of this Nation today is the pollution of the sea. As yet, the American public has only the Santa Barbara and other oil spills and such incidents as the Army's dumping of nerve gas in the Atlantic off the southeastern United States to remind us that the oceans are not the invulnerable resource we had once imagined. But many distinguished marine scientists are convinced that if we continue on the present course, the Santa Barbara tragedy is only a prelude to continued marine disaster—and that in 50 years or less, we could well destroy all productive life in the sea.

As was pointed out recently by marine scientists testifying before the Senate Judiciary Antitrust Subcommittee, it is urgent that this Nation establish as a high priority a national policy to protect our vital ocean resources. Our efforts in this regard are as yet only in their infancy. This is why Reorganization Plan No. 4, which proposes establishing a National Oceanic and Atmospheric Administration in the development-oriented Department of Commerce, is to me a very disturbing step. In all that I have seen to explain and justify this proposal, there is little evidence that NOAA in Commerce will sharply separate Federal programs for development of ocean resources from Federal programs for protection of the coastal and ocean environments. But in my view, such separation is absolutely essential. In proposing the Environmental Protection Agency in plan No. 3, the President said that an important reason for this independent agency is that it would "insulate pollution abatement standard-setting from the promotional interests of other departments." Why should not this same reasoning apply to our coastal and offshore marine programs?

In the meantime, the devastation continues. The scientists testifying before the Senate subcommittee estimated that up to 10 million tons of oil are being dumped into the sea every year—and they pointed out that no Federal agency monitors, or is equipped to monitor the buildup of byproducts of this oil, including hydrocarbons of a kind known to cause cancer in both man and animals.

Then in dramatic demonstration of another serious gap in Federal marine environment policy, the U.S. Army admitted at a Federal court hearing recently that it is not sure what will happen when its shipment of nerve gas hits the bottom of the Atlantic. What Federal agency is responsible for being sure? It is not clear.

In this situation, it is understandable that environmentalists across the country would be and are deeply concerned about the possible consequences of putting the lead agency for Federal oceans policies in the Department of Commerce, as is proposed by plan No. 4. In a telegram to the President on plans Nos. 3 and 4, a large group of environmentally-concerned organizations made clear their support of the plan No. 3's Environmental Protection Agency, but stated their strong opposition to plan No. 4's NOAA in Commerce. Those signing were the American Forestry Association, the American Institute of Biological Sciences, the American Scenic and Historic Preservation Association, the National Association of Conservation Districts, the National Audubon Society, the National Wildlife Federation, the Sport Fishing Institute, Trout Unlimited, and the Wildlife Management Institute. In addition, plan No. 4 is opposed by the Izaak Walton League, the American Fishery Society, and the Wildlife Society.

Despite the environmentalist concern for putting marine environment responsibilities in the same agency with marine development responsibilities, there are very strong indications that such a marriage is exactly the course that is being set. The latest instance of this that has come to my attention is the June-July newsletter of the National Oceanography Association, a strong supporter of NOAA in Commerce. Reporting the association's next objective if plan No. 4 is allowed to go into effect, the newsletter said:

> Additionally, we hope consideration will be given by Congress and the Administration to assignment to NOAA of responsibility for coastal zone management and coastal zone laboratory programs.

There is little doubt in my mind that unless our national ocean policies are put into much better focus now, NOAA in Commerce will quickly acquire the coastal zone management program proposed in legislation now pending before Congress. Yet such a program is perhaps the key to whether our seacoasts and their myriad resources will be managed in such a way as to avoid their complete destruction by hasty development—coastal zone management is one of the most important environmental proposals before this Congress.

Mr. President, I ask unanimous consent that the following items be printed in the RECORD at the end of these remarks: The Washington Post article reporting the shocking testimony by distinguished marine scientists; the Post story reporting the Army's admission in court that it does not know the consequences of dumping its nerve gas in the Atlantic; and the portion of the National Oceanographic Association's June-July newsletter reporting this group's strong support for putting environmental responsibilities in the U.S. Department of Commerce, a step which I strongly oppose.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 14, 1970]

MARINE SCIENTISTS CITE DANGERS OF CANCER BUILDUPS BY OIL SPILLS

(By David Hoffman)

A team of marine scientists charged yesterday that no federal agency monitors, nor is any equipped to monitor, the buildup of cancer-causing petroleum byproducts in the flesh of edible sea creatures.

Testifying before the Senate antitrust subcommittee, the three scientists from Woods Hole Oceanographic Institution recommended that oil at sea be considered a powerful poison. They said perhaps ten million tons are being dumped each year in the ocean and that pollution is on the increase as companies move drill rigs farther out to sea.

Drs. John M. Hunt, Max Blumer and Howard Sanders based their report on first-hand study of a 650-ton oil spill off the southern coast of Cape Cod, a few miles from Woods Hole.

They concluded that the oil killed about 95 per cent of all bottom creatures immediately and that ten months after the spill the oil, though invisible, is still spreading outward. Hydrocarbons of the sort known to cause cancer in man and animals remain, ordorless and invisible, in the tissues of oysters and mussels—even after frying.

As marine scientists see it, dumping nerve gas off the coast of Florida poses a lesser health hazard than spillage of oil.

Hunt points out that nerve gas in liquid form has a 12-hour half life, that 99 per cent of it will decay in five days. By comparison, he said, the half life of hydrocarbons in crude oil, while not precisely known, can be measured in years. Hunt is chairman of the Woods Hole chemistry department.

The scientists also came down hard against the use of chemical detergents or dispersants in dissolving oil slicks.

It was recommended at the hearing that oil companies contribute a percentage of their revenues to a research fund that could study long and short-term effects of petroleum pollution.

Sanders, a senior Woods Hole scientist, called for controlled oil spills "in selected localities where the biology has been carefully monitored beforehand." He grew quite emotional in pleading for a moratorium on deep drilling and dumping of waste below "the thermocline."

Beginning approximately 1,200 feet below the surface, and extending to the bottom, is a layer of water in which temperature changes hardly at all. The fauna below the 1,200-foot thermocline is believed too fragile to survive the stress of waste or petroleum pollution.

[The Washington Post, August 14, 1970]

ARMY CONCEDES RISK IN GAS DUMPING

(By Sanford J. Ungar)

The Army admitted at a court hearing yesterday that it is not sure what will happen when its controversial shipment of obsolete nerve gas hits the bottom of the Atlantic Ocean.

Pressed by a U.S. District Court judge and by representatives of the governor of Florida and leading environmental protectionists, Army spokesmen said that since no specific tests had ever been conducted on concrete at a depth of 16,000 feet, the effects of the dumping cannot be foreseen.

They conceded that the 418 concrete "coffins" containing 66 tons of nerve gas and 10 pounds of the far more lethal liquid nerve agent VX—scheduled to leave from Sunny Point, N.C., this weekend—could break open simultaneously and kill an undetermined amount of life on the seabed.

The new uncertainty over the gas shipment, "Operation Chase," arose during a day-long hearing before federal District Judge June L. Green, who said she had been up all night Wednesday reading documents in the case.

Pleading fatigue, Judge Green postponed until today final arguments and a ruling on a motion to halt the gas shipment pending further investigation of alternatives.

Meanwhile, longshoremen continued to load the gas-laden coffins aboard a rusting 442-foot ship, the LeBaron Russell Briggs, in Sunny Point.

Sen. Ernest Hollings (D-S.C.), accusing the Army of "operating under a veil of secrecy and callous disregard," called for permanent safeguards against such gas disposal plans in the future.

Obviously caught unprepared by the 11th-hour effort of Florida Gov. Claude R. Kirk Jr. and the Environmental Defense Fund, Inc. to stop the gas, and by Judge Green's willingness to hear the case in detail, the Army sought to prove in court that it had safety at heart.

Under intense questioning, however, Kenly Webster, deputy general counsel of the Army, admitted that officials no longer knew in which coffin the VX lies and that some of its scientific advisers who recommended sea dumping never knew that VX was included in the shipment.

VX emerged as one of the chief concerns of Judge Green, who told Webster and Stuart Schiffer, of the Department of Justice, that "we are all here for the same purpose—to see that no tragedy will take place."

Lola S. Lea, a New York lawyer representing EDF, presented several alternative means of disposal in her argument for a temporary restraining order:

That the coffins be shipped to a surplus ICBM silo and immersed in a strong alkaline solution that would neutralize the gas.

That each coffin, before being sent out to sea, be surrounded by an alkali like sodium hydroxide, so that if it should implode at the great depth it would be immediately rendered harmless.

That the entire shipment be detonated underground in "alkaline surroundings," such as those which exist in some parts of Nevada, Texas and the Death Valley in California.

That instead of the chosen site 282 miles east of Cape Kennedy, the gas be dumped in an "anaerobic basin," such as the Cariaco Trench off the coast of Venezuela, where there is little sea life and virtually no movement of water.

Mrs. Lea also argued that the munitions dumping ground near Earle, N.J., where this shipment was originally scheduled to go last year, would be preferable because it is shallower.

Judge Green appeared to be persuaded by the contention that at lesser depths, with lower water pressure, the nerve gas may be less likely to endanger the environment.

Speaking for the EDF and Gov. Kirk, John D. Isaacs, professor of oceanography and director of marine life research at the Scripps Institution of Oceanography in La Jolla, Calif., said many safe alternatives are feasible.

The superintendent of the Ocean Sciences Division at the Naval Research Laboratory here, Dr. Victor Linnenbom, disagreed. He claimed that the existing plan is the best and backed the Army's statement that the gas must not be delayed because the propellant mixed with it could explode soon.

[From the National Oceanography Association News, June-July 1970]

OCEAN PROGRAM TO GROW WITH NOAA

Oceanography is clearly an activity that is going to grow in the coming years. That's the message contained in the long-awaited Nixon Administration decision to reorganize Federal civilian ocean functions.

The statement about the certain growth of ocean activity came from the present Undersecretary of Commerce, Rocco Siciliano, at a June briefing for representatives of the National Oceanography Association and other organizations.

CERTAIN GROWTH

It wouldn't make sense, Siciliano said, to go to the trouble of centralizing ocean activities now scattered in the Government unless the field was going to grow. Visions of immediate outpouring of taxpayers' dollars into the oceans are mistaken; rather, the field can look to steady, increased growth and attention propelled by a mixture of industrial and academic initiatives.

What the Nixon Administration has done by calling for establishment of a National Oceanic and Atmospheric Administration (NOAA) in the Department of Commerce is to insure the Federal Government's rightful share in future oceanographic development will be forthcoming. This alone should serve to spur some new private investments. A number of private activities, such as offshore petroleum and the recreation industry, are growing at present.

NIXON DECIDES

The Administrative decision was announced in a leak on June 7 after having been made the day before by President Nixon. A statement terming the NOAA-in-Commerce recommendation a "workable compromise" with advocates of an independent agency outside of any of the existing departments of Government was issued on behalf of the directors of the National Oceanography Association in June. The Administration appeared ready to forestall one of the main arguments for independence by providing that the head of NOAA would be an undersecretary of the Commerce Department (only the second such official) who would have direct access to the secretary and, through him, the President. This move satisfies those who feared the oceanic function would be buried in a present-day department.

The Administration plan was submitted to Congress on July 9, and will take effect in 60 days (minus any Congressional recess time) unless the House or Senate votes it down. There are a few signs at present of concerted opposition and, on the contrary, evidence of bipartisan support for the NOAA-in-Commerce plan.

BUDGET OF $350 MILLION

The proposal brings together about 13,000 employees with a present budget of $350 million. Most of the personnel would be in the Environmental Science Services Administration (ESSA) already housed in the Department of Commerce; ESSA, with the Weather Bureau and Coast and Geodetic Survey as principal components, thus has the inside track on staffing and internal organization.

Besides ESSA, the National Oceanic and Atmospheric Administration would contain the Sea Grant program (from the National Science Foundation); the Bureau of Commercial Fisheries and marine mining from the Bureau of Mines (both Department of the Interior); the salt water portions of the Bureau of Sport Fisheries and Wildlife (also Interior); the data buoy program (from Coast Guard, Department of Transportation); U.S. Lake Survey (from Army Corps of Engineers), and the National Oceanographic Data and Instrumentation Centers (interagency groups housed in the Navy Department).

STRATTON GENESIS

NOAA had been proposed on Jan. 9, 1969, by the Stratton Commission on Marine Science, Engineering and Resources (named for Chairman Dr. Julius Stratton of the Ford Foundation), to be composed of the above components plus the entire Coast Guard.

While the Nixon Administration plan kept the Coast Guard (minus the data buoy program) in the Department of Transportation, the tug of war between Commerce and Transportation is already on. Transportation wants the Maritime Administration now in Commerce for its jurisdiction; Commerce, in turn, would like to see the Coast Guard transferred over to go with its new maritime program (30 ships a year for 10 years) and NOAA.

COASTAL PROGRAM

However, the first fight after NOAA's expected approval will involve the assignment of coastal zone management within the Federal apparatus. Originally this program, recommended by the Stratton Commission for NOAA, was placed in the Department of the Interior by the Administration. However, that decision was made when everybody expected whatever oceanography organization was put together would go to the Interior Department or a successor organization.

COMMERCE SURPRISE

In fact, Interior (or more likely, a Department of Natural Resources) was felt to have the nod as late as May. One story making the rounds in Washington has it that a last-minute decision by the President overturned previous planning along this line.

The National Oceanography Association has been in the forefront during the past year-and-a-half on the NOAA reorganization issue. The association's board of directors endorsed the concept of an NOAA in January, 1969; the association presented testimony on three occasions that year for a centralized reorganization of civilian oceanographic functions; distributed public education materials on the subject; worked with executive branch and legislative officials as well as with other organizations to develop support for an NOAA reorganization, and strived to keep members posted on progress of the issue during the past 18 months.

NOA STATEMENT

The association's next job was set out in the NOA statement on reorganization issued June 22 in which it was stated in part:

"We hope Congress will approve the Administration's reorganization proposal when submitted. We hope Congress will consider—and the private oceanographic community will support—establishment of an industry-academic National Advisory Committee on the Oceans and along the lines of the proposal of the (Stratton Commission), either by legislation of the reorganization proposal. NOA has supported this concept as one of the essential features of a successful oceanographic program.

"Additionally, we hope consideration will be given by Congress and the Administration to assignment to NOAA of responsibility for coastal zone management and coastal zone laboratory programs. These two programs are the top-priority oceanography efforts of the Nixon Administration and should be assigned to the Administration's oceanography organization."

ENVIRONMENTAL PRIORITIES

Mr. BROOKE. Mr. President, the Council on Environmental Quality has recently issued an especially timely and helpful report. As President Nixon has said, it is an historic report, and as such it deserves our close attention.

The main value of the report lies not in the facts and figures it contains, but in those that it does not contain. The report points out many dangerous gaps in our information on the environment and in the application of that information. Compiling the information for this report and putting it into written form took many man hours. But the real task is still before us. And that task is ours.

If we are truly serious in our determination to achieve a quality environment—and I believe that we are—then we must act to close our information gaps. It is crucially important, for example, that we develop adequate environmental monitoring systems, that will take much of the guesswork out of determining our environmental needs. We should know, better than we do, what the effects of various changes in the environment are on people. We need to un-

derstand what effects things like crowding, noise, and smog have on human beings, and we need to know where these conditions exist and whether they are increasing or decreasing in severity. To take but one example of how such research can be helpful: The mercury poisoning of our water would not have reached such grave proportions if we had adequate monitoring systems.

Other critical areas discussed in the report include the need to find more practical and less expensive methods of recycling solid wastes, and the need to develop economic incentives that will discourage waste and pollution by industries, communities, and private citizens alike.

It is my sincere hope that this report by the Council on Environmental Quality will motivate the Congress to pass some strong environmental legislation. The report makes it clear that we cannot, with good conscience, avoid this responsibility any longer.

AN ENLARGED AND STRENGTHENED EUROPEAN COMMUNITY

Mr. PERCY. Mr. President, I have learned of a speech given by our new U.S. Ambassador to France, Arthur K. Watson on the occasion of his recent visit to Strasbourg. The original speech was delivered in French, but I have obtained an English translation.

I commend this speech to Senators because it offers the vision of an enlarged and strengthened European community with a more integrated large-scale economy, with a common currency, interrelated social laws, and possibly even much more. It takes into account the U.S. encouragement of a larger Common Market but also points out the legitimate interest the United States has in world trade and our intention to maintain this position of leadership.

I commend Ambassador Watson on this speech as evidence of how an American Ambassador, with a strong business background, augmented by 2 years experience as president of the International Chamber of Commerce can make a unique and valuable contribution to our foreign service.

I ask unanimous consent that the speech be printed in the RECORD.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS OF AMBASSADOR ARTHUR K. WATSON

I am delighted to be here and, based on brief observation, I will begin with a prediction. The day will come when Paris will be known as the Strasbourg of the West.

Well, that may be a little rash, but I do think this is one of the great cities of Europe . . . and great cities, and great women, I've always thought have similar qualities.

They are beautiful, they are efficient and they are ageless.

I'm not reacting from a first love. I've been here before. Many times. I've known your city in times that were not so good. Perhaps that is why it is so gratifying to me to see it flourishing now.

Apparently a lot of my countrymen agree with me. They tell me there are nineteen businesses here with American connections. That is wonderful. It is good for Strasbourg and it is good for my country.

There is even an initiative, I understand, to start a branch of the American Chamber of Commerce in France—it would be associated with your Chambre de Commerce et d'Industrie de Strasbourg.

I hope that you do it. I spent two years as President of the International Chamber of Commerce so I am a partisan for chambers of commerce. They achieve a lot of constructive work.

For what it's worth, the idea has my Ambassadorial blessing. Let me warn you, I'm new with blessing things so I don't know how they turn out.

A couple of weeks ago, when I was thinking about my trip here, I asked my staff what I ought to talk about today.

They said the only thing to talk about was Europe.

I told them that sounded like going to Detroit to give a lecture on automobiles. To say the least, it is a familiar topic.

They convinced me otherwise when I saw a number of stories in the press questioning, once again, my country's attitude towards an enlarged Europe.

It reminds me, in fact, of an English story about an elderly woman who was taken before a judge. She was charged with public drunkenness. It wasn't the first time.

"Madam," said the judge, "How old are you?"

"Twenty nine years old, your Honor."

"But Madam, you have stood before this same bench not ten years ago and you told me then that you were twenty-nine years old."

"Your Honor," she said, "I'm not the kind of woman who tells a man one thing one time and another the next."

(You know, I had trouble with that. The story is supposed to be told in a cockney accent. How do you do that in French?)

There is, to put aside any confusion, the same consistency about my country's attitude towards the European community—an expanded Europe, a more integrated Europe, a stronger Europe.

Through five Administrators in Washington, we have told the same story.

And I will tell it here today.

We are for an enlarged and strengthened European Community. We support it. We want the negotiations to succeed in Brussels.

We're not the sort that tells a man one thing one day and another the next.

Why then the doubts?

And there have been doubts.

I think it is because we have to concern ourselves, the United States, a lot more carefully with the economic impact.

There was a time when the United States could afford to sacrifice some of its economic interests to encourage European integration. That time is past, as Europe's central bankers regularly remind us. My country has been runing substantial balance of payments deficits since 1958.

I think, with inflation coming under control at home, we'll do better than we have in recent years.

But it is hard to see anything that can happen in the near future that will swing us back into a surplus—or even an acceptable level of deficit.

I'll just divert, for a moment, from the subject of Europe to make a point. We Americans make our living overseas primarily in two ways—we normally export more than we import—a lot more. And we remit profits and royalties from our business holdings abroad.

That is fine. But it isn't enough.

We are inveterate travelers. Nearly a million Americans will visit France this year—and most of them will visit their Embassy twice.

Our deficits on tourism are enormous.

So are our deficits on overseas government commitments—these are primarily military.

Plus my salary.

Said too simply, that is the story.

And that is why we've got to be concerned with the trading implications of the negotiations in Brussels.

Our endorsement shouldn't be construed as a kind of endorsement in principle but opposition in practice.

It is endorsement in principle and to the degree we have anything to say about it—every willingness to accommodate ourselves to the enlargement and strengthening of Europe.

And it is Europe's show. I am just very grateful, as a man who believes strongly in the European idea, that the long hiatus, seven years, seems to be over and Europe is moving forward once again.

The world is fickle, I've decided, and there is a sad tendency to become bored with success and indifferent to it.

I was afraid that was what was happening here.

The Common Market is an incredibly successful venture. To illustrate let me pose a "what if" question.

What if the Treaty of Rome hadn't been signed in 1957 and each of the six had decided to go it alone.

I won't try to trace the political or the military consequences.

Let me just touch the economic.

During the 1960s, the economies of the six have grown at an average rate of 5.3 percent—compounded.

That is an important word—compounded—as the bankers here will privately testify.

Without economic integration, without the efficiencies a bigger Europe has given to your industry and agriculture—what would Europe's economy look like today?

Let me play with a few numbers. Nothing very profound, just a lowered growth rate.

Let us assume for this purpose that France, in the absence of the EEC, would have realized an average rate of growth during the past 10 years equivalent to that of a country of roughly the same size and level of development which was not part of the Community during that time.

The average real growth rate of that country during the 60s worked out to 2.5 percent annually; that of France was 5.8 percent, a difference of over 3 percent per year.

Now, just what would this mean for the average Frenchman? Instead of a per capita GNP of almost 14,500 francs which he produced in 1969, the figure would drop to only 11,000.

While not all of the difference I just mentioned can be attributed to France's decision to join the EEC, it is not wholly unfair to say that, to some extent, that difference has been the economic gift of the EEC to France during the 1960s.

Europe, and the statesman over in Luxembourg last week, must build one brick at a time and they must go through the exasperating detail of balancing one interest against another. It is an unglamorous chore. It is often enough a frustrating chore.

It is important, over the coming months, to remember why it is being done.

From this process, I think everyone understands, can emerge a new kind of Europe. Not a United States of Europe in the sense someone like me understands it. But an enlarged and strengthened European Community can emerge with integrated, large-scale economies, with a common currency, perhaps, with interrelated social laws and perhaps, over time, much more.

What then has been accomplished?

Let me tell you one thing that has been accomplished. The first half of this century saw two ghastly wars start in western Europe. We remember this very well—people of my generation.

From the bad comes good—sometimes.

From the horror of that experience came the European idea. Anyone who would tell us to go back to the old way has a heavy burden of proof. He must first prove that

the same old way would not reproduce the same old result.

President Nixon has recently reconfirmed that the U.S. considers the possible economic price of a truly unified Europe is outweighed by the gain in the political vitality of the West as a whole. Moving toward this unified Europe will inevitably bring changes inside the growing European Community.

It is a positive and sympathetic sense that I state that we do not believe that the problems arising from these changes should be solved at the expense of third countries, including the U.S.

As for the non-economic implications, we countries are inextricably bound up with economic and political forces all over the globe. In Brussels, decisions on levels of agricultural price levels have immediate repercussions in the U.S. mid-West, in Canada, Australia and Argentina. With the anticipated enlargement of the Community, I can see how lower prices and the control of surpluses can help us all, the Community, the applicants and third countries.

The United States accepts and encourages the deepening and strengthening of an enlarged Common Market, but we do have legitimate interests in world trade, and we are anxious that they be recognized.

As for the non-economic implications, we are totally calm. It worries no one that there may eventually be another huge nation in the world—a third super power if you like?

We are not only calm. We are immensely pleased. The burden, particularly the military burden, has been heavy and we have carried a major part of it for a long time.

Beyond that, we now have an expanding Europe that is as wedded to democratic government as we are.

This promises to be a stable force in the world, with the potential for enormous good.

As for my country—I said it earlier—we're not the sort to tell you one thing one day and another the next. We were saying again what we have said nearly a quarter of a century ago.

I've said it, as unambiguously as I know how, again today.

The months will drag on now as the statesmen try to reconcile the costs and the prices of shoes and ships and sealing wax. That is part of the process.

Let's just understand, at the outset, what a great good can come from this tedious process and what it means to the longer run.

Not every generation can leave the world a better place than it found it. I think we are lucky, we can.

Let us give our good wishes, our prayers and our public support to the men who must now work out the details of a new, larger Europe.

ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. MILLER. Mr. President, August 20 marked the anniversary of what the Soviet news agency Tass termed an effort to put down "counterrevolutionary forces who had entered into a plot with external forces hostile to socialism."

We use another word to describe what happened on August 20, 1968: Invasion of Czechoslovakia by the Soviet Union and other Iron Curtain bloc nations.

The Czech sin was to dare to want the liberalization of their Government and its policies and to permit the press more freedom to comment and criticize.

The Soviets stifled the rumblings of independence but I am sure that these feelings still beat in the hearts of the people of that nation.

That 1968 invasion is a lesson of history none of us should ever forget. Nor should we fail to continue to hope and pray that freedom will be restored to Czechoslovakia and the other nations subject to Soviet domination.

A TRIBUTE TO THE PEOPLE OF CZECHOSLOVAKIA

Mr. PERCY. Mr. President, on this August 21 it is fitting that we pause and pay tribute to the people of Czechoslovakia; for it was 2 years ago today that the Soviet-led forces of the Warsaw Pact occupied Czechoslovakia and proceeded to bring to an end the Czechoslovakia experiment in liberalization.

Much has been written about this latest tragedy for Czechoslovakia. Carefully recorded in the press, in periodical literature, and in books are the developments of these past 2 years during which the Soviets have succeeded in undoing the work of the reformers and returning the country to its former path of rigid orthodoxy. Symbolically, this task was completed by Prague's acceptance of the "Brezhnev Doctrine" as formulated within the recently concluded Soviet-Czechoslovak treaty.

An important point about the events prior to the Soviet intervention was the dramatic manifestation of the Czechoslovak desire for freedom. The pressure for reform came from below, from the people, and was translated into political action ironically by a Communist leadership that itself could not escape its awesome influence.

What was taking place during the few months prior to the intervention was the resurgence of the irrepressible spirit of freedom that is deeply rooted in the peoples of Czechoslovakia.

On this anniversary, therefore, let us turn our thoughts to the people of Czechoslovakia and once more dedicate ourselves to the proposition that one day they will regain their freedom.

FLIGHT SERVICE STATIONS OBSERVE GOLDEN ANNIVERSARY—AIR TRAFFIC SPECIALISTS PROVIDE VITAL SAFETY EFFORT

Mr. RANDOLPH. Mr. President, this week marks the golden anniversary of flight service stations, a far-reaching network of 340 facilities operated by the Federal Aviation Administration to provide a wide range of aeronautical services.

Originally established by the Post Office on August 20, 1920, to support the early airmail service, these facilities have phased from bonfires to beacons to broadcasts. From wireless to computers they have bridged civil aviation's communications and navigations gap—from the primitive "spark" and "arc" transmitting devices to solid state and remote control equipment.

The original string of 17 airway radio stations, for the most part, stretched over desolate wilderness and high mountain passes. Some stations were accessible only by mule train; others by skis and sleds. The one room shacks were drab and drafty, generally manned by a lone operator who worked 7 days a week on a split shift. His communications equipment was sketchy and primitive. Four of the original stations have been in continuous operation since 1920: Elko, Nev.; Rock Springs, Wyo.; Salt Lake City, Utah; and Washington, D.C.

Like the first airmail pilots and other pioneers of flight, the men and women who kept them flying—the ground support specialists, the airway radio operators—were equally intrigued by aviation. They had a mission and they provided a service. Their work began before dawn and it ended after dark. Quite literally, they laid the foundation for today's airway network.

The Federal Aviation Administration this week is commemorating the first 50 years of flight service stations, with a series of national events including open houses, radio and television programs, and other community festivities.

But amid the visitors and public attention, the quiet, resolute work of FAA's 4,600 air traffic specialists continues. Over the counter, over the phone, or over the radio flight service specialists are providing assistance around the clock to safeguard our Nation's pilots. Specialists offer thorough preflight briefings and weather forecasts; alert airborne pilots by radio of expected weather conditions and assist them in charting alternative courses; and broadcast information about special airport conditions and navigational aides that might be temporarily out of commission. And if a pilot runs low on fuel or gets lost, the calm, steadying voice of the air traffic specialist is with him in the cockpit to guide him out of danger. Help is just the push of a microphone button away.

I congratulate FAA Administrator John H. Shaffer, and the employees of FAA, particularly the flight service station personnel, on this 50th anniversary of Flight Service Stations.

Mr. President, I ask unanimous consent that my congratulatory telegram to the West Virginia Flight service stations be printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

AUGUST 20, 1970.

To Mr. Clyde E. Brown, Chief, Federal Aviation Administration Flight Service Station, Wood County, Airport, Parkersburg, W. Va.; Mr. Louis C. Rech, Jr., Chief, Federal Aviation Administration Flight Service Station, Wheeling-Ohio County Airport, Wheeling, W. Va.; Mr. Richard Johnson, Chief, Federal Aviation Administration Flight Service Station, Mercer County Airport, Bluefield, W. Va.; Mr. Goodwin Glassman, Chief, Federal Aviation Administration Flight Station, Kanawha County Airport, Charleston, W. Va.; Mr. Maurice J. Genthon, Chief, Federal Aviation Administration Flight Service Station, Elkins-Randolph County Airport, Elkins, W. Va.; Mr. R. T. Underwood, Chief, Federal Aviation Administration Flight Service Station, Tri-State Airport, Huntington, W. Va.; Mr. James Coleman, Chief, Federal Aviation Administration Flight Service Station, Morgantown Municipal Airport, Morgantown, W. Va.; Mr. Brooke E. Ettinger, Chief, Federal Aviation Administration Flight Service Station, Martinsburg Airport, Martinsburg, W. Va.:

My congratulations and commendation are extended to you and through you to per-

sonnel of your station on fiftieth anniversary of flight service stations. FSS activities are vital to the safe and efficient operation of our airport/airways system. Being a constant traveler in both commercial and private aircraft, I am keenly aware of your responsibilities and the outstanding performance and dedication of FSS personnel.

JENNINGS RANDOLPH,
U.S. Senator.

THE IMPORTANCE OF LAND REFORM IN SOUTH VIETNAM

Mr. MAGNUSON. Mr. President, this year, an event of fundamental significance has taken place: the National Assembly of South Vietnam has passed, and President Thieu has signed, what the New York Times has termed "the most ambitious and progressive non-Communist land reform program of the 20th century."

There can be no doubt that this action should have taken place long ago—I have been attempting to persuade the State Department on this point for many years. But there can also be no question that past failure to enact a land reform program in South Vietnam should not dissuade us from taking action to speed up implementation of the "Land to the Tiller Act," while land reform is possible and still important. The benefits of rapid implementation of land reform could be considerable, both in terms of American lives saved and in terms of the future stability of South Vietnam.

Land reform is not a simple issue; many people who would support it if they fully understood its significance are uncertain about many facets of the program. The questions that land reform poses can and should be answered, because understanding the importance of land reform is critical to understanding the nature of the forces at work in South Vietnam and in modernizing nations throughout the world.

My remarks today have this aim: to explain the significance of land reform in modernizing nations generally; to recapitulate briefly the history and prospects of land reform in South Vietnam particularly; to explain why land reform can and should be carried out there irrespective of the time table for American troop withdrawal; and to demonstrate that such reform is truly in the best and expressed iterests of the people of South Vietnam, regardless of the government that is in power there at the present time and regardless of the nature of any government that may come to power in the future.

My earnest hope is that Senators and their staffs will take the time to review these remarks, and to see how land reform in South Vietnam is compatible with each of the many views about the war in South Vietnam held by members of this body. This is not a partisan issue, nor an issue that will divide supporters and opponents of the President's war policies—something that a glance at the list of supporters will indicate immediately. At the very least, the Senate should ponder the importance of land reform so that conflicts like that in Vietnam can be avoided or minimized in the future.

One member of my staff suggested that this speech should be entitled, "What You Always Wanted To Know About Land Reform, But Were Afraid To Ask." I wish that I could profess such complete knowledge of this highly complex subject. I cannot, however, and what follows is only a very brief and simplified description of land reform and its importance. I shall be happy to refer Senators or their staffs to a more complete list of studies upon request. I must mention and thank Prof. Roy Prosterman from the University of Washington who has helped me and many other Senators understand the importance of land reform as a concept and as a means of providing political and economic stability for many countries in the world, including South Vietnam.

I. THE CONCEPT OF LAND REFORM: ITS SIGNIFICANCE IN MODERNIZING NATIONS GENERALLY

Whether we refer to the nations of the Third World as "modernizing," "emerging," or "developing," we can easily recognize that the types of change a nation experiences on the road from tradition to modernity are difficult ones that may cause tremendous political instability. The process of change involves the disruption of traditional institutions and relationships that provided continuity and stability in the past. It is during this transition phase from traditional institutions to more modern ones that a developing nation is most prone to violence, insurrection, and revolution.

In the urban sector of modernizing nations, important new political groups emerge during the process of modernization and make demands upon the government and the political system. These groups include a proletariat, industrialists, merchants and financiers, students, intellectuals and a military establishment. The competing demands and varying strengths of these urban groups frequently lead to urban unrest or rebellion, which in turn may lead to a succession in governments or ruling elites. Because most modernizing nations are predominantly rural, however, and because the impact of the central government on these rural areas is generally slight, such disruptions or rebellions rarely change the fundamental character of the nation. Governments can and do change without affecting the way of life that the great mass of the country's populace have followed for centuries. Because the countryside remains passive during the early stages of modernization, urban uprisings or unrest are seen as minor and unavoidable by most students of development.

It is in the countryside, not the city, that the future course of a modernizing nation is determined. Rural or agrarian disruption, unlike urban disruption, is avoidable—in a manner I will discuss shortly—but the relative dominance of the rural elements in a modernizing nation makes the impact of such disruption massive if it should occur.

The rural sector, like the urban sector, must undergo fundamental changes during modernization. Unlike the urban sector, however, the rural sector is characterized by only one traditional institution of major importance: the pattern of landownership. In almost all traditional societies, the bulk of the land is owned by a small class of wealthy landlords, while the vast majority of those who actually till the soil do not own the land they work. As the modernizing influence spreads to the countryside, and as the desire for change accompanies it, it is this traditional landlord-tenant relationship that becomes the focus of peasant unrest and revolutionary efforts.

The peasant has a simple goal: to gain control of the land he tills. This simple redistributive aim of the peasant becomes a powerful force as the burden of rents, taxes and labor, and the uncertainty of tenure with which the tenant lives, become intolerable.

It is this universal objective of the peasantry, combined with its great numbers, that makes the peasant a most volatile and critical element. The peasant's allegiance will belong to the party that gives him his land; as Mao Tse-tung writes:

> Who ever solves the land question will win the peasant.

The crucial question for a modernizing nation is whether the peasant is promised his land by the government or by those whose aim is to overthrow the government.

It is this battle for the allegiance of the rural population that distinguishes contemporary guerrilla warfare in modernizing nations from traditional warfare between two sovereign nations. Rather than being faced with a military threat from foreign troops, the governments of many modernizing nations find themselves facing what is primarily a political/military threat from native guerrillas. These guerrillas do not initially attack government troops—they are far too weak and far too few in number to dissipate their resources at this stage. Instead, the guerrillas seek to build a political base of support in the countryside, among the peasants who are increasingly dissatisfied with the central government and its failure to bring about agrarian reform. As one expert has written:

> Current guerrilla warfare is the logical and planned result of building upon a foundation of peasant discontent over land tenure and the society shaped by it.

This antigovernment guerrilla warfare takes the form of convincing the peasantry that the revolutionaries, rather than the government, can best respond to the peasant's needs. One of these needs is the need for protection, and the terrorist activities of the guerrillas during the early years of the conflict—including the assassination of village headmen and even some peasants—are designed to demonstrate that the government cannot or will not defend the peasantry, and that it is useless for the peasant to look to the government for protection or control.

A less publicized, but much more significant, element of antigovernment warfare is the promise of the guerrillas to turn the land over to the peasants. This has been a central theme of every major revolution or revolutionary attempt in the 20th century. The revolutionaries promise, and often carry out

even during the conflict, land reform on a large scale. In contrast to the pledge and performance of the revolutionaries, the central government frequently uses its force to continue the hated institution of tenancy and the domination of the despised landowning classes.

Communist revolutionaries, from Lenin to Mao Tse-tung and Fidel Castro, have recognized the ability of the peasantry to be mobilized as a force for revolution through the land tenure issue. Lenin also recognized the ability of the central government to command the peasant's loyalty through land reform, and so undermine the revolution—that is why, in prerevolution days, he despaired of the revolution's success in the face of the redistributive Stolypin Reforms. Had Stolypin not been assassinated in 1911, the course of the Russian Revolution might have been a very different one.

Mao and Castro made effective use of the land reform issue to build a powerful base of support in the countryside, allowing the revolutionaries to receive supplies, information, and hiding when necessary. In Mexico and Bolivia, however, where land reform had been carried out by non-Communist revolutions, the immunity of the peasantry to Communist revolutionary fervor has been recognized by Communist and non-Communist leaders alike. Che Guevara himself bemoaned the conservative orientation of the Bolivian peasants, and attributed that orientation directly to the land reforms that had been carried out.

Mexico and Bolivia are the exceptions, however. In many other nations, the revolutionary forces have not only promised land reform, but have carried it out in the areas within their control. Unfortunately for the peasantry, however, the aftermath of successful Communist revolutions has always been the brutal and bloody collectivization of peasant-held agricultural lands. This was true in the Soviet Union, in China, in Cuba, in North Korea, and in North Vietnam. This collectivization process not only deprives the peasants of the land they held briefly, but invariably results in wholesale slaughter of those who resist. Nonetheless, because "few peasants are historians," the appeal of the revolutionary slogans guarantees substantial peasant support for anti-government forces, particularly where the government has failed to undertake a competitive land reform program of its own.

Nowhere has the appeal of land reform promised by the antigovernment forces been greater than in South Vietnam, where landownership is blatantly inequitable. The Vietcong, and the Vietminh before them, have actually given land over to the peasants in those provinces where they have control. Not only does this drastically reduce whatever incentive the peasantry may have had to support the government, but it has made possible a high level of recruitment for the Vietcong. As one American military official has written, the Vietcong recruitment effort is simple: "The movement gave you your land; now give us your son."

A government faced with a revolutionary threat during the early stages of modernization is thus faced with a battle for the support and allegiance of the peasantry. The alternative to allowing the peasants to become revolutionaries is, in theory at least, a simple one: the government must carry out reforms that give the land to the peasants. By doing so, the government gives the peasants a stake in the defense of the country, and insures that they will be an antirevolutionary force. As Samuel P. Huntington, a distinguished student of developing nations and the past chairman of the Government Department at Harvard University has written:

> The peasantry . . . may be the bulwark of the status quo of the shock troops of revolution. Which role the peasant plays is determined by the extent to which the existing system meets his immediate economic and material needs as he sees them. These needs normally focus on land tenure and tenancy, taxes, and prices. Where conditions of land-ownership are equitable and provide a viable living for the peasant, revolution is unlikely. Where they are inequitable and where the peasant lives in poverty and suffering, revolution is likely, if not inevitable, unless the government takes prompt measures to remedy these conditions. No social group is more conservative than a landowning peasantry, and none is more revolutionary than a peasantry which owns too little land or pays too high a rental. The stability of government in modernizing countries is thus, in some measure, dependent upon its ability to promote reform in the countryside.

II. OBSTACLES TO GOVERNMENT-INITIATED LAND FORM

As Huntington has written, in the absence of land reform, the peasants may be the key to revolution—or with land reform—the key to stability. Given the crucial "swing role" of the peasant, land reform is thus the most important nonmilitary activity that a government of a modernizing nation can undertake. Why then is government-initiated land reform so rare a phenomenon in the 20th century?

The answer to this question is not that government leaders, as a group, have failed to perceive the importance of land reform—in fact, the opposite is true. But understanding the need for land reform and carrying it out are two separate issues. History is replete with examples of leaders who have tried valiantly to bring about land reform, but who have been unable to surmount the obstacles in the path of this reform and who have consequently been overthrown or deposed.

The reasons why governments fail to carry out land reform even when they understand its importance are both political and financial. In most traditional or transitional societies, the landowning classes are a powerful political force with substantial bases of support in the cabinet, the assembly, or the court. Land reform is impossible without the acquiescence—voluntary or compelled—of the landowning class. Compulsion is rarely possible, because of the landowning class' political strength, and "voluntary" acquiescence to land reform hinges on the government's ability to compensate the landlords for the lands to be distributed.

Persuasion of the landlords to accept land reform has thus been possible primarily in those nations—notably the oil-producing nations of the Middle East—where the government has sufficient revenues to make land reform attractive to the landowners and peasants alike. Sometimes the recognition that the alternative to land reform is revolution, and that revolution means the confiscation of land without compensation, has made landlords more receptive to the government's program. As Prime Minister Amini told the landowners of Iran:

> Divide your lands or face revolution—or die.

Land reform has traditionally foundered, therefore, when the government of the modernizing nation has been too weak to confiscate the land and too poor to pay for it. This has meant, unfortunately, that the two conditions under which land reform has been most successfully carried out are revolution and foreign occupation. Communist revolution has betrayed land reform in the end, as we have seen, although non-Communist revolutions such as those in Mexico and Bolivia have achieved more lasting results. Foreign occupation has produced results—in Japan, Korea, and Taiwan—for the simple reason that the occupying power is not committed to the landowning class and that an occupying power generally has the financial capability to carry out a land reform program of sweeping proportions.

Fortunately, however, a willingness to provide financial assistance can be just as effective as occupation, and a good deal less repugnant to both the foreign power and the country in which the reforms are to be carried out. The United States has recognized this periodically, as when we offered $60 million to the government of Peru to implement land reform there.

Land reform assistance from the United States is a route that can and should be followed in South Vietnam. It is now consistent with the aims of the South Vietnamese Government, the desire of the peasantry, the position of the landlords, and the goal of this Nation to end our military involvement in South Vietnam as quickly as possible. The reasons for this will be explored in the next section of my remarks.

In summary, land reform is the single most important nonmilitary activity of a developing nation faced with a revolutionary threat. The success of the land reform effort will determine whether or not the peasants become a force for political stability or a force for revolution—and the peasantry is generally the most crucial force in determining the future of a modernizing nation. Leaders of modernizing nations, as well as their revolutionary opponents, have generally recognized the importance of land reform, but few governments have been able to finance such reform through their own revenues, and fewer still have been able to induce the landowning classes to accept land reform in the absence of adequate compensation. Foreign assistance, whether through military occupation or financial aid, has been the single most effective agent for the implementation of land reform, short of revolution. Such land reform has been

instrumental in bringing political stability to otherwise unstable societies. Land reform made possible by foreign assistance or by non-Communist revolution has been a form of "preventive medicine" for revolution—cheaper by far than subsequent attempts to "cure" revolution by military means. In short, land reform determines, in Huntington's words, whether the peasants will be the bulwark of the status quo or the shock troops of revolution.

III. LAND REFORM IN SOUTH VIETNAM: PAST AND PRESENT

I recognize that for many people it is a long step between supporting land reform in principle and supporting land reform in South Vietnam, particularly land reform that is to be partially financed with American funds. I would be the first to admit that the major impact of land reform in South Vietnam would have been 10 years ago, if it had been carried out at that time, rather than today, when the conflict is advanced.

There remain many reasons why the United States should help implement such reform today, however. Later on in my remarks, I will point out that by so doing, we not only will not prolong our military involvement in South Vietnam, but instead may hasten our departure and reduce our casualties substantially. And the price of land reform in Vietnam, will be less than the price paid by the United States in two days of combat.

Circumstances are now such that the only remaining obstacle to successful land reform in South Vietnam is the potential lack of capital on the part of the government there, and all relevant parties—the peasantry, the landowners, the government of South Vietnam, and American AID officials—are prepared to implement a sound program, already passed into law, as funds are made available.

The peasants of South Vietnam have a proverb that is filled with meaning for the situation today:

He should own the land who rubs it each season between his hands.

This centuries' old feeling helps explain why the peasantry has always been the key element of the indigenous anti-government forces in South Vietnam—since historically the land has not been owned by those who till it, and since the government of South Vietnam in the past has made no effort to redress this wrong the peasants feel.

In two areas of Vietnam where the Vietcong are particularly strong—the Mekong Delta and the Central Lowlands—statistics demonstrate vividly the basis of peasant discontent. In its percentage of landlessness, the Mekong Delta is one of the five worst areas in the world: 73 percent of the peasants are substantially dependent on tenant farming. They pay, on the average, 34 percent of their income in rent to the landlord, who provides few or no inputs. They exist on the land without any assurance that they will be "allowed" to remain on the land the following year. If the crop should fail, the rent is still due. Virtually no disposable surplus remains of the crop, even in years of bumper harvests, after the landlord has been paid. Conditions in the Central Lowlands, where rents may exceed 50 percent of the crop, are no better. Because of these and similar conditions, the Vietnamese peasants in the Stanford Research Institute field survey named land ownership five times more often than physical security as a matter of chief concern to them.

Despite these incendiary conditions, until recently neither the Government of South Vietnam nor USAID officials have undertaken serious attempts to bring land reform to South Vietnam. The contrast with the Communists could not be more vivid. As Robert Sansom wrote:

The Americans offered the peasant a constitution; the Viet Cong offered him his land and with it, the right to survive.

The result, of course, has been that native guerrillas have always made up a huge percentage of the forces working for the overthrow of the South Vietnamese Government.

The Vietcong, like the Vietminh before them, have skillfully manipulated the peasantry by promising and carrying out land reform in those areas under VC control. The peasantry, in return, have supplied the bulk of the Vietcong fighting force, and have actively aided the Vietcong by providing and caching supplies. These same peasant guerrillas have been responsible for the laying of mines and boobytraps that have resulted in more than half of the American casualties since the Tet offensive. These casualties, of course, have been greatly increased because peasants hostile to the American and ARVN forces have failed to warn our troops as they entered areas in which the land mines and boobytraps were placed.

The Communists seized the initiative in the battle for the peasant's allegiance soon after World War II. The Vietminh carried out land reform on a massive basis at a time when they controlled 60 to 90 percent of South Vietnam. In the North, the Vietminh land reforms were cruelly and brutally reversed in the collectivization process that began after North Vietnam was constituted in 1954. In the south, however, the peasants in Vietnimh territory were allowed to hold on to their lands—until the Diem government of South Vietnam began to reassert control. As Diem's troops regained province after province from the Vietminh, the landlords were restored to power and the peasantry resubjugated to the yoke of tenancy that the Communists had lifted from them years earlier.

For this reason, the Communists have remained identified in the south as the agents of land reform, while the government has long been known as the authority responsible for keeping the landlords in power. With the government enforcing the rural status quo, and with the Communists promising—and delivering—land to the peasants, it is no great wonder that the peasants have harbored, aided, and fought on behalf of the Vietcong.

Although President Diem and President Eisenhower initially make token statements about the importance of land reform, both Saigon and the American command lapsed into the belief that this was a more or less traditional military struggle to be settled by traditional military means; the fallacy of this approach has been amply demonstrated by the elusiveness of that "light at the end of the tunnel." When "pacification" has meant landlords following triumphant American troops back into villages "liberated" from Vietcong control, it is no wonder that the pacification program has not realized our expectations for it.

The first real indication that Saigon had become aware of the importance of land reform did not come until January of 1968. At that time, President Thieu undertook a massive land reform effort to win back the support of the peasantry. Former French lands, held by Diem in the immediate past, were distributed to the peasants at an impressive rate. The following table demonstrates the dramatic progress made by this program, once it was aggressively undertaken:

Land distribution in South Vietnam: 1968–69

[Acres distributed]

January–June 1968	20,000
July–December 1968	40,000
January–August 1969	90,000
September–December 1969	90,000

Not only did Thieu distribute the former French lands, but he decreed that landlords should no longer be restored in areas that came under the control of ARVN forces. To insure that landlords whose properties had already been restored did not evict tenants in anticipation of future land reforms, Thieu also decreed an occupancy "freeze" to keep all tenants on the land he hoped—and still hopes—to give to them. Although there were some reversals in this program, by late 1969 it was obvious that Thieu intended to make good on his new-found pledge to give the lands to the peasantry and to win their support for the struggle against the Vietcong.

The most significant among these many significant changes of attitude in Saigon was the passage, in March of this year, of a sweeping land reform program. President Thieu personally rallied support in the National Assembly of South Vietnam, and the result, as I stated at the outset, was one of the most dramatic and thorough land reform programs of the twentieth century. This plan, if fully implemented, will put ownership of all land directly into the hands of the peasants tilling it, at no cost whatsoever to the peasant. The "land to the tiller" program can be substantially implemented within the coming year and in time for the next harvest, if financial support from the United States is forthcoming.

Because of the importance of this "land to the tiller" program, and because rapid implementation of the program will be the goal of all Senators interested in this program, I ask unanimous consent to insert at this point in the RECORD a description of the various titles of this act, prepared by Prof. Roy Prosterman of the University of Washington Law School. A review of these sections will allow the Members of the Senate to familiarize themselves with the sections of the "land to the tiller" program, and to see that it is a practical plan with promise of being highly effective.

There being no objection, the review was ordered to be printed in the RECORD, as follows:

SECTION REVIEW

Articles 1 and 2 establish the operating principles, including an initial recognition of the priority, as beneficiaries, of "those people actually cultivating"; the intent to affect, without any limitation by way of retained acreage, "lands which are not directly cultivated by landowners"; the resolution to "(e)liminate tenancy" which, like the actual-cultivator and zero-retention principles, underlines the universal application of the program to both secure and insecure areas; the principle of "distribution free of charge" and that of "fair compensation" to landlords; and the inclusion of "communal ricelands" further underlining the universality of the distribution.

Article 3 confirms that not only "riceland" but also "secondary cropland" will be affected. The exclusions in Article 5 make it clear that this means substantially all land not used for industrial crops or orchards. Again, Article 3 underlines that both public and private lands are affected.

Article 4 takes care of some of the administrative problems experienced under the Diem law, notably by requiring that a transfer to be given effect must be *registered* (not just dated in the parties' own documentation) "prior to the promulgation date of this law." This becomes most important in conjunction with the exclusion from the law, in *Article 5*, of up to 5 hectares per family of "ancestral worship land." While there is some ambiguity, the intent of the drafters was pretty clearly to exclude from consideration any "ancestral worship" land not *registered as such* prior to March 26, 1970. Otherwise, a vast administrative snarl would open up as landlords pushed fraudulent claims for exemption of five hectares. (Faced with such a snarl under the 15 hectare "ancestor worship" lands exemption in Diem's Ordinance 57, which did not require a previously *registered* claim, the administrators ultimately decided that *all* claims would be allowed across-the-board, effectively increasing the 100 hectare retention limit to 115 hectares.)

The other significant exemptions of *Article 5* are lands "presently directly cultivated by landowners" (and under the occupancy-freeze decree, there should have been no change in who "presently" cultivates since April 1969), up to a maximum of 15 hectares, and religious-organization-owned lands, a minor concession economically but a major one in Thieu's effort to get the Vietnamese senate to approve the bill.

Article 6 sets the principle that changes in use will not suffice to invoke the Article 5 exemptions.

Articles 7 through 11 establish the principles of landlord compensation, basic provision to be for compensation at 2½ times the annual paddy yield, paid 20% in cash and 80% in bonds maturing over eight years and bearing 10% interest. (In the legislative process the bonds were deprived of an inflation-proofing feature, but given a higher interest rate.) Bonds are transferrable, but will probably be sharply discounted at least until significant U.S. funding support has been voted.

Article 12 introduces 3-hectare and 1-hectare limits on the amounts of land that can be received by families in the Delta and Central Lowlands, respectively. This is a reduction from 5 and 3 hectare limits in Thieu's original bill, and would pose a massive administrative problem if literally enforced (since administrators would then have to measure, and change the size and shape, of many presently occupied tracts). But the miserable state of the cadastral records allows indulging the present presumption—in the absence of a new, uniform and thorough cadastral survey, which must come years in the future, if at all—that *all* tracts are in fact less than the limits: To use such a simplifying presumption is well within the parameters for administering Vietnamese land laws, and use of the presumption or something like it is essential to the overriding purpose of the legislation. It appears that something close to this will in fact be done.

Article 13 underlines that the "present tiller" is number one in order of priority. There may be occasional departures from this at village level, but any departures that were sure to happen probably happened as soon as a given village was administratively reoccupied by daylight, and the guidelines from Saigon should be firm on the legislative standard. (Incidentally, it is the general consensus that there are very few soldiers who have been totally separated from their former lands. Most already occupy land through proxies in the immediate family, so that someone already is on the land to make their claim under the "present tiller" category.)

Article 14 cuts off all taxes on the recipients, including property tax during the first year. The purpose of this was to give the new owners the simplest possible message: you don't pay anything to anybody.

Article 15 tracks other nations' land-reform laws in providing for direct cultivation and a ban on transfer (for 15 years) by the new owners. *Article 16* confirms existing decrees in ending payment on former French and Ordinance 57 lands.

Articles 17 through 20 set a credible scale of penalties, including fines up to 200,000 piastres for landlords' efforts to interfere with implementation, and a special penalty of expropriation wholly without compensation for any landlord who makes a false claim of self-cultivation to attempt to invoke Article 5.

Article 21 provides broad power to regulate implementation by decree, and *Article 22* cancels all contrary provisions of law.

After concluding this analysis of the "Land to the Tiller" program, Professor Prosterman noted:

Considering the pressures against a viable bill which came from many quarters in the legislature (including both the landlord-related interests and politicians who feared the program would give too broad a base of popular support to President Thieu), the result is a remarkable tribute to Thieu's persistence and to the strength of his recognition of just how important this program can be to the survival of a non-communist Vietnamese government.

The bipartisan group in the Senate that has urged greater American assistance for this program shares a similar recognition of just how important this program can be. Flexibility will be provided both to our Government and to the South Vietnamese in settling upon an effective payment mechanism.

The details of the payment mechanism will be discussed at a later date. The aim of my remarks in this section has been to demonstrate that, whatever our views of the present government in Saigon, land reform is a worthwhile program that American assistance can make possible—and the price of that assistance is almost insignificant in comparison with the price of continued combat. Land reform is obviously in the best interests of the peasantry of South Vietnam, regardless of the fate of the South Vietnamese government. Land reform is also in the best interests of the United States, which seeks to end its involvement in South Vietnam and at the same time provide for some small measure of stability in that war-torn nation following the departure of American troops.

V. WILL LAND REFORM IN SOUTH VIETNAM PROLONG AMERICAN TROOP INVOLVEMENT?

It is entirely conceivable that someone who understands the importance of land reform in modernizing countries, and who recognizes the potential for land reform in South Vietnam, still might oppose American assistance to implement this plan. Such a position is commonly advanced by those who fear that land reform in South Vietnam will prolong American involvement there and delay the date when all American troops can be brought home safely.

Let me state flatly that if I believed land reform would in fact prolong or deepen our involvement in Vietnam, I would oppose it. I would like to see all of our men home as quickly as possible. The facts simply do not bear out the contention that land reform will cause any delay in American troop withdrawal, however, even under the terms of the most ambitious plans.

The land in South Vietnam can be given to the peasantry before next summer, and in fact should be carried out by this winter for maximum effectiveness. Admittedly, registration of the lands given to the peasants will take a bit longer, but neither this nor the transfer of the land to the peasants requires the presence of American troops. Not only would successful implementation of this plan not delay the departure of American troops, but it could cut our casualties from land mines and booby-traps, and even reduce dramatically the recruitment ability of the troops we have been fighting. The Vietcong obviously fear this, and they have undertaken a major campaign to try to persuade the expectant villagers that the land reform plan will not be carried out as promised.

There are several reasons why the land reform program will not delay our withdrawal.

First, American troops will not be needed in order to implement it—this can be performed by Saigon officials in concert with the USAID mission in Saigon.

Second, the upcoming harvest season is from December to March. It is during this period that the peasants, who now anticipate receiving their land from the government, should have their desires realized. American financial assistance on the order of $100 million—to be paid only as the program is implemented, and not all at once—can make possible successful land reform for the majority of peasants within areas of ARVN and American control.

Third, the result of these reforms should be a reduction in the Vietcong recruitment rate, and a corollary increase in the support and loyalty that ARVN troops can command in the countryside. Reform is essential if the Vietnamese are ever really to bear the burden of maintaining the independence and stability of their own nation.

Fourth, as I mentioned earlier, more than half our casualties since the spring of 1968 have come from such essentially local activities as the placement of mines and booby traps. Land reform, by

winning the support of the peasants, will cut down on peasant participation in such activities and increase ARVN and American knowledge of where traps have been laid; this will reduce the deaths and maimings that such traps have produced in tragic numbers.

For all of these reasons, then, those who want to increase dramatically the rate of American troop withdrawal—and I am one—will find that land reform is in concert with this objective. Those who favor a more gradual timetable will find that land reform improves the "Vietnamization" program and leads to reduced American casualties. Land reform, then, is one program that everyone can agree upon, if we discard the fears and misconceptions that surround this vital program.

VI. IS LAND REFORM "IMPERIALISTIC"?

It seems appropriate to close by looking at land reform from the perspective of American foreign policy as a whole. Our young people today, and many millions of their elders, are justly concerned about America "imposing" her will and her ideas about "democracy" on the peoples of the world. These critics have argued—none more ardently than the Senator from Arkansas (Mr. FULBRIGHT) in his book—that America should not seek to make over the rest of the world in her own image. From this general position, many specific criticisms of our actions in Vietnam may be drawn.

To this I can only respond that I am no great admirer of the Thieu-Ky government or its domestic policies—I have recently written President Thieu to express my strong objections to the "tiger cages" of Con Son Island and other violations of personal and political liberty. Yet land reform is not meant primarily to benefit Thieu and Ky—it is meant to benefit the peasantry of South Vietnam, the people on whose behalf we undertook this costly war.

These people make up 60 percent of the population of South Vietnam, and they want land reform. The landlords are willing to accept land reform under the conditions of the "land to the tiller" program. Even the enemies of the Government have promised land reform, although we have ample reason to believe the promise is a deceitful one.

In short, land reform is truly desired by the people of South Vietnam—there can be no doubt about that—and in helping to implement land reform, the United States is not "imposing" any unwanted social reform on the people of South Vietnam. To help a nation fulfill domestic policies demonstrably favored by virtually all elements of that nation's population is not imperialistic, but rather a responsible form of international assistance.

I will go one step further and suggest that helping implement land reform is the type of activity that the United States should engage in throughout the world. We cannot and should not be the "world's policeman," but we can and we must be a constructive force in the world community of nations. Every student of the developing nations knows that they will not develop without substantial assistance from the industrialized nations. The leaders of the developing nations recognize this, too. The issue America faces in the latter portion of this century is not whether we should have a role in international affairs, but rather what form that role should take.

In the past, the major "assistance" the United States has provided has come in the form of warfare and military aid. If the tragedy of Vietnam has taught us anything—and I pray that it has—it is that an over-reliance on military "solutions" is an inadequate substitute for aiding a nation in making the economic, social, and political reforms that will enable it to make the transition to modernity. This transition may not be peaceful—although we can always work and hope for peaceful change. But the transition may not take place at all, either peacefully or with localized disruption, if the United States and the other industrialized nations abdicate the role of cooperative assistance.

The United States must not react to the Vietnam morass by abandoning its efforts to be of assistance to the nations of the Third World. We cannot remain aloof from the problems, the deprivation, or the aspirations of these people. Our foreign policy must attempt to find nonmilitary means to assist these nations, preferably in concert with other members of the international community. By looking ahead, by dealing with the causes of violence rather than the symptoms, we can make our foreign policy more responsible. Land reform—not alone in South Vietnam, but in Latin America and elsewhere in the Third World—can be a useful, appropriate, relatively inexpensive, and nondestructive method of assisting the modernizing nations.

Finally, and most importantly, unless we broaden our conception of foreign policy to include land reform, we may risk more Vietnams in the years to come. The consequences of such continued ignorance and intransigence will therefore be the same as the consequences, both international and domestic, of this hateful war. Our Nation, and the nations of the world, cannot afford such a perilous future. The first step toward avoiding other Vietnams, belated as this step may be, is land reform in South Vietnam. I earnestly hope that the Senate will recognize this fact, and act swiftly to make the "land to the tiller" program a success.

Mr. PACKWOOD. Mr. President, I support the statement of the distinguished senior Senator from Washington (Mr. MAGNUSON) concerning land reform in South Vietnam.

I am a strong support of the South Vietnamese land of the tiller program. For the past decade and a half, a number of Americans, beginning with the late President Eisenhower, have spoken of the need for such a program.

The land of the tiller program is designed to transfer the ownership of approximately 2½ to 3 million acres of land to some 1 million tenant and refugee families. I am convinced that this will give the tenant farmers—who comprise one-third of the total population of South Vietnam—a lasting stake in their Government.

But this program must be speedily implemented. By giving the peasants a stake in the preservation of their country, rapid implementation of land reform offers the possibility of a significant shift in peasant allegiance toward the Central Government.

Mr. President, I ask unanimous consent to have printed in the RECORD an article I wrote last year for the Ripon Society Forum, outlining the urgent need for land reform not only in South Vietnam, but in other quarters of the world.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAND REFORM: THE PEACEFUL REVOLUTION

Over the past 60 years, four great civil wars have erupted and claimed over a million lives apiece—in Mexico, beginning in 1910; in Russia, starting in 1917; in China, beginning in the 1920's; and in Vietnam starting in 1945—with an even more virulent phase beginning about 1960. Each of these was essentially a peasant revolt.

The Mexican Revolution was reformist but largely nonideological, and it created one of Latin America's most politically stable and economically progressive regimes. The other three uprisings occurred under Communist banners, and brought into play successively greater degrees of American involvement—culminating in the tragedy of Vietnam, which has thus far cost nearly 40,000 American lives and more than 100 billion American dollars.

But for all our knowledge about these peasant revolutions, we have not fully understood what has happened and why. And I fear that until we do, we are doomed to repeat our Vietnam experience again and again.

RURAL REVOLT

Let us first be sure that we understand the largely agrarian nature of these revolutions:

Mexico, in 1910, was two-thirds rural, with 95 percent of its rural population living as landless peons or as sharecroppers. The spark of revolution came after the Indians' last remaining lands had been seized by speculators, when a presidential candidate offered to give back the land. Zapata accepted the offer.

Russia, in 1917, was 80 percent rural. Roughly three out of every five rural families were landless. And, though Karl Marx had written in the *Communist Manifesto* of the "idiocy of rural life," one of Lenin's two great decrees in the first week of the October Revolution vested immediate ownership of all land in those who actually tilled it. Without the peasants' support of the revolution the ensuing civil war would have had a different result.

China, beginning in 1927, was the scene of Mao's explicit break with the Marxist concept of revolution based on the urban industrial proletariat, and of his effort to fashion a peasant revolt. With an 80 percent rural population, three-quarters of which was landless, China was ripe for revolution. Chiang Kai-shek's efforts to fight Mao's land reform with military hardware lost a nation of half a billion people in two decades.

Vietnam, from 1945 on, saw an application of much the same tactics that had succeeded in China. In the Viet Minh stage, the promise of land-to-the-tiller was effectively tied to a nationalist revolution. Here again, 80 percent of the population was rural, and the bulk of that segment was substantially landless (tenant farming accounted for around 50 percent in the central and northern reaches, and for nearly 75 percent in the populous Mekong Delta). The prognosis for revolution was again excellent.

A DOZEN VIETNAMS

Today there are dozens of Mexicos and Russias and Chinas and Vietnams in the

making. Three-fifths of the total population of the developing nations is rural, and a staggering percentage of these people are landless laborers or tenant farmers. In places like Vietnam, these farmers may pay one-third to one-half of their tiny crop in rent every year to an absentee landlord. In return, they are granted no security or tenure whatever. Or, if their situation is like that of laborers on Latin American plantations, they may make $15.00 a month to feed and clothe a whole family.

These discontented peasants are searching for a better life—and wherever the Communists offer it, they rush to the Communist banner.

A paradox arises, however, when one considers further our four great revolutions. The Mexicans kept their promise; they redistributed half the crop land in the country, so that 75 percent of the rural families now own their own land. The pleased peasants not only have refrained from overthrowing a Mexican government for half a century, but they have also more than tripled their agricultural production since the 1930's; and their higher incomes have fueled the growth of urban industry to supply consumer goods and agricultural inputs. A similar promise was made and kept in Bolivia—with less bloodshed—and made and kept without any revolution at all in Japan, Taiwan (ten years too late), South Korea, and Iran. Such a promise has recently been made in Peru.

UNKEPT PROMISES

But the Russians, Chinese, and North Vietnamese didn't keep their promises; once the revolution had succeeded, they launched into a second stage of "land reform," which involved the collectivization of holdings under the state as a kind of super-landlord. The Russian "land reform" killed or deported millions; the Chinese killed 800,000 or more; the North Vietnamese, 50,000 to 100,000. This was the "land reform" path also followed by the Cubans.

And the peasants' unhappiness with the arrangements in these countries could be detected in their drastically reduced productivity. Russia took until 1953 to return to its 1928 (pre-collectivization) level of agricultural production. China is about even now. Taiwan, by contrast, has doubled its rice production since the land-to-the-family-farmer reform has begun. Cuba is still behind the pre-Castro level.

Thus, we have a rather strange set of facts:

1. Mexico, Japan and other countries have carried out massive land reform basically on the family-farm pattern and have reaped the twin benefits of long-term political stability and a sustained increase in production.

2. Russia, North Vietnam, and other countries that have ruthlessly collectivized the land have secured a consistently miserable production record from their sullen peasants.

3. Nonetheless, those who call themselves Communists have been able in much of the developing world—including Vietnam and Latin America—to hold themselves out as the genuine agrarian reformers.

AN EFFECTIVE ALTERNATIVE

The problem, it seems to me, is that the United States has not effectively offered an alternative; and until we do, we will be faced with a continuous series of Vietnam-type crises built on peasant unrest around the world.

Our alternative is land reform—broad land reform, with fair compensation to the landowners, that gives the great mass of peasants a stake in their society and an incentive to produce. Land reform eradicates the key appeal that has been used in starting "wars of national liberation"; and it can "revolution-proof" the developing world against such enticements, as it has most notably done for the Bolivian peasant against the call of Che Guevara and for the South Korean peasant against the efforts of the North to start a behind-the-lines "people's war."

There is no sounder, higher-priority use of our foreign aid dollar than in the reform of land tenure. We must think in terms of four related ideas in order to use that land reform dollar most effectively and with maximum leverage:

1. *Information.* We are woefully short of detailed data on the land-reform problem around the world. Too many political officers in overseas embassies send back their assessments of rural unrest based on what they have heard at English-speaking, urban cocktail parties—instead of on what they have observed while bounding along back roads in a jeep.

In Latin America, a preliminary assessment based on non-government scholarship indicates that countries on the "critical list," as prime candidates for peasant-based revolutions over the next decade or so, include Brazil, Ecuador, Paraguay, and most of Central America. In Asia, the list includes the Philippines, Indochina, India, Pakistan, and Nepal. Systematic gathering of comparative data on tenancy, agricultural labor, land values, credit needs, and related matters in these and other developing countries should be initiated at once.

2. *Compensation.* In most nations, politically viable, non-revolutionary land reform programs must first assuage the landlords' doubts that the bonds they receive for their property will ever be paid off. To resolve these doubts, a central element in our land-reform strategy should be the creation of a multilateral agency to act as guarantor of land reform bonds issued by individual countries. Under such a plan, the U.S. could pledge one dollar to the capital of such an agency for every dollar (or two dollars) put up by other developed countries and for corresponding, though lesser, amounts put up by the developing nation.

E.G., NORTHEAST BRAZIL.

Brazil, for example, badly needs a land reform program in its teeming Northeast, where 70 percent of the 30 million population is rural and 70 percent of that element is landless. According to a preliminary estimate, it would cost about $1 billion to carry out such a program over a period of seven to ten years. If the Brazilians wanted help—and most of the nations in Brazil's position are desperate to find a way out consistent with not bringing their governments crashing down—they would enter into an agreement with the insuring fund. For an approved plan (one giving the bulk of its benefits to the landless tenant and plantation worker), the fund would guarantee the principal and interest of the land reform bonds to be issued.

The chief source of bond retirement would be a sinking fund established under agreed-upon rules, into which the peasants would make payments for their land over a period of perhaps 15 years. Meanwhile, the original landowners would know that the international community stood behind the bonds (which, however, they would be allowed and encouraged to transform into needed non-inflationary capital goods from the start).

Very preliminary calculations suggest that $1 billion of land reform in Brazil could be bought at a net outlay by the U.S.—through the international fund—of only $100 to $200 million. For the above-named "critical" countries as a group, preliminary data suggest that land reform with a gross cost of some $6 to $8 billion would likely "revolution-proof" most of the developing world for the next couple of decades, and that the net cost to the U.S.—through the fund—would probably be less than $2 billion, or what it costs us to fight in Vietnam for a month.

3. *Credit.* The fund should also be a vehicle for credit and supporting services to the smallest farmers. Too much U.S. agriculture credit assistance—including that for the "miracle" rice and wheat programs—appears to be going to the solid, traditionally creditworthy farmer, and not to be benefiting the masses of rural poor in any way. (Even if more rice is produced, they still can't afford to buy it.) Credit might be generated partly by fund guarantees to commercial banks, and partly by direct establishment of a revolving fund to be replenished by peasant repayments. For the "critical" countries, this package of supporting services might come to a further $3 to $4 billion with a net U.S. outlay of less than $1 billion.

4. *Bilateral aid.* In a few spots, notably Vietnam, our support for land reform will have to be quick and bilateral. The failure to carry out land reform sooner is perhaps the greatest tragedy of the whole Vietnam involvement. Fortunately, the Vietnamese at least seem to be moving strongly on a radically simplified, sweeping land reform program, with a total cost of $400 to $500 million (no peasant repayment, since we are competing with a purportedly "free" Viet Cong program). The U.S. should bear as much of this as needed—the whole amount is a week's cost of the war—to keep the program moving *fast*.

AVOIDING NEW TRAGEDIES

In certain proximate countries, like Panama or the Dominican Republic, a few tens of millions for land reform now may help avoid tragedy in the 1970's; and strategic considerations may suggest immediate bilateral assistance.

In summary, with the right priorities and with imaginative programs, and at a total cost of perhaps $3 billion spread over a decade or more, the U.S. can become the "champion" of land reform; help bring about markedly increased political stability in the developing world; and help motivate a marked increase in agricultural production.

For a tiny fraction of what it has cost us in Vietnam, the United States can buy insurance against future Vietnams, and can bring a higher standard of living and a more meaningful existence to millions of people whose lives are now more reminiscent of the Middle Ages than the 20th Century.

Mr. PACKWOOD. Mr. President, I ask unanimous consent that there be printed in the RECORD a statement prepared by the Senator from Maine (Mr. MUSKIE) and the article entitled, "Real Land Reform Comes to Vietnam," as requested by Senator MUSKIE.

There being no objection, the Statement and article were ordered to be printed in the RECORD, as follows:

REAL LAND REFORM COMES TO VIETNAM

Mr. MUSKIE. Mr. President, during the past year I have spoken several times on the great importance of United States support for a comprehensive program of land reform in South Vietnam. I join today with Senators Magnuson and Packwood in reemphasizing the broad implications which such a program can have for termination of the conflict in Vietnam.

It is clear that whatever policy the United States pursues in disengaging from this war, an increasing burden and responsibility must fall upon the South Vietnamese themselves. It is also clear that this responsibility must include broadening the base of support for the central government, whoever may be at the head of that government.

The fighting and killing in Vietnam can never be brought to an end without a political settlement of some sort. That settlement must necessarily be based on winning the support of the Vietnamese peasant, who today has little stake in the future of his country.

A successful land reform program offers a unique possibility for winning this support. It could provide the incentive neces-

sary to stabilize the political situation in South Vietnam. As Senator Magnuson and Senator Packwood have pointed out in their remarks, the promise of land tenure has been a key weapon in revolutionary movements during this century. Vietnam is no exception.

In the August 9 edition of the Baltimore Sun there was an article on land reform by Professor Roy Prosterman, who has been very influential in the development of the land to the Tiller Bill signed into law in March, 1970, by President Thieu. Professor Prosterman has provided a thoughtful and concise analysis of the historical background leading up to the present program of land reform, which President Thieu initiated. In commenting on the significance of this program and the failure of the Diem regime to carry out land reform in the 1950's, Professor Prosterman states that, "indeed, if the Communists had been deprived of their chief selling point in the South Vietnamese countryside through effective land reform, it is probably true that there never would have been a war."

Turning to the possible impact of a successful land reform effort, Professor Prosterman further states that for the first time, Saigon has the opportunity to "come to grips with the focal issue in the countryside, the one that has supplied the chief Viet Cong appeal to the peasantry."

I urge my colleagues to consider the arguments presented in this article. Land reform in Vietnam is long overdue. The United States must provide its full encouragement and support for implementation of this program as rapidly as possible, if the impact of land reform is to be fully realized.

REAL LAND REFORM COMES TO VIETNAM

(By Roy L. Prosterman)

An editorial in a major daily in late March called the new South Vietnamese land reform law "the most important news to come out of Vietnam since the end of the Japanese occupation." They may not have exaggerated.

Lack of landownership among the peasantry formed a basic part of the Communist appeal in Russia, China and Cuba, so it should be no surprise that it has performed a parallel function in Vietnam in the hands both of the Viet Minh and the Viet Cong.

Tenant farming is the biggest occupation in South Vietnam, with close to a million Vietnamese families, or about 6 million people in a population of 17 million, dependent on it. The Mekong Delta, where about 70 per cent of the farm families are primarily dependent on farming tenanted land, has one of the highest proportions of tenant farmers in the world. The typical delta family lives on 3½ acres, pays a third of its crop to the landlord (who supplies no inputs of any description), rarely has any surplus beyond its immediate nutritional needs, is evictable at will and is held for the rent even in the case of crop failure. In Central Vietnam, the typical tract is 2 acres and the rent averages half the crop.

For years the Viet Minh and then the Viet Cong were allowed to hold themselves out to these people as land reformers, who would drive away their landlords and give them their land, while the successive Saigon governments were identified as pro-landlord.

DIEM'S DISASTER

In retrospect, the most disastrous of all Ngo Dinh Diem's policies in the late 1950's was probably that which promoted return to the landlords of the extensive lands purportedly distributed by the Viet Minh to the peasantry in the 1945–1954 period and reassertion of the landlords' traditional rights over their former tenants. The promotion of this worse-than-useless program—with the co-operation of American advisers who were unwilling to push for the major land reform that our top policy-makers wanted—was surely one of the pre-eminent disasters of postwar American foreign aid.

Diem's failure to act was doubly tragic because the Communists in the North were carrying out their usual second-stage land reform—collectivization, as in Russia, China and later Cuba—which defeated most of the expectations that had led peasants to support the revolution. As elsewhere, collectivization was violent, unpopular and disastrous for production.

Diem might have looked, as an alternative for the South, toward any of the massive democratic land reforms that had already been carried out in the Twentieth Century in Mexico, Bolivia, Japan, South Korea and Taiwan. But Diem failed to profit by example. He stood with the landlords and we stood with Diem and as we moved into the 1960's the revived Communist movement was once more offering land to a population whose entire security and livelihood were bound up with their relation to the soil.

Little wonder that the common recruiting appeal in wide areas where Viet Cong land reform was in effect was "the movement has given you land, give us your son," as it was put by Marine Lt. Col. William Corson in "The Betrayal."

Or that the late Bernard Fall called land reform "as essential to success as ammunition for howitzers—in fact, more so."

Or that Douglas Pike, probably our leading authority on the Viet Cong, describes their indoctrination system as "based on vested interests in land."

Or that field interviewers in a 1967 Stanford Research Institute study found that Vietnamese tenant farmers named landownership five times as frequently as physical security as a thing of crucial concern to them.

Or that over half of those bearing arms against us in Vietnam, main force and guerrilla units taken together, are still today native South Vietnamese.

Or that over half of all American casualties in the last two years have been due to such essentially local guerrilla activities as planting mines and booby traps—the villagers then standing silent as we walk into them.

Or that virtually no main force activities could take place without the essential advance work done by the local villagers in carrying in and burying supplies and ammunition at intervals along the line of march toward the military objective.

Indeed, if the Communists had been deprived of their chief selling point in the South Vietnamese countryside through effective land reform, it is probably true that there never would have been a war. President Nguyen Van Thieu himself made substantially that observation in a speech given January 18, 1968.

The failure from 1955 well into 1968 to come to grips with this problem is so complete and so numbing that one must mentally prepare to receive the pleasant shock of the facts from recent months.

Now, at long last, the South Vietnamese government, under strong pressure from President Thieu and with newly firm American support, is preparing to offer the peasants as much as the Viet Cong have seemed to offer. Much more, in fact, for the Saigon land reform program is not meant to be followed by collectivization. Since coming to grips with the fundamental need for land reform in early 1968, President Thieu has successfully pushed through five critical land reform measures:

FIVE MEASURES

1. At the end of 1968, he ended the incredible, self-defeating practice by which landlords had been returning to reassert their "rights" to land, often riding into newly secured villages in South Vietnamese Army jeeps.

2. In April, 1969, he put a freeze on all rights to land occupancy, pending passage of new land reform legislation. Preliminary field observations have indicated this freeze to be well-publicized and quite effective.

3. In June, 1969, he began an accelerated distribution of government-owned lands free of charge. Since then, over 300,000 acres have been distributed to the benefit of nearly 100,000 former tenant-farmer families.

4. In July, 1969, he presented the land-to-the-tiller bill to the National Assembly. After a desperate fight against landlord interests and political opponents, the bill was passed in March. This measure, which the New York *Times* has editorially called "probably the most ambitious and progressive non-Communist land reform of the Twentieth Century," is the keystone of Mr. Thieu's efforts. It embodies a drastically simplified program which will distribute virtually all tenanted land in the country to the present tillers free of charge and with fair payment by the government to the landlords. Ownership of over half the cultivated land in the country will change hands and a million tenant-farmer families—a third of the nation's population—will become full owners.

The total price tag of about $400 million is equivalent to around five days' cost of the war. U.S. support—in the form of productive commodities to generate piasters—for somewhere between a quarter and a half this amount will be asked from Congress in the coming months and it is to my mind undoubtedly the biggest bargain of the Vietnam War; preliminary measures have already been introduced in both houses with extremely broad bipartisan support.

5. Last June, he further simplified the program's administration by decreeing an immediate end to all rents without formalities, such as Western-style land titles.

A number of factors have combined with the program's enormous simplicity and the major results already achieved to give even the most jaded observers real hope that this package of measures will be largely effective by the next main harvest from December through February.

EXCELLENT PROSPECTS

There are excellent prospects that the great majority of South Vietnam's million tenant-farmer families will be free of rents they would otherwise pay and will regard themselves as definitely on the road to full ownership under policies sponsored by Saigon. Those living in Viet Cong-controlled areas will consider themselves definitely freed from the prospect that Saigon's control means the landlords' return and confirmed in possession of the land they are tilling.

If Saigon can carry it off, what consequences can be expected? There would appear to be several, each of potentially far-reaching importance:

For the first time, Saigon will have successfully come to grips with the focal issue in the countryside, the one that has supplied the chief Viet Cong appeal to the peasantry. A significant spectrum shift in allegiance among Vietnam's 6 million tenant-farmer people can be expected in Saigon's direction.

This shift will have not only a political dimension, but a significant military dimension. Notably, tenant farmers and sons of tenant-farmers, who are the largest rank-and-file group in the South Vietnamese Army and in the local militia, are more likely to be motivated to fight if they have a stake in their society, which is probably of more fundamental importance to the success of "Vietnamization" than whether the recruit gets an M–16 to replace his M–1. Moreover, peasants who regard Saigon as the source of their land-ownership are more likely to take the risk of supplying intelligence. At the same time, the root of peasant motivation to support the Viet Cong in a variety of ways will be significantly weakened.

MIGHT HELP PARIS TALKS

The prospect of such a massive, grassroots shift in peasant support is one of the few things that can be visualized which might supply enough bargaining leverage to get the Paris talks moving again. Indeed, former Paris negotiator Cyrus Vance suggested last fall that the offer to hold back on implementation of the land reform in historically Viet Cong-controlled areas could become a powerful bargaining lever, once the land-to-the-tiller bill had been passed.

Land reform, at last, and tragically late, appears to have come to Vietnam. But even at this date it is, without exaggeration, one of the major events of the war.

ORDER FOR ADJOURNMENT UNTIL 10 A.M. ON MONDAY, AUGUST 24, 1970

Mr. MANSFIELD. Mr. President, I ask unanimous consent that, instead of coming in at 11 o'clock on Monday next, the Senate, when it completes its business tonight, stand in adjournment until 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR PACKWOOD ON MONDAY NEXT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that immediately after the disposition of the Journal and the unobjected to items on the Calendar on Monday next, the distinguished Senator from Oregon (Mr. PACKWOOD) be recognized for not to exceed 1 hour. He in turn will be followed by the Senator from Arkansas (Mr. FULBRIGHT).

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS ON MONDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that on Monday next, at the conclusion of the remarks of the Senator from Arkansas (Mr. FULBRIGHT), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PUBLIC WORKS APPROPRIATIONS, 1971

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the pending business be laid aside temporarily and that the Senate proceed to the consideration of Calendar No. 1129, H.R. 18127 and that it be laid down and made the pending business.

The PRESIDING OFFICER (Mr. SPONG). The bill will be stated by title.

The legislative clerk read as follows:

H.R. 18127, an act making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

The PRESIDING OFFICER. Is there objection to the present consideration of the bill?

There being no objection, the Senate proceeded to consider the bill.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ELLENDER. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, before proceeding with the pending measure, I would like to make the usual unanimous-consent request that the committee amendments be considered and agreed to en bloc, and that the bill as thus amended be regarded as original text for the purpose of amendment, provided that no point of order shall be considered to have been waived by reason thereof.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered.

The amendments agreed to en bloc are as follows:

On page 2, line 18, after the word "vehicles", strike out "$1,965,500,000" and insert "$1,900,300,000".

On page 4, line 6, after the word "aircraft", strike out "$360,100,000" and insert "$336,100,000".

On page 5, line 25, after the word "construction", strike out "$38,559,000" and insert "$41,616,000".

On page 6, line 17, after the word "construction", strike out "$825,689,000" and insert "$871,808,000".

On page 8, line 5, after "(33 U.S.C. 702a, 702g–1)", strike out "$79,578,000" and insert "$91,004,000".

On page 9, line 4, after the word "navigation", strike out "$290,000,000" and insert "$292,600,000".

On page 9, line 18, after the word "investigations", strike out "$25,350,000" and insert "$25,800,000".

On page 10, line 9, after the word "exceed", strike out "$178,500,000" and insert "$181,000,000".

On page 11, line 19, after the word "use", strike out "$43,800,000" and insert "$44,129,000".

On page 12, line 1, after the word "vehicles", insert "of which fourteen are"; in line 2, after the word "only", strike out "of which" and insert "including"; and, in line 7, after the word "assets", strike out "$1,500,000" and insert "$1,850,000".

On page 13, at the beginning of line 7, strike out "twenty-three" and insert "twenty-five"; and, at the beginning of line 8, strike out "twenty-six" and insert "twenty-four".

On page 14, line 8, after the word "Act", strike out "$98,018,000" and insert "$98,618,000".

On page 14, line 22, after the word "Act", insert a colon and *"Provided further*, That funds appropriated for fiscal year 1970 and allocated to States shall not be reallotted in accordance with section 8(c) of the Federal Water Pollution Control Act, as amended, until June 30, 1971."

On page 15, line 15, after the word "expended", strike out "$19,000,000" and insert "$19,100,000".

On page 16, line 7, after the word "expended", strike out "$181,810,000" and insert "$187,931,000"; on page 17, line 9, after the word "Oregon", insert a comma and "and $5,000 for the Cascade Irrigation District, Ellenberg, Washington"; and, in line 13, after the word "Interior", insert a colon and "Provided further, That of the amount herein appropriated not to exceed $140,000 may be used for archeological salvage of the cargo of the steamboat Bertrand in the Missouri River Basin."

On page 17, line 21, after the word "expended", strike out "$21,260,000" and insert "$22,675,000"; in line 22, after the word "which", strike out "$20,455,000" and insert "$21,530,000"; and in line 24, after the word "and", strike out "$805,000" and insert "$1,145,000".

On page 18, line 15, after the word "expended", strike out "$7,698,000" and insert "$6,498,000".

On page 24, at the beginning of line 24, strike out "$90,500,000" and insert "$91,600,000".

On page 27, line 7, after the word "transmission", strike out "$750,000" and insert "$1,000,000".

On page 30, line 1, after the word "vehicles", strike out "$54,180,000" and insert "$56,180,000".

On page 30, line 9, after the word "vehicles", strike out "$4,550,000" and insert "$5,550,000"; and, in line 14, after the word "and", strike out "$3,000,000" and insert "$4,000,000".

Mr. ELLENDER. Mr. President, we have before us a very, very important bill. It affects many departments in our Government. As I shall point out later, the Appropriations Subcommittee for Public Works held hearings on the programs funded in this bill from March 4 through June 30. Of course, we did not sit every day, for, as acting chairman of the Appropriations Committee, it was my privilege to hold hearings for defense as well as the civil functions of the Corps of Engineers, the Atomic Energy Commission, the water pollution control agency, and other activities. I did the best I could in trying to handle both sets of hearings—one in the afternoon and the other in the morning.

The hearings, as I shall point out later, were so voluminous that we did not put copies of them on the tops of Senators' desks, but they are available for all Senators.

I would simply like to say at the outset that the Nation is very fortunate that past sessions of the Congress provided the funds necessary for the planning and construction of many navigation projects that are of great importance to our economy today.

I can well remember over 20 years ago when we started to reconstruct or rebuild the various locks along the Ohio River in order to provide navigation from Pittsburgh clear down to the gulf. I would say that over half of the projects required to modernize that great navigable waterway were put in without budget estimates. The amount of traffic on that river had quadrupled over the estimates of the engineers. In other words, the traffic is four times more than the amount that the engineers said would justify construction of the waterway.

The same goes for the Intercoastal Canal, which, as we all know, starts on the Mexican border and goes clear up to Trenton, N.J. In that case, barge transportation on the gulf intercoastal waterway has increased over 20 times what

the engineers said would justify the project.

We have the Arkansas River, with navigation authorized to Tulsa, Okla.; and that program will be operational to Tulsa this December. In that case we started many of the projects without budget estimates.

I wonder what would have happened to our transportation system in this country had we not done that, in view of the fact that many of our railroads are breaking down, and those that are operating are experiencing a shortage of rolling stock.

Rivers like the Illinois and the Missouri with their tributaries, the Arkansas, the Ohio, now form an inland water transportation system comprising some 23,000 miles which is unsurpassed for the carrying of bulk goods.

I can well remember the opposition by the railroads based on the belief that it would interfere with their own business. There is no doubt in my own mind that transportation by water is much lower in cost than transportation by railroad. But today, because of the fact that we constructed many locks along the Ohio River, the pools of water forming behind those locks attracted industry to the point where in the last 22 years in excess of $25 billion of new business was established along the Ohio River. Finished goods have been produced from raw materials, and this increased production has enured to the benefit of the railroads.

So that it strikes me the Congress acted wisely in past years in providing the funds necessary to construct those great projects.

Take the Intercoastal Canal. That has been in the works for many, many years. We have a program in the bill to perfect and complete that great intercoastal waterway. I refer to the Florida Barge Canal, which, in my opinion, is a must. We have been going along with that project now for about 12 years. We have spent over $50 million on that project so far including funds to provide several locks there.

It is over one-third complete. I understand that an amendment is going to be offered to delay the obligation of additional funds because it may affect the ecology of that section of our country. I am very hopeful that Senators will be present to listen to the arguments on both sides, and will vote against the elimination of funds to complete that great project.

Mr. President, we have under consideration H.R. 18127, a bill making appropriations for public works for water, pollution control, and power development, including the Corps of Engineers—Civil, the Panama Canal, the Federal Water Quality Administration, the Bureau of Reclamation, power agencies of the Department of the Interior, the Tennessee Valley Authority, the Atomic Energy Commission, and related independent agencies and commissions for the fiscal year ending June 30, 1971, and for other purposes.

Mr. President, the hearings on the bill started on March 4 and continued through June 30. The subcommittee held 42 sessions for the purpose of taking testimony, and two executive sessions for the purpose of marking up the bill. The subcommittee heard 914 witnesses, which included representatives of various organizations and local communities.

The hearings comprise eight volumes. The volumes are so voluminous we could not put them on each Senator's desk, so we have stacked them under each Senator's desk and they are there for reference. The hearings contain 7,981 pages of testimony. I hope Senators will refer to them.

In recent years, there has developed a greater public awareness of the deteriorating quality of our environment. Although not identified by the term "environmental considerations" the water resources program has made and is continuing to make important contributions to the quality of our environment.

Following the enactment of the National Environmental Policy Act of 1969, the construction agencies have formalized and strengthened their planning staffs to insure greater emphasis on the impact of their projects on the ecology and the environment. For instance, the Corps of Engineers has established a new Institute of Water Resources to develop environmental guidelines and evaluation criteria for use of field planners. The Bureau of Reclamation has named an ecologist as an assistant to the Commissioner with primary responsibility as an adviser on environmental and ecological affairs. Even the Tennessee Valley Authority has created an Office of Health and Environmental Science to better supervise its expanded environmental quality program.

The cost of pollution control measures is staggering, not only in dollars but in the changes we are going to have to make in our daily routine. I have been told many times that the American people are willing to pay the cost. I hope they are. Practically every product we purchase contributes in some manner to air and water pollution or to the growing problem of solid waste disposal. The costs of antipollution measures will, of necessity, be reflected in the products we purchase. If we then ask for increased wages to meet these increased costs, obviously, we are not willing to pay the costs for improving our environment.

One of the pressing problems affecting the quality of our lakes and rivers is the phosphate and nitrate content of household detergents. Pending development of new formulas which are acceptable to the housewives and the Federal Water Quality Administration, the ladies can make their contribution by using the detergents which contain the least amounts of these nutrients. The clothes may not be quite as white or bright—but that may be the price we must pay for improving the quality of our environment. If the manufacturers of the detergents which have the highest concentrations of nutrients find that their sales are dropping off, undoubtedly they will redouble their research efforts toward the development of an acceptable product.

Are we willing to purchase our soft drinks in returnable bottles? I note that even in the Senate Restaurant on Saturdays use is made of plastic dishes and plastic utensils which contribute to our solid waste disposal problems. During the week days they use china, but on Saturdays, for some reason, they use these plastics; I do not know why. But that adds to our trouble. There are undoubtedly hundreds of similar conveniences and labor-saving practices which we accept today that must be changed if we are willing to pay the price of improving our environment.

POWER CRISIS

The demands of our society for increased power are continuing to grow. Either we must forego some of the comforts we now enjoy, such as air conditioning, elevator service, improvement of street lighting to reduce crime in the streets, or permit the construction of additional powerplants. In many sections of the country which are now facing brownouts or blackouts, efforts of the public utilities to provide new facilities are being thwarted by citizen groups opposing the projects: First, fossil fuel plants are opposed from the standpoint of air and thermal pollution; second, nuclear plants are opposed from the standpoint of radiation and thermal pollution; and, third, hydro projects are opposed from the standpoint of their effect on the environment and ecology. Fortunately, many political subdivisions are now giving more consideration than ever before to the siting of powerplants so as to reduce to the minimum their impact on the surrounding environment and ecology.

Mr. Ellis L. Armstrong, Commissioner of the Bureau of Reclamation, in an address before the National Society of Professional Engineers in Salt Lake City, on August 13, 1970, stated the problem this way:

> Concerned conservationists come out of a smokefilled room to warn of air pollution. Concerned citizens who look upon the marvel of plentiful light and power as a God-given right, object to a thermal plant which may pollute air and water or a dam to supply power and water which will alter the natural regime of a river or create a lake in a canyon. But they still expect their lights to go on when they turn a switch and they expect pure clean water to flow from their taps.

BILL AS REPORTED

The bill as reported provides new obligational authority of $5,258,195,000, which is $5,238,000 below the budget and $21,387,000 above the amount approved by the House.

TITLE I—ATOMIC ENERGY COMMISSION

Mr. President, this is only the second year for which I have had the responsibility of handling the AEC program. Frankly, it is very complex and difficult to fully grasp the problems posed in such a short time. I have devoted a great deal of time to this program and intend to continue this effort until I have satisfied myself that I have a far better understanding of the various programs than I now have.

For operating expenses the committee has approved a program of $2,147,027,000, of which $1,919,070,000 is the appropriation recommended in the bill. The balance of $227,957,000 is derived from sales and services rendered which, under the law, is applied to operating

expenses, thereby reducing the appropriation required to carry out the approved program.

In other words, under the law, when any sales are made by the Atomic Energy Commission of its products, they simply account to Congress for the amount sold and deduct that from their entire need in determining the amount of new appropriation required to operate the Commission. The receipts do not have to go to the Treasury. The AEC is one of the few commissions that have that privilege.

The principal programs under operating expenses are:

RAW MATERIALS

The bill provides $18,016,000 for completion of the procurement program in uranium concentrates and for the continuation of uranium resource production evaluation activities.

SPECIAL NUCLEAR MATERIALS PROGRAM

The committee recommends $343,518,000. Under this program uranium concentrates are processed into feed materials from which plutonium and other products are produced in the reactors at Richland, Wash., and Savannah, Ga., and the isotope uranium-235 is extracted in plants at Oak Ridge, Tenn.; Paducah, Ky.; and Portsmouth, Ohio. The cost of enrichment service of feed supplied the private sector is fully recovered by the AEC. Now, this is one of the programs which I intend to explore further. I want to reconcile the appropriation of $343,518,000 with revenues of $186 million. In view of the fact that we have all of the U-235 we need for the weapons program, I want a better explanation than I have received so far as to the need for the difference. Certainly, I have no intention of damaging this program in any way. On the other hand, I want to assure myself and the Senate that the funds provided are actually required, and that the cost of the enriching service is fully recovered.

I want to say in passing that during my entire tenure in the Senate of almost 34 years, I have never been confronted with witnesses who had done a better job of preparing themselves to appear before the committee. The Atomic Energy Commission program has become so complicated that it is very difficult for anyone to explore the individual projects in order to grasp all the implications involved in the production of the products for which we make allowance.

I want to say this, also, Mr. President: Some of the products are found by chance; and after those products are found, it is necessary for the Atomic Energy Commission to spend a good deal of research money to determine how those products can be used. Then they must spend a great deal of money to determine what effect the use of these products will have on the environment. So that the work of the Commission is almost a continuous process.

As we all know, our scientists are very inquisitive. I have noticed many of the programs which were truly shots in the dark by most of the people dealing with these problems. I can see the difficulties confronting them. But, I repeat, it is something that will need a good deal of study by Members of the Senate in order to be able to grasp all the implications involved.

I repeat that since this is more or less a continuous process, it is difficult for those who handle this bill or those who hold the hearings to find where to make a cut. I do not believe this appropriation can be subjected to, let us say, a meat-ax approach of 5 percent on the entire amount.

To illustrate what I have in mind, at the beginning of the hearings, I indicated that we ought to come out with this bill with a reduction of at least $115 million to $125 million. When the subcommittee made its report, we were able to cut back $110 million in operating expenses. When the bill was submitted to the full committee, the distinguished Senator from Rhode Island, who serves on the Joint Committee on Atomic Energy, said he thought some of the cuts we made should be restored, and he justified his position. He said that the Commission itself had made studies, that certain programs should be put in, and that he felt some of the amount should be restored.

I stated to him that, so far as I was concerned, if they were that important, I would tell the Atomic Energy Commission that I would gladly restore the full amount appropriated by the House, if they could get a budget estimate. The amount of money involved in that estimate, I think, was approximately $26 million in both operating expenses and plant and capital equipment. After a few days, I was told that they could not get a budget estimate but the amount should be put back in the bill. I finally consented to it because I came to believe it was necessary.

When we submitted to the Atomic Energy Commission the figures that were suggested by the Senator from Rhode Island, together with some other suggested reductions, they looked them over; and, instead of reducing the amount by $110 million that the subcommittee had recommended as a cutback, they came up with a reduction of $118 million under operating expenses. How they reached that figure, I do not know. But I point this out to show the complications of such a program.

When we got that information later, I suggested—in fact, it was suggested by members of the committee—that we set a figure for total reductions under operating expenses of $72 million to $75 million. We asked the Atomic Energy Commission to help accomplish that, but they could not come up with a cut of $72 million to $75 million. They came up after making adjustments in selected resources with a reduction of $92 million. So that the bill—so far as the Atomic Energy Commission is concerned, the operating expenses—is cut by $92 million, and I hope that amount will remain as we recommended it.

I merely cite this to show how difficult it is to take a bill of that kind and just cut here and cut there, without affecting other programs handled by the AEC. It is a difficult task. The members of the committee, including particularly my good friend here from North Dakota (Mr. YOUNG), have worked hard in trying to get the proper amounts; but I am sure the Senator will back me up in saying it was a terribly difficult process.

In passing, I wish to say that I talked to Dr. Seaborg who heads the Commission and told him that next year, when he presents his program, I hoped he would be a little more specific in the programs, so that we could follow them better and advise the Senate as to how much is being spent for what. Under the programs as now being managed, it seems we find money in one area that is actually vital to another area in the bill. It is rather difficult to separate what is being done, and I hope that the Senate will sustain the committee action.

WEAPONS PROGRAM

For the weapons program, the committee recommends $821,260,000 which is $20,500,000 below the budget estimate. Of this reduction $15 million is applied to the nuclear testing program—principally against the supplemental test site program. A major portion of this reduction in the test program results from a delay of several months in the tests at Amchitka. This will permit conducting the experiment at a more favorable season to assure maximum protection to the environment.

I may say, the moneys we cut back do not give assurance that the tests will not be tried but provide that more research might be done prior to the testing at the proper time. That is about the only relief we could get on that subject.

This is another program which I plan to investigate in greater depth with both the AEC and the Department of Defense. I am talking about weapons programs now, Mr. President. We are assured that we are not increasing our stockpile of weapons, that they are only reworking the existing weapons and adapting them to fit the new missiles. The appropriations have remained at approximately the $800 million level for some years.

That figure puzzles me, because we have been told by Dr. Seaborg that we have enough uranium already in hand for our weapons systems to last for an indefinite period. Thus, why do they need $800 million, which has been about the same amount appropriated over the years, remains constant, I cannot easily justify.

It strikes me that since we have on hand all of the uranium-235 necessary in order to construct the missiles, I am wondering why such a large amount of money should be continually spent on the other materials and in reworking the stockpile. In the past a good deal of the $800 million was used to obtain a sufficient supply of the uranium as well as the other necessary material, and now that we have a sufficient supply of uranium for an indefinite period, as the record shows, it strikes me, in that area, we might make some reduction. I want to give assurance to the Senate again, that next year we shall look very closely into that, and get a better view of it.

I need additional information to support this level of appropriations in future years. I intend to secure the evidence before I report the bill next year or recommend a substantial cut in this program.

REACTOR DEVELOPMENT PROGRAM

The bill provides $433,594,000 for the reactor development program which includes an increase of $4,800,000 over the budget estimate for the naval propulsion reactors recommended by the Joint Committee on Atomic Energy and approved by the House.

This is a large program, Mr. President. We had quite a lot of discussion about it. It deals with the research and development of equipment and technology as well as the production of material that could be used to generate electricity in the future. It is a complicated program. It will take from 12 to 15 years to complete the development of the fast breeder reactor. But yet we are told that, unless we do it now, tomorrow will be too late, that we may run out of the nuclear material used in the present type of reactor. The program envisions the use of tailings obtained from the raw material, uranium-235 as fuel for the breeder reactor.

Under this program, emphasis will be placed on the advancing power reactor technology. The Commission is giving priority to the liquid metal fast breeder reactor. Under this program, funds in the amount of $10 million are provided for the demonstration plant. It is expected that industry will invest large sums in the demonstration plant. It was on this basis the committee supported both the demonstration plant and the research required for the liquid metal fast breeder. Next year, I expect industry will have made its commitment to this program; if not, I am certain the committee will reconsider the extent of the Federal support of this program: That is one of the unobjected to items I referred to a while ago.

The committee has also approved the $600,000 for the gas-cooled high-gain breeder reactor contained in the authorization act for fiscal year 1971 and included in the bill as passed by the House of Representatives.

This is one program that was highly recommended by the Joint Committee on Atomic Energy. For that reason, the committee saw fit to provide the funds necessary in order to go on with this research.

By the way, in this program, they use helium gas as a coolant.

PHYSICAL RESEARCH PROGRAM

For this program, the committee has recommended $271,430,000, a reduction of $3 million below the budget estimate. This program consists of theoretical and experimental investigations in support of the Commission's immediate and long-range research objectives. I have always supported funds for research; however, I plan to examine this program further to be certain that there is no duplication of the research being conducted by the National Science Foundation.

Mr. President, as I stated a while ago, in the process of research and experiment, a new element was accidentally found, called hahnium. I asked Dr. Seaborg and other witnesses what the discovery could be used for, and they said they did not know. They said that it has a half life of one and six-tenths of a second. In other words, one-half of the hahnium produced deteriorates in one and six-tenths seconds. I was told that in order to find what use could be made of this new element, or what effect it could have on the environment, many millions of dollars would be required.

This illustrates that this process seems to be unending. New elements are discovered and it is unknown how to use them or what use can be made of them. But, we must follow through with research to find out whether they can be used, or what effect they will have on the environment. That is why, I repeat, it is rather difficult for Senators on the committee, including its chairman, to be able to make cuts or increases here and there without hurting or retarding some of these experiments and some of this research.

We all know that the Atomic Energy Commission and its predecessor has done a great job in the past in providing us with the Manhattan Project which saved hundreds of thousands of Americans by developing the atomic bomb.

It is true that the cost was great. But imagine what the cost would have been without that investment. Because of that success, the AEC has been set-aside as being almost one of the most important agencies for us to maintain and provide funds with which to continue these experiments.

As far as I am concerned, I want this to go on. The only thing I am concerned about is whether we should continue all of the programs that are now underway.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. Mr. President, I think this is apropos. Mr. President, what the Senator from Louisiana says is so right. It is confusing. There is no way to know where it will lead.

Dr. Seaborg was doing some of this. He was the fellow who found plutonium.

Mr. ELLENDER. He found it by chance.

Mr. MAGNUSON. The Senator is correct. He won the Nobel Prize. He was the founder. He did not know at that time, I heard him say many times, and he still does not know, all of the ramifications of the element plutonium.

Mr. ELLENDER. Since the Senator from Washington raised the question, plutonium was found as a byproduct of the reactor. When a uranium isotope was used as the energy source for a ship, it produced plutonium.

Mr. MAGNUSON. That is exactly what the Senator says.

Mr. ELLENDER. Those are the things that we are providing funds for, and I think necessarily so. It should be done. I am most hopeful that it will be used wisely.

Mr. President, I go back to the proposition that it is rather difficult at times to satisfy the curiosity of our scientists. They have a good idea and they go in one direction to find out whether they are correct. What they want to do is to satisfy their curiosity.

It strikes me that in time we will have to put a little damper on that phase of this work.

BIOLOGY AND MEDICINE

Another program which is very important, I think, is to justify civilian uses for these expenditures. The committee recommends $88,300,000, the amount of the budget estimate, for this program. Emphasis will continue to be placed on the assessment, evaluation, and control of radiation exposure to man and his environment.

ISOTOPES DEVELOPMENT PROGRAM

This program consists of research and development activities to accelerate realization of the potentially vast uses of radioisotopes and radiation technology. Included in this program is the radiation preservation of foods; thermal applications—including fuels development for a circulatory support system; and life support units and component heaters for space flight use. For this program the committee recommends $6,530,000 which is $530,000 over the budget estimate.

CIVILIAN APPLICATIONS OF NUCLEAR EXPLOSIVES

The committee recommends $7,400,000 for this program—a reduction of $600,000 from the budget, and $100,000 below the House. The funds will be used to continue research aimed at a fundamental understanding of nuclear explosive design and explosion phenomenology and its application to peaceful uses.

Mr. President, that concludes my remarks on the Atomic Energy Commission. I now come to title II, Department of the Army, rivers and harbors and flood control which is, as I said in my opening remarks, a very important title. It is one in which we should not be niggardly in providing sufficient funds with which to protect and preserve our most important resources—land and water.

I am proud of the fact that I am in a position now to carry out programs that I was thinking about as a teenager, living on the farm behind the Mississippi River levees. I thought at that time that water was inexhaustable, that we would have water forever. But in the last few decades I found out how important it is for us to retain what we have and to try to make better use of it and to try to reuse it.

In my book, the two important resources that we must protect and preserve are land and water. We can have all of the diamonds, gold, and any other valuable possessions, but unless we have land and water with which to produce food and fiber to sustain our population, everything else will go for naught.

It strikes me that there should be no hesitancy on the part of this administration and future administrations to provide all the moneys necessary with which to carry on these programs.

I am sure many of us have read in the press how they criticize these expenditures, referring to them as a pork-barrel.

I go back to the proposition I mentioned awhile ago, that we must use the waters we have for navigation, reclamation, power generation, and at the same time protect ourselves from floods. I know of no better way in which to spend money than to provide ways and means of utilizing these two great resources.

I would not be disappointed if I were to read some editorials in some of the newspapers and magazines saying that those who advocate the expenditure of these funds are voting for a pork-barrel, that they will get something out of it for their constituents. I want to confess that I do get something for my constituents and not only for my constituents but also for all the people throughout the United States. If we had neglected these programs, I do not know what would have happened to our country.

It has been my privilege to travel all over this world a good deal. I have found out what it has meant to many countries when they neglect the proper use of their water to preserve and protect the use of land and water.

I can well remember that old Persia had enough land and enough water to grow food and fiber and sustain the life of over 100 million people. One can go there today and see the area; I have seen it. What was known as Persia cannot now sustain life for more than 11 to 12 million people, and the reason for it all is that the rulers there failed to preserve these two great resources, land and water. I do not want that to happen in our country.

Mr. BIBLE. Mr. President, will the Senator yield to me at this point?

Mr. ELLENDER. Yes, indeed. I yield to the Senator from Nevada.

Mr. BIBLE. I am wondering if the Senator who has had such a distinguished career in this area of appropriations has any idea of the number of lives or the amount of property damage that has been saved as a result of these flood control projects. I know property damage has been reduced materially and this is of benefit to all mankind.

Mr. ELLENDER. We had floods on the Missouri River. The Senator knows about that. The most recent floods were 4 or 5 years ago. The cost of protecting that area, as I recall the figures, was about one and one-half billion dollars for flood control, navigation and power development. The flood losses prevented by that program exceeded $2 billion. There is no way of estimating the number of lives that would have been lost without this program.

In California 2 years ago the projects completed at a cost of $800 million prevented losses of over $1.5 billion.

I shall have printed in the RECORD figures to show the losses that have been prevented in areas where projects have been placed in operation, and the cost of constructing those facilities.

Mr. President, I ask unanimous consent to place that information in the RECORD at this point.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

[In billions]

Cost of flood control facilities	$5.7
Damages prevented	19.

Mr. ELLENDER. Mr. President, I did not anticipate the question was going to be asked but it is interesting for us to have this material in the RECORD to show the contrast with the estimates of the Water Resources Council that flood losses averaged $1.7 billion in 1966 and will increase to $5 billion by 2020 if additional projects are not built. It shows what will happen if we are slow in constructing the facilities necessary to protect those areas.

Mr. President, I hope members of the press of the Nation, and particularly those persons who write articles for magazines, read the statistics and publish articles to show the importance of all these projects in order to protect and preserve not only the lives of the people on the scene, but also the future generations—to provide for them a good place to live, and a place where they can have all the food and fiber necessary.

Mr. BIBLE. Mr. President, I commend the distinguished chairman of the Public Works Subcommittee. This has been my own experience, although we do not have the large rivers in my part of the State that they have in California and Mississippi.

I can testify of my own knowledge of the millions of dollars that have been saved by flood control projects that have been constructed on our streams and rivers. This should be told time and time again. It could be called "pork barrel" but it is "pork barrel" in a good sense because it saves lives and it saves millions and millions of dollars in property damage. There is no doubt about it.

Mr. ELLENDER. Mr. President, I have been chairman of this subcommittee for about 18 years. During my tenure we have been able to harness practically every tributary to the Mississippi River. Prior to that time a period of 3 months was required for the floodwater to go down the Mississippi River, drowning out a good many people, and carrying out tons of silt. But since that time we have been able to harness tributaries of the Mississippi River so that today all the engineers have to do is press a little switch and the water is allowed to flow down gradually. Instead of water going down the Mississippi River in 3 months, it now goes down gradually over a longer period. That provides fresh water the year round in the Mississippi River so that we have today, all along the valley, factories that have been constructed, and industries that have been constructed because a constant supply of water is available. In addition, by holding back this water, ponds and lakes are created, and it is also better for navigation.

As I pointed out, when we started out with the Arkansas River, it was stated by the engineers that if we could get so many river tons of freight over a period of so many months or years, the program would be justified. Now this project has been completed to Little Rock, just a little over a third of the way, and the tonnage that came down that river the first year from Little Rock is more than the tonnage that the engineers estimated would come the first year that the waterway was completed to Tulsa. It shows the importance of using that water for navigation.

In addition, we have had ports established along the Arkansas River and the Mississippi River; and businesses have been established there, and they use the water to establish and expand our economy. It is also important to note that the out migration from the Arkansas Basin has been reversed as a result of the new industries that have located in the valley.

Mr. BIBLE. I thank the Senator. In addition, it occurs to me there is not one of our 50 States where projects of this type have not been cash register items. They certainly return more to the Federal, State, and local treasuries than they cost.

Mr. ELLENDER. There is no question about it.

Mr. BIBLE. That fact can be documented A, B, C, and D if persons who are interested will look at the record.

Mr. ELLENDER. There is no doubt about it, but few people take the trouble; many of them would rather criticize.

Mr. BIBLE. I think the facts answer the criticisms. I know the great work the Senator has done over the years in this particular area alone.

I have one further observation I wish to make. I would like to include commendations for a late, dear friend of all of us, Mike Kirwan, who was the counterpart in the House of Representatives of the distinguished Senator. Mike Kirwan recently passed away. He likewise made real contributions in this area.

I thank the Senator for yielding to me.

Mr. ELLENDER. I am glad that the distinguished Senator from Nevada has paid this tribute to Mike Kirwan. He has made a great contribution to the development of our natural resources.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Florida.

Mr. HOLLAND. Mr. President, I certainly agree with the remarks of my distinguished friend from Nevada and the remarks of the distinguished chairman.

I call attention to the fact that the saving of life has not been confined to the great river areas. In 1926 a hurricane destroyed something over 300 lives in the Moore Haven vicinity, along the southwest coast of Lake Okeechobee, because the hurricane winds in that instance came from the east or northeast. Two years later, in 1928, during another hurricane the winds came from the west and destroyed 2,200 precious human lives in the vicinity of Belle Glade. The Senator will remember that. The dikes and structures that have since been built around Lake Okeechobee, and the structures in the south Florida flood control program, in which the Senator has had such a leading part, have prevented many losses of life. I would not know how to estimate the immense savings in terms of dollars. The Engineers have estimated these savings at $120,600,000 since 1953.

I am sure that is an underestimate. But now those areas are safe for human habitation and the population there has greatly increased and the economy there has greatly increased because the people can live there in safety.

I thank the Senator for almost a lifetime of interest in this matter. I want these remarks to show that the saving

of life and property is not confined to the areas of great rivers in the Nation.

Mr. MAGNUSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I want to add my comments to what has been said. I know of instances where the reduction of floods in one given year—referring only to normal floods in the river—paid for the whole cost of the installation that stopped the flood, if we assume that every year the same flood condition is going to take place that took place for the preceding 40 years.

The Columbia River, of course, is involved with power development, but we had one flood on that river which resulted in losses greater than the cost of all the projects on that river. The Senator probably remembers when there was such great loss of life and property, amounting to billions of dollars, at Portland.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. The Senator from Louisiana mentioned the Mississippi River and its tributaries and what had been done to control floods in recent years. I can speak with firsthand knowledge of what happened on the Missouri River. Almost every year we had devastating floods for almost the full reach of the river.

Mr. MAGNUSON. And the Red River.

Mr. YOUNG of North Dakota. Yes. Now floods on the Missouri River are unknown. We have dams producing somewhere around 2 billion kilowatts of power each year. We have great reservoirs that are of benefit to everyone. Along with that, navigation downstream provides great benefits.

If it were not for the Senator from Louisiana, we would not have had many of these projects. I want to give him great credit for the progress that has been had.

While we are on that subject, the name of the late Michael Kirwan, a Member of the Congress from the State of Ohio, was mentioned. He was a great friend of water projects and had a heart as big as a washtub when it came to helping other areas of the United States.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. RANDOLPH. Mr. President, as chairman of the Senate Public Works Committee, I think perhaps I am in an appropriate position to know of the tremendous amount of time and energy that our able colleague from Louisiana (Mr. ELLENDER) has given to the appropriating process for the projects which have been authorized by our committee.

All of us on the Public Works Committee in the Senate, Republicans as well as Democrats, are grateful for the energy and the vision exemplified on so many, many occasions, over so many, many years. The chairman of the Appropriations Subcommittee on Public Works has made notable contributions, which, as has been said earlier this afternoon, have encompassed leadership in worthwhile projects in all the States of the Union.

It is a misnomer, Mr. President, which continues to be used in the press, and on radio and television, and in other forms of publication and communication, which designates public works projects, as are contained in the appropriations that the Senator brings before us this afternoon, under the designation of "pork barrell." I had hoped that such ill-advised language would go out of usage. The benefits of these projects are shown year after year and there should not be a continuing use of the term "pork barrel," which is unfounded in fact. Yet, we continue to hear it. We continue to read it. Some of us continue to be, not overly sensitive to it, but we regret very much that a study is not made by those who report these programs so that they can classify those projects as vital projects, other than in the general category of "pork barrel" spending.

I would predict that there will be such "pork barrel" references again in connection with the projects that are before us this afternoon.

I join in the other tributes and express my own to the able and experienced Senator who handles these projects in the Senate of the United States, and then works the collective will of the Senate and the House in the conferences which are held.

I add also to the comments in colloquy by other Senators, as to the value of these projects from the standpoint not only saving lives but also the protection of property. It is highly important to register for the record the fact that these projects are giving recreational facilities to literally tens and tens of millions of Americans who were denied them before.

In West Virginia, for example, the Sutton Lake and the Summersville Lake are two beautiful as well as useful bodies of water in the mountains of West Virginia. Both were public works projects.

They, of course, contribute to flow of quality water at necessary times. This we recognize, but there are now literally hundreds of thousands of persons who before never had the opportunity, as West Virginians, or as visitors to our State, to come into those areas and use those facilities for water skiing, for boating, for swimming, and for fishing. In West Virginia, a mountainous State, where we have no natural lakes, these bodies of water have contributed to the rejuvenating of the State's economy and helped to give our State a rebirth not only of recreation but of business that is generated from use of these recreatioinal facilities.

I just hope, and I believe, that the American people are responsive to such projects. They will continue to support and contribute in the years ahead to the development of the many projects that are now in being and that will come to fruition, hopefully, due in part to the efforts of the Senator from Louisiana.

Mr. MAGNUSON. Mr. President, will the Senator yield at that point?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I am sure the Senator knows, but I am not sure that others know, which national park had the greatest attendance of any national park, by far.

Mr. RANDOLPH. There are 284 national parks in the United States. The lakes within them are very often great meccas for tourists.

Mr. MAGNUSON. But I mean the greatest attendance by far, by hundreds of thousands of people more. That was the park which contains the lake that was created behind Denison Dam in Texas, where they never had had any recreational facility before.

Mr. RANDOLPH. Yes; and I am sure in many other States——

Mr. MAGNUSON. By far.

Mr. RANDOLPH. This has been a worthwhile development.

Mr. ELLENDER. Mr. President, I yield to the Senator from Kentucky.

Mr. COOK. Mr. President, it was not my intention to say anything in regard to this matter, and I would not speak, except that, since I have been here not quite 2 years, it may be that I can speak more realistically about "pork barrel" than some of the Senators who have been here longer.

I do not pay any attention to it, and I do not think other Senators ought to pay any attention to it.

If you are calling it "pork barrel" that, on the Ohio River there will never again in its history be another 1937 flood, I say that pork barrel is a mighty fine thing to have.

If you are calling it "pork barrel" that, by damming the Ohio River, we can now send through Louisville more freight than goes through the locks of the Panama Canal, then I say that pork barrel is a mighty fine thing.

If the citizens of Kentucky can realize, from Kentucky Lake, Barkley Lake, Rough River, Nolin, Green River, Dale Hollow, Cumberland Lake, Fish Trap, and many others, and that by reason of these dams, the Commonwealth of Kentucky has invested hundreds of millions of its own dollars to build additional facilities—and I ask the attention of the distinguished Senator from Wisconsin for a moment, because he said to me not too long ago that when he was Governor, he went down to Kentucky Lake and saw some of the finest State facilities for vacations and for tourism that he had ever seen in his life—I say again, such pork barrel is a mighty fine thing.

I might suggest here that if this is what the press calls "pork barrel," then maybe we ought to reevaluate the rate on second-class mail for newspapers, because I must say to the distinguished Senator from Louisiana that these are the things the American people want their tax dollars spent on.

I might say that in this bill there is a significant amount of money—and I say this to the Senator because I just brought a family from the Commonwealth of Kentucky into the Agriculture Committee room not too long ago—a substantial amount of money to furnish a study of a floodwall for southwestern Jefferson County. That area will never again have a flood like it had in 1937.

To any person whose house is flooded out, it is as bad as any flood ever was. I can only say, we are finally at the point where the cost ratio justifies the expenditure of substantial sums of money

to furnish a flood control facility around Louisville and Jefferson County. I suggest again, if this is pork barrel, then everyone who lives in that area has got to be a part of it, and I hope all of us will understand, and those in the gallery will understand, that this is what the people want their tax dollars spent for.

Mr. ELLENDER. Mr. President, I thank the Senator very much.

Mr. MAGNUSON. Could I add one more thing?

Mr. ELLENDER. I yield.

Mr. MAGNUSON. I have never thought, when the term "pork barrel" was used—I do not know how many people realize, as the Senator from Kentucky pointed out, that none of these projects are even looked at until there is a strong benefit-to-cost ratio. In other words, they are screened.

Mr. ELLENDER. They all have to be justified.

Mr. MAGNUSON. And the estimated benefits, which invariably I am told—I think in 99.44 percent of the cases, the benefits conservatively have been written down and estimated to be way over the cost, before we even begin on them. And we never even get to all of those.

Mr. ELLENDER. As the Senator knows also that there must be justification of all projects we recommend here.

Mr. MAGNUSON. Surely

Mr. ELLENDER. And unless we get through hearings on those projects, they do not go on the bill.

Mr. MAGNUSON. Of course they do not. Everyone looks at the barrel, and finds out about it.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield to the Senator from Wisconsin.

Mr. NELSON. As the Senator from Louisiana knows, I have an amendment at the desk, No. 852. Three of its cosponsors, Mr. SAXBE, Mr. MUSKIE, and Mr. GRIFFIN, are not in town today, but are anxious to participate in the discussion on that amendment. I would like to say to the Senator that I would be happy to vote on the amendment on Moday and, as far as I am concerned, it could be settled in an hour at that time.

Mr. ELLENDER. I think Senators were notified that this bill was going to be taken up, and I was in hopes we could finish with the bill this afternoon. On the amendment that the Senator refers to, as I understand, there have been no hearings whatever, and there has been no budget estimate. Of course, as to the budget estimate, I would overlook that. I understand, however, that the White House is considering a supplemental request for the funds for which the Senator is now asking, and we expect to get a budget estimate, and it will be considered in a supplemental bill.

As I told the Senator from Washington just now—and I am sure that my good friend, the ranking Republican member, the Senator from North Dakota (Mr. YOUNG) would agree—I do not know of any time that we have ever put any projects in the bill unless we have had hearings on them, so that we can justify them.

I think that before this debate ends, the Senator from Wisconsin should be well satisfied with what the committee did in order to fight pollution. We provided the billion dollars, as I shall point out a little later. We also amended the law, as it were—the House started it—so that the amount of money that is now in the hands of the States, that would otherwise have to be forfeited by them by December 31, can be used up to June 30 of next year. The States will be able to use over $400 million that they have not been able to use heretofore.

The record shows that the amount that we provided is ample for the programs that have been studied and presented to the regional offices throughout the country. I have evidence here to show that, and I am very hopeful that Senators will not delay the action on this bill for the consideration of the amendment to which the Senator refers. As I say, we have no record of hearings on the matter. Personally, as chairman of this committee, I would not like to break the record we have compiled by trying to put into this bill projects on which we have had no hearings whatever.

Mr. NELSON. May I say——

Mr. ELLENDER. I would hate to break the rule, not that I am opposed to what the Senator is trying to do, but we are going to have a supplemental bill, and I am told, without ifs or ands. The Budget Bureau is now considering budget estimates for the very item the Senator is proposing, and I for one will do everything I can to make sure they are considered in the supplemental bill.

Mr. MAGNUSON. And we extended the time.

Mr. ELLENDER. We will hold hearings on those programs.

Mr. NELSON. I just want to make clear that I expect to offer the amendment, though I am not in any way critical of what the committee is doing in the pollution field. I am well aware that a year ago, the Senator put into the bill for pollution control $800 million more.

Mr. ELLENDER. It is $1 billion.

Mr. NELSON. It is $800 million more than was requested.

Mr. ELLENDER. That is right. I recommended $1 billion to the Senate, and we compromised with the House of Representatives for $800 million altogether.

Mr. NELSON. Yes. That, in my judgment, was the first really significant, dramatic step in terms of appropriations of money to deal with the question of water pollution at the municipal level in this country.

The problem here——

Mr. ELLENDER. I would like to point out, while we are on the subject, that of this $800 million we appropriated last year, with the House consenting, we have unspent $435,611,780, which will be usable by the States by virtue of an amendment that we have put into this bill, in order to carry it over from December 31 until June 30 of next year.

Mr. NELSON. That is in addition to the——

Mr. ELLENDER. That is over $435 million plus the $1 billion recommended in the bill.

Mr. NELSON. Yes.

Mr. ELLENDER. I thought that such an amendment as that would certainly help a lot of the smaller States, that have not as yet convened their legislatures so as to be able to use this money.

It strikes me that when we have evidence in the RECORD indicating that this money cannot be spent because the States are not able to use it and we have been able to amend the bill so as to extend the time in which this money can be used, that is more important than if we put $1.25 billion in the bill, because they could not use all of that. It would simply be allocated to them, without their having the ability to use it. By extending it to June 30 of next year, we find that the cities and States of the Northeast——

Mr. MAGNUSON. They will have $1.5 billion to work with.

Mr. ELLENDER. Yes.

In the Northeast we have one big State that wants more money—I do not blame the Senator from New York for wanting it—but I believe the bill that we have presented to the Senate is well balanced, in that we can use not only the billion dollars we have added to the bill but also the unused $435 million of the $800 million we appropriated for fiscal 1970.

Mr. YOUNG of North Dakota. Mr. President, will the Senator yield?

Mr. ELLENDER. I yield.

Mr. YOUNG of North Dakota. I may say to the Senator from Wisconsin that probably largely because of his interest, Wisconsin is the only State that used 100 percent of its funds. The Senator has been a great proponent of fighting both air and water pollution, but it would be difficult to accept his amendment now. If one is offered to a supplemental bill, I can assure the Senator that I, for one, would give special consideration to it.

Mr. NELSON. I commend the committee, and I commend the Senator for his leadership. I am not quarreling with that.

These are research and demonstration projects we have been talking about in the Senate—at least, I have—for a half dozen years, together with a number of other Senators. The problem is that S. 7 was passed in April, and the administration has spent 4 months without coming up with any budget recommendation.

We passed the authorization in April. My staff called the Interior Department, made staff contacts in April and early May, and said, "Now will you tell us how much money you need?" We could not get an answer.

Finally, I wrote to the Secretary. The Secretary wrote back and said, "I cannot give you an answer because the Budget Bureau has not done anything." That is May, June, July, and halfway through August.

So the reason why this was not before the committee is that the administration did not make up its mind, even though we passed an authorization in April.

Mr. ELLENDER. Of course, that is a short period of time.

Mr. NELSON. I realize that.

Mr. ELLENDER. I am giving assurance to the Senator from Wisconsin that I am informed that as to those items a budget estimate is coming and will be included

in the next supplemental appropriation. If it is not included, I suggest the Senator appear before the committee and justify it, and I think he will get results. But please do not insist that this committee accept or ask the Senate to vote on programs that have just been authorized and on which we do not have a scintilla of evidence.

I would not like to suspend the rule we have established in the past, as long as I have been a member of this committee, that we have never accepted, to my knowledge, any program that has not been justified. If the Senator had appeared before the committee, the chances are that we might have been able to do something. But there is nothing in the record to justify what is now requested, and I hope that the Senator and his colleagues will wait until the supplemental bill comes. Whether the Senator has a budget estimate or not, he can appear before the committee, and we will give consideration to it. I will be on that committee, and I can give the Senator assurance that we are going to look into it and probably will agree with the Senator in providing the funds.

Mr. NELSON. One of the items to be funded by this amendment, for example, is a provision that I offered to S. 7 and was approved in both Houses. It authorized and directed the administration to do a study of the watersheds of the country and determine the nature, the character, and the amounts of the pesticides that have gotten into those watersheds, and to develop the scientific information that will enable the States to set standards on pesticide pollution to be met in watersheds of the country.

This is a very critical problem, as the Senator knows. It is a 2-year study. It was authorized in April. How many months will it be before we get at the question of setting standards on pesticides in our watersheds? Everyone knows it has to be done. Everybody knows the study needs to be made. Everybody knows that standards need to be set. I do not think there would be a dissenting vote on that.

But the administration, for whatever reasons—I suppose the people involved were very busy. I am not critical about that.

Mr. MAGNUSON. Money will be needed to establish standards.

Mr. NELSON. They have to make a 2-year study.

Mr. MAGNUSON. We have a warehouse full of studies.

Mr. NELSON. There are no studies covering all the watersheds of this country, on the amount of DDT and Dieldrin in all the watersheds of this country. There is a study with respect to Lake Michigan; I know that.

Mr. MAGNUSON. I am pointing out that we could have more studies, but they ought to be parallel to this—more sophistication in the studies. We have plenty of studies on all this. What we should do is tell the Department of the Interior to set the standards now.

Mr. NELSON. That is what we did under the amendment I offered to S. 7.

Mr. MAGNUSON. That requires a little push some place.

Mr. ELLENDER. Imagination, too.

Mr. President, I am hopeful that the Senator will not ask that we delay the passage of this bill.

As the Senator knows, I have worked all this week, until yesterday, on the farm bill, which is most important. I have set hearings for early next week—Monday, Tuesday, and Wednesday—and I hope to keep the feet of the members of the committee under the table so that we will have a bill ready before the Senate recess.

Mr. NELSON. Is the Senator talking about a supplemental?

Mr. ELLENDER. No. I am talking about the farm bill that we are trying to write now. The supplemental bill is going to come before this year is out. As soon as it does, I understand that there will be a budget estimate. I will be on that committee, and I can assure the Senator that if he comes before the committee and makes a case——

Mr. MAGNUSON. I will be on it then, too.

Mr. ELLENDER. We can consider it then and the Senator from Wisconsin can justify it.

Please do not ask the subcommittee, of which I have been chairman for over 18 years, to consider new appropriation items at this point. I do not know how much it amounts to, but I understand it is over $38 million for all three projects.

Another point I wish to emphasize to the Senator from Wisconsin is that we have tried to keep this bill below the budget. We now have it below the budget by approximately $5 million. I hope the Senate will maintain the position of the committee and retain it under the budget.

Mr. MAGNUSON. I will check it and get it for the Senator, but I think it has been almost 2 years since the Committee on Commerce directed and we got money in the Appropriations Committee for a study of the effect of pesticides on fish and wildlife. That is down there. We have testimony with books as thick as the one I have in my hand, and there is sufficient evidence for the Secretary now to set some standards and then go ahead with the study that the Senator is talking about, parallel to this; and they are subject to change. I do not think the appropriation of money is going to help that much down there. I think we have to insist that they do it. They know enough about it.

The Food and Drug Administration has research on this. The Department of Agriculture has had research on it. I think the Senator will find a warehouse of information on it, and I do not think I am exaggerating—at least, enough to set some standards.

Mr. NELSON. I may say to the Senator that I had enough information 7 years ago, because I put in a bill to ban DDT 7 years ago.

Mr. MAGNUSON. Probably in the Senator's office is enough information to set standards.

Mr. NELSON. This involves a watershed study.

Do I correctly understand the distinguished chairman to say that a supplemental will be taken up this year?

Mr. ELLENDER. Yes.

Mr. NELSON. Is it correct that hearings will be held and a supplemental will be taken to the floor?

Mr. ELLENDER. Yes.

Mr. NELSON. And that it is the understanding of the chairman that the administration has under consideration——

Mr. ELLENDER. The budget is considering estimates for this purpose.

Mr. NELSON. The budget estimates on the items I am talking about.

Mr. ELLENDER. Correct. Yes. And now I want to add, whether the budget estimates come to us, the Senator will have an opportunity to make his case. I am sure that the committee will listen with attention and will doubtless give the Senator an opportunity to employ his persuasive talents.

Mr. MAGNUSON. May I go further and say that the committee will be sympathetic.

Mr. ELLENDER. Yes.

Mr. NELSON. May I conclude on this point, Senator, that I have indicated to the other cosponsors I would insist we take this up on Monday next. But, based upon our colloquy here this afternoon, I shall undertake to say that I will not call up the amendment with the assurance of the chairman who will be conducting hearings, and with the knowledge of the cosponsors who are concerned, and myself, that we will have an opportunity to appear before the committee, whether the administration makes a special request or not.

Mr. ELLENDER. Yes.

Mr. NELSON. Then I shall not call up my amendment.

Mr. ELLENDER. I thank the Senator very much.

Mr. MONDALE. Mr. President, we have heard all we should have to hear this year about the enormousness of our crisis in water pollution. The deterioration of our lakes, rivers, and coastlines has reached a point where we can no longer wait to save our precious waters. To delay is not merely to put off that time when our waters are once again safe for swimming, fishing, and boating; a delay, rather, will be to bring us only that much closer to the point where some of our lakes and rivers will be forever lost to man's thoughtless exploitation.

Early this year, the Congress took a momentous step forward in the effort to save our waters by passage of the Water Quality Improvement Act of 1970. This act added five new subsections to the seven already authorized for research and development in water pollution control.

One of those subsections would provide the first explicit authorization of programs directed at the growing crisis of our Nation's over 100,000 inland lakes. Our lakes, one of our Nation's most precious—and fragile—natural resources, are becoming increasingly threatened by siltation, sewage run-off, and other industrial and agricultural waste. Our lakes are dying—choked to death by the uncontrolled growth of green algae. We are in desperate need of research and demonstration projects in order to devise ways of halting and reversing this unique

and frightening kind of environmental disaster.

Mr. President, I have briefly spoken of the inland lakes section because I have so long been interested and involved with this particular provision. But there are the other new research programs added by the Water Quality Improvement Act, authorizing crucial research in oil, vessel, and pesticide pollution. In addition, as the Senator from Wisconsin has pointed out, there is a new section providing demonstration and planning grants for the salvation of our threatened Great Lakes. All of these new provisions reflect the growing awareness that we are, indeed, in crisis, and that our efforts demand vastly greater knowledge and research into the causes and cures of water pollution.

Mr. President, the Senator from Wisconsin (Mr. NELSON) has pointed out the problems which have arisen in the funding of these provisions in the appropriation bill before us now. While this bill represents an able effort to meet the various demands upon our public works budget, the timing of the final passage of the Water Quality Improvement Act prevented the new sections I have cited from being included either in the President's budget requests or in the House-passed bill. I believe this to be the only reason that these vital new programs were excluded from receiving specific budget requests, and I think this puts a special light on the bipartisan amendment now being considered to correct this omission.

Mr. President, the $48,219,000 additional money we are asking for is absolutely essential if we are to move ahead now in developing the knowledge and procedures for the salvation of our lakes and rivers. This figure would fully fund the new research and development subsections put into law after the administration's budget requests, including those provisions dealing with inland lakes, the Great Lakes, and vessel, oil, and pesticide pollution.

There is no economy and no "fiscal responsibility" in failing to fund these provisions. To allow another year to pass while we pay cheap, verbal homage to "our environmental crisis" is both false economy and a betrayal of the "environmental conscience" awakened this year. We would be violating the mandate of a nation to end the deterioration of our environment. We would be magnifying the eventual cost of saving our environment by deferring a small expenditure now, only to pile up a far greater charge in the future as the destruction of our waters goes merrily on. And we would be passing on to the future a legacy, not of a smaller budget, but of dirtier lakes and rivers, and of continuing ignorance of how to tackle the enormous task of preserving some of our most precious and vulnerable resources.

As the Senator from Wisconsin has pointed out, the Appropriations bill now before us, with certain general research funds directed toward the kinds of programs which now have specific authorization in the new act, actually represents a step backward. Without our amendment, there will be even less funds spent this year in inland lakes, Great Lakes, and oil spill pollution than were spent last year. We are not, then, being asked to "hold a line"—we are being asked to take a significant step backward from an already grossly inadequate share of funds going for these research programs.

I think that our water, our economy, and our Federal budgets—not to speak of our environment and our children—demand no less.

Mr. JAVITS. Mr. President, will the Senator from Louisiana yield?

Mr. ELLENDER. I yield.

Mr. JAVITS. I have heard with great interest the Senator discuss the question of the construction grants for waste treatment works. The Senator has made some point of the fact that the proviso extends for 6 months the time when funds appropriated for fiscal 1970 need not be reallocated. The Senator, I think, has made clear the point of view of the States which, for many reasons, were not ready to use their share of the allotment. However, I do not believe the Senator has looked at the other side of the coin.

As I analyze the situation, there are many States—it looks to me from a quick appraisal to be 50–50—which have used the greater part of their allotments, and which have projects like my own State of New York, that amount to twice the present allotment. Now, notwithstanding that this is an ongoing program, they are being asked to stand by and let the laggards catch up.

If it were a one-shot operation, I could understand that, but here we are appropriating another billion dollars for the program. Yet, notwithstanding that, we are also seeking to carry over funds which will not be reallocated for an additional 6 months because certain States were laggard in coming into the new program. This will prejudice many States like mine which have been on the ball and have done the job. My State has authorized $1 billion in State bonds for this purpose, so that we are way ahead of the parade.

As this is nothing but straight legislation on an appropriation bill, it seems to me that certain States, on a 50–50 break, are being caught both ways. Instead of $1.25 billion, which is the authorization, the committee is going along with the House on the $1 billion.

My colleague (Mr. GOODELL), with me as cosponsor, was proposing to move to increase that. Now the manager of the bill would like us to step aside and not do that. My colleague may not be able to be here today, although perhaps he will still arrive, and not delay the bill until Monday; so that we get caught there.

The next point is the 20 percent set aside under the bill in the first proviso, passed by the other body, as available for reimbursement to the States, and so forth, based upon the reallocation provision in the law. A good case could be made, 30 percent, based on the amount of reimbursement money that could be used.

Mr. ELLENDER. If the Senator will yield, let me say that of the 20 percent set aside, New York will get almost one-half.

Mr. JAVITS. I appreciate that.

Mr. ELLENDER. I really believe, Senator, that this bill, if it is thought through, will convince him that, even though New York may lose a little in the long run, it will give impetus to many of the States that have been up before the committee to provide the necessary legislation and the funds to accomplish what New York did. I am here to tell the Senator that the $1 billion—that is the 80 percent—that will be provided for the allocation will be and must be spent within 12 months instead of the 18 months. So that New York may benefit by that, if the States, to whom the $800 million is allocated, do not spend the money. So, by reducing the time from 18 to 12 months, New York will have an opportunity to use quite a bit of the $800 million that will be redistributed under the present appropriation language at the end of 12 months instead of 18 months.

Mr. JAVITS. Nonetheless, it is a fact, is it not, as to the bill, that by the final proviso, which is legislation—I realize the parliamentary situation—there is an amount of over $400 million, the reallocation of which is deferred in order to accommodate many of the States which have dragged behind the parade to the disadvantage of the many States which were out in front. That not only includes my State of New York but it includes Alaska, and, incidentally, interestingly, Florida and Georgia, and other States which have a high percentage of use of these allocated funds. Indeed, quite a few States have percentages very much higher than that of New York. It is interesting to me that Wisconsin used its full allotment, 100 percent.

Mr. ELLENDER. New York has used up 74 percent.

Mr. JAVITS. It is 74 percent, right. Many other States have used more than that. Minnesota, 84 percent. Illinois, 94 percent, and so forth.

Mr. ELLENDER. Well, the State of Louisiana, which I represent, used only 8 percent.

Mr. JAVITS. I say that is——

Mr. ELLENDER. There are many other States, I may say to my good friend from New York, that are anxious to use the money that is available and that was made available last year. As the Senator knows, as chairman of this committee, I recommended to the Senate $1 billion and the Senate agreed to that, but we could not get more than $800 million in compromise with the House. Now, of that $800 million that we provided for the last fiscal year, $435 million have not been allocated, does not the Senator see?

Mr. JAVITS. I understand that.

Mr. ELLENDER. As I said, we extended the date to June 30. We have also provided in the bill, as I have just indicated, that instead of waiting 18 months for the use of the money that we will appropriate this year, we will reallocate it after 12 months. So that New York will benefit a great deal through that change in the law.

Mr. JAVITS. May I ask the Senator, so that we can get the facts straight,

where is the provision which cuts the 18 months to 12 months?

Mr. ELLENDER. On line 20, page 14.

Mr. JAVITS. That is the proviso which states,

That sums not obligated at the end of the fiscal year from the amounts allocated to each State shall be reallotted in accordance with the provisions in the Act.

Mr. ELLENDER. That is right.

Mr. JAVITS. Mr. President, I do not think I need to protest to the Senator from Louisiana (Mr. ELLENDER) my appreciation of the enormous burdens which he bears, the magnificent way in which he bears them and the general attitude of great cooperation which he has always manifested toward all of us, including my State.

Like the Senator from Wisconsin, I take very seriously a plea from him, for reasons which I think are very profound on this part, to try to end consideration of this bill. Therefore, I would like to lay a suggestion before him with regard to the proviso, which is legislation. I could make a point of order against it. That would have to be passed on probably by a majority vote. Undoubtedly because of our situation and the need to discuss it, it might make the bill go over until Monday, which the Senator does not want to do.

I would like to ask the Senator this question. The Senator knows that I am very realistic.

I am concerned that this proviso now takes us to the end of another fiscal year.

There is no real incentive created, because we get into the end of another fiscal year with this proviso. It sort of leads to another appropriation, and we do not get a crispness and finality about the situation.

Would the Senator take kindly the suggestion that we shorten the period and put the burr under all States to move? For example, suppose instead of June 30, it were made March 31. Then it would end at least before the end of the fiscal year. There would be an incentive for those States to get on their horses and do something instead of saying, "We will wait until the end of the fiscal year and get under another resolution."

Mr. ELLENDER. Mr. President, many States will not be able to meet this situation by March 31. We discussed a period of time.

I am very hopeful that the Senator will leave it as it is. Many States are in need of this. I am sure that a good deal of it will be used if they are given an opportunity to pass legislation in the respective States. But even with that, I am confident that a good deal of it will not be used because of lack of interest on the part of many of the States. On the question even of extending it to June 30, they might not be able to pass sufficient legislation by that time.

I emphasize to my good friend, the Senator from New York, that by shortening the length of time, the money provided for in this bill will be used. That is to the advantage of the State of New York in that 18 months will not be required for a reallocation of the money provided in the bill.

Those States unable to use the money we are appropriating now will have that money reallocated at the end of 12 months instead of 18.

Mr. JAVITS. I point out to my friend, the Senator from Louisiana, that I am not trying to seek an advantage. We are trying to be fair to the States which are running their affairs in shipshape fashion as all States should have done. However, we are not rewarding them, but are penalizing them because the very same acceleration which would bring about the use of this money, which is being carried over for 6 months, will bring those States into greater use of the $800 million.

The extended period of time worsens the situation in both respects.

I really came to the floor prepared to raise this question and bring it to issue knowing that it can be voted on.

I felt that we are always among the States which meet the deadline. Those States are always penalized because the laggards do not get on their horses and move.

I must say that I am very deeply moved by the fact that this concerns Louisiana. I do not in any way want to embarrass or complicate the situation of the Senator from Louisiana.

That is why instead of seeking to press the matter to a conclusion, since I know the Senator wants the bill, I suggested some modest curtailment of the time. I had the idea of not making it contemporaneous with the end of the fiscal year which would encourage the laggards to move.

Mr. YOUNG of North Dakota. Mr. President, I think some compromise would be in order. The Senator from Rhode Island (Mr. PASTORE) who had much to do with this amendment is not here at the moment. I believe his legislature will meet early next year so may not object to advancing the date some. Would the Senator from New York be willing to suggest the date of May 30?

Mr. JAVITS. What about April 30?

Mr. ELLENDER. How about May 15?

Mr. JAVITS. May 15 would be satisfactory. I will propose the amendment.

The PRESIDING OFFICER. Does the Senator want to modify his amendment?

Mr. JAVITS. Mr. President, will the Senator yield so that I might offer the amendment.

Mr. ELLENDER. Very well.

Mr. JAVITS. Mr. President, I call up my amendment at the desk.

The PRESIDING OFFICER. The clerk will state the amendment.

The legislative clerk read as follows:

On page 15, line 1, strike out June 30, 1971, and insert May 15, 1971.

Mr. JAVITS. Mr. President, one thing I would like to ask the Senator. It is one thing to do this for the first time. And it does have certain elements of fairness in it. This is the first time out.

But equally important to me, and to the amendment, and shortening this time and getting it out of the fiscal phase, is the assurance of the chairman that this is not a precedent, that this is a one-shot matter, because States, perhaps, were not ready, people were slow, and so forth. However, we are not going to have this become a turnstile operation because States are laggard in the use of this money.

Mr. ELLENDER. I agree with my good friend from New York. The reason many States have not moved more quickly is that the appropriations were so small it did not pay them to go along; but now that the program is providing moneys authorized almost to the dollar, I think States will move quickly.

Mr. JAVITS. The Senator agrees that this is not a precedent, does he not?

Mr. ELLENDER. Yes. We have no objection to the amendment.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing to the amendment of the Senator from New York.

The amendment was agreed to.

Mr. JAVITS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

TITLE II—DEPARTMENT OF THE ARMY—RIVERS AND HARBORS AND FLOOD CONTROL

GENERAL INVESTIGATIONS

Mr. ELLENDER. The committee recommends $41,616,000, an increase of $2,019,000 over the budget and $3,057,000 over the House.

As in the past, the committee prefers not to make specific allocations of its increases to individual investigations. We do not earmark it, in other words. It desires, however, to call to the attention of the Corps of Engineers the testimony concerning the need for initiating unbudgeted surveys and increases in budgeted studies.

CONSTRUCTION, GENERAL

The bill as reported to the Senate provides $871,808,000, which is $50,410,000 above the budget and $46,119,000 above the House.

The recommended increase provides $4,081,000 for planning—including 21 new planning starts for which $2,389,000 is allotted, and restoration of a House cut of $807,000 for planning on the Dickey-Lincoln project in Maine.

The recommended increases includes $42,038,000 for construction. The major increases are $10,010,000 for 23 new construction starts; $26,945,000 for increased amounts on 21 projects under construction where the committee felt additional amounts were required; and $1,100,000 for new starts on land acquisition.

FLOOD CONTROL, MISSISSIPPI RIVER AND TRIBUTARIES

The committee has recommended $91,004,000, an increase of $11,426,000 over the budget estimate and the amount allowed by the House. The importance of this project can be realized when one considers that the drainage from 41 percent of the area of the United States funnels through the Mississippi River and its tributaries.

OPERATION AND MAINTENANCE, GENERAL

The committee recommended $292,600,000, the amount of the budget estimate and $2,600,000 above the amount allowed by the House.

As I have said, it seems foolish for us

to spend millions of dollars, and then not properly maintain these projects.

Mr. JAVITS. Mr. President, will the Senator yield on that point?

Mr. ELLENDER. I yield.

Mr. JAVITS. What I have to say bears on what the Senator has just said.

We have a situation in New Rochelle, N.Y. I have discussed this matter with the Senator's assistant. We have there probably one of the most used channels in the New York area, especially for small boats, and for pleasure boating. No work has been done there since 1936. A survey as recently as 1967 called for maintenance dredging. The cost at the most is $100,000 and this also takes in contributions. But we understand from the Engineers that the committee has to act on it. The matter has been delayed now for 4 years. Senator GOODELL and I are most anxious that this project go forward.

Mr. ELLENDER. The Senator's project is not the only one in that category. We found situations in the past where because we did not appropriate sufficient moneys to properly maintain these projects there was neglect and they had to start all over again.

I assure the Senator I have personally contacted the Engineers on this matter, and if it comes within the maintenance item, it can be provided for out of the funds included in the bill.

Mr. JAVITS. I thank the Senator.

Mr. ELLENDER. Mr. President, I will continue with my remarks:

FLOOD CONTROL AND COASTAL EMERGENCIES

The bill provides $3,000,000, the amount allowed by the House and $4,000,000 below the budget estimate. The corps testified on June 29 that they had $8 million unobligated. With the appropriation of $3 million, a total of $11 million will be available for this purpose, which should be adequate.

GENERAL EXPENSES

The committee recommends $25,800,000 which is the budget estimate and $450,000 above the amount allowed by the House.

CEMETERIAL EXPENSES

The bill provides $18,184,000. This is the amount allowed by the House and is $750,000 above the budget estimate. The increase is for high priority maintenance at certain national cemeteries.

We have this increase because many of the larger cemeteries require additional funds for proper maintenance because of the war in Southeast Asia.

THE PANAMA CANAL—CANAL ZONE GOVERNMENT

OPERATING EXPENSES

The committee recommends $44,129,000, which is $106,000 under the budget and $329,000 above the amount allowed by the House.

The Canal Zone Government expenses are reimbursed by the Panama Canal Company. We generally went along with the House and the budget, but we did increase the appropriation some. This is more or less a self-sustaining program in that the Panama Canal collects the tolls and from that they pay all expenses incident to operating the Panama Canal and the Canal Zone Government.

CAPITAL OUTLAY

The committee recommends $1,850,000, which is $313,000 below the budget and $350,000 above the House allowance.

TITLE III—DEPARTMENT OF THE INTERIOR—FEDERAL WATER QUALITY ADMINISTRATION

POLLUTION CONTROL OPERATIONS AND RESEARCH

The committee recommends $98,618,000 which is $600,000 over the budget estimate and the House allowance. The increase is for the initiation of the Alaska village safe water facilities demonstration project.

CONSTRUCTION GRANTS FOR WASTE TREATMENT WORKS

The bill provides $1 billion, the amount allowed by the House. The committee has approved the House language which modifies the formula for the allocation of funds for fiscal year 1971 pending review by the Public Works Committees of the House and Senate.

Since the additional $686 million made available for this purpose in fiscal year 1970 was not allocated to the States until February 1970, the committee has included language in the bill permitting funds allocated for fiscal year 1970 to remain available until June 30, 1971, before being reallocated in accordance with the act.

BUREAU OF RECLAMATION

GENERAL INVESTIGATIONS

The committee recommends $19,100,000 which is the amount of the budget estimate and $100,000 above the House allowance. The committee has approved the adjustments made by the House in the general investigations programs, and has added $100,000 of unearmarked funds to be allocated to the most urgent requests made to the committee in the hearings.

CONSTRUCTION AND REHABILITATION

The committee recommends $187,931,000 which is $16,253,000 over the budget and $6,121,000 above the House allowance.

The principal increases recommended by the committee include $4,285,000 for increases on five construction projects and $1,358,000 for six new construction starts.

I have been a strong advocate of Federal programs for the preservation and development of our land and water resources. I have consistently supported the reclamation program in the West. On the basis that the projects were economically justified, I accepted the fact that the costs of irrigation facilities were to be repaid without interest, generally over a 40-year period following a development period of about 10 years. This, in effect, means a 50-year interest-free loan to the irrigator.

This Congress for the first time I had the responsibility of handling the reclamation portion of the public works appropriation bill. I have been astounded by some of the financial arrangements made for the irrigation features. I would like to cite two examples—one in the Columbia Basin and one in the Missouri Basin.

CHIEF JOSEPH DAM PROJECT MANSON UNIT, WASHINGTON

The total estimated cost of this project is $16,624,000. The project will provide an irrigation supply to 5,930 acres, of which 1,935 acres are not now irrigated. The irrigation investment on this project amounts to $2,803 per acre, of which only $637 will be repaid by the irrigator and $2,166 is to be repaid from power revenues from the Federal hydroelectric power projects. Generally, the cost of the power facilities are repaid with interest over a period of 50 years. It is only after the power features of a project have been paid off that the excess revenues over operation and maintenance and major replacements can be applied to repayment of the cost of the irrigation features assigned to power.

I cannot understand how the Bureau of Reclamation can show a benefit-to-cost ratio of 4.3 to 1.0 on this project when the irrigator can afford to pay only about 22.7 percent of the cost of bringing the water to his land. I simply do not see how the Bureau of Reclamation can justify an expenditure of $2,803 per acre to irrigate the land. What crops could possibly be raised on this land to warrant such a large expenditure?

As I understand it, the cost of the Bureau of Reclamation's Columbia River project is estimated at $1,854,686,560, of which $1,201,940,000 is for irrigation and $653,851,000 is for power facilities, and the remaining $48,158,000 is for other purposes—principally flood control. In addition, the Corps of Engineers has completed, or has under construction, multipurpose projects including power estimated to cost $3,102,161,000, of which $2,292,814,000 is allocated to power. After the power features of the Bureau of Reclamation and corps projects have been repaid with interest the power revenues will be used to repay the irrigation costs assigned to power. Under the law the irrigation costs are repaid without interest, regardless of the source of the funds. The Commissioner of the Bureau of Reclamation has assured me that sufficient funds are being allocated to the Bureau by the Bonneville Power Administration to pay all irrigation costs assigned to power and they will be repaid within the 50-year repayment period, or sooner. He stated that power costs of the Columbia Basin project should, therefore, be repaid by fiscal year 2031, or sooner.

NEBRASKA MID-STATE DIVISION, NEBRASKA

The total cost of this project is $106,232,000, of which $76,831,000 is allocated to irrigation; $1,611,000 to power; $3,787,000 to recreation; $11,172,000 to fish and wildlife; and $12,821,000 to flood control. The repayment of these costs is allocated as follows: Amount to be repaid by the irrigators, $44,350,000; by power, $34,092,000; by fish and wildlife, $428,000; recreation, $122,000; and nonreimbursable, $27,240,000. In this case, the project would provide a regulated gravity and well combination water supply for aquifers from which more than 5,200 irrigation wells are pumping ground waters. Provisions are included for initial production of irrigation power for project pumping and for ultimate development of commercial power.

Here, again, we find power revenues from the Missouri Basin hydro projects repaying a substantial portion of the ir-

rigation investment. In this case the irrigation investment amounts to $549 per acre, of which the irrigator will repay $317 and $232 per acre will come from power revenues.

I do not understand the justification for this project which shows a benefit-to-cost ratio of 1.25 to 1.0. As I previously stated, the irrigation investment on this project is $549 per acre. The justification sheet states that the crops presently grown are corn, alfalfa, grain sorghum, soybeans, and small grain; and that it is anticipated the same crops will be produced with project water.

For the Missouri Basin project the repayable investment of the Bureau of Reclamation is $1,351,094,846; and that of the Corps of Engineers for the power features of their projects is $746,908,921; or a total repayable investment of $2,098,003,767. In this case, the Commissioner advised the committee the power features of the project would be repaid by the year 2015 and all irrigation costs for the Missouri Basin project by the year 2068.

I realize that these projects and their repayment features are authorized by law, and I am certain that I voted for most, if not all, of them.

When you serve on the appropriations committee you begin to realize the full import of some of the legislation which has been enacted into law. It is for this reason that I have taken the time of the Senate to discuss what is happening on some of these projects. I hope that in the future the Interior and Insular Affairs Committees of the House and Senate, and the Senate itself, will give greater consideration to the manner in which some of these projects are to be repaid.

UPPER COLORADO RIVER STORAGE PROJECT

The bill provides $22,675,000, which is $1,980,000 above the budget and $1,415,000 above the House.

COLORADO RIVER BASIN PROJECT

The committee recommends $6,498,000 which is the amount of the budget estimate and $1,200,000 below the House allowance. The committee deleted from the bill the $1,200,000 to initiate construction of the central Arizona project.

This will be in conference.

This is a very large project having a total cost of $863,158,000, and for which initial planning funds in the amount of $1,200,000 was appropriated last year. Two hundred thousand dollars of this latter amount were placed in budgetary reserve.

OPERATION AND MAINTENANCE

The bill as reported to the Senate provides $57,800,000, the amount allowed by the House and $600,000 below the budget estimate.

LOAN PROGRAM

The bill provides $8,550,000, the amount allowed by the House and $4,150,000 above the budget estimate The amount allowed provides $950,000 for four new loans; and $3,400,000 for increased amounts on four loans and an undistributed reduction of $200,000.

GENERAL ADMINISTRATIVE EXPENSES

The committee has recommended $13,652,000 which is the budget estimate and the amount allowed by the House.

ALASKA POWER ADMINISTRATION

GENERAL INVESTIGATIONS

The bill provides $600,000, the amount allowed by the House and $100,000 below the budget estimate.

OPERATION AND MAINTENANCE

The committee approved the House allowance of $400,000 which is $20,000 below the budget estimate.

BONNEVILLE POWER ADMINISTRATION

CONSTRUCTION

The committee recommendation is $91,600,000 which is $1,922,000 below the budget and $1,100,000 above the House allowance.

OPERATION AND MAINTENANCE

The bill provides the full budget estimate of $23,600,000.

SOUTHEASTERN POWER ADMINISTRATION

OPERATION AND MAINTENANCE

The committee concurred in the House allowance of $800,000, which is $30,000 below the budget estimate.

SOUTHWESTERN POWER ADMINISTRATION

CONSTRUCTION

The bill provides the full budget estimate of $950,000.

OPERATION AND MAINTENANCE

The committee recommends $5,100,000, the budget estimate.

In this connection, Mr. President, I am hopeful that ways and means can be worked out whereby the Southwestern Power Administration can at least pay for all of the distribution cost of electricity that is handled by that power administration. In the past few years they have been catching up on back payments. I have stated on many occasions that this should be accomplished, even if it meant increasing power rates, so that at least the consumers of the electricity that is developed and distributed in that area will pay for it in full instead of having the Government subsidizes it so heavily.

OFFICE OF THE SECRETARY

UNDERGROUND ELECTRIC POWER TRANSMISSION RESEARCH

The committee recommends the full budget estimate of $1,000,000 which is $250,000 above the amount allowed by the House.

TITLE IV—INDEPENDENT OFFICES

DELAWARE RIVER BASIN COMMISSION

SALARIES AND EXPENSES

The bill provides the budget estimate of $58,000.

CONTRIBUTION TO THE DELAWARE RIVER BASIN COMMISSION

The committee approved the budget estimate of $175,000.

INTERSTATE COMMISSION ON THE POTOMAC RIVER

The bill provides the budget estimate of $5,000.

NATIONAL WATER COMMISSION

The committee recommends $1,840,000 which is the budget estimate and the amount allowed by the House.

TENNESSEE VALLEY AUTHORITY

The committee recommends $56,180,000 which is $6,100,000 above the budget and $2,000,000 above the House. The committee added $3,000,000 for the Mills Reservoir, and took an undistributed reduction of $1,000,000.

WATER RESOURCES COUNCIL

The committee recommends $5,550,000 which is $895,000 above the budget and $1,000,000 above the House. The Senate increase of $1,000,000 is for title III grants to States for strengthening the States' water resources staffs. These funds are allocated to States on a 50 percent matching basis.

Mr. President, that concludes the presentation of all the programs under the bill. I am very hopeful the Senate will agree to them. We have worked hard on the bill. I think it is a very important bill, and I am sure every item recommended in the bill will be of great benefit to our economy.

I yield now to the Senator from North Dakota (Mr. YOUNG).

Mr. YOUNG of North Dakota. Mr. President, I thank the Senator for yielding to me.

A great amount of work has gone into the bill, particularly on funds for the Atomic Energy Commission. The chairman of the subcommittee, the Senator from Louisiana, did a tremendous amount of work on the bill. We have on the staff one of the best of all Senate staff members, Mr. Kenneth Bousquet.

We are below the budget by $5 million. Already this year we have had three appropriation bills vetoed. The House sustained the President on two of those vetoes. If we go over the budget on this bill, as some Members would like to have us do, by a quarter of a billion dollars, we could well have another veto on our hands. In this case I think Congress would again sustain the President's veto.

There are many public works construction funds in this bill for which not only this President but three or four Presidents previous to the present President have held up construction. We have to be in a reasonable position of not going far over the budget if we do not want construction funds again with heed.

I hope, for that reason, and for the sake of economy in Government, that the Senate does not go above the committee recommendations.

This is not a perfect bill. None of them are. I think the committee did a far better than average job on this one, and I think, as a whole, it represents the views of most Members of the Senate, and the entire Congress.

NIXON VETO OF PUBLIC WORKS BILL WOULD SHOW THE PRESIDENT MEANS BUSINESS

Mr. PROXMIRE. Mr. President, the Senator from Louisiana is one of the most diligent Members of this body. He works very hard and ably. I commend him for his hard work on this bill and also commend the Senator from North Dakota, the ranking Republican member on the committee, for his hard work.

Nevertheless, I must say that the public works bill we are considering today includes well over $1.5 billion for the Corps of Engineers and the Bureau of Reclamation—dollars that will not be spent on housing and other vital domestic needs. In fact, these dollars are highly inflationary because they inject fresh de-

mand into competition with housing at the very time when the housing market is suffering because of the high cost of building coupled with soaring interest rates.

As the Senator from North Dakota (Mr. YOUNG) has just stated, President Nixon has vetoed three major appropriation bills because the Congress provided more than he requested for housing, urban renewal, and education. He has also vetoed a hospital construction authorization bill. Yet here is a bill that houses no one, teaches no one, and heals no one, and, with regard to public works projects, exceeds the President's budget by almost $80 million. And the bill itself is almost one-half billion higher than was spent last year.

Mr. President, I must vote against this public works appropriation bill today because I believe that in our system of priorities, at a time of severe budgetary pressures, we must place programs that help to educate and house and heal our people well above the pouring of cement for new dams and canals.

The Oakley Dam and Reservoir project, on the Sangamon River in Illinois, is an example of one of the worst boondoggles in this bill. The project's ostensible purpose is to provide flood control for people living in the Sangamon River Basin. But the farmers who live and till the soil right along the Sangamon have experienced no more than one crop loss in the last 15 to 20 years, and there is no indication that the Oakley Dam can improve on that experience. More significant is the impact the dam will have on biological and ecological study of Illinois' Allerton Park as a unique preserve for unusual flora and fauna; construction of the dam would flood the region and destroy a large part of the unique life in the park.

The real function of this project is to provide an additional water supply for the city of Decatur, Ill., a community 25 miles upstream from the damsite. Underground acquifers in the area could be tapped by Decatur to augment its water supply, but it is much easier to have Uncle Sam kick in $49 million to build a dam to provide the additional water. And the flooding caused by the project will not bother residents of the city—only the farmers living upstream from the dam and the biologists now using Allerton Park will lose out.

Another public works white elephant, of monstrous proportions, is the Trinity River project. It would result in a canal from the Dallas-Fort Worth area to the Gulf of Mexico at an unbelievable cost of more than $1 billion. Some have said that it would be cheaper to move Dallas and Fort Worth to the gulf. Seed money for this project—half a million dollars in planning funds—is included in today's bill.

There are many others that cannot be justified. We spend this public works money wherever the return is 4 percent. To do this, we tax money out of the private sector that is earning 12 percent, on the average, before taxes; and that is the fair comparison. Virtually every competent economist in the country, liberal or conservative, recognizes that this is a gross misallocation of resources.

It is true that there are several significant items in today's bill that should be funded. I do not mean by my vote to signify my disapproval of them. Certainly the activities of the Atomic Energy Commission must continue, the construction of waste treatment works must not be permitted to lag, and the work of the Tennessee Valley Authority has to go on.

But how long are we going to squander Federal dollars on bricks and mortar when crying human needs continue to be unmet? How many dollars will we continue to spend on our jet-set SST's, our glamorous moonshots, our pollution promoting highways, our unneeded, inefficient weapons systems, while slighting medical research, education of the underprivileged, pollution control, housing for American families?

Today I am saying no to bricks and mortar by voting against this bill, and I urge the President to do likewise by vetoing the bill. If he really believes, as I do, that Federal spending must be cut, here is one of the very best places for him to make the incision. By vetoing this bill and resubmitting to the Congress a revised proposal that halts public works construction in this big budget deficit year, President Nixon can show that when the pinch is on it's the "people" programs that count.

I pledge here and now that I will gladly, and with great enthusiasm, vote to sustain such a veto. For it would demonstrate that the Federal Government believes that to educate, to house, to cure the ill is more important than bricks and mortar. The minds and bodies of human beings should come before the steel and concrete of buildings and highways.

Mr. SPONG. Mr. President, on behalf of the people of the Arlandria community of northern Virginia, I wish to thank the committee—and particularly the distinguished chairman of its Public Works Subcommittee (Mr. ELLENDER)—for including in the bill $175,000 for preconstruction planning on a flood control project at Four Mile Run.

I am personally grateful to the subcommittee chairman for having recognizing the urgent need for this improvement. I hope the other body will accept the inclusion of the funds so that the necessary surveys leading toward construction can be quickly initiated.

Members of the Senate are familiar from accounts in the local news media of the several floods that have occurred in Arlandria within the past 13 months. Accordingly, there is no need to recount the suffering that has occurred in the community.

Favorable action on funding for this project will instill in the community a feeling that the Federal Government is both responsive and sympathetic to an acute problem.

Mr. PROUTY. Mr. President, I wonder if I could have the attention of the distinguished Senator from Louisiana.

Am I correct in understanding that the date on page 15 of the bill, June 30, 1971, has now been changed to May 15, 1971?

Mr. ELLENDER. The Senator is correct.

Mr. PROUTY. It seems to me that this provision is clearly legislation on an appropriation act, and would be subject to a point of order.

Mr. ELLENDER. If the Senator will look, on the same page, at line 14, there is language by the House of Representatives that is legislative also; and, of course, the amendment we put in is germane, so that the point of order can be made, but since the language we added is germane to what the House put in, the Senate would have to vote on it up or down.

Mr. PROUTY. I do not propose to raise a point of order, but I hope that this does not establish a precedent, which I think is very dangerous.

Mr. ELLENDER. The Senator is correct. We discussed that, and the Senator from New York made that point, and I agreed with him, that it should not be accepted as a precedent.

The PRESIDING OFFICER (Mr. DOMINICK). The bill is open to further amendment.

Mr. McGOVERN. Mr. President, I have an amendment at the desk, which I call up and ask that it be reported.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

On page 7, line 24, delete period at end of sentence and add the following:

Provided further, that no moneys appropriated by this Act for the Cross-Florida Barge Canal project shall be expended by the Corps of Engineers prior to June 1, 1971, in order to allow a complete ecological and economic review and study of the project by the Department of the Interior, the Council on Environmental Quality, the Water Resources Council, and other affected agencies.

Mr. McGOVERN. Mr. President, because I am disturbed over the possible destructive impact of the cross-Florida barge canal on the environment, I am offering this amendment, which would prevent the expenditure of funds in this bill prior to June 1 of next year.

The purpose of the delay would be to allow a complete ecological and economic review of the project.

A study, under the terms of this amendment, would be conducted by the Department of the Interior, the Council on Environmental Quality, the Water Resources Council, and other affected agencies.

A brief background is essential to realize the full implications of this project. The barge canal was authorized at the height of World War II solely as a means by which Allied shipping could bypass the threat of Nazi submarines in the Caribbean and Atlantic. Nothing was done on the canal for a period of 20 years—until 1962, when Congress first appropriated funds for construction. Construction actually commenced in 1964, and since that time the Corps of Engineers has constructed approximately one-fourth of the project.

Included in that construction was the clearing and inundation of 13,000 acres of virgin hardwood forest along the Oklawaha River behind Rodman Dam, and the utter destruction of the river for a stretch of over 20 miles.

As an indication of the importance of the Oklawaha River, one need only re-

flect that it was seriously considered for inclusion as a wild and scenic river under the Wild and Scenic Rivers Act of 1968. There is no doubt that the Oklawaha qualifies for inclusion in the system. It forms the basis for an ecosystem which is unique in the Western Hemisphere—a lush, semitropical area which supports an amazing variety of fish and wildlife, timber, and wildlife habitat. Aside from its splendor as a natural recreational area, it is one of the great scientific laboratories remaining in North America.

Underlying much of the canal route is the Floridan aquifer—a great torrent of fresh water which supplies domestic, municipal, and industrial water for much of the State of Florida. The present plans of the Corps of Engineers call for cutting into this aquifer to construct the canal, and opening it up to a serious threat of pollution by oil and chemical spills from barges and other vessels. The Corps of Engineers discounts this threat; however, there is reasonable doubt that the corps has fully evaluated this danger as well as the right of all our citizens to enjoy an unspoiled gift of nature.

A considerable stretch of the Oklawaha River remains as it was thousands of years ago—unspoiled and free flowing. Yet over it hangs the threat of ultimate destruction by the further construction of the canal, the cutting, clearing, and crushing of timber and wildlife habitat, and the obliteration of an entire ecosystem.

But this threat has not gone unnoticed by the citizens of Florida. A remarkably dedicated group called the Florida Defenders of the Environment has been fighting the battle of the Oklawaha for many years. For the most part they include environmental scientists, ecologists, biologists, geologists, and economists from the university communities of Florida. In February 1970, 162 of these environmental scientists requested President Nixon to declare a moratorium on further project construction. The Florida Defenders also number among their members many ordinary citizens who are repelled by the destruction of their natural heritage and justly concerned about the imminent threat to their water supply.

Of late, the Florida Defenders of the Environment have been joined by a number of public officials in their questioning of the canal project. Secretary of the Interior Hickel, the President's chief adviser on environmental affairs, recently requested urgently a 15-month moratorium on further construction in order to allow a complete economic and ecological analysis of the barge canal. I agree with the necessity for this thorough study. In the report of the Bureau of Sport Fisheries and Wildlife, which supported the Secretary's recommendation and which I offer in complete version for the record, it was concluded:

> Considering the public interest in this project, a thorough review seems appropriate. Any decision as to the intent of the Federal Government to complete, substantially modify or halt the project should be based on thorough studies of the ecology, geology, hydrology, social factors, and economic evaluations of the alternatives.

Then the Bureau continued:

> Major issues are the effects of the canal on the very important Floridan Aquifer, pollution of the reservoirs and the aquifer, aquatic weed control, doubtful project economic evaluations, and preservation of a stream and flood plain considered for Wild River status. Protection of the aquifer is significant to the Florida citrus industry and to future development of the State south of the canal.

Then one final observation from the Bureau report:

> The public interest would be served by thorough study of all possible alternatives and by making this information available to Congress and the public for their decision.

As yet, no moratorium has been declared.

Other public officials have also questioned the desirability of the project. The Resources and Conservation Committee of the Florida State Senate has passed a resolution by unanimous vote urging a congressional reevaluation of the project. Lt. Gov. Ray Osborne, of Florida, has predicted that the canal may end up as one of the biggest boondoggles in the country. Governor Kirk's principal assistant on environmental matters, Nathaniel P. Reed, has stated that the canal is "outdated, foolish, destructive, and an economic loser which is a product of 19th-century thinking." The Florida Game and Fresh Water Fish Commission has issued a report extremely critical of the canal project. And Lyman E. Rogers, the general chairman of the Governor's natural resources committee, in a letter to President Nixon, stated with respect to the canal project:

> The citizens of Florida are more aroused than our congressional delegation realize. A sizable resentment is building toward the cynical disregard by Department of the Army and others. The result is undermining not only our pocketbooks and our irreplaceable resources but our most essential need, in these times, of a respect of our governmental systems. Therefore, Mr. President, I say to you that this issue is fundamental to our roots of a faith in a system that was created to be responsive to the people. With deep humility I plead with you to use the office of the presidency to support the position of your Secretary of the Interior. Let the proper, in-depth ecosystem study be made and let us, who carry the burden of paying the bill, know the results of this study.

Mr. President, in spite of this very strong recommendation for a moratorium on the project until the review can be completed as requested by Secretary Hickel, that moratorium has not been declared, and the amendment would have the effect of requiring such a delay until June 1 of next year.

The national media have also joined the voices protesting the canal. Time magazine, the Atlantic Monthly, the Reader's Digest, and the Living Wilderness have all published articles extremely critical of the project. NBC and CBS news have run incisive programs deploring the destruction of the Oklawaha River. The St. Petersburg Times has editorially opposed the project.

It is evident that the environment may be wounded, but it is not a dead issue. The Battle of the Oklawaha is a conflict which touches us all, and has called forth the best in the American nature. We cannot fail those who expect this Nation to be responsive to their legitimate claims for a preservation of their heritage. As stated so eloquently by Chief Justice Oliver Wendell Holmes, "a river is more than an amenity, it is a treasure."

As I have stated, in addition to the Secretary of the Interior and other officials of the Government, environmental groups, and important news organs, both in Florida and in other parts of the country, have joined in raising questions about the advisability of this project, and particularly about the hazardous impact it may have on the environment, with special reference to the Oklawaha River, one of the most beautiful rivers in the country, and one which, from everything I have been able to learn, will be seriously disrupted and part of it destroyed, so far as its natural beauty is concerned, by the construction of this project. But it is evident to me, from investigation I have made into this project, that it is one that touches the concern of all of us about the future of our environment.

So I add my concurrence to the recommendation for a construction moratorium on the cross-Florida barge canal in order to allow an adequate study of all the factors involved, with special reference to the environmental considerations. I urge the President to declare such a moratorium, regardless of what the outcome on this amendment might be.

I also wish to emphasize that the further appropriation of funds for the project, should that be the will of Congress, ought not be implied as a waiver of the statutory duties of the Corps of Engineers to comply with relevant environmental legislation such as the National Environmental Policy Act, the Federal Water Pollution Control Act, the Fish and Wildlife Coordination Act, and numerous others with which the corps is supposed to comply.

While Congress may possibly continue the underwriting of this project, it should not be construed as an excuse to the Corps of Engineers not to consider the full environmental consequences of their actions, and there should be no lessening of responsibility on their part to comply with the statutes already on the books with reference to environmental considerations.

Mr. President, I offer this amendment not only on behalf of myself but also on behalf of the junior Senator from Wisconsin (Mr. NELSON), who has long been interested in environmental matters; and

I ask unanimous consent that his name be added as a cosponsor of the amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. I think the Senate is thoroughly familiar with this project. The issues have been debated over a long period of time. I see no reason for the Senate to go into extended debate on the matter.

I ask unanimous consent to have the report to which I referred, from the Bureau of Sport Fisheries and Wildlife, dated March 30, 1970, and an article published in the St. Petersburg Times of August 2, 1970, which also deals with this project, printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

REVIEW AND APPRAISAL OF THE CROSS FLORIDA BARGE CANAL

This report in no way is a full assessment of the environmental impact of the Cross Florida Barge Canal. To assess the full effect of the project on the area traversed would require much more time, more manpower, and certainly more disciplines than are available in this Bureau. The report merely summarizes the general state of knowledge concerning the project and suggests a course of action.

DESCRIPTION OF THE BASIN

The Cross Florida Barge Canal will follow the St. Johns River upstream to the Oklawaha River, cross the State through a series of impoundments and canals, and enter the gulf near the mouth of the Withlacoochee River. The impoundments destroying a large part of the beautiful Oklawaha River and its flood plain have been the center of an environmental crisis. This area therefore receives the greatest attention in this review.

Reports of the Bureau of Sport Fisheries and Wildlife describe a fishery that is marine on the ends of the canal route, grading through a grouping that includes estuarine species near the ends, and fresh water forms, principally largemouth bass, catfishes, and sunfishes in wholly fresh water areas. Striped bass migrate seasonally into the lower Oklawaha River for spawning.

Concerned scientists and others have formed a group called the Florida Defenders of the Environment, and have prepared a report entitled "Environmental Impact of the Cross Florida Barge Canal," dated March 1970, that contains the following description of the Oklawaha River:

"The Oklawaha is one of the principal rivers of Florida. It has its source in a chain of lakes—Griffin, Eustis, Harris, and Dora—in the central peninsular highlands and flows northward and then eastward for some 70 miles, entering the St. Johns River about eight miles below Lake George. The Oklawaha is a sand-bottom stream with clear water stained tan by acids from the bark and leaves of the trees of the broad swamp-forest through which it flows. The river owes much of its character to Silver Springs, which joins it in a short way along its course and is responsible for much of the flow of the river from there on, through most of the year. Silver Springs is one of world's largest springs, famous for the immense volume and great clarity of its water and for the abundance of aquatic life that can be seen by visitors. Twenty miles further along, the river is joined by Orange Creek, which comes down from Orange Lake to the northward. The Oklawaha meanders strongly throughout its course, and its actual length is a third again as long as its heavily forested valley."

The Florida Game and Fresh Water Fish Commisison has further described the Oklawaha Basin in a report entitled "A Brief Assessment of the Ecological Impact of the Cross Florida Barge Canal." It states:

"During its geologic life the river has carved out a mile wide valley through which it now flows. During the annual rainy season, the water flows over its low banks and spreads out on the valley floor. When the water is low the flow from Silver Springs will make the river run crystal clear for miles."

"These rich, fluctuating waters have created the dynamic conditions necessary for the maintenance of a productive sports fishery, including channel catfish, chain pickerel, panfish and largemouth bass.

"The dense stands of hardwoods in the Okalwaha Swamp are adapted to the periodic flooding and drying. They consist for the most part of deciduous trees including tupelor, water-locust, water ash, swamp red bay, water oak, sweet gum, red maple, loblolly bay, water hickory, cabbage palm, and bald cypress. On higher ground along the edges of the valley and on many higher islands within the valley the typical hammock hardwoods such as magnolia, blue beech, hop-hornbean and laurel oak make up the forest.

"This delicately balanced conglomerate of diverse plant communities provides ideal conditions for the survival of many wildlife species. Wood ducks, herons, limpkins, gallinules and rails feed along the river's edge; snakes, turtles, and alligators sun themselves on downed tree trunks and still present also are white-tailed deer, wild turkey, raccoon, otter, bobcat, black bear, and panther."

A report on the full route by the Bureau of Sport Fisheries and Wildlife, February 1963, which evaluated only hunting and fishing stated:

"Wildlife resources along the project alignment consist mainly of small game, fur animals, wading birds, waterfowl, white-tailed deer and wild turkey. Non-game bird species such as herons, limpkins, egrets and other wading birds are common. Game species supporting most hunting activity include deer, wild turkey, squirrels, bobwhite quail, waterfowl and black bear. Bobcat, raccoon, opossum, gray fox, rabbits and other animals are present but their importance as sport species is limited."

In a section of the report by the Florida Defenders of the Environment, Dr. James N. Layne, Director of Research, Archbold Biological Station, Lake Placid, Florida, reported over 300 species of animals in the canal route area. These include 33 species of amphibians, 59 species of reptiles, over 200 species of birds, and 41 species of native mammals. Some species, such as the panther, red cockaded woodpecker, sand-hill crane, bald eagle, and alligator are on the list of rare and endangered species. The American osprey is placed in the status-undetermined category at present.

HISTORY

The Cross Florida Barge Canal was authorized by Congress in 1942. It follows generally the route of the Atlantic to Gulf Ship Canal, partially constructed during the Depression. In 1958 and in 1962, the Corps of Engineers performed economic restudies of the canal. Each time, the canal was found to be economically justified, with benefit cost ratios of 1.05 to 1 and 1.17 to 1, respectively.

CONSTRUCTION STATUS OF THE PROJECT

The Corps of Engineers states that the canal is 30 percent complete at this time in terms of funding. However, in terms of mileage, it is less than one-fourth complete. The canal is complete on the western end from the Gulf of Mexico into the existing Inglis Pool (Lake Rousseau). This includes the Inglis Lock, Inglis Bypass Canal (to maintain water flows in the lower Withlacoochee River), and the access channel to the 12-foot depth contour in the Gulf of Mexico. No stump clearing in preparation for dredging the channel has been done in Inglis Pool.

The canal route utilizes the St. Johns River channel from the mouth near Jacksonville to south of Palatka. A small St. Johns River bend straightening project remains to be done to accommodate barge traffic. However, it is now possible to enter the canal cut by boat and travel through the completed St. Johns Lock and be locked through Rodman Lock and Dam into Rodman Pool. The dug canal extends into Rodman Pool a few miles and ends.

Rodman Pool (about 9,500 acres) is essentially complete. The dam is completed, the timber clearing plan has been implemented, and the pool has been flooded to its operating level of 20 feet mean sea level.

Eureka Pool (about 18,000 acres) is not flooded. The lock and dam are complete, except for closure of the dam at the river channel. The clearing plan must be implemented before flooding is undertaken.

The total cost for the completed project is now estimated by the Corps of Engineers at $185 million, of which $16 million is a non-Federal expenditure for land acquisition.

Although the project was originally conceived to be constructed within a 10-year period, presently the construction rate on the project has greatly slowed compared to the 1967 height of activity. This is a result of ceilings on Federal spending, as well as reduced appropriation rates. No new contracts are being prepared for further work on Eureka Pool at present, although salvage timber cutting is going on. At the present rate of appropriation and construction, it would take approximately 30 years to complete the project.

MAJOR ACTIONS BY INTERIOR AGENCIES

Bureau of Sports Fisheries and Wildlife

The Bureau of Sport Fisheries and Wildlife in 1963 submitted a report to the Corps of Engineers under authority of the Fish and Wildlife Coordination Act. This report included a fish and wildlife benefit evaluation. The report considered only game species of fish and wildlife. It did not provide an appraisal of the ecology of the area, of animals not sought by hunters and fishermen, nor of the esthetic values. The only formal request from the Corps was for the economics of expected fishing vessel use of the canal. The report, completed in about 3 months, concluded that the wildlife in the Oklawaha Valley would be replaced by a low quality but more extensive sport fishery.

In describing the effects of the project on hunting and fishing, the Bureau's 1963 report stated:

"The project would occasion significant wildlife losses. A large part of Rodman and Eureka navigation pools will lie on private and Federal lands, administered for public hunting by the Florida Game and Fresh Water Fish Commission. The lands to be flooded contain oak-hammock type habitats of substantially higher value of wildlife than the pine habitats on the adjacent uplands. Elsewhere, the project would traverse game habitats of relatively low quality and value.

"The two reservoirs should support a significant fishery. Benefits from the new reservoir fishery should exceed the loss of fishery resources caused by dredging in the St. Johns and Withlacoochee Rivers and elsewhere in the project area. However, if the fishery benefits are to be realized, adequate public access to the reservoirs and spillways must be provided."

This report did not anticipate the full extent of the environmental degradation nor the problem with eutrophication in the impoundments. With the information available today, the report would have elaborated more on the environment and possible project effects.

It would also more thoroughly consider access facility needs. Access is now available only at the structures, at the west end of the canal, and at facilities provided by the Forest Service on its lands. The Corps and the local sponsor have not acquired and developed other suitable access sites needed for full realization of claimed recreational benefits.

Since 1963, numerous reports and accompanying recommendations have been submitted to the Corps of Engineers. A summary and digest of the reports is attached. All these reports were based on the assumption that the canal alignment and water levels, etc., were fixed in the congressional authorization, and that the project would be built in a few years as planned. The re-

ports attempted to salvage fish and wildlife values within the set framework of design parameters and with knowledge available at the time.

Bureau of Outdoor Recreation

A task force chaired by the Bureau of Outdoor Recreation studied the Oklawaha River in 1963. They found that the Oklawaha from its junction with the St. Johns River upstream to the Silver River was of sufficient size and unique character that it should be included in any system of wild rivers.

The Bureau of Outdoor Recreation, created in 1962, has not evaluated recreational aspects of the canal, nor participated in any of the recreational planning for the project, nor commented on esthetics of the canal itself. Through the Acting Regional Coordinator, they have opposed permits, in the absence of criteria by the Corps which would guide such development, for a powerline which was constructed across Rodman Pool and for lateral canals.

FEDERAL WATER POLLUTION CONTROL ADMINISTRATION

In 1967, the Federal Water Pollution Control Administration prepared a report entitled "Pre-Impoundment Studies of the Waters of the Cross Florida Barge Canal." In addition to reporting water quality measurements and biological sampling, the report made several recommendations, such as installation of automatic water quality monitoring equipment, provision of the maximum feasible treatment at all waste sources, and the manual removal of hyacinths from the system.

U.S. GEOLOGICAL SURVEY

The U.S. Geological Survey has a hydrologic monitoring network measuring flow rates and water quality in the rivers concerned, and has provided information on well readings throughout the alignment of the canal, under contract with the Corps of Engineers.

They have just released a report prepared by Mr. Glen Faulkner in cooperation with the Corps of Engineers, entitled "Geohydrology of the Cross Florida Barge Canal Area with Special Reference to the Ocala Vicinity." We quote a major point, "The importance of maintenance of high quality surface-water quality standards is emphasized in order that the risks of movement of contaminated surface water from the canal into the aquifer may be minimized."

The report of the Geological Survey further concludes:

"The geohydrologic investigation of the Cross-Florida Barge Canal area reveals that the design of the canal and the plan of operation are consonant with the hydrologic regime. Thus canal operations should not seriously affect the regimen of the economically and ecologically important large springs—the water level, rate of flow, and the quality of water at Rainbow Springs, for example. *Further, if Summit Pool lockage losses are essentially replaced and operating precautions are taken against pollution of Summit Pool waters,* there should be no noticeable adverse effects on the water level, rate of flow, and quality of water of Silver Springs. (Italics added.)

"In the canal reaches below Eureka Lock and Dam, and below Dunnellon Lock, little change in water levels in the Floridan aquifer is expected, and pollutional hazards other than possible lockage of water from the Gulf of Mexico are not considered significant. Also, little exchange of water between the canal and the aquifer is expected in these areas. However, some leakage around Dunnellon Lock and Inglis Lock and Dam is likely to occur, and some ground-water flow into the canal should occur for a mile or two below Dunnellon Lock because of a head differential between the canal's operating stage and the natural potentiometric surface of the Floridan aquifer. Also, farther westward there is a possibility for some direct exchange of water between the Floridan aquifer and Inglis Pool in a few places where the dredged canal channel through the pool is expected to penetrate rocks of the aquifer. The potentiometric surface in most of these places is probably close to the planned operating stage of the Pool, and it is likely any net exchange will be small.

"Minimal locking up of Gulf of Mexico water into Inglis Pool is indicated by past experience at the old Inglis Lock and Dam on the Withlacoochee River, and by the fact that considerable flushing action should result from Withlacoochee River flows augmented by possible increases in fresh water flow to the Gulf from some additional ground-water inflow to the Inglis Pool reach and from lockage releases at Dunnellon Lock. However, if significant lockage of Gulf water is found to occur, special operational procedures may need to be effected to minimize such lockage into the canal pools."

The Florida Defenders of the Environment reported these conclusions. A study by Dr. Martin Mifflin, Associate Professor of Geology, University of Florida, found that:

"1. Water supplies in drought periods may be inadequate for canal operation without extensive additional pumping facilities.

"2. Because the summit pool connects freely with the ground water of the Floridan Aquifer any pollution of the pool will enter the aquifer and flow to natural discharge points.

"3. Some pollution of the summit pool and the Floridan Aquifer is inevitable because of nearby residential or industrial development, leakage from barges, and turbidity resulting from construction.

"4. Major pollution from accidental spills of oil or toxic materials is predictable in the long run of barge operation. These pollutants in the Aquifer may damage water supplies of communities nearby and impair the unique recreational qualities of Silver Springs and of whatever sports fishing the canal impoundments might afford.

"5. Oklawaha River water which will be back-pumped to the summit pool may accelerate solution of limestone in the summit reach because of its different chemical characteristics.

"6. Excessive and possibly uncontrollable leakage of water from the summit pool to the lower pools is a distinct possibility.

"7. There is little doubt that the canal will result in an overall decline in the quality of surface water in the system."

The differences between these reputable authorities may, or may not, lie in the use of the qualifications we underlined in the excerpt from the Geological Survey's report to the Corps of Engineers.

U.S. FOREST SERVICE, DEPARTMENT OF AGRICULTURE

The U.S. Forest Service is a riparian owner to most of the south shoreline of Eureka Pool and some of Rodman Pool. It has been the only contributor to the overall Corps of Engineers Recreation Plan. This entailed construction of boat ramps and large camping areas near Rodman Pool.

The Forest Service plans to request the Corps of Engineers to exclude a portion of Eureka Pool from flooding. The portion to be excluded by a dike and pump station, if possible, would be three lakes within the forest and the surrounding swamp. One of these lakes, Mud Lake, is of particular significance, because a study indicated it may be one of four known lakes in the world presently creating an oil deposit.

STATE AGENCIES

The Florida State Board of Conservation, which is the major part of the reorganized Florida Department of Natural Resources, has always supported and endorsed the canal. The Florida Canal Authority, the local project sponsor, is responsible to the Division of Waterways of the Department of Natural Resources. This division promotes waterway construction.

The Florida Game and Fresh Water Fish Commission endorsed the project in 1965, and has concurred with all Bureau of Sport Fisheries and Wildlife reports on the project.

In November 1969, the Florida Game and Fresh Water Fish Commission released a report entitled "A Brief Assessment of the Ecological Impact of the Cross Florida Barge Canal." The main thrust of this report is stated in the conclusion:

"The Corps of Engineers has re-evaluated this project several times since 1962, yet there has never been a complete ecological re-evaluation. Such an ecological re-evaluation would be merited because of the greatly increased amount of technical knowledge available regarding environmental processes coupled with the continual modification of the project by the Corps. It would appear appropriate that such a re-evaluation be conducted by a task force of environmental scientists from the various governmental bodies involved and other qualified fact finding institutions, both public and private, and initiated at the earliest possible date."

The report was presented at hearings conducted by the Florida House Natural Resources Committee. This committee finally voted 9–4 to support the project.

The Florida Senate Natural Resources Committee conducted hearings March 17 and 18, 1970, on the Cross Florida Barge Canal Project. This committee has not yet (3/3/70) voted. The Florida Game and Fresh Water Fish Commission provided this committee with an addendum to their November report. This report and its addendum explain the eutrophication problem and predict degradation of the impoundments within the project life.

PRIVATE GROUPS AND INDIVIDUALS

The Florida Defenders of the Environment has prepared a detailed report on the Canal Project. The group is composed of scientists in several disciplines, including geology, hydrology, soils, ecology, and economics. We have not completed a detailed appraisal of this report due to time limitations. However, the biological information appears to be sound.

REVIEW

Since our first report on the project, additional information about eutrophication is available that would influence any Bureau or Department evaluation of the project. A decade ago, it was known that reservoirs offer an early peak of fishing and then decline. We can now predict the eventual degradation of a stabilized impoundment in a nutrient-rich watershed in Folrida. This inevitability is inarguable. If we were to re-evaluate the canal, this new knowledge would have to be taken into consideration.

The chain of lakes which forms the headwaters of the Oklawaha River is experiencing serious eutrophication problems. Lake Apopka is the classic example. Agricultural effluent and resultant sedimentation of organic materials have degraded a highly productive sport fishing lake into a problem lake with high gizzard shad and low game fish populations. The other stabilized lakes in the chain, especially Lakes Eustis, Beauclair, Dora, and Griffin, also show signs of this impending problem, and their discharges will flow into Rodman and Eureka Reservoir.

The recent report by the Florida Game and Fresh Water Fish Commission described probable project effects as follows:

"The Oklawaha in its natural state is a cool, highly enriched, densely shaded, fast flowing, neutral pH river. As a river, nutrients in the system do not reach their full potential. However, when flow is obstructed by a dam, full utilization of the available nu-

trients occurs. The entire natural ecological system is drastically disrupted, producing a warm water, highly enriched, unshaded, shallow and high pH system with little or no flow. The ecosystem which formerly supported high quality fishing, hunting and aesthetic values is in jeopardy because the new system is a nutrient trap and functions similar to a sewage treatment polishing pond. Soluble nutrients in a polishing pond are utilized exclusively by algae which are settled out and periodically removed from the pond. In the Barge Canal reservoir system soluble nutrients are utilized by higher aquatic plants or by algae which die and contribute to the organic build-up, but unlike polishing ponds, they are not removed from the system, which is detrimental to aquatic life.

"Utilization of nutrients in a reservoir will generally follow two paths: (1) the nutrients will stimulate both submerged and floating plant growth such as hyacinths and elodea, which can ultimately choke the waterways; (2) the nutrients will be utilized in the production of algae. It is conceivable that both developments may occur simultaneously.

"Watershed fertility and associated cultural practices generally dictate the water quality in a lake system. The near septic conditions which exist in some of the upper Oklawaha Lakes (Lakes Apopka and Dora) indicate the quality of water the Eureka and Rodman Pools will receive. Water quality analysis of Silver River, whose origin is Silver Springs, indicates high concentrations of nitrates, phosphate, and total alkalinity. Nitrates and phosphates are major nutrients which contribute to over-enrichment. The Silver River and Upper Oklawaha contribute almost all of the water to this system with an average flow of 855,000,000 gal./day. The amount of nitrogen contributed from these sources has the capability of producing 75 million tons of algae per year.

"The death of these flora, by natural or chemical methods, will produce heavy sediment build-ups which will ultimately render the bottom unproductive for most sport fish populations. An excellent example of the effects of excessive bottom sedimentation on sport fish populations is quite evident in one of the upper Oklawaha lakes—Lake Apopka. The shallowness of the Barge Canal reservoirs will further magnify many of the problems which will be created in the aquatic environment."

The Federal Water Pollution Control Administration report states:

"It is likely that dense blooms of algae will develop. These blooms already occur in the upstream and sluggish reaches of the Oklawaha River. The waters discharged into the river from Silver Springs contain sufficient phosphorous to increase the concentrations in the river by more than 200 percent. In contrast to phosphorous, the nitrogen concentrations decrease after the addition of Silver Springs water. This combination of fertilizers will give the blue-green algae, which are presently the predominant form in the upstream reaches of the Oklawaha, a competitive advantage because of the capability to utilize atmospheric or gaseous nitrogen as a nutrient. A predominantly blue-green algal community is accompanied by more problems than one composed of other or a variety of forms because of the tendency for blue-greens to form floating mats and windrows that are esthetically unpleasant, produce undesirable taste and odors in the waters, and upon death of accumulations of the algae pig-pen odors are generated by the decomposition of the mass. The increases in aquatic vegetation in the impounded waters will restrict and reduce the potential uses of these waters."

The Florida Game and Fresh Water Fish Commission reported that *Hydrilla*, an exotic relative of *Elodea*, is already present in pest proportions in the Inglis Pool portion of the Barge Canal. Its report further states:

"The Inglis Pool is indeed a nutrient trap and has serious aquatic weed problems. Approximately one-half of the pool is engulfed with the submerged aquatic hydrilla. This is the plant which most aquatic weed specialists believe will be the most difficult to control and therefore has the greatest potential to become a pest in the fresh waters of Florida. From fragments it grows as much as several inches to a foot a day, but most importantly, it grows from bulb-like tubers which are highly resistant to chemicals and can even survive many months on dry land.

"Weed control is an expensive operation. In the Inglis Pool, plans are being prepared by the Corps of Engineers to control hydrilla in a 200 acre test plot. The cost of the chemical alone is $20,000.00."

The canal, if completed, will assure its spread into the new reservoirs and perhaps the Summit Pool. Present control methods are extremely costly; estimates of over $10,000 per mile of canal per year have been made by the late Mr. Weldon, a research agronomist for the Department of Agriculture.

WHAT RESOURCES HAVE BEEN AFFECTED TO DATE

On the western end, some marine grassflats were destroyed by dredging and spoiling. A temporary but very impressive bank fishery developed in the raw canal cut, since public access has been permitted. The plug separating the Withlacoochee River and the canal was removed in January. It is too soon to determine the adjustments that will take place in the Withlacoochee River and the canal to the gulf.

The existing Florida Power Corporation Reservoir, or Inglis Pool, has not yet been affected by the canal.

Timber clearing and flooding has killed or will very soon kill practically all the Oklawaha River Swamp in the approximately 20-mile stretch included in Rodman Pool. This is about one-third the distance that was considered for a wild or scenic river in the Bureau of Outdoor Recreation study. The clearing plan proposed to crush the trees into the bottom mud of Rodman Reservoir by use of a giant tree crusher. Since reservoir filling, floating trees and debris have been a continuous problem, limiting public uses.

The project will most likely eliminate the striped bass from the Oklawaha River. The project will provide an avenue for movement of nuisance aquatic animals and plants.

WHAT MIGHT BE EXPECTED IF THE PROJECT IS HALTED

If the project is stopped now, and if Rodman Pool is drained to normal river levels, some trees would survive, particularly cypress. If, however, the pool is dropped after several years, only the trees remaining at the higher elevations will survive and slow regrowth would occur. Without the pool, there would be no opportunity for the public to take advantage of the initial bloom of sport fishing. However, the expense of weed control and debris removal would be diminished.

Clearing and flooding have destroyed the timber and therefore the habitat for wildlife formerly living in the Rodman Pool area. The former esthetic values, which included wildlife-oriented recreation, associated with a meandering stream, are also gone. If the pool were drained now, regrowth of the timber and restoration of the area's former values would take many years.

In the Eureka Pool area wildlife and esthetic values have been diminished by timber salvaging activities. However, if construction were stopped at this point before this pool is cleared, much of the existing wildlife and esthetic values of this 25-mile reach of the Oklawaha River, an 18,000-acre area, would remain.

CONCLUSIONS

Our 1963 fishing and hunting benefits evaluation was predicated on the availability of a low quality fishery. If the Bureau of Sport Fisheries and Wildlife carefully reevaluated the benefits of the Cross Florida Barge Canal Project, new information would only lead to a reduction of the fishery benefits which were expressed in dollars, and a higher appraisal of the wildlife losses. The latter must be expressed largely in nonmonetary terms but would include attention to rare and endangered species as well as to the role of the flood plains in the overall habitat needs of common game and nongame species.

A reduction in fishing benefits estimated by this Bureau would be insignificant in a reappraisal of this project. However, the increased knowledge of eutrophication quickly brings to mind the effects aquatic weeds and algae can have on navigation, boating, and swimming, water skiing, and other recreational pursuits. The Bureau of Outdoor Recreation, which has never evaluated the recreation aspects of the Barge Canal, could take this into consideration, as well as the previously ignored esthetic values.

If a reappraisal were made, considerable interaction should take place between the various responsibilities of the U.S. Geological Survey and Federal Water Pollution Control Administration in terms of accidental spills and pollution by contaminants; Federal Water Pollution Control Administration and Bureau of Sport Fisheries and Wildlife in terms of water quality in the reservoirs; and the Bureau of Sport Fisheries and Wildlife and the Bureau of Outdoor Recreation in terms of a wild or scenic river and its recreational uses. National Park Service might provide land use planning and the Bureau of Commercial Fisheries might assist in evaluating estuarine effects.

RECOMMENDATIONS

Considering the public interest in this project, a thorough review seems appropriate. Any decision as to the intent of the Federal Government to complete, substantially modify or halt the project should be based on thorough studies of the ecology, geology, hydrology, social factors, and economic evaluations of the alternatives. Such a study is beyond the capability of the Bureau and should include other agencies of the Department of Interior, the Department of Agriculture which administers the Ocala National Forest, and the Corps of Engineers which has the responsibility for constructing the project under the 1942 authorization. These studies should conform to the provisions of the National Environmental Policy Act of 1969 and other appropriate acts, directives, and policies.

Major issues are the effects of the canal on the very important Floridan Aquifer, pollution of the reservoirs and the aquifer, aquatic weed control, doubtful project economic evaluations, and preservation of a stream and flood plain considered for Wild River status. Protection of the aquifer is significant to the Florida citrus industry and to future development of the State south of the canal. These considerations are largely economic and social. Problems of weed control are both monetary, bearing on project operation and justification, and nonmonetary, affecting fish and wildlife, esthetics, and recreation. The desire to preserve a free-flowing stream and related environment and history are largely nonmonetary considerations. Total appraisal of the project is very complex, requiring expertise in many disciplines.

The public interest would be served by thorough study of all possible alternatives and by making this information available to Congress and the public for their decision. Such study should include not only project

benefits, but also very thorough study of the geology, hydrology, and project maintenance costs, including the expense now anticipated for aquatic vegetation control.

SUMMARY

1. The Oklawaha in its natural state is a cool, highly enriched, densely shaded, fast-flowing river. The dense stands of hardwoods in the flood plain are adapted to periodic flooding and drying.

2. There are over 300 species of animals, other than fish and insects, on the canal alignment, five of which are on the rare and endangered list.

3. All of the Oklawaha River valley except the lower 9–10 miles will be drastically altered or destroyed by channelization, timber clearing, construction of locks and dams, and impoundment, all as part of two projects—the Cross Florida Barge Canal and the Four River Basins Flood Control project. The lower 9–10 miles will be altered to some degree, depending on how much the quality and quantity of water entering the river channel from Rodman Pool differ from natural conditions.

4. The canal is approximately 30 percent complete in terms of funding, and less than one-fourth complete in terms of channel mileage. Inglis Lock, Rodman Lock and Dam, and St. Johns Lock are completed and operational. Rodman Pool has been cleared and flooded. The Eureka Pool area has not been cleared, but Eureka Lock and Dam are completed except for stream channel closure.

5. The Bureau of Sport Fisheries and Wildlife has evaluated project effects on game species of fish and wildlife only.

6. Bureau of Outdoor Recreation has not evaluated the project. In 1963, it chaired a task force which found the Oklawaha River suitable for inclusion in the wild rivers system.

7. In 1967, Federal Water Pollution Control Administration prepared a preimpoundment study of the project.

8. U.S. Geological Survey has prepared a report on the geohydrology of the Ocala area.

9. The Florida Defenders of the Environment have prepared a report which is highly critical of the project.

10. The U.S. Forest Service has constructed recreational facilities at Rodman Pool, and is requesting that a portion of the proposed Eureka Pool be deleted to preserve some lakes and swamp area.

11. The Florida Department of Natural Resources supports the project.

12. The Florida Game and Fresh Water Fish Commission is calling for a reevaluation of the project.

13. Both the Florida House and Senate Natural Resources Committees have held hearings on the project. The House Committee voted to support the project. The Senate Committee has not yet voted.

14. Extensive and costly eutrophication problems, including nuisance aquatic growths, are inevitable.

15. If the project is halted, regrowth of timber in the Rodman Pool will be slow. The low quality fishery in the pool will be lost, but the overall environment will be preserved in as yet uncleared areas. The very costly problems of weed and debris control will be avoided.

16. A study of ecology, geology, hydrology, social factors, and economics is required before a decision on the future of the project is made. The several interested Interior agencies, the U.S. Forest Service, and the Corps should take part in any such study.

THE CORPS OF ENGINEERS

(By James Ryan)

"The Corps of Engineers is like . . . that marvelous little creature, the beaver, whose instinct tells him every fall to build a dam wherever he finds a trickle of water

"Like the Corps, this little animal frequently builds dams he doesn't need, but at least he doesn't ask taxpayers to foot the bill." Sen. GAYLORD NELSON, D.-Wis.

There is a story that defines an elephant as a mouse constructed by the Army Corps of Engineers. Since elephants, and mice, are somewhat rounded, this anecdote tends to contradict another that contends all Engineers suffer from the "straight-line syndrome" and do not include a French curve among the tools of their trade.

No matter which tale is correct, assuming that one is, the fact remains that during the past 195 years the Corps of Engineers has evolved from a few ditch diggers who worked for free at Bunker Hill into a force of about 60,000 soldiers and civilians who have spent some $22-billion in what appears to have been an effort to change the natural face of this nation into something akin to what engineering manuals say it should look like.

There is no question that when building bridges, bunkers, battlements and other bastions of war, the U.S. Engineers are without parallel in history. It's when they have turned their military expertise toward such civil works as clearing rivers, dredging canals and building dams that they've gotten into trouble.

On the surface, at least, it seems the Corps has adopted a belligerent attitude toward its non-military pursuits, regarding a river or a flood plain as it would a war-time enemy, something to conquer as quickly, as efficiently and as grandly as possible.

This hasn't been all bad. Corps projects brought jobs during and after construction, they prevented floods, they improved navigation and generally upgraded conditions in the area of "improvement." Those who happened to live in what became the bottom of an impoundment were inconvenienced somewhat, but they were paid for their trouble and so everyone should have lived happily ever after.

But they didn't.

In the past couple of decades some stout-hearted conservationists have had the audacity to question an agency that has become—along with richness and fatness—an American tradition, an agency so politically powerful it has rebuffed presidents who considered placing it under more control.

The bone of contention has been the environment. The Corps, a growing number of critics claimed, had not been giving adequate consideration, if any, to the effects of its projects on natural resources. These cries have been amplified by Army-announced plans to build even bigger elephants out of even smaller mice.

Criticism at first was brushed aside, like a pesky gnat. When the complaints became mosquito-sized, the Army responded with arrogance. Finally the attacks are bringing at least a public effort to placate and cooperate. These three statements, all by ranking Corps officials, illustrate the change:

"Those ignorant, misguided, conceited fools; they know not what they say. We are the nation's leading conservationist group because we have conserved the earth by molding it to suit man." (1965)

"Those silly butterfly chasers and self-serving politicians can't stand in the way of progress." (1967)

". . . In future planning we must ask ourselves some new questions and apply some new yardsticks. First, will a proposed project blend into the total natural environment? Will we detract from, or add to, the potential recreational development of the region? Will we adversely affect, or contribute to, the development of fish and wildlife resources, and marine ecology?" (1970)

So, you say, the Corps is changing its tune and things are going to be more adequately planned in the future. Don't count too heavily on that.

Presidents Franklin D. Roosevelt and Lyndon Johnson made preliminary moves to curtail Corps power, but didn't have a chance. Associate Justice William O. Douglas of the U.S. Supreme Court has called the Engineers "public enemy No. 1," but the name-calling caused scarcely a ripple.

Cabinet members, representatives of other bureaucracies and members of Congress itself have railed against the Corps, with little effect.

The point is, all of these critics have been barking up the wrong tree. The Engineers take their orders from Capitol Hill, particularly from those distinguished gentlemen on public works committees, and until there is a change in direction there, one can expect the Corps to alter its operations only minutely.

Then, too, blaming the entire Corps of Engineers for the problems surrounding construction of a project such as the Cross Florida Barge Canal is like blaming the entire city of St. Petersburg for a missed garbage pickup. In the case of the city, the proper target for complaint is the Sanitation Department. With the Corps, it's Civil Works Division. No one can find fault with the Combat Engineers in Vietnam and elsewhere, until they come home to fight such things as floods and impediments to navigation.

The Civil Works Division is made up of about 28,500 people, of which only some 150 are military men and they all are officers. Any ex-enlisted man, and most of those who wear some sort of hardware on their collars, will tell you that a situation involving all chiefs and no Indians can result in little short of mass confusion.

Add to this the fact military personnel are transferred every three years or so, and you have continuity for Corps projects left in the hands of civilians.

Top this off with an arrangement that results in most civilian salaries being charged against the particular project on which they are working. Naturally, if there are no projects, the white collar guys don't get paid, a situation they normally try to avoid at all costs.

Almost all the Corps' construction is done by private firms under contract. Thus the builders, dredgers, sand and gravel industries, concrete industry and other construction-oriented entities have a pretty solid stake in doing their best to see the Corps' workload increases.

For example, Gregg, Gibson & Gregg, a Leesburg firm, has been awarded more than $14-million in construction contracts on the Cross Florida Barge Canal alone. Obviously, Gregg, Gibson & Gregg does not favor abandoning the canal, which is about 30 per cent complete and could contain several more plums.

Lump the Corps' gainfully-employed civilians with the want-to-be-employed construction industry and the result is a pretty potent force. Add to this force those who stand to reap real financial gains from completion of a project—the barge lines, the land developers, the terminal operators, etc.—and the force becomes nearly overwhelming.

Now throw in politics and the picture becomes complete.

There's nothing like a good ol' public works project back in the home state or district to generate support for a candidate. Some people call it "pork barrel." Congressmen generally decline to complain about a colleague's "pork" because one day it'll be their turn at the barrel and a question today might mean getting slapped down in the future.

The Cross Florida Barge Canal was authorized in 1942, by coincidence an election year. It was unearthed for restudy in 1956 and studied again in 1962, again coincidentally, election years. All public works projects assigned to the Corps are included in omnibus Rivers and Harbors Acts that Congress passes

every other year—the even-numbered years.

Barge Canal construction began in February 1964, providing a solid nine months of campaign ballyhoo for all but one member of Florida's congressional delegation, which just happens to be a sponsor for the project. President Johnson, then planning to keep his job in the White House, made a speech at the ground-breaking, although he later spoke critically of the Corps.

Florida's congressmen, as well as ranking state officials and special interest groups promoting the project, must occasionally sit back and smirk at how the Corps of Engineers is catching most of the blame for the potential environmental dangers further Barge Canal construction could bring. The Army can't really afford to pass the buck upstairs, where it belongs. Congress is that august body whence all monetary blessings flow and one doesn't bite the hand that brings the pork.

Just this year, in the face of growing and apparently well-founded opposition to the Barge Canal, Congress managed to scrape up a half-million dollars more for the project than President Nixon had recommended. Last year's appropriation was 25 per cent more than had been recommended.

This by no means is an attempt to absolve the Corps from fault in public works projects that turn out to be more works than public. But when the Army digs a canal through what was the Oklawaha River, or turns the Everglades into a system of drainage ditches, or contemplates a waterway through the Big Bend, Florida's last remaining pristine shoreline, it is only carrying out a congressional mandate.

The Army will continue to carry out orders unless and until Congress tells it to stop. Conservationists can scream at the Corps about the Barge Canal until they're blue in the face and little will happen. But let this state's senators and representatives and local officials withdraw their sponsorship and we'd soon have the world's most expensive monument to narrow vision.

Perhaps it is a bit unfair to say the Barge Canal is strictly the result of narrow vision. It is more accurate to say there was a lack of environmental consideration in the planning, but at the time plans were drawn, there was no rule, regulation, directive, order or requirement for broad, comprehensive planning. The Army simply was instructed to build a canal, which it is doing.

When it became involved in the Central and Southern Florida Flood Control District, its orders were to prevent flooding, and it has.

When it was authorized to come up with a route for the Gulf Intracoastal Waterway from St. Marks to Anclote Key, that's what it did.

The fact the Barge Canal will ruin a wild river and could detrimentally affect Central Florida's water supply, among other things, was of secondary consideration. The fact the Central and Southern Florida Flood Control District would seriously damage the Kissimmee River, the St. Lucie estuary and threaten the life of Lake Okeechobee was, if it was considered at all, secondary. There's little hope of altering these projects now.

Because of the growing national concern over the environment, however, there's chance the Intracoastal Waterway's "missing link" through the Big Bend will be moved seaward of where the Corps has said it should be—at roughly the one-foot elevation contour in Florida's largest remaining wilderness area. An offshore alignment would do less ecological damage, but, by Army calculations, would result in lower benefits.

These benefits are very important to the Corps, which is required to justify its projects through the use of what is known as a benefit-cost ratio (B/C ratio). Engineers, through a series of complex formulas, arrive at a project's cost each year for 50 years and at the dollar benefits that can be expected over the same period. If expected benefits exceed expected costs, the Engineers tuck their plans under their arms and head for Congress seeking authorization to go ahead.

But before the finger can point at Congress or the Corps, it should swing around and be leveled at those who, in theory at least, get the projects started.

According to Army procedure, a group of citizens gets in touch with its U.S. senators and representatives to propose a project. If the solons favor the proposal, they turn it over to the House public works committee, which authorizes the Corps to investigate and make a report. The engineer in the affected district calls a public hearing, then prepares a survey plan, including estimates of costs and benefits. If all goes well, the approved plan goes back to the public works committee, where it is included in an omnibus Rivers and Harbors Act.

The full House, the Senate and the president rarely quarrel with what comes out of the public works committee, so now the project is included in a Rivers and Harbors Act and becomes reality. If authorization includes an appropriation, work can begin as soon as contracts can be let.

There have been claims that the Corps itself goes out looking for jobs and, once one is located, has little trouble convincing a local group the work is necessary. This falls in line with the self-perpetuation theory and possibly has taken place.

On the other hand, the Engineers are happy to provide figures showing more than 50 per cent of the proposals they study are turned down as not feasible. But these projects are not simply junked. Instead, the Army places the denied projects in an "inactive" file where they gather dust until a local sponsor decides to revive them.

That's what happened to the Cross Florida Barge Canal, on several occasions.

The idea of such a waterway was conceived back in Thomas Jefferson's day, but it wasn't until 1935 that the first spade of sand was scattered in the wind. President Roosevelt saw the project as a means of providing jobs and put about $5.5-million into it. But construction difficulties and concern for the freshwater aquifer that underlies most of the route and furnishes most of Central Florida's water resulted in abandonment after about one year. Remains of what was done then can be seen near Ocala today.

A half-dozen years later German submarines regularly were sinking tankers and cargo vessels off Florida's coast. A canal across the state, it was argued, would shorten the perilous voyage. So Congress, at the urging of Florida's politicians, gave the project approval by the margin of one vote in 1942. This is an important year to keep in mind, for it was then the Corps of Engineers was authorized—ordered, in other words—to build the canal. This is the order being carried out today, 28 years later, with essentially the same construction plans.

The canal did not get off—or into—the ground in 1942 or at anytime during the war years because of greater priorities for men, money and materials elsewhere and the effectiveness of antisubmarine activities. When the war ended, plans were put back on the shelf, to languish for a dozen years.

Jacksonville business interests began a move in the early 1950s that resulted in the Barge Canal returning to attention, but a marginal B/C ratio of $1.05 to $1 failed to generate congressional appropriations and it was back to the shelf with the plans.

In 1960, John Fitzgerald Kennedy had his eye on the White House and needed all the help he could get from Florida. There was an agreement, excellent sources say, that if Democratic leaders in Florida would work in Kennedy's behalf, he would, if elected, promote a start on the Barge Canal. Came election day and Kennedy and the Corps were on their way to a "new frontier," both with the blessing of Floridians.

Canal plans came out for still another study in 1962, which resulted in a B/C ratio that was $1.17 to $1, still marginal, but enough to allow Congress to appropriate the first construction funds with a relatively clear conscience. President Johnson was on hand when ground was broken in February 1964. Standing beside him on the speaker's platform that rainy day was Gov. Farris Bryant, now a Democratic candidate for the U.S. Senate.

Last fall, when the Florida Waterways Association held its annual meeting in Winter Park, Bryant was guest of honor.

On almost every even-numbered day since, there has been a story somewhere about someone who believes construction will result in biological, geological, hydrological, ecological, physiographical, botanical or economical chaos. Odd-numbered days have seen the Corps and canal boosters either replying to the charges or generating a few stories of their own.

The exchange has been enough to drive John Q. Citizen to the Ouija Board in an effort to locate the facts.

The one solid leg opponents have had to stand on so far is an absence of proper public hearings before construction began.

After the time a few good folks gathered in the Dixie Theatre in Ocala on April 23, 1940, the public had no chance to hear what was going on and comment on it until late January of 1966, almost two years after construction got underway. The 1966 hearing, held in Tallahassee, was chaired by Secretary of State Tom Adams, who probably is Florida's No. 1 public waterway booster with Department of Natural Resources Executive Director Randolph Hodges not far behind. Adams is a former president and Hodges a director of the Mississippi Valley Association, a barge-oriented organization which says it has offices "strategically located throughout the Valley and in Washington."

Conservationists went to the hearing—actually only a part of another meeting—with not so much malice toward the Barge Canal itself as to that part of its route through the Oklawaha River Valley. They wanted the Corps to adopt an alternate route that would preserve the river.

What happened at the meeting was recorded on film. That film, with Adams in a starring role, is still being seen around the nation as a classic example of just how unresponsive government can be.

The alternate alignment, needless to say, was not adopted. But canal proponents came to rue the day that non-hearing was held in Tallahassee, more than 150 miles removed from the nearest point on the canal route. It not only heightened bitterness against state and Corps officials, but prompted the defenders of the Oklawaha River to take a close look at *all* aspects of the canal.

When the scrutiny began, it was not by the proverbial little old ladies in tennis shoes. The center of opposition was in Gainesville, and when well-qualified scientists from the University of Florida and elsewhere became concerned, many around the state and the nation began to take notice.

Adams dismissed the criticism as "half-truths" by "pseudo-scientists," charges he has declined to substantiate, and succeeded only in further polarizing opposition, which had formed a non-profit organization called Florida Defenders of the Environment (FDE).

Armed with information supplied by FDE, the Environmental Defense Fund, a New York organization, brought a federal suit last fall against the Corps of Engineers. The suit claims the Corps "has been less than candid" about the Barge Canal and alleges the project violates the Fifth and Ninth Amendments to the U.S. Constitution.

It is the only legal action ever taken against the Corps as a result of one of its projects. It apparently has caused some consternation on judicial levels. Almost a year has passed and the case isn't close to coming to trial.

Meanwhile, construction continues, just as Congress ordered back in 1942.

One of the reasons for abandoning the 1935 canal—which was to be at sea-level—was what the U.S. Geological Survey (USGS) determined was a threat to the underground freshwater aquifer underlying most of the canal route. The Corps contended at the time that a series of locks and dams, which require less severe excavations, would eliminate the threat and still accommodate barge traffic. This is the idea that was brought to fruition during the war.

A later USGS report tended to support the Corps' ideas about the aquifer, but this is a major question today, particularly at Silver Springs and Rainbow Springs, where multi-million-dollar tourist attractions are greatly dependent on the millions of gallons of water that flow from the aquifer each day. Any fluctuation in quality or quantity at either attraction and the State of Florida is practically assured of heading into court to answer a damage suit.

Fears that water flow will be affected are supported by a number of dry springs in the area between the western end of the Barge Canal and the Withlacoochee River in northwest Citrus County. Residents of Inglis and Yankeetown are ready to swear that what now are gaping holes in the earth were gushing springs before the canal was excavated a minimum 12 feet into the earth some four years ago.

William B. Paterson of Yankeetown, a former member of the Game and Freshwater Fish Commission, reported that during an extremely low tide last winter, no fewer than 27 "boils" caused by water escaping from the aquifer were counted in the canal excavation west of the Inglis Lock. "That's where our water went," he said.

Asked about this, officials at the Corps' Jacksonville District Office said they hadn't heard that the springs had dried, but would "look into it."

Paterson was one of the "fishermen" who spotted a partially laden, 350-foot barge apparently aground near the western end of the canal in late June. He, and others, insist the barge spent some 24 hours on the bottom of the channel while tugs worked frantically before freeing it. They have pictures that tend to prove their story.

The Jacksonville Office flatly denied the barge was aground, but admitted it had not investigated before making the statement. The Canal Authority of Florida, a co-sponsor of the project, and the shipper, Dixie Lime and Stone Co. of Ocala, a strong canal supporter, made great overstatements about how things had gone exactly as planned.

What happened, apparently, is that what was planned as a pro-canal promotion backfired and the Corps, the Canal Authority and the shipper were caught with their channel shoaled.

Although no one will admit to an error in the alleged barge grounding, the Corps has owned up to a mistake in construction of a bypass canal that is designed to deliver water to the Withlacoochee River downstream from the Inglis Lock.

The by-pass channel, which carries water around the lock and into the river, was designed to furnish a flow equal to the average amount of water in the river each month for the past 38 years. It doesn't work, at least not to the satisfaction of Inglis and Yankeetown residents.

Paterson, who has a beautiful home on the river, said that flow is far less than formerly, that as a result tidal fluctuations are as much as three feet greater, that turbidity has increased, that salt content of the water is higher and that fishing has diminished.

The Corps admits flow through the bypass canal is not as great as it should be and is altering a culvert that it says will increase volume by at least 300 cubic feet per second. It also has commissioned the USGS to conduct a $193,000 survey and monitoring program on salinity levels in the river.

The first place the USGS tested for salt, incidentally, was in a freshwater spring bubbling from the bottom of the Withlacooche. Paterson said the geologists were red-faced when he questioned the authenticity of data collected at that station.

Just what can and will be done if the survey results are adverse isn't known, and that, generally, is the point of all of the hullabaloo over the entire Barge Canal. If construction continues and the conservationists' fears are realized, what can and will be done to negate the damage?

Obviously, little or nothing can be done to restore the Oklawaha.

That's why there have been consistent demands for a comprehensive ecological study of the entire project. Such a study never really has been attempted. Ecology is more than a popular word these days. More has been learned about this inter-relationship between plant and animal and physical communities in the last two decades than in the previous two centuries.

Even Col. Avery S. Fullerton, the Jacksonville District engineer and man in charge of canal construction, has said he would welcome such a study, if for no other reason than to determine just who's right and who's wrong in all the oratory that's filled the air for the past six years.

Fullerton cited the meteoric rise in building costs and said that because of this he would not favor a moratorium on construction while the study is taking place. However, he said, "I would be glad to see that construction during that period would be on as many projects as possible that would be potentially less ecologically damaging."

So that's the status of the Corps of Engineers, particularly in its relationship with the Barge Canal. The Corps, which is catching merry hell, possibly justifiably and possibly not, for a job it was ordered to do, is just as anxious as anyone to have the controversy resolved, one way or another.

So what's the hangup? Secretary of the Army Stanley R. Resor explained it this way on the occasion of the Corps' 195th birthday in June:

"If in the past the Corps ever was insensitive to certain environmental questions, that insensitivity reflected in large measure the views of political leaders and much of the American population. It took us many years to realize that our natural resources are not unlimited."

From that and other statements, it would seem the Corps has changed its attitudes. Judging from the sudden and widespread interest in the environment, it appears much of the public has changed.

That leaves the political leaders, and in view of past attitudes on the part of some of Florida's state and national officeholders toward the Barge Canal, it will be interesting to listen to their promises between now and November.

Will they change? Or at least proceed on the basis of the best information available?

Politicians have been known to test the pulse of the public occasionally, like in even-numbered years.

Mr. ELLENDER. Mr. President, with respect to the concern the Senator from South Dakota (Mr. McGOVERN) expressed that the appropriation of funds for this project might imply a waiver of the statutory requirements of the National Environmental Policy Act of 1969, I would like to read a portion of the committee report that bears on this point:

> The committee has received objections, based on environmental grounds, to many programs and projects for which funds are included in this bill. The objections are principally based on the failure of the agencies involved to file the five-point statement required by the National Environmental Policy Act of 1969. The agencies were given until June 1, 1970 to prepare their procedures for implementing that act. The committee has been informed that the required statements are in preparation. In most cases, the projects objected to have been under construction for some time. The fact that the committee has recommended funds in this bill does not exempt the construction agencies from complying with the provisions of that act as currently applicable.

This project has been under construction for about 9 years, more than $52 million of Federal funds have been spent on this project. It has the support of the Florida congressional delegation, the entire Cabinet of the State of Florida except the Governor. It is the one remaining link in the great intracoastal waterway extending from the Mexican border to Trenton, N.J. with interconnections with the inland navigation system of the Mississippi, Missouri, and Ohio Rivers and the Great Lakes. It is a very important project, and I hope the amendment will be defeated.

Mr. HOLLAND. Mr. President, I hope the Senate will not adopt the amendment offered by the distinguished Senator from South Dakota and the distinguished Senator from Wisconsin.

I want to say that if there is anyone in the Senate who is interested in Florida, interested in its ecology, and interested in the preservation of Florida, it is the senior Senator from Florida. Without boasting, it is he who, as Governor, signed the deed conveying 850,000 acres of Florida land to the U.S. Government for setting up the Everglades National Park. It is he who has followed every development of that park ever since he has been in the Senate. It is he who has followed every single effort for the preservation of our Florida beauties and nature that seem at all defensible and desirable.

The Senator from Florida has represented his people and also, he thinks, the best interests of the Nation in supporting strongly the Cross Florida Barge Canal. It is the route connecting at last, at long last—and this has been planned ever since Spanish days—the Gulf area, the Mississippi Basin area, and all the other basins that run into the Gulf, with the Atlantic coastal area, thereby saving from 400 to 500 miles of water travel.

It is now a third complete geographically and physically, and more than a third complete insofar as financial commitments are concerned; because, in addition to the money that already has been spent, the Federal Government has recently committed, as the Senator from

South Dakota well knows, more than $12 million—this within the last month—on three additional contracts which are now in force. The State of Florida has, for itself, almost completed the acquisition of rights-of-way and the other lands required, and I believe that the total required in that matter of the State of Florida is $16 million, of which most has been spent in the acquisition of those lands.

Considering both Federal and State money, the project is more than a third paid for, and the project at both ends is largely completed insofar as the digging into the soil of our State is concerned. I do not think it is even reasonable to talk about leaving those great sloughs extending from the St. John's River to the Eureka Dam almost up to Silver Springs, where the park has been largely excavated and the other big areas excavated at the west end of the waterway.

This is not the old sea-level canal. This is a canal which at most will dig into the soil of our State, at the deepest place, 27 feet. It is a canal which will be operated by the fresh waters of our State, which will have to be impounded and kept available to operate the five locks that are involved in this canal.

It is my feeling that to delay or to stop this great effort at this time—which already has been too much delayed—would be a very useless and unwise course. The matter has been fought out twice on the floor of the Senate—once on the motion of the distinguished former Senator from Illinois, Mr. Douglas, and once on the motion of the distinguished Senator from Wisconsin (Mr. PROXMIRE). Both times, by an overwhelming vote, the Senate has upheld the continuation of the construction of this canal.

Mr. President, only in January of this year, this large and voluminous report from the U.S. Geological Survey, which I hold in my hand, was made on this canal, having to do with the hydrological values which have just been mentioned by my distinguished friend, the Senator from South Dakota. This report shows very clearly that there is no thought on the part of the distinguished geologist and reporter, Dr. Faulkner, of discontinuance or delay in construction. He simply says that there are some small chances of pollution which can easily be avoided by corrective action taken as the construction gets underway.

Mr. President, I could say many things about this matter, but, in order to save time, I simply ask unanimous consent to have printed at this point in the RECORD a copy of the letter of June 5 from the Secretary of the Interior to the Secretary of the Army, asking for a 15-month moratorium on construction of the canal, and a copy of my reply to that letter, because I received a copy of it, addressed to Hon. Walter J. Hickel, Secretary of the Interior, on July 15, with various documents attached to that letter. Except for an acknowledgement of it I have received no reply from my letter of June 15.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF THE INTERIOR,
Washington, D.C., June 5, 1970.

Hon. STANLEY R. RESOR,
Secretary of the Army,
Washington, D.C.

DEAR MR. SECRETARY: Enclosed for your information is a copy of a report entitled "Review and Appraisal of the Cross Florida Barge Canal." The report was prepared in an effort to evaluate the claims of many people who have written this Department alleging that insufficient consideration has been given to the scenic, fish and wildlife, and natural beauty aspects in planning the Cross Florida Barge Canal project.

I have reviewed the appraisal report and believe that several items of importance to this Department should be more fully considered in relation to the construction of this project. I am recommending that a thorough ecological and environmental study be undertaken by a Department of the Interior task force. The study would be coordinated with your Department and the involved State agencies. To facilitate the study efforts of the task force, I would suggest that a 15-month moratorium on project construction be effected while the study is being carried out.

In the table on page 117 of the hearings on the Public Works Appropriations for 1970 before the Subcommittee on Public Works of the House Appropriations Committee, amounts of $700,000 and $500,000 are shown for engineering and design and for supervision and administration, respectively, as a part of the total of $6,000,000 included for this project in the budget estimate for 1970 under Construction, General. We presume that the budgetary reserve includes a proportionate share of these amounts.

Since the Department of the Interior does not have adequate funds available to carry out the studies we believe are necessary and the studies are directly related to the future construction program for the project, we request that funds for this purpose be made available to us from that portion of the budgetary reserve assigned to those functions described above. Section 2(e) of the Fish and Wildlife Coordination Act (48 Stat. 401, as amended; 16 U.S.C. 661 et seq.) authorizes the transfer of such funds.

In making this request, we recognize that the Public Works Appropriation Act for 1970 did identify $600,000 in the Construction, General appropriation of the Corps of Engineers-Civil for transfer to the Bureau of Sport Fisheries and Wildlife under authority of the Fish and Wildlife Coordination Act. These funds are being used for necessary investigations of a number of authorized Corps of Engineers projects throughout the Nation. The investigations were programmed to meet both the needs of the Corps of Engineers and those of the Bureau of Sport Fisheries and Wildlife in connection with these projects, and should be completed in an orderly manner. Use of funds from this source to carry out the proposed ecological and environmental studies of the Cross Florida Barge Canal would result in an undesirable curtailment of these studies and possible delays in construction of various projects.

If the proposed method of financing is acceptable, we shall be pleased to provide detailed estimates of the studies believed needed and the funds required. We are sending a copy of this letter to the Director of the Bureau of the Budget.

Sincerely yours,

WALTER J. HICKEL,
Secretary of the Interior.

U.S. SENATE,
Washington, D.C., June 15, 1970.

Hon. WALTER J. HICKEL,
Secretary of the Interior,
Washington, D.C.

DEAR MR. SECRETARY: On June 5, 1970, my office was advised by a telephone call from your department that you planned to make a press release on June 8 announcing that you had written the Secretary of the Army requesting a 15-month moratorium on construction of the Cross-Florida Barge Canal while a special task force composed of agencies of the Department of the Interior would study the ecological, hydrological and other problems involved.

Upon being informed of this press release, I requested your department to furnish me with a copy of your letter of June 5, 1970 to the Secretary of the Army, which I was furnished on June 8, as well as the accompanying report which I have read in detail.

At this time I will not go into the manifest advantages to the nation and the economics involved, including recreational benefits, that were completely omitted from the report. In linking up the 1050-mile Intracoastal Waterway serving the East Coast to Trenton, New Jersey, with the 1070-mile Gulf Intracoastal Waterway serving the Gulf and Mississippi River Basin area, as testified to by many recognized and authoritative groups, numerous benefits have been attested to. These are available should you desire to have them in order that you may make a more objective review of the merits of the Cross-Florida Barge Canal.

Let me say, Mr. Secretary, that I am unalterably opposed to any moratorium being placed on the construction of the Cross-Florida Barge Canal which has already been unduly delayed due to budgetary restrictions and the placing of appropriated funds in budgetary reserve.

I have no objection, of course, to your department's making further studies concurrent with continued construction of the project that you feel may be warranted. However, as one member of the Senate Appropriations Committee and the Subcommittee on Public Works Appropriations, I do not look with favor on allocating for such studies any funds appropriated for the purpose of construction, supervision and administration of the project. I do not know of any project that has been studied and restudied more than this one. As a matter of interest, I am enclosing (Enclosure I) for your information a partial list of the various studies which have been conducted over the years. This list totals 74 studies, a number of which have been conducted by agencies of your department.

I note, also, from the report enclosed with your letter to the Secretary of the Army, that it quotes from a report prepared by the Florida Defenders of the Environment, entitled, "Environmental Impact of the Cross-Florida Barge Canal," dated March 1970. This report was made a part of the record of the hearings on the fiscal year 1971 public works appropriations bill. No mention was made in such report of the rebuttal testimony submitted to the subcommittee by Mr. W. A. McCree, Jr., President of the Florida Waterways Association, formerly the Chairman of the Canal Authority of the State of Florida. For your information I am inclosing (Enclosure II) a copy of his testimony which was made a part of the record of the hearings at my request. I believe you will also be interested in reading a copy of Mr. McCree's letter of January 9, 1970 to the President and Editor-in-Chief of The Reader's Digest. I enclose a copy of this letter for your information. (Enclosure III)

There is no one man whom I know who possesses more background and factual information regarding the history of the Cross-

Florida Barge Canal than does Mr. McCree, and I strongly recommend your reading his comments on the subject. Such information should enable anyone with an open mind to understand the actual facts regarding the canal project rather than to give credence to the great volume of oft-times unsubstantiated information put out by various organizations and the news media.

Let me further point out, Mr. Secretary, that the project is some 31 percent complete. The Congress has appropriated some $52.7 million of a total estimated federal cost of $169.2 million. Some $45.5 million has been expended as of the close of calendar year 1969. Out of the total non-federal costs of $16 million, the State of Florida has expended about $11 million and the cost of work accomplished by local interests in the construction of six barge ports is estimated to be $2 million to $3 million.

Important, also, is the fact that in addition to the above expenditures through calendar year 1969, plus the cost of the first six months of 1970, which is not currently available to me, an additional $5 million to $10 million would be required should the project be deferred, making a total sunken investment of between $65 million to $75 million.

The additional work still required to be constructed or modified in the event of such a deferral would be the Inglis spillway for flood control on the Withlacoochee River; plug the canal west of the Withlacoochee River and remove the barrier dam to restore river openings; provide bank protection from Inglis Lock to the Gulf of Mexico; provide channel in the Eureka Reservoir reach for flood control on the Oklawaha River portion of Four River Basins project; provide bypass at Rodman Dam and plug the canal west of St. Johns Lake.

Considering the work already done and that which must be done if a long deferral is ordered, it can be seen that while the construction of the project is only some 31% complete, the effect such construction would have on the environmental aspects would be 60% to 70%.

In this connection I might state that three of the five lock and dam structures are completed, one reservoir is full and two of the reservoirs remain to be cleared of timber. Extensive progress has been made on relocation of utilities, roads and bridges.

With reference to land acquisition, about 85% of the water storage lands and canal rights-of-way have been acquired by the State agency and those remaining are in process of acquisition.

During the course of consideration of the location of the canal, dating back to 1826, some 29 different routes were studied. Based upon those studies the present alignment was authorized in 1942. At the same time authorization was granted, construction of a pipeline across the State of Florida was undertaken to relieve the oil and fuel shortage on the eastern seaboard as a result of the wartime situation. I mention this since during the testimony of Major General Eugene Reybold, Chief of Engineers, War Department, before the Senate Committee on Commerce. June 30, 1942, he stated in testifying in regard to the canal:

"The value in time of war of an improved through inland waterway from Port Isabel (Texas) to Trenton (New Jersey) with a minimum depth of 12 feet, is believed sufficient to warrant construction of these improvements."

I should add that the pipeline instead of the Canal was constructed at that time due mainly to priorities for materials and the fact that the construction time of the pipeline was estimated to be three months as opposed to three years for the canal.

Mr. Secretary, a great deal has been said with regard to the Oklawaha River. I believe it particularly important to point up the fact that the River and Harbor Acts between 1890 and 1916 authorized projects and funds were appropriated for navigation project works on the Oklawaha River which were completed in 1925. The project consists of a channel six feet deep from the mouth to the head of Silver Springs Run; clearing channel obstructions from Silver Springs Run to Lake Griffin, includiug certain artificial waterways and extensions thereof, and maintaining dikes to obtain a navigable depth of about four feet to Leesburg and Lake Griffin; and construction of a lock and dam at Moss Bluff to maintain the water level on Lake Griffin. Thus, years ago the natural river was altered greatly by these improvements and by timber operations by private interests, especially the cutting of the cypress trees. Further, records of the Corps of Engineers reveal that there was not a year during the 10-year period from 1959 through 1968 in which snagging in the Oklawaha was not performed at an average annual cost of $4,209, the maximum being $9,268. Also, hyacinth control has been performed on a yearly basis, and during the same 10-year period the average annual expenditure on the Oklawaha watershed was $38,754, of which an estimated annual expenditure of $13,000 was for hyacinth control on the lower river.

I believe it also important to point out that on the Oklawaha and the Withlacoochee Rivers certain flood control work authorized by Congress and now under construction under the Four River Basins projects is tied in with the Cross-Florida Barge Canal, to prevent flood damage, averaging some $9.12 million in the Oklawaha River basin and some $2.2 million in the Withlacoochee River Basin. The total cost of improvements in the Oklawaha River basin is estimated at $3.6 million and the Withlacoochee River Basin at some $2.8 million. The Moss Bluff Lock and Dam on the Oklawaha River was reconstructed as a part of the Four River Basins project and was completed in December 1969 at an estimated cost of $1.9 million.

The above facts, as well as the fact that the Withlacoochee River was altered by work accomplished under the River and Harbor Acts of 1881 and 1907, show conclusively that neither of these two river systems is in its natural state, and I am convinced that the work on the Cross-Florida Barge Canal, coupled with work to be accomplished under the Four River Basins project, will ultimately provide a better hydrological and ecological system for the benefit of all the people in that large area.

I realize that this letter is most lengthy; yet I feel it is of paramount importance for you to have all facts at hand in view of your recent request to the Secretary of the Army based on information which could only be oriented in one direction without due consideration to the many other aspects of the problem not fully within the purview of your Department. Should some problems of the nature indicated in the report accompanying your letter arise, they should be more appropriately taken care of during the course of construction.

Let me further say in closing that the report accompanying your letter contains many questionable facts; for example, the statement relative to the 1963 report of the Bureau of Sport Fisheries and Wildlife. If you will refer to the chart on Page 12 of the report, you will find that man days loss in hunting resulting from the project would be 18,150, while fishing would be improved by 78,200 man days. Further, other matters covered in the report such as recreation, pollution and weed control are being considered by the Corps of Engineers along with the planned program of construction as required under law.

I believe, Mr. Secretary, that careful consideration of all the voluminous information available on the construction of the Cross-Florida Barge Canal would convince anyone that the value of this project for the good of the nation as a whole, particularly in its present stage of construction, would far outweigh the questions raised within your single agency having only partial responsibility, and which by careful and fair evaluation and cooperation as the project moves forward can eliminate any fears of great damage to the ecology of the area traversed by the Canal.

By copy of this communication, I wish to indicate to the Secretary of the Army of my complete opposition to any moratorium on the construction of the Cross-Florida Barge Canal and to request that he expedite the completion of the project to the full capabilities of the Engineers and appropriations of the Congress.

With kind regards, I remain,

Yours faithfully,

SPESSARD L. HOLLAND.

PARTIAL LIST OF REPORTS ON CROSS-FLORIDA BARGE CANAL

Name of Report and Date:

First report authorized, 3 Mar 1826.

Waterway across State of Florida, 19 Feb 1829.

Waterway across State of Florida, 26 Jan 1830.

Waterway across State of Florida, 6 Mar 1832.

Waterway across State of Florida (Sanford to Tampa, Fla.) 6 Dec 1838.

Waterway across State of Florida, 1 May 1855.

Waterway Apalachicola Bay to Atlantic Ocean, 29 Sep 1873.

Canal St. Marys River (Ga. & Fla.) to Gulf of Mexico, 6 Apr 1880.

Waterway across State of Florida, 9 Nov 1911.

Waterway across State of Florida, 30 Jul 1913.

Waterway across State of Florida, 10 Oct 1924.

Atlantic Gulf Ship Canal Fla. (Cumberland Sound Fla. to Miss. R.W/W), 1 Dec. 1931.

Atlantic Gulf Ship Canal, Fla. (Fla Ship Canal) (Georgia-Fla. W/W) St. Marys River (Ga. & Fla.) to Gulf, 27 Jan 1932.

Atlantic Gulf Ship Canal, Fla., Geological and Ground Water Conditions, 10 Dec 1935.

Atlantic Gulf Ship Canal, Fla., 1 Nov 1936.

Cross-Florida Barge Canal, 12 Jun 1942.

Definite Project Report, Dec 1943.

Addendum No. 1 to Definite Project Report, Mar 1945.

Economic Restudy of Cross-Fla. Barge Canal, 10 Jan 1958.

Economic Evaluation of Cross Florida Barge Canal (Jacksonville Dist), 13 Mar 1962.

Potential traffic and transportation cost savings of Cross-Florida Barge Canal (A. D. Little, Inc.), Mar 1962.

Traffic analysis and estimated tonnage prospectus of the CFBC (Gee & Jensen), 1956.

Input: Chief of Engineers' evaluation, Jun 1962.

U.S. Fish and Wildlife Report (Concurred in by State Game and Freshwater Fish Comm.), Feb 1963.

Supv: Supplement to Economic Restudy, 16 Aug 1963.

Input: Detail Design Memo No. 1, St. Johns Lock, Oct 1963.

Detail Design Memo No. 2, Relocation of U.S. Route 19, Apr 1964.

Input: Detail Design Memo No. 3, Inglis Lock, 19 May 1964.

Detail Design Memo No. 4, Relocation of S.R. 316, 19 Jun 1964.

Detail Design Memo No. 5, Project Office Building, Aug 1964.

Input: Detail Design Memo No. 6, Rodman Dam, Nov 1964.

Input: Detail Design Memo No. 7, Eureka Lock and Dam, Feb 1965.

Statement of indorsement, Fla. Game and Freshwater Fish Commission, 1965.

Supv: Design Memo No. 7A, Preliminary Master Plan, Part of the Master Plan, 14 Oct. 1965.

Relocation Studies—Railroad Crossings near Dunnellon, Dec. 1965.

Input: Detail Design Memo No. 8, Clearing of Rodman Pool, Jan. 1966.

Supv: Relocation Study, Cross-Florida Barge Canal, Jan 1966.

Detail Design Memo No. 9, Relocation of S.R. 40 (Revised Jan. 1970), May 1966.

Input: Detail Design Memo No. 10, Inglis Spillway and Dam, Sep. 1966.

Input: Detail Design Memo No. 11, Mile 65.5 to Mile 70.6, Job 12 (Part) and Job 14 (Part) Canal Excavation and Erosion Control, Dec. 1966.

Detail Design Memo No. 12, St. Johns, Eureka, and Inglis Locks, Derricks, and Emergency Bulkheads, Jun. 1967.

Detail Design Memo No. 13, Relocation of Railroads near Dunnellon, May 1967.

Detail Design Memo No. 14, State Road S–464 Highway Bridge, Jan. 1968.

Detail Design Memo No. 15, State Road 475 Highway Bridge, May 1967.

Detail Design Memo No. 16, Clearing Eureka Pool (under preparation), Feb. 1967.

Supv: Design Memo No. 7B (C–1), Rodman Reservoir Construction Design Memo, Public-use and Administrative Facilities, Part of the Master Plan, 1 Dec. 1967.

An optimum land use model for a delimited area contiguous to the CFBC (Dr. Edward A. Fernald), 1967.

Input: Detail Design Memo No. 17, Mile 83.5 to Mile 92.6, Job 15, (Part) Dunnellon to Inglis Lock, Aug. 1967.

Pre-impoundment studies of the waters of CFBC (FWPCA), Dec. 1967.

Input: Detail Design Memo No. 19, Mile 20.8 to Mile 35.9, Job 10, (Part) Channel through Rodman Pool, Jan. 1968.

Supv: Detail Design Memo No. 3, Supplement 1, Inglis Lock Bypass Channel, Feb. 1968.

Input: Real Estate Design Memorandum No. 18, CFBC and Recreational Sites, 19 Feb. 1968.

Supv: Design Memo No. 7B (C–2), Inglis Reservoir, Construction Design Memo, Public Use and Administrative Facilities, Part of the Master Plan, Jul. 1968.

Input: Detail Design Memo No. 21, Dunnellon Lock, Nov. 1968.

Supv: Water Quality Data, CFBC (updated annually), Dec. 1967.

Input: Detail Design Memo No. 22, Mile 80.5 to Mile 83.5, Job 15 (Part), Dunnellon Lock to Dunnellon, Aug. 1969.

Report of State Game and Fresh Water Fish Comm., Nov. 1969.

Supv: Report of Corps of Engineers' Biologist, Jan. 1970.

Geohydrology of the Cross-Florida Barge Canal Area with Special Reference to the Ocala Vicinity (By USGS), Jan. 1970.

REPORTS ON AQUATIC PLANT CONTROL

Supv:

General Design Memorandum, 12 January 1959.

State Design Memorandum for Florida, 6 November 1959.

Supplement No. 1 to State Design Memorandum for Florida (No. 2–D), 1 August 1960.

Research Design Memorandum, May 1959.

Feature Design Memorandum No. 1, F.Y. 1960 Program, January 1960.

Feature Design Memorandum No. 2, F.Y. 1961 Program, December 1960.

Feature Design Memorandum No. 3, Project Work Areas (Hyacinths), July 1961.

Supplement 2 to State Design Memorandum for Florida (No. 2–D), July 1961.

Supplement 3 to State Design Memorandum for Florida (No. 2–D), July 1962 (R 1–17–63).

Supplement 4 to State Design Memorandum for Florida (No. 2–D), July 1964.

Supplement 5 to State Design Memorandum for Florida (No. 2–D), July 1965.

Supplement 6 to State Design Memorandum for Florida No. 2–D), July 1966.

Jacksonville District Portion of SUMMARY REPORT on Expanded Project (Printed as HD No. 251–89th Cong. 1st Sess.), March 1964.

AQUATIC PLANT CONTROL PROGRAM

(River and Harbor Act, 1965)

Preliminary Reconnaissance Survey Report for Florida, June 1967.

General Design Memorandum for Florida, Feb. 1969.

ENVIRONMENTAL IMPACT OF THE CROSS FLORIDA BARGE CANAL WITH SPECIAL EMPHASIS ON THE OKLAWAHA REGIONAL ECOSYSTEM

SUMMARY OF FINDINGS

Geology

1. The presence of solution holes and fracture zones near project structures makes it likely that there will be problems of porosity and leakage and that pollution of and hydrologic changes in the aquifer will occur.

Refutation: January 1970 Geohydrology of the Cross Florida Barge Canal Area with Special Reference to the Ocala Vicinity, Prepared by Glen L. Faulkner, United States Geological Survey in Co-operation with the Corps of Engineers, U.S. Army, indicates that such leakage as will occur around locks and dams will not be a problem.

2. The location of the canal locks and the dams on or very near the Oklawaha River fracture zones introduces the risk of earthquake damage to these facilities. The history of Florida earthquakes is not reassuring in this respect.

Refutation: It is inappropriate to compare the shallow reservoirs of the Cross Florida Barge Canal with the Koyna Dam in India. Dr. Robert Vernon, State Geologist states that the Floridan Aquifer in the areas of Rodman and Eureka Pools now is exerting upward pressure on the acquiclude and that the impoundments would help to stabilize the conditions in that area. From a practical Standpoint . . . . The Inglis Pool has been in existence 50 years and Geological maps show fracture zones in this area also—no record of earthquakes. From a practical standpoint the Canal reservoirs would be less dangerous to the underground structure of Florida than the construction of tall buildings in the Orlando area.

3. Mineral resources in the vicinity of the barge canal are meager, being mostly bulk materials for local use. Therefore, it is unlikely that construction of the canal would result in greater utilization of these resources.

Refutation: Dr. Robert A. Vernon, State Geologist, who has spent a lifetime studying the geology and mineral resources of Florida, states that mineral resources in the vicinity of the Canal are plentiful. He cited one customer in North Carolina who could use an 8 million dollar quantity of Dolomite per year provided it could be delivered by barge. He has also pointed out that the hard rock phosphate available in Levy County, and the kaolin available in Putnam County could be marketed, when low cost transportation is available. Already, private interests are venturing capital for the purpose of mining and selling mineral resources along the Canal route.

Hydrology

1. Water supplies in drought periods may be inadequate for canal operation without extensive additional pumping facilities.

Refutation: Report of U.S. Geological Survey by Glen L. Faulkner, January 1970 concludes: "The geohydrologic investigation of the Cross Florida Barge Canal reveals that the design of the Canal and the plan of operation are consonant with the hydrologic regime." Pumping into the Summit section from the Eureka Reservoir near Silver Springs to replace lockage water losses has always been in the plans. Possible pumping from the Inglis Pool into the summit section may also be necessary, but further pumping is not contemplated and studies of the Corps of Engineers indicate such will not be necessary.

2. Because the summit pool connects freely with the ground water of the Floridan Aquifer any pollution of the pool will enter the aquifer and flow to natural discharge points.

3. Some pollution of the summit pool and the Floridan Aquifer is inevitable because of nearby residential or industrial development, leakage from barges, and turbidity resulting from construction.

4. Major pollution from accidental spills of oil or toxic materials is predictable in the long run of barge operation. These pollutants in the Aquifer may damage water supplies of communities nearby and impair the unique recreational qualities of Silver Springs and of whatever sports fishing the canal impoundments might afford.

5. Oklawaha River water which will be back-pumped to the summit pool may accelerate solution of limestone in the summit reach because of its different chemical characteristics.

Refutation: The Corps of Engineers will take adequate steps during construction and operation of the Canal to protect the Summit pool from pollution which might affect Silver Springs or the Ocala water supply. Faulkner's report goes into the requirements thoroughly and recommends additional studies during construction. The Corps plans to follow his recommendations. They expect to control spillages by stringent inspection of barges and vessels below St. Johns Locks and Inglis Locks. In addition they will have portable equipment available to the Summit section for use in time of emergencies. The Faulkner report also states that the limestone and other material through which the small amount of flow from the Summit Pool to Silver Springs, is an excellent filter. Only 8% of the flow of Silver Springs is affected by the water in the Summit section with an estimated 140 days of travel from the Canal to the Springs. Drainage wells in the Ocala area have failed to contaminate the underground water supply of that same area. It is believed that the filtering action of the limestone underlying the area has prevented such contamination. This is a practical application.

The Corps of Engineers will not approve discharge of any water into the Summit section that in any way will pollute the water of this sector. No member of the Florida Waterways Association is willing for the slightest contaminatton of Silver Springs, and we have questioned the Corps of Engineers quite thoroughly on this point. We are satisfied that they can prevent any pollution of the Springs and we will diligently follow the plans of construction and operation on this important matter.

6. Excessive and possibly uncontrollable leakage of water from the summit pool to the lower pools is a distinct possibility.

Refutation: Neither the report of the U.S. Geological Survey of January 1970, nor the studies of the State Geologist will agree on this charge.

7. There is little doubt that the canal will result in an overall decline in the quality of surface water in the system.

Refutaton: The decline or improvement of the surface water in the Oklawaha or Withlacoochee part of the Cross Florida

Barge System depends entirely upon the management of that system during and after construction, just as our total environment depends upon management. Map studies indicate that the Ocala National Forest, prior to Cross-Florida Barge Canal construction, abutted the actual banks of the Oklawaha for about 2¾ miles between Sharpes Ferry and SR–316 (Eureka), about 3¾ miles between Eureka and the Rodman Dam Site, and about 11 miles extending from the Rodman Dam Site to the river mouth at the St. John's. Much of this river channel lay up to a half mile across the river swamp from the generally passable and useable higher ground making up the forest proper. With the completion of Rodman and Eureka Reservoirs, the Ocala National Forest will retain about the same amount of frontage on the Barge Canal Project, except that between Sharpes Ferry and Rodman Dam the frontage will be upon a well planned and managed reservoir, with a useable periphery for public access, rather than being featured by the previous swamp barrier. The site between Rodman Dam and the St. John's will remain unchanged.

8. Flood control benefits claimed for the canal project appear highly dubious.

Refutation: The 1960–61 floods which occurred before the author of these charges arrived in Florida, clearly demonstrated the damages which could be wrought by uncontrolled flood water in the Oklawaha and Withlacoochee Basins. The upper Oklawaha Basin, including Lakes Apopka, Dora, Eustis, Harris and Griffin and various connecting lakes and tributaries, all join with the Silver River to flow down the portion of the Oklawaha through which the Cross Florida Barge Canal is being built. This is one of the four rivers in the Southwest Water Management District. Water management facilities required for the Oklawaha Basin entail canalization of the River from Lake Griffin to its juncture with the Cross-Florida Barge Canal Channel near SR–40. These facilities already are nearing completion. If the Canal is not completed, some arrangements must be made for carrying these waters to the St. Johns River. Canalizing the Oklawaha to handle flood waters would be just as detrimental to the esthetics of the meandering Oklawaha River as the Reservoirs created by the Canal. Controlling Florida floods is a fact of life which cannot be overlooked. All lakes in the upper Oklawaha basins have had to be retained at above the acceptable high water mark during January, February, March and April, 1970 because the Canal is not complete to Silver River.

Ecology

1. Most of the Oklawaha regional ecosystem is still unimpaired, and it is the only large wild area remaining that supports the full spectrum of plant and animal life native to north-central Florida. Destruction of this unique natural region by the proposed canal is unjustified and hopelessly uneconomic in terms of long-run social needs.

Refutation: The principal reasons given by Florida Defenders of the Environment for stopping construction of the Cross Florida Barge Canal given in their fund raising literature are as follows: (1) Saving the Oklawaha ecosystem and (2) Setting a precedent for stopping a project already authorized and under construction.

We will agree that changes in plant life and animal life will occur upon the creation of the Reservoirs. We cannot understand, however, how Scientists and Historians can ignore destruction of the region which is known to have happened in the lifetime of many now living. We refer to the fact that "History of Man in the Oklawaha Region" by Gordon E. Bigelow, Professor of English, University of Florida, fails to mention the fact that man exploited the Oklawaha ecosystem when he cut the cypress trees from the River and the Valley. The cypress trees were resistant to fast flowing water and made the Oklawaha beautiful as well as usable for the steamers that plied its crooks and turns at the turn of the Century. The trees which have grown back are shallow rooted and are continually being undermined by the swift water or blown down by storms; so if the river were left completely alone without any management it would become a morass of fallen trees.

In Ariel Lugo and Archie Carr's description of the "Vegetation of the Oklawaha" a bare mention is made of cypress which was one of the most important timber products in Florida until this slow growing species became practically extinct in the '30's.

These ecologists speak of an unimpaired ecosystem, when perhaps the most important plant life in that system "the cypress tree" was removed 50 to 60 years ago.

None of the "History of Man" mentions the fact that approximately 75% of the lands adjacent to the portion of the Oklawaha River that becomes a reservoir with construction of the Canal were in private ownership and the uncontrolled development along that portion was not conducive to a good environment for either humans or wild life.

2. Experience in Florida has proved conclusively that shallow bodies of impounded water (such as the Rodman and Eureka Pools) trap nutrients and hence are subject to rapid overenrichment and invasion of masses of water weeds which are difficult and costly to control. Crushing forests into the bottom, as was done in the Rodman Pool, merely speeds and compounds enrichment processes. These processes will quickly reduce, and ultimately destroy, most recreational and fisheries values of the impoundments.

Refutation: Experience in Florida, and throughout the Southeast has proven that fishing in Reservoirs immediately after impoundment has improved fantastically for the first five years. There is no reason to expect that this will not happen in the newly created Reservoirs. The Corps of Engineers expect that with proper management in the two Reservoirs of Eureka and Rodman, fishing will increase 100 fold and that with continued good management a high level of fish production will continue beyond, on a permanent basis. They are dedicated to employing the latest techniques known in ensuring continued good fishing.

Originally, the Corps planned on clearing all of the reservoir areas, but Fish and Wild Life experts persuaded them to plan to leave certain areas uncleared for the benefit of fish. This second plan was the one upon which the 1963 study of the U.S. Fish and Wild Life Service gave their approval, forecasting 78,200 man days of fishing upon completion of the Canal, to a loss of 18,150 man days of hunting.

The Florida Game and Fresh Water Fish Commission as late as 1965 were on record as endorsing the Construction of the Cross Florida Barge Canal, but within the last few months have reversed their recommendations and state flatly that they do not believe the 1963 report of the U.S. Fish and Wild Life report is correct. We are at a loss to know why such an important commission of State Government should change its mind in such a short space of time when it should have the records of Reservoirs of Florida for many years.

We acknowledge that aquatic weeds and water hyacinths are a problem in all Florida streams and lakes. We also acknowledge that the State of Florida has done very little to control them through their three State agencies which should be concerned: The Department of Natural Resources, The Game and Fresh Water Fish Commission, and the Department of Air and Water Pollution Conrol. Inquiries brought out the fact that none of the three Agencies have clear cut authority to perform the necessary research to solve the problem, nor have any of them been funded to perform such research. The State's neglect of this problem for all of Florida should not penalize the construction of the Cross Florida Barge Canal when the control of aquatic weeds and hyacinths in that project will be the responsibility of the Federal Government. Presently these plants are being controlled by the Corps of Engineers in the best acceptable manner known today.

The Corps of Engineers, in crushing the forests in the Rodman Pool, concede that they created a debris problem originally. They are currently removing those fallen trees and have 4 barges and draglines removing logs and snags. They have stated publicly that they will require removal of all downed trees in Eureka Pool clearing operation. However, fringes of trees along the Oklawaha River will be retained to the maximum extent possible in order to preserve the esthetic appeal of the original stream.

Recreation and fishing in the Pool areas are important benefits of the Cross Florida Barge Canal. The Corps of Engineers recognize this and are developing the Reservoirs with that in mind

Land-use planning

1. Controversy about the proposed barge canal emphasizes the need for long range regional land-use planning. No such planning has yet been done in this region and no agency now exists to do it. To introduce major environmental changes (such as the barge canal) in the absence of an overall land-use plan is utter folly.

Refutation: We agree that plans should be prepared and put into action along the Canal. Existing legislation permits such action. Proposed legislation requires that action. We heartily support immediate action on this matter and as an Association are taking steps to implement present legislation.

Economics

1. The discount rate used in calculating the cost-benefit ratio of the canal is unrealistic. If realistic interest rates were applied, the supposed benefits of the canal would no longer exceed the cost.

Refutation: The discount rate on this project is the same that is used on all federal projects evaluated by the U.S. Army Corps of Engineers. Consultation with the Corps personnel indicated that for completion of the project the discount rate currently being used could be applied without affecting the cost benefit ratio due to increase in benefits.

2. In calculating the benefits of the canal, both the amount of traffic which it was assumed that the canal would carry and the freight savings per ton mile appear to be unjustifiably inflated.

Refutation: A television debate on April 7, 1970 causes us to believe that the young economist who prepared this part of the report is known not to have seriously conferred with the Corps of Engineers on this project until April 2, 1970. How such a short period of study of the engineer's records could be used to make the above statement. We would suggest that a much greater in-depth study would have to be made to make the above accusation hold up. The Corps of Engineers have been making economic studies for well over a hundred years and are thoroughly experienced in the field. In addition the private consultant, A. D. Little Company's report of 1962 came up with a much higher benefit cost ratio.

3. Little evidence exists to support the view that the canal will actually bring the enhancement of land values shown as one of its benefits.

Refutation: The land enhancement benefits required a thorough study of the lands adjoining the completed canal. Anyone who has been in Florida any length of time knows of the increased value of waterfront property.

4. Results in completed sections of the project suggest impairment rather than enhancement of potential recreational values in the region affected by construction of the canal. There is little evidence to support Corps of Engineers figures on recreational benefits claimed for the proposed canal.

Refutation: Recreational benefits were not included in the benefit cost ratio used when construction was begun. Subsequent federal laws allowed the inclusion of recreational benefits. The Corps has used the formula in computing this benefit as on other projects in the Southeast. There is no reason to believe that other than maximum recreational benefits will occur as do already occur on most of the lakes and rivers of Florida. The comparison of the pools with Lake Apopka is ridiculous. The change in water in Lake Apopka requires 950 days versus a total of 59 days for the two reservoirs along the Oklawaha.

5. If the canal did compete effectively with other forms of transportation, the resulting losses incurred by these transport agencies would necessarily be passed on to the public in higher rates. These represent an additional cost of the canal not considered in computing the cost-benefit ratio.

Refutation: Records throughout the Nation do not substantiate this statement. Freight rates have been traditionally lowered where water transportation is available.

6. Successful operation of the canal depends to a considerable degree upon the completion of the Intracoastal Waterway from St. Marks southward along the northwest coast of Florida. The need for, and cost of, this "missing link" waterway is not considered in calculating the costs of the proposed canal.

Refutation: Successful operation of the Canal does not depend upon the completion of any other waterway. It is true that completion of the St. Marks to Tampa Inland Waterway would make the Cross Florida Barge Canal more profitable, but the present benefit cost ratio was determined for its use without the completion of that waterway. Gulf river barges currently use the open Gulf in this area and would be used for transportation through the Cross Florida Barge Canal permanently unless the West Coast Waterway were completed.

7. In view of these and other facts reported in the economic section of this report, we believe that in spite of the amounts already invested, an impartial economic restudy of the project would result in its rejection as unsound, on a purely economic basis, without any consideration of the environmental values to be lost.

Refutation: A new economic study would increase the benefit cost ratio of the Cross Florida Barge Canal due to the economic growth in the Southeastern part of the United States since the last study was made.

Existing conditions

1. The sections of the canal system already completed have seriously disrupted portions of the natural ecosystems of the lower Oklawaha River and the Withlacoochee River. The river courses and flow have been modified. Natural forests in the flood plains and vicinity have been destroyed over extensive areas. A debris-choked reservoir, heavily invaded by exotic vater weeds, has been created in the Rodman Pool area of the Oklawaha system in particular. Fisheries values have been impaired. The wild quality of the environment in these areas has been drastically reduced. Nevertheless, much of the Oklawaha River and its valley still remain unimpaired.

Refutation: No construction project is pretty during construction. The Corps of Engineers are clearing the Rodman Reservoir and will continue to clear it until the waters are debris free except for those dead and fallen trees desired by the Fish and Wild Life Service. The approach to the water weed problem by "Defenders of the Environment" indicated they believe there can never be a solution to this all important problem. If the many biologists and botantists who are interested in our environment would turn their efforts toward solving the water weed problem instead of fighting a project already ⅓ complete perhaps a solution to the problems could be found. Sooner or later the problem must be solved and it will be solved.

2. With cessation of further construction and expenditures of funds to remove downed timber and other debris from the areas affected, and with proper pollution control measures in the watershed, it is expected that with time even in the damaged areas the natural environments would recover, the wild quality of the area could be regained, and the ability of the region to supply high quality outdoor recreation would be restored.

Refutation: The History of the Cross Florida Barge Canal by William M. Partington is similar to the History by Professor Gordon Bigelow in that it tells only part of the truth. He failed to mention that during its 1961 session, the Florida Legislature created the "Florida Board of Conservation" consisting of the Florida Cabinet, and gave it quantitative control of all surface and underground water in Florida. It further directed that the Florida Board of Conservation would coordinate the request for Public Works funds into a unified program and present the program to the Congress of the United States. This unified Public Works program paid off. The Governor personally pleaded the case for Florida's Public Works program before the appropriate Committees of the Congress. With the support of the unified Water Program by the members of the Florida Delegation, Florida's appropriations for Public Works Projects rose from 14 million dollars anually in fiscal 1961 to 34 million dollars in fiscal 1965.

The same 1961 Florida Legislature endorsed the Cross Florida Barge Canal and created the Canal Authority of the State of Florida to work under the supervision of the Board of Conservation, and with authority to either build or furnish Right of Way for the Federal Government to build the Cross Florida Barge Canal. This project was, and continues to be, part of, the Florida unified Public Works Program. Right of Way funds have been appropriated by succeeding Legislatures on a matching basis with the Canal District consisting of the Counties along the route from Jacksonville to the Gulf. To date, Canal District taxpayers and the State have furnished over 10 million dollars for purchase of Rights of Way. Every Governor, including Farris Bryant, Hayden Burns and Claude Kirk, and the Cabinet, have each year continued to ask the Federal Government for construction funds along with the other Public Works projects. Construction was started in February 1964 by President Johnson in the presence of 13,000 rain soaked Floridians near Palatka. Appropriations have been slow because of the Vietnam war.

In order to get this construction start, the Canal Authority, whose members are chosen from the State at large, carried on a Statewide Public information program. We publicized the project as much as possible in order to let all the citizens of Florida know all about the project.

It's hard to understand why Mr. Partington left out this vital and important part of the Canal History, because without this Statewide effort, construction would not be underway today.

Newspaper publicity was plentiful and Editorial support was given by many Florida newspapers. The strongest newspaper supporter of the project was The Orlando Sentinel-Star, located in the same area with the Florida Audubon Society Headquarters.

When the Chairman of the Canal Authority learned of the opposition of the Florida Audubon Society to the Cross Florida Barge Canal, he personally contacted the President of the Society and asked for a conference in order to cooperate on having a project least objectionable to that group. The Society would not grant such a conference.

In Mr. Partington's history reference is made to the letter to the President of February 6, 1970, signed by 150 environmental specialists. This letter contained several incorrect statements which will be detected by the Staff of the various governmental agencies involved.

Finally, if the State of Florida requests the Congress or the President to STOP the Canal, not only will it have not kept faith with the people of Florida, but it will also not have kept faith with the Congressional Delegation; and the unified Public Works program of Florida will be known for the "State that doesn't know what it wants" so public works would be better off being built in other States. In addition, the flood waters of the upper Oklawaha Basin will have no place to go.

If the President or the Congress stops the project they will not have kept faith with all the people of Florida who have invested millions of dollars of tax funds as well as private funds, in anticipation of the completion of the Canal.

Operation of the canal

The three locks already built are of a size being criticized as antiquated in other barge canals which the Cross Florida Barge Canal is supposed to complement. To replace these locks with larger units in order to accommodate large, unbroken tows of barges would probably prove uneconomic. This barge canal will be too shallow for the newer trans-Gulf barges and for super-vessels carrying numbers of smaller barges.

Refutation: The Canal is designed to meet the known requirements of the Inland and Gulf River barges now in existence and expected to be built. The lock sizes will accommodate the gulf river barges for transportation across the open Gulf between the Western end and Anclote Key on the South and Carrabelle on the North. The standard size of both Inland and Gulf River Barges is 195 x 35 feet (9'–0'' draft when loaded); the difference between Gulf River and Inland Barges is in the construction and the covering—there is no difference in size.

Along the Mississippi and Intra-Coastal Waterways some tanker barges are 295 x 50 feet. These could also be accommodated in the locks of the Canal. It is not intended that the Canal will be used for any seagoing craft such as some of the large seagoing barges used for Oceangoing trade in the Caribbean.

These statistics can be verified with the Corps of Engineers or any reputable Barge Line.

ORLANDO, FLA., *January 9, 1970.*

MR. HOBART LEWIS,
President and Editor in Chief,
The Reader's Digest,
Pleasantville, N.Y.

DEAR MR. LEWIS: As a long-time subscriber and reader of your magazine, I am shocked and severely disappointed at the irresponsible journalism and the half-truths and misinformation contained in the article "Rape of the Oklawaha" written by your Roving Editor, James Nathan Miller, and published in your January, 1970 issue. This kind of unfair and prejudiced reporting is partly responsible for the loss of faith of the American people in our established publications and news media. If you will carefully consider and investigate the following facts, I believe your great magazine will do something to correct the erroneous impressions created in the above article:

1. The Oklawaha River is *not* a primordial wild stream. It was destroyed in the first quarter of this century by the cutting of the

majority of cypress trees from its banks for use as lumber. This fact was brought out by a long time resident of the Oklawaha Valley at the 1966 hearing in Tallahassee. The cypress is a very slow growing tree with large deep roots which grow in water and are able to withstand swift currents as well as the wind and thus protect the banks of a small river like the Oklawaha. We are told that before the cypress were cut, river boats made the trip from Palatka to Silver Springs. The trees which replaced the cypress are shallow-rooted fast-growing varieties which are continually falling across the river undermined by the currents and blown down by the storms. The Corps of Engineers continually removes the fallen trees to permit boating and fishing on the river; if it were left alone, the river would become a morass of fallen trees not useful for anyone.

2. The reservoirs created by the Cross Florida Barge Canal will furnish many, many square miles of water properly controlled and suitable for recreation and fishing as well as navigation.

3. Mr. Miller would have the reader believe that the Corps of Engineers and local commercial interests were primarily responsible for getting the giant project underway. In the first place, the Corps never initiates a Public Works Project. Public works projects are initiated by local interests who convince their representatives in the Congress and the State Legislatures that a given project should be studied and after many years and many studies and 13 long separate steps (including authorization and *finally funding* by the Congress) construction is initiated. If the people of the State of Florida are a local commercial interest, then the author was correct on the second part. Construction on this project was not begun until the whole State wanted the Canal. It is the key to the development of inland water transportation in Florida.

4. The article gives very little history of the project and lists several incorrect dates and facts. Briefly, the first study for a canal across Florida was directed by the Congress in 1826. In 1829, the first survey report by President John Quincy Adams was made to the Congress. Since that time, 29 different routes have been explored including several through Georgia. The route finally chosen was selected because of the natural valley that exists across Florida. This route was selected prior to 1935 when digging for a Sea Level Canal was begun by President Roosevelt as a WPA project. The project was abandoned because of the possibility of damage to Florida's underground water supply by a Sea Level Canal. A barge canal which would not adversely affect the water supply was authorized in 1942 as a defense project. This authorization was a result of the terrific losses sustained by our tankers delivering oil from the Gulf Coast to the Eastern Seaboard. Approximately 40% of all American cargo shipping lost in World War II was sunk on this route.

The project was not built during World War II because the War Department believed that the War would be over before it could be completed.

Efforts of canal proponents continued but no serious headway was made until the 1961 session of the Florida Legislature reorganized the Board of Conservation (composed of the six elected Cabinet Officials of Florida and headed by the Governor) and created a Canal Authority to represent all of Florida. This authority, composed of five business and professional men appointed from the State-at-large was charged with the responsibility of building canals as needed throughout Florida and with the promotion of the Cross Florida Barge Canal. It also was given the task of acquiring rights-of-way for use of the Federal Government in construction of the project. The members of the Authority traveled the entire State telling the benefits of inland waterways and informing the people about the Cross Florida project including the location and the reason for its selection. The people of Florida, being on the tip of the United States and saddled with high freight rates, quickly saw the economic benefits of cheap transportation for bulk products.

Opposition encountered by the Canal Authority prior to the beginning of construction of CFBC consisted principally of some railroads. In 1960 and 1961, the Atlantic Coast Line had a full time attorney on the civic club circuit in Florida speaking against the Canal. He was taken off that assignment in 1962. The Florida East Coast Railway has favored CFBC. It was not until 1964 that the opposition of the Audubon Society of Gainesville and later the Audubon Society of Florida became known. An immediate effort was made by the Canal Authority to meet with officials of the Audubon Society and explain the project, but the Audubon Society refused such a conference and attended the 1966 hearing in force without the benefit of such a conference.

Names of the members of the Canal Authority that successfully led in getting construction underway are:

Henry Toland, Senior Vice President (now President), Exchange National Bank of Tampa.

Harry Saunders (now deceased), Retired General Manager of Port St. Joe Paper Company.

Palmer Van Arsdale—Trucking Executive, Pompano Beach, Florida.

James E. Merrill, President, Jacksonville Shipyards, Inc.

And the writer, who was Chairman.

Mr. Miller states that there were at least 50 lobbyists in Tallahassee for pro-canal interests. Between 1961 and 1965, there were no paid lobbyists in Tallahassee and only one part time lobbyist in Washington. If he is talking about interested citizens who believe in something and let their desires be known to their representatives, I would say the number was more like 500. Would the "Reader's Digest" want our democratic system to work any other way?

The history of the Canal and the sudden and continued opposition to the project by groups primarily interested in preservation of natural wilderness (which the Oklawaha was not) leaves one to believe that the whole campaign to stop the canal is being sponsored by those who have a vested interest in preventing its construction.

Mr. Miller would have the public believe the Corps of Engineers has ruined our country. Yet our nation leads the world in development of its water resources. Together with the Bureau of Reclamation, the Corps has been responsible under the direction of the President and the authorization and funding of the Congress for developing most of these resources. Perhaps the Corps is not perfect, but of a necessity some federal agency must do the job. The Corps is best equipped by 200 years of experience to do the job.

In spite of what Mr. Miller says—The Corps does hold well advertised public hearings on every project. I have attended them. My observation is that very few people appear at these hearings. But a much better forum is that of the honest press, and in publicizing the Cross Florida Barge Canal during the years immediately prior to construction, we have the clippings to show that it was publicized. Where were the Preservationists then?

It is easy to attack the Corps because it cannot fight back, but we who are the private citizens can fight back and we will.

6. During the public information campaign being carried on by the Canal Authority, Governor Farris Bryant and his Cabinet working as the Florida Board of Conservation developed a unified approach to public works requests for all of Florida. Inland Navigation Groups, Water Management Districts, Flood Control Districts and Port Authorities all joined together to present a statewide Public Works Program to the Congress. Governor Bryant personally led this group thus saving time for the Committees as well as the State Agencies. He was complimented on this action by the Congress and rewarded by having the Public Works Appropriations doubled during his term of office. This is the large delegation spoken of by Congressman Boland in Mr. Miller's article. Every representative of every Florida Project backed the program. Teamwork paid off for our rapidly growing State. Construction was started on the CFBC but the benefits to all other projects in the State were much greater. Would you condemn the statewide approach to Water Resource Development?

7. The aforementioned article attacks the benefit Cost Ratio as a method of determining whether a project should be built or not. The B. C. ratio method is recognized in private industry as well as government. What other method could be used in a democratic society? In particular, the B. C. ratio of the Cross Florida Canal was attacked, and the method the Corps used in arriving at it. The Corps is actually very conservative.

The A. D. Little Company was asked to make a study for the Corps and for the Committee of Congress as to the B. C. ratio of the CFBC in 1962. Their report showed a ratio of 4.6 to 1. The Corps reduced it to 1.17 to 1. This was raised in 1968 to 1.5 to 1 when recreation benefits were permitted. Defense benefits have never been permitted as an economic benefit.

Mr. Miller makes much of the 1958 study versus the 1962 study. If he had investigated he would have found that the 1958 study was only an updating of old studies and the 1962 study was a complete new study using newer methods of construction and excavation.

He also states that costs could not have gone down in that period. A little investigation would have revealed that cutter dredges and modern earthmoving equipment developed after World War II greatly reduced the cost of excavation everywhere.

Mr. Miller advocates considering the loss of half the Oklawaha River when considering B. C. Ratio. I agree and it has been considered. The value of the Oklawaha as an already destroyed crooked narrow stream requiring constant maintenance to make it available to a very limited number of people versus the beautiful reservoirs to be enjoyed by thousands of people has enhanced the B. C. Ratio. We in Florida must prepare for the people who are coming here and we need the best recreational facilities possible.

8. The big benefits of CFBC, of course, are the savings in the cost of living afforded by low cost bulk transportation from the Midwest bread and chemical basket to the Eastern Seaboard and in and out of Florida. Here is where the average citizen shares in the benefits. Everywhere that water transportation has been made available, freight rates have dropped. Whole books can be written on the actual savings that have occurred. I will mention one! A barge operator planned to build some small barges (the limited Okeechobee Waterway cannot take standard barges) and ship sugar cane from Lake Okeechobee to Savannah and New Orleans. As a result of his inquiry, the freight rates on sugar cane dropped from 20% to 40%. Would the Reader's Digest deny the people of this nation the benefit of having their cost of living dropped by water transportation through the CFBC? You have gone a long way in this direction by printing "The Rape of the Oklawaha."

9. Mr. Miller said very little about the Flood Control benefits of the CFBC. Had he lived in Central Florida in 1960 during the

floods that caused serious damage to thousands of homes in the area he would have appreciated this benefit. Senator Holland specifically asked that work on the two ends of the canal begin first so that flood control benefits could be realized first. The Oklawaha locks and dams are a definite part of the Flood Control system of all of Central Florida. The narrow stream with falling trees just could not handle the flood waters. Would you deny this benefit to our area?

10. Finally, no matter how we may wish for the old days, our total environment must be managed today. I believe even Mr. Miller would agree on this. Nothing can be left literally alone to let the public do with it as it will. Then the problem resolves itself: "Whatever is best for all our people should be done." But this cannot be determined without exhaustive studies and without the leadership of responsible citizens as well as governmental leadership. I submit this is the method that was followed in promoting the construction of the Cross Florida Barge Canal. And I ask the question—"Why would a publication like the Reader's Digest try to tear down a great economic cultural development which had been dreamed of and worked for so hard by so many well-meaning citizens?"

I do not know how you can compensate for the irreparable damage your magazine has done in creating doubts in the eyes of the American public as to integrity of the Corps of Engineers or the well meaning of the many dedicated citizens who gave of themselves unselfishly to see this great project started, but I believe that if you will check my facts thoroughly you will find a way to correct the impressions given in "Rape of the Oklawaha."

In order that you might know me better, I am enclosing a very brief biography. I invite you to check my sincerity and my knowledge of the subject.

Sincerely,

W. A. McCREE, Jr.

Mr. HOLLAND. I hope that the amendment will be defeated.

Mr. YOUNG of North Dakota. Mr. President, this project is 30 percent complete. The sum of $52.7 million already has been spent on it. I think it would be a serious mistake to hold up funds for the construction of this project now.

In order to save time, I ask unanimous consent to have three paragraphs from the House report, supporting this project, printed at this point in the RECORD as a part of my argument in support of this project.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The project has a very favorable benefit-to-cost ratio of 1.4 to 1. Since authorization, the project has been subject to two special studies to examine the economic justification of its construction, including an independent study by a nationally recognized consulting firm. These studies include comments from other agencies having expertise in the fields of biology, natural esthetics, and environmental matters. The design and construction of the project have been fully coordinated with Federal and State agencies to insure that the environmental aspect of the project area are preserved and enhanced. The U.S. Geological Survey has recently completed a detailed study of the geohydrology of the canal and the Ocala area, which indicated that the proposed canal would not adversely affect the quantity or quality of the water coming from Silver Springs. Its study also disclosed that the impact of the barge canal on ground water supply will be negligible.

In reference to the fish and wildlife, it is realized that with the construction of any new reservoirs, habitats change and some plants and animals are reduced but other plants and animals appear and prosper in the new environment. The new reservoirs will provide many thousands of acres of new habitat for a wide variety of sport and commercial species. The committee believes that studies that have been made support conclusions that while some short term losses will result, the overall effect will be a long term gain in the environmental quality.

Considering therefore, the status of the construction and the need for the project, the committee recommends that the construction work continue and that every effort continue to be made to minimize any adverse effects on the environment, ecology, and fish and wildlife in the area. Any additional studies would appear to be a duplication of previous work and would delay realization of the essential project benefits.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. YOUNG of North Dakota. I yield.

Mr. HOLLAND. I want to advise the Senator that instead of the $52 million committed at the time the Senate committee heard this project—and he is correct in using that figure—the additional amounts that have been committed since that time raise the total to $68 million, either expended or committed, making the project much more than a third completed so far as its financing is concerned.

Mr. NELSON. Mr. President, the Senate Committee on Appropriations has recommended the appropriation of an additional $8 million for the Cross-Florida Barge Canal project. I strenuously oppose the further construction of this project—a project which has been termed by an eminent biologist of the Florida Department of Water Pollution Control as—and I quote—"the most devastating project ever undertaken in Florida."

The folly of the canal project can be fully recognized only when its legislative history is recalled. The canal was authorized in 1942 as a bypass around Nazi submarines for allied shipping. No other reason was advanced by Congress when its authorization was made.

The canal poses a direct threat to the water supply of much of the State of Florida and involves the destruction of a river which has been considered for inclusion in the wild and scenic rivers system. Moreover, the benefit-cost ratio of the canal project is open to serious question. At this point the conclusion is reasonable that the continued construction of the Cross-Florida Barge Canal is a complete waste of the taxpayers' money.

Secretary of the Interior Hickel has requested a 15 month moratorium on further construction of the canal. As yet he has received no reply from the Secretary of the Army. I believe that the moratorium is reasonable and urgent.

If the Congress sees fit to appropriate additional funds for the project, I wish to make it clear that such appropriation is not to be construed as a waiver of the duties of the Corps of Engineers to comply with relevant environmental legislation.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing to the amendment of the Senator from South Dakota (Mr. McGOVERN).

The amendment was rejected.

Mr. HOLLAND. Mr. President, I move that the vote by which the amendment was rejected be reconsidered.

Mr. MANSFIELD and Mr. ELLENDER moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HANSEN. Mr. President, it was my understanding that when the committee met to mark up the bill, it intended to include an additional $500,000 for work on the Lyman project in southern Wyoming. The report on the bill does not reflect this in the individual views.

I, therefore, send to the desk an amendment and ask for its immediate consideration, to include the additional fund of $500,000 for the work on the China Meadows Dam of the Lyman project.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

On page 17, line 21, delete the following: "$22,675,000, of which $21,530,000" and insert "$23,175,000 of which $22,030,000."

Mr. HANSEN. Mr. President, let me say that the Lyman project will be served by two small reservoirs, the Meeks Cabin and the China Meadows project. One of the dams is nearly completed and on the other we are hoping to get the additional $500,000 for preconstruction work.

The Bureau of Reclamation has contracted with the ranchers and the farmers in that area for much of the water that would be impounded by the two dams. Repayment for the project will result from the imposition of an ad valorem tax levied on all lands in the broad project.

I want to say that I think it will be clearly in the public interest to permit this preconstruction work to begin, in order to avoid a greater cost later on that will result, if it became necessary to close down the camp that the Bureau of Reclamation has there, move the personnel out and all the equipment, and store the equipment that will have to be stored and then brought back in at a later date and set up again.

I have spoken to the distinguished chairman of the committee and it would be my hope that he will be able to accept the amendment.

Mr. YOUNG of North Dakota. Mr. President, these two projects are really tied together in order to make them viable projects to make possible a favorable benefit-to-cost ratio. Both should proceed together.

I feel somewhat negligent myself that this project was not fully brought to the attention of the committee, and I would therefore ask that the distinguished chairman consider this amendment favorably.

Mr. MANSFIELD. This was an oversight. It was intended to be attended to by the committee. It is just one of those things that slipped by us and before we knew it, it was too late.

Mr. ELLENDER. Mr. President, I shall be glad to take the amendment to conference.

The PRESIDING OFFICER (Mr. DOMINICK). The question is on agreeing

to the amendment of the Senator from Wyoming (Mr. HANSEN).

The amendment was agreed to.

Mr. McGEE. Mr. President, the bill before us contains a key item, representing a moderate allocation in funds but a generous and important benefit for the Little Snake River Valley of Wyoming and adjacent areas of Colorado. This is an increase of $250,000 in the appropriation for the Bureau of Reclamation applying to the Savery-Pot Hook reclamation project. All told, with this increase, the outlay approved for Savery-Pot Hook in this fiscal year will amount to $300,000, when we add in the $50,000 asked by the administration in its budget request to complete advance planning on the project.

Advance planning on Savery-Pot Hook is, in fact, very near completion, and there is no reason why the benefits this project can bring to a very deserving and promising region should be longer delayed. I am very thankful to the committee and to the Public Works Subcommittee and its chairman, Senator ELLENDER, for recognizing this and providing funds in the amount of a quarter of a million dollars as a construction item.

Savery-Pot Hook, which is estimated at an eventual cost of another $14 million, has been long in the planning stage, Mr. President. Before that, it was long in the dreaming stage. It encompasses two dams, on Slater and Savery Creeks in Carbon County, Wyo. These will impound nearly 85,000 acre-feet of water which will be used to irrigate approximately 35,265 acres of land, of which 21,920 acres will be new land and 13,345 acres which are in need of supplemental water.

As one who has lived his 12 years in the Senate with this project always before him, I am overjoyed to see it reach the stage of having construction funds approved. The initial feasibility report on Savery-Pot Hook goes back to 1954, but it was not until a decade later, Mr. President, that the authorization for the project was approved. As the sponsor of the authorization bill, it has been my pleasure to pursue the further development of the project. To this point, we have appropriated $665,146 for that development. But today we reach a real landmark with the inclusion in this bill of these funds earmarked for construction. Seldom has money been better spent.

Savery-Pot Hook, of course, is not the only benefit Wyoming draws from this important bill. All told, more than $9 million is included for outlays in my State, including a major expenditure of $1,943,000 for the Lyman project, $225,000 for the Seedskadee project, $193,000 for the Eden project and $211,000 for the Kendrick project. In addition, we are pleased in Wyoming to see the measure includes outlays to carry on studies essential to the future of the proposed Green River and Corn Creek projects.

I want to thank the Senate for its approval today especially of the added $500,000 for the Lyman project. This addition to the project's funding, which my colleague (Mr. HANSEN) and I both vigorously supported, means work can proceed with the second dam on the Lyman project, the China Meadows Dam. It is an integral part of this ongoing project and the appropriation of funds for it is wise.

This bill, Mr. President, is indeed an important one to States like my own and I want to commend the committee for its attention to the needs of these worthwhile projects.

Mr. COOPER. Mr. President, I know the hard work and faithful attention that Senator ELLENDER, the chairman of the Subcommittee on Public Works Appropriations has given to this bill, as he has every year, and that we are all grateful for his devotion, knowledge, and experience, and conscientious attention to the orderly development of the water resources of the Nation. I serve as a member of the Appropriations Subcommittee on Public Works items, ex officio, as I am the ranking minority member of the Senate Committee on Public Works. I appreciate, as I know do other Members of this body, the long hours and hard work which this bill represents. The Senator from Louisiana has always been gracious and thoroughly attentive to the witnesses from Kentucky and members of the Kentucky delegation, when we appear before him each year, and we recognize again his contribution. The senior Senator from North Dakota (Mr. YOUNG), the ranking Republican member of the subcommittee his always been very helpful, and all the members of the committee deserve great credit for their work in dealing with what are often difficult problems in connection with some of these great projects.

I note also the report of the subcommittee this year opens with comments on the problem of public works and the environment, and commend the chairman and the committee for their attention and recognition of environmental problems which are being raised, and which will be increasingly raised in the future.

I am very glad to note that the bill appropriating funds for public works for fiscal year 1971 includes all of the Kentucky items recommended in the President's budget—which were also approved by the House of Representatives.

The House also provided funds to initiate the construction of Martin's Fork Reservoir, to continue the construction of the Taylorsville Reservoir on the Salt River. I have worked for these projects for years, for it is essential to protect the areas and communities downstream. Earlier this year Congressman TIM LEE CARTER and I secured agreement from the Bureau of the Budget that the funds appropriated last year for Martin Park Reservoir would be released at the beginning of this fiscal year, and we are glad that the House and Senate committees have included the full capability of the Corps of Engineers for the construction of Martin's Fork Reservoir. The Senate bill maintains the House additions.

In addition, I had asked the committee that funds be included to initiate the construction of Paintsville Reservoir in eastern Kentucky and the construction of the Mound City lock and dam—the last of the great replacement locks in the navigation system on the Ohio River where it borders Kentucky from Ashland through Cairo. The committee bill includes $900,000 to begin construction of the Paintsville Reservoir and $1 million to initiate construction of the Mound City lock and dam—and I hope very much that these amounts may be maintained in the conference with the House.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ELLENDER. Mr. President, third reading.

The PRESIDING OFFICER (Mr. DOMINICK). The bill is open to further amendment. If there be no further amendment to be proposed, the question is on the engrossment of the amendments and third reading of the bill.

The amendments were ordered to be engrossed and the bill to be read a third time.

The bill (H.R. 18127) was read the third time.

Mr. ELLENDER. Mr. President, I ask for the yeas and nays on final passage.

The yeas and nays were ordered.

The PRESIDING OFFICER. The bill having been read the third time, the question is, Shall it pass?

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Iowa (Mr. HUGHES), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Utah (Mr. Moss), the Senator from Maine (Mr. MUSKIE), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from Texas (Mr. YARBOROUGH), the Senator from North Dakota (Mr. BURDICK), the Senator from Idaho (Mr. CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from North Carolina (Mr. JORDAN), the Senator from Alabama (Mr. SPARKMAN), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Montana (Mr. METCALF), the Senator from Minnesota (Mr. MONDALE), the Senators from Rhode Island (Mr. PASTORE and Mr. PELL), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I also announce that the Senator from Tennessee (Mr. GORE), the Senator from Washington (Mr. JACKSON), and the Senator from New Mexico (Mr. MONTOYA) are absent on official business.

I further announce that, if present and voting, the Senator from Idaho (Mr.

CHURCH), the Senator from Missouri (Mr. EAGLETON), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from North Carolina (Mr. JORDAN), the Senator from Rhode Island (Mr. PASTORE), the Senator from Connecticut (Mr. RIBICOFF), and the Senator from North Dakota (Mr. BURDICK) would each vote "yea."

Mr. HANSEN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from Tennessee (Mr. BAKER), the Senator from New Hampshire (Mr. COTTON), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maine (Mrs. SMITH) is absent on official business.

I further announce that the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senators from Delaware (Mr. BOGGS and Mr. WILLIAMS), the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from Arizona (Mr. GOLDWATER), the Senator from Michigan (Mr. GRIFFIN), the Senator from Idaho (Mr. JORDAN), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), and the Senator from Texas (Mr. TOWER) are necessarily absent.

I announce that, if present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Colorado (Mr. ALLOTT), the Senator from Utah (Mr. BENNETT), the Senator from Delaware (Mr. BOGGS), the Senator from Massachusetts (Mr. BROOKE), the Senators from Nebraska (Mr. CURTIS and Mr. HRUSKA), the Senator from New York (Mr. GOODELL), the Senator from Florida (Mr. GURNEY), the Senator from Oregon (Mr. HATFIELD), the Senator from Idaho (Mr. JORDAN), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The yeas and nays resulted—yeas 48, nays 1, as follows:

[No. 263 Leg.]

YEAS—48

Allen	Fannin	McGovern
Anderson	Fong	McIntyre
Bayh	Fulbright	Miller
Bellmon	Gravel	Nelson
Bible	Hansen	Packwood
Byrd, Va.	Harris	Pearson
Byrd, W. Va.	Hart	Percy
Case	Holland	Prouty
Cook	Inouye	Randolph
Cooper	Javits	Spong
Cranston	Long	Stennis
Dole	Magnuson	Talmadge
Dominick	Mansfield	Thurmond
Eastland	Mathias	Williams, N.J.
Ellender	McClellan	Young, N. Dak.
Ervin	McGee	Young, Ohio

NAYS—1

Proxmire

NOT VOTING—51

Aiken	Brooke	Curtis
Allott	Burdick	Dodd
Baker	Cannon	Eagleton
Bennett	Church	Goldwater
Boggs	Cotton	Goodell
Gore	McCarthy	Saxbe
Griffin	Metcalf	Schweiker
Gurney	Mondale	Scott
Hartke	Montoya	Smith, Maine
Hatfield	Moss	Smith, Ill.
Hollings	Mundt	Sparkman
Hruska	Murphy	Stevens
Hughes	Muskie	Symington
Jackson	Pastore	Tower
Jordan, N.C.	Pell	Tydings
Jordan, Idaho	Ribicoff	Williams, Del.
Kennedy	Russell	Yarborough

Mr. MANSFIELD. Mr. President, I ask for the regular order.

The PRESIDING OFFICER (Mr. FANNIN). On this vote there are 48 yeas and 1 nay. A quorum did not vote. The vote is invalid. The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The legislative clerk called the roll, and the following Senators answered to their names:

[No. 264 Leg.]

Anderson	Fannin	Nelson
Byrd, W. Va.	Hansen	Proxmire
Cook	Hart	Young, N. Dak.
Dominick	Holland	
Ellender	Mansfield	

The PRESIDING OFFICER (Mr. FANNIN). A quorum is not present.

ADJOURNMENT UNTIL 10 A.M., MONDAY, AUGUST 24, 1970

Mr. MANSFIELD. Mr. President, under the rules, the Senate has no choice but to adjourn at this time.

Therefore, I move, under the previous order, that the Senate stand in adjournment until 10 a.m. on Monday next.

The motion was agreed to; and (at 5 o'clock and 4 minutes p.m.), the Senate adjourned until Monday, August 24, 1970, at 10 a.m.

EXTENSIONS OF REMARKS

WEST VIRGINIA UNIVERSITY CELEBRATES CONSTRUCTIVE DECADE—FACILITY ONE OF FINEST IN NATION—PROVIDES OUTSTANDING SERVICE BOTH AS HOSPITAL AND AS TEACHING COMPLEX

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 21, 1970

Mr. RANDOLPH. Mr. President, on August 10, West Virginia University and the State of West Virginia observed the end of the first decade of outstanding medical service by the West Virginia University Hospital.

We are experiencing critical shortages of medical personnel and availability of hospital beds in many areas of our Nation. It is the university teaching hospitals throughout our country which are providing expanded medical services and helping to relieve some of the burden for increased demands for adequate medical care.

West Virginia University Hospital has filled a much needed void in the Mountain State and has provided our citizens superb medical care.

Much of the credit for the establishment of this fine facility, including the Basic Science Building, is given to former Gov. Okey L. Patteson, whose efforts and devotion to the project helped to make it a reality.

We, in West Virginia, are fortunate to have highly capable physicians at West Virginia University, who are held in high esteem by their colleagues throughout the medical profession.

I congratulate West Virginia University Hospital for its first decade of public service and wish it continued success in the coming years as it continues to provide truly exceptional medical care.

Mr. President, I request unanimous consent to have the news release from West Virginia University printed in the RECORD at this point.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

WEST VIRGINIA UNIVERSITY NEWS

MORGANTOWN, W. Va., August 10 1960.—On that day, the brand new and long-awaited West Virginia University Hospital admitted its first patient.

Accompanying the patient was her referring physician, Dr. Jacob C. Huffman of Buckhannon, then president of the State Mental Association which had actively helped in the early planning of the facility.

Flash bulbs popped, smiles abounded and the welcoming ceremony was warm and informal as WVU and the Mountain State celebrated the completion of the teaching and treatment hospital.

Adjoining the Basic Sciences Building (completed and occupied in 1957), the University's teaching hospital made the complex a true medical center built at a total cost of $26.2 million.

Thus began a new era that within the next decade would blend in a single setting: educational opportunities in the health sciences never before available to West Virginians in their own state; research into health problems; and extensive diagnostic and treatment services for patients.

In the first eight years, one of every 25 West Virginians had been treated at University Hospital.

In one sample survey taken of all patients admitted between midnight April 30 and midnight May 14, 1968, 83.9 per cent of the patients came from 41 of West Virginia's 55 counties. The remaining 16.1 per cent came from nine counties in Pennsylvania, Maryland and Ohio.

University Hospital is a referral center. Except for emergencies, all patients are referred to the facility by family physicians or community agencies. Payment of hospital bills must come from the individual patient or his responsible relative unless arrangements for payment are made through a third party.

University Hospital Director Eugene L. Staples, who was appointed in January, 1960,

one month before the University formally accepted the completed building, has long called the family physician "the key figure in admission process."

Because these physicians, mostly West Virginians, have shown their confidence by referring their patients with special medical problems or needs, the hospital has made steady growth.

By December of the first year, the hospital's services included medicine, general surgery, neurosurgery and the other surgical specialties, obstetrics and gynecology, pediatrics, and physical therapy and rehabilitation.

A department of psychiatry joined by the following November.

Another veteran of University Hospital's embryonic days is Audrey E. Windemuth, director of Nursing Service.

Responsible for more than 450 people in the nursing department, Miss Windemuth works with doctors, administrators and professional people in allied health fields to see that University Hospital patients get the best care possible. And she and her staff cooperate with the WVU School of Nursing to provide the clinical experiences nursing students must have.

Established in February, 1961, was Friends of University Hopital, an auxiliary organization whose members still give thousands of hours of volunteer services to patients and all their Gift Shop profits toward improvements for the hospital.

In February, 1962, the first open heart surgery was performed at the hospital. And in July of that year, the hospital received notice of its full accreditation by the Joint Commission on Accreditation of Hospitals. By the following November, 1,000 babies had been born there.

Director Staples could look back and point out with justifiable pride that, in its first 11 months, the University Hospital reached a level of operation that took then-new university hospitals in Washington, Florida and Kentucky two years to attain.

Today the 2,156-room University Hospital has 1,150 employees to meet the various needs of its ever increasing numbers of patients. Services by 30 members of the present staff date back to or before opening day, while many other staff members boast records of service to University Hospital almost as long.

A sampling of comparison figures contained in the hospital's latest annual report gauges its growth:

Admissions—(1960–61) 2,293, (1969–70) 12,036; Birth—(1960–61) 231, (1969–70) 895; Days of Care—(1960–61) 29,401, (1969–70) 135,552; Beds in Service, including newborn (1960–61) 170, (1969–70) 458; Outpatient Visits—(1960–61) 5,705, (1969–70) 80,-831; Emergency Room Visits—(1960–61) 3,041, (1969–70) 25,611; Operating Room—(1960–61) 947, (1969–70) 5,407; Physical Therapy Treatments—(1969–71) 8,033, (1969–70) 22,674; X-ray—Diagnostic—(1960–61) 6,901, (1969–70) 59,065; X-ray Therapy Procedures—(1960–61) 1,460, (1969–70) 7,319; Laboratory Procedures—(1960–61) 38,026, (1969–70) 633,860.

During University Hospital's first decade, 153 men and women have completed internships there, 151 have completed residencies in 16 medical and dental specialties, 20 have become X-ray technicians, and West Virginia University has granted 156 degrees in medical technology, 234 degrees in nursing, 327 degrees in dentistry, 76 degrees in dental hygiene, 289 degrees in pharmacy, and 440 degrees in medicine.

First priority as University Hospital enters its second decade is construction of a four-story addition, already approved and funded. The addition will enlarge emergency room and radiology facilities and make possible a specially designed 16-bed intensive care unit to replace 10 beds in an ill-adapted area currently used for this critical service.

PROBLEMS OF INTERNATIONAL TRADE

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, the problems of international trade have attracted particular national attention in the past several months. Many are worried that large influxes of cheap imports will seriously damage important industries. Others are equally as worried that American protectionism will spark a trade war which will injure many other industries with markets abroad and which will contribute to the inflationary spiral.

In response to this national concern, the Ways and Means Committee recently reported out a bill which would reverse the recent trend toward freer trade and which would establish mandatory import quotas for textiles and shoes. President Nixon has threatened to veto this bill, if it is passed by the Congress. In this context it is important for the country to candidly examine all sides of this issue to see where the interests of the United States really lie.

On the one hand, the injury done to certain industries by increased imports should be fully recognized. It is painful for a worker to find a new job when his previous employer is forced to shut down or change his operations. It is equally as painful for the employer to close his doors or to change his methods of doing business.

In these situations life patterns are disrupted and workers with special, nontransferable skills are deprived of a means to earn a living for themselves and their families. Investments are destroyed. Buildings and machinery stand idle while unemployment lines grow.

On the other hand, Iowa and the Nation as a whole have a tremendous stake in keeping open the channels of free international trade. In the agricultural field alone, the United States earned $6.65 billion through exports in 1969–70. Iowa's share of this total amounted to well over $400 million. Soybean and soybean products accounted for $160 million with feed grains and meat products making up a substantial part of the remainder. American protectionism could provoke retaliation and seriously affect this market. For example, it has been estimated that should protectionism induce a reduction in foreign demand of as little as 5 to 8 percent, it would result in a drop of soybean prices of 25 to 50 cents a bushel.

The 2.7 million Americans depend upon exports for their livelihood, because they are involved in producing goods for sale overseas. Additional jobs are created in the transportation field and in the export of services.

In the final analysis, however, every American would be affected by a trade war, because a reduction of imports would mean a reduction in the supply of many items for which there is a large domestic demand. The result will be higher prices, and fewer product choices. Those families with lower incomes have the most to lose. Some may even find themselves unable to afford certain articles or be forced to settle for those of lesser quality.

Another factor should be kept in mind. An import quota directly benefits only those companies in the specific industry, while it penalizes every American consumer by maintaining prices at an artificially high level.

Many experts in the field have also noted that quotas tend to favor the creation of "vested interest" groups, which have a direct interest in excluding other manufacturers from obtaining a share of the American quota. In this way quotas promote the establishment of monopolistic practices which severely limit competition and tend to maintain high prices.

Under existing law the Government has a number of ways in which to alleviate the damage caused to sectors of the American economy by cheap imports. The Trade Expansion Act of 1962 provides for investigations by the Tariff Commission and for Federal assistance when serious injury has been sustained by individual workers, by specific firms or by an industry as a whole. Workers can receive training, counseling, and additional cash allowances. Firms become eligible for technical and financial assistance, and when the injury is industry-wide, tariffs can be increased above existing levels.

This approach is designed to deal with the specific damage caused in our economy and is intended to retain the benefits of lower priced, imported products. If the present programs do not operate effectively, they should be improved and liberalized.

In fulfilling its responsibilities to promote the national welfare, the Federal Government should pay particular attention to those sectors of the economy which are damaged by large quantities of imported products. The Government should not, however, become so impressed with the arguments of special interest groups that it takes steps injurious to all Americans in the long run by closing to us our own important foreign markets.

EGYPT'S BREACH OF MIDDLE EAST CEASE-FIRE AGREEMENT

HON. RICHARD S. SCHWEIKER

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Friday, August 21, 1970

Mr. SCHWEIKER. Mr. President, I wish to address myself to the latest developments in the so-called standstill cease-fire which went into effect in the Middle East August 7.

I was one of those who hailed the achievement of a cease-fire in the Middle East, because a true cease-fire period would provide an excellent climate for peace negotiations between Israel and its Arab neighbors. Furthermore, I felt that the mere fact that a cease-fire had been accepted by Egypt, Jordan, Lebanon, and Israel was in itself a hopeful sign.

Now, however, Israel has shown that Egypt violated the cease-fire by moving several surface-to-air missile batteries to within 16 miles of the Suez Canal, after the cease-fire period began. The cease-fire agreement called for no improvement of military positions by either Egypt or Israel within 31 miles of the canal.

Mr. President, I am deeply concerned with this news, first, because it is a serious breach of the cease-fire agreement, and second, because it now puts Egyptian-Soviet missiles in a position to hit Israeli planes flying over the Israeli-held side of the Suez Canal. Until the cease-fire period began, Israel air missions were able to deter the emplacement of Soviet-Egyptian missiles so close to the canal. This has caused a marked deterioration in Israel's strategic position.

Yet our State Department, which does not deny that the movement of missiles took place or that this constitutes a breach of the cease-fire, is strangely silent.

I am afraid, Mr. President, that once again we have permitted Egypt and the Soviet Union to escalate their forces against Israel without lifting a finger or even raising our voice. We have counseled Israel to be moderate but we have done little or nothing to discourage Egypt or the Soviet Union from being immoderate.

We are all hopeful that peace can come to the Middle East. We all hope that the cease-fire can succeed toward that end. But at the same time we cannot be blind to the deadly game the Soviet Union and Egypt have been playing at the expense of Israel's security posture. Once again, if we do nothing or say nothing, they will have scored and the Middle East crisis will become that much harder to solve.

Mr. President, I call upon our State Department to make it clear that we will not tolerate such breaches of the cease-fire, and I hope, as well, that Israel's new worsened strategic position can be duly noted by those in charge of our military aid policies in the executive branch.

IMPEACHMENT OF ASSOCIATE JUSTICE WILLIAM O. DOUGLAS

HON. GERALD R. FORD

OF MICHIGAN

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GERALD R. FORD. Mr. Speaker, on August 5, I forwarded to the distinguished chairman of the Committee on the Judiciary and of its special subcommittee, Mr. CELLER, investigating the impeachment of Associate Justice William O. Douglas, a comprehensive legal memorandum on the impeachment process as it relates to the Federal Judiciary. This study was independently prepared at my request by the Detroit, Mich., law firm of Dykema, Gossett, Spencer, Goodnow and Trigg. The full text of this legal memorandum, together with related correspondence, appears in the CONGRESSIONAL RECORD of August 10 at pages 28091 to 28096 inclusive.

Under previous permission, I am hereby placing in the RECORD an important addendum to the basic memorandum consisting of a letter from Dykema, Gossett, Spencer, Goodnow and Trigg, dated August 12, 1970, commenting particularly upon the legal memorandum prepared by the attorney for the accused, submitted to the special subcommittee on May 18, 1970. The text of the commentary and the memorandum to which it refers follow:

DYKEMA, GOSSETT, SPENCER, GOODNOW & TRIGG,
Detroit, Mich., August 12, 1970.

HON. GERALD R. FORD,
House Minority Leader,
The U.S. Capitol,
Washington, D.C.

DEAR CONGRESSMAN FORD: Several months ago, you requested that we prepare a memorandum concerning the Congressional Impeachment Power as it relates to the Federal Judiciary. You asked that our analysis be objective, non-partisan and unbiased and that our conclusions be without regard to any pending controversy involving the Federal Judiciary. I and my associate D. G. Wyllie researched the problem thoroughly and on June 23, 1970, we delivered that memorandum to you (the "Kelley Memorandum"). We reviewed each of the reported proceedings where federal judges were impeached, we discussed each proceeding and we concluded on the basis of precedents and authorities that conduct of a Federal Judge properly subject to impeachment need not be "indictable" or "criminal" and might even consist of conduct which would be "blameless if committed by a private citizen".

Since delivering the Kelley Memorandum to you, we have received a document entitled "Memorandum on Impeachment of Federal Judges" prepared by Simon H. Rifkind as counsel for Mr. Justice Douglas (the "Rifkind Memorandum") and submitted to the Celler Subcommittee on May 18. The Rifkind Memorandum purports to establish the proposition that "There is nothing in the Constitution or in the uniform practice under the Constitution to suggest that Federal Judges may be impeached for anything short of *criminal* conduct." (Rifkind Memorandum, p. 1. Emphasis in original.)

On August 7 you requested that we review the Rifkind Memorandum and advise you if that Memorandum in any way affects the opinions and conclusions expressed in the Kelley Memorandum. After a careful review, we conclude that there is nothing in the Rifkind Memorandum that in any way alters the opinions and conclusions expressed in the Kelley Memorandum. In fact, the references and sources of material in the Rifkind Memorandum led us to authorities not included in the Kelley Memorandum that confirm beyond any reasonable doubt the correctness of the conclusions reached in the Kelley Memorandum and the absolute invalidity of the proposition argued in the Rifkind Memorandum. We shall discuss those authorities in this letter.

The Rifkind Memorandum is to a considerable degree grounded on historical inaccuracies. For example, Rifkind claims that past impeachment proceedings, notably that of Justice Chase, conclusively established that impeachment would lie only for "criminal conduct" or "criminal offenses". As we discussed at page 9 of the Kelley Memorandum, the Chase Impeachment merely established that impeachment was not to be a purely partisan weapon.

Rifkind makes reference to impeachment proceedings against President Andrew Johnson. As the Kelley Memorandum clearly shows, different standards are to be applied in the case of the Federal Judiciary. The tenure of office of the President is not based upon "good behavior" as in the case of Federal Judges and thus is in no wise an analogy as the decided cases involving the Federal Judiciary clearly demonstrate.

When Rifkind attempts to support the proposition that impeachment of the Federal Judiciary will lie only for *"criminal* conduct" he refers us to source material (and for authority not included in the Kelley Memorandum) which indisputably establishes that the Rifkind position is completely and utterly without foundation. Rifkind deals with the *Archbald* case at pages 8 and 9 of the Rifkind Memorandum which in its entirety reads as follows:

"B. *Robert W. Archbald* (Circuit Judge—Commerce Court 1912): Archbald, a former district judge and later circuit judge assigned to the Commerce Court (which had jurisdiction over ICC orders), was formally charged with inducing railroads with cases pending before him to sell or lease to him certain coal properties; with accepting $500 from a coal operator for seeking to persuade another railroad with a matter before him to lease certain coal properties to the operator; with generally speculating in coal properties while a member of the Commerce Court and with selling his services to compromise matters pending before the ICC for his own personal profit. With "respect to his prior service as a district judge, he was charged with 'accepting' loans from lawyers and litigants who had cases pending before him. Archbald, who admitted the factual basis for the charges but denied any criminal intent, was convicted on five counts. Senator Elihu Root, joined by Senator Henry Cabot Lodge, explained that he had voted to convict Archbald—

" 'Because I find that he used the power and influence of his office as judge of the Court of Commerce to secure favors of money value for himself and his friends from railroad companies, some of which were litigants in his court and all of which were under the regulation of the Interstate Commerce Commission, subject to the review of the Court of Commerce.

" 'I consider this course of conduct, and each instance of it, to be high crime and misdemeanor.

" 'I have voted 'not guilty' upon the other articles, because while most of them involve improper conduct, I do not consider that the acts proved are high crimes and misdemeanors . . .' ". (End of Rifkind quote.)

It is noted that the Rifkind Memorandum, relying solely upon Senator Root for its inferences, indicates no source for the Root statement and the Root quotation was clearly taken out of context. I repeat that Rifkind, as his *sole* authority, relies upon remarks of the illustrious Senator Elihu Root. Carefully read the quoted language does not in fact support Rifkind's proposition. Other action by Senator Root establishes the very contrary; that Senator Root considered the Archbald case as "forever removing from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application", and as establishing the proposition that a Federal Judge may be impeached for acts "that would have been blameless if committed by a private citizen". It was none other than Senator Root who on January 13, 1914 successfully moved that a Harvard Law Review Article be printed as a public document (Senate Document No. 358) terming it "very instructive" and "of very great value when taken in connection with the proceedings in the Archbald case" (Cong. Rec. 1914, p. 1561). The action of Senator Root, and the part of the article dealing with the issue with which we are concerned here was adopted as the highest precedental authority by the House of Representatives.

The article that was printed as Senate Document No. 358 was written by Mr. Wrisley Brown, Special Assistant to the Attorney General, who conducted the original investigation which resulted in the impeachment of

Judge Robert W. Archbald and was designated by resolution of the managers on the part of the House of Representatives to assist in the trial of the case before the Senate. The article is entitled "The Impeachment of the Federal Judiciary", 26. Har. L. Rev. 689 (1913). In this article Brown discusses in detail all of the six impeachment proceedings against federal judges which had occurred prior to 1913, the date of the article. Brown states at page 704: "The impeachments that have failed of conviction are of little value as precedents because of their close intermixture of fact and law, which makes it practically impossible to determine whether the evidence was considered insufficient to support the allegations of the articles or whether the acts alleged were adjudged insufficient in law to constitute impeachable offenses." Prior to 1913, the date of publication of Brown's article, there had been six impeachments of Federal Judges; three being acquitted (Chase impeached in 1804, Peck impeached in 1830, and Swayne impeached in 1904) and three convicted (Pickering impeached in 1804, Humphreys impeached in 1862 and Archbald impeached in 1912). Of the three impeachments resulting in convictions, Judge Pickering and Judge Humphreys did not defend. The only impeachment up to 1913 resulting in conviction (and during which proceedings the entire subject matter was concerned with whether or not impeachment would lie for non-criminal offenses) was that of Judge Archbald which was concluded in 1913. The Archbald case has been termed a "landmark" decision on the subject of whether impeachment will lie against a Federal Judge for noncriminal offenses and has been so recognized by the House of Representatives in its own Precedents (Cannon's Precedents, Section 457). We quote in its entirety that part of Cannon's Precedents dealing with Senator Root's motion and the extract from Senate Document No. 358 relating to the precise issue concerning which there is such distinct variance between the Kelley and Rifkind Memoranda. We quote the entire extract as it appears in Cannon's Precedents:

"457. Summary of deductions drawn from judgments of the Senate in impeachment trials.

"The Archbald case removed from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application.

"On January 13, 1914, *on motion of Mr. Elihu Root, of New York* (Emphasis added.) a monograph by Wrisley Brown, of counsel on behalf of the managers in the impeachment trial of Judge Robert W. Archbald, was printed as a public document. The following is an excerpt:

" 'The impeachments that have failed of conviction are of little value as precedents because of their close intermixture of fact and law, which makes it practically impossible to determine whether the evidence was considered insufficient to support the allegation of the articles, or whether the acts alleged were adjudged insufficient in law to constitute impeachable offenses. The action of the House of Representatives in adopting articles of impeachment in these cases has little legal significance, and the deductions which have been drawn from them are too conjectural to carry much persuasive force. Neither of the successful impeachments prior to the case of Judge Archbald was defended, and they are not entitled to great weight as authorities. In the case of Judge Pickering, the first three articles charged violations of statutory law, although such violations were not indictable. Article four charged open and notorious drunkeness and public blasphemy, which would probably have been punishable as misdemeanors at common law. In the case of Judge Humphreys, articles three and four charged treason against the United States. The offense charged in articles one and two probably amounted to treason, inasmuch as the ordinance of secession of South Carolina had been passed prior to the alleged secessionary speeches of the respondent, and the offenses charged in articles five to seven, inclusive, savored strongly of treason. *But, it will be observed, none of the articles exhibited against Judge Archbald charged an indictable offense, or even a violation of positive law. Indeed, most of the specific acts proved in evidence were not intrinsically wrong, and would have been blameless if committed by a private citizen. The case rested on the alleged attempt of the respondent to commercialize his potentiality as a judge, but the facts would not have been sufficient to support a prosecution for bribery. Therefore, the judgment of the Senate in this case has forever removed from the domain of controversy the proposition that the judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application. The case is instructive, and it will go down in the annals* of the Congress as a great landmark of the law.' " (Emphasis added.) (End of Cannon quote.)

I leave to you and any other fairminded and discriminating reader the judgment as to whether or not the Archbald case did not forever remove "from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application," and did not establish that federal judges may be impeached for acts "not intrinsically wrong" and which "would have been blameless if committed by a private citizen". If this be so, what is there in *Archbald* to support the Rifkind thesis that federal judges may not be impeached for any conduct "short of *criminal* conduct"?

Following Archbald there were three impeachments, English (1926), Louderback (1933) and Ritter (1936). English resigned and Louderback was acquitted and as Brown stated these "are of little value as precedents". Ritter is quite another matter—for Ritter was convicted. If there could be the slightest doubt as to the precedent established in *Archbald* that impeachment will lie for non-criminal conduct by federal judges, that doubt was put to rest in the Ritter case. The Ritter conviction expressly recognized that the judicial tenure provision of the Constitution affords grounds of impeachment for other than criminal offenses. Specifically in the Ritter case, the first six Articles of Impeachment alleged offenses that on their face appeared to be of a criminal nature. On each of these Ritter was acquitted. The seventh Article of Impeachment against Judge Ritter was phrased in *general terms of misconduct only* and it was *only* upon the seventh Article of Impeachment that Judge Ritter was found guilty. As set forth in the Kelley Memorandum (pages 20–22) the various written opinions of the Senators filed in that case confirm the conclusion that conduct on the part of a Federal Judge need not constitute a *criminal* offense to be impeachable and in fact, as established in *Archbald*, conduct is impeachable that is non-criminal and even such conduct as "would have been blameless if committed by a private citizen" is impeachable.

The Impeachment Precedents and the conclusions to be derived therefrom as reflected in Cannon establish, as stated by Cannon, "that the Archbald case removed from the domain of controversy the proposition that judges are only impeachable for the commission of crimes or misdemeanors against the laws of general application" and the Ritter case, the only subsequent case involving successful impeachment of a Federal Judge, supports this principle absolutely.

The Rifkind Memorandum airily dismisses the principles established by the Archbald and Ritter cases, the solemn recognition given by the House of Representatives to the principles in Cannon's Precedents and the virtually unanimous view of historians and other authorities supporting the principles established in *Archbald* as announced in Cannon by stating:

"Some academics have been misled by the heated statements of disgruntled supporters of impeached judges to conclude that they have been impeached for less than criminal offenses. Professor Corwin, for example, relies upon the *Archbald* and *Ritter* cases for the proposition that in this century the meaning of 'high crimes and misdemeanors' has broadened to include elements of 'good behavior.' "

The Rifkind Memorandum neglects to reveal that virtually every learned student of the Constitution since the founding of our Government (and who were assuredly not just "disgruntled supporters of impeached judges") supports the conclusions of the Kelley Memorandum and denies the validity of Rifkind that only "*criminal* conduct" is impeachable. Rifkind mentions the distinguished Ritter cases but omits mention of other distinguished authorities who likewise endorse those principles.[1]

In conclusion, of the nine federal judiciary impeachments in this nation's history, there were four acquittals; two who did not defend and one resignation (all proceedings lacking precedental value) and there is the Archbald conviction immortalized in Cannon's Precedents, the Ritter conviction, Cannon and virtually every recognized authority to completely demolish the Rifkind thesis that only "criminal conduct" is impeachable. We reiterate the opinions and conclusions expressed in the Kelley Memorandum.

Respectfully,

BETHEL B. KELLEY.

MEMORANDUM ON IMPEACHMENT OF FEDERAL JUDGES

A careful examination of the Constitution itself, of the materials reflecting the intent of its draftsmen, and of the records in actual impeachment proceedings clearly demonstrates that federal judges may be impeached only upon charges of "Treason, Bribery, or other High Crimes and Misdemeanors." There is nothing in the Constitution or in the uniform practice under the Constitution to suggest that federal judges may be impeached for anything short of *criminal* conduct. And the prohibition against *ex post facto* laws, the notice requirement of due process, the protection of the First Amendment, and considerations of "separation of powers" prevent any other standard.

I. THE CONSTITUTIONAL PROVISIONS

As Thomas Jefferson noted in his "Manual of Parliamentary Practice," "the provisions of the Constitution of the United States on the subject of impeachments" are found *exclusively* in Article I, Sections 2 and 3; Article II, Section 4; and Article III, Section 2.

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[1] Wrisley Brown, Clarence Cannon, the distinguished House of Representatives of the United States in adopting Cannon's Precedents (see Jefferson's Manual, 1969 ed. p. vi) and Senator Elihu Root, as discussed above;

Rawle in his work on the Constitution (p. 211);

Story on the Constitution (V. 1, 5th ed. pp. 584 and Sections 796, 799);

Cooley in his Principles of Constitutional Law—(p. 178);

George Ticknor Curtis in his Constitutional History of the United States, (V. 1, pp. 481–482);

Watson in his Treatise on the Constitution, (V. 2, pp. 1034, 1036–1037);

American and English Encyclopedia of the Law (2nd ed., V. 15, pp. 1066–1068);

Black in his work on Constitutional Law (2d ed. pp. 121–122).

Article I, Section 3 provides that the House shall have the "sole Power of Impeachment," and that the Senate shall have the "sole Power to try all Impeachments." Article II, Section 4 provides that "the President, Vice President, and all civil Officers of the United States, shall be removed from Office on Impeachment for, and Conviction of, Treason, Bribery, or other high Crimes and Misdemeanors."

Section 2 of Article III provides that "the Trial of all Crimes, except in Cases of Impeachment, shall be by Jury."

Note that Jefferson did *not* include the provision, found in Article III, Section 1, that federal judges are to serve "during good Behavior" among the provisions relating to the impeachment power.[1]

II. THE DRAFTSMEN'S INTENT

The records of the Constitutional Convention reinforces Jefferson's conclusion that impeachment of federal judges is to be confined to charges of "Treason, Bribery, or other high Crimes and Misdemeanors." In the Convention, impeachment was discussed principally with reference to removal of the President. Early drafts provided for "impeachment and conviction for malconduct or neglect in the execution of his office," and later for "malpractice or neglect of duty," 1 Farrand, Records of the Federal Convention, pp. 89–90, 226, 230, 236. Later, the draft language was changed to focus more narrowly upon charges of "treason, bribery or corruption." 2 Farrand, pp. 185–86. It was thereafter suggested that the more general phrase "maladministration" be added. When James Madison argued that "so vague a term will be equivalent to a tenure during the pleasure of the Senate," the general phrase was rejected in favor of "for other high Crimes and Misdemeanors against the United States." 2 Farrand, pp. 445, 450. When an effort was made to insert a separate judicial removal provision in Article III, following the words "good behavior," it was rejected upon the opposition of Morris, Randolph, Rutledge and Wilson. 2 Farrand, 428, 429.

That it was the intention of the Founding Fathers to deal with impeachment of judges exclusively under the language of Article II is made clear by Hamilton's writings in the *Federalist Papers*, our most authoritative guide to the meaning of the Constitution. In No. 79, Hamilton wrote that it was the intention of the draftsmen to make federal judges more independent than were any state judges, and that—

"The precautions for their responsibility are comprised in the article respecting impeachments. . . . This is the only provision on the point which is consistent with the necessary independence of the judicial character, and is the only one which we find in our own Constitution with respect to our own judges."

Hamilton proceeded to indicate that there had been a deliberate decision not to make judges impeachable "on account of inability." He argued that "an attempt to fix the boundary between the regions of ability and inability would more often give scope to personal and party attachments and enmity than advance the interest of judges in the public good."

In short, in order to preserve judicial independence, provision was made by the Founding Fathers to permit removal of judges only when they could be shown to have committed criminal offenses. Broader bases for removal were rejected as being too dangerous.[2]

And in the summer of 1789, in the debate on establishing the first executive department, Congressman Livermore of New Hampshire observed that federal judges "hold their offices during good behavior, they have an inheritance which they cannot be divested of *but on conviction of some crime.*" 4 Elliot's Debates, at 365. (Emphasis supplied.)

Moreover, in 1802 Senator Stone of North Carolina delivered a classic argument, which appears to have persuaded the Senate which was then considering abolition of certain inferior courts, that the Constitution provides for removal of judges by impeachment only in the case of high crimes and misdemeanors, and that accordingly judges might be guilty of lapses from "good behavior" for which they cannot be impeached. In the Senator's words:

"If the words, impeachment of high crimes and misdemeanors, be understood according to any construction of them hitherto received and established, it will be found, that although a judge, guilty of high crimes and misdemeanors, is always guilty of misbehaviour in office, yet that of the various species of misbehaviour in office, which may render it exceedingly improper that a judge shall continue in office, many of them are neither treason, nor bribery, nor can they be properly dignified by the appellation of high crimes and misdemeanors; and for the impeachment of which no precedent can be found; nor would the words of the Constitution justify such impeachment." 11 Annals of Cong. 72 (1802)

On April 9, 1970, Assistant Attorney General William E. Rehnquist testified before Senator Tydings' Subcommittee on Improvements in Judicial Machinery, and said of Senator Stone's argument:

"The fact that it was persuasively set forth and really not refuted on the floor that early suggests to me that this is probably consistent with the view of the framers on the matter." (Tr. 9)

III. THE PRACTICE

It has been our practice under the Constitution to impeach only on the basis of charges which state criminal offenses.

The first impeachment case, that of Judge John Pickering in 1803, although brought and decided on purely political grounds, illustrates how wide was the recognition that impeachment was confined to "Treason, Bribery, or other high Crimes and Misdemeanors"—the criminal offenses enumerated in Article II. Although Judge Pickering had been hopelessly insane for three years, was an incurable drunkard, and had misconducted himself on the bench, the leaders of the effort to remove him felt it necessary to couch their charges under the rubric "high Crimes and Misdemeanors," [3] and to charge him with three counts of willfully violating a Federal statute relating to the posting of bond in certain attachment situations, and the misdemeanors of public drunkeness and blasphemy. They not only believed that strong evidence of insanity, drunkeness and judicial misconduct were insufficient to justify impeachment, but because they viewed impeachment as requiring proof of criminal conduct they found it necessary to attempt to exclude evidence of Pickering's insanity "only from the fear, that if insanity should be proved, he cannot be convicted of high crimes and misdemeanors by acts of decisive madness." I *Memoirs of John Quincy Adams* 299–300.

The next, and most important, judicial impeachment case not only affirmed the rule that impeachment is confined to "high Crimes and Misdemeanors," but made it clear that to warrant impeachment actual criminal conduct must be shown. The case involved a major effort by the Jeffersonians, newly in power, to remove Associate Justice Samuel Chase from the Supreme Court. As Senator Giles of Virginia openly avowed, the impeachment of Justice Chase was to be the first step by the Jeffersonians in the removal of all the Justices appointed by prior administrations, including Chief Justice John Marshall—the principal target.

Chase was impeached in the House by a vote on straight party lines, Jeffersonians against Federalists. Each of the eight articles of impeachment dealt with his official conduct during judicial proceedings and none stated a criminal offense, although each one was captioned "high crimes and misdemeanors"—the House did not then, and never has since, attempted formally to impeach for want of "good behavior." He was charged, for example with the "high crimes and misdemeanors" of using intemperate language in instructing a grand jury, in conducting a trial in an arbitrary way, and in unreasonably refusing to excuse a juror from jury duty.[4]

Chase's Senate trial turned into a great constitutional debate over whether a federal judge may be removed on charges which do not amount to "high Crimes and Misdemeanors." For the Jeffersonians, George Washington Campbell of Tennessee unsuccessfully contended that impeachment was "a kind of an inquest into the conduct of an officer . . . and the effect that his conduct . . . may have on society."

For Chase and the Federalists, counsel argued successfully that impeachment could only be had for "an indictable offense," noting that "high Crimes and Misdemeanors" were technical legal terms:

"Well understood and defined in law. . . . A misdemeanor or a crime . . . is an act committed in violation of a public law either forbidding or commanding it. By this test, let the respondent . . . stand justified or

[1] As is indicated later in this Memorandum, the settled construction of the Constitution is to confine impeachment to charges of "Treason, Bribery, high Crimes and other Misdemeanors," and without regard to the "good behavior" provision. This Memorandum has no bearing upon the present debate between those who believe that impeachment for high crimes and misdemeanors is the exclusive avenue to remove judges, and those who contend that the Constitution permits remedies short of impeachment to deal with lapses from "good behavior" which do not amount to grave criminal offenses. With regard to this controversy, see Kurland "Constitution and the Tenure of Federal Judges: Some Notes from History," 36 Chi. L.Rev. 665 (1969); Memorandum on the Constitutionality of a Statutory Alternative to Impeachment, Submitted by the Senate Subcommittee on Improvements in Judicial Machinery, printed in the Congressional Record for June 5, 1969.

[2] Justice Story, writing a half century later but relying not only on Hamilton but also on Mr. Justice Wilson's lectures of 1804, agreed, see 2 Story, Commentaries on the Constitution, §§ 1624–26, 1631. Justice Wilson had written of Federal judges that "they may be removed, however, as they ought to be, on conviction of high crimes and misdemeanors."

[3] The removal of Pickering was sought, not because of his incapacity, but to test the procedure for purging the Federalist judges. As the Jeffersonian leader, Senator Giles of Virginia, asserted, "We want your offices, for the purpose of giving them to men who will fill them better." Historian Henry Adams observed it was "an infamous and certainly an illegal conviction." 3 Beveridge, *Life of John Marshall*, p. 157, 143.

[4] Chase was widely regarded as one of the most able members of the Supreme Court. He had been a delegate to the Continental Congress, a signer of the Declaration of Independence, a member of the Maryland Convention to ratify the Constitution and Chief Justice of his state's Supreme Court. 3 Beveridge, *Marshall*, pp. 184–185.

condemned." 3 Beveridge, *Life of John Marshall*, p. 199.

The Nation's most distinguished lawyer, Luther Martin of Maryland, on Chase's behalf reiterated the principle that only "indictable offenses" could support impeachment, arguing that any other interpretation was barred by the *ex post facto* clause of the Constitution. 3 Beveridge, *Marshall*, p. 202.

In response to the charge that Chase had given an inflammatory grand jury instruction with the intent of stirring "the good people of Maryland against their state government, and constitution," counsel asserted Chase's right to freedom of speech. He asked the Senate:

"Is it not lawful for an aged patriot of the Revolution to warn his fellow-citizens of dangers, by which he supposes their liberties and happiness to be threatened?"

The Senate was asked to decide whether Chase's appointment to the bench deprived him of the "liberty of speech which belongs to every citizen?" 3 Beveridge, *Marshall*, p. 206.[5]

The turning point came when the lead prosecutor openly conceded that impeachment *was* a "criminal prosecution." Although controlled by Jeffersonians (25 to 9), shaken by the debate and by the defenses resting on the *ex post facto* and free speech clauses, the Senate on March 1, 1805 acquitted Chase, putting beyond doubt the principle that impeachment was to be for criminal offenses only.

So it has remained in our history. The point was driven home during the impeachment of President Andrew Johnson in 1867 for alleged "high Crimes and Misdemeanors." The former Justice Curtis summarized Johnson's successful defense as resting on the proposition:

"That when the Constitution speaks of 'treason, bribery, and other high crimes and misdemeanors,' it refers to, and includes only, high criminal offenses against the United States, made so by some law of the United States existing when the acts complained of were done, and I say that this is plainly to be inferred from each and every provision of the Constitution on the subject of impeachment." 1 *Trial of Andrew Johnson*, p. 409.

In the twentieth century, only five federal judges have been impeached.[6] In *every* case, the articles of impeachment charged acts amounting to "High Crimes and Misdemeanors." Consider them case by case:

A. *Charles Swayne* (District Judge—N.D. Fla. 1903): Judge Swayne was formally charged by the House with three counts of falsely certifying to excessive traveling expenses and thereby unlawfully obtaining money from the United Sttaes, committing a "high crime and misdemeanor in his said office." He was also charged with two counts of unlawfully appropriating to his own use a railroad car for the benefit of himself, his family and friends while the railroad involved was under the receiver appointed by him. In the Senate there was much debate over whether the high crimes and misdemeanors charged had to have been committed in the discharge of Swayne's official duties—but no debate about the necessity of establishing actual criminality, which was conceded. Swayne was acquitted in the Senate.

B. *Robert W. Archbald* (Circuit Judge—Commerce Court 1912): Archbald, a former district judge and later circuit judge assigned to the Commerce Court (which had jurisdiction over ICC orders), was formally charged with inducing railroads with cases pending before him to sell or lease to him certain coal properties; with accepting $500 from a coal operator for seeking to persuade another railroad with a matter before him to lease certain coal properties to the operator; with generally speculating in coal properties while a member of the Commerce Court and with selling his services to compromise matters pending before the ICC for his own personal profit. With respect to his prior service as a district judge, he was charged with "accepting" loans from lawyers and litigants who had cases pending before him. Archbald, who admitted the factual basis for the charges but denied any criminal intent, was convicted on five counts. Senator Elihu Root, joined by Senator Henry Cabot Lodge, explained that he had voted to convict Archbald—

"Because I find that he used the power and influence of his office as judge of the Court of Commerce to secure favors of money value for himself and his friends from railroad companies, some of which were litigants in his court and all of which were under the regulation of the Interstate Commerce Commission, subject to the review of the Court of Commerce.

"I consider this course of conduct, and each instance of it, to be a high crime and misdemeanor.

"I have voted 'not guilty' upon the other articles, because while most of them involve improper conduct, I do not consider that the acts proved are high crimes and misdemeanors. . . ."

C. *George W. English* (District Judge—E.D. No. 1925): Judge English resigned after being impeached but before trial in the Senate on charges of personal corruption in the handling of bankruptcy cases, to his own personal profit and that of Charles B. Thomas, a referee in bankruptcy with whom he was charged with conspiring.

D. *Harold L. Louderback* (District Judge—N.D. Cal. 1932): Judge Louderback was formally charged by the House with improper conduct in the appointment of receivers and receivers' attorneys in bankruptcy and reorganization cases. In particular, it was charged that Louderback had improperly appointed as a receiver the son of a California Senator, to whom he owed his judicial appointment. Louderback was acquitted.

E. *Halsted L. Ritter* (District Judge—S.D. Fla. 1936): Judge Ritter was impeached and formally charged with "high crimes and misdemeanors," including: "corruptly and unlawfully" receiving $4500 out of a $75,000 receiver fee he improperly ordered to be paid to his former law partner, after another judge had set a much lower fee; committing the "high misdemeanor" of continuing to practice law and to receive fees for such practice while on the bench;[7] willful failure to report $17,300 in income on his Federal income tax returns for 1929 and 1930; and conspiracy in a champertous foreclosure proceeding. Although the Senate narrowly failed to convict him on the specific criminal charges, it did convict on a blanket charge which asserted that he was guilty of "high crimes and misdemeanors in office," specifically including "income tax evasion."

Some academics have been misled by the heated statements of disgruntled supporters of impeached judges to conclude that they have been impeached for less than criminal offenses. Professor Corwin, for example, relies upon the *Archbald* and *Ritter* cases for the proposition that in this century the meaning of "high Crimes and Misdeameanors" has broadened to include elements of "good behavior." But Archbald was charged by the House with extorting bribes from litigants before his court, with interfering in cases before the ICC for a monetary compensation, and other "corrupt conduct" for personal gain. Ritter was formally charged with receiving illegal kickbacks, with the misdeameanor "of practicing law" while on the bench, with willful income tax evasion, and with conspiracy; and having admitted receiving the fees involved and not reporting them on his income tax returns in violation of law, he was convicted under an article charging "high crimes and misdeameanors in office," and including "income tax evasions" with respect to unlawful income.[8]

IV. CONCLUSION

The constitutional language, in plain terms, confines impeachment to "Treason, Bribery, or other high Crimes and Misdemeanors." The history of those provisions reinforces their plain meaning. Even when the Jeffersonians sought to purge the federal bench of all Federalist judges, they felt compelled to at least assert that their political victims were guilty of "high Crimes and Misdeameanors." The unsuccessful attempt to remove Justice Chase firmly established the proposition that impeachment is for *criminal* offenses only, and is not a "general inquest" into the behavior of judges. There has developed the consistent practice, rigorously followed in every case in this century, of impeaching federal judges only when *criminal* offenses have been charged. Indeed, the House has *never* impeached a judge except with respect to a "high Crime" or "Misdemeanor." Characteristically, the basis for impeachment has been the soliciting of bribes, selling of votes, manipulation of receivers' fees, misappropriation of properties in receivership, and willful income tax evasion.

As Hamilton noted in the *Federalist Papers*, this stringent standard for impeachment makes the unwieldy procedure unavailable to deal with such problems as disabled judges. But that, according to Hamilton, and Story as well, was the price the Founding Fathers deliberately paid to insure the independence of the federal judiciary. If federal judges commit grave crimes, they may be impeached. If not, they are not subject to impeachment. In consequence, while the federal judiciary has over the years suffered a few judges who were unable to perform their duties,[9] since 1805 it has been

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[5] According to then Professor Frankfurter, political speeches by Justices to grand juries (in those days the Justices "rode circuit") were no rarity around 1800:

"They utilized charges to the grand juries as opportunities for popular education, Jay, Cushing, Wilson, Iredell, all indulged in the practice. . . . Having a Federalist flavor [the speeches] promptly aroused political opposition," Frankfurter & Landis, *Business of the Supreme Court*, 20–21 (1927).

[6] After Chase's acquittal, impeachment was used against judges in only two isolated instances before 1900. In 1830 Judge Peck was impeached for "high misdemeanors in office", but acquitted on a charge of having harshly sentenced a lawyer for contempt (one day in jail and 18 months suspension from practice.) The impeachment and trial of Judge Peck focused on the illegality of his action and his alleged guilty intent, not his fitness to hold office. Judge Humphreys was impeached and convicted *in absentia* in 1862 for acts amounting to treason, including aiding and abetting armed rebellion against the United States.

[7] In the Mulford Realty matter, he had written to a former client to indicate that he would continue in the case while on the banch and to demand a $2000 fee for himself—which was not reported to his former law partner. He earned his fee. From another client, he obtained $7500 for legal services in connection with several real estate transactions. Those fees were deliberately not reported on his income tax returns.

[8] Indeed, a solid majority of the Senate found him guilty of all but two of the specific charges of criminality.

[9] To deal with this problem, the Federal Judiciary Act of 1801 provided that when a federal judge could no longer discharge his duties, the circuit judges could appoint one of their number to fill his place. Thus, Judge Jeremiah Smith had been designated in 1801 to do Pickering's work.

free from political purges and from harassment directed at the beliefs, speeches and writings of individual judges. In consequence, it has not been necessary to test Luther Martin's argument in the Chase case that the *ex post facto* clause of the Constitution forbids legislative punishment for conduct not defined in advance as punishable, or to measure impeachment for a judge's beliefs, speeches and writings against the flat prohibition contained in the First Amendment that Congress shall not abridge freedom of speech. History has, therefore, demonstrated the wisdom of the choice made by the Founding Fathers.

Respectfully submitted,

SIMON H. RIFKIND,
Counsel for Mr. Justice Douglas.

STRATEGIC ARMS LIMITATION TALKS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, the second phase of the strategic arms limitation talks has recently been concluded in Vienna with an indication that significant progress continues to be made.

The United States has been seeking discussions with the Soviet Union on limiting the arms race since 1964. The first indications of reciprocal interest appeared in 1967, and on July 1, 1968. The President announced that an agreement had been reached to open talks "in the nearest future." The subsequent Soviet invasion of Czechoslovakia followed by the U.S. election and the presidential transition period delayed further action until last November, when preliminary talks began in Helsinki.

The arms race today is costing the world $182 billion a year, almost the entire U.S. budget, and 16 times the amount of the total world investment in the potentially explosive emerging countries of Africa, Latin America, and Asia.

The ultimate hopes for SALT are that a formal agreement will be reached. That will certainly be a long and difficult process. But in the shorter term, SALT, may be of major importance just by providing the forum for a closer understanding of each other's nuclear philosophy and an unwritten agreement for mutual restraint.

A recent article in the Washington Post by Chalmers M. Roberts, ably describes the level which the talks reached before their recent adjournment and some of the issues which will be coming up during phase III, which will begin in November. I insert pertinent excerpts of the article in the RECORD at this time:

ARMS TALKS: PROGRESS AND PROSPECTS

(By Chalmers M. Roberts)

Many long months ago, when the way finally was cleared for what have become known, redundantly, as the SALT talks, some American arms controllers argued that the talking would be more important than any agreement that might be reached. Now that phase II of SALT (the four months at Vienna), has ended and phase III (at Helsinki) has been scheduled to begin Nov. 2, it appears that the talking has been highly profitable but that the agreement is vital.

Despite the official lid of silence on the substance of the talks, a number of points are clear. One is that the United States started out far in advance in its thinking, both inside and outside government, on the subject of the nuclear arms race—its problems and how it might be curbed. Some experts estimate there was perhaps a year's time gap involved.

Historically, the Soviet bureaucracy forces the diplomats, the scientists and the military to stay in their own baliwicks, sending their ideas up their own bureaucratic ladders to the top. Only then, if approved, does an idea of one group start down the bureaucratic ladder of the others. Now there is evidence that this procedure has been altered radically, that, for example, foreign office desk officers can talk directly to military counterparts and others about the issues involved in SALT.

One reason for the change has been the Soviets' observation of how the process works in the United States. Another has been a necessity born of the thousands of pages of printed hearings of last year's American ABM debate, plus the Congressional Record's account of Senate floor debate, all of which had to be absorbed. There has been more such material, though not in equal amount, pouring into Moscow this year. Another factor in the changing Soviet ways has been, the United States effort to speed up the Soviet process by letting Moscow know in advance of Vienna how it was itself proceeding. This was the so-called "building block" technique described in President Nixon's State of the World report last spring. There is evidence the Soviets have accepted the technique.

This talking out process appears to have speeded up Soviet understanding of the complex nuclear arms issue and produced some common understandings of the elements involved—elements that have no ideological coloration and are susceptible to a high degree of mathematical precision, as in the case of the laws of nature.

Because this process has proved so valuable at the SALT talks it is excepted to become a permanent part of any treaty. The idea is not to establish a new international bureaucracy but to provide, in an arms limitation treaty, for periodic Soviet-American meetings. Such meetings would offer an opportunity for one side or the other to raise what seem to it suspicious goings on that hint of treaty violation, or for one side to tell the other why it is doing this or that outside the treaty if its actions might be taken as an infringement of the treaty's provisions. For example, if the United States were to erect new radars for airways control or as part of an early warning system to protect against Soviet missiles, its actions could be construed by Moscow as work toward an ABM system banned by the treaty. Explanation, with evidence, might be vital in avoiding a crisis.

Beyond the value, both in the SALT talks and as part of a treaty setup, of the talking process, however, there remains the necessity of an agreement. SALT has made it clear beyond doubt that any treaty must be built around a trade-off of the American Safeguard ABM system for a Soviet curb on its massive SS–9 missiles. Since the talks began last November in Helsinki (phase I), both sides have proceeded with testing and deployment of these and other strategic nuclear weapons. Only a treaty will halt the process.

The treaty now in prospect, however, is limited to an initial "building block:" quantitative control. It would permit qualitative improvements in numerous respects. Most widely known among these is the continuation of multiple warhead development and deployment—the MRVs and MIRVs. The way the American treaty proposal has been framed substitutions would be permitted under a gross ceiling on missiles with a special sub-ceiling for huge missiles such as the SS–9. Thus Poseidon could be substituted for Polaris on submarines, Minuteman III for Minuteman I and II and the B–1 bomber for B–52s; each represents a major qualitative improvement. The same would be true for comparable Soviet weapons systems. The dramatic new submarine project, ULMS, however, might be inhibited by the sub-ceiling for huge missiles. That sub-ceiling would limit the size of missiles that might be deployed for this system which is still at the drawing board stage. Some ULMS concepts call for missiles beyond the proposed limitation.

But even though the treaty in prospect would basically limit only numbers, it would certainly represent a major gain. It would be the first substantive curb on the nuclear arms race in history, and beside it the nuclear test ban treaty would pale in importance.

Given the treaty now in prospect, what logically should follow is the next building block: a curb on further qualitative improvements. Continued multiple warhead testing, the initial American deployment of Minuteman III with MIRV warheads and the scheduled January deployment of Poseidon along with similar Soviet advances all make this more and more difficult as time goes on. One possibility being discussed is a second stage SALT agreement that would lower the permissible number of missiles from that set by the first agreement. But such a move would make only a dent in the problem, especially with MIRV warheads in place.

It should be observed at this point that the Vienna phase did not get as far as some in Washington hoped. Not until July 24 did the United States put forward its proposal in what amounted to one package, although the pieces had been discussed long before. And the Soviet Union simply did not make the necessary decisions before the Vienna phase closed. Part of the reason was the thinking lag, but another part, as far as can be perceived, has been Kremlin hesitancy in taking the momentous steps involved.

By now, however, SALT has reached a fish-or-cut-bait point for Moscow. A counter proposal is expected at Helsinki, and—unless the Americans at Vienna have totally misconstrued their Soviet counterparts—it cannot vary on the major premises and thus the parameters of the American proposal. It might, of course, vary in detail and quite probably will. If the Kremlin gives a "go" signal and if the counter-proposal is within range of the American proposal, it should take perhaps six months to hammer out a treaty. History teaches, as the Soviets say, that once the necessary political decisions are taken in Moscow and Washington the details are manageable.

By most accounts the Soviet military are the most resistant to, or at least suspicious of, a treaty. Yet there are military subdivisions, it is believed. The Navy wants to go on expanding its global role; the Army wants to hold onto its manpower, especially given the Chinese threat; the rocket forces perhaps may be the hardest to convince that a ceiling is acceptable.

The alternative, as the Kremlin knows, is a continuing arms race moving into new levels of strategic systems. If there is no treaty, Safeguard will proceed and might become an area defense system. There will be new bombers in larger numbers than otherwise and perhaps ULMS will get off the drawing boards. Land based missiles probably would go into hard rock silos and become mobile as well.

Billions of rubles—and dollars—are involved here. But perhaps even more persuasive to Moscow is the technological strain of a new weapons round. Currently thousands of scientists badly needed elsewhere are locked into the weapons business. The

Kremlin's answer, and the fate of the treaty, thus are unlikely to be known until sometime after Nov. 2. It will be a critical decision for the world.

JUDGE FRANK C. HAYMOND OF THE WEST VIRGINIA SUPREME COURT OF APPEALS PRESENTED WITH AMERICAN BAR ASSOCIATION'S TOP AWARD, THE ABA MEDAL—JUDGE HAYMOND HAS SERVED ON THE COURT FOR 25 YEARS—REPRESENTS FOURTH GENERATION OF HIS FAMILY TO SERVE ON WEST VIRGINIA BENCH

HON. JENNINGS RANDOLPH

OF WEST VIRGINIA

IN THE SENATE OF THE UNITED STATES

Friday, August 21, 1970

Mr. RANDOLPH. Mr. President, Hon. Frank C. Haymond, judge of the West Virignia Supreme Court of Appeals for the past 25 years, has received a high honor from the American Bar Association. Judge Haymond was presented with the ABA highest award, the ABA Medal. The award is made each year to a member of the bar who has provided outstanding service in the cause of American jurisprudence.

Judge Haymond is a highly respected citizen and is held in the high esteem by members of the bar. He is an outstanding jurist and has served his State and Nation well.

The judge is the only ABA member to have served twice on the association's board of governors.

Mr. President, Judge Haymond is to be commended for his devotion to American jurisprudence and for the discharge of responsibilities which have been placed in him.

It is my desire, Mr. President, to have the release of the American Bar Association on Judge Haymond award printed in the RECORD at this point.

There being no objection, the release was ordered to be printed in the RECORD, as follows:

JUDGE FRANK C. HAYMOND PRESENTED HIGHEST ABA AWARD

ST. LOUIS, Mo., August 12.—Judge Frank C. Haymond of Charleston, W. Va., a member of the West Virginia Supreme Court of Appeals, was presented Wednesday night with the American Bar Association's top award, the ABA Medal.

Bernard G. Segal, president of the ABA, made the presentation at the official Association dinner of the ABA annual meeting, which began last week in the "Gateway City" and closes Thursday. The medal is awarded each year to a member of the Bar who has provided "outstanding service in the cause of American jurisprudence."

Judge Haymond, 83, has been a judge for the past 31 years. Before that he had practiced law for 27 years. He has served on the West Virginia Supreme Court of Appeals since July 1, 1945, when he was appointed to fill a vacancy.

He was elected in 1946 to complete the unexpired term, and was re-elected to fill 12-years terms in 1952 and 1964. From 1939 to 1945 he had served as a judge of the Circuit Court of Marion County, W. Va.

In his long service to the Supreme Court of Appeals, Judge Haymond has set several state records. He is the first judge ever elected to the court three times, has served longer than any other judge, and is the only one to serve as president of the court six times.

Judge Haymond also is the only ABA member to serve twice on the Association's Board of Governors, 1943–46 and 1966–68. He has been the West Virginia state delegate in the House of Delegates for a total of 27 years, was a founding member and the second chairman of the Section of Insurance Law, and has served on a number of committees.

He also was a founding member of the Conference of Chief Justices. Judge Haymond has been vice president and a director of the American Judicature Society, and past president of the Marion County and West Virginia Bar Associations. He has served as a member of the state legislature and of the West Virginia Commission on Constitutional Revision. And he has lectured at the West Virginia College of Law.

"During his long and distinguished career on the Bench, Judge Haymond zealously pursued his duties toward the Bar," President Segal said at the presentation. "He has been extraordinarily devoted to his Association and has made major contributions to its work and progress. He richly shares credit for the leadership the Association has attained in professional and public affairs."

President Segal added that Judge Haymond "has won the high esteem and warm affection of his associates on the Bench, of the members of the Bar who practice before him, and of his countless friends and associates in the work of the organized Bar."

Born in Fairmont, W. Va., on April 13, 1887, he was graduated with distinction from Harvard College in 1910 and completed his law studies at Harvard Law School in 1912. He also holds honorary law degrees from Morris Harvey College and West Virginia University.

Judge Haymond practiced law in Fairmont from 1912 to 1939, except for military service from March, 1918 to August, 1919. He was a member of the West Virginia Legislature from 1916 to 1918 and served on several committees of the House of Delegates.

The judge represents the fourth generation of his family to serve on the West Virginia bench. His great grandfather, Thomas S. Haymond, was a justice of the peace and president of the Marion County Court. His grandfather, Alpheus F. Haymond, served on the supreme court from 1873 to 1882 and was a member of the Second Constitutional Convention in 1872. William S. Haymond, his father, was a circuit judge.

"I feel that this office offers an unusual opportunity for public service," said Judge Haymond. "And that is what I have tried to do, to the best of my ability and according to the law as I see it."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

FIFTY YEARS OF BROADCASTING

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD a brief history of Pittsburgh's excellent radio station KDKA, the world's first radio station, which this year is celebrating its 50th anniversary. The citizens of our good community can rightly be proud of the many historic firsts in the broadcasting industry that have been accomplished by KDKA radio 1020. Even today in an era of advanced communications we note in the programing of this fine station the spirit of pioneering for the future of this important medium. And though KDKA's signal today beams around the globe and has the entire world as its domain, it is especially gratifying for us to know that KDKA is the descendant of a small experimental station built in our community a half century ago.

The information follows:

PITTSBURGH'S KDKA RADIO 1020—50 YEARS OF BROADCASTING

KDKA Radio 1020, the world's first radio station, began a continuous schedule of broadcasting with the Harding-Cox elections of November 21, 1920. KDKA was licensed by the federal government on Oct. 27, 1920 and its call letters were assigned from a roster maintained to provide identification for ships and marine shore stations, these being the only regular radio services then in operation under formal license at that time.

KDKA is the direct descendant of experimental station 8XK constructed and operated by Doctor Frank Conrad from a garage at the rear of his residence in Wilkinsburg, a Pittsburgh suburb. First official record of this station appears in August 1, 1916 edition of the radio service bulletin issued by the Bureau of Navigation of the U.S. Department of Commerce. Conrad had become interested in radio in 1915, when to settle a $5.00 bet on the accuracy of a $12.00 watch made with a friend, he built a small receiver to hear time signals from the Naval Observatory at Arlington, Virginia. Experimental station 8XK was off the air due to the wartime amateur ban from April 7, 1917 until Oct. 1, 1919.

Dr. Conrad was kept busy answering mail from listeners in widely separated locations. Radio messages, in early days, were chiefly discussions of the kinds of equipment being used and the results obtained. Bored by this monotonous routine and anxious to save his voice Dr. Conrad, on Oct. 17, 1919 placed his microphone before a phonograph and substituted music for voice. Requests poured in for records to be played at certain times to convince skeptics. Because of the demand, within a few days, Conrad announced that instead of complying with individual requests he would "broadcast" records for two hours each Wednesday and Saturday evenings.

By late summer of 1920 interest in these broadcasts had become so great that the Joseph Horne Company, a Pittsburgh department store ran an ad in the Pittsburgh Sun featuring Dr. Conrad's "wireless concerts" and offering amateur wireless sets at $10 up.

H. P. Davis, Westinghouse Vice President, an ardent follower of the Conrad venture reasoned that the real radio industry lay in the manufacture of home receivers and in supplying radio programs which would make people want to own such receivers. Westinghouse officials were won to the same view

and a station was authorized, license application submitted, and election night—then only a little more than two weeks away—selected for the grand opening.

KDKA has broadcast regularly ever since and many of KDKA firsts are firsts for the radio industry.

On January 21, 1921, KDKA broadcast the first religious service live from the Calvary Episcopal Church.

On March 19, 1921, KDKA aired the first official government broadcast with members of President Harding's cabinet speaking.

On April 11, 1921, the first sports broadcast, a boxing bout for the lightweight title, Johnny Ray vs. Johnny Dundee, was broadcast from Motor Square Garden.

The first farm program was May 19, 1921.

On October 5, 1921, the first World Series broadcast was transmitted from the Polo Grounds in New York City.

A Newark, New Jersey, station WJZ was listed in the radio service bulletin of June 1, 1921, although not officially licensed until September 20, 1921, went on the air September 19 with a remote pickup from the eastern states exposition at West Springfield. KDKA, WBZ, and WJZ constituted broadcastings first group of stations under one ownership, and Westinghouse became the first such owners. Today the Group W, Westinghouse Broadcasting Company, owns seven radio stations and five television stations in the United States.

KDKA began in a tiny transmitter shack atop the East Pittsburgh Westinghouse plant. Today its 50,000 watts clear channel has been heard in every state and at sometime in every foreign country around the world. KDKA Radio 1020 has become an integral part of the Pittsburgh community through direct involvement. In cooperation with the urban coalition KDKA sponsors "Call for Action" an urban hot line for residents to get direction on solving housing and related problems. KDKA and the Allegheny Board of Trial Lawyers produce an annual "Mock Trial" hearing to spur legal awareness in the community and give encouragement to promising law students. In 1970 KDKA received the annual Judge Wallace S. Gourley Award for this service. KDKA utilizes the services of worldwide Group W and press services as well as a staff of news specialists to keep Pittsburghers informed with objective reports on their world. KDKA's "Open Mike" show features experts and personalities in the news and allows listeners a chance to talk back to newsmakers.

KDKA is proud to be the pioneer station of broadcasting and witness the growth of radio from a handful of wireless amateurs to today's industry which reaches all Americans through over 350,000,000 radio receivers.

MRS. MAXINE BROWN AND CITIZENS OF BURLESON, TEX., SPEAK OUT ON THE STATE OF THE NATION

HON. OLIN E. TEAGUE

OF TEXAS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TEAGUE of Texas. Mr. Speaker, back in June, I received a letter from Mrs. Maxine Brown of Burleson, Tex., which letter was also signed by a number of other citizens of the same town. I believe the letter to be one of the finest I have received ever from a constituent and portrays vividly the great concern of what I believe to be the majority of my constituency on the state of the Nation. The people of Burleson, Tex., are good American citizens, God fearing, and deeply concerned for what is happening in our country as is evidenced by this letter. I urge all Members of this body who have expressed concern for the future of this great Nation to read this letter, as follows:

Congressman OLIN E. TEAGUE,
Rayburn House Office Building,
Washington, D.C.

DEAR MR. TEAGUE: As a citizen of this country, and a registered voter, my conscience will no longer let me remain one of the silent majority.

I feel it is my duty to my country and my God to protest the major issues facing the Free Americas.

My concern ranges from the riots on our college campus to poverty on the home front, and most emphatically the course of the Vietnam war.

As we approach the middle of 1970 statistics show that interest rates are higher than they have ever been, cost of living increases with each monthly report, crime and poverty is tremendously high, and numerous other subjects reaching their peak.

Our country is in a recession because of internal problems and mismanagement.

We, the working people, have had to gird our belts, and carry the burden of the national debt, and send our fathers, sons, and husbands to fight and defend a country who apparently do not want us there. They have, however, become wealthier due to narcotics and stolen goods sold openly on the streets by Vietnamese civilians. The real tragedy aside from the death, heartbreak and broken bodies is the opportunity of industrialists to pounce on the sufferings of humanity, filling their fat pockets with additional monetary gain. Since we are in the war, let's take steps to do the job that should have been finished long ago, and bring our boys home.

It is amazing that the great minds of this world can probe outer space, place men on the moon, and design weapons to destroy nations with one push of the button. The superior intelligence of these people was a gift from our Creator, and would be much more pleasing to him if their thoughts, time and energies could be spent in creating devices for saving lives instead of total destruction.

I firmly believe the present peace movement, racial problems, and riots with moral strife have the undercurrent of communism at work. These people, most of them American citizens, are protected by our Constitution; with only a requirement for them to register as Communists. They must register, I am told, so that the government can be informed of their activities. Well, the whole world is watching as they divide our nation using a weapon dear to our hearts, a plea for peace. They nurture the minds of minorities, the emotionally disturbed, the poverty stricken and the youth of our nation whose task it will be to correct the problems we created today.

This must cease immediately if we are to survive as a people. It is imperative that the majority reign, and strongly support those who are in the position to enforce the laws of our land. These immoral Hippie Fests are allowed to exist because it is a social problem we have allowed to evolve out of the miseries of humanity. Every day people are convicted on charges of possession of marijuana and punished; yet nothing is done by law enforcement to stop these public Pot Parties. Why?

Since the surtax has been introduced, nothing constructive to my knowledge has been done on the homefront to alleviate the problems of those paying. We have homes now encircling us built with Federal Grants at the interest rate of one percent to the purchaser. A cheap home, built cheaply, with the taxpayer paying the outstanding debt of high labor and interest. In this same period, our Senate and Congress voted themselves a salary increase along with the President getting a larger sum. He also felt the need for a summer White House in California with the expense of travel, communication, installations and of course the windscreen for the pool, all at the taxpayer's expense of $60,000. Yet, we are encouraged to buy only what we need to control inflation. Well, the majority of us obviously are Indians and not Chiefs, to coin a phrase, and examples set by our leaders leaves us somewhat confused.

Because of high costs of daily living, we cannot decide whether to fence our back yard. The cost of $300 would be mere trivia to some, yet if we do get a fence that will keep at least three children out of the street.

As our representative in Congress, I have written you on separate occasions expressing my views, and have received very cordial replies stating your understanding and sympathy to my problems. Your voice in Congress is the voice of the people in your District, and we are ready to have our grievances heard. We can no longer be a silent majority weeping silent tears in privacy and praying in earnest concern for our nation, and the future of its people.

Will you help us?

Mrs. W. E. Brown, Mr. W. E. Brown, Mr. and Mrs. William H. Fox, Mrs. B. H. Colling, Bobby H. Colling, Mrs. A. L. Porter, Mrs. Earl Brown, Mrs. Irwin Cameron, Irwin Cameron, Pauline Webb, Mrs. W. A. Greer, Mr. Donny Timmis, Mrs. Donny Timmis, Mrs. Berta Bennett, Mrs. Bob Roberts, Emma Lee Love, Donald B. Trimble, Ernie E. Dill, Mrs. Mamie Dill, all of Burleson, Tex.

SECOND ANNIVERSARY OF SOVIET-BLOC INVASION OF CZECHOSLOVAKIA

HON. ROBERT TAFT, JR.

OF OHIO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TAFT. Mr. Speaker, as we are all sadly aware, the week of August 17 marks the second anniversary of the Soviet bloc invasion of Czechoslovakia. I am proud to join with freedom-loving people everywhere in saluting the courageous people of Czechoslovakia and to assure them that their cause has not been forgotten.

The continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. While we enjoy the individual liberties of a free society, the people of Czechoslovakia, wracked with fear and frustration, have seen the spark of freedom stamped out by the heavy boot of communism.

In times such as these, we in the United States must sustain the hopes of these people by affirming and activating our own deep dedication that they have what their country has so seldom enjoyed through the years—freedom and liberty.

POLLUTION OPINION POLL

HON. EDWARD I. KOCH

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. KOCH. Mr. Speaker, in the next few weeks I will be sending to my constituents a brief summary of my congressional efforts with regard to the growing pollution crisis now facing our country, and a short questionnaire posing alternative steps that might be taken to help meet New York City's pollution challenge.

This mailing, which will go to approximately 170,000 households, is a product of the responses I received from my April questionnaire indicating that pollution and sanitation are uppermost in people's minds when considering all of the problems facing New York City.

With the thought that it might interest my colleagues I would like to insert at this time the complete text of my report and questionnaire:

CONGRESSMAN EDWARD I. KOCH ASKS FOR YOUR OPINION

DEAR CONSTITUENT AND FELLOW NEW YORKER: The 25,000 residents of the 17th Congressional District replied to my April questionnaire. It was an enormous response and in my June newsletter there was only time and space to report the statistical results.

Since then I have read with great interest your recommendations on how I can improve the job I am doing and, in particular, what single change you would suggest to make New York City more livable.

Over half of those responding singled out pollution and sanitation as the most obvious and obnoxious problems requiring action. People want something done about the dirty air, polluted waters and filthy streets of New York City.

Let me tell you what I've been trying to do and then ask your opinion about some proposals that constituents made when replying to my April questionnaire. I think we all have some hard choices to make if we really mean to clean up our City.

CITIZEN ENFORCEMENT OF POLLUTION LAWS

On June 29, I filed affidavits with the U.S. Attorneys in Manhattan and Brooklyn requesting prompt and vigorous prosecution of 10 industries which have been listed as polluters of major importance in New York City by the State Department of Health. I relied on the Federal Refuse Act of 1899 which provides for citizen action against those who unlawfully discharge refuse into navigable waters. In the past, the Justice Department has refused to use this potentially powerful and effective federal statute except in a very limited way. I will continue to press for strict enforcement of this important water pollution control law.

Last month I co-sponsored and testified in support of a bill which would allow an individual citizen, or group of citizens united by a common grievance, to bring lawsuits directly against those industries who threaten or those government officials who neglect the citizen's right to a pollution free environment.

WATER POLLUTION

Recently I introduced the Regional Water Quality Act which establishes a national system of special taxes levied on industrial polluters based on the volume and toxicity of each polluter's waste. Such taxes provide the best incentive for polluters to install abatement equipment at their own expense. I believe when industry is faced with paying taxes on waste, it will find it more profitable to stop polluting.

AIR POLLUTION

I have joined the formation of a Congressional Clean Air Committee, an ad hoc group of Congressmen now pressing for stronger air pollution control legislation proposed by Environmental Action and endorsed by several major conservation organizations.

I am particularly interested in getting the federal law changed so that New York can establish auto emission standards that are more restrictive than national standards. At present, California is the only state which can adopt tougher standards yet the auto pollution problem in New York City is just as bad as in Los Angeles.

If you want further details on this and other legislation proposed by our Congressional Clean Air Committee, please drop me a note.

(Space has been given for answers by two persons to allow for differences of opinion in a household.)

QUESTIONNAIRE

1. Would you favor banning all vehicles (except taxis, buses, police, fire, sanitation, commercial vehicles etc.) on a trial basis in the 17th C.D.?

2. Would you favor prohibiting all street parking Mon.-Fri. from 8–6 p.m. (except taxis, buses, police, fire, sanitation, commercial vehicles etc.) on a trial basis in the 17th C.D.?

3. Based on your current information about Con Ed's applications to enlarge their electric generating plant in Astoria (involving the issues of adequate power and clean air) do you favor the approval of such applications?

4. Would you favor outlawing the internal combustion engine by 1975 if Detroit cannot make it non-polluting even if alternative modes of propulsion (steam or battery driven cars) prove to be more costly and less efficient?

5. Do you favor banning the use of non-returnable bottles and cans for beer and soft drinks?

THE SUBTLE SUICIDE OF FREE ENTERPRISE

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, for a number of years I have extolled the virtues of the free enterprise system in as many forums as were available to me.

One of my main themes has consistently been that the American business community has not done enough to sell itself and to present its case persuasively. In addition, it has not bothered to "dirty its hands" with the business of politics. As a result of this hands-off policy, the vital political decisions are too often made by those whose interests are not the interests of the free enterprise system.

Prof. Yale Brozen of the University of Chicago has found the same situation to exist, and he has told some businessmen about the problem in no uncertain terms. I commend Professor Brozen's speech—as reprinted from the August 10, 1970, issue of Barron's magazine—to the thoughtful attention of my colleagues:

FOR SWEEPING REPEAL

I bring you a message that will hardly surprise you. Free enterprise in this country is one-quarter dead and one-quarter strangled. It is only half alive. We are the inheritors of a proud tradition of peaceful, progressive, permanent revolution through free enterprise, but we are seeing about us increasingly unresponsive rigidity that is freezing us into a mold of stagnation.

That rising unresponsiveness leaves the young with, they believe, no alternative but either to obtain political power or begin thinking in terms of violent, destructive revolution. The peaceful, constructive, continuing revolution that was the hallmark of America's past creating the greatness of America today is neither understood nor regarded as an alternative. Many among the young mouth Marxist and Maoist slogans because they are too ignorant to know that that is the poison which is sickening them. But they do recognize that sickness is in the air. (Students listening to Ramsey Clark, former Attorney General of the United States, cheered when he said, ". . . an individual has to have some power to affect the quality of his schools, the quality of garbage collection, the quality of the police protection he gets, or he's utterly helpless. This means that we've got to involve communities in political power action and we've got to do it on whatever basis is necessary.")

The young recognize the senility that is setting in, if not its causes. The cause lies in the creeping socialism we have undergone. Just look around, and you see mail delivered by a socialized enterprise; children schooled in a socialized educational system; collectivized water; compulsory government annuity insurance; research for a major industry (agriculture) done by government agencies; food inspected by another government agency, cars and trucks rolling on socialized highways, and our aged parents protected by socialized medical insurance.

In that half way house to socialism, compulsory monopoly under government regulation, we ride monopolized and regulated, if not socialized, city transit systems, commuter railroads, taxicabs, air lines, buses, and trains. Our raw materials are delivered and our products shipped by regulated trucks, trains, barge and pipelines. Our homes are heated by regulated gas. We read by socialized or regulated light. And some of us clamor for regulated prices and wage rates where they are still free, crying that only price and wage controls can stop inflation. Free enterprise is half dead and some of us are asking for a noose to strangle what still lives.

Our national malaise is that every time someone sees a problem, we think that passing a law will cure that problem. We see postal service deteriorating—pass a law to reorganize the U.S. Post Office into a U.S. Postal Service. There is poverty—pass a law to get rid of it. There is crime in the streets—pass another law. There is congestion in the airports—put in another regulation. The schools are failing to educate—pass another appropriation to give them more money. Colleges face a financial crisis—pass a law providing state aid for private colleges. Juveniles are dropping out of school or becoming delinquent—pass a law providing more counselors. Our cities are burned by rioters—pass a law making it illegal to cross state lines to foment a riot. Japanese textiles are making life tough for cotton manufacturers—pass a law limiting imports. Consumers find their appliances need maintenance—pass a law requiring mandatory guarantees.

Pass a law. Pass a law. We are asking for so many laws that Congress has to stay in session almost the year round instead of going home after three or four months as they used to do. We are getting more laws

than we know what to do with. We should pass a law against more laws. We should pass a law limiting Congressional sessions to a maximum of six months each year. Pass a law. Pass a law. It's become a national refrain. Perhaps we ought to put it to music.

How many of us think about the fact that many of the problems that confront us could be better solved by repealing a law instead of passing another law. For example, perhaps the postal mess can be solved better by repealing a law than by passing another one. What would happen if we repealed the provision in our postal laws which makes it illegal for anyone but the U.S. Post Office to provide first class mail service?

It is, of course, un-American to propose an alternative to a governmentally operated postal system. After all, Ben Franklin, a great patriot, was a founder and supporter of this governmental enterprise. Anyway, what sensible American would want to go into a business which loses as much money as the Post Office?

Believe it or not, a good many Americans seem to think that the postal business is worth entering. The Post Office investigates thirty to forty cases a year where it suspects that its monopoly is being infringed. It prosecutes fifteen to twenty cases a year.

Of course, first class mail is profitable for the U.S. Post Office and it is in this class of mail in which it has a legal monopoly. It has never bothered obtaining a legal monopoly of other classes of mail since it believed that it lost money on other classes. It was glad to have anyone who wished take these over. But, of course, who would want to get a piece of a money losing business?

A number of people evidently have been anxious to move in on this money losing business—and some have done so. Tom Murray started a service in Oklahoma City where he offered to deliver third class mail for $25 a thousand, much less than the $43 a thousand the Post Office charged. Also, he guaranteed delivery within a specified time. The Post Office' habit of frequently delivering such mail after the event had already occurred that was being announced created many customers for Tom Murray, giving him the opportunity to lose even more money than the Post Office since he was charging less and giving better service. To everyone's amazement, he is making money. Others find the opportunity to compete with the P.O. on these terms so attractive that Mr. Murray has now franchised operators or is operating himself in sixty other cities under his Independent Postal System of America banner. His 1500 bonded carriers are serving 70 million people in these sixty cities in the U.S. and Canada, and he appears to be making money.

In parcel post, United Parcel Service is competing with the Post Office. Its service is enormously superior to that of the U.S. Post Office, and its rates are lower. Where the Post Office charges $1.17 for a 10 lb. package mailed in San Francisco and delivered in Portland in eight to ten days, United Parcel charges 98 cents and delivers in two days.

These are services on which the Post Office claimed to be losing money, yet private operators are providing better service at less cost and a lower price. Think of what private operators could do for first class mail service—which has deteriorated to the point of being ludicrous. The service is so poor that many companies pay the postage they are required to pay by law for first class mail but never let their mail get near a U.S. Post Office. They deliver the mail themselves rather than lose the time involved in letting a U.S. postal employe get his hands on their messages.

If we wish to improve our mail service and reduce its costs, we don't need to sell the Post Office. All we need to do is repeal the law monopolizing the carriage of first class mail for the U.S. Post Office. Also, it would help to repeal the law monopolizing the use of a householder's mail box. The would-be competitors who are now being prosecuted for violating the law could operate. The alternative services that would become available would not only be an improvement but also would greatly reduce our vulnerability to postal strikes.

At present, a large portion of the monopoly power in the hands of the U.S. Post Office accrues to the interest of the postal unions. The result has been that postal workers in the last ten years have been winning wage increases outstripping those of industrial workers. From 1959 to 1969, postal wage rates rose by 4.7% per year while industrial wage rates rose by 4.4% a year. You might never suspect that listening to the complaints of New York postmen. Given their recent success, a continuation of a monopoly Post Office is going to result in postal wage rates rising even more rapidly in the future. Postmen received a 6% increase this year and are scheduled to receive another 8% for a total increase of 14.5% as compared to the 7.8% average unions have won this year in private industry.

Simply setting up a U.S. Postal Service will not cure that situation, as has been demonstrated by the transportation unions. With competition from potential entrants to the common carrier transportation industry barred by the necessity to obtain a certificate of public convenience and necessity, the unions in the industry have a monopoly position which has enabled them to win wage increases well in excess of those won by other workers—and they win them at the expense of other workers. The Brotherhoods, the Teamsters, and the Air Line Pilots Association are a labor aristocracy engaging in wage setting activities which depress the wage rates of workers in other industries.

The alternative to the present proposals for passing a law to reform the Post Office—which will do nothing to improve many aspects of the situation—is simply to repeal the law monopolizing first class mail.

Free enterprisers have been remiss in bringing about a free enterprise solution to the postal scandal. A bill has been dropped into the Congressional hopper by Congressman Philip Crane from Illinois repealing the monopoly provisions in present postal laws (H.R. 16691). Has the Midwest Employers Council, or any other association of free enterprisers, given Crane's bill any support? I have seen none.

The few I have talked with have been afraid of losing their subsidies. The newspapers and magazines want their postal subsidy continued. The advertisers in these media want the subsidy continued. They are afraid that the elimination of monopoly in first class mail will mean no subsidy for second class mail. So Crane's bill receives no coverage in the media and few know of this proposed solution.

I would suggest to the advertisers who complain about governmental regulation of advertising and of their businesses, of governmental competition with their businesses, and of the burden of taxes on their businesses—which in combination are strangling the free enterprise sector—that they have only themselves to blame. If they abandon the free enterprise principle when they think it is to their interest, the whole principle becomes suspect. Who is going to rally with them to the defense of the free enterprise principle when these enterprisers want it defended if they do not support it when it may cost them something. It becomes a principle with friends only in fair weather.

To heap irony on irony, the postal subsidies which the newspaper owners and advertisers think are in their interest benefit them but little. Most, if not all of the subsidy is consumed in inefficiency, not in providing cheaper service. The subsidy they think they receive at other people's expense yields so little benefit that it is more than offset by their own tax contributions to the subsidy—a tax they pay everytime they use first, third and fourth class mail as well as the directly perceived taxes paid to provide the billion dollar a year operating loss suffered in postal operations plus the taxes paid to provide the interest on the Federal debt incurred to finance postal facilities.

If you free enterprisers want to avoid suicide, you can start on the socialized postal monopoly. Get rid of the monopoly element in this socialized enterprise. Let free enterprise provide now unimagined solutions for delivering better and less costly service than that now provided by this legal monopoly. With the elimination of this socialized monopoly, there will be less opportunity for the strangulation of free enterprise and free choice via postal regulations on what may be transported in the mail as well as via the tax and cost burdens imposed on free enterprises by this creaking, inefficient, giant governmental business.

Let me turn to another area where we have passed a law—and more laws—to cure the problem when a more appropriate action would have been the repeal of a law—or of several laws. We were concerned about poverty, and we passed an Economic Opportunity law in 1964 to launch a war on poverty. Numerous programs managed by an Office of Economic Opportunity were set up. These were all presumably designed to lift the incomes of those making less than $3,000 a year. We could do more to raise the incomes of the poor by repealing laws than has been done or will ever be done by this law.

Minimum wage laws create poverty by forcing people into unemployment. Agricultural price support programs make people poor by raising the price of food and by decreasing job opportunities through the production restrictions imposed to maintain high agricultural prices. The laws regulating transportation rates prevent industry from moving to disadvantaged regions where the poor live and providing jobs for them. They increase the cost to the poor of migrating to regions where better paying jobs can be found and prevent them from curing their own poverty.

Union supporting legislation causes poverty by permitting and encouraging union power to grow to the point where it can be and is used to restrict the entrance of the poor into higher paying jobs. . . . The urban renewal program is forcing the poor out of inexpensive housing into more costly shelter. The Federal migrant housing act is eliminating the jobs available to migrant labor by forcing farmers to choose between constructing expensive housing if they use migrant labor or buying less expensive crop harvesting machinery. The tariff law is monopolizing low paying jobs for Americans in protected industries which yield only $2.00 an hour and preventing the expansion of our export industries which pay $3.00 to $6.00 an hour.

The Tennessee Valley program is subsidizing people to stay put in a region where their opportunities are poor. The Rural Electrification Program is eliminating job opportunities for farm labor and depressing rural wage rates. And the taxes levied to support these programs are reducing the rate at which we increase our stock of capital—tools, machines and other equipment—and are reducing the rate at which better paying jobs would become available if these taxes

were not levied. We could do more for the poor by the repeal of all this legislation than we can possibly do by the special enactments designed to help the poor.

That was a rapid summary of some complex pieces of legislation, but rather than elaborate on this topic, I want to take the few minutes remaining to analyze two other proposals. We are all puzzled by the fact that our children receive so much schooling but so little education. Without dwelling on this point, let me just say that this is the inevitable consequence of subsidizing teachers and schools. If we bought a product and let free enterprise compete to see who could win the customers' favor, we would get a better product. But if we subsidize production with no competition for customers, we are guaranteed either a lousy product or a terribly expensive product or both. That is why we are getting lots of schooling at great expense and little education.

How can we cure the situation? Let schools compete for customers. How can that be arranged? Stop giving money to schools. If you want to give money away for education, give the parents of school age children vouchers which they can use to pay tuition at whatever school that can attract their patronage. If it costs $600 a child to operate the Omaha school system, give the parents of your school children vouchers good for up to $600 to pay tuition at any school. Public schools would then have to compete with each other and with private schools to see whose product can attract customers. Parents who want their children in programs with an abundance of individual attention or other especially expensive features could add the $200 or $300 required to pay the tuition in schools offering such programs. Present public schools would have to compete with each other for students as well as with private schools. The badly run schools would lose out to the well run schools. Schools would become more efficient in their use of resources as well as producing a better product in the competition to obtain students.

It's time we applied the free enterprise principle to this socialized arena in order to get our children educated. It's time that we stop putting children in jails labeled school from 9 to 3 every day.

This would have the advantage not only of improving the education of our children. It would also slow the indoctrination of our children with a socialist theology. The employes of a socialized enterprise are not likely to feel much loyalty to the free enterprise principle. (There are, of course, some exceptions.) Their analysis of the virtues of socializing economic activity is not likely to be balanced with more than a passing nod to the disadvantages. Their analysis of the defects of free enterprise is not likely to be balanced with equal enthusiasm for the discussion of the advantages of a free enterprise system.

You are killing the political support for the free enterprise principle by your support of socialized schooling. If you persist in this suicidal course, you will continue to get costly education and poor education for your children and an erosion of the free enterprise arena. Free enterprise will continue to die by the salami technique—slice by slice. . . .

SENATE—*Monday, August 24, 1970*

The Senate met at 10 a.m., and was called to order by the President pro tempore (Mr. RUSSELL).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, we thank Thee for the world in which Thou has placed us. Help us to learn its laws and to trust its mighty powers.

We thank Thee for the world within us, fashioned for Thy presence—for the silent spaces of the soul and the kingdom of the mind.

We thank Thee for the world of the spirit revealed to us in the Man of Nazareth, for the vastness of His love, the purity of His life, and the grace of His forgiveness.

Let that mind be in us which was in Him that we may be gentle as He was gentle, true as He was true, brave as He was brave, loyal as He was loyal, and prompt as He to do the Father's will. Grant that we may so live this day that Thy kingdom may be advanced in and through us.

For Thine is the kingdom and the power and the glory forever. Amen.

CALL OF THE ROLL

The PRESIDENT pro tempore. Since the Senate adjourned on Friday, August 21, 1970, without a quorum, the first order of business is to obtain a quorum.

The Chair directs the clerk to call the roll to ascertain the presence of a quorum.

The assistant legislative clerk called the roll and the following Senators answered to their names:

[No. 265 Leg.]

Allen	Byrd, W. Va.	Fong
Allott	Cook	Griffin
Anderson	Dominick	Hansen
Bellmon	Eagleton	Harris
Bennett	Eastland	Hart
Bible	Ellender	Hatfield
Boggs	Ervin	Holland
Burdick	Fannin	Hruska
Jordan, N.C.	McIntyre	Sparkman
Jordan, Idaho	Metcalf	Spong
Mansfield	Muskie	Stennis
Mathias	Packwood	Williams, Del.
McClellan	Ribicoff	Young, N. Dak.
McGovern	Russell	

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senators from Minnesota (Mr. MCCARTHY and Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is temporarily absent.

The PRESIDENT pro tempore. A quorum is not present.

Mr. BYRD of West Virginia. Mr. President, I move that the Sergeant at Arms be directed to request the attendance of absent Senators.

The PRESIDENT pro tempore. The question is on agreeing to the motion of the Senator from West Virginia.

The motion was agreed to.

The PRESIDENT pro tempore. The Sergeant at Arms will execute the order of the Senate.

After some delay the following Senators entered the Chamber and answered to their names:

Brooke	Goldwater	Percy
Byrd, Va.	Goodell	Prouty
Case	Hartke	Proxmire
Cooper	Hollings	Randolph
Cranston	Long	Thurmond
Curtis	Magnuson	Yarborough
Dole	McGee	
Fulbright	Moss	

The PRESIDENT pro tempore. A quorum is present, and the clerk will proceed to call the roll again on the final passage of H.R. 18127, the public works appropriation bill.

The clerk will proceed to call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from Idaho (Mr. CHURCH), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Iowa (Mr. HUGHES), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota (Mr. Mc-

CARTHY), the Senator from Minnesota (Mr. MONDALE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Wisconsin (Mr. NELSON), the Senator from Rhode Island (Mr. PELL), the Senator from Missouri (Mr. SYMINGTON), the Senator from Georgia (Mr. TALMADGE), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE), is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Idaho (Mr. CHURCH), the Senator from Iowa (Mr. HUGHES), the Senator from Washington (Mr. JACKSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Ohio (Mr. YOUNG), the Senator from Nevada (Mr. CANNON), the Senator from Alaska (Mr. GRAVEL), the Senator from Tennessee (Mr. GORE), and the Senator from Rhode Island (Mr. PELL) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senators from Pennsylvania (Mr. SCOTT and Mr. SCHWEIKER), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS) and the Senator from Texas (Mr. TOWER) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Iowa (Mr. MILLER) is temporarily absent.

If present and voting, the Senator from Vermont (Mr. AIKEN), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), the Senator from Alaska (Mr. STEVENS), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 62, nays 1, as follows:

[No. 266 Leg.]

YEAS—62

Allen	Cranston	Hansen
Allott	Curtis	Harris
Anderson	Dole	Hart
Bellmon	Dominick	Hartke
Bennett	Eagleton	Hatfield
Bible	Eastland	Holland
Boggs	Ellender	Hollings
Brooke	Ervin	Hruska
Burdick	Fannin	Jordan, N.C.
Byrd, Va.	Fong	Jordan, Idaho
Byrd, W. Va.	Fulbright	Long
Case	Goldwater	Magnuson
Cook	Goodell	Mansfield
Cooper	Griffin	Mathias
McClellan	Packwood	Spong
McGee	Percy	Stennis
McGovern	Prouty	Thurmond
McIntyre	Randolph	Williams, Del.
Metcalf	Ribicoff	Yarborough
Moss	Russell	Young, N. Dak.
Muskie	Sparkman	

NAYS—1

Proxmire

NOT VOTING—37

Aiken	Javits	Schweiker
Baker	Kennedy	Scott
Bayh	McCarthy	Smith, Maine
Cannon	Miller	Smith, Ill.
Church	Mondale	Stevens
Cotton	Montoya	Symington
Dodd	Mundt	Talmadge
Gore	Murphy	Tower
Gravel	Nelson	Tydings
Gurney	Pastore	Williams, N.J.
Hughes	Pearson	Young, Ohio
Inouye	Pell	
Jackson	Saxbe	

So the bill (H.R. 18127) was passed.

Mr. ELLENDER. Mr. President, I move to reconsider the vote by which the bill was passed.

Mr. MANSFIELD. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. ELLENDER. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives on the disagreeing votes on the two Houses thereon, and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the President Pro Tempore appointed Mr. ELLENDER, Mr. RUSSELL, Mr. MAGNUSON, Mr. HOLLAND, Mr. STENNIS, Mr. PASTORE, Mr. RANDOLPH, Mr. YOUNG of North Dakota, Mr. HRUSKA, Mrs. SMITH and Mr. ALLOTT conferees on the part of the Senate.

Mr. HART. Mr. President, I rise merely to underscore my hope that, at the first opportunity; namely, on the first supplemental appropriations bill, we will be able to add funds sufficient to begin to mount a fight under the old Refuse Act of 1899—the one weapon immediately available to protect against further deterioration of our navigable streams and waters.

As the able chairman knows, I had intended initially to offer an amendment to the bill just passed in the amount of $4 million, which would give the Corps of Engineers about 200 additional personnel to undertake this effort. With his counsel, I have come clearly to recognize the desirability of seeking to do that on the first supplemental appropriation. I am grateful for his counsel, and hope we will be able to arm the Corps of Engineers effectively to enforce the old Refuse Act.

In a recent message to Congress, the President of the United States warned:

> We face the prospect of ecological disaster.

The President went on to say:

> There are still large gaps in our environmental knowledge, but a great deal of what needs to be done can be identified. Much of this already has begun, and much more can be started quickly if we act now.

I agree both with the expression of urgency and with the call to action.

The President made these comments in connection with the first annual report of the Council on Environmental Quality and went on to urge congressional action on a series of legislative recommendations.

Congress is considering those proposals, and I am confident will act on those it thinks valuable in the fight against pollution.

However, I was disappointed to find no recommendation dealing with one antipollution measure already on the books, a measure which if more fully enforced could enable the administration to act with the urgency the President asks of the Nation and of Congress.

I refer to the Refuse Act of 1899.

The act establishes criminal penalties for dumping refuse of any description into navigable waters without a permit from the Corps of Engineers.

When written it was intended to prevent sediment from clogging up ship channels.

However, the language of the act is well suited to the fight against pollution. As as matter of fact, the administration has on a few occasions used the act to move against polluters, most recently in connection with reports of mercury pollution.

However, corps officials told the Senate Subcommittee on Energy, Natural Resources and the Environment that the budget request for fiscal year 1971 did not include enough funds to enforce this act as an effective antipollution weapon and that no additional funds would be requested until next fiscal year.

Apparently, budgetary restraints was the main reason the corps was not asking additional funds.

Mr. President, here is a clear example of what many of us mean when we say our spending priorities are out of whack.

The administration warns of a dire environmental crisis and warns that we must act quickly if we are to avoid disaster.

Yet when it comes to providing funds to enforce fully a law which could stop present and prevent future poisoning of our waters, the administration begs off until next year.

How does that position square with the urgent call to action?

Following our hearings, the corps has said it could use an additional $4 million to begin to move toward full scale enforcement of the act this year.

I will urge that we add to the first supplemental appropriations bill the $4 million, or as much of that figure as the corps can use for the portion of the fiscal year remaining when the bill becomes law.

I hope for and seek the support of the administration in this request.

If Congress provides the money and the administration spends it, then the Federal Government will have indeed moved with a sense of urgency against pollution.

If we do not, we can only expect renewed criticism from those who point to the gap between the rhetoric of the Nation's leaders and the reality of their actions.

Mr. ELLENDER. Mr. President, as I indicated to the distinguished Senator from Michigan last Friday, we had no hearings at all on the proposal that he made to the Senate, and under rules that were established long ago by the sub-

committee of which I am chairman, we did not present for consideration on the floor any proposals on which he had held no hearings.

I wish to assure the distinguished Senator from Michigan, as well as to reiterate to the distinguished Senator from Wisconsin, that there will be a supplemental bill soon, and I believe that on at least two of the subjects suggested by the distinguished Senator from Wisconsin, that is the Great Lakes demonstration and planning project, and the research program on inland lakes, there will be forthcoming some budget estimates, and I am very hopeful we might also be able to get a budget estimate for the program that has been mentioned by the distinguished Senator from Michigan. I assure both Senators that I shall do all that I can to see that adequate hearings are held on these programs and that a good case can be made for these programs so that the amounts they have asked for can be incorporated in the next supplemental appropriation bill.

Mr. HART. I thank the Senator from Louisiana. Mr. President, I ask unanimous consent that an information bulletin issued by the Corps of Engineers early in August be printed in the RECORD.

There being no objection, the information sheet was ordered to be printed in the RECORD, as follows:

FACT SHEET—CORPS CAPABILITY FOR REFUSE ACT ENFORCEMENT

1. Section 13 of the River and Harbor Act of 1899 (33 U.S.C. 407), known as the Refuse Act, makes it illegal to throw, discharge, or deposit, or cause, suffer, or procure to be thrown, discharged, or deposited either from or out of any ship, barge, or other floating craft of any kind, or from the shore, wharf, manufacturing establishment, or mill of any kind, any refuse matter of any kind or description, whatever other than that flowing from streets and sewers and passing therefrom in a liquid state, into any navigable water of the United States, or into any tributary of any navigable water from which the same shall float or be washed into such navigable water. The Corps of Engineers has in the past limited its enforcement of this provision of law to discharges carrying suspended material which becomes obstructive to navigation. Recent court decisions and the import of the Fish and Wildlife Coordination Act, the Water Quality Improvement Act of 1970, and the National Environmental Policy Act of 1969 have all stressed urgency of a more literal application of the law.

2. In testifying before the Subcommittee on Energy, Natural Resources and Environment of the Senate Commerce Committee on 29 July 1970, Mr. Robert Jordan, III, General Counsel to the Secretary of the Army and Special Assistant to the Secretary of the Army for Civil Functions acknowledged this urgency and announced that he was directing the Corps of Engineers to publicize the need for a permit for all future discharges into navigable streams and tributaries thereto (see attached press release). He also reported on steps being taken to reach an interagency agreement with the Departments of Interior and Justice on Enforcement procedures under this law. However, he noted limitations in the capability of the Corps of Engineers to increase its surveillance, investigation and reporting of cases for legal action, indicating that a budgetary request for the necessary funds would be initiated for fiscal year 1972, the next such opportunity.

3. To initiate such expanded activity, it is estimated that an average of 4–5 persons per Engineer District would be necessary, or a total of about 200 persons Corps-wide. With appropriate travel funds and administrative expense, it is estimated that additional funds in the amount of $4,000,000 would be required under General Regulatory Functions. If these funds and personnel spaces were available in FY 1971, this expanded effect to improve water quality could be started one year earlier.

CORPS OF ENGINEERS ANNOUNCES NEW PERMIT REQUIREMENTS

The Corps of Engineers today announced new permit requirements under the Refuse Act (33 USC 407) concerning all discharges into navigable waters. Permits will be required for all industrial discharges into navigable waters and their tributaries. New permits will be required where existing permits were granted without adequate consideration of the quality of the effluent. Permits will also be required for current discharges into navigable waters where no permits have been granted.

Applicants of new permits are now required to identify the character of the effluent and to furnish pertinent data such as chemical content, water temperature differentials, toxins, sewage, quantity of solids involved and the amount and frequency of discharge.

The Corps' revised requirements are in compliance with the Environmental Policy Act of 1969 which requires agencies to consider environmental impact in the administration of public laws, and with the Water Quality Improvement Act of 1970 which requires applicants for Federal permits to file a certification from the appropriate State that the discharge "will not violate applicable water quality standards." Under the revised procedures, the effects of discharges on water quality will be considered in processing the permit.

While permits will be required for all future discharges into navigable waters and their tributaries, the Corps of Engineers will initially concentrate on major sources of industrial pollution not covered by existing permits. The Corps hopes that through widespread knowledge of its new permit requirements including State certification, it will, alone with other Federal, State, and local anti-pollution activities, encourage industries to accelerate their own anti-pollution efforts.

All actions under the Refuse Act having Water Quality implications are being closely coordinated with the Federal Water Quality Administration to insure unity in the Federal Water anti-pollution program.

Mr. MUSKIE. Mr. President, I want to congratulate the senior Senator from Louisiana, Senator ELLENDER, for his excellent effort in bringing this legislation to the Senate.

The Public Works Appropriation bill contains a variety of items of importance to the American people. In recent years, it has received special attention from those of us who are interested in the fight to preserve the Nation's environment.

The appropriation for water pollution in 1968 and 1969 did not keep pace with the level of funding authorized in 1966; however, because of the strong commitment of the Senator from Louisiana, last year the Senate voted the full $1 billion authorized for fiscal year 1970. The final $800 million figure agreed on by the conference indicated to States and local government that the Federal Government would keep its commitments to pay part at cost of construction of needed waste treatment facilities.

Once again this year, the Appropriations Committee in the Senate has acted to fund the water pollution program at a level which will evidence good faith and continue to honor the commitment the Congress made in the Clean Water Restoration Act of 1966.

The $1 billion appropriated for fiscal year 1971 is less than that which I had hoped and is less than that which I understand the chairman of the subcommittee recommended. It may be the maximum that can be effectively spent in the next 12 months. It will stimulate the construction of new waste treatment plants. It will stimulate States which have been slow to inventory their needs and move ahead. It will help honor the Federal promise to reimburse those States which acted in anticipation of full Federal funding, and most importantly it will mean that less sewage is dumped untreated into the Nation's waterways.

As a result of the formula included in the bill, 20 percent of that $1 billion or $200 million will be available to reimburse States which have prefinanced the Federal share the cost of projects since 1966. The remaining 80 percent will be allocated on the formula established in the existing law, a formula which is under review by the Subcommittee on Air and Water Pollution.

Many States, according to the information available, will not utilize their allocation this year. However, fiscal year 1971 funds not used by some States will be reallocated next June to other States which have greater needs. These two innovations: First, setting aside 20 percent of the appropriation for reimbursement and, second, providing for the reallocation of the 1971 appropriation after 1 year, rather than the statutorily established 18 months, should expedite funding of State and local waste treatment plant construction.

Mr. President, I would like to take this opportunity to make a few comments on the statistical information made available by the administration on the cost of the waste treatment plant construction program. As Members of the Senate will recall, earlier this year the President indicated that there was a $10 billion backlog of needed waste treatment facilities. The President estimated the Federal share of constructing those facilities would be $4 billion and, in his environmental message, recommended funding that $4 billion over a 9-year period with authority to obligate these funds in 4 years.

Since that message, additional information has been provided to the Subcommittee on Air and Water Pollution, which indicates that the Federal Government intends to fund $3.2 billion of that $10 billion in the next 4 years. The remaining $800 million will be made available at the rate of $200 million a year to fund projects which have been approved for reimbursement and which the States are expected to fund ahead of the availability of Federal grants.

Since the President's message on the environment, additional information has been provided the Subcommittee on Air and Water Pollution which suggests that the pending proposals for Federal funding are even less adequate than originally suggested. According to

a study provided by the National League of Cities-U.S. Conference of Mayors, retirement of the backlog of waste treatment plants will cost an estimated $33 to $37 billion. In other words, the $3.2 billion represents something less than 10 percent of the actual cost.

After Labor Day, the Subcommittee on Air and Water Pollution will begin to mark up pending water pollution legislation. These figures, as well as other information available to the Subcommittee, will be the basis for determining the degree of funding to be provided for this program. I only mention these figures now so that my colleagues will be aware of the fact that this program will be expensive and will require a continued massive injection of high priority of Federal funds.

Mr. President, I ask unanimous consent to insert at this point in the RECORD a staff memorandum on this subject.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

AUGUST 21, 1970.

TO: Senator EDMUND S. MUSKIE.

Subject: Estimates of Federal Cost for Grants for Waste Treatment Plants

According to information developed by the Administration, there is a backlog of grant requests in excess of funds available for obligation of $132 million. According to the same information, the proposed appropriation of $1 billion together with the $435 million carry-over from 1970, will meet or exceed by varying amounts the estimated needs of 41 states, and will fall short of the estimated needs of 13 states.

At such time as the funds are reallocated from the first 41 states, the reallocated amount will be less than the demand of the other states by the above mentioned $132 million. This is due to New York's demand of $504 million which, in fact, exceeds their eligibility for funds under the Clean Water Restoration Act of 1966.

The Administration now estimates reimbursements to be $197 million. I understand that the new figure is the amount actually advanced by the states for the Federal share of projects cost. It does not include the Federal share that will be advanced for projects approved but not under construction, nor does it include the Federal share of the remaining portion of projects under construction. In others words, it only represents the actual out-of-pocket cost that the Federal Government would have incurred had adequate funds been available to fully fund these projects. The earlier reimbursement figure of $814 million has been deleted from these calculations except for the $197 million actually owed.

These are projects which have been approved and for which the states have allocated a portion of Federal funds for preceding years, but on which construction has not begun, and for which no actual funds have been expended. The Federal obligation for these projects is in excess of $600 million, an amount which should be a part of any calculation of demand for Federal funds. If the amount is included, the total demand would be $2.28 billion.

Mr. EAGLETON. Mr. President, I ask unanimous consent to have printed in the RECORD a statement prepared by the Senator from New Mexico (Mr. MONTOYA), together with an insertion.

There being no objection, Senator MONTOYA's statement and insertion were ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR MONTOYA IN SUPPORT OF H.R. 18127, PUBLIC WORKS FOR WATER, POLLUTION CONTROL, AND POWER DEVELOPMENT AND ATOMIC ENERGY COMMISSION APPROPRIATION BILL, 1971

Mr. MONTOYA. Mr. President, the Senate today passed a bill that will have far-reaching effects on many aspects of the nation's water resources. It funds numerous projects that fulfill the needs of citizens in many localities, including the state of New Mexico. These programs are designed to insure that man can control these water resources to his best advantage rather than being victimized by their excesses. Programs for flood control will prevent extensive damage to municipalities and industry, and especially to our agricultural lands. The money spent for such programs is an investment that pays excellent dividends. Studies have shown that the potential damage in areas affected by the projects far exceed the costs of the measures taken.

But beyond merely preventing damage, these projects harness the water resources and put them to use in supplying power, in satisfying irrigation needs, in fulfilling commercial and municipal needs for water, in meeting recreational desires, and in serving numerous other needs.

More than a billion and a half dollars is being appropriated in the bill for dams, reservoirs, and other public works projects that are to be undertaken by the Army Corps of Engineers and the Bureau of Reclamation. This money will be used for general investigations as well as construction at various sites across the country. More than a billion dollars is allocated for other water and power projects of a more regional nature such as the Tennessee Valley Authority, the Southeastern Power Administration, and the Bonneville Power Administration.

Mr. President, these programs are all very worthwhile, but in recent years many citizens have come to realize that there is more to the water resources program than merely making water available in the necessary quantities. What is equally important is the quality of the water being supplied. A multimillion dollar dam may be quite efficient in supplying water to a local municipality, but that expenditure has been useless if the water is thoroughly polluted.

FEDERAL WATER QUALITY ADMINISTRATION

Congress recognized the dangers of water pollution in 1966 when it passed the Clean Water Restoration Act. This bill authorized levels of spending for federal waste treatment grants that were to increase from an initial outlay of 150 million dollars in 1967, to 1 billion dollars last year, to 1¼ billion dollars for fiscal year 1971. Last year heated debate occurred with regards to the level of appropriations for these projects. Despite the clear recognition of the urgency of the problem by many groups, including the Water Resources Council, who, in their report of November 1968 estimated that the total water requirement by the year 2020 will be over 400 percent greater than the amount used in 1965, the administration requested only 214 million dollars. This was subsequently raised to 600 million in the Senate Appropriations Committee and, after an amendment raising this figure to the full billion dollar authorization passed the Senate, a conference report set the compromise figure of 800 million dollars.

This year the committee has recommended 1 billion dollars for the Federal Water Quality Administration, which administers these waste treatment programs. This is still less than the 1¼ billion dollars authorized and is a minimal amount to even begin meeting needs in this area.

This money, according to the provisions of the 1966 act, is distributed in the form of grants made to the state or local municipalities. However, several problems have arisen. In expectation of full funding at the levels authorized by Congress, local governments have embarked upon ambitious projects for which funding has not been forthcoming. They have ended up footing the brunt of the bill. Also, because the bill provided that funds would be distributed proportionate to population in each state, rather than water needs, some states have been unable to get sufficient funds, while others have not utilized their money. Measures are being taken to correct some of these inequites, but in the meantime the water needs of many communities remain serious.

During fiscal year 1970 New Mexico received 2,436,460 dollars for 14 different programs in 8 different localities. This amount was below the amount that the localities were potentially eligible had full funding been available.

We cannot be sparing in dealing with the water pollution crisis. Newcomers to Washington are dismayed to see the sorry state of the historic Potomac River. The Great Lakes are rapidly becoming incapable of life support. And even the almighty Mississippi River has taken on a brownish hue. The gloomy prophecies of the ecologists, once dismissed as mere scientific daydreaming, have become a stark reality to many Americans who find their local streams, rivers, and lakes no longer suitable for swimming, for fishing, or even for drinking.

I am in general agreement with the ecologists about the gravity of the situation, but I am not as pessimistic as some. The very technology that has inadvertently created many of these problems can be just as easily put to work to solve them, provided the commitment of the nation is there. A nation that can land a man on the moon within a decade can surely clean up her waters and put them to work for her in many useful ways. Expenditures of several billion dollars are far from unrealistic when considered in light of the tremendous amount spent on defense and, in particular, for as-yet-unproved defense missile systems. Mr. President, we are spending billions of dollars to protect ourselves against a nuclear war that is becoming increasingly unlikely of ever occurring. But to guard against natural disasters that are sure to come if we do nothing, we quibble about relatively small sums. Also, the money spent on these water resources programs, unlike dollars down the drain for defense, are a real investment in the country and its people.

ARMY CORPS OF ENGINEERS

Mr. President, this bill funds several projects that are vital to the state of New Mexico. The money appropriated for the Corps of Engineers includes 170,000 dollars for seven survey projects that will determine the need for construction of water facilities. This sum will only allow for the completion of three of these surveys. All three were to be completed last year but now they require extra funding because of cost overruns due to unanticipated increases in interest rates.

The completed projects are Santa Fe River; Rio Hondo and Rio Felix and tributaries; and Rio Puerco and Rio Salado (tributaries of the Rio Grande). Funds would also be allocated for continuation of work on four other survey projects. They are: Rio Grande and tributaries in New Mexico and Colorado; Pecos River and tributaries at Carlsbad; Pecos River Basin above Santa Rosa; and the Pojoaque River and tributaries. Most of these projects will remain far from completion with the limited funds included in this bill.

Floods in the areas affected by the surveys have caused considerable property damage and, in some cases, a loss of lives. In October, 1954, the Rio Hondo and Rio Felix caused total damages of 2 million dollars and a loss

of eleven lives. The Pecos River caused a million dollars damage at Carlsbad in 1966. Other flooding caused damages to the metropolitan areas of Santa Fe and Roswell, and considerable damage to agricultural areas in the vicinity. Surveys being conducted by the Corps will investigate the need for building dams, reservations, diversions, and channel improvements. Besides flood control the facilities will be aimed at meeting needs for irrigation, municipal and industrial water supplies, water quality control, recreation, and fish and wildlife conservation.

Three projects in New Mexico are now under construction by the Corps and further funds would be allocated to them in this bill. The 700,000 for the Albuquerque Diversion Channels would almost allow the completion of the project. Authorized by the 1954 Flood Control Act, the project consists of two diversion channels designed to intercept storm sewers, which otherwise would be funneled through arroyos and washes onto heavily populated areas of Albuquerque. Only the Northern Diversion Channel has been completed thus far.

The Cochiti Dam and Reservoir Project, authorized by the 1960 Flood Control Act and P.L. 88-293, will be one of the major parts of the comprehensive plan for development of the water resources of the Rio Grande watershed. The reservoir will control 11,695 miles of drainage area and will assist in preventing flood damage in Albuquerque, the Middle and Espanola Valleys, and the smaller urban areas of Bernalillo, Los Lunas, Belen, and Socorro. The reservoir and dam will also be a major recreational site for northern New Mexico, contributing substantially to the economy of the area. Almost seven million dollars is allocated for the project in this bill.

Finally, the bill includes 200,000 dollars for additional work on the Los Esteros Dam and for modifications of the Alamagordo Dam. This reservoir would help to stop property damage and loss of life caused by frequent flooding of the Pecos River and its tributaries, as well as providing for irrigation storage. Although the allocation is somewhat higher than it was last year, the project is still far from completion.

BUREAU OF RECLAMATION

Mr. President, the Bureau of Reclamation also operates many multi-purpose water resource projects in seventeen western states. They have expanded the scope of their activity greatly in recent years. Originally this agency devoted their efforts largely to irrigation problems. Now only 40% of their resources are devoted to such programs. Financial resources devoted to power development have increased to over 30 percent, municipal and industrial water to 10 percent, flood control to about 10 percent, and recreation and other functions to about 7 percent.

The economic growth stimulated by federal reclamation projects has become evident. The Bureau estimates that 700 million dollars in federal internal revenue collections was attributable to reclamation projects throughout the seventeen western states during fiscal year 1969. The success of the programs is seen through increased agricultural production especially. For instance, federal reclamation projects alone produce about 20 percent of the nation's supply of vegetables, fruits, and nuts, according to their estimates.

Of the more than 300 million dollars appropriated for the Bureau, 234,700 dollars have been appropriated for three survey projects in New Mexico. These funds would allow completion of the Gallup survey, which seeks to find alternative sources of water to meet the projected potential needs of the city and other potential customers in the area. The Colorado River Basin is one such source that is currently under consideration.

Also to be completed is the Mora survey, which was initiated in order to find a way to alleviate water shortages experienced on about 11,000 acres. The New Mexico State Water plan survey, a comprehensive statewide reconnaissance report on present and future water resources, is scheduled to be completed in fiscal year 1973. Seven other general investigations that each effect several western states, including New Mexico, are to be funded at the level of nearly 3 million dollars. Three of these projects would be completed during the fiscal year.

In additon, more than a million dollars will fund further construction for three projects operated by the Bureau—the water salvage project at the Pecos River Basin, the Carlsbad project, and the Tucumcari Project. Also, of the participating projects that are part of the Upper Colorado River Storage Project, two include New Mexico—the Animas-La Plata project and the San Juan-Chama project, for which more than three million dollars would be appropriated.

ATOMIC ENERGY COMMISSION

Mr. President, the bill we are now considering also includes funds for the Atomic Energy Commission. The state of New Mexico has benefitted greatly from the many programs operated there by the A.E.C. In fact, it could well be said that New Mexico is the "A.E.C. state." It was here that the first atomic bomb was tested at Alamogordo. It is here that the A.E.C. operates one of its most vital facilities, the Los Alamos Scientific Laboratory. The Sandia Corporation and the Lovelace Foundation are just two of the many large contractors that do work for the Commission in the state. Total costs incurred by the A.E.C. in New Mexico in fiscal year 1969 were 374 million dollars, a sizeable portion of its total budget.

It is obvious, therefore, that the A.E.C. has been quite important to the economy of New Mexico. But perhaps more importantly, the work conducted in New Mexico has been of vital importance to the nation. Through the efforts of the Atomic Energy Commission the United States has been able to maintain a position of leadership in the field of nuclear technology.

While the discovery of atomic energy may be said by some to be a curse upon mankind, we must recognize that the benefits of nuclear power are potentially crucial to man's existence, and must be developed to the point where they outweigh the risks. Nuclear power is a tool, and a tremendously powerful tool, that can be used just as easily for our salvation as for our destruction.

The A.E.C. is exploring the many possible uses of nuclear power. It is increasing our knowledge and sophistication in this area so that we will be able to use nuclear power to our best advantage. Many citizens do not realize the great diversity of A.E.C. programs, a large percentage of which involve pure research, the fruits of which will have wide-ranging applications in the scientific field.

One important program is the reactor development program, which is aimed at facilitating the use of nuclear power for a number of non-military purposes. The program is designed to provide cooperative assistance to industry and to other federal agencies. It seeks to make use of the full potential energy available in nuclear fuels, and thus open up vast reserves of energy. For instance, one facet of the program is an exploration of the possibilities of a nuclear process for desalting water.

The appropriation of more than 56 million dollars in plant and capital equipment for the program includes a 1 million dollar allocation for Project Rover, which is being conducted at the Los Alamos Scientific Laboratory, as well as for the Nevada Test Site. The money will be used for the modification and/or expansion of facilities and systems that will allow these institutions to keep pace with the latest developments in the field. Progress in the field of nuclear research requires a flexibility that will allow the plants to adapt to changing conditions, and the proposed level of support will fully fund these changes.

The other major program of the A.E.C. is the physical research program. This supports theoretical and experimental investigations required to support the Commission's immediate and long-range research objectives. This basic research is directed at a greater understanding of atomic energy and its uses. Fundamental research is undertaken in the fields of physics, chemistry, metallurgy and materials, and controlled thermonuclear research. Included in the total appropriations of 129 million in plant and capital equipment for the program are 10½ million dollars for the Meson Physics Facility of the Los Alamos Scientific Laboratory. This amount, plus the 38 million dollars appropriated in previous years, will leave only some seven million dollars to be requested in the fiscal year 1972 for the completion of the project, the total cost of which is 56 million dollars. The project provides for the construction of a nuclear physics research complex consisting of an 800 Mev linear proton accelerator, 2,600 feet long, and attendant experimental and support facilities.

* * * * *

Mr. President, the total appropriations for this year's public works bill is nearly 490 million dollars higher than it was last year. Although this increase is not nearly enough to meet the needs it is designed to serve, it is a step in the right direction. It is a step towards the re-ordering of priorities that is so desperately needed today. We see in many parts of the bill a growing concern, for the first time, of the effect of the projects on our environment. We are coming to realize that for every action there is a reaction and are trying to fathom out just what that reaction will be in each instance. The agencies are moving to implement provisions of the National Environmental Policy Act of 1969 that relate to water resources.

Mr. President, in authorizing these appropriations we are making an investment in our country, its natural resources, and its people.

PUBLIC WORKS PROJECTS INCLUDED IN H.R. 18127 THAT DIRECTLY AFFECT THE STATE OF NEW MEXICO

	Total Federal estimated cost	Allocated prior to fiscal year 1970	Allocation fiscal year 1970	Tentative fiscal year 1971	Additional to complete
Atomic Energy Commission:					
Project Rover, Los Alamos Scientific Laboratory	$1,000,000	0	0	$1,000,000	0
Meson Physics Facility, Los Alamos Scientific Laboratory	10,500,000	0	0	10,500,000	0
Army Corps of Engineers, general investigations:					
Pecos River Basin above Santa Rosa	230,000	$125,000	$60,000	35,000	$10,000
Pecos River and tributaries at Carlsbad	505,000	3,000	10,000	12,000	480,000

PUBLIC WORKS PROJECTS INCLUDED IN H.R. 18127 THAT DIRECTLY AFFECT THE STATE OF NEW MEXICO—Continued

	Total Federal estimated cost	Allocated prior to fiscal year 1970	Allocation fiscal year 1970	Tentative fiscal year 1971	Additional to complete
Pojoaque River and tributaries	$255,000	$2,000	$10,000	$18,000	$225,000
Rio Grande and tributaries, New Mexico and Colorado	1,535,000	0	9,000	10,000	1,516,000
Rio Hondo and Rio Felix	231,000	149,000	52,000	30,000	0
Rio Puerco and Rio Salado	145,000	105,000	0	40,000	0
Santa Fe River, Santa Fe	149,000	134,000	0	15,000	0
Army Corps of Engineers, construction:					
Albuquerque Diversion Channels	17,500,000	13,506,000	2,200,000	700,000	1,094,000
Cochiti Reservoir, Rio Grande	63,800,000	12,349,000	1,947,000	6,850,000	41,504,000
Los Esteros Reservoir and modification of Alamogordo Dam	13,200,000	606,000	104,000	200,000	12,200,000
Bureau of Reclamation, general investigations:					
Gallup	85,025	9,325	55,000	20,700	0
Mora	145,284	82,284	27,000	36,000	0
New Mexico State water plan	938,000	271,065	108,000	187,000	371,935
More than 1 State:					
Lower Colorado, comprehensive survey (4 States)	1,167,984	566,984	312,000	289,000	0
Lower Colorado, general (4 States)	4,214,655	2,443,655	270,000	260,000	1,241,000
Regional Planning Service, region 4 (7 States)	860,000	0	0	10,000	850,000
Upper Colorado River Basin, comprehensive survey (4 States)	1,333,462	723,462	127,000	283,000	0
Upper Gila River (Ariz.-N. Mex.)	769,701	463,701	282,000	24,000	0
West Texas and east N. Mex. import	2,902,000	1,447,416	668,000	545,000	241,584
Western U.S. water plan (various States)	15,000,000	0	218,000	1,480,000	13,202,000
Bureau of reclamation, construction:					
Pecos River Basin, water salvage project (N. Mex.-Tex.)	2,518,341	----------	[1] 1,211,123	300,000	1,007,218
Carlsbad project	4,000,000	----------	[1] 140,726	900,000	2,959,274
Tucumcari project	1,542,768	----------	[1] 1,311,768	110,000	1,121,000
Bureau of Reclamation, upper Colorado River storage project: (Participatory projects):					
San Juana-Chama (Colo.-N. Mex.)	74,660,000	49,229,228	5,947,000	1,747,000	18,126,772

[1] Allocated to date.

Mr. GOODELL. Mr. President, I ask unanimous consent to place the following communications in the RECORD.

The first is a telegram from Gov. Nelson A. Rockefeller in which he strongly recommends appropriation of additional funds for construction of sewage treatment plants. He points out that the State has prefinanced $405 million of the Federal share of these plants, and the State's municipalities have prefinanced $370 million, for a total of $775 million as of June 30, 1970.

In addition the State provides its own 30-percent share of the costs, and the municipalities provide 20 percent for its own share.

The second is a recent letter from Mr. Syd Askoff, chairman of the Sewer Committee of the Suffolk County Legislature. The effect of Federal underfinancing on New York State taxpayers in assuming this huge burden is set forth by Mr. Askoff. He points out that a homeowner in Suffolk County can expect to pay approximately $300 more a year in property taxes for at least 40 years for sewage disposal facilities. This amount would be dramatically decreased if the Federal Government obligated its full 50 to 55 percent of its share of the cost, instead of an average of 7 percent as at present.

I think it is unfair for New York and its localities to have to bear the burden of financing the Federal Government's obligation, particularly in these days of soaring interest rates. It is my hope that adequate funds will be appropriated so that the Federal Government will be able to meet its obligation to repay funds prefinanced by State and local governments.

There being no objection, the communications were ordered to be printed in the RECORD, as follows:

Senator CHARLES E. GOODELL,
New Senate Office Building,
Washington, D.C.:

It is my understanding that the Senate is about to take action on appropriation bill H.R. 182127 which includes appropriations for water pollution control authorized under the clean water restoration act of 1966.

I strongly support adoption of the amendment you are sponsoring to provide for full funding of the $1.25 billion authorized in aid for construction of sewage treatment plants. In the last four years, Federal appropriations have lagged nearly $1 billion behind the amount authorized with the result that Federal participation in New York State's pure waters program has averaged only seven percent, even though all projects qualify for fifty percent in Federal funding and most for fifty-five percent.

Because of the shortage, New York has pre-financed $405 million of the Federal share in addition to providing its own thirty percent grant share. The State's municipalities have pre-financed another $370 million along with their basic share, for a total of $775 million in pre-financed funds which are owed by the Federal Government to the State and its municipalities.

Under the State's program 211 additional projects valued at $1.495 billion and eligible for $822 million in Federal funds are expected to be approved during the current Federal fiscal year. The combination of the $775 million that New York and its municipalities have prefinanced and the $822 million for which we are eligible in new projects totals $1.597 billion which New York alone can use during the present fiscal year.

I also urge deletion of the provision which extends by an additional six months the time before which unused funds appropriated for fiscal 1970 can become available for reallocation. Deletion will permit these unused funds to become available as soon as possible for projects ready to go in States like New York.

The shortage in Federal funds, along with the funding and reallocation provisions of the Federal program with their lack of consideration to need or ability to use funds has served to penalize New York because of the size and advanced position of our effort to restore New York's waters. Your favorable consideration of these recommendations will help to correct this imbalance in the Federal program.

NELSON A. ROCKEFELLER.

COUNTY OF SUFFOLK,
Babylon, N.Y., August 10, 1970.

Hon. CHARLES E. GOODELL,
New York City, N.Y.

DEAR SENATOR GOODELL: In the very near future the construction of sewerage disposal facilities will begin in certain areas in the County of Suffolk. The major part of this work, costing approximately three hundred million dollars, in direct cost, will be done in a very small portion of the southwest area of County.

As Chairman of the Committee in charge of this work, it has become glaringly apparent to me that even with State and Federal aid, the taxpayers of this District are going to be confronted with a tremendous increase in their yearly taxes unless some way can be found to get additional aid.

So that we can acquaint you with the problem, I have called a meeting of September 16, 1970 at 10 A.M. at the County Center in Hauppage. At the meeting we hope to have our various representatives in attendance so that we can acquaint them with the problem and also to have our various local officials there to let them know as best we can what the anticipated costs for this work will be.

I would very much appreciate your advising me as quickly as possible whether or not you can be there so that we can make our plans accordingly.

This particular area is presently burdened with intolerable school taxes, as well as various and sundry municipal taxes. In my opinion, it is one of the most highly taxed areas in the County, if not in the State. It is also clear that a homeowner who has a home valued at approximately $30,000 can expect to pay somewhere in the neighborhood of $300 per year more for sewerage disposal for at least 40 years. I think it is incumbent upon all of us to direct our attention to this matter since before long the necessity of installing sewers throughout the County will raise similar problems elsewhere and the matter of financing should be looked into now.

Sincerely,

SYD ASKOFF.

PUBLIC WORKS APPROPRIATIONS: INSURING CONTINUED PROGRESS IN AMERICA

Mr. YARBOROUGH. Mr. President, a few minutes ago we passed one of the most important matters that Congress must act on each year and that is the funds for vital public works projects in America. These projects are what make the wheels of progress in America turn and insure continued improvement of life in our country.

The public works appropriations bill for this year is a comprehensive measure that deals fairly with the vast problems that exist in every State. I wish to com-

mend the distinguished chairman of the Public Works Appropriations Subcommittee, Senator ELLENDER, and the other distinguished members of the committee for their hard work in producing this bill. I am particularly pleased that the committee acted favorably on many important Texas flood control, navigation, and reclamation projects.

In the interest of time, I shall not speak of each one on these projects individually; however, I would like to comment on certain projects that are of particular significance.

First, I am particularly glad that my colleagues on the Senate Appropriations Committee agreed to provide an additional $100,000 for the Millican Dam project. Together with the $50,000 appropriated by the House, this project will receive a total of $150,000 for preconstruction planning and a study of the effects of this project on the ecology of the area. These additional funds will enable orderly progress to continue on this important project while insuring that the ecological features of this area are not destroyed.

Mr. President, the Millican Dam project is vital to the future economic development of the Brazos Valley of Texas. Progress must be made on it this year. In my opinion, this dam and reservoir when completed, will be a lasting memorial to Gen. Earl Rudder, the late president of Texas A. & M. University, who, during his life, believed in this project and worked hard for it.

Mr. President, I am also pleased that the committee approved my request for an additional $1 million for construction of the Lakeview Reservoir flood control project. When combined with the $112,000 provided by the House, the total appropriation for this important project will be $1,112,000. This means that real progress can be made on this project which is an integral part of the overall Trinity River development plan.

In addition to approving these additional sums for Texas projects, the Senate Appropriations Committee agreed to my request that significant increases for Texas projects which were voted by the House, over the budget request, be retained.

Among these significant increases are the $100,000 appropriated for planning Aquilla Reservoir in Hill County for which the President did not request any funds; an additional $45,000 for planning the Cedar Bayou flood control project near Beaumont, which when combined with the $15,000 originally requested by the administration for this project, brings the total appropriation for Cedar Bayou flood control project to $60,000; an additional $2 million for the San Gabriel River project in Williamson County—with this additional $2 million, a total of $4 million is provided for this important project; and $15,000 for the Osa Creek flood control in Robstown, Nueces County. This project was also not included in the budget by the administration.

Other important Texas projects for which the Senate and the House have appropriated funds are:

I.—Flood control and navigation projects

Arkansas-Red River chloride control	$250,000
Aubrey Reservoir	300,000
Bachman and Joe's Creek	5,000
Belton Reservoir (raise water level)	1,688,000
Big Pine Reservoir	40,000
Brazos Island Harbor	770,000
Brazos Island Harbor at Brownsville	15,000
Brazos River and tributary	425,000
Buffalo Bayou and tributary	1,055,000
Burnett, Crystal and Scotts Bay	10,000
Cibolo Creek	24,000
Colorado River and tributary	24,000
Cooper Reservoir	2,900,000
Corpus Christi Ship Channel	385,000
Delaware Creek	30,000
Denison Reservoir	110,000
Dickinson Bayou	30,000
Duck Creek Channel	182,000
Elm Fork Floodway	220,000
El Paso	2,800,000
Freeport and vicinity	2,000,000
Galveston Bay navigation study	115,000
Guadalupe and San Antonio Rivers	116,000
Gulf Intercoastal Waterway	200,000
Highland Bayou	1,000,000
Lake Kemp Reservoir	1,300,000
Lavon Reservoir	8,400,000
Mouth of Colorado River	185,000
Neches River and tributaries	45,000
Port Arthur	6,840,000
Red River above Denison	65,000
Red River Levees	2,600,000
Sabine—Neches Waterway	5,400,000
San Antonio Channel	1,000,000
San Jacinto River	65,000
Taylors Bayou	250,000
Texas City Hurricane Protection	2,200,000
Texas coast hurricane	500,000
Texas water supply and pollution study	260,000
Trinity River Bridges	2,750,000
Trinity River project	500,000
Vince and Little Vince Vayous	1,000,000
Wallisville Reservoir	2,500,000
White Rock Creek	10,000
Whitney Reservoir	300,000

II.—Bureau of reclamation

Cameron County	700,000
Hidalgo and Willacy counties	1,000,000
Santa Maria project	200,000

III.—Study projects

Texas Basin projects	130,000
West Texas and Eastern New Mexico Import	545,000

In conclusion, Mr. President, I again wish to commend my colleagues on the Appropriations Committee for their fine work on this bill. They have demonstrated their concern for the well-being of our people by their efforts for this bill. I am pleased that my colleagues have given this bill their overwhelming support.

APPROPRIATIONS FOR DICKEY-LINCOLN SCHOOL DAM

Mr. MUSKIE. Mr. President, New England and New York have suffered major power shortages this summer, and we are now told that fuel scarcities will lead to power shortages this winter.

When air-conditioning units shut down, when subways stop running, or when there is no heat in the winter, the differences between private and public power no longer matter.

The Northeastern United States needs all the electric power it can generate with a minimal impact on the environment. Our crisis is of major proportions. Our reserves of reliable power are low, and we cannot afford to postpone any longer the construction of needed facilities. Charles Luce, chairman of the board of Consolidated Edison, stated in hearings before my Subcommittee on Intergovernmental Relations on August 3 that electric power from the Dicky-Lincoln project could have helped alleviate the power shortage that reached crisis proportions in New York City during the last week in July. As each year passes, the peaking power from Dickey-Lincoln is missed more and more in the major metropolitan areas of the Northeast.

The benefits of this project are vital to New England. When construction of the Dickey-Lincoln facility was authorized in 1965, consumer rates for electricity in New England were among the highest in the Nation because New England has no "Federal yardstick." This situation has not changed. The people of Maine continue to pay some of the highest electricity bills in the Nation, as the promise of 100,000 kilowatts of public power that was made in 1965 goes unmet.

The benefit/cost ratio of the Dickey-Lincoln Dam continues to be almost 2 to 1. This year we have been told of the added benefits of Dickey's potential for the irrigation of potato farmlands. The following excerpts from House hearings on Public Works appropriations discuss this new benefit:

EXCERPTS FROM HOUSE HEARINGS ON PUBLIC WORKS APPROPRIATION

Colonel BANE. Sir, there does seem to me to be an increasing awareness of the need for dependable and economic power.

IRRIGATION POTENTIAL FOR POTATO GROWING

I should also note another area of potential significant benefit that has not been previously considered. Last month a member of my staff attended a meeting sponsored by Congressman Hathaway relative to the irrigation needs of Aroostook County. Discussed was a report by the Department of Agriculture which indicated that the Aroostook County potato crop yield had been declining since 1964. This reduced yield is attributed to the lack of proper irrigation.

It was estimated that the net income increase to the main potato growers would be between $8 and $20 million annually if the irrigation were provided.

Mr. BOLAND. Who developed the report?

Colonel BANE. Department of Agriculture.

Mr. BOLAND. I know Congressman Hathaway has been tremendously interested in this project and has done everything within his power to see it funded and on its way to construction. I notice in the Congressional Record of March 4, yesterday, that he indicates that Dickey could help stabilize and increase the potato crop and improve its quality by providing water for irrigation. This is a benefit which had not heretofore been considered, I understand.

Colonel BANE. That is correct.

Mr. BOLAND. He also said:

"Irrigation would assure that water is available whenever needed. Conservative estimates are that water from the Dickey Reservoir, by increasing yield on 150,000 acres currently in cultivation and improving crop quality, could improve the revenue of Maine potato growers by $20 million annually."

He has indicated he has asked the U.S. Corps of Engineers to investigate the possibility with respect to the irrigation benefits.

Can you comment on this? You have indi-

cated you are aware of the new proposal to irrigate potato fields in Aroostook County and he says in his opinion this is important as you have indicated, by the Department of Agriculture report, and such irrigation would improve potato quality and again would increase the yield of revenue to the potato growers by $20 million.

Does the Corps have plans to explore the feasibility of adding an irrigation benefit to this project?

Colonel BANE. We have just received the Agriculture report and naturally we have no money for this year so I do not have the capability right now to explore it in depth. But offhand, based upon the information we have, perhaps a hundred to 200,000 acre-feet of water would be required for this irrigation purpose, which would be a relatively small amount when we consider the gross storage that would be included in the Dickey project of 7.7 million acre-feet.

Mr. BOLAND. Do you have any estimate of cost for exploring the feasibility of implementing this idea?

* * * * *

Colonel BANE. Not now, I do not. I can provide it.

Assuming that about 2 years would be the minimum required to complete planning, what further increase in the project cost would you anticipate?

Colonel BANE. We would anticipate 14 percent.

Mr. BOLAND. How much would that be?

Colonel BANE. It would be $35 million more.

Mr. BOLAND. So this would mean this project is now going to cost $280 million plus, is that right?

Colonel BANE. Yes, sir.

Mr. RHODES. Will the chairman yield?

Mr. BOLAND. Yes.

IRRIGATION

Mr. RHODES. Do you have the capability of finding the beneft-cost ratio of these irrigation features?

Do you have any funds in shop to do this?

Colonel BANE. No, sir; not without robbing some other project.

Mr. RHODES. I was sure that would be the answer. We really will have problems considering this new element until we can get some idea of what the cost would be as well as the return.

Do you have any idea of what the annual rainfall is in Aroostook County?

Colonel BANE. Thirty-six inches, I believe, sir. But the problem here, as I understand it, is that there are certain periods that require 1 inch per week and there are certain drought periods, say 1 week, where they have no rain, for example, and maybe more rain at other times, and this is, according to the Agriculture report, affecting both the quality and quantity of the crops.

Mr. RHODES. So this would be really supplemental irrigation?

Colonel BANE. Right, sir.

Mr. RHODES. And if you have 200,000 acre-feet available, you probably would be able to service about 200,000 acres on a supplemental basis?

Colonel BANE. Yes, sir.

Mr. RHODES. I would not imagine it would take more than 1 foot per acre.

Colonel BANE. Yes. I might add on this, as you know, we have already spent considerable money on the preconstruction planning, better than $2 million. We are getting awfully close to completing it and this other aspect as far as we are concerned would certainly be advisable if we could at least complete the planning on the project.

Mr. BOLAND. You have indicated that you do not at this moment know what the capability would be for implementing the irrigation benefit, and you are going to try to determine what dollar estimate you can place on this benefit.

When will you be able to determine what you would need for a restudy of this potential new benefit that has now been developed?

Colonel BANE. This is all part of the overall thing, sir.

Mr. BOLAND. Irrigation was never considered in connection with the over-all study?

Colonel BANE. It would have to be considered in conjunction with the over-all study.

Mr. BOLAND. When you arrive at some figure, why do you not supply it for the committee?

Colonel BANE. All right, sir.

(The information follows:)

"The cost of the irrigation study is $125,000."

Mr. BOLAND. The benefit-to-cost ratio is shown as, 1.9 to 1. Does the escalation and price increase of this project alter the ratio?

I know that the value of the benefits is increasing also.

ANNUAL BENEFITS

Colonel BANE. Annual benefits have also increased, $1.515 million, sir. Actually, the BC ratio has changed practically none since last year. This amounts to a rounding off of the figures.

Mr. BOLAND. Would this new irrigation benefit increase the benefit-to-cost ratio?

Colonel BANE. Again, sir, we would have to see what it could cost to do it, and I do not have the money right now is what I am saying.

Mr. BOLAND. What interest rate has been used in the determination of the current 1.9 to 1 benefit-to-cost ratio?

Colonel BANE. Three and one-quarter percent, sir.

Mr. BOLAND. Will you provide for the record a detailed breakdown of how the request of $807,000 would be utilized, indicating the items in order of priority?

I note that $639,000 would be required to complete the preconstruction planning, as you have indicated, after fiscal year 1971.

Colonel BANE. Yes, sir.

(The information follows:)

The recommended appropriation in the amount of $807,000 for fiscal year 1971 would be used to perform preconstruction engineering and design work as necessary to permit commencement of construction on the diversion works at the Dickey site early in the third quarter of fiscal year 1973 and on the main dam at Dickey in the third quarter of fiscal year 1974. The above amount would be allocated as follows:

a. Complete the mapping of the main damsite at Dickey and the sites of the saddle dikes and the cross sectioning of the St. Johns River between the Dickey site and the Lincoln School site	$71,000
b. Continue and complete the subsurface exploration and sampling of borrow areas for embankment materials for Dickey-Lincoln School dams and the quarry for concrete aggregates	170,000
c. Supplement the previously completed program of preliminary foundation explorations as necessary to verify the foundation conditions as final design proceeds on items under (*f*), (*g*), and (*h*) below	100,000
d. Commerce surveys and subsurface explorations for relocation of roads and cemeteries and start final design	80,000
e. Develop the preliminary master plan and complete the preparation of property maps and real estate planning precedent to the initial construction activities	100,000
f. Initiate and continue the final design of the works for diversion and control of the St. Johns River at Dickey and start preparation of contract plans and specifications	$120,000
g. Initiate and continue the preliminary design of the powerplants at Dickey-Lincoln School	100,000
h. Commence final design of the main earth embankments and spillway at Dickey	66,000
Total	807,000

Mr. BOLAND. Are there any questions?

Mr. RHODES. I have a few questions.

Again this year, Mr. President, the Senate has included $807,000 for the final year of preconstruction planning for Dickey-Lincoln School. Again this year, the House has refused to recognize the immediate and urgent need for the project's electric power.

The Senator from Louisiana (Mr. ELLENDER) has worked with my colleague from Maine (Mrs. SMITH) on the Appropriations Committee to overcome resistance to this project, and the people of Maine and New England appreciate his continuing support.

PORT JEFFERSON HARBOR DREDGING PROJECT

Mr. GOODELL. Mr. President, the bill provides $50,000 to commence the preconstruction survey of the Port Jefferson dredging project. The funds would permit the Corps of Engineers to examine the plan of improvements and the project economies.

There is no question that additional receiving facilities will be required to assure an adequate supply of petroleum for Long Island. If they are not provided, the cost of heating oil, gasoline, and other petroleum products would soar.

A number of alternatives to Port Jefferson have been suggested. I hope if funds are provided in the bill that is approved by Congress the survey conducted by the corps will include an examination of alternatives.

However, we do not have an evaluation of the environmental advantages and disadvantages of such a project, and this is an area that is of increasing concern to our citizens. In light of the national environmental policy statement issued June 7, 1970, by the Chief of Army Engineers, Lt. Gen. F. J. Clarke, I would expect the corps to insure conformity with the purposes of the 1969 National Environmental Policy Act and the 1970 Environmental Quality Improvement Act. General Clarke's statement and these laws emphasize the examination of environmental values and how these values directly affect economic, technical, and social factors of federally sponsored programs.

I am pleased that my distinguished senior colleague from New York (Mr. JAVITS) has stated he expects the corps to insure conformity with the purposes of these acts. Environmental values must be weighed not only with regard to Port Jefferson, but with regard to alternatives that might be considered.

The rapid population growth on Long Island points to the need of a detailed study of the environmental effects of projects that are proposed for the area. In this connection, I note that the Suffolk County Charter Revision Commission recently recommended that the county

adopt an environmental bill of rights, which reportedly is the first for any county in the Nation. The commission urged that the county's basic policy be to "conserve and protect its natural resources, the quality of its environment and natural scenic beauty, and to encourage the conservation of its agricultural lands."

In view of these considerations and in order to assure that the quality of Suffolk County's environment will be protected, a comprehensive study of environmental and other factors should be made in connection with this project.

ENVIRONMENT QUALITY: A CONTINUING BATTLE

Mr. McINTYRE. Mr. President, I wish to commend the distinguished Senator from Louisiana (Mr. ELLENDER) for his fine work in reviewing the public works appropriations bill of 1971, H.R. 18127. I am most impressed by the fact that the hearings held on the various sections of this bill were among the most complete ever held on these subjects.

I have voted for the bill because I believe it moves us a step forward in the vital battle to do something about our environment and the conservation of our resources.

This is not to say that I approve every crossed "t" and dotted "i" in this legislation. But, on balance, I believe that the funds for pollution control under the waste treatment construction grants program, the Clean Waters Act, and other parts of the legislation can be of value to improving our environment.

The bill, as reported, provides new obligational authority of $5,258,195,000. This figure is roughly $5 million less than the budget request and $27 million more than was authorized by the House. I feel that on the whole the sums appropriated are necessary to the administration of programs covered by this bill. While I do have reservations about certain of the projects funded, I voted to pass this measure, for it is basically sound.

I wish to add my praise for the work of the committee in resolving a most difficult situation with regard to the appropriation for the waste treatment construction grants program. This program has long been the victim of inverted priorities and consequently has never been fully funded. Last year, this trend was significantly reversed when the committee recommended full funding of this program at the level of $1 billion. While the final conference figure was reduced to $800 million, it was still almost four times the amount requested by the administration.

This was a significant action, for it broke a longstanding logjam of needed construction of waste-treatment facilities for the control of water pollution.

Yet we are all painfully aware that this was only a beginning. What remains is a backlog of many billions of dollars of needed construction and, as a result of a lack of Federal funding in the past 5 years, a sum of $800 million of prefinanced and reimbursable obligation by the States. Now it is painfully evident that this backlog must be eliminated. Be the figure $33 billion advanced by the Association of State and Local Governments, or $25 billion advanced by the Senator from Maine (Mr. MUSKIE), or $10 billion advanced by the administration, we must move to eliminate this backlog or our Nation's waters will undergo further and fatal deterioration.

There is no doubt that funding of this scale requires full Federal participation; State and local governments simply do not have the revenue sources to raise these sums of money without seriously inflating an already tight bond market.

It is for these reasons that I have followed the committee's deliberations with regard to this program with utmost interest. Of all the programs traditionally funded by this appropriation, the water pollution control programs have been the only ones consistently underfunded. Last year's breakthrough, in my opinion, had to be continued and enlarged.

I am most happy to see that this attitude was shared by the distinguished chairman of the subcommittee and by its members. We have before the Senate the continuation and enlargement that I had hoped for. And we have solid evidence in the bill before us that this trend will continue.

This bill recommends the sum of $1 billion for the waste treatment facilities construction program. This is an increase of $200 million over last year's appropriation. While there has been criticism that this sum is $250 million less than was authorized by the Clean Waters Act of 1966, I feel that the committee was justified in determining this level of funding.

Because of the long delay in approving appropriations for this program last year, a sum of over $400 million still remains to be obligated from sums appropriated for fiscal year 1970. When the committee recommendations are analyzed to consider the outside factors affecting this program, I believe that the recommended funding is the best level that could be arrived for this year.

The committee has arrived at a sound solution to the problem of continuing the impetus provided last year while at the same time providing that legislation to reform this program now pending before the Senate, will be adopted with a clean slate upon which to work. First, the level of $1 billion, as I have mentioned before, is $200 million more than was available last year. Second, the committee has recognized the tremendous fiscal burdens by some States, my own State of New Hampshire included, that have prefinanced significant amounts of construction in the expectation of Federal reimbursement. Here the committee has allowed 20 percent—or $200 million—of the funds appropriated to be used to reimburse these States. This compromise maintains the current funding levels for all States while also giving an added measure of relief to those States that have led the way.

Yet there is still more to be considered in analyzing this bill. First, the committee has recognized that a most significant problem with this program is that its formula for allocation of funds to the States has not been satisfactory and has worked hardship upon smaller States, like my own, by basing allocations on population. Many States have, therefore, received amounts in excess of their need or capacity to use, while others have received relatively small sums as compared to their needs. Under existing law, sums obligated by the States remain in limbo for at least 18 months before they can be reallocated. From last year, for instance, over $400 million remains unallocated, while some States have a desperate need for additional funds.

New Hampshire, for instance, received only between $3 and $4 million last year out of a total appropriation of $800 million. Yet the State's projected needs for waste treatment facilities over the next several years have been established at $156 million. This need goes unmet while over $400 million remains in Federal coffers unused.

The committee, wisely recognizing this problem, has recommended that funds unobligated under this year's appropriation by the end of the fiscal year will be reallocated to States in need of these funds before the end of the current fiscal year. This will accelerate the reallocation process by approximately 7 months and allow for the reallocation of all unused funds appropriated under the Clean Waters Act of 1966 before the expiration of that act in June 1971. Thus those States most active in this program will be assured of the opportunity to share in all unused funds before a new authorization and appropriation are enacted for the next year.

I feel that these recommendations reflect a profound recognition of existing problems faced in the administration of the waste treatment facilities construction program and present a sound temporary solution to these problems. I might also add that these recommendations reflect changes in this program proposed both by President Nixon and by Senator MUSKIE. These changes could not be enacted in time to affect this appropriation, and the committee wisely used sound discretion in implementing some needed changes on a temporary basis for this year. This action, I am certain, will greatly assist a sound transition when new programs are enacted next year.

I would also like to add a note concerning the other aspects of this appropriation as they relate to environmental quality considerations. Over $1.75 billion or roughly 32 percent of the funds appropriated by this bill will be used in environmentally related activities. This reflects an unprecedented commitment on the part of the agencies affected by this bill and can serve to correct past difficulties relating to the environmental effect of certain Federal activities. Notable among these expenditures are an appropriation for the creation of an Office of Water Resources in the Corps of Engineers to develop and implement environmental guidelines for field planners, the creation of the post of Assistant to the Commissioner for Environmental Quality in the Bureau of Reclamation, and the creation of an Office of Health and Environmental Science in the Tennessee Valley Authority. It is my hope

that these activities can provide a full measure of protection for environmental quality in the future activities of these agencies.

In concluding my remarks, I would like to mention my keen interest in seeking funds for activities authorized by the Water Quality Improvement Act of 1970. This bill authorized a sum of $38 million for this fiscal year for research into the effect of pesticides on inland waters, the control of algae and aquatic plants, and for demonstration projects involving new pollution-control techniques on the Great Lakes. I feel that these funds are vitally important if we are to solve some of the most dramatic instances of water pollution now facing this Nation. Our lakes are unique entities. Unlike rivers, they cannot flush themselves of accumulations of pollutants; and these pollutants remain in these waters to greatly accelerate the natural aging process, eutrophication, leaving, after relatively short periods of time, dead waters incapable of supporting most forms of life.

Because of my concern, I joined in an offering amendment to the bill to provide for funding of vital research and demonstration projects authorized by the Water Quality Improvement Act. On Friday, the committee raised objections to the amendment on the ground that it had not held hearings on these matters. Both I and the other sponsors of the amendment have acceded to this objection only with the greatest reluctance. I am satisfied, however, by the comments of the distinguished chairman (Mr. ELLENDER), which indicated that he will hold hearings to include these items in the supplemental appropriation soon to be submitted by the administration. I am satisfied that the Senator shares my deep concern about this matter and I wish to assure him that he has my full support in seeking these funds.

On the whole, the bill reflects many months of hard work. It is a good bill. I feel that it is imperative that the funds appropriated by this measure be made available as soon as possible, especially those for water pollution control and water resources management. I have, therefore, added my vote to approve this bill. I am hopeful that the minor differences with the House bill can be quickly ironed out in conference so that these necessary funds can be put to use.

Mr. BENNETT. Mr. President, I would like to take this opportunity to express my full support of the public works appropriation bill for fiscal 1971 as reported by the Senate Appropriations Committee.

In particular, I would like to bring to my colleagues' attention the $300,000 for the start of the Upalco unit of the central Utah project and $300,000 for the Jones Hole Fish Hatchery in northeastern Utah which the committee added to the House bill at my request. I sincerely hope these figures will be retained when the bill goes to conference.

I was very pleased that the committee agreed with Utah's water experts and provided us with a realistic budget for our vital projects. The $12.9 million approved for the Bonneville unit for the central Utah project assures a more progressive construction program. It provides for completion of water hollow tunnel and open channel No. 2, as well as acquisition of land for the Strawberry Reservoir enlargement and collection works. Contracts also will be awarded for the construction of Soldier Creek Dam; for Currant Creek Dam; Currant Creek road rehabilitation; Water Hollow Diversion Dam and pipeline; layout tunnel and access road; Layout Creek diversion dam, pipeline, and feeder pipe; Currant Tunnel and access road; and the relocation of U.S. Highway 40 to bypass the enlarged Strawberry Reservoir. The program also provides for initial land acquisition for the Jordan Aqueduct system and the awarding of a contract for construction of Jordan Aqueduct section 1.

The $500,000 provided for the Jensen unit of the central Utah project will go for the continuation of design and preparation of designs and specifications for Tyzack Dam and Reservoir. Rights-of-way will also be purchased with these funds. This was one of two new reclamation starts included in the President's budget request for fiscal 1971. The Jensen unit will provide municipal, industrial and irrigation water to the Vernal and Jensen areas.

The $300,000 for the start of the Upalco unit, which the Senate committee added, is particularly gratifying to me. This unit is an irrigation development of the Lake Fork and Yellowstone Rivers north of Roosevelt, Utah. The project, which will eventually cost upward of $18 million, will include a dam on the Lake Fork River below Moon Lake Reservoir. It will serve as a supplemental water project for the Uintah Basin.

I am also pleased with the $150,000 in new funds for the Little Dell flood control project which is included in the measure. This will add to approximately $400,000 appropriated late last year and just recently released by the administration for use, giving the Corps of Engineers about $550,000 for planning in fiscal 1971.

I also support the $100,000 provided for planning purposes for the Dixie project in southern Utah.

Mr. President, I cannot overemphasize the importance of these reclamation projects to my State. I would also like to point out that the reimbursable costs of these projects, which represent 90 percent of the total cost, will be paid back to the Federal Government.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Friday, August 21, 1970, be dispensed with.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of executive business, for action on nominations.

The PRESIDENT pro tempore. Is there objection to the request of the Senator from Montana?

There being no objection, the Senate proceeded to consider executive business.

DEPARTMENT OF COMMERCE

The assistant legislative clerk read the nomination of William Robert McLellan, of California, to be an Assistant Secretary of Commerce.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

FEDERAL TRADE COMMISSION

The assistant legislative clerk read the nomination of Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner.

The PRESIDENT pro tempore. Without objection, the nomination is confirmed.

ENVIRONMENTAL SCIENCE

The assistant legislative clerk proceeded to read sundry nominations in the Environmental Science Services Administration.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the nominations be considered en bloc.

The PRESIDENT pro tempore. Without objection, the nominations are considered and confirmed en bloc.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the President be immediately notified of the confirmation of these nominations.

The PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate resume the consideration of legislative business.

The PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH ON WEDNESDAY

Mr. MANSFIELD. Mr. President, I ask unanimous consent that after the disposition of the Journal on Wednesday next, and after the disposition of unobjected to items on the Calendar, the distinguished Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 30 minutes.

The PRESIDENT pro tempore. Without objection, it is so ordered.

CHANGE OF REFERENCE

Mr. JORDAN of North Carolina. Mr. President, S. 3070, a bill to encourage the development of novel varieties of sexually reproduced plants to make them available to the public, providing protection available to those who breed, develop, or discover them, and thereby promoting progress in agriculture in the public interest, was reported by the Committee on Agriculture and Forestry on August 21, 1970. Since there is subject matter in the bill over which the Subcommittee on Patent and Copyrights of the Committee on the Judiciary has jurisdiction, I ask unanimous consent that the bill be referred to the Committee on the Judiciary.

The PRESIDENT pro tempore. Without objection, it is so ordered.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate proceed to the consideration of unobjected to measures on the Calendar, beginning with Calendar No. 1144, to and including Calendar No. 1150.

The PRESIDENT pro tempore. Without objection, it is so ordered.

EXPENDITURES BY THE COMMITTEE ON ARMED SERVICES

The resolution (S. Res. 440) increasing the limit of expenditures for hearings before the Committee on Armed Services was considered, and agreed to, as follows:

S. RES. 440

Resolved, That the Committee on Armed Service hereby is authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purposes, specified in section 134(a) of the Legislative Reorganization Act, approved August 2, 1946.

EXPENDITURES BY THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS

The resolution (S. Res. 448) authorizing the Committee on Interior and Insular Affairs to expend additional funds from the contingent fund of the Senate was considered and agreed to, as follows:

S. RES. 448

Resolved, That the Committee on Interior and Insular Affairs is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

EXPENDITURES BY THE COMMITTEE ON FINANCE

The resolution (S. Res. 451) to authorize the Committee on Finance to expend $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act of 1946 was considered and agreed to, as follows:

S. RES. 451

Resolved, That the Committee on Finance is hereby authorized to expend from the contingent fund of the Senate, during the Ninety-first Congress, $10,000 in addition to the amount, and for the same purpose, specified in section 134(a) of the Legislative Reorganization Act approved August 2, 1946.

RESOLUTION PASSED OVER

The resolution (S. Res. 452) authorizing of the 71st annual report of the National Society of the Daughters of the American Revolution as a Senate document was announced as next in order.

Mr. MANSFIELD. Over, Mr. President.

The PRESIDENT pro tempore. The resolution will be passed over.

COPIES OF "EDUCATION IN ISRAEL"

The concurrent resolution (H. Con. Res. 679) authorizing the printing of additional copies of "Education in Israel" for use of the Select Subcommittee on Education was considered and agreed to.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No 91–1133), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

House Concurrent Resolution 679 would authorize the printing for the use of the House Select Subcommittee on Education of 10,000 additional copies of its report entitled "Education in Israel."

The printing-cost estimate, supplied by the Public Printer, is as follows:

Printing-cost estimate

Back to press, first 1,000 copies	$1,397.08
9,000 additional copies at $407.02 per thousand	3,663.18
Total estimated cost, House Concurrent Resolution 679	5,060.26

ADDITIONAL FUNDS FOR FRANKLIN DELANO ROOSEVELT MEMORIAL COMMISSION

The bill (H.R. 15351) to authorize additional funds for the operation of the Franklin Delano Roosevelt Memorial Commission was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1131), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 15351 would authorize the expenditure of $75,000 for the continued operation of the Franklin Delano Roosevelt Memorial Commission.

The Franklin Delano Roosevelt Memorial Commission was established by Public Law 372, 84th Congress, approved August 11, 1955, to consider and formulate plans for the design, construction, and location of a permanent memorial to Franklin Delano Roosevelt. The Commission is composed of 12 members appointed as follows: four persons by the President of the United States, four Members of the Senate by the President of the Senate, and four Members of the House of Representatives by the Speaker of the House of Representatives. The Commissioners serve without compensation, but are reimbursed for expenses incurred by them in carrying out the duties of the Commission.

In 1959, a 27-acre portion of West Potomac Park between Independence Avenue and the inlet bridge was reserved for the site of the proposed memorial.

A national competition was authorized in 1959, and as a result a memorial design was selected. Eventually this design was rejected. The Franklin Delano Roosevelt Memorial Commission was then directed to produce a modified design, and the Commission is currently working to develop an acceptable design.

Since 1955 the total authorization for the Franklin Delano Roosevelt Memorial Commission has been $285,000. Of this sum, $110,000 was prize money for the design competition, and $40,000 was expended to organize and conduct that competition. Another $47,500 was spent on the latest modification of the memorial design. The remainder of the total authorization, $89,500, has been expended for the operation of the Commission since 1955. H.R. 15351 would authorize an additional $75,000 for the continued operation of the Commission.

INVESTIGATIONS PERTAINING TO CONSTITUTIONAL RIGHTS

The Senate proceeded to consider the resolution (S. Res. 442) to investigate matters pertaining to constitutional rights which had been reported from the Committee on Rules and Administration with an amendment on page 1, line 1, after the word "Resolved,", strike out "The S. Res. 336, Ninety-first Congress, second session, agreed to February 16, 1970 (authorizing a complete study of any and all matters pertaining to constitutional rights), is hereby amended by striking out "$230,000" and inserting in lieu thereof "$240,000." and insert "That the Committee on the Judiciary is authorized to expend from the contingent fund of the Senate $10,000, in addition to the amount, and for the same purposes and during the same period, specified in Senate Resolution 336, Ninety-first Congress, agreed to February 16, 1970, authorizing a study of matters pertaining to constitutional rights."

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1132), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

Senate Resolution 442 as referred would increase by $10,000, from $230,000 to $240,000, the limitation on expenditures by the Committee on the Judiciary for the study of matters pertaining to constitutional rights it is currently engaged in pursuant to Senate Resolution 336 of the present Congress.

Senate Resolution 336 as agreed to by the Senate on February 16, 1970, authorized the Committee on the Judiciary, or any duly authorized subcommittee thereof, to expend not to exceed $230,000 from February 1, 1970, through January 31, 1971, to examine, investigate, and make a complete study of any and all matters pertaining to constitutional rights.

The additional funds which would be authorized by Senate Resolution 442 are requested by the Committee on the Judiciary to enable it to meet the costs of the salary increase granted by Public Law 91-231, approved April 15, 1970.

The Committee on Rules and Administration is reporting Senate Resolution 442 with an amendment in the nature of a substitute. This action is taken by the committee upon the advice of the Parliamentarian of the Senate, who has recommended that this new format be employed for a resolution to increase the limitation of expenditures by a Senate committee for an inquiry or investigation authorized by a prior Senate resolution.

The committee has also amended the title of Senate Resolution 442 to conform to the amended text.

The amendment was agreed to.

The resolution, as amended was agreed to.

The title was amended, so as to read: "Resolution authorizing additional expenditures by the Committee on the Judiciary for a study of matters pertaining to constitutional rights".

PROGRAM—ORDER FOR ADJOURNMENT UNTIL TOMORROW

Mr. GRIFFIN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. GRIFFIN. Mr. President, while we have many Senators in the Chamber, I should like to ask the distinguished majority leader whether he could give the Senate some guidance and information as to the program for the remainder of the day and the remainder of the week, if possible.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDENT pro tempore. The Senate will be in order.

Mr. MANSFIELD. Mr. President, I would be delighted to respond to the distinguished acting minority leader by stating that, after discussion, it is the intention of the joint leadership to bring up later in the afternoon, unless something contravenes which makes it impossible to do so, Calendar No. 1151, H.R. 17575, an act making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies.

In view of what happened last Friday night, which was most embarrassing so far as the Senate was concerned, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 9 o'clock tomorrow morning.

The PRESIDENT pro tempore. Without objection, it is so ordered.

(Later the order was modified to provide for an adjournment until 8:30 a.m. tomorrow.)

Mr. MANSFIELD. May I call to the attention of the Senate that there is supposed to begin a 2-day recess beginning at the conclusion of business on September 2, a week from Wednesday. It is only a 2-day recess, and it takes in Labor Day. At the rate we are proceeding, we will be on the pending bill until sometime close to the election. So I think it is time for the Senate to forget its outside activities, including campaigning—and I have a campaign underway myself—and to attend to the business of representing the people, which is our primary responsibility.

I think the Senate should be on notice that the joint leadership has also discussed the possibility—and it is a very strong possibility—that the Senate will meet this coming Saturday. We will just have to put our collective nose to the grindstone—to invent a new saying—get down to business, and try to come to some agreement in an effort to expedite business.

One of the matters to be taken up is the Hatfield-Goldwater amendment, seeking to create a volunteer army. It was possible to vote on that measure last Thursday, but, unfortunately, no agreement could be reached. Now that I see the three principals on the floor, I wonder whether it would be possible at this time to arrive at a time certain when we could vote on the Hatfield-Goldwater amendment. I will direct my question first to the distinguished Senator from Oregon.

Mr. GRIFFIN. First, a point of clarification. Is it in fact the case that the amendment is pending?

Mr. MANSFIELD. No amendment is pending.

Mr. GRIFFIN. It has not been offered yet?

Mr. MANSFIELD. The reason is, of course, as the Senator from Oregon will explain, that he wanted ample time to be able to bring the matter before the Senate and have interested Senators make their views known, both for and against. He always has been most willing—more than willing—to arrive at a reasonable time agreement so that a final up and down vote could be had on the amendment, of which I happen to be a cosponsor.

It is true that the proponents of this amendment have been anxious to get underway with laying the amendment before the Senate and then going into a full-fledged debate. We have been reluctant to lay the amendment before the Senate until we could reach some kind of time agreement which, hopefully, would include the proviso that we would vote the whole amendment up or down on the merits of the case, rather than to make a decision with a parliamentary procedural vote, such as a vote to table the amendment.

Having failed to achieve that agreement, we have discussed with the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), the possibility of reaching a time agreement without the proviso on the matter of tabling the amendment—hopefully, the Senate would not move in that direction. We are willing to set up a 6-hour time agreement, the time to be divided equally, 3 hours on each side, along with an hour on each amendment which may be offered to the amendment, the time to be equally divided.

I believe that the Senator from Mississippi, in a previous conversation with the distinguished coauthor of the amendment, the Senator from Arizona (Mr. GOLDWATER) and myself, indicated a willingness to agree to that kind of limitation.

Mr STENNIS. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. STENNIS. At the proper time, Mr. President.

Mr. MANSFIELD. Is there no possibility of reaching an agreement now?

Mr. STENNIS. When I am called upon, I will state my position. The Senator from Montana called on the Senator from Oregon.

Mr. MANSFIELD. My intention was to ask now for the thoughts of the Senator from Mississippi if the Senator from Oregon has concluded.

Mr. STENNIS. Mr. President, no one would be more anxious to dispose of this amendment than I would after it is really presented and understood by the Members of the Senate. This is one of the most far-reaching amendments that have been offered on the floor of the Senate, without any hearing, during my entire service as a Senator. That is the reason why I did not agree to a quick vote on it.

As part of my effort to bring this matter before the Senate, I have here a letter dated August 21, from Mr. Timmons, who is assistant to the President, directly stating that he is replying to my telephone conversation with Mr. Kissinger on this amendment, and that because of the President's temporary absence from Washington, he asked that I confirm Mr. Kissinger's conversation.

I will ask permission later to insert this letter in the RECORD.

The President, through Mr. Timmons, gives four reasons why he is totally opposed to this amendment in its present form, to any amendment at this time on the subject matter of a volunteer army.

So I feel that that is a rather substantial witness on the subject.

I am ready to vote on the matter. I do not know yet what amendments may be offered, but I am willing to vote on the matter at any reasonable time, say tomorrow. The reason I say tomorrow is that that is a good time for Senators to be advised so that they can get here. The way this matter came up, though, without any hearings, without any consideration by the committee—I do not remember it being mentioned to the committee or asking it to pass on it—I am not willing to go into a unanimous-consent agreement here. It would cut the opposition to the amendment off from using any parliamentary rule that may be available. So, as I understand these agreements to vote at a certain time, it precludes all kinds of motions—to commit, to recommit, to table, and so forth—which I am not going to waive. My purpose is to defeat the amendment, because I think it would be a disaster for the country if it became law now. So I am not waiving any procedure, on behalf of those who are opposed to the amend-

ment. There will be a good many Senators who will be interested in debating it.

Mr. MANSFIELD. Would the distinguished Senator from Oregon consider the suggestion made by the chairman of the Armed Services Committee and the manager of the bill, the distinguished Senator from Mississippi (Mr. STENNIS)?

I make this request only in view of the fact that we are moving very slowly on the bill, and if there is no action, it may well take us beyond Labor Day making the Senate's schedule that much more difficult.

So far as I am concerned, I would oppose any tabling motion on the amendment because I think that an amendment of this significance and importance is entitled to an up-or-down vote. In short, there are no circumstances present that warrant the tabling device, in my judgment. But I also have to face up to the realities and the practicalities of the situation.

If I may ask, would the Senator from Oregon and the Senator from Arizona, who are the chief cosponsors of the amendment, give this matter some thought and see if it might be possible to come to an agreement which would not foreclose the use of a tabling motion, which I would oppose under any and all circumstances, in the interest of expediting the business of the Senate and of getting this matter disposed of one way or the other?

There are some who think that a tabling motion is a way out. It is not. It has, in certain respects, the same effect as an up or down vote. A vote against a tabling motion is a vote in favor of what the Senators from Oregon, Arizona, Montana, and others are seeking to establish. If we vote for it, it means that we are not in favor of the concept or at least we have doubts in our minds about bringing it up at this particular time.

Mr. GRIFFIN. Before the Senator responds, would the Senator from Arizona permit me to say a word?

Mr. MANSFIELD. Surely.

Mr. GRIFFIN. First of all, I want to indicate that the Senator from Mississippi, the chairman of the Armed Services Committee, of course, does accurately reflect the position of the administration concerning the amendment.

The President, as is well known, is very much in favor of the goal of a volunteer army but, at this particular time and in this particular way, it is my understanding the administration is constrained to oppose adoption of the amendment as it is being presented.

As the majority leader has already indicated, I think we should keep in mind that unanimous-consent agreements can be with or without the reservation of the right to offer a motion to table. It is quite common, in fact, for the motion to table to be offered at the conclusion of the time reserved for debate.

Mr. MANSFIELD. Not common, may I say to my distinguished colleague.

Mr. GRIFFIN. Not unusual, I should say.

Mr. MANSFIELD. It is a rare occasion. It is a procedure that should not be employed lightly and indiscriminately, not that that is the case here—it is not. But it seems to me that a vote on the merits is justified on this matter.

Mr. GRIFFIN. I only wanted to say that if there is an appropriate time for a motion to table, it is in a situation where normally the ordinary procedures of the Senate have to be followed, where there have not been adequate hearings on a very important and far-reaching matter and where the Senate might justifiably not want to vote on the merits of the amendment.

Thus, I want to indicate that the distinguished chairman is entirely within his rights in insisting upon having, at least, the opportunity to offer a motion to table. I would hope that the Senator from Arizona and the Senator from Oregon would give serious consideration to an agreement which would preserve this procedural right for such procedural rights are very important in the Senate.

Mr. GOLDWATER. Mr. President, will the Senator from Montana yield?

Mr. MANSFIELD. May I say—as I said already—that the Senator from Mississippi is entirely within his rights. I find no fault with what he seeks to do, because it is a procedure allowable to a Senator.

Mr. GOLDWATER. Mr. President, I should like to ask the Parliamentarian the rule on this.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Senator from Arizona will state his inquiry.

Mr. GOLDWATER. As I understand, once a time certain has been agreed to, a motion to table is not in order. I should like to address that query to the Chair.

The PRESIDING OFFICER. If a time certain to vote on an amendment is agreed upon, a motion to table would not be in order unless it is acknowledged in the agreement.

Mr. GOLDWATER. Would it be within the rules of the Senate to agree to an agreement allowing the Senator from Mississippi to move to table at any time during the debate on the amendment?

Mr. MANSFIELD. Yes, but I would hope the Senator is just inquiring——

Mr. GOLDWATER. That is all that I am doing. I just want to get it clear in my own mind.

Mr. MANSFIELD. The Senator from Mississippi is a man of honor and integrity and would bear in mind I am certain that if someone decides to invoke the tabling device they would do so when all time had expired.

Mr. GOLDWATER. I just wanted to make it clear for my own sake, and for the sake of others, what can be done in the circumstances. I certainly do not want to deny my chairman the right to do anything he wants. As the Senator from Montana has indicated, he is probably one of the most honorable Members in this body. Whatever he wants to do, while I may not agree with him, he certainly has the right to do.

Mr. THURMOND. Mr. President, will the Senator from Montana yield?

Mr. HATFIELD. Mr. President, I should like to respond to the statement of the majority leader.

We are certainly not going to hold up the business of the Senate on the matter of a unanimous-consent agreement problem. We want, basically, the time necessary to express our viewpoints and to discuss this amendment. There is so much misunderstanding about the amendment today that I think 6 hours is certainly a reasonable time to try to clear up the misunderstandings.

This is not an amendment to end the draft. We are not tampering with the draft whatsoever. Under the amendment, we are merely laying the groundwork for a period of experimentation on the basis of whether we can achieve sufficient volunteers within the military to move to an all voluntary army when it comes up in June 1971.

I should like to stress again to the Senate the point that if we do not take this kind of action now, the Senate will be up against the wall, come June 1971, when the matter will be presented to the Senate to extend the draft. I know that there is much sentiment in the Senate today not to extend the draft for another year or 2 years. But I want to say, for the sake of practicality, that we cannot move from one system to another system overnight. If we do not have the basis for this move to a new system well established, we will be facing the inevitable request from the administration to extend the draft another year or 2 years.

I do not think it is fair for the young men of this country to have to face that indecision on the part of Congress. It is a matter of indecision if we do not make some kind of statement of policy now. So I think it will necessitate at least 6 hours to get this sufficiently understood. I certainly will not hold up the business of the Senate by demanding what I think was within our rights under a unanimous-consent agreement to ask for a no-tabling motion, but I will agree with him on that, if it is a matter of getting on with the business of the Senate, at the same time providing us with adequate time to get clearly understood what the amendment does and what it does not do.

Mr. MANSFIELD. That sounds fair to me. I would request the Senator from Mississippi if he is agreeable to a 6-hour limitation on the Hatfield-Goldwater amendment and a 1-hour limitation on other amendments thereto. I know of only one, the Harris amendment, with the proviso that—I would not even put in a proviso, knowing the Senator from Mississippi, there would be no motions made of any kind until all the time had expired or been yielded back.

Would the Senator from Mississippi agree to that?

Mr. STENNIS. Mr. President, I want to be sure that I understand the effect of any agreement with respect to the exercise of any motion by any Senator.

I am not speaking only for myself. I speak for anyone opposed to the amendment. I would not want to cut anyone off whether he is opposed to it or not. My idea is that whatever we agree to as

the time for that debate it be used as long as either side wants to use it before I would agree to any motion to recommit, table, or follow any other rule allowed by the Senate. I would not want to enter into an agreement to cut anyone off.

Mr. President, since this matter has been argued at some length, I would like to read a letter from the assistant to the President on this matter.

The PRESIDING OFFICER. Does the Senator from Montana yield for that purpose?

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. Mr. President, the letter is dated August 21, 1970. This was prompted by a call from me to the White House, first to Mr. Kissinger, as I related on the floor, and later I told him that I would like to have something in writing. The President was in Mexico at the time.

The letter reads:

THE WHITE HOUSE,
Washington, August 21, 1970.

HON. JOHN STENNIS,
Chairman, Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR SENATOR STENNIS: I am taking the liberty of further reply to your conversation with Henry Kissinger on Amendment 765 to H.R. 17123.

Because of the President's temporary absence from Washington, he has asked that I confirm Henry Kissinger's conversation with you and, more specifically, reaffirm his steadfast determination to establish an All Volunteer Force and bring the draft calls to zero at the earliest possible date consistent with the needs of national security and fiscal responsibility.

As you know, the President sent to Congress, earlier this session, legislation designed to begin implementation of the goals recommended by the Gates Commission. This legislation would provide a 20% pay increase for first-term enlisted personnel effective January 1971. Additional pay and benefit augmentations are planned for fiscal year 1972.

Even though the amendment in question has the same stated goals, the President is opposed to it for several cogent reasons, as follows:

1. There can be no certainty that the proposed changes in pay and incentives will attract sufficient volunteers to permit cancellation of the draft on June 30, 1971, as implied in Amendment 765.

2. It would enact into law a large number of personnel policy changes without knowledge of either their effectiveness or comparative costs with quite possibly more efficient alternative proposals.

3. It would add several billions of unplanned increased costs to the FY '71 budget.

4. And, provide no opportunity for the Armed Services Committees to hear the views of the Department of Defense or other increased witnesses.

In closing, permit me again to assure you that the President's intent to eliminate the draft calls and in concert with the establishment of an All Volunteer Force has not changed. The Administration looks forward to cooperating with you during your soon to be scheduled hearings on this broad and important subject.

With highest regards,
Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

Mr. President, I thank the leader for yielding.

The PRESIDING OFFICER. The Chair states that under the previous order, the able Senator from Oregon (Mr. PACKWOOD) was to have been recognized immediately after the disposition of the reading of the Journal and the disposition of the unobjected to items on the consent calendar.

Does the able majority leader at this time wish to ask unanimous consent that the special order be delayed until the current colloquy is completed?

Mr. MANSFIELD. Yes; briefly. I had discussed the matter with the distinguished Senator from Oregon prior to the vote on the appropriation bill.

I had no idea that the matter would take this long. If the Senator from Oregon would be amenable, I would like to see if we could bring this matter to a head. To make sure that the time granted to the Senator not be infringed upon, I ask unanimous consent that the special order to be delayed until the completion of this colloquy.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. THURMOND. Mr. President, because the Senator from Maine (Mrs. SMITH) is absent on official business, she has asked me to act as leader on this side on the military procurement bill.

It is my judgment that the amendment is a mistake. I shall oppose it. But I wanted to say that I also think it is necessary to preserve our procedures, and the position taken by the distinguished Senator from Mississippi is substantiated by me.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, if I may have the attention of the distinguished Senator from Mississippi (Mr. STENNIS), the manager of the bill, the distinguished Senator from Oregon (Mr. HATFIELD), and the distinguished Senator from Arizona (Mr. GOLDWATER), as well as the acting minority leader, I send to the desk on behalf of both of us a unanimous-consent request.

The PRESIDING OFFICER. The clerk will state the unanimous-consent request.

The legislative clerk read as follows:

Ordered, That on the Hatfield-Goldwater Volunter Army amendment to the pending measure the time be limited to 6 hours to be equally divided and controlled by the sponsors and the Senator from Mississippi (Mr. STENNIS) and that any amendment to that amendment be limited to 1 hour to be equally divided and controlled by sponsor and Senator from Oregon (Mr. HATFIELD) if Senator HATFIELD is opposed to the amendment; but if Senator HATFIELD is in favor then the time in opposition is to be controlled by the Senator from Mississippi (Mr. STENNIS),

Provided further, That no tabling or other motions will be in order until all time allocated is consumed on the question to be tabled.

Provided further, That the time will commence to run under this agreement upon the further consideration of the unfinished business on Tuesday, August 25, 1970.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. MANSFIELD. I yield.

Mr. HOLLAND. Mr. President, the amendment has not been offered as yet.

Mr. MANSFIELD. No; but I am sure that we can make a unanimous-consent request. The matter has been discussed, and the reasons why the amendment has not been offered have been made quite clear.

Mr. HOLLAND. Would this mean that the time would begin to run from the time of the adoption of the unanimous-consent request or at the time the amendment is offered.

Mr. MANSFIELD. With the beginning of the consideration of the unfinished business tomorrow. I would hazard a guess that would be about 9:05 a.m.

Mr. HOLLAND. And this would take place regardless of whether the amendment had been called up or not by that time?

Mr. MANSFIELD. Mr. President, the amendment would be called up at that time. It would be called up this afternoon, or almost immediately, so that it would be a matter of record.

Mr. STENNIS. Mr. President, I overlooked the fact that the amendment had not been offered.

Mr. President, is that the situation?

Several Senators addressed the Chair.

Mr. MANSFIELD. Mr. President, the amendment has been printed. It is at the desk. It has not been called up.

Mr. HATFIELD. Mr. President, would the Senator yield for a point of inquiry.

Mr. MANSFIELD. Mr. President, I yield.

AMENDMENT NO. 844

Mr. HATFIELD. Mr. President, I ask unanimous consent at this point to lay the amendment before the Senate.

Mr. MANSFIELD. Mr. President, the Senator could call up his amendment and make it the pending business on the basis of the unanimous-consent agreement.

The PRESIDING OFFICER. Is there objection to laying the bill before the Senate at this time so as to make it in order to call up the amendment?

Mr. STENNIS. Mr. President, I am not agreeing to the unanimous-consent request until I make some inquiries. I have no objection to making the amendment the pending business.

Mr. HATFIELD. Mr. President, to clarify the situation, I ask unanimous consent to call up my amendment and make it the pending business.

Mr. HOLLAND. That satisfies the situation as I see it.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection and it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. The Chair lays before the Senate the unfinished business, which will be stated.

The legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each

Reserve component of the Armed Forces, and for other purposes.

The Senate proceeded to consider the bill.

The PRESIDING OFFICER. The clerk will now state the amendment offered by the able Senator from Oregon.

The LEGISLATIVE CLERK. The Senator from Oregon (Mr. HATFIELD) and others propose an amendment, No. 844, as follows:

At the end of the bill, insert the following language:

H.R. 17123

SEC. . The Congress hereby finds that—

(1) the Armed Forces of the United States can be materially improved and strengthened by increasing and improving the economic and educational benefits of the members thereof, by elevating the status of military personnel generally and by developing and maintaining a system of military manpower procurement based on the free choice of the individual;

(2) involuntary service in the Armed Forces is a discriminatory tax-in-kind upon those persons required to serve because it falls upon a relatively small number of the total population;

(3) the military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system;

(4) a voluntary system should be instituted and given a fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower;

(5) the President, the Secretary of Defense, and the Secretaries of the military departments should exercise all authority available to them to promote the success of a voluntary system of meeting the military manpower needs of the Nation; and

(6) the Reserve forces should be maintained at adequate strength levels and should be better trained and equipped to meet emergency combat assignments.

CONTINUED REGISTRATION

SEC. . Notwithstanding the delimiting date specified in section 17(c) of the Military Selective Service Act of 1967, the President shall provide for the continued registration under such Act of all male persons in the United States between the ages of eighteen and twenty-six years in order that the involuntary induction of persons under such Act may be reinstituted without serious delay in the event the President determines pursuant to section 4 of this Act that such action is necessary and legislation authorizing conscription is enacted pursuant to such determination.

ACTION FOR REINSTITUTING CONSCRIPTION

SEC. . If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

CONGRESSIONAL DIRECTIVES RELATING TO THE IMPROVEMENT OF THE ARMED FORCES

SEC. . (a) The President, the Secretary of Defense, and the Secretaries of the military departments shall exercise the authority vested in them by law to provide for the military manpower needs of the Nation through a voluntary program of enlistments. In the exercise of such authority, the Secretaries of the military departments shall, under the direction and supervision of the Secretary of Defense, specifically provide for—

(1) the inducements necessary to take fullest advantage of career selection motivations in attracting persons to military careers;

(2) the improvement and expansion of the program for utilizing civilian personnel in lieu of military personnel for noncombatant services;

(3) the improvement and expansion of programs under which the education of specialists, such as doctors and dentists, is paid for by the Armed Forces in return for an obligated period of military service by the person receiving the educational assistance;

(4) the improvement and expansion of officer training programs, particularly programs to facilitate the qualifying and training of enlisted members who wish to become officers;

(5) the improvement and expansion of military recruiting programs;

(6) a more effective incentive program for recruiting personnel under which (A) successful recruiting personnel would be afforded the opportunity to earn extra pay or bonuses as well as accelerated promotions, and (B) quota systems would no longer be in effect; and

(7) the institution of any other appropriate actions designed to upgrade the conditions of military service and the status of military personnel generally.

(b) In implementing subsection (a)(2) of this section, relating to increased utilization of civilian personnel, the Secretary of Defense shall, as soon as practicable, (1) conduct a position-by-position analysis of all military jobs within the Department of Defense with a view to determining which jobs should be performed by military personnel and which should be performed by civilian personnel, and (2) develop accurate and current data for determining whether it is less expensive to have any such job performed by military or civilian personnel. The position-by-position analysis and the development of data required under this subsection shall be completed not later than eighteen months after the date of enactment of this Act.

(c) Not later than eighteen months after the date of enactment of this Act, the Secretary of Defense shall submit to the Congress a detailed report regarding the operation of the voluntary system of meeting the military manpower needs of the Nation and for the improvement of the Armed Forces, and shall include in such report such recommendations for legislation to improve such system as he deems appropriate.

INCREASE IN PAY RATES FOR MEMBERS OF THE UNIFORMED SERVICES

SEC. . The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a revised basic pay schedule for members of the uniformed services incorporating the increases in the basic pay of enlisted personnel and officers listed in the table below and such adjustments in the basic pay of other personnel as the Secretary deems necessary and appropriate to insure equitable pay differences between different grades.

	Enlisted personnel	Officer personnel
Years of service:		
1	$1,700	$1,504
2	1,544	2,031
3	804	1,142
4	727	----------
5	347	----------
6	344	----------
7	233	----------
8	344	----------
9–10	258	----------

SPECIAL PAY FOR PHYSICIANS, DENTISTS, AND VETERINARIANS MADE PERMANENT, INCREASE IN SPECIAL PAY FOR PHYSICIANS AND DENTISTS

SEC. . (a) Sections 302 and 302 of title 32, United States Code, are amended by striking out "and before July 1, 1971." each time it appears in such sections.

(b) Section 302(1) of such title is amended by deleting the comma after "1947" the second time such date appears therein.

(c) Section 302(b) of such title is amended to read as follows:

"(b) The amount of special pay to which an officer covered by subsection (a) of this section is entitled is—

"(1) $150 a month for each month of active duty if he has not completed two years of active duty in a category named in that subsection;

"(2) $200 a month for each month of active duty if he has completed two years of active duty in a category named in that subsection;

"(3) $450 a month for each month of active duty if he has completed three years of active duty in a category named in that subsection;

"(4) $600 a month for each month of active duty if he has completed four years of active duty in a category named in that subsection;

"(5) $750 a month for each month of active duty if he has completed five years of active duty in a category named in that subsection;

"(6) $900 a month for each month of active duty if he has completed six years of active duty in a category named in that subsection; or

"(7) $1,050 a month for each month of active duty if he has completed seven years of active duty in a category named in that subsection."

MORE EFFECTIVE USE OF PROFICIENCY PAY FOR ENLISTED MEMBERS

SEC. . (a) The Secretary of Defense shall, at the earliest practicable date, promulgate regulations under which the Armed Forces will increase the utilization of proficiency pay authorized by section 307 of title 37, United States Code, for the purpose of attracting and retaining enlisted members who are specially proficient in military skills.

(b) Section 307 of title 37, United States Code, is amended by redesignating subsection (d) as subsection (e) and inserting after subsection (c) a new subsection (d) as follows:

"(d) Proficiency pay under subsection (a)(1) or (a)(2) of this section shall be made available to enlisted members with critical skills after such members have satisfactorily completed their training in such skill. Proficiency pay under this section shall be paid to enlisted members who qualify therefor without regard to whether they are career members or not."

HOSTILE FIRE PAY INCREASE

SEC. . Section 310(a) of title 10, United States Code, is amended by striking out "$65" and inserting in lieu thereof "$200."

COMBAT ZONE PAY

SEC. . (a) Chapter 5 of title 37, United States Code, is amended by adding after section 310 a new section as follows:

"§ 310a. Special pay: duty in a combat zone

"(a) Except in time of war declared by Congress, and under regulations prescribed by the Secretary of Defense, a member of the uniformed services may be paid at the rate of $65 a month for any month in which he was entitled to basic pay and was serving in a combat zone.

"(b) A member may not be paid special pay under this section for any month for which he receives special pay under section 310 of this title, but may be paid special pay under this section in addition to any other

pay and allowances to which he may be entitled.

"(c) The provisions of section 310(c) of this title relating to determination of fact under that section shall apply in the case of the determination of fact under this section.

"(d) The Secretary of Defense shall report to the Congress by March 1 of each year on the administration of this section during the preceding calendar year.

"(e) As used in this section the term 'combat zone' means any area which the President by Executive order designates as an area in which Armed Forces of the United States are engaged in combat."

(b) The table of sections at the beginning of chapter 5 of such title is amended by inserting immediately below

"310. Special pay: duty subject to hostile fire."

the following:

"310a. Special pay: duty in a combat zone.".

EXTENSION OF TIME WITHIN WHICH REENLISTMENT BONUSES MAY BE PAID

SEC. . Section 308(a) of title 37, United States Code, is amended by striking out "within three months" and inserting in lieu thereof "within six months".

TRAVEL AND TRANSPORTATION ALLOWANCES AND DISLOCATION ALLOWANCES FOR ENLISTED MEMBERS IN LOWER GRADES

SEC. . (a) Section 406(a) of title 37, United States Code, is amended by inserting ", including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1," immediately after "A member of a uniformed service".

(b) Section 407(a) of such title is amended by striking out "uniformed service—" and inserting in lieu thereof "uniformed service, including a member in pay grade E–4 (four years or less service), E–3, E–2, or E–1—".

ENLISTMENTS AND DISCHARGES

SEC. . (a) Section 505(c) of title 10, United States Code, is amended to read as follows:

"(c) The Secretary concerned may accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, (1) of male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years. The Secretary concerned may accept an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be afforded such person would make a shorter enlistment period impracticable."

(b) Section 505(e) of such title is amended to read as follows:

"(e) The Secretary concerned may accept reenlistments in the Regular Army, Regular Navy, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be, for unspecified periods and for periods commensurate with the cost of any special education or training to be received by any member, as may be prescribed in regulations of the Secretary concerned. In no case shall the Secretary concerned specify a period of more than four years of obligated service because of special education or training to be received by any member."

(c) Section 509(a) of such title is amended by striking out "Under" and inserting in lieu thereof "Subject to the provisions of section 505(e) and".

(d) The Secretary of Defense shall promptly conduct a comprehensive study to determine the term of service which should be required of enlisted members who receive various types of special education or training programs. The Secretary concerned shall, on the basis of the conclusions reached in such study, prescribe by regulation the term of service required to be performed by enlisted members who receive special education or training.

(e) Section 1169 of such title is amended to read as follows:

"§ 1169. Regular enlisted members: limitations on discharged

"Any enlisted member who has completed his original period of enlistment and who has been reenlisted for an unspecified period shall be discharged upon written request, except that—

"(1) the Secretary concerned may refuse to grant a discharge during any period of war or national emergency;

"(2) a member shall be required to fulfill a term of service commensurate with the cost of any special education or training received by him, as prescribed in regulations of the Secretary concerned;

"(3) the Secretary concerned may refuse to grant a discharge to any enlisted member who has been assigned to sea duty or duty outside the United States; or

"(4) as otherwise provided by law."

RESERVE OFFICER TRAINING CORPS SCHOLARSHIP PROGRAM INCREASE

SEC. . Section 2107(h) of title 10, United States Code, is amended to read as follows:

"(h) Not more than the following number of cadets and midshipmen may be in the financial assistance programs under this section at any one time:

"Army program: 10,000

"Navy program: 10,000

"Air Force program: 10,000."

GREATER UTILIZATION OF CIVILIAN MEDICAL FACILITIES AND PERSONNEL

SEC. . (a) The Secretary of Defense shall, as soon as practicable after the date of enactment of this Act, formulate plans for utilization, to the maximum extent practicable, of civilian medical facilities and personnel to serve the medical needs of military personnel and their dependents. In formulating such plans the Secretary shall give consideration to more extensive use of a medical insurance program for retired personnel and their dependents and for the dependents of active duty personnel.

(b) The Secretary of Defense shall submit to the Congress the plans formulated pursuant to this section not more than nine months after the date of enactment of this Act, together with such recommendations for legislation as may be necessary to effectuate such plans.

FORMULATION OF NEW SALARY STRUCTURE FOR THE UNIFORMED SERVICES

SEC. . (a) The Secretary of Defense shall formulate as soon as practicable after the date of enactment of this Act a new pay structure for the uniformed services. Such pay structure shall—

(1) provide salary schedule of pay which combine basic pay rates and present allowances for quarters and subsistence;

(2) provide for cash contributions to a retirement system similar to the civil service retirement system provided for Federal civilian employees; and

(3) take into account the amount lost as the result of the termination of separate allowances for quarters and subsistence and the amount which will be contributed to a retirement system, including the loss of any tax advantage realized under current law.

The Secretary is authorized to include such other features in any new pay structure as he determines necessary or appropriate to make such pay structure fair and equitable and to attract qualified personnel to the uniformed services.

(b) The Secretary of Defense shall submit to the Congress the new pay structure formulated by him pursuant to this section not later than nine months after the date of enactment of this Act.

EFFECTIVE DATE

SEC. . This Act shall became effective upon the date of enactment, except that sections 6, 7, 8, 9, and 10 shall become effective on the first day of the first calendar month in which this Act is enacted.

Mr. MANSFIELD. Mr. President, I yield to the chairman of the committee.

Mr. STENNIS. Mr. President, concerning the unanimous-consent request, reserving the right to object, and I do not expect to object, as the Senator from Mississippi understands now—and I repeat that I would not favor any motion that would cut off this agreed time of debate and thereby preclude either side from making arguments—when that time has expired the amendment of the Senator from Oregon would be subject to any motion, and that includes a motion to table or any other motion that is allowed by the rules.

Mr. MANSFIELD. Absolutely.

Mr. STENNIS. Does the Chair so rule?

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The Chair rules that a motion to table would then be in order at the expiration of all time on the amendment.

Mr. STENNIS. My inquiry was: Would any other motion making disposition of the amendment be in order, such as a motion to commit to a committee or any other motion that is permitted under the rules of the Senate.

The PRESIDING OFFICER. The Chair will state, in view of the fact that no specific time has been included in the request to vote on the amendment, any other motion under the rules would be in order.

Mr. MANSFIELD. It is so stated in the unanimous-consent request.

Mr. STENNIS. If I understand correctly, this agreement has no time to vote on the amendment.

The PRESIDING OFFICER. The Senator is correct. No motion under rule XXII would be ruled out by the agreement.

Mr. STENNIS. I have no objection to the agreement. In fact, I welcome it.

The PRESIDING OFFICER. Without objection, the unanimous-consent agreement is entered.

Mr. MANSFIELD. Mr. President, I wish to express deepest thanks for the consideration, courtesy, and kindness of the distinguished Senator from Oregon, who has been delayed. I think the delay has been well worthwhile.

I again call to the attention of the Senate that in all probability the appropriation bill for State, Justice, Commerce, and the judiciary will be called up later this afternoon.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. EAGLETON). Under the previous order, the Senator from Oregon is recognized for 1 hour.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. PACKWOOD. I yield.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the unfinished business be laid aside tempo-

rarily until the special orders for recognition have been concluded and until a period for the transaction of routine morning business, with statements limited therein, has been concluded.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

THE ABOLISHMENT OF THE SENATE SENIORITY SYSTEM

Mr. PACKWOOD. Mr. President, I am today circulating for cosponsorship, and will later introduce as an amendment to one of the two legislative reorganization bills presently before the Congress—either S. 844 or H.R. 17654—to abolish the Senate seniority system.

Under the provisions of this amendment, Mr. President, the chairman of each standing committee of the Senate will be elected by the members of that committee who are of majority party. The ranking minority member will be elected by the members of that committee who are of the minority party.

Mr. President, I know it is going to be alleged that this is a startling and abrupt change in our Senate procedures and it should not be done hastily. But for 125 years we have lived under the seniority system and most fair evaluators of it have found it wanting. Mr. President, the seniority system as we presently use it has caused Congress to be a laughing stock among the public. I am merely asking that we experiment with something new. If it does not work we can alter it, or if the Senate desires, we can go back to the seniority system. Nothing will be lost by trying something new.

Defenders of the seniority system assert that in spite of its frailties, it is the best system that has yet been devised to select committee chairmen. I cannot agree.

In this age of crisis, Government must be flexible to meet new challenges. The world is moving at a dizzy pace. Emergencies are omnipresent. Everything is changing.

Yet, the rule of seniority is the direct antithesis of this. It is rigid, inflexible and unyielding. Through seniority, an isolationist may head the Foreign Relations Committee during a period of great internationalism or a foe of conservation may become the chairman of the committee charged with protecting America's dwindling supply of natural resources.

George Haynes, the distinguished historian of the Senate, underscored the repressive rigidity of the seniority system when he wrote:

> Servile compliance with the seniority rule involves gamblers' chances. It is a limited appeal to the lot. It implies merely duration of service on the committee—not in the least does it guarantee superior ability or fitness for leadership.

One thing, however, that must be said for the seniority system is that it is wholly nondiscriminatory. Under it, the sick get the same consideration for committee chairmanships as the healthy, the dull the same opportunity as the intelligent, and the wicked the same advantage as the noble. The late Senator Estes Kefauver offered a dramatic illustration some years ago when he wrote:

> On the Senate side, few, if any members had a record of more distinguished public service than the late Senator Carter Glass of Virginia. It is nevertheless true that he retained his important post as chairman of the Senate Appropriations Committee although physically unable even to attend a session of the Senate, or of his committee, for more than three years. (Estes Kefauver and Jack Levin, A Twentieth-Century Congress, P. 135.)

My point is not that able men do not rise to committee chairmanships through the seniority system. They do. Some of the ablest committee chairmen in the history of the Republic serve in this body today. But under the seniority system, their qualifications are secondary to their seniority.

Specifically, the seniority system has a host of crippling flaws:

First. It is undemocratic.

Second. It has no relation to competency.

Third. Seniority can—and has—produced chairmen who are unrepresentative of the times.

Fourth. It rewards those States with one-party systems and, conversely, penalizes States in which two dynamic and equally matched political parties fight it out at the ballot box.

UNDEMOCRATIC

In a Nation dedicated to democratic ideals, it is an anomaly for the Senate to elevate men to key positions of leadership without regard to any qualification except length of service. Even the law of the jungle operates on the principle of survival of the fittest. Congress operates only on the principal of survival, period.

The seniority system denies competent men a chance to exercise their leadership talents at the time of life when they are most able to meet the rigors of the job. The present selection system is tragically wasteful and inefficient in this regard.

NO RELATION TO COMPETENCY

The seniority rule defies commonsense. It rewards neither ability nor party loyalty but only longevity. There is no relationship between the ability to be elected over and over again and the qualifications and ability needed to head a Senate committee.

I agree with Arthur Krock, who wrote in the New York Times of May 6, 1943:

> A new member, or even one who has served two or three terms, may be ideally constituted for an important chairmanship. But by the workings of the seniority system he will find himself near the bottom of the list, subject to the committee power of a man of far less competence.

It is illogical to assume that the man longest in service on a committee is therefore automatically the most qualified to be chairman. In many cases, the committee member with the longest service on a committee is the most qualified to be chairman. But it is illogical to say that a Senator should be a committee chairman just because of his seniority. Long service does not necessarily produce expertise. Natural ability, devoted interest, and detailed study do.

Despite the alleged harmony which seniority is said to achieve, it can—and has—been carried to absurd lengths. For instance, once a Senator leaves the Senate, by defeat or choice, he loses all of his accumulated seniority, and if again elected, he must start out at the bottom.

Three spectacular examples of canceling seniority serve to dramatize this point. One was the case of Senator John Sherman of Ohio, who entered the Senate in 1861 and in time became chairman of the Finance Committee. In 1877, Sherman resigned his seat to become Secretary of the Treasury in the Cabinet of President Hayes. But when Sherman returned to the Senate in 1881, he was placed last on the Finance Committee.

Another example of the same situation was the case of Senator Alben Barkley of Kentucky. First elected to the Senate in 1926, Barkley became a member of the Finance Committee and ultimately served as one of its senior members. Then, after serving 4 years as Vice President of the United States under President Truman, he returned to the Senate and was reappointed to the Finance Committee in 1955, where he was last in rank.

More recently, the same is true of our colleague, the junior Senator from Arizona (Mr. GOLDWATER). Senator GOLDWATER, who was first elected to the Senate in 1952, was the second ranking minority member of the Armed Services Committee when he retired to run for the Presidency in 1964. Today, the distinguished Senator from Arizona is second from the bottom.

CHAIRMAN UNREPRESENTATIVE OF THE TIMES

At a time when other American institutions are turning over the reins of leadership to younger men, the chairmen of Senate committees are more deeply entrenched than ever before.

One hundred years ago, the average age of a Senator was 50.6; today the average age is 56.6. Not really so great a difference. But 100 years ago the average age of a committee chairman was 53.7 and today it is 65.4.

One hundred years ago, a committee chairman had served an average of 6.8 years in the Senate. Today the average Senate committee chairman has served 20.9 years.

Mr. President, I ask unanimous consent that there be inserted at this point in the RECORD a table which compares the age distribution of Senate committee chairmen in 1870 and 1970.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

AGE DISTRIBUTION OF SENATE COMMITTEE CHAIRMEN

Age range	Number	Percent
1870		
40 to 49	9	34.6
50 to 59	13	50.0
60 to 69	3	11.5
70 to 79	1	3.9
1970		
40 to 49	1	6.225
50 to 59	3	18.75
60 to 69	6	37.50
70 to 79	6	37.50

Source: Congressional Directory 1870; Congressional Directory 1970; and Biographical Directory of the American Congress.

Mr. PACKWOOD. Mr. President, this table shows that while 84.6 percent—or 22—of the Senate's committee chairmen were between 40 and 60 years old in 1870, only 25 percent—or four—were between 40 and 60 in 1970. Instead, in 1970, 75 percent—or 12—committee chairmen were between 60 and 80 years old; while in 1870 only 15.5 percent—or four—committee chairmen were between 60 and 80 years old.

As I indicated, the average age of Senate committee leaders is 65.4. In private business the usual age for retirement is 65. If the retirement rules of private business were followed by the Senate, all but four of the 16 Senate committee chairmen would be forced to retire.

Congress has itself passed rules requiring civil servants to step down at age 70. But if the Senate followed the rules it laid down for others, six committee chairmen would have to retire. Only Congress has institutionalized age and length of service.

Mr. President, let us look at the executive branch for a moment. In the executive branch, the average age of Cabinet members on taking office under President Nixon was 55.7 years. Mr. President, I ask unanimous consent that there be inserted at this point in the RECORD an analysis of the ages of the members of President Nixon's Cabinet.

There being no objection, the analysis was ordered to be printed in the RECORD, as follows:

CABINET AGES

HUD, Romney, July 8, 1907, 63.
Commerce, Stans, March 22, 1908, 62.
HEW, Richardson, July 20, 1920, 50.
Labor, Hodgson, December 3, 1915, 54.
Agriculture, Hardin, October 9, 1915, 54.
State, Rogers, June 23, 1913, 57.
Treasury, Kennedy, July 21, 1905, 65.
Defense, Laird, September 1, 1922, 47.
Justice, Mitchell, September 5, 1913, 56.
Post Office, Blount, February 1, 1921, 49.
Interior, Hickel, August 18, 1919, 50.
Transportation, Volpe, December 8, 1908, 61.
Average Age: 55.7 years.
(SOURCE.—Congressional Directory 1970.)

Mr. PACKWOOD. Under President Johnson, it was 50. And under President Kennedy it was 48. While in the Senate, the average age of committee chairmen is 65.4.

SENIORITY REWARDS ONE-PARTY STATES

The Senate's seniority system allows some States which regularly reelect Senators to be overrepresented as far as actual power and influence in national affairs are concerned. On the other hand, States which are more sensitive to political change and switch from one party to the other may not elect members to a sufficient number of consecutive terms for them to receive chairmanships.

Implicit in this analysis is the fact that those States where the two parties are more closely matched politically—as New York, Illinois, California, Pennsylvania—have not held major Senate committee chairmanships for a considerable number of years, despite their vast populations and their importance to the Nation's economy. I can think of no more compelling reason for modifying the seniority rule than the manner in which seniority must inevitably discriminate against great two-party States such as these.

Mr. President, admittedly, my knowledge of the seniority system was slight when I first came to this Congress. My only previous legislative experience had been that of serving in the Oregon Legislature. In the Oregon Legislature, committee chairmen are picked by the majority leader on the basis of merit and ability rather than seniority. This system worked well in Oregon. I was resolved, however, to say nothing about the seniority system until I had had a chance to both study it and serve under it. Unfortunately, studying it was easier said than done because there has always been more heat than light spread upon this problem in the past.

Mr. President, I shall limit my comments to the Senate, although I feel the pros and cons of the seniority system would apply equally to either House. Now, Mr. President, regardless of the merits or demerits of the seniority system, one thing is obvious: The seniority system favors those who are elected to Congress at a young age and continue to be reelected. The chairmen of the standing committees in the Senate today served an average of over two terms before obtaining their chairmanship. That is an average, and many able men had to wait much longer to achieve chairmanships.

Mr. President, I ask unanimous consent that there be inserted in the RECORD at this point a table showing the length of service of the present standing committee chairmen of the Senate at the time they achieved their chairmanships.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

Committee chairman	Age when become chairman	Year began service	Year he assumed the chair	Average year served before attaining chairmanship
Anderson	66	1949	1961	12
Ellender	61	1937	1951	14
Russell	54	1933	1951	18
Stennis	68	1947	1969	22
Sparkman	68	1946	1967	21
Magnuson	50	1944	1955	11
Tydings	41	1965	1969	4
Long	48	1948	1966	18
Fulbright	50	1945	1955	10
McClellan	53	1943	1949	6
Jackson	51	1953	1963	10
Eastland	52	1943	1956	13
Yarborough	66	1957	1969	12
McGee	54	1959	1969	10
Randolph	64	1958	1966	8
Jordan	67	1958	1963	5

Average years served before attaining chairmanship: 12.125.

Source: Congressional Quarterly.

Mr. PACKWOOD. Therefore, Mr. President, those who are elected to the Senate at the age of 50 or over are playing hide-and-seek with the standard insurance mortality tables as to whether or not they will ever chair a significant committee in this body. On the other hand, those elected at age 50 or under may have the good fortune to chair a committee. Certainly those elected in their 30's or early 40's can, by virtue of the simple fact that they were first elected to the Senate at a young age, propel themselves to power by the sole expedient of being reelected. Having been elected myself to the Senate at the age of 36, I will, if the voters of Oregon reelect me, by virtue of seniority alone, find myself eventually elevated to a committee chairmanship at a younger age than that at which many of my distinguished colleagues are elected for the first time.

The obligation of a U.S. Senator, however, runs deeper than personal advantage. As U.S. Senators, our obligations run to all of the people of this country. It is incumbent upon us to attempt to govern, with their consent, in the most expedient and intelligent way possible. Thus, with some misgivings about even questioning this system that would favor me, I started to look into the background and antecedents of the seniority system.

The first place to look, of course, was at Congress in its days of infancy. How did the Founding Fathers of this country view the seniority system? After all, the early leaders of the Congress of this country were the very people who had carried us through a revolution with Britain and fashioned the American Constitution, which Gladstone called "the most wonderful work ever struck off at a given time by the brain and purpose of man." These were indeed the giants of our history. If they could fashion a U.S. Constitution that has governed us well for so many years, would there be anything we could learn from their method of organizing the Senate of the United States?

Mr. President, at this point I ask unanimous consent to have printed in the RECORD a breakdown I have prepared showing the method by which Senate committees and their chairmen were selected from 1789 to 1846.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

SELECTION OF SENATE COMMITTEES

(NOTE.—The term Presiding Officer refers to either the Vice President or the President Pro Tempore depending on the practice of the Senate at the time as to who presided at the time committees were appointed.)

1789–1823: Elected by ballot.

1823–1826: Appointed by the Presiding Officer.

1826–1828: Elected by ballot.

1828–1833: Appointed by President Pro Tempore (President Pro Tempore specifically designated so as to insure that the Vice President—as Presiding Officer—would not appoint committees).

1833–1837: Elected by ballot.

1837–1841: Appointed by Presiding Officer.

1841–1845: Appointed by the President Pro Tempore as Presiding Officer. (Because of death of President William Henry Harrison, Vice President John Tyler succeeded to the Presidency, leaving the Vice Presidency vacant from 1841–1845).

1845: Appointed by Vice President as Presiding Officer in March; elected by ballot of the Senate in December.

1846: Caucus (Beginning of the Senate seniority system).

SELECTION OF SENATE COMMITTEE CHAIRMEN

1789—1823.—The Senator having the greatest number of votes is first named and, as such, is Chairman.

1823–1826: Presiding Officer namer Chairman.

1826–1828: Elected by separate ballot of the Senate (Ezekiel Chambers Rule).

1828–1833: President Pro Tempore appointed Chairman. (President Pro Tempore specifically designated so as to insure that the Vice President—as Presiding Officer—would not appoint committee chairmen.

1833–1837: Elected by separate ballot of the Senate as in 1826.

1837–1841: Appointed by the Presiding Officer.

1841–1845: Appointed by the President Pro Tempore, as Presiding Officer (Because of the death of President William Henry Harrison, Vice President John Tyler succeeded to the Presidency, leaving the Vice Presidency vacant from 1841 to 1845.)

1845: Appointed by Vice President or Presiding Officer in March; elected in December.

1846: Selected by caucus (Beginning of the seniority system).

Mr. PACKWOOD. Before even considering, however, how committee members or committee chairmen were selected, the first thing we learn is that from the time of the first Congress in 1789 until 1816 there were no standing legislative committees at all in the Senate. Pending legislation was scrutinized instead by select committees named as the occasion for such service arose. These select committees were abolished after finishing work on the problem or legislation submitted to them.

One of the first 19 rules adopted by the Senate in 1789 provided:

> All committees shall be appointed by ballot, and a plurality of votes should make a choice.

However, during this entire period of select committees, the rules made no specific provision for committee chairmen.

In his monumental study of the Senate, the distinguished historian George Haynes noted that in the tentative draft apparently prepared by Senator William Maclay of Pennsylvania for the consideration of the committee which framed the Senate's first code of rules, adopted in April 1789, it was stipulated that each committee's chairman "shall be the Senator from the most northerly State of those from which the committee is taken." Fortunately, this outlandish proposal never found its way into the rules.

My study of the early Senate Journals has revealed that while no specific method for selecting committee chairmen was mentioned in the rules, it was the practice when the commitees were elected to designate as chairman the man receiving the most votes. This is confirmed by John Quincy Adams, who served in the Senate from 1803 to 1808 and was later Secretary of State and President, when he said of the practice of the Senate while he served in it:

> The member having the greastest number of votes is first named, and as such is chairman. (Memoirs 1, page 482).

For example, on November 3, 1803, a committee was appointed to study an appropriations bill to effect the Treaty of Amity and Commerce between the United States and England. John Quincy Adams, whose Senate service began in 1803, was chairman. The two other members of the committee were Uriah Tracy of Connecticut, who had been a Senator since 1796, and Abraham Baldwin, who had served since 1799. By the standard of seniority, John Quincy Adams would not have been chairman.

On December 4, 1805, a committee was formed to study additional naval appropriations for 1805. The chairman, Senator Samuel L. Mitchell of New York, had served in the Senate since November 8, 1804, while the two other members of the committee—Senator Stephen R. Bradley of Vermont and Senator Thomas Sumter of South Carolina—both came to the Senate in 1801.

Mr. President, even after the Senate changed from its system of select committees to standing committees, the early Senate Journals reveal that seniority was not a factor in the selection of committee chairmen.

For example, Mr. President, in 1823, when chairmen were appointed by the President pro tempore—as the Presiding Officer—a freshman Senator was named chairman of the powerful Military Affairs Committee. This freshman Senator had less seniority than every other member of the committee, but his unique background and ability were considered more important. His name was Andrew Jackson.

In 1834, when committee chairmen were elected by ballot of the Senate, Henry Clay became chairman of the prestigious Committee on Foreign Relations, though he was only the third-ranking member of the committee.

In 1837, when the committees were appointed by the Vice President as Presiding Officer, an outstanding young Senator from Pennsylvania, James Buchanan, later to be President of the United States, was named chairman of the Committee on Foreign Relations. He was outranked by three of the other four members of the committee: Senator William King of Alabama, a Senator since 1819; Senator Henry Clay of Kentucky, who came to the Senate in 1831, and Senator Nathaniel Tallmadge of New York, who was elected in 1833.

Mr. President, in 1841, when the committee chairmen were appointed by the President pro tempore—as Presiding Officer—out of the 16 standing committee chairmen, seven were freshmen Senators, four had been in the Senate only 1 year, and two had been Senators for only 2 years. Only two committee chairmen had served more than 4 years.

Mr. President, as I have previously indicated, the Senate abandoned the system of select committees in 1816 and went instead to a system of standing committees. However, the Senate continued to elect its committee chairmen and members until December 9, 1823. On that day Senator John Eaton of Tennessee proposed that the chairmen of the five most important committees be chosen by ballot and that these five men be given the power to fill up their own committees and to select the members of all remaining committees. However, the Senate rejected Eaton's proposal and adopted instead an amendment to the rules that all committees "shall be appointed by the Presiding Officer"—who was always either the Vice President or the President pro tempore—"of this House unless otherwise ordered by the Senate."

Initially, the phrase "Presiding Officer" presented no difficulty as Vice President Daniel Tompkins is said to have entered the Senate Chamber hardly once during the last 3 years of his term—and committee appointments therefore devolved upon the President pro tempore, John Gaillard.

The next Vice President, though, was John Calhoun. Contrary to precedent, Calhoun took the chair on the opening day of the 19th Congress and—as Presiding Officer—appointed the committee chairmen and members with such blatant bias that 4 months later, on April 14, 1826, the Senate, with hardly a dissenting vote, took the appointment of committee chairmen and members away from the Presiding Officer, be he the Vice President or the President pro tempore, and restored choice by Senate ballot as it had existed from 1789 to 1823.

In 1826 the Senate again slightly changed its procedure. On December 8 of that year, on the motion of Senator Ezekiel Chambers of Maryland, the Senate divided the election of chairmen from the election of members. It was provided that the chairman of each committee would be selected on a separate ballot by majority vote and the other members of the committee would be selected on another ballot by plurality vote.

On December 24, 1828, the rule regarding the appointment of committees was changed again, this time to provide for the appointment of committee chairman and members by the President pro tempore. It was further provided, if there should be no President pro tempore, that appointment should be made by ballot, in accordance with the rule of 1826.

The 1830's were marked by the birth of two dynamic political parties. Early in the decade a cleavage developed in the Senate based on these two parties. While there had been factions and loose coalitions in the Senate prior to this time, this period ushered in the two-party system as we know it today. And, though the cleavage was not completed until the end of Andrew Jackson's administration in 1837, it was unmistakable by 1833, and in that year an unforeseen contigency arose.

Under the rule, as it had stood for the previous 5 years, the committees would be appointed by Senator Hugh White of Tennessee, elected President pro tempore at the previous session. But, the November election had placed his party in the minority in the Senate. Hence, the 1826 rule by which committee chairmen and members were selected by separate ballot was restored, and so remained until 1837.

Between 1833 and 1837, however, a difficulty that frequently arose from the

election of members by plurality balloting was that the Senator heading the list might be of the party opposed to that of the chairman who had just been elected by majority vote on a separate ballot. To remedy this situation, after all committee chairmen and members had been elected by ballot in compliance with the rules, it was frequently voted that the committee members be "arranged" in accordance with a schedule presented by the mover, the object being to secure succession to the chairmanship of the committee on the basis of party in case of the chairman's absence or withdrawal.

By 1837 frequent and continual balloting was becoming a nuisance and an inconvenience. Thus, in that year, after four chairmen had been elected, Henry Clay moved, and it was agreed to by unanimous consent, that the other appointments be made by the Presiding Officer. This gave the task to Vice President Richard M. Johnson. At the beginning of the regular session 3 months later the power to appoint committee chairmen and members was again placed in his hands. It thereafter became customary, by unanimous consent, to suspend the rule requiring the ballot and to authorize the appointment of the committees by the Presiding Officer. Therefore Vice President Johnson continued this task until 1841.

In 1841, William Henry Harrison, who had been elected President in 1840, died and John Tyler became President. Therefore, there was no Vice President from 1841 to 1845 and committee appointments were made by the President pro tempore.

At a brief 16-day session of the Senate in March 1845, the newly inaugurated Vice President, George M. Dallas, as Presiding Officer, named the committees, but when that Congress convened for its first regular session the following December, Senator Thomas Hart Benton with three other Democrats joined the Whigs in defeating by a single vote a motion that the committee appointment be made by the Vice President, and the Senate proceeded to ballot for the entire list of names, which later had to be "arranged." At the next session, the same issue was raised, and again the Senate defeated a motion to authorize the appointment of committees by the Vice President.

It was not until the first 10 days of the second session of the 29th Congress, December 7 to 17, 1846, that the seniority system in the U.S. Senate was born. After defeating a motion to entrust the appointment of committees to the Vice President, the Senate began balloting for chairmen—in accordance with the rule of 1826. After the chairmen of six committees had been elected, there developed a long debate over the method of choosing the other chairmen and all committee members.

The Democratic floor leader then presented motions which arranged by seniority the names of committee members and safeguarded the majority's succession to chairmanships which might become vacant. After several committees had been filled by this method, the Senate proceeded to elect upon one ballot a list of candidates to fill the vacancies on all of the remaining committees. This list gave to each committee thus filled its chairman and the majority of its members from the same party which held a majority in the Senate.

Mr. President, the Senate in 1846 did not "back into" the seniority system for any of the high-sounding reasons advanced by its defenders today for its retention.

Instead, the Senate turned to the seniority system over a century and a quarter ago in desperation. The Senate was tired of balloting for weeks to choose chairmen and fill the committees. It distrusted the Vice President. It wanted to assure that members of the majority party would be in line for succession to the chairmanship in case of the chairman's absence or withdrawal.

The seniority system enabled the parties to rapidly organize the Senate and assured succession to the chairmanship on the basis of party loyalty.

From that day to this, the appointment of Senate committees—in most cases—has been a perfunctory affair. By unanimous consent the rules requiring election of the chairmen on one ballot and the committee members on another ballot have been suspended and the election has taken place by acceptance of a resolution for the adoption of a list of committee assignments which has been drawn up by the Republican and Democratic caucuses. The general rule is that the Senator of the majority party with the longest continuous service on each committee is named chairman.

It will thus be seen that from 1789 to 1846 committee chairmen were selected in a variety of ways. Sometimes they were elected by ballot. At other times they were picked by the presiding officer, be he the Vice President or the President pro tempore. Regardless of whether the chairman was elected or appointed, however, there was always one striking consistency: The committee chairmen were not picked on the basis of seniority. In addition, the committee members themselves, no matter whether they were elected by their fellow members or selected or appointed in some other method, were selected on some basis other than seniority. It is obvious, then, that our forefathers eschewed the seniority system and instead preferred electing or appointing their committee chairmen and committee members on a basis other than that of seniority.

Mr. President, it is said in defense of the seniority system that it avoids intraparty fighting, that the Senate does not waste its time in petty party bickering over who should be chairman, and that it automatically promotes a man of experience and expertise. If this is true, why not apply the same criteria to the election of our majority and minority leaders and majority and minority whips? If they were selected on the basis of seniority, then we could avoid the petty internal party fighting, we could select men of experience, and so forth.

Yet we reject the seniority system in the selection of our own party and floor leaders. Why, then, must we use it in the selection of our committee chairmen? Why should we not measure prospective committee chairmen by the same yardstick we measure prospective party leaders?

Again, it is instructive to learn from our country's founders. Not only did they reject the seniority system as a method of picking committee chairmen and committee members; they also rejected it as a method of picking their party leaders and presiding officers. No better example of this can be found than Henry Clay.

Clay was elected to the U.S. Senate on January 4, 1810, to fill the vacancy caused by the resignation of Senator Buckner Thruston. He found the Senate, however, to be a moribund and dull place and in the election of 1810 he ran for the U.S. House of Representatives and was elected. In 1811, Henry Clay was elected Speaker of the House of Representatives on his first day as a Representative.

By the standard of seniority the 34-year-old Clay would have gone unnoticed for decades, but because of his towering prestige and limitless ability his colleagues chose him immediately upon election as their leader in the House of Representatives.

One of Clay's biographers later wrote:

> So unexpected was this upset of precedent that the new speaker was at first confused with Matthew Clay (his distant relative), the veteran Virginia Representative. But the country was soon informed that the man selected was young Mr. Clay of Kentucky, formerly of the Senate; a new man but capable and accustomed to legislation; a proper man at this crisis to conduct public business with dignity and dispatch. (Henry Clay by Bernard Mayo, P. 403).

Clay became Speaker because, though he was short on seniority, he was long on ability. And, far from being a failure—because of his youth and lack of seniority—history records that—

> Henry Clay . . . became one of the best and most powerful speakers that the House of Representatives has ever had. When he assumed the office in 1811 the Speaker was little more than a presiding officer. But Clay made the position one of party leadership and by his precedents immeasurably strengthened the office. Six times he was elected speaker and never was his election seriously contested.
>
> He was the boldest and most decisive, perhaps, of the long line of Speakers of the House of Representatives. (Henry Clay and the Art of American Politics by Clement Eaton, pp. 22–23.)

Although Henry Clay was elected as Speaker of the House, all evidence indicates that in the election of Senate leadership, seniority has never been a factor in the selection of Senate leaders. Reviewing just the last half century, it will be noted that there has not been a single majority or minority leader or majority or minority whip who was the ranking member of his party at the time of his election, with the exception of Styles Bridges, who was elected as minority leader in 1952. This is stark and clear evidence that in the selection of party leaders we in the Senate pay no

attention to seniority but instead pick our leaders on the basis of ability. Why do we adhere to the wisdom of our forefathers in rejecting the criteria of seniority in picking our party and floor leaders, and yet persist in selecting committee chairmen on the basis of seniority, a method which our forefathers so assiduously avoided?

As I have previously detailed, Mr. President, the birth of the seniority system in 1846 in the Senate, was a matter of convenience because of the exigencies of the time. It obviously was not intended by the proponents in 1846 as the be-all and the end-all of congressional organization. One would think that there must be some stronger force binding the supporters of seniority than historical accident. It might, therefore, be wise to examine the governing parliamentary bodies of other countries of the world.

We should look first at Great Britain. After all, our legal and political traditions are much fashioned from that country. Let us examine how Great Britain and her fellow Commonwealth countries select their committee chairmen.

The parliamentary organization and practice of the 17 countries that compose the British Commonwealth are modeled on that of the Mother of Parliaments: the English House of Commons. Committee chairmen in the British House of Commons are appointed by the Speaker, they are not selected on the basis of seniority, and this is true in all countries of the British Commonwealth.

Mr. President, I ask unanimous consent that a study on the selection of committee chairmen in Great Britain and the countries of the British Commonwealth be printed at this point in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

APPOINTMENT OF COMMITTEE CHAIRMEN IN THE PARLIAMENTS OF THE BRITISH COMMONWEALTH

(Prepared by the Legislative Reference Service (Library of Congress), March 3, 1959)

The parliamentary organization and practice of the seventeen countries that compose the British Commonwealth are modeled on that of the Mother of Parliaments: the English House of Commons.

The practice of the House of Commons at Westminster as regards the appointment of the chairmen of standing committees is described as follows by Sir Thomas Erskine May in the fifteenth edition (1950) of his famous *Treatise on the Law, Privileges, Proceedings, and Usage of Parliament*, at page 628:

"Chairmen of standing committees.—The chairman of each standing committee is appointed by the Speaker from a panel consisting of not less than ten Members nominated by him at the commencement (d) of every session to act as temporary chairmen of Committees of the whole House when requested by the Chairman of Ways and Means (see p. 240), together with the Chairman of Ways and Means and the Deputy Chairman (S.O.s No. 62(1) and 96(4)). The Speaker is given power to change the chairman so appointed from time to time (S.O. No. 62(2)). Any member of a standing committee may act as temporary chairman, at the request of the chairman of the committee, for not more than a quarter of an hour, but without the powers granted by S.O. No. 57(5) (S.O. No. 62 (4).

"The Chairmen's Panel, of whom three are a quorum, settle points of procedure which are not covered by the rules of the House, and are empowered to report to the House from time to time any resolutions they may came to on matters of procedure relating to standing committees (S.O. No. 62(3)). Such resolutions relating to standing committee procedure have been reported each session, *e.g.* C.J. (1937–38) 19; *ibid.* (1938–39) 25; *ibid.* (1947–48) 51; *ibid.* (1948–49) 24."

Mr. PACKWOOD. Having realized then that there is nothing in our Anglo-Saxon traditions attesting to traditional usage of the seniority system it might be worthwhile to look at other free countries in the world.

A report of the Interparliamentary Union on Parliamentary Committees, based on replies to a questionnaire received from members of the union, indicates that the general practice in the 57 parliaments that are members of the Interparliamentary Union is for the chairmen of their committees to be elected by the committee members themselves.

Mr. President, I ask unanimous consent that a Library of Congress study on the selection of committee chairmen in foreign parliaments be printed in the RECORD.

There being no objection, the study was ordered to be printed in the RECORD, as follows:

SELECTION OF COMMITTEE CHAIRMEN IN FOREIGN PARLIAMENTS

(Prepared by the Legislative Reference Service (Library of Congress), March 3, 1959)

A report of the Interparliamentary Union on *Parliamentary Committees*, based on replies to a questionnaire received from members of the Union, indicates that the general practice in the 57 Parliaments that are members of the IPU is for the chairmen of their committees to be elected by the committees themselves. The following quotations from the report describes the departures from this general rule.[1]

Chairmen of Committees are elected by the Committee themselves. They take part in the deliberations of the Committee.

The following are departures from this general rule:—

In the *House of Commons:*

(a) the Chairman of Committees of the whole House, the Standing Orders Committee (1) and Unopposed Bill Committees, is the Chairman of Ways and Means (Deputy Speaker) of the House: these are the only Committees of which he is a Member.

(b) Chairmen of Standing Committees are appointed from a list by the Speaker.

(c) Chairmen of Committees on opposed private bills are appointed by the Committee of Selection.

In the *Netherlands Chamber*, the Chairman of the Committee on Foreign Affairs and the Credentials Committee is the President of the Chamber.

Chairmen of Committees in the *Bundestug* are allotted proportionally among the parties. The number of Chairmen of Committees allotted to a parliamentary party corresponds to the number of Members of the different parliamentary parties (Hondt's system). Chairmen of different Committees are nominated by parliamentary parties on the basis of agreement between the parties. The Chairman is then formally elected in Committee. Up to the present, the Chairmen proposed by the parliamentary parties have always been elected. They do not take part in the deliberation of the Committee.

In the *Federal Swiss Assembly* the Bureau nominates the Chairmen of Committees, but the Committee on Finance nominates its own Chairman; he takes part in the deliberations of the Committee and has a casting vote.

In the *Belgian House of Representatives* permanent Committees are chaired by the President of the House, or by one of the Vice-Presidents of the House designated by him. They take no part in the deliberations of the Committee. Special Committees appoint their own Chairmen. They take part in the deliberations.

In other parliaments modelled on the British system, a distinction must be drawn between the Committee of the whole House and Committees with a permanent character set up to consider bills. In the first, the chairmanship is held, generally speaking, by the Speaker or Deputy Speaker of the House: in the second, the Chairman is appointed by election in the Committee itself.

However, in *Ireland*, the Assembly itself may appoint a member of the Committee as Chairman. This is also the practice in the *Congress of the United States* (where the oldest member is often elected). The President of the Assembly normally appoints the Chairmen of temporary Committees.

In the *Australian Senate* the Speaker of the House presides over three of the six Committees which deal with domestic matters. Besides belonging to these Committees he may be a Member of other Committees of which he then acts as Chairman.

An analogous position exists in the *Lok Sabha* where the Chairmen of Committees are appointed by the President of the Assembly. If the Vice-President is a Member of a Committee, he invariably becomes Chairman.

In the *Constituent Assembly of Pakistan*, the Assembly designates the chairmen of Committees. However, the Minister of Finances is *ex officio* chairman of the Committee on Public Accounts.

The chairmen of Committees of the *Japanese Diet* are appointed by the President of the Assembly. They are chosen from the members of Committees. The chairmen of special Committees are elected by the Committees themselves.

Mr. PACKWOOD. As a matter of fact, Mr. President, I have been unable to find a single free world parliament that operates under the seniority system. For that matter, no Communist government or other dictatorship operates under the seniority system.

Let us turn next to the various State legislatures in the United States. The Legislative Reference Service of the Library of Congress reports that there is no State legislature where seniority is the controlling criteria in the selection of committee chairmen. Other factors are more important than seniority. Mr. President, I ask unanimous consent that a memorandum from the Legislative Reference Service of the Library of Congress on seniority in State legislatures be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

To: Senator BOB PACKWOOD.

From: Government and General Research Division; Norman Beckman, Division Chief.

Research by: Walter Oleszek.

Subject: Seniority in state legislatures.

In accordance with your request, we enclose excerpts from two studies—one by Pro-

[1] Interparliamentary Union. Quarterly Bulletin on *Constitutional and Parliamentary Information*, 3rd Series, No. 24, November 1, 1955, pp. 190–92.

fessor Jewell and the other by Professors Keefe and Ogul—that discuss the use of seniority in state legislatures.

In a telephone call to Mr. Albert Abrams, Secretary to the New York State Senator and a long-time observer of state legislatures, further information about seniority and its use in state legislatures was obtained. The pertinent remarks of Mr. Abrams follow:

(1) There is no state, to Mr. Abrams' knowledge, where seniority alone is the controlling criterion in the determination of committee chairmen. Other factors are as important as seniority, or *experience* as Mr. Abrams preferred to call continuity of service in a legislature, such as geography and membership in the faction controlled by the party leader.

(2) Two methods of selecting committee chairman are used in the states: (1) appointment by the party leader (and in those states where the Governor exerts a voice in selecting the party leader, he too may influence the selection of committee chairmen) or (2) selection by an appointments committee, a creature, generally, of the party leader.

(3) Seniority is not as important in state as opposed to the National legislature for two reasons: (1) turnover is very high in state legislatures (one-third to two-thirds turnover every session) and (2) the recent reapportionment efforts have brought new and younger men into the legislative process while older men, from predominantly rural areas, have been defeated or districted out of their seat.

(4) Of course, states operate differently even within either of the two selection processes. For example, the Massachusetts State Legislature traditionally appoints a minority member in each chamber to chair the Tax Committee, thereby giving what could be a politically unpopular task—raising taxes—to the minority party. As a result, the minority party bears part of the onus for raising taxes even with a chamber controlled by the opposite party.

Mr. Abrams indicated that he would be happy to speak with any congressman about the use of seniority in state legislatures. He can be reached at the following telephone number in Albany, New York—472-8800 (518).

We trust that this information proves helpful. If further assistance is required, please do not hesitate to call us.

Mr. PACKWOOD. Mr. President, in my research I have been unable to find even a city council in the United States that operates under the seniority system.

Mr. President, the news media of this Nation appear to be united in their opposition to the seniority system. I ask unanimous consent that various editorials from newspapers throughout the United States opposing the seniority system be printed in the RECORD.

There being no objections, the editorials were ordered to be printed in the RECORD, as follows:

[From the Eugene (Oreg.) Register-Guard, July 6, 1970]

MAKE WAY FOR "YOUTH"?

As Congress reconvenes after its Fourth of July holiday there'll be a looming possibility of revolution in the House of Representatives.

Younger members of the House—those under 50, that is—are considering banding together to overthrow the committee seniority system, particularly as it applies to House committee chairmanships.

There's nothing new about dissatisfaction with the hoary rule that House committees are governed by members who belong to the majority party and have the longest, not necessarily the best, records of congressional service. Heretofore, however, the rule has been attacked only by hot-heads or those willing to pay the price of being passed over for future assignment to important committees.

Now earnest "young" members of both parties are girding themselves to advocate automatic transfer of chairmen's gavels whenever those wielding them reach the age of 70.

What effect would result if the younger generation had its way in the House? Nine committee chairmen—three in their 80s and six in their 70s—would be immediately replaced. And of all present chairmen, only three would have prospects of continuing longer than 10 years in their positions of special power.

[From the Portland (Oreg.) Oregonian, July 15, 1970]

HALF A LOAF

After years of stalling, the leadership of the U.S. Congress House of Representatives is apparently prepared to reform some of its antiquated rules and procedures in the public interest—not all, but some.

THE OREGONIAN

The reform bill that came to the House floor Tuesday out of the Rules Committee has some modest proposals for reform, but the real contest will be over a series of amendments proposed by a bipartisan coalition of young congressmen. The chief purpose of these is to reduce the imposition of secrecy in committees and on the floor, and thus to give constituents a better idea of how their congressman is really performing.

One provision would make possible a recorded vote on amendments to bills on the House floor. Since colonial times these have been voice votes only, restricting the recorded vote to the bill in its final form. Thus are hidden the positions of members on significant amendments.

Ironically, the vote on this amendment will be by voice, under the current rules. The importance of the change is reflected in a statement by one of the reform supporters: "If we could get a record vote, we'd win three to one."

If the package presented by the reform coalition wins any degree of approval, the window will be opened a bit to give the public a view of House business. But it apparently will not be opened all the way. Neither the committee's bill nor the reformers' amendments would alter the venerable seniority system, which puts the power of committee chairmanships in aged hands and assures them the tenure which encourages arrogance and arbitrariness.

NEEDLING THE OLD MEN

There is certain to be some embarrassment behind the closed doors when the House of Representatives Democratic caucus meets next week in Washington, D.C. Some of its members propose to bring up embarrassing resolutions.

One of these, sponsored by the Democratic Study Group of northern liberals, will ask that committee chairmen be bound to give more attention to the opinions and desires of rank-and-file members. The second will propose an expression of "no confidence" in Speaker John W. McCormack.

Majority support is not to be expected for either, for ordinary congressmen are at the mercy of the speaker and committee chairmen in moving legislation. But the obvious unrest in the Democratic ranks is significant and could lead eventually to some degree of reforms in the interests of the nation.

The villain of the piece is the seniority system, long strictly honored in both the House and the Senate. It provides, in effect, that survival at the ballot box is the only necessary qualification to win a chairmanship. Thus nearly all chairmen have their roots in decades past.

The system is more stultifying in the House than in the Senate because of the rigorous rules restricting individual floor action in the House. Of the 21 standing House committees, well over half are chaired by men from southern or border states, whose seniority has been supported by the one-party tradition of the South. The 21 chairmanships are distributed among only 13 states, most of them in the South or on the border and representing a constituency of a minority of Americans.

Any real reform in Congress must include some modification of the seniority system. But don't expect this next week or even next year. For the beneficiaries of the seniority system are in control, and they will not readily yield even the smallest part of the power the system gives them.

SOLON, HEAL THYSELF

Although it has been generally conceded that the U.S. House of Representatives' majority leader, Carl Albert, D-Okla., will succeed Speaker John W. McCormack, if the Democrats retain their majority in the House, the McCormack decision not to seek reelection offers an opportunity for congressional reformers.

There will be a contest for Rep. Albert's position as party leader, if he steps up next year. There are already five representatives seeking the leadership. They should be questioned on their views on some much needed reforms in House rules and procedures. It is an opportunity to inform the people of the autocratic manner in which the House now functions and what can be done to make it more responsive to the public will.

Most important is reform of the seniority system and the powers invested in House committee chairmen whose survivial at the polls is the only qualification necessary. The House should abridge the dictatorial powers of chairmen and should initiate a means of choosing chairmen other than by the calendar. It would also be to the great advantage of their constituents if House members should agree to require a roll call on all important issues rather than leave them to an unrecorded head count, as has come to be the practice. And there is no really good reason for the considerable increase in secret committee sessions. National security interests should be the only cause for excluding the public.

Not all, perhaps none, of these objectives will be attained soon, but it should help to that end to give them an airing.

MORE REFORM SHOULD FOLLOW

The significance of the anti-secrecy vote in the U.S. House of Representatives this week awaits further action on congressional reform.

It was encouraging that the amendment to end the secret teller vote, in which bodies were counted without recording names, passed overwhelmingly.

But a good deal of secrecy remains to be overcome—especially in committee meetings that are closed to the public, but should be open.

A bipartisan reform effort has been concentrated on the secrecy in which the Congress goes about the public's business.

Other procedures also ought to be reviewed, however, for the sake of a more modern legislature.

There should be a better method of selecting committee chairmen than seniority. And the Congress ought to be able to design improved fiscal machinery. Congressional willingness to vote for spending programs but not for the taxes to pay for them has been the primary cause of budget deficits that have fueled inflation.

Once the House is finished with the reform package, it must go to the Senate—which does not have the secret vote provision. Then

the two houses must work out their differences.

Therefore, as the legislative process goes to work on its own improvement, there are ample opportunities for the Congress to do a complete job. One anti-secrecy vote is not enough.

FORCE THEM OUT?

Mandatory retirement for congressmen has been proposed by Rep. David Martin, R-Neb.

He notes laws requiring civil service employes and military personnel to retire at certain ages, and thinks this would be good in Congress. So he has proposed a constitutional amendment barring a House member to serve past age 71 and a senator past age 74.

Martin's proposal has been referred to the House Judiciary Committee. This means it will get clobbered in a hurry by that committee's chairman, 81-year-old Rep. Emanuel Celler, D-N.Y.

We think something should be done to encourage fresh blood in Congress. But we don't favor mandatory retirement. If a congressman doesn't know when it's time to retire, we're willing to rely upon the voters to do the job.

We do think something should be done to junk the seniority system for determining committee chairmanships, however. Congressional chairmen wield great influence over their committees and legislation assigned to them. They should be the congressmen of greatest ability. Instead, most tend to be up in years and from one-party states or districts where incumbents rarely get defeated. Of 21 House chairmen, for example, eight are over age 70 and three are over 80.

None of our state legislatures select committee chairmen purely on seniority. Neither do any of the other parliaments of the free world. And neither should the U.S. Congress.

Let's permit an elder congressman to serve just as long as the voters want him. But let's not guarantee him a committee chairmanship and all the power that represents.

[From the Miami (Fla.) Herald, Feb. 20, 1970]

THE SENIORITY ISSUE—AGAIN

Building a better mousetrap is the fondest dream of the reformer—whether of mice or men. It's current again in a movement among liberal congressmen to abolish the seniority system.

That system builds on political longevity to decide who heads the prestigious committees of the House and the Senate. As long as Congressman X gets reelected he has a claim on his chairmanship as a better one.

As the reader-voter knows, two things happen in consequence:

First, continued seniority is a heady argument for reelection, particularly in the House and especially if your lawgiver knows his way through the maze of defense contracts, military bases, rivers and harbors and other goodies.

Second, in the long run congressional committees grow old at the top. In a speech before the National Press Club a couple of months ago, former HEW Secretary John W. Gardner pointed out that "the Speaker of the House is 78. Thirteen Senate and House committee chairmen are over 70, six of them are over 75, two over 80."

Recalling that in 1958 Congress enacted a law requiring the chief judges of federal circuit and district courts to give up their administrative duties at 70, he said that "I propose that Congress impose the same rule on its own members."

This is one solution. Selection on merit rather than age is another. Lyndon Johnson was bossing the Senate, contrary to custom, a few years after he got there. Other hopefuls do not ascend until they reach Biblical ages. And both houses have had septuagenarians—Everett Dirksen was one—who seemed to grow larger in the sunset of life.

Speaker John McCormack, frankly, has not—but he has won handily in this week's attempt for a no-confidence vote.

Some few honorables have elected to retire at 70. One is Sen. John Williams of Delaware. But they are the exceptions. In all probability Congress would have found an acceptable substitute for the seniority rule long ago if anywhere there is one. The alternative, like the burden of proof, is on the critics.

[From the Philadelphia Inquirer, Feb. 14, 1970]

ABOLISH SENIORITY SYSTEM IN CONGRESS

One of the most archaic aspects of congressional organization and operation is the seniority system. Senators and Representatives rise to the apex of power through committee chairmanships awarded not on demonstration of ability but on longevity of service on Capitol Hill.

The practical result is a roster of generally undistinguished chairmen of Senate and House committees who usually come from the states or districts where their political party is overwhelmingly dominant, and therefore, once in office, getting re-elected term after term is almost automatic. At the present time, with Democrats in the majority in both houses of Congress, the committee chairmen are mostly from one-party strongholds in the South where nomination on the Democratic ticket is virtually tantamount to election.

There is nothing partisan or sectional about the seniority system, however. When Republicans are in power, committee chairmanships go to members of Congress from states and districts, almost always outside the South, where the GOP is in dominant position.

Right now, the principal target of anti-seniority reformists is a Democrat but not a Southerner: House Speaker McCormack. He has been winning congressional elections in his South Boston district since 1928.

A number of House Democrats—many of them young and some not so young—are planning a move to unseat Congressman McCormack from the speakership and to throw out the seniority system with respect to committee chairmanships as well. The issue may come to a head at a party caucus next week.

In the interests of good government, members of both parties in both houses of Congress should take action to replace the seniority system with a plan that would award committee chairmanships and other positions of leadership solely on merit and qualification instead of congressional longevity.

While they are about it, members of Congress also should consider diminishing the arbitrary powers of committee chairmen so that they will not be able to block legislation single-handedly for personal or irrelevant reasons as is frequently the case under present rules.

THE DEATH-GRIP OF SENIORITY IN CONGRESS

"Few institutions in our national life," declares John W. Gardner, chairman of the Urban Coalition and former Secretary of Health, Education and Welfare, "are as gravely in need of renewal as the Congress of the United States."

Measures that he sees essential are the abolishment of the seniority system and the curbing of the entrenched power of committee chairmen. Under a custom—not a statute, not a regulation, but simply a custom—that has become almost sacrosanct for over a half-century, committee chairmanships in the Senate and House automatically go to the members who have managed to live the longest and to get reelected the oftenest. Wisdom, capability, qualification do not count. As a result nine of the most powerful committees in the Senate and House are ruled by men past 70 years of age.

Some of these are able and their age has impaired neither their vigor nor their ability. The less said about the qualifications of the others, the better. They could serve their country best by stepping aside.

Perhaps the first who should move out of his favored position as the top-ranking elected official of the Democratic Party is Speaker of the House John W. McCormack, who is 78 and has served 41 years in Congress.

McCormack is suffering from the scandal caused by one of his staff employes, Martin Sweig, who thought nothing of picking up the telephone in his House office and announcing "This is the Speaker calling." Sweig has been charged with conspiracy based on misuse of the power and prestige of the Speaker's office, and his case has focused new attention on influence-peddling.

But aside from the Sweig scandal, and its rub-off on the Speaker, McCormack should agree that he has come to trail's end for another reason: leadership so inept that it cannot be called leadership at all.

It is not only the Democratic Congressmen who suffer from weak leadership; it is not only the Republican Administration that runs into endless frustration because of it. It is the country that suffers. Not only the aging Speaker should go, but with him the whole rigid seniority system that holds Congressional committees in a death-grip.

[From the Baltimore Sun, July 9, 1970]

SENIORITY

Representative Gilbert Gude has joined a few others in his party in the House of Representatives asking for an end to the seniority system. He is a Republican. The Democratic Study Group (over 100 members) has been fighting for the same thing for some time. Presently the senior member of a committee is automatically named chairman whenever his party is in the majority in the full House. Both parties follow this practice, under a strict seniority system.

If this were just a question of individual rewards and prestige, it wouldn't matter much. But the distribution of power in the Congress makes committee chairmen very influential. Their impact on American government and society is almost irresistible. Therefore, the best men in each field should be the leaders of committees. Often the most senior men are the best, but not always.

Gude recommends the simplest and best replacement for the seniority system. Members of committees would vote in secret for their chairmen and ranking minority members. What could possibly be wrong with that?

[From the St. Louis Post-Dispatch, Dec. 27, 1963]

REFORMING CONGRESS

The near-breakdown in congressional effectiveness this year has caused, in addition to much criticism, a search for causes and remedies. From one viewpoint, a basic difficulty is lack of adequate party discipline. The President may try to implement his party's campaign promises. But legislators, elected on the same platform, feel free to withhold their support, and even to enter into alliances with the opposition.

In the case of the Democrats, this situation is worsened by the seniority system. Under it, those Senators and Representatives least likely to be in full accord with the White House are most likely to hold the important congressional committee chairmanships which enable them to thwart the program

of the President and the majority of the party.

A review of the current Congress has moved Walter Lippmann and others to ask how long the United States can operate under these conditions. Changes in the rules—at least the adoption of a rule which would insure a vote on all presidential proposals—could break the blockade. But the beneficiaries of the system are able, on the whole, to block rules changes which would deprive them of their power.

Aside from the President, the chief victims are the Democratic liberals in Congress who form a substantial majority of their party's representation. Stung to yet another attempt to gain control in proportion to their numbers, they are organizing a campaign committee, under Representative Bolling of Missouri, which will seek to elect more of their kind in November. They also are preparing, if possible, to "purge" the party caucus of any member who works for a 1964 presidential ticket other than the one chosen by the national convention.

This is the "minimum program" of the Bolling group. Given the opportunity, it also will seek changes in the manner of making committee assignments. And other means of breaking the grip of the old-liners will be considered. A glance into the past does not raise high hopes for success. But with ingenuity and an increase in number, the reformers may be able to start the process of change.

The reformers—the approximately 100 members of the Democratic Study Group—probably will have little trouble in raising a $50,000 campaign fund to be used in 50 closely contested districts. They also will make personal efforts on behalf of the candidates, hoping to add at least 20 seats to their strength.

Institutional changes—in fact, if not in theory—may be the most difficult. The standpatters will not be eager to transfer authority over committee appointments from the 15 Democratic members of the Ways and Means Committee to the party caucus in which all House Democrats have a say. They also will defend the seniority tradition, even though it is only 50 years old. Undoubtedly it would help if voters were more keenly aware of how their desires may be frustrated by such tools of the minority.

There does not seem to be in the Congress as a whole a sufficient realization of how it has been failing to perform its function, how it has become a brake on Government instead of an instrument of Government. A deepening of the frustration thus engendered in the electorate—indeed, the urgencies of the contemporary world—could result in the concentration of sufficient power in the Executive to set aside the influence of the Legislature.

The irresponsibility of the French parliament brought in De Gaulle as a king without a crown. What's needed, however, is not speculation about this sort of revolution, but rather greater determination to accomplish reasonable reform.

[From the Detroit News, Aug. 13, 1966]

LET'S REFORM CONGRESS

As far as they go, most of the recommendations of the Joint Committee on the Organization of Congress will help Congress do its work more effectively.

New controls on lobbyists, more expense money for travel home, increased staffing, modernizing of its budget review—all these are changes which would tend to free Congressmen from too much reliance on the help of self-seeking outsiders and to professionalize their own legislative work.

If they are to write the laws which guide our increasingly complex society, congressmen must have more objective and expert help at their fingertips. Without it they will continue to yield more and more authority to the executive branch.

The public would be the main beneficiary of recommendations to open more committee hearings to the press, to establish a committee on ethics in the House, to limit the number of powerful committee memberships one man can hold, and to shift from a three-day week to a full, five-day operation.

Because the power structure of Congress enjoys things pretty much as they are, the joint committee was not even allowed to look into such time-saving changes as electronic voting. (The leaders oppose this since it would make last minute pressure on congressmen harder to apply and prevent as much unrecorded voting as now occurs.) Nor was the committee able to evaluate the controversial seniority system or the mysterious ways in which bills are scheduled for floor action.

Nor does there appear to be any congressional interest in opening to public view the now secret "markup" sessions of the committees. It is in these often clandestine sessions that the laws are actually written and that the voting separates honest men from hypocrites.

Despite a national concern over the state of congressional ethics, the committee rejected a financial disclosure proposal which would do more than anything else to solve the problem of unethical behavior and conflict of interest.

Within its limited authority, however, the committee has offered Congress many roads to improvement. Hopefully, Congress will realize that if it expects to retain its public respect and its constitutional authority, it must act soon on these recommendations.

[From the Washington Post, May 22, 1970]

NEW ERA FOR THE HOUSE?

Belated though it is, Speaker McCormack's decision to retire at the end of his present term does him credit. He has chosen to end his long public career gracefully instead of risking a bruising fight at the age of nearly 79 both for his seat in Massachusetts and his leadership of the House. Two former Republican leaders in the House, Joseph W. Martin Jr. and Charles A. Halleck, could have testified to the bitterness of being pushed out after having lingered too long.

As he bows out after 42 years in the House and the longest service in the speakership, save only that of his predecessor, Sam Rayburn, Mr. McCormack is entitled to commendation for his devotion to duty and his fairness as a presiding officer. Trained in the politics of the old school, he manifested a good deal of skill in holding the diverse Democratic factions in the House together. He has the respect of his colleagues, his constituents and many of his countrymen.

Yet it must be acknowledged that, especially in recent years, he has loosened his hold upon the political realities. As Majority Leader in the days of the New Deal, he was passionately devoted to Franklin D. Roosevelt's programs. In the sixties and seventies, however, this son of a Boston bricklayer has been less alert to the political and social currents that have been swirling through Washington and the country. We surmise that his stature in history would have been enhanced if he had stepped down some years ago before the shabby misuse of the Speaker's office by Martin Sweig and Nathan Voloshen spotlighted his laxity and some of his colleagues felt a powerful urge to displace him.

It appears to be pretty well settled that, if the Democrats again win control of the House in November, the speakership will go to Majority Leader Carl Albert, who has the support of virtually all the other potential candidates. But this does not necessarily mean a projection of the McCormack-Albert policies in the new House. There seems to be a substantial demand for a younger and more energetic legislator in the majority leadership, and if this demand is satisfied the chief burden of pulling the majority in the House together may fall upon the No. 2 man.

Fortunately, there are a number of able and seasoned representatives in their middle years who would be equal to the task. But the scope of the job should not be minimized. The truth is that the House has coasted along in a routine and tradition-crusted fashion for so long that a major shakeup will be necessary to bring it abreast of the seventies. No one should suppose, for example, that the withdrawal of the aged Speaker will of itself break the deadening hold of the seniority system on the House. A persistent fight under able leadership and with the support of all the younger and more alert house members will be necessary if the power structure is to be reshaped so as to reflect the will of the majority.

All that can be said at the moment is that a door to modernization of the House has been opened. If a majority is disposed, it can take advantage of the opportunity to make the House once more the vital force in shaping governmental policy that it has often been in the past.

[From the San Francisco Chronicle, Nov. 12, 1968]

SOUTHERN FRIED SENIORITY RULE

It has been abundantly reported that the recent election leaves the Democratic party in comfortable control of both houses of Congress—a conclusion that is numerically unassailable but wide open to doubt in the light of crass, political reality.

For the Democratic majorities are heavy with Southern Democrats, whose viewpoints and voting records bear a striking resemblance to those of Northern Republicans when related to such issues as taxes, government spending, civil rights, gun control, foreign policy, defense, health, education, welfare, labor, the District of Columbia—and, of course, cloture. Their tendency to split from the party line was repeatedly noticeable in the last Congress, when they differed from Northern Democrats on 173 of 514 rollcalls in the two Houses.

What has happened to the Democratic party in the once solid South was inescapably plain in the recent election when not a single Southern State gave its electoral votes to Vice President Humphrey, the Democratic candidate. Yet the registered Democrats who voted for Nixon, the Republican, or Wallace, the defecting Democrat who invented the American Independent party, swung loyally and victoriously behind the Democratic candidates for House and Senate.

Thus, the old, familiar Southern fried legislators will return to the halls of Congress, bearing their accrued and powerful seniority with them. Thus, virtually every major committee of the Senate, and most of those in the House, will be headed up by a Southern chairman who is a Democrat only when in the mood.

In the Senate, these sometime Democrats from the South—and a few from the border—will head these committees: Agriculture, Appropriations, Armed Services, Banking, Finance, Foreign Affairs, Government Operations, Judiciary, Rules, Public Works and Labor. The only committee chairmen outside that regional bloc will be Magnuson and Jackson of Washington, and Bible of Nevada. None at all come from the Northeastern States that voted Democratic. In the House, the situation is quite similar.

Inasmuch as these committee chairmen

possess virtual life and death power over most legislation, there could be little comfort, indeed, for the Democratic party in its congressional majority. Its leaders may now discover wisdom in the proposal that committee chairmen be selected on some basis other than seniority.

[From the New York Times, Mar. 22, 1970]

REBELLION IN THE HOUSE

Revolutions in the House of Representatives are so rare that even the limited concession won by Democrats opposed to the seniority system must be considered an important advance. With one hand, the full caucus of the party granted the rebels the study of the seniority system they have been asking. With the other, the caucus put off the proposed deadline from June to some time after next November's elections.

The shift in date is more than dilatory; it is a calculated move to prevent liberal Democrats from making a campaign issue of this sixty-year-old blight on the Congress. Members of the Democratic Study Group in particular hoped to use the report either as an issue to take to the voters in the campaign or as a challenge to the party "establishment" on the opening day of the next Congress. Obviously a report issued in December will shut out the first of these opportunities and leave no time to prepare for the second.

In this little maneuver, however, the House leadership may have proved unprofitably slick. An accommodation that might have produced a compromise on an issue of great importance has been turned into fuel for a more far-reaching rebellion. Already nineteen House Democrats have signed a statement pledging to "reserve their options" for the House leadership elections next January until they know what reforms they can expect.

Some of these rebels talk of supporting a reform Democrat for Speaker, which could have the effect of throwing the House to the Republicans. Others might go all the way and vote for the Republican candidate. In that case Southern chairmen who have for so long taken the liberal Democrats for granted might lose their posts of power.

Whether the rebels would go this far is not for us to guess. But it is something for the House leaders to worry about. At the very least they can expect a series of moves to force an earlier deadline—and public agitation as well. All of which will keep the reform fires burning brighter than if the insurgents had resigned themselves at the outset to a moderate version of an overdue reform.

[From the Washington Post, Feb. 17, 1970]

WHO WILL ABOLISH SENIORITY?

The move to unseat Speaker McCormack with a vote of no confidence in the House Democratic caucus tomorrow appears to have evolved into a campaign for modernization of the House. In the view of Representative Waldie, who is spearheading the attack upon the Speaker, the two causes seem to merge into one. But other more experienced members are more inclined to strike a blow now at seniority and similar defects in the system, while leaving the fate of the Speaker to a more propitious moment. Herein lies the greatest hope for rescue of the House from its lamentable stagnation.

It is true that the 78-year-old Speaker has become a symbol of the organizational and procedural hardening of the arteries which afflict the House. Probably it is also true that the chance of achieving effective reform will be meager so long as he is in the driver's seat. But a change of pilots would not alone bring about the modernization that is so urgently needed. A far more serious drag on the House as a legislative body is the control of many of its major committees by conservative Southern Democrats in their seventies. As Representative Lowenstein said on Meet the Press on Sunday, "Even societies that worship their ancestors don't automatically put their ancestors in charge of their Armed Services Committees and whatnot."

Probably the most practical maneuver at the moment is that sponsored by the Democratic Study Group, which wants a carefully selected committee to review the seniority system and other organizational defects with a view to action at the beginning of the next Congress. Representative Bolling, who seems to be the most influential member of this group on this subject, has sought for years to show his colleagues that they do not need to choose between the existing confusion and a return to the dictatorship that existed prior to 1910 under Speaker Joe Cannon. There is a sensible middle ground—assignment of the ultimate power to select committee chairmen to the caucus of the party in power, from nominations made by the Speaker without regard to seniority.

In our view, the Democratic caucus could greatly enhance its standing before the public by moving in this direction. If it fails to do so, it may drop a momentous issue into the lap of the Republicans. Representative McCloskey has pointed out how vulnerable the Democrats are to a campaign against senility in the House and suggested that the Republicans could capture the enthusiasm of the younger voters by promising to abolish seniority in the House if a Republican majority is returned in November. A campaign on who could most effectively relieve Congress of the incubus of the seniority system would be welcomed with open arms.

Many Democrats may be inclined to rebuff any suggestions of reform when the issue arises tomorrow to save the face of the Speaker. But they should be fully alert to the risk they would take upon themselves by leaving this enormously popular issue to the Republicans.

[From the New York Times, Feb. 23, 1970]

ALTERNATIVES TO SENIORITY

The Democratic Study Group has postponed very briefly its attempt to do something about the seniority system, which has for so long made committees of the House of Representatives a collection of principalities, each with its own maharajah.

The group's resolution, calling for a special panel to recommend ways of making these committee chairmen responsible to their party, was sidetracked last week by a filibuster within the Democratic caucus. But the movement for reform is gathering momentum, and another effort will be made within a very few weeks.

What most of the reformers seek is a change mild enough to retain the shadow of seniority, a revered principle on Capitol Hill, but drastic enough to make even the most senior of chairmen wholly dependent on the favor of the party majority in the House. Of the several ways for achieving this purpose, three stand out in the discussions. The simplest and most likely of success calls for a yes-or-no vote in the caucus, starting with the most senior member and proceeding until a majority endorsement is reached.

The second plan would confine the contest to the three members of the committee with the greatest seniority, again with the caucus making the choice. And the third would allow the Speaker to name the chairman, subject to the voted approval of the caucus.

Clearly the last of these is the one least tainted with the seniority principle and accordingly the one that seems to us the most rational. Nomination and election by the caucus would be even more democratic, but it would also, no doubt, be the most divisive.

All these approaches—and this is their great appeal—would end the automatic tenure in power that has turned committee heads into autocrats, answerable neither to their committees nor their party nor their constituents for their conduct as chairmen.

The momentary postponement on the resolution, and the time required for the committee to do its work if it is appointed, will not be without advantage. It will provide time for the educational job that must be done, in the House and out, if the Congressional hierarchy is to be convinced—as it is already beginning to sense—that changes must be made.

Some of that job is promised by liberal Republican members who plan to make seniority a campaign issue with which to taunt the Democrats; and some by the threat of liberal Democrats to help the opposition organize the House next January unless concessions on seniority are made. Such a move would be drastic, through not without precedent.

But how effective, after all, can a liberal Democrat be in a chamber in which military spending depends on an L. Mendel Rivers, the government of Washington is left to a John McMillan, and the order of business is determined by a William M. Colmer?

[From the Seattle-Post Intelligencer, Mar. 26, 1970]

SENIORITY SYSTEM

Both Democrats and Republicans have taken tentative steps toward reform of the Congressional seniority system by indorsing review of present methods of appointing House committee chairmen.

In shaping federal legislation, committee chairmen possess vast powers. Yet many are well beyond the national norm for retirement.

Younger members of Congress are distressed and feel ineffectual in attempts to advocate progressive legislation. These men are not youngsters but mature legislators in their 30's and 40's who are excluded from the decisionmaking process by an outmolded power structure.

If aging college professors can proudly accept emeritus roles and elder statesmen of the corporate world can graciously step down to advisorial positions then it certainly seems that senior members of Congress can share with their younger colleagues some of the power and authority for national legislation.

Some chairmen have the capacity to function ably in their 70's and even their 80's. But they and the Congress probably would function even better if younger voices are heard.

Young congressmen don't ask for absolute administrative power in either the House or the Senate. But they do deserve a more active role in leadership responsibilities.

It is widely conceded that the country as a whole has a generational problem. This very well may be reflected in a Congress where younger men must grow old before they are given any real authority.

[From the New York Times, July 15, 1966]

THE TYRANNY OF SENIORITY

The jubilation of moderate and liberal forces over the evident defeat of Representative Howard W. Smith in Virginia's Democratic primary is tempered by one unpalatable by-product: under the seniority system Representative William M. Colmer of Mississippi will succeed Mr. Smith next January as chairman of the immensely powerful House Rules Committee.

If Mr. Smith compiled a matchless record for obstruction and reaction in 35 years in Congress, Mr. Colmer, a member since 1933, cannot be far behind in any contest for that distinction. He obviously would use the Rules

chairmanship as ruthlessly as Mr. Smith ever did to try to block liberal legislation from reaching the floor of the House.

It would be hard to find a better illustration of the bankruptcy of the seniority system in Congress than the probable elevation of Mr. Colmer to this key post of traffic director for House legislation. Unfortunately, however, there have been many similar examples in recent Congressional history. The point is not diluted by the fact that the evident defeat of Mr. Smith's Virginia colleague, Senator A. Willis Robertson, will promote an abler man to the Senate Banking and Currency Committee chairmanship.

Is there a hope that the Democratic leadership in January will finally support revision of the seniority system? At the start of the 89th Congress in 1965 liberal Democrats fought successfully for three changes in the House rules, but backed off from a move against seniority because Speaker McCormack and other party veterans would not support it. It may depend next January on how many of the 180 present members of the liberal Democratic Study Group—many of them freshmen who rode in on the Johnson landslide in 1964—survive in November.

Perhaps the prospect of Mr. Colmer as Rules chairman will prod even complacent Democrats into action. If the House scrapped or revised seniority, pressure would mount on the Senate to do likewise.

On the record, it would be foolish to expect any such political earthquake on Capitol Hill, though it is clear that few reforms would do so much to improve the image of Congress with the country—and the world.

[From the St. Louis Post Dispatch, Apr. 1, 1969]

THE SENIORITY HURDLE

A staff report for the Democratic Study group provides a further illustration of how the seniority system in Congress can threaten party programs and stall needed action.

As a key to this finding the report concentrates on 30 votes in the last Congress on such issues as poverty and hunger programs, education, housing and urban affairs, civil rights, consumer protection and foreign aid. These votes were tests of Democratic party platform positions, or of party unity or support of the Democratic Administration, or of liberal versus conservative positions.

The report states that Congressmen associated with the Democratic Study Group voted 91 percent behind Democratic principles in the 30 tests, while other Democrats showed only 31 percent support and Republicans 24 percent. The DSG Democrats suffered 17 defeats. And votes of Democratic committee and subcommittee chairmen alone were responsible for half of those defeats.

In fact, the report says, 42 of the 114 Democratic committee and subcommittee chairmen voted more often against than for Democratic programs. Thirty-four of them exceeded the Republicans in opposition. All but one of the 42 are from Southern and Border states, but the report says the regional distinctions seem less important than basic differences with present Democratic policies. However, it seems clear enough that the Southern Democrats are unwilling to qualify as national Democrats.

Chairmanship opposition to party programs has increased in 15 years. In the eighty-third Congress, there were no Democratic chairmen voting more often against than with their party, but the number taking this position has increased in each Congress since. Men who owe their committee leadership to their years in Congress have too often been unable to accept new answers to new problems such as those in civil rights and the poverty program.

The seniority system is, indeed, a poor method of promoting power and influence in the nation's legislature. We say this not because it disrupts party unity, but because tenure alone is not a measure of a public servant. Tenure is, too often an obstacle to new ideas, yet these are what Congress is expected to confront year after year.

[From the Cleveland Plain Dealer, Dec. 16, 1969]

BETTER TOOLS FOR CONGRESS

Modest reforms that undoubtedly would improve the performance of Congress as a study and deliberative body have been proposed by a subcommittee of The House Rules Committee.

The committee's bill makes not the slightest assault on the major flaw in congressional organization—the seniority system which determines committee chairmanships—but it does attack other weaknesses. Some of those are inadequate staff, laborious information services and authoritarian committee procedures.

Approval of the bill would help Congress keep up with the difficult task of reaching sound judgments about the increasingly complex problems facing society today.

The bill would provide Congress for the first time with an organized coordinated computer system so that members could obtain rapidly the information they need for modern lawmaking.

It would greatly expand the research services provided to Congress by the Library of Congress.

It also would increase the size of the professional staffs of Senate and House committees, including staffs of the minority members, and it would provide the money for the House members' own staffs.

Information, from staff and from legislative research services, is indispensable if Congress is to reach wise decisions, or if it is to fulfill its role as a check on the powers of the administration.

The bill also would reform committee procedures to produce more open and regular meetings, public record of voting and less voting by proxy. Exposing committee activity to greater public scrutiny would discourage the closed-door maneuvering which too often works against the public interest.

The bill also proposes that the federal government's fiscal year conform with the calendar year, and that the Bureau of the Budget and congressional committees provide five-year forecasts of the programs they recommend. This would eliminate unnecessary confusion and allow Congress to approach budget problems in greater order.

Another provision would bring Congress closer to the public by permitting radio and television broadcasting of House sessions.

All of these reforms, though modest in nature, are good and would improve congressional efficiency. They should be approved.

[From the Cleveland Plain Dealer, Mar. 22, 1970]

IMPROVING THE SENIORITY SYSTEM

Members of the U.S. House of Representatives who want to reform the seniority system have the responsibility of putting forward workable alternatives.

The Democratic party caucus has agreed to a study of the system, although those opposed to the study were able to delay the deadline for submission of the findings until after the congressional elections in November.

It is true that there are numerous abuses built into a system that makes a person a committee chairman simply because he has served on the committee longer than the other members. This is no assurance of quality leadership.

But what improvements are possible? The seniority system was instituted as a reform measure. It would not necessarily be any better to return to the days when one person or a tiny clique of powerful congressmen decided upon the committee chairmen.

Nor would it necessarily be any better to elect a chairman from among the committee members. The congressman who is most popular or able to make the most promises in return for votes may not make the best chairman.

What would be beneficial would be a system under which the most qualified congressman becomes chairman and could be removed without great difficulty if he fails to perform as he should. Moreover, it would be good to build some degree of continuity into the post of chairman. However, no suitable way of bringing about all these chances has been offered thus far.

One of the main reasons why there are so many objectionable persons serving as chairmen is because the two-party system was ineffective for so long in the South. Congressmen from that region have become entrenched in chairmanships because once elected to office they have seldom been dislodged, thereby building up the most seniority.

We would welcome an improvement upon the seniority system, but we have not yet seen one.

CONGRESS MAY MODERNIZE A BIT

There are indications that Congress may attempt some modest steps toward modernization this year.

A reorganization bill that would make some changes in the way Congress operates is slowly making its way through the House Rules Committee.

It would provide congressmen with important new information services through expansion of the Legislative Reference Service and of committee staffs, and would curb some of the power of committee chairmen.

The bill does not touch what many congressmen, particularly the younger, newer members, consider to be the basic flaw in the organizational structure of Congress. That is the seniority system which awards committee chairmanships to the men who have served longest in Congress, whatever their competency.

The House Republican Research Committee, headed by Rep. Robert A. Taft of Ohio, has appointed a 19-member task force to study the seniority system. It is to make a report before the end of the year. There is no indication yet of task force sentiment about the system.

A similar study has been started on the Democratic side by an 11-member committee appointed by Rep. Dan Rostenkowski of Illinois, chairman of the Democratic caucus. Its report is not due until January 1971. A group of liberal young Democrats, however, is pressing hard for an earlier report, early enough to be of use when Congress organizes for its next session.

Whatever the outcome of the two task force studies, the more modest reforms being considered by the Rules Committee are welcome and should help Congress in coping with the nation's increasingly more complex problems.

TOWARD A MODERN CONGRESS

The winds of change that have forced reforms in such venerable institutions as church and university are beating against Congress.

Its younger members, particularly in the House, are demanding a share of the power that is now held almost exclusively by their senior colleagues because of the system of awarding committee chairmanships solely on the basis of seniority. A group of freshmen Democrats, impatient for change, even threatens to bolt the party and vote to organize the House for the Republicans unless

Democratic leaders indicate willingness to institute reforms spreading the power around.

Some veterans who have climbed halfway up the seniority ladder call for change, worried that customs and traditions "outside of the law and the Constitution" have developed the Congress into an institution "at least one and one-half generations behind the times," as Rep. Charles A. Vanik of Cleveland put it.

He and Rep. Henry S. Reuss of Wisconsin urge the Democrats now vying for House leadership posts to take a public stand on reforms calling for selection of committee chairmen by democratic procedures in party caucus, open meetings of committees except when national security is involved, restraints on the arbitrary powers of committee chairmen, and record voting on all major bills.

These are not new ideas, nor ideas held exclusively by Democrats. A House Republican task force on congressional reform covered much of the same ground in a report prepared in 1966. Each party today has a committee of House members studying reforms, including abandonment of the seniority system, and a more modest modernization program is now taking shape in the House Rules Committee.

There is no rule of seniority, but only the custom. House rules provide only that the full House shall elect as chairman of each standing committee one of the members thereof. In practice, the House ratifies decisions already made in party caucus. And by custom, the caucus selects as chairmen the committee members with the longest service, or seniority.

At any time, the party caucus could change the custom and select chairmen on the basis of ability, or adherence to the party position on broad national issues, which is what the reformers want.

The problem is, however, that generally only the younger members can agree that this would be a desirable reform. The longer a congressman has been in office, the better the seniority system looks to him. Then he begins to argue—with good reason—that abolishment of the system would lead to log-rolling, factional fights and political trading as congressmen fought for positions of power.

One can only speculate on what evils might develop if committee chairmen were selected by vote of the caucus, or of the committee itself. Loss of continuity and popularity contests would not necessarily bring abler men and better government.

Yet drawbacks of the seniority system also are apparent. The chief one is that it destroys party responsibility. A chairman, owing allegiance to a provincial constituency and not to his party can ignore platform pledges and legislative programs advanced by party leaders.

If Congress is not ready to abandon the seniority system, and it probably isn't, it can at least initiate reforms controlling abuses of power of committee chairmen.

In sum, a compromise reform would be desirable, specifically including more open meetings of committees, decision by vote of the committee on what legislation to consider, and record voting on major bills.

[From Chicago Today, Oct. 18, 1969]

CONGRESSIONAL REFORM? O, SURE

Remember congressional reform? It got to be a moderately well-known issue last year, when a group of reform-minded younger congressmen under former Rep. Don Rumsfeld [R., Ill.] kept kicking up dust about it. Their complaint was that Congress is becoming fossilized—an unwieldly, unresponsive, generally shiftless institution in which power is largely monopolized by elderly men, particularly committee chairmen who get and keep their posts thru seniority.

But the seniority system remains untouched. Changes in rules that would weaken the life-or-death power of committee chairmen over legislation have either been dropped or watered down to meaninglessness.

We think they were quite right. Since then, however, Rumsfeld left Capitol Hill to head the office of economic opportunity, and congressional nature has taken its course. By now, the "reform" action being contemplated wouldn't raise a speck of dust in a haunted house.

The measure being readied for House action is a congressional reform bill in name only. It does some mildly praiseworthy things like abolishing the 25-cent fee for Capitol tours, providing a dormitory for page boys, and lifting the ban on radio-TV coverage of committee hearings.

Attempts to tighten restrictions on lobbying have been abandoned.

Rep. B. F. Sisk [D., Cal.], head of the subcommittee that's been working on the reform bill since May, explained: "We're political realists. We want a bill that can pass."

That may be called realism—giving up a fight immediately for fear you may lose. It's also one way to guarantee that Congress will never have to improve.

[From the New York Times, May 22, 1970]

BREEZES STIR ON CAPITOL HILL

By serving notice now of his intention to step down from the Speakership, John McCormack may well be staving off a rebellion of historic dimensions in the House of Representatives. Had he chosen to run again, there is no question that a large segment of Democrats would either have fought his re-election to the end or demanded as the price of acceptance a pledge of reforms in the institutional workings of that chamber.

In this respect the Speaker's sudden decision may be a setback. No serious student of the House questions the acute need for changes, particularly in the autocratic rule of committee chairmen and the seniority system that supports it. Representative Carl Albert, Mr. McCormack's probably successor, is a mediator rather than an innovator, a man capable of listening sympathetically to the very plaints of Congressional freshmen while he smoothes the ruffled feathers of outraged Establishmentarians. But by his very neutrality and acceptability to all factions, he presumably will conduct only a delaying action in the Democrats' most private civil war.

That war, desultory as it seems, will nevertheless continue. Regardless of who the next Speaker is, there will almost certainly be a spirited fight for the majority leadership now held by Mr. Albert. Preliminary speculation focuses sharply on Representative Dan Rostenkowski of Illinois, now head of the Democratic caucus in the House and candidate of the powers that be. A protege of Mayor Richard Daley—some think his chosen heir to Chicago's City Hall—Mr. Rostenkowski would certainly be opposed by members of the liberal Democratic Study Group as the type of machine leader they are so eager to supplant with a Congressman whose mind is more attuned to issues than to politics.

While we are mindful of Speaker McCormack's contributions in the past—especially his championing of New Deal legislation in his early Congressional days—his best days were well behind him when he assumed the Speakership. Even if his departure from that difficult and powerful office defers a planned uprising, it is nonetheless an unacknowledged recognition that, as everywhere else, fresh breezes are gaining strength—at long last—in the House of Representatives.

[From the Minneapolis Star, May 22, 1970]

MCCORMACK AND THE SYSTEM

House Speaker John McCormack, a Boston Irish politician of the old school, finally called it quits. It was a pity that he waited so long. He might have stepped out with honor. Instead, he lingered until he could no longer cut his losses.

He had lost his grip mentally. His leadership qualities, never strong, had disappeared. His health, at age 78, was poor. He had been betrayed by close associates. He was under attack by younger liberals within the Democratic party.

In a way, McCormack was more sinned against than sinning. He never questioned the seniority tradition that elevated him to a position of power and maintained him there even if he couldn't really exercise that power for good or ill. Nevertheless, the attack from the liberal flank is not so much on McCormack the symbol.

Harvard economist John Kenneth Galbraith underscored this when he told university students here that their revived zeal for working within the system for peace candidates would be a "fraud" unless they also worked to get candidates to commit themselves to attack seniority. The evil isn't only that it enables an ineffective figure like McCormack to hang on, but that effective figures like House Armed Services Chairman Mendel Rivers, D-S.C., not only hang on but build powerful empires.

Working within the system to influence changes in basic traditions (and seniority is a tradition, not a legal matter) will take long, patient hard work. This will pose a test not only for bright young activists but ultimately for the inherent capacity of the American political system to change.

[From the Rockford (Ill.) Morning Star, June 11, 1970]

SENIORITY REFORMS DUE

The issue. Reform of the seniority system in effect in the Congress of the United States.

Congressman John B. Anderson of Rockford has thrown his support behind the move for reform of the seniority system in Congress which is attracting an increasing number of members of both parties.

Opposition to the seniority system, under which members of Congress with the longest service receive leadership positions, gained momentum earlier this year when Rep. Jerome R. Waldie, D-Calif., introduced a resolution calling upon House Speaker John W. McCormack to step down.

The resolution was defeated by a 192–23 vote. Speaker McCormack made it unnecessary for another attempt when he announced May 20 he would not seek re-election to the House. He is completing 42 years in Congress.

Support for scrapping the seniority system is coming from both liberal Democrats and conservative Republicans. The liberal Democratic Study Group has called for the appointment of a caucus committee to review procedures for the selection of committee chairmen.

Rep. Paul McCloskey, R-Calif., has suggested to Rep. Gerald R. Ford, R-Mich., House minority leader, that the seniority system should be scrapped if the GOP wins control of Congress this year.

Anderson pointed out that the average age of chief executives of the nation's largest businesses is 57, while the average age of House Committee chairmen is over 70.

"Something is wrong with the system which doesn't make some provision for retirement of committee chairmen after a certain age," he said.

Anderson favors modification of the procedure so that each committee could choose a chairman by secret ballot from among the five most senior majority party members. That would be a big improvement.

The ranks of Congress are being filled by a growning number of younger men and women. Many have exceptional ability, but they are thwarted by a system which re-

quires them to be around for 20 years or longer before they have a voice in the leadership.

The seniority system will not die easily, but the voices for a change are growing louder. When the new Congress is organized next year, there may be a change.

[From the Cleveland (Ohio) Plain Dealer, June 22, 1970]

TOWARD A MODERN CONGRESS

The winds of change that have forced reforms in such venerable institutions as church and university are beating against Congress.

Its younger members, particularly in the House, are demanding a share of the power that is now held almost exclusively by their senior colleagues because of the system of awarding committee chairmanships solely on the basis of seniority. A group of freshmen Democrats, impatient for change, even threatens to bolt the party and vote to organize the House for the Republicans unless Democratic leaders indicate willingness to institute reforms spreading the power around.

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He and Rep. Henry S. Reuss of Wisconsin urge the Democrats now vying for House leadership posts to take a public stand on reforms calling for selection of committee chairmen by democratic procedures in party caucus, open meetings of committees except when national security is involved, restraints on the arbitrary powers of committee chairmen, and record voting on all major bills.

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At any time, the party caucus could change the custom and select chairmen on the basis of ability, or adherence to the party position on broad national issues, which is what the reformers want.

The problem is, however, that generally only the younger members can agree that this would be a desirable reform. The longer a congressman has been in office, the better the seniority system looks to him. Then he begins to argue—with good reason—that abolishment of the system would lead to log-rolling, factional fights and political trading as congressmen fought for positions of power.

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In sum, a compromise reform would be desirable, specifically including more open meetings of committees, decision by vote of the committee on what legislation to consider, and record voting on major bills.

[From the Seattle Times, May 22, 1970]

A SYMBOL STEPS DOWN

Issue. Congressional reform

The decision of House Speaker McCormack to retire from Congress next year was one among many wise decisions that senior statesman has made in a notable 42-year congressional career.

It is not to detract from McCormack's impressive record of service to note that there comes a time for every leader to step down and that McCormack at last has recognized this fact.

The elderly Speaker had become the living symbol of the whole archaic seniority and committee system under which Congress operates. He was the principal target of the movement toward congressional reform.

Now that the symbol is stepping down, that ought not to mean that the reform efforts should be moderated.

Much is being written about the individual congressmen who are vying for the various openings to be expected in a reshuffling of House of Representative leadership posts (assuming the Democrats win control of the next Congress).

Of greater long-range importance than the matter of what individuals occupy what posts, however, is the need for Congress to shed its stifling and anachronistic ways and follow the lead of many other American institutions in adopting modern means of getting things done.

Under the existing seniority system, the average committee chairman is 70 years old. The process of advancement to positions of great power simply by holding on long enough to a congressional seat is obviously nonsensical.

Congress is extraordinarily jealous of its own prerogatives and unfailingly zealous in demanding detailed answers from the executive branch to the most minute questions raised by its members.

Yet Congress dons blinders when there are questions concerning its own failures to respond to the challenges of the times.

But there is yet hope for a meaningful measure of reform. That hope lies in the sudden interest on the part of most congressmen in putting on a great show of opening their office doors and listening to the voices of young people.

If the lawmakers really will listen, they will find that the archaic congressional system is one of the principal targets of youthful concern.

Congress must shed its bottleneck role; in a narrow sense, for its own sake, and, in a far larger sense, for the sake of our three-branch republican form of government.

[From the Louisville (Ky.) Courier-Journal May 15, 1970]

REORGANIZATION, NOT REFORM, ON CAPITOL HILL

It's probably human nature that more people seem to get agitated at the rise in congressional salaries—the going rate is now $42,500—than over how our elected representatives go about their business. The first is measurable: "That bum isn't worth a dollar an hour." The second is a kind of byzantine labyrinth designed to perpetuate inefficiency, reward old age and bewilder the average citizen.

It comes as no great shock, then, that the reorganization bill now before the House would oil the machinery a bit but not replace all those broken gears. It would open the door to computers and a stronger research arm and televised committee hearings, but it wouldn't tamper with the seniority system from which most of the troubles flow.

POWER VESTED IN ELDERLY

Any business that put all its oldest employes in the top spots, with no question of merit, would not only ask for trouble but deserve it. Yet Congress rocks placidly along its real power vested mostly in elderly men who get re-elected forever because the areas they serve are safely remote from the distresses of an increasingly urban society.

It would be pleasant to think that televised committee hearings would so expose the anachronisms of Congress to public view that the resulting clamor would force instant reform. But the Senate has been televising these things for two decades to no such avail. Perhaps that's because so many of the senior men, such as judiciary's Sen. James Eastland, don't need the publicity and find they can get more done when the door is closed.

Every other year, when a new crowd of Young Turks shows up on Capitol Hill, there's talk of dismantling the seniority system; of toppling such over-the-hillers as 78-year-old Speaker McCormack. And maybe one of these days the miracle will happen. But the lure of a little seniority for himself, as those above him on the ladder are defeated or retire or die, has a way of turning today's reformer into tomorrow's standpatter.

Congress is improving the arduous lot of the representative and senator, giving him more staff, making his pay more realistic, speeding the flow of information on which his decisions hinge. It also has taken the first tentative steps, via the two-year-old public disclosure act, to publicize at least some of the conflicts of interest that too often abuse the national good.

So the workings of Congress slowly improve, like an old car with a new clutch. But the driver, sad to say, still doesn't ask the passengers where they want to go.

[From the Toledo (Ohio) Blade, Jan. 3, 1970]

SENIORITY POWER, LTD.

Seniority, as it reflects experience, ability, and leadership, commends itself as a worthy and valued attainment. Indulged in the extreme, however, it runs the hazards of age and the erosions of physical and mental capacities. Congress, with its time-honored committee chairman system that rewards seniority with tremendous power, is again under attack on that score.

The fact that at the start of the new year 15 committee chairmen, nine in the House and six in the Senate, will be over 70 is adding fuel to criticism that comes within Congress and the Administration as well as from concerned citizens.

Such proposals as that of John Gardner, former Secretary of Health, Education, and Welfare, to bar anyone over 70 from serving in Congress are not likely to succeed. And the exemplary act of Sen. John J. Williams in announcing his retirement at age 65 because of his strong feelings about age will not set off a stampede to follow suit.

This suggested hewing to a hard and fast age limit is not necessarily a wise solution in the case of members of Congress because of the diverse physical constitutions and mental capacities of individuals. After all, it rests with constituents to decide if and when a representative or senator should be involuntarily retired.

But committee chairmanships within Congress are another matter. The vitality of Congress as a responsive body rests with the committee system in which the major legislative work is done.

Senators and representatives who for years on end have been returned to Congress virtually without challenge from their home districts have gained top seniority. The system not only has produced unbalanced numbers of chairmen representing southern and southwestern constituencies where one-party voting predominated for decades; it has also produced a cluster of aging chairmen without regard to ability or leadership qualities.

The instances of abuse and incompetence are sufficiently widespread to warrant breaking this grip. An age limit set on committee chairmen, preferably at 65, will terminate the virtual lifetime leases held by some and restore the leadership to experienced but younger men. This stripping of an elderly congressman's chairmanship powers and influence might also persuade his constituents to cast about for new blood. It could bring an infusion of younger men into Congress whose contributions had something more to recommend them than the attainment of seniority.

In any event, a turnover of committee chairmanships by virtue of an arbitrary age limitation would remove injuries to pride or reluctance to offend honored elder statesmen, at the same time protecting against indefinite entrenchment of dictatorial powers such as have thwarted committee efforts and, at times, even the will of Congress.

[From the Chicago Sun-Times Jan. 14, 1970]

McCormack's Time Has Come

Despite his age and charges that his office was used as a base for influence peddling, John W. McCormack is planning to seek reelection as speaker of the House next January.

McCormack was 78 on Dec. 21. Younger Democrats have argued that he is hopelessly out of touch with the problems of this swift-changing age. McCormack is accused of letting conservative elements in the party wield too much influence, particularly Southern committee chairmen who retain powers to be reckoned with because of the seniority system.

The seniority system itself has no place in a government that must be responsive to change. Because a congressman has served long years in Washington does not necessarily endow him with the wisdom and knowledge required to help guide the nation's destiny. Congress should not let length of service be the sole criterion for selecting committee chairmen.

Congressmen ought to re-examine periodically the qualifications of their leaders without regard to the length of their service. The spirit of the seniority system no doubt accounts in some part for the loyalty of many House Democrats to McCormack. His friends claim he has the support of 167 out of the House's 245 Democrats and can easily be re-elected speaker.

The indictment of McCormack's longtime trusted aide and a lawyer-crony on charges of criminal conspiracy and perjury in connection with allegations of influence peddling should certainly give pause to McCormack's supporters. This embarrassment to McCormack and to the Democratic Party should increase the antagonism that exists toward the speaker among younger Democrats.

This antagonism showed last month during a meeting of a few House members. McCormack said to younger members, "I think some of you want to run the House."

"That's perfectly true, some of us do," retorted Rep. Frank Thompson Jr. (D-N.J.), who is 51 and a combat veteran of World War II and Korea.

We believe it's a fair statement to say men like Thompson are in closer touch with the problems of modern America than McCormack who first went to Congress in 1928. The Sun-Times long has advocated that older statesmen must step down to make way for new and able leadership. McCormack's time has come. We endorse efforts of Democrats who are willing to challenge the system of seniority and who want a change.

[From the Salt Lake City Deseret News, Feb. 12, 1970]

Can Congress Modify the Seniority System?

Congress often is notorious for ignoring its own advice.

As a case in point, 12 years ago it passed a law requiring chief judges of federal circuit and district courts to relinquish their jobs at age 70.

But the Congress never got around to requiring the same rule for its own members. And, indeed, it is such a bastion for the seniority system that at least nine of the most powerful committees in Congress are controlled by men 70 or older. Six chairmanships are held by men past 75, two by men past 80.

That would not be so bad if ability instead of length of service were the determining factor. Often, men of advanced years can and do remain highly effective in leadership positions.

But not all do. House Speaker John McCormack, for example, now 78, has lost most of his effectiveness.

"The House is no longer governed," says one Congressional aide. "Nobody can be sure any longer when major legislation will be brought before the House. It is a leaderless, confused group of competing bloc interests, and something has to give."

Missouri's Representative Richard Bolling has proposed what he calls "simple reforms" of the Democratic Party within the House which might at least be a step in the right direction. His plan would, in effect, pick committee chairmen by nomination of the Democratic leader and a majority vote on those selections by fellow party members. Age would then be no automatic bar. It shouldn't be. But ability would also be a factor.

Some such system must be devised if Congress is to accomplish the tasks expected of it in an increasingly complex society. The slow pace of the 91st Congress during its first session, for example, can be attributed at least in part to their prime.

[From the Philadelphia (Pa.) Evening Bulletin, Feb. 17, 1970]

Reform in the House

An attempt to get a vote of no confidence in the Democratic leadership of the U.S. House of Representatives may grab most of the headlines about tomorrow's meeting of the House Democratic caucus.

But of perhaps more importance is a tame-sounding resolution calling for a study on alternatives to the present seniority system of picking House committee chairmen.

The challenge to the leadership of Speaker McCormack, Majority Leader Albert and Majority Whip Boggs is not insignificant, of course. The deficiencies that many see in the Speaker's performance have long been a subject of concern and debate. And a number of House Democrats are worried lest it be made a political issue in their own campaigns this fall.

But if the challenge picks up a score of votes in the caucus, it will surprise most of its backers. Such confrontations do not appeal to most congressmen, and many would probably prefer a straight vote on the man at the beginning of the new session next January.

The caucus, however, just might start ventilating the cobweb-hung stuffiness of the seniority system. It will be interesting to see what the House, with its occasional zeal for reforming others, will choose to do for itself.

The resolution merely asks that a study committee be appointed to investigate other ways of choosing committee chairmen and report back in the spring.

The first question is whether the proposal will be allowed to come to a vote. If the caucus leadership packs it with congressmen who find cobweb-hung stuffiness congenial, then the reformers will have to try a new trick.

Leaders of the Democratic Study Group, an informal collection of liberals have suggested that the caucus be given veto power over chairmen. If a chairman were voted down, the next senior Democrat member would be voted on, and so on. (The Republicans would have to make up their own rules for a GOP-controlled House.)

That could be an acceptable alternative. Or how about a vote of the Democratic members of the committee in question? In any case, there is a need to replace the seniority system and brush away the cobwebs.

[From the Washington Post, Feb. 17, 1970]

Who Will Abolish Seniority?

The move to unseat Speaker McCormack with a vote of no confidence in the House Democratic caucus tomorrow appears to have evolved into a campaign for modernization of the House. In the view of Representative Waldie, who is spearheading the attack upon the Speaker, the two causes seem to merge into one. But other more experienced members are more inclined to strike a blow now at seniority and similar defects in the system, while leaving the fate of the Speaker to a more propitious moment. Herein lies the greatest hope for rescue of the House from its lamentable stagnation.

It is true that the 78-year-old Speaker has become a symbol of the organizational and procedural hardening of the arteries which afflict the House. Probably it is also true that the chance of achieving effective reform will be meager so long as he is in the driver's seat. But a change of pilots would not alone bring about the modernization that is so urgently needed. A far more serious drag on the House as a legislative body is the control of many of its major committees by conservative Southern Democrats in their seventies. As Representative Lowenstein said on Meet the Press on Sunday, "Even societies that worship their ancestors don't automatically put their ancestors in charge of their Armed Services Committees and whatnot."

Probably the most practical maneuver at the moment is that sponsored by the Democrat Study Group, which wants a carefully selected committee to review the seniority system and other organizational defects with a view to action at the beginning of the next Congress. Representative Bolling, who seems to be the most influential member of this group on this subject, has sought for years to show his colleagues that they do not need to choose between the existing confusion and a return to the dictatorship that existed prior to 1910 under Speaker Joe Cannon. There is a sensible middle ground—assignment of the ultimate power to select committee chairmen to the caucus of the party in power, from nominations made by the Speaker without regard to seniority.

In our view, the Democratic caucus could greatly enhance its standing before the public by moving in this direction. If it fails to

do so, it may drop a momentous issue into the lap of the Republicans. Representative McCloskey has pointed out how vulnerable the Democrats are to a campaign against senility in the House and suggested that the Republicans could capture the enthusiasm of the younger voters by promising to abolish seniority in the House if a Republican majority is returned in November. A campaign on who could most effectively relieve Congress of the incubus of the seniority system would be welcomed with open arms.

Many Democrats may be inclined to rebuff any suggestions of reform when the issue arises tomorrow to save the face of the Speaker. But they should be fully alert to the risk they would take upon themselves by leaving this enormously popular issue to the Republicans.

[From the Lincoln (Nebr.) Star, March 23, 1970]

SENIORITY REFORM SOUGHT

The seniority system in Congress—under which great power is often vested in elderly men—has come under attack from various quarters, including a group of youthful Democratic rebels in the House and Nebraska's Third District Rep. Dave Martin, a Republican.

Martin, convinced that men in their 70's should make way for younger talent and concerned that many of the elderly members are committee chairmen, has proposed a constitutional amendment under which a person could not begin a Senate term after reaching age 69 or a House term after reaching 70, thus setting a mandatory retirement age of 74 for senators and 71 for House members.

We are not so sure that a mandatory retirement age, like a limit on terms of office, is a good thing. But it's obvious that a system that rewards age while many times overlooking ability is a bad thing.

In their bid to do something about what one termed the "antiquated people and antiquated machinery," 19 Democratic rebels have served notice that their votes cannot be taken for granted when the House reorganizes next January following the fall elections. They might go as far, they warn, as voting for a Republican for speaker if a study of the seniority system is not reported to the Democratic caucus prior to the elections.

The party caucus last week, with the support of the leadership, voted in favor of the study, but asked that the report be delayed until January. The 19 younger Democrats want the study completed by June so it can be digested before leaders are elected next term and so that Democrats can make it a campaign issue in the fall. A delay until January, they feel, will put off reform for another two years.

The pressure being exerted may not be enough to sway the majority party into initiating a reform movement, but the junior members have to be given credit for trying. Reform of the seniority system is long, long overdue.

[From the St. Petersburg (Fla.) Times, Mar. 23, 1970]

CHALLENGE TO SENIORITY: ORDER IN THE HOUSE

A group of reform-minded Democratic members of the House of Representatives has shown the seriousness of its intent to challenge the seniority system.

Nineteen determined, mostly young Democrats have threatened to upset their party's control of the House if careful consideration is not given to a study of committee organizations, with specific reference to "the custom of seniority."

The liberal representatives are concerned with some justification, that the study authorized by the House Democratic leadership could become a meaningless exercise—a paper concession to cries for reform.

Florida's Rep. Sam Gibbons had provided the House with a compromise resolution which broadened the narrow view of the entrenchment, yet satisfied the leadership that this would not be a shotgun attack on their seniority system.

Gibbons thus helped avoid a nasty party-split which would have polarized both reformers and stand-patters.

However, those who believe the time is long overdue for real reforms in the congressional committee system were set back by a modifier tacked on to the House resolution which called for the study. It put off the reporting date for the seniority study from June to January.

Sponsors of the resolution wanted the report to be delivered in time to do something about the system before the next Congress is reorganized. January would not only be too late for that, it would put any reform action off for at least another year.

There is new blood in the Congress which is boiling for a more modern system of representation for its constituents.

There is a new interest in the people who want representatives to have power derived from ability, not just through time on the job.

The seniority system has been responsible for some of Congress' worst excesses. It has allowed regional domination of important committees by members from the South, where there was seldom any challenge in politically safe Democratic districts. It has replaced responsibility with rote reelection of Speaker and automatic risings to chairmanships.

Failure to support party leadership, to the point of turning over House control to the opposition is a serious act.

But it is a measure of the strength of the movement for congressional reform, and should be considered for its seriousness by the Democratic leadership.

[From the Los Angeles Herald Examiner, March 26, 1970]

SENIORITY SYSTEM

Both Democrats and Republicans took tentative steps toward reform of the congressional seniority system last week by endorsing review of present methods of appointing House committee chairmen.

In shaping federal legislation, committee chairman possess vast powers. Yet many are well beyond the norm for retirement.

Younger members of Congress are distressed and feel ineffectual in attempts to advocate progressive legislation. These men are not youngsters but mature legislators in their 30s and 40s who are excluded from the decision-making process by an outmoded power structure.

If aging college professors can accept emeritus roles and elder statesmen of the corporate world can graciously step down to advisorial positions then it certainly seems that senior members of Congress can share with their younger colleagues some of the power and authority for national legislation.

Some chairmen have the capacity to function ably in their 70s and even their 80s. But they and the Congress probably would function even better if young voices were heard.

Young congressmen don't ask for absolute administrative power in either the House or the Senate. But they do deserve a more active role in leadership responsibilities.

It is widely conceded that the country as a whole has a generation problem. This very well may be reflected in a Congress where younger men must grow old before they are given any real authority.

[From the Buffalo Evening News, May 22, 1970]

HOUSE SPEAKER STEPPING DOWN

The announcement of Speaker John W. McCormack that he will retire from the House at the end of this year should substantially broaden opportunities for overdue and highly desirable institutional reforms in Congress.

Throughout his 42-year career on Capitol Hill, the gracious Mr. McCormack has remained loyal to his own personal code, surely a mark of steady conviction, and, as President Nixon said, the nation owes the Speaker a debt for his "statesmanship and patriotism."

At the same time, however, on-rushing social and political events have left Mr. McCormack somewhat out of touch and, at 78, he has become something of a symbol of the iron system of seniority in the House at a time when reasoned challenges to that system have mushroomed. Of 21 chairmen of standing committees in the House, for example, eight are 70 years or older. Moreover, Mr. McCormack, while not personally involved, was damaged by recent charges that an old friend and trusted aide had used his office as a base for influence peddling. This raised questions about whether he adequately controlled activities even in his own office.

A source of widening differences between the speaker's leadership and many Democrats and Republicans in the House relates to his unwillingness to consider broad institutional reforms in Congress. A couple of years ago, for example, a very modest reorganization bill, already approved by the Senate, was quietly buried by the speaker and Rep. William Colmer, chairman of the powerful Rules Committee. Nor has urgent public concern over ethical standards for House members won adequate legislative response.

No doubt Mr. McCormack's retirement will trigger a scramble for power among a number of potential Democratic successors and those intent on reshuffling the whole leadership hierarchy.

But a more important consideration, it seems to us, is that now the chance for various internal reforms has brightened. Whether Democrats or Republicans win a majority of House seats in November, the leadership emerging next January will be new, anxious to cultivate public support and approval, and with significantly fewer loyalties to the past. A part of achieving that end should include facing up squarely to the challenge of institutional change.

[From the Miami Herald, May 22, 1970]

AS SPEAKER JOHN STEPS DOWN

John W. McCormack was born in 1891, entered public life in 1917, and was elected to Congress in 1928. He has served there longer than most Americans have lived.

For Mr. McCormack to retire now, at 78, would seem to be an attractive sunset for him, and a service to the nation.

His age alone does not prompt us to take this view, for the experience of his years no doubt has given him wisdom that could well be used by younger colleagues. But it makes it more difficult for him to be representative of a young country in so powerful a position as Speaker of the U.S. House Representatives.

The median age in the United States is 27. Congress has passed laws making it mandatory for some civil servants to retire at 70. A survey of 25 of the nation's top corporations shows that the average age of their presidents is 57. These statistical straws do not by any means indicate that a man of 78 cannot understand the mood of his country, but they do quite clearly suggest it is more difficult for him.

Aside from other considerations, Mr. McCormack had developed into the national symbol of procedural restraints that inhibit the House as a whole in reflecting the will of the nation as a whole.

Specifically, he had become the single major target for attacks on the seniority system that have been mounted by younger congressmen. This system allows congressmen to rise to powerful committee positions simply on the basis of how many times they are re-elected. Years in office count more than skill and leadership.

The process of re-election does not offer any surety of leadership. Rather, it has often been due to a Congressman being from a "safe" district. This was especially true in the old one-party South, and in the political machine areas of the North. So repeated re-election carried no other guarantees of quality.

Mr. McCormack himself seemed to make at least grudging recognition of this when he endorsed the proposal of some rebelling congressional Democrats that the seniority system be subjected to study. Eleven Democrats in Congress will make that report after the November elections. It was the nearest thing to success the rebels ever achieved.

Now, with Mr. McCormack's retirement, the question has new life and the study may have new significance. It seems to us that it should, for Congress in these trying times cannot afford any artificial barriers between it and the public will. Tradition alone should not keep them there.

[From the Roanoke (Va.) Times, May 22, 1970]

McCormack Retirement Is Good News; Tired-Blood Sickness in House Remains

John McCormack, at 78, symbolizes practically all that's wrong with the House of Representatives: All-powerful by virtue of seniority alone, he is old and sickly, inflexible in outlook, a stereotype holdover from Irish Boston's ward-heeling politics of the Great Depression.

McCormack was already too old when he ascended to the House speakership in 1962. But because the fruits of the House vineyard are tasted only by colorless and patient men—men who hail from safe election districts and climb quietly through the committee ranks over a span of several decades—McCormack was the automatic choice as Sam Rayburn's successor.

So it was, for a time, that McCormack in the Sixties was only a couple of heartbeats from the presidency—this because the presidential succession ladder then mistakenly ranked House speakers immediately behind a vice president as backup president. And so it was, on Nov. 22, 1963, that for a moment it was thought that Lyndon Johnson as well as John F. Kennedy had been the target of an assassin's bullets, and that, incredibly, this Pleistocene politician from Boston might be president of the United States.

It did not take long for Congress, and the country, to repair the constitutional oversight on presidential succession. But, such is the paralysis of the House in attempts to reform itself, it has taken this long a time, an influence-peddling scandal involving the speaker's closest aide, and finally a self-imposed retirement, to bring an end at last to the sad rule of John McCormack.

"Few institutions in our national life are as gravely in need of renewal as the Congress of the United States," John Gardner has written. Yet, except among younger House members, there is little sense of urgency; little recognition that McCormack and the other tired old men in the House's inner-sanctum, and the system that brought them to power, are chiefly responsible for the low esteem in which the country holds the lower legislative branch of Congress.

As Gardner once noted, "these men are full of years and honors. They can serve their country best by stepping aside; that would be patriotism at its highest." But because of stubbornness, self-pride and self-deception, they stay. So it is that, including McCormack, nine of the most powerful men in the House are over 70.

Even southern conservatives, who have jealously nurtured the seniority system as a means of maintaining their control of Congress, finally have begun to sense that John Gardner and other reformers may be right. No speaker was ever voted out of office, and so it was doubtful that even McCormack's non-leadership would ever have prompted the tradition-conscious House to violate that custom. But soon even traditionalists are going to have to permit an overhaul of House machinery, simply because the pressures of the times and the anger of the younger members require it.

With college-age activists swarming all over Capitol Hill trying to get Congress to reclaim leadership that a previous generation of liberals shifted to the White House, McCormack has shown an exquisite sense of timing in making his impending retirement official. Others in Congress, in their seventies and eighties, should quickly follow McCormack's example. And, as the necessary leadership changes are made, the entire House ought not to miss this rare opportunity to treat the tired-blood, institutional diseases that needlessly bring the McCormacks to power.

[From the Rapid City (S. Dak.) Journal, June 25, 1970]

Both Parties Seem Intent Upon Altering House Seniority System

Since South Dakota will send two freshmen representatives to the U.S. Congress next year it is interesting to note that alternatives to the House seniority system are being examined.

The move is part of the winds of change beginning to blow in the tradition-bound House of Representatives. The decision of 78-year-old speaker John W. McCormack to step down at the end of the session will remove a prize symbol of the Old Guard. The unresolved question is whether the new breeze will be strong enough to topple the seniority system that places the control of Congress in the hands of aging men.

For the first time in recent years, the time-honored method of selecting committee chairmen—the basis of the House power structure—is under concerted attack by Democrats and Republicans. Both parties have set up groups to study the system by which men advance to key posts by longevity of service rather than by merit.

Power in the House now rests largely in the hands of men born in the last century or shortly after the beginning of the present one. Of the 21 committee chairmen, three are in their 80's, six are in their 70's, nine are in their 60's and only three are in the 50's and 40's. Southern Democrats from one-party districts are chairmen of one-third of the committees.

The seniority system became established in the House after 1911. Revolting against the autocratic Republican speaker, Joseph Cannon of Illinois, the House stripped him of his power to appoint committee chairmen. Instead, it was vested in a committee on committees. Since World War II, the seniority rule has been strictly followed although there is no rule requiring it.

Bitterness and frustration among younger members of the House who feel they are smothered by those born in the last century have been responsible for the pressure brought upon both parties to establish committees to study the seniority system.

The issue is likely to come to a head sooner than the leadership expected. A California Democratic congressman is planning to introduce amendments to a congressional reform bill due for debate in July that will call for committee chairmen over 70 to step aside. This would reduce the average age of the chairmen from 68 to 60 years.

The fact both parties have started competing on the issue is a sign the generation gap is stirring on Capitol Hill at last.

[From the New-Bedford (Mass.) Standard-Times, June 26, 1970]

Younger Leadership Needed

Next month, triggered in part by proposals of Rep. Thomas M. Rees, D-Calif., the House of Representatives is expected to debate amendments to a congressional reform bill that will call for committee chairmen over 70 to step aside. If enacted, this change in the basis of the House power structure would reduce the average age of the chairmen from 68 to 60 years.

Power in the House now rests largely in the hands of men born in the last century or shortly after the beginning of the present one. Of the 21 committee chairmen, three are in their 80s, six are in their 70s, nine are in their 60s, and only three are in their 50s and 40s. Southern Democrats from one-party districts are chairmen of one-third of the committees.

Bipartisan bitterness among younger members of the House had led to pressure on both Democratic and Republican leadership to study the seniority issue. Rep. James H. Scheuer, D-N.Y., undoubtedly voices the frustration of many junior members on both sides of the aisle when he complains that, "This Congress abounds in capable men in their 30s, 40s and 50s, but they are smothered by the dead hand of those born in the last century."

The generation gap has been a long time getting to Capitol Hill. It is to be hoped its tardy stirrings will produce a more proportionate voice for younger members. We are inclined to agree with John W. Gardner, head of the Urban Coalition, that "few institutions in our national life are as gravely in need of renewal" as the Congress of the United States and the best first step is an end to the seniority system.

Generation Gap in Congress

Probably no institution is more important to the ongoing functions of America's national life than the United States Congress for it represents the very heart of representative government. Paradoxically, probably no institution is in greater need of renewal than is that same Congress.

For the first time in recent history, the traditional method of selecting committee chairmen, which is the basis of the power structure in Congress, is under concerted and bipartisan attack. Public hearings have been started by a task force set up to examine alternatives to that power structure—the seniority system.

Under attack will be the time-honored system in which legislators advance to positions of power solely because of longevity of service. Merit and ability have nothing to do with it.

Power in the House of Representatives now rests largely in the hands of men born last century. Of 21 committee chairmen, three are in their 80s, six in their 70s and nine in their 60s. Only three are in their 40s or 50s. One-third are from one-party districts in the Deep South.

Facing the task force will be the job of determining a formula which will honor a matured legislator without defining that honor on age alone. Some of those men in their 70s and 80s remain capable and their counsel cannot be shunted aside. But the concern is

pointed toward those who have little to offer save seniority.

Then there is the nagging realization that other facets of our society are setting up mandatory retirement deadlines based solely on age. Already in the mill is an amendment to a proposed congressional reform bill which would ban committee chairmen who have reached their 70th year. They would not be denied committee membership, just the rigors of chairmanship.

There are winds of change blowing in Congress. The unresolved question is whether this new breeze wafting in the legislative generation gap will be an ill wind that bloweth no man good.

[From the Providence (R.I.) Journal, May 24, 1970]

AFTER MCCORMACK

House Speaker John W. McCormack has made the right decision. At the age of 78 and after 42 years of service in the House, he is stepping aside into a well-earned retirement.

It is somewhat unfortunate that a few discordant notes have accompanied the act of retirement. Liberals in the House have been prodding the speaker to move over and make way for more youthful leadership. Politicians with an eye on the big chance had been contemplating a face-off with Mr. McCormack in his own 9th Congressional District in Massachusetts. There is, too, the embarrassing evidence that influence peddlers had abused the speaker's friendship and used his office for their schemes.

But these discordant notes are of small importance against Mr. McCormack's long and faithful service to his district, his party and his country. It is a record that has won for him the respect of his colleagues and the gratitude of the nation.

Mr. McCormack's retirement has touched off the usual repercussions. A scramble has developed in the 9th district where the prospect is that a dozen or more candidates will compete for the House vacancy. Another scramble may develop next January when the House Democrats meet in caucus to elect a new speaker.

A more significant result of the retirement may be a new examination of the congressional system which puts a high value on longevity and lifts many elderly men, long past the usual age of retirement, to places of influence.

It is not disrespectful to Mr. McCormack to observe that he showed the effects of his years and that he has not lately been a forceful and energetic speaker. It could hardly be otherwise, for no man at 78 can be expected to display the vigor and alertness that were his at an earlier period.

The point is that a system suffers whenever considerable numbers of its positions of influence are allocated to men of advanced age, and the present congressional system suffers from precisely that malady.

Five Senate committees currently are headed by chairmen over the age of 72. Three House committees are headed by chairmen over 80, and six others by men over 70.

Various unsuccessful attempts have been made to revise the congressional seniority system and the method of selecting committee chairmen. Typical was a measure introduced in the Senate three years ago which would have fixed 70 as the maximum age for a committee chairman; it was defeated overwhelmingly with only one affirmative vote.

And yet, despite the fierce resistance which Congress shows toward reform and its tenacious clinging to traditional ways, the evidence multiplies that reform is absolutely essential in this area if Congress is to play a responsible role in these troubled times when so many of our institutions are being shaken by change.

Mr. PACKWOOD. Mr. President, time does not allow me to enter all of the editorials from various papers in the United States stating their opposition to the seniority system. I would like, however, at this point to read a representative list of those newspapers that have gone on record as opposing the Senate's seniority system:

The Eugene (Oregon) Register-Guard.
Portland Oregonian.
Oregon Journal.
The Salem (Oregon) Capitol Journal.
Miami Herald.
Philadelphia Inquirer.
Baltimore Sun.
St. Louis Post-Dispatch.
Detroit News.
Washington Post.
San Francisco Chronicle.
New York Times.
Seattle Post-Intelligencer.
Cleveland Plain Dealer.
Chicago Today.
Minneapolis Star.
Rockford (Illinois) Morning Star.
Seattle Times.
Louisville Courier-Journal.
Toledo Blade.
Chicago Sun-Times.
Salt Lake Deseret News.
Philadelphia Evening Bulletin.
Lincoln (Nebraska) Star.
St. Petersburg Times.
Los Angeles Herald Examiner.
Baltimore News-American.
Buffalo Evening News.
Roanoke (Virginia) Times.
Rapid City (South Dakota) Journal.
New Bedford (Massachusetts) Standard-Times.
Columbus (Ohio) Dispatch.
Providence (Rhode Island) Journal.

Finally, Mr. President, as evidenced by letters we receive from our constituents, from comments we hear not only in our home States but throughout the Nation, and from other notice that we, as politicians, cannot fail to be aware of, it is obvious that the American public also repudiates the seniority system.

So, Mr. President, what is it that every civilized and uncivilized government in this world have in common? What is it that every free government and every dictatorial government have in common? What is it that every State legislature and city council in the United States have in common? What is the only similarity between Czechoslovakia and Chicago, between Arabia and Azusa, between London and Paris, and Louisville and Peoria? The only thing, Mr. President, that every form of government known to man in this world, except the Congress of the United States, has in common, is that they have rejected every vestige of seniority as a fit system of choosing their leaders. Can we do any less?

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PACKWOOD. I yield.

Mr. PERCY. Mr. President, I should like to point out the impression I have of the great courage of the distinguished junior Senator from Oregon (Mr. PACKWOOD) in the positions he has taken in this body ever since he has become a Member of it.

There are certain things that one presumably does not do. As a politician, one does not ever talk about abortion; one never talks about limitation on family size. Despite the fact that we do limit now the number of wives we have, we have no legal limitation on the number of children.

I think that the distinguished Senator in his approach to problem-solving sometimes appears almost to be extreme in the position he takes. Yet, I would say that the position he takes would be no more extreme than the extreme position taken on social security some years back.

As we look back on these positions, I think we are going to say, "Thank heavens we do have someone who has the courage to speak forthrightly on these matters."

Just as in the area of population control, he has been forthright. I think that the beginning of what I hope will be a healthy debate on the subject of how we organize the Senate should be undertaken. There are many procedures in the folklore of the Senate for which we hold great affection, and other procedures that really restrict our ability to operate and act effectively and efficiently and respond in a responsible fashion to our problems. Perhaps the seniority system is one of those that should be looked at carefully, and appraised and analyzed. It may well be that this body will decide to continue with it but, every once in a while, we should have healthy debate about many of the things that we do.

I commend the distinguished Senator from Oregon for the research he has put into and the careful thought he has given the subject, and the position he has taken, that it is not a radical thought, and that seniority is not inbred in everything that we do, as he has so ably shown.

I thank my distinguished colleague for permitting me this interruption. I again commend him on his courage, his analytical powers which he is sharing with his colleagues, and his forthrightness in the position he takes.

Mr. PACKWOOD. Let me thank my distinguished colleague from Illinois and say to him that insofar as he came to campaign when I was running for election, I shall look to him for leadership. In a country that too often finds leaders committed to the concept that leadership means to feel the public pulse and move neither too far to the right nor to the left and risk nothing that might hurt chances for reelection, the Senator from Illinois, in my estimation, has been a beacon in leadership, and I hope that he continues to be for many years to come.

ORDER OF BUSINESS

Mr. PACKWOOD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. ALLEN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without

objection, it is so ordered. At this time, in accordance with the previous order, the Senator from Arkansas (Mr. FULBRIGHT) is recognized for not to exceed 1 hour.

OLD MYTHS AND NEW REALITIES—II: THE MIDDLE EAST

Mr. FULBRIGHT. Mr. President, although dangers and uncertainties remain, the prospect for peace in the Middle East has improved. The more favorable outlook is the result of the responsible and politically courageous actions of the Israeli, Egyptian, and Jordanian Governments in responding affirmatively to Secretary Rogers' letter of June 19, calling on the parties to implement a cease-fire, to declare their willingness to carry out the U.N. Security Council resolution of November 1967, and to renew negotiations through Ambassador Jarring toward the implementation of that resolution. Both the United States and the Soviet Union have played constructive roles in bringing about the improved prospect for peace, the United States by initiating the cease-fire proposal and persuading Israel to accept it, the Soviet Union by its own favorable response and by the influence it apparently brought to bear on President Nasser. Also encouraging was a Soviet declaration, published in Pravda on July 21, repudiating the allegation that either the Soviet Union or the Arab States wished to "push Israel into the sea."

As Ambassador Jarring's mediation gets underway, the first important move will probably be up to Israel, which, as the military victor of the moment, can reasonably be expected to initiate the bargaining with a demonstration of flexibility, if not indeed of magnanimity. Should the Israeli Government agree in the early stage of discussions, and in fairly specific terms, to a peace settlement providing for Israeli withdrawal from the occupied territories and for a just settlement of the refugee problem—both as called for in the Security Council resolution of November 22, 1967—the prospect for peace would be better than at any time since the 1967 war. One hopes that, in considering the course which it will now follow, the Israeli Government will consider the problem in its full political and moral dimensions as well as in terms of immediate military advantage. This, I am aware, is a great deal to ask of any government—it is more than most governments, including our own, can usually bring themselves to do. There are, however, rewards in farsightedness and generosity—for those who can muster the will and the wisdom.

One of our own leading Jewish intellectuals, the journalist I. F. Stone, has placed the problem in its moral perspective. He writes:

> For me, the Arab-Jewish struggle is a tragedy. The essence of tragedy is a struggle of right against right. Its catharsis is the cleansing pity of seeing how good men do evil despite themselves out of unavoidable circumstance and irresistible compulsion. When evil men do evil, their deeds belong to the realm of pathology. But when good men do evil, we confront the essence of human tragedy. In a tragic struggle, the victors become the guilty and must make amends to the defeated. For me the Arab problem is also the Number One Jewish problem. How we act toward the Arabs will determine what kind of people we become: either oppressors and racists in our turn like those from whom we have suffered, or a nobler race able to transcend the tribal xenophobias that afflict mankind."[1]

As a modest contribution in the effort to transcend the tribal xenophobias that afflict mankind, I propose today to review some of the myths and realities of the Middle East, as I perceive them, to define as best I can the perspectives of the local parties and their great power mentors, and finally to suggest some additional steps which might contribute to a durable peace.

I. THE MYTHS

The myths that shape events in the Middle East are the oldest myths of all.

Some derive from religion. The contested land is a "holy" land; more than a place for raising crops and building cities, it is "sacred soil" for three great religions. Jerusalem contains both the Wall of the Temple, which is sacred to Jews, and the Dome of the Rock, which is sacred to Muslims. Neither can hold exclusive title to the city without also owning the other faith's shrine. Now, as in the days of the Crusades, religion exacerbates the issue, because, now as then, the behavior of the belligerents is more affected by the zeal with which they hold their beliefs than by the humane ethics taught by their respective religions. Now, as in the past, it is hard to strike a bargain over sacred soil.

Then there are the myths of mutual victimization. Perhaps I should say the half-myths, because both Jews and Arabs have victimized each other, though surely not with the deliberate and malign intent that each attributes to the other.

The Jews are obsessed with the fear of a repetition of the Nazi holocaust, and the Arabs do nothing to allay this fear with extravagant talk about "holy wars" and about throwing the Jews into the sea. These threats have understandably alarmed the Israelis in much the same way that Khrushchev's talk of "burying" us agitated Americans a decade ago. As I shall point out in detail later on, President Nasser and King Hussein have both, in effect, repudiated such draconian threats, but the Israelis seem not to have noticed the disavowals.

Mr. RIBICOFF. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. RIBICOFF. Mr. President, I thank the Senator for his courtesy in sending me a copy of his speech last week.

I have read the speech carefully and was deeply impressed by the new approach taken by the distinguished chairman of the Foreign Relations Committee. He is dealing with a very vital and complex problem.

In particular, I find his suggestion of a bilateral guarantee for Israel by our own country worthy of serious consideration.

After examining the speech, I took the liberty of drafting a few questions which I believe might help clarify and expand some of the thoughts of the chairman of the Foreign Relations Committee.

I would like to ask the Senator from Arkansas whether the United States could come to Israel's defense under the treaty the Senator suggests, without the prior approval of the Security Council.

Mr. FULBRIGHT. As the Senator knows, the treaty is suggested only after the Security Council has given a guarantee. We would be obligated under the Security Council guarantee ourselves to implement that in accordance with our constitutional processes. However, in recent years the confidence in the United Nations has so eroded that I can well imagine that the Israelis, along with many other people, do not have much confidence that the Security Council would take action. So it is to support the U.N. commitment that I suggested we fortify it, primarily as an incentive to the Israelis to proceed with the other provisions, such as those relating to withdrawal. Its purpose is to give them confidence that we would take the Security Council guarantee seriously. So when you come to the bilateral guarantee, it simply reiterates and strengthens our determination to come to their aid. But, once the Security Council had given its guarantee, I would see no reason for a second further action by the Security Council, if the occasion should arise, for us to live up to our own commitment.

Mr. RIBICOFF. What puzzles me is if our guarantee of Israel's security is based on a United Nations-imposed settlement, could not the Soviet Union render the guarantee meaningless, if it does not agree with the United States as to who the aggressor party is.

Mr. FULBRIGHT. In issuing the guarantee, it is necessary that the Soviet Union agree to it. They could veto the original action issuing the guarantee.

Mr. RIBICOFF. But if at some future date there is a violation of the U.N. agreements, then the Security Council is going to have to determine the aggressor. The Soviet Union could veto any action. How would the United States honor its own agreement with Israel if you have a Soviet veto?

Mr. FULBRIGHT. Over and above the Security Council, the guarantee, we would assume the further bilateral obligation to exercise according to our own judgment as to the conditions which warrant our intervention.

I do not consider that the further guarantee or action by the Security Council would be necessary at all as a condition precedent to our coming to the assistance of Israel in that case.

Mr. RIBICOFF. That is what I mean. Suppose at a later date war breaks out again between Israel and the Arab States after the U.N. agreement. How does the United States reach its decision whether to come to the assistance of Israel or not? How will the United States make this determination?

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[1] I. F. Stone, "Holy War," in *The Israel-Arab Reader* (Walter Laquer, ed., New York: Bantam Books, 1969), p. 324.

Mr. FULBRIGHT. We would make it in accordance with the constitutional process, as we have always done—until recently. To take a hypothetical situation, if we decided the Israelis were the object of aggression by the Arab States, I think we would be as morally bound as we can be under the treaty to come to their assistance. That would not depend on further action by the Security Council. If it did not have that effect, it would not have the effect of giving the Israelis the assurance we would come to their defense.

Again, as the Senator knows, I have been very anxious that we in the Congress play our part in these matters in accordance with our constitutional processes. I cannot imagine, having taken the action of the treaty of guarantee in accordance with the usual procedure, that we would have the slightest hesitancy of going to their assistance. This would be dependent on the decision of our Government that Israel deserved it under the terms of the treaty.

To take another hypothetical example: if Israel, without provocation, renewed the war, this would remove our guarantee. It obtains only if Israel is the victim of aggression.

Mr. RIBICOFF. The Senator from Arkansas also states that Israel would obligate itself, if I state it correctly, never to violate the U.N-imposed borders. These, I should add, are the same borders that led to the 1967 war.

What if terrorist attacks on Israel mounted from Syria and Jordan continued? Does Israel still retain the legitimate right of self-defense to cross borders to get to the attackers who now enjoy the protection of Jordan and Syria?

Mr. FULBRIGHT. First, if Jordan and Syria consented to or harbored this kind of attack, they would be in violation of the Security Council guarantee and I think the Security Council ought to take action. But if they do not, and if the occurrence is a clear violation, Israel of course reserves the right of self-defense if it is attacked. By agreeing to the guarantee and the settlement, they do not give up all rights of self-defense.

Mr. RIBICOFF. Suppose Arab attackers flee back to Jordan, Lebanon, and Syria. Does the Senator conceive that Israelis, in hot pursuit, could not cross the borders of Jordan, Syria, Lebanon, or Egypt to get to the terrorist bases in those countries?

Mr. FULBRIGHT. If it is hot pursuit; I think they could do that. But here you raise a difficult factual matter. It is not unlike questions which have been raised with us in recent months in Southeast Asia.

This must be judged by rule of reason. If guerrillas are going back and forth across the borders, I think the rule of reason would say yes, the Israelis could defend themselves, even to the extent of following the guerrillas across the borders. Then, you get to the question; Suppose they go all the way to Amman; suppose they go to the extent of attacking Jordan. That exceeds hot pursuit.They should not be allowed to use hot pursuit as an excuse to occupy Egypt or Jordan; they should not be allowed to go beyond what a reasonable man would say was repelling an attack. The Senator also assumes the attack is mounted with the support of the government's of the countries from whose territory the guerrillas operate. We know there are certain bands of terrorists here and in other countries which cannot be controlled. But I do not see any way to judge this other than to say that, if a course of action is reasonably related to Israeli defense, they could do it; if not, it would be a breach of their undertaking under the negotiated settlement and under the guarantee of the United Nations and our own.

Mr. RIBICOFF. The Senator is correct in pointing out these are hard questions. Yet, despite unresolved questions, I take the Senator's speech very seriously, as anyone, both in this country and abroad, interested in the problem of peace in the Middle East should. The distinguished Senator as chairman of the Committee on Foreign Relations of the Senate is in a position of great authority and responsibility. This proposal encompasses his thinking over a series of years, and certainly in recent months.

But it becomes important, if other countries, our own Government and the Senate is to consider it seriously, to fully understand the situation. There are Arab terrorist bands that might choose, even if the Governments of Egypt, Jordan, and Lebanon chose to limit their operations, to continue to harass Israel. They might continue to assert that Israel must be defeated, and that Israel must be ejected entirely from this region.

If there are organized bands that are going to continue their murderous forays into Israel, and the Governments of Jordan Lebanon, or Egypt do not stop them, I do not see how, under those circumstances, how it would be possible to expect Israel to forbear from pursuing these terrorists across neighboring borders.

Mr. FULBRIGHT. I think so, too, so long as the pursuit is reasonably related to those forays.

First, let me say I would certainly hope that, regardless of its merits, the Senate takes the speech seriously. It is the first speech I have made on the very difficult situation in the Middle East. I have made it because of a number of factors which have arisen in recent months which indicate to me that the timing is right and also, most importantly, that the attitude of the Russians has altered in the last several months with regard to ourselves, and the west in general. I have reference to what has happened in the SALT talks, the agreement of the Russians with the Germans—this would have been most unexpected a year ago—and some other, less important happenings which indicate to me that the Russians themselves have recognized the seriousness of contributing an adversary, belligerent attitude toward us and toward the West.

There seems to be an attitude that they are willing to explore ways of lessening the continued belligerency with us, with the West generally, and especially with Western Europe and Germany.

So, whether my proposal is practical or not, I intended it as a serious speech. I certainly did not intend to just stir up controversy in an irresponsible way. Whether or not a suggested course of action is feasible and workable is always open to question or suggestion.

Coming to a more specific part, I personally do not believe these guerrilla bands can be a great problem to Israel unless they have the support of the country from which they operate. If the negotiations result in an agreement which can be guaranteed—I do not mean guerrillas or other nongovernmental people—and the governments agree, and they continue to support the guerrillas and allow them to operate, if they do not take all reasonable means to control them, I would say they would be in violation of their own agreements and would be in violation of the negotiated settlement.

But assuming, as the Senator has—I think he has assumed this—that even though the governments of Jordan and Syria took reasonable means to control them, but the activities went beyond their capacity to control, then circumstances would exist in which, as the Senator has properly said—and I have too—the Israeli Government would be entitled, in the exercise of hot pursuit, to do everything reasonably calculated to stop those forays into their country.

In the past—I suppose up to the present—the fact is that if those guerrilla bands did not have the explicit approval, certainly they had the tacit approval of their host governments.

Mr. RIBICOFF. I do not think there is any doubt about that. With regard to your statement that Egypt and Jordan had repudiated their previously stated intention to drive Israel into the sea—I wish this were so. I have tried to follow this situation very carefully. And except for interviews with foreign or American correspondents for external consumption, I have never seen any press reports where Nasser, in any statement made to the people of Egypt, ever asserted that Egypt must eventually live in peace with Israel. I believe his acceptance of the U.N. resolution of November 1967, has always made complete Israeli withdrawal a condition precedent for the application of the provisions of the rest of the resolution, has it not? That is what bothers me.

It is one thing to have an interview with a network television interviewer and be expansive and gracious because one is dealing with an American audience which expects such a statement, it is clear he is trying to influence American public opinion, and our own Government siezes on these statements. But then he keeps the pot boiling in his own country. He has not prepared his people for peace—which leads me to suspect his statements to American audiences.

How different it would be if Nasser were to tell his own people, and other Arabs who look to him for leadership that the time had come to live in peace with Israel, to have secure borders, to work out problems on a mutual basis, and that an Arab policy of driving Israel into the sea is a thing of the past. Does not the

Senator think Nasser could do that, if he really wanted peace with Israel?

Mr. FULBRIGHT. Of course, we can all think that all people in public life ought to be more frank and open in their statements, but I have observed that these leaders are not alone in their tendency to speak one way to one audience and another way to another. But the basic fact is that we are in a very difficult situation today and the question is what to do about it? These Arab leaders have publicly, on numerous occasions, stated that they do not subscribe to the idea of destroying Israel; they have said, in effect, that they are willing to accept Israel's existence, and they are anxious to implement the 1967 resolution which in itself provides, if it provides anything, for the acceptance of the permanence of Israel, and also for the forsaking of the state of belligerency, and the opening of the canal, and all those others of which the Senator is aware.

I grant that it is a very difficult situation in which to be optimistic about people living up to their protestations, public or otherwise, but we come back to the question again. What do we do about it?

I think it is worthwhile, in view of the present situation, to seek to get a formal agreement by the heads of the governments concerned. These governments are not constituted quite like ours, and we know their emotions are very great. I have heard for years that the leaders of those nations dare not publicly make concessions, because they would all be assassinated. It is that kind of area. They could not dare to say to their own people exactly what they have said in public statements to us and to the world. However, they have not been secret statements. They have been public statements. They have been reported widely in the press, on television, and over radio.

The Senator is raising the question of consistency in all public statements by leaders in various countries. To a greater or lesser degree, we find that a degree of inconsistency is characteristic of most leaders of most parts of the world.

I do not wish to inject into this discussion criticisms of our own people, but I think I could generalize by saying inconsistency is not unknown in our own country, both as to domestic politics and international politics. It occurs to a greater extent, I think, in the latter, because passions and emotions are much stronger in matters of international relations.

It is for that very reason that it is all the more important to try to bring about the kind of resolution of this tragic war that I am suggesting here. It may be that there is not sufficient ground for any trust at all that we can do anything about it. The present situation is very bad; I think the Senator will agree with that. If it were not so bad, I would not be so interested in making the suggestions I have. But it is very bad, and I think we would lose very little by at least trying to bring about this kind of agreement. If it fails, I do not see that we will be any worse off. If the parties do not agree, or things do not pan out, I do not know that we shall be any worse off than we are now. I think there is a good enough chance of progress to justify the risk of trying to negotiate a peace.

Mr. FULBRIGHT. Let me add that I think we get the same argument in connection with trying to negotiate a peace between ourselves and the Russians. There are many people, in public life and private life, who say, "You cannot trust the Russians; there is no point in trying to make any agreement with them." I have heard that said on this floor.

That may be; and I am not so completely naive, I do not think, as to say you can trust them for anything. But people do have interests. I think they have interests. In this case, I think both sides have an interest in settling the war.

I think all of us, from time to time, become quite irrational in these international matters. I believe in trying to do our best to bring about negotiation; and this is the best formula I can think of at the moment.

Mr. RIBICOFF. I am assuming that the distinguished chairman of the Committee on Foreign Relations, in suggesting this security treaty with Israel recognizes that the United States does have vital interests in the Middle East, although I note he has brushed aside the concept of geopolitics, in defining our Nation's interests in the world.

Mr. FULBRIGHT. I think, outside of our Nation's sentimental and cultural attachment to Israel, if we could wipe out all the historical and political relationships we have, it would be quite a different matter. We do not have any formal treaty that obligates us to do anything about Israel, unless it is through the United Nations. Under the United Nations Charter, we, together with the other members, do have a responsibility to try to deal with threats to the peace. I know that. But we and other peoples have lost confidence in the U.N.; therefore, we do not take it seriously. We have not taken it seriously with regard to Vietnam. We did not go to the United Nations when we started intervening there; we thought it was unimportant. It was only as an afterthought, after such people as Wayne Morse complained about it, that this country submitted the matter, in a very casual way, to the United Nations, and did not really press it.

There is no formal obligation to Israel. I would not consider, if we had no relationships of a cultural and sentimental kind with Israel, that the question of who controls Israel would involve a direct threat to the United States.

Mr. RIBICOFF. Is it of no concern to the distinguished Senator that the Soviet Union is now in a position of being the dominant power strategically in the Middle East? We must take into account the whole Mediterranean area including our NATO allies Greece, Turkey, France, and Italy. Then there is the Indian Ocean and the Red Sea to consider. Can you say all of these areas have no bearing on U.S. interests? That the obligations under NATO have no meaning, with the continued growth and power of Russia in the Middle East, that the Russians have sought for the last 200 years?

Mr. FULBRIGHT. I do not think the Senator should be so absolute, in speaking of "no concern" and "no interests." These matters are not that absolute.

First, I question the Senator's assertion that Russia is the dominant power in that area. We still have very important bases and arrangements with both Greece and Turkey, as well as with all the countries of Western Europe. We have a fleet that is much more powerful than anything the Soviets have in the Mediterranean.

We have grown accustomed, ourselves, to believing that we have the sole right to be dominant in all oceans. I think the Russians certainly have succeeded in projecting the strength of their presence in the Mediterranean, but I certainly would not say they are dominant. Their strength at least approaches parity, we might say.

The changing character of warfare, in any case, has brought about a change in the concept of dominance. That, I think, is the basic assumption of the SALT talks: If progress is being made in the SALT talks as we are told it is, I believe it is because the Russians feel they have achieved some reasonable parity in their overall strength, especially with regard to nuclear weapons.

The Senator has raised some very far-reaching questions in speaking about dominance. I do not know that either country dominates these areas. The Soviets have great strength in the Middle East. There is a great deal more involved there, of course, than Israel.

But as to the Middle East as a whole, although the Senator appears to think the oil interests are so important, I do not think they are absolutely vital to the United States. We have alternate resources. The Middle East oil resources are much more vital, if that is the proper word, or more important, at least, to Western Europe than they are to us.

Mr. RIBICOFF. That is correct.

Mr. FULBRIGHT. Why is not Western Europe doing something about it?

Mr. RIBICOFF. I think Western Europe is not doing enough about any of these problems because their attitude is one of letting the United States assume the burden.

France, of course, used to be an arms supplier for Israel. They had an agreement with the Israelis to provide them with planes, and after having received payment for them, broke that agreement and established an arms embargo against Israel. I would guess the French did that because France sees an opportunity of improving her trade and influence in the Middle East while insuring her oil supplies.

England today does not have much of a role left to play in the Middle East. They assume that the United States will carry the burden. I would hope that France and England would take a more active, constructive role. In speaking of the four powers getting involved, in a settlement, I think the Israelis have just cause for concern. France and England are apparently willing to back the Arabs for their own narrow interests, and the Soviet Union is certainly backing the Egyptians all the way. With the United

States bending over backwards to be evenhanded, this must leave Israel with a very empty feeling.

This is of utmost concern, and that is why the Senator's suggestion of a treaty of guarantee for Israel has important meaning, if we are eventually going to bring a lasting peace to the Middle East.

I have read some critical comments about the Senator's speech from various sources. But this proposal of a treaty is the most important and valuable part of the Senator's presentation. I think it could be of vital significance and I would like to see the United States adopt a bilateral agreement such as the Senator has suggested. I recognize that there are many roads that we would have to travel before that could be reached. But it could be an important factor bearing upon any durable settlement, in the Middle East.

Mr. FULBRIGHT. It seems to me that a possibility that the Senator apparently excludes, which I think could be significant, is not that the countries of Western Europe—which I think we agree have a greater immediate interest in access to Middle East oil than we do—are not concerned about Israel, but rather that they have a different view of the Russians and of the threat of the Russians and communism than we do.

In all honesty, I think we have, for various reasons—some of them quite good reasons, especially in the days of Stalin—become almost obsessed with the threat of the Russians, or what used to be called, and still is by some people, "the international Communist conspiracy."

I do not mean to say there was no reason or basis for that in the old days. But I think the development of nuclear weapons and the means of their delivery, as well as a number of other things, have served to change both the Western Europeans' ideas and those of the Russians about warfare; and I think we have been slow to catch up to their, I believe, more reasonable views. I think that part of our trouble in Southeast Asia is attributable to this. It is at least possible that they view the threat differently and that they do not believe that Russia is trying to take over, to own, and prevent Western Europe's access to Middle East oil.

Many people do not perceive the rivalry between the Russians and ourselves in quite the same terms that we do. It is not for me to attribute motives to the French either one way or the other. The French are not new on the international scene. I cannot help think that they have an appreciation of their own interests, and I believe they have decided that their own interests demand a relaxation of those attitudes which have divided the world, that the French would like to see some adjustment, and would like to see some settlement of this matter in the Middle East. Perhaps they are critical of the suggestion. I am not aware of what others besides the local newspapers think about it.

In the final analysis, this suggestion is put forward as an effort to find a basis for an agreed settlement of this war which troubles everybody. It troubles the Western Europeans. I have no doubt that they are concerned about it.

De Gaulle also exhibited some interest in trying to bring about better relations with Russia and Eastern Europe. We have usually resisted this idea, on the theory, as many people say, that "You cannot trust the Russians." I do not know how far they can be trusted in that sense. I trust them in this—that sooner or later they will recognize where their own interests lie. Their interests, I am convinced, are the same as ours in this connection and in other areas, and that is to stop the arms race and to stop the continued escalation of the attitude of belligerency that we have entertained for so long. Therefore, if they are not entirely devoid of reason—and I hope we are not either—perhaps some kind of accommodation can be brought about.

Mr. RIBICOFF. I wish I were as confident as the Senator. I wonder how he would interpret the presence of over 10,000 military personnel in Egypt today. There are more Soviet-piloted supersonic jets in Egypt than the entire total in the Israel air force. Does the Russian military presence in Egypt concern the Senator?

Mr. FULBRIGHT. I said a moment ago that I am not so Pollyanna-ish as to think that this is going to work out without any problem. It does concern everybody, because the Middle East situation focal point of the escalating confrontation between ourselves and the Russians.

I remind the Senator that the Russians have far fewer of their men under arms abroad than we have. I can name a dozen places; 10,000 men is a relatively small number. We have that many in Spain. Think of how many we have scattered in various countries in the Far East. How does the Senator interpret that? How does the rest of the world look upon our actions? Does the Senator believe that because we have 60,000 troops in Korea or 10,000 in Spain, we are trying to dominate the world?

Mr. RIBICOFF. I would say that we certainly intend to exercise influence in those specific areas where our own military personnel are located. There is no question in my mind that we are not there for altruistic reasons.

Mr. FULBRIGHT. I think that many of these are the outgrowth of former times, when the conditions, as I have said, warranted bases abroad more than they do now. I, along with a number of other Senators, have long adovcated that we bring home some of those troops, both from Europe and from the Far East.

I think the Senator tends to ascribe to the Russians evil motives which we reject on our own part. I am not saying that we should take the Russians at face value. What we are doing here is trying to set down conditions that would provide an equitable basis for negotiations and give the parties involved some confidence that if they negotiate, we and the other nations will live up to our undertaking under the United Nations.

If a negotiated settlement cannot be agreed upon, and the Security Council cannot guarantee it without the approval of the Russians: If we have to assume that the Russians would never live up to their promises and that nobody else would either, then there is no hope whatever for any negotiated settlement.

The meaning of that would be that there is no alternative to a settlement by arms. I am not willing to accept the theory that there is no possibility of anything but an all-out Armageddon. That is the alternative, it seems to me, to proposing some kind of negotiated settlement.

Mr. RIBICOFF. In the settlement that the chairman contemplates, does he envisage that the Russian military personnel and Soviet pilots would leave Egypt?

Mr. FULBRIGHT. I would certainly think that they would, eventually. I do not think they would do so before an agreement. It would depend upon the terms of the agreement.

Mr. RIBICOFF. If there were such an agreement.

Mr. FULBRIGHT. I do not know that we could demand that, any more than they could demand that we get out of Turkey and Greece. I would like very much to make an agreement with them that we both bring our troops home from all the places to which we have sent them as a result of the cold war, especially in the era of Stalin.

I think we all have to be a little more objective with regard to other countries. The assumption that we do all these things only for the welfare of all the world, and that we have no national interest different from that of others, and that we are good people and everybody else is suspect, is not a basis upon which to build confidence and trust, especially in the United Nations. If we are to make the United Nations work, if we are going to have any degree of collective security, we have to have some trust in other people.

Mr. RIBICOFF. The Senator is very experienced in these matters. Have not the Israelis shown flexibility, and a willingness to run grave risks by undertaking these talks, even in the face of the breaches of the cease-fire that have taken place?

Mr. FULBRIGHT. I hope they will show some flexibility, but I am not optimistic. Anything is possible. I often despair of the rationality of men all over the world as well as in our own country. But I always have to come back to the principle that it is completely defeatist to say that there is no hope other than for an all-out nuclear conflict. Therefore, I struggle to find alternatives.

I would say that if nothing is done, if the situation is left as it is, it is not promising for the Israelis or the Arabs, or for us or the Russians.

This proposal of mine is simply submitted as a suggestion. I would certainly welcome a better suggestion as to how to settle the Middle East war. I do not accept trial by arms as a good alternative. I think that the escalation of weaponry on each side can only end in disaster.

I am seeking an alternative to the present course of events. If this suggestion is not approved, if it is discarded and no better alternative is provided, we will be no worse off. The situation will remain as it is, which is to say, very

dangerous. I think all will agree that it is very dangerous. The Israelis, for the moment, occupy Arab territory. The Senator knows that we certainly publicly subscribe to the principle of the resolution of 1967, that the acquisition of territory by aggression is no longer acceptable international practice. We profess that. If we do not mean it, we just do not mean it. But I think it is a good principle.

I think that nothing can be lost by attempting to settle this problem by negotiations rather than by a trial of arms—in other words, by simply keeping on as we have in the past, with more and more arms on both sides. I do not have any great confidence that this will be accepted or that any other rational means will be accepted. I only hope that it will be. I think that it is worthy of discussion and that it may precipitate some better suggestion from the administration or from the Senator from Connecticut. If the Senator from Connecticut has a better suggestion, I welcome it.

Mr. RIBICOFF. I commend the Senator for trying to find a solution. To allow things to drift would be a tragedy.

Mr. FULBRIGHT. I think so, too.

Mr. RIBICOFF. Even though there are some points in his speech that I disagree with—I personally commend the Senator for taking the time and effort, and for drawing on his own sources of knowledge in attempting to come up with a possible solution.

I have one other question: I note that the United Nations Security Council resolution of November 22, 1967, states:

> The right of every state in the area to live at peace within secure and recognized boundaries, free from contention or acts of force,

This to me contemplates some adjustments of the boundaries, yet the Senator in his speech talks about Israel's having to give up all the territories and moving back to exactly what the boundaries were before the 1967 war. I believe that almost all serious impartial observers have recognized there will have to be some adjustments of Israel's boundaries because some of them are not realistic and certainly not defensible. Just as one example, I remember traveling from Tel Aviv to Jerusalem and traveling in a steadily shrinking corridor in between. It seemed to me that this calls for a readjustment. Does the Senator contemplate that Israeli withdrawal would be to the exact borders as it had before the 1967 war?

Mr. FULBRIGHT. Well, I think this has been and is the principle of the 1967 resolution. The Secretary of State, I believe, used a phrase which I quote later in my speech, with allowance for—I think it is an "insubstantial alteration" for purposes of security—but this is certainly a most serious matter and we can engage in negotiations on it, but always in accordance with the principle that all of the subscribers to the 1967 resolution announced concerning withdrawal from territories acquired by war. I think that the security of other very sensitive areas, such as the Golan Heights, Sharm el Sheikh, and the Gaza Strip should be guaranteed at least for a reasonable time by United Nations' security forces. As the Senator knows we have previously placed United Nations' security forces along the Egyptian-Israeli border for the purpose of providing security in those areas. It did not work very well. The Senator is aware of that.

Mr. RIBICOFF. What bothers me is that when Nasser told the United Nations forces to get out, they got out. How does the Senator contemplate that United Nations' security forces will cope with a future government order to leave its territory?

Mr. FULBRIGHT. If they negotiate a Security Council agreement, they should agree not to remove such forces. Many people believe that the action the Senator refers to should not have been taken without further consultation with the United Nations. But this is a matter which should be settled in the agreement and in the guarantee of the Security Council.

I agree with the Senator, in this sense, that it is difficult to solve these matters. My proposal will not work unless the Russians have changed their attitude to accord with what I have suggested and unless they want to make it work. If they do want to make it work and they can have influence, as we would be able to have influence, and as the other major powers, the other countries immediately concerned would, there is a fair chance that it would work.

I am well aware, as is the Senator from Connecticut, that any agreement can be breached, no matter how solemn. They have been in the past. But, again, we come back to the point: What do we suggest as an alternative? It seems to me that the only alternative is reliance solely upon arms. That is certainly a worse alternative and one which is even less likely to bring about a degree of peace than an agreement solemnly agreed upon and backed by the countries of the Security Council.

I will go further and state that I think it is their own self-interest, more than anything else, which might be brought into play here, in order to preserve the peace. I do not think it is in the interests of the Russians to continue the arms race—because of the possibility of a war with us—any more than it is in our own interest to do so.

If this reasoning is not true, then the whole thing is not worth anything. But if if it is true, then there is an opportunity to focus it and to allow it to be expressed in an agreement such as I have in mind.

Mr. RIBICOFF. Does the Senator from Arkansas contemplate, when he talks about a United Nations security force, that this will be the beginning of a permanent peacekeeping force under the aegis of the United Nations? Does the Senator contemplate this as an opportunity for the United Nations to be a meaningful organization instead of just a debating society?

Mr. FULBRIGHT. I would hope so. One of the two main reasons for my speech, and one of the things that made me speak on it now, is the approaching 25th anniversary of the United Nations. The confidence of all nations, including our own, in the United Nations has gradually eroded. As the Senator has stated, many people these days refer to it as a debating society. I believe the U.N. has the possibility, if we can ever make it work, of bringing some stability to this troubled world. What appeals to me particularly about this approach is, as I have stated, that the national interest of the Russians in this case has a greater degree of identity with our own than in any other major conflict that I can think of—far more than in Southeast Asia, or any place else that I can think of at the moment, other than such minor matters, relatively speaking, as the Austrian treaty on the Antarctic Treaty, in which the United Nations did play a role. But this is a much more important question and far more dangerous than either of those. I think that the interest of the Russians, whether they think so or not, is the question the Senator raises. But I think their interest is quite similar to ours over the long term. Therefore, it is my basic assumption that our two interests have come together, and that the Russians would be willing to enter into this agreement and to undertake a guarantee that leads me to believe in the possibility of creating an international police force, for example, capable of handling the Middle East situation.

We have had some earlier experiences in this—the Cyprus issue, and the previous ones in the Middle East. We had some degree of U.N. action in the Congo. There have been some small successes but they have, indeed, been small.

In this case, there is an opportunity for a large success. And success is possible if the Russians recognize or believe as I do, that it would be in their interest to bring about a settlement now that they have achieved a presence in the Mediterranean and in the Middle East. While I do not think their presence is a dominant one, or one that can exclude us, it is nevertheless, an important one. With all that as background, they may agree to action by the United Nations, if such an agreement is in their interest, as I believe the Senator will admit that it is.

So it would be of great importance to the future of the United Nations itself and it would be a great contribution to a revival of faith in the United Nations if it could be made to work. That would be no small matter to all the world—including ourselves. I think it would be a great thing if it could be done but it cannot be done without agreement of the permanent members of the Security Council, including, of course, the Russians.

Mr. RIBICOFF. Mr. President, in the Middle East, no matter what the Security Council or the United Nations does, if the United States and the Soviet Union do not really mean to have peace there will be no peace in the Middle East. The good faith of the United States and the Soviet Union are really an absolute condition to achieving peace in that part of the world.

Mr. FULBRIGHT. The Senator is right. I agree with that statement.

Mr. RIBICOFF. Mr. President, does the Senator from Arkansas feel that the United States wants a settlement in that part of the world so badly that it would

force the Israelis into a bad settlement?

Mr. FULBRIGHT. I would hope not. I certainly do not think so. I am bound to say that I think the administration in what it has said and in what it has done up to now has taken a wise approach to the problem.

I do not think they are so overly eager that they would abandon our interests, or the interests of the Israelis or that of so many people in our country who feel such a strong attachment to Israel.

Mr. RIBICOFF. I am interested in the Senator's interpretations of the U.S. reactions to the violations of the ceasefire by the Russians and Egyptians.

Mr. FULBRIGHT. The Americans have said that the evidence of those violations has been inconclusive.

As the Senator knows, I have no independent knowledge of what has taken place. I have known people who have a weakness for seeing these matters in the light of their own versions and apprehensions. I have no reason to doubt that our Government felt there was considerable doubt about whether there had been infractions and, if so, whether they were substantial infractions. I do not know any more than the Senator from Connecticut does. We read the same newspapers. I have no independent knowledge. But our Government, with the best technical facilities we have, has inspected the area by air.

I do not know whether they have any other intelligence; they may have. But the Senator knows that these allegations are not conclusive. There may be doubt as to whether the violations, if any, were substantial. That is all I know about it.

The PRESIDING OFFICER. The time of the Senator from Arkansas has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Arkansas be permitted to continue for 30 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. RIBICOFF. Mr. President, what troubles me particularly is the attitude of the Defense Department and the State Department concerning these violations.

I feel from reading articles in the newspapers by reporters whose judgment I respect as and, who are knowledgeable, and who treat facts with great integrity, and from the picture I have seen, that a large number of missiles were in fact put into place after the cease-fire.

What concerns me is the attitude of the United States in being angry with Israel for not swallowing these serious violations while walking so tenderly in its actions with the Russians and the Egyptians to try to rectify the breach of the cease-fire.

Mr. President, Al Friendly's article in the Washington Post of August 22 entitled "Scenario for Middle East," talks of "the fear in Israel that the United States wants a settlement so badly it will bludgeon Israel into a bad settlement."

Peter Grose wrote an article in the Sunday New York Times of August 23, entitled "Israelis Critical of U.S. Role on Missiles."

He stated:

The miniconflict with Washington may be a foretaste of the kind of "support" they can expect from their ally as the bargaining gets tough. With friends like this, as they say, who needs enemies?

The New York Times editorial of August 22, "Near-Disaster in Mideast" contends that "Washington has responded to Israel's legitimate protests in a less-than-creditable fashion" and "the critical failures, in intelligence," were American.

Mr. President, I ask unanimous consent that the three articles be printed at this point in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 22, 1970]

SCENARIO FOR MIDDLE EAST

(By Alfred Friendly)

JERUSALEM.—As near as one can see it from here, the scenario of the end of the first act of the American Middle East peace initiative looks about like this:

Special mediator Gunnar Jarring will tell the Israelis that their official proposal this week, for the discussions to be held in a Mediterranean or European city and at the foreign minister level, is simply not the basis for a deal. However much he may himself like Israel's terms, the Arabs don't, and that's that. So it's New York and at the level of the permanent United Nations representatives, or nothing.

But, perhaps as soon as Sunday, the Israeli cabinet will decide, bitterly, to accept the terms and some time thereafter the talks will start.

Israel will accept because a majority in its government wants the peace discussions as much as the other parties at interest, the Arabs, the Soviets and the United States. Nasser's War of Attrition did not, to coin a verb, attrite it, but all the costs were escalating, in lives as well as money.

Facing the inevitable, then, why did the Israelis put themselves to such an anguished period for the last three weeks, refusing to give an official reply to Jarring, letting themselves in for the propaganda accusation that they were stalling, when they had already agreed in principle?

The answer is that in Israel's eyes the peace talks are a much less attractive proposition in the third week of August than they were in the first. Two broad sets of events soured the potion that William Rogers and Joseph Sisco had mixed—a potion not very tasty to Israel to begin with.

The first was the evidence—so it seemed to Golda Meir and her government—that the support they thought they had from the United States was dissipating:

The details of the two main elements leading to that view—the wording by which America relayed Israel's acceptance to Jarring and Washington's prolonged refusal to credit the charges of cease-fire violations—have been thrashed out so often and at such length in the last days as to need no repetition.

But in both episodes, Israel saw America's action, and then its non-action, as very bad omens for its future firmness when the going gets really rough, when the talks about settlement get down to cases. The fear here is that the United States wants a Middle East settlement so badly that it will bludgeon Israel into a bad settlement.

It should be added, though, that the game of America-loves-us, America-loves-us-not has probably been going on at two levels. The lower one, closely tied to internal political considerations and public attitudes in a democracy, was the visible one. At upper levels—Mrs. Meir to President Nixon, foreign minister to State Department, chief of staff to Pentagon—it is pretty certain that American assurances were much stouter, more credible and comforting.

Therefore, what depresses the leadership in Israel more than the recent public slings and arrows from Washington is the utter absence of any signs of pacific intent from the U.A.R.

The recent utterings of Nasser, his foreign minister and his publicist have been blood-curdling.

Very well, it can be said, these are only speeches, "You have to make allowances for Arabs," Nasser was politically obliged to say what he did, and so forth.

But even at the most elementary, harmless level of human decency, that of prisoners of war, Egypt has put on the ugliest face, precisely counter to its most recent undertaking in the cease-fire agreement to "abide by the Geneva Convention" on POWs and to accept Red Cross intervention.

The second discouraging phenomenon is the Egyptian insistence that the peace talks be in New York, the last place for the quiet diplomacy that is required, and that the level be that of the permanent U.N. representatives. It is scarcely a great forward step to peace to bid Jarring talk to three people whom he could reach any day in the last two years by phone and who were always under obligation to deal with him.

Finally, the most discouraging and important phenomena of all were the violations of the cease-fire by advancing SAM–2 missiles into the standstill zone. It was hardly the act of a country whose principal aim is to make a peace settlement.

[From the New York Times, Aug. 23, 1970]

MIDEAST 1: ISRAELIS CRITICAL OF U.S. ROLE ON MISSILES

(By Peter Grose)

TEL AVIV.—The game diplomats play got a little rough last week between Israel and the United States. Each capital played according to rules determined by its own national interests in the Arab-Israeli confrontation, and since the immediate interests diverged, so did the rules of the game.

Yet this "crisis of confidence" between Israel and the United States was probably only a pale shadow of what can be expected in the weeks ahead when fragile peace negotiations begin in earnest. That is what worries the Israelis: The miniconflict with Washington may be a foretaste of the kind of "support" they can expect from their ally as the bargaining gets tough. With friends like this, as they say, who needs enemies?

The immediate point at issue centered in the realm of sophisticated intelligence gathering. Israel's public charges of an Egyptian and Soviet buildup of missile air defenses in violation of the Aug. 7 cease-fire agreement were initially greeted by official silence, and private annoyance, in the United States.

THE U.S. STAKE

Israeli diplomats understood the reasons for American reticence—the complaints of violation could serve to undermine the entire American diplomatic initiative aimed at starting talks between Israel and the Arab states. At the very least, the Israeli Intelligence reports cast grave doubts on the sincerity of the United Arab Republic in entering upon a cease-fire and standstill agreement and the parallel peace-making effort, in which the Nixon Administration had such a heavy investment.

What really rankled here were the reported innuendos from Washington that Israel was inflating, perhaps even falsifying, the evidence, either to undermine the negotiating process or to pry out of Washington more jet fighter-bombers and other war materiel.

"TOO MUCH"

"This is really too much," snapped the generally restrained Abba Eban, Israel's For-

eign Minister. "On the one hand our adversaries endanger our security, on the other our friends impugn our accuracy and sincerity."

Of course, Washington's own intelligence could not confirm that there was movement, Israeli officers said, since there had been no American reconnaisance before the cease-fire, and therefore no confirmed starting position by which the American analysts could measure any subsequent changes by their own means.

Vague statements from both Washington and Jerusalem later in the week were cranked out to remove the sting from the unseemly public quarrel. But the underlying problems remained.

First, even the United States reluctantly conceded that there had been "a forward deployment of missiles by the Egyptians around the time the cease-fire went into effect."

"This is something the Egyptians and their Russian friends have been unable to do for the past year," said a senior Israeli staff officer. He produced photographs which he said showed missile batteries in place considerably closer to the Suez Canal than before the truce was declared, when the closest deployment, he said, was 20 miles from the waterway. From the new sites, Israeli officers said, the air defense missiles could challenge Israeli flights directly over the canal and, in some places, as much as 12 miles inside the Sinai.

This is significant for the future defense of Israeli positions on the Sinai banks, for without air superiority over the canal, the Israelis would be hard-pressed to prevent an amphibious crossing by Egyptian units and the establishment of a bridgehead on the Sinai.

POLITICAL MESSAGE

The new situation is "not catastrophic," the staff officer said, "but it is very serious." In any case, over three months of daily bombardment by the Israeli air force had been specifically designed to prevent this forward deployment of the missile batteries. In one week of truce, the whole effort was negated.

This alone was enough to shake some of the anticipation that something good could come from the diplomatic effort. But there was also a political message to the nervous Israelis.

Premier Golda Meir led her country into the diplomatic process—breaking up her coalition government on the way—only on the basis of assurances from President Nixon that the United States would not take any position to undercut Israel's military stance or negotiating strategy. Yet at the first sign of trouble, as Foreign Ministry officials analyzed the United States position, Washington turned its back on Israel. The flashpoint issue with all the imprecision and ambiguities in photo and electronic reconnaissance, was less significant to the Israelis than the impatient American reaction to it.

PROPOSALS SUBMITTED

Israel's negotiating position may still be intact—that remains to be seen when the position is unveiled. The Nixon Administration may still make good on its oft-repeated promise that should fighting resume Israel would not find herself weaker for having attempted the truce. Israel last week submitted her formal procedural suggestions to the United Nations envoy, Gunnar V. Jarring of Sweden, and prepared to meet the Arabs—indirectly, according to the American formula.

But the seed of distrust in the American commitment is well planted, and it is worrisome to Israelis to realize that it will have ample ground to flourish in the coming weeks and months of negotiation.

[From the New York Times, Aug. 22, 1970]

NEAR-DISASTER IN MIDEAST

Despite a near-tragedy of errors that almost derailed the most hopeful Mideast peace effort since the 1967 war, it now appears that the cease-fire will hold and that talks will open soon—the overriding consideration.

But, two weeks after the fighting along the Suez halted, it is evident that Egypt has achieved an important military advantage and that Washington has responded to Israel's legitimate protests in a less-than-creditable fashion. Not one of the parties has covered itself with glory. But the performance of the United States, in the first test of its crucial role as guarantor of the military balance, raises serious questions about its ability to bring to fruition the imaginative initiatives it set in motion.

In private assurances and in a news conference statement July 31, President Nixon told Israel it could agree to the standstill cease-fire "without fear" that it would "run the risk of having a military build-up occur" on the Egyptian side of the Suez Canal.

This pledge was based, in part, on American warnings to Moscow and Cairo that it would regard gravely the movement, under cover of the truce, of Soviet-built antiaircraft missiles to sites so close to the canal that they could be used to shield Egyptian cross-canal invaders from counterattack by Israeli planes. Some Soviet assurance came back that no such movement would be made if both sides accepted the American proposal for talks and a ninety-day standstill.

Prior to the cease-fire, 72 consecutive days of intensive Israeli air bombardment—culminating in the dropping of 1,200 bombs on Aug. 7, the last day of hostilities—had thwarted all Egyptian efforts to move SAM–2 batteries into the critical zone eighteen miles or closer to the canal.

Today twelve to fifteen Egyptian-manned SAM–2 batteries are sited in that zone. Most of these highly mobile missiles are believed to have been moved in during the night of Aug. 7–8, after which the cease-fire made them immune to Israeli attack. Whether they arrived before or after the midnight deadline, it is plain that the work of installing them and fortifying the sites continued—in violation of the standstill—in the following days.

American and Israeli intelligence failures both contributed to the ensuing contretemps, but the critical failures were American. Strangely, neither country took any aerial photographs of the cease-fire zone on Aug. 8. More important, no American U–2 photos had been taken on the eve of the cease-fire, thus ruling out any clear basis of comparison with post-truce photos.

Despite warnings from experts weeks ahead that proof of violations would be difficult, Washington gave Israel firm assurances about enforcing the truce. Israel, recognizing the risk, pressed for the cease-fire to take effect in daylight hours on Aug. 7. But midnight was agreed to, under American pressure.

When the Egyptian build-up was detected two days later, Washington first expressed doubt that a cease-fire violation had occurred then implied that the Israelis were trying to block negotiations and finally stated on the record that "some evidence" of violations existed but that it was not conclusive.

Meanwhile, conceding privately that Egypt had taken serious military advantage of the cease-fire, Washington is shipping Israel air-ground missiles and other antimissile site weapons and electronics similar to those the United States has used effectively against SAM–2 sites in North Vietnam. What is not clear at this point is whether any effort is being made to hold Cairo or Moscow to their pledges before the cease-fire.

Israel understandably now fears American "peace at any price" tactics when substantive issues come up in negotiations with the Arabs. A settlement is vital. But a return to the pre-1967 conditions that brought war would be disastrous. The fumbles of recent days suggest that such a disaster—or failure in the negotiations—could eventuate unless all parties to the truce strictly adhere to the cease-fire commitment.

Mr. RIBICOFF. Mr. President, I take this opportunity to thank the Senator from Arkansas for addressing himself to a very grave and important problem.

I do feel—while disagreeing with much that he has had to say by way of background in his speech—that if we could bring about a durable peace in the Mideast under the auspices and the aegis of the United Nations, and with a commitment by both the United States and Russia to achieve peace, from this start we might make a beginning toward the solution of some of the other problems of the world.

To that extent, I commend the Senator for opening up this subject for discussion.

I would hope that the Senator's proposal for a bilateral treaty is given serious consideration.

Mr. FULBRIGHT. Mr. President, I thank the Senator very much. I know that he follows this matter far more closely than I do. And I am sure that he is far more knowledgeable about the whole background than I am. However, as I said in the beginning, I have not previously made any major statements on this subject. I have been to the Middle East to look at the situation. It seemed like an insoluble situation. Until very recently I never felt that there was reason to believe that the Russians would cooperate in any such venture.

I have already mentioned that there are a number of other developments outside of the Mideast that have lead me to believe that maybe the Russians have at long last seen that this continued rivalry, including a very dangerous undertaking in military adventurism, is no longer wise policy in view of the development of the missiles and other weapons. I believe there recently has been some change in their attitude and in our own.

I think that we have sufficiently recognized the gravity situation in Southeast Asia and, in addition, many people have come to the view that the situation in the Middle East with respect to us and the Russians is unacceptable. That made me believe that it is at long last timely to recognize the United Nations and to see if it could not be brought into play.

To me it was always the best hope as an institution to bring about some order and some respect for other people's rights and for the principle of negotiation and peaceful settlement. These principles, of course, are the basis of the charter, and particularly for that part relating to the Security Council which has a responsibility in this matter.

All of this coming together, I felt that it was timely to explore the matter. This is why I have made the speech. I have never professed to be a great expert on the Mideast or any other area, for that matter. After all, I represent Arkansas. But as chairman of the Committee on Foreign Relations, I felt that it would be appropriate to express my views. There they are, and if there is nothing to them, so be it. But if there is anything that inspires any people in the Government

to take seriously these proposals, I hope it would be very useful.

Above all I do hope that the United Nations can be made an effective instrumentality, as I said 25 years ago. I was here at the time. I remember very well at the time thinking that maybe at long last we had come to our senses and would try to find a means of keeping peace other than through a balance of power, which, although many people say is it realistic, has resulted from time to time in very grave destruction of the accumulated wealth, accumulated good will, and moral fiber of various countries. It has been a great disaster.

I never thought that was very realistic. We are looking for a substitute for it. I do not minimize from my own point of view the significance of bringing the United Nations into this.

It was all of this coming together that prompted me to make a speech. The Senator knows that I do not usually make speeches on many of these subjects—and I hope he agrees—without some reason and some justifications. I hope that people do not think that this is not a serious speech. It was intended to be serious, regardless of whether it turns out to be effective and successful.

I hope that it will be taken seriously and that something can be done to revive our confidence in the United Nations.

I thank the Senator very much for this colloquy.

As survivors of genocide, they can hardly be expected to distinguish with perfect clarity between Nazi crimes and Arab rhetoric. All they know is that they came to Palestine in peace, settlers in an underpopulated land, but have been allowed no peace; they have fought three wars they never wished to fight and still their enemies remain implacable, refusing even to talk to them, contesting—until recently—their right to survive as a state. Nonetheless, the Arab-Nazi analogy is a faulty one; it clouds the distinction between the myth and reality of Arab intent—whatever these may be.

The Arabs, for their part, perceive Zionism as a new form of western imperialism. Having lived on the land of Palestine for thousands of years, they can have little sympathy for the historic sentiments of the Jewish diaspora. It is, I should think, impossible for them to put themselves in the place of the Jews, whose cultural attachment to their ancient homeland sustained them through centuries of dispersal and persecution. The Arabs are on a different wave length: while the Jews prayed for Palestine—"next year in Jerusalem," they said in their prayer—the Arabs inhabited the land. They could not see the Jews as the Jews saw themselves: as refugees from genocide seeking safe haven. What did this have to do with the Arabs? They had done the Jews no harm and could see no reason why they should compensate the Jews for the crimes of Europeans. In fact, to Arab eyes, the Jews were Europeans, armed with European skills and technology, coming on the heels of other Europeans to drive them from their homes and steal away their lands.

In its way Zionism has seemed to the Arabs even more threatening than the old European imperialism. The British and French after all were only establishing colonies and, bad as that was, colonies come and go. But the Jews were establishing a homeland, and homelands do not come and go. On the contrary, once established, they are likely to expand. The Jewish state actively encourages immigration from all over the world, creating for Arabs the specter of a Jewish drive for lebensraum, which could only mean the annexation of even more Arab lands. Some elements within Israel and the world Zionist movement openly proclaim the need of a policy of expansion, which must give rise to a fear among Arabs not unlike that felt by the Jews when the Arabs talk of throwing them into the sea. To the Arabs, in short, Zionism is not a program of deliverance for a persecuted race but a foreign conquest bolstered by strong ties between the conquering people and the most powerful governments of the West.

As if the Arab-Israeli problem were not enough, the great powers have made their own special contribution to the mythology of the Middle East by infusing the crisis with the hocus pocus of geopolitics. The Middle East, in geopolitical terms, is something far more abstract than an oil-rich desert contested by feuding Semitic peoples. Beyond that, it is the "gateway to the East," the "hinge of NATO," and the crucial cockpit of the historic Russian drive toward warm water. By sending planes and missiles to Egypt the Russians are not merely bolstering a shaky client; to the X-ray eye of the geopolitician, they are embarked upon a drive to convert the Mediterranean into a Soviet lake. The concept is admittedly vague: would the Russians close the Mediterranean to foreign shipping? Prohibit fishing? Use it as a vacation resort? No one really knows what a Russian mare nostrum would be like, but the concept serves the purpose of its users: It scares people; it imputes the "vital interests" of the great powers to a regional conflict, converting it into a battleground of the cold war. In this frame of reference one even suspects the Russians of an insidious design in wishing to reopen the Suez Canal—something which used to be considered a good thing, before the geopoliticians came along.

The vital interests of the great powers are, in fact, involved in the Middle East—primarily because those powers have chosen to become involved. The ultimate danger is that the Arab-Israeli conflict could draw the superpowers and the world into a nuclear war—and that certainly is a matter of vital interest—but the danger is not inherent in the local situation, nor is it predestined by fate. It has come about because the great powers have surrendered much of their own freedom of action to the bellicose whims of their respective clients. There is of course one way—in case anyone still cares—in which the great powers are obligated to intervene: as members of the United Nations Security Council charged by the Charter with the responsibility to "decide what measures shall be taken" in response to a "threat to the peace, breach of the peace or act of aggression." Instead, the Soviet Union and the United States have played the role of cobelligerents to their respective clients, arming, and financing them, committing their own prestige to the issue and, in so doing, converting a local conflict into a potential world conflict. All that can be said in mitigation is that both great powers have shown a certain prudence by holding back at times on the arms supplied to the warring parties.

Finally there is the myth of militarism, and that affects all of the parties. Each clings to the notion that another round may settle things—although three wars have settled nothing—or that some new weapons system will stabilize the balance of power—as if either side would accept the other's notion of what it takes to establish a proper balance.

Since the June war of 1967 the Egyptians have acquired vast arsenals of Soviet weapons, including air support and advanced ground-to-air missiles, and they have launched a "war of attrition." What has it gotten them? The Israelis have been compelled to stop their deep penetration air raids but they still hold the Sinai; until the cease fire they were bombing Egyptian installations on the west bank of the Canal around the clock; and they have every prospect of acquiring additional Phantom and Skyhawk jets from the United States so as to reestablish their version of the balance of power. Nor has any of this new Egyptian hardware wrung any political concessions from the Israelis: Prime Minister Meir explicitly rejects the borders of 1967 and, instead of offering concessions, Foreign Minister Eban contributes pithy ironies about recognizing the right of the United Arab Republic to exist.*

The Israelis, for their part, have hardly profited from their military successes. They have gained territory and they have established their military superiority, but they have failed to gain what they most want: security. In 1967 they felt desperately insecure along the Gaza Strip frontier; today they feel desperately insecure along the Suez Canal, so much so that they and their friends abroad seem almost to have forgotten that it is not their own but Egyptian territory that they are defending so tenaciously. One begins to understand the spheres-of-influence psychology, which causes a nation to believe that it can have no security at all until it has robbed its neighbors of all semblance of security.

Surrounded by hostile neighbors, holding down occupied lands inhabited by a million Arabs, plagued by fedayeen attacks and oppressed by the costs of armaments, Israel is a desperately insecure nation. That is clear, but it is anything but clear that her present policy of relying on military superiority is ever going to alter the situation. If the Suez frontier does not provide security, what boundary would? And even if the United States provides all the Phantom jets the Israelis want and the electronic jamming

* Interview on "The Advocates," a public television network presentation of KCET, Los Angeles, and WGBH, Boston, June 21, 1970, "The Middle East: Where Do We Go From Here? Part II: The Case for U.S. Support for Israel."

gear which may neutralize the SAM–2 and SAM–3 missiles, it is unlikely that Israel will gain more than a respite; the Russians will soon enough come up with something else.

After the First World War the French tried to gain security in somewhat the same way that Israel seeks it today. They, too, were confronted with a potentially powerful but momentarily weakened antagonist and they tried to perpetuate that situation by occupying the German Rhineland, temporarily detaching the Saar, and compelling Germany to pay reparations. The effort to make France secure by keeping Germany weak was a failure. Now, 25 years after the Second World War, France has nothing to fear from Germany although Germany is strong and in possession of all of the western territories France once wished to detach. France is secure now not because Germany has lost the power to threaten her but because she has lost the wish to do so.

The analogy is imperfect and simplified but it holds: Israel will be secure when and if the Arabs lose the wish to threaten her. Eliminating that wish should be an object worth pursuing from Israel's point of view. As victors the Israelis are in a position to be magnanimous without being suspected of weakness—which is something nations worry about whenever they are thinking about behaving sensibly. But thus far they have shown little inclination to trade their conquests for peace. Instead, they cling to the advantages won by their military victory of 1967, which is a rapidly wasting asset. One insecure frontier has been traded for another and all that the future seems to hold is continuing conflict, as threatening to the outside world as it is to the Arabs and Israelis.

Because the conflict is a threat to the outside world, it cannot be left solely to the humors of the belligerents. I have never fully understood why some of our statesmen feel that it would be a heinous crime for external parties to impose a solution. Under the United Nations Charter the Security Council has full authority—possibly even the obligation—to impose a settlement upon warring parties who fail to make peace on their own. The very premise of the charter is that warring nations can no longer be permitted immunity from a world police power. As far as the United States is concerned, it is worth recalling now and then that the United Nations Charter is a valid and binding obligation upon us, ratified as a treaty with the advice and consent of the Senate. As to the Arabs and Israelis, they too are signatories of the charter and no one can say they have been denied a fair opportunity to settle their differences peacefully and on their own. They might now be reminded of their commitment under article 25 of the charter, which states that—

> The Members of the United Nations agree to accept and carry out the decisions of the Security Council in accordance with the present Charter.

I think it would be a fine thing—a useful step forward for civilization—if, in the absence of a voluntary settlement by the parties, the United Nations were to impose a peaceful settlement in the Middle East. It would be an equally fine thing if the United Nations could impose a settlement in Southeast Asia.

II. PERSPECTIVES

There are four major perspectives on the Middle East conflict and need of a fifth. The needed one, as I have suggested, is that of the world community through its duly constituted organ, the United Nations. The development of such a perspective and its translation into action will require changes and adjustments in the long frozen perspectives of Arabs and Israelis, Russians, and Americans. There are at present some hopeful signs of possible change, brought forth by Secretary Roger's constructive initiative. In this slightly improved atmosphere it may be well to review the prevailing perspectives of those involved in the Middle East, with a view to detecting misconceptions, desirable directions of change, and opportunities for future agreement.

Starting with Israel, it is less than adequate to say that Israel is concerned with her survival. Surrounded and outnumbered by seemingly implacable foes, the Israelis are obsessed—as anyone else in their position would be—with the fear of being destroyed. This fear is based on salient facts but it is reinforced by fear itself, and by a 2,000 years' history which planted the fear of extermination deeply in Jewish minds. The result, I suspect, is a tendency on the part of the Israelis to exaggerate their own vulnerability, to credit their adversaries with more relentless hostility than in fact they may harbor, and to dismiss tentative gestures of conciliation as hypocritcial tricks.

It is noteworthy, in this connection, that, when President Nasser responded favorably to Secretary Rogers' peace proposal, the initial reaction of the Israelis and of some Americans was that Nasser was setting a trap in which Israel would be forced either to stop bombing the west bank of the Suez Canal or risk alienating the United States. Quite possibly that was President Nasser's motive—no outsider really knows—but how can there ever be progress toward peace if neither side is ever willing to take the other's word for anything, if each insists upon crediting the other with the most fraudulent and devious possible motives, and if each bases its policy on its own suspicions rather than the other's behavior? Would Israel, and Israel's friends in the United States, have liked it better if President Nasser had rejected the American proposal? Would they have thought better of him for it? Would they have commended him for candor and courage?

Chronic suspicion is ultimately unrewarding; it is the kind of outlook which causes myths to displace realities in the minds of statesmen who pride themselves on realism and hardheadedness. It has distorted American perceptions of China and the Soviet Union, and it has distorted the Israeli view of Arab intentions and capacities. When suspicion governs policy, it becomes impossible for adversaries to communicate or negotiate because neither side is receptive to even the bare possibility that the other may be telling the truth when he makes a conciliatory gesture, or that he may be amenable to compromise.

The Israeli conviction of Arab hostility is by no means invention, but there is a touch of paranoia about it—just as there is in our own attitude toward communism—and the worst of it is that the prophecy is self-fulfilling. It is a truism of modern psychology that we influence the behavior of others by our own expectations of how they are going to behave. The critical question for Israel is whether it is willing to risk taking the Arabs at their word when they offer to live in peace—as they have done in effect by accepting the Security Council resolution of November 1967—and, in taking this risk, helping to influence Arab behavior in the direction of compromise and peace. This is not to say that Israel can or should gamble her survival on the hope of Arab good will; Israel has the unchallengeable right to survive as a state and, as I shall indicate later, I would be willing to support a significant new commitment by the United States to assure Israel's survival. Nonetheless, I think it is incumbent upon Israel at this juncture to credit President Nasser with good faith when he says that he is willing to live in peace. A change in Israeli expectations might well bring about a change in Egyptian behavior.

A promising opportunity to do that was lost last spring when the Israeli Government refused to authorize the president of the World Jewish Congress, Dr. Nahum Goldmann, to hold talks in Cairo with President Nasser. The "torpedoing" of the Goldmann mission was surprising as well as unfortunate because, as the New York Times pointed out at the time, a meeting between a veteran Zionist leader and the Egyptian President would have represented a "significant breakthrough toward the direct contacts on which the Israel Government has always insisted."[3]

In Dr. Goldmann's view the Zionist movement has suffered since its inception from a failure to grasp Arab psychology. Instead of seeking to minimize the injustices done the Arabs by the establishment of the Jewish homeland in Palestine, Israel, writes Dr. Goldmann, "counted on military force or the intervention of foreign powers to attain its goals." As a result, he continues, Israel "has ceased to project the image of a small country threatened with destruction" and has become "an occupying power," which "exercises control over peoples who reject it and whom it has subjected." The result of Israeli policy since the Six Days' War of 1967, in Dr. Goldmann's view, is a dangerous impasse which does not work to Israel's advantage, because time is not on Israel's side. Israel's present advantage, Dr. Goldmann points out, derives from the virtues, character and technological ability of its citizens, but the Arabs too have demonstrated energy and talent in the past and they greatly outnumber the Israelis. "No one," writes Dr. Goldmann, "can predict how long it will take them to catch up with Israel technologically,

[3] "Sorry Wrong Number," editorial in *The New York Times*, April 10, 1970.

especially in the field of weaponry. But sooner or later the balance of power will shift in their favor." Maintenance of the status quo, Dr. Goldmann concludes, "will lead to new wars, new Arab defeats and growing hatred of the Israelis"—a situation which "could have disastrous consequences for the Jewish State in the long run." [4]

I recently had a conversation with a prominent Israeli journalist who had played a leading role in the struggle against British rule before 1948. Concerned that Israel has become a garrison state, he expressed fear for his country's survival as a democratic society. I said that I had the same fear for America, because we too have been chronically at war for over two decades. We agreed that both Israel and the United States would do well to recall Alexis de Tocqueville's warning of a century and a half ago:

> All those who seek to destroy the freedom of the democratic nations must know that war is the surest and shortest means to accomplish this. That is the very first axiom of their science.[5]

This Israeli journalist concluded by expressing the hope that Americans of moderate persuasion would speak out on the Middle East. If they did, he thought, Israeli moderates too would be encouraged to speak in favor of a policy of conciliation.

Israeli policy since the 6-day war has been characterized by a lack of flexibility and foresight. The establishment of Israeli settlements on the occupied west bank of the Jordan River and in the Sinai, as well as on the Golan Heights, can only be interpreted as steps toward foreclosing the return of these territories to their previous Arab owners. The insistence upon the nonnegotiability of the status of Jerusalem and upon the retention of certain other occupied territories—notably the Golan Heights, the Gaza Strip and Sharm el Sheikh—lends unfortunate credence to President Nasser's pessimistic assertion, in accepting Secretary Rogers' peace proposal, that, "While we inform the United States that we have accepted its proposals, we also tell them that our real belief is that whatever is taken by force cannot be returned except by force." [6]

Equally distressing—although not entirely unprovoked—is the Israeli view of the United Nations as what Mr. Eban calls a packed court whose recommendations may be ignored. The insistence upon the nonnegotiability of Israeli's annexation of Arab East Jerusalem is in open contempt of the United Nations General Assembly, which censured that unilateral act by a vote of 99 to 0.

I speak critically of Israeli policy in part because of my belief that Israel, as the momentary victor, has both an obligation and an interest in a policy of magnanimity. The obligation arises from general considerations of world peace and from the specific injustice which has been done to the Palestinian Arabs, who, as Arnold Toynbee has written, "have been made to pay for the genocide of Jews in Europe which was committed by Germans, not by Arabs." [7] Israel's self-interest in magnanimity is a matter of the only kind of security which really is security. In the words of a member of the law faculty of Hebrew University:

> A border is secure when those living on the other side do not have sufficient motivation to infringe on it . . . We have to remind ourselves that the roots of security are in the minds of men. . . ." [8]

The Arabs, too, must face up to certain realities: that Israel has come to stay; that it is demagogic nonsense to talk—as some of the Palestinian guerrillas still do—of driving the Jews into the sea; that in any case the Arab States can have no realistic hope of doing that because they themselves cannot defeat Israel, the Russians are not likely to do it for them, and the United States would almost certainly intervene to save Israel from destruction. Once these facts are recognized—as in large measure they have been recognized by the governments of Egypt and Jordan—the Arab countries will be able to free themselves from their morbid preoccupation with past defeats, from futile dreams of revenge, and from the oppressive burden of armaments which slows their development and makes them dependent upon foreign powers.

While Egypt and Jordan are still widely credited with the desire to destroy Israel, both in fact have repudiated any such ambition and have done so explicitly and repeatedly. They did it in the first instance by accepting the United Nations Resolution of November 22, 1967, which required them to give up positions to which they had held tenaciously for 20 years. By accepting that resolution, Egypt and Jordan committed themselves to terminate their belligerency against Israel; to acknowledge Israel's sovereignty, territorial integrity and right to live in peace within secure and recognized boundaries; and to respect Israel's right to freedom of navigation through the Suez Canal and the Strait of Tiran.

Having accepted these provisions of the resolution—which in fact meet all of Israel's stated and legitimate aspirations—the Egyptians and Jordanians now emphasize the other provisions of the resolution of 1967; the withdrawal of Israel from occupied territories; a just settlement of the refugee problem; and the inadmissibility of the acquisition of territory by war.

The last is a general principle which goes beyond the special interest of the Arab States. Its vindication—even in one instance—would represent a long step forward toward the establishment of the rule of law in international relations. That would serve everybody's interests—everybody, that is, who wishes to survive the nuclear age and who still has some hope that the United Nations can be developed into an effective peacekeeping organization. It is natural enough for Israel to resist the honor of being the first modern military victor to be obliged to abide by the principles and specifications of the United Nations Charter, especially when the great powers who dominate the Security Council have set such a wretched example. Be that as it may, the principle involved is too important to be cast away because of the hypocrisy or self-interest of its proponents.

Returning to the Arab perspective, I think there has been insufficient recognition of the distance the Egyptian and Jordanian governments have come toward accommodating themselves to some form of coexistence with Israel. President Nasser and King Hussein have repudiated the contention that they will be satisfied with nothing less than "driving Israel into the sea" not only by subscribing to the Security Council's resolution of November 1967 but through repeated and explicit public statements. Speaking in Washington last year, for example, King Hussein reiterated his own and President Nasser's willingness to abide by each of the provisions of the 1967 resolution and then added:

> In return for these considerations, our sole demand upon Israel is the withdrawal of its armed forces from all territories occupied in the June 1967 war, and the implementation of all the other provisions of the Security Council resolution. [9]

To take another example: in an American television interview on June 14, 1970, President Nasser stated unequivocally his willingness to accept the boundaries of Israel as they existed before the 1967 war as final boundaries. Asked whether Egypt would promise that its territory would not be used for attacks on Israel once the Israelis withdrew from the occupied territories, President Nasser replied—several times—"Yes." [10]

Unless one is prepared to contend—and back the proposition—that President Nasser and King Hussein are simply not telling the truth, it seems to me irresponsible to continue accusing either Egypt or Jordan of a policy aimed at "driving Israel into the sea." Even the President of the World Jewish Congress has recognized the extent of the change in Egyptian and Jordanian policy. Dr. Goldmann states it is his impression that not only King Hussein but President Nasser would be happy to conclude an agreement, if not a formal peace, with Israel. President Nasser, he notes, uses expressions which would not have been possible a few years ago.[11]

Withdrawal from the occupied territories is one of two concerns which dominate the Arab perspective; the other is the question of the Palestinian refugees. Whatever the political considerations which have led Israel to evade responsibility and the Arab States to exploit

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[4] Nahum Goldmann, "Israel and the Arabs—an 'Unrepresentative' View," *Le Monde*, Weekly Selection, May 27, 1970, p. 4.

[5] Alexis de Tocqueville, *Democracy in America* (New York: Harper and Row, Publishers, 1966), vol. II, ch. 22, p. 625.

[6] "Nasser Accepts U.S. Plan, but Asks Aid to Israel End," *The New York Times*, July 24, 1970, p. 1.

[7] "The Argument Between Arabs and Jews," in *The Israel-Arab Reader*, p. 262.

[8] Quoted in *Search for Peace in the Middle East* (Philadelphia: American Friends Service Committee, 1970), p. 43.

[9] Speech to the National Press Club, Washington, D.C., April 10, 1969.

[10] "The Advocates," June 14, 1970.

[11] Nahum Goldmann, "Israel and the Arabs—an 'Unrepresentative' View," *Le Monde*, weekly selection, May 27, 1970, p. 4.

their plight, the unhappy Palestinian refugees remain preoccupied with the indisputable facts that, after 20 years in exile, they are not permitted to return to their homes and they have been denied compensation for their lost properties. Although, according to United Nations estimates, some 60 percent of the refugees have found new homes and jobs, many thousands—made up mostly of the elderly, the very poor, the sick and the least educated—are still interned in miserable camps, living hopeless lives as wards of the United Nations. Since the 1967 war approximately half of the 2½ million Palestinian Arabs have been living under Israeli occupation. Despite annual United Nations resolutions recognizing their right to choose between returning to their homes and resettling elsewhere with compensation for lost properties, the refugees remain neglected and embittered pawns in the continuing Middle East conflict, the original 750,000 refugees of 1948 having increased to over a million. In the words of the Friends' Working Party:

> The Arabs of Palestine see themselves as a people in diaspora, just at the time when the Jews have won their struggle for a national home." [12]

Since the June war of 1967 the Palestinians have emerged as active participants in the Middle East conflict. The largest of the guerrilla organizations, Al Fatah, demands the dissolution of the present state of Israel and the creation of a secular multireligious state. They reject partition but they also deny any wish to "throw the Jews into the sea." Other Palestinian Arabs, more moderate, more realistic and—prudently, under present circumstances—more silent, acknowledge that Israel is here to stay and say that they are prepared to make peace—provided that Israel withdraws from the territories occupied in 1967.

The status of the Palestinians and the question of the occupied territories are the critical issues for peace in the Middle East. The two issues are closely related because many Palestinian Arabs are haunted by the fear that there are no bounds to Israel's territorial aspirations—a fear which feeds upon classic Zionist ideology as well as upon the declarations of military-minded Israelis who press the claim for "strategic" frontiers. A declaration by the Israeli Government of willingness to restore all of the occupied territories as part of a general peace settlement would go far to alleviate Arab fears of Zionist expansionism. Such a statement would meet the Egyptian-Jordanian condition for peace and would also improve the chances for a settlement in Palestine.

In the Arab perspective the central issues are the occupied territories and the Palestinians. In the Israeli perspective the issue is the survival and security of the Jewish state. The United Nations Resolution of 1967 recognizes the legitimacy of both parties' concerns. The question now is whether the two sides, and their great power mentors, are ready to proceed through the renewed mediation of Dr. Jarring toward the translation of general principles into specific agreements.

More perhaps than either would care to acknowledge, the two superpowers have played similar roles in the Middle East, both characterized by a certain ambivalence. On the one hand, they have played the traditional great power role, arming their respective clients, committing their own prestige, building spheres of influence, fretting over geopolitical abstractions—all serving to elevate a regional crisis into a global one. On the other hand, both the Soviet Union and the United States have shown an appreciation of the dangers in the Middle East, and that appreciation has caused them to restrain the two sides at critical moments and to encourage some form of accommodation. In recent weeks both great powers have shown a commendable sense of responsibility; as a result of their mediation, the prospects for a compromise settlement have improved. Particular credit is due Secretary Rogers for the cease-fire and the renewal of Dr. Jarring's mediation.

The conflict of course is far from over and the chances of a settlement arising out of the new Jarring mission have to be rated less than even. The great powers, accordingly, still must determine the kind of role they are to play in the Middle East, whether they are to revert to power politics or undertake to advance and enforce a compromise peace through the United Nations. Heretofore the superpowers have vacillated between the temptation to turn the Middle East into a cold war battleground and a caution induced by the well-founded fear of an uncontrollable conflict. The outcome in the Middle East will be determined as much by the great powers' conception of their own interests and of their own proper roles as by the attitudes of the Arabs and Israelis.

Like their tsarist predecessors, the Soviet leaders are pursuing a foreign policy aimed at the acquisition of influence in the Near East and the Mediterranean. What, if anything, they hope to gain in concrete terms is unclear—probably even to themselves. The Russians do not appear much inclined to try to communize the region; they have amiably overlooked the imprisonment of local Communists and the suppression of Communist parties in Egypt, Syria and Iraq, eagerly providing armaments to all three countries, both before and since the June war of 1967.

The Russians appear to be interested in the Middle East for reasons of security and trade as well as influence. They would like to see American military power removed from the region, although it is hard to see how that would benefit Soviet security since American bases would remain in Greece and Turkey. That, however, is the sort of thing big countries worry about, and I for one am inclined to take it at face value. The Russians would of course benefit commercially from the reopening of the Suez Canal, as would other countries, but that could be accomplished through a compromise peace and hardly requires a Soviet drive for power in the Middle East.

Basically, I suspect, the Russians are motivated by the same vague geopolitical impulses that all great powers are susceptible to: They enjoy sailing their warships around the Mediterranean and and would enjoy it even more if we felt constrained to keep our ships out; they would like in general to be "top dog" in the Middle East and would be delighted to see American influence reduced or eliminated. It appears to be in large part a matter of ego gratification, or of what the psychologists call "self-maximization," and it is by no means a unique Soviet susceptibility.

For the advancement of these noble purposes, Israel is indispensible to the Soviet Union. So, at least, says Edward Crankshaw, the well-known Kremlinologist. Israel, in his view, is the Soviet Union's admission ticket to the Middle East. If it did not exist, the Arab States would have little need of Soviet military and political support, and the Russians would have nothing with which to charm the Arabs except their communism, which does not seem to charm them at all. Without Israel the dream of paramount Russian influence in the Middle East and of the Mediterranean as a "Soviet lake" would go aglimmering. If Israel did not exist, says Crankshaw, the Russians would have to invent it.

Israelis can be forgiven for an unwillingness to base their security on Soviet national egoism, but at least they—and their supporters in the United States—ought to take solace in the available evidence that the Russians have a stake in their survival. The Israel leaders are not known for simple-mindedness or a lack of diplomatic skill, and that causes one to suspect that they may be somewhat less terrified of the Russians than they care to let on. After 25 years of the cold war the word has pretty well gotten around that invoking the Communist menace is a fairly reliable way of keeping the Americans in line.

A recent statement by the American Jewish Committee, for example, referred to the dispatch of Soviet military personnel to Egypt as an action "obviously designed to test the intentions of the free world and particularly that [sic] of the United States." "The balance of power in the area has already been disturbed," the statement goes on, "and a serious challenge to the national will of the United States has been raised." And further:

> The United States must make it unmistakably clear to the Soviet Union that it intends to defend its vital interests in the Middle East against encroachment by the Soviet Union.

The statement then calls for "affirmative action"—by which is apparently meant more Phantom jets and other military supplies for Israel—"to avoid the danger of a confrontation through Soviet misinterpretation of our past restraint as a sign of weakness." [13]

The language of this statement has a familiar ring; it is of Vietnam vintage. Their vital interests are suddenly identified as our vital interests; their security becomes a matter of our "national

[12] *Search for Peace in the Middle East*, p. 36.

[13] "American Jewish Committee, Statement on the Middle East," May 17, 1970.

will;" their regional conflict is identified with our global crusade against communism—all without benefit of factual analysis, much less a security treaty ratified by the Senate. It is the same old game of waving a red flag in front of the anti-Communist bull, and many Americans are still falling for it.

Fortunately, Secretary Rogers and other individuals in our Government have made a cooler assessment of Soviet intentions in the Middle East. They have recognized that, although the Soviet Union has made harsh verbal attacks on Israel, it has been consistent in its advocacy of a political settlement based on the Security Council resolution of November 1967. It also seems evident that the introduction of Soviet pilots and of SAM–2 and SAM–3 missiles into Egypt was something less than a bid for Soviet domination of the Middle East. The Israelis, it may be recalled, had been flying deep penetration raids over Egypt and had even bombed the suburbs of Cairo. The Egyptians at that time seemed unable to counter Israel air power and there was even talk of this situation resulting in the fall of President Nasser. The steps taken by the Russians since then can—and I think should—be interpreted as fairly cautious measures designed to bolster a faltering client. They seem quite cautious when compared with the things we have done to shore up our faltering client states in Asia.

The weight of evidence indicates that the Russians do indeed want a compromise settlement in the Middle East. In the view of the New York Times' correspondent in Moscow, they would welcome the reopening of the Suez Canal, relief from the heavy costs of arming Egypt, and a reduction of great power tensions. A solution acceptable to the Arabs, moreover, would earn gratitude and influence for the Russians in the Arab world, would enhance Soviet prestige all over the world, and appease the Jewish population of the Soviet Union.[14] And, most enticing of all, in the Soviet perspective, would be the ego-gratifying prospect of a region full of neutralist states more amenable to Soviet than to American "influence"—whatever that might mean in concrete terms.

When ideological and moral pronouncements are set aside—as every now and then honesty commends—the American perspective on the Middle East is in a number of important respects the mirror image of that of the Russians. We, too, attach great importance to our fleet plying Mediterranean waters; we too have an economic stake in the region—though not as great as that of some of our allies, who get most of their oil from the Middle East; we too derive ego-gratification from wielding "influence" in various parts of the world—although, like the Russians, we prefer to dress up our egoism in unctuous pieties; and, like our rival, we are a pushover for geopolitical grandiosities, the Middle East being, in President Nixon's phrase, the hinge of NATO." [15]

Only in one respect is our interest in the Middle East fundamentally different from that of other outside powers: we are tied to Israel by bonds of culture and sentiment and by the special attachment of our American Jewish population. These bonds represent a perfectly valid basis for the definition of a national interest and for the making of a valid commitment based on that interest—provided that the commitment is made in an appropriately constitutional manner, and provided too that it does not infringe upon or derogate from other valid interests. As matters now stand our commitment to Israel is de facto and undefined: we do not really know the extent of our own obligation, which could be very great, while Israel does not know what in the way of American support she can rely on. This uncertainty in turn appears to have driven Israel to greater militancy and inflexibility in her attitude toward the Arabs. For our part, the lack of a constitutionally legitimate commitment, candidly based on the sentimental and cultural bonds which are the real source of our interest in Israel, drives us to rationalize our involvement in terms of gradiose geopolitical concepts.

The assumption appears to be that there is something illegitimate about sentiment as the basis of a national interest and that we must therefore disguise it behind a facade of tough-sounding realpolitik. Reading the statement of the American Jewish Committee which I quoted earlier, for example, I could not help suspecting that the authors did not really believe all that stuff about the Russians testing the intentions of the free world in the Middle East and challenging the national will of the United States, any more than I believe it. The impression I had was that the authors of the statement feel a cultural and religious attachment to Israel but do not feel they can persuade the U.S. Government to pursue a policy designed to serve that attachment unless it can also be justified in terms of the grand strategy of the cold war. I regret this attitude very much, for one reason because there is nothing wrong with a policy based on sentimental attachment as long as it does not intrude upon other interests, but primarily because the introduction of cold war rationalizations can have—and to a great extent has had—the dangerous effect of expanding a local issue into a global one.

Both President Nixon and Mr. Kissinger have tended to speak in those terms. In his televised interview of July 1, for example, President Nixon spoke of the Middle East as being "terribly dangerous, like the Balkans before World War I, where the two superpowers, the United States and the Soviet Union, could be drawn into a confrontation that neither of them wants." Five days earlier, Mr. Kissinger had said exactly the same thing:

> What makes the situation in the Middle East so potentially dangerous is the fact that it has many similarities with the Balkans before World War I.

Pressing the analogy, Mr. Kissinger contended that "no one caused World War I;" that it came about as an accident; and that the situation in the Middle East is roughly analogous, Israel and the Arab States each being allied to a superpower. He said:

> Each of them to some extent not fully under the control of the major country concerned.[16]

This tough talk, it has been explained, was designed to scare the Russians, not to be taken literally. Whatever effect it had on the Russians, I must say that it scared me, because it reveals a dangerously outmoded way of thinking about international politics. The catastrophe of war is conceived as something fated, controlled by quarrelsome client states if not by the iron laws of power politics. Implicit in this outlook is the supposition that the coming of a great war is beyond the control of statesmen—even beyond the control of the Pentagon computers, or of Mr. Kissinger's staff of experts in the White House basement.

The outlook is faulty, and so is the analogy. World War I was not primarily an accident, and it was certainly not predestined. It came about, as recent German historians have shown, because Germany was willing for it to come about and aided and abetted the events which led to the explosion. It was within Germany's power at any time to restrain her Austrian client and, in so doing, to prevent war. The German leaders knew they had this power but consciously chose not to exercise it because they thought they could win a general European war and judged that it would derogate from German pride and grandeur if the great German Empire shrank from war.

That is why war came in 1914 and that is why it will come again, if it does come again. It will be, as it was in 1914, the result of human choice, human pride and human folly. Neither the Arabs nor the Israelis have the power to bring on a world war. Only the superpowers have that option and—whatever the political usefulness of historical misanalogies—they had better not forget it.

At least twice in his two background briefings at San Clemente, Mr. Kissinger referred to the American interest in the Middle East deriving from our allies' dependence on Middle Eastern oil. The Japanese, Mr. Kissinger pointed out, get 90 percent, and the Western Europeans 75 percent, of their oil from the Middle East—"which again is one reason why we can have an overwhelming interest in preventing this area from being dominated by the Soviet Union." [17]

For those who are worried about "neo-isolationism" Mr. Kissinger's words should provide ample reassurance that the policeman-of-the-world spirit is still a living force in American foreign policy. Without explanation or elaboration it is taken for granted that, because Japan and Western Europe need Middle Eastern oil, the United States has to protect the oil supplies from "the Soviets and their radical clients." What about the Japanese and the Europeans? Why

[14] Bernard Gwertzman, "Soviet Role in Mideast," New York Times, August 3, 1970, p. 2.
[15] Televised interview of July 1, 1970.
[16] Background Briefing, San Clemente, Calif., June 26, 1970, p. 20.
[17] Background Briefing, San Clemente, Calif., June 30, 1970, p. 9; June 26, 1970, p. 23.

have they not had anything to say about all this? Why do they not send their fleets to keep the Mediterranean from becoming a "Soviet lake?" Or at least why do they not participate in the enterprise? And why do we not expect them to?

The answer appears to derive from the laws of geopolitics. The "responsibilities of power"—or what used to be called "providence" in the age of faith—have imposed upon us the duty of serving as the Hessians of the free world, with the lesser free world countries at liberty to provide a regiment or two, if they wish, to put a nice face on things.

I do not care much for this geopolitical hocus pocus. Whatever the reasons of strategy or preference that induced the administration to employ it, there is far more to be said for the sensible, conciliatory approach which has brought about the cease-fire and the renewal of the Jarring mission. The administration of course may contend that the renewed peace talks would not have come about but for the carrot-and-stick approach combining the Rogers overtures with the Nixon-Kissinger threats. Perhaps so, but the Russians seem equally convinced that it was they who brought the Americans to reason by sending pilots, missiles and other armaments to Egypt. Each side seems to cherish the view that it has intimidated the other. Spending so prodigally as they do on the instruments of intimidation, they naturally have a vested interest in having something to show for their money.

One would not begrudge them the conceit except for the fact that this attitude—this confidence in one's ability to intimidate an adversary into compromise and peace—seldom achieves the desired result. It has not achieved it in Indochina, and in the Middle East mutual intimidation has had a restraining effect—if indeed it has—only because both sides, for once, have been rational enough to recognize their common interest in peace and, therefore, to override their natural response to the other's threats, which is to feel challenged rather than intimidated, to be provoked and to respond provocatively.

The geopolitical formulations of America's interest in the Middle East are dangerous, historically unsound and basically romantic. There is no relevance in the Balkan analogy of 1914, which purports to show that we are helpless, and we have no automatic, unilateral vital interest deriving from the oil requirements of Europe and Japan. There are, to be sure, important American political and economic stakes in the Middle East, but our major specific interest is a cultural and sentimental attachment to Israel, rooted in the strong preference of a majority of the American people and their elected representatives.

We also have a nonspecific interest, which we share with the Arabs, with the Israelis, with the Soviet Union, and with the rest of the world. That interest is in the vindication of the United Nations as an instrument for the maintenance of peace. The Security Council resolution of November 22, 1967, which Secretary Rogers has said "will be the bedrock of our policy,"[18] emphasizes "the inadmissibility of the acquisition of territory by war," and it reminds the Middle Eastern parties of their obligations under article 2 of the United Nations Charter, of which paragraph 3 states that—

> All Members shall settle their international disputes by peaceful means in such a manner that international peace and security, and justice, are not endangered.

This is where the fifth perspective comes in, over and above that of Arabs, Israelis, Russians, and Americans. If a United Nations perspective can be developed and brought to bear, we might come out of the Middle East crisis with something better than a peaceful settlement. We might come out with a precedent too, with processes to draw upon in the future.

III. TOWARD PEACE

For most of the life span of both entities the United Nations and the State of Israel have been intimately, if not always cordially, involved with each other. Israel was legally initiated by the United Nations; since then its status, borders, and policies have been the subject of a series of United Nations resolutions. The United Nations Relief and Works Agency still has primary responsibility for the Arab refugees; a United Nations peace force was placed between Egyptian and Israeli forces after the 1956 war and United Nations observers have been stationed along the Suez Canal since the June war of 1967. The Security Council resolution of November 22, 1967, is still the most complete, impartial, and generally accepted policy statement for a Middle East settlement, and is still the best hope for a viable peace. If there has ever been an issue which is ripe and appropriate for peaceful settlement under United Nations auspices, it is the conflict between Israel and the Arabs.

First and foremost, a just settlement must vindicate the principle, as spelled out in the Security Council resolution, of "the inadmissibility of the acquisition of territory by war." This principle goes to the heart of the Charter; article 2, paragraph 4 states—

> All Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state.

The return of the conquered territories is the major single requirement for peace as stated by both President Nasser and King Hussein. As King Hussein put it:

> Israel may have either peace or territory—but she can never have both.[19]

Restoration of the occupied territories is also American policy. In his notable speech of December 9, 1969, Secretary Rogers said:

> We believe that while recognized political boundaries must be established and agreed upon by the parties, any changes in the preexisting lines should not reflect the weight of conquest and should be confined to insubstantial alterations required for mutual security. We do not support expansionism. We believe troops must be withdrawn as the resolution provides.

In return for withdrawal from all of the territories occupied in 1967, Israel would be entitled to firm and specific guarantees of her security. One such guarantee might be the stationing of sizable United Nations forces in militarily neutralized zones on both sides of the borders at all of the points which are critical of Israel's security. This would certainly include the Golan Heights from which, before the 1967 war, Syrian guns tormented the Israeli settlements below. United Nations forces might also be stationed on what is now the occupied west bank of the Jordan River; in and around the Gaza Strip and the old border between Israel and Egyptian Sinai; and perhaps too at Sharm el Sheikh to guarantee Israel's egress through the Strait of Tiran. In all cases, it should be specified that the United Nations force could be removed only by consent of both Israel and the Arab government concerned. Perhaps too the consent of a majority of the United Nations Security Council might be required, either to remove the United Nations forces or to terminate the neutralized status of the zones in question.

Another necessary provision of an Arab-Israeli peace settlement would be a mutual disavowal of any further efforts by either side to alter the frontiers of 1967. The Security Council Resolution of November 1967 specifies the right of every state in the area to "live in peace within secure and recognized boundaries free from threats or acts of force." The Arabs, it must be remembered, are as frightened of the Zionist doctrine of unlimited Jewish immigration leading to a drive for lebensraum as the Israelis are of an Arab "holy war" to destroy Israel. Both sides are entitled to explicit guarantees against these deeply rooted fears. This can be accomplished by writing into a treaty a more explicit and detailed version of that provision of the Security Council resolution which would require "termination of all claims or states of belligerency and respect for and acknowledgment of the sovereignty, territorial integrity and political independence of every state in the area."

Israel is entitled to free access through the Suez Canal as well as the Gulf of Aqaba and the Strait of Tiran. That too is called for in the Security Council resolution and should be guaranteed in the definitive instrument of peace.

As to Jerusalem, I have no specific recommendation. I think it well, however, to recall that the United Nations General Assembly unanimously condemned Israel's unilateral annexation of the city[20] and that its status cannot be considered "nonnegotiable." Some form of international status would seem to be the appropriate solution. The Friends' study suggests the desirability of "some sort of federal condominium to govern an undivided and demilitarized Jerusalem" and makes the further contention, in which I concur, that Jerusalem "cannot peacefully become the sole possession of

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[18] Testimony before the Senate Foreign Relations Committee, March 27, 1969.

[19] Speech to the National Press Club, Washington, D.C., April 10, 1969.

[20] On July 4, 1967, by the vote of 99 to 0, the United States abstaining.

one religion or one national state." [21] There may also be merit in Dr. Nahum Goldmann's suggestion that the old Arab section of Jerusalem be constituted "an autonomous enclave with an international status administered by its inhabitants." Such an internationalized city, Dr. Goldmann suggests, might become a "center for world organizations" as well as a center for three great religions.[22]

Probably the most difficult and intractable of the issues to be resolved is that of "achieving a just settlement of the refugee problem" as called for in the Security Council Resolution of 1967. In justice and law—the latter in the form of numerous United Nations resolutions—the Palestinian Arab refugees are entitled to one of two forms of restitution: either repatriation or compensation. As a practical solution it should be feasible to work out an agreement under which Israel would take back within its 1967 borders an agreed number of refugees who would be accepted as Israeli citizens and whose former properties would either be restored or compensated for. For the majority of refugees, repatriation would probably be neither feasible nor desired. A commitment by the Arab States to accept them and assist in their resettlement—as in part they have already done—should be accompanied by generous Israeli financial support, both to compensate these refugees for their losses and to facilitate their resettlement. With constributions from friends abroad, and with the relief from military costs which peace would make possible, Israel should have no great difficulty in meeting these costs, which in any case ought to be accepted as an elementary moral obligation.

In due course the Palestinian Arabs will find it necessary to accept the existence of the state of Israel and to recognize that further, futile efforts to destroy the Jewish state will only compound their own suffering. The Palestinians have been done a great historical injustice but it cannot now be undone in the way they would have it undone. Indeed, after 22 years of Israel's existence as an independent state, it would now be as great an injustice to disrupt that society as it was for the Jews to drive the Arabs from their land in the first place. A certain rough justice accrues to any existing state of affairs, insofar as it affects people's lives and homes; once people are established and living in a place—regardless of how they got there—it becomes an injustice, even if it were a practical possibility, to disrupt and expel them.

This must be a bitter pill for the Palestinian Arabs to swallow, but, myths and realities being what they are, they are going to have to do it if they want an end to futile guerrilla warfare. Whether, whenever, and however they do, the Palestinians are entitled to some form of self-determination on the non-Israeli territory of Palestine. Whether they will wish to form an independent Palestinian State, or rejoin the Kingdom of Jordan, or federate with it in some way, is beyond the reach of a foreigner's judgment, and perhaps beyond the feasible scope of any foreseeable peace settlement in the Middle East.

Central and indispensable to a peace settlement based on the Security Council Resolution of November 1967 would be the guarantee of the entire settlement by the United Nations. Such a guarantee would properly take the form of a specific commitment by the United Nations Security Council to enforce the peace and all of its specifications, including the "secure and recognized boundaries" of both Israel and her Arab neighbors and the neutralized status of designated border zones. The agreement should also specify strict limitations on the sale or provision of arms to Middle Eastern states by outside powers. As permanent members of the Security Council, the United States, the Soviet Union, the United Kingdom and France would have major responsibility for enforcement of the peace terms, but that obligation would fall upon them not in their capacity as "great powers" but as members of the Security Council, which is entrusted by article 24 of the Charter with "primary responsibility for the maintenance of international peace and security."

It might also be appropriate and desirable for the Security Council's guarantee to be ratified formally by the legislative bodies of the signatory states. Such action would represent a mark of the seriousness attached to this new commitment by members of the Security Council, although it might not be regarded as juridically essential since, by ratifying the Charter in the first place, every member of the United Nations is already committed, under article 25, to "accept and carry out the decisions of the Security Council." It would do no harm, however, by formal parliamentary act, to remind the members of this frequently forgotten obligation.

For reasons of varying merit Israel has indicated on numerous occasions a lack of confidence in the United Nations. In order to accommodate this attitude and provide Israel with an added assurance of security, I, for one, would be willing to supplement a United Nations guarantee with a bilateral treaty—not an executive agreement but a treaty consented to by the Senate—under which the United States would guarantee the territory and independence of Israel within the borders of 1967. This guarantee should neither add to, nor detract from, nor in any way alter the multilateral guarantee of the United Nations—which would obligate us, as a member of the Security Council, to defend the "secure and recognized boundaries" of both Israel and her Arab neighbors. The supplementary, bilateral arrangement with Israel would obligate the United States to use force if necessary, in accordance with its constitutional processes, to assist Israel against any violation of its 1967 borders which it could not repel itself, but the agreement would also obligate Israel, firmly and unequivocally, never to violate those borders herself.

I conceive of an American treaty of guarantee with Israel as an instrument which would come into effect after—and only after—the multilateral guarantee of the United Nations had been agreed upon and ratified by all parties. The bilateral treaty with Israel would represent no more than a repetition of and an additional assurance of, our intent to honor the multilateral guarantee of the United Nations. Essentially, the bilateral arrangement would serve as an accommodation to the fact of Israel's mistrust of the United Nations. It would repeat a commitment which every member of the Security Council, including the Soviet Union, would also have made through their multilateral guarantee of the borders of all of the states concerned.

At this hopeful moment of at least temporary truce and renewed contracts between the principal belligerents, the situation in the Middle East presents the world community with an important, indeed an unprecedented, opportunity. At its present juncture the conflict between Israel and the Arabs is the most significant issue since the end of World War II in which the Soviet Union and the United States have identified enough in the way of common interests to allow of a peaceful settlement mediated and guaranteed by the United Nations Security Council. I do not think one can exaggerate the importance of the opportunity. A settlement mediated by the great powers in their capacity as great powers quite possibly could be a fair and durable one, but a settlement mediated by the United Nations could serve as a precedent for the settlement of other conflicts through the procedures of international organization. Perhaps, if the precedents accumulated, and with further advances in civilization, it might even be found possible to apply these procedures in conflicts involving the great powers themselves. That, after all, was why we created the United Nations in the first place—to save succeeding generations from the scourge of war.

Mr. President, one other comment in response to the observations a moment ago of the Senator from Connecticut. I can only emphasize what I said, that I do not have overwhelming faith that the Russians or other nations are going to live up to every agreement; but I do not think that is sufficient reason for not trying to make the agreements which I have suggested. No doubt there are many views as to how the agreements can be implemented. I have suggested a number of things, such as the stationing of a United Nations force in areas which are sensitive and critical points from a point of view of security. I reminded the Senate of suggestions that really have been made by people far more knowledgeable than I of the problem of Jerusalem, which is very complicated because of the deep emotions involved therein. I made the suggestion not because I am confident in it as the solution, but as illustrative of the kind of problems that will arise, and to prompt discussion and to show that I recognize, at least, these problems as a part of the overall question. These matters of detail are the very essence of negotiations which must take place.

But the overall reason for the speech

[21] *Search for Peace in the Middle East*, p. 56.

[22] "Israel and the Arabs—An 'Unrepresentative' View," *Le Monde*, Weekly Selection, May 27, 1970, p. 4.

is largely, as I have said, the conditions that have arisen both in the Middle East and outside the Middle East, which indicate that there may now be an opportunity to arrive at an arrangement with the Russians which they would consider to be in their national interest, just as I think we would consider it to be in our national interest, to bring about a settlement in the Middle East.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. Mr. President, I have just arrived in Washington, and was apprised, very graciously, by the Senator from Arkansas (Mr. FULBRIGHT) that he was going to make this speech. I was unable to be here before this hour. I have had an opportunity to read excerpts, but not the whole speech.

When the chairman of the Foreign Relations Committee applies his very considerable gifts to so difficult a problem as the Middle East, I feel it is my duty and my pleasure to study his remarks very, very carefully. Then, if I have some observations or comments or reply, I should make them in the same considered way and with the same study, introspection, as well as research, that the chairman obviously has given to his speech.

I rise now only to say I think it healthy that the chairman of the Foreign Relations Committee, on which I have the honor to serve with him, has taken such an interest in this subject and has made his own proposals. It can only advance our knowledge of this subject, whatever may be the differences in our views. It may be that some of us think he is too trusting in the power of pieces of paper, called guarantees or treaties, over the will of the people or geography, or over the very nettling problem of Jerusalem, as was mentioned, or the Arab refugees.

I think there is a chance to settle this dispute. I think there is a chance. I think some of the genius which can be mustered here in the Senate can materially help in that chance. I deeply feel that the President, having announced his policy on July 1, which was so heavily premised on the interest of the United States and the free world, for peace in this area, having been supported by 71 Senators, though there was a heavy manifestation for it in this Chamber. In my judgment, the President would not have proceeded as he did without that support from so many senators.

We have a very creative responsibility. I shall consider it a privilege to try to share it with the chairman, as I am sure many other Senators will, and I hope to be able to contribute to the ultimate result.

One thing is very clear: Certainly, there is the most ample goodwill and desire to bring this terrible crisis to a peaceful conclusion on the part of the Senator from Arkansas, and for that we will all be grateful.

I thank the Senator for yielding.

Mr. FULBRIGHT. I appreciate the comments of the Senator from New York. I do not know any man better equipped to make contributions to this difficult problem than the Senator from New York. He has always had an interest in it, but in addition to his interest in it, he has one of the most thoroughly grounded minds that I have ever seen in matters both legal and political.

One of the purposes of the speech is to inspire—of course, the Senator from New York does not need any inspiration—the Senate and the whole country to take an interest in this matter and to recognize that we are already involved and that the whole world is involved in it, and to stimulate as many people as possible to come forward with any ideas they have to help us in the negotiations. It is high time we found some way other than the force of arms to deal with the problem.

I am not so optimistic as to believe that my speech or any other speech will provide a solution. The history of the human race does not give a great basis for optimism about solving these problems. But the previous history of the human race did not include nuclear arms. Until recently it did not have the present technological development which now burdens as well as benefits us. I think we are more burdened than benefited from it. The whole world has advanced. It is this realization that inspires someone to keep some hope in mind that we may avoid the shortsightedness which, in the past, has so frequently resulted in wars which have devastated the world.

Perhaps we are not able to solve these difficulties by reason. After all, it is a part of the responsibilities of the representatives of the people, such as Senators, to apply reason. We can always hope that our mentality and our political astuteness can catch up with the technological changes and find a way to bring about peace in the world. That is all. I think it is our duty to explore it, at the very minimum.

Mr. JAVITS. Mr. President, will the Senator yield further?

Mr. FULBRIGHT. I yield.

Mr. JAVITS. I hope for two changes. First, I hope it is true of the Jewish people, with whom I have such a deep acquaintance and feeling. They had a terrible heritage for five millennia, and the apogee of barbarism came in the Hitler regime. The Arabs have had a most illustrious history of culture and technology, mathematics in the fundamental sense, and they made great contributions to the world, and then they fell into a period of centuries of desuetude which has made their area one of the most feudal as well as one of the most depressed in the world.

It is hard to believe that modern currents have not touched the Arab world, as often seems to be the case. I think it is almost impossible to accept and I refuse to believe it.

Perhaps out of these two illustrious heritages—Jewish and Arab—not only can peace be made, but perhaps the whole area can be brought forward into a new developmental phase, in which it is now literally behind the whole world.

I shall certainly join hands with the Senator from Arkansas and all of my colleagues who are interested, to see if we can fashion this result.

Mr. FULBRIGHT. I thank the Senator. I agree with him that it is only recently we have had these developments. The Arabs and the Jews used to get along in close proximity there in the Middle East. The problem in earlier days was not rivalry between the Arabs and the Israelis; it was the colonialism of Western Europe, the British and the Americans who injected themselves into matters of local concern, that caused the trouble.

I do not believe there is really any reason why they cannot get along. They are both gifted peoples with rich cultural heritages. The reason I mention the cultural heritages of those countries is because I recognize the great talents of their people. We are all well aware of the tremendous talents and abilities of the Jewish people, as demonstrated here and in every other country. And, as the Senator mentioned, the Arabs have had periods of great accomplishment. They are, I am sure, people who can live at peace, as they did until recently. This is not a long lasting enmity, extending back hundreds of years. Their mutual enemies were the Europeans.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Arkansas may have an additional 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, does the Senator from Illinois wish me to yield?

Mr. PERCY. Yes, I shall appreciate the Senator's yielding for a few comments and several questions.

I noted yesterday the full coverage of the intended speech of the distinguished Senator from Arkansas today, and I commend the distinguished Senator for laying out before the world and the American public in such a thorough manner one of the most pressing problems that we face.

We have devoted too much attention to Vietnam and Indochina, an area 10 or 11 thousand miles from our country, where the direct relationship between our vital interests and our national security is not nearly as apparent as it is in the Middle East. I commend the distinguished Senator for bringing into public debate and bringing to public attention for consideration various alternatives and various routes that can be used to find what we must find—peace and stability for the people of Israel and of the Arab States, for all the peoples of the Middle East; because the future peace of the world may depend upon whether we can find an answer to this very agonizing problem.

Mr. FULBRIGHT. I thank the Senator.

Mr. PERCY. I also commend the distinguished Senator from Arkansas for what I consider to be an exceptionally fine presentation yesterday on "Meet the Press."

Mr. FULBRIGHT. I thank the Senator.

Mr. PERCY. If no one else intends to, I certainly shall want to put the "Meet the Press" transcript, when it becomes available, into the RECORD, because I

think all of us who did not see it should certainly study and read the very carefully chosen words of our distinguished colleague.

I have just a few questions, and I think they are serious and important questions, raised by the presentation made by the distinguished chairman of the Committee on Foreign Relations.

I feel certain that the Senator intended his proposals to be provocative, and to raise questions, because only by raising these questions can we obtain answers.

My first question respects the concern that I feel the people of the State of Israel, and the government of Israel would have about the proposal when it is suggested that they return to the their previously insecure borders, and give up what they now have and have gained through the so-called 6-day war, a war that they did not want, but which they felt was a necessary protection against the threats made that they would be driven into the sea and exterminated.

I presume that the philosophy is that a bird in the hand is worth two in the bush. They do feel much more secure as a result of having those territories but they are being asked, in this proposal, to give them up in exchange for a U.S. treaty commitment to rescue Israel if she is attacked, and in exchange for United Nations guarantees.

They look at United Nations guarantees with some concern, because they have not always been treated in what they consider to be a friendly and understanding way by the United Nations. Would the Senator care to expand on how he, walking in the shoes of the people of Israel, knowing what they have gone through, could give them assurance that giving up the land that they now hold can be a proper exchange for the commitment and the guarantee?

Mr. FULBRIGHT. I make the point, of course, that apparently—and I have no reason to doubt it—the return of the land is a precondition to any negotiated settlement. That is, if they do not do that, the war will continue. That is one of my assumptions; I think it is a just assumption.

If the territory is returned, and it leads to the guarantees which I have mentioned, it seems to me the only way to approach the matter is through a settlement that would give the State of Israel security so that she can live in peace and pursue her future without being a garrison state and continually waging war.

As to the significance of certain pieces of real estate to a nation's security, I think the experience of most of mankind is that real estate does not give security, especially with modern weapons. It may have to a greater extent in the days of bows and arrows, when a particular river, for example, which could not be crossed, except by boats or something, gave a certain security. I am sure there was a period prior to technological developments when mountains, heights, or rivers gave real security.

But I do not think that such factors are very significant any longer. What is significant is the attitude of the neighbors. You cannot really live in peace if your neighbors are determined to make war. We have had many examples of that.

I try to be careful about analogies, because they can be very misleading, but the French, before World War II, felt that if they had the Rhineland and the Saar it would add to their security. It did not. Now they do not have either one, and they are far more secure. There has been a change of attitude on the part of the Germans, and this has made the difference.

Then there is our own experience with the Canadians. They do not feel, as far as I know, any insecurity, though we could walk across that border any day, because of our greater size and the strength of our forces.

In other words, the important thing is the attitude of people. I do not think the Arabs and the Israelis are going to achieve security until both sides make up their minds to accept a peaceful situation.

As to the guarantees, that is, the guarantees of the United Nations, I hope that organization would be serious in supporting the guarantees of the individual countries, including our own. I think that is what would contribute most to the development of an attitude, on the part of both the Arabs and the Israelis, that they are going to live in peace.

On the one hand, it would be an encouragement to make the Arabs feel that they could not upset it. It ought to disabuse their minds of the idea that they can destroy Israel. This in itself, it seems to me, would tend to cause that idea to evaporate, and cause them to reconcile themselves to the presence of Israel. That would be a part of their obligation. Whether or not they would actually do it is, of course, a question.

But the piece of paper is not the final answer; it is the change in the attitudes of the people themselves.

Such changes have come about in other areas. We know how suddenly the great animosity that existed between us and the Japanese and the Germans 25 years ago has changed. I do not know why we should assume that we are so superior to all other people that we can change and they cannot. I think these are all very gifted people, and can change. But we have to create the conditions that make the change possible.

Mr. PERCY. I assume that if there existed between the Israelis and the Arabs the feeling that exists between the Canadians and the United States, we would not have much of a problem. But the feelings that exist between the Arabs and the people of the State of Israel are a long way from that.

Mr. FULBRIGHT. That is why I say I do not like analogies. However, that of the French and the Germans is a rather dramatic——

Mr. PERCY. In the long run, I feel there is a basis for what the Senator suggests.

Mr. FULBRIGHT. And now between the Germans and the Russians we have seen at least the stirrings of a movement for conciliation. This is something quite remarkable.

Mr. PERCY. By the distinguished Senator's proposal, did he wish to remove from the area of negotiation the possibility that the belligerent parties themselves might agree that it makes sense for Israel to retain small areas which have no great value economically but which strategically may give great assurance to the people?

Mr. FULBRIGHT. Of course not. If the parties agree to that, I would welcome it. In anticipation that they may not, I simply suggested as an alternative that the Security Council undertake to station United Nations troops at those critical areas.

If they would agree to that, it would mean that they have progressed far beyond what I had anticipated they might as to their attitude. If they could reach that kind of reconciliation, that would be all the better.

Mr. PERCY. In other words, just on the eve of talks, it is not the Senator's intention to remove the initiative from the parties themselves or to impose from the outside the details of an arrangement or settlement on the parties themselves.

Mr. FULBRIGHT. Not at all.

Mr. PERCY. They could work out these details.

Mr. FULBRIGHT. The only reason for that is that, as the Senator knows, this has been going on for a long time, and they have been unable to work out the details. It would be much more acceptable if the parties themselves could work it out. It is only as a last resort, in recognition of the danger of this to us, that I make this proposal—on the theory that these proposals, if they are taken seriously, might be a further incentive for the parties to work it out. One can reason either way on that.

Mr. PERCY. I would presume that the distinguished Senator welcomed, as I did, the initiative taken by Secretary Rogers and the indicated willingness of Prime Minister Meir, King Hussein, and President Nasser to negotiate these conditions.

Mr. FULBRIGHT. Certainly.

Mr. PERCY. And nothing should interfere, then, with whatever progress can be made.

In other words, one might say that the proposal of the distinguished chairman of the Committee on Foreign Relations is there as another alternative, should the initiative which is now under way fail. In other words, if that fails, all is not lost. We would still have another route by which we could go. I feel that the United Nations should take a much more active role in this situation in the future than it has in the past.

Mr. FULBRIGHT. I certainly agree with the Senator.

As I have tried to emphasize, the point about involving the United Nations and having it undertake responsibility in this matter is one of the most important reasons for my making the speech, because the United Nations is important. It is especially important to small countries. It may be more important to them than it is to big countries, but I am not sure

that it is. Since the big countries seem inevitably to become involved in the problems of the smaller countries so, it is important to all. But the small countries are more immediately concerned. I think it is a very important element. If a Middle East settlement could be a precedent for action by the Security Council, it would be a great step forward.

Mr. PERCY. My principal concern goes to another area that I was not quite sure I fully understood yesterday in the press presentation of the Senator's point.

We would provide a commitment to the State of Israel, which would back up a solution to be worked out by the United Nations, to guarantee their security and the condition of peace in that area to the extent that we could. What, then, is to prevent the Arab States to literally, one might say, almost blackmail the Soviet Union into giving them a guarantee in which they might get a stronger guarantee than would be given to us? Then, reinforced with this guarantee and the highly emotional state of this whole situation out there, could it be probable that some Arab State might be inclined to take some rash action which today would be military suicide but which, backed up by a Soviet guarantee such as we had given, might then reinforce their intestinal fortitude, cause them to go ahead, which then, through an action of a third party, might force the super powers into a confrontation?

I shall very much appreciate some explanation as to how we could avoid this kind of situation should we give a guarantee on our side. This, of course, would not be the kind of guarantee that would give the State of Israel or the area any assurance for the future.

Mr. FULBRIGHT. I am not sure that I get the full impact of that.

My assumption all along has been that the Russians have an interest in settling the matter and do not have an interest in allowing the Arabs to involve them in a war with us.

It would be a wholly irrational act, if the Russians gave any such guarantee. I am not sure what kind of guarantee could go further than what I am proposing we take and the Security Council take.

I cannot imagine the Russians saying, "No matter how unreasonable, we will back you, even if you want to destroy Israel." I do not think they would enter into that agreement, unless one assumes that they are totally devious and deliberately fraudulent in what they agree to. If they have anything like that in mind, there is nothing to prevent them today from putting 10 times as many pilots in there, 10 times as many missiles, and everything else. I suppose they are physically capable of doing it, but I do not think they want to do it.

Here, again, we have to come back to the good faith of the people involved. If we cannot possibly have any confidence in their undertakings and their agreements, all of this is just so much talk. It may be that the human race is incapable of negotiating a settlement of its problems, that only force can be relied upon. We have not been very successful in it. We have had some minor successes here and there.

I think that the only way we can proceed is to assume some degree of confidence in solemn undertakings that countries make, in spite of the fact that in the past many of them have been breached. Upon that assumption, I think that what the Senator is proposing might happen with the Russians involves an assumption that they would act irrationally in this whole matter.

The PRESIDING OFFICER. The Senator's additional 15 minutes have expired.

Mr. PERCY. Mr. President, I ask unanimous consent to continue for 5 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. PERCY. Perhaps a hypothetical situation, then, could help clarify my concern.

We would presumably, under the Senator's proposal, guarantee that if Israel were attacked by an Arab State, we would go to Israel's defense. A counterpart proposal then would come from the Soviet Union to the Arab States, that if they were attacked by Israel, the Soviet Union would come to their defense.

Mr. FULBRIGHT. They go to the United Nations, as a member of the Security Council, and so do we.

Mr. PERCY. What I am concerned about is this: Let us say the fedayeen, or the commandos, would attack from an Arab State; that it might well be presumed by the State of Israel that the attack was being supported by the army, if not directly, at least indirectly, of that country. They then retaliated, as they have, and attacked the commandos. The Arab State interprets this as an attack upon it and says to the Soviet Union, "Attack Israel, because the treaty we have with you has been violated, and you are therefore compelled to come to our defense."

This is the kind of situation I feel certain we would all want to avoid, and I would hope that it could be clarified, so that this is not the kind of situation that the distinguished Senator would envision our being drawn into.

Mr. FULBRIGHT. I think the Senator is assuming a breach of the agreement which will have been guaranteed by the Security Council. Our entering into it does not change those conditions. If the Senator is assuming, say, that Egypt or Jordan should violate it by harboring and doing by proxy what they have agreed not to do directly, I can see no justification for saying it is not a violation. That is a violation of their undertaking. In contrast, we have the hypothetical situation that they are unable to control absolutely all the activities of small guerrilla bands who, in spite of the opposition and good faith efforts of the respective governments, can still make raids. And this could happen. Then it would not be a violation of the treaty because they have in good faith tried to live up to it. They cannot quite control all the commandos any more than we can quite control our own criminals here at home. As strong as we are, we have the same problem, although in a different context. But it is not a violation of the treaty. I would expect, certainly, that Israel would be quite competent to deal with an act. If it had no backing from an Arab government, Israel could certainly contain it. They can now, and they could under any reasonable circumstances, even though backed by the Russians, or even though backed by the government. It is like the criminals operating here in Washington or Chicago, we are not able quite to control them. But if we assume a breach, then the whole thing falls to the ground of course, and it is impossible. World War I started when a solemn obligation was breached with regard to Belgium. I am quite prepared and believe it is possible that someone will breach an agreement. But what is the alternative? If we try and fail, we will still be no worse off than we are now.

Mr. PERCY. With that, I certainly concur. I commend the Senator once again for his initiative in opening up this debate, which I hope will be carried on, because I think it helps our understanding of the complexity of the problem, and will help us also in the coming months on the negotiations.

My last question is an attempt to clarify the Senator's feelings as to the intention of the Soviet Union in the Middle East. I do not think that we dare underestimate Soviet determination to assume a major role in Middle East affairs. I think it is to our national interest to bring about an equitable peace in that area and, thereby, reduce Arab dependence on the Soviets while saving Israel.

In reading the Senator's speech, I felt that he was a little less concerned or maybe a good deal less concerned than I have been about Soviet intentions in the Middle East. Would the Senator comment on what he believes the Soviet intentions have been there, and what the direct relationship is to our national security?

With the answer to that question, I wish to thank my distinguished colleague for helping me better to understand his very, very forthright, fine, and valuable contribution to this debate.

Mr. FULBRIGHT. I thank the Senator very much for his works of approval of my efforts.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator may proceed for an additional 2 minutes.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

Mr. FULBRIGHT. With regard to the intention of the Soviet Union, first, I think they intend, wherever they wish, to be recognized as a major power. We often refer to the two existing superpowers, the Soviet Union and the United States because of our industrial power and our military power. I suppose the Soviets believe that they have a reasonable degree of parity with us in the art of destruction, but each of us has such tremendous military power that we could destroy each other and maybe most of the world if we sought to do so. So, the Soviets wish to be recognized. They do

not agree that we have an exclusive fee simple title in Mediterranean affairs, in the Middle East, in the Indian Ocean, in the Caribbean, or anywhere else, any more than they have a fee simple title that excludes us from various parts of the world. Their national ego, like our own, I suppose, requires that they be able to sail their ships in the Mediterranean, or anywhere else they like on the high seas. They do not recognize that we have a prior right to control of or access to various parts of the world. I think one of the reasons I happen to think they are willing even to talk at Vienna is that they feel they have acquired a degree of parity with us and therefore they are willing to talk. I do not believe that the old principle many people subscribe to, that we should negotiate only from strength is a feasible policy, because the opposite side says, "Well, we will not negotiate from weakness," therefore we never get to negotiate. I think the way we interpret their actions in the SALT talks is just that. They feel they have acquired a degree of parity in the world.

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER (Mr. BOGGS). Under the previous order, the Senate will now proceed to the transaction of routine morning business, under the 3-minute limitation.

UNANIMOUS-CONSENT AGREEMENT REGARDING COSPONSORS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that for the remainder of the 91st Congress, any Senator may present a request in writing and signed by him, to add the names of cosponsor of bills, resolutions, and amendments, and that such request appear in the appropriate place in the CONGRESSIONAL RECORD.

The PRESIDING OFFICER (Mr. BOGGS). Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. With the further understanding that the request presented by each Senator shall be signed by the Senator who turns in the request with the parliamentarian at the desk.

The PRESIDING OFFICER. With that further understanding, without objection, it is so ordered.

Mr. COOK. Mr. President, I ask if the Senator from West Virginia would consider including as a part of his unanimous-consent agreement that a notice go to all Senators in addition to being in the RECORD, so that all Senators will know that henceforth cosponsorship may be accomplished by tendering the request to the Parliamentarian at the desk.

Mr. BYRD of West Virginia. Mr. President, I make that request, and I ask unanimous consent that such a notice be included in the Daily Digest.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, a point of information. Would the unanimous-consent agreement involve the ones I have here in my hand to present this afternoon?

Mr. BYRD of West Virginia. Yes, it would. I make this request in the interest of saving time. So often Senators have to wait on the floor of the Senate in order to get recognition only for the purpose of adding the name of a cosponsor to a bill, resolution, or amendment. Under the unanimous-consent agreement which has been entered, any Senator may present in writing to the Parliamentarian at the desk, without getting recognition from the floor, the names of cosponsors of bills, resolutions, and amendments, and the CONGRESSIONAL RECORD will so show. This means that a staff aide cannot present such an item at the desk. It must be done by the Senator himself and the request must be signed by the Senator.

Mr. HATFIELD. Mr. President, I thank the Senator from West Virginia. However, in lieu of a signature to these requests, I shall make them in the RECORD.

Mr. BYRD of West Virginia. Mr. President, the Senator may, of course, do that if he so wishes.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of morning business today, the unfinished business remain laid aside and that the bill making appropriations for the Departments of State, Justice, Commerce, and the Judiciary be laid before the Senate and that it become the pending business.

The PRESIDING OFFICER. Is there objection to the request of the Senator from West Virginia? Without objection, it is so ordered.

SENATOR INOUYE ON AN ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, on behalf of the Senator from Hawaii (Mr. INOUYE), I ask unanimous consent that a statement of his position on Senate Amendment 844 to H.R. 17123 to establish an all-volunteer military to be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR DANIEL K. INOUYE

The Senate will soon be considering Amendment number 844, which will add a new title to the Military Procurement Authorization Bill implementing the recommendations of the Gates Commission for an all-volunteer armed force.

I have decided, after a long period of agonizing review of the facts, that I shall support this amendment because I believe that the Selective Service System, as it is presently constituted, has outlived its usefulness. The time has come to institute a new system for raising manpower more consistent with the principles and ideals of the American political tradition.

Last year, I opposed the all-volunteer army concept because I believed it was impractical and would have dangerous implications for American freedom. I must frankly admit that I still do not regard it as the panacea which many of its enthusiastic supporters consider it.

I am still gravely fearful of the "professional" military. The "professionals" have too much power already. Events of this century should be convincing. To set them further apart from the general run of humanity is a dangerous development. At the very least, the draft added to the military thousands upon thousands of young men in uniform who hated the military. I do not suppose that with a volunteer army, men who hate military service will be volunteering. Nor will one with an advanced education and prospects for a well-paying job be enticed into entering this hard, sometimes lonely and dangerous, but very necessary profession. I fear that thousands of young men, freed from the specter of military service, will not join the military and hence deprive us of a body of officers and enlisted men who will subject military decisions to skeptical and suspicious scrutiny.

However, I have decided that the potential good of this amendment outweighs whatever doubts and misgivings I may have. My support for the amendment is based not only on the economic and political arguments familiar to the members of the Senate, but also on considerations of what the draft has done to our society. Compulsory service has had pernicious effects on our country and weakened our social fiber. It is my hope that much of this disruption and tension will ease if the draft is eliminated.

No one need convince me of the many inequities found in the draft. Everyone who has studied the problem has come across cases where induction has been used to repress dissent. Some local boards have been careless—by design or ignorance—in observing the legal rights of registrants and as a result have clogged the Federal courts with a multitude of complex cases. The loopholes and exemptions have led to tortured legal distinctions of "conscientious objection". Most important, the draft has been administered with an uneven hand, leaving those men with a college education and wealth a greater opportunity to pursue their interests than those who were less favored.

Finally, I am not unmindful of the great personal crises of conscience many men undergo when confronted with the momentous decision posed by the draft. This crisis has been aggravated by our involvement in the most unpopular war in our history, a war whose continuation I oppose. Approximately 60,000 men have fled to Canada. Uncounted numbers have fled to other countries willing to offer them asylum.

These decisions to flee have had tragic consequences on their families. They probably have destroyed promising careers, broken marriages, and caused irreparable loss to our national life. Many of those anti-military youths who accept induction have continued their insubordination and opposition to army policy, and their contribution to the spirit of restlessness in the military has been of great concern to career officers. The great hostility engendered by this anti-military feeling has led to skyrocketing rates of desertion from the armed forces. None of this human tragedy or alienation can be computed in dollars and cents.

I hope that our democracy will be strong enough to withstand the pressures of a "professional" military. I shall support efforts to terminate the present Selective Service Act. I pray that my decision is a correct one.

ALL-VOLUNTEER ARMED FORCE

Mr. HATFIELD. Mr. President, LeRoy Anderson, major general, U.S. Army retired, and former Member of Congress, recently made a statement on the all-volunteer military which I would like to commend to my colleagues. I ask unani-

mous consent that the statement be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF LEROY ANDERSON

The draft is unnecessary, unjust, expensive in money and moral values and a threat to the very fabric of our society. It is as un-American as the old British custom of shanghaiing or impressing seamen by force.

The usual reason given for continuing the draft is that it would be too expensive to have an all-volunteer military. Forget for the moment that this statement is, on the face of it, an acknowledgment that we are forcing a disproportionate share of the cost of national defense onto the shoulders of the young men selected for the draft (who had no part in making the mess they are supposed to clean up, at the possible cost of their lives). The fact is that the argument just will not stand up under close scrutiny, all factors considered.

The draft, far from being economical, is a most wasteful way of maintaining military manpower. What efficient corporation would tolerate a personnel system with the military services high rate of turnover, as it trains and retrains new men every few months to operate the increasingly complex and complicated machinery of modern warfare?

Let Congress determine the size of the military and then provide the funds to staff it with those who willingly choose the military profession. Whatever the required strength the personnel can be recruited if the pay and other incentives are competitive with other occupations and proportional to the demands of the service.

This will be more economical in the long run than our present antiquated system of conscription. We must move, in this time of increasingly sophisticated weapons, from a system of draftees, much of whose time is spent in training, and many of whom are unwillingly in the service, to a military that is professional and makes a career of it. Certainly savings, efficiency and a better standard of performance will then do the job with a smaller number of properly trained professional soldiers, supported by civilian employees where feasible.

Perhaps, too, we have overlooked the need for motivation to make the military efficient. A man will do a good job if he believes in it, a poor job if he is forced to do something he doesn't want to do, or something which is counter to his deep-felt convictions. Having been a tank battalion and task force commander in combat from Normandy to the Elbe in WWII, I was much impressed by the findings of then Colonel, now General, S. L. A. Marshall. General Marshall found that a large number of soldiers, nominally in combat, made no contribution to the success of their units. Many never fired their rifles or carbines, even when the flow of battle threatened their own bodily safety. Yet each of these non-effective soldiers required the same number of men to back him up in the support and logistical forces as did any other soldier in the lines. We can say that for each non-effective soldier the military was also providing backup personnel and supplies, and that this sum total was wasted.

I believe that in an all-volunteer service there would be far fewer non-effectives, reducing both combat and service expenditures and providing a far more effective and efficient military machine.

The arguments I have presented so far have been those concerned with justice, fairness and with the material, practical dollars and cents considerations. Those were my views when I sat on the House Armed Services Committee and they are still my views. Now, additionally, as an observer of the national scene, I am convinced that continuation of our present draft system could well have apocalyptic consequences in the growing alienation of our young from the rest of society. No other single cause is so responsible for the growing alienation, dissent and protest throughout our nation as is conscription and its concomitant issues of peace and war. This is a terrible and pervasive alienation, found among all classes of Americans, rich and poor, white and non-white alike.

The cause is to be found in the grave defects in the draft system itself, which call upon some young men to offer their lives for reasons which are, at the least, unclear; for reasons which appear to many to call upon them to participate in a war which they regard as totally unjustifiable, immoral and inconsistent with the great democratic and humanitarian traditions of our country. Much of the turmoil on our campuses is conscription and draft related. The fact that over 60,000 young men have left the country because of the draft and that some 30,000 are simply refusing the draft and taking their punishment bears eloquent testimony to the depth of their feelings and convictions.

The draft is terribly unjust, both as between one young man and another and even more because it forces certain young men to bear a disproportionate share of the cost, even to sacrificing their lives, of getting us out of (or deeper into) a mess that they had no part in creating.

In simple justice every young man should be free to make his own choice. A few should not be chosen, arbitrarily or by lot, to make a sacrifice for the security of us all. We must move at once to a professional all-volunteer military by setting the pay and incentives where they will attract the number and quality of men required to provide for our security.

We can do it, and have a more efficient and economical military. Nothing less will heal the wounds that scar our society. Let us move forward to make our people one again.

ORDER OF BUSINESS

Mr. PROXMIRE. Mr. President, I ask unanimous consent that I be recognized for 6 minutes in the morning hour.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO. 1—WHY THE MILITARY BUDGET CAN BE CUT BY $5 BILLION

Mr. PROXMIRE. Mr. President, in the next few days, the Senator from Maryland (Mr. MATHIAS) and I, along with a number of other colleagues, intend to offer an amendment to cut military spending for fiscal year 1971 by $5 billion.

Thursday evening Deputy Secretary of Defense Packard made a remarkable speech in which he provided massive evidence in support of a major military budget cut. He sharply criticized Pentagon procurement practices. The Deputy Secretary put it very bluntly:

We have a real mess on our hands.

Speaking at a meeting of the Armed Forces Management Association in Los Angeles, Secretary Packard placed the blame squarely on the defense contractors:

We should buy only what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost.

Mr. President, it is only rarely that a high Defense official is this candid about the inadequacies of the Defense Establishment. For this reason alone, we should take these remarks very seriously. Is there any better evidence that we can cut defense spending? When the men responsible for our defense programs say we are spending too much money, that the system is breaking down, it is time all of us in Congress began to listen.

Can we cut the military budget? Here is what Deputy Secretary Packard says:

When we are not in a hurry to get things done right, we over-organize, over-man, overspend, and under accomplish. The most dramatic contrast is within Lockheed—Kelly Johnson and his programs, and the Air Force and Lockheed on the C–5A.

Can there be any better evidence that we can cut the Defense budget without jeopardizing our national security? Can there be any better evidence that by cutting the budget we would actually be doing the Defense Department a great service? Many of us believe that we can improve our defense posture by spending less money. This is what the Secretary is saying. To quote him again:

We don't need more supervision and more people in the act. We need fewer people.

Mr. President, these are the words of the Deputy Secretary of Defense—not mine or those of other Defense Department critics. The Secretary is clearly telling all of us in Congress that we have provided the Department with too much money; that we are promoting inefficiency by appropriating such large sums of money for projects of questionable value.

Let me quote the Secretary once again:

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayer's dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the defense business. Some uncertainties will always exist. However, most of it has been due to bad management, both in the Department of Defense and in the Defense Industry.

Let me repeat that, Mr. President:

Most of it has been due to bad management, both in the Department of Defense and in the Defense Industry.

What is the Secretary's answer? "Use fewer people, do not overorganize, do not overspend." I would hope that everyone in Congress hears this. If we want a better Defense Establishment, we should spend less money and use fewer people.

I would hope that every Member of Congress hears this. Under Secretary Packard said that we should spend less and not overorganize, but use fewer people. Secretary Packard's statement, it seems to me, implies that we can make very substantial cuts in procurement.

Mr. President, Congress can cut the

defense budget by as much as $5 billion. We are not doing the Pentagon a favor by giving them too much money. We are making their job more difficult. We are promoting inefficiency and waste. If we want a truly strong Defense Establishment, not one fat with people and programs we do not need, then we will cut the Defense budget. The Secretary has pointed to the C–5A. Other overruns such as those on the Minuteman III, the Mark–48 torpedo, the Gamagoat, the Navy's deep submersible rescue vehicle, the Sram missile, the DE–1052, and other weapons system could be added to the list.

The message is clear. We can cut the Defense budget without jeopardizing our national security. Such a cut would add to our security by forcing contractors to deliver all the performance promised, at the price promised. We will get better weapons, at a lower cost. For all these reasons, I urge Congress to carefully consider what Secretary Packard has said. I ask unanimous consent that his speech be printed in the RECORD, and I urge every Senator who is concerned with a truly strong Defense Establishment to read this speech carefully. We can cut the Defense budget now.

There being no objection, the speech was ordered to be printed in the RECORD, as follows:

ADDRESS BY THE HONORABLE DAVID PACKARD

I am delighted to be with you here in Los Angeles tonight. I am sorry I was not able to spend more time at this conference, and particularly sorry not to hear Gil Fitzhugh this noon. He and his Blue Ribbon Panel have done an outstanding job making recommendations which will improve the operation of the Defense Department.

Secretary Laird and I intend to move ahead as quickly as possible to put most of the 113 recommendations into effect.

I agree in particular with the Committee's recommendation that more decentralization of the Department is necessary. To me that means more decision-making at a lower level and less time-consuming and duplicate second-guessing topside.

This gives me a problem on the recommendation for the three deputies. We do not want to create a structure that adds more top-level involvement in the working man's business. I appreciate the implication that I have to work hard. I do put in long hours. I assure you, however, that much of my time has been spent doing things that lower levels should do. Three deputies would tend to pull even more decision-making up to the top, and we do not want to move in that direction. What we want to do is give a man a job and let him do it.

The report greatly under rates the Joint Chiefs of Staff. I have spent a great deal of time working with the Chiefs during the past year and a half. I found them among the finest, most dedicated, most capable men I have ever known. They have given Secretary Laird and me their complete support and cooperation.

There is no question about civilian control of military operations. Secretary Laird or I approve every operating order; but we do need to steamline the chain of command for operations. This will be done on a careful, step-by-step basis because the problems are complex, and also because we need to assure uninterrupted combat readiness of our forces.

We intend to give the Service Secretaries and the Services more responsibility so that they can do their jobs. Before they can do their jobs right they will have to break down some of the multi-layer staffing that has built up over the years and work together better to avoid unnecessary duplication. In short, the problem is not the people—it's the system. And now, how does this apply to the procurement problem and this meeting you have been holding this week?

I suppose that some of our critics will call this a meeting of the military-industrial complex. So be it. I am not embarrassed by the fact that we need industry to help the Department of Defense. I am only embarrassed that we haven't done a better job. Many of you, and certainly those *not* in the industry, may expect me to talk about what a grand job we have all done and how necessary we are for one another. I am not going to do that. I am going to talk about the things we do wrong and the things that we have to do better.

Let's face it—the fact is that there has been bad management of many Defense programs in the past. We spend billions of the taxpayers' dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the Defense business. Some uncertainities will always exist. However, most of it has been due to bad management, both in the Department of Defense and in the Defense industry. We can and are doing something about that. I am not talking just about cost over-runs as so many of our critics do. Over-runs are the end product of our mistakes rather than the key issue to be addressed. I am surprised that our critics took so long to discover cost over-runs. They have been around for a long time, and many of the cost over-runs that receive the most publicity were organized by Defense and industry years ago. We are now paying the price for mistakes in contracting, in development and in management.

Frankly, gentlemen, in Defense procurement, we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

Let me first mention two things that won't help.

It won't help for Congress to legislate detailed and inflexible rules governing procurement.

Nor will it help to put the General Accounting Office in the process of making management decisions. The GAO deserves the highest marks for auditing, but the talents of a good auditor are not identical with those of a good manager.

The pressures are strong to insert the Congress and its right arm, the GAO, into the details of day to day management decisions in the Department of Defense. Until we in the Department and you in defense industry demonstrate that we can provide capable and efficient management, these pressures will continue.

I have been in this job now for 19 months. Frankly, I am ashamed I have not been able to do very many of the things that need to be done to improve the situation I found here in January 1969. The most frustrating thing is that we know how we ought to manage—you, me, all of us—and we refuse to change based on what we know. Every time we want something done in a hurry and want it done right, we have to take the project out of the system. We give a good man direction and authority and let him go—and it works. When we needed sensors in a hurry for Vietnam, we got the best man we could find—General Starbird—gave him all the authority he needed and told him to produce—and he did. And I don't know why anybody would be surprised. His successor, General Lavelle, has had the same authority, has consistently returned money from his budget, has done all the management things that people say you are supposed to do, and meets every requirement—financial, managerial or operational—that we could want. Industry does the same thing. The "Skunk Works" in Lockheed has had tough, complex, expensive and demanding programs. Kelly Johnson produces.

On the other hand, when we are not in a hurry to get things done right, we over-organize, over-man, over-spend and under-accomplish. The most dramatic contrast is within Lockheed. Kelly Johnson and his programs, and the Air Force and Lockheed on the C–5A. I simply cannot understand why we are unable to change the system to avoid the C–5As and get more Skunk Works. We must find a way to do this job right, and you bear as much responsibility as I do.

We need good people—and by that I mean you—who will step up to their responsibilities. That is what decentralization is all about.

In the hope you would do this, on May 28 I issued a memorandum of guidelines for Major Weapons System Acquisition. There is nothing in this memorandum that you don't already know. As a matter of fact, the management principles in my memorandum are so simple that anyone who could not have written the memorandum himself doesn't belong in management. Again and again I have made a big point about getting the right man in the right job and giving him authority. But it is just not that simple. Admiral Rickover is a good example. The Admiral is a man of considerable capability. He has his own style, but he produces. He got a program, had to fight the system tooth and nail to get it, challenges the system every chance he gets, but is still saddled with the system. I had a long talk with him after the 28 May memorandum was published, and it was clear that I hadn't taught him anything about management. He told me that the principles were great but that if we couldn't get to the system that sits on top of the manager, nothing else mattered. He is right.

I know Secretary Laird and I bear the responsibility for the system in the Department of Defense, and I am going to keep working at it. But you in industry bear a similar responsibiilty, and I expect you to do the same thing.

In my memo I told the Services to select people with the right background and education for management, give them appropriate training, give them recognition, and leave them on the job long enough to get something done.

All four Services have accepted my recommendations—and their letters say that they agree. But on at least two occasions they have taken actions exactly contrary to those suggested. The Air Force and the Navy are both involved. In one case, a small dedicated Air Force team developed the gunhsips which have been so successful in Vietnam. The Air Force decided to put this program into its formal system. About a month ago I asked when we would be able to get some more gunships. The answer was in two years. That program is now out of the Air Force system, and we will have more gunships in six months.

In the other case the Navy, shortly after agreeing that a good manager should be kept on the job long enough to get it done right, proceeded to promote a key manager at a critical time from an important program to another assignment. The system wins and the cause of good management loses.

In my memo I talked about policies for development of new weapon systems. The lesson that comes through loud and clear here is we should buy *only* what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do

or what it would cost. And we in the past have sometimes been guilty of over-optimism on our cost estimates and over-demanding in our requirements. We share the blame together, but the mistakes of the past cannot be repeated if we are to provide for the nation's defenses in today's climate of a critical public and a critical Congress. We are going to buy only things that we need, and we are going to make sure they work before we buy. The same thought carries over into full-scale development and production. We must know what we are going to do and how to do it before we go into production. We are not going to put things into development until we are sure we need them, and we are not going to put things into production until we are sure that they work.

This has been a short speech. I have tried to speak very frankly and directly this evening because the problem is very real. It is you people here tonight and the Department of Defense that must take action to solve these problems. We recognize that these problems cannot be solved overnight and perhaps some of them cannot be solved at all, but it is very clear that it is unacceptable to continue to do business as we have done it in the past.

The things I have had to say tonight and the things I said in my 28 May memorandum are simple. Many times we have done a bad job—we are going to do a better one. We are going to know what we are doing before we do it, and we are going to manage it better. We have a lot of obstacles in front of us and some of them we created ourselves. We have given our critics the opportunity to find us at fault, and we run the danger that their efforts to direct Defense management will just compound the mistakes in the Department. We don't need more supervision and more people in the act. We need fewer people. The system in the Department of Defense is going to change. Secretary Laird and I are going to demand it. I expect you who are here tonight and everyone else who does business with the Department of Defense to do the same. That is all I have to say.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that upon the approval of the Journal tomorrow morning, the unfinished business be laid before the Senate and that then the amendment which has been offered today by the able Senator from Oregon (Mr. HATFIELD), be laid before the Senate and that the time then start running under the previous agreement.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that I may proceed for 10 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

POSITION OF ASSOCIATION OF THE U.S. ARMY ON ALL-VOLUNTEER ARMED FORCE

Mr. THURMOND. Mr. President, in view of the recent discussion on the Senate floor, reference the Hatfield amendment to establish an all-volunteer army, it would seem useful for the Senate to have the benefit of a white paper issued on this subject by the Association of the U.S. Army.

This paper was issued April 21, 1970, and the association feels it would be unwise to discard the selective service system at this time. The association does support taking steps to move toward an all-volunteer army, but feels that draft should be continued until more is accomplished toward this end.

Mr. President, I ask unanimous consent that this report be printed in the RECORD at the conclusion of my remarks.

There being no objection, the report was ordered to be printed in the RECORD, as follows:

PROTECTING THE FREE SOCIETY: AN AUSA WHITE PAPER ON PROPOSALS FOR AN ALL-VOLUNTEER ARMED FORCE

INTRODUCTION

Almost since the inception of warfare, the problem of how to obtain manpower for the fighting forces has been a real bone of contention. Impressment, lotteries, universal military service, selective service, hiring substitutes and All-Volunteer systems have all been tried in a variety of forms but none has produced a system that both meets the need and satisfies the participants.

This subject has most recently come under scrutiny again as a result of the recently published report of the President's Commission on an All-Volunteer Armed Force—popularly known as the Gates Commission.

For those not familiar with the background of the Gates Commission, it had its genesis in some remarks prepared for a campaign speech of President Nixon's which was aired on radio on 17 October 1968. He said in part:

"A system of compulsory service that arbitrarily selects some and not others simply cannot be squared with our whole concept of liberty, justice and equality under the law. . . . The inequity stems from one simple fact—that some of our young people are forced to spend two years of their lives in the Nation's defense while others are not. It is not as much the way they are selected that is wrong, as it is the fact of selection. . . . The military services are the only employers today who don't have to compete in the job market."

Following Mr. Nixon's inauguration he announced on 27 March 1969, the creation of a Presidential Commission to be chaired by Thomas S. Gates, Jr., the former Secretary of Defense, which would "develop a comprehensive plan for eliminating conscription and moving toward an All-Volunteer Armed Force".

At the same time the Gates Commission was begining its work, the President directed the Secretary of Defense to undertake a similar study of the actions within the Department that would be required to reach the same All-Volunteer goal. The DOD group was known as the Project Volunteer Committee. Each of the services had a subordinate study group feeding their views into the Project Volunteer Committee. The Project Volunteer Committee has not issued a public report.

In 1967 two blue-ribbon panels undertook exhaustive studies that addressed themselves to the feasibility of an All-Volunteer Armed Force and what improvements should be made in the methods of procuring military manpower.

One of these was the President's National Advisory Commission on Selective Service—a group of 20 distinguished citizens, headed by Burke Marshall, which concluded that an All-Volunteer Force was not feasible or desirable.

The second 1967 study group was the Civilian Advisory Panel on Military Manpower Procurement which was set up by the Committee on Armed Services of the House of Representatives. Retired Army General Mark Clark was the Chairman of this distinguished group of eight educators and business leaders. Even more forcibly this group rejected the feasibility of an All-Volunteer Armed Force.

In the interim, several Congressional Committees have delved deeply into the subject and major draft reforms have been enacted.

This excerpt from the introduction of the Marshall Committee's report summarizes the problem:

". . . the necessity to search for a method of manpower procurement that would assure the Armed Forces' ability to acquire the men they need, under any circumstances, to protect the nation's security and to meet its commitments, and at the same time function as uniformly and equitably as possible with due regard for the problems and the rights of the individual into whose lives it must intrude".

Proponents of the All-Volunteer Armed Force including the Gates Commission advance some arguments with which there can be little quarrel.

As President Nixon pointed out, we have never been able to devise a system of conscription that was completely fair to all concerned. It is unlikely that we ever will, although Selective Service legislation is under almost constant review and modification.

If it were feasible to have an All-Volunteer Force, it almost certainly would be more cost-effective as the pipeline of entries was reduced and concurrently the training overhead. Up to a point, an All-Volunteer Force should be a more efficient one. Although it is difficult to conceive of a more superbly trained Armed Force than we have right now.

There can be little question that conscription is an invasion of the personal liberties of the young men being drafted. Some 17½ million young men have, since 1917, been drafted for duty to their country and they have borne this invasion of their liberties with surprising goodwill and comparatively small complaint.

We agree also with the premise of the Gates Commission that an All-Volunteer system, maintaining the same standards of quality, would be manned by approximately the same ethnic distribution of individuals as are in the service today.

We heartily endorse the Commission's strong fundamental consideration of: "The need to maintain and improve the effectiveness, dignity, and status of the Armed Forces."

We strongly support the Commission's view that material increases in compensation are overdue in our Armed Forces. The Commission is absolutely correct in emphasizing the needs for improvements in a variety of phases of career attractiveness.

There are, however, some areas of fundamental disagreement with the Gates Commission's recommendations which we shall enumerate.

First and foremost, is the very basic question will the All-Volunteer scheme work? We don't think so— for several reasons. First, there is nothing in our history to suggest that Congress will consistently appropriate the very sizeable expenditures that will be required to do all things necessary to attract volunteers in the numbers needed. Secondly, it just isn't realistic to expect that the expanding manpower requirements of the Reserve Forces could ever be met solely on a volunteer basis. We can't afford Reserve Force units manned at less than 75 to 80%.

The Gates Commission has recommended that the Selective Service System be put on a stand-by basis not to be reactivated without the consent of Congress after "public debate". Considering the past history of public debate surrounding Selective Service legislation this would have to be considered a very risky recommendation which we cannot support.

The Committee's recommendation that the stand-by draft system be established by 30 June 1971 is most unrealistic. We support Secretary of Defense Laird's view, "The transition to an All-Volunteer Force must, of course, be handled cautiously and responsibly so that our national security is fully maintained." Also, we feel his objective of getting to zero draft calls under the present Selective Service System is eminently more practical and desirable than undertaking the risky course toward an All-Volunteer Force.

The cost figures advanced by the Gates Commission appear to us to be seriously understated and fail to include many of the costs of improving career attractiveness which the Commission feels are necessary if sufficient volunteers are to be attracted. When these additional figures are included they exceed the Commission's cost estimates substantially.

It seems to us that the approach to the Reserve Forces manning problems as outlined by the Commission is not in keeping with our national defense needs nor is their recommended course of action, in fact, feasible or desirable.

We have some thoughts also in rebuttal to the Commission's philosophy expressed in this statement:

"A return to an All-Volunteer Force will strengthen our freedoms, remove an inequity now imposed on the expression of the patriotism that has been been lacking among our youth, promote the efficiency of the armed forces, and enhance their dignity. It is the system for maintaining standing forces that minimizes government interference with the freedom of the individual to determine his own life in accord with his values."

As the Commission so rightly points out elsewhere in its report, the vast majority of those now serving are volunteers and have had the full opportunity to express their patriotism, as did those who had to be drafted. Government interferes with our freedoms in a variety of ways—laws and regulations—taxes and civic responsibility—and some of these invasions are considered by many to be far more onerous than the draft. But this is part of the price we pay for our liberty under a democratic system which Winston Churchill has described as "the worst form of government except for the alternatives".

That young men be permitted, in time of national need, to decide whether or not a particular conflict is to their liking seems to us to be sheer folly. Even a cursory examination of our manpower procurement problems starting with the Revolution would suggest that to the young man of draft age the most unpopular war is the present one in which his life might be endangered.

The Gates Commission has made two kinds of pay recommendations:

1. Those requiring implementation prior to or concomitant with the transition to an All-Volunteer Force. These would include: increased basic pay; extension of skill differential pay to men in the first two years of service; and an increase in hostile fire pay.

2. Those the committee considers equally necessary for reasons of equity and efficiency but not primarily essential to an All-Volunteer Force. These would include the development of a military salary system comparable to that in the civilian sector, including the substitution of cash for some benefits that are now provided in kind. The modification of the present retirement system, including the introduction of vesting.

In this immediate examination, we shall restrict our comments primarily to those recommendations which the Commission felt were fairly essential to move promptly toward a volunteer system. Later on we shall discuss some of the points mentioned in 2 above.

The Commission started with an assumption that there would be an across-the-board 8% increase in basic pay for all military personnel effective 1 July 1970. From this point the Commission then made these specific recommendations:

1. Raise the average level of basic pay for enlisted military personnel in the first two years of service from $180.00 a month to $315.00 a month effective 1 July 1970.

2. The basic pay of officers in the first two years of service be raised from an average level of $428.00 per month to $578.00 per month.

On a percentage basis the Commission's recommendations and assumptions for pay increases are as follows:

57% for 1st term EM*.
14% for 2d term EM*.
36% for officers in first 3 years of service*.
8% for all other ranks.

*These include the 8% across-the-board increase.

If the Committee's recommendations for pay increase only are put into effect, they would entail a budget increase of an *estimated 3.3 billion for the following:*

	Billion
Basic pay increase	$2.68
Proficiency pay	0.21
Reserve pay increase	0.15
Additional medical corps expense	0.12
Recruiting, ROTC and misc	0.08
Total	3.24

The Committee computes that about 540 million of this budget increase would be returned to the Treasury in the form of income tax collections so that, in fact, this pay portion of their recommendations is an actual net increase in military costs of only 2.7 billion.

Let us look first at the Committee's recommendations for increases in basic pay and then later on in the context of other career compensation required, discuss its longer range recommendations.

First of all, AUSA strongly supports the 8% across-the-board pay increase. It is essential almost at once to keep military pay from falling any further behind pay in the civilian sector. So this increase for all is needed.

We agree also with the Commission in its view that those in the earliest years of service both officer and enlisted are deserving of the substantial increases which have been recommended. Certainly the adoption of these increases will improve the attractiveness of service and should increase the number of volunteers.

The Commission has made some assumptions and estimates that appear to us to require considerable testing before acceptance. For example, consider their linear mathematical equation which states, "a 10 percent increase in the current value of first term military compensation will result in an increase of about 12.5 percent in the voluntary enlistment rate from the 17 to 21 year old civilian population."

This says in effect that *all* you have to do is increase the pay and adequate volunteer enlistments will be forthcoming. We suggest that the situation is more complex. If it were purely a matter of pay, how is it that the D.C. Metropolitan Police Force cannot fill its ranks with personnel of very similar standards at a starting pay scale of $8,500.00 per year vs. the $3,750.00 plus room, board, medical care and uniforms per year which the Commission has recommended for military entrants?

A sub-committee of the Senate's Judiciary Committee put the problem this way, "Staffing the military establishment is not a typical employment problem, because of the singular circumstance that fighting may be part of the job." For many, even the hostile fire pay of $200.00 per month which the Commission has recommended will not make service that attractive since it is "restricted to those who in the course of their duties are regularly exposed to hostile fire and then only for the period of such exposure".

Allied with this concern is the problem of the inequality of hardships amongst the services and even within the services. Presumably volunteers will be permitted to select the service of their choice and probably the branch they desire within that service. The Commission recommends "an expansion of the current program whereby enlistees are permitted to specify their choice of occupation as a condition of enlistment". If that be true, the Army and Marines will continue to be the least popular. Consider these casualty figures from the Korean War—which are being pretty well validated in Vietnam:

Army (84% Infantry)	27,604
Marines	4,267
Air Force	1,200
Navy	458
Total	33,629

In the draft calls during the Vietnam conflict only the Army and occasionally the Marines have had to rely on Selective Service to fill their quotas.

All of this suggests that while pay will have an important bearing on our ability to attract volunteers some scheme not covered by the Committee's recommendations will have to be found to fill the ranks of those who must close with the enemy on the battlefield and defeat him. In the current vernacular, that's what it's all about.

So far we have discussed only the entering officers and enlisted personnel and have not discussed the very serious problems of retention. This plays an important part in an evaluation of the Commission's report since many of its recommendations are based on a low rate of personnel turnover both to reduce manpower requirements and costs. We shall return to this when we discuss other forms of compensation but we suggest that beyond the 8% across-the-board increases already included in this plan, that military pay scales generally are well behind those of their civilian counterparts even when you translate present pay and allowances and other emoluments into a salary basis such as the Hubbell Committee recommended and which the Gates Commission most strongly endorses. We feel therefore the amounts recommended for pay alone are too low to accomplish the objectives.

We shall discuss the Commission's recommendations on the Reserve Forces later on in this paper but while we are on the subject of pure pay a few observations are appropriate. The Commission's basic recommendation concerning Reserve drill pay is to increase it significantly in the lower grades (up to $2.50 per hour from about $1.00 an hour now) and lesser amounts in the higher grades. For an individual in the 6th year of service, the current point for initial reenlistment, pay would be increased about 6% over what it is now. The Committee's efforts here were to improve the position of Reserve drill pay compared to other part time employment compensation. To the extent this will affect volunteer enlistments and reenlistments in the Reserve Forces this is a sound move. However, the Commission points out that surveys indicate that as many as 75% of the enlisted personnel on their first enlistment in the Reserve Forces are there because of draft motivation. It seems unlikely that these comparatively

modest pay increases would attract anywhere near enough people to meet this requirement if the draft were stopped.

We shall not comment to any extent on the Commission's discussion of the conscription of physicians. They are quite undecided as to what course should be pursued in this troublesome area. They have made some pay increase suggestions, not funded in their cost figures, which would give a first year doctor $12,834.00 per year increasing to $39,995 at 22 years service. They indicate that the reduction in forces now going on plus the medical students already committed to military service gives more time to study the problem and to do some experimenting. We agree—and point out that it will also be necessary to keep a viable Selective Service System going until this and other problems are proven to be solved.

We subscribe to the Commission's opening statement in their chapter on Compensation:

"Pay is not the only, and perhaps not been the primary motivating force for joining or remaining in the military services. A sense of duty, a desire for adventure or travel, society's esteem for the military service, a desire for training, the quality of military life and the general conditions of military service—all affect an individual's decisions." We agree—that's why we question the linear mathematical equation the Commission has used. That's why we think its cost estimates are unrealistically low since the only cost that they have funded is for the basic pay increases. The general conditions of military service and the quality of military life need serious upgrading and this too will cost considerable sums—as will other other needed improvements.

OTHER COMPENSATION

If, as the Commission has suggested, pay may not even be the primary motivating force for joining or remaining in the military service, what then is being proposed to improve other areas of compensation that help affect these decisions? The Commission has not made concrete recommendations on some of these key problems.

The Commission has strongly urged the adoption of the so-called "salary plan" of pay for the Armed forces. This would give military pay more visibility and, to the extent that pay motivates, it should be more efficient in attracting and retaining personnel.

The Commission believes that it would be equitable and desirable to give officers and enlisted men the same vested retirement rights that civil service employees currently have. This would involve increasing military pay sufficiently to enable military personnel to contribute 6½% of their salaries annually to their retirement account without any loss in net income. It would introduce partial vesting after 5 years of service and a reduction in the retirement income available in the years prior to approximately the 25th year of service in most cases. The Commission *did not*, however, include the costs of this part of any pay raise in their estimates of the total cost of the Volunteer Force scheme.

The Commission decided against recommending general increases in such benefits as housing, educational programs, dependent medical and dental care and other items they refer to as "income in kind." They believe that instead individuals in the military should be compensated in cash for these. However, *no provision for funding* or specific recommendation for providing for these most important areas was made by the Commission. This is another reason why we feel their cost estimates are so fundamentally understated.

The whole area of housing, education, adequate medical and dental care are deserving of more attention than is evident in the Commission's report. For along with pay, among the tangible rewards, these areas have as much to do with job satisfaction and retention as almost any other factors. Certainly nothing contributes more to family well-being than these vital areas.

Secretary of Defense Laird said it this way in his FY 71 Posture Statement:

"We should improve the quality of education, both military and civilian, to ensure a high degree of professionalism and technical competence through the Department of Defense.

"We should reduce the inherent personal and family hardships of military service life by providing among other things: (a) reasonable sharing of the risks of combat; (b) quality education in overseas dependent schools; (c) adequate housings for all personnel without discrimination, and (d) quality medical care with efficiency.

"Despite budget reductions for almost all DOD activities, the Department has not cut back its request for 4,800 units for family housing for FY 1970. Moreover, we are requesting funds for the construction of another 8,000 units for FY 1971. This program represents an increase of 67 percent over FY 1970 and 86 percent over the average annual family housing construction program for the previous four years."

"I feel strongly that we must increase our efforts to upgrade housing conditions for military personnel. The provision of satisfactory housing for our servicemen and their families is a key factor in career motivation and retention and contributes substantially to improved morale within the Armed Forces."

One of the more puzzling contradictions in the whole Commission report stems from its stated belief, on the one hand, that the quality of military life needs to be improved generally if it is to attract and retain good people, and on the other hand, to recommend against general increases in the very sectors which would materially enhance the quality of military life. This it seems to us is a fundamental weakness in the report.

Surveys suggest that there are a number of reasons why young men and women enlist in the Armed Forces. Foremost among these is the desire to serve the nation and to receive recognition for that service. Patriotism is still an important motivator—and would be even more so with greater national recognition.

If good young people are to be attracted to the service, morale must be improved, job satisfaction must be provided, we must convey a sense of accomplishment and find ways to further enhance self-respect. The optimum would be for the service to satisfy both a desire to serve and the means to return to civilian life better prepared to assume a meaningful role in the community.

The goals can only be met by a major effort on several fronts. We have discussed improved pay. The living and working conditions, and in many instances, the facilities themselves, need immediate improvement. The services must reexamine many of the traditional restrictions on the personal lives of service people to see if living and working conditions cannot be improved. Those unnecessary or unpleasant duties not essential to the mission need careful examination with a view toward eliminating those we can.

Probably more needs to be done in supplying enlistment and reenlistment bonuses and options as well as providing greater post service benefits. Efforts in this latter category have often been studied but never adequately funded.

Finally, the importance of his duty to his country must be clearly evident to the serviceman and he must be given the best tools and equipment available to carry out his missions.

One of the weaknesses of the Commission's report in our view is its insistence of equating military service so directly with civilian employment. There is a considerable difference between the two and the difference is most important in a morale sense. If the Commission feels, for example, that the great bulk of its young officers or career enlisted men would prefer to rent civilian housing as opposed to being provided even less adequate housing on post, we suggest their survey sample was small indeed.

They have failed to grasp the real importance of these intangible factors of morale and camaraderie that for years have motivated career service people to put up with a life of genteel poverty while serving their country. They take pride in their service and their dedication to the country and pay alone will not motivate this type of individual to a career in the military.

RESERVE FORCES

Because about 75% of their first term enlistees are draft motivated, the Commission felt that they should give special attention to the manpower problems of the Reserve Forces. However, in our view, they failed to come to grips with some very basic problems that will have to be solved before any serious thought could be given to moving the Reserve Forces to an All-Volunteer status.

Beyond a modest pay raise, heavily weighted toward the first two years of the initial enlistment, the Commission recommended no other specific actions. They did feel that the Reserves should lower their sights both in terms of numbers and the quality of personnel they take in but beyond that, the Commission seems to feel that there are no insurmountable problems. In its view, as far as the Reserve Components are concerned, modest injections of pay will enable the Reserve Components to reverse the present situation.

This seems to us to be an unusual viewpoint. To begin with, President Nixon has made it abundantly clear on more than one occasion that this country will stand by its international commitments with more than 40 nations. And as the Commission has said, "In the event of a national emergency requiring a rapid increase in the number of men under arms, the first recourse should be the ready reserves, including the National Guard." So it would follow logically we think that if your commitments remain the same and you reduce materially the size of your active establishment, you may very well be talking about increasing the size of your Reserve Components. Certainly you will be placing greater reliance on them.

To assume that a modest increase in pay would permit the Reserve Forces to revert to voluntary enlistments flies directly in the face of all of our previous experience.

If we are realistically to give any consideration to reverting only to volunteer enlistments as the only source of manpower for the Reserve Forces there are a whole host of actions, many of them costing considerable sums, that seem to us to be almost as essential as they are for the active establishment.

First, we must provide the Reserve Forces with the training facilities and equipment they require to conduct meaningful and interesting training. Never in their entire history have the Reserve Forces been adequately supplied with the late model equipments they need for realistic training in anywhere near the quantities they need.

The monies expended for Reserve recruiting will have to be greatly increased.

It would probably be necessary to reduce 1st term enlistment from 6 years, which now calls for 6 months' active duty plus 5½ years in a unit, to 3 years to coincide with the active duty enlistments and be more realistic in an All-Volunteer environment. This, of course, doubles the input figures required. Where you now need 55,000 men each year going into the Reserve Enlistment Program for six years, you would need 110,000 under a 3 year enlistment.

Other possible inducements might include:

1. A reenlistment bonus of $100.00 or more and a bonus of similar amount for each year of satisfactory service for reservists.

2. Additional awards for reserve service.

3. Extending servicemen's group life insurance coverage to all reservists.

4. Allow credit for all inactive duty points accumulated in computing reservists retirement pay.

5. Medical care for reservists who contract a disease or aggravate an injury during any training period.

6. Provide proficiency pay for enlisted reservists.

The Commission maintains that the draft motivation data (i.e. 75% reservists draft motivated) significantly overstate the problem. It feels that if recruitment is focused on a younger, less well-educated group, than those who now populate the Reserve Forces, the flow of volunteers will be substantially larger than it is now. They do not suggest nor do we believe that this would amount to replacing the 75% figure in question. They feel the Reserves could be reduced by 113,000 (about 1/6th) with no harm to the national defense. Our position is just the opposite. In the present world climate as our active forces are cut back, we feel that we may wish to increase the size of our Reserve Forces while maintaning high standards of personnel quality.

We note with further concern that the Commission has made no provision for the maintenance of personnel currently maintained by all services in the Individual Ready Reserve. This vast reservoir of trained personnel are not only essential in time of national emergency, they are needed almost at once. These individuals are used to bring units of the active Army up to strength as well as to flesh out Reserve units called to active duty. A minimum of 600,000 Individual Ready Reservists are required for the Army manpower pool alone.

STANDBY DRAFT

Many of the theories and recommendations of the Gates Commission are subject to test and validation without lessening our security one bit. If Congress can be persuaded to provide the money for the pay increases and other improvements in career living for the military, we can determine whether or not these assumptions are correct and whether we can in effect buy enough volunteers to make conscription unnecessary. All of this can be done without taking the unwarranted risk that would result from terminating the draft as a viable on-going program. We should strive instead for a lengthy period of what Secretary Laird calls "zero draft calls".

The Commission recommends that Selective Service be put on a standby status on 30 June 1971 to be activated only by joint resolution of Congress upon request of the President. This strikes us as the most dangerous recommendation that the Commission has made, for the evidence is clear that the hot breath of the draft is solely responsible for large numbers of those now serving in both the active and reserve forces.

One of the reasons that the Commission recommends that Congressional approval be a prerequisite to the use of Selective Service is to guarantee the propriety of whatever action is under consideration. This seems to us to be a wrong reason.

The implication is that Selective Service legislation provides a vehicle for the Congress to exercise a stronger veto over the foreign policies of the administration. Since this is written in today's world, one draws the conclusion that had Selective Service been on a standby status it might have been possible to keep us out of let's say the Dominican Republic, the Cuban Crisis or most probably Vietnam. Things like the passage of the Gulf of Tonkin resolution, for example, indicate that this line of thought is in error. In any event, Selective Service legislation has no place in these kinds of foreign policy considerations.

Selective Service legislation comes up for review and extension every four years at least and in recent years it has been under almost continuous Congressional scrutiny with numerous public hearings and great public discussion as witness the introduction of the lottery and the "youngest first" call changes last year.

So we fail to see any validity in this particular recommendation of the Commission. The Commission goes on to state:

"The viability of an All-Volunteer Force ultimately depends upon the willingness of Congress, the President, the Department of Defense and the military services to maintain: (1) competitive levels of military compensation; (2) reasonable qualification standards; (3) attractive conditions of military service".

While the Commission's recommendations suggests a good start on (1) we do not feel that the Committee has made appropriate recommendations nor suggested the funding necessary for (3). Hence, we can only conclude that realistically, our political representatives will not be willing to undertake the fiscal expenditures required for a viable All-Volunteer Force.

Mr. Nixon made it clear that his basic goal was to stop conscripting people as soon as that was feasibly consistent with national security needs. We suggest along with Secretary of Defense Laird that we can do this and leave Selective Service intact. If draft calls drop to zero as a result of the implementation of the Commission's other recommendations, the young men who must register will not really care whether Selective Service is on standby or operational basis.

CONCLUSION

What then is the sum and substance of all this discussion? There are many who feel that it should not be necessary to conscript young men to meet the military manpower requirements of the nation. This may be true if we as a nation were willing to do those things and spend the money that would make military service a nationally recognized, prestige career.

However, in the present national climate of frustration with a whole host of problems, we feel strongly that no irrevocable, emotional decision should be made on such a fundamental matter. We must not repeat the mistakes of the past. We cannot reduce the strength of our Armed Forces to the point where they are no longer an effective instrument of national policy.

There is a practical way to prove out not only the feasibility of volunteer forces but at the same time insure that our national defense needs can be met.

This Association feels strongly that it is important to maintain an operational Selective Service System and, at the same time, strive through every practicable means to make military service attractive enough to eliminate the need to actually draft anyone. To discard a viable operative Selective Service System without first clearly establishing our ability to maintain adequate military forces without it, would be to accept a risk to our national security that is both unwise and unnecessary to take.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the President pro tempore (Mr. RUSSELL) laid before the Senate a message from the President of the United States submitting sundry nominations, which was referred to the Committee on Armed Services.

(For nominations received today, see the end of Senate proceedings.)

COMMUNICATION FROM AN EXECUTIVE DEPARTMENT

The PRESIDENT pro tempore (Mr. RUSSELL) laid before the Senate the following letter, which was referred as indicated:

REPORT OF NAVY OF RESEARCH AND DEVELOPMENT PROCUREMENT ACTIONS OF $50,000 OR OVER

A letter from the Deputy Chief of Naval Material (Procurement and Production), Department of the Navy, transmitting, pursuant to law, the Department's semiannual report of research and development procurement actions of $50,000 and over, for the period January 1 through June 30, 1970 (with an accompanying report); to the Committee on Armed Services.

FOREIGN BANK SECRECY AND BANK RECORDKEEPING—REPORT OF A COMMITTEE—SUPPLEMENTAL VIEWS (S. REPT. NO. 91-1139)

Mr. PROXMIRE. Mr. President, from the Committee on Banking and Currency, I report favorably, with amendments, the bill (S. 3678), to amend the Federal Deposit Insurance Act to require insured banks to maintain certain records, to require that certain transactions in U.S. currency be reported to the Department of the Treasury, and for other purposes, and I submit a report thereon.

I ask unanimous consent that the report be printed, together with the supplemental views of the Senator from Utah (Mr. BENNETT), the Senator from Texas (Mr. TOWER), the Senator from New York (Mr. GOODELL), and the Senator from Oregon (Mr. PACKWOOD), and that the committee have until midnight to deliver the copy for printing purposes.

The PRESIDING OFFICER. (Mr. HUGHES). The report will be received and the bill will be placed on the calendar; and, without objection, the report together with the supplemental views will be printed as requested by the Senator from Wisconsin.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. HARTKE:

S. 4282. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit for small businesses;

S. 4283. A bill to amend the Internal Revenue Code of 1954 to allow a credit against income tax to individuals for certain expenses incurred in providing higher education;

S. 4284. A bill to amend the Internal Revenue Code of 1954 to provide for an increase in the amount of the personal exemptions for taxable years beginning after December 31, 1973; and

S. 4285. A bill to amend the Internal Revenue Code of 1954 to restore the investment credit; to the Committee on Finance.

By Mr. ANDERSON:

S. 4286. A bill to declare that certain federally owned lands are held by the United States in trust for the Indians of the Pueblo of Chochiti; to the Committee on Interior and Insular Affairs.

ADDITIONAL COSPONSOR OF BILLS

S. 368

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Colorado (Mr. ALLOTT) and the Senator from Arizona (Mr. FANNIN) be added as cosponsors of S. 368, to authorize the Secretary of the Interior to make disposition of geothermal steam and associated geothermal resources, and for other purposes.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

S. 3650

Mr. HATFIELD. Mr. President, on behalf of the Senator from Nebraska (Mr. HRUSKA), I ask unanimous consent that at the next printing, the name of the Senator from Arizona (Mr. FANNIN) be added as a cosponsor of S. 3650, to amend section 837 of title 18, United States Code, to strengthen the laws concerning illegal use, transportation, or possession of explosives and the penalties with respect thereto, and for other purposes.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

S. 3724

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Wyoming (Mr. MCGEE), I ask unanimous consent that, at the next printing, the names of the Senators from Nevada (Mr. BIBLE and Mr. CANNON) be added as cosponsors of S. 3724, to amend the Internal Revenue Code with respect to ammunition recordkeeping requirements.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

S. 4179

Mr. BYRD of West Virginia. Mr. President, on behalf of my colleague from West Virginia, Mr. RANDOLPH, I ask unanimous consent that, at the next printing, the name of the Senator from Michigan (Mr. HART) be added as a cosponsor of S. 4179, to amend the Public Works Acceleration Act.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

S. 4238

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from Rhode Island (Mr. PELL) and the Senator from Texas (Mr. YARBOROUGH) be added as cosponsors of S. 4238, the Universal Enrollment Act.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

S. 4260

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from New Hampshire (Mr. MCINTYRE), the Senator from Vermont (Mr. PROUTY), and the Senator from South Carolina (Mr. THURMOND) be added as cosponsors of S. 4260, to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code and to provide for statewide public planning, and for other purposes.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

ADDITIONAL COSPONSOR OF JOINT RESOLUTION

SENATE JOINT RESOLUTION 229

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Oklahoma (Mr. HARRIS), I ask unanimous consent that at the next printing the name of the Senator from North Carolina (Mr. JORDAN) be added as a cosponsor of Senate Joint Resolution 229, to establish National Good Grooming Week from November 16 through November 22.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

SENATE RESOLUTION 454—SUBMISSION OF A RESOLUTION RELATING TO TERRORIST ACTS AGAINST DIPLOMATIC AND OTHER FOREIGN PERSONNEL IN LATIN AMERICA

Mr. BYRD of West Virginia. Mr. President, recently there has been a steady increase in cruel and inhumane terrorist activities in Central and South America.

Of particular concern is the recent rash of political kidnapings of foreign officials for extortion purposes. These brutal criminal acts violate all diplomatic concepts as practiced since ancient times.

Political kidnaping is abhorrent to a civilized society, contrary to the interests of world peace, and in violation of the fundamental rights and freedoms of man. Kidnaping used as a political weapon disrupts the efficient performance of functions vital to the comity of nations, and the well-being of their people. It directly affects the security and the domestic stability of the nation in which such an act occurs.

Mr. President, those radicals who intend to destroy governments friendly to the United States would pose dangers to our own national security. The security of the Western Hemisphere relies mainly on the solidarity of our neighboring nations, and the continued stability of their governments. Those who seek to create havoc with the conduct of these relations impair inter-American security.

Political kidnapings are no mere whims of a small band of guerillas, but a callous and calculated effort to embarrass and destroy free democratic governments.

Since January of 1968, there have been at least 13 major incidents of terrorist acts against diplomatic and other foreign personnel in Latin America. I have asked the Foreign Affairs Division of the Legislative Reference Service of the Library of Congress to prepare a report describing these incidents in detail, and, at the conclusion of my remarks, I shall ask unanimous consent that the report be printed in the RECORD.

Mr. President, the world is now praying for the safe release of two hostages currently held in Uruguay. When the Uruguayan Government rightly refused to accept the blackmail terms calling for the release of 150 political prisoners, ultra-leftist guerrillas called Tupamaros—fanatics who style themselves after an 18th century Inca chief—kidnaped and executed Daniel Mitrione, an American who was assisting the Uruguayan police in improving their security procedures.

What the fate of the two hostages—Dr. Claude L. Fly, an American agricultural expert, and Brazilian Consul Aloysio Mares Dias Gomide—will be is still unknown.

This morning the Uruguayan police found a new note, the 11th communique from the Tupamaros guerrillas. The Uruguayan authorities consider this new note to be an authentic document, and it is the latest one to be received since August 11 concerning the health and safety of Dr. Fly.

The note stated that Dr. Fly and the Brazilian consul are well, and that the disposition of the two hostages has not yet been determined. The note indicated that as long as "measures are being taken against them"—"them" referring to Tupamaros held as prisoners, and "measures" referring to continued questioning—the guerrillas will continue to hold the hostages. This could, however, be interpreted as a change from earlier demands that all prisoners be released.

In addition, the note confirmed an earlier document, which was obtained on August 5, which spoke of dissension within the Tupamaros movement, and the new note reiterated that the two hostages would be executed if the police or military made an effort to seize them.

The country of Uruguay is famous for its beauty. It is a nation small in territory and large in accomplishments. The people are industrious and educated. Poverty is almost unknown. Yet, if the violence of the ultra-left wing guerrillas continues to mount in Uruguay, the democratic government of President Jorge Pacheco Areco might very well fall.

The Uruguayan President has bravely stood his ground. More than 12,000 police and military personnel are now conducting a house-to-house search for the abductors and their hostages.

This is a needed policy, for if these terrorists are allowed to succeed, no foreign official or diplomat will be safe from the harassment of leftists in search of political gains.

The United States has instituted special protective measures, which have not been announced publicly for security reasons, to protect American diplomats stationed throughout Latin America. While this action has been welcomed by the diplomats and their families, it does not diminish or stop the subversive activities. What is needed is unified international agreement and action, so that all radicals will know that kidnaping will

no longer be tolerated, and that political asylum will no longer be given either to political prisoners whose release was in exchange for hostages, or to the abductors.

Mr. President, last June the General Assembly of the Organization of American States adopted a resolution condemning these acts, and at the same time, requesting the Inter-American Juridical Committee of the OAS to draft an inter-American instrument on kidnaping, extortion, and assaults against persons where such acts may have international repercussions. The Inter-American Juridical Committee was to have commenced its work this morning, but due to a procedural problem, it has now postponed its first meeting until August 31. A final report is expected not later than 60 days after this first meeting.

It is hoped that a strong multilateral agreement will be adopted, for it will implement the resolve with which the nations of this hemisphere can work together to prevent further terroristic violence from disrupting the political stability and solidarity of our hemisphere.

On June 26, Secretary of State Rogers spoke eloquently before the OAS, and on this issue said:

I hope this Assembly can deal effectively with terrorism and kidnapping, especially in their international aspects . . . Such acts clearly and distinctly violate the principles governing the conduct of relations between states. We would suggest that the Assembly initiate steps to prepare a new international agreement defining these acts as international crimes and establishing appropriate measures to deal with them.

On August 19, after a special meeting of the Council of Organization of American States, the U.S. delegation issued the following press release, which in essence reiterated the U.S. position taken during the secret meeting:

The United States has and will continue to have deep concern for the safety of U.S. personnel abroad. We have taken and are continuing to take steps to provide greater protection for our personnel overseas and to make it more difficult for kidnapping to take place. The host governments, who have the direct responsibility for the protection of foreign diplomats and consulate personnel, have been as concerned as we. If despite our combined efforts a United States official is nevertheless kidnapped, the U.S. Government determines its policy toward that unfortunate event in the light of all of the pertinent circumstances at the time. We do not, however, ask those governments to meet demands that are considered extreme; to do so would only serve to encourage terrorist groups to kidnap others.

Mr. President, I concur with the statements made by Secretary of State Rogers and the U.S. delegation to the OAS, and I believe the U.S. position deserves the full support of the Senate.

Unless something is done Americans and officials of other countries will continue to be harassed. On August 19, 1970, a group of Tupamaros kidnaped an American, Stephen Spann, held him for an hour, used his car in an attempted robbery, and released him. Although there may not have been any political implications intended in this abduction, the Spann incident does indicate that terrorists continue unabated to endanger the lives and freedom of Americans abroad.

The OAS Inter-American Juridical Committee will soon begin its work. The United States has presented a position which condemns kidnaping as an international crime, and which calls for appropriate measures to deal with such crimes. However, there could be an effort made by other Latin American governments to neutralize any international agreement which would serve as an effective deterrent against these heinous crimes.

For this reason, the United States must be strong in maintaining a position which would guarantee the safety of governmental and official personnel sent overseas, and thus I am introducing today for appropriate reference a resolution expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation or an international organization, or the life and freedom of a member of his family.

My resolution calls upon the President, as he is now doing, to take such action as may be necessary to secure, at the earliest practicable time, bilateral or multilateral agreements by which each signatory nation would agree to treat all such officials and members of their families with due respect, and to take all appropriate steps to prevent any threat or act which would unlawfully endanger the lives of such officials and members of their families.

In addition, each signatory nation would agree to take all measures properly within its jurisdiction to apprehend and to prosecute or extradite any person who commits, or threatens to commit such a threat or an act against such officials and members of their families.

Each signatory nation would agree—keeping in mind the need to act wisely in safeguarding the lives of such officials and members of their families—either, first, to refuse to accept any political hostages released as a result of such terroristic acts or threats; or second, to capture and hold in confinement for extradition, and to extradite any political hostages released as a result of terroristic acts who might have entered a country illegally.

My resolution also provides that each signatory nation would agree to withhold formal recognition of any government formed by terrorists who have participated in threats or acts endangering such officials and members of their families, and to take all other appropriate measures as may be necessary to deter any further terroristic activities.

This is an important resolution, and it merits early consideration by the Senate.

Mr. President, I submit the resolution, and ask unanimous consent that it, as well as the report prepared by the Library of Congress, be printed in the RECORD.

The PRESIDING OFFICER (Mr. BOGGS). The resolution will be received and appropriately referred; and, without objection, the resolution and the report will be printed in the RECORD.

The resolution (S. Res. 454) expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation of an international organization, or a member of his family, was referred to the Committee on Foreign Relations, and is printed in the RECORD, as follows:

S. RES. 454

Whereas the maintenance of international peace and security and the promotion of friendly relations among nations depend on the orderly and effective conduct of relations among nations;

Whereas any threat or act by any person which unlawfully endangers the life or freedom of any official of the government of another nation or an international oragnization, or a member of his family, is abhorrent to a civilized society, contrary to the interests of world peace, and violates the fundamental rights and freedoms of man;

Whereas any threat or act unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, may affect the security and domestic stability of the nation where such threat or act occurs;

Whereas any threat or act unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, disrupts the efficient performance of functions vital to the comity of nations and the well-being of their people; and

Whereas threats and acts unlawfully endangering the life or freedom of any official of the government of another nation or an international organization, or a member of his family, constitute heinous acts which have aroused world rebuke: Now, therefore, be it

Resolved, That it is the sense of the Senate that the President should take such steps as may be necessary to secure at the earliest practicable time bilateral or multilateral agreements by which each signatory nation agrees—

(1) to treat all officials of nations and international organizations, and members of their families, with due respect, and to take all appropriate steps to prevent any threat or act unlawfully endangering the life and freedom of any such official or member of his family;

(2) to take all measures properly within its jurisdiction to apprehend, prosecute, or extradite any person who commits, or threatens to commit, any such threat or act against an official of another nation or an international organization, or a member of his family;

(3) consistent with the need to safeguard the lives of such officials, or members of their families, who have been placed in jeopardy by any threat or act unlawfully endangering their lives or freedom, to refuse to grant asylum to any person, and to capture and to hold in confinement for extradition any person, whose release from custody of another nation was achieved by means of any such threat or act;

(4) consistent with the need to safeguard the lives of such officials, or members of their families, who have been placed in jeopardy by any threat or act unlawfully endangering their lives or freedom, to extradite any such person so captured and confined to the appropriate authority of the nation from which he was released following the removal or cessation of any such threat or act;

(5) to withhold formal recognition of any government formed by any person, or group

of persons, who have participated in such threat or act; and

(6) to undertake such other appropriate measures as may be necessary to deter any threat or act unlawfully endangering the lives or freedom of any such official or member of his family.

The report furnished by Mr. BYRD of West Virginia is as follows:

RECENT TERRORIST ACTS AGAINST DIPLOMATIC AND OTHER FOREIGN PERSONNEL IN LATIN AMERICA

(By Rieck B. Hannifin)

January 16, 1968, Guatamala, while returning from lunch, U.S. Army Colonel John D. Webber, commander of the 34-man U.S. military group in Guatemala, and Lieutenant Commander Ernest A. Munro, head of the group's navy section, were gunned to death by bullets from a passing car. Two U.S. military enlisted personnel were wounded in the attack. The following day the FAR (Armed Forces of the Revolution), a pro-Castro terrorist group, distributed leaflets throughout Guatemala City claiming responsibility for the assassinations. The leaflets declared that the shooting was to avenge murders by clandestine right-wing organizations which the FAR said received orders from the U.S. military mission.

U.S. Ambassador John G. Mein is said to have believed that the killings were an attempt to force an escalation of U.S. military strength in Guatemala, aimed both at arousing the population against the United States and at diverting U.S. soldiers and equipment from "wars of liberation" elsewhere (in short, Che Guevara's strategy of weakening the United States by creating various Vietnams).

(2) August 28, 1968, Guatemala, U.S. Ambassador to Guatemala John G. Mein was assassinated while enroute in the chauffeur-driven U.S. Embassy limousine from a luncheon at the Embassy residence to his office in downtown Guatemala City. The limousine was forced to the curb by a car, and blocked in from behind by a small truck. Several young men dressed in green fatigue uniforms and armed with at least one automatic weapon scrambled from their car and surrounded the Ambassador's limousine. Ambassador Mein leaped from his car and ran. He was struck in the back by a burst of submachine gun fire and killed instantly.

The following day the FAR issued a communique, given to the newspaper *El Imparcial*, announcing that Ambassador Mein was killed "while resisting political kidnapping as an answer to the capture of commandant Camilo Sanchez of the FAR." Sanchez, believed to have been in command of urban guerrilla units, reportedly was a prisoner in Guatemala City. It is speculated that the FAR sought to kidnap Mein as ransom for the release of Sanchez.

Ambassador Mein, whose life had been threatened repeatedly, knew that he was a possible target of leftist guerrillas. Nevertheless, he spurned a bodyguard, believing that U.S. policy was best served by refusing to give the terrorists an opportunity to boast that they had intimidated the United States. In conversation with friends, he indicated that he would attempt to escape rather than submit to capture and provide the terrorists with an opportunity to humiliate the United States and Guatemalan governments.

(3) September 4, 1969, Brazil, U.S. Ambassador Charles Burke Elbrick was kidnaped by four gunmen who ambushed Elbrick's car in a Rio de Janeiro street near the Embassy as the Ambassador was returning to his downtown office from lunch at the Embassy residence.[1] The abductors drove off with Elbrick, leaving behind the Ambassador's chauffer, a ransom note, and a homemade bomb which failed to explode. The note said that the Ambassador was seized because he was "the symbol of exploitation," and demanded the publication of the manifesto and that the Brazilian Government release 15 political prisoners who were to be flown to Algeria, Chile, or Mexico. If the demands were not met within 48 hours, Elbrick would be "executed."

The manifesto was signed by two left-wing terrorist organizations—the MR–8 and the National Liberation Alliance. It declared that they would no longer tolerate tortures, beatings and killings of their members at the hands of the authorities and contained a violent condemnation of Brazil's military regime.

The kidnapers negotiated with the Brazilian Government by notes, left first in an alms box in a church in Rio and then in the suggestion box at a supermarket in suburban Leblon. On September 5, the Brazilian Government agreed to the kidnapers' conditions, and that day broadcast the terrorists' manifesto. The following day, the fifteen specified prisoners were flown to Mexico. The prisoners were a varied group—representatives of student organizations, unions, and peasant groups, and members of the orthodox Brazilian Communist Party as well as representatives from the more radical Castroite, Trotskyits, and Maoist groups. In Mexico, one of the released prisoners, Mario Galhardo Zacanto, a 22-year-old former medical student, said he had organized eight bank robberies in the state of Minas Gerais to raise funds for the revolutionary movement. Two others, Ivens Marchetti and Onofre Pinto, a former army sergeant, said they had taken part in organizing the killing of U.S. army captain Charles Chandler.[2]

On September 7 Ambassador Elbrick was released by his captors, whom he described the following day as "young, very determined intelligent fanatics" who would have carried out their threat if their demands had not been met.

(4) March 6, 1970, Guatemala, Sean Holly, U.S. labor attache in Guatemala, was seized by two carloads of men armed with submachine guns who intercepted his automobile on a main street of Guatemala City as he returned to the Embassy from lunch. The urban guerrillas, members of Communist Rebel Armed Forces (FAR), held him hostage in the mountains for 39 hours to obtain the release of four of their comrades, threatening to kill Holly if the Guatemalan Government refused. In return for Mr. Holly's release, two imprisoned members of the FAR were released and were given political asylum in the Costa Rican Embassy on March 7. A third, whose release the guerrillas had demanded in the mistaken belief that he was in jail, contacted the Costa Rican Embassy on the morning of March 8 and was given political asylum there. All three were given safe conducts to go to Mexico. The fourth guerrilla on the kidnappers' list was allowed to go to Mexico earlier. Mr. Holly was taken to a church in a working-class district of Guatemala City on March 8 by two guerrillas who turned him over to the priest with a warning that the police not be called for an hour.

(5) March 11, 1970, Brazil, Nobuo Okuchi, Japanese consul general in Sao Paulo, Brazil, was abducted by terrorists while on the way home from his office in Sao Paulo. Three cars forced Mr. Okuchi's car to stop; then armed men threatened the chauffeur, made the consul get out of his limousine, and drove him off in another car. In a ransom note the following day, the kidnappers said they would release Mr. Okuchi after five prisoners had been released from Sao Paulo prison and sent into exile, preferably to Mexico. The abductors identified themselves as members of the Popular Revolutionary Vanguard, an urban terrorist organization under the leadership of a former Brazilian army captain. They threatened to kill Mr. Okuchi if the five prisoners were not released and if the government did not call off its massive manhunt. Soon after the kidnappers made their demands known, a note from Mr. Okuchi saying he was well and asking for caution by authorities was delivered to the Japanese Chamber of Commerce in Sao Paulo.

That evening, close to the deadline set by the kidnappers, the Brazilian Government announced that it would meet the ransom conditions. The following day, the Brazilian Government agreed to an additional demand—to guarantee all prisoners in Brazilian jails good treatment.

On March 14, the Brazilian Government released the five prisoners and sent them on a jetliner to Mexico. The prisoners included three self-confessed urban guerrillas and two women. One of the latter is the mother superior of a church-sponsored orphanage in Sao Paulo state who was imprisoned on October 25, 1969, on charges of allowing members of the Armed Liberation Front to use her convent as a base of operations. The other is the wife of a guerrilla leader who had been detained on February 26, 1969, following a raid on her home in which her husband was killed in a shoot-out with the police. Upon arrival in Mexico, the five released prisoners all claimed to have been tortured in prison.

Ten hours after the released prisoners arrived in Mexico, the kidnappers freed Mr. Okuchi unharmed.

(6) March 24, 1970, Dominican Republic, Lt. Col. Donald J. Crowley, United States air attache in the Dominican Republic, was kidnapped on arrival for his customary 8 a.m. calisthenics on the polo field beside the Hotel Embajador by five or six men in military uniforms and armed with rifles. In a note to the evening newspaper *El Nacional*, the kidnappers identified themselves as members of the United Anti-Reelection Command, a group of leftists seeking to block incumbent President Balaguer's attempt to serve another term as President. The kidnappers demanded that 21 prisoners be brought to Santo Domingo's main square by 10 a.m. the following morning, and released in a public ceremony attended by the auxiliary archbishop of Santo Domingo, the president of the university, and the president of the bar association. Lt. Col. Crowley would be released ten hours later. If anything happened to any of the prisoners, the kidnappers vowed to kill Crowley.

The Dominican Government agreed to exchange the prisoners for Crowley, but balked at waiting ten hours for his release and at freeing the prisoners in the Plaza Duarte. With Archbishop Hugo Polanco arbitrating between the Dominican Government and the kidnappers, a compromise was reached whereby 20 prisoners would be placed on board a jet airliner under protection of the Mexican Embassy, with Archbishop Polanco aboard as escort, and the plane would be permitted to depart as soon as Col. Crowley appeared. Crowley was released unharmed on March 26.

(7) March 24, 1970, Argentina, Waldemar Sanchez, Paraguayan consul in the border town of Ituzaingo, was kidnapped in the afternoon while showing his car to a group of prospective buyers in Buenos Aires. The abductors, members of the Argentine Liberation Front (formed in 1968 by militant dissidents of the Soviet-oriented Argentine Communist Party), threatened to kill the consul if two of their members, Carlos Dellanave and Alejandro Baldu, were not released by 10 p.m. on March 25.

The following day, President Stroessner of Paraguay arrived in Argentina for a scheduled vacation. That day, the Argentine Government (apparently with Stroessner's approval) refused to comply with the terrorists'

[1] Ambassador Elbrick, recently arrived in Brazil, refused an armed escort, a precaution which his predecessor, Ambassador Lincoln Cordon, regularly took.

[2] Chandler, assassinated in October 1968 in Sao Paulo, was a student of Portuguese and Brazilian history at the university of Sao Paulo. The terrorists claimed he was a CIA agent.

demands. The Government declared that Baldu was not in custody and that Dellanave was a common criminal and would stay in jail. In response, the Front said that Baldu had been either killed by the police or tortured so severely that the government could not release him. Dellanave was shown for ten seconds on television, but his father declared in a news conference that his son had been stripped by police, beaten, and tortured with an electric prod. On March 25 the kidnappers told Buenos Aires newspapers that if the two men were not released, they would execute Mr. Sanchez and "begin the execution of all managers of American business." On March 26 and 27, radio and television stations throughout Argentina declared every half-hour that the Government would not be blackmailed into releasing any prisoners.

On March 28 the kidnappers released Mr. Sanchez unharmed. The group said that it did not go through with its threat "for humanitarian reasons." In their final statement, issued after releasing their hostage, the Front declared that they would now "undertake the execution of an undetermined number of police and officials."

(8) March 29, 1970, Argentina, an attempted kidnapping of two Soviet Embassy diplomats failed when one of the diplomats fell out of the getaway Mercedes and the other was rescued when the car crashed during a police chase. Four men were waiting in the commercial garage used by the Soviet diplomats when Yuri Pivovarov, assistant commercial attache of the Soviet Embassy, his wife and infant daughter, and another Soviet official and his wife returned from a Sunday drive. The assailants forced the women from the car, subdued Pivovarov, with a blow of a pistol butt, and drove off. The women's screams alerted a police guard, who fired at the fleeing car. A passing police car took up the chase and riddled the Soviet car with bullets. The car collided with another and smashed into a tree. Three of the abductors were injured and captured by the police; the fourth escaped.

The Argentine Government identified one of the captured kidnappers as Deputy Inspector Carlos Boningno Balbuena of the Federal Police's 33d Precinct, a man known for right-wing beliefs. The two others were not connected with the police. A rightist terrorist organization MANO, or Argentine National Organization Movement) circulated a statement claiming responsibility for the attempted kidnapping and describing the three captured men as "war heroes."

(9) March 31, 1970, Guatemala, the West German Ambassador to Guatemala, Count Karl von Spreti, was forced from his limousine by armed men in downtown Guatemala as he was riding with his chauffeur from his embassy to his home shortly after noon. The FAR claimed responsibility for the abduction and demanded the release of 17 prisoners, among whom were three accused of killing a congressman and three policemen, others accused of taking part in shootings of pro-Government politicians and attacks on military installations, and five who were accused of carrying out the kidnap-ransom of Guatemala's foreign minister Alberto Fuentes Mohr, Guatemalan banker Gabriel Piguria, and U.S. labor attache Sean Holly. The Vatican Ambassador announced that he had been contacted by the guerrillas to act as intermediary.

On April 2 the Guatemalan Government announced that it would not release any prisoners, and issued a general declaration of war on rebel movements, imposed martial law, and proclaimed a state of emergency. The West German Government issued a protest to Guatemala, saying it could not "accept the decision" against freeing prisoners to obtain the Ambassador's release.

On the morning of April 3, a delegation of foreign ambassadors met with Foreign Minister Alberto Fuentes Mohr to protest the Guatemalan Government's decision not to meet the kidnappers' demand for the release of the 17 prisoners. Meanwhile, in a note to the Papal delegate, the kidnappers increased their price from 17 to 25 prisoners and $700,000. On the sames day, Bonn dispatched a special envoy to Guatemala to press its case. It is reported that West Germany offered to pay the $700,000 demanded by the abductors. However, that evening the Guatemalan Government renewed its refusal to meet any of the guerrilla's demands.

The kidnappers' ultimatum expired at 3 p.m. on April 4. On April 5, after an anonymous call, von Spreti's body was found in an abandoned house 17 kilometers from Guatemala City with a bullet wound in the temple.

(10) April 5, 1970, Brazil, United States Consul Curtis Cutter was shot in the back when he thwarted a kidnapping attempt in Porto Alegre, Brazil. Cutter, his wife, and a friend were returning to his residence after a late dinner when the path of his car was blocked by another. Several men wearing dark glasses and armed with submachine guns and revolvers jumped out of the car and headed toward the counsul's station wagon. Cutter pushed on the accelerator and sped off around the car, hitting one of the men and dragging him on the bumper for several yards. The others opened fire, wounding Cutter a fraction of an inch from his lung. He made it home, while the terrorists picked up their injured man and escaped.

(11) June 11, 1970, Brazil, West German Ambassador Ehrenfried von Hollenben was abducted in Rio de Janeiro as he returned to his residence from the German embassy. Several hundred yards from the residence, a station wagon swerved in front of the ambassador's car. Several terrorists jumped from the station wagon with submachine-guns blazing, spraying the ambassador's car and also hitting a follow-up guard car. The ambassador's police guard was killed, and Von Hollenben was chloroformed, put in the trunk of another car, and taken to a house in the outskirts of Rio.

At the site of the abduction the kidnappers left leaflets which said the ambassador would be returned safely if the government agreed to release an unspecified number of political prisoners. Later communiques from the terrorists demanded the release of 40 specified prisoners and that the government publicize an inflammatory proclamation issued by the kidnappers calling for guerrilla warfare and the overthrow of Brazil's military regime.

On June 15 the Brazilian government met the ransom demanded, flying 34 men and six women to Algiers which had agreed to grant them asylum for humanitarian reasons. Four of the prisoners exchanged (Fernando Paulo Nagle Gabiera, Cid de Queiroz Benjamin, Daniel de Arão Reis Filho, and Vera Silvia de Araujo Magalhães) had been charged with participating in the earlier kidnapping of U.S. Ambassador Elbrick.

In a press conference after his safe return, Ambassador von Hollenben said that his captors told him they had chosen a West German because the Federal Republic has strong business and investment links with Brazil, which would encourage Bonn to put pressure on the Brazilian Government to meet the kidnappers' demands.

(12) July 31, 1970, Uruguay. In four separate and well-coordinated actions in Montevideo, groups of Tupamaros (Uruguay's Marxist urban guerrillas) abducted a United States official and a Brazilian diplomat, and attempted unsuccessfully to kidnap two American diplomats.

Dan A. Mitrione, former police chief of Richmond, Indiana, and for the past two years head of the U.S. aid mission's public-safety program in Uruguay, reportedly was seized on his way to work by five terrorists who intercepted his chauffeured car and forced him into their station wagon at gunpoint. During his capture, Mitrione was shot in the chest.

At almost the same moment, Brazil's consul and second secretary of the embassy, Aloysio Mares Dias Gomide, was kidnapped by four gunmen who entered his home disguised as telephone repairmen.

Simultaneously, separate attempts were made to abduct M. Gordon Jones, second secretary of the United States embassy, and Nathan Rosenfeld, the embassy's cultural attache. Both men managed to elude their abductors after both were struck on the head and slightly injured. According to press reports, Jones was bound hand and foot and shoved into the rear of a pickup truck; he managed to escape by throwing himself out of the moving vehicle, then hobbled to a small store where he asked the owner to call the United States embassy. Details of Rosenfeld's escape have not been published.

In a statement delivered to the newspaper *El Diario* on August 2, the guerrillas demanded as ransom for the two hostages the release of all "political prisoners" (estimated variously from 100 to 150) and that they be sent to Mexico, Peru or Algeria. The communique made no mention of the consequences if their demands were not met. The Tupamaros also announced that Mitrione had undergone surgery for his wound and gave details of his treatment.

Uruguay's President Jorge Pacheco refused to "negotiate with criminals" and, instead, the government continued the nationwide search for the two kidnapped men begun immediately after their abductions.

On August 6 the guerrillas set a deadline of midnight August 7 for the government to decide on the release of all political prisoners. Their statement, delivered to a radio station, contained the vague warning that "if there is no official pronouncement by then we shall terminate this affair and do justice." The terrorists' message described Mitrione as "an American spy infiltrated by the government into the Uruguayan state" and Dias Gomide as the "representative of a dictatorship which has tortured and assassinated hundreds of patriotic Brazilians." In reply that evening, President Pacheco reiterated his refusal to bargain with the kidnapers, stating that he was "absolutely in agreement with" the Interior Ministry's refusal to recognize imprisoned guerrillas "political prisoners" and that it was his duty as President to "maintian law, institutions, and the intangible rights of legitimate justice."

Following capture of the Tupamaros' two most important leaders, Raul Sendic and Raul Bidegain Gressing, the terrorists announced on the night of August 8 that Mitrione would be executed at noon the following day because President Pacheco refused to release the political prisoners. The next day Dan Mitrione's body, shot twice in the head, was found in a car parked in a Montevideo street.

(13) August 7, 1970, Uruguay, as Uruguyan police and military searched for Mitrione and Dias Gomide who had been kidnapped the week before, terrorists seized Dr. Claude L. Fly, a soil expert working privately on contract to the Uruguayan government. Reportedly, Dr. Fly was meeting with Uruguayan agronomists at his laboratory on the outskirts of Montevideo when a band of armed Tupamaros rushed in and abducted him.

At this writing, Brazilian Consul Aloysio Mares Dias Gomides and Dr. Claude Fly are still in captivity. A Tupamaro communique on August 11 warned that if their hideout were found or if the Uruguyan government harmed any Tupamaros it held prisoner, the American and Brazilian captives would be shot.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. DOMINICK. Mr. President, I wish to congratulate the distinguished Senator from West Virginia for bringing this matter to the attention of the Senate.

One of my constituents, Dr. Claude L. Fly, is now a prisoner of the Tupamaros in Uruguay. We have been in touch with his family, his son and wife and daughter, to determine what can be done.

I was pleased to see that in the appropriation bill for State, Justice, and Commerce, which is now before us, there has been added a little over $1 million to try to give additional protection to our people working overseas in these perilous areas.

However, this does not cover the problem we have in many areas of the world. Dr. Fry was an officer in an independent agriculture organization which, in turn, had been hired by the Uruguayan Government. He was down there as the American representative of that group to try to give assistance in agricultural knowledge and the productive capacity of that country, so he was not an employee of the United States. He was an employee under contract with the Uruguayan Government. That means whatever efforts we undertake—and the State Department has been doing very well on this matter; I must give them an A-plus on this all the way through—have to be through the Uruguayan Government.

This, of course, doubles the number of problems we have.

I sincerely hope that we can start out just exactly as the Senator from West Virginia has been doing, to try to determine some method by which we can provide whatever assistance is necessary to give protection to both people who are trying to help other countries and those trying to carry out orders of this country.

I thank the Senator for what he has proposed. I want to establish myself as being on his team in this effort.

Mr. BYRD of West Virginia. I thank the Senator.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT—AMENDMENTS

AMENDMENT NO. 856

Mr. DOLE submitted an amendment, intended to be proposed by him, to the amendment—No. 814—proposed by Mr. HATFIELD, for himself and other Senators, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 857

Mr. BELLMON submitted an amendment, intended to be proposed by him, to H.R. 17123, supra, which was ordered to lie on the table, and to be printed.

DEPARTMENTS OF LABOR, HEALTH, EDUCATION, AND WELFARE APPROPRIATIONS, 1971—AMENDMENT

AMENDMENT NO. 858 TO H.R. 18515

Mr. JAVITS. Mr. President, I am submitting for myself and Senator NELSON, an amendment to H.R. 18515, to increase from $2,046,200,000 to $2,195,500,000 the appropriations for fiscal year 1971 to carry out the provisions of the Economic Opportunity Act of 1964, an increase of $149,300,000. The administration originally requested $2,080,200,000—an amount $32,200,000 above that requested for fiscal year 1970, and $132,200,000 above that estimated for fiscal year 1970.

Last year, with the administration's full support, the Congress gave the poverty program a new tenure and a new vote of confidence; it is now essential that the agency be given the funds to implement the policy set forth in the act:

> To eliminate the paradox of poverty in the midst of plenty in this Nation by opening to everyone the opportunity for education and training, the opportunity to work, and the opportunity to live in decency and dignity.

The poor are a nation within our Nation, equal in number to the entire population of Canada, or approximately one-half of that of France or the United Kingdom. In 1969, there were 24,300,000 persons classified as poor, approximately 69 percent of whom were white and 31 percent nonwhite.

While total Federal aid for the poor—which includes welfare payments, food programs, special education programs, manpower programs, and economic development—rose from $917,000,000 in 1961 to an estimated $29,700,000,000 in 1970, a substantial amount of the expenditures are in welfare payments. I need not remind the Congress that this same appropriation bill which contains funds for the poverty program at a level of approximately $2 billion, contains also a so-called uncontrollable expenditure of $2,540,683,000 for Federal costs for fiscal year 1971 under the welfare program known as aid to families with dependent children, a projected increase of $409,601,000 above the Federal costs of $2,131,082,000 in fiscal year 1970.

The poverty program is the only Federal program for the poor which emphasizes self-help and self-involvement on the part of the poor. Accordingly, it is to it that we must look, importantly, if we are to make these "uncontrollable" expenditures controllable in the future years.

Mr. President, in adopting the Economic Opportunity Act Amendments of 1969, the Congress authorized total appropriations of $2,879,700,000 for fiscal year 1971, some $684,200,000 more than the total amount which I seek by this amendment.

While there is no question that a full appropriation of $2,879,700,000 could itself be justified, we have chosen to seek an amount at a level which we believe the Congress can, and indeed, should, reasonably adopt under the current budgetary circumstances and which unquestionably can be put to effective use during this fiscal year.

In fact, the amount which we request that the Congress approve, is the total base amount authorized for last year—fiscal year 1970—under the Economic Opportunity Act Amendments of 1969.

I am aware that in connection with this appropriation bill the Appropriations Committee of the Senate has before it a request by the Office of Economic Opportunity that it be relieved from the earmarking provisions contained in the Economic Opportunity Amendments of 1969.

In light of that fact, I do not consider it appropriate to indicate my preferences at this time as to how the additional sums which I seek should be allocated among the many programs funded under the Economic Opportunity Act.

Mr. President, I defer to the Appropriations Committee on the question of elimination of the earmarking, and should those provisions be retained, then I shall leave it to the best judgment of the Director of the Office of Economic Opportunity and the heads of the other agencies involved as to how these sums which I seek can best be allocated. In that connection, I should underscore the fact that under section 616 of the Economic Opportunity Act of 1964, the Director has the authority as a general matter to transfer up to 15 percent of the amount appropriated or allocated from any appropriation from one program to another, with certain limitations as to the amount that can be added to a program depending on its size. I assume that within that authority the Director would use any additional funds that the Congress might approve, to transfer to the more successful and needy programs.

The administration is to be commended for the efforts that it has made to continue the poverty program and I think that the President deserves credit for his personal commitment to the appropriation request for fiscal year 1971, which, as I have indicated, is in excess of that for the previous year.

Mr. President if we are ever going to arrest the trend in this Nation toward welfare dependency and to alleviate the despair of many of the poor, we must allocate even more funds for these essential antipoverty programs.

We are now merely scratching the surface of need. Even with the increases sought by the administration for this fiscal year, we will reach less than 31 percent of all poor children ages 3–6 who need early childhood education; less than 10 percent of persons who could benefit from manpower programs; only 1.7 percent of the hard-core drug addicts among the poor; only 8.9 percent of those who could benefit from family planning services; only 7 percent of the poor who need legal services; and only 7.3 percent of the migrant and seasonal farmworkers.

I ask unanimous consent that there be included in the RECORD at this point, a table prepared at my request by the Of-

fice of Economic Opportunity, indicating the universe of need for selected proverty programs, together with estimates of the target population to be reached and the estimated and proposed budgetary amounts for fiscal years 1970 and 1971.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

UNIVERSE OF NEED DATA FOR SELECTED EOA PROGRAMS [1]

	Universe of need	1970 estimate target population reached [2]	Percent of total	Estimate 1970 obligations	1971 estimate target population reached	Fiscal year 1971 percent of total	Fiscal year 1971 President's Budget
TITLE I, WORK AND TRAINING PROGRAMS							
Job opportunities, concentrated employment, Public Service careers in poverty, 18 to 64	9,000,000	214,700	2.3	$243,400,000	223,800	2.4	$219,600,000
In-School, New York City: In poverty, 14–21 and still in school	1,800,000	135,000	7.5	62,400,000	135,000	7.5	62,400,000
Summer, New York City: In poverty, 14 to 21 and still in school	2,450,000	563,000	22.9	121,500,000	683,700	27.9	146,500,000
Out-of-School, New York City: In poverty 16 to 17 non-high-school grads and out of school	300,000	78,000	26.0	98,000,000	97,300	32.4	134,300,000
Job Corps: In poverty, 16 to 21 non-high-school grads out of school	650,000	60,300	9.2	170,200,000	67,000	10.3	180,000,000
Operation Mainstream: In poverty, 22 and up	12,000,000	21,400	.2	41,000,000	21,400	.2	41,000,000
TITLE II							
Health and nutrition:							
Family planning	5,400,000	440,000	8.1	$22,000,000	480,000	8.9	$24,000,000
Emergency food and medical service	4,000,000	1,800,000	45.0	48,800,000	1,800,000	45.0	33,000,000
Drug rehabilitation, hardcore addicts plus estimate of youths experimenting with drugs	120,000	3,500	2.9	4,500,000	2,000	1.7	3,000,000
Alcoholic counseling and recovery	800,000	20,000	2.5	[3] 9,000,000	35,000	4.4	4,000,000
Comprehensive health services	24,300,000	1,200,000	4.9	74,000,000	1,600,000	6.5	110,000,000
Legal services	[4] 5,000,000	[5] 800,000	16.0	953,040,000	850,000	7.0	63,400,000
Community action operations program:							
Neighborhood service systems	24,300,000	3,100,000	12.7	107,000,000	3,100,000	12.7	105,000,000
Youth development programs	3,300,000	1,488,000	45.1	32,000,000	1,000,000	30.0	30,000,000
Senior opportunities and services	6,250,000	700,000	11.0	6,800,000	800,000–900,000	12.0	7,800,000
Early childhood development:							
Headstart: Children aged 3 to 6	1,300,000	488,500	34.5	326,000,000	403,700	31.0	339,000,000
Parent and children centers: Families with at least 1 child under age 3	850,000	2,000	.2	(3,000,000)	2,000	.2	(5,500,000)
Follow through: Primary grade school children	430,000	62,000	14.4	70,300,000	77,300	17.0	69,000,000
TITLE III–B							
Programs for migrants and seasonal farm workers, total	3,900,000	284,000	7.3	30,900,000	286,500	7.3	35,500,000

[1] Data compiled from the "Justification of Appropriation Estimates" FY 1971, prepared for the Congressional Committees on Appropriations May 1970.
[2] Total program enrollees.
[3] Estimates include 100 projects with a 10,000-person capacity which will be initiated but which will not require refunding until fiscal 1972.
[4] Per year estimate for legal services.
[5] Cases served.

Mr. JAVITS. Mr. President, I shall now indicate a program by program justification for the additional funds which I have requested.

EMERGENCY FOOD AND MEDICAL SERVICES PROGRAM

Under Section 222(a)(5) of the Economic Opportunity Act of 1964, the emergency food and medical services program is designed to:

Provide on an emergency basis, directly or by delegation of authority pursuant to the provisions of Title VI of this Act, financial assistance for the provision of such medical supplies and services, as may be necessary to counteract conditions of starvation or malnutrition among the poor. Such assistance as may be provided by way of *supplement* to such other assistance as may be extended under the provisions of other Federal programs, and may be used *to extend and broaden such programs* to serve economically disadvantaged individuals and families where such services are not now provided and without regard to the requirements of such laws for local or State administration or financial participation. . . . (emphasis added)

Accordingly, in his historic message to the Congress on May 6, 1969, pledging to "end hunger in America for all time," the President coupled an expansion of the food stamp program with a request that the Director of OEO:

Redirect OEO funds into the Emergency Food and Health Service program to increase its food, health, and sanitation services for our most depressed areas. Presently, health and sanitary conditions in many of our most depressed counties are so poor that improved food services alone would have little impact on the nutritional health of the population. The Emergency Food and Health Service has provided invaluable services in aiding these areas, and its good work should be substantially expanded.

The administration has requested only $33,000,000 for the emergency food and medical services programs for fiscal year 1971, an amount which is $15,800,000 below the estimate for fiscal year 1970.

Substantially increased funds are necessary to provide the food, health, and sanitation services to which the President referred and to supplement and aid in the outreach of the food stamp and commodity programs. For, even under administration's plans for expansion of those two programs, total participation over the next 2 years will reach only approximately 17,500,000 of the 24,300,000 poor.

As of April 1970, the food stamp and commodity distribution programs reached only about 9,500,000 persons; in fact, the current participation rate in food stamps and commodity programs is lower than 30 percent in 18 of the Nation's 50 States.

I ask unanimous consent that there be included in the RECORD at this point a table submitted by the Select Committee on Nutrition and Human Needs, of which I am the ranking minority member, indicating the percentage of the poor in each State who are receiving either food stamps or commodities.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

State	Percentage of poor in food stamp program	Percentage of poor in commodity distribution program	Total percentage in programs
Alabama	16.3	27.5	43.8
Alaska	76	----------	76
Arizona	----------	47.0	47
Arkansas	28	3.0	31
California	41	14.5	55.5
Colorado	48	----------	48
Connecticut	53	6.4	59.4
Delaware	----------	56.0	56
District of Columbia	25	----------	25
Florida	1.4	28.0	29.4
Georgia	11	19.0	30
Hawaii	24	----------	24
Idaho	----------	26.0	26
Illinois	36	----------	36
Indiana	18	11.0	29
Iowa	24	1.7	25.7
Kansas	.7	13.0	13.7
Kentucky	28	10.0	38
Louisiana	38	5.6	43.6
Maine	5.7	52.5	58.2
Maryland	28	4.5	32.5
Massachusetts	.12	32.5	32.62
Michigan	29	8.0	37
Minnesota	21.5	4.1	25.6
Mississippi	37	15.5	52.5
Missouri	7.4	28.0	35.4
Montana	28	19.5	47.5
Nebraska	21	1.2	22.2
Nevada	----------	25.0	25
New Jersey	41	----------	41
New Hampshire	----------	2.5	2.5
New Mexico	63	19.0	82
New York	5.4	40.0	45.4
North Carolina	11.5	13.0	24.5
North Dakota	15.5	18.0	33.5
Ohio	37	2.1	39.1
Oklahoma	----------	57.0	57
Oregon	19	63.0	82
Pennsylvania	28	1.5	29.5
Rhode Island	42	----------	42
South Carolina	27	----------	27
South Dakota	16	20.0	36
Tennessee	27	3.3	30.3
Texas	6.2	15.0	21.2
Utah	26	----------	26
Vermont	36	----------	36
Virginia	11	6.3	17.3
Washington	80	----------	80
West Virginia	52	----------	52

State	Percentage of poor in food stamp program	Percentage of poor in commodity distribution program	Total percentage in programs
Wisconsin	16.5	13.0	29.5
Wyoming	33	6.9	39.9
Total	22	14.0	36

Note: Based on USDA commodity distribution figures for March 1970, and USDA food stamp figure for April 1970.

Mr. JAVITS. Mr. President, as indicated by Robert Choate, one of the leaders in bringing the "hunger issue" to national attention, in testimony before the House Committee on Appropriations on June 12, 1970:

To get food delivered to the blind; to carry food up six flights of stairs to the aged crippled; to truck commodities out to the end of a Kentucky hollow; to transport Indian families both to the trading post and to the commodity warehouse while the mother attends a nutrition class in Navajo; to buy food stamps in counties where many families have zero income; to visit door-to-door urging people to enroll in the school lunch program; to alert mass media of the need for nutrition education and public service spots commodity and food stamp benefits; to seek innovative methods of packaging and combining foods for those unable to make full use of the commodity package; to urge mothers to feed their infants better baby foods; to update cultural customs once based on good nutritional practice but today impaired by lowered food values; to invite inspection of water sources and parasitic infections; to pay for a doctor's care when the malnutrition is evident; to generate interest in apathetic communities over the plight of the hungry—all these are the rewards of a vigorous Emergency Food and Medical Services program.

If only the requested $33,000,000 is appropriated, OEO will not be able to fund any new emergency food and medical services programs for fiscal year 1971.

PRESCHOOL EDUCATION AND CHILD CARE

In his February 19, 1969 message to the Congress on economic opportunity programs, the President stated:

Much of our knowledge is new, but we are not on that ground absolved from the responsibility to respond to it. So crucial is the matter of early growth that we must make a national commitment to providing all American children an opportunity for healthful and stimulating development during the first 5 years of life.

The administration has underscored that commitment by requesting $339,000,000 for the Head Start program for fiscal 1971, an amount some $13,000,000 greater than the $326,000,000 estimated for fiscal year 1970.

With this new commitment of the administration, has come a desire to shift the emphasis from summer to full year Head Start programs. A full opportunity now costs approximately $800 per child more than for an opportunity in a summer program, and as a result of the change in emphasis, fewer children can be served. In fiscal year 1969, 664,000 children participated in the program. The number declined to 488,500 in fiscal year 1970. The administration's request for fiscal year 1971 would provide opportunities for only 403,700.

This last figure is less than one-third of the total estimated Headstart target population of 1,300,000 disadvantaged children between the ages 3–6.

Mr. President, the effects of early childhood neglect have become increasingly apparent over time and the need for programs to enhance the development of young children has been a matter of national concern.

Also of great importance is the "Follow-Through" program, which focuses on the education of disadvantaged children in the early primary grades. The program is designed to sustain and supplement the gains made by children from Headstart or similar preschool programs. Follow-Through programs are coordinated with Headstart in many of the same communities so that a continuum of intensive education is established for children from age 3 or 4 to the third grade. It is correct to say that there is a very close and necessary relationship between Headstart and Follow-Through and the success of both.

The Office of Economic Opportunity has requested $69,000,000 for this program for fiscal year 1971, a net decrease of $1,300,000 from the estimate for fiscal year 1970. These funds will provide opportunities for only 77,300 children and will permit the addition of only a few new projects.

The OEO justification of appropriations estimates that for 1971 there will be 430,000 full year Headstart and other quality year-long preschool program graduates. It is clear that 77,300 opportunities will be inadequate given the needs of the poor and the existing importance of the relationship between Follow-Through and Headstart.

As noted in the table prepared by the Office of Economic Opportunity, placed in the RECORD, only 17 percent of the "target population" for the Follow-Through program will be reached in fiscal year 1971 with the funds requested by the administration.

Mr. President, the administration has made a significant commitment to the development of child care facilities through its proposed Family Assistance Act. However, even the 450,000 opportunities that are to be provided under that act will be inadequate to the overall need. In 1969, there were an estimated 3,500,000 children ages 3 to 13 in poor families and there are now approximately 600,000 child-care spaces available in licensed facilities in the entire Nation.

Accordingly, the efforts now being taken by the Office of Economic Opportunity to assess the exact needs for child care and to develop new approaches in meeting those needs are crucial if we are ever to close the child-care gap. The Office of Economic Opportunity will allocate $20,000,000, its budget request for fiscal year 1971, for this purpose. The Congress should appropriate additional amounts so that even further efforts may be undertaken.

In that connection, I ask that there be printed in the RECORD a letter dated August 3, 1970 from the Office of Economic Opportunity detailing a number of the efforts being made in this crucial area.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

OFFICE OF ECONOMIC OPPORTUNITY,
August 3, 1970.

Hon. JACOB K. JAVITS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR JAVITS: I am writing to give you a progress report on the present status of the Office of Economic Opportunity activities in the day care area. We would be pleased to arrange for an additional oral briefing if you feel this would be desirable.

The national *survey and analysis* of existing day care efforts has been commenced as outlined in my letter of March 11. From this project of our Office of Research and Evaluation, we are to have in hand by October a set of six in-depth community case studies and by November an extensive reference compendium on Federally-assisted day care programs. A national probability sample of some 55 communities will be drawn and field interviews conducted this fall with operators of some 400 or more day care centers and day care homes and with nearly 3,000 users and nonusers of day care services. The interview results will be processed and analyzed during the winter months and a final report on the whole survey project is due from the contractor in March of 1971.

The *"state-of-the-arts"* study by our Office of Research and Evaluation is also well under way and the compilation of material on child development needs, program content, supportive services, and a number of other topics is scheduled for completion by November.

The *summer workshop* on child development and day care is now in progress at Airlie House. The Office of Economic Opportunity and HEW's Office of Child Development have worked jointly in support of this effort, with actual project supervision by OCD. A series of publications will be available this fall as a result of the workshop effort.

In addition to these three projects, which were outlined in our March 11 letter, the Office of Economic Opportunity has also launched the following projects under the supervision of its Office of Program Development:

(a) A day care *policy studies* group to perform analyses on problems such as facilities, staff training, financing, methods of service delivery, and the role of the private sector. The Institute for Interdisciplinary Studies in Minneapolis, a nonprofit organization, was selected to carry out this research and analysis over a period of 18 months and is already at work.

(b) An *exemplary* day care project which is studying some 40 notable day care centers selected for one or more outstanding qualities of program concept and delivery. On the basis of a thorough on-site evaluation of these facilities, some 20 models of programs or major components of programs will be developed and made available to the day care community. The evaluation phase of the project is now under way and all field work is scheduled for completion by December 31.

(c) The feasibility/design phase of an *impact* project in comprehensive Federally-supported day care. This is now fully under way through the efforts of the grantee for this phase (Center for the Study of Public Policy, Cambridge, Massachusetts). The impact project itself is now envisioned as an ecomonic, social, and educational experiment to be conducted in two urban communities, adopting an entitlement (voucher) system in one and a project grant approach in the other. The current study phase, which is to be completed by the end of the current year, would then be followed by the planning grants to the two selected communities and the initiation of the full-scale operational experiment thereafter.

The following project in the State of *Vermont* was also supported by the Office of Economic Opportunity in Fiscal Year 1970 by transfer of approximately $1.1 million to the Department of Health, Education, and Welfare: the day care portion of a large-scale, rural-emphasis family assistance demonstration. This day care expansion project is under the supervision of the Office of the Secretary, HEW, and the Office of Child Development, HEW.

Detailed planning for the Fiscal Year 1971 Office of Economic Opportunity day care research and development program is still in process, but the following projects are under active consideration:

(1) A day care *licensing* study. This project would be supported by the Office of Economic Opportunity and carried out through the Office of Child Development, HEW. It would cover State and local practices in the regulation of day care facilities, particularly with regard to time and cost considerations associated with securing approvals for new or expanded facilities.

(2) Establishment of a number of *demonstration* centers intended to show how day care services can be delivered in different locales under a variety of auspices. These centers would be intended to complement those identified in the exemplary day care project.

(3) Establishment of a *clearinghouse* to utilize imaginative techniques to get good current day care practice into the hands of new project operators and to disseminate the results of our other research and analysis findings.

(4) Establishment of a series of experimental or *differential* day care centers to compare the relative impact of different types of child care programs when carried out under optimal conditions.

(5) Conduct of a *combined effects* experiment to examine the impact of income maintenance, manpower training, and day care on various economic decisions and behavioral patterns of families. (This project was mentioned in our March 11 letter.)

(6) Conduct of a *day care facilities* study directed toward the improvement of the physical environment of day care centers and the creation of new design principles.

Please let me know if you need additional information of any of our current day care activities or project plans.

Sincerely,

CAROL KHOSROVI,
Associate Director for Congressional and Government Relations.

SPECIAL IMPACT PROGRAMS

Mr. JAVITS. Mr. President, under title I(D) of the Economic Opportunity Act, which I had the opportunity to author with the late Senator Robert Kennedy, funds are provided for programs focusing on particular poor and geographically limited areas, attacking problems of economic development, as well as social problems. The first such project, established in my home area of Bedford-Stuyvesant, in New York City, has shown the success of this kind of approach to the problems of poverty. Under this program, the people of Bedford-Stuyvesant have developed 10 on-going projects. Among their accomplishments has been the renovation of approximately 1,000 homes since the program began, and the training and placement of some 400 previously hard-core unemployed.

The administration has sought $32,100,000 for this essential program for fiscal year 1971, a decrease of $4,700,000 from the $36,800,000 estimated for fiscal year 1970.

In May 1970 appropriations estimates, submitted to the Appropriations Committee, the Office of Economic Opportunity indicates that the $32,100,000 request will be used as follows: $20,500,000 will be allotted for Community Development Corp. programs, under the traditional model such as is exemplified in Bedford-Stuyvesant; $7,000,000 will be used for an Opportunity Funding program, testing the use of leverage to provide more capital to low-income communities; and $2,500,000 shall be applied to a new mechanisms program, designed to bring the resources and expertise of several agencies together to improve the design and potential impact of economic development programs. The remaining amount would be used for research, technical assistance, and program administration.

Mr. President, we cannot afford to let lapse existing efforts which have proven so successful. They should be expanded, instead. Much more than $20,500,000 indicated for community development programs will be needed in fiscal year 1971 to refund existing programs and to fund new programs that may be established as the result of seven planning grants funded in fiscal year 1970.

Moreover, of the 15 largest cities in the Nation—containing many pockets of poverty—only seven have received assistance under the special impact program operated by the Office of Economic Opportunity.

There is ample evidence that a number of community-based groups would qualify for assistance in these major cities were funds available; in fact during fiscal year 1970, when more funds were available, more than 170 applications, totaling $40,000,000 went unfunded.

LEGAL SERVICES PROGRAM

Mr. President, no program is more vital to the poor than the legal services program. As John D. Robb, chairman of the American Bar Association's Committee on Legal and Indigent Defenders told members of the Subcommittee on Employment, Manpower, and Poverty of the Senate Committee on Labor and Public Welfare last November 14:

I think this is terribly important. I cannot really get across to the committee our sense of urgency about the need for expansion of legal services to try to repair the divisions that are taking place in our society. We know from documented reports by various presidential commissions and by hearings that you yourselves have participated in that the poor by and large have little confidence in our society, in its structure, in its institutions, in lawyers, in the law, in the court system, and as a result, when their own rights are not honored it is not too surprising, I think, that they riot in the streets and that there is violence on our campuses. What we are trying to do in this program is to have a peaceful vehicle where these disputes can be taken from the strife-torn campuses, in the streets and the fire and burnings that are taking place and give these people a peaceful forum in which the grievances that they have against society can be aired, where their position can be set forth.

The administration requests $63,400,000 for this program—an increase of $9,600,000 over fiscal year 1970—but even at that level the program will serve only a fraction of the poor. As noted in the table prepared by the Office of Economic Opportunity and placed in the record, the program will reach only 7 percent of the 5,000,000 poor who require legal services. In fact, if the poor were to have the same number of lawyers as the population as a whole, there would have to be 50,000 lawyers serving the poor rather rather than the 4,000 now working in programs funded by OEO and other sources.

In spite of the substantial increases allotted to the Legal Services program, large areas of the country with the heaviest concentration of poverty have no or extremely limited legal services programs for the poor. There is only one program in Alabama, Delaware, and Maryland; there are only two programs in Arkansas, Kentucky, Mississippi, Minnesota, Nebraska, and Virginia; and there are only three in Georgia. North Carolina, South Carolina and Kansas. A large number of rural areas are without legal service. Yet under the current fiscal year 1971 budget request OEO plans to initiate only a few new programs. Clearly, more funds are needed to expand meaningfully beyond the current inadequate level of operations.

VOLUNTEERS IN SERVICE TO AMERICA

One of the most exciting and effective antipoverty programs, VISTA, is hampered by lack of funds.

VISTA was conceived as a domestic Peace Corps, providing volunteers to work with public and private nonprofit organizations in their efforts to assist the poor. Through this program, concerned Americans are given the opportunity to live and work directly in poverty neighborhoods.

The administration has requested $38,500,000 for this important program—a $3,500,000 increase over the estimate for fiscal year 1970—and thus there will be only a nominal increase in the number of volunteers. OEO estimates that the average number of VISTA volunteers in the field will rise from 4,700 to 4,900 in fiscal year 1971, but that the end of fiscal year volunteer strength will level off to approximately the same as in fiscal year 1970—6,051.

Our overseas Peace Corps has a projected fiscal year 1971 strength of 10,000. A nation like ours must be able to support antipoverty efforts at home equal to those it sponsors around the world.

Mr. President, recently I met with a number of VISTA volunteers who came to Washington to express their position on the direction of the VISTA program and to underscore the need for greater congressional support for the program. I was impressed by their sincerity, enthusiasm, and sense of purpose.

Congress can recognize the significance of this plea of these young people by supporting the additional amounts needed for the poverty program generally, and thus making available additional funds for the VISTA program.

SENIOR OPPORTUNITIES AND SERVICES

The administration has requested a total of $7,800,000 for fiscal year 1971 for the senior citizen program under section 222(a) of the act—an increase of only $1,000,000 over the $6,800,000 estimate for fiscal year 1970.

The senior opportunities and services program is designed to identify and meet the special economic, health, employment, welfare, and other needs of persons above the age of 60 in projects which serve or employ older persons as the exclusive or predominant participant or employee group. The projects aim at dealing with the specific problems of the older poor that cannot be met practically by more general programs designed to serve all or younger age groups. The program supports a wide variety of projects, ranging from those with specialized goals such as job training, to those with highly generalized purposes, such as community outreach and socialization-recreation. Currently, there are 217 such projects in 45 States which employ, serve, or involve older poor people.

The requested amount is expected to reach between 800,000 to 900,000 elderly persons. This is only 12 percent of the "target population" for this program—which includes more than 6,250,000 persons.

The inadequacies of the present budget request are obvious, and it is clear that appropriations should be substantially increased.

YOUTH PROGRAMS

Mr. President, there are an estimated 3,100,000 youths, aged 14 to 21, in poverty. For many, the usual problems of youth are exacerbated by discrimination, insufficient education, and growing pressures of a complex, urbanized society. The youth in poverty often has been forced, for economic and other reasons, to leave school without a high school diploma to enter the job market, and once in the job market, he is frequently out of work.

There are a multitude of Federal efforts directed at or directly related to the alleviation of the education, employment, and other needs of disadvantaged youth, yet it is clear that much more must be done for this sector of the poor population. For example, out of the 2,450,000 youths eligible for the special summer and youth programs, only 1,000,000 were reached during fiscal year 1970. In the coming fiscal year, OEO estimates that under its new budget requests, there will be a decrease of 200,000 youths reached.

COMPREHENSIVE HEALTH SERVICES

Under section 222(a)(4) of the Economic Opportunity Act of 1964 a special program of comprehensive health services is authorized to focus upon the need of urban and rural areas having high concentrations or proportions of poverty and marked inadequacy of health services for the poor.

To provide comprehensive health services to the poor, OEO has established a new health care delivery system—the neighborhood health center. Each center provides high quality, personalized, continuous health care by offering services for the entire family at conveniently located facilities. Various ambulatory services are provided under one roof also.

The administration has requested a total of $110,000,000 for fiscal year 1971, an increase of $36,000,000 above the $74,000,000 provided for fiscal year 1970.

As in the cases of the other increases, however, it must be considered against the backdrop of total need. Of the 49 original neighborhood health centers, 34 still have not reached what OEO terms "a fully operational and mature level." Dr. Thomas Bryant, Director of OEO's Office of Health Affairs, has estimated that it would require between approximately 600 and 800 neighborhood health centers in the United States to adequately provide health services to the poor. Information received from the Office of Economic Opportunity indicated that last year there were more than 200 applications that went unfunded and which would have required an appropriation of $400 million to meet.

As indicated in the table prepared by the Office of Economic Opportunity, which was placed in the record, the requested amounts will enable the program to reach only 6.5 percent of the 24,300,000 poor who could benefit from health services.

ALCOHOLIC RECOVERY

Mr. President, last year the Congress, upon the initiative of Senator HUGHES, included in the 1969 amendments to the Economic Opportunity Act a provision establishing a new alcoholic counseling and recovery program. The amendments reserved $15,000,000 for fiscal year 1971 for that purpose.

Under the administration's request the program would be funded at a level of $4,000,000—an amount $5,000,000 less than funding for fiscal year 1970 and $11,000,000 less than the amount which the Congress clearly deemed necessary. The justification submitted to the Appropriations Committee by the Office of Economic Opportunity explains that many of the programs initiated late in fiscal year 1970 will not require funding until fiscal year 1972.

Alcoholism ranks as the third major health problem in the Nation, and afflicts an estimated 800,000 poor persons each year. Yet the estimated capacity of OEO's alcoholic counseling and recovery projects for 1971 is only 35,000, or approximately 4.4 percent of the target population. It is essential that funds be increased to a level sufficient to provide additional funds to start new projects under this program.

DRUG REHABILITATION

Last year the Congress also adopted an amendment proposed by Senator DOMINICK for a new drug rehabilitation program, indicating a reserve as in the case of the alcoholism program, of $15,000,000 for fiscal year 1971.

Under the proposed budget, $3,000,000 would be provided is fiscal year 1971, a decrease of $1,500,000 from the amount requested for fiscal year 1970, and $12,000,000 short of the amount which the Congress determined should be reseved.

Again, it is asserted that programs begun late is fiscal year 1970 will not have to be refunded before fiscal year 1972.

However, the projects now funded will serve only 2,000 persons while there are at least 120,000 hard-core heroin addicts among the poor—and the rate of drug experimentation among poor youth is rising.

Mr. President, the tragedy of drug addiction has terrible consequences for more than just the user and his individual family. Addiction fosters crime which menaces entire communities. And again it is the poor who bear most of the burden. Residents of poverty communities are victimized by such crime more frequently than other groups, with resulting serious loss of income and opportunities.

The Congress should increase the appropriations so as to afford greater funding for this progam.

FAMILY PLANNING

The administration has requested $24,000,000, an increase of $7,400,000 over the amount estimated for fiscal year 1970 for this important program.

Even with this increase, the fact remains that at this program level, only 48,000 or 8.9 percent of the 5,400,000 medically indigent women in the Nation will receive the services provided.

A OEO survey has revealed that family planning services are available in only 1,200 of the Nation's 3,072 counties.

MERCHANTS AND SEASONAL FARMWORKERS

Through the efforts of Senator MONDALE, chairman of the Migratory Labor Subcommittee of the Labor and Public Welfare Committee, members of that committee, and others in the Congress, the plight of 3,900,000 migrants and seasonal farmworkers in the Nation is receiving the increasing recognition of the public at large.

Persons working as migrants and seasonally employed farmworkers rank second only to the American Indians in terms of severe deprivation and intergenerational poverty.

In light of the recognition—which I think parallels the discovery of hunger in America—the Office of Economic Opportunity seeks to increase the appropriation for this program by $4,600,000 over last year, in order to provide a total of $35,500,000.

However, funding at even that expanded level will serve only 286,500—or only approximately 7.3 percent—of the 3,900,000 mirgants and seasonal farmworkers in the "target population."

AMERICAN INDIANS

There is no more disadvantaged group than the American Indian. The conditions which cause so much suffering among the other low-income groups are many times worse in the Indian experience. Unemployment among Indians frequently ranges from 40 to 50 percent and on some isolated reservations ap-

proaches 90 percent of the available work force. Indian health is notoriously poor, with unjustifiably high mortality rates. Housing is a critical need, as is education.

Almost 80 percent of the 400,000 American Indians who live on Federal reservations are poor. In addition there are almost 400,000 Indians living away from these Federal areas. Thus the universe of need is estimated at approximately 700,000 hard-core poor, of whom approximately 391,000 are eligible for special OEO reservation anti-poverty programs.

OEO indicates that 370,000 of a total target population of 391,000 Indians will be reached generally under all Economic Opportunity Act programs on Federal reservations in fiscal year 1971. It is clear that in particular areas much more must be done than can be done under existing funds. For example, in the area of education, only 9,500 Indian children of a total universe of need of 30,000 will be reached by Head Start in FY 1971. Similarly, the Federal Government must do more to reach those many Indians residing in State reservations and in rural or urban enclaves.

RURAL POVERTY

In 1969, 8,200,000 persons—more than one-third of the Nation's poor—were living in rural areas.

Deprivation is much more common among the rural population than in the Nation as a whole, except for the rural nonfarm fringes of metropolitan areas. Approximately 22 percent of all farm families and 23 percent of rural nonfarm residents outside metropolitan areas have an income standard below the poverty line.

The effects of rural poverty are manifested daily in the large-scale migration to the cities and the resultant problems of poverty in those cities.

The Office of Economic Opportunity has advised that funds allocated to meet the problems of the rural poor have increased from 26 percent of the total in fiscal year 1969 to 31 percent of the total under the projected expenditures for fiscal year 1971. Yet, the greater number of rural poor will be untouched by such essential programs as Comprehensive Health, where only 170,000 of the 3,400,000 rural poor in the target group will be reached.

In an effort to stimulate economic development of the rural areas and thus raise the standard of living for the rural poor, Economic Opportunity Loans are provided under title III–A of the amended Economic Opportunity Act of 1964. These loans furnish low-cost credit, backed up by technical assistance and supervision, and are designed to assist low-income rural families in establishing small nonfarm enterprises, and enable poor farmers to combine basic real estate, machinery and equipment purchase in one loan flexibly tailored to meet limited resources.

The estimated universe of need for this program is 2,500,000 families. The OEO budget request for fiscal year 1971 allots only $500,000 to replenish the roughly $90,000,000 in the revolving loan fund. This represents a decrease of $5,400,000 from fiscal year 1970.

COMMUNITY ACTION AGENCIES

Mr. President, the special emphasis and other programs mentioned owe their successful operation, and in many cases, their origin, to the real backbone of the poverty program—the community action agencies. This program is designed to make possible the structure through which the process of community action is carried out and to enable each community to tailor its total antipoverty program to its people's needs. At the community level, funds are provided for staff to plan, coordinate, develop, and manage antipoverty programs.

The administration has requested $384,600,000 for fiscal year 1971, for community action operations, of which a portion is for local initiatives. This is an increase of only $2,500,000 over the fiscal year 1970 figure of $382,100,000. However, if the additions to the fiscal year 1971 funds for State offices are subtracted from this overall figure, then the total appropriation request for the community action operations programs is actually only $379,600,000, a decrease of $2,500,000 from the fiscal year 1970 request.

A review of some of the activities that come under the heading "Community Action Operations" programs suggest that a number of critical efforts will be cutback or merely maintained at last year's level:

The number of community action agencies will decrease from 1,003 in fiscal year 1970 to 1,000 in fiscal year 1971.

The funds for community action mission performance, which includes all the substantive functions of the CAA directed toward advancing the goal of community action, other than the actual running of service programs and traditional administrative services, will remain at the same level of $60,000,000 for fiscal year 1971.

The funds for community programming, which includes all the many programs sponsored by individual CAA's, ranging from manpower and education to housing development corporations and emergency financial assistance, will remain at the same $87,000,000 level for fiscal year 1971.

The funds for the neighborhood services systems will decrease from $107,000,000 in fiscal year 1970 to $105,000,000 in fiscal year 1971. This program establishes centers which offer on a regular basis a variety of different activities not relating to specific programs but dealing with the more general functions of intake, initial assessment, referral, and program placement. The neighborhood centers are the structure for developing and delivering antipoverty programs at the neighborhood level and are the primary vehicle for involving the poor.

Because of the requested $2,000,000 decrease for fiscal year 1971, the number of poor reached by the Neighborhood services system will remain at 3,100,000 in fiscal year 1971—only 12.7 percent of the total population of 24,300,000.

The Congress must recognize the crucial role played by the community action agencies in the overall poverty campaign.

MANPOWER PROGRAMS

Mr. President, the Committee on Labor and Public Welfare, of which I am the ranking minority member, has reported legislation which would greatly revamp and improve the manner in which manpower services are delivered to those whom they are designed to benefit.

As I firmly believe that manpower funds will be put to the most effective use under the new plans set forth in the proposed legislation, and that training efforts are a vital part of our efforts to combat poverty, I recommend that the Congress grant the full appropriations requests for these programs, which are contained in two sections of this appropriation bill.

The first part consists of manpower programs authorized under the Economic Opportunity Act of 1964, and administered by the Departments of Labor and Health, Education, and Welfare. They include the job opportunities in the business sector program—which has so successfully involved the private sector in efforts to combat poverty—and such other programs as the Neighborhood Youth Corp summer and out of school programs, the Job Corps, the public service careers, and the concentrated employment program.

The Office of Economic Opportunity has requested a total of $802,000,000 for these programs under the authority of the Economic Opportunity Act to provide a total of 647,240 opportunities. This represents an increase of $48,100,000 and 51,040 opportunities over fiscal year 1970, when $753,900,000 and 596,200 opportunities were made available.

The second part consists of the request of the Department of Labor under the authority of the Manpower Development and Training Act of 1962, an additional source of funding for many of the same programs which I have mentioned. A total of $747,494,000 has been requested, to provide approximately 336,600 opportunities. This represents an increase of $96,367,000 and a decrease of 48,800 opportunities over fiscal year 1970, when $651,127,000 and 385,400 opportunities were provided.

Accordingly, while funds for manpower training from these two sources for fiscal year 1971 would total $1,549,494,000 compared with $1,405,027,000 for fiscal year 1970, an increase of $144,467,000—the total number of opportunities will increase from 981,400 to 983,840—an increase of only 2,240.

Mr. President, I ask unanimous consent that there be included in the RECORD a table dated April 28, 1970, prepared by the Manpower Administration of the Department of Labor, indicating in detail a breakdown of these statistics in terms of specific programs.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

MANPOWER ADMINISTRATION FISCAL YEAR 1971 CONGRESSIONAL SUBMISSION

[Dollars in thousands]

Appropriation/activity	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971		Change: Fiscal year 1970 to fiscal year 1971	
	Actual obligations	Training opportunities	Amount	Training opportunities	Amount	Training opportunities	Amount	Training opportunities
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
GENERAL REVENUE								
MA–S. & E. (new authority only)	$29,673	[1]655	$40,639	[1]1,142	$43,667	[1]1,257	+$3,028	[1]+115
Experimental and demonstration	15,022	----	15,299	----	15,118	----	−181	----
(New authority)	(14,904)	(----)	(15,118)	(----)	(15,118)	(----)	(----)	(----)
(Prior year authority)	(118)	(----)	(181)	(----)	(----)	(----)	(−181)	(----)
Mobility and bonding	(----)	(----)	391	(----)	(----)	(----)	−391	(----)
Research	$3,800	----	$3,800	----	$3,800	----	----	----
Evaluation	(----)	(----)	(----)	(----)	1,700	(----)	+$1,700	(----)
Construction seasonality study	----	----	400	----	----	----	−400	----
Program support (see trust fund also)	10,984	[1]655	20,939	[1]1,142	23,049	[1]1,257	+2,110	[1]+115
(New authority)	(10,969)	[1](655)	(20,930)	(----)	(23,049)	(----)	(+2,119)	(----)
(Prior year authority)	(15)	(----)	(9)	(----)	(----)	(----)	(−9)	(----)
MDTA (new authority only)	383,763	210,500	651,127	385,400	747,494	336,600	+96,367	−48,800
JOBS/OJT	102,946	81,400	182,608	107,700	260,000	103,800	+77,392	−3,900
(JOBS)	(42,517)	(13,500)	(128,000)	(42,700)	(240,000)	(80,000)	(+112,000)	(+37,300)
(OJT)	(60,429)	(67,900)	(54,608)	(65,000)	(20,000)	(23,800)	(−34,608)	(−41,200)
((New authority))	((55,839))	((67,700))	((----))	((----))	((----))	((----))	((----))	((----))
((Prior year authority))	((4,590))	((200))	((----))	((----))	((----))	((----))	((----))	((----))
Concentrated employment program	31,403	19,600	49,600	39,000	76,000	59,800	+26,400	+20,800
(New authority)	(31,695)	(----)	(----)	(----)	(----)	(----)	(----)	(----)
(Prior year authority)	(−292)	(----)	(----)	(----)	(----)	(----)	(----)	(----)
Institutional training	197,405	99,900	258,069	129,035	256,000	128,000	−2,069	−1,035
(New authority)	(196,890)	(98,000)	(245,000)	(122,500)	(256,000)	(128,000)	(+11,000)	(+5,500)
(Prior year authority)	(515)	(1,900)	(13,069)	(6,535)	(----)	(----)	(−13,069)	(−6,535)
Part-time and other	5,820	11,700	10,084	20,400	10,084	20,400	----	----
(New authority)	(5,767)	(----)	(----)	(----)	(----)	(----)	(----)	(----)
(Prior year authority)	(53)	(----)	(----)	(----)	(----)	(----)	(----)	(----)
Disadvantaged youth	12,985	49,100	33,900	102,500	----	----	−33,900	−102,500
(New authority)	(----)	(----)	(26,400)	(59,200)	(----)	(----)	(−26,400)	(−59,200)
(Prior year authority)	(12,985)	(49,100)	(7,500)	(43,300)	(----)	(----)	(−7,500)	(−43,300)
Public service careers	----	----	49,000	36,600	35,400	24,600	−13,600	−12,000
Incentive to States	----	----	----	----	----	----	----	----
Program support	50,859	[1]25	88,435	[1]25	110,010	[1]25	+21,575	----
(CAMPS)	(2,963)	(----)	(5,625)	(----)	(8,890)	(----)	(+3,265)	(----)
(Technical assistance)	(----)	(----)	(12,484)	(----)	(13,039)	(----)	(+555)	(----)
(Job matching)	(2,750)	(----)	(15,934)	(----)	(29,089)	(----)	(+13,155)	(----)
(State, S. & E.)	(45,342)	[1](25)	(54,392)	[1](25)	(58,992)	[1](25)	(+4,600)	(----)
(Prior year authority)	(−196)	(----)	(----)	(----)	(----)	(----)	(----)	(----)
BAT, S&E	9,254	[1]520	6,872	[1]457	6,958	[1]457	+86	----
Unemployment compensation for Federal Employees and ex-servicemen	125,238	----	185,000	----	199,500	----	+14,500	----
Trade Adjustment activities	313	----	600	----	[2]600	----	----	----
Proposed for separate transmittal:								
Manpower Training Act	----	----	----	----	45,000	----	+45,000	----
Trade adjustment activities	----	----	(2)	----	----	----	----	----
Subtotal, general revenue	548,241	[1]1,200 210,500	884,238	[1]1,624 385,400	1,043,219	[1]1,739 336,600	+158,981	[1]+115 −48,800
TRUST FUNDED								
Grants to States	595,914	[1]290	665,772	[1]290	717,700	[1]290	+51,928	----
Unemployment insurance service	266,379	----	284,033	----	320,031	----	+35,998	----
Employment service	302,718	[1]290	328,968	[1]290	352,141	[1]290	+23,173	----
Administration and management	26,817	----	39,771	----	42,528	----	+2,757	----
Contingency fund	----	----	13,000	----	3,000	----	−10,000	----
MA, S. & E. (see general revenue also)	17,284	[1]1,135	16,581	[1]1,076	16,835	[1]1,076	+254	----
UI, S. & E.	4,189	[1]304	4,211	[1]245	4,274	[1]245	+63	----
Proposed for separate transmittal (U.I.)	----	----	----	----	8,000	----	+8,000	----
Subtotal, trust fund	617,387	[1]1,729	686,564	[1]1,611	746,809	[1]1,611	+60,245	----
Total, manpower direct appropriations	1,165,628	[1]2,929 210,500	1,570,802	[1]3,235 385,400	1,790,028	[1]3,350 336,600	+219,226	[1]+115 −48,800
DELEGATED PROGRAMS								
Economic Opportunity Act	875,475	680,638	[1]753,900	596,200	802,000	647,240	+48,100	+51,040
Job Corps	278,358	36,974	170,200	21,700	180,000	25,640	+9,800	+3,940
(Direct program)	(234,949)	(36,974)	(120,383)	(21,700)	(138,855)	(25,640)	(+18,472)	(+3,940)
(Program support)	(36,555)	([1]651)	(36,571)	([1]651)	(31,445)	([1]651)	(−5,126)	(——)
(Capital)	(6,854)	(——)	(13,246)	(——)	(9,700)	(——)	(−3,546)	(——)
Job opportunities in the business sector	111,266	35,685	47,000	15,700	----	----	−47,000	−15,700
Concentrated employment program	83,000	84,700	149,400	118,000	123,000	97,200	−26,400	−20,800
In-school	49,048	101,845	62,400	100,000	62,400	100,000	----	----
Summer	140,481	349,676	121,500	272,400	146,500	310,400	+25,000	+38,000
Out-of-school	123,733	50,347	98,000	32,500	134,200	38,900	+36,200	+6,400
Operation mainstream	41,000	12,787	41,000	12,200	41,000	12,800	----	+600
Public service careers	18,460	4,789	47,000	23,700	96,600	62,300	+49,600	+38,600
Special impact	8,633	3,835	----	----	----	----	----	----
Program support	21,496	[1]809	17,400	[1]809	18,300	[1]809	+900	----
(Salaries and expenses)	(12,095)	([1]809)	(12,200)	([1]809)	(13,100)	([1]809)	(+900)	(——)
(Technical assistance)	(3,861)	(——)	(——)	(——)	(——)	(——)	(——)	(——)
(Demonstration and evaluation)	(5,540)	(——)	(5,200)	(——)	(5,200)	(——)	(——)	(——)

Footnotes at end of tables.

MANPOWER ADMINISTRATION FISCAL YEAR 1971 CONGRESSIONAL SUBMISSION—Continued

[Dollars in thousands]

Appropriation/activity	Fiscal year 1969		Fiscal year 1970		Fiscal year 1971		Change: Fiscal year 1970 to fiscal year 1971	
	Actual obligations	Training opportunities	Amount	Training opportunities	Amount	Training opportunities	Amount	Training opportunities
	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)
WIN	$105,229	108,600	$85,140	125,000	$92,750	125,000	+$7,610	----
On-the-job training	1,091	1,400	1,200	1,600	1,200	1,600	----	----
Institutional training	74,694	74,100	57,509	84,100	63,519	84,100	+6,010	----
Work experience and orientation	10,437	12,600	7,380	14,300	7,380	14,300	----	----
Work projects	55	300	800	2,000	2,400	6,000	+1,600	+4,000
Employability planning, job development, and followup	13,827	20,200	10,251	23,000	10,251	19,000	----	−4,000
Program direction and evaluation	5,125	[1] 239	8,000	[1] 227	8,000	[1] 227	----	----
(Salaries and expenses)	(2,844)	[1] 239	(4,900)	[1] (227)	(4,900)	[1] (227)	(——)	(——)
(Research and evaluation)	(2,281)	(——)	(3,100)	(——)	(3,100)	(——)	(——)	(——)
Total delegated programs	980,704	[1] 1,699 789,238	839,040	[1] 1,687 721,200	894,750	[1] 1,687 772,240	+55,710	---- +51,040
Grand total	2,146,332	[1] 4,628 999,738	2,409,842	[1] 4,922 1,106,600	2,684,778	[1] 5,037 1,108,840	+274,936	[1] +115 +2,240

[1] Represents Federal positions.
[2] Excludes pending MA proposal for 1970 supplemental (+2.3 million) and 1971 amendment (+43.4 million).
[3] Reflects reduction of $21.4 million required by earmarking provisions of OEO Authorization Act.

Mr. JAVITS. Mr. President, while a total expenditure of more than $1,500,000 for manpower may seem substantial, it must be viewed against the funds which are allocated each year because families are unable to become self-sufficient, and against the total target population for these programs. As I noted earlier, the bill now before the Appropriations Committee includes an "uncontrollable" Federal expenditure for welfare in the amount of $2,540,683,000.

Mr. President, for fiscal year 1971 the number of disadvantaged who could benefit from manpower programs has been projected at more than 11,000,000 or 10 the number who will benefit under these funds.

In this connection, I wish to emphasize a particular program which has been of special concern to me—the Neighborhood Youth Corp summer program, which provides work and training opportunities to disadvantaged youth 14 to 21 years of age during the summer months.

The general amounts which I have cited do not reflect the supplemental appropriation approved in June of this year, and which many of the members of the Appropriations Committee supported. Under that supplemental approximately $35,000,000 of a total supplemental of $50,000,000 was made available for the Neighborhood Youth Corp summer job program.

The administration budget request for fiscal year 1971 for this program requests $1,400,000 less than the amounts appropriated for fiscal year 1970, under the regular appropriations bill.

Accordingly, taking into account the supplemental funding—this program is now projected at a level some $36,400,000 less than provided last summer. On the basis of this past summer's cost, this should mean that approximately 82,000 fewer youths will be able to participate next summer than last.

This would be especially unfortunate in light of the fact that even with the supplemental, the number of full-time slots provided last summer were some 145,173 less than the cities had indicated could be effectively used. I ask unanimous consent that the RECORD include a letter dated May 7, 1970, from the U.S. Conference of Mayors documenting that need.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. CONFERENCE OF MAYORS,
Washington, D.C., May 7, 1970.

Hon. JACOB K. JAVITS,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR JAVITS: In response to your request for information, we have made inquiries as to the cities' 1970 needs for the summer Neighborhood Youth Corps slots beyond those allocated to them to date. The information we have received from the fifty largest cities shows that the total number of additional slots that these cities could effectively utilize this summer is 165,298.

On the basis of our contacts with a sample of the smaller cities, we estimate their need and capacity to utilize additional slots to be approximately 30 percent above their present allocation. This would mean an additional 61,875 slots needed by the smaller cities.

Combining these figures, the present real need for summer 1970 is 227,173 additional slots nation-wide.

I trust that these statistics will be helpful to you in pointing up the critical need for an enlarged appropriation for the summer Neighborhood Youth Corps program.

Sincerely,

JOHN J. GUNTHER,
Executive Director.

1970 SUMMER NEIGHBORHOOD YOUTH CORPS PROGRAM—THE NEEDS OF THE 50 LARGEST CITIES

City	1969 total need	1970 allocation	Total city needs 1970	Additional required
Akron	612	378	765	380
Atlanta	2,267	1,460	2,840	1,387
Baltimore	7,000	4,255	8,000	3,745
Birmingham	1,390	894	1,738	844
Boston	2,200	1,588	2,750	1,162
Buffalo	2,845	1,750	3,557	1,807
Chicago	31,000	19,676	38,750	19,074
Cincinnati	1,935	1,198	2,419	1,221
Cleveland	6,900	4,211	8,000	3,789
Columbus	1,100	675	1,378	703
Dade County (Miami)	2,150	1,592	2,688	1,096
Dallas	1,520	986	1,900	914
Dayton	620	453	775	322
Denver	800	522	1,000	478
Detroit	7,780	5,873	9,725	3,853
El Paso	719	427	900	472
Fort Worth	785	499	981	482
Gary	1,380	1,073	1,725	652
Honolulu	1,461	889	1,826	937
Houston	2,844	1,739	3,555	1,816
Indianapolis	650	481	812	331
Jersey City	1,275	853	1,594	741
Kansas City, Mo	1,400	989	2,225	1,236
Los Angeles (including Long Beach)	2,828	9,629	16,000	6,371
Louisville	2,605	1,574	3,256	1,680
Memphis	1,500	993	1,875	882
Milwaukee	1,925	1,317	2,406	1,089
Minneapolis	1,750	1,080	2,188	1,108
Newark	4,180	2,707	12,000	9,293
New Orleans	8,490	1,136	10,613	9,477
New York	50,000	25,419	62,500	37,081
Norfolk	1,750	1,148	2,188	1,040
Oakland	3,857	2,407	4,821	2,414
Oklahoma City	1,270	782	1,588	806
Omaha	1,455	886	1,819	933
Philadelphia	4,105	3,380	12,500	9,120
Phoenix	3,285	2,005	4,106	2,101
Pittsburgh	3,915	3,366	4,894	1,528
Portland, Oreg	1,066	777	1,328	551
Rochester	1,225	744	1,531	787
St. Louis	1,834	1,335	4,000	2,665
St. Paul	683	324	854	530
San Antonio	3,742	2,297	4,678	2,381
San Diego	2,689	1,679	2,616	937
San Francisco	2,625	1,663	3,291	1,618
Seattle	1,496	1,048	1,500	452
Tampa	1,925	1,523	2,406	883
Toledo	700	432	825	393
Tulsa	420	261	525	264
Washington, D.C.	12,805	8,530	30,000	21,470
Total	214,758	130,903	296,201	165,298

Mr. JAVITS. Mr. President, while need figures are not now available for next summer, we can expect them to approach last summer.

Mr. President, during the first quarter of this year, while the national level of unemployment ranged between 4.4 and 4.9 percent—the unemployment rate among black teenagers in the poverty neighborhoods was 32.7 percent—almost one-third—compared with 20.9 percent in the first quarter of 1969.

We can expect these conditions of unemployment to continue into the next year as a result of the efforts of the administration to cool down the economy, and even if the national unemployment rate should decline, the rate in poverty areas can be expected to remain at the high levels which I have indicated.

I urge the Congress, therefore, not only to recognize the great need for man-

power funds to deal with these conditions generally, but to take action now in anticipation of what will be obvious special needs as the summer approaches.

If the recommendation which I have made for an increase of poverty funds is accepted, then the Director of the Office of Economic Opportunity would be in a position to allocate greater funds to the Neighborhood Youth Corp support program in the course of regular planning—rather than waiting, as is usually the case, until the middle of the summer.

However, should the Senate committee decide not to allow additional funds under the poverty program, then I would consider proposing an amendment to increase the $744,494,000 set forth on page 2 of H.R. 18515, the appropriations bill for manpower development and training activities to $780,894,000 so as to provide the additional $36,400,000 necessary to bring the funding level for next summer up to the level for this summer.

I conclude as follows: There are a number of ways in which we can measure our efforts to combat poverty. In the foregoing comments and in materials which I have submitted on particular programs, I have measured proposed efforts in terms of the portion of the target groups to be served, previous levels of funding and information as to the number of applications that have gone unfunded in recent years.

We can also measure these efforts and the sufficiency of funds in terms of the extent to which the funds requested will permit the Office of Economic Opportunity to fund new projects and efforts proposed by those closest to the problems on the local level. In that connection, I ask unanimous consent that there be included in the RECORD at this point, a table prepared by the Office of Economic Opportunity entitled "Fiscal Year 1971 Schedule of Annualization and New Starts," which indicates that of the $2,080,200,000 requested for fiscal year 1971, only $167,100,000 would go for new efforts.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FISCAL YEAR 1971 SCHEDULE OF ANNUALIZATION AND NEW STARTS

	Fiscal year 1971 total plan	Annualization	New starts
Total EOA	$2,080.2	$1,913.1	$167.1
Office of Economic Opportunity	865.2	757.2	108.0
Research, development and demon. and evaluation	118.3	78.7	39.6
R.D.D. & E	94.0	75.0	39.0
Day care	20.0		
Pro. admin	4.3	3.7	.6
Health and nutrition	176.8	122.0	54.8
Family planning	24.0	22.0	2.0
E.F. & M	33.0	25.7	7.3
Drug rehab	3.0	1.0	2.0
Alcoholic ccl. & rehab	4.0	1.0	3.0
Compre. health	110.0	70.0	40.0
Prog. admin	2.8	2.3	.5
Legal services	$63.4	$61.3	$2.1
Legal services	61.0	59.5	1.5
LS prog. admin	2.4	1.8	.6
Comm. action operations	384.6	378.3	6.3
Local initiative	324.0	324.0	
SOS	7.8	7.8	
T/TA	22.4	19.7	2.7
SEOO's	14.0	12.0	2.0
Prog. admin	16.4	14.8	1.6
Special impact	32.1	31.9	.2
Special impact	31.0	28.5	2.5
SI—prog. admin	1.1	.9	.2
Migrants	35.5	32.5	3.0
Migrants	34.0	31.0	3.0
Migrants—Prog. admin	1.5	1.5	
Vista	38.5	36.5	2.0
Vista	31.0	29.0	2.0
Vista prog. admin	7.5	7.5	
General support	16.0	16.0	
Department of Labor	802.0	745.4	56.6
JOBS	0		
CEP	123.0	123.0	
PCS	96.6	76.0	20.6
In school	62.4	62.4	
Summer	146.5	146.5	
Out of school	134.2	98.2	36.0
Job Corps	180.0	180.0	
Mainstream	41.0	41.0	
Administrtion	18.3	18.3	
Department of Health Education, and Welfare	408.0	406.0	2.0
Headstart	339.0	339.0	
Follow Through	69.0	67.0	2.0
Department of Agriculture	5.0	4.5	.5
Rural loans	.5		.5
Rural loans—Prog. admin	4.5	4.5	

Mr. JAVITS. Mr. President, under the amendment, we have proposed a $149,300,000 increase in expenditures for our poverty programs for this fiscal year over last. In terms of priorities, this will but place our efforts to fight poverty on a par or even with the new commitments made this year to other struggles. For fiscal year 1971, Federal budget requests for water pollution control are $200 million greater than for last year; requests for crime control have increased by $300 million, and requests for airways, airports, and supersonic transport have increased by $400 million.

Mr. President, as I indicated earlier, the administration deserves credit for seeking an expanded appropriation for these programs—and the Office of Economic Opportunity deserves the greatest praise for including in its budget request essential "target group" information upon which we can assess the inroads being made on the problems of poverty.

However, I think that it is necessary that the Congress—which also participates in the matter of budget priorities—add to that amount the essential funds that I have proposed.

Mr. President, I ask unanimous consent that there be also placed in the RECORD certain tables set forth in an excellent publication by Dr. Sar Levitan, entitled "Progress in Aid of the Poor for the 1970's," which indicate the various characteristics of the poor and total expenditures on behalf of the poor, and a chart indicating the sums available for each program during fiscal year 1970, the amount earmarked for fiscal year 1971, and the amount requested by the administration for that year.

There being no objection, the tables were ordered to be printed in the RECORD, as follows:

TABLE 1.—SELECTED CHARACTERISTICS OF THE POOR, 1966

Characteristic	Percent of poor	Poor as percent of total in group
Total	100.0	14.7
Age group:		
Under 18	43.5	18.5
18 to 64	38.5	10.9
65 and over	18.0	29.9
Race:		
White	68.3	12.0
Nonwhite	31.7	40.9
Family status:		
Unrelated individual	17.1	40.3
Family members	82.9	13.7
Head	20.3	12.4
Spouse	13.5	9.5
Other adults	7.2	10.8
Children	42.0	18.0
Type of residence:		
Rural	37.3	19.3
Urban	62.7	13.8
Sex of family head:		
Male	70.3	9.8
Female	29.7	35.0
Work experience of family head:		
Worked full year	31.9	5.8
Worked part year	27.2	21.2
Did not work	39.7	35.1
Education of family head:		
8 years or less	53.8	22.9
1 to 3 years high school	20.4	13.8
4 years high school	18.1	7.5
College, 1 to 3 years	4.3	5.3
College, 4 years or more	3.3	3.4

Source: U.S. Department of Commerce, Bureau of the Census

TABLE 2.—FEDERAL AID TO THE POOR, 1961, 1964, 1969

[In billions of dollars]

Program	1961	1964	1969
Total	9.7	11.9	24.4
Cash assistance	8.3	9.8	13.0
OASDI	3.5	4.7	6.0
Public assistance	1.9	2.4	4.0
Veterans' payments	1.5	1.7	2.1
Unemployment insurance	1.0	.7	.5
Railroad retirement	.3	.3	.4
Employment and training	.1	.2	2.0
Economic development	(1)	(1)	.2
Education	(1)	(1)	2.1
Health	.7	.9	4.9
Housing	.1	.1	.2
Food	.2	.3	.7
Indians and trust territories	.3	.4	.5
Other	.1	.1	.8

[1] Less than $50,000,000.

Note: Details do not necessarily add up to total because of rounding.

Source: U.S. Bureau of the Budget.

PROGRAM LEVELS AND EARMARKS OR RESERVATIONS 1970–71 [1]

Program	Earmarks or reservations under OEO amendments, 1969	Available in 1970	1971 request by administration
Total	$2,195,500,000	$1,948,000,000	$2,080,200,000
Local initiative	328,900,000	328,900,000	384,600,000
Work and training	890,300,000	753,900,000	802,000,000
Special impact	46,000,000	36,800,000	32,100,000
Special work and career development	20,000,000	(2)	(2)
Headstart	398,000,000		
Follow Through	90,000,000	70,300,000	69,000,000
Legal services	58,000,000	53,800,000	63,400,000
Comprehensive health services	80,000,000	74,000,000	110,000,000
Emergency food and medical services	$62,500,000	$48,800,000	$33,000,000
Family planning	15,000,000	16,600,000	24,000,000
Senior opportunities and services	8,800,000	6,800,000	7,800,000
Rural loans	12,000,000	9,400,000	5,000,000
Migrant and seasonal farmworkers	34,000,000	30,900,000	35,500,000
Administration and coordination	16,000,000	16,000,000	16,000,000
VISTA	37,000,000	35,000,000	38,500,000
Alcoholic recovery	15,000,000	9,000,000	4,000,000
Drug rehabilitation	15,000,000	4,500,000	3,000,000

[1] Based on Justification of Appropriations, May 1970, Office of Economic Opportunity. [2] Not available from OEO.

The PRESIDING OFFICER (Mr. HUGHES). The amendment will be received, appropriately referred and printed.

The amendment (No. 858) was referred to the Committee on Appropriations, and ordered to be printed.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 754 TO H.R. 17123

Mr. PROXMIRE. Mr. President, I ask unanimous consent that, at the next printing, the names of the Senator from California (Mr. CRANSTON), the Senator from Ohio (Mr. YOUNG), the Senator from Idaho (Mr. CHURCH), the Senator from Texas (Mr. YARBOROUGH), and the Senator from South Dakota (Mr. MCGOVERN) be added as cosponsors of amendment 754 to the military authorizations bill, an amendment to restrict the use of funds for the purpose of sending draftees to South Vietnam, Cambodia, or Laos, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

AMENDMENTS NOS. 798 AND 799 TO H.R. 17123

Mr. HATFIELD. Mr. President, on behalf of the Senator from Massachusetts (Mr. BROOKE), I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL), the Senator from Wisconsin (Mr. PROXMIRE), and the Senator from Ohio (Mr. YOUNG) be added as cosponsors of amendments Nos. 798 and 799, to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

AMENDMENT NO. 838 TO H.R. 17123

Mr. HATFIELD. Mr. President, on behalf of the Senator from New York (Mr. GOODELL), I ask unanimous consent that the names of the Senator from Alaska (Mr. GRAVEL), the Senator from Montana (Mr. METCALF), and the Senator from Kentucky (Mr. COOK) be added as cosponsors of amendment No. 838, to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

AMENDMENT NO. 844 TO H.R. 17123

Mr. HATFIELD. Mr. President, I ask unanimous consent that at the next printing, the name of the Senator from Hawaii (Mr. INOUYE) be added as a cosponsor of amendment No. 844 to H.R. 17123, the military procurement authorization bill.

The PRESIDING OFFICER (Mr. BOGGS). Without objection, it is so ordered.

ADDITIONAL STATEMENTS OF SENATORS

SELECTED REMAINING "MAJOR" LEGISLATION

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD a compilation of selected remaining "major" legislation in the Senate as of August 20, 1970.

There being no objection, the compilation was ordered to be printed in the RECORD, as follows:

SELECTED REMAINING "MAJOR" LEGISLATION (SENATE), 91ST CONGRESS AS OF AUGUST 20, 1970 [1]

AGRICULTURE

Omnibus farm bill (Agricultural Act of 1970, H.R. 18546). Administration requested [2] "set aside" land retirement plan to control production, and price supports geared to world market prices, rather than parity. House-passed bill tied payments for feed grains and cotton to fixed figure for part, rather than all, of the permitted production. Wheat payments based on parity but would not be difference between parity and the support loan, as under present law, but difference between the objective price and the average price for the first five months of the marketing year. There would be no marketing quotas, and acreage limitations and set aside acreage could be required. This bill includes the PL 480 extension and revision (foreign aid and special export programs).

Markup underway.

Food stamps (S. 2547, H.R. 18582). Administration requested $1.25 billion for FY 1971, free stamps to families with monthly incomes under $30 and requirement that all states adopt a participating plan for all communities or face loss of program. House committee reported bill with open-ended authorization in FY 1971–73, minimum .50c payment and to compel able-bodied men to work to qualify.

Senate has passed bill authorizing $2 billion for FY 1971, $2.5 billion for FY 1972 and free stamps for families of four with less than $60 a month income.

CIVIL RIGHTS

Equal employment (S. 2453). Administration requested EEOC authority to initiate law suits against employers guilty of discrimination.

Committee reported bill authorizing EEOC to issue cease-and-desist orders against recalcitrant employers.

Equal rights (H.J. Res. 264). On calendar. Judiciary Committee hearings planned.

CRIME

Preventive detention (S. 546, 2600). Administration requested authority for Federal judges to detain "dangerous" defendants for 60 days before trial.

Bail reform (generally) subcommittee hearings recessed; preventive detention hearings underway.

Law enforcement (S. 3541 et al). Administration requested $480 million for Law Enforcement Assistance Administration (LEAA) for FY 1971. House passed bill authorizes $3 billion for FY 1971–73.

Subcommittee hearings underway.

Obscenity (S. 2073, 2074). Administration requested legislation to make it a Federal crime to use mails to send obscene material to minors, obscene advertisements to persons, and to enable a person to bar obscene mail from his address.

Subcommittee reported.

CONGRESS AND ITS OPERATIONS

Congressional reorganization (S. 844). On calendar. (H.R. 17654 requires two-thirds vote for nongermane amendments added by Senate to House passed bills).

Financial disclosure (S. 1993). Bill in committee to require disclosures by all Government employees earning over $18,000 a year, and candidates for Senate or House.

CONSUMERS

Class action suits (S. 3201). Administration requested law allowing private citizens to bring suits following successful Justice Department action.

Commerce Committee reported bill allowing suits without Justice Department action, and referred to Judiciary Committee with instructions to report by September 14.

Consumer agency (S. 3240). Administration requested Office of Consumer Affairs in Executive Office of President, and Consumer Protection Division in Justice Department.

Subcommittee reported bill to create independent consumer agency and consumer fraud division in Justice Department.

Flammable Fabrics Act authorization (S. 3765). On calendar.

DEFENSE

Authorization (H.R. 17123, 17604). Administration requested $20 billion for Military Procurement and R&D, and $2 billion for Military Construction.

H.R. 17123 is Pending business.

Appropriations (H.R. 17970). House passed bill appropriating $2 billion.

[1] Sources: Legislative Status Reports, Legislative Status Checklists, Joint Committee on Reduction of Federal Expenditures 1971 Budget Scorekeeping Report, Staff Report No. 9, Congressional Quarterly, and House and Senate Calendars.

[2] Includes budget, special messages and draft bills. Bills in process do not necessarily correspond to bills proposed by Administration.

Committee hearings underway.

Draft (H.R. 17314). Administration asked abolition of undergraduate college deferments and 20% raise for enlisted men.

Proposed amendment for volunteer army on pending business.

DISTRICT OF COLUMBIA

Congressional representation (H.R. 18725). Bill on calendar to provide non-voting delegate for House. S.J. Res. 52 and 56, to provide full congressional representation, in executive session.

ECONOMIC POLICY

Guideposts (H.R. 14460). No Administration request. President announced "inflation alert" reports. Bill pending in House Government Operations Committee to require Council of Economic Advisors to prepare wage and price guideposts similar to those in the Kennedy and Johnson administrations, to report these guideposts to the Joint Economic Committee, and to require the President to review wage and price behavior inconsistent with the guideposts, making recommendations thereafter.

Revenue. Administration requested added 1 year postponement of automobile and telephone excise tax reductions, speed up in collecting excise and gift taxes, and tax on gasoline lead.[3]

One-bank holding companies (H.R. 6778) (not administration bill). Administration requested legislation to regulate one-bank holding companies.

On calendar.

Foreign bank secrecy (S. 3678, H.R. 15073). No Administration request.

Subcommittee hearings underway on H.R. 15073 (Federal Deposit Insurance Act Amendments).

Securities dealer insurance (S. 2348). No Administration request but SEC supported bills in testimony.

Hearings completed on bill to protest customers from mismanagement and insolvency of securities brokers and dealers by establishing Federal Broker-Dealer Insurance Corporation, similar to FDIC.

Small business (S. 3699). Administration requested expansion of SBA loan guarantee authority, SBA authority to guarantee surety bonds, interest subsidy grants, tax incentives for lenders, and tax advantages to minority enterprises.

Subcommittee executive sessions including S. 1750, to assist development of waste disposal and pollution control.

Conglomerates (S. 1494). No Administration request.

Subcommittee hearings concluded.

Franchising (S. 3844). No Administration request.

In committee.

EDUCATION

Higher education (S. 3636). Administration requested national student loan program, $100 million for community colleges and $200 million grant program to be administered by proposed National Foundation for Higher Education.

Hearings underway. Existing programs expire mid-1971.

Impact aid (S. 3581, 3593). Administration requested reduction of payments from existing 50% per pupil to 40% if families reside in jurisdiction, and 20% if they reside in another jurisdiction.

Subcommittee hearings adjourned.

Emergency school aid (S. 3883). Administration requested $500 million for FY 1971 and $1 billion for FY 1972 for desegregating local districts.

Subcommittee hearings underway. (Problems over allocation formula, which some say favors the South, and over the use of funds for busing students).

[3] Total estimated receipts $3.6 billion.

ENVIRONMENT

Environmental Financing Act of 1970 (S. 3468). Administration requested creation of Environmental Financing Authority to buy State and local bonds for constructing waste treatment facilities.

Subcommittee hearings underway.

Water pollution (S. 3470). Administration requested funds for R&D, facilities, enforcement and financing.

Subcommittee hearings underway.

Air pollution (S. 3466, 3229, 3546). Administration requested extension of Clean Air Act for 3 years, authority to set nationwide standards for air quality, emission and transportation fuels and additives, and for testing emission controls on new cars.

Executive Session.

Disaster relief (S. 3619). Administration requested reorganization of Federal disaster relief operations, including loans to local governments for property tax losses.

Ordered reported.

FOREIGN AFFAIRS

Foreign assistance appropriations (H.R. 17867). Administration requested $2.976 billion, including foreign economic and military assistance and foreign military credit sales, Peace Corps, and international development banks.[4]

In committee.

Trade bill (H.R. 14870). Administration requested extension of Presidential tariff-cutting authority, eliminating American Selling Price (ASP) for figuring duties on chemical imports, liberalizing escape-clause and adjustment-assistance, and strengthening Presidential authority to retaliate against unfair trade practices by other nations.

House reported bill approving textile and shoe quotas, restricting other imports, and retaining oil import quota and ASP.

HEALTH

Regional program (S. 3443, 3586, 3355). Administration requested one year extension of 3 programs—regional medical, comprehensive health services and health services development.

S.3586 in conference; S. 3355 on calendar.

HOUSING

Housing and Urban Development Act of 1970 (S. 3639). Administration requested streamlining of FHA programs, to reduce them from 50 to 8, replace 40 existing HUD programs with 4, and establish uniform criteria for low-income housing.

Subcommittee Executive Sessions. (H.R. 17795, Emergency Communities Facilities Act, scheduled for House action week of September 9).

Housing and Urban Development Act (H.R. 17845). Covers FHA Mortgage Credit programs, Urban Renewal and Housing Assistance programs, and Model Cities and Metropolitan Development programs.

Subcommittee reported clean bill.

Urban Growth and New Community Development Act of 1970 (S. 3640). Provides for developing national urbanization policy and encourage more rational and economic growth through developing new communities and inter-cities.

Executive Session.

LABOR

Manpower programs (S. 3867). Administration requested consolidation of manpower programs, and State administration of Federally-funded job training programs.

On calendar.

Occupational safety (S. 2788, 2193). Administration requested establishment of National Occupational Safety and Health Board to set standards to protect workers.

Markup and executive session.

[4] Foreign Economic Assistance authorized through FY 71.

Private pension plans. (S. 3589). Administration requested legislation for stronger protection of rights of workers under private pension and welfare plans.

In committee. (Joint Economic Subcommittee on Fiscal Policy held hearings on pension plans investments last Spring).

SOCIAL WELFARE

Social security (S. 2973). Administration requested 10% benefits increase, future automatic increases, and reforms in Medicare and Medicaid programs. Congress in 1969 increased benefits 15%, and Administration requested no further increase.

Hearings underway.

Welfare (H.R. 16311). Administration proposed Family Assistance Program (FAP) for minimum $1600 a year (family of four with no income), and reduced benefits for working poor.

Hearings underway.

TRANSPORTATION

SST (H.R. 17755) (DOT Appropriations). Administration requested $290 million to construct and flight test 2 SST prototypes.

Hearings underway.

Highway programs (Including Federal Aid Highway, Highway Trust Fund, and Public Lands Highway) (S. 4055). Administration requested extension of completion date for Interstate system and funding all highway programs from highway trust fund. (Estimated completion cost $70 billion).

Hearings and executives.

Rail Passenger Service Act of 1970 (H.R. 18125, S. 4011, 4014, 4016). To improve rail passenger service.

Hearings underway.

Maritime program (S. 3287). To strengthen Federal merchant marine.

On calendar.

WILDLIFE PRESERVATION

Wholesome Fish and Fishery Products Act (S. 2712). Provides safeguards on quality and wholesomeness of fish and fishery products.

Subcommittee hearings concluded.

GENERAL GOVERNMENT

Federal Economy Act of 1970 (S. 3593). To reduce, terminate or restructure Federal programs needing basic reform (Administration bill). Before, various committees depending on jurisdiction.

Intergovernmental Cooperation Act (S. 2479, 2035). To improve financial management of Federal assistance programs.

Executive Session.

OTHER ISSUES

Broadcast campaign spending (S. 3637). Senate passed bill limiting T.V. and radio spending by Presidential and Congressional candidates, and revoking "equal time" provision for Presidential elections.

Conference report in House.

Electoral college reform (S.J. Res. 1). Administration supports proposed Constitutional Amendment to abolish Electoral College and provide for direct election of President and Vice President.

On calendar.

Genocide treaty. Administration has asked Senate ratification of 1948 UN convention.

Subcommittee hearings held and action postponed until Administration sends up proposed legislation making Genocide a crime.

Southeast Asia. Various bills, resolutions, and amendments to limit US military involvement in Southeast Asia, and set legislative timetable for withdrawal from Vietnam.

APPROPRIATIONS

Treasury, Post Office, Executive Offices (H.R. 16900). Administration request $3.045 billion.

State, Justice, Commerce, Judiciary, related agencies (H.R. 17575). Administration request $3.251 billion. Committee reported $3.1 billion.

On calendar.

Transportation Department, related agencies (H.R. 17755). Administration request $2.490 billion.

Foreign assistance, related programs (H.R. 17867). Administration request $2.976 billion. (See p. 6, above).

Agriculture, related agencies (H.R. 17923). Administration request $7.748 billion, Senate action $8.475 billion. In conference.

Military construction (H.R. 17970). Administration request $2.134 billion.

Public Works, Atomic energy (H.R. 18127). Administration request $5.263 billion. Committee reported $5.258 billion. On calendar.

Labor, HEW, OEO (H.R. 18515). Administration requested $18.731 billion.

Defense. Administration request $69 billion.

PRESIDENT NIXON AND PRESIDENT DIAZ ORDAZ CONCLUDE PRODUCTIVE MEETING

Mr. FANNIN. Mr. President, President Nixon and Attorney General Mitchell have just concluded an important visit to our good neighbor to the south. During an extremely productive 2 days of meetings, the Presidents of the United States and Mexico made significant progress in settling major problems and in fostering international cooperation.

They completed an agreement to end a century-old boundary dispute.

They apparently made progress toward a new agreement on the share and quality of Colorado River water going to Mexico.

Perhaps most important of all, the two Presidents pledged cooperation in trying to stem the international traffic in marihuana and narcotics.

It is refreshing to see that while neighboring countries bristle at each other in much of the world, we are able to continue a fruitful partnership with our neighbors both to the north and the south.

As is often the case even with good neighbors, we have had our occasional problems. Presidents Nixon and Diaz Ordaz have gone a long ways toward solving the most important of these disputes.

Operation Intercept along the United States-Mexico border last year caused unfortunate inconvenience to tourists and disruption of legitimate business on both sides of the boundary. But it also brought home the deep concern in the United States over the narcotics problem. Operation Intercept very fortunately evolved quickly into Operation Cooperation. Mexican officials now fully realize that illegal narcotics traffic jeopardizes legitimate border trade.

Just last month, the United States gave Mexico five helicopters and three airplanes to be used in the search for marihuana and opium poppy crops. Such aid should help Mexican officials carry through effectively on pledges to crack down on illegal growing operations.

Marihuana and narcotics smuggled into the United States from Mexico are of concern to the entire Nation, but the impact can be felt the most in the bordering States. In the past, Mexico because of its geographical location has been an all too convenient source of illegal drugs and marihuana which is smuggled into the Southwest.

Therefore, I feel that we who live in Arizona and other States bordering Mexico should be especially thankful that the President and the Attorney General went to Mexico to discuss these matters personally and arrived at such a satisfactory understanding with the President of Mexico.

PROHIBITION OF THE USE OF HERBICIDES IN VIETNAM

Mr. McINTYRE. Mr. President, within a day or two, we will begin debate on the Nelson-Goodell amendment, which prohibits our use of herbicides in Vietnam.

Our use of herbicides in that beleaguered country was carefully reviewed by the Armed Services Committee in the course of its deliberations on the military procurement bill. The committee concluded that an end to our use of herbicides would be ill advised. It reasoned that the evidence regarding the ecological and physiological side effects of our herbicide program was inconclusive, while the primary contribution of the program was indisputable: it has saved the lives of Americans in Vietnam. The committee believed that until more conclusive evidence as to the side effects materialized, the safety of our troops had to be made an overriding consideration.

I shall speak in far greater depth about the committee's position when the Nelson-Goodell amendment is called up. At present, I should like to place in the RECORD, as background to the debate some of the questions regarding the herbicide program addressed by the committee to the Department of Defense, together with the Department's unclassified answers to those questions.

Mr. President, an answer to the issue posed by the Nelson-Goodell amendment requires a careful weighing of conflicting considerations. I sincerely hope that this information will be of use to Senators as they grapple with that issue.

I ask unanimous consent that the material to which I have referred be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

QUESTIONS AND ANSWERS ON DEFOLIATION

Question. In a letter to Dr. Richard Novick, on 3 February 1970, Dr. Foster stated that "the President's policy prohibiting the use of *biological* weapons includes agents directed against crops and animals as well as anti-personnel agents. Any stockpiles of such agents will be destroyed."

Is this a correct statement of the present policy? If so, what anti-crop and anti-animal agents, either in the procurement or R&D stage, are covered by Dr. Foster's statement? How has his statement affected DOD activities involving these agents?

Reply. Yes, this is a current statement of current policy. DOD terminated its research in anti-animal biological agents in 1954, thus there are no anti-animal agents involved. Anti-crop agents include stem rust and stripe rust of wheat and rice blast. All DOD activities with respect to these agents, except for destruction of stockpiles, has been terminated.

Question. Are there, either in the procurement or R&D stage, anticrop and anti-animal agents of a *chemical* nature? If so, what are the names of these agents? Has their status been affected in any way by the President's announcement of last November 25th or his follow-on announcement regarding toxins?

Reply. Any of the commercially available herbicides can be used as chemical anti-crop agents. Examples are 2,4–D, picloram and cacodylic acid. Their status has not been affected by the President's announcements of November 24, 1969 and February 14, 1970. Lethal chemical agents effective against man would also be lethal for animals. There are no chemical agents or weapons in R&D or procurement designed to attack animals, nor are there any stockpiles of such agents or weapons.

Question. Are herbicides either chemical or biological agents, and if not, why not?

Reply. While herbicides are clearly chemical substances, the position taken by the United States has been that they are not chemical warfare agents, which are proscribed by the Geneva Protocol of 1925.

Question. Is it true that since 1962 defoliation operations have covered almost five million acres, an area equivalent to about 12% of the entire territory of South Vietnam? How much of the acreage covered has consisted of food crops? What has been the nature of the remaining acreage?

Reply. The first statement is essentially correct. Since 1962, an area equivalent to 5,517,000 acres has been sprayed. 4,985,000 acres consisted primarily of dense jungle terrain with a small portion being mangrove swamp areas. The actual area sprayed is less than indicated above because some areas have been sprayed two or three times. Total area affected is more nearly 10 percent than 12 percent. Of the area affected, 532,000 acres has been for anti-crop attack. Anti-crop attacks have never affected as much as 1.0 percent of the annual food production of the Republic of Vietnam.

Question. Considerable criticism has been voiced as to the military ineffectiveness of our defoliation program. Is the program in fact justifiable militarily?

Reply. (U) Yes.

In answering, please comment on the following charges of ineffectiveness which have been raised against certain aspects of it:

One use of defoliants has been to reduce the cover available along roads for use in Vietcong ambushes. Roger Hilsman has contended that defoliation for this objective has "actually aided the ambushers—if the vegetation was close to the road those who were ambushed could take cover quickly; when it was removed the guerillas had a better fire."

Reply. One of the main requirements of a successful ambush is the complete concealment of the ambushers in a position where they can cause rapid, effective fire to be placed on the ambushed. Defoliation along the road will cause the enemy forces to take positions further away from the road thereby reducing their ability to deliver accurate fire onto the road. The trunks of defoliated trees will also limit fields of fire. If the enemy moves into the defoliated area, he will be exposed and subject to friendly fire before, during and after the ambush.

Question. Another use of defoliants has been the spraying of crops supposedly grown for Vietcong use, in an effort to deny this food to the Vietcong. Isn't such a program ultimately directed against the weakest elements of the civilian population—the women, children, and the elderly, since in the sprayed area Vietcong soldiers can be expected to get the fighter's share of whatever food there is? Isn't a corollary effect of this policy to drive villagers, who would otherwise be without food, to leave their villages and come into areas controlled by friendly forces? Even if this results into some extent separating the enemy from civilian elements, doesn't it result in an alienation of these civilians such

as is counterproductive in a guerilla war, where loyalty of the population is the ultimate objective? Doesn't this policy also contribute to the already great malnutrition present in the civilian population and to the disease associated with it?

Reply. Most of the anti-crop spraying is aimed at those crops grown for enemy units as distinguished from crops grown by the civilian population in enemy controlled areas. Captured intelligence documents indicate that many units are required to grow their own food and must use troops to accomplish this task. Most of the civilians who might be in the area where crops are grown for enemy troops are sympathizers and thus already alienated.

It is true that the anti-crop program frequently may be a partial influence on civilians to leave their village and come in to secure areas. However, this is only the case where US/GVN security cannot be provided. If physical security can be achieved, crop destruction is not approved. However, for areas where security cannot be provided the local province/district chiefs recommend relocation of friendly civilians prior to initiation of crop destruction. Furthermore, crop destruction programs are approved only for areas known to be actively controlled by the enemy. For example, areas from which fire is frequently received on helicopters and on Free World/GVN forces. In many cases, friendly populations are evacuated from insecure areas, as part of the normal pacification program for protection and security. In many of these cases, crops which cannot be harvested by the GVN are destroyed rather than leaving them for the enemy.

Total crop reduction due to defoliation has been estimated to be less than 1% of the total food production in South Vietnam. As such, although no data as to the extent of malnutrition caused by anti-crop operations exists, it seems unlikely that significant malnutrition has resulted from these operations.

Question. Concern has been expressed in many quarters about the ecological consequences of our defoliation activities. It is true that we have sprayed up to 100,000 acres of mangrove associations along rivers and estuaries, and that many have shown little sign of recovery after several years? Has DOD conducted studies to determine whether such spraying of mangrove associations deprives shellfish and migratory fish of an important ecological niche, leading first to the disappearance of these species from an area and second to a severe protein deficiency in Vietnamese diets? Has DOD studied whether defoliation operations have encouraged the growth of bamboo in defoliated areas and an attendant dislocation of the prevailing agriculture? Has DOD studied whether soil laterization is a danger inherent in defoliation operations? If such studies have been conducted, what have been their results?

Reply. A study of the ecological effects of defoliation in Vietnam was undertaken in 1968 by Dr. Fred H. Tschirley of the Department of Agriculture. He was invited to conduct the study by the Department of State and the Department of Defense. The report of his observations was reported at a convention of the American Association for the Advancement of Science (AAAS), and was published in their weekly journal SCIENCE (Volume 163, 21 Feb. 1969, pp. 779–786).

Dr. Tschirley reported on a block of about 100,000 acres of mangrove forest defoliated in the Rung Sat Special Zone, surrounding the ship channel into Saigon. Signs of seedling growth have been observed in some areas, but no comprehensive survey has been made to ascertain the extent of the recovery. Full re-establishment of the mangrove forest may require as much as 20 years, and there is no reason to doubt it will occur.

No detailed study has been made of the effect of spraying on fish and shellfish ecology. Tschirley reported that fish catch has been increasing, giving a strong indication that the aquatic food chain has not been seriously disturbed.

There has not been sufficient time for bamboo invasion of defoliated areas to become evident, if it occurs. Bamboo invasion has occurred in the agricultural areas farmed by the Montagnard tribesmen who practice a form of slash and burn agriculture which denudes and depletes the soil. Denudation does not occur with defoliation; lower, fast growing shrubs and grasses and seedlings are encouraged by the increased sunlight reaching the forest floor.

Laterization of soil is a long-term natural process which requires very specific conditions. Tschirley reported that while 30% of the soils in Vietnam have a potential for laterization, laterite is not formed in significant quantities. He finds it unreasonable to conclude that defoliation in Vietnam would hasten the laterization process because, as noted above, bare soil does not result from defoliation.

Dr. Tschirley recommended that ecologic research should be carried out in Vietnam when the war ends, that continuing assessment of the defoliation program as it affects forestry and watershed values should be carried out, and that defoliation should be conducted in a manner so as to leave undefoliated areas as a seed source and as habitate for wildlife. His recommendations were endorsed in principle by Ambassador Bunker. Subsequently, the AAS has established a study program looking to the design of tests required for postwar studies in Vietnam. The Department of Defense is cooperating with the study group and has provided information for their use.

Question. What action has been taken to date to control the use of 2,4,5-T in this country both on the commercial market and in Department of Interior and Department of Agriculture programs?

Reply. Insofar as the commercial market is concerned, the Department of Agriculture is taking action to suspend certain domestic uses of 2,4,5-T. Both the Departments of Agriculture and Interior have taken action to stop the use of 2,4,5-T in their own programs except in certain carefully controlled uses. Previous precautionary measures were announced by the President's Science Advisor on October 29, 1969.

Question. For the past several months concern about the possible ecological consequences of herbicides has given way to a concern over the teratogenic, or fetus-deforming, properties of 2,4,5-T, which is present in a number of the herbicides used in Vietnam. What precipitated this concern was a report by Bionetics Research Laboratories showing the results of extensive tests as to the effects of 2,4,5–T on mice and rats who were given oral doses of it during pregnancy.

(a) Is it not true that this report concluded that it was "inescapable that 2,4,5-T is teratogenic in this strain of rats at the dosage schedules used here," and that even the lowest dosage given resulted in very significant numbers of deformities?

Reply. This statement was made in the report by Bionetics Research Laboratories. However, it was not clear at that time whether 2,4,5-T or a contaminant called dioxin was the responsible material. HEW has recently reported that their laboratory data indicates 2,4,5-T itself teratogenic.

Question. Is it not true that the Bionetics study involved a far larger test sample than is required in F.D.A. tests conducted by the F.D.A. in order to determine whether a pesticide is fit for the commercial market?

Reply. We are not aware of any FDA requirement with regard to the size of sample of a material for tests such as these. The amount of material tested for allowable residues in the so-called "market-basket" tests is quite small, but rules for residue tests are not applicable to the Bionetics work. Many scientists believe that the number of animals and number of species of animals in the Bionetics study were minimal judged on scientific standards. This judgment was expressed by the President's Science Advisory.

Question. Since the Bionetics study, it has been suggested that the presence of a dioxin contaminant in the 2,4,5–T used biased the result, and that this contaminant was itself responsible for the teratogenic results found. Isn't it true, however, that a certain amount of this contaminant is present in all 2,4,5–T produced and that it is difficult to control its presence?

Reply. The sample of 2,4,5–T used by Bionetics contained an unusually large amount of dioxin—about 27 ppm (parts per million). Other samples of 2,4,5–T tested to date contain 0.5 to 1.0 ppm. Whether all 2,4,5–T contains dioxin is not known, although there is reason to suppose that it would be present in some amount. Its presence could be controlled, but whether it would be economically feasible to produce 2,4,5–T with no dioxin is not known. However, recent data from the laboratories of the National Institute of Environmental Health indicate that 2,4,5–T is itself teratogenic.

Question. Is it true that both FDA and the Department of Agriculture are now conducting tests designed to verify the Bionetics study and that all results to date in these tests do verify those results? When will these tests be completed and their final results known?

Reply. It is true that the Department of HEW is conducting tests similar to those of the Bionetics study and that the HEW work has reported evidence of teratogenicity on the part of 2,4,5–T.

Question. Since the Bionetics report was issued, DOD has continued its use of 2,4,5–T. Spokesmen for the Department have claimed that DOD policy, both before and after the report, was to avoid the use of 2,4,5–T in populated areas. It is not true, however, that Rear Admiral William E. Lemos, of the Policy Plans and National Security Council Affairs Office of the Department of Defense, has subsequently testified to a House Foreign Affairs Subcommittee that it has also been used against "enemy base camps" and "enemy training and regroupment centers" in order to expose both the enemy forces and the accompanying civilian populations in these areas to aerial observation? And is this not still, as several journalists have reported, an important part of the U.S. policy?

Reply. The statement made by Admiral Lemos in its entirety was:

"We know from prisoners of war and from observation that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation. If he does move back in while the area is still defoliated, he will be observed and can be engaged."

It is not part of U.S. policy to spray civilian areas to render the civilian population subject to aerial observation. The HEW data on 2,4,5–T were given to DOD on the afternoon of 14 April 1970. At 0900 on 15 April Secretary Packard suspended use of 2,4,5–T for military operations.

Question. What effect would it have on defoliation operations in Vietnam if the Senate were to prohibit further use of herbicides containing 2,4,5–T? Could this effect not be absorbed in light of the present reduction of the U.S. involvement in the war inherent in Vietnamization? To what extent could herbicides without 2,4,5–T replace agents containing it which are now in use in an attempt to continue the same defoliation objectives?

Reply. It would be possible to substitute the defoliant identified as White, a mixture of 2,4–D and picloram. Although the use of

defoliants is decreasing as the pacification and Vietnamization programs proceed, it is not believed that use of defoliants could be stopped at this time.

Question. A further cause for the alleged ineffectiveness of defoliation operations has been an inability to spray herbicides from the air in a really accurate manner, as a result of which other than target areas have often been hit. Is it true that in 1966 herbicidal operations caused extensive damage, through wind drift, to a large rubber plantation northwest of Saigon owned by the Michelin rubber interests, and that the South Vietnamese authorities, through the American military, paid the owners nearly a million dollars in reparations? Is it true that in 1967 the South Vietnamese budget for settling claims arising from inadvertent crop damage was $3.6 million, and that these funds were provided by the United States? What is the total U.S. funding to date of reparations paid as a result of our defoliation programs? What is the present status of the Cambodian claim of last June 2nd seeking reparations for extensive damage to Cambodian rubber plantations and other crops? Doesn't this accidental spraying, apart from its dollar costs in reparations, lose far more in civilian support than it gains in short-term military advantages? Granted that the Vietcong use terror tactics, but aren't their tactics—such as the killing of village leaders while leaving the rest of the village untouched—of the selective nature needed to succeed in a guerrilla war?

Reply. In 1966 there were many claims of alleged damages to rubber plantations. A team of experts investigated alleged damage at 16 plantations in April 1967. Symptoms of herbicide damage were found at only seven plantations, and of these, two had been sprayed. To minimize the possibility of drift or accidental spraying, even larger buffer zones have been instituted around all rubber plantations.

Accurate figures on number of claims made, processed and pending cannot be developed. This is a GVN program. US advisers at different levels do not maintain records of claims actions. GVN records at district and provincial centers where claims are initiated and processed are maintained at varying standards set by different officials in charge. To our knowledge GVN has never attempted country-wide tabulation. US records of claims are based on number of validated claims paid or pending payments after validation. They do not reflect unsuccessful claims. Records available cover 1968 and 1969 only. In 1968, 7339 claims were validated and 3519 paid for a total of 77,477,000 piastres. A backlog of 3,820 validated claims caused by suspension of milcap during Tet 68 fighting was carried over to 1969. In 1969, 2,820 additional claims were validated and 6,350 paid (this includes a 1968 backlog) for a total of 156,289,000 piastres. A backlog of 290 validated claims carried into 1970. Since Jan. 1, eleven additional claims were validated for a total of 301 validated claims now awaiting payment totaling 4,575,290 piastres. The delay between validation and payment represents time involved in GVN accounting process and delivery of payment check to a claimant by the province chief.

DoD is not involved in negotiations regarding Cambodian damage claims. This is a State Department matter.

The last question equates accidental spraying with the terror tactics of the Vietcong, and DoD is of the opinion that accidental spraying is not equatable with terror tactics.

RELEASE FROM EXECUTIVE OFFICE OF THE PRESIDENT, OFFICE OF SCIENCE AND TECHNOLOGY, OCTOBER 29, 1969

Dr. Lee A. DuBridge, Science Adviser to the President and Executive Secretary of the President's Environmental Quality Council, announced today a coordinated series of actions that are being taken by the agencies of Government to restrict the use of the weed-killing chemical, 2,4,5-T.

The actions to control the use of the chemical were taken as a result of findings from a laboratory study conducted by Bionetics Research Laboratories which indicated that off-spring of mice and rats given relatively large oral doses of the herbicide during early stages of pregnancy showed a higher than expected number of deformities.

Although it seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5-T, and while the relationships of these effects in laboratory animals to effects in man are not entirely clear at this time, the actions taken will assure safety of the public while further evidence is being sought.

The study involved relatively small numbers of laboratory rats and mice. More extensive studies are needed and will be undertaken. At best it is difficult to extrapolate results obtained with laboratory animals to man—sensitivity to a given compound may be different in man than in animal species; metabolic pathways may be different.

2,4,5-T is highly effective in control of many species of broad-leaf weeds and woody plants, and is used on ditch banks, along roadsides, on rangelands, and other places. Almost none is used by home gardeners or in residential areas. The chemical is effective in defoliating trees and shrubs and its use in South Vietnam has resulted in reducing greatly the number of ambushes, thus saving lives.

The following actions are being taken:

The Department of Agriculture will cancel registrations of 2,4,5–T for use on food crops effective January 1, 1970, unless by that time the Food and Drug Administration has found a basis for establishing a safe legal tolerance in and on foods.

The Department of Health, Education, and Welfare will complete action on the petition requesting a finite tolerance for 2,4,5–T residues on foods prior to January 1, 1970.

The Department of Agriculture and Interior will stop use in their own programs of 2,4,5–T in populated areas or where residues from use could otherwise reach man.

The Department of Defense will restrict the use of 2,4,5–T to areas remote from the population.

Other Departments of the Government will take such actions in their own programs as may be consistent with these announced plans.

The Department of State will advise other countries of the actions being taken by the United States to protect the health of its citizens and will make available of such countries the technical data on which these decisions rest.

Appropriate Departments of Government will undertake immediately to verify and extend the available experimental evidence so as to provide the best technical basis possible for such future actions as the Government might wish to undertake with respect to 2,4,5–T and similar compounds.

FATE OF POW'S MUST HAVE TOP PRIORITY

Mr. COOK. Mr. President, from time to time in the Senate and in the press there is talk of national priorities and the proper ordering thereof. I should like to remind Senators that there is one item of unfinished business which must always take top priority in our consideration; that is, our concern for those Americans still held prisoner by the North Vietnamese.

We must, as a government and as individuals, work ceaselessly and diligently for the release of these men. Meanwhile, we must do all that we can, daily, to make life for the men being held and for their families more bearable. Many of these men are still being held without being allowed to communicate with their families. Their wives, mothers, and children are without news and without knowledge of their whereabouts and their condition.

This situation is in clear violation of the Geneva Accords on Prisoners of War and must be remedied. This is the least that can be done for the men.

It is up to us to join in the worldwide effort to gain for these prisoners more humane, more decent treatment.

SEGREGATED SCHOOLS

Mr. ALLEN. Mr. President, the able and distinguished Senator from Connecticut (Mr. RIBICOFF), speaking in the Senate on February 7, 1970, made a historic speech accusing the North of monumental hypocrisy in the handling of the segregation which exists in its public schools. He pointed out that there is no real difference in de jure and de facto segregation—that if one is harmful, so is the other; that if one should be wiped out, so should the other.

The argument of the Senator from Connecticut was so logical and persuasive, and its moral force so strong, that it contributed in large measure to the adoption by the Senate of the Stennis amendment.

The junior Senator from Alabama, in tribute to the distinguished Senator from Connecticut, would say that the leadership furnished by the able Senator from Connecticut was second only to that of the distinguished Senator from Mississippi (Mr. STENNIS) in bringing about the adoption of the Stennis amendment.

I ask unanimous consent that an article entitled "Do Most Americans Secretly Want Segregation?" written by the able statesman and Senator from Connecticut (Mr. RIBICOFF), and published in Look magazine for September 8, 1970, be printed in the RECORD. The article will be of interest to all thoughtful and fair-minded Americans.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

DO MOST AMERICANS SECRETLY WANT SEGREGATION?

(By Senator ABRAHAM A. RIBICOFF)

Last February 9, in a speech on the floor of the United States Senate, I accused my own part of the country, the North, of "monumental hypocrisy" in its treatment of the black man. My speech occurred during debate on an amendment calling for a uniform national policy on school desegregation. Sen. John Stennis of Mississippi sponsored the amendment. I said I would support Senator Stennis.

In the speech, I argued that what is evil in Mississippi does not become a virtue when it is practiced in Connecticut. We Northerners have been too eager to point out the horrors of Southern segregation originally based on law (*de jure*), while moving to the suburbs and segregating our schools according to our housing patterns (*de facto*).

Of course, Presidents, senators, sociologists and boards of education can debate the relative evils of *de jure* and *de facto* segregation all they want. But for the black child who

is forced to suffer a segregated education, there is no difference.

Whether you call it *de jure* or *de facto*, it is segregation—pure and plain. For the black child, it means white people don't think his life is as important as a white child's, or that he is good enough to associate with their children.

How the message comes, whether by *de jure* or *de facto*, is irrelevant. What counts is the damage. That is the same in both cases. It often is permanent, jeopardizing the black child's entire adult life. No legal phrase can soften the blow or end the pain. The phrase *de facto* has only one purpose. It provides a "respectable" screen behind which white Americans can discriminate against black children.

Without question, many Southerners hoped the Stennis amendment would slow down integration in the South. Though the states that had dual school systems are desegregating under constitutionally based Supreme Court orders that nobody can change, some hard-core resisters are still trying to circumvent those orders by such methods as segregated classrooms in "integrated" schools or with private schools for whites. Clearly, any kind of slowdown in the South is unacceptable.

But it is time for us to stop looking only at the motives of the South. What about the motives of the rest of us? How committed are we to integration in our own backyards?

Those of us in the North should begin to look honestly at ourselves and see that our contribution to integration has been to refine the art of making sure blacks can ride in the front of buses we never ride, can live in someone else's neighborhoods and can work in the lower reaches of our organizations.

The fundamental problem is the increase in *de facto* segregation in both the North and the South. As long as this nation avoids facing the issue of *de facto* segregation squarely, many will insist that such segregation is accidental and therefore not illegal. This does more than absolve the North of responsibility for the unequal education afforded black children in their own communities. It also is an open invitation to the South to emulate the North.

In time, the South can argue that it has ended *de jure* segregation and replaced it with the *de facto* kind. As proof, the South will soon be able to say its cities and suburbs are just like the North's—black cities, white suburbs. Then what will our tolerance of *de facto* segregation have achieved? I argued seven months ago that we needed a national policy to end segregation in the North as well as the South. The need seems even more urgent now. If anything, recent actions by the President and the Congress have strengthened my conviction that America is heading down the road to apartheid, a strict separation of the races, based on *de facto* segregation, and that nobody who has the power to alter this course appears willing to do so.

The Senate did pass the Stennis amendment. But the Senate-House conference committee watered it down to the point where it marked a giant step backward. For the first time, Congress wrote into law the distinction between *de facto* and *de jure* and singled out only *de jure* for government action.

On March 24, President Nixon told the nation that while *de facto* segregation was "undesirable," his Administration would require no steps to end it, in either the North or the South.

Then, on May 21, the President introduced his Emergency School Aid Act of 1970, a two-year, $1.5 billion package designed to promote desegregation. This legislation provides financial assistance for *de jure* school systems that must desegregate.

But the President's program also builds on the shortcomings of the earlier desegregation message with regard to *de facto* segregation. It doesn't require anything of anyone. It is purely voluntary. If you want to desegregate, fine. There will be money available to help you over the hurdles. If you don't, that's OK, too. It's not illegal. The decision is yours. The Federal Government will stay neutral.

In short, *de facto* segregation is still a "U.S. Government Approved" product. The President's program allows us all to continue to talk a good game of integration while serenely practicing segregation. The message to the South is unmistakable: If you segregate your society as well as your schools, as we do in the North, we can all segregate together.

What bitter irony that the model for American apartheid should come from the North. Most of us always believed apartheid would come exclusively from the South whose legacy of slavery and legalized segregation was fundamentally responsible for most of the racial tension in this nation. There is little doubt that if life had been better in the South, the black man would have stayed. He would not have embarked upon one of the greatest and swiftest migrations of a single people in our history.

But the South, no matter what happens with this month's school-desegregation drive, has no monopoly on being brutal to the black man. When he moved North, our welcome was a ghetto, an unemployment line, a substandard tenement, a poor school and no medical care. And all our criticism of the South, no matter how justified, cannot excuse or erase these facts. The North has been just as successful in denying to the black man and his family the opportunities we insist upon for ourselves and our families. Only we tell ourselves it isn't our fault. The institutions are responsible. There is nothing we can do. It's a terrible "accident," a fact all of us may decry, but for which few of us will accept responsibility.

An almost classic example of this kind of thinking occurred recently in Pontiac, Mich., when the Board of Education told a Federal court that the city's schools were segregated because its neighborhoods were segregated. The Board agreed with the black parents who had brought suit that a black child's segregated education was inferior and harmful and that the resulting damage was irreparable. But the Board argued that, since it had not created the segregation, it had no responsibility to correct this admittedly harmful and devastating condition.

The U.S. District Court Judge, Damon J. Keith, ruled otherwise. He found that despite its frequent pronouncements in support of integrated education, the Board had used its powers to perpetuate segregation and prevent integration.

The segregation in Pontiac is no accident. Nor is it in many American communities. Unlike its Southern counterpart, Northern segregation may not be traceable to one official action. But the thousands of individual decisions—by school boards, real estate brokers, businessmen, politicians, and private citizens—that created *de facto* segregation were all based on the same objective as the official *de jure* action: to keep blacks and whites separate.

Furthermore, a segregated education is harmful to white children as well. White students having no contact with blacks during their school years receive a distorted view of American society. Many of them acknowledge this fact and complain about it.

How can we reverse this trend?

We can begin by recognizing that we don't have to wait for the Supreme Court to rule on *de facto* segregation. The President and the Congress have all the power they need. The longer we wait, the worse the problems will be.

The Supreme Court originally acted against segregation in 1954 largely because every other political institution refused to act. If the President and the Congress continue to abdicate their constitutional responsibilities, they will only succeed in paralyzing the courts, which cannot carry the entire burden by themselves. Or, taking their cues from a reluctant Washington, courts may begin to give legal sanction to *de facto* segregation.

We must also recognize that focusing only on integration in our central cities will simply drive many of the remaining whites to the sanctuary of the surrounding suburbs.

A recent opinion poll reported that most Americans support integration and are willing to send their children to integrated schools. Substantial opposition to integration generally occurs when schools and neighborhoods cease to reflect the society at large. But this need not be an insurmountable problem if we view the entire metropolitan area—including the suburbs—as a whole. The percentage of blacks in most of these areas is less than 20 percent. In fact, in the major metropolitan areas in 1969, blacks made up only 12 percent of the population.

Our goal then should be a national policy to end segregation in all our schools, no matter what we call that segregation or how it occurred. We can't expect this to happen overnight. But we can require that all school districts in a metropolitan area formulate plans now to end segregation in all our schools within ten years. Every area's plan must provide for uniform progress each year, with the result being an end to all racial segregation in the final year.

Only when we require school integration throughout our metropolitan areas can we guarantee sufficient stability to avoid the white flight that has characterized large-scale integration thus far. Variations should be allowed, but only those that occur within the context of obtaining general racial balance.

Our policy, and the methods of achieving it, must be compulsory, all-inclusive and based on a timetable. We have had enough halfway houses for human rights in this country. They don't work. Left to our own devices, we will behave just as the South did for so many years—long on deliberations and short on speed.

Many argue that the suburbs never will go along with this. My answer is to end all Federal educational assistance to any individual school district that refuses to participate in its area's plan. Federal assistance also should be denied any state that gives aid to a school district that does not participate in such a plan.

Those communities that are hard-pressed to finance integration will need whatever help we can give them. Therefore, as the President has suggested in part, the Federal Government should provide school districts with funds to cover the additional expenses involved in desegregation. Cost is not a valid reason for the continued denial of human rights.

Talk of integrating suburban schools often results in frantic discussions about busing. Much of this issue is a "red herring." Millions of American children already are bused to school. Suburban parents often insist upon the opportunity for their children to ride on a school bus as a matter of right.

Moreover, busing is only one technique for integrating schools. Many school districts have successfully integrated their schools by redrawing district lines, pairing neighborhood schools, and locating new schools in areas that make integration easier. These techniques have actually reduced the amount of busing in some areas.

Many who object to busing don't really object to the bus ride. Their concern is the school at the end of the ride. As long as broad disparities exist in the caliber of students,

teachers, atmosphere and equipment in our schools, I can understand a parent's concern over proposals that would take his child from a school he knows to one that is unknown.

America cannot allow these disparities in its schools to continue. But the solution is not continued opposition to integration. Nor is it a call limited only to improving ghetto schools. Integration and the improvement of all schools must go forward together.

In the long run, though, lasting school integration cannot occur in a segregated society. It is a fantasy to think that integration can be achieved by letting black children attend our schools when we won't let their parents live in our neighborhoods. That was the basic point I sought to make last February. It is of critical importance.

Some 80 percent of all the new jobs developed in the past 20 years are in the suburbs. Blacks must have access to those jobs and to homes near them. We should encourage the suburbs to provide low-income housing. Private industry should hire more blacks and refuse to move into a suburb until housing for their low-income workers is provided. The Federal Government should refuse to locate its facilities or allow its contractors to locate in areas that do not provide low-income housing.

At the same time, the Federal Government must recognize the severe financial problems confronting suburban communities throughout the country. We therefore should supply additional funds to those suburbs that provide housing, employment and education for blacks in order to cover the additional expenses they have as a result of these activities.

I realize that this is a tall order, one that causes many supporters of integration to despair of the likelihood that we ever will take these steps. Some liberals even oppose a uniform national policy on desegregation on the grounds that spreading the skimpy Federal resources for implementing desegregation across the country will totally destroy their usefulness; that *de facto* segregation is a complex process against which we must move very carefully and slowly; and that moving in the North will generate such opposition that progress will stop everywhere.

But to me, these arguments are as unpersuasive today as they were last February. The Congress has said it would provide the men and the money to implement desegregation on a national scale. Tripling Federal school-desegregation-enforcement activities would cost only $10 million more a year. This country presently spends less than $5 million a year in this area.

The "go slow" argument is based on the same reasoning that sent many Northern liberals into hysterics when it came from south of the Mason-Dixon line. Except we don't even have a policy of "go slow" in the North. We have a policy of "no go."

On the third point, that moving in the North would create enormous opposition, I have always assumed that we sought integration—and still seek it—not because we think it is popular but because we prize certain basic human rights. Nobody ever argued that integration was popular. But that doesn't justify a double standard for black children that says what's bad for you in the South is good for you in the North.

There is another question that we ought to settle once and for all: Why should we fight for integration when many blacks themselves call for separatism?

It is true that some blacks don't want integration. This is an understandable paradox. White tokenism in both the North and the South has made these blacks frustrated, bitter and angry. They want only to be left alone.

But it's a curious kind of morality that drives blacks to such despair over the possibilities of achieving integration and then uses this despair to justify doing—or not doing—what we have always done or not done.

The most important fact is this: Most blacks still want integration. They cling to the same hopes and goals America has held out to every other group. Denying them their rightful opportunity because a minority of blacks has become impatient, and with good reason, is a shabby betrayal of the ideals this country is supposed to represent.

Making integration a national goal should not make it an impossible goal. I fervently hope that our commitment to integration is not so fragile that we shall discard it when we are asked to meet it. There are more constructive things for us to do than write obituaries for the cause of human rights in America.

BOMBING OF CULEBRA

Mr. FULBRIGHT. Mr. President, last week I placed in the RECORD a telegram I received from Mr. Rafael Hernandez Colon, President of the Senate of the Commonwealth of Puerto Rico, in support of the amendment to H.R. 17123, the Military Procurement Authorization Act, which would have the effect of terminating the Navy's use of the island of Culebra for bombing and shelling practice.

At the same time I reported that Gov. Luis Ferre and Mr. Jorge Córdova, the Resident Commissioner of Puerto Rico, had visited my office to discuss the matter.

Since that time I have also received a cablegram from another distinguished Puerto Rican leader, Mr. Luis Munoz Marin, who for many years was Governor of the Commonwealth.

Mr. President, I ask unanimous consent that the cablegram be printed in the RECORD.

There being no objection, the cablegram was ordered to be printed in the RECORD, as follows:

SAN JUAN, PUERTO RICO,
August 13, 1970.

Hon. J. W. FULBRIGHT,
U.S. Senate,
Washington, D.C.:

As I am convinced that the use of Culebra by the Navy is not necessary to national security in any fundamental sense I will fully support Governor Ferre if he decides to take a definite and unequivocal position on the return of Culebra to the full and uninhibited use of its citizens stop.

Best regards.

LUIS MUNOZ MARIN.

MARK TRICE

Mr. GOODELL. Mr. President, I wish to join Senators in paying tribute to Mark Trice for his 50 years of service to the Senate.

Although I have been a Member of the Senate for less than 2 of the 50 years which Mark has devoted to this body, I am deeply grateful to him for his thoughtfulness to me.

It is rare, in public life, that efficiency can be combined with good humor, courtesy, and charm. And yet, Mark Trice has been doing precisely this. He has impressed all of us who have worked with him with his ability to remain friendly and calm even in the most trying of circumstances. Mark has set an example for us in this respect.

In the course of 50 years, Senators have come and gone, issues have been raised and then forgotten, wars have been fought, bills have been enacted into law, great changes have been wrought over the face of the earth—and Mark Trice still serves the Senate and his country with the same consummate dignity which has marked his years of service in this Chamber. Truly, it is no exaggeration to say that Mark Trice has become an institution.

On this occasion, I offer my best wishes to him for the future.

ADDITIONAL SUPPORT FOR RATIFICATION OF THE GENOCIDE CONVENTION

Mr. PROXMIRE. Mr. President, support for ratification of the genocide convention has been steadily increasing over the last few years. The treaty has been endorsed by virtually every major religious group. It has the support of humanitarian groups throughout the United States. As evidence of this widespread support I would like to submit for the record copies of several letters addressed to Senator CHURCH, the chairman of the Subcommittee on Genocide, from various religious and humanitarian organizations which support ratification of the convention. These organizations represent the views of thousands of their members and their support for ratification of the treaty demonstrates the need for immediate action on this convention.

I ask unanimous consent that three letters, one from the American Baptist Convention, another from the Commission on International Affairs, the American Jewish Congress, and one from the American Ethical Union, be printed in the RECORD.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

MAY 6, 1970.

Senator FRANK CHURCH,
Chairman, Sub-committee on Genocide, Senate Foreign Relations Committee, New Senate Office Building, Washington, D.C.

DEAR SENATOR CHURCH: Please make the following statement and attachment part of the record on the need for ratification of the Genocide Convention.

"In urging you to ratify the United Nations Convention on Genocide, we call to your attention the fact that American Baptists meeting in Annual Convention on eight different occasions have stated their belief that 'discrimination is one of the great evils of our time * * * and is contrary to the Christian concept of the oneness of the human family.'

"We refer you also to our testimony before the Senate Foreign Relations Subcommittee on March 8, 1967 in which we noted that American Baptists had gone on record requesting the Senate to ratify four United Nations Human Rights Conventions, including the Convention on Genocide.

"We cannot emphasize too strongly the urgency of this action on which the United States has delayed so long."

Sincerely,

MABEL MARTIN,
U.N. Representative,
American Baptist Convention.

APRIL 17, 1970.

Senator J. W. FULBRIGHT,
Chairman, Senate Foreign Relations Committee, Senate Office Building, Washington, D.C.

DEAR SENATOR FULBRIGHT: We are deeply gratified to learn that a subcommittee of the

Foreign Relations Committee shortly will begin holding hearings on the United Nations Genocide Convention.

It is more than twenty years since the Genocide Convention was first passed by the General Assembly and signed by the United States; and it is more than twenty years since that Convention was transmitted by President Truman to the Senate for its approval. During this period 75 nations have proceeded to ratify the Convention. Our own country, however, has regrettably, and to many inexplicably, continued to withhold its endorsement. This failure to act has compromised our country's support of the worldwide effort to elevate standards of morality and decency among nations.

We earnestly hope that that tragic impasse has now been broken. We are encouraged by the forthright action taken by the President, the Attorney General and the Secretary of State, each of whom has endorsed the call for immediate ratification. They have done so because they are convinced that such action would significantly advance international standards of justice without in any way derigating from the rights and protections enjoyed by American citizens under our Constitution and under our system of law. This view has been affirmed not only by the Attorney General but by legal scholars, jurists, numerous state bar associations and the faculties of law schools.

The responsibility for further action now rests inescapably upon the Senate. As one of more than 60 organizations in the Ad Hoc Committee on the Human Rights and Genocide Treaties, representing all sectors of American society, we are convinced that ratification reflects the genuine aspiration of each of these groups and of their tens of millions of constituents. We know that the overwhelming majority of Americans join us in the hope that your Committee will move promptly and positively in support of the Convention and will thus enable the entire Senate to act to bring about the long overdue ratification of this important treaty.

We respectfully request that this letter be incorporated in the record of the Subcommittee hearings.

Sincerely yours,

ELEAZAR LIPSKY,
Chairman, Commission on International Affairs American Jewish Congress.

U.N. COMMITTEE OF THE
AMERICAN ETHICAL UNION,
New York, N.Y., April 20, 1970.

Hon. Senator FRANK CHURCH,
U.S. Senate,
Washington, D.C.

DEAR SENATOR CHURCH: The American Ethical Union has favored the ratification of the Genocide Convention in resolutions at various AEU Assemblies as far back as 1950. Our position is still the same, as stated in the copies of the resolutions enclosed.

In view of President Nixon's recommendation, we earnestly urge that the Foreign Relations Committee recommend ratification and that other Senators be urged to vote favorably on it.

Sincerely yours,

Mrs. MAY WEIS,
Chairman,
Mrs. ROSE WALKER,
Mrs. VERA GALANTER.

THE HONORABLE ALF M. LANDON DISCUSSES NIXON FOREIGN POLICY

Mr. DOLE. Mr. President, the State of Kansas is honored and fortunate to be the home of Alf M. Landon, a former Governor and 1932 Republican candidate for President of the United States. Governor Landon is now retired from public life, but from his home in Topeka he maintains a lively interest in the affairs of his State and country.

On August 19, Governor Landon appeared on the Kansas educational television network to discuss the new directions in U.S. foreign policy under President Nixon. As those of us who know him have come to expect, Mr. Landon's observations were perceptive, stimulating, and most worthwhile.

Mr. President, I have obtained a transcript of the television program, and I believe that Senators would enjoy and profit from reading Governor Landon's foreign policy analysis. I ask unanimous consent that the transcript be printed in the RECORD.

There being no objection, the transcript was ordered to be printed in the RECORD, as follows:

PRESIDENT NIXON BUILDING BRIDGES

(By Alf M. Landon)

Many people are asking the question, "What is our goal in Vietnam?"

As I said three years ago, the Vietnam war is part and parcel of the entire world situation. It seems to me we are looking at the formulation of a tremendous and vital change in our entire foreign policy.

When you put it all together, it means a gradual, calm and firm disengagement from the containment of communism policies of Truman, Eisenhower, Kennedy and Johnson without returning to the smug isolationism of Coolidge, Hoover and Franklin Roosevelt in the 1920's and 1930's.

President Nixon is returning Okinawa to Japan in 1971. He is also starting to phase out American military bases there.

He is cutting our troops in Vietnam in half or more. In Korea, he is reducing our troops by a third or more. Aside from the valid military and political factors involved is the upsetting impact on the economy of these countries by a precipitous change in American foreign policies. Our President is confronted with these same problems in West Germany, where it is apparent he will shortly cut our troop strength.

Both in Asia and in Europe, our friends and allies are unhappy and nervous over the American President's new policies. Yet none have been willing to carry their fair share of their own defenses or are doing anything about that now.

Furthermore, their trade policies of blocking out American products are encouraging a rising tide in the Congress toward protective tariffs under the guise of quotas, a virulent form of isolationism. President Nixon's vigorous opposition to this legislation which is contrary to his policies and our national interests is effective in shaping up a better trade bill.

Arguing over Cambodia is like arguing over the Bay of Pigs or Santo Domingo. The indirect effects were as important as the direct effects. Cambodia, however, was in collaboration with the de facto government. The Bay of Pigs was not.

In the really crucial situation in the world today—the Explosive Middle East—the key country is Israel. Israel is also part and parcel of the entire world situation.

The Israelis are a tough people. They have proven their ability to defend themselves. However, they are a little country and cannot stand indefinitely military logistic losses and the economic pressure as well.

The success of our President's quiet, persistent policy for a temporary ceasefire there is a major step toward ultimate formal acceptance of a workable agreement between the governments in that area.

To sum it all up: While President Nixon at Guam was really abandoning President Johnson's assumption of the guardianship of all Asia at the Manila Conference in October, 1966, he also is abandoning our policy since World War II of trying to reform the world en masse in our own image. That is as applicable to Western Europe and the western hemisphere as it is to Asia and Africa.

Any president of a country the size, influence and affluence of the United States is bound in some degree to the policies of his predecessors. He cannot reverse them overnight. It takes time and patience.

So, when the question is raised as to what the goal of our government is in Vietnam or in the Middle East, I submit it is part of President Nixon's entire world policy of normalizing relations with other countries in the world—trade as well as military—Russia and China as well as the European Economic Community. It is the basic policy which U Thant has repeatedly urged on the United Nations. It is a modification, at least, of the unilateral policy in the United Nations, in favor of a more collective policy, which will build for the security on which peace of the world is built.

Put together, the steps taken by President Nixon are impressive toward establishing international relations based on mutuality of national interests instead of military garrisons.

1. Our President's policy does not involve retreating from Asia. The United States intends to remain a major influence in that area.

2. In the Middle East, President Nixon is accepting the fait accompli of Russian penetrations and growing influence in that area. Between the two governments, a favorable start is being made on hammering out workable relations that can contribute to Middle East stabilization.

3. West Germany and Russia have agreed upon a non-aggression treaty. That points up the fact that, following World War Two, no peace treaty was ever made. The new treaty is an important factor in world affairs, which has the support of the Nixon administration. And now comes East Germany asking for admission to the United Nations and diplomatic relations with its members. Also is the highly important resumption of diplomatic relations between the Vatican and Yugoslavia.

4. His policies are not based on the old concept of monopolistic special privilege in spheres of influence or of a unilateral balance of power. It is another illustration of the President's recognition of the realities and potentialities of life in the world in which we live.

5. They are not isolationism or Fortress America or nebulous. There are those unable to see the forest for the trees.

6. They are a slow and firm development, without blare of bugles, bluster or brinkmanship, of disengagement from containment policies. I think that leaves the United States in its rightful and sound position of speaking softly but keeping a big stick when necessary for world peace, recognizing the legitimate and enduring national interests of other peoples. It is also the recognition that, while technical developments make war more terrible, they also make peace more possible; for example, through better photographic surveillance methods.

These policies are designed to relieve us of the incredible drain on our material, mental and spiritual resources by attempts to police the world, which have disunited us at home without any compensating advantages. The incipient Nixon policy makes possible bringing our human and material resources to bear on our pressing and grave economic, racial and environmental problems at home.

We are handicapped in tackling our national and international problems with our house torn up and untidy. The same is true of the world at large. Mr. Nixon is formulating his practical foreign policies with new men or men who will be coming into governments all over the world, on the reasonable

assumption they are willing to face and adopt changes of mutual and creative advantage.

His policies are a cautious approach to a multilateral balance of power built on the broad base of mutual advantage—replacing military tension with a growing atmosphere of fundamental potentialities for human development offered by better worldwide educational facilities—more effective agencies for meeting the widening range of economic and environmental needs—a wider range of acquaintance among governments—and closer contacts in all human relations at the grass roots level.

That will do much to encourage lessening competition in the arms race, which is necessary to bring tranquility and prosperity—on which peace is ultimately based—to the whole world.

That will also encourage the development of a state of mind—a determination to find positive roads to peace.

IMPACT OF THE WAR ON AMERICAN LABOR

Mr. FULBRIGHT. Mr. President, last week the Committee on Foreign Relations had to cancel a hearing it had scheduled to receive testimony from labor leaders on the impact of the Vietnam war on labor in the United States. Subsequently, the individuals who were to appear submitted their statements and other material for the record. These will be reprinted in the committee's hearings on Vietnam.

In the meantime, however, I wish to place in the CONGRESSIONAL RECORD a news release issued by the United Automobile Workers which contains a succinct summary of the 75-page statement which was prepared for the committee by UAW President Leonard Woodcock.

As Mr. Woodcock points out:

The Vietnam war has cost the U.S. 8.8 million man-years in labor, has reduced workers' real wages and has intensified unemployment problems.

Mr. Woodcock has prepared a very thorough analysis of the effect of the war on American workers and I hope Members of the Congress and the general public will take the time to read the full text of his statement in the committee's hearings which should be available in the near future.

I ask unanimous consent that the UAW press release be printed in the RECORD.

There being no objection, the press release was ordered to be printed in the RECORD, as follows:

VIETNAM WAR WASTES MANPOWER, CUTS JOBS AND REAL WAGES, WOODCOCK TELLS SENATE COMMITTEE

The Vietnam war has cost the U.S. 8.8 million man-years of labor, has reduced workers' real wages and has intensified unemployment problems, UAW President Leonard Woodcock declared in a statement submitted to the U.S. Senate's Foreign Relations Committee.

Woodcock's statement, at the committee's request, focused on the impact of the Vietnam war on American workers. The cost of the war, however, "has been greatest for the 50,000 or more young men who have lost their lives and for their families," he declared, and "for the more than 270,000 who have been wounded—many of them blinded, maimed or crippled for life.

"The cost has been very great for the American economy. Just in money terms it has been at least $150 billion. But far more important has been the waste of manpower, not only through the number of men put into uniform, but through the number in both government and private employment servicing and supplying the Vietnam war." The almost nine million man-years of wasted labor otherwise could have been used to "produce goods and services for the use of the American people," Woodcock pointed out.

Woodcock disagreed with the contention that the war benefited workers by creating 1.5 million additional jobs.

Certainly the jobs have been added, he said, "but at the time of the Vietnam build-up our economy was already expanding rapidly, unemployment was steadily falling, and there were still sufficient unmet needs in the country to have provided a civilian job for every person able and willing to work."

Working people have felt a disproportionate share of the war's impact through unequal draft and tax measures, unemployment, and other economic factors and the neglect of domestic needs, Woodcock asserted.

"To begin with the heaviest cost, we believe that the working people of America have borne more than their proportionate share of the direct human cost of military participation—the deaths, the woundings" and intensified social problems, he said.

The financial costs of the war, too, have fallen most heavily on the working people, Woodcock added. Increased taxes, inflation, short work-weeks and a loss of overtime—all traceable to policies resulting from the war—have caused workers' real buying power to fall.

He pointed out that median earnings for 1969 of every group of workers below the professional or managerial level are less than what government called necessary for "modest but adequate" standard of living. Their real buying power decreased between 1965 and 1969 despite higher wages.

The burden of unemployment, resulting from misguided efforts to stem the wartime inflation, falls upon workers, the UAW president said.

And, he added, not only does the burden of taxation to finance the war bear relatively heaviest on labor, but so does the resulting neglect of domestic needs.

In fiscal 1969, Woodcock pointed out, Vietnam expenditures were $28.8 billion—$550 million more than the combined domestic expenditures for health, education and manpower, community development and housing, economic assistance and Food for Peace, public assistance and natural resources. The war on poverty in America is one of the major casualties of the war in Vietnam, he said.

To meet the nation's real needs, Woodcock suggested numerous changes in national policy. He began with a reiteration of UAW's proposal for government to develop a conversion program that will offer workers an alternative to military production jobs and will insure the maintenance of payrolls. Unemployment, he stated, is greater than the official count of approximately 4 million. Adding persons not counted under present techniques of the Department of Labor would raise the true total "closer to 5.5 million," he said.

Other suggestions offered by Woodcock are aimed at problems of manpower policy, technology, training programs, relocation of workers, protection of workers' civil rights, full employment, a price-wage review board and overall national planning.

COMMEMORATION OF MR. JAMES D. BROWN

Mr. THURMOND. Mr. President, on August 18, 1970, one of South Carolina's outstanding and dedicated educators passed away. Mr. James D. Brown was a great South Carolinian, and our State has suffered a loss in his death.

In 1948, when I was Governor of South Carolina and ex-officio chairman of the State board of education, James D. Brown was appointed superintendent of education for Newberry County's public schools and served in that position until his retirement in July 1969. We who knew this man and are familiar with his work can praise him as a man devoted to educating our children in a manner that would prepare them for leading useful and productive lives. By his example, Superintendent Brown instilled in those who were privileged to come in contact with him a deep feeling of civic responsibility and high moral values.

Mr. President, I wish to express my deepest sympathies to Mrs. Lelia Taylor Brown and other members of the family. I shall always remember James Brown as a good friend, a dedicated servant of the people, and an outstanding educator. He will always be remembered by his students, associates, and friends, and his stimulating influence will continue to be felt in South Carolina. If a man's worth is to be measured by what he left behind, Superintendent Brown will be at the head of the list of individuals who left their State and community a better place for all to live and work.

Mr. President, the Newberry Observer of August 21, 1970, carried a death notice and biography entitled "James Brown, Former Superintendent of Education, Dies" and a very fine editorial entitled "The Late James Brown." I ask unanimous consent that they be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE LATE JAMES BROWN

James Brown was for many years Superintendent of Education for Newberry County's public schools. In fact when he retired in this capacity last year he held the distinction of being the last Superintendent of Education in this county to be elected by the citizens. Under present law, this position is appointive.

Mr. Brown was unable to enjoy his brief retirement, for shortly after he left the office an illness confined his activity. This week, Mr. Brown died.

The position of Superintendent of Education in any county school system today is certainly not a popular one; but neither has it ever been. And during the many years that Mr. Brown held this position he was faced with the insurmountable problems that befall an education system.

Those who are familiar with his work in this field, however, can clearly define him as a man who was dedicated to the principles of education, who held the sincere interest of every child in the public school system close to him, and who handled the responsible duties of his office in a manner that reflected credit upon himself as an educator.

In more recent years, the title of the office held by Mr. Brown was somewhat misleading for more than being responsible for the duties normally expected of a Superintendent of Education he was, in fact, more a director of finance for it was Mr. Brown who was in charge of the financial transactions of the county schools. This, within itself, is a full-time undertaking and today the educational system employs a person with such a title who has this responsibility alone.

Mr. Brown did a job for many years for this county as Superintendent of Education that will long stand on its own merits. For many years, appreciation for his services was reflected by the voters who returned him to office.

Today, we add a final and belated appreciation to the late James Brown for his loyal, dedicated, faithful and valuable services to literally thousands of Newberry County youngsters during his tenure as our Superintendent of Education.

JAMES BROWN, FORMER SUPT. OF EDUCATION, DIES

James D. Brown, son of the late Mrs. Lily May Caldwell Brown Folk and the late Horace Brown, died Tuesday night at the Columbia Hospital after a short critical illness.

He spent most of his life in the Long Lane-Beth Eden section of Newberry County. He attended the county schools and was graduated from Newberry College. He also attended the University of South Carolina.

He served in the Army during World War II.

His life's work was in the field of education, having served as a teacher, principal and Superintendent of Education of Newberry County from 1948 until his retirement in July 1969.

He was a member of Beth-Eden Lutheran Church. He served his church in many capacities on local, district and state level. He was also active in many civic, service and charitable organizations.

Surviving are his wife, Mrs. Lelia Taylor Brown; a step-daughter, Mrs. Virginia Shipman of Dyersburg, Tenn.; one brother, Hamilton Folk of Newberry; three sisters, Miss Sarah Folk and Miss Lillie Mae Folk, both of Newberry, and Mrs. Olin Lominick Sr. of Pomaria; and three grandchildren.

Funeral will be conducted at 4 p.m. today (Thursday) at the Whitaker Funeral Home by Rev. Paul Hatch. Burial will be in Rosemont Cemetery.

Nephews who will serve as active pallbearers are David Folk, Hayne Folk, Wayne Folk, Bobby Lominick, Chris Lominick, Olin Lominick Jr. and Ralph Hembree Jr.

Serving as honorary pallbearers will be P. K. Harmon, J. V. Kneece, R. E. Beck, Ralph Watkins, Alan Caldwell, Ed Chandler, Tom Leitzsey, L. A. Richardson, Dave Waldrop, Dave Hayes, Charlie Lominick, Jim Phibbs Sr., Dr. B. M. Montgomery and Dr. E. J. Dickert.

Whitaker Funeral Home is in charge.

AN ALL-VOLUNTEER ARMY

Br. MOSS. Mr. President, I have long held the position that the Selective Service System needed drastic reform. As a cosponsor of several selective service reform bills, I have felt that if we must have the draft, then it must be as fair as possible.

I supported President Nixon, for example, when he requested authority to institute random selection. While there are still several bugs in the random selective system, at least it has removed some of the uncertainty that used to plague the lives of our young men.

But many unconscionable inequities still remain. Senator KENNEDY's bill, S. 1145, of which I am a cosponsor, would remove many of these inequities.

Yet I believe it will be impossible to make the draft completely fair. Conscription is inherently unfair. It is for this reason that I have always been in favor of instituting an all-volunteer army, if feasible.

Those two key words, "if feasible," have always been the problem. I now am of the opinion, however, that an all-volunteer army is feasible—or at least there is a high enough probability of success that we ought to give it a try by taking the first transitional step. I will support, therefore, the Hatfield-Goldwater amendment which institutes the pay increases and other reforms needed to make an all-volunteer army work.

All all-volunteer army is desirable for many reasons:

First. Denial of the freedom to lead one's own life according to one's own values is contrary to the spirit of our heritage.

Many of us have gotten so accustomed to the draft that we assume that there has always been one. But until World War II and the cold war era thereafter, there was no draft except briefly during the Civil War and the First World War.

Second. Forcing some to serve when not all must serve is an inequitable burden on a small minority. Too many young lives have been needlessly altered because of the dread of the draft. And as the Gates Commission notes, the draft is a tax-in-kind levied only on a small minority.

Third. Conscription is a costly and divisive procedure for manning the Armed Forces. It is costly because of the waste in manpower created by the great turnover. Its divisiveness is obvious to anyone who reads the newspaper.

Fourth. Making the military more attractive to volunteers should improve its way of life and its efficiency. The military has inevitably grown sloppy in its use of manpower because it has had an unlimited supply.

Fifth. Requiring congressional approval to activate the standby draft might deter a President from hasty deployment of troops. Never again could we have a full-scale war on our hands without some sort of congressional debate and approval.

Of course, an all-volunteer army will initially cost the Federal Government more in the budgetary sense. But I believe the Gates Commission makes a convincing case that the present system's true cost is actually higher.

Besides, there are many places where the military budget could be cut that would easily cover the additional costs of an all-volunteer army.

In summary, I believe the only fair draft is no draft. I intend to vote for the first step toward an all-volunteer army.

PRISONERS OF WAR HELD IN GLOOMY BONDAGE

Mr. HANSEN. Mr. President, the skies over North Vietnam are gray and gloomy with monsoon clouds, the earth underfoot soggy with monsoon rains. No wall, no window, no roof can keep out the all-pervading wetness and heavy heat of the Southeast Asian monsoon. It is a time when spirits are low and grayness seeps into the soul—particularly for those Americans who are held prisoner by the North Vietnamese Communist regime and are not allowed even the faintest glimmer of cheer by being able to communicate with their families.

We who are free here in America must do our utmost to insure every effort is made to alleviate the dreadful conditions under which these Americans exist. We cannot rest in these efforts. We must not allow the prisoners to think we are resting for to do so would be to add to the burden they already bear. We must work diligently to gain their freedom and to assure their families here at home that all is being done that can be done for their men in Vietnam.

Our own freedom must act as a spur to our conscience so that we can do nothing less.

CHIEF JUSTICE WARREN BURGER'S STATE OF THE JUDICIARY MESSAGE

Mr. THURMOND. Chief Justice Warren Burger, in his state of the judiciary message on August 10, 1970, proposed a plan to alleviate the serious problems our Federal court system is now experiencing. He noted that the long period of time it now takes to dispose of a criminal case has resulted in a loss of respect for justice and hence of deterrent power.

The public's faith in the protective function of government has declined to such an extent that the urgency that Chief Justice Burger cites cannot be disputed. Some steps to alleviate this serious problem should be taken by Congress now.

An excellent editorial published in the Augusta (Georgia) Chronicle of Friday, August 14, 1970, outlines Chief Justice Burger's proposals.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

COURT PROPOSALS

The implications of Chief Justice Warren Berger's proposals this week, in his State of the Judiciary message—the first in the Nation's history—could be far-reaching if a serious effort is made to put them into effect.

The urgency he cites cannot be disputed. Federal courts, as he noted, now take twice as long to dispose of a criminal case as they did a decade ago. The result has been, in part, a loss of respect for justice and hence of deterrent power. And, as a consequence of that loss, the public's faith in the protective function of government has declined. One example: Americans now spend $2 billion a year on private protection and crime control to supplement public systems. This auxiliary effort is, of course, legitimate and even essential, but if carried to ultimate lengths the trend could be terrifying for a free society.

In addition to calling for the obviously needed increases in numbers of federal judges and attorneys, Chief Justice Burger suggests:

A state-federal judicial council in each state to iron out joint problems. This could be a time-saver in many ways—for example, in determining in advance matters of jurisdiction.

Cooperation on standards of conduct. We are now, as all know, in a period in which barbaric and anti-social elements are out to disrupt the courts as a first attack on democratic government. A helpful defense will be determination of uniform ways to prevent, with justice and dignity, nauseating spectacles such as those by the "Chicago Seven."

A judiciary council created by the Congress to report on judicial problems. In order to avoid the creation of overlapping and unnecessary governmental machinery, we would suggest with regard to this proposal that instead of a new council, the Congress consider appointment of a joint committee for the purpose, to some degree absorbing the duties of and replacing the present Senate and House Judiciary Committees.

A study of the type of court matters which could more efficiently be handled elsewhere. If this were done, it should be remembered, we would gain not only in efficiency but in a more constitutional government. The Supreme Court has become mired down in acting as a third legislative house, making laws with regard to such things as how individual states should apportion their own legislative bodies. Other matters which would more appropriately be settled in the Congress, or by the states or in the private sector have absorbed the High Court's time—matters such as pollution, urban ills, abortion and consumerism. And the entire federal judiciary has become a sort of super-school board, usurping local functions which would better be performed—as the law provides—by local people who know local conditions.

Reexamination of criminal procedure and the appeals process. By setting up restrictive rules on the handling of criminal cases by local police and state courts—designed to preserve individual rights but often serving to turn loose defendants proved to be guilty, and even confessing their guilt—the ground was laid for fewer pleas of guilty and for a flood tide of appeals. This is an area in which the action must come from the Supreme Court itself, if equitable procedures to protect the public are to be restored.

Insistence on high standards of professional conduct. This applies, of course, to judges themselves. But the most glaring examples calling for correction are actions by some of the defense attorneys representing vandals and anarchists in the courts, who put on disgraceful exhibitions of contempt, bad manners and temper tantrums. This can be taken care of by stiff contempt sentences, and disbarments.

Chief Justice Burger has opened up the possibility of some helpful reforms. We will be interested in seeing how thoroughly they are acted upon by the Nation's attorneys, the Congress and the Supreme Court itself.

PRESERVATION OF THE ENVIRONMENT

Mr. PERCY. Mr. President, I have been disappointed to note that despite the recent flurry of rhetoric and activity concerning the state of our environment, apparently more smoke than fire has been generated within the vital private sector. If this proves true, it hazards grave ramifications. It will mean in the long run that we were content merely to see the problems, but not really to meet them; we were content merely to talk, but not to accept the heavy and difficult mantle of commitment and action; and we were willing to cop out in the face of the urgent mandate to provide for the survival of life as we know it on this planet.

Given the truly critical situation with which we are faced, and given the intensity of recent public debate, one would certainly have expected a significant and immediate increase in activities designed to control pollution. One might have hoped, and with some justification, that every citizen would finally have begun to realize the necessity of personal sacrifices in the fight against pollution and embarked on such a course. And one might have hoped that every businessman would have begun to understand the unavoidable need to balance profits with a concern for the environment, to commit the requisite funds and energy to insure that his business does all it can to preserve an environment capable of supporting life.

Unfortunately, this hoped-for increase in activity and commitment has not yet materialized according to our indicator. A recent newsletter published by the Midwestern Air Pollution Prevention Association reports that total U.S. sales of industrial air pollution control equipment by 29 major manufacturers were up only 2 percent in 1969 over 1968. When these figures are compared to the increase of 3.5 percent in inflation, it is clear that, in effect, sales have actually decreased.

These figures represent, what might be called in pollution jargon, the "gritty-gritty." I certainly hope that future figures will reveal an increase in commitment—financial and philosophical—commensurate with the clearly established needs.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

INDUSTRIAL SALES OF MAJOR AIR POLLUTION MANUFACTURERS UP ONLY 2% IN 1969

Total U.S. sales of industrial air pollution control equipment by 29 major manufacturers were up only 2% in 1969 over 1968, according to figures compiled by the Industrial Gas Cleaning Institute, Inc., national trade association for the firms. Total sales in U.S. last year were $94-million, compared with $92-million in 1968, IGCI announced at its annual meeting in Boca Raton, Fla. An additional $9-million sales were reported for Canada last year.

IGCI estimates that member companies now sell about 75% of all the industrial air pollution and dust control equipment purchased in the U.S. Karel A. Weits, newly-elected president of IGCI and vice president of The Ducon Co., Mineola, N.Y., pointed out that these figures represent total sales for industry of the 4 basic types of equipment available for controlling particulate matter: (1) electrostatic precipitators; (2) mechanical collectors; (3) fabric collectors; (4) wet scrubbers; plus several kinds of equipment sold for gaseous control.

The figures do not include any field construction costs associated with the equipment, nor costs of auxiliary equipment such as foundations, ductwork, instrumentation, cooling towers, fans or motors which are often included in gross figures compiled by other sources.

IGCI figures show a total of $70-million sales reported by 17 companies in 1967, and $69-million by 15 companies in 1966. The 2% increase in 1969 probably reflects an actual decrease in hardware sales volume from 1968, when allowance is made for the national 3.5% inflation factor last year.

BREAKDOWN BY EQUIPMENT TYPES

Breakdown of the $94-million U.S. sales in 1969 by equipment types shows: electrostatic precipitators, $34.5-million; fabric collectors, $31-million; wet collectors, $14.3-million; mechanical collectors, $12.2-million; gaseous control, $2.0-million.

The 29 member companies included in the 1969 sales volume report are: American Air Filter Co.; American-Standard Industrial Products Dept.; Arco Industries Corp.; Belco Pollution Control Corp.; Buell Engineering Co.; Buffalo Force Co.; Chemical Construction Corp., Pollution Control Division; Delta P Incorporated; Ducon Co.; Dustex Division, American Precision Industries;

Fisher-Klosterman, Inc.; Fuller Co., Dracco Products; Gallagher-Kaiser Corp.; Kirk & Blum Mfg. Co.; Koppers Co., Metal Products Division; National Dust Collector Corp.; Pangborn Division, Carborundum Co.; Peabody Engineering Corp.; Precipitair Pollution Control, Inc., subsidiary of Advance Ross Corp.; Precipitation Associates of America, Inc.;

Pulverizing Machinery Division, Slick Corp.; Research-Cottrell, Inc.; Schutte and Koerting Co.; Seversky Electronatom Corp.; Torit Corp.; UOP Air Correction Division; Western Precipitation Division, Joy Manufacturing Co.; Wheelabrator Corp.; Zurn Industries, Inc., Air Systems Division.

CHESAPEAKE AND OHIO CANAL NATIONAL HISTORICAL PARK

Mr. MATHIAS. Mr. President, I am pleased to report that public interest in preserving the Chesapeake and Ohio Canal continues to grow. At recent hearings before the House Committee on Interior and Insular Affairs, the Interior Department and a large number of State and local officials, conservation groups, and individuals expressed their support for the creation of a Chesapeake and Ohio Canal National Historical Park. While the testimony reflected some inevitable differences in emphasis, the degree of consensus in favor of this park was rather remarkable.

In a very timely editorial published on Saturday, August 21, the Washington Evening Star reiterated its support for canal legislation to "preserve some of the most endearing remains of the slow-paced old America and provide refreshment for today's hurry-up urban populace." As the sponsor of the bill now pending in the Senate, S. 1859, I certainly share the sense of urgency expressed by the Evening Star.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

CANAL PARK

Creation of a lengthy national park along the Chesapeake and Ohio Canal would preserve some of the most endearing remains of the slow-paced Old America and provide refreshment for today's hurry-up urban populace. The park proposal picked up momentum in recent House hearings, where it received strong support, and we hope it will soon win congressional approval.

Advocates of the 184-mile national historic park seem at last to have reached unity on a plan of action. They are backing an Interior Department request for the addition of 15,000 acres to the 5,430 already owned by the government in the canal corridor. Interior also wants to spend $47 million for canal restoration and a variety of family recreation facilities, and some conservationists think that would be too much clutter. But there is almost no prospect of appropriations for that work, and land is the paramount need anyway, as all the park proponents agree.

If the House Committee on Interior and Insular Affairs will issue a favorable report, the land-acquisition phase probably will follow in short order. Senator Mathias of Mary-

land warned the committee in the hearings that the canal strip "could become a sidewalk through a super-metropolis rather than a path through the countryside" if the legislation is delayed much longer. Land prices will burgeon and private developments will close in.

Almost 5.5 million people live within an hour's drive of the park which is visualized, and that total is swelling by the day. They deserve this quiet, shady retreat, for the dissipation of tensions and to retain a feeling of continuity with the people who passed this way before them. There are valuable lessons to be re-learned along the old towpaths.

TOWARD A FUEL CRISIS

Mr. HANSEN. Mr. President, it is unfortunate that events in the Middle East have resulted in what may well be a critical fuel shortage in some parts of the country this coming winter. These events have, however, pointed up the fallacy of Federal policies that have resulted in shortages of natural gas, coal, and fuel oil.

Those who have advocated these policies under the guise of consumer savings have, in fact, played a cruel hoax on the consumer who will now pay higher prices because of these policies.

A number of us in the Senate and House have been attempting for several years to bring this impending fuel shortage and energy crisis into focus and alert the public to the risks involved in "living it up" on cheap gas and what once was, but no longer is, cheap imported oil and oil products such as industrial fuel oil.

Now that the chickens have come home to roost in shortages of these vital energy fuels, the same advocates are searching frantically for a whipping boy and, as usual, blame it on the oil and gas industry.

A former chairman of the Federal Power Commission who advocated ceiling prices for gas producers that were unrealistically low in comparison with competing fuels now accuses the gas producers of holding down drilling for new wells in a pricing dispute.

Others accuse the oil companies of restricting the supply of industrial fuel oil by failing to build additional refining capacity on the east coast.

None of them mention the fact that these Federal policies—ceiling prices and a flood of imported industrial fuel oil, plus the fact that gas and oil exploration, drilling, producing, and distribution costs have skyrocketed like all other costs during the past several years—have caused this crisis.

Nor do they mention the fact that oil, gas and oil product prices have remained remarkably stable during this period in relation to other prices.

They apparently expect the oil and gas industry to do what no other industry is expected to do—continue to produce the abundant energy fuels the Nation has become accustomed to at a loss.

Mr. President, the public has been uninformed and ill informed for too long on this vital matter. I am glad to note that the news media has awakened to the real emergency aspects of the U.S. energy situation. I ask unanimous consent that an excellent article on the fuel crisis, published in the current issue of U.S. News & World Report, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

U.S. MOVES TOWARD A FUEL CRISIS

CLEAN ENVIRONMENT VERSUS FUEL FOR HOMES AND INDUSTRY—THE CONFLICT HAS COME TO A HEAD. PROBLEM: HOW TO FIND A SOLUTION BEFORE CRISES HIT

With little advance warning, the U.S. finds itself on the brink of an energy crisis. There are growing shortages of fuels from which energy flows to keep America's machinery humming and provide the base for its high standard of living.

Alarm is spreading at the highest levels in Washington.

The problem goes far beyond finding power to carry Eastern cities through the remaining days of summer heat and smog. Predicted are shortages, now or in the near future, of every basic source of energy—oil, natural gas, coal, hydroelectric power and nuclear power.

President Nixon, on August 6, warned of "the acute shortage of clean fuels for this winter." He directed his Domestic Council to take steps to alleviate this winter's shortages, and "to ensure an adequate fuel supply for the next five years."

On August 10, the Chairman of the Federal Power Commission, John N. Nassikas, reported coal stocks of many power companies supplies "critically short," and the supply of heavy fuel oil for utilities and industries jeopardized by a shortage of oil tankers.

What happened? Only a few months ago, the structure on which the U.S. supply of essential power sources is based seemed relatively secure and stable.

As 1969 ended, there was concern over dwindling U.S. reserves of natural gas, documented in a staff report of the Federal Power Commission. But the supply of crude oil available to the U.S. seemed more than ample. In fact, the majority of a Cabinet task force urged in February, 1970, that oil-import controls be modified to bring more foreign oil into the country and thus lower prices of gasoline and petroleum products.

Now, fast-moving developments have sent the nation's energy-supply structure tumbling. Growing concern over environment is seen by many experts as the main trigger to recent events. Says Charles Primoff, chief of the fuels and energy division of the White House Office of Emergency Preparedness:

"Environment is a principal reason for this sudden plunge into fuel scarcity. Air-pollution regulations, going into effect in many areas, have ruled out high-sulphur fuels—especially coal. Utilities, industries, government installations, office and apartment buildings are trying to switch to natural gas or low-sulphur residual oil.

"Natural-gas supply was already pinched. U.S. refineries for years have been cutting back on production of residual oil because imports made the price unattractive. Then came trouble in the Middle East, forcing more shipment of oil to Europe the long way around Africa. Tanker rates have gone through the roof, and so has the price of imported residual oil.

"Now coal, which could help ease this crisis, has become scarce. New environmental laws have increased strip-mining costs. The Federal Coal Mine Health and Safety Act, effective this year, has pushed up costs in underground mines.

"Some mines have closed, and many more may have to close. Others have been reluctant to expand production because of predictions that nuclear power would take over much of their market. But growth of nuclear power is far behind schedule for many reasons, not the least of which is the problem of locating plants where they will not disturb environment or people."

HIGHER PRICES?

If environment is to be protected and fuel shortages averted in the short and long-range future, energy experts say, consumer costs must rise sharply.

"The days of artificially low energy costs are drawing to a close," says John D. Emerson of the energy-economics division of the Chase Manhattan Bank in New York City. Mr. Emerson puts the situation in this perspective:

"Efforts will undoubtedly be made to protect the homeowner from the impact of the widespread and severe shortages which will develop over the next decade. Their success will vary from region to region. At this stage, it is not possible to be more precise. But one thing is sure: whether efforts are made to increase domestic supplies of suitable fuels for the residential market, or whether the nation will come to rely more on imports of foreign fuels, prices will rise."

A long period in which U.S. consumers have enjoyed a fast-rising supply of energy, at relatively stable costs, appears to be nearing an end.

American homes in 1970 consume more than six times as much electricity as they did in 1950. Use of basic fuels for home heating has increased by 50 percent in the same period.

On August 7, Dr. Paul W. McCracken, Chairman of the President's Council of Economic Advisers, issued an "inflation alert" in which he stated that "an important increase appears to be in progress in energy prices." Dr. McCracken gave this detail:

"Electricity prices have to date moved only slowly. Wholesale electricity prices are up only 1.8 percent in the 12 months ending in June, although this is itself a departure from the stability of earlier years. Wholesale natural-gas prices have increased about 3 percent in the last 12 months.

"These conditions of stability, however, are likely to change. . . . The prices of fossil fuel (coal and oil), which accounts for over three quarters of the production cost to generate electric power, have skyrocketed. Over half of the electric power in the country is generated by burning coal, and utility rates often contain an escalator clause tying the price of power to the price of fuel. . . ."

Dr. McCracken noted that the Tennessee Valley Authority, a public power agency long regarded as a "yardstick" for the power industry, is planning a substantial rate increase.

The higher TVA rates, effective October 1, will boost power costs to consumers in the utility's Southeastern U.S. service area by an estimated 23 percent. The rate boost is attributed by TVA officials to "rapidly rising costs for the coal burned in TVA steam-electric plants."

U.S. demand for energy in the decade 1970 to 1980 is expected to increase by 50 per cent. That forecast comes from the energy-economics division of the Chase Manhattan Bank, which provides this breakdown of present sources of energy:

	Percent
Oil	44.7
Natural gas	31.4
Coal	20.0
Hydropower	3.6
Nuclear power	0.3

All of these five energy sources must be expanded in the decade ahead if Americans continue to live in the style to which they have become accustomed. This look at present prospects and a size-up of possible expansion of each energy source comes from experts in government and industry:

Oil: the big scramble. U.S. demand for oil is tremendous—an average of 14.8 million barrels a day. The system delivering this oil, experts say, had become so strained that recent demand shifts have knocked it out of kilter.

A basic switch, says Richard J. Gonzalez, oil economist and consultant in Houston, Tex., has been to the industrial fuel oil known as "residual" because it is what remains when higher-quality products have been refined from crude petroleum.

A major source has been Venezuela, but much of its petroleum is too high in sulphur to meet U.S. air-pollution regulations. Equipment to remove sulphur from Venezuelan oil is going in, but will not be ready for several months.

A scramble for other sources of residual oil, combined with the tanker shortage, has pushed the average price on the U.S. East Coast to $4 a barrel, more than double that of a year ago.

Meanwhile, demand for all kinds of oil is rising fast. "Allowable" production in Texas, top oil-producing State, was raised August 1 to the highest level in 17 years. Louisiana's production is also at a record high.

Mr. Gonzalez notes that federal-leasing of offshore lands is at a virtual standstill, because of concern over oil spills.

More oil from Canada is a possibility to ease the present crisis, but over the long pull U.S. officials are not counting on large amounts from that country because demand there is rising, too.

Mr. Emerson of the Chase Manhattan Bank says that, at best, the flow of oil from Alaska by the end of this decade will be 2.5 million barrels a day. By that time, he predicts that U.S. demand may be as high as 25 million barrels daily, and as much as 7 million barrels a day will have to be imported from the Middle East and Africa.

Price and supply of Middle East oil, experts note, can change quickly. A few months ago, Persian Gulf oil could be laid down in the U.S. for less than $3 a barrel. Now, because of higher tanker rates, the cost ranges from $4.60 to $4.70 a barrel.

Natural Gas: a squeeze. Gas producers have long maintained that federal regulation had held prices too low to encourage exploration. The Federal Power Commission, since a U.S. Supreme Court decision in 1954, has had authority to regulate wellhead prices of natural gas moving through interstate pipe lines.

Now the FPC is acting to raise price ceilings. Says Chairman Nassikas, who came to the Commission in 1969: "We are attempting . . . to recognize the law of supply and demand and market conditions by taking action . . . to get gas flowing."

Most industry experts are predicting that critical natural-gas shortages will persist, even so. At hearings held in mid-July in New Orleans by the Interior Department on whether to open new areas offshore from Louisiana for oil and gas exploration, Mr. Emerson of Chase Manhattan Bank said:

"The total availability of gas that we can see in 1980 amounts to 63 billion cubic feet a day. Compared to the potential demand of 93 billion cubic feet a day, there is thus a deficit of 30 billion cubic feet a day—equivalant to more than 5 million barrels of oil."

Coal: spot shortages. The Office of Emergency Preparedness estimates total 1970 use of coal at 583 million tons, and production at only 571 million. Above-ground inventories are already shrinking, and spot shortages are showing up.

In early August, according to OEP officials, electric utilities nationally had 50 days' supply on hand. Ninety days' supply is considered normal. Some utilities were reported down to five days' supply and paying "staggering" prices for additional coal.

Bituminous-coal prices, on the average, increased by 35 per cent from June 1969, to June, 1970, according to the "inflation alert" issued by the White House on August 7.

Coal-supply problems have been accentuated by a dearth of railroad coal cars. Railroads have hesitated to order new cars in recent years because official forecasts have indicated that nuclear energy would take over much of coal's market for power generation.

For the long range, U.S. underground reserves of coal are enormous. But mining will have to be expanded and technology developed to remove sulphur from the coal itself and the smoke it produces.

Nuclear power: a shortfall. A comment from FPC Chairman Nassikas:

"The program for installations of nuclear power generation has lagged two or three years behind the predicted level of five years ago. . . ."

A study prepared for the Joint Committee on Atomic Energy of the U.S. Congress shows this: Of the 65 nuclear-power units that had been scheduled to go into service between 1970 and 1976, a total of 23 have already been delayed anywhere from a few months to well over a year.

Mr. Nassikas attributes the lag in development of nuclear energy to "delays in deliveries by major manufacturers of equipment, environmental opposition to proposed sites and technological problems affecting both physical and economic operation."

There is optimism that the present shortfall in nuclear energy can be overcome. Mr. Emerson of Chase Manhattan Bank says that an increase in nuclear-power output to furnish close to 10 per cent of total U.S. energy needs is possible by 1980.

Hydropower: the outlook. Industry experts say that significant amounts of power can be developed from "pump-storage installations." In these, water is pumped up to storage at a site above a river or reservoir at hours when power demand is low. The water is released to generate "peaking" power at hours when electricity demand is greatest.

New designs for pump-storage plants to make them intrude less on the environment have been developed. It is hoped that these will be acceptable to conservationists.

This sort of compromise, along with measures to overcome technical and other problems that beset the energy industry, are seen as essential if U.S. is to meet its soaring needs for energy.

PRAISE OF J. FRED BUZHARDT, JR., GENERAL COUNSEL, DEPARTMENT OF DEFENSE

Mr. THURMOND. Mr. President, last Thursday, August 20, 1970, J. Fred Buzhardt, Jr., of McCormick, S.C., was sworn in as a General Counsel of the Department of Defense by Secretary Melvin Laird.

Those of us in Congress from South Carolina are proud of this young man and are confident that Mr. Buzhardt will render our Nation a great service in this capacity. I take particular pride in this appointment, as Mr. Buzhardt served on my staff in the Senate for some 8 years.

On August 19, 1970, the editors of the State newspaper, Columbia, S.C., published an editorial on Mr. Buzhardt, entitled "A Quiet Man in a Big Job."

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A QUIET MAN IN A BIG JOB

The Nixon administration without a doubt has disappointed many of the South Carolinians who helped put it into office.

But no one in the state can deny that South Carolinians have greater influence in Washington now than at any time in recent history.

There is, of course, no Palmetto State individual in the Executive Department with the stature, prestige and power that James F. Byrnes enjoyed in his heyday.

But South Carolinians, topped by Harry S. Dent of the White House staff, hold positions of importance throughout the Administration. One Washington source alleges that this state ranks third behind California and Illinois in the total number of Administration appointees.

This comes to mind with the elevation of J. Fred Buzhardt Jr. of McCormick to general counsel (chief lawyer) of the vast Department of Defense.

Politicians consider this quite a plum. Every department of the government has a general counsel. The power and prestige of the job is generally what the Secretary chooses to make it.

Based on Defense Secretary Melvin Laird's comments about Buzhardt on the occasion of his appointment, it would seem that he places great confidence in the quiet, hard-nosed South Carolinian.

This feeling is buttressed by that fact that Laird held the job open for Buzhardt for over a year. It will be recalled that Buzhardt was proposed for the job at the outset of the Nixon regime, but flak from integrationists, who remembered Buzhardt as Sen. Strom Thurmond's top aide, forced a change of signals.

Buzhardt was slipped into a double job as Laird's special assistant and staff director of the top-flight committee studying Pentagon operations.

In these roles, to the surprise of no one who knows that competent soldier-lawyer, Buzhardt earned his spurs and silenced his critics to the left.

In his new job Buzhardt apparently will have a role in implementing the controversial recommendations of the reorganization committee. This will be a demanding task, requiring perseverance, tact and salesmanship.

On past performances, Fred Buzhardt is equal to it.

SECOND ANNIVERSARY OF SOVIET INVASION OF CZECHOSLOVAKIA

Mr. ALLOTT. Mr. President, last Friday marked the second anniversary of the Soviet invasion of Czechoslovakia. It is fitting that we all pause and remember the sights and sounds of the Soviet armor rumbling through the streets of Prague, and the mixture of anger and despair on the faces of the people.

The coming of the Soviet tanks did not crush a mighty structure of freedom. There was little enough freedom in Czechoslovakia at the time. It was still a one-party Communist dictatorship. But it was experimenting with some freedoms which might have enabled the nation to become a more open society.

It is evident that the Soviet Union cannot tolerate freedom even in small quantities, and even in neighboring nations. The severity of Soviet repression in Czechoslovakia in the last 24 months has confirmed the fact that the insecure tyrants in the Kremlin are deathly afraid of such slight opposition as is offered by mildly critical newspapers and the free and open discussion of public policy in public places.

The slight freedom enjoyed by Czechoslovaks in the months prior to the Soviet invasion was not the only casualty of that invasion. Here in the United States a theory was destroyed by that invasion. This was the tattered and threadbare

theory that the Soviet Union is mellowing and becoming a congenial member of the community of nations.

It seems inevitable that every time the Soviet Union goes 6 months without committing some especially loathsome act, a minor army of prophets will be ready to fill the quarterlies with essays describing the fundamental changes for the best in the Soviet despotism.

The only good that came from the Soviet invasion was the mortal wounding of the theory about emerging Soviet decency. The invasion of Czechoslovakia was too high a price to pay for that. But if we learn anew the facts about the continuing threat posed by the Soviet Union, then we can truly say the Czechoslovakian struggle for liberty was not in vain.

ALL-VOLUNTEER ARMED FORCE: A FORMULA FOR THE FUTURE

Mr. HANSEN. Mr. President, like many other Senators, I have for a number of years considered the pros and cons of an all-volunteer armed force for the United States. There is much to be said in favor of such a concept, and I believe most of this has been said, repeatedly, over the past 2 years.

In my opinion, the proposal to end the selective service program has been, and is, a nonpartisan issue. There are proponents and opponents to the measure throughout the political spectrum. The Gates Commission, in its report to the President, listed what it recognized as the "main objections" to elimination of the draft.

These were:

(1) an all volunteer force will become isolated from society and threaten civilian control;

(2) isolation and alienation will erode civilian respect for the military and hence dilute its quality;

(3) an all-volunteer force will be all-black or dominated by servicemen from low-income backgrounds;

(4) an all-volunteer force will lead to a decline in patriotism or in popular concern about foreign policy;

(5) an all-volunteer force will encourage military adventurism.

The Commission then set about replying to these objections.

These certainly have not been my objections. I do not believe that any of these consequences would necessarily result from termination of the draft. Neither did the Commission.

But I do believe that many of the Commission's assumptions are open to question because in most cases, they have selected the most favorable aspects of a number of conditions. It has appeared to me that the Commission report has been, rather than a balanced feasibility study of the proposal, a presentation of the favorable evidence for an all-volunteer force such as a defense counsel might present to a jury.

In addition to the defensive nature of the report, this type of presentation was continued by members of the Commission staff at briefings in the Senate Office Building conducted for Members of Congress and their staffs. These Commission staff members remarked several times during at least one of the briefing sessions that those who favor abolition of the draft should not defend the concept, but should endeavor to force those in opposition to the concept to defend their stand against ending the draft. It was difficult to accept these briefing sessions as an unbiased presentation of fact.

Nevertheless, in my view, these briefing sessions provided valuable information, information that should be carefully considered by the Members of the Senate. Dr. Walter Y. Oi, a director of research for the Commission, noted that 44 percent of the Army enlistees would not have volunteered had they not been draft motivated. He said that 30 percent of Marine volunteers would not have enlisted without draft motivation.

It was further pointed out at the briefing that 18 percent of the Army's volunteers currently have infantry assignments. This means, generally speaking, that the other 82 percent of the Army's volunteers serve in areas other than infantry.

There is not much question that, while the infantry is one of the proudest arms of the military forces, the infantry bears the brunt of the dangers of war, the highest casualty rates, and the least pleasant environment as we know conventional warfare.

What these figures bring us to is a "main objection" that the Gates report failed to list, and that is the question as to whether an all-volunteer military force will work, with the vast commitments of the United States today in Indochina and throughout the world, now or in the unforeseen future.

The Association of the United States Army had this to say in a resolution adopted October 15, 1969:

No. 7. ALL-VOLUNTEER ARMY

Throughout the history of the United States, military security has depended upon the willingness of all able-bodied citizens to serve in the armed forces, either as volunteers or through some form of selective service when the necessity has arisen.

It is recognized that the present selective service system has accomplished the following:

(1) Provided sufficient manpower to the active Army to enable it to accomplish the varied and difficult missions with which it has been charged.

(2) Increased the number of voluntary enlistments for longer periods among those who perhaps would not have considered military service had there been no selective service obligation.

(3) Insured the availability of individuals with varied skills and experience vital to the mission of the Army.

(4) Provided a source of trained manpower for Army Reserve and Army National Guard forces and has created a reservoir of battle-experienced citizens who could be counted on in any emergency requiring rapid expansion of the armed forces.

It is recognized that under future circumstances which might place a lower manpower requirement on the Army, an all-volunteer system of service could be practicable and desirable. However, it does not appear that the personnel requirements under present conditions could be maintained through an all-volunteer system. With an all-volunteer Army, it would be essential to provide a back-up of trained reserve elements in larger numbers than now exist to insure an effective force sufficient to meet any national emergency.

We therefore resolve to support the continuation of a selective service system as long as required, to function in concert with a strong volunteer system.

What the Army Association is saying is that the Selective Service System is time tested and proven, in time of actual war, and in time of the continuing cold war, which will not end with American withdrawal from Vietnam, and which will continue to require vast American manpower in uniform.

The Gates Commission staff briefings seemed to indicate that the all-volunteer concept also is time tested in the forces of the United States. They referred to the great success of the Marine Corps which, for the most part, has been an all-volunteer force and certainly has won worldwide recognition for its excellence in combat. But the Marine Corps is an elite force, and it is a relatively small force—normally in time of peace numbering less than 200,000 men and officers—including its air wings and other supporting units.

The Marine Corps, in World War II and in the Vietnam war, nevertheless found it necessary to go to the draft to meet its wartime combat requirements. During the Korean war, the Marine Corps found it necessary to call its civilian reserves to active duty. As pointed out earlier, 30 percent of the marine enlistees in the Vietnam war told the Gates Commission they volunteered to prevent being drafted into another service.

The Commission dwells heavily on increased pay and benefits as an incentive for military volunteers. It is important that the men and women of our Armed Forces receive good salaries and that they be able to support their families and have a standard of living as nearly as possible equal to that of Americans in other endeavors.

I certainly support this.

But I do not believe the main emphasis in seeking men to serve this Nation in its Armed Forces should be upon pay and benefits, but upon the honor of serving their country.

The Marine Corps has had and now has great success as a volunteer fighting force. But the men of the Marine Corps do not receive or have not received extra pay and allowances for the hazardous duty they are called upon to perform. Yet, hundreds of thousands of American men have volunteered for the Marines; not for high pay, but to serve their country.

To consider higher pay as a major incentive for serving this country is, in my view, a mercenary approach. Yet we hear many deploring the use of mercenaries from other nations—mercenaries who likely can be bought at a lower price than could Americans—to wage war.

I support the concept of Americans volunteering to fight for America.

But I respectfully question whether the all-volunteer armed force is really possible, especially with the short-range and long-range military commitments which face the United States today.

The problem, as the figures on the Army's draft-motivated volunteers indicate, is in obtaining combat troops.

The Gates report lumps all of the services together to obtain a favorable

overall percentage of volunteers in the armed services at this time. The combat troop problem has not been isolated. Combat troops are those whose mission it is to close with the enemy in offensive or defensive action and to defeat him on the battlefield and at his field bases. The exposure of these combat men to hardship and to the possibility of being killed, captured, or wounded is far greater than that of others in the armed forces. Except for certain elite units, men less readily volunteer for such direct combat duties.

Mr. President, I support higher pay and benefits for the men of our Armed Forces, but I do not feel the Hatfield-Goldwater amendment to be in the best interest of our national security at this time.

Therefore, I will vote against this proposal, and I urge its defeat.

UNIVERSITY PROFESSORS FOR ACADEMIC ORDER, INC.

Mr. ALLOTT. Mr. President, I invite the attention of the Senate to the formation of a new academic association that deserves the praise and support of us all. This is University Professors for Academic Order, Inc.

I am pleased to be able to share with the Senate the first issue of the organization's newsletter, Universitas. This newsletter contains six interesting items.

First, there is a spirited and learned essay on "The State of American Higher Education," written by Dr. William H. Roberts, professor of international law and relations at the Catholic University of America. I have been fortunate to receive the benefit of Dr. Robert's scholarship and shall soon be sharing with the Senate a memorandum he has prepared on the inadequacies of the so-called Amendment To End the War.

Second, there are excerpts from the Articles of Incorporation of the UPAO.

Third, there is a preliminary program and policy statement setting forth the aims of the UPAO, and it is especially interesting for its comments on the American Association of University Professors.

Fourth, there is a list of State and campus representatives of UPAO. This list is already impressive and, I am sure, will grow. I am pleased to see that Colorado is already well represented.

Fifth, there are excerpts from a lively and altogether splendid letter to the President's Commission on Campus Unrest. I am proud to note that this letter is from Prof. Tyrus Hillway, director of academic development and professor of higher education at the University of Northern Colorado. I applaud the sentiments he expresses, and am only sorry that I cannot agree with his assertion that the Commission on Campus Unrest is an objective commission for which we should be grateful.

Sixth, there is an interesting note from Prof. Fred W. Decker of the meteorology department at Oregon State University.

Mr. President, so that all Senators may enjoy the evidence of academic moderation, I ask unanimous consent that these items from Universitas be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE STATE OF AMERICAN HIGHER EDUCATION

(By William H. Roberts)

Judge Learned Hand once said that our courts cannot be better than our judges are. A similar statement can be made, and probably with even greater justification, in regard to our colleges and universities. In the course of the last years, headlines referring to campus unrest and student revolutions have become daily routine. However, the curiously similar patterns of student unrest in all Western countries give rise to the legitimate query, whether it is, in fact, as frequently urged upon us, only a reaction to national policies—foreign or otherwise—or just a symptom of the social environment of the late 1960's and early 1970's. Clearly, the leadership groups of the various national student movements seem to have taken upon themselves the apostolate of the ideology of the "New Left." These leadership groups are well endowed with travel funds to meet together, nationally and internationally, and thus to concert their policies.

However, we have to ask ourselves whether this revolutionary unrest has not deeper roots, and whether it could have reached its present dimensions if the universities and colleges had actually played their organic role in society. With Judge Hand, we believe that our institutions of higher education cannot be better than their faculties and administrators. It is they, who in view of their relatively long-term connection with the institutions, exercise a by far greater influence than the coming and going student body.

It is the deep-seated anomie of a wide sector of faculty members and of their representative organizations, which, in fact, makes the revolutionary student unrest possible, if it is not actually, however timidly, tacitly or nefariously, engendered by it.

In 1927 Jules Benda wrote his *La Trahison des Clerks* which has been clumsily translated as The Betrayal of the Intellectuals.

In his introduction to the translation Herbert Read stated that Benda's "clerk" was the "distinguished thinker—the man who pursues knowledge oblivious of the social and economic tendencies of the time. . . . Now M. Benda's charge is that the clerks of today, almost without exception and whatever their standing, have betrayed the cause of speculative thought of the interests of political passion." Read summarized correctly Benda's charges when he said that "Instead of humanism, which is an intellectual concept . . . they substitute a sentimental humanitarianism. . . . Instead of leading the mob, they follow the mob; they adopt the politics of the mob and sanctify them—give them an intellectual gloss." This is exactly the position which has been taken by many members of our college and university faculties in the course of the last decades.

It is imperative to raise the question whether the American universities and the academic profession can live up to the aims and goals of higher education in the environment of a permissive society. For centuries, the purpose of higher education has essentially been that of handing down our heritage to younger generations and of making new contributions to that heritage. Similarly, it was understood that professional or vocational training had to rest on a firm foundation of sound, general education if the advanced training was to produce more than men who came to know increasingly more about progressively shrinking slithers of knowledge. As the scope of their knowledge shrank, it became progressively more meaningless not only to them but also to those who did not happen to master the rarefied techniques necessary for the manipulation of these disjointed particles of knowledge. The balance shifted from a process of education to a mere learning of techniques. In the former, the educator fulfilled an essential and organic task. In the latter, the educator has become but a necessary evil that supervises the "learning" of the student. The teachers have disappeared from our classrooms and have yielded their places to petty bureaucrats. The students have been left to face their intellectual growing pains without the guidance of the educator in the past. Small wonder that the student came to dislike and to distrust the classroom bureaucrat who more often than not delegated his rather degrading task to graduate assistants and instructors. The actual professional life of the educator-bureaucrat is now lived in the never-ceasing battle to solicit ever more money for ever less meaningful "research projects." Frequently, the educator-bureaucrat does not even bother to do or to direct the research himself

This trend has been reinforced by the increasing tendency to consider colleges and universities as mass-education institutions and to use, therefore, mass-learning techniques. The transfer of the cultural heritage and, at a later point of the educational process, specialization within the framework of that heritage, has given way to the mere learning of essentially vocational or professional methodologies and techniques. The institutions of higher education and the academic profession found themselves and, indeed, find themselves increasingly confronted with a crisis in which they are about to lose the organic place which they had occupied in society for centuries.

The anomie and atomization of modern society have been assisted by the breakdown of the inner structure of higher education. In turn, the purveyors of the "multiversity" and of the "meritocracy" repayed their debt to modern society by accelerating the trend leading toward cultural nihilism. "Permissive" society has declined any responsibility and has shown neither interest nor understanding for the organic processes of higher education. The impact of this rapidly moving process on faculties and students alike has been disastrous. The student who had been abandoned and betrayed by the members of the academic and bureaucratic meritocracy came to understand intuitively that a power vacuum had come into existence. This vacuum the students have tried to fill in the face of disinterested faculties and academic administrators who consider it their job to run institutions, i.e., students and the more serious faculty members whose principal commitment is to the university rather than to foundations or professional organizations, as efficiently as possible. Clearly, administrative efficiency as the highest value has led to impersonal learning and an administrative structure which the students came to resent. It is necessary to point out that this resentment has been kindled and supported by forces which seem to have a vested interest in doing away with the very pillars of an organically integrated society. It was a Dutch Communist—incidentally, a university professor—who wrote several years before the First World War that the safest and quickest way to destroy society and to reshape it was the destruction of the educational process from within.

In the face of student resentment, the bureaucratic meritocracy and the academic administrators have all too frequently attempted to "alibi" themselves by, at best, permissiveness; at worst, by not only embracing the symbols but by providing the leadership in the wave of resentment which they themselves had triggered.

Many of these faculty members are "alumni" of the "Post-Huron Statement" period and were at one or the other time active SDS members. The later middle-age and

older groups of faculty members, as many of them frankly admit, have never overcome the trauma and deprivations of the great depression. The very inability to transcend their early experience, points to their emotional instability which, in turn, made them respond, behind the screen of various rationalizations, to the present ideologies and movements which, at best, tend to emphasize the weaknesses and to de-emphasize the inner strengths of American society.

Already in 1956, William Whyte in his now classic book on *The Organization Man* pointed out that the ethics of personal responsibility had been replaced by administrative and research team-work which lowers the level of personal responsibility to the point of disavowing it. Similarly, the "new American academic mandarins" are responsible for the steady decline of the most essential type of research, basic research, which—in the sciences and arts (including the humanities and social sciences)—is fundamentally a highly individualistic venture. Such research is directly and indirectly, e.g., by economic sanctions, discouraged and replaced by grandiose and costly projects whose budgets, similar to those of the universities and colleges, are inflated by the inordinate cost of an administrative superstructure which is disproportionate to the educational and research input and output. When in 1954 the Reece Committee of the House of Representatives filed its Report (83rd Cong., 2nd Sess., House Report No. 2681) it said: "The bureaucrats of the foundations have become a powerful group indeed. Not only do they determine grants and grantees, but they exert an influence on academic life second to no other group in our society." Today this statement has to be supplemented by adding to it the members of the academic and research bureaucracy. This is not to underestimate the national need for, and the great importance of, well-founded team research but only to point out its excesses which tend to destroy the very roots of American higher education. These excesses have also an entropic and erosive effect on the vitality of individual research which provides the very life springs of team-research.

The repercussions of all these developments are so closely linked to questions of the future shape and the very existence of this nation that the repeated attempts which have been made to present them either as isolated phenomena, or as reactions to this or that foreign or domestic policy, are completely misleading. The words of Werner Jaeger in his *Paideia: The Ideals of Greek Culture* apply to us as much as they applied to ancient Greece: " . . . education in any human community . . . is the direct expression of its active awareness of a *standard*" (Jaeger's emphasis). Jaeger might well have referred to the academic situation in our universities and colleges when he said that ". . . the regime was indirectly threatened by the frankly naturalistic tone of this Sophistic philosophy, which by rigid application of its own standard to all human life was undermining the authority of the existing moral code."

The faculty members and research associates of our universities who do not subscribe to the dogmas on which the bureaucratic meritocracy insists, have found themselves increasingly isolated, harrassed, economically disadvantaged, and endangered by possible denial of tenure and promotion. Unfortunately, AAUP which has been widely accepted as the organization which represents the interests of the academic profession has been increasingly influenced by the educational and research ideology pervading the new "spirit" of academia. Since AAUP has been mainly concerned of definite and generally accepted standards—has been completely controlled by the ideologies of those who wield the controlling influence on the campuses of the nation today. This fact has also found expression in uncalled-for AAUP statements on various non-academic issues.

In the face of this situation, has the time not come to bring to an end our enforced isolation, and to pool our moral and intellectual resources in the interest of the real values of higher education and research, which provide the backbone of the Republic, as well as in the interest of our self-preservation and protection?

EXCERPTS FROM THE ARTICLES OF INCORPORATION OF UNIVERSITY PROFESSORS FOR ACADEMIC ORDER, INC.

Third. The purposes for which the corporation is organized are:

1. To advance the legitimate ideals of the University within the framework of the Constitutional and ethical values upon which our government and social order have been founded.

2. To preserve and advance the ideals of the academic profession by furthering the cause of academic freedom for all teachers in all institutions of higher learning.

3. To promote scholastic excellence among teachers and research scholars at universities and colleges and research institutions of similar grade.

4. To facilitate effective, collegial cooperation among scholars of colleges, universities and related professional schools and research institutions.

PRELIMINARY PROGRAM AND POLICY STATEMENT ADOPTED BY THE BOARD OF DIRECTORS, UNIVERSITY PROFESSORS FOR ACADEMIC ORDER, INC., ON JULY 19, 1970

I. UPAO AND OTHER ACADEMIC PROFESSIONAL ORGANIZATIONS

"University Centers for Rational Alternatives" (UCRA) is basically interested in and committed to a discussion of the three principles stated in *Measure* (UCRA's publication). UCRA is not a centralized organization, but depends on individual campus organizations which address themselves on the basis of UCRA principles to specific problems of their respective institutions.

"The American Association of University Professors' (AAUP) is a policy-making and rule-enforcing (protective) organization which, though it has campus chapters, operates essentially through a national organization. Policy-making and protection lie in the hands of about twenty committees.

"University Professors for Academic Order" (UPAO) is intended to be a policy-making and rule-enforcing (protective) organization for members of the academic profession who feel, that, in fact, their professional and philosophical interests are not represented by AAUP.

In its first years, UPAO will not need the elaborate AAUP committee structure. UPAO can, for the time being, omit some of these committees which AAUP has set up. For its organizational purposes, UPAO will initially limit the number of its committees by assigning to each committee tasks handled by several AAUP committees.

II. INITIAL PROGRAM OF UPAO

1. Sustained and funded membership drive continuing through state (regional) and campus (local) organizations as soon as they are established. The goal should be at least 1500 members by the end of 1970.

2. Visits by UPAO's president to establish personal contact with provisional state (regional) and campus (local) representatives and members.

3. Convocation of a national meeting of State (regional) and campus (local) representatives in Washington, D.C., preferably on January 30–31, 1971, which will elect a Board of Directors. Suggested: National Chairman, Secretary, Treasurer, one or two permanent delegates from each region and the committee chairmen.

III. INITIAL COMMITTEE STRUCTURE OF UPAO

1. Executive Committee.
2. Committee on Policy Statements on Academic Issues (has no counterpart in AAUP).
3. Committee on Membership and Dues.
4. Committee on Representation of Professional and Economic Interests.
5. Committee on College and University Government.
6. Committee on Accreditation of Colleges and Universities.
7. Committee on College and University Teaching, Research, and Publications.
8. Committee on Relationships of Education to Federal and State Governments.
9. Committee on Academic Freedom and Tenure.
10. Committee on Chapters and Conferences.

IV. GENERAL POLICY STATEMENT

UPAO members will work for the realization of the following objectives:

1. To give UPAO members the opportunity to promote policies on academic issues which aim to recover for higher education and the academic profession their organic place and functions in an American society whose public life is governed by and organized in accordance with the Constitutional and ethical values upon which this nation's social and governmental order have been founded; and

2. To protect members of the academic profession from academic, professional and economic harrassment and from infringements upon their academic and civic rights.

STATE AND CAMPUS REPRESENTATIVES AS OF JULY 31, 1970

STATE REPRESENTATIVES

Colorado

Professor William C. Stickler, Department of Chemistry, University of Denver, Denver, Colorado 80210.

Missouri

Professor Jerzy Hauptmann, Department of Political Science, Park College, Parkville, Missouri 64152.

Oregon

Professor Fred W. Decker, Department of Meteorology, Oregon State University, Corvallis, Oregon 97331.

CAMPUS REPRESENTATIVES

Arkansas

Professor George P. Smith II, School of Law, University of Arkansas, Fayetteville, Arkansas.

California

Professor William H. Haeuser, Jr., Department of Business, Yuba College, Marysville, California 95901.

Professor Carl A. Thomas, Department of Theatrical Arts, Sacramento State College, Sacramento, California 95819.

Colorado

Professor Wladislaw Cieslewicz, Department of Economics, Colorado School of Mines, Golden, Colorado 80401.

Professor Roy Colby, Department of Modern Languages, University of Northern Colorado, Greeley, Colorado 80631.

Professor John Greenway, Department of Anthropology, University of Colorado, Boulder, Colorado 80302.

Professor Libor Brom, Department of Modern Languages, University of Denver, Denver, Colorado 80201.

Illinois

Professor Patrick Tarrant, Department of Foreign Languages, Illinois State University, Normal, Illinois 61761.

Professor Paul Warren Allen, Director, School of Music, North Central College, Naperville, Illinois 60540.

Kentucky

Professor R. M. Longyear, Department of Musicology, University of Kentucky, Lexington, Kentucky 40506.

Michigan

Professor John A. Clark, Department of Mechanical Engineering, University of Michigan, Ann Arbor, Michigan 48823.

Professor Allan Spitz, James Madison College Department of Political Science, Michigan State University, East Lansing, Michigan 48823.

Minnesota

Professor Mark Graubard, Director, National Science Program, University of Minnesota, Minneapolis, Minnesota 55455.

New Jersey

Dean Heinz Mackensen, The University Evening Division, Fairleigh Dickinson University, Rutherford, New Jersey 08028.

Professor George Geng, Department of Psychology, Glassboro State College, Glassboro, New Jersey 08028.

New York

Professor Sandor Balogh, Department of Political Science, Hudson Valley Community College, Troy, New York 12180.

Professor Yolanda Ortal, Department of Modern Languages, College of St. Rose, Albany, New York

Professor Anthony T. Bouscaren, Department of Political Science, LeMoyne College, Syracuse, New York.

North Carolina

Professor Robert C. Lamb, Department of Chemistry, East Carolina University, Greenville, North Carolina 27834.

Ohio

Professor Stephen T. Bihari, Department of Modern Languages, Ashland College, Ashland, Ohio 44304.

Professor Nathan F. Cardarelli, Division of Engineering & Science, University of Akron, Akron, Ohio 44304.

Professor William O. Swan, Department of Education, Youngstown State University, Youngstown, Ohio 44511.

Oregon

Professor Olaf Boedtker, Oregon State University, Corvallis, Oregon 97331.

Washington

Professor Rev. Robert Bradley, S. J., Dean, College of Arts & Sciences, Seattle University, Seattle, Washington 98122.

Professor Gary L. Peterson, Department of Speech, University of Puget Sound, Tacoma, Washington 98416.

Virginia

Professor Henry A. Myers, Department of Political Science, Madison College, Harrisonburg, Virginia 22801.

Richard O'Keeffe, Librarian, George Mason College of the University of Virginia, Fairfax, Virginia 22040.

West Virginia

Professor Dan C. Heldman, Department of Political Science Marshall University, Huntington, West Virginia.

Professor James B. Hickman, Department of Chemistry, University of West Virginia, Morgantown, West Virginia 26505.

OUR MEMBERS WRITE

Professor Tyrus Hillway, Director of Academic Development and Professor of High Education at the University of Northern Colorado, wrote to the Honorable William W. Scranton, Chairman of the President's Commission on Campus Unrest and with his permission, we reproduce some of the pertinent passages of the letter:

"Many of us in the academic community are extremely grateful to President Nixon for appointing an objective commission for the study of campus unrest and to the members of the commission for being willing to undertake so awesome a task . . . The only thing really clear is the fact that, had we educators been willing to stand firm in defending the democratic and academic principles we profess, unrest would have never assumed its present proportions of violence . . ."

Professor Hillway's letter then proceeds with analyzing student unrest and its characteristics and then proceeds:

"5. *Encouragement of protest by some faculty members:* In the nineteen sixties American higher education went through an era of massive growth unprecedented in our history. To accommodate the huge numbers of new students entering during those years, universities hired thousands of new teachers. Because of the demand, hiring standards inevitably fell. Persons with the shakiest of credentials were appointed to faculty positions. It is an open secret that about a third of those recruited to teach in our universities during the sixties were poorly qualified. But classes had to be met.

"The natural frustrations of misfit faculty members have been reflected not only in their effect upon student attitudes—since they encouraged the students to participate in their own resentments, but also in the tendency to perpetuate mediocrity and a hostility toward high intellectual achievement. The goal of many of these poor teachers, unable to compete on any other terms, became popularity; and the cheapest way to popularity, as every teacher knows, is to support student movements. The real motive in most cases, however, is to strike back at an institution and a society which have shown up the inadequate teacher for what he is . . ."

The letter continues with an analysis of the role of outsiders and the news media in campus unrest and goes on:

"8. *The development of distrust in our government.* It has become popular among our citizens to say that nobody in government can be believed. This used to be a kind of joke inspired by the excesses of certain politicians during their election campaigns. It is no longer stated as a joke. Even when the facts can be vertified, as when an Italian Communist newspaper published the official casualty figures from North Vietnam and they agreed substantially with enemy casualty figures issued by the United States armed forces, there has been a growing tendency to ignore or even flatly deny everything emanating from an official agency.

"Cynicism regarding the pronouncements of our own government would not be so dangerous if it were not accompanied by a rather simple-minded willingness to accept without challenge the propaganda statements of some clearly untrustworthy foreign governments. Misstatements I heard broadcast from Iron Curtain radio stations, which are under strict political control, as part of a propaganda campaign many months ago I now hear circulating in this country as undisputed fact. How could this come about? It is hardly logical, when the choice is offered, for an American to accept the word of those whom history has proved not only flagrantly dishonest, but rapacious for self-aggrandizement in preference to reports of our own government. Some consideration might well be given to possible remedies for this absurd condition which has a direct bearing on campus unrest."

Professor Fred W. Decker of the Meteorology Department of Oregon State University at Corvallis analyzed norms by which colleges could be classified as succeeding or declining as a result of the present crisis and came to the following conclusions:

"Violence, arson, commotion and money-squeeze have increasingly imperiled many colleges. Now, the past Spring 1970 chaos on the campus has evoked a sweeping public backlash threatening early curtailment of many colleges and universities . . . Will the survival of the fittest actually work, or will disaster fall on the fit and the unfit schools indiscriminately? Modern society needs the good colleges and universities to propagate Western Civilization. Still, freedom loses to slavery if campus sanctuaries produce more 'Doctor' Fidel Castro types . . . Distinguishing the fit from the unfit will pose a knotty problem for students, faculty and supporters. They need factual data such as these:

"1. How many classes did each college lose last year?

"2. What prospects exist for continuous instruction next year?

"3. How effectively did each college cope with campus chaos?

"4. Does each college have clear objectives and adhere to them?

"5. Does a wide spectrum of faculty viewpoint produce objective handling of such subjects as economics, political science, history, sociology and philosophy?

"Published ratings on these questions as researched by a fact-gathering academic body would help focus the backlash positively. This could ensure upbuilding the fit schools and reduce the waste of personal and material resources of colleges already doomed by inept leadership and by entrenchment of the anti-intellectual barbarians."

DEATH OF IRVING JAY FAIN OF PROVIDENCE

Mr. PELL. Mr. President, Scarcely ever have I been at a funeral service of a private citizen that was as moving and simple and broadly attended by the people and leaders of our State as was that today of Irving Jay Fain at Temple Beth-El in Providence. The reason was the character and contributions to our community of the truly good and fine man we were mourning.

Graduated from Harvard in 1927 and an Army officer in World War II, Irving Fain had through his whole adult life followed a course of total commitment to the causes in which he believed—be it the domestic cause of fair housing for Negroes or the world problem of peace. Irving Fain fought and pressed for what he considered right. Rabbi William Braude's eloquent eulogy and tribute to him reached the hearts of all of us there.

AMENDMENT TO END THE WAR: CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS

Mr. HATFIELD. Mr. President, I should like to present the fourth in a series of articles pertaining to various aspects of the amendment to end the war. The article, entitled "Casualty and Cost Projections for Different Vietnam Withdrawal Plans," written for the Congress of Young Professionals for Political Action by Arnold M. Kuzmack. Mr. Kuzmack is a former staff member of the Office of the Assistant Secretary of Defense—systems analysis—and is well within his realm of expertise in discussing the important issues of his research paper.

In our consideration of our future policy in Vietnam, it is essential to know the consequences and implications, particularly in terms of lives as well as financial resources of whatever course we choose to follow.

I found Mr. Kuzmack's article a valuable contribution to comparative knowl-

edge on the costs and casualties entailed in various withdrawal plans and future policies in Indochina, and would like to share this research with Senators. The article directs attention to vital areas to be discussed in the forthcoming debate on American involvement in Indochina: I would hope that Senators would take a few moments to study this paper. I therefore ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS

(By Arnold M. Kuzmack)

This paper presents estimates of the U.S. casualties and budget costs that would result over the next five years from five possible Vietnam withdrawal plans. The first is the plan in the McGovern-Hatfield Amendment. Since the Administration has not indicated what its plans are, other possibilities are considered, ranging from a continuation of the current withdrawal rate through maintenance of over 200,000 U.S. troops in Vietnam through 1975.

The casualty estimates are based on two key assumptions: (1) that U.S. casualties will be proportional to the number of U.S. troops in Vietnam, and (2) that the fractional casualty rate (casualties per American in Vietnam) will be the same as for the first three quarters of FY 1970 (a period of low activity rates before the Cambodian operation). Either of these assumptions might be false. For example, more U.S. casualties than predicted in this paper would occur if:

(1) U.S. forces increased their activity rates or if;

(2) Enemy attacks tended to be more successful because the remaining U.S. forces were largely support forces dependent upon the South Vietnam Army for their protection, or if;

(3) The enemy attempted to keep the number of attacks on U.S. forces at a constant level. (By and large the key assumptions imply that the enemy reduces the number of attacks on U.S. forces in proportion to the U.S. forces withdrawn).

Uncertainties such as those indicated above make casualty estimates very rough and often little more than an indication of the appropriate order of magnitude.

The cost estimates are developed by extrapolation of the official Defense Department estimates of the incremental cost of the war in FY 1969 and 1970, as presented by the Assistant Secretary of Defense (Comptroller), Robert C. Moot, to the House Appropriations Committee on March 3, 1970. The uncertainties in the original estimates and the method of extrapolation are such that errors as high as $1–2 billior cannot be ruled out.

The estimates are presented in constant FY 1971 dollars, with no attempt being made to estimate inflation beyond that point. They should be compared with incremental outlays for the war of $21.5 billion in FY 1969 and $17.4 billion in FY 1970 (current dollars).

Further details on methodology may be found in the Appendix.

SUMMARY TABLE

	Cost (dollars in billions)		Killed in action		Total casualties	
	Total cost, fiscal year 1971–75	Increase over col. 1	Total deaths, fiscal year 1971–75	Increase over col. 1	Total, fiscal year 1971–75	Increase over col. 1
Case 1: McGovern-Hatfield plan	11.5		2,500		22,600	
Case 2: Current withdrawal rate, out by early fiscal year 1973	19.7	8.2	5,400	2,900	47,900	25,300
Case 3: Current rate, residual force of 50,000 men	25.7	14.2	7,400	4,900	65,450	42,850
Case 4: Withdrawal delayed in fiscal year 1972, residual force of 50,000 men	31.5	20.0	9,500	7,000	84,000	61,400
Case 5: Continuing force of over 200,000 men	46.4	34.9	14,700	12,200	130,300	107,700

CASE 1: M'GOVERN-HATFIELD AMENDMENT PLAN

Under this plan, all U.S. troops would be withdrawn from Vietnam by the end of FY 1971, i.e., by 1 July 1971. No attempt is made to show the effect of avoiding "offensive" operations after December 1970, as the amendment requires, and it is doubtful there would be much effect. Beginning with FY 1972, $1.0 billion per year in military aid is provided.

The year-by-year effects of this plan are shown below:

	Fiscal year—				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)					
U.S. casualties:					
Killed in action	2,500				
Wounded in action	20,100				
Total	22,600				
Budget outlays (billions)	$7.5	$1	$1	$1	$1

CASE 2: CURRENT WITHDRAWAL RATE CONTINUED

Under this plan, the current withdrawal rate of 50,000 men per quarter would continue until none are left in early FY 1973. Beginning with FY 1972, $1.0 billion per year in military aid is provided.

	Fiscal year—				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)	223	23			
U.S. casualties:					
Killed in action	3,900	1,500			
Wounded in action	30,800	11,700			
Total	34,700	13,200			
Budget outlays (billions)	$11.2	$5.4	$1.1	$1	$1

CASE 3: CURRENT WITHDRAWAL RATE CONTINUED, RESIDUAL FORCE

This is the same as Case 2, except that troop levels do not fall below 50,000 men in Vietnam.

	Fiscal year—				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)	223	50	50	50	50
U.S. casualties:					
Killed in action	3,900	1,700	600	600	600
Wounded in action	30,800	13,000	4,750	4,750	4,750
Total	34,700	14,700	5,350	5,350	5,350
Budget outlays (billions)	$11.2	$5.5	$3	$3	$3

CASE 4: WITHDRAWALS DELAYED IN FY 1972, RESIDUAL FORCE

Under this plan, troop levels remain constant in FY 1972, to provide support for the developing South Vietnamese armed forces. Withdrawals at the rate of 50,000 men per quarter resume in FY 1973 until the level of 50,000 is reached. Beginning with FY 1972, $1.0 billion per year in military aid is provided.

	Fiscal year				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)	223	223	50	50	50
U.S. casualties:					
Killed in action	3,900	2,700	1,700	600	600
Wounded in action	30,800	21,200	13,000	4,750	4,750
Total	34,700	23,900	14,700	5,350	5,350
Budget outlays (billions)	$11.2	$8.8	$5.5	$3	$3

CASE 5: CONTINUING FORCE OF OVER 200,000 MEN

Under this alternative, a force level of about 223,000 men is reached by June 1971, and is maintained through FY 1975.

	Fiscal year				
	1971	1972	1973	1974	1975
End fiscal year troop level (thousands)	223	223	223	223	223
U.S. casualties:					
Killed in action	3,900	2,700	2,700	2,700	2,700
Wounded in action	30,800	21,200	21,200	21,200	21,200
Total	34,700	23,900	23,900	23,900	23,900
Budget outlays (billions)	$11.2	$8.8	$8.8	$8.8	$8.8

APPENDIX: METHODOLOGY

Casualty methodology

Casualty projections were derived as follows. U.S. troops provided about 537,000 man-years in South Vietnam in FY 1969 and 486,000 man-years (annual rate) for the first 9 months of FY 1970. Actual numbers of casualties and rates per 1,000 man-years are shown in the following table.

	Total number (rate per 1,000 man-years)	
	Fiscal year 1969	Fiscal year 1970 (9 months)
Killed in action	11,340 (21)	4,252 (12)
Wounded in action	67,391 (125)	34,594 (95)

The FY 1970 casualty rates are then applied to the number of man-years in South Vietnam that would obtain for the alternative considered.

Cost methodology

Costs are computed by associating Military Personnel (MilPers), Operations and Maintenance (O&M), and Procurement outlays for the war with the number of man-years in-country (MYIC) in South Vietnam. The calculations proceed as follows:

1. Official Defense Department estimates of the incremental costs of the war in FY 1969 and 1970 are shown in the next table. Figures for FY 1971 are not given in order to keep the President's assumed withdrawal rate secret. The figures shown are outlays in millions of current dollars.

	Fiscal year	
	1969	1970
Military personnel	$5,666	$5,375
O. & M.	6,488	5,438
Procurement	8,757	6,283
R.D.T. & E.	139	112
Military construction	494	220
Total	21,544	17,428

2. Incremental military personnel for the war can be estimated at about 950,000 men, consisting of 830,000 actual increase in end strength and about 120,000 made available by the civilian/military substitution program, as of end FY 1969. For FY 1969, this results in a Mil Pers cost of about $6,000 per man-year and 1.77 man-years per MYIC (the excess being in support functions outside Vietnam and in the training pipeline).

3. Assuming inflation in Mil Pers costs of 10% between FY 1969 and 1970 (consistent with Mr. Moot's figures) and 6% between FY 1970 and 1971 (reflecting recent pay raise decisions), we will have a Mil Pers cost per man-year of $6,600 in FY 1970 and $7,000 in FY 1971. This results in 1.73 man-years per MYIC in FY 1970, since there will be about 470,000 MYIC in FY 1970.

4. We assume that in FY 1971 and later years, the ratio can be reduced to 1.65 man-years per MYIC, reflecting the ability to reduce the training pipeline ahead of force level reductions. This results in Mil Pers outlays of about $11,500 per MYIC in FY 1971 and later years.

5. Mr. Moot's figures imply O&M outlays per MYIC of about $12,000 in FY 1969 and $11,500 in FY 1970. The trend is projected to $11,000 in FY 1971, and later years. Similarly, they imply Procurement outlays per MYIC of about $16,300 in FY 1969 and $13,300 in FY 1970, which we project to $11,000 in FY 1971 and later years. These calculations result in a variable cost of $33,500 per MYIC in FY 1971 and later years.

6. In addition, RDT&E and Military Construction are assumed to continue at their FY 1970 rate as long as large numbers of U.S. troops remain in Vietnam. Outlays for military aid to South Vietnam are taken at $0.1 billion in FY 1971, and $1.0 billion in FY 1972 and later.

SOME POINTS ON GEOPOLITICS

Mr. ALLOTT. Mr. President, Prof. Stefan Possony, director of the international studies program at the Hoover Institute on War, Revolution, and Peace at Stanford University, has kindly prepared for me a series of memorandums setting forth his views on various aspects of the most vexing international problems facing this Nation.

So that all Senators may be exposed to Professor Possony's thinking, I ask unanimous consent that two of his memorandums be printed in the RECORD.

There being no objection, the memorandums were ordered to be printed in the RECORD, as follows:

SOME POINTS ON GEOPOLITICS

A great deal of confusion has been created by geopoliticians who have been talking about so-called heartlands the possession of which, as they see it, provides control over far larger areas. Sir Halford MacKinder was talking of a heartland where the fate of the entire world has been customarily decided. He was sure that this heartland is somewhere in the plains which connect Europe with Asia, but he was mercifully vague and inconsistent about precise locations.

This theory stood in contradiction to that of Admiral Mahan who regarded the sea as the dominant geographic element. Others viewed primary industrial areas, such as the Ruhr, the Midlands, or Manchuria, as heartlands in the industrial age and it is this theory which unconsciously influences thinking about the importance or non-importance of Vietnam.

The logic is, essentially, that Vietnam does not have the potential for heavy industry, so it makes no difference who has the place. If the country remains divided, no one benefits from any advantage, and if it is united, the side which influences or controls it, does not gain, while the side which "loses", experiences no loss.

This theory is unconvincing because it fails to account for economic development and for "valueless" locations like Switzerland or Hong Kong. Moreover, power struggles are dynamic. *The importance of a given territory depends on where the fields of the competing forces intersect. Therefore, importance varies with time, the line-ups of international conflict, technology, and trade patterns, etc.* For example, during the 18th century, the Caribbean was considered to be of the greatest economic importance: it produced the world's sugar. Canada was regarded as useless because its climate was unmanageable.

No one has really stated that Vietnam has *no* strategic value but it is quite true that the geopolitics of the area have not been worked out. Nevertheless, history happens to be a rather good guide. Vietnam and the rest of Indochina have been the zone where the cultural and political orbits of India and China were intersecting and for which European imperialisms were heavily competing. The waters of Southeast Asia are one of the foremost maritime crossroads of the world.

During the 20th century the area proved to be a key to southern China which in turn, for the approaches from the western world, as well as for political development, has shown itself to be the key to China as a whole.[1]

The fact is that the United States did not seek any involvement in Southeast Asia but gradually was forced into the region. In 1941, President Roosevelt decided on economic sanctions when the Japanese entered Indochina. This last-ditch decision led to Pearl Harbor. By the end of World War II, the U.S. was heavily involved in Indochina and—inadvertently—facilitated Ho Chi Minh's road to power. When the French resumed control, we got out and decided not to support a decaying colonial structure; but we ended up helping the French against the communist offensive which followed in the wake of Mao's seizure of China and the armistice in Korea.

We decided, in 1954, against intervening militarily to save Dien Bien Phu but we did support South Vietnam economically and with some military assistance under President Eisenhower. President Kennedy stepped up help. President Johnson finally saw himself compelled to intervene in full force.

The point of this story is that no less than six American Presidents' every one of whom was opposed to an American involvement in Indochina, got drawn into the area—six American Presidents saw no alternative.

The Indochinese war has lasted for about thirty years, with different belligerents and changing meanings, and the conflict has gradually grown more serious. Some of the local guerrilla operations may not be important and most of them move slowly, but the duration of the crisis is not an accident. It is apparent that the conflict will continue as long as there is no re-orientation or no political change at Hanoi; and possibly at Peking.

It has become quite clear that the area is strategically important to China, the USSR, and the United States. The USSR and the U.S. are involved, among other reasons, because of the significance of Southeast Asia for India. The United States is seriously affected also because of its relations with Japan, the Philippines, and Indonesia; as well as Australia which is connected with Singapore, Malaysia, and Britain. China is concerned because of economic, ethnic, and geographical reasons.

Mr. Robert H. Yoakum, a contributor to the *New Republic*, talked to a mythical Mr. Hee, travelling propagandist for Red China. (CONGRESSIONAL RECORD, May 25, 1970, p. 16877.) Mr. Hee suggested that the communists tricked Mr. Nixon into Cambodia. But what is planned for the future? Hee smiled. "Well, we shall wait until you are as mired in Cambodia as you are in Vietnam. Then Laos. Then Burma, India, Pakistan, Afghanistan, Iran, Iraq . . ."

"Wait", Mr. Yoakum almost shouted. "You are taking us right into the Middle East. That might mean war with Russia as well!"

"Ah, so?" said Mr. Hee.

The story is funny. But it has an element of geopolitical truth. The Chinese don't believe in the domino theory but in the artichoke strategy. Mr. Wallace Carroll in an article inserted by Senator Church into the CONGRESSIONAL RECORD, May 25, 1970, pages 16897–16900, while suggesting that we "come home" from Southeast Asia, warned strongly that the dominoes are falling in the Middle East—in Iraq, Syria, UAR, Libya, Algeria, Sudan, the two Yemens. Aden. Somalia and

[1] During the 19th century much of the international power struggle centered on the Balkans and Turkey. By way of an analogue, Southeast Asia may be compared with the Balkans and China with the Ottoman Empire.

the Gulf.[2] So if the eastern dominoes fall toward the west and the mid-eastern dominoes toward the east, there will be a dramatic convergence. What about thinking in terms of breaking dikes instead of falling dominoes?

I refer again to my testimony of March 17, 1970, on the sino-soviet conflict. The general finding was that this conflict is a "border dispute" and an "ideological struggle", but that it transcends those limited descriptions by far.

The fundamental fact is that the USSR has a highly vulnerable flank in its Far Eastern and Pacific possessions. For all practical purposes, this flank appears to be indefensible against a strong and resolute future China.

The Far East is the area where the USSR, the strongest communist super-power, encounters China, the second strongest and hostile communist super-power; in that area, the USSR also encounters Japan, the second strongest power in the Free World and a key ally of the United States.

Thus, the Far East is the area where the strongest and the mutually most antagonistic political forces of the current epoch are intersecting.

The Far East is the rocky cradle of the potentially largest conflict the world has yet seen. Yet it is also the area where the USSR is weakest and where, with the resources currently at its disposal, it has the least capability of strengthening its position significantly. The Soviets may rely on nuclear weapons which in the Far East are their one and only military hope, yet the rapid emergence of China as a nuclear power is complicating the USSR's Far Eastern defense problems. In fact, 100–200 Chinese MRBM's and shorter range missiles gravely threaten the USSR east of the 60th meridian and render the Soviet hold on the Baikal-Amur-Ussuri area most tenuous. If the USSR were to be pushed away from the Pacific littoral, it would not only cease to be as powerful as it is today, but its fragile multi-ethnic arrangements in Siberia and Central Asia would collapse.

Soviet strategy against the United States has been motivated by a set of offensive goals which include the completion of the world revolution or the attainment of world hegemony or even domination; or negatively, the reduction or elimination of the United States as a world power. The accomplishment of such ultimate goals is not necessary for the survival of the USSR as a country. A gradual evolution of the imperial structure of the present Russo-communist inner and outer empire into a genuinely federal system would allow the USSR to achieve accommodation with the Free World; but this presupposed that offensive goals be scrapped. In other words, its offensive strategy is the USSR's most expensive luxury.

Soviet strategy directed at China is of an entirely *different* nature: it aims at political survival and the preservation of the USSR. This soviet strategy has a defensive goal, but it is not, and cannot be, a defensive strategy: the attainment of the defensive objective requires offensive actions.

Soviet operational goals include the recapture of Manchuria which the USSR must acquire to develop the soviet Far East and render it defensible. In order to strengthen the defense capacities of the USSR and weaken the Chinese threat, the soviets also appear to aim at separating from the main body of China the northern tier of Chinese provinces, more correctly the autonomous regions which are inhabited by ethnic and religious minority groups. Just as the USSR decided it cannot live with a unified Germany, so it now seems to regard a unified China as unacceptable.

The fundamental point is this: the USSR does need Manchuria, lest it ceases being a Pacific and perhaps even an Asian power.

If Manchuria were taken over by the soviets, a huge development program would have to be undertaken. The Kremlin may be compelled to renounce its preventive war plans because nuclear attack might boomerang against the Maritime Provinces. If then the USSR tries to strengthen its Far Eastern possessions as best as it can, a still more gigantic investment program would be mandatory. But in order to accelerate Far Eastern development by several orders of magnitude, the USSR needs logistics capabilities far beyond those offered by the very limited capacities of the Trans-Siberian Railroad and AN–22 giant cargo planes. The enlargement of west-east rail transportation would be extremely costly and probably impractical: the *rapid* build-up of a satisfactory rail and road net is impossible.

Economically speaking, the soviet Far East is far more difficult to integrate with the areas of the Urals than Britain with Canada or Australia.

During the 19th century, British imperial policy was dominated by the need to have secure sea communications between England and India. The USSR now finds itself in a position where it needs a secure sea route between its European territories and the Far East. The northern sea route through the Arctic which is short and entirely soviet-controlled, can serve only a supplementary line of communications.

It is this overpowering need for sea communications between the western and eastern USSR which has driven the Kremlin to the rapid build-up of sea power. That a fully developed soviet sea route to the Far East would have both defensive and offensive uses and would weigh heavily on the fate of all Asian nations is self-evident.

The Soviet sea route to the Far East starts in the Black Sea. Passage through the Dardanelles is presently secured through international agreements which are buttressed by friendly political relations with Turkey, a member of NATO. In due time, the Kremlin may find that this arrangement is unsatisfactory and may maneuver to extrude Turkey from the NATO alliance.

The soviets have secured port privileges in the Mediterranean, especially at Latakia, Syria, and Port Said and Alexandria, Egypt. They also are welcome in Algerian ports, including Mers-el-Khebir.

In the Red Sea, the soviets have privileges in Ras Banas, Egypt, and they have been building a port at Hodeida, Yemen. They have very satisfactory arrangements with Aden, gateway to the Arabian Sea. They are helping in port construction at Berbera, Somalia, and they are negotiating for privileges at Port Louis, Mauritius.

They appear to be welcome in Basra, Iraq. They are contributing to the building of the naval base at Vishakhapatnam, India, where they have been granted facilities, and they appear interested in acquiring a naval base of their own on the Andaman Islands.

The electoral victory of the left parties in Ceylon may greatly facilitate soviet naval strategy in Asia.

The soviets are penetrating, on a commercial basis, into Singapore, where they fell heir to British facilities. The soviets have taken initial steps for a presence at Hongkong. Earlier attempts to gain footholds in Indonesia are presently in abeyance.

All in all, a smashing performance.

While the soviets aim at a sea route by which they can circumnavigate the whole of the Asian continent, they may in the process acquire significant control over oil production and transportation, including Japan's and Western Europe's main oil flows. They will need Middle Eastern oil supplies themselves, and above all they may be interested in augmenting their cash income: their import needs are rising steeply but their exports still are largely restricted to raw materials. Perhaps the thought has occurred to the Kremlin that Middle Eastern oil revenues are needed to finance the sino-soviet dispute and the build-up of the soviet-controlled parts of the Far East.

The grandiose soviet sea route is at present blocked at the Suez Canal. For striking at China, the USSR would not rely on supplies coming through Suez. But if, unexpectedly, the war should drag on, they would need the sea route. Conversely, if they attain their territorial objectives, they need the sea route quite urgently to be able to hold their conquests and develop the conquered areas; and if they decide against preventive war, the sea route, as I pointed out, is still more important as a prerequisite for the industrialization of the Baikal-Amur region.

The Suez Canal is the key to soviet power in the Far East. It must, therefore, be expected that the USSR will be reaching out for control over the Canal, either for direct control or control by proxy.

The obvious Chinese recourse against soviet strategy in the Far East and the developments along the circumferential sea route is to move southward toward Singapore and, if possible, toward Indonesia. But in order to accomplish this advance, the Chinese need satellite governments in South Vietnam and Thailand.

The Chinese also have moved into the Arab guerrilla movement, especially, so it seems, into the Palestinian Liberation Front, for the purpose of derailing soviet strategy in the Middle East. The recent flare-up in Jordan suggests that Peking is trying to establish Jordan as a Maoist colony.

Precisely because there is a sino-soviet conflict which is steadily growing in importance, the Southeast Asian and Middle Eastern theaters are inter-connected and inter-dependent. It is obvious, therefore, that American national interests cannot be protected by disregarding one or the other of those inter-dependent theaters, nor can our strategy be successful, if it is not addressed to the Asian conflict in its entirety.

DID WE LOSE A BATTLE?

Many statements have been made to the effect that there was no pressing reason why the United States commenced the operation against Cambodia. Yet the critics failed to discuss the recent communist strategy as it was explained in a speech by General Giap. Giap's lengthy pronouncement, *The party's military line is the ever-victorious banner of*

[2] Mr. Carroll says "the GNP of South Vietnam, Laos, Cambodia, Thailand, and Malaysia combined is barely $11 billion. Compare this with little Belgium which alone has a GNP of about 22 billion." "If these five Asian countries joined up with China . . ., the effect on the world balance would be negligible." So let's rather worry about the Middle East.

In my judgment, we must not lose the Middle East, which we are doing. But Mr. Carrol's argument for holding the Middle East is quite false. Belgium's GNP was $21 billion in 1968, according to the London Institute for Strategic Studies. The combined GNP of the five Asian countries was $12.4 billion. Surely we should add Singapore which brings the total to $13.6 billion. If Burma and Indonesia were added, the total goes to $25 billion; and with the Philippines and Taiwan we would reach $36 billion. The GNP of Red China is supposedly $78 billion, which may be a little high. Thus, Southeast Asia, in terms of GNP, is about half that of China; the five states mentioned by Mr. Carroll plus Singapore have nearly 18% of the Chinese GNP. By contrast, the combined income of Algeria, Iraq, Syria, and UAR is $11.5 billion. The income of the other Middle Eastern States mentioned by Mr. Carroll is not exactly known but due to the characteristics of the Arab oil industry it is partly artificial.

people's war in our country, was broadcast by Radio Hanoi on December 14 to 20, 1969. Captured COSVN Resolution No. 9, dated July 1969, also made clear communist strategy, which moreover could be deduced from the deployment of the communist forces.

After study of those documents, early in 1970, I for one expected that the communists would continue with big unit offensives, which necessarily would have to be based upon the staging bases in Cambodia. Since then a Vietcong defector has confirmed that an offensive was planned for May of 1970 but was postponed because of Sihanouk's ouster: an offensive against Cambodia was substituted for the abandoned offensive against South Vietnam. (This defector, a Lieutenant Colonel, also disclosed that 16 Red Chinese advisers had been "helping with the planning of the Tet offensive of 1968".) (*San Jose Mercury*, June 6, 1970.)

The analysis of the broad evidence suggests that the general intention of Hanoi was to maintain guerrilla warfare within South Vietnam and to prepare for a decisive invasion with regular North Vietnamese troops from Cambodia against South Vietnam at a time when either the United States had withdrawn the bulk of its forces or when a "general uprising" could be launched inside the country. Meanwhile, the plan was to keep up the offensive pressure in order to neutralize the pacification programs. (Late in March the communists still were pushing their operations in the Mekong Delta.)

The fall of Sihanouk created a new situation, and a moment for negotiation seemed at hand. Even the soviets made proposals. President Nixon delivered his address of April 20, with the announced withdrawal of 150,000 men. This speech was designed to get serious negotiation underway.

In reply, two things happened: first, the Chinese organized the Indochinese summit conference which established the political framework for communist war against Cambodia; and second, communist attacks against Cambodia began coincident with that conference on April 24. Those attacks are described in a letter of May 1 by the Permanent Representative of Cambodia to the President of the U.N. Security Council. (CONGRESSIONAL RECORD, May 22, 1970, p. 16773). The hopes of negotiation were buried once again.

The objective of the re-scheduled communist offensive was to connect all the staging bases and create an unbroken, fully CP controlled corridor between Sihanoukville and the Ho Chi Minh "trail"; or, to put this differently, to have the North Vietnamese take over the entire eastern part of Cambodia. The communists also moved against Phnom Penh and the highway connecting Phnom Penh with Bangkok. This operation had obvious political purposes but also was designed to secure the supply of rice.

According to the best information published in the European and American press, the communists had 40,000 to 60,000 men organized in five or possibly six divisions in Cambodia.

The initiative taken by U.S. and South Vietnamese forces against Cambodia disrupted Hanoi's operational plans and dispersed the communist main units, forcing them into difficult, costly, and time-consuming re-groupings, and pushing them away from the most sensitive areas in South Vietnam, i.e. Saigon and the Mekong Delta. Furthermore, the operation closed communist logistics lines through the Cambodian ports. This logistics set-up supported the North Vietnamese forces in Cambodia (which were regarded as the forces that would win the decisive battle). It also provided 75% and 50% of the supplies the Vietcong needed, respectively, in the IV Corps and III Corps areas within South Vietnam.[3] Thirdly, the operation provided the South Vietnamese army with success and offensive experience which, after years of defensive fighting, it needed to become an effective battle force. Those results were far more important than the sizable booty which our forces seized, but which, nevertheless slashed deeply into the armament of at least half the North Vietnamese divisions in Cambodia.

Not the least result has been that the Cambodian operation created cooperation between South Vietnam and Thailand with Cambodia. It also has allowed the Combodian army to get organized, trained and armed, so that in the end it may prove to be an additional force of 80,000 to 100,000 men arrayed against the North Vietnamese aggressors.

The Cambodian army was given very low ratings but so far it has given a surprisingly good account of itself. Apparently it is infused by excellent morale which, by itself, is a revealing (if ignored) indicator of the political situation in Cambodia.

As to the (usually ignored) political situation among the North Vietnamese, it is certainly newsworthy that the defection rate has gone up since the Cambodian operation—the defection rate from North Vietnamese, *not* VC units.

Those results may not be final and the communists remain able to take countermeasures. They may succeed in capturing parts of Cambodia. But since the main requirement of the Vietnamization strategy is to gain time and to improve mutual self-defense among the Asian peoples, this operation was definitely helpful. The closing of the Cambodian ports to communist logistics should be a lasting gain. Since the extension of the Ho Chi Minh "trail" to the areas south of the 14th parallel is difficult for terrain reasons, the "logistics future" of that communist front depends in large measure on the utilization of the Mekong river.

The communists may put pressure on western Cambodia, perhaps to create a political base for Sihanouk, and they will have to fight for the Mekong. Otherwise they probably will put their new *center of gravity* into southern Laos and exert their main offensive pressure against I and II Corps areas in South Vietnam. There is much concern that the war has been expanded, yet chances are that the theater of war has shrunk in III and IV Corps areas, where the majority of the South Vietnamese population is concentrated.

There have been assertions that the Cambodian initiative was still another flop but about the only real support for this contention has been the fact that the communist forces have not all been wiped out. This is true, but it does not follow that, therefore, those forces are able to continue their operations unweakened from a few miles further back. According to this way of thinking, no one ever would have fought a battle in all history. If the criterion for an American initiative should be that the enemy must be smashed and annihilated or else we better do nothing, then the contention really is that we should have attacked the Cambodian sanctuaries with nuclear weapons.

The type of war we are fighting in South Vietnam requires many engagements none of which by itself is or can be decisive. It is the sum total of those engagements which ultimately tips the scales and it is the predominance of successes or failures which unless one of the billigerents loses his base areas, brings about a settlement of the war, i.e. the reestablishment of peace.

The pushing back of an enemy preparing for an offensive knocks out that particular offensive. The destruction of staging bases which he had been building for years—more than 8,000 bunkers!—and the seizure of masses of equipment inevitably weaken him. This means that if a new offensive will be tried nevertheless, it will be far weaker than it would have been, or else the offensive must be delayed and its preparation will be considerably more costly. To disregard the effects of a successful attack over a broad front is incompetent. At the very least, the North Vietnamese lost time, while we gained time.

The communists also have been forced into a larger theater of operations, without a safe rear and with a substantially increased number of enemies operating against their communications. Theoretically, the Chinese can supply additional manpower, but North Vietnam still has enough reserves and Chinese soldiers may not be too welcome in Cambodia. The point is that the logistics lines already have been operating to capacity.

This evaluation is platitudinous but necessary since a studied effort has been made to belittle or deny our success. Such belittling is routine propaganda and can be called the "so what?" theme. Suppose a man makes 1 million dollars in a week. Normally, this would be regarded as a great success. But it is easy to "question" the gain. What about taxes? Didn't he really want to make 2 million? Did the money cure his ulcers? And won't his wife now get a divorce?

The press invented the *canard* that the aim of the operation was to seize COSVN headquarters and personnel. This didn't work, see? Yet there were about a dozen strikes into Cambodia and only one, at most, was directed at COSVN. (For further detail on these red herring tactics, see CONGRESSIONAL RECORD, May 20, 1970, p. 16347.)

The most instructive case of the negativistic type of reporting deals with ARVN. Prior to the strike there was much moaning about the poor morale of the South Vietnamese forces. Now this morale proved to be high. Is this change perhaps advantageous? Not at all, because now the ARVN make difficulties for the United States.

According to an old saying, a battle lost is a battle one *believes* to be lost. Many people talk and write to convince the American people that we lost the battle. If we believe this, then the enemy will have won.

NATIONAL WILL

War, but especially the war in Indochina, is a contest of will. The point of those who advocate that we stop fighting and get out is really that the United States should display a weaker will than the enemy. Senator Fulbright stated that "the enemy" is "settling in for the long haul of indefinite guerrilla warfare, and we are not able to control the decisions that are made in Hanoi. We can only control the decisions that are made in Washington, and that, basically is why it is up to us to take an effective step toward peace."

In other words, the enemy does not want to agree to reasonable conditions, hence we must accept his terms. His will is very strong, hence if we want peace, we must give in to him. The logic is impeccable—it is the logic which says that there is no alternative to defeat.

The national will of the United States is being tested, not merely the capacity of people's war tactics. The reality of this test is the most fundamental reason why this con-

[3] According to other sources the Sihanoukville logistics line supplied some 90% of the VC military supplies in the III Corps area and also was a main weapons source for the communist forces operating against the II Corps area. The communist forces operating against IV Corps area received their equipment supplies exclusively from Sihanoukville. (CONGRESSIONAL RECORD, April 23, 1970, p. 12985.

flict cannot be viewed under the perspective of a mere local conflict.

The Vietnam or Indochina struggle has been the most severe test of wills, to which the United States was subjected since the Civil War. If the United States demonstrates that it lacks will power and does not have endurance when the going is rough, despite the fact that casualties are low and the war is being fought at a great distance, then *the United States loses its deterrent power* and it will cease to be the protector of world peace and the leader of the Free World.

Some people may rejoice if we abdicate this leadership role, but there is no one to take our place. Hence if we abdicate, unrest in the world will mount, and so will the concomitant dangers. By seemingly getting out of one trouble, we would be promoting entire sets of substitute troubles.

It is quite true that, as we leave Vietnam, our factories will remain standing, our GNP will continue to grow, and our strategic weapons will remain in a high state of readiness. But it is *not* the material factor which ensures that a *big* power also is a great power.

The question is whether those big resources will be used to achieve great purposes and *that* is a question of conviction, morale, courage, and will. If we should prove that we lack that will, we shall *ipso facto* prove that we lack foresight and insight. The conclusion will be drawn that we will not defend ourselves effectively.

In this case the attacker will no longer think about how to destroy our power, but rather about how he may *seize* and *appropriate* our resources for his purposes. Our material wealth suddenly will be transformed from a deterrent into an incentive.

I am able to rationalize a *voluntary defeat* just as well as the next man. The trouble is that unlike most Americans, I did experience the *consequences of defeat*—it is an evil disease which, if nothing else, breeds political polarization and radicalism—two primary objectives of communist political tactics. *Voluntary* defeat is in the nature of self-multiaction, and it is an act which cannot but be followed by political emasculation.

If indeed a voluntary defeat were imposed by Congress, the Executive would have a wonderful alibi for turning tail and unloading all responsibility on others. It would be interesting to watch the outcome of a *real* domestic battle. So far, the struggle on the Senate floor has been rooted in the safe expectation that *none* of the defeatist amendments will become law. But the exercise is not mere shadow-boxing: it is a largely unwitting maneuver to mobilize and strengthen opposition to national U.S. strategy. Hence it does jeopardize our continued ability to deter and contain.

I know quite well that even if the United States should lose the current test of strength, it may win the next one. American political passions are fickle and I believe that the American crowd is psychologically more feminine than the crowds of other nations; hence opinions are frequently reversed. The retrenchment which some Senators advocate will prove to be unworkable, partly because of the trouble in the Middle East.

I am reasonably certain that the communists who want to bury us, will miscalculate, because they misinterpret our domestic policies. But it is the American people who will have to pay for the communist miscalculation in American blood and treasure, *although* we will come out victorious in the end.

We will deter aggression and prevent war *only* if our opponents know that we will not falter *under any circumstances* and that we will prevail whenever we decide that the enemy is threatening American commitments, independence, freedom, as well as world peace.

STATE DEPARTMENT COMPLIMENTED ON PANAMA

Mr. CHURCH. Mr. President, I desire to compliment the Department of State and the Department of Defense upon relinquishing American rights to the Rio Hato military training area in Panama.

This area had been retained by the United States in the 1955 revision of the 1903 treaty with Panama, but in recent years it was far from fully utilized. It had become in my view an undesirable extension of the U.S. military presence in Panama and an unnecessary source of friction in United States-Panamanian relations. It is an act of statesmanship to return it to Panama.

I congratulate the executive branch and I express the hope that this action will be the start of a trend further to reduce our military presence in Panama and in Latin America generally.

I ask unanimous consent that the State Department's press release announcing this action may be printed in the RECORD.

There being no objection the release was ordered to be printed in the RECORD, as follows:

UNITED STATES AND PANAMA AGREE TO TERMINATE RIO HATO

AUGUST 20, 1970.

The Republic of Panama and the United States of America have agreed that the authorization for the exclusive use of the Rio Hato area by the United States of America, for the purpose of conducting maneuvers and military training of its Armed Forces, will be terminated August 23, 1970, as specified in section (a) of Article VIII of the 1955 Treaty of Mutual Understanding and Cooperation. In accordance with cited provision, the Republic of Panama permitted the United States of America, without cost and free of all encumbrances, exclusively to utilize the Rio Hato area as indicated above, for a period of fifteen (15) years, subject to extension thereafter as agreed by the two Governments. This authorization included the free access to, egress from, and movement within and over, said area.

HEW CONTRACTING PROCEDURES

Mr. GOODELL. Mr. President, I invite the attention of Senators to an article entitled "HEW Contracts Under the Table," written by Jack Anderson, and published in the Washington Post of Sunday, August 23, 1970.

Mr. Anderson describes the contents of an unreleased HEW survey on contracting procedures. Because of the broader questions which this article raises, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the Article was ordered to be printed in the RECORD, as follows:

HEW CONTRACTS UNDER THE TABLE

(By Jack Anderson)

The Department of Health, Education and Welfare has been guilty of slip-shod, even illegal purchasing practices, according to a survey made by the huge agency itself but kept quiet for eight months.

The alarming survey indicates that millions of public dollars desperately needed to combat poverty, upgrade schools and fight cancer are siphoned into the pockets of greedy contractors with the cooperation of HEW officials.

The report was made by four top-level investigators who delved into HEW's procedures for awarding contracts by negotiation instead of competitive bidding.

Negotiated contracts are common in all federal agencies, but strict regulations have been established governing the practice.

In most cases, the investigators learned, Department's authorized contract officers were bypassed by HEW program officials who lined up contracts on their own. "The contracting officer is often forced to provide a ratification service," the team notes acidly.

The investigators found that the agency repeatedly went back to the same firms with which it had been doing business instead of trying "to develop new sources and thereby further competition."

The result is that during fiscal 1969, 82 per cent of HEW's negotiated contracts over 2,500 were awarded without any competition whatever.

"The team believes this figure to be excessively high," says the report.

When a contract is let without competition, the agency must justify it in writing. But the investigators found that at least half of the justifications for HEW's noncompetitive contracts were "inadequate."

The Office of Education (OE) is singled out for special criticism.

The written reasons for negotiating rather than bidding contracts "were rarely found in the contract files" at the Education Office, the team discovered.

"Of these procurements which required publicity . . . in the Commerce Business Daily, over 90 per cent of the contract files showed to evidence that this had been done," the report said.

The inquiry revealed that instead of advertising contract work in the press, the Office of Education had been sending out brochures to hand-picked recipients.

RUNS, HITS—AND ERRORS

Mr. CHURCH. Mr. President, an item printed in the CONGRESSIONAL RECORD of August 19, 1970, purports to relate the saga of the undefeated staff softball team of the distinguished Senator from Michigan (Mr. HART). As a question of privilege, I now ask for equal time, as is the fashion of the day.

It may not appear in the weekly Sporting News, the "bible of baseball," but my staff's team is also undefeated. The Idaho team—perhaps because I have refrained from playing—has won two games. The first was a pitcher's duel in which the Church Pews defeated the Goldwater team 16 to 14 runs. The second win was by default—the other team wisely did not show up. The HART and CHURCH teams have not yet met, but I have no anxiety as to the result.

I say this because Idaho has produced many fine baseball players, and this is reflected in the playing ability of my staff's team. We read daily about the heroic exploits of Harmon "Killer" Killebrew of the Minnesota Twins. He is from Payette, Idaho. There are also Vernon Law, of Meridian, who pitched for the Pittsburgh Pirates; Larry Jackson, of Boise, who played for the same team; Frank Reberger, of Caldwell, who pitches for the San Francisco Giants; and Bill Stoneman, of the Montreal Expos, who pitched for the University of Idaho.

The weight of evidence is impressive, Mr. President, and I thereby claim equal prominence for my staff's team in Capitol Hill's baseball hall of fame.

And now for the staff touch-football season.

HATFIELD-GOLDWATER AMENDMENT TO THE MILITARY PROCUREMENT AUTHORIZATION

Mr. FONG. Mr. President, I have supported the principle of an all-volunteer armed force for a number of years but have reserved judgment as to when it should be implemented. After much study and after listening to the debate of this issue, I have now concluded that I can support the approach of the distinguished Senator from Oregon to implement the principle at this time. I have this date requested and have been allowed by the distinguished Senator from Oregon (Mr. HATFIELD) to be a cosponsor of this amendment.

Mr. President, I believe we should give the principle of an all-volunteer force a chance to operate now.

The President's Commission on an all-volunteer armed force, chaired by former Secretary of Defense Thomas Gates, unanimously found that a voluntary system is feasible. After intensive study, the members of the Commission concluded that a voluntary military will work and is desirable. This conclusion was reached for a variety of reasons. I would like to briefly outline two major considerations here.

First. Today we have a predominantly "true" volunteer armed force. Out of 3.1 million military personnel, more than two million are "true" volunteers, of which one and a quarter million men are serving beyond the original term of their enlistment, and 800,000 are currently serving their first term of enlistment. These 800,000 men are true volunteers who would have enlisted in the Armed Forces even if there were no draft looming over their heads, according to detailed studies made by the Commission.

The Gates Commission found that 250,000 men volunteer each year. The Commission found that because the number of true volunteers in the Armed Forces was so large, that a fully volunteer force of 2.5 million men could be achieved by merely improving conditions and pay enough to recruit an additional 75,000 more young men each year.

Therefore, Mr. President, we are not discussing the possibility of recruiting a million or two million volunteers into the Armed Forces. We already have that number of volunteers. We are debating the improvement of conditions to a level which would attract an additional 75,000 men into military service annually. I am quite sure that with added pay and other inducements as provided in the amendment, we will be able to attract these additional men.

The Gates Commission estimated that it would cost $3.2 billion in the transition years for a manpower level of 2.5 million men and $2.1 billion, once the all-volunteer force is fully operational. I believe that these projections are high, but even if they are correct, it would be a worthwhile investment to do away with compulsory military service.

We now have a system which invests thousands of dollars to train one man to effectively serve our country for little more than a year. The first 6 months of military service are spent in basic and advanced training, the last 3 months are used to process discharge. The draftee actually is of service to our country for little more than half of his total obligation of 2 years.

If we convert to a voluntary system, fewer men would enter the services each year, and the expertise they must acquire in this time of sophisticated weaponry could be retained for greater periods of time. We will no longer have to invest hundreds of thousands of dollars in training only to see these skilled men leave for better paying jobs after their obligation expires.

Mr. President, objections have been raised on various levels against a voluntary military force. In examining them, we find that many of them are not borne out by the findings of the Gates Commission.

First, an objection that is frequently heard is that a voluntary force would be composed primarily of members of minority groups, particularly blacks or those who are below the level of poverty. Although this argument is true in one sense because there is a momentary incentive for people below the poverty level in military service, the Gates Commission estimated that the difference between a mixed force of draftees and volunteers as compared to a totally vounteer force of the same size—2.5 million men—is an increase of 0.8 percent.

Another frequently encountered objection to an all-volunteer military is that such a force would become a group of mercenaries of questionable loyalty, isolated from the mainstream of American life, who could pose an internal threat to our security. This objection has always seemed strange to me when you consider the fact that over 2 million men currently serving in the military are "professionals." Our officers are almost exclusively professional and most of our senior noncommissioned officers are also career men. In other words, the leaders of our current military force are already in this so-called professional category.

The present military draft, which has existed for the past 20 years is the only peacetime draft our country has had. Begun in the Korean War, the draft was extended during the peacetime years after June 1953. Throughout our history, we have only instituted a draft three other times and these were only briefly, during a wartime situation.

Mr. President, let us remember that we are not repealing this Selective Service Act by passing this amendment. That act expires next June 30 and will remain on the statute books until then under this amendment. Next year, the Senate and the Congress can determine whether extension of the Selective Service Act is needed.

With the pending amendment, we are creating the necessary reforms, implementing the recommendations of the President's Commission of a voluntary military, so that the draft will no longer be necessary to fulfill our security requirements.

Let us examine the amendment before us.

First. We will raise the salary of all members of the Armed Forces.

Second. We will continue the registration of young men at age 18, so that if an emergency arises and the Selective Service System has been allowed to expire, the President may recommend, and the Congress may approve, the quick and efficient reinstitution of a draft.

Third. We provide for upgrading the various Reserve components.

Fourth. We direct improvements in career selection, increased use of civilian personnel, educational scholarships for specialists—doctors, dentists—better military recruitment, incentive programs—bonuses and accelerated promotions—and the upgrading of conditions in general.

Other changes include:

First. Special pay for professionals—doctors, dentists, and veterinarians.

Second. Increased proficiency pay, hostile fire and combat pay.

Third. Better travel and transportation benefits.

Fourth. More equitable enlistment and discharge regulations.

Fifth. Ten thousand ROTC scholarships for each service.

Sixth. A new salary structure which would combine existing allowances—housing, and so forth—and institute cash contributions for a retirement system which would be similar to the current Federal system.

Mr. President, these reforms are necessary and desirable. If we are serious about ending the draft at the earliest possible date, we must act now. If we support the principle of a voluntary military then we must support this amendment so that a foundation for the all-volunteer Armed Forces can be erected.

I ask my colleagues to give this plan a chance. Vote for the improvements which this amendment recommends and see whether we can attract the necessary number of volunteers so that a forced draft will no longer be necessary.

Let us vote now to provide all military personnel with decent and equitable service conditions.

The question of ending the draft will be before us next year. We now have the opportunity to support this effort, and put the Gates Commission's recommendation to the test before the draft law expires.

I urge Senators to support the Hatfield-Goldwater amendment.

ADDITIONAL QUESTIONS ON THE ELECTRONIC BATTLEFIELD

Mr. PROXMIRE. Mr. President, on Monday, August 17, I announced that I had decided not to offer an amendment on the so-called electronic battlefield in view of the reluctance of the Armed Services Committee to accept even the most moderate amendments to the bill. Instead I promised that I would question committee members very closely until we get some answers on this program. It is unfortunate that it has to be done this way. It will take much more time in the Senate, but I think this committee must be challenged and I am going to provide that challenge in depth and at length.

Today I am taking the first step in what I expect to be a lengthy investigation of this program.

The questions I shall present today deal with the military effectiveness of the sensor surveillance system. As I stated on Monday I have already received three letters from officers and enlisted men who were directly responsible for the use of the sensors in various parts of Vietnam. All of the letters came to the same conclusion: The electronic battlefield is not nearly as effective as advocates claim and it is simply not worth the money—cost effective in Pentagon terminology. There are several important questions which must be answered regarding the system's military effectiveness before we proceed with further development.

First. Advocates of the electronic battlefield have claimed that it has been very effective in Vietnam. On Monday the Senator from Arizona (Mr. GOLDWATER) stated that the equipment had been very successful in pinpointing trucks and other supply vehicles coming down the Ho Chi Minh trail. Whey then, Mr. President, have we been unable to cut off these supply routes long ago? We have bombed these trails until they have become virtually one continuous crater. Why then, have the North Vietnamese still been able to bring millions of tons of supplies down these trails? Where are the results? I will not accept the excuse that these results of sensor effectiveness are classified. I will not accept assurances that, while the figures are classified, the results have been excellent. This is precisely what the Pentagon told us for years regarding progress in Vietnam. It took a long time for Members of the Senate to see the truth—to see that the hard results did not justify the optimistic predictions.

Judging from the reports of the men in field—the men who have actually used these devices—I am very skeptical about the Senator from Arizona's (Mr. GOLDWATER) assurances that results have been excellent. The battlefield results in Vietnam simply do not bear out these reports. Khe Sanh was not an American victory—it ended in a strategic withdrawal of American forces under the cover of an armored column sent to rescue the defenders of that beleaguered outpost. And yet, the Senator from Arizona would have us believe that electronic battlefield devices were very effective in that battle. Why, Mr. President, could the Communists mount offensives virtually at will despite round the clock bombing by American aircraft? Why did the sensors not enable us to pinpoint and destroy the enemy's mortar positions? The Senator from Arizona says the sensors have been invaluable—invaluable in what sense? They certainly have not enabled us to seriously interrupt the flow of enemy supplies or interfere with his battle plans. What we need is concrete evidence of success—not bland assurances that everything is going smoothly.

Much more serious than the question of whether the sensors have added to our combat capability is the charge that they may have actually lowered our battlefield effectiveness by unnecessarily overloading our men. On Monday I quoted Col. Mark M. Boatner, former chief of the Concepts and Doctrine Division in the Office of the Assistant Chief of Staff for Force Development. The colonel stated:

> We may be actually lowering our military effectiveness by overloading our combat units with innovations they have not learned to use.

Second. What studies, if any, have been done to determine how well electronic battlefield equipment is being accepted by our men in Vietnam? Do the men who are actually using the devices really believe they improve their combat capability? It seems that every statement in support of the devices has come from a U.S. Senator or a high ranking military officer, none of whom have had direct experience with the equipment.

Third. What additional responsibilities or duties are imposed on the combat units which use this equipment?

Fourth. What additional training is necessary to insure that our men are familiar with this equipment? Does every man receive instruction in the use of these devices before they are distributed to field units?

Another important set of questions concern the ability of the command control centers to assimilate and digest into useful form all of the information which is gathered by the sensors. In a speech delivered at a symposium on Government use of computer systems, Brig Gen. Wilson R. Reed, the commanding general of the U.S. Army Computer Systems Command, stated that:

> A number of our studies indicate that the tactical operations center receives and is able to assimilate for use about one-third of the information that is sensed; thus the commander ends up basing his decisions on something less than 30% of the ground truth.

This fact raises a number of crucial questions:

First. If decisions to call in artillery and air strikes are made on as little as 30 percent of the information collected by the sensors in a certain area, how can we be at all sure what the nature of the target is?

Second. How do we know what information is missing? Is it not entirely possible that certain data could be ruled out by the computer which could change the type of armed response which is required?

Third. Does not the fact that we are basing armed responses on only 30 percent of the data gathered amount to making decisions on misinformation? Is it not more dangerous to make decisions this way than to make decisions based on other forms of more reliable, albeit limited, intelligence?

Fourth. What are the consequences of decisions based on such limited information?

Some of the most important questions concerning this system involve a determination of whether it is truly cost effective. I have received several letters from officers and servicemen who, based on their own experience, are convinced that the system is simply not worth the money. The reason is that it would be prohibitively expensive to plant sensors over a large area. Currently we are planting them in very narrow corridors in Vietnam. In no sense can they be considered capable of providing overall battlefield surveillance. In view of the tremendous cost of planting these devices over wide areas questions must be raised regarding the cost effectiveness of the sensors.

First. How much would it cost to cover, say a 100-square-mile area, with these sensors? How much would the computers necessary to assimilate the information from these sensors cost? What would be the operation costs of these computers?

Second. How reliable are the sensors once they have been planted? Are they subject to frequent malfunctions? Can they be rendered ineffective by the enemy?

Third. Is it true that one well-placed mortar round could knock out an entire command and control center making the entire system inoperative?

Fourth. What other countermeasures, if any, can be taken against the sensors?

Mr. President, these are just a few of the questions which must be answered concerning the effectiveness of the electronic battlefield before we authorize further development of this program. We must be sure that the devices are of real value to our men—that they actually increase combat capability rather than decrease it. I shall expect detailed answers to these questions. In coming days I shall raise additional questions regarding the cost of the program and its possible domestic and foreign policy implications. We will get the information necessary to determine whether this program should receive further support.

In addition, I have requested the General Accounting Office to make a comprehensive study of the entire program. This study will supplement the hearings which the distinguished chairman of the Armed Services Committee has announced on this program. Hopefully, these two reviews will give Congress the information it needs. I ask unanimous consent that the letter I have written Comproller Staats requesting the study be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

CONGRESS OF THE UNITED STATES,
Washington, D.C., August 20, 1970.

Mr. ELMER STAATS,
Comptroller General of the United States, General Accounting Office, Washington, D.C.

DEAR MR. STAATS: Recently I have been raising questions and requesting information about a new program known as the electronic or integrated battlefield. This system is composed of various sensors backed by computers which are designed to provide field commanders with general battlefield intelligence. In the course of my inquiries about the program, a number of questions have been raised which deserve detailed study before the Congress proceeds with its further development. Therefore, I would like to request that you undertake an investigation of cost and effectiveness of the program centered around the following questions:

1. To what extent have the three branches of the armed forces coordinated their efforts in the development of electronic battlefield devices and what action, if any, has been taken to avoid duplication?

2. How effective have these devices been in combat in Vietnam? Have they contributed to improved combat capability and how reliable have they proven in actual combat?

3. Is it necessary, in view of the Vietnamization program, to proceed with the procurement of so-called phase III sensors and with the development of more advanced sensors for 1972 and 1975?

4. Does the Department of Defense plan to make these devices and related equipment available to foreign countries under the Foreign Military Sales Act or other foreign assistance programs, and if so, what restrictions, if any, will be placed on their use?

5. What kind of support units will be necessary to operate and monitor such devices and to what extent will the use of such devices permit a reduction in military manpower?

6. What are the potential applications of these devices in domestic law enforcement? What restrictions, if any, could be placed on their distribution and sale to domestic police forces and other groups?

7. What long range plans, if any, does the Department of Defense have concerning the development and procurement of these devices during the next ten years? What are the project costs of any long range programs?

I do not accept classified information and I therefore ask that your report to me be unclassified. I would hope that you could have this report completed by March 31, 1971.

If you have any questions, please do not hesitate to call me. Thank you for your cooperation in this matter.

Sincerely,

WILLIAM PROXMIRE,
U.S. Senator.

NO WONDER PASSENGER SERVICE IS DYING

Mr. CHURCH. Mr. President, I have commented before on the Senate floor of the death of the railroad passenger industry. I have noted that this is especially tragic in light of our Nation's awakening to the need for transportation systems to supplement the automobile. I have pointed out that poor treatment of passengers by the railroads and the refusal of the ICC to stand firm against the moves to discontinue services has led to our current sad state of affairs in rail transportation.

Today I noted an article by Tom Hodge in the Blackfoot, Idaho News, which describes in some detail the obstacle course set up by the railroads to discourage rail passengers. Stories like this reinforce the obvious fact that our Nation's railroads are doing all they can to drive passengers away.

I ask unanimous consent that Mr. Hodge's column, entitled "Hodge Podge," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

HODGE PODGE

(By Tom Hodge)

Without being bitter, subjective or uncandid, (I hope) here's a personal story about the Union Pacific Railroad—a company to which I entrusted my family for 13 hours and about 700 miles.

As you who have been paying attention know, the UP is having trouble with its passenger service. The official line from the company is that passenger service is dying because people no longer want to ride the train.

In our family, the impression now is that people no longer want to ride the train because of the obstacle course the company sets up—and the wimpy service it provides once the passenger is through the maze.

It goes like this: I took my family to Denver on a vacation. My wife and I decided she and the kids could stay down there a few days after I had to come back—then return to Idaho on the train. Mistake No. 1.

You telephone the train station, dialing the number which is listed "Passenger Service, Ticket A Information," A recorded voice comes on, giving no information, asking the caller to wait for a real live human railroad employe to come on the line when he gets the time. No such employe exists. To get ticket information, one must call other numbers on the list until a person who happens to know can be found.

Using this method, my wife obtained a raft of information—most of it false. She got cost estimates ranging from $22 to $75 for tickets. (In the end, the trip cost about $35).

In desperation, she called the office of the Interstate Commerce Commission in Denver. A secretary there supplied the correct price estimate and arrival and departure and arrival times—but gave my wife the impression that's all the farther the complaint would go. ("After all the secretary's boss is a political appointee," my wife remarked.)

After all of this, the trip proper began. At the station, some UP employes were kindly and understanding. Others, though, were abusive to her, making personal references to how many children there were, and to how my wife was dressed (neat, clean and fashionable, I thought).

Leaving Denver, the exotic Portland Rose was made up of one engine, one car. They did have restrooms—one for men and one for women—but there was no food service of any kind.

A few miles out of Denver, the car became so unbearably hot that another passenger car was added. Either the heating equipment stuck on or the air conditioning stuck off. That's how the train ended up with two cars, anyway.

While on the train, one employee asked my wife if she had drugs with her. Particularly in these days, I consider that an insult. But perhaps in such a small train, the employe felt he had to engage in some kind of intimacy, and since my wife had worn bell-bottom slacks, I suppose he thought she was a hippie, and quite naturally, then, had drugs.

Arrival at Pocatello was about an hour later than scheduled—better, I know, than airlines do most of the time now, and good, considering all the trouble with the faulty equipment.

OK. So here come my four children down those steep rail car steps. I hadn't seen them for more than two weeks. They looked like angels. But at the precise moment, two big fat UP employes in blue uniforms (conducters or brakemen, I suppose) shoved right up the steps. The two youngest girls were cast aside, into the steel wall of the stairwell. Each child was carrying baggage of some kind, so the rudeness of the old men was all the worse. The kids could have been hurt. I think readers will understand that I was irked.

Many of the railroad people we came in contact with on both ends—Denver and Pocatello—were patient, kind, understanding and interested. Some weren't. The latter group ruined it for the good people.

As near as I can tell, this story is true. (It's difficult to interview one's spouse.) Now we know—we don't just suspect, we know—the railroad is overtly discouraging passengers.

I like trains. My kids are more excited when seeing a train than an airplane. Now, after having paid out some money and watching what happened, I know the company does not want my business. No longer will I feel guilty about not riding the trains as much as I should.

I know the railroad could push passenger service. I know people would ride the trains. But they can't. From now on, before traveling by rail, I'm going to find a handy witch doctor to turn us all into cattle, sugarbeets or chemicals. That way, we'll get good treatment from the Union Pacific.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Is there further morning business? If not, morning business is closed.

DEPARTMENTS OF STATE, JUSTICE, COMMERCE, AND THE JUDICIARY APPROPRIATIONS, 1971

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate, H.R. 17575, which the clerk will state by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (17575) making appropriations for the Departments of State, Justice, and Commerce, the judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

The Senate proceeded to consider the bill, which had been reported from the Committee on Appropriations with amendments.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that the committee amendments be considered and agreed to en bloc; that the bill as thus amended be regarded, for the purposes of amendment, as original text, provided that no point of order shall be considered to have been waived by reason of agreement to this order.

The PRESIDING OFFICER. Is there objection?

Mr. JAVITS. Mr. President, there may be. I reserve the right to object.

I would like to know how the item for the International Labor Organization was handled. Was it by amendment to the bill, so that the unanimous-consent request would require us to deal with it affirmatively, or just how was it handled?

Mr. McCLELLAN. It was stricken from the House bill. In other words, the House bill was amended.

Mr. JAVITS. I would like to contest that amendment, and therefore I would ask——

Mr. McCLELLAN. The Senator would not have to do that. The bill would be considered as original text.

Mr. JAVITS. I am sorry. I would have to contest the amendment made by the Senate committee. Therefore, I would suggest to the Senator that he omit from his unanimous consent the request as to that particular amendment.

Mr. McCLELLAN. I have no objection if the Senator wants to do it that way, although I think he has a right to do it under the provision which I have suggested.

Mr. JAVITS. The difference is——

Mr. McCLELLAN. The Senator can move to strike.

Mr. JAVITS. No; I do not want to move to strike. I would rather move to oppose the amendment.

Mr. McCLELLAN. It is in the bill. I do not know any way the Senator can move to oppose it except by moving to strike it out.

Mr. JAVITS. No.

Mr. McCLELLAN. Maybe there is another way.

Mr. JAVITS. May I address a parliamentary inquiry, anyway, to the Chair?

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. JAVITS. Mr. President, if an amendment has been made by the Senate committee and there is no unanimous-consent request to accept that amendment and consider it as new text, and then I oppose the amendment, if I am successful in my opposition would the bill then stand as it came from the House?

The PRESIDING OFFICER. If the committee amendment in the bill as reported from the committee were agreed to by unanimous consent under the conditions proposed, it would take a motion to get it out, and it would take one more vote to get it out, obviously, than if it had not been previously agreed to.

Mr. JAVITS. The amendments which have been made by the committee and brought here by the committee are then to be voted on separately; are they not?

The PRESIDING OFFICER. Unless the unanimous-consent request is agreed to.

Mr. JAVITS. Exactly; and so, rather than object to the whole unanimous-consent request—which I do not wish to do in deference to my distinguished colleague—I would hope he would except this amendment, so I can oppose it, and we could separately vote on the amendment by a rollcall vote, and the Senate could decide whether it wished to accept or reject the amendment.

The PRESIDING OFFICER. Would the Senator identify just where the amendment that he refers to is in the bill?

Mr. JAVITS. Mr. President, in order to do that, I would have to suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Mr. President, the committee amendment to which I refer is found on page 5, line 13 of the bill.

The PRESIDING OFFICER. Does the Senator from Arkansas make his unanimous-consent request with the exception of this amendment?

Mr. McCLELLAN. Mr. President, I would like first to make a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If the unanimous-consent request is granted, is not the Senator's right protected on this amendment?

The PRESIDING OFFICER. With the condition which the Chair previously stated.

Mr. McCLELLAN. The Senator can move to strike it. It is in the bill. We are quibbling over nothing. We are going to get a vote on it either way.

Mr. JAVITS. Mr. President, will the Senator yield?

Mr. McCLELLAN. Yes, I yield.

Mr. JAVITS. I am not quibbling over nothing, and I will demonstrate it.

Mr. President, if there is a tie vote on the amendment of the committee, does the committee amendment win or lose?

The PRESIDING OFFICER. It loses.

Mr. JAVITS. Exactly. So I am not quibbling over nothing.

Mr. McCLELLAN. Just one vote?

Mr. JAVITS. That is right. But I should also like to point out——

Mr. McCLELLAN. Mr. President, this is the customary procedure. If we do not want that any more in the Senate, it is all right with me. I do not care whether we have it or not. I am a little older than most Senators, but I can stay here as long as the rest of you.

Mr. JAVITS. Will the Senator yield further?

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, it is customary procedure to do exactly what I am suggesting. Many times, Senators have respectfully asked a subcommittee chairman to accept a given amendment.

Mr. McCLELLAN. I have no objection. It makes no difference to me. We are just quibbling here about nothing.

The PRESIDING OFFICER (Mr. BOGGS). Is there objection to the unanimous-consent request of the Senator from Arkansas, with this exception? The Chair hears none, and it is so ordered.

The amendments agreed to en bloc are as follows:

On page 3, line 6, after the word "aids;"; strike out "$220,100,000" and insert "$221,850,000"; in line 15, after the word "vehicles", insert a colon and *"Provided further,* That in addition, this appropriation shall be available for the purchase (not to exceed thirty-three) and modification of passenger motor vehicles for protective purposes without regard to any maximum price limitations otherwise established by law."

On page 4, line 18, after the word "States", insert "and for payments in Ceylonese rupees,".

On page 11, line 2, after the word "Congress", strike out "$2,505,800" and insert "$2,605,000".

On page 11, line 24, after the word "than", strike out "$6,000,000" and insert "$5,800,000".

On page 16, line 24, after the word "certificate;" strike out "$257,485,000" and insert "$260,235,000".

On page 19, line 19, after the word "account," strike out "$21,800,000," and insert "$22,350,000,".

On page 23, line 4, after the word "law," strike out "$45,000,000," and insert "$39,279,000,".

On page 24, line 13, after "83 Stat. 219)," strike out "$20,200,000" and insert "$21,390,000".

On page 25, at the beginning of line 1, strike out "$29,000,000" and insert "$45,000,000".

On page 25, line 6, after the word "Administration," strike out "$7,035,000" and insert "$7,235,000".

On page 25, line 21, after the word "abroad;", strike out "$21,500,000" and insert "$22,000,000".

On page 27, at the beginning of line 1, strike out "$5,851,000" and insert "$5,951,000, of which not to exceed $100,000 shall be available to the Secretary of Commerce for expenses necessary to carry out his responsibilities under the Trade Fair Act of 1959, and the Act to provide for Federal Government recognition of and participation in international expositions proposed to be held in the United States."

On page 27, line 10, after the date "1968," strike out "$2,500,000" and insert "$3,000,000".

On page 27, after line 15, insert:

"NATIONAL INDUSTRIAL POLLUTION CONTROL COUNCIL

SALARIES AND EXPENSES

"For necessary expenses to carry out the provisions of Executive Order 11523 of April 9, 1970, establishing the National Industrial Pollution Control Council, $300,000."

On page 28, line 18, after the word "year;", strike out "$140,000,000" and insert "$141,426,000".

On page 29, line 13, after the word "facilities;", strike out "$4,250,000" and insert "$4,565,000".

On page 30, line 14, after "278d"; strike out "$41,750,000" and insert "$42,350,000"; and at the beginning of line 15, strike out "$500,000" and insert "$800,000".

On page 31, line 23, after the word "expended", strike out "$199,500,000" and insert "$187,500,000".

On page 32, line 21, after the word "which", strike out "$4,000,000 shall be for operation of the N.S. Savannah; *Provided,* That none of the funds appropriated herein are to be used for a layup of the N.S. Savannah; *Provided further,"* and insert "$1,700,000 shall be for the initial phase of layup of the N.S. Savannah: *Provided,".*

On page 39, line 6, after the word "for," strike out "$54,078,000" and insert "$53,862,000".

On page 40, after line 11, strike out:

"FEES OF JURORS AND COMMISSIONERS

"For fees, expenses, and costs of jurors; compensation of jury commissioners; fees of United States commissioners and other committing magistrates acting under title 18, United States Code, section 3041; $15,800,000."

And, in lieu thereof, insert:

"FEES OF JURORS

"For fees, expenses, and costs of jurors; and compensation of jury commissioners: $14,930,000."

On page 41, at the beginning of line 19, strike out "$560,000" and insert "$4,560,000: *Provided,* That this appropriation shall be available for fees of United States Commissioners."

On page 42, line 25, after the word "than", strike out "$6.50" and insert "$12.00".

On page 45, line 9, after the word "Act," strike out "$14,313,000" and insert "$19,000,000."

On page 45, line 15, after "5901–5902," strike out "$3,929,000" and insert "$4,479,000."

On page 48, at the beginning of line 19, strike out "$550,000" and insert "$597,000".

On page 53, line 15, after the word "States", insert "and for payments in Ceylonese rupees".

On page 53, line 23, after "(75 Stat. 527)," strike out "$3,500,000," and insert "$4,566,000".

The PRESIDING OFFICER. The question now recurs on the committee amendment not agreed to, which the clerk will state.

The assistant legislative clerk read as follows:

On page 5, line 13, after the word "Congress," strike out "$144,611,000" and insert "$140,911,000".

The PRESIDING OFFICER. The question is on agreeing to the amendment.

Mr. JAVITS. Mr. President, the regular procedure would be for the Senator from Arkansas now to present the bill. I hope very much that that will be possible.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry. Are we taking up the amendment to which the exception was made?

The PRESIDING OFFICER. That particular amendment is the pending question, but the Senator from Arkansas has the right to make his full statement on the bill before the vote.

Mr. McCLELLAN. The question is, are all the other amendments going to be agreed to?

The PRESIDING OFFICER. They have all been agreed to.

Mr. McCLELLAN. With this one exception, they have been agreed to?

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. All right; then it is not necessarily the order of business. I think we have a right to present perfecting amendments first, and those things. I have no objection, if Senators want to change the whole procedure.

The PRESIDING OFFICER. The Chair is advised by the Parliamentarian that this committee amendment comes first.

Mr. McCLELLAN. Proceed with it, then.

Mr. JAVITS. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JAVITS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. McCLELLAN. If I am to proceed now, I want to know if I can offer my perfecting amendments before I proceed with this amendment.

Mr. JAVITS. Mr. President, if the Senator will yield, whenever the Senator from Arkansas asks unanimous consent to displace the pending amendment for his perfecting amendments, I shall make no objection.

Mr. McCLELLAN. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Arkansas has the floor.

Mr. McCLELLAN. I thank the Chair.

Mr. President, I shall be rather brief in my analysis of the pending bill providing appropriations for the Departments of State, Justice, and Commerce, the judiciary, and 13 related agencies.

In my opinion, the sum recommended for expenses of the various activities is sufficient to meet their obligations this fiscal year, taking into consideration the fact that expenses have been restricted since July first under the continuing resolution.

As the report indicates, the total amount of the bill as reported to the Senate is $3,121,080,500. This sum is $467,703,600 over the total appropriated for the activities in fiscal 1970, and is $130,119,500 below the total revised budget estimates requested for fiscal 1971, and is a net increase of $14,124,000 above the total sum allowed in the House bill. I ask the Senate to note, however, that included in this increase of $14,124,000 is the sum of $8,364,000 to finance five important items that had not been considered by the House, namely:

First, $1,850,000 for the Department of State to provide $1,100,000 for protection costs of our overseas officials; $650,000 for the Government's contribution to the retirement fund; and $100,000 for the International Pacific Salmon Commission to match the Canadian contribution for the first year's costs of the construction project on the Nadina River.

Second, $2,750,000 for the Federal Bureau of Investigation for 400 additional employees needed to reactivate the fingerprint processing of non-Federal applications submitted by State and local authorities.

Third, $2,914,000 for the judiciary branch to finance the changeover costs from the U.S. commissioner to the magistrate system this fiscal year.

Fourth, $300,000 for the National Industrial Pollution Control Council, a new activity which the President delegated to the Department of Commerce, which is necessary to cover staff support for the Council, composed of 63 industry representatives, that will provide advice on pollution control problems.

Fifth, $550,000 for the Federal Maritime Commission to cover expenses of the new program which concerns the financial responsibility of some 13,000 vessel owners and operators for liability to the United States arising out of claims for damages due to the discharge of oil on coastal or inland waters.

Other changes recommended to the House bill, and considered worthy of note to Members, involve the following:

A reduction of $3,700,000 was made from the House allowance of $7,458,875 in the U.S. assessment for membership in the International Labor Organization, an item included in the appropriation "Contributions to international organizations" of the State Department. This sum represents the undisbursed portion of the amount to be paid in fiscal 1971.

An increase of $550,000 for the design of a specialized medical facility at Butner, N.C., a high-priority item, under the appropriation for "Buildings and Facilities" of the Federal Prison System, Department of Justice.

Also allowed for the Commerce Department were increases of $16 million for the Development Planning Commissions to provide the full budget estimate of $45 million, instead of $29 million allowed by the House; $1,190,000 additional for planning, technical assistance and research programs of the Economic Development Administration, which were considered essential to carry out an adequate program this fiscal year; and $1,426,000 for salaries and expenses of the Environmental Science Services Administration to provide additional funds for air pollution forecasts, modern river and flood forecasting services in critical areas of the country and the establishment of a river forecast service center for the lower Mississippi River Valley.

Offsetting the recommended increases for the Commerce Department were two decreases from the House allowance, one in the amount of $5,721,000, which related to the Nineteenth Decennial Census appropriation, and was agreed to by the Department; and the other, a reduction of $12 million from the House allowance of $199,500,000 in the appropriation "Ship construction" of the Maritime Administration, to provide instead a total of $187,500,000. This balance, together with the reported carryover of $12 million in uncommitted funds, is deemed adequate to finance the ship construction program planned for fiscal 1971.

Under the heading of Related Agencies, two major increases were recommended; namely, $4,687,000 for the Equal Employment Opportunity Commission, to provide the full budget estimate of $19,000,000 instead of $14,313,000, the House allowance; and for the U.S. Information Agency, an additional sum of $1,066,000 was provided in the appropriation for Special International Exhibits. The Committee that felt this increase was justified, in that $966,000 of the sum would be spent for trade fairs and exhibitions in Eastern Europe and the balance, $100,000, would be for Trade Missions, the activity that helps stimulate our overseas trade promotion programs under the Commerce Department.

Mr. President, this gives a brief outline of the major changes made by the Committee to the House bill. The details, of course, are set forth in the report that was unanimously approved by the Committee.

Mr. President, I send to the desk two perfecting amendments to the House bill in order to properly reflect the action taken by the committee. I ask unanimous consent that the amendments be stated.

The PRESIDING OFFICER. Is there objection to the present consideration of these amendments? The Chair hears none, and it is so ordered.

The amendments will be stated.

The assistant legislative clerk read as follows:

On page 11, line 2, strike "$2,605,000" and insert "$2,605,800".

On page 45, line 7, strike "$900,000" and insert "$1,200,000".

The PRESIDING OFFICER. The question is on agreeing to the amendments en bloc.

The amendments were agreed to.

Mr. McCLELLAN. Mr. President, I yield to the distinguished Senator from Nebraska.

Mr. HRUSKA. I am grateful to the Senator from Arkansas for yielding to me briefly.

Mr. President, for a number of years the senior Senator from Maine has been the ranking minority member of the subcommittee from which this appropriation bill emanates. She is unable to be present today because of official busi-

ness, and I have been requested to manage the bill on behalf of this side of the aisle. I am of course happy to do so.

The Senator from Maine has attended virtually all the hearings and has followed the procedures and the activities of the subcommittee very carefully. However when the Appropriations Committee held its markup session, she was unable to be present. She did discuss the items contained in the bill with various members of the subcommittee, and made her views known.

The Senator is to be commended for her long years of outstanding service in the Senate, and we hope that that will extend far into the future. It is because of her absence on official business that I undertake to make this brief statement.

Mr. President, I generally subscribe to the presentation just made by the chairman of the subcommittee. This bill should be acceptable, despite the cut of $130 million below the revised budget estimate. All the essential needs of higher priority are met, in our judgment, and it should be approved in its present form.

It is true that there is $14 million-plus over the amount that was included in the bill by the other body. However $8,764,000 of this is for increases in items not considered by the House. These items have all been discussed by the Senator from Arkansas, so I will make only some brief comments on a few of special interest.

The item of $1,100,000 for the Department of State to provide additional protection for our Foreign Service personnel, certainly is much needed. We all know of the increase in threats and violence to our ambassadors and other Foreign Service personnel serving overseas. We are all aware of the coldblooded murder of one of our officers that occurred just recently in Uruguay. The funds included in the bill should permit the Department to get a good start on the job of increasing the level of protection for our people abroad.

The second item I would bring to your special attention is an additional amount for the fingerprint identification services of the Federal Bureau of Investigation. Earlier this year the Bureau reluctantly concluded that it could no longer conduct certain categories of fingerprint checks at the request of State and local governments. The Bureau continued to process fingerprints related to law enforcement and other essential activities, but it could not do so for less critical occupations.

Some of the affected categories are real estate operators, gun permit holders, school teachers, bartenders, cab drivers, race track and casino operators, and so forth. There was a great uproar among the cities and the States when this service was curtailed because the FBI is the only place where a comprehensive collection of fingerprints is maintained.

In allowing this added amount, we are making possible the continuance of a very important service rendered to States and cities all across the country.

Mr. President, this bill contains an item in the amount of $550,000 for the Federal Bureau of Prisons. These funds will be used for planning the Butner Medical Center, which has been needed for a great many years.

Mr. President, I recall that almost 7 or 8 years ago, construction funds were first appropriated for this medical center. The bids which were tendered, however, were higher than the cost estimates upon which the appropriation was made. So, the bids were rejected. The appropriated money was reprogramed, and the construction of the new facility has been postponed ever since that time.

The Butner Medical Center will replace the Springfield, Mo., Medical Center, which is more than 40 years old. The Springfield facility is completely outdated, and is very inadequate as a medical center which must provide specialized medical services to approximately 21,000 inmates in the prison system. The new center will permit help to be given in the field of rehabilitation, and particularly for psychiatric treatment. In the Federal prison system, with approximately 21,000 inmates, there are only 20 psychiatrists scattered throughout the facilities. It is to be hoped that we can proceed with this. It is a matter of high priority in the construction of facilities in the Federal Bureau of Prisons.

Mr. President, I wish to mention only two other items. One is the regional development program which provides funding for the regional action planning commission. The other is the National Industrial Pollution Control Council, which will provide for the participation of industry in the Government's battle against pollution. It is hoped, that the increases for these items will be acceptable to the Senate and that they will be approved.

Mr. President, I want to commend the chairman of the subcommittee for the splendid fashion in which he has handled this bill, from the hearings on through to its successful conclusion.

Mr. President, I yield the floor.

Mr. DOMINICK. Mr. President, will the Senator from Arkansas yield for one or two brief questions?

Mr. McCLELLAN. I yield.

Mr. DOMINICK. Just as a matter of curiosity, and made in no way in the nature of trying to be critical, but the related agencies, I see, under the bill entitled State, Justice, and Ccmmerce, makes appropriations in the Department of Health, Education, and Welfare in the Office of Education and also in the Equal Opportunity Commission. I thought both of those were under HEW bills, and I wonder why they happen to be included in this one as opposed to the other where I believe they rightfully should be.

Mr. McCLELLAN. They are that way in the budget, would be the first answer to the Senator. The administration put them in the budget and the House included these items in the State Justice Commission bill. That is the reason they are in there.

Mr. DOMINICK. Is there any historical precedent for this in the past for the way this is being handled now?

Mr. McCLELLAN. I understand so.

Mr. HRUSKA. There is historic precedent for it, to place it in this bill rather than in some other bill. That has been done for a long time. I remember they have always put it in this bill.

Mr. DOMINICK. I thank the Senator.

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Delaware (Mr. WILLIAMS), the Senator from New York (Mr. GOODELL) and myself, I send to the desk an amendment and ask unanimous consent for its immediate consideration.

Mr. JAVITS. Mr. President, a parliamentary inquiry, if the Senator will yield for that purpose?

Mr. PROXMIRE. Yes, indeed.

Mr. JAVITS. Will consideration of the amendment upon which I have reserved the right in respect of unanimous consent then follow immediately upon completion of the action on this one?

The PRESIDING OFFICER (Mr. BELLMON). As soon as the amendment of the Senator from Wisconsin has been disposed of, the amendment to which the Senator from New York refers will then be considered.

Mr. JAVITS. I thank the Presiding Officer.

The PRESIDING OFFICER. The amendment of the Senator from Wisconsin will be stated.

The legislative clerk read as follows:

On page 49, strike lines 1 through 7, inclusive.

The language sought to be stricken is as follows:

"SUBVERSIVE ACTIVITIES CONTROL BOARD
"SALARIES AND EXPENSES

"For necessary expenses of the Subversive Activities Control Board, including services as authorized by 5 U.S.C. 3109, not to exceed $15,000 for expenses of travel, and not to exceed $500 for the purchase of newspapers and periodicals, $401,400."

Mr. PROXMIRE. Mr. President, what this amendment would do would be to strike from the bill $401,400 for the Subversive Activities Control Board for fiscal year 1971.

The appropriation is $57,000 above the amount requested and granted last year. This reflects the higher salaries for members of the Board, general counsel, and other officials.

As of 1965, the Internal Security Act required individuals who were members of Communist-action or Communist-front organizations to come forward and register themselves as such. The act provided penalties for wilful refusal to register. In 1965, in *Albertson* v. *SACB*, 382 U.S. 70, the Supreme Court held that this provision of the act violated the self-incrimination provisions of the fifth amendment, and was unconstitutional.

From the time of this decision until floor debate in October 1967, the SCAB had had nothing whatsoever to do—and did nothing.

Mr. President, I interrupt at this point to ask unamious consent for a limitation of time on this amendment, with 15 minutes to a side.

The PRESIDING OFFICER (Mr. BELLMON). Is there objection to the request of the Senator from Wisconsin? The Chair hears none, and it is so ordered.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. PROXMIRE. In an effort to give the Board one last chance, the Mansfield-Proxmire-Dirksen compromise was worked out. The compromise amended the law by changing the above provision, and providing instead that the Attorney

General would cite individuals to the Board—removing the onus from the individual to come forward himself and register. The Board would then investigate and if it found that the individual cited was in fact a member, it would register him. The compromise also provided that if no new cases—and hearings—were opened within a year, the Board would cease to exist.

On June 30, 1968, just before the deadline, Ramsey Clark certified seven new cases to the Board—one of them was Boorda, whose case was decided by the District of Columbia Court of Appeals last December. In September 1968, the Board opened hearings on these cases. This was enough to void the "self-destruct" provision of the compromise, and the Board has been in existence since.

As a result of last December's decision, though, the Board still has not actually registered anyone.

Board members now earn $36,000 each—or $180,000 for the five Board members. This must be the highest paid group of benchwarmers in the history of the Federal Government.

Basic reason for my amendment: the Board has absolutely nothing to do. The courts have left it completely powerless. I am as anxious as anyone in this body to see subversive elements—including the Communist Party—controlled, and to do all we can to protect our constitutional form of government from all efforts to overthrow it by violent means. However, I cannot condone appropriating the taxpayers' money for absolutely nothing, and nothing is all the Board has achieved in its 20 years of existence.

The most recent court action which rendered the Board powerless was in Boorda against SACB, decided by the District of Columbia Court of Appeals in December 1969. That case held that penalizing membership in an association, without requiring any finding that the member knew of the group's purposes, or intended to participate in those purposes, violates the freedom of association guarantees of the Constitution, the first amendment.

Here is some of what the court said:

In the present situation, we cannot assume that disclosure of an individual's membership in the Communist Party will not operate as a substantial burden upon the exercise of his right of free association. Therefore the disclosure provisions of sec. 13(g)(2) must fall as contrary to the First Amendment.

The court also went on to say:

When a quasi-political party or other group may embrace both legal and illegal aims, affiliation with and membership in that group are constitutionally protected except for those who join with the specific intent to further illegal action.

Mr. President, I ask unanimous consent that the full opinion be printed in the RECORD at the conclusion of my remarks.

The PRESIDING OFFICER (Mr. BELLMON). Without objection, it is so ordered.

(See exhibit 1.)

Mr. PROXMIRE. Mr. President, in April of this year, the Supreme Court denied certiorari, thereby permitting this decision to stand—April 20, 1970. Thus, with this decision on the books, the SACB can no longer operate under the existing law.

Perhaps we should amend the law. Perhaps we should provide that the Board can only register individuals if it makes finding of membership—as at present—and in addition, makes the finding that the individual joined with knowledge of the group's purposes and with the intent to further them.

Such an amendment would restore the Board's power to take action. It would at least render the Board a functioning body. But, until we do so, we have no business appropriating an additional $400,000 for this board on top of the $6 million we have already wasted on this exercise in futility. If the Board has something to do, fine. But right now it has absolutely nothing to do. And as long as it has nothing to do, nothing is what Congress should appropriate for it.

Consider fiscal responsibility—and the President's two vetoes.

The President has vetoed four major bills passed by Congress on the ground of fiscal responsibility—Labor and HEW for fiscal year 1970, which was $1.3 billion over; independent offices for fiscal year 1971, which was $541 million over the President's request; Office of Education, which was $454 million over; the hospital authorization bill, which was $342 million over the first year of authorization.

Admittedly, the $6 million for the Subversive Activities Control Board in the past 20 years is small by comparison.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 additional minutes.

Mr. PROXMIRE. Mr. President, how can we hope to take the President to task for priorities if we go ahead and blithely appropriate $400,000 for a board which has accomplished nothing? It is perfectly obvious that unless we change the law or have a constitutional amendment, one or the other, the Board can do nothing.

Mr. President, I reserve the remainder of my time.

EXHIBIT 1

[Nos. 22514, 22522.—U.S. Court of Appeals District of Columbia Circuit]

SIMON BOORDA, PETITIONER, *v.* SUBVERSIVE ACTIVITIES CONTROL BOARD, RESPONDENT—ROBERT ARCHULETA AND WAYNE DALLAS HOLLEY, PETITIONERS, *v.* SUBVERSIVE ACTIVITIES CONTROL BOARD, RESPONDENT

Argued September 16, 1969.

Decided December 12, 1969.

Petitions for review of order of Subversive Activities Control Board. The Court of Appeals, Bazelon, Chief Judge, held that in proceedings to determine whether individuals were members of organization which was a Communist-action organization, the individuals were not entitled to have status of the organization redetermined, but that provisions of Subversive Activities Control Act allowing public disclosure of an individual's membership in a Communist-action organization without finding that individual concerned shares in any illegal purposes of organization to which he belongs violates First Amendment.

Cases remanded to Subversive Activities Control Board with instructions to dismiss the petitions.

1. War and National Defense—50: A basis objective of the Subversive Activities Control Act is to provide public information concerning Communist activities. Subversive Activities Control Act of 1950, §§ 1–21, 14(a) as amended 50 U.S.C.A. §§ 781–798, 793(a).

2. War and National Defense—50: In proceedings to determine whether individuals were members of organization which was a Communist-action organization, the individuals were not entitled to have status of the organization redetermined. Subversive Activities Control Act of 1950, §§ 1–21, 14(a) as amended 50 U.S.C.A. §§ 781–798, 793(a).

3. Constitutional Law—91: Mere membership in Communist Party is protected by First Amendment. U.S.C.A.Const. Amend. 1.

4. Constitutional Law—91: Individual's right of association is protected by the First Amendment. U.S.C.A.Const. Amend. 1.

5. Constitutional Law—91: When a quasi-political party or other group may embrace both legal and illegal aims, affiliation with and membership in that group are constitutionally protected except for those who join with specific intent to further illegal action. U.S.C.A.Const. Amend. 1.

6. Constitutional Law—91: That some members of Communist Party might be engaged in activities not protected by First Amendment does not mean that the protected activity of other members may be infringed. U.S.C.A.Const. Amend. 1.

7. Constitutional Law—82: If constitutional rights are abused, legislative intervention can find constitutional justification only by dealing with the abuse and the rights themselves must not be curtailed.

8. Constitutional Law—91, War and National Defense—36: Disclosure provisions of Subversive Activities Control Act allowing public disclosure of individual membership in a Communist-action organization without finding that individual concerned shares in any illegal purposes of organization to which he belongs violates First amendment. U.S.C. Const. Amend. 1; Subversive Activities Control Act of 1950, § 13(g) (2) as amended 50 U.S.C.A. § 792(g) (2).

9. Constitutional Law—91: First Amendment precludes government from claiming an interest in public disclosure of associations of innocent members of Communist-action organizations. U.S.C.A.Const. Amend. 1; Subversive Activities Control Act of 1950, § 13(g) (2) as amended 50 U.S.C.A. § 792 (g) (2).

Mr. John J. Abt, New York City, of the bar of the Court of Appeals of New York, pro hac vice, by special leave of court, with whom Mr. Joseph Forer, Washington, D.C., was on the brief, for petitioners.

Mr. Kevin T. Maroney, Atty., Department of Justice, with whom Mr. J. Walter Yeagley, Asst. Atty. Gen., Messrs. Frank R. Hunter, Jr., General Counsel, Charles F. Dirlam, Assistant General Counsel, Subversive Activities Control Board, and Mrs. Lee B. Anderson, Atty., Department of Justice, were on the brief for respondent.

Mr. Lawrence Speiser, Washington, D.C., filed a brief on behalf of American Civil Liberties Union, as amicus curiae urging reversal.

Before Bazelon, Chief Judge, and Wright and McGowan, Circuit Judges.

Bazelon, Chief Judge:

These are petitions under § 14(a) of the Subversive Activities Control Act[1] to set aside orders of the Subversive Activities Control Board determining that each of the several petitioners is "a member of the Communist Party of the United States of America, a Communist-action organization." The fact of membership is not at issue.[2] Instead, petitioners attack the Board's construction, and the constitutionality, of the Act. The Board erred, they argue, in taking official notice of its prior determination that the Communist Party is a Communist-action organization, and in not allowing petitioners to demand a redetermination of the status of the Party in the proceedings against them.

Footnotes at end of article.

Additionally, they claim that the Act is constitutionally defective in allowing public disclosure of an individual's membership to be made without a finding that the individual concerned shares in any illegal purposes of the organization to which he belongs. We find this second argument persuasive.[3]

I

Under the Act, when the Attorney General has "reason to believe * * * that any individual is a member of an organization which has been determined by final order of the Board to a Communist-action organization," he is to file a petition with the Board seeking a determination "that such individual is a member of such Communist-action organization." § 13(a). After hearing, the Board is to make a written report including its findings of fact. If it determines that the "individual is a member of a Communist-action organization," it shall issue and serve him with an order "determining such individual to be a member of a Communist-action organization." § 13(g)(2).[4] Petitioners argue that the difference in language between the two subsections is critical: that is, they would read § 13(a) as instructing the Attorney General to institute proceedings before the Board whenever it comes to his attention that an individual belongs to any organization "which *has been determined by final order of the Board* to be a Communist-action organization." But § 13(g)(2) requires the Board to determine that the "individual *is* a member of a Communist-action organization," and this language is said to imply that, during the course of the hearings on a petition to determine an individual's membership, the Board must not only find that the individual is a member of a named organization, but must also redetermine that the organization is in fact a Communist-action organization.[5] Support for this construction is sought in § 13(b) and (1), which provide for redetermination not more than once each calendar year, of the status of individuals and organizations against which Board orders are outstanding. Petitioners would read these subsections to allow an individual to reopen the status of an organization of which he is a member in a § 13(b) petition for redetermination. Therefore, they argue, § 13(g) should be read in the same way, and an individual should be allowed to litigate the status of an organization of which he is alleged to be a member during the course of the initial proceedings against him.

On its face, § 13(b) does not compel the construction sought by petitioners. It provides, in pertinent part:

"Any organization as to which there is in effect a final order of the Board determining it to be a Communist-action or Communist-front organization, and *any individual as to whom there is in effect a final order of the Board* determining such individual to be a member of a Communist-action organization *may, not more often than once in each calendar year, file* with the Board and serve upon the Attorney General *a petition for a determination that such organization no longer is a Communist-action or Communist-front organization, or that such individual no longer is a member of a Communist-action organization, as the case may be.*" (Emphasis added.)

This language is not entirely free from ambiguity, but it seems to imply that an individual, in a § 13(b) proceeding, may contest only the fact of his membership in a named organization against which an order is already outstanding.[6] The limitation of petitions to one per calendar year is at least an indication that Congress intended that no particular issue should be relitigated more than once each year.[7] Allowing individual members of an organization to reopen the complex question whether the organization to which they belong is a Communist-action organization would be to open the door to substantial delaying tactics without providing a corresponding benefit to anyone.[8] Absent any support in the legislative history for petitioners' construction of § 13(b),[9] we cannot conclude that it was intended to allow individuals to contest the status of the organizations to which they belong.

Deprived of any support from § 13(b), petitioners' construction of § 13(g) must likewise fail. That construction would require us to read identical statutory language[10] in substantially different ways without any apparent support for such a different construction in the legislative history.[11] It would raise a serious risk of inconsistent adjudications; that is, of opposite determinations of the same question (whether a given organization is a Communist-action organization) in proceedings against different individuals.[12] That § 13(a) allows individual proceedings to be consolidated is no assurance that they would be. The Board did not err in holding that petitioners may not challenge the status of the Communist Party in the instant proceeding.

II

We must therefore face the constitutional question. Petitioners argue that § 13(g)(2) of the Act[13] is invalid because it provides for public disclosure of the fact of their membership in the Communist Party whether or not they intend to further any of the Party's illegal, as well as its legal and constitutionally protected aims.[14] The Board's primary response to this argument is that it is foreclosed by the Supreme Court's decision in Communist Party v. Subversive Activities Control Board, 367 U.S. 1, 81 S.Ct. 1357, 6 L.Ed.2d 625 (1961).[15]

The Supreme Court in the *Communist* Party case was presented with the question whether the First Amendment prohibited the requirement, set forth in § 7 of the original Act,[16] that organizations found to be dominated by a foreign power and intending the illegal overthrow of existing government could be required to file registration statements including the names and addresses of their members.[17] Individual members of the Communist Party were not parties to the action, but the Court allowed the Party standing to assert those rights of its members, such as anonymity, which are allegedly infringed by the very act of *its filing a registration statement*, and which could not be otherwise asserted than by raising them here." 367 U.S. at 81, 81 S.Ct. at 1402.

The Court examined the structure of the Act, and found that the registration and disclosure requirement of § 7 did not attach "to the incident of speech, but to the incidents of foreign domination and of operation to advance the objectives of the World Communist movement." *Id* at 90, 81 S.Ct. at 1407. Since regulation was premised on constitutionally unprotected conduct, the Court was required to balance "the value to the public of the ends which the regulation may achieve" against "the impediments which particular governmental regulation causes to entire freedom of individual action." *Id.* at 91, 81 S.Ct. at 1407; see United States v. O'Brien, 391 U.S. 367, 377, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968). Although the Court did not consider the incidental infringement of First Amendment rights to be insubstantial, *see* 367 U.S. at 102, 81 S.Ct. 1357, it concluded that the importance of the government's interest in disclosing the names of those who desired to further the illegal aims of Communist-action organizations justified the requirement that such organizations make public their membership lists. *Id.* at 102–103, 81 S.Ct. 1357.

The present case, however, stands on an entirely different footing. Of course, in both cases the class of persons upon whom disclosure ultimately operates is the same—all members of the organization, whether innocent or guilty. But § 7 of the original Act on its face dealt directly with organizations at least some of whose members shared in the illicit, constitutionally unprotected aims of the organization. *See id.* at 23–27, 42–55. Of course it would hardly have been practicable to require the organizations themselves to distinguish in their membership lists between innocent and guilty members. Therefore, the disclosure provisions were viewed as attaching to the incidents of foreign domination and illicit purpose, characteristics of the organization and of some but not all of its members. Innocent members were unavoidably caught up in a net designed to disclose the guilty. But § 13(g)(2) operates directly on individuals; consequently, the "operative fact[s] upon which [the statute] depends," United States v. Robel, 389 U.S. 258, 263, 88 S.Ct. 419, 423, 19 L.Ed.2d 508 (1967), must be facts characteristic of the individual upon whom the statute operates. Under § 13(g)(2), disclosure attaches to mere membership in a Communist-action organization, whether or not the member whose affiliation is to be publicized has engaged in, or has any intent to further, the illicit ends of the organization. If mere membership, to which disclosure attaches, is constitutionally protected, the balancing test is inapplicable. *Communist Party, supra,* 367 U.S. at 90, 81 S.Ct. 1357.[18] Consequently, the question for decision is simply whether the statute infringes protected rights. De Jonge v. Oregon, 299 U.S. 353, 364–365, 57 S.Ct. 255, 81 L.Ed. 278 (1937).

[3–7] It seems clear to us that mere membership in the Communist Party is protected by the First Amendment. For it is "now beyond dispute," Bates v. City of Little Rock, 361 U.S. 516, 523, 80 S.Ct. 412, 4 L.Ed.2d 480 (1961), that "an individual's right of association * * * is protected by the provisions of the First Amendment." United States v. Robel, 389 U.S. 258, 263, 88 S.Ct. 419, 423 (1967). When a "quasi-political part[y] or other group * * * may embrace both legal and illegal aims," Scales v. United States, 367 U.S. 203, 229, 81 S.Ct. 1469, 1486, 6 L.Ed.2d 782 (1961), affiliation with and membership in that group are constitutionally protected except for those who join "with the 'specific intent' to further illegal action." Elfbrandt v. Russell, 384 U.S. 11, 17, 86 S.Ct. 1238, 1241, 16 L.Ed.2d 321; *see* Noto v. United States, 367 U.S. 290, 299–300, 81 S.Ct. 1517, 6 L.Ed.2d 836 (1961). "Assuming that some members of the Communist Party * * * had illegal aims and engaged in illegal activities, it cannot automatically be inferred that all members shared their evil purposes or participated in their illegal conduct." Schware v. Board of Bar Examiners, 353 U.S. 232, 246, 77 S.Ct. 752, 760, 1 L.Ed.2d 796, 64 A.L.R. 2d 288 (1957). For "men in adhering to a political party or other organization notoriously do not subscribe unqualifiedly to all of its platforms or asserted principles." Schneiderman v. United States, 320 U.S. 118, 136, 63 S.Ct. 1333, 1342, 87 L.Ed. 1796 (1943).[19] Therefore the fact that some members of the Communist Party may be engaged in activity not protected by the First Amendment does not mean that the protected activity of other members may be infringed. If rights are abused, "legislative intervention can find constitutional justification only by dealing with the abuse. The rights themselves must not be curtailed." De Jonge v. Oregon, *supra,* 299 U.S. at 364–365, 57 S. Ct. at 260.

[8] Since the disclosure provisions of § 13(g)(2) attach solely to constitutionally protected rights, the only remaining question is whether they operate to discourage or penalize the exercise of those rights. We believe that they do. "Inviolability of privacy in group association may in many circumstances be indispensable to preservation of freedom of association, particularly where a group espouses dissident beliefs." NAACP v. Alabama ex rel. Patterson, 357 U.S. 449, 462, 78 S.Ct. 1163, 1172, 2 L.Ed.2d 1488 (1958). In the present situation, we cannot assume

Footnotes at end of article.

that disclosure of an individual's membership in the Communist Party will not operate as a substantial burden upon the exercise of his right of free association.[20] Therefore, the disclosure provisions of § 13(g) (2) must fall as contrary to the First Amendment. United States v. Robel, *supra;* De Jonge v. Oregon, *supra.*

III

[9] We would be led to the same conclusion under the balancing test as enunciated in the *Communist Party* case.[21] The court in that case sustained the disclosure provisions of § 7 of the original Act, which like the present statute made no distinction between innocent and guilty members. But disclosure in that case was sought from the Party, not from individuals,[22] and consequently there was available no practicable, less intrusive alternative to disclosure of the names of all members: to ask the Party itself to distinguish between those of its members who did and who did not share its illegal aims would be to ask the impossible. But proceedings under § 13(g) (2) are on a case-by-case basis, rendering it feasible to distinguish in each case between protected and unprotected membership. Scales v. United States, 367 U.S. 203, 81 S.Ct. 1469, 6 L.Ed.2d 782 (1961). Therefore, in weighing the public interest in disclosure, we must weigh a different quantity: since innocent members may easily be separated from guilty ones, the public interest in exposure of the guilty cannot be used to justify exposure of the innocent. See Keyishian v. Board of Regents, 385 U.S. 589, 606–607, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967); Shelton v. Tucker, 364 U.S. 479, 488, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960). Since the First Amendment precludes the government from claiming an interest in public disclosure of the associations of innocent members of Communist-action organizations,[23] Elfbrandt v. Russell, 384 U.S. 11, 17, 86 S.Ct. 1238, 16 L.Ed.2d 231 (1966), the governmental interest to be weighed in this case is nil.[24]

Since § 13(g) (2) of the Subversive Activities Control Act is contrary to the First Amendment, the orders issued in these cases cannot stand. The cases must be remanded to the Subversive Activities Control Board with instructions to dismiss the petitions.

It is so ordered.

FOOTNOTES

[1] Title I of the Internal Security Act of 1950, 64 Stat. 987, *as amended* 50 U.S.C. §§ 781–798 (1964 & Supp. IV, 1969). Unless otherwise indicated, all references are to the Act as amended.

[2] Petitioners have refused to respond to the allegations of membership on the ground that the statute under which proceedings were had is unconstitutional.

[3] We do not, therefore, consider petitioners' other constitutional claims.

[4] If the Board determines that an individual is not a member of a Communist-action organization, it shall issue and serve upon the Attorney General "an order denying the determination sought by his petition." § 13(h) (2).

[5] Petitions for determination that an individual is a member of a Communist-action organization apparently cannot be brought until the organization in question has been determined by the Board to be a Communist-action organization. *See* § 13(a).

[6] Of course, a petitioner in a § 13(b) proceeding could argue that there was no longer a Board order outstanding against an organization of which he was a member.

[7] The limitation of § 13(b) petitions to one per year was contained in the original act and carried over in the 1968 amendments. But it is of some relevance that the House Report on the 1968 amendments indicated substantial concern over delay in Board proceedings. *See* H.R. Rep. No. 733, 90th Cong., 1st Sess. 10 (1967).

[8] An organization may, of course, reopen the question of its status once per year under § 13(b); this should provide at least some remedy for the organization's members.

[9] Petitioners have directed us to no such material, nor have we been able to unearth any.

[10] The phrase "is a member of a Communist-action organization," appearing in § 13(b) and (g) (2) of the Act.

[11] As originally enacted, § 13(g) (2) spoke of "a Communist-action organization (*including an organization required by final order of the Board to register under* § 7(a))" (emphasis added). 64 Stat. 1000. The italicized phrase is missing from the section as amended in 1968. But the House Report on the amendments describe them as simply "conforming amendments" to bring the Act in line with Albertson v. SACB, 382 U.S. 70, 86 S.Ct. 194, 15 L.Ed.2d 165 (1965). We do not believe that the House intended the radical alteration in Board proceedings sought by petitioners. *See* H.R. Rep. No. 733, 90th Cong., 1st Sess. 23 (1967).

[12] A "basic objective" of the Act is to provide public information concerning Communist activities. *See* H.R. Rep. No. 733, *supra* note 11, at 3. A regular pattern of inconsistent determinations based not on changed circumstances but solely on the particular evidence adduced at different proceedings would hardly advance this objective.

[13] Section 13(g) provides:

"If, after hearing upon a petition filed under subsection (a) of this section the Board determines—

* * * * *

"(2) that an individual is a member of a Communist-action organization it shall make a report in writing in which it shall state its findings as to the facts and shall issue and cause to be served on such individual an order determining such individual to be a member of a Communist-action organization."

All such orders are a matter of public record. § 9(a).

[14] Neither petitioners nor the Board suggests that § 13(g) (2) could be construed so as to apply only to those members of Communist-action organizations who share in the group's illegal aims, and we believe they are correct. United States v. Robel, 389 U.S. 258, 262, 88 S.Ct. 419, 19 L.Ed.2d 508 (1967); Aptheker v. Secretary of State, 378 U.S. 500, 511 n. 9, 515–516, 84 S.Ct. 1659, 12 L.Ed.2d 992 (1964); *see* Killian v. United States, 368 U.S. 231, 82 S.Ct. 302, 7 L.Ed.2d 256 (1961).

[15] It has been elsewhere suggested that Supreme Court cases subsequent to the decision in *Communist Party* have eroded its validity. Note, Civil Disabilities and the First Amendment, 78 Yale L.J. 842 (1969); *see* United States v. Robel, 389 U.S. 258, 88 S.Ct. 419 (1967); Keyishian v. Board of Regents, 385 U.S. 589, 87 S.Ct. 675, 17 L.Ed.2d 629 (1967); Elfbrandt v. Russell, 384 U.S. 11, 86 S.Ct. 1238, 16 L.Ed.2d 321 (1966). In view of the disposition made here, we need express no opinion on this point.

[16] That section has since been repealed Act of January 2, 1968, Pub.L., No. 90–237, § 5, 81 Stat. 766.

[17] The Court in *Communist Party* phrased the issue as follows:

"The Communist Party would have us hold that the First Amendment prohibits Congress from requiring the registration and filing of information, including membership lists, by organizations substantially dominated or controlled by the foreign powers controlling the world Communist movement and which operate primarily to advance the objectives of that movement: the overthrow of existing government by any means necessary and the establishment in its place of a Communist totalitarian dictatorship." 367 U.S. at 88–89, 81 S.Ct. at 1406.

It pointed out that "our consideration of any other provisions than those of § 7, requiring Communist-action organizations to register and file a registration statement, could in no way affect our decision in the present case." *Id.* at 77, 81 S.Ct. at 1400.

[18] *See also* United States v. Robel, 389 U.S. 258, 268 n. 20, 88 S.Ct. 419, 426 (1967), where the Supreme Court explicitly rejected any attempt at "balancing" in dealing with § 5 of the Act:

"It has been suggested that this case should be decided by "balancing" the governmental interests expressed in § 5(a)(1)(D) against the First Amendment rights asserted by the appellee. This we decline to do. We recognize that both interests are substantial, but we deem it inappropriate for this Court to label one as being more important or substantial than the other. * * *"

Petitioners suggest that this footnote implies that the approval of "balancing" in *Communist Party, see* 367 U.S. at 91, 81 S.Ct. 1357, has since been withdrawn. But the Court once again resorted to a balancing test in United States v. O'Brien, 391 U.S. 367, 377, 88 S.Ct. 1673, 20 L.Ed.2d 672 (1968). It appears, then, that balancing may be appropriate when a statute is directed at constitutionally unprotected conduct, and infringes upon protected conduct only as an unavoidable side effect of an otherwise unexceptionable purpose. But where, as in *Robel,* "the operative fact upon which [the statute] depends is the exercise of [a right] protected by the provisions of the First Amendment," 389 U.S. at 263, 88 S.Ct. at 423, the First Amendment precludes a resort to "balancing."

[19] The Board relies upon Adler v. Board of Education, 342 U.S. 485, 494–495, 72 S.Ct. 380, 96 L.Ed. 517, 27 A.L.R.2d 472 (1952), for the contrary proposition. But the Supreme Court in Keyishian v. Board of Regents, 385 U.S. 589, 595, 87 S.Ct. 675, 679, 17 L.Ed.2d 629 (1967) pointed out that "pertinent constitutional doctrines have since rejected the premises" of that decision.

[20] There is no direct evidence in the record in this case as to the degree of harassment that one named as a member of the Communist Party may suffer as a result. But although it is true that the Supreme Court has in some cases relied solely on record evidence to establish such a possibility, *e.g.,* Shelton v. Tucker, 364 U.S. 479, 486 n. 7, 81 S.Ct. 247, 5 L.Ed. 231 (1960), Bates v. Little Rock, 361 U.S. 516, 520–522, 80 S.Ct. 412, 4 L.Ed.2d 430 (1960), NAACP v. Alabama, 357 U.S. 449, 462, 78 S.Ct. 1163 (1958), it was willing to state in *Communist Party* that "the public opprobrium and obloquy which may attach to an individual listed with the Attorney General as a member of a Commuunist-action organization is no less considerable than that * * * in *N.A.A.C.P.* and *Bates.*" 367 U.S. at 102, 81 S.Ct. at 1413. And in American Communications Ass'n v. Douds, 339 U.S. 382, 402, 70 S.Ct. 674, 686, 94 L. Ed. 925 (1950), the Court noted:

"Under some circumstances, indirect 'discouragements' undoubtedly have the same coercive effect * * * as imprisonment * * *. A requirement that adherents of particular religious faiths or political parties wear identifying arm-bands, for example, is obviously of this nature."

[21] "Against the impediments which particular governmental regulation causes to entire freedom of individual action, there must be weighed the value to the public of the ends which the regulation may achieve." 367 U.S. at 91, 81 S.Ct. at 1407.

[22] This difference was used in *Communist Party* to distinguish Shelton v. Tucker, 364 U.S. 479, 81 S.Ct. 247, 5 L.Ed.2d 231 (1960). *See* 367 U.S. at 92–93, 81 S.Ct. 1357.

[23] We are not dealing here with a legislative investigation the primary purpose of which is to inform Congress with respect to matters properly within its concern. In such cases, some disclosure to the public may be justified as a necessary incident of disclosure to Congress. *Cf.* Watkins v. United States, 354 U.S. 178, 187, 77 S.Ct. 1173, 1 L.Ed.2d 1273 (1967); United States v. Rumely, 345 U.S. 41, 56–58,

73 S.Ct. 543, 97 L.Ed. 770 (1953) (concurring opinion).

[24] In the *Communist Party* case, the Court sustained the disclosure provisions of § 7 of the original Act because "the mask" of anonymity which [the] organization's members wear serves * * * [to enable] them to cover over a foreign-directed conspiracy, infiltrate into other groups, and enlist the support of persons who would not, if the truth were revealed, lend their support." 367 U.S. at 102–103, 81 S.Ct. at 1414. In other words, the government's interest in disclosure was considered to be its interest in disclosure of the names of guilty members of the Party, *i.e.*, those who shared the purposes found by the Court not to be constitutionally protected. But, as pointed out above, there was in that case no practicable way of distinguishing between innocent and guilty members, and a refusal to consider the public interest in disclosure of the guilty members would have meant that the interest could not have been protected at all. *See* 367 U.S. at 88–89, 81 S.Ct. 1357.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 5 minutes.

Mr. McCLELLAN. Mr. President, this issue is not new. It has been raised before. The Senate has resolved it on two previous occasions. On October 11, 1967, the same issue was raised. We should bear in mind that at that time it was raised under the previous administration.

The previous administration refused or declined to assign any work to this board. For what reason, I do not know, unless it took the view that the Senator takes here today, that it was a waste of funds and a waste of effort and was not justified.

The present administration proposes to use the board. As I said, the issue has been here twice before at a time when the board had nothing to do.

The Senate, on October 11, 1967, rejected an amendment to this bill by the distinguished Senator from Delaware to eliminate this item and rejected it by a vote of 54 to 36.

Thereafter, in the same year, the same Congress on October 23—just 12 days later—rejected an amendment by the Senator from Massachusetts (Mr. BROOKE), to a separate bill, to terminate completely this board. The Senate at that time rejected the Brooke amendment by a vote of 58 to 17.

We now have a new administration, an administration that has promised to use this board, an administration that is using it. It has already referred two cases to it. The board is now working on those cases.

I am advised, although I do not have it in writing—I just took their word for it—that other cases are being processed in the Justice Department which will likely go to the Board.

It is said that this Board cannot do anything. Let me point out what is involved here. If there were ever a time in the history of this Nation when there were movements within the country that are subversive to the principles of our Government to its very foundation, if there were ever a time when there were organizations, militant and extreme organizations, in this country whose purpose and design and objectives are to bring about a revolution and overthrow the Government, if there were ever a time when there has been so much bombing, rioting, and subversive activities in this country, so far as I know now is that time.

This would be a pretty present, I think, for the Senate now to present to those forces at a time when the Board, in effect, has been reactivated by this administration. We would be saying in effect to the Board, "You cannot do it any longer." That would be a pretty present to present to those forces and those elements that are on the rise in America today, whose activities are being accentuated and increased.

It would be a bad time to say, "You are free. You are not going to be investigated by the Department of Justice or by the Subversive Activities Control Board."

Mr. President, I think it would be a terrible mistake. I do not want to do it. I do not know how much the Board can do. But I do know what we are proposing to do. We might save $400,000, but at the same time we would permit organizations like the two whose cases have been referred to the Subversive Activities Control Board to continue their activities.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a letter dated August 10, 1970, from the Chairman of the Board, John W. Mahan. We also have testimony in the RECORD, I believe.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SUBVERSIVE ACTIVITIES CONTROL BOARD,
Washington, D.C., August 10, 1970.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee of the Committee on Appropriations, Departments of State, Justice, and Commerce, the Judiciary and Related Agencies, U.S. Senate, Washington, D.C.

DEAR SENATOR MCCLELLAN: Following my testimony before your Subcommittee on June 24, 1970, the Attorney General on July 14, 1970, filed petitions before the Subversive Activities Control Board alleging that certain groups were Communist-front organizations.

These groups are the Young Workers Liberation League alleged to be a Marxist-Leninist youth organization created and controlled by the Communist Party, and the Center for Marxist Education alleged to be a training center for Communist Party members and receiving financial aid and other support from the Communist Party.

On August 5, 1970, the attorney for the respondents filed with this Board answers denying the allegations and motions to dismiss the petitions.

The Board's Rules of Procedure provide that a reply to a written motion shall be filed within seven days after the date of service thereof and it is expected the Attorney General will reply to these pleadings. Upon receipt of the reply these motions will be set for hearing by the Board at an early date.

The Young Workers Liberation League is asserted to have local chapters functioning in several of the large cities of the United States and if it should be the determination of the Board to overrule the motion of the respondents it would be expected that extensive hearings by this Board will take place in these large cities where the organizations are functioning.

I enclose with this letter copies of the petitions, the motions and answers and the press release of July 14, 1970, by the Attorney General.

Sincerely,

JOHN W. MAHAN,
Chairman.

Mr. McCLELLAN. Mr. President, I do not agree that we should say, now that the Board has been reactivated by the present administration:

We are cutting you off. We are not worried about what is going on in America. Let the extremists have their day. Let them go on and undermine the Government. We will cut off all power to investigate and will cut off all money and abolish the board and let them go free.

Although this Board may not be what it should be because it has been handicapped by the courts, it is true, we propose in the report that the Senate Judiciary Committee review the legislation with a view to amending and strengthening it, if that can be done, or with a view of determining whether the Board should be abolished.

Mr. President, I submit that this ought to be done legislatively. This would be the wrong way to do it in an appropriation bill. We have a Judiciary Committee which is the appropriate legislative committee that is empowered to act. If Congress wants to repeal this act, that is the way to proceed.

Mr. HRUSKA. Mr. President, will the Senator yield me 3 minutes?

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the Senator from Nebraska.

The PRESIDING OFFICER. The Senator from Nebraska is recognized for 3 minutes.

Mr. HRUSKA. Mr. President, I rise to oppose the amendment and support the position expressed by the Senator from Arkansas.

After thorough consideration, this Congress did decide that it would continue the life of this Board. That was done 3 years ago in October of this year. The continuation of the Board was conditional, on the referral of additional cases to it. They were, and proceedings were had.

Two cases were recently referred to the Commission. One of them has to do with the Young Workers Liberation League. The other has to do with the Center for Marxist Education. These cases are pending and proceedings are in process.

Mr. President, if a change is to be made, it should be made by legislating amendments to the act which created this Board. It should not be done by the type of amendment now pending before the Senate.

The committee considered the matter at length and included this language at the bottom of page 35 of the report:

The committee recommends that the Senate Committee on the Judiciary give consideration to reviewing the operation of this Board and its present powers in view of recent court decisions.

The amendment should be rejected and the matter referred for consideration in the fashion suggested in the report.

Mr. GRIFFIN. Mr. President, will the distinguished Senator yield?

Mr. McCELLAN. Mr. President, I yield

2 minutes to the Senator from Michigan.

The PRESIDING OFFICER. The Senator from Michigan is recognized for 2 minutes.

Mr. GRIFFIN. Mr. President, in 1967 when a previous vote was taken, I voted for an amendment similar to the one that is now pending. I voted in that way, not because I did not favor the Board and not because I saw no reason for its existence or for its activities, but because the Board had not received anything to do and there were no prospects at that time that it could be given anything. I find the situation to be different now. The Board has been assigned work and we have the assurance of the administration that it will be assigned more work.

Certainly, there is plenty of work for such an investigative body to do, in addition to such work as the appropriate committees of Congress can do.

Therefore, I think it is in order to reject this amendment and to support the appropriation recommended by the committee.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 2 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 2 minutes.

Mr. THURMOND. Mr. President, I rise to support the appropriation for the Subversive Activities Control Board. As a member of the Senate Internal Security Subcommittee, I have long followed the problems of the SACB, and I am aware both of its accomplishments and its potential. I am also aware of the obstacles which the courts have placed before the work of the Board through no fault of its own.

J. Edgar Hoover has testified that Communist Party leaders boasted that if they could repeal the Subversive Activities Control Act and destroy the Board, they could recruit 50,000 members a year.

For 20 years the Communist Party, its fronts and its fellow travelers have been trying to destroy the Board and rescind the law creating it. The fact of the matter is that the Communist Party and its fronts have spent thousands and thousands of dollars fighting this act in the courts; that the courts, including the Supreme Court, have reviewed it thoroughly and upheld the Board's authority to hold hearings and issue reports on Communist-action organizations, Communist-front organizations, and Communist-infiltrated groups.

Let me give an example. Back in 1949 the party established another youth front called the Labor Youth League—LYL. In April 1953, the Attorney General petitioned the Subversive Activities Control Board to hold hearings on this group for the purpose of finding it a Communist front. The Board held hearings in 1953 and 1954 and issued its report finding the group a Communist front in 1955.

The LYL then experienced a decline. Two years later, in February 1957, it called a special convention for the purpose of dissolving itself. Its own official summary of the convention proceedings read in part as follows:

A large number of the delegates spoke of the attacks against the LYL by the McCarran Act (Subversive Activities Control Act) as a major factor in preventing the growth of the organization because it intimidated youth and restricted their joining.

This demonstrates the effectiveness and utility of the board. Now let me show you the kind of work that awaits the board.

At the end of March of this year, a Soviet newspaper reported that there had been formed in the United States, a new Communist youth organization, the Young Communist Workers Liberation League—YCWLL—which, it said, would serve as "a principal ally and a reserve of the Communist Party U.S.A." The Soviet newspaper hailed this development as "a great victory and achievement" for communism and one which would have "an enormous effect on the development of a revolutionary youth movement in the U.S.A."

This was a reference to the founding convention of the YCWLL at the Sherman Hotel in Chicago early in February this year, as the successor to the DuBois Clubs.

This is just one example of the kind of material which the board has the authority to work on, if the cases are submitted by the Justice Department. It must be remembered that the board was originally set up to deal with Communist-controlled organizations. It was only recently, 8 years after the first individual membership cases were submitted to the board, that the courts found a defect in the membership provision in the act. I believe that this defect could be cured by amending the act, and the Judiciary Committee currently has such legislation on the agenda for immediate action. Although the courts have ruled out part of the board's activities, much of its mandate remains intact.

To put the case in a nutshell, the board today has all the powers that were utilized during the first dozen years of its experience to undercut Communist operations effectively.

Furthermore, I am informed by the Attorney General that he has plans to give the Board new and expanded duties, and that these plans should be forthcoming shortly. The Board should receive appropriations so that it will be prepared for these new duties.

Mr. President, the Board was created by an act of Congress. That act is still in force. As recently as 1967, there were extensive hearings in the House, and debate in both Houses, on a bill to strengthen the Board and the law creating it. The result was the passage of that bill by a large majority in both Houses. Congress, in other words, after thorough debate determined just 3 years ago that the Board should be retained and strengthened. I believe that the evidence today demonstrates that the need for the Board is as great as it has been at any time in the past 20 years, and I hope that the Senate will approve its appropriation.

Mr. PROXMIRE. Mr. President, I yield 4 minutes to the Senator from Delaware.

The PRESIDING OFFICER. The Senator from Delaware is recognized.

Mr. WILLIAMS of Delaware. Mr. President, I support this amendent. In 1967 I offered a similar amendment to abolish this Board. For many years Board members have been doing nothing but drawing salaries and they have had no work assigned to them

The fact that two cases have now been assigned to them means nothing because the Department of Justice will still have $1.120 billion in order to administer and enforce the laws of this country, and certainly that is enough money.

This $400,000, which is being used just to pay a group of what in effect are "political drones," will not serve any useful purpose, as far as I can see.

I am just as much opposed to subversive activities in this country as anyone else, but this appropriation serves no useful purpose. But we should remember the taxpayers need to have some protection and to retain this group of individuals on the payroll, as we have for the past 4 or 5 years, individuals who are doing absolutely nothing, is a complete waste of taxpayers' money.

This amendment should be agreed to; and if and when the administration decides they need this group and legislation is passed which would confer on them duties which must be carried out we could then appropriate the money for their salaries.

For 5 years we have been appropriating the money in the hope that at some time someone would assign them a job. This agency should have been abolished 5 years ago. Subversive activities can affect taxpayers as well as some of our philosophy in Government.

Mr. PROXMIRE. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 2 minutes.

Mr. PROXMIRE. Mr. President, it has been said that the previous administration did not give this board anything to do. That is not the case. They gave them seven cases to investigate. But the Board found they could not act because the Supreme Court said it was in violation of the first amendment of the Constitution. No matter how many cases this Attorney General and the administration send them, it is going to be the same answer until we either amend the Constitution or change the law.

It may make some Senators feel better to be able to say to constituents, "We dislike Communism so we decided to appropriate $400,000 to combat Communism, but this is not the way to do it. This is firing blank ammunition.

The statement has been made that we should investigate the Communist Party. Of course, we should. As the Senator from Delaware has pointed out, we have appropriated over $1 billion for the Department of Justice, and we have provided a great deal of money for the FBI.

One would think that we were proposing to abolish the FBI. It is the FBI which investigates and makes findings, and the Attorney General has the responsibility for prosecuting those who violate our laws. If our laws are not effective we should pass new laws. But to appropriate money for a Board which has shown over and over again it cannot act, and with respect to which the Supreme Court said in April that although

we change the act it is still in violation of the Constitution, is an exercise in complete and total futility.

Mr. President, this does not fool anyone. Conservative newspapers in this country have overwhelmingly called for the abolishment of this Board. One would think that people are saying we have to have the Subversive Activities Control Board to do the job. The number of editorials I have seen in my office from conservative newspapers is very substantial. I do not know of any competent constitutional lawyer who says we should continue to appropriate money for this Board which the Supreme Court found to be unconstitutional.

I would agree with the Senator from Arkansas that the Communist Party, of course, represents a threat to this Nation. We should do whatever it takes to bring it under control, and to do that we need legislation and the legislation could come first.

For us to appropriate money, hoping this Board after 20 years of doing nothing can find something to do, it seems to me is a superficial political act which does not do the job.

Mr. McCLELLAN. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized.

Mr. McCLELLAN. Mr. President, I do not know about this being an exercise in political futility. I think it is an exercise in political activity to counteract the subversive political activity of Communist-front organizations in this country; but if that has political overtones I accept them and I am glad to be on this side of the issue.

I have checked on this matter and there are two cases under active consideration. I understood there were nine cases down there when they started.

As I said awhile ago, this issue is not new. This amendment was offered before the full Committee on Appropriations and the full Committee on Appropriations voted it down 14 to 1. I hope the committee vote will be sustained.

If this should be stopped the right way to do it is by legislation, and I suggest to my friends who are so bitterly opposed to the Board, to introduce legislation to abolish it.

Let it be processed by the appropriate legislative committees. Let us have hearings. Maybe the board ought to be abolished. But this is the wrong way to do it. This body has decided that heretofore. The Senator talks about the Justice Department having appropriations of millions of dollars. The department cannot use that money for this purpose unless it is authorized to pay the board out of funds which it has. The purpose of this appropriation is to pay the board.

It is my opinion—and I believe the opinion is shared by probably every Member of this body—that Communist-front organizations are proliferating in this country today as never before. We ought to have investigations made by this tribunal or some other one which is empowered to investigate. I cannot help believing that the Constitution, properly interpreted, will permit this Government to protect itself against its enemies, both external and internal. If present law is not adequate, the course to pursue is by legislation, not by denying the appropriation. I hope that the Appropriations Committee will be sustained and that this appropriation will be allowed.

Mr. PROXMIRE. Mr. President, the opponents of the amendment have not given one single bit of evidence that if we appropriate these funds, the Board can act, in view of the Boorda decision. That decision simply handcuffed the Board to prevent it from action.

Mr. McCLELLAN. Mr. President, will the Senator yield on that particular point, so as to get the matter straight?

Mr. PROXMIRE. I yield.

Mr. McCLELLAN. The Boorda decision deal with individuals. The Board still has authority to deal with organizations. Apparently that has not been denied them. That is the purpose of having the organizations referred to the Board.

Mr. PROXMIRE. Of course, it is possible for the Board now to publicize the organizations that are subversive, but that is about as empty and meaningless an action, in my view, as any I can conceive of. We know that those groups are subversive. The effective thing is to identify individuals, and that cannot be done.

Mr. McCLELLAN. Would the Senator agree that the Board has power to make judicial findings that such organizations are subversive, after hearings, after they have had their day in court? Does the Senator agree that the Board has that power?

Mr. PROXMIRE. I would not deny that; but that is of no value to us.

Mr. President, may I point out that this body decided, by a vote of 74 to 2 in 1967, to abolish the Board if it had nothing to do. After 1 year, it is true that the Board can now cite an organization as subversive, but in my view such a citation accomplishes virtually nothing. The whole thrust of the effort has been to identify individuals as subversives, and unless we amend the law, that cannot be done. That is why I say if the law is not right, and if the Senator from Arkansas, the Senator from Nebraska, I, and other Senators agree that this law is not adequate, that it will not do the job that should be done, we ought to pass a law that will do the job before, I repeat before, we provide funds.

Mr. GOODELL. Mr. President, the Senate Appropriations Committee, following the lead of the House, and in accordance with the request of the administration, has recommended an appropriation of $401,400 for the activities of the Subversive Activities Control Board—SACB—for fiscal year 1971.

It is my belief that the SACB should not be funded at all, and I am, therefore, cosponsoring an amendment to strike from the appropriations bill before us the appropriation recommended for it.

In a letter of July 29 to the distinguished Senator from Arkansas (Mr. McCLELLAN), chairman of the Appropriations Subcommittee on State, Justice, Commerce, the Judiciary and Related Agencies, I urged the subcommittee to delete the $401,400 which the House had approved for the SACB. I noted then that—

> The list of the Board's accomplishments is brief. A series of court decisions has rendered the Board virtually powerless, and has left it with practically no job to do. In the twenty years of the Board's existence, a total of only 66 petitions have been filed for determination of individual membership in the Communist Party. Only one organization has been determined to be a Communist-action organization—the Communist Party of the United States—and that determination took ten years of litigation to reach.

The validity of the assumptions underlying the establishment of the SACB are open to serious question, and arguably inconsistent with the fundamental concepts of civil liberty upon which the Constitution is based.

Even among its supporters, moreover, there has been widespread recognition of the Board's lusterless performance and lack of effect upon Communist subversion in this country.

The American Civil Liberties Union has rightly described the Subversive Activties Control Act as the emasculated remnants of McCarthyite legislation adopted in the 1950's, legislation violative of first amendment rights of free speech and association.

At a time when funds are desperately needed for education, for manpower training, for anticrime efforts, and a host of other programs, the allocation of 1 penny for the activities of an ineffective body based upon antilibertarian premises would be a manifestation of that same inversion of priorities which has resulted in the expenditure of billions abroad while domestic programs are underfunded here.

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER. The question is on agreeing to the amendment of the Senator from Wisconsin. On this question the yeas and nays have been ordered, and the clerk will call the roll.

Mr. McCLELLAN. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state the parliamentary inquiry.

Mr. McCLELLAN. A "yea" vote for the amendment to strike the item from the bill. A "nay" vote is to sustain the Appropriations Committee and keep the item in the bill. Is that correct?

The PRESIDING OFFICER. That is the understanding of the Chair.

Mr. McCLELLAN. I just wanted to make that clear.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Minnesota

(Mr. McCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Missouri (Mr. SYMINGTON), the Senator from Maryland (Mr. TYDINGS), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) and the Senator from Rhode Island (Mr. PASTORE) would each vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Maine (Mrs. SMITH) would each vote "nay."

The result was announced—yeas 28, nays 44, as follows:

[No. 267 Leg.]

YEAS—28

Bayh	Harris	Moss
Boggs	Hart	Muskie
Brooke	Hatfield	Nelson
Case	Hughes	Packwood
Church	Javits	Pell
Cranston	Jordan, Idaho	Proxmire
Dominick	Mathias	Ribicoff
Eagleton	McGee	Williams, Del.
Fulbright	McGovern	
Goodell	Mondale	

NAYS—44

Allen	Fannin	Miller
Allott	Fong	Percy
Anderson	Griffin	Prouty
Bellmon	Gurney	Randolph
Bennett	Hansen	Russell
Bible	Hartke	Schweiker
Burdick	Holland	Smith, Ill.
Byrd, Va.	Hollings	Sparkman
Byrd, W. Va.	Hruska	Spong
Cook	Jordan, N.C.	Stennis
Cooper	Long	Talmadge
Curtis	Magnuson	Thurmond
Eastland	Mansfield	Tower
Ellender	McClellan	Young, N. Dak.
Ervin	McIntyre	

NOT VOTING—28

Aiken	Jackson	Scott
Baker	Kennedy	Smith, Maine
Cannon	McCarthy	Stevens
Cotton	Metcalf	Symington
Dodd	Montoya	Tydings
Dole	Mundt	Williams, N.J.
Goldwater	Murphy	Yarborough
Gore	Pastore	Young, Ohio
Gravel	Pearson	
Inouye	Saxbe	

So Mr. PROXMIRE's amendment was rejected.

Mr. HRUSKA. I move to reconsider the vote by which the vote was rejected.

Mr. GRIFFIN and Mr. McCLELLAN moved to lay the motion on the table.

The motion to lay on the table was agreed.

The PRESIDING OFFICER. The question is on agreeing to the committee amendment.

Mr. JAVITS. Mr. President, I think I can explain this situation in a few minutes. On the committee amendment with relation to the International Labor Organization, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. JAVITS. Mr. President, what has happened is the following: The ILO is an organization to which we have belonged for four decades. It originally came out of the League of Nations. I think probably it is the only or one of the very few survivor organizations.

Mr. President, this has never really been challenged. It has been an accepted membership of the United States, in which we have gone on from year to year. A very distinguished and well known American named David Morse was for many years—I think 20 years—the Director General; and the appropriations for our membership, running in the area of $7 million a year, went unquestioned. Now what has happened is that there is a new Secretary General.

The House of Representatives, after voting the money as was normally done—this time the appropriation is $7.5 million—then held a special hearing, at the request of George Meany, the president of AFL–CIO, and a gentleman named Edwin Neilan, who is the American employer representative to the ILO, as this is an organization to which we send both employer and employee representatives; and the subcommittee in the other body decided that they would like to see this appropriation cancelled out.

So, apparently, they communicated with the Senate subcommittee, which thereupon is proposing—and that is the amendment I am contesting—to strike out the sum of $3,758,875 which is in the bill as it came from the House and which is the dues we owe to the ILO for the remainder of this year. If that is stricken out, it will mean, for practical purposes, that the ILO will have been cut off from support by the United States. Though it only strikes half the amount, for all practical purposes, it refuses to pay our dues in the organization. The issue is, Shall we do that or not?

Mr. President, this matter broke very suddenly. Apparently, it was not known at all that this would be done by the committee. This has been considered a routine matter for years. As I understand it, the reason for the feeling on the part of George Meany and Edward Neilan is that a new Director General of the ILO has been appointed, Gordon Jenks, a British subject, and that he has appointed as one of his deputies a Soviet citizen. This, apparently, has so disturbed the employer representative, Mr. Neilan, and the labor representative as to induce them to make known their opposition in the other body, and the other body could do nothing about it. It sent word over here and apparently the committee did it. I think this is a very unfortunate development and an unwise idea, for many reasons. But the prime reason is that it works against our own interests.

For a modest sum of money we are jeopardizing a serious international proposition. The United States is bound as a matter of law to pay the assessments for the ILO duly made upon it. If we want to denounce it or pull out of it, that is our privilege, but we are in there and we are bound to pay. We are bound by law to pay the assessment. This has been held in an opinion by the International Court of Justice, that an assessment duly made by the United Nations, or by any such organization, is legally binding upon its members. Both the French and the Soviet Union are defying the United Nations on this issue, as they have refused to pay any part of the assessment levied upon them for peacekeeping, either in the Middle East or in the Congo, and we would be joining them if we rejected this assessment.

Mr. President, this seems to be what is involved and is an extremely unwise idea on the part of the United States at a time when it is in enough difficulties with the United Nations as it is, when the United Nations undoubtedly must be restructed. Nevertheless, it represents the only existing organization which is available to us as an international forum for discussion and debate. It has shown in many instances some capability for peacekeeping or reconciling situations in the world, like that in New Guinea, and Indonesia, where there was danger to the world of a conflagration. The United Nations is now right in the middle of the negotiations on the Middle East, which we consider to be a dangerous and serious situation. So I think it is a very unhappy, unwise, and unfortunate thing to do at this particular juncture on the part of ourselves who are the greatest power on this earth and who are looking and are still looking, and I think with justice, to the United Nations as an instrument which can be made constantly more effective in terms of peacekeeping.

I do not look at the United Nations through rose-colored glasses. I know its deficiencies. I know its difficulties. Right now, it depends on, as John Calhoun once said, concurrent majorities. So that we have to have the Soviet Union and the United States agree before we can agree on anything. In the General Assembly we have to have the great rank and file of the Asian and African nations agree before we can agree on anything. But, nonetheless, it carries some critically important responsibilities and work in the world. It is the forum to which nations can repair when they get into real difficulty. It is the place where the United States and the Soviet Union meet each other and, with other nations, work out differences. So that it is too useful and important an instrument for international peace to be dismantled. Yet by ourselves, doing what this amendment would seek to do—to wit, refusing to honor our own dues-paying obligations to a given organization, we would be contributing further to weakening that organization, to emasculating and discrediting it, by joining those powers—to wit, the Soviet Union and France, which have heretofore defied the United Nations on the issue of paying assessments

to the organization to which they belong. This is very unwise.

As to the merits, the International Labor Organization is an instrument which seeks to keep decent labor standards in the world. It is responsible for many conventions which are proposed to the nations for agreement. Mostly we have adhered to conventions which deal with shipping and the fate of seamen. There are five such conventions in force proposed by the ILO. We have ratified two which are not yet in force, also respecting seamen; and we have also approved in the Senate, but not yet ratified, three others, making a total of 10 conventions.

I will agree that that output is not particularly impressive, but I have been a Senate delegate to the ILO on occasion, and so have many other Senators, as I am the ranking member on the Committee on Labor and Public Welfare, and also because, incidentally, I happen to be a member of both the Foreign Relations and Labor and Public Welfare Committees. We have checked with the Parliamentarian and have found that there is jurisdiction over the ILO by the Committee on Labor and Public Welfare concerning matters which relate to its general recommendations, and so forth. But when it comes to treaty conventions, they go to the Foreign Relations Committee. I happen to serve on both committees. Hence, I have taken an interest in this matter of the ILO, and my own observations are that this is the one place where we do have the opportunity to raise the labor standards of the world.

This is critically important to us in trade as well, because of the way the world operates in terms of the rank and file of all mankind. Employers and employees attend. The Soviet Union attends. There is no place where we can confront the alleged employers and employees of the Soviet Union or their representatives. It has been a tremendously useful instrument of education and propaganda, if you will, Mr. President, insofar as the ideas of basic humane labor and the basic concepts of labor organizations and of collective bargaining are concerned. It has had, in my own experience, great usefulness in that.

For many years a close friend of mine was a man named J. David Zellerbach. He ultimately became our gifted Ambassador to Italy. He began his public career as an employer representative at the ILO and rendered magnificent service to the United States and to the true cause of the common man, although he was a great industrialist himself, head of the Crown Zellerbach Corp. In that particular capacity, I learned a great deal about the ILO through him, which makes me feel that it is a useful instrument.

If we are going to adopt the principle that from now on we are not going to support any organization that takes a Russian national on its staff, that is a one-sided and myopic point of view. We want to find some way to get along with the Russians. We want the Russians to know how we work. We want the United Nations to have a more powerful influence over the world.

In the United Nations Secretariat itself, we have never objected to two deputies there, or to other Soviet nationals that have worked there. For 20 years we had an American there as head of the ILO. We may again. Now it happens to be an Englishman, perhaps with different ideas. We should have learned by now that we do not accomplish anything by going off and sulking if things are not going the way we want them to. If we do not like them, then we should try to change them. What we propose to do here is to go off and sulk and say that we will not pay our dues because we do not like what is going on.

Mr. President, I do not believe that is the American way.

Mr. GRIFFIN. Mr. President, the Senator from New York has very well stated the case, but I do want to indicate my association with his point of view and indicate further my hope that his position will prevail.

Surely the ultimate goal is to try to establish some kind of respect for law, particularly among the nations. If we are to disregard our obligations, particularly in the United Nations and its affiliates, we would have little basis for expecting other nations to observe and adhere to their obligations.

We were one of the moving parties in taking the case to the Court of International Justice when the Soviet Union refused to pay its assessments for the peacekeeping functions of the United Nations. Now, by following adoption of the committee amendment, we would be doing precisely what we have accused the Soviets of doing.

The Senator from New York has stated the case so well that it seems to me, unless we want to adopt a resolution of some kind to get out of the ILO, we would have no choice, on principle, other than to take the position the Senator from New York has asked the Senate to take.

Mr. JAVITS. Mr. President, I am extremely grateful to my good friend from Michigan for his intercession here. I might point out, too, that the administration appeared and asked for this appropriation and, so far as I know, they adhered to that position. I have no reason to suppose otherwise.

Let me read a section of the Constitution of the International Labor Organization that relates to withdrawal, section 5 of article I of the constitution:

5. No Member of the International Labour Organisation may withdraw from the Organisation without giving notice of its intention so to do to the Director-General of the International Labour Office. Such notice shall take effect two years after the date of its reception by the Director-General, subject to the Member having at that time fulfilled all financial obligations arising out of its membership. When a Member has ratified any international labour Convention, such withdrawal shall not affect the continued validity for the period provided for in the Convention of all obligations arising thereunder or relating thereto.

It seems clear to me, therefore, that the honorable and decent thing to do would be for any Senator so minded to introduce a resolution here calling for our withdrawal from the International Labor Organization.

I have little doubt that if such a resolution were passed by Congress, the President would honor it. We could make it a joint resolution which would require the President's signature. That would take us out of it.

I do not think that staying in and refusing to pay our dues is consonant with the integrity and the good faith of the United States or the value to our country of international organizations for peace like the ILO.

I hope very much, therefore, that the Senate would vote against the committee amendment which changes this bill by striking out the amounts I have described.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FANNIN. Mr. President, I do not like to disagree with my colleagues who have spoken in favor of this action.

I had the opportunity to attend the ILO 1 year. I listened for days to condemnations of the United States of America. The meeting was oriented toward that point of view. In fact, Communist spokesmen condemned the United States. We were called imperialists, invaders, and murderers. For a long length of time during almost every day, we had to listen to these condemnations.

I commend George Meany, the president of the AFL–CIO, and Mr. Ed Neilan. Mr. Neilan was at the ILO meeting I attended and I have great respect for him.

I cannot understand why we should foster a program so adverse to our country.

I bring this out because there were many delegates and observers from other countries that listened to this tripe and to the condemnation of our Nation. I know that they could not understand the position the United States had taken. In many instances they were being misled by the Communists.

At that time a Communist was elected to be the chief elective officer. I thought that was a step that indicated the direction the ILO was going.

I feel that it would be wrong for us to continue to foster a program with the ILO.

I realize what is involved here insofar as the United Nations is concerned. But I realize what is happening so far as the other countries and their representatives listening to condemnation of our country is concerned.

I think it is a sad commentary on our country when we have to put up with that kind of action.

Mr. JAVITS. Mr. President, I think it would be sadder if the other delegates had to listen to what they have to say without our being there to refute it.

I think if Mr. Neilan is up to his usual performance, he can answer the charges very eloquently as well as the labor delegates and the public delegates who are there.

I would much rather be there and answer the charges than to let them go by default because we had pulled out.

That is my reason for taking this action. We have to face up to this thing as our delegates do every day in the United Nations.

We had some extraordinarily gifted answers when Henry Cabot Lodge was

there, without meaning disrespect to Mr. Yost, who is there now.

I remember that Henry Cabot Lodge made monkeys of the Communist delegates. He made them look foolish. He answered them off the cuff in a most excellent manner.

I do not think we should have any fear of these accusations. We would get them anyway. But instead of having them go over worldwide radio and press releases, we would be there to answer them.

Mr. FANNIN. Mr. President, I would point out to the Senator from New York that condemnations were made after every speech made by our delegates. I would say that there would be much less likelihood of that being done if we were not taking part in that particular type of activity.

I witnessed five speeches at the conference I attended. I think that the Senator will agree that while I was there this action took place.

I was ashamed not to be able to respond. However, under the circumstances we could not respond to the accusations being made. Certainly they had control of the conference. They were in control to the extent that we did not have an opportunity to answer, as the Senator has indicated should be done.

When the cards are stacked against us, it is pretty hard to come up with an answer.

Mr. JAVITS. I have been there, and I found no dearth of opportunity to reply. If there are more of them than there are of us, then we are not being persuasive enough. We are ducking the question.

I submit that the debate will go on whether we are there or not. The accusations will be made, except that we will not be there to face the issues, and they will have additional points to make which is what I want to deprive them of.

This is an obligation that we solemnly undertook, and we ourselves said that this was the way to run any international organization. Then, we propose to walk out.

Mr. FANNIN. Mr. President, do we not pay more than any other country?

Mr. JAVITS. We pay 25 percent. We probably pay more than any other country. However, we have a gross national product which is three times that of the Soviet Union.

Mr. FANNIN. But the Soviet Union claims that they are wealthier than any other nation. However, when it comes to paying dues, they do not say so.

I was disgusted with the situation. We were not in a position to do anything about it. I do not see how we can do anything when we do not have control.

Mr. JAVITS. We would have as much control as anybody, and I think we have for years.

If the Senator had wanted an opportunity to speak there, it could have been had, because I think that opportunity is available to delegates from the United States.

I see no reason why the Senator could not be a Senate delegate.

We should not merely walk out. And I hope very much that we do not.

Mr. MILLER. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. MILLER. Mr. President, might I ask the Senator from New York what is the net effect of this committee amendment. Is it that we would withdraw from membership in the ILO?

Mr. JAVITS. For practical purposes. We would not withdraw. It is like not paying the bill. We would still owe it.

We would still have to withdraw formally and the indebtedness for dues would accumulate against us even if we gave notice.

That is the advisory opinion of the International Court of Justice on this very issue.

Mr. MILLER. Mr. President, is the Senator saying that the amount provided in the bill, according to the committee, is supposed to cover past membership dues?

Mr. JAVITS. No. We owe $7.5 million for current dues. The committee amendment would appropriate half of that to pay for the first 6 months and would appropriate nothing for the second 6 months.

Mr. MILLER. Under those circumstances, would that not be effective in persuading our representatives to withdraw our membership from the ILO?

Mr. JAVITS. No, because we cannot withdraw for 2 years. I do not see that that would help us.

Mr. MILLER. It would seem to me that if the money is not there and the Congress has, in effect, stated that we should not be involved in the ILO, we would withdraw.

Mr. JAVITS. I do not know that the President will withdraw. The President may feel this would be very unwise and that he would do better with the next Congress; but our indebtedness would accumulate just the same. That is the opinion of the International Court of Justice, which we sought.

Mr. MILLER. Mr. President, will the Senator yield briefly?

Mr. JAVITS I yield.

Mr. MILLER. The Senator knows that over the years I have made considerable protest over the fact that some of the countries, like the Soviet Union and France, have been very seriously delinquent in the payment of their dues and assessment to the United Nations. This matter came to a head about 3 or 4 years ago. Under the charter of the United Nations, where a nation is more than 2 years in arrears in assessments and payments, it is supposed to lose its vote. But unfortunately the U.S. Representative—and I am sure acting on orders from the White House—decided not to press that point, and we still find the Soviet Union and France voting in the United Nations, contrary to the charter.

I suggest to the Senator that the amount of money which is involved, which might technically become an arrearage for the United States, would be a very, very small amount and would not put us in the same category as the Soviet Union and France because, as I recall, there is a percentage involved in determining whether or not a nation is more than 2 years in arrears. So I do not think we will have that problem for several years, even if this is not paid.

If I thought we had the problem, I believe the Senator's point about falling into the same category as the Soviet Union and France would be well taken, but I suggest the point is not likely to occur—certainly in the next year or two and by that time we would have the opportunity to reassess the situation and decide whether or not we wished to withdraw.

Mr. JAVITS. I think the Senator is confusing the remedy with the debt. The debt persists. We have contracted to pay up to 25 percent of the expenses of this organization. There are different remedies in different organizations in the United Nations. The limit is to cut off the vote. For reasons our President thought proper he did not see fit to invoke that penalty against France and the Soviet Union, even though the courts decided against them. We had more at stake than was involved in that situation; but the point is we are affirming that point and we are keeping that point and this is a strong position for us to be in and it is not worth doing what is implied by the Senator and jeopardizing that position on our part in terms of the U.N., by taking this position in connection with the ILO. But we are doing it with our eyes open, of course.

It is the old question that one faces as a lawyer: are you going to stand by the contract and sue for the debt, or repudiate the contract. In this case I think we are not wise to repudiate the contract.

Mr. FANNIN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. FANNIN. Is it not true that other amounts are involved? I recall that we discussed the amount of money involved in the technical assistance program. As I recall we furnish about 41 percent. Is that the figure for that program?

Mr. JAVITS. I do not have those figures in front of me. Last year's budget of the ILO was $22 million, of which we paid $5.6 million, which is 25 percent. There must be $1 million or $2 million here for other matters but I will say to the Senator that based on my knowledge of this situation, this is something we agreed to pay.

Mr. FANNIN. As I recall we were paying about 41 percent of the cost of the technical assistance program. I do not object to that, if we had 41 percent of the vote on what would be done with those funds. I recall there was some objection by some of our members with respect to the basis for which that money was being utilized. We were not getting credit for the 41 percent. Others in charge were getting credit in that particular year. It happened that Communist countries were in control. We were getting little for the 41 percent.

Mr. JAVITS. That is optional with us. We do not have to go into any of the technical assistance programs involved, but apparently we thought we would get a lot more out of it. Otherwise, I assume we would not have gone into it. The figures on that element of the work are marginal. In these international organizations we are bound to run into these situations. It is not a monolithic situation. We have to decide what we will do directly and what we will do through the United Nations and what we will do through the International Labor Organization, taking all factors into consideration. But in this instance we have

undertaken the commitment and the assessment having been made we intend to repudiate it and I think that is unwise in the interest of our country, and that is what I am arguing.

Mr. FANNIN. I do not remember the exact figures, but I recall it was much more than $2 million. Quite a vast sum of money was involved, but I do not have the figures at this moment. I think it is important to consider we did not have control as to how our money was being spent.

Mr. JAVITS. If we were improvident, the House committee would not have voted $2 million, but they did. They voted on the whole thing. But it backtracked, when it received the testimony of Messrs. Meany and Neilan, relating to this matter of appointing as deputy to Jenks a citizen of the Soviet Union. We must assume that was the reason, and not justification of the figure.

Therefore, I have made the point whether the speech made by Meany and Neilan should influence us to repudiate that.

Mr. FANNIN. I would say to the Senator if this had been the only case involving a Communist to be the chief executive of the organization I do not think there would be so much concern, but I know this happened before. In fact, it happened in the last 5 years. As I recall, and I would not want to be held to this, either two or three times a Communist has been chief executive.

Mr. JAVITS. The Senator referred to "chief executive." There is a Director General of this organization. Is that the office?

Mr. FANNIN. That is correct. The Director General. I do not have the information before me. I hope the Senator will bear with me.

Mr. JAVITS. I do. I will answer the Senator. As I understand the situation, David Morse, an American, and the remotest thing from a Communist or Communist sympathizer, for two decades—I went to his 20th anniversary celebration—was Director General of the International Labor Organization.

The new man is named Jenks, an Englishman. I do not think the Senator is raising a question about him. He has taken on as a deputy a Soviet citizen. I do not think he would be called a chief executive. Perhaps he is the deputy for administration. I do not know. But I do not think it would be fair to call him a chief executive officer. The Senator will correct me if I am wrong but no such question could be raised.

Mr. FANNIN. I will say to the Senator that as I recall in 1966 the AFL–CIO had members in attendance but upon the election at that time of the Communists—I do not say the official in control was the chief executive—they walked out of the ILO on that occasion. I think the Senator recalls that. There was a great deal of condemnation of the ILO at that time by the labor organizations. The Senator talked about the gentleman who served for so many years. I think that was prior to 1965.

Mr. JAVITS. No, he just retired in the last year. Mr. Morse was there in 1966. He was Director General.

Mr. FANNIN. As I recall, he was not the one that supervised the meeting.

Mr. JAVITS. He must have. He was Director General. He has been there for all these years. I have a dim recollection of some such controversy involving the American trade movement as represented by the AFL–CIO; but let us remember—and I yield to no one in my respect for the organization—that the AFL–CIO represents only between 16 and 18 million workers out of a total work force of 70 million, and it can be wrong about a lot of things, as the Senator has pointed out on many occasions. It may well be wrong about this one, and I think it is.

Mr. FANNIN. Mr. Neilan was a representative and was associated with the U.S. Chamber of Commerce. That organization did not leave it, but I think it was in sympathy with the action taken by Mr. George Meany, of the AFL–CIO.

I look back at the number of years that this has been in controversy, and I regret that action was not taken before this.

The United States is a member of the ILO supposedly because of the opportunity to obtain support of our foreign policy. The questions are:

Are we benefiting or damaging our relationship with the other countries of the world, especially those new emerging nations such as those from Africa?

Are we accomplishing our foreign policy objectives through the ILO commensurate with the extent of our expenditures and the effort involved?

The Communists are using the plenary session as a forum for selling socialism to the many new member nations uninformed about the free countries of the world. This is not abiding by the concept of the ILO's precepts of free workers, free employers and representative government. The United States has four delegate votes—the African nations alone have 140 votes.

The true objectives of the Communists are to disrupt and confuse and they are certainly not interested in the stated objectives of the ILO since their goals are diametrically opposed in ideology and principles to the constitution and by-laws of the ILO.

Mr. JAVITS. It has taken the Appropriations Committee a long time to come to this judgment. As I said to the Senate, we have to decide what, as a Nation, is best for us, with full respect to the opinion of Mr. Meany and Mr. Neilan.

Mr. President, I yield the floor.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, would the Senator from New York agree to a time limitation of a half hour, with 10 minutes to the Senator from New York and 20 minutes to the Senator from Arkansas?

Mr. JAVITS. Yes; or a half hour to the Senator from Arkansas and 10 minutes to me, whatever the Senator wishes.

Mr. McCLELLAN. Make it 30 minutes, and I will try to get through before then.

Mr. HRUSKA. Mr. President, would it not be well to have that time limitation effective at the conclusion of the remarks of the Senator from Arkansas?

Mr. JAVITS. Then the time would have to be equally divided.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that there be a time limit of 10 minutes for the Senator from New York and 30 minutes for the Senator from Arkansas.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. COOK. Mr. President, in regard to the remarks by the distinguished Senator from New York, I think it is important to have two things put into the RECORD, and I would hope the Senator from Arkansas would not mind my putting them into the RECORD. The first is the contributions statement as of December 31, 1969, for the calendar years 1965 through 1969 to the International Labor Organization.

It shows that at the present time, through 1969, the arrearage for all countries is $5,497,154, and that the arrearage of countries prior to 1965 presently stands at $702,714.

Relative to some of the questions that were asked by the distinguished Senator from Iowa, I would like to read article 13, paragraph 4, of the ILO constitution into the RECORD, it reads as follows:

> A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceeding two full years: Provided the conference—

And this is important—

> may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member.

I might say that there are presently 11 countries that, as of December 31, 1969, were without voting rights because of their financial arrearages. Loss of vote, as I said, is automatic when the arrearage equals or exceeds the amount of the contributions due from it for the preceding 2 full years. These countries still sit on the council, and still participate in the activities of the council, but do not vote because their arrearage is in excess of 2 years.

I think it is also important in this regard that we have in the RECORD the International Labor Organization scale of assessments for the calendar year 1969. In regard to the remarks of the Senator from Arizona (Mr. FANNIN), it shows that the United States pays $6,653,184—this is as of calendar year 1969—and the next highest nation to us is the U.S.S.R., with $2,661,274.

I can only say that this does not take us out of the organization in any way, shape, or form.

If there is a degree of displeasure on the part of the United States, obviously it has 2 full years in which to make it up. If it could in any way express itself to the conference by way of withholding a contribution, it still is not out of the organization until its arrearage equals 2 full years of its contributions.

So the idea that, somehow or other, by not paying a percentage of its dues in this calendar year it repudiates a treaty

is not correct, because there are countries on this list that have not paid their assessments since 1965. They are still members of the ILO. They are in arrearage and will, if they so continue be able to retain their membership.

I can only say that if this country has a serious complaint that it cannot rectify by way of debate at this time, at least it might express its will by temporarily withholding funds, if it is its desire. The next Senate may make up the difference or withhold a portion of its payment, or if it is the desire of the next session of Congress that the money not be paid, it may well be the desire of the Congress that it no longer be a member of the International Labor Organization.

I ask unanimous consent that the two papers that I referred to be printed in the RECORD as a part of my remarks.

There being no objection, the statements were ordered to be printed in the RECORD, as follows:

INTERNATIONAL LABOR ORGANIZATION—CONTRIBUTIONS STATEMENT AS OF DEC. 31, 1969 FOR THE CALENDAR YEARS 1965-69[1]

SUMMARY

Calendar year	Total due	Amount received	Percent received	Balance due
1965	$18,684,347	$18,429,662	98.64	$254,685
1966	20,337,871	20,134,772	99.01	203,099
1967	22,472,938	22,145,605	98.54	327,333
1968	24,836,091	23,936,727	96.38	899,364
1969	26,612,739	22,800,066	85.67	3,812,673

UNCOLLECTED CONTRIBUTIONS

Country	Calendar year— 1965	1966	1967	1968	1969	Total
Afghanistan					$1,382	$1,382
Albania[2]	$22,421	$24,405	$15,731			62,557
Bolivia[3]	22,421	23,120	26,428	$27,320	26,613	125,902
Burundi[3]			16,315	27,320	26,613	70,248
Cambodia					22,676	22,676
Chad				72	26,613	26,685
Chile					87,822	87,822
China				386,324	694,592	1,080,916
Columbia					21,290	21,290
Congo (Brazzaville)					2,962	2,962
Costa Rica[3]	9,117	24,405	26,967	27,320	26,613	114,422
Cuba			60,300	72,024	77,177	209,501
Dahomey[3]			26,574	27,320	26,613	80,507
Dominican Republic[3]		23,301	26,967	27,320	26,613	104,201
Ecuador[3]			12,005	27,320	26,613	65,938
El Salvador[3]				27,320	26,613	53,933
Guinea			8,178	27,320	26,613	62,111
Haiti[3]	22,421	24,405	26,967	27,320	26,613	127,726
Hungary				83,215	111,773	194,988
Laos					26,613	26,613
Lebanon					19,471	19,471

Country	Calendar year— 1965	1966	1967	1968	1969	Total
Lesotho[3]		$4,146	$26,967	$27,320	$26,613	$85,046
Libya					26,613	26,613
Malagasy Republic					115	115
Mali				7	26,613	26,620
Mauritius					19,811	19,811
Nepal					26,613	26,613
Nicaragua				2,562	26,613	29,175
Paraguay[3]	$22,421	24,405	26,967	27,320	26,613	127,726
Peru					4,062	4,062
Senegal					454	454
Sierra Leone					254	254
So. Africa[4]	142,001	30,507				172,508
Southern Yemen					19,103	19,103
Spain					276,772	276,772
Sudan				27,320	26,613	53,933
Syria					26,613	26,613
United States					1,750,000	[5] 1,750,000
Upper Volta					380	380
Uruguay					37,254	37,254
Venezuela					133,063	133,063
Yemen[3]	13,883	24,405	26,967	27,320	26,613	119,188
Total	254,685	203,099	327,333	899,364	3,812,673	5,497,154

[1] Total due for years prior to calendar year 1965: Albania $14,667; Bolivia $33,595; China $243,463; Haiti $40,403; Paraguay $244,293; and South Africa $126,193 or a total of $702,714.

[2] Ceased membership May 8, 1967.

[3] Denotes member States which on Dec. 31, 1969 were without voting rights because of their financial arrearages. Loss of vote is automatic when the arrears equals or exceeds the amount due for the preceding 2 full years, according to art. 13, par. 4 of the ILO constitution, as follows: "A Member of the Organization which is in arrears in the payment of its financial contribution to the Organization shall have no vote in the Conference, in the Governing Body, in any committee, or in the elections of members of the Governing Body, if the amount of its arrears equals or exceeds the amount of the contributions due from it for the preceding two full years: Provided the Conference may by a two-thirds majority of the votes cast by the delegates present permit such a Member to vote if it is satisfied that the failure to pay is due to conditions beyond the control of the Member."

[4] Ceased membership Nov. 3, 1966.

[5] Payments totaling $1,665,588.00 were consummated January and July 1970 from fiscal year 1970 appropriations.

INTERNATIONAL LABOR ORGANIZATION—SCALE OF ASSESSMENTS FOR CALENDAR YEAR 1969

Country (118)	Percent	Amount
Afghanistan	0.10	$26,613
Algeria	.12	31,935
Argentina	1.36	361,933
Australia	1.83	487,013
Austria	.37	98,467
Barbados	.10	26,613
Belgium	1.35	359,272
Bolivia	.10	26,613
Brazil	1.32	351,283
Bulgaria	.19	50,564
Burma	.10	26,613
Burundi	.10	26,613
Byelorussia	.45	119,757
Cameroon	.10	26,613
Canada	3.36	894,188
Central African Republic	.10	26,613
Ceylon	.10	26,613
Chad	.10	26,613
Chile	.33	87,822
China	2.61	694,592
Colombia	.32	85,160
Congo (Brazzaville)	.10	26,613
Congo (Kinshasa)	.10	26,613
Costa Rica	.10	26,613
Cuba	.29	77,177
Cyprus	.10	26,613
Czechoslovakia	.92	244,837
Dahomey	.10	26,613
Denmark	.70	186,289
Dominican Republic	.10	26,613
Ecuador	.10	26,613
El Salvador	.10	26,613
Ethiopia	.10	26,613
Finland	.32	85,160
France	6.07	1,165,393
Gabon	.10	26,613
Germany, Federal Republic of	4.57	$1,216,202
Ghana	.12	31,935
Greece	.21	55,886
Guatemala	.10	26,613
Guinea	.10	26,613
Guyana	.10	26,613
Haiti	.10	26,613
Honduras	.10	26,613
Hungary	.42	111,773
Iceland	.10	26,613
India	2.77	737,173
Indonesia	.43	114,434
Iran	.27	71,854
Iraq	.10	26,613
Ireland	.23	61,209
Israel	.13	34,596
Italy	2.35	625,399
Ivory Coast	.10	26,613
Jamaica	.10	26,613
Japan	2.46	654,673
Jordan	.10	26,613
Kenya	.10	26,613
Kuwait	.10	26,613
Laos	.10	26,613
Lebanon	.10	26,613
Lesotho	.10	26,613
Liberia	.10	26,613
Libya	.10	26,613
Luxembourg	.10	26,613
Malagasy Republic	.10	26,613
Malawi	.10	26,613
Malayasia	.17	45,241
Mali	.10	26,613
Malta	.10	26,613
Mauritania	.10	26,613
Mexico	.76	202,257
Mongolia	.10	26,613
Morocco	.14	37,258
Nepal	.10	26,613
Netherlands	1.13	$300,724
New Zealand	.47	125,080
Nicaragua	.10	26,613
Niger	.10	26,613
Nigeria	.21	55,886
Norway	.51	135,725
Pakistan	.57	151,692
Panama	.10	26,613
Paraguay	.10	26,613
Peru	.13	34,596
Philippines	.37	98,467
Poland	1.24	329,998
Portugal	.24	63,870
Rumania	.43	114,434
Rwanda	.10	26,613
Senegal	.10	26,613
Sierra Leone	.10	26,613
Singapore	.10	26,613
Somalia	.10	26,613
Spain	1.04	276,772
Sudan	.10	26,613
Sweden	1.58	420,481
Switzerland	1.24	329,998
Syria	.10	26,613
Tanzania	.10	26,613
Thailand	.20	53,225
Togo	.10	26,613
Trinidad and Tobago	.10	26,613
Tunisia	.10	26,613
Turkey	.54	143,708
Uganda	.10	26,613
Ukraine	1.26	335,320
U.S.S.R.	10.00	2,661,274
United Arab Republic	.32	85,160
United Kingdom	9.14	2,432,404
United States	25.00	6,653,184
Upper Volta	.10	26,613
Uruguay	.14	37,258
Venezuela	.50	133,063

INTERNATIONAL LABOR ORGANIZATION—SCALE OF ASSESSMENTS FOR CALENDAR YEAR 1969—Continued

Country (118)	Percent	Amount
Viet Nam	.10	$26,613
Yemen	.10	26,613
Yugoslavia	.40	106,451
Zambia	.10	26,613
Total	100.00	26,612,739

Mr. McCLELLAN. Mr. President, I yield myself 8 minutes.

At the outset I would like to say that the Senate Appropriations Committee considered an amendment on this same item and, by a vote of 21 to 2, rejected the amendment to insert this appropriation in the bill.

This issue has arisen by reason of the fact that Mr. George Meany, president of the American Federation of Labor-CIO, after the House took action and approved the full amount of the budget, advised Mr. ROONEY that this appropriation should not be made. Thereafter I think he appeared voluntarily before the committee—the House Appropriations Committee held a hearing on this after they had reported the bill, and while the bill was over here in the Senate—and testified opposing this appropriation.

It does appear to me that if the head of this great labor organization in the United States, who has been in attendance at all of these meetings, or many of them, and has observed the working of the ILO, comes back to the Congress of the United States and says the United States is getting no benefit from it, that it is a propaganda machine, and that today it is not serving the purpose for which it was created, a man who is dedicated to the best interests of labor, not only in America, but throughout the world, who comes and makes that plea to Congress not to waste the American taxpayers' money any more, that ought to carry a great deal of weight. It is very persuasive to me.

I would like to read into the RECORD some of the things Mr. Meany said about it, and to insert other portions of his testimony into the RECORD.

Mr. Meany describes this organization, on page 48 of the House report of his testimony. He says:

What has happened since the Soviets came into the ILO—

Russia did not come in at the beginning, Senators will remember—

is that the ILO become a sounding board more and more each year for political discussions. Those of us who have attended ILO meetings in the last few years have been subjected to the indignity of listening to speaker after speaker on the resolutions committee denouncing the United States of America. This has become a forum for Russian political propaganda, and there is no effort made by the Office of the ILO to stop this.

Mr. Meany continues:

As a sample of the attitude of the Office of the ILO toward the Soviet Union here is an article written this April in the International Labour Review, which is the official publication of the ILO.

The article is written under the title of "Lenin and Social Progress." Listen, Mr. President:

As a sample of the attitude of the Office of the ILO toward the Soviet Union here is an article written this April in the International Labour Review, which is the official publication of the ILO. The article is written under the title of Lenin and Social Progress. The article pleads for revolution in the developing countries and holds up the Soviet form of revolution as a model and the best road to social progress, and it portrays Lenin as the great benefactor of mankind, and nowhere in the article does it indicate that Lenin was the head of this proletarian dictatorship which was set up in Russia in 1920 and that he was the author of the Red terror and the oppression against the people of the Soviet Union. This is not mentioned in this article.

I ask unanimous consent to have printed in the RECORD the article to which Mr. Meany referred, entitled "Lenin and Social Progress," written by E. Pletnev and R. Kossolapov, and published in the International Labour Review of April 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LENIN AND SOCIAL PROGRESS

(E. Pletnev [1] and R. Kossolapov [2])

Drawing his material from the storehouse of history, the writer Stefan Zweig composed an enchanting tale about the "luminous hours" in the story of mankind, when great men were vouchsafed special illumination or inspiration, or took action of decisive importance for the further history of the human race. Judged by the extent and profundity of the influence it has exerted on the fate of mankind, the life of Vladimir Ilitch Ulyanov (Lenin) is one long series of such decisive moments. His name is familiar to countless millions of people. His teachings may be rejected; they cannot be ignored. The arguments to which his name, ideas and work have given rise have gone on unceasingly—as is evident with the approach of the celebrations which will be held to mark the hundredth anniversary of his birth on April 22, 1970.

Lenin continues to live on in his ideas, as put into practice by generations of his disciples. The corpus of theory left by him remains at the centre of the 20th century's ideological contentions. Lenin, in fact, occupies a unique place among the social thinkers of mankind.

From time immemorial, the world's profoundest minds had been exercised by the search for some way to bring about a happy society. They were able to offer nothing but dreams—however brilliant—utopias or prophecy. The first thinker to offer a scientific forecast of the future, based on an exhaustive scrutiny of the facts, and to accompany it with illuminating theoretical reflections—the first man to provide a convincing account of the laws by which contemporary society is governed—was Karl Marx.

Lenin considered himself a disciple of Marx, and like him devoted his life to the search for ways and means whereby mankind might be freed from poverty, oppression and suffering. He brought the whole force of a powerful intellect to bear on the task of "conceiving the social revolution as a living phenomenon," as he put it. His intellectual legacy is a demonstration—on philosophical, economic, and sociological grounds—that mankind can, and indeed must, take the socialist road. Hundreds of millions of people in all parts of the world have found, in his ideas, an answer to the burning questions of the age. A whole revolutionary epoch is bound up with Lenin and his activities. It is distinguished from all others in that socialism became a matter of action instead of a question of theory. It was Lenin, the great thinker and orator, who led the process whereby socialism was translated from the language of ideas into the language of mass action.

We may agree or not with Lenin's conception of socialism. But nobody can deny the close connection between his theories and his policies—policies still being developed by the Party and State he created. The very fact that these ideas are no less active today in changing the lives of millions of people, and constitute a mine which is still being quarried, gives Lenin's ideological legacy a place all its own in the world's treasury of social thinking.

Lenin's vision of social progress is inseparably bound up with an assertion of the need for a Socialist reconstruction of society. Recently, for example, there has been a tendency to judge a country's general progress by industrial and technological criteria. The technical level is, of course, an important factor. But a country highly developed technically may not necessarily be equally highly developed in its social institutions. This criterion by itself, therefore, provides no answer to the questions—for what purposes, and in whose interests, are advanced technological procedures being used? To what extent does modern technology insure the full employment of the labor force available?

Very frequently, too, output is taken as the principal yardstick for measuring social progress. But here again, output alone, and even output per head, does not tell us how the national wealth is apportioned, and what needs—and whose needs—are met.

Finally, it is sometimes argued that social progress is to be assessed by the degree to which people abide by the law. But once again we may legitimately ask: by what procedures and by whom has legislation been enacted, and in whose interest is it that the law should be observed?

Lenin devoted an entire lifetime to promoting the interests of the working class because he considered it the principal actor in history, by reference to which alone social progress can be assessed. What counts above all is the position actually occupied by the working masses within society.

After the successful October revolution the world was divided into two camps, each with its own system for regulating the relations between its members. For historical reasons the system of private enterprise continued in force for the time being in the countries most highly developed industrially. But in other, relatively less developed countries the masses seized the reins of power, did away with exploitation, and deliberately set about the task of regulating social relationships by means of planning of production. It may be that to some extent they were less free of the constraints of Nature but, in a social sense, they were infinitely freer—a convincing proof that progress cannot be measured by the criterion of technological advance alone. The need for a more fundamental explanation became apparent. It finally became clear that the degree of technical development attained was no more than a measure of the mastery of natural forces achieved by the society concerned; it could not be used to assess social development. Hence such a criterion can be, at best, an indirect indication of the freedom enjoyed by the individual.

We are entitled to talk of individual freedom only when man is not only free from

Footnotes at end of article.

the thrall of natural law but has achieved mastery over the laws governing the development of society. He is free only when he has tamed the forces which mold society; only when society exists first and foremost to promote the physical, cultural, esthetic, moral and political development of its individual members.

Lenin's preoccupation with social progress is borne out by the way in which he launched—and having launched, defended—the principle of peaceful coexistence of countries with different social systems. This is no accident. A moment's thought shows that a steady extension of the rights and privileges enjoyed by the workers, and improvement of both labor legislation and social policy can best come about in the favorable atmosphere of peaceful coexistence, when countries develop their relations in practical matters. Lenin stated a number of times that there was no reason why a Socialist country should not have unlimited relations on practical matters with the capitalist countries.

Lenin's conception of peaceful coexistence presupposes competition between two very different systems in economic, social, scientific and cultural affairs, and on a struggle between ideas. Lenin attached high value to a policy of peace as an essential prerequisite of all-around progress (and, we might add, of fruitful activity by the ILO)—a very different thing from policies of armaments and war, leading to the uprooting of whole peoples, the destruction of millions of human lives, the collapse of production, economic bankruptcy, and moral and cultural decay.

A country's social policy, its social and labor legislation, provide an excellent pointer to the degree of social progress achieved. In the last resort, social progress is to be measured by the extent to which the workers themselves can profit from the fruits of their labor. But in judging how far they can profit today from the fruits of earlier labor, we cannot leave out of account the general policy of the state. For example, if the government of country A devotes a proportion of the country's wealth to waging war on the people of country B, it will be depriving its own people of some of the fruits of their labor. No matter how wealthy country A may be, its social policy cannot be considered progressive.

LENIN OF NEW POSSIBILITIES OF SOCIAL PROGRESS

From the end of the 18th century, it became natural to regard radical social changes in terms of the French Revolution, and the Russian Bolsheviks, beginning with Lenin, were also for a time regarded as Jacobin extremists.

However, the tradition thus established lost its point with the October Revolution of 1917. "I am becoming more and more convinced," wrote the poet Alexander Bloch, a contemporary of Lenin, in 1920, "that the comparison is inadequate. To judge today's events by this criterion is to show excessive caution, even pusillanimity. It is becoming ever more apparent that the times we are living in represent, not an epoch of transition, but a new era."

This was the judgment of an eyewitness, and history has more than confirmed its justice. The Russian Revolution was incomparably more far-reaching and radical than any of its predecessors.

During the early years of the Soviet regime, the social system introduced by Lenin was looked on by many people (even by many who called themselves Socialists) as the bastard child, as it were, of history. The reason usually given was that industrially, socially, and culturally, Russia lagged behind Europe and North America, and hence was not yet ripe for socialism. There were at least two flaws in this analysis.

Firstly, it made no allowance for the fact that in the 20th century, among countries unequally developed, the working class and the working-class movement in any particular country may well be ripe for socialism, even though capitalism in the country concerned may be at a relatively early stage of development.

At the beginning of the century Russia was, economically speaking, infinitely less advanced than England, Germany, or the United States. Nevertheless, as the historian Mikahil Pokrovsky—a party comrade of Lenin—pointed out, the concentration of the working class (and hence the scope for organization of the working class in huge enterprises) was three times greater in Russia than in Germany, and was not less than in any country of Europe, and perhaps of the world.

The critics of Lenin's experiment were also seriously at fault in that, although circumstances had radically changed, they were still obsessed with the lesson learned from other revolutions.

Even today it is sometimes asserted that the materialist interpretation of history has somehow been controverted by the October Revolution, indeed by Lenin himself. It is argued that economics does not determine politics but that politics may have a decisive influence on economics. This mistaken argument is the result of tranposing what was characteristic of all previous social systems, including the capitalist one, to a period of transition from capitalism to socialism.

Any presocial social system was of course the product of economic developments within the country concerned. When the feudal system was collapsing, the bourgeoisie's potentialities for revolution, in England, America, and France, remained confined to those particular countries.

In today's capitalist society there is a worldwide market, and the position is vastly different. Today, as Lenin put it [3], developed capitalism has entangled countries in a closely woven mesh of trade relations, with the result that the antagonisms between international capital and the international working-class movement are more evident than ever before.

Experience shows that in this day and age the possibilities of revolution must be assessed with an eye not only to the condition of the economy in any particular country but also to the forces of production as they exist throughout the world. Whence Lenin's classic conclusion: "To the extent that large-scale worldwide industry exists, a direct transition to socialism is undoubtedly possible." [4]

It is obvious that in any country in which this transition to socialism is taking place there must be a certain minimum level of technological development, a certain minimum as regards production of goods, market organization, and communications. But, as the experience acquired by our own and other lands has shown, a country can catch up after the revolution.

Thanks to Lenin, a purely local, national approach to such matters is, it is now recognized, much too narrow. The tendency today, in assessing the possibility of revolution, is to consider conditions in the capitalist system as it exits throughout the world. The approach, in other words, is an international one.

Taking the world as a whole, economics determines politics, though in the local conditions of a particular country politics may for a time take precedence and direct and speed up economic development. By showing that this is now the only tenable view, Lenin powerfully contributed to our understanding of the way in which social progress is achieved.

Why should this be so? This question can best be answered by quoting the example of countries which have rid themselves of their dependence on colonialist powers and moved from precapitalism to socialism without any intermediate capitalist phase.

Is it conceivable, for example, that before the October Revolution a country as backward as Mongolia used to be could have set out to organize itself on socialist lines, relying entirely on its own resources? The answer, clearly, is no. Mongolia was one or two stages behind its neighbors, or the equivalent of several hundred years of social development.

We now know that this tremendous advance was accomplished thanks to the association of Mongolia (a member of the ILO) with the Soviet Union. It is impossible to calculate the vast savings in human lives, effort, physical, and mental resources, compared with what would have been needed for the stormy passage through feudalism and capitalism.

Clearly, the social relations obtaining within the country itself were far less important in the process than international relations of a new kind. The two factors interacted and were combined in a unique way to render a direct transition to socialism possible. This had never occurred before. Other peoples have remained arrested at an early stage of their development (or have been held back by colonialism); the gulf separating them from socialism cannot, under capitalism be closed. It can, however, be bridged by a system of economic, political, ideological, and cultural links with the developed socialist countries and by making use of the experiene acquired by them in their own transition to socialism.

Lenin showed in theory, and the October Revolution bore him out, that any country, no matter what degree of economic development it may have attained, can make the change to the new socialist order. In some countries the relationship between the forces of progress and reaction, and the position occupied by the particular country in the clash between the two worldwide ideologies, have turned out to be the decisive factors determining when the transition is to be made, and not the country's own productive forces (the latter's role could temporarily be taken over by more highly developed international productive forces). This was a revolution not only for the contemporary world but also in the normal tempo of social progress.

This was, in a sense, a reorganization of history. A clearer idea of what it involved can be obtained from Lenin's note "On our Revolution."

His political adversary Sukhanov held the view that a Socialist revolution in Russia was premature, and that it ran counter to the laws of social development. Lenin counters this by denouncing a "slavish imitation of the past," and the fear "of departing from the example set by Germany."

"You say," he writes, "that a certain level of civilization is needed for the building of socialism. Well and good. But what was there to prevent us from laying the foundations, by expelling the landowners and Russian capitalists, for example, and then beginning the move toward socialism? Where it is laid down that such changes in the normal processes of history are inadmissible or impossible?" [5]

Abandoning the language of polemics for something more orthodox, we get the following picture.

The "normal" process of historical development (this is more or less how Sukhanov's teacher Kautsky saw it) began with the development of the forces of production (comprising the labor force, tools and equipment,

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and techniques). Then there came changes in technology and in the organization of production, as well as in the division of labor between people. Thereafter, as occurred in the changeover from communal production to a slave-owning society, from this to feudalism to capitalism, there were changes in the ownership of the means of production. Lastly, these changes were crowned by an ideological and political revolution.

Did the October Revolution indicate any departure from the customary scheme of things? No, if we consider merely the overall development of the forces of production, both national and international. Yes, most emphatically, if we consider the situation in each of the countries beginning to build a socialist society.

In what did the change consist? First, there was a change in the part played by the State. The government of a socialist country did not—as had occurred everywhere else—merely set the seal of approval on changes which had already taken place in the machinery of production; it itself initiated these changes, and helped to carry them through.

Second, although there were in Russia industries which technically and because of the way they were organized, were ripe for reorganization on socialist lines, there existed at the same time a host of one-man undertakings which had nothing in common with socialism, either technically, or organizationally, or by the nature of their economic relations. As a result of these factors the role of the new form of ownership changed. Thanks to systematic support from a government of peasants and workers, and from the more advanced industries already nationalized, this new form of ownership could emerge in areas where the technical prerequisites for its existence did not, strictly speaking, exist.

This is what happened, for example, during the early years of agricultural collectivization in the Soviet Union, when the primitive means of production (there were no others) owned by individual peasants were nationalized. Here the form of ownership came first, creating a state of affairs propitious to the emergence of productive forces. Since then, this has also been the experience of many other countries.

According to the normal scheme of things, the phase of public ownership would represent the third stage in development; it thus, in fact, became the first. By its very nature, public ownership, once introduced in the countryside, led to a development of its own technical and organizational foundations.

This foreshortening, as it were, of the processes of development had one immediate consequence: a multiplication of the possible forms which progressive social development might take. In practical, political terms this implied a widening of the sphere in which the revolutionary party and the revolutionary masses were free to take the initiative.

Lenin's solution to the problem of social progress can be understood only if we bear in mind what, in modern jargon, we might call the "optimization of social systems". This expression can, of course, be differently interpreted. For example, modern capitalism, based as it is on a mixture of state ownership and monopoly control, is likewise subject to a process of optimization for the sake of bigger profits. Socialism, on the other hand, claiming as it does to represent an alternative to capitalism, is designed to insure satisfaction of the scientifically determined interests of the main mass of working people.

Lenin taught that the aim of socialism—its very essence—lay in the transfer of the means of production to national ownership, and in the replacement of capitalism by an economy planned in the national interest. It was incorrect, he felt, to say (as did the Russian social democrat George Plekhanov) that socialism was the planned organization of society's production process to meet the needs both of society as a whole and of its individual members. Lenin considered this too narrow a definition since trusts might be claimed to provide such an organization. "It would be better to say: '. . . on behalf of society as a whole' (since this both covers the idea of planning and indicates the agency responsible for doing it), and not only for the satisfaction of the needs of the members of society but also to insure the maximum possible welfare, and the free all-round development, of each and every member."[6]

Lenin, and those who were to succeed him, thought of socialism as a social system that seeks deliberately to improve itself with a view to meeting the workers' growing needs, both material and spiritual, in accordance with the laws governing social development, and making use of the resources available to society.

It would be vain to expect the passage from capitalism to this form of social organization to be automatic, or to imagine that it can be brought about by a lengthy process of reform. The barest acquaintance with socialism will suffice to show that it presupposes a qualitative change in the aims of production, a different organization of the economy and of all other aspects of the life of society. Most important of all, it presupposes a society organized to serve the interests of another class of person; no longer the private owner, whose interests must necessarily clash with those of the persons he employs, but the worker, who has acceded to co-ownership of the property of society. To bring about such a state of affairs demands nothing less than a revolution. It betokens a change in the protagonists involved.

The masses, and no longer a privileged caste, now occupy the forefront of the stage. It will be for each country to choose its own road (and the road may be hard) to this consummation.

Lenin, in fact, found a way of enlisting the scattered energies of many millions of individuals, hitherto condemned by capitalism to a dreary, unsatisfying round of mindless toil, in the cause of social progress. His concept of socialist competition is the natural fruit of a state of affairs, brought about by socialism, in which use can be made of the energies, freely made available for political, social and other purposes, by free workers, themselves imbued with a high sense of their obligation to work, individually and collectively, for the welfare of society at large.

"The workers and peasants," wrote Lenin in the early months of the Revolution, "are still 'timid'; they have not yet become accustomed to the idea that they are now the ruling class; they are not resolute enough. The Revolution could not at one stroke instill these qualities into millions and millions of people who all their lives had been compelled by want and hunger to work under the threat of the stick. But the revolution of October 1917 is strong, viable and invincible because it awakens these qualities, breaks down the old impediments, removes the wornout shackles, and leads the working people on the road of the independent creation of a new life."[7]

Despite every obstacle put in its way by opponents, socialism has been progressing for half a century—a convincing proof of the extraordinary capacity for progress inherent in the working masses. Theirs are the hands which are now guiding the ship of State in the world's second great power, and in many other countries besides, resolutely toward the future. And their strength is increasing.

HOW LENIN'S IDEAS ARE EMBODIED IN SOVIET SOCIAL POLICIES

From Lenin's idea of progress arose an entire policy and program of social and labor legislation. He himself took the view that the Soviet regime had no more important task than to put this program into effect.

The October Revolution marked a very clear divide between a state of affairs in which the working class was powerless, and one in which it assumed governmental authority. *Before resolution*, the working class has to fight for its rights, step by step and inch by inch, wringing concessions from the opposing class forces. Clearly, it will be a very long time before anything is achieved by such methods and even then, the results will be extraordinarily circumscribed. *After resolution*, possession of the reins of power at once enables the workers to affirm their rights and to buttress them with all the safeguards which governmental authority can offer.

Lenin derived the basic contents of his party's social policy from the historic mission of socialism: "Let us make all people workers." This was proclaimed in article 18 of the first Soviet Constitution (1918) in the form: "He who does not work, neither shall he eat." Lenin considered that the most effective way of implementing this principle was to establish control by the workers themselves over the measurement of labour and consumption. He used to say that such a system was more effective than all the laws passed by the French Revolutionary Convention and its guillotine.[8]

By decreeing that work was an obligation for all, the Soviet social legislation created circumstances in which social parasitism and unemployment could be eradicated and the right to work guaranteed.

At the same time, on Lenin's initiative, a series of measures were drafted on the improvement of working conditions, starting on the fifth day of the October Revolution: an eight-hour working day was introduced by decree on November 11, 1917.[9] Ten years later, a manifesto issued by the Central Executive Committee of the USSR announced that a 7-hour day was to be introduced, and this was done between 1928 and 1931.

Simultaneously, the Soviet system of social security was developed. This included a system of unemployment allowances (maintained until the social evil of unemployment was eradicated early in the 1930s), benefits for temporary incapacity, pensions for invalidity, old age, paid holidays, etc. In this fashion, the country of the Soviets became, in the early days of the Revolution, the most progressive country in the world in regard to the principles proclaimed and the changes brought about in social and labour relations. This exerted a powerful influence on the struggle of the working class and on social legislation in many other countries.

These social innovations have to be seen against an international background which between the two world wars was becoming steadily more sombre. With the growing menace of invasion, every hour was precious, and in 1940 the 48-hour week was reintroduced. Plans to develop and improve the social security system had to wait.

It should not be forgotten that out of the half-century during which the Soviet regime has been in existence, some 20 years have been spent either fighting the wars imposed on us, or in ridding ourselves of their disastrous consequences. Nevertheless, the gross social product in 1968 was 36 times larger than it had been in 1913, while the national income was 40 times as great. The indices for 1960 are 7.1 and 7.5 times larger, respec-

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tively, than those for 1940.[10] As production and efficiency increase, so can the Soviet Union concentrate its efforts on the improvement of social and labour relations.

With the remarkable growth of the economy and national income, it became possible to improve the economic and social condition of the workers and to carry out a whole programme of social action, which has been especially intensive in the last decade and a half.

Thus, a law was adopted to reduce hours of work to six and seven a day, and the five-day working week was introduced. As a result, the average length of the standard working week for adult workers in industry is 40.7 hours. At present, in fact, the working week of wage earners and salaried employees is 39.4 hours.[11] It may not be amiss to recall in this connection that, of the forty ILO Conventions ratified by the Soviet Government, the first was that on the 40-hour working week. Since 1956 the system of hiring and wages, collective agreements and settlement of labour disputes has been continuously improved. By legislation enacted in 1956 and 1964, the pensions system was overhauled.

The decisions taken by the September 1967 plenary meeting of the Central Committee of the Communist Party of the U.S.S.R. were of special significance, being later developed in a series of laws and ordinances dealing with the improvement of living conditions. An ordinance of the Central Committee of the Party and the Council of Ministers, and decrees issued by the Presidium of the USSR Supreme Soviet provide for increased minimum wage and salary rates, reduction of taxes, the introduction of supplementary pay and advantages for those working in certain parts of the country, and an improved pensions system.

In social matters, it is government policy to bring about a general improvement in the standard of living of all working people, with special reference to conditions in the key industries and key areas of the country. The minimum wage has again been raised, with the result that the ratio between the minimum and the average wage improved from 1:2.9 in 1958 to 1:1.8 in 1968.[12] Scheduled wage rates for machine operators in the metal and engineering industries were increased by 15 percent, while wage increases have also been granted in those branches of the textile industry in which work processes have been intensified. Special action has been taken to make geographical mobility of labor more effective and to make life easier for workers moving to new areas (e.g. by increasing the wage differential for persons working in the Far North and Far East).

Lenin considered the health of the nation as an index of the growth of the national wealth. This concern for the health of the nation is still very much alive today, as is eloquently shown by the basic principles for health legislation adopted by the Seventh Session of the Supreme Soviet in December 1969. This new law lays down the following principle in article 1: "Soviet legislation regulates social relations in the field of health protection for the population with a view to ensuring the harmonious development of physical and mental powers, good health, a high level of fitness for work and a long active working life for citizens; the prevention of disease and lowering of morbidity, further reduction of invalidity and a lowering of mortality rates; elimination of factors and conditions which harmfully affect the health of the citizens."[13] Provision is made for a comprehensive system of standards regulating the organization and responsibilities of health bodies, medical and pharmaceutical activities, public health measures, and so forth.

Lenin used to say that the position of women in a society was the clearest indication of its social progress. In this spirit the leaders of the country are taking action to ease working and living conditions for women. The principle of equal pay for equal work is in operation, and heavy jobs on which women must not be employed have been officially listed. Maternity leave with pay has been increased to 112 days (56 before and 56 after childbirth). Part V of the law on basic principles for health legislation is entirely devoted to the protection which the State extends to mothers and children.

A third congress of collective farmers in Moscow toward the end of November 1969 adopted resolutions that represent a new step forward in improving remuneration, working conditions, leisure time and social security for tens of millions of people. The Model Statutes for Collective Farms, adopted by the congress, lay down that the cash proceeds from the sale of produce or from other sources are to be used by the farm "first and foremost, for paying the collective farmers for their work . . ." (article 38).

Part VIII of these statutes provides for a nation wide social security system for collective farmers. Article 39 reads: "In accordance with the legislation in force, members of collective farms shall receive old-age, invalidity and survivors' pensions, while women shall in addition be eligible for pregnancy and confinement grants—the cost to be borne by a centralised Union Collective Farmers' Social Security Fund." Article 40 further lays down that this centralised fund, constituted by contributions from all agricultural cooperatives, shall provide allowances for members during temporary incapacity, free passes for sanatoria and rest homes, and other services.

If it be acknowledged that social policy must be designed first and foremost for the benefit of the worker and for the satisfaction of his needs, then a point at which enough will have been done can never be reached, since needs (of all kinds, and not for material things alone), once satisfied, give rise to fresh, more complex and varied requirements. But at any particular time further progress up the ladder will be brought to a stop by the resources available, themselves the fruit of the economic development the country has managed to achieve. The national income is the only source from which money for the above aims can be derived. Hence the need to speed up the rate of increase of the national income by developing the material and technical resources of society.

The truth of this thesis that increased expenditure on social needs depends on the growth of national income can be seen from the figures of total "personal consumption of the population of the U.S.S.R." (i.e. total of personal incomes) and of advantages for the working people provided from the resources available for "social consumption" (free medical care, free education and training for improving qualifications, allowances, pensions, study grants, paid regular leave, free passes or reduced rates for sanatoria and rest homes, and so on).

The rapid increase that has taken place since 1960 in the amounts for social benefits is striking. The chairman of the Gosplan observed at the seventh session of the Soviet parliament that the total figure had risen to 59,000 million rubles in 1969, and would exceed 63,000 million rubles in 1970.[15]

In Lenin's view the prospects of growth in the national wealth, gross product, and national income mainly depend on a steady increase in productivity. The whole subsequent development of the Soviet economy shows how true this is. Soviet economists have calculated that the national income rose from 4,170 million rubles in 1917 to 238,000 million in 1967, of which 227,600 million was attributable to growth in productivity.[16] All in all, there has been an annual growth in productivity over the last 50 years of at least 6–7 percent.[17]

But how is this high rate to be maintained or even increased? Lenin considered that the key to this problem was to be found in the application of technical and scientific innovations to the production process and in improving the workers' education and skills. Experience has proved his forecast correct. The well-known Soviet labor economist, Strumilin, has calculated that of the overall growth of productivity of social labor (227,600 million rubles from 1917 to 1967), 43,400 million rubles came from investments in new techniques, and 184,200 million were attributable to achievements in science and education.

TOTAL PERSONAL CONSUMPTION AND TOTAL SOCIAL BENEFITS IN THE U.S.S.R. 1960 AND 1965–68

[In thousand million rubles]

Item	1960	1965	1966	1967	1968
Personal consumption (total)	93.9	124.9	133.2	144.0	155.1
Social payments and services (total)	27.3	41.9	45.5	49.4	55.1
Per head of population (rubles)	127.0	182.0	195.0	209.0	232.0

Source: Narodnoe khozyaistvo SSSR v 1968 g. Statistichesky ezhegodnik (Moscow 1969) pp. 571–572.

It is thus no accident that the Government spends a large proportion of its resources in the field of education. In so doing, it is acting in accordance with the law discovered by Marx, namely that priority must be given to developing the means of production, a law which (unexpectedly for some Marxists) imperiously demands concentration of effort on those areas of the national economy which form the worker's personality. Here the principal aim of economic policy is at one with the basic aim of social policy: to develop a new kind of wage or salary earner, with a comprehensive grounding in modern scientific knowledge, as a means of stimulating increased productivity, rendering working conditions more humane, and furthering human social and cultural development.

Lenin's social program can be summed up by saying that the worker is at once the artisan and the criterion of progress.

FOOTNOTES

[1] Doctor of Economics, Professor, Department of Political Economy, Faculty of Economics, Moscow State University.

[2] Senior scientific collaborator, Faculty of Philosophy, Moscow State University.

[3] V. I. Lenin: Polnoe sobranie sochineny [complete works] (Moscow), vol. 25, p. 264.

[4] Ibid., vol. 11, p. 310.

[5] Polnoe sobranie sochineny, op. cit., vol. 45, p. 381.

[6] Polnoe sobranie sochineny, op. cit., vol. 6, p. 232.

[7] Lenin: Selected works in three volumes (in English) (Moscow, 1967), vol. II, p. 514.

[8] Polnoe sobranie sochineny, op. cit., vol. 34, p. 310.

[9] Sobranie Uzakoneny RSFSR, 1917, p. 10.

[10] Narodnoe khozyaistvo SSSR v 1968 g.

Statistichesky ezhegodnik (Moscow, 1969), pp. 43–44.

[11] Narodnoe khozyaistvo SSSR v 1968 g., op. cit., p. 557.

[12] Problemy trudovogo prava (Moscow, 1968), p. 17.

[13] Pravda, Dec. 20, 1969.

[15] Pravda, Dec. 17, 1969.

[16] Voprosy ekonomiki, 1969, No. 11, p. 71.

[17] Voprosy ekonomiki, 1969, No. 11, p. 72.

Mr. McCLELLAN. Mr. President, Mr. Meany goes on to say:

This annual conference is used as a sounding board for Soviet propaganda against the United States, as I say. The Resolutions Committee is now, and for some years has been, engaged in political discussions which are completely outside the competence of the ILO. In fact, the ILO rapidly is becoming a political organization, and I don't think that we need another political organization. We have a political organization worldwide, the United Nations, in which our country holds membership.

The Soviet group is demanding that the whole structure be changed. When this organization was set up there was automatic membership on the governing body to the top industrial countries of the world on the theory that these were the countries which would have to make a contribution if we were to improve the standards of life in the so-called backward countries of the world.

The Soviets want to eliminate that. They want to eliminate the selection of ILO officials by the governing body where this automatic membership prevails, and they want to throw them into the general assembly of the ILO on the basis of one nation—one vote, which means that the United States of America would be on a par with Kenya, Togo, and any of these newly emerging nations. This, of course, is further evidence of the Soviet desire to gain control of the ILO completely. They certainly have tremendous influence.

The United States of America today is in a minority position in the ILO. The Soviets' propaganda has been quite effective with some of the newly emerging nations. To give you an indication of the double standard, under the ILO procedure, when any national member of the ILO feels that he should have representation on the staff by putting employees in, the rule has always been that they submit a list of candidates for any particular spot with their qualifications. Then they are looked over and the ILO office makes the decision.

The Russians never have accepted that. They have the special privilege of submitting one candidate for any position to which they aspire, and there is no right of the Office to question the capability of that particular candidate.

Mr. McCLELLAN. Under the next title, he says:

In this instance, Mr. Jenks, who just has been elected as the Director General of the ILO, announced that he was going to appoint a Russian representative. He made it quite clear that he was going to follow the usual procedure of getting only one candidate, and that candidate would be appointed.

Mr. Meany points out here how the United States and other countries are discriminated against. They have to submit a number of candidates, and then let the President of the ILO make the selection. But Russia refuses to do it. She is getting preferred treatment. She only has to submit one, and that one, whoever he is, is selected and appointed.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield.

Mr. HOLLAND. The statement shows that not only does our country have to submit a list to the Director General, but that if he does not approve anyone on that list, he can select someone on his own as representative of the United States, not selected by our country.

Mr. McCLELLAN. The Senator is correct. That is not the way we ought to permit the United States to be treated. We will never command worldwide respect from other countries, and certainly not from the Soviet Union, as long as we let them bully us like that, and then have us foot the bill. I am not going for it. It ought to be stopped.

Mr. Meany says further, Mr. President:

I will tell you the basis of Mr. Jenks' strategy or approach. It is that if the ILO wants the Soviet Union to remain in membership we have got to accept them on the basis they represent themselves and the ILO has nothing to say about it. If the United States of America objects, then he raises the question—does the United States of America want the U.S.S.R. to maintain membership, to continue its membership in the ILO, and if we do want them to continue their membership in the ILO then we must accept them the way they want to be accepted, on the basis of this double standard.

Mr. President, I do not know why we should submit ourselves to double standards just because Russia says she wants it that way. As the distinguished Senator from Kentucky pointed out, we are paying 25 percent of all of the cost. And, Mr. President, they have some 1,700 or 1,800 employees in that organization. Although we pay 25 percent of the cost, we have only 4 percent-plus of American personnel. We are getting a good rooking over there, and it is time to stop it.

We are not withdrawing from the organization, but we are saying to that organization and to Russia and the Communist bloc countries, "We are going to be treated equally, or we are not going to pay."

What else do you want us to say? Do you want us to surrender to that kind of international bullying? Of course that is what it is. Let us stop it. Let us stand on our American character and principle, and demand that which is right, no more and no less.

Mr. HRUSKA. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. Mr. President, I yield 2 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, this matter had been very carefully and thoroughly considered by the full Appropriations Committee. The consideration and the study of the committee were given to the additional testimony of the International Labor Organization at hearings that were held by the Appropriations Subcommittee in the other body on this subject. The date of the hearing was July 31, 1970. After a thorough study and thorough discussion and debate of this point, the committee decided by a vote of 21 to 2 in favor of the amendment which is now being debated.

It is my hope that this amendment will be agreed to and that it will be fully and very decidedly favored by the vote to be taken shortly by this body.

Mr. HOLLAND. Mr. President, will the Senator yield me 2 minutes?

Mr. McCLELLAN. I yield 2 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, I hope that the action of the committee, carefully taken, will be sustained.

Senators will note on page 5 of the report of the committee that this action by no means presents itself as a removal or withdrawal of this country from the ILO. Our committee well knew that we had no such authority, but we felt that we should not longer proceed to pay a major portion of the expenses of this organization, which had turned itself into one that was so un-American as to bring upon it the diatribes—and they were truly stated here by Mr. Meany in his testimony.

If Senators will look at the committee report, they will find these words:

The committee recommends that the proper legislative committee review the continued participation of the United States in this organization.

Mr. President, this was nothing but a premonitory warning of the committee to show that we resented the kind of treatment being given to our country, that we believed the statements made by the leader of organized labor and by other business representatives who made exactly the same report to us, and that we felt it would be a very weak thing for us to continue to recommend a major appropriation to this organization without showing any resentment and without indicating that our country might, when the proper legislative committee studied the matter, decide that this country had no further business continuing in this organization. But this action today is not such final action and does not pretend so to be. It is a warning as to how this country feels.

Mr. McCELLAN. Mr. President, earlier I mentioned 4 percent. As of June 30, 1970, the ILO professional staff subject to international recruitment totaled 607, of whom 60 were Americans. The professional staff totaled 1,377, of whom 21 were Americans. All other staff, which includes technical assistance personnel in the field, totaled 1,088, of whom 62 were Americans.

With this money, we are paying substantially 25 percent of the cost of this organization. Mr. Meany says:

If we cut this money out, it would mean that a certain percentage, at least several hundred of these employees, would be under the direct supervision and domination of this man, and I can tell you from long experience that he will use that position to make each and every employee a communist agent—

We are paying for it—

whether he wants to be or not. They do not fool around.

They don't acquire power that they put on the back burner.

They use it. To us this would mean it would be disaster for the ILO, and if this happens it presents to us the clear question of whether or not we want to pay the price that is exacted from us to maintain the ILO with the Soviet Union having these special privileges as a member of the oragnization.

That, of course, Mr. Chairman, puts the matter squarely in the hands of the Congress and this committee—whether we are so anx-

ious to keep the Soviet Union in the ILO that we are willing to pay this price of accepting the double standard in which they have a preferential members—and which Mr. Jenks indicates he is going to continue.

That is the issue.

I heard arguments in this Chamber earlier on another issue to the effect that people did not have much to do and therefore we could save $400,000. Nine times that amount is involved here. They were doing no harm, if they had nothing to do. Here we are spending this money doing harm to ourselves. We are financing propaganda that is highly detrimental to the United States, and we are accepting the indignity of a double standard and are told to like it. I do not like it, and I am not going to vote one dime to continue that kind of practice, that kind of mistreatment of my government and of my country, in an organization dedicated in this respect to helping laboring people all over the world, when a great leader of organization in America denounces it and says that it no longer helps labor but has become a propaganda machine against the ideals and principles for which America stands.

I will not vote for it.

Mr. ALLOTT. Mr. President, will the Senator yield?

Mr. McCLELLAN. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Arkansas has 14 minutes remaining.

Mr. McCLELLAN. I yield 5 minutes to the distinguished Senator from Colorado.

Mr. ALLOTT. Mr. President, I rise in support of the position of the chairman of the subcommittee on this matter. Every word he has spoken is true.

I, personally, first became involved in this matter in 1962, when I was a delegate to the United Nations, under the appointment of President Kennedy. I saw many of the questions that are raised in the hearings here—I saw them arising at that time. I saw them occurring in the United Nations. I raised the questions, the questions that are raised here; but, unfortunately, there were few who felt that way at that time.

I am happy that Mr. Meany and the AFL–CIO have seen this matter in this light. On page 4 of the hearing, Mr. Meany said:

Oh, yes. They were in it—

That is, the ILO—

When it was part of the League of Nations. However, they applied in 1953, but applied with reservations—that certain sections of the constitution should not apply to the Soviet Union. For instance, ILO decisions are appealable to the World Court at the Hague, and the Soviets said they could not accept that. So the ILO said they could not accept the Soviets into membership.

A year later, however, the Soviets decided that they would accept membership in the ILO and pledge themselves to abide by the constitution.

When they came in they came in, of course, with delegates supposedly representing employers and delegates supposedly representing workers. Delegations were accepted on that basis even though everybody in attendance at ILO conferences knew there was no such thing as private employers in the Soviet Union, and there was no such thing as free trade unions in the normal sense in the Soviet Union. Of course, this is still true.

In the Soviet Union they have what they call trade unions but actually these so-called trade unions are agencies of government.

Later in the same hearing, he points out and introduces into the record a statement by Prof. Vela M. Carlos of Catholic University at Quito, Ecuador. In that statement, he says this:

Location and characteristics of the problem: Theoretically, neither employers "nor workers" organizations exist. The government is the sole employer. And unions, under the dictatorship of the proletariat, are either agencies of the government or the government itself.

Then I think we should pay particular attention to the words of Mr. Neilan on page 67. He said:

I would hope, sir, you might look at the UNDP, UNESCO, UNIDO, because they are using a lot of their funds to promote Communist doctrine via the ILO as the executing agency because the ILO gets $16 to $20 million a year from these agencies for special projects, a great number of which are held within the Soviet Union or satellite bloc and to which no one is invited except developing countries, to allow them to pursue this propaganda at home.

He continues, later:

Unfortunately, we have not been in a position to go against this doctrine they have been espousing so that many of the developing nations now have accepted this more or less as a fact, that Uncle Sam is just foolish enough to let us have all the money, we can do pretty much as we please. This has been particularly evident this last year when they persuaded the Arabs and Africans to lead in a fight, and they got the South Americans in on it, to take away from the 10 states of chief industrial importance their rights with respect to amendments to the ILO Constitution. And this effort has been concerted. They have also proposed to the office that when this item comes up next June that the committee to consider it should be an open committee, that is, stacked by the Russians and their friends, all of whom will apply for membership on it.

Mr. President, I am very happy that this matter has been crystallized by the leader of the greatest and biggest trade union organization in the country, because those of us who have been to some of the conferences in the past know that the idealistic concepts under which the ILO was organized and formulated no longer exists, that they have, in fact, become merely propaganda boards for the Russians and their satellites.

It was for this reason, with full knowledge, as the Senator from Florida said, that we cannot withdraw by this committee action from the ILO, that I supported the position of the committee to strike these funds from this particular bill. I sincerely hope that that certainly is struck because I do not believe we can continue to be so foolish as we have been in the past in these many organizations which have merely become tools of the Soviets in which they use them solely for the propagation of Communist doctrine and solely for the purposes of solidifying the Communist and emerging nations against us.

Mr. President, I yield back to the Senator any time I have and thank him very much for yielding to me.

Mr. JAVITS. Mr. President, I yield 3 minutes to the Senator from Kentucky (Mr. COOPER).

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOPER. Mr. President, I am not acquainted with the specific facts which have brought this matter into issue but, as I understand it, it is a question of whether the United States shall pay its dues to the ILO, an organization of the United Nations.

I have listened to the argument that the United States and other members are subjected to Soviet propaganda in the ILO. I have no doubt that this organization, as are other subsidiary organizations of the United Nations, is used as a sounding board by the Soviet Union for propaganda purposes.

I have served four times as a delegate to the United Nations, in the fifth, the sixth, the seventh sessions, and again 2 years ago.

In every one of those sessions, one had to listen in committee and in the General Assembly, to the propaganda of Soviet delegates and to many false statements about the United States. But it was recognized as such by most members of the United Nations. As the Senator from New York has said, the United States and its delegates have the opportunity to answer in the ILO, and to speak affirmatively of our policies before its members. It is a matter of pride that U.S. delegates answer with facts and with argument, and do not attempt to match the policies of the Soviet Union.

Two years ago, when I happened to be a member, the Soviet Union had the hypocrisy to attempt to lay down a definition of aggression when only a few months before it had invaded Czechoslovakia.

I had the opportunity to call that to the attention of the committee and the General Assembly. A great strength of the United States which stands out against the propaganda of the Soviets, in the United Nations and in the ILO is the fact that the United States lives up to its obligations, and it pays its debts.

I would hate to see the Senate today enter upon a course of repudiation of its due, to the detriment of this great country.

I support the position of the Senator from New York.

Mr. JAVITS. I am very grateful to my colleague from Kentucky.

Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER (Mr. PELL). The Senator from New York is recognized for 2 minutes.

Mr. JAVITS. Mr. President, every argument we have heard can be equally directed to pulling out of the United Nations and every agency of the United Nations. We are denounced at every one of them. But we also denounce the Soviet Union at every one of them. Let that not be forgotten. If we should go further, and I should be a delegate to the United Nations this year, I assure my colleagues that I shall not be sparing in my criticism, nor will any other Senate delegate.

It is interesting to me that the document submitted by the Senator from Kentucky (Mr. COOPER) itself is the best argument why we should defeat the committee amendment, because it shows that the Soviet Union is not in default in

terms of its dues to the ILO. On the contrary, it is up to date.

Indeed, it is the United States that is in some technical default, that is, to the extent of most of the $5 million because we operate at the end of 1970 instead of 1969.

But what is being agued for is that we should be like Afghanistan, Bolivia, Burundi, Cuba, the Dominican Republic, and other countries. That would be our company, Mr. President, as to those who do not pay their bills. I think that that would be the worst thing for the United States to do, to cut and run like that.

Now, Mr. President, it has been said by one of the speakers to sustain the committee's position that this is a warning that we would be making.

Mr. President, I believe that it would be abdication we would be making, that the United States of America refuses to pay an honest debt for dues. Because it cannot stand the gaff, the United States is abdicating its responsibility as a leading Nation in the world, because it is afraid to face criticism.

Well, Mr. President, we are not afraid to face criticism in this country regardless of what happens on this vote. I will say that myself, although I am on the other side, no matter what happens on the vote. We know the temper of America. But what concerns me is the principle we are adopting. This is a big principle in international law. If we are going to fight the battle for freedom in the world, we must do it in every forum that is open to us.

Have we grown tired and discouraged? Is it that we do not want to take a beating anymore? Do we want to quit?

The Senator from Arkansas (Mr. McCLELLAN) said a great thing when we had this colloquy about the amendment. He said:

> I may be a little older than you, but I am ready to stand up and fight.

That is my argument.

Mr. McCLELLAN. I am going to fight on the basis of facts. I am not going to let them bully me.

Mr. JAVITS. I do not believe we are going to let the Russians bully us. Russia has its way of trying to make a dent in the international scene. We have ours. I am not for abdicating our place upon that scene, or our power or our influence in respect to it. When a great Nation like ours refuses to pay its dues to an organization to which it belongs, it is abdicating, not protesting.

Thus, I believe that the Senate should express itself before we take any such step as this which will be harmful to us.

Mr. CASE. Mr. President, will the Senator from New York yield?

Mr. JAVITS. Mr. President, how much time remains?

The PRESIDING OFFICER (Mr. PELL). Three minutes remain to the Senator from New York, and 9 minutes to the Senator from Arkansas.

Mr. JAVITS. I yield 2 minutes to the Senator from New Jersey.

The PRESIDING OFFICER. The Senator from New Jersey is recognized for 2 minutes.

Mr. CASE. I shall not get into the substantive question which has been so well covered by the Senator from New York and underscored by the Senator from Kentucky.

But I do want to tell the distinguished Senator from New York, to his face, that he has performed in eloquent fashion this afternoon and has rendered a very great public service to the Senate and the country.

Mr. JAVITS. I thank the Senator from New Jersey. Will he yield back the remainder of his time?

Mr. CASE. I yield back the remainder of my time.

Mr. JAVITS. Mr. President, I think we have just 1½ minutes remaining.

Mr. McCLELLAN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Arkansas is recognized for 2 minutes.

Mr. McCLELLAN. I want merely to call attention to the fact that I have not heard a suggestion yet from anyone as to how we can correct the mistreatment, the discrimination that is being imposed on us, and imposed on us so insultingly—as Mr. Meany said, "an insult to our Nation." I have not heard one suggestion of how we could stop that. We talk about fighting. What do we fight? Do we fight the wind and keep pouring in money and keep talking?

They will understand what we mean when we cut off this money from some campaigns.

As long as we talk about believing in right and that this organization ought to go on and that we should let Russia dominate it while we foot most of the bill, we will continue to get this treatment.

We are not withdrawing. We are simply saying. "Until you straighten out and give us an equal voice with Russia in your treatment of us, we will not pay the money."

We have 2 years and they have 2 years in which to make up their minds about whether they are going to give us proper treatment and put this on the right track and respect America for what she is.

They have 2 years, and we have 2 years in which to decide whether we want to get out.

Until we do something affirmatively and let them know it and let the rest of the nations know from whom they are getting most of the money, we are going to continue to get the treatment we are getting now.

It is an abomination in my judgment in relationships between nations dedicated to one purpose and one high objective.

We do not have any right to be treated that way. We are not meeting our responsibility to America. We are not defending our country or defending her as she should be defended, as we supinely pour this money in there and take this sort of treatment from Russia or anyone else.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield 1 minute to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, it has been suggested that we, by this action, would be cutting and running. I can think of no one who is running. We are cutting, but it is better to cut in this instance than to pay and to be forced to accept the humiliation and the inequality which we are suffering.

Mr. McCLELLAN. Mr. President, it is a lot better not to pay than to pay and get cut. Talk about cutting and running, we are getting cut when we pay. We are cutting our own throats.

Mr. HRUSKA. Mr. President, in his testimony, Mr. Neilan testified, speaking to the chairman of the House subcommittee:

> I would hope, sir, you might look at the UNDP, UNESCO, UNIDO, because they are using a lot of the funds to promote Communist doctrine via the ILO as the executing agency because the ILO gets $16 to $20 million a year from these agencies for special projects, a great number of which are held within the Soviet Union or satellite bloc and to which no one is invited except developing countries to allow them to pursue this propaganda at home.

When we cut, we are not cutting and running. We are cutting and fighting. That is a lot better than paying and being forced to accept the humiliation, the inequity, the actual damage and degradation we have faced.

Mr. JAVITS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 minute.

Mr. JAVITS. Mr. President, the atmosphere in which we would be legislating if we sustained this position is evidenced by a colloquy between Mr. ROONEY and Mr. Meany on page 59 of the House subcommittee hearings.

It reads as follows:

> Mr. ROONEY. Mr. Jenks must be made to realize that he would be better off to lose the 10 percent, the Soviet Union contribution than the 25 percent contribution of the United States of America.
>
> Mr. MEANY. Except that he just doesn't believe the United States will act.
>
> Mr. ROONEY. Well, let's show him.

We talk about bullying, and we run out of international organizations because we do not like what they do. This is the way to dismember the world. If we follow this principle, we will belong to nothing. We will be attacked in this revolutionary world. The Russians will belong to nothing.

I say that this is a bad precedent and I hope that the committee amendment is rejected.

Mr. McCLELLAN. Mr. President, I note from the hearings that Mr. Meany is supported in his position by Mr. Ed Neilan, a delegate to the ILO for a number of years. His testimony is in the hearings.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter I received today from Mr. William B. Macomber, Jr., Deputy Under Secretary of State for Administration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPUTY UNDER SECRETARY OF STATE FOR ADMINISTRATION,
Washington, August 24, 1970.

Hon. JOHN L. MCCLELLAN,
Chairman, Subcommittee on Appropriations, U.S. Senate.

DEAR MR. CHAIRMAN: The Senate Committee on Appropriations has recommended a cut in the appropriation of the Department of State which would result in the United States not meeting its financial obligations under the Constitution of the International Labor Organization.

Serious legal consequences will follow on non-payment of the United States assessments if such a recommendation is adopted. The Constitution of the I.L.O. was approved by the Congress by Joint Resolution on June 30, 1948, and consequently has the effect of a treaty. Article 13 of the Constitution empowers the General Conference of the I.L.O. to create legally binding financial obligations on Member States by levying assessments for the expenses of the I.L.O. Paragraph 3 of Article 13 states:

"The expenses of the International Labour Organisation shall be borne by the Members in accordance with the arrangements in force in virtue of paragraph 1 or paragraph 2(c) of this article."

It is therefore clear that the United States has undertaken an international legal duty to pay the share of the budget that has been voted by the I.L.O. General Conference and that we would be in violation of that obligation if we did not pay our full assessment.

As you know, the United States has always stood at the forefront of those who have insisted on the necessity of nations to fulfill their legal duty to pay obligatory dues in international organizations. And principally at the urging of the United States, the International Court of Justice made a ruling in the 1962 United Nations Assessments Case favorable to our position.

Non-payment of our dues to the I.L.O. would, of course, lead to the question being raised again in the International Court of Justice.

Moreover, aside from broader foreign policy implications, failure to pay our obligatory assessment would seriously weaken the ability of the United States to exert influence within the organization.

Yours sincerely,
WILLIAM B. MACOMBER, JR.

Mr. JAVITS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. JAVITS. Mr. President, a vote "nay" is a vote to restore the House figure.

The PRESIDING OFFICER. The Senator is correct.

Mr. JAVITS. And a vote "yea" is a vote to reduce the House figure by the amendment made by the Senate committee.

The PRESIDING OFFICER. The Senator is correct.

Mr. McCLELLAN. Mr. President, a vote "yea" is a vote to sustain the committee.

The PRESIDING OFFICER. The Senator is correct.

All time having expired, the question is on agreeing to the committee amendment on page 5, line 13. On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce the Senator from Rhodes Island (Mr. PASTORE) is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) and the Senator from Washington (Mr. JACKSON) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), and the Senator from Maine (Mrs. SMITH) would each vote "yea."

The result was announced—yeas 49, nays 22, as follows:

[No. 268 Leg.]

YEAS—49

Allen	Fannin	Moss
Allott	Gurney	Muskie
Anderson	Hansen	Percy
Bayh	Hart	Prouty
Bellmon	Hartke	Proxmire
Bennett	Holland	Schweiker
Bible	Hollings	Smith, Ill.
Boggs	Hruska	Sparkman
Burdick	Jordan, N.C.	Stennis
Byrd, Va.	Jordan, Idaho	Talmadge
Byrd, W. Va.	Long	Thurmond
Cook	Magnuson	Tower
Curtis	Mansfield	Tydings
Dominick	McClellan	Williams, Del.
Eastland	McGee	Young, N. Dak.
Ellender	McIntyre	
Ervin	Miller	

NAYS—22

Brooke	Griffin	Nelson
Case	Harris	Packwood
Church	Hatfield	Pell
Cooper	Hughes	Randolph
Cranston	Javits	Ribicoff
Fong	Mathias	Yarborough
Fulbright	McCarthy	
Goodell	Mondale	

NOT VOTING—29

Aiken	Inouye	Russell
Baker	Jackson	Saxbe
Cannon	Kennedy	Scott
Cotton	McGovern	Smith, Maine
Dodd	Metcalf	Spong
Dole	Montoya	Stevens
Eagleton	Mundt	Symington
Goldwater	Murphy	Williams, N.J.
Gore	Pastore	Young, Ohio
Gravel	Pearson	

So the committee amendment was agreed to, as follows:

On page 5, line 13, after the word "Congress," strike out "$144,611,000" and insert "$140,911,000".

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. McCLELLAN. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. GOODELL. Mr. President, I send an amendment to the desk, which I ask to have stated.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

It is proposed by the Senator from New York, on page 19, line 20, to strike out "$22,350,000" and insert in lieu thereof "$26,155,000."

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. MANSFIELD. Would it be possible to arrive at a time limitation on the pending amendment?

Mr. GOODELL. Yes.

I ask for the yeas and nays first.

The yeas and nays were ordered.

Mr. MANSFIELD. How much time would the Senator suggest?

Mr. GOODELL. I would be satisfied with 15 minutes on my side. I want equal time with the chairman.

UNANIMOUS-CONSENT AGREEMENT

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time on the pending amendment be limited to 30 minutes, to be divided equally between the distinguished Senator from New York (Mr. GOODELL) and the chairman of the subcommittee, the distinguished Senator from Arkansas (Mr. MCCLELLAN).

The PRESIDING OFFICER. Is there objection to the unanimous-consent request?

Without objection, it is so ordered.

Mr. MANSFIELD. Mr. President, for the information of the Senate, could we ascertain how many Senators will be offering amendments?

Mr. HART. Mr. President, I intend to offer an amendment. I am not sure there will be a vote on it. It will be subject to a point of order.

Mr. JAVITS. Mr. President, I am considering offering an amendment. I may not offer it.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. GOODELL. Mr. President, I shall be quite brief. This is a simple and direct amendment.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, will the Senator yield to me for a unanimous-consent request?

Mr. GOODELL. I am delighted to yield.

Mr. MANSFIELD. Mr. President, would the Senator allow the Senator from Mississippi to proceed for 5 minutes on a very important senatorial matter, without any of the time being taken out of the time allotted to him?

Mr. GOODELL. Yes.

PRIVATE LEASED AUTOMOBILES

Mr. STENNIS. Mr. President, it has come to the attention of the Select Committee on Standards and Conduct that certain Senators and a Senate officer personally have leased an automobile from an automobile manufacturing company under special and favorable terms. At a recent meeting attended by all of the members, the committee received a report from its staff of the facts and circumstances of these leasing arrangements and decided that the matter was within the committee's responsibility. The committee was of a single mind in its views and conclusions which are presented by me as the chairman of the committee in this summary report to the Senate.

Under a promotional program of many years' standing, for purposes of display or visibility of their automobile products, the automobile companies have been leasing cars directly to well-known athletes, professional entertainers, and other prominent persons. More recently the program has included Senators, although one company has limited participation to the more senior Members.

From the facts available to us on the comparative costs of leasing identical automobiles under the same conditions of maintenance, insurance, and other factors, it appears that the price paid by a Senator is considerably less than that which would have to be paid by the ordinary person making the same type of lease.

Our committee found no evidence to suggest that these leases with Senators were a means for the automobile companies to exercise improper influence. Nor did we find any indication that the automobile companies or their representatives received any favorite treatment from Senators or assistants to Senators because of the favorable lease terms. Individual Members of the Senate who held leases talked very freely with committee members about the entire matter. We are confident that no favoritism either was given to or expected by the automobile companies.

The committee found that these leasing arrangements violated no law nor any Senate rule.

In the course of its inquiry the committee also found that one of the automobile companies made agreements with certain committees of the Senate for the leasing of automobiles for the personal use of certain members of those committees. The Senator who received the cars paid the price of the lease. No appropriated funds whatever were used for such payments.

The committee concluded unanimously that the reduced amounts paid by Senators and the Senate officer for automobiles which they privately leased were a favor which was not generally available to ordinary persons. But for the fact that they were Senators and a Senate officer, they probably would not have been offered such terms.

In addition, the practice of the one company of making an agreement directly with a Senate committee for the leasing of cars for the private use of Senators clearly is improper. A Senate committee by itself does not have the authority to make such a contract, which in our opinion is void and unenforcible. Although these lease agreements do not bind the Senate or any of its committees, we believe this practice by the committees should be terminated at once.

After carefully considering the benefits and the implications of the leasing of cars to Senators, our committee makes the following advisory recommendation for the guidance of the various Senators involved: Existing private leases of automobiles to Senators at favorable rates should be terminated at or before the end of the current model year. These leases should not be renewed. In making private agreements in the future for the leasing of automobiles, Senators should not accept any favorable terms and conditions that are available to them only as Senators.

That report is signed by the Senator from Utah (Mr. BENNETT), the Senator from Kentucky (Mr. COOPER), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Idaho (Mr. JORDAN), the Senator from Georgia (Mr. TALMADGE), and its chairman, the Senator from Mississippi (Mr. STENNIS).

Mr. President, the Senator from Utah (Mr. BENNETT) is present. He is the vice chairman of the committee. He may have some remarks to make.

Mr. BENNETT. Mr. President, I have nothing to add to the statement of the committee, which has been carefully worked out and which, I think, represents a solution of this problem which is eminently fair.

The committee observes, and perhaps the RECORD should show, that there are certain lease arrangements which have been properly authorized by the Senate for the service of some of its senior officers, including the President pro tempore, the majority leader, the minority leader, and the Vice President; and these are not involved in the matter we have been discussing. We are discussing here only those automobiles which have been made available on a leased basis at a greatly reduced price to Members of the Senate as individuals, and not as officers of the Senate.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. BENNETT. I yield.

Mr. MANSFIELD. Are those the only ones officially approved by the Senate, the ones the Senator has just mentioned?

Mr. BENNETT. As far as I know.

Mr. STENNIS. Mr. President, I thank the Senator from New York for yielding.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND THE JUDICIARY APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. GOODELL. Mr. President, the Senate Appropriations Committee has recommended the appropriation of $22,350,000.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. The Senate will be in order. How much time does the Senator from New York yield himself?

Mr. GOODELL. Ten minutes.

The Senate Appropriations Committee has recommended the appropriation of $22,350,000 for buildings and expenses at the Federal Bureau of Prisons. That figure is $550,000 more than the House approved, with the increment going toward the design of a specialized medical facility at Butner, N.C.

It was my feeling that the Bureau ought to be allocated $26,155,000 as a minimum for buildings and facilities for fiscal year 1971. I therefore submit this amendment, which is approximately $3.8 million over the Appropriations Committee amount; and, incidentally, it is less than the budgeted amount.

The Senate committee and the House committee have both stricken three major facilities requested by the Bureau of Prisons, which would total about $3.8 million in cost. On August 5, I wrote to the distinguished Senator from Arkansas (Mr. MCCLELLAN), the chairman of the subcommittee, recommending an increment of $4.3 million in the buildings and facilities appropriation. I noted that the President had originally requested $27,350,000 total, and that the Bureau was appealing for the additional $4,355,000 after the House action.

I commend the subcommittee for having recommended $550,000 more than the House figure. That $550,000 is to go for the planning and design of a medical facility at Butner, N.C. That facility could serve as a model psychiatric study, research, and treatment center, giving special attention to the causes and prevention of violent and aggressive behavior and drawing upon the resources of several nearby major universities. No such facility now exists in the United States, and no model exists for the utilization of psychiatric services in the correctional facility setting.

As recent events in New York have demonstrated, there is clearly a need for such a model. The Butner center could provide it, and I, therefore, recommended in my August 5 letter to Senator MCCLELLAN that it be funded. I am grateful to the subcommittee for having responded to my suggestion.

Recently we had a crisis in the New York City prisons involving the Tombs, a correctional facility to detain individuals before trial. Such detention is a very major problem across the country, at the State and local levels. As those events in New York have demonstrated, there is a need for the Federal Government to take the leadership here. I have proposed an amendment, which is being considered in committee, to the LEA Act, which would provide a Federal grant-in-aid program for States building rehabilitation facilities. But here there is no opportunity to present such a major program.

There were three other facilities which I recommended that the subcommittee fund, and which it decided should not receive appropriations. It is these three facilities which I propose to fund under

my amendment, which would add $3,805,000 for Bureau of Prisons facilities.

The first $100,000 of the increment is to go to design a metropolitan correctional center in San Francisco, Calif. This would be a facility for Federal prisoners, aimed at relieving the severely overcrowded confinement facilities in San Francisco, an area where there are no State or local plans for prison construction. The center would incorporate community treatment programs, services to probationers and parolees, and diagnostic services to courts in the area.

The second and largest facility that has been deleted involves $2,055,000 requested by the Bureau to design correctional facilities for women, to be located in the western part of the United States. The number of female prisoners in the Federal prison system is rising each year, and existing facilities for women are pitifully inadequate. The proposed center will be a model facility designed to meet the program needs of women offenders, through training and diagnostic procedures in ways not presently possible in existing traditional institutions.

The third item deleted by the committee involves $650,000 requested to design a metropolitan correctional center in the Baltimore, Md. area. Similar to the San Francisco center, this project would provide a detention facility for unsentenced and sentenced Federal prisoners, and will include community treatment, probation and parole services. Like the other three, this facility will be a model and demonstration center.

These three facilities are deemed to be of the highest priority by the Federal Bureau of Prisons, and their costs have been calculated as part of a 10-year budget plan currently being drawn up by the Bureau at the request of the President. Certainly, the need for these projects is pressing, and I join with the Federal Bureau of Prisons in asking that you restore $3,805,000 to the Bureau's appropriation.

Mr. President, we have a correctional crisis in this country. The Federal Government must take the lead. Certainly we must provide model facilities for the treatment of Federal prisoners. And I think we have even a greater responsibility, which we will debate in this body later, with reference to State and local facilities and the rehabilitation of prisoners, in an effective war on crime.

Mr. President, about 70 percent of the serious crimes in this country are committed by repeaters, recidivists; and we have literally one of the worst prison systems in the western world in terms of rehabilitation. We simply are not providing the money.

Recently an example came to my attention at Rikers Island, New York City, where they had reduced the recidivist rate from 70 percent to 23 percent through the use of a manpower development and training grant, training the inmates in skills they could use when they got out, and be assimilated into the economic system.

That grant was cut off; so now the recidivist rate is back up to 70 percent.

This is a poor way to fight crime. Providing an adequate prison system is critical in the war on crime, not to mention the humane requirements of providing adequate, decent facilities for those who have been convicted, and for their rehabilitation.

Mr. President, this is a simple amendment. It is within the budget. I know not why the committee deleted it, except that I know there are great fiscal pressures that have been brought to bear on all of us.

I think it is poor economy to cut this kind of money out of the program of the Bureau of Prisons, and I hope we can agree to restore it.

Mr. President, I reserve the remainder of my time.

The PRESIDING OFFICER. Who yields time?

Mr. McCLELLAN. Mr. President, I yield 3 minutes to the distinguished Senator from Nebraska.

Mr. HRUSKA. Mr. President, the Senator from New York is to be commended for proposing this amendment, and demonstrating thereby his great interest in the matter of prisons and correctional facilities. He has an understanding of the problem which is very real.

He was also instrumental, I might say, in the securing of that part of the budget for those three institutions included in the bill by the other body. That total included $15 million for the New York detention headquarters, where very grave and serious conditions prevail today. I have interested myself, for a number of years now, in trying to get this step taken. Now it has finally been taken by the House. The same is true as to the West Coast Youth Center, for which a total of $2,055,000 was allowed by the other body, and then $500,000 for the second correctional center.

Four items remain in the budget for this purpose. One was the Butner facility, to which reference has been made, and the other three are in the pending amendment—namely, a correctional center for San Francisco, facilities for women in the western area, and a metropolitan correction center for Federal prisoners within the area around Washington.

In considering the appeal of the Department of Justice for those four items, the Appropriations Committee requested a statement of priority as among those four. The statement of priority led off with the item from Butner, N.C., the medical facility, and that was discussed earlier in this debate. However, when it came to the remainder of them, it was felt that a total of five of these facilities being allowed in the bill would be a reasonable allowance for this year for the purpose of construction.

Another element that led us to delete from the budget request the three facilities that are included in the pending amendment was this: Sites for those facilities have not yet been selected. There will be plenty of time to allow moneys for site acquisition and design in each of these instances after a little more specific information will be available.

A third factor was this: In the authorization bill for the Law Enforcement Assistance Administration is an allowance presently of 25 percent of the overall allowance for it, for the purpose of title E in that authorization, and that has to do with prison reform, which includes the construction of facilities on a matching basis.

It was felt that those three reasons would be sufficient to warrant the elimination for the time being of the three items included in this amendment.

I want to concur most fully and enthusiastically with the conclusions of the Senator from New York that these three facilities are direly needed and are badly needed, and action should have been taken some time ago on them. But we feel that for the three reasons stated, they should not be included in the budget and in the appropriation bill at this time.

Mr. McCLELLAN. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. McCLELLAN. Of the three, I do not think anyone questions the need, but they do not even have the sites for them as yet, do they?

Mr. HRUSKA. That is correct.

Mr. McCLELLAN. In one place, they do not even know in what State they are going to locate it—just somewhere in the Midwest. I do not think anybody is going to oppose an appropriation whenever they say that they have the site and are ready to go. But I see no point in putting the money in here now. They put in the top priority. They have five of the eight facilities they requested in this bill. They do not have sites for the other three, and as to one of them, they do not even know in what State they are going to locate it.

We have supplemental appropriation bills coming along all the time, and the minute they get a site and say they are ready to start planning—I do not think they can plan it very well before they have a site—I do not think anyone will hesitate to appropriate the money for their needs. We have been pretty generous. We gave them what they said was the top priority.

Mr. HRUSKA. By way of further information on this, of the four items that were in the budget and not approved by the House, Butner was the only one in which a site existed and was approved. It had been donated by the State of North Carolina for that purpose.

Mr. McCLELLAN. They are ready to go.

Mr. HRUSKA. And they are ready to go.

It seemed to the committee that there was a differentiation between that item and the other three for which sites were not yet selected.

Mr. President, I reserve the remainder of my time.

Mr. GOODELL. Mr. President, I appreciate the assurances of the Senator from Arkansas and the Senator from Nebraska. They are interested in these facilities and they think they are important. I think the best way to indicate our feeling on this subject is to put the money in the budget, to put the money in the appropriations bill now.

The administration has budgeted these items. We want them to move forward now. If we delete the money for them, the planning inevitably will be held

back. We may be here next year with still no sites chosen.

I am certain they can move forward very quickly in site acquisition and construction if we put the money there. They have budgeted it. The Bureau of Prisons wants them. I do not think the Bureau of Prisons conceives that there is any problem in proceeding with construction of these facilities and with finding an appropriate site. As a matter of fact, I think that part of the problem here is that we keep going back and forth. The Bureau of Prisons wants assurances that they are going to get the money and that they can go ahead; and Congress says, "No, we're not going to put the money in until sites are chosen, until you have your full plans."

This is a very critical problem in our country, acknowledged and understood perhaps best of all by the chairman and the ranking minority member of this committee.

I think we should go forward now and let the administration know that we support their request; let the Bureau of Prisons know that we support their request, and that we will give them the money necessary to meet this problem and start having an enlightened rehabilitation program, some new model centers which will be of great use for our State and local prison authorities, and get it moving now, instead of quibbling back and forth about who has to come forward first with a plan and site acquisition or with appropriations.

I would urge, with all due deference to my esteemed colleagues, that the Senate move now to appropriate this money. That is the way we will begin to get action and get it very quickly.

Mr. President, I am prepared to yield back the remainder of my time.

Mr. HRUSKA. Mr. President, with respect to the realization of the need for these facilities, I think we could go far beyond the great need for present facilities not only in the Federal system but also in the State system. In fact, the chairman of the subcommittee and the ranking minority member are so aware of this situation that we have taken pains to include in the law enforcement assistance administration bill very generous sums for this purpose—25 percent of the entire budget—the exact amount of which I do not remember. I would think that there would be a minimum of, say, $100 million to $150 million for that purpose statewide. So we do know what the situation actually is.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. HRUSKA. I yield.

Mr. GOODELL. I appreciate what the Senator has said, and I strongly agree with the need for grants in aid through the Law Enforcement Assistance Act. I commend the Senator for his action, and I commend the subcommittee in that respect. Those are grants to the States. We are talking about the prime Federal responsibility with Federal prisons.

Mr. HRUSKA. That is correct.

Mr. GOODELL. We do have a situation in which we are contracting out, I think, some 30 of the female prison inmates to States. In many cases, the States and localities do not have adequate facilities and the Federal Government does not have adequate facilities to take care of the youthful offenders who are lumped together with the others.

Mr. HRUSKA. If the Senator will permit me, I will make this statement. The reason for the reference to the law enforcement assistance administration authorization bill is to point to the awareness of the problem on the part of the chairman and the ranking minority member of this subcommittee.

As to the item being in the budget, I would gladly concede that that would be a most persuasive and irrefutable argument if we followed it as closely and strictly when the committee came out with an amount that was over the budget. But that does not happen. Time and again, this body has been guilty of going over that budget. I would think that a transgression under the budget would be put up with quite cheerfully, and it would be only a fraction of the great amounts that have been over the budget.

We are grateful for the budget including these items as submitted by the President. On the other hand, we have never abdicated our own independent judgment in the premises. We appreciate the recommendation, but we do feel that we should exercise this independent judgment; and in this case we are asking this body to approve the action and the judgment of the Appropriations Committee.

It is our hope that the amendment will be rejected.

Mr. McCLELLAN. Mr. President, I yield back the remainder of my time.

Mr. GOODELL. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. PELL). All time on the amendment is now yielded back.

The question is on agreeing to the amendment of the Senator from New York (Mr. GOODELL).

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from South Dakota (Mr. McGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), and the Senator from Missouri (Mr. SYMINGTON) are necessarily absent.

I further announce that the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG) are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE) is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Washington (Mr. JACKSON) would vote "yea."

I further announce that, if present and voting, the Senator from Rhode Island (Mr. PASTORE) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from Maine (Mrs. SMITH) would each vote "nay."

On this vote, the Senator from Maryland (Mr. MATHIAS) is paired with the Senator from Kansas (Mr. PEARSON). If present and voting, the Senator from Maryland would vote "yea" and the Senator from Kansas would vote "nay."

The result was announced—yeas 27, nays 41, as follows:

[No. 269 Leg.]

YEAS—27

Bayh	Hart	Moss
Brooke	Hartke	Muskie
Burdick	Hatfield	Nelson
Case	Hughes	Packwood
Cooper	Javits	Percy
Cranston	Mansfield	Ribicoff
Goodell	McCarthy	Schweiker
Griffin	McGee	Smith, Ill.
Harris	Mondale	Tydings

NAYS—41

Allen	Ellender	McIntyre
Allott	Ervin	Miller
Anderson	Fannin	Pell
Bellmon	Fong	Prouty
Bennett	Fulbright	Proxmire
Bible	Gurney	Randolph
Boggs	Hansen	Sparkman
Byrd, Va.	Holland	Stennis
Byrd, W. Va.	Hruska	Talmadge
Church	Jordan, N.C.	Thurmond
Cook	Jordan, Idaho	Tower
Curtis	Long	Williams, Del.
Dominick	Magnuson	Young, N. Dak.
Eastland	McClellan	

NOT VOTING—32

Aiken	Inouye	Russell
Baker	Jackson	Saxbe
Cannon	Kennedy	Scott
Cotton	Mathias	Smith, Maine
Dodd	McGovern	Spong
Dole	Metcalf	Stevens
Eagleton	Montoya	Symington
Goldwater	Mundt	Williams, N.J.
Gore	Murphy	Yarborough
Gravel	Pastore	Young, Ohio
Hollings	Pearson	

So Mr. GOODELL's amendment was rejected.

Mr. HRUSKA. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. MANSFIELD. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

ORDER FOR ADJOURNMENT TO 8:30 A.M. TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW MORNING

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senator from Idaho (Mr. CHURCH) be recognized for not to exceed 15 minutes sometime in that period between 8:30 and 9 a.m. when the time starts running.

Mr. McCLELLAN. Mr. President, can committees meet tomorrow?

Mr. MANSFIELD. Yes.

The PRESIDING OFFICER. Without objection, it is so ordered.

DEPARTMENTS OF STATE, JUSTICE, AND COMMERCE, AND THE JUDICIARY APPROPRIATIONS, 1971

The Senate continued with the consideration of the bill (H.R. 17575) making appropriations for the Departments of State, Justice, and Commerce, the Judiciary, and related agencies for the fiscal year ending June 30, 1971, and for other purposes.

Mr. HART. Mr. President, I call up my amendment and ask that it be stated.

The PRESIDING OFFICER. The Senate will be in order. The Chair cannot hear the Senator from Michigan. The Senate will be in order.

Mr. HART. Mr. President, I send to the desk an amendment.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

The Senator from Michigan (Mr. HART) proposes an amendment as follows:

On page 20, line 10, strike out "$480,000,000" and insert in lieu thereof "$1,000,000,000".

Mr. President, the amendment would add $520 million to the funds appropriated for the Law Enforcement Assistance Administration, the main Federal program in the fight against crime.

The cities of the Nation, testifying through the voices of several mayors, including the mayor of the city of Detroit, have urged that at least $1 billion be appropriated for this program in fiscal year 1971. But the administration's budget request was less than one-half that amount, some $480 million. The House appropriated that amount, and the Senate Appropriations Committee also reflects the Senate Appropriations Committee adoption of that budget request figure.

Mr. President, at this time the Subcommittee on Criminal Laws of the Committee on the Judiciary, under the able chairmanship of the Senator from Arkansas who is handling the pending bill, is reviewing amendments to the Safe Streets Act, which presently includes no authorization for the Law Enforcement Assistance Administration for fiscal year 1971 or subsequent years. I have already submitted an amendment to that act providing for a $1 billion authorization in fiscal year 1971 and for greater funding in subsequent years.

I recognize that the amendment I have called up may be subject to a point of order since the Senate has not yet passed an authorization for the act for fiscal year 1971. However, I introduce the amendment now to focus attention on the need to increase the appropriations for this vital program. I would hope that the Senate would accept this amendment to demonstrate support for an increase in the authorization of the Law Enforcement Assistance Administration to $1 billion.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. HART. I yield.

Mr. MANSFIELD. Mr. President, the bill contains $480 million for assistance to local law enforcement agencies. This amounts to about $2.40 for every man, woman, and child in America.

The $2.40 per person for local law enforcement assistance is not enough. Crime is too great a problem to be dealt with in such meager fashion. When we consider some of the other millions, tens of millions, hundreds of millions, and billions that are spent for other subjects that are not nearly so pressing, one begins to wonder.

The Senate has demonstrated its commitment to fighting crime by passing virtually every major crime proposal introduced with one exception, and that was held up at the request of the administration. It has done so under the leadership of the distinguished Senator from Arkansas, the manager of the pending bill.

The Senate could do as much by allocating a sufficient portion of this Nation's resources to this most pressing of all problems.

I commend the Senator from Michigan for offering the amendment. He has brought into clear focus the priorities question here involved. Although his amendment, as he says, is subject to a point of order, by offering it, in my opinion, the distinguished Senator from Michigan (Mr. HART) has performed an outstanding service.

Mr. HART. Mr. President, I am very grateful for the comment of the distinguished Senator from Montana, our majority leader. It makes more likely the pospect that before this session adjourns sine die we will, indeed—to be a little crude about it—put our money where our speeches have been. We have all been making magnificent speeches about crime, but they do not seem to intimidate the criminal. If this war is to be won, it will have to be won as all wars are won, with not only plans and work, but also with money.

There is not a citizen in our country who would quarrel with the suggestion of the distinguished majority leader that $2.50 is not a very massive commitment per head in the elimination of crime.

Mr. President, the Nation faces a crime crisis and we all know it. In the past 7 years the Nation's population has gone up 10 percent but the crime rate has gone up 88 percent.

We have all made hundreds of brave speeches about the need to fight crime but the speeches do not seem to be intimidating many criminals.

Crime continues as the Nation's prime concern. But that concern is hardly reflected in the appropriation measures that we are contemplating.

The administration request is, in my view, totally inadequate in light of the tremendous threat crime poses.

Everyone agrees that our present system of criminal justice—our courts, prosecutors' offices, police, and prisons—is badly strained under the enormity of the challenge and needs help fast—lots of it.

Yet while we spend about $85 billion to protect our national interests from foreign threat around the globe, we spend a total of about $6 billion—at the Federal, State, and local levels combined—on our entire law enforcement and criminal justice effort.

With substantially increased funding, the present distribution of funds by the State to all localities could continue at about the present levels, while additional money would be available for expanded crash programs in critical areas such as improved police response time, court reform, drug control, and juvenile rehabilitation.

Rehabilitating addicts, diverting juveniles from the criminal system, streamlining court calendars—all are areas where concentrated efforts could have a dramatic impact—and where money for more and better trained personnel is the major hurdle.

Mr. President, the Violence Commission called for a doubling of our present investment in criminal justice and law enforcement, as rapidly as it could be wisely planned and utilized. I think we can come close to that goal and use the money soundly now.

Doubling the administration's request for LEAA funds for fiscal 1971 would add less than one-quarter of 1 percent to our Federal budget. Surely that is not too much to spend on what is probably the No. 1 concern of millions of Americans.

The reason people cannot walk on the street at night with any measure of security is not because of something planned by Mao Tse-tung, the Politburo, nor any power in or out of Cambodia, but steps we have failed to take in the neighborhood to make our commitment consistent with our responsibilities. This amendment would seek to do that.

Mr. President, I hope the amendment is agreed to.

Mr. McCLELLAN. Mr. President, I join the distinguished majority leader in commending the Senator for evidencing tremendous interest, which has been maintained throughout the years in law enforcement, and in focusing attention on the item that is in this bill, which is the full amount of the budget request granted by the House and concurred in by the Senate. But there is no legislative authorization for any additional funds. Legislative authorization is pending. It is now before the Committee on the Judiciary and before the Subcommittee on

Criminal Laws and Procedures, of which the distinguished Senator from Michigan is a most able member.

This bill has been processed, hearings have been held, and we have processed that bill to the point where we had the first meeting this morning of the subcommittee to mark up the bill. We hope to resume our work on the bill in the morning and succeed in marking it up and have it reported to the full committee.

I have no doubt that the bill will reach the full committee and I am sure of full Senate action at this session of Congress. I suggest we should proceed in an orderly parliamentary way under the rules of the Senate.

If there was a great emergency and the Senate was prepared to act and could not get legislative authorization through, we might disregard the rules of the Senate and proceed in this fashion; but I think we would be establishing a precedent we do not want to follow and a precedent we would not want to get in the habit of following unless there were a real emergency.

Since this measure is in process and action is imminent, I think we should proceed in that fashion.

Regretfully I have to raise the point of order under rule XVI against this amendment.

In addition, I want to say that we all know the crime situation. As the Senator said, we have done a lot of talking about it; now we have to do a lot of acting about it. But I point out that money alone is not going to solve the problem. Money is crucial in the battle against crime, but until we get the machinery organized so the money can be spent effectively and efficiently, it is not going to solve the crime problem. We are working hand in hand here to get the proper legislative remedy before this body with the authorization to carry on this program.

My recollection is the administration suggested probably $750 million, then $1 billion next year, and $1.5 billion the next year, but those amounts are not binding on Congress. We are going to work it out and bring it to the floor of the Senate and let the Senate work its will.

Mr. President, I suggest the amendment is out of order.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. McCLELLAN. I yield to the Senator from Nebraska.

Mr. HRUSKA. Mr. President, I subscribe to the statement of the Senator from Arkansas. We often are confronted with the thought that we should put our money where our talk is. The idea of trying to solve our problems with talk does not work. We have here, in connection with the Law Enforcement Assistance Administration, a plan in which the appropriation of money is made primarily pursuant to a State plan. Until that plan is approved, and approved on the basis of being something calculated to improve the present law enforcement picture in the respective States, there is a limitation on what they can do by way of improving present law enforcement procedures. It is in progress and will be achieved soon.

Hence, the authorization is in the neighborhood of $650 million for the current fiscal year, to be augmented the following year to $1 billion, and $1 billion plus in a few fiscal years. I support the statement of the Senator from Arkansas that we cannot think simply in terms of appropriating money because we say that crime is bad and money is needed. We need money but it must be spent expeditiously and efficiently. I hope that is the way the Senate proceeds.

I am glad the Senator from Arkansas is raising the point of order at this time so we can consider it properly.

The PRESIDING OFFICER (Mr. HUGHES). A point of order has been raised. The funds proposed in this amendment are not authorized by law nor are there budget estimates therefor. Therefore, the Chair, under rule XVI, paragraph 1, sustains the point of order.

The bill is open to further amendment.

Several Senators addressed the Chair.

The PRESIDING OFFICER. The Senator from New York is recognized.

Mr. JAVITS. Mr. President, I send to the desk an amendment on behalf of myself, the Senator from Wisconsin (Mr. NELSON), and the Senator from New Hampshire (Mr. McINTYRE), and ask that it be stated.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows: On page 46, line 20, strike "$5,000,000," and insert in lieu thereof: "$6,000,000," and on lines 22 and 23, strike "$18,950,000" and insert in lieu thereof: "$19,950,000".

Mr. JAVITS. Mr. President, I can explain this amendment very briefly. The amendment deals with the provision of the bill relating to expenses for technical and management assistance to be given to small businessmen in the general entrepreneur class to enable them to take advantages of other programs the SBA has, including the possibility of participating in Government procurement.

The Administrator of SBA made a most profound plea for $5 million rather than the $1 million contained in my amendment and states that he has on hand "over 200 proposals exceeding $15 million from management and technical assistance organizations that have the capability to render significant assistance in carrying out the program envisioned under section 406."

Mr. President, I ask unanimous consent to have printed in the RECORD a letter from the Administrator of the Small Business Administration.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SMALL BUSINESS ADMINISTRATION,
Washington, D.C., May 19, 1970.

Hon. JOHN L. McCLELLAN,
Chairman, Subcommittee on Departments of State, Justice, Commerce, the Judiciary and Related Agencies, Committee on Appropriations, U.S. Senate, Washington, D.C.

DEAR SENATOR McCLELLAN: The Departments of State, Justice, Commerce, the Judiciary and Related Agencies Appropriations Bill for FY 1971 as passed by the House of Representatives on May 14, 1970, provides a direct appropriation of $18,950,000 and transfer authority of not to exceed $53,100,000 from the revolving funds for salaries and expenses of the Small Business Administration. The Bill also provides $1,340,000 for insufficiences arising out of the participation sales authorized in the 1968 Act and a capital appropriation of $200,000,000 for the Business Loan and Investment Fund.

The amount approved for the direct appropriation for salaries and expenses represents a reduction of $5,150,000 from our request. Of this reduction, $5,000,000 is from the funds requested to carry out the provisions of Section 406 of the Economic Opportunity Act of 1964 as amended. The balance of the reduction reflects the elimination of the funds requested for research contracts. In addition, the request for capital for the Business Loan and Investment Fund was reduced from $242 million to $200 million.

After careful review of the reductions, we feel that we can accept the House action without impairing our commitments to the small business community with the exception of the reduction of $5,000,000 in funds required to carry out the provisions of Section 406 of the Economic Opportunity Act of 1964 as amended.

The $5,000,000 allowed by the House will allow us to continue only the same program level which we now have for FY 1970. However, this program level is not sufficient to meet the increasing requirements of assistance to the socially and economically disadvantaged as provided in Section 406. Some of the pressures that make it imperative for us to extend our program of assistance under this act are as follows:

1. The increasing number of economic opportunity loans in our portfolio and the continuous escalation of requests for technical and management assistance.

2. The need for professional management assistance for new minority firms obtaining government contracts under Section 8a of the Small Business Act. We project a $100,000,000 procurement program under this authority and professional management assistance is so basic to these new minority firms that if it is not available on a timely basis, the concept of developing new self-supporting minority owned productive facilities could fail.

3. The need to strengthen our construction task force so that we may provide the necessary kind of assistance to minority contractors in overcoming the barriers that have prevented minority contractors from full participation in the construction industry.

4. And finally, these funds are necessary as a catalyst to encourage the private sector to greater efforts in the area of support and assistance to the socially and economically disadvantaged, as demonstrated in our FY 1969 and 1970 programs.

We now have on hand over 200 proposals exceeding $15,000,000 from management and technical assistance organizations that have the capability to render significant assistance in carrying out the program envisioned under Section 406. We, therefore, earnestly request the restoration of the $5,000,000 that was reduced by the House to the full $10,000,000 as requested in order to carry out the programs contained in the enclosed justification.

My staff and I will be glad to discuss our entire budget estimates and our appeal on this item at the convenience of the Committee.

Sincerely,

HILARY SANDOVAL, Jr.,
Administrator.

Small Business Administration—salaries and expenses

1971 estimate:	
Direct appropriation	$24,100,000
Transfer from the revolving fund	(53,100,000)

1971 House allowance:
Direct appropriation..... 18,950,000
Transfer from the revolving fund ..... (53,100,000)
House reduction:
Direct appropriation..... 5,150,000
Restoration requested:
Direct appropriation..... 5,000,000

AMENDMENTS REQUESTED

Page 45 line 20 strike "$5,000,000" and insert "$10,000,000" an increase of $5,000,000 to restore the budget estimate for the section 406 activities. Page 45 lines 22, 23, strike "$18,950,000" and insert "$23,950,000" an increase of $5,000,000 to restore the budget estimate.

HOUSE REPORT (P. 24)

Salaries and Expenses. "The Committee recommends a direct appropriation of $18,950,000 together with transfer authority of not to exceed $53,100,000 from the revolving fund for the necessary salaries and expenses of the Small Business Administration."

"The Committee has included in the bill $5,000,000 the same amount as for the current fiscal year, to carry out the provisions of section 406 of the Economic Opportunity Act of 1964, as amended. The funds requested for research have not been approved."

JUSTIFICATION OF AMENDMENT

The Small Business Administration recommends full restoration of the $5,000,000 reduction made by the House of Representatives in the funds available to carry out the provisions of Section 406 of the Economic Opportunity Act of 1964, as amended. The total $10,000,000 which was requested for FY 1971 is necessary to carry out the following program:

1. *Professional Management and Technical Assistance Services—$2,500,000.*—Experience to date has demonstrated that many disadvantaged minority enterprises lack management training and experience. In many cases this need is critical to their survival and in almost all it severely limits progress to success. Under Section 406 of the Economic Opportunity Act, funds will be utilized to provide: (1) Business preplanning, (2) Basic management planning assistance, and (3) Post-contract assistance.

Funds for business preplanning will be utilized to identify the economic areas where expansion is needed to supply growing present and future requirements. In performing the basic market research studies on specific products, minority firms will come into a growing market, not an over-saturated one, the chances of survival will be maximized by minimizing the competition which arises in overcompetitive areas. This basic preplanning is required by new firms or organizations contemplating business entry.

It is anticipated that about 70 of the minority manufacturers assisted in FY 1971 will need business preplanning at a cost of $1,500,000.

Under the Basic Management Planning Assistance concept, funds will be used to employ professional management planning for new minority firms seeking 8(a) assistance. These plans will set forth the requirements and objectives for the new firm for an initial period. They will identify the ultimate products to be manufactured and sold in commercial markets with predictions of sale. Complete financial, facility manpower and related requirements will be set forth to produce needed products at competitive prices so as to attain stable commercial market objectives and independence from Government support and aid.

Post Contract Assistance is needed to assure that the firms successfully carry out their obligations (on time and with an acceptable product) and adhere to the long range basic management plan. Management concerns will on a contractual basis provide professional and technical assistance and education to the new firm. Experience to date shows that this is critically needed where the management and supervision are minority members and lack the experience and knowledge normally occasioned by previous participation. We estimate $1,000,000 is required for Basic Management Planning and Post Contractual Assistance.

2. *Local Assistance Organization—$4,000,000.*—There is a growing social conscientiousness among community leaders, professional and business organizations, educational institutions, trade associations, civic groups and public and private action groups, of their responsibility for participating in efforts to raise social and economic levels in depressed areas.

While the capability and experience of these diverse organizations varies considerably, most of the effective groups afford a surprising pliancy in both breadth and depth, and exhibit a firm grasp of the problems in their localities.

In 1971, it is anticipated that most of the target areas in which Operation Business Mainstream expects to operate will request assistance of some nature from one or more participating community organizations. To meet this anticipated demand, SBA will evaluate specific proposals from established organizations that can demonstrate their ability to relate to the local problems and work toward one or more of the goals set by SBA as essential to the success of the Minority Enterprise program.

3. *Construction Task Force—$1,000,000.*—Under this contract authority, special emphasis will be given to removing barriers that tend to prevent minority contractors from full participation in the construction industry. Units (called ACT teams) will be established and funded in 1971 in 25 target cities to help minority contractors find contract proposals within their area of competence, estimate and submit bids, solve bonding problems, etc.

4. *Market Research and Feasibility Studies, Group Management Training and Individual Counseling—$2,500,000.*—Under its regular MA program, SBA will evaluate the management strengths and weaknesses, and a management assistance plan will be developed to correct weaknesses for most minority-owned business loan applicants. Much of the required assistance will be supplied through the on-going MA program. For those situations where the depth and duration of assistance, or the location of the case preclude service under the normal program, the Agency will turn to the professional consulting community.

The Agency, and other organizations participating, need a great deal more information than is now available in order to distinguish and identify those businesses that, in view of national, regional, and local economic patters, offer the greatest likelihood for successful operation. Feasibility, market and economic research studies will be contracted for by which the Agency will pursue its objective of identifying specific business opportunities in target areas.

STATEMENT OF HILARY SANDOVAL, JR., ADMINISTRATOR, SMALL BUSINESS ADMINISTRATION, BEFORE THE SUBCOMMITTEE ON DEPARTMENTS OF STATE, JUSTICE, COMMERCE, THE JUDICIARY, AND RELATED AGENCIES, U.S. SENATE

INTRODUCTION

Mr. Chairman and members of the committee, it is a pleasure to appear before you today to discuss the Small Business Administration's budget estimate for FY 1971.

BUDGET ESTIMATE FISCAL YEAR 1971

Our budget request for FY 1971 is for $77.2 million, salaries and expenses, small business administration, a capital appropriation of $242 million for the business loan and investment fund and an appropriation of $1,340,000 for payment of participation sales insufficiencies. Included in the $77.2 million for salaries and expenses is $24.1 million direct appropriation and authority to transfer $53.1 million from the revolving funds. Of the $24.1 million direct appropriation, $10 million is requested to carry out the provisions of section 406 of the Economic Opportunity Act and $150,000 for research contracts.

HOUSE ACTION

The House bill provides for a direct appropriation of $18,950,000 and transfer authority of $53.1 million for salaries and expenses. It provides $200 million capital appropriation for the business loan and investment fund and $1,340,000 for participation sales insufficiencies. The House bill specifically provided $5 million for section 406 activities, a reduction of $5 million from our request and denied the $150,000,000 for research contracts. As stated in my letter of May 19, 1970, we are accepting the House action with the exception of the reduction in funds required to carry out the provisions of section 406 of the Economic Opportunity Act. We are appealing for a full restoration of this reduction back to the $10,000,000 contained in our original estimate.

HIGHLIGHTS OF FISCAL YEAR 1971 ESTIMATES

Before addressing myself to our specific appeal, I would like very briefly to touch upon some of the highlights of our budget estimates for fiscal year 1971.

PROCUREMENT AND MANAGEMENT ASSISTANCE

The major effort in PMA in 1971 will be the continued expansion of the 8(a) contracting program. It is not enough to simply award a contract to the minority business, there must be comprehensive planning done to assure that the business does have a reasonable chance for survival and, at some future time, will be able to take its place in the competitive market with no longer a need for preferential government contract treatment. This is the type of program being developed—the coordination of all of the resources available to the agency—procurement, technical and management assistance, financing, the involvement of private industry—every effort is being made to insure the success of the venture.

In FY 1971, there is an estimated 10 percent increase in the management assistance workload in order to provide the counseling, training and other assistance required by the small businessman. This will be accomplished through increased reliance on the talents volunteered by the private sector.

FINANCIAL ASSISTANCE

In the financial assistance area, for the lending programs, 7(a), and EOL, there is a projected increase of 32 percent. Although this increase is based, in part, on the continued emphasis on the utilization of the private sector, there is an increase of 49 percent in the SBA direct and immediate participation dollars available for these programs. It is projected that through improvements in organization, and in utilization of manpower as well as increased employee productivity, the program can be accomplished with a reduction in manpower of about 1 percent from 1970.

INVESTMENT ASSISTANCE PROGRAM

Under the Investment Assistance Program, the emphasis in 1971 will continue to be on the provision of venture capital to the disadvantaged small businessman. This is being accomplished through the licensing of SBIC's that are wholly dedicated to providing the capital otherwise not available to this group. These are organized under sponsorship of a large corporation or other organization with the required expertise in business management. SBA investments in 1971 in the MESBIC's will be $20 million, an increase of $5 million over 1970.

As you know, in FY 1970, the Congress directed that the administration provide $70

million in direct funding for the small business investment companies. The administration has made the $70 million available for fiscal year 1970 with $15 million of this total to be provided to MESBIC's. In fiscal year 1971, we have planned a $35 million direct lending program and a $30 million guarantee lending program to continue assistance to the SBIC's.

MINORITY ENTERPRISE

This program represents a twofold effort to develop and expand entrepreneurial and management opportunities in selected rural and inner city areas. The first phase is that carried on by our own staff. The coordination, the advisory and outreach services to the minority communities and the administration of technical and management assistance program authorized by section 406 of the Economic Opportunity Act—the second facet of the program provides for the augmentation of our basic assistance efforts through the use of grants and contractual programs offered by the private sector. The estimate for 1971 contains $10 million for this purpose, an increase of $5 million over 1970. The House bill reduces this item by $5 million back to the same amount as provided FY 1970.

APPEAL

Gentlemen, we just do not believe that the level of $5 million is sufficient to meet the increasing demands for assistanse to the socially and economically disadvantaged that is necessary to carry out the intent of section 406. This program actually commenced in SBA in FY 1969 when we approved $1.7 million in grants and contracts using funds transferred from the Office of Economic Opportunity. In FY 1970 the Congress provided SBA $5 million to continue and expand the program commenced in 1969. The responsiveness of management and technical assistance organiaztions, mostly nonprofit, to participate in the program has been just tremendous. We now have on hand over 200 proposals exceeding $15 million from organizations that have the capabilities to render significant assistance to active and potential small businessmen that have been socially or economically disadvantaged. We are receiving more proposals every day.

In FY 1971 we had planned, in addition to providing professional management and technical assistance to the increasing number of disadvantaged borrowers and applicants under SBA loan programs, to extend Section 406 assistance to other disadvantaged groups that are seriously in need of this type of assistance. For instance, we plan to extend our assistance to the disadvantaged firms obtaining Government contracts under Section 8(a) of the Small Business Act, and to minority contractors who have been prevented from full participation in the construction industry because of barriers that have been difficult if not impossible to overcome.

For FY 1971 under our 8(a) program, we are expecting a procurement program that will exceed $100 million. Through use of Section 406 funds, we will strive to assist these companies to become self-sufficient so that they do not have to depend upon Government contracts for their continued existence and so that they can take their rightful place in the commercial markets. As I previously stated, there is also an urgent need to assist minority contractors to participate fully in the construction industry. In 1971 we plan the establishment of units in 25 target cities to help minority contractors to locate contract proposals within their area of competence, to estimate and submit bids and to overcome existing bonding problems in the industry.

These are just two of the specific areas where we plan to use Section 406 funds in 1971. There are other areas which are outlined in our justification, such as: The Small Business Apprenticeship Training program. local assistance organizations, market research and feasibility studies and training and counseling of the disadvantaged small businessmen. Our experience has clearly shown us that this help is critically needed. Particularly where the management and supervision are minority members and lack the experience and knowledge so necessary to make a success of their venture.

Mr. Chairman, we honestly believe that $10 million is a minimal amount for us to carry out the type of assistance to the disadvantaged which was intended by the Congress when they considered Section 406 of the Economic Opportunity Act. We earnestly appeal for a restoration of the $5,000,000 that was reduced by the House.

This completes my prepared statement. We will be pleased to answer any questions you or the committee may have.

Mr. JAVITS. I have consulted with all parties in interest, including the distinguished chairman of the Small Business Committee (Mr. BIBLE), of which I am the ranking minority member, and with the manager of the bill, the Senator from Arkansas (Mr. MCCLELLAN). They have been kind enough to say that they will take an amendment for an additional $1 million.

I have also consulted with the Senator from Nebraska (Mr. HRUSKA). I think, considering the temper of the Senate, that desirable as is the case—I think they could really make a case for $5 million—they should be accommodated. That is the attitude of the manager of the bill and the chairman of the Small Business Committee. So I have agreed to introduce this as amendment.

Mr. McINTYRE. Mr. President, will the Senator yield

Mr. JAVITS. I yield to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President as a member of the Select Committee on Small Business, I support the distinguished Senator from New York on this amendment.

The management assistance functions of the Small Business Administration under section 406 of the Economic Opportunity Act are perhaps more important than the funds available for loans and guarantees to minority small businesses. How on earth can we propose to turn over funds to businessmen who, almost by definition, have no prior business experience, and then expect them to manage their business without help?

This year, the Small Business Administration requested $10 million for this assistance program. The committee reduced this to $5 million. I believe that SBA ought to be granted at least another $1 million.

I cannot think of a better investment for the Federal Government than funds used to help train a new generation of minority businessmen who will be able, in the future, to help sustain themselves and their communities in prosperity without any future need for Government help.

I hope that the amendemnt of the Senator from New York will be accepted.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. JAVITS. I yield.

Mr. PERCY. Mr. President, the rate of return on this investment will be exceedingly high. It will be a catalyst that will release the volunteer energy of organizations throughout the community and labor organizations that are anxious to help. I fully support the amendment.

Mr. JAVITS. Mr. President, I yield the floor.

Mr. McCLELLAN. Mr. President, I have consulted with other members of the Appropriations Committee. In view of the lateness of the hour and also due to the merit that is in this proposal, I have concluded to accept the amendment and take it to conference.

Mr. HRUSKA. Mr. President, will the Senator yield?

Mr. JAVITS. Mr. President, before the Chair puts the question——

The PRESIDING OFFICER. The Senator from Arkansas has not yielded the floor.

Mr. McCLELLAN. I thought we were going to vote.

Mr. JAVITS. Mr. President, will the Senator yield to me?

Mr. McCLELLAN. I yield.

Mr. JAVITS. Mr. President, in the report appears the statement:

> The committee wishes to point out that the following language, contained in the House bill and recommended by the committee, is not authorized * * *

And then goes on to set out the particular section we are amending.

This matter has been covered by a budget estimate of $10 million. Therefore, as I understand it, the ruling is that this is, in effect, an authorized amount and that amount will apply both to the $5 million and the $6 million, which is well within the budget estimate.

Will the Chair tell me whether I am correct?

The PRESIDING OFFICER. Any amendment proposing funds within the budget estimate would be in order.

Mr. JAVITS. I thank my colleague.

The PRESIDING OFFICER. My question is on agreeing to the amendment.

The amendment was agreed to.

Mr. MAGNUSON. Mr. President, the Senator from Washington and the Commerce Committee have had a long-abiding interest in a nuclear merchant marine. As a result, we built what everyone knows as the *Savannah*. The nuclear ship *Savannah* has been operating now for some years quite successfully. It has cost about twice as much to operate as a normal ship in merchant marine activities would cost but has accomplished a great deal in research. It has been used as a training ground for engineering crews. Instead of having one engineering crew, they have 4-hour watches and 4-hour shifts, and as a result a great number of Americans have been trained to handle nuclear power, whether it be a powerplant, ship, or whatever it may be.

Two years ago the administration wanted to lay up the *Savannah*. In the House and the Senate we were successful in ascertaining the figure of what it would cost to lay it up, $9 million, and instead we put funds for its continued operation back in the bill. It has been running the same way during the last year. Now again they would like to lay it up. It will cost about $1,700,000, con-

servatively, for the initial phase of laying the ship up.

Second, we have been able to achieve agreements with many countries in the world allowing this ship to land, which is sometimes difficult, due to insurance and other matters.

If we lay it up, I am afraid we will set back the prospects of what everybody knows is the beginning of a nuclear powered merchant marine.

So the House amended the bill again to allow the ship to continue operating.

Unfortunately, I could not attend the subcommittee hearings. I am not a member of the subcommittee. But they decided to go along and take it out of the bill.

I am not going to offer an amendment tonight, because of the lateness of the hour, but I want to express this feeling to the chairman, as a member of the full committee. The total cost of the lay-up would be $9 million. Continued operation would cost $4 million next year and $3.4 million thereafter.

The Senator from Delaware (Mr. BOGGS) nods his head. In other words, we ascertained that it will cost more to lay it up than to run it.

So I am going to tell the manager of the bill, and I hope he will bear with me because we were all busy with other appropriation bills, that in the conference the Senator from Washington is going to make a very serious attempt to accept the House figure.

Mr. McCLELLAN. Mr. President, I do not believe I need to reply to that statement. The reason for the Senate committee's action is stated in the report.

Mr. MAGNUSON. I am sure that if we had had an opportunity to come before the committee, the committee would have put it in the bill. No one paid attention.

Mr. McCLELLAN. Mr. President, it was a question of economics. We are told it was not economic. By taking it out, there would be $2,300,000 left in the bill to do other research. It sounds good. I do not know whether it is so or not.

Mr. MAGNUSON. I think we can make a good case when it goes before the conference.

We would be getting the benefit of nuclear training. I am afraid we would never get the agreements with other nations again in these days of competition in the merchant marine. I am sure the committee would have taken another look at it.

I shall try to work it out in conference. I wanted to serve notice on the Senator from Arkansas.

Mr. GOODELL. Mr. President, I want to commend the committee for providing funds for the Equal Employment Opportunity Commission in the amount of $19 million, increasing the amount from $14 million provided by the House. It is a critical provision. I trust the conferees will fight hard for the amount provided by the commitee, since it is of such vital importance.

Mr. McCLELLAN. Mr. President, I ask unanimous consent that a letter to me from FBI Director J. Edgar Hoover, dated August 17, 1970, regarding the need for additional funds to reactivate the processing of non-Federal applicant fingerprints be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

U.S. DEPARTMENT OF JUSTICE, FEDERAL BUREAU OF INVESTIGATION,
Washington, D.C., August 17, 1970.

Hon. JOHN L. McCLELLAN,
U.S. Senate,
Washington, D.C.

MY DEAR MR. CHAIRMAN: Reference is made to prior correspondence and conversations with you relative to providing the FBI additional funds and personnel to reinstitute the processing of non-Federal applicant fingerprints. Justification material has been furnished you for the record in support of our need for the amount of $2,750,000 and 400 full-year employees for the fiscal year 1971 to handle the reinsitution of this program.

While the basis for the need of the funds and personnel mentioned above was predicated on the thought that it would be possible to reinstitute this program July 1, 1970, notification as to the date as to when this program can be reinstituted will, of course, depend on the action taken by the Congress with regard to this matter. None the less I would like to urge your support and consideration when action is taken by your Subcommittee to permit the allowance of the funds of $2,750,000 and the 400 additional full-year employees inasmuch as it will no doubt be necessary to utilize trained personnel on an overtime basis to process the backlog of these types of fingerprints which the contributors have continued to take but are holding in abeyance for submission for processing on notification from us that this program has been reinstituted.

As you know these fingerprints involve applicants and registrants for real estate licensees, gun permit holders, school teachers, school janitors, salesmen, cab drivers, race track and casino employees, bartenders and night club entertainers. The submission of these fingerprints by contributors will result in a substantial increase in our fingerprint receipts and the impact will be such that in order to keep arrest fingerprint searchers current and handle these non-Federal applicant fingerprints as rapidly as possible, it will be necessary to work our fingerprint technicians on an overtime basis to eliminate the log jam which will occur. As a consequence of this situation we will require the full $2,750,000 requested for the fiscal year 1971.

I thought you would like to have the benefit of the above observations in connection with the consideration your Committee will give this matter in the near future.

Sincerely yours,

J. EDGAR HOOVER.

Mr. GRIFFIN. Mr. President, I ask unanimous consent that a statement by the distinguished Republican leader, Senator SCOTT of Pennsylvania, be inserted in the RECORD at this point.

There being no objection, Senator SCOTT's statement was ordered to be printed in the RECORD, as follows:

THE U.S. TRAVEL SERVICE

Mr. SCOTT. Mr. President, I am pleased to express my support for the U.S. Travel Service's fiscal year 1971 appropriations in the amount of $4.5 million. This amount is $2 million less than the budget request, but is the same as the appropriation for the current fiscal year.

As we await final word from President Nixon that Philadelphia has been selected as the site for the Nation's Bicentennial Observance in 1976, we should also make every effort to support one of the Bicentennial's biggest boosters, the U.S. Travel Service. Operating within the Department of Commerce, the Travel Service is charged with encouraging national efforts to increase foreign travel to the United States. As a sponsor of the legislation creating the Travel Service back in 1961, I have seen some of the solid economic benefits which have accrued since that time. First, our balance of payments has improved, but not yet to the point at which I am satisfied. For every two tourist dollars leaving the United States, only $1 returns. Surely, we must improve this situation. Second, foreign travel to the United States has increased more than 188 per cent since 1961. This is due, in no small part, to the creativity and energy of the U.S. Travel Service. Congress must do its part to provide the Travel Service with the funds it needs to continue an effective operation.

At this point, I wish to point out that legislation is still pending before Congress which would, if finally passed, authorize appropriations of $15 million for the Travel Service for each of the next 3 fiscal years. Once this measure reaches the President for approval, I might suggest that the Travel Service play an even more helpful hand by pushing for higher funding levels during the coming years so that more attention could be paid to Pennsylvania in its preparation for the Bicentennial celebration in 1976. For my part, I will be glad to support additional funds for this much-needed effort.

The Nation's bicentennial period is fast approaching. Beginning in 1976, Philadelphia alone is expected to attract more than 50 million visitors who are then expected to spend about $1 billion. Considering what we have done so far to promote tourism, this represents a tremendous return on our original investment in the U.S. Travel Service. Consequently, I believe we must cooperate fully with the Travel Service by not only providing it with the tools to do even a better job, but also with the funds necessary to encourage more foreign citizens to visit the United States.

Mr. BIBLE. Mr. President, it was my privilege as a member of the Committee on Appropriations to support an addition of $2.7 million to the Federal Bureau of Investigation budget. These extra funds are based on the Justice Department's estimate of supplemental moneys needed to reinstate the full fingerprint identification service of the FBI to local and State governments, a service the FBI felt had to be curtailed starting last May 15 because of budget stringencies.

Many Senators are aware, I am sure, of the problems that have been created in their own States by the reduction of this service. It has been clearly demonstrated that State and local governments rely heavily on the FBI's fingerprint repository. Criminal background checks on a wide variety of applicants for jobs and gun permits—checks that are required by local laws—are essential in the screening of prospective employees or permittees. These are persons who will be holding positions of public trust or who will be working in sensitive areas—schoolteachers, local government workers, cab drivers, bartenders, race track and casino employees, and the like.

Justice Department spokesmen testified before our committee that the volume of requests for background checks has increased dramatically. Yet it is a burden State and local government cannot handle without Federal assistance.

The added funds will be used primarily to employ 400 additional clerical workers, according to justifications supplied by the Department. Our committee has been assured the FBI will gear up to re-

sume the full identification service immediately after these necessary funds are approved by Congress.

I think it is essential that this approval be forthcoming as quickly as possible. The pinch is already being felt, since the curtailment has now been in effect for more than 3 months. In my own State, which relies heavily on FBI cooperation in the scrutiny and control of legal gaming and in the careful screening of those interested or employed in gaming and night club entertainment, the cutback has already created a serious logjam, not only for State gaming control authorities but also for county and city law enforcement.

The Senate, I am sure, will recognize the importance of this additional appropriation. I hope the House will follow up with the earliest possible approval so that the service can be resumed with little delay.

FUNDS FOR LOWER RIO GRANDE FLOOD CONTROL PROJECT

Mr. YARBOROUGH. Mr. President, I wish to express my gratitude and that of the over 400,000 people who live in the Lower Rio Grande Valley area of Texas to the Senate Appropriations Committee for including $3.8 million in the State, Justice, and Commerce appropriations bill, H.R. 17575, for repairs and improvements to the Lower Rio Grande flood control project.

This project, which was first authorized in 1935, provides flood protection to one of this Nation's richest agricultural areas. The Lower Rio Grande Valley contains approximately 800,000 acres of irrigated farmland which produces crops of cotton, vegetables, and citrus fruit which exceed $150 million in value each year.

In addition to protecting the vital farm economy of this area, the Lower Rio Grande flood control project affords flood protection to the ever increasing farm and urban population of the area. At present, 12 cities—Mission, McAllen, Pharr, San Juan, Alamo, Donna, Weslaco, Mercedes, Harlingen, San Benito, Hidalgo and Brownsville—are located along the banks of the Rio Grande and its floodway.

In 1967, Hurricane Beulah struck the Lower Rio Grande Valley, causing flooding which caused approximately $12 million in property damage and left thousands of people homeless in both Texas and Mexico. After this terrible experience, it was apparent that the Lower Rio Grande flood control project needed to be repaired and improved so that it could accommodate floods of this magnitude in the future. The estimated cause of this work is over $19 million and the plan calls for it to be done over a 4-year period. The Johnson administration's budget for fiscal year 1970 requested $3,600,000 for the initial work on these improvements; however, with the change in administrations, these important funds were deleted.

The Senate Subcommittee on State, Justice and Commerce Appropriations, under the able leadership of its distinguished chairman, Senator MCCLELLAN, responded to my request last year for funds for this project and included $1,500,000 in its version of this appropriations bill. Unfortunately, despite Senate approval of these important funds, the House would not agree to accept the Senate's action; therefore, these funds were lost in conference.

I am very much pleased that this year's budget included $3.8 million for the Lower Rio Grande flood control project and that the House and the Senate Appropriations Committees have agreed to provide these funds so that progress can be made this year. I commend the distinguished Senator from Arkansas (Mr. MCCLELLAN) for the outstanding work that his subcommittee did on the bill. I urge all Senators to give their full support.

The PRESIDING OFFICER. If there be no further amendment to be offered, the question is on the engrossment of the amendments and the third reading of the bill.

The amendments were ordered to be engrossed, and the bill to be read a third time.

The bill was read the third time.

Mr. MANSFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

The PRESIDING OFFICER (Mr. HUGHES). The bill having been read the third time, the question is, Shall it pass?

On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. BYRD of West Virginia. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Missouri (Mr. EAGLETON), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Washington (Mr. JACKSON), the Senator from Massachusetts (Mr. KENNEDY), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), the Senator from Georgia (Mr. RUSSELL), the Senator from Virginia (Mr. SPONG), are necessarily absent.

I further announce that the Senator from Missouri (Mr. SYMINGTON), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), the Senator from Ohio (Mr. YOUNG), are necessarily absent.

I also announce that the Senator from Rhode Island (Mr. PASTORE), is absent because of the death of a friend.

I further announce that, if present and voting, the Senator from Nevada (Mr. CANNON), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Washington (Mr. JACKSON), the Senator from New Mexico (Mr. MONTOYA), the Senator from Rhode Island (Mr. PASTORE), the Senator from Virginia (Mr. SPONG), the Senator from New Jersey (Mr. WILLIAMS), the Senator from Texas (Mr. YARBOROUGH), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Vermont (Mr. AIKEN), the Senator from New Hampshire (Mr. COTTON), the Senator from Kansas (Mr. DOLE), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Ohio (Mr. SAXBE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Tennessee (Mr. BAKER) and the Senator from Maine (Mrs. SMITH) are absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Utah (Mr. BENNETT), and the Senator from Maryland (Mr. MATHIAS), are detained on official business.

If present and voting, the Senator from Utah (Mr. BENNETT), the Senator from Kansas (Mr. DOLE), the Senator from Maryland (Mr. MATHIAS), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Kansas (Mr. PEARSON), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Maine (Mrs. SMITH), the Senator from Illinois (Mr. SMITH), and the Senator from Alaska (Mr. STEVENS), would each vote "yea."

The result was announced—yeas 64, nays 1, as follows:

[No. 270 Leg.]

YEAS—64

Allott	Fulbright	Mondale
Anderson	Goodell	Moss
Bayh	Griffin	Muskie
Bellmon	Gurney	Nelson
Bible	Hansen	Packwood
Boggs	Harris	Pell
Brooke	Hart	Percy
Burdick	Hartke	Prouty
Byrd, Va.	Hatfield	Proxmire
Byrd, W. Va.	Holland	Randolph
Case	Hollings	Ribicoff
Church	Hruska	Schweiker
Cook	Hughes	Sparkman
Cooper	Javits	Stennis
Cranston	Jordan, N.C.	Talmadge
Curtis	Jordan, Idaho	Thurmond
Dominick	Magnuson	Tower
Eastland	Mansfield	Tydings
Ellender	McClellan	Williams, Del.
Ervin	McGee	Young, N. Dak.
Fannin	McIntyre	
Fong	Miller	

NAYS—1

Allen

NOT VOTING—35

Aiken	Jackson	Russell
Baker	Kennedy	Saxbe
Bennett	Long	Scott
Cannon	Mathias	Smith, Maine
Cotton	McCarthy	Smith, Ill.
Dodd	McGovern	Spong
Dole	Metcalf	Stevens
Eagleton	Montoya	Symington
Goldwater	Mundt	Williams, N.J.
Gore	Murphy	Yarborough
Gravel	Pastore	Young, Ohio
Inouye	Pearson	

So the bill (H.R. 17575) was passed.

Mr. HRUSKA. Mr. President, I move

to reconsider the vote by which the bill was passed.

Mr. McCLELLAN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. McCLELLAN. Mr. President, I move that the Senate insist on its amendments and request a conference with the House of Representatives thereon and that the Chair be authorized to appoint the conferees on the part of the Senate.

The motion was agreed to; and the Presiding Officer appointed Mr. McCLELLAN, Mr. ELLENDER, Mr. PASTORE, Mr. FULBRIGHT, Mrs. SMITH of Maine, Mr. HRUSKA, and Mr. CASE conferees on the part of the Senate.

ORDER FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, at the conclusion of the remarks by the able Senator from Idaho (Mr. CHURCH), there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes, and that the period for the transaction of routine morning business end not later than 9 a.m. tomorrow, at which time the unfinished business then be laid before the Senate.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. This is with the understanding that there will be no call of the calendar with respect to unobjected to items on the calendar tomorrow morning.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

Mr. BYRD of West Virginia. Mr. President, what is the pending business?

The PRESIDING OFFICER. Without objection, the Chair lays before the Senate the unfinished business, which will be stated by title.

The ASSISTANT LEGISLATIVE CLERK. A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the able Senator from Wisconsin (Mr. PROXMIRE) has an amendment dealing with the C–5A and that he will call this amendment up at one time or another, hopefully, not too far in the future. After having discussed this amendment with the able Senator from Wisconsin and the manager of the bill, the chairman of the committee, the Senator from Mississippi (Mr. STENNIS), and the able senior Senator from Georgia (Mr. RUSSELL) and the able junior Senator from Georgia (Mr. TALMADGE), it appears to be agreeable among those principal parties that this amendment could be limited to 3 hours, with the time to be equally divided between the offeror of the amendment, Senator PROXMIRE, and the manager of the bill, Senator STENNIS.

Therefore, I propose this in the form of a unanimous-consent request: At such time as the Senator from Wisconsin (Mr. PROXMIRE) calls up the amendment dealing with the C–5A, I ask unanimous consent that the time on the amendment be limited to 3 hours, to be equally divided and controlled between the offerer of the amendment, Senator PROXMIRE, and the manager of the bill, Senator STENNIS, and that any amendments thereto be limited to 30 minutes, to be equally divided between the offerer of the amendment and the manager of the bill, if he is opposed to the amendment.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, what is the pending question?

The PRESIDING OFFICER. The pending question is on agreeing to the amendment of the Senator from Oregon (Mr. HATFIELD).

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. tomorrow.

The motion was agreed to; and (at 6 o'clock and 56 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, August 25, 1970, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 24, 1970:

The following-named officers of the Marine Corps for temporary appointment to the grade of colonel:

James W. Abraham
Billy M. Adrian
James R. Aichele
Harry L. Alderman
Peter F. Armstrong
James M. Bannan
Roger H. Barnard
Richard S. Barry
George L. Bartlett
Arnold E. Bench
Lee R. Bendell
Darrel E. Bjorklund
Rollin Q. Blakeslee
Louis A. Bonin
Frank L. Bourne, Jr.
Eugene R. Brady
Thomas E. Bulger
Robert N. Burhans
John J. Cahill
Richard E. Campbell
Robert J. Chadwick
Clement C. Chamberlain
Byron T. Chen
Charles G. Cooper
Harry O. Cowing, Jr.
William S. Daniels
John K. Davis
Hillmer F. Deatley
Birchard B. Dewitt
Frank L. Dixon, Jr.
Lawrence R. Dorsa
Joshua W. Dorsey III
Edward J. Driscoll, Jr.
Jimmie W. Duncan
Cecil G. Dunnagan
Theodore S. Eschholz
Donald L. Evans, Jr.
James E. Fegley
Mark P. Fennessy
Paul R. Fields
Charles R. Figard
William B. Fleming
Herbert L. Fogarty
Kenneth S. Foley
Eugene D. Foxworth, Jr.
Joseph J. Gambardella
Jesse L. Gibney, Jr.
Carlton D. Goodiel, Jr.
John E. Greenwood
William R. Grubaugh
Robert E. Gruenler
John R. Hansford
Elwin B. Hart
William M. Herrin, Jr.
Henry Hoppe III
William K. Horn
George W. Houck
Dwight E. Howard
Robert E. Howard, Jr.
David J. Hunter
Robert E. Hunter, Jr.
David J. Hytrek
Corbin J. Johnson
Charles M. Jones, Jr.
Don L. Keller
William D. Kent
Edwin C. King
Elliott R. Laine, Jr.
James W. Laseter
Frederick D. Leder
Carl R. Lundquist
Dean C. Macho
William R. Maloney
Jerry F. Mathis
Bain McClintock
William G. McCool
Norman B. McCary
Donald N. McKeon
Joseph V. McLernan
Paul G. McMahon
Alexander P. McMillan
Edward J. Megarr
David G. Mehargue
Richard D. Mickelson
William R. Miller, Jr.
Anthony A. Monti
Ira L. Morgan, Jr.
Roddey B. Moss
Ross L. Mulford
Joseph Nastasi
Albert O. Nelson
George L. Newton
Paul W. Niesen
James R. O'Mara
William K. Parcell
John W. Parchen
Reagan L. Preis
Vincent J. Pross, Jr.
Heman J. Redfield III
David M. Ridderhof
Kenneth L. Robinson, Jr.
William K. Rockey
Earl F. Roth, Jr.
Edward J. Rutty
Raymond M. Ryan
Joseph L. Sadowski
Cornelius F. Savage, Jr
Joseph F. Schoen, Jr.
Richard C. Schulze
Ural W. Shadrick
Parks H. Simpson
Erin D. Smith
William J. Spiesel
Donald C. Stanton
Donald R. Stiver
Robert M. Stowers
John H. Strope
Otto I. Svenson, Jr.
Oral R. Swigart, Jr.
Aubrey W. Talbert, Jr.
John M. Terry, Jr.
Francis H. Thurston
Edward A. Timmes
Rodolfo L. Trevino
George F. Tubley
Robert J. Tunnell, Jr.
James S. Turner
David M. Twomey
Hiel L. Vancampen
Wendell N. Vest
Hal W. Vincent
Robert A. Walker
Ralph D. Wallace
Charles A. Webster
Thomas B. White, Jr.
William V. White
Gary Wilder
Paul E. Wilson
James W. Wood
Arnold G. Ziegler

CONFIRMATIONS

Executive nominations confirmed by the Senate August 24, 1970:

DEPARTMENT OF COMMERCE

William Robert McLellan, of California, to be an Assistant Secretary of Commerce.

FEDERAL TRADE COMMISSION

Miles W. Kirkpatrick, of Pennsylvania, to be a Federal Trade Commissioner for the unexpired term of 7 years from September 26, 1969.

IN THE ENVIRONMENTAL SCIENCE SERVICES ADMINISTRATION

The nominations beginning Edward M. Gelb, to be lieutenant, and ending Stephen L. Wood, to be ensign, which nominations were received by the Senate and appeared in the Congressional Record on Aug. 7, 1970.

EXTENSIONS OF REMARKS

DELAWARE'S ANSWER TO THE CHALLENGE OF SOLID WASTE

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Monday, August 24, 1970

Mr. BOGGS. Mr. President, earlier this month, I was honored to participate in a briefing that was held to discuss the State of Delaware's plan to construct the Nation's most modern and effective solid waste recycling plant.

This plant, when it is operating 2 years from now, will each day take 500 tons of municipal refuse and 70 tons of sewage sludge and produce reusable minerals, compost, and other products. This is a process that will save the land, and it will provide industry with a new source of raw materials.

The plan that led to the approval of the plant is in large measure due to the foresight of State Representative Robert J. Berndt. Representative Berndt headed a Governor's committee to examine Delaware's solid wastes problems. The committee, after a careful and exhaustive examination of the problem, concluded that such a recycling plant was not only feasible but necessary.

Representative Berndt made some opening remarks at the briefing, remarks in which he discussed the broad problems of solid waste management and the factors leading to approval of the Delaware plan.

To allow Senators and the Nation an opportunity to understand more fully the progressive effort to meet the solid waste challenge in Delaware, I ask unanimous consent that Representative Berndt's remarks be printed in the Extensions of Remarks.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE SOLID WASTE PROBLEM IN DELAWARE

In March of 1969, the Delaware Senate adopted a resolution entitled "Relating to the study of Solid Waste Disposal in Delaware and the appointment of a committee with respect thereto." There followed a few whereas clauses and then it called for the Governor to appoint a committee of seven persons, a senator from each party, a representative from each party and three at-large citizens.

I was a freshman representative and held no committee chairmanship. In fact, it could be said that I was not contributing much of anything to the general good of the General Assembly. For these and probably a few other reasons, I was asked to chair the committee to study the solid waste problem.

Since my reading list includes "Chemical and Engineering News" and the "Journal of Environmental Science and Technology," I had some idea of the magnitude of the solid waste problem. Also, my home produces garbage and other solid waste so like every other citizen, I was already an expert. A truck called a compactor comes to my house twice every week (almost), picks up my refuse, drives down the street, turns the corner and the problem is solved. Well, anyway, I grudgingly accepted the honor of the chairmanship.

During May and June we met with the directors of the Division of Environmental Health who have responsibility for solid waste in our state and reviewed their findings on the subject. They had prepared an inventory of all the states' dumps and landfills. They knew how much of what was generated and where it went. Also, they had a feel for the immediate future. John Bryson of the Water and Air Resources Commission sat in with us and offered advice and sympathy. Some of us visited landfills and sewage plants and we discussed the problem with many who had a concern with solid waste.

Dr. Daiber, director of the U of D Marine Biology Laboratory, told me that he would not look with favor on any ideas to use the river front, the marshes or wetlands for dumping grounds.

The Division of Physical Health, under Dr. Floyd Hudson and Donald Harmeson, had contracted with John Bivens Associates, a Delaware planning and consulting firm, to make a state-wide solid waste plan with some funds available through a Federal grant from the Bureau of Solid Waste in H.E.W.

This study revealed the foreboding evil that lies ahead for Delaware if we do not plan carefully and act wisely.

By the year 2000 we will require a thousand acres per year just to dispose of our solid wastes. That does not mean very much to the large states, but to little Delaware, 1000 acres is a good chunk of our whole state.

Much of our lower county has a water table only 4 to 8 feet below the land surface. This means a sanitary landfill would only be a couple of feet deep if it were to be provided with proper cover. If we bury it deeper we are right in the water table which would pollute wells and streams. In much of the state, the soil is poor for drainage. The clay in the northern part of the state would isolate little pockets of putrefying garbage. It would just sit there and ferment. The same soil could not be used for effective cover since it would bake out and crack to leave openings for rodents and vermin. Also, oxygen could get in and cause nasty dump fires. The State is dotted with lakes and ponds, and streams crisscross everywhere. These, along with our marshes and wetlands, should *not* be used for landfill operations. Forests cover much of our state, but they help clean up our air by converting CO_2 back to oxygen: also, forests provide recreational areas and we would be indeed short-sighted if we were to cut down a forest just to provide a landfill area. Urban areas sprawl the full length of our State and these too obviously must be eliminated as landfills. Delaware has no canyons and precious few quarries. There is not one mine of any size in which we could hide garbage. Bivens Assoc. plotted all these parameters on a series of transparent overlays. When one looked at the resulting plots it became evident that before many years passed, prime land would have to be dug up for landfills unless a miracle appeared.

The recently concluded General Assembly passed legislation which directed the counties to provide for the State by next April a comprehensive plan for the collection, transfer and disposal of solid waste. It provides a carrot to inspire action—"money". The State will put up a three-quarter matching fund if the county puts up one quarter. If the county just sits there and does nothing, the bill provides that the State plan for the county. We hope the counties attempt to master their own destiny. It would be better for all concerned if good plans were laid and crisis did not motivate occupants of public office.

Somehow it does not seem glamorous to public office holders to spend public funds on garbage and other solid wastes.

Down through the centuries there have been many efforts to dispose of solid waste. The simplest way was just throw it out the front door or out a window. When the immediate environs became unbearable the occupant of the igloo, tent, hut, pueblo, cabin or what have you, just picked up and moved on to virgin territory. The cities and townspeople carted the rubble and refuse to the edge of town and dropped it. Of course, in times past the amount per person did not amount to very much, just some worn out sandals or old tattered and torn garments, perhaps bones of animals, shells of nuts and eggs, pits from fruits, human and animal waste, and perhaps some unrepairable seats and couches. Then there was burial at sea, which was seldom final since tides frequently brought it back to shore. More recently we have turned to incineration; that is a procedure whereby we take what we have down here and throw it up in the air and hope it comes down some other place. Incineration still leaves a residue and contributes to air pollution and, worse still, it destroys valuable resources. We have been encouraged to go the incineration route. At great expense we could install antipollution devices and perhaps some heat could be used to generate steam and in turn electricity. Much of our solid waste is wet, especially sludge from our sewage disposal plant and fresh garbage from residual areas. Fossil fuels would have to be consumed to support combustion of much of our solid wastes. Our power and light company is looking forward to atomic power plants and the breeder reactor is not too far in the future. When that day comes, eletcric power will be essentially free and the major cost will be in the distribution of power. 1970, it would seem, is not a good time to invest in expensive incinerators, even if some heat could be turned to our advantage for a short time. Efforts to compress solid waste into building blocks did not meet with success in Japan the first time around when the blocks emitted methane gas as the organic putrescible waste decomposed. I am sure this effort is not dead and sometime in the near future a good brick or block will become available for some uses.

All of these efforts only nibble at the fringes of the problem. Senator Muskie of Maine and Senator Boggs of Delaware have taken the position that solution to the total problem will and must come from reclamation of all solid wastes. Society cannot continue dissipating the world's natural resources. There is an end to our oil and other natural fuels. We cannot continue despoilment of our forests just to make paper pulp. The ores in our mines are of lower and lower grade. We send men, at ever greater expense and peril into the bowels of the earth to bring out ever poorer grades of ore. We scourge the face of our country with ever wider, deeper and more ugly strip mines for other minerals. These never to be found again resources are carried into the market place where men bid for their utility. We all enjoy the use of the fine finished products but does it make sense to bury at sea or on land when we have tired of the pleasure these material things give? They include the automobile and watches, the cans on the shelf, the rake in the garage, the paint on the house and locks on the doors, the coins in our pockets and the pipes in our furnace. Think on it for a moment and you will realize we are talking of every manmade thing around us. Everything in every home is potential solid waste, the rug on the floor and

floor under the rug, the windows, the walls the doors and the roof. Almost every building in every city will be torn down and removed to somewhere and a new and more modern city will rise in its place. Some time in the future every building in Wilmington, Atlanta, Denver and Dallas will come tumbling down to make way for the new. What will we do with the old? Where will it go?

We build elaborate facilities to bring into our cities all the needs, wants and luxuries of mankind. Airline terminals, railroad terminals, truck terminals, shipping terminals and so on. We go to great pains and expense to build exciting outlets for all these human needs and wants such as supermarkets, warehouses, department stores, and shopping malls. Then when we have tired of or consumed all these items such as the banana, the fifth of Scotch or Bourbon, the child's balloon, the broken toaster and the worn out watch or mattress somehow we forget or don't see the need to provide adequate arrangements for the final and useful disposal of the items.

All over the world we have been sending a Peace Corps to tell them "Wake up, Wake up, come with us into the 20th century. Get a plow and tractor, buy a refrigerator for your food, build hospitals and schools with modern facilities like plumbing, electric lights and air conditioning."

Well, that is all fine. But what happens when these teeming millions or billions of people bid with us in the marketplace on paper pulp for books, on copper for electrical items, on steel for street cars and rails and ships. Just on the surface it would appear that there isn't going to be enough to go around, especially if we dump these items into the sea when we have tired of them or bury them in an old mine shaft or quarry or canyon or consume them in an incinerator. We could make all these resources go farther if we learned to recycle or reclaim as much as is possible.

Some of us were despairing of the distressing dimensions of the depressing problem. We were considering the solution of the problem in terms of sanitary landfills, shredding, baling, transfer stations, barge and sea disposal, incineration.

Then one day there came a knock, knock, knocking at our door. It was like the Man from Glad. Hercules, Inc. came forth and made an interesting proposal. Sometime back, a thorough search had been conducted by Hercules of all the literature on the subject of solid waste. Reports from the Government-sponsored research, from industrial and university research coupled with Hercules' research on their own problems revealed that almost every facet of the problem had come under attack. There were reports of successful efforts in many areas. The Bureau of Mines was doing pretty well with old tires. Fairfield had demonstrated a good composting operation. Some good grinders and shredders had been developed. Magnetic belts for pulling out ferrous wastes were a reality. The mining industry had developed and put into use equipment such as rod and cage mills, stoners, vibrating screens, pneumatic classifiers, palletizers, dryers and conveyor belts.

It remained for Hercules, Inc. to put it into one package; that is, line it all up and make a plant out of the available information. They found some weak links and put their research efforts into the weak places. They felt they were ready to go.

An operation of this sort will generate many products; so much work went into a market survey. It was believed by Hercules and still is that markets exist for nearly all the products. A very important aspect of market creation for these off-beat products will be the preparation of each item in a form desired by the potential buyer.

A common error is to make a product and say to a buyer, "come and get it". This error can be overcome by asking the potential buyer, "how do you want the product?" Then produce it to fill his need.

The proposal was submitted to the Governors' Committee on Science and Technology. A Subcommittee considered the feasibility of the project and reported that it looked acceptable at first light. They added that it should be compared with other processes.

The proposal was submitted to Governor Peterson. He was enthusiastic and said let's ask for a comparison and see how the Hercules process stands up with competition. An advertisement went into the *Wall Street Journal's* national edition which solicited sources having technical and management capabilities to design, construct and operate a materials recovery and recycling plant for processing 500 tons of solid waste per day. Respondents were asked to submit their capabilities and qualifications covering the following categories. (A) Brief description of technical approach. (B) Skill and qualifications of professional staff. (C) Previous experience. We were interested in clients for whom similar work had been performed and also a description of similar projects.

Nine proposals were submitted to us. Four of these proposals held promise of doing a near-total reclamation or recovery. The four were invited to make full proposals on a broadened definition of solid waste which included the standard H.E.W. analysis of a typical domestic solid refuse and to this we added rubber tires and 70 tons of sewage sludge containing about 70% water.

Two companies decided to pass up the invitation on the second "go round", and a third made a valiant effort to cope with the problem.

The Committee felt the Hercules proposal was the more complete one and to comment on the differences might be taken as a criticism of the other company so no comment will be made other than to say the second best in the country probably has a bright future in solid waste. Perhaps we can still use some of their talent in Delaware.

In the closing days of the General Assembly an appropriation was authorized to provide one million dollars for the design and planning of a solid waste reclamation plant in Delaware. At the bill signing in Governor Peterson's office, we announced that the prime contractor would be Hercules, Inc. Negotiations have begun between the interested parties which include New Castle County, the City of Wilmington, the State of Delaware and Hercules Inc. Once these negotiations have been completed we contemplate making an application to H.E.W. for a federal grant to assist in the construction phase.

The engineering drawings or the architects' design for our plant should be finished about the end of the first quarter in 1971. Construction will be completed about 15 to 18 months later and operations will start at about the third quarter of 1972.

The plant will be expandable to 1000 tons per day, which is our goal by 1975. It sounds like real optimism, but we are looking forward to the day when we have built and are operating a second plant in the middle county and a third plant in the southern county.

We are going to make some mistakes; we are going to curse the night we made our decision to proceed. There will be times that we will feel like jumping off a bridge or some tall building, but if we inspire other states to accept the challenge and they can capitalize on our errors and build a better plant, the whole thing will be worth every minute and every cent and every drop of sweat that has been given to the effort.

It is strange indeed that a little Delaware Senate resolution started a chain of events that brought all of us together tonight. None of us know what lies in the future for this project, but surely, if we can work together cooperatively (each giving something of himself), we are going to solve one of the nation's toughest challenges—the solid waste problem.

ECONOMICS AND DEFENSE SPENDING

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, President Nixon in his budget for fiscal year 1971 proposed to spend almost $70 billion on military activities. This is almost as much as he proposed for all the other Government programs combined.

While it is obvious that national defense is one of the most important of our national concerns, evidence has been growing that a significant part of that $70 billion would be saved through increased efficiency and tighter planning. Especially in times of inflation, economic uncertainty, and growing domestic needs it is imperative that every Federal dollar be spent wisely.

Congress has an important role to play in assuring that the military budget is adequate for national security, but it is often hampered by insufficient information about the complex defense systems and the details of Pentagon strategic planning. The Congress will be greatly aided in its analysis of military programs by the recent report on military spending issued by the Members of Congress for Peace Through Law.

The MCPL, of which I am a member, is composed of Members of both the House and the Senate and of both political parties. The report, which represents many man-hours of work by its military spending committee, presents an analysis of the major military expenditures and their impact on the American military posture. It also presents possible alternatives through which the same goals can be attained more cheaply.

Those individuals who donated so much of their time to this project are to be particularly thanked for their contribution to informed legislative action and Government efficiency.

In addition to detailed analyses of the various specific weapons systems, the report contains a short summary and two general recommendations, which I insert in the RECORD at this time:

ECONOMICS AND DEFENSE SPENDING

SUMMARY

Both the real and monetary costs of defense are unknown because of Pentagon secrecy, underreporting, and underestimating. The "true cost" is still greater even than the unknown monetary costs because of the sacrifice of private and social spending, which would ultimately create greater economic growth and more jobs. Further incalculable costs include the disruption of the social fabric and the imbalances in our foreign policy between military and civilian goals. But we can calculate that 70 per cent of the world's arms expenditures are made by the U.S. and the U.S.S.R., with the U.S.

leading both in the total real cost in purchasing power equivalent and in real cost per capita.

Excessive defense spending causes severe economic distortions, most notably a persistent and intractable inflation. This phenomenon (1) impairs efficiency in the economy by changing the measuring rod of costs, (2) impairs work incentives and alters the savings/consumption patterns, (3) creates a demand for harsh counter-measures (e.g., direct controls), (4) lessens confidence of the citizenry in government and the economic system, and (5) distorts crucial sectors and creates imbalances.

Of major significance too is the fact that military spending is not only the major cause of inflation but is itself a major victim in terms of increasing the costs of its own operations. The Indochina war and our continued role in it is a major contributor to the inflationary problem in particular sectors of our economy.

There has been a good bit written about how the Federal government might spend any "peace dividend" resulting from either a winding down of the Vietnam War or a major breakthrough the arms limitation. Other possibilities for the dividend, of course, are tax or debt reduction. Some mix of all of these elements—federal expenditures, tax cuts, and debt management—might well be best as the tools of fiscal policy are brought to bear in the aftermath of a cutback in defense spending.

The size of the cutback—and of any peace dividend—is fraught with uncertainties. The Defense Department categorizes Vietnam costs under the broader budget item of "cost of Southeast Asia conflict." The two methods of cost-accounting are: (1) "incremental cost" method and (2) "full" or "prorated cost" method. Depending on the method used, costs for Vietnam war spending in FY 1969 range from $17 billion to $32 billion.

A $3 billion "peace dividend" is reflected in the new FY 1971 Defense budget. The $3 billion is what is left from a $5.2 billion saving in this year's budget over last year's after subtracting for the Administration's planned military spending increases.

Congress has a significant role to play in forging a larger "peace dividend". But Congress has been hampered in carrying out this responsibility by deceptive practices in presenting the Defense budget.

The cost of war spending in Vietnam has been underestimated by successive Administrations. This practice has postponed the existence of a "peace dividend" and rendered virtually impossible attempts by Congress at realistic decision-making for a healthy economy. The problem has been further complicated by conflicting Congressional testimony from various witnesses within successive Administrations.

In any case, increases in military spending have undermined budgetary savings. A look at the new FY 1971 Defense budget shows a whittling down of the "peace dividend" to $3 billion and even this sum is threatened by such trends as:

1. Continued U.S. fighting in Southeast Asia;

2. Increases in military aid to Southeast Asian countries;

3. Delays in troop withdrawals (the Administration has already announced that no withdrawals are planned before July, indicating that the average monthly withdrawal rate will be disrupted);

4. Cost overruns in on-going and newly acquired weapons systems.

The conclusion is clear that increased expenditures on "arms and security" have long since reached the point of diminishing returns by even the most conservative measure of costs incurred against benefits received.

RECOMMENDATIONS

Congress can be better equipped to discipline defense spending when the following steps are taken:

1. *A Presidential Report on Military Expenditures and the Economy*—to be delivered annually on July 1, the beginning of the new Fiscal Year, to a Joint Session of Congress and the American people. Such a message would include past and up-dated war costs, based on one method of cost-accounting. It should provide a uniform basis for cost citation; clarification of differing war cost figures over the years; description of the impact of military spending on the economy with relevant indicators; and prescriptions.

Such a Report would lead to a common understanding of war costs and eliminate the confusion that has resulted from the past war-cost options approach. The latter has created an expectation-achievement gap regarding the "peace dividend." For example, when Secretary Laird announced that Vietnam war spending would be $17 billion by the end of FY 1970, many expected a "peace dividend" of $15 billion based on a reduction from the "full cost" figure of $32 billion (FY 1969). Laird, in effect, was estimating only a possible $6 billion "peace dividend" based on a reduction from the "incremental cost" figure of $23 billion (FY 1969) or $11 billion (ext. FY 1971).

The Report would also help steer a realistic course between the extremes of pessimism and of optimism over the "peace dividend." Already within the Administration we have heard conflicting outlooks. For Daniel Moynihan, "the peace dividend turned out to be evanescent, like the morning clouds around San Clemente." (Press Conference, August 25, 1969). For Arthur Burns, formerly the President's economic advisor, if the war ended immediately, as much as $8 billion would be available for "civilian" programs. (Speech, National Governors' Conference, September 1, 1969).

Congress as a whole simply must be presented with a uniform basis of war cost and with basic data on the impact of military spending on the economy—if it is to have a meaningful decision-making role in economic policy, including economic conversion from a war-time to a peace-time economy; and if it is to change spending priorities.

2. *A "Pentagon Dividend"* can be gained by cutting out wasteful weapons spending. The Defense Department itself has a responsibility to weed out excess and waste in military spending. When the Pentagon fails to weed out unnecessary programs, Congress must take on this responsibility itself or saving from reduced war spending will be devoured by wasteful weapons spending. Preventing the peace dollar-drain-to-defense is the best way to release funds for new priorities.

A COAT OF MANY COLORS

HON. ROBERT P. GRIFFIN

OF MICHIGAN

IN THE SENATE OF THE UNITED STATES

Monday, August 24, 1970

Mr. GRIFFIN. Mr. President, recently Michigan's Elly Peterson, assistant chairman of the Republican National Committee, addressed the National Association of Colored Women's Clubs in Atlantic City. Her speech is one of the finest I have ever read; it is one that every American ought to read.

I ask unanimous consent that the text be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

A COAT OF MANY COLORS

(By Elly Peterson)

I'm looking right now at a group that for 75 years has given the Black woman a better world. Your motto describes the National Association of Colored Women's Clubs better than I ever could: "Lifting as we climb." For three quarters of a century, you have worked peacefully and effectively to improve the environment of the Black woman. Your seven-point program is one of education, legislation, and cooperation. Each program offers another opportunity. The girl's program touches those troubled years from 12 to 17 and helps the girl to become a woman. The young adult training helps that woman to be a full, productive member of society. You also reach out to the woman who is at home, in industry, to the woman who is seeking her heritage. And, yet there is still a concern for national and international problems. You are truly Black power!

Yet, there is still more to be done: by Republicans, by Democrats, by Blacks, and by Whites. Our job won't be over until there is no need for a White to reassure a Black that he cares . . . until there is no longer a need for speeches like this. Our job is over when people judge each other by accomplishments and not by color or religion or occupation.

And, I'll tell you I'm not totally satisfied with what this Administration is doing to help Blacks achieve these goals. Before the reporters run out of the room and label me another critic of the Nixon Administration, let me also say, I was even *less* satisfied with the previous administration's attempts at civil rights. I *won't* be satisfied until universal equality belongs to all our citizens. I want every American to have the opportunity for a decent job, an education, and a healthy place to live. Those are equal rights. The opportunity for them should never be denied any human being. Whether or not he takes advantage of that opportunity is not my concern—that's human or divine will and out of my hands.

But giving him that opportunity is within my jurisdiction and is also my responsibility and that of the Republican Party. It is more our responsibility than other political group's because it was my party, through its sponsoring of the 15th Amendment, that first gave the Negro his right to vote. And, it was Black Republican lawyers who put together the Brown v. Topeka case that resulted in the Supreme Court ordering the desegregation of all schools. Today, one of those same lawyers, John Scott, is a part of the Nixon team. We must fulfill those initial commitments by working towards full equality.

And, I resent those people who say we are not—those critics who accuse this Administration of being anti-Black and those who cry "Southern Strategy" at our every policy decision.

WORKING TOWARDS FULL EQUALITY

It is the Nixon Administration which has named more Blacks—65% more—to policy-making positions than any other Administration.

It is this Administration which inaugurated the Philadelphia Plan which is opening up the high-paid construction field to minority and Black workers on a large scale. And, it doesn't stop with the Philadelphia Plan. Now, there's a Washington Plan that goes even further. It affects 11 unions instead of five and requires a goal of 35 percent Blacks instead of 20. The contracts of all Federal contractors, even those on non-Federal jobs, must follow this plan.

We have worked with 44 branches of the NAACP in 19 states by giving Federal assistance, through the Department of Housing

and Urban Development, for the sponsorship of 8,900 housing developments valued at 1.5 billion dollars.

We have been accused of being soft on segregation. Yet, the number of Black public school students in the desegregated school systems in the 11 Southern states will have increased from 164,000 at the end of the 1968–1969 school year to well over one million at the start of this year's school term. The President has proposed 1.5 billion dollars to aid the process of desegregation.

It was the Nixon Administration which pulled together all the different and conflicting minority business programs and created the Office of Minority Business Enterprise in the Department of Commerce. The results of that move read like this: during the nine-month period ending March of this year, the Small Business Administration has approved 910 more minority loans with a total of 31.3 more million dollars than it did during the same period last year.

There have been other proposals which help Blacks, like the Family Assistance Plan, but the ones I've just mentioned were designed especially for Blacks by an Administration some would have you believe doesn't care. But, that doesn't mean we can stop now.

EQUALITY BUT NOT SUPERIORITY

Our goal is equality, but not superiority. I look for a day when we can dislike someone of a different color and not feel guilty about it. Sometimes, we are overprotective and cocktail party humanitarians will gush that all Blacks are their friends. That's ridiculous. I shouldn't expect to like all Blacks as I don't like all Whites. But civil rights is such a sensitive area that too many of us are afraid to be honest about our feelings. I know that Blacks deeply resent being hated because they are Black. I should think you would also dislike being liked because of your color and not your personality. I look for a day when Black and White neighborhood women can share koffee klatches and gossip indiscriminately about friends in either race without the cry of racist being hurled.

We can't just wait for that day. We must work for it and convince others to work with us. We can achieve a better world for Black Americans by a number of means—through legislation, through education, through cooperation, and, some say, through violence. Frankly, no matter how worthwhile the end—and nothing to me is as important as equal rights—using violence as a means is never justified. That leaves me the alternatives of legislation, education and cooperation. Legislation alone will not do it—we have seen too often how people can interpret the law to read their way. But, I am confident that legislation if backed by cooperation and education can give us this better world.

And, one of your own members was just as confident. Your first president, Dr. Mary Church Terrell, devoted her life to helping Black women in these three ways. At the age of 87, she led a campaign that ended with the Supreme Court outlawing segregation in all Washington eating places. And, at 90 won another victory resulting in the end of discrimination in most Washington movie theatres. Her life is an example of getting a job done through legislation, cooperation, and education.

In my own state of Michigan, Blacks and Whites are cooperating together to benefit the residents of the inner city. We have established an Action Center in the heart of Detroit's ghetto and together we are working to better life there. We serve as a complaint center and investigate the need of the community—looking into everything from abandoned cars and broken street lights to discrimination of an insurance company. This idea has spread to Connecticut and Kansas, and there too the two races are working together and getting results that benefit everyone.

A SENSE OF IDENTITY

It's these unpublicized efforts that lead to harmony, not the screaming and bloody riots that foul our television screens and spill out abusive language and violence into our living rooms. Extremism and militancy, whether in the form of the clenched fist salute of a Black Panther or a hooded Klansman, lead only to anarchy. Violence leads only to destruction. Yet, the Panther and the Klansman are far more glamorous and appealing to youth than our sedate gestures. I can understand that to the ghetto child the Black Panther is a hero—he is an authority figure and he gets action. I can also understand that to the poor White dirt farmer the Ku Klux Klan is just as exciting—it gives him a sense of identity and importance. Both organizations are a dramatic way of expressing an opinion. Their fault is that membership in each is selective and discriminatory, their goal is superiority, and their means are destructive.

I ask all Americans to not look at the men dressed entirely in Black or totally in White but to follow instead the example of a man who wore a coat of many colors, Dr. Martin Luther King. Let us walk in his footsteps—they tread many miles to make ours a better world. Using his thoughts and guidance, let's head for that better time which he described, when he said: "This will be the day when all God's children will be able to sing with new meaning: 'My Country 'tis of thee, sweet land of Liberty, of thee I sing. Land where my Fathers died, land of the Pilgrim's pride. Let Freedom ring!' "

CONGRESSMAN RHODES' QUESTIONNAIRE

HON. JOHN J. RHODES

OF ARIZONA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. RHODES. Mr. Speaker, I am sending out a questionnaire to my 212,000 constituents in the First District of Arizona. I am most anxious to have the opinions of my constituents on these questions which cover some of the most important issues facing our Nation.

I shall report to the Congress the results of this poll as soon as they are available.

The questionnaire follows:

QUESTIONNAIRE

1. Do you favor cutting of federal loans and grants to students convicted of campus disorders?

2. When students stage a strike on a college campus, do you think the non-striking students have a right to continue attending classes?

3. Do you agree with recent proposals to have a volunteer Army with more career incentives, and abolition of the draft except in time of war?

4. In general, do you favor the way President Nixon has conducted his Administration?

5. Should balancing the Federal budget to reduce the cost of living be given priority over greater spending on Government programs?

6. Do you think strikes should be outlawed, and a labor court established to be the final voice in labor-management disputes?

7. Do you think the United States should try to maintain the balance of power in the Middle East by providing military equipment to Israel when necessary?

8. Do you favor:

(a) Legislation that would allow police officers with a warrant to enter private premises without knocking if they think evidence would otherwise be destroyed or their lives endangered?

(b) Legislation that would permit a criminal defendant to be kept in "preventive detention" if his record indicates that he may commit another crime if he were set free on bond?

9. What do you feel is the most important problem facing the United States today?

(a) Air and water pollution.
(b) Crime and violence.
(c) The Vietnam War.
(d) Inflation (rise in the cost of living).
(e) Middle East crisis.
(f) Others.

A CONCERNED CITIZEN SPEAKS OUT ON SOUTHEAST ASIA

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, during the days that followed the President's decision to invade certain privileged sanctuaries in Cambodia, there was a great deal of attention, much of it hysterical, focused on various elements of the American citizenry which opposed the President's decision.

Unfortunately, not much attention was paid to those individuals who supported him, and who asked that sanity and reason prevail. One of those who did dare to speak up, on the campus, was a prominent Chicago area citizen, Mr. Gerald Gidwitz. Mr. Gidwitz not only states his case very persuasively on the major international issues of the day, but he also was willing to face the faculty of an Ivy university virtually singlehanded in defending the President's policy. So that all of the readers of the RECORD can have the benefit of Mr. Gidwitz's thoughts, I am inserting his open letter at this time:

CHICAGO, ILL.,
May 26, 1970.

DEAR FELLOW-CITIZEN: Prior to World War II the Western democracies, with no move to defend themselves, watched one aggressive military government in Asia take over Manchuria; a second in Europe expand into North Africa with the conquest of Ethiopia; a third absorb Latvia, Lithuania and Estonia; and a fourth move into the Ruhr, Rhineland, Austria and Czechoslovakia. Indeed, Czechoslovakia died for "peace in our time." When Poland was divided between two of the aggressive militants, England realized that if it made no move its treaties would be valueless and its word would be believed nowhere. Content to watch from the sidelines the warm-up in Spain and the conquest of millions in Europe, we, also, made no move either to insure freedom for others or to protect ourselves.

Hitler, in *Mein Kampf*, outlined his intended conquests and in public utterances, repeatedly, acclaimed the "final solution" for the Jews and the "1000 Year Reich." Mussolini announced his plans and Japan proceeded with its "co-prosperity sphere." None of the dictators dared attack until they were sure that their victims could not defend themselves. Pearl Harbor triggered a two-year buildup that was required before we could become effective.

Today our new generation, who apparently do not study history, politics, or even current events, want to follow the disastrous policies of the 1930's.

Today the Communist countries tell us

that Communism will conquer Democracy. We listen, but we do not believe. Latvia, Estonia, Lithuania are still in Russia's hands. All the Balkans except Greece are under Communist domination. The uprising in Poland and East Germany were put down with Soviet troops; bloody Hungary is but a memory; even the recent conquest of Czechoslovakia has apparently made no impression.

Today Russia has a stranglehold on Europe's oil, with literally hundreds of bases available all over North Africa. Cuba sits athwart the entrance to the Caribbean and the Panama Canal, pumping its poison into Latin America.

The forces of evil are again on the move in Asia. Some of our citizens seem to want us to abandon our Allies and to ignore the march of the dictators just as was done by the democracies in the 1930's.

We forget that we are still negotiating in Korea and in Paris. We ignore the Communist demands for surrender in Asia as a bargaining ploy. We don't want to believe that demand for our piecemeal surrender all over the world is a non-negotiable unwavering goal.

We know that many well-meaning doctors, clergymen and others, who are not students of history or power politics, are deluded into believing that a one-sided desire for peace will produce it—even though our experience teaches us otherwise.

We hear foolish cries for unilateral disarmament because our good-hearted people substitute hope for observation and study, and ignore the evil they see.

We know that SDS on the campuses is an outgrowth of Communist front organizations. We know that the SDS claimed 250 to 300 chapters on college campuses last Fall. We know that turmoil exists on over 250 campuses today. We know the Communists are past masters at the use of "fronts" and "committees" to hide the identities. We know they are past masters of propaganda and at involving the innocent and the gullible to create impressions of mass support. We watched last year's warm-up at dozens of colleges and read in our papers that we were promised much more this year in spite of all that—we are surprised at the turmoil in the campuses.

What kind of people are we that permit the radical inspired riots on the campus to determine our foreign policy?

What kind of people are we that denounce a Democrat President when he finds, when he is in office, that military preparedness at home and defense or our Allies abroad is the only safe course for us?

What kind of people are we that denounce a Republican President (who follows him) when he finds the same military and political conditions and finds he too—for our safety—must follow the same course?

What kind of people are we that act as if our President is a militarist, an imperialist—or just plain daft?

What kind of people are we that listen to the Communist propaganda—either direct from Moscow or Peking, or second-hand from our own radicals—and select all the denunciation to believe and ignore all the threats against us?

What kind of people are we that send our sons abroad to fight for peace in Asia so we won't have to fight for it in America—then tie their hands with ground rules on bombing the enemy in Haiphong, Hanoi, North Vietnam, and across the border in Cambodia?

Perhaps if we learned that we are engaged in a combined propaganda war, political war, economic war and military war—an orchestrated assault on us and our institutions—we could begin to understand and begin to defend ourselves.

Perhaps we would not fall for the other side's propaganda and properly address ourselves to the "third world." Perhaps we would take political action. Perhaps, instead of helping our enemies with trade and the construction of automobile and truck manufacturing plants—and other plants that have been built by the dozen to help our enemies—we would insist on peace and order first.

Perhaps if we can win the propaganda war, the political war and the economic war, we won't have to fight a military war.

We should rally behind our President. He has the responsibility, the desire and the knowledge to do what is best for this country. Let us support him in Asia and perhaps we won't have to fight in Latin America.

Those who ignore history may have to relive it—and some of it has been pretty horendous.

Write your Senator and Represenatives—and President Nixon now!

Sincerely yours,

GERALD GIDWITZ.

CONGRESSMAN FULTON OF PENNSYLVANIA SPEAKS

HON. JAMES G. FULTON

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FULTON of Pennsylvania. Mr. Speaker, it is a pleasure to place in the CONGRESSIONAL RECORD the letter which I have sent to the outstanding residents and officials of my congressional district advising them of current projects, as well as the schedule for the rest of the second session of this 91st Congress. In addition, I have asked for recommendations and suggestions for final legislative action to assist me in making the necessary judgments when the House of Representatives reconvenes after Labor Day.

The letter follows:

CONGRESS OF THE UNITED STATES,
HOUSE OF REPRESENTATIVES,
Washington, D.C.

To My Good Friends:

We are now well along in the Second Session of the current 91st Congress. We will be reconvening after Labor Day recess on Wednesday, 9 September 1970, to finish the Session. There is still major legislation to be completed by the House after action by the United States Senate.

I am therefore writing to you to let you know that I will be glad to have your recommendations and suggestions for final legislative action, before the Second Session of this 91st Congress adjourns prior to General Election on Tuesday, 3 November 1970, which this year is both a State and National election.

I am now on the job in Washington and back in good health for some time. To the present date, I find that I have the best attendance record for the current year 1970 of any of the four United States Congressmen in Allegheny County. I believe you will be interested in the attendance figures for 1970 as follows:

Jim Fulton (161 Record Votes—17 missed), 89.4%.

Bob Corbett (161 Record Votes—23 missed), 85.7%.

Joseph Gaydos (161 Record Votes—44 missed), 72.6%.

William Moorhead (161 Record Votes—45 missed), 72%.

During the Congressional official recess, I have been working in my Pittsburgh office this year, instead of taking vacation. I am helping our local communities on their mountainous garbage, trash, and solid waste disposal problems in order to obtain competitive bidding to keep down prices, which for many families have doubled in a year.

I am working on the important water supply and sewage projects for our Boros and Townships, & Chartiers Valley Flood Control, and Saw Mill Run Flood Control & Clean Up project. Also, we are checking the 1970 US Census figures for our Congressional District. If you have anyone in your family or know anybody who has not been counted, let me hear immediately at my Pittsburgh office, in order to notify US Census Bureau before 1 September deadline.

I will be glad to help on obtaining absentee ballots and military ballots. Please write me or telephone our Pittsburgh office (644–2876) with the names and addresses of any voters in your district who plan to be out of town on Election Day. Give us name, & home address of anyone in the US Military Service. We will be glad to see that forms for absentee or military ballots are sent to these people.

Count on my full cooperation and assistance.

Cordially,

JIM FULTON.

P.S.—So you personally will be among the first to know of my current work, I am sending you this letter which I am later sending to our Congressional District.

JIM.

Sent as an added service to our District (*not* printed at Government expense.)

JIM.

DON FALK—"A MAN OF ACTION AND COMMUNITY INVOLVEMENT"

HON. DON H. CLAUSEN

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DON H. CLAUSEN. Mr. Speaker, I have just been advised of the untimely passing of one of my closest friends, Mr. Don Falk of Eureka, Calif. This outstanding attorney, at 51 years of age, the son of Harry Falk, Sr., was a member of one of Humboldt County's most respected families.

While he distinguished himself in the family of legal scholars, Don Falk also will be remembered by his countless friends and business associates as a man who worked day and night for his community and his beloved Humboldt County.

There were literally hundreds of community activities that Don Falk became involved in. He always knew where the action was and what was required to "keep things moving." In the words of Don O'Kane and more recently Mike Johnston of the Humboldt Times-Standard newspaper:

If Don Falk doesn't know about it, it just isn't happening.

I have never known a man, with the capacity for knowing what was going on as did Don Falk. He knew the forest products industry and its impact on our economy like a book. And, speaking of books, his brother, Harry, Jr., wrote a masterpiece, a book on timber law. Talent is in abundance in this illustrious family.

Don was a trusted counselor and adviser on many matters that affected our redwood region. His insight, judgment, and depth of knowledge will be missed tremendously by those of us who counted on him so much in the past.

For many years, Don served as chairman of the transportation committee for the combined Eureka Chamber of Commerce and the Humboldt Board of Trade. Many of my colleagues in the House of Representatives, will remember the decision, by the FAA, to close some 42 flight service stations a few years ago. Among them, was the Arcata Flight Service Station in my congressional district.

In order to properly illustrate my description of Don Falk as "a man of action," I need only recall his efforts during this one instance and, I might add, this is only one of many.

It was obvious, at the outset, that we, a small segment of our Nation's population, were going to have to unite and consolidate our efforts to "take on Uncle Sam" in opposition to a decision made by one of its agencies. Along with Dave Zebo, aviation director, Don Falk and I developed the strategy and format for a local meeting to support our cause to "Save the Arcata Flight Service Station" from closure.

The successful results of this effort are now history, but the magnitude of their importance will long be remembered by local people because it was during and after the "big flood of 1964" that our position in defense of retaining the flight service station, really came into prominence. With the harbor closed by debris, all roads north, east, and south unusable due to extensive bridge damage, it was air transportation access and, in particular the landing aids, the approach, navigation and communications systems of the Acrata Flight Service Station, that proved to be the necessary equipment required to maintain contact with the outside world at this critical time in our history.

In attempting to eulogize a close friend, it is difficult to single out the most significant or most representative example of an outstanding man's many contributions to his community for the benefit of his fellow man.

This confrontation with Uncle Sam, however, will always come to mind when I think of and remember Don Falk. He was a fighter for his clients, his community, and those causes he believed in. Our success and rewards for fighting for what was right will stand as a monument to his tenacity, thoroughness, and objectivity.

Transportation—Land, sea and air access to Humboldt County holds the key to our future development.

These were and are the words that shall ring forever in my ears because they came from the lips of my close and trusted friend, Don Falk.

As an aviator, and as a member of the Roads, Rivers, and Harbors Subcommittees in the House of Representatives, I shall do everything within my power to carry on in fulfilling Don Falk's dreams and objectives. It is my hope that the decade of the 1970's will see full realizations of the ultimate in benefits for the friends and neighbors of Don Falk, the man who literally gave his life to his country.

To his family and friends, let me say, "Don lived his life, performed his duties and did his deeds as he wanted to do them." What more can we expect of any man? He gave his full measure of devotion to all that was constructive and beneficial to those he served—his contributions were many.

CONGRESS MUST HELP MIGRANT WORKERS

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PHILBIN. Mr. Speaker, the status and condition of migrant workers is giving increasing numbers of Americans deepest concern that some of us in the Congress have felt for some time.

Recent disclosures before a committee of the other body indicated the dire plight of the lowly people and their families, who earn their barest living by moving from place to place and are engaged in work that appears to have little relevance so far as wages, hours and conditions of work go to the high standards that obtain generally in American industries for similar-type labor.

The Congress has had considerable discussion about the problems of the migrants in the past, and it is unfortunate that there has been such a long delay in developing some feasible, adequate program for this proverty-stricken group that would give them the same rights that prevail among most American workers. But I think our continued efforts are beginning to show results.

Congress has known for some time of the pathetic conditions of lower pay and miserable status that prevails among some of these workers, and it is high time that some suitable, affirmative program is developed here in the Congress that will bring relief and do justice to migrant workers and their families throughout the country, who so urgently need our assistance, according to the testimony, among others, of the distinguished president of the Coca-Cola Co., who has special reason to know, since his great company employs many of them, and is willing to help improve the conditions of the migrants.

Let Congress tarry no longer in correcting the pitiable conditions affecting many of the migrant workers.

It is not only a question of pay, though that is important. It is the conditions of their work which are reported to be in many instances unsanitary, dirty, filthy, disease-ridden, disgraceful, and that is really a serious reflection on the public conscience of the Nation.

Congress must act at once. There can be no delay. The welfare and health of these workers and their families are being worsened until depravity, utter poverty, and hopelessness prevails in many instances reported. Let us act now to rescue these poor people from the hell they live in. Now, now—I urge. Surely we will not delay. I plead for action with all my heart.

OUTLOOK FOR THE DEVELOPING COUNTRIES

HON. JONATHAN B. BINGHAM

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. BINGHAM. Mr. Speaker, Mr. James P. Grant, president of the Overseas Development Council, presented a paper in June at the meeting of international members of the Stanford Research Institute in which he makes some most interesting predictions about the future of the developing areas of the world. Mr. Grant is one of only a few men with the requisite experience and understanding to engage in such bold "crystal ball gazing." He served with the U.N. Relief and Rehabilitation Administration—1946 to 1947—and the Sino-American Joint Commission on Rural Reconstruction—1948 to 1950. He has served with distinction in a number of posts with U.S. aid programs, including a stint as Assistant Administrator of the Agency for International Development. He was Deputy Assistant Secretary of State for Near East and South Asian Affairs from 1962 to 1964.

I want particularly to draw Mr. Grant's assessment of the importance of ample export markets for the developing world to the attention of my fellow Members of Congress. The wave of indiscriminate protectionism we are currently experiencing, as reflected in the legislation recently reported by the House Ways and Means Committee, is certain to close off major markets for exports to the United States. Mr. Grant's paper should serve as a sharp reminder of the serious consequences for the developing nations of such protectionism.

I am certain, also, that Mr. Grant's predictions that unemployment will surpass the food crisis as the most important problem facing the developing nations, and that Latin America is likely to be the most explosive region in the developing world in the 1970's, will be of intense interest to many readers of the RECORD. I commend Mr. Grant and the Overseas Development Council for this excellent article, which follows:

ECONOMIC AND BUSINESS OUTLOOK FOR THE DEVELOPING COUNTRIES IN THE 1970'S: TRENDS AND ISSUES

(By James P. Grant, president, Overseas Development Council, Stanford Research Institute, international members meeting, June 21 to 24, 1970)

I. BASIC TRENDS

The recent British elections were a lesson in humility for pollsters and pundits alike. They show that making predictions is always a chancy business, even in highly-stable, highly-developed countries. How much more chancy, therefore, is the business of predicting events a decade hence in countries of the

developing world stretching from East Asia to Africa to Latin America.

Despite these cautionary words, however, it is still possible to see some major trends and issues that will be important in the developing world during the 1970's; and it is possible to discuss their general implications.

Rate of economic growth

There are a number of factors that are of major importance. First among these is the rate of economic growth, with its major implications for world trade, markets and development. During the 1960's the national product of the developing countries grew at an unprecedented rate, averaging five percent annually. In the 1970's a still higher average growth rate—six percent or better—is likely, and the national product of all the non-Communist developing countries taken together should increase from slightly over $300 billion in 1970 to some $600 billion in 1980. (This will be roughly comparable to America's GNP ten years ago and Western Europe's today.) Yet will even this unprecedented rate of growth be adequate to meet developing country needs in the 1970's?

Even more important, will today's optimistic projections of developing world growth rates be realized at all? A favorable answer to this question depends to a great extent on the developed countries. They must maintain the forward momentum of their trade and assistance, which are essential for progress in the developing world. Our role and responsibility are clear.

Of course, these richer countries have much to gain from high growth rates in the developing countries. Indeed, the poorer two-thirds of the world should become a major market in the 1970's—even though it will still be greatly overshadowed by the major developed areas of Europe, North America and Japan, with their present GNP of over $1,800 billion.

Population explosion and unemployment

Second, there is the population explosion, and the employment crisis that is following hard on its heels. During the 1970's, the non-Communist developing world will add some 500 million new consumers, although most of them will have low incomes. This growth will be equal to the combined population of Africa and Latin America in 1960. But even more important, there will be about 170 million additional entrants to the working age population—50 percent more than in the 1960's, when there was a worldwide growth in unemployment despite a five percent growth in output.

This prospect is changing the nature of our basic concern. During the 1960's, the major development crisis centered on the problem of feeding the rapidly expanding populations of the developing countries. Then, we began to push back the spectre of world famine through the agricultural breakthrough known as the Green Revolution. There is still much to be done before we can rightly say that famine is conquered; but in the 1970's we must also act to remedy the crippling social effects of the unemployment explosion in the developing world.

The baby boom of the 1950's is now beginning to have a startling impact on the number of new entrants to the Latin American work force, and will begin doing the same in most of Asia later in the 1970's. These new entrants will soon increase the labor force in their respective continents by some three percent annually; and they will bring pressure to bear on these developing societies that will be far more intense than any ever faced by today's developed countries, whose labor forces have rarely increased by as much as one percent annually. How can these new workers earn the money to buy the food that is now increasingly available? How can the jobs be found that will entitle them—in the absence of sophisticated welfare schemes—to share in the benefits of general economic growth? How can they become active members of society instead of a potential threat to it?

Unfortunately, the problem will get worse before it gets better. There is still no end in sight to the population explosion, and, for about 20 years after it does end, the labor force will grow accordingly. But there is room for hope: the present rate of population increase may begin to decline slowly on a worldwide basis by the end of the decade. Yet a rapid, large-scale decline will depend both on new technological breakthroughs and the motivation to limit family size that comes with modernization and economic growth. It is important—and chilling—to note that so far in history no major area or country has achieved a large-scale breakthrough in reducing its birth rate without rapid economic growth.

Rural development

Third, there will be new emphasis during the 1970's on problems of agriculture and rural development. Until the mid-1960's, development efforts focused on processes of industrialization and the needs of urban areas in the developing countries. In most of them, the larger part of the population that remained in peasant agriculture contributed very little to the increase in national output and constituted a drag on the growth rate. In the 1970's, however, the wholesale introduction of modern practices into agriculture, combined with the political need to keep much of the work force in agriculture to cope with the unemployment explosion, will cause developing countries to pay increased attention to the goal of increasing production and employment in rural areas.

Entirely new dynamics will appear in the farm economy of most of the developing world. Agricultural production may rise to an unprecedented rate of four percent annually during the 1970's—a rate never achieved over a comparable period by any major part of the developed world prior to World War II. And there will be profound effects on the demand for agricultural inputs, the marketing of greatly increased production, and patterns of international trade.

Regional trends

Fourth, there are a number of trends that will affect individual regions of the developing world during the 1970's. East Asia, for example, is likely to have the most rapid percentage growth in GNP and trade ever experienced by such a large continental-sized population mass—350 million people. This might prove true even if Japan were excluded from the region for statistical purposes: in 1969, after all, collective exports of Korea, Taiwan, Hong Kong, Singapore, and Malaysia totaled nearly $7 billion, and they could be in the $15 to $20 billion range by 1980. At the same time, Japanese involvement in these East Asian countries in terms of trade, investment and aid is likely to increase many-fold. How can this vastly increased, and potentially health, involvement of Japan take place without a major political backlash in the region? How can it take place without producing commercial hostility in other developed countries?

For its part, Latin America could be the most explosive region in the 1970's; therefore, its development prospects will be least predictable. Just as South Asia was the center of the food crisis in the 1970's, Latin America will be the center of the employment crisis in the 1970's. Unfortunately, of all the major areas of continental and subcontinental size, it is the least prepared to cope with this problem. Half the population already lives in unstable urban environments, and in the rural areas, where half the land is held by only one percent of the families, conditions are not conducive to producing either high rural employment or social stability.

Trade

Fifth, there will be real trade problems during the 1970's. In recent years, the trade of the less developed countries has grown faster than ever before—by some five percent per year in volume. But this is still not enough. It must now grow by an average of six percent annually if GNP is to grow by a like amount. The developing countries will also make much heavier demands for a root-and-branch rationalization of world trade and production in order to help meet soaring employment needs. Very likely, this will produce a confrontation between the have and have-not nations on the issue of the increationgly protectionist policies that many of the former are adopting towards the products of both agriculture and industry.

If the rich countries are wise, they will help avoid this confrontation. How? One important measure would be for them to adjust their domestic economies to accommodate to—and even take advantage of—a revolutionary change: namely, the rapid and recent trend towards internationalization of production, in which many countries contribute directly to the manufacture of a single industrial product. This development has been most notable so far in the electronics industry, with major components for products of American companies being manufactured in such diverse areas as Mexico, Korea, Taiwan, Hong Kong, Singapore and Indonesia. It could become a major "engine" for accelerating both the industrializing process and the increase of exports by many developing countries.

Foreign aid

Sixth, the pattern of international development aid has changed considerably. This is particularly so of the role played by the United States, which for many years was the mainstay of development efforts. Today, we in America are faltering badly in our development assistance efforts just as most other developed countries are preparing to increase theirs substantially.

For the first time since the start of the cooperative global development effort in 1961, U.S. net official assistance to the developing countries will drop below $3 billion in 1971—a figure well below all objective assessments of the United States' fair share. Meanwhile, governmental assistance from other developed countries, only $2 billion annually in 1961, should pass the $4 billion mark in 1971 and, at the same time, be made available on terms that on average are equal to or better than those applying to U.S. assistance.

The gross flow of aid and private investment to the developing world must increase substantially during the 1970's, just to maintain the present net flow. This is particularly true because of the service payments made by developing countries on private and public debt owed to the developed countries are likely to increase from the present annual rate of $5 billion to an annual rate of $10 billion by 1975.

Because of the other trends that are increasing the need for a major development effort, it is indispensable for the United States to revitalize her approach to the developing countries within the next three or four years. Only in this way can the unique cooperative global assistance effort of the 1960's be saved from atrophy or collapse. And if it does collapse, we can then expect a confrontation between the poor and the rich nations that will become increasingly embittered. At the same time, the United States, in contrast to Western Europe and Japan, with their more progressive approach to aid, will find herself increasingly frozen out of developing world trade and, to a lesser extent, frozen out of investment opportunities in much of Asia and Africa.

Internal unrest

Finally, the 1970's hold out the danger of a confrontation between the rich and the poor that goes beyond the familiar gap between developed and developing nations. This is the growing gap between rich and poor *within* many developing countries, made clear by Latin American experience. The 1960's demonstrated that rapid economic growth is possible in most parts of the developing world; although this did not necessarily mean improvement in the standard of living for many of their peoples. Furthermore, the population explosion means that even a continuation of that decade's five percent growth rate will not be adequate to prevent a large and growing group of unemployed and dispossessed people in most developing countries.

The developed countries cannot afford to ignore these internal problems; indeed businessmen engaged in countries facing the threat of mass unemployment will find that their activities are jeopardized increasingly by civil unrest and the resentment that is natural in situations of mass poverty and discontent.

In viewing the program of the developing world during the 1970's, businessmen, in particular, should look at several key barometers including:

1. The ability of individual developing countries to cope with internal pressures for progress and social justice. Failure to cope with these problems will lead to strong moves for reform, at the least, or to more toppling of governments. The latter events will frequently be followed by a move to the right, leading in turn to internal turmoil fomented by the left—as has been symbolized recently by the kidnapings in Guatemala and Brazil. Alternatively, there could be a move to the nationalistic left, as has happened in Peru, with subsequent harassment of outside investors;

2. The extent to which the rich nations and poor nations are able to conduct their relations at the governmental level on the basis of cooperation instead of confrontation. If there is a cooperative world effort on trade and aid, the political atmosphere in the developing world will be far more likely to aid settlement of the inevitable problems that will arise between foreign investors and governments. But if confrontation is the pattern of relations, then in many developing countries the prospects of foreign investment will be bleak, indeed; and

3. The degree to which foreign corporations are willing to play a role that contributes to the progress of developing countries. During the 1970's, these countries will place a particularly high premium on foreign investments which promise to provide significant added employment. If the developed countries encourage—or at least permit—the current trend toward the internationalizing of production that is by nature labor-intensive, the image of foreign investment should be enhanced. But the image can be expected to deteriorate if the developed countries halt or reverse this trend. This would leave the field of foreign investment almost exclusively to firms that are either engaged in resource extraction or interested in developing-country manufacturing primarily for purposes of retaining or penetrating markets in the developing country in which the plant is located. Firms owning overseas mineral resources are particularly likely to suffer when there are confrontations that pit rich against poor, whether they take place within or between countries. The growing world demand for mineral resources and competition for them among developed countries will make it easier for the developing countries to play off developed countries' firms against each other and to dispose of production from expropriated properties.

II. DISCUSSION

Growth of output in the developing countries

Several major factors make it likely that the developing countries as a whole will have a growth rate in the 1970s that is even higher than their unprecendented annual average of five percent during the 1960s. There are two that are most important: first, the breakthroughs in modern agriculture made in the late 1960's by many peasant farmers from one end of Asia to the other; second, the prospect that the proportion of such farmers will increase substantially in the 1970s. As noted earlier, agricultural production could rise to the unprecedented rate of four percent annually during this decade.

New high-yielding varieties of cereals, notably wheat and rice, have spread across many countries of Asia at a rate exceeding even the recordbreaking spread of hybrid corn across the United States in the 1950s. The expansion in Asia has progressed as follows:

(Total acres in production)

1964–65	200
1965–66	37,000
1966–67	4,800,000
1967–68	20,000,000
1968–69	34,000,000
1969–70	+40,000,000

If replacement of local varieties with high-yielding seeds has raised output by half a ton per acre—a conservative assumption—then the more than 40 million acres planted in 1969–70 will have expanded the Asian food supply by 20 million tons, which is more than $2 billion worth of grain.

This agricultural revolution also has important implications for international as well as domestic business and manufacturing. Not only do the new varieties require greatly increased use of agricultural inputs, such as fertilizers and pesticides; but they also have been profitable enough to provide significant income in the rural areas for increased investment and purchase of consumer goods.

This rapid modernization of peasant agriculture, particularly in Asia and North Africa, can be expected to continue unabated in the first half of this decade. It will provide both a rapidly growing rural market for industrial goods and lower-cost production of agicultual commodities for mass consumption.

Will this momentum continue into the late 1970's? The answer to this question will depend largely on the ability of the Asian countries to shift land that is no longer required to produce rice and wheat for domestic consumption into one of two alternative uses: either production of foodstuffs for export, or production of alternative crops, such as feedgrains, to meet a rising domestic demand for protein. In the Philippines, for example, 30 to 40 percent of the land now in rice production will probably no longer be needed to meet domestic rice needs by the mid-1970s. Therefore, the use of this acreage and its farmers in effective ways will be vital to the economic and political progress of the Philippiness during the late 1970's.

Prospects such as this one point up a significant fact: that the aid, trade, and investment policies of the industrialized countries toward the developing world will play a vital part in the rate of expansion and future course of the Green Revolution. For one thing, many countries depend on aid financing and on the expansion of indigenous production by multinational corporations in order to obtain the fertilizer that they must have to grow the new high-yielding crop varieties.

For another thing, the increasing number of developing countries in Asia that have a rice surplus available for export find themselves to be dependent on the rice policies of the developed countries, notably Japan and the United States. The United States, the largest rice exporter (by virtue of subsidies because its production costs are well above the world price), is beginning to hold a sizable portion of its rice acreage out of production; it will probably hold back more in the future because of reduced Asian demands for rice imports. Japan, however, is the only country in a position to avert a major collapse of the world rice market in the 1970's, since it is the only large high-income country that consumes rice as her staple food. With an internal support price of $420 per ton—nearly triple the world market price—Japan may be the most flagrant violator of the law of comparative advantage of any cereal producing country. Not only is Japan no longer an importer of rice but it, like the United States, is also now subsidizing its export, thereby seriously depressing prices in the world market and reducing the market for those exports upon which many developing countries depend for their living.

Finally, achieving a high rate of economic growth will require a continuation of the rapid expansion of world trade that marked the past two decades. At the same time, there will have to be a satisfactory resolution of major trade issues, including the need for the developing countries to gain increased access to developed country markets; a decision by the industrial nations to end their discriminatory treatment of the LDC's; and the development of regional markets among the developing countries. Unfortunately for them, however, their growth and prosperity is still not essential to that of the developed countries. Yet, by the same token, a slowing down of growth in the developed countries would have a deleterious effect on the LDC's. A worldwide recession would not only reduce greatly the market for developing-country goods, but it would also affect seriously the willingness of the industrialized countries to extend large amounts of aid. Fortunately, a continued rapid growth in world trade during the 1970's seems likely.

The employment crisis

The growth rate of the developing world is also likely to increase because of the rapid expansion of its labor force. This prospect could have some beneficial effects, leading to a growth in the number of productive individuals in the labor force and, in turn, to an increase in output. Unfortunately, however, unemployment probably will still be on the upswing, as the number of working-age individuals continues to outpace the availability of jobs.

Until recently, there has been a tendency to regard unemployment in the poor countries merely as symptomatic of underdevelopment. But during the last decade, unempolyment rose in the developing world as a whole, even though growth itself expanded rapidly in many LDC's. In most of them at the present time, between ten and twenty percent of the entire male labor force is either openly unemployed or so underused or poorly used that there is little difference. This problem is most acute in urban areas, and is particularly serious in Latin America, where the urban population has grown twice as fast as the number of urban jobs. Indeed, since 1950, the unemployment rate on that continent has about doubled.

There have been a number of recent assessments, notedly by David Morse, Director General of the International Labor Organization; by Robert McNamara of the World Bank; and by Raul Prebisch of the Inter-American Development Bank. They all conclude that unemployment will probably become far worse as the children produced by the population explosion which started in the 1950's swells the labor force of the 1970's. New entrants to the labor force in this decade will be some 50 percent greater than in the past. In some areas, particularly in Latin America where the population explosion started earlier, the increase will be even

higher. There the population of working age will increase from some 153 million in 1970 to over 200 million by 1980, an increase of nearly three percent annually.

Meanwhile, in India the work force may increase from 210 million in 1970 to 273 million by the end of the decade. In the first week of the decade alone, over 100 thousand more new workers appeared for jobs than older workers stepped aside to make room for them; and each week for the next ten years the number will be higher, until in the decade's last week, the net addition of workers to the Indian economy will be about 140 thousand.

In comparison with previous experience, these projections seem even more pessimistic. In particular, the developing countries face a far more serious employment problem than did the presently developed countries during their comparable period of industrialization. The work forces of the latter grew by less than one percent—usually by only 0.5 percent or so, compared to the current annual increase of 2.5 percent to 3 percent in the LDC's. In addition, the technology of 50 and 75 years ago was far more labor-intensive than that being introduced into developing nations today, and therefore was better able to absorb new workers.

There are also grave social implications of this massive unemployment. The unemployment problem can further distort the already wide gap between the rich and the poor within developing countries themselves. The earth's food supply may be sufficient to feed everyone, but there will be many people who do not have the income needed to pay for a share of it.

Many countries in the 1970's will have unemployment on a scale comparable to, or exceeding, the levels in the Western nations during the worst years of the Depression. But unlike our experience in the 1930's, there will be a sizeable group in the developing countries whose standard of living will be rising rapidly while unemployment is increasing, thereby sharpening the contrast between those for whom the system is working and those for whom it is not.

The cities will become politically explosive, as we have seen recently in Ceylon, with idle hands reaching out to tear down the economic systems which leave them without opportunity to make their own lives liveable. And with even stronger reason, growing unemployment will lead to much greater stresses between the developing world and both the industrialized countries and their great corporations.

For these and other reasons, it is now evident that the employment problem threatens to become unmanageable in the 1970's unless leaders of developed and developing countries alike pay high-level political attention to them, even more than was required to begin coping with the world food crisis in the 1960's.

What to do about unemployment?

Some economists have begun to address this problem seriously; and a number of major economic research centers have made unemployment in the developing countries a principal subject of their research in the past two years. Out of their work there is already beginning to emerge some tentative approaches to solving the problem.

To begin with, there is a conventional approach that ties employment in with economic growth. Accordingly, there should be a greatly stepped-up growth rate, particularly in the industrial sector. This emphasis on industrial growth derives from the fact that at a point in the modernization of the agricultural sector, employment in that sector will begin to fall rapidly. This is a traditional sequence; thus, agricultural employment in the U.S. is now less than the eight million people currently attending American universities! Of course, we were able to adjust to this shift through our increase in industrial jobs.

How does this need for industrial growth work out in actual figures? Here are some statistics from a new economic model designed to estimate the rate that gross domestic product (GDP) must increase in a country in order for all the *increase* in the size of its labor force to be absorbed in nonagricultural jobs. In this model the growth in GDP does not take account of a decrease in employment on the land, nor would it help elminate the existing backlog of under-employment and unemployment:

	Per capita income	Rate of annual population growth (percent)	Required annual rate of GDP growth (percent)
Typical Asian country	$100	2.5	10.2
Typical Latin American country	300	3.1	9.3
Typical African country	100	2.7	11.0

These are striking estimates of GDP growth required in the developing countries; and they become even more so when compared with the experience of developed countries. The United Kingdom, for example, reached the point at which all the increase of the labor force could be absorbed in nonagricultural jobs with a GDP growth rate that was only just over two percent annually; and the U.S. reached the same point while achieving a growth rate of only three percent per year.

It is this type of analysis which led Raul Prebisch to call in his recent report for a growth rate in Latin America of at least *eight percent* annually. But would attaining even this target—a very ambitious one—be enough? Some economists are skeptical that the employment problem can be solved merely by expanding the growth rate to exceptionally high—some would say astronomically high—levels. It is, of course, true that at some point growth rates will have to rise as, in turn, will levels of imports and exports.

Yet there undoubtedly will also need to be major new innovations before the employment issue will be well in hand, just as the high-yielding "miracle seeds" had to be developed before we could begin to make progress in meeting the food problem during the late 1960's. Nor can we expect that a single new innovation will be able to do for unemployment what the seeds are doing to end hunger. There is no "miracle" social or economic policy to cope with unemployment.

Innovations

There are three areas of innovation which stand out, in addition to the basic long term need to stem the rapid increase in population. First, there must be more labor-intensive production. Since the ratio of labor supply to capital supply is greater in developing countries than in the developed world, it is clear that the former should use more labor intensive techniques, at least in the short run. Unfortunately, few countries or corporations in any part of the world have yet approached this problem seriously. In fact, the vast research facilities of the industrialized countries and the multi-national corporations are devoted largely to finding more capital-intensive ways of displacing high-cost labor. Nowhere is there the research capability to address the problem. Again, the breakthroughs in agriculture did not occur until the major U.S. foundations spent millions of dollars to tackle that problem in a specific and concentrated way.

Second, the LDC's must continue trying to take advantage of the low cost of their labor force as part of a new process of international production; and the developed countries must permit them to capitalize on this comparative advantage. Historically, most developing countries have increased their exports either by selling primary products in which they had a comparative advantage, or by selling industrial goods which they produced initially for their domestic markets. But in recent years, low cost labor in certain countries has come to be increasingly treated as a valuable resource in its own right, and multinational corporations have worked effectively with these countries to utilize this resource. The U.S. electronics industry, as noted earlier, has reacted to tough foreign competition by moving much of the labor-intensive part of its production overseas to countries like Taiwan, Hong Kong, South Korea, and Mexico. The fruits of these labors are then re-imported for assembly in the United States.

This is the beginning of a new movement towards production that is truly rationalized, but not just between different companies in separate countries; production is also being rationalized within individual companies which make separate components of their own products in different countries in order to take advantage themselves of the law of comparative advantage. Not surprisingly, this nascent innovation is being met with loud outcries from some in the American labor movement who see U.S. jobs going abroad. There will of course be adjustment problems in the U.S., as we use our comparative advantage to remain competitive in world markets. Properly managed, rather than decreasing the number of jobs in the U.S., this will ensure that our technological advances continue to create additional employment at home in sophistical industries. Indeed, if we are to react to competitive pressures by adopting protectionist policies, the number of jobs at home and our general standard of living would both be affected adversely. Parenthetically, it should be noted that many developing countries, with their emphasis on import substitution without regard to cost and on over-valued exchange rates, have seriously reduced their capacity to take advantage in international trade of the low cost of their labor force.

Third—and possibly the most promising way to ease the unemployment problem—it is possible to increase the use of labor through broad constitutional and organizational changes in agriculture. The problem can be stated simply: How can rural areas be made more attractive, thereby helping to slow the overflow of migrants to the cities? We are just beginning to realize that adopting an integrated approach to the development of rural areas can make it possible for countries to have a substantial beneficial impact on both growth and employment.

Obviously, this increase in rural production would generate broader-based purchasing power. But even better, the character of rural demand itself can contribute to development. In these areas it tends to be different from urban middle-class and upper-class demand of the type prevalent in Latin America, by focusing on goods with a lower foreign exchange component which are both more labor intensive and more easily produced in smaller towns. An increase in the production of basic foodstuffs also permits major programs for expanding the work force in both urban and rural areas without the heavy inflationary or foreign exchange pressures which were inevitable with a more stagnant agriculture. This is because most of the increased income of workers at the bottom of the wage scale goes for increased consumption of food.

However, special measures will be required if this focus on rural production is to make a significant contribution to providing employment. In Taiwan, for example, where there is a seven acre limit on farms, the agricultural breakthrough has been far more labor-intensive than that in the In-

dian Punjab, where the size of farms is unrestricted and the larger ones make use of large scale mechanization.

In Taiwan, these land limitations have induced the successful farmer to be increasingly innovative with his small acreage; whereas in the Punjab, a farmer who has been successful with one innovation has tended instead to take advantage of it by buying more backward and labor-intensive farms. This means that Punjabi farms of over 100 acres have more than doubled in size on average in recent years; and, as a result, the successful farm in Taiwan is not only far more labor-intensive, but is also much more productive in terms of yields per acre. This is a strong argument for those policies collectively known as land reform.

In addition, labor-intensive public works projects tend to be far more productive and profitable in rural areas where there are rapidly increasing crop yields. These increasing yields add greatly to the returns from investment in farm-to-market roads and small scale irrigation projects. Indeed, the combination of increased yields and labor-intensive social systems has been a feature of the broadly-based economic breakthroughs achieved by Japan, Taiwan, and South Korea.

The private sector

These three innovations may help ease the problems of employment in the developing world. But the coming crisis also has many implications for international private investment and for the multinational corporation. In the first place, the developing countries will place an increasingly high premium on foreign investments which promise to be labor-intensive or which in other ways provide significant employment. Furthermore, there should be major new sales opportunities for corporations making both consumer and producer goods for which there is high demand in rapidly-growing rural areas.

But at the same time, the prospect of increasing unemployment bodes ill for the political stability of these countries. This is particularly true in Latin America, because the economies and societies of those nations generally are not structurally prepared to deal readily with the problem.

Needless to say, such a climate of uncertainty and potential civil strife is not the best one for business and trade. Indeed, this problem clearly establishes a link between Western concern for the unemployment problem in the developing countries and the future of our commercial relations with them. In addition, the unemployment crisis will lead the developing countries to increase their pressure on the industrialized nations to open markets. This question is now upon us, as we are discussing with the OECD the best means for extending preferences to the products of the LDC's. We will either meet this problem successfully now; or we will see it—and all of our business relations with the developing world—get much worse later.

Special regional trends

Massive studies could be—and are being—written on the problems facing each of the world's regions during the 1970's. For example, Raul Prebisch has just completed an outstanding analysis of Latin America for the Inter-American Development Bank. And early this fall the Asian Development Bank will conclude its study of Asian development. But for this discussion, it is necessary to limit our concern to a few regional factors that warrant special emphasis.

East Asia

East Asia is no going through an extremely dynamic period of economic change. Its economic growth currently exeeds that of any other group of developing countries and is likely to continue to do so during the 1970's, unless there is a catastrophic military and political collapse in Indo-China, with repercussions throughout Southeast Asia.

This region of more than 350 million people is today heavily dominated by the dynamics of Japan's extrordinary growth. But the Japanese "economic miracle" is not alone in explaining the region's great strides forward: many other East Asian countries—including Taiwan, Korea, Hong Kong, Singapore, and Malaysia—have also followed economic policies designed to maximize their growth opportunities.

Unfortunately, this pattern has not been repeated everywhere. Indonesia and, to a lesser extent, the Philippines are the slow developers in East Asia. However, the impetus behind the region's growth are so great that these countries should achieve progress at or above the world average during the 1970's, even if management of their resources is only moderately good.

Still, by the end of the decade Japan's role in the region will be even more pronounced than it is today—possibly by a factor of ten. Will this explosion of Japanese activity in East and Southeast Asia involve some form of partnership with the developing and developed countries? Or will it be largely a unilateral intervention, with the United States lessening its interest in the economy of the area at the same time it disengages militarily, thereby leading to a form of Japanese-dominated "co-prosperity sphere?" If the latter proves to be the case, we can expect active resentment of Japan by developing countries that is similar to, but even greater than, Latin American resentment of U.S. dominance. And in that case we can expect the United States and other developed nations to play a lesser role in the region's economy.

These stronger Japanese ties to the East Asian countries will develop in many forms. To begin with, Japanese official aid will probably double to more than $1 billion annually within the next several years, and more than double again before the end of the decade. At present, Japan's policy is to focus aid overwhelmingly in the East Asian countries; to resist large-scale expansion of aid in South Asia, Africa, and Latin America; and to relate aid to commercial interests wherever feasible.

Second, during the 1970's, there will be a large-scale expansion of Japanese trade within the region. This will derive in part from the expected increase in Japanese GNP from its present $200 billion to $500–800 billion by 1980. As a result, Japan's trade should increase by more than the same percentage as she becomes increasingly dependent for economic growth on outside raw materials, and elects to focus an increasing proportion of her new investment on labor-intensive production overseas for her own industries.

Third, the decade should also see a radical change in Japanese overseas investment policy. Until recently, Japan—like Germany—was slow to invest abroad. Thus, her overseas assets are still less than $2 billion—an insignificant amount compared to Britain's $20 billion and the United States' $70 billion. But this policy can be expected to change rapidly in the 1970's, leading to a vast increase in investments, particularly in East Asia.

Over the next few years, the American economic relationship with East Asia will be very much at issue. In the first place, all indications are that American military involvement in Asia, with its consequent economic implications, will be reduced significantly throughout the area from Korea to Thailand. As part of the same American caution in the area, we may also see growing opinion in the U.S. that the greatly increased availability of Japanese aid justifies a drastic reduction—perhaps even virtual elimination—of American aid to Indonesia, the Philippines, Vietnam, and the other Southeast Asian countries. At the same time as such a withdrawal of military and economic assistance, it is likely that there will be increased U.S. protectionism against East Asian manufactured goods; and, if so, then Japan will have an overwhelming domination of East Asia by sheer force of circumstance. In turn, this development would have major political implications for the relationship between East Asian countries and Japan; and it would mean that, relatively speaking, the American economic role would be reduced in what may be the world's most dynamic region during this decade. It is clear that the United States, Japan, and other Asian states would suffer alike.

Conversely, if the United States, Canada, and Australia adopt an active and cooperative approach to East Asian development needs—in cooperation with Japan—political tensions in the area will be greatly reduced, and the participation of these non-Asian countries in the rapid growth of East Asia will be significantly increased. To this end, active U.S. support of the Asian Development Bank will strengthen its ability to lead multinational consortia for Southeast Asian countries; and it will increase the likelihood that Japan will channel large amounts of her aid through the Asian Development Bank, instead of relying primarily on bilateral means.

Finally, it is important to note that the East Asian developing countries are in the best position of all to capitalize now on preferences extended to manufactured goods. They will, therefore, have most to gain if the industrialized countries introduce some form of general tariff preferences on behalf of the developing world.

Latin America

In Latin America, there are reasonably good prospects that at least a moderate expansion of output will be continued during the 1970's. Overall Latin American production has increased from $53 billion in 1950 to $86.5 billion in 1960 and to some $130 billion today, and should exceed $200 billion by 1980. Output today represents an average per capita product of $510; this compares favorably with Africa ($118 per capita), Asia ($110 per capita), and even with Southern Europe ($473 per capita)—the last three at 196' figures.

However, these figures do not reflect the serious structural imbalance in Latin American development. To a greater extent than in other major regions of the world, there is a growing gap between the modernized, successful part of developing society in Latin America, and the sizeable part that does not benefit from progress. For example, a higher proportion of Latin America's population is either unemployed or severely under-employed, and a larger proportion of its population is in the more politically-volatile urban areas; about 50 percent, as compared with 2(percent on average for the LDC's as a whole. Latin America also has more serious rural social problems, and fewer people own a higher proportion of the land than in any other developing areas.

What will this mean for Latin America? Will it be able to cope with its historic failure to incorporate the broad mass of its people into the pattern of economic and social progress? This is the key challenge facing that continent during the 1970's. If the Latin American nations fail to meet this challenge, there will be an enormous build-up of internal political pressures, and governments can be expected to use xenophobic nationalism and hostility to the outside world as a way of maintaining internal control. The wave of additional entrants into the labor market will make it even more difficult than before to meet this challenge; but they will also make vastly more urgent the need for major structural reform.

In his recent report, Raul Prebisch correctly noted the need for extraordinary measures: according to his analysis, there must be an 8 percent growth rate by the end of the decade and a comparable rate of growth in exports. Furthermore, an important phase of Latin America's economic growth, during which internal production has been substituted increasingly for imports, frequently despite higher cost, has now reached its limit; and with existing trade patterns the maximum feasible growth in Latin American exports will be less than four percent—or only half of the 8 percent required. To achieve the needed expansion of exports will require a major increase in the access that Latin American countries have to developed country markets—notably those in the United States. And it will also require a truly major expansion in trade among the Latin American countries themselves—an expansion that can be accomplished only through some major form of regional economic integration.

Trade

A number of trends will make this issue of trade far more important to the developing countries in the coming decade than it was in the last. Perhaps most important, they must increase their exports significantly, in order to help finance the higher growth rates that, in turn, are needed to meet the demand for vast increases in employment.

Second, the practice of substituting new indigenous production for an increasing range of imports has already been overdone in many developing countries; the emphasis must shift to exports. As Raul Prebisch correctly pointed out in his report, import substitution will have a much smaller role to play during the 1970's in accelerating the process of industrialization and in reducing LDC needs for foreign exchange. These countries must place their emphasis on selling more, rather than on importing less.

Third, many countries will come of age during the 1970's as exporters of both agricultural and manufactured products. In agriculture, the technological revolution that is now sweeping many developing countries will create surplus production capacity; and this capacity must be directed to new markets either within the developing countries themselves or abroad. Otherwise, these countries will have no hope of avoiding locally distressed areas—Appalachias of the LDC's.

The developing countries are also beginning to enter the field of manufactures. For one thing, despite inefficiencies that frequently occur in attempts to substitute domestic production for imports, this practice has enabled several developing countries to create labor-intensive industrial facilities which are competitive internationally. A handful of East Asian countries—such as Taiwan, Hong Kong, Korea, and Singapore—will no longer be able to make production of manufactured goods by LDC's their almost exclusive preserve. For one thing, the growing tendency of multinational corporations to internationalize their production will make available more outside capability to help developing countries increase their manufactured exports. Indeed, these opportunities will come searching for outlets in the developing countries.

Protectionism and Preferences

These forces stimulating greatly increased exports by the developing countries will, of course, come into sharp conflict with trends toward agricultural and industrial protectionism in the developed countries. This is particularly true of many agricultural products, in which the LDC's enjoy a comparative advantage. There are strong political pressures in the rich countries to prolong protection of their own inefficient agriculture and industry which no longer have a comparative advantage. And there is a special threat posed by the Common Agricultural Policy of the Common Market—a threat that will become far worse if the United Kingdom joins the EEC without there being a major revision in this policy.

In recent years, we have also seen rising agricultural protectionism in Japan; and now we are seeing American labor leadership shift toward protectionism in response, in considerable part, to the efforts of multinational corporations to internationalize their production.

It is ironic that the Kennedy Round of trade negotiations has reduced the barriers to the import of goods that are of types manufactured by the industrial nations, but not to goods of the types generally produced by the developing countries. In effect, this amounts to discrimination against LDC manufacturers which are seeking access to developed country markets.

As pointed out recently by Arthur Lewis, the tariff structure in force today in the developed countries leads them in effect to charge twice as much duty on the goods they import from the developing world than on the goods they import from one another. In addition, imports from the developing countries are much more heavily restricted by quotas. This strikes many observers as particularly discriminatory, since, according to 1965 figures, exports of light manufactured goods by the LDC's to the developed countries were only ten percent of the same category of exports of the developed countries to one another. Not surprisingly, Arthur Lewis was reminded of the Biblical saying, that from him who hath not shall be taken away even that which he hath.

Discussions on preferences for developing countries are now taking place in Europe between the Common Market and the United States. Their fate is still in doubt, owing to concern in Europe about the trade bill currently pending before the Congress. And if an agreement does emerge, it must secure parliamentary ratification, which is by no means certain in the United States. Furthermore, the developed world must reach more far reaching accommodation with the LDC's if the trading needs of the latter are to be met.

And such an effort will not begin in serious form until the developed nations—particularly the United States—reassess the importance of relations between the poor, but growing, two-thirds of the world, and the increasingly rich, but shrinking, one-third; nor will this effort take place until the developed countries have thought through their trade policies on a worldwide basis, as part of a total approach to restructuring long-term relations between the developed and developing nations. Unfortunately, these assessments will probably not take place until perhaps the middle of the decade, and almost certainly not until after the Vietnam War is concluded.

Finally, during the 1970's we should see the development of major regional trading arrangements between the developing countries, as Prebisch and Pearson have both advocated. Such regional arrangements will be important both in contributing to increased trade between developing countries, and in symbolizing for all that developing countries themselves take serious this crisis problem of the 1970's.

Development cooperation

The foregoing discussion points up a central fact: that there must be more common effort to solve these problems of the developing world. Fortunately, today, most of the developing countries and the industrial nations are prepared to work together for a major expansion of the cooperative approach to international development which the United States began 20 years ago. Partly as a result, the push and shove of unilateral U.S. leadership is no longer required, nor is it even acceptable. But for the effort to succeed, the United States must not abandon its role now; indeed, it must provide its fair share of cooperative participation and leadership. And at present, the future character of this participation and leadership is at issue, both within the Government and in public attitudes.

American attitudes towards developing countries, as well as our relations with them, reflect the end of an era in which our entire foreign policy was largely dominated by Cold War preoccupations. Today, we are at the beginning of a new era—one whose outlines are still only faintly defined. There are many conflicting trends. On the one hand, in our daily concerns we Americans are far more intimately involved with the developing countries than we were ten years ago. East Asia, for example, has become America's fastest growing trading partner. Indeed, despite the extraordinary increases in cereal production made possible by the Green Revolution, Asia has become the United States' largest market for agricultural products. International tourism has also increased manyfold, leading many North Americans to visit their Latin American neighbors, and hundreds of thousands to visit Asia each year.

On the other hand, during the last several years, the United States has reduced its foreign policy interest in the progress of these countries. Today, for example, any community meeting or university seminar that directed its attention to the problems of some particular nation—such as India or Colombia—would tend to attract fewer participants and much less general interest than would have been true a decade ago. Throughout the United States, centers dedicated to the study of developing countries are having difficulty in gaining support from private funds, foundation grants, or other private sources.

U.S. development assistance has also been dwindling, both in absolute terms and relative to the success of our economy. Seven years ago, the U.S. provided in net amount about $3.6 billion in foreign economic aid—roughly six-tenths of one percent of our GNP. But in 1970 the U.S. aid contribution will be only about $3 billion—only three-tenths of one percent of an economy that is much richer. And in the next two years, the actual flow of U.S. aid will probably decline even further on the basis of decisions that the Government has already taken.

This decrease in America's concern with transferring resources to the developing world has come at a particularly critical time. It is certainly apparent to all that the gap between the rich nations and the poor nations, measured in terms of per capita income, is growing wider rather than narrower. Of course, it may be that personal income is a misleading measure of personal fulfillment; but it is certainly a factor of some importance. Today, the incomes of the poorest third of the world are still less than $100 per capita, and may not reach $250 before the year 2000. At the same time, the United States has increased its GNP per capita from $2,000 to more than $4,000 in the past 20 years, and will approach $10,000 by the end of this century. As a result, the progressive reduction of U.S. aid to the developing world at this time seems to many thoughtful people to be an unfortunate and inappropriate trend that must be reversed.

Fortunately, there is at least one more trend in attitudes prevailing in industrialized states that gives firm ground for hope. Almost everywhere, there is an extraordinary increase in public concern about the global problems of over-population, hunger, and pollution of the enivronment. These issues do attract intensely interested and active people to meetings throughout the nation And in the corporate world, especially, there is a striking increase in pragmatic interest about the world community, demonstrated by many developments, including the new emphasis placed on the internationalizing of production.

There is great potential here for U.S. action and a major contribution that we could make. Even more, we could broaden our concern with domestic problems of poverty and urbanization to embrace the similar needs of developing countries; and thereby help to overcome the stumbling block of the decreasing popularity of assistance to those outside our geographical borders.

The new concern for common problems that is evident in the developed world indicates a growing awareness that the world is becoming increasingly interdependent—in ways and to an extent that is still not fully understood. But one things does seem clear: that mankind must address its pressing problems together, or not at all; and it must search for common answers. Most important, we must stabilize overall global population growth if we are to preserve our life-sustaining ecosystems into the next century. And we must address ourselves to other problems on a common basis, including the need to take those steps—in trade, aid, and technology—that will help to stem the rising tide of unemployment in the developing countries.

In short, technology is reshaping the world in which we live, much more rapidly than the policies of the developed countries yet reflect. And it is increasing the need for common action on a host of fronts. Indeed unless the industrialized countries, and particularly the United States, make themselves more responsive to changed circumstances—and do so together—they will surely suffer in ways that are still only dimly seen.

Recommendations of Peterson Task Force

In this regard, the Report of President Nixon's Task Force on Foreign Aid, chaired by Rudolph Peterson, takes on particular importance. If implemented, its principal recommendations would carry in a long way toward meeting the problems described above.

As the Report recognizes, the long-term interests of developed and developing nations alike will require us to separate the management of development assistance from that of security assistance; as we have learned to our cost, the latter has too often in the past been allowed to dominate the former.

Furthermore, the successes of the past 20 years have created an opportunity, as well as a pressing need, for us to create a framework of cooperative development that is truly international. In order to lessen the danger that there will be bilateral intervention in the affairs of developing countries, there must be stronger multilateral financing institutions; and also greater international decision-making on bilateral programs. The Report proposes the creation of a development bank for capital loans; a development institution for research and certain types of technical assistance; and a corporation to support private investment activities. If long-term funding is provided for these new institutions, we should be able to use funds more efficiently, and gain broader participation in the process of international development.

Finally, the Report recommends the creation of an International Development Council in the White House, similar to the National Security Council and the Domestic Affairs Council. In so doing, the Report recognizes the need for coordinating the U.S. development tools of trade, aid, and investment with respect both to the international community and to the developing countries themselves.

The President has yet to act on the Peterson Task Force Report, although he has given many indications that he is impressed with its scope and depth. In any event, Congressional action will not take place until 1971.

Early renewal of U.S. development effort

Today, we in the United States have three unique opportunities which we may miss and never recover unless we return soon to the development effort with a better and expanded program of trade, aid, and investment—a program that is adapted to the new needs of a global community faced with increasing interdependence.

First, we have the example of other developed nations. At present, many of them are willing to play a much larger role in a cooperative development effort than we are. Their net official aid contributions have risen from $2.3 billion in the early 1960's to an estimated $3.7 billion this year—$700 million more than the declining U.S. effort. And this gap will widen further over the next several years as these other countries continue to increase their contributions rapidly toward the $5 billion level. But we cannot really expect this upward trend of aid contributions from other countries to continue for more than a few years if the United States, as the world's richest country, does not do its share.

Second, the poor countries are now willing to cooperate actively, with each other and with the industrial nations, in a global development effort. But their willingness will fade if we permit the emergence of a basic confrontation between rich and poor nations while reducing our development effort. With our help, such confrontations may not prove serious; without it—as is happening in our cities—we will find that a failure to help only increase hostility in the developing world. In this sense, it is better not to embark on a program of help than to abandon it half-way through. In addition, it would undoubtedly be far more difficult to reestablish a cooperative development effort at a later time.

Third, the developing countries have built up considerable momentum toward solving their many and difficult problems. But if this momentum is lost, we will all find it much more difficult to meet the pressing challenges facing these countries—challenges of unemployment, population control, and food production.

Finally, we in the United States need to take a new and critical look at the world in which we are living. We are no longer the only major power in the world, whose influence—if not dominance—is assured wherever we choose to act. But at the same time, we are no longer insulated from the problems that beset regions of the world that were once remote from our concerns.

Meanwhile, the methods of power and influence are also changing. The effectiveness of military power is declining; there are strong challenges within our society to the morality of a foreign policy of widespread intervention in the affairs of other states; and economic and social factors in relations among states and peoples have increased to unprecedented levels of importance.

Today, we have an urgent need to develop new concepts of foreign policy that account for these and other new trends in relations among men; we must broaden our understanding of the "national interest"; and we must begin the difficult task of re-educating opinion, among leaders and peoples alike, to the dynamics of the world's changing circumstances.

We also have new responsibilities towards the developing world in securing our own long-term self-interest, by preventing further use of unwise and unproductive methods of dealing with other nations. And we have a responsibility to promote the good of all mankind upon which the prosperity and happiness of each of us increasingly depends.

If we are to achieve these goals, we must broaden our concept of development to encompass all means that together can form an integrated approach to the developing regions of the world. These include aid, trade, investment, education, the role of the multinational corporation, social progress, political development, the use of multilateral agencies, arms control, and the automatic transfer of resources. We must also plan for years in advance; we must relate our development effort in one part of the world to that in all other parts; and we must, above all, approach the problems and opportunities of the future with a new understanding and commitment—as suggested by the words "partnership in development."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

SENATE—*Tuesday, August 25, 1970*

The Senate met at 8:30 a.m., and was called to order by Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

Eternal Father, whose Son was the way, the truth, and the life, we pause this morning hour to open our hearts to Thy presence. Let every victory this day be the victory of truth over falsehood, and righteousness over unrighteousness. May we be quick to commend, slow to condemn, swift to affirm, slow to deny. Spare us from rancor and bitterness but indwell us with grace and charity.

In the long hours before us be Thou our strength. In weariness refresh us; in tense moments relax us; in success keep us humble, in failure make us magnanimous. In all things help us to persevere in righteousness. When evening comes, give us a good conscience and a blessed rest.

Hear us in these our prayers, and in all those deeper prayers that never take the form of words.

Through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 25, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. QUENTIN N. BURDICK, a Senator from the State of North Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BURDICK thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Monday, August 24, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Pursuant to previous order, the Chair recognizes the Senator from Idaho (Mr. CHURCH) for 15 minutes.

THE SPANISH-AMERICAN AGREEMENT: THE STORY OF A DOUBLE EVENT

Mr. CHURCH. Mr. President, in the course of historical change, certain patterns often repeat themselves. Yet, when the same event occurs in two different countries simultaneously, it is newsworthy. Here is the story of such a double event.

The United States and Spain entered into an agreement of friendship and cooperation on August 6, 1970. Both governments did this by executive action; the text of the agreement was not made public until after it had been signed.

In both countries, leading citizens protested the manner by which this event took place. Ironically, in both Washington and Madrid, attempts were made to explore the impending agreement publicly before it became binding. Neither government, however, was willing to submit to this process. Each government chose, instead, to deal exclusively with the other, ignoring all objections.

Since the signing of the 1953 defense agreement between the United States and Spain, the latter has received more than $1.3 billion in American military and economic aid. In return, the United States received rights to establish certain military facilities in Spain. Expiration of this agreement was due this fall. The reasons why the Nixon administration desired to extend this base arrangement with the Franco government, made public on the day the new agreement was signed, are contained in a statement by Under Secretary of State U. Alexis Johnson. I ask unanimous consent to insert this statement in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF U. ALEXIS JOHNSON, UNDER SECRETARY FOR POLITICAL AFFAIRS, DEPARTMENT OF STATE, TO SENATE FOREIGN RELATIONS COMMITTEE REGARDING AGREEMENT OF FRIENDSHIP AND COOPERATION WITH SPAIN, AUGUST 6, 1970

In accordance with the discussion that Deputy Secretary of Defense Packard and I had with the Committee on July 24, I am submitting the following unclassified statement in amplification of our testimony on the reasons the Administration is entering into an Agreement of Friendship and Cooperation with the Government of Spain and why it is felt that this should be done in the form of an Executive Agreement.

In 1953, after obtaining the concurrence of the Senate leaders, including the leaders of the Foreign Relations Committee, an Agreement was signed with Spain known as the 1953 Defense Agreement, pursuant to which the United States Government was granted rights to establish and maintain certain military facilities in Spain. For its part the United States Government undertook in the 1953 Agreement "the support of Spanish defense efforts for agreed purposes to provide military end-item assistance to Spain." The United States Government obligations were thus limited to providing military equipment, and no defense commitment was given to Spain, either in the Agreement or otherwise.

During the Kennedy Administration in 1963, the Defense Agreement with Spain was extended five years, to September 26, 1968, and on the occasion of the extension representatives of the two Governments signed a Joint Declaration.

Upon the expiration of the five-year extension in 1968, the United States Government and Spain began negotiations, at the request of Spain, of a new agreement. Ultimately, it was decided, on June 20, 1969, to extend the former Agreement just two years, until September 26, 1970, which extension was calculated to provide both sides adequate time to negotiate and conclude the new agreement.

During these 17 years of friendly cooperation under the 1953 Agreement the United States Government has been permitted to establish and maintain in Spain three joint-use air bases and one joint-use naval base, including associated support facilities. Our total original investment in these facilities is approximately $400 million. Our present force strength in Spain is approximately 10,000 military personnel. These bases have supported important missions of SAC, MAC, Air Defense, antisubmarine warfare units, Sixth Fleet supply and, most significantly, our Polaris Submarine force. During this period we have made grant military assistance available to Spain. All of these activities and expenditures were specifically authorized and funded by the Congress after appropriate study, hearing and debate.

The Administration has most carefully considered the question of whether or not to seek to continue maintaining these facilities in Spain, and after thorough review by all authorities concerned, particularly the Department of Defense and the Department of State, the President decided that we should do so. The Committee was informed of this decision and the general outlines we envisaged for the new Agreement by Deputy Secretary Packard and myself at a hearing on April 22, 1970. These negotiations have now been concluded successfully.

The broad compass of U.S. operating facilities, which will continue to be made available to us by Spain under this new Agreement, continues to be important in (a) maintaining our general deterrent posture in the Mediterranean area, (b) providing the infrastructure to support our forces deployed in Europe and the Mediterranean, and (c) contributing to our worldwide strategic and tactical mobility. The facilities in Spain contribute to our deterrent strength, particularly by providing maximum coverage for our Polaris-equipped submarines. Thus all of our facilities in Spain are defensive and deterrent in nature and will contribute to the maintenance of peace and avoidance of conflict.

Our overall Mediterranean security posture would be considerably degraded were these bases not available. Although it is possible to conceive of alternative locations for some of the functions presently performed in Spain, in some cases political considerations would make relocation difficult or impossible, and in event any such relocation would be very expensive. Many of the relocations would not be adequate substitutes. Our Polaris Fleet ballistic missile alert coverage would be lessened. Our staging facilities to support our forces in the event of a crisis would also be reduced. These are just two examples.

Most importantly, however, some of the facilities are not replaceable elsewhere. The geographic location of Spain obviously cannot be duplicated, especially the favorable terrain and weather conditions for aerial weapons training required to keep our European air defense forces in a high state of readiness, and the privilege of overflight is important. Since we have been deprived of our former bases in other areas, this factor of geography has taken on increased significance.

In short, we think that our strategic posture, and tactical strength and logistic capabilities make it important that we continue to maintain military facilities in Spain.

However, both Spain and the United States Government realize that times have changed significantly since 1953, and that true friendship and international peace must rest on the foundations of cooperation which go far beyond strictly military base agreements. Therefore, the Agreement which has been negotiated covers a number of areas of cooperation, including education, science, cultural exchange and many others, in addition to military cooperation. We believe that in the coming decade such a broad agreement will provide a firmer base for the development of our bilateral relations with Spain.

The question has been raised as to whether the proposed Agreement of Friendship and Cooperation contains a commitment by the United States to defend Spain and if it does, whether it should be submitted to the Senate for its advice and consent to ratification. I entirely agree that were the proposed Agreement of Friendship and Cooperation to contain such a commitment as, for example, is contained in the North Atlantic Treaty, the Southeast Asia Collective Defense Treaty, or the Security Treaty with New Zealand and Australia, or our various bilateral mutual defense treaties, the Agreement should be submitted to the Senate for its advice and consent to ratification. However, as I have stated, the proposed agreement contains no such commitment.

I suggest that the Agreement be viewed as a whole. The Preamble and Chapter I basically are introductory. The rest of the Agreement provides for U.S.-Spain cooperation in seven areas as follows:

Education and Cultural Cooperation (Chapter II).

Scientific and Technical Cooperation (Chapter III).

Cooperation on Environmental and Urban Development Problems (Chapter IV).

Agricultural Cooperation (Chapter V).
Economic Cooperation (Chapter VI).
Cooperation with Respect to Public Information (Chapter VII).
Cooperation for Defense (Chapter VIII).

Chapters II through VII cover areas, such as Fulbright Educational Exchanges, which are, as they traditionally have been, the subject of Executive Agreements rather than treaties. In fact, four of these six chapters cover subjects on which Spain and the United States have already existing Executive Agreements. In addition, all of the pertinent operative clauses of the Agreement, in both its nonmilitary and military aspects, expressly provide that all obligations arising thereunder are subject to the availability of appropriated funds. I would hope the Committee would welcome our plans to cooperate, within the framework of the new Agreement, in such a valuable program to the Spanish people as the comprehensive Spanish education reform law, to be put in effect shortly.

I understand that the Committee's chief concern centers around the preambular language in Chapter VIII (Cooperation for Defense) and Article 30, which state as follows:

"The Governments of the United States and Spain are in agreement in considering that the threat to peace is the greatest problem faced by the modern world, and that it requires that both Governments remain viligant and continue to develop their ability to defend themselves against such a threat. Consequently, both Governments, within the framework of their constitutional processes, and to the extent feasible and appropriate, will make compatible their respective defense policies in areas of mutual interest, and will grant each other reciprocal defense support as follows:

"*Article 30.*—Each Government will support the defense system of the other and make such contributions as are deemed necessary and appropriate to achieve the greatest possible effectiveness of those systems to meet possible contingencies, subject to the terms and conditions set forth hereinafter."

It should be noted at this point that "the terms and conditions" referred to in Article 30 provide only that the United States will make available to Spain military equipment and training and help in modernizing Spanish defense industries and for its part Spain will authorize the United States to use and maintain certain military facilities in Spain, as set forth in Articles 31 and 32:

"*Article 31.*—The Government of the United States agrees to support Spanish defense efforts, as necessary and appropriate, by contributing to the modernization of Spanish defense industries, as well as granting military assistance to Spain, in accordance with applicable agreements. This support will be conditioned by the priorities and limitations created by the international commitments of the United States and the exigencies of the international situation and will be subject to the appropriation of funds by the Congress, whenever the case so requires, and to United States legislation.

"*Article 32.*—The Government of Spain, subject to Spanish constitutional provisions and legislation in force, will authorize the Government of the United States to use and maintain for military purposes certain facilities in Spanish military installations agreed upon by the two Governments. . . ."

As I have noted, the Agreement thus contains no language such as is found in our bilateral and multilateral mutual defense treaties. It is not provided that an armed attack against one party shall be considered an attack against the other, such as the North Atlantic Treaty and the Rio Pact provide, or that such an attack would be dangerous to the "peace and safety" of the United States or that the United States "would act to meet the common danger in accordance with its constitutional processes" as provided in our other mutual defense treaties.

In recognition of the concern expressed by some members of this Committee, the 1963 Joint Declaration language has been dropped. The Joint Declaration itself lapses upon the entry into force of the new Agreement.

Our approach to the problem of the defense of Europe has been collective and multilateral, not bilateral, and we have always viewed Spanish entry into the North Atlantic Treaty Organization, when that should prove possible, as the preferred solution for the defense of all of Western Europe, including Spain. Indeed, the Spanish Government shares this view.

I also want to note that the stationing of U.S. forces in Spain does not constitute a commitment as defined by the Senate in the National Commitments Resolution. The Agreement we have negotiated does not require "the use of the armed forces of the United States on foreign territory". I also suggest that the conclusion of this Agreement as an Executive Agreement, rather than as a treaty, makes it even clearer that no commitment is involved.

In summary, the Administration is convinced that the conclusion of this Executive Agreement will contribute to broadening and bettering our relations with the people of Spain. Finally, the agreement of the Spanish Government to permit us to continue to maintain our military facilities in Spain also well serves our security interests.

Mr. CHURCH. Mr. President, the reasons why the Government of Spain sought to extend the arrangement with the United States are officially set forth in the joint statement of Spanish Foreign Minister Senor Gregorio Lopez Bravo and U.S. Secretary of State William Rogers, while other interpretations appear in an editorial in the Madrid newspaper, Arriba, entitled "The Spanish Position," as well as in Associated Press and Christian Science Monitor dispatches from Madrid, the latter headlined "Madrid Sees Bases Deal as NATO 'In'." I ask unanimous consent that these four documents be inserted in the RECORD at this point.

There being no objection, the documents were ordered to be printed in the RECORD, as follows:

SIGNING OF AGREEMENT OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND SPAIN

JOINT STATEMENT

The Spanish Foreign Minister, Gregorio Lopez Bravo, and Secretary of State William P. Rogers today signed an Agreement of Friendship and Cooperation. This Agreement, which replaces the Defense Agreement of 1953 and extensions thereof, initiates a new era in partnership between the United States and Spain.

The new accord comprehends various fields of existing cooperation between the two countries. Among them are education, agriculture, environment, space, science and technology, as well as defense.

Such an agreement reflects the manner in which cooperation between the two countries has come to include new dimensions since the early 1950's. At that time, it was a matter of urgency to establish the joint-use bases in Spain to strengthen the defensive capability of the West. Under the new agreement, the United States will be permitted to use certain Spanish military facilities, which are still of great importance in Western defense. The United States will undertake to assist Spain in strengthening its own defense system.

In addition, the new agreement also takes into account the many nonmilitary fields in which both countries now have close mutual interest. An example of such an area is space; Spanish tracking stations, manned by personnel from both countries, have played an important role in the Apollo flights. The field of educational exchanges, having already become a fruitful area of cooperation, promises to assume an even greater importance with the adoption of an extensive educational reform program by the Government of Spain.

Both Governments intend this agreement, the text of which is being made public, to promote the well-being and progress of their peoples and, moreover, to make a positive contribution to world peace in accordance with the purposes and principles of the Charter of the United Nations.

THE SPANISH POSITION

The new Agreement on Friendship and Cooperation, which was recently signed by the governments of Spain and the United States, represents a clarification of the Spanish position in the larger framework of the Western strategy. First, because there are fundamental changes in the terms of U.S.-Spanish relations in the sphere of defense, as Sr. López Bravo pointed out in his statements. Second, because from this perspective of equal relations on which the spirit and letter of the agreement is based, Spain accepts the commitment which today the defense of the Western civilization demands of nations. Our Minister of Foreign Affairs said that the risks inherent in our defensive association with the United States have probably been exaggerated. "Today," he pointed out, "it appears to be unlikely that the big powers will resort to total war. But if it happens, Spain cannot avoid getting involved, inasmuch as she is the southwestern flank of Europe and offers a direct and advantageous road to the heart of our continent." This means that the point in question is to recognize the real Spanish position within the West and to strengthen this position as much as possible.

But, in addition, Spain and the Spaniards are very well aware of the fact that our epoch will not allow us to shun commitments, efforts and necessary contributions. In this respect our Minister has likewise been specific: "The common defense of a civilization and of certain values requires that each party commit itself to make its own contribution. The government understands that the part Spain has to fulfill and which it receives in exchange is equally reflected in the projects of the Agreement." Therefore, the point in question is not to reduce commitments and turn down assistance but, as is natural, to carry out both on a basis of equity and just proportion. We all know that the defense of Western civilization, the preservation of peace and its strengthening are precious values which, consequently, require a certain price. What the Agreement now concluded has brought about is that this price is equally and sensibly shared on the basis of a firm friendship.

SPAIN SAYS U.S. BASES ACCORD LINKS HER TO NATO

MADRID, August 8.—Foreign Minister Gregorio Lopez Bravo said today that the new United States-Spanish bases agreement linked Spain militarily with the North Atlantic Treaty Organization.

"The new agreement binds us to NATO through the system of security of air space with its alert system," he said, on his arrival in Madrid from the United States.

The agreement, signed this week in Washington, continues American military bases in Spain for another five years. The pact incorporates the Spanish air force into the United States-installed air alert system covering Spain, which will eventually be turned over to Spanish control. This system is tied to the North Atlantic alliance, United States military men say.

Spain is not a member of the alliance. Entry repeatedly has been opposed by Scandinavian and other members. The United States has supported entry since 1955, and

regularly has briefed the Spanish military after meetings of the alliance.

Asked whether Spain still had an interest in joining the Atlantic organization, Mr. López Bravo replied that this would have to be evaluated on a political, military and economic basis. He noted that "the entry of Spain into NATO would obligate us to double the present defense budget."

Mr. López Bravo said the question "merits permanent attention" but it would involve shuffling the budget.

Noting that Gen. Andrew Goodpaster, commander in chief of the United States forces in Europe, also was military adviser on the new joint Spanish-American committee set up by the accords, he said Spain's new link with the Atlantic alliance was also of a "personal type."

The Foreign Minister declined to put a price tag on the new agreements. They have been estimated in the United States to involve $300-million to $400-million in aid and military hardware.

"Friendship and cooperation cannot be measured in figures," Mr. López Bravo said.

MADRID SEES BASES DEAL AS NATO "IN"

(By Richard Mowrer)

MADRID.—Jamming its foot in NATO's back door, the United States is helping Spain to squeeze in.

This is how the new Spanish-American bases deal looks to observers here.

It is also the view of General Franco's Foreign Affairs Minister, Gregorio Lopez Bravo, who said on his return from Washington: "The agreement brings us closer to NATO."

Because of Spain's authoritarian regime, several countries in the North Atlantic Treaty Organization, notably Norway and Denmark, have stubbornly opposed Spanish admittance. But the new bases deal with America circumvents Spain's exclusion in two ways:

1. The U.S. is to provide Spain with an air-defense warning system on a par with that of the NATO countries, which will interlock with theirs, at least in the Mediterranean area. Madrid will meet one-third of the $50 million cost of the new, advanced system.

2. A joint committee on defense matters is to be set up. The significant thing here is that one of its four members will be the U.S. commander in chief of the European command, who is also NATO's supreme commander. Gen. Andrew J. Goodpaster presently holds the job.

THIRD STRAND INVOLVED

The other members of the committee will be the Spanish Minister of Foreign Affairs and the American Ambassador in Madrid, Robert C. Hill, as cochairmen, and the chief of the Spanish high general staff, Gen. Manuel Diez Alegria.

Spain's tie-in with NATO has a third strand: recognition that it is "necessary and appropriate" that cooperation for defense should "form a part of the security arrangements for the Atlantic and Mediterranean areas," establishing "liaison . . . with the security arrangements for those areas." (Art. 35.)

The foot-in-door approach is as far as Spain wants to go at this time. As Mr. Lopez Bravo points out: "Membership in NATO would oblige us to double our defense budget, now $628 million."

The Foreign Affairs Minister sees the new agreement as a "political" achievement for long-ostracized Franco Spain, which it undoubtedly is. Earlier this year the regime, after eight years' trying, breached the Common Market wall by signing a six-year preferential-trade agreement with the Six, another success. Integration with Europe economically, politically, and militarily is a key objective of Spain's present government, ideological differences notwithstanding.

COMMITMENT TO WEST

The new bases deal with America means that Spain is unequivocally committed to the defense of the West and accepts the responsibilities involved. Dabbling in neutralism, such as occurred in 1968 when Fernando María Castiella was in charge of foreign policy, is out. It would seem that the idea of a Mediterranean pact linking together the riparian states against "outsiders" has been jettisoned for good.

The growing threat of Soviet dominance in the Mediterranean has served to dispel these mirages. It is accepted as a fact by the Spanish military that a big war involving Europe would not bypass Spain, neutral or not. This country's location at the entrance to the Mediterranean is too strategic.

An important component of the new agreement is the understanding, expressed by Mr. López Bravo, that Spain will be in a position now to "regulate the activities" of the U.S. armed forces stationed in Spain. This apparently means control of U.S. military operations originating from Spanish soil.

Up to now, according to Mr. López Bravo, U.S. forces here have been obliged only to inform Spain of their intentions. The new arrangement in Spain's favor is sure to put to the test the mutual understanding on which military cooperation will depend in the next five years.

MATERIAL LISTED

Spain has come out of the negotiations very well indeed. The Spanish armed forces are to acquire from the U.S. 36 secondhand Phantom jets, more than 100 tanks and halftracks, 25 helicopters, heavy artillery, two KC–130 and six C–130 transport planes, and a variety of other equipment.

The Spanish Navy will be given, technically on loan, two conventional submarines, five destroyers, four minesweepers, three landing craft, a munitions ship, and an oil tanker.

The U.S. will help modernize the Spanish arms industry and train Spanish military personnel. The 485-mile fuel pipeline built across Spain by the U.S. will be handed over to the Spanish. The U.S. will thereby lose a source of revenue estimated at $1 million a year.

The new agreement is a package containing many nonmilitary items. The United States is to give aid for Spanish educational reform and agricultural development, cooperate in fields of scientific and technological development, and help with environmental and urban development problems. Trade relations between the two countries and U.S. economic investments in Spain will receive special attention.

The cost burden for America of the new agreement, in terms of dollars and cents, has not been spelled out here, but estimates mentioned in the U.S. fluctuate between $200 million and $400 million spread over five years.

Mr. CHURCH. Mr. President, before the new agreement was signed, however, the Committee on Foreign Relations strongly felt that it should be submitted to the Senate in the form of a treaty. It was the desire of committee members to explore the language and ramifications of the agreement thoroughly. We wanted to question administration witnesses, along with other authorities, as to the merits of the many important items contained in the proposal, and to probe in depth the interpretation placed by the Executive on certain ambiguous passages. The Washington Post made this point strongly in an editorial on August 12:

The basic situation is that the administration, in order to gain continued use of military bases of questionable worth, entered secretly into a five-year pact to provide Spain with an arms-and-aid package worth hundreds of millions of dollars and with some kind of a security guarantee as well. What kind of guarantee? Was it necessary? Was the price right? These are precisely the questions the Senate wanted to ask and the administration chose to duck.

Had the procedure we requested been followed, the committee would have been examining the precise meaning of the new agreement, in accordance with our constitutional responsibilities.

To this end, it was suggested, within the committee, that a sense-of-the-Senate resolution be introduced, asking that the agreement with Spain be submitted in the form of a treaty. But action on that resolution was postponed, because Under Secretary of State U. Alexis Johnson was scheduled to appear before the committee on Friday, July 24, to discuss the terms of the agreement. It was felt proper to delay action on the suggested resolution as a matter of courtesy to the Department of State.

The committee met as scheduled in executive session with Under Secretary Johnson and Deputy Secretary of Defense David Packard. At that time, the chairman of the committee, Senator FULBRIGHT, asked Secretaries Johnson and Packard to consult with their principals and to determine whether they would submit the agreement in the form of a treaty, or, if not, whether they would at least discuss the terms of the agreement in public prior to signing it. They agreed to do so.

On the following Tuesday, July 28, the committee was informed that the agreement, which was to have been signed on Thursday, July 30, would be delayed.

Nothing further was heard on this subject until the chairman was informed on Tuesday, August 4, that the agreement would be signed as an executive agreement 2 days later, on August 6.

I have given this short chronology in order to make the point that the Committee on Foreign Relations delayed action on a resolution not only as a matter of courtesy to the Department of State, but also in the hope that the Congress and the American people would know of the agreement's contents before it became binding. Yet, as the Washington Post pointed out:

So uncertain was the administration of its case . . . that it refused to make it publicly. The agreement commits each country to "support the defense system of the other"—language so vague it cries out for the kind of amplification only a Senate hearing could produce. The agreement also creates a joint defense committee whose American member is the supreme commander of NATO—again, an arrangement that raises any number of delicate questions about the obligations of the United States.

Nevertheless, without prior disclosure of its contents, our Secretary of State, Mr. William Rogers, and the Spanish Foreign Minister, Senor Lopez Bravo, sat down on August 6 and signed the new executive agreement into effect between the two countries.

I ask unanimous consent that editorials from the Washington Post and the Rexburg, Idaho, Standard, plus analytical reports by William C. Selover of the Christian Science Monitor and James Doyle of the Washington Evening Star be inserted in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Aug. 12, 1970]

A CHALLENGE TO THE SENATE OVER SPAIN

The matter of extending American base rights in Spain would not have become the bitter Executive-Legislative issue that it is had not the administration used trickery to slip the extension through. To be sure, its trickery was successful, at least in the short run. The State Department did fake the Senate out badly, refusing to testify publicly and candidly, throwing Mr. Fulbright off balance with an allegation that he was leaking confidential information to the press, and then rushing through the signing of an "executive agreement" before it could either be discussed publicly or specifically approved by the Senate in terms of a treaty. In the longer run, however, the administration—to say nothing of the country—may regret the clever little coup, if not for some contingency that may arise over Spain, then surely for its impairment of Senate-administration trust.

The basic situation is that the administration, in order to gain continued use of military bases of questionable worth, entered secretly into a five-year pact to provide Spain with an arms-and-aid package worth hundreds of millions of dollars and with some kind of a security guarantee as well. What kind of guarantee? Was it necessary? Was the price right? These were precisely the questions the Senate wanted to ask and the administration chose to duck. By grating contrast, even as it was refusing to submit this highly important measure for Senate consideration, it was submitting an American-Mexican treaty for—wow—"Recovery of Returned or Stolen Archeological, Historical and Cultural Property."

The administration contends, of course, that the extension agreement contains no "commitment" to Spain's defense such as would justify embodying in treaty form. Perhaps. So uncertain was the administration of its case, however, that it refused to make it publicly. The agreement commits each country to "support the defense system of the other"—language so vague it cries out for the kind of amplification only a Senate hearing could produce. The agreement also creates a joint defense committee whose American member is the supreme commander of NATO—again, an arrangement that raises any number of delicate questions about the obligations of the United States. It is no comfort to learn some Spaniards believe that in effect Washington will be paying Spain—handsomely—to receive a NATO security guarantee, one that the Franco regime could not hope to receive directly at NATO's hands and one that it would have to pay for if it did. Can there be a more alarming signal on this agreement than that Mendel Rivers congratulated the State Department for making it?

Senator Fulbright has now called upon the State Department to testify on the agreement before the Foreign Relations Committee. He reserves the possibility of undertaking to amend the pending defense procurement bill so as to cut off funds for implementing the agreement. He can scarcely do less and maintain any pretense of recovering for the Senate its constitutional function of approving or disapproving foreign commitments which have a vital bearing on war and peace.

[From the Rexburg (Idaho), Standard, Aug. 11, 1970]

THE AGREEMENT WITH SPAIN

There are strong arguments on both sides of the running controversy over presidential and senatorial power in the conduct of foreign affairs. Neither the administration or Chairman Fulbright and other members of the Senate Foreign Relations Committee have all truth by the tail in this many-faceted dispute.

Having noted this, we come down on the side of Fulbright and like-thinkers in the matter of the new military agreement with Spain. This extends for five years the U.S. right to air and naval bases in that country, in return for loans and grants which may total as much as 400 million dollars.

Such an arrangement, we believe, should have been made in the form of a treaty requiring the advice and consent of the Senate. It is not palatable that, instead, the extension is embodied in a mere executive agreement on the basis of prolonged negotations in which the Senate played no part.

The administration maintains that no stated or implied commitment to defend Spain against attack is involved, and that therefore the agreement need not be in treaty form. This may be so, but the assurance is not wholly convincing. We think it significant that members of the Foreign Relations Committee have doubts on this point and others.

Sen. Frank Church of Idaho, for example, said he spoke for a majority of the committee in remarking, "I don't approve of secret deals with the Franco government, particularly of the kind that could involve us in a war." He further said, "I think the committee, the Senate and the people of the United States are entitled to know what this agreement is all about" and added: "Without question it (the executive agreement) deals with a prolonged involvement in Spain of such importance that it ought to be the subject of a treaty."

The administration has not made a convincing case to the contrary. Now that the executive agreement has taken effect, perhaps the Senate will not be able to do anything about it. At very least, however, the administration should respond to the Foreign Relations Committee's promised demand that it "explain, in public and on the record, what the agreement involves."

Someone's figured that the U.S. population is shifting westward at the average rate of 58 feet a day. There just doesn't seem to be anything stable and certain about life anymore.

[From the Christian Science Monitor, Aug. 8, 1970]

SENATORS ASSAIL SPANISH ACCORD

(By William C. Selover)

WASHINGTON.—In a hurry-up ceremony here at the State Department, the United States and Spain have finally sealed an accord for a five-year extension of a 17-year old military pact allowing the continued use of Spanish bases by American forces.

It was immediately denounced by a member of the Senate Foreign Relations Committee as an attempted "end run around the Senate."

This statement by Sen. Frank Church (D) of Idaho, signals a new round of controversy in the deteriorating relationship between the White House and the Senate committee.

Earlier, Sen. J. William Fulbright charged that the then-secret agreement would cost the American taxpayers some $400 million. Administration spokesmen denied that it would cost that much. While officials would not put a price tag on the agreement they suggested that the Fulbright figure was more than twice the anticipated cost.

But the cost is not the crux of the controversy which is expected to heat up here in the coming weeks when the Senate committee holds hearings on the new accord.

APPROVAL DEMANDED

The real heart of the matter is whether or not the administration by "executive agreement," can make the kind of military commitment which the accord implies.

Senator Fulbright had demanded that the agreement be made in treaty form and submitted to the Senate for approval.

Secretary of State William P. Rogers refused to do this and moved to sign the accord with Spanish Foreign Minister Gregorio Lopéz Bravo earlier than scheduled.

Both men on signing the document said the agreement "initiates a new era in partnership" between the two countries.

Senator Fulbright said he resents the fact that the Senate is being "presented with a fait accompli."

The chairman of the Foreign Relations Committee has introduced an amendment in the Senate to forbid spending under the new accord until it is presented in treaty form for Senate approval.

VEHICLE FOR HEARINGS

While such an amendment has doubtful chances of approval by the full Senate, it will be used as a vehicle for public hearings on the Spanish bases agreement.

Administration officials argue that the pact does not constitute a military commitment, and they insist that the expensive concessions made to Spain were essential to getting the agreement—an agreement made all the more important with the current buildup of Soviet forces in the Mediterranean.

The Spanish bases agreement, renewed continuously since 1953, was due to expire in September.

The agreement permits the continued American use of air bases at Torejon and Zaragoza and of a Polaris submarine base at Rota.

In return, the United States makes available to Spain:

Some $125 million credit to purchase from 18 to 36 F–4 Phantom jets at a discount rate.

Five destroyers, two submarines, six landing craft, a tanker, and several other vessels.

Grants and credits to purchase 102 armored combat cars, 50 halftracks, 16 naval helicopters and a quantity of artillery. Also included will be equipment for the manufacture of ammunition and arms.

Senator Fulbright, who released these details in a Senate speech was accused of having violated confidential trusts.

Mr. Fulbright countered by saying that, ironically, all of this information was public knowledge in Spain, discussed openly in Spanish newspapers. He said the information he supplied was drawn from these sources. The State Department did not dispute the information.

METHOD QUESTIONED

Senator Fulbright admitted that "because of the security classification attached to this information . . . I find it necessary to discuss the details of the agreement not as presented in secret to the committee, but in terms of information published in the press from sources in Madrid. . . ."

Mr. Fulbright considers it a "strange irony" that "these things are handled fairly openly in Spain, a country which has a government that bears little resemblance to a democracy, and in an opposite, closed manner here in this country."

Under Spanish law, the Senator pointed out, implying further irony, the Spanish-base agreement must be approved by the Madrid legislative body, the Cortes.

Aside from the manner in which the administration has entered the agreement, Senator Fulbright takes exception to the amount of aid provided in return.

"Spain is not involved in a war," he says. "I do not know of any serious threat to Spain . . . I have heard of nothing that would indicate the slightest threat to Spain at this time."

SENATORS CONCERNED

More important than that, Senator Fulbright and members of his committee are concerned that the new agreement, like the one it supersedes, will be taken by Spain to imply a military commitment. "It is an open secret," said Mr. Fulbright, "that between the United States and Spain, the executive departments have considered the 1953 agreement a de facto military treaty."

In 1968, the then chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, in secret discussions made this "understanding" clear:

"By the presence of United States forces in Spain," said General Wheeler, "the United States gives Spain a far more visible and credible security guarantee than any written document."

The earlier wording stated that a threat to either country "would be a matter of common concern to both countries." Senator Fulbright, and apparently much of Spanish officialdom (as well as the United States military) considered this a military commitment.

WORDING CITED

The 1970 agreement drops this wording, but in its place makes the same kind of supportive statements, interpreted in Spain, according to reports from Spanish sources, as a strengthened document. The new language inclues statements indicating the U.S. accord signifies "support for the defense system of Spain."

State Department sources say the decision not to submit the agreement to the Senate as a treaty was taken so as not to imply a larger military commitment to Spain than was intended.

Meanwhile, the Senate was surprised when the final release of the text of the accord, made available only after it was signed, showed an indirect link with NATO because of the new consultation process allowed under the pact.

This new agreement creates a joint United States-Spanish defense committee, which would include the NATO supreme commander.

The agreement also states that the two countries would cooperate on "security arrangements for the Atlantic and Mediterranean areas." They would "endeavor to work out by common accord the liaison" needed for that cooperation.

NATO allies, particularly Norway and Denmark, are expected to raise serious questions about such an arrangement.

In any case, the scene now shifts to the Senate Foreign Relations hearing rooms, where the administration is expected to come under sharp questioning over the manner in which the accord was reached, the extent of commitment, and the unprecedented costs involved.

[From the Washington Evening Star, Aug. 5, 1970]

SENATORS PERSIST IN FIGHT FOR FOREIGN POLICY ROLE

(By James Doyle)

A year ago the Senate Foreign Relations Committee announced it would conduct a series of "country-by-country hearings" on U.S. commitments abroad.

The aim, Sen. Stuart Symington said at the time, was "to present the American people with as much detail as security will permit" on the subject of how we get committed to entangling alliances.

The hearings proceeded smoothly at first. They were held in executive session so that all concerned could speak freely and in detail, as the committee members insisted, about U.S. arrangements with foreign powers.

The Central Intelligence Agency witnesses were allowed to come and go without being identified, and their testimony was kept secret in its entirety.

MUCH DELETED

But when it came time to release the remainder of the testimony on various countries, the State Department took a broad view of what is in the national security.

In the case of Laos, for instance, the government deleted much testimony about the cost and techniques of our support for regular and irregular Laotian forces, matters which were being discussed fully in the press through the dispatches of American correspondents in Vientiane.

Committee Counsel Walter H. Pincus alluded to some of these deleted areas of testimony in a letter to Symington when the cleansed transcript was released.

"Though the possibility exists that this information might be embarrassing either to past administrations, present government officials or to other governments, this does not, per se, imply harm to our national security and therefore automatically necessitate deletion," Pincus said.

The real effect he noted, was to deny the public information needed to judge the government's actions, and a cavalier disregard for Congress.

FULLER RECORD

It may not be possible to evaluate the government's performance fully in the case of the Laos hearings, because the information remains secret. But in the most recent case, concerning American commitments to Spain, the record is fuller.

For more than a week the controlled press in Spain has been debating the merits of the pending new agreement between that country and the United States on the use of military bases there.

The Spanish legislative body, the Cortes, has been briefed on the agreement by Spain's foreign minister. And American correspondents in Madrid have supplied to the American press some of the details of how many jet fighters and other military items Spain will receive in return for a renewal of the air base leases.

But the State Department has refused to comment on the subject and has indirectly criticized Sen. J. William Fulbright, D–Ark., for using the reports from Spain to call for public disclosure of the arrangement.

WAIT FOR COMPLETION?

"We understand the rules of the committee require confidentiality of executive sessions," a State Department spokesman has said. "We intend to respect that and therefore believe it would be most inappropriate to have a public discussion of this matter at this time."

But the rules of the committee were adopted because the State Department would have refused to tender the information at all in public session. And if this is not a proper time for a public discussion of a pending military agreement, the critics ask, must the country wait until the agreement is concluded and it is too late for reaction to have an effect?

The Constitution gave Congress a full role in the formulation of foreign policy, but the executive branch has denied Congress the information to perform its role, Fulbright and fellow critics maintain.

Why, Fulbright asks, does Spain, "a country at war with no one whose territory borders on two allies," need 36 Phantom jets, five destroyers, two submarines, four minesweepers, three landing craft and unnumbered helicopters, tanks and armored personnel carriers?

One reason he suggests is so the Franco dictatorship can be secure against a future internal crisis. That is also an effect of similar aid to Greece and South Vietnam.

The State Department's refusal to discuss the pending U.S. agreement with Spain may begin a new chapter in the Senate's effort to restrain the power of the executive and to prevent presidential wars.

Fulbright has proposed a prohibition of funds to support it unless the administration submits it to the Senate for approval as a treaty—the State Department said yesterday it will not—or proves that there are none of the normal treaty obligations involved.

COMMITMENTS RESOLUTION

It is another consequence of a little-noticed resolution that passed the Senate in 1969, the "National Commitments Resolution" that took note of Congress's constitutional role of passing judgment on the war-making activities of the United States.

The spirit of that resolution has since produced repeal of the Tonkin Gulf Resolution and majority votes in the Senate to deprive the executive of spending money for further incursions in Cambodia, Laos and Thailand.

The President can still depend on the House to support his requests for funds in the various military spending bills.

But the Foreign Relations Committee is slowly peeling back the information lid and the State Department's latest example of secrecy could backfire and blow the lid altogether.

Mr. CHURCH. The mutual congratulations had hardly subsided, however, when there was brought to my attention the fact that, ironically, a group of prominent Spanish citizens had felt similar misgivings about the agreement, and had wanted to do in Spain what we had sought to do here. The New York Times of August 11, 1970, reported "growing opposition in Spain to a renewal of an agreement under which the United States uses two air bases and the submarine station at Rota."

The article stated:

In an unusual action, eighty deputies in the Spanish Cortes issued a statement complaining that Foreign Minister Lopez Bravo was concealing some of the facts about the draft agreement.

I ask unanimous consent that the New York Times report, plus a dispatch from Madrid by Richard Mowrer, be inserted in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 6, 1970]

MULTIPLE BLUNDER ON SPAIN

The Nixon Administration will compound old errors and commit ominous new ones by signing today in non-treaty form the so-called "Agreement of Friendship and Cooperation Between the United States and Spain." It is obvious in the first place that the signing was advanced because of growing opposition on Capitol Hill to the form and content of the agreement.

Such a hurry-up tactic can only widen the already dangerous gulf between the executive and legislative branches about the role of the Congress, especially the Senate, in the making of commitments with other countries that involve—or could involve—the American armed forces.

This shabby behavior is not the most important Administration blunder, however. The fact is that this agreement contains vague language, deliberately fashioned to mean whatever either signatory wishes to claim for home consumption.

What is the United States taking on with a commitment to "support the defense system" of Spain or to make its defense policies "compatible" with those of Generalissimo Franco? Even after lengthy explanations by State and Defense Department officials, some members of the Senate Foreign Relations Committee do not know.

Most Spanish newspapers interpret this

language as hardening the American commitment over that contained in previous agreements, dating from 1953, that a threat to either country would be "a matter of common concern." The Administration will doubtless argue the opposite. But memories of executive actions taken under the Gulf of Tonkin Resolution will make many Americans—in and out of Congress—hard to convince.

It is also evident that there is growing opposition in Spain to a renewal of an agreement under which the United States uses two air bases and the submarine station at Rota. In an unusual action, eighty deputies in the Spanish Cortes issued a statement complaining that Foreign Minister López Bravo was concealing some of the facts about the draft agreement.

The political cost to the United States of even this shadowy pact with the regime of an aging relic of the Fascist period will be high. If the Administration believes the value of the bases offsets that political cost—as well as the financial cost of equipping Spain with F–4 Phantom jet fighter-bombers—the right course would have been to put its draft into clear language and submit it to the Senate in the form of a treaty.

[From the Christian Science Monitor, Aug. 8, 1970]

UNITED STATES RETAINS VITAL BASES IN NEW MADRID ACCORD

(By Richard Mowrer)

MADRID.—A key piece in the West's defense complex is cemented in place for another five years.

After two years of tough bargaining, a new Spanish bases deal, in the form of an executive agreement, was signed in Washington Aug. 6.

It means that the United States military presence in this country, in the form of Air Force and Navy contingents, will continue to operate from Spanish territory. Their chief objective will be to keep close tabs on the growing threat of Soviet dominance in the Mediterranean.

The negotiations, broken off several times, have been arduous. Spain has long felt that, since the United States is using military and strategic facilities here as part of its overall defense system, the United States should agree to come to Spain's defense in case of need.

On the American side the mood has been, since Vietnam, to steer clear wherever possible from involvement in foreign conflicts. Spain has had to settle for a fairly innocuous "security declaration" to the effect, according to the version reported here, that "each government will support the defense system of the other."

SOVEREIGNTY REEMPHASIZED

Up to now the American-built bases in Spain have been defined as "joint bases." Now the "Spanishness" and total Spanish sovereignty over the installation used by the Americans is reemphasized.

This presumably is largely as an exercise in semantics aimed at Spanish opinion, for in the previous agreements Spanish sovereignty over the bases already has been stressed in a variety of ways.

No American flag has ever flown over the bases and the overall base commander is always a Spanish officer.

Presumably, redefined Spanish sovereignty over the bases will not interfere with the American's operational freedom. Otherwise the bases would be purposeless.

Again for Spain in the new agreement is the civilian workers employed by the American military will be subject to Spanish labor legislation. Another is that American military personnel violating Spanish law will be judged by Spanish courts.

According to available information, Spain will receive a substantial amount of arms, including 36 Phantom jets and warships—largely secondhand to keep costs down. Export-Import Bank credits, reportedly $125 million over five years, will enable Spain to purchase tanks, halftracks, artillery, and helicopters.

The American-built Spanish bases complex consists of three air bases and Rota, the largest U.S. Navy installation in Europe. In addition there are lesser facilities for fueling, a protective radar system, communications relay stations, a 500-mile fuel pipeline.

Rota is an advanced base for Polaris submarines, a resupply point for the Sixth Fleet. It possesses an important naval communications center. Its antisubmarine warfare operations and shipping surveillance extend as far east as Crete.

DIVERSIFIED FACILITIES

One of the air bases, at Moron, has been inactivated. Zaragoza is used as a base for Air Force units in need of gunnery training, now that Wheelus field in Libya is no longer available. The third base at Torrejon is headquarters of the U.S. 16th Air Force.

A feature of the last phase of the negotiations leading up to the new agreement is that for the first time the Spanish Government briefed, in closed session, Spain's Parliament, the Cortes.

Opinion on the value of a continuing military relationship with the United States is divided. Some Spaniards say it bolsters the regime. Others (not in the government) point out that it was the bases deal with America that brought Spain out of isolation in the 1950's, opening the country to a liberalization trend evident in various spheres today.

There was a time when the Spanish Government seemed to be toying with the idea of going neutralist. But it is clear that Spain's military, who have the last say on the country's most important issues, wanted the new agreement even if it isn't all they wished.

Spain is allied to no other country. And even though this isn't a full alliance, it is seen as better than none.

Mr. CHURCH. In both countries, then, there was a serious movement to secure advance disclosure of the agreement the two Governments had negotiated behind closed doors.

In May of this year, Secretary of State Rogers visited Madrid. While there, an attempt was made to deliver to him a letter, signed by 120 prominent citizens of Spain, raising questions about the impending agreement. Signers included such distinguished Spaniards as Prof. Enrique Tierino Galvan, Carlos Zayas, Jose Maria de Areilza, Antonio Canellas Balcellis, Joaquin Ruiz-Gimenez, and Joaquin Satrustegui. An effort was made by the group to see Secretary Rogers, but the attempt was blocked by local security officials under orders from the Spanish foreign office. However, the letter was delivered to a member of the official party accompanying Secretary Rogers, and receipt of the letter was acknowledged over the signature of an Assistant Secretary of State. According to my information, the letter itself has been read by Mr. Rogers.

There is nothing inflammatory about the letter's contents. It is written in an educated style and tone. The cosigners suggested that the Spanish people be given an opportunity to discuss the purpose and need of the base-lease agreement—a request that differed little from that being made in the United States. In addition, the letter tactfully suggests that individual rights in Spain are somewhat less than fully developed. I ask unanimous consent to insert at this point the translated text of the letter and a list of the signers.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

(NOTE.—Given to Mr. William C. Rogers, Secretary of State of the United States of America, and to Mr. Gregorio Lopez Bravo, Minister of Spanish Foreign Office)

MADRID, MAY 1970.

(1) Highly qualified and representative sectors of Spanish public opinion cannot agree, assuming that U.S. bases in Spain are indispensable for western defense, that the Pacts concerning them, should be renewed in whatever manner, without the consent of the Spanish people.

The consent of the Spanish people is an indispensable condition, in our opinion, for any bases agreement to be legitimate, and to remain a legal act for the future. Nor can we agree to a renewal, unless the U.S. obligates itself effectively, and with the approval of its Senate, to repel automatically any aggression undertaken against us, by any country or bloc, because of the existence of the bases in Spanish territory.

(2) If Spain were part of NATO, as are other countries in Europe with American bases, there would be no doubt about the obligation of defense on the part of the U.S. and the armies of NATO, into which the Spanish armed forces would be integrated at all levels. But the obstacle to joining NATO, as with the Common Market, is that our political institutions would have to meet the following requirements:

(a) The adoption of effective guaranties of individual and group rights, including those of different regions; and the granting of a broad amnesty for political prisoners.

(b) The establishment of universal suffrage—free, secret, and direct—on the municipal, regional, and national level.

(c) The recognition of political parties to act as a channel for ideological differences, within legal limits.

(d) The existence of a freely elected Parliament which legislates in accord with public opinion, and which controls the work of the government.

(e) Free trade unions so that employees and workers can defend their respective interests.

(3) The present rulers have repeatedly and publicly recognized that conditions in the world and in Spain, as well as the strategy of the great powers, have changed substantially since 1953. Before such evidence, the democratic opposition, identifying itself with the country's wishes that Spain cease to be in a position of inferiority with respect to her national security, finds no excuse to justify delay in democratic evolution. Such an evolution, aside from its intrinsic benefits, would, by putting us on a level with the political institutions of the West, provide us with the fundamental benefit of being able not to participate in pacts or agreements which, by their nature, could becloud our prestige and which would, in any event, increase the risk of attack without at the same time covering adequately our national defense needs.

LIST OF SIGNERS

Miguel Angel Aguilar Tremoya; José Alonso Pérez; Josep Andreu Abelló; José María de Areilza, Conde de Motrico; Germán de Argumosa; Juan Artal; José Barbosa; Josep Benet Morell; Oscar Bernat; Cristóbal Cáliz Almirón; Jacinto Candelas; Antonio Cañellas Balcells; Jaime Carner Suñol; Gregorio Carrión; Jaume Casanovas Artigas; Xavier Castellá Andreu; Miguel Cid Cebrián.

Eduardo Cierco; Carlos Corbacho Z., José Cortés Cortés; Jaime Cortezo; Ramón Chaves; Fernando Chueca; José Doldán; Luis Esteban Goicoechea; Jesús Fernández de Puelles;

Armando Fluviá Escorsa; Francisco Francino Prunés; Donato Fuejo; José Gallo Pérez; Jaime García de Vinuesa; Luis Gimenez Espinosa; Matías González García; Angel Garcia Oliveros; Eduardo Gualba.

Rafael Herrera; Isidro Infante; Manuel Jiménez de Parga; Enrique Lafuente Ferrari; Pedro Lain Entralgo; Marcelino Lobato; Miguel Logroño; Angel López-Montero Juárez; Pablo Lucas Verdú; Alberto Manent; Juan Marco Molines; Julián Marías; Pablo Martí Zaro; Manuel Martínez Bermejo; Miguel Martínez Cuadrado.

Manuel Medina; Antonio Menchaca Careaga; Carlos Mestre Torres; Simeón Miguel Peguera; Alberto Miguez; José Luis Milá, conde de Montseny; Jaime Miralles; Raúl Morodo; Carlos Moya; Fernando Múgica Brunet; José Ignacio Múgica Brunet; Enrique Múgica Hertzog; Javier Muguerza; Pedro Muñoz Seca; Enrique Nacher Hernández; Pedro Nacher Hernández; Angel Nombela; Emilio Novoa; Antoni Oriola, Conde del Valle de Marlés.

Guillermo Pabón; Gregorio Peces-Barba Martínez; Eurico de la Peña; Miguel Peydró Caro; José Pinés; Vicente de Pinies Rubio; José Poseu Senderos; Jesús Prados Arrarte; Ignacio Puig Girona; José Manuel Rey Picher; Dionisio Ridruejo; Jesús Rodriguez Conde; Eduardo Rojas, Conde de Montarco; Fernanda Romeu; Ramón Rubial Cavía; Joaquín Ruíz Gimenez; Joaquín Ruiz Mendoza.

Juan Salabert; José Antonio San Martín Páramo; Antonio Sánchez Gijón; Antonio Sánchez Patiño; Julián Santamaria; Joaquín Satrústegui; Antonio Senillosa Cros; Francisco Sitjá Príncipe; Angel Sopeña Ibañez; José Luis Souto; Carlos Stuyck; Enrique Tierno Galván.

José Tortosa Galbis; José Luis Urruela, Marqués de San Román de Ayala; Joaquín Van den Brule; José María Vázquez Vázquez; Joaquín Ventalló; José Vidal-Beneyto; Marià Vila Abadal; Manuel Villar Arregui; Federioo Ysart; Julián Zabala; Pedro Zarco; Carlos Zayas; Juan Antonio de Zulueta.

Mr. CHURCH. The outcome for the letter's signers, I must report, was a harsh and costly one. The Franco government has imposed substantial fines, issuing decrees which, in effect, declare the signers guilty of contempt of the Government. The Minister of the Interior has ordered payments in amounts ranging from the equivalent of $360 to $1,420. Delivery of the letter to Secretary Rogers, according to these decrees, "prejudices the standing and the authority of the state in Spain."

I ask unanimous consent, Mr. President, that one of the decrees, in its English translation, issued to one of the signers, whose name I have stricken, be inserted into the RECORD at this point, along with a list of the names of those who have thus far been fined, together with the amounts of the fines in each individual case.

There being no objection, the decree and lists were ordered to be printed in the RECORD, as follows:

[Translation (Spanish)]

DECREE

In exercise of the powers conferred on me by Articles 18 and 19 of Law 45/1959 of July 30 (Law on Public Order), I have decided to impose, and I do impose, a penalty of Fifty Thousand pesetas on ——— ——— born in Barcelona on October 4, 1923, son of Mariano and Antonia, married, a lawyer, domiciled at Calle Muntaner 348, principal bis, second floor, Barcelona, as included in section 1) in conjunction with f) of Article 2 of the aforementioned Law on Public Order, because, taking advantage of the official visit which on the 28th and 29th of May the United States Secretary of State, made to the Government, Mr. Rogers was sent a document, in which his name appears and in which the policy maintained by both Governments is protested—a document which, because of its tone, context, and manner of presentation, necessarily prejudices the standing and the Authority of the State in Spain as well as in other countries, whereby he contributes to disturbing the coexistence of public order and community peace and to supporting covertly the spirit of disorder and subversion against the Public Authority [Government].

A period of grace of fifteen business days is allowed for payment, with remedy to be resorted to as provided by Article 21 of the sanctioning Law.

To be served as prescribed.

MADRID, *June 15, 1970.*

TOMAS GARICANO,
The Minister of the Interior.

Translated by Elizabeth Hanunian, Library of Congress.

STATEMENT OF FINES

(Other signers have not yet been served)

FINES OF 100,000 PESETAS

1. José Mc de Areilza.
2. Joaquín Satrústegui.
3. Enrique Tierno Galván

FINES OF 75,000 PESETAS

1. José Andreu Abelló.
2. Jaime Miralles.
3. Raúl Morodo.
4. Javier Muguerza.
5. Dionisio Ridruejo
6. Ramón Rubial.
7. Angel Sopeña.
8. Carlos Zayas.

FINES OF 50,000 PESETAS

1. Cristobal Cáliz Almirón.
2. Carlos Corbacho
3. Jaime Cortezo.
4. Jaime González de Vinuesa.
5. Angel Garcia Oliveros.
6. Pedro Lain Entralgo.
7. Marcelino Lobato.
8. Pablo Marti Zaro.
9. Alberto Miguez.
10. Miguel Peidró.
11. Vicente de Pinies.
12. José Manuel Rey Pichel.
13. Joaquín Ruiz Mendoza.
14. Antonio Sánchez Gijón.
15. José Antonio San Martin.
16. José Tortosa Galvis.
17. José Vidal.
18. Pedro Zarco.
19. Anton Cañellas Balcells.

FINES OF 25,000 PESETAS

1. Miguel Angel Aguilar.
2. J. Benet Morell.
3. Jacinto Candelas.
4. Jaime Carner Suñol.
5. Jaime Casanovas Artigas.
6. Javier Castellá Andreu.
7. Ramón Chaves.
8. José Doldán.
9. Armando Fluviá.
10. Francisco Francino Prunés.
11. Eduardo Gualba.
12. Manuel Jimenez de Parga.
13. Enrique Lafuente Ferrari.
14. Leopoldo Lovelace.
15. Francisco Lozano.
16. Pablo Lucas Verdú.
17. Alberto Manent.
18. José Luis Mila Sagnier.
19. Conde de Montarco.
20. Pedro Muñoz Seca.
21. Enrique Nacher.
22. Antonio Oriola.
23. Ignacio Puig Girona.
24. Jesús Rodriguez Conde.
25. Antonio Senillosa Cros.
26. Simeón Miquel Peguera.
27. Francisco Sitjar Príncipe.
28. José Luis Urruela.
29. Joaquín Ventalló.
30. José Vidal Arregui.
31. Mariano Vila-Abadal.
32. José Antonio Zulueta.

Mr. CHURCH. The group so penalized, being prominent enough to fight back, has asked for legal advice and assistance from several legal groups in Spain, including the Madrid and Barcelona Bar Associations, the Barcelona Academy of Jurisprudence and Legislation, the Judicial Research Group of Madrid, and the Royal Academy of Moral and Political Sciences of Madrid, as well as international organizations which focus on the protection of human rights. In one of these appeals, it is contended that the letter to Secretary Rogers was lawful.

In a State governed by the rule of law—

The document asserts—

the citizen cannot be denied the right to disagree with the political acts of the Government—

Even those—

decisions that affect the country's security.

The appeal continues:

Moreover, when the decision of the Government is in the stage of discussion and the process of formation of the will of the Executive has not been brought to completion, as in the case under consideration, the [letter] does not impugn a definite act of the Government; it indicates the dangers and inconveniences that a definite decision, if it were to be adopted, on the question relative to the bases would bring about. It definitely tries to avoid a possible error of the Government.

There is also expressed in this revealing document the same fear which was shared, on the American side, by many Senators. Thus—

The renewal of the Bases—made by means of agreement or treaty—obviously implies, or may imply, a transfer of sovoreignty to the United States of America . . . In this case the country has a right to be informed, and the Spanish citizens have a right to expose not only the juridical, but also the social dangers that may be derived from an agreement so signed.

I ask unanimous consent to insert here in the RECORD a translation of this draft appeal to the Minister of the Interior to annul the decrees issued against the signers of the letter to Secretary of State Rogers.

There being no objection, the appeal was ordered to be printed in the RECORD, as follows:

APPEAL

Your honor:

——— states with due respect:

1. That he has been served the decision pronounced by Your Honor on the 15th of June, by virtue of which the fine of ——— pesetas, as comprised in section 1) in conjunction with f) of Article 2 of the Law on Public Order, because of being signer of the Note transmitted to The Honorable Gregorio López Bravo, Spanish Minister of Foreign Affairs and The Honorable William C. Rogers, United States Secretary of State.

2. And under protection of the provisions of Article 21 of the said Law on Public Order and other concordant provisions, resorts, by means of the present document, to the remedy of petition to Your Honor against the penalizing decision, and subsidiary of appeal before the Council of Ministers, based

on the elements that he states in the succeeding, showing that the decision appealed, on infringing the legal code, by undue application to the act punished of section 1) in conjunction with f) of Article 2 of the Law mentioned, falls under the provisions of Art. 48–1 of the current Law on Administrative Procedure, and should, therefore, be annulled.

3. The decision appealed affirms that the said Note "because of its tone, context, and manner of presentation, necessarily prejudices the standing and the authority of the State in Spain as well as in foreign countries, he contributes to disturbing the coexistence of the public order and community peace and to supporting covertly the spirit of disorder and subversion against the Public Authority [Government]".

4. In view thereof, the undersigned denies categorically that the text of the Note referred to may be interpreted in the sense that is attributed to it by the decision being appealed.

5. In the first place, the error that was made in the decision quoted by confusing "the standing and the authority of the State" with the political action of the Government should be pointed out. The Note in no way calls into question the standing or the authority of the State, but it expresses an opinion in respect to a concrete question—the possible agreement on the United States bases in Spain—and points up the dangers and inconveniences that, for the sake of the interest of Spain and the security of the Spaniards, have to be taken into account before that agreement, not yet set up or concretized, is concluded.

It is neither the standing nor the authority of the State to which the text of the Note refers, but the administration of the government of the State. In it, the rulers are furnished with opinions and elements of opinion which, skillfully or not, only show the honorable purpose of those who signed it to contribute to serving the interests of the country better.

6. What has been brought in the Note to the attention of its two addressees—the Spanish Minister of Foreign Affairs and the U.S. Secretary of State—is perfectly lawful; it lays open the fact that could have been published, since the Press Act in Article 2 declares the lawfulness of criticism of the political and administrative action when, in doing so, the institutions and persons are duly respected, as is rigorously done in the said Note, and no less in its "tone", "context", and "manner of presentation" all of which meet the strictest standards of respect that could be demanded and which hardly could affect the reputation nor the authority of the State.

7. If it is evident that in a State governed by the rule of law the citizen cannot be denied the right to disagree with the political acts of the Government, it is obvious that some government decisions that affect the country's security cannot be excepted from this rule. Moreover, when the decision of the Government is in the stage of discussion and the process of formation of the will of the Executive has not been brought to completion as in the case under consideration, the Note does not impugn a definite act of the Government; it indicates the dangers and inconveniences that a definite decision, if it were to be adopted, on the question relative to the Bases would bring about. It definitively tries to avoid a possible error of the Government. And the infallibility of governments is dogma only under dictatorial or totalitarian systems.

8. Upon indication of the maximum importance lodged in the question, the Note advocates that, if the American Bases in our country are indispensable to the defense of the West, the renewal of the treaties to which they refer may not be given without the consent of the Spanish people; a reasonable and just aspiration when the security of the Spanish people may be endangered, in line with which it will be opportune to recall that the Honorable Camilo Alonso Vega, then Minister of the Interior, said, in presenting to the Cortes the proposal that today is law, that "the Law on Public Order is the Magna Charta of social harmony [community peace] because it confirms the saying that what is good for the people is the highest law [salus populi suprema lex]".

9. In the Note the desire is expressed that the Spanish Army be integrated into the NATO Armies [Forces], thus falling in line with the big Western defense organizations, whereby the public order and community peace can hardly be impaired. These disappear sometimes when the countries are informed belatedly or poorly of governmental decisions that essentially concern them. But the citizens who put forward their observations and manifest their concern contribute to peace, stimulate community peace in every sense, and favor the establishment of one of the other when they are lacking.

10. At the same time, the petitioner [appellant] points out that Article 12 of the Statute Law of the Spaniards establishes, unequivocally, that "every Spaniard is held to express his ideas freely so long as they are not contrary to the order and form prescribed by the fundamental principles of the State". In this case, the Note sent simultaneously to Messrs. Rogers and Lopez Bravo falls within this juridically recognized freedom, and furthermore: it is a legal [lawful] criticism in the presence of a possible illegality [unlawful act] of the Government.

In effect, the renewal of the Bases—made by means of agreement or treaty—obviously implies, or may imply, a transfer of sovereignty to the United States of America. The wording of the two legal provisions—Point 4 of the Law of Principles of the Movement of 1958, and Article 2, Section 1, of the Organic Law of the State of 1967, especially this second fundamental legal norm, deny clearly and definitely the possibility of delegating or ceding sovereignty. It is evident that at the time the Conventions were signed in 1953, such provisions had not been promulgated, but that in 1970 an agreement or treaty in which cession or [sic] sovereignty is indicated cannot be signed. In this case the country has a right to be informed, and the Spanish citizens have a right to expose not only the juridical, but also the social dangers that may be derived from an agreement so signed.

In this manner the Note achieves two legal ends: one, to exercise the right to disagree with the procedure and the merits of a governmental political act, a legal [lawful] disagreement that at no time was clandestine and that in no case attempts to subvert the social order, to excuse violence, or to disturb the public order. It is evident that sections f) and i) of Article 2 of the Law on Public Order must be interpreted restrictively, otherwise any disagreement, as minimum as it might be with respect to the present Government would be impossible. Two, to anticipate—by demanding adequate information—a possible unconstitutionality of a governmental act as the signing of the agreements would be, by which the legal provision established in the aforementioned Art. 2, sec. 1, of the Organic Law of the State could be violated.

11. Not to coincide with the opinion or the criterion of a Government is not to embrace subversion; by no means. In that the countries of Western Europe, in which big sectors of public opinion oppose the policy of their Governments, are protected by a form of government based on the rule of law that guarantees them, and making use of some channels of expression and activity that permit and make possible, the mutual reciprocal influence between the different sectors of public opinion, which is one of the essential characteristics of any genuinely democratic system. It equally occurs in the United States where the polemics and the public mass demonstrations against the foreign policy of the Administration, in cases of declared war as in Vietnam, are in evidence, without the Government thereby feeling its security threatened.

12. There is nothing in the Note that would tend toward subversion. It simply contains useful elements for a serene dialog which, categorically alien to any violence, evoids the delay of an evolution toward democracy that our genuine integration into the Institutions of the European Community may make possible, because of which it is necessary to say literally:

"(a) Introduction of effective guarantees of individual and collective rights, including those of the political minority groups, and, consequently, the granting of full amnesty to persons arrested and imprisoned for political reasons.

"(b) Establishment of universal—free, direct, and secret—suffrage at the municipal, regional, and national level.

"(c) Recognition of political practices so that the ideological differences may be channeled within the limitations imposed by Law.

"(d) Existence of a Parliament freely elected by the country so that it may legislate in keeping with public opinion and check on the work of the Government.

"(e) Freedom of association in unions so that employers and workers may freely defend their respective interests."

13. In addition to the reasons stated, there are others that are sufficiently well known and that show even more clearly the lawfulness of what is said in the Note:

(A) In the national press so many opinions have been brought out in opposition to the extension [of the agreements] on the United States Bases in Spain without an effective and concrete guarantee of efficacious protection that their listing would be interminable. Authoritative publicists and politicians and strategists have expressed themselves in that sense. Suffice it to cite, as an example, the article published by José de Yanguas Messia in *ABC* of June 20 under the title "The Bases", in which reference is made to the opinions of Alberto Martín Artajo, General Martínez Campos, Fernando María Castiella, and others. The statements contained in the article alluded to, in opposition to the United States Bases in Spain, are no less categorical than the text of the Note to which this appeal refers.

(B) If what has been stated up to here would be little [not enough] to prove the lawfulness of the act penalized, the opinion of some member of the government itself can be invoked, who publicly affirmed that texts such as the Note under reference may be produced and signed in our country, and now. The Honorable Gonzalo Fernández de la Mora, Minister of Public Works, stated in an interview entitled "Statement at the Open Grave of the Most Brilliant Thinker of the Regime" that in Spain we are at liberty, among other things, "to deliver documents to a foreign Minister". Those statements were published in *Nuevo Diario* on June 14, and later reproduced in other national newspapers, therefore, seventeen days after the Note involved was delivered to its addresses, and, precisely, the evening before Your Honor pronounced the decision being impugned here. To be sure, the imposition of this penalty does not seem to be perfectly congruent with that clear statement by the Minister of Public Works, since it would obviously be contrary to all logic to interpret this statement of Mr. Fernández de la Mora's in the sense of affirming the merely physical

possibility of delivering the document or Note concerned.

(C) Furthermore, on the occasion of the recent official visit to Spain of the Minister of Foreign Affairs of the Federal Republic of Germany, Mr. Walter Scheel, as picked up by the entire press and other broadcasting media, the following Note was delivered to him:

Memorandum sent on April 24, 1970, to the Minister of Foreign Affairs of the Federal Republic of Germany, Mr. Scheel, with a letter signed by Messrs. Jose Maria de Areilza, Joaquin Ruiz-Gimenez, Joaquin Satrustegui, and Enrique Tierno Galvan, in which the viewpoints expressed during the interview held at the German Embassy on the 23rd at 9:15 a.m., are summarized.

(1) Very authoritative and representative sectors of Spanish public opinion are convinced that the development and the economic and political stability of our country largely depend on our relations with Europe going to be developed inside its Community Institutions.

(2) The basic difficulty is that, in order to do this, the political Institutions of our country would have to meet the following conditions:

(a) Introduction of effective guarantees of individual and collective rights, including those of the political minority groups, and, consequently, the granting of full amnesty to persons arrested and imprisoned for political reasons.

(b) Establishment of universal—free, direct, and secret—suffrage at the municipal, regional, and national level.

(c) Recognition of political parties so that the ideological differences may be channeled within the limitations imposed by law.

(d) Existence of a Parliament freely elected by the country so that it may legislate in keeping with public opinion and check on the work of the Government.

(e) Freedom of association in unions so that employers and workers may freely defend their respective interests.

(3) The democratic opposition identified with the country in its desire for political and social change, proves daily that, in spite of the promises of change made by the present régime, there is no progress in the order of things to justify the democratic language sometimes used by them. At the same time, recent statements of some of them openly contradict the said language.

(4) Similarly, the democratic opposition feels that, as to what the representatives of the major democratic countries are doing, is that they recognize the real and effective fact of the existence of sectors in Spain ideologically corresponding to the present currents of European political thinking and to the big parties that are representing them, alternatingly in the power [government].

(5) The criterion reflected in the four preceding sections coincides substantially with the democratic demands contained in the document addressed on December 23, 1969, by a group of Spaniards to the President of our Government—demands that merited a public statement of support signed by one hundred and three Deputies of the German Federal Parliament".

We beg to ask Your Honor what the reason is for the inconsistency of no penalty of any kind having been imposed on this document that was much more widely disseminated and that expressed the identical political thinking as the Note sent to Mr. Rogers because of which the penalty being appealed was pronounced.

14. In the decision being appealed it is stated, finally, that the Note to which this appeal refers contributes to "supporting covertly the spirit of disorder and subversion against the Public Authority [Government]." By sound logical interpretation, it is equivalent to affirming that there exists in our country, and at present, though it may be only latent, a spirit of disorder and subversion which, not existing, might hardly be supported. And the only possible conclusion is that the opposite is true of that which is constantly affirmed by all members of the Government, that peace is prevailing in Spain.

15. The preceding statements prove the justification of the present appeal being taken under advisement, without prejudice to the opinion of the Distinguished Bar Associations of Madrid and Barcelona, of the Royal Academy of Moral and Political Sciences of Madrid, of the Academy of Jurisprudence and Legislation of Barcelona, of the Juridicial Research Group of Madrid, and of other international Organizations specialized in the protection of human rights, who we are sure will confirm the thesis of the appellant.

By virtue thereof,

Your Honor is requested to consider the recourse of petition [appeal] filed against the decision, etc [closing statement in appeals]

Date ———.

To the honorable Minister of the Interior, Madrid.

Translated by Elizabeth Hanunian.

Mr. CHURCH. Mr. President, it is ironic that, in both countries, the Executive authority insisted on both negotiating the new agreement and putting it into effect, without benefit of public discussion or prior disclosure; also that in both countries an attempt was made to explore publicly the full implications of the agreement, but, in each case, the effort was ignored, neither government being willing to submit to such an open process.

In Spain, those who called for the inspection of the agreement before it was signed were punished.

Following the signing, the Senate Foreign Relations Committee still felt that the terms of the agreement needed to be clarified in public. Accordingly, the committee pressed the State Department for hearings, and these have now been agreed to. Under Secretary of State U. Alexis Johnson will appear and explain—perhaps "translate" would be a better word—the meaning of the agreement tomorrow, August 26. He will be questioned by the committee for 1 hour in executive session, followed by a 2-hour open hearing.

I ask unanimous consent, Mr. President, that several newspaper articles and editorials regarding the United States-Spanish agreement, a reprint of a Senate speech by Senator FULBRIGHT, and the agreement itself be inserted in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[From the Washington Post, Apr. 24, 1969]

THE BASES ISSUE SEEN FROM SPAIN

(By Ward Just)

No noncommunist country in Europe has been so isolated from what we are pleased to call the Free World than Spain. Barred from NATO, barred from the Common Market, reviled by liberals everywhere for the endurance of the Franco regime, Spain continues to look inward. Spasms of political reformation are followed by suppressions. The Spanish anarchists at heart, plot long in cafes while the economy inches forward, the middle class grows, and memories of the war recede. She accommodates 19 million tourists a year (not a misprint), yet remains on the outside looking in—a condition which pleases many Spanish. Habitually distrustful of outsiders, Spain is now making her own evaluation of the four obsolete and obsolescent bases she leases to the United States. The lease, it seems, is not a one-way street.

In Congress and in the American press, the debate has centered around the Pentagon's role in negotiating the renewal. A secondary question has been the matter of alliance: do the bases, either in fact or in theory, commit the United States to Spain's defense? If they do, Senator Fulbright and others are arguing, then there ought to be a treaty. Treaties, as all the world must know, are ratified by the Senate. And no one here loves General Franco.

The quid pro quo most often mentioned is $150 million or so in military hardware, distributed to Madrid over the next five years in exchange for the leases. It is an old business, the "lease," for it requires the Spanish flag to fly over the bases and in language quite vague commits the United States to consult with the Franco regime if the bases are ever used. In fact, in the Lebanese crisis in 1958 and the Cuban missile crisis in 1962, the bases were "activated" with no prior notice to Madrid. That, according to a Spanish official here.

The core of the opposition to the bases (there are three Air Force bases, and one Naval base) here rests on two points: the first is that they are not militarily essential, either to the defense of Europe or the defense of the U.S., and the second is that they have the effect of propping up the Franco regime, now in its thirtieth year and bound to yield sometime soon. All this has had an extremely interesting effect in Madrid, which has its own split between liberal civilians and conservative generals. There is also something known as Spanish pride, which one trifles with at peril.

"We must not accept a 'dictat,'" said one recent editorial in *Ya*, a Madrid daily which reflects General Franco pretty much as Ronald Zeigler reflects President Nixon. "Anything but that, including the complete termination of the agreements renewed in 1963. Those agreements—as they were stipulated—have become too burdensome for us. Long range nuclear missiles have radically changed the situation from what it was when the agreements were subscribed. An alliance on equal grounds may be appetizing, but not the posture of an acolyte. We will not become a satellite country."

Going further: "Without adequate counter-measures against the dangers involved"—and here *Ya* means a signed treaty—"we believe that Spain should not renew the agreements with the United States. Analyzing the pros and cons of 15 years of 'agreements,' Spain has derived from them less advantages—many less—than the other side."

That last is arguable, since the bases have been at least one factor in the one-plus billion dollars in aid that has gone from the United States to Spain since 1950. But, as Spanish here put it, what kind of arrangement is it when the United States can rent land on which to emplace its weapons. Either there is a mutual security arrangement or there is not. As a Spanish Embassy official here puts it, it is 'inadmissible" to lease the bases without regard "for the risks the arrangements would entail for Spain." Quite correct. It is not enough, as the Pentagon argues, that the mere presence of American troops is an effective guarantee. If that is the intent, then there ought to be a treaty. "The 'era of rentals' has ended," *Ya* said, a bit pretentiously but accurately enough.

There is probably no regime in the world that provokes such passion as that of General Franco. He is something of a relic, with his civil guards and his censored press, something of a sore thumb on the manicured hand of Europe, and no matter that his regime differs not a whit from some of the most eminent of America's allies. The Spanish Civil War, one of the great confused ideological struggles of all time, is still the

benchmark of good guys versus bad for a good many people, here as in Europe. A number of Western observers in Spain have argued that the American presence, symbolized by the bases, has been helpful in nudging the regime from right to center. It is argued that the modest liberalization that has occurred is the result of American influence, and part of it the personal contact between the American military and the Spanish. Perhaps. It is a plausible argument.

With some heat, Spanish officials here and in Madrid categorically reject the notion that the bases, or the 10,000 Americans which now reside on them, would ever be used in the event of internal disorders in Spain. "Gratuitiously offensive," is the way one Spanish official here put it, "and detrimental to Spanish sovereignty."

One recalls the 1936 Spanish war, which became a laboratory for experimentation by the Soviet Union and Nazi Germany, among other nations. The test for the bases ought to be their use to the United States. If they are found to have no use, then they should be abandoned. If they are found to be essential to American or European security, then they should be negotiated, and the negotiations should be in the context of a treaty. But the Senate ought to look very carefully at the implications of a treaty now with Spain, as the Franco era draws to a close with no certain successor. If any people in the world have the right to work out their own affairs without interference it is the Spanish. It did not happen that way the last time.

[From the St. Louis Post-Dispatch, June 27, 1970]

U.S. MILITARY PRESENCE IN SPAIN TO CONTINUE

(By Richard Mowrer)

MADRID, June 26.—Spanish acceptance of a five-year extension of the United States military presence in this country is a certainty. New accords should be ready for signing in July.

Negotiations have been slow because of the wide range and complexity of the new accords rather because of any holding back by either party. There is determination by both sides to reach agreement.

The quickening pace of Soviet military involvement in the Mediterranean and along the rimland of northern Africa is contributing to this resolve. So are the storm clouds gathering over Spanish Sahara, in the shape of a co-ordinated threat by Morocco, Mauretania and Algeria to "liberate" the phosphate-rich territory.

Spain has no alliance with anybody and therefore is reluctant to scrap what it has: defense agreements with the United States.

These are not a military alliance in the full sense of the term, which is what Spain would like. However, since 1953 the agreements have helped Spain build up and modernize its armed forces; and although the United States is not bound to come to Spain's aid in the event of foreign aggression, it is committed to protecting the joint military installations in Spain.

The bases deal signed in Madrid in 1953 was renewed in 1963 for five years. In 1969 protracted negotiations for a further five-year extension broke down when the Spaniards set an unacceptable price in terms of military aid and political commitment. A two-year extension finally was agreed on, based on payment to Spain of $50,000,000 plus $35,000,000 in credits pending new negotiations.

This spring the talks got off to a fresh start with a new team on each side: a Republican administration in Washington and a new foreign affairs minister, Gregorio Lopez Bravo, in Madrid. There was better preparation all around, with Washington showing deeper understanding of the importance of the personal approach when dealing with Spaniards. In Madrid there was awareness of the American mood, shaped by Vietnam, regarding foreign entanglements.

On the American side, it is felt that Spain's strategic importance has soared because of the growing Russian menace in the Middle East and the Mediterranean, France's defection from the North Atlantic Treaty Organization in 1966, and now the loss of Wheelus air base in Libya because of the take-over of the country by a military junta.

Availability of Spanish air space is regarded by the United States Air Force as essential to the continuing support of U.S. commitments in the Mediterranean basin as far east as Turkey. A communications complex in Spain is part of a world-wide system on which Polaris submarines, including those stationed in the Mediterranean, depend. With Wheelus gone, the Air Force has switched to Spain for the fair weather gunnery practice its units in Europe require.

On the Spanish side there is underlying resentment that, whereas the accords with America tie Spain to the West's defense, Spain continues to be denied membership in NATO and a full-fledged military alliance with the United States.

Another sore point is the imposition by the United States of limits on the use of war materiel sold or lent to Spain. These curbs are a serious handicap to military planning for contingencies such as trouble in Spanish Sahara. This is why Spain recently has turned to France for the purchase of 30 Mirage fighters and 50 AMX tanks and is negotiating with West Germany for 200 Leopard tanks.

Nonetheless, negotations over weaponry appear to have broken out of deadlock. The army and navy components of the new agreements are settled. What the Spanish army will get is not divulged, but it is known that the navy will obtain six or eight U.S. destroyers and two conventional submarines, on loan The Spanish Air Force is dickering for the acquisition of Phantom jets.

Spain has given up demanding a U.S. military commitment in terms of a treaty. However, a joint declaration on security faintly reminiscent of one made in 1963 is expected. The declaration of 1963 said that a threat to either country would be a matter of common concern and each country would "take such action as it may consider appropriate within the framework of its constitutional processes."

Denied a firm military alliance, Spain is seeking a formula that would make the joint Spanish-American facilities in Spain—three air bases and the big naval station at Rota—by definition 100 percent Spanish.

There does not appear to be any intention on Spain's part of interfering with the operation of the bases by the American forces assigned to them as part of the defense of the West. However, the Spanish negotiators do attach importance to a new formula that would stress the Spaniards' sovereignty in their own land.

How to reconcile American operational requirements with a new, tighter definition of Spanish sovereignty over the base is a problem. But the negotiators do not regard it as unsurmountable.

In their slow progress, the current talks do not reflect discord so much as a lot of hard work. They include proposal for American cooperation and assistance in such nonmilitary realms as education, scientific research, agricultural development and economic investment.

According to estimates, the entire package deal will cost the United States between $200,000,000 and $300,000,00, spread over five years. Two years ago military aid totaling a billion dollars had been mentioned. Spain this time has avoided putting a dollar sign on everything.

[From the New York Times, July 28, 1970]

VAGUE PLEDGE TO FRANCO

After the long and divisive debates about the legal and constitutional bases for United States military actions in Indochina, the last thing the Nixon Administration ought to be considering is another vague overseas defense commitment. It appears ready, however, to sign a pledge to "support the defense system" of Spain in return for continued use of air and naval bases there.

Some members of the Senate Foreign Relations Committee say they are not clear, even after briefings from high-ranking State and Defense Deparmtent officials, just what would be involved in such a commitment. Neither are we. Nor is it clear exactly what is meant by the pledge that "both Governments will make compatible their defense policies"—more language from the draft agreement expected to be signed in a few weeks.

On one interpretation, the pledge of support for Spain's defense system could be considered stronger than the statement in all Spanish-American military agreements since 1953 that an attack on either country would be a "matter of common concern." In any case, before the agreement is signed, the Foreign Relations Committee ought to insist on clarification of its meaning and consider whether such a commitment should not be made in the form of a treaty, subject to Senate approval.

In fact, Congress should go further and raise the question whether the long-run interests of the United States are served by any renewal of military arrangements with the regime of Generalissimo Franco, now 77 and facing increasing opposition. A group of 120 members of this opposition argued in a petition to Secretary of State Rogers in May that it was unwise for this country to sign this kind of agreement with a regime that made such decisions without consulting its people.

Many among these opponents may be influential in future Spanish governments. Congress should weigh their arguments against the short-run military advantages of the bases in Spain while there is still time to reconsider the agreement with the Franco regime.

[From the New York Post, Aug. 6, 1970]

FRANCO AND FRIENDS

Illustrating the attraction that dictatorship seems to hold for the shapers of U.S. foreign policy, the Nixon Administration today is signing a lavish military agreement with the law and order regime of Generalissimo Franco in Spain.

The deal apparently works this way: the Spanish get 36 used F–4 Phantom jet fighter-bombers, five destroyers, two submarines and four minesweepers, plus other vessels and Army equipment. In return, we get to keep three bases in Spain which we don't need plus the peril of being vaguely committed to a country whose government is abhorrent to democracy.

Chairman Fulbright (D–Ark.) of the Senate Foreign Relations Committee exposed and unsuccessfully protested the deal, eliciting official reactions that simply confirmed his arguments. The State Department complained he was releasing privileged information and Senate Minority Leader Scott (R-Pa.) warned against statements that "would greatly offend the people of Spain." What about the many Spaniards longing for freedom to whom the Franco regime and its U.S. supporters in high places have just given arrogant offense?

[From the Baltimore Sun, Aug. 7, 1970]

UNITED STATES TO GIVE SPAIN ARMS

(By Gene Oishi)

WASHINGTON, August 6.—Despite Senate objections, the State Department formally agreed today to provide Spain with about

$200 million worth of military equipment, in addition to 16 naval ships, in exchange for allowing the United States military to maintain bases in the country.

The five-year agreement was signed today by Gregorio Lopez Bravo, the Spanish foreign minister, and William P. Rogers, Secretary of State. In a joint statement, they said that the new agreement—which extends the 1953 U.S.-Spanish defense agreement—"initiates a new era in partnership between the United States and Spain.

The signing widened the rift between the administration and the Senate Foreign Relations Committee, particularly its chairman, Senator J. William Fulbright (D., Ark.), who has insisted that the agreement be submitted to the Senate as a treaty.

CROSS EXAMINATION

After a meeting of the committee this morning, Senator Frank Church (D., Idaho), one of its members, said that the panel has decided to hold a public hearing so that administration officials could be cross-examined on what the agreement actually means.

The State Department, meanwhile, made the text of the agreement public, and U. Alexis Johnson, under secretary of state for political affairs, sent a letter to the Foreign Relations Committee, saying that the agreement does not constitute a commitment on the part of the United States to go to the defense of Spain if it is attacked.

The agreement states that the two governments recognize "that the security and integrity of each of the two countries continues to be a matter of concern to the other." It also contains such phrases as "each government will support the defense system of the other" and "the government of the United States agrees to support the Spanish defense efforts."

U.S. LIMITS

Mr. Johnson, however, said that the U.S. commitment is limited to providing Spain with military equipment and training and to helping Spain modernize its defense industries.

Under the agreement, the United States will continue to have the use of air bases in Torrejon, Zaragoza and Moron and a naval base at Rota.

In exchange, the United States will provide Spain with $120 million worth of credits to buy 36 used F–4C Phantom fighter-bombers, 2 KC–130 tankers, used for in-flight refueling, 3 P–3 antisubmarine patrol planes, 8 helicopters, and 6 C–130 transport planes.

The United States, in addition, would give Spain $21 million worth of land weapons, including 54 M48 tanks, 66 howitzers, 60 armored personnel carriers, 16 helicopters and a dozen 175mm. guns.

LOAN 16 SHIPS

The agreement also provides that during the next five years, the United States will lend 16 naval ships to Spain, including 2 submarines and 5 destroyers. These ships are currently in active service in the U.S. Navy, but are scheduled to be deactivated within the next five years.

Other benefits Spain would receive under the agreement include $1 million a year in military training, a U.S. contribution of $35 million for modernizing a joint aircraft control and warning system, an unspecified amount of machine tools for making munitions and the Rota-Zaragoza pipeline, built by the United States at a cost of $25 million.

Administration officials could give no precise dollar figure on the benefits Spain will receive under the agreement, and the $200 million figure is only a rough approximation. The value of naval ships—which originally cost $88 million—is not included in the figure, nor is the residual value of the bases, which the United States agreed to relinquish when the agreement terminates.

The original cost of the bases was estimated at $400 million and administration officials estimated their residual value as $100 million.

FULBRIGHT ESTIMATE

Senator Fulbright, after studying the agreement, earlier estimated its cost to the United States as $400 million over the five-year period.

In addition to defense provisions, the agreement covers numerous other fields, including education, agriculture, environment, space and science and technology.

The agreement also calls for an increase of $3 million in fiscal 1971 for non military programs, primarily for providing more Fulbright scholarships to Spanish students and scholars to study in the United States.

[From the Washington Star, Aug. 7, 1970]

NIXON-SENATE FEUD SEEN: UNITED STATES, SPAIN SIGN AIR BASES AGREEMENT

(By Ronald Sarro)

The United States and Spain have signed a five-year, defense-oriented "executive agreement" described by diplomats as a "positive contribution" to world peace, but fueling a major political war between the Senate and the Nixon administration.

The agreement extends U.S. rights to use three air bases and a navy base in Spain, which houses key U.S. air, sea and defense installations, while providing millions of dollars in military aid to the Franco government.

As Secretary of State William P. Rogers and Spanish Foreign Minister Gregorio Lopez Bravo signed the pact at the State Department late yesterday, it was described by a key senator as "an end run around the Senate."

The Senate Foreign Relations Committee, supporting its chairman J. William Fulbright of Arkansas, has insisted the agreement be submitted as a treaty, requiring Senate ratification, and demanded public discussion of its provisions and explanations of why the "executive agreement" route was used.

Sen. Frank Church, D-Idaho, speaking after the committee met on the matter, said, "I don't approve of secret dealings with the Franco Government." He said most members of the committee want the agreement reviewed publicly.

"There is no question but that the administration is trying to pull an end run around the Senate and we cannot permit this," Church said. All treaties must be ratified by two-thirds of the Senate, while executive agreements require no congressional action.

U.S. officials acknowledged that the arrangement with Spain is this nation's only executive agreement covering mutual defense considerations. Other defense-type agreements are covered by treaties. There are at least two other executive agreements with nations.

During negotiations on the agreement, the United States is said to have made clear to the Spanish government that the agreement did not include a commitment for the defense of Spain.

Undersecretary of State U. Alexis Johnson, addressing Senate concern over language in the defense section of the agreement, said it "contains no language such as is found in our bilateral and multilateral defense treaties."

"It is not provided that an armed attack against one party shall be considered an attack against the other," said Johnson. He said that if there were bilateral mutual defense commitments, a treaty should be submitted to the Senate.

"However, as I have stated before, the proposed agreement contains no such commitment," Johnson said.

Fulbright has contended that the agreement would cost the United States, directly and indirectly, about $400 million over the five years. Based on an explanation of the agreement, costs were difficult to pin down because of varying ways they can be summed up.

The Senate Foreign Relations Committee said it would hold public hearings on the agreement, at which its provisions and justifications for an "agreement" over a "treaty" would be discussed.

Last night, Fulbright sent a letter to Rogers asking that a representative of the State Department appear before the committee to discuss the agreement. The committee hearings could start in a week or two.

The new agreement becomes effective Sept. 26 after an old pact, first negotiated in 1953 and renewed and modified periodically since then, expires. Since the chief diplomats for both the United States and Spain have signed the agreement, there apparently is little the Senate can do about it.

"Once an executive agreement goes into effect, I don't know how we can recall it as an amendment to a bill," Senate Democratic Leader Mike Mansfield commented. Fulbright has sponsored such an amendment to the defense authorization bill.

KEY PROVISIONS

Under terms of the five-year agreement, the United States agrees to:

Loan 16 naval war ships, which would get as they are deactivated by the U.S. Navy. Officials said the ships, some built in World War II, cost $88 million when new. Congress must approve the loan of 2 submarines and 5 destroyers included.

Apply $120 million in Export-Import Bank credit to allow Spain to buy 36 used F4C Phantom fighter-bombers for $55 million as they are phased out of U.S. operation, and allow application of the balance of the credit to the purchase of 13 new airplanes or helicopters and command network equipment, as Spain chooses to purchase them.

Seek congressional approval to pay $35 million of the cost of a $50 million aircraft control and warning system in Spain, which the United States expects it will use 70 percent of the time. Spain would pay the balance.

Ask Congress to approve military grants totaling $25 million over the five years, including $21 million in new and used tanks, howitzers, armored vehicles, helicopters and big guns, and including $4 million to train the Spanish to operate U.S. equipment.

Establish a joint committee of defense composed of the foreign minister of Spain and the U.S. ambassador to Spain, with permanent headquarters in Madrid and with responsibilities including preparation and presentation of "an annual plan to facilitate making compatible their respective defense policies in areas of mutual interest" under the agreement.

Relinquish to Spain the Rota-Zaragoza pipeline, built by the United States at an original cost of $25 million, but used by it only 25 percent of the time. The United States would retain rights to use the line free of charge. The United States is giving up $5 million in profits from Spanish companies who would have paid for use of the line over the agreement's five years.

Relinquish all rights to claims against the Spanish government for residual value of permanent structures, which the United States built in Spain at a cost of $400 million over the years, because anticipation of such collections from other nations is unrealistic, according to officials.

Make available to Spain machine tools for munitions manufacturing. Details must still be worked out.

Major expansion of cultural exchanges, joint research particularly in civilian use of atomic energy and space, advanced training of Spanish professors particularly in science, and expanded joint ventures and cooperation in other areas ranging from the environment to television.

Funds up to $3 million in new commit-

ments for non-military projects in fiscal year 1971, with the added annual funding for the balance of the five-year agreement to be worked out as projects are proposed.

The bases that the United States will continue to use are Torrejob Air Base, Zaragoza Air Base, Moron Air Base, and Rota Naval Base. Use of the petroleum pipeline and storage also are covered, as well as communications and navigational facilities. The U.S. has 10,000 personnel stationed in Spain.

[From the Washington Post, Aug. 7, 1970]

NEW PACT WITH UNITED STATES GIVES SPAIN INDIRECT NATO TIE

(By Murrey Marder)

The United States and Spain signed a new, broad, military and "friendship" accord yesterday that gives Spain a back-door link to the North Atlantic Treaty Organization.

Spain, despite energetic support by the United States, has been barred from NATO membership because of opposition to the regime of Generalissimo Francisco Franco, with Denmark and Norway as the most vocal opponents.

Publication of the new five-year accord, signed as a presidential agreement rather than a treaty that requires Senate consent, revealed that Spain now has gained an indirect "tie-in" to NATO, through the United States.

The linkage to NATO defense planning did not emerge earlier in the hot dispute between the Senate Foreign Relations Committee and the State Department over the current accord.

Under the accord, a joint U.S.-Spanish defense committee would be created, which would include the commander-in-chief of the United States European Command. This title is the "American hat" worn by NATO's supreme commander, currently Gen. Andrew J. Goodpaster.

Secondly, the agreement specifies that the two nations will cooperate on "security arrangements for the Atlantic and Mediterranean areas" and "endeavor to work out by common accord the liaison" necessary for that purpose. How NATO reacts to that remains to be seen.

Secretary of State William P. Rogers and Spanish Foreign Minister Gregorio Lopez Bravo hailed the multiple accord they signed yesterday, saying it "initiates a new era in partnership" between the two nations.

Sen. Frank Church (D-Idaho) assailed the agreement as an "end run around the Senate," adding: "I don't approve of secret deals with the Franco government, particularly of the kind that could involve us in war."

Since the United States first gained base rights in Spain in 1953, all extensions have been executive agreements. But the Indochina warfare has aroused Senate sensitivities about all U.S. defense accords.

The Senate Foreign Relation Committee, led by Chairman J. William Fulbright (D-Ark), is trying to make the Nixon administration submit the pact to the "advise and consent" procedure required for a treaty. The committee agreed yesterday to press for an open hearing as well as another closed hearing.

Church, speaking for the committee, said: "It is the strong feeling of a large majority of the committee that an agreement of this kind should have been the subject of a formal treaty, that hearings should have been held, that it should have been fully debated in the Senate and ratification voted on in the normal manner.

"There is no question but what the administration is trying to pull an end run around the Senate and we just can't permit that."

Fulbright has claimed that in addition to extending the use of base facilities in Spain for U.S. forces, the "direct and indirect" costs of the agreement in American military equipment and credits amount to "near $400 million over five years."

U.S. officials insist the cost is nowhere near that sum—but they decline to state any total of their own. They say the costs cannot be added up now for a five-year term.

Among the acknowledged costs and U.S. credits, however, are $120 million in Export-Import loans for Spain to purchase 36 F-4C Phantom fighter-bombers and other aircraft; $35 million in U.S. funds to modernize Spain's aircraft control and warning network; $25 million over five years for military equipment and training grants; the loan of 16 U.S. warships and naval auxiliaries; a grant of "excess" U.S. Army machine tools; a relinquishing of $5 million in U.S. profits on operating a pipeline; perhaps $15 million over five years for educational exchanges and other projects. In addition, Spain eventually will acquire the U.S. bases now in use, built at a cost of about $400 million.

The critical issue in the dispute with the Senate, however, has been whether the new agreement represents a new U.S. security "commitment."

The United States now has more than 10,000 military personnel in Spain.

There is no "commitment by the United States to defend Spain" in the current agreement, Under Secretary of State U. Alexis Johnson said yesterday. The accord, he said "contains no language such as is found in our bilateral and multilateral mutual defense treaties," nor does it violate the commitments resolution passed by the Senate last year.

The administration contends that the language tieing the United States to Spain's defense has been diluted from earlier agreements with Spain. The new language is indeed murkier, but the organizational structure of the U.S.-Spanish defense relationship is now admittedly stronger.

The accord says:

"Each government will support the defense system of the other and make such contributions as are deemed necessary and appropriate to achieve the greatest possible effectiveness of those systems to meet possible contingencies, subject to the terms and conditions set forth hereinafter."

But Senate critics insist the structure of the agreement converts it into "a de facto military treaty."

The accord signed yesterday is officially labeled an "Agreement of Friendship and Cooperation." It contains sections on educational, cultural, scientific, technical and agricultural cooperation, plus defense, which is the real centerpiece.

Under Secretary Johnson emphasized the strategic value of retaining U.S. air bases at Torrejon, Zaragoza and the standby Moron Air Base, and most importantly of all, the Rota naval base, which, he said, provides "maximum coverage for our Polaris-equipped submarines."

The newly admitted "tie-in" to NATO, via the United States, was acknowledged by officials on a background basis to newsmen. But the long-range intent to provide Spain with direct membership in NATO was publicly reiterated.

Said Johnson: ". . . We have always viewed Spanish entry into the North Atlantic Treaty Organization, when that should prove possible, as the preferred solution for the defense of all of Western Europe, including Spain. Indeed, the Spanish government shares this view."

[From the New York Times, Aug. 9, 1970]

DISSENT OVER U.S. ACCORD WITH SPAIN

(By John W. Finney)

WASHINGTON.—While Senator J. W. Fulbright fumed on Capitol Hill, Secretary of State William P. Rogers and Spanish Foreign Minister Gregorio Lopez Bravo sat down smilingly at a table on the eighth floor of the State Department last week to sign an agreement giving the United States another five year lease on air and naval bases in Spain.

In the testy, almost hostile relationship developing between two presumably co-equal and hopefully cooperative branches of the Government, the State Department had scored a diplomatic coup against the Senate Foreign Relations Committee and its chairman, Senator Fulbright. On Monday Senator Fulbright had stood up on the Senate floor to announce that he would seek through a legislative rider to the military procurement bill to force the Executive branch to submit the agreement as a treaty to the Senate. On the same day the two Governments decided to sign the long document, drafted as an executive agreement not requiring Congressional approval, on Thursday before Senator Fulbright could mount his legislative attack.

FULBRIGHT UPSTAGED

But aside from upstaging Senator Fulbright, which more and more seems to be the deliberate intent of the White House, the Administration also may have established an important constitutional point, namely how impotent Congress can be in checking the power of the Executive branch to enter into foreign commitments without Congressional consent.

With considerable support from within the Foreign Relations Committee, Senator Fulbright had made the new Spanish agreement into a test case in the constitutional struggle between the Executive branch and the Senate over their respective foreign policy making powers.

Senator Fulbright's objection was not so much with the cost of the agreement, although the renewal of the lease will be expensive for the United States.

Rather, his objection was that the Executive branch should not be permitted to enter into an arrangement which could eventually lead to American defense of a foreign government without first obtaining Congresssional authorization. In the case of Spain, he contended, that was precisely what the Administration was attempting to do by entering into an agreement that was not made public until after it had been signed and gone into effect.

EARLIER RESOLUTION

The principle enunciated by Senator Fulbright was one that the Senate Foreign Relations Committee has been seeking to establish ever since the Senate more than a year ago passed the National Commitments Resolution calling upon the Executive branch not to enter into foreign commitments—defined to mean the use of American troops in foreign hostilities—without obtaining affirmative approval of Congress. That had been followed by the amendment last year to the Defense Appropriations Act prohibiting the Administration from committing American ground troops to Laos or Thailand. And then this year there was the Cooper-Church amendment limiting the President's authority to engage in military actions in Cambodia.

With his objections to the Spanish agreement, Senator Fulbright was attempting to carry this principle a step further by applying it in a prospective, preventive sense to a peacetime arrangement. If there was one lesson to be learned from Vietnam, he observed, it is that "a commitment today which requires the spending of money and results in the stationing of our troops on foreign soil contains the prospect that sometime in the future it might require the spending of American lives." The Spanish agreement, therefore, he argued, was a test case of whether the Senate intended to enforce and the Executive branch to observe the spirit of the National Commitments Resolution.

Whether the Spanish agreement contains a military commitment is a matter of varying interpretation between the State Department and the Senate Foreign Relations Com-

mittee and perhaps even between the United States and Spanish Governments. In conditional terms, the United States agrees to "support the defense system" of Spain.

In a statement to the Senate Foreign Relations Committee last week U. Alexis Johnson, Under Secretary of State for Political Affairs, contended that the Spanish agreement entailed no commitments comparable to those provided in various mutual defense treaties or as contemplated under the Senate definitions of the National Commitment Resolution. To skeptical Senators, his wording was significant, for Mr. Johnson, on behalf of the State Department, was not stating categorically, at least for the public record, that the agreement contained no commitments at all to the Spanish Government.

All that was intended with these words about supporting the defense system of Spain, Mr. Johnson explained, was that the United States would help modernize the Spanish armed forces and munitions industry. Then to drive home his point that no commitment was intended, Mr. Johnson said that was why the Administration had chosen an Executive agreement rather than a treaty which might have given the impression that formal commitments were involved.

SEMANTICS

But it is just this sort of semantics that has made members of the Senate Foreign Relations Committee skeptical about the way the State Department gets the country entangled with foreign nations. An Executive agreement can be as comprehensive and as binding as a treaty, as President Roosevelt demonstrated in entering into the destroyers-for-bases deal by Executive treaty with Britain. The choice of whether to enter into a treaty or Executive agreement lies with the Executive branch and one probable reason that a treaty was eschewed in the Spanish agreement was that things might have been said in Senate debate on a treaty that would have offended the sensitive Spanish Government.

But in this constitutional struggle, the Spanish agreement demonstrates that the initiative and thus the power still rests with the Executive branch. Now that the Executive agreement is signed, the Senate has been confronted with a *fait accompli*, which is not likely to be reversed by, say, any Fulbright amendment.

Still the Foreign Relations Committee did not come away completely empty-handed in the Spanish affair. If the constitutional balance is to be redressed, it probably will not be by neat legislative boundaries laid down by Congress but by political pressure and criticism that forces the Executive branch to reconsider and sometimes to retreat.

In some ways that is what happened in the drafting of the new Spanish agreement. By its objections, the Senate Foreign Relations Committee forced the Administration to drop the 1963 language which the Spaniards wanted retained. And by its resistance, the committee undoubtedly helped the Administration to reduce the leasing price from the original $1-billion figure set by the Spanish Government.

[From the CONGRESSIONAL RECORD, July 31, 1970]

SPANISH BASES

Mr. FULBRIGHT. Mr. President, this morning's New York Times published a news dispatch by Richard Eder date-lined Madrid. This account reports that the Spanish base agreement was submitted to the Foreign Relations Commission of the Spanish Cortes.

I do not believe it has been finally signed by our Government, but the substance of it has been agreed upon. A copy of the agreement was discussed informally before an executive meeting of the Committee on Foreign Relations last week relating to a renewal and extension of the Spanish bases agreement.

The lease for these bases was originally made in 1953, and extended in 1963. Now, we come to an extension of 5 years, involving a great many new undertakings.

There are two or three things about this news account I wish to call to the attention of Senators. The news account reports the agreement has been submitted to the Foreign Relations Commission of the Spanish Cortes. As Senators know, the Cortes is something less than independent; and it certainly is not as independent as the Senate and Congress. Yet the agreement has been submitted to them for their approval. As far as I know they do not have the same constitutional provision we have with regard to consent of the Senate to a treaty.

The point I make is that this is a very important treaty. The news account outlines some of its provisions. There is reference to credits of $125 million, plus an outright grant of $20 million. I thought it was $25 million but the article states $20 million in cash, I believe each year. There is also reference to the sale of a number of F–4 phantom jets. This account does not purport to give all the details but apparently they have the right to buy 36 phantom jets for many millions of dollars. Their worth is estimated at more than $100 million.

The article states that "a squadron of 25 new F–4–E's, the only model still in production, would be about $110 million to $120 million. The ones being sold and offered to Spain are used F–4 jets and are certainly operable.

The point I make is that this type of agreement should be submitted to the Senate in the form of a treaty. I have asked our State Department to submit it as a treaty. They have not finally decided one way or the other, although the reluctance to make a decision would indicate that they do not intend to submit it as a treaty. Among other reasons they allege they are afraid it might be delayed in the Senate. I could not guarantee it will not be, but I can guarantee it will receive the immediate attention of the committee; and the committee will be given the opportunity to vote on it, and I see no occasion for any delay.

This is not the kind of matter that is normally subjected to delaying tactics, and on this occasion I again urge the administration to submit this agreement to the Senate for its approval. It is not only the material things which are involved such as the money and the planes; it is the significance of the treaty as a security undertaking. In other words, are we to understand from this treaty that the United States obligates itself to come to the assistance of Spain in case of difficulty? This is tied in precisely with the commitments resolution which this body adopted last year. It is relevant to much of the debate with regard to the current bill for military procurement.

The Senator from Mississippi, the Senator from Arizona (Mr. GOLDWATER) and others have said that if we are ever to make any reduction in our military establishment we must tailor our agreements and our obligations to fit those reductions. With that principle I agree. Here is an example where there is an opportunity for the Senate to tailor these obligations, but it is denied by the procedure followed by the Executive. The Senate is to be denied the opportunity to pass on the nature of this agreement and whether or not it is in our interest to make it.

Even in Spain there is a difference of opinion as to the full effect of the language of the agreement.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may proceed for 5 additional minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I will read a part of the language in the article:

"Although much of the Spanish press has commented on what it terms the meager amount of aid being offered by the United States, most have reported that the American commitment to defend Spain . . ."

I emphasize those words "to defend Spain."

"Has been increased from the terms of the 1963 joint statement, which declared that 'a threat of either country would be a matter of common concern.'

"Some sources familiar with negotiations take the opposite view. A phrase referring to United States agreement to 'support the defense system of Spain' does not necessarily involve anything more, they say, than the furnishing of equipment and technical assistance."

Mr. President, that illustrates clearly the differences of view here. What is the purpose of hearings before the committee and debate on the floor of the Senate but to determine what it does mean? One of the secretaries or assistant secretaries could come before the committee and say, "In our opinion this is not a security agreement," or "In our opinion it does not mean we go to their assistance, and send arms in support." On the other hand some people will say, "Look at the language." Here is what it states: "We have to go to their assistance."

We were confronted with the same type thing in connection with the Gulf of Tonkin. Secretary of State Rusk said, in effect, "The purpose of this is to prevent a wider war or any war." The President himself in the White House said, in effect, "If you do this it will show unity. There will never be a war. The North Vietnamese will never challenge this great country. All we have to do is to show unity, get behind the President, and there will not be any war." That is the purport of what he said. Look at the hearings and look at what the Secretary of State said before the Committee on Foreign Relations:

"If you quickly pass this and show unity the North Vietnamese will not challenge the United States. We are too powerful. This is the way to bring this unfortunate conflict to a close."

In this case the likely development would be that in case of trouble in the future we will be confronted with the statement that we agreed to support the defense system of Spain, and that it is clear what the language means. It would be said that we have the commitment and it is our duty to send the men and the money.

This Spanish agreement is a classic example of how to enlarge the commitments of this country by secret agreements and executive agreements without the approval of Congress.

I close with this thought. It is the responsibility of the Senate, and I think it is the duty of the Senate under the Constitution, to insist that agreements of this kind which may result in the creation of an obligations to go to the defense of a foreign country with men, money, and arms, be passed upon by the Senate. I do not assert that this agreement should be turned down or that it is improvident; I have my reservations about it but I say without question it is the responsibility of the Senate to exercise its duty and its responsibility in examining it and to come to an understanding, at least the majority of this body, as to what it means, the significance of the kind of undertaking that is being negotiated in the agreement and whether to approve it or disapprove it.

I do not see how any other course could be acceptable to the Senate. To proceed to this kind of commitment on the basis of an executive agreement, in secret, without any approval of the Congress, would I think be

unconstitutional. I grant that the decision as to where one draws the line between executive agreements and treaties is not a clear one, but I think this is so far on the side of an important engagement that there is no question about it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. FULBRIGHT. I hope the administration will send it up as a treaty.

Mr. JAVITS. Mr. President, if the Senator from Arkansas would bear with me a moment, I wanted to ask him to yield, and I wanted the floor in my own right also, I would like to make a comment on what he has said now.

As a member of the Foreign Relations Committee, I believe the Senator from Arkansas is right about the fact that because it might be uncomfortable to a dictatorship, to wit, Franco Spain, is no reason why we should not bring this up rather than make a deal with a dictatorship relating to bases. The Senator is right when he says that if our society is to mean what it says, we have to be straight and honorable and courageous enough to face whether the people have confidence in the executive and support him or not.

Personally, much as I disapprove of the Franco dictatorship, I would like to take a look at such an executive agreement or treaty objectively, and would vote for it, even if I had to hold my breath, if I were convinced that it was in the interest of the security of the world and of the United States.

The difficulty is that officials of the administration have been in to see me—and I am sure others—to challenge the assertion that this is a commitment. However, we would have to look at the front and back of the agreement to determine whether this is the same, more or less, in order to make a determination whether or not this does represent a commitment. If it did, there is no question of the fact that it ought to be a treaty.

I have two suggestions to make. The first is that I think the Secretary of State himself, in the name of the President, ought to state authoritatively what view the United States will take if there is trouble, if it is not a commitment, they still have to come back to us. If it is a commitment, then there should be a treaty.

The other suggestion is that if we are going to get into an area something like an undeclared war—because it is unwise to make a declaration of war because the way of the world indicates it would bring many obligations and responsibilities into it that we may not like or want—therefore, others, like myself, are trying to determine how to handle the question of the powers of the President and the war powers of Congress.

Perhaps a new technique would be that if we have only the advise and consent role, without the treaty, it is not enough for us and the Foreign Relations Committee to be consulted; perhaps it may be necessary to invoke——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. Mr. President, I ask unanimous consent to proceed for 7 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. JAVITS. Perhaps we ought to invoke a closed door meeting of the Senate so that at least, if the administration chooses not to submit this matter as a treaty, the Senate knows everything we know and the Senate is acquainted with the commitment the administration has undertaken, in the way it will interpret the words of the bond, and what interpretation we have made, and what we know, and the text of the agreement. Then, it seems to me, the function of the Senate will have been served notwithstanding the choice of the administration not to submit to the Senate a treaty.

In short, to summarize, I think we are entitled to assurance from the highest levels of government that our Government will in no way construe this as a commitment, no matter what we may think about it, if it chooses not to submit it as a treaty. Otherwise we should insist it should be so submitted.

This is a major matter. It is not a little base in some small place or some interim arrangement that could be taken care of by some small agreement. At least Senators ought to know what is in it and what the agreement is. It should be submitted as a treaty so we know what it means as a commitment by the United States.

Mr. FULBRIGHT. May I repeat it—I do not think there is any excuse not to submit it for approval as a treaty. May I also point out that I have no serious misgiving about Mr. Franco. When we look at all the countries we are doing business with, to me Spain is a more civilized and liberal dictatorship than the one in South Vietnam, if we want to make comparisons. We are making great sacrifices to help South Vietnam. I have never heard of anything like the Con Son Prison in Spain. As a matter of fact, I think the Spanish people have made great progress. They do not have a democracy such as we have and prefer. It is a dictatorship, but it is a relatively progressive one and has brought substantial benefits to the Spanish people. It is more humane and considerate of people than the Greek dictatorship.

I am sympathetic to the Spanish people, and I do not feel any animosity at all toward the Franco government although I do not advocate or approve of that system for others. I think, in light of their circumstances of the dreadful civil war they have done rather well, in recent years. In any case it is their affair how they run their country. It is our affair how we treat them and whether or not we have a security treaty with them.

But coming back to the matter of the treaty, I do not think it is satisfactory to simply leave it without any publicity without the American people knowing what is in the agreement officially. This agreement is made by men temporarily in the executive branch. They all are temporary, and Secretaries will succeed other Secretaries, just as Secretary Rusk succeeded Secretary Dulles. Secretary Rusk took quite a different view of the SEATO Treaty than Secretary Dulles did, but at the critical time Secretary Rusk and his administration were in control.

However, to follow the Senator's suggestion, that would be better than nothing. I would also like to have it very clearly on the record what the Spanish Government thinks about it, because it is quite clear that in Spain there is a division as to whether or not this is a commitment for us to come to their defense. If they will make it very clear and public that "we think there is nothing in the agreement that would require us to go to their defense," that would fortify our own understanding and then there would be no excuse for them or any one to come back and say, "Look, we are in trouble. Send us 100,000 men."

I think there are well over 10,000 U.S. Military people in Spain now, and it is a very expensive operation. There are many things not mentioned in the article that are involved in the overall agreement. It is a very important one. I hope the Senator from New York will use his influence on this administration to persuade them that, in their interest, in the Senate's interest, and in the interest of the country, they ought to have an above-board treaty agreement, with full debate and understanding as to what we are getting into.

It has much to do with the bill we are debating, and the extent of our military establishment. If we keep on accumulating commitments around the world of this kind, there is utterly no hope of bringing the military appropriation under control.

Mr. JAVITS. Mr. President, I thank my chairman very much for this expression, which I think in itself will be a very helpful contribution to what he and I are both trying to accomplish.

AGREEMENT OF FRIENDSHIP AND COOPERATION BETWEEN THE UNITED STATES OF AMERICA AND SPAIN

The Governments of the United States of America and Spain,

Conscious of the desires of their respective peoples for peace, security and the maintenance of their independence, and

Recognizing that the security and integrity of each of the two countries continues to be a matter of concern to the other, and

Inspired by the purposes and principles of the Charter of the United Nations, and

Desiring to reaffirm and to further the friendship between their peoples, in the spirit of the Treaty of Friendship and General Relations signed at Madrid July 3, 1902, and

Desiring to establish on a more comprehensive basis the cooperation between the two Governments, which has been fostered by such friendship, so that both Governments, through mutual exchanges and support, may promote the well-being and progress of their peoples, enabling them to meet effectively the challenges of the modern world,

Have agreed as follows:

CHAPTER I

General cooperation

Article 1. The Governments of the United States and Spain will continue their close cooperation and intimate working relationship, including regular mutual consultation by their Foreign Ministers, other members of the Governments, or their representatives, on all matters of common concern or interest, as deemed desirable by the two Governments.

Article 2. Such cooperation and relationship will be developed in those areas in which they have heretofore existed; in new areas deemd by the two Governments to require their urgent mutual attention, as specifically provided hereinafter; and in those other areas which the two Governments may consider appropriate in the future.

CHAPTER II

Educational and cultural cooperation

Article 3. In recognition of the importance of the cultural achievements of both countries, and in order to strengthen even more the friendship and understanding that traditionally have existed between their peoples, the Governments of the United States and Spain agree to expand their present exchanges in the educational and cultural fields, in number as well as in scope, subject to the constitutional processes and legislative requirements of the two countries.

Article 4. The expansion of these exchanges will involve teachers, research experts, scientists, scholars and students, and will extend into all branches of learning, especially natural and applied sciences, economics, and the language and culture of the two countries. In the field of arts and letters authors and artists and the reciprocal dissemination of their works.

Article 5. Both Governments recognize the importance of the Fulbright-Hays program to promote educational and cultural exchanges between the two countries, and therefore they consider it desirable to expand the responsibilities of the Commission for Cultural Exchange between the United States of America and Spain established by the Agreement of October 16, 1958, and renewed by the Agreement of March 18, 1964. The Spanish Government reaffirms its decision to contribute regularly to the financing of the Fulbright-Hays program.

Article 6. In its desire to cooperate with the Spanish Government in the expansion of the Spanish educational system and Spanish scientific and technical development, the Government of the United States, subject to United States legislation and the appropriation of funds by the Congress, will assist Spain in research, development, and advanced training of professors and other teaching personnel, particularly in the scientific disciplines, and training of new professors and other teaching personnel, and will provide documents, equipment, and materials for research laboratories and libraries as appropriate in the new Spanish universities and other centers of higher learning.

Article 7. In order to accomplish the goals of Article 6, the Government of the United States will consider with the greatest interest the specific programs that Spain presents to it in the fields mentioned in Article 6, and will cooperate in such programs, lending such assistance as the United States may provide subject to United States legislation and the appropriation of funds by the Congress. To the extent necessary and appropriate, these matters will be the subject of special agreements between the appropriate authorities of the two Governments.

Article 8. The two Governments consider it a matter of special interest to increase the knowledge of their respective languages in the two countries, by encouraging the activities of institutions and organizations that engage in the teaching of Spanish and the dissemination of Spanish culture in the United States, and at the same time encouraging the activities of institutions and organizations in Spain that carry on similar work with respect to the language and culture of the United States.

CHAPTER III

Scientific and technical cooperation

Article 9. Since science and technology are increasingly important for the development of a country, the Governments of the United States and Spain recognize that scientific and technical cooperation will be of great value in advancing the bonds of friendship, the state of the sciences and the resolution of the problems they share in common. Both Governments also recognize the desirability of devoting special attention to cooperation in the exchange of the results of scientific and technical research for their mutual economic and social benefits.

Article 10. Both Governments will undertake a broad program of scientific and technical cooperation for peaceful purposes.

Article 11. The cooperation between the two Governments will be based essentially on the following principles:

(a) Selection of specific scientific and technical sectors of major interest and yield.

(b) Preparation of plans for collaboration between research centers of the two countries.

(c) Programs for sending to Spain American professors and researchers of established reputation to cooperate in the advanced training of scientific and technological researchers.

(d) The establishment of appropriate channels for putting into operation, developing and supervising specific programs of scientific and technical cooperation.

Article 12. For the purposes of this Chapter, the two Governments consider the following areas, among others, to be of special interest:

(a) Civil uses of atomic energy, in accordance with the agreement of August 16, 1957, as amended.

(b) The exploration and use of space, including intercontinental experiments with satellite communications, in accordance with the exchange of notes of September 18, 1964, and January 26, 1965; spaceship tracking stations and operations, in accordance wtih the exchange of notes of April 14, 1966; and the measurement of winds and temperatures at high altitudes, in accordance with the exchange of notes of April 14, 1966.

(c) Marine sciences, including joint biological, physical and ecological projects to improve and increase the oceanic resources and their use.

(d) Medical and biological sciences, industrial technology, electronics and the social sciences.

Article 13. Any obligations arising pursuant to this Chapter shall be subject to the constitutional processes and legislative requirements of the respective countries.

CHAPTER IV

Cooperation on environmental and urban development problems

Article 14. The Governments of the United States and Spain recognize that among the principal problems with which their peoples are faced are the dangers to which man is exposed by the deterioration of his environment. Both Governments agree on the need to give urgent attention to such problems and they will begin consultations in order to determine how to coordinate their mutual efforts for their solution.

Article 15. Cooperation for the purposes stated in the foregoing Article will be effected through the exchange of information, the development of teaching and research centers, the training of personnel in specialized institutions, the sending of experts, and the supply of material for carrying out projects of common interest.

Article 16. The fields in which cooperation will be developed will be as follows:

(a) The fight against pollution in all its forms, especially in the atmosphere, in waters and in the soil;

(b) Ecology and wildlife conservation;

(c) Urban and regional planning, including urban renewal and improvement, traffic control, reduction of noise, and protection of the landscape.

CHAPTER V

Agricultural cooperation

Article 17. The Governments of the United States and Spain recognize that the agricultural sector is of great mutual interest and that it may hold opportunities for exchange of knowledge and assistance; therefore the two Governments agree to study expanding their cooperation in this field.

Article 18. For the purpose of developing the cooperation referred to in the preceding Article, both parties will study the harmonization of standards and common agricultural sanitation provisions; the possibility of carrying out transactions in agricultural surpluses under a system of concessional sales for social of charitable purposes; the preparation of joint plans for teacher training, not only in the classic agricultural disciplines (e.g. agronomy, zootechny, genetics, soil science, horticulture, agricultural engineering) but also in the more modern branches (e.g. food technology, marketing of farm products, rural economics and sociology, forest management); the feasibility of exchange of university professors and agricultural researchers of both countries; scholarships for graduates in agricultural sciences; and the exchange of information on scientific and technical progress in agriculture.

Article 19. In the cooperation between the two Governments, special attention will be given to the Spanish programs of rural management, irrigation, reforestation, and the development of the livestock industry.

Article 20. The two Governments will undertake to exchange their tecnhical knowledge and experience acquired in the sectors named in the preceding Article, whenever possible, including information on the economic aspects of the agricultural market, and to that end they will promote the exchange of technicians and experts in the preparation and execution of such programs.

CHAPTER VI

Economic cooperation

The Governments of the United States and Spain, desiring to maintain and expand their present cooperation, have examined the situation of their economies in the world context and have reaffirmed their determination to advance and develop their economic relations, and to that end they have agreed as follows:

Article 21. The two Governments reaffirm their determination to expand their trade relations, and consequently they will seek to avoid, insofar as possible and to the extent allowed by their respective economic situations and the development of their balances of payments, measures that effect restrictions on the flow of their reciprocal trade, in accordance with the provisions of the General Agreement on Tariffs and Trade.

Article 22. The two Governments consider it desirable to have a normal flow of United States direct investments in Spain, and to that end they will adopt, provided the United States balance of payments so permits, the necessary measures for encouraging the development of such investments. A similar criterion shall be applied, insofar as circumstances permit, to reducing restrictions imposed by the United States for balance of payments reasons on the purchase of foreign securities, including Spanish securities, by United States citizens in the United States.

Article 23. The two Governments recognize that the loans granted by the Export-Import Bank of the United States have been an important stimulus for the purchase of United States capital goods by Spanish enterprises. Consequently, they will continue in the future to facilitate and give maximum attention to the development of these financial relations.

Article 24. The Government of Spain reiterates its objectives of achieving by progressive steps its full integration in the European Community. The Government of the United States declares its sympathetic understanding of Spain's objectives of full integration. The two Governments agree to consult with each other and to keep in close contact in seeking to arrive at mutually satisfactory solutions for any problems of principle or procedure as may arise for either of them in this connection.

Article 25. The two Governments will exchange information on the negotiations now in progress for the establishment of a generalized system of preferences in favor of developing countries.

Article 26. The two Governments reaffirm their interest in continunig the consultations of the Joint Spanish-United States Economic Committee created in 1968, maintaining the competence and terms of reference vested in it in the exchange of notes of July 15, 1968, for the examination of financial and other economic matters of mutual interest. The Committee will meet alternatively in Washington and Madrid at mutually convenient times, under the chairmanship of representatives of appropriate level designated by their respective Governments.

CHAPTER VII

Cooperation with respect to public information

Article 27. The Governments of the United States and Spain recognize the value and significance that have been attained in present times by the information media, and they reaffirm their interest in strengthening their cooperation in this field.

Article 28. In order that public opinion in their respective countries may develop a better mutual understanding, both Governments will encourage by all means at their disposal the exchange of radio and television programs, will mutually assist their respective information media, and will prepare an

effective long-range plan for exchange in all fields of information dissemination.

Article 29. The two Governments reaffirm their desire to continue and to expand the exchange of their respective official publications.

CHAPTER VIII

Cooperation for defense

The Governments of the United States and Spain are in agreement in considering that the threat to peace is the greatest problem faced by the modern world, and that it requires that both Governments remain vigilant and continue to develop their ability to defend themselves against such a threat. Consequently, both Governments, within the framework of their constitutional processes, and to the extent feasible and appropriate, will make compatible their respective defense policies in areas of mutual interests, and will grant each other reciprocal defense support as follows:

Article 30. Each Government will support the defense system of the other and make such contributions as are deemed necessary and appropriate to achieve the greatest possible effectiveness of those systems to meet possible contingencies, subject to the terms and conditions set forth hereinafter.

Article 31. The Government of the United States agrees to support Spanish defense efforts, as necessary and appropriate, by contributing to the modernization of Spanish defense industries, as well as granting military assistance to Spain, in accordance with applicable agreements. This support will be conditioned by the priorities and limitations created by the international commitments of the United States and the exigencies of the international situation and will be subject to the appropriation of funds by the Congress, whenever the case so requires, and to the United States legislation.

Article 32. The Government of Spain, subject to Spanish constitutional provisions and legislation in force, will authorize the Government of the United States to use and maintain for military purposes certain facilities in Spanish military installations agreed upon by the two Governments. Any major construction that may be necessary for the exercise of this use shall be subject to agreement between the two Governments in the Joint Committee created in Article 36 of this Chapter. The United States is further authorized to station and house the civilian and military personnel necessary for such use; to provide for their security, discipline, and welfare; to store and guard provisions, supplies, equipment and materiel; and to maintain the services necessary for such purposes. The exercise of the functions authorized herein shall be subject to such express terms and technical conditions as the two Governments may agree upon.

Article 33

(a) The Government of Spain assumes the obligation of adopting the security measures necessary for the exercise of the functions authorized in Article 32. The United States may exercise the necessary supervision and protection of its personnel, equipment and materiel.

(b) The above-mentioned use by the Government of the United States of facilities in Spanish military installations will be free of all taxes, charges and encumbrances. The Government of Spain will retain free of all charges the ownership of all permanent works constructed for the purpose of this Agreement.

(c) The Government of the United States may remove at any time nonpermanent constructions installed at its expense, as well as its personnel, property, equipment and materiel. However, any substantial removal prior to the expiration of this Agreement will be the subject of prior consultation of the two Governments in the Joint Committee. In the event that any such removal would bring about adverse security consequences, the two Governments will consult immediately in order to adopt appropriate measures.

(d) Whenever the Government of the United States relinquishes a facility authorized in this Chapter, either prior to or as a result of the expiration of the five or ten year period specified in Article 38, the Government of the United States shall not be obligated to leave such facility in the same state and condition it was in prior to its utilization by the Government of the United States, or to compensate Spain for not having returned it in such state, but shall leave the land and permanent constructions thereon in serviceable condition for use by Spanish authorities, provided that the Government of the United States shall incur no additional expense thereby.

(e) In normal circumstances any substantial increase in the personnel or military equipment of the United States in Spain, or any substantial increase in the use by the United States of facilities in Spanish military installations regulated by this Agreement, will be the subject of prior consultation in the Joint Committee and agreed upon between the two Governments through diplomatic channels.

Article 34. In the case of external threat or attack against the security of the West, the time and manner of the use by the United States of the facilities referred to in this Chapter to meet such threat or attack will be the subject of urgent consultations between the two Governments, and will be resolved by mutual agreement in light of the situation created. Such urgent consultations shall take place in the Joint Committee, but when the imminence of the danger so requires, the two Governments will establish direct contact in order to resolve the matter jointly. Each Government retains, however, the inherent right of self-defense.

Article 35. Both Governments consider it necessary and appropriate that the cooperation for defense regulated by this Chapter form a part of the security arrangements for the Atlantic and Mediterranean areas, and to that end they will endeavor to work out by common accord the liaison deemed advisable with the security arrangements for those areas.

Article 36. In order to establish the necessary coordination between the two Governments and to ensure greater effectiveness of the reciprocal defense support granted by the two Governments to each other, the Governments of the United States and Spain agree to establish a Joint Committee on defense matters. The Joint Committee will be the organ in which the two Governments normally will consult with each other and resolve matters that may arise in connection with the reciprocal defense support referred to in this Chapter. The Joint Committee will be organized and will function as specified in the Annex to this Agreement.

Article 37. The two Governments will determine by common accord, through an exchange of notes on this date, the facilities referred to in Article 32 of this Chapter, as well as the United States force levels in Spain and the assistance programs referred to in Article 31 of this Chapter. Thereafter any change in the number or extent of such facilities will be negotiated in the Joint Committee and agreed upon between the two Governments through an exchange of notes.

CHAPTER IX

Final provisions

Article 38. This Agreement shall enter into force on September 26, 1970, and will remain in force for five years, whereupon it may be extended, if both Governments agree, for another five years.

Article 39. In order to facilitate the withdrawal of the personnel, property, equipment and material of the Government of the United States located in Spain pursuant to Chapter VIII of this Agreement, a period of one year, during which the withdrawal must be completed, is provided. Such withdrawal shall be commenced immediately upon the expiration of the five year initial period, or, if the Agreement is extended, upon the expiration of the five year extension period. During the withdrawal period above mentioned, not to exceed one year, all of the rights, privileges and obligations deriving from Chapter VIII of this Agreement shall remain in force as long as United States troops remain in Spain.

Article 40. The entry into force of this Agreement will in no way affect the validity or terms of any agreement existing between the Governments of the United States and Spain, with the exception of the Defense Agreement between the United States and Spain, dated September 26, 1953, and its supplementary agreements which shall thereupon be superseded.

Done at Washington in duplicate, in the English and Spanish languages, each of which shall be equally authentic, this ——— day of ———, 1970.

For the Government of the United States of America:

For the Government of Spain:

ANNEX

1. The Joint Committee established in Article 36 of Chapter VIII of the Agreement of Friendship and Cooperation Between the United States of America and Spain signed on ——— will be composed of the Foreign Minister of Spain and the United States Ambassador to Spain as Co-Chairman, with the Chief of the Spanish High General Staff and the Commander-in-Chief, United States European Command as their military advisers.

2. The Joint Committee will be permanent throughout the term of the aforesaid Agreement and shall be organized so as to function on a continuous basis.

3. The Joint Committee shall have its headquarters in Madrid, but may hold meetings in other places at the request of either of the two Governments, such places to be determined by mutual agreement.

4. A permanent Secretariat of the Joint Committee shall be established, composed of two members representing each of the two Governments, who shall be charged with the daily handling of routine matters and the preparation of these matters which must be submitted to the Joint Committee for consideration.

5. The Joint Committee will establish such subcommittees as may be appropriate for the discharge of its responsibilities.

6. Subordinate to the Joint Committee, as a Subcommittee thereof, there will be a Joint Air Control and Coordination Center, to maintain and operate a system of warning for air space defense, to assist in the regulation of air traffic, and to provide a means for coordination of the actions of the U.S. and Spanish forces. The details of the organization and initial tasks of the Joint Air Control and Coordination Center will be determined by the Joint Committee with two months following the entry into force of this Agreement.

7. The Joint Committee will be assisted by the civilian and military personnel necessary for the fulfillment of its purposes.

8. The Joint Committee shall report to the two Governments on its activities on a monthly basis, and in all cases when the importance of the matter so indicates.

9. The Joint Committee shall prepare and present to both Governments an annual plan to facilitate making compatible their respective defense policies in areas of mutual interest pursuant to the Chapter VIII of the aforesaid Agreement.

10. The Government of Spain will provide adequate premise for the Joint Committee. The Co-Chairmen shall determine personnel and administrative needs and arrange for the preservation of the Joint Committee's records and archives.

DEPARTMENT OF STATE,
Washington, D.C., August 6, 1970.

His Excellency GREGORIO LOPEZ BRAVO,
Minister of Foreign Affairs of Spain.

EXCELLENCY: I have the honor to refer to the Agreement of Friendship and Cooperation between the United States of America and Spain signed today, August 6, 1970. In accordance with Article 37 of the Agreement, I wish to advise you that the intentions of my Government regarding military assistance for Spain, pursuant to Article 31 of the Agreement, which I understand are acceptable to the Government of Spain, are as follows:

(a) The United States Government is prepared to assist the Government of Spain to apply Export-Import Bank credits to the purchase of the following equipment:

36 F-4C Phantom fighter bomber aircraft including necessary accessories and ground equipment for 36 aircraft.

2 KC-130 aircraft.

3 P-3 aircraft.

4 SH-3D helicopters.

4 Huey Cobra helicopters.

6 C-130 A or B aircraft.

Equipment for the territorial command net of Spanish Army.

(b) The Government of the United States will seek to obtain from Congress the necessary funds for the following purposes:

(1) Coverage of 70% of the cost, which is not expected to exceed a total of $50 million, of modernizing and semi-automating the existing aircraft control and warning network in Spain.

(2) Training of Spanish personnel to operate and maintain the United States origin military equipment acquired by Spain.

(3) Military equipment for land forces:

1 battalion of M48 tanks (54).

2 battalions and 2 batteries of 105 MM Howitzer M108 (48).

1 battalion of 155 MM Howitzer M108 (18).

1 battalion Armored Personnel Carriers.

49 M113 Armored Personnel Carriers.

4 M106 Mortar Carriers.

7 M577 Command Post Carriers.

16 Muey UH-1H helicopters.

1 battalion of 175 MM Guns M107 (12).

(c) The Government of the United States intends to loan to the Government of Spain the following vessels, subject, where necessary, to obtaining authorizing legislation:

[Type, quantity, and class of ship]

Submarines, 2, Gupy 1A and 11A.

Destroyers, 5, Various: English, Sumner, Lavalette, Lloyd Thomas.

Ocean Minesweepers, 4, Aggressive.

Landing Ships, 3 LST, Chelan County.

Auxiliaries, 1 ammunition ship, Wrangell; 1 oiler, Cimarron.

(d) The Government of the United States is prepared to make available to Spain machine tools appropriate for use in the manufacture of munitions, subject to specific agreements with the Government of Spain.

(e) The Government of the United States is prepared to relinquish to Spain the Rota-Zaragoza pipeline, subject to the provisions of a procedural annex.

(f) The Government of the United States relinquishes any and all claims against the Government of Spain for the residual value of the permanent structures constructed under the Defense Agreement between the United States of America and Spain signed September 26, 1953.

I further wish to advise you that it is the understanding of my Government that the United States of America, subject to Spanish Constitutional provisions and legislation in force, is authorized to use and maintain for military purposes with the appropriate military personnel the facilities in or connected with the following Spanish military installations:

Torrejon Air Base.

Zaragoza Air Base.

Moron Air Base (standby).

Rota Naval Base.

Cadiz-Zaragoza petroleum pipeline and pumping facilities.

Petroleum and other storage facilities.

Communications and navigational network support facilities.

I should appreciate your confirmation of the foregoing understandings on behalf of the Government of Spain.

Accept, Excellency, the assurances of my highest consideration.

———— ————,
Secretary of State of the United States of America.

DEPARTMENT OF STATE,
Washington.

His Excellency GREGORIO LOPEZ BRAVO,
Minister of Foreign Affairs of Spain.

EXCELLENCY: I have the honor to refer to the Agreement of Friendship and Cooperation Between the United States of America and Spain concluded on this date.

I should like to confirm our understanding that, in the event the Agreement in Implementation of Chapter VIII of the Agreement is not concluded by September 26, 1970, then the two Governments will be guided by the following considerations in implementing Chapter VIII of the Agreement during the period from September 26, 1970, to the date on which such Agreement in Implementation is concluded:

1. Effect will be given to those separate sections, articles and procedural annexes of the proposed Agreement in Implementation which have been initialed as approved by the authorized representatives of the United States and Spain as of September 26, 1970. Effect will be given to those sections, articles and procedural annexes which are initialed thereafter and prior to the conclusion of the full Agreement in Implementation as of the date on which they are initialed.

2. With respect to the matters covered by those separate sections, articles, and annexes not yet initialed as of September 26, 1970, the Government of Spain will continue to safeguard, consistent with prevailing practices and within the spirit and letter of Chapter VIII of the Agreement, the rights, privileges and immunities of the Government of the United States until such time as the new sections, articles and procedural annexes are initialed.

I should like to propose that, if agreeable to your Government, this note, together with your reply, shall constitute an agreement between our two Governments relating to the implementation of the Agreement, with effect from September 26, 1970.

Accept, Excellency, the assurances of my highest consideration.

———— ————,
Secretary of State of the United States of America.

DRAFT SPANISH REPLY NOTE

His Excellency WILLIAM P. ROGERS,
Secretary of State of the United States of America.

EXCELLENCY: I have the honor to refer to your note of this date which reads as follows:

I wish to confirm to you on behalf of the Government of Spain the understandings expressed in your note.

Accept, Excellency, the assurances of my highest consideration.

———— ————,
Minister of Foreign Affairs of Spain.

WASHINGTON, D.C.,
August 6, 1970.

His Excellency GREGORIO LOPEZ BRAVO,
Minister of Foreigns Affairs of Spain.

DEAR MR. MINISTER: During the Fiscal Year 1971, the United States Government would be prepared to fund up to $3 million of such non-military projects as may be agreed upon pursuant to the Agreement of Friendship and Cooperation signed between the United States and Spain on this date.

Additionally, the Commission for Educational Exchange between the United States and Spain (Fulbright Commission) is now devoting its efforts to educational reform. Apart from the above mentioned $3 million, the Department of State expects to increase its contribuiton to the Commission this year, thus enhancing its capacity to contribute to the fulfillment of the Spanish educational plan.

Sincerely yours,

WILLIAM P. ROGERS.

WASHINGTON, D.C.,
August 6, 1970.

His Excellency GREGORIO LOPEZ BRAVO,
Minister of Foreigns Affairs of Spain.

DEAR MR. MINISTER: During the term of the new Agreement of Friendship and Cooperation Between the United States of America and Spain, signed on behalf of our two Governments on this date, the Government of the United States is prepared to contribute to the funding of various non-military projects as are specifically agreed upon pursuant to the spirit and letter of the Agreement, subject, when necessary, to Congressional authorization and to the availability of funds.

It is understood that the Executive Branch of the United States Government assumes an obligation to seek any necessary appropriations from the Congress for funding of such agreed non-military projects above described.

Sincerely yours,

WILLIAM P. ROGERS.

THE MISSION TO MEXICO

Mr. MANSFIELD. Mr. President, I rise at this time to congratulate President Nixon upon his successful mission to Mexico last week. During the course of that mission, he discussed with President Gustavo Diaz-Ordaz certain matters of mutual interest and concern.

It appears that, at long last, a permanent agreement has been reached which will determine on a basis of finality the border between Mexico and the United States as represented by the Rio Grande River. This could mark an end to a century-old dispute which has caused several questions to arise because of shifts in the course of the river. The one dealing with the Chamizal was settled several years ago.

Some progress seems to have been made toward the settlement of the Colorado River salinity problem, although it is far from completed at the present time. The issue is still alive. There is a recognition that the Colorado River does pose a problem to Mexico as it flows into that country's territory from the United States. Certain activities undertaken in the southern part of the United States create the problem of salinity, and this causes a loss in crops of the Mexican farmers.

It is noteworthy that accompanying the President on this trip was the Attorney General of the United States, John Mitchell, who met with his counterpart in the Mexican Government. Together with the two Presidents they discussed the traffic in marihuana and narcotics. Because of this frank and open discussion, a better understanding was achieved and better methods were considered to cope with the drug traffic, which seems to be most difficult to eradicate. Possibly out of this effort will come an alleviation of the situation which has existed for so many years.

Mexico is to be congratulated on its

attempts to try to stop the illegal flow. Both countries and both chiefs of state are to be congratulated for seeking to arrive at a reasonable settlement, to that through cooperation this vexing problem may be solved.

It is good that Presidents of Mexico and the United States, traditionally, make it a point to visit one another. I am delighted that out of these missions to Mexico, these personal, diplomatic missions, so much has been accomplished, and that an era of good feeling is the norm at the present time, as it has been for some years, between the two republics.

So again I congratulate the President for undertaking this mission in personal diplomacy.

I ask unanimous consent to have printed at this point in the RECORD an editorial published in the New York Times of today entitled "Useful Mission to Mexico."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

USEFUL MISSION TO MEXICO

If all Presidential trips abroad could accomplish as much in short order as Mr. Nixon's 28-hour visit to Mexico, the case for personal diplomacy at the highest level would would be unanswerable. Actually, the ground had been laboriously prepared for the agreement designed to resolve remaining boundary disputes between the United States and Mexico and to set up machinery for heading off such quarrels in the future.

The basic climate had been created through earlier resolution of the century-old dispute over the Chamizal area on the Rio Grande between El Paso, Texas, and Ciudad Juarez. Negotiations for the Chamizal Convention were launched by Presidents Kennedy and Lopez Mateos in 1962 and brought to fruition by President Johnson and Diaz Ordaz in 1967.

These bits of recent history are recalled not to diminish the accomplishment of President Nixon and Diaz Ordaz at Puerto Vallarta, but to point up the invaluable continuity that has been built up for amicable relations between the two countries in recent years. That continuity was endangered last year when Washington embarked on "Operation intercept," a drive to halt the flow of marijuana and narcotics from Mexico.

Fortunately, the Administration soon abandoned this ham-handed venture and the two Governments agreed to replace it with "Operation Cooperation," under which Mexico promised to intensify the efforts to curb production and export of narcotics. In the improved climate, Attorney General John Mitchell accompanied Mr. Nixon to Puerto Vallarta and agreed on new measures of cooperation against the drug traffic.

Finally, Mr. Nixon has made what Mr. Diaz Ordaz calls a "constructive" proposal for improving the agreement involving distribution of the waters of the lower Colorado river. If a new agreement satisfactory to both sides can be reached by the time the old one expires in November, Mr. Nixon will have even more cause to be pleased with his personal diplomacy south of the Rio Grande.

RAILROADS REQUEST INCREASE IN FREIGHT RATES

Mr. MANSFIELD. Mr. President, I note in the Montana press that the eastern and western railroads once again propose to raise freight rates, this time by 15 percent, in addition to the 6 percent and 5 percent increases granted earlier.

I do not know where this is going to stop. The Presiding Officer, the distinguished Senator from North Dakota (Mr. BURDICK), is just as much interested in this problem as am I. This is outrageous—the railroads asking for a 15-percent across-the-board increase in their freight rates. It means that Montana, which has been referred to by Prof. Richard J. McKennon, of Montana State University, as the "land of the long haul," may well be called the "land of the light haul," because we just cannot assume this extra burden.

What this amounts to in the State of Montana is a petition—of course, it applies to other States as well—a petition for a 15-percent increase in freight rates across the board. What it means is that this rate increase, in addition to the perennial boxcar shortage, will make it most difficult for Montana farmers to ship their wheat and feed grains. It means that, in desperation, Montana farmers in the so-called triangle area and elsewhere in the State are grouping together and buying trucks in which to ship their wheat to ports along the Columbia River.

The net result of all this is that it will be more difficult for the small wheat rancher to survive; not to mention the fact that if this rate increase is allowed, it will cost the State of Montana $25.8 million. We do not have that kind of money to spend out there. Our farmers are entitled to a little more in the way of protection than they have been getting.

When we consider the fact that we have had an extensive rise in freight rates, when we have a very difficult boxcar shortage, and when we have so far to haul our grain, I think it is time for the ICC to step in and do something, rather than, as is its custom, just give in to these demands month after month, year after year.

Again I repeat my belief that the ICC should be abolished and its function transferred to the Department of Transportation, where I am sure, under the excellent leadership of Secretary John Volpe, something will be done to bring relief to the farmers of Montana, the Dakotas, and other States, and this spiraling cost factor alleviated, if not done away with.

Mr. BURDICK. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. BYRD of West Virginia). Does the Senator from Montana yield to the Senator from North Dakota?

Mr. MANSFIELD. I yield to the distinguished Senator from North Dakota.

Mr. BURDICK. I commend the able Senator from Montana for bringing before this body a most important question. The distinguished Senator has outlined the increases that have taken place in the past 2 or 3 years. He has enumerated the cost-price squeeze that is upon the farmers of our region and has pointed out that they just cannot bear another freight rate increase at this time.

I wonder whether the Senator has calculated what this means in returns to the farmer. I have been advised by several elevator managers representing farmers in my State that a 15-percent increase on top of the other increases would mean an additional 6 cents a bushel loss in the price of grain.

Mr. MANSFIELD. I think the Senator is being conservative in his estimate. I think the figure is more than 6 cents—at least in Montana. This is just another burden placed on the shoulders of the farmer, whose costs are increasing and whose prices are not keeping pace but, as a matter of fact, insofar as wheat is concerned, are fluctuating up and down—mostly down.

Mr. BURDICK. Whatever the rate increase is, it would certainly reflect itself in a very serious loss at this time.

I share the Senator's great concern. I hope that by some means we can get a denial of this freight rate request as soon as possible, and I will join with the Senator to do all we can to accomplish this end.

Mr. MANSFIELD. I thank the distinguished Senator.

May I say that I have been in contact with the chairman of the Committee on Commerce, the Senator from Washington (Mr. MAGNUSON), whose State also will be affected. He has indicated an interest and a desire to do something.

May I point out that, according to George Lackman, the Commissioner of Agriculture for the State of Montana, the following may be of note:

When the 15 percent proposal is included with the other increases, the direct effect on grain growers, including wheat and barley growers, would total $12.9 million annually. Using the theory of Montana State University economists, each $1 change results in an overall $2 effect on the State's economy.

So I am hopeful that the ICC will get this message and that the Committee on Commerce, under the chairmanship of the distinguished Senator from Washington, will undertake hearings on this and related matters, to the end that the situation can be faced up to and that the matter of an increase in freight rates will be brought to a halt.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for a quorum call be rescinded.

The ACTING PRESIDENT pro tempore (Mr. BURDICK). Without objection, it is so ordered.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the transaction of routine morning business.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. BURDICK) laid before the Senate a message from the President of the United States submitting the nomination of Thomas W. Moore, of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting, which was referred to the Committee on Commerce.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BURDICK) laid before the Senate the following letters, which were referred as indicated:

REPORT OF EXPORT-IMPORT BANK OF THE UNITED STATES

A letter from the Secretary, Export-Import Bank of the United States, transmitting, pursuant to law, a report of activities of the Bank during the quarter ended June 30, 1970 (with an accompanying report); to the Committee on Banking and Currency.

PUBLICATIONS OF THE FEDERAL POWER COMMISSION

A letter from the Chairman, Federal Power Commission, transmitting, for the information of the Senate, a copy of the following recently-issued publications:

Hydroelectric Plant Construction Costs and Annual Production Expenses, 1968; and

Part III of The 1970 National Power Survey (containing previously published regional advisory committee reports); to the Committee on Commerce.

PROPOSED LEGISLATION TO PROVIDE FOR PAYMENT OF MEDICAL, HOSPITAL, AND SURGICAL BILLS OF CERTAIN DISABLED RETIRED POLICEMEN AND FIREMEN

A letter from the Assistant to the Commissioner, Executive Office, government of the District of Columbia, transmitting a draft of proposed legislation to provide for payment of medical or surgical services or hospital treatment of certain disabled former members of the Metropolitan Police Department, the Fire Department of the District of Columbia, the U.S. Park Police force, the Executive Protective Service, and the U.S. Secret Service Division, and for other purposes (with an accompanying paper); to the Committee on the District of Columbia.

REPORT OF THE SECRETARY OF THE SENATE

A letter from the Secretary of the Senate, transmitting, pursuant to law, a report on the receipts and expenditures of the Senate for the period January 1, 1970, through June 30, 1970 (with an accompanying report); which was ordered to be printed and to lie on the table.

REPORT OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on the providing of rent-free space in Government-owned buildings to the Office of the Comptroller of the Currency, Department of the Treasury, dated August 24, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORT OF THE U.S. GOVERNMENT COMPTROLLER FOR THE VIRGIN ISLANDS

A letter from the Acting Secretary of the Interior, transmitting, pursuant to law, the annual report of the U.S. Government comptroller for the Virgin Islands for the fiscal year ended June 30, 1969 (with an accompanying report); to the Committee on Interior and Insular Affairs.

REPORT ON APPLICATION FOR LOAN FOR THE GRAHAM-CURTIS PROJECT OF SAFFORD, ARIZ.

A letter from the Assistant Secretary of the Interior, reporting, pursuant to law, on a loan application for the Graham-Curtis project, of Safford, Ariz., in the amount of $1,762,000; to the Committee on Interior and Insular Affairs.

PROPOSED LEGISLATION TO PROVIDE THAT THE FEDERAL GOVERNMENT SHALL ASSUME THE RISKS OF ITS FIDELITY LOSSES

A letter from the Acting Secretary of the Treasury, transmitting a draft of proposed legislation to provide that the Federal Governemnt shall assume the risks of its fidelity losses (with an accompanying paper); to the Committee on Post Office and Civil Service.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. BURDICK):

Two resolutions adopted by board of directors of the National Association of Counties, Washington, D.C., praying for the enactment of legislation to create a revenue sharing trust fund for State and local governments; and welfare reform legislation providing fiscal relief to States and counties; to the Committee on Finance.

A letter, in the nature of a petition, from Mrs. Mary Redden, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Mr. and Mrs. Charles Ziegler, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Velma Blucher, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Miss Jessie Parker, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Mr. and Mrs. Anthony Armeni, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue-sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Miss Betty Rogers, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue-sharing; to the Committee on Finance.

A letter, in the nature of a petition, from Mrs. Mary Blucher, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue-sharing; to the Committee on Finance.

A joint resolution adopted by the Congress of Micronesia, relating to principles and legal rights of Micronesia; to the Committee on Interior and Insular Affairs.

A petition of the Association for Grand Jury Action, Inc., praying for a redress of grievances; to the Committee on the Judiciary.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and joint resolutions were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ALLEN:

S. 4287. A bill to provide that the U.S. Senators and the Members of the House of Representatives concerned with any plan or other recommendation relating to school desegregation prepared by any officer or employee or agent of the Department of Health, Education, and Welfare for submission to any U.S. court or any public agency of a state be furnished a copy of such plan or other recommendation, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. ALLEN when he introduced the bill appear below under the appropriate heading.)

By Mr. GOODELL:

S. 4288. A bill to authorize assistance under the section 236, rent supplement, and public housing programs for dormitory-type housing for low-income single persons; to the Committee on Banking and Currency.

(The remarks of Mr. GOODELL when he introduced the bill appear below under the appropriate heading.)

By Mr. MOSS:

S. 4289. A bill for the relief of Mrs. Kwi Dong Park; to the Committee on the Judiciary.

By Mr. BYRD of West Virginia (for Mr. MAGNUSON) (by request):

S. 4290. A bill to amend section 14 of the Natural Gas Act; to the Committee on Commerce.

(The remarks of Mr. BYRD of West Virginia when he introduced the bill appear below under the appropriate heading.)

By Mr. COOK:

S.J. Res. 232. Joint resolution to establish "National Good Grooming Week"; to the Committee on the Judiciary.

(The remarks of Mr. COOK when the introduced the joint resolution appear below under the appropriate heading.)

S. 4287—INTRODUCTION OF A BILL RELATING TO PLANS OR RECOMMENDATIONS IN THE MATTER OF SCHOOL DESEGREGATION

Mr. ALLEN. Mr. President, I introduce for appropriate reference a very short bill to which few can take exception. I ask unanimous consent that the bill be printed at this point in the RECORD for purpose of comment thereon.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4287), to provide that the U.S. Senators and the Members of the House of Representatives concerned with any plan or other recommendation relating to school desegregation prepared by any officer or employee or agent of the Department of Health, Education, and Welfare for submission to any U.S. court or any public agency of a State be furnished a copy of such plan or other recommendation, and for other purposes, introduced by Mr. ALLEN, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4287

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no plan or recommendation or modification of an existing plan or recommendation prepared by any officer or employee or agent of the Department of Health, Education and Welfare concerning the desegregation of the schools of any local educational agency within any State shall be furnished to any Court of the United States, any public agency of a State, or any political subdivision of such State, unless a copy of such plan, recommendation or modification has been submitted to the United States Sena-

tors of that State and to the Members of the House of Representatives from the Congressional Districts in which the schools of such local educational agency are located. Any such copy shall contain a statement that the plan, recommendation or modification does not effectively exclude any student or teacher from any school of the local educational agency because of race, or color, and shall be attested to under oath or affirmation by the Secretary of Health, Education and Welfare or his designee.

Mr. ALLEN. Mr. President, it will be seen that the bill merely requires the Department of Health, Education, and Welfare to submit a copy of desegregation plans, recommendations or modification of existing plans or recommendations prepared under auspices of the Department to the Senators and Representatives of the respective States and congressional districts in which the schools affected by such plans are located.

Ordinarily, Mr. President, it would seem that Senators and Representatives are entitled to copies of such plans as a matter of courtesy. Instead, experience has demonstrated that the Department of Health, Education, and Welfare is reluctant to disclose such plans, recommendations or modification prior to submission for consideration and implementation by Federal judges or by local school boards.

Yet, Mr. President, the citizens of the State and congressional districts involved look to us for relief from what appears to them to be grossly unreasonable and sometimes unlawful plans imposed upon the schools and schoolchildren affected by those plans.

The primary purpose for reviewing such plans before they are submitted for implementation is to determine whether or not the actions contemplated are consistent with laws of Congress and decisions of the U.S. Supreme Court.

It is my sincere judgment that many plans prepared by the Department of Health, Education, and Welfare and submitted for implementation by Federal district courts are unreasonable, irrational, contrary to laws of Congress, and without authority under any specific ruling of the U.S. Supreme Court.

For this reason the bill provides that copies of such plans or recommendations contain a statement affirming that such plans or recommendations do not go beyond what is required by the U.S. Supreme Court.

It is a fact, Mr. President, that school plans and recommendations have been prepared by agents of the Department of Health, Education, and Welfare and submitted to Federal district courts for implementation which are without authority of statutory law and which go beyond anything which the Supreme Court of the United States has required.

Mr. President, we recall extended debates on the merits of the Whitten amendments, the provisions of which limited the Department of Health, Education, and Welfare in the matter of requiring busing. We recall that liberal forces in the Senate were successful in attaching an amendment to the Whitten amendment expressed in the term "except as required by the Constitution."

The implication in the exception was that the Department of Health, Education, and Welfare should be limited in its plans and actions unless such plans and actions were authorized by Supreme Court decisions.

In this connection, Mr. President, in Northcross and others against Board of Education of the Memphis, Tenn., City Schools and others, decided March 9, 1970, Chief Justice Burger made this special point, when he said:

As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including whether, as a constitutional matter, any particular racial balance must be achieved in the schools; to what extent school districts and zones may or must be altered as a constitutional matter; and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court.

Mr. President, some of the school plans prepared by the Department of Health, Education, and Welfare and submitted for implementation by Federal district courts in Alabama treat all of these questions as having been already decided by the Supreme Court. For practical purposes of desegregation of schools the Department of Health, Education, and Welfare and the U.S. Attorney General have constituted themselves a Supreme Court in all matters affecting desegregation of public schools.

They have decided as a matter of constitutional law that racial balance must be achieved in certain schools in the South although the Supreme Court has not said so and the administrative rulings in this regard are not uniformly applied.

Then, too, the Department has decided on its own initiative to what extent school districts and zones must be altered as a constitutional matter. Yet, the Supreme Court has not so decided.

Furthermore, the Department of Health, Education, and Welfare has determined to what extent transportation may or must be provided by the separate local school boards.

Surely, Mr. President, those Senators who were so insistent on compliance with constitutional standards in opposing limitations on the Department of Health, Education, and Welfare will recognize that the Department has acted not as required by the Constitution but as dictated by its own notions.

On the other hand, where the Supreme Court has spoken authoritatively on a particular subject, the Department of Health, Education, and Welfare and the U.S. Attorney General utterly disregard the mandate of the Court.

Let me quote further from Chief Justice Burger who said:

The suggestion that the Court has not defined a unitary school system is not supportable. In Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969), we stated, albeit perhaps too cryptically, that a unitary system was one "within which no person is to be effectively excluded from any school because of race or color."

In the face of this definition, the Department of Health, Education, and Welfare continues to submit desegregation plans which violate this rule in that such plans are designed to effectively exclude literally thousands of schoolchildren from public schools for no other reason than that of race or color.

In some instances the Department of HEW excludes both white and black children from attending public schools in their neighborhoods in order to achieve racial balance and without regard to the will or wishes of the parents and without regard to the health, safety, morals, and general welfare of the children, and without regard to the will, wishes, and authoritative opinion of local school authorities and without regard to the Supreme Court definition of a unitary school system.

In addition, the Department willfully and wantonly redraws school district boundaries and school attendance zones and recommends transportation of children long distances from their homes for no other reason than the race and color of the children involved.

Mr. President, U.S. Senators and U.S. Representatives elected by the people have a right to know beforehand whether school plans prepared by Federal agents and agencies of the Federal Government conform to the law of the land. The evidence is conclusive that the law is being violated.

Mr. President, it is my judgment that every U.S. Senator has a vital interest in the passage of this bill. The plans, the processes, and the procedures now being applied in the Southern States are precisely the plans, processes, and procedures which will be soon applied in all sections of the Nation.

The de facto-de jure distinction is a fabrication of special pleaders in the Department of Health, Education, and Welfare. It will not hold up.

Let me assure Senators that arbitrary and unlawful procedures if permitted to go unchallenged in the South will be the same arbitrary procedures applied in your States. The people of your State will demand explanations and relief no less than the people of Alabama and the South demand explanations and relief.

We ask only that as elected representatives of the people we be informed of the plans, recommendations, and modifications of such which the Department of Health, Education, and Welfare intends to ask Federal courts to implement.

Who can reasonably object to such a request?

S. 4288—INTRODUCTION OF A BILL TO PROVIDE SINGLE ROOM OCCUPANCY HOUSING

Mr. GOODELL. Mr. President, the rooming house poor are among the most forgotten urban citizens. Like the lepers of old, they have become the modern day "untouchables."

In city after city across the Nation single persons who are not a part of any family unit, colonize in the deteriorating areas, and cluster in furnished, single rooms. In the language of urbanology, the members of this group are referred to as "single room occupants" or SRO's. In other quarters, they are cruelly de-

rided as "bums" suited only for skid row areas such as the Bowery in New York.

Whatever the label, these people live in a society which has ignored their unique personal and social needs. As a result, the SRO has been cast out to lead a life of misery and loneliness.

The SRO population is a varied one. In part, it is composed of students and young working people. For this group, single rooms are temporary living arrangements until better incomes enable better housing or until they find permanent lodgings. The aged comprise another part of the SRO population. Although Federal housing legislation and public policy provide housing for the elderly, the lack of adequate elderly housing construction has often made the SRO unit the only housing choice.

The hard-core SRO's however are neither young nor old. They are usually individuals between the ages of 30 and 60. Many are black, the majority are male. Some are employed in low-paying marginal jobs and simply have no alternative housing they can afford. Most are unemployed, however, due to a multitude of disabling physical or psychiatric problems or both. A study of five SRO buildings in New York City revealed that 75 percent of the tenants had chronic diseases or disabilities such as tuberculosis, cirrhosis of the liver, heart conditions, diabetes, blindness, or some form of mental illness. At least one-half of the tenantry was composed of alcoholics and many were hustlers, prostitutes, or narcotics addicts.

SRO's suffer from a unique loneliness and alienation which preempts any community identity. This condition has been called the "disease of non attachment". It is described best by Selma Fraiberg, a University of Michigan psychology professor:

> The life histories of these people . . . reveal no single significant human relationship. The narrative of their lives reads like a vagrant journey with chance encounters and transient partnerships. Since no partner is valued, any one partner can be exchanged for any other; in absence of love, there is no pain in loss. Indeed, the other striking characteristics of such people is their impoverished emotional range. There is no joy, no grief, no guilt, and no remorse.

This personality condition, therefore, makes SRO's unable to relate easily to the society through work, marriage, or child-rearing.

The SRO population is made up largely of recirculating dischargees from medical, psychiatric, or penal institutions. With no means to provide an improved living environment, they return to or become part of the SRO colony. The colony is void of intermediate social and medical services. There, the dischargees lose the benefit of any rehabilitative services received in the institution. Because of the lack of medical services, in addition, illnesses contracted often remain untreated.

These are people most costly to society and yet most difficult to plan for within a community because of the high density of pathology, combined with economic dependency, lack of skills and education, and racial discrimination. Facing such difficulty, society has chosen to ignore the untouchables.

For example, presently there exists no Federal housing program to aid SRO's. Existing SRO housing, which is makeshift at best, is unsuited to meet the special needs and disabilities of the tenants. In addition, most SRO housing is substandard. In New York City, for example, of the 100,000 SRO units, over 50 percent are substandard.

Functionally, an SRO is an impersonalized magnification of an old-fashioned "Mrs. Murphy's rooming house" for single persons. These homes were run by owner-occupants who rented out their few spare rooms to boarders for extra income. At the same time, the landlord insisted on and maintained personal standards of decorum and cleanliness for their home. By contrast, the number of units in a large SRO is usually around 100 and the management lives off the premises.

By and large, the SRO housing, which includes rooming houses, transient hotels, and group residences, was never designed for its present function. In some instances, the buildings were originally respectable, middle-class hotels. As the area began to deteriorate, the clientele was drawn off to other hotels. In order to maintain a stream of income, the owners began renting rooms, on a regular basis, to SRO's. With the invasion of the SRO, the remaining respectable clientele was quickly driven off.

More usually, the SRO buildings are converted apartment houses. With makeshift alterations, the character of the building is changed from one that caters to the moderate-income family to one that houses the roominghouse poor. The owners will leave the apartment door open and put locks on each of the individual rooms within the apartment, except for the commonly shared kitchen and bath. The former apartment can house between six and nine SRO's at a rate of $10 to $30 per week per room which is often 30 to 40 percent of the tenant's income.

The conversion produces cramped, poorly lit accommodations with little furniture and few amenities. The increased number of people results in heavy stress on the building's utilities and physical structure which means more repairs. Building violations increase and elementary housekeeping service becomes difficult.

It is not hard to imagine what will become the state of a bathroom or kitchen used by six or eight persons, none of whom has the responsibility for keeping it clean while most of them must lack the motivation to care. Likewise, food preparation is severely limited in a common kitchen where people must take turns cooking and where an unlocked refrigerator door is a temptation to steal food left behind. As a result of these conditions, food preparation, which mainly consists of inexpensive meals such as potatoes, beans, and rice, is sporadic and hunger and malnutrition is widespread. Additionally the lack of adequate kitchen facilities causes residents to spend a disproportionate amount of their income on food.

Because doors to the rooms were never intended to be barriers to the public, they serve no protective purpose. Privacy becomes a luxury and theft becomes commonplace.

The process of deterioration, caused in part by tenant apathy and carelessness, is matched by landlord and management indifference. It is also accompanied by the economics of this real estate which requires minimal investment and maximum return.

Maintenance services are almost nonexistent. The hallways and lobbies are strewn with trash, and rats and roaches are commonplace. Seldom does the management designate anyone for maintaining order or cleanliness in the building. This attitude does not provide an incentive to SRO tenants to keep their rooms clean and tidy.

In order to maintain a full house, management of SRO buildings often establish so-called wide-open buildings. In such places, no prospective tenant is screened or refused. The most corrupt are, therefore, permitted to join and infect an already disabled tenantry. Moreover, no internal order is enforced among tenants by the management. Tenants have no protection from exposure to violent and criminal fellow occupants.

Since management has not provided any custodial care or supervision of the tenants, ill and dying occupants have been reported to remain in their rooms for days—unaided and unobserved. Furthermore, there is no adequate space available within the converted SRO buildings in which to locate and pursue service programs to help the occupants with therapeutic and rehabilitative efforts.

There is also evidence to show that there is some management complicity in SRO crime. Occasionally, there is mutual cooperation between managers and tenants engaged in illegal activities such as prostitution and narcotics peddling. In other cases, management itself will sell wine and alcohol to resident alcoholics at inflated prices.

The immediate SRO environment has a deteriorating influence on the tenants. In addition, however, there is a recurrent process of deterioration in the area and community surrounding SRO buildings.

SRO tenants, addicted to alcohol and narcotics, must commit crimes to support their habits. The high crime rates of the areas, involving petty theft, robberies and stickups make the neighborhood hazardous. Moreover, emotional disturbances within the SRO community produce an atmosphere ridden with tension. Inevitably these elements produce an unsafe neighborhood. Neighbors react adversely to the sight of SRO's and often unpleasant street encounters make living in the area wholly undesirable.

The socially productive neighbors begin to move out as SRO tenants increase in number. There follows a rapid deterioration of the area, as some buildings become abandoned and become inhabited by evicted SRO's and other vagrants. Gradually, in most cases, the areas become slated for urban renewal. The renewal activities cause the exodus of the SRO's to nearby areas where the same cycle of blight and deterioration continues.

Improvement of the SRO housing would clearly seem to be in the best in-

terests of the tenants and the surrounding neighborhoods. More importantly, serious efforts to reeducate and rehabilitate SRO's could make this group more socially productive.

The lack of adequate standard SRO housing is a primary need. The Federal Government does not provide financial assistance for such housing. Previously, housing assistance for low-income families and the elderly has been based on the concept that all children deserve a proper physical environment in which to grow up and that elderly parents are entitled to some comfort in their declining years. The SRO is, of course, in neither category and cannot be classified along with the others as "worthy poor."

This archaic attitude which has prevented governmental action must no longer inhibit assistance to provide SRO housing. Billions of dollars in Federal funds have been spent for urban renewal projects and all too often the result has been the exodus of SRO occupants from one area to another, carrying with it the seeds of slum, blight, and neighborhood deterioration. Without correcting the conditions under which SRO's live, they will continue to infect urban neighborhoods which will ultimately result in continuing expenditure of Federal and local funds for urban renewal.

The bill I introduce today would provide much needed housing assistance for single room occupants. It would amend the section 236 rental assistance program, the rent supplement program and the public housing program to permit the construction of dormitory-type housing and the rehabilitation of existing structures, for low-income, single persons. Maximum feasible use would be made of shared facilities such as common dining areas, community kitchens, and common baths.

Adequate design and occupancy standards shall be set by HUD for any housing constructed or rehabilitated under the authority of this bill. These standards shall reflect the recommendations of the Secretary of Health, Education, and Welfare as to the appropriate design and facilities for dormitory-type housing and they shall insure the highest quality of housing for SRO's.

The management of SRO housing is critical to its success. For that reason, provisions in my bill provide that maintenance costs be included within the total project cost allowed by the Federal Government. In determining the eligible mortgage limits in section 236, the fair market rental for the rent supplement program, and the amount of annual Federal contribution for public housing, management services shall be eligible for inclusion whether they are performed by the private developer or public housing agency responsible for the construction of the project, or if they are performed by contract with a private management firm. Moreover, an additional authorization of $5 million has been requested for management and tenant services in section 236 projects.

Clearly, responsible management will not be able to cure the complex problems of the SRO. It can, however, create a more healthy physical environment for these tenants. With proper funding, it can also attempt to provide guidance and counsel for SRO's with respect to budgeting income or gaining employment. It can provide mechanisms to insure tenant security. An imaginative staff could also provide a daily meal service for a minimum fee to insure the much-needed nutritional diet for tenants.

By these and other methods it is possible that an energetic management program could be created to instill a community feeling—and a more healthy emotional environment—for SRO tenants who have isolated themselves from any outside contact.

In order to insure that a disproportionate amount of funds will not be used for SRO housing I have included a provision that not more than 10 percent of the aggregate of funds from section 236 units and public housing be used for SRO units.

Finally, because the concept of dormitory housing is new to Federal housing programs, the Secretary of the Department of Housing and Urban Development is authorized to conduct several demonstration projects, in coordination with advice from the Secretary of HEW, in order to develop standards for the design, construction, and management of this housing including projections of the cost savings that may result from the use of common facilities.

I believe that this housing is long past due. I believe it deserves the support of my colleagues, if not for the sake of the SRO occupants themselves, then for the benefit of the larger urban community in which millions of people, including the SRO's, exist.

I ask unanimous consent that the full text of my bill, S. 4288, be printed in the RECORD.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4288) to authorize assistance under the section 236, rent supplement, and public housing programs for dormitory-type housing for low-income single persons; introduced by Mr. GOODELL, was received, read twice by its title, referred to the Committee on Banking and Currency, and ordered to be printed in the RECORD, as follows:

S. 4288

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

AMENDMENTS TO SECTION 236 OF THE NATIONAL HOUSING ACT

SEC. 1. (a) Section 236 (j) (5) (C) of the National Housing Act is amended to read as follows:

"(C) be designed primarily for use as (i) a rental project to be occupied by lower income families or by elderly or handicapped families: *Provided*, That lower income persons who are less than sixty-two years of age shall be eligible for occupancy in such a project, but not more than 10 per centum of the dwelling units in a project, other than dormitory-type rental housing, shall be available for occupancy by such persons, or (ii) dormitory-type rental housing to be occupied by lower income single individuals, particularly those who have been displaced (within the meaning given that term by the last paragraph of section 221(f)): *Provided*, That not more than 10 per centum of the total amount of interest reduction payments authorized to be made after June 30, 1970 shall be made with respect to single persons less than 62 years of age occupying dormitory-type rental housing; *Provided further*, That in the planning and construction of housing designed for such occupancy maximum feasible use shall be made of common baths, community kitchens, common dining areas, and other shared facilities, with the construction being undertaken in an economical manner and the project not being of elaborate or extravagant design or materials, and the Secretary may by regulation modify the requirements specified in subsection (d) (3) of section 221 to the extent appropriate to reflect the cost of providing and managing such shared facilities and any savings realized through the use of such facilities. New housing, including existing housing to be substantially rehabilitated for dormitory-type accommodations, shall conform to adequate design and occupancy standards and shall reflect the recommendations of the Secretary of Health, Education and Welfare as to the appropriate design and facilities for such housing."

(b) Section 236(k) of such Act is amended—

(1) by striking out "and" the first place it appears; and

(2) by inserting before the period the following: "; the term 'dormitory-type housing' means newly constructed or existing housing which undergoes major rehabilitation or other existing housing providing dwelling accommodations for single individuals of low income, making maximum feasible use of common baths, community kitchens, common dining areas and other shared facilities".

(c) Section 236(g) of such Act is amended by striking out "charges. Such" and inserting in lieu thereof the following: "charges; except, that in the case of dormitory-type housing, the owner may utilize such excess rental charges to the extent required to meet the costs of adequate management and tenant services, including the operation of common facilities, whether such services are performed directly through his own staff or by contract with a qualified private manager. Subject to the exception set forth in the preceding sentence, such".

(d) Section 236(1)(1) of such Act is amended by adding at the end thereof a new sentence as follows: "In addition to the foregoing authorization, there is authorized to be appropriated, to remain available until expended, not to exceed $5,000,000 to be utilized by the Secretary to assist owners of dormitory-type housing to cover any management costs not covered by basic rental charges, or by excess rental charges available pursuant to subsection (g).

RENT SUPPLEMENTS

SEC. 2. (a) Section 101 of the Housing and Urban Development Act of 1965 is amended by adding at the end thereof a new subsection as follows:

"(k) Nothing in this section shall be construed as preventing payments to a housing owner with respect to property which provides through new construction or the substantial rehabilitation of existing structures dormitory-type rental accommodations for single individuals who are qualified tenants, and which makes maximum feasible use of common baths, community kitchens, common dining areas, and other shared facilities. In determining the fair market rental for dwelling units in such property under subsection (d) and the cost of operation of such property under subsection (e)(4), the

Secretary shall take into account the cost of providing and managing such shared facilities and any savings realized through the use of such facilities."

(b) Section 101 (j)(1)(D) of such Act is amended by inserting after "limitation" the following: "does not apply to dormitory-type housing so financed and in the case of other property so financed such limitation".

PUBLIC HOUSING

SEC. 3. (a) Section 2 of the Housing Act of 1937 is amended by adding at the end thereof a new paragraph as follows:

"(15) The term 'dormitory-type housing' means low-rent housing consisting of newly constructed or existing housing which undergoes major rehabilitation or other existing housing providing dwelling accommodations for single individuals of low income, making maximum feasible use of common baths, community kitchens, common dining areas and other shared facilities."

(b)(1) The second sentence of section 2(2) of such Act is amended by inserting "(A)" after "includes" where it first appears, by striking out "and includes" and inserting in lieu thereof "(B)", and by inserting before the period at the end thereof the following: ', and (C) an eligible single nonelderly person".

(2) Section 10(e) of such Act is amended by inserting before the period at the end of the last proviso the following: ": *Provided further*, That not more than 10 per centum of the annual contributions contracted to be made in any fiscal year commencing after June 30, 1970, shall be made with respect to dormitory-type housing".

(c) The third sentence of section 10(b) of such Act is amended by inserting after "or other appropriate factors" the following: ", including, in the case of dormitory-type housing, the cost of providing adequate management and tenant services (including the operation of common facilities), whether such services are performed directly by the public housing agency or by contract".

(d) Section 15(5) of such Act is amended—

(1) by inserting "(A)" after "exceed" the first place it appears;

(2) by inserting before the period at the end of the first sentence the following: ", and (B), in the case of dormitory-type housing, the cost of providing and managing shared facilities taking into account any savings realized through the use of such facilities"; and

(3) by inserting after the second sentence the following: "Newly constructed or substantially rehabilitated dormitory-type housing shall conform to adequate design and occupancy standards and shall reflect the recommendations of the Secretary of Health, Education, and Welfare as to the appropriate design and the facilities in connection therewith."

(e) Section 23 of such Act is amended—

(1) by inserting after "existing structure" in subsection (a)(3) the following: "(including appropriate facilities in dormitory-type housing)"; and

(2) by inserting before the semicolon at the end of subsection (d)(4) the following: ": *Provided*, That in determining the standards for management services required in connection with dormitory-type housing full consideration shall be given to the special requirements related to management of common facilities and tenant services".

DORMITORY TYPE HOUSING DEMONSTRATION PROJECTS

SEC. 4. (a) In order to assist in the development of standards for the design, construction, and management of dormitory-type housing facilities, including any cost savings that may result from the use of common baths, community kitchens, common dining areas and other shared facilities, the Secretary of Housing and Urban Development is authorized to undertake demonstrations in connection with the initial developments of dormitory-type housing, in sufficient number to represent an adequate testing to establish standards for site and structure design, construction standards, and management arrangements, including tenant services required or desirable in such housing. In carrying out these demonstrations, existing design, construction, and management requirements shall not be applicable. The Secretary shall seek the advice of the Secretary of Health, Education, and Welfare in the formulation and testing of these demonstrations. The Secretary may enter into contracts, agreements, or financial undertakings with local housing authorities, Federally-insured mortgages, or other persons as he deems necessary or desirable to carry out the purposes of this section. The Secretary may make such investigation and analyses of data and publish and distribute such reports, as he determines to be necessary or desirable to assure the most beneficial use of the data and information to be acquired as a result of these demonstrations.

S. 4290—INTRODUCTION OF A BILL TO AMEND SECTION 14 OF THE NATURAL GAS ACT

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Washington (Mr. MAGNUSON), I introduce, for appropriate reference, a bill to amend section 14 of the Natural Gas Act. I ask unanimous consent that a statement, prepared by Mr. MAGNUSON, be printed in the RECORD, together with the text of the bill and a letter of transmittal.

The PRESIDING OFFICER (Mr. HUGHES). The bill will be received and appropriately referred; and, without objection, the bill, statement, and letter will be printed in the RECORD.

The bill (S. 4290) to amend section 14 of the Natural Gas Act, introduced by Mr. BYRD of West Virginia (for Mr. MAGNUSON), was received, read twice by its title, referred to the Committee on Commerce, and ordered to be printed in the RECORD, as follows:

S. 4290

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 14 of the Natural Gas Act, as amended (15 U.S. 717m), is amended by adding two new subsections as follows:

"(i) The Commission is further authorized and directed to conduct studies of the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas, however produced, throughout the United States and its possessions whether or not otherwise subject to the jurisdiction of the Commission, including the production, gathering, storage, transportation, distribution, and sale of natural or artificial gas by any agency, authority, or instrumentality of the United States, or of any State or municipality or political subdivision of a State. It shall, so far as practicable, secure and keep current information regarding the ownership, operation, management, and control of all facilities for such production, gathering, storage, transportation, distribution, and sale, the total estimated natural gas reserves of fields or reservoirs and the current utilization of natural gas and the relationship between the two; the cost of production, gathering, storage, transportation, distribution, and sale; the rates, charges, and contracts in respect to the sale of natural gas and its service to residential, rural, commercial, and industrial consumers, and other purchasers by private and public agencies; and the relation of any and all such facts to the development of conservation, industry, commerce, and the national defense. The Commission shall report to Congress and may publish and make available as provided by subsection (a) the results of studies made under authority of this subsection.

"(j) The Commission in making studies, investigations and reports under this section shall utilize, insofar as practicable, the services, studies, reports, information, and continuing investigational programs of existing departments, bureaus, offices, agencies, and other entities of the United States, of the respective States and of the natural gas industry. Nothing in this section shall be construed as modifying, reassigning, or otherwise affecting the investigating and reporting activities, duties, powers, and functions of any other department, bureau, office, or agency in the Federal Government."

The statement of Mr. MAGNUSON is as follows:

INTRODUCTORY STATEMENT OF WARREN G. MAGNUSON

Mr. President, I would like to introduce, for appropriate reference, a bill to amend Section 14 of the Natural Gas Act to assign the Federal Power Commission broadened responsibility to gather information concerning the natural gas industry and to publish compilations of such information for the benefit of the Congress, consumers, responsible government agencies, investors and the industry.

The letter, ordered to be printed in the RECORD, is as follows:

FEDERAL POWER COMMISSION,
Washington, August 17, 1970.

Hon. SPIRO T. AGNEW,
President of the Senate,
Washington, D.C.

DEAR MR. PRESIDENT: Transmitted herewith for the consideration of the appropriate committee are twenty copies of a draft bill to amend section 14 of the Natural Gas Act to assign the Federal Power Commission broadened responsibility to gather information concerning the natural gas industry and to publish compilations of such information for the benefit of Congress, consumers, responsible government agencies, investors, and the industry. The amendment would be comparable to existing provisions of the Federal Power Act.

The natural gas industry supplies approximately one-third of the nation's total energy requirements. The continued prosperity of this vital industry will depend on progress in the industry itself, conscientious public regulation, and an informed public.

By section 311 of the Federal Power Act the Congress has authorized the Commission to secure information from electric utilities and to publish such data on a regular basis; and today statistics published by the Federal Power Commission facilitate the appraisal of rates and practices of electirc distribution utilities. Both gas and electric utilities are excused from the industrial censuses, apparently on the theory that the Commission's regular statistical programs fully cover the field. But the Congress has not yet provided a parallel sustained program of public information on the gas distribution utilities, even though these gas utilities are increasingly engaged in competition with the electric utilities.

At present the Commission may secure reports from natural gas companies subject to its jurisdiction and may also investigate to determine whether any person has violated the Natural Gas Act (or is about to violate

the Act) or to obtain information to serve as a basis for legislative recommendations to the Congress. Although about two-thirds of the natural gas used in this country enters interstate commerce, and consequently comes under FPC jurisdiction for a time, the ultimate distribution of the gas is generally by companies not subject to FPC jurisdiction.

Congress has concluded, in section 1(a) of the Natural Gas Act, that "the business of transporting and selling natural gas for ultimate distribution to the public is affected with a public interest" and has provided for Federal regulation of interstate transportation and sales for resale to complement and support state regulation of the ultimate sales to consumers. In view of the Federal regulatory commitment to assure just and reasonable rates to the distribution companies, we believe that Congress and the public are entitled to comprehensive information concerning the ultimate distribution of gas.

Determinations entrusted to the Commission significantly affect gas supply and requirements. We believe that increased access to comprehensive data would permit more readily to evaluate the implications of matters coming before us for decision and would, thereby, serve the interests of both the regulated industry and the public.

The bill would not expand the regulatory responsibility of the Commission. It is intended solely to enhance the Commission's ability to gather and publish information. Although some gas industry statistics are now collected by a variety of private and Government agencies for limited purposes and, in most cases, on a voluntary basis, no Government body is responsible for securing and publishing statistics on all phases of the gas industry from producing well to burner tip. The bill would direct the Commission to use all available data sources in the Federal Government, the States and the natural gas industry before the Commission seeks information from individual companies but the bill would improve upon the information now available to satisfy public needs. For example, the bill would strengthen the public's right to authoritative and impartial information in areas such as:

(1) Data on the retail price of gas in all parts of the country, comparable to data in the Commission's publication of "Typical Electric Bills" for cities over 2,500 population. Apart from summary data for two dozen larger metropolitan areas, no agency publishes data comparable to "Typical Electric Bills." Such information would help the consumer spotlight out-of-line prices and stimulate companies to improve performance.

(2) Annual summaries of financial and operating information of individual gas companies comparable to data on interstate gas pipeline and electric companies the Commission now publishes. This would be of particular aid to the investing public. No agency now publishes such summaries. The bill would not expand the Commission authority to collect and publish financial and operating information concerning diversified activities of natural gas producers not directly related to the production and sale of natural gas.

With better data the Commission would also be able to exercise its regulatory powers more efficiently. For example, the Commission may need a study of the retail market beyond its regulatory jurisdiction in order to decide whether to approve a proposed jurisdictional pipeline project. It now requires natural gas pipeline transmission companies to submit evidence on their proposed markets with certificate applications. The Commission must, in turn, evaluate such evidence and initiate studies in each particular case. This ad hoc procedure may delay completion of the case, and could be streamlined if the Commission were empowered to collect data on retail markets on a broad continuing basis.

Industry associations are undertaking substantial improvements in their data systems, but further information would be useful to our Commission, to State commissions, to defense agencies for use in planning for emergencies, and to Congress to keep informed on the state of the natural gas industry. Thus at present, no authoritative source collects and publishes gas reserves for each of the major gas fields and reservoirs. At least two States (California and Mississippi) publish such details but most producing States do not. Some associations and private parties publish certain conglomerate data, undifferentiated, however, as to field or reservoir and without full disclosure of the source of accuracy of the basic information. The bill would direct the Commission to secure data on gas reserves on a field or reservoir, rather than company basis, in order to protect certain confidential industry information.

The natural gas industry, as a part of a private market economy, would itself operate more efficiently with more accurate and more comprehensive data. The bill would provide a means whereby information now in the possession of individual members of the natural gas industry but inaccessible to the public would be gathered by a single agency and made generally available.

We envision no difficulty in compliance by, or undue hardship upon, those who would be expected to report. The bill minimizes any reporting burden on individual companies by directing the use of all available government and industry information sources.

The Bureau of the Budget advises that enactment of the proposed bill would be consistent with the Administration's objectives.

Sincerely,

JOHN N. NASSIKAS,
Chairman.

SENATE JOINT RESOLUTION 232—INTRODUCTION OF A JOINT RESOLUTION TO ESTABLISH "NATIONAL GOOD GROOMING WEEK"

Mr. COOK. Mr. President, the more than 38,000 drycleaners in America are proud of their role as one of the active forces that help Americans maintain their status as the best groomed people in the world.

Representatives of the drycleaning industry are located in every community in the United States, and employ over 300,000 persons.

Thanks to this industry, Americans may go to work, to school, to church, or to social gatherings in clean freshly pressed garments composed of a variety of materials and styles.

The national association of this industry maintains research facilities and schools which insure that the Nation's drycleaners will be able to service whatever new styles and materials that the American public might wish to wear. They also maintain liaison with the garment manufacturing industry to insure that new fashions will be serviceable.

Last year Americans spent over $2⅓ billion on drycleaning. This figure shows that U.S. citizens are still very much concerned about their appearance and grooming, despite indications to the contrary.

Therefore, America's drycleaners, acting as representative small businessmen serving citizens in virtually every community, urge that a joint resolution be passed designating the period of November 16 through November 22, 1970, as "Good Grooming Week." During this period the drycleaning industry may be joined by all business and community groups who wish to emphasize the importance of good grooming in a joint effort to promote the virtues of this desirable character trait throughout our Nation.

I hope that all my colleagues will join with me in supporting the joint resolution that I introduced which is so necessarily desired by the drycleaning industry as a tribute to all Americans who recognize the importance of good grooming habits in their everyday life, and in doing so, convey a most favorable impression of the American poeple to the rest of the world.

The PRESIDING OFFICER (Mr. FANNIN). The joint resolution will be received and appropriately referred.

The joint resolution (S.J. Res. 232) to establish "National Good Grooming Week," introduced by Mr. COOK, was received, read twice by its title, and referred to the Committee on the Judiciary.

ADDITIONAL COSPONSORS OF BILLS

S. 4080 AND S. 4081

Mr. ERVIN. Mr. President, during the debate on the conference report of the District of Columbia crime bill, a number of Senators asked to be listed as cosponsors of the alternative bills, S. 4080 and S. 4081, which I and other opponents of the conference bill had introduced. In order to make the record complete, I ask that the Senators from Washington (Mr. JACKSON and Mr. MAGNUSON) and the Senator from Minnesota (Mr. MONDALE) be added as cosponsors. All of the cosponsors of S. 4080 and S. 4081 are also cosponsors of amendments numbered 776 and 777, to H.R. 914, which are identical in language to the two bills.

S. 4080 is designed to reorganize the courts of the District of Columbia, improve the District of Columbia Bail Agency, authorize a District of Columbia Public Defender Agency, allow the District of Columbia to participate in the Interstate Compact on Juveniles, and for other purposes. S. 4081 is designed to revise the laws of the District of Columbia relating to criminal law and procedure, and to extend the life of the Commission on Revision of Criminal Laws, and for other purposes.

ADDITIONAL COSPONSOR OF A JOINT RESOLUTION

SENATE JOINT RESOLUTION 229

At the request of the Senator from Oklahoma (Mr. HARRIS), the Senator from Oregon (Mr. HATFIELD) was added as a cosponsor of the joint resolution (S.J. Res. 229) to establish National Good Grooming Week.

SENATE RESOLUTION 455—SUBMISSION OF A RESOLUTION DESIGNATING JANUARY 22 AS UKRAINIAN INDEPENDENCE DAY

Mr. SCHWEIKER. Mr. President, I submit a resolution which authorizes and requests the President to issue a proclamation designating January 22 of each year as Ukrainian Independence Day, and inviting the people of the United States to observe that day with appropriate ceremonies.

I am pleased that the following Senators are joining me as cosponsors of this resolution: the Senator from North Dakota (Mr. BURDICK), the Senator from Connecticut (Mr. DODD), the Senator from Kansas (Mr. DOLE), the Senator from Colorado (Mr. DOMINICK), the Senator from Arizona (Mr. GOLDWATER), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Pennsylvania (Mr. SCOTT), the Senator from South Carolina (Mr. THURMOND), and the Senator from New Jersey (Mr. WILLIAMS).

The valiant Ukrainian people have struggled to obtain their independence for hundreds of years and even now, 48 years after their successful attempt declare their country a republic, they persist in their efforts to establish their independence. The Ukrainians dreamed of independence over long centuries of domination and after many years of struggle, their hopes were realized on January 22, 1918, when they proclaimed their national independence.

Unfortunately, this dream of independence lasted for only a short period. By 1920, Red army troops, following the precedents set by the czars, overran and enslaved the Ukraine. The young republic disappeared as quickly as it had been born only 2 years earlier. The country was incorporated into the Soviet Union and even today remains subjugated by the U.S.S.R. Forty-eight years later, millions of Ukrainians are prisoners in their own homeland, virtually isolated from the free world. Nevertheless, the indomitable yearning for freedom remains alive in the hearts and minds of these spirited people.

Let us in the free world honor these valiant people by observing each year the anniversary of their independence day with the hope that they will once again regain their independence, freedom, and national dignity.

The PRESIDING OFFICER (Mr. THURMOND). The resolution will be received and appropriately referred.

The resolution (S. Res. 455), which reads as follows, was referred to the Committee on the Judiciary:

S. RES. 455

Whereas Ukraine, with a population of forty-seven million, is the largest non-Russian nation both in the Union of Soviet Socialist Republics and in Eastern Europe; and

Whereas this nation occupies a significant geographic and economic position in the context of Eurasia, with prominent dimensions toward central Asia, the Caucasus, the Middle East, and central Europe; and

Whereas this second largest Slavic people, with a national history extending back to the ninth centry, has made substantial contributions to world culture and today possesses immense potentialities and promise for further universal cultural advancement; and

Whereas, in partial recognition of these cultural contributions toward civilization and peace, the Eighty-sixth Congress of these United States of America passed the Shevchenko Memorial resolution, leading to the erection of a statute of Taras Shevchenko, the poet of Ukraine, on public grounds in our Nation's capital; and

Whereas the critical importance of this non-Russian nation in world affairs has been obliquely reflected in the original charter membership of the U.S.S.R.; that is, the Ukranian Soviet Socialist Republic, in the United Nations; and

Whereas the contemporary status of Ukraine has been reflected in the Captive Nations Week Resolution passed by the Eighty-sixth Congress in July 1959, and signed by President Dwight D. Eisenhower into Public Law 86-90; and

Whereas for the past two decades the Congress, Governors of our major States, and mayors in our largest cities have consistently observed the indomitable spirit of independence and creative assertions of the Ukrainian people; and

Whereas the independent Ukrainian National Republic, which was established by democratic, popular vote and national self-determination on January 22, 1918, was one of the first to proclaim freedom for its people in the area of the traditional Russian Empire: Now, therefore, be it

Resolved, That the President is authorized and requested to issue a proclamation designating January 22 of each year (the anniversary of the proclamation which declared Ukraine to be a free and independent republic) as Ukrainian Independence Day, and inviting the people of the United States to observe such day with appropriate ceremonies.

SENATE RESOLUTION 456—SUBMISSION OF A RESOLUTION TO PROVIDE FOR AN INVESTIGATION RELATING TO THE INTRODUCTION OF CERTAIN PRIVATE RELIEF BILLS

Mr. WILLIAMS of Delaware submitted a resolution (S. Res. 456) to provide for an investigation by the Committee on the Judiciary with respect to the practices of private persons in fixing fees charged for procuring the introduction into Congress of certain private relief bills benefiting aliens, which was referred to the Committee on the Judiciary.

(The remarks of Mr. WILLIAMS of Delaware when he submitted the resolution appear later in the RECORD under the appropriate heading.)

SENATE RESOLUTION 457—SUBMISSION OF A RESOLUTION AUTHORIZING THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO CONDUCT A STUDY AND INVESTIGATION CONCERNING THE SHORTAGE OF COAL EXISTING IN THE UNITED STATES

Mr. COOPER (for himself, Mr. RANDOLPH, Mr. BAKER, Mr. BYRD of West Virginia, Mr. COOK, Mr. JORDAN of North Carolina, Mr. SPONG, Mr. SPARKMAN, Mr. SCOTT, Mr. THURMOND, Mr. GRIFFIN, and Mr. MAGNUSON) submitted a resolution (S. Res. 457) authorizing the Committee on Interior and Insular Affairs to conduct a study and investigation concerning the shortage of coal existing in the United States, which was referred to the Committee on Interior and Insular Affairs.

(The remarks of Mr. COOPER when he submitted the resolution appear later in the RECORD under the appropriate heading.)

FOREIGN ASSISTANCE APPROPRIATIONS BILL, 1971—AMENDMENT

AMENDMENT NO. 859

Mr. GOLDWATER submitted an amendment, intended to be proposed by him, to the bill (H.R. 17867) making appropriations for Foreign Assistance and related programs for the fiscal year ending June 30, 1971, and for other purposes, which was referred to the Committee on Appropriations and ordered to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENT

AMENDMENT NO. 860

Mr. PERCY submitted an amendment, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

AMENDMENT NO. 861

Mr. PROXMIRE (for himself, Mr. MATHIAS, Mr. CRANSTON, Mr. EAGLETON, Mr. GOODELL, Mr. HART, Mr. HARTKE, Mr. HATFIELD, Mr. MCGOVERN, Mr. NELSON, and Mr. SAXBE) submitted an amendment, intended to be proposed by them, jointly, to House bill 17123, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. PROXMIRE when he submitted the amendment appear later in the RECORD under the appropriate heading.)

NOTICE OF HEARINGS ON SENATE JOINT RESOLUTION 231, A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES TO ABOLISH UNFAIR LEGAL DISCRIMINATION AGAINST WOMEN WITHOUT ROBBING THEM OF NECESSARY LEGAL PROTECTION

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice of public hearings to be held on September 9, 10, and 11, 1970, by the full committee on Senate Joint Resolution 231, a joint resolution proposing an amendment to the Constitution of the United States to abolish unfair legal discrimination against women without robbing them of necessary legal protection.

Persons desiring to appear and give testimony with respect to this proposed legislation should notify the staff of the committee as soon as possible.

The hearings will commence at 10 a.m. on September 9, 10, and 11 in the main Judiciary Committee Room, 2228 New Senate Office Building.

NOTICE OF HEARINGS ON HOUSE JOINT RESOLUTION 264, A JOINT RESOLUTION PROPOSING AN AMENDMENT TO THE CONSTITUTION OF THE UNITED STATES RELATIVE TO EQUAL RIGHTS FOR MEN AND WOMEN

Mr. ERVIN. Mr. President, on behalf of the Committee on the Judiciary, I desire to give notice of public hearings to be held on September 9, 10, and 11, 1970, by the full committee on House Joint Resolution 264, a joint resolution proposing an amendment to the Constitution of the United States relative to equal rights for men and women.

Persons desiring to appear and give testimony with respect to this proposed legislation should notify the staff of the committee as soon as possible.

The hearings will commence at 10 a.m. on September 9, 10, and 11 in the main Judiciary Committee Room, 2228 New Senate Office Building.

ADDITIONAL STATEMENTS OF SENATORS

AID TO NURSING SCHOOLS—1971 HEALTH MANPOWER APPROPRIATIONS

Mr. HATFIELD. Mr. President, I share a great concern with many others in the Nation about the manpower shortages that exist in this country within the medical profession. That concern is increased when projected needs for nurses and physicians are growing faster than our attempts to meet those needs. I would like to address my comments today to the needs that exist in the field of nursing.

The Public Health Service estimates that the Nation must produce 81,000 professional nurses annually by 1974 if it is to meet the demands generated by present population growth rates. The Public Health Service also estimates that annual production of practical nurses must reach 60,000 by the same time. This past year 42,169 graduate nurses and 34,864 practical nurses completed their schooling. This means that our annual production of nurses must nearly double in the next 5 years.

With health services in short supply and demand for those services increasing, we must act to solve this crisis. The physician and the nurse are the key figures in the health team and neither can function properly without the other. The fact that some segments of our society are going without adequate care calls for meeting this challenge with an adequate solution.

In order to meet the demand for more nurses, the Senate should support all levels of nurse education. This education is offered through three types of programs across the country.

The baccalaureate degree program is a 4-year university-oriented education. This program is presently graduating the smallest number of students. There are 254 such programs and they graduated 8,381 students this past year. The majority of students in this program go into administrative or teaching services.

The associate degree program is the fastest growing of the three programs. There are presently 390 of these programs with many more expected and planned if there is enough money available to allow them to spread. This is a 2-year course established on the community college level. In 1969, these schools graduated 8,701 students. This type of school affords the most hope in meeting the demanded increase for the future.

The third and largest program in nursing education is the diploma school. These schools, which are also known as hospital schools, graduated 25,114 students last year. This was about 60 percent of all students graduated. There are presently 695 of these programs in operation.

All three of these programs need assistance if they are to live up to the needs they must meet. The whole nursing profession is dependent upon the development of each of these programs simultaneously. The diploma school is presently the biggest producer of bedside nurses so important to direct patient care. The associate program is important for two reasons: First of all it also is training bedside nurses and, as this type of program multiplies, it someday will be the largest producer of this type of nurse. In addition, it provides a background for additional training in the baccalaureate program. The baccalaureate program is esssential because it must produce the leadership and teachers necessary to expand the other two programs. The associate and diploma programs are necessary because it is they which must fulfill the actual manpower needs. Therefore, we cannot point to one of these programs as more important than the others because the nursing programs are intradependent and equally important. All three must be given assistance in order to provide an efficient increase in numbers.

Each of these programs is at present in some kind of financial need. The associate and baccalaureate programs need funds in order to expand and improve their services. The diploma schools are the only ones which need money immediately simply in order to continue operating. These institutions are going hundreds of thousands of dollars in debt each year because they are receiving only fractional public support. Their needs lie in the area of administrative costs. The present law under which diploma schools should receive aid is the 1968 Health Manpower Act.

In section II of this act, money is provided for institutional support. The amount authorized for institutional support is $40,000,000. In the act, institutional support is divided into two categories; special projects and institutional grants. According to this law, $15,000,000 must be allocated to special projects before any of the remaining authorization can be used for institutional support. I recognize the need and intent of special projects as necessary for growth and improvement, but some institutions need to receive some institutional grants in order to simply carry on the normal costs of operation. This certainly must happen before they can expand or improve. The administration's original request for this coming year in the area of special projects is $11,000,000. This means that no money is available for institutional grants which the diploma schools need in order to continue to operate.

In 1966 there were 821 diploma schools in this country. Today there are 695. Last year 35 of these schools had to close. It is true that in the course of time, these schools may fade out as the largest producer of nurses and be replaced by the addition of large numbers of associate programs. However, in order to meet the needs of the next 5 years, it is imperative that these schools continue to operate. The past and present closures of these schools has been predicated upon a lack of money for operational costs. I think these facts in themselves explain why it is necessary for the Congress to do all in its power to increase Federal aid to nursing schools at this particular time.

Just as it is necessary for the diploma schools to receive aid, it is also necessary for the other two types of programs. This is true because it is a prerequisite in order for them to fulfill their obligation to provide the administrative and teaching leadership necessary for the expansion of all phases of nursing education. The area of traineeships for professional nurses is one of vital need in this type of preparation. Under the 1968 act, $19,000,000 was authorized for this purpose. The administration's request is $10,470,000. It is clear that the need exists here also.

Mr. President, as I have stated so many times before, I think that the money we should be using in programs such as aid to nursing schools is being squandered on the war in Southeast Asia. I am dismayed by the apparent imbalance in our national priorities.

The war in Vietnam is costing us about $46,000,000 a day to carry on. When we compare this to the administration's request of $64,587,000 for aid to nursing, we find that the total year's expenditures for aid to nursing is equal to about one and a half days of Vietnam. Just a week's worth of the monies being spent in Vietnam would provide the nursing profession with the necessary money to begin meeting the tremendous increase that is required of them.

Mr. President, we must turn our attention to the present need in health manpower training and support for our nursing schools. While these institutions are in an apparent period of growth and transition, their current needs must be supported.

I ask unanimous consent that an illustrative table of the current situation concerning these funds be printed in the RECORD.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL FUNDS FOR NURSING—FISCAL YEAR 1971

	Authorization	Administration request
1. Construction grants to schools of nursing	$35,000,000	$8,000,000
2. Scholarships	(1)	17,000,000
3. Loans	21,000,000	9,610,000
4. Special project grants for improvement in nurse training	40,000,000	11,000,000
5. Institutional grants		(2)
6. Traineeships for professional nurses	19,000,000	10,740,000
7. Special fellowships in nurse research	(3)	650,000
8. Research training	(3)	700,000
9. Research grants	(3)	2,455,000
10. Direct operations	(3)	4,702,000

[1] No specific authorization.
[2] None.
[3] Not available.

Mr. HATFIELD. Mr. President, I hope that Senators in whose States institutions now are facing these problems, will take heed and appropriate the funds so vital to meeting the health manpower crisis of the Nation.

WHAT IS TRUE PATRIOTISM?

Mr. YOUNG of Ohio. Mr. President, tragedies such as the murders at Kent State University and Jackson State College have contributed to a depressing climate of fear in which all of us live. Fear brings repression. Evidence of this is the recently enacted District of Columbia crime bill with such blatantly unconstitutional provisions as "no-knock" entry and "pretrial detention" authorizing the imprisonment of an accused for 60 days without trial. These sinister threats to our Bill of Rights are frequently perpetrated under the patriotic cloak of anticommunism.

Regardless of the actions and attitude of extremist splinter groups such as Young Americans for Freedom, and the Liberty Lobby and "Birchsaps," patriotism is not a matter of fear. True patriotism is the love of country and of ideals, the love of liberty of man and of mind. It was for this that the colonial patriots fought and won the War for Independence. Their outrage over the original proposed Constitution as drafted by 55 men in Philadelphia resulted in the drafting and adopting of the first 10 amendments to that Constitution which we are proud to term our Bill of Rights.

MIDEAST PROPOSALS QUESTIONED

Mr. GRIFFIN. Mr. President, an editorial published in today's New York Times concerning the Arab-Israel conflict should be of particular interest to the Senate. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the New York Times, Aug. 25, 1970]

FULBRIGHT ON THE MIDEAST

No Senator has more conspicuously urged United States disengagement in Southeast Asia than J. W. Fulbright. That stand, plus his influence as chairman of the Senate Foreign Relations Committee, has focused world attention on Mr. Fulbright's surprise proposals for settling the Arab-Israeli conflict in the Middle East.

The central element in his plan is that this country back up a Mideast peace—negotiated or imposed—by a military guarantee to safeguard Israel's independence within the borders it had before the six-day war of June 1967. The proffer of such a guarantee is doubly startling in the light of Senator Fulbright's long coolness to Zionism and his continuing doubt that the Mideast is an area of vital American concern.

All these factors entitle the Fulbright proposal to recognition as an effort to be constructive in an area where ingrained mistrust constitutes a major handicap to any settlement. That mistrust would be intractable enough if it were confined to relations between the Arabs and the Israelis, but it is made worse by the area's emergence as a cockpit in the cold war and by the slack respect all nations now have for the police powers of the United Nations Security Council.

The unfortunate aspect of the Senator's proposals is that they may undermine, rather than facilitate, the peace talks getting under way today at the U.N. The goal of these talks is to arrive at an agreement to which both the Arabs and the Israelis will voluntarily subscribe. Mr. Fulbright all but rules out that possibility and moves on to the next step of a settlement "imposed" by the Security Council—another way of saying, by the United States and the Soviet Union.

Even though the Senator stresses that he would welcome a similar imposed peace in Southeast Asia, the impact of the Mideast talks is likely to be a heightened reluctance on the part of the Egyptians and the Jordanians ever to get into the same room with the Israelis, much less to agree on peace terms. For Israel, the Fulbright plan entails a virtual advance renunciation of any hope for negotiating more defensible borders and thus reducing the danger of future clashes. All the skill put by Secretary of State Rogers into permitting some basis for flexibility on this point could be erased by the Fulbright insistence on restoration of the old boundaries.

The task that faces Ambassador Jarring in carrying the forthcoming negotiations to success is incredibly difficult at best. Unquestionably, he will need much help from Washington and Moscow in keeping the talks from collapsing. The near-disaster that attended Egyptian movement of Soviet missiles into the zone just west of the Suez Canal on the night of the standstill cease-fire was evidence of how tenuous the whole undertaking is. At this stage the most useful service anyone in Washington, Moscow or other capitals can provide is to back up the Jarring mission.

NEW CHANCE TO DISCUSS PRISONER PROBLEM

Mr. GURNEY. Mr. President, the chief Communist negotiator at the Paris talks has decided to return to the conference table. This is heartening news in at least one respect. It will give our Ambassador, Mr. Bruce, a chance to discuss directly with their top man a problem whose solution is essential to any final and proper settlement of the Vietnam war. I refer to the prisoners of war being held by the North Vietnamese.

If there is any indication that the Communists are willing to negotiate seriously this is one area in which they can demonstrate their sincerity. It requires of them no giving up of anything. It does not involve the loss of face. It does not involve the loss of territory nor the abandoning of any political position.

The Communists can discuss the prisoner situation, and can at least agree to abide by the Geneva accords dealing with such prisoners. They are signatories to that Geneva convention.

The bare minimum treatment involves adequate housing, adequate food, proper medical treatment and the right of prisoners to communicate with their families. A first step by the Communists could well be to provide our Government with an accurate and complete list of the men being held.

This is an opportunity for progress. We must make all possible efforts ourselves to help that progress.

ADDRESS BY MAX RAFFERTY

Mr. ALLEN. Mr. President, Dr. Max Rafferty, superintendent of public instruction of the State of California recently addressed the summer graduating class at Troy State University at Troy, Ala.

Dr. Ralph Adams, president of Troy State University is one of the diminishing number of education leaders in the Nation conscious of a responsibility to provide students the benefits of more than liberal and radical points of view on subjects vital to the interest and general welfare of our Nation and with the courage to present also a conservative point of view.

Mr. President, Dr. Rafferty has been described in the inimicable language of Tom Johnson, editor of the Montgomery, Ala., Independent as, "an individualist who challenges stupidity wherever he finds it and he is finding more than he can stomach in his own profession."

Mr. President, Dr. Rafferty is a conservative and opposes the conditioning of students as the primary function of education and warns of its dangers. In this connection, Mr. President, I recall the words of Arnold Toynbee who warns:

> The objective of conditioning is to deny human beings permanently of their capacity to think and to will, and since this is the capacity to make us human . . . (it) is an attempt to destroy human nature itself.

Mr. President, in view of the relevance of Dr. Rafferty's address and in view of the unmistakable and proliferating trend toward conditioning of American youth and adults, I commend the address to thoughtful consideration of Members of the Senate and the public in general. I ask unanimous consent that the address by Dr. Rafferty be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

THE FIGHT FOR INDIVIDUALISM

(By Max Rafferty, Superintendent of Public Instruction, State of California)

I am not here to address you as a group. I don't know how to talk to associations or cliques or herds of humanity. In fact, I don't much like groups—any groups. I'd be a washout as a political boss or a backstage manipulator of masses of human beings.

But I'm incorrigibly fond of John and Mary and Joe and Jane. I'll talk to them for hours, although I promise I won't do that to you today. The most fun I have in life is meeting *persons*—not *people*—talking with them and listening to them, getting to know them. I'm an educator, you know, and old Socrates, the original organizer of our union, found out a long time ago that the best way both to teach

and to learn was to get into a conversation with *persons*. So, if you don't mind, this is not going to be either a speech or a lecture today—just a dialogue between individuals—you and me—and the topic will be: "What's Going to Happen to Us Individuals?"

First of all, let's look at what happened to some other residents of the planet who decided quite some time ago that individualism might be for the birds, but is most certainly not for the bees.

A beehive, you know, is a comfortable place. It's warm, safe, and stocked with delicious food. Its inhabitants are disciplined, cooperative, and seemingly happy. They labor unceasingly in highly specialized but relatively pleasant jobs for the greater good of the hive. In return, they are cared for by the insect equivalent of the Welfare State from the cradle to the grave, or maybe it would be more accurate to say from egg to bird's craw, under the circumstances. They are perfectly adjusted to their environment. They are born, they eat, they reproduce, they die. It's pretty hard for the observer to find any difference at all in the way most bees look and act.

Such is the life of the social insect, and such it has been, unvarying and unchanging, for about 50 million years. There's just one slight disadvantage connected with this seemingly fool-proof system: the disappearance of the individual.

Any baby bee which, touched perhaps by some random cosmic ray, showed the slightest sign of becoming an insect Moses, Newton or Leonardo da Vinci would ring alarm bells all over the hive and alert the guardians of the elaborate structure to perform the insect equivalent of mercy killing upon the unfortunate mutation. In justice to our ancient friends the bees, it should be pointed out too that they would take equally drastic preventive action against any larval Hitler, Stalin, or Genghis Khan.

They have thus achieved the delicate balance sought for by all advanced cultures. It's an efficient, highly developed society, operating for the good of all. It's completely materialistic, absolutely equalitarian, and 100% deadly to the individual who happens to be slightly different. It has found, apparently, that the individual is more trouble than he is worth, especially when vast population masses have to be provided for.

I submit that the bees, who are our seniors on this planet by a good many millions of years have arrived at this evidently final stage of their development through the pressure of strong evolutionary forces acting upon billions of individuals. It's my further contention that similar forces acting upon the rapidly multiplying hordes of our own species will tend to produce similar results. For good measure and for what it may be worth, I'll throw in my own theory that too many of us educators are currently helping those evolutionary forces along to the very best of our ability, unfortunately.

The individual should be, and until a few years ago always had been, the be-all and the end-all of my profession. This country was founded by individualists, some of them pretty rugged. The schools stressed the virtues of individualism, and the churches concerned themselves with the saving of individual souls.

Not any more. Progressive Education has helped change all this.

The great dogma of Group Adaptation forms the cornerstone of 20th century educational theory. As laid down by the disciples of John Dewey who, paradoxically enough, professed to abhor all dogma, the only eternal verity is that of constant change and flux.

All values are relative. All truths are mutable. All standards are variable. What's good today may be evil tomorrow, and vice-versa.

So the only thing worth teaching to young people is the ability to adjust to their environment—to be easily, comfortably, happily accepted by their peer group. This is what the Life Adjustment boys really believe. This is what they teach the children. And this is precisely what's wrong with the country.

Let's see how the steady increase in the millions of our population, combined with Progessive Education's glorification of the *group* at the expense of the *individual* have affected two important segments of the American people.

First, let's look at our college students. You're all familiar, I'm sure, with the recent demonstrations and current unrest at the University of California. As a member of the University's Board of Regents, it's been one of my jobs the past few months to try to bring order out of chaos in this complicated and thankless situation. Things now are at least temporarily under control, but in working with young people it's not enough merely to uphold authority and to put down threats to law and order, necessary though this is. There is something more on the Berkeley campus than just the antics of the bearded exhibitionists and the cynical opportunism of the hardcore activists who sparked the illegal activities there. There is in addition a very real if somewhat incoherent grievance on the part of a great number of sincere and sober students with which all of us citizens of this state should concern ourselves.

This grievance is loss of identity—erosion of self-respect—increasing inability to identify as an individual with an institution numbering more than 27 thousand souls. This student feeling may be described as a kind of creeping facelessness—a loss of both individuality and individualism in a university which of necessity concerns itself more and more with great problems of research and with projects vital to the national interest, whereas once it was engaged almost exclusively in instructing young people and providing them with the intellectual tools which over the centuries have proved indispensable in the pursuit of truth.

One college undergraduate wrote me recently as follows: "I'm photographed, inoculated, taped, carded, and filed. I have a parking pass and a library pass and a lab pass. I sit in a lecture class with 600 others, and I'm Number 327. The professor's lecture is piped in electronically; I never see him. The multiple-choice tests I take are corrected and graded automatically. I engage in group activities, group health services, and group recreation. But I came to college to find *myself*—to learn how to become a *person*. Instead, I've become a *number*."

I can tell by your faces that this troubles you. "This is no good," you are saying to yourselves. And you're right. But don't bother looking around to find the "somebody" responsible. That "somebody" is you.

Why *should* you be surprised at such a letter? What else could you expect? Didn't you permit and even condone over the years an educational way of thinking in our public schools which downgraded competition, upgraded togetherness, stressed the supremacy of the group over the individual, and generally preached the overriding importance of "life adjustment" as compared to individual mastery of essential fundamentals?

No wonder our colleges are turning into huge factories. When people are conditioned from early childhood to believe that adjustment to one's environment is the supreme goal of life—when they are taught day after day that acceptance by the group is more important than the development of the individual's own abilities—when they are grouped by social age down in the grades and always passed through the school with their peers regardless of whether or not they are able to meet any standards of performance—when all these things have been going on for 20 years and more with your active or passive consent—how else can you expect our colleges and universities to deal with the products of such a system of education?

They have been conditioned to conform. They have been trained to cooperate. They have been educated to adjust. In another generation, they should be ready for the hive—and they will be, unless we change our ways. The kids feel this unconsciously. It's time we realized it consciously. I'm not at all surprised that a lot of our students are protesting. The sad thing about it isn't the fact of the protest, but the fact that it's been taken over and exploited by certain cold-eyed outfits interested in nothing about the University of California except the opportunity to stir up trouble and to create chaos there.

Here then is the way the trend toward the hive is affecting one element of our population. Let's turn to another element—our racial minorities.

I happen to be a member of one of the most discriminated-against groups ever to emigrate to this continent. For centuries, the Irish had been dispossessed and jailed and starved and slaughtered in their own land by an alien usurper. A hundred years ago, after a frightful famine had killed off a large percentage of the total population of their little island, the survivors disembarked upon these shores, hungry, illiterate, ragged, unclean, unwelcome. They sought bare survival, and for two generations that was all they found.

Almost immediately, the signs went up: "No Irish allowed;" "No Irish need apply;" "We do not rent to Irish." Business careers were closed to them. The learned professions were barred to them. Their accent was mocked. Their customs were burlesqued in cartoons and on the stage. The men were called "Micks" and "Paddies," and were allowed only to lay bricks and carry hods, or a little later to leave their bones under almost every cross-tie of the great Union Pacific Railroad, as it fought its long way westward across the continent. Their women were derisively nicknamed "Biddies" and were grudgingly permitted to serve as laundresses, cooks, and house maids in the homes of the rich. No band of immigrants ever had it tougher.

Yet within five decades, the Irish had broken out of the ghettoes and had merged with the general American landscape. Irish names appeared on the roster of every profession and calling. Some of them became wealthy; more of them remained poor; but in neither case was it the result of their Irishness. Within another fifty years, one of them had become president.

How was it done? Not by any special talent or intelligence which the Irish happened to possess. It was just that they managed to get America finally to treat them as *individuals* instead of as members of a *group*. They persuaded their own children to think of themselves, and their fellow Americans to think of them too as men and women—tall, short, fat, thin, homely, handsome, stupid, smart—just like the rest of us.

Now mark this, and mark it well. Had the Irish been conditioned as children to think of themselves primarily as members of a national or religious *group*, or even as members of a broader, blander "peer group," they would have stayed in that group indefinitely. Had they been sold a bill of goods about "adjustment to environment" being the main goal both of education and of life itself, they would have adjusted to those dirty, cheerless ghettoes and to those backbreaking, menial jobs, and they would still be working at them today. Had they been told that mastery of subject matter was less important than "democratic sharing," they would never have learned enough to convince their fellow Americans of their ability to get things done. Had they been taught that competition was

evil, they would have stayed as low men on the national totem pole, kept there by those who could compete better than they could.

What I'm trying to say is that during the historical period when the Irish were breaking out of the permanent minority group category, our school system was stressing basic education, the dignity of the individual, and the importance of organized, disciplined, and systematic mastery of subject matter by each pupil. During this same period of time, the Negroes and the Mexican-Americans—presently our greatest ethnic minorities—were in most states and in most cases not getting any education at all. In more recent years, and under universal compulsory education, they began for the first time to be enrolled in schools in large numbers. But it was during those same recent years that the "life adjustment," "Progressive Education" cult took over those same schools, lock, stock, and barrel, and started preaching the gospel of group-ism at any cost.

Group-ism is not what our racial minorities need. They've had too much of that already. When you react to stimuli only as a member of a group—when you find your self-respect and self-fulfillment only as a member of a group—when you vote only as a member of a group—then you are just asking to be treated according to the lowest common denominator of that same group whatever it is. You abdicate your right to be treated as an individual in favor of the right to be treated as just one more cog in the machine, one more faceless figure in the crowd, one more bee in the hive.

But you're not a bee, and nobody has the right to regard you or any other American as simply another member of a certain swarm. A century ago, my people all had the same accent, and wore the same costume, and had the same religion. There was a great temptation, as a result of this for other Americans to regard them as "all alike" and to label them accordingly and to deal with them in the mass instead of as separate, living, breathing human beings, each with a different personality and a different immortal soul.

It's greatly to the credit of this country that we have successfully overcome in the past the temptation to fragment our country into Irish-Americans or German-Americans or any other kind of "special" Americans. Such terminology did exist for a time, but happily the climate, the tradition, the genius of our people have been uncongenial in the long run to most attempts to lure us onto the fatal path of hyphenated Americanism. The last two relics of this ancient error—the terms "Negro-American" and "Mexican-American"—must now be subjected to the same influences which wiped out the terms "Irish-American" and "German-American."

If I were a member of a current racial minority in this year 1970, I would do these things:

1. As a parent, I would insist upon an educational philosophy in my local schools which emphasized the importance of the individual rather than the desirability of ingroupness—which taught each child to use the wonderful, glittering, sharpedged sword of subject matter to gain success—which took my youngster where it found him and taught him to read so well and to spell so well and to speak and write English so well that he would be superior to the graduates of other schools as an *individual*, not as a member of any group.

2. As a breadwinner, I would continually upgrade my own capabilities and potentialities in the occupation of my choice by taking advantage of adult education night school classes, and college extension courses wherever and whenever I could find them. If I couldn't read very well, I'd take remedial reading. If I spoke bad English, I'd study good English. If I needed some special skill to enable me to get a better job and to earn more money, you can bet I'd find a school that offered it, and I'd sign up for it.

3. As a voter, I would join a political party which treated me as an individual, not as a member of a voting bloc. I would support better laws for all, and I would resent efforts to use me as a racial minority member in order to perpetuate any person or party in power. I would resist with my ballot any attempt to discriminate against me because of my race, whether by the government, by industry, or by organized labor.

Here, then, is a formula for the future: Press for recognition *as a person*, and qualify yourself to be worthy of such recognition. Get out from under the dead hand of uniformity. Fight against statism and group-ism. Be an American first, and work to build a land in which the opportunity of each individual will be limited only by the measure of the man and by the luck of the draw. This way lies equality for all and special favoritism for none, and no American can ask for more than this. Nothing more is really necessary; nothing less will do.

Above all, let's resolve together never to surrender to the sheer weight of numbers. Just because mankind is breeding in a terrifying explosion of population, let s not sit back in our several groups and wait numbly for inevitable tragedy. It may well be that the great contribution which America has yet to make in its cycle of universal history is the solution to this crucial problem: the survival of the individual, precious and unique, in a world of constantly multiplying billions. Surely in the hammering out of a mighty issue such as this, there is a vital role for each American to play—college student or racial minority member, educator or non-educator, businessman or trade unionist—a role which each of us must act out and add to until the time comes for us to leave the stage to those who will come after us.

For tomorrow will come, in one way or another. Make no mistake. It's up to us as individual citizens of the country which is at once the hope and the envy of the human race to determine whether in the onsurging and billowing wave of the future, mankind will hear the laughter and the shouting of free men, or the murmuring of innumerable bees.

FOREIGN FISHING OFF PACIFIC NORTHWEST COAST

Mr. PACKWOOD. Mr. President, the problem of foreign fishing off the coasts of our Pacific Northwest States has reached crisis proportions. I regularly receive letters or telegrams from Oregonians who complain about foreign vessels which are engaged in fishing off the Oregon coast.

The fact that foreign ships are fishing within the U.S. fishing zone presents a tremendous threat to the American fishing industry. Action must be taken now if we are to avoid the destruction of a vital part of our marine environment.

In response to this threat, I have cosponsored with the Senator from Alaska (Mr. STEVENS) a bill—S. 3492—which strengthens the penalties for illegal fishing in a territorial water in the contiguous fishing zone of the United States. This legislation would increase the fine which is payable upon conviction from "not more than $10,000" to "not more than $50,000."

This step seemed to be essential if we were to avoid the intolerable invasion of our territorial waters by foreign fishing fleets.

In recent months, our concern has been focused on salmon fishing by South Korean vessels in the Eastern Bering Sea. The officials of the United States and the Republic of Korea had reached an agreement that South Korean ships would not engage in salmon fishing within the limit of 175 degree west longitude. Despite the solemn assurances of the Koreans, on June 22, 1970, two Coast Guard cutters observed South Korean vessels fishing for salmon within the agreed limit. The two fishing companies involved caught an estimated 400,000 to 600,000 salmon.

In order to express to the South Korean Government the magnitude of our concern, I have cosponsored with Senator STEVENS an amendment to the Military Sales Act which would prohibit assistance to the Republic of Korea unless the President determines that no nationals of the Republic of Korea are fishing salmon east of the line 175 degrees west longitude. On June 30, 1970, the Senate passed by voice vote this amendment after modifying it to read "economic assistance."

The officials of the United States and the Republic of Korea have worked long and hard to establish a fine relationship between our two countries. Admittedly, the amendment which I have cosponsored with Senator STEVENS represents harsh action. I firmly believe, however, that severe measures must be taken if we are to avoid the intolerable incursions by foreign vessels into our waters of the North Pacific.

I am fearful that if appropriate action is not taken, serious international political implications will result. Despite international treaties for the conservation of salmon and halibut, the North Pacific fisheries situation has been greatly complicated over the past several years by the advent of fleets of large Soviet and Japanese trawlers.

Foreign fishing off the coasts of our Pacific Northwest States must not be allowed to continue. It is time that we finally recognize that in our oceans we have valuable natural resources which are being harvested at an unacceptable rate.

What I find most appalling is that when Oregon fishermen report foreign intrusions into our waters, they generally receive an inadequate response from the officials involved. The situation has become so serious that Congressman DELLENBACK organized hearings regarding this problem in Coos Bay, Oreg., earlier this week. I applaud Representative DELLENBACK for his efforts and am deeply disappointed that responsibilities in Washington made it impossible for me to participate.

It has become apparent in recent months that Congress must provide the leadership if we are to assure that foreign fishing will not be allowed to continue off the Oregon coast.

The action taken by the Department of State has been clearly inadequate. A tentative commitment has been made for

United States and South Korean officials to meet in Seoul this fall. I believe it is essential that we receive a formal, written commitment from the South Koreans that they will no longer allow their ships to fish for salmon in the territorial waters of the United States.

Until such a formal agreement is reached, I will assume that additional congressional action will be needed to assure that foreign vessels will not be fishing off our coast.

There are three more stringent measures which could be taken if necessary:

First. The United States could cut off all aid, military or otherwise, to the Republic of Korea.

Second. The United States could extend its fishing zone in the waters of the North Pacific.

Third. The United States and the Republic of Korea could reach an agreement that our Coast Guard will assist the South Koreans in the enforcement of their own laws.

Unless the Federal Government assumes its proper leadership role, I intend to make certain that the U.S. Senate does not ignore its responsibility in this vital area.

Mr. President, I ask unanimous consent to have printed in the RECORD an article on this subject, written by Stan Federman and published in The Oregonian of August 19, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ANGRY FISHERMEN CRY "SELLOUT" AS UNITED STATES OVERLOOKS RUSSIA'S VIOLATION OF TREATY

(By Stan Federman)

NORTH BEND.—Unhappy West Coast fishermen Tuesday charged United States officials with "selling them out" by giving away offshore fishing rights to Russia and other nations through unworkable international treaties.

The irate fishermen, some 350 strong, packed the Southwest Oregon Community College auditorium to protest recent Soviet Fleet violations of America's 12-mile limit.

They urged an extension of the limit to 200 miles—and demanded the U.S. Coast Guard strictly enforce the current restrictions.

The fishermen scorned proposed new international treaty plans as a "waste of time." And they insisted their problem was not with foreign fleets as much as it was with the American government.

Fisherman after fisherman told of harassment by Soviet vessels off the west coast.

Many Oregon and California spokesmen were bitter at Coast Guard delays in answering their calls about Soviet violations of the 12-mile limit. They called for more funds for better Coast Guard equipment, particularly a major increase in CG patrol planes and ships.

Most witnesses asked for "action now" against the Russians. They warned that many U.S. fishermen were going broke for lack of markets—and several species of fish were fast disappearing from North Pacific waters because of foreign encroachments.

The comments came at a special informational meeting called by Oregon Rep. John Dellenback, a member of the House Fisheries Committee. Dellenback called the meeting in order to discuss fully the entire Russian fishing problem.

DATA SUPPORTS BILLS

The session was attended by Rep. Donald Clausen, R-Calif., and several federal officials from the Coast Guard and U.S. Bureau of Commercial Fisheries.

Both Dellenback and Clausen collected numerous data and exhibits during the all-day session, many of which detailed alleged Soviet fishing violations. They promised to use them to help push two Clausen-sponsored bills aimed at enforcing and extending the present U.S. jurisdictional limit.

Among the exhibits was a series of Russian fishing nets taken by U.S. fishermen, some allegedly within the 12-mile limit. Most of the Soviet nets' mesh was of a tiny size, the type which Oregon fishermen claim are wiping out schools of immature fish.

The chief speaker for the day was Donald L. McKernan, special assistant for fisheries and wildlife for the U.S. secretary of state. He has been chief U.S. negotiator in past treaty-making with the Russians.

McKernan said the United States has worked out international fishery conflicts in the past and he felt it could again. But he admitted the Russians had committed violations of past treaties.

He said the job of preserving the nation's fisheries was no longer just one of conservation but of giving "economic preference" to small coastal fishermen in all future international agreements.

NO STAND TAKEN

The top-ranking U.S. official said the State Department has taken no stand on the fishermen's controversial proposal to extend the 12-mile limit to 200 miles.

But he warned that this might have grave consequences and could result in other nations ignoring present conservation practices on the high seas. It also might take 10 to 15 years to conclude, he added, as two-thirds of the nations involved would have to approve it.

McKernan pointed out the limit violations discussed at the Tuesday session work both ways. He noted many American fishermen were violating the limit in both Mexican and South American fishing waters.

He called for restraint on the Russian problem and said "the U.S. can no longer send gunboats into any nation to back up our treaties."

McKernan drew hoots and catcalls from the crowd when he said he didn't think the Russians were taking any substantial amounts of salmon from North Pacific waters.

Bill Hill, executive secretary of the Humboldt County Fisheries Association of California, and other fishermen representatives cited numerous incidents in recent months in which huge catches of salmon had been spotted aboard Soviet vessels.

Jack Azevedo, a Ft. Bragg, Calif., grocer, who has helped raise an $8,000 reward "kitty" for the capture of any Red trawler found fishing illegally, charged that past treaties were "unilateral giveaways" of the right of American citizens.

"If Russia breaks a treaty, Congress should abrogate it immediately."

James Weaver, Republican Dellenback's Democratic opponent in this fall's fourth congressional district race, said, "economic preference wasn't enough."

"Our fishermen want the Russians to leave the fish alone off our shores so that they can earn their daily living," Weaver said.

Gene Bailey, president of Coos Bay Local 12, of the International Longshoreman's and Warehouseman's Union, said it was about time the United States used armed Navy ships to enforce the 12-mile limit.

"But most of all we need support from Congress—and not just lip service because this is a campaign year."

John Brown, president of the All-Coast Fisheries Association of Coos Bay, said Oregon fishermen were afraid that the Tuesday meeting would result only in talk again and no action.

"We have reached a point now, in any discussion of the Russian problems, where we simply don't expect any help anymore from our own government," he said.

COAST TO COAST ON CRUTCHES

Mr. DOLE. Mr. President, an extremely enthusiastic and dedicated young polio victim, David Ryder, treked the 3,000 mile breadth of the Nation on crutches in an effort to publicize the tremendous success of horseback riding therapy for the physically disabled.

The English youth, who 5 years ago could barely move across a room, made this walk to prove the benefits of horseback riding for the handicapped and to seek support for handicapped riders.

Davids 27-miles-a-day, 6-days-a-week, 3-mile-an-hour average vividly demonstrates the value of this therapy. He hopes the thick calluses on his hands will serves as a symbol of encouragement to the handicapped.

David Ryder does not want to become a national hero. He wants the handicapped children of this country to experience the benefits of riding therapy.

An article covering David's journey and goal appeared in the Battle Creek, Mich., Enquirer and News of August 19, 1970. I invite attention to this young man's commendable accomplishments and urge Senators to take note of his endeavors.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

COAST TO COAST ON CRUTCHES!—HE WALKED SO HANDICAPPED MIGHT RIDE

(By Helen Hatton)

The great, thickened calluses almost covering both palms of David Ryder's sensitive, watchmaker hands, tell a story of determination and triumph over odds that would seem insurmountable.

And the 22-year-old English youth—a guest for two weeks at the Cheff Foundation Center near Augusta—hopes they will be a symbol of encouragement for the handicapped everywhere.

David, who five years ago could scarcely get across a room by himself, has just completed a 3,000-mile walk from Los Angeles, Calif., to New York City on crutches, one leg in a caliper.

The calluses, that for weeks were ever-enlarging blisters, are mute testimony to the effort of his four-and-a-half month walk across the desert, mountains, plains and through cities and villages.

Being flown back to the riding therapy center here for a two-week finale to his U.S. visit, is most appropriate.

David made his arduous walk to publicize the benefits of riding therapy. It's a story well known in England, where some 90 clubs offer riding for the handicapped, but the Cheff Foundation is the first in the nation. The director, Mrs. Lida McCowan, received her training at England's first and best known Riding Centre for the Handicapped in Chigwell, Essex. Its director, John Davies, has visited here several times.

No more enthusiastic booster could have been found. A polio victim at 2, David has been crippled for as long as he can remember. At 17, after attending a trade school for the handicapped, he settled down to what he imagined would be his lifelong work, the

sedentary job of watchmaker. Getting across a room was as much effort as he could sustain.

A school friend's suggestion that he try riding therapy at Chigwell, opened a whole new world for David.

His first time on a horse was at once frightening—yet exhilerating, as he moved about freely.

"Horseback riding gives a physical and mental lift to the handicapped that you can't imagine," David explains. "It shows that their disability doesn't mean they must lead a life of seclusion and restriction or continue to feel sorry for themselves."

With each week's ride and exercising, he could feel his muscles strengthening and in six months he was able to walk the mile and a half from the railroad station to the arena.

Two years ago he tried his first long distance walk—from Brighton to London, in a fund-raising drive for the Chigwell School.

"That 54 miles nearly killed me," he recalls, but it obviously didn't discourage him.

Last summer he walked the length of England, "858 and three-quarter miles," in 52 days—a feat that garnered $6,000 for handicapped riders and won him a kiss from Elizabeth Taylor—and a watch from her and Richard Burton that he always wears. He was named one of Great Britain's Men of the Year, received a diploma from the Duke of Norfolk, met Prime Minister Harold Wilson and U.S. astronauts Neil Armstrong, Buzz Aldrin and Michael Collins.

Thus inspired, he determined to tackle the U.S. And this time, half of the donations received would go to the recently formed North American Riding for the Handicapped Association.

For months he trained stringently, walking until he could manage 20 to 25 miles a day, the pace he wanted to maintain in his U.S. trek. Meantime, John A. Davies, chief instructor at the Chigwell Centre and author of "The Reins of Life," made arrangements to accompany his young pupil. Davies, his wife and brother-in-law, Michael McGarry, followed behind in a gray van that served as home for the four travelers.

Avoiding the super highways until just before crossing into New York City, David really saw the country and got to know people in his slow-paced travel through every kind of weather. Snow in the mountains during the early part of his journey really wasn't as bad as the high humidity and heat and some of the spectacular lightning storms that were a revelation to the Britisher accustomed to gentle rains.

The worst moment of the trip came when he almost tripped over a rattlesnake and set some sort of unofficial record of crutch running in his get-away. The best thing was seeing the Grand Canyon.

Never once as he plodded along, did he really consider quitting—but there were days of depression when "I wondered why the H—— I was doing it. Then I'd meet someone whose handicapped child or relative had been encouraged by my story—and it made all worth while."

In his 3,000 miles, he talked on his favorite subject to hundreds of people, turned down dozens of offers of a lift, wore out 72 sets of crutch tips and had his heavy-soled boots (he has four pairs) resoled and repaired 20 times.

His spirits were high as he crossed the great span of the George Washington Bridge into New York City. On these last few miles of his long journey, he had been assured, he would have a motorcycle escort to the city hall, where he would be greeted by President Nixon with all the attendant ceremony.

But there was no escort to meet him.

He did receive a key to the city from the vice mayor, but the audience he'd hoped for that would publicize riding therapy was missing. Worse still, he found only $700 in donations had been sent to the David Ryder Trust Fund at the European-American Bank and Trust Co., 52 Wall St., New York, N.Y.

"That isn't enough to begin to pay expenses," he admitted here gloomily, "let alone provide money for handicapped riders." And he borrowed $5,000 to make the trip!

He's certain funds will continue to be sent to the trust fund. He was to tell his story on an area television show this afternoon and he's scheduled to speak to the Battle Creek Rotary Club next Monday and the Augusta Rotary Club the following Thursday.

He made his walk that others might ride—and he has faith they will.

MARK TRICE

Mr. BAKER. Mr. President, it is a genuine personal pleasure for me to join with my colleagues in honoring Mark Trice for 50 years of service to Congress and to the American people. Although I have been a Member of the Senate for little more than 3 years, Mark has been Secretary to the Minority for all of that time, and he has been of inestimable help to me and to my staff.

Mark has none of the self-importance and officiousness that sometimes characterizes persons in positions of great responsibility. His manner is easy and always efficient. He is friend as well as adviser to Members of the Senate.

I know that the late Senator Dirksen held Mark in the highest personal and professional esteem, speaking often of the central role that Mark plays in the operation of the Senate.

I look forward to continued service with Mark in this body.

HERBICIDE PROGRAM IN VIETNAM

Mr. McINTYRE. Mr. President, the primary justification of our herbicide program in Vietnam is the contribution it makes to a saving of American and allied lives.

This point was very forcefully presented last December by Rear Adm. William E. Lemos in testimony before the Subcommittee on National Security Policy and Scientific Developments of the House Committee on Foreign Affairs.

I believe that Admiral Lemos' testimony would provide useful background information for the upcoming debate on the Nelson-Goodell herbicides amendment. I ask unanimous consent that relevant portions of it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY REAR ADM. WILLIAM E. LEMOS
HERBICIDES

Turning now to the use of herbicides in Vietnam, one of the most difficult problems of military operations in South Vietnam is the inability to observe the enemy in the dense forest and jungle. Defoliating herbicides introduced in 1962 are capable of producing a significant improvement in vertical and horizontal visibility in the type of jungle found in South Vietnam. As viewed by an aerial observer, it is often impossible to see through the canopy to detect VC or NVA operations. In 6 to 8 weeks, after spraying with a herbicide, the observer will have good observation through the canopy. For ground observation, defoliation is highly effective in improving horizontal visibility.

The Herbicide Program in terms of effects produced has required an unusually small investment of military effort. The entire program has been accomplished with an average of about 17 C–123 spray aircraft and several smaller helicopter sprayers plus some improvised ground spray equipment.

Herbicide operations are conducted under a program directed by the Government of South Vietnam. Requests for these operations generally originate at the district or provincial level and are submitted through territorial administration command channels. The herbicide spray plan, includes as a minimum the area requested to be treated with herbicide, the public information, civil affairs and intelligence annexes, along with a statement by the province chief that he will see that just and legal claims are paid for any accidental damage. The ARVN corps commanders and their US corps senior advisors have been delegated authority to approve small scale defoliation by ground-based spray and by helicopters. All requests for crop destruction and larger scale defoliation by C–123 aircraft are forwarded to the Vietnamese Joint General Staff. Upon approval of the request by the Chief of Joint General Staff it is forwarded to the MACV staff for final review.

The MACV staff position is developed as the result of coordination with CORDS (Civil Operations and Revolutionary Development Support), USAID, and political representatives at each level where they exist. An aerial reconnaissance is conducted as the next step to ensure that all populated areas and friendly crops have been excluded from the target area. Having determined from this aerial survey and an analysis of the military worth that the project is a valid herbicide target, the project is forwarded to the U.S. Ambassador and COMUSMACV for approval. The Ambassador personally approves all C–123 defoliation projects and all enemy crop destruction projects.

Some specific uses of herbicides are:

1. *Defoliation of Base Perimeters.*—A portion of the small scale ground based or the helicopter spray missions are used in improving the defense of base camps and fire bases. Herbicides are a great help in keeping down the growth of high jungle grass, bushes and weeds which will grow in cleared areas near these camps. This clearance opens fields of fire and affords observation for outposts to prevent surprise attack and as such is truly a life-saving measure for our forces and our allies. Without the use of herbicides around our fire bases, adequate defense is difficult and in many places impossible.

2. *Defoliation of Lines of Communication.*—There are many instances of ambush sites being defoliated for better aerial observation and improved visibility along roads and trails. In 1967 there were also many requests for defoliation of VC tax collection points. In otherwise friendly territory there were points along well travelled routes where the enemy could hide under cover and intercept travellers to demand taxes. Defoliation along these roads was very effective in opening these areas so that they can be seen from observation aircraft, and with few exceptions these roads were opened to free travel. The use of aircraft to spray alongside lines of communication proved valuable in clearing these areas and preventing costly ambush of army convoys with resulting friendly casualties.

3. *Defoliation of Infiltration Routes.*—Areas used by the enemy for routes of approach, resupply or movement are targets for herbicide spray. Probably the most valuable use of herbicides for defoliation is to permit aerial observation in such areas. This is particularly true in areas near the border so that we can detect movement of enemy units and their resupply.

4. *Defoliation of Enemy Base Camps.*—We

know from prisoners of war and from observation that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation. If he does move back in while the area is still defoliated, he will be observed and can be engaged.

5. *Crop Destruction.*—Crops in areas remote from the friendly population and known to belong to the enemy and which cannot be captured by ground operations are sometimes sprayed. Such targets are carefully selected so as to attack only those crops known to be grown by or for the VC or NVA. The authorization to attack crops in specific areas has been made by the U.S. Embassy, Saigon, MACV and South Vietnamese Government.

Frequent reviews have been conducted of the Herbicide Program. The most recent one was personally directed and reviewed by COMUSMACV in October 1968 to assure himself that the program was militarily effective. Prior to that, the U.S. Ambassador had directed a review which looked at the political and economic aspects of the program. The Embassy report was released in August 1968. The crop destruction program was also reviewed by the CINCPAC Scientific Advisor in December 1967. Each of these reports concluded that the program should be continued.

The requests for defoliation and crop destruction have always exceeded our capability to spray. The requirement continues although a tapering off should develop if enemy activity subsides. A recent review by MACV indicated that operations for 1970 will be less than in 1969. In addition, Rome plows are replacing defoliation for clearing along many lines of communication.

With regard to the recent publicity of the herbicide agent, 2,4,5–T, which is a component of orange, a herbicide mixture, the Bionetics Research Laboratories conducted a study of the carcinogenic, teratogenic and mutagenic activity of selected pesticides and industrial chemicals for the National Cancer Institute during the period 1965-1968. The study indicated that a large dose of 2,4,5–T, administered orally to specific strains of mice during the central portion of the gestation period produced abnormal fetuses.

However, on 29 December 1969, Dr. Dubridge, Science Advisor to the President, stated, "It seems improbable that any person could receive harmful amounts of this chemical from any of the existing uses of 2,4,5–T."

Nevertheless, Deputy Secretary of Defense David Packard has issued instructions to the Joint Chiefs of Staff to reemphasize the already-existing policy that 2,4,5–T be utilized only in areas remote from existing policy that 2,4,5–T be utilized only in areas remote from population.

When the American Embassy conducted the political and economic review of the herbicide program, it requested that a disinterested expert be sent from the United States to assess any ecological consequences of the program. Dr. Fred Tschirley, Agricultural Research Service, Department of Agriculture, was sent over in March 1968 for a one-month period. Arrangements were made which permitted him to fly over any area of Vietnam he wished to inspect plus on-the-ground visits to any safe area. He concluded that the defoliant program had caused some ecological changes. Although single treatment on semideciduous forest would cause inconsequential changes, repeated treatments could kill enough trees to permit invasion of many sites by bamboo. The presence of bamboo would then retard regeneration of the forest.

The Army supports the need for a more detailed investigation of the ecological effects of herbicides used in Vietnam. Such an investigation should be conducted in coordination with other interested agencies. In order to get such a study started, a research and development project entitled "Ecological Effects of the Military Use of Herbicides in Vietnam" is being initiated. This study would continue into the post-hostilities phase.

In the final analysis the sole purpose of the herbicide program is to protect friendly forces and conserve manpower. The following examples should demonstrate the success of the defoliation effort in Vietnam:

1. Major defoliation has been accomplished in War Zone C. Prior to defoliation, 7 brigades were necessary to main US/GVN presence. During 1967, after defoliation only 3 brigades were required.

2. The Commander of Naval Forces in Vietnam in a report to General Abrams stated: "As you know, a major concern is the vegetation along the main shipping channel. Your continuing efforts under difficult and hazardous flying conditions, in keeping this area and the adjacent inland areas devoid of vegetation have contributed considerably in denying the protective cover from which to ambush the slow-moving merchant ships and US Navy craft."

3. In 1968, the Commanding General of the First Field Force reported: "Defoliation has been effective in enhancing the success of allied combat operations. Herbicide operations using C–123 aircraft, helicopters, truck mounted and hand sprayers have become an integral part of the II CTZ operations against VC/NVA. The operations are normally limited to areas under VC/NVA control remote from population centers. The defoliation program has resulted in the reduction of enemy concealment and permitted increased use of supply routes by friendly units. Aerial surveillance of enemy areas has improved and less security forces are required to control areas of responsibility. An overall result of the herbicide program has been to increase friendly security and to assist in returning civilians to GVN control."

4. The US Commander in the III CTZ related: "Herbicide operations have contributed significantly to allied combat operations in the III Corps. Defoliation is an important adjunct to target acquisition. Aerial photographs can often be taken from which interpreters can 'see the ground' in areas that previously were obscured. Defoliation also aids visual reconnaissance. USAF FAC's (forward air controllers) and US Army aerial observers have discovered entire VC base camps in defoliated areas that had previously been overlooked."

5. In the south in the IV CTZ, C–123 herbicide operations are limited. This is because of the vast areas of valuable crops which are not to be destroyed, even though they may be in enemy hands. Therefore, the commander of the IV Corps area in presenting his evaluation cited the value of helicopter operations as follows: "A significant helicopter defoliation mission was conducted in the vicinity of SADEC in August 1968. The target area consisted of 3 main canals which converged and formed a strong VC base. The dense vegetation permitted visibility of only 10–15 meters horizontally and nil vertically. The area was sprayed with approximately 735 gallons of herbicide white and over 90 percent of the area was defoliated. As the result of the defoliation, an ARVN battalion was able to remain overnight in the area for the first time in five years. Many enemy bunkers were open to observation. Since the defoliation, the VC presence has decreased to the point that only RF/PF forces are now necessary for local security."

6. As a part of the 1968 evaluation report of herbicide operations, the US Senior Advisor in the IV Corps Tactical Zone area reported: "A section of National Highway 4 in Phong Dinh Province was the site for a defoliation operation on 24 June 1968. Since January 1968, a series of ambushes was conducted against SVN convoys and troop movements. Because of the total inability of ground troops to keep the area clear of VC, this area was sprayed using 685 gallons of herbicide White. The target area was primarily coconut palm and banana trees that had been abandoned by their owners for several years. During the period of abandonment the vegetation had become so dense that convoy security elements were not able to see more than five meters into the underbrush and had to rely on reconaissance by fire to discover the hidden enemy. This method of protection had proven ineffective. Three RF/PF companies with US advisors were used to secure the target for the helicopter operation in addition to an armored cavalry troop. Since the defoliation mission was completed, convoys have used the highway 2 or 3 times a week without attack or harassment. Only one RF platform has remained in the area to provide local security to the hamlet and highway."

7. In certain instances, we know the VC have been forced to divert tactical units from combat missions to food-procurement operations and food-transportation tasks, attesting to the effectiveness of the crop destruction program. In local areas where extensive crop destruction missions were conducted, VC/NVA defections to GVN increased as a result of low moral resulting principally from food shortages.

The most highly valued item of equipment to field commanders in Vietnam is the helicopter. There was some question when the helicopter spray equipment was first procured whether field commanders would divert the use of helicopters from combat operations for herbicide spray operations. The very fact that the commanders have used their helicopter spray equipment to the fullest and have asked for more is certainly proof that herbicide operations have been helpful in protecting the American soldier and contributing to successful accomplishment of the ground combat mission.

CONCLUSION

Gentlemen, we have presented to you in as complete and candid a manner as possible the life-saving usage that we have made of riot control agents and herbicides in South Vietnam and the policies under which this usage has taken place. We believe this usage has been wise and has been accomplished with restraint. The result is that our forces have been better able to accomplish their mission with significantly reduced U.S. and Vietnamese casualties.

CULEBRA

Mr. PACKWOOD. Mr. President, I invite the attention of the Senate to the Navy shelling and bombing of the inhabited island of Culebra, part of the Commonwealth of Puerto Rico. I have learned of the situation from the fine series of articles in the Armed Forces Journal, and through the efforts of many of my distinguished colleagues. I have read the report of the House Armed Services Subcommittee on Real Estate, approving the Navy plan to lease an additional third of the 7,000-acre island of Culebra. I am not convinced that no satisfactory alternatives are available to the Navy. I do not want to see the Nation operating as the Washington Post editorialized:

Even though the Navy finds Culebra a convenient area for its training operations, we cannot afford as a Nation to get into the posture of putting bombs ahead of people.

The Navy has been operating on Culebra for about 35 years, with the degree of training sharply increasing in the last 3 years. I fear that the Navy has been basically insensitive to the increasing opposition of the U.S. citizens occupying Culebra. Fisherman have had to adjust to changing bombing schedules, flights in and out of the island have to be cleared with the Navy, recreation and wildlife are limited due to expanded operations—Culebrans are prisoners on their own island. I suggest more investigation into the possible application of artificially constructed islands. It is my understanding that the distinguished Senator from Washington (Mr. JACKSON) intends to pursue this matter through his Armed Services Subcommittee on Military Construction. I hope his efforts to find an equitable solution will be successful. If not, I am prepared, unless the Navy position is substantially stronger than I believe it to be, to support the amendment offered by the distinguished Senator from New York (Mr. GOODELL) to block the Navy from continued shelling of Culebra. I understand that this one issue has united all political groups in Puerto Rico. It has given the independent party—those wishing to see Puerto Rico completely independent from the United States—fuel for their cause.

I ask unanimous consent to have printed in the RECORD letters I have received from Ramon Feliciano, Mayor of Culebra, and Rafael Hernandez Colon, President of the Senate of Puerto Rico. As a basic matter of regard for human life, it is imperative that the Navy devise an alternative to the continued shelling of Culebra.

There being no objection, the letters were ordered to be printed in the RECORD, as follows:

COMMONWEALTH OF PUERTO RICO, SENATE,
San Juan, Puerto Rico, August 13, 1970.

Hon. ROBERT W. PACKWOOD,
U.S. Senate, Capitol Building, Washington, D.C.

DEAR SENATOR: You are undoubtedly aware of the growing concern in Puerto Rico regarding the Navy's shelling and bombing of the inhabited island of Culebra, which is part of the Commonwealth of Puerto Rico. This has now produced a human and political problem of considerable gravity on which I wish to solicit your help.

Senator Henry M. Jackson is trying to find a satisfactory solution within his Armed Services Sub-Committee and Senators Goodell and Cranston have introduced an amendment to the Military Procurement Authorization Act (HR 17123) which would preclude the use of funds provided therein for shelling or bombardment of Culebra and its adjacent cays.

I urge, that you back Senator Jackson in his efforts and that you vote for the Goodell-Cranston amendment if this proves to be the only means of ending the naval shelling.

Puerto Ricans are unanimous in believing that the situation has become intolerable and that the shelling should stop, not only in the interest of the Culebrans but also in the interest of continued warm relations with the United States. Moreover, there is considerable evidence that superior alternative sites which are all uninhabited are available for sub-shelling which would obviate such a serious human and political problem.

As the Washington Post editorializes "even though the Navy finds Culebra a convenient area for its training operations, we cannot afford as a nation to get into the posture of putting bombs ahead of people".

Sincerely yours,
RAFAEL HERNÁNDEZ COLÓN,
President of the Senate.

GOBIERNO MUNICIPAL DE CULEBRA,
Culebra, Puerto Rico, August 13, 1970.

Senator ROBERT W. PACKWOOD
Senate Office Building, Washington, D.C.

DEAR SENATOR PACKWOOD: Senators Goodell and Cranston are offering an amendment to the Military Procurement Bill which would end Navy's use of our small island as a practice target area prohibiting the further expenditure funds for that purpose.

The conditions imposed on our lives and the restriction of our ability to develop our resources which have resulted from the Navy's practice have received wide attention in the press. Both the New York Times and the Washington Post, have published editorials pointing out the injustice suffered by our people and asking the Navy to find some other place to test its weapons. The influential magazine, Armed Forces Journal, investigated the situation in detail and, in the first of a series of articles (May 23, 1970), concluded: "Our hearts are with the United States Navy, but not Culebra. Not now. Our biases, our opinions have shifted from the Navy's side to the Culebran's as we tracked down and checked out the story on these pages."

I am writing to you to ask your support to bring justice to our people. I hope that as you become aware of the facts in the case that you will support the Goodell-Cranston Amendment to the Military Bill.

If you require further information, please do not hesitate to call upon me. The firm Covington and Burling in Washington is representing the municipality of Culebra on pro bono publico basis without fee. Mr. Richard D. Copaken of that firm will be glad to supply any information which you might require if it is more convenient for you to reach him than it is for you to call me.

Thanking you for your consideration, I remain

Sincerely,
RAMON FELICIANO,
Mayor of Culebra.

TRIBUTE TO SENATOR HANSEN

Mr. ALLOTT. Mr. President, the able Senator from Wyoming (Mr. HANSEN) has been recognized by many of us in the Senate for his knowledge and understanding of the oil and gas industry and the importance of those energy fuels to the economic well-being and national security of our Nation.

The Wyoming State Tribune of Cheyenne also recognized the part my good friend CLIFF HANSEN has played in the interest of U.S. self-sufficiency in its principal source of energy.

In a recent editorial, that newspaper paid a fitting tribute to Senator HANSEN for the part he has played in resolving that controversy.

I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

HANSEN HELPED CARRY THE DAY

While many members of Congress, governors and other public officials have played an important role in beating back an effort to change the 11-year-old oil import quota system to a tariff plan, to the detriment of both the consuming public as well as the domestic oil industry, perhaps no one individual has been so outstanding in leading the opposition to this idea as Sen. Cliff Hansen of Wyoming.

A great deal of the credit for the White House announcement this week that the U.S. would continue with the oil import quota plan instead of adopting a tariff as had been recommended by the President's Task Force on Oil Imports must go to the Wyoming Republican whose determination, zeal and energy have projected him to the forefront as a champion of the oil quota system.

As he noted yesterday in a letter to President Nixon with regard to one aspect of this controversy, the Wyoming Republican has repeatedly warned of the possibly disastrous consequences of a policy that would increase the dependence of this country on foreign oil particularly from the Middle East, to the consequent endangering of the domestic petroleum industry.

Some idea of the problem that faced the oil states and their spokesmen such as Senators Hansen of Wyoming, Henry Bellmon of Oklahoma and John Tower of Texas may be gathered from a speech delivered on the Senate floor on Aug. 3 by Sen. Thomas J. McIntyre, D., N.H., attacking the oil import program.

In the past, Senator Hansen has pointed out the somewhat incongruous position of New England lawmakers who continue to seek greater protection for their manufactured goods yet oppose the same sort of protection for products that are not indigenous to their constituencies, as with textiles and shoes.

In his Aug. 3 speech, McIntyre deplored the failure of the public to be fully informed of the issues of the oil import program vs. a tariff system, and charged that the domestic oil industry enjoyed a $1 million a day subsidy; and he concluded: "What is truly incredible, however, is not that advocates of the oil industry's position, with personal and financial ties to the oil community, hold government positions and are active in setting oil policy—but that the rest of us have accepted this situation and have bought their bill of goods for years when it was so obviously and outrageously contrary to the public interest."

Next day Hansen who was not present when McIntyre made his speech, was on his feet in the Senate with a reply which not only rejected McIntyre's charges but provided an excellent capsule argument for continuation of oil import quotas:

Said the Wyoming senator: "First, I would like to assure the senator from New Hampshire that I am not one of those oil industry advocates 'with personal and financial ties to the oil community.' Second, I regret that he bought this 'bill of goods' for so many years when it was actually a bargain, but now that the bargain rates have been sucked into the Middle East caldron, he would have us paying more for imported oil than our own.

"I own no oil stock, no oil or gas royalty, nor any interest in any oil and gas company," said Hansen. "I do, however, consider it in the public interest to do what I can to see that this country never has to submit to foreign blackmail for the oil and gas that provides three-fourths of our energy requirements and without which all transportation and most industry would come to a grinding halt."

Hansen recounted the circumstances of the 1967 Arab-Israeli war when the Arab nations halted all oil shipments to the West, the Middle East developments that have created

a worldwide tanker shortage, and the recent sharp increase in prices for foreign domestic crude oil now making it more expensive than U.S.-produced oil.

Hansen pointed out that in addition to the current $4.25 to $4.55 per barrel price for foreign oil as delivered to East Coast ports, a tariff of $1.35 per barrel as advocated by the proponents of the tariff plan would raise the price for foreign oil to $5.60 a barrel compared with a delivered price of $3.80 for oil produced in this country.

"But this is not all," said Hansen in his Aug. 4 speech. "A critical natural gas shortage is now imminent in the Northeast and imports of liquified natural gas, at more than double the cost of domestic gas, would add another $6 billion to consumer costs."

This would further heighten the domestic energy crisis by discouraging U.S. exploration for oil and gas reserves which are needed not only now, but will be at some time in the future, possibly in greater degree, and could prove critical in time of international crisis when foreign petroleum sources are cut off and denied to this country.

Senator Hansen and his fellow oil state colleagues apparently have won the battle, at least for the time being and credit is due their diligence and perseverance in carrying the day against formidable odds.

TRIBUTE TO ROY CHUGG

Mr. BENNETT. Mr. President, I wish to take a moment today to pay tribute to Mr. Roy Chugg of Providence, Utah. When Mr. Chugg was a young man, his feet were severely frostbitten while he was out feeding cattle, and he lost much of the circulation in them. Later they were frozen again and he eventually had to have both legs amputated at the hips.

Well, what do you do when a thing like that happens to you? This is the way Mr. Chugg answered that question:

I had to quit farming and was about down and out, but I told myself "You can't just quit—you have to earn a living."

With the help of D. Ivo Eames of Bountiful, Mr. Chugg got a loan of $150 through the Utah office of the Farmers' Home Administration with which he purchased the tools, equipment, and materials to build a small shop which he uses to tie high-quality flies for fishing on the fine trout streams of Utah.

An expert fisherman all his life, Mr. Chugg had no trouble developing his new occupation, soon had the loan paid back, and is now supporting himself and getting along very well.

This story was recently featured in the Deseret News of June 5, 1970. I was impressed by the determination and initiative displayed by the way Mr. Chugg rebounded from his earlier misfortunes to lead a very useful and active life and support himself in an occupation he undoubtedly enjoys very much.

The article in the Deseret News also mentions that the small loan he received came through the economy opportunity loans program of the FHA and that Utahans have the best repayment record of the Western States in this program. This prompted State FHA Director Clarence A. Anderson to respond:

Utah's people work hard and pay their debts.

Mr. President, it is a real privilege as the senior Senator from Utah to take this opportunity to pay tribute to Mr. Chugg in particular and to Utahans in general for their record in demonstrating to the rest of the Nation the dignity of work.

Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FLY-TYING EXPERT AIMS TO PLEASE—PEOPLE AND FISH

(By Jan Padfield)

PROVIDENCE, CACHE COUNTY.—"That would scare a fish right out of the pond," said Roy Chugg as he tied a fancy blue and pink fly. "People go for pretty flies—fish don't care. So I decorate some more than others and try to please everybody."

Edward LeRoy Chugg, 68, fishing expert, lives alone here and does a flourishing business tying dry flies and repairing reels and poles, although he only recently began this enterprise. "I had to quit farming and was about down and out, but I told myself 'You can't just quit . . . you have to earn a living,'" he said, recalling the years following amputation of both legs at the hips—one in 1958, and the other in 1963.

"I tried several things, including box makbuy the lumber. Finally, I even had to accept ing, but couldn't even get ahead enough to a little welfare.

"Nothing worked out well until three years ago a fellow named Eames came along and offered encouragement, and, after considerable investigation, financial help. After learning I was a lifetime fisherman he suggested I might tie flies.

"My friend in Melville, Lee Jessup, said he'd give me a few lessons. My eyesight was good for the close work, but I didn't think I'd ever be able to tie the little ones.

"It was lucky for me when Ivo Eames came along," he said. (D. Ivo Eames, Bountiful, is chief of operating loans for the Utah office of Farmers Home Administration, a branch of the Department of Agriculture. Eames said that agency made Chugg a $150 loan to buy carpentry tools, lumber and equipment to tie flies.)

"The community can point with pride to Roy Chugg. He rapidly developed a skill for tying high quality flies. His loan was repaid in full. He feels very independent and does not want nor need to borrow more money," Eames said.

Keeping house for himself is not too difficult, and Roy uses the large kitchen of his old rock home as a workshop area. His son works in Ogden, but returns home most weekends and enjoys dad's cooking. A daughter, living in Pocatello, helps him with the most difficult housecleaning.

Roy plants a big garden every spring and cares for it himself, weeding, watering and hoeing. In a small pasture behind his home is a small herd of sheep from which he sells wool to the local wool pool. Difficult tasks are quite ordinary for him. Recently he got up on a tall shed and mended the roof.

But fishing is Roy's chief interest. "These flies have to be just so. Fish are better educated than they used to be . . . especially the natives and German Browns. If there's too much hair they just let the fly go by . . . fish like the body of the fly . . . and the hackle, made of chicken feathers, helps float it," he explained.

A different size feather is needed for every size hook, and the color must be just right . . . black, dirty-white, grey, brown, red. These are made mostly from chicken neck feathers.

"One fellow wanted $4 just for the neck of a dead chicken," he snorted indigantly. Usually people dont' want the neck of the chicken. I'll raise my own before I'll pay that price."

So he raised about 50 chicks, sold the hens and killed the roosters, preserving the necks by rubbing them with salt. He also imports peacock feathers from Minnesota.

"Black gnat," "blue quill," "green cricket," "renegade," "muddler," and "sandy mite" (made from deer hair) are just a few of the new and successful flies he has invented, mostly for trout fishing. Many friends take him fishing to try out the flies. "Once we got two limits, all with one fly," he smiled.

"A dry fly man is a real artist. They won't take corn and cheese as bait because only 'Rainbows' go for that stuff," he said.

Roy can't fish streams anymore, but spends a lot of time at lakes and reservoirs. "It gets in your blood and you're more addicted than a booze hound," he confesses. Many college students from nearby Utah State University stop by for advice and chatter.

One pretty girl is a regular at picking up Roy for a day of of angling. "She hates taking fish off the line, but I say "If you're going to fish, don't bring them to me to get off the hook," he said.

A loyal "Aggie" fan, he has rarely missed a home basketball game in the past decade. "They're mighty nice to me and always have my place saved by the score-keepers table."

His problems began when Roy was 15 and out feeding cattle. His feet were frostbitten and much of the circulation lost. A frisky horse stepped on one foot and infection followed. Later, while working on construction of Bushnell General Army Hospital (now Intermountain Indian School) at Brigham City, his feet were frozen again. Eventually amputation was necessary.

"I get along fine now. I have a few dollars ahead. My biggest problem is getting someplace to spend my money," he joked.

Clarence A. Anderson, state director, FHA, said Economic Opportunity Loans enable low income rural people to establish small enterprises. These funds also cover farming, buying sheep or cattle and cooperatives that provides services, supplies or facilities to rural people, made through a nationwide county office system.

Loans up to $3,500 can be made to buy tools for men with carpentry or mechanical skills, to purchase sewing machines and other equipment for seamstresses, and hundreds of other small family enterprises, Anderson said.

Utah's total is 448 loans totaling $942,730 since the Economic Opportunity Act of 1964 was passed, and her repayment record is better than all other Western states. "Utah's people work hard and pay their debts," Anderson said.

AGED HAVE TRANSPORTATION WOES

Mr. WILLIAMS of New Jersey. Mr. President, at hearings held by the Senate Committee on Aging, of which I am chairman, witnesses have told us that the elderly have two overriding problems.

First, of course, is inadequate income in retirement, intensified by rapidly rising medical costs.

And the second concern is that older Americans cannot find suitable transportation at prices they can afford.

The problem is so severe that millions of elderly persons—whether they live in congested cities or sparsely populated rural areas—are trapped within walking distance of their homes or apartments.

This not only accentuates the isolation of the aged, but it also denies them urgently needed services through forced immobility.

Earlier this month, I introduced with bipartisan support S. 4246, the Older Americans Transportation Services Development Act. This bill would authorize a special emphasis program on transpor-

tation research and demonstration for the aged.

For elderly persons, enactment of this legislation could provide an effective means to counteract isolation, which often leads to loneliness, despair and even death.

Moreover, an excellent article by Ted Schuchat documents with compelling evidence the severity of the transportation problem for the elderly. In addition, it provides persuasive reasons for prompt and favorable consideration of the Older Americans Transportation Services Development Act.

Mr. President, I commend this article to the Senate and ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AGED HAVE TRANSPORT WOES

(By Theodor Schuchat)

"It has been said that the United States is the only country in the world that consults its teen-agers on world affairs and tells its older persons to go out and play."

Constance Midkiff, director of the Paterson municipal Office on Aging, amused Senators with this observation at a Committee session last year.

"Even if the older citizen accepted this admonition," she said, "he cannot afford the expense of getting to the playground." Thus, she wittily pointed out the crucial importance to senior citizens.

It is the third largest item in the average retired couple's budget, according to the United States Bureau of Labor Statistics. Only food and shelter account for more than spending for transportation, which takes nearly nine cents of every retirement dollar.

"When a person is old and perhaps weakened by pain and illness, transportation will not be used unless it is convenient and unless it is reasonably priced. And that is, too often, not the case today," Senator Harrrison A. Williams, Jr., D-NJ, said recently.

For most older people, transportation means a public bus or transit system, since only 15 percent have drivers' licenses. Yet mass transit systems are deteriorating in most communities and even disappearing in many rural areas.

"We have no public transportation system in the State of Maine that is worth a hoot," the state health commissioner once told the Senate Special Committee on Aging. "For all practical purposes, we have no public transportation system."

"The problem is so severe that millions of elderly Americans—whether they live in the heart of urban areas or in remote rural reaches—may be said to live under house arrest," Senator Williams said. "In fact, the U.S. Commissioner of Aging recently said that too many elderly live in what amounts to solitary confinement.

"They have no way to reach destinations that are vital to them—their physicians and clinics, their friends and family, their Social Security offices, their churches and senior centers, and parks and public buildings meant to serve them as well as younger people," he continued.

Senator Williams is both chairman of the Senate Special Committee on Aging and author of the Urban Mass Transportation Act of 1964. He combined these two interests at a recent meeting on transportation problems of older people sponsored by the U.S. Administration on Aging, the U.S. Department of Transportation, and the U.S. Department of Housing and Urban Development.

There the Senator called for assessment of the off-hour, reduced fares now offered to older people in 34 cities. "There is reason to believe that ridership has actually increased in New York City since a reduced fare plan went into effect," he said, "and there is reason to believe that bus companies could actually increase revenues with such plans elsewhere."

Availability and cost are not the only problems faced by the senior citizen who wants to get across town to a clinic or a recreational program.

"The older person often would rather stay at home than undergo the sometimes monumental task of reading, decoding, deciphering, and comprehending a bus, train, or transit timetable," Louis A. Gelwicks told the conference on transportation and the aging.

Older people also suffer from lack of sheltered seating while awaiting their bus, awkward stairs, few places to hold, jolting stops and starts, and surly faretakers. So serious are these problems that a report to the U.S. Department of Transportation has called for specialized transit systems for the aged and handicapped in every city of 100,000 population or greater.

"Senior Citizens A-Go-Go" has become part of the life of six counties in western Idaho. This project provides transportation with two used buses. In Prince Georges County, Maryland, six buses driven by retired drivers carry oldsters to and from their golden age clubs.

At Massachusetts Institute of Technology, the "Dial-A-Bus" idea is being developed. People needing transportation would call on the telephone, and a small bus would come to their door. Routing would be arranged by computer.

Very much interested in the Dial-A-Bus concept, Senator Williams has asked the Urban Mass Transit Administration to spend a reasonable and proper share of its research money on this and other projects that could be significant for the elderly, the disabled, and many others.

SALUTE TO THE HAWAII ISLANDERS

Mr. FONG. Mr. President, I am proud today to pay tribute to the professional baseball team in my home State, the Hawaii Islanders, which over the weekend clinched the Pacific Coast League Southern Division pennant for the first time in its history.

A national magazine—Sports Illustrated—this week described our Islanders as "the best show in town"; and this description is supported by the fact that some 400,000 fans turned out this year to watch our excellent Triple A ball club.

Even without a pennant-winning team, our attendance is high compared with our mainland opponents in the PCL. Last season, more than 300,000 spectators went to the ball park in Honolulu to cheer on their favorite team.

For this reason, all the credit for this season's outstanding performance cannot go to the team and its management. In saying this, I do not intend to minimize their great feat, and I do congratulate each and every one of these athletes on their achievement.

But I want to commend, also, the loyal fans who have, over the past decade, supported the Hawaii Islanders, win or lose, and who now must share some of the credit for cheering the 1970 team victory in the PCL Southern Division.

TWO SIDES OF THE CONSUMER COIN

Mr. MOSS. Mr. President, one of the most persuasive voices in America today is the voice of the consumer. Men and women who for years have been frustrated about shoddy goods and unfulfilled contracts and meaningless warranties, and raised their voices in protest only to have them bounce against seemingly brick walls, have suddenly found themselves being listened to very carefully both in Washington and in the head offices of industry. In fact, in my role as chairman of the Senate Consumer Subcommittee, I devote a good deal of time myself to listening to the buying public and trying to see that they get a fair deal.

But how about the businessman? He has a side too. Does he not deserve equal time to tell his side of the story?

Take the grocer, for example. He puts up with a great deal from a certain class of customer—the tomato pincher, the cherry eaters, the candy bar snatchers, to mention a few. Every customer who insists that his grocer give him value received for every penny he spends might well ask himself, "Do I help to keep down expenses for him, so that he can keep his prices low for me?"

The question is very well put in a column written by Ray Nelson and published in the Logan, Utah, Herald Journal. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE CRITICISM GOES BOTH WAYS

(By Ray Nelson)

Consumer protection is not an entirely one-sided coin.

The lily-white role in which literally hundreds of consumer protection bills place the consumer overlooks one vitally important area where consumers have only themselves to blame for what they feel are higher than necessary prices in markets.

A staff writer for a major daily newspaper comes up with a summary of some of the offensive practices of bargain-hunting consumers that can only be described as irresponsible.

These practices cause loss to the merchants that must be paid for by all customers.

Among the offenses mentioned, of course, are the women who pinch fruit to see if it is ripe. As one consumer expert comments, "If the fruit is ripe, it becomes ruined, and if not yet ripe, it will be bruised."

Another observation of the expert: "Men love to stand by the produce counter eating grapes or other loose fruits while their wives shop. Also, you see people pick up candy bars, unwrap them and eat them, rationalizing that if they're going to spend $20 on groceries, the store owes it to them."

Two thirds of all cherries are eaten before they reach the check-out stand. Bottles accidentally knocked off a shelf, eggs broken as the cartons are carelessly opened, lettuce leaves lost when a customer sorts the bin looking for the best head, and soft drinks consumed in the store are but a few of the "inconsiderations" of consumers when they go into markets.

Often shoppers leave frozen food items where they thaw if they happen to change their mind about purchasing them.

"Anyone familiar with the narrow margin

on which modern, high-volume, low markup retail distribution operates can understand why the irresponsibility of consumers can result in higher prices," commented one market manager.

Supermarkets operate on a margin of a cent or less per dollar of sales. And the necessary foods take less of the consumers' disposable dollar than ever before.

PROTECTION OF NEW YORK POSTAL UNIONS

Mr. GOODELL. Mr. President, I wish to clarify, as a matter of legislative history, the intent of the Senate as embodied in H.R. 17070, the Postal Reorganization and Salary Adjustment Act of 1970, with regard to the question of collective bargaining rights for postal unions which do not now have national exclusive recognition rights.

On August 3, in the course of explicating to the Senate the conference report on H.R. 17070, the distinguished chairman of the Post Office and Civil Service Committee of this body (Mr. McGEE) made the following comments on that question:

On collective bargaining, the Senate receded to the House so that postal unions which are not craft units will have at least the opportunity, subject to recognition procedures by the National Labor Relations Board, to compete for recognition. In the transitional bargaining phase this year, only the unions having national exclusive recognition will be the bargaining agent. That transitional contract will not interfere with the National Labor Relations Board's ultimate determination for another bargaining unit if it determines that is the right thing to do.—CONGRESSIONAL RECORD, p. 26954.

On August 6, Representative UDALL, a distinguished member of the House Post Office and Civil Service Committee, explained the conference's resolution of that question to House Members as follows:

While the Senate has provisions in its bill to allow only national craft recognition, the House allowed the National Labor Relations Board to decide the appropriate unit. In the conference, the House version prevailed. Some have interpreted this to mean that we believe the NLRB should decide on local units as appropriate units for purposes of collective bargaining. Nothing could be more mistaken. What the conferees meant is that the NLRB should apply those guidelines normally applied in the private sector and decide the appropriate unit on that basis. They should not look to the fact that the House prevailed in this area as any indicator of preference for national or local units, craft or otherwise.—CONGRESSIONAL RECORD, p. 27604.

When the phrase "national exclusive" was stricken from page 281, lines 8 and 9, of the Senate version of the postal reorganization bill—S. 3842—it was made clear that the intent of the Senate in taking that action was to preserve the option of allowing unions without national exclusive recognition to retain collective bargaining rights under the new Postal Reorganization Act. The distinguished Senator from Iowa (Mr. MILLER) explicitly made the point on June 30 that the amendment adopted by the Senate left open the option of allowing such independent New York unions as the National Postal Union—NPU—and the National Alliance of Postal Employees—NAPE—the right to bargain under the new act—CONGRESSIONAL RECORD, page 22332.

The distinguished chairman of the Senate Post Office and Civil Service Committee (Mr. McGEE) concurred in Mr. MILLER's point that the intent of the Senate, as Mr. McGEE noted—CONGRESSIONAL RECORD, page 22332—was that Congress not preempt the decision on which unions should be allowed to bargain. That decision was to be left to the National Labor Relations Board—NLRB—for adjudication.

Those who fought on June 30 to insure that unions such as the NPU and the NAPE, which do not now have national exclusive recognition rights, may win certification to collectively bargain under the new act, have won a victory in conference. The House version has prevailed on the question, with the result that the NLRB may permit nonnational and noncraft unions to gain recognition for collective bargaining purposes.

During the transitional bargaining period this year, however, only those unions which have national exclusive recognition rights will be permitted to become bargaining agents for postal employees.

Let it be clear that it is the intent of this Congress, reflected in passage of the conference report on H.R. 17070, that nonnational and noncraft unions shall be able, after the transitional bargaining period, to compete for recognition as bargaining agents.

Let it be clear that it is not the intent of Congress to permit, in any contract negotiated by the new postal corporation during the transitional bargaining period, the inclusion of any provision which would have the effect of providing those unions which do now have national exclusive recognition rights with any advantage over those which do not, with the result of effectively freezing the latter unions out of the bargaining process indefinitely.

It is the intent of Congress that bargaining during the transitional bargaining phase be conducted in such a way that upon conclusion of the transitional period nonnational and noncraft unions, such as the NPU and the NAPE, will be able to compete for recognition as a bargaining agent for postal employees upon an equal footing with those national unions which have been permitted to bargain during that period.

INVASION OF CZECHOSLOVAKIA

Mr. WILLIAMS of New Jersey. Mr. President, August 21 marked the second anniversary of the violent and unjustifiable invasion of Czechoslovakia by Soviet troops. The attack on the Czech people was a shock to the free countries of the world.

In early 1968, a new regime, headed by Alexander Dubcek, was succeeding in easing the tensions within the country. Although communism was being reformed and not replaced, the Czech people was a shock to the free countries of leges shared by those of free societies. With censorship eliminated, the field of literature progressed rapidly; a peace with the church ended religious persecution; and legal reforms prohibited unjust treatment of individuals.

However, the progress of the new Czech society displeased and concerned neighboring Communist countries. Following several meetings of top party leaders, a decision to stop the Czech movement was made. On the night of August 20–21, 1968, 200,000 Soviet troops, combined with military units from five other Communist bloc countries, crossed the Czech border to suppress the people of Czechoslovakia.

But these attacked patriots were determined to withstand this aggression, a resistance that cost the lives of five Czechs and wounded nearly 300. A total of 600,000 Red troops was the final force needed to seize control of this nation.

Mr. President, 2 years after this deplorable act of violence upon Czechoslovakia, the economic and social welfare advances have been halted and the people, once again, have been forced to accept limited rights and privileges.

The courageous efforts of the Czech people to achieve self-determination must never be forgotten. The determination of a people to accomplish basic social and economic reforms cannot be suppressed.

ADDITIONAL SUPPORT FOR THE GENOCIDE CONVENTION II

Mr. PROXMIRE. Mr. President, yesterday I placed in the RECORD the text of three letters from religious and humanitarian organizations who support the ratification of the genocide convention. Today I should like to have printed in the RECORD a partial list of the organizations which presently support ratification. The groups listed represent many different interests and yet all of them are united in their abhorrence of genocide.

I believe that the time for Senate action is long overdue.

There is widespread support for ratification of the treaty. We cannot ignore the desires of these groups. I ask unanimous consent that the list of organizations who have written to the Committee on Foreign Relations in support of the convention be printed in the RECORD.

There being no objection, the list was ordered to be printed in the RECORD, as follows:

PARTIAL LIST OF ORGANIZATIONS FILING STATEMENTS FOR THE SENATE FOREIGN RELATIONS SUBCOMMITTEE ON THE GENOCIDE CONVENTION

Ad Hoc Committee on the Human Rights and Genocide Treaties.
American Association of University Women (Marin County, Calif.).
American Baptist Convention.
American Civil Liberties Union.
American Ethical Union.
American Jewish Committee.
American Jewish Congress.
B'nai B'rith Women.
Industrial Union Department, AFL–CIO.
Jewish Labor Committee.
Joint Washington Office for Social Concern.
League of Women Voters.
National Catholic Conference for Interracial Justice.
National Conference of Christians and Jews.

National Council of Jewish Women.
National Federation of Temple Sisterhoods.
Protestant Episcopal Diocese of Massachusetts.
Ukrainian Congress Committee of America.
United Methodist Church.
United Nations Association—USA (National and Capital Area Division).
University of Denver.
Workmen's Circle.
Young Women's Christian Association.

TERMINATION OF THE WAR IN VIETNAM

Mr. GORE. Mr. President, I have earnestly hoped for peace in Vietnam. Time after time I have spoken against widening either the war or our commitments. At the time of the invasion of Cambodia, I expressed the view that we would by this action acquire a new dependency—the Lon Nol government, which would be a second millstone around our neck. Unfortunately, this seems to be materializing now.

Even so, I cannot yet bring myself to vote for an extreme, though perhaps thoroughly constitutional, means of stopping the war. This was first proposed by the Senator from New York (Mr. GOODELL) last year. I spoke against his amendment at that time. I am still of this opinion, though developments since have been temptingly persuasive.

In a book of which I am the author, I wrote some 2 months ago, as follows:

Each and every bill making appropriations for the war has had my support. I have drawn a clear distinction between support of our troops in Vietnam, on the one hand, and approval of the policies that got us into a land war in Asia and that have repeatedly widened and escalated that war, on the other hand. For the most part, the fighting men are there not by choice but in duty to their country and by order of military authority. They deserve the best of weapons, munitions, equipment, medical supplies, food—everything they need—to execute their orders with the least possible danger to themselves. Up to 1970, almost every member of the House and Senate shared this feeling. Congress did, in 1969, limit authorization for use of funds to expand the war into Laos and Thailand. Except for this, an invasion of Laos may have already occurred. There is no explanation, really, as to why Congress did not at that time include Cambodia in this prohibition, except that the likelihood of expansion of the war into Cambodia seems not to have then occurred to anyone.

Congress unquestionably has the constitutional power—the power of the purse—to stop the war by withholding appropriations. This would be an unusual, an extreme, use of constitutional powers by the Legislative Branch to restrain the actions of the Executive; no less extreme, of course, than the Presidential usurpation of the war-making power in the case of the Cambodian invasion. Would this be wise? More and more Senators are now considering such a course of action. For my part, I have been very reluctant to do so. It would be better, needless to say, if the President could be persuaded to alter his course of actions, thus avoiding a constitutional crisis, a kind of crisis which our Founding Fathers could not have foreseen—more than 2,000,000 men sent into the longest war in our history without a declaration of war or specific approval of the people or their elected representatives.

Then in an executive session of the Foreign Relations Committee on August 19, I made the following comment:

Mr. Chairman, I think the Congress has the power to terminate a war by using the power of the purse. It would be unprecedented to do so. It would be an extreme use of a constitutional power. I haven't been able thus far to bring myself to that point of action. I must admit that I am considering doing so because of the extreme usurpation of power by the President and the apparent determination to continue the war.

My idea of a proper termination of the war is a negotiated settlement. It seems to me that neither Vietnamization, which is a phased withdrawal tied to the maintenance of the Thieu regime in power, nor a forced timetable withdrawal, as contained in the McGovern–Hatfield amendment, may be compatible with a negotiated settlement.

I notice one of the stipulations here is to secure the release of prisoners of war. Mr. Chairman, the release of the prisoners of war will be achieved, in my opinion, by negotiated settlement, not by "Vietnamization," not by a phased withdrawal, not by forced withdrawal, I mean withdrawal brought about by the withholding of funds. So we have some incongruous proposals here.

I spoke against the Goodell Resolution when it was introduced. I still doubt the advisability of such action.

I feel, basically, that the McGovern-Hatfield amendment is incompatible with the kind of negotiated settlement that I would like to see. And I will go one step farther. In my humble opinion, the best, perhaps the only chance for the survival of democratic processes in South Vietnam, is not through the maintenance of the Thieu-Ky regime in power or perhaps the toppling of that regime by withdrawal of appropriations, but rather through the utilization of our presence while we are there to persuade a coalescing of the factors and personalities, diverse sects, into a compromise regime in which democratic processes just might have some slim chance of survival.

I don't think they have any chance of survival at all under Thieu and Ky. They don't believe in them. And I doubt they have any chance of survival if they are toppled by our precipitous withdrawal.

What I think is the desirable course, and I have preached and preached and preached this, is the use of our presence and forces while we are there to persuade a settlement and then invite Thieu and Ky to come along if they wish to, or if they don't wish to, then let them go it alone as they can.

There is a better way. That better way is to persuade the President to make the utmost effort for a negotiated settlement. Fortunately, President Nixon has now sent a top-ranking diplomat to the Paris peace conference to "renew," as he said, efforts at a negotiated peace. I never have thought we should have relaxed our efforts for a negotiated peace. At any rate, since the President has now taken this commendable step, I think it is the better part of wisdom to refrain from an extreme use of the constitutional power of the purse which the McGovern-Hatfield amendment proposes. I am, therefore, unable to vote for it at this time.

I make this statement today because I may not be able to be here when the vote on the amendment is cast, what with the uncertainity of the time of the vote and the pressures of a political campaign in my State.

I would like to read certain excerpts from a speech I made in the Senate on May 1, 1970, the day following the invasion of Cambodia. They are as follows:

Inevitably this action will constitute an extension of the U.S. commitment to include the entire area of Cambodia and the support of the government recently established there.

Thus, in some respects the decision to extend military aid to Cambodia may be more revealing as to the purpose of the entire action than is the decision to commit combat troops in the restricted sanctuary areas.

Each action up the escalation ladder has in turn been used as a basis for a deeper and deeper commitment. In this way we found ourselves little by little ensnared in a quagmire from which we have been unable to extricate ourselves, and into which we now plunge more deeply.

If we pursue the course upon which we have apparently embarked, Premier Lon Nol will be a second millstone around our neck. Perhaps not as heavy as President Thieu—God forbid—but equally difficult to dislodge.

CONCLUSION OF MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business? If not, morning business is closed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair lays before the Senate the unfinished business, which the clerk will state.

The legislative clerk read as follows:

H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

Mr. MANSFIELD. Mr. President, with the permission of the distinguished Senator from Missisippi (Mr. STENNIS), and the distinguished Senator from Oregon (Mr. HATFIELD), I should like to suggest a brief quorum call with the time to be taken equally out of both sides.

The ACTING PRESIDENT pro tempore. Under the previous order, the pending business is limited to 6 hours on the amendment of the Senator from Oregon (Mr. HATFIELD). Without objection, a quorum will be called and the time will be equally divided between both sides. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. PASTORE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PASTORE. May I have 2 minutes?

Mr. HATFIELD. I am happy to yield 2 minutes to the Senator from Rhode Island.

PERSONAL STATEMENT

Mr. PASTORE. Mr. President, I am very happy that the Chairman of the Select Committee on Standards and Conduct is in the Chamber.

A story appeared under the UPI this morning in a Providence newspaper, including the name of PASTORE as one of the men who has a leased car. This is a deliberate lie, let alone an inaccuracy.

This UPI story not only appears in the Providence Journal but it will be received by every radio and television station in my State of Rhode Island.

My name has never been connected with this. I have never, in all my life, leased an automobile and I never intend to lease an automobile.

Every automobile I have, I have bought with my own money and I have bought it in the State of Rhode Island.

It strikes me that the press should inquire before it prints stories of this kind. I do not know where they got it. I do not know whether they got it from the Ethics Committee, or where they ever got it. But I want not only a retraction, I also want an apology from anyone responsible for that story. I hope that they will give me the decency to print every word I have said here today.

Mr. STENNIS. Mr. President, if the Senator will yield. I can very promptly reply. I have not heard the name of the Senator from Rhode Island mentioned in all of this inquiry in any of our meetings, by any staff member, as being in any way connected with anything concerning the leases, much less having one of his own.

I cannot understand why his name ever got tied to this.

Mr. PASTORE. My name was mentioned in the story today. It strikes me that someone should have picked up a telephone and asked PASTORE if it was true.

Mr. STENNIS. I will cooperate fully with the Senator insofar as I can in finding out about this matter. But, certainly, the Senator's name has never been before our committee. I have never heard it mentioned by anyone in connection with this entire matter.

Mr. PASTORE. My hope is that the UPI will have the decency not only to retract the story but also to give me an apology and to print every word I have said here today.

Mr. STENNIS. I am in total sympathy with the Senator.

Mr. PASTORE. Anyone who touches upon my integrity has to answer.

Mr. STENNIS. Mr. President, I ask unanimous consent that the time consumed by the Senator from Rhode Island not be charged to either side.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. STENNIS. The Senator from Rhode Island certainly had a right to speak on this subject.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. The question is on agreeing to the Hatfield-Goldwater amendment (S. 844). Who yields time?

Mr. HATFIELD. Mr. President I yield myself 15 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for 15 minutes.

Mr. HATFIELD. Mr. President, last week the distinguished Senator from Missouri raised some questions regarding the implementation of the recommendations of the President's Commission on an All-Volunteer Armed Force which at the time I said deserved thorough answers.

I should like at this time to speak to those points which were raised because they incorporate most of the objections concerning an all volunteer military. It seems to me that the best way to launch our debate today would be for me to directly meet the questions raised by those who do not support the proposition incorporated in the amendment.

The first question is one which has been raised by other Senators, the Senator from Colorado (Mr. ALLOTT) and the Senator from Massachusetts (Mr. KENNEDY), concerning the maximum budgetary cost of the amendment for fiscal 1971. It would be about $2.4 billion in the cost factor, which is oftentimes raised as to what will it cost to implement an all-volunteer military.

I should like to preface my statistical data with a common observation which has been made frequently, and which bears reiteration, that the voluntary military will not cost 1 penny more than what we are paying now in one way or another; simply that we will send to the general taxpayer the cost of national defense.

Those who raise these questions about increased cost should bear in mind that they are being met today; but as to who is meeting the additional cost, I would say that it is being thrust upon the shoulders of our fighting men. That statement is made on the basis of comparable pay between civilian and military personnel. Therefore, it is accurate to say that a volunteer military will not cost any more money but, instead of requiring the serviceman to subsidize his service, because of lack of comparable pay, we tend to be misled into believing that, somehow, this is not a cost factor that is usually computed.

Milton Freedman is one of the distinguished economists of our day. He is from the University of Chicago, and has advised candidates for President as well as Presidents. He is a man who has given great care and thought to computing this kind of cost comparison, generally speaking. He has stated that the cost factors, whether direct or hidden, must be considered in the overalll cost of national defense.

When we look at the budgetary aspect of cost, as we must do here in Congress, there is no question that there will be some transition and some budgetary changes.

But let me point out again that there is a cost factor which is oftentimes neglected, so far as consideration of comparative costs are concerned, and that is the cost we now pay or that we are charged with due to inefficiency.

We are subsidizing an inefficient system. Whatever our philosophy about the draft versus a voluntary military may be, let us face the fact that a draft system is more costly because of the high rate of turnover.

One cannot run any kind of an organization, least of all the military organization, with 93 percent to 95 percent turnover. That is what we have today among the draftees. When we have that kind of turnover, we are paying out an awful lot of the taxpayers' money for training purposes. About the time the recruit or draftee is proficient enough to respond to his various assignments in an efficient way, he is gone. He is through with the service and someone else has come in to start the training program all over again.

So we are paying a great sum of money today for a highly inefficient and uneconomic system, whereas in a voluntary system where we would have a group of people who are not coerced into service but are motivated to do service for the military requirements of their country, we have first of all the motivation factor. This would certainly be far more efficient than the coercive system we now have.

These are intangibles. We cannot put a dollar sign on them. In the case of the draft, it is costing today approximately $4 billion to the American taxpayer. Putting it in another way, we are paying today for a conscription system something that is higher than we would estimate, passed on the Gates Commission report, that an all-volunteer system would cost—$3.2 billion.

The specific pay increases within the amendment would provide for $2.68 billion. This is about a 50-percent increase among the enlisted personnel, for the first term enlistees. It would be in itself, I think, money well invested because we would have higher accountability for the kind of service for those motivated to volunteer.

With regard to a proficiency pay increase, we feel there must be greater stimulus for those within the service to increase their proficiency and advance up the ladder of achievement.

We would provide proficiency pay of $210 million and a Reserve pay increase of $150 million. Any system of volunteerism must be accompanied by a strong Reserve program. We believe very definitely that a Reserve program does need beefing up as far as those presently committed and involved and those who might be attracted to the Reserve program. Special situations certainly will involve high professional skills as the medical corps. We have included $120 million for that in the recruiting program.

We must assume that any new system must be properly funded to get the results anticipated. We indicate an $80 million support figure for the purpose of improving recruiting and also for ROTC increase and other miscellaneous expenses.

When we compute the Federal income tax and the net budgetary increase,

the net budgetary increase for fiscal year 1970 drops down to about $2.7 billion.

It must be pointed out that the basic pay increase represents the cost that the enlistees are now paying. I want to make it clear that this is a cost which the taxpayer should be paying.

We must also recognize that the amendment would redistribute the cost of the service the military man is rendering his country from his shoulders to those of the general taxpayer. Furthermore, if this amendment is passed and salaries and other incentives increased, an all-volunteer military will result with net savings of over $1 billion within 3 years.

We do not only suggest here or state here that the voluntary system will be balanced out by the cost of the draft system we now have in effect, but within 3 years it will cost less than the conscription system we now have.

Those savings will come about through a reduced number of personnel, equipment, and facilities required for training purposes because of the high rate of turnover we now have among draftees.

It will also prove more economical through a better system of handling machinery, instruments, weaponry, and all other such material, and this was borne out earlier by the Cordiner report issued under President Eisenhower.

Let me say that not only would this balance out in the overall cost budget figure this year, but that within a period of 3 years it would save at least $1 billion of the taxpayers' money.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. HATFIELD. I yield myself an additional 10 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Oregon is recognized for an additional 10 minutes.

Mr. HATFIELD. Mr. President, we not only consider here the cost factor within the present year, but we must look ahead and see what the savings would prove to be under an all-volunteer system.

The second question raised by the Senator from Missouri was: "Would a Volunteer Army increase the already substantial power and influence of the military on American life?"

This question has been raised many times in the past.

I think the most important and quickest way to refute this concern, or at least to alleviate this concern, in the minds of many anxious and dedicated people is to state that we have over 170 years of American history to prove that we were able to establish an all-volunteer Army without the threat of military coup d'etats or whatever course might be taken by the military to affect the American life.

We have to realize that the real influence of the military on American life would be asserted by civilian personnel. The President of the United States is the Commander in Chief. He is a civilian. The head of the Navy, Army, and Air Force are civilians and no admiral or no general, no matter how many stars he might have on his collar, would have authority over civilians.

There is concern today about the influence of the military on our economy. But that is another subject. By and large we are talking about enlisted personnel when talking about the draft system.

The Senator from Missouri next raised the question of what effect would a precipitous institution of an all-volunteer armed forces have on our involvement in Southeast Asia.

In the amendment we have as cosponsors those who are proponents and those who are opponents of our present involvement in Southeast Asia. We have many supporters of an all-volunteer system, including those who represent the military system itself.

I do not think from the political point of view or from the policy point of view that there would be any impact whatever.

The creation of an all-volunteer armed force as envisioned in this amendment would not be precipitous, nor would it affect our Vietnam policy.

All this amendment does is to raise the pay, particularly in the lower enlisted ranks, making the pay comparable to civilian pay.

I do not know what kind of impact that could have upon the policy of the military in Southeast Asia.

This pay increase would result in an increase in volunteer enlistments, reducing the draft calls to zero well before June 30, 1971—the expiration of the Selective Service Act. Consequently, the Selective Service Act will not have to be extended next year.

I would like to repeat that this amendment does not obligate Congress to vote on the draft next year. It merely provides pay and incentive increases to military men and provides for a smoother transition into a volunteer system if the 92d Congress decides not to extend the Selective Service Act next year.

I would like to have the attention of the chairman of the Committee on Armed Services at this point. I want to make amply clear that this amendment does not commit this Congress to an action on the selective service extension issue, which will take place by June 30, 1971. This does not repeal the Selective Service Act, and it has no effect on what the 92d Congress would do, except to provide the 92d Congress with the data and information necessary to prove the validity of the position of those of us who contend for an all-volunteer service.

I want to make clear that this does not commit Congress on the question of selective service extension.

Mr. STENNIS. Mr. President, will the Senator yield briefly at that point?

Mr. HATFIELD. I am happy to yield.

Mr. STENNIS. With great deference to the Senator, to me it looks as if that is an argument that is true, but as a practical matter, if we should adopt this amendment now and it becomes law, as certain as night follows day that would preclude, as a practical matter, the extension of the Selective Service Act beyond June 30, 1971. We would just meet ourselves coming back, in a head-on collision.

I thank the Senator for yielding.

Mr. HATFIELD. Mr. President, if the Senator will yield briefly for a response, I wish to say that I appreciate the concern the Senator has expressed in maintaining adequate personnel in meeting all of our requirements. The Senator certainly gave outstanding leadership in providing us with weapons systems and personnel to man them for our national defense.

But I would like to ask the Senator if he would not agree that the provisions of this amendment, which would merely increase the pay level, hopefully in the eyes of the sponsors of the amendment, would be sufficient incentive to create the volunteers who would sign up to serve in the military; but the amendment does not commit this Congress to action on the Selective Service System.

Mr. STENNIS. Under our system, that is correct as an abstract proposition or theoretical proposition; but I am talking about the practicalities of the matter. I think we would have jumped the gun and anticipated the question of continued selective service, and have formed a new policy.

Frankly, with all deference, I think it would bring about such chaos, confusion, and utter lack of workability so quickly that we would have to reenact the Selective Service Act as an emergency measure of some kind. But I think this closes the door on selective service renewal next year.

I think there would be a deterioration of the Army rapidly if we stopped using selective service. I think if this were agreed to and the Selective Service Act remained in effect until June 30, 1971, we would have a very violent reaction from the men being drafted and their parents. That is the practical effect. I will speak more on that later, but I believe that is the way it would work.

Mr. HATFIELD. Does the Senator agree to the concept of a voluntary system at some appropriate time? Is the question one of timing, or is the Senator basically opposed to the concept of an all-volunteer system?

Mr. STENNIS. I have said many times I am open to full conviction; fully open to full conviction; and I look forward to the concept becoming practical some time. I think it may take several years. I cannot think of it being tried while we still have a shooting war going on. I will give my detailed reasons for my position.

Mr. HATFIELD. I thank the Senator for his direct responses to my comments and questions.

Mr. President, the point I wish to make is that this amendment does not obligate the Senate to an action on the question of selective service, but rather it does provide, hopefully, for the kind of incentives which would make it possible for the administration to carry out its stated purpose of trying to reduce the draft cost to zero by June 30, 1971.

I submit if the Senate does not take action at this time to provide additional incentives it would become increasingly difficult for the administration to accomplish this particular purpose.

Mr. President, the fourth point made by the Senator from Missouri was the suggestion that a more thorough examination of alternatives to an all-volunteer armed force should be made.

There are four alternatives to a totally volunteer system.

First, we could have no conscripts and no volunteers; we would have no military.

Second, we could have universal military training. The first problem encountered by such a system would be economic. It would give the military more men than could be productively employed. If we assume the present eligibility standards, more than 2 million noncareer persons would be serving in the Armed Forces at any one time. Mr. President, 2.2 million men turn 19 years of age each year and only 8 percent of them are presently being drafted. Not only would universal military training be prohibitively expensive, but also it would contravene our long history of individual liberty, be socially dysfunctional and highly unjust.

The third alternative to an all-volunteer armed force is a mixed force of conscripts and volunteers, the system we have today. In terms of economics, we know that we are losing over $4 billion annually because of conscription. In terms of equity it is internally inconsistent applying different standards to young men in the draft pool. In terms of justice it forces some men to serve and not others.

The fourth alternative to voluntarism is universal national service. This system would entail the employment of 8 million individuals, 4 million if women are excluded, if 2 years of service were assumed. Assuming a conservative annual cost of between $4,000 and $5,000 for each participant, compulsory national service would have an annual budgetary cost of between $16 and $40 billion.

Excluding the abolition of the Armed Forces, which I do not believe that any Senator is proposing, all of the alternatives to an all-volunteer armed force violate the primary value of our society, individual freedom. They all would cost this country dearly not only in terms of money, but in terms of social costs, particularly among our youth. They vary from one another only in degree and are diametrically opposed to the values which have made this country strong.

The fifth and last point raised by the distinguished Senator from Missouri (Mr. EAGLETON) was the question of practicality: "What," as the Senator stated, "is really gained?"

An all-volunteer military as envisioned by the cosponsors of this amendment would have several advantages over any other method of manpower procurement.

First-term enlistee pay would be comparable to what they would be earning in civilian life.

Our country would be saving money within 3 years—savings of at least $5 billion annually.

Our Armed Forces would be more efficient, and in time of crisis the Reserves would be better prepared to supply any immediate or sudden manpower; and continued registration would insure the implementation of a draft if conscription were deemed to be necessary to meet a national emergency.

To reinstitute the draft, however, would need the joint resolution of the House and Senate, which would put the constitutional responsibility of manpower procurement for our military where it rightfully belongs. The President would no longer have unlimited manpower resources immediately at his command so that Congress would have to share the responsibility of committing large numbers of troops to any war, declared or undeclared.

Besides returning to an equitable basis of pay for military personnel, increasing the efficiency of our military organization, restoring to Congress its proper role in making war, and saving our country billions of dollars, the establishment of an all-volunteer military would abolish a major source of alientation and polarization within our society—the draft.

Mr. President, how much time do I have left?

The ACTING PRESIDENT pro tempore. The Senator has 1 more minute of his allotted time.

Mr. HATFIELD. I have some detailed pay tables here at my desk. We, in the amendment, did not try to spell out all of the details in this type of proposal because we felt there should be a degree of flexibility. We set only guidelines in the amendment, leaving to the military branches the responsibility of spelling out the actual details of pay. If information is desired on the details, we have details that we will be happy to make available to our colleagues.

Mr. GOLDWATER. Mr. President, will the Senator yield me 20 minutes?

Mr. HATFIELD. I yield 20 minutes to the distinguished Senator from Arizona, and the major cosponsor of our amendment.

ENDING THE DRAFT

Mr. GOLDWATER. Mr. President, conservatives have long been outspoken about their opposition to forced military service. In 1940, the late Senator Robert A. Taft declared in this Chamber that:

> The draft is far more typical of totalitarian nations than of democratic nations. The theory behind it leads directly to totalitarianism. It is absolutely opposed to the principles of individual liberty which have always been considered a part of American democracy. . . . The principle of a compulsory draft is basically wrong.

In April of 1964, the basic spirit of these words was restated by the well-known pundit of conservatism, Mr. William F. Buckley. As he expressed it:

> The not so very long-term objective should be to eliminate the draft in favor of a professional army of volunteers, who would greatly increase the efficiency of the armed services and relieve the civil population of an experience, which, insofar as it is unrelated to true necessity, is debasing, and an unnecessary—and therefore inexcusable—encroachment on individual freedom.

The Republic platform for 1964 echoed this belief by pledging to replace the draft "as soon as possible by a voluntary system, offering real career incentives." I might say I am proud to have had a hand in drafting this position.

Now, in 1970, we hear new declarations along the same line. One of the most convincing and profound statements that I have seen in the long time that I have advocated this goal, was made just 4 months ago. I would ask Senators to listen and judge this for themselves. How could our position possibly be set forth with more meaning than in the following words?

This is quoting now:

> The preservation of a free society depends upon the willingness of its beneficiaries to bear the burden of its defense—and the willingness of government to guarantee the freedom of the individual.
>
> With an end to the draft, we will demonstrate to the world the responsiveness of republican government—and our continuing commitment to the maximum freedom for the individual, enshrined in our earliest traditions and founding documents. By upholding the cause of freedom without conscription we will have demonstrated in one more area the superiority of a society based upon belief in the dignity of man over a society based on the supremacy of the State.

These are not the words of BARRY GOLDWATER, although I endorse them 100 percent. They convey the deepest reason for conservative support of the voluntary military concept—human freedom. The freedom of each citizen to live his own life. And to do this as he may choose, free of dictate by the central Government.

No; these were not the comments of myself or of any other Member of this Chamber. They are the avowed principles of the President of the United States. President Nixon himself uttered these strong sentiments in the message which he sent to Congress on April 23 of this year, in response to the findings made by the Gates Commission.

So, if anyone claims the President does not support the voluntary military approach, he has not heard that comment of the President. What more eloquent words could be chosen to express his conviction?

But, this is not all. The President had more to say on the subject of the Commission's unanimous conclusion that an all-volunteer force is desirable. Speaking right to this point, President Nixon said:

> We all know the unfairness of the present system, no matter how just we try to make it.
>
> After careful consideration of the factors involved, I support the basic conclusion of the Commission. I agree that we should move now toward ending the draft.

Now, is what the President said. Not next year. Now.

Well, that is exactly what we are about. We are seeking to lay the foundation upon which the voluntary system can be erected. Many people seem to be under the false premise that our amendment would wipe out the draft, here and now. They wonder how our needs in Vietnam can be met. And they ask what will happen in case of a national emergency.

Well, right off, I want to make it clear that our amendment does not abolish the draft. What it seeks to do is to implement the steps that the Gates report said should be taken so that the country could have a fair test of whether or not the voluntary system will work.

The draft will continue under our amendment just the same as it does under existing law. The Selective Service Act now provides that the draft will ex-

pire on June 30 of 1971 and our proposal will not change that in any respect.

We can cross that bridge when we come to it. Rather, what we are undertaking to do now is to put into effect the indispensable steps that the Gates report—and commonsense—tell us are needed in order that military service might be made attractive enough to be put back on an all-volunteer status.

The true story about the voluntary military amendment is that it will significantly improve the conditions of military service. It will provide immediately upon its enactment for a 50-percent increase in the value of basic pay for first-term enlistees and 28 percent for first-term officers. The increase for those in second term runs to about 9 percent.

In addition, it will provide that the Secretary of Defense shall put into effect, as soon as possible, several other features which will make military life more rewarding. For example, proficiency pay should be accelerated for high quality personnel. Military men should acquire vested rights to retirement benefits after 5 years of service. And the Government should provide a better survivor annuity program for military retirees.

Mr. President, these changes are needed whether or not we move to an all-volunteer army. The hidden tax which is imposed on Americans who are valiantly serving their country should be removed even if we do not end the draft. The idea of regarding military personnel as some kind of feudal slaves who can be expected to labor at half of what the civilian market will pay is unworthy of a modern, civilized nation.

That is why, to my mind, the pay increases and other benefits provided by the amendment are the guts of our whole proposal. These steps are crying out to be done, from a sense of equity alone, so that military service can be transformed into a rewarding and important profession.

In essence, this is what we will be really voting on. We will be deciding whether or not we will give all military personnel, both conscripts and enlistees, officers and career members, equitable and proper service conditions. We will be announcing to several millions of active duty forces, and Reserve forces, and retired servicemen, whether or not all the rhetoric about moral support and backing for our Armed Forces is to go the way of the scrap heap when it comes time for action, instead of lipservice. What we who are sponsoring this amendment are urging is that the promises we have heard about removing the inequities of military life and about moving toward the goal of ending forced conscription shall not be forgotten and kicked aside the way the military retirees recomputation plan has been.

Mr. President, there comes a time for action; a time when words will no longer suffice. Well, I believe the time is at hand for the volunteer military proposal. Why not give it a chance? Why not announce it to be our goal that we shall return to the voluntary system which has worked so well in our Nation throughout the greater part of our history? Why not put into effect the improvements that we recommend and see whether or not this will attract an adequate number of volunteers so that the involuntary draft can be put to an end?

Mr. President, I would like to repeat that our plan does not abolish the draft at this time. Rather it is our belief that the institution of the pay and benefit increases that we have suggested will cause conditions to improve sufficiently so the draft can be allowed to expire next year. But we all realize that we must wait until then before we can decide that question.

Another point that I wish to emphasize about our amendment is that it does provide for a standby draft that can be used in time of emergency. Consequently, if the draft does end next year, as it will unless we decide to renew it, the registration of all young men will continue. Thus, there will be a ready pool of young men who could be conscripted if the draft should ever have to be reinstated.

Of course, in the event of a national emergency, the National Guard and Ready Reserves should provide forces on the spot. These men are trained and should be ready to go. And, similar to what it does in the case of the Regular forces, our amendment will increase the pay and benefits for Reserve service. The Gates report makes the firm conclusion that the Reserves, too, can be maintained on an all-volunteer basis. The pay recommendations of the Gates Commission will increase the hourly rates of drill pay in the first year of service by an average of 90 percent. Even at 4 years of service, the report calls for a 20 percent boost in drill pay. Our amendment would implement these recommendations. With these increases in effect, I am confident that Reserve enlistments will be large enough to maintain an all-volunteer Reserve force at any level of strength needed to meet our national security.

Also, I might mention that the money for these increases has been included in the overall estimate arrived at by the Gates Commission as to how much it will cost to maintain a completely voluntary military. I might mention that if there is any area of disagreement which I have with the Gates report, it is that the budget figures are too high. I think that the Gates Commission came up with an extremely conservative estimate when it found that this plan would cost $3.2 billion in the transition years and $2.1 billion after the voluntary force is fully operational.

Now, to my mind, this estimate is far too high. In fact, I might say, Mr. President, that what really got me interested in a voluntary force, outside of the rights that are involved, was serving during periods of active duty with the Air Force, both in the Pentagon and out in the field, and realizing the tremendous waste that the Air Force alone went through each year as we would watch first-term enlistees or draftees drop out to go home, after having had spent on their education in electronics, engineering, hydraulics, engine care, and so forth, from $85,000 up to $250,000 in training. If these men drop out, somebody has to fill that slot, and the estimate I developed was that it would save the Air Force alone about $1 billion a year if we could have men that we could keep in these positions.

But let us assume that the Gates report is correct. Let us take the figure of $3.2 billion, which will be spread over the 1971 fiscal year, and ask where it will come from. I can tell you where it is coming from right now. It is being taken out of the hide of each man and woman serving in the Armed Forces—that is who is paying it. It is a tax in kind; a tax which is not evenly distributed over the country at large. It is laid right on the backs of the millions of individuals who are valiantly serving their Nation in our military forces.

These Americans are shouldering the burden for all of us and they are getting paid about half of what their civilian counterparts are receiving. Most of these persons are volunteers to begin with. In fact, over 2 million men and women who are presently serving in the Armed Forces are true volunteers. They have either reenlisted after their first term was up or they enlisted in spite of, not because of, the draft and inequitable conditions of service.

Are we to slap the whole burden of taxation on those patriotic citizens who are serving in the military? Are we to demand that they pick up the tab for the $3.2 billion that it would take, at the most, to put the military on a fully volunteer status?

To get an understanding of the sacrifices the Government is asking of our servicemen, let me quote from the April statement of President Nixon. The President said:

> The starting pay of an enlisted man in our Armed Forces is—taking the latest raise into account—less than $1,500 a year. This is less that half of the minimum wage in the private sector.

The President went on to say:

> Even with special allowances, some married enlisted men have been forced to go on welfare to support their families.

The President is correct. As I recall, the Associated Press released a study last fall which charged that several thousands of servicemen have been forced to put their families on welfare because their military salaries and allowances cannot keep up with rising living costs. In fact, there may be as many as 1 million servicemen who currently receive less than the poverty level indicated for a family of four under the administration's family assistance plan which is now pending in the Senate Committee on Finance.

Mr. President, how long will we allow these conditions to exist? How long will it be before this country demonstrates by action, instead of words, that it recognizes that military service is an honorable and important profession for which a person should be paid a proper salary?

How much longer will it take for us to see that right now the predominant number of men and women who are serving in the military have freely volunteered for duty out of a devotion to their coun-

try and a desire to contribute to the well-being and protection of their nation?

Mr. President, right now in Vietnam draftees constitute only 12 percent of our total strength. Even in the case of the Army, draftees represent less than 40 percent out of a total of 290,000 men. By May of next year, when President Nixon has announced that all ground combat missions will be turned over to the South Vietnamese, the number of American combat-skilled soldiers who are needed in Vietnam will fall significantly.

As a result I am willing to predict that the Army will not have to rely upon draftees to fill its needs after June of 1971. I would remind Senators that draftees will continue to enter the ranks of our Armed Forces up to July of next year. Some of those men will be assigned to Vietnam. Other men will remain in Vietnam because they are continuing to serve out their term of duty there. In addition, there will unquestionably be a boost in enlistments because of the pay and benefit reforms that our amendment would generate.

In other words, I believe it is realistic to say that if the volunteer military amendment is approved, there will be no need to extend the draft in 1971.

In closing, Mr. President, I would remind Senators that we are speaking today not only of the human right which is involved. We are also talking about providing the needed salary increases and benefits improvements that will demonstrate our support for the dedicated Americans who are serving their nation in our military forces. In doing this we will be setting the stage for a test of whether or not the draft can be allowed to expire next year. Thereby, we can provide comparability to our servicemen, and at the same time restore America to the best traditions of its own history and of a free society.

Mr. President, that concludes my early remarks on this important day. However, I have been reading in this week's issue of Newsweek a most interesting column written by a man whom I consider to be more than just expert in this military field, Mr. Stewart Alsop. He points out some interesting information. I do not intend to read the entire article, though I shall ask unanimous consent to have it printed in the RECORD at the end of my remarks.

But he says, for example, to back up what I have been feeling all along:

> By next May, there will be only about 220,000 Army men left in Vietnam, and of these only about 30,000 will be in the maneuver battalions which supply the guts of the Army's combat power. To sustain these ground-combat troops will require replacements on the order of only 1,800 to 2,200 a month.

I agree almost completely with Mr. Alsop's figures.

However, I feel that the number of replacements that will be needed by that time can be made by volunteers who will be induced to stay in the service because of the pay and benefits improvements that the Hatfield-Goldwater and other amendments provide.

But there is a disturbing statement in this column that I call to the attention of Senators. I have not heard it discussed yet. I know it is not exactly proper to discuss what the Court might do. But Alsop points out:

> Soon, probably before Christmas, the Supreme Court is to rule on the question: should a man be granted conscientious objector status if he can prove that he objects not to war in general but to this particular war?

I think all of us have forgotten that the Court does have such a case coming up before it. If this happens, whether we still have the draft or not, the Director of Selective Service, Mr. Tarr, sees the immediate collapse of the Selective Service System.

I can certainly sympathize with and understand the concern of the distinguished chairman, the Senator from Mississippi (Mr. STENNIS); and I, too, would have liked to have held long, intensive hearings on this subject; but we have had proposed legislation before this body for 2 years, and there has not been a hearing on it.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. GOLDWATER. Will the Senator yield me an additional 5 minutes?

Mr. HATFIELD. I yield 5 additional minutes to the Senator.

Mr. GOLDWATER. I think the Defense Department has been very derelict in not sending over specific suggestions in this whole field. I know they are working on it. But the draft right now is in terrible shape. If the Court says that a man can be let off his duty because he objects to this particular war, not war in general, as he has to today, I can see the two biggest States, New York and California, completely failing in their draft calls; and this, in effect, would put an end to the draft, whether it is July 1 of next year or December 31 of this year.

Mr. HATFIELD. Mr. President, will the Senator yield at this point for a question?

Mr. GOLDWATER. I yield.

Mr. HATFIELD. The Senator has brought up a very vital point which seems to be bothering a number of our colleagues, and that is the question as to whether or not enactment of this amendment at this time would preclude or shut off the possibility of holding hearings on the question of selective service versus voluntary service. Would not the Senator agree that this has nothing to do with the possibility of the Armed Services Committee going ahead and holding hearings on this very important subject, which ultimately must be held before we can take action June 30, 1971?

Mr. GOLDWATER. I agree completely with the Senator from Oregon. In fact, the distinguished Senator from Mississippi has stated at least three times that the hearings will be held. Knowing him as I do, I know that when he says something, it gets done. The hearings might even be held later this fall, if we can get through with this bill.

Mr. HATFIELD. The amendment would not stop any such program.

Mr. GOLDWATER. This amendment would not stop hearings. This amendment has no bearing on the draft. Both of us agree that this is good merchandising. If we are going to try to keep in the armed services people whose time is coming up next spring, we had better tell them now, "This is what we are going to offer you young people. If you will stay in, we will make it this much more interesting for you. We will make your life a better one in the services." But if we wait until next July 1, no matter what we do, if we vote the draft up or down, there will be no more reason for a man to stay in the services than there is today.

It is true that by that time we would expect to have had full hearings, and possibly, if this amendment is not agreed to, to have proposed legislation before this body. I think it is more advantageous to have it now, so that the people in the military can be making up their minds as to whether or not they will stay in.

The draft today is so bad and the situation involved in the draft system is so bad that I will not be surprised if by the first of the year we will have to have emergency legislation either to do something such as we are suggesting or something else to replace the present draft system. It is not functioning.

We find that Joe Namath can get out of serving because he has a trick knee. I am not finding fault with Mr. Namath. He does have bad knees. But many other people have bad knees and other things wrong with them. It is not difficult today to duck the draft. In fact, the Director of Selective Service, Mr. Tarr, says that 70 percent of those called beat the draft on physical, mental, or other grounds, while in rural areas the rate is less than 30 percent.

So the draft has not been fair; it is not fair today. If we had no other argument—if we forgot the argument on the rights of the individual, on the freedom of the individual, on the benefits to the individual—the very fact that we find it possible to get around the draft, where it is unfair to young men whose fathers do not have positions that enable them to exert influence upon draft boards, I think it is very unfair.

So I hope that this amendment is agreed to in the Senate and in the other body and becomes law, so that by late spring we will know whether we have to continue with the draft or will be able to recall it.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. GOLDWATER. I yield.

Mr. HATFIELD. On the point of unfairness of the present draft system, which the Senator appropriately emphasizes this morning, how would the Senator from Arizona respond to the argument that the all-volunteer service would end up being a poor man's Army or a black man's Army, fighting for the rich people of the country or for those who are not in the military?

Mr. GOLDWATER. I imagine that argument has been used clear back to the days of Genghis Khan. The truth of the matter is that this has never been borne out. In looking at the historic armies of the world, we find that being a soldier was a gentleman's game. The common man could not be a soldier. He could get

in to shine the armor, sharpen the spears and swords, and so forth. But our armies, before they were conscripted armies, were always staffed by people, I would say, of above the average level.

I have heard the argument used that we would wind up with nothing but poor children and nothing but blacks. I do not buy this at all. The first service I had was with a black regiment, and I am very proud of that fact. They were all volunteers, and of the very highest type. Out of the group I served with came the first Negro general, and his son became the highest ranking Negro general in the services. They were very high type people.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield 2 more minutes.

Would not the Senator agree that the Nation as a whole has a commitment to all our citizens to provide equality of education and job opportunity; that there need not be the feeling that only the military can give a poor man or a black man a chance to get ahead; that if he feels that that is the only place he has now to get ahead, let us give praise to the military program rather than criticism, and point the criticism for that situation, if it exists in that young person's life, to the economic and political institutions of this country which have denied him those opportunities, rather than to blame the military upon providing him with the same opportunity?

Mr. GOLDWATER. I could not agree more with the Senator.

We hear a great deal of debate in this Chamber about taking care of the underprivileged. I am not opposed to that. But in our amendment we are talking about people who are more underprivileged than the underprivileged, who make half of what we say the poverty level is for a family of four. We find an unknown number—perhaps a million or more—on relief, because the enlisted man and the young officer just cannot hack it on the present pay levels or the present level of benefits.

So I would like some of my colleagues who bleed so copiously for the underprivileged to participate in or listen to this debate so that they might say, "We want to take care of the man who is taking care of us."

Mr. HATFIELD. I would add to the Senator's accurate statements that we have today over 20,000 military personnel on welfare.

Mr. GOLDWATER. That is correct.

Mr. HATFIELD. In uniform they receive the miserly pay that the military now provides, and because of that they are now receiving welfare.

Mr. GOLDWATER. Mr. President, I ask unanimous consent to have printed in the RECORD the article entitled "The Dreadful System," written by Stewart Alsop.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE DREADFUL SYSTEM

(By Stewart Alsop)

WASHINGTON.—This country's whole system of military recruitment—not just the draft, but the whole system—is in a dreadful mess. The mess is so dreadful that the system could simply collapse within the fairly near future.

One symptom of the mess is the dashing of one of President Nixon's fondest hopes—to announce, preferably before November, that no more draftees will be sent to fight in Vietnam after the present phase of Vietnamization is completed next spring.

This has seemed a very reasonable hope. By next May, there will be only about 220,000 Army men left in Vietnam, and of these only about 30,000 will be in the maneuver battalions which supply the guts of the Army's combat power. To sustain these ground-combat troops will require replacements on the order of only 1,800 to 2,200 a month.

The Army can fill the noncombat jobs in Vietnam with non-draftees. But the Pentagon's defense experts have concluded that there is simply no way to get the necessary fighting men without the draft, since only about 800 men a month volunteer for what the Army calls "combat skills." So the other 1,000-plus infantry replacements will have to be conscripts.

The situation recalls Ben Franklin's famous syllogism: "For want of a nail the shoe was lost; for want of a shoe the horse was lost; for want of a horse, the rider was lost." For want of a thousand or so volunteers, in a nation of 200 million-plus, the hated draft must continue, and men must be conscripted and sent to a hated war against their will, at enormous cost in domestic dissension and the alienation of the young. For want of a nail, the rider was lost.

FACTS

Consider what these facts say about the state of the U.S. Army, the state of the draft, and the state of the nation. There has never been an army in history with such a top-heavy proportion of staff, logistics, supply men, and other bureaucrats-in-uniform and so low a proportion of fighting men. Moreover, the fighting men, instead of being right at the top of the pecking order, where they ought to be in any army, are right at the bottom. The "grunts"—the infantrymen who carry the brunt of all fighting—are the armed services' equivalent of George Orwell's proles.

In any other army, great efforts are made to build the self-respect of the combat units—handsome "walking-out" uniforms are provided to bedazzle the ladies, fighting men in elite units are encouraged to consider themselves the best soldiers on earth. The bureaucrats-in-uniform who run the U.S. Army go out of their way to underline the prole-like status of the unfortunate grunts, making life as boring as possible for them, and reducing them to the faceless status of numbers spewed out by an IBM machine.

GRUNTS

In such circumstances, who wants to be a grunt? The answer, of course, is that almost nobody wants to be a grunt. This is not just because being a grunt is dangerous—being a helicopter pilot is the most dangerous job in Vietnam, yet there are more volunteers for helicopter training than there are places to fill. It is because this country's whole dreadful system of military recruitment is carefully designed to ensure that the fighting men—the grunts—remain at the bottom of the pecking order.

The draft is the principal instrument to this end. The Navy and Air Force recruit young men by saying to them, in effect: "Volunteer for us—if you don't, you may end up as a grunt." The Army frantically counters by saying, in effect: "No, no, you don't have to be a grunt—enlist first, and we'll give you a nice, safe job."

It is hard to imagine a more morale-destroying system of recruitment. It largely accounts for the extravagant noncombat-combat ratio in the services, for it puts a premium on finding the maximum number of noncombat jobs for enlistees. Moreover, it ensures that any ground-combat capability is wholly dependent on continuation of the draft—which supplies the grunts—and it thus ensures that the draft must continue.

But will the draft continue? The question is a serious one, which has been seriously asked by Curtis Tarr, the able new director of Selective Service. Soon, probably before Christmas, the Supreme Court is to rule on the question: should a man be granted conscientious-objector status if he can prove that he objects not to war in general but to this particular war? If the Court rules in the affirmative, Tarr says, he does not see how the present draft system can be made to function at all.

Already, it is functioning very badly. The draft-resistance movement is growing, and the rate of illegal induction refusals and simple no-shows is steadily increasing. There are plenty of legal ways to beat the draft, of course. The Supreme Court recently provided a big loophole when it ruled that a man may be excused from service on essentially philosophical grounds. As Tarr points out, a boy may spend his senior year writing a thesis proving his philosophical objections to war, and how is a board of local citizens to dispute him?

There are many other ways for the sophisticated to duck the draft. After all, Joe Namath beat the draft with a trick knee, so why not Junior? In some affluent areas, according to Tarr, 70 per cent of those called beat the draft on physical, mental or other grounds, while in rural areas the rate is less than 30 per cent.

PRESTIGE

Thus has the "democratic" draft system become a deeply corrupting class system. As for the state of the nation, it is only necessary to point out that the prestige of the uniform has never been lower, and that a great many young men will do just about anything to avoid becoming fighting soldiers in the service of their country.

In this situation, it seems certain that our dreadful system of military recruitment will be changed simply because it has to be changed. A race may even develop between the President and Congress to end the draft, whatever the manpower experts say—the President has repeatedly promised to do so, and in Congress a move to let the draft authorization expire next June has the support of such diverse figures as Senators Goldwater and McGovern.

There should be no mistake about what ending the draft will mean. It will mean that the U.S. Army will become, in a time of danger, a mere bureaucratic shell, an almost gruntless army, hardly capable of fighting its way into a nunnery. This is an awful risk, but perhaps the risk ought to be taken, so that the whole dreadful system can be ended, and a fresh start made.

Mr. BYRD of West Virginia. Mr. President, will the Senator from Mississippi yield me 2 minutes?

Mr. STENNIS. I yield 2 minutes to the Senator from West Virginia.

ORDER FOR RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in recess until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to

authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am about to propound a unanimous consent request which has been discussed with the principles involved.

I ask unanimous consent that amendment No. 784, of the Senator from Wisconsin (Mr. NELSON), be laid before the Senate tonight and made the pending business for tomorrow; that immediately after the disposition of the reading of the Journal on tomorrow, there being no call of the calendar, time on the amendment be limited to 3 hours, to be equally divided between the author of the amendment and the manager of the bill; and that any amendment thereto, if there be any, be limited to 30 minutes, with the time to be equally divided between the author of the amendment and the Senator from Wisconsin (Mr. NELSON), if he is opposed to the amendment; and if he is not so opposed, then the time in opposition to be under the control of the manager of the bill.

Mr. President, I also ask unanimous consent that immediately following the vote on amendment No. 784 of the Senator from Wisconsin (Mr. NELSON), amendment No. 853, of the Senator from Wisconsin (Mr. PROXMIRE), be laid before the Senate and made the pending order of business on tomorrow. An agreement has already been reached with respect to time and the control thereof on the amendment of Senator PROXMIRE, which deals with the C–5A.

Mr. GRIFFIN. Did the Senator say an agreement has been reached, but that no formal agreement has been entered?

Mr. BYRD of West Virginia. Yes; an agreement as to time was reached yesterday, with 3 hours allowed on the amendment, the time to be equally divided, and any amendment thereto would be allotted 30 minutes, with the time to be equally divided.

Mr. GRIFFIN. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia. It now becomes a matter of sandwiching in the amendment.

So, presumably, under this arrangement, Mr. President, amendment No. 853 by the Senator from Wisconsin (Mr. PROXMIRE) dealing with the C–5A would probably be laid before the Senate circa 12:30 p.m. tomorrow.

Mr. President, I also ask unanimous consent that immediately following the vote on amendment No. 853, of the Senator from Wisconsin (Mr. PROXMIRE), amendment No. 609, to be offered by the Senator from South Dakota (Mr. MCGOVERN), the so-called end the war amendment, be then laid before the Senate and made the pending business.

Mr. HATFIELD. Has this matter been discussed with the Senator from South Dakota?

Mr. BYRD of West Virginia. Yes.

Mr. HATFIELD. Is this done with his agreement?

Mr. BYRD of West Virginia. Yes. I have discussed it with him by telephone within the past 15 minutes.

Mr. HATFIELD. That this amendment would be laid before the Senate beginning tomorrow?

Mr. BYRD of West Virginia. Yes; immediately following the vote on Mr. PROXMIRE's amendment, No. 853.

Mr. HATFIELD. Has there been any discussion of a time?

Mr. BYRD of West Virginia. There has been no agreement as to time; only an agreement among the principals—the manager of the bill and the author of the amendment, the Senator from South Dakota—with respect to the sequence in which the various amendments would be laid before the Senate; but no agreement as to time on that particular amendment, No. 609.

Mr. HATFIELD. I thank the Senator from West Virginia.

Mr. BYRD of West Virginia. The Senator from Oregon (Mr. HATFIELD) is the coauthor of the amendment. I state for the record.

Mr. President, has this unanimous-consent request been agreed to?

The ACTING PRESIDENT pro tempore. Is there objection to the request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank the Senator from Mississippi for yielding to me.

The unanimous-consent agreement, subsequently reduced to writing, is as follows:

Ordered, That following the approval of the Journal on Wednesday, August 26, 1970 the time on the Nelson amendment (No. 784) to H.R. 17123, the military procurement authorization act, be limited to 3 hours, to be equally divided and controlled by the sponsor of the amendment and the Senator from Mississippi (Mr. Stennis), and that the time on any amendment thereto be limited to 30 minutes, to be equally divided and controlled by the sponsor and the Senator from Wisconsin (Mr. Nelson).

Provided, That in the event that Senator Nelson is in favor of the amendment the time in opposition is to be controlled by the Majority Leader or his designee.

Provided further, That following the disposition of amendment No. 784, the Senate proceed to consider the Proxmire C–5A amendment (No. 853) with the time to be limited to 3 hours, to be equally divided and controlled by the sponsor and the Senator from Mississippi (Mr. Stennis) and that the time on any amendment thereto be limited to 30 minutes, to be equally divided and controlled by the sponsor and the Senator from Wisconsin (Mr. Proxmire).

Provided, That in the event that Senator Proxmire is in favor of the amendment, the time in opposition is to be controlled by the Majority Leader or his designee.

Provided further, That following the disposition of amendment No. 853, the McGovern-Hatfield amendment to end the war be laid before the Senate and made the pending business.

Mr. STENNIS. Mr. President, what is the pending question now before the Senate?

The ACTING PRESIDENT pro tempore. Amendment No. 844.

Mr. STENNIS. How much time do I have remaining under the time agreement?

The ACTING PRESIDENT pro tempore. 172 minutes.

Mr. STENNIS. I thank the Chair.

Mr. President, I yield myself 20 minutes.

The ACTING PRESIDENT pro tempore. The Senator from Mississippi is recognized for 20 minutes.

Mr. STENNIS. Mr. President, we have an unusual situation in the Senate this morning. I am not trying to assess blame. No one is to blame. We have a situation here where time has been allotted with reference to one of the most far-reaching questions that has or will come before the Senate this year.

Permission has been granted for Senate committees to meet today, of course this takes many Senators to those meetings. They therefore cannot be in the Chamber at the same time. It seems fruitless for those of us most vitally interested, concerned, and active on this question, merely to stand here and talk to ourselves, or to each other, back and forth. A vote will come before the time for the CONGRESSIONAL RECORD to be printed, so that there is no value in speaking matters into the RECORD which will not be read until tomorrow by Senators or their staff members.

So, that is the situation. I say that for no other reason than that Senators who have come to the Chamber to listen to this debate will at least understand why so many chairs are vacant, and that it is not the fault of Senators who cannot be here. They are on duty somewhere else in the Capitol in connection with the business of the Senate.

Mr. President, I do not know yet what amendments, if any, to the amendment will be offered. I would inform the Senate if I knew. Various amendments are being discussed. I have already discussed the main points of the bill rather fully. I think we are just going up the hill and down again, as I say, talking to each other.

Let me review, for the purposes of reiteration, so that perhaps I can refer to it again today for the benefit of other Senators, when they come into the Chamber. It is well known, of course, that we have had a busy year in the Armed Services Committee on the military procurement bill. It has had growing importance and is becoming a kind of hang-on or catch-all bill to have anything related to the military.

We have had a very busy year, and all Members have participated splendidly in our deliberations in the Senate Armed Services Committee. We had long hearings and were 2 or 3 weeks in writing up the bill. No one proposed that the volunteer army be put in the military procurement bill.

The committee is certainly not a fault in not passing on the matter. It was not brought up. No one suggested putting it in the bill or having it as a proposal or part of the hearings. The President of the United States was not asking for it. No one was asking for anything to be done.

There was some talk about a volunteer army. But now we come in with this

far-reaching matter in the Senate and seek to put it on a procurement bill that involves tanks, planes, and guns—a bill that does not deal primarily with personnel at all. We propose to do it without any hearings and without any suggestions and without the position of the President of the United States and without any budget estimate. We propose to do it without anything that is ordinarily considered as a sound foundation for the passage of important legislation.

I have said in a way that this proposal is like a picked chicken in the rain. I can change that now to say that it is like a picked chicken in a hail storm with no place to go. It cannot get any protection from the White House. They are against it. It cannot get any protection from the Pentagon. They are against it. It cannot get any protection from the committee. The subject has never been brought up.

I have some good friends on the floor, and I am inclined to be on their side on almost anything. But in the ordinary terms of legislation, this is an illegitimate child just wandering around the Chamber. No one in the ordinary channels of legislation on this matter is willing to admit the fatherhood, much less the motherhood.

President Nixon gave the idea great respectability by recommending it 2 years ago in keeping with his orderly mind and his response to duty and making recommendations. I am not here this morning particularly to defend the President of the United States. I do not think he needs any defense. However, he ought to be supported by my friends on the minority side. He is the man who recommended the plan at one time. But he never recommended anything like this amendment on this authorization of appropriations bill.

Unmistakably he let his position be known. Even though the matter has respectable sponsors on the Senate floor, it is not wearing the clothes ordinarily approved by the legislative body.

Nevertheless, I have had in mind all the time—and I repeat now—that just as soon as we can see the light of day, I very definitely plan to hold, and we shall hold, hearings in our committee. As a practical matter they will be dual hearings. They will be on the concept of the volunteer Army and also the matter of continuing the Selective Service Act beyond its regular expiration date of June 30, 1971.

We are going to hold hearings where all ideas will have a chance to be heard. I do not promise that all the noisemakers, paraders, and objecters will have a chance to be heard. But everyone from the President of the United States down will have a chance to present his ideas on these two propositions. And from that table we propose to bring to the floor some time as early as we can—this will be in 1971—a sound, firm recommendation representing the majority vote of that committee and with a report thereon giving the reasons, with also minority views if desired, and with authenticated testimony in presentable form to back up the majority and minority. Then, subject to the leadership will, that would come to the floor of the Senate.

In preparation for those things, a great deal of work has already been done.

I wanted to start hearings on the Selective Service proposition this calendar year. However, we had no Director. When we did get a Director, he was an excellent one. But as I related the other day, time was running. We were not able to get to those hearings. In the future I have in mind starting these hearings to which I have been referring sometime in this calendar year if possible so as to get some of the preliminaries behind us.

I believe that it is so important that perhaps it ought to be a full committee hearing. I hope that we will have good attendance. I know that we will if the Senators can work out their time problems.

I do not deserve any credit for wanting those things. This is a vital matter. I have never been carried away with the idea that we had to do something because someone wanted it done or otherwise the goblins or the Communists would get us.

I have not closed my mind to the fact that we are the single most powerful Nation in the entire free world that is capable of coping with some of the problems in the free world. To that extent, I suppose that one could say I am an internationalist. But I am not an all-out internationalist.

I do not claim any credit for it, but I was opposed from the beginning—and said so many times—to putting our military men in South Vietnam.

I was opposed to going in, and I am opposed to being run out now. If that doctrine prevails, we will have to have someone stand up and back our flag.

I think we had better remember now as we approach this thing that this war is not over. We have 406,000 men in South Vietnam or Indochina now. They are American men in American military uniform. That does not sound like the war is over.

I am going to quote figures today to show where the battle losses occur and what percentage of the load the riflemen carry.

As long as this war is going on, I think our honor is at stake. We are not going to get men for $160 a month in extra pay to volunteer to become riflemen and to go into those jungles. I do not think that we will. That is no reflection on anybody.

This is one of the loads of citizenship that we have to carry. It is one of the loads of a free nation in the free world that we have to carry. We have to do this, and I am not in favor of our being chased out or run out.

Those are matters we are going to have to look in the face in these hearings. I know it would be nice to say, "Let us end the draft; let us end the war; let us live in more ideal rosy circumstances." It would be nice if we could say that, but I do not think we can afford to. I think any nation that has tried it in the past has paid for it with the greatest of consequences.

Now, getting down to this proposition here about who is backing this amendment. There is another place that my chicken cannot take refuge. It cannot get any comfort out of the Budget Bureau. The Budget Bureau does not have one single figure to back up this amendment. There is a matter that is small that I shall mention in a moment that goes into the picture of personnel pay. But this amendment is naked as a jaybird, as far as any budget estimate is concerned.

The lowest estimate for this amendment by responsible people that I know of is $4.3 billion. I have a breakdown of that figure. This is the Department of Defense estimate. I have a breakdown I will be glad to show anyone. That is the figure.

Our resourceful friend from Oregon said, "We are going to save money." That is not what the budget planners and the President think when they are trying to plan the 1972 budget. I know they are having an awfully hard time; and they have not found the place to put this $4.3 billion. We have had this bill before us. The committee has reduced it $1.3 billion. I think that was our duty, and I stand behind every dime of it.

We are going to have an amendment tomorrow sometime to reduce it further by billions of dollars, but at least that amendment will be based upon data.

Now, an amendment is offered and it is stated, "Let us put it up to $4.3 billion." That is a 22-percent increase in the bill, and they do not have even one figure from the Bureau of the Budget to back it up, no recommendation, not even an estimate, nothing.

They say, "Put it on anyway. Pay for it out of the deficit." I read where the President is expecting a greater deficit than he thought; so we are to pay for it out of the deficit. We know the trouble about planning the budget is reduced income. Individuals and corporations do not pay taxes on income they do not have. The same is true of wages and salaries that one does not make; taxes are not paid on that. That is another reason. The President said that. He gave that as one of his reasons.

This is no ordinary letter sent in the last few days; and this is not an ordinary statement he made in April of 1970 about this volunteer Army matter; and it is not just chatter that the Secretary of Defense sent over here in his letter about this amendment. I put those documents in the RECORD and we shall return to that.

Except as an ideal and a goal to be thinking about and talking about, and planning for sometime in the future after this shooting stops I see no rhyme or reason to take up this matter now, but we should carry it over for consideration in the orderly way. Just as certain as night follows day, unless some prayed-for-miracle happens to end the war between now and June 30, 1971, we are going to have to renew the Selective Service Act. I believe when the time comes to vote on it almost all Senators would vote to renew it.

Let us not argue that this amendment has nothing to do with the enactment of Selective Service legislation. To agree

to this amendment would mean the abandonment of the Selective Service System and, instead, to substitute another system. On a far-reaching matter like that, men do not march up the hill one month and a few weeks later march down the hill, back and forth. We do not have a President who could ever lead this Nation under an uncertain situation such as that would bring about.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. STENNIS. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. STENNIS. Mr. President, I have the amendment before me. Section 603 on page 3 reads:

SEC. 603. If at any time after the termination of induction of persons into the Armed Forces under the Military Selective Service Act of 1967 the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system and that conscription is necessary for the national security, he shall promptly notify the Congress of such determination, and of the facts upon which such determination is based, and submit to the Congress such recommendations for legislation as he deems necessary and desirable to provide for the involuntary induction of persons into the Armed Forces.

My point is, with all deference, these are just words. The President has already sent us the message on this very subject. It is contained in his letter of August 21; and that is: Do not pass this amendment now; it has to be considered along with all these other subjects, and one of those matters is the extension of the Selective Service Act.

So we are getting the cart before the horse. It seems to me, in the face of what the President has said, we would look ridiculous to pass a bill calling on the President to tell us how he feels about something a few months later.

Mr. President, I will move on now. I want to move to another matter. We might just as well get down to something that is not very pleasant to talk about, but it is really where the problem lies.

PROBLEM OF ARMY COMBAT PERSONNEL

Another fact I wish to repeat for the record relates to the concept of attempting to attract men to the fighting elements of the Army without the use of the draft and on the basis of increased pay. Mr. President, in fiscal year 1970—we are in fiscal year 1971, now—16 percent of all Army personnel in Vietnam—about 48,000 men—were riflemen. These are the men who carry the guns in their hands, whose lives are constantly at stake, and who take the brunt of every attack. This group, even though constituting only 16 percent of the total Army, took 54 percent of all the casualties. If we include all of the infantry skills including those who handle the mortars and who help out with the tanks, this group constitutes 22 percent of all those in Vietnam in fiscal year 1970 and this entire group took 67 percent of all the casualties.

In other words, they are just a fraction over 20 percent of the group, but they took a fraction over two-thirds of all the casualties.

Under this amendment, assuming these riflemen I have referred to are in pay grade E–2—that is the rank of a corporal—the increase would go from $138 to $298 per month in basic pay, or an increase of $160, amounting to an increase of 116 percent.

The question that each Member of the Senate must ask himself on this bill is whether an increase of $160 a month would cause a young man to volunteer for the army, to go to Vietnam as a rifleman, with all the risks and duties it entails.

Mr. President, I think there are other statistics right along this line, but these are illustrative figures on the point. I do not think there is any doubt about what the answer is. This increase in pay, while the shooting war still is going on, is not going to draw the necessary men to fill those posts. It is not a matter of arithmetic; it is just a matter of commonsense.

That is why I say we should not enact something that would create confusion, uncertainty, and an impossible situation for the Government. It is inexcusable that we do that when every authoritative source that is available is asking us not to.

Mr. President, I yield the floor.

Mr. HATFIELD. Mr. President, I yield myself 10 minutes.

I appreciate very much this discussion, even though there are not a goodly number of our colleagues present.

I never cease to be utterly impressed by the courtesies and the manner of the chairman of our Armed Services Committee, but this morning I will have to respectfully disagree when he indicates that, somehow, there is an illegitimate chicken running around here in the form of an amendment. It is neither illegitimate nor it is a chicken. I am sorry that we have not been able to see the parentage and the great heritage of what we have here, which is really the American eagle. I say it is the American eagle because the concept that is incorporated in the amendment is as American as over 170 years of our history. This is not new. It is not something that came out of an egg somewhere in a barnyard.

This is a concept that was very carefully considered by our Founding Fathers, and for over 170 years of our history the concept of voluntarism in the military services of our Nation has been the policy. So the parentage, if one wants to identify the parentage of this amendment, is not only the history of this Nation as great evidence of its lineage, and a very distinguished and fine heritage, but it also has the support of 25 Senators and it has a Presidential commission, the Gates Commission, also as parentage. It is not just some idea that has been popped here to surprise Senators, but, it is, rather, one long involved with our history.

With all due regard to the Senator from Mississippi, I know he is a very busy man. I know of no man in the Senate who carries more responsibilities on major committees and, day by day and hour by hour, performs those duties in such an able manner. Therefore, I can appreciate the tremendous demands upon his time. But I would also remind the Senate that the proposal for a volunteer service was introduced by me in 1967. It went to the Senate Armed Services Committee at that time. Another bill was introduced, with the same concept, early in the 1969 session.

I would like to quote from the March 12, 1970, CONGRESSIONAL RECORD with respect to the idea of holding hearings in the Armed Services Committee, and I quote the chairman of the committee, who said at that time:

Mr. President, I should like to announce that the Senate Committee on Armed Services will begin hearings very soon after we reconvene following the Easter recess on the Selective Service System.

* * * * *

I would emphasize, Mr. President, that the committee will not complete action on the procurement authorization legislation prior to the Selective Service hearings.

I would note that it would be necessary to resume committee action on the procurement authorization legislation following the Selective Service hearings and to some extent, hearings on each will continue for a time.

Then, further, I wish to quote from the March 13, 1970, CONGRESSIONAL RECORD. At that time the distinguished Senator from Massachusetts (Mr. KENNEDY) said:

Senator STENNIS, agreeing with me that these issues merit full consideration, has assured me that Dr. Handler and Professor Tukey will be invited to make their presentation when the Senate Armed Services Committee begins its hearings on draft legislation early in April. Since this committee will be considering a number of pieces of draft legislation at this time, he and I felt that this would provide the most appropriate way of studying the lottery in its fuller context.

I only mention this as a part of the record to show that we have had the proposal for an all-volunteer service before this very committee now for some 3 years. We have had indications of hearings, which have not been held. I know there is good reason for it, but I only want to indicate this as a part of the overall record.

Now I want to respond to comments made about those men in Vietnam today, especially the infantry riflemen. The Senator from Mississippi very appropriately states the fact that 16 percent of the men in Vietnam are riflemen. I would like to add another statistic. Eighty-eight percent of those riflemen in Vietnam today are draftees. I repeat, 88 percent of them are draftees, and they are today fighting in Vietnam on substandard pay.

Therefore, whether we agree with the draft system or a voluntary system, the very fact that the Armed Services Committee chairman brings to our attention the fact that 16 percent of those men in Vietnam are riflemen—and I am sure he agrees with the statistic given me by the Pentagon that 88 percent are draftees—argues for the fact that they should at least receive adequate pay, that they should receive comparable pay.

When the President assures us that we will have all our combat men out of Vietnam a year from now, this gives us the assurance that the 88 percent of the infantry riflemen who are draftees will be out of Vietnam, or at least a goodly number of them. We are not going to change the draft law until at least June 1971, so we are not doing anything that is going

to have any kind of impact on the Vietnam war problem at this time by merely enacting a comparable pay program.

I would say the argument used this morning by the chairman of the Armed Services Committee is an argument in behalf of the amendment; that if we are sending this number of draftees to Vietnam to be riflemen, at least we ought to give them comparable pay.

I should like to respond, too, Mr. President, that we have here a letter from the White House that the Senator has presented to the Senate, addressed to Senator STENNIS under date of August 21, and in this letter there are stated four reasons as to why the White House has been quoted as not supporting this amendment at this time. First:

> There can be no certainty that the proposed changes in pay and incentives will attract sufficient volunteers to permit cancellation of the draft on June 30, 1971, as implied in Amendment 765.

The amendment referred to is really the earlier number of the amendment we now have before us, so it is the same amendment.

Mr. President, what we are doing is providing a time schedule. We are providing a time period which will not obligate this Congress or the next Congress to cancel the draft, but merely provide Congress with adequate information; and I believe it is therefore necessary to enable Congress to make a decision as to whether to extend the draft. We would provide a period during which we can test a pay incentive and pay increase program, as to whether or not they will attract volunteers.

As its second point, the letter says:

> It would enact into law a large number of personnel policy changes without knowledge of either their effectiveness or comparative costs with quite possibly more efficient alternative proposals.

Mr. President, this does not really face up to the facts, because this point, I think, definitely tends to mislead the casual reader.

First of all, let me say, a number of the proposals in our amendment are already in action in the Defense Department, and what we are doing is urging them on and providing the funds so they can move into a greater degree of experience in these programs. This amendment makes recommendations to the Secretary of Defense; it does not legislate specific programs which must be implemented. It does on the pay scale, but beyond the pay scale it merely sets guidelines.

As its third reason, the letter says:

> It would add several billions of unplanned increased costs to the fiscal year 1971 budget.

Again, I think we have provided the Senate, certainly, with much information to the effect that it would save us money rather than cost us money. It would save us money through the more efficient system; the figure that is quoted is $2.3 billion, not $4 billion, and we know that the draft today is costing us nearly $4 billion. So, by supplanting the draft, winding it down in the sense of eventually supplanting it with volunteers, we would be balancing the lesser cost against the greater.

As its fourth point, the White House letter says:

> And, provide no opportunity for the Armed Services Committees to hear the views of the Department of Defense or other interested witnesses.

Mr. President, hearings will be held. I believe the Senator from Mississippi when he says hearings will be held on the Selective Service System, and hearings are apparently going to be held on this subject.

Passing this amendment would not preclude that at all. The amendment provides for pay increases, making basic pay comparable with the income the enlistee would earn in civilian life, and that is all it does in that sense. So consequently, this would not hamper the Armed Services Committee from going ahead and holding hearings on the question of selective service extension or a volunteer system. But it would give to the Armed Services Committee material and experience that they do not now have, the Defense Department does not have, and no one else has. So that is why the proponents of the amendment feel that it is an orderly transition and a legitimate action that is requested this morning on the part of the sponsors; and I am sure that, as we look carefully into these matters, we will find that the effect on Vietnam would not be obvious, and would not even be subtle. It would only provide for more adequate pay for those who are risking their lives in actual war, and the budgetary cost would not increase.

Therefore, we feel that it is a responsible action that we are requesting at this time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER (Mr. BAYH). The time of the Senator from Oregon has expired.

Who yields time?

Mr. MANSFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time for the quorum call be taken equally from both sides.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR CHURCH TOMORROW VACATED

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the special order entered yesterday, under which the able Senator from Idaho (Mr. CHURCH) was to have been recognized tomorrow morning, be vacated.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be equally divided between both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HARRIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

PRIVILEGE OF THE FLOOR

Mr. HARRIS. Mr. President, I ask unanimous consent that, during the consideration of the pending amendment, Mr. Frank Levy, a member of my staff, may be permitted the privilege of the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HARRIS. Mr. President, I suggest the absence of a quorum.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time consumed for the quorum be equally charged to both sides.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. HATFIELD. Mr. President, I yield 15 minutes to the distinguished Senator from Ohio (Mr. YOUNG).

The PRESIDING OFFICER. The Senator from Ohio is recognized for 15 minutes.

Mr. YOUNG of Ohio. Mr. President, it will give me great pleasure, later today, to vote in favor of the pending amendment.

Conscription, except in time of grave national emergency, or in a period where Congress has declared war, is an abomination. It is an atrocity that should not be tolerated in a country such as ours.

In recent years we have witnessed the un-American spectacle of the youngsters of our country being conscripted and then, after 4 months of basic training, being sent to Vietnam to fight that undeclared, immoral, and unpopular war—the most unpopular war in which our Nation has ever engaged.

Those boys are being sent to Vietnam at the same time we have in West Germany 300,000 career men of our Armed Forces—the best trained soldiers in the world—enjoying the good life in the West German Republic. All officers, from the

rank of captain up, never had it so good, with the soldiers, for the most part, living like squaw men with their wives and children. The field grade officers and the general officers enjoy the good life in Europe, skiing in the summertime in Norway and in Switzerland, spending their summers with their wives at the various European resorts, in Spain, and Italy, and sometimes wintering there, at the same time that young American boys are being drafted and sent to Vietnam, when Canada and the United Kingdom have no draft whatsoever.

Peacetime conscription in the United States has, in fact, been a shameful, national albatross. It has disenfranchised and embittered our youth. More than any single institution, it has eclipsed the enthusiasm of the freely given time and talent which built this country in the first place.

Mr. President, the poet, Siegfried Sassoon, in his poem, "On Passing the New Menin Gate," wrote:

Who will remember, passing through this Gate,
The unheroic Dead who fed the guns?
Who shall absolve the foulness of their fate,—
Those doomed, conscripted, unvictorious ones?

These are powerful and appropriate words.

Mr. President, conscription of our youth in time of peace should never be tolerated in this country. During the War Between the States, after it had been raging from April of 1861 until about July 1863, the draft was first instituted. Daniel Webster's prophecy made back many years before came true. He stated:

If the administration has found that it cannot form an army without conscription, it will find, if it ventures on these experiments, that it cannot enforce conscription without an army.

In 1863, in the middle of the War Between the States riots occurred in New York City for 10 days in which 1,000 civilians were killed. They were rioting against being forced to engage in a war that had the support of the people of the North—with the people of all the States south of the Mason-Dixon Line just as enthusiastically supporting their rebellion against the forces of the North.

That should have taught this country a tremendous and severe lesson, but it seems to have been forgotten now.

Conscription was again introduced in World War I. Two hundred fifty thousand young men refused to appear for induction.

Today, no one knows how many young men have gone to Canada or to Europe to evade conscription or participation in this undeclared and unpopular war in Vietnam, which has now been expanded and escalated to include Cambodia, Laos, and Thailand. Young Americans are being killed in all those countries today.

In the entire history of this Republic, there have been only two unpopular wars, one was the war with Mexico which was a declared war. It was a war of aggression on the part of the United States against our neighboring Republic to the south. The other, Vietnam, is a war of aggression that we are now carrying on where the French had the good judgment to get out following Dien Bien Phu. It was not a victory for the Vietminh, the forces of the National Liberation Front at Dien Bien Phu. It was not the overrunning and capture of that post held by 12,000 members of the French Foreign Legion which brought the war to an end. It was that France was being bled white by its involvement in attempting to perpetuate and reestablish its lush colonial Indochinese empire. Finally, those in authority in France determined, as we now know, that they were engaged in an unwinnable war of aggression. Dien Bien Phu was surrendered on May 7, 1954. By September, the French Government had withdrawn the remaining 260,000 of its troops and ended its involvement there.

Now, Mr. President, we first sent to Vietnam 685 military advisers and no combat troops at the time President Eisenhower left the White House.

On the sad day that President John F. Kennedy was assassinated, there were 16,200 military advisers in Vietnam and no combat troops.

Very soon under President Johnson we had more than 500,000 military advisers and combat troops. Since that time, in the little country of Vietnam which is of no importance whatever to the defense of United States and far from our sphere of influence, young American draftees conscripted into our Armed Forces have given their priceless lives in fighting this war of aggression that we are carrying on where the French left off.

Mr. President, there is a general feeling throughout our country, and particularly among the young men that conscription, except in time of grave, national emergency when the Congress has declared war, is an intolerable thing.

I recognize that we need a strong Armed Force in our country. Mr. President, I have served as a private in our Army in time of war and also as an officer. I served for 37 months in World War II, most of that time being in North Africa and Italy.

I am proud of the fact that our Navy is made up of volunteers and, that our Air Force is made up of volunteers. Of course, our Army should be made up entirely of volunteers. We must have a volunteer Army. We must not tolerate the draft.

Conscription does not contribute one whit to the defense of our country. As I have said, it is an albatross around the neck of the military itself.

A very great British military authority, military historian, and critic for the Encyclopaedia Britannica, B. H. Liddell Hart, said:

There is only too much evidence that our temporary adoption of conscription in the last war had a permanent effect harmful to the development of freedom and democracy here. For my own part, I have come to my present conviction of the supreme importance of freedom through the pursuit of efficiency. I believe that freedom is the foundation of efficiency, both national and military. Thus it is a practical folly as well as a spiritual surrender to "go totalitarian" as a result of fighting for existence against the totalitarian States. Cut off the incentive to freely given service, and you dry up the life-source of a free community.

He was speaking of England. However, that applies to the United States as well. It is significant to note that England and Canada have no conscription whatever. There is a saying that experience keeps a dear school, but fools learn in no other. Experience does indeed keep a dear school, as we have learned.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the distinguished Senator from Ohio.

The PRESIDING OFFICER. The Senator from Ohio is recognized for an additional 5 minutes.

Mr. YOUNG of Ohio. Mr. President, we must not dry up the life source of the United States of America. We must not risk that. We must return to an all-volunteer Army in our country.

We have had bitter experience now in Southeast Asia. Without doubt our national posture will be strengthened and we Americans can hold our heads higher and our backs straighter when we do away with this abomination of conscription in this period of an undeclared war and go forward by passing this amendment and state that we are determined to have an all-volunteer Army in the United States the same as our Air Force and our Navy.

I hope later today there will be a strong affirmative vote and that this amendment will be agreed to.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. YOUNG of Ohio. Mr. President, I yield to the distinguished Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to thank the distinguished Senator from Ohio for his remarks this morning on behalf of the amendment.

I would like to have the RECORD show that the gentleman who has just spoken is certainly a man who holds a very distinguished record in war. He served in World War I and also served for 3 years in World War II. He was awarded the Bronze Star and four battle stars.

In Italy he received the commendation of Gen. Mark W. Clark and the Order of the Crown of Italy. Along with such members of the Armed Forces as former Supreme Allied Commander, Gen. Alfred Gruenther, and Gen. Lauris Norstad, who served on the Gates Commission, along with Gen. Thomas Lane, Admiral Tune and Gen. Leroy Anderson, many distinguished military people support the amendment and have stated their belief in this volunteer system. I thank the Senator from Ohio for his contribution this morning.

Mr. YOUNG of Ohio. Mr. President, I thank the great and distinguished senior Senator from Oregon for his very flattering reference to me. He also served in World War II compiling an outstanding record serving with the Navy in the Pacific theater where he participated in the Iwo Jima and Okinawa invasions.

Before being elected U.S. Senator he was Governor for two terms serving his people of Oregon with the greatest industry and dedication. I admire the distinguished Senator from Oregon very much indeed. I am very happy to be a follower and a private in the ranks with

him today. I wish him success in this endeavor.

Mr. HATFIELD. I thank the Senator from Ohio.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Mississippi has 137 minutes remaining.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, while I am in sympathy with some of the aims and objectives of the so-called volunteer army amendment, I am, nevertheless, deeply concerned with its basic assumption that in just a few short months we can safely throw out the draft and fill the ranks of our Armed Forces with volunteers.

Therefore, it is not possible for me to share the assurance that America can safely follow such a course at this point in time. This is especially so when one considers the fact that this country has well over one-quarter million men engaged in a war halfway around the world. Also, I question most seriously if anybody can tell us with any degree of exactitude just when conscription can be ended.

The effect of this proposed amendment would be to end the induction authority on July 1, 1971, while providing for continued registration after that date. It is presumed that enough volunteers would come forward during fiscal year 1971 to make it possible to maintain the total force of almost 3.0 million which is currently projected for that date. Of this force the Department of Defense has estimated that 642,000 new personnel will be needed, including 182,000 draftees. The Department has further noted that of the 460,000 volunteers in the total, about half of these will have been motivated to enlist by the draft. Also, of equal importance to this discussion is the subject of the Reserve forces which will need some 110,000 new personnel during fiscal year 1971, 80 percent of whom will join because of the draft.

Those who are sponsoring this amendment are confident that numbers of this magnitude can be attained next summer by offering higher pay and various incentives alone. This view, in light of present world conditions and unpredictable factors here at home, appears an oversimplification at best, and possibly a great deal worse.

Far sounder, in my judgment, is the perspective on this subject offered by the President in his message to the Congress on April 23 of this year, concerning the draft and the development of volunteer military forces.

The President's intention—and he has voiced it frequently—is to abolish the draft by phasing it out in a deliberate fashion rather than accept the obvious risks inherent in a sudden, abrupt cutoff. President Nixon's plan of working to bring draft calls down to zero as a first order of business makes sense, and will provide the experience we need to determine how well the volunteer plan is coming along. Frankly, I personally doubt very much if a sudden abolition of the draft would bring overwhelming numbers of young men flocking to our recruiting stations.

The President believes that eliminating the draft requires an effective and instantly available standby draft authority. This approach certainly appears to be the only safe and sane method by which to deal with this problem. Amendment No. 765, however, would provide a cumbersome and probably unworkable method of reinstituting the draft. The President would have to get new legislation approved by the Congress if he found our national security threatened by manpower shortages in the Armed Forces.

Mr. President, in my opinion this provision in the pending amendment is a grave flaw, and a possible invitation to disaster in extreme circumstances. At the very least we should have a standby draft system for use in the event of an emergency situation.

Further, we must realize the amendment being offered should be considered in the light of the President's own programs to reduce reliance on the draft, to reduce the size of the Armed Forces generally, and to continue the steady progress of bringing American troops home from overseas. Draft calls are being cut these days, not increased. Troop strengths are coming down substantially, not going up. Greater numbers of men are coming home from Vietnam, rather than greater numbers going out.

President Nixon is directing a careful transition in the manning of our Armed Forces, leading this country back to our historic principle of volunteer military service in times short of grave national crisis. His forceful and vigorous program affects all aspects of military life, both for the career soldier and for the volunteer who desires to exchange a period of service for valuable education and training. It includes not only plans for far more attractive pay levels, but a host of other incentives and improvements in the conditions of service designed to make military careers more attractive. All of these plans and actions, in my opinion, point to a sound and orderly process, putting first things first, doing what is possible now while always keeping in sight the ultimate goal.

But, I am of the opinion that the President's program needs and must have more time than the proposed amendment would provide—time to move toward our destination with more assurance that we can reach it. Attainment of that goal is also the motive of the authors of this amendment; it is merely the method on which we disagree.

Already the President has done more to reform the draft, to plan for its ultimate elimination, and to restore America to reliance upon volunteer military forces than any President since World War II.

I propose to vote against the amendment under consideration in favor of providing the fullest support to the efforts of the President to reach much the same goals by a safer and sounder route.

Again, Mr. President, I wish to call attention to the letter from the White House dated August 21, 1970, addressed to the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS). It is clear in this letter that the President feels it would be unsafe for this amendment to pass. He is our Commander in Chief. Although we are not bound by his recommendations, it seems to me the Senate should give great weight to the recommendations of the Commander in Chief of the Armed Forces on matters of this nature.

Again, I say the President is opposed to this amendment, the Department of Defense is opposed to this amendment, and it would seem that the logical step to follow would be to follow the course outlined by the President, who has in mind accomplishing a goal similar to those who offer the amendment, but to follow the regular process the President has recommended.

I hope the Senate will not agree to the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. HARRIS. Mr. President, I send to the desk an amendment and ask that it be stated.

The PRESIDING OFFICER. No amendment is in order except by unanimous consent.

Mr. HARRIS. Mr. President, I ask unanimous consent that the amendment may be considered at this time, and the time used on the amendment equally charged in the consideration of the Hatfield proposal.

The PRESIDING OFFICER. Is there objection?

Mr. HATFIELD. Mr. President. a point of inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, I believe the unanimous-consent agreement included 1 hour for each amendment to the amendment, to be equally divided. Is that correct?

The PRESIDING OFFICER. The Senator is correct.

Mr. HATFIELD. And the amendment of the Senator would have a 1-hour limitation to be equally controlled by the Senator himself and by me, as the author of the amendment. Is that correct?

The PRESIDING OFFICER. The Senator is partially correct. Under the unanimous-consent agreement the amendment would not be in order until the expiration of the time allowed on the Hatfield amendment.

Is there objection?

Mr. HATFIELD. Mr. President, reserving the right to object, I do not believe that was the unanimous-consent agreement. I would like to have the Chair check that unanimous-consent agreement because I do not believe it was required that any amendment to the amendment be offered at the end of the time agreed to in the agreement; namely, the 3 hours on each side. I believe it was agreed that an amendment to the amendment could be offered at any time but that hour would be charged independently of time on the amendment.

The PRESIDING OFFICER. The Chair understands the inquiry of the Senator from Oregon. The Presiding Officer will take a minute or 2 to collect his thoughts.

Mr. HARRIS. Mr. President——

The PRESIDING OFFICER. The

Chair has before it a unanimous consent request by the Senator from Oklahoma that has not yet been agreed to. In his request he asks that the amendment of the Senator from Oklahoma be brought up at this time. Under the prior precedents of the Senate, his amendment, if objected to, could not be considered until the expiration of the full 6 hours on the principal amendment of the Senator from Oregon (Mr. HATFIELD). However, if there is no objection, the amendment of the Senator from Oklahoma can be taken up at this time, and the time used on his amendment would not be charged to the time allocated to the Senator from Mississippi and the Senator from Oregon.

Mr. STENNIS. Mr. President, if the Senator will yield——

The PRESIDING OFFICER. So that the Chair may fully state the issue, let him state that the Senate would vote on the amendment of the Senator from Oklahoma at the expiration of his 1 hour.

That is the request, the Chair takes it, of the Senator from Oklahoma.

Is there objection to the unanimous consent request? The Chair hears none, and it is so ordered.

The clerk will state the amendment of the Senator from Oklahoma to the amendment of the Senator from Oregon.

The legislative clerk proceeded to read the amendment.

Mr. HARRIS. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment is as follows:

On page 15 of amendment 844,, between lines 11 and 12, insert the following:

SEC. —. (a) Notwithstanding any other provision of law, on and after July 1, 1971, the authorized strength of the Armed Forces in members on active duty (other than active duty for training) shall be 2,500,000.

(b) In no case may a new strength level be implemented unless such action is specifically authorized by law. If a new strength level is established and the new level represents an increase, then the new level shall be met through conscription. Conscription instituted pursuant to any emergency shall continue in effect for one year following the date on which conscription is reinstituted to meet any increase in strength level. When conscription is authorized in order to meet such an increase in the authorized strength of the Armed Forces, only persons between the ages of eighteen and twenty-six (as defined in section 16(a) of the Military Selective Service Act of 1967) may be inducted, no occupational or student deferments shall granted, and the selection of persons for induction shall be made on the basis of a random selection system (lottery).

(c) Unless otherwise provided by law, the authorized strength of the Armed Forces may be met after June 30, 1971, only through a voluntary system. Nothing herein shall require that the Armed Forces be maintained at the maximum authorized strength.

(d) As used in this section the term "Armed Forces" means the Army, Navy, Marine Corps, and Air Force.

The PRESIDING OFFICER. There is a period of 1 hour on the amendment, to be equally divided between the Senator from Oklahoma and the Senator from Oregon, unless the Senator from Oregon wishes to accept the amendment.

Mr. HATFIELD. No.

The PRESIDING OFFICER. The Senator from Oregon does not. Therefore, the time is to be equally divided between the Senator from Oklahoma and the Senator from Oregon.

Mr. HARRIS. Mr. President, I yield myself 10 minutes.

Today we continue consideration of a voluntary armed service. As with most important debates, the debate over a volunteer military has its share of oversimplification.

To the casual listener, we are discussing only one issue: to draft or not. To the average observer, there seem to be only two positions a man can hold: for the draft or against.

I believe the question we debate here is more complex than that. Rather than one issue, there are three:

The tax-in-kind now being paid by draftees.

The degree to which Congress should directly and obviously control the size of the armed forces.

The question of which of our youth are to participate in fighting a war.

I do not believe these issues have received the full and separate discussion they deserve. For two reasons, then, I am today offering an amendment to the proposal of the distinguished Senator from Oregon (Mr. HATFIELD) and other Senators.

First, my amendment will add necessary safeguards to the operation of a volunteer armed forces, if there is to be one. Second, discussion of the amendment will, I hope, provide a fuller examination of the three issues I have stated.

I will briefly explain my amendment. Then I will suggest why I am greatly worried by the Hatfield proposal as it now stands.

Under my amendment, Congress would set an explicit upper limit on force size. For 1971–72, that level of active strength would be set at 2.5 million men.

Mr. President, I am not bound rigidly to that force level. I am more interested in the substantive matter of setting a level by Congress which can only be changed by Congress, and which can only be exceeded in times of emergency and in times of war, which would be the reason for the raising of the peacetime level, by resort to the lottery draft.

That level of 2,500,000 men, which would go into effect in July of 1971, is, however, in the middle range of estimates made by the Gates Commission and is in line, as the distinguished Senator from Oregon has previously stated in the debate, with estimates by the Defense Department as to what level they think will be the maximum level at which the armed services will remain by July 1971.

The distinguished Senator from Oregon has stated, as have other Senators, that the Defense Department estimates that the total level will be 2,500,000 or lower by July 1971, at the time this amendment goes into effect. That is why that force level was used in my amendment.

This force size could then only be changed by vote of Congress. If Congress voted to increase the force size, the increase would have to be met through a lottery draft. The eligible pool for the draft would be made up of men ages 18 to 26, with no educational or occupational deferments.

Let me now suggest why I am proposing this amendment. As I mentioned, I believe we are discussing three separate issues: The tax-in-kind on draftees—which has already been discussed in some detail in this debate—congressional control of the size of the Armed Forces—which also has been discussed in this debate—and the question of who should participate in a fighting war—which I do not think has been sufficiently examined here.

I believe Senator HATFIELD's amendment makes a positive contribution in the first of these areas; that is, the hidden tax.

But, aside from the question of whether the Hatfield proposal should be agreed to by the Senate at all, I think that if it is to be approved it can and should be improved in regard to the latter two issues. If it is to become law at all—and that is a question which each Senator can reserve judgment on or decide however his conscience dictates—it ought to become law only in its best possible form. It is to that end that I am introducing this amendment.

I believe there is merit in the argument against the hidden taxes which draftees presently pay by reason of the fact that military wages are below what might be earned otherwise; there is soundness in the position that greater comparability with private industry should be achieved. My proposal would leave this aspect of Senator HATFIELD's amendment unchanged.

But, I also believe that the size of the military should be under more obvious congressional control. I emphasize, not just congressional control as under the budgetary and appropriation process, but under more obvious and visible control, so that each time a decision is made by the Congress as to the size of the standing armed force, the public will know that that serious question is being debated and is to be decided. Therefore, public attention would be focused on that issue and the seriousness of it, and the fact that the decision is one that ought to be made, under our system, by the Congress itself.

One of the purposes of my amendment is to treat the size of the military as an explicit issue. I am pleased to note that the amendment offered by the distinguished Senator from Indiana (Mr. BAYH), agreed to last Friday, will serve that same purpose, with one exception. Under that amendment, the first force sizes to be debated and authorized are for 1972—that is, under the Bayh amendment to the military procurement bill itself. But Senator HATFIELD's proposal is due to take effect under its present terms, in July 1971. By proposing a specific limit of 2.5 million men for 1971, I am suggesting that the operation of a volunteer army should be subject to that kind of public and congressional scrutiny from the very start.

Most basic of all is the question of who

should serve in a fighting war. Since those from lower income backgrounds would be more attracted to military careers by the increased pay than would those of middle- and upper-income backgrounds, would any American wars in the future be fought only by the sons of postmen and policemen, with the sons of lawyers and doctors exempted?

These, it seems to me, are very serious questions which face us in connection with this amendment.

I am certainly conscious of the serious civil liberties questions involved in conscription. I wonder, however, whether the fighting of wars ought not always to require some general sacrifice, evenly distributed throughout the American populace. If wars involve no general sacrifice, would it be easier for us to get into another one in the future?

It is for this reason that my amendment specifies that, if this 2.5-million-man-force size is to be exceeded, it must be exceeded with draftees, coming from a lottery draft without deferments.

Invoking such conscription in the future would, of course, be a major political step for Congress to take. But I believe this is as it should be. Because it is a major step, we would have to debate a request for such an increase with great care. This is precisely the kind of care such a decision deserves.

Beyond the care we focus on the seriousness of the decision, there is a related reason for setting up such a "threshold" decision. It may be that we have come into a new era of nuclear bombs and missile delivery systems when the formal declaration of war by Congress will be less likely to be used as the legal basis for future military action. If this is true—and it seems to me that recent events point in that direction—then the debate on whether or not to invoke the draft would itself serve to protect the right of the people, as the writers of the Constitution intended, to have their representatives in Congress decide the basic issue of war or peace.

Mr. President, the arguments for my amendment, then, boil down to about four, which are somewhat interrelated and overlapping.

First is the question that force size, whatever it is to be—by my amendment it is to be set at 2.5 million—should only be decided by obvious and visible congressional action, on which the public can focus their attention and their influence.

Second, the burden of war, if there is to be a war which would require more in numbers in the armed services above the force level set in peacetime, should be more evenly distributed throughout the populace, so that the sons of all of us are equally liable to have to fight in the war. That argument, it seems to me, is sustained not only by basic fairness—and that is most important—but also because the prospect of sharing evenly the burden of fighting a war, would, it seems to me, prove to be some deterrent against war itself.

Third, by setting the force level at 2.5 million or some such reasonable figure, requiring congressional action to raise it and a draft to supply any increase over such numbers, we would point up the seriousness of any such war decision. The seriousness of that decision would be underscored, and the public would be fully informed of the issue debated and to be decided.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HARRIS. I yield myself 1 additional minute.

Last, this amendment, by setting a force level and requiring congressional action to raise it and a draft to supply increased numbers of men, would to some degree effectuate the constitutional powers of Congress, and, therefore, of the people, to have the issues of war and peace decided only by the people's representatives in Congress.

For these reasons, Mr. President, I submit that if the proposal for a volunteer armed service is to become law, it should only become law in improved form. That is the reason for the amendment I offer to it. I hope my amendment will be adopted.

The PRESIDING OFFICER. Who yields time?

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

I very reluctantly rise to oppose the amendment of the Senator from Oklahoma, though not because I disagree with much of what the Senator from Oklahoma says, because I wholeheartedly subscribe to many of his premises and to much of the content of his presentation.

But, Mr. President, there are basically two reasons why I believe his proposed amendment to our amendment is not at this time appropriate. One is that last week the distinguished Senator from Indiana (Mr. BAYH) offered an amendment to the bill now pending, H.R. 17123, which on a voice vote was agreed to by the Senate.

Perhaps if the Senator from Oklahoma would care to comment, I may not be clear on this, but according to the wording of the Bayh amendment, which was agreed to, it seems to me it would do exactly the thing that the Senator from Oklahoma seeks to do, and that is to have Congress set a manpower level. The exact figure is not specified in the amendment of the Senator from Indiana, but it does say, beginning on page 2, subparagraph (2):

> Beginning with the fiscal year ending June 30, 1971, the President shall submit to the Congress a written report not later than January 31 of each fiscal year recommending the active duty strength level for each component of the Armed Forces for the next fiscal year and shall include in such report justification for the strength levels recommended and an explanation of the relationship between the personnel strength levels recommended for such fiscal year and the national security policies of the United States in effect at the time.

Unless I am misreading that amendment, it appears to me that it does exactly, as I say, without a specific figure, at least place in the hands of Congress the power to review and to pass on what are the justified, required levels of each component of the Armed Forces. Is that an incorrect reading of the amendment, or is my understanding correct?

Mr. HARRIS. Mr. President, I yield myself 1 minute to respond.

I think there are three differences. First, I do not think the amendment of the Senator from Indiana is as clear as the amendment which I propose, that is, that only Congress can set this upward limit—and that is made very clear in my amendment, that Congress is not just to review, but to decide.

Second, the Bayh amendment, as I understand it, would go into effect in 1972, whereas the proposal which the Senator from Oregon is making would go into effect in 1971. My amendment, therefore, would provide that Congress, from the very first, will set the upward limit on force levels.

Third and most important, we would, as of the time the Senator's proposal would go into effect, set the upward limit at an actual figure, which in my amendment is 2.5 million.

While, as I said in my opening remarks, I think the proposal of the Senator from Indiana goes a long way toward one of the four arguments which I put forth in support of my amendment, it does not go far enough, if the volunteer army is to become a reality.

Mr. HATFIELD. Mr. President, I thank the Senator for his response.

Again referring to the amendment of Senator BAYH, in section 1, on page 1, it provides:

> Beginning with the fiscal year which begins July 1, 1971, and for each fiscal year thereafter, the Congress shall authorize the active duty personnel strength for each component of the Armed Forces; and no funds may be appropriated for any fiscal year beginning on or after such date to or for the use of the active duty personnel of any component of the Armed Forces unless the active duty personnel strength of such component for such fiscal year has been authorized by law.

It appears to me that in both instances we have, either by law or by an annual action of Congress—which in itself constitutes a law—the power vested in the hands of Congress for the troop level or the manpower level. But whether or not the Bayh amendment goes as far and is as specific as the Harris amendment is not necessarily the point with which I would differ with the Senator at this time.

It seems to me that we have two very separate things we are talking about today—two distinct things, yet related. But I feel that it would be inappropriate to try to legislate at this point in the procedure on this amendment to create a pay raise for the present personnel serving in the armed services.

No. 1 is that we have a volunteer system versus a conscription system which should be determined by hearings before a committee.

I agree with the chairman of the Armed Services Committee that there should be hearings, extensive hearings, on the question of whether we maintain a conscriptive system or a voluntary system.

The point is that in the Harris amendment we are attempting to recreate the conscription system to apply a specific time when manpower requirements rise over 2.5 million, as I understand it. I am for removing the conscription system completely from the law books. I am for total abolition. But that is not the question here this morning.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield myself 3 additional minutes.

The question before the Senate is whether or not we will develop a comparable pay scale, and it is not a question of whether we should retain the Selective Service System or not, and it is not a question of whether we should reform the Selective Service System or not. That question must come up before the Committee on Armed Services.

The second point I should like to mention as to why I think this point perhaps is not appropriate at this time is that when we get into the matter of troops levels, this becomes a question that raises many other questions. It is not an easy one to resolve on the floor of the Senate.

I happen to have certain viewpoints on the war in Vietnam, but other sponsors of this amendment have different viewpoints on Vietnam. We have the Pentagon saying, "We don't want to crank down the selective service calls to zero within the year." We have the President saying that he wants all the combat troops out of Vietnam within the year. All sorts of contingencies relate to what our troop level should be.

Therefore, I am not sure that I am in a position to say that 2.5 million should be it at this time. We have the two-and-a-half war versus the one-and-a-half war concept which has not been fully developed as yet. All these things are difficult to decide on the floor of the Senate at this time.

Third, I think it is the power of Congress to raise the military forces of this country, under article I, section 8, of the Constitution, and that no President should have the stand-by power to institute the draft at his determination.

That would be more or less the situation as I interpret it. If it went above 2.5 million, it would be on the books to be reinstituted by some form of foreign policy commitment made by the President.

Mr. HARRIS. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. HARRIS. The Senator has made two points. One point worries me very much. While the Senator says we cannot now decide the force level without hearings, he says that we can, without hearings, adopt his very extensive proposal. That worries me.

Second, and to the Senator's specific question: It is precisely my position that not the President but Congress, not the Defense Department but Congress, should decide the force level. That is why I would write it into this law. If the Senator's proposal is to become law now, we should write the level into the law, and only Congress should be able raise that level, and only by instituting the draft, so that any sacrifice in an emergency or war would fall evenly, or more evenly on all our people.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. HARRIS. I yield myself 1 additional minute, and I yield to the Senator.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the time be equally divided.

The PRESIDING OFFICER. Without objection, the time in this exchange will be equally divided.

Mr. HATFIELD. I ask this of the Senator from Oklahoma: What would trigger the action necessary to increase over the 2.5 million level at the time the draft would be reapplied? This amendment would set a commitment of 2.5 million as a manpower level, but if it had to go over that upon some occasion or for some cause, what would trigger that particular action?

Mr. HARRIS. Subsection (b) of my amendment states it very clearly:

> In no case may a new strength level be implemented unless such action is specifically authorized by law.

So only Congress could change it.

> Nothing herein shall require that the armed forces be maintained at the maximum authorized strength.

In other words, without action of Congress, obviously, the level could be decreased; but if it were to be raised, that would require action of Congress and institution of the draft.

Mr. HATFIELD. The draft, then, would not be on a standby basis, but it would have to be reenacted by Congress at that particular point?

Mr. HARRIS. Under my amendment, it would be the same as under the amendment of the distinguished Senator from Oregon—that is, the draft system would be there, so that if it were needed, it could be put into effect.

Mr. HATFIELD. The registration procedure.

Mr. HARRIS. The machinery and the registration procedure, as is true under the Senator's amendment.

Mr. HATFIELD. I should like to make the record clear that our amendment proposes that only a registration continue after the enactment of this pay raise. If Congress at a future date should abolish the draft—because this amendment does not in itself abolish the draft, as the Senator from Oklahoma understands—it would be my concept, at least, as the author of this amendment, that if Congress saw fit to abolish the draft because we could prove between now and June of 1971 that we had sufficient volunteers coming in so that it would not be necessary to retain the draft, then I would only support the idea that a registration or an inventory type of action continue; that all other parts of the draft—the power to induct, the power to classify, the power to do all that now constitutes a part of the draft—would be totally abolished; and at a time when the Nation needed to develop a great number of new men for military service and the voluntary system was not functioning, and it was necessary for Congress to look at that situation in realistic terms, it would still have to reenact a new draft. The power would not be vested in anybody to automatically retrigger the institution of the draft. I understand that is what the Senator from Oklahoma supports and that that is what his amendment provides.

Mr. HARRIS. I had only the Senator's proposal with which to work. The Senator is saying what his intention might be some time in the future, if everything works out all right. But what we have before us is the proposal by the distinguished Senator from Oregon. At this time I am not prepared to offer a complete substitute for the Senator's proposal. Instead, I have expressed my concerns and worries about some of the aspects of its operation; and I have sought not to replace it with some different system but to try to patch it up a little if it is going to be adopted now. Therefore, I did not go past the words of the amendment to the time the Senator speaks of when he might offer something else to abolish the draft altogether.

I simply worked on what we had to work with, which was the Senator's pending amendment. Therefore, to the extent that the draft would continue under the Senator's present proposal, it would continue under mine, or the machinery would, and therefore could come back into immediate operation, as I think it should if we are going to go into a war that will require more than a peacetime level of armed forces.

Mr. HATFIELD. I am not actually proposing anything at this time for the future but, rather, referring to the exact language of my amendment, which talks about a draft registration.

Why I want to make this very clear at this point is that in the Gates Commission report, upon which the amendment I have offered is based, they use certain phraseology that needs clarification. One phrase they use is "a draft standby." Well, when they use the term "draft standby" they are talking about the very language we are using, and that is draft registration. Now there are others who on the floor even this morning have talked—the Senator from South Carolina (Mr. THURMOND) talked about having the President empowered with a "draft standby" which he can trigger at his own decision, should the necessity arise. I wanted to delineate at this point what the Senator from Oklahoma and I mean, that what we agree on as a "draft standby" and what the Senator from South Carolina (Mr. THURMOND) means when he talks about a "draft standby," we are not talking about the same thing. We mean registration procedure. That is what I want to bring out here, the distinction and the definition of what we are talking about, when we talk about "a draft standby."

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, will the Senator from Oregon yield me 5 minutes?

Mr. HATFIELD. I yield 5 minutes to the Senator from Mississippi.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. I want to commend the Senator from Oklahoma (Mr. HARRIS) for the work he has done on the problem of personnel. It is a matter I am interested in and concerned about. When the shooting stops in Vietnam, I hope that we can do something about it. I know that is the Senator's prime objective. I think it is well that, since the amendment was coming up, he put in his thoughts on it right here and now. However, I cannot support the amendment. The Senator from Oklahoma knows that. We talked about it a little bit yesterday.

We have a situation here, Mr. Presi-

dent, which I went over this morning, that we are still at war. Like it or not, we are still at war. We still have 406,000 men in Indochina alone. We cannot take them all out, or run out, or bring them all home at once, although some progress is being made along the line of bringing our boys back home. My prediction is that this war is by no means over.

Let us look at the figures. For the period ending June 30, 1971, the official planning now is 2.9 million. I hope that that can be decreased. I am certainly going to work towards that end. That will be a reduction comparable to this: On June 30, 1970, the most recent officially tabulated figures I have, is that the strength was at 3.1 million. As I said, by June 30, 1971, definite plans now are that it will be as low as 2.9 million. I hope that can be improved upon, but I definitely do not believe we can withdraw, that we can just add 400,000 to that—to what was already planned in the cutback—add another 400,000 before July 1.

With reference to the other comparisons, our top strength in the services during this war has been 3.4 million. It has been brought down to 3.1 million and planned by June 30, 1971, as a certainty, to 2.9 million—which I hope we can better. The prewar strength was the very figure the Senator from Oklahoma has in mind—2.5 million.

I believe that, given the time, we can unmistakably reduce it to that figure—I hope below it.

One of the main themes of my thinking with reference to personnel is that we must bring it down, for several reasons: The way to decrease costs is to use the same amount of money on fewer men. We are reducing the cost of weaponry some, but, really, to get into a reduction, it has to be in the manpower field. We must move into that.

It will be a serious mistake, with the war still going on, to adjudicate legislativewise, with a legislative mandate, that this must be the ceiling, even though I hope we can attain it in that time. I hope that the Senator will keep working on it toward that end.

Another thing, Mr. President, the Senator's amendment, even though he may not intend it, as it is worded now, would really, in effect, preclude extension of the Selective Service Act beyond June 30, 1971.

It states on page 2, section C:

Unless otherwise provided by law—

That refers to the Selective Service Act—

the authorized strength of the Armed Forces may be met after June 30, 1971, only through a voluntary system.

Whether the Senator intended that or not, that is an indirect closing of the door, if his amendment is adopted and it becomes law, upon reenactment of the Selective Service System. It is so much my duty, as I see it, to leave that as an open question, to be decided in the ordinary way, along with the measurement of a voluntary army, that I do not believe we should adopt any amendment that casts a cloud or any doubt, or is a prejudgment in any way, of an extension of the Selective Service Act.

Secretary of Defense Laird is a man of responsibility, as of course the President is. I have already referred to the letters which are totally opposed to the idea of the enactment of a volunteer army, even though they support the concept.

I thank the Senator from Oklahoma very much for bringing in his very fine thoughts on this matter, but I hope that his amendment, for the time being, will be rejected.

Mr. HARRIS. Mr. President, will the Senator from Oregon yield?

Mr. HATFIELD. I yield 3 minutes to the Senator from Oklahoma.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for 3 minutes.

Mr. HARRIS. Mr. President, I think there is serious doubt concerning the proposal of the Senator from Oregon (Mr. HATFIELD). If it is to go into effect at all, is should probably not go into effect prior to the end of American combat troops continuing to fight in Indochina. That is a very serious and separate question, and one which, if the administration timetable carries out, would perhaps be met by the effective date of the amendment, which is July 1971. If my amendment is adopted as a part of the proposal of the Senator from Oregon, I would think that another question, and a very serious one, would then be the question of the effective date and whether it should be tied to the time during which our troops are engaged in significant numbers in active combat in Indochina.

That is a question which quite rightly has been raised by the distinguished Senator from Mississippi. The distinguished Senator from Mississippi also raises the justifiable question which concerns the force level set in the amendment at 2.5 million.

I have already stated that that is a flexible figure in my mind and that I would be willing to talk about the reasonableness of that figure or of 2.9 million or whatever other figure might better be set in this amendment. I do feel if the proposal of the Senator from Oregon is to go into effect at all, that when it does go into effect Congress should have decided what the peacetime level will be.

The distinguished Senator from Mississippi raises a question which indirectly or inadvertently was raised also by the Senator from Oregon, that the level probably cannot be set until the appropriate committees in Congress can hold hearings on what that level should be. But that would still be, under my amendment, within the jurisdiction of Congress to do, prior to the effective date, and thereafter.

In any event, the level could be increased if Congress so decided, by a resort to the draft. Therefore, we would not place ourselves in any different position with regard to force level by my amendment than we are now in.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HARRIS. Mr. President, I yield myself 1 minute.

The PRESIDING OFFICER. The Senator from Oklahoma is recognized for an additional minute.

Mr. HARRIS. Mr. President, I do not believe that the legal question which the Senator from Mississippi raises is a justifiable one. That concerns the language of the amendment and whether the draft is cut off. As a matter of fact, the language which legislative counsel helped to draft by its own terms makes clear that conscription would continue to be used should Congress decide to go above 2.5 million or whatever force level they set as the peacetime level.

Mr. President, aside from that, the distinguished Senator from Mississippi has made it clear to me in private conversation, and has also said on the floor, I believe, that he is going to hold hearings on the matter of the extension of the draft.

I trust at that time that he will go into such matters as educational and occupational deferments, the lottery, and the whole idea of a volunteer army, including the force level and the other serious questions which I have raised.

Mr. STENNIS. The Senator is correct. It will be a hearing from the top to the bottom on all matters involved in the comprehensive Selective Service System and also with respect to the volunteer army concept.

We agreed to an amendment the other day for our committee to set these force levels. That is something I am interested in. I am going to make a special effort in the conference to get that amendment agreed to. That will be a part of the substance of the Senator's amendment. However, that is out of place here. And I say with all due deference to the Senator.

Mr. HARRIS. Mr. President. I appreciate the Senator's comments. At this time I reserve the remainder of my time.

Mr. President, I ask unanimous consent that the vote on my amendment not come until immediately prior to the vote on the Hatfield amendment itself. I have been asked to make that request since some Senators would not be here otherwise, having thought that the first vote would come later today.

Mr. HATFIELD. Mr. President, reserving the right to object, would the Senator yield for a question?

Mr. HARRIS. I yield.

Mr. HATFIELD. Mr. President, would the Senator ask for a record vote? Was that the reason for asking to delay the vote?

Mr. HARRIS. My understanding is that Senators who may want to vote might not be able to be present at this time.

I would like even to reserve the question of a rollcall vote until later. I intend under the orderly procedure to have a vote on the amendment at that time.

We have altered the procedure to allow debate to come at this time by unanimous consent. It is my understanding that the vote would not come until prior to the vote on the Hatfield amendment itself.

The PRESIDING OFFICER. The Chair wishes to point out that if the procedure suggested by the Senator from Oklahoma is adhered to, it could foreclose the offering of any other amendment except by unanimous consent.

Mr. HATFIELD. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. HATFIELD. Mr. President, would the Chair clarify the matter as to the original unanimous-consent request made this morning by the distinguished Senator from Oklahoma when he asked for unanimous consent to bring his amendment up at this time, which did not normally follow the procedures of the Senate.

The PRESIDING OFFICER. The Senator is correct. Also, his unanimous-consent request envisaged that there would be a vote on his amendment at the conclusion of the 1-hour time limitation. The only way to avoid that vote being taken at that time would be by a unanimous-consent request which is now pending and which is objected to.

Mr. GRIFFIN. Mr. President, reserving the right to object, did I understand the statement of the Chair to be that if the request of the Senator from Oklahoma were agreed to, other amendments would be precluded?

The PRESIDING OFFICER. The Senator is correct, unless those amendments offered by Senators received a unanimous-consent agreement that they be considered out of turn.

Mr. GRIFFIN. Mr. President, without going into the merits, I think the rights of other Senators would be prejudiced if I did not object. Therefore, I do object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARRIS. Mr. President, I ask unanimous consent that the Senate agree to exactly the same request as before without prejudicing the rights of other Senators to offer amendments. I asked for my unanimous-consent request as a courtesy to other Senators.

The PRESIDING OFFICER. I take it that the Senator's request is that his amendment not be voted on until immediately prior to the vote on the Hatfield amendment and further he makes a unanimous-consent request that other Senators be permitted to offer amendments if they so desire with the time limitation of 1 hour with the votes to be taken as they occur.

Mr. HARRIS. No. Leaving the present situation, however, it would be with respect to other amendments, I am not saying how they should be, but just the unanimous-consent request that I propose.

Mr. ALLOTT. Mr. President, reserving the right to object, I would like to propose a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, assuming that the unanimous-consent request of the Senator from Oklahoma were granted, would it be necessary then for each successive offerer of an amendment to get unanimous consent to have his amendment voted on just prior to the Hatfield-Goldwater amendment?

The PRESIDING OFFICER. The Chair understands the unanimous-consent request of the Senator from Oklahoma to be, and he takes it to mean that, he asked for a postponement by unanimous consent of a vote on his amendment, which would otherwise have occurred at the expiration of 1 hour, until immediately preceding the vote on the amendment of the Senator from Oregon. Encompassed in his unanimous-consent request also is that other Senators, if they so desire, be permitted to offer their amendments which would be considered under the normal course of business, with a 1-hour time limitation, with the votes to be taken on the amendments, when offered by such Senators, after the expiration of that hour.

Mr. HARRIS. Mr. President, all this is occasioned by some confusion which arose earlier that the amendment would not be offered until the appropriate time in the proposal of the Senator from Oregon. I asked unanimous consent to debate my amendment at this time. It was my understanding that the vote would occur later.

It is now my understanding that without asking unanimous consent the vote would occur now. That was not my understanding and I do not believe it was the understanding of Senators at the time we received consent to bring up my amendment.

Mr. ALLOTT. Mr. President, a further parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. ALLOTT. Mr. President, in the event one or two amendments were brought up under the unanimous-consent request just proposed, in what order would they take precedence for voting? To put it another way, my concern is that there might be an amendment offered subsequent which is inconsistent with the present amendment and ought to be offered subsequent to the present amendment, and perhaps voted on subsequent to the present amendment. But that would be impossible without a unanimous-consent request.

The PRESIDING OFFICER. The Senator is correct.

Mr. ALLOTT. Mr. President, I object.

The PRESIDING OFFICER. Objection is heard.

Mr. HARRIS. Mr. President, I ask unanimous consent that my amendment may be withdrawn without prejudice to having it offered at a later time.

The PRESIDING OFFICER. The amendment can be withdrawn because the yeas and nays have not been ordered.

Mr. HARRIS. I withdraw the amendment.

The PRESIDING OFFICER. The amendment is withdrawn.

Who yields time?

Mr. BROOKE. Mr. President, I ask unanimous consent that I may send to the desk an amendment to amendment 844 to H.R. 17123, and I ask unanimous consent that that amendment may be called up at this time.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, I wish to ask what the amendment is.

Mr. GRIFFIN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time does the Senator make that request?

Mr. GRIFFIN. I request that the time be taken equally.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, reserving the right to object to the request of the Senator from Massachusetts—and I do not expect to object—what is the parliamentary situation? Why is it necessary to get unanimous consent for a Senator who wants to call up an amendment or to offer an amendment already submitted? I thought the agreement permitted that, with 1 hour divided each way. I thought that was the original unanimous-consent request the other day.

The PRESIDING OFFICER (Mr. McINTYRE). In answer to the question of the Senator from Mississippi, under the precedents of the Senate, when an amendment is under controlled time, an amendment offered to it is not in order until all of the controlled time under the pending amendment has expired.

Mr. STENNIS. Mr. President, I have no objection to the Senator offering his amendment, but I observe that this could go on ad infinitum; and I would hope no one would offer an amendment of substance that had not been presented already. To me the substance of this amendment is a total surprise, but I do not object.

The PRESIDING OFFICER. Without objection, the Senator from Massachusetts is permitted to offer his amendment, which the clerk will state.

Mr. BROOKE. Mr. President, I send the amendment to the desk and ask that it be stated.

Mr. HATFIELD. Mr. President, who has control of the time?

The PRESIDING OFFICER. The Parliamentarian informs the Chair that time is to be controlled by the Senator from Massachusetts and the Senator from Oregon, if he is opposed to the amendment; and if he is not, by the Senator from Mississippi.

Mr. BROOKE. One hour between the opponent and the proponent.

Mr. HATFIELD. Mr. President, I do not expect to oppose the amendment, so I would not control the time.

Mr. STENNIS. I will oppose the amendment.

The PRESIDING OFFICER. The Senator from Mississippi will have 30 minutes, and the Senator from Massachusetts will have 30 minutes.

The amendment of the Senator from Massachusetts will be stated.

The assistant legislative clerk read as follows:

On page 11 of amendment 844, strike out all after line 6 down to and including line 17 and insert the following:

"(c) The Secretary concerned will accept original enlistments in the Regular Army, Regular Air Force, Regular Marine Corps, or Regular Coast Guard, as the case may be (1) male persons for the duration of their minority or for a period of two years, and (2) of female persons for a period of two years.

The Secretary concerned may accept an extension of an original enlistment in the case of any person for a specified period longer than two years, but not more than four years, where the cost of special education or training to be afforded such person would make a shorter enlistment period impractical."

Mr. BROOKE. Mr. President, I rise to offer an amendment and to support the amendment offered by my distinguished colleagues, the Senator from Oregon (Mr. HATFIELD) and the Senator from Arizona (Mr. GOLDWATER).

I have long been an advocate of a volunteer army. I continue to see no justice and little wisdom in our present system which demands more of one man than it does of another—simply on the basis of chance.

The draft has been referred to as a "patriotic tax." Young men who are drafted, or induced to volunteer because of the draft, are assured of 2 years of low pay, and in many cases exposure to danger, casualties, and death. It is my belief that this tax should be shared—not in its present negative way, where the country loses in overall productivity, but in a positive way where all citizens will bear a share of the cost of providing our Armed Forces with better motivated, better trained, and better compensated servicemen.

Changes which have been made in the Selective Service System within the last year have distributed the element of chance more evenly throughout the range of potential inductees, but these changes have not, on the whole, served to produce a better system.

Opponents of the pending amendment have argued that we will not be able to meet our manpower needs if the Selective Service System is "terminated" under this amendment. They say that the national security will be in jeopardy at a time when our country is still involved in the conflict in Southeast Asia.

This patently is not the case, nor is it the purpose of the amendment as I understand it. The Hatfield-Goldwater amendment specifically provides, in its first operative section, for continued registration in the event that it becomes necessary to continue conscription past the natural expiration date of the 1967 Selective Service Act; that is, past July 1, 1971. In its second operative section the amendment provides that if "the President determines that the military manpower needs of the Nation are not being adequately met through a voluntary system," he "shall submit to the Congress such recommendations for legislation as he deems necessary."

The draft expires on July 1, 1971. If national security requires its continuation beyond that date—and this determination can be made through the course of hearings before the Armed Services Committee in the spring and summer of next year—then I feel certain that the Congress will support its continuation.

Opponents of the pending amendment also argue that the costs of its enactment will be more than the budget can accommodate in the forthcoming fiscal year. Yet at the same time, the Department of Defense proposes that "the more prudent course of action would be to test the effects of pay increases prior to ending the draft." I respectfully suggest, Mr. President, that this is exactly what the pending amendment proposes to do.

The initial budgetary cost of providing an all-volunteer armed force will, of course, be higher than the amount presently budgeted for salaries and benefits in the military service. Cost estimates range from $2 billion to $4 billion per year. But the Gates Commission report, on which this amendment is based, estimates that more than half a billion of this amount would be recouped directly in personal income taxes. Additional millions more would be recovered in the form of increased productivity on the part of men who were not drafted and thereby contributed to society through their regular occupations, and contributed higher taxes as well. More millions would be recovered through the administration of a more efficient military service, with a lower turnover rate and higher motivation on the part of the volunteers. These figures do not appear in budget estimates, but they are essential to a healthy and free economy. And they will help measurably—they may in fact equal—any proposed budget increase.

In the material which has come to my attention, certain administrative problems have been raised as arguments against enactment of the pending legislation without the benefit of full Senate hearings. According to some calculations, strict application of the pay scales contained in the amendment would result in pay inversions between certain ranks. It is my understanding that the Senator from Oregon has now included in the RECORD a detailed pay scale showing his original intent, and making clear that the inversion problem would not occur.

Arguments have also been raised against increased pay for physicians, dentists, and veterinarians, on the ground that higher pay for persons in these categories is not an incentive in attracting volunteers or increasing retention. In my judgment, we will not know until we try, if this particular system will work. But I do know, from correspondence with many of my constituents, that an increased pay scale would be an inducement to lawyers serving in the Armed Forces in the Judge Advocates Corps.

I would like to ask my colleague at this time whether any thought has been given in his amendment to including these professional men—who serve their country well and whose services are increasingly in demand as changes occur in our system of military justice.

Mr. HATFIELD. Mr. President, I shall be happy to reply to my colleague from Massachusetts. On page 7 of our amendment we have a list of special pay for physicians, dentists, and veterinarians, and an increase in special pay for physicians and dentists. We not only believe that will provide better pay, but there is also provided scholarship support in order to induce some to go into the field of the healing arts, medicine in general, in order to provide the kind of manpower for our services that is needed. So we provide for this consideration in our amendment.

Mr. BROOKE. Some question has also been raised as to how the distinction can be made between "hostile fire pay" and "combat pay." It is my understanding that this particular change was originally recommended by the Gates Commission to include within the increased pay scale men serving, for example, in "secure" areas of Vietnam where they nevertheless encounter considerable personal risk. Perhaps, as the Department of Defense argues, the distinction cannot be made; perhaps, therefore, all men sent to hostile areas should receive the same hazardous duty compensations. I would welcome my colleague's comments on this suggestion as well.

Mr. HATFIELD. Mr. President, I am happy to respond to my colleague's question, because this question has been raised frequently not only by those who have been in Vietnam but in other wars as well. I recall in World War II this question was raised frequently by those who received what we called overseas pay, whether or not they were in a tub 3 miles outside the so-called continental limits of the United States or were actually in a war zone.

Of course, all this would be subject to detailed implementation and recommendation by the Secretary of Defense. This is covered under sections 608 and 310, in which we attempt to delineate hostile fire pay, in which a person is actually under fire and is actually in an area which has war activity going on, as contrasted to those who may be in some kind of rear station, supplemental or auxiliary activity which is not in the danger zone.

So we have raised the designated hostile fire pay $200 as contrasted with duty in what is generally called a combat zone.

The Senator will know from his own experience in World War II that the whole Pacific was called a combat zone, but every area of the Pacific was not actually engaged in hostile action or warfare, island by island or area by area.

So we are trying to delineate the distinction between what is actually a war zone, by calling it hostile fire activity as against a place where a man is in no such danger.

It is not always going to be easy to draw the line of delineation, but it is an attempt to make a distinction between a hostile fire area and a so-called war zone. It will be up to the Secretary of Defense to work out the fine points and the definition that will be necessary under the new concept.

Mr. BROOKE. I thank the Senator.

On one final point, Mr. President, I have some questions about the feasibility of determining, at the time a man enlists, whether or what kind of special training he will be given. As I understand it, the pending amendment bases a man's term of enlistment on that factor. Such a requirement would pose many administrative problems, for the determination cannot always be made at the level of the local recruiting office at the time of enlistment.

The amendment which I propose would provide for initial 2-year enlistments—or for the duration of the minority—in all

cases, with the proviso that once enlisted and offered special training or education, an enlistee has the option of accepting such training and simultaneously extending his tour for a specified time, or of rejecting such training and service and serving only his original enlistment period.

I would appreciate the comments of the Senator from Oregon on this proposal.

Mr. HATFIELD. Mr. President, I am very grateful to my colleague and good friend the Senator from Massachusetts (Mr. BROOKE) for providing us with this clarifying language, because I think he actually improves the language of the bill, which was certainly within the intent and the hope of the original sponsors of the amendment, that it would accomplish the objective which the Senator has stated this morning.

I believe the Senator's language is an improvement, and we would, therefore, accept this amendment without any objection, and express appreciation to him for helping us on this particular section, which is a very difficult section to really put down in specific language, based upon a number of reasons, among them the precedent of the armed services, in the past, requiring young men, many times, or inducing them, to sign up for another hitch, as we called it in the Navy, or another tour of duty.

The PRESIDING OFFICER. The time of the Senator from Massachusetts has expired. He has 20 minutes remaining.

Mr. BROOKE. Mr. President, I yield myself 5 additional minutes.

Mr. HATFIELD. That kind of false inducement, or it might be called unfair inducement, would not be as easily accomplished, even if it were within the intent to do so, under this new language. Consequently, we feel that this language improves the amendment, and again express our gratitude to the Senator from Massachusetts for his contribution.

Mr. BROOKE. I thank the Senator from Oregon.

Mr. President, as a member of the Armed Services Committee it is with some reluctance that I advocate the adoption of a procedure which circumvents the committee system. In all honesty, I would have preferred full hearings. I have been urging such hearings for almost a year, and I understand and accept the many factors which have intervened to delay the scheduling of these hearings.

But Mr. President, we have before us a sound amendment, based on the most thorough and intensive study ever made of the Selective Service System. We have an amendment which can accomplish the goal of a volunteer armed service, and will implement the higher pay and benefit scales which we all know our servicemen need and merit. We have an amendment which will not in any way endanger national security, and whose implementation is feasible from an economic and an administrative point of view.

In view of the inequities and injustices of the present system, keeping in mind the undue hardship and personal turmoil which the system has visited on many of our finest young men, I urge the prompt enactment of the pending amendment.

Mr. President, I also urge the prompt enactment of the Hatfield-Goldwater amendment, and I commend my distinguished colleague from Oregon and my distinguished colleague from Arizona for their great service in this very important area.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. THURMOND. I ask unanimous consent that the time be divided equally.

The PRESIDING OFFICER. Is there objection?

Mr. BROOKE. Mr. President, reserving the right to object——

Mr. THURMOND. Mr. President, I withdraw the unanimous-consent request and suggest the absence of a quorum.

The PRESIDING OFFICER. The Parliamentarian states that the Senator cannot do that unless the time is charged to someone or it is agreed by unanimous consent that it not be charged to either side.

Mr. THURMOND. I ask unanimous consent that the time not be charged to either side.

The PRESIDING OFFICER. Is there objection? Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, will the Senator yield me 3 minutes for the purpose of asking a question?

Mr. BROOKE. The Senator has 30 minutes, I believe, but I would be pleased to yield.

Mr. STENNIS. Mr. President, I yield myself 5 minutes. I want to engage the Senator from Massachusetts in colloquy.

I address this question to the Senator from Massachusetts: On page 11, line 7, of the Hatfield amendment, the Senator would propose in his amendment to change the word "may" to "will." Is that correct?

Mr. BROOKE. That is correct.

Mr. STENNIS. Line 7 would then read:

The Secretary concerned will accept original enlistments in the regular army . . .

My question is this: The word "will" is a mandate, but does the Senator intend to waive or affect in any way the qualifications of these people who are coming into the services?

Mr. BROOKE. Absolutely not.

Mr. STENNIS. So the mandate of the word "will" and this acceptance has nothing to do with the Secretary's power and discretion with reference to passing on the qualifications of any individual. Is that correct?

Mr. BROOKE. The Senator is correct.

Mr. STENNIS. And the Senator from Massachusetts wants to make firm and clear legislative history that that is the situation.

Mr. BROOKE. That is correct.

Mr. STENNIS. Addressing my question now to line 12, the Senator proposes to add the words "an extension of the original enlistment." The same questions apply there—that this in no way affects the discretion and the power of the Secretary, which is absolute, to pass upon the qualifications of any person or persons in question.

Mr. BROOKE. The Secretary of Defense has sole discretion under the circumstances.

Mr. STENNIS. And this amendment would in no way impair it?

Mr. BROOKE. No, it would not.

Mr. STENNIS. I thank the Senator.

Mr. President, I yield back the unused part of the 5 minutes.

Mr. BROOKE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back.

Mr. HATFIELD. Mr. President, I should like to modify my amendment at this time to incorporate the language as indicated by the Senator from Massachusetts (Mr. BROOKE) in his amendment.

The PRESIDING OFFICER. The Senator has that right.

The clerk will state the portion of amendment 844 as now modified.

The assistant legislative clerk read as follows: On page 11, line 7, strike out "may" and insert "will."

On page 11, line 12, after the word "accept," insert "an extension of."

The PRESIDING OFFICER. The amendment is so modified.

Mr. BROOKE. Mr. President, I thank the distinguished Senator from Oregon and the distinguished chairman of the Armed Services Committee for the clarification of the powers of the Secretary of Defense under the proposed amendment.

The PRESIDING OFFICER. The amendment has been modified. Time is now running on the Hatfield amendment. Who yields time?

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object, this, of course, will be a brief quorum.

Mr. HATFIELD. A very brief quorum.

Mr. STENNIS. I have no objection, Mr. President.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. HATFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. GURNEY. Mr. President, will the Senator from Oregon yield to me?

Mr. HATFIELD. I am very happy to yield 15 minutes to the Senator from Florida.

The PRESIDING OFFICER. The Senator from Florida is recognized for 15 minutes.

Mr. GURNEY. Mr. President, I support the amendment offered by the distinguished Senator from Oregon (Mr. HATFIELD), calling for the creation of an all-volunteer military.

The present draft system, Mr. President, is universally recognized as inequitable and unfair. We have attempted to cure some of these inequities by the institution of a lottery system, but that measure was really a stopgap. It is certainly better than the old draft but it is still inadequate.

The present system is inefficient: It squanders manpower. We take lawyers, doctors, engineers, professionally trained people out of the labor market for 2 years. The first year is spent in training. The second year is spent preparing to muster them out. We do not take advantage of their educational background—professionally trained people are given menial tasks and put on make-work projects.

Mr. President, in connection with that, my brother-in-law, an able doctor, spent most of his time during World War II inspecting health conditions on ships. Thus, his medical training actually was entirely wasted. That is frequently the case, even today.

The men are not able to go directly to their professional tasks because prospective employers know the draft is hanging over them and are reluctant to invest time and money and training in a man who can, on a moment's notice, be snatched away by the military for a 2-year hitch.

The present system has been responsible for much of the unrest on our campuses.

The present system costs a great deal and returns little benefit to the taxpayer for that expenditure. A volunteer military would be cheaper: People would be easier to recruit.

The present pay in the military, I think we can all agree, is pitifully low. No one joins the Army to get rich but under the Gates Commission proposals, we can at least promise that future volunteer enlistees will receive an adequate income commensurate with their responsibility. The reform of the pay schedules for the military is part and parcel of the plan for an all-volunteer Army. We can and should make the pay in an all-volunteer service sufficient to attract capable men.

One of the very encouraging things about the idea is that it has wide bipartisan support from all sections of the country, from the whole spectrum of political thought. It is, of course, sponsored by Mr. HATFIELD and cosponsored by Mr. GOLDWATER, Mr. STEVENS, Mr. DOLE, Mr. PACKWOOD, Mr. PROXMIRE, Mr. SCHWEIKER, Mr. SCOTT. It is supported by a number of groups, both conservative and liberal.

We have traditionally raised our armies on a voluntary basis. The draft has been a departure from that tradition. As Prof. Milton Friedman of the University of Chicago said recently:

> It is fundamentally incompatible that a society of free men to have a system under which people are compelled to render specific services at penalty of incarceration and of imprisonment than it is perfectly feasible, perfectly possible to hire those services on the open market to get voluntary arrangements that will serve that purpose.

The Gates Commission makes the point that in 1965 there were 1,250,000 men serving in the Armed Forces beyond their first term of service—men who had volunteered notwithstanding the low pay and lack of benefits. That figure does not include first-term enlistments. We estimate that we will need a standing military of 2 to 2½ million men to fill our current and projected military manpower needs. We already have a substantial base. As the Gates Commission report says:

> A fully Volunteer Force of 2.5 million men can be achieved by improving pay and conditions in service sufficiently to induce approximately 75,000 additional young men to enlist each year.

In short, Mr. President, the time has come for this idea; the time for us to act upon it. We should let the present draft law expire at the end of its term in June 1971. We should replace it with a volunteer system. It is practical; it is economically feasible; it is the efficient way to meet our military personnel needs. It is entirely in keeping with our traditions of freedom of choice, freedom from coercion, of free men in the service of freedom.

In the recent past, we have seen a decline in the respect of the public for the military. This is unfortunate and unfair in many ways. A volunteer system, in my view, will revitalize the military, restore much of its tarnished dignity. The military life is an honorable calling. We have it in our power to keep it that way—the volunteer military is the best way to that goal. As my distinguished colleague, the senior Senator from Oregon, said recently:

> Navy Magazine talked about personnel turbulence upon occasion, which they indicated was the single most important problem they faced as a military organization, because of the high rate of turnover they found was part of their problem. I would say today that the prestige of the military is greatly called into question and I think it is unfairly attacked from many quarters. I decry those who use the military as the scapegoat for many of their differences about political issues or political policies. I think one of the things we can do most significantly of all is to restore the military as the rightful arm of the defense of this nation. And to establish it on a voluntary basis. I think by removing one of the most important of all the targets of attack, mainly the draft, we could do the most to reestablish the rightful prestige the military should have in our country. I reject totally those who fear the military eliteism which a so-called professional mercenary army, they like to phrase it, would bring about. I reject that not upon an opinion only but upon the history of this country, upon the Constitution the way this Constitution guarantees our civilian control.

Mr. President, let me finish by saying that everyone, from the administration on down, seems to believe we ought to have a voluntary Army. Very few are in disagreement on this.

The only thing they say is that now is not the time and that we ought to wait until tomorrow, next month, or next year.

I think that if we agree to the pending amendment, we will find out in a hurry whether it will work or not. I think that we will probably investigate the whole situation in depth through the appropriate committees, not only in this body, but also in the other body. I think that we will soon find out whether it will work.

If everyone thinks it is a good idea, then let us get on with the job, institute and implement it, and find out whether it will work.

I think it is fair to say that most of us who had some experience with the Government in the Congress of the United States are often imbued with the idea that Government could be a lot more efficient if it were a lot less laden with numbers and a lot less unwieldy. I suppose that the biggest part of the Government—the Defense Department and the Armed Forces—is subject to that same area of bigness and unwieldiness.

I think that if the abolishment of the draft and the institution of a volunteer Army accomplishes anything, it will make the Department of Defense try to find out how to get along with a volunteer Army. There are all sorts of other advantages, too.

I congratulate my distinguished colleague, the Senator from Oregon, for his authorship of this amendment. I certainly urge the Senate to vote for the amendment. I hope that the amendment is agreed to.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Arizona.

AMENDMENT NO. 849

Mr. GOLDWATER. Mr. President, I call up amendment No. 849 proposed by the Senator from California (Mr. MURPHY) and ask that it be made the pending business.

The PRESIDING OFFICER. It requires unanimous consent.

Mr. GOLDWATER. I ask unanimous consent that that be done.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will state the amendment.

The legislative clerk read as follows:

> At end of amendment 844, add the following new section:
>
> "SURVIVOR ANNUITY PROGRAM
>
> "SEC. . It is the sense of Congress that the United States should establish as soon as possible, an equitable survivor annuity program for military retirees comparable to the program provided for Federal civilian employees under the civil service retirement system. Congress finds that such an improved annuity plan would be an important and valuable feature that should be incorporated in the voluntary military program established pursuant to this Act."

Mr. GOLDWATER. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. GOLDWATER. Mr. President, would it be in order for me to modify our amendment No. 844 to contain this amendment?

The PRESIDING OFFICER. The Senator from Oregon could modify his amendment so as to accept amendment No. 849.

Mr. GOLDWATER. Mr. President, I ask the Senator from Oregon if he would agree to modify his amendment.

Mr. HATFIELD. Mr. President, I would be very pleased to modify our amendment to incorporate the amendment proposed by the Senator from Arizona (Mr. GOLDWATER) for the Senator from California (Mr. MURPHY). I would also like to have for the RECORD the Senator's presentation on behalf of the amendment.

The PRESIDING OFFICER. Amendment No. 844 is modified by the addition of amendment 849, as previously read.

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 5 minutes.

Mr. GOLDWATER. Mr. President, it is with a great deal of pleasure that I call amendment No. 849 offered by my good friend, the senior Senator from California (Mr. MURPHY), who is necessarily absent because of official business. As I am a cosponsor of his amendment, he has requested that I call it up for him.

Mr. President, I am particularly pleased to be a cosponsor of this amendment. What it seeks to do is to express the policy of Congress that the United States should establish, as soon as possible, an equitable survivor annuity program for military retirees which is similar to the program provided for civil service employees. The amendment does not at this time propose to fill in the details of this new program. There is a bill pending both in the House and Senate which will do that. In fact, the Senate legislation, which was also introduced by the senior Senator from California, is sponsored by over 20 Senators, including, I am pleased to say, both Senators from Arizona.

The purpose of our amendment is to place Congress on record now in support of the goal of improving the present survivor program for military retirees. The amendment is logically related to the proposal for a voluntary military. In fact, the thought of establishing an all-volunteer, professional military without including an equitable survivor's annuity plan for career military employees is like laying bricks without mortar.

Mr. President, in order to make it absolutely clear that the Secretary of Defense shall add a proper survivor annuity plan to the program of improved benefits that he must develop in moving toward the voluntary military, I urge that the Senate adopt the amendment suggested by the Senator from California.

It is just plain atrocious that, among all other career Federal employees, it is only the military man who cannot leave an adequate annuity for his widow and family. Strangely enough, the military retiree is singled out from all other Government employees and told that none of his retired pay will automatically be passed on to his surviving dependents after he dies. Under present law, the wife of a military retiree who lives after her husband's death will not receive 1 cent of his military retirement income. In contrast, every other Federal employee is guaranteed by law that his surviving spouse will automatically receive 55 percent of his retired pay.

The truly disturbing thing about this is that the serviceman contributes just as much to his retired pay as his civilian counterpart does. It is no secret that the base pay of a serviceman has been reduced by a hidden tax which supports his own retirement. The Hubbell study group recently concluded that this prearranged deduction amounts to 6.5 percent. Therefore, the only difference between the contribution paid by the civilian worker and that paid by the military employee is that the one paid by the civilian is a visible deduction from his salary.

What is more, the Government matches the retirement contribution made by the civil servant. It does not do this in the case of the military man.

Furthermore, the civilian retiree bases his annuity on his full gross income. A serviceman bases his retired pay only on 60 percent of his total military compensation.

Regardless of any bureaucratic gobbledy-gook to the contrary, the plain fact is that in almost every instance the military retiree is simply unable to leave a respectful survivor annuity for his widow and children.

The comment expressed by the Fleet Reserve Association that "a man can serve his entire adult life in the Armed Forces, retire, die shortly thereafter—and leave his widow and children virtually destitute" is all too true.

His survivors could collect social security benefits. But remember that the social security payments will have been separately earned and paid for. And, as everyone knows, social security is merely intended to be a supplement to a worker's retirement income, not a full pension in and of itself. In fact, the Labor Department has calculated that the average retired couple's social security benefits cover less than one-third of the minimum budget needed to finance a decent living standard for that family. So if anyone tells us that the retired serviceman's widow and children can live off of social security, this is like telling them to live off of air.

Also, it is true that the Government has provided a family protection plan. But this plan is so weak that it does not amount to a hill of beans. The Government only pays a very small administrative cost of the program. The result is that the military retiree pays about five times as much as the civilian retiree for an annuity of the same dollar value. The program is so poor that only 15 percent of eligible military men participate in it. On the other hand, over 90 percent of those persons eligible to participate in the civil service survivor program do so. Obviously, the current survivor plan being offered to our servicemen is inadequate and the only remedy is to establish a completely new program. This is exactly what is called for in the amendment introduced by the Senator from California and which I have cosponsored.

Finally, there is a very insignificant survivor payment available from the Veterans' Administration. This widow's pension might go all the way up to a magnificent $74 a month in the case of the surviors of servicemen who die from a nonservice connected disability. Or it may be as low as $17 a month. If the widow is receiving income of more than $2,000 she will be disqualified from receiving any pension at all. And to top it all off, her meager social security benefits will count as income in determining whether or not she qualifies for a VA pension. So if the widow is lucky, and if she does not receive any social security payments, she might receive up to $74 a month from the VA. Compare this, if you will, with the widow of the civilian employee who receives 55 percent of the retired pay her husband was receiving at the time of his death.

Mr. President, it is high time that Congress acted to remove military widows and dependents from the shadow of poverty. The amendment we have offered today will be a solid step in that direction. If our proposal is implemented properly by the Secretary of Defense, who is required to fill in the details of the new survivor plan, it will enable each active duty man, as well as each military retiree, to know that his surviving dependents will be cared for in an honorable and decent way.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. GOLDWATER. I believe I do not have any time remaining.

Mr. HATFIELD. I yield to the Senator from Florida.

Mr. STENNIS. Mr. President, what is the parliamentary situation?

The PRESIDING OFFICER. The parliamentary situation is that the Senator from Oregon has 59 minutes remaining and the Senator from Mississippi has 119 minutes remaining. The question is on agreeing to the amendment of the Senator from Oregon as modified.

Mr. STENNIS. Mr. President, I beg the pardon of the Presiding Officer. What has happened with reference to the Murphy amendment as presented by the Senator from Arizona?

The PRESIDING OFFICER. The Senator from Oregon modified his amendment in conformity with the amendment offered by the Senator from Arizona, which was the amendment of the Senator from California.

Several Senators addressed the Chair.

Mr. GURNEY. I think I have been recognized. I believe the Senator from Oregon had yielded to me.

Mr. STENNIS. Mr. President, I wish to be recognized later with reference to the Murphy-Goldwater amendment.

Mr. GURNEY. Mr. President, I wish to associate myself with the amendment offered by the distinguished Senator from California (Mr. MURPHY), and cosponsored by the distinguished Senator from Arizona (Mr. GOLDWATER), which would make it the sense of the Senate to provide annuity benefits to surviving widows of retired military personnel.

It occurs to me this is long overdue. It is grossly unfair that Government employees throughout the U.S. Government should have benefits for surviving

widows with the exception of people in the military. Of all the people employed by the Federal Government it would occur to me that those who serve in the Armed Forces, and certainly their wives, should have annuity benefits, perhaps first and above all others.

This amendment expresses the sense of the Senate that we should come to grips with this matter by proper hearings, implementation, and legislation as soon as possible.

I certainly agree wholeheartedly with the purpose of the amendment which would bring this about.

Mr. President, it is wholly in keeping with the pending Hatfield amendment which is before the Senate in which the sponsors seek to upgrade the military by increasing the pay and making military service more attractive. Certainly a factor that would increase attractiveness of military service, would be to have military personnel know that upon their death their widows would be taken care of. I do hope the Senate agrees to this measure. I yield back whatever time I have remaining.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. GOLDWATER. I would be happy to yield to the Senator, but I do not know what the situation is.

(At this point Mr. STENNIS assumed the chair.)

Mr. HATFIELD. Mr. President, how much time do the two sides have remaining on the amendment?

The PRESIDING OFFICER. The Senator from Oregon has 55 minutes. Senators opposed to the amendment have 119 minutes.

Mr. HATFIELD. Mr. President, may I suggest that some time allocated to the other side be given to the Senator from South Carolina?

Mr. THURMOND. Mr. President, will the Senator from Mississippi yield me 2 minutes?

The PRESIDING OFFICER (Mr. STENNIS). The Senator is glad to yield 2 minutes to the Senator from South Carolina.

Mr. THURMOND. Mr. President, the amendment offered by the distinguished Senator from Arizona, on behalf of himself and the distinguished Senator from California, in my judgment is a good amendment. I think it is fair. I think it is just. I think it is reasonable. I think it is right.

I am sorry he has offered the amendment to the Hatfield amendment, because I cannot support the latter amendment, but I hope the Senator will see fit, if the Hatfield amendment is defeated, to offer the amendment to the bill or in some other form.

It is not right that the wives of military personnel do not get their annuities while the wives of civilian workers do. It is a matter which should have been corrected long ago.

I commend the distinguished Senator from Arizona for offering the proposal, but not to the Hatfield amendment.

Mr. GOLDWATER. I thank the Senator from South Carolina, whose long experience in the military gives him real reason to understand the amendment.

Let me point out, Mr. President, that this amendment is not a bill of particulars. It merely gives instructions to the Secretary of Defense to get along with the job, which is long, long overdue, of changing the retirement regulations under which the military has worked for too long a time. I hope that the amendment, as a part of the Hatfield amendment, will become the law of the land.

Mr. HATFIELD. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be charged equally to both sides.

The PRESIDING OFFICER (Mr. THURMOND). Without objection it is so ordered. The absence of a quorum has been suggested, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, with reference to the modification of the amendment that the Senator from Oregon has just made concerning the so-called Murphy proposal, as presented by the Senator from Arizona, there must have been some kind of misconception here that I had agreed to that amendment. Not by any means. I do not think the implications of it have been explained or that the costs of it have been explained. Certainly the Senate is entitled to an explanation of the cost, how it will be applied, and what the precedents may be on it.

I knew nothing about this amendment until it was proposed. I believe it was mentioned to me yesterday, but it was not taken up with me. I asked the chief of staff to repair to the committee room and get the necessary figures and facts about it. I am not suggesting anyone has done anything wrong about it. My point is that it ought to have been explained fully, on both sides.

Further, we are in a peculiar situation here in respect to controlled time on amendments. We have a situation in which the author of the pending amendment can alter his own amendment and thereby preclude ordinary legislative consideration of these amendments. I just mention that to say I think we ought to avoid getting boxed in in a manner like that again. It would certainly be my purpose to try to avoid such a situation.

The amendment has already been accepted to this extent. The Senator from Oregon has modified his primary amendment to include these provisions. There is nothing I can do about that now. I just do not want to be bound in any way by its terms. I want to get the facts developed, and I shall be willing to grant whatever justice there is in that situation, as anyone else will, I think. I do know that the cost of retirement benefits in the military is running well over $2 billion a year now, and the cost is heading upward very rapidly. That is a matter that has to be considered along with proposed pay increases, even the one proposed under the one before us.

So I just want the record clear that the amendment was not considered on the floor in the usual way and that I cannot approve it. I conclude my remarks on that subject in that way.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. Out of whose time?

Mr. STENNIS. Out of the time of the opposition to the amendment, with the understanding that we can withdraw the quorum call on request.

The PRESIDING OFFICER. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Texas.

Mr. TOWER. Mr. President, I shall vote against the pending Hatfield-Goldwater amendment which would implement the recommendations of the President's Commission on an All-Volunteer Force, commonly referred to as the Gate's Commission.

I take this action with a sense of great reluctance. For many years I have supported the concept of an all-volunteer army. In my opinion, the arguments in favor of moving toward an all-volunteer system far outweigh the arguments against taking such action.

However, whether or not one supports the concept of the volunteer army does not seem to be the most important criteria in considering the pending Goldwater-Hatfield amendment. The support for an all-volunteer system in the Senate seems to be almost unanimous; in fact, in this entire debate I do not believe that more than a handful of Senators have expressed opposition to the volunteer concept.

The questionable aspect of this amendment seems to center around the date of implementation for instituting a volunteer army. On this point I must seriously disagree with the proponents of the amendment and the findings of the Gate's Commission.

I could not agree more with the arguments presented by the distinguished Senator from Arizona (Mr. GOLDWATER) and the distinguished Senator from Oregon (Mr. HATFIELD) with regard to the need to update the pay scale for those Americans who defend this country. It is essential that members of the armed services receive compensation which would compare favorably with that which they would otherwise receive had they remained in the civilian sector. I believe that the chairman of the Armed Services Committee, the able floor manager of this bill (Mr. STENNIS) has, through the course of this debate, made reference to the necessity of removing the inequities of the present pay scale.

While this action must remain one of the main considerations of our debate, I do not believe that it alone will allow us to implement an all-volunteer force at this time. Although I sincerely believe the Gate's Commission has provided a service to all those concerned with this

issue, I must respectfully question its recommendation concerning a July 1, 1971, date of implementation.

The Gate's Commission stated that the armed services contains over 2 million volunteers. This includes personnel that have reenlisted after their normal 2 years of service. In addition, it includes personnel that would have volunteered had they not been drafted. I do not question these figures, even though the Gate's Commission admits they represent only estimates. What I must question is the ability of an all-volunteer force to maintain our current projected needs while the President is attempting to extricate American ground and support troops from Southeast Asia.

Mr. President, the Army is now receiving 500 volunteers a month for infantry duty. The Department of Defense estimates that our current needs for general infantry duty are 3,600 men a month. It seems apparent to me that it is the draft, and the draft alone, which fills this void in infantry manpower.

Mr. President, as a strong believer in the rights of the individual to remain aloof from control by any central government, I will welcome the institution of an all-volunteer force when it becomes feasible. However, under present circumstances, when this Nation is involved in military action which will achieve in my opinion, a lasting peace in Southeast Asia. I must take the view that the institution of an all-volunteer army might jeopardize the overall objectives of the administration. I realize that this is a nonpartisan debate and that many supporters of the administration's policies in Southeast Asia are also proponents of this amendment. I respect the views of my colleagues who have given the Senate an excellent opportunity to study this question. However, I must oppose this amendment for the reasons I have stated above.

Mr. President, the distinguished Chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), has already stated that once the Senate finishes business on the Military Procurement bill, the Armed Services Committee will take up the matter of extending the Selective Service Act which expires next year. When the committee holds hearings on Selective Service extension, it will also study the questions involving the transition to an all-volunteer force. As a member of the Armed Services Committee, I look forward to an extensive review of this Nation's overall military manpower needs and the best way to achieve those needs. I am sure that the committee will have the opportunity to hear the views of my two distinguished colleagues, Senator GOLDWATER and Senator HATFIELD, who have so ably argued in favor of this amendment.

In closing, I would like to point out, as so many have done in this debate thus far, that President Nixon is one of the leading supporters of the volunteer army concept. I am convinced that he is implementing policies which will eventually make such a system feasible. After consultation with various officials in the Defense Department, I am convinced that they are both advocating and implementing policies which will make the transition to an all-volunteer system much easier.

I would like to give the administration an opportunity to continue their plans to decrease draft calls and gradually move toward a volunteer system. I believe that this is preferable to the amendment in question and it is for this reason that I urge my colleagues to defeat this amendment.

I might note further, Mr. President, that I think the Senate does very little to improve its image with the general citizenry when it attempts on the Senate floor to draft legislation so sweeping in character and so significant and to offer it to a pending bill as an amendment.

As I have noted earlier, we all subscribe to the concept of a volunteer Army—of, indeed, having all our services filled with volunteers; and I note that the professional military leaders of all the armed services would prefer to have volunteers—professional soldiers, sailors, airmen, marines.

The fact is that we have not yet held hearings on the Gates Commission report. We have not had any opportunity for extensive consideration of the matter that is before the Senate in the form of the Hatfield-Goldwater amendment.

I think we would be less than responsible if, in the course of a few minutes or hours of debate on the Senate floor, we attempted to adopt legislation so significant in character and, indeed, I must say, radical in character.

Therefore, I am very hopeful that this amendment will be laid aside, particularly based on the promise made by the chairman of the Armed Services Committee that the matter will get a full airing before the committee and that we will have an opportunity to actually deliberate on it. This is supposed to be the greatest deliberative body in the world. We cannot deliberate on a major issue of this kind in the course of one day, with a half dozen Senators on the floor.

So I think it is imperative that this matter go back to the committee and that the committee be given the opportunity to consider it.

Mr. STENNIS. Mr. President, will the Senator yield for a question?

Mr. TOWER. I yield to the distinguished Senator from Mississippi.

Mr. STENNIS. I heard some of the Senator's points, although I did not hear all of his statement. I got the full import of his position and some of his reasons.

I refer the Senator to a letter from the White House, dated August 21, 1970. It is signed by Mr. William E. Timmons, assistant to the President. He says that it is written at the direct instruction or request of the President.

The President has come out flatly against the amendment. He is not against its substance. He still is for the goal of a voluntary army, but to enact it now in the form of an amendment, without hearings, without estimates, without any more information, he comes out in this letter which has been placed in the RECORD 2 or 3 days ago in opposition.

Let me read to the Senator one of the four reasons the President gives:

3. It would add several billions of unplanned increased costs to the fiscal year 1971 budget.

That is the budget we are living in today. It already began on July 1, 1970.

Notice that the President said "several billions." Even the President of the United States does not have an estimate as to what it would cost.

Mr. TOWER. But we are setting a date certain now, when we are not certain what the demands and the requirements will be on military manpower a year hence.

Mr. STENNIS. The Senator is so very correct. The statement by Secretary Laird is as strong as the President's. As I said this morning, the amendment, except for its respectable sponsors and other Senators here, has no parallel—no one willing to call it their child, no one to sponsor it except some of the Senators here in the Chamber.

The President is not in favor of it. The Department of Defense is not in favor of it. The Budget Bureau is not in favor of it. They have not even had the opportunity to make an estimate as to what it would cost.

Thus, as the Senator has already stated, we are now considering a proposal, which has sort of grown out of the floor of the Senate, to make a basic change in policy, one, with all due deference, that I do not believe can be carried out. It will do just one thing; namely, create hope in the minds of the mothers and fathers and the young people who are subject to the present situation in selective service.

I commend the Senator from Texas very warmly and strongly for his very fine statement and his position on the amendment.

Let me point out one other thing to the Senator. Whatever the merits of the volunteer army may be, they lie in the future but not during a fighting war which is still going on, with 406,000 men in uniform, fighting a ground war. Plans are being carried out, and rather well, to withdraw those troops. We hope that it will work out, but we are a long way from home base yet.

Mr. TOWER. Actually, the withdrawals amount to maneuverable battalions and their support elements, composed of infantrymen, ground support, artillerymen, and so forth, whatever is necessary to fight a ground war. We do not yet know what will have to be maintained for what period of time in the way of residual logistical air and naval support forces in Vietnam.

We do not know at this time whether we can reasonably project what we can pull out in terms of maneuverable battalions and ground troops. There are still some unknowns involved. Until we advance further toward the time when the projection of 150,000 troops will have been withdrawn next spring, we shall not be able with any reasonable degree of certainty to estimate what our manpower needs will be.

Mr. STENNIS. The Senator is correct. During a war when we have to have the Selective Service Act——

Mr. TOWER. Absolutely.

Mr. STENNIS. And all the rest, to see the war all the way through.

Mr. TOWER. We have had it in every war in the century we have been engaged in.

Mr. STENNIS. So far as total repeal is concerned, while we are fighting a war and it is still going on, with Selective Service in effect, it is unheard of and, to me, almost unthinkable. Anyway, 406,000 are still over there. If we shift into a volunteer army concept now, what about the young fellows who will be drafted between now and June 30, 1971? How are they going to feel about it? How are their parents going to feel about it, if we have switched over to another system but continue to pull them in? The manpower requirements have still got to be met between now and then, in one way or another. How are they going to feel, they are already in the service through the draft?

Mr. TOWER. I would imagine that their morale would not be too high. Another point is the possibility that the enemy could misread our intentions. There has been a considerable effort on the part of many people to deflate the military in this country. There has been a great deal of criticism of the so-called military-industrial complex. It may be interpreted by friend and foe alike as another successful effort on the part of those in responsible positions in this country to weaken the military structure and the defense posture of the United States.

This is the wrong point in time to try to consider a measure of this kind, for so many different reasons—budgetary, lack of knowledge of our manpower requirements and what they will be over the next 2 years, the fact that we have not had a chance to deliberate on it, and the fact that the enemy can misread our intentions. There are so many other factors that this matter should have a full airing before the committee before the Senate acts.

Mr. STENNIS. I thank the Senator again for his fine comments.

I mentioned the point of cost. We have no budget estimate. The President refers to in his letter to the "several billions of unplanned increased costs to the fiscal year 1971 budget."

We do have an estimate, at my request, as to the cost of the amendment, and the total is $4.3 billion. That is itemized. It is a solid, conservative figure. It is the lowest figure I have heard from any source. Other estimates run to about $10 billion to $12 billion per year. Many say $7 billion or $8 billion. The Senator is well informed. We are trying to reduce the bill. The committee already cut $1.3 billion. Yet here is an amendment that comes along without any estimate, no hearings, or anything else, to add $4.3 billion as a certainty.

Now in planning the 1972 budget——

The PRESIDING OFFICER (Mr. CASE). The time of the Senator from Mississippi has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 3 additional minutes.

Mr. STENNIS. Mr. President, does the Senator wish to comment on that again? The 1972 budget is giving us trouble.

Mr. TOWER. Mr. President, I think in the face of the fact that we had originally anticipated a deficit for the fiscal year of $1.3 billion and that it is now going to be many times over that, it seems to me that the psychological effect of adopting a piece of legislation that is virtually certain to cost at least $4 billion additional itself will have not too salubrious effect on the economy of this country. It will feed the inflationary fires.

I think that the timeliness of the amendment is very bad from so many standpoints, the budgetary standpoint being not the least of them.

Mr. STENNIS. Mr. President, I thank the Senator. We are going to see when the roll is called on this amendment that a great many of those who have been critical of the military and have helped to reduce expenditures will, in all good faith, vote against this amendment. They will vote against it because they know that it is not practical, is not possible, is not workable and that it will be a signal, as the Senator has said, all around the world that we are backing up.

Mr. TOWER. Mr. President, I think one further thing to be noted is that in the face of the current criticism of professional militarism, some of those most critical are now advocating an all-volunteer system. I think we will have to have some time when people stop criticizing and start praising the professional military man and start to give him some reason to feel proud of his profession before we start to consider an all-volunteer force.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Mississippi has 18 minutes remaining.

Mr. STENNIS. Mr. President, I yield 10 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 10 minutes.

Mr. DOMINICK. Mr. President, I thank my distinguished chairman.

Mr. STENNIS. Mr. President, may we have order in the Senate?

The PRESIDING OFFICER. There will be order in the Senate.

Mr. DOMINICK. Mr. President, along with many other Senators, I have been very, very troubled on what to do about this particular amendment.

I have been troubled because for 5 years I have been talking in favor of our need to get an all-volunteer army as soon as we can.

I have been troubled because I think the draft system, no matter how we operate it, when we are drafting less than all of the people, is necessarily inequitable.

Mr. STENNIS. Mr. President, I do not know where the noise is coming from, but would the Chair try to get quiet in the Chamber so that the Senator can be heard?

The PRESIDING OFFICER. The Senator will suspend for a moment. There seems to be a discussion going on in the left-hand side of the Chamber. It has now gotten quiet. The Senator may proceed.

Mr. DOMINICK. Mr. President, I have been troubled because I think we all know in our hearts that we should not and cannot put in any kind of universal service law without escalating the cost as far as the taxpayer and the Government are concerned beyond anything that is presently even possible.

I have been troubled because, knowing all of these things, at the same time we are faced with a military manpower need which almost undoubtedly, in the present context of world affairs, exceeds our ability to provide this manpower through a voluntary army.

I was very interested the other day in listening and then reading the colloquy between the Senator from Mississippi and my colleague, Senator ALLOTT, in which the Senator from Mississippi pledged himself not only to hold hearings on the draft law, but also to include in those hearings what needs to be done with regard to moving toward a voluntary army.

The thing that impressed me even more was the acceptance on the floor of the Senate the other day of an amendment by which the Armed Services Committee was given the power to hold hearings and to set the maximum manpower limits on each branch and component of the armed services.

It seems to me that this finally presents the crux of the problem. As the Senator from Mississippi so aptly said, his estimate of the cost of the Hatfield-Goldwater amendment at the present time is approximately $4.3 billion. I believe the estimate of the Senator from Oregon was in the neighborhood of 3.8 or 3.2 as manpower levels went down. But we do not know what the necessary manpower levels may be. And this is the issue which creates the greatest problem for me. Until we do know what they should be, we are faced with an Executive decision which says that by the first of next year it will be 2.9 at the minimum. Until we know what world affairs are, and are able to determine whether this manpower level is the right one for each branch of the service, we are faced with the 2.9. That means the $4.3 billion expense which the Senator from Mississippi has been talking about.

I said the other day when I took the floor on this same matter to indicate my own difficulty in resolving the issue posed by the Hatfield amendment, that the main problem we have here is in finding the necessary inducements so that we can maintain the branches of our Armed Services at the levels required in the light of present and anticipated world affairs.

Where, for example, are we going to use infantry in the future? Why is it that we have little or no trouble in getting people to volunteer for the Marines, but we have great difficulty in getting any one to volunteer for the light infantry, even though we know historically

that the Marines by and large have suffered more casualties than the infantry? Where will we need the Marines or light infantry? These are all problems which we on the Armed Services Committee must decide in the light of the amendment which has already been accepted. All of these are problems which are involved in our relationship with the rest of the world. And more importantly, all of them involve the method by which we are going to use armed forces if we have to use them—and I certainly hope not—in future engagements.

It seems to me at this point that with these items of crucial importance to our country, the crux of this issue, as I see it, is that to go forward now with a voluntary army without regard to what these manpower levels may be in the future, or may be required to be, is taking a step at this time which is not practical, which is premature, and which simply does not fit the context of our present relationship around the world.

The President has said, and made it crystal clear in the process of his foreign policy announcements, that he will continue the Vietnamization program; that in an era of negotiation we will have a lower silhouette of American involvement around the world; that we will be reducing our own Armed Forces in Korea; that we are going to reach an arrangement with Japan with regard to Okinawa; and that we are going to continue to support NATO. But I would expect that the method by which it will be supported may well be under review again, particularly in view of the rapid rapprochement between the Soviet Union and Germany.

He has been able successfully to date to obtain a cease-fire in the Mideast and at least a start for negotiations—all items which lead toward a more peaceful decade or two decades for the future; all items which should militate toward the ability of the United States to reduce its own forces for the future. But we do not know that yet and we do not know exactly where new fires may break out. We do not know what is going to happen with respect to Cuba. We do not know what is going to happen eventually in the Middle East. It seems to me that until we have a record based on what the best estimates are from intelligence sources, from the administration, the State Department, and a variety of other people, to accept a volunteer army concept at this point would be premature.

So reluctantly—and I say this very reluctantly because I have been one of the foremost speakers on behalf of a volunteer army—I must oppose this amendment at this time. This is not just because of the expense, but of course, that plays a part; but the expense is variable according to what the manpower requirements may be.

It is my understanding, and I wish to ask the Senator from Mississippi this question, that hearings will be held on both the draft and the volunteer army with almost equal time being given to them, some time toward the end of this session and continuing into the beginning of the next session of Congress.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. STENNIS. What was the timetable the Senator mentioned?

Mr. DOMINICK. Either this session or the beginning of the next session.

Mr. STENNIS. We definitely expect to start hearings on both the volunteer army concept and the selective service extension some time in the calendar year 1970; and have it a going concern when we come back here in January.

I do not want to put a timetable on that, since some fellows are trying to switch the "majorityship" around here. I do not know how that might come out. We have great plans along that line. That is what we expect to do.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. TOWER. If the majority changes, I think those of us of the present minority would be prepared to make the same commitment.

Mr. STENNIS. Mr. President, I wish to commend the distinguished Senator from Colorado for a very fine statement. He touched a keynote when he said the need was manpower. Manpower—that is what it comes down to; the need for the next 12 months and the next fiscal year beyond this one; the manpower requirements.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOMINICK. I thank the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator from Colorado for his very fine statements.

Mr. HATFIELD. Mr. President, I yield 10 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 10 minutes.

Mr. COOK. Mr. President, I have listened to this debate. Some of it has been rather amusing. We are now talking about what it is going to cost us to pay a man a living wage to be in the military service of his country.

We have had items that the military proposed to us in committee, and the distinguished Senator from Texas and the distinguished Senator from Mississippi wanted additional millions and hundreds of millions of dollars for projects; and yet throughout this country the United States has 12,500 men in the military service who are on the welfare rolls of the respective counties and respective States where they are now assigned.

What kind of man is that corporal down in Camp Polk, La., who is supposed to fight for his country, but who is on the welfare rolls because he does not have enough money for his family and children to live.

As far as military expenditures are concerned, for the first time I heard the Senator from Mississippi and the Senator from Texas say it will cost too much money. I never heard them complain about defense costs before.

Mr. TOWER. Mr. President, will the Senator yield? The Senator mentioned the Senator from Texas and the Senator from Mississippi.

Mr. COOK. Mr. President, I would be delighted to give the Senator an opportunity to respond after I finish my remarks. I have listened to him for the last 10 minutes and I would like to finish my remarks.

The PRESIDING OFFICER. The Senator from Kentucky has been recognized.

Mr. COOK. Mr. President, I think this is what we are really talking about. Yes, it will cost a lot of money, but there is nothing wrong with paying a man a living wage, and we are not doing it.

I would like to raise another subject for the committee, which intends to have hearings. I would like to have them conduct hearings on something I think is very important. We have alliances all over the world. Let us take NATO, for instance, Mr. President. The United States has a draft which requires that every man be drafted, starting at age 18, for 2 years.

Among our NATO alliance friends, West Germany has just entered into a treaty with the U.S.S.R. West Germany drafts its young men at the age of 18 to serve for 18 months. Why should we have thousands of Americans in Germany when Germany will not do as much for its country as the young men of this country are asked to do for it?

The United Kingdom has no conscription at all and it drafts no one, but the United Kingdom is a part of NATO.

Norway is a part of NATO. They draft their young men at the age of 20, and they serve for 12 months. If they go into the Army, Navy, or Air Force they serve for 15 months. Italy is a part of NATO. They draft their young men at the age of 20. If they go into the Navy, they serve for 20 months; and if they go into the Army or Air Force they serve for 15 months.

France drafts its young men at the age of 20 and they serve for 16 months. Denmark drafts its young men at the age of 18 and they serve for 14 to 16 months.

It gets rather difficult to say to young men in the United States, "You have to serve in these countries under a NATO treaty and you are called upon to serve longer and to be in that country longer than the young man who is drafted in that country has to serve and defend his own country."

So I would like the committee, if it will, when it holds hearings in the immediate future, to give serious consideration for this great fantastic country of ours—and that is what it is—to say to its allies, "We are willing to help you, but from now on we are going to insist you do with yours as much as we do with ours, or better." I do not think that is asking too much.

Mr. President, let us look at SEATO and the only real ally we have down there, Australia. Australia drafts its

young men at the age of 20 and they serve for 2 years. In the Philippines they draft their young men at the age of 21 and they serve for 3 years. The United Kingdom again, which is a signatory to the SEATO treaty, has no conscription at all. New Zealand drafts its young men at the age of 20 and they serve for 14 weeks full time—14 weeks—and then they put in 30 days part time for the next 3 years.

It is pretty difficult to have allies like that, Mr. President. It is pretty difficult to say to the young men of this country, "It is your responsibility to serve for 2 years starting at age 18, and you may have to spend those 2 years in New Zealand or you may have to spend those 2 years in Denmark, or even in Iceland—which is a member of NATO with no conscription at all."

We may say these countries are absolutely necessary for our defense, and there is no doubt about that, but we are also defending their countries at the same time and they ought to be willing to put up just as much "stuff" as the Congress of the United States asks of its young men in this country.

I might say that the discussion has been that it is too soon to do this. I wonder what happened to the Doolittle report in 1947, when this was first taken up and when the committee was first appointed. Here it is in 1970 and it was back in 1947 when the recommendation was made. I guess it is about time we got to it. We think it is rather slow.

I want to say that this proposal does not create a voluntary army. Anybody in this body who thinks that if this amendment is adopted it will result in a voluntary army either is talking through his hat, has not read the amendment, or does not understand it, because it depends on what Congress does.

If Congress continues the draft next year, then this does not go into effect. If the Congress decides to continue the draft the year after because it is necessary, then it will not go into effect.

So we are not establishing a volunteer army. We are establishing the machinery and the wherewithall to establish it, because when it is ultimately established, if it is not now, this same thing will have to be done.

We are not saying to anybody that the manpower in the military of the United States is going to be decreased in 1971 because this amendment is adopted. The only way it will be done, of course, is if the Congress of the United States itself fails to extend the draft next year.

So we are not establishing a volunteer army today, and if anybody in the audience or in this Chamber thinks so, then he has not read the amendment.

I get back to say it is amazing that we have been called upon, time after time after time, to continue to put more and more and more into the military, except for one thing: When it comes to paying men in the U.S. Army a living wage, then we are told it costs too much.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. COOK. I yield.

Mr. TOWER. Does the Senator from Kentucky contend that the Senator from Mississippi and the Senator from Texas are opposing a raise in military pay?

Mr. COOK. I can only say that I listened to rather strong language about the fact that it was going to cost over $4 billion; that it could not conceivably be afforded; that it was far more than the budget could stand; that the budget would be put in a deficit—as the Senator from Delaware knows the budget is already in a deficit—that it was absolutely untenable to do so.

Mr. TOWER. Does the Senator make the accusation that the Senator from Texas and the Senator from Mississippi would oppose a military pay raise?

Mr. COOK. I have not any idea unless the Senator——

Mr. TOWER. Long before the Senator from Kentucky came to this body the Senator from Mississippi and the Senator from Texas were fighting for pay increases in the military. We were trying to get a recruit paid as much as a Job Corps enrollee was paid. We have been fighting for raises in military pay for a long time. So I will not accept—indeed, I reject—any suggestion that there is opposition on our part to raising military pay. I would like to raise it higher than is proposed now; but we are trying to jump in here, trying to adopt vast and sweeping reforms in one day, with 10 or 12 Senators on the floor, with no hearings and no consideration——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. COOK. Mr. President, may I have 5 minutes more?

Mr. HATFIELD. I yield 5 minutes to the Senator.

Mr. TOWER. Mr. President, will the Senator yield me 2 minutes, on my time, to proceed with the colloquy?

Mr. COOK. I am glad to yield.

Mr. TOWER. Is the Senator from Kentucky aware that nobody is on welfare unless he has dependents? Usually these dependents are acquired after the person comes into service. Usually the reason he is on welfare is that he has been "busted" from perhaps a relatively higher rate to a lower rate.

Is the Senator aware that a recruit or seaman recruit with one dependent, along with pay and subsistence, gets $3,026 a year? That, of course, also includes food and he may have Government-provided housing; that he will have access to the commissary, where he gets things at a lower cost?

Is the Senator aware that a recruit or seaman recruit with three or more dependents—and it is an unlikely situation that a recruit or a seaman recruit would have three or more dependents—receives $3,566 a year?

Is the Senator aware that a sergeant first class or chief petty officer with one or more dependents receives $7,207 a year?

That is not as high as I would like to see the pay. I think it must get much higher if we are going to have a volunteer army, but we cannot afford a $4 billion deficit in the budget right now——

The PRESIDING OFFICER. The time of the Senator from Texas has expired.

Mr. TOWER. Mr. President, I ask unanimous consent to enter in the RECORD the figures from which I have been quoting.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

ANNUAL BASIC PAY PLUS QUARTERS, PLUS SUBSISTENCE,[1] BY PAY GRADE, YEARS OF SERVICE AND NUMBER OF DEPENDENTS WITH 20 PERCENT INCREASE IN BASIC PAY FOR ENLISTED UNDER 2 YEARS—1972 BASIC PAY RATES

ENLISTED MEMBERS

Pay grade	Title and number of dependents	Years of service													
		Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-9	Sergeant major-master chief petty officer:															
	0							$9,947	$12,141	$10,339	$10,533	$10,735	$10,915	$11,412	$12,373	$12,373
	1 or more							10,364	10,559	10,757	10,951	11,153	11,333	11,829	12,791	12,791
E-8	Master sergeant—senior chief petty officer:															
	0						$8,593	$8,751	8,982	9,180	9,374	9,561	9,759	10,245	11,214	11,214
	1 or more						9,011	9,229,	9,399	9,597	9,792	9,979	10,177	10,663	11,631	11,631
E-7	Sergeant 1st class—chief petty officer:															
	0	$6,728	$6,728	$6,926	$7,121	$7,315	7,502	7,697	7,898	8,186	8,377	8,571	8,669	9,155	10,123	10,123
	1 or more	7,207	7,207	7,405	7,599	7,794	7,981	8,175	8,377	8,665	8,856	9,050	9,147	9,633	10,602	10,602
E-6	Staff sergeant—petty officer 1st class:															
	0	5,944	5,997	6,188	6,386	6,581	6,771	6,969	7,257	7,445	7,639	7,740	7,740	7,740	7,740	7,742
	1 or more	6,422	6,476	6,667	6,865	7,059	7,250	7,448	7,736	7,923	8,118	8,219	8,219	8,219	8,219	8,219
E-5	Sergeant—Petty officer 2d class:															
	0	5,317	5,421	5,616	5,803	6,095	6,289	6,483	6,671	6,771	6,771	6,771	6,771	6,771	6,771	6,771
	1 or more	5,734	5,839	6,033	6,221	6,512	6,707	6,901	7,088	7,189	7,189	7,189	7,189	7,189	7,189	7,189
E-4	Corporal—Petty officer 3d class (over 4 years):															
	0				5,317	5,515	5,515	5,515	5,515	5,515	5,515	5,515	5,515	5,515	5,515	5,515
	1 or more				5,735	5,933	5,933	5,933	5,933	5,933	5,933	5,933	5,933	5,933	5,933	5,933

Footnotes at end of table.

Pay grade	Title and number of dependents	Years of service: Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26	Over 30
E-4	Corporal—Petty officer 3d class (under 4 years):															
	0	4,561	4,709	4,907												
	1	4,928	5,076	5,274												
	2	4,928	5,076	5,274												
	3 or more	5,101	5,249	5,447												
E-3	Private 1st class—Seaman:															
	0	3,643	4,032	4,226	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424
	1	3,643	4,032	4,226	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424	4,424
	2	4,010	4,399	4,593	4,791	4,791	4,791	4,791	4,791	4,791	4,791	4,791	4,791	4,791	4,791	4,791
	3 or more	4,083	4,572	4,766	4,964	4,964	4,964	4,964	4,964	4,964	4,964	4,964	4,964	4,964	4,964	4,964
E-2	Private—Seaman apprentice:															
	0	3,218	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549
	1	3,218	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549	3,549
	2	3,585	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917	3,917
	3 or more	3,758	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089	4,089
E-1	Recruit—Seaman recruit (over 4 months):															
	0	3,146	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351
	1	3,146	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351	3,351
	2	3,513	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719	3,719
	3 or more	3,686	3,891	3,891	3,819	3,819	3,891	3,891	3,891	3,891	3,891	3,891	3,891	3,891	3,891	3,891
E-1	Recruit—Seaman recruit (under 4 months):															
	0	3,026														
	1	3,026														
	2	3,394														
	3 or more	3,566														
	COMMISSIONED OFFICERS															
C/S	Chief of Staff [2]:															
	0	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497	$38,497
	1 or more	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987	38,987
O-10	General—Admiral [1]:															
	0	25,980	26,808	26,808	26,808	26,808	27,737	27,737	29,673	29,673	31,617	31,617	33,561	33,561	35,502	35,502
	1 or more	26,469	27,297	27,297	27,297	27,297	28,226	28,226	30,163	30,163	32,107	32,107	34,051	34,051	35,991	35,991
O-9	Lieutenant general—Vice admiral [2]:															
	0	23,309	23,856	24,313	24,313	24,313	24,864	24,864	25,793	25,793	27,737	27,737	29,673	29,673	31,617	31,617
	1 or more	23,798	24,345	24,803	24,803	24,803	25,353	25,353	26,282	26,282	28,226	28,226	30,163	30,163	32,107	32,107
O-8	Major general—Rear admiral (U.H.):															
	0	21,347	21,912	22,376	22,376	22,376	23,856	23,856	24,864	24,864	25,793	26,808	27,737	28,755	28,755	28,755
	1 or more	21,836	22,401	22,866	22,866	22,866	24,345	24,345	25,353	25,353	26,282	27,297	28,226	29,245	29,245	29,245
O-7	Brigadier general—Rear admiral (L.H.):															
	0	$18,157	$19,226	$19,226	$19,226	$19,971	$19,971	$20,987	$20,987	$21,912	$23,856	$25,325	$25,325	$25,325	$25,325	$25,325
	1 or more	18,647	19,716	19,716	19,716	20,461	20,461	21,476	21,476	22,401	24,345	25,814	25,814	25,814	25,814	25,814
O-6	Colonel—Captain:															
	0	13,862	15,014	15,846	15,846	15,846	15,846	15,846	15,846	16,307	18,528	19,359	19,730	20,745	22,311	22,311
	1 or more	14,222	15,374	16,206	16,206	16,206	16,206	16,206	16,206	16,667	18,888	19,719	20,090	21,105	22,671	22,671
O-5	Lieutenant colonel—Commander:															
	0	11,418	13,045	13,790	13,790	13,790	13,790	14,150	14,791	15,637	16,649	17,480	17,941	18,499	18,499	18,499
	1 or more	11,745	13,373	14,118	14,118	14,118	14,118	14,478	15,119	15,965	16,976	17,808	18,269	18,827	18,827	18,827
O-4	Major—Lieutenant commander:															
	0	9,845	11,540	12,185	12,185	12,365	12,829	13,563	14,215	14,773	15,327	15,698	15,698	15,698	15,698	15,698
	1 or more	10,145	11,841	12,485	12,485	12,665	13,130	13,864	14,516	15,074	15,628	15,999	15,999	15,999	15,999	15,999
	COMMISSIONED OFFICERS WITH LESS THAN 4 YEARS OF ACTIVE SERVICE AS AN ENLISTED MEMBER															
O-3	Captain—Lieutenant:															
	0	$9,110	$9,967	$10,521	$11,454	$11,911	$12,275	$12,836	$13,383	$13,664	$13,664	$13,664	$13,664	$13,664	$13,664	$13,664
	1 or more	9,411	10,268	10,822	11,754	12,212	12,575	13,137	13,684	13,965	13,965	13,965	13,965	13,965	13,965	13,965
O-2	1st Lieutenant—Lieutenant (jg.):															
	0	7,548	8,642	10,035	10,313	10,493	10,493	10,493	10,493	10,493	10,493	10,493	10,493	10,493	10,493	10,493
	1 or more	7,847	8,941	10,334	10,611	10,791	10,791	10,791	10,791	10,791	10,791	10,791	10,791	10,791	10,791	10,791
O-1	2d Lieutenant—Ensign:															
	0	6,608	7,148	8,523	8,523	8,523	8,523	8,523	8,523	8,523	8,523	8,523	8,523	8,523	8,523	8,522
	1 or more	6,907	7,447	8,822	8,822	8,822	8,822	8,822	8,822	8,822	8,822	8,822	8,822	8,822	8,822	8,823
	COMMISSIONED OFFICERS WITH MORE THAN 4 YEARS OF ACTIVE SERVICE AS AN ENLISTED MEMBER															
O-3	Captain—Lieutenant:															
	0				$11,454	$11,911	$12,275	$12,836	$13,383	$13,848	$13,848	$13,848	$13,848	$13,848	$13,848	$13,848
	1 or more				11,754	12,212	12,575	13,137	13,684	14,148	14,148	14,148	14,148	14,148	14,148	14,148
O-2	1st Lieutenant—Lieutenant (jg.):															
	0				10,313	10,493	10,770	11,241	11,612	11,886	11,886	11,886	11,886	11,886	11,886	11,886
	1 or more				10,611	10,791	11,069	11,540	11,911	12,185	12,185	12,185	12,185	12,185	12,185	12,185
O-1	2d Lieutenant—Ensign:															
	0				8,523	8,885	9,272	9,546	9,823	10,194	10,194	10,194	10,194	10,194	10,194	10,194
	1 or more				8,822	9,294	9,571	9,845	10,122	10,493	10,493	10,493	10,493	10,493	10,493	10,493
	WARRANT OFFICERS															
W-4	Chief warrant officer—Chief warrant officer:															
	0	$9,423	$9,963	$9,963	$10,147	$10,514	$10,889	$11,256	$11,911	$12,365	$12,735	$13,016	$13,383	$13,758	$14,669	$14,669
	1 or more	9,724	10,264	10,264	10,448	10,815	11,189	11,556	12,212	12,665	13,036	13,317	13,684	14,058	14,969	14,969
W-3	Chief warrant officer—Chief warrant officer:															
	0	8,570	9,143	9,143	9,233	9,323	9,872	10,334	10,611	10,889	11,162	11,454	11,821	12,185	12,555	12,555
	1 or more	8,871	9,443	9,443	9,533	9,623	10,170	10,635	10,912	11,189	11,463	11,754	12,122	12,485	12,856	12,846
W-2	Chief warrant officer—Chief warrant officer:															
	0	7,616	8,095	8,095	8,282	8,642	9,024	9,301	9,575	9,848	10,129	10,403	10,680	11,043	11,043	11,043
	1 or more	7,915	8,394	8,394	8,581	8,941	9,323	9,600	9,873	10,147	10,428	10,701	10,979	11,342	11,342	11,342
W-1	Warrant officer—Warrant officer:															
	0	6,511	7,235	7,235	7,703	7,969	8,253	8,523	8,808	9,085	9,362	9,632	9,917	9,917	9,917	9,917
	1 or more	6,810	7,533	7,533	8,001	8,275	8,552	8,822	9,107	9,384	9,661	9,931	10,215	10,215	10,215	10,215

[1] For enlisted personnel, subsistence includes the commuted ration at $1.39 per day for 365 days.

[2] Excludes personal money allowance of $4,000 for Chief of Staff/CNO, $2,200 for general/admiral, and $500 for Lieutenant General/Vice admiral.

Mr. COOK. Mr. President, I must say that I am delighted to have in the record the statistics that a recruit or a seaman recruit with three children would receive $3,560 a year. I have not any vague idea that any person who has a job that he cannot get out of to find a job somewhere else could make a living on $3,560 a year.

Mr. TOWER. That is with food and lodgings.

Mr. COOK. I doubt that he can do it if he is married, has children, and is living off the base. That might be all right down along the Rio Grande, but it is not sufficient in a place like New York or Chicago. A person might be able to live on $3,026 there and not be in uniform and turn down a better job if it were offered to him.

Mr. TOWER. How many recruits or seaman recruits do we know who have that many children?

Mr. COOK. I am delighted with the fact that the Senator has put the figures in the record, because they substantiate the argument we are making.

Mr. HATFIELD. Mr. President, I yield myself 2 minutes.

I may add one other statistic to those that have been put in the record during the colloquy between the Senator from Kentucky and the Senator from Texas, because I am sure both gentlemen are aware that studies have been made on comparative salaries between people in the military and those in civilian life. The President's Commission on an All-Volunteer Armed Force shows that the average enlistee would earn $5,200 in civilian life, whereas the first-term enlistee receives $3,200 total military compensation, which, I may say for the information of the Senator from Texas, does include room, board, and medical expenses.

Further, I think I should point out, on the question of pay, that while pay increased for men with more than 2 years of service between 1948 and 1969, the pay for men with less than 2 years of service increased 60 percent for the same period.

Using the base figure that was used, over 20,000 in the military service are on welfare. I think that, whether or without children, the fact that we have servicemen today receiving welfare compensation certainly should put the Senate to shame for permitting the situation to continue.

I say again, it did not take us very long to raise our own salaries. It should not take us much longer to consider the conditions under which our fighting men and servicemen should have to live, and therefore take the action necessary under this amendment.

Mr. COOK. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. I yield 2 minutes to the Senator from Kentucky.

Mr. COOK. I do not have the exact figure. We have sent out to get them. I would also like the Senate to have in the record the fact that the bill as it has been passed by the House and sent to the Senate containing the new welfare program has a poverty level at something over $3,700 a year. I think it is somewhere between $3,700 and $4,000 as the established poverty level. I have no idea what action this body will take on that bill, but I think it is important to have on the record what the administration itself has established, through the legislation it has submitted to Congress, as the poverty level in the United States.

I would hope that the Senator might have those figures.

Mr. HATFIELD. We will get the figures. But if those figures, as reported by the Senator from Kentucky, are correct, and I have no doubt that they are, I can only say that would really put every first-term enlistee within the poverty class, because that is the figure the first-term enlistee gets now, $3,200, which would be $500 below the poverty line to which the Senator from Kentucky has referred.

Mr. COOK. By the way, I might suggest to the Senator that if that person who goes into the service for 24 months wants to upgrade himself, he has to wait until there is an opening. He has to wait until there is an opportunity. The matter is decided by his superiors, and if he has a better-paying opportunity somewhere else, it is just tough, is it not?

Mr. HATFIELD. The Senator is correct.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield such time as she may require to the Senator from Maine (Mrs. SMITH).

Mrs. SMITH of Maine. Mr. President, a week ago I wrote the President asking for clarification of his position on the Hatfield-Goldwater amendment. Late Friday afternoon after I had left Washington, his reply was delivered to my office.

His reply, relayed by his assistant, Mr. Timmons, was an unequivocally expressed opposition to the amendment.

Because of his expressed wishes, I shall vote against the amendment.

I now read my letter to him and the answer stating his position.

MY DEAR MR. PRESIDENT: On February 25, 1970, I made what is probably the first speech in the Senate in support of your Gates Commission Report recommending the end of the Draft by July 1, 1971. I did so with some misgiving because of the repeated historical failure of the all-voluntary armed force concept.

But I did it on the basis that it was worth a try, especially with the proviso of the Standby Draft plan recommended by the Gates Commission—and I did it because this is one issue on which I am willing to aside my own inclination and support your position.

In the 1968 campaign you committed yourself to abolition of the Draft. You appointed the Gates Commission after taking office and that Commission earlier this year recommended termination of the Draft.

In my February 25, 1970, Senate speech, I stated that I would proceed on this matter at your pleasure and would introduce such legislation as you desired for me to do when you so notified me.

Senators Hatfield and Goldwater have announced that they will offer their Draft Abolition Amendment to the pending Defense Procurement Bill. I have received a copy of Defense Secretary Laird's letter to Chairman Stennis opposing the Hatfield-Goldwater Amendment.

This leaves me perplexed as to specifically what your desire is. While you are committed to abolition of the Draft and while your Gates Commission has recommended abolition of the Draft, your Defense Secretary now opposes the Hatfield-Goldwater Draft Abolition Amendment.

I shall take whatever position you desire me to take on the Hatfield-Goldwater Amendment. But I simply don't know what that position is. I would deeply appreciate your advising me what position you wish me to take on the Hatfield-Goldwater Amendment as soon as possible.

Sincerely yours,

MARGARET CHASE SMITH,
U.S. Senator.

THE WHITE HOUSE,
Washington, D.C., August 21, 1970.

DEAR SENATOR SMITH: Because of his current absence from the city, the President has asked me to thank you for your letter of August 17th regarding the All Volunteer force concept.

President Nixon especially asked that I again express his appreciation for your speech last February 25th in support of the Gates Commission findings and reiterate his firm intention to reduce the draft calls to zero as soon as this worthwhile goal can be reached within the restraint of fiscal responsibility and consistent with the requirements of national security.

The President sent to Congress, four months ago, legislation to begin to achieve the objectives recommended by the Gates Commission. This measure provides for a 20% pay increase for first term enlisted personnel effective January 1971. The President is hopeful this legislation will be enacted this session of Congress. Additional increases in pay and benefits are currently planned for inclusion in the budget for fiscal year 1972. No date, however, has been set for cancelling induction authority because, as he pointed out in his April Message, no one can predict with precision whether or not or precisely when conscription can be ended. Thus, it would be imprudent to set a date when induction authority can be permitted to lapse. While it can be said that the chances of achieving an all-volunteer force improve as we withdraw from Vietnam and reduce the overall size of the armed forces, only actual experience in attracting volunteers will help determine when we cease drafting men, not a preselected arbitrary date.

Amendment 765 to H.R. 17123 apparently contemplates the termination of the draft on June 30, 1971, and would enact a wide range of personnel actions which, it is claimed, would enable us to maintain the armed forces with volunteers after that date. The President is opposed to this amendment for several reasons. First, we cannot be sure that the proposed changes in pay and incentives will attract enough volunteers to permit cancellation of the draft on June 30 of next year. Second, it would enact a host of personnel policy changes without knowledge of their cost and their effectiveness compared with alternative proposals for attracting more volunteers and retaining career personnel. Finally, it would provide no opportunity for the Armed Services Committees to hear the views of the Department of Defense and other interested witnesses for achieving the all-volunteer force. Of serious consideration also, of course, would be the cost of this amendment which would add approximately $4 billion of unplanned increases to the fiscal 1971 budget.

Please be assured that the All Volunteer Force continues to be the President's objective, but he feels that there is a more effective and responsible way to accomplish

this goal than that proposed by the amendment under question.

With highest regards,

Sincerely,

WILLIAM E. TIMMONS,
Assistant to the President.

PROVISION FOR ALL-VOLUNTEER ARMED FORCES

Mr. McGOVERN. The draft is an aberration in America. With the exception of minor use during the Civil War, there was no recourse to the draft in any American war till World War I; it had never been used without a declaration of war until our first peacetime draft in 1940. The Indochina war finally inspired comprehensive investigation of the rationale and consequences of conscription. The conclusion of all the best efforts in this investigation, particularly the Report of the President's Commission on an All-Volunteer Force, is that the national interest requires that the draft be replaced by adequately paid, all-volunteer armed forces.

The draft is inconsistent with our heritage of freedom. Many of our forefathers came to America to escape compulsory military systems in Europe. They recognized conscription as a denial of freedom.

Conscription was originally allowed in America as the sort of temporary measure which a free people will allow only when the state is in grave and unusual danger. But we have since allowed the draft to become an unexamined ongoing assumption of American life. We now face the cruel irony that a nation created by victims of European military despotism has seen more than 40,000 of its sons flee to avoid American conscription.

We do not presume to force service in vital professions such as medicine and education. Rather, we induce entry by providing adequate incentives, both monetary and nonmonetary. The same must be done with military service. In a free society, an individual is supposed to choose his labor. We are born free. An American child is not born with a contracted obligation to accept military service as his labor. This sense imbued the fathers of our liberties. Daniel Webster argued, during the debate on the proposed War of 1812 draft bill:

> Where is it written in the Constitution, in what article or section is it contained, that you may take children from their parents, and parents from their children, and compel them to fight the battles of any war, in which the folly or wickedness of Government may engage it?

The folly of Vietnam has now made gravely clear the folly of the draft in contemporary America. We are witness to the profound and widespread torment of young men forced to fight a war which they believe is immoral. At Nuremburg the United States participated in sentencing as "war criminals" men who refused to resist unjust war. How, then, can we continue in this time of war to coerce the conscience of America's youth?

In time of peace, as well as time of war, the present conscription system also involves the immorality and injustice of forced labor. And it pays the forced laborer an inadequate and unjust wage. The wage in fact is so low that some military personnel are forced to seek welfare and food stamp assistance.

It has been suggested that the pay provision necessary to encourage an all-volunteer Armed Force would be prohibitively expensive. But the Gates Commission has shown conclusively that such is not the case. The Commission carefully calculated that in order to maintain the present level of troops an additional budgetary expenditure of $3.24 billion would be required in fiscal year 1971. Then, of this amount, $540 million would be returned through income taxes on the increased salaries. Thus, the net cost for the first year of operation would be $2.7 billion.

The increased budgetary costs for the all-volunteer system represent the amounts needed to induce the required number of individuals to leave the civilian labor market and enter the military. These increases equal the "tax" which the present inductees are paying by accepting a pay scale only half as high as they would earn in civilian employment. Low military service pay, in effect, forces the conscript to pay a 51-percent tax on his earning ability, more than three times that of his counterpart in the civilian labor force.

The all-volunteer armed force does, of course, represent an increase in budgetary expenditures. But it does not represent an increase in the total cost to the Nation. Under the present system the costs are being paid by the individuals inducted. Under an all-volunteer system the same costs would be paid by the entire Nation. Under the present system half the costs of first term conscripts are borne by these conscripts. And this tax falls quite unevenly. In the first place only about 8 percent of each new group of 19-year-olds are needed to meet the manpower requirements of the Armed Forces. This means that the remaining individuals for one reason or another escape both military service and the unfair pay scales. And it is now well recognized that individuals with greater social and economic advantages are more likely to escape the draft. Thus the draft not only results in an uneven tax, but in a regressive tax which falls most heavily on those least able to afford it.

A most striking feature of the projected change to a volunteer force is that substantial economic savings will in fact result. Conscripts almost never reenlist. After anywhere from 3 to 12 months of training they serve about 1 additional year only to leave the service. This means tremendous waste. The much greater length of service we could expect from volunteer forces would result in savings of $675 million per year in training costs alone.

If we were to institute an all-volunteer force, we could also expect that by 1980, 45 percent of its members would have 4 or more years' experience, as compared with only 31 percent under present arrangements. Thus a volunteer force will be better trained; and the improved individual capacity could be reflected in lower manpower requirements to meet the same needs.

An all-volunteer force would also make more efficient use of its members. The present salary scale understates the actual cost of supplying an individual soldier. By making salary costs more accurately reflect the real costs, there is every reason to believe that manpower will be used much more efficiently.

By making use of civilian personnel in many positions, it might be possible to save as much as $100 million per year in assorted real costs. For instance, by use of lateral recruitment, that is, recruitment of trained personnel into higher ranks, it is possible to make substantial savings on training.

Finally, the change to a voluntary force would mean significant savings to the economy as a whole. The present system typically places an individual capable of performing an $8,000 job into a $4,000 job. The difference of $4,000 is not only lost to that individual, but is also lost to the American economy. This is illustrative of the thousands of economic dislocations and inefficiencies that are perpetrated by the draft.

An especially pervasive and longstanding objection to an all-volunteer force is the notion that it will tend to create a special military ethos and endanger civilian control of the military. But this fear is belied by the historical evidence. Napoleon rode to power on the backs of a conscript army. He did so right after the French Revolution while "Liberté, Equalité, Fraternité" was the universal cry of his conscripts. On the other hand, our own Nation has traditionally relied on voluntary forces. The same is true of Britain. Yet the United States and Britain have the strongest traditions of civilian control of the military. Or again, consider that the Governments of Greece, Cuba, Spain, and Albania all practice conscription while Canada, India, and New Zealand rely solely on volunteer forces. There is simply no basis in fact for supposing that conscription is more compatible with democratic government and that voluntary armies are more compatible with dictatorship and tyranny.

Furthermore, there is no convincing evidence that all-volunteer armies are themselves more antidemocratic than others. The most compelling point to be made in this regard is that even with a conscript force, the career soldiers are the individuals who are in direct control of the military apparatus. The lowest echelons of the military, under a volunteer or conscript force, characteristically have only marginal effect upon military activity and policy. And after all, the only way we can really insure that the military does not destroy freedom in America is for the Congress and the President to act with courage and intelligence to carry out their constitutional responsibilities to control the military.

A related objection to the volunteer force is that it might encourage, or at least more readily permit, foreign adventures such as that in Vietnam. But the historical evidence is again to the contrary. And Vietnam is the most obvious case in point. If service were indeed voluntary and the men could vote with their feet, Vietnam might have been the war where nobody came. Most important, it must be recognized in regard to the Vietnam war that the existence of the draft was one of the primary preconditions for the commitment of troops without prior debate in the Congress of the wisdom of involvement or the size of troop levels. The troop levels were slowly

raised through executive control over the draft. Under a proper volunteer system which would permit a draft only with the approval of Congress, the increased manpower needed to fight a war could not be secured without explicit congressional action to either reintroduce the draft or expand the incentives to recruit more men. In addition, most of the costs for the operation would be contained in the budget and would be open and explicit rather than being partially disguised as through the present tax in kind paid by conscripts. This is of key importance for civilian control over the military. For the key problem has been congressional approval of military budget requests without understanding what was being approved or why.

Contrary to some of the distortions, the voluntary army that is projected is not to be a "mercenary" force. The term "mercenary" applies to the projected voluntary force no more than the same label applies to the vast majority of our officer corps and all the men who remain in the Armed Forces beyond their first term, who are thereby "volunteers." There is no reason in logic or fact to suppose that the American soldier's love of country will suffer because we pay him a decent wage and let him serve by his own choice rather than as a result of the threat of imprisonment. Coercion and fear do not produce love and respect. They produce bitterness and rebellion. As we have learned all too well from the Vietnam disaster, the draft can be wholly destructive of patriotism.

Concern has also been expressed that a voluntary system will result in a severe overrepresentation by blacks and other minority groups in the Armed Forces. But careful analysis by the Gates Commission indicates that there would be less than a 1 percent difference in the racial composition of an all-volunteer force and a mixed force such as we have at present. Indeed—contrast the inequity of the present system. It is a present injustice that the present system forces a disproportionate number of minority individuals into the army to fight and die in Vietnam. If the pay and the status of a military profession is comparably more attractive to the black man, the proper response is to open all other professions equally to the black man. If we accept the obligation to end racism and injustice in America, there will be no problem of disproportionate black representation in the military.

Conscription cannot, of course, be discussed without the ultimate consideration of our national security. And here the reasons for a voluntary force are especially compelling. There is every reason to believe that national security will be better served by an all-volunteer force. As has already been indicated, such a force will be more highly trained than a conscript force and will have greater experience. Today experience and skill are of utmost and increasing importance to the military service. Mass armies are not likely to be significant elements in our future security; and have become less and less significant in our strategic planning. Consequently, the increased experience and skill to be expected from a volunteer army has never been more desirable nor more important.

Concern has been expressed that the all-volunteer force would not be of very high quality. It is argued that only men who cannot find good jobs in the civilian sector will come into the armed forces, and that these men will most naturally be the men with fewer qualifications. But the Gates Commission has concluded, quite to the contrary, that an all volunter force can be constructed from men who meet a more rigorous requirement than is presently in effect. Furthermore, it must be recognized that even under the present system all but the lowest ranks are filled exclusively from volunteer reenlistments. Through longer tenure and lateral recruitment with proficiency pay, there is every reason to believe that the actual quality of manpower will be significantly improved.

It has been claimed that an all-volunteer arrangement forecloses the flexibility to meet emergencies. But the draft is not a procedure for providing flexibility in emergencies. In terms of responding to crisis, our military strength is dependent upon forces in being, that is, those on active duty and in the Reserves. Under the proposed volunteer system, the Congress would, of course, retain the power to institute a draft should that ever appear necessary. The short period of time required to either activate the draft or provide increased incentives for enlistment is really insignificant considering the several months lag time between induction and preparedness for battle that exists even under the present system. And indeed, I doubt, whether if there were a real emergency, it would be necessary to reactivate the draft. America's young men have always shown their willingness to fight when America is truly in danger.

Some critics of the volunteer force fear that the costs of the all-volunteer force might be taken from other military expenditures, thereby decreasing our defense development and procurement programs. But this is an invidious view which argues that the American people must be tricked into supporting military programs. I say that the health of our democracy depends on decisions made on the basis of complete information and assessment of real costs. The all-volunteer force will facilitate rational military planning since costs will be explicit and greater efficiency of allocation can be made both within the defense budget and between defense expenditures and alternative expenditures.

The evidence and logic support replacement of the draft with an all-volunteer armed forces system. We would have taken this step earlier, I believe, if we had not failed so remarkably for so long to question the wisdom of the draft. The draft is one of the slow, subtle ways in which American freedom can be eroded. Let us grasp the opportunity now before us to end the draft and restore the traditional voluntary system.

Mr. HOLLINGS. Mr. President, I would like to say a few words to explain my opposition to the Goldwater-Hatfield amendment. I believe that a professional, all-volunteer army is neither necessary nor desirable.

No plan is perfect, and doubtless ther are inequities in our present draft sys tem. No two people receive alike whe the wheel of fortune spins. As John K Kennedy once observed, life itself is un fair. Anyone who believes that we ca build an armed force based on 100-per cent fairness to all is, I believe, far to optimistic. To argue that a perfectl equitable system can be created throug an all-volunteer army is dangerous delu sion. The fact is that a volunteer arm is both unfair and impractical.

First, the proposed professional arm would only enhance the inequities of th present draft system. There are thre groups who have suffered most from th deferment standards utilized under th draft system of recent years: the poo the black, and the disadvantaged. I sub mit that these are the same three group which would comprise the overwhelmin bulk of a volunteer army. The educate and the affluent will simply not be repre sented. In effect, the amendment we ar debating today takes the worst feature of the current system and perpetuate them as far down the road as the eye ca see.

Second, an all-volunteer army woul prove inadequate to the demands of full scale warfare. An all-out war would in evitably mean going back to the draf in order to recruit enough men to wag the battle. There would be no time t reestablish classifications and draf board hearings if another war broke out So we would again stand in need of th draft, but we would lack any means t quickly reinstitute it. We cannot afford to be caught again with our guard down That has happened before, and the cos in blood and treasure has always bee high. We are being asked on emotiona grounds, largely opposition to the Indo china war, to rush into a very far-reach ing program without giving it the in depth study it requires.

Third comes the matter of cost. There is no ignoring the fact that a professiona army is going to cost added billions o dollars, probably about $4 billion a year We must take stock of our priorities Can we afford to channel tremendou sums of money into the creation of a professional army when we face so many other calls upon the Treasury? Would i not be better to divert those billions int some other project, such as tackling ou other pressing problems or reducing ou astronomical national debt? I think th answer is obvious.

Fourth, an all-volunteer army woul not represent a cross section of th American people. There will be precious few doctors and scientists and engineers to volunteer for military service. There will be few young men with college back grounds to join the ranks. I have spoken on college campuses in many parts of th country, and in the question-and-answe segment we always get around to th draft. The questioner usually argues vig orously in favor of a volunteer army. My response takes the form of a question How many of those in the audience woul join such an army? Mr. President, th affirmative responses can be counted o the fingers of my two hands. The military establishment needs diversity to give i strength and to preserve our traditions

Without the draft, that diversity will be lacking. An army that represents a cross section of the Nation is essential—the rich and the poor, the formally educated and the deprived, those who like military regimen and those who do not.

Fifth, a professional army in peacetime is out of character for a democratic society. An all-volunteer system would establish a powerfully entrenched military clique that would bode ill for the future. It is true that for much of our history, the United States usually had a volunteer military force. But this is 1970. We have grown up to be the most powerful Nation on earth, with obligations and responsibilities demanding a large standing army. A professional army of a few thousand soldiers is one thing; a professional army of millions of men is quite another. In addition, the civilians in our Government have a difficult enough time today in asserting effective control over the Armed Forces.

The bureaucracy is large and cumbersome, as the military is quite willing to admit. Professionalizing the Army would only add to an already difficult task. I can see no good growing out of a situation creating a professional army of millions of men owing their permanent, or at least semipermanent, allegiance to the military way of life.

Sixth, the draft, for all its faults and limitations, has some positive effects. In an age when patriotism is on the decline, military service can demonstrate to the young the price of freedom and democracy. It can encourage a more profund appreciation of what America is all about. In an age when most of the young are unaccustomed to deprivation and want, it can demonstrate that a secure, affluent life is nobody's right—it is rather a privilege to be won.

Finally, Mr. President, compulsory military service does not make our Republic authoritarian. Many of the proponents of a volunteer army argue that the draft strips individuals of their rights and points the way toward dictatorship. This is nonsense. That this country is supported by a compulsory income tax does not mean that we have become a slave state. Compulsory school attendance does not mean state-enforced indoctrination. Nor does compulsory military service make for totalitarianism. Just as we pool our resources to finance the country and to educate ourselves, so do we come together to defend it in the hours of need. "Ask not what your country can do for you. Ask what you can do for your country." That is a summons we would all do well to remember. People have rights, but they also have obligations. And surely a short stint in the army is small enough price to pay to protect our way of life.

I will therefore cast my vote against the Goldwater-Hatfield amendment. And I urge that in our future deliberations to improve the draft, we accord adequate attention to the far-reaching effects of any changes. The security of our country cannot be sacrificed on the altar of hastily conceived improvisation.

Mr. CASE. Mr. President, the Hatfield-Goldwater amendment to end the draft on June 30, 1971, reflects a commendable and justified concern with the system by which we man our military services.

The present selective service system is unfair and manifestly inequitable. I and many of my colleagues have criticized this system and cosponsored legislation to reform the draft ever since the National Advisory Commission on Selective Service issued its findings in 1967.

The issue before us thus is not whether the present draft system is unjust. It is.

Similarly, the goal of moving toward reduced reliance upon the draft certainly is desirable, and it has my support.

Although I will vote no on this specific amendment, my vote does not represent satisfaction with the present system of selective service.

Rather, I am in agreement with President Nixon's decision to decrease emphasis upon the draft in a systematic and careful manner.

As the first step in this process, the President this year has proposed a 20-percent pay increase for enlisted men with less than 2 years of service, and he has declared his intention to ask for another $2 billion pay increase next year.

These substantial improvements in the compensation of recruits should begin to test the proposition that better pay can attract sufficient volunteers to staff our Armed Forces.

Honest differences still exist even among the experts concerning the practicality and effect of a volunteer Army, not the least of which is the possible development of an officer military elite relatively isolated from the mainstream of American life and enlisted ranks manned even more than they are now by the poor and underprivileged of America.

Although I have the highest respect for these members of the Gates Commission who recommended the end of the draft next June, I believe that even they would admit to less than absolute certainty that these and many other questions have been completely resolved.

The testing process which the President's recommendations would provide therefore is highly appropriate and necessary to the seriousness of this Nation's decision on the future of conscription. It is, I believe, a course of action preferable to the immediate and total abolition of the draft.

I therefore urge that the Armed Services Committee fulfill its pledge of hearings on draft reform this year. Even if the volunteer army amendment is adopted, the draft still will be with us in standby form. I also support and commend to my colleagues the President's proposals to increase the pay of recruits as a first step in testing the feasibility of a volunteer army.

Mr. GRIFFIN. Mr. President, it has been written that there is a season for all things.

With that thought in mind, I would like to offer some comments on the Hatfield-Goldwater amendment which is the pending business before the Senate, and on which, hopefully, we will vote at some point later in the day.

I have a high regard for the sponsors of this amendment, and for those who have joined them as cosponsors. I know their sincerity in what they are proposing cannot be questioned. I know the amendment they have proposed represents their deep conviction of what is best for the country at this particular point of time.

The whole idea of an all-volunteer army is an appealing one, especially so when the draft has come under such attacks and has been the source, real or fancied, of much of the trouble that, unhappily, we have seen in this country in the last 2 or 3 years. Under other circumstances I might find myself convinced of its desirability—and its feasibility—as a means of protecting this Nation's security.

But at this time I cannot do so. I am convinced, on the other hand, this is not the time—this is not the season—to consider a proposal of such magnitude and of such far-reaching consequences.

As much as we all deplore it, we are at war, whether it has been formally declared by the Congress or not. Already it has become the longest and one of the costliest wars in our history. I hope it will end soon but how much longer it will go on, unless we should cut and run, as some have suggested, I do not know.

Under the circumstances, I cannot possibly see how we could move toward an all-volunteer army without jeopardizing our national security. With world conditions as they are, we cannot afford the very serious risks which are involved, in my opinion, in the ultimate results that might occur if this amendment should be adopted at this time.

In his campaign and since President Nixon has talked about his desire to move this country from reliance on the draft to a volunteer army. In his message on the draft on April 23, 1970, the President underscored this in these words:

> From now on, the objective of this administration is to reduce the draft calls to zero, subject to the overriding considerations of national security.

But the President emphasized that the draft could not be brought to an end all at once. It would have to be phased out gradually to insure adequate defense strength at all times.

As we all know, the present selective service law will expire on next July 1, and just as sure as night follows day, we will have to extend this authority.

What disturbs me very much about this pending amendment is the hope implicit in the wording that the draft will be ended on a given date less than a year hence; that no longer will young men be faced with this solemn duty. What a disappointment we may be building up for them.

I know the sponsors of this amendment contend that it does not end the draft or the possibilities of the draft continuing. But what a hue and cry there will be, if we adopt this amendment, when we come to consider an extension of the selective service law. I will come back to this point later on.

One of the things that disturbs me a great deal about this amendment is the section which requires "findings" by the Congress when, in fact, there is no basis for such findings. There have been no hearings on proposals for a volunteer army, no way to evaluate some very

broad generalizations, no way of knowing for sure whether they are workable or not.

Subsection 2 of these findings declares that involuntary service is discriminatory "because it falls upon a relatively small number of the total population." Would not a volunteer system do the same? Who would be the young men who would serve and from what part of our economic life would they come?

Subsection 3 declares with great assurance that—

> The military manpower requirements of the Nation can be adequately met through the effective administration of a voluntary system.

How do we know? What assurances do we have that this is so? Quite assuredly, this is not the President's thinking; he has said most clearly that an extension of the draft will be necessary.

Subsection 4 of the findings declares that—

> A voluntary system should be instituted and given fair test as soon as practicable while providing necessary safeguards in the event that unforeseen circumstances create a need for additional military manpower.

Let us examine, for a moment, what "necessary safeguards" this amendment proposes.

Notwithstanding the expiration of the Selective Service Act next July 1, the amendment proposes continuing registration of young men between the ages of 18 and 26 in order that involuntary induction "may be reinstituted without serious delay in the event the President determines—such action is necessary and legislation authorizing conscription is enacted pursuant to such determination."

In this nuclear age I wonder who can determine what "serious delay" might be? Given the temper of the country on this subject, I wonder what speed there would be in granting the President's request?

Under the terms of this amendment, before there could be involuntary inductions into the armed services after next July 1, the President would have to make a determination that conscription was necessary, notify Congress of this determination and the facts upon which it was based, and submit recommendations for the legislation he deemed necessary.

Giving Congress credit for moving with all deliberate speed on occasions, I wonder if some of the dangers and emergencies which could face us as a Nation would allow time for this. Judging by the speed with which we have been acting on this very important military procurement authorization, I fear, I fear indeed, there just might be serious delays.

In his April message to which I referred, the President said that as we move away from reliance on the draft "we must make provisions to establish a standby draft system that can be used in case of emergency."

The procedures outlined in this amendment are, I submit, a far cry from what the President had in mind.

Under this proposal we are considering, where would be the standby draft? We would have a great pool of registrants but we would not have the instant machinery for calling them into service if the need should arise.

And who can say in this day and time when the need will arise, where it will spring up, and under what circumstances? Would those who would destroy this country and what it stands for in a troubled world give us the time of enacting a new conscription law?

Until the concept of a volunteer Armed Force has been tried and tested, until we know very much more than we know today, I believe we would be undermining this country's defensive strength and running needlessly grave risks if we should adopt the proposal we are considering here. As much as I might wish, I just cannot accept the extravagantly hopeful premises on which this proposal seems to be based.

There is another thing about this proposal that bothers me a great deal and this is the violence it would seem to do to fiscal responsibility at a time when the President is undertaking to reorient our priorities and meet the crushing domestic needs of our people.

As it is written, the amendment would provide for a whole series of increases for our military personnel—for increases in basic pay rates both active and reserve for certain enlisted and officer personnel, proficiency pay, recruiting incentives, special pay for physicians and dentists and other things.

I believe the distinguished chairman of the Senate Armed Services Committee, Mr. STENNIS, has placed the increased costs embodied in this amendment at $4.3 billion a year. Some say that it would be less and figures which have been quoted place the total at a much higher figure.

I just do not know, and I do not believe anyone else could say with certainty what the cost would be, whether it would go up or down, as the volunteer plan went into operation.

Now I am not opposed to adequate and even generous pay for those who risk their lives to defend our country. I think they sould be paid on a basis that will make military life more attractive. I have supported such pay increases, and I will support them again. But I want to do so after consideration of all the factors involved and not in the way we are approaching the matter with this amendment.

The overall bill before us, as I understand it, would call for expenditures totaling more than $19.2 billion. This amendment, as the chairman of the committee has pointed out, would increase that figure by 22.4 percent.

Furthermore, the pending budget contains no funds for carrying out the proposal. We might stop right here and ask ourselves, how will we finance the increased costs whatever they may be?

Should we take these costs at this time from other undertakings so urgently needed? Or do we wish to pay taxes—would be willing to pay more taxes. It is an old adage that you cannot have your cake and eat it, too.

We are asked to take this step at this particular time without the benefit of a single day of hearings on his proposal. We have a solemn obligation as legislators to give this matter of a volunteer armed force the most searching study, the most thorough analysis. I submit that this, in all frankness, cannot be done on the Senate floor. We need the benefit of hearings, and I associate myself completely with the words of the chairman of the Senate Armed Services Committee, Mr. STENNIS, when he said on the floor here on August 18:

> For the Senate to adopt an amendment of this magnitude without committee hearings in either the House or Senate is to repudiate the fundamental legislative process.

I am convinced that we would move more surely and just as rapidly toward the desirable goal sought by this amendment if we would follow the normal legislative process of hearings before the appropriate committees of Congress. Then we will have the information and material on which to base a sound judgment.

The distinguished chairman of the Senate Armed Services Committee has given assurances that hearings on the extension of the Selective Service Act of 1967 will be started as soon as practicable. He has also given assurances that these hearings will include a full examination of the proposals for a volunteer armed force.

Is not this the course we should follow?

The President has given his full assurances that he supports the idea of a volunteer force. He has been equally explicit in saying that he opposes the course outlined in this amendment.

In a letter which the Senator from Mississippi has placed in the RECORD, the President's reasons for opposing this amendment have been set forth clearly and unequivocally. For emphasis, I would quote them here:

> 1. There can be no certainty that the proposed changes in pay and incentives will attract sufficient volunteers to permit cancellation of the draft on June 30, 1971, as implied in Amendment 765.
>
> 2. It would enact into law a large number of personnel policy changes without knowledge of either their effectiveness or comparative costs with quite possibly more efficient alternative proposals.
>
> 3. It would add several billions of unplanned increased costs to the FY '71 budget.
>
> 4. And, provide no opportunity for the Armed Services Committees to hear the views of the Department of Defense or other interested witnesses.

The Senate should defeat the amendment.

If anyone should know what the military impact of the proposed amendment would be, that individual is Secretary of Defense Melvin Laird. He is very much opposed to the amendment, as he made clear in a letter dated August 14, 1970, to Senator STENNIS.

In that letter, the Secretary wrote:

> The amendment assumes the termination of draft legislation on July 1, 1971. I am convinced that military manpower needs will require the continuation of the draft beyond this date.

And he adds:

> To terminate the draft, as proposed by this amendment, even before the Congress has appropriated funds for pay increases and other incentive programs designed to increase the number of volunteers, would seriously impair the Services' ability to meet their manpower requirements.

That is something, I am convinced, we cannot afford to do at this time.

Mr. President, the issue we are confronting on the Senate floor today is clear.

While the amendment proposed by the distinguished Senator from Oregon (Mr. HATFIELD) and the distinguished Senator from Arizona (Mr. GOLDWATER) has a most desirable objective, it has one basic fault:

It is offered at the wrong time, in the wrong place, and under the wrong circumstances.

The Senate should defeat the amendment.

Accordingly, Mr. President, I add my voice to those who are urging that the pending amendment be rejected.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. On whose time?

Mr. GRIFFIN. The time to be equally divided between both sides.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and it is so ordered.

The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the distinguished Senator from Missouri.

Mr. EAGLETON. I thank the distinguished Senator from Mississippi.

Mr. President, a few days ago—specifically, on August 20, 1970—I addressed myself to the pending question; namely, the wisdom of creating at this time, by an amendment to the pending military procurement bill, the so-called all-volunteer army.

At that time, I raised five rhetorical questions with respect to matters that I thought should be probed in depth through the legislative process in hearings before the Armed Services Committee. Today I would like to address myself to additional questions and make additional comments.

I think we all know that there are many inequities in the present draft system, and I think there is substantial, if not unanimous, agreement that these inequities should be removed. We also know that there are many inequities in our society and that they should be remedied.

Inequities in both the draft and the society throw grave doubt on the type and composition of the volunteer army that would eventually emerge if the Hatfield-Goldwater amendment became law. The type and composition of the Army obviously will affect each of us as well as national policies.

Does a volunteer army provide a nice "out" for those who can afford it? Presently, parts of the draft do, and those parts, those loopholes, should be remedied rather than compounded. By providing an "out," are we about to return to the era when the rich could buy substitutes to serve in their stead? Will entire segments of the population be removed from the concerns of national military policies and, in so doing, apathetically accept foreign military involvement? Quite honestly, Mr. President, I do not know.

I am not sanguine about several of the Gates Commission assumptions, however. For example, does the Gates Commission take changing unemployment levels into account with respect to the willingness of the individuals at certain pay scales to volunteer for Army service?

Is it not relevant to determine what the unemployment rate in the country might be at any given time—and its effect on a volunteer army? With an unemployment rate of, 3 percent, how coveted is volunteer service in the military at x dollars? At an unemployment rate of 6 percent, how coveted is service in the military at x dollars? And God forbid, at a rate of 10 percent, we might have other problems as well.

I am not certain, therefore, that the Gates Commission, assuming the flexibility and the unpredictability of employment at any given time, can give us a fair and safe estimate as to the acceptability volunteer service.

Would the turnover rate in the Army—turnover necessary, first, to breathe fresh life into an otherwise closed system, and second, to supply the amount of young manpower within certain age groups necessary for combat duty—be the same, for example, for a 2 million man Army, a 2.5 million man Army, as proposed by the Senator from Oklahoma (Mr. HARRIS), a 2.9 million man Army or a 3.3 million man force? I do not know. Again, these are questions that I think deserve further attention than were given in the Gates Commission report.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Kansas City Star of June 14, which raises questions similar to the ones I have just propounded and additional ones as well.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

AN ALL-VOLUNTEER ARMY, YES, BUT FIRST FULL DRAFT REFORM

Is it a pipe dream, this idea that the draft—putting aside the clear need for its interim reform—can be ended perhaps as soon as mid-1971 and replaced with a purely voluntary system? Many military leaders are convinced that the concept is spun from gossamer, politically appealing but practicably impossible for the early future.

To make their point, the skeptics tell of a recent gathering of college students in Washington for a discussion of Cambodia, the draft and the all-volunteer forces idea. An administration official who explained the volunteer plan answered several questions about it. Then he tossed out a hypothetical question: Without a draft, how many in the audience would be interested either in enlisting or signing up for officer training? Several hundred young men were present but none raised his hand. Yet they were unanimously in favor of switching to free-will defense service—for the other fellow.

There are also recent studies showing that 75 to 90 per cent of all enlistments in the National Guard or reserves are "draft-motivated." That is, more than three-fourths of today's guardsmen and reservists chose six years in reserve status, including six months of active duty, to protect themselves from being drafted for two years.

How would it be possible then to attract to military service as many as 2 million draft-free young Americans at a time? Melvin R. Laird, secretary of defense, has estimated that the size of the armed forces would have to be reduced to "near the 2-million mark" before the concept would be feasible. The Nixon administration has cut U.S. uniformed strength from a Vietnam peak of 3.5 million to about 3.1 million. A further reduction of 600,000 is contemplated over the next two years as the American involvement in Vietnam diminishes. That would still leave a manpower requirement of 2.5 million.

This outlook indicates overoptimism in the time element of a main recommendation by a special presidential commission that studied the volunteer Army plan. The commission, headed by a former defense secretary, Thomas S. Gates, last February called for ending the draft by June 30, 1971, when the existing Selective Service law expires. The volunteer Army would be instituted at that time.

We specify the Army because in theory the Navy, Marine Corps and Air Force already are composed of volunteers. In fact, as any recruiting officer knows, all services except the Army depend on the pressure of the draft to provide most of their recruits and many, if not the bulk, of their junior officers. It is a matter of choosing a preferred branch of service over forced induction into the Army and a possible fate of infantry fighting in Vietnam.

So it would not simply be a problem of obtaining enough volunteers to fill the ranks of the Army. Without draft quotas, the Navy, Marine Corps, Air Force—as well as the National Guard and the reserves of all four services—would be scratching for the recruits they can now rake in without much trouble.

But the Pentagon knows that President Nixon is committed to the eventual goal of all-volunteer forces. It has prepared a list of specific proposals aimed at boosting enlistments and beginning a gradual shift to a voluntary basis. These proposals include pay raises, improved housing facilities, stronger recruiting efforts, elimination of kitchen duty with civilians performing that function, improving the reserve officer training program and increasing educational benefits. In addition, a major upgrading of the reserve forces is planned.

All of this would cost a great deal of money, even allowing for the savings to be achieved through a smaller turnover with much less being spent to train replacements. The report of the Gates commission has estimated that it would cost 2 to 4 billion dollars a year to operate the defense program without draftees. Other estimates have run as high as 17 billion and some manpower specialists are now saying that 9 billion is a realistic figure.

The point is that conscripts are grossly underpaid in term of civilian salaries. But an all-volunteer force would have to compete with civilian pay scales.

As for its popularity, the latest opinion polls on the subject show that a majority of the public is now in favor of an all-volunteer force. The 1968 platforms of both the Republican and Democratic parties came out for it and it likely will be an issue in 1972. With so much support both in and out of Congress, expense is apt to be a minor consideration.

We believe that the Nixon administration and Congress should make a full effort to get the volunteer plan started at least by 1972. It might or might not work, but the nation will never know until the attempt is made. An effort to manage without the draft for 18 months in 1948–49 had limited success, but it was not backed up by a large and alluring array of special inducements.

Now an entirely different approach is in the making.

Meanwhile a high-priority requirement remains to purge the draft of its inequities. There was a small start this year in the shift to a lottery arrangement and the ending of future occupational and agricultural deferments. On the table for action by Congress are proposals to do away with all undergraduate deferments. That would transform college campuses from being havens for escape from military service. The new draft director, Dr. Curtis B. Tarr, a former university president, adds that it would improve the academic climate by removing any suspicion that it harbors draft evaders.

Dr. Tarr also supports an administration request for Congress to authorize a national call by numbers so that the draft lottery can operate fairly in every part of the country. He is already providing local draft boards with detailed information so that they can apply induction standards more uniformly instead of helter-skelter as in the past.

These would be solid reforms. They are needed, but a laggard Congress is showing little interest in the actions that only it can take. A breakthrough could come with Senate hearings promised for later this month. But apparently a fire has to be built under the reluctant House armed services committee. There is no acceptable reason for stalling until the conscription law comes up for renewal next spring.

Here, then, is a clear program for manpower policy changes that can reduce dissent in the United States, get rid of wholesale inequities to young Americans and point toward the time when the uniformed services are made up entirely of volunteers. But the necessary draft reform must come first.

Thereafter the all-volunteer system will beckon irresistibly until it has been implemented for a thorough trial. If it can be established, it will make military service much more satisfactory and certainly less onerous for all concerned. It also should strengthen the American democracy by relying on true volunteers—instead of coerced or drafted short-termers in the main—to man the country's defenses.

Mr. EAGLETON. Mr. President, I should like to close these brief remarks by echoing, for the purpose of emphasis, a statement made today by the distinguished Senator from Mississippi (Mr. STENNIS), in which he said:

I cannot overemphasize the fact that this amendment is opposed by the President of the United States, opposed by the Secretary of Defense, has no approval from the Bureau of the Budget, and has received no hearings by either the House or the Senate in the Congress.

To enact this amendment with its cost and magnitude without any hearings whatsoever in the Congress is to ignore the basic legislative processes under which we should operate by considering legislation in a detailed and orderly fashion. I urge the Congress not to forfeit the prerogative of this body.

To those remarks, I simply and sincerely say, "Amen."

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

Mr. KENNEDY. Mr. President, I will support a volunteer army in peacetime. But, when as now, battlefield casualties are high, I do not believe a volunteer army is either wise or equitable.

First, it is inequitable to permit the risks of battle to fall only on those less affluent Americans who are induced to join the army by a payraise. Second, it is unwise to insulate from the horrors of war middle and upperclass Americans who might lead the protest against senseless foreign adventures. I frankly might question, for example, whether the current pressures for deescalation of the Indochina war would be as great if young men from every social background were not threatened with service in that war. Third, when, as now, we have pressing budgetary problems and domestic needs, I think a volunteer army is too expensive.

I recognize that, because of deferment policies, the present draft system contains many of the inequities of a voluntary system. But the draft can be made more equitable, as I have fought to do for years. A wartime volunteer army is inherently inequitable.

There are some who argue that we never would have become involved in a large scale war in Indochina, if it were not for the draft. This is sheer speculation. The one certain fact that we are in Indochina now, and that the process for determining who will serve there should be a fair one.

Some suggest that if the draft were ended, American involvement in Indochina would have come to a grinding halt. This, of course, directly contradicts the findings of the Gates Commission that our military manpower needs could be met by an all-volunteer force. In any event, if the Congress wishes to end the war, it can do so by legislation directly aimed at that goal—the McGovern-Hatfield amendment.

Finally, I wish to emphasize that the cost of the Hatfield amendment for this year is at least $3.2 billion. When we have such pressing budgetary problems and domestic needs I sharply question whether a volunteer army or a military payraise, even if desirable, should rank so high on our list of national priorities.

I point out that the cost of the Hatfield amendment in fiscal 1971 is greater than the total Federal support for elementary and secondary education. It is three times greater than the total Federal expenditures for law enforcement and the fight against crime. It is six times greater than the Federal expenditures for control of air and water pollution.

I believe these points deserve further examination in hearings before the Armed Services Committee. I do not wish to suggest, however, that the hearings should only focus on objections to the voluntary army. These hearings should be, and the chairman assures us, will be comprehensive. They should invite testimony from all sources, including, in particular, the distinguished members of the Gates Commission and the Marshall Commission. The committee should give fullest consideration to the amendment of the Senator from Oregon. It should also consider the issues raised by the amendment of the Senator from Oklahoma. I agree with him that we should seek to devise a means whereby a peacetime voluntary system could be converted to a draft system if American casualties reach a certain level. Similarly, we should consider methods of promptly replacing the present draft system with a volunteer army when American soldiers are no longer dying in Indochina. These are delicate and complex questions which require serious thought and discussion.

I believe, too, that the advisability of a volunteer army should be considered at the same time as are reforms of the draft system. Only then can we truly decide which system is better for our country, and under which circumstances.

I remind my colleagues that many of the draft reforms recommended by the Marshall Commission back in 1967, including some which simply required an Executive order, have yet to be implemented. The decision on these recommended reforms may well influence the views of many Senators on the volunteer army.

For all of these reasons, I will vote against the Hatfield amendment.

Mr. STENNIS. I thank the Senator from Massachusetts very much. Let me say that his remarks are right on the point, right down to the practical question involved here, and the issues presented clearly.

Mr. President, I yield myself 6 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 6 minutes.

Mr. STENNIS. Mr. President, let me brief and summarize by pointing out that in the beginning I quoted the letter from the Secretary of Defense on this subject, dated August 14, 1970, in which he expressed his strong opposition to the amendment and said that it would, in effect, if adopted and became law, would terminate the draft by June 30, 1971, and that the manpower needs were so great, and as the President says, it would be impossible to meet the situation reasonably anticipated without a continuation of the Selective Service Act beyond that date. He also gave reasons, as cited by the President in his message of April 30, which are identical on this subject, wherein the President at that time gave three strong reasons why they could not shift over from the draft all at once or within a few months.

The President said there must be a phasing out of the system in order to insure the maintenance of a defense posture, that at each step it was necessary to extend that beyond July 1, 1971, and also if reliance on the draft is decreased, that standby draft mechanisms for emergencies should be developed.

Those statements have never been successfully denied. We have talked all around the edges but they have never refuted the statements laid down by the President and the Secretary of Defense. Furthermore, the President in a later letter, dated last Friday, coming through his assistant, Mr. Timmons, addressed to me as chairman, refers to the amendment by name and number.

He says:

Because of the President's temporary absence from Washington, he has asked that I confirm Henry Kissinger's conversation with you and, more specifically, reaffirm his steadfast determination to establish an All Volunteer Force and bring the draft calls to zero at the earliest possible date consistent with the needs of national security and fiscal responsibility.

That is not the chairman speaking, that is the President of the United States

peaking about national security and iscal responsibility.

Then Mr. Timmons gives four specific easons why the amendment should not e adopted:

1. There can be no certainty that the proosed changes in pay and incentives will ttract sufficient volunteers to permit canellation of the draft on June 30, 1971, as mplied in Amendment 765.

The Senator from Michigan, the Senator from Colorado and others have clearly called the shots here. The key question is the need for manpower to carry out our situation in Vietnam as well as others.

Third, the President says—back to his letter—

3. It would add several billions of unplanned increased costs to the FY '71 budget.

No one has disputed that. The President calls it "several billions." They do not know how much; $4.3 billion is the lowest responsible estimate that comes from the Department of Defense. Others run up to $8 billion. But the President says:

Several billions of unplanned increased costs to the fiscal year 1971 budget.

He knows better than anyone else that it is unavailable. We talk about a decrease in revenue and income. I shall not dwell any further on that matter now.

There is not a line in here from the budget, no approval of one thin dime to support the $4.3 billion amendment—not anything, so far as the money is concerned. There is nothing to support it insofar as manpower is concerned, except the hope—just the hope, that is all. That hope is totally refuted and exploded by the facts of the record, the record of the past.

I have all the figures here for anyone that wishes to see them.

Secretary of Defense Laird said that despite the reductions they are making, it is expected that a total of 642,000 new personnel will have to be obtained from civilian life for active duty programs, including 182,000 draftees.

I am talking now about the year in progress now—this year, running until June 30, 1971.

On the basis of experience it can be estimated that about one-half of the 460,000 volunteers will be influenced to enlist by the draft. Of course, that is a practical fact of life. It has been true for years and it will be true in future years.

In particular, I want every Member to remember, as he casts his vote, that there will be no more responsible act he will make than this vote. I hope the vote will be up or down on the amendment.

Just remember that we have not had a real chance to have any hearings, although hearings are promised, no report, no budget estimate, no recommendations from the President—just a wish and a hope that somewhere down the line it would be nice to experiment with a matter of this kind.

Mr. President, we should not do so during a fighting war.

Mr. President, I rest the matter here.

Mr. PELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 2 minutes to the Senator from Rhode Island.

Mr. PELL. Mr. President, I have thought a great deal about this matter and have read the Gates Commission report. A great many of my young relatives and friends are directly affected by the draft. I approve of and agree with the goals of the very high minded and high principled sponsors of this amendment, Senators HATFIELD, GOLDWATER, and BROOKE.

However, on balance, I believe that at this time in our history, the disadvantages and the dangers to our Republic if we pass this amendment now would outweigh the advantages.

I believe this for several reasons: First, too large a proportion of this burden would, I believe, be carried by our black citizens.

Second, and most important, the idea of a large "gung ho" volunteer army, going into the millions, would make me quake at a time of real civil disturbance or a division of viewpoint in the Nation.

An army of this kind, taught to do without many civil liberties, an army taught implicitly to obey any command, with no civilian grounding, an army of this size would, I believe, be a real danger to any republic, anywhere in the world, unless it is well thought out and well developed. And the civil liberties of the army personnel and its thinking would have to be along the lines of the civilian populace as a whole.

Finally, I think that we are unfortunately in the midst of war, a war I have long opposed. Moreover, inflation as rampant and the expenses of its amendment are considerable. I think that we should not move into this course without adequate thought and hearings.

For these reasons, although with a heavy heart as I believe in the objective of the sponsors of this amendment, I intend not to support it.

Mr. HATFIELD. Mr. President, I yield 3 minutes to the distinguished Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from New Hampshire is recognized for 3 minutes.

Mr. COTTON. Mr. President, I thank the Senator from Oregon for his courtesy in yielding me 3 minutes, particularly as the Senator knows that I am not speaking for his amendment.

Mr. President, during the past few years a large segment of the academic community, the faculties of our schools and colleges, a large segment of the commentators and the press, the majority, I believe, of the clergy, and many of the leaders in the Congress of the United States have been busily engaged in seeking to convince our youth that there is something disgraceful about wearing their country's uniform.

Therefore, I feel that this is not an opportune time to inaugurate a volunteer army, much as I would like to see the objective attained at some future time.

Having taught our youth not to volunteer, we can hardly reverse the field at this time and expect to defend the country by a volunteer army.

I thank the Senator from Oregon for yielding to me.

Mr. HATFIELD. Mr. President, I yield 3 minutes to the Senator from Arizona.

The PRESIDING OFFICER. The Senator from Arizona is recognized for 3 minutes.

Mr. GOLDWATER. Mr. President, as this debate ends, I want to say a few words in defense of the amendment.

Regardless of what happens to the amendment, I think it is noteworthy that the debate has taken place. We have been trying to air this matter—I, on my part, for 10 years, and the Senator from Oregon for 3 years.

It was part of our platform in 1964 and 1968. On my part when I ran for office, the first speech I made was about the volunteer approach.

I am afraid that we will get up to July 1 next year and this body will probably vote not to continue the draft. If we do this without any structure at all to build on, I think we will have made a mistake. As I said earlier today, I am very concerned about possible decisions that might come from the Supreme Court relative to new interpretations of what a conscientious objector is. If it turns out that a conscientious objector can object to this particular war and not any war at all, the draft is going down the drain.

We ought at least to be able to say to our troops, "This is what we are thinking about. This is a first step. We want to make the pay better in the service so that people will remain in the service after we have spent thousands of dollars to train them."

Why not try it now? People say it will not work. I hear rumors about the fact that the service would mostly consist of the black or the poor.

We have had 138 wars in our history. We have had the draft in only five of those wars. These were not all big wars, but the war with Mexico was not small. We have had engagements that we fought with volunteer troops.

I think it is very essential that we give this a try. I would be the first one to stand on the floor and say that we should not go through with this if there were any indication that it would not work. But we have had no indication that it would not work. I think that the abundance of the evidence points in the direction that it will work and we ought to try it.

Mr. President, I thank the Senator from Oregon for his amendment. It has been a real pleasure to serve with him in the presentation of this amendment. If we have done nothing else, we have gotten the Armed Services Committee to say that it will look into it.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Arizona for his contribution to the debate and for his long contributions on this subject. The Senator from Arizona is no stranger to this issue, having served on the Armed Services Committee and having had a very distinguished record with the Air Force.

Mr. President, I yield 3 minutes to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized for 3 minutes.

Mr. COOK. Mr. President, I merely want to say that it was said a moment ago by the chairman that there has been no expression on the part of the Budget Bureau about this matter. I merely want to say that I hope the Budget Bureau does not run the Senate of the United States.

I would like to say to the Bureau of the Budget and I would like to have it in the RECORD so that the Bureau of the Budget will know that there are over 20,000 American military men who are on the welfare rolls in the United States. I would like the Budget Bureau to know that while it sat down and wrote a program and submitted it to Congress for the poverty level, they said that a man with a wife and one child with $3,120 was at the poverty level, but the same Bureau of the Budget authorized a salary to a man with a wife and one child in military service of $3,200 a year—$80 more a year.

We are not talking about the fact that a voluntary army is going to go through now if this amendment were passed. I also express the fear that the Armed Services Committee is going to come up next July with the real problem of passing an extension of the draft. They will be faced with the problem of saying to the volunteers, "Come and be a part of our military service. When you come in, we will pay you $3,200 to start."

I hope that we will not be too disappointed in what the results may be.

I thank the Senator from Oregon and the Senator from Arizona for the amendment because I think we may not get this type of amendment soon, but I think there is one thing for sure that we will get in the next session of the Congress, and that is an increased military pay bill if we get nothing else.

Mr. HATFIELD. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 5 minutes.

Mr. HATFIELD. Mr. President, I am grateful to the Senator from Kentucky for his contribution to this debate.

I do feel that, regardless of the outcome of the vote today, we have aired some viewpoints and thinking on a very important subject.

I would like to make it very clear that, as important as some of the debate and dialog has been on the question of national security and the fact that we are in a war, we have depended upon the the Selective Service System to carry us for the manpower requirement in previous wars as well as this war. Let me make it very clear that this amendment does not commit the Senate to take action on the Selective Service System.

We might as well have been debating that subject as far as the debate on the floor today is concerned. That is not the issue. The issue is simply whether we will provide a pay scale to these young men serving in military life today comparable to what they would be able to earn as civilians.

As we have stated before, when over 20,000 of our military people today are on welfare and receiving welfare checks, I think it is rather a reprehensible situation if we permit it to continue.

It is granted that by providing for a pay increase we can set the stage for a period of testing. We do not know whether pay alone and the other provisions of this amendment will provide sufficient incentive for those who would otherwise seek a civilian career, turn them around, and cause them or entice them into a military career, but we will have 10 months to make that judgment and we will have the evidence to make that decision when we come to the question we must ultimately face, and that is whether to extend the draft or whether to permit it to expire on June 30, 1971.

So I do not believe the Senate can expect to have the kind of material and data on which to make a decision on the question of an all-volunteer military unless we go into some kind of transitional period and develop the experience this amendment would provide.

Much has been discussed today about the cost of this amendment. Let me state again that it will not cost 1 penny more for national defense. But instead of requiring a subsidy to be provided by the men in the service, we would send the bill to the general taxpayer. That is only fair. I do not believe we in the Senate would expect military personnel to serve and to risk their lives, and at the same time subsidize that service as we are requiring today.

The figure of $4.3 billion has been used today and previously. The Gates Commission is a responsible organization. It made a very responsible report and their figure is $3.24 billion.

I wish to point out that today the draft is costing our economy some $4 billion in lost production; and the draft system we have today is costing us over $3 billion. So when one considers we are going to be substituting one system for another system we would be able to wind down the draft system. After all, the Pentagon told us they expect to be able to reduce the draft cost to zero within the year. We would be supplanting the cost of what we are now paying for the draft with the volunteer system, as proposed by the sponsors of the amendment.

I do not think we can say this is an add-on budgetary figure. It is a question of substituting one cost for one system for another cost for another system.

It has been stated in our discussion and colloquy here that today in Vietnam a goodly percentage of those in Vietnam are draftees and this would force the situation upon us where middle America would be insulated from the horrors of war and the requirements to serve in military uniform. I wish to remind the Senate that of our infantrymen in Vietnam today, the riflemen who experience the brunt of battle in that type war, 88 percent are draftees.

Mr. KENNEDY. Mr. President, will the Senator yield at that point?

Mr. HATFIELD. I yield.

Mr. KENNEDY. Would the Senator also include the casualty figures for volunteers and draftees?

Mr. HATFIELD. The figure we have from the Pentagon is that the draftee has two times the possibility of being a casualty than a nondraftee.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. HATFIELD. Whether one looks at the infantry, rifleman, or the casualty list, I think it will be found that the draftee is subject to greater suffering in the Vietnam war than the nondraftee.

The point is that the President clearly stated that by the time the Senate will have to take action on the Selective Service Act, which expires on June 30, 1971, we will have pulled our ground combat troops out of Vietnam. In other words, we are going to wind down the draft calls to zero and return the combat troops which comprise most of the percentages to which I have referred. We cannot afford to move from one system to another without a transitional period.

Mr. President, in conclusion I wish to say that when we consider the entire program of military service in our country it should be considered in reference to other service as well. I do not think it is a simple question of whether we can expect all young men to serve in the military. Logistically it would not be necessary. There are other ways a young man could serve his country and I do not think we should provide any group a special exemption or special security as opposed to any group in our society.

Where we have this kind of discrimination today in a military service, because it permits some to escape whereas others have to serve, we should take steps to correct that problem. I do not think we will do it by maintaining the draft. I think the situation would be like those who in 1860 suggested the reform of slavery. The draft is an involuntary servitude and it denies the personal freedom of the individual to choose service to his country. Those who talk about reforming inequity are missing the point. We should abolish inequity when we see it, not reform it.

With respect to those who believe an all-voluntary military is a good idea, we will have to take steps to move forward. In the transitional period this measure will take those steps. To those who feel we must keep the draft regardless of all reform proposals, it will still remain a question of some being coerced and required to serve while others escape.

If we retain the present system I say the Senate, in all probability, will be up against the wall when we near the expiration date. We will have no choice but to extend the draft for another 1 year or 2 years. Today is the day to act if we want to avoid that confrontation.

I urge Senators to look at this matter carefully. This measure does not commit us, but it would lay the groundwork for a reasonable period of testing to see if we can create the testing with the pay increase this measure represents. But regardless of the situation in the matter of an all-volunteer military as opposed to the Selective Service System, Senators

should bear in mind that we have young men serving in the military who are not serving with pay comparable to what is earned in civilian life, and I think we should implement a pay increase based on the concept of this amendment.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. HATFIELD. I yield.

Mr. BROOKE. Much has been made about the fact that the Committee on Armed Services has not held hearings on this amendment. As a member of the Committee on Armed Services, I certainly am sympathetic with the problems of our distinguished chairman who has had grave matters under consideration and could not get to a hearing on this particular issue.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. BROOKE. In view of these questions, let me say that I do not think enough has been said about the Gates Commission. Senators should know the composition of the Gates Commission. I understand there were very distinguished generals on the Gates Commission, and a former Secretary of Defense. A very thorough and indepth study was made, resulting in the recommendations of that commission, on which this amendment is based.

Mr. HATFIELD. I would respond to the Senator by saying there were two very distinguished generals, Gen. Alfred Gruenther, former Supreme Allied Commander in Europe, and Gen. Lauris Norstad, former Supreme Allied Commander in Europe. In addition, serving as a member of the Commission was Prof. Milton Friedman, a distinguished economist who made a great deal of effort to bring forth the economic factors involved in the Commission report and recommendation. We have other men in the business field such as Crawford Greenwalt, chairman, finance committee, E. I. du Pont & Co., Allen Greenspan, chairman of the board, Townsend-Greenspan & Co., economic consultants, Thomas Curtis, former Congressman from Missouri, and ranking Republican on the Joint Economic Committee; Thomas Gates, former Secretary of Defense. So we had distinguished men, as the Senator indicated.

Mr. BROOKE. I think this is important because even though the Committee on Armed Services did not have an opportunity to hold hearings on the amendment, the fact remains that we did have the benefit of considerable expertise on this Commission. We did have the military well represented by distinguished members of the military, the Defense Department, or former members of the Department of Defense, as the distinguished Senator pointed out. So we are not here dealing with something abstract and academic. We have had a thorough and in-depth study. We have sound recommendations which, at least, this member of the Armed Services Committee feels are adequate, and on which the Senate can intelligently and with good judgment cast its vote.

Mr. HATFIELD. And would not the Senator from Massachusetts also agree that, whereas the Gates Commission came out with a specific recommendation to establish an all-volunteer service, this amendment does not in itself do that, but, rather, merely lays a foundation for that decision to be made later, when the Senate Armed Services Committee holds hearings—and I hope it will hold hearings on the subject? If this amendment is adopted today, it does not require the Armed Services Committee to act on the question of extending the Selective Service System or creating an all-volunteer service.

Mr. BROOKE. And I suggest the Armed Services Committee will do this, but, as the Senator well points out, this amendment would not preclude that at all. I am sure we would have to conduct hearings prior to the expiration of the Selective Service Act of 1971.

I thank the Senator from Oregon.

Mr. HATFIELD. I thank the Senator from Massachusetts for his questions.

Mr. DODD. Mr. President, I voted against the Hatfield-Goldwater amendment because I believe that this is far too important and far too complex a matter to be acted on after a brief 1-day debate, without prior study and without the benefit of comprehensive hearings on the subject.

Like most Senators, I would, in principle, much prefer a voluntary system to the draft. But we are heading into the most perilous decade in our history, and before we decide to abandon the draft in favor of a voluntary system, I think we have to be very certain in our own minds that such a system will be adequate to the task of national defense.

I hope that the Armed Services Committee at an early date will hold hearings on the feasibility of changing over to a voluntary system of military service.

Mr. JACKSON. Mr. President, over a period of several years, the concept of an all-volunteer army has attracted increasing support throughout the country. The report of the Gates Commission has bolstered the position of those who advocate this concept.

I believe the time has come to try a volunteer army. It is quite clear that some questions about the volunteer army will never be resolved unless we are willing to put them to the practical test. For example, there has been much discussion about the kind of men who would volunteer and the army that might result. Quite frankly, I have serious reservations about the composition of the volunteer army and its implications for our society in terms of burden sharing and responbility for our national security. I am also concerned about the actual cost of a volunteer army at a time when the demands on our resources are increasingly heavy.

But these and other concerns can be resolved most effectively by giving the volunteer army a trial run and I believe that Congress should respond to the widespread support for this approach. Let me emphasize that such a step would by no means relieve us of the obligation to provide a fair and effective standby draft system. The present Selective Service System still needs reform, and Congress must give priority to a careful review of its administration and effectiveness, with particular attention to the continuing problem of deferments.

Recognizing that the volunteer army represents an entirely new approach, I believe we increase its chances for success and minimize the potential for serious error by authorizing this step only after full hearings and careful study by the Armed Services Committee.

I see no reason why we need circumvent the normal hearing process on an issue of such far-reaching significance. It is obvious that all the implications of the present amendment have not been carefully considered. Both the Senate and the amendment will benefit from hearings to explore the problems involved in a volunteer army. I believe the proponents of this amendment should be willing to give the Armed Services Committee a reasonable time to conduct such hearings and write a report which will give the Senate some information and insights on this subject that we now lack.

I will therefore oppose adoption of this amendment today.

Mr. SMITH of Illinois. Mr. President, I am very pleased to be among the Senators who have cosponsored the amendment that my distinguished colleagues from Arizona and Oregon are so ably advocating. In lawyer's terms, they have "made a record" on the issue of voluntary military service that any impartial jury would accept.

They have, for instance, argued most persuasively that voluntary military service is most in conformity with our American principles of individual freedom and individual responsibility. And indeed it is. The confusion, disruption, and interference that universal military training have visited upon the present generation of young Americans needs no elaboration here. The inequities of the present draft are the common experience of families with teenaged sons throughout the Nation—from the poorest farming family in Mississippi that finds itself without that extra "hand" at harvest time, to the middle-income parents of Illinois, struggling to offer their children educational advantages they never had, to the wealthy socialite family of New York City whose son's career plans are upset by draft notice. Their sons must suffer those inequities, that confusion and disruption. All of them wonder, in the midst of family trials brought about by conscription; Is there no better way for free men to defend their freedoms? All of them know that there is. Senator GOLDWATER, Senator HATFIELD, the members of the Gates Commission have shown that there is.

My colleagues from Oregon and from Arizona have also demonstrated the wisdom of creating within the military services those conditions that will permit expiration of the present draft law by July 1, 1971. When this manner of achieving a voluntary military was first proposed, I reacted with much the same skepticism that some of my colleagues who have so eloquently opposed the amendment have: Could voluntary serv-

ice produce the numbers of men essential to national defense? Could it afford the degree of control over entries on duty we have up to now insured by conscription? What about times of national emergency? These were, in fact, some of the very questions so expertly considsidered and resolves in the Gates Commission report. They are questions that have been explored at length here in the Senate by my colleagues from Arizona and Oregon, and with all deference to the distinguished gentlemen who have sought to rebut them, Senators HATFIELD and GOLDWATER have been most persuasive.

They have shown the economies and deficiencies that a volunteer military will bring. They have noted the wisdom of volunteer service from the manpower standpoint, from the career development standpoint, and from the standpoint of a trained, professional, military ready to do the job that armies and navies are supposed to do: protect the national security.

But there is, in my mind, another great advantage to this amendment: its acceptance will mean that the Senate is keeping faith with two great elements of our society: our young people and our servicemen.

Throughout the days following the movement of American forces into Cambodia, thousands of young people came to Washington to express their views, their frustrations, and their aspirations for America. The very greatest number of them were patriotic young men and women who sought to promote their opinions within the system, rather than in the streets. I saw more than 2,000 of these youthful citizens and spent many hours exploring their views, exchanging comments, and, in general, trying to forge a link of communication that they, as citizens, deserve, and that I, as their Senator, owe them. Throughout these days of useful discussion, two important themes recurred and recurred: How can you expect young people to accept the responsibilities and challenges of a system in which they have no voice, despite their intelligence and maturity? How can you continue to conscript young men to waste 2 or more years of their lives in service that is in no way military, that in no way touches upon the skills and abilities they have developed through years of education or experience? What sense does it make to draft a productive young farmer to sit in a tank in Germany, a young accountant to serve as a secretary in Turkey, or a young lawyer to serve as personal valet to some general in the United States? In a time of limited military encounter, or in a time of peace, need we so waste the resources we have so long and so seriously worked to develop?

The Senate has already shown its sensitivity to the need for enfranchising our young people. Although I have supported the lowering of the voting age, the Senate acted, in my opinion, despite serious constitutional questions regarding its authority to act on qualifications for State elections. And it overlooked its serious responsibility to consider the impact of its decision upon other aspects of legal majority. But, there is no question—no doubt—about the Senate's ability to adjust the conditions of U.S. military service and tenure. Its authority is unquestioned, and its duty to America's young men is clear.

The other element of our society with which we must keep faith is our corps of dedicated servicemen and women. The conditions of their service have been improving over the years, it is true, but the very need for a draft demonstrates that the military service is not an attractive calling or profession. The image of the military can hardly be said to have improved over recent years, merely because Congress has granted various pay increases. For, at the same time, the military has come under greater and greater fire from within and without the same Congress. Many of the criticisms of our services are undoubtedly well founded, but the repeated characterizations of our officers and servicemen as incompetents and never-do-wells has made its impact upon prospective career military servants and civilians as well. The time for elimination of make-work military positions is indeed upon us, but as we go about reducing and reforming our military, it behooves us to protect and enhance the status of our career soldiers. The Hatfield-Goldwater amendment is a big step in the right direction on that score.

Mr. President, I intend to vote for the Hatfield-Goldwater amendment and I hope that those of my colleagues who in the past sought or claimed a special rapport with youth will do the same. I hope they will realize that the Hatfield-Goldwater amendment provides a sterling opportunity to make good on some of our most solemn obligations to our young people.

PAY TABLES FOR MILITARY PERSONNEL

Mr. HATFIELD. Mr. President, the Gates Commission in its report recommending the institution of an all-volunteer armed force specified certain pay increases for military personnel, but at the same time their report was issued a two-dimensional pay table was not included. There has been concern expressed by some that two-dimensional pay tables were impossible to develop within the pay increase recommendations and the budgetary expenditure because reversals would occur and an equitable distinction between ranks in pay could not be maintained. Prof. Harry Gilman, Director of Research for the President's Commission on an All-Volunteer Armed Force, and others have developed four two-dimensional pay tables: one for enlisted personnel, one for commissioned officers, one for commissioned officers who have been credited over 4 years' active service as enlisted member, and one for warrant officers. These pay tables meet the constraints delineated by the Gates Commission while incurring no reversals and maintaining clear distinctions between ranks and years of service.

I have chosen not to include these pay tables in the pending legislation but rather offer them as guides to the Defense Department. A matter of this importance should be developed in concert with those whom it will directly affect. Therefore, I ask unanimous consent that the pay tables be printed in the RECORD.

There being no objection the pay tables were ordered to be printed in the RECORD, as follows:

For enlisted men	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 26
E-9							$701.40	$717.60	$734.10	$750.30	$767.10	$782.10	$823.50	[1] $903.60
E-8						$588.60	605.10	621.00	637.50	653.70	669.30	685.80	728.30	[1] 807.00
E-7	$413.20	$443.40	$459.90	$476.10	$492.30	507.90	524.10	540.90	564.90	580.80	597.00	605.10	645.60	[1] 726.30
E-6	418.10	420.20	416.00	429.40	445.20	461.00	476.60	492.30	507.90	524.10	[1] 532.50			
E-5	351.10	368.70	382.90	397.50	413.30	428.90	444.50	460.50	[1] 468.50					
E-4	327.10	343.50	359.50	375.50	390.30	[1] 398.70								
E-3	312.30	327.50	340.80	355.80	[1] 363.80									
E-2	297.10	312.00	[1] 327.80											
E-1	288.10	[1] 302.50												
E-1 under 4	279.30													

[1] Maximum.

INCREASES OVER CURRENT PAY—COMMISSIONED OFFICERS

	Under 2	Over 2	Over 3	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14	Over 16	Over 18	Over 20	Over 22	Over 24	Over 28
O-1	$150.00	$138.70	[1] $46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10	$46.10
O-2	156.60	95.60													
O-3	96.30	56.00	25.90												
O-4	129.90	28.20													
O-5	99.00														

[1] Maximum.

INCREASES OVER CURRENT PAY—COMMISSIONED OFFICERS WHO HAVE BEEN CREDITED WITH OVER 4 YEARS' ACTIVE SERVICE AS ENLISTED MEMBER

	Over 4	Over 6	Over 8	Over 10	Over 12	Over 14
O-1	$46.10	$30.80	$29.70	$26.90	$25.00	$16.10

INCREASES OVER CURRENT PAY—WARRANT OFFICERS

	Under 2	Over 2
W-1	$39.90	$9.60
W-2	12.70	2.80

A DESIRABLE ALTERNATIVE TO THE DRAFT

Mr. YARBOROUGH. Mr. President, in February of this year, the Gates Commission made known its findings that the draft was not a particularly good way to go about raising and maintaining our military forces. The Commission recommended that this country institute an all-volunteer system as an alternative to conscription. The Hatfield amendment, of which I am a cosponsor, incorporates many of the suggestions contained in the Commission's report, and I urge my colleagues in the Senate to give it their support.

The past 22 years of experience under the current selective service regulations have convinced me that the draft system is riddled with loopholes and inequities. The only equitable draft system is total mobilization. That was appropriate during World War II when we had 16 million men under arms, but our current military commitments do not require such a massive pool of military manpower. Current and projected needs call for only about three million men in the Armed Forces, a total which could surely be maintained under an all-volunteer system. This country has always relied upon a voluntary armed force except during majors wars and since 1948. We have allowed ourselves to get into the habit of thinking of the draft as a "necessary evil." I think that it is time that we remind ourselves that conscription in many ways is indeed "evil," but it can no longer be considered "necessary" at this point in our history. As President Nixon has said:

> We have lived with the draft so long that too many of us accept it as normal and necessary.

I was hopeful that meaningful action was contemplated by the President when he appointed the Gates Commission in March of 1969 to study the feasibility of an all-volunteer Armed Force. Why is it now that when the Senate has called the President's bluff by seeking to establish the machinery to move toward a volunteer force, we hear that he does not favor the Hatfield amendment "at this time." Is it possible that this is another issue where the administration prefers to merely create an illusion of concern and an absence of action? How deep is the President's commitment to ending conscription if it evaporates so quickly under the heat of legislative interest?

The passage of the Hatfield amendment at this time is imperative if we are to make a smooth transition before the expiration of the present Selective Service Act on June 30, 1971. If we continue a policy of indeterminate procrastination, we will be forced into a position of being required to extend the draft for the lack of any alternative. This amendment does not seek to bring about the immediate and total abolition of the draft. What it would do is to establish the structure, mechanisms, and incentives necessary to initiate the process of transition from a conscript to a voluntary army. This transition cannot be accomplished in a day, a week, or a month. That is why we cannot afford to merely give lipservice to the idea of a volunteer military. Time is short; the task is great; action is necessary.

If the provisions of the Hatfield amendment are enacted into law, we are likely to be successful in our efforts to attract sufficient numbers of men into the Armed Services. In that event, we can simply allow the Selective Service Act of 1967 to lapse on June 30, 1971. If problems should arise, we can always move to extend the act beyond its current expiration date. Even if the draft itself is eventually abolished, the pending amendment would provide for a continued system for the registration of all males between the ages of 18 and 26 years of age. This provision will allow the immediate resumption of involuntary induction in the event of threat to the national security of our country.

It has been suggested that the incentives provided by this amendment would not be sufficient to motivate adequate numbers of young men to volunteer for service in Southeast Asia. As long as the war in Vietnam continues, it is argued that we cannot consider moving away from a conscription system. This evaluation, if accurate, raises more questions about the legitimacy of our involvement in Indochina than it does about the feasibility of an all-volunteer system. A nations' leaders should never commit the country's men and resources to fight a war in the absence of enough public support to raise a voluntary force.

Much more could be said in support of the concept embodied by the Hatfield amendment. As a cosponsor of this proposal, I want to stress my belief that the time has come to end conscription as not only inequitable, but also because it is an unnecessary abridgement of personal liberties. The draft system is alien to the traditions of our Nation. I believe this Congress should act upon the mandate of the Gates Commission which stated:

> We unanimously believe that the nation's interests will be better served by an all-volunteer force, supported by an effective stand-by draft, than by a mixed force of volunteers and conscripts; that steps should be taken promptly to move in this direction; and that the first indispensable step is to remove the present inequity in the pay of men serving their first term in the armed forces.

I concur with the assessment and urge my fellow colleagues to do likewise by supporting the pending Hatfield amendment.

Mr. MAGNUSON. Mr. President, I support the concept of a volunteer army, but I believe this concept should be studied further. I cannot support the pending amendment, for while it may be politically popular to support this amendment, it would not, in my view at this time be politically responsible.

An immediate problem with the pending amendment is its costs—$3.24 billion according to its supporters, considerably more according to other estimates. For Congress to add this much money to the Department of Defense budget as an "experiment," without hearings, without congressional study, and simply on the basis of a brief floor debate, would not be responsible.

For the past few years we have been engaged in a difficult effort to reorder Federal spending priorities. The essential pattern of this effort has been to reduce military spending responsibly and to increase our investment in domestic needs like education, health, housing, and hospital construction. We have cut the military budget to some extent—about $5 billion last year, for example. Yet each time we have tried to make even minor increases in domestic areas, our appropriations have been vetoed by the President as "inflationary." The increases that were vetoed—for health, for education, for housing, and for hospital construction—each amounted to between 10 and 20 percent of the $3.24 billion minimum we would spend in 1 year on the Volunteer Army. Together, these vetoed increases amounted to less than half of that $3.24 billion.

So my first question is this: at a time when we are trying desperately, with only limited success, to decrease military spending and to increase investment in domestic programs, is it responsible to suddenly reverse ourselves and add $3.24 billion to the military budget on the basis of a brief floor debate and no committee study? The answer to this is obvious, I believe, if we consider for a moment what our reaction would be to a similar increase in the military budget for a proposed weapons system.

It may be that this huge expenditure for the volunteer army is warranted, particularly if, as its sponsors argue, the true economic cost to society of maintaining the draft is much larger. But the true economic cost to society of not having adequate health care, adequate education, and adequate housing is also great, far greater than the budgetary cost of improving these areas. All of this makes a compelling case for study of the volunteer army concept in Congress, and for action before the draft expires next June. Without such study, precipitous action on the floor would simply not be responsible.

The volunteer army is not, after all, an unmixed blessing. As the Senator from Massachusetts (Mr. KENNEDY) and the Senator from Maine (Mr. MUSKIE) have had the courage to point out on many occasions, there is reason to be wary of the practical and moral problems that the volunteer army raises.

First among these reasons is the likelihood that the volunteer army will exacerbate, or at least continue, the glaring inequities of the draft with respect to who does the fighting and dying on behalf of the United States. This burden now falls primarily on the poor and the

black, and the Gates Commission estimates that the proportion of poor and black in the lower echelons of the Armed Forces will increase, at least slightly, if the volunteer army is implemented. As the Senator from Massachusetts has pointed out, 42 percent of all reenlistments in combat units in Vietnam are blacks, many of whom receive more pay for combat duty and jump pay than they could hope to receive in civilian life. Because these reenlistments are "volunteers" does not alter the fact that the burden of this repugnant war, which is the responsibility of our whole society, falls disproportionately on disadvantaged members of our society.

I subscribe to the principle that in peacetime no one should be forced to serve in the military, but this is not peacetime and hundreds of Americans each month become casualties in Vietnam. The fact that those casualties are not representative of society as a whole is an important moral question that transcends the problems of inconvenience now caused by the draft. Given this situation, we must not be lulled into the false dichotomy of choice between the present system and a "volunteer" system that will not distribute the burden of combat more equitably. There are alternatives, such as the abolition of all deferments, that should be studied. To reduce the visibility and inconvenience of the war in Vietnam by eliminating the draft, while allowing a continuation of the inequities of combat, is not morally responsible. We cannot salve our consciences on this issue simply by increasing military pay, even though that may be desirable. Our task is not simply to eliminate the inequities of the draft, but to eliminate the inequities of military service, and the pending amendment does not do the latter. For this reason, thorough study of the entire issue is imperative. We cannot and must not support any system, existing or proposed, that thrusts a greater burden of combat on the poor and the black, and that simultaneously allows those with greater resources and opportunities to avoid military service altogether. We are not talking about social tasks like the collection of garbage or the sweeping of streets—we are talking about fighting and dying in an odious war for which all elements of our society must bear the responsibility.

There is another issue involved, and that is the opportunity of the military and of the President to become involved in military action without the consent of Congress or the approval of the American people. It has been argued persuasively that this opportunity would be reduced by a standby draft mechanism in place of the easily escalated system of monthly draft quotas. Whether or not the standby draft, requiring the express approval of Congress, would in fact reduce this opportunity is, in my opinion, directly related to the size of the Military Establishment.

It may be argued that the questions I have raised, and the questions raised by the Senators from Maine and Massachusetts, are unfounded, but a careful reading of the Gates Commission report and the arguments of the sponsors of this amendment does not satisfactorily answer these questions. And so I would conclude as I began: This amendment is attractive but its enactment on the basis of only a brief floor debate would be neither fiscally nor morally responsible. To vote against this plan for a volunteer army may be misinterpreted by the public as a vote against the volunteer army concept, but that should not be the case. A vote against this amendment may be misinterpreted as a vote for continuation of the draft, but the draft will continue until next year regardless of this amendment and the draft cannot continue beyond next year without the affirmative action of Congress. Between now and the time that we must make that decision about the fate of the draft, I believe that Congress can and must study this issue in depth. I hope that the result of that study will be the elimination of the inequities of the present system and the proposal of a new system that will be socially and morally acceptable. I will give sincere consideration to such a system when it has been studied, and when the questions I have raised here have been satisfactorily answered.

Mr. GOODELL. Mr. President, I speak today in support of the amendment authored by my distinguished colleague from Oregon, Senator HATFIELD. I am proud to be a cosponsor of this constructive measure which seeks to restore basic individual rights.

My own observation of developments in Indochina, has convinced me that a voluntary army, as proposed by Mr. HATFIELD, can be feasibly implemented before the end of the war.

I. THE VOLUNTARY ARMY

1. THE DRAFT MUST END

The time has come for the creation of an all-volunteer army to replace the draft.

Conscription is a kind of involuntary servitude. It fails to comport with a basic tenet of our democratic society—the right of an individual to determine his own life in accordance with his own values.

The existing draft system has proven costly, inequitable and divisive. It has introduced needless uncertainty into the lives of millions of young men. It has been riddled with loopholes and inconsistencies. It burdens draft boards with impossible decisions about who shall serve and who shall be deferred.

More important still, the draft has been a deeply divisive influence in our society. It has brought the Vietnam war home to our shores, by compelling those who question the morality of that conflict to fight and risk their lives in it.

Admittedly inequitable conscription has for years been considered a necessary evil. It is no longer necessary. It should be ended.

2. THE GATES COMMISSION PLAN

The Gates Commission—chaired by a former Secretary of Defense and composed of distinguished Americans from all walks of life, including two retired generals—has made a powerful and convincing case for the establishment of an all-volunteer military force.

The Commission's report demonstrates that the armed services could meet their military manpower needs—estimated at between 2 and 3 million men—by voluntary recruitment rather than conscription.

The draft has kept military pay levels artifically low. The creation of an all-voluntary army would require pay increases—now long overdue—that would make military careers competitive with civilian work.

The Gates Commission has shown that the cost of these pay increases would be within reason. It would be in the $3 to $4 billion range, about a half a billion of which the Federal Government would recover in the form of increased tax collections from servicemen.

The Commission makes the very telling point that an all-volunteer army would result in long-run cost savings for the Nation, by eliminating the indirect costs of the draft. The economy would benefit from the services of skilled persons who now are forced into military service at low pay and are not permitted to practice their skills. The utilization of these skills would, in turn, benefit the Federal Government through increased tax collections.

A voluntary army would also reduce military training costs through greater retention of trained personnel for longer periods.

Voluntary recruitment would also improve the morale and effectiveness of our Armed Forces. We would have an army of skilled soldiers who served because they wanted to. As my colleague, Senator HATFIELD has said:

> Competence, not compulsion, is the key to an effective national defense.

The Gates Commission has also effectively answered the stock objections that have been raised against the concept of a voluntary army. The Commission refutes, for example, the contention that the draft should be preserved to guard against the growth of an anti-democratic military ethos. The Commission points out that low-ranking draftees do not shape the attitudes of the Armed Forces; rather, the officer corps does, and the officer corps even now is recruited voluntarily.

3. TIME OF IMPLEMENTATION

A year or so ago, it appeared that the manpower needs for the Vietnam war were so great as to preclude the creation of a voluntary army so long as hostilities continued.

The arguments marshalled by the Gates Commission, as well as my own observation of developments in Vietnam, have in the meantime convinced me that a voluntary army can feasibly be implemented before the end of the war.

Accordingly, I concur with the Commission's recommendation that the all-volunteer army be established at the end of the current fiscal year, when existing draft legislation expires.

A STANDBY DRAFT SYSTEM

A volunteer army is certainly capable of meeting the current military manpower needs of the Nation.

It is conceivable, however, that some national emergency would so far expand

these needs that conscription might again become necessary. If such a situation should arise we should be fully prepared to raise additional forces on short notice. I therefore support the Gates Commission recommendation that legislation be enacted to provide for a standby system of conscription which might be relied upon in extreme situations. A standby draft system could only be activated after the President requests and Congress grants requisite approval. I stress that the standby draft system can only be invoked by resolution of Congress at the request of the President.

The Hatfield amendment makes specific provision for reinstituting conscription if voluntary forces should not be adequate in number to meet the demands of national security. The legislation also provides for the continued registration of all males who might be conscripted in the event that the President, with the advice and consent of Congress, should so determine. Both these provisions are consistent with my position and the Gates Commission's recommendation that standby draft machinery be available in the event of a national emergency.

FUNDAMENTAL REFORMS SHOULD ACCOMPANY STANDBY SYSTEM

It is absolutely essential that a standby draft system correct the deficiencies of the present Selective Service System.

Such corrections should include the abolition of student deferments, the reduction of occupational deferments, and the retention of clearly defined hardship deferments. These fundamental reforms should be made now, while we have time to carefully consider the merits of each, rather than later, when we will not have the time or the inclination, to construct a system carefully.

It is also essential that a standby draft system be administered better than the Selective Service System. To head the standby draft system, Congress should authorize a National Selective Service Commission. This would be a five-man civilian body having administrative authority over 300 to 500 local boards.

The Hatfield amendment does not provide for these needed reforms. I will therefore, within the next few weeks, make a series of proposals for a complete overhaul of the existing draft laws—that could be used as a basis for the standby draft.

Mr. BYRD of West Virginia. Mr. President, the concept of an all-volunteer army is indeed an appealing one—and one that I strongly favor.

However, for a number of reasons, I do not feel that amendment No. 765, by Mr. HATFIELD, and others, is the proper means by which to change that concept into a reality.

For one thing, the amendment would add an estimated $4.3 billion annually to the Military Procurement Act, inasmuch as there are no funds currently budgeted for the enactment of amendment 765. Mr. President, the Armed Services Committee worked tirelessly in the preparation of the Military Procurement Act, and had reduced the authorization therein by $1 billion before reporting the bill to the floor for consideration.

Thus, it seems unwise to me for the Senate to pass an amendment that has been offered from the floor that would increase funding under the Military Procurement Act by 22.4 percent.

Another factor which, in my opinion, weighs against adoption of amendment 765 is the fact that no hearings have been held on the amendment, either in the House or in the Senate. I am aware that the amendment is based on the recommendations of the Gates Commission, a group comprised of distinguished and sincerely dedicated persons; but I also believe that consideration of an amendment of this magnitude and far-reaching importance should be preceded by thorough congressional hearings.

Finally, Mr. President, this amendment assumes that the military draft will be terminated after June 30, 1971; and, based on the present situation that eventuality cannot be assured at the moment. The Secretary of Defense has gone on record as favoring a volunteer army, but he has also gone on record as doubting that such a changeover could take place by July of next year.

We are in the midst of a shooting war, Mr. President, and I do not believe that now is the time to make a final decision on whether the draft can be abolished in less than a year's time. We cannot rightly take such a step purely on the hope that next July 1 will find the world a safer place in which to live.

I support the concept of an all-volunteer army, and, in that general respect, I find that amendment 765 has more than a little merit. I am hopeful that sometime in the future it may be possible to enact its substance into law and to end the conscription of our young men without endangering the security of the entire Nation.

However, the high cost of the amendment, the fact that no congressional hearings have been held to determine its possible effects, and the fact that it has been proposed while our country is tied down in a war in Southeast Asia, have convinced me to vote against it at this time.

Mr. HATFIELD. Mr. President, I yield back my time.

Mr. STENNIS. Mr. President, I yield back my time.

The PRESIDING OFFICER. All remaining time on the amendment has been yielded back. The question is on agreeing to the amendment—No. 844.

Mr. STENNIS. Mr. President, what is the parliamentary situation? What is pending before the Senate?

The PRESIDING OFFICER. The amendment, as modified, is pending before the Senate.

Mr. STENNIS. The Hatfield-Goldwater amendment?

The PRESIDING OFFICER. That is correct.

Mr. HATFIELD. Mr. President, I ask for the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. STENNIS. This is a straight vote on the Hatfield-Goldwater amendment, up or down, or yes or no?

The PRESIDING OFFICER. That is correct.

The question is on agreeing to the amendment. The yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. MANSFIELD (after having voted in the affirmative). I have already voted in favor of the Hatfield-Goldwater amendment. The Senator from Arkansas (Mr. FULBRIGHT) is absent because of a death in his family. Were he present and voting, he would vote "nay." If I were at liberty to vote twice, I would vote "yea." Therefore, I withdraw my vote.

Mr. HUGHES (after having voted in the affirmative). I have already voted "yea." The Senator from Nevada (Mr. CANNON) being necessarily absent, I withdraw my vote and state that I have a live pair with Senator Cannon.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from Hawaii (Mr. INOUYE), the Senator from Montana (Mr. METCALF), and the Senator from New Mexico (Mr. MONTOYA) are necessarily absent.

Mr. GRIFFIN. I announce that the Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

On this vote, the Senator from Alaska (Mr. STEVENS) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Alaska would vote "yea," and the Senator from South Dakota would vote "nay."

On this vote, the Senator from California (Mr. MURPHY) is paired with the Senator from Ohio (Mr. SAXBE). If present and voting, the Senator from California would vote "yea," and the Senator from Ohio would vote "nay."

The result was announced—yeas 35, nays 52, as follows:

[No. 271 Leg.]

YEAS—35

Baker	Gurney	Prouty
Boggs	Hart	Proxmire
Brooke	Hartke	Ribicoff
Burdick	Hatfield	Schweiker
Church	Jordan, Idaho	Scott
Cook	McGovern	Smith, Ill.
Cranston	Moss	Symington
Dole	Nelson	Williams, N.J.
Fannin	Packwood	Williams, Del.
Fong	Pastore	Yarborough
Goldwater	Pearson	Young, Ohio
Goodell	Percy	

NAYS—52

Aiken	Dodd	Javits
Allen	Dominick	Jordan, N.C.
Allott	Eagleton	Kennedy
Anderson	Eastland	Long
Bayh	Ellender	Magnuson
Bellmon	Ervin	McCarthy
Bennett	Gore	McClellan
Bible	Griffin	McGee
Byrd, Va.	Hansen	McIntyre
Byrd, W. Va.	Harris	Miller
Case	Holland	Mondale
Cooper	Hollings	Muskie
Cotton	Hruska	Pell
Curtis	Jackson	Randolph

Russell	Stennis	Tydings
Smith, Maine	Talmadge	Young, N. Dak.
Sparkman	Thurmond	
Spong	Tower	

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY ANNOUNCED—2

Hughes, for. Mansfield, for.

NOT VOTING—11

Cannon	Mathias	Murphy
Fulbright	Metcalf	Saxbe
Gravel	Montoya	Stevens
Inouye	Mundt	

So the Hatfield-Goldwater amendment, as modified (No. 844), was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. BYRD of West Virginia and Mr. BENNETT moved to lay the motion on the table.

The motion to lay on the table was agreed to.

Mr. HARRIS. Mr. President, I previously offered an amendment to the Hatfield proposal which raised certain serious concerns I thought should have been carefully considered before that measure was acted upon.

The authors of the Hatfield proposal were not willing to accept it, nor was the principal opponent of the proposal, the Senator from Mississippi (Mr. STENNIS), willing to support it; therefore, I did not press it to a vote. The distinguished Senator from Mississippi did assure me and the Senate that all these matters would be taken up by his committee in connection with extension of selective service.

But, until the questions I raised are answered—and they were not answered during the course of the debate—to my satisfaction. I did not feel that we were ready to move into the idea of a volunteer armed service. For these reasons, I voted against the amendment.

PAY DETAILS UNDER THE HATFIELD ALL-VOLUNTEER CONCEPT

Mr. STENNIS. Mr. President, I would like to comment on the specific pay proposals contained in amendment No. 765 which has been reprinted as No. 844.

TYPES OF MILITARY PAY AFFECTED

Mr. President, the amendment affects a number of the compensation elements for the Armed Forces. The largest increases would, of course, be the basic pay rates for both the Active and Reserve Forces for the enlisted and officer pay grades during the early years of service with the greatest increases being extended to those with under 2 years of service. In addition the bill would also provide for changes in the special pay for physicians and dentists; expansion of the proficiency pay system; an increase in hostile fire pay from $65 to $200 per month; establish a new category of combat zone pay for $65 per month; provide for an extension of time from 3 to 6 months within which recruitment bonuses might be paid; and provide for certain transportation and travel allowances for enlisted members in the lower pay grades.

Additionally, there would be statutory authorizations for ROTC scholarships of $10,000 in each of the Army, Navy, and Air Force programs.

DISCUSSION OF BASIC PAY INCREASES

Mr. President, the Hatfield amendment itself does not set forth a new basic pay scale for adoption but provides for certain guidelines under which the Secretary of Defense would formulate a pay scale based on years of service and certain dollar differences between the enlisted and junior officer pay scales. The Department of Defense at my request has constructed a pay table based on the general guidelines provided in the amendment. Certain modifications were made in order to prevent pay inversions, that is, instances where persons in a lower rank would be making more than those in a higher rank. I ask unanimous consent to insert the table in the RECORD at this point. It will be noted, the increases are cited on a monthly basis.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

PRELIMINARY DOD ESTIMATES OF BASIC PAY INCREASE AS PROPOSED BY THE HATFIELD AMENDMENT TO H.R. 17123 (MONTHLY)

	<2	>2	>3	>4	>6	>8	>10	>12	>14	>16	>18
O-4:											
Proposed	$769.50	$793.80	$847.50								
Present	652.50	793.80	847.50								
Difference	117.00										
Difference (percent)	17.9										
O-3:											
Proposed	$753.30	$769.50	$785.70	$801.60							
Present	606.30	677.70	723.90	801.60							
Difference	147.00	91.80	61.80								
Difference (percent)	24.2	13.5	8.5								
O-2:											
Proposed	$647.10	$679.20	$693.30								
Present	468.00	577.20	693.30								
Difference	179.10	102.00									
Difference (percent)	38.3	17.7									
O-1:											
Proposed	$559.80	$565.80	$577.20								
Present	417.60	462.60	577.20								
Difference	142.20	103.20									
Difference (percent)	34.1	22.3									
W-1:											
Proposed	$464.90	$469.90									
Present	409.50	469.80									
Difference	55.40										
Difference (percent)	13.5										
W-2:											
Proposed	$562.20	$531.60									
Present	491.70	531.60									
Difference	34.50										
Difference (percent)	7.0										
E-9:											
Proposed							$701.40	$717.60	$734.10	$750.30	$767.10
Present							701.40	717.60	734.10	750.30	767.10
Difference											
Difference (percent)											

	<2	>2	>3	>4	>6	>8	>10	>12	>14	>16	>18
E–8:											
Proposed						$588.60	$605.10	$621.00	$637.50	$653.70	$669.30
Present						588.60	605.10	621.00	637.50	653.70	669.30
Difference											
Difference (percent)											
E–7:											
Proposed	$452.10	$468.00	$481.80	$492.30	$503.10	$513.60	$524.10	$540.90	$564.90	$580.80	$597.00
Present	369.90	443.40	459.90	476.10	492.30	507.90	524.10	540.90	564.90	580.80	597.00
Difference	82.20	24.60	21.90	16.20	10.80	5.70					
Difference (percent)	22.2	5.5	4.8	3.4	2.2	1.1					
E–6:											
Proposed	$403.80	$417.60	$431.10	$440.40	$449.70	$459.00	$468.30	$492.30	$507.90	$524.10	$532.50
Present	318.90	387.30	403.20	419.70	435.90	451.80	468.30	492.30	507.90	524.10	532.50
Difference	84.90	30.30	27.90	20.70	13.80	7.20					
Difference (percent)	26.6	7.8	6.9	4.9	3.2	1.6					
E–5:											
Proposed	$367.80	$380.10	$394.20	$402.60	$411.00	$419.40	$427.80	$443.40	$451.80		
Present	275.40	339.30	355.50	371.10	395.40	411.60	427.80	443.40	451.80		
Difference	92.40	40.80	38.70	31.50	15.60	7.80					
Difference (percent)	33.6	12	10.9	8.5	3.9	1.9					
E–4:											
Proposed	$345.90	$356.40	$373.20	$381.30	$389.10						
Present	231.60	290.10	306.60	330.60	347.10						
Difference	114.30	66.30	66.60	50.70	42.00						
Difference (percent)	49.4	22.9	21.7	15.3	12.1						
E–3:											
Proposed	$316.80	$326.70	$345.90	$353.40							
Present	167.70	233.70	249.90	266.40							
Difference	149.10	93.00	96.00	87.00							
Difference (percent)	88.9	39.8	38.4	32.7							
E–2:											
Proposed	$298.80	$306.00									
Present	138.30	193.50									
Difference	160.50	112.50									
Difference (percent)	116.1	58.1									
E–1:											
Proposed	$272.10	$278.40									
Present	133.20	177.00									
Difference	138.90	101.40									
Difference (percent)	104.3	57.3									
E–1<4:											
Proposed	$245.40										
Present	124.50										
Difference	120.90										
Difference (percent)	97.1										

Mr. STENNIS. Mr. President, the principal increases in this proposal would be for those in the under 2 years of service pay brackets for enlisted personnel. The E–1 recruit would receive a 97-percent increase—$120—from $124 to $245; the E–1, a 104-percent increase—$138—from $133 to $272; the E–2, a 116-percent increase—$160—from $138 to $298; the E–3, an 88-percent increase—$149—from $167 to $316; the E–4, a 49-percent increase—$114—from $231 to $345; the E–5, a 33-percent increase—$92—from $275 to $367; the E–6, a 26-percent increase—$84—from $318 to $403. All of these, Mr. President, relate to these grades in the under 2 years of service pay bracket. In terms of numbers most of the enlisted men would be in the pay grades E–4 and below. The pay scale would also provide for lesser increases ranging out as far as 10 years of service in the extreme cases.

The officer pay grades would be increased in amounts ranging as follows: O–1, 34-percent increase—$142—from $417 to $599; O–2, a 38-percent increase—$179—from $468 to $647; O–3, a 24-percent increase—$147—from $606 to $793.

One of the problems, Mr. President, when a $4 billion pay measure is being considered, is whether all of the increases should be concentrated in the pay brackets for the earlier years. I think a strong case could be made that least hearings should be conducted to see whether any of the career pay brackets should not also be increased to provide a greater inducement for remaining in the service on a career basis. One effect of this amendment is to "flatten out" the pay brackets in a manner which will provide for lesser increases based on years of service with the result that there will be a smaller inducement for remaining in the service and achieving a higher grade.

Mr. JAVITS. Mr. President, for many years I have expressed my opposition to the concept of what is euphemistically called a volunteer army. I have never believed that a mercenary army is best for America and still do not believe so. Thus, I am voting against this amendment.

I have no quarrel with the conclusions of the Gates Commission that a voluntary army is feasible and that it might even improve the efficiency of the armed forces. Nor is my opposition to a volunteer army based solely on cost considerations, although these cannot be completely ignored.

A volunteer army is, in essence, a mercenary army. It is, of course, possible that civilian control could still be maintained over such an army. But history and the experience of other countries speaks loudly to the contrary—too loudly for me. Up to now, at least, free men have been willing to bear the burden—evenly imposed—of fighting for their own freedom. An army of mercenaries has been associated with autocracy and expanding empire.

It has been argued that the draft has not kept us out of Vietnam and that keeping the draft merely insures a continuous supply of cannon fodder for underwriting similar foreign excursions. My answer is that the draft cannot be used as the scapegoat for our policy in Vietnam. The draft is not what got us into Vietnam. On the contrary, as I have stated, it is responsible for the widespread discontent which is helping to get us out. Equally important, it is the present unhappiness with the results of our Vietnam policy which, in my judgment, have lessened the chances of any administration making the same mistake in the future.

Thus, the draft has become a means of limiting the free hand of those who would be quick to commit America's military might to the support of dubious causes. Its existence guarantees that those who would commit our Armed Forces to foreign struggles will be held accountable by all the public, not just a comparative minority whose concerned protests, however strong, can be shrugged off with impunity. An army of volunteers could not possibly have such an inhibiting effect.

Nor do I believe that there is anything inherently "undemocratic" about a draft. On the contrary, insofar as the draft imposes the risk of sacrifice equally upon all, it is clearly more in keeping with fundamental democratic principles than a system which depends primarily on mercenaries, drawn largely from those who have been unable to fit into the domestic mainstream of America.

As those of us who have fought the battle to cut defense spending and establish a higher priority for vital domestic programs in such areas as hunger, education, jobs, housing, and health know all too well, that kind of money is not lying around loose in the Treasury, or in the pockets of American taxpayers. Nor is it going to be found in the defense budget. If it is necessary to find additional funds to cover the higher costs of a volunteer army, they are going to come out of just those domestic programs which offer some hope to those millions of Americans who have been left behind in our steady march toward affluence. For the reasons I have just stated, I cannot conclude that the draft, in principle, is so objectionable that it is necessary to make such sacrifices as to eliminate it.

It is for all those reasons that I have been in principle opposed at this time to the so-called volunteer army. But I have deep concerns about the draft. I do not join in the proposition that the draft is fair. Right now I think it is very unfair in terms of the absence of national standards and the tendency to draft people on the basis of economic condition or on the basis of their fortune—whether or not they are in college, or in other circumstances.

I shall do my utmost to bring about draft reform. We are coming to the time when the draft has to be extended next year, if it is to be extended, and I believe draft reform will be in order.

In short, I believe that in a society like ours the duty of military service is a great restraint to war. The Vietnam experience is educating our people to the meaning of war, and when that is done it is more of a restraint.

But the system must be a just one and appeal to justice in the eyes of the people, the eyes of those subject to the draft, which it does not do today. It must be a truly national system, which it is not today, and lay on with even hands as to the national interest and the liability to the draft of young people, whatever may be their economic or other situation in life.

I pledge my efforts to see that that kind of justice and fairness prevails. As I pointed out, we will have a very good opportunity to do that because the draft comes up for renewal next spring. The way is clear for draft reform, in hearings before the committee, and other action of the Senate, to see that that is brought about. I hope we channel our efforts in that direction.

Finally, let me add, Mr. President, that in the event we are unable to achieve true draft reform in the near future, I shall certainly reassess my position on the issue before us today. I have by no means concluded that the draft, in the inefficient and discriminatory manner it operates today, is any better than a volunteer army would be, for all its problems.

SENATE RESOLUTION 457—SUBMISSION OF A RESOLUTION AUTHORIZING THE COMMITTEE ON INTERIOR AND INSULAR AFFAIRS TO CONDUCT A STUDY CONCERNING THE SHORTAGE OF COAL EXISTING IN THE UNITED STATES

Mr. COOPER. Mr. President, I submit a resolution on behalf of myself and the senior Senator from West Virginia (Mr. RANDOLPH), the Senator from Tennessee (Mr. BAKER), the Senator from West Virginia (Mr. BYRD), the Senator from Kentucky (Mr. COOK), the Senator from Virginia (Mr. SPONG), the Senator from North Carolina (Mr. JORDAN), the Senator from Pennsylvania (Mr. SCOTT), the Senator from Alabama (Mr. SPARKMAN), the Senator from South Carolina (Mr. THURMOND), the Senator from Michigan (Mr. GRIFFIN), and the Senator from Washington (Mr. MAGNUSON), to authorize the Committee on Interior and Insular Affairs to conduct a study and investigation concerning the existing shortage of coal in the United States and the critical shortage projected in the coming months.

The PRESIDING OFFICER (Mr. FANNIN). The resolution will be received and appropriately referred; and, without objection, the material will be printed in the RECORD, as requested by the Senator from Kentucky.

The resolution (S. Res. 457), which reads as follows, was referred to the Committee on Interior and Insular Affairs:

S. RES. 457

Resolution authorizing the Committee on Interior and Insular Affairs to conduct a study and investigation concerning the shortage of coal existing in the United States.

Whereas, the nation's production of coal is a vital element in the ability of the nation to meet its national energy requirements;

Whereas, the nation's existing production of coal is not sufficient to meet the demands therefore;

Whereas, this existing shortage of coal is likely to worsen and impose a severe hardship on the consumer and the nation during the coming months unless immediate action is taken;

Whereas, the Council of Economic Advisors in its Inflation Alert Report of August 7 has found that the price of bituminous coal has increased 56 percent in the first six months of 1970; and

Whereas, the urgency of the situation requires that some action be taken immediately: Now, therefore, be it

Resolved, That the Committee on Interior and Insular Affairs, or any duly authorized subcommittee thereof, is authorized under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, as amended, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, to make a full and complete study and investigation with respect to the existing critical coal shortage in the United States with a view to determining the extent to which, if any, each of the following has contributed, is contributing, or may contribute to the existing or any future coal shortage in the United States:

(1) the lack of an adequate number of freight cars of the nation's railroads for loading and transporting coal;

(2) the effect of the Federal Coal Mine Health and Safety Act of 1969—including the unavailability of coal mining equipment required for compliance with the Act—on mine closings and loss of coal production and on the increased costs of coal;

(3) the increasing exportation of coal from the United States to foreign markets;

(4) the existing shortage of manpower needed for operating the nation's coal mines and the lack of adequate training program for miners; and

(5) the growing concentration of ownership of the nation's sources of coal supplies among a few large operators who own and operate competing sources of energy, (such as oil and gas); and the effect of this concentration of ownership on the production of coal.

SEC. 2. The Committee shall report its findings upon the study and investigation authorized by this resolution, together with such recommendations as it deems advisable, to the Senate at the earliest practicable date, but not later than .

SEC. 3. For the purpose of this resolution the Committee, through , is authorized (1) to make such expenditures as it deems advisable, and (2) to employ upon a temporary basis, technical, clerical, and other assistants and consultants.

SEC. 4. Expenses of the Committee, under this resolution, which shall not exceed $, shall be paid from the contingent fund of the Senate upon vouchers approved by the chairman of the Committee.

Mr. SCOTT. Mr. President, I ask unanimous consent that my name be added as a cosponsor of the resolution.

Mr. COOPER. Mr. President, I ask unanimous consent that the name of the Senator from Pennsylvania (Mr. SCOTT) be added as a cosponsor of the resolution.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. RANDOLPH. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. RANDOLPH. Mr. President, I commend the distinguished senior Senator from Kentucky (Mr. COOPER) for having submitted a timely resolution which would authorize the Committee on Interior and Insular Affairs to conduct a study and investigation concerning the shortage of coal for marketing and consumption in the United States during this period of fuels and energy crisis. It is a privilege to be associated with the able Senator from Kentucky in cosponsorship of the measure.

Because it is a fact that coal, for so many years, has been the most widely used fuel for the development of electric energy and in the steelmaking process, we find it difficult to realize and understand the condition of scarcity of this essential commodity.

Being from the leading coal-producing State of West Virginia, perhaps I have a broader understanding of the fac-

tors which cause shortages to exist. My able colleague from West Virginia (Mr. BYRD), as well as our colleagues from other leading coal producing States—including the senior Senator from Kentucky—likewise possess special awareness of coal's production, transportation, and marketing problems. But I am sure others feel as do I that these problems are so broad in their scope, application, and origins that their identification and solutions must have national cognizance and consideration.

The Committee on Interior and Insular Affairs can provide the proper forum and the apparatus for the hearings and investigative effort so necessary to identification of causes and effects, and so vital to the development of solutions.

The senior Senator from Kentucky and all of us associated with him as cosponsors of the measure he offers today likewise are joined as cosponsors of S. 4092. I introduced this bill on July 16, 1970, to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs.

Mr. President, I am informed that the distinguished Senator from Utah (Mr. Moss), chairman of the Subcommittee on Minerals, Materials, and Fuels of the Committee on Interior and Insular Affairs, will chair the opening hearings on S. 4092 on September 10 and 11. The area of investigation indicated by the resolution submitted today by Senator COOPER is so vitally connected with the purposes of S. 4092 that I hope both measures can initially have concurrent consideration by the subcommittee chaired by Senator Moss. I express this only as a personal hope, of course, and in no wise as an infringement on the jurisdiction of either the Interior Committee or its subcommittee.

The coal shortage and, indeed, the fuels crisis generally, should have priority and expeditious attention, and I commend the distinguished chairman of the Committee on Interior and Insular Affairs, the Senator from Washington (Mr. JACKSON), and the distinguished subcommittee chairman (Senator Moss) for having made arrangements to begin consideration of S. 4092.

I again commend the senior Senator from Kentucky (Mr. COOPER) for his timely and important resolution.

Mr. MAGNUSON. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. MAGNUSON. I come from an area that relies upon hydroelectric power and will, in the future, rely more heavily upon nuclear power but I want to commend the Senator from Kentucky and the Senator from West Virginia on their statements because if we do not do something about expanding the production of power in the next year or 18 months, we will not have a brownout in 1974 but a blackout. I do not want to be around—and I am sure that the Senator from Kentucky and the Senator from West Virginia feel the same way—when my wife turns on that switch and nothing happens. I want to be out of town that day, because she will say, "What have you done about it? This problem, a brownout or a blackout, will happen unless we begin expanding the ability to generate power.

We have been held up by many problems but they are questions that we can solve. This has become a most serious problem in the United States. It could cripple the country. This is true in the Pacific Northwest which does not rely upon coal, but we know there that this is an important problem in the East. The Senator from West Virginia will recall, as will the Senator from Kentucky, that we put money in the appropriation bill for research into this matter, which must go parallel with this effort. I want to tell you, Mr. President, that this is a very serious problem facing this country.

The power needs of the United States doubles, conservatively, every 8½ years. We are way behind. I cannot see how we can catch up without some use of fossil fuels in a more efficient way in the future, and we can find that way in my opinion.

Mr. COOPER. I thank the Senator from Washington very much. He has stated very clearly the serious issues before us.

Mr. President, during the last few weeks, attention has been focused on this very serious problem of a shortage of coal and, indeed, of other fuels. Many comprehensive articles have been published in the press and statements have been made in the House and Senate. A few days ago, I read a graphic statement by the Senator from Vermont (Mr. AIKEN), who pointed out very clearly that the matter of energy is a question of life or death to the economy of the country, its security, and the future needs of its people. He also stated that it was a situation in which a few companies, by gaining ownership of competitive fuels, could actually hold the future of the country in its hands, according to its own decisions.

We, who are sponsoring this resolution, are aware of the fact that the shortage of other sources of energy as well as coal is a problem that the Committee on the Interior may want to study but, as we represent States in which coal production is of great importance, it is natural that we should emphasize the problems of the coal industry.

Let me point out that the shortage of coal was graphically illustrated by the chief representative of the Tennessee Valley Authority, when he testified before the Public Works Committee on August 14, on H.R. 18104, a bill to increase the authorization of the TVA to issue revenue bonds—from $1.750 billion to $5 billion—for financing needed power facilities. Mr. Aubrey J. Wagner, Chairman of the TVA Board stated that TVA must raise its power rate by an average of 23 percent if the Authority is to meet the requirements of section 15(d)(f) of the TVA Self-Financing Act.

Mr. Wagner testified that one of the chief reasons for increasing rates is the increased price of coal, which has doubled over the last year. He pointed out that the increased price of coal has not stimulated sufficient production, that there is an immediate critical shortage of coal and TVA may not be able to obtain sufficient coal supplies to fuel its steam plants. Upon questioning by the committee, Mr. Wagner stated that the causes for coal shortages were:

First. The inadequate supply of freight cars for coal transportation; second, increased exports of coal; third, the growing concentration of ownership of the Nation's coal production and coal resources in companies producing competitive fuels; and fourth, the Federal Coal Mine Health and Safety Act of 1969, which has caused mine closures and loss of coal production.

As the Tennessee Valley Authority is the largest purchaser of coal not only in our country but in the world, the testimony of Mr. Wagner and his associates is of great importance.

Last year when the Senate was considering the Federal coal mine health and safety bill I pointed out, as did other Members of the Congress, that the bill, while providing many needed safety requirements, also included provisions unnecessary and economically not feasible for hundreds of safe nongassy mines and that, as a result, many nongassy mines with good safety records would be forced to close. This is occurring and will continue to occur and the unnecessary closing of nongassy mines has contributed to the existing shortage of coal. Ironically, the large gassy mines are open, but cannot replace the production of the closed mines. Another unfortunate consequence which I stated at that time would take place has been the shift of underground mining to strip mining with all its unhappy consequences.

Many news articles have commented on the ownership of coal mines and coal resources by oil and gas companies and other companies producing competitive fuels. I have been informed that the Antitrust and Monopoly Subcommittee of the Senate Committee on the Judiciary conducted preliminary hearings on this question early this year, and that the findings of the subcommittee were startling, indicating that many of the largest coal companies in the United States had been acquired by oil and gas companies. It is necessary that the effect of these acquisitions on competition and production be thoroughly investigated not only by the Congress but by the Department of Justice.

Mr. President, I know the investigation of coal and other energy shortages and their causes will be a task of large proportions, one requiring adequate provision of funds and staff. It is possible that the jurisdictions of several committees will overlap, such as that of the Committee on Public Works, to study the problems of the energy requirements of the Tennessee Valley Authority, as an illustration of the problem many industries face; the Committee on Labor and Public Welfare, to examine the effect of the Federal Coal Mine Health and Safety Act on causing unnecessarily the closing of safe mines; and the Subcommittee of Antitrust and Monopoly of the Senate

Committee on the Judiciary to examine further the effect on competition of the acquisition of coal mines and resources by companies owning competitive fuels.

The distinguished senior Senator from West Virginia, Senator RANDOLPH, has introduced S. 4092, a bill "To establish a Commission on Fuels and Energy," and the bill has been referred to the Committee on Interior and Insular Affairs. I understand that hearings will be held soon on this bill. I hope very much that the Committee on the Interior will conduct as quickly as possible a full investigation and study of the shortage of coals and other fuels and will make its recommendations to the Senate.

This is a matter of greatest importance and the recommendations of the committee will be of great service to our country.

Mr. ALLOTT. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I am happy to yield to the ranking member on the Committee on Interior and Insular Affairs.

Mr. ALLOTT. Mr. President, I think that the resolution which the Senator from Kentucky has introduced is a valid and a very good one. The only thing that perturbs me about it is its scope, but I do not believe it should be disregarded because it is so large in scope.

What the Senator has actually offered here is an indepth study of all our energy requirements. It is something that is badly needed. I hope that when this is considered, if it is considered, that we undertake it seriously, because as the Senator said to me the other day when I raised the question with him, it is going to take a pretty large staff, and it will take a highly skilled and professional staff to come up with the kind of answers the Senator is calling for.

I hope that Congress, when this matter comes to the floor of the Senate for consideration, will realize its seriousness and will do the kind of job that is needed; otherwise, I do not believe that we should touch it unless we intend to do it thoroughly with good help—all the help we can get.

Mr. COOPER. I thank the Senator from Colorado very much. The problem is serious. I am glad he has pointed out it would require adequate funds and an adequate staff to take care of this.

Mr. President, I ask unanimous consent that a number of newspaper articles and other relevant statements that have appeared in the past 2 months concerning the current coal shortage, the increase in coal prices, the increase in stripmining, and the problems of the TVA in obtaining coal supplies, together with a copy of the Inflation Alert Report of August 7 by the President's Council of Economic Advisers which found that the price of bituminous coal has increased 56 percent in the first 6 months of 1970 be included in the RECORD at this point.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE INFLATION ALERT REPORT OF THE COUNCIL OF ECONOMIC ADVISERS RELATING TO COAL—AUGUST 7, 1970

FUELS

Prices of industrial fuels have advanced with exceptional rapidity during the past year and especially during the first half of 1970 (see table). The sharpest increase has been for bituminous coal which rose at the annual rate of 18 percent in the last half of 1969 and spurted to a 56 percent rate in the first half of the current year. There have been several reasons for this development. In the first place, there has been a very substantial increase in foreign demand, especially for metallurgical coal used in steel making, while some domestic utilities have had to use more coal than anticipated because of delays in their nuclear generation projects. Secondly, increasingly stringent pollution regulations have required many electric utilities to change their fuel specifications to low-sulfur coal. As it happens, most low-sulfur coal is also metallurgical grade, further augmenting the pressure on the type of fuel. Third, safety regulations are being tightened and while these may not yet be fully effective, it appears that they have added substantially to mining costs. Labor unrest and wildcat strikes in some fields have put still further pressure on supplies. Finally it takes years to open the new mines that may be needed to cope with this unforeseen increase in demand.

The table referred to follows:

CHANGES IN WHOLESALE PRICES OF FUELS DURING 2D HALF OF 1969 AND 1ST HALF OF 1970

[Not seasonally adjusted, except as indicated]

Item	Percentage change per year during			
		1970		
	1969, 2d half	1st half	1st quarter	2d quarter
Fuel and related products and power[1]	3.3	3.6	0.8	6.5
Bituminous coal	18.1	56.0	34.4	81.1
Residual fuels	6.2	47.6	36.0	60.3
Natural gas	2.4	3.1	−1.1	5.1

[1] Seasonally adjusted; includes some commodities not shown separately.

Source: Department of Labor.

The price of residual oil, most of which is imported, has also advanced very rapidly, at an annual rate of 48 percent in the first 6 months of 1970. Here, again, a number of factors have been involved. World demand has been rising sharply. As in the case of coal, many utilities have been required to shift to lower sulfur oils, adding to costs and limiting sources of supply. In addition, tanker rates have increased very rapidly in recent months, partly as a result of the closure of a pipeline through Syria and production cutbacks in Libya.

Prices of natural gas also rose somewhat more rapidly in the first half of 1970 than in the last part of 1969. The increase in natural gas prices, however, has not been nearly as rapid as for coal and residual fuels, averaging an annual rate of only 3.1 percent in the 6 months ended June 1970. It should be noted, however, that natural gas prices are subject to regulation and that the flow of natural gas to utilities and other major consumers is often "interruptible," subject to being cut off when supplies are inadequate to meet total demand.

[From the Louisville Courier-Journal, July 3, 1970]

LACK OF COAL MAY FORCE ARMCO LAYOFFS AT ASHLAND

CINCINNATI.—Major coal users said yesterday that rising prices and shortages brought on by a strike by miners in four states were causing a critical situation in the United States.

Armco Steel Corp. predicted layoffs in four plants—including one at Ashland, Ky.—if no progress is made by Monday. Representatives of Ohio and Michigan utility companies, hospitals and Ohio manufacturing firms also said their situation is serious. They appeared at a joint news conference.

Meanwhile, a back-to-work trend began developing yesterday in the coal fields of Southern West Virginia and Eastern Kentucky. Only one mine remained closed in Pike County, Ky., while across the border in Mingo County, W. Va., officials reported 10 mines operating that had been shut down by the strike, sparked by disabled miners.

R. P. Hindman, administrative vice president of the Steel Group of Armco, said the company might have to begin laying off workers and curtailing operations at its plants at Middletown and Hamilton, Ohio; Houston, Tex., and Ashland.

Hindman said that Armco has only a 10-day supply of coal left. Normal supply for Armco is 30 to 45 days. Its Middletown plant alone uses 10,000 tons of coal daily.

As many as 17,000 persons at the Armco plants could be affected eventually, Hindman said.

PRICES HIGHER, QUALITY LOWER

Tom Andrews of the Dayton Power & Light Co. said that the price of coal has tripled in the past two years.

Stanley Longefels, associate administrator of Cincinnati General Hospital, said that not only has the price of coal increased, but the quality is "inferior." Spokesmen for the Hamilton, Ohio, city utility division concurred.

A Cincinnati Gas & Electric Co. executive, Arthur Ehrnschwender, said his company has experienced coal increases as high as 25 per cent in the past year and the cost of coal on spot orders to supplement long term deliveries has doubled.

He said the reasons for the coal supply situation were the inability of the mining industry to keep up with the growing demand; increased exports to foreign nations; labor unrest in the mining industry, and the new Federal Mine Safety Law, which has put some mines out of business and has caused a price increase by those still able to operate.

Ehrnschwender also said the quality of the coal his company receives "has deteriorated to a point where we are encountering additional problems in our normal process of handling it, burning it and disposing of the ashes."

[From the Louisville Courier-Journal, July 17, 1970]

STATE IS HAVING TROUBLE FINDING COAL FOR WINTER

(By William Bradford)

FRANKFORT, KY.—In the heat of summer some state officials are concerned about buying coal to keep state facilities warm next winter.

Not only is the cost of coal shooting upward, but producers who are ready to commit themselves to sell to the state are downright scarce. A recent effort by the state to get bids for coal brought only six responses from 110 suppliers who were contacted.

And not a single offer was made to sell coal to Eastern Kentucky University. It is expected to need about 12,500 tons.

N. B. McCubbin, state purchasing director, and his chief buyer, J. A. Luigart, are going to Southeast Kentucky next week to try to buy coal for the university on the spot from mine operators in Clay and Leslie counties.

The recent bid-opening revealed offers that ran 80 to 125 per cent higher than last year for Eastern Kentucky coal and 25 to 44 per cent higher for West Kentucky coal. And bids for deep-mined coal in West Kentucky were subject to 30-day notices of price change and any increase resulting from wage boosts.

LEGISLATION BLAMED

Luigart attributed the high prices and scarcity of bids to "the tremendous confusion" over the federal Coal Mine Safety Act of 1969 and other legislation.

Finance Commissioner Albert Christen has

urged state institutions to stockpile coal this summer to avoid a recurrence of what has been called "dangerously low" supplies last winter.

Another measure which might be taken in some instances is to establish an alternate fuel supply, such as storing fuel oil for emergencies.

The situation is going to put considerable stress on several budgets, Christen said. Some allowance had been made for higher coal prices, he said, "but nothing like what we're going to experience."

McCubbin asserted that there is no coal shortage but that mine operators are unwilling to commit themselves to long-term contracts because of uncertainties over the cost of new federal requirements.

Indicative of that and other problems is a letter the Charles Buddeke Coal Co., Louisville, attached to its bid to sell coal to several state institutions, including Central State Hospital.

REPORT DUE AUGUST 1

"Due to conditions within the coal industry," the letter said, "we are unable to guarantee delivery of the coal because of the inability of the mines to ship, and the railroads to make deliveries. We are unable to give a firm price beyond a 30-day period."

Luigart is to make a study and report on the fuel situation by Aug. 1.

Bids for supplying each ton of coal to some of the major state institutions—with only one bid offered in each case—were: Kentucky State College, $18.20, up from $9.80; Morehead State University, $14.92, up from $8.42; Murray State University, $12.40, up from $9.35; Western Kentucky State University, $10.50, up from $8.50.

For the University of Kentucky's central heating plant, this year's sole bid was $12.93 a ton, compared with last year's adjusted cost of $9.93. For the UK Medical Center, this year's bid was $14.93 a ton, compared with a 1969 cost of $9.33, adjusted to $11.43 in May 1970.

[From the Louisville Courier-Journal, July 26, 1970]

COAL RETAIL PRICES UP BY $6 A TON, MAY GO HIGHER

Retail prices for home-delivered coal have leaped as much as $6 a ton in the past year, Louisville area coal dealers report.

The price of coal "went up a couple times during the summer time, and I'm looking for it to go up again before Christmas," one coal retailer said.

Louisville prices for home-delivered coal, most of which comes from Eastern Kentucky, range up to $24 a ton.

But Louisville Gas & Electric Co., which uses coal from Western Kentucky, reports that its coal costs have risen, too.

B. Hudson Milner, president of LG&E, said the company uses 2.2 million tons of coal a year in its generating plants, explaining that he cannot make the cost of this coal public under the terms of the company's coal contract.

THIRD FACTOR IS NOTED

The cost is "considerably above" what it was five years ago, however, and he added that the new Mining Health and Safety Act alone probably increased the price of coal about 50 cents a ton.

A general shortage of coal also has raised the price, Milner said, "and a third factor in Eastern Kentucky is the competition in there for metallurgical coal, including people from as far away as Japan offering great big prices."

Metallurgical coal, or coking coal, is a purer grade of coal containing fewer noncombustibles. It is used in the steel industry.

The Associated Press reports that the Japanese are buying more coal in their attempts to double their steel production by 1980.

In 1968, Japan bought 14.3 million tons of U.S. coal, and in 1969 that figure jumped to 19.1 million tons.

[From the Washington Star, Aug. 10, 1970]

THE ENERGY PUZZLE

(By Charles Bartlett)

PIKESVILLE, KY.—The prosperity in Pikesville is one piece of a puzzle which is making electric power more costly and less certain to meet the national goals.

The price being paid the mining companies which dig coal out of the mountains and sell it at the railhead here has doubled in less than a year. The miners are getting more wages and a boom spirit is causing small mountain towns like this one to shed their depressed look.

The hair-dressing shops open ahead of the banks these days in Pikesville and the clusters of people waiting to do business in the latter are cheerful and dressy. The three banks in this city of 5,800 are bulging with deposits of over $90 million.

The coal miners are making money but they know they are also making problems for the future. The boom, they sense, will be short-lived because the costs of mining will quickly catch up with the prices. This is the "feast" phase of a "feast or famine" business but the mine operators are too wary of the conservationists, the mine safety law, and the shortage of hopper cars to relish it.

They lost a residential market for coal in the post-war boom and now they fear they may price themselves out of the utility market. Power generation kept the coal industry alive until the Japanese demand developed. But now big customers like TVA, unable to secure low sulphur coal at feasible prices, are starting to urge that foreign oil destined for steam plants be exempted from the import quotas.

The rush to get the coal out of the knobby Appalachians has aroused the conservationists, who know the boom could bring a scarred end to the special beauty of this rugged country. But the new respect for ecology promises that it won't be as easy as it might have been five years ago.

In fact the surface miners, obliged to live with a stiff 1966 Kentucky law, know they are going to have to demonstrate that their reclamation practices will leave the mountain country no less attractive than they found it.

The conservationists insist that this will be impossible. Certainly the cliff-like scars in the forest mantle will be visible for generations, perhaps forever. The compensating factors, surface miners maintain, will be the roads and level spaces they create. They already point to a golf course, an airport, orchards, and homesites which have evolved from their penetrations of the steep slopes.

The real problem is that surface mining is expanding voraciously because the new mine safety law is causing small operators to close down their shafts. Less and less coal will come out of the mines as the new provisions take effect because they require investments which small operators can't afford and machinery which is not available. The law is a key factor in the rise of coal prices.

This seems, from the vantage point of east Kentucky, to have been an instance in which the legislators were more guided by emotion than by wisdom. The Farmington mine disaster swept all the arguments before it and the coal state senators, led by John Cooper of Kentucky, are now rallying their strength to try to amend the impracticalities in the act. They face a difficult task.

But the national policies on coal and other energy sources cannot remain impractical for very long. All the factors, including safety and conservation, need to be closely correlated. The pieces of the puzzle are going to have to be put together, perhaps in Washington, or the nation cannot count with assurance on its future supply of power.

[From the National Observer, July 20 1970]

NEW MINES CREATE A BOOM—AND A BANE

(By Mark R. Arnold)

A strange, disquieting thing is happening to the hills and hollows of Eastern Kentucky. They are being stripped for coal at a rate that alarms local residents and puzzles authorities.

Higher coal prices and an aversion to compliace with last year's Federal mine-safety law have resulted in a rash of new strip mines in the region, their existence reflected in a sudden increase in denuded mountainsides and bad roads.

While conservationists fume, and state officials profess disbeliefs, strip mining—ripping off the earth's face to extract the coal—is becoming Appalachia's most visible growth industry, filling railroad cars with coal and workers' pockets with money even as it defaces the hills and threatens to pollute streams.

A week's investigation in Eastern Kentucky, coupled with talks with officials of three states and visits with strip miners themselves, reveal that:

New strip mines are sprouting at a record rate. Figures compiled for this newspaper by the Kentucky Department of Reclamation indicate stripping activity has jumped 45 per cent this year alone, compared with a usual 10 per cent to 12 per cent annual increase in the amount of land approved for stripping. Officials in neighboring Virginia and West Virginia say coal strip-mine permits are up 20 per cent to 25 per cent over a year ago.

Unquestionably, part of the reason for the boom in strip mining is last year's Federal mine-safety law, which was aimed at improving conditions in "deep" or underground mines. Instead of investing in the new machinery needed to comply with the statute, many operators are selling out their shares in deep mines and investing in new strip operations. "They can get in and recover the coal far faster that way," explains Ben Greene, West Virginia's director of reclamation.

The sudden boom in strip mining is stiffening the resistance of conservationists and citizens groups, transforming a question of ecology into a hot political issue in many mountain communities. Three Kentucky counties have taken action to ban or curb strip-mining practices in recent months, though the constitutionality of their actions is in doubt. The state's attorney general, John B. Breckinridge, a Democrat in the administration of Republican Gov. Louis Nunn, is in the middle of a three-week personal inspection tour of strip-mining sites. He intends to run for lieutenant governor in the fall.

Strip mining long has been controversial, particularly in the mountains of Appalachia, where reforestation is difficult if not impossible, and people draw sustenance and security from the mountains.

Unlike deep mining, stripping, by definition, defaces the countryside: Huge earth shovels scoop deep wedges out of the mountains, then claw out the coal or bore it out with mammoth drills or augers. Until the mid-1960s, the land removed in the search for coal was often pushed over the edge of the mountains. The subsoil and sediment filled up the creeks, flooding the homes in the hollows below under the pressure of heavy rains. When the coal had been extracted, the operators moved on, leaving the land scarred and battered.

Those days, apparently, are gone for good: Citizen groups who faced down bulldozers with shotguns eventually created enough pressure to assure passage of strip-mine legislation at the state level that curbed many of the worst abuses of the industry.

Yet the toll of years of thoughtless exploitation of the land can still be read in the dried-up creeks that line the roads, and in the ugly patches of naked bluffs that break the curtain of lush mountain greenery on any drive through the back roads of eastern Kentucky.

Just how serious the damage from uncontrolled surface mining is in Appalachia was summarized in a study by the Interior Department a few years ago. It found that 3,200,000 acres of land had been disturbed by stripping, of which two-thirds had not been adequately reclaimed. Included in the total are 20,000 miles of cliff like highwalls gouged out of the mountains. "In some cases," says the report, "the walls completely isolate entire mountaintops." In addition, acid drainage from the mines was pinpointed as the major contributor to water pollution. Almost 6,000 miles of streams and 29,000 acres of impoundments and reservoirs have been "seriously affected" by surface mining.

Such conclusions help explain the alarm being felt over the resurgence of strip mining throughout the region today. Warns Harry Caudill, a Whitesburg attorney and one of Appalachia's most outspoken conservationists: "At the rate they're eating up the countryside, there won't be any Eastern Kentucky in four or five years."

To get an idea of how much strip mining has been started in recent months I visited the regional office of the Kentucky Division of Strip Mine and Reclamation in Hazard, center of a four-county coal-mining area that produces 30 per cent of the coal in Eastern Kentucky. The office, which serves Knott, Letcher, Breathitt, and Perry counties, is doing a brisk business these days, issuing permits.

"We have 61 active companies so far this year, compared to 40 as of last September," reports clerk Carol Green, smoothing a crease in her maternity dress. "Seems like we never had so many new outfits stripping for the first time."

I made appointments with several of the strip miners on her list in Letcher County and set out to see them. There are 25 active strip miners in the county, 8 of them new this spring. Why? "Because this is the best business there is in this area," answers Lawrence Sumpter, a good-looking, 35-year-old former policeman who went to work for another strip miner last year, then branched out on his own in March. Today he's working 12 acres of a 79-acre tract of hillside he owns off King's Creek, not far from Whitesburg.

"All there is is coal," adds Mr. Sumpter, gesturing to the surrounding tree-covered mountains. "Someone's gonna mine it. It might as well be me."

Mr. Sumpter is a small operator, with seven workers, two bulldozers, a front-end loader, a truck, and a 32-inch auger. With a capital investment of $300,000, which he figures he can pay off in three years or less, he is mining 300 tons of coal a day, and selling it to a broker for $6.50 a ton.

A LITTLE MORE TIME

"Give me another 18 months," Mr. Sumpter says, shielding his eyes from the sun with his baseball-type work cap, "and I'll be able to get a triple-head auger. Then I'll be able to pull a lot more coal out of these hills."

Like most strippers, Mr. Sumpter argues the callous practices of the past gave the business a bad name. The current strip-mine law assures that the mountains, however defaced by strip mining, will be restored to productive use. "Of course, we can't put the side back on the mountain," he concedes. "But we can reclaim it through proper seeding to be good pastureland for cattle."

A few miles away on King's Creek lives Michael Ison, youngest of nine children of a family that came to King's Creek more than 200 years ago. He's barely 23, the kind of eager young mountain man who a few years ago might—as a matter of course—have deserted Eastern Kentucky after high school for better opportunities in the factories of Ohio or Indiana.

But Michael's not sorry he stayed. A year ago he and his older brother, Richard, converted a fleet of trucks they owned into a $20,000 down payment on a double-headed auger. "The salesman, he knowed we didn't have much money so he threw in a bulldozer for no down payment," Michael recalled last week. Today the two brothers and a partner have turned that initial investment into a stripping operation that turns out 800 tons of coal a day, at $6.50 a ton.

"My brother's building hisself a $30,000 house, and he's got a new Buick. I paid cash for this 1970 pickup truck, and that 1969 Torino hardtop's mine too. Last week end, I did something I always wanted to do." He gestures toward a gleaming new Honda motorcycle parked on the front lawn of the simple white-frame house his grandfather built. "It was $175 but what the hell." He paused, then added: "We're not just filling our pockets in this thing. Why, we've loaned money up and down this creek to people who wanted to buy a truck to run coal or a 'dozer to mine their own. It's keeping the young people from leaving."

A NEW LEASE

Roy Stewart has been in the mining business—deep mining—since the end of World War II, first in Michigan and Illinois and for the past 8 years in Eastern Kentucky. But last summer he and his partner, Jim Hogg, sold out their deep mine, took out a lease on some prime strip land, and went at it in earnest. "It's the new law that made us switch, all the crazy stuff we'd have to put up with, having big brother snooping over our shoulder. Besides that, there's a lot of coal in these hills that can't be taken out by deep mining. You need to strip to get it. We decided to go after it."

Mr. Stewart also runs a tipple, a storage point and loading platform where the coal is funneled into railroad cars for shipment to market. "A year ago, almost all the coal in these hills was being deep mined," he says. "Now we're filling a 20-car coal train every day and 95 per cent of the coal comes from the strip mines. Everyone and his brother is getting into the act to make a dollar."

The reason they can all make a dollar is that the price of coal has skyrocketed in the past six or eight months. "We're getting $9.50 a ton for common utility-quality coal," says Mr. Stewart. "That's exactly twice what we were getting from our customers last December."

Soaring coal prices, stemming from increased foreign orders on top of a sharp rise in domestic energy needs (for electric power, steel production), seem to be encouraging some mountain people to return to Appalachia. Jobs as heavy-equipment operators or coal-truck drivers for the strip mines pay $4.00 to $4.75 an hour, and young men are said to be coming back.

Most of the newcomers to strip mining are small companies, but the prospects of a low-overhead, high-yield alternative to deep mining is also luring some giants. Beth-Elkhorn Corp., a subsidiary of Bethlehem Steel, in the past has prided itself on its refusal to strip mine any of the 40,000 acres it owns in Eastern Kentucky. Now the company is the largest strip miner in Letcher County.

Opponents of strip mining view the new boom with considerable misgivings. Three months ago, Henderson County, an area of rolling terrain in Western Kentucky, approved a resolution prohibiting the reopening of surface mines that were abandoned years ago there. In Eastern Kentucky, a grass-roots organization called Appalachian Group to Save the Land and the People prevailed upon the fiscal court (county council) in coal-rich Knott County to ban strip-mining entirely.

Argued Paul Ashley, a vocational school teacher who heads the Appalachian Group: "We've got to call a halt to all this destruction that's closing in on us."

A third county, Leslie, has chosen another tack; it has set up a new planning commission to try to zone the strippers into submission to local authority. "The idea's to control 'em, not to ban 'em," says County Judge George Wooten. While the constitutionality of these moves is yet to be determined, they point to a rising concern in Appalachia.

Two weeks ago, Mr. Ashley and other strip-mine opponents led Kentucky Attorney General John Breckinridge on a strip-mine tour of Knott County. The trip turned up several instances in which apparent compliance with the state's 1966 strip-mine law did not prevent acid drainage from polluting streams, or huge mudslides.

One stop was at the home of 88-year-old Granville Napier, whose tar-paper shack backs onto a creek turned brown with mine runoff. A state fisheries expert dipped a water-tester into the creek, took a reading, and shook his head. "Isn't anything could live in water like that," he said grimly. Later, Mr. Napier demonstrated how he must walk to get to his outhouse in the rear of the shack. He has had to lay wood planks to get over the mud that has covered over his back yard because of slides from a strip mine above him.

AN APOCALYPTIC VISION

Strip-mining foes insist that the new stripping boom will ravage the countryside like nothing that has gone before. Whitesburg's Harry Caudill, author of *Night Comes to the Cumberlands*, a classic study of Appalachia's people and problems, holds out an apocalyptic vision of the region's strip-mined future:

"With the advances of technology that are upon us," he says, "they'll shear the tops off all the mountains and run the overburden into all the valleys. They'll obliterate all life if they have to, to get at the coal, and turn the land into a vast ugly spoil bank stretching from one end of Appalachia to the other."

The Kentucky Conservation Council wants to prohibit all strip mining in Eastern Kentucky, where flooding and steep slopes have, in some places, all but made a joke of the law's requirement for reforestation. The land in many places simply cannot be restored.

At one of Beth-Elkhorn's prize reclamation projects, at Millstone Creek, Ky., grassy vegetation and small trees dot the site of an old strip mine. But the ground is interlaced with cracks and gulleys that might in time become landslides. And the steep, denuded highwalls, plainly visible from the road, can never be hidden.

The problem is that, in the short run at least, strip mining provides jobs—fewer jobs than deep mining, to be sure, but jobs nonetheless.

Mrs. Polly Ison, who rocks her days away on the porch of the house her grandfather built on King's Creek, knows what that means. She has three sons strip mining now, 23-year-old Michael Ison, and two of his older brothers. Several other children—she has nine altogether—had to leave the state to find work.

"They say it's destructive to do all this strip mining," she says, shaking her head slowly. "All I know is that some young ones are finding jobs right here in these mountains, and we have a little money coming in regular now. I figure that's something to be grateful for."

[From the Louisville Courier-Journal, July 26, 1970]

STRIP-MINE PIONEER DEFENDS METHOD—AND RESULTS

(By Kyle Vance)

HAZARD, KY.—Henry Wombles, the man who started strip and auger mining in the Kentucky mountains, would do it again in similar circumstances.

At the same time, Wombles said he "never dreamed" 18 years ago that the industry would grow as it has or become "as cursed as it has."

"All we were trying to do back there in 1952, I think it was, was to find a way to mine some coal close enough to the railroads till we could ship it out," Wombles said.

"All of the coal under the mountains had been mined out for five to 10 miles around Hazard, just too far away to bring it in when all you could get for it was $1.68 a ton."

Wombles, who said he would take either credit or blame for his part in surface mining history, said the idea for pulling coal out of the mountainsides with augers came to him from an experiment in Leslie County.

"A man over there by the name of Degan was getting to the outcrop some way," he said. "It wasn't augering, but he was getting some coal."

"I heard about an auger that was for sale up in Pennsylvania and I went up and got it. We put it over in Blue Grass Hollow and we got something started, I guess."

A WAY TO MINE MORE COAL

The good-natured Wombles quit the coal business for awhile as the bigger operations took over. Now he's back directing one of the more ambitious jobs at the Perry-Breathitt County line.

He defends strip mining as "a way out for some desperate people."

"It had got to the place where you couldn't pay a man good enough wages to mine 10 or 12 tons of coal a day," he said. "We found a way where, with machinery, he could mine 60 tons a day, and that saved us."

"We didn't think the first thing about hurting anybody or damaging the scenery, and I still think that we have helped an awful sight more than we've hurt.

"I'd like to see all of the money that surface mining has brought in here to our people piled up in one pile. I'd even say I'd like to own it."

Wombles believes too much has been written about strip mining's damages to the mountains and too little about its benefits to mountain people.

"Stripping looks ugly while you're doing it," he said, "but the way they're doing it now it comes back pretty and green and leaves us some flat ground that I am absolutely sure will be put to some use one of these days."

"Even that stuff we did 'way back there at the start, without putting down a grass seed or a bush, has grown up now till you can't see it from the road unless you are looking for it. And when you get up where it is, there is enough flat land to put a farm or a factory."

"SOME FELLOWS A LITTLE CARELESS"

Wombles took the reporter down KY 15 between Hazard and Jackson to demonstrate his claim. He pointed up hollows covered with green foliage.

"What do you see up there?" he challenged. "You see trees. Well, we stripped all the way around that hill and the bench is still up there. Now, if you'll look real close down here, you will see where the bench comes out in the open. . . .

"What you see up there is the old KY 28 and not stripping, but on down here a piece you'll see where we were at again. . . .

"Now look at that house over there. I'll bet it's worth every bit of $20,000 to $25,000. Look what it's sitting on. That's where we dug a little coal. . . ."

Wombles said he believed the strip mining laws became necessary when the industry started growing to giant size.

"Some of the fellows have been a little careless," he said, "but I think almost everybody now knows what he is supposed to do and is doing it.

"If stripping is done right and the land put back in good shape, it won't hurt many people, but it will help a lot of people. Take it away and you won't have anything left but welfare."

[From the Louisville Courier-Journal, July 26, 1970]

COAL IS AGAIN KING IN EASTERN KENTUCKY

(By Kyle Vance)

HAZARD, KY.—All of a sudden, coal is king again in Eastern Kentucky, and the region is beginning to warm up to prospects of a long-awaited prosperity.

"The top has popped right off of the coal market," one operator said. "I never saw the beat of it. Coal is the best it's ever been, and it's going right on up."

The price rise started about two years ago, when prices generally were in the $2.25 to $4 a ton range. The "popping of the top" has occurred in the last few months, carrying the prices on up to $9 and $12 a ton, paid at the rail head.

"It's so good it scares me," said Bruce Stephens, Jr., an executive of Kentucky River Coal Corp. "There's not a doubt that for a time at least the trend will continue upward.

"Personally, I'd like to see the prices level off somewhere, because coal has been known to price itself out of the fuel market. The history of coal has been sharply up and sharply down."

Stephens said all persons connected with the coal business are sharing the new wealth—the operators especially, but also the miners, truckers, mineral owners and others.

Merchants in such trading centers as Hazard, Pikeville, Harlan, Whitsburg and Prestonsburg reported a corresponding upswing in business.

"I've been in business more years than I like to remember," said Don Fouts, Hazard restaurant operator, "and I've never seen business as good as it is right now."

Willie Dawahare, a clothier with stores in Hazard, Corbin, Whitesburg, Neon and Pikeville, agreed.

"You don't have to look in the cash register to see it," he said. "Just walk down the street and you can see it on peoples' faces and in the clothes they're wearing and the cars they're driving."

Stephens and others credit the price spurt to a combination of factors, mainly the new Mining Health and Safety Act, which requires expensive new equipment in underground mines.

A shortage of railroad hoppers and low estimates of coal needs by some utilities helped with the trend. And strikes in four mining states, including Kentucky, have taken their bite out of production.

"The safety law hasn't done anything for safety, but it sure has hit the consumer in the eye," said Cloyd McDowell, secretary of the Harlan County Coal Operators Assn. "The consumer is paying for something foolish that Congress did last winter."

"The prosperity you hear about isn't as big as it might seem," he said, "because you don't put $1 million worth of equipment that you don't need in a mine without hurting in the pocketbook."

McDowell said Harlan operators nevertheless are raising miners' pay $2 to $4 a day to hold their workers.

Blue Diamond Coal Co. at Leatherwood, Perry County, recently raised miners' pay voluntarily by 90 cents an hour even though it had a contract in force with the Southern Labor Union.

The demand for coal and the resulting industry-wide price rise have created some problems, too, especially for mountain operators. Reports were heard in most of the coal counties that recruiters from high-paying Western Kentucky operations have succeeded in hiring men in Eastern Kentucky.

Of all problems, however, operators are growling loudest over a continuing shortage of rail hoppers to ship their coal.

"If we could get the hoppers, you'd see some real prosperity," McDowell said. "We could ship 30 per cent more coal. The operators would make more, and I'd say the miners could make 40 per cent more than they're making now."

EXPORTS PART OF THE PROBLEM

Today there are fewer hopper cars than there were in 1960, according to the Association of American Railroads.

The continued rise in exports is adding to the problem. A spokesman for the Louisville & Nashville Railroad said exports tie up hopper cars twice as long as do domestic shipments.

And while coal is in short supply now, new technical developments are expected to push demand even higher.

One development is pollution control systems that will make it possible to burn coal and still meet low sulphur emission restrictions.

A part of the new coal picture is the influx of large numbers of outsiders who want to get into the coal business, with its promise of wealth.

"Anybody with just a little know-how can become an operator," Stephens, the Hazard coal executive, said. "All he has to do is promise his coal to a needful user and he can get the money to buy machinery and start operating."

The big gainer in the over-all picture, those in the industry agree, is the stripmine operator. He enjoys advantages of the higher prices without having to buy the costly spark-free machinery required for so-called "gassy" underground mines by the Health and Safety Act.

SOME EARN $300 A WEEK

Even so, the strip operators insist, they share the manpower problem and are paying top wages to skilled workers.

"I can show you payroll records where some of our folks are making $300 a week and more," Henry Wombles, a Hazard operator said. "Any man who wants to work around here now can work, and it's up to him how much he makes."

Roy Mullins, a specialist in reclamation of stripped land for Kentucky River Coal Sales, Inc., Hazard, sees some disadvantages to rushed efforts on mountainside auger jobs.

"Some of the new people who don't know too much about auger mining are gouging coal out as fast as they can without concern for the reserves," he said.

"They want to mine as much as they can as fast as they can and get the big money, but they are leaving too much mineable coal under the mountain.

"Some of them are getting no more than a 25 per cent recovery, and they are leaving coal that never can be mined again."

Auger mining involves the uncovering of outcrop coal seams by bulldozers, which lets the augers drill into the mountainsides and pull the coal out.

SELL A PAINTED ROCK

Surface mining of the outcrop seams usually produces coal inferior to that of the underground method, but that doesn't matter in the new market.

"You can paint a white rock black and sell it in this market," one operator said.

Mullins said that more than the high prices is causing some of the frenzied strip and auger mining.

"The people are scared to death that strip mining will be prohibited on the mountain slopes," he said. "The people who own the coal and those mining it, too, want to get it out as fast as they can any way that they can."

And McDowell, of Harlan, said the manpower shortage can be blamed on more than Western Kentucky recruiters, and in spite of the higher-pay opportunities.

"You'd be surprised at what the black-lung law has done to the mine work force," he said. "It makes it easy for a man to say he has black lung and draw $150 a month. The black lung law has reduced mine employment 15 per cent, those who'd rather draw $150 a month for nothing than make several times that much by working."

PRESS RELEASE AND MEMORANDUM RELEASED BY TVA, JULY 17, 1970, ANNOUNCING PROPOSED POWER RATE INCREASES

An estimated $115 million increase in TVA power revenues during the fiscal year that began this month will be necessary to meet requirements of federal law, the agency said today.

New rate schedules now under consideration would increase rates to the region's consumers by about 23 percent over present levels, effective October 1. Details of the rate increase are now being discussed with representatives of the electric systems distributing TVA power.

Electric rates for TVA power will continue to be well below national averages. For residential use the average rate is expected to rise to about 1.25 cents a kilowatt-hour, from just over one cent last year. The national average is about 2.1 cents. Widespread rate increases in record amounts are under consideration across the country.

These figures include a small automatic rise in TVA rates that will take place August 1 under escalation provisions already included in its rate schedules.

Most of this needed increase is due to rapidly rising costs for the coal burned in TVA steam-electric plants. The August rate escalation takes into account last year's fuel expense, but total fuel cost this year is expected to be about $60 million higher. TVA said factors involved in this increase include the rising demand for coal and "seller's market" price trends, the coal industry's costs of meeting mine safety and strip mine reclamation requirements, increased transportation costs and coal car shortages, and delay in nuclear unit operation which will have to be made up by more expensive coal-fired generation.

In addition, short coal deliveries from suppliers and the resulting decline in reserve stockpiles at steam plants are making it necessary for TVA to buy expensive supplemental power from other electric systems to protect its remaining stockpiles.

TVA is required by law to charge rates which will produce gross power revenues sufficient to cover specified obligations: operation and maintenance expense, payments in lieu of taxes, payments to the U.S. Treasury, debt service on bonds, and a margin. The new rates are designed to produce the minimum revenue estimated to be necessary for these requirements, TVA said.

The average residential electric rate in this region dropped from about five cents a kilowatt-hour when TVA was established in 1933 to .89 of a cent in 1967—when rising costs required the agency's first general rate increase. The average has risen to 1.03 cents a kwh after two general rate hikes and last year's automatic escalation.

PROPOSED RATE INCREASE

Additional TVA power revenue is essential to meet rising costs, and this revenue must come through an increase in electric rates. TVA is required, under the TVA Act, to charge rates that will produce gross power revenues sufficient to cover obligations specified in the Act. The new rates are designed to produce the minimum revenue estimated to be necessary to meet these requirements.

The rate increase will provide about $115 million of added revenue during fiscal year 1971. It will result in an increase of 20 to 25 percent in residential rates, and 25 to 30 percent in rates to large industries. Discussions are now under way between TVA and the local electric systems which distribute TVA power, and final details of the new rates should be ready for announcement soon.

The rate increase will be in two stages—on August 1 and October 1. Existing rate schedules provide that rates automatically will rise (or decline) in response to rises (or declines) in the cost of fuel and money. Because the cost of fuel and the cost of money rose during the past year, higher rates will take effect automatically the first of August. The adjustment will provide $15.5 million of revenue to TVA during the remaining months of fiscal year 1971.

Unfortunately, the costs of the things which TVA must buy have been rising so rapidly that the automatic escalators in the present rate schedules are not adequate. These escalators are based on prior year costs, which means that any increase in rates and revenue lags rising costs by a year. If costs rise moderately, the lag would not cause a major problem. But in times like these, when major costs are spiraling upward so rapidly, this lag of a year becomes crucial. Forecasts of operating expenses and the escalators designed to meet changing costs could not anticipate the inflationary spiral that recently has been taking place, nor could they anticipate the series of events causing the cost of coal to skyrocket. Current estimates of operating costs for fiscal year 1971, which started July 1, are more than $100 million higher than the estimates made barely 18 months ago.

About $60 million of the increase in expenses is in the cost of coal, due primarily to the higher prices TVA must pay for the coal itself. The increase also is due to the rising cost of coal transportation and the additional amounts of coal that must be bought to supply power that otherwise would have come from the nuclear capacity that had been scheduled to go in service this fall. This nuclear capacity has been delayed a year and a half.

TVA's cost of money this fiscal year will be $18 million higher than was estimated only 18 months ago, because interest rates have continued to rise. The effective interest rate on a $50 million issue of long-term TVA bonds sold in June was 9.3 percent. Interest charges on outstanding debt will be $9 million higher than originally anticipated. Also, the dividend which TVA pays each year to the U.S. Treasury on the appropriations invested many years ago in power facilities will be $9 million higher in fiscal year 1971 than originally estimated. The dividend rate is based each year on the average cost of money to the U.S. Treasury at the beginning of that year. That cost has risen now to nearly 6 percent and TVA's 1971 dividend on the $1.1 billion of appropriations invested in power facilities will total $66 million instead of the earlier estimate of $57 million.

TVA has extensive arrangements for the exchange of power with neighboring electric systems. Under normal circumstances it delivers more power to neighbors that it receives from them and the exchanges normally produce a modest income for TVA. This year, because of delays in the completion of the Browns Ferry nuclear plant and because of the tight coal situation, TVA will receive more power than it delivers. The net effect of this shift will cost TVA about $15 million more than had been anticipated.

There are other cost increases as well, including higher salaries and wages, and they add up to about $9 million.

In addition to the $15 million of revenue which TVA will receive from the automatic escalators in its existing rates beginning on August 1, it will need another $100 million during the current fiscal year to comply with the TVA Act and to meet bond requirements. To provide it, rates will be increased effective October 1.

The proposed rates are substantial increases, and no one knows it better than TVA. However, after they take effect, rates will continue to be low in comparison with most other regions. TVA is not alone in needing additional revenue. Other systems also are raising, or planning to raise their rates.

A variety of factors are causing fuel costs to rise much more rapidly than the cost of most items. For one thing, there is a seller's market for coal and there is little or no price competition among coal producers. Through acquisitions and consolidations, most of the nation's coal reserves are owned by a relatively few large companies. Most of the parent companies are major oil companies which also control much of the nation's gas, oil, and uranium reserves. The new owners are demanding a higher profit on their investment than was traditional among independent coal producers.

Transportation costs for coal are rising as the railroads take action to meet their rising costs. TVA supports mine safety requirements and laws requiring the reclamation of strip mined lands, but these requirements are adding substantially to its cost of coal. In some cases, these requirements are forcing mines to close because the owners lack the capital or lack enough coal reserves to justify the added investment, and this makes it all the more difficult to find a supply of coal.

The Browns Ferry nuclear plant, which TVA expected to have in operation this coming fall has been delayed a year and a half, requiring TVA to buy a great deal more coal. Other systems also have faced delays in placing nuclear capacity in service, and this has increased the demand for what little coal is available. For a variety of reasons, many coal contractors are failing to deliver coal at contract prices but are insisting on price adjustments, even to long-term contracts.

Finally, there is a shortage of rail cars which continues to delay the shipment of coal and makes it necessary to seek alternate modes of transportation and alternate sources of coal, always at higher cost than originally was planned.

From the nature of the expenses which are rising more rapidly—coal and money—it is apparent that the rising costs are largely beyond the control of TVA. TVA can neither absorb these enormously higher costs nor defer a rate increase, because only if it continues to meet its financial obligations can it continue to provide an adequate supply of power to the region's electric customers. TVA has done and will continue to do all that it can to hold its costs and its rates down.

[From the Wall Street Journal, Aug. 20, 1970]

TVA SAYS COAL SUPPLY MAY RUN OUT, CAUSING A SHORTAGE OF POWER

KNOXVILLE, TENN.—The Tennessee Valley Authority confirmed that it may face power shortages later this year, because it might run out of coal.

A spokesman said that TVA's coal reserves have dropped to under two million tons from about 6.5 million tons only two years ago. The two million tons now in stockpile represent "a dangerously low level," the spokesman said. That much coal represents a reserve of only about 10 to 12 days, he added.

"That's an uncomfortably low level to have in reserve, because of all the possible things that could happen to cut off regular coal deliveries," the spokesman said. As examples,

he cited coal strikes, rail strikes and poor weather.

OVERRIDING PROBLEM

"Our overriding problem is fuel," the spokesman said. "In that sense, our problem is different from the problem in the New York area, where the difficulty is a capacity shortage."

Reasons why TVA's coal supplies have dwindled sharply include a shortage of rail cars and the impact of the Mine Safety Law "which, in effect, forced some smaller underground mines to close down," the spokesman said. "The basic problem, to sum it up, is that coal production isn't being expanded enough in relation to demand."

The biggest suppliers of coal to TVA in the past year were Peabody Coal Co., a subsidiary of Kennecott Copper Corp., and Island Creek Coal Co., a subsidiary of Occidental Petroleum Corp.

"Those two companies supplied TVA with a little over one-third of TVA's total used coal last year," the spokesman said.

Due to rising price of coal and interest, TVA recently announced its plans to increase its power rates generally by about 23% effective Oct. 1 and which would bring in about $115 million a year.

AUTOMATIC RISE

TVA said that the overall rate increase includes a boost of about $15 million resulting from an automatic rise that took place Aug. 1 under escalation provisions already included in its rate schedules.

About two million consumers in seven states now use TVA power. The agency has said that the new rate schedule would increase the average rate per kilowatt-hour for residential use to about 1.25 cents from just over one cent last year. The national average, according to a TVA spokesman, is 2.1 cents.

TVA has estimated that total fuel costs in the fiscal year that started July 1 will "be about $60 million higher" than in fiscal 1970.

TVA is required to charge rates that will provide power revenue sufficient to operate and maintain the system, make payments in lieu of taxes to state and local governments, make payments to the U.S. Treasury as repayment on investment in the system, meet debt service on bonds, and provide a financial margin for additions and contingencies.

[From the Knoxville News-Sentinel, Aug. 4, 1970]

COAL LACK COULD CUT TVA POWER OUTPUT

(By Powell Lindsay)

WASHINGTON, August 4.—TVA will be faced with the prospect of shutting down four or five of its coal-fired steam plants this winter unless the coal shortage becomes less acute, says the manager of the TVA power system.

"Frankly, I'm scared," said TVA Power Manager James Watson, after testifying yesterday before a Senate Government operations subcommittee on electric power problems.

He charged that a growing energy monopoly is threatening to restrict coal supplies, plunging the nation into a power crisis.

"ONLY A 12-DAY SUPPLY"

Watson said TVA will have to shut off power to some customers if it has to shut down some steam plants for lack of coal.

"We have two million tons of coal stockpiled, but that's only a 12-day supply," the TVA official said. "Some of our plants have only a four-day supply on hand."

Watson said he did not want to speak for the nation's other power systems, but it is known that a shortage of coal to fuel electric generating stations is worrying utilities across the nation.

A group of utility executives, led by William B. McGuire, president of Duke Power Co., will meet Thursday with Interstate Commerce Commission (ICC) officials to discuss the most pressing aspect of the power shortage—a scarcity of railway coal cars.

But the long-range outlook for coal supplies is just as bleak, Watson said.

"THEY DON'T CARE"

"Eight of the 10 major coal companies in the nation are owned by oil or metal companies," he said. "The oil companies say they don't really care whether they sell coal or keep it in reserve and later convert it to gas or chemicals. They say they won't open any new mines until they get the kind of return (on investment) they can get on gasoline."

AEC WOULD GO FIRST

TVA recently asked bids on a long-term coal contract for 140,000 tons of coal a week for a steam plant it has under construction near Cumberland City, Tenn. Only one company submitted a bid, for 20,000 tons of coal a week.

"What will TVA do if it cannot get the coal?" asked Sen. Edmund S. Muskie (D-Maine).

"We'd have to curtail our load," Watson replied, "the industrial loads first." Watson said the first customers to go would be two Atomic Energy Commission facilities at Oak Ridge, Tenn., and Paducah, Ky.

"We've discussed this with the ICC, the Federal Power Commission and with the President's office," Watson said. "We don't know anyone else to go to."

MUSKIE "SURPRISE"

Watson said TVA has considered switching over to oil-fired plants, but this has proven futile.

"We contacted every major oil company and every broker in the United States, but we haven't been able to find any oil. Most of the companies won't even come talk to us."

"You can't get oil from domestic or foreign sources, is that right?" asked Muskie.

"Yes, sir," Watson answered.

Muskie, eyebrows raised in mock surprise, remarked that the nation's oil companies are complaining that they need protection from low-priced foreign oil.

OTHER AREAS FEARFUL

Watson said he though TVA would be able to survive the winter without cutting service by wheeling in power from neighboring power companies, but the operation would be costly.

He said he hoped the railroad coal car shortage would ease soon, thereby alleviating the short-term problem. But he said TVA might soon have to purchase its own hopper cars—at $22,000 per car—to insure ontime deliveries.

Earlier, former FPC Chairman Joseph Swidler said that many coal cars were sitting at U.S. ports waiting to have their cargoes loaded on board ships for export.

Swidler echoed Watson's warnings about coal shortages in the East and Southeast. He said the Northeast also faces another winter of fuel oil shortages.

[From the New York Times, Aug. 25, 1970]

TVA WILL BUILD 3D NUCLEAR PLANT

KNOXVILLE, TENN., August 24—The Tennessee Valley Authority disclosed today that it planned to build a third large nuclear power plant. The disclosure indicated that, with troubles over coal supplies, T.V.A. was giving more thought to nuclear power production.

The plant would bring the authority's total nuclear power investment to over $1-billion.

The Federal agency announced that the tentative site for the newest nuclear power plant was in Rhea County, one and a half miles downstream from Watts Bar Dam on the Tennessee River, between Chattanooga and Knoxville. It is 10 miles south of Spring City.

Bids from manufacturers for nuclear steam supply systems and fuel for the new plant are being evaluated, T.V.A. said. A new coal-burning power plant had been considered as an alternative, but an invitation from the authority to the coal industry to offer fuel supplies for a large coal-fired plant produced no bids.

Coal piles are now low at T.V.A. steam plants and prices are up. There have also been fewer bidders for coal supplies. The authority said the cost of coal this fiscal year would be up about $60-million and that prices nearly doubled in the last year. The rising cost of coal transportation has also been a concern.

Site preparation for the new plant will begin within 12 to 18 months, T.V.A. said. Construction must await a permit from the Atomic Energy Commission.

The plant is to have two generating units with a combined capacity of about 2.2 million kilowatts, making it similar in size to the Sequoyah nuclear plant now under construction northeast of Chattanooga. The two units are planned for commercial operation in 1976 and 1977.

The cost of the Sequoyah plant is expected to be nearly $400-million. The latest plant proposed would cost at least that much.

The first nuclear power plant, under construction at Brown's Ferry in northwest Alabama, is to cost $500-million. That 3.5 million kilowatt power plant, with 2,750 men at work on it, is the authority's largest current project.

T.V.A., with over two million power users in the seven states that it serves is coordinating plans for the new plant with Federal, state, and local officials. This coordination includes environmental measures to protect water quality, air quality and aquatic life and consideration of other ecological factors of the project.

In its announcement, the power authority said it supported mine safety requirements and laws requiring the reclamation of strip-mined lands but added that these requirements were adding substantially to its cost of coal. In some cases, the authority said, these requirements were forcing mines to close because the owners lacked the capital or enough coal reserves to justify the added investment.

T.V.A.'s buying practices "have not and are not limiting them in any way, but the situation makes it all the more difficult to find a supply of coal," it said.

The authority had expected that the Brown's Ferry nuclear plant would be in operation this fall, but with a delay there, more coal has to be bought, it added.

[From the New York Times, Aug. 20, 1970]

U.S. OFFICIAL PREDICTS INCREASES IN THE NATION'S UTILITY RATES

WASHINGTON, August 19. — World-wide shortages and skyrocketing prices for fuel oil have hit American utility companies so hard that the result could be across-the-board utility rate increases for the nation's consumers, a high Nixon Administration official has said. The crisis involves residual fuel oil, used principally by heavy industry and utility companies. Since the first of the year, the price of foreign-produced residual fuel oil has doubled, and American fuel oil prices have increased by about 40 per cent.

Nearly two-thirds of the residual oil used in this country is imported.

UTILITIES HIT HARD

"Utility companies are being hit hard," George A. Lincoln, director of the Office of Emergency Preparedness, said in an interview.

Asked if this meant a possible rise in electricity rates, Mr. Lincoln said, "It certaintly does."

"In most places, there's a rate adjustment tied to the cost of fuel, so that when a utility

company's fuel costs go up, electricity rates go up, too," Mr. Lincoln said. "It's the old story. When a company's operating costs go up, those costs are borne by the consumer.

"Some states have provisions that limit such rate increases to industry users of power, but this is the exception. In most places increases are provided right across the board."

Mr. Lincoln would not predict when and by how much utility rates might be affected, but he held out little hope that much could be done to alleviate the crisis any time soon.

He was interviewed yesterday following a news briefing at which he discussed the Administration's decision earlier this week to scrap a proposed revision in the nation's oil import control program.

The revision would have substituted a system of tariffs on foreign petroleum products for the 11-year-old quota system. In abandoning the tariff proposal, the Administration decided to concentrate on improving the quota system.

Residual fuel oil, however, is not affected by the import controls. Because the nation's needs could never be met from domestic supplies, all limitations on importing foreign residual fuel oils were lifted in 1966.

CRISIS IS GROWING

But the crisis in fuel oil supply has continued to grow.

Since the first of the year, the cost of foreign residual oil has risen from about $2 a barrel to a $4 barrel, and American residual oil has gone from $2.50 a barrel to $3.60.

Coupled with the dramatic price rise, there has been a drastic increase in demand, Mr. Lincoln said.

Last year, he said, Americans used 1.9 million barrels of fuel oil a day and the projected average for 1970 is 2.3 million barrels a day.

As a result, the daily cost of fuel oil in this country today is more than twice what it was at the end of last year.

The shortages in fuel oil are attributed to a number of factors, including the Mideast political situation and growing demand worldwide.

One major cause for the increased demand, Mr. Lincoln said, was that residual fuel oil can be refined to a low-sulphur content, a major requirement in many air-pollution-control programs.

"Whatever cost we're paying," he said "should be chalked up to the cost of cleaning up our environment. If you're for clean air, then this is one of the prices, you're going to pay. Nobody ever said it would be cheap to clean up our world, and we're just now finding out how really expensive it can and is going to be."

And Mr. Lincoln was unable to give assurances that fuel oil prices would not rise even higher.

"Frankly," he said, "I would think in the current situation, we'd be doing well just to hold them."

[From the Washington Post, Aug. 22, 1970]

ELECTRICITY FOR THE FUTURE—I: BIG OIL COMPANIES ACQUIRE GRIP ON COMPETING FUELS

(By Morton Mintz and Robert K. Warner)

Since 1965 the nation's largest oil company has become one of the two largest holders of coal reserves. The same corporation, Standard Oil of New Jersey, has also become a principal operator in the newest competitor to coal and oil—uranium, the source of nuclear power.

In the last five years, most of the country's major oil companies have acquired significant holdings in every fuel, a trend that could end effective competition between oil, gas, coal and uranium and result in large increases in the future cost of electricity.

The trend is especially ominous in the uranium industry because nuclear fuel is expected to produce more than half of all electricity by about 1990.

Sen. George D. Aiken (R-Vt.) says:

"There is some group determined to get control of electrical energy in this nation."

At least 18 oil companies have invested in producing and processing uranium; one key step is entirely controlled by two oil firms. Although the petroleum industry now accounts for only one-sixth of uranium production, it holds 45 per cent of all known uranium reserves and makes more than half the new discoveries.

All of the 25 largest oil companies have natural gas interests, which may be inevitable since gas is usually found with petroleum. At least 11 of the 25 have significant interests in coal as well: The two largest owners of coal reserves are both oil companies, and the petroleum industry as a whole accounts for at least 25 per cent of the nation's total production.

Six of the ten largest oil companies have interests in every other fuel.

The Justice Department's deputy assistant attorney general for antitrust warned last May against the growing concentration.

"While few forms of energy supply are not subject to some type of governmental regulation." Walker B. Comegys told the Senate antitrust subcommittee, "we cannot lightly forgo interfuel competition as the most effective long-term force for consumer protection in the energy field."

National Economic Research Association (NERA), a private consulting firm, compiled data for the Senate antitrust subcommittee showing the penetration of the 25 largest oil companies into other fuel industries.

Nine of the oil companies, some of them already corporate giants, had interests in all the other fuel sources—coal, gas, uranium and shale. They are Standard of New Jersey, second in sales volume among all American industrial corporations; Texaco, eighth in sales; Gulf, tenth; Shell, 16th; Atlantic Richfield, 29th; Continental, 35th; Sun, 47th; Standard of Ohio, 97th; and Ashland, 101st. Not only are such firms buying competitive fuels, but because of their size they are in a strong position to outbid other kinds of industries that wish to venture into the energy field.

"The acquisitions by the oil companies across the energy market spectrum . . . may be viewed as classic horizontal integration on a scale comparable to the formation of the trusts in the latter decades of the nineteenth century," NERA said.

"In short, the oil companies, themselves portraying their activities as efforts at diversification, are in fact systematically acquiring their competition."

This economic concentration is occuring at a time when the Country is entering an era of unprecedented demand for electric power and growing difficulty in satisfying the demand.

Over the next five years, the national demand for electricity is expected to increase by at least nine per cent annually, or more than a 50 per cent increase by 1975. In the 10 Northeastern states and Maryland, power needs are expected to grow even more rapidly.

Should these increases continue beyond 1975, and the Federal Power Commission believs they will, the Nation's utilities must more than quadruple their power capacity in the next 20 years.

Opponents of the oil industry's involvement in other fuels say that the increased demand for electricity will give the petroleum industry a strange hold on utilities and on their corporations that depend on energy.

The oil industry has always dominated natural gas, but its penetration of other competing fuels was thin until the mid-1960s.

In September, 1963 Gulf Oil acquired Pittsburgh and Midway, a coal company that accounts for about 2 per cent of national production.

Then, on Oct. 13, 1965 Continental Oil Co. announced a break through: An agreement in principle to buy Consolidation Coal, the largest producer, which alone accounts for about 12 per cent of total coal production.

The Justice Department did not challenge this first giant step by the oil industry into the territory of a rival fuel. The merger was formally completed in October, 1966.

Other acquisitions followed. In January 1968. Occidental Petroleum acquired Island Creek, the third-ranked coal producer with about 7 per cent of annual output. In August 1968 Standard Oil of Ohio acquired Old Ben, for another two per cent. Today, eight of the ten largest coal companies are owned by oil, mineral or large industrial concerns with interests in the energy field.

In addition, oil companies such as Humble, Jersey Standard's major domestic affiliate, have been spending millions of dollars each year to acquire thousands of acres of coal reserves which they do not mine despite the fact that utilities have been complaining of a serious coal shortage.

The oil companies say that current prices do not provide enough incentive for them to to produce coal, and that their coal reserves are long-range investments for the time when they are forced by dwindling oil supplies to artificially convert coal into natural gas and oil.

Oil opponents say that petroleum companies are creating an artificial shortage of coal that will lead simply to higher prices.

The same acquisition trend exists in the nuclear fuel industry. Until 1966, only two oil companies were significant uranium producers. But in 1968, oil companies did 44 per cent of the drilling for uranium exploration and development. In 1969, they did 37 per cent.

S. David Freeman, of the White House Office of Science and Technology, told the Senate antitrust subcommittee last May that as of Jan. 1, 1970, petroleum companies controlled 45 per cent of the known uranium reserves.

NERA described the position of oil companies in the uranium industry as "truly dominant":

Kerr-McGee, an oil company, owns 23 per cent of total uranium milling capacity directly and another 4 per cent through a half ownership. This capacity exceeds that of any other firm.

Only two companies are in the business of converting "yellow cake," the uranium concentrate that results from milling, into UF6, a compound used 1 uranium enrichment. One is Kerr-McGee, which has building plans for half the national capacity. The other is Atlantic Richfield.

In the reprocessing field, which involves taking spent nuclear fuel and preparing it for further use, five plants are in existence or under construction. Oil companies own four of them.

There is one crucial step in atomic power that neither oil companies nor any other private enterprise controls. This is the enrichment of uranium by increasing its content of the fissionable isotope U-235. The complicated process is done only by government plants, at a fixed fee. The Nixon administration wishes to raise this fee by about ten per cent.

Members of the Joint Committee on Atomic Energy are resisting this increase but not because they disagree with the need for a specific price change. They object that the administration plan would be part of a new set of pricing guidelines that would be based not on the actual costs of running the plants, but on projections of 1980 costs of running a hypothetical new plant as "a commercial operation."

The Council of Economic Advisors defends the new guidelines, partly because it wants

to make sure that the government is not unfairly subsidizing the uranium industry at the expense of competing fuels.

A Council staff member said that the real costs of enrichment are obscured by the advantages of using risk-free government money, official bans on imports of foreign uranium and federal support of nuclear research.

A recent report by the General Accounting Office may have settled the issue, however, in saying that the proposed guidelines are of doubtful legality. The Joint Committee has reported out a bill that retains the existing criteria. But even if Congress passes it, the President could veto it, leaving the whole matter unsettled—along with the question of the increase's ultimate impact on the cost of electricity.

Today, an even more basic, long-range issue is unsettled.

At present, a crucial step in converting uranium into usable fuel is accomplished at three gigantic government plants in Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio.

These gaseous diffusion plants were built by the government for $2.3 billion. The government still owns them, although they are operated by private companies, Union Carbide and Goodyear. As a crucial link in the economic chain that establishes the price of nuclear power, these plants and their product have a profound effect on the competitive sources of electricity—coal, oil and gas.

Originally the plants were built to make material for nuclear bombs and they still do. But defense needs have begun to diminish and demands for the same kinds of materials for peaceful nuclear fuel has begun to increase. This demand for nuclear fuel is still relatively small.

The Federal Power Commission estimates that this year nuclear power will provide only 4 per cent of all electricity. Commission figures show that in 1969, coal generated 49 per cent of electricity; natural gas, 23 per cent; and oil, 9 per cent.

Hydro-electric power accounted for 17 per cent, but it is expected to decrease, since most profitable sites of falling water have already been exploited.

But most authorities agree that we are on the threshold of a rapid expansion of the role of uranium in generation of electricity. While in 1970 nuclear reactors produced only 4 per cent of electricity, by 1980 they are expected to produce 29 per cent and by 1990 about 52 per cent.

There are clear reasons for the expected rise of nuclear power. The demand for power is rising rapidly, both from an expanding population and the dependence on ever-larger numbers of devices run by electricity. If nuclear power does not contribute substantially to these new demands, then the projected use of electricity will have to be reduced and the price of electricity greatly increased.

Another reason to expect more nuclear electricity is the rapid rise in the last two years of the cost of coal and oil.

Rep. Chet Holifield (D-Calif.), chairman of the Joint Committee on Atomic Energy, points out that in 1968, power companies paid 28 cents for the quantity of coal needed to produce one million British Thermal Units (BTUs).

In 1969 they paid 30 cents. But last March they had to pay 35 cents and in April 38 cents. A survey by The Washington Post found that some utilities in non-mining areas are now paying about 40 cents per million BTUs, and they expect the price to climb higher.

Before year's end, Holifield warns, the price of coal may be 50 per cent higher than in 1968. And the requirements of many areas for low-sulfur coal, because of air pollution, pushes the fuel's price still higher.

Thus, whatever changes the status of nuclear fuels will have an important influence on the competitive position of coal and oil.

In the view of some, government involvement in the nuclear industry represents a dilution of private enterprise and unfair competition for coal and oil.

For others who fear a growing monopoly on fuels, the nuclear plants represent the only major fuel installations beyond the control of the present energy entrepreneurs.

President Nixon has announced that he intends to sell the government enrichment plants to private industry "at such time as various national interests will best be served . . ."

The possibility of selling the plants was suggested long before the Nixon administration took office. Four years ago the Atomic Industrial Forum, a nuclear trade association, appointed a committee to study the future of the plants.

The committee was chaired by Kenneth D. Nichols, an AEC general manager during President Eisenhower's first term who has worked in recent years for Gulf Oil, the Mellon family and other concerns.

The group concluded, in June 1968, "It is desirable and feasible for the AEC to transfer its enrichment plants promptly to the private sector."

One of the committee's seven members was not so sure. William M. Capron, then an economist at the Brookings Institution, attached a footnote to the committee's report, expressing doubt that "if these plants are sold, the private market thereby created would operate in a sufficiently competitive manner so as to adequately protect the public's interest."

The efficiency of the three gaseous diffusion plants has never been questioned. They are among the largest industrial operations in the world, with a floor space of 640 acres and energy requirements of their own that in 1964 used 4 per cent of the Nation's electricity. If the plants are doing so well, why does the administration want to sell them?

"Sale of these plants could free federal resources for more pressing national uses," the President said last November. "In addition, $2 billion or more is expected to be needed over the next 10–15 years to expand plant capacity to meet increased commercial demand."

If nuclear generating plants are built as expected, current enrichment capacity will be adequate only until 1978 or shortly thereafter, when new plants, major additions or new technology become mandatory.

Because new facilities take at least six years to build, new projects will have to be started soon to meet needs at the end of the decade. Some officials, such as Atomic Energy Commissioner James T. Ramey, say the new projects should have begun some time ago.

At this point private enterprise has shown little interest in buying the plants.

For some time, the plants have been operating at only 40 percent of capacity or less, and even at this low level, they have built up a stockpile of enriched uranium that would last the nation's nuclear generators for some 18 months. A purchaser would have to tie up a huge investment for years before the plants would operate near full capacity.

Yet long before the plants approach capacity it will be necessary to start expanding them to meet future needs—a costly venture but a necessary one if the nation's power demands are to be met.

For the past three years, the AEC has been seeking funds for a $407 million "Cascade Improvement Program" that would increase enrichment capacity by about 25 percent over a six-year period, at the same time, reduce the average cost of enrichment by about ten percent.

Until this year, the project has been given low priority by the Bureau of the Budget, leading to charges from Sen. Albert Gore (D-Tenn.), a member of the joint committee, that the administration is trying to weaken the plants to help justify their sale.

"What they want to do is turn our nuclear fuel facilities into a shambles by refusing to make improvements," Gore said. "Then they'll say that private enterprise must be brought in to improve things."

A high Budget Bureau official said that the Bureau of the Budget found it "imprudent to build to capacity on estimates alone." He said, however, that the needs for nuclear power are such that a decision probably should be made on support of the Cascade program for the year beginning next July 1.

Even if implemented, the improvement program will add only enough capacity to meet needs for two more years, by current estimates. By 1980, a new $1 billion diffusion plant will be needed—and a decision on whether to build that plant must come by 1974 to insure operation by 1980.

Several members of the Joint Committee have been looking for alternative ways to cut back on the demands for enrichment in order to avoid making such overwhelming expenditures. Among the possibilities:

Licensing a foreign nation or consortium to build and operate its own enrichment plant. Nearly half the work now done in the three U.S. plants is for foreign countries.

Increasing the efficiency with which nuclear fuel is used. For some years the AEC has been doing research on a "fast breeder reactor" that might create great quantities of plutonium—a valuable nuclear fuel not yet feasible for electricity—while burning U-235.

Developing a new "centrifuge process" for enriching uranium that would end total reliance on the gaseous diffusion plants. The centrifuge would entail much smaller capital costs than the diffusion process.

While the huge size of the three diffusion plants limits potential buyers to the very richest corporations, the centrifuge might be purchased and operated by a number of smaller companies. But it, like the fast breeder reactor, is still far from commercial feasibility.

A bipartisan alliance of legislators, many of them members of the Joint Committee on Atomic Energy, fears that if the plants are sold, only the giant oil companies—fortified by such financial advantages as the depletion allowance and import quotas—will have the resources to buy them.

Committee member George L. Aiken, a Vermont Republican, believes that the proposed sale of the plants is a political favor to the petroleum industry.

"The President probably feels indebted to those who helped elect him," Aiken told The Washington Post.

The economic stakes for consumers are huge. Testifying last year before the Joint Committee, Philip Sporn, retired president of the American Electric Power Co., the nation's largest utility holding company, estimated that private ownership of the plants would cause an increase of as much as 50 per cent in the total cost of nuclear fuel.

The National Rural Electric Cooperative Association said that by the 1980s, when nuclear fuel may account for more than one-third of generated electricity, such an increase would cost the American public $1 billion a year in higher electric bills, and perhaps more, if the fossil fuels raise their prices to take advantage of the reduced competition from nuclear fuel.

Sen. Aiken said that sale of the plants would be "the most advanced step toward private control of the Nation that has ever occurred.

"When you control energy—and oil interests now control coal and are on their way to controlling nuclear fuel—then you con-

trol the Nation," Aiken said. "I see this as a very serious threat to political democracy."

Today there are several sources of energy, although their control is quickly consolidating. Some power plants are even designed to switch from coal to oil or natural gas depending on which bids lower on fuel contracts. But many utility companies fear that in the near future, when they shop around for fuel they will find only one store.

Twenty years from now nuclear power—today only an infant in electrical generation—will be a powerful force, providing more than half of all American electricity and therefore creating the competitive yardstick by which other fuels will be sold.

Decisions made in Congress and the White House in the next few years will determine whether it will be a vigorous competitor or a silent partner to the present fuels.

[From the Washington Post, Aug. 24, 1970]

ELECTRICITY FOR THE FUTURE—II: UTILITIES TURN TO THE ATOM AS COST OF FOSSIL FUEL SOARS

(By Thomas O'Toole)

When it comes to generating electricity, King Coal is losing power: the heir apparent is uranium.

The evidence is nowhere more convincing than at the Tennessee Valley Authority. That mammoth electric utility is located in the heart of the nation's coal country, but it is building three of the world's largest atomic power plants.

"The country's private utilities figured that if TVA thought the atom could compete with coal," White House energy adviser David Freeman said recently "then by God there must be something to nuclear power after all.

The turn to atomic power comes at a crucial time. In many cities there is already a power shortage and in the next 30 years the national demand is expected to double. At the same time the conventional fuels—coal, oil and gas—are rapidly increasing in cost. Measures against pollution will make them more costly still.

There are only 16 atomic plants generating electricity in the United States now, but 98 additional nuclear power plants are being built or are in the active design stage.

What's more, 80 per cent of these new atomic plants are what utility men call "big," plants able to deliver more than 750,000 kilowatts apiece. Scattered about 27 states and Puerto Rico, these 98 plants represent an investment of almost $22 billion and an electrical output of almost 90 million kilowatts, which is as much electricity as the entire country generated 15 years ago.

While TVA's decision to go atomic may have triggered it, there is far more to the sudden boom in nuclear power.

First is the fruition of postwar atomic research. The Atomic Energy Commission and the Navy have spent almost $5 billion in the past 20 years to develop nuclear power, and these expenditures have begun to pay off in terms of accumulated experience and understanding.

"We've put nuclear reactors into 98 submarines and we have 17 years experience operating four commercial atomic power plants," said John Simpson, president of Westinghouse Power Systems Co., which has won more than a third of the new atomic orders. "Believe me, it's helped us."

Something that has helped at least as much is the steady rise in the prices of coal and oil, the atom's two toughest foes in the struggle for electric power dollars.

While the cost of enriched uranium has barely budged, oil (used in nine per cent of today's U.S. power plants) has risen 50 per cent in price the last five years to about 40 cents per million BTU's of energy, twice that of uranium's.

Many cities have also passed anti-pollution laws requiring utilities to burn only low-sulphur oil, which costs more than conventional heating oils that contaminate the air with sulphur dioxide.

"We burn oil in seven of our plants," says John Kemper manager of engineering for Philadelphia Electric Co. "Turning to low-sulphur oil in these plants increases our fuel bill by $10 million a year."

More important is what happened to coal, which heats steam for 58 per cent of the electric power plants in the U.S.

Coal is now scarce, partly because of labor troubles, partly because of productivity declines and partly because of rail car shortages. A survey taken last spring by the Federal Power Commission found coal shortages at more than half the power companies surveyed, including Virginia Electric and Power Co., Chicago's Commonwealth Edison Co. and the Tennessee Valley Authority.

Coal's price is climbing even faster than oil's. Duke Power Co. President W. B. McGuire said recently the utility's coal cost rose from 28 cents per million BTU in 1968 to 30 cents in 1969, to 35 cents last March, to 38 cents a month later and will reach 42 cents before the end of 1970.

"We're in an era of high fuel costs," McGuire told the North Carolina Utilities Commission two months ago, "and we will be until this company can convert to atom-powered fuel."

Despite such strong endorsements, the new atomic power industry is having excruciating growing pains.

One reason is that atomic power has special costs that are getting more expensive every day. It's true that uranium, the nuclear fuel, costs less than coal and oil. But the costs of constructing atomic power plants are almost 50 per cent higher than fossil fuel plant costs.

While general construction costs were climbing 60 per cent in the past five years, atomic power plants were doubling in price, to $220 a kilowatt compared to $160 for plants using coal.

A striking example of escalating atomic costs is the pair of million kilowatt nuclear plants being built at Peach Bottom, Pa., by Philadelphia Electric Co. They will cost $400 million apiece, an unthinkable price 10 years ago.

"There are many reasons for this, including the fact that we spend twice as much time engineering atomic power plants," said Howard M. Winterson, vice president of Combustion Engineering Co., one of the nation's four major atomic equipment suppliers. "Why, we spend $1 million a year on rent for a computer that does nothing but compute specifications for nuclear reactor vessels."

Strikes and shortages of skilled labor aggravate the normal trial-and-error of any new industry. These were made worse by poor planning by electric companies. In one recent 30-month period, utilities overwhelmed the four major suppliers with 60 new orders for nuclear plants. This sudden burden was a major cause of construction delays of atomic power plants, now averaging 11 months.

Exotic materials, precise design requirements, and a new technology sometimes make nightmares of construction plans. Take the case of the Oyster Creek plant of the Jersey Central Power & Light Co. at Tom's River, N.J. Last September it began generating electricity more than two years behind schedule.

To begin with, the plant's 500-ton reactor vessel, or container, was shipped to the Oyster Creek site sooner than expected.

"They stored it in the open salt air like it was a lawn mower," recalls one AEC official. "It's no wonder what happened."

The AEC man claims that the workmen uncrating the reactor vessel bent its intake and exhaust nozzles. This took weeks to correct.

A second delay came about when inspectors found cracks in the welding of all but nine of 137 steel sleeves located where the drive mechanism for the control rods penetrates the pressure vessel. The AEC is convinced the cracks came from the corrosion of sea air. In any case, it took a year to coat the tubes with a more protective alloy.

Next came what one observer called the "case of the vanishing records."

Houston's Alloy Tube & Pipe Corp. had supplied stainless steel pipe for the Oyster Creek plant just before the Texas firm merged with Ohio's Armco Steel Co. In the course of the merger, the records of the pipe's production and testing were either lost or mislaid.

Since the AEC demands rigid testing of all atomic plant parts and documentary proof of the testing, it insisted on records for the pipe. This meant new tests. By this time the piping was already installed at Oyster Creek. So the stainless steel pipes had to be removed and retested, delaying Oyster Creek's start-up another 10 weeks.

The results of delays like these are not soothing for utility men to contemplate. Jersey Central Power & Light, while waiting for Oyster Creek to start producing cheap nuclear power, had to spend $60,000 a day buying power from its neighbors at twice what Oyster Creek power was supposed to cost.

Watching debacles like Oyster Creek from afar, many utilities have either held off on buying atomic plants or have cancelled plans to build them. The AEC admits that so far this year six electric power companies dropped plans for atomic power. The commission expects one or two more to follow suit before the year is out.

Other firms hedged their bets by installing excess fossil fuel capacity while waiting for their nuclear plants to be built.

"We decided we couldn't count on the nuclear plants coming in on time" said Donald C. Cook, president of American Electric Power Co. "None ever had, so we're building enough fossil capacity so that even if they never come in we'll have enough energy. All we want our customers to know is that when they press the switch they'll have enough power."

What worries power experts the most about nuclear plants is their complexity and the overwhelming need to keep them completely safe. These two requirements have forced numerous shutdowns of atomic plants in the last few years.

A typical complex incident occurred a few years ago when nickel-plated silver-cadmium control rods in a reactor corroded, flooding the reactor core with contaminating silver from the insides of the rods.

"The plant operator had to scrap $750,000 of core parts," said A. Nelson Tardiff of the AEC's Division of Reactor Development, "The plant was contaminated with silver and the accumulated downtime to effect clean-up amounted to two months."

In 1968, all of the 11 atomic power plants then operating were shut down from time to time for minor repairs. Five of them were closed for a total of 27 months because of major break-downs. The 22,000 kilowatt plant at Elk River, Minn. was shut down in February 1968 because of reactor leakage and was never started up again.

A year ago, 12 plants were in operation and enough troubles were encountered to shut down eight of the plants for a total of more than 30 months. The 50,000 kilowatt LaCrosse Boiling Water Reactor at Genoa, Wisc. had to be closed five times for seven months due to breakdowns.

This year, there are 16 plants in opera-

tion and so far there have been three major shutdowns.

Jersey Central's Oyster Creek plant was closed from Apr. 19 to May 22 when the hydraulic seals in the drive mechanisms of six control rods failed. Niagara Mohawk's Nine Mile Point plant was closed Mar. 30 by three cracked parts in a furnace and not reopened until July 12.

Most recently, Consolidated Edison's Indian Point plant was closed May 20 by a broken thermal sleeve in a nozzle connection in the primary cooling system and by cracks in a nearby pipe. At the earliest, Con Ed hopes to have the plant back generating power sometime in September.

"We're dealing with an infant technology," says Milton Shaw, director of the AEC's Division of Reactor Development. "I know the utilities assumed that nuclear power brought with it inherent imperfection, but this business is a tough one."

It's been very tough on the companies in the business of nuclear supply, the firms that make and deliver the reactor vessels, the nuclear fuel elements, the valves, pipes and turbines that make up an atomic steam supply system.

Fewer than half the firms that started out in the atomic power business are still in. The dropouts include such well-to-do giants as Foster Wheeler Corp., American Machine & Foundry Co. and Allis-Chalmers Mfg. Co.

The main reason such firms have dropped out of nuclear power is the red ink that has bathed the entire industry for the last 15 years.

One firm, Combustion Engineering, figures it has spent $60 million on nuclear research and development, none of which it has recovered through profits. Westinghouse's John Simpson says his firm has spent over $100 million on atomic R & D, but thinks Westinghouse might turn a profit this year for the first time.

"We'll be the only ones to do so," he says.

General Electric has probably lost the most money on atomic power, but part of its losses might have come from the deals it struck in the early 1960's attempting to launch the atomic industry. By one account, GE lost more than $100 million on the Dresden atomic plants it built for Commonwealth Edison and an estimated $50 million on the Oyster Creek plant it put up for Jersey Central.

The company that has suffered the most in atomic power has been Babcock & Wilcox Co., which a year ago admitted that it was behind schedule on every one of the 28 nuclear pressure vessels it was putting together in its Mount Vernon, Ind. works. The resulting losses sank profits too low last year to cover the dividend. A vice president of the company committed suicide.

Despite the losses and the suffering, the companies that make up the atomic industry see a bright future for nuclear power.

"I think we all feel the future is nuclear," says Combustion Engineering's Howard Winterson. "We've had some discouraging years, but our costs should begin to level off and when that happens atomic power will be in a better over all competitive position than coal and oil."

Westinghouse's John Simpson said a recently completed study of fuel prices has led his company to predict a steady decline in atomic fuel costs to about 17 cents per million BTU by 1980 and a rise in the cost of coal to about 45 cents per million BTU.

Utility experts are also convinced that pollution laws will drive more power companies away from coal and oil, even the relatively clean low-sulphur forms of both. Only last month, Los Angeles County Judge Bernard S. Jefferson turned down a utility's appeal of a Los Angeles County ban on a new oil-fired plant it wanted to build at Playa del Rey.

"We're converting energy and no matter how you do it there's an impact on the environment," says Philadelphia Electric's John Kemper. "We feel the nuclear plant is the cleanest way to do it."

Though it electrifies only about 4 per cent of the power lines in the U.S. today, atomic power is destined to take on an ever larger role in power generation.

The Atomic Energy Commission expects that by 1980 atomic power plants will be generating 180 million kilowatts of electricity in the U.S. Most experts don't think it will get that high, but most of them agree that at least 130 million kilowatts will be nuclear by 1980, which will still be more than 20 per cent of the U.S. total in 10 years.

The AEC also believes that half the new electric power plants being ordered by utilities in 1980 will be nuclear, that 75 per cent of the orders in 1990 will be nuclear and that by the year 2000 nuclear's share of new orders will be 90 per cent.

If this happens, half the electric generating capacity of the country will be nuclear by 1990 and almost 60 per cent by 2000. There will be 450 atomic power plants in the country by 1990 and 950 by the year 2000, generating more than 1.1 billion kilowatts of electricity.

"I don't see how it can turn out any other way," says the AEC's Milton Shaw. "Coal and oil prices are going to keep going up, and there seems no way of getting the sulphur out of them to anybody's satisfaction. Atomic power is the only answer."

Mr. AIKEN. Mr. President, will the Senator from Kentucky yield?

Mr. COOPER. I yield.

Mr. AIKEN. Mr. President, I am very glad that the Senator from Kentucky and his associates have introduced this resolution calling for an investigation of the coal business. I would hope that it would also include all forms of energy in order to be successful.

I read, I believe this morning, that the price of coal at the mine might increase 50 percent in a year. It has already increased more than that up in the northeastern part of the country. The coal that cost $5.50 a ton at the mine in January is now $8.50 per ton. When we add to that the increased cost of transportation, it is nearer 75 percent, in the past 6 months.

I was quite disturbed a few years ago, when witnesses appeared before the Joint Committee on Atomic Energy and frankly stated that 12 to 14 companies could well take care of all the energy required in the United States.

That was, of course, the first indication we had that a monopoly was being planned. But they have gone on from there. It is true that oil companies have gone into other sources of energy in a big way. I think that the latest announcement was the announcement of Jersey Nuclear, a subsidiary of Standard Oil of New Jersey, that it had entered into a $70 million contract to furnish energy fuel for a nuclear powerplant. Of course, they are not off on a wild goose chase. They know that nuclear powerplants are practical, that they are a necessity, and they intend to control them.

The head of one of the largest distributing systems in the country came before our committee one day and stated that he was very much opposed to the sale of three Government-owned gaseous diffusion plants which now produce fuel for the nuclear energy plants in this country. He said, "If they control our fuel, they will control us." This was the head of one of the biggest electrical distribution systems in the United States.

What disturbs me most is the extreme vigor and energy that these people put into any effort to put them under the antitrust laws of the United States. They apparently are determined to make every possible effort to avoid coming under the antitrust laws.

I hope, as has been stated by the Senator from Colorado (Mr. ALLOTT), that the study will include other energy sources. There is without doubt a determined effort made by this group which would seek control of the energy supply of the United States. That indeed means control over the economy and over the security and over other operations of a democracy.

I think we have to face it and see to it that these people do not accomplish what they apparently hope to do. They have the money to develop power. We need to have power developed, but it should be developed under rules and regulations. Particularly, the antitrust laws should apply.

I have no objection to big business or big oil companies going into the nuclear power business but I am decidedly opposed to giving them advantages, legislative or otherwise, which could lead to a monopoly over the bloodstream of our country.

Mr. THURMOND. Mr. President, will the distinguished Senator from Kentucky yield?

Mr. COOPER. Mr. President, I yield to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I commend the able and distinguished Senator from Kentucky for his leadership in this matter.

The shortage of coal is becoming an acute problem in the southeastern section of the United States. Institutions, industries, and utilities are quite seriously affected.

There is a shortage, I recall, in one utility that serves a large portion of my State. They are deeply concerned.

It is my thinking that this investigation will be most helpful. I sincerely hope that it will result in more coal being made available to the utilities, industries, and institutions throughout the country. I am convinced that a larger portion of our coal is now going to Japan. The facts show this. I have been told that the Japanese have offered a larger price than is paid locally. Therefore, the coal is being shipped abroad.

It is possible that the provisions of the Export-Import Act might be invoked. At any rate, this investigation should be made. I feel that it will result in a great betterment of the situation.

I am very pleased to join with the distinguished Senator from Kentucky on the resolution.

Mr. COOPER. Mr. President, I thank the Senator from South Carolina. I know that the Senator has expressed before his concern about the shortages that exist in his own State.

In introducing this resolution, I rec-

ognize that there will be much study and investigation. The results may not show up immediately or quickly. But I hope that, by introducing the resolution and bringing it before the Senate again, we can have a discussion in the Senate and search out ways that would be helpful in the present situation.

I think we should use our influence, such as it is, to see if it is not possible to secure better procedures in the release and routing of cars which could be of immediate help.

I think that some action by the Antimonopoly Subcommittee of the Committee on the Judiciary to resume its hearings—and I understand that they will do so—could have some effect upon the concentration of power over competitive fuels.

I think that many things could be done. I intend to press this matter and urge at least a right-of-way from the Department of Transportation and any other means to secure better use and routings of the available coal cars which we used to call gondolas.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. SPARKMAN. Mr. President, I was very much interested in the matter the Senator brought up. I commend him for this. I was not on the floor when he commenced his remarks, and I have not heard all of them. I do understand, though, that the Senator is introducing a resolution.

Mr. COOPER. The Senator is correct.

Mr. SPARKMAN. Mr. President, I would be very happy if the Senator would permit me to join in cosponsorship of the resolution.

I might state that we are very much interested in this matter in Alabama because of the importance of power in the State of Alabama. Furthermore, as the Senator knows, the Tennessee Valley Authority which serves our area, is, if I am not mistaken, the biggest buyer and user of coal in the world.

Mr. COOPER. Mr. President, I might say that that was the testimony of Mr. Wagner about 3 weeks ago before the Committee on Public Works. He claimed it was the reason for the increase in their power and also explained why it was necessary for their self-authorization financing to be increased. That caused me to introduce the resolution.

He told me and told the committee their reserve of coal was about 3 months. And there was less than a week's supply. They can hardly contract for coal, even though coal is selling for $10 and $15 a ton at the mouth of the mine.

Mr. SPARKMAN. Mr. President, not only is the reserve dangerously low, and it is, but they simply cannot find the coal. They cannot get it.

I have been very much interested in this for some time, and I have made remarks on the Senate floor several times with reference to the threat of a power shortage in many parts of the country, and particularly in the eastern seaboard.

I had felt for a long time that down our way we were rather secure because of the Tennessee Valley Authority. Then we had this impossible situation involving the getting of coal. I think it is a matter of great concern.

The Senator knows that the Tennessee Valley Authority started a couple of years ago to build the world's largest nuclear powerplant not very far from my home. Originally it was their plan that the generator would go into operation on October 1 of this year.

Now it has to be postponed and it seems it will be 1972 before that plant can come in and produce the power they had looked forward to so much for supplementing the power they get from the dams and steamplants throughout the whole area.

I serve as chairman of the Joint Committee on Defense Production. This matter of power shortage came to my attention 6 or 8 months ago and I have commented on it several times.

I understand it is entirely possible that to some extent we will have a power shortage here in the Nation's Capital, probably not more than a brownout or a lowering of voltage, but it will be a shortage of power that otherwise we would want, we would need, and that we would use. I understand there is plenty of coal in the ground.

Mr. COOPER. Plenty.

Mr. SPARKMAN. It is a matter of getting it out. It is a matter of getting the smaller mines back into operation.

Mr. COOPER. The Senate and the House of Representatives passed a bill and I predicted what would happen if we closed them. They are now stripping coal, with all the awful effects of that.

Mr. SPARKMAN. I joined the Senator in that protest made on the floor of the Senate about the effect it would have on small mines. But we must do something to get the coal coming out of the ground.

I thank the Senator for taking this step.

Mr. COOPER. I thank the Senator from Alabama.

Mr. COOK. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. COOK. Mr. President, as a cosponsor of this measure, I want to point out that the Senator from Washington (Mr. MAGNUSON) said something should be done in the next year or 15 months, if the record will bear me out. The only point I really make, and I know my distinguished colleague agrees in regard to this resolution, is that time is truly of the essence. There can be no question about this at all.

I met with a group of people not long ago in western Kentucky. They had just secured a major industry. They wanted to know what they could do to develop more. The first thing I said was that a complete survey should be made of their potential for electric power in the immediate future because they might find themselves making a tremendous community investment for more industrial development and then find they could not have it because the source of energy is not there.

It was not too long ago in another facility in western Kentucky we had to make arrangements to cross grid and bring in electricity from southern Indiana so we could keep a plant in existence until a present facility is enlarged enough to produce adequate power.

As we develop this resolution and debate on it on the floor of the Senate, the one thing we should make absolutely sure of is that time is absolutely of the essence for the people of this country in regard to this matter.

Mr. COOPER. The Senator is correct. I think we can do something about this matter.

I yield the floor.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 861: THE PROXMIRE-MATHIAS AMENDMENT TO LIMIT FISCAL YEAR 1971 MILITARY SPENDING TO $66 BILLION

Mr. PROXMIRE. Mr. President, on behalf of the Senator from Maryland (Mr. MATHIAS), the Senator from California (Mr. CRANSTON), the Senator from Missouri (Mr. EAGLETON), the Senator from New York (Mr. GOODELL), the Senator from Michigan (Mr. HART), the Senator from Indiana (Mr. HARTKE), the Senator from Oregon (Mr. HATFIELD), the Senator from South Dakota (Mr. MCGOVERN), the Senator from Wisconsin (Mr. NELSON), and the Senator from Ohio (Mr. SAXBE), I submit an amendment to the military authorization bill which would limit, or place a ceiling on, fiscal year 1971 military spending. The amendment we are jointly introducing puts that ceiling for military spending for Department of Defense military functions at $66 billion.

A $5 BILLION REDUCTION IN SPENDING

This is a reduction of $5 billion or about 7 percent from the proposed military spending outlays in the budget of just over $71 billion.

The limitation applies to virtually all military spending—procurement, manpower, and other items—except for foreign military assistance, military spending by the Atomic Commission, and some defense related activities such as stockpiling and selective service. It applies specifically to those items found on page 82 of the President's budget under "Department of Defense—Military." The term "military functions" is a term of art which has a specific meaning to the Pentagon and those involved in the military budget.

PERCENTAGE CUT SAME AS SENATE ARMED SERVICES

The ceiling of $66 billion is approximately 7 percent below the $71.2 billion proposed in the budget. It is a reduction of almost the same percentage that the

Senate Armed Services Committee cut the $20.5 billion military authorization bill. It therefore carries over the same percentage cut to overall military spending that the Senate Armed Services Committee cut the military procurement authorization.

DEFENSE DEPARTMENT DETERMINES SPECIFIC CUTS

The determination of where to make the specific cuts is left to the President and the Department of Defense. Studies by Members of Congress for Peace Through Law, Congressional Quarterly magazine, former Budget Director Charles Schultze, Mr. Robert Benson, who served in the office of the Comptroller of the Department of Defense, and numerous hearings and studies by Members of the House and Senate have pinpointed specific area after specific area where cuts in procurement, manpower, and activities could be made. The estimates in general run from $10 to $14 billion depending upon the specific assumptions which one makes. Our proposed limitation on overall spending for fiscal year 1971 of slightly more than $5 billion is a very modest proposal. While we have proposed area after area where cuts could be made, we have deliberately left the precise cuts to the Department of Defense. I do not see how they can possibly object about this. Every time we have offered a particular cut, we are told that the experts know more than we do, that we should not usurp their prerogatives, and that the specific proposal has been gone over very carefully. We, therefore, have taken the military at its word and specifically proposed that they determine the priorities within the Department of Defense.

NUMEROUS PRECEDENTS

There are numerous precedents for general cuts or limitations on spending for both military and civilian programs. There should be no great principle which would prevent any Senator from voting for this amendment on the ground that it is a general cut. I say that because the overwhelming majority of Members of the Senate, many of them the strongest supporters of the Military Establishment, have indeed voted for general cuts or to place a ceiling on spending in recent times.

On June 29, 1970, some 29 Members of the Senate voted to place a ceiling on expenditures through the motion offered by the distinguished Senator from Delaware (Mr. WILLIAMS).

On February 27, 1970, a majority of Senators voting, namely by a vote of 45 to 40, voted for a 2 percent reduction in the HEW-Labor bill.

On April 19, 1968, the Senate voted 45 to 42 for a 3 percent reduction in the military procurement authorization bill.

The previous day, April 18, 1968, 28 Senators voted for a $500 million reduction in the military procurement bill. Anyone who argues against this amendment on grounds of procedure or precedent should realize that similar limitations or cuts have been proposed and adopted by Senators in the very recent past. The precedents are legion.

WHERE CUTS COULD BE MADE

While the amendment does not propose specific items where cuts should be made, a thoroughly documented case can be made that cuts in the order of $10 to $14 billion could be made. Among the areas where the Pentagon could effect the limitations are these:

PROCUREMENT

The General Accounting Office has reported that the overruns on 38 major weapons systems amount to $23 billion. This is an increase of $3 billion in 9 months. This area must be reformed. A limitation in spending would make reforms much easier to institute.

Only last week Secretary Packard told an audience on the west coast:

Frankly... in Defense Procurement we have a real mess on our hands.

Mr. Gilbert Fitzhugh, on the release of his report, said at a press conference:

Defense Department's policies have contributed to serious cost overruns, schedule slippage, and performance deficiencies.

OVERSEAS BASES

We have some 429 major and almost 3,000 minor bases scattered in 30 countries throughout the world. Many of these are redundant. The initial purposes for which they were obtained have long been forgotten.

SHIFT FROM TWO-PLUS TO ONE-PLUS WAR STRATEGY

The President and the Secretary of Defense have announced that we have now shifted from the strategic posture of providing the forces capable of fighting two major wars and one minor war at one time to a policy of providing the forces to cope with one major and one minor war. Former Budget Director Charles Schultze has testified that the costs for the one-plus war strategy are $14 billion below those proposed in the fiscal year 1971 budget. While the Pentagon has announced the new policy, no reductions have taken place. This is an area where large savings could be made.

UNIFORM ACCOUNTING

The Defense Production Act just signed by the President includes a provision which Admiral Rickover estimates can save up to $2 billion. While it will take some time for it to be effective, some savings could be made.

MANPOWER

Troop reductions in Vietnam and a general reduction in manpower to the pre-Vietnam level of 2.5 million men, could bring large reductions. Many believe we have an excessive number of troops in Europe. Manpower reductions bring the biggest savings in costs.

WEAPONS

Specific weapons systems could be cut, more prototypes could be built before rushing into production, and a number where the bugs still exist or where the state of the art is not far enough advanced should be kept in the research and development stage. Among these are the MBT tank, the B–1 bomber, the duplication in antisubmarine warfare programs, and a reduction in other areas.

OTHER AREAS

Savings could also be made in food procurement, in the rotation and leave policies of the forces outside Vietnam and combat, and the amounts spent on public relations at the Pentagon, to name a few.

Of course, we have passed the Percy amendment which would effect a saving in the rotation policies.

ARGUMENTS FOR THE $66 BILLION CEILING

In light of our burgeoning domestic needs—for schools, health, antipollution, to name a few—we must shift priorities from the military to the civilian sector. This is long overdue.

In addition, the prospective $10 to $15 billion budget deficit means that no substantial amounts will be available to meet these needs unless a major reduction is made in military spending.

The education and health appropriations bills were vetoed on grounds of excessive spending. Votes for those bills or votes to override them can be more than justified on the ground that a cut of $5 billion from defense outlays vastly offsets the almost $1 billion increase for schools and health. This would bring a real reordering of priorities while remaining fiscally responsible.

Military spending is nonproductive. Tanks, guns, and ammunition satisfy no human needs. We should, therefore, not spend a single dollar more for the military than is absolutely needed to defend the country. A shift from military to needed civilian spending—and I emphasize "needed" civilian spending for it can be wasteful too—can satisfy pent-up human needs, be less inflationary, and be far more productive.

For all of these reasons, I hope the Senate will support this amendment to place a $66 billion ceiling on the 1971 spending for military functions.

The PRESIDING OFFICER. The amendment will be received and printed, and will lie on the table.

WHY WE SHOULD CUT MILITARY SPENDING—II

Mr. PROXMIRE. Mr. President, very briefly, I would like to mention, in this connection, that last week the President was briefed by his budget experts. It was widely reported that the news he received was that a budget deficit of as much as $10 billion was anticipated for the current fiscal year and an even larger deficit, perhaps $15 to $25 billion, was possible next year in fiscal 1972.

The basic reason for this has not been an increase in expenditures. It has been the huge falloff in receipts as a result of the deliberate slowdown in the economy engineered in Washington to fight inflation. But the results have been continued inflation, a huge increase in unemployment, and a prospective deficit of $10 to $15 billion.

But the prospective huge budget deficit caused by a falloff in receipts is being used to beat back even modest requests for funds to meet this country's unmet domestic needs. It will be argued that there will be no money left for housing, for schools, for antipollution efforts, and other needs. The administration has already mounted such an attack.

Congress is accused of being fiscally irresponsible for adding modest amounts to the education and health appropriation bills. But the deficit is due to a falloff in receipts rather than an increase in spending.

The President has vetoed both of these bills. Schools and health are ordered to bear the burden for the policies of slowdown and induced unemployment.

Now we are urged to cut back even

further on needed domestic programs, while filling every request for dollars for defense and the Military Establishment.

At the time the President vetoed the school and health bills, Secretary Laird was telling a press conference that we should not cut the defense budget a dollar. In response to a question on August 6 about the $1 billion Congressman MAHON believes that the defense budget should be cut, Secretary Laird had this to say:

I'm going to do everything that I can to see that it isn't (cut by a billion dollars). I think we have submitted a rock bottom budget this year.

The message is very clear. Full funding for defense. Veto the education bill and health bills.

This is just a foretaste of what will come. It is the major reason why we must cut the defense budget this year. Every unmet domestic need is tied to cutting the military budget. With a $10 to $15 billion deficit and a fully funded military budget, the cuts will come in schools, health, and antipollution.

In these circumstances, the case for cutting the bloated military budget is overwhelming. The only way we can meet these pressing social needs is to cut and cut hard on the military budget. We should cut at least $5 billion this year from the proposed $71.2 billion for military functions.

AMENDMENT NO. 784

Mr. GOODELL. Mr. President, later in the day the Senator from Wisconsin (Mr. NELSON) will call up an amendment of which we are coauthors, the amendment to prohibit environmental warfare. Since I shall not be able to be present when it is called up, I shall take just a very brief time to state that tomorrow I shall present the major portions of my reasoning in support of that amendment. I think it is important that the Senate act upon the amendment on its merits individually, and also because it is related to the message the President has transmitted to the Senate requesting advice and consent on the Geneva protocol of 1925.

Mr. President, many things are happening in Vietnam with reference to antiplant chemicals, including the drift from antichemical operations to water supplies, and the use of such chemicals to destroy trees. Looking beyond the links between the ecosystem and the food chain, there can be no doubt that the massive application of antiplant chemicals is having an effect on the people in Vietnam. What effects it is having on the people in Vietnam, when they show up in the future, may be one of the saddest chapters in the epilog on the war.

THE EQUAL RIGHTS AMENDMENT

Mr. COOK. Mr. President, Senator ERVIN's Senate Joint Resolution 231, designed as a substitute for the equal rights amendment, would not improve women's legal status; in fact, it very probably would be a setback if it were ever ratified.

In a letter to all Senators suggesting cosponsorship, the senior Senator from North Carolina (Mr. ERVIN) explicitly states that his amendment would legitimatize State schools segregated by sex. In two recent cases the courts moved toward integrating such institutions under the 14th amendment. (*Kirstein et al.* v. *The Rector and Visitors of the University of Virginia, Etc., et al.*, E.D. Va., Richmond Division, Civil No. 220–69–R, 1969; *Margaret de Rivera, on behalf of her daughter, Alice de Rivera,* v. *Leonard J. Fliedner, principal of Stuyvesant High School, the Board of Education of the City of New York, and Bernard E. Donovan, Superintendent of Schools,* Supreme Court of New York, Manhattan County, 00938–69, 1969.)

There certainly is a strong possibility that ratification of Senate Joint Resolution 231 would deter the courts from pursuing this auspicious start toward equal educational opportunity for women under the 14th amendment.

The equal rights amendment would, of course, prohibit public schools from excluding women or men, and from applying higher admission standards to women.

Mr. President, I might digress a moment, since it may seem strange to some for me to be in favor of this amendment, to say that one of the reasons is that I happen to be the father of four daughters. I have a young daughter who wants to go to law school.

I inquired of a law school in the East, and found out that last year in its graduating class, four of the graduating seniors were women. When the larger law firms in the country went to that college and discussed positions with members of the graduating class, they discussed positions in the law firms in the United States with all of the students in the class except those four women. The young men went out of that law school, after passing their bar examinations, with an average starting salary of between $10,000 and $16,000 a year.

While all of the four girls graduated in the top 10 percent of their class, the highest salary attained by one of those four girls was $10,000. One became a legal secretary, one went to work for a bank, and two of them went to work for the Federal Government.

Mr. President, I would be happy to send my daughter to law school if the law school would permit me to pay only half the tuition paid for a male student, since she will receive only approximately half what they get when she graduates. But I am afraid I shall not have that opportunity.

Senate Joint Resolution 231 is patently unacceptable to everyone who is concerned with advancing women's legal status, and this is why I want to correct the record as to the effects of the equal rights amendment. Senator ERVIN says that:

The amendment nullifies all existing laws making any legal distinction whatever between the respective rights and responsibilities of men or women.

However, nullification is not the only option open to the courts in dealing with a law that is unconstitutional. In numerous cases the courts, both Federal and State, have taken other courses of action.

In *Neal* v. *Delaware,* 013 U.S. 370 (1880), the Supreme Court said:

Beyond question the adoption of the fifteenth amendment had the effect, in law, to remove from the State constitution, or render inoperative, that provision which restricts the right of suffrage to the white race.

In *Levy* v. *Louisiana,* 391 U.S. 68 (1968), the Supreme Court did not strike down a statute that had been interpreted by the State supreme court to exclude illegitimate children from the right to recover for the wrongful death of their mother; it extended the right to the illegitimate children.

In *Takahashi* v. *Fish and Game Commission,* 344 U.S. 410 (1948), the Supreme Court extended to "a person ineligible to citizenship" the right to a commercial fishing license. It did not strike down California's statute governing issuance of such licenses.

It is also clear that the Supreme Court would give great weight to the intent of Congress in interpreting the equal rights amendment, and the purpose of the proponents is clearly not to nullify all laws distinguishing on the basis of sex.

Antieau in "Modern Constitutional Law" says:

In the construction of the United States Constitution, the intention of those responsible for the particular clause should be ascertained, if possible, and the Supreme Court has many times endeavored to do this.

Comparably, in construing amendments to the Constitution it is necessary to discover, if possible, what was said in the Congress that proposed the amendment. Illustratively, in seeking to discover the meaning of the Fourteenth Amendment, the Supreme Court has often had recourse to the statements made in the Congress that proposed this amendment.

Utterances of Congressmen who proposed the amendments, as well as those who were most responsible in the convention or the Congress for the passage of the proposal are especially respected, as witness the traditional consideration given to James Madison's views on the first amendment by the courts . . . as bearing upon the intent of those responsible for a constitutional provision, it is important to ascertain the background of the times leading to the proposal and ratification. The Supreme Court said in 1887: "It is never to be forgotten that in the construction of the language of the Constitution . . . we are to place ourselves as nearly as possible in the condition of the men who framed that instrument."

In construing constitutional provisions, the Supreme Court has regularly looked for the purpose the framers sought to accomplish. (pp. 711–714.)

It is very clear that the courts would give great weight to the words of Representative MARTHA GRIFFITHS in the House debate and to the words that will be spoken by the proponents of this amendment on the floor of the Senate, as well as the Senate committee report. The chief proponents of this legislation, both inside and outside the Congress, have stated explicitly that they interpret the amendment to extend to the other sex many of the laws that distinguish on the basis of sex. The excellent legal memorandum prepared by the Citizens' Advisory Council on the status of women takes this position.

Representative GRIFFITHS said, and I agree, that in those States that allow alimony only to women, men would become eligible for alimony, but women who are homemakers would not lose the right to

support in the event of divorce. Making men eligible for alimony is not a revolutionary idea, as in many States men are now eligible for alimony.

Under the Uniform Marriage and Divorce Act, recently adopted by the national commissioners on uniform State laws, "maintenance"—which replaces alimony—is provided for either spouse depending on relative financial conditions of the parties, ability to earn a living, and appropriateness of employment outside the home for the custodian of the children. This Uniform Act has no distinctions based on sex, and I have no doubt that passage of the equal rights amendment by the Congress will accelerate adoption of this reform legislation by the States. I was quite pleased to see recognized in this proposed uniform law the economic contribution of homemaking to the family. It is the first time I have seen it explicitly recognized in law.

Under the equal rights amendment, women who are homemakers are not going to lose any right to support by their husbands, but wives who are employed or who have independent means would have to share the responsibility for support of the family within their means.

In the few States that provide dower rights for the wife with no similar right for the husband, the right would be extended to the husband under the intent expressed by Representative GRIFFITHS.

Representative GRIFFITHS stated that in those few States where minimum wage laws apply only to women, the law would be extended to men—North Carolina's and Kentucky's laws apply to both men and women.

The laws that prohibit women from some types of employment are another matter. They restrict women's opportunities, and any that are left on the books by the time the amendment is ratified would be invalidated. Many changes have already been made in these laws as a result of title VII of the Civil Rights Act of 1964.

A number of court cases have been brought challenging these laws—all by blue collar union women, I might add.

The court decisions to date, including two by circuit courts of appeal, and the guidelines of the Equal Employment Opportunity Commission and the Office of Federal Contract Compliance, support the view that these laws are superseded by title VII of the Civil Rights Act of 1964. I am confident that the invalidation of these laws will encourage the passage of good labor laws protecting both men and women from unconscionable demands of a few employers.

The distinguished Senator from North Carolina (Mr. ERVIN) states in his letter to his colleagues his belief that the motive of the advocates of the equal rights amendment is to invalidate present and future laws which make invidious or unfair discriminations against women. I respectfully beg to differ with the distinguished Senator from North Carolina. The testimony I heard in the May hearings and my conversations convince me that the advocates want the full legal responsibilities of citizenship as well as the legal rights and that they want to eliminate discrimination against men as well as against women.

These women recognize that they can achieve their full dignity as citizens only by shouldering responsibilities of which they are capable. They are not advocating that all women be employed outside the home, but they are asking that those who do have a commensurate share of the financial liability for the family. They are not advocating that all women seek graduate degrees, but they are seeking equal opportunity for admission to graduate schools supported by the State for those who so elect.

The August 10, 1970, CONGRESSIONAL RECORD states:

> They are not downgrading the role of homemaker. Indeed, as Congresswoman Dwyer so ably put it, "The equal rights amendment would not take women out of the home. It would not downgrade the roles of mother and housewife. Indeed, it would give new dignity to these important roles. By confirming women's equality under the law, by upholding woman's right to choose her place in society, the equal rights amendment can only enhance the status of traditional women's occupations. For these would become positions accepted by women as equals, not roles imposed on them as inferiors."

They are not advocating that mothers—or fathers—caring for small children be called for jury service if adequate care cannot be provided for the children, but they do want women who do not have a sufficient excuse to be required to serve on juries, just as men are required to serve.

They are not advocating that mothers be drafted, but they do want women to share in the responsibilities for defending the country to the extent they are able. They particularly want to open to poor girls the avenue of upward mobility that the military has always provided for poor boys.

They do not want husbands of working wives left with small children to rear without a social security benefit based on the wife's service. They do not want men saddled with alimony payments to wives with adequate independent means, nor do they want disabled husbands left without means of support by wives able to provide alimony. They believe that wives who abandon children and husbands—and they do exist—should have a responsibility for child support commensurate with their circumstances.

In other words, I believe some of the opponents of the equal rights amendment do not understand the motivation of the advocates.

I have been very puzzled by the strong feeling of those opposed to the amendment. The changes it would make in law simply do not warrant all the fuss. I can understand why the advocates feel strongly because the passage of the amendment has great symbolic significance and will enhance the self-respect of women, in addition to the more tangible benefits of opening up of educational opportunities and removal of some disabilities of married women in managing their property. I personally am convinced that, in addition, the ratification of the amendment will greatly accelerate reforms in the law that are already underway.

I can only conclude that the opponents have not given the matter sufficient current study to understand the nature of the actual changes in law that will result. There have been many changes in law and circumstance since the amendment was last seriously considered that seem to have escaped the notice of the opponents. The statement on the legal effects relied on by opponents was written in 1946, and it is surprising to see newspapers quoting this paper as if it were written yesterday. The author might even be willing to reconsider before committing himself today.

The equal rights amendment is an idea whose time has come, and it is my sincere belief that this Congress will respond with passage this session.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 784

Mr. NELSON. Mr. President, I call up my amendment, No. 784.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk proceeded to read the amendment.

Mr. NELSON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered; and, without objection, the amendment will be printed in the RECORD.

The amendment is as follows:

> SEC. . PROHIBITIONS ON ENVIRONMENTAL WARFARE.—No part of any amount authorized or appropriated pursuant to this Act or any other law shall be expended for the purpose of—
>
> (1) engaging directly in the military application of antiplant chemicals;
>
> (2) entering into or carrying out any contract or agreement to provide agents, delivery systems, dissemination equipment, or instruction for the military application of antiplant chemicals;
>
> (3) procuring or maintaining agents, delivery systems, or dissemination equipment intended for the military application of antiplant chemicals.

UNANIMOUS-CONSENT AGREEMENT—ORDER FOR RECESS FROM TOMORROW UNTIL 9 A.M. THURSDAY

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request, with the understanding that he will not lose his right to the floor?

Mr. NELSON. I yield.

Mr. BYRD of West Virginia. Mr. President, the program to which we have agreed by unanimous consent thus far is as follows:

The Senate will recess at the close of today's business until 9 o'clock tomorrow morning. Immediately after disposition of the Journal tomorrow, time on the amendment offered by the able Senator from Wisconsin (Mr. NELSON), to be equally divided in accordance with the previous agreement, will be limited to not to exceed 3 hours; and, if I understand the able Senator correctly, it may not require the entire 3 hours. But the outside limitation would be 3 hours, with the understanding that time could be yielded back, after which the vote would occur on the amendment offered by the able Senator from Wisconsin (Mr. NELSON).

Following that vote on tomorrow, it has already been agreed that time on the amendment to be called up by the Senator from Wisconsin (Mr. PROXMIRE), dealing with the C–5A, would be limited to not more than 3 hours, equally divided and controlled, with the vote to follow at the end of that time.

Following the vote tomorrow on the amendment offered by Senator PROXMIRE on the C–5A, it has already been agreed that the so-called end of the war amendment—offered by the Senator from South Dakota (Mr. MCGOVERN) and the Senator from Oregon (Mr. HATFIELD), and cosponsored by various other Senators—would be laid before the Senate and made the pending business.

Thus far, the program I have enumerated has already been agreed to.

Mr. President, having been authorized by the majority leader to do so, I am about to propound a unanimous-consent request—after having discussed it with the various principals involved, including the manager of the bill, the able assistant minority leader, and the authors of the various amendments—as follows:

Mr. President, I ask unanimous consent that when the Senate completes its business on tomorrow, it stand in recess until 9 o'clock Thursday morning, August 27.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. NELSON. May I raise one point with the Senator? If the amendment that I have just called up is rejected, I will have two more amendments in which I would be prepared to agree to a debate of 5 minutes on each side. I would hope that in propounding this unanimous-consent request now, the reservation would be included that if the environmental warfare amendment is rejected I could offer two amendments, with a time limitation of 5 minutes to a side on each.

Mr. BYRD of West Virginia. Does the Senator want to call these up immediately following any adverse action taken on his pending amendment?

Mr. NELSON. Yes. They can be disposed of in 5 minutes, 3 minutes, or 2½ minutes. It does not make much difference. They are simple and brief. We could finish voting on them in a short time.

Mr. MCINTYRE. If the Senator will yield for a question, are these amendments printed and at the desk?

Mr. NELSON. No, but they are simple. One has reference to crop defoliation. They would not take but 10 seconds to be understood. One second for the Senator from New Hampshire.

Mr. MCINTYRE. Mr. President, I would agree to 30 minutes on each amendment, but not 5 minutes. I would not agree to a 10-minute limitation, 5 minutes to a side, if I understand the Senator correctly. But 30 minutes would be adequate.

Mr. BYRD of West Virginia. The difficulty here lies in the fact that we already have a unanimous-consent agreement agreed to earlier today, under which the C–5A amendment is to be laid before the Senate immediately upon the disposition of the pending amendment on tomorrow.

Mr. NELSON. All right. I will withdraw that and if this amendment does not prevail, I will attempt to call up the two amendments in some other manner.

Mr. GRIFFIN. Mr. President, there will be an opportunity later in the week, even under the unanimous-consent request which is about to be propounded.

Mr. BYRD of West Virginia. I appreciate the Senator's being willing to cooperate. I want to say that the agreement whereby the Senate will take up the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) on tomorrow, following the vote on the pending amendment, has us locked in, insofar as sandwiching in any votes in between is concerned

Mr. NELSON. If it should happen that we would conclude in advance of the time allotted to us, I would hope it would be feasible to take up the two amendments I am talking about. If the Senator from New Hampshire (Mr. MCINTYRE) has no objection to 15 minutes, that would be satisfactory. I would serve notice to the Senate that if we finish prior to the 3-hour limitation allotted to us, I will offer these two amendments.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the order for the recess as stipulated?

The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, anent the two amendments the Senator has referred to, without prior consultation with the manager of the bill I do not believe I could enter into a unanimous-consent agreement just now, but I do not feel that there will be any problem. The leadership will endeavor to assist the Senator.

Mr. NELSON. I am not requesting anything in addition. If we have any time left over, I will make that time available for the two amendments. If there is objection, then we will do it later in the week.

Mr. BYRD of West Virginia. I am sure that the leadership on both sides of the aisle will cooperate in every way to assist the Senator in getting a vote at an appropriate time if the occasion arises.

ORDER FOR RECESS FROM THURSDAY, AUGUST 27, 1970, TO 9 A.M. ON FRIDAY, AUGUST 28, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Thursday next, it stand in recess until 9 a.m. on Friday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY, AUGUST 31, 1970, TO 9 A.M. ON TUESDAY, SEPTEMBER 1, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 9 a.m. on Tuesday morning, September 1, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the controlled time on the amendment to be offered by the Senator from South Dakota (Mr. MCGOVERN), the so-called end the war amendment, be limited to 6 hours, the last hour of which would begin running immediately following the prayer on Tuesday morning next, September 1, 1970; the time to be equally divided between the author of the amendment, the Senator from South Dakota (Mr. MCGOVERN) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), with the vote thereon to occur at 10 a.m. on Tuesday morning next.

I also ask unanimous consent that on Monday next, August 31, 1970, beginning at 12 noon, there be 5 hours of debate on the amendment offered by the Senator from South Dakota (Mr. MCGOVERN), the so-called end the war amendment, to be equally divided between the Senator from South Dakota and the Senator from Mississippi.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I do not expect to object—what if there were amendments to the McGovern amendment? Does the unanimous-consent request provide an opportunity for such amendments to be offered?

Mr. BYRD of West Virginia. May I finish the unanimous-consent request?

Mr. President, I ask unanimous consent that before the Senate completes its business on Thursday next, August 27, 1970, the amendment which will be called up by the Senator from Wisconsin (Mr. PROXMIRE), and which would require a $5-billion reduction in the authorization, laid before the Senate and made the pending business and that immediately after the prayer on Friday morning, August 28, 1970, not to exceed 3 hours of debate be allotted on the amendment, to be equally divided between the author of the amendment, the Senator from Wis-

consin (Mr. PROXMIRE), and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), with a vote thereon to occur at the conclusion of 3 hours.

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to the requests of the Senator from West Virginia?

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. Mr. President, it is perfectly all right with me not to agree to any of these requests until I have the whole package in the mill.

Mr. WILLIAMS of Delaware. Mr. President, reserving the right to object—and I do not object to any of these requests—but in the event, at the last minute, amendments to the amendment are offered, could we have it understood that there will be at least 10 minutes allowed, with 5 minutes to a side, to explain what the amendments are? I do not anticipate such amendments but they may be offered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that 30 minutes be allowed on each amendment, appeal, or motion with respect to the so-called "end the war" amendment, to be equally divided between the mover and the Senator from South Dakota (Mr. McGOVERN), if he is opposed thereto. If Mr. McGOVERN is not opposed, then the time in opposition would be controlled by the manager of the bill, the Senator from Mississippi (Mr. STENNIS).

The PRESIDING OFFICER (Mr. HUGHES). Is there objection to any of the requests of the Senator from West Virginia?

The Chair would like to be informed if, in any of the motions the Senator has mentioned, he would like to include a motion to table, which otherwise would not be debatable?

Mr. BYRD of West Virginia. I thank the Chair. Under the rule, a motion to lay on the table would not be debatable. I do not mean my request to exclude a motion to lay on the table, if the motion is made just prior to the time on which the Senate has agreed to vote.

Mr. GRIFFIN. With respect to any of the amendments?

Mr. BYRD of West Virginia. Yes, any of the amendments to which I have thus far referred in this request.

The PRESIDING OFFICER (Mr. HUGHES). There being no objection to the unanimous-consent requests propounded by the Senator from West Virginia, they are agreed to.

Mr. GRIFFIN. Mr. President, reserving the right to object——

Mr. BYRD of West Virginia. It has been stated emphatically by the majority leader that there will be a Saturday session this week.

ORDER FOR RECESS FROM FRIDAY, AUGUST 28, 1970, TO SATURDAY, AUGUST 29, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, at this time, I ask unanimous consent that when the Senate completes its business on Friday next, it stand in recess until 10 a.m. on Saturday next.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM SATURDAY, AUGUST 29, 1970, TO MONDAY, AUGUST 31, 1970, AT 10 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Saturday next, August 29, 1970, it stand in recess until 10 o'clock on Monday morning next.

The PRESIDING OFFICER. Did the Senator from Michigan wish to pose an objection to that last request?

Mr. GRIFFIN. On the request concerning the recess to Saturday, no. The previous request I need not reserve an objection to, but I ask the Senator from West Virginia concerning the situations when amendments to amendments are in order, to avoid the mixup we had today, could we clarify when they will be in order? Would it be at the expiration of the time?

The PRESIDING OFFICER. If there is no objection to the request for the starting time on Monday, that request is agreed to. The inquiry of the Senator from Michigan will be in order at this time.

Mr. BYRD of West Virginia. Mr President, the able assistant minority leader presents an appropriate question. If I understand correctly, inasmuch as we are talking now about amendments to an amendment, the vote on such amendments to an amendment could only occur after the time on the amendment had expired except by unanimous consent.

This would be different from the situation in which amendments were being offered to a bill, in which event they could be brought up at any time and voted on. However, in voting on amendments to an amendment it is my understanding—and I ask this of the Chair—that the usual procedure is that, unless otherwise agreed to by unanimous consent, the vote on an amendment to an amendment occurs after the time has expired and just before the vote is had on the basic amendment.

The PRESIDING OFFICER. The Senator from West Virginia is basically correct. When an amendment is up and a time limitation has been agreed to, an amendment to the amendment would not be in order until such time as the time is used up or yielded back.

Mr. BYRD of West Virginia. Mr. President, may I say this in addition to what has been said thus far. The agreements that we have entered into have been proposed and have now been agreed to in an effort by the leadership on both sides of the aisle to bring about final action on the pending bill before the Senate recesses for the Labor Day holiday.

I would like on behalf of the leadership on this side of the aisle to urge that all Senators who have amendments—other than those amendments which have been locked into the agreement—be prepared to call up their amendments and have them acted on. Certainly with all of the time that has transpired on this bill, Senators should be in a position to bring their amendments to the floor, call them up, and have them disposed of without further delay. Controlled time on the amendment by the distinguished Senator from South Dakota (Mr. McGOVERN) will not start running until noon on Monday next, and in the meantime, once that amendment is laid before the Senate on tomorrow afternoon, it can be laid aside temporarily by unanimous consent and other amendments can be called up.

Mr. President, I ask unanimous consent with respect to additional amendments—not stating a date or time on which to vote, but limiting the time within which they may be discussed—that two amendments to be offered by the Senator from Massachusetts (Mr. BROOKE) be limited each not to exceed 3 hours, the time to be equally divided between the Senator from Massachusetts (Mr. BROOKE) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), with amendments thereto limited to 10 minutes, 5 minutes to the side as suggested.

The PRESIDING OFFICER. Is there objection?

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not object—I associate myself with the remarks made by the distinguished acting majority leader. He has been particularly diligent in doing everything possible to get Senators to agree to time limitations so that we can move on to final passage of the pending bill before the Labor Day recess.

I commend him for his leadership in particular. I might say that, although the Senator from Massachusetts is not present at the moment, I have discussed the time limitations just requested with him and he is agreeable to the 3-hour limitation on his two amendments when they are called up. There will be no objection.

The PRESIDING OFFICER. There being no objection, the unanimous-consent request is agreed to.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that the able Senator from Illinois (Mr. PERCY) has an amendment on which he is willing to accept a 2-hour limitation.

I ask unanimous consent, therefore, that on the amendment to be called up by the distinguished Senator from Illinois (Mr. PERCY), there be a time limitation of 2 hours, with the time to be equally divided between the offerer of the amendment (Mr. PERCY), and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), and that on any amendment to the amendment there be a time limitation of 10 minutes, the time to be equally divided between the mover of the amendment and the Senator from Illinois if he is opposed to such amendment; otherwise the manager of the bill, if he is opposed, would control the time.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, on Tuesday next, immediately following the vote on the amendment offered by the Senator from South Dakota (Mr. McGOVERN), there be laid before the Senate amendment No. 754, by the Senator from Wisconsin (Mr. PROXMIRE), prohibiting the sending of draftees to South Vietnam, Cambodia, and Laos, and the amendment be made the pend-

ing business; that the time thereon be limited to 1 hour, to be equally divided and controlled between the author of the amendment (Mr. PROXMIRE) and the manager of the bill (Mr. STENNIS), and that any amendment thereto be limited to 20 minutes, the time to be equally divided between the author of such amendment and Mr. PROXMIRE, if he is opposed, otherwise the time in opposition to be controlled by Mr. STENNIS.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, it is hoped that action on this bill may be completed on Tuesday next. I merely stress that as a hope. With the agreements that have been locked in today, I think some momentum has been generated. I hope that goal can be achieved.

I express appreciation now to the able assistant minority leader and to all Senators who are principal authors of amendments and especially to the manager of the bill for their cooperation in making it possible for these agreements to be reached.

Mr. GRIFFIN. Mr. President, if the Senator would yield for a further comment, I particularly want to join him in the notice he serves to those Senators who have amendments that we expect them to be called up.

After the weeks of debate we have had on this bill, it seems to me that anyone who has an amendment should be ready to go and that further delay to allow a Senator to get ready to present an amendment, it seems to me, would be unreasonable.

I hope that all Senators will take notice of what the Senator from West Virginia has said and that they will be ready with their amendments. Now that we have a general framework of time laid out for the bill, there will be time this week for any Senator who has an amendment to offer it.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator and if the Senator will yield briefly, may I add this comment. In the event the Senate completes its work on the pending bill by Tuesday next, it is anticipated that 1 additional day would be included in the recess for Labor Day.

Mr. President, I will close by saying that, under the precedents, any Senator can call up any amendment authored by another Senator. So, it is appropriate to say that if Senators are not present on the floor and if they have amendments at the desk, it could very possibly be that a move to call up such amendment may be made by another Senator. Of course, tabling motions are in order at any time with respect to amendments concerning which a date and time have not yet been agreed on which to vote.

Mr. GRIFFIN. Mr. President, while the leadership tries very hard to protect the interests of all Senators, if a Senator were to make such a motion, it might be difficult for the leadership to continue to protect a Senator indefinitely.

Mr. BYRD of West Virginia. Mr. President, I thank the able assistant minority leader for the timely observation. I hope that all Senators take notice and carefully read the RECORD with respect to the program so that the Senate can expedite its work and complete the bill which has been under consideration already now for many weeks.

Mr. WILLIAMS of Delaware. Mr. President, I congratulate both the acting majority leader and the acting minority leader on the fact that at long last we will break this filibuster on a bill that was laid before the Senate on July 23.

I hope that Senators will be on notice and that those who have not yet spoken on this matter will take the time to express their views on the bill between now and then. I think the filibuster has been going on long enough.

Mr. BYRD of West Virginia. Mr. President, I thank the Senator.

ENVIRONMENTAL WARFARE

Mr. NELSON. Mr. President, in 1962, with no idea of what the consequences would be, the United States began a new form of warfare on the environment of Vietnam that is likely to have future disastrous reactions on all forms of life in that small Southeast Asian nation.

In a little more than 8 years, the United States has sprayed more than 100 million pounds of assorted herbicide chemicals over more than 5½ million acres of Vietnam to defoliate forests and kill food crops allegedly grown to supply enemy forces. The United States has sprayed enough chemicals to amount to 6 pounds for every man, woman and child in that country.

Never in history has any nation ever declared war on the environment of a nation, and the United States has embarked on this unprecedented ecological experiment without adequately investigating the chemicals used to see if they would have any dangerous consequences to humans and all other forms of plant and animal life.

This Nation may well have set an ecologic time fuse in Vietnam that will reverberate down the life chain causing widespread destruction by wiping out forms of plant, animal, and aquatic life that can never be replaced, with implications for the people who live there that cannot be evaluated until some time in the future.

Distinguished scientists the world over are becoming increasingly alarmed over man's massive environmental intrusions which are disrupting life systems on a global scale. If for another 50 years we pursue the present course of unabated accelerating pollution of the land, the air, and the water, it spells disaster of unmeasurable proportions. Neither conventional nor nuclear war poses a threat as certain or as serious.

Among the critical environmental pollutants is a class of chemicals called herbicides, now being widely used as defoliants and plant killers. The immediate question is whether we will have the foresight at this point in history to eliminate this chemical as an instrument of war.

Several questions require urgent consideration:

If our role is to defend Vietnam, how can we risk destroying the environment in which they must survive when we leave?

Do we intend to be the only country in the world that defends these chemicals as valid military weapons?

By our continued use do we intend to put our stamp of legality on it?

If we claim the right to destroy agricultural crops with it on the theory that it denies food to the enemy, what real limits are there to its use? Will it not then provide justification for any country in the future to engage in starvation warfare by spraying all crops on the ground that it is necessary in order to deny food to the fighting troops?

If in World War II these chemicals had been available and used by all countries in the same density as we have used it in Vietnam—6 pounds per person—what would be the worldwide consequences?

This is a cheap weapon, and it does not take much sophistication to use it. Do we endorse the proliferation of this weapon into the hands of all nations, developed and developing alike, so that they can engage in anticrop and environmental warfare?

Measured in the long view and, in fact, in the short view, is it not in the best interest of our Nation and the world that we now renounce its use in a worldwide agreement to eliminate it as an instrument of warfare?

Independent scientists have only recently begun to study the cancer-causing, mutation-inducing and fetal-deforming effects of the chemicals used to remove the leaves from plants and destroy food crops.

Dr. Arthur W. Galston, a Yale University biologist and a distinguished authority on herbicides, warned in a recent Washington, D.C., conference that the environmental warfare the United States is conducting in Vietnam may "so alter the ecology of a large region that permanent scars will be left."

In a transcript of his remarks that will appear in the forthcoming book, "War Crimes and the American Conscience," edited by Erwin Knoll and Judith Nies McFadden, Galston charged:

> It seems to me that the willful and permanent destruction of environment in which a people can live in a manner of their own choosing ought similarly to be designated by the term ecocide. . . . At the present time, the United States stands alone as possibly having committed ecocide against another country, Vietnam, through its massive use of chemical defoliants and herbicides.

Mr. President, we will be voting on this amendment which I introduced on July 16, 1970, for myself and Senator CHARLES GOODELL and nine cosponsors. It is the environmental warfare amendment to the military authorization bill for procurement, H.R. 17123.

The amendment would terminate the use of herbicides by the United States as an instrument of war in Vietnam and elsewhere. Specifically, it would prohibit the United States from using antiplant chemicals for military application, would prevent the transfer of such weapons and the equipment necessary to spread the chemicals to another country for it to use, and would provide for the elimi-

nation of the present stockpile of the chemical compounds and all herbicidal equipment related to such use—directing the equipment be used for other purposes.

The chairman of the Senate Armed Service Committee is to be commended for taking the initial step in attempting to find out what the effects of the environmental warfare program have been in Vietnam. Section 506(c) of the military authorization bill for procurement calls for the Secretary of Defense to enter into appropriate arrangements with the National Academy of Sciences for the purpose of conducting a comprehensive study and investigation to determine the ecological and physiological dangers inherent in the use of herbicides and the ecological and physiological effects of the defoliation program carried out by the Department of Defense in South Vietnam. The report is to be transmitted by the Secretary of Defense to the President and the Congress by March, 1972.

A comprehensive study should, of course, be made, but even the Department of Defense has said such a comprehensive study could not be completed in any meaningful way in the next 18 months because it will take much longer to accurately know what the consequences will be from our extensive use of herbicides. A further complication is that most of the defoliated area is still under enemy control and it will not be possible to get into those areas with a scientific investigating team until the war has ended.

The Department of Defense failed in its responsibility to carefully study the long-range effects of the use of herbicides on man, his environment and the vast array of creatures living there before engaging in this intolerable kind of chemical warfare that may cause irreversible and disastrous future damage.

In 1969, the General Assembly of the United Nations passed by a vote of 80 to 3 a resolution that declared the use of military herbicides a form of chemical warfare which is forbidden under the Geneva Protocol. The United States, Australia, and Portugal were the only dissenters.

The United States has pledged itself to uphold the Geneva Protocol ban against the first use of chemical weapons, but has never officially ratified the agreement. Instead, the United States has been actively using antiplant chemicals in unprecedented amounts in Vietnam and has the questionable distinction of setting the precedent in this kind of warfare.

Just last week the President sent the 1925 Geneva Protocol agreement to Congress to approve its ratification, but argued that the use of tear gas and chemical herbicides were not to be considered as part of the 45-year-old ban. The President's action is to be applauded especially since this country is the only major military power in the world not to have signed the agreement. Environmental warfare through the use of herbicides, however, is irresponsible, and we have now learned enough about the dangerous implications of environmental warfare to join the other responsible nations of the world who have prudently agreed it is a dangerous activity that must be stopped.

Even before the Geneva Protocol agreement, the United States was party to the "Hague Regulations With Respect to the Law and Customs of War and Land" annexed to the Hague Convention of 1907. Article 23, paragraph (a) of those regulations specifically states:

It is especially forbidden to employ poison or poisoned weapons.

The Army has interpreted this restriction in its Field Manual, Law of Land Warfare, FM 27–10, page 18, which states:

Relevant treaty position is that it is especially forbidden to employ poisoned weapons.

The foregoing rule does not prohibit measures being taken to destroy through chemical or bacterial agents harmless to man, crops intended solely for consumption by the Armed Forces (if that fact can be determined).

In light of these policy positions, two major points are raised. First, are we sure that we are not employing a poisonous chemical harmful to man to destroy crops? Have there been any tests conducted in Vietnam to confirm conclusively that agent blue, which contains cacodylic acid, has not poisoned North Vietnamese, Vietcong or South Vietnamese? The areas sprayed, by the Department of Defense's own admission, are remote and controlled by the guerrillas. So it is virtually impossible to know whether we are or are not violating the Hague Convention until the war is over.

How do we know that the only crops destroyed are "intended solely for consumption by the Armed Forces—if that fact can be determined?" Some 500,000 acres of rice and other food crops have been destroyed since 1962. Up until 1967 or 1968, agent blue rained down on rice paddies in areas controlled by the guerrillas.

It is well proven that a substantial percentage of the food crops killed were grown by civilians for civilians. There have been studies conducted by and for the Department of Defense that differ greatly over the military effectiveness of the anticrop program, including the point about whether and to what extent civilian crops are affected.

The Army steadfastly maintains that 100 percent of crops destroyed by chemicals are grown by or for the Vietcong. Even that stand can be challenged by a glaring gap in its logic. The Army is obviously assuming that any rice crop grown for guerrillas is for them exclusively, with no part of the crop intended for consumption by non-Communist farmers.

The weakness of that assumption was evident in hearings of the House Subcommittee on National Security Policy and Scientific Developments, chaired by the gentleman from Wisconsin, Representative CLEMENT ZABLOCKI, entitled "Chemical-Biological Warfare: U.S. Policies and International Effects," in November and December 1969. These important hearings dealt at length with the use of herbicides and tear gases in Vietnam. One of the witnesses, Rear Adm. William E. Lemos, Director, Policy Plans and National Security Council Affairs, Office of the Assistant Secretary of Defense for International Security Affairs was questioned on the anticrop program.

A dialog between the gentleman from Minnesota, Congressman FRASER and Admiral Lemos follows:

Mr. FRASER. Your statement on crop destruction on page 13 says that crops in areas remote from friendly populations and known to belong to enemy that cannot be captured by the ground operations are sometimes sprayed.

Admiral LEMOS. We are really talking about very isolated crops in areas of known Vietcong and North Vietnamese army units, and which are clearly a part of that complex and being grown by them, or by people forced by them to grow for them.

Mr. FRASER. How can you determine whether or not the crops are being grown by direction of the VC?

Admiral LEMOS. By the proximity of the main force VC and North Vietnamese units and by information derived from the people in the surrounding area.

Mr. FRASER. As I understand it, we are under an injunction under the Hague Convention not to destroy crops which may be in part for the use of the population, is that right?

Admiral LEMOS. Yes, sir.

Mr. FRASER. How are we able to verify adequately whether or not the crops are in fact aimed just for the fighting units of may not, in fact, be intended for noncombatants—I know this is a difficult problem in this kind of war.

Admiral LEMOS. It is very difficult.

Mr. FRASER. How do we determine that under these circumstances?

Admiral LEMOS. As I indicated, we take extensive aerial photographs of every area where such a proposal is made and those aerial photographs are very carefully analyzed by a broad spectrum of people and if the crops are close to populated areas, they are not subjected to herbicides.

Mr. FRASER. What do you mean by "populated areas?"

Admiral LEMOS. I can't give you the specific cutoff, but the crop destruction program is associated with enemy camp areas and not the villages and hamlets.

Mr. FRASER. How can you be sure (that you are destroying only guerrilla crops)?

Admiral LEMOS. All you can do is the best possible.

Admiral LEMOS (continuing). There has to be substantial evidence that the crops are being grown specifically for the use of Vietcong troops and North Vietnamese troops.

During the same hearings, Thomas R. Pickering, Deputy Director, Bureau of Political Military Affairs, Department of State, commented on the degree of proof in an anti-crop mission. He said agent blue was used where it is believed that the food crops involved are for the use of the Vietcong and North Vietnamese military forces in the area. Without getting into a discussion on what degree of certainty each of these Government officials had in mind and without revealing testimony discussed during executive session to demonstrate the counterproductive aspects of this policy. Admiral Lemos' comments are very revealing. Lemos said that crops are sprayed only in areas that cannot be captured by ground action.

The admiral admitted that in making the "yes" and "no" decision "all you can do is the best you can." If, as some sources have indicated, a substantial

percentage of all crops destroyed—500,000 acres, or 781 square miles—were to be consumed at least in part by friendly South Vietnamese, then the "our best" is incredibly poor or else the product of gross negligence.

The antiplant program in Vietnam and the anticrop program in particular are having adverse effects on the noncombatant South Vietnamese. The report of the Student Task Force for Washington Research on Chemical-Biological Warfare, prepared by a group of Princeton students on June 1, 1970, is a well-documented analysis of the herbicide program. The report states:

> The main result of the food denial program seems to have been the creation of thousands of refugees. When their crops turn yellow and die, peasants are forced to leave their homes and travel to the cities or to refugee camps maintained by the Saigon government at American expense. Food may be available here, but the living conditions are less than desirable. Abhorrent though the thought is to American civilians, the creation of refugees seems to have been and may still be the ultimate goal of the program. Representative Richard C. McCarthy (in his book, *The Ultimate Folly*) quotes ex-Presidential Science Advisor, Donald F. Hornig, as saying that the program is designed to force farmers outside of American/South Vietnamese held areas to abandon their farms and move into our sphere of influence. The Department of Defense denies that this is their goal, but even they cannot deny that this is a result of a program they insist on continuing.

The ad hoc international scientific commission composed of four scientists—Drs. A. H. Westing, plant physiologist, and E. W. Pfeiffer, animal physiologist, both of the United States; and Dr. Jean Lavorel, plant biophysicist, and Leon Matarasso, lawyer, both of France—in their "Report on Herbicidal Damage by the United States in Southeastern Cambodia," presented a graphic example of the effects of herbicidal warfare on the civilian population:

> A large variety of garden crops (both agricultural and horticultural) were devastated in the seemingly endless number of small villages scattered throughout the affected area. Virtually all of the *ca.* 30,000 local inhabitants are subsistence farmers that depend for their well-being upon their own local produce. These people saw their crops, then growing, literally wither before their eyes. Indeed, it was the widespread death of the vegetables that heralded the rest of the damage to the area. Their then current crops of vegetables of numerous kinds, pineapples, of jackfruit, of papayas, and of many more were simply destroyed.

The stated policy of the military is to use herbicides in remote areas of low population "not exceeding eight persons per square kilometer" or 21 persons per square mile. Yet, evidence has indicated that crops have been destroyed in areas where the population density is as great as 1,000 persons per square mile.

Even more damaging is the Department of Defense's public admission:

> Approval (for anti-crop mission) includes arrangement for indemnification, if later necessary, as well as plans for supplying food to the South Vietnamese who might thereby be denied food sources.

General Blanchard, in his official statement in a briefing with Senator THOMAS MCINTYRE, said:

> Such targets (anti-crop targets) are carefully selected so as to attack only those crops known to be grown by or for the Viet Cong or North Vietnamese.

If, as Admiral Lemos admits, it is difficult to make that determination, and if we only attack Vietcong or North Vietnamese crops as General Blanchard so categorically states, then why do we enunciate a policy of paying those South Vietnamese citizens who are deprived of their food source? It would seem clear that this is an obvious violation of the Hague Convention of 1907.

Alarming reports from official Government sources and independent scientists are beginning to show that the careless use of antiplant chemicals may be endangering a vast variety of plant and animal life and in some places destroying vital soil organisms. Distinguished scientists fear, for example, that vast timber areas sprayed as suspected Vietcong hiding places may not recover, or may take a number of years returning to normal growth. No one can accurately predict what some of the chemicals used will do to other organisms and plant and animal life, but recent research is proving that it is not enough to study whether a chemical is toxic to animals.

Until the past 5 or 10 years, researchers testing a new chemical were satisfied if the agent fed to a laboratory animal did not kill him. They know now that that is not enough. Some chemicals which are harmless in a toxicity test, will later turn out to be carcinogenic—cancer-inducing, mutagenic—mutation inducing, or teratogenic—inducing abnormalities in developing embryos. The thalidomyde disaster of a few years ago and other recent findings linking cancer with seemingly "safe" chemicals and food additives, points to the need to test new compounds in more sophisticated ways to determine that they will not be harmful to humans and other forms of life.

This kind of careful, sophisticated testing was not conducted on the herbicidal compounds before the United States began using them in Vietnam.

The U.S. environmental warfare program moved from limited testing in 1961–62 to the reduction of foliage along roads and waterways in 1963. In 1964, the military began destroying crops allegedly grown by or for the enemy forces and then began spraying large tracts of swamp and forests in 1965–66. By 1967–68, more than 2,000 square miles a year were sprayed at an annual expenditure of some 8 million gallons of the chemicals. By 1970, 5½ million acres, or 12 percent of Vietnam was defoliated, an area about the size of the State of Massachusetts.

The three herbicide compounds used in Vietnam are known by the code names—agents orange, white, and blue. Orange and white are defoliants and agent blue is used to destroy crops.

Agent orange is a mixture of 2,4-D and 2,4,5-T and was the most common herbicide used in Vietnam. White is a mixture of 2,4-D and picloram in a water base. It is less volatile than orange and hence is used where drift damage to friendly crops is feared. Blue is a water solution of cacodylic acid and is used to destroy rice and other food crops.

Of the four chemicals used in the three herbicides, two have been tested extensively. The chemical 2,4,5-T was shown to cause fetal deformities in chicken embryos, mice, and rats. Because of these findings, the U.S. Surgeon General restricted the domestic use of the chemical. The following day, April 15, 1970, the Deputy Secretary of Defense banned the use of Agent Orange in Vietnam. Up to that point, the United States had sprayed 40 million pounds of 2,4,5-T over the Vietnam landscape.

The chemical 2,4-D has also been shown to cause fetal deformities in tests on chicken embryos and hamsters. Comprehensive testing of this chemical is continuing at Food and Drug Administration laboratories and the National Institute of Environmental Health Sciences. The Surgeon General has not imposed restrictions on 2,4-D because he said the tests were still not conclusive enough.

While some tests are underway, the attention the Federal Government gave 2,4,5-T and 2,4-D has not been given picloram and cacodylic acid.

Picloram is a highly persistent chemical that some scientists maintain is the herbicidal equivalent of DDT. Like DDT, picloram has been used extensively both domestically and internationally without any comprehensive studies to determine what long-term effect it has on the natural environment. After some 26 years of extensive and widespread usage, it was not until Rachel Carson published her dramatic volume, "Silent Spring," that extensive studies finally showed that DDT was a persistent, long-lasting chemical compound that had spread throughout the environment, endangering many species of life and causing serious future consequences no one can predict. Government experts have admitted that they do not know how long-lasting or persistent picloram is.

With the discontinuation of Agent Orange containing 2,4,5-T, picloram was given greater usage in Vietnam because it appeared to be innocuous. In feeding tests with laboratory animals it showed up quite nonpoisonous.

Recent tests, however, presently being performed by W. T. Jackson and O. R. McIntyre at Dartmouth University have shown that the chemical causes an inhibition of protein synthesis in human white blood cells tested outside the body in test vessels and an inhibition of normal cell division patterns. Preliminary research at the Food and Drug Administration is finding some malformation in development induced by this compound.

The lengthy life picloram has in the soil was reported in an article in the Dow Chemical Co. house organ, "Down to Earth." The magazine of the company that produces the chemical compound said that in certain soils less than 3.5 percent of picloram disappears after 467 days; in other soils as much as 20 percent disappears.

Those are remarkably low levels of disappearance and if picloram is applied to soils year after year, scientists predict that a gradual build-up is inevitable. The fact that picloram apparently has an effect on cell division together with the

fact that no single microorganism is known which will degrade picloram, graphically shows that in some respects this herbicide is as dangerous as DDT and is so persistent that it should not be used as a herbicide in any indiscriminate manner.

The fourth herbicide used in Vietnam, cacodylic acid, is 54 percent arsenic. It is alleged in the usual feeding toxicity tests to be no more toxic than aspirin. Research scientists report that cacodylic acid in an organic state is generally not considered harmful. They warn, however, that no one knows if some microorganism in the soil or water might react with the relatively stable arsenic atoms and transform the chemical into a deadly compound that could cause catastrophic ecological consequences.

Scientists have warned that there are several other possible long-term ecological dangers from the military application of chemical defoliants in Vietnam. They include laterization, or irreversible hardening of soil no longer protected from the sun by foliage; pemanent destruction of mangrove swamp forests; poisoning of aquatic life by runoff into the water system, elimination of many forms of animal life and opening up vast areas to the permanent invasion of fast-spreading undesirable plants like bamboo, forcing out the future growth of normal plant life.

The implications of herbicidal warfare in Vietnam were discussed in part recently at hearings before the Senate Committee on Foreign Relations. In response to questions from the committee chairman Donald G. MacDonald, the Director, U.S. Agency for International Development, Vietnam, since 1966 said:

> The damage done to the economy on a permanent basis is a subject of great interest obviously to me as the head of the AID program in South Vietnam, and I have studied it rather closely. There is, I suppose one could say, an enormous physical loss of forests as a result of defoliation.

Hardwood forests cover about two-thirds of Vietnam and formally employed about 80,000 persons in the timber industry. About 2,500,000 acres have been sprayed with one treatment of agent orange, causing a 10 to 20 percent permanent kill. Another 1,250,000 acres have been sprayed two or more times with a 50 to 100 percent permanent kill.

Without even considering the incalcuable ecological implications of such extensive killing of trees and plants, the destruction of so much timber could be a very serious economic blow to Vietnam since timber is potentially the greatest export of the country.

The long-term effect of massive spraying upon the forest and its life systems is anybody's guess—and it is a matter too important to guess about.

Two zoologists, Gordon H. Orians and E. W. Pfeiffer, in a recent article on the "Ecological Effects of the War in Vietnam" in Science magazine found that the almost complete destruction of all the vegetation on the mangrove areas that had been sprayed had a severe effect upon the animals living there:

> During our tour of the defoliated areas, we did not see a single species of insectivorous (insect eating) or frugivorous (fruit eating) birds with the exception of barn swallows . . . which are migrants from the north.

An international scientific investigative team, assessing the damages to the unexplained defoliation of some 173,000 acres in Cambodia which occurred in late April and early May 1969, said in their December 1969 report:

> It is interesting to note that eastern Cambodia in general has experienced quite a substantial increase in a variety of wildlife, apparently driven out of Vietnam by the defoliation and other ravages of war. Included are munjacs, and other species of deer, wild cattle, (Gaurs, Bantengs and some Koupreys) elephants, a number of monkeys species and wild pigs.

Dr. J. B. Neilands, a University of California biochemist, has listed some of the animal species of Vietnam which are known to be in danger of extinction. The douc langur and the Indochinese gibbon, both on the verge of extinction, it is feared, will be wiped out completely since these creatures exist exclusively on a variety of plants growing in the heavily defoliated areas.

It can be supposed that some will argue that the destruction of some animal and plant species is relatively unimportant in relation to the war effort. But if the wildlife is being destroyed, what then is happening to the delicate tropical ecosystems comprising the complex relationship of all plant and animal life? An even more pressing question is what effect, direct and indirect, does the herbicide program have on the people of South Vietnam? And finally, what exactly are the limits, if any, to a military program such as this and what are the moral implications?

The poisoning of aquatic life by runoff into the water system is a real problem in Vietnam. Marine fauna are known to be injured and killed by 2,4-D and 2,4,5-T, the major defoliant chemicals. Tests of the effect of from one to two parts per million of 2,4-D showed it had a deleterious effect on mayfly nymphs, leeches, clams, and snails.

Dr. Galston points out that—

> The estuarine environment in which the mangroves grow is tremendously important to shellfish and migratory fish, which deplete a portion of their life cycle in the ecosystem enveloped by the mangrow roots. With these plants killed, the fish will probably go elsewhere. This will lead to a decline in the fish and shellfish catch, which constitutes an important source of protein and essential amino acids.

In 1968, aware that there was little data on the ecological effects of the military use of herbicides in Vietnam, the State Department sent F. H. Tschirley of the Department of Agriculture to make a 30-day study. Tschirley's report indicated the military defoliation program "is having a profound effect on plant life in Vietnam."

One of the long-range effects that Tschirley found was in the massive destruction of mangrove forests. He declared that mangroves are extremely susceptible to defoliants and that one application was sufficient to kill most trees. He reported visiting the Rung Sat Peninsula that was still completely barren, even though it had been sprayed years earlier. He estimated it would take about 20 years for the reestablishment of a mangrove forest.

Zoologists Gordon H. Orians and E. W. Pfieffer, in their recent Science magazine article argued, however, that Tschirley's estimate was conservative because it was based on the assumption of the immediate redistribution of seeds to the defoliated areas and the presence of suitable germination conditions when they arrive.

Emphasizing the lack of knowledge on the use of defoliants, the zoologists contended that there is reason to believe that the timetable for mangrove regrowth may well be longer than 20 years.

There are areas of sprayed mangrove forests in Vietnam defoliated in 1961 that still have shown no significant recovery.

Most of the defoliation has occurred along a strip extending from the northern boundary of South Vietnam through the center of the country halfway to the southern tip and also along the Ho Chi Minh Trail from Laos as it leads into South Vietnam. Defoliation on a smaller scale is being conducted in Thailand. The ecology of tropical forests is discussed in "A Legacy of Our Presence: The Destruction of Vietnam," prepared by the Stanford biology study group. The report states:

> Tropical forests and soils are very different from those in the temperate zone. Thus to understand the long-term effects of the war in Southeast Asia it is necessary to describe certain characteristics of tropical forests and soils.
>
> One such feature is the intricate interdependence of the plants and animals. For instance, the trees of tropical forests depend entirely upon insects, birds and bats (rather than wind) for pollination. Birds, bats and ground dwelling mammals are responsible for dispersing seeds from the parent plants to new clearings. These complex plant-animal relations have reached their greatest intricacy in tropical forests because of the mild and predictable climate. Animals can be active the year around because many flowering and fruiting trees provide food continuously. Massive defoliation means an end to this reliable food supply and death for those animals that are most important to the survival of the forest plants.

The U.S. defoliation program has set the stage for irreversible environmental damage. The flora and fauna depend on one another. If you destroy one, you almost inevitably destroy the other.

The study group also discussed the unique problem of laterization, or the irreversible hardening of soil no longer protected from the sun by foliage. The report stated:

> From 30 to 50 percent of Vietnamese soils are of a type which have the potential to turn into a brick-like substance, known as laterite, if they are deprived of the organic covering which protects them from exposure to severe weathering. The potential for laterization is greatest in areas which were already disturbed before herbicide application. Cropland, as well as bombed and bulldozed areas along roadways, fall into this category. The permanence of laterite is well illustrated by the Khmer ruins around Angkor Wat in Cambodia where many of the temples were constructed primarily of this rock nearly ten centuries ago. Obviously, laterized land is useless for agriculture.

More incredible than Operation Ranchhand where the popular slogan is "Remember, only you can prevent forests," the military dreamed up Operation Sherwood Forest and Operation Pink Rose. The rationale was that after defoliating a forest, fire raids similar to the fire bomb attacks on Dresden and Tokyo in World War II would completely decimate jungle areas of South Vietnam. As Thomas Whiteside wrote in his book "Defoliation":

The ultimate folly in our defoliation operations in Vietnam was possibly achieved during 1965 and 1966, when the military made large scale efforts in two defoliated areas to create fire storms—that is, fires so huge that all the oxygen in those areas would be exhausted. The apparent intention was to render the soil barren. (A fire storm would also, of course, have the result of burning or suffocating any living being in the area.) Operation Sherwood Forest, conducted in 1965, was an attempt to burn a defoliated section of the Boi Loi Woods. In October, 1966, the military began Operation Pink Rose, a similar project. Neither of the projects, in which tons of napalm were thrown down on top of the residue of tons of sprayed 2,4,5-T succeeded in creating the desired effect . . .

Before the U.S. Surgeon General banned the use of 2,4,5-T, the military took a hard line on the chemical's dangerous effects and maintained there was no correlation between the use of this defoliant and any hazards to human health.

On October 30, 1969, the Department of Defense stated in a press release:

The policy of the Department of Defense always has been to use Orange (a liquid solution of 2,4,5-T and 2,4-D) in remote areas away from the population. This policy is being reiterated and emphasized; additional precautions are being taken to insure that Orange is not used in populated areas.

This policy statement raises one crucial point. What does the phrase "away from population" mean? A recent column by Daniel Deluce of the Associated Press reports that in areas of the Mekong Delta where Americans fought "there are empty fields, cratered by bombs, growing only weeds, coconut palms killed by defoliants lean crazily. The farm houses have vanished." The most highly populated rural area in South Vietnam has been defoliated.

However, it is interesting to note that the Department of Defense planned to conduct a survey by going through Vietnamese hospital records to determine if there is a correlation between herbicides and the rate of miscarriages, still births, and fetal deformities. The study group concluded before they began that the study could not be conducted. The conducted a general survey that proved nothing. The report of the study is unclassified, but the Department of Defense refused to make it public, ostensibly on the basis of an agreement with South Vietnam. Nobody is to see the study until it is published. Yet in talking to Department of Defense officials, no one was sure even who in Defense could see it.

In spite of the Saigon and Hanoi newspaper allegations to the contrary, the military has steadfastly maintained that there have been no claims on South Vietnam or the United States for any health hazards caused by defoliants. At the same time, over $3 million in claims to property damage have been honored by the Government of South Vietnam and paid through counterpart funds by the United States.

Bionetics Laboratory conducted a study of the teratogenic or birth deforming effects of 2,4,5-T and 2,4-D in 1968. The results showed that both chemicals, the major defoliants in Vietnam, possibly have teratogenic effects. That study was not released until late 1969. The Federal Government took action only after a number of articles by Thomas Whiteside appeared in the New Yorker and only after the Senate hearings, "Effects of 2,4,5-T on Man and the Environment."

The international scientific commission that went into Cambodia in late 1969 to study the effects of defoliation on the environment that occurred earlier that year discussed in their report the health hazards defoliants have on animals. The study declared:

All of the interviews with the local inhabitants consistently disclosed that village livestock became ill for a period of several days soon after spraying. Whereas the larger animals (water buffaloes, cattle and mature pigs and sheep) became only mildly ill and all recovered, some of the smaller ones (chicken, ducks and young pigs) suffered more severely and in some cases were reported to have died. The domestic mammals were described as having digestive problems, whereas the domestic birds became partially paralyzed. Apparently many wild birds became similarly disabled and could be captured easily. There were also a number of small dead birds found at the time in the woods and fields.

An article in an April issue of the London Times stated that the British Forestry Service had also seen many paralyzed birds when they sprayed 2,4,5-T. This was in addition to the dizziness and nauseous feeling the people spraying had experienced themselves.

On ABC–TV, July 27, 1970, a program entitled, "The Poisoned Planet," which depicted the serious state of affairs in the world since the wide-spread use of pesticides and herbicides, showed several vivid shots of birds trembling helplessly in reaction to herbicide spray.

Dr. Jacqueline Verrett, who was instrumental in determining conclusively for the Food and Drug Administration that 2,4,5-T was teratogenic, has tested samples of orange and white and found that they both produced fetal deformaties in her laboratory experiments. The State Department has admitted that agent orange and white were used in the mysterious herbicidal attack on Cambodia last year.

The ad hoc independent scientific commission, when in Cambodia, interviewed many of the local inhabitants about human health effects from the mysterious spraying.

Many (people) spoke of widespread temporary diarrhea and vomiting, particularly among infants and to a lesser extent among the general adult population. At one location (Chipeang) water was trucked in for a time following spraying to provide uncontaminated water for the children. In those instances where the people depended largely upon deep wells for their water supply we received no report of human digestive problems.

The New York Times reported on June 6, 1969:

Many residents of the area (Fish Hook) reported to have been affected by the defoliatin suffered from diarrhea, vomiting and colitis.

Keeping these factors in mind, the anticrop program is particularly worthy of discussion.

The World Health Organization in its report, "Health Aspects of Chemical and Biological Weapons," published in 1970, defined chemical agents of warfare to include all substances employed for their toxic effects on man, animals and plants. They later added:

Very little is known about the chronic toxicity or long-term effects of anti-plant agents, for example, their teratogenicity or carcinogenicity. In this connection it must be borne in mind that the military employment of anti-plant chemicals may lead to their intake, by humans in water and food, in dosages far higher than those experienced when the same chemicals are used for agricultural and other purposes. While it may be untrue to say that the possibility of chronic toxicity has been entirely ignored, it cannot be said that it has received anything approaching adequate study.

On both the political and military level, the anticrop program is a dangerous facet of environmental warfare because it can be directed in a punitive way and bring about starvation in a massive and indiscriminate manner. Who is to say when some nation will decide to use it for that purpose too?

During last April and early May 1969, 173,000 acres or 270 square miles of the Fish Hook area of Cambodia was sprayed with defoliants, confirmed to be agents orange and white. The Cambodian Government subsequently claimed $8.7 million—now $12.2 million—in compensation from the United States for heavy damage to 37,000 acres of rubber and fruit trees several miles inside the border. Because this was an international incident, the State Department sent a governmental team of technical experts to Cambodia to assess the damage.

The State Department unequivocally denied U.S. involvement in the incident and that no other party could be found at fault. One is entitled to wonder who else in that war has the planes and equipment to engage in this kind of warfare?

The report to the State Department of July 1969 concluded that—

Defoliation of rubber, fruit and forest trees farther north (of the Cambodian border) was probably caused by a direct spray application by an unknown party. . . .

Thomas Pickering, Deputy Director, Bureau of Political-Military Affairs, Department of State, submitted the following statement to the House Subcommittee on National Security Policy and Scientific Developments in December 1969, that—

The greatest part of the damage was caused by a deliberate and direct overflight of the rubber plantations.

In contrast, the Department of Defense on May 22, 1970, asserted that—

The defoliation of Cambodia was neither punitive nor in preparation for military action.

How could the DOD maintain that it was "neither punitive nor in preparation for military attack," while Pickering, speaking for the State Department, asserted that the defoliation was "deliberate?" Since the official position is that the United States was not found culpable, it is, indeed, surprising that the State Department is still considering the claim. The State Department and the DOD could not determine the intent of the mission unless they know about the origin of the mission.

Finally, Mr. President, I refer to the second part of the environmental warfare amendment, which states that the United States shall be prohibited from entering into or carrying out any contract or agreement to provide agents, delivery systems, dissemination equipment or instruction for the military application of anti-plant chemicals.

In other words, the amendment would not allow our country to turn over to the South Vietnamese or any other country this indiscriminate weapon of warfare.

The indiscriminate, extensive use of herbicides is further compounded by the fact that, even while a proposed study is underway to examine the effects of the antiplant chemicals, the U.S. Armed Forces are in the process of turning command and control of the herbicidal program over to the South Vietnamese as part of the administration's Vietnamization plan.

With such little scientific knowledge available on the environmental implications of the use of herbicides, this nation cannot be permitted to allow the proliferation of this dangerous kind of environmental warfare, especially proliferation into the hands of the South Vietnamese Government.

General Blanchard, in his Senate briefing of April 29, 1970, asserted that the United States was considering how to transfer the herbicidal program to the South Vietnamese. The DOD letter of May 22, 1970, to the committee on CBW, composed of Princeton University students, stated quite the contrary:

When the United States instituted a ban (April 15) on the use of 2,4,5-T in military operations, the South Vietnamese government instituted a similar ban. The United States will not supply 2,4,5-T to SVN or other governments until the problem of teratogenic effects has been resolved.

Clearly, before General Blanchard had made his presentation, the United States had been supplying herbicides for military application to South Vietnam. It appears from the DOD statement that we were providing agent orange to other governments, which raises even graver issues.

The forcing function of technology has allowed the introduction of a new form of warfare. A type that is of questionable military value, ecologically and biologically damaging and politically explosive. We have to develop new attitudes so that we will not automatically equate technology with progress and efficiency and will not see it as a panacea to cure the problems of the Nation and the world.

The entire planet is facing an environmental crisis because progress for the sake of progress became the standard for success. In the wake of this mad rush to accomplish and be successful, man has violated earth with his impatience.

Technology and science provided the short cuts to eliminate pests with pesticide compounds that were used indiscriminantly and man irritated and surprised when he found that the chemicals were destroying and threatening to destroy other forms of life.

He dumped the wastes of his advanced civilization into the water systems and seas and was irritated and surprised to learn that the waters of the water planet had a saturation point.

He exhausted the fumes of his industries and his motors into the thin envelope of air surrounding the planet and was irritated and surprised when the air became clogged and choked many of his major cities.

Now there is a new advancement. Chemical compounds have been found that can destroy plants that man finds undesirable along his roads and highways. Science and technology have produced chemicals that efficiently and economically can be used militarily to destroy the foliage suspected to be hiding an enemy or kill the crops believed grown to feed him.

Unfortunately, like so many other of the rapid advancements of his society, man created another potential for disaster. By engaging in warfare on the environment this country has taken the leadership in conducting a long range warfare on man himself and future generations, friend and enemy alike.

Mr. McINTYRE. Mr. President, I have listened to the remarks of the distinguished Senator from Wisconsin (Mr. NELSON) with a great deal of interest. The military use of herbicides for defoliation and crop destruction in Vietnam has been a source of controversy almost since it was initiated in 1962. I myself have had some doubts about the wisdom of the herbicide program about its possible effects on civilian elements of of the Vietnamese population, about its long-term ecological consequences, and about its implications for a wider use of chemical and biological warfare agents.

The present Nelson-Goodell amendment is the product of similar doubts. It would cause a termination of the herbicide program, also banning a resumption at any time in the future. On the surface there is much which commends it to me. I might even like to support the amendment. It appeals to one's emotions.

But in all good conscience, I cannot do so. For whatever the possible side effects of our herbicide program, its primary contribution is indisputable: it has saved the lives of Americans in Vietnam. As long as our participation in this tragic war continues, this is, to me now, an overriding consideration.

The Armed Services Committee knew, during its deliberations on the present bill, that our herbicide program would be an issue once the bill reached the floor. Accordingly, it subjected the program to a thorough examination, in an attempt to reach an independent conclusion as to whether it should be continued.

Before proceeding to a determination of this basic question, the committee sought to define with care the precise scope of its inquiry. There were two issues, it decided, which could best be left out of the debate.

One was the consistency of our herbicide program with the terms of the Geneva protocol. As you know, the United States is one of the very few nations of the world which maintains that herbicides are excluded from the protocol's chemical warfare ban. The committee decided to eliminate this issue because it will itself be presented to the Senate sometime in the very near future, now that the protocol has been sent over for a vote on its ratification. That would be the proper time, the committee felt, to weigh in detail the arms control implications of our herbicide program. To inject that issue here would not serve to erase the policy we have followed. And it could only prevent a clear consideration of the more immediate issues.

A second issue which the committee chose to put aside was the wisdom of our overall Vietnamization policy. Not only is this another matter on which we will vote quite shortly, there is good reason not to allow one's attitude toward Vietnamization to determine one's position on herbicides. Whether we should get out of Vietnam is one question, the protection to be afforded our troops if we stay itself a very different one.

In the committee's view, a decision on our herbicide program thus required a weighing of conflicting considerations: the possible ecological and physiological dangers inherent in the program's continuation, on the one hand, and the military implications of its termination on the other.

Let us look first at the possible adverse side effects.

There have been many claims of possible long-term ecological dangers from the use of chemical defoliants. These include: First, laterization of the soil—its conversion to hardened, infertile form—Second, permanent destruction of mangrove swamp forest—Third, poisoning of aquatic life.

A study of the ecological effects of defoliation in Vietnam was undertaken in 1968 by Dr. Fred H. Tschirley, of the Department of Agriculture, who was invited to conduct the study by the Department of State and the Department of Defense. A report on his observations was made at a convention of the American Association for the Advancement of Science—AAAS—and was published in their weekly journal Science—volume 163, February 21, 1969. I ask unanimous consent that the article be printed in the RECORD at the close of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McINTYRE. Tschirley found no evidence that laterite soil was being produced as a result of our defoliation program. While acknowledging that laterization was a long-term process, he also

expressed doubt that defoliation would produce it over time. The main reason he cited was the fact that bare soil does not result from defoliation. While some trees and brush may be killed, the grassy ground cover survives and indeed grows rapidly when exposed to the greater sunlight which defoliation allows to get through. Thus Tschirley concluded that while 30 percent of the soils in Vietnam indeed have a potential for laterization, laterite was not a predictable result of our herbicide program in that country.

Tschirley also found no evidence that mangrove swamp associations—found frequently along waterways in Vietnam—would themselves be permanently damaged. Surveys of defoliated mangrove areas have shown definite signs of regrowth after 6 or 7 years. While full recovery of mangrove areas may take as long as 20 years, Tschirley found no reason to doubt that eventually it would occur.

Nor did he find any evidence of adverse effects on the aquatic food chains—such as shellfish and migratory fish—dependent on mangrove areas for their existence. He noted that the increased fish catch in the mangrove areas indicates that no damage has occurred. Moreover, care has been taken not to destroy all of the mangrove in any particular area, so that germination of seed from the established forest could go on.

The Defense Department has also conducted many other studies to minimize possible danger of its herbicide program.

Five years have been spent together with the Department of Agriculture, studying the effects of herbicides in areas of Puerto Rico and Texas, areas similar to portions of South Vietnam. A year's study was also made on experimental plots in South Vietnam. Moreover, a botanical survey of South Vietnam has been compiled and on several occasions Department of Defense and Department of Agriculture scientists have gone to Vietnam to search for evidence of adverse ecological change. The Agency for International Development of the Department of State has also made such surveys, utilizing consultants from universities, the Department of Agriculture and the U.S. Forest Service. Several years have also been spent on studying the effects of herbicides on experimental plots in Thailand. These studies have been published in the open literature.

Additionally, the United States has reviewed the experience of and studies conducted by other nations, which have employed herbicides domestically. For example, herbicides have been used extensively in rubber and oil-palm plantations in Malaysia for over 20 years at an application rate 5 to 6 times those used in Vietnam. The herbicide operations in Malaysia were conducted to kill old nonproductive trees and jungle vegetation in preparation for planting new trees. As the program of herbicide usage has continued in Vietnam, nearly continuous review has been made of the resulting effects. All of the information available indicates that herbicides are not concentrated in soil or water, nor to any appreciable degree in plants.

During the past year, however, a concern about the possible ecological side effects of our herbicide program has largely given way to a new concern over the teratogenic, or fetus-deforming properties of herbicides in use in Vietnam.

What precipitated this concern was a report by Bionetics Research Laboratories that 2,4,5-T caused abnormal fetuses in mice, rats, and chicken embryos. 2,4,5-T is present in agent orange, the agent most heavily used in the herbicide program for most of its duration.

The initial Bionetics report precipitated a major controversy. It was argued, for example, that the teratogenic properties in question were the result not of 2,4,5-T but a dioxin contained in the specific test samples used.

More recent research by the Departments of Agriculture and HEW has convincingly exploded this theory and has shown 2,4,5-T to indeed be teratogenic. This research has also raised questions as to the possible teretogenicity of 2,4-D, which is contained in agent white, the main substitute for agent orange now available to the Defense Department.

These findings have given rise to a review of the herbicide program within the Defense Department. The use of agent orange has been officially suspended in a move paralleling restrictions placed on the domestic uses of chemicals containing 2,4,5-T by the Agriculture and Interior Departments.

The Defense Department has declined to indicate under what circumstances the use of agent orange might be resumed or the use of agent white itself suspended. It claims that its present suspension of agent orange was a precautionary move, pending further study, and that a resumption of its use would not clearly pose a threat to the health of Vietnamese civilians.

In support of this contention, the Department argues that animal data cannot be directly extrapolated to humans. Even if humans were similarly susceptible—itself a point to be established—far larger doses would be required to produce the same effects. The Department contends that the danger to a Vietnamese woman would depend on the quantities of contaminated water she drank for about 3 months during the middle of her gestation period, and that it is highly unlikely that she could drink a sufficient amount to put her in serious danger. Assuming an extensive rainwater collection system, the Department estimates that the required level of contamination could not arise unless the area in question were sprayed every few weeks. Since an area is normally sprayed only once during any 6- to 9-month period, this postulated condition would be virtually impossible to attain in the Department's opinion.

The Department notes, also, that not a single incident of verified malformed births from herbicide operations has uncovered during the entire 8 years of the program's existence. An intensive examination of hospital records in Vietnam has been initiated, but the results have not yet been completely collated. Preliminary indications, however, point to a birth defect rate essentially unchanged from the predefoliation era. In addition, an examination in December 1969, of the hospital records in Mimot, Cambodia showed no increase in birth defects as a result of the accidental spraying of rubber plantations in the area which occurred in April 1969.

While the committee is heartened that no evidence of birth defects from our herbicide program has been uncovered, it commends the Department's decision to suspend the use of agent orange in its program. It hopes that the Department will continue to show a similar strong concern about the potential side effects of its defoliation activities in the future.

In determining whether or not to recommend a termination of the herbicide program in Vietnam, the committee had to weigh against the potential ecological and physiological consequences just considered the military implications of the program's cessation. The committee concluded that these implications could be serious. For there can be no doubt that the program has been of critical importance in saving American lives.

Consider for a moment some of the uses to which defoliants are put:

First. Perimeter defoliation. Herbicides have been used to restrict the growth of high jungle grass, bushes, and weeds around base camps and fire bases. Their use in this manner provides fields of fire for and prevents surprise attacks on friendly forces in such areas.

Second. Defoliation of lines of communication. Defoliation of heavy growth along roads and canals serves a similar function. It permits aerial surveillance ahead of moving forces and minimizes the possibility of concealment from such forces themselves, thus reducing the risk of ambushes.

Both of these uses of defoliants have been questioned. It has been claimed that defoliation merely permits the enemy to attack with heavier weapons and robs friendly forces of cover if they are attacked.

What this view overlooks is the crucial importance of providing observation out to 200 or 300 yards, thereby denying the enemy a close-in, concealed ambush position.

Any soldier will tell you that it is easy, with a rifle or machine gun, to hit a target up to 100 feet away, but that it becomes increasingly difficult to hit one at 600 to 1,000 feet. The critical period in an ambush is the first 10 to 15 seconds, after which evasive action and counter-ambush fires will reduce its effectiveness. The inaccuracy of distant fires—even with heavy weapons—gives our troops a chance to survive the first few critical moments and then overcome or evade the enemy forces.

Third. Defoliation of infiltration routes. Areas used by the enemy as routes of approach, resupply or movement are important targets for herbicide spray. Defoliation of these routes permits aerial observation and allows better detection of enemy units and their resupply activities.

Fourth. Defoliation of enemy base camps. Spraying of enemy base camps is used to expose them to aerial obser-

vation, after which either the enemy himself or his bunkers, living quarters, and other facilities can be destroyed.

The effectiveness of these two defoliation uses has been questioned on the grounds that they seldom produce direct military contact. The enemy is usually gone by the time the area sprayed has actually been defoliated.

But this absence of contact itself can be a measure of the defoliation's effectiveness. To cite just one example, in Sa Dec Province a major VC base was defoliated in August 1968. After defoliation, an ARVN battalion was able to remain overnight in the area for the first time in 5 years. Many enemy bunkers were opened to observation and destruction. Since the defoliation, the VC presence has decreased to the point that only regional and popular forces are now necessary for local security.

Fifth. Crop destruction. The Department of Defense claims that crop destruction has been a small but important part of the herbicide program. It notes that the crops destroyed have never exceeded 1 percent of Vietnam's annual food supply and that great care is taken to attack crops known to be grown by or for the enemy himself.

The committee is aware of the fact that studies of the effectiveness of our crop destruction program have reached conflicting conclusions. A Rand Corp. study, conducted at the Department's request, concluded that the program was largely counterproductive, given its alienation of the civilian population. At the same time, captured enemy documents have revealed that Vietcong and North Vietnamese units have been put on reduced rations and forced to divert tactical units from combat missions to food-growing and food-transportation operations as a result of the program. The committee expresses no judgment of its own regarding this conflicting evidence. It did not feel competent, however, to second-guess the experience of our military commanders who almost to a man believe that the program is effective on balance.

Mr. President, there can be no doubt that these uses of herbicides in Vietnam have protected friendly forces, conserved manpower, and thereby saved American and South Vietnamese lives. I could cite many specific examples where this has been the case, but two should be enough to dramatize my point:

First. Helicopter defoliation operations were conducted in 1968 against infiltration routes and mortar and rocket sites in the vicinity of Pleiku City. Aerial observation of the area is now possible and Pleiku has not experienced mortar or rocket attacks since the area was defoliated.

Second. A portion of National Highway No. 4 in Phong Dinh Province was defoliated in June 1968. This mission was conducted after a series of missions against GVN convoys and troop movements. The target area consisted primarily of coconut palms and banana trees that had been abandoned for several years. The vegetation had become so dense that convoy security elements were unable to see more than 5 meters into the underbrush. It required three companies of regional and popular forces and an armored cavalry troop to secure the target during the helicopter spraying. Since defoliation, convoys have used the highway two to three times a week without attack or harassment. Only one platoon of popular forces is now required to provide local security to the nearby hamlet and the highway.

Against this background, the committee had no alternative but to recommend against a complete cessation of our herbicide operations.

At the same time, however, it believed that the potential side effects of our herbicide program—especially the physiological effects surfaced in the past year—themselves demanded serious attention. A twofold response to these potential effects was necessary in the committee's view.

One was a detailed study of the side effects themselves. While no hard evidence of serious dangers from our use of herbicides in Vietnam has yet been uncovered, no really comprehensive study of their use has yet been made. Dr. Tschirley's investigation, for example, was of only 1 month's duration and his access to many areas was restricted by battlefield conditions. His study, moreover, was made 2 years ago, immediately after the scope of our herbicide program expanded to a significant level. Far better evidence of the long-term effects of the program would be available at the present time.

The committee was of the opinion that any study, to be authoritative, would require adequate funding and time and would have to be conducted by an unimpeachable group. Dr. Philip Handler, President of the National Academy of Sciences, graciously consented to have the Academy undertake the investigation. He has given me his personal assurances that the investigating group will me representative of a wide spectrum of political views regarding herbicides. Funds for the study, to whatever extent necessary, are to be provided from the fiscal 1971 CBW budget of the Department of Defense. Its results are to be furnished first to the Secretary of Defense and then to the Congress by March 1, 1972. In light of the planning which a comprehensive study will entail, and in light of the dangerous conditions under which it will be conducted, the 18-month time provided is essential if its integrity is to be assured.

The main focus of the study, in the committee's view, should be on the effects of our herbicide program in Vietnam itself. But laboratory studies, to the extent needed to evaluate field data and to resolve any issues affecting our basic policy are also strongly encouraged.

In addition to further study of our herbicides program, the committee felt it was important to restrict the use of herbicides to situations in which they were clearly dictated by military needs. The committee has been assured by the Department of Defense that the herbicide operations programed for fiscal 1971 are at a level only 25 percent as large as the level at which such operations have been conducted in this past 2 years. All but the most essential operations will be eliminated. In light of these assurances, as well as the Department's commendable action in suspending use of the agent orange, the committee decided that legislation specifically limiting these operations was not required for now. Such legislation might well detract from the flexibility required for optional decisionmaking.

Mr. President, I would like to comment in conclusion on an article by Dr. Pfeiffer and Dr. Orians which was inserted in the RECORD on July 16 by the distinguished Senator from Wisconsin (Mr. NELSON).

This article was based on a visit to Vietnam by these two gentlemen and questioned the value of the defoliation program in light of the ecological consequences. It should be noted that in a press interview in New York upon his return, which was later reported in the April 4, 1969 edition of the New York Times, Professor Pfeiffer expanded somewhat on his report. He observed that it was completely unrealistic to expect military commanders to abstain from defoliation actions. "There is no question about it," he said, "they save American lives." On a 65-mile journey by armed boat from Saigon to the sea, he said, "We scarcely saw a living plant." However, he added, that had the vegetation not been destroyed, he and his companion would probably not have returned alive.

Mr. President, the same may be true of many American boys now serving in Vietnam if the present amendment is passed. Accordingly, I must vote against it and urge my colleagues to do the same.

EXHIBIT 1

DEFOLIATION IN VIETNAM—THE ECOLOGICAL CONSEQUENCES OF THE DEFOLIATION PROGRAM IN VIETNAM ARE ASSESSED

(By Fred H. Tschirley)

(NOTE.—The author is assistant chief of the Crops Protection Research Branch, Crops Research Division, Agricultural Research Service, U.S. Department of Agriculture, Beltsville, Maryland. The assessment and report on which this article is based were prepared by the author when he served as an adviser to the U.S. Department of State. That report was released in September 1968 by the U.S. Embassy in Saigon.)

An assessment of ecologic consequences of the defoliation program in Vietnam was undertaken at the request of the U.S. Department of State. This article is based on a report made as a part of an overall review of the defoliation and crop destruction programs in Vietnam.

The timetable for completion of the policy review required submittal of a report 1 month after my arrival in Vietnam on 15 March 1968. The period from mid-March to mid-April was the end of the dry season when many tree species are naturally defoliated. This added to the difficulty of determining the effects of herbicides on vegetation.

The dry season, the short time available, and the difficulty of making on-the-ground observations were restrictive for an ecologic evaluation. Thus, this report is not a detailed analysis, but an assessment based on the observations that were possible and on discussions with foresters and others knowledgeable about the local situation. The observations were supported by scientific reports and personal research experience in ecology and the effect of herbicides on vegetation in temperate and tropical America.

There were no constraints placed on what

I was permitted to see in Vietnam nor on what I reported. Some areas and vegetative types could not be visited because there was not adequate time, or because safety could not be assured in areas of military activity. In other areas, inspections were limited to aerial observations because the sites were not sufficiently secure to permit ground assessments. Civilian and military elements of the U.S. mission in Vietnam gave me all the help and cooperation that was possible. The military provided aircraft for aerial surveys of defoliated and nondefoliated forests, arranged transport to Special Forces camps and a security force for observations from the ground, arranged briefings on all aspects of the defoliation program, and made available whatever records I wished to see on where and when forests were sprayed with defoliants. Civilian elements of the U.S. mission provided background information based on their experiences in Vietnam, aircraft for additional aerial surveys, introductions to Vietnamese foresters, and background material needed for writing my report. Probably the best indication of the lack of constraints on my activities was that the report which I prepared was released, without a word having been changed, by the U.S. mission in Saigon.

This article is essentially the same as the report I prepared in Vietnam. Some material has been deleted because of space limitations, but my observations and conclusions do not differ from the original report.

DEFOLIATED AREAS SURVEYED

Time did not permit a survey of all the defoliated areas in Vietnam. Therefore, my observations were limited to those areas where large blocks of forest had been sprayed with herbicides. The ecologic consequences of the defoliation program would be expected to be most evident and most readily definable in such areas.

The most intensive defoliation treatments in the mangrove vegetational complex have been applied in the Rung Sat Special Zone, an area that surrounds the shipping channel into Saigon. Defoliation of the mangrove was started in 1966, but most of the defoliation flights were made after June 1967. A block of about 460 square kilometers had been treated by the end of January 1968. The Rung Sat Special Zone was surveyed from a helicopter ranging in height from treetop level to about 1000 feet. Mangrove on the Ca Mau peninsula was surveyed from a C–123 flying at about 2000 feet. This flight also permitted a survey of a 1962 herbicidal treatment of mangrove on both sides of the Ong Doc River.

The most intensive defoliation treatments on upland semideciduous forest have been applied in war zones C and D and in the Demilitarized Zone. My efforts were limited to war zones C and D. War zone C is northwest of Saigon between the Song Be River and the Cambodian border; war zone D is northeast of Saigon between the Son Be and Song Dong Nai rivers. Blocks of about 920 and 1920 square kilometers have been sprayed in war zones C and D, respectively. Some areas within those blocks have received two to four treatments.

Defoliation in the semideciduous forest was observed from two relatively high-level flights in fixed-wing aircraft, six high- and low-level flights in helicopters, and observations from the ground in forests surrounding the four Special Forces camps of Thien Ngon, Katum, Tong Le Chon, and Bo Dop. Several hours were spent in the forest at each location to assess defoliation, refoliation, successional patterns, and to get an idea of the possible effects of the defoliation on wildlife. In addition to my own observations, men at the camps were questioned regarding the effect of defoliation on their operation, their impressions about the relative difficulty of human movement in the forest (a rough measure of the density and composition of the understory vegetation), and sightings they had made of wildlife.

EFFECT OF DEFOLIATION ON CLIMATE

Not uncommonly one hears that large-scale modification of vegetation (forest to savanna or grassland, for example) or the vegetable denudation of an area will cause a change of climate, particularly in the amount of rainfall. The theory behind this statement is that as forest is converted to grassland or the soil is bared of vegetation, the evapotranspirational surface is reduced, and thus there is less moisture released to the atmosphere for subsequent precipitation. The fallacy of the theory is readily apparent when one considers the vast scale of atmospheric air flow, with the moisture it contains, and the relatively insignificant reduction in moisture that might be caused by reduced evapotranspiration from a small area. Some simple calculations point out the fallacy of the theory more explicitly.

By applying the reasoning used for an arid area (1), let us apply some simple calculations to a forested area that is 100 kilometers on a side. If we assume, conservatively I think, that the total moisture in a vertical column of the atmosphere above the area has a depth of 3 centimeters and the air mass is moving over the area at a rate of 5 kilometers per hour, we can calculate that moisture is passing over the area at a rate of 4.17×10^9 grams per second. Now let us further assume that our hypothetical forest has been entirely denuded of vegetation and we reasoned that it may have been contributing 10 percent to the total atmospheric moisture. In other words, we expect a 10-percent decrease of rainfall after the vegetation is removed.

Ten percent of the total atmospheric moisture would be 4.17×10^8 grams per second. In other words, our hypothetical forest would have to be contributing moisture to the atmosphere at a rate of 1.1×10^8 gallons per second. Such a figure is unreasonable. If we carry this calculation further and consider one tree with its branches in the upper or middle canopy for each 10 square meters, then evapotranspiration from each such area would have to be 417 milliliters per second. That is far beyond the measurements that have been made for salt cedar (*Tamarix pentandra*), one of the heaviest users of water (2).

The work of Ohman and Pratt (3) also lends itself to this discussion. They measured dew point over and downwind from a desert irrigation project covering some 100,000 acres near Yuma, Arizona [annual precipitation about 3 inches]. Despite application of annual totals of from 5 to 10 feet of irrigation water on this area extending some 20 miles parallel to prevailing winds for the summer months studied, all influence of the irrigated fields upon crop-level dew points became immeasurably small only 100 feet to the lee of the downwind edge of the entire area. And at 12 feet (3.6 meters) above the crop level, dew points were not measurably increased even at points inside the irrigated acreage. These measurements were made under midday conditions in July and August when monthly totals of irrigation varied between about 0.7 and 1.5 feet of applied water. These measurements show the small effect that artificial measures have on atmospheric moisture content.

My conclusion is that defoliation in Vietnam has no significant measurable effect on atmospheric moisture and thus would have no effect on precipitation.

Another point that refutes the evapotranspiration-precipitation theory is that water molecules are not motionless in the atmosphere. Sutcliffe (4) estimated that the average time between a water molecule's evaporation into and its precipitation from the atmosphere was about 10 days. Thus, from consideration of the mean wind speed, the average water molecule must drift several hundred miles before it is precipitated.

Extensive defoliation would be expected to change temperature patterns through a forest profile simply because there would be less shielding of direct solar radiation. In addition, the average wind speed would be greater in a defoliated than in an undefoliated forest. These two factors probably would not have a great effect on higher plants and animals, but might temporarily affect lower life forms that are more dependent on specific microclimatic niches for growth and survival.

EFFECT OF DEFOLIATION ON SOILS

One of the principals fears about exposing soil in the tropics is the possibility of increased laterization. The term laterite generally refers to an indurated concretionary deposit, high in iron or aluminum oxide content, which has formed in place by the weathering of rocks. True laterite hardens irreversibly. Laterite has been found to be best developed when the following conditions exist (5). (i) the climate must have high rainfall and uniformly high temperatures. (ii) The topography must have been fairly gentle, peneplain in nature. (iii) A well-drained soil must have been present. This is usually an alluvial soil, but soils high in iron content may be an exception. (iv) There must have been a uniformly fluctuating water table which had a definite low level during the dry season. (v) Stable geological conditions must have existed for a long time.

About 30 percent of the soils of Vietnam have a potential for laterization (5). Many of the red soils of Vietnam (often confused with laterite) dry out and become hard but soften again when wet. The soft doughy laterite, which hardens to a rocklike material when exposed to alternate wetting and drying, is not found in significant amounts in Vietnam.

Two kinds of lateriate are found in Vietnam Wormhole laterite is generally consolidated and occurs as massive beds, commonly at the bottom of a 1- to 30-foot layer of well-drained soil. It is red to brown in color, and has a sloggy appearance due to numerous holes, often interconnecting, and thus facilitate the passage of groundwater. Wormhole laterite occurs throughout most of the Mekong Terrace region, in soils of both forested and cultivated areas.

Pellet laterite is unconsolidated and occurs as small pellet-like concretions in an iron- or aluminium-rich soil. The hard concretions are usually surrounded by fine-grained material that is generally clayey when moist. The coarser particles in this fine-grained material are commonly iron-stained quartz sand. Pellet laterite occurs on the iron-rich basalt plateau soils of the Mekong Terrace, the basalt plateau of Ban Me Thuot, the extreme western edge of the high plateau west of Pleiku, and in a small area around Quang Ngai. Pellet laterite has been observed forming on the metamorphic rocks near Bong Son and on some of the rocks near Qui Nhon. It is likely that wormhole and pellet laterite could occur in the northeastern coastlands, but this has not been substantiated by field studies.

Laterization under natural conditions is a long-term process. The process is accelerated when soil is exposed to direct solar radiation and wind. I do not find it reasonable to conclude that the defoliation program in Vietnam would hasten the laterization process significantly because bare soil does not result from defoliation. It is possible, however, that laterization will be accelerated around base and Special Forces camps where the soil is maintained free of vegetation.

The amount of erosion that occurs as a consequence of defoliation depends on soil

type, topography, relative degree of vegetative cover, and amount and intensity of rainfall. In general, erosion is greatest on steep slopes of bare soil, decreasing as slope decreases and as vegetation becomes more dense. It was not possible to examine defoliated forest in mountainous terrain for evidence of accelerated erosion. I did not detect such evidence during flights over the defoliated areas. Gully and sheet erosion were noted around camps where there was little or no vegetation, regardless of whether or not those areas were sprayed.

The possibilities of flooding or of changes in the water table as a result of defoliation are subjects that need careful consideration. The replacement of woody vegetation with grass in the southwestern United States has resulted in perennial flow of streams that were only intermittent before and also in the flow of springs that had been dry for many years. There are cases where harvesting trees increased stream flow (6) and where clear-cutting resulted in a marshy condition unsuitable for desirable timber species (7). I mention these points because they have occurred elsewhere and could conceivably occur in Vietnam. But I do not know the local situation well enough to make a reasonable assessment of that probability.

Microorganisms are an essential feature of the soil system. A herbicide that killed the microorganisms would have a severe effect on soil ecology. What are the possibilities of destroying the microbial population in the soil with the chemicals being used for defoliation in Vietnam?

The code names for the defoliants used in Vietnam are Orange and White. The constituents of Orange are the normal butyl esters of (2,4-dichlorophenoxy)-acetic acid and (2,4,5-trichlorophenoxy)acetic acid, better known as 2,4–D and 2,4,5–T, respectively, in a 1: 1 ration. The constituents of White are triisopropanolamine salts of 2,4-D and picloram (4-amino-3,5,6-trichloropicolinic acid in a 4 :1 ration. There seems to be no danger that any of the three chemicals will kill microorganisms. Actually, numbers of soil microorganisms capable of inactivating 2,4-D apparently increase when 2,4-D is present in the soil. Thus, repeated applications of 2,4-D were less persistent in soil than the initial application (8). There are no reports, suggesting that the effect of 2,4,5-T on microorganisms is significantly different from that of 2,4-D. Picloram does not destroy soil microorganisms, but neither is the microbial population enriched as a result of picloram application. Thus, picloram cannot be considered a good energy source for microorganisms. The decomposition of picloram is an incidental process in the breakdown of soil organic matter, requiring the loss of approximately 10,000 to 100,000 pounds of organic matter per pound of herbicide (9).

EFFECT OF DEFOLIATION ON PLANT AND ANIMAL POPULATIONS

The chemicals 2,4-D and 2,4,5-T are highly selective herbicides, but picloram is somewhat less selective. Not all plant species react similarly to them. The differential susceptibility may be a function of such factors as time of treatment, nature of the leaf surface, variable capacity for absorption and translocation of the herbicide, biochemistry of the plant, or the nature of the herbicide itself. Some established annual and perennial grasses are tolerant to rates of application used in the Republic of Vietnam (RVN). Thus, in any vegetative type, one would expect that some species would not be killed; some would be killed easily; others with difficulty. Most species in the mangrove association are highly susceptible to the herbicides being used for defoliation in Vietnam, and thus represent an exception to the general rule. For that reason, and because the mangrove association presents a different set of ecological considerations than the semideciduous forest does, each will be discussed separately.

MANGROVE FOREST

Botanical considerations. The mangrove association is relatively simple floristically. The principal species include: *Avicennia marina, A. intermedia, Rhizophora conjugata, Bruguriera parviflora, B. gymnorhiza, Ceriops candolleana Nipa fruiticans, Phoenix* spp., *Lumnitzera coccinea, Sonneratia acida, Melaleuca leucadendron, Excoccaria agallocha, Carapa obovata, and Acronychia laurifolio.*

Other plant species are represented in the mangrove type, but they are of lesser importance. Bamboo was not observed in the mangrove association.

Susceptibility to herbicides. The mangrove species seem to be almost uniformly susceptible to Orange and White, the herbicides used for their control in Vietnam. An exception is *Nipa fruticans,* which is reported to be resistant to White. Strips of mangrove on both sides of the Ong Doc River, sprayed with Orange in 1962, were of particular interest. The treated strips were still plainly visible. Thus, one must assume that the trees were not simply defoliated, but were killed.

Successful aspects. The mangrove type in the Republic of Vietnam occurs on about 2800 square kilometers (10). *Avicennia marina* is the pioneer species of the mangrove type, colonizing on the clay accretion areas at the sea face. At the 5th and 6th year *Rhizophora conjugata, Bruguiera parviflora,* and *Ceriops candolleana* will develop where there has been partial stabilization of the soil. At about the 20th year *Rhizophora* and *Bruguiera* will dominate the site. From that point on, further succession depends on the degree of silting and the consequent decrease of water circulation. As organic matter accumulates, conditions are created for the advent of other species into the mangrove complex. The final stage in the mangrove type is the cajeput (*Melaleuca leucadendron*) found on the highest, most stable soil above high tide.

Seed production of mangrove species is annual and abundant to prolific, with seeds viviparous or otherwise, of high germinability and capable of remaining viable for long periods (11). Germination and rooting are usually rapid and successful. In some locations, when the seeds are able to settle as a result of favorable water conditions, natural regeneration may become successfully established in less than a year. The movement of the water, however, may not only bring in seeds but may also carry them away before they can take root.

The most serious animal pest is the crab, which may entirely prevent regeneration by attacks on seedlings (12). In Malaya two species of *Acrostichum* (a fern) may hinder the establishment of waterborne seedlings. The fern grows and spreads rapidly when the tree cover is removed. McKinley (10) mentions two ferns (Choai, a creeping form; Don, an erect form) as occurring in the climax mangrove, but does not comment on their possible interference with regeneration.

Ecological considerations. According to the timetable discussed by McKinley, about 20 years are required for the establishment of a dominant *Rhizophora-Bruguiera* association. That timetable was established for a situation in which newly silted areas were colonized by *Avicennia* and then were replaced by *Rhizophora-Bruguiera.* It is not unreasonable to suspect that the same timetable might apply to areas in which the trees had been killed by herbicides. Dead trees do not hold soil as well as living trees do. The amount of soil removed would depend on the rapidity of tidal recession, which is unknown to me. The greater the amount of soil removed, the greater would be the time required for regeneration of a mangrove stand similar to the original.

The regeneration of mangrove since the 1962 treatments along the Ong Doc River was observed from an aircraft flying at 2000 feet (600 meters). Regeneration was apparent as fingers extending into the treated strip, but I could not determine whether regeneration had occurred across the entire breadth of the treated strip.

In the mangrove areas treated in 1962, trees of the colonizing species were not yet discernible from 600 meters on all the treated area. Thus, if the information provided by McKinley is extrapolated, 20 years may be a reasonable estimate of the time needed for this forest to return to its original condition.

There is little information available on the effect of killing mangrove on animal populations. In that regard, I considered the food chain among aquatic organisms. Although it was not possible to obtain information on the many links in the food chain, phytophagous and carnivorous fish would be near the top of the food chain. Disruption of lower links in the chain might be expected to reduce fish populations.

Information on fish populations is based on fish catch statistics provided by the Fisheries Branch of U.S. Agency for International Development (AID) (Table 1).

TABLE 1.—THE TOTAL CATCH, IN METRIC TONS, FOR THE PAST 3 YEARS IN THE REPUBLIC OF VIETNAM

Year	Fish		Others[1]
	Freshwater	Marine	
1965	57,000	289,000	29,000
1966	64,710	287,450	28,340
1967	54,300	324,700	31,700

[1] Including cuttlefish, mollusks, shrimp, crabs, and the like.

Fish catch appears to have been increasing. The drop for freshwater fish in 1967 was at first a cause for concern. But the assistant chief of inland fisheries explained that the reduction was due to an absence of flooding in the Mekong Delta in 1967. When flooding does occur, fish are trapped in rice paddies and fishermen have no trouble catching them.

The statistics on the fish catch give a strong indication that the aquatic food chain has not been seriously disturbed. Data comparable to those available for fish were not available for birds and other animals.

The application of herbicide in strips or in a checkerboard pattern rather than large-area treatment would have an ecologic advantage. The trees remaining in untreated strips would provide a seed source for reforestation as well as a habitat for animals and lower plant forms. The ecological effects in large treated areas would be greater and recovery would probably be slower.

SEMIDECIDUOUS FOREST

The Republic of Vietnam has a total area of 172,540 square kilometers, of which about 30 percent is forested (10) (Table 2).

TABLE 2.—THE TYPES OF FOREST, THEIR AREA OF COVERAGE, AND THE APPROXIMATE AREA TREATED FOR DEFOLIATION IN THE REPUBLIC OF VIETNAM

Vegetation type	Coverage (km^2)	Area treated (km^2)
Open forest (semideciduous forest)	50,150	8,140
Flood area:		
Mangrove	2,700	960
Other aquatic plants	2,000	0
Coniferous forest:		
Three-leaved pine	900	0
Two-leaved pine	350	0

Some coniferous forest may have been treated in strips along roads, but I have no specific information on that point. I am sure that no large areas of coniferous forest have been treated.

Botanical considerations. I will not attempt to characterize all of the vegetation types of the Republic of Vietnam. There are different forest types, but except for the pine forest, the differences are ones of degree rather than substance. My discussion of the forests in III Corps can be extrapolated to other semideciduous forests of RVN. It cannot be extrapolated to the pine forests or to the small area of rain forest that probably exists in a small area of the northwestern part of RVN, along the Laotian border.

The forests of war zone C are, for the most part, secondary forests with an admixture of bamboo, and semideciduous forest of *Lagerstroemia* and legumes (General Forest Map of RVN, Phan Thuong Tuu, 1966.) The forests of war zone D are moist forest over most of the area, and semideciduous forest of *Lagerstroemia* and legumes over the remainder.

There are obvious differences among the three forest types. The differences are taxonomic for the most part. Physiognomically, they are similar. In terms of ecologic considerations, therefore, they will be discussed collectively.

The three forests are similarly characterized by having members of the family Dipterocarpaceae as dominant trees in the upper canopy. This does not mean necessarily that dipterocarps are numerically superior. Other well-represented families include the Leguminosae, Meliaceae, Lythraceae, Guttiferae, and Sterculiaceae (*10, 13, 14*). Botanical composition, taxonomically and numerically, varies from one location to another.

The difficulty of a botanic description of the forest may be appreciated with the knowledge that about 1500 woody species occur in RVN (*10*). Moreover, I saw the forests at a time when identification was most difficult. Many species are normally deciduous during the dry season; many that are normally evergreen had been defoliated by herbicides or by fire.

The period from mid-March to mid-April was not an ideal time to assess the ecologic impact of the defoliation program on the semideciduous forests of the Republic of Vietnam. The combination of natural defoliation, defoliation by herbicides, and defoliation by many, many fires (civilian and military caused) made the determination of the causes of defoliation difficult. A careful delineation of the causative factors within a 1-month period was not possible. An observer making an ecologic assessment during the middle or latter part of the rainy season would not have to contend with the confounding influences of natural defoliation and fire.

Susceptibility to herbicides. Trees in the semideciduous forests of Vietnam are almost uniformly susceptible in terms of initial defoliation. But when refoliation and the percentage of plants killed are considered the average susceptibility of the vegetative type is unknown. The best estimate I can obtain is an extrapolation of data developed in Thailand by Darrow *et al.* (*15*) and in Puerto Rico by Tschirley *et al.* (*16*).

Darrow's test in Thailand were conducted in a semievergreen monsoon forest having an annual precipitation of about 40 inches. Two hundred twenty plant species were identified from two test sites totaling 3400 acres. so species diversity was high. Darrow found that two or more gallons of Purple (same as Orange except that 20 percent of the 2,4,5–T is an isobutyl ester rather than *n*-butyl ester) caused defoliation greater than 60 to 65 percent for a period of 6 to 8 or 9 months. Percentages of kill were not given, but they would have been considerably lower than for defoliation.

My collaborators and I worked in a semievergreen forest in Puerto Rico (*16*) having an annual precipitation of about 85 inches. Species diversity was high; 106 woody species were recorded on 2.4 acres, in an area adjacent to the aerial test pilots. We also worked in a tropical rain forest in Puerto Rico having an annual precipitation of about 120 inches (*16*). About 88 woody species were recorded for the rain forest site. Defoliation of the semievergreen forest treated with 3 gallons of Purple was 61 percent 6 months after treatment. In the rain forest, an equivalent rate of Orange provided 66 percent defoliation 6 months after treatment and 55 percent 1 year after treatment.

Thus, the defoliation obtained in taxonomically distinct forests in opposite parts of the world was similar. It is justifiable, then, to expect that average defoliation in the semideciduous forests of Vietnam would be about the same. Actually, I would expect defoliation in Vietnam to be somewhat lower because applications are made from greater height than was the case for the experimental work in Thailand and Puerto Rico.

Multiple treatments were not made in Thailand or Puerto Rico, so the effects of two and three treatments in war zones C and D can only be inferred from extensive experience in woody plant control in temperate zones and from my experience in tropical America, instead of being extropolated from actual research data. But the inference is necessary because the ecologic impact becomes greater with each succeeding treatment.

A single treatment with 3 gallons of Orange or White would not be expected to have a great or lasting effect on a semideciduous forest in Vietnam. Some trees would be killed, and the canopy would be less dense temporarily. But within several years the canopy would again be closed, and even a careful observer would be hard pressed to circumscribe the treated area. A second application during the period of recovery would have a wholly different effect.

Research on a two-storied oakyaupon forest in Texas showed that the top canopy intercepted about 72 percent of the spray droplets and the understory intercepted an additional 22 percent. Only 6 percent of the droplets reached the ground (16). Thus, one would expect that the principal effect from an initial treatment would be on trees of the top canopy. As the density of the top canopy is reduced, subsequent treatments will kill more trees in the top canopy and have a far greater effect on the understory, regenerating vegetation.

The theoretical response to multiple herbicide applications was supported by my observations on the ground. The area visited at Thien Ngon was sprayed with Orange on 19 December 1966; the area at Katum was treated with White on 9 November 1966 and with Orange on 28 October 1967. Two areas were visited at Ton Le Chon; one was treated with Orange on 23 September 1967, and the other was treated with White on 7 November 1966. There were more dead trees and a higher percentage of defoliation at Katum than at any other site. Granting the inadequacy of the sample at each location, the difference between Katum and the other sites was obvious. Despite more defoliation and more dead trees at Katum, the ground was not bare. Many established grasses are tolerant to the herbicides used. In addition, grasses, sedges, and vines quickly occupy areas that have been defoliated. Grasses were abundant in all defoliated areas observed on the ground.

Successful aspects. I can think of no better introduction to this section than a quotation from Richards (17).

"The process of natural regeneration in tropical forests is no doubt exceedingly complex, and though its practical importance to the forester is obvious, surprisingly little is known about it. Much of what has been written about the so-called 'natural regeneration' of rain forest refers to the reproduction of a few economic species under conditions rendered more or less unnatural by the exploitation of timber. Before regeneration under these artificial conditions can be understood or controlled scientifically, we need to know what happens under undisturbed conditions, and information about this is extremely scanty."

I must emphasize the last sentence of the quotation. Data on regeneration of tropical forests is indeed scanty—and particularly scanty for Vietnam!

There is general agreement that the usual successional series in a terrestrial tropical forest is grass—shrub—secondary forest—primary forest (14, 17, 18). The same successional series could be applied equally well to deciduous forests in temperate zones.

Because of the inadequacy of data about forest regeneration in Vietnam, perhaps an example in a different situation would be instructive. The island of Krakatau presents a good example of ecologic succession. Richards described the island as follows (17).

"Krakatau is one of a group of small volcanic islands situated between Java and Sumatra. Early in 1883 it was about 9 km long and 5 km broad, rising to a peak 2,728 ft (822 m) above sea level. At this date the whole island was covered with luxuriant vegetation. About the nature and composition of this vegetation next to nothing is known, but there is every reason for supposing that it was mostly tropical rain forest similar to that now existing in the neighboring parts of Sumatra. In May 1883, the volcano which had long been regarded as extinct began to be active and the activity gradually increased until it reached a climax on August 26 and 27. On these two days occurred the famous eruption, the sound of which was heard as far away as Ceylon and Australia. More than half the island sank beneath the sea, the peak being split in two, though its highest point still remained. The surviving parts of Krakatau were covered with pumice stone and ash to an average depth of about 30 m and a new marginal belt 4.6 km in area was added to the southern coast. During the period of volcanic activity the bulk of the vegetation was certainly destroyed.

For a while the island remained without any vegetation. The only living thing a visitor saw in May 1884 was one spider. In 1886 there was already a considerable amount of vegetation on the island and the succeeding serial stages have developed quite rapidly.

In 1964 Richards wrote about the ecology of Krakatau.

"The development of vegetation on Krakatau has not yet reached a stable climax stage, but the general course of future changes can be predicted with some confidence, at least for the middle and upper regions of the island. In the former it may be expected that the *Macaranga-Ficus* woodland will develop by a series of changes into a stable climax rain forest to some extent similar to the mixed primary rain forest of the neighboring parts of Sumatra and Java. How long this development will take is difficult to guess, but the study of secondary successions suggests that it will be much longer than from the great eruption to the present day."

The example of Krakatau cannot, and should not, be applied to the semi-deciduous forests of Vietnam for at least three reasons. (i) Defoliation does not destroy all vegetation; (ii) it does not cover the soil with pumice stone and ash; and (iii) RVN is not an island. Krakatau is merely an example of the relative time needed for the development of a mature forest when it must start from nothing. That is not the case in Vietnam.

There are a few records available for tree ages in tropical forests that give an indication of the time required for regeneration of a mature forest. An average individual of *Parashorea malaanonan* in the Philippine dipterocarp forest reaches a diameter of 80 centimeters in 197 years (19). The average maximum age of *Shorea leprosula* in Malaya

is 250 years (20). Both are primary forest species. The fast-growing trees characteristic of secondary forest have a shorter life than do primary forest species.

The principal ecologic danger imposed by repeated treatments with herbicides is that saplings and poles present in the lower story, and then seedlings, may be killed. If that happens in large areas, natural reseeding may be a problem. Dipterocarp seeds are disseminated by the wind and thus would be expected to be among the first tree species to repopulate an area. Seeds of other species, dependent on dissemination by small mammals and rodents and by birds, would probably not spread as rapidly. Seeds of some species would undoubtedly remain viable in the soil and would germinate after the last in a series of multiple treatments. Many species in the family Leguminosae have that capability. Less is known about seed characteristics in other families. Turrill (21) reported it has been proved at Rothamstead that seeds of arable weeds remained viable in soil under pasture after 300 years in one area and 30 to 40 years in others.

"Little is known of the time scale of secondary successions in the tropics. Chevalier (1948) states that the forest on the site of the ancient town of Angkor Vat in Cambodia, destroyed probably some five or six centuries ago, now resembles the virgin tropical forest of the district, but still shows certain differences. In general, it seems clear that the longer the period between the destruction of the primary forest and the onset of the secondary succession and the greater the modification of the soil and the environment in general during this period, the longer the time needed for the re-establishment of the climax"(*17*).

The paragraph quoted does not apply to the forests being defoliated in Vietnam because the Vietnamese forests were not primary, but secondary, at the time of treatment. The time required for the establishment of a secondary forest is much less than for a primary forest.

The greatest danger resulting from repeated defoliation treatments in Vietnam is that such areas will be invaded by bamboo. The presence of bamboo is the most constant feature of the semi-deciduous forests I saw in Vietnam. Species of large bamboo (the most common being *Dendrocalamus strictus* and *Bambusa arundinacea* according to a local RVN forester) are particularly apparent in areas where the "rai" (slash and burn) system of agriculture has been practiced. But bamboo is not limited to areas that were previously cleared of trees. A small-stemmed bamboo is present as an understory in many forested areas and can be seen frequently where trees have been defoliated. In addition, the small bamboo *Schizostachyum sollingeri*, 10 to 15 feet high, was present in the forest at all of the camps I visited. The presence of bamboo in Asian forests is well documented (17, 22). Aerial observations in RVN suggest that it first invades new areas along routes of more favorable moisture supply. From there it can spread throughout the forest.

While making ground observations at the four Special Forces camps. I attempted to evaluate the relative density of seedling and sapling tree species in bamboo-infested sites. Although I have no quantitative data, seedlings were rare in dense bamboo, but frequent to numerous where there was no bamboo. Probably of more importance is the fact that saplings were rare in dense bamboo.

The length of time that bamboo might retard the natural successional progression is unknown, but I am certain it would cause a retardation. The following statement by Ahmed (23) may be cause for concern: "A bamboo will be the first member to colonize on a new site in a seed year and will be the last to leave it. Once established on a soil it is difficult to eradicate it."

The life history of different bamboo species varies, but usually culms die after flowering. The germination to flowering cycle may be from 30 to 50 years (17, 24). Flowering is gregarious (whole populations flowering in 1 year) in some species and sporadic in others. Most bamboo species have very efficient vegetative reproduction from buds on creeping rhizomes.

Seedling mortality of tree species is naturally high in tropical forests. A study of *Enterpe globosa*, a palm found in the American tropics showed that the mortality of seedlings was 95 percent of established seedlings 12 percent, and of shrubs 64 percent. Thus, only 1.6 percent of the seedlings survived to become trees (25). Another study (25) showed the average half-life of all seedlings in test plots to be 6 months.

If it were not for the probable invasion by bamboo of severely defoliated areas in the forests of Vietnam, I am reasonably certain that the successional progression to a secondary forest would proceed without undue retardation. A reason for feeling so is based on data I obtained from plots in Puerto Rico that were treated at the rate of 3, 9, and 27 pounds per acre as follows: picloram, 5-bromo-3-*sec*-butyl-6-methylural [bromacil], 3.6-dichloro-*o*-anisic acid [dicamba] 3-(3,4-dichlorophenyl)-1, 1-dimethylurea [diuron], (2,3,6-trichlorophenyl) acetic acid [fenac] and 2,4-bis(isopropylamino)-6-(methylthio)-*s*-triazine [prometone] applied to the soil. Two years after treatment the plots were examined for the presence of seedlings. Many of the secondary forest species and several primary forest species were present as seedlings. In addition, there was no apparent differential effect of the six herbicides.

The presence of seedlings on plots treated with such high rates of herbicides is an important point. Several of the herbicides, particularly fenac and picloram, persist in soil. There is no doubt that highly susceptible plant species would be affected by herbicide residues in the soil. But experience has shown that species commonly present in forests are not so susceptible that regeneration would be prevented. The small experimental plots in Pureto Rico were treated with 27 pounds per acre of picloram; one treatment with White in Vietnam would apply only 1.5 pounds of picloram per acre.

In conclusion, the time scale for succession in a semideciduous forest in RVN is unknown. Single treatments with defoliants should not cause severe successional problems, but multiple treatments probably will because of site dominance by bamboo.

Ecologic considerations. The ecologic considerations as they apply to plant populations were discussed in the previous section of this article. The effect of defoliation on animal populations is truly unknown.

Men stationed at Special Forces camps have told me of seeing deer (two reports), birds (many reports), tiger (one sighting, several sound identifications), elephant (two reports), monkey (numerous reports), and cold-blooded vertebrates (numerous reports). I saw a tiger track in the road at Katum. There were no reports of bovines. It is possible that such bovines as the kouprey, gaur, and banteng, reported to be rare (26), are no longer present in the defoliated areas in war zones C and D. But I suspect that bombing, artillery fire, human presence, and hunting have had a far greater effect than has defoliation.

TOXICITY OF HERBICIDES

A discussion of ecologic effects would hardly be complete without mentioning the relative toxicity of the herbicides being used for defoliation and crop destruction. The herbicides used in Vietnam are only moderately toxic to warm-blooded animals. None deserves a lengthy discussion except for Agent Blue (cacodyic acid), which contains arsenic. Inorganic arsenicals such as arsenic trioxide, sodium arsenite, lead arsenate, calcium arsenate, and Paris green are extremely toxic. Organic arsenicals, such as Blue, have a low mammalian toxicity. Two series of organic arsenicals are used as herbicides. The arsonic acid series is formed by a single organic group combined directly to arsenic; the arsinic acid series has two organic groups. By varying the organic group in either series, a wide range of phytotoxicities can be obtained in products with a relatively low level of mammalian toxicity (26) (Table 3).

TABLE 3.—THE LD_{50} (DOSE IN MILLIGRAMS PER KILOGRAM OF BODY WEIGHT NEEDED TO KILL 50 PERCENT OF TEST ANIMALS) FOR THE HERBICIDES USED IN RVN AND FOR SEVERAL OTHER CHEMICAL COMPOUNDS ARE AS FOLLOWS (29)

Chemical	LD_{50}
Sodium arsenite	10-50
Paraquat [1]	150
2,4,5-T	100-300
2,4-D	300-1,000
Cacodylic acid [2]	830
Aspirin	1,775
Picloram	8,200

[1] 1,1'-Dimethyl-4,4'-bipyridinium salt.
[2] Active ingredient of Agent Blue.

Toxicity studies for White have shown the oral dose needed to kill 50 percent of test animals to be (LD_{50}) 3080 milligrams per kilogram for rats, 2000 for sheep, and more than 3163 for cattle (27). The oral dose for Blue is 2600 milligrams per kilogram for rats (28). There is no evidence to suggest that the herbicides used in Vietnam will cause toxicity problems for man or animals.

SUMMARY AND CONCLUSIONS

If my assignment had been simply to determine if the defoliation program had an ecologic effect, the answer would have been a simple "yes," and a trip to the country would not have been necessary. But to assess the magnitude of the ecologic effect is an entirely different matter.

One must realize that biologic populations, even those remote from man, are dynamic. Seasonal changes, violent weather events, fire, birth, maturation, senescence, and death cause a continuing ecologic flux. Normally, the ecologic flux operates within narrow limits in a climax community. It is only catastrophic events that cause an extreme ecologic shift and reduce the community to a lower seral stage.

The defoliation program has caused ecologic changes. I do not feel the changes are irreversible, but complete recovery may take a long time. The mangrove type is killed with a single treatment. Regeneration of the mangrove forest to its original condition is estimated to require about 20 years.

A single treatment on semideciduous forest would cause an inconsequential ecologic change. Repeated treatments will result in invasion of many sites by bamboo. Presence of dense bamboo will then retard regeneration of the forest. The time scale for regeneration of semideciduous forest is unknown. Available information is so scanty that a prediction would have no validity and certainly no real meaning. Most of the defoliation treatments in the semideciduous forests have been made in strips along lines of communication. The ecologic effect of defoliation in those areas would not be as severe as in areas where large blocks have been treated.

The effect of defoliation on amimals is not known, but it does not appear to have been extreme. I hasten to add that I know far less about animals than about plants. Fish catch

has increased during a period of intensive treatment for defoliation, which surprised and pleased me. Actual data were not available for population trends of other forms of animal life. Large mammals have been seen recently in war zones C and D, the areas of greatest defoliation activity. Included were tiger, monkey, elephant, and deer.

RECOMMENDATIONS

(1) The desirability of ecologic research in Vietnam after the war ends cannot be overemphasized. The research should be administered through an institution that will provide continuity and breadth for the research program. The opportunity of establishing ecologic research under the International Biological Program should be explored.

(2) Continuing assessement of the defoliation program as it affects forestry and watershed values should be made. Ground observations are most desirable, but aerial surveys during various seasons of the year will contribute much good information.

(3) From an ecologic point of view, the concept of defoliating in strips or in a checkerboard pattern has great merit. Undefoliated areas would serve as a seed source for regeneration and as habitat for wildlife.

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SENATE RESOLUTION 456—SUBMISSION OF A RESOLUTION TO PROVIDE FOR AN INVESTIGATION RELATING TO THE INTRODUCTION OF CERTAIN PRIVATE RELIEF BILLS.

Mr. WILLIAMS of Delaware. Mr. President, today I call attention to an atrocious situation wherein certain unscrupulous lawyers have taken advantage of a group of Portuguese aliens in the Connecticut area who were seeking U.S. citizenship.

Recently the Hartford Courant, Hartford, Conn., carried a series of articles outlining the various instances where these aliens were being charged from $2,500 to $4,000 merely for getting a private bill introduced in Congress.

It should be pointed out that under the present procedure the introduction of a private bill relating to an alien seeking citizenship automatically stops deportation proceedings of that alien until the adjournment of that Congress. After adjournment if the bill has not been passed and if no other steps have been taken to insure his permanent status the alien is subject to deportation.

In Connecticut we find instances where they were advised by their attorneys that the best method for getting citizenship was to marry an American. Accordingly, on the advice of attorneys some of these aliens paid as much as $1,000 to the women who would marry them so that they could stay in the country. Then after the arranged marriage the woman would file petition papers through immigration officials to make her "husband" a permanent resident.

It appears that the average attorney fees to get a private bill introduced in the Congress are $2,500, and some attorneys are operating what in effect is a "bucket-shop" operation.

As evidence of this point I quote excerpts from a series of letters written by one Hartford attorney. The complete letters along with the name of the attorney have been made available to the Department of Justice.

I quote from a letter dated January 27, 1969:

This is to confirm the fact that I am holding the sum of Two Thousand Five Hundred ($2,500.00) Dollars in my Clients Fund Account.

This amount of money will become my fee as soon as any private legislation on your behalf is filed with the Congress of the United States. When and if said private legislation is filed on your behalf, you will be able to start work in the United States, and you will be able to stay in the United States until January 1, 1971. At this time if your status is not adjusted, another Private Bill will have to be filed on your behalf.

If this happens, additional fees will be charged. Furthermore, if any adjustment of your status is to be made with the necessary applications involved, then additional fees will be also charged. Of course, any and all costs and disbursements are in addition to any fees.

I quote from another letter dated April 16, 1969, signed by this same attorney.

I want to make it clear that the original fee of $4,000 which I obtained was only for securing Private Legislation on your behalf in Congress. It does not include securing labor certification and the adjustment of your status.

On October 23, 1969, the lawyer wrote another client as follows:

This is to acknowledge the fact that I have obtained the sum of Two Thousand Five Hundred ($2,500.00) Dollars from you as a retainer for the purpose of trying to adjust your immigration status.

First: If a Private Bill is obtained on your behalf in the Congress of the United States, then the Two Thousand Five Hundred Dollar retainer will become my fee as soon as the bill is filed. If this happens and then if any adjustment of your status is to be made with the necessary applications involved, then additional fees will be charged.

Second: If no Private Bill is filed on your behalf in Congress and we try to adjust your status via labor certification, then it is your responsibility to secure an employer to apply for labor certification on your behalf. The said employer and I will prepare the necessary applications and then apply for such labor certification on your behalf. If your status is adjusted to that of a permanent resident via such labor certification or through any other means of adjustment, then the entire retainer of Two Thousand Five Hundred ($2,500.00) Dollars will become my fee...

Third: All expenses that might be involved are in addition to fees charged. For example, if I make a long distance call or expenses are required by the Immigration Office, these are disbursements and are not included in my fee.

I quote from another letter dated February 5, 1969. The lawyer wrote this client as follows:

This is to confirm the fact that I am to hold the sum of Two Thousand Five Hundred ($2,500.00) Dollars in my Clients Fund Account.

This amount of money will become my fee as soon as any private legislation on your behalf is filed with the Congress of the United States. When and if said private legislation is filed on your behalf, you will be able to start work in the United States, and you will be able to stay in the United States until January 1, 1971. At this time if your status is not adjusted, another Private Bill will have to be filed on your behalf.

If this happens, additional fees will be charged.

I quote from another letter sent by this attorney under date of July 28, 1969:

With respect to your immigration matter, this is to confirm the fact that you have signed a Demand Note promising to pay me, ----------, the sum of Two Thousand Five Hundred ($2,500.00) Dollars.

You have agreed to make monthly payments to me in the amount of $100.00 commencing August 1969. Said money shall be held in my Clients Fund Account on your behalf until private legislation is filed on your behalf in Washington, D.C.

As soon as private legislation on your behalf is filed in the Congress of the United States, whatever amount that is in my Clients Fund Account will become part of my fee, and whatever the balance that is due me from the Demand Note which you signed will also become part of my fee.

If private legislation is filed on your behalf, you will be able t stay in the United States until January 1, 1971. At that time if your status is not adjusted and another private bill will have to be filed on your behalf, additional fees will be charged.

Furthermore, if any adjustment of your status is to be made with the necessary applications involved, and special problems in regard thereto arise, then additional fees will also be charged.

Mr. President, these letters clearly establish that excessive fees are being charged solely for the purpose of having a Member of Congress introduce a private bill. This is a racket, and it must be stopped. If left unchallenged this practice of shaking down these aliens who are seeking American citizenship with charges of from $2,500 to $4,000 merely for having a bill introduced in Congress is a reflection both on the American bar and the Congress.

Since these articles as appearing in the Hartford Courant were first called to my attention I have talked with Mr. Thomas D. Williams, the reporter, and while names of the aliens in many instances are omitted in order to protect them, he has authorized me to state that he is ready to make available to the Department of Justice documentary support for each allegation that has been cited in his news stories.

With the understanding that the aliens involved would be protected, he made photostatic copies of many of the documents available to my office. I in turn, with his consent, have already forwarded them to the Department of Justice along with the reporter's offer to cooperate with the Department by furnishing all information that he has which is essential for prosecution.

Charging $2,500 to $4,000 to have a private bill introduced in Congress or charging $1,000 to provide a temporary wife for an alien in order for him to become a citizen is a racket that must be stopped. Likewise, the Department of Justice should determine how these large fees were distributed.

I am advised that the same racket which we find operating in Connecticut relating to getting private bills introduced in Congress may exist even to a greater degree in the area of New York City.

In fact, just last September I placed in the CONGRESSIONAL RECORD, volume 115, part 20, pages 27503–27510, a series of allegations contained in articles written by Mr. Seth Kantor, a staff reporter of Scripps-Howard, relating to somewhat similar charges for the introduction of private bills involving Chinese ship jumpers.

In those articles there were direct accusations that the large fees charged by certain unscrupulous attorneys were being split with congressional offices.

The case of the victimization of the Portuguese aliens in the Connecticut area and the case involving the Chinese ship jumpers, while different, are somewhat similar in that in each instance they involved a group of unscrupulous lawyers who were shaking down aliens by charging exorbitant fees for the purpose of getting private bills introduced in Congress. In the September 1969 case, involving the Chinese ship jumpers, lawyers were allegedly splitting fees under the guise of campaign contributions with employees of congressional offices or with the Members of Congress themselves. Those allegations involving the payment of large fees for the introduction of private bills for Chinese ship jumpers were referred to the Senate Select Committee on Ethics. I understand that they in turn have forwarded their report to the Justice Department.

At this point I ask unanimous consent to have printed in the RECORD at the end of my remarks the recent series of articles appearing in the Hartford Courant by Thomas D. Williams relating to the manner in which the shakedown operation involving a group of Portuguese aliens in the Hartford area is operating.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, it is so ordered.

Mr. WILLIAMS of Delaware. I identify these articles as follows:

The first article is dated June 7, 1970, entitled, "Gullible Immigrants Pay and Pay—Some Lawyers Take and Take"—see exhibit 1.

The second article appeared in the Hartford Courant under the same date—June 7—and is entitled, "Government Heads Balk Courant Probe"—see exhibit 2.

The next article is also dated June 7 and is entitled "The Battle With Bureaucracy"—see exhibit 3.

The next three articles appeared on June 8 in the Hartford Courant and are entitled: "Fees for Attorneys Set by Association," "Lawyers Say Alien Needs Special Help," and "Bar Association To Join Courant in Investigation," respectively—see exhibit 4.

The last article to be inserted is dated July 8, 1970, and is entitled "Probers Say Aliens Able To Buy Wives"—see exhibit 5.

My statement of September 29, 1969, along with a series of articles outlining more complete details relating to the allegations involving large payments by Chinese ship jumpers for the introduction of private bills in the Senate along with alleged fee splitting with congressional offices were all incorporated in the CONGRESSIONAL RECORD, volume 115, part 20, pages 27503–27509; therefore, they will not be reincorporated at this point.

However, I have forwarded to the Attorney General of the United States the complete files involving the cases of both the Portuguese aliens in Connecticut and the Chinese ship jumpers along with the request that these allegations be given special attention and appropriate steps be taken to stop this racket.

At the same time I am suggesting that both the Senate and the House Judiciary Committees should reexamine the present rule relating to the introduction of private bills, the manner in which they should be handled, and to what extent they should affect deportation proceedings.

In this statement I do not mean to infer that there is anything wrong with the introduction of a private bill by a Member of Congress to take care of what he thinks is a meritorious case, and there is nothing wrong with the Judiciary Committee's and the Congress' considering these bills on their merits; but under no circumstance can it ever be proper for any attorney or group of attorneys to conduct a bucketshop operation where they are selling the services of a Member of Congress, and most certainly Congress cannot allow to go unchallenged or unanswered the inference that the introduction of a bill in Congress was contingent upon a payment or a campaign contribution.

Our country was established by our ancestors, all of whom were aliens, and many aliens entering our country today prove to be among the most loyal of citizens. To allow a group of unscrupulous lawyers to take advantage of their desire for citizenship naturally gives these prospective citizens an unfavorable opinion of our country, and again I state most emphatically that this racket has got to be stopped.

At this point I ask unanimous consent that there be printed in the RECORD my letter of August 11, 1970, wherein I referred all these allegations to the Attorney General with the request that his office, after conducting a thorough investigation, take whatever steps are appropriate.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

WASHINGTON, D.C.,
August 11, 1970.

Hon. JOHN N. MITCHELL,
The Attorney General,
Washington, D.C.

MY DEAR MR. ATTORNEY GENERAL: My attention has been called to two rather serious allegations to the effect that large fees are being charged to aliens apparently for the purpose of arranging the introduction of private bills in the Congress. Recently there appeared a series of articles in The Hartford Courant, Hartford, Connecticut, written by Mr. Thomas D. Williams, wherein he related several incidents involving Portuguese aliens in the Connecticut area who are being charged fees from $2500 to $4000 for the purpose of having a lawyer make arrangements to get a private bill introduced in the Congress, and also there are allegations that some attorneys are providing an American who for a payment of $1000 will marry an alien in order to expedite his citizenship status.

Enclosed are copies of a series of letters signed by Mr. * * *, an attorney in Hartford, Connecticut, which confirm that fees of from $2500 to $4000 are being charged merely for the purpose of getting a private bill introduced in Congress in their behalf.

Also enclosed are copies of a series of articles by the reporter, Mr. Williams, which appeared in The Hartford Courant. These contain more detailed allegations relating to the exploitations of immigrants by these attorneys.

This is the second time that allegations have been made that large fees are being collected by attorneys for the sole purpose of arranging for the introduction of a private bill in the Congress. Last September I referred to the Senate Ethics Committee a series of articles written by Mr. Seth Kantor, a reporter for Scripps-Howard, wherein at that time he alleged that large fees were being paid by Chinese ship jumpers to attorneys as compensation for having made arrangements for the introduction of private bills in their behalf, and he quoted representatives of certain Congressional offices as confirming that portions of the fees had been accepted by the Congressional offices introducing the bills as campaign contributions or otherwise. It is my understanding that the Senate Ethics Committee later forwarded these allegations along with their report to your Department.

We both recognize the seriousness of these allegations, not only as they relate to the alleged exploitation of these aliens but also as they reflect upon the integrity of both the Congress and the American Bar. They cannot go unchallenged. For that reason I am enclosing a copy of my remarks which will be delivered in the Senate the first of next week along with copies of the letters and newspaper articles referred to above wherein these allegations are outlined, and at the same time I asked that the Judiciary Committees of both the House and the Senate study Congressional procedure relating to this same subject.

In addition I am enclosing a copy of my remarks of September 29, 1969, along with the various insertions, as appearing in the CONGRESSIONAL RECORD, vol. 115, pt. 20, pp. 27503–27509 relating to the alleged racket involving the introduction of private bills for the benefit of certain Chinese ship jumpers.

I am sure that both Mr. Williams and Mr. Kantor, the reporters for The Hartford Courant and Scripps-Howard, respectively, will give their full support to the Department of Justice.

During the course of my inquiry into both these cases I have received repeated assertions that a similar and perhaps even more extended racket relating to payments for the introduction of private bills may exist in the New York City area. I am requesting that your Department consider the allegations in all these cases and take the appropriate steps, and if in the opinion of your Department additional laws are required I would appreciate receiving your recommendations.

Yours sincerely,

JOHN J. WILLIAMS.

EXHIBIT 1

[From the Hartford Courant, June 7, 1970]

GULLIBLE IMMIGRANTS PAY AND PAY: SOME LAWYERS TAKE AND TAKE

(By Thomas D. Williams)

"I am the immigrant clutching the hope I seek—
And finding only the same old stupid plan
Of dog eat dog, of mighty crush the meek."

(Langston Hughes: Let America be America Again.)

Immigration is big business.

It is a business of exploitation of the poor and ignorant by the well-to-do and well-educated—a business that takes thousands of dollars out of the pockets of immigrants and puts them into the bank accounts of lawyers, especially lawyers with political connections.

The immigrant pays because he is afraid to face immigration officials alone and because he doesn't know that free help is available.

The business is biggest in the ports of entry: Boston, New York, Los Angeles, San Francisco. But it flourishes in states near such ports—especially in Connecticut, where heavy industry has attracted the tenth largest alien population in the nation.

A Courant investigation stretched out for almost a year because the Immigration and Naturalization Service and the Justice Department both refused to release the addresses of Connecticut's aliens, revealed that attorneys' fees for immigration work range from $200 to $5,000 per client.

In Hartford, four lawyers who do a great deal of immigration work use different standards in setting their fees.

All four said they charge as little as possible in cases involving aliens with small financial resources. They also claimed they have worked on many hardship cases without fee.

One of the lawyers is the city's deputy mayor. Atty. George A. Athanson. His retainer fees, between $1,500 and $5,000, seem to run considerably higher than the fees charged by the other three attorney's.

The three other lawyers said that in most cases $500 is the highest they would ask as a retainer fee, although their total fees ranged from as low as $200 to as high as more than $2,000.

Of the four lawyers, the one who handles the most cases is Atty. Benjamin Globman of 915 Asylum Ave. Globman said 75 per cent of his practice involves working with aliens. Of 200 cases he handles each year half are clients from the Caribbean.

Atty. Samuel Tapper of 750 Main St. said he works on between 100 and 150 immigration cases a year which accounts for 70 per cent of his business. Many of his clients are Italian or Chinese.

The prosecuting attorney for Circuit Court 15, Atty. Francis McVane of 1 Webster St., said he has only about six or seven clients a year.

SOME FEAR TO TALK

Because the aliens are afraid to talk and because they often pay the lawyer in cash, it is well-nigh impossible to determine what any of the four lawyers gross in immigrant trade.

But The Courant has seen letters that show that in just two years, Athanson's fees from seven Portuguese aliens, three Brazilians and two Greeks totaled $25,765.

The Athanson figure is hardly unique, however.

"It's a regular money machine," a government official said. "I know two immigration employes from the West Coast who quit their jobs to become lawyers. They went into immigration work after law school . . . all above board, you know . . . and now they've bought out a bank. So you can imagine what those other attorneys make when they walk the thin line of the law."

Immigration is a lucrative business because the alien has few alternatives. He will do almost anything to achieve his one objective: to stay in the United States for the rest of his life.

Thousands of aliens, faced with deportation, move from state to state, always hiding from the government men who can cut short their new lives. A few ensure their rights to stay here by quick marriages to an American citizen.

The immigrants who turn to lawyers do so because they don't want to spend their lives in hiding, and marriage to an American for one reason or another, is not possible.

Lawyers provide several ways of keeping immigration officials off their clients' backs.

One is the visa extension that prolongs the alien's visit to the United States for as short a time as an hour and for as long as a year at a time.

Another way aliens can legally stay in the country is through what is called labor certification which is based on the state's need for either skilled workers or professional men. Recently, because of rising unemployment, this route to eventual citizenship has been cut short by the U.S. Labor Department.

There is also a complex legal procedure to aid illegal foreign visitors faced with deportation. By a series of legal maneuvers—the alien's voluntary surrender, court settlements and extensions on the deportation order—the lawyer can keep his client here for an extended period of time. Then he sends the alien out of the country—often to Canada—and brings him back on a legal visa.

The fourth alternative is the private immigration bill.

Only those close to the legal aspects of immigration—lawyers, immigration officials, congressmen and their staffs and a few laymen—are familiar with the bill, which amounts to an exception to the federal deportation laws.

The exception was originally written into the law to provide relief for aliens who have hardship situations warranting immediate action for permanent residence or citizenship.

But the intent of the law has been perverted. In many cases, the private bill has becomes a means of stalling deportation. Lawyers are aware that it can take up to two years for the bill to be acted on.

The Courant found that most immigrants who put hundreds of dollars on the line in their first meeting with a lawyer think they are making a down payment on American citizenship. Later, they learn they are only buying time, until the bill is acted upon. As long as the bill is alive, they can stay here indefinitely.

The odds against becoming a citizen through a private bill are heavily against them. Of every 35 private immigration bills introduced, only one passes the Senate, the House of Representatives and is signed into law by the President.

Connecticut's senators and congressmen introduced nearly 200 bills within the last two years. Not one of the state's congressional delegations knew for certain how many of the bills passed, but the best estimate was six. On the national level, 7,293 bills were introduced in the 90th Congress and only 229 were enacted into law. Most recent statistics show 5,620 bills were introduced in the first session of the 91st congress. Only 49 were passed.

The majority of bills are submitted by lawyers who know a congressman. Thus political connections are not ignored.

COULD COST ONLY TIME

But it isn't necessary to hire a lawyer to get a private bill introduced. In fact if the immigrant has a friend or relative who knows a senator or a congressman, getting a bill introduced would cost only his time. Congressmen must work on bills without charge.

A prominent immigration lawyer who practices in Washington, D.C., when told of The Courant's investigation, said: "You are on to one of the biggest stories in the country. This area (the private bill) has been abused for years.

"Lawyers have taken advantages of the situation to delay the status of immigrants and make high fees. I have also heard rumors that some members of the Congress have used their private law offices for the same purpose."

Asked what the fee to introduce a bill should be, he said: "No fee should be charged for the introduction of a private immigration bill. I charge in cases where there are deportation hearings and actual complications in the immigration procedure."

With the help of someone who knows English, any alien can handle the immigration paper work himself. Registration fees

for filing petitions for permanent residence and citizenship, seeking visa extensions and applying for passports range between $10 and $25. When a private immigration bill becomes law, there is only an $18 fee for citizenship forms.

The Adult Education Department of Hartford's board of education at 239 High St. offers the resident alien a free immigration information service.

A citizenship consultant for more than 30 years, Mrs. Angeline D. Ricco helps between 6,000 and 7,000 immigration and naturalization applicants a year without charge. She said 53 per cent of her business involves filling out forms for immigrants who do not understand the complex paperwork.

Before alien labor certification was suspended early this year, she annually processed hundreds of applicants successfully under the foreign quotas for skilled state jobs.

But, although most immigration officials and others are willing to help the alien, many foreigners succumb to the middleman racket.

In the old country, they learned that if you pay the price in a bureaucracy, the red tape will disappear. And minor scrapes with the law have left them with a certain awe of government officials. This is why they go to a lawyer, a man who represents their bridge to the government.

A relative of an Italian immigrant, asked why his countrymen were so willing to pay the price without question, said: "We learn this in the U.S. consulates of our country."

"In my case, I couldn't get a relative over to this country, who was legally ready," he said, "because so many on the quota behind him had their files moved ahead by paying off people who worked in the offices."

Once the alien has paid a substantial amount of money to the lawyer, he is hooked into the system.

He gets angry and frustrated—but he keeps paying.

A Greek alien, represented by Athanson in his past struggles with immigration authorities, related what he said were his experiences with his lawyer.

"I was really mad when I found out what he was doing to me. I wanted to go to the newspapers and complain. But I talked with some Greek friends in Hartford about my problem with him and they told me: 'You can't do that to him. He's a Greek and he's running for the council.'"

The Greek, a merchant seaman who jumped ship in the summer of 1966, lived in the United States illegally for a year before he decided he needed legal help to remain in this country.

He was referred to Athanson by Greek friends. In their first meeting, the lawyer talked to him in his native language and told him it would cost $700 or $800 to make his stay here legal, the seaman recalled.

Two months later, Athanson told his client to come down to his office with $1,000 in cash for an "immigration bond," the immigrant said. So he went to the bank and withdrew the money he had saved while working on his construction job.

BOND NOT MENTIONED

Athanson took his client to the immigration offices, but the matter of the bond wasn't mentioned; the immigrant said he was surprised by this, but Athanson told him not to worry: they didn't need the money after all.

Back at the lawyer's office the client learned why he had been asked to bring the "immigration bond" money. He was told, he said, that it was to be part of Athanson's fee. Athanson denied that he ever mentioned an immigration bond in the case, and said he later received the money in monthly payments.

The usual charge for legal work on immigration cases was, Athanson told him, between $2,500 and $3,000.

"Since you are my friend," Athanson told his Greek countryman, "I will charge you $1,500," the sailor recalled.

The lawyer and his client haggled over the legal fee and finally decided, the client said, that more than half of the $1,000 would be used as a downpayment for Athanson's work.

During the year and a half that the former seaman did business with his lawyer, Athanson continued to charge his client for various services, the immigrant said. Some of the bills—$30 fees for telegrams to Washington, D.C., and visa extensions—caused the alien increasing concern, he said.

But later, when the alien needed help for his brother who had also jumped a Greek merchant ship to live in the United States, he said he again turned to Athanson. Here the fee was even higher: $2,500. The immigrant argued with his lawyer, but finally decided he had no alternative but to pay Athanson's asking price. He didn't have ready money but Athanson said he would collect his fee on the installment plan, he said.

TWO HUNDRED DOLLARS FOR PASSPORT

The feeling that Athanson was charging him too much for services crystalized, the alien said when he went to New York to arrange for his brother's Greek passport. The passport cost only $8. Athanson had charged $200 for his own, he said.

But the alien kept going to Athanson for help. The breaking point came only when the former Greek seaman wanted his lawyer to translate some legal papers from German to English. Athanson's translator's fee was $250, he said.

"This really made me suspicious," he said. "I began to realize that these lawyers can charge just about what they want."

Around the time the Greek became involved with Athanson, the seaman had married an American girl. She had questioned her husband's dealings with his lawyer for some time, he said.

After her husband came home and told her what Athanson had wanted for the translation, she decided she would take time off from her job to work on her husband's citizenship problems herself.

On her first visit to Hartford's immigration offices, she was told her husband didn't need a lawyer.

She processed the paper work herself. Within a month her husband obtained his permanent residence card. He paid only a small fee for registration.

"It was very complicated and aggravating," she said. "But it only showed us that money spent on a lawyer was ridiculous."

Athanson collected a total of $1,500 for his work on behalf of the two Greek seamen, the first immigrant said. Only $200 was paid toward the $2,500 Athanson demanded to work on a private bill for the brother. That case was closed when the brother, impatient about his situation, returned to Greece. The rest of the money—about $1,300—bought Athanson's first client a sheaf of correspondence and legal documents, he said.

DIDN'T NEED BILL

The $1,300 wasn't intended to pay for a private bill. After he was married, the seaman didn't need one.

Athanson said that be had only received a total of $900 from the two brothers. He also challenged the wife's version of the story.

During his work with the husband, Athanson said, the American girl threatened to withdraw the Greek seaman's application for permanent residence. He said their marital troubles caused him considerable aggravation and expense.

In the course of his business with Athanson, the sailor said Athanson suggested he might contribute to Sen. Abraham Ribicoff's campaign fund. The immigrant said he was told that the senator's office had aided Athanson in expediting his legal paper work.

Athanson said he doesn't recall ever having suggested that any client make a campaign contribution.

Athanson's client never made the alleged political contribution, but the Courant's investigation uncovered several instances in which aliens did contribute to political campaigns.

A Chinese immigrant, using a friend who is a lawyer and is charging him no fee, said he is applying for a bill through U.S. Rep. Robert N. Giaimo of New Haven. In 1968 he contributed $800 to Giaimo's campaign. If the bill passes, the alien will gain the right to permanent residence for his family of four, now living in New Haven.

Another New Haven alien who has hired a lawyer to promote a private bill also sponsored by Giaimo contributed $50 to the congressman's campaign fund in 1968. He claims he is being charged very little by the lawyer handling his case.

The family of an Italian immigrant, who also lived in New Haven, has contributed to the campaign funds of two candidates. A private immigration bill has been introduced for them by Giaimo, but they claim that no lawyer was hired to advance their case.

In 1966 the family contributed $50 to Giaimo's campaign. In 1968 they upped their contribution to $100 and also gave $50 to Sen. Ribicoff's campaign.

JITTERS STANDARD

When asked about their private bill, which had not been acted upon, a relative of the alien became very nervous, so nervous that she later called Giaimo's office to find out who was investigating the family's case.

Jitters is almost a standard reaction in aliens questioned about their status with the immigration service. In some cases the immigrants and their relatives wouldn't talk at all.

In one instance, an Italian alien who agreed to talk about his fear that he would get himself and his lawyer in trouble. But his brother-in-law told this story:

The alien, call him John, migrated to Venezuela from Italy about 15 years ago.

John operated a successful Coca Cola trucking franchise there until a stroke partially paralyzed him. His doctors told him he should move to a less humid climate.

So he returned to Italy where he ran a small truck hauling business until he again became restless.

His plan was to move to a less humid part of Venezuela, visiting his sister in Connecticut on his way there. He sent his wife and three children ahead of him to Connecticut while he sold his business interests in Italy.

The delay was to cause him trouble with the immigration service. For some reason the fact that his family arrived several weeks before he did looked suspicious to immigration officials. When his brother-in-law made an application for an extension on John's visa, he was turned down.

When the family lawyer was consulted he said nothing could be done and that any money spent would be wasted. Eventually though, he came up with the name of a lawyer who could help, Atty. Francis J. McVane.

EXTENSION OBTAINED

McVane's first fee was $500 for a visa extension, John's brother-in-law said. The cost might have been high but the lawyer succeeded where the brother-in-law failed—he got the extension.

Since then McVane has obtained several other extensions and also arranged for a private bill to be introduced by U.S. Rep. Thomas Meskill of New Britain. All this has cost at least $1,500, according to the brother-in-law, but there is no guarantee that the bill will pass.

McVane confirmed that the fee was $1,500 but said he did not charge anything for pri-

vate bills. The original $500, he said, was a retainer. Complications in the case, involving possible deportation for the family, two job certifications and several visa extensions, required the additional fees, said McVane.

Ironically, during the family's stay in Connecticut, John's wife gave birth to a child who is automatically a citizen.

The immigration business is full of ironies.

One of the few immigration bills passed in the last two years cost its beneficiary nothing except for a few registration fees.

Because of a technical error, the alien who came to Connecticut from New Zealand in 1959 never received permanent residence status while his parents who came here in 1962 were given this right.

There was no problem until the New Zealander neared the end of his law education and discovered that he could not be admitted to the bar unless he became a citizen. A private bill was his only remedy.

His first bill introduced by Sen. Thomas J. Dodd in the winter of 1967 was blocked by another senator in reprisal for one of his bills which had failed to pass, according to the alien.

A second bill, introduced some eight months later by both Sen. Dodd and the late U.S. Rep. William St. Onge of Putnam passed on April 11, 1969.

HIGHER IN JERSEY

"I guess I was just lucky. It's hard to understand how these bills get through," said the alien. "I didn't pay anything for mine, but I understand that lawyers in New Jersey are charging between $5,000 and $10,000 for private bills to be introduced."

The lucky ones are rare. In the immigration business the tragedies far outnumber the stories with happy endings.

Aliens who finally run out of time and are sent back to their native lands can lose out on investments like cars—even homes—bought with their hand-earned cash.

The greatest tragedies, however, are those that break up a family:

"I don't know when I'll ever get him back . . . my husband ever since he's gone I'm nervous and upset . . . and I shouldn't be talking to you about it . . . but I can't help it. I've got to tell somebody once in a while because sometimes I feel like I'm dying."

The woman, who comes from a small town in southern Connecticut, had married an alien.

He had been married in Italy but was separated from his wife. He had known the woman who was to be his second wife only a few months when his visa ran out. The only way he could stay in the United States was to marry an American.

The problem was that he was still married to his first wife. The couple was told that they could arrange for a quick divorce in Mexico and then marry immediately afterward. They followed their lawyer's advice.

They had little trouble crossing the border into Mexico, but two days after they were married they tried to return and were detained. The immigrant was told he would not be allowed back into the country despite his marriage to an American.

STILL SEPARATED

The newlyweds were forced to separate. Reluctantly she came back to Connecticut. He eventually made his way back to Italy.

Nine months have passed and four letters have been sent to the American Consulate in Naples, but so far there have been no results.

The husband is back in Italy—another alien who was deported after getting questionable advice from several attorneys who bled him dry, according to another relative who was familiar with his legal dealings.

Some immigrants become quickly disillusioned with their lawyers. A Brazilian immigrant, who had heard about The Courant's investigation through a friend, contacted the newspaper in an attempt to relieve his frustrations.

"I need some help from you. There are many bad men in this world. They—the lawyers—they want your money, but they don't do anything for you. I know you don't charge. I want your help."

He spoke rapidly. When he pronounced his name, it was slurred and not easy to understand. Fear was in his voice. He wanted to stay in the United States, this land of opportunity, but his legal presence here was gradually coming to a close. Soon the immigration investigators might be looking for him.

"The lawyer told me if I found a good American girl I could get married and then become a citizen. But I can't just go out and look like that. It's wrong for her—wrong for me.

"I don't want to see a lawyer now. If you don't get them the money, they say they won't do a thing. They make you sign a paper say this."

LIKED CONDITIONS

The alien came to Connecticut from Brazil to work for a travel agency in February 1969. He found that the salary and living conditions here were so much better than those in Brazil that he decided he would try to stay in the United States.

A friend advised him to contact a New York lawyer before his visa expired. The lawyer charged him $1,000 to get a private immigration bill introduced into the U.S. Congress through a New Jersey representative.

The price might have been worse, but he is now due to leave the country in February 1971, the date his bill expires. It is not likely to be approved.

A minister, who came to this country as an immigrant and has seen the whole legal problem from the inside, offered a more sophisticated view.

"It is the law that's the problem. Your law of the lawyer. Your whole judicial system. It pretends to make laws for the immigrant's benefit when it is actually trapping them into paying fees to a lawyer."

It is apparent that the immigrant's personal experience with what is wrong in the system is not understood in official Washington. The government, it would appear, is so busy looking for criminals who flaunt the immigration laws that it tends to overlook the problems of the alien who just wants to stay here and make a better way of life.

The way the government sees the problem is reflected in an analysis in the 1961 U.S. Code Congressional and Administrative News for the first session of the 87th Congress.

"The alien whose sole immigration offense is, perhaps, a defect in his visa, or an overextended stay as a visitor, usually accepts the order of deportation and departs.

"Other aliens, mostly subversives, gangsters, immoral or narcotics peddlers, manage to protract their stay here indefinitely only because their ill-gotten gains permit them to procure the services of astute attorneys who know how to skillfully exploit the judicial process."

DON'T JUDGE INDIVIDUALS

There are several ironies here.

One is that lawyers make as much or more money on the alien who overextends his stay. And while congressmen and senators readily talk about the judicial system's problems in handling undesirable aliens, they don't often comment on their own problems in deciding which honest, hard-working alien has the greatest hardship and thus will gain the privilege of having their private bill become law.

The congressmen also don't discuss the fact that the private immigration bill, which is supposed to apply only to cases of extreme family hardship, has become so commonly abused that thousands clog the Congress. In some years the bills have taken more than 20 per cent of the legislative calendar.

Already the House of Representatives has limited the number of applicants for private bills, thus curtailing a practice that has been flourishing unchecked in constantly increasing numbers since after World War II.

The House Committee on the Judiciary added a stipulation to their rules of procedure. It became effective on March 12.

Under the new rule six, deportation cannot be deferred in the cases of private bill beneficiaries who have entered the country as "visitors, exchange visitors, students, stowaways, in transit, or deserting seamen, or by surreptitiously entering without inspection through the land or sea borders."

The rule applies only to the House, however, which leaves the Senate still wide open for lawyers with political connections to continue business as usual.

TIP OF ICEBERG

The Courant's investigation was able to document only a part of what gave every indication of being a widespread business.

In other of Connecticut's big cities, especially New Haven, Waterbury and Bridgeport where there are many immigrants, attorneys are also charging high fees for immigration work.

And lawyers are not restricted to dealing with congressmen for their own state when seeking private bills on behalf of a client. Many lawyers from New York and Massachusetts were found to have handled numerous private immigration bills for Connecticut based aliens as well as immigrants living in their own states.

A Brazilian, with friends in Massachusetts, described how some lawyers in the immigration business keep their clients in line.

"Up there they charge $1,000 and up to keep you in the country and they're loaded with cases. If they find you're giving them trouble, they'll drop your case and report you to immigration authorities as a deportable alien."

The Courant found no cases where a Connecticut lawyer threatened to turn in a client to immigration authorities. Indeed, in most cases, the lawyer was anxious to portray himself as a friend of the alien and to give his client a strict accounting of what he is doing to earn his fees.

One of Athanson's clients is a Portuguese woman who has been waiting for her permanent residence card since the summer of 1968.

In his first letter to this woman, he said: "I want to make it crystal clear" that the $2,000 fee, set in a previous meeting, would only cover his work on the private bill.

Since that time his fees have run up to $2,265, but the woman has still to become a permanent resident.

So she has decided to seek another way of becoming a citizen.

A friend suggested that if her mother and father immigrate from Portugal they probably can become citizens easily because they have American relatives more closely related to them than to their daughter. And when the parents become naturalized, their daughter can in turn become a citizen.

Athanson, however, has continued to emphasize the work he has done on the case.

His most recent letter gives a complete, itemized accounting of his charges for hearings, office meetings, legal papers and drafted letters. This letter, sent in early February, makes it clear that the two private bills prepared for her will not cost one cent—a seeming contradiction of the letter sent in September 1968.

In summing up the work he has done on the case, Athanson's letter said:

"The vigorous actions undertaken by this office on your behalf helped relieve that

anxiety and that desperation and has been the springboard of ultimately leading to your becoming an American citizen. How much is that really worth?"

EXHIBIT 2

[From the Hartford Courant, June 7, 1970]

GOVERNMENT HEADS BALK COURANT PROBE

Federal agencies on every level refused to cooperate with The Courant's year long investigation into high legal fees paid by immigrants.

The Courant had the names of aliens applying for private immigration bills, through a public record but it lacked the addresses.

Beginning in the spring of 1969, The Courant sought the information first from the Immigration and Naturalization Service, then from the Justice Department and finally the White House staff. The response was always the same: the addresses of aliens with private immigration bills filed in the U.S. Congress could not be released.

In each instance, The Courant informed agency representatives that its investigation centered on lawyers who charge high fees for immigration work in connection with the bills—which can be introduced by the congressmen without charge to the alien.

Federal officials were assured that the names or addresses of aliens would not be printed. It was also pointed out that local immigration officials monthly release the names, addresses and zip codes of immigrants who become naturalized citizens in Connecticut's three federal courts and several of its superior courts.

Here is the record of The Courant's efforts to locate aliens with complaints about their lawyers' fees and advice:

In the spring of 1969, the Hartford district offices of the immigration service cited a federal statute protecting the release of the addresses of aliens. It referred The Courant to its regional headquarters.

Several days later, the regional headquarters of the immigration service in Burlington, Vt., refused to release the information. It referred The Courant to its national headquarters in Washington, D.C.

On May 21, 1969, The Counrant wrote to Raymond Farrell, Commissioner of Immigration and Naturalization, and sent copies of its request to John N. Mitchell, the Attorney General, and U.S. Rep. Emanuel Cellar, chairman of the Committee on the Judiciary.

On June 30, The Courant received a reply from Commissioner Farrell. In order to receive aliens' addresses, Farrell said, it would be necessary to fill out an "application for a search of the records." The application, enclosed in his letter, included a space for the addresses of aliens, the very information The Courant was seeking.

On Aug. 5, The Courant sent back the application with a request for the addresses of all of Connecticut's aliens applying for private immigration bills. The Courant already had the names of aliens applying for such bills from a public record entitled a "Summary of Activities of the Committee on the Judiciary, 90th Congress."

On Aug. 20, Richard G. Kleindienst, the deputy attorney general, sent The Courant a letter denying the application because "this particular information cannot be disclosed . . . It would constitute an invasion of their (the aliens') personal privacy."

On Nov. 4, a representative of The Courant spoke personally with Kleindienst in Washington, D.C., and was assured that despite previous denials, The Courant's request would again be given serious consideration.

On Nov. 21, The Courant's representative received a telephone call from Kleindienst and was told that despite the deputy's personal conference with Attorney General Mitchell, the request was again denied.

Several weeks later, The Courant telephoned Clark R. Mollenhoff, special counsel to the President, to ask his help in convincing the administration of the importance of its investigation.

During the course of a long conversation, Mollenhoff said that the addresses of some aliens might be protected under the cloak of the Central Intelligence Agency.

On Dec. 4, The Courant wrote to Herbert Klein, and informed him of its problem in getting information and the entire purpose of its investigation.

On Dec. 15, The Courant wrote to Mollenhoff and enclosed a copy of the letter to Klein.

On Dec. 24, 1969, and Jan. 16, 1970, The Courant received two letters from Mollenhoff. Neither letter explained the White House staff position on the release of the addresses. The second one repeated the Justice Department's opinion about The Courant's request.

The Courant never received an answer to its letter to Klein.

On the other hand, during The Courant's investigation, the Hartford district immigration offices were most cooperative in supplying general information about their work. In fact, it was this cooperation which enabled The Courant to compare work and fees in the immigration process with the work and fees of lawyers.

EXHIBIT 3

[From the Hartford Courant, June 7, 1970]

THE BATTLE WITH BUREAUCRACY

Elsewhere in the paper today, we are printing an article on the needless cost and harassment to which many immigrants who are in the United States on short term visas are exposed when, usually futilely, they seek the passage by Congress of what are called private immigration bills permitting them permanent residence in this country. The article is the fruit of more than a year's investigation, and we commend it to our readers.

One of the reasons for the length of time it took to accumulate the material that provided the background for the article was the stubborn resistance of the Federal Immigration and Naturalization Service, the Justice Department and the White House itself to The Courant's request for the addresses of Connecticut's alien residents.

Under federal law, aliens who are in this country for six months or longer are required to register with the Federal Government, giving their names and addresses as well as other pertinent information. When private immigration bills are filed in their behalf with Congress, that information is also required.

The names and addresses are readily available within the Immigration and Naturalization Service, as is indicated by the fact that each month the Service furnishes to the press a list of the immigrants who have been granted citizenship, complete with names, addresses and zip code numbers.

Our vain pursuit of the information began with the local office of the Service in Hartford. Denied here, it was appealed to the regional office in Burlington, Vermont, and from there to the national office in Washington. Denied at the national level, we appealed to the office of the Attorney General where again we were turned down. Finally, we asked for assistance from the White House and received no answer to our request. And in no case did we receive a logical explanation to what seemed a completely legitimate request for information. When we got an explanation at all for being turned down, we were told that giving out the addresses of the aliens was "contrary to regulations."

In spite of a bumbling bureaucracy, we finally got from other sources sufficient material to confirm fully the suspicions that led to the investigation. But we got it in spite of the opposition of the Immigration and Naturalization Service and the Justice Department and the refusal of the White House to order the release of legitimate and harmless information. It took us more than a year to piece together the information behind the article on the plight of immigrants seeking permanent residence in this country when, had the bureaucracy not tried to block us, it could have been assembled in a matter of weeks.

We do not begrudge the unnecessary time, effort and expense and stupid—if, indeed, it was not worse than stupid—refusal to release the information cost us. And we think that today's article on the problems that face aliens seeking permanent residence justifies the extra effort the battle with bureaucracy cost us.

EXHIBIT 4

[From the Hartford Courant, June 8, 1970]

FEES FOR ATTORNEYS SET BY ASSOCIATION

The Association of Immigration and Nationality Lawyers, a group of some 400 attorneys from around the nation, sets a fee policy for its membership.

The association's minimum fees assume cases of average difficulty; and indicate that fees above the minimum should be adjusted on the basis of the specific difficulty of the case and novelty of the point at issue.

Association policy also states that minimum fees do not take into account the ability of the client to pay, which will necessarily be a factor in setting the fee in a particular case. Suggested minimum fees also do not include the lawyers costs or expenses.

In individual cases, the association allows two exceptions to their minimum fee rule:

Where counsel is retained by the same client in a connected series of matters, the total fee may be less than the total of suggested minimum fees.

Where additional beneficiaries, such as spouse or child, are included within a given application or other case, the fee for the additional person may also be less than the suggested minimum fee.

Here is the minimum fee schedule for specific immigration cases:

Visa extensions, $50 to $100; visa cases, $350 to $750; adjustment of alien status without deportation proceedings, $150 to $500; and deportation cases, $500 to $1,500.

Also waivers of alien status, $500 to $750; changing alien status, $500 to $1,500; uncontested naturalization applications, $100; reexamination of naturalization, $150; and contesting naturalization, $250 to $1,000.

Also applications of citizenship through a relative, $250 to $1,000; appeal to board of immigration, $250 to $500; appeal of denial of labor certification, $500.

Also application for passport, $100; appeal of denial of passport, $1,000; reconsideration of loss of citizenship, $1,000.

Also petitions before either the U.S. District Court or the U.S. Supreme Court, $1,000 to $2,500; consultation, $50; hourly rate for items not covered, $50; rate per day, $350; and criminal charges to be faced before the immigration service, $1,000.

[From the Hartford Courant, June 8, 1970]

BAR ASSOCIATION TO JOIN COURANT IN INVESTIGATION

Anthony V. DeMayo of New Haven, president of the Connecticut Bar Association, Sunday commended the efforts of The Courant in investigating the problems of immigrants and promised that the association will review alleged "exploitation" of immigrants by local lawyers.

The following is the text of DeMayo's statement:

"In response to the charges reported in The Hartford Courant, Sunday, June 7, of alleged 'exploitation' by certain lawyers of immigrants seeking an extension of visa or

other legal services, I have called a special meeting of the officers of the Connecticut Bar Association next Monday, June 15.

"The entire matter will also be considered at a special meeting later this month, by the Board of Governors, which represents the entire membership of the association.

"I am also asking the association Committee on Civil Rights and the Committee on Professional Ethics to review the charges. In addition, the Committee on the Administration of Civil Justice will be requested to review federal and state immigration laws and make any necessary recommendations to the Board of Governors.

"The Connecticut Bar Association is a voluntary, professional organization. Only the Grievance Committee of Connecticut Superior Court has the statutory powers to take disciplinary action against individual members of the bar.

"However, in cases where allegations of unethical practice or conduct not in the public interest, are made which reflect on the integrity of the legal profession, this association stands ready to take the leadership in determining the actual circumstances involved and, if warranted, to transmit its recommendations to the grievance committee.

"The Connecticut Bar Association commends The Hartford Courant for its efforts to perform an important public service by calling attention to possible inadequacies and complexities in our immigration laws.

"The association will move swiftly to determine the facts and will make all possible efforts to effect any necessary improvements."

[From the Hartford Courant, June 8, 1970]

LAWYERS SAY ALIEN NEEDS SPECIAL HELP

(By Thomas D. Williams)

Four Hartford lawyers who specialize in immigration work defend the fees they charge their alien clients on the grounds that the laws are complex and each case takes time.

In fact, all four said their fees are low when compared to those charged by attorneys in other specialties.

The Courant Sunday documented the difficulties—and large fees—that some immigrants feel they encounter in dealing with lawyers.

The minimum fee schedule for the Association of Immigration and Nationality Lawyers ranges from $50 to $2,500 depending on the complexity of the alien's case. The association is a group of some 400 specialized lawyers from all parts of the country and has its headquarters in Brooklyn, N.Y.

FEE COMPARISONS

Two of the lawyers compared normal immigration hearings with an appearance in traffic court which costs the violater $250, a minimum fee of the Hartford Bar Association schedule.

Another indicated that sometimes the immigration process was a lot tougher than getting a divorce for an unhappy married couple. The fourth lawyer said that criminal immigration legal defense was just as difficult, if not more so, than the sophisticated defense for a big time criminal.

Deputy Mayor George Athanson said he charges $50 an hour and $350 a day for immigration work because it is a specialty. His less specialized work, he said, costs the client $35 per hour.

SPECIAL TRAINING

In addition to his regular law training, Athanson attended a three-day immigration institute several years ago to qualify him in the specialized nature of the law.

Attorneys Samuel Tapper, of 750 Main St., and Francis J. McVane, of 1 Webster St. both are former long-time employees of the Immigration and Naturalization Service. Atty. Benjamin Globman of 915 Asylum Ave., has practiced immigration law since World War II.

Athanson, who charges retainer fees which are much higher than the other three lawyers said his fees are in line with a minimum schedule set by the association of immigration lawyers.

Although they were reluctant to be quoted because of bar association rules against publicity, the lawyers indicated varying fee standards. Tapper and Globman said the association's schedule of minimum fees are usually higher than they charge their clients.

HARDSHIP CASES

McVane said he was not familiar with the schedule and based his charges strictly on the individual case. If the client can't afford to pay regular fees, he said, the charges are as low as he can possibly make them.

The other three lawyers also agreed with this approach. All four said they had handled many difficult hardship cases at no cost to the poverty-stricken client.

Asked about the alien client who is afraid to face immigration authorities and merely needs a piece of good advice to handle his own situation, Tapper indicated that well over half of the people who come to his office are counseled once without charge.

McVane, on the other hand, said that almost all those ailens who come to this office need extended legal help and could not solve the situation without a lawyer.

REFERRALS

Athanson said most foreigners who visit his office have been referred to lawyers through organizations, individuals, some travel agents or the immigration service itself. "If they say, 'I want a lawyer,' I'm not going to kick them out," he explained.

Said Globman, "The majority of people who come here are wise to have legal counsel."

All four lawyers indicated that some of their immigration work is so complex that it takes appeals to higher courts in Washington, D.C., to extricate some of their clients. They all cited some hardship cases which went that far and cost their clients under $1,000. Such cases are a financial loss to the lawyers they indicated.

Challenged about the seeming conflict between their more expensive services and their clients' often scanty financial resources, the lawyers said legal costs are only commensurate with the complexity of the law and the slow technical nature of immigration applications.

ABILITY TO PAY

In addition, they said many of their clients are not only supported by richer relatives, but have obtained jobs in violation of their status as a visitor. And many aliens are making money out of proportion to what little they earned in the old country.

One of the lawyers gave an example of another kind of client situation.

The alien, he said, got married to an American citizen, but "I learned he was here originally as an agricultural worker, skipped his contract and was deported."

Later, said the lawyer, the alien came back as an agricultural worker under another name. With that background the alien wanted to apply for a visa.

FIGHTING PROSECUTION

The lawyer said that his client not only faced deportation, but had to fight prosecution. The alien should have waited a year to apply through the U.S. Attorney General for permission for a visa. His failure to do that upon returning to the United States was a statutory crime.

In addition, said the lawyer, he returned to this country under a false name, another statutory crime.

The lawyer began his work for the client. He beat the court order to show cause why the alien shouldn't be deported, and got voluntary departure for him.

Then the lawyer got his prosecution dismissed in U.S. District Court, and got the attorney general to retroactively waive the alien's original requirement to ask permission for a visa application.

Finally, the lawyer filed for a visa for the alien with the U.S. Consulate in Halifax, Canada. "Now he (the alien) is on the waiting list and if he behaves and his marriage doesn't crumble, he'll be O.K.," said the lawyer.

REDUCED FEE

The attorney said that the minimum schedule just for deportation requires a $1,500 fee; and that the multi-troubled alien paid him only $1,100 for all that complex legal maneuvering.

Another alien's troubled siutation cost him a lot more.

The Portuguese man and his wife came to this country on a six month visa in October, 1968. Without proper working status, both immediately took jobs in the Hartford area.

Within a short period of time, the immigration service discovered that the Portuguese woman was working illegally.

The couple was so frightened by this turn of events that a day later they purchased tickets to return to Portugal.

REFERRED TO LAWYER

However, after talking the situation over with his boss, the Portuguese man said he was referred to Atty. James N. Egan, of 49 Pearl St. and upon visiting Egan's office, the couple said they were told it would cost them $500 to stay their deportation and get an additional 30-day extension on their visa.

Later, when the couple went to the immigration office, they said they were represented by Atty. Tapper. Tapper was successful in getting them through both the deportation proceedings and in adding an extension to their visa.

The Portuguese man said the one fee was sufficient for both lawyers.

During the 30 days of their extended stay, the couple began to search for another lawyer who could keep them in the country permanently. A friend referred them to Athanson.

AGREED TO PAY $5,000 RETAINER

In an initial meeing with Athanson, they agreed to pay a $5,000 retainer fee; however, because they were still conscious of the $500 already spent on lawyers, the couple wanted the money kept in a joint bank account with Athanson. The lawyer agreed to this arrangement, they said.

Athanson later secured a private immigration bill for the wife. It was introduced through Sen. Abraham Ribicoff, and is still pending. Of course, if the couple had known the law, they could have secured the bill without charge directly through the senator.

Athanson is now still working on immigration applications for the couple.

The Portuguese man and his wife have absolutely no complaints about their lawyer. They are convinced that Athanson is representing them well.

REPRESENTED SAVINGS

The couple said the $5,000 represented most of their total savings. They explained that in order to make enough money to afford the fee and have enough left over to live on, both have to work full-time. It is still tough for them to meet ordinary living expenses.

Asked what the couple's total annual take home pay was to afford such legal expenses, Athanson looked in his files and replied, "They are making a total of $12,701.83."

In response to an earlier question about the Portuguese couple's ability to pay such a high retainer, Athanson said that the private bill had given them the freedom to work and earn money over a period of several years.

Athanson also claimed that the retainer was not necessarily a final fee. He said that

he collected his expenses from his client's retainer fund.

When asked if he made it a practice to return parts of the original retainer, Athanson said this is done when his final fees are lower than the original retainer, or when there is extreme financial hardship.

In some cases investigated by The Courant, Athanson not only tabulated up to the full amount of the retainer, but added over $200 to the final bill.

EXHIBIT 5

PROBERS SAY ALIENS ABLE TO BUY WIVES

(By Thomas D. Williams)

Aliens are being sold phony passports and visas to enter the country, then temporary marriages are arranged to keep them here.

Federal investigators in Connecticut exposed this scheme in a continuing probe into immigration that has been under way for a year. Two men have been arrested thus far. They were later released on $10,000 full surety bonds.

Charged with arranging marriages for two Portuguese men were Joaquim Ferreira Pepeira of 667 Noble Ave., Bridgeport, and Secondino (Dino) De Mello Morais of 51 River St., Waterbury.

A federal warrant indicates that Peperia allegedly paid an American woman $1,000 to marry the Portugese alien so he could stay in the country as a permanent resident.

WANTED TO STAY

The alien was reportedly in the United States for a two or three week visit when he decided he did not want to return to Portugal. According to the warrant, Pepeira went with the couple for blood tests in Danbury and later was present when they were married in Bridgeport on June 4, 1968.

In addition, the warrant says the woman was told she did not have to live with the alien and the only time she would see him again was when they got a divorce.

The warrant also makes these allegations:

Pepeira told the woman not to tell marriage license officials that she had been married before.

The woman was instructed to tell immigration officials she had been living with her Portuguese "husband."

After the alleged marriage payoff, the woman was told to apply for petition papers through immigration officials to make her "husband" a permanent resident. She reportedly filed the papers with the Hartford offices of the immigration service on June 10, 1968.

ENTERING COUNTRY

A second federal warrant charges that Morais met with another Portuguese alien in Portugal in August of last year. The accused told the alien he would charge him 55,000 escudos (over $1,900) to come to the United States.

Later, the warrant says, the alien went from Portugal to Spain and to France. He then flew from France to Kennedy International Airport in New York City on Sept. 30, 1969.

Shortly after the alien arrived in this country, the warrant says, Morais met with him at his home in Waterbury to arrange a marriage with a New York City woman. The alien and a Bronx, N.Y., woman were allegedly married on Oct. 15, 1969.

According to the investigation, the couple never lived together. And in fact, the Portuguese man was never able to locate his "wife" after the marriage in order to have her file the necessary immigration papers for his permanent residence.

ARRESTED IN MAY

Both Pepeira and Morais were arrested by federal agents from the Hartford District offices of the Immigration and Naturalization Service in May.

According to Assistant U.S. Atty. F. Mac Buckley, the arrests were not made public until Thursday because it was felt that government witnesses might be "intimidated and scared to talk."

Buckley said the probe is only partially completed and that he will call for federal grand jury indictments of a number of suspects in the fall.

The investigation, he said, was originated by Hartford's immigration offices and has involved probes into racket activities in Bridgeport, Waterbury, Danbury, New York City, France, Portugal and Belgium.

An immigration spokesman said their investigation has been aided by several other district offices along the Eastern seaboard.

Mr. WILLIAMS of Delaware. Mr. President, I submit for appropriate reference a resolution, asking the Committee on the Judiciary to consider these allegations and take whatever steps are necessary, legislative or otherwise, that they deem appropriate. I ask that the resolution be appropriately referred, and that it be printed in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The resolution will be received and appropriately referred, and will be printed in the RECORD in accordance with the Senator's request.

The resolution—Senate Resolution 456—was referred to the Committee on the Judiciary, as follows:

S. RES. 456

That the Committee on the Judiciary, or any duly authorized subcommittee thereof, shall, under sections 134(a) and 136 of the Legislative Reorganization Act of 1946, and in accordance with its jurisdiction specified by rule XXV of the Standing Rules of the Senate, make a full and complete study and investigation of—

(1) the fees being charged by private persons for procuring the introduction into Congress of private relief bills for the benefit of aliens in order to stay deportation proceedings brought by United States officials against such aliens; and

(2) the need for any change in the present rules concerning the effect of the introduction and consideration of such bills upon the staying of those proceedings.

Sec. 2. The Committee shall report to the Senate at the earliest practicable date the results of its study and investigation, together with its recommendations for any necessary legislation.

RECESS UNTIL 9 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in recess until 9 o'clock tomorrow morning.

The motion was agreed to; and (at 5 o'clock and 56 minutes p.m.) the Senate recessed until tomorrow, Wednesday, August 26, 1970, at 9 a.m.

NOMINATION

Executive nomination received by the Senate August 25, 1970:

CORPORATION FOR PUBLIC BROADCASTING

Thomas W. Moore, of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting for a term expiring March 26, 1976, vice John D. Rockefeller, 3d, term expired.

EXTENSIONS OF REMARKS

SENATOR PROUTY AND OUR ENVIRONMENT

HON. J. CALEB BOGGS

OF DELAWARE

IN THE SENATE OF THE UNITED STATES

Tuesday, August 25, 1970

Mr. BOGGS. Mr. President, the distinguished Senator from Vermont (Mr. PROUTY) brought to Congress 19 years ago his experience and concern for conservation. In 1951, perhaps we should have heeded men like Senator PROUTY who warned us of the dangers of disregarding our environment. If we had, perhaps we would not be faced with today's ecological problems. In his years of service in Congress, Senator PROUTY has been a strong advocate for legislation aimed at protecting our environment.

I ask unanimous consent that his record be included in the Extensions of Remarks.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

SENATOR PROUTY AND OUR ENVIRONMENT

Senator Winston Prouty's career as a strong advocate of conservation of our environment started before he entered the United States Congress.

In 1948, Winston Prouty was appointed to serve as Chairman of the Vermont State Water Board after completing a term as Speaker of the Vermont House of Representatives. This service on the board reinforced Senator Prouty's strong respect for our natural environment.

Senator Prouty feels that until recently, one discipline, ecology, has served only the agricultural and medical community. It is the science of ecology that offers us the hope that our knowledge will better serve us and that the knowledge on which we base our actions will be more complete.

As Senator Prouty wrote in a guest column on September 6, 1969: "Pollution is waste management gone wrong, or in the extreme, the absence of waste management."

There is a new sense of involvement with our environment and its relationship with life patterns. This is a good trend and, hopefully, one that will continue until we have reached the objective of a quality environment for all Americans.

Senator Prouty realizes that money alone cannot provide an instant panacea and laws alone are not enough to reach our goal of a quality environment. The people must provide change in their attitude on the environment and its use.

To achieve the good we all desire, Senator Prouty says "We must change our thinking and accounting. Our decisions and our balance sheets must reflect environmental factors. Our actions must be based on ecological knowledge."

In the past, it is interesting to know, for example, that water pollution legislation stems from an 1886 Act of Congress to forbid the dumping of hazards to naviga-

tion in New York harbor. Concern for navigation marked early water pollution legislation, but by 1912 Congress had moved to control water-borne diseases. Subsequently water pollution legislation has responded to the growing awareness of the need to halt abuses of this precious resource.

Concern for the quality of our air was slower in developing. Our nation was midway into the twentieth century before Congress passed the first act in this area, the 1955 Air Pollution Control Act.

Senator Prouty in a recent speech before the Vermont Library Association put forth his ideas of an environmental ethic and environmental accountancy which are basic to the successful solution to the existing problem. As said by Senator Prouty:

"Each day we hear a new figure as to how much it will cost to repair our ravaged earth. Yet probably the most accurate thing that can now be said is that the only thing more expensive than cleaning up our environment is not cleaning it up.

As for determining who is responsible for our environmental dilemma, I would suggest we ignore for a moment President Nixon's admonition that "the fight against pollution is not a search for villains." Let us seek out the villains. We do not have far to look. As the cartoon character Pogo says, "We have met the enemy and they is us."

People are the polluters. Let us realize we all live in environmental glass houses and stop throwing stones. Perhaps we are not comfortable being the villains. But it was our search for comfort and convenience that led to our villainy, that brought us at odds with our surroundings.

It is not so much a question of individual intent, but of collective neglect.

We were led to near disaster by our concepts and must rescue ourselves in part with technology, but also with a new way of thinking, an environmental ethic if you wish.

We must make our economic and social decisions in the context of our surroundings. Our environmental ethic will require more caution in our planning, more care in our daily conduct. It will require that each decision we make be made with concern for our fragile ecology.

We cannot build dams considering only the affect downstream. We must look upstream as well.

We cannot think only of whiter, brighter washes without contemplating our algae-choked streams.

We cannot think of our no-deposit, no-return, throw-away culture as a blessing without considering the problems of solid waste disposal.

Each product we demand cannot be considered in a vacuum. We must consider the cost in the environmental context of its production and use.

The prices of goods must reflect the cost of conserving and restoring our environment. The polluters will pay and since "they is us", we will pay.

We will have to develop not only an environmental ethic, but environmental accountancy wherein our product price tags, corporate balance sheets and national income accounts reflect the true cost of doing business, taking into consideration that a quality environment isn't free.

Clearly we must develop new economic indicators that reflect the quality of our life as well as the quantity of our goods and services.

It is at this point that the forces of anti-progress are arrayed.

They contend that we have too long equated progress with growth. In this they are correct.

However, when they insist that the only way to repair our environment is to stop growth, they advocate abandoning human needs.

We must not become so pre-occupied with environmental problems that other pressing human problems are put aside.

But this is what the advocates of zero growth would do.

I say we must as a nation continue to grow with a new emphasis on how we grow rather than on how much we grow.

Perhaps our most compelling assignment is to look away from the Gross National Product toward a more meaningful indicator of true progress. Man cannot live by Gross National Product alone, and we need indicators that reflect man's need for pure air, clean rivers and lakes, and quiet. Nowhere are these reflected in the G.N.P.

On the contrary, if a new factory pollutes a clear stream, the G.N.P. will go up, not only because of the mill's output, but because of expenditures downstream needed to cleanse the befouled water.

I am not an economist, but I am confident that our knowledge is sufficient to provide new indicators, or adjust or append present indicators, to reflect environmental factors and record our true progress not merely the growth of goods and services.

If we fail to re-adjust our thinking and our accounting and make progress along these lines, the arguments for the zero-growth school will be strengthened and the hopes of those who seek not only a better environment, but better housing, jobs, education, and health care as well, will be diminished."

To Senator Prouty the basic approach of government has advanced from the day when it was only a referee among competing resources to the day when the government must be considered the trustee of the environment for all the people.

The Government must administer this trust, not with stop-gap measures to halt specific abuses, but with a clear top priority national goal of a quality environment for all Americans. Simply declaring this goal is not enough in itself. We must channel our wealth into protecting our future.

Man's stewardship over the earth's environment has guided Senator Prouty as a strong supporter of conservation and environmental legislation.

During his entire career in the U.S. Senate, Senator Prouty has consistently supported and voted in favor of the conservation legislation which has come before that body.

Yet Senator Prouty's attention since he entered the Senate has not only been on an national level, but directly in tune with the conservation needs of the Green Mountain State. It is an important fact that Senator Prouty has used his influence to prevent construction of the Victory Dam and Gaysville Dam. For example, just recently Senator Prouty directly opposed the Corps of Engineers efforts to begin work on the Gaysville Dam which was authorized in the 1930's.

When the public works appropriation bill for fiscal 1970 was referred to the Senate, it contained an appropriation of $500,000 for planning of the Gaysville Reservoir. As a result, Senator Prouty contacted the Chairman, Senator Allen Ellender, and the ranking Minority member, Senator Milton Young (N. Dak.) on October 21, 1969, asking that they remove this amount from the appropriation as not being money which should be spent, since the Gaysville Dam was opposed by him and by the people of Vermont.

In the letter of October 21st, Senator Prouty said:

"I write you today, Mr. Chairman, to express my very great opposition to the portion of the public works appropriation bill which provides for construction and planning activity at the site of the Gaysville Dam at Gaysville, Vermont.

"Mr. Chairman, most, if not all, of the beautiful and productive valleys in the Green Mountains of Vermont are scheduled to be inundated with the construction of additional dams to complete an over-all plan designed years ago by the Corps of Engineers. Unfortunately, this concept does not necessarily consider the people of the State of Vermont, nor does it consider the ever more important necessity for retention of our naturally beautiful areas."

He wrote to the other eight Republican members of the Subcommittee and received word in reply that as long as he opposed the dam, they would also oppose it and it was, therefore, removed from the appropriations report when the bill passed the Senate on November 12, 1969.

Senator Prouty also then contacted the House of Representatives members of the appropriations conference and asked that they recede from their position, which they did do.

As a result, the $500,000 planning grant for Gaysville Dam was removed from appropriations in 1970.

Senator Prouty feels that Vermont has given enough of her beautiful valley to flood control that does not benefit Vermont, just submerges her valleys.

Another example of Senator Prouty's work against the flooding of Vermont is his active support to kill the Victory Dam project and save Victory Bog.

Being a resident of the Northeast Kingdom, the Victory Bog and its preservation is important to Senator Prouty. Since entering Congress, he has kept constant tabs on the Victory Dam project. Senator Prouty has worked behind the scenes with Senator Aiken to prevent a dam the people don't want, and the area doesn't need.

Senator Prouty's constant vigilance of the Victory project has prevented the Corps of Engineers from obtaining the necessary authorization or any money for this dam. The Senator is determined to not only prevent this project, as he has been able to do in the past, but to effectively kill the project so that the Corps of Engineers can no longer undertake any planning for the dam as a result of non-Vermont influence that is presently pushing for the dam. Senator Prouty noted that the effective killing of the Victory project will take some time since the project has been in existence for thirty to forty years. The Senator feels that time is on our side as long as the Governor does not authorize the project as happened in 1967.

A compilation of environmental legislation supported by Senator Prouty during his tenure in the United States Senate follows:

THE 86TH CONGRESS

Sept. 9, 1959—H.R. 3510—Amends the Federal Water Pollution Control Act to increase grants for construction of sewage works and for other purposes.

THE 87TH CONGRESS

Sept. 6, 1961—S. 174—Establishes a National Wilderness Preservation System. It established a national wilderness preservation system, limited to Federal lands already withdrawn for recreational use and classified in the following categories: (1) Areas in national forests classified as "wilderness" wild or canoe; (2) areas in national forests classified as primitive; (3) areas in national parks and monuments, each of which embraced at least 5,000 acres without roads, and (4) selected portions of wildlife refuges and game ranges already established.

THE 88TH CONGRESS

April 9, 1963—S. 4—Wilderness Act. Explanation same as S. 174.

October 16, 1963—S. 649—Federal Water Pollution Control Act Amendments of 1963. Establishment of Federal Water Pollution Control Administration within HEW to administer programs under the Federal Water Pollution Control Act of 1961. Authority for the Secretary to regulate the discharge from Federal institutions of waste into waters of the United States

August 12, 1964—H.R. 3846—Land and Water Conservation Fund Act. It created a land and water conservation fund from which appropriations would be made to provide outdoor recreation areas and facilities at State, local and Federal levels.

THE 89TH CONGRESS

January 28, 1965—S. 4—Water Quality Act of 1965. Establishment of Federal Water Pollution Control Administration within HEW to administer programs under the Federal Water Pollution Control Act of 1961.

January 18, 1966—S. 1446—Wild Rivers Act. It established a national wilderness system.

July 12, 1966—S. 3112—Clean Air Act Amendments of 1966. A new grant program was instituted allowing air pollution control agencies up to one-half of the cost of maintaining programs to prevent and control air pollution.

July 14, 1966—S. 2947—Federal Water Pollution Control Act Amendments and Clean Rivers Restoration Act of 1966. Established the clean rivers restoration program as a supplement to the existing water pollution control program for planning and construction of treatment works on a river basin basis.

THE 90TH CONGRESS

July 18, 1967—S. 780—The Air Quality Act of 1967. This measure expanded grants for pollution control programs, and promulgated Federal ambient air quality criteria by which the states would establish standards. The measure also required the Secretary of the Department of Health, Education and Welfare to designate air quality regions, to publish information on control techniques, and to enforce established standards.

August 8, 1967—S. 119—Wild and Scenic Rivers Act. This act classified certain streams possessing outstanding scenic, recreational and other values as wild or scenic rivers to be preserved in a free-owing condition, and protected for the enjoyment of all Americans.

April 29, 1968—S. 1401—An amendment to the Land and Water Conservation Fund Act of 1965, which authorized the annual expenditure of $200 million to finance the acquisition and development of Federal and State recreation areas.

P.L. 90–515, The National Water Commission Act. This act created the National Water Commission for the purpose of making a comprehensive survey of the Nation's water resource problems.

P.L. 90–411. An Amendment to the Federal Aviation Act of 1958. This Act authorized the Federal Aviation Administration to set aircraft noise and sonic boom standards.

THE 91ST CONGRESS

June 26, 1969—S. 1075—The National Environmental Policy Act. This act declares, for the first time in the history of the United States, a policy for environmental management designed to create and maintain conditions under which man and nature can coexist in productive harmony. The bill requires all Federal agencies to take into account the environmental impact of all actions they propose. Specific directives to prevent adverse environmental effects of Federal agency activities are indicated. This new law also created, in the Office of the President, a permanent three-member Council on Environmental Quality. The new Council is modeled after the Council of Economic Advisers, and is authorized an annual appropriation to cover the expenses of a professional staff. The principal functions of the council are to recommend environmental policies to the President and to assist him in the preparation of an annual environmental report to be submitted to the Congress beginning in July, 1970.

June 26, 1969—S. 1076—Youth Conservation Corps. This measure would establish a nationwide Youth Conservation Corps, consisting of young men between 14 and 18 years of age who would participate in supervised summer conservation work and educational projects. This bill recognizes that if the future leaders of this Nation are to be expected to understand that the great out-of-doors has a relevant role in their lives, they must experience the sense of accomplishment in completing a difficult task, of understanding the importance of land and water conservation and management, and of working in programs to assure that future generations will enjoy life in a quality environment. The measure is particularly important to urban youth who, because of the lack of adequate job opportunities, often turn from walking the streets seeking jobs to roaming the streets in pursuit of mischief.

October 8, 1969—S. 7—Water Quality Improvement Act of 1969.

S. 2276—An amendment of the Clean Air Act. The law extends for one year research grants of $45 million in air pollution resulting from fuel combustion.

H.R. 11363—Endangered Species Act. This law described by conservationists as the most important wildlife legislation before the 91st Congress, prohibits the importation or interstate shipment of endangered species of fish and wildlife, and protects alligators.

S. 1830—The Alaska Native Land Claims Settlement Act. The claims of the native people of Alaska to the land and to the resources of Alaska have been a source of conflict between the State of Alaska, the native people of Alaska, and the Federal government for a number of years. This legislation would finally resolve these problems, and also provide an opportunity to lay a foundation for social and economic advancement of Alaska Eskimos, Indians and Aleuts, most of whom live under poorer circumstances than any other Americans. The bill also directs that a study be made of all public lands in Alaska and requires the Secretary of the Interior to recommend areas for inclusion in the National Park System.

H.R. 8794—An amendment to the Marine Resources and Engineering Act, which extends for one year the National Council on Marine Resources and Engineering Development. This legislation provides time for the Council to complete their work, and for Congress to take legislative action on their proposals.

S. 2315—An amendment to the Land and Water Conservation Fund. This measure is designed to continue the Golden Eagle passport program due to expire next March, and also to increase the annual fee from $7 to $10. The bill also would continue the advance contract authority for land acquisitions to deal with the increasingly serious problem of land-cost escalation.

Pending legislation in the 91st Congress which Senator Prouty is cosponsoring and supporting:

S. 3468—Environmental Financing Act of 1970—(Senators Scott and Prouty).

To create an Environmental Financing Authority whose purpose is to assure that inability to borrow necessary funds in the market at reasonable interest rates does not prevent any state or local public body from carrying out a waste treatment work project from receiving a grant by the Secretary of the Interior.

1. Five member board of directors (Secretary, Treasurer, etc.).
2. Initial capital—$100 million.
3. Annual Report submitted to Congress.
4. Audit by provision of government corporation control act.

S. 3466—To amend the Clean Air Act—(Senators Scott and Prouty.)

The bill extends for an additional three years (FY 71–73) the general authorization of appropriation for the "Clean Air Act", as well as to the special appropriation authorization in that Act for research related to fuels and vehicles.

1. Compliance testing and certification of motor vehicles and engines.
2. Registration and regulation of fuels and fuel additives.
3. National Air Quality Standards.
4. Stationary Source Emission Standards.

S. 3469—Waste Reclamation and Recycling Act—(Senators Scott and Prouty.)

To authorize the Council on Environmental Quality to conduct studies and make recommendations respecting the reclamation and recycling of material from solid wastes to extend the provisions of the "Solid Waste Disposal Act".

1. Study of incentives to reuse of materials from solid wastes.
2. Special consideration to the problems of motor vehicles hulks.

S. 3467—To amend the Land and Water Conservation Fund Act of 1965—(Senators Scott and Prouty).

It would amend the Land and Water Conservation Fund Act to insure that the revenues presently available to the Land and Water Conservation Fund will be effectively augmented by the additional receipts which can be expected to result from the concentrated effort to dispose of unneeded Federal real property.

1. To sell surplus land for park and recreation purpose at public benefit discounts up to 100%.
2. GSA could use receipts from sales of surplus land to relocate government agencies.

S. 3470—To amend the Federal Water Pollution Control Act—(Senators Scott and Prouty).

The bill would add a new section five which would clarify the existing language to indicate the basic purpose to be achieved. The techniques available to achieve these purposes and limitation which apply to the use of these techniques. Major emphasis is focused upon effective performance and substantial improvement of state and interstate programs.

S. 3471—To amend the Federal Water Pollution Control Act—(Senators Scott and Prouty).

The bill would amend the declaration of policy in section one of the Act to express concern for the quality of total environment, amend section three to expand the authority of the Secretary of the Interior to develop comprehensive water quality management programs, and strengthen the enforcement authority in section ten. The bill reflects the modern concept of water quality as a vital part of a livable environment and recognizes the interrelationship of all water resources.

S. 3472—To amend the Federal Water Pollution Control Act—(Senators Scott and Prouty).

The bill would amend section eight of the Act to authorize the Secretary of the Interior to incur obligations in the form of grant agreements or otherwise in an aggregate amount of $4 billion ($1 billion per year from FY 71 to FY 75). The bill would revise the allocation formula to provide greater flexibility to meet the most severe water pollution problems and to give an added incentive to the states to fully utilize the funds allocated.

S. 3388—Establish an "Environmental Quality Administration"—(Senators Scott and Prouty).

To establish an independent agency responsible for developing and conducting comprehensive national policies, programs, and activities to improve the quality of the American environment and to insure that the improved quality of the environment is maintained. Transfer many functions for the areas of air, water pollution and solid waste disposal away from department to the new administration. Federal Water Pollution Control Administration and Water Resource

Commission will become part of the Administration. Serve as a clearing function in the pollution program.

S. 3072—The Federal Low Emission Vehicle Procurement Act. This measure would stimulate the development, production and distribution in interstate commerce of low emission motor vehicles in order to provide increased protection against the hazards of vehicle exhaust emission.

S. 3151—The National Environmental Education Act—(Senators Nelson and Prouty).

This measure would provide financial assistance to all levels of education for developing environmental education curricula and for training faculty to teach such courses. Funds are also provided to generate and disseminate environmental education information.

S. 3598—Authorize Federal assistance for Fish and Wildlife and Recreation Development—(Senators Aiken and Prouty).

The bill would authorize the Secretary of Agriculture to share part of the cost of installing public fish and wildlife or recreation development in resources conservation and development projects, and up to half the cost of any needed land, easements, rights-of-way, and basic public facilities.

S. 4076—Humane Seal Protection Act of 1970—(Senators Goodell and Prouty).

Prohibits the clubbing of seals after July 1, 1972, the taking of seal pups, and taking of female seals on Pribilof Islands or on any other land and water under the jurisdiction of the United States.

THE CONSUMER AGRICULTURAL FOOD PROTECTION ACT OF 1970

HON. BURT L. TALCOTT

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. TALCOTT. Mr. Speaker, ever since my election to the Congress, and before, I have actively and personally worked to improve agriculture, particularly the working and living conditions of farmworkers.

Our Nation depends on agriculture—nutritionally and economically. Agriculture is our Nation's No. 1 industry. Growers in my congressional district lead the world in productivity, innovation, and progress. Farmworkers in my district, including migrants, receive higher wages, and enjoy better working and living conditions than they can find doing anything else anywhere else in the world.

Still this is not good enough and we are trying to improve our produce, our working and living conditions.

We have many migrant farmworkers who follow the harvests—they are the poorest of the poor and the most disadvantaged of the disadvantaged. Migrancy is their nemesis. Their wages are not disproportionate to their skills, but the cost of moving and the lack of regular employment caused by the vagaries of the harvests, keep them poor.

To help the farmworkers in my district, I have proposed comprehensive legislation to compliment the efforts of the industry, the unions, the local and State governments, as well as the public and private social organizations.

I have introduced, and advocated passage of legislation during several Congresses to provide "impacted aid" to school districts through which the children of migrant farm families must swarm.

I have introduced, and advocated, passage of legislation during several Congresses to provide extra and compensatory bilingual training for the children of farmworkers.

I have cosponsored legislation for manpower training to enable farmworkers and their children to develop skills which will permit them to obtain permanent jobs and to escape the grinding poverty of migrancy.

I have supported legislation to establish supervised day care centers for children of farmworkers. I have introduced legislation during the last two Congresses to require all States to provide workers with benefits comparable to industrial labor benefits, including:

First. Regulation of farm labor housing centers and employer-furnished housing accommodations, including standards of sanitation, location, construction, density, and maintenance of housing.

Second. Regulation of farm labor contractors and crew leaders, requiring annual licensing or registration and prompt payment of wages to laborers, and prohibiting such undesirable employment practices as giving false information on terms, conditions, or the existence of employment.

Third. Regulation of transportation of migratory farmworkers, including standards for safety and operation of equipment, qualifications of drivers, and safety and comfort of riders.

Fourth. Regulation of uniform minimum ages for agricultural employees.

Fifth. Regulation of uniform minimum wages for agricultural employees.

Sixth. Regulation of wage payments requiring regular paydays, payment in cash or readily negotiable form, and prompt payment on termination of work.

Seventh. Workmen's compensation providing monetary and medical benefits to agricultural employees injured on the job.

Eighth. Temporary disability insurance providing benefits for agricultural workers for non-work-connected illnesses or injuries.

Ninth. Unemployment insurance laws providing benefits for agricultural employees during periods of involuntary unemployment.

Tenth. Regulation of field sanitation facilities.

It was only recently that a few other Members of the Congress displayed any interest in unemployment compensation for farmworkers—and this was a superficial "grandstand" last-minute amendment to an industrial compensation bill without any prior committee study or deliberation.

Mr. Speaker, recently, while the farms in a small portion of my congressional district were producing approximately 70 percent of the head lettuce consumed in the United States, most of the farming operations were struck. The harvest, shipment, and distribution of head lettuce was choked to a stop. Thousands of agricultural workers—including harvesters, truckdrivers, packinghouse workers, processors, railroad employees, carton manufacturers, and so on and on—were affected.

Additionally, tons of lettuce spoiled in the fields. Growers and farm suppliers lost thousands of dollars—some face bankruptcy. The price of lettuce to the housewife and restaurateur skyrocketed.

In fact, hundreds of thousands of innocent persons were deprived of an important nutritional food.

Farmworkers, farmers, employees of allied industries and the consumers were injured and harmed. The losses were permanent, unrecoverable. Lost wages cannot be recouped. Spoiled crops cannot be revived.

Such injuries, losses, and waste should not be tolerated by our society. Events which have transpired recently in the Salinas Valley make it incumbent upon me, as the elected Representative of over 500,000 residents of the 12th Congressional District and as the Representative of an agriculture region upon which the 200 million consumers in the United States depend for approximately 30 percent of their principal row crop vegetables, to advocate enactment of agricultural labor management legislation which will protect these consumers from loss or interruption of their nutritional food supply.

Our brains should be applied to develop machinery to resolve farm labor disputes without such permanent injury and unrecoverable losses.

Some ground rules must be adopted at the earliest possible date in order to assure the orderly process of planting, growing, harvesting, and distributing agricultural products so vital to our Nation's health.

Disruptions of the agriculture process, especially of harvests, are quite different from disruptions of a manufacturing process. Assembly lines can often stop and steel ingots and automobiles can be stored or inventoried for weeks without deterioration—as a matter of fact, with an increase in value. No man, group, or government can stem the inexorable process of fruit and vegetable growth and maturation. A strawberry, for instance, must be picked, processed, and packaged within hours of maturity or spoilage begins and losses accelerate.

Agricultural losses are compounded when the processes are interrupted. Even spoiled crops must be picked, or disced under, at additional costs even though they are useless. Vegetables that spoil after harvest while stalled enroute to market, for instance, must be disposed of, as garbage, usually at great cost and without any recoupment.

Farmworkers can least afford a harvesttime strike, with attendant loss of work, because after the crops mature there is no work until the next harvest—which may be months away. Also, harvesttime provides special opportunities for extra work—overtime, additional jobs, longer shifts; when extra work is available, the work stoppages are extraordinarily disastrous for the farmworker.

The flow of farm produce to the consumer is always subject to the exigencies of weather, availability of transporta-

tion, refrigeration, markets—over which the individual farmer and farmworker have no control.

The consumer, when all is said and done, is the ultimate loser in the game of one-upmanship in the current drive to organized agricultural fieldworkers.

Everyone, whether farmer or worker, is a consumer. No self-anointed pressure group, however vocal, should be permitted to force its will on the overwhelming majority of the American people for its own selfish ends.

Obviously an entirely different legal and administrative mechanism—other than the one presently used in settlement of industrial disputes—is necessary for the settlement of disputes in agriculture and the food processing industry.

There are historical, economic, and humanitarian reasons why a Federal Farm Labor Relations Board is necessary. The basic structure of the extant National Labor Relations Board can be useful, but such a Board and its functions and operations must be modified to fit the unique conditions and problems of agriculture, farm labor, and food products.

A unique need is certain—there can be no strike, slow down, or lockout at harvesttime.

I believe strikes and lockouts can be eliminated without jeopardizing the rights or the power of the farmer or the farmworker. I believe a mechanism can be established to protect the farmer, the farmworker, and most importantly the consumer.

Congress should devote its attention toward developing a mechanism to achieve a balance between the demands of agriculture workers and the policies of the farmers in order to protect themselves and the consumer from being exploited or injured.

I have introduced some comprehensive legislation, H.R. 19023, to establish a National Farm Labor Relations Board.

My bill has been drafted with the rights of the individual citizen, the individual consumer in mind. No individual citizen or group is entitled to abridge these rights or to claim favored treatment. A unique feature of this bill prohibits strikes and lockouts. In lieu of strikes and lockouts, I have proposed a Board of Arbitration to expedite the fair settlement of all farm labor disputes. It would be instituted whenever a work stoppage occurs or a labor dispute arises.

The five-man Board of Arbitration would include one representative designated by labor and one representative by management; these two would then jointly select three neutral other members. This Board would assist the parties in reaching a fair settlement of the dispute. If the dispute is not settled within 30 days, the Board would publicly announce the offer of each party which is most favorable to the other party. If the dispute is not settled within 5 days thereafter, the Board will designate the proposal which it considers the more reasonable—not a compromise of the two. The designated proposal will immediately become the agreement of the parties and subject to enforcement by law.

This new legal mechanism will permit the parties to bargain freely; it will provide strong incentives for the parties to bargain promptly and reasonably.

Union representation, collective bargaining, and all other benefits and privileges of conventional labor-management relations are available and encouraged—excepting the strike and lockout.

Most labor-management experts recognize that the strike and lockout are outmoded and barbaric techniques for solving problems in a civilized society. Violence and interference with the rights of third parties must be avoided in labor-management relations just as in other aspects of societal living. Harvesttime work stoppages and interruptions of our food supply must be minimized.

A fair, reasonable, and workable mechanism to replace the strike and lockout is the key feature of my bill.

Time is of the essence. The disruption of the harvest and orderly flow of agricultural products from the farm to the consumer is wasteful, costly, and injurious to the farmer, the farmworker, and the consumer.

It is past time for platitudinous rhetoric, but time for sincere, practical solutions to the problems arising in farm employer-employee relations.

I solicit any objective appraisal of the proposal which I have submitted. I am convinced that the individual agricultural worker will quickly realize that my proposal can settle the emotional as well as the practical disputes.

The text of my bill, H.R. 19023, follows. I welcome the cooperation and counsel of anyone interested in fair farm labor legislation:

H.R. 19023

A bill to be known as the Consumer Agricultural Food Protection Act of 1970

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That—

SHORT TITLE

This Act may be cited as the "Consumer Agricultural Food Protection Act of 1970".

STATEMENT OF FINDINGS AND DECLARATION OF POLICY

SEC. 2. (a) The Congress hereby finds—

(1) that the production and distribution of an adequate supply of food at reasonable prices is essential to the health and welfare of the people of the United States;

(2) that the food industry of the United States from grower to consumer is, and has proved itself to be, capable of satisfying the desires and needs of the American consumer with wholesome products at reasonable prices;

(3) that the food industry of the United States has developed under a system in which the role of government has been to build a legal framework in which our competitive system operates to make available abundant quantities of healthful, appetizing food to all Americans at just and fair prices;

(4) that in recent decades there have been dramatic changes in farm technology and productivity and transportation in the preservation and distribution of food products; and

(5) that, because of these changes, the legal structure guaranteeing our food supply must be strengthened in order to maintain the free flow of agricultural products from the farms of the United States to the consumer of such products and to assure that all who have a public or economic interest in the strengthening of this framework, including consumers, agricultural employees and employers, are fairly treated.

(b) The Congress further finds—

(1) that orderly and peaceful relationships between labor organizations representing or seeking to represent agricultural employees and employers of those employees are essential to protect the availability, quality, and price of food products;

(2) that any interruption in those orderly and peaceful relationships between labor organizations and agricultural employers which interferes with the activities of neutral employers and employees who transport, prepare for market, and market agricultural products unfairly jeopardizes the fulfillment of the needs of consumers for adequate food supplies at reasonable prices; and

(3) that coercive or restrictive pressures on consumers of agricultural products unjustly jeopardizes the rightful interest of consumers in such food supplies.

(c) The Congress also finds that agricultural employees are entitled to the right to organize and bargain collectively, if they so wish, in order to establish fair and equitable terms and conditions of employment while maintaining an orderly and peaceful employment relationship.

(d) Because of the perishability of agricultural products and the essential role they play in the health and well-being of our country, the Congress further finds that it is necessary to enact legislation specifically designed to establish an equitable balance between the interests of consumers, agricultural employees, and employers and thereby to protect the production and distribution of food supplies for consumers by establishing a legal system encompassing that production and distribution.

(e) It is hereby declared to be the purpose and policy of this Act, through the exercise by the Congress of its power to regulate commerce among the several States and with foreign nations, (1) to encourage and promote the normal flow of agricultural products produced on the farms of the United States, and to protect the consumers of such products, by providing safeguards for the production and distribution of agricultural products against interruption of the peaceful relationships between labor organizations representing or seeking to represent agricultural employees and the employers of such employees, and (2) to provide an orderly system under which agricultural workers may organize and bargain collectively, if they so wish, which is compatible with the public interest in assuring to consumers adequate and wholesome food supplies.

DEFINITIONS

SEC. 3. When used in this Act—

(1) The term "person" includes one or more individuals, labor organizations, partnerships, associations, corporations, legal representatives, trustees, trustees in bankruptcy, or receivers.

(2) The term "agriculture" includes farming in all its branches which is in commerce or which affects commerce and, among other things, shall include the cultivation and tillage of the soil; dairying; the production, cultivation, growing, and harvesting of any agricultural or horticultural commodity (including commodities defined as agricultural commodities in section 15(g) of the Agricultural Marketing Act, as amended); the raising of livestock, bees, or poultry; and any practices (including any forestry or lumbering operations) performed by a farmer or on a farm as an incident to or in conjunction with farming operations, including the preparation of any agricultural commodity for market, delivery of any such commodity for storage or to market or to a carrier for transportation to market, and any activity connected with providing housing and food for persons employed in agriculture.

(3) The term "employer" includes any person acting as an agent of an employer,

directly or indirectly, but shall not include the United States.

(4) The term "agricultural employer" means any employer engaged in agriculture affecting commerce who, during any calendar quarter during the preceding calendar year, used more than 500 man-days of agricultural labor. Such term shall also include any person who provides labor and services on one or more farms as independent contractor if such person, during any calendar quarter during the preceding calendar year, provided more than five hundred man-days of agricultural labor. In calculating the average number of agricultural employees employed by an agricultural employer or provided by an independent contractor, one hour or more of employment in any one day shall be considered one man-day and three hundred man-days shall be considered one man-year.

(5) The term "employee" includes any employee of a particular employer and shall also include any individual whose work has ceased as a consequence of, or in connection with, any current labor dispute or because of any unfair labor practice, and who has not obtained any other regular and substantially equivalent employment; but such term shall not include any individual—

(a) employed by his parent, spouse, or by an immediate relative;

(b) having the status of an independent contractor;

(c) employed as a supervisor, or in a confidential capacity or as a clerical employee, or as a guard;

(d) employed as a professional or technical employee;

(e) who has quit, been discharged, or been laid off from work and has no reasonable expectancy of being recalled to work within sixty days from the date of lay off; or

(f) who is a tenant or sharecropper and responsibly directs or shares in the management of an enterprise engaged in agriculture.

(6) The term "agricultural employee" means any employee who is employed by a particular agricultural employer and who has been so employed for at least fourteen workdays during the preceding thirty calendar days and has been employed by that employer or another agricultural employer for at least one hundred workdays during the preceding calendar year. If otherwise qualified, a person shall be considered an agricultural employee if the employer pays the wages of the employee and the work is performed for the employer's benefit or on his behalf, even though the supervision, bookkeeping, and the issuance of payroll checks is by a person other than the employer. In calculating a workday of an agricultural employee, one hour or more of employment in any one day shall be considered a workday.

(7) The term "farm" means any enterprise engaged in agriculture which is operated from one headquarters where the utilization of labor and equipment is determined and which, if consisting of separate tracts of land, are within a fifty-mile radius of the headquarters.

(8) The term "representative" includes any individual or labor organization.

(9) The term "labor organization" means any organization of any kind, or any agency or employee representation committee or plan, in which employees, as defined in this Act or in the National Labor Relations Act, as amended (29 U.S.C. 151–168), participated and which exists for the purpose, in whole or in part, of dealing with employers concerning grievances, labor disputes, wages, rates of pay, hours of employment, or conditions of work.

(10) The term "commerce" means trade, traffic, commerce, transportation, or communication among the several States, or between the District of Columbia or any territory of the United States and any State or other territory, or between any foreign country and any State, territory, or the District of Columbia, or within the District of Columbia or any territory, or between points in the same State but through any other State or any territory or the District of Columbia or any foreign country.

(11) The term "affecting commerce" means in commerce, or burdening or obstructing commerce or the free flow of commerce, or having led or tending to lead to a labor dispute burdening or obstructing commerce or the free flow of commerce.

(12) The term "unfair labor practice" means any unfair labor practice listed in section 206 of this Act.

(13) The term "labor dispute" includes any controversy between an agricultural employer and his agricultural employees concerning terms, tenure, or conditions of employment, or concerning the association or representation of persons in negotiating, fixing, maintaining, changing, or seeking to arrange terms or conditions of employment.

(14) The term "Farm Labor Relations Board" means the Farm Labor Relations Board provided for in section 201 of this Act.

(15) The term "superior" means any individual having authority, in the interest of the employer, to hire, transfer, suspend, lay off, recall, promote, discharge, assign, reward, or discipline other employees, or responsibility to direct them, or to adjust their grievances, or effectively to recommend such action, if in connection with the foregoing the exercise of such authority is not of a merely routine or clerical nature, but requires the use of independent judgment.

(16) The term "professional employee" means—

(a) any employee engaged in work (i) predominantly intellectual and varied in character as opposed to routine mental, manual, mechanical, or physical work; (ii) involving the consistent exercise of discretion and judgment in its performance; (iii) of such a character that the output produced or the result accomplished cannot be standardized in relation to a given period of time; (iv) requiring knowledge of an advanced type in a field of science or learning customarily acquired by a prolonged course of specialized intellectual instruction and study in an institution of higher learning or a hospital, as distinguished from a general academic education or from an apprenticeship or from training in the performance of routine, mental, manual, or physical processes; or

(b) any employee, who (i) has completed the courses or specialized intellectual instruction and study described in clause (iv) of paragraph (a), and (ii) is performing related work under the supervision of a professional person to qualify himself to become a professional employee as defined in paragraph (a).

(17) In determining whether any person is acting as an "agent" of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling.

(18) The term "ultimate consumer" shall mean the person who purchases an agricultural product for consumption.

TITLE I—PROTECTION OF AGRICULTURAL PRODUCTS

PROHIBITED ACTS

SEC. 101. It shall be unlawful—

(a) For any labor organization or its agents or for any person acting on behalf of a labor organization or to further the objective of a labor organization—

(1) to induce or encourage any individual employed by any person engaged in commerce or in an industry affecting commerce to engage in a strike or a refusal to use, process, transport, display for sale, sell, or otherwise handle or work on any agricultural commodity after such commodity leaves the farm or situs where grown or produced, or to picket or threaten to picket any other person;

(2) to threaten, restrain, or coerce any person; or

(3) to enter into or maintain any contract, combination, or conspiracy with any employer, labor organization, or other person where an object of any of the foregoing conduct, directly or indirectly, is to force, require, or persuade—

(a) any person to cease or refrain from using, selling, displaying for sale, processing, transporting, or otherwise dealing in any agricultural commodity;

(b) any person to enter into any unlawful agreement pertaining to the production, processing, transporting, marketing, or sale of any agricultural commodity;

(c) any agricultural employer to recognize or bargain with a labor organization as the representative of his employees unless such labor organization has been certified as the representative of such employees after a valid secret ballot election;

(d) any agricultural employer to assign particular work to employees in a particular labor organization or in a particular trade, craft, or class rather than to employees in another labor organization or in another trade, craft, or class; or

(e) any employer or self-employed person engaged in agriculture or in an industry affecting agriculture to join any labor or employer organization.

(b) For any person—

(1) to induce or encourage the ultimate consumer of any agricultural commodity, unless such inducement or encouragement is limited to honest, truthful, and undeceptive publicity and specifically identifies the producer of such commodity; or

(2) to restrain, coerce, or threaten such ultimate consumer, where an object thereof is to force, require, or persuade such ultimate consumer not to purchase, consume, or use such agricultural commodity. Permissible inducement or encouragement within the meaning of paragraph (b)(1) shall not include publicity of any kind if such publicity identifies the producer of an agricultural commodity by, or is directed against, any trademark, trade name, or generic name which may include products of another producer or user of such trademark, trade name, or generic name, and shall not include picketing at a retail establishment.

(c) For any person to initiate, participate in, conspire to, or threaten a strike, picketing, or refusal to perform work, in whole or in part, at a farm (i) if such action will result in a cessation of operations necessary to prevent the loss, spoilage, deterioration, or reduction in grade, quality, or marketability of an agricultural commodity in commercial quantities or (ii) if there is then in effect a collective bargaining agreement with respect to labor performed or to be performed at that farm by agricultural employees.

(b) For any person to picket or cause to be picketed, or threaten to picket or cause to be picketed, any employer where an object thereof is to induce, encourage, force, or require (i) an agricultural employer to recognize or bargain with a labor organization as the representative of his employees, or (ii) the employees of an agricultural employer to accept or select such labor organization as their collective bargaining representative, unless such labor organization is currently certified as the representative of such employees—

(A) where the employer has lawfully recognized in accordance with this Act any other labor organization and a question concerning representation may not appropriately be raised under section 207(c) of this Act;

(B) where within the preceding twelve months a valid election under section 207(c) of this Act has been conducted; or

(C) where a petition has been filed under section 207(c) of this Act.

COURT JURISDICTION

SEC. 102. (a) Whoever shall be aggrieved or shall be injured in his business or property by reason of any violation of section 101 of this Act may sue in any district court of the United States, without respect to the amount in controversy or without respect to the citizenship of the parties, or in any other court having jurisdiction of the parties, and shall recover damages and cost of the suit. Upon the filing of such suit the court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law. Petitions for such injunctive relief or temporary restraining orders shall be heard expeditiously. Petitions for temporary restraining orders alleging a violation of section 101(c) shall be heard forthwith and, if the petition alleges that substantial and irreparable injury to the petitioner is unavoidable, such temporary restraining orders may be issued without notice and shall continue in effect until the court has heard and ruled upon a request for a temporary injunction.

(b) For the purposes of this title, district courts of the United States shall have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members or in the solicitation of prospective members.

(c) The service of summons, subpena, or other legal process of any court of the United States upon an officer or agent of a labor organization, in his capacity as such, shall constitute service upon the labor organization.

(d) Any labor organization which represents employees as defined in this Act or in the National Labor Relations Act, as amended (29 U.S.C. 151–168), in an industry affecting commerce and any employer whose activities affect commerce as defined in this Act shall be bound by the acts of its agents. Any such labor organization may sue or be sued as an entity and in behalf of the employees whom it represents in the courts of the United States. Any money judgment against a labor organization in a district court of the United States shall be enforcible only against the organization as an entity and against its assets, and shall not be enforcible against any individual member or his assets.

(e) For the purposes of this section, in determining whether any person is acting as an agent of another person so as to make such other person responsible for his acts, the question of whether the specific acts performed were actually authorized or subsequently ratified shall not be controlling and any person acting on behalf of a labor organization or to further the objective of a labor organization shall be deemed to be acting as an agent of that labor organization. Nothing in this section shall be deemed to preclude an agent being sued both in his capacity as an agent and as an individual.

SEC. 103. (a) It shall be unlawful for any person to threaten or engage in arson, mass picketing, libel, slander, injury to person or damage to property, or other violent conduct where an object is to prevent the display for sale, selling, or transportation of any agricultural commodity.

ESTABLISHMENT OF BOARD; TERMS OF MEMBERS; GENERAL COUNSEL

SEC. 201. (a) There is hereby established a board which shall be known as the Farm Labor Relations Board (hereinafter referred to as the "Board") and which shall consist of three members.

(b) There shall be in the Department of Agriculture an Assistant Secretary for Farm Labor Relations who shall be a member of the Board and shall serve as its Chairman. The Assistant Secretary for Farm Labor Relations and the two additional members of the Board shall be appointed by the President, by and with the advice and consent of the Senate. One of the two additional members shall be appointed for a term of ten years, and the other for a term of five years; and their successors shall be appointed for terms of ten years each, except that any individual appointed to fill a vacancy of any such additional member shall be appointed only for the unexpired term of the member whom he is succeeding. The two additional members of the Board may be removed from office by the President upon notice and hearing for neglect of duty or malfeasance in office, but for no other cause.

(c) There shall be a General Counsel of the Board who shall be appointed by the President, by and with the advice and consent of the Senate. The General Counsel shall have final authority, on behalf of the Board, with respect to the investigation of charges and the issuance of complaints under section 208, and with respect to the prosecution of such complaints by the Board, and shall have such other duties as the Board may prescribe or as may be provided by law.

(d) Each member of the Board and the General Counsel of the Board shall be eligible for reappointment and shall not engage in any other business, vocation, or employment. The duties of the Assistant Secretary for Farm Labor Relations shall be limited to those duties set out in this Act.

(e) A vacancy in the Board shall not impair the right of the remaining members to exercise all of the powers of the Board and two members shall, at all times, constitute a quorum of the Board. The Board shall have an official seal which shall be judicially recognized.

(f) The principal office of the Board shall be in the District of Columbia, but it may meet and exercise any or all of its powers at any other place.

(g) (1) Section 5315 of title 5, United States Code, is amended by striking out "(11) Assistant Secretaries of Agriculture (3)." and inserting in lieu thereof the following:

"(11) Assistant Secretaries of Agriculture (4)."

(2) Such section is further amended by adding at the end thereof the following:

"(92) Members, Farm Labor Relations Board (except Assistant Secretary of Agriculture for Farm Labor Relations).

"(93) General Counsel of the Farm Labor Relations Board."

AUTHORITY OF BOARD; DELEGATION OF AUTHORITY

SEC. 202. (a) The Board may, by one or more of its members or by such agents or agencies as it may designate, prosecute any inquiry necessary to its functions in any part of the United States. A member of the Board who participates in any such inquiry shall not be disqualified from subsequently participating in a decision of Board in the same case.

(b) The Board shall have authority from time to time to make, amend, and rescind, in the manner prescribed in sections 551–559 of title 5, United States Code, such rules and regulations as may be necessary to carry out the provisions of this title.

(c) The Board is authorized to delegate to such regional or area offices of the Department of Agriculture as it deems appropriate its powers under section 207 to determine the unit appropriate for the purpose of collective bargaining as defined in section 207(b), to investigate and provide for hearings, and to determine whether a question of representation exists, and to direct an election or take a secret ballot under subsection (c) or (e) of section 207 and certify the results of such election; but the Board may review any action, taken pursuant to the authority delegated under this subsection, by any regional or area officer upon a request for a review of such action filed with the Board by any interested party. Any such review made by the Board shall not, unless specifically ordered by the Board, operate as a stay of any action taken by the regional or area officer. The entire record considered by the Board in considering or acting upon any such request or review shall be made available to all parties prior to such consideration or action and the Board's findings and action thereon shall be published as a decision of the Board.

OFFICERS AND EMPLOYEES OF THE BOARD

SEC. 203. (a) The Board shall have authority to appoint an executive secretary and such attorneys, hearing officers, trial examiners, and other employees as it may from time to time find necessary for the proper performance of its duties.

(b) The Board may not employ any attorney for the purpose of reviewing transcripts of hearings, or preparing drafts of opinions, except that any attorney employed for assignment as a legal assistant to any Board member may for such Board member review such transcripts and prepare such drafts.

(c) No trial examiner's report shall be reviewed, either before or after its publication, by any person other than a member of the Board or his legal assistant, and no trial examiner shall advise or consult with the Board with respect to exceptions taken to his findings, rulings, or recommendations.

(d) The Board may establish or utilize such regional, local, or other agencies, and utilize such voluntary and uncompensated services, as may from time to time be needed.

(e) Attorneys appointed under this section may, at the discretion of the Board, appear for and represent the Board in any case in court.

(f) Nothing in this title shall be construed to authorize the Board to appoint individuals for the purpose of conciliation or mediation, or for economic analysis.

EXPENSES OF THE BOARD

SEC. 204. All of the expenses of the Board, including all necessary traveling and subsistence expenses outside the District of Columbia incurred by the members or employees of the Board under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Board or any individual it designates for that purpose.

RIGHTS OF EMPLOYEES

SEC. 205. (a) Except as provided in subsection (b) of this section, agricultural employees shall have the right to self-organization, to form, join, or assist labor organizations, to bargain collectively through representatives of their own choosing, and to engage in other concerted activities for the purpose of collective bargaining or other mutual aid or protection except to the extent that such right may impair the rights of aggrieved or injured persons under title I of this Act, and shall also have the right to refrain from any or all of such activities except to the extent that such right may be affected by an agreement requiring membership in a labor organization as a condition of employment as authorized in section 206 (a) (3).

UNFAIR LABOR PRACTICES

SEC. 206. (a) It shall be an unfair labor practice for an agricultural employer—

(1) to interfere with, restrain, or coerce employees in the exercise of the rights guaranteed in section 205;

(2) to dominate or interfere with the formation or administration of any labor organization or contribute financial or other support to it: *Provided*, That, subject to rules and regulations made and published by the Board pursuant to section 204, an agricultural employer shall not be prohibited from permitting employees to confer with him during working hours without loss of time or pay;

(3) by discrimination in regard to hire or tenure of employment or any term or condi-

tion of employment to encourage or discourage membership in any labor organization: *Provided*, That nothing in this Act, or in any other statute of the United States, shall preclude an agricultural employer from making an agreement with a labor organization (not established, maintained, or assisted by any action defined in section 206(a) of this Act as an unfair labor practice) to require as a condition of employment membership therein on or after the thirtieth day following the beginning of such employment or the effective date of such agreement, whichever is the later, (i) if such agreement is lawful under applicable State laws, (ii) if such labor organization is the representative of the employees as provided in section 207(a), in the appropriate collective-bargaining unit covered by such agreement when made, and (iii) unless following an election held as provided in section 207(e) within one year preceding the effective date of such agreement, the Board shall have certified that at least a majority of the employees eligible to vote in such election have voted to rescind the authority of such labor organization to make such an agreement: *Provided further*, That no agricultural employer shall justify any discrimination against an employee for nonmembership in a labor organization (A) if he has reasonable grounds for believing that such membership was not available to the employee on the same terms and conditions generally applicable to other members, or (B) if he has reasonable grounds for believing that membership was denied or terminated for reasons other than the failure of the employee to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(4) to discharge or otherwise discriminate against an employee because he has filed charges or given testimony under this Act;

(5) to refuse to bargain collectively with the representatives of his employees, subject to the provisions of section 207; *Provided*, That nothing in this Act shall be construed as requiring an agricultural employer to bargain collectively until a representative of his employees has been determined by means of a valid secret ballot election conducted in accordance with the provisions of section 207.

(b) It shall be an unfair labor practice for a labor organization or its agents—

(1) to restrain or coerce (A) agricultural employees in the exercise of the rights guaranteed in section 205: *Provided*, That this paragraph shall not impair the right of a labor organization to prescribe its own rules with respect to the acquisition or retention of membership therein: *Provided further*, That it shall be an unfair labor practice under this section for a labor organization to threaten or impose any fine or other economic sanction against any person in the exercise of rights under this Act (including but not limited to the right to refrain from any or all concerted activity, to refrain from compliance with a union rule, policy, or practice which establishes or affects wages, hours, or working conditions at such person's place of employment, or to invoke the processes of the Board); or (B) an agricultural employer in the selection of his representatives for the purposes of collective bargaining or the adjustment of grievances;

(2) to cause or attempt to cause an agricultural employer to discriminate against an employee in violation of subsection (a)(3) or to discriminate against an employee with respect to whom membership in such organization has been denied or terminated on some ground other than his failure to tender the periodic dues and the initiation fees uniformly required as a condition of acquiring or retaining membership;

(3) to refuse to bargain collectively with an agricultural employer, provided it is the representative of his employees subject to the provisions of section 207(a);

(4) to engage in any activity or conduct defined as unlawful in title I of this Act but nothing in this subsection (b) shall be construed as limiting the rights of aggrieved or injured persons under title I of this Act;

(5) to require of employees covered by an agreement authorized under subsection (a)(3) the payment, as a condition precedent to becoming a member of such organization, of a fee in an amount which the Board finds excessive or discriminatory under all of the circumstances. In making such a finding, the Board shall consider, among other relevant factors, the practices and customs of labor organizations in the particular industry, the expected duration of employment, and the wages currently paid to the employees affected;

(6) to cause or attempt to cause an agricultural employer—

(A) to pay or deliver or agree to pay or deliver any money or other things of value for services which are not performed or not to be performed;

(B) to establish or alter the number of employees to be employed or the assignment thereof; or

(C) to assign work to the employees of a particular employer;

(7) to fail to furnish each of its members, within ninety-one days after the close of each of its fiscal years, with a copy of a report setting forth its receipts and disbursements during its preceding fiscal year and its financial condition at the end of that year, together with the report of an audit of the foregoing conducted by a certified public accountant.

(c) The expressing of any views, argument, opinion, or the making of any statement (including expressions intended to influence the outcome of an organizing campaign, a bargaining controversy, a strike lockout, or other labor dispute), or the dissemination thereof, whether in written, printed, graphic, visual, or auditory form, if such expression contains no threat of reprisal or force or promise of benefit, shall not (i) constitute or be evidence of an unfair labor practice under any of the provisions of this title, or (ii) constitute grounds for, or evidence justifying, setting aside the results of any election conducted under any of the provisions of this title. A statement of fact by either a labor organization or an employer relating to existing or proposed operations of the employer or to terms, tenure, or conditions of employment with the employer shall not be considered to constitute a threat of reprisal or force or promise of benefit. No employer shall be required to furnish or make available to a labor organization, and no labor organization shall be required to furnish or make available to an employer, materials, information, time, or facilities to enable such employer or labor organization, as the case may be, to communicate with employees of the employer, members of the labor organization, its supporters, or adherents.

(d)(1) For the purposes of this section, to bargain collectively is the performance of the mutual obligation of the employer and the representative of the employees to meet at reasonable times and confer in good faith with respect to wages, hours, and other terms and conditions of employment which directly affect work of the employees, or the negotiation of an agreement, or any question arising thereunder, or any question concerning the furnishing of necessary and relevant information, if any, requested by the other party in connection with the negotiation of an agreement or any issue arising under such agreement, or requiring as a condition for entering into an agreement the giving of a bond by either party in a sum adequate to compensate the other party for loss caused by breach of the agreement and the execution of a written contract incorporating any agreement reached if requested by either party. The failure or refusal of either party to agree to a proposal, or to the making, changing or withdrawing of a lawful proposal, or to make a concession shall not constitute, or be evidence, direct or indirect, of a breach of this obligation; nor shall the Board in any remedial order direct either party to make any concession or agree to any proposal or to make any payment of money except to employees who are reinstated with back pay as provided in section 208(c)(1). This section shall not require any employer to bargain collectively with respect to any decision, not prohibited by other provisions of this Act, or to discontinue, contract out, sell, lease, or otherwise change, modify, or dispose of his farm, equipment, or operations, or any part thereof, or to determine the methods, equipment and facilities to be used in producing agricultural products or the agricultural products to be produced.

(2) Where there is in effect a collective-bargaining contract covering employees in an industry affecting commerce, the duty to bargain collectively shall also mean that no party to such contract shall terminate or modify such contract, unless the party desiring such termination or modification—

(A) serves a written notice upon the other party to the contract of the proposed termination or modification sixty days prior to the expiration date thereof, or in the event such contract contains no expiration date, sixty days prior to the time it is proposed to make such termination or modification;

(B) offers to meet and confer with the other party for the purpose of negotiating a new contract or a contract containing the proposed modifications;

(C) notifies the Federal Mediation and Conciliation Service within thirty days after such notice of the existence of a dispute, and simultaneously therewith notifies any State or territorial agency established to mediate and conciliate disputes within the State or territory where the dispute occurred, provided no agreement has been reached by that time; and

(D) continues in full force and effect, without resorting to strike or lockout, all the terms and conditions of the existing contract for a period of sixty days after such notice is given or until the expiration date of such contract, whichever occurs later.

The duties imposed upon employers, employees, and labor organizations by paragraphs (A), (B), and (C) shall become inapplicable upon an intervening certification of the Board, under which the labor organization or individual, which is a party to the contract, has been superseded as or ceased to be the representative of the employees subject to the provisions of section 207(a), and the duties so imposed shall not be construed as requiring either party to discuss or agree to any modification of the terms and conditions contained in a contract for a fixed period, if such modification is to become effective before such terms and conditions can be reopened under the provisions of the contract. Any employee who engages in a strike within the sixty-day period specified in this subsection shall lose his status as an employee of the employer engaged in the particular labor dispute, for the purposes of sections 206, 207, and 208 of this Act, as amended, but such loss of status for such employee shall terminate if and when he is reemployed by such employer.

REPRESENTATIVES AND ELECTIONS

SEC. 207. (a) Representatives selected by a secret ballot for the purposes of collective bargaining by the majority of the agricultural employees in a unit appropriate for such purposes, shall be the exclusive representatives of all the agricultural employees in such unit for the purposes of collective bargaining in respect to rates of pay, wages, hours of employment, or other conditions of employment: *Provided*, That any individual employee or a group of employees shall have the right at any time to present grievances

to their employer and to have such grievances adjusted, without the intervention of the bargaining representative, as long as the adjustment is not inconsistent with the terms of a collective-bargaining contract or agreement then in effect: *Provided further,* That the bargaining representative has been given opportunity to be present at such adjustment. No person may serve as an officer of any labor organization which agricultural employees are given the right to join under section 205 of this Act unless he is elected as such by secret ballot in election which is conducted by, and whose results are certified by, the Farm Labor Board.

(b) The unit appropriate for the purposes of collective bargaining shall consist of all agricultural employees of an agricultural employer working at the farm or processing facility where such employer grows, produces, processes, or packages agricultural products unless the persons filing a petition under this section and the employer involved agree that a different unit is also an appropriate bargaining unit.

(c)(1) Whenever a petition shall have been filed, in accordance with such regulations as may be prescribed by the Board—

(A) by an agricultural employee or group of agricultural employees or any individual or labor organization acting in their behalf alleging that a substantial number of agricultural employees (i) wish to be represented for collective bargaining and that their employer declines to recognize their representative as the representative defined in section 207(a), or (ii) assert that the individual or labor organization, which has been certified or is being currently recognized by their employer as the bargaining representative, is no longer a representative as defined in section 207(a); or

(B) by an agricultural employer, alleging that one or more individuals or labor organizations have presented to him a claim to be recognized as the representative defined in section 207(a) or that an individual or labor organization which has previously been certified as the bargaining representative is no longer a representative; the Board shall investigate such petition and if it has reasonable cause to believe that a question of representation affecting commerce exists shall provide for an appropriate hearing upon due notice. If the Board finds upon the record of such hearing that such a question of representation exists, it shall direct an election by secret ballot and shall certify the results thereof. The date of such election shall be set at a time when the number of temporary employees entitled to vote does not exceed the number of permanent employees entitled to vote.

(2) In determining whether or not a question of representation affecting commerce exists, the same regulations and rules of decision shall apply irrespective of the identity of the persons filing the petition or the kind of relief sought or whether the persons filing such petition did so in good faith. In no case shall the Board deny a labor organization a place on the ballot by reason of an order with respect to such labor organization or its predecessor not issued in conformity with section 208(c).

(3) No election shall be directed in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held. Employees engaged in an economic strike who are not entitled to reinstatement shall be eligible to vote under such regulations as the Board shall find are consistent with the purposes and provisions of this Act in any election conducted within three months after the commencement of the strike. In any election where none of the choices on the ballot receives a majority, a runoff shall be conducted, the ballot providing for a selection between the two choices receiving the largest and second largest number of valid votes cast in the election. An agricultural employee who has voted in a valid election shall not be eligible to vote in any election at the farm of another agricultural employer in the same geographical area for a period of twelve months thereafter. Any agricultural employee who shall be found to have sought or accepted employment for the purposes of affecting the outcome of an election shall not be eligible to vote in an election conducted pursuant to the provisions of this Act for a period of twelve months.

(4) Nothing in this section shall be construed to prohibit the waiving of hearings by stipulation for the purpose of a consent election in conformity with regulations and rules of decision of the Board.

(d) Whenever an order of the Board made pursuant to section 208(c) is based in whole or in part upon facts certified following an investigation pursuant to subsection (c) of this section and there is a petition for the enforcement or review of such order, such certification and the record of such investigation shall be included in the transcript of the entire record required to be filed under section 208(e) or 208(f), and thereupon the decree of the court enforcing, modifying, or setting aside in whole or in part the order of the Board shall be made and entered upon the pleadings, testimony, and proceedings set forth in such transcript. The court shall not enforce any order of the Board which rests, in whole or in part, upon evidence adduced from witnesses who have not testified under oath and who have not been subject to cross-examination by opposing parties.

(e)(1) Upon the filing with the Board, by 30 per centum or more of the agricultural employees in a bargaining unit covered by an agreement between their employer and a labor organization made pursuant to section 206(a)(3), of a petition alleging the desire that such authority be rescinded, the Board shall take a secret ballot of the employees in such unit and certify the results thereof to such labor organization and to the employer.

(2) No election shall be conducted pursuant to this subsection in any bargaining unit or any subdivision within which, in the preceding twelve-month period, a valid election shall have been held.

PREVENTION OF UNFAIR LABOR PRACTICES

SEC. 208. (a) The Board is empowered, as hereinafter provided, to prevent any person from engaging in any unfair labor practice (listed in section 206) affecting commerce. This power shall not be affected by any other means of adjustment or prevention that has been or may be established by agreement, law, or otherwise.

(b) Whenever it is charged that any person has engaged in or is engaging in any such unfair labor practice, the Board, or any agent or agency designated by the Board for such purposes, shall have power to issue and cause to be served upon such person a complaint stating the charges in that respect, and containing a notice of hearing before the Board or a member thereof, or before a designated agent or agency, at a place therein fixed, not less than five days after the serving of said complaint: *Provided,* That no complaint shall issue based upon any unfair labor practice occurring more than six months prior to the filing of the charge with the Board and the service of a copy thereof upon the person against whom such charge is made, unless the person aggrieved thereby was prevented from filing such charge by reason of service in the Armed Forces, in which event the six-month period shall be computed from the day of his discharge. Any such complaint may be amended by the member, agent, or agency conducting the hearing or the Board in its discretion at any time prior to the issuance of an order based thereon. The person so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint. In the discretion of the member, agent, or agency conducting the hearing or the Board, any other person may be allowed to intervene in the said proceeding and to present testimony. Any such proceeding shall, so far as practicable, be conducted in accordance with the rules of evidence applicable in the district courts of the United States under the rules of civil procedure for the district courts of the United States, adopted by the Supreme Court of the United States pursuant to the Act of June 19, 1934 (28 U.S.C. 723–B and C).

(a) The testimony taken by such member, agent, or agency or the Board shall be reduced to writing and filed with the Board. Thereafter, in its discretion, the Board upon notice may take further testimony or hear argument. If upon the preponderance of the testimony taken the Board shall be of the opinion that any person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue and cause to be served on such person an order requiring such person to cease and desist from such unfair labor practice, and to take such affirmative action including reinstatement of employees with or without back pay, as will effectuate the policies of this title: *Provided,* That where an order directs reinstatement of an employee, back pay may be required of the employer or labor organization, as the case may be, responsible for the discrimination suffered by him: *And provided further,* That in determining whether a complaint shall issue alleging a violation of section 206(a)(1) or section 206(a)(2), and in deciding such cases, the same regulations and rules of decision shall apply irrespective of whether or not the labor organization affected is affiliated with a labor organization national or international in scope. Such order may further require such person to make reports from time to time showing the extent to which it has complied with the order. If upon the preponderance of the testimony taken the Board shall not be of the opinion that the person named in the complaint has engaged in or is engaging in any such unfair labor practice, then the Board shall state its findings of fact and shall issue an order dismissing the said complaint. No order of the Board shall require the reinstatement of any individual as an employee who has been suspended or discharged, or the payment to him of any back pay, if such individual was suspended or discharged for cause. In case the evidence is presented before a member of the Board, or before an examiner or examiners thereof, such member, or such examiner or examiners, as the case may be, shall issue and cause to be served on the parties to the proceedings a proposed report, together with a recommended order, which shall be filed with the Board, and if no exceptions are filed within twenty days after service thereof upon such parties, or within such further period as the Board may authorize, such recommended order shall become the order of the Board and become effective as therein prescribed.

(d) Until the record in a case shall have been filed in a court, as hereinafter provided, the Board may at any time upon reasonable notice and in such manner as it shall deem proper, modify or set aside, in whole or in part, any finding or order made or issued by it.

(e) The Board shall have power to petition any court of appeals of the United States, or if all the courts of appeals to which application may be made are in vacation, any district court of the United States, within any circuit or district, respectively, wherein

the unfair labor practice in question occurred or wherein such person resides or transacts business, for the enforcement of such order and for appropriate temporary relief or restraining order, and shall file in the court the record in the proceedings, as provided in section 2112 of title 28, United States Code. Upon the filing of such petition, the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction of the proceeding and of the question determined therein, and shall have power to grant such temporary relief of restraining order as it deems just and proper, and to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board. No objection that has not been urged before the Board, its member, agent, or agency, shall be considered by the court, unless the failure or neglect to urge such objection shall be excused because of extraordinary circumstances. The findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive. If either party shall apply to the court for leave to adduce additional evidence and shall show to the satisfaction of the court that such additional evidence is material and that there were reasonable grounds for the failure to adduce such evidence in the hearing before the Board, its member, agent, or agency, the court may order such additional evidence to be taken before the Board, its member, agent, or agency, and to be made a part of the record. The Board may modify its findings as to the facts, or make new findings, by reason of additional evidence so taken and filed, and it shall file such modified or new findings, which findings with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall be conclusive, and shall file its recommendations, if any, for the modification or setting aside of its original order. Upon the filing of the record with it the jurisdiction of the court shall be exclusive and its judgment and decree shall be final, except that the same shall be subject to review by the appropriate United States court of appeals if application was made to the district court as hereinabove provided, and by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

(f) Any person aggrieved by a final order of the Board granting or denying in whole or in part the relief sought may obtain a review of such order in any circuit court of appeals of the United States in the circuit wherein the unfair labor practice in question was alleged to have been engaged in by filing in such court a written petition praying that the order of the Board be modified or set aside. A copy of such petition shall be forthwith transmitted by the clerk of the court to the Board, and thereupon the aggrieved party shall file in the court the record in the proceeding, certified by the Board, as provided in section 2112 of title 28, United State Code. Upon the filing of such petition, the court shall proceed in the same manner as in the case of an application by the Board under subsection (e) of this section, and shall have the same jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper, and in like manner to make and enter a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part the order of the Board; the findings of the Board with respect to questions of fact if supported by substantial evidence on the record considered as a whole shall in like manner be conclusive.

(g) The commencement of proceedings under subsection (e) or (f) of this section shall not, unless specifically ordered by the court, operate as a stay of the Board's order.

(h) When granting appropriate temporary relief or a restraining order, or making and entering a decree enforcing, modifying, and enforcing as so modified, or setting aside in whole or in part an order of the Board, as provided in this section, the jurisdiction of courts sitting in equity shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115).

(i) Petitions filed under this title shall be heard expeditiously, and if possible within ten days after they have been docketed.

(j) The Board shall have power, upon issuance of a complaint as provided in subsection (b) charging that any person has engaged in or is engaging in an unfair labor practice, to petition any district court of the United States (including the District Court of the United States for the District of Columbia), within any district wherein the unfair labor practice in question is alleged to have occurred or wherein such person resides or transacts business, for appropriate temporary relief or restraining order. Upon the filing of any such petition the court shall cause notice thereof to be served upon such person, and thereupon shall have jurisdiction to grant to the Board such temporary relief or restraining order as it deems just and proper.

(k) Whenever it is charged that any person has engaged in an unfair labor practice within the meaning of paragraph 206(b)(4), the preliminary investigation of such charge shall be made forthwith and given priority over all other cases except cases of like character in the office where it is filed or to which it is referred. If, after such investigation, the officer to whom the matter may be referred has reasonable cause to believe such charge is true and that a complaint should issue, he shall, on behalf of the Board, petition any district court of the United States (including the District Court of the United States for the District of Columbia) within any district where the unfair labor practice in question has occurred, is alleged to have occurred, or wherein the person alleged to have committed the unfair labor practice resides or transacts business, for appropriate injunctive relief pending the final adjudication of the Board with respect to such matter. Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order as it deems just and proper, notwithstanding any other provision of law: *Provided further*, That no temporary restraining order shall be issued without notice unless a petition alleges that substantial and irreparable injury to the charging party will be unavoidable and such temporary restraining order shall be effective for no longer than five days and will become void at the expiration of such period. Upon filing of any such petition, the courts shall cause notice thereof to be served upon any person involved in the charge and such person, including the charging party, shall be given an opportunity to appear by counsel and present any relevant testimony: *Provided further*, That for the purposes of this subsection district courts shall be deemed to have jurisdiction of a labor organization (1) in the district in which such organization maintains its principal office, or (2) in any district in which its duly authorized officers or agents are engaged in promoting or protecting the interests of employee members. The service of legal process upon such officer or agent shall constitute service upon the labor organization and make such organization a party to the suit.

INVESTIGATORY POWERS

SEC. 209. For the purposes of all hearings and investigations, which, in the opinion of the Board, are necessary and proper for the exercise of the powers vested in it by section 207 and section 208—

(1) The Board, or its duly authorized agents or agencies, shall at all reasonable times have access to, for the purpose of examination, and the right to copy any evidence of any person being investigated or proceeded against that relates to any matter under investigation or in question. The Board, or any member thereof, shall upon application of any party to such proceedings, forthwith issue to such party subpenas requiring the attendance and testimony of witnesses or the production of any evidence in such proceeding or investigation requested in such application. Within five days after the service of a subpena on any person requiring the production of any evidence in his possession or under his control, such person may petition the Board to revoke, and the Board shall revoke, such subpena if in its opinion the evidence whose production is required does not relate to any matter under investigation, or any matter in question in such proceedings, or if in its opinion such subpena does not describe with sufficient particularity the evidence whose production is required. Any member of the Board, or any agent or agency designated by the Board for such purposes, may administer oaths and affirmations, examine witnesses, and receive evidence. Such attendance of witnesses and the production of such evidence may be required from any place in the United States or any Territory or possession thereof, at any designated place of hearing.

(2) In case of contumacy or refusal to obey a subpena issued to any person, and district court of the United States or the United States courts of any Territory or possession, or the District Court of the United States for the District of Columbia, within the jurisdiction of which the inquiry is carried on or within the jurisdiction of which said person guilty of contumacy or refusal to obey is found or resides or transacts business, upon application by the Board shall have jurisdiction to issue to such person an order requiring such person to appear before the Board, its member, agent, or agency, there to produce evidence if so ordered, or there to give testimony touching the matter under investigation or in question; and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(3) No person shall be excused from attending and testifying or from producing books, records, correspondence, documents, or other evidence in obedience to the subpena of the Board, on the ground that the testimony or evidence required of him may tend to incriminate him or subject him to a penalty or forfeiture; but no individual shall be prosecuted or subjected to any penalty or forfeiture for or on account of any transaction, matter, or thing concerning which he is compelled, after having claimed his privilege against self-incrimination, to testifying or produce evidence, except that such individual so testifying shall not be exempt from prosecution and punishment for perjury committed in so testifying.

(4) Complaints, orders, and other process and papers of the Board, its member, agent, or agency, may be served either personally or by registered mail or by telegraph or by leaving a copy thereof at the principal office or place of business of the person required to be served. The verified return by the individual so serving the same setting forth the manner of such service shall be proof of the same, and the return post office receipt or telegraph receipt therefor when registered and mailed or telegraphed as aforesaid shall be proof of service of the same. Witnesses summoned before the Board, its members, agent, or agency, shall be paid the same fees and mileage that are paid witnesses in the courts of the United States, and witnesses whose depositions are taken and

the persons taking the same shall severally be entitled to the same fees as are paid for like services in the courts of the United States.

(5) All process of any court to which application may be made under this Act may be served in the judicial district wherein the defendant or other person required to be served resides or may be found.

(6) The several departments and agencies of the Government, when directed by the President, shall furnish the Board, upon its request, all records, papers, and information in their possession relating to any matter before the Board.

SEC. 210. Any person who shall willfully resist, prevent, impede, or interfere with any member of the Board or any of its agents or agencies in the performance of duties pursuant to this Act shall be punished by a fine of not more than $5,000 or by imprisonment for not more than one year, or both.

LIMITATIONS

SEC. 211. (a) Nothing herein shall prohibit any individual employed as a supervisor from becoming or remaining a member of a labor organization, but no employer subject to this Act shall be compelled to deem individuals defined herein as supervisors as employees for the purpose of any law, either national or local, relating to collective bargaining.

(b) Nothing in this Act shall be construed as authorizing the execution of application of agreements requiring membership in or the making of any payments to a labor organization as a condition of employment in any State or territory in which such execution or application is prohibited by State or territorial law.

(c) Nothing in this Act shall be deemed to prevent or bar any agency or the courts of any State or territory (including the Commonwealth of Puerto Rico, Guam, and the Virgin Islands) from assuming and asserting jurisdiction over labor disputes not subject to this Act.

SEC. 212. Wherever the application of the provisions of section 272 of chapter 10 of the Act entitled "An Act to establish a uniform system of bankruptcy throughout the United States", approved July 1898, and Act amendatory thereof and supplementary thereto (11 U.S.C. 672), or the provisions of the National Labor Relations Act, as amended (29 U.S.C. 151–168), conflicts with the application of the provisions of this Act, this Act shall prevail; but in any situation where the provisions of such other Acts shall remain in full force and effect.

SEC. 213. If any provision of this Act, or the application of such provision to any person or circumstances, shall be held invalid, the remainder of this Act, or the application of such provision to persons or circumstances other than those as to which it is held invalid, shall not be affected thereby.

SEC. 214. The provisions of this title shall become effective one hundred and eighty days after the date of enactment of this Act.

TITLE III—CONCILIATION OF LABOR DISPUTES IN INDUSTRIES AFFECTING COMMERCE

SEC. 301. The Federal Mediation and Conciliation Service (hereinafter referred to as the "Service") established pursuant to title II of the Labor Management Relations Act, 1967 (29 U.S.C. 171), shall furnish assistance to parties in labor disputes involving agricultural employers and employees and their representatives, including the services of mediators familiar with agricultural operations.

SEC. 302. In order to prevent or minimize interruptions of the free flow of commerce growing out of labor disputes, agricultural employers and employees and their representatives shall—

(1) exert every reasonable effort to make and maintain agreements concerning rates of pay, hours, and working conditions, including provision for adequate notice of any proposed change in the terms of such agreements;

(2) whenever a dispute arises over the terms or application of a collective-bargaining agreement and a conference is requested by a party or prospective party thereto, arrange promptly for such a conference to be held and endeavor in such conference to settle such dispute expeditiously; and

(3) in case such dispute is not settled by conference, participate fully and promptly in such meetings as may be undertaken by the Service for the purpose of aiding in a settlement of the dispute.

TITLE IV—SUITS BY AND AGAINST LABOR ORGANIZATIONS

SEC. 401. Suits for violation of contracts between an agricultural employer and a labor organization representing agricultural employees, or between any such labor organizations, may be brought as provided in section 301 of the Labor-Management Relations Act, 1947.

SEC. 402. In an action brought under section 401 to enforce an agreement not to strike, picket, or lock out, such court shall have power to grant such relief (including injunction or temporary restraining order) as it deems just and proper and its jurisdiction to grant such relief shall not be limited by the Act entitled "An Act to amend the Judicial Code and to define and limit the jurisdiction of courts sitting in equity, and for other purposes", approved March 23, 1932 (29 U.S.C. 101–115) or any other provision of law.

TITLE V—RESTRICTIONS ON PAYMENTS TO EMPLOYEE REPRESENTATIVES

SEC. 501. Restrictions on payments to employee representatives set forth in section 302 of the Labor-Management Relations Act, 1947, shall be applicable to agricultural employers or associations of agricultural employers and representatives of agricultural employees.

TITLE VI—ARBITRATION OF DISPUTES IN LIEU OF STRIKE OR LOCKOUT

SEC. 601. No agricultural employer or agricultural employee shall, as a result of a labor dispute, carry on any strike or lockout, but in lieu thereof each such employer and employee shall have the right to avail himself of the procedure provided in this title for the settlement of the dispute.

SEC. 602. If either an agricultural employer or the representative of his agricultural employees believes that a labor dispute between the employer and such employees cannot be resolved by collective bargaining the employer or the representative may give notice to the other party and in such notice designate one (1) individual as his representative to serve on the board of arbitration. Upon receipt of such a notice, the other party may designate one (1) individual to serve as his representative on such board. The two representatives so designated shall as soon as practicable select three (3) additional individuals to serve on such board. In the event the representatives of the parties are unable to agree upon one or more additional individuals to serve on the board, such additional individuals shall be appointed by, but not from, the Farm Labor Relations Board.

In the event one party fails or refuses to designate a representative to serve on the board or in the event a duly designated representative fails or refuses to act under the provisions of this title, then the Federal Labor Relations Board shall designate a representative to act for the party until the party shall designate an individual who will act as such representative.

SEC. 603. The board of arbitration, immediately upon the designation of the five individuals who are to be its members, shall endeavor to obtain an agreement between the parties, but in the event the dispute has not been resolved within thirty days from the time the notice referred to in section 602 was given, the board shall announce the terms and conditions of the offer made by each side which is most favorable to the other. Within five days from the date of such announcement if the dispute is not sooner resolved, the board of arbitration shall designate which one of the two offers it believes to be the more reasonable considering all the circumstances surrounding the dispute.

SEC. 604. The offer designated as provided in section 602 shall be deemed to be in full force and effect for a term not to exceed twenty-four months without further modification of its terms (except by agreement of the parties), and shall be considered a contract between the parties for the purpose of section 401.

HEALTH

HON. PETER H. DOMINICK

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Tuesday, August 25, 1970

Mr. DOMINICK. Mr. President, much is said about what needs to be done to improve our health care system. I have served on the committee handling this matter with my good friend the Senator from Vermont (Mr. PROUTY), his ability and leadership in this field are clearly seen by his record to date and show clearly the tremendous value which his continued service will provide. I ask unanimous consent that a summary of his record on health legislation be printed in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR WINSTON PROUTY AND HEALTH CARE FOR ALL AMERICANS

Our nation is experiencing a health crisis with a rapidly rising demand for health care services and an inadequate supply of health facilities and personnel.

A member of the Senate Health Subcommittee, Senator Prouty has provided continuing leadership in health legislation.

He helped draft the major health programs of the 1960s and is now revising the legislation for the 1970s.

HEALTH MANPOWER

The Health Professions Educational Assistance Act, the Nurse Training Act and the Allied Health Professions Personnel Training Act were developed and reviewed and revised with Senator Prouty playing a major role each step of the way. His experience in education and manpower training, combined with his understanding of our nation's health needs, has enabled him to contribute significantly to health manpower and education programs.

Prouty has never hesitated to propose bold and innovative programs. He is an author of the Veterans in Allied Health Professions and Occupations Act of 1969. This Prouty measure provides training for veteran "medics" to serve in civilian health roles.

Prouty also co-sponsored a measure to provide $100 million in emergency assistance to the nation's financially troubled medical schools.

Both these measures were passed by the Senate as part of the extension of the Allied Health Professions Personnel Training Act of 1966.

Senator Prouty is a co-sponsor of the National Health Service Corps of 1970. This measure would set up a VISTA-type program within the Public Health Service.

The National Health Service Corps would provide a framework within which the idealism and social commitment of our young

health professionals and medical school students can be put to work in rural and urban areas short of health personnel.

Senator Prouty also co-sponsored the Family Practice Act of 1970, which has passed the Senate. This measure authorizes a $457 million five-year program of grants to medical schools and hospitals to encourage and promote the training of medical and paramedical personnel in the field of family medicine.

While supporting the measure's intent, Senator Prouty was concerned that the bill's restrictions might hinder the progress of the Family Practice Program at the Medical College, University of Vermont. Consequently, Senator Prouty, revised the bill so it provides $10 million annually for special developmental grants to enable a medical school such as Vermont's to build on its existing family practice programs.

Another bill co-sponsored by Senator Prouty focuses on the shortage of family physicians. "The Family Physician Scholarship and Fellowship Program Act", when enacted, will provide special assistance to young men and women who agree to practice in areas designated as physician-shortage areas. The four-year scholarship and loan program recognizes the particular need for family physicians. At present only 15 percent of medical school graduates plan to enter general practice. The bill will provide incentives for medical students to enter general practice in the areas where such practitioners are particularly needed.

The Vermont Republican is not content with merely setting up programs, therefore, he has consistently pressed for adequate appropriations for health manpower programs to educate and train doctors, nurses and medical technicians.

Looking to the future, Senator Prouty continues to press for new patterns of federal assistance to the nation's medical, dental and nursing schools. Prouty envisions a form of assistance which encourages rather than discourages innovation and initiative.

HEALTH FACILITIES

The Hill-Burton program provides the basic federal support for hospitals and other health facility construction.

Senator Prouty has consistently pressed to make this program more responsive to the needs of Vermont.

Hill-Burton funds are allocated to the states on a formula basis, with each state receiving a minimum allotment. Senator Prouty successfully raised this minimum allotment from $750,000 to $1.2 million, thus providing Vermont an additional $450,000 for hospital construction each year.

Prouty also discovered that complicated regulations hampered Vermont's spending of the funds and he amended the Hill-Burton Act to remove these expenditure restrictions. Thanks to Senator Prouty, Vermont will not have to turn back any Hill-Burton funds as it has in the past.

In 1968, Prouty realized that grant assistance was not enough and he co-sponsored an amendment to the Hill-Burton Act to provide for federal guarantees of hospital loans with interest subsidies. In 1970, such provisions were enacted, thus easing the community burden of financing a hospital.

Realizing that emergency care begins not in the emergency room but where the patient is, Prouty drafted an emergency treatment provision of the Hill-Burton Act to provide federal grants for improved emergency transportation systems. These grants would stress innovation such as helicopter ambulances.

While pleased with his accomplishments to date, Senator Prouty noted at the May second ground-breaking ceremonies for the Northeastern Vermont Regional Hospital that further modifications of the Hill-Burton program are necessary to simplify the federal grant structure.

HEALTH RESEARCH

Senator Prouty has continually supported the activities of the National Institutes of Health and sufficient funding to retain our nation's health research momentum.

Senator Prouty has been concerned that while some health research must be undertaken in huge urban complexes, the National Institutes of Health must not overlook smaller research facilities. In 1970 when research funds were scarce, Prouty, the ranking Republican on the National Science Foundation Subcommittee, brought to the Foundation's attention the excellent cancer research at the Putnam Memorial Hospital Institute for Medical Research. The Foundation's review of the Institute's work led to the support of the Institute in 1970. Thus Bennington remains a vital center for cancer research.

Senator Prouty has consistently helped researchers at the Medical College, University of Vermont, obtain research grants and thus continue the excellent work and reputation of the College.

HEALTH CARE DELIVERY

"Health research is not an end in itself, the results must be applied," Prouty insists. And he has sought to provide new and innovative ways of bolstering the delivery of health care to everyone.

Prouty helped enact the Regional Medical Program legislation of 1965, which led to the establishment of the Northern New England Regional Medical Program.

This program has set up a system of coronary care units throughout Vermont. However, the Program, based in Burlington, wants to expand its activities and assist regional planning efforts for efficient health care delivery systems.

Prouty was particularly encouraged by the excellent efforts of the Connecticut Valley Health Compact and sought to provide expanded authority to allow the two programs to work together.

The Vermont Republican was able to redraft legislation to provide greater flexibility for local initiatives.

HEALTH PLANNING

The Partnership for Health Act of 1966 provided for federal assistance for health planning purposes at the state and local level. Senator Prouty, who helped draft the initial legislation, this year sought to bring the health planning agencies which set health strategy into a closer working relationship with the Regional Medical Program which provides tactical assistance to communities. Prouty's efforts have succeeded and he looks forward to a pilot project in Vermont testing new ways of bringing together the existing medical resources to provide every Vermonter adequate health care.

MENTAL HEALTH AND RETARDATION

The Senate Health Subcommittee in 1963 drafted the first comprehensive approach to mental retardation and mental health. The Mental Retardation Facilities and Community Mental Health Facilities Construction Act of 1963 was an important first step.

However, in the seven years since its enactment, Senator Prouty realized that much improvement was needed in our efforts to aid those with developmental disabilities or emotional problems.

Consequently, Prouty worked toward creating a new federal assistance program to states and communities for developing and maintaining appropriate services and facilities for the mentally retarded.

The programs set up by the Development Disability Services and Facilities Construction Act of 1970 are similar in approach to the Community Mental Health Centers approach.

To Senator Prouty, the Community Mental Health Center Program is "perhaps the best program to come out of the 1960's." Prouty is determined to build on the program's successes. He and other members of the Senate Health Subcommittee drafted legislation on expanding assistance for operating the Centers with extra assistance for poverty areas.

As enacted into Law, the Community Mental Health Centers Amendments of 1970 represent a significant increase in federal support to the centers.

While the support has been expanded, Senator Prouty believes that the next extension of the program should provide for perpetual federal support of these centers which have gained great community support.

COMMUNICABLE DISEASE CONTROL

While the Partnership for Health Act of 1966 was supposed to take care of communicable disease programs, it became apparent that an additional approach was needed, particularly in view of the possible outbreak of another rubella (German Measles) epidemic. Prouty and other members of the Senate Health Subcommittee worked out the Communicable Disease Control and Vaccination Assistance Amendments of 1969, which provides funds for state and local programs for controlling tuberculosis, diphtheria and other communicable diseases.

ALCOHOLISM

About fifty million Americans are directly or indirectly affected by the disease of alcoholism. Senator Prouty has recognized the need to bolster efforts to prevent the spread of alcoholism and treat and rehabilitate those affected by alcoholism.

Prouty contributed to the expansion of the Community Mental Health Center program to include specific projects for alcoholism. However, it became apparent that increased efforts were needed, and co-sponsored the Comprehensive Alcohol Abuse and Alcoholism Prevention, Treatment and Rehabilitation Act of 1970 to provide a bold and comprehensive approach to alcoholism, yet one that can be carried through the Community Mental Health Centers and other community agencies.

Prouty worked on the measure to insure that it provided some funds to each state to gear up a program to combat alcoholism.

DRUG ABUSE

Senator Prouty realizes that growing drug use and abuse is not merely a matter of law enforcement and education. While he has supported measures to increase the penalties for those selling dangerous drugs and drafted legislation to provide educational programs to prevent drug use, Senator Prouty has also co-sponsored a bill to provide a comprehensive program for treatment and rehabilitation of drug abusers.

The Prouty co-sponsored measure, known as the Federal Drug Abuse and Drug Dependent Prevention, Treatment and Rehabilitation Act of 1970, will provide federal support for coordinating state and local plans to respond fully to mounting drug abuse.

FAMILY PLANNING

Senator Prouty believes that family planning assistance should be available to all who want such assistance. He has co-sponsored legislation to assist state and local voluntary family planning programs. In the Health Subcommittee he helped draft a measure which coordinates family planning programs and population research in the Office of Population Affairs in the Department of Health, Education and Welfare.

The Prouty-sponsored legislation provides for training of family planning personnel, construction of family planning centers and allocates money to the states for voluntary family planning programs.

HEALTH APPROPRIATIONS

In 1968 with Senator Prouty's assistance, education programs were exempted from any statutory spending limitations. This move sets a clear priority for education. In June

of 1969 when this provision was successfully defended, Senator Prouty supported a similar provision for health programs. This amendment to exempt health programs was narrowly defeated in the Senate. Subsequently, Senator Prouty, joined a bi-partisan effort to achieve this exemption for health programs. The effort succeeded and now most health programs are exempted from statutory budget ceilings. Health funds appropriated must be spent.

NATIONAL HEALTH INSURANCE

There is much talk about national Health Insurance. Several proposals are pending in Congress which bear price-tags of up to $37 billion annually. Senator Prouty is aware that neither Medicare nor Medicaid has proven adequate to meet an exploding demand for health care or to control a rapid and inflationary escalation of health care costs. The situation is much the same for private health insurance. Although 85 percent of the American people have some form of private health insurance, such insurance covers only a third of their health care expenditures.

Senator Prouty is convinced these gaps must be filled. Like his colleagues on the Health Subcommittee, who have continued to study our health care system, he knows that we must continue to develop the capacity of the system through planning, innovation and accelerated health manpower programs. His record in this regard is as progressive as that of any member of Congress. His proposals have been far reaching for he knows that we must move toward an adequate health insurance system for all Americans. He knows that we must increase the supply of quality health-care services as we increase the demand for such services.

Senator Prouty is not committed to any one of the several national health insurance proposals pending. Each, he feels, demands careful study and consideration.

For this reason Senator Prouty joined a majority of his colleagues on the Health Subcommittee in support of an amendment requiring reports on various national health-care plans. The amendment instructs the Secretary to develop through utilization of the systems analysis method, alternative plans for health-care systems. Under the amendment the alternative plans must be submitted to Congress by June 30, 1971. A second part of the amendment requires a cost and coverage report on pending national health insurance proposals before December 31, 1970.

Senator Prouty believes we must proceed with our study of alternative health-care proposals as we revamp and expand our health-care system. Senator Prouty will continue to propose and press for innovative health-care programs.

VERMONT HEALTH CARE

Senator Prouty maintains close contact with Vermont's health officials and community programs. Vermont's health needs and the responsiveness of federally-supported programs in Vermont are of prime importance to Senator Prouty in forging new health programs.

Senator Prouty is proud of the efforts of Vermonters in community responses to health needs. He seeks to continue to build on these successes in attacking our health care failings.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

THE SILENT MAJORITY

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. REES. Mr. Speaker, those who defend President Nixon's policies in Southeast Asia are fond of saying that the silent majority of Americans—including the majority of America's young people—are also in support of the President's policies.

There is nothing, in my judgment, which could be farther from the truth. The vast majority of America's young people, particularly, are saddened and disturbed by the continuing moral and military disaster in Southeast Asia.

To emphasize the point that opposition to the war is broadly based among the young, I am pleased to insert in the RECORD the following petition signed by 12 district presidents of the California Association of Student Councils, including the president, vice president, and secretary of the State association:

DISTRICT 19, THE CALIFORNIA ASSOCIATION OF STUDENT COUNCILS

The undersigned, acting under only their own consciences, are presidents of various districts of the California Association of Student Councils.

A declaration by concerned individuals against the war to the U.S. Senate and the U.S. House of Representatives:

We, the undersigned, being of the philosophy that continuing and expanding the war in Southeast Asia is illegal and immoral, declare our dissent from the existing national policies.

We dissent from the actions of our internal security forces which blunt our sense and turn the ordinary acts of daily life into a painful struggle.

We dissent from the monstrous absurdity of a world where nations stand poised to destroy one another and men must kill their fellow man.

Name	District	Area
Steve Ross	19	Los Angeles County.
Richard Johnson [1]	8	Monterey-Salinas.
Jan Passovoy	21	Orange County.
Steve Halasey	CASC State	Vice president.
Regina Catterin	7A	San Mateo County.
Larry Maguire	11	Napa and Solano Counties.
Bruce Lymburn	21	ASB president, Newport. Harbor High.
Robert Sharrah	14	Fresno and Madera Counties.
Joe Peixoto	7B	Santa Clara County.
Cathernie McCauley [2]	8	Monterey County.
Dan Manley	20	Los Angeles County.
George Rojas	13	San Joaquin County.
John Savage	12B	Butte and six other counties. North of Sacramento.

[1] Richard Johnson is the CASC State president.
[2] Catherine McCauley is the CASC State secretary.

RESIGNATION OF DR. LEE DuBRIDGE

HON. EMILIO Q. DADDARIO

OF CONNECTICUT

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. DADDARIO. Mr. Speaker, it is with genuine regret that I note the departure of Dr. Lee A. DuBridge from his office as the President's Science Adviser. Dr. DuBridge has served his country long and well, not only in academic research and teaching, but in vital defense research which he conducted during the second World War in the field of radar development. As president of the California Institute of Technology from 1946 through 1968, he led that institution to new pinnacles of excellence, and contributed significantly to the success of the U.S. space program. His professional and civic activities are too numerous to mention but I should like to point out that he has made invaluable contributions to our major scientific and philanthropic institutions, in the arts as well as in the sciences.

Dr. DuBridge assumed the post of Presidential Science Adviser at a most difficult time in the history of our Nation. Since World War II we have seen an unprecedented expansion of scientific activities in the United States. This was initially spurred by the realities of the cold war, and later fueled by American reaction to Sputnik. The goal of manned exploration of the moon, first initiated by President Kennedy, reached its culmination during Dr. DuBridge's tenure in office.

A number of circumstances have made the past few years extremely difficult for those of us concerned about the welfare of American science. Dr. DuBridge has had to contend with fickle currents of history, a new romanticism if you will, which has blindly castigated the rationalism of science and condemned the massive applications of technology which it has made possible. Some have criticized him for continuing to defend large budgets for scientific research, development, and education. Others, within the scientific community, have complained that he acquiesced in damaging reductions in support for American science. I believe both are wrong, and that within the context of the times in which we live, Dr. DuBridge has done as much as anyone in his position could possibly have done to maintain the scientific leadership of our country.

Many of us believe that our country has reached a watershed in our Government-science relationship. Now is the time of changing national goals. Science has attained the very difficult objectives determined for it in the fields of defense and space during the decades of the 1950's and the 1960's. It now faces new challenges in the civilian sphere of interest, such as the complex ecological and social problems which we face. The Federal Government, which was so successful in attaining those goals it set for science in the defense and space fields, has been unable to keep up with the public expectations in these new and quite different areas. We have not, so far,

properly focused our scientific and technical expertise on solutions for these problems facing our society. Ironically, because of this we are finding over the last few years American support for scientific research and development has been reduced drastically, thus further increasing the gap between expectation and accomplishment.

Dr. DuBridge has performed an important public service in his untiring efforts to cope with these knotty problems during this frustrating period for American science. His stature, dignity, and good judgment have been invaluable.

This does not, however, mean that I am pessimistic concerning the future of science in our Nation. To those who believe that our ecological and social crises are the result of the misapplication of science and technology, I would say that these problems can be cured only by increasing the intelligent application of an ever more sophisticated use of these tools. During this transition the President's Science Adviser will continue to play a vital role.

Our subcommittee has had a constructive relationship with Dr. DuBridge and his staff, as well as with his predecessors, during the past years. With the appointment of his successor, Dr. Edward E. David, Jr., we look forward to mutually helpful relationships of equal value in the future. I think it is appropriate that during this period in our national life where increasing emphasis is placed upon the application of scientific knowledge to practical social problems, that an engineer of the competence of Dr. David be selected for this post. I would expect, however, that this in no way indicates a lessening emphasis by the Nixon administration upon the role of basic research in the attainment of our national goals. Our Nation has no alternative to a continued commitment to the basic sciences if we are to retain our security and our preeminent position in the technology-intensive sector of the world market place.

To Dr. DuBridge I offer congratulations for a job well done, and heartiest best wishes for a rich retirement. I am pleased to note that his influence in our national policies respecting the support of science will continue to be felt as a result of his new appointment as a member of the President's Science Advisory Committee.

I look forward to further mutually beneficial relationships between the Subcommittee on Science, Research, and Development and the President's Office of Science and Technology. The subcommittee has always worked closely with OST and will continue to do whatever it can to insure the success of Dr. David in his new and extremely important post during the coming years.

ENCHAINED CZECHOSLOVAKIA

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MARSH. Mr. Speaker, time tames our indignations of the moment, and it may be that this usually is for the best.

Two years ago, we were revulsed by the cruel spectacle of bloody repression of freedom in Czechoslovakia by the military might of the Soviet Union. If our national fidelity to the principle of individual liberty is not to become flawed, this unhappy memory must not pale.

Czechs and Slovaks in the unhappy homeland continue to feel the tightening screws of Communist conformism, and sadness at the plight of relatives and friends dilutes the relief of the exiles who have found asylum.

We shall be in recess a week from today—August 21—the anniversary of the Soviet occupation, but we can spare a moment for reflection on that sad anniversary in recognition of the sacrifices made by Czechs and Slovaks over the years in their struggle to gain and retain freedom.

In our preoccupation with current crises in the world, we must not forget that Czechoslovakia remains a captive nation, the overwhelming majority of whose people, outwardly resigned to the regimen of Communist masters, still tend zealously in their hearts secret fires of liberty.

VISITS IOWA'S SCHOOLS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, in the 6 years I have been privileged to represent Iowa's Second District in Congress I have visited most high schools in the district at least once every 2 years. I have had the chance to meet with the students and discuss their plans and aspirations. I have been very pleased to note how many of them are heading for institutions of higher learning.

Our Nation can be justly proud of its system of colleges and universities, which provide for the youth of America, educational opportunities unexcelled anywhere on this planet. This is a time, however, when these institutions are being faced with growing pressures from a number of different directions. One of the most critical of these comes from skyrocketing costs and the necessity of finding a way of paying for them in a manner which will enable all our children to benefit.

Education is an investment. It is an investment in the future well-being of our country. Through better preparation and training our men and women will become productive citizens, capable of using modern technology to produce the goods and services which contribute to our national prosperity. They will also gain exposure to other ways of life and acquire the understanding essential if our Nation is to remain strong.

But it is an expensive investment. The costs of running and maintaining a university are rising at an alarming rate, forcing up the fees which the institution must charge each student for room, board, and tuition. For example, the University of Iowa recently was forced to raise its tuition and fees by over 66 percent from 1968 to 1969 and 1970 to 1971. In calculating the total cost of 1 year at college, of course, one must add to these expenses the amount which could have been earned by the student if he were not studying. When he was president of the University of Iowa, Howard R. Bowen estimated that the total cost of 1 year of college during the academic year 1968–69 was $6,566.

The problem of paying for higher education is likely to become much greater in the next decade. By 1980 it has been estimated that there will be at least 11 million students, or more than double the present figure. Operating costs, faculty salaries, and the cost of new construction will continue to increase. The difficulties of the State-supported institutions are compounded by the scarcity of State funds and by demands made upon them by other pressing needs.

The increased costs are falling more heavily upon the individual student and his family. Traditionally, each student has paid 20 to 25 percent of the total costs, but more recently his share has been about one-third of the total.

These trends pose grave problems for our Nation, if we are to continue to provide high quality education and at the same time realize the goal of equal opportunity for all qualified students. As tuition and other costs increase, many talented youth will find themselves unable to afford a college unless substantial assistance is available.

The Federal Government is already bearing a large part of the cost of higher education, and most experts in the field agree that it must continue to do so in the future, if the quality of education in the United States is to remain high. At the present time, Federal programs for higher education consist of direct assistance to the institutions and assistance to the student. There are four main programs in the latter category:

Educational opportunity grants, which provide funds for low-income students on a matching basis with the college or university.

Work-study programs, which provide employment for low-income students on the campus or college community in jobs of public interest.

National defense student loans, from Government funds and repayable after graduation or the termination of education.

Guaranteed loans, from private sources, administered by the banks, in which the Government pays the loan interest while the student is in college.

Following President Nixon's message to the Congress on higher education, the character of these programs has been the subject of intensive debate. Changes are being carefully considered in Congress at the present time, but it is not likely that the debate will be resolved before the 92d Congress convenes in 1971.

The deliberations center upon the three major problems of the existing programs:

Inadequate funds, which have forced colleges to turn away applicants;

Uncertainty for the student, who cannot predict how much aid he is going to receive; and

Inequity in funding, which many times finds students who need it most, not getting enough money.

The outcome of this debate will be of the utmost importance, since it is likely to determine Federal policies on higher education for much of this decade.

EQUAL RIGHTS

HON. THOMAS M. REES

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. REES. Mr. Speaker, the passage of the equal rights amendment by Congress this year should not blind this House to the fact that a great many women feel that equality between the sexes is not enough, and that working women particularly need greater protection under the law.

In this regard, I have received a petition signed by approximately 400 southern California women, members of the Workshop of Working Women, setting forth a seven-point program for legislative action.

Clearly, they speak from the heart in calling upon the Congress to enact their program. I urge all Members of this House to give their petition the most careful consideration.

The petition follows:

PETITION OF THE WORKSHOP OF WORKING WOMEN

A mounting work crisis is developing for working women. In the coming highly technical, computerized society, many work roles are becoming or about to become obsolete, particularly in the clerical or white collar field where the largest numbers of women are employed. Experienced women, phased out of past jobs, and the growing numbers of highly educated women coming out of the colleges and universities are overqualified for the available work roles for women, and their talents and potential are not being utilized. Additionally, the breakdown of marriage, diminished family size, add growing numbers of married, single, divorced, and widowed women in the work arena.

We respectfully request the Federal government plan a new area of work roles commensurate with the needs of society for women, to retrain and reeducate women in the areas of human needs, medicine, public health, mental health, community work, social service, and communications, as well as programs to upgrade them in both the existing private and public work sectors. The potential of the women work force should be utilized to its fullest in the making of the future society.

We ask the following:

1. Minimum wage commensurate with rising cost of living, not to drop below $2.50 hr.

2. Women's educational grants (a special fund) to aid women to complete their education, particularly those who had to drop out due to marriage, childbirth or dependents' responsibilities.

3. On-the-spot training programs by industry, flexible hours and subsidies to further education to upgrade women into more highly-skilled responsible work roles.

4. Day care centers wherever women work, study and live at minimal cost.

5. Paid maternity leaves and guarantee of job after child birth.

6. Guaranteed wage for women unable to work, or in unpaid housekeeping or housewife roles.

7. Tax aids for lone women head of family and single women.

NATIONAL CONVENTION OF THE AMERICAN LEGION

HON. EDITH GREEN

OF OREGON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mrs. GREEN of Oregon. Mr. Speaker, on August 28 in my home city of Portland, Oreg., the American Legion will host the 52d annual convention of the American Legion.

Portland and the State of Oregon are pleased to have the Legionnaires visit the Pacific Northwest and are particularly pleased that past hospitality of Oregonians have persuaded the Legion to return for their second national convention in our city in the last 5 years.

Following is a statement by American Legion National Commander J. Milton Patrick which explains the objectives of the Legion's convention and expresses the hope that the meeting will be a peaceful and productive gathering:

AMERICAN LEGION NATIONAL COMMANDER J. MILTON PATRICK GIVES LEGION POSITION ON UPCOMING NATIONAL CONVENTION IN PORTLAND AND THREATS OF VIOLENCE FROM DISSIDENT GROUPS

WASHINGTON, D.C., August 13, 1970.—J. Milton Patrick, National Commander of The American Legion, today issued the following statement concerning the Legion's National Convention, to be held this year in Portland, Oregon from August 28, to September 3, 1970:

"Legionnaires everywhere look forward to our return this year to Portland, Oregon—the hospitable "City of Roses"—for our 52nd Annual National Convention. We were thrilled and delighted to accept the city of Portland's invitation to return again to this lovely setting.

"This year marks the third time in American Legion history, and the second time in the past five years, that we have chosen Portland for our convention. This is most certainly not a coincidence. We have always found the people of Portland to be open and friendly; we have found convention facilities unequalled anywhere; and we have found city and state authorities exceedingly cooperative.

"The purpose of our National Convention, like the convention of any organization, is to provide the working base for the continuation of the good works of The American Legion through the coming year in our areas of primary concern. These are primarily aimed at serving the veteran through rehabilitative efforts in job training, medical care and education, and working for legislation at all levels of government to promote those ends. Additionally, the Legion concerns itself with matters of National Security, Americanism, Child Welfare and Community Service. The G. I. Bill, to which so many veterans owe their college or other training, was a direct result of Legion efforts. The Veterans Administration, which services 27 million veterans through one central agency, is another result of Legion effort. The thousands of youths who yearly pass through The American Legion's youth programs—Legion baseball; local, state and national oratorical contests with college scholarships as prizes; Boys and Girls State and Nation—all positive efforts to reach the youth of America with programs promoting good citizenship and patriotism, are continuing Legion concerns. Our Child Welfare program which has, since its inception, channeled more than 200 million dollars in benefits to needy children, is still another Legion effort to help youth.

"This, in brief, is our business in Portland. These are the matters our commissions and committees will be discussing through this five day period. We believe they are matters which emphasize the positive aspects of life in America, just as the Legion has always stood for what is right and positive about America. Our programs are constructive for we believe in building and not in tearing down this country of ours.

"We are, of course, aware of the fact that certain groups plan a jamboree during the period The American Legion will be in Portland. We have been told that the express purpose of these gatherings will be to attempt a confrontation with The American Legion. I assure the people of Portland that The American Legion comes to your city again this year, and at your invitation, with only peaceful intentions to transact the business I have described. We seek no confrontation with dissident groups. Predictions of trouble, of possible violence, have not come from the Legion. Our Portland convention has been planned for several years, with Portland's invitation winning out over similar invitations submitted by many other cities. We look forward to the same pleasant conditions we have heretofore enjoyed in Portland. It is the belief of the national body of The American Legion that any questions concerning the other groups, who will allegedly be present in Portland during the period of the Legion convention, for whatever purpose, should be addressed to authorities of the city of Portland who have cognizance of such matters."

CULVER INTRODUCES NUTRITION PROGRAM FOR ELDERLY

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, those of us in the Congress who are particularly concerned with the needs of our senior citizens have been gratified by the legislative action already taken toward a solution of these problems. The increase in social security benefits is, perhaps, the most important example of these measures.

Many difficulties remain, however. Testimony last year before the Senate Select Committee on Nutrition and Human Needs emphasized the fact that the lack of social contacts and proper nutrition, which often occur in the later years, reduce an individual's ability to derive maximum satisfaction from life.

In 1965, under title IV of the Older Americans Act, Congress authorized a number of projects to provide a comprehensive nutrition program in a social setting. These projects were successful in bringing the participating individuals out of their isolation and in affording them the opportunity for proper nourishment, which, because of a lack of mobility, skill, knowledge, or desire, they could not provide for themselves. Twenty-seven projects were carried out during a 3-year period and were concluded about

a year ago. They demonstrated not only the desirability but also the feasibility of a larger, more comprehensive Federal effort in this direction.

I am a cosponsor of legislation which would have this effect by providing the elderly with low-cost, nutritionally sound meals served in strategically located centers. The bill envisions Federal, State, and local funding on a matching basis for the preparation of at least one hot meal per day at a reasonable low cost to the participant.

The Congress has demonstrated its concern for the health of the Nation's senior citizens through the medicare program, but medicine does little good to a body consistently deprived of proper nourishment. I believe that this program would make a significant contribution to their general well-being and enjoyment, and I urge its early passage.

I insert in the RECORD at this time the opening sections of the bill and the statement of "Findings and purpose":

H.R. 19041

A bill to amend the Older Americans Act of 1965 to provide grants to States for the establishment, maintenance, operation, and expansion of low-cost meal programs, nutrition training and education programs, opportunity for social contacts, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. Title VII of the Older Americans Act of 1965 is redesignated as title VIII, and sections 701 through 705 of that Act are respectively designated as sections 801 through 805.

SEC. 2. Section 101(1) of the Older Americans Act of 1965 is amended by deleting the semicolon and inserting a comma and inserting immediately thereafter the words "except for the purposes of title VII where the term 'Secretary' shall mean the Secretary of Agriculture."

SEC. 3. The Older Americans Act of 1965 is amended by inserting the following new title immediately after title VI thereof:

"TITLE VII—NUTRITION PROGRAM FOR THE ELDERLY

"FINDINGS AND PURPOSE

"SEC. 701. (a) The Congress finds that the research and development grants, title IV, Older Americans Act, nutrition program has demonstrated the effectiveness of and the need for permanent nationwide programs to provide the nutritional and social needs of millions of persons aged sixty-five or older who are unable to overcome the complex and intertwining problems of inadequate diets. Many of these elderly persons do not eat adequately because they cannot afford to do so, while others, who are economically better off, do not eat well because they lack the skills to select and prepare nourishing and well-balanced meals, have limited mobility which may impair their capacity to shop and cook for themselves, and have feelings of rejection and loneliness which obliterate the incentive necessary to prepare and eat a meal alone. These and other physiological, psychological, social, and economic changes that occur with aging result in a pattern of living, which causes malnutrition and further physical and mental deterioration.

"(b) In addition to the food stamp program, commodity distribution systems and old-age income benefits, there is an acute need for a national policy aimed at providing the elderly with low cost, nutritionally sound meals served in strategically located centers such as community centers, senior citizen centers, schools, and other public or private nonprofit institutions suited to such use and through other means toward this purpose. Besides promoting better health among the older segment of our population through improved nutrition, such a program, implemented through the use of a variety of community resources, would be a means of promoting greater opportunity for social contact ending the isolation of old age, increasing participants' knowledge of nutrition and health in general, and promoting positive mental health and independence through the encouragement of greater physical and mental activities.

MORE ON POPULATION

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, in recent months there has been a great cry about the need for immediate and far-reaching controls over the most private decision a couple can make—namely, how many children to have. Some of us have cautioned against intemperate action, and fortunately, the Congress has not enacted any legislation which is irreversible. Two different matters have recently come to my attention on this subject. The first of these is an article by the distinguished Newsweek columnist and Yale University professor, Henry C. Wallich. Professor Wallich's article "More on Population" answers some of the quick questions which are frequently raised in this regard.

The second item is a straight news article from the front page of the Washington Post of August 13, 1970. Here the headline tells the story: "Census Forecast for Year 2000 Lowered as Much as 100 Million." The article, based on the latest Census Bureau findings, indicates that any projections are really a "tentative and risky" business.

I commend these two items to the attention of the readers of the CONGRESSIONAL RECORD at this point.

MORE ON POPULATION

(By Henry C. Wallich)

In Newsweek, June 29, I wrote a column, "Population Growth," which argued that population control was urgent for developing countries but not for the U.S. and that the proposal for zero population growth was positively mischievous. In effect, the wrong problem, in the wrong country, at the wrong time. Unfortunately, I cannot deal individually with a pile of about 300 letters—mostly critical, to put it very mildly. Hence, this collective rejoinder.

My critics, whether they know it or not, are writing a distinguished tradition. The Rev. Thomas Robert Malthus, one of the great classical economists, produced the first great population scare book in 1798. Malthus said that population tended to increase in geometric progression (1, 2, 4, 8 . . .) while food increased at best algebraically (1, 2, 3, 4 . . .). Unacquainted with modern birth-control methods, Malthus concluded that "vice and misery" would check population growth unless people practiced "moral restraint." Except for Marx's prediction of progressive pauperization of workers under capitalism, Malthus's was probably the worst forecast ever made by an economist.

As we know, food increased faster than population. After a temporary bulge, while death rates came down ahead of birth rates, Western countries leveled off with moderate population growth. Today's underdeveloped countries are going through a similar process. They are being urged to speed it up, because cutting the growth of their numbers would greatly raise the growth of their income per capita.

CREDIBLE MOVE

Some of my correspondents agree that the U.S. is different. But, they say, how can we give credible advice to others without applying it to ourselves? I am unable to follow. If my friend is dangerously overweight, I might take it upon myself to urge him to diet. If my own weight is normal, must I diet too?

But many of my correspondents are deeply worried about U.S. population growth. Some worry about running out of space, or if not out of space, then out of food, or if not out of food, then out of other natural resources, or if none of those, they identify population growth with pollution. Many of them refute one another; they are all contradicted by the logic of the case.

Lack of space clearly is an implausible concern for the U.S. Lack of food seems a peculiar fear in a country historically plagued by farm surpluses. Other resources will indeed be exhausted some day, whether we increase our numbers or not. Substitutes will have to be developed for coal, oil, iron and all the rest, in the event that by then these products have not become obsolete. This is a question of cost; the technologies can be developed. Pollution is a very serious problem. It exists and needs to be tackled now. But if we are told that pollution is directly dependent on population levels, that is not so. A rich nation can have a clean country if it is willing to pay the price.

NEEDLESS WORRIES

Many of my correspondents use the arithmetic of the late Rev. Mr. Malthus. If population grows at 3 per cent, it doubles in 24 years, if at 2, in 36 years, and so on. A look at past and present population projections for the U.S. shows up the fallacy. An important set of estimates was published by the National Resources Committee in 1938. The lowest of these had the U.S. population leveling off in 1955 at about 137 million and then dropping; the highest had us reaching about 174 million by 1980. Then came the post-World War II baby boom, utterly ruining these estimates. By 1956, we had reached a net growth rate of 1.81 per cent. Reverberations of this high figure can be heard in the letters reaching me. Meanwhile, the worries once more have been outdistanced by the facts. In 1968, the net growth rate was down to 1.0 per cent.

A nation that within a dozen years voluntarily reduces its growth rate by almost one-half obviously can make very flexible decisions about family size. If people should feel seriously crowded, or incommoded by the high cost of rearing their children, they will reduce the birth rate further. There is no need for a tax on "excess babies," which, with the white fertility rate far below the non-white, would be predominantly a tax on blacks. And when there are so many real and urgent problems before the country, the population issue is a false alarm. One can do damage by crying "fire" in a theater when there is none, even when that theater is very thinly populated.

CENSUS FORECAST FOR YEAR 2000 LOWERED AS MUCH AS 100 MILLION

(By Richard Harwood)

The Census Bureau announced yesterday a major downward revision in its population projections for the next 30 years.

It is possible, the bureau said, that there will be nearly 100 million fewer Americans in the year 2000 than had been forecast in one maximum projection made just three years ago.

The revised projections are based on the dramatic decline in birth rates experienced in the United States in the 1960s. The birth

rate in 1968, for example, was the lowest in American history.

The bureau's new projections foresee a population of between 266 million and 320 million by the year 2000, compared with about 205 million now. The 1967 projections ranged from 283 million to 361 million. The median decline in the projections amounts to 29 million since 1967.

All of these projections are based on certain assumptions about births, deaths and immigration in the years ahead. They may prove to be grossly inaccurate because it is impossible to predict future attitudes toward family size and its effect on the environment or to predict effects of possible abortion law changes.

In the early years of the last decade, birth rates were relatively high. If they had continued at that level—3.35 children for each woman during her child-bearing years—the population of the United States in the year 2000 would have been 361 million. But they did not continue and, in fact, fell off sharply after 1963.

The new projections are based on four possible birth rates and continued net immigration in the years ahead. The highest projection—called Series B—assumes that the birth rate over the next 50 years will match the birth rate of the early 1950s—3.1 children per woman.

If the Series B assumptions are realized, the population in 2000 will be 321 million.

The Series C projection is based on the fertility rate experienced in the 1940s—2.78 children per woman. This would produce a population of 301 million thirty years from now.

Series D is based on the fertility rate of the late 1920s which is approximately the current rate—2.45 children per woman. It would produce a population of 281 million in 2000.

Series E is based on a rate of 2.11, which is the rate necessary to produce just enough babies to replace the people who die. If that rate prevails for the next 30 years, the population in 2000 will be 266 million. The growth would come about because of the inrceased number of women of child-bearing age and because of continued immigration.

The Census Bureau makes one more projection—a hypothetical Series X. It assumes a fertility rate of 2.11 with no net immigration after 1969. Under those conditions, said the bureau, the U.S. population would level off at 276 million in the year 2037.

The tentative and risky nature of population projections is recognized by the bureau and is illustrated by the errors made in 1967.

Similar miscalculations may be involved in the current projections. The highest projection—Series B—is in line with what young married women are currently saying about family size.

But those expectations could change, the bureau said, "in view of the current concern with population growth and its effect on the environment, along with possible changes in the laws on abortion." It is even possible, said the bureau, that the fertility rate could drop below the level needed for population replacement—2.11 children per woman.

If that kind of stability is reached, the nature of the American population in 2037 would be far different from what it is today. The median age would rise from 27.7 to 37.3 Only 20 per cent of the people would be under the age of 15, compared with 29 per cent today. The percentage of people over 65 would be 16 per cent, compared with 10 per cent now.

CULVER CITES AIR POLLUTION DAMAGE TO FARM PRODUCTION

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, in recent months much attention has been drawn to the damage which modern society inflicts upon our environment, but not enough emphasis has been placed on the damage suffered by the farmers from air pollution. We hear how our lakes and streams are becoming choked with poorly treated sewage and industrial wastes. We hear how the air of our cities is being poisoned by the exhaust fumes from automobiles and industrial smokestacks. And we hear how our landscape is being clogged with rusting automobile carcasses and other solid wastes.

This realization is long overdue. In the flood of concern for the polluted air and water afflicting our cities, however, sight is too often lost of the great damage done to the farmer and the production of our national food supply by these pollutants. Of course, rural residents have long been aware of the problems caused by dust originating from many different sources. It is the danger posed by certain chemicals on which more attention should be focused. According to the best available estimates air pollutants alone cause $500 million in crop and livestock damage annually.

Sulfur dioxide from fuels used in homes and factories can slow down and stunt the growth of alfalfa, cereal grains, sweet corn, and a number of other crops.

Airborne fluorides have become a serious toxicant to vegetation and animals over the last few decades in areas near certain industries, including aluminum, steel, and some nonferous metal plants and phosphate fertilizer manufacturers. Fluorides act as cumulative poisons to plants. For example, 0.005 parts per million of hydrogen fluoride in the atmosphere will be concentrated to 178 p.p.m. dry weight of corn foliage in only 150 hours. Large amounts of fluorides in plants can cause chronic fluorosis in cattle and other livestock. Although small amounts of fluorides can be safely ingested by livestock if they are in good health, amounts in excess of 1 or 2 milligrams per kilogram can cause excessive wearing of the teeth, pitting of the enamel, and exposure of the dentine. Severe cases can result in bone damage.

A number of dangerous pollutants are produced through the reaction of sunlight on the exhaust gases of motor vehicles. Ozone is one of these and in sufficient quantities can be a threat to field and forage crops. A concentration of 0.25 p.p.m. for 2 hours will burn back the tips of onions and will kill 20 percent of the foliage. It has been responsible for the kill of the ponderosa pine in the San Bernardino National Forest 80 miles east of Los Angeles.

Peroxyacetyl nitrate—PAN—another chemical created by the reaction of sunlight on exhaust gases, can be dangerous to many field crops including alfalfa and a long list of leafy vegetables. Some gases, such as nitrogen dioxide, may slow plant growth without causing visible injury.

Also originating from the exhaust fumes of automobiles and from the tetraethyl lead added to gasoline are lead compounds. These have often been found concentrated in large quantities, especially in grasses along highways. Although there is little evidence of lead poisoning to livestock up to the present time, numerous authorities believe that the situation is becoming critical.

Except in the Far West and the East damage from sulfur dioxide, ozone, and PAN is presently limited to the areas immediately surrounding urban areas. Farmers all across the country, however, should be aware of the potential danger to their own crops if this pollution spreads. Although agriculture adds less than 1 percent of the contaminants into the atmosphere, and although farmers generally live far enough away from cities not to be overly burdened by oppressive air conditions, all should realize the large stake they have in reducing the poisons we are sending into the air every day.

SENATE—*Wednesday, August 26, 1970*

(Legislative day of Tuesday, August 25, 1970)

The Senate met at 9 a.m., on the expiration of the recess, and was called to order by Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota.

The Reverend Lester Cotto-Thorner, pastor, Orlando United Methodist Circuit, Orlando, W. Va., offered the following prayer:

Almighty God, direct and bless those of our generation who speak where many listen, and write what many read. Shape our desires and our deeds in accordance with Your purpose for the world, that, seeking first Your kingdom and righteousness, we may set forth the true welfare of mankind. Guide the rulers of this Nation and of the world with Your wisdom, and restrain the passions of the people, so that bloodshed may be averted and peace be preserved.

Look, O Lord, upon Your family of nations and men, to whom You have given power in trust for our mutual health and comfort. Save us, O Lord, and help us, lest we abuse Your gifts and make them our misery and ruin. Heal our divisions, cast out our fears, and renew our faith in Your unchanging purpose of good will, and peace on earth.

In Thy name we pray. Amen.

THE REVEREND LESTER COTTO-THORNER

Mr. RANDOLPH. Mr. President, I am very grateful for the understanding of the leadership in permitting me this privilege to speak at this moment.

The Senate prayer this morning was

given by a young man, the Reverend Lester Cotto-Thorner of West Virginia. He is 21 years of age. I believe, from a search of the records, that he is the youngest minister to offer in the Senate the prayer at the beginning of a daily session.

He is a student at the West Virginia Wesleyan College, and while at this institution of higher learning he is serving seven small churches, of the United Methodist faith, in the central section of our State.

One of the churches is at Clover Fork. Out of its small membership of eight, the youngest member is 92 and the oldest member is 97.

I felt that it was unique that we have such a young man here today. I know that he has been delighted with the opportunity to join the Senate in the service of a beginning of this body's deliberations with the presentation of the morning prayer.

We are grateful for the cooperation of the Chaplain of the Senate, the Reverend Dr. Edward L. R. Elson, in Reverend Cotto-Thorner's appearance.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 26, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. GEORGE MCGOVERN, a Senator from the State of South Dakota, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. McGOVERN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Journal of the proceedings of Tuesday, August 25, 1970, be approved.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGES FROM THE PRESIDENT

Messages in writing from the President of the United States submitting nominations were communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGES REFERRED

As in executive session, the Acting President pro tempore (Mr. McGOVERN) laid before the Senate messages from the President of the United States submitting sundry nominations, which were referred to the appropriate committees.

(For nominations received today, see the end of Senate proceedings.)

THE SENATE'S SCHEDULE—A PLEA

Mr. SCOTT. Mr. President, this is simply a plea. All Senators understand that we will be here every morning at 9 o'clock, and on Saturday morning at 10 o'clock. I express the hope that some Senators may find it possible to restrain the extension of their rhetoric, and that perhaps we may yield back some of the time allotted for debate, because, assuredly, if some of the time is not yielded back, we will not finish the bill before Labor Day. In that case I would not blame the general public for blaming us and saying that we have wasted the time of the country; that we have needlessly palavered where we might have produced.

I, therefore, hope that some mutual understanding will arise in this Chamber to permit some degree of limitation of debate, so that we may be less concerned about what the people read about us and more concerned about what the people think about us.

If some sort of spirit can be engendered in this Chamber, we may finish the pending bill before Labor Day, and we may even be able to go home before Christmas. But if we continue to think only in terms of the beauty of the written word as it appears in the CONGRESSIONAL RECORD, the turkey which will be envisioned by the public will not be the turkey of Thanksgiving but the turkey which this body will then come to suggest itself to be, as symbolic of what we have accomplished.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The ACTING PRESIDENT pro tempore. The Chair lays before the Senate the unfinished business.

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The ACTING PRESIDENT pro tempore. Under the previous order, the Senate will now proceed to the consideration of the amendment of the Senator from Wisconsin (Mr. NELSON). Time for debate on this amendment is 3 hours, with the time to be equally divided between the proponents and the opponents of the amendment.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and ask unanimous consent that the time be equally charged against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered, and the clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from New Hampshire.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. McINTYRE. I yield.

ORDER FOR ADJOURNMENT TO TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senate stand in adjournment instead of in recess at the close of business today until 9 a.m. tomorrow.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(Later in the day, this order was modified to provide for the Senate to adjourn until 8:30 a.m. tomorrow.)

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. McINTYRE. Mr. President, one of the peripheral issues in the debate which will take place this morning on herbicides is the use to which chemicals containing 2,4,5-T may now be put in the United States.

It is well recognized that domestic agencies of the Government have acted to restrict some domestic uses of such chemicals. It is less well known, however, that many domestic uses are still permitted.

Accordingly, a brief summary of the present situation might be useful.

On 14 April, 1970, the Secretaries of Agriculture, Interior, and Health, Education, and Welfare, pursuant to the Interagency Agreement for Protection of the Public Health and the Quality of the Environment in Relation to Pesticides, issued a statement on chemicals containing 2,4,5-T, pointing out the dangers involved and the steps needed to meet those dangers.

Mr. President, I ask unanimous consent to have the statement printed in the RECORD at the conclusion of my brief remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McINTYRE. Following the issuance of this statement, the Department

of Agriculture published two regulations designed to implement it. These were as follows:

First. Pesticide regulation No. 11.—This regulation suspended the use of liquid formulations of 2,4,5-T on lakes, ponds, ditch banks, around homes and on food crops. It prohibited manufacturers from making interstate shipments of 2,4,5-T intended for these specific uses and required manufacturers' labels to be changed so as not to list any of the uses cited as recommended targets for the chemicals' application.

Second. Pesticide regulation No. 13.—This regulation suspended use of granular formulations of 2,4,5-T around homes, recreation areas, and on crops grown for human consumption.

Shortly thereafter, the Department of the Interior announced that chemicals containing 2,4,5-T would not be used on any lands under its administrative control, such as national park lands. The Department of Agriculture, however, is continuing to use chemicals containing 2,4,5-T on some lands under its administration, such as national forest lands.

The following is a brief summary of the areas in which the use of chemicals containing 2,4,5-T is and is not permitted:

Areas on which 2,4,5-T can still be used:	*Million acres*
U.S. national forests	187
State, county and private forests	180
Forest industry (paper, lumber)	216
Nonfarm grazing	317
Pasture grassland	487
Rights of way (unknown)	-------
Total	+1,387
Areas on which 2,4,5-T may *not* be used:	
Department of Interior	534
Food crop land	385
Pasture/crop land	109
Urban areas (roads, etc.)	160
Farmsteads	29
Total	1,217

I hope, Mr. President, that this information will be useful to Members concerned about our use abroad of chemicals controlled at home. According to information furnished me by the Defense Department, the series of restrictions to which I have referred have affected only 10 percent of the domestic 2,4,5-T market.

EXHIBIT 1

2,4,5-T

A statement prepared in accord with the Interagency Agreement for Protection of the Public Health and the Quality of the Environment in Relation to Pesticides. Department of Agriculture, Department of Interior, Department of Health, Education, and Welfare.

Secretaries Hardin, Finch and Hickel today announced the suspension by the Department of Agriculture of almost all registered uses of liquid formulations of the weed killer, 2,4,5-T for use around the home and registered uses on lakes, ponds, and ditch banks.

These actions are taken pursuant to the Interagency Agreement for Protection of the Public Health and the Quality of the Environment in Relation to Pesticides among the three Departments.

They also announced that the Department of Agriculture intends to cancel registered uses of non-liquid formulations of 2,4,5-T around the home and the registered uses on all food crops (apples, blueberries, cereal crops, rice and sugar cane).

The suspension actions were based on the opinion of the Department of Health, Education, and Welfare that contamination resulting from uses around the home and in water areas could constitute a hazard to human health.

New information reported to DHEW on Monday, April 13, 1970 indicates that 2,4,5-T, as well as its contaminant dioxins, may produce abnormal development in unborn animals. Nearly pure 2,4,5-T was reported to cause birth defects when injected at high doses into experimental pregnant mice but not in rats. No data on humans are available.

These actions do not eliminate registered use of 2,4,5-T for control of weeds and brush on range, pasture, forest, rights of way and other nonagricultural land. Users are cautioned that 2,4,5-T should not be used near homes or recreation areas. Registered uses will be reviewed to make certain that they include adequate precautions against grazing treated areas long enough after treatment by 2,4,5-T so that no contaminated meat or milk results from animals grazing the treated areas.

While residues of 2,4,5-T in meat and milk are very rare, such residues are illegal and render contaminated products subject to seizure. There is no tolerance for 2,4,5-T on meat, milk or any other feed or food.

USDA will issue guidelines for disposal of household products containing 2,4,5–T.

BACKGROUND INFORMATION

Secretary Finch's Commission on Pesticides, which reported its findings in November and December 1969, expressed concern that research conducted at Bionetics Research Laboratories, under the Direction of the National Cancer Institute, indicated that 2,4,5–T had produced a number of birth defects when fed or injected into certain strains of mice and rats. Because the test material contained substantial concentrations of chemical impurities (dioxins), the birth abnormalities could not be attributed with certainty either to 2,4,5–T or to the impurities known to be present. Representatives of the chemical industry pointed to evidence of extreme potency of the impurities as toxic agents, demonstrated that 2,4,5–T now being marketed is of a greater purity than that which had been tested in the Bionetics experiments and urged that further testing be undertaken to clarify the questions raised.

Responding to this suggestion and utilizing materials supplied by one of the major producers of 2,4,5–T scientists at the National Institute of Environmental Health Sciences promptly initiated studies to determine whether 2,4,5–T itself, its impurities, or a combination of 2,4,5–T and its impurities had caused the earlier findings, and whether the 2,4,5–T now being marketed produces birth abnormalities in mice and rats. The experiments were completed last week and the statistical analyses performed over the weekend. On Monday and Tuesday of this week the analyses of the data were presented to the regulatory agencies of the Federal Government and to the members of the Cabinet.

The dioxin impurities and the 2,4,5–T as it is now manufactured, separately produced birth abnormalities in the experimental mice. Because absolutely pure 2,4,5–T was not available for testing, it is possible only to infer from certain of the observations that the pure 2,4,5–T probably would be found to be teratogenic if it were tested. But, since pure 2,4,5–T is not marketed and could not be produced in commercial quantities, this is not a practical issue for consideration.

Believing that prudence must dictate action in these circumstances, the regulatory agencies of the Federal government will immediately move to minimize human exposure to 2,4,5–T and its impurities. The measures to be taken will be designed to provide maximum protection to women in the childbearing years by eliminating formulation of 2,4,5–T from household, aquatic and recreational area uses. Its use on food crops will be cancelled, and use on range and pastureland will be controlled. Maximum surveillance of water supplies and marketed foods will be maintained as a measure of the effectiveness of these controls. These measures will be announced more specifically in the Federal Register in a very few days.

While the restriction to be imposed upon the use of this herbicide may cause some economic hardship, we must all cooperate to protect human health from potential hazards of 2,4,5–T, other pesticides and the dioxins.

The chemical industry should be commended for its prompt and willing cooperation with the National Institute of Environmental Health Sciences in the studies to clarify questions raised by the initial studies of this herbicide and for working closely with the FDA in the other studies still underway. We look to the full support of industry, agriculture and the home gardner in insuring the safe use of 2,4,5–T and other pesticides which contribute in important ways to the welfare of the Nation.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. NELSON. Did I understand the Senator to say that 2,4,5-T may not be used on Department of Interior land but that it is permitted to be used in the national forests?

Mr. McINTYRE. That is correct.

Mr. NELSON. Does the Senator have any knowledge of the reason for the permission of the use on lands under the control of one department but not under the control of the other department?

Mr. McINTYRE. No. I just suspect the Department of Agriculture and the Department of Interior differ on the need for a prohibition of the chemical insofar as lands under their control are concerned.

Mr. NELSON. Would it not indicate to the Senator that apparently in the Department of Interior the environmentalists, the ecologists, and the scientists decided it is too dangerous a chemical for them to permit it to be used on Interior Department land.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. McINTYRE. Will the Senator from Mississippi yield to me for 5 additional minutes?

Mr. STENNIS. I yield 5 minutes to the Senator from New Hampshire.

The ACTING PRESIDENT pro tempore. The Senator from New Hampshire is recognized for 5 additional minutes.

Mr. NELSON. My question is: Would it not appear to the Senator that the Department of Interior—which traditionally has been more concerned about the environment than the Department of Agriculture has a more sound position than the Department of Agriculture?

Mr. McINTYRE. Some might perhaps claim that the Department of Interior is a little more concerned with the environment. I, myself, have no evidence on which to base such a statement.

One of the problems in connection with the amendment offered by the Senator from Wisconsin and the Senator from New York is that there are differing opinions on the effects of these herbi-

cides, to the extent that reasonable people can differ on their future and present danger. That is why we find some experts expressing grave concern about the future of the mangrove forests, while others are saying that secondary forests should, in the natural course of events, be reestablished in 10 to 20 years. There are differing opinions on the effects of these chemicals.

Mr. NELSON. I wonder if the Senator would advise me which report he is referring to? The Tschirley report said it would be 20 years. Then the Pfeiffer report, which came after the Tschirley report, disagreed on the ground that it would take longer because it felt Dr. Tschirley had not taken into consideration the fact that the ground was hardened and was not reseeding naturally.

Does the Senator have a report contradicting that, the one saying it would take 20 years and the Pfeiffer report, following the Tschirley report, saying it would take more than 20 years for reforestation to occur?

Mr. McINTYRE. No; I think that is probably correct.

I am just trying to point out that the Tschirley report and the Pfeiffer report differ over the effects and the potential danger of these herbicides, that the scientists, biologists, and botanists of this country do not all foresee the same horrible consequences of which the Senator has spoken.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. McINTYRE. I yield.

Mr. NELSON. In what way do the Tschirley report and the Pfeiffer report differ, except that the Pfeiffer report, which was made subsequent to the Tschirley report, says it is worse than Tschirley says it is? I do not think there is any dispute. The dispute is over how many years it will take a mangrove forest to recover. One of the reports says 20 years. Another one says it will take longer than that. That is not a dispute about the devastation that occurs; it is just a dispute about how long it will take before there will be a recovery from the serious intrusion into the environment, in this case the mangrove forest.

Mr. McINTYRE. I read the Tschirley report, and it has far from the alarming tenor that would lead the Senator from Wisconsin and the Senator from New York to bring in an amendment which says that the U.S. Army should suddenly be barred from using herbicides in Vietnam. Tschirley says that he was there only 30 days and did not have a chance to go into territory held by the enemy, but that as far as he could determine our defoliation program will not produce permanently damaging effects.

Let me ask the Senator a question. Under whose auspices did Dr. Pfeiffer go to Vietnam?

The ACTING PRESIDENT pro tempore. The Senator's time has expired.

Mr. NELSON. Mr. President, I yield myself 5 minutes.

He went there under his auspices. He is a physiologist at the University of Montana, a man of considerable distinction in his field.

Mr. McINTYRE. Is the Senator talking about Dr. Pfeiffer?

Mr. NELSON. Yes.

Mr. McINTYRE. I think Dr. Pfeiffer was the one who said that in a journey somewhere across Vietnam he did not see a living plant, but that had the vegetation in question not been destroyed he would probably not have returned alive.

Mr. NELSON. Would the Senator mind addressing himself to this question: The military, as the Senator knows, takes the view that we need to spray these defoliants for perimeter defense, that we need to spray them along the waterways to destroy enemy cover and on crops to deny them food. It also takes the view that we need to spray them along the trails to expose their view from the air. As a consequence of this military policy, we have sprayed about 100 million pounds of agents orange, blue, and white that we have been talking about here. That is 6 pounds for every man, woman, and child in South Vietnam. One of these agents contains arsenic—54 percent. The agent 2,4,5-T and the agent 2,4-D have both been demonstrated to be teratogenic—which means that they deform the fetus as demonstrated in several animal tests. We have now sprayed approximately 6 million acres, an area almost the size of Massachusetts.

Does not the Senator have any real concern about this? Is he not worried about the long-term ecological implications? Is he not concerned about the frightening parallel, thalidomide? Thalidomide was discovered to be teratogenic too. That that drug went into the marketplace and was prescribed to women all over the world? It did not hurt the user, but suddenly we began to see in Germany, France, South America, Spain, babies being born with no arms and legs, because they had received a teratogenic substance just as 2,4,5-T is and just as 2,4-D is.

Does it not concern the Senator that we, as the only nation in the world, in the history of the world, have now sprayed 100 million pounds of these herbicides over the South Vietnam countryside as a matter of military tactics?

We now know that these herbicides have a fetal deforming effect. That has been proved. We know it kills the mangrove forests. We know two sprayings of it will kill 50 percent of the hardwoods. One spraying will kill 10 percent. Yet we are continuing the program.

Does not the Senator have some worry about what kind of environment we are going to leave the Vietnamese when we get out of there? Does he know what the implications are? Does he have enough scientific information to assure us that we are not sewing the seeds of ecological disaster? No he does not. Nobody knows. But all thoughtful scientists are concerned if not alarmed.

All the scientists are worried about it—all but the military at least in their public posture. However, they are worried about it, too, if we look at some of their classified documents, as the Senator knows.

Mr. McINTYRE. In answer to my good friend from Wisconsin, let me say that the Senator from New Hampshire——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Mr. President, in behalf of the Senator from Mississippi, I yield 2 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Of course, the Senator from New Hampshire, like every other Senator, is concerned about the ecological effects of herbicides.

The point I want to make here this morning is that these herbicides are used for the protection and safety of the American fighting man, and that this immediate benefit has to be weighed against the possible ecological consequences. It is not a clear-cut case.

We have no figures or statistics to give the Senator, to tell him how many American lives have been saved by the use of defoliants in Vietnam, but we do know that they have been effective in this regard.

Mr. NELSON. Mr. President, if the question is that pure and that simple, and the only test of the conduct of the American military is the safety of American boys, why do we not drop the nuclear bomb? That would finish it in a hurry.

Mr. McINTYRE. I think that the effects of a nuclear bomb are far more clear-cut than the effects of herbicides. But in response to the Senator's earlier question, I have the same fears as he does about the ecological future of America and the world.

I question, however, whether the Defense Department has shown less concern about that future than other agencies. No one was concerned until the thalidomide tragedy and Rachel Carson's publication of "The Silent Spring." The Department of Interior and all the rest were just as dumb about it; is that not right?

Mr. NELSON. "Stupid" is a better word.

Mr. McINTYRE. All right. But we should not regard the Defense Department as the big ogre.

Mr. NELSON. But now we know; so why do we not stop it?

I should like the Senator to address himself to this point: On the floor of the United Nations General Assembly last fall 80 nations of the world voted to declare that the defoliants, the antiplant chemicals, the herbicides were, in their judgment, to be proscribed from use under the Geneva protocol. Three nations voted no: The United States, Australia, and Portugal. We now sit here as the only nation in the world advocating——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. I yield myself 5 additional minutes.

Advocating the use of herbicides as a new instrumentality of warfare. The only nation. Does not the Senator think that leaves us in an indefensible position?

Mr. McINTYRE. I thought Australia and Portugal voted with us, did they not?

Mr. NELSON. Yes, they did. I said that. I said 80 to 3.

Mr. McINTYRE. I thought the Senator said "all the nations of the world."

Mr. NELSON. I read the statement of the Australians, and it made no sense

whatever on the merits. I could not find that Portugal made any statement at all. Ours was a weak position on technical grounds that the United Nations General Assembly did not have the authority to make legal interpretations of treaties.

But I ask the Senator, is this not an impossible position to defend? Here we are, trying to reach peace in the world; we are trying to stop the proliferation of nuclear weapons; we are trying to negotiate agreements on stopping the arms race; what does the Senator think about the position of the United States being the only country in the world that advocates establishing the legality of ecological warfare?

Mr. McINTYRE. Mr. President, I do not intend to get into the argument that is forthcoming in the U.S. Senate about the Geneva protocol and our position with regard to the riot control agents and herbicides. But, is it not true that we have consistently taken the position that these were outside the protocol?

Mr. NELSON. We have not acted on the protocol yet. The President took that position; I have not. We have not voted on it yet.

Mr. McINTYRE. Unfortunately, we are involved in a very tragic war over in Vietnam, doing our best, I think, to extricate ourselves. And herbicides have been helping us to do just that.

I think the Department of Defense would be the first to admit that they have made some mistakes in their use of herbicides; that they used them in indiscriminate fashion at times until rather recently.

We are talking now, however, about an amendment the Senator is offering that would prevent herbicides from being used on the moderate scale they are being used today.

Mr. NELSON. Moderate scale?

Mr. McINTYRE. Moderate scale as compared to the years 1967–69, and with the purpose of saving American lives.

Let me ask the Senator, suppose he were riding in a 2½-ton truck, down a dirt road in South Vietnam.

Would the Senator like to have the jungle which is over there right on top of him, or would he like to have that jungle about a thousand feet off to the right and left as protection against any ambush?

I believe that by the use of defoliants we have very substantially reduced the possibility of ambushes by Vietnam guerrillas.

Mr. NELSON. Mr. President, I have read all the documents the Defense Department has produced to justify military usage of these chemicals in Vietnam, the classified ones and the secret ones. They assert its use is to save life. An equally powerful argument can be made that it is costing us much more than we are gaining.

As the Senator well knows, we destroyed a whole lot of crops over there that were planted by civilians, to be used by civilians, and it has been a serious morale factor. If all the Senator is saying is that any instrumentality of war that appears to us to be helpful, we will use, why not spray those trails that they are on with mustard gas? We would just have to do that once, and that would be the end of the trail.

Mr. McINTYRE. I do not think that is a fair argument at all. The devastating and permanent effects of mustard gas, nerve gas, or nuclear weapons, for example, are indisputable. Those of herbicides are not.

Let me say that the troops over there, and the company commanders, the battalion commanders, and the brigade commanders have all written in report after report that these herbicides have saved lives and been great morale boosters to the American troops.

I am concerned for the safety of American troops over there. That is why I oppose the Senator's amendment.

Mr. NELSON. We went over there, presumably—and I am the only one left in the U.S. Senate who voted against all the appropriations to go—but we went over there, it was said, to defend the South Vietnamese. Is it the Senator's idea of defending a country that you indiscriminately spray 100 million pounds of chemicals over the land with no idea of the long-term consequences. Is that the way we are going to defend that country?

We say we are over there to protect American boys. We could have protected American boys better by never having gone in the first place.

What are we leaving behind us? Does the Senator know, when we destroy the mangroves along the Rung Sat and alter marine estuaries what the effect will be? Does he know that we may be destroying the habitat shell fish and other marine creatures from which the people get most of their proteins?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. Mr. President, I yield myself an additional 5 minutes.

What are we leaving behind for the Vietnamese? I do not think anybody can stand here and say that we are entitled to do anything that we think will be of any benefit to a soldier who is there. That is why we do not drop the nuclear bomb. That is why we do not use mustard gas. That is why we do not do all kinds of things in war, because we have decided that some of them at least are unacceptable instruments of warfare.

I do not think it is very civilized or very sensible to be spreading into the atmosphere pollutants that are likely to cause problems that nobody can predict.

The Senator well knows that picloram like DDT is a long lasting persistent chemical that remains in the environment for an indefinite time.

The Senator knows what we did out of our ignorance with DDT in this country.

All I am saying is that it is environmental warfare, and we have no notion of what is happening to the oceans, the rivers, the soil, the plants, the animal life, or the insect life, and we are going ahead and using it, anyway.

The Senator says that we use it in the United States. We have done many foolish things in the United States, and we will continue to do them, I assume, but there is a difference. As irrational as our use of these chemicals is in the United States, it is 2 pounds per acre, and we are using 27 pounds per acre over there, which is a lot more intensive dose. But neither makes any sense, in my judgment, even for agricultural purposes, when we consider the discoveries they have now made about the teratogenic effect of these chemicals as well as the unsettled questions about their unknown effects in the environment.

All I can say to the Senator is that, as I understand it, his defense is that we are entitled to use these things because we claim that the use of them saves American lives. Is that it?

Mr. McINTYRE. As far as ecological effects are concerned, all we are talking about is possibilities. The Senator does not know for a fact, for example, that 20 years from now the mangrove forests will not be reestablished.

Yet the military benefits of herbicides are certain. I am saying that as long as we are in Vietnam we cannot simply ignore this side of the question.

Mr. President, this is on my own time, if the time of the Senator from Wisconsin has expired.

Mr. STENNIS. Mr. President, I yield to the Senator from New Hampshire such time as he desires.

Mr. McINTYRE. The Senator has mentioned agent blue. Is that correct?

Mr. NELSON. Blue, orange, and white.

Mr. McINTYRE. And the Senator has mentioned picloram. Picloram was tested by the U.S. Department of Agriculture in Puerto Rico—a tropical environment—at concentrations 30 times those used in Vietnam. Even at these high concentrations it did not affect food crops or natural vegetation the following year. Tests of soil from areas in Vietnam sprayed with picloram revealed no picloram present 11 months after spraying. In very dry soils it may persist for very long periods, but in areas of heavy rainfall it is carried down into the lower layers of soil where it is ineffective.

Picloram is one of the least toxic of herbicides and has been fed to numerous laboratory and domestic animals at much higher doses than could possibly be attained by animals grazing on sprayed areas. None of these data indicate any effect on the animals or their offspring. Picloram does not accumulate in the food chain, as DDT does, for example, so there is no danger from animals grazing on sprayed land.

Cacodylic acid, on the other hand, was at one time a drug given directly to humans. It has been replaced by newer more effective drugs. There is considerable medical experience to attest that its toxicity is indeed comparable to that of aspirin. There is no scientific basis for fearing that the arsenic in it would be changed in nature to the more toxic state. In any event the more toxic form of arsenic has been widely used in some Asian countries on rubber and cocoanut oil plantations. Concentrations 100 times the concentrations used in Vietnam have been applied annually for a quarter of a century or more with no ill effects to humans or to the ecology.

Mr. NELSON. Let me respond to the Senator by saying, No. 1, that the problem with all these agents—herbicides, pesticides—is that we conclude that be-

cause we do not see any immediate damage, there is nothing dangerous in their use, and we begin to use them without extensive tests, without understanding what we are doing until it is too late.

We started using DDT 30 years ago. I recall being attacked 7 years ago for introducing a measure to ban the use of DDT. I could not get anybody in either House to join me in that because my friends who were interested in the environment said, "I will be attacked as a kook if I join you in legislation to ban the use of DDT." Yet, long before 7 years ago, the knowledgeable scientists were raising the alarms about the continued use of this slow degrading pesticide.

Then Rachel Carson came along and published "The Silent Spring," and she was attacked by many entomologists and other scientists all over the country as unqualified in this field. They said that what she was saying about the disastrous effects of the irrational introduction of slow degrading herbicides and pesticides into the atmosphere was simply wrong. She was not qualified to make such a judgment. Some entomologists who worked on it for the companies came to see me and said it was all nonsense.

What is the result? A disaster is the result. The Senator knows it and I know it. So, after 30 years of spewing hundreds and hundreds of millions of ponds of DDT into the atmosphere, just as we are doing with these chemical herbicides, we find out that DDT is everywhere. We find it in the fatty tissue of the Adelie penguin in the Antarctic, where no DDT has ever been used. In 500 samples of fish in rivers and lakes all across this country, all but a few had DDT in their fatty tissue.

We see that the peregrine falcon and the bald eagle are being driven to extinction now because they have ingested so much DDT, being creatures that feed at the end of the food chain. We find now that the hen cannot produce enough calcium to produce a shell strong enough to hold the chick.

These are some of the ramifications of the indiscriminate use of DDT. Everybody throws up his hands now and says, "Why did we do it?" We did it because we were ignorant about the consequences of indiscriminate use of very potent pesticides and herbicides, and we are proceeding on the same ignorant basis now with 100 million pounds of it in Vietnam.

If you cannot answer the questions—if neither the military, the scientists, the Senator from New Hampshire, or anybody else—cannot say what the effect is on human and the environment we should not use it.

If you cannot answer the question about whether those mangrove forests will ever recover, you should not use it. If you cannot answer the question about what the effect is on all living creatures in the forests we are destroying, you should not use it.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. I yield myself 5 additional minutes.

If you cannot answer what is going to happen to all the shellfish and marine creatures in the estuaries that feed the people in Vietnam, you should not use it. If you cannot answer the question as to those people who eat those shellfish and other fish, if their tissue becomes infiltrated with picloram you should not use it. The only argument that anybody has to use it is that it is a defense weapon that is helpful to us. But we have no notion at all what that means to the environment in Vietnam or, for that matter, the rest of the world. The DDT we sprayed on the fields in Wisconsin and Minnesota, or New Hampshire, is over the Indian Ocean, it is in the Antarctic, it is all over the world because it is picked up by evaporation and goes all over the world. It is in the fatty tissues of practically every animal in the world.

So, I say to you, Senator, that we are doing exactly the same thing with this herbicide as we have so tragically done with DDT. Now we see what the prospects and the consequences are. All I say is, it is not moral for us to continue to use it. I cannot find any defense that is, on balance, on any cost-to-benefit ratio, in terms of human beings, or anything else, that justifies us to proceed to medicate the whole countryside—and that is what it is—without knowing what the results will be.

Mr. McINTYRE. The Senator should make that speech to the company commanders at the various bases and centers in Vietnam. He should make it to the men who have the job of patrolling the areas where they can be ambushed and killed. They would make clear that the short-term benefits of herbicides are quite considerable, and that these have to be weighed against long-term ecological possibilities.

Mr. President, I do not know whose time I am on, but I will yield myself 5 minutes.

The PRESIDING OFFICER (Mr. ALLEN). The Senator from New Hampshire is recognized for 5 minutes.

Mr. McINTYRE. Mr. President, a number of the scientists who went over to Vietnam are confirmed opponents of our war effort and would admit that they went determined to condemn our herbicide program as a result.

Dr. Tschirley went over there with an open mind. I placed his report in the RECORD on yesterday.

Let me read some of the high points of his conclusions as a result of his 30-day study:

> One of the principal fears about exposing soil in the tropics is the possibility of increased laterization.
>
> About 30 percent of the soils of Vietnam have a potential for laterization.
>
> But I do not find it reasonable to conclude that the defoliation program in Vietnam would hasten the laterization process significantly because bare soil does not result from defoliation.

Tschirley continues with some of the conclusions he reached as a result of his visit and study:

> The defoliation program has caused ecologic changes. I do not feel the changes are irreversible, but complete recovery may take a long time. The mangrove type is killed with a single treatment. Regeneration of the mangrove forest to its original condition is estimated to require about 20 years.

On the question of the fish catch, he says:

> Fish catch has increased during a period of intensive treatment for defoliation, which surprised and pleased me.

His final recommendation is as follows:

> The desirability of ecologic research in Vietnam after the war ends cannot be overemphasized. The research should be administered through an institution that will provide continuity and breadth for the research program. The opportunity of establishing ecologic research under the International Biological Program should be explored.

Mr. President, this is the type of study which the committee is providing for in the bill. It has asked the National Academy of Sciences to conduct the study. The Academy is a most distinguished and unimpeachable group. It will conduct research on the herbicide problem in Vietnam and report back to us within 18 months. This seems to me to be the most sensible thing we could do to try to get the facts.

Mr. NELSON. Mr. President, if the Senator will yield for a question, I know the Senator is aware of the fact that the Department of Defense itself stated that in most of the areas, a substantial percentage of the areas defoliated and sprayed, cannot be studied until after the war is over because they are in territory that cannot be gotten to because the way is blocked by the Vietcong or other areas under their control. So a study really cannot be made and we cannot make one in 18 months that would answer the questions, anyway.

But if—I emphasize if, Senator—if the problem is serious enough so that every environmentalist I know of that has commented on it, whether it be Dr. Tschirley or Dr. Pfeiffer or Dr. Galston, or any of the rest who are concerned and alarmed and say that it is critically important that a careful study be made to find out what has happened, if—if it is so critically important to make that study, because we are worried about what we might find out, does not the Senator think that we should stop using these chemicals until we find out what the results will be?

Mr. McINTYRE. Mr. President, I think I should point out to the Senator that at this moment in Vietnam we are down to a level of 25 percent of what we have used in the past on defoliants. There has been a response from the Department of Defense to the findings of Agriculture and Interior on 2,4,5-T. Its use has been suspended. But we cannot eliminate the whole program consistent with the safety of our troops.

Mr. GOODELL. Mr. President, will the Senator from Wisconsin yield?

Mr. NELSON. How much time does the Senator wish?

Mr. GOODELL. Fifteen minutes.

Mr. NELSON. Mr. President, I yield 15 minutes to the Senator from New York.

The PRESIDING OFFICER. The Senator from New York is recognized for 15 minutes.

Mr. GOODELL. Mr. President, last week the President transmitted to the Senate for advice and consent the Geneva Protocol of 1925. As its title indi-

cates, it is the "Protocol for the Prohibition of the Use in War of Asphyxiating, Poisonous or Other Gases, and of Bacteriological Methods of Warfare."

Under the interpretation of the administration, as stated in the report of the Secretary of State, the protocol's ban is not to apply to this country's use in war of chemical herbicides and a variety of antipersonal chemicals. The decision has been reached by the administration that the protocol's prohibition on chemical warfare is limited in coverage to only certain kinds of chemical weapons.

This protocol interpretation no doubt will be raised during the present debate on the Environmental Warfare Prohibitions amendment which I have authored with the Senator from Wisconsin (Mr. NELSON). Our amendment prohibits the use, transfer, and stockpiling of antiplant chemical weapons used in herbicide and defoliation military operations.

Defoliation, the reduction or elimination of forest vegetation and plant growth, has been adopted for warfare by the Department of Defense on the grounds that it allows an additional military tactical option for U.S. forces in combat. Objectives of this environmental warfare program are to deny an enemy food and concealment. Such military thinking then has brought into existence and use a vast antiplant chemical weapons arsenal, including the antiplant agents: orange—a mixture of 2,4,5-T and 2,4-D; white—a mixture of 2,4-D and picloram; and blue—an aqueous solution of cacodylic acid. Collectively, these agents have commonly been called "herbicides" and "defoliants." Technically, "orange" and "white" are growth regulating compounds and are directed mainly against forest vegetation; "blue" is considered a dissicant and is used primarily to destroy crops. Each of these antiplant chemical agents has been used as a weapon of war in Vietnam. Each can be used interchangeably to carry out programs of forest defoliation or crop destruction.

The military herbicide chemicals in formulated products of orange, white, and blue constitute the bulk of our antiplant chemical warfare arsenal. They have never been submitted to the U.S. Department of Agriculture for registration. The point here is that we are not talking about the use of domestic chemical pesticides 2,4,5-T; 2,4-D, picloram, and cacodylic acid. It is true that formulated products of these chemicals have been submitted to the USDA for registration and have registered uses. Nevertheless, according to the Pesticide Regulation Division, USDA, "none of these—domestic pesticide—chemicals are registered for use in the United States as defoliants." These chemicals are only registered for use to kill specified types of plants.

The fact is that military application of herbicide chemicals and domestic application of pesticide chemicals are different. Again, according to the Pesticide Regulation Division, in regard to domestice pesticide chemicals: 2,4,5-T; 2,4-D; picloram and cacodylic acid—

(1) "None are registered for application to crops or non-food crop areas at the dosages claimed to be used in Vietnam" (27 lbs. per acre in Vietnam as contrasted to average 2–4 lbs. per acre use in United States);

(2) "None are registered to be applied as an undiluted spray;

(3) "None are registered for use on rivers and streams."

The myth which blurs the distinction between military and domestic use—and the common misunderstanding which gives momentum to the myth—must be shattered.

Distinctions can be made which show that military use of herbicide chemicals is quite different from domestic use of pesticide chemicals. These distinctions include: dosage; concentrations of spray; limitations on use; and application at sites of use—be they food, feed, aquatic, or nonfood areas such as roadsides, rights-of-way or ditchbanks.

There is, however, a similarity between military herbicide chemicals and domestic pesticide chemicals. And it should be noted. The similarity is in the stark lack of study and the scarcity of real knowledge on the relationship of use to a safe and livable environment and the health safety of man now and for the future.

On many occasions I have criticized this "use now-study later" approach to unleashing chemicals into the environment. What we do know now, however, can help us to put a stop to reckless and harmful chemical use. This especially applies to the massive and indiscriminate use of military herbicide chemicals as used in defoliation and crop destruction operations.

What we know is that there are no food, feed, or aquatic registered uses of cacodylic acid or picloram for this country. Regarding nonfood areas, such as roadsides, rights of way or ditchbanks, picloram is registered for use with the following limitations:

First. Do not contaminate water used for domestic or irrigation purposes.

Regarding nonfood areas use, cacodylic acid is registered for use with the following limitations:

First. Keep children and pets off treated area until after first rain;

Second. Do not graze livestock on treated areas;

Third. Do not contaminate water used for domestic or irrigation purposes.

Cacodylic acid which is so restricted for use in the United States is the military herbicide chemical, blue, used in defoliation operations in Vietnam. It has been used to destroy crops. Let us think about that—used to destroy crops. Now let us reflect on those very strict limitations set for use here at home. It has been estimated that 7 percent of Vietnam cropland has been sprayed with chemical blue. At least 1 million gallons of blue has been sprayed on Vietnam cropland. Blue, it will be recalled is an aqueous solution of cacodylic acid. Cacodylic acid is 54 percent arsenic. It is described in the Merck Index as poisonous. By some quirk of irony, we have sprayed 1 million gallons of chemical containing poisonous substance on a country we are attempting to help save. Many of the crops sprayed, the Defense Department has to admit, have been grown by Vietnam civilians, many of whom are subsistence farmers.

How we can say that we are helping to save the country of South Vietman with crop destruction—how we can say this with any reasonableness, completely escapes me. It is mere lunacy.

The amendment before us outlaws this type of environmental warfare. Our amendment relates to military herbicide chemicals not to domestic pesticide chemicals. As a practical matter, our amendment would apply in the first instance to the use of chemical blue since the Department of Defense has recently banned the use of orange and the supply of white is low.

The present low-profile use of herbicide chemicals may also be used as an argument against our Prohibitions on Environmental Warfare amendment. It may be said that defoliation operations are phasing themselves out so why legislate them out? I cannot accept this argument.

First, the crop destruction program should be stopped, stopped now, not merely phased out.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. NELSON. Mr. President, the Senator refers to phasing out. Is the Senator aware that in 1969 $1,600,000 was spent for procurement of these herbicides and that in 1970 the amount was $5 million? That does not sound to me like it is being phased out.

Mr. GOODELL. Mr. President, I agree with the Senator from Wisconsin. I think there is a grave question as to whether it is being truly phased out. Indeed, the amount of money we are spending on this herbicide program is increasing.

Second, we should be concerned not only with use but with the proliferation of use of any and all military herbicide chemicals.

Third, the budget amounts requested for next year's herbicide R. & D. and procurement plans do not reflect a phasing out of defoliation operation at all. That is the point made by the Senator from Wisconsin.

The report of the Senate Armed Services Committee reflects a request of $500,000 for R. & D. in herbicide chemicals; and $1 million for procurement of herbicides. The report notes that "procurement programs for CBW are not subject to authorizing legislation." I think this is unfortunate. This is a way procurement programs get out of hand. I understand that presently the Defense Department has revised its request and the revision is upward. I understand that the request is now for $6 million in procurement funds and that plans are for the procurement of over 1 million gallons of chemical herbicides white and blue. This does not appear to me as a "phaseout" operation.

The argument of myth and the argument of gradual phase out may be used against our amendment. So too may the protocol interpretation be used as an argument against the Senate in making an independent judgment on the use of antiplant chemical weapons and in making

an independent determination on the wisdom of forest defoliation and crop destruction as tactics of war.

Mr. President, I do not wish now, nor is it necessary at this time, to engage in a lengthy discussion as to the history of the protocol—as to whether its framers, the American delegation to the 1925 Geneva Conference, intended the protocol's ban to cover all kinds of gas for use in war or merely some gas; whether all disease-producing germs or only some come under the prohibition for use in war.

At this point, I would like to make only brief observations regarding the history of the protocol.

Let us recall that the 1925 Geneva Protocol was advanced by the United States to universalize the prior treaty of the Washington Arms Conference, that is the 1922 Treaty Relating to the Use of Submarines and Noxious Gases in Warfare. This was a treaty negotiated by the United States, Great Britain, France, Italy, and Japan. The treaty proposed a prohibition on "the use in war of asphyxiating, poisonous or other gases and all analogous liquids, materials, or devices."

Secretary of State Hughes in explaining the position of the United States at that time cited the following passages from the report of the Advisory Committee to the American Delegation:

The Committee is of the opinion that the conscience of the American people has been profoundly shocked by the savage use of scientific discoveries for destruction rather than for construction . . . The American representatives would not be doing their duty in expressing the conscience of the American people were they to fail in insisting upon the total abolition of chemical warfare . . .

Resolved, that chemical warfare, including the use of gases, whether toxic or non toxic, should be prohibited by international agreement, and should be classed with such unfair methods of warfare as poisoning wells, introducing germs of disease, and other methods that are abhorrent in modern warfare.—Source: Minutes, Sixteenth Meeting, Committee on Limitation of Armament, January 6, 1922, p. 732.

The U.S. Senate approved this treaty on March 29, 1922. The vote was 72–0.

The only exchange in this Chamber then regarding the kinds of gas covered in the prohibition on chemical warfare was an exchange between Senator Wadsworth of New York, chairman of the Military Affairs Committee and Senator Henry Cabot Lodge. The CONGRESSIONAL RECORD records the exchange as follows:

Mr. WADSWORTH. . . . I think article 5 is drawn somewhat carelessly. . . . The phrase 'other gases' is all inclusive. It reads: 'asphyxiating, poisonous, or other gases.'

Mr. LODGE. To be used in war.

Mr. WADSWORTH. Yes; but there are gases used in war other than asphyxiating or poisonous gases. . . . For balloons, such as helium gas, and hydrogen. A strict construction would seem to prevent the use of any gas in war. Undoubtedly that is not meant. . . . It would seem in the French text that the word 'similaries' ties the matter up, but in the English text the equivalent of "similaries" is not used. That, however, is a point of comparatively small importance.—Source: U.S. Congressional Record, 67th Cong., 2d Sess., 1922, LXII, Part 5, p. 4729.

The remarks of Senator Wadsworth indicate his concern that the prohibition of the 1922 treaty could be construed to cover not only gas as a weapon of war, but also gas applied for a nonweapon use. The Senate, however, did not pursue this question of the kinds of gas covered by the treaty. The question, having been raised, remained unresolved.

Mr. President, for decades now, there have been varieties of interpretations by this country and other countries of the world over the kinds of gas to be prohibited for use in war. Regarding the protocol, interpretations over the years have faced difficulties such as those arising from the fact that scientific discovery brought into existence new chemical and germ weapons which were unknown at the time the protocol was negotiated. Moreover, there have been contradictions in interpretations within governments over the years. Contrasted to contradictions, there have been differences of opinion among governments as to whether all kinds of gas or only some gas should be banned in chemical warfare. Last December, 80 nations voted in favor of a U.N. resolution which declared in part that:

Any chemical agents or warfare—chemical substances, whether gaseous, liquid or solid—which might be employed because of their direct toxic effects on man, animals or plants are contrary to the generally recognized rules of international law, as embodied in the Protocol.

Of the 80 nations voting in favor of this resolution, 38 are parties to the protocol.

Let us bear in mind the vote of the United States against this U.N. resolution. Let us keep in mind the administration's interpretation of the protocol. Let us also, however, remember that successive administrations have repeatedly announced, as did President Nixon when he sent the protocol to the Senate last week, that this country observes the principles and objectives of the protocol.

What are the principles and objectives of the protocol? There is the principle of no first-use. There is the objective of prohibiting in the interest of humanity the use of chemicals and germs in warfare. There is the objective of bringing gas and germ weapons under control and the use of these weapons stopped. There is the objective of outlawing in war gases which in the words of the protocol "has been justly condemned by the general opinion of the civilized world."

ENVIRONMENTAL WARFARE AMENDMENT CONSISTENT WITH PRINCIPLES AND OBJECTIVES OF PROTOCOL

Mr. President, I have no intention in this debate to make the case that antiplant chemicals are covered in the protocol. I do believe, however, that our amendment to control antiplant chemical weapons and prohibit their use in war is consistent with the principles and objectives of the protocol.

Regarding antiplant chemical weapons, what has become of the principle of no first-use? What has become of the objective of stopping in the interest of humanity chemical warfare operations that threaten innocent noncombatant civilians?

U.S. FIRST-USE OF ANTIPLANT CHEMICALS IN VIETNAM

ANTIPLANT AGENT FROM CLASSIFICATION: FROM BIOLOGICAL TO CHEMICAL

According to a 1969 Army training manual, antiplant agents for military application are:

Chemical agents which possess a high offensive potential for destroying or seriously limiting the production of food and defoliating vegetation. These compounds include herbicides that kill or inhibit the growth of plants; plant growth regulators that either regulate or inhibit plant growth, sometimes causing plant death; dessicants that dry up plant foliage. . . . Military applications for anti-plant agents are based on denying the enemy food and concealment.—Source: Department of the Army Training Circular TC 3–16, Department of the Army, April 1969, p. 62.

It is of interest to note that in 1964 antiplant chemicals were officially listed as biological agents not chemical agents. In 1964 the joint manual of the Departments of the Army and Air Force on Military Biology and Biological Agents listed antiplant chemicals under the heading "Microbiology Applied to Biological Agents." Antiplant chemicals were so listed, according to the manual, as indicated below, as a matter of convenience:

MILITARY BIOLOGICAL AND BIOLOGICAL AGENTS MICROBIOLOGY APPLIED TO BIOLOGICAL AGENTS

The military application of microbiology concerns only those microorganisms which may be deliberately employed in weapon systems to cause disease or death to man, animals, or plants, or to cause deterioration of material. Certain chemical compounds that effect plant life, as well as toxins, may be used in chemical weapon systems and are included as a matter of convenience. These are grouped as shown below for discussion purposes, and they will be considered in this manual along with vectors of disease.

a. Microorganisms. . . .

b. Toxins. . . .

c. Vectors of Disease. . . .

d. Chemical Antiplant Compounds. Plant growth regulators, herbicides, weed killers, defoliants, and desiccants.—Source: Department of the Army Technical Manual. Department of the Air Force Manual TM 3–216. AFM 355–6 (Departments of the Army and the Air Force, March 1964).

In 1965, the joint manual omitted antiplant chemicals from the biological agent classification.

In 1968, however, the Joint Chiefs of Staff recognized that for certain regional organizations, such as SEATO and CENTO of which the United States is a member, biological warfare included the employment of plant growth regulators to produce death or casualties in man, animals, or plants.

Antiplant chemicals, as with biological toxins, were classified later as chemical weapons. Presently, antiplant chemicals are considered part of the chemical warfare arsenal.

U.S. FIRST-USE IN VIETNAM

The United States initiated use of antiplant chemicals in the Vietnam war. The antiplant chemical warfare arsenal was not brought into use in retaliation against enemy use of such chemicals.

Use of defoliants by U.S. forces began on December 4, 1961, when President Kennedy authorized the Department of Defense to test the military effectiveness

of defoliation on several lines of communication in South Vietnam. Since that time, this country has spent over $96 million to defoliate over 5 million acres of forest and cropland in South Vietnam. The primary target has been forest areas. Roughly 13 percent of South Vietnam's forest areas have been sprayed at least once and 15 to 20 percent of this sprayed forest area has been subject to repeated sprayings. Regarding crop destruction, it is estimated that 7 percent of Vietnam croplands have been sprayed.

Mr. President, I ask unanimous consent to have printed in the RECORD a table entitled "Chemical Defoliation and Anticrop Operations in South Vietnam for the Period 1962 to July 1969."

There being no objection, the table was ordered to be printed in the RECORD, as follows:

CHEMICAL DEFOLIATION AND ANTICROP OPERATIONS IN SOUTH VIETNAM—1962 TO JULY 1969

[Figures in acres]

Year	Defoliation	Crop	Percent crop versus defoliation
1962	4,940	741	5
1963	24,700	247	1
1964	83,486	10,374	12
1965	155,610	65,949	42
1966	741,247	103,987	14
1967	1,486,446	221,312	15
1968	1,267,110	63,726	5
1969 (January to July)	797,180	38,819	5
Total	4,560,719	505,155	

Source: Data supplied by the Defense Department to the National Security Policy and Scientific Developments Subcommittee of the House Foreign Affairs Committee (December 1969).

NOTES

The total land area of South Vietnam is approximately 42,000,000 acres. Of this, about 7,600,000 acres is reported to be under intensive cultivation and about 14,000,000 acres is forested.

Aims of this environmental warfare program are to deny the enemy food and concealment. According to the Defense Department, "in the final analysis the sole purpose of the herbicide program is to protect friendly forces, conserve manpower and deny food resources to the enemy."

Mr. GOODELL. Mr. President, the defoliation program, then, has a number of objectives, including:

First, to improve vertical and horizontal visibility of the United States and Vietnam troops;

Second, to aid in target acquisition, that is, finding the enemy;

Third, to force enemy troop movement from one place to another in range of fire; and

Fourth, to make significant numbers of the enemy divert energy from fighting to growing food.

ANTIPLANT CHEMICALS: WAR USES

According to the Defense Department, antiplant chemical weapons have been put to the following war uses:

1. Defoliation of base perimeters

A portion of the small-scale ground based or the helicopter spray missions are used in improving the defense of base camps and fire bases. Herbicides are a great help in keeping down the growth of high jungle grass, bushes, and weeds which will grow in cleared areas near these camps. This clearance opens fields of fire and affords observation for outposts to prevent surprise attack and as such is truly a life-saving measure for our forces and our allies. Without the use of herbicides around our fire bases, adequate defense is difficult and in many places impossible.

2. Defoliation of lines of communication

There are many instances of ambush sites being defoliated for better aerial observation and improved visibility along roads and trails. In 1967 there were also many requests for defoliation of VC tax collection points. In otherwise friendly territory there were points along well-traveled routes where the enemy could hide under cover and intercept travelers to demands taxes. Defoliation along these roads was very effective in opening these areas so that they can be seen from observation aircraft, and with few exceptions these roads were opened to free travel. The use of aircraft to spray alongside lines of communication proved valuable in clearing these areas and preventing costly ambush of army convoys with resulting friendly casualties.

3. Defoliation of infiltration routes

Areas used by the enemy for routes of approach, resupply or movement are targets for herbicide spray. Probably the most valuable use of herbicides for defoliation is to permit aerial observation in such areas. This is particularly true in areas near the border so that we can detect movement of enemy units and their resupply.

4. Defoliation of enemy base camps

We know from prisoners of war and from observation that the enemy will move from areas that have been sprayed. Therefore, enemy base camps or unit headquarters are sprayed in order to make him move to avoid exposing himself to aerial observation. If he does move back in while the area is still defoliated, he will be observed and can be engaged.

5. Crop destruction

Crops in areas remote from the friendly population and known to belong to the enemy and which cannot be captured by ground operations are sometimes sprayed. Such targets are carefully selected so as to attack only those crops known to be grown by or from the VC or NVA. The authorization to attack crops in specific areas has been made by the U.S. Embassy, Saigon, MACV and South Vietnamese Government.

Frequently reviews have been conducted of the herbicide program. The most recent one was personally directed and reviewed by COMUSMACV in October 1968 to assure himself that the program was militarily effective. Prior to that, the U.S. Ambassador had directed a review which looked at the political and economic aspects of the program. The Embassy report was released in August 1968. The crop destruction program was also reviewed by the CINCPAC scientific adviser in December 1967. Each of these reports concluded that the program should be continued.

(SOURCE.—Rear Adm. William E. Lemos, Director of Policy Plans and National Security Council Affairs, Office, Assistant Secretary of Defense for International Security Affairs, Statement before House Subcommittee on National Security Policy and Scientific Developments, Hearings on Friday, December 19, 1969, pp. 229–230.)

ANTIPLANT CHEMICALS: DOD ASSESSMENT OF WAR USE

According to the Defense Department, the following examples should indicate the success of the defoliation effort in Vietnam:

In the final analysis the sole purpose of the herbicide program is to protect friendly forces and conserve manpower. The following examples should demonstrate the success of the defoliation effort in Vietnam:

1. Major defoliation has been accomplished in war zone C. Prior to defoliation, seven brigades were necessary to maintain U.S./GVN presence. During 1967, after defoliation only three brigades were required.

2. The commander of naval forces in Vietnam in a report to General Abrams stated—

As you know, a major concern is the vegetation along the main shipping channel. Your continuing efforts under difficult and hazardous flying conditions, in keeping this area and by the adjacent inland areas devoid of vegetation have contributed considerably in denying the protective cover from which to ambush the slow-moving merchant ships and U.S. Navy craft.

3. In 1968, the commanding general of the 1st Field Force reported—

Defoliation has been effective in enhancing the success of allied combat operations. Herbicide operations using C–123 aircraft, helicopters, truck mounted and hand sprayers have become an integral part of the II CTZ operations against VC/NVA. The operations are normally limited to areas under VC/NVA control remote from population centers. The defoliation program has resulted in the reduction of enemy concealment and permitted increased use of supply routes by friendly units. Aerial surveillance of enemy areas has improved and less security forces are required to control areas of responsibility. An overall result of the herbicide program has been to increase friendly security and to assist in returning civilian to GVN control.

4. The U.S. commander in the III CTZ related:

Herbicide operations have contributed significantly to allied combat operations in the III Corps. Defoliation is an important adjunct to target acquisition. Aerial photographs can often be taken from which interpreters can "see the ground" in areas that previously were obscured. Defoliation also aids visual reconnaissance. U.S. Air Force FAC's (forward air controllers) and U.S. Army aerial observers have discovered entire VC base camps in defoliated areas that had previously been overlooked.

5. In the south in the IV CTZ, C–123 herbicide operations are limited. This is because of the vast areas of valuable crops which are not to be destroyed, even though they may be in enemy hands. Therefore, the commander of the IV Corps area in presenting his evaluation cited the value of helicopter operations as follows—

A significant helicopter defoliation mission was conducted in the vicinity of SADEC in August 1968. The target area consisted of three main canals which converged and formed a strong VC base. The dense vegetation permitted visibility of only 10–15 meters horizontally and nil vertically. The area was sprayed with approximately 735 gallons of herbicide white and over 90 percent of the area was defoliated. As the result of the defoliation, an ARVN battalion was able to remain overnight in the area for the first time in 5 years. Many enemy bunkers were open to observation. Since the defoliation, the VC presence has decreased to the point that only RF/PF forces are now necessary for local security.

6. As a part of the 1968 evaluation report of herbicide operations, the U.S. senior adviser in the IV Corps tactical zone area reported—

A section of National Highway 4 in Phong Dinh Province was the site for a defoliation operation on June 24, 1968. Since January 1968, a series of ambushes was conducted against SVN convoys and troop movements. Because of the total inability of ground troops to keep the area clear of VC, this area was sprayed using 685 gallons of herbicide white. The target area was primarily coconut palm and banana trees that had been abandoned by their owners for several years. During the period of abandonment the vegetation had become so dense that convoy security elements were not able to see more than 5 meters into the underbush and had to rely on reconnaissance by fire to discover the

hidden enemy. This method of protection had proven ineffective. Three RF/PF companies with U.S. advisers were used to secure the target for the helicopter operation in addition to an armored cavalry troop. Since the defoliation mission was completed, convoys have used the highway two or three times a week without attack or harassment. Only one RF platoon has remained in the area to provide local security to the hamlet and highway.

7. In certain instances, we know the VC have been forced to divert tactical units from combat missions to food-procurement operations and food-transportation tasks, attesting to the effectiveness of the crop destruction program. In local areas where extensive crop destruction missions were conducted, VC/NVA defections to GVN increased as a result of low morale resulting principally from food shortages.

The most highly valued item of equipment to field commanders in Vietnam is the helicopter. There was some question when the helicopter spray equipment was first procured whether field commanders would divert the use of helicopters from combat operations for herbicide spray operations. The very fact that the commanders have used their helicopter spray equipment to the fullest and have asked for more is certainly proof that herbicide operations have been helpful in protecting the American soldier and contributing to successful accomplishment of the ground combat mission.

CONCLUSION

. . ., we have presented to you in as complete and candid a manner as possible the lifesaving usage that we have made of riot control agents and herbicides in South Vietnam and the policies under which this usage has taken place. We believe this usage has been wise and has been accomplished with restraint. The result is that our forces have been better able to accomplish their mission with significantly reduced U.S. and Vietnamese casualties.

(SOURCE.—Rear Adm. William E. Lemos, Director of Policy Plans and National Security Council Affairs, Office, Assistant Secretary of Defense for International Security Affairs, Statement before House Subcommittee on National Security Policy and Scientific Developments, Hearings on Friday, December 19, 1969, pp. 231–232.)

ANTIPLANT CHEMICALS: CURRENT WAR USE

This April, following the "suspension" and "cancellation" orders by the U.S. Department of Agriculture on certain registered use of 2,4,5-T for domestic civilian applications because of hazards to public health, the Defense Department announced that it would ban the use of its primary chemical herbicide, orange in the defoliation program in Vietnam.

This decision provides an appropriate opportunity to review the basic question of whether an antiplant chemical warfare arsenal is really needed and whether the negative side effects of the U.S. "first-use" of these chemicals in Vietnam outweigh the value of defoliation and crop destruction as tactics of war.

White and blue are the herbicide chemicals now authorized by the Defense Department for use in the remaining defoliation program in Vietnam.

MILITARY DEFOLIATION VICTIMS: PLANTS AND CIVILIAN PEOPLE

It has been said by some that antiplant chemicals merely kill or injure plants, not people; therefore, they ought not to be condemned for use in warfare.

I cannot accept this logic or conclusion for several reasons.

First, there is the assumption that the chemical products and the practices in military application of herbicide chemicals present no health hazard to humans.

This assumption is sorely strained in view of the results of tests done this year by the National Institute of Environmental Health Sciences on the teratogenic, or fetus-deforming effects of 2,4,5-T registered for use in domestic civilian application.

The chemical 2,4,5-T is a polychlorinated phenolic compound that contains dioxin contaminants or impurities. When a chlorophenol is heated sufficiently, it is likely that some dioxin will result. Dioxin is considered a toxic agent.

Last year the Bionetics Research Laboratories in Bethesda, Md., under contract to the National Cancer Institute, reported that its studies on 2,4,5-T showed deformities in the offspring of pregnant mice and rats. It recommended that the Government take actions to restrict the use of 2,4,5-T in both domestic civilian applications and military herbicidal operations. Critics of the bionetics report, both in the administration and in industry, claimed that the 2,4,5-T marketed and registered for use as a pesticide chemical was of "greater purity" than the test material of 2,4,5-T used in the bionetics study. That test material, they claimed, contained substantial concentrations of dioxin chemical impurities.

In light of these claims and counterclaims on the hazard to public health of registered 2,4,5-T, the Senator from Michigan (Mr. HART) initiated hearings before the Subcommittee on Energy, Natural Resources, and the Environment.

It was on April 15 during one of these hearings that Dr. Jesse Steinfeld, Surgeon General, USPHS announced the conclusions of additional studies conducted by the National Institute of Environmental Health Sciences on the fetus-deforming effects of 2,4,5-T. The conclusion was that "the dioxin impurities and the 2,4,5-T as it is now manufactured, separately produced birth abnormalities in the experimental mice." Although there is consensus as to the "extreme potency of the impurities as toxic agents," Dr. Steinfeld emphasized that the studies "do not clarify the uncertainties as to significance to man." Indeed, Dr. Steinfeld said, "No data on humans are available."

It should be noted here that Dr. Steinfeld's assessment of no data on the effects of 2,4,5-T or its impurity dioxin on humans has been questioned. Dioxin could have a teratogenic, or fetus-deforming effect on pregnant women and/or a toxic or body poisoning effect on humans. While there is no confirmed evidence of the former, there is evidence of the toxic effects of dioxin on humans. It has been reported that in the mid-sixties, Dow was obliged to close down part of a 2,4,5-T plant in Midland, Mich., for some time because about 60 workers contracted "chloracne" as a result of contact with dioxin. The symptoms of this disease include skin disruptions, disorders of the central nervous system and chronic fatigue.

As a result of the conclusions of the studies by the National Institute of Environmental Health Sciences, the Secretary of Agriculture found that in order to prevent an "imminent hazard" to the public health, it was necessary "to suspend" registration for products containing 2,4,5-T and to require relabels for use as follows:

First. Suspension of liquid formulations of 2,4,5-T for use around homes, and recreation areas;

Second. Suspend all formulations of 2,4,5-T in aquatic areas, that is, in lakes, ponds, or on ditch banks.

The "suspension" order carries with it immediate halt to interstate shipments.

The Secretary of Agriculture also found that in order to prevent a "hazard" to public health, it was necessary "to cancel" registration for products containing 2,4,5-T and bearing directions for use as follows:

First. All granular 2,4,5-T formulations for use around the home, recreation areas, and similar sites.

Second. All 2,4,5-T uses on food crops intended for human consumption, such as apples, blueberries, barley, corn, oats, rice, rye, and sugarcane.

Dr. Lee DuBridge, formerly President Nixon's science adviser, has said that—

If the effects on experimental animals are applicable to people it's a very sad and serious situation.

Does the Defense Department think the military application of its primary defoliant orange, a mixture of 2,4,5-T and 2,4-D could be affecting the public health of Vietnam? According to the Defense Department, the answer is "No." When asked: Why not? the Department simply responds that there is no confirmed evidence that illness is directly the result of defoliant spraying.

Nevertheless, following the "suspension" and "cancellation" orders on registered use of 2,4,5-T for domestic civilian applications—orders affecting only about 10 percent of 2,4,5-T use in this country—the Defense Department announced that it would ban use of orange henceforth in the defoliation program in Vietnam.

It has been estimated that 50,000 tons of antiplant chemicals have been sprayed on Vietnam land, including forests, crops, ditch banks and along shipping canals and communications lines. Of the 50,000 tons, it is estimated that 20,000 tons of oranges have been sprayed.

Now let us consider again the notion by some that antiplant chemicals merely kill or injure plants not people; and that they ought not to be condemned for use in warfare.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOODELL. May I have 5 additional minutes?

Mr. NELSON. Mr. President, I yield the Senator 5 minutes.

Mr. GOODELL. I have said previously that I cannot accept this logic or conclusion for several reasons. The first is the questionable assumption that the formulations of antiplant chemicals for military purposes as well as the practices in military application of such chemicals present no health hazard to humans. In

addition to the fetus-deforming effects and toxic effects of 2,4,5–T shown in laboratory studies, there is the question of whether or not 2,4,5-T is biologically degradable, that is, the question of whether it persists in the environment or accumulates in animal tissue. Although some claim that 2,4,5-T is readily decomposable in soil and by the action of sunlight after it has been applied, there have been no thorough studies to show that 2,4,5-T's dioxin contaminant is biologically degradable, that is that it does not persist in the environment or accumulate in animal tissue.

Consider antiplant chemicals used in war as part of a program to deny an enemy concealment. Now think of the animals in the forest. Consider whether any of these animals are destined for food and having been exposed to the dioxin contaminant, contain residues of dioxin in their systems. Suppose that there are no food inspection teams to detect harmful levels of 2,4,5-T residue and to protect people from contaminated food.

Consider antiplant chemicals used in war to destroy forests near streams and canals. Think of the fish in the streams as another possible food supply. Think of the water as being used for irrigating food crops. Now recall the USDA suspension order for 2,4,5-T banning use in aquatic sites because it presented an imminent hazard to public health. Recall the USDA warnings and limitations for domestic use of picloram and cacodylic acid: "do not contaminate water used for domestic or irrigation purposes."

Consider drift from antiplant chemical operations to water supplies for drinking purposes.

Consider antiplant chemicals used in war to destroy crops, that is part of any enemy food denial program. Then consider the history of warfare which shows that it has always been the fighting men who have had the first claim to the available food supply; civilians always have been the ones to suffer the shortages.

Many of us were very concerned during the recent Nigerian civil war about starvation in Biafra. Allegations were made that at least some officials of Nigeria were using food and starvation as a weapon of war. Many of us stood up and called upon the international community and the Nigerians and the Biafrans to agree on ways to get food in there so that women and children would not be the primary sufferers of the civil war in Nigeria.

Many of us are equally concerned with the effects of the present food denial program in Vietnam; many of us are concerned with the effects of the entire military defoliation operation in Vietnam.

Considering all the links between man and environment, it seems clear to me that the massive spraying of antiplant chemicals in Vietnam constitutes a dangerous hazard to public health in Vietnam and warrants a total ban on this country's engagements in military defoliation operations.

Looking beyond the links in the ecosystem and the food chain, there can be no doubt that massive application of antiplant chemicals is having an adverse effect on the people of Vietnam. What effect it is having on what effects show up in the future, may be one of the saddest chapters in the epilogue of the war.

Those who defend the use of herbicide chemicals and the use of chemicals against crops in Vietnam, do so by claiming that such use saves lives of our troops. Obviously, we want to do everything possible to protect the lives of our men fighting in Vietnam.

The claim, however, that defoliation operations are "life saving" is open to question.

Regarding the military value of defoliation, several drawbacks can be considered. These drawbacks raise the possibility of "risk to life" for our men fighting in Vietnam. Drawbacks are based on the following considerations:

After spraying, several days pass before leaves fall off trees; dying leaves can "alert" the enemy to impending United States-Vietnamese operations;

After spraying along lines of communication, ambushes may still take place behind curves in the road as well as create a broader enemy fire on United States-Vietnamese troops;

Defoliation of base perimeters has often led to deemphasis of saturation patrolling which may be false economy;

There may be a trade-off between vertical and horizontal visibility; that is, defoliation of a double or triple canopy jungle increases the amount of sunlight that reaches ground level; in time this greatly stimulates growth of vines and bamboo which could impede movement of United States-Vietnamese ground troops. While United States-Vietnamese pilots may increase their visibility; ground troops may find it more difficult to move on foot. According to the report made by Dr. Fred Tschirley, Agricultural Research Service, USDA, after his investigation in 1968 of environmental effects of defoliation in Vietnam; "repeated treatments will result in invasion of many sites by bamboo. Presence of dense bamboo will then retard regeneration of the forest." It may also retard the mobility of our ground combat troops.

By all reasonable standards, crop destruction in Vietnam is a military failure. It is cursed by the locally affected Vietnamese, most of which are rural subsistence farmers. It is exploited by the VC. It is counterproductive to Vietnamization. An indicator of ill-will may be the damage claims, both valid and trumped-up. Since 1968, over 10,000 claims have been validated at a cost of over $3 million. Invalidated claims are unrecorded. Rather than save lives of U.S. troops, crop destruction could contribute to the risk of life by decreasing the cooperation we need from the Vietnamese themselves. The less cooperation we get, both in intelligence gathering and fighting, the more our troops must fight and along with this goes greater risk to the lives of our troops.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOODELL. May I have 5 additional minutes?

Mr. NELSON. Mr. President, I yield 5 additional minutes to the Senator from New York.

Mr. GOODELL. In Vietnam, we are fighting, supposedly, for the hearts and minds of the people.

One of the greatest problems we have in the so-called Vietnamization program is the psychological impact and the direct impact of crop destruction on the people and the small farmers. It is a very unpopular program.

It is a program which turns many of the rural people against us in South Vietnam. It is a program of marginal military significance. The end result may, on occasion, save a few lives of American soldiers, but then later lead to the deaths of many more American soldiers.

Mr. President, I believe our amendment deals directly, and precisely with the issue at hand. It would bar future military use of chemical herbicides by this country. It would bar use by proxy. It would dismantle this country's chemical herbicide arsenal. Such a measure is long overdue.

Mr. President, there are many aspects of our military defoliation operations that cannot be discussed openly here. I do not wish to make specific references to studies that have been made available, but are considered confidential and secret. But I think there is ample evidence available to all of us in the U.S. Senate that indicates that the use of chemicals for crop destruction in Vietnam has been counterproductive. We are cutting off our nose to spite our face with the continued use of these defoliants, whether we talk about it simply in a military sense or in terms of the environment of Vietnam.

I hope that the Senate will act today to let the world know that we are going to prohibit the use of antiplant chemicals in war; that we will prevent the future use of those chemicals which have, for the past 9 years, been used in Vietnam.

Mr. STENNIS. Mr. President, I ask unanimous consent that when the Senator from Mississippi happens not to be present in the Chamber, the time in opposition to the amendment may be allotted by the Senator from New Hampshire.

The PRESIDING OFFICER. Without objection, it is so ordered.

Who yields time?

Mr. NELSON. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator from Wisconsin has 22 minutes, the Senator from Mississippi 55 minutes.

Mr. STENNIS. Mr. President, I suggest the absence of a quorum, on my time.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. DOMINICK. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield the Senator from Colorado 20 minutes.

Mr. DOMINICK. Mr. President, I have a prepared speech here, which I am going to make, but before I do that, I wish to say that I know how sincere the Sen-

ator from Wisconsin is. He has been against our involvement in Southeast Asia from the very beginning. He has voted against every appropriation, every authorization, and everything else I can think of. So I am not a bit concerned over the heat with which he debates this particular amendment, because he does not think we ought to be there at all.

That is perfectly proper, and it is his right, obviously, but it is not the policy of the last three Presidents. We are there, and we have to recognize the fact that we have people there who are fighting a war, and who must have the ability to do so both efficiently and successfully.

I also wish to say, before I go any farther, that the committee has in fact not only eliminated authorization for the use of the so-called orange herbicide, which was referred to in the debate, and we do not have any money in the bill for that at all. We have also reduced the new authorization from $2 million to $1 million, and the balance of the money that has come in is money that had previously been authorized but not spent in connection with the procurement of orange, which has been reslated in order to provide the funds for the defoliants in connection with both crops, trees, brush, and lines of communication, but not with the poisonous type Orange that has been referred to heretofore.

One of the most difficult problems faced by the military in South Vietnam is the inability to observe the enemy in the dense forest and jungle. As one method to help overcome this problem, defoliating herbicides were introduced in 1962, and since that time have been employed on an increased basis.

Defoliants are capable of producing a tremendous improvement in vertical and horizontal visibility in the type of jungle found in South Vietnam. As viewed by an aerial observer, it may be impossible to see through the jungle canopy at the time of spraying. After spraying, defoliation will begin in 2 to 3 weeks and in 6 to 8 weeks, the observer will have almost complete observation through the canopy. After 8 to 12 months, he will have only limited visibility due to regrowth. For ground observation, defoliation is capable of improving vertical visibility 70 to 90 percent and horizontal visibility 40 to 60 percent.

It has been claimed that defoliation along lines of communication permits the enemy to attack with heavier weapons and provides allied soldiers little cover if they are attacked. Such statements ignore the purpose of the defoliation which is to provide observation out to 200 or 300 meters on either side of a road or canal and deny the enemy a close-in, concealed ambush position.

Any soldier will tell you that it is easy to hit a target up to 100 feet away with a rifle or machinegun but it becomes increasingly difficult to hit one at 600 to 1,000 feet. Heavier weapons are effective at these greater ranges but they require open fields of fire or cleared firing positions.

The critical period in an ambush is the first 10 to 15 seconds. After this, evasive action and counterambush fires will reduce the effectiveness of the ambush. The inaccuracy resulting from distant fires gives our troops a better chance to survive the first few critical moments and then overcome or evade the enemy forces.

There is considerable evidence supporting the military effectiveness of defoliation operations. The most recent study was conducted in October of 1968 at the request of General Abrams, COMUSMACV. That study produced overwhelming evidence from both intelligence sources and afteraction reports on the effectiveness of herbicides. The following examples demonstrate the value of the defoliation effort in Vietnam:

First. According to the commander, U.S. Naval Forces Vietnam, the defoliation along the main shipping channel between the ocean and Saigon contributed considerably to denying protective cover to the enemy for ambush of the slow-moving merchant ships and U.S. naval vessels.

Second. The commanding general of I Field Force reported that the defoliation program reduced enemy concealment and permitted increased use of the lines of communication by friendly units. Aerial surveillance of enemy areas improved and less security forces were required to control friendly areas.

Third. Defoliation aids visual reconnaissance. Air Force forward air controllers and Army aerial observers have discovered VC base camps in defoliated areas that had previously been undetected.

Fourth. Helicopter defoliation operations were conducted in 1968 against infiltration routes and mortar and rocket sites in the vicinity of Pleiku City. Aerial observation of the area is now possible and Pleiku has not experienced mortar or rocket attacks since the area was defoliated.

Fifth. A portion of National Highway 4 in Phong Dinh Province was defoliated in June 1968. This mission was conducted after a series of missions against GVN convoys and troop movements. The target area consisted primarily of coconut palms and banana trees that had been abandoned for several years. The vegetation had become so dense that convoy security elements were unable to see more than 5 meters into the underbrush. It required three companies of regional and popular forces and an armored cavalry troop to secure the target during the helicopter spraying. Since defoliation, convoys have used the highway two to three times a week without attack or harassment. Only one platoon of popular forces is now required to provide local security to the nearby hamlet and the highway.

Sixth. The most important piece of military equipment in Vietnam is the helicopter. The fact that commanders use their helicopters in spray missions on a priority basis is further evidence that herbicide operations are considered valuable for protecting American soldiers and contributing to the successful accomplishment of the ground combat mission.

To determine the effectiveness of herbicides in Vietnam a number of additional tests over and above the data previously existing in the United States were conducted. Five years were spent studying the effects of herbicides in areas of Puerto Rico and Texas—by the Department of Agriculture—areas similar to portions of South Vietnam. A year's study was also made on experimental plots in South Vietnam; a botanical survey of South Vietnam was compiled and on several occasions Department of Defense and Department of Agriculture scientists went to Vietnam to search for evidence of adverse ecological change. The Agency for International Development of the Department of State also made such surveys utilizing consultants from universities, the Department of Agriculture and the U.S. Forest Service. Several years have also been spent on studying the effects of herbicides on experimental plots in Thailand. These studies have been published in the open literature. Additionally, the United States reviewed the experience of other nations, since almost all of the developed nations of the world employ herbicides domestically. For example, herbicides have been used extensively in rubber and oil-palm plantations in Malaysia for over 20 years at an application rate 5 to 6 times those used in Vietnam. The herbicide operations in Malaysia were conducted to kill old nonproductive trees and jungle vegetation in preparation for planting new trees. As the program of herbicide usage has continued in Vietnam, nearly continuous review has been made of the resulting effects. All of the information available indicates that it is not concentrated in soil or water, nor concentrated to any appreciable degree in plants.

There have been many claims of possible long-term ecological dangers from the use of chemical defoliants. These include laterization—conversion of certain soil to hardened, infertile form—permanent destruction of mangrove swamp forest and poisoning of aquatic life. The ecological investigation conducted by Dr. Fred H. Tschirley from the Department of Agriculture does not substantiate these claims. He found that laterite soil was not being produced because bare soil does not result from defoliation. Although the trees and brush may be killed, the grassy ground cover survives and grows rapidly when exposed to the sunlight as a result of the defoliation. Tschirley also found that the mangrove forest would not be permanently eliminated. He estimated it would take 20 years for the reestablishment of a mangrove forest. Surveys of defoliated mangrove areas have shown definite regrowth after 6 or 7 years. The increased fish catch in the mangrove areas indicates that the aquatic food chain has not been seriously damaged. In fact, the total fresh water fish catch in Vietnam has increased during the last few years. In addition, all of the mangrove in any particular area has not been destroyed, thereby permitting germination of seed from the established forest.

Recent test reports have indicated that 2,4,5-T caused abnormal fetuses in mice, rats, and chicken embryos. It is recognized that animal data cannot be directly extrapolated to humans. To create a comparable situation wherein a Vietnamese woman could probably have an abnormal child as a result of drinking

2,4,5-T would require that she consume large quantities of contaminated water each day for about 3 months during the middle of her pregnancy period. If one assumes an extensive rain water collection system, the necessary concentration of 2,4,5-T in the water would require that the area be sprayed every few weeks. Since an area is normally sprayed only once during any 6- to 9-month period, this postulated condition would be virtually impossible to attain. No incidents of verified malformed births resulting from herbicide operations are known.

An examination in December 1969, of the hospital records in Mimot, Cambodia, for 1968 and 1969 by Dr. A. Westing of the American Association for the Advancement of Science showed no increase in birth defects as a result of herbicide spraying of rubber plantations that occurred in April 1969.

An examination of hospital records in Vietnam has been initiated, but the results are not yet completely collated. Indications are that the birth defect rate remains essentially unchanged from the predefoliation era.

Although it appears that there are no confirmed public health hazards associated with the use of the 2,4,5-T contained in herbicide orange in Vietnam, the Department of Defense deemed it prudent to suspend all operations using orange until the problem could be resolved. In the meantime, operations continue using defoliants white and blue.

Mr. NELSON. Mr. President, will the Senator yield?

Mr. DOMINICK. I am happy to yield.

Mr. NELSON. Why did the Department of Defense decide to suspend the use of 2,4,5-T in Vietnam? What was their concern?

Mr. DOMINICK. I think the concern originated, as I said earlier in the prepared statement, from the findings that this did create problems with fetuses of mice, rats, and chickens. As a result, since we do not yet know fully what the immediate results will be, they just decided that, since the others would work, they would stop this.

Mr. NELSON. Would not the Senator consider it rather a dramatic situation and would not he consider it a very serious matter that we have been spraying million of pounds of 2,4,5-T, which Dr. Verrett and other scientists have found deforms the fetus of certain creatures? Would not that alarm the Senator, since it has demonstrated its teratogenic capacity? We have been spraying vast amounts of it, and, in fact, 2,4-D has also been shown to be teratogenic and we are continuing to use that.

Mr. DOMINICK. I say to the Senator that if all things were fair in a perfect world, I would wish that we were not using any of these, so far as I personally am concerned. But as long as we are engaged in an effort to try successfully to assist the South Vietnamese against the attacks by both the Vietcong and the North Vietnamese, I think we will have to take such action as is necessary to make that effort successful.

Mr. President, earlier this year there was a great deal of national publicity concerning deformed animals that resulted from the use of herbicides in Globe, Ariz. A lame goat and a deformed duck were shown on television to support the claims of damage caused by the herbicides. When scientists evaluated the claims, it developed that there was no causal relationship between the spray operation and the alleged damage. Nine doctors serving the Globe area stated that there had been no significant increase in human illness related to the spraying. Reports from wildlife specialists indicated no significant effects on birds, deer, and other wildlife. The team of scientists reported:

> It is doubtful that the spraying of the herbicides or dioxin caused the affliction in the goat or duck because the goat was born before the treatment and the duck was hatched about four miles away from the treated area.

The amendment proposed by Senator NELSON and Senator GOODELL would prohibit the U.S. military use of antiplant chemicals. There are over 100 antiplant chemicals available on the commercial market. Many of these chemicals are used by the military to clear rights-of-way, fence lines, and to remove undesired vegetation on posts, camps, and stations both here and abroad. This amendment would prohibit the use of these chemicals for grounds maintenance without affecting the use by other Government agencies. In addition, large quantities of herbicides are furnished the Vietnamese under the AID program in order to improve their agricultural output.

I would ask, as a rhetorical question, why we should prohibit the use of defoliants by the military and preclude any ability to support some of the Vietnamese agricultural output.

Is it the intent of Senator GOODELL and Senator NELSON to prohibit the use of all herbicides by the military and to preclude our supporting the Vietnamese agriculture?

On July 16, the Senator from Wisconsin introduced into the RECORD an article by Drs. Pfeiffer and Orians. This article was based on a visit to Vietnam by these two gentlemen and questioned the value of the defoliation program in light of the ecological consequences. It should be noted that in a press interview in New York upon his return, Professor Pfeiffer expanded somewhat on his report. I do not believe this was in the message the Senator from Wisconsin put in. He observed that it was "completely unrealistic" to expect military commanders to abstain from defoliation actions. He said:

> There is no question about it, they save American lives. On a sixty-five mile journey by armed boat from Saigon to the sea, we scarcely saw a living plant.

However, he added that had the vegetation not been destroyed, he and his companion would probably not have returned alive.

I would add, as a matter of fact, they would not even have been allowed to go down there. So that is some indication of the value of defoliants from the point of view of the preservation of American lives.

In the Republic of Vietnam, we have treated approximately 5.5 million acres since 1962. Of this total, a few areas such as war zones C and D have been resprayed, thus the actual area sprayed is closer to 4.5 million acres—in other words, we have resprayed two war zones, therefore the total acreage is only 4½ million. This represents approximately 11 percent of the land area of Vietnam. The defoliants used in Vietnam are not sprayed at random but are used only on important targets.

Under policy guidance provided by State and Defense Departments, the U.S. Ambassador in Saigon and COMUSMACV are empowered jointly to authorize U.S. support of GVN requests for herbicide operations. All requests for defoliation and crop destruction must originate with the province chief at the province level.

I repeat that, Mr. President: All requests for defoliation and crop destruction must originate with the province chief at the province level. These are the South Vietnamese province chiefs.

Requests must contain a detailed justification for the operation and include a civil affairs annex to insure that any impact on the civilian population has been considered. Authority to approve small-scale defoliation projects has been delegated to the ARVN Corps commander and the U.S. Corps senior adviser.

All requests for large-scale defoliation by fixed-wing aircraft and all crop destruction missions must be approved by the Chief of the Vietnamese Joint General Staff. When the Vietnamese request for support is received at Headquarters MACV it is staffed along with a parallel request submitted through U.S. advisory channels to MACV. During staffing, the project is reviewed by Civil Operations and Revolutionary Development Support—CORDS—that is an American agency, U.S. Agency for International Development—USAID—Joint U.S. Public Affairs Office, American Embassy, and MACV.

A final opportunity is given the province chief to approve or reject each spray mission 24 to 48 hours before the scheduled time of execution. All planes using defoliants are provided with a navigator, so that they know for sure where they are going. I think this is a good reply to the concept that some believe, that Americans have been kind of broadcasting these defoliants around on their own, indiscriminately, around the country. They have not done so. It must originate with the province chief in that area.

Some specific uses of defoliants are:

Perimeter defoliation: Herbicides are used to restrict growth of high jungle grass, bushes, and weeds around base camps and fire bases. This provides fields of fire and affords observation to prevent surprise attack.

Mr. President, I was in Vietnam twice, and I have been to the fire bases and have seen the areas, and I can assure Senators that if we did not have some method to clear this out to see what we are doing, surprise attacks around that area would be very heavy now.

The PRESIDING OFFICER (Mr. HOLLINGS). The time of the Senator has expired.

Mr. BYRD of West Virginia. Mr. Pres-

ident, on behalf of the Senator from Mississippi, I yield 5 additional minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 5 additional minutes.

Mr. DOMINICK. Mr. President, on defoliation of lines of communication, defoliation along roads and canals has been successfully used to permit aerial observation and minimize concealment which could be used by the enemy for ambushes.

Defoliation of infiltration routes: Areas used by the enemy for routes of approach, resupply or movement are important targets for herbicide spray. Defoliation of these routes permits aerial observation and allows better detection of enemy units and their resupply activities.

Defoliation of enemy base camps: Spraying of enemy base camps is used to expose them to aerial observation. Even if he does move out before the defoliation is complete, his bunkers, living quarters, and other facilities can be destroyed.

The effectiveness of defoliation has been questioned on the grounds that it produces no military contact. However, this in itself can be a measure of its effectiveness. For example, in Sa Dec Province a major VC base was defoliated in August 1968. After defoliation, an ARVN battalion was able to remain overnight in the area for the first time in 5 years. Many enemy bunkers were opened to observation and destruction. Since the defoliation, the VC presence has decreased to the point that only regional and popular forces are now necessary for local security.

The American Embassy in Saigon sponsored a detailed review of the herbicide program in 1968, with particular emphasis on economic and sociopolitical aspects. To assist in the review, Dr. Fred Tschirley of the U.S. Department of Agriculture visited Vietnam to assess the ecological consequences of the defoliation program. The Embassy report indicated that the defoliation program was worthwhile and that the military value far outweighed any adverse economic effects. However, as a result of the study, improved controls were instituted to minimize the probability of inadvertent spraying of rubber trees and other crops.

The improved controls reduced South Vietnamese civilian complaints of damage to friendly crops from some 30 a month to three a month by early 1969. For comparison, it is interesting to note that in 1965 there were 259 cases of herbicide drift damage to crops in North Carolina. There was less damage in South Vietnam in terms of complaints than there were there.

The use of defoliants has created some problems but detailed reviews have shown that benefits outweigh adverse effects. Not only have herbicides assisted the military effort but they have also had a beneficial impact on the local economy in many areas by permitting the opening of roads and canals which had been under enemy control. The farmer is now able to take his produce to market without paying a tax to the VC or worrying about ambushes. In many sections, the defoliated area along roads has been cleared and is now used for farming. Rather than hindering the small farmer in his attempts to improve his lot, defoliation in conjunction with road clearing and road building operations has opened up new markets and new opportunities for him. In the light of all these factors, I urge that the pending amendments be rejected.

I ask unanimous consent at this point to have printed in the RECORD as part of my remarks a brief statement which I have made in connection with the President's actions in limiting the use of chemical warfare agents and in cutting out totally biological warfare. This is the first time, I point out, that this has been done. I think it shows the understanding the President had on the economic, emotional, and biological problems that these particular agents create.

There being no objection, the statement of Senator DOMINICK was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR DOMINICK

Mr. DOMINICK. Mr. President. In the current controversy over the Army's disposal of nerve gas, I think we are forgetting the fact that President Nixon has long since taken the lead in renouncing the use of chemical and biological weapons.

On November 25, 1969, President Nixon announced that, as the result of an exhaustive review led by the National Security Council, the U.S. reaffirmed that this country would never be the first to use lethal chemical weapons and that he would extend that renunciation to include the use of chemical weapons that incapacitate.

At that time, the President also announced that in regard to biological weapons the United States would renounce the use of lethal biological agents and weapons, and all other methods of biological warfare; that the United States would confine its biological research to defensive measures such as immunization and safety; and that he had asked the Department of Defense to make recommendations as to the disposal of existing stocks of bacteriological weapons.

In his November statement the President also promised that he would submit to the Senate, for its advice and consent to ratification, the Geneva Protocol of 1925 which prohibits the first use in war of "asphyxiating, poisonous or other Gases and of Bacteriological Weapons of Warfare". That promise has been kept. On August 19th, the President formally asked the Senate to approve the 1925 Geneva agreement.

I would submit that the record of the Nixon Administration in regard to chemical and biological warfare is both commendable and unassailable. The President has clearly taken the lead in the renunciations of these terrifying weapons. I would particularly commend the President's action on the Geneva Protocol, which was never approved by the Senate although it was the United States in 1925 which sought this ban on chemical and biological weapons. In 1947 this Protocol was returned to the White House and still there was no action by the Executive Branch or the Senate.

It remained for this President to finally—after 45 years—take the humane action which I hope will result in approval of the Geneva Protocol by the Senate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from Colorado.

The PRESIDING OFFICER. The Senator from Colorado is recognized for 3 minutes.

Mr. NELSON. Mr. President, would the Senator give me his view about the implications of the use of herbicides for food denial? We say that we use it for the purpose of denying the enemy food raised by the Vietcong themselves or food that might be raised by someone else for the Vietcong. If we validate the theory that it is acceptable military practice to deny food to the enemy, how about conditions in the future when another country can say, "We are spraying all crops in country 'X' because we are at war with that country and the dictatorship in that country will take whatever food there is and give it to the military. Since we have to deny food to the military, we have to spray it all because the dictatorship controls all crops."

Is that not what is likely to happen and are we not really then endorsing the use of an instrument of warfare which is applied with very little sophistication but which will proliferate in the hands of the enemy and would put us in the position of endorsing starvation warfare?

Mr. DOMINICK. Mr. President, let me say to the Senator that he is building one of his great parades of horrors—and I have seen him do it before and I admire him—on hypotheses that have not happened.

I would say that in any war that I can remember, since Atilla the Hun, the scorched earth policy has been followed. Countries have used it. We are not doing this. We are being very careful to do this only in areas which will give us the ability to protect ourselves from ambushes and to deny the use of crops to the enemy in areas we know are controlled by the Vietcong or are used by them for their crops. It is a very limited use.

As an example of what we have been trying to do, we have introduced the new wheat and the new rice grains in there and have increased the production throughout Vietnam as a result in areas that we can control.

Mr. NELSON. Mr. President, is the Senator aware of the fact that we have sprayed 500,000 acres of crops and are procuring enough Agent Blue—which includes 54-percent arsenic—this year that could be used to spray an additional 200,000 acres of crops? Some of the statistics are classified on the question of how careful we are. The Senator knows that I cannot use them. But the Senator will concede that the vast majority of croplands sprayed up until 1967 were for crops raised by civilians for use by civilians.

The PRESIDING OFFICER. The time of the Senator has expired. Who yields time?

Mr. NELSON. Mr. President, I yield the Senator 3 minutes in which to answer the question.

The PRESIDING OFFICER. The Senator from Colorado is recognized for an additional 3 minutes.

Mr. DOMINICK. Mr. President, I will concede that we have used herbicides to destroy crops that would be used by the enemy who attack the South Vietnamese

in the villages and cities and the American soldiers as well.

It seems to me that if we are fighting a war, we have to do that.

The position of the Senator is that he does not want to fight a war. I do not blame him for taking that position. I do not want to fight it either. However, if we are fighting a war, let us do something about protecting our boys.

Mr. NELSON. I think the Senator has changed the question a little bit. I would be willing to debate that matter later. However, are we not putting ourselves in the position of being the only nation in the world—except Australia and Portugal—that says that herbicidal warfare ought to be used? Eighty nations have voted that they are against it. Italy abstained on the grounds that it is against it but it did not think that the General Assembly had the authority to make legal interpretations of treaty policies.

Mr. DOMINICK. Mr. President, I assume the Senator is talking about the U.N. debate on the use of chemical warfare.

Mr. NELSON. Where does this leave us vis-a-vis all of the rest of humanity?

Mr. DOMINICK. Where does it leave us?

Mr. NELSON. That is correct.

Mr. DOMINICK. It leaves us in the position of saying that if we are going to be engaged in an area with our troops we are going to defend our troops. Unless we do that, there is no point in being there. I am not going to send my boy over to Vietnam and say, we are not going to use herbicides because they will kill trees," knowing that the enemy can get behind those trees and kill my boy. I am not going to do that and neither is the Senator from Wisconsin.

Mr. NELSON. If the justification is that it is effective, why do we not drop a nuclear bomb?

Mr. DOMINICK. There the Senator goes with his parade of horrors. I have great admiration for the Senator, but his statement does not convince me.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. NELSON. Mr. President, I yield myself 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 3 minutes.

Mr. NELSON. Mr. President, every time the Senator is asked a question that the Senator cannot answer, he says that the Senator is blowing up the matter and creating a parade of horrors.

I think the Senator does not see the ecological implications of the use of these materials.

No one can tell, in our country or in any other country, the consequences of the use of this 100,000,000 pounds of herbicides in Vietnam. The only answer one can give is that he does not know.

That is the answer we got from DDT for 30 years in this country, even though the scientists were predicting that DDT was a persistent, long-lasting chemical compound that would have disastrous effects worldwide.

In 1962, the biologists and botanists and others who did not agree with Rachel Carson made the same criticism of her that the Senator just made of me, that she was parading the horrors. They said that she was not qualified to make these judgments. However, she was absolutely right. Everyone knows it now.

The Senator knows that we are proceeding again with the continued introduction of pidoram into the atmosphere, the soil, the water, and the air all over the world, which is a very slow degrading herbicide.

Because we do not know what it will do we deny there is any danger to it, despite the fact we now do know of the effects it has.

Mr. DOMINICK. Mr. President, will the Senator yield for a question?

Mr. NELSON. I would like to finish my thought first. The situation is alarming. We know that picloram in tests in some soils only 3.5 percent disappears in over a year. That is very slow degrading. We do not know what happens to the absorption of these herbicides by plankton in the water or by other marine life. Certainly, the study by Dr. Tschirley, as fine a man as he is, does not answer even one-millionth of the consequences. The evidence with respect to massive usage of slow degrading pesticides is correct, horror stories. How can we proceed with this program when no other nation in the world agrees to it, except Australia and Portugal—who do not defend their position. Yet, we are willing to risk the environment of Vietnam.

The PRESIDING OFFICER. The time of the Senator is expired.

Mr. NELSON. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield 7 minutes to the Senator from Virginia.

Mr. BYRD of Virginia. Mr. President, the purpose of the pending amendment is to end the use of herbicides as defoliants of the jungles of South Vietnam. Defoliation is the result of the elimination of plant chemistry and plant growth.

Defoliation has been adopted by the Department of Defense as a tactic of war to deny the enemy food and concealment. The American forces in Vietnam have been using herbicides for this purpose for 7 years.

I would like to see the use of herbicides ended; I would like to see the bombing ended; I would like to see the shelling ended; I would like to see the killing ended; I would like to see the war ended.

But the war has not been ended; and we still have many Americans fighting every day in Vietnam.

From the beginning I have taken a consistent view in regard to Vietnam.

From the begining I have stated on the floor of the Senate and throughout Virginia that it was a grave error of judgment to become involved in a ground war in Asia.

But I submit that so long as we continue to send Americans to Vietnam and so long as we continue to have Americans fighting in Vietnam we must give our men every protection possible.

We have tied the hands of the military commanders to an unreasonable extent ever since this war has been in progress. This measure would further tie the hands of those who are trying to protect American troops in Vietnam.

It seems to me that 7 years after the use of herbicides began for the purpose of trying to protect our troops, it is not very logical to pass an amendment at this stage ending the use of herbicides.

As I mentioned earlier, the purpose is to defoliate the jungles in order to protect our men. We send B–52's loaded with bombs over these jungles to clear away the triple canopy, so that our military men, our personnel, our troops can have better vision and view of the enemy and protect themselves. So if we are going to send these B–52's loaded with bombs to defoliate the jungle, why should the Senate outlaw the use of herbicides to accomplish that purpose?

It has been stated that the use of herbicides is immoral. I think war itself is immoral. General Sherman said "war is hell," and so it is.

I would like to see this war ended, but the war is not over. American men are still fighting there.

They are still being killed there every day and they are still being wounded there every day.

I do not like to see this war "run out" of the city of Washington. That is why we still have the war in progress now—because a former President of the United States and a former Secretary of Defense were determined to run the war from Washington and prevent the military leaders from taking responsible steps to bring the war to an end.

I am convinced the war could have been ended several years ago.

I think it is a mistake to agree to this amendment.

I think the foremost consideration should be the protection and welfare of American troops in Vietnam. This amendment, in my judgment, could only be harmful to our troops. I shall vote against it.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina. I regret I do not have more time available.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment to H.R. 17123 which would prohibit the use of antiplant chemicals or herbicides by military forces in Vietnam.

My opposition to this amendment rests on two points.

First. There is absolutely no question that the use of defoliation type chemicals in Vietnam has saved the lives of many United States, South Vietnamese, and allied fighting men in South Vietnam. More important, its use will save lives in the future.

Second. Investigations by the Defense Department, State Department, and the Agriculture Department at various times in the past few years have revealed no serious ecological disturbances resulting from the use of antiplant chemicals.

Mr. President, I now wish to discuss in somewhat more detail the two points I have mentioned as a basis for my opposition to the pending amendment.

Point 1 related to the fact that many lives have been saved in Vietnam be-

cause of the use of antiplant chemicals. It does not take a military man to recognize this fact. In many tactical situations outposts, small villages, communications units, or base camps are effectively protected by defoliating the vegetation several hundred yards out from these installations. Thus the movement of enemy forces, infiltrators, and others may easily be detected due to the increased visibility resulting from this defoliation. Around some of our fire support bases in Vietnam adequate defense would be difficult if not impossible without the use of antiplant chemicals.

Further, movement of enemy forces and supplies along infiltration routes may now be detected and dealt with due to effective use of antiplant chemicals. Enemy prisoners have attested to the effectiveness of this technique and further evidence has been obtained from direct observation.

On point 2, the Defense Department has conducted repeated investigations in South Vietnam as to the aftereffects of the use of antiplant chemicals. These investigations have revealed that no serious ecological disturbances have taken place. Despite the claims by supporters of this amendment, these investigations have been unable to reveal any evidence of an increase in stillborn births among South Vietnamese women or of widespread nutritional deficiencies among the people there.

Mr. BYRD of West Virginia. Mr. President, may we have order? I ask that Senators' aides take their seats in the rear of the Chamber.

The PRESIDING OFFICER. That order will be followed.

The Senator from South Carolina.

Mr. THURMOND. Mr. President, the most comprehensive study regarding the effects of antiplant chemicals was performed by Dr. Fred H. Tschirley in 1968. Dr. Tschirley is an official of the U.S. Department of Agriculture. He made the study at the invitation of the Departments of Defense and State. Certain recommendations on defoliation procedures made by Dr. Tschirley are being followed.

Mr. President, there is no doubt that the use of antiplant chemicals does have some effect on our environment, but the point is that competent investigative forces have found these effects generally harmless over a period of time. It is true that an antiplant chemical known as "Orange," which contains a chemical identified as 2,4,5-T, was discontinued from use in this country and South Vietnam. This resulted from findings by the Department of Health, Education, and Welfare that it caused malformed births in certain strains of rats and mice. The main benefit of the "Orange" chemical that it was fast acting in accomplishing the defoliation mission. "Orange" was was being used in this country for range and brush control prior to its discontinuance.

The Defense Department has advised all of the antiplant chemicals now being used in Vietnam are being used in this country and in other agricultural countries of the world for the control of weeds and unwanted vegetation. These chemicals are used by homeowners and farmers with little or no technical expertise, yet they can be used safely and without any incidents of harmful effects to humans.

The principal chemicals being used for weed and plant control include 2,4-D, which all of us use each summer to kill dandelions on our lawns. Other chemicals receiving wide use for control of weeds and unwanted vegetation include Tordon, manufactured by Dow Chemical, and cacodylic acid, a product of Ansul Chemical Corp.

Mr. President, it is ironic that the questions now being raised about the use of antiplant chemicals come at a time when their deployment has greatly declined. The fact is that usage of these chemicals had rapidly dropped because of the change in the nature of the conflict in South Vietnam. In the past, they were widely disseminated over huge areas of land because early in the war allied forces were conducting large search-and-destroy missions. Pacification is the big thing in Vietnam now and there has been a sharp reduction in large scale search-and-destroy missions. It should also be noted that the chemicals being used in South Vietnam can be bought in this country in carload lots by any citizen. Further, they are widely used by our agricultural community. In other words, the antiplant chemicals we are talking about are not some secret mixture which the military scientists have concocted in some hideaway laboratory. There is no Dr. Jekyll or Mr. Hyde in the military.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. THURMOND. Mr. President, will the Senator yield me 1 minute?

Mr. STENNIS. I am glad to yield the Senator 1 minute.

Mr. THURMOND. Mr. President, another effective use of antiplant chemicals by the military involves carefully evaluated and precisely controlled attacks on Vietcong and North Vietnam Army food crops with antiplant chemicals. This technique has caused significant increases in defection rates and caused the enemy to divert a large fraction of his forces to food supply. Many crop fields in Vietnam are being used entirely by the enemy. Other fields are more or less under the control of the enemy although cultivated by civilians. Despite this fine line of distinction, the Defense Department estimates that only about 1 percent of the food supply of South Vietnam has been adversely affected by our defoliation campaign.

Finally, Mr. President, it seems to me this amendment is much like some other amendments we have debated in the Senate during recent days. It is similar in that it would in effect tell our field commanders in Vietnam how they should conduct the war. In other words, you would be telling some colonel who has the responsibility of defending a combat outpost that he cannot effectively clear vegetation around his outpost so that fields of fire may be established to protect the men under his command.

We would be taking away from our fighting men in Vietnam a useful tool in the conduct of the war, a tool which is not harmful to our allies and in fact a tool which the South Vietnamese value very high.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I understand the Senator from Wisconsin is ready to yield some time now.

The PRESIDING OFFICER. Who yields time?

Mr. NELSON. Mr. President——

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. NELSON. Mr. President, how much time does the Senator from Wisconsin have left?

The PRESIDING OFFICER. Fifteen minutes.

Mr. NELSON. I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin.

Mr. NELSON. Mr. President, the justification for the use of herbicides is a military justification which says that it is so important to us militarily that we find it necessary to spray herbicides for perimeter defense, herbicides to clear the supply and infiltration routes, herbicides to defoliate forests, and herbicides to spray the food that we think may get into the hands of the enemy.

Of course, a military justification can be made for almost any conceivable weapon if it does some damage or is of some inconvenience to the enemy. The reason why we do not drop the nuclear bomb among others, I guess, is that the devastation caused by it is immediately and shockingly apparent, and everybody shys away from the horror of the utilization of nuclear weapons.

We do not use poison gases because, out of the First World War, people became terribly disturbed about the effects of mustard gas on soldiers. So we do not use that, and all nations have declared that they would not use poison gases.

However, I think because we are ignorant—just plain ignorant—about the environmental implications and the disaster that could occur from introduction into the environment of a wave of herbicides that affect the flora and the fauna—and all creatures live in the soil and in water one way or another. We do not know what the result will be, and cannot know for a long time, and still we do not shy away from their use.

Yes, it is true that it takes 2 or 3 or 4 weeks for the leaves to fall off, and by the time they fall the base camp is gone, but we have made the guerrilla move. We can spray the trail so they cannot use it in the daytime or have to abandon it. We spray food crops under the ridiculous assumption that the Vietcong are going to be denied food.

They have been supplied all through this war with whatever supplies they needed, at times when our military said it could not be done.

I sat arguing in 1965 with one of our most distinguished generals in Senator MUSKIE'S office. He argued that we needed a ratio of at least 5 to 1 in warfare like this.

I said:

The infiltration is 1,500 a month from the North, according to our intelligence; that means we will need 7,500 troops.

He said:

Your mathematics is good, but if I were the adviser of the North Vietnamese, I would advise them to withdraw some of their troops, because logistically they cannot support them.

That general was one of the best logisticians in our Military Establishment. Six months later, 7,500 men a month were infiltrating. What about the argument that we are preventing the Vietcong from raising their food? The Vietcong will simply take food from the civilians when they need it. So it is the noncombatant civilians that are the losers.

I believe this argument raises a very grave military and moral question. The military admits that most of the food that we sprayed up to 1967—and I cannot state the amount, the figures are classified—was food raised by civilians.

Even if we could do what we say we intend to do—just spray food that is to go to the Vietcong—that spray, incidentally, is 54 percent arsenic—what really is the implication? If we validate that kind of warfare, contrary to the viewpoint of all the rest of the nations of the world save three—ourselves, Australia, and Portugal—then, under that theory, what is to stop any country from saying, "We are at war with country X; we know that food raised in that country is going to go to the military first, therefore, we are going to spray all the crops in that country?"

Do not think that will not happen, especially with some of the underdeveloped countries of the world. Anticrop chemicals are a cheap weapon. Underdeveloped countries are monocultures in the main, or at least cultures with a very limited variety of foods that are easy to destroy, and thus it is easy to bring them to their knees.

We are endorsing the concept that you can spray all the food in a country. That is the effect of what we are doing.

Mr. DOMINICK. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. DOMINICK. Is it not a fact that we are now producing more rice and more agricultural products in Vietnam, through new hybrid strains we have introduced, than they had before?

Mr. NELSON. Yes, I believe we are. Is it not also a fact that the Senator's question has nothing to do with what I am talking about?

Mr. DOMINICK. I do not think so.

Mr. NELSON. I am talking about the question of the policy of endorsing the concept of using herbicides against food crops, in a food denial program. I am simply saying that if we can do it, any country in the world can do it. We are the only country now which says it wants to do it. We are the most peace-loving country in the world. We stand for peace. We do not stand for using horrible weapons and, yet, we are the only one engaging in anticrop warfare.

We have the chance, right here and now, at 12 o'clock today, to vote to endorse the position of almost all of the rest of the countries of the world. Why should we not do so?

Is it because it is a convenient, handy weapon? Surely it is; so are all kinds of things.

Or is it that, as soon as we get out of Vietnam, we will join the others in condemning it? Is that our answer? Or are we going to use it any time we find it convenient, thus setting a dangerous precedent for every other country in the world to follow?

I say we have sprayed 500,000 acres of crops in 8 years.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. I yield myself another 5 minutes.

We are now authorizing procurement of enough agent blue to spray another 200,000 acres for this year.

I think this raises a question that no one here has answered yet—none of the opponents of the amendment. That is the question: Do we intend to be the only country in the world that defends the use of these herbicides as valid military weapons? Are we going to be the only country in the world that does that? By our continued use of them, are we saying to the rest of the world that we put our stamp of legality on chemical warfare which involves risks of disruptions of the environment and life systems that no one in the world can predict? No one. Yet, every thoughtful scientist who looks at the matter is concerned, if not alarmed. Are we going to be the country that validates it?

Suppose that in World War II we had had these chemicals, which we did not. Let us assume that every other country in World War II had taken the position we take now, and had decided to spray the same amount we have sprayed in Vietnam, 6 pounds per capita. In that war about 700 million people were involved. At 6 pounds, the amount used would have been 4,200,000,000 pounds of herbicides, if everyone had taken the position we now take.

Is this what we endorse and validate as a peace-loving nation?

Mr. President, I think it is time for Congress to make a declaration that we join all the rest of the nations in the world in proscribing chemical herbicides as a valid instrument of war. If we do not do that, I think our standing as a country that has been arguing against the proliferation of nuclear weapons is suspect, from the standpoint of sincerity, when we are willing to use and see the proliferation of these weapons.

The Senator from Colorado referred to the horror stories that the Senator from Wisconsin builds up. Well, I ask any advocate of the use of these chemicals: Is the environmental deterioration around the world a horror story, or is it not? If it is not a horror story, I do not know what is. And this is just an additional facet of man's irrational introduction into the environment of chemicals that are having environmental eruptions and consequences in deteriorating the quality and the livability of the environment and affecting the life systems all over this planet.

This is just one more aspect of it. The answer always is, well, this little bit does not do too much damage, except when you add it all together. When you add it all together, we know what we are looking at environmentally. We know we are looking at a planet in which the whole envelope of air around it is becoming disastrously polluted. We know the oceans are going to lose all their productivity, if we continue what we are doing, in another 50 years.

That is the largest single asset on the globe. We know that we will wipe out most of the living species in the next 50 to 75 years, if we continue what we are doing.

I say that, not only as a matter of principle but also as a matter of practicality, we ought to tackle the question of the broadspread usage all over the world of the herbicides and pesticides in our country and in all other countries, too; and we ought to start in Vietnam, since we have almost all the other countries of the world agreeing with that position now. So we ought to start there and move to try to bring under control the indiscriminate use of all these herbicides and pesticides which are intruding upon and upsetting the plans of nature and having disastrous effects on the environment, which we can see now, and with further effects to come which nobody can predict.

Mr. STENNIS. How much time do I have remaining?

The PRESIDING OFFICER. Twelve minutes.

Mr. STENNIS. I do not intend to use more than half that time, and then I will ask the chairman of the subcommittee, the Senator from New Hampshire, to use the remainder.

Mr. President, I appreciate very much, and I am sure that the Senate as a whole does, the splendid work of the Senator from Wisconsin and the Senator from New York. I am frank to say that they have made a very impressive argument. There is one flaw in it, however.

I am ready to start anywhere with the Senator from Wisconsin except the very vital part we are talking about here, with respect to our boys who are being sent to Vietnam. Some of them are losing their lives. I am satisfied that the herbicides we are using now, which amount to approximately 25 percent of what we had been using, are saving the lives of some of them. I am satisfied, too, that the use of the herbicides is making the enemy's problems much more difficult and is making it more difficult for the enemy to accomplish results.

Major defoliation has been accomplished in war zone C. Prior to defoliation, seven brigades were necessary to maintain the superiority of the U.S. military forces and those of South Vietnam. During 1967, after defoliation, only three brigades were required.

The Commander of Naval Forces in Vietnam, in a report to General Abrams, stated:

As you know, a major concern is the vegetation along the main shipping channel. Your continuing efforts under difficult and hazardous flying conditions; in keeping this area and the adjacent inland areas devoid of vegetation have contributed considerably in denying the protective cover from which to ambush the slow-moving merchant ships and US Navy craft.

That is another classical illustration of its valued use in our shipping and keeping down the ambushing of men in those ships.

This amendment goes all the way; there is no middle ground to it. It provides:

No part of any amount authorized or appropriated pursuant to this act or any other law—

That is the appropriation bill that will be coming—

shall be expended for the purpose of—

(1) Engaging directly in the military application of antiplant chemicals.

It says all or nothing. This is the end, if this amendment is agreed to.

This is a matter of utmost attention and deepest concern on the part of our committee. Extensive and valuable hearings have been held by Senator McINTYRE and his valued committee, which includes Senators YOUNG, BYRD of Virginia, MURPHY, and BROOKE. They have come forth with certain facts and certain protective devices that we know will continue to be helpful. But this amendment now, going all out as it does, is premature and, if adopted, could and would seriously handicap our troops in the field.

The issue is very simple. Shall we take away one way of saving the lives of our men in Vietnam? There can be only one answer to this question—a categorical "no." So long as there is any possibility that the lives of American boys, as well as those of our allies, can be saved by using herbicides, there can be no justification for arbitrarily depriving our military commanders of the option for selective application of this material.

Reports from our field commanders, in case after case, dramatically illustrate how effective herbicides have been in depriving the enemy of protective cover. Defoliation permits enemy bases, equipment and supplies to be spotted and destroyed. Restricting the growth of vegetation around our bases prevents surprise attacks from these areas of concealment and permits our troops to fire more effectively. Defoliation along roads and waterways dramatically reduces ambushes. Defoliation of infiltration routes permits aerial observation of enemy movement and attacks by our forces on troops, trucks, weapons and supplies which traverse these trails. Herbicides also have been effective in destroying enemy food crops and inhibiting his combat capability.

Let me recite just a few examples of the advantages we have gained by using herbicides, as reported by our troops in Vietnam.

USE FOR DEFOLIATION

The banks along two rivers in An Xuyen Province were defoliated in February 1964. In the year prior to the spraying there had been five attacks of boats but none in the year following. Overall, Vietcong actions showed a change from attacks of boats, military and civilian facilities to harassment, accompanied by a decrease in the intensity of the actions.

Along a major highway in Kien Hoa Province, an area 14 kilometers long and 3 kilometers wide was defoliated in October to December 1965. In the year prior to defoliation there had been 145 Vietcong initiated actions. In the 12 months following defoliation there were only 46, a decrease of 68 percent in the number of incidents. After defoliation there was an abrupt shift in Vietcong targeting toward military facilities and away from civilian objectives.

Defoliation aids visual reconnaissance. Air Force forward air controllers and Army aerial observers have discovered Vietcong base camps and major supply routes in defoliated areas that had previously been undetected. A significant helicopter defoliation mission was conducted in the vicinity of Sa Dec in August 1968. The target area consisted of three main canals which converged and formed a strong Vietcong base. The dense vegetation permitted visibility of only 10 to 15 meters horizontally and none vertically. The area was sprayed with approximately 735 gallons of herbicide white and over 90 percent of the area was defoliated. As the result of the defoliation, a South Vietnamese battalion was able to remain overnight in the area for the first time in 5 years. Many enemy bunkers were open to observation. Since the defoliation, the Vietcong presence has decreased to the point that only regional and popular forces are now necessary for local security.

Foliage was removed within 300 meters on both sides of a road between two major fire-support bases of the 101st Airborne Division. This road was bounded by vegetation consisting of small trees and thick undergrowth approximately 6 feet tall. Prior to defoliation, troops were frequently subjected to enemy ambush. After defoliation, even though there had been indications of enemy activity in the surrounding areas, no major difficulty was encountered in keeping the road open to traffic.

The removal of double and triple jungle canopy in the Ashau Valley area has significantly contributed to the gathering of intelligence. This removal of foliage has exposed and permitted the destruction of base areas and storage sites, and has impeded enemy infiltration into areas adjacent to friendly populations.

Defoliation operations have strengthened the defensive posture of most of the fire-support bases in Vietnam by removing available concealment for sappers—troops carrying demolition charges.

During the period November 1969 to March 1970, large area defoliation operations along major infiltration routes in western Kontum Province have significantly improved visual reconnaissance and target acquisition, aerial photography and artillery fire adjustment effectiveness. This has considerably enhanced the security posture within the 24th special tactical zone.

USE FOR CROP DESTRUCTION

Crop destruction is a small but important element of the herbicide program. Crops in areas remote from population centers, under control of the Vietcong and North Vietnamese, which cannot be captured by ground operations are considered for spraying. Crop destruction targets are carefully selected in food-scarce areas so as to attack only those crops known to be grown by or for the Vietcong or North Vietnamese.

Captured enemy documents have revealed that some Vietcong and North Vietnamese units have been put on reduced rations and forced to divert tactical units from combat missions to food-growing and food-transportation operations, attesting to the effectiveness of the crop destruction program. In areas where extensive crop destruction missions have been conducted, increased Vietcong and North Vietnamese defections to South Vietnam have been attributed to the low morale resulting from food shortages. Here are several examples of reports from Vietnam involving the effectiveness of crop destruction.

The 120th Farm Production Company, 20th Montagnard Communist Battalion, was deployed to central Quang Ngai Province in December 1969 to set up operations in a 36,000 square meter rice field. After the farm was heavily damaged by herbicides, the unit only produced enough food for its own personnel. The unit has since relocated.

In four of the five provinces in I Corps tactical zone, helicopter crop destruction operations have been effectively employed to destroy small garden plots and rice plots in areas solidly controlled by the Vietcong or North Vietnamese. During a recent 3-month period in one province, 237 garden plots were located. These are being destroyed as assets become available. Hoi Chanhs—defectors—have rallied from these areas because of food shortages. The Hoi Chanhs also report on low morale in their units because of food shortages.

COMMENTS ON THE USE OF HERBICIDES

Mr. President, I am very mindful and fully aware of the issue involving the possible ecological and physiological effects of the use of herbicides in Vietnam.

The amendment No. 784, cosponsored by the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. GOODELL) provides that no funds authorized under this bill will be used to procure, maintain, or use herbicides, including delivery or dissemination equipment.

In my view this proposed amendment is premature and could, if adopted, seriously handicap our troops in the field. It would remove the option of employment of materials which are widely used by all agricultural nations for control of weeds and unwanted vegetation. More importantly, such denial could increase manpower requirements, encourage increased enemy activity, and result in large numbers of casualties among our military and civilian population in Vietnam. Those are carefully used words, Mr. President, based upon the facts of life. I, for one, would not wish to share the responsibility for these consequences.

PROPOSED LANGUAGE CALLS FOR STUDY BY NATIONAL ACADEMY OF SCIENCES

The committee has proposed language in the bill, section 506(c), which fully recognizes the problem of the use of herbicides. It calls for a study by the National Academy of Sciences into the ecological and physiological consequences inherent in the use of herbicides, to be financed from the fiscal year 1971

chemical and biological warfare program. The results of this study are required to be submitted by the Secretary of Defense with appropriate comments and recommendations by March 1, 1972. This committee will give due consideration to the report and recommendations, and will report its findings and any necessary recommendations to the Senate.

The committee believes that such a study is essential, and commends the recent decision of the Defense Department to suspend further use in Southeast Asia of herbicides containing 2,4,5-T.

The evidence which has been presented to date by our scientists does not prove conclusively that the effects of the use of herbicides are such as to preclude their use by military forces in Vietnam in certain situations. While there may be some risk even in the selective use of herbicides, the risks of our fighting men are even greater in their life and death struggle. I would not wish to increase those risks.

AUTHORIZATION FOR USE OF HERBICIDES

Let me explain the very clear lines of responsibility and the procedures which have been established for the use of herbicides to insure that their use is controlled.

Under policy guidance provided by State and Defense Departments, the U.S. Ambassador in Saigon and the commander of the Military Assistance Command in Vietnam, are empowered jointly to authorize U.S. support of South Vietnamese Government requests for herbicide operations. All requests for defoliation and crop destruction must originate with the province chief at the province level. These requests must contain a detailed justification for the operation and include a civil affairs annex to insure that any impact on the civilian population has been considered. So there is no reckless calculation in haste that possibly could creep in. Authority to approve small scale defoliation such as helicopter spray projects has been delegated to the South Vietnamese corps commander and the U.S. corps senior adviser.

All requests for large-scale defoliation by fixed wing aircraft and all crop destruction missions must be approved by the Chief of the Vietnamese Joint General Staff. When the Vietnamese request for support is received at MACV—Military Assistance Command, Vietnam—it is staffed, along with a parallel request submitted through U.S. advisory channels, to MACV. During staffing at the Saigon level, the project also is reviewed by the U.S. Agency for International Development, Joint U.S. Public Affairs Office, American Embassy, and MACV. A final opportunity is given the province chief to approve or reject each spray mission 24 to 48 hours before the scheduled time of execution.

ALLEGATIONS OF HARMFUL EFFECTS OF CERTAIN HERBICIDES

The American Embassy in Saigon sponsored a detailed review of the herbicide program in 1968, with particular emphasis on economic and socio-political aspects. To assist in the review, Dr. Fred Tschirley of the U.S. Department of Agriculture visited Vietnam to assess the ecological consequences of the defoliation program. The Embassy report indicated that the defoliation program was worthwhile and that the military value far outweighed any adverse economic effects. However, as a result of the study, improved controls were instituted to minimize the probability of inadvertent spraying of rubber trees and other friendly crops. These controls preclude destruction of any crops in populated areas or which might be grown for civilian use.

Recent test reports have indicated that 2,4,5-T caused abnormal fetuses in mice, rats, and chicken embryos. It is recognized that animal data cannot be directly extrapolated to humans. Investigations have been made to identify possible effects on humans resulting from the use of this chemical. No incidents of verified malformed births resulting from herbicide operations are known.

An examination in December 1969, of the hospital records in Mimot, Cambodia, by Dr. A. Westing of the American Association for the Advancement of Science showed no increase in birth defects as a result of herbicide spraying of rubber plantations that occurred in April 1969.

Although there are no confirmed public health hazards associated with the use of the 2,4,5-T contained in herbicide orange in Vietnam, the Department of Defense deemed it prudent to suspend all operations using orange until the problem could be resolved. In the meantime, operations continue using defoliants white and blue.

The proposed amendment would prohibit the U.S. military use of antiplant chemicals. There are over 100 antiplant chemicals available on the commercial market. Many of these chemicals are used by the military to clear rights-of-way, fence lines, and to remove undesired vegetation on posts, camps, and stations both here and abroad. This amendment would prohibit the use of these chemicals for grounds maintenance without affecting the use by other Government agencies. In addition, large quantities of herbicides are furnished the Vietnamese under the AID program in order to improve their agricultural output. Is it the intent of the amendment to prohibit the use of all herbicides by our military and to preclude our supporting the Vietnamese agriculture?

SUMMARY

To sum up, Mr. President, the case before us is crystal clear. Based on the detailed facts which I have presented, I must again emphasize the importance of providing our military commanders in Vietnam with selective and discretionary authority to employ herbicides to help shorten the war, save the lives of our men, and contribute to the successful conclusion of the Vietnamese conflict. This can best be accomplished by defeating the proposed amendment.

I cite these things to show that this is a matter of vast concern at every level of our Government, by the committee, and by individual Senators. We have worked on it, and we have gotten far along, as has the military, to the practical side of the problem and the only practical remedy. We are fighting there and are sending these boys into these places, and their lives are in jeopardy. The practical use of these herbicides lessens the probability of loss of life.

Mr. President, how much time do I have remaining? I meant to limit myself to 6 minutes.

Mr. BROOKE. Mr. President, our experience in Vietnam in recent years has served to focus national attention on the employment of chemical and biological warfare. No one can deny that its unregulated utilization could possibly lead to an unwanted and possibly uncontrollable proliferation of lethal CBW agents by countries who presently cannot afford the deployment of more sophisticated nuclear weaponry.

As we all know, President Nixon adopted a forward-looking position of leadership in this area last November when he announced the policy that the United States will not employ biological weapons under any circumstances and that our existing stockpiles of germ weapons are to be destroyed. He is hopeful, as we all are, that all nations will take heed and adopt a similar course of responsible action.

Herbicides, not included in this category, have been the cause for additional concern by many who question their strategic value in light of evidence suggesting long-range effects on the environment. However, the concern over possible ecological consequences of herbicides in recent months has given way to a concern over the teratogenic, or fetus-deforming, properties of 2,4,5-T, a compound present in a number of herbicides. From the studies that have been completed, it is not conclusive, in my view, that the results on experimental animals can be effectively extrapolated into the human experience. More important, on April 15 of this year, Secretary Packard announced that the use of 2,4,5-T for military operations had been suspended. This action has, in my opinion, rendered the debates over this compound moot.

On the other hand, evidence gathered from field commanders in Vietnam suggests strongly that the herbicide program is strategically valuable and is saving American lives. Their reported use includes defoliation for purposes of improved aerial reconnaissance, defoliation of enemy base camps for purposes of air strikes, defoliation around lines of communication, and around the perimeters of isolated base camps and, most important, defoliation along key roadways for the purpose of minimizing ambushes.

The Department, equally concerned over the environmental impact of their herbicide program has imposed a number of restrictions. The result has been a 75-percent reduction in use level in this area over the past 2 years.

The Armed Services Committee, under the able leadership of our Chairman, has authorized a study to be conducted by the National Academy of Sciences for the purposes of ascertaining the ecological and physiological consequences that follow the use of herbicides. This, hopefully, will clarify the effects of the various compounds presently in use.

In my view, the Department of Defense has adopted a responsible course of action by limiting the use of herbicides while seeking to achieve specific military objectives. Accordingly, I will vote against the amendment offered by my distinguished colleague from Wisconsin.

Mr. McINTYRE. Mr. President, I cannot accept the conclusions to which the proponents of the pending amendment are drawn, that the herbicide program should be immediately discontinued. Whatever the possible side effects of the program, there can be no dispute as to the primary contribution it has made to the war effort. It has saved the lives of Americans in Vietnam.

Mr. President, I think the best way to sum it up, with all due deference to the Senator from Wisconsin and his good ally the Senator from New York (Mr. GOODELL) in their serious concern for the ecological and physiological consequences of our herbicide program is as follows: I should like to ask of every Senator:

Suppose that you were an infantryman, riding in a jeep along a lonely Vietnamese road. Would you prefer to have the roadside within 100 feet covered by thick jungle growth, suitable for ambush, or would you prefer a clear area out to 1,000 feet, offering little chance of concealment and permitting aerial surveillance ahead of your convoy? And, if an attack were launched upon you, would you prefer to have your attackers, your ambushers, close at hand, or a long distance off, so that their accuracy would be low and your chances for evasive action high?

Which would you prefer, if you were a soldier in Vietnam?

Mr. President, we all want our boys to come home, but the policy of the Government at present is to have them there. And as long as they are there, it is the feeling of the Armed Services Committee and the Research and Development Subcommittee which looked into this program, that the herbicide program at its present much reduced level, in order to save the lives of our American soldiers fighting in Vietnam.

So, with that, Mr. President, I urge the Senate to reject the amendment of the Senator from Wisconsin (Mr. NELSON).

Mr. HART. Mr. President, I urge passage of this amendment offered by the able Senator from Wisconsin (Mr. NELSON) to prevent the use of antiplant chemical weapons by the U.S. military.

The amendment, which I have cosponsored, also would prohibit the transfer of our stockpiles of such weapons to another country and would provide for elimination of those stockpiles.

My strong support for this amendment is based on testimony we have heard before the Senate Subcommittee on Energy, Natural Resources, and the Environment.

While little evidence is available as to the actual military effectiveness of such weapons, our hearings did make clear the potential damage which may result from continuation of defoliation and anticrop operations in South Vietnam.

Several prominent scientists have argued that no limits can yet be placed on the potential damage to man that may result from the use of chemicals such as 2,4,5-T and 2,4-D.

Whereas no case of human damage has yet been determined conclusively to be attributable to 2,4,5-T or 2,4-D, constantly we have been reminded that birth defects seldom bear a brand name which will allow determination of their cause.

Perhaps the most alarming prospect discussed at the hearings was that a highly toxic contaminant known as dioxin may now be building up in our bodies and in those of the Vietnamese. Currently produced 2,4-T, a major ingredient of agent orange, is known to contain small amounts of this contaminant. Although dioxin has not yet been found in 2,4-D, which is used in both agent orange and agent white, it has been discovered in its chemical precursor 2,4-dichlorophenol. Some scientists have concluded, as a result, that it is likely that it is contained in 2,4-D as well.

The dioxin associated with 2,4,5-T, we have been told, is stable when sprayed on soil. We have also learned that it accumulates in the tissue of chicks. What this evidence suggests is that dioxin may persist in the environment after being deposited on forests and plants and that it may, when transferred to the human body through the food chain, accumulate in human tissue. Although we do not know that it will do so, it seems irresponsible to take the risk with a chemical shown to be many times more toxic than thalidomide in experiments with chick embryos.

We have also received testimony at our hearings on the ecological damage that may be caused by defoliants. The risks of destruction of nontarget plants and of wildlife and fish species has been discussed, as has the possibility of permanent replacement of valuable vegetation by bamboo.

Although in most of these cases, we are dealing with possibilities rather than with instances of known harm to humans and the environment, we must ask ourselves whether the benefits of our defoliation and anticrop programs can justify these risks. Until impressive evidence of military effectiveness is available, I cannot find any such justification. At a time when we must make every effort to wind down the war in Southeast Asia, every weapon in our arsenal must be subjected to increased scrutiny and stiffer tests for effectiveness and possible harmful consequences. With the evidence at hand it does not appear that these tests have been met.

A policy which would destroy a country in order to save it would be absurd. It is the responsibility of Congress to insure against actions which might have such a consequence.

Senator NELSON effectively has described the reasons which should persuade us to adopt his amendment.

Mr. NELSON. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

Mr. GOLDWATER. Mr. President, while this particular subject is outside the province of the subcommittee I work on, I want to relate what I found in South Vietnam as to the use of these defoliants.

It is absolutely true that the Province chief must be consulted and that he must approve of any use of the defoliants.

I remember the trouble I got into in the campaign, about 6 years ago, when I suggested using liquid defoliants. I had served in the jungle, and I tell you, Mr. President, the jungle is no place for American boys to be. We made a mistake sending ground troops there, in the first place; but, as long as we made that decision, we had better not give up protecting the lives of our soldiers when they are in the jungle, when one cannot see through for 5 feet, and where it rains for a month after the rains above have ceased.

We must use these defoliants. It would be a tremendous and dangerous mistake for us not to do so, in order to protect our American boys, so that when they have to move through a defoliated forest, they can get to the enemy.

The PRESIDING OFFICER (Mr. HOLLINGS). All time has now expired on the amendment.

The yeas and nays have been ordered, and the clerk will call the roll.

Mr. STENNIS. Mr. President, a parliamentary inquiry: Do I correctly understand that this is a direct vote on the amendment, up or down?

The PRESIDING OFFICER. That is correct.

Mr. STENNIS. I thank the Chair.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) would vote "yea."

I further announce that, if present and voting, the Senator from North Dakota (Mr. BURDICK) would vote "nay."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS), are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from South Dakota (Mr. MUNDT), and the Senator from California (Mr. MURPHY), would each vote "nay."

The result was announced—yeas 22, nays 62, as follows:

[No. 272 Leg.]

YEAS—22

Bayh	Hughes	Nelson
Case	Magnuson	Proxmire
Cranston	Mansfield	Ribicoff
Eagleton	McGovern	Smith, Ill.
Goodell	Metcalf	Williams, N.J.
Harris	Mondale	Young, Ohio
Hart	Moss	
Hatfield	Muskie	

NAYS—62

Aiken	Ellender	Pastore
Allen	Ervin	Pearson
Allott	Fannin	Pell
Anderson	Goldwater	Percy
Baker	Griffin	Prouty
Bellmon	Gurney	Randolph
Bennett	Hansen	Russell
Bible	Holland	Schweiker
Boggs	Hollings	Scott
Brooke	Hruska	Smith, Maine
Byrd, Va.	Jackson	Sparkman
Byrd, W. Va.	Javits	Spong
Church	Jordan, N.C.	Stennis
Cook	Jordan, Idaho	Symington
Cooper	Kennedy	Talmadge
Cotton	Long	Thurmond
Curtis	Mathias	Tower
Dodd	McClellan	Williams, Del.
Dole	McGee	Yarborough
Dominick	McIntyre	Young, N. Dak.
Eastland	Miller	

NOT VOTING—16

Burdick	Hartke	Packwood
Cannon	Inouye	Saxbe
Fong	McCarthy	Stevens
Fulbright	Montoya	Tydings
Gore	Mundt	
Gravel	Murphy	

So the Nelson-Goodell amendment (No. 784) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

PUBLIC WORKS APPROPRIATIONS, 1971—APPOINTMENT OF A CONFEREE

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the Senator from Arkansas (Mr. McCLELLAN) be added as a conferee on the public works apropriations bill, H.R. 18127.

The PRESIDING OFFICER (Mr. ALLEN). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 853

The PRESIDING OFFICER (Mr. HOLLINGS). Under the unanimous-consent agreement, the Chair now lays before the Senate the Proxmire amendment No. 853, which the clerk will state.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that reading of the amendment be dispensed with.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment (No. 853) is as follows:

AMENDMENT NO. 853

On page 21, beginning with line 17, strike out all down through line 9 on page 22, and insert in lieu thereof the following:

"SEC. 504. (a) Of the total amount authorized to be appropriated by this Act for the procurement of the C–5A aircraft, $200,000,000 of such amount (hereinafter in this section referred to as the 'contingency fund') may not be obligated or expended except as provided in this section.

"(b) The contingency fund may be expended only for the reasonable and allocable direct and indirect costs incurred by the prime contractor under a contract entered into with the United States to carry out the C–5A aircraft program. No part of the contingency fund may be used for—".

On page 22, lines 23 and 24, strike out "such $200,000,000" and insert in lieu thereof "the contingency fund".

On page 23, line 4, strike out "such $200,000,000" and insert in lieu thereof "the contingency fund".

On page 23, between lines 16 and 17, insert the following:

"(d) No part of the contingency fund may be expended pursuant to this section except under one or both of the following conditions:

"(1) If the Armed Services Board of Contract Appeals has made a determination with respect to the amount in dispute between the prime contractor and the United States on the C–5A aircraft contract and has determined that the United States is obligated to such contractor on such definitized contract in effect on July 1, 1970 for all or any portion of the amount in dispute between the parties and no judicial review has been sought by either party with respect to the action of such Board, or if judicial review of the action of such Board was requested and has been completed, the amount, if any, finally determined to be owing to the contractor shall be paid from the contingency fund; by no amount in excess of the amount so determined to be owing by the United States (of the amount in dispute) may be expended from the contingency fund.

"(2) A trustee appointed by a court of bankruptcy pursuant to a voluntary or involuntary petition or in a corporate reorganization proceeding under chapter 10 of the Bankruptcy Act has determined that all or a part of the contingency fund is needed for the purpose of assisting the prime contractor in meeting the terms of the contract for the completion and delivery of C–5A aircraft during the fiscal year ending June 30, 1971; but no amount in excess of the amount determined by the trustee to be necessary for the contractor to meet such schedule may be expended from the contingency fund.

The Comptroller General of the United States shall, at the earliest practicable date after the enactment of this section, conduct a study of the financial capability of the prime contractor on the C–5A aircraft with a view to determining such contractor's capability of meeting the terms of the contract for the completion and delivery of forty-two C–5A aircraft by June 30, 1971, and for completion and delivery of the total number of such aircraft under the contract. The Comptroller General shall submit the results of such study to the Congress and the Secretary of Defense, at the earliest practicable date, and shall include in such report the total amount which would have to be expended by the United States to insure completion and delivery of forty-two C–5A aircraft and to insure completion and delivery of the total number of such aircraft contracted for by the United States. The Comptroller General shall include in such report such other information and cost data as he may deem appropriate.

"(e) In the event of any bankruptcy or corporate reorganization proceeding involving the prime contractor on the C–5A aircraft, the Secretary of Defense shall take all appropriate measures to insure that (1) the financial interests of the United States are fully protected, and (2) priority is given to the expeditious completion of the C–5A aircraft contract."

On page 23, line 17, strike out "(d)" and insert in lieu thereof "(f)".

On page 23, lines 18 and 19, strike out "$200,000,000 referred to in subsections (a) and (b) of this section" and insert in lieu thereof "contingency fund".

On page 23, between lines 21 and 22, insert the following:

"(g) None of the funds authorized to be appropriated by this or any other Act for any purpose other than the C–5A aircraft program may be transferred to or used for the C–5A aircraft program."

Mr. PROXMIRE. Mr. President, I send to the desk a modification of the amendment and I ask unanimous consent that the reading of the modification be dispensed with. I will explain it.

The PRESIDING OFFICER. Without objection, it is so ordered, and the modification of the amendment will be printed in the RECORD.

The modification of amendment No. 853 is as follows:

On page 2, line 18, strike out "both" and insert in lieu thereof "more".

On page 2, line 25, after the word "contract" insert a comma and the word "as".

On page 3, line 1, after "1970" insert a comma.

On page 3, line 11, strike out "A" and insert in lieu thereof "If a".

On page 3, between lines 21 and 22, insert the following:

"(3) If the Comptroller General of the United States has determined, on the basis of the study of the financial capability of the prime contractor conducted pursuant to this section, that the prime contractor cannot, without the assistance of all or a part of the contingency fund, meet the contract schedule for completion and delivery of forty-two C–5A aircraft by June 30, 1971, but can reasonably be expected to meet such schedule with the assistance of all or a part of such fund; but no amount in excess of the amount determined by the Comptroller General to be necessary for the contractor to meet such schedule may be expended from the contingency fund."

On page 4, line 7, strike out "and" and insert in lieu thereof the following: "except that the portion of the study relating to the contractor's capability of meeting the terms of the contract for the completion and delivery of forty-two C–5A aircraft by June 30, 1971, shall be submitted to the Congress and the Secretary of Defense not later than November 15, 1970. The Comptroller General".

Mr. STENNIS. Mr. President, before the Senator's time starts to run, I ask for order in the Senate.

The PRESIDING OFFICER. The Senate will be in order. This is an important matter. A period of 3 hours has been allocated for the amendment, the time to be controlled by the Senator from Wisconsin and the Senator from Mississippi.

The Senator from Wisconsin is recognized.

Mr. PROXMIRE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. PROXMIRE. Has the amendment been modified in accordance with the language I sent to the desk?

The PRESIDING OFFICER. The amendment is so modified in accordance with the modification.

Mr. PROXMIRE. Mr. President, I ask

for the yeas and nays on the amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 10 minutes.

Mr. PROXMIRE. Mr. President, last Thursday on behalf of the Senator from Pennsylvania (Mr. SCHWEIKER) and myself, as well as the Senator from Massachusetts (Mr. BROOKE), the Senator from Missouri (Mr. EAGLETON), the Senator from Alaska (Mr. GRAVEL), the Senator from Texas (Mr. YARBOROUGH), and the Senator from Ohio (Mr. YOUNG), I introduced an amendment aimed at protecting the taxpayers' interest in the disposition of the $200 million Lockheed contingency.

BUILD THE PLANES AMENDMENT

We believe that our amendment is necessary to make certain that the 42 planes funded by this bill are built, and we believe our amendment is necessary to guarantee that the men are kept at work. It is a build-the-planes, keep-the-men-at-work, protect-the-taxpayers-interest amendment.

The bill before us contains a $200 million contingency fund. This amount is over and above any money owed to Lockheed under the contract. That is what the Air Force says Lockheed insists that unless it gets these, and additional funds later, it will have to default on its contract. They have threatened to default unless they get the funds.

We have asked, repeatedly, for detailed cash flow information from the company to prove that they must have the funds. But the company and the Air Force tell us that such information is proprietary and will not be made public. We are asked, therefore, to give $200 million to the company on the basis of their word and their threat that without it they cannot complete even the 42 planes which the funds in this bill would provide.

This does not protect the public interest. Our amendment adds three additional conditions to the payment of the funds. Their basic purpose is to make certain that the funds are not paid out unless the company either has them coming or that they are needed to build the planes and keep the men at work.

THREE CONDITIONS

This amendment as modified provides that the $200 million provided in the bill for Lockheed above the amount the Air Force says is owed to Lockheed under the contract would not be given to Lockheed unless one of the following conditions were met:

First. The Armed Services Board of Contract Appeals or a court should decide that part or all of the $200 million is owing to Lockheed under the contract.

Second. A trustee in bankruptcy determines that all or part of the $200 million is necessary to complete the production of the 42 C–5A planes this bill would fund.

Third. The comptroller general determines, after a study that must be completed by November 15, 1970, that all or part of the $200 million is necessary to complete production of the 42 C–5A planes.

The third condition is a modification of the original amendment. It would permit the $200 million to be paid to Lockheed, but only after a competent, independent finding that could assure the Congress that the funds were needed to make production of the plane possible.

It would avoid what otherwise would be a precedent set in the bill that would give a defense contractor $200 million that the Air Force itself says the Government does not owe, and would give the funds without any independent determination that the money is necessary to produce the planes or that the $200 million would be adequate to permit the planes to be produced. The bill without the amendment would make the Government liable for a total of $800 million above the contract, not owed by the Government, before the contract is completed, and perhaps much more.

The amendment would require the Comptroller General to determine how much will be necessary to complete the contract.

Now that I have stated the general points in the amendment, let me go into additional details about the amendment.

The Senator from Pennsylvania (Mr. SCHWEICKER) and I are offering a very modest and, we believe, reasonable amendment. It places limitations on the use of the contingency fund and allows it to be used if any one of the three conditions is met.

EXPLANATION OF CONDITIONS

As originally offered, our amendment contained only two provisions aimed at seeing to it that 42 of the planes were finished and delivered, the subcontractors kept whole, and finally the workmen kept at their jobs building the C–5A. At the same time, the financial interests of the taxpayers would be protected.

Our first provision stipulated that if the Armed Services Board of Contract Appeals ruled that the Government owed Lockheed the money they were claiming, Lockheed would be paid and that would be the end of it. Lockheed's appeal has been before the ASBCA since early January of this year. And as I have indicated before, there is no reason the matter should not have been settled already. If the Armed Services Board of Contract Appeal rules that the Government does not owe Lockheed the money under the contract, two things could happen: first, it is possible that Lockheed could still meet their commitments. The assumption that they cannot meet their commitments is just that—an assumption. We have been told by the Pentagon that Lockheed is in desperate financial straits. On the other hand, we have not seen any hard facts that would substantiate this assertion by the Pentagon. Moreover, we have been specifically refused access to elementary cash flow information which could define both the type and magnitude of Lockheed's cash difficulties and indicate the source of those difficulties. According to the Pentagon, the U.S. Senate is denied this information because Lockheed does not want the Senate to see it.

PROTECTS AGAINST LOCKHEED THREAT TO DEFAULT

If events subsequently prove that the Pentagon's assertions regarding Lockheed's financial status are correct or if Lockheed's management chooses to default on their contractual agreements, our amendment would help keep the plant open and get the 42 airplanes built. If Lockheed should carry out its threat to default and file for bankruptcy, our amendment would speed up the granting of the $200 million contingency money if an independent and impartial trustee determined that the money was truly required to complete the 42 airplanes due the Government at the end of this year.

Nothing in our amendment would undercut the authority of the Senate Armed Services Committee to review and approve whatever plan the Pentagon submits for solving the Lockheed problem. All the restraints and provisions of the legislation reported out of the Armed Services Committee remain in effect. In my opinion, our amendment expanded and clarified the restrictions imposed by the Armed Services Committee. In addition, it provided for accelerating approval for use of the contingency fund if justified by an impartial trustee in the event the company carried out its threat to default or to go into bankruptcy.

Our amendment also provided that the GAO would furnish additional information to the Senate on the C–5A program, information we should have had long ago.

This was our original amendment. We thought it fair and constructive. We thought it helped protect the interests of our military and our taxpayers. Notwithstanding, our amendment has been strongly opposed. It has been opposed on the grounds that conditions we laid down were impossible to meet, that the ASBCA needs another year or so to rule on the Lockheed claim they have already had for 7½ months. It has been opposed on the strongly emotional grounds that our intent was to drive Lockheed into bankruptcy and throw thousands of people into the ranks of the unemployed. But it was Lockheed which threatened default and it is our amendment which protects the workers and the subcontractors if that should happen. But the opponents distorted our amendment.

Neither Senator SCHWEIKER nor I, nor any of our cosponsors, have any intent to single out Lockheed for special punishment or for special treatment. But we are intent on keeping a semblance of free enterprise motivation in the Pentagon's major weapons programs.

GAO REPORT

To demonstrate further our intentions, and our reasonableness we have modified our amendment to provide that the contingency fund can be used to keep the production lines open if the GAO, after study and analysis, determines it is necessary. Furthermore, in order to assure that there is no halt in the production of the 42 aircraft, we have stipulated that the GAO's report to the Congress should be made no later than November 15, 1970. The $344 million in the con-

tract for Lockheed under the contract will be sufficient to meet Lockheed's production needs until January 1971. So the additional $200 million will be available under the amendment, if necessary, in ample time.

It is my hope that this latest concession will convince our opponents that we are seeking only to provide what we perceive to be the minimum protection for the Government's interests in the spending of additional C–5A funds.

LANGUAGE OF MODIFICATION

Let me read the specific language of this third condition we have provided which, if met, would free the funds. It reads:

The $200 million contingency fund can be expended under the following conditions:

"If the Comptroller General of the United States has determined on the basis of the study of the financial capability of the prime contractor conducted pursuant to this section, that the prime contractor cannot, without the assistance of all or a part of the contingency fund, meet the contract schedule for completion and delivery of forty-two C–5A aircraft by June 30, 1971, but can reasonably be expected to meet such schedule with the assistance of all or a part of such fund; but no amount in excess of the amount determined by the Comptroller General to be necessary for the contractor to meet such schedule may be expended from the contingency fund."

We also provide specific language that the report shall be made by November 15, 1971.

The $200 million could be paid out if either this condition or one of the two other conditions were met. And each of them provides, essentially, that the funds can be paid out if an independent board or official determines that the company either has the money coming or that it is needed to build the planes.

The General Accounting Office is certainly in a position to make this determination. First of all, they have had officials in the plant from almost the day the C–5A was started.

Second, on numerous occasions they have gathered data above the financial conditions of the plane. They have done this for their reports on overruns—the SAR's. Furthermore, I asked them some months ago to determine the facts about the cash flow and other financial matters. This information ws refused to the GAO and to me. But the Pentagon told us the company had the information, but claimed it was proprietary. Thus, since the information is available, according to both the Air Force and the company, there is no reason why the GAO cannot determine from the information whether the $200 million is needed.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TALMADGE. Has the Senator from Wisconsin asked whether the General Accounting Office is qualified to and can make the investigation he now proposes?

Mr. PROXMIRE. The question is, is it my judgment that they are qualified——

Mr. TALMADGE. Has the Senator from Wisconsin interrogated the GAO or the Comptroller General to determine whether or not they can make the decision the Senator from Wisconsin would require of them?

Mr. PROXMIRE. No; and frankly, I would say to the Senator from Georgia that, on the basis of my knowledge of Mr. Elmer Staats and my experience with him, he is not going to do anything unless the Senate or the Congress directs him to do it. If he is asked about engaging in a new activity he might indicate he did not want to take part in it or do it. That has consistently been his view, as it was when we wanted him to make a feasibility study of providing uniform accounting standards. He was reluctant to do it. He made a study, at the request of Congress however, and found such standards possible. On the basis of his study we went ahead and directed the Comptroller to start to put them into effect.

Mr. TALMADGE. The Senator from Wisconsin is aware, is he not, of the fact that the General Accounting Office, the Office of the Comptroller General, is a bookkeeping agency and does not have the authority to make decisions affecting the Pentagon?

Mr. PROXMIRE. In this particular case the decision is one that involves financial capability, whether or not funds are available to do this particular job. Of course, I understand that the GAO does not have the capacity to determine the performance capability of the C–5A or any other weapons system, but they certainly, in my view—it would seem to me obvious—have the capability of determining whether or not Lockheed Corp. has the financial capability of completing this particular contract.

Mr. TALMADGE. Mr. President, will the Senator yield further?

Mr. PROXMIRE. Yes.

Mr. TALMADGE. It seems to me that the Senator's sudden proposition, which was unknown to Members of the Senate until he modified his amendment a moment ago, would delegate something to the General Accounting Office and to the Comptroller General that is the prerogative of Congress and the Defense Department, to wit, the expenditure of Federal funds for a matter that is of primary importance to the military security of this country.

I do not think we ought to bring a bookkeeping agency in and say, "The Secretary of Defense cannot handle his job well, Congress cannot handle their job well, the Armed Services Committee of the Senate cannot handle their job well, the House Armed Services Committee cannot handle their job well, so we are going to delegate this responsibility to you, a bookkeeper."

Mr. PROXMIRE. First let me say to the Senator from Georgia that we are not delegating. We are determining the conditions under which this finding would trigger the release of the $200 million.

In the second place, I think it is perfectly obvious that as far as this particular contract is concerned, the Defense Department has not done its job right, and David Packard told the contractors of this country that only Thursday night. He cited the Lockheed case as a flagrant example of incompetent procurement, a situation in which the job had not been done right.

I think there is no question that Congress itself has shown, in regard to the C–5A, a long record of doing this job very badly. Therefore, it seems to me, that getting an independent agency to go over the facts with regard to the financial capacity of the contractor in this case is logical and appropriate.

Mr. TALMADGE. Mr. President, I call attention to the language of the committee report, on page 16, as follows:

The Committee in Section 504(a) provides that the $200 million will not be obligated until the Secretary of Defense has presented a plan that has been approved by the House and Senate Committees on Armed Services. In effect this means that the proposed contractual arrangement both for the use of the $200 million and the completion of the entire C–5A program will require approval of the two Committees. Through this method there will be the opportunity of a complete review by the Committees on this problem.

The second Committee language provision provides for strict statutory guidelines which will insure that the $200 million in contingency funding will be used only for the C–5A program insofar as the contractor is concerned and not possibly intermingled or diverted to other uses among the various other programs of the company. The bill in section 504(b) expressly excludes other uses for the $200 million.

It seems to me that this language is very stringent. I think the Senator's amendment, in effect, says we do not have confidence in the Armed Services Committees of the House and the Senate to handle their responsibilities and duties, their job, and that we are going to take it away from them and give it to the General Accounting Office.

The PRESIDING OFFICER (Mr. HOLLINGS). The Senator's time has expired. The Chair is at fault; the Senator from Wisconsin yielded himself 10 minutes, but 16 minutes have expired.

Mr. PROXMIRE. I yield myself an additional 5 minutes.

Mr. TALMADGE. I know the Senator is on limited time. I thank him for yielding to me.

Mr. PROXMIRE. I say to the Senator from Georgia that there is nothing in this amendment, as I tried to say in my statement, there is nothing in this amendment which indicates any lack of respect for the ability or the judgment of the Senate Armed Services Committee. What we are saying is that it would be helpful to Congress and the Senate Armed Services Committee, in our view, to have a finding by an expert accounting agency such as the General Accounting Office, which is a competent agency, which has been found to be accurate and reliable in the past, as to just what the financial conditions of Lockheed was, whether they needed this $200 million, for the production of the C–5A plane.

I cannot see anything wrong with a finding of that kind, except that the Senator from Georgia says that they are not capable of it. If they are not capable of it, many Members of Congress will be very surprised. The GAO has 2,000 or 3,000 people working over there, and their record has been excellent in the past.

Mr. TALMADGE. I would point out to

the Senator from Wisconsin that the Armed Services Committees of the Senate and the House of Representatives could, if they saw fit, call on the Comptroller General to provide whatever information the Senator would request, but the decisionmaking authority would be with the committees, and not in the Comptroller General. It seems to me that the Senator's third alternative is a vote of no confidence in the Senate and House committees.

Mr. PROXMIRE. May I say to the Senator that that certainly was not our intention, that we do not intend to indicate that we have no confidence in the committees. We do feel, however, that before this money is released, we ought to at least have a finding that the money is necessary to complete production on this plane.

To continue, Mr. President:

If we fail to at least have that kind of determination made, we will be setting a highly dangerous precedent.

MODEST AMENDMENT

Our amendment is certainly very modest. We do not strike out the $200 million. Neither do we seek to correct the grievous past errors in this program, including the ghastly mistake made by the Senate on the C–5A issue last year. In my opinion, the Senate's concurrence in last year's giveaway plan by the Pentagon was one of the most expensive errors we have made since I have been in the Senate. We wasted hundreds of millions of dollars of the taxpayers' money by failing to assess properly the facts that were before us at that time and to obtain quickly the additional facts that were so clearly needed. I would hope that having been misled and persuaded to give our blind approval we have learned a lesson. I would hope that the mistake will not be repeated, at least on this same disastrous and scandalous program.

SCANDALOUS PROGRAM

And it has been scandalous, make no mistake about that. Facts were deliberately concealed from the Congress. Civil servants and military officers who attempted to hold down the costs or even to get the true facts on the status of this program have suffered personal reverses through retaliation by high level Pentagon officials.

The real question is: What do we do from here on? I hope we will demonstrate that we have learned our lesson. I hope we will begin today to refurbish the Senate's reputation as the world's greatest deliberative body, and to dispel the growing belief that we are pushovers for special interest groups, particularly the military contracting community.

Senators can make a modest start on this undertaking by supporting the amendment offered by the Senator from Pennsylvania and me, along with our cosponsors.

Let me say, Mr. President, that anyone who has read the speech made by David Packard on Thursday night must have been convinced, although the secretary diplomatically did not indict Congress, that we have not done our job as far as procurement is concerned.

The PRESIDING OFFICER. The Senator's time has expired.

MESS IN PROCUREMENT

Mr. PROXMIRE. I yield myself 2 additional minutes.

He said that procurement was in a bad mess, that we overspent on our weapons systems as well as made many other serious mistakes.

It is Congress that authorizes this spending. If we are ever going to exercise any decision with regard to any question involving the Pentagon, it seems to me we should do it in this particular case.

Let me conclude by quoting the statement of the distinguished Senator from Pennsylvania (Mr. SCHWEIKER) in the conclusion he very effectively used in his speech on last Thursday. He said:

I ask Senators to support this amendment, whether they believe that the C–5A is needed or not, in the hope that we can give the clear indication to the Defense Department, the defense industry, and, most important, the people who pay the bills, that we are unwilling to sit back and give a blank check to these requests without asking "How much?" "How many?" "When?" and "Why?"

Mr. President, I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield the Senator from Pennsylvania whatever time he may require.

Mr. SCHWEIKER. Mr. President, I thank the Senator from Wisconsin for yielding, and I compliment him for his early efforts, as well as for his follow-up, on the very serious and very critical procurement crisis that is typified by the C–5A.

I should like to speak for just a moment with reference to the charge of the Senator from Georgia (Mr. TALMADGE) that our amendment bypasses or somehow thwarts the Senate Armed Services Committee.

I am a member of the Senate Armed Services Committee, and this is the last, most remote, prospect that we had in mind in drafting this particular amendment.

The reason that we inserted the particular provision to which the Senator from Georgia referred was severalfold.

First of all, the GAO has a resource capability of some 5,000 men, many of whom are trained in exactly this kind of work—auditing and fiscal control work. Some 5,000.

The Senate Armed Services Committee has a staff of 2 dozen men and women, including clerks and typists, overall—2 dozen against 5,000. They are not geared up to do a quick, on-the-spot fiscal auditing operation, such as required by our amendment. It is a matter of using the resources necessary to do the job. It certainly was not a slight to the distinguished chairman or the other distinguished members of that committee.

Let me say, while I am on that subject, that a number of members of our committee agreed with my position in the committee and agreed, by an 11 to 5 breakdown, that the $200 million should not be paid. So there was a substantial body of thought in the committee that we should not pay the $200 million under any circumstances.

Our amendment goes far beyond that rather abrupt cut off of the $200 million, by making three conditions. Indeed, replying to the Senator from Georgia on his contention that it bypasses the committee, the third of these modifications specifically provides that, after making a GAO audit of whether the $200 million is necessary, it then goes on and makes another determination about how much this airplane will really cost, how much will the price tag be, and then it reports back to Congress. At that point in the cycle, the Armed Services Committee is really very much involved again. The next fiscal year authorization, they will be right on the spot, considering the same problem again, only this time they will have the availability of the GAO expertise and financial report.

So, far from excluding, it includes the committee, and provides that they are going to use the GAO information to make a determination for the next fiscal year.

So let us lay to rest the argument that we are bypassing or thwarting or somehow belittling the committee's efforts.

I should like to discuss some of the things that I feel are essential in the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) and me.

First, I think that the Senator has very ably summed up the first point I want to make. I think that Deputy Secretary of Defense Packard underscored it himself by his own statement, and I concur with it, that the C–5A undoubtedly is the worst procurement situation in modern military history, bar none. It is the worst procurement situation that we have seen in modern military history.

We are talking about 81 planes, originally estimated to cost $2.6 billion. Now, as of the end of last year, according to the selected acquisition reports, the cost has escalated to $4.6 billion, a $2 billion increase in the cost of those 81 planes. That was as of last year. That is not even figuring what cost increases have come this year.

No doubt features such as the "golden handshake clause," which is really a license to be inefficient, a license to overrun and hand the Government the bill, a license to do anything except watch costs, are also a basic issue in this contract.

I want to be fair and say that, unfortunately, those involved in the administration of this contract in the Defense Department are no longer there. I think this is tragic, because, in essence, the wrong men are taking the blame for the present situation, and a new group has come in which certainly does not deserve to be saddled with the rather atrocious procurement policies that so far have been obvious in this particular procurement.

In addition, even the Air Force's military personnel are no longer there, which points out how some of the rather foolish procurement policies of rotating procurement personnel every several years contributed to the rather great debacle known as the C–5A procurement situation. I think that this in itself testifies to why we have to change the system. The people who originated it in the DOD are not there; the military people who were charged with shepherding the proj-

ect are not there; and the question becomes, who is there who really knows and cares about this particular project?

We in Congress have a responsibility, too, which we have not used. We have a responsibility in terms of our oversight, and the reason why I have cosponsored this amendment with Senator PROXMIRE is to help Congress exercise that responsibility. We, in essence, are saying here that the direction of our procurement policy will be determined by the decision the Senate makes on this particular issue. We are saying here that the ultimate result of the buy-before-you-fly policy has been so disastrous that we have to reverse that climate to really change the situation. This is a test vote of whether we are willing to reverse the climate of buying sight unseen, buying before you fly, continuing the most wasteful kind of procurement practices imaginable.

Until the present time, we have always had the policy, in preceding administrations, of writing a blank check, of bailing the company out, with no questions asked. When are we going to change that policy, to come to grips with the issue, in which we have a responsibility, and in which we have to define some limits and guidelines and meet that test? This is the issue, that is what the fight is all about.

We have no quarrel with the need for the C–5A. We are not arguing that at all. Nor are we even saying that we should jeopardize the production line of the C–5A. The latest modification we made was specifically to avert the practical situation that might be confronted on that issue. So we do not quarrel with the need. We agree that the planes should continue to be built, that the lines should be operating, and that 20,000 employees in Georgia should be kept on the job. We are not arguing that issue at all. The amendment is designed on a reasonable and rational basis to keep all that happening.

I think it is important to review the Department of Defense position in this area. The interesting part about the whole C–5A contract is that the Air Force acknowledges that we do not owe the money we are trying to give them. Let me read a few statements made by Deputy Secretary Packard.

On March 10 of this year, before the Armed Services Committee, in answer to a question by the Senator from Mississippi (Mr. STENNIS), Secretary Packard said:

> The $344 million for the procurement—

The $200 million is not in that. That is just the normal amount due this year—

> The $344 million for the procurement of the C–5A in the fiscal year 1971 budget is what the Air Force would be obligated to pay under their interpretation of the contract.

So here we have the ironic situation in which the Deputy Secretary of Defense, the Secretary of the Air Force, the Air Force, and the Government say we do not owe the contractor a cent more than that $344 million; yet, we are being strongly urged to give them that $200 million or some fraction thereof.

I would like to read from another statement by Deputy Secretary Packard, once again acknowledging that we do not owe this money to Lockheed. This statement also was made before our committee:

> This $200 million, if authorized, would be available to apply against the $600 million gap we have between the Air Force position and what the company says its costs are going to be.

That brings me to the next point I should like to make.

The next point is that this $200 million is only the first step. This is not the end in itself. It is only the first step. Here we have a plane that was going to cost $2.6 billion. It is now up to $4.6 billion. We are asked to give them $200 million we do not owe them. The company says that they need $600 million more, and even the Department of Defense says they really need $800 million more to proceed.

What a series of tragic events. The $200 million is just a starter. It is just the beginning. It is just like an iceberg.

The whole point of this amendment is to get from the Comptroller General an honest-to-goodness definition of what the cost of this plane is—not to feed it, in pieces and dribs and drabs, $200 million this year and $400 million next year; and only then will the public and the Government really wake up to what we paid Lockheed for this particular plane.

Let me read from another statement by Deputy Secretary Packard:

> There is going to be additional money. The $200 million is not going to be the end of it.

Believe me, not the end of it by far. So we are really being asked to buy a pig in a poke. We are being asked to buy something whose cost we do not know. We are being asked to have blind faith that somehow this thing is going to work out all right, that it is $200 million now, and let them negotiate the difference, and then we will see what the bill really is. We are asked to buy the whole thing on faith, and we are $200 million over on faith already.

I should like to read from an article published in the Sunday Star of June 7, referring to a Securities and Exchange Commission investigation of Lockheed in connection with this situation. I should like to read from the article relating to the lower bid of Lockheed, as to how it was handled initially.

> "Lockheed wanted the contract badly and apparently knew they had to come in with a low bid to get it," the SEC report says. As a result, they cut estimates sharply—but figured the firm still would make a profit of 3 percent of costs.

Yet they were so naive, so ill-informed, so unknowing about this contract and its ramifications that they still thought they would make a profit here, and we are $2 billion in the hole already, with another $1 billion in sight.

Talk about mismanagement and inefficiency.

So the issue is, Are we going to reward that mismanagement, are we going to reward that inefficiency, are we going to give them a pat on the back and let them negotiate exactly what they want, in order to solve the problem?

There are hundreds of defense contractors watching to see if that will be our policy, because if it is, then the line will form right here and dozens of requests will come in to do exactly the same thing, to bid in low and bail out high. That is what the issue is all about.

Are we going to measure up to our responsibilities and stop this practice?

It is true that this has been the policy and the climate that has gone on for some time here. That is why we specifically designed this amendment so that we would not penalize Lockheed, so that we would not throw 20,000 people out of work, so that we would not cut them off without a red cent literally. We designed a reasonable amendment that would protect the taxpayers, keep the production line rolling, and still leave the responsibility where it belongs, namely, in Congress, to decide what to do subsequently, when the GAO report is available on the situation.

I was told that the Contract Board of Appeals, the normal person to arbitrate this dispute, will probably take more than 12 months to decide this issue, and because of that, we wrote in this other modification that would not trigger the bankruptcy of Lockheed. We bent over backwards to make sure that the production line would continue to work, that the people would not be thrown out of work, and that the Comproller General could rule, as early as November 15 that, if they need that money to keep the production line rolling and to keep the planes coming out, they do not have to wait 12 months but, at the same time, it would give Congress an authoritative report that we in the Armed Services Committee could use in the next fiscal year, to meet the same issue, the same problem and, really, get an honest picture and an honest count—which we have not had at any point in this process—as to what the airplane will cost by the time it is completed.

One of the arguments the opponents, of course, have been making is that we should not tie the hands of the Government, that they want to negotiate this contract, that they want to settle it outside of a dispute, that they want to be free to do what they see fit. To me, that is the real issue here. What they will say is, "Do not bother us. Do not disturb us. Do not rock the boat. We want to settle for another billion dollars, if that is what it is going to take. We want to be free."

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The time of the Senator has expired.

Mr. PROXMIRE. I yield whatever time the Senator requires.

The PRESIDING OFFICER. The Senator from Pennsylvania may proceed.

Mr. SCHWEIKER. The argument is made that the Government should be free to negotiate a settlement with Lockheed. That is exactly what the Senator from Wisconsin and I are against, because if we leave a loophole there, to make an end run through the whole system, every defense contractor will know that whenever it is in trouble, all they have to do is pull out the Lockheed precedent and do exactly the same thing, and come in with a bad-looking balance sheet of cash resources, say that they

cannot complete the job, shed a few crocodile tears, and negotiate the contract again.

What is the sense of having any bids, what is the sense of having any procurement system, what is the sense of having any cost controls, if all we do is negotiate the whole deal again?

I cannot imagine a worse conception of how to run a procurement policy than to let them do that. They will pull out the argument that they have the right to do this. Well, no Government department should have the right to do that. If an industry goes $2 billion in the red, with another possible billion dollars additional, someone should blow the whistle on them. It is up to the Members of this Senate to blow the whistle and say, "Go this far, but not any farther than that because we will, at last, exercise our own legislative oversight. We are going, at last, to bring in an independent party, an outside fiscally competent agency, to decide whether they really need the money as they claim they do. They will tell us what that iceberg really looks like, whether it is $400 million, $500 million, $800 million, or $1 billion more."

Do not be surprised to see those figures come rolling out the next year, the next time, right here on the Senate floor. That is what we have a right to know, what it is going to cost.

The amendment simply provides for certain things to happen. Until we know what the price is, and the Armed Services Committee, and the Senate, can make a responsible judgment, with some meaningful fiscal information about the whole picture.

I want to say that this is a critical issue. It relates to whether we will reverse the whole procurement policy that has been so badly mishandled in the past two decades. We want a procurement policy that will recognize the taxpayers, and one that will make a military judgment based on an honest price tag of a weapons system, which we certainly do not have now.

Mr. PROXMIRE. First, I congratulate the Senator from Pennsylvania on an extremely able and powerful speech. It is hard to dispute the notion that without our amendment this giveaway is going to set a precedent. It not only says we will be giving away a substantial amount, in this case $200 million as a starter, but the committee says $800 million, before the plane is completed. As the Senator has brought out, that $800 million is a guess. It may be $1 billion. It may be more than that. Our guesses have been wrong in the past. They have often been too low. On the basis of past experience, we can assume the taxpayer gift will be considerably more. We not only give them that, we give them that without knowing, or having information, or making it public as to whether they even need it, in order to complete the contract.

What a situation for the taxpayers, if we are giving almost $1 billion away to a defense contractor just because they say they need it to finish the contract. In the amendment, all our amendment requires as modified is that the General Accounting Office determines they need it. Opponents dispute this because the GAO in their view is not competent to make the decision, that the Senate should make it, then argue we should make it without adequate knowledge; is that correct?

Mr. SCHWEIKER. That is correct. The tragedy is that this is probably the only real issue this year when we will have an opportunity to make that determination and assess our responsibility and measure up to that job of legislative oversight.

If we go along on this negotiated settlement, we will be writing another blank check all over again. As it is, this policy has been proven wrong time and time again. That is it. The Senator is absolutely correct.

Mr. PROXMIRE. What the Senator from Pennsylvania and I have tried to do is to avoid damage to anyone. In the first place, we tried to provide, if the court or the Board of Contract Appeals makes a finding that the $200 million is due Lockheed then the funds are released at once. I have documented the fact that the finding can be made in a few weeks and not in 12 months. In the second place, if Lockheed does go into bankruptcy, we provide that funds can be freed promptly.

In the third place, we provide that even if they go into bankruptcy, if a competent accountant—the Comptroller General—says they need this money in order to complete their contract, then the funds are freed. Under the circumstances, who is being damaged? Certainly not the 20,000 workers. They will not be laid off. Management will get the funds, if their word is shown to be correct. They will not be put through bankruptcy. They are not even faced with that prospect, even though they are over the contract by $800 million or $1 billion. They still will be permitted to go along.

It seems to me that this is an extraordinarily modest amendment that does its best to avoid any serious damage to anyone. As the Senator from Pennsylvania made abundantly clear, if we are to draw the line anywhere, or have any discipline over procurement, the least we can do is to avoid this kind of giveaway of taxpayers' money. We should go at least as far as this amendment would.

Mr. SCHWEIKER. I thank the Senator from Wisconsin. I would like to say that I do not know how we can devise a more moderate or a more reasonable approach. We are not quarreling about whether they ultimately get the $200 million. We say that if they need it, they can have it. They can have it, if it is determined, as the Senator from Wisconsin has pointed out, on the basis of the Comptroller General's ruling as early as November 15 of this year that they can have it, if they need it to keep the line open.

We are saying in our amendment that if the Board of Contract Appeals finds that the Air Force is wrong in its assessment that the money is not owed to Lockheed, they keep the money. Third, we are saying that if the worst should happen and the forecasts are not accurate and they should have to go into bankruptcy proceedings, we specifically authorize the money under those conditions and even direct the Secretary of Defense to give the C–5A production priority.

I do not honestly see how much more reasonable an amendment could be. But the important thing is that we are blowing a whistle and saying, "We are not going to write blank checks any more. We are not just going to pour money down a hole without knowing where it is going. We are going to have some independent auditor come in to advise the Congress or the Senate Armed Services Committee where we are going, because we do not know where we are going now."

There is a $2 billion overrun now and the bill asks for $200 million over the contract. The Defense Department says:

It is likely that we will need $800 million.

The company itself says:

We will need at least $600 million.

I predict that next year it will be admitted on the floor that they need $1 billion additional. Wait and see if that is not correct.

Let us get an honest appraisal from an independent auditor. How reasonable a proposal could we have? I do not see that the Senate has any other responsibility than to go ahead and adopt the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, I address myself primarily to what is in the bill presented to the Senate, what the committee did, what the committee stands on, and what the committee asks the Senate to affirm.

Mr. President, in the first place this contract is in no way defended, so far as the type of contract is concerned. It is a contract that did produce a good plane, a plane that has been tested satisfactorily, as will be shown, and a plane that is needed.

There was not any corruption involved. None has ever been charged. The company is not getting a windfall in any way or making money out of this matter. It looks as if they are losing money. It is a question of just how much. So we start with a clean bill of health, so to speak, in this situation.

To get value for the money we have already spent and to get a plane we need, we may have to spend some more money than is currently interpreted as called for in the contract. Frankly, we do not know as yet how much money that will be.

There are two reasons why we do not know. The Air Force and the contractor are not together on what the respective liability of each is. There has not been a reasonable time to determine that. It would be highly impracticable anyway and would occasion a loss if we were to stop the wheels from turning until that matter could be adjudicated.

Nothing has been waived. The Gov-

ernment still has all of its rights, and they will be respected and rigidly maintained.

There is $344 million of what we might call a regular run, a routine amount of authorization for this year. There has been no contest over that amount. We included that in the bill.

There was a small sum allowed for spares in the bill. The $200 million is a matter that was before the committee for determination. That is the additional money that is necessary now to get the planes. I will give the details later. However, everyone agrees that is necessary.

Mr. President, there is no amendment to knock out that $200 million. There is an admission here, it seems to me, by all that that money is needed and that it should be kept in the bill.

I was really expecting to be attacked on that front. But there is no opposition here to that matter, and no proposal to take that money out of the bill.

To that extent, we apparently have a unanimous judgment that the committee made the right decision in putting it in the bill, although there was some honest opposition to it by some committee members at the time. Unless some other measure is filed, it apparently is unanimous that the committee should have put that money in the bill.

The question is how it will be safeguarded. That is the only question. The committee itself very carefully and laboriously wrote in some amendments directed to the problem of protecting this $200 million or whatever sum might be needed in addition to that.

I insisted that all of the facts be brought out and that we not come here with a piecemeal policy, this year so much and then stop. We went on to show how much money might be needed next year. I think we will not need that much next year, the $600 million, but we may. However, that is to be left open.

We included these safeguards to protect the $200 million. I am referring to protecting the Federal Government. I am not interested in what the Defense Department or the Air Force says about this. They had nothing in the world to do with the restrictions we included. Those were drawn by competent staff members with the assistance of competent legal guidance. It was a very laborious undertaking. I think they did a very splendid job.

There is one human factor in this that goes with these two amendments the committee is asking the Senate to stand by. That concerns the fact that we assigned Secretary Packard this problem, and it is a problem. We asked him to give it his best attention and advice and counsel and then to report to the committee. He did this. We had all of that testimony. It is in the record.

I said to Mr. Packard:

If we approve this $200 million, we expect you to give it your personal attention, your personal surveillance.

We found him to be an extremely competent man and, I think, an honest man.

I said:

We expect you to give this your attention and surveillance and keep in touch with us. We hold you morally responsible as far as we can to follow up on this matter and see that this money is spent exclusively for this purpose and that it is spent in the right way and that the plans be sound.

He assumed that obligation. He meant exactly what he said. That lends considerable strength to the whole solution of this problem. As I say, it is a problem.

I personally did not like the idea of the committee having to assume this obligation. The report explains it. So I will read from page 16 of the report near the bottom:

(The Committee in Section 504(a) provides that the $200 million will not be obligated until the Secretary of Defense has presented a plan that has been approved by the House and Senate Committees on Armed Services.)

In other words, we thought we ought to be willing—and that is not a happy note—to assume some special obligations in this matter.

I continue to read from the report:

In effect this means that the proposed contractual arrangement both for the use of the $200 million and the completion of the entire C–5A program—

Those are broad words—

will require approval of the two Committees. Through this method there will be the opportunity of a complete review by the committees on this problem.

Mr. President, that is about as far as you can go so far as senatorial surveillance is concerned. That is an obligation. This is not in the House bill now, but this is our guarantee, as we believe there will be a special surveillance with respect to this contract.

There would be the General Accounting Office role, if any. If the committee felt it needed the General Accounting Office to check on any item we have authority under the general law to call on the General Accounting Office for those services. I do not have to cite that law, but I have it available if anyone is interested. That is what the General Accounting Office is for; primarily to serve the committee. They can serve individual Senators, and I do not disagree with that. But this group is available under the law on the call of the committee for any phase of this matter. If a plan is submitted, and these two committees are not satisfied, all we have to do is reject it, or hold it up and call on the General Accounting Office to take any steps, such as that, as we see fit.

The second provision the committee put in for the Senate's consideration is:

Strict statutory guidelines which will insure that the $200 million in contingency funding will be used only for the C–5A program insofar as the contractor is concerned and not possibly intermingled or diverted to other uses among the various other programs of the company. The bill in section 504(b) expressly excludes other uses for the $200 million.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. STENNIS. Then there comes Mr. Packard with respect to his special responsibility. Then comes the General Accounting Office, if we call on them for their statutory responsibility.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. PROXMIRE. With reference to section 504(b), page 22 of the bill, the Senator is absolutely right. The Senator from Pennsylvania (Mr. SCHWEIKER) and I both support this purpose to prevent the $200 million from being diverted to any other contract or material.

The difficulty is, although it may be the payments of the $200 million could be audited in such a way that the $200 million would go only to the C–5A, there is more. There is no discipline over the $344 million in this bill, presumably for the C–5A, that could be diverted to the airbus.

Mr. STENNIS. It better not be.

Mr. PROXMIRE. We were told by Air Force officials who came to my office that the reason Lockheed was in trouble was their commercial airbus. Here is where the money losses have gone, not to the C–5A. It would seem to me there is no effective way you can be sure the $200 million would go for this purpose.

Mr. STENNIS. There is some discretion in orderly procurement practices that would take care of that; but I do not propose to let this money go into other activities or contracts. If Mr. Packard does not bring in a plan that we think protects us in that field, I would be in favor of rejecting the plan. That is all I can say now.

Mr. President, I am glad to yield now to the Senator from North Dakota (Mr. YOUNG), a member of our Appropriations Subcommittee, on this subject for 20 minutes.

The PRESIDING OFFICER. The Senator is recognized for 20 minutes.

Mr. YOUNG of North Dakota. Mr. President, as I understand it, the proponents of this amendment, among other things, want to make sure there will be no more C–5A-type contracts. With this I am in full agreement.

The former Secretary of Defense who entered into this contract, Mr. Robert McNamara, is no longer with the Department of Defense. The proponents of the amendment can heap all the criticism on him they wish, and I will help them out because this is one of the worst contracts the Government has ever entered into. I see no possibility of this type contract ever being entered into again. Among other things, this is so disastrous to Lockheed, what industry would want that type of contract?

The real question now is, Do we want to get the rest of these planes we need so badly, which means we help keep this company from going bankrupt and shutting down? It is in the best interest of the Federal Government now to get these planes at the least possible cost.

Mr. President, one of the important military decisions before us is whether to authorize the $200 million in contingency funds which are necessary to insure continued production of the C–5A aircraft during the last half of fiscal year 1971.

President Nixon has indicated that

fewer U.S. forces will be stationed abroad in the future. This is a decision long overdue. I note now that plans are being made to bring over 60,000 troops back from South Korea, so more planes will be needed in the future. Bringing back these troops will save hundreds of millions of dollars and, more importantly, it will put the United States in a much more favorable financial position through easing our balance-of-payments problem and reducing the gold drain. At the same time he has made it clear that this Nation will honor its commitments to its allies and protect our interests wherever threatened.

This new foreign policy makes it more necessary than ever before that we acquire the number of C–5A aircraft that is deemed necessary to give us the required airlift capabilities. One C–5A cargo plane will carry 80.8 tons in cargo as compared with 24.4 tons for the C–141, which has previously been our biggest cargo plane. The C–5A not only will carry a much heavier load, but it can carry the much larger military equipment necessary for deployment of forces overseas.

The program to acquire the C–5A aircraft has been subjected to unusual scrutiny and has been the source of continuing controversy. Last year a decision to reduce the procurement from the originally planned 120 C–5A aircraft to only 81 was made principally because of increased costs and budgetary constraints. The current proposal of 81 production aircraft leaves us with a deficit in our strategic airlift capability, but with a substantial gain over what our position would be without any C–5A's. Reductions below 81 would seriously erode our military capability and our overall national security.

At present, the development of this plane is nearly completed and the company is well into the production phase of its contract. Congress has already authorized $3.4 billion for the program, and the Air Force has requested $544 million for C–5A production in fiscal year 1971. This sum includes $200 million in contingency funds.

If this request is not approved, Lockheed, because of financial problems, would be in no position to continue production of the C–5A and this at a time when only 17 aircraft have been completed. The unit cost of these aircraft would be prohibitive, over $200 million per unit, and the Nation would be denied further production of a superb cargo plane so badly needed for both our national security and foreign policy.

Similarly, if only $344 million were authorized for fiscal year 1971, the Air Force would receive only 30 or 31 aircraft at a unit cost of approximately $125 million per aircraft; still too small a force to provide the needed airlift capability.

In either of these instances where funding is denied, the contract would be terminated for the convenience of the Government and the Government would probably have to pay termination costs which would result in even higher cost per aircraft. On the other hand, if we continue with the 81 aircraft program to which the Government is already committed, the cost would be approximately $4.6 billion or about $57 million per unit under the Air Force's interpretation of the existing contract.

The Government has invested a large amount of money in this program for the last 5 years and is now beginning to receive a return on its investment. A case in point is the cost of the last 51 aircraft. Beyond the $344 million in this year's request, the cost to complete these 51 aircraft would only be $800 million.

The $344 million portion of the fiscal year 1971 request is expected to last only about the first half of the fiscal year. Generally this represents payments to cover most of the expenditures up to a level that reflects the interpretation of the contract which is most favorable to the Government.

An additional $200 million is needed to cover remaining projected expenditures for the latter part of the fiscal year to insure production continuity. Normally it would be the contractor's responsibility to provide such funding, but the amount in dispute, over $600 million, is more than the contractor can manage. Lockheed has not been able to obtain private financing in this amount. Thus, if the Government does not provide the funds, production will undoubtedly have to cease.

Back of the problems of Lockheed and the necessity of this $200 million item in the defense procurement bill is accelerated costs of all kinds going into the production of this plane and other military equipment and the resultant very large overrun. Overruns are the result of higher interest rates, higher wages, the alarming rate of inflation of the cost of everything, and some unwise provisions in the Defense Department's contract with Lockheed.

Most Air Force officials I talk with agree that this contract which was entered into by former Secretary of Defense McNamara required far more sophisticated manufacturing techniques and capabilities than were necessary. Some of these would be very difficult and expensive for any manufacturer to comply with. If the Defense Department were to enter into a new contract with Lockheed—and this may be the case sometime in the future—I understand that some of these highly sophisticated ideas will be dropped. It would still be a great plane and would meet most, if not all, of our requirements.

Mr. President, there has been a large cost overrun on the C–5A aircraft—far too much—and this speech is not intended in any way to approve of the C–5A type of contract or the procedures used. This was a bad deal both for Lockheed and the Defense Department.

The recommendations resulting from the Fitzhugh Commission investigations of Pentagon procedures will go a long way toward correcting bad contract procedures such as took place here. The prototype procedure, popularly called by Secretary Laird as the "fly-before-buy" approach, represents a much more economical approach and should result in better weapons systems.

The average person reading all of the publicity of the cost overrun on the C–5A cannot help but get the opinion that Lockheed had made a huge profit. This is far from the true situation. Lockheed lost very heavily and, as a result, is in deep trouble financially. Fortunately, the C–5A is a superb plane and more than meets the expectations of Air Force authorities.

Mr. President, there are huge overruns in most other military procurement. For example, the overrun in the F–111 percentagewise is far greater than the C–5A. It is important to note, however, that the C–5A contract was different than almost any other procurement contract entered into by the then Secretary of Defense Robert McNamara with other defense suppliers.

Cost overruns are very common in other segments of our economy. A good example is the John F. Kennedy Center for the Performing Arts here in Washington. The first estimated cost was $46.4 million. With the construction now more than half completed, it is now estimated to cost $66.2 million. Last December in the first supplemental appropriations bill for fiscal year 1970, Congress appropriated its share of this cost overrun. If we had followed the argument of many with respect to the C–5A, Congress would have refused to appropriate the last increment for the John F. Kennedy Center for the Performing Arts.

Anyone interested could also check Corps of Engineers projects over the last several years. The bids they have received have oftentimes been far in excess of the estimated cost of the projects. Regrettable as cost overruns are either in private business or government, there is nothing unique about them.

If production is not continued on the C–5A, nearly 20,000 employees will be adversely affected at the Lockheed Georgia Co. Feeder plants in Chattanooga, Tenn.; Uniontown, Pa.; Logan, Ohio; Charleston, S.C.; Shelbyville, Tenn.; Martinsburg and Clarksburg, W. Va., would likewise be adversely affected. In addition, an estimated 20,000 more jobs at subcontractors facilities in 42 States would be jeopardized.

The Air Force advises that there is a total of 2,388 different suppliers for the C–5A program, 644 of whom employ over 250 persons. General Electric is a prime contractor for the engines and employs approximately 6,500 persons in this endeavor. GE also has many subcontractors and suppliers who would also be adversely affected by program termination or delay.

In summary, we cannot ignore our considerable previous investment and the need for the C–5A. We should approve this request and obtain the planes at this more reasonable price. If we deny the $200 million, then Lockheed would undoubtedly have to stop production, the number of aircraft delivered would be less than required, and many thousands of employees would be jobless. If we approve the request and continue production, we will obtain the aircraft required to provide the strategic airlift capability so essential to our national security.

In reporting out the authorization bill, the Armed Services Committee has incorporated restrictive language to insure that the Government's best interests will be protected. The Secretary of Defense must obtain the approval of both the House and Senate Armed Services Committees prior to obligation of the $200

million. In addition, the authorization bill provides strict statutory guidelines to insure that the $200 million in contingency funds will be used solely for the C–5A program. These measures provide adequate safeguards over the expenditure of these funds.

Mr. President, it is important that we understand just what this $200 million contingency represents. There are a number of disputes over the original contract between the Air Force and Lockheed, one of which involves the total price for the production of the C–5A aircraft. The contractor contends that the total price for these aircraft may exceed the estimate under the Air Force's interpretation of the contract by as much as $500 million.

This is a matter that has to be settled through the established procedures for handling disputes of this nature, and the matter is now pending before the Armed Services Board of Contract Appeals. This $200 million contingency represents an advance to the contractor against his claim under the contract, and would be an offset against any amount that the contractor might be awarded in the pending proceedings.

In the event it is determined that the Air Force's position is correct, the recovery of this $200 million is a matter that will have to be handled in the plan for the disbursement of these funds required under section 504(a) of the pending bill.

The $200 million is necessary if the C–5A program is to continue. I believe it is in our best interest to complete this vital defense program. To liquidate the C–5A contract at this juncture would mean most of the billions of dollars we have already spent would have been wasted.

Mr. STENNIS. Mr. President, if the Senator will yield, if he has time, let me commend him highly for his presentation of this matter with clarity and substance.

A question was raised about it not being in the plan to give Mr. Packard surveillance over the $344 million and that it could not be used in connection with any other manufacturing process.

In the first place, I think the answer to that is that if he gives careful surveillance to the $200 million, that will take care of the $344 million not being diverted. But, anyway, the $344 million is strictly within the contract we already have with the manufacturer. After something is already set up under contract, it is an altogether different thing than legislation making a certain demand. When he controls the $200 million, he controls the $344 million that goes along with it.

I submit that to the Senator from North Dakota and to the Senator from Wisconsin.

Mr. YOUNG of North Dakota. I thank the Senator. I think these funds have been tied down very carefully by the House and Senate Armed Services Committees and by the statements made by the Secretary and Under Secretary of Defense.

Mr. STENNIS. I thank the Senator. Mr. President, whatever time the Senator from North Dakota did not use is yielded back, I am sure.

I now yield 10 minutes to the Senator from Arizona.

Mr. GOLDWATER. Mr. President, I do not intend to discuss the amendment at any length at all, although I will have to say that it does provide protection. But I feel that the committee approach provides just as much protection as the amendment, and I have as much confidence in Mr. Packard's ability to carry this out as I have in that of any one man or committee organization in this Capital.

I would like to talk about the airplane itself, Mr. President, because it is probably the most important airplane for the armed services of the future that we have in being, or even planned.

I would remind my friends from Pennsylvania and Wisconsin, who are deserving of praise for their constant interest in reducing costs, that if the army of the future turns out to be what I think it is going to be, and what General Westmoreland is talking about, we are looking at savings, in this one area alone, of from $5 billion to $10 billion.

What we are asking for is just $200 million, to make sure that this C–5A does come into the inventory, so that we can provide the fast, heavy lift that is needed to keep our troops at home, but put them any place in the world that we have to.

Mr. President, we hear four categories of commentary critical of the C–5A program. These categories pertain to: First, the basic requirement for the C–5A; second, the performance of the aircraft relative to changes in specification requirements; third, operating costs; fourth, acquisition costs and the financial problems of the contractor. Each of these areas of criticism has been addressed by me in the past. My views are a matter of record.

In this regard, it is particularly misleading to state that the reasons for buying the currently planned C–5A force are obscure. Even the most superficial examination of the legislative history of the airlift program reveals the fact that the Congress has for many years pressed upon the Defense Department the urgent need for a major expansion in our military airlift capacity. Therefore, congressional initiative as well as efforts within the Department of Defense provided the initial impetus toward the achievement of that objective.

With regard to the C–5A requirement, itself, the authors of the report are apparently aware that it grew out of a series of airlift studies conducted during the early 1960's, which culminated in September 1964 with a joint Army-Air Force study called AIRTRANS—1970's. It was from this last mentioned study that the specific requirement for six squadrons of C–5A's—96 U.E. aircraft—emerged. And, it was this program which was presented to the Congress in tentative form in early 1965, and reaffirmed in its final form in early 1966.

Mr. President, I have described this aircraft before, but it is the world's largest airplane. It will be able to transport heavy equipment, which we cannot do today. It will be able to do so quickly, to any part of the world. The fact that the basic general purpose forces strategy has been changed from 2½ wars to 1½ wars—whatever that means, Mr. President; it does not make a lot of sense to me, but that is the intention; it has been changed from the 2½-war McNamara plan to the 1½-war Laird plan; and some day I think we will have that explained—does have a bearing on the airlift requirement.

But it should be noted that the Congress has refused to approve the FDL program, leaving the full weight of the quick response lift requirement on the airlift. In late 1969, during the course of the fiscal year 1971 budget review, Secretary of Defense Laird decided to hold the C–5A force at four squadrons and the total buy at 81 aircraft. He did so because of the tight budgetary constraints, the rising cost of the C–5A, and the overall reappraisal of defense requirements. Accordingly, there is nothing inconsistent in the JCS position, still validating a six-squadron C–5A requirement.

I have remarked about the uses of this airplane. Let me give an example of what I mean.

For example, in the case of a war in Europe, a typical reinforcement of our forces there might consist of 300,000 men, 105,000 tons of bulk cargo, and 66,000 tons of outsize cargo. With 97 C–5A's in operational units, plus all of the C–141's and 75 percent of the CRAF aircraft, this reinforcement can be moved to Europe in 20 days, fully ready for combat. With 70 C–5A's, the number expected to be available for operating units from a total buy of 81, this reinforcement could be moved to Europe in 28 days. Thus, it is perfectly clear why the JCS still validates a requirement for 120—that is, 96-unit equipment—C–5A's, and why the Defense Department still insists that a total of at least 81 aircraft should be bought.

Mr. President, another criticism that is leveled at this aircraft is that it has not met specifications and requirements. Mr. President, I have stayed rather close to this airplane. I flew it myself over a year ago. I went through the program then with the chief test pilot and his crew, and they pointed out to me the aerodynamic mistakes which Lockheed had discovered, and at their own expense, and at no expense to the Government, had corrected.

They had made an aerodynamic mistake in believing, in my opinion, that the wing root section of the C–141 enlarged would work on the C–5A, and it did not turn out that way. But they have corrected it.

The airplane is ahead of its testing program. We now have, I am not sure what number it is—it might have changed since I was last visiting with these gentlemen—about five or six have already been delivered to the Air Force, and deliveries across the waters have been accepted, and training is proceeding.

At a visit to Edwards Air Force Base earlier this summer, at which time I had the good fortune to again discuss with

the flight test crew and the chief pilot any progress being made, they were more enthusiastic then, after having performed especially desert tests, which tests are conducted on the dust-covered, dry lakes of California, and the engines are put into reverse to pick all the dust up they can. They were surviving these very rigid tests beautifully.

There has been one criticism of the wing. As I said earlier, I think Lockheed should be congratulated for having come up with this kind of trouble. The wing is really too strong, but it is too strong at a point just upward of the aileron. That is giving it some trouble in maintaining the flexibility needed in that type of wing. But that can be easily corrected. In fact, the Secretary of the Air Force has received the results of an analysis made by a study group appointed for this purpose, and I quote just one part of it:

> The flight performance of the C–5A meets the guarantees of the contract within the accuracy limitations of good flight test measurement.

Mr. President, we have tested this aircraft to 128 percent of stress. We would like to test it to 150 percent of stress, and we will do that.

This, I might say, is higher than we test commercial aircraft. We have always done this in the Air Force, and that is one of the reasons that the Air Force, in spite of what people might believe, has a very fine safety record.

The problems reported with the landing gear are not serious problems. This is possibly the most unusual landing gear ever developed, and why it did not have more troubles is again, I think, a credit to the Lockheed Co., for having been able to solve the problems. If Senators can imagine an aircraft of 750,000 pounds being able to kneel, after it gets on the ground, just like a big camel, so that we can drive our big trucks, tanks, jeeps, and other things into the aircraft, they can have some idea of the problems involved.

Mr. President, this is not a personnel-carrying airplane. It could carry a thousand people if you wanted to stuff them into it. It will carry heavy equipment, wheeled equipment, and the troops needed to operate that equipment, to any place on the globe. Again I stress, as I did at the outset, for those who are really interested in saving money, that when we look at the possible savings of billions and billions of dollars by the new Army of the 1980's, geared to the C–5A and the new heavy-lift helicopters that we have not even begun to build yet—I am not talking about 22-ton helicopters—and when we recognize the proven ability of our electronic sensors to detect the enemy forces, I think that when all this is laid out to the American public, they will have a fine understanding of why we can talk about a smaller standing army for the 1980's and even the late 1970's.

This gets back to our argument of yesterday, as to why we will have to go to a volunteer approach to our services, so that we can attract the highly intelligent type of person we feel we can to operate the things we will have to have in the Army of the future.

Mr. President, I hope this amendment is rejected. I hate to see anything happen that would jeopardize the delivery of these airplanes. I would hate to see us wake up the first day of January and discover that Lockheed-Marietta has closed down because the $200 million was not available to them. I recognize full well that this is a step aside from normal procedure. It is not a step that I particularly like to take. I would much prefer to have seen Lockheed get along without this money coming from the Government in this form. But I think the acquisition of the weapons system is more important than what I consider to be other justifications for not approving it, and I would hope that the committee bill, the way it has been reported, after the study we have given it, will pass.

The PRESIDING OFFICER. The Senator from Mississippi has yielded time to the Senator from Georgia. The Senator from Georgia is recognized.

Mr. TALMADGE. I thank the Chair.

Mr. President, only two basic issues are involved in the C–5A controversy:

First. Is there a military need for the aircraft? That is, is the C–5A vital to our defense?

Second. Can this airplane be produced under the terms of the pending amendment?

So many red herrings have been drawn across the path—all of them apparently for the purpose of discrediting the military, or the company, or the aircraft in a way that would gain maximum public attention.

It is true that there has been a tremendous cost overrun. There is a controversial legal case that resulted from poor military contracting procedures. Mistakes have been made, both by the contractor and by the military. But they have been blown all out of proportion to the facts.

I concede that the cost of C–5 has far exceeded anyone's expectations, and I deplore that as strongly as anyone. I too wish to get the maximum return from each defense dollar. It should be clear to everyone by now that this contract was good for no one—not for the Air Force, not for Lockheed, and not for the taxpayers.

But I fail to see how it would help anyone now to bankrupt the company at this stage of development and production, with the end in sight and the cost per plane dropping with each one that is produced.

Moreover, so immersed have we become by the financial and emotional side of the issue, there has been little or no recognition of the unexpected conditions and the unforeseen circumstances which helped to cause most of these problems.

The C–5 is a jumbo-sized aircraft. It has provided a jumbo-sized opportunity for the critics of national defense—a number of writers especially—to appear as knights on a white charger saving the taxpayers from the Pentagon and alleged contract waste.

What they are doing in reality is to propose a course of action that itself would produce far more waste than they purport to save.

The C–5 has been made a vehicle for talking about a reordering of national priorities. I share everyone's concern about the multitude of social and economic problems that plague our people. But I fail to see how the waste of a billion dollars of unfinished airplanes in a production pipeline all over the country would solve these problems.

The fact of the matter is, Mr. President, that we have been diverted from the main issue. The matter with which we ought to be concerned—national security—has been obscured.

I carry no brief for Lockheed Aircraft Corp., although I would be less than honest if I did not express concern for the 20,000 employees at the Lockheed plant in Marietta, Ga., and another 20,000 C–5A workers all across the country. I make no apology for not wanting to throw some 40,000 people out of work in one fell swoop.

I carry no brief for the Air Force. The Government must also share part of the blame for this contractual arrangement.

But I do strongly advocate national security. Throughout the legislative history of this issue, this has been, as it should be, the prime concern.

Mr. President, in considering production of the C–5 last April, the House of Representatives recognized that the central issue is the fact that the aircraft is vital to national security.

A question arose in the House about cutting off $200 million from the C–5 program, to limit production to just 30 or 31 planes, as opposed to the required 81.

I have carefully studied the House debate. Chairman RIVERS of the House Armed Services Committee reduced it to simple terms that none of us can fail to understand. He told the House:

> If you want to cut off $200 million and destroy a whole airlift system for which you have already paid $2 billion, you can do so, but who is going to lose? American security . . . That is how simple it is.

The House in its wisdom was not disposed to gamble with the requirements of national defense.

Then the dispute came to the Senate. In its report on the military procurement bill, the Senate Armed Services Committee also emphasized that the basic issue was whether or not the C–5 aircraft were needed. That was what the committee had to decide. This is what the committee reported:

> The fact is that additional C–5As are essential for national defense purposes.

The committee, therefore, quite properly primarily addressed itself to this essential need. It recommended that the C–5 program be funded in order to produce the required number of aircraft.

The committee was concerned with the contract disputes and with the cost overrun. But, first of all, it was concerned with national security.

That was the issue before the House. That was the issue before the Senate Armed Services Committee. This now is the fundamental issue before the Senate.

The issue boils down to a close examination of the amendment offered by the Senator from Wisconsin and the Senator

from Pennsylvania, laying down certain conditions for funding completion of the C–5 program. As I will discuss in more detail later, the first condition is impossible to meet.

Mr. President, the reason why it is impossible to meet is that it requires the Board of Contract Appeals to make a determination in this fiscal year, which has only 10 months to run, that the money is actually owed.

I ask unanimous consent to have printed at this point in the RECORD a schedule of events that would occur if the Board of Contract Appeals were to make a decision on it—the authority for this is the Pentagon itself—that it would require a minimum of 10 months, without any regard whatever for appeal, and an appeal probably would require another 2 years. Yet, we are legislating on a bill that will relate only to fiscal year 1971.

There being no objection, the schedule was ordered to be printed in the RECORD, as follows:

Rule 4 process: Air Force files on C5A compiled, transferred to Lockheed, documents and files studied by Lockheed, April to July of this year.

Discovery motions prepared and filed by both parties. Probable date of submission, September to October 1970.

Compliance with discovery requests will take about 60 days.

Study of discovery data and preparation for trial, about 60 days. The trial will take about 2 weeks to 1 month. Preparation of briefs will take about 60 days. Preparation of reply briefs, about 30 days.

Board deliberates and writes its opinion, about 60 days.

Time required, under the most optimum conditions, from date that discovery motions are filed, 10 months.

Mr. TALMADGE. I also have a statement of the chairman of the Board of Contract Appeals, Mr. Solibakke, wherein he says that the minimum time would be another 8 months in order to consider the matter without any reference whatever to an appeal on the part of either party.

Mr. President, I ask unanimous consent that the entire statement be printed at this point in the RECORD, as a part of my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

NOTES FROM CONVERSATION WITH MR. RICHARD C. SOLIBAKKE, CHAIRMAN OF THE ARMED SERVICES BOARD OF CONTRACT APPEALS

1. The first item discussed was the question of whether both parties to a case before the ASBCA have the right to appeal to the Court of Claims. The answer is that both parties do have such a right, but a Government appeal almost never occurs. In effect, the ASBCA is acting for the Secretary of Defense and therefore, an appeal by the DOD would be, in this sense, an appeal from the DOD's own decision. However, the DOD occasionally does appeal the decisions, sometimes for the purpose of having the decision reviewed by a higher judicial body for the sake of appearances as well as for the purpose of having a stronger position. Mr. Solibakke estimated that less than 1% of ASBCA cases are appealed by the DOD.

2. The next question discussed was the average length of time required by the ASBCA to reach a decision. Mr. Solibakke indicated that this, of course, depended on the complexity of the case and the volume of material that had to be reviewed. He said he had known of cases that were decided by the ASBCA in less than 1½ years from the date of the case being docketed, but the average time required would be over 2 years.

In the C–5A case now before the ASBCA, he stated that his opinion is that the minimum time required for an ASBCA decision would be approximately 8 months from this date—and this could only occur if extremely expeditious handling were given to the case. He felt the urgency and importance of the C–5A case is such that all parties would give expeditious handling to the procedures—but the procedures would still require in his opinion a minimum of another 8 months.

He described in some detail the various procedural steps that are required by ASBCA rules and the procedural rights that each contending party has in an ABSCA case. The net result of such procedures led to his opinion that 8 more months would be required even with expeditious handling.

Mr. Solibakke indicated that he could be quoted freely with respect to his statements of opinion about the time required for consummation of an ABSCA case.

3. The next question discussed with Mr. Solibakke was the matter of time consumption required for a decision by the Court of Claims following an appeal to the Court of Claims from an ASBCA decision. Of course, Mr. Solibakke is not connected with the Court of Claims in any way, but he has had a great deal of experience in observing the actions of that Court which frequently follow ASBCA decisions.

He first noted that an appeal to the Court of Claims from an ASBCA decision requires that DOD attorneys turn the Government case over to the Department of Justice. This obviously means that the new group of attorneys would have a certain amount of time required to become familiar with the Government's case, thereby giving an appeal an inherent beginning delay.

Next, he noted that the time required by the Court of Claims would be, as in the ASBCA, dependent on two general factors. The first factor would be the complexity of the case and the volume of material to be reviewed, and the second factor would be the procedures of the Court of Claims. The net result of these, in the opinion of Mr. Solibakke, is that the minimum time required for a decision in a case like the C–5A would be 2 years from the date the appeal was made. He believes this is a conservative estimate and notes that this estimate is based on the most expeditious possible handling of the case in the Court of Claims. Obviously, he said, this would take a decision on the C–5 case by the Court of Claims at least to mid-1973 and more probably to the latter part of that year.

Mr. TALMADGE. Mr. President, I would point out that the volumes of detail, contracts, work reports, and so forth, involved in the C–5A contract are as large as this Chamber reaching all the way to the Capitol dome. It is absolutely impossible to make a determination very speedily.

The second condition that the Senator from Wisconsin and his colleague would require to make the money available is bankruptcy for the Lockheed Aircraft Co. I would point out that, under this condition, we would be operating a company under a court order. The trustee in bankruptcy might decide that this is a bad contract and, since he would want to conserve the assets of the company, the entire contract would necessarily be junked.

Mr. President, I ask unanimous consent to have printed in the RECORD a letter which my legislative assistant, Michael McLeod, has received from an outstanding Washington law firm, describing the alternatives under a bankruptcy proceeding and pointing out that the C–5A would never be acquired by the Government.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

SELLERS, CONNER & CUNEO,
Washington, D.C., August 18, 1970.

Mr. MICHAEL MCLEOD,
Old Senate Office Building,
Washington, D.C.

DEAR MR. MCLEOD: Reference is made to your telephone conversation with my partner, Herbert L. Fenster, on August 13, 1970, in which you requested that we provide you with certain information relating to the alternatives posed in the Proxmire–Schweiker amendment to the military procurement authorization bill.

We are presenting in as brief a form as possible, certain information relating to the two referenced alternatives which we think will be helpful to the Senator. Obviously, it is not possible to present any detailed statement of procedures in bankruptcy or reorganization. Rather, we are presenting information which represents our opinion as to how reorganization or bankruptcy would operate in connection with the Lockheed matter.

In the telephone conversation on August 13, we indicated that there was perhaps an inconsistency in the information available relating to the first alternative posed by the referenced amendment. Specifically, Senator Talmadge indicated in his speech that an appeal proceeding before the Armed Services Board of Contract Appeals would not be concluded until the middle or latter part of 1971. We understand that the Chairman of the Armed Services Board indicated to Mr. Shillito that with a highly expedited proceeding, the appeal might be concluded in nine months. We do not believe that there is any substantial discrepancy between the two time estimates.

With reference to the first alternative, which refers to the expenditure of the contingency fund only to the extent of a determination by the Armed Services Board or to the extent determined by a court upon appeal from an Armed Services Board decision, we believe such alternative to be wholly unrealistic.

It is quite clear that the funds will be needed long before an appeals board decision can be expected. This is true all the more if judicial review of a board decision is necessary.

Passage of the amendment therefore would leave only the second alternative which contemplates bankruptcy or reorganization. In reviewing the salient features of a reorganization action, it must be kept in mind that any such action with respect to Lockheed would involve the entire Lockheed Aircraft Corporation not just the Lockheed Georgia Company.

Corporate reorganization is provided for under what is known as "Chapter X" of the Bankruptcy Act. The basis for and purpose of reorganization is the rehabilitation of the company. If reorganization is determined not to be possible, or fails, the only alternative is bankruptcy and the liquidation of the company.

In brief summary, a reorganization would proceed somewhat as follows: A petition would be filed by the company, in the case of a voluntary proceeding, or by three or more of its creditors in an involuntary proceeding. This petition would be submitted to a Federal District Court in whose jurisdiction the corporation has its principal place of business or its principal assets. Creditors and certain other interested parties could

answer this petition, indicating their interests or objections. The Federal District Judge would then enter an Order approving the petition if he were satisfied that all requirements of Chapter X had been complied with in good faith. We should point out that the petition would not be approved and the reorganization would not proceed if it were clear that the reorganization would fail.

Upon approval of the petition, if noncontingent debts which were liquidated as to amount exceeded $250,000, the Judge would appoint one or more Trustees to oversee the reorganization. The Trustee, in effect, would both reorganize and, during the reorganization period, manage the affairs of the company. His efforts could include the retention of existing management or the appointment of new management. The Trustee would be a disinterested party.

A principal function of the Trustee is to prepare and submit a plan of reorganization which would indicate some procedure in which the corporation could satisfy its obligations and develop sufficient capital and assets to continue as a viable business.

Of particular relevance to the matter at hand, it should be noted that in a reorganization the court might permit the rejection of contracts held by the corporation, except those which are characterized by the Bankruptcy Act as being "in the public authority." There is no clear judicial ruling as to whether this exception includes Government prime contracts so we cannot definitely say whether the Trustee could reject such contracts. As you will appreciate, the determination by the Trustee as to whether prime contracts could and should be rejected could involve any or all of the corporation's contracts not just those of the Lockheed Georgia Company.

Even assuming that Government prime contracts could not be rejected by the trustee in the course of reorganization—and we believe this is the probable interpertation—if performance of these contracts appeared excessively onerous, the Trustee or the Court might determine that reorganization was not feasible. The result would then be bankruptcy and liquidation of the corporation's assets.

The profound and chaotic effects of a reorganization of Lockheed under a Chapter X proceeding could perhaps be best appreciated by considering the impact on the complex array of subcontractors and suppliers which are an essential part of its various programs. The corporation has approximately 35,000 first-tier subcontractors and suppliers holding nearly 185,000 open orders with Lockheed, with a value of about two billion, one hundred twenty million dollars (the C–5A program alone involves about 2,300 first-tier suppliers furnishing material directly to the program). On virtually all major programs there are hundreds of suppliers, large and small, who furnish unique components that could be obtained from another source only after great delay and expense, if at all. Any indication that Lockheed was to be forced into reorganization or bankruptcy would have an immediate and disastrous effect on the ability and willingness of these firms to continue to perform. The ability of these firms to secure necessary credit to continue their businesses and pay lower tier subcontractors and suppliers undoubtedly would be severely impaired. Any failure by Lockheed to make prompt payment or otherwise fulfill its obligations under its orders would excuse suppliers from further performance, and even those who are not so excused would be under no obligation to accept new orders. The disruption of the complex procurement structure which would inevitably follow passage of the proposed amendment could not subsequently be remedied through election by the Trustee to require performance of open orders. Considering the straitened circumstances of the Aerospace Industry generally, before he could take such action critical suppliers might themselves have been forced into bankruptcy or might have found legal grounds for refusing to continue if this would reduce their losses.

Among other agreements of the corporation which might be affected are its collective bargaining contracts since such agreements might be subject to rejection by the Trustee.

Another effect of a Lockheed reorganization would be the automatic termination of long-term leases covering many of the buildings occupied by the Lockheed Missiles and Space Company (LMSC) at Sunnyvale, California. Some of these buildings are committed in their entirety to the performance of the Poseidon program and a number of classified Air Force space programs. Performance by LMSC of virtually all of its Government space programs would be seriously endangered and perhaps discontinued in the event of loss of these buildings. One of the buildings, used in the development and production of Government space craft and boosters, includes a thermal vacuum chamber, an altitude simulation chamber and an anechoic chamber which are essential to performance of Government space programs.

Essential work on Lockheed missile programs would also be seriously impacted by the loss of an additional leased building as a consequence of the initiation of reorganization proceedings. This building is used for fabrication of experimental Poseidon vehicles, as well as development, modification and check-out of the Safeguard System Target vehicles and Air Force reentry vehicles.

Other buildings covered by long-term leases include a building which houses LMSC's large computer complex used extensively on Government programs and the research laboratories in Palo Alto which perform a significant amount of research on Government programs.

Some additional buildings that are held under shorter term leases (*i.e.*, with initial terms expiring no later than 1974) are also subject to termination in the event of Lockheed reorganization or bankruptcy proceedings. Government programs performed in these buildings include Air Force special programs, advanced tactical missile and defense systems, missile systems logistics and publication.

Particularly on the long-term leases, even if the Trustee could negotiate new lease agreements, there would be major costs to these Government programs as a result of disruption and rent increases reflecting the appreciated value of these facilities.

A significant foreign sales program would also be impaired by a Chapter X proceeding. Without regard to the Lockheed commercial programs, there is a substantial foreign market, both actual and potential, for Hercules and Orion aircraft which might be eliminated under a Chapter X proceeding. We are advised that there are approximately $50 million in open foreign orders for Hercules aircraft under which the buyer would have the right to terminate in the event of a reorganization. In addition, there are almost $400 million of potential orders, about one-half of which appear to present excellent prospects for sales.

There is one other matter in connection with the amendment which we wish to bring to your attention. If, as we have indicated, reorganization becomes necessary, and even assuming that the company is able to stay in business, under the regulations of the Department of Defense (Defense Procurement Circular, No. 3, dated 4 March 1964; Armed Services Procurement Regulation 1–903) the company would be declared "not responsible" and would be ineligible to bid on or receive any new defense contracts. The result of the enforcement of these regulations would be, as a practical matter, the loss to the Government of its largest defense contractor whose work is critical to the national interest.

We have been pleased to provide the foregoing information to you. If we may be of any further assistance, please do not fail to call upon us.

Very truly yours,

GILBERT A. CUNEO.

Mr. TALMADGE. Mr. President, the Senator from Wisconsin came in this morning, without any knowledge or notice to anyone concerned with this fight, and set up a third condition, which is that the Comptroller General of the United States make a determination of this issue and report to the Congress by November 15, 1970.

I would point out that this condition, likewise, is probably impossible to meet.

The House of Representatives is in recess until September 9. The bill deals with a great many complex issues. Upon examination of the original House bill and the committee bill, we find that there are 14 major funding changes——

The PRESIDING OFFICER (Mr. GOLDWATER). The time of the Senator has expired. The Senator can yield on his own time.

Mr. TALMADGE. Mr. President, has the Senator from Mississippi left instructions with the Chair to yield time to anyone else?

The PRESIDING OFFICER. He has.

Mr. TALMADGE. Then, Mr. President, I yield the floor.

Mr. PROXMIRE. Did the Senator say that his time is limited? I would be very happy to yield him some limited time, if it will be helpful to finish his remarks.

Mr. TALMADGE. I am very grateful to the Senator from Wisconsin.

Mr. President, with the House of Representatives in recess and not coming back until September 9, and 14 major changes already in controversy between the House and Senate on the bill, and the possibility that the McGovern-Hatfield amendment could be agreed to, an amendment that would complicate the bill still further, and the fact that a conference between the House and Senate could run into weeks, there is the possibility that the bill might not even get to the White House until October 15 or November 1, so that it would be utterly impossible for the Comptroller General to make an examination of any records.

The PRESIDING OFFICER (Mr. GOLDWATER). If the Senator will permit the Chair to interject at this point, the Senator may have misunderstood my answer. The Senator from Mississippi has now returned to the Chamber, and he could yield him time.

Mr. TALMADGE. I thank the Chair. The Senator from Wisconsin was very generous to yield me additional time, and I thank him very much for it.

Mr. President, in addition to tampering with national defense, which I regard as the most important question before us, the Proxmire-Schweiker amendment would have the Senate prejudging Lockheed's legal case and preclude any possibility for a negotiated, compromise settlement.

Such an agreement between the company and the Air Force, if reached, would certainly be difficult for Lockheed

financially. But it would allow them to continue normally in business to complete their various military obligations, the C–5 program and others that are so vital to national defense. But negotiation is barred by the Proxmire-Schweiker amendment.

The amendment set up only two conditions under which the $200 million contingency fund can be spent to continue C–5A production. The first condition, the completion of proceedings of the Armed Services Board of Contract Appeals, is impossible to meet and the second condition is bankruptcy for Lockheed.

Other opponents of the pending amendment will deal more thoroughly with the issue of bankruptcy, but I would like to quickly review a few points. The only way that the sponsors of this amendment could guarantee that the C–5A would be produced under bankruptcy conditions would be to amend our Federal bankruptcy laws themselves.

The pending amendment refers to bankruptcy under chapter X, which means that the company would be reorganized so that, hopefully, it would continue to carry out production of the aircraft. However, a chapter X bankruptcy can proceed only if the trustee or the court determines that reorganization is feasible.

The Lockheed Corporation has already suffered a $290 million loss due to the C–5A program, and it may continue to suffer losses even if the $200 million contingency fund is provided. Faced with such a continuing unsatisfactory financial arrangement, the trustee might well determine that reorganization is not feasible. The result would be the liquidation of all the corporation's assets, with the termination of the C–5A program.

However, the most profound and chaotic effect of a bankruptcy proceeding would be its impact on the complex arrangements and contracts that Lockheed has with its vast array of subcontractors and suppliers. The corporation has approximately 35,000 first-tier subcontractors and suppliers holding nearly 185,000 open orders with Lockheed with a value of about $2,120 million.

Many of these subcontractors and suppliers are suffering the same kind of inflation and cost problems that have plagued Lockheed. Should Lockheed be forced into bankruptcy, many of these firms would no longer be able to secure credit to continue their business and to pay their own lower-tier subcontractors and suppliers. Moreover, any failure by Lockheed to make prompt payment or otherwise fulfill its obligations under its order would excuse these subconstractors from further performance. Hundreds of these suppliers furnish unique components which could be obtained from other sources only after great delay and expense, if at all.

The sponsors of this amendment are fond of comparing the C–5A program to the Penn Central bankruptcy. They like to point out that the Penn Central trains are still running.

Mr. President, there is a great deal of difference between running a train and building the largest, most complex airplane in existence. Should the complex structure of arrangements with subcontractors and suppliers be destroyed by bankruptcy proceedings, it is doubtful that we would ever obtain the C–5A airplanes which are so badly needed for our defense. If we ever would obtain them, it would be only after a great delay and a waste of millions of dollars of taxpayers' money.

The distinguished Senator from Wisconsin, although he is not a member of the Armed Services Committee, has a right to his own views. The distinguished Senator from Pennsylvania is likewise entitled to his own views, and he is a member of the Armed Services Committee.

However, the Senate must take note of the fact that the views of the Senators from Wisconsin and Pennsylvania are contrary to the overwhelming weight of evidence and judgment that has been presented to the Senate up to now.

Their views run contrary to those of the President of the United States.

Their views run contrary to the Secretary of Defense, who has utilized all the military expertise at his command to carefully study and analyze the need for the aircraft.

Their views run contrary to the Deputy Secretary of Defense, who has testified to the military need for the C–5.

Their views run contrary to the Joint Chiefs of Staff who also say the plane is required for national security.

The Armed Services Committee of the House of Representatives took a view opposite to that of the distinguished Senators from Wisconsin and Pennsylvania.

The House of Representatives voted overwhelmingly to the contrary. It regarded the military airlift capabilities of the C–5 as a prime defense item.

The Senate Armed Services Committee reported to the full Senate that the C–5A aircraft is an essential military need.

All of these have jurisdiction over the question. Each has carefully studied it, and acted after full investigation.

This indicates to me, as it should to the Senate, that the evidence is compelling on the importance of the C–5 program to national defense.

The proposal to wreck the C–5 program comes wrapped in a cloak of respectability. Everyone wants to save on defense expenditures. But it should be clear to everyone by now that destroying the C–5 is not an economy measure.

We cannot achieve economic security by cutting back on development of an aircraft that is vital to the Nation's Defense Establishment.

We cannot save the taxpayers' money by abandoning incomplete aircraft, valued at $1 billion, on a scrap pile. This would be like trying to trade a measure of economy for a billion dollars worth of waste.

In view of the alternatives, we have no real choice. We must build these airplanes because they are needed. To do otherwise would jeopardize national security. We must fund completion of the full complement of 81. To do otherwise would be fiscally irresponsible to the extreme.

For those who are concerned about reducing defense spending, let me suggest how savings can be affected. We can stop trying to police the whole world with American troops.

It has been estimated that bringing our troops home from farflung stations throughout the world could amount to savings of several billion dollars, or even go as high as between $15 and $20 billion.

The C–5 aircraft has been called "a major instrument of national policy." It is precisely that. It has opened up and made possible the concept of "remote presence" which would allow the United States to bring home several divisions of military personnel from overseas positions.

With the C–5, these troops could be maintained here in the United States on a combat-ready basis, and be speedily deployed by airlift should the necessity present itself.

Measured against this, the cost of acquiring, operating and maintaining adequate C–5 squadrons would be small in comparison with the tremendous savings that they could help bring about.

At the present time, the United States has some 15 to 17 treaties and commitments to about 42 nations throughout the world. For about 25 years since the conclusion of World War II, the United States has relied upon overseas bases, overseas armies, and sometimes uncertain allies in order to help preserve world peace.

We need only to look at the multibillion dollar balance of payments deficit year after year, the drain upon our financial and manpower resources, and the depletion of our gold reserves to see the results of this policy.

I do not say that it has not been a necessity. For many years following the war, U.S. presence was required. But I submit that this is no longer the case.

I contend that the maintenance of ground forces to honor treaties and keep the peace has virtually become a thing of the past because of technological capabilities for massive airlifts.

This after all is the mission of the C–5—to enable the United States to keep our commitments and to guard against aggression.

Through airlift, we can obtain these objectives. We can do so at great savings. We can avoid political difficulties and embarrassment in whch we often find ourselves by having too many American troops in too many foreign countries, where they are no longer needed nor welcomed.

We do not want and we should not be expected to forever maintain large contingents of American troops—like the more than 200,000 in Western Europe and some 60,000 in Korea—at stations all over the world. We do not want to dominate the affairs of foreign governments, or to become directly involved in their internal problems.

The crux of the "remote presence" concept is that we can keep our foreign commitments better and cheaper by bringing most of the troops home, and by providing for an airlift capability that could put them wherever they may be needed.

In the final analysis, the crucial issue is the unique capability of the C–5 to fulfill a defense need that exists today, and which will exist in even larger scale in the years ahead.

I hope that the Senate will reject the Proxmire-Schweiker amendment.

Mr. President, I yield the floor.

Mr. PROXMIRE. Mr. President, I yield myself 7 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 7 minutes.

BOARD COULD ACT

Mr. PROXMIRE. Mr. President, last Thursday, August 20, 1970, at the conclusion of my prepared remarks, the Senator from Georgia objected to our amendment partly on the grounds that the first condition of our amendment was impossible to meet. The condition referred to by the Senator from Georgia provided that Lockheed could get the $200 million in the contingency fund if the Armed Services Board of Contract Appeals ruled that the Government owed them the money under the terms of their contract. To me and my cosponsors, this seemed a perfectly reasonable stipulation. On the other hand, the Senator from Georgia contended that the Armed Services Board of Contract Appeals could not possibly process this matter during the current fiscal year despite the fact that the matter has been before the Board formally since January 9, 1970. In support of this contention, the Senator from Georgia inserted a schedule of proceedings of the ASBCA which I would like to repeat here:

Rule 4 process: Air Force files on C5A compiled, transferred to Lockheed, documents and files studied by Lockheed, April to July of this year.

Discovery motions prepared and filed by both parties. Probable date of submission, September to October 1970.

Compliance with discovery requests will take about 60 days.

Study of discovery data and preparation for trial, about 60 days. The trial will take about 2 weeks to one month. Preparation of briefs will take about 60 days. Preparation of reply briefs, about 30 days.

Board deliberates and writes its opinion, about 60 days.

Time required, under the most optimum conditions, from date that discovery motions are filed, 10 months.

Until I studied this summary of the series of planned events, I simply could not understand why the matter which had been before the ASBSA for 7½ months had not already been dealt with.

Now I understand perfectly.

BUREAUCRATIC RIGIDITY

The schedule of proceedings of the ASBCA given to us by the Senator from Georgia is a perfect example of unthinking bureaucratic rigidity. I had suspected before that the Pentagon was stalling on this case. Now I am convinced.

Of course the ASBCA could take another year to process this case. They could take 2 years or 3, or more, under their routine. That is just the problem. This exceptional matter is being processed routinely through the lengthy, tedious bureaucratic system. This is being done despite the fact that Mr. Packard has said that the matter is to be given top priority.

I am convinced that Mr. Packard, the experienced and skillful Deputy Secretary of Defense, understands exactly how to accelerate this decision if he chooses to do so. To illustrate, let me quote to you from Mr. Packard's recent speech before the Armed Services Management Association in Los Angeles:

Every time we want something done in a hurry and want it done right, we have to take the project out of the system.

Quite obviously, if the Pentagon really wishes to accelerate the ASBCA proceedings, it would take the matter out of the routine, plodding system that has been established. They themselves understand this problem and understand it well, if I have read Mr. Packard correctly. Yet if the Senator from Georgia's information was correct, they plan to follow the same routine, the same leisurely and cumbersome procedures they usually do.

HOW TO SPEED UP

Later on in this same speech, Mr. Packard gave an example of how projects could be speeded up by cutting through the mass of nonproductive redtape in the Pentagon. I quote from Mr. Packard's speech:

In one case, a small, dedicated Air Force team developed the gunships which have been so successful in Vietnam. The Air Force decided to put this program into its formal system. About a month ago, I asked when we would be able to get some more gunships. The answer was in two years. That program is now out of the Air Force system and we will have more gunships in six months.

It appears to me that Mr. Packard and other high officials at the Pentagon know they can speed up lethargic and ponderous procedures. Apparently they just have not chosen to remove the Lockheed case from the ASBCA's laborious routine.

Clearly, any number of people could play at the game the ASBCA has mapped out for the Senator from Georgia. Any amount of time could be consumed. All one need do to have interminable delays occur in such cases as ASBCA's Lockheed deliberations is to let nature take its course. On the other hand, almost every segment of the Federal bureaucracy has demonstrated remarkable speed on occasion. I particularly remember the speed with which the Pentagon moved to commit the Government to the second buy of C–5A's on the last working day of the previous administration. The usually lengthy sequence of reviews, briefings, analysis, approvals and legal processes was telescoped from a typical period of several weeks or even several months to several days.

I have often marveled at the speedy handling of matters contrary to the taxpayers' interests, and the glacial movement of matters benefiting the people who pay the bills.

PROTECTS AGAINST DEFAULT

Mr. President, the second provision in the amendment stipulates that in the event Lockheed carries out its threat to default and goes into bankruptcy, the trustees could recover the $200 million on request, but it has been said that the corporation would disintegrate. Jobs would disappear. Production would stop.

I note that the same thing was said about Penn Central, that if they could not get the $200 million they said they needed to stay out of bankruptcy, the trains would not run, hundreds of thousands of people would be put out of work, the transportation system would be paralyzed, and there would be catastrophic economic effects.

What happened?

Penn Central did not move into bankruptcy. No one was thrown out of work. No one lost their jobs. No trains were delayed. The trains ran on time, or at least on their usual time.

GAO BEST EXPERT

The third point made by the Senator from Georgia related to the third condition, that the GAO should make a study. The Senator said that they could not possibly begin that study or might not be able to begin that study—might not—in the event the bill is delayed, and that it could be delayed, and that the House does not return until the middle of September.

We would have to have a conference and then the President would have to act on the bill and sign it. Only then could the Comptroller General act. But what is the actual situation? The GAO could not act tomorrow or today. He could begin this study on the basis of the determination of the U.S. Senate today on this amendment. The Comptroller General could certainly take action.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for an additional 3 minutes.

Mr. PROXMIRE. Mr. President, certainly if the Senate of the United States passed this amendment today, the GAO could proceed with a preliminary study and preliminary action.

As I have pointed out, and as the Senator from Pennsylvania has pointed out, they have a great deal of information on the C–5A and on Lockheed. There are competent GAO personnel at the Marietta plant and have been for a long time. They are in a position to act swiftly, just as the Contract Board of Appeals can, if it wishes, act promptly.

Mr. TALMADGE. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. TALMADGE. Mr. President, the Senator on several occasions tried to compare the Lockheed case with the Penn Central case.

I point out that the Penn Central had no contract with the Government to build planes. They claim no damages from the Government and do not claim that the Government owes them anything. That comparison has absolutely no relation to this matter.

Mr. PROXMIRE. Mr. President, the point I was making was that the Penn Central went into bankruptcy. It was able to continue, as hundreds and hundreds of large corporations have been able to do. In the thirties we had many corporations go into bankruptcy and continue uninterrupted in production. When a large corporation goes into

bankruptcy there is no reason for the interruption of production or service to the public.

We want to prevent such a thing from happening.

Mr. TALMADGE. Mr. President, I point out that there is a vast difference between running a railroad and building the most sophisticated airplane on the face of the earth.

Mr. PROXMIRE. But it is not relative as far as bankruptcy proceedings are concerned.

Mr. TALMADGE. It certainly is. Furthermore, a large number of subcontractors are involved throughout the United States. Thousands of individual orders are dependent upon the integrity and the solvency of Lockheed.

As I pointed out in my remarks a moment ago, Lockheed has approximately 35,000 first-tier subcontractors and suppliers. If Lockheed goes into bankruptcy, the subcontractors and suppliers might decide that it was a bad contract and they would have legal grounds to avoid the contract. The trustee might want to stop production of the C5–A because Lockheed will continue to lose money on the contract. The Government would then lose billions of dollars on airplanes that had not been completed and would only be fit for junk.

Mr. PROXMIRE. Our amendment was designed in the event Lockheed went into bankruptcy. We have it already documented that they made that threat. Under those circumstances, we wanted to continue to have the production of the C–5A plant and we wanted them to operate.

We have provided that they can get the money if they need it. The GAO is certainly a competent agency. If the GAO finds that the company needs funds with which to provide the planes, they do not have to go into bankruptcy.

Mr. TALMADGE. Mr. President, the Senator's amendment does not purport to amend the Federal bankruptcy law.

Mr. PROXMIRE. No.

Mr. TALMADGE. Then, he could not determine what view the trustee in bankruptcy would take, because the bankruptcy law would control. The Senator would have to amend the bankruptcy law.

Mr. PROXMIRE. But the amendment does direct the Secretary of Defense to use his very extensive powers to keep the C–5A in production. I refer the Senator to lines 14 through 20 of page 4 of the amendment.

Mr. President, I yield such time to the Senator from Pennsylvania as he might require.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I would like to address myself to several additional points that have been raised in the debate on the C–5A amendment that the Senator from Wisconsin and I have offered.

The first point concerns the matter raised by the distinguished chairman of the Senate Armed Services Committee, who has been quite fair and certainly very equitable in the hearings and in the consideration of the amendment in the committee.

I would like to raise the question as to how much option and how much real opportunity for discussion there really is here.

I have here a statement from Deputy Secretary Packard. He made several statements in the committee indicating that $200 million is really needed, that it is a sort of open and shut case as to whether the $200 million is required or not. In his view, the $200 million is needed.

Let me quote from the statement of Secretary Packard before our committee on May 27. In the committee report he said:

> Under any possible solution of the Lockheed problem which I can see, the $200 million will be required for work which must be done for the remainder of fiscal year 1971.

There is no option, no discretion, no judgment on the part of the Armed Services Committees of the House or Senate.

Secretary Packard has said the money is needed. So all of this hocus-pocus about watchdog committees is irrelevant. The Secretary said that the money is needed, according to his definition.

He goes on to say, subsequently, on the same day:

> There is no possible solution to the Lockheed problem which will not require $200 million for payments for the C–5A in fiscal year 1971.

So there is no question about it. We are simply setting up a board that will rubberstamp Secretary Packard's determination that the $200 million is needed according to his own judgment. He said as much before our committee several times. So any discretion or judgment is simply contradictory to everything that Secretary Packard and the Department of Defense have said we want.

It is interesting to hear Secretary Packard's changing view concerning this $200 million. When he appeared before our committee on the 10th of March, he was then talking about the $200 million as a contingency fund. Back in March he was saying that if it is needed, we want to stand by this discretionary proposition on the $200 million only if certain contingencies related to Lockheed's fiscal problems arise—the contingency fund.

Now listen to what he said a few months later when he came back before our committee on May 27. He said:

> Under any possible solution to the Lockheed problem which I can now see, the $200 million will be required for progress payments for the work.

Two months ago it was a contingency fund. Now it is progress payments. I think we certainly might ask, "What kind of progress is this when we pay $200 million we don't owe? What kind of progress is that? There are no planes and no progress, but we are going to pay them $200 million for progress payments."

All I can say is that the argument I made a moment ago about the iceberg is proven by their own statements. Slowly but surely we are seeing the bottom of the iceberg.

First it is a contingency fund of $200 million and then it is progress payments.

I do not know what it will be next year, but I know that it will go up and the words will be a little more refined.

I have quoted from the statement Secretary Packard gave before our committee. Very interestingly in the committee record itself, the words "progress payment" are omitted. They knew they had a bad point, and they deleted those words. It is interesting that the change from the actual statement, the verbatim statement, and the statement delivered to all of the members of the committee contains that phrase, "$200 million will be required for progress payments."

However, if we read the sanitized version of the committee report—and this is a quotation on exactly the same point from Secretary Packard and relating to the same statement but with a little deletion—it reads:

> Under any possible solution to the Lockheed problem which I can see, the $200 million will be required for work which must be done for the remainder of fiscal year 1971.

There is not a word about progress payments. And that is exactly the way this illusory situation has been.

Mr. President, you see a little bit of it, then you see a little less of it, and then you see a little more. I think that despite all of that we do not have any restraint at all in this situation. The amendment is designed to serve several purposes, but one of the most important is to prevent a negotiated deal between the Government and Lockheed. There is evidence that that is what they are working on, that they are secretly negotiating and they are going to present a fait accompli fiscally and come to the committee and say, "We have agreed to settlement and adjudication with Lockheed," and we are going to have to pay millions more for the contract.

So contrary to what the Senator from Georgia indicated, who was bypassing whom? The negotiated deal would bypass everyone, and once again the Senate and Congress will be presented with a situation where we will be rubber stamping a fait accompli, something that has been accomplished, and we will go along and give them the $200 million because they need $200 million to settle the situation.

The only loophole this plugs up is that loophole whereby the executive department and Lockheed negotiated a deal and then present it to Congress and say, "This is it," whether it is $400 million, $600 million, $800 million or $1 billion, which has been hinted.

All we are trying to do is to keep everybody honest and above board so we will know the contract price and have a projection next year.

I cannot emphasize too much that after the Comptroller General determines whether they really need the $200 million we will have the option to prevent them from going into bankruptcy; after he has made that determination he is to supply a second report to give some fair estimate as to what the plane will really cost.

Congress and the Committee on Armed Services can make intelligent decisions based on realistic cost figures in this sit-

uation, realistic cost figures which have eluded us so far.

We have made no argument against the need for these planes. We have not questioned that. In spite of some severe technical difficulties that they are having, including a wing that will not fly for the job required, we have not even questioned that. So we are not arguing merits of that particular technical question, and maybe we should make that argument, but we are not.

We are saying it should be on the basis of a reasonable approach, on the basis of doing something fairly so everybody knows what the deal is other than just big government and a big contractor sitting down and working out a deal secretly and handing it to the taxpayers.

To me this is a very important precedent we are trying to establish. If we do not succeed and there is a negotiated secret deal, and it is given to the Department of Defense and our committee as a fait accompli, we will again have totally abdicated our responsibility and walked away from our responsibility in terms of legislative oversight on these contracts.

We cannot possibly assume our responsibility under those conditions.

So our amendment is merely designed to protect the taxpayers, to pull the water away from the rest of the iceberg and show everybody what it is, and let Congress work its will after it has the facts and not present a fait accompli or a fiscal coup d'etat in this situation.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I am glad to yield 5 minutes to the distinguished Senator from Tennessee.

The PRESIDING OFFICER. The Senator from Tennessee is recognized for 5 minutes.

Mr. BAKER. Mr. President, I thank the Senator for yielding to me for 5 minutes so that I may address myself to a point or two in the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE) and the Senator from Pennsylvania (Mr. SCHWEIKER), especially on the bankruptcy aspect of this situation. It might be appropriate to consider for a moment, not in great detail, the purpose of the Bankruptcy Act applicable to this situation. The statement is made that if Lockheed chooses to go into bankruptcy, they get the money.

First of all, as I read the amendment, section (2) provides that in case of voluntary or involuntary bankruptcy, they can get the money.

The statement is made that this would in no way prejudice the interests of the United States, as I understood the distinguished Senators to say, or the production of these airplanes in the pipeline, or the 20,000 jobs at the plant in Georgia, or the thousands of jobs around the country, or the procurement of this defense system.

That is why I suggest we consider the provisions of the Federal bankruptcy statute because the Federal Government, including the Department of Defense, will only be a party to that proceeding by intervention.

The bankruptcy statute provides that the prime responsibility of the trustee in bankruptcy is not to protect the Government of the United States or any intervener, but rather, the creditors and the stockholders of that company; and to conserve the assets of that corporation so there will be a maximum realization of those assets, to protect them, and to pay the remainder to the stockholders. The Bankruptcy Act was to provide for arrangement for payment of creditors and to provide conservation of resources for payment to the equity owners, the stockholders.

It seems to me if we are to judge the second paragraph of this amendment, we must do it on the basis of whether we are going to protect the interests of the United States by preserving that company as a going concern, or whether we are going to provide for protection of the creditors and stockholders.

I believe I will choose to protect the best interest of the United States.

Mr. PROXMIRE. Mr. President, will the Senator yield?

Mr. BAKER. I yield.

Mr. PROXMIRE. The Senator from Pennsylvania (Mr. SCHWEIKER) and I are very anxious to keep them out of bankruptcy. But we say if they go into bankruptcy—and they have threatened to go into bankruptcy—we want to do all we can to protect the interests of the U.S. Government.

We provide another condition which states they will be given the money if the Comptroller General says they need it to complete the plane.

Mr. BAKER. Mr. President, how much time do I have remaining? I think I was yielded 5 minutes by the Senator from Mississippi.

The PRESIDING OFFICER. The Senator has 2 minutes remaining.

Mr. BAKER. Mr. President, with reference to paragraph 1, the point was made that by removing this procedure, that is, review of this contract, from the system, the bureaucracy, it could be expedited, and the example of Under Secretary Packard's efforts to do so in the case of the gunships was cited. That is true. I doubt there is any greater champion of government efficiency or anyone who tries to keep this nameless bureaucracy on its feet, than the Senator from Wisconsin (Mr. PROXMIRE). I am with him. I think he is right.

But undoubtedly we are overlooking one other fact. The Senator from Pennsylvania (Mr. SCHWEIKER) said to "pump the water away from the iceberg" or get this matter away from the bureaucratic maze—and this might expedite that portion of the procedure—the Department of Defense can control timely review by the Board of Contract Appeals.

There is no way I know of unless there is a modification of the Judicial Code that you can deprive either party of the right to appeal to the Federal judiciary. Unless that is done, either of them would have the right to appeal, and there is no way we can change that.

Mr. PROXMIRE. I yield myself 1 minute.

The answer is that if the Board of Contract Appeals finds in favor of Lockheed, on the basis of our precedents there would not be any appeal, and Lockheed would get the money. If they find against them, there would be time for an appeal.

It is true under any circumstances that if the Board of Contract Appeals finds against Lockheed, it would take substantial time to appeal the case, but if they have it coming, they would get it right away.

Mr. BAKER. They would. That is like saying if you win a lawsuit you are in good shape; if you lose, you are sunk. That is right, because if you——

Mr. PROXMIRE. If they lose the lawsuit they are not sunk. This is such a modest amendment that even if they do not have a legal leg to stand on and no money is owed, if the Comptroller General finds this money is necessary to build the C–5A, they will get it.

Mr. BAKER. Mr. President, will the Senator from Mississippi yield me 2 additional minutes so I may speak on the point just brought up by the Senator from Wisconsin?

Mr. STENNIS. I yield 2 minutes to the Senator from Tennessee.

Mr. BAKER. This does, in fact, bring us to the third proviso of the amendment, and that is the determination by the Comptroller General that the money is needed.

I think it probable that the Comptroller General could very quickly act in the matter. I think it is probable that the Comptroller General, as the Senator from Pennsylvania (Mr. SCHWEIKER) has suggested, would find that the money is needed, if that is the test.

The test in the third proviso, for the review and determination of the Comptroller General, does not tell me what the conditions precedent are that the Comptroller General must find in order to permit the disbursement of the $200 million contingency fund. If it means it is needed, as we have discussed, then I doubt that there would be great difficulty with time or anything else; but if it means the balancing of equities, the judgment of the interests of the Government and the need of the airplane, and the total concept of the defense needs—if that is what is meant by "needed"—it may take years before that is concluded.

I have studied the provisions of this amendment carefully. I am in frank admiration of the sponsors of it for taking this approach rather than deleting the money. However, I feel the intendment of the three conditions precedent under which this money might be made available to Lockheed requires one of two things, neither of which I can support: that is, the stopping of the construction of the rest of the planes, or a petition for voluntary bankruptcy by Lockheed, neither of which would be in the interest of the United States. Our duty now is to make good of a bad situation.

Mr. STENNIS. Mr. President, I yield 4 minutes to the distinguished Senator from Missouri (Mr. SYMINGTON).

Mr. SYMINGTON. Mr. President, many years ago I became convinced that military airlift was important to the security of the United States, especially from the standpoint of conserving our resources and at the same time maintaining an entirely adequate security.

Under the theory that the British have adopted, a central reserve, as against having thousands of bases all around the world, we need this C–5A plane.

No one has more respect than I, as I have repeatedly stated, for the mighty fine work that has been done by the distinguished senior Senator from Wisconsin in pointing out where waste could be eliminated in many aspects of our Federal budget, especially the military budget.

Therefore, it is with regret that in this case I must disagree with him and my distinguished colleague from Pennsylvania, with whom I have the honor of serving on the Armed Services Committee.

As I see it, one of the most important things we are talking about is psychology, and perhaps as much as anybody in the Senate I have had some experience in industry. Right now, if we do something when, in effect, could destroy the morale of this corporation, or even seriously impair it, we may be extending the length of time, by many months if not years, necessary to obtain planes I believe important to our security.

The United States today, in my opinion is heavily overcommitted, all around the world. Therefore, one of the chief reasons why for years I have been hoping we would develop a plane comparable to the C–5A is that I believe it will result in our being able to reduce many of the thousands of installations that are costing the American people billions of dollars every year.

I am glad to see this amendment to the proposed amendment, and believe it improves it. On the other hand, there are thousands of people involved in producing this plane. We need it. I would hope, therefore, that we continue with a program that does not impair their morale. If that happened, the losses could be far greater than any possible saving under this amendment.

Accordingly, I shall vote against the amendment of my distinguished colleagues, the able senior Senator from Wisconsin and the able junior Senator from Pennsylvania.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from California (Mr. CRANSTON).

Mr. CRANSTON. Mr. President, this amendment raises questions of critical importance to our national defense and our national economy.

There have been serious problems in connection with the C–5A program. Mistakes have been made at Lockheed and mistakes have been made at the Pentagon. Perhaps the most fundamental mistake of all was the adoption of the total package procurement contract procedure. This contract concept was devised by the executive branch of the U.S. Government—not by Lockheed. It did not happen under the present Republican administration. It happened under the preceeding Democratic administration. This unrealistic procedure was tried for the first time when the C–5A contract was let. Hopefully, it will be the last time.

Without question, the C–5A program has been a costly, wasteful mess. The question now is how to clean up the mess without creating even more of a mess in the process.

I believe we need the C–5A. This is at issue since the amendment threatens our Nation's ability to acquire it. The C–5A is one of the few weapons systems that can help us disengage from forward military bases around the world while at the same time give us the ability to move back in quickly if the need arises. This concept of remote presence will increase national security and, in time, save millions of dollars.

It will eliminate the balance-of-payments drain caused by our maintaining large numbers of American troops in Europe, Japan, Korea, and elsewhere around the globe. It will enable us to reduce our overall military budget and cut excessive military spending, which I strongly oppose.

I am also deeply concerned by the adverse effects this amendment could have on the national economy and on the production of other needed weapons systems.

The adoption of this amendment will put the U.S. Senate in the position of clouding Lockheed's prospects of corporate survival while threatening to create a tremendous waste both in manpower and in dollars represented by the incomplete C–5's still in the pipeline.

Many statements are made about the certainty of keeping planes coming and the certainty of keeping the tens of thousands of employees working if this amendment is adopted. These statements about certainties must necessarily be loose and fuzzy, the only thing certain about threatened bankruptcy is its uncertainty.

The Lockheed Corp. is by far the Nation's largest defense contractor. Its other divisions include the Missiles and Space Co. in Sunnyvale, Calif., where the Polaris and Poseidon missiles and the Agena military satellites are built—the Lockheed-California Co. in Burbank, Calif., where the P–3 and S–3 antisubmarine aircraft and the company's new commercial liner, the L–1011, are built—the Lockheed Electronics Co. in Plainfield, N.J., where the all-important Mark 86 gunfire control system is built for the Navy—the Lockheed Propulsion Co. in Redlands, Calif., where a new technological breakthrough in rocket motors has been achieved for use in the Air Force-Boeing SRAM missile—and the Lockheed Shipbuilding and Construction Co. in Seattle, Wash., where many ships are under construction for the U.S. Navy.

If this amendment forces bankruptcy on Lockheed, it is all these and more—not just the C–5 producing division in Marietta, Ga.—which will go under.

The first uncertainty out of bankruptcy is the uncertainty of whether the trustees under bankruptcy would be required by bankruptcy laws to complete the Government contracts now held by Lockheed, such as those programs mentioned before, and hundreds more. It is true that the Bankruptcy Act does not permit rejection of contracts held by the corporations which are "in the public authority." But there is no clear judicial ruling as to whether this exception includes Government prime contracts.

But even assuming the current Government contracts could not be rejected—and this seems to be where the preponderance of legal opinion lies—if the performance of these contracts appeared to be excessively onerous to the corporation, the trustees or the court might determine that a successful reorganization of the corporation was not feasible. In this event, the result would be liquidation of the corporation's assets.

So the first point made by the sponsors of the amendment—that it is a "keep building the planes" proposal—is hardly an accurate description of it. If this amendment passes, we may end up with economic chaos and no C–5A's at all.

But this is by no means the only uncertainty.

One of the more important uncertainties under bankruptcy is the sanctity of the corporation's collective bargaining agreements with union organizations. All such agreements could be subject to rejection by the trustees, which could void most or all of the protections the workers have under those hard-won agreements.

Another very important uncertainty would be the availability of many buildings and facilities leased by Lockheed, with the leases automatically terminated in the event of Lockheed bankruptcy. These include, for example, facilities that are essential to the Poseidon missile program and to the highly classified and highly important Agena satellite program.

Still another effect which is not so uncertain, according to eminent legal authorities, is the adverse effect on Lockheed efforts to get new Government business. If Lockheed is reorganized under bankruptcy, it then could not meet the financial requirements contained in the armed services procurement regulations. Lockheed would be declared "not responsible," and would be ineligible to bid on or receive any new defense contracts. That is a fairly drastic result, I would say, for a company that has fought for and won first place among defense contractors for most of the last 10 years.

And, of course, it would be a disastrous result for the 87,000 workers who hope to continue their employment with Lockheed, and with the benefits of seniority, retirement plans, and so on.

More is involved than the possible bankruptcy of a single company. Bankruptcy for Lockheed would affect more than that company's 87,000 employees and 50,000 stockholders—Lockheed has 35,000 first-tier subcontractors for all its programs. Some 25,000 of these subcontractors are small businesses, employing less than 500 people.

Subcontractors of Lockheed hold contracts totaling $2,120,000,000, of which $465,000,000 are held by those small businesses.

The effect of Lockheed bankruptcy on these subcontractors is almost incalculable, according to legal authorities. The rights of a group of bankruptcy trustees to alter subcontractor relationships could become a chaotic cloud over the more

than 185,000 subcontracts now in force with Lockheed. The ability of the subcontractors to finance their work-in-progress through loans or equity capital could be severely curtailed by the relative financial irresponsibility of the prime contractor. The possible lack of willingness of some subcontractors to continue their share of the production with even a short delay in progress payments during the initial period of bankruptcy reorganization could endanger the whole program.

Some subcontractors have the automatic right to "walk" if the prime contractor is in bankruptcy, and so the whole team effort could be lost.

All this constitutes a matter that cannot be dealt with lightly or carelessly, or without long detailed studies of what the social, economic, and political consequences for the country will be.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield 2 additional minutes to the Senator from California.

Mr. CRANSTON. The C–5A is not a local issue. I oppose wasteful and counterproductive spending in the guise of national defense no matter where the affected industries are located, in California or elsewhere. I have consistently voted against the ABM and other weapons systems I believe to be unproven and unnecessary even though major components are built in California. In fact, it is virtually impossible to find any major sophisticated weapons system which is not built, in part, in California. Yet my position in favor of reducing our excessively high level of defense expenditures is well known.

In a like vein, I am opposed to the development of the SST, in which California's aerospace industries have a major stake. I regard the SST as a dangerous threat to our environment which should never be allowed to get off the drawing boards, let alone off the ground. Moreover, I oppose adding still further to our long list of Government subsidies to commercial interests.

If a commercial venture like the SST cannot be economically developed and produced by private industry, it should not be developed and produced at taxpayer expense.

The C–5A involves enormously important national interests. Too much uncertainty already surrounds the fate both of the C–5A and the Lockheed Corp. At a time like this, when the Nation is in an economic recession with high unemployment, the Government dare not risk deliberately sinking a giant corporation which could take hundreds of other businesses and thousands of jobs down with it.

It is imperative that we make certain that these planes are delivered to the Government.

This amendment is undoubtedly well intentioned. But its practical effects could be chaotic militarily and devastating economically. I urge its defeat.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 8 minutes to the Senator from South Carolina. Again I regret that I do not have more time.

Mr. THURMOND. Mr. President, I would like to take a few minutes today to discuss briefly the C–5A program that is included in this year's authorization request. The budget request for this program totals $622.2 million identified as follows: $344.4 million for unfunded prior year production commitments; $66.2 million for initial spares; $11.6 million for research and development; and $200 million contingency funding. Mr. President, the principal item with which we are faced in this program request is the $200 million identified as a contingency requirement.

With this introduction, I would like to present some of the pertinent facts relating to this program that the Armed Services Committee considered in approving this budget request. I would first like to say, Mr. President, that the committee went deep into this program and studiously studied the issues. In fact, the committee called the Deputy Secretary of Defense over on three different occasions to discuss matters on this program. I would like to emphasize, as we are all well aware, that varying inputs are considered in making decisions on these major weapon systems and that cost figures can be added to different totals, depending on the method of presentation and the data included. This is to say, that any input on its own merit is not right or wrong, but must be considered in the overall decision and that is what the committee has attempted to do. The committee has also tried to present cost data that is consistent with the data presented in our quarterly reporting system and consistent with data used in hearings that the committee held last year on this program.

To briefly summarize the initial cost data on this program, Mr. President, the original estimate of cost for a projected 120 aircraft at the time of contract award in October 1965 was $2.985 billion. At hearings held by the Armed Services Committee last year, the cost estimate had been increased to $4.348 billion or an estimated cost growth of about $1.363 billion. These costs did not include an estimated $855 million for support equipment for 120 aircraft. The cost figures that are currently being considered are for only 81 aircraft and on a comparative basis are estimated at $3.463 billion or a cost growth of $1 billion over the original estimate for a like number of aircraft. This figure also does not include about $747 million of support equipment that is being estimated for these 81 aircraft. I want to say also that as we now understand it some additional costs may be added when a revised delivery schedule is finalized and when the cost to resolve current technical problems is determined. These estimated program costs do not consider the possible cost to produce the aircraft nor the litigation that has arisen on this program. Current estimates indicate that the cost to produce the C–5A aircraft that will be incurred by the prime contractor is about $648 million more than the contract ceiling costs estimated by the Air Force and included in the cost figures that I have presented.

Mr. President, with regards to the performance of this aircraft, I am aware of certain wing structural problems and developmental problems with the avionics and landing gear and am following the progress in these areas closely. I do not intend to put off lightly these technical problems, although some of the areas seem normal in development of an aircraft of this size. We have seen no indication to date, however, that would preclude the aircraft from meeting its basic mission requirement.

Mr. President, the original scheduling of the Air Force planned a rollout of the first aircraft in February 1968, the first flight in June 1968, and delivery of the last of 120 production aircraft in April 1972. While the rollout of the first aircraft and the first flight were on schedule, the remaining delivery schedule has slipped. The Air Force is currently estimating a final delivery of 81 production aircraft in February 1973 although this has yet to be finalized.

Now, Mr. President, I would like to discuss the funding for this program briefly as it relates to the financial problems of the prime contractor. Through fiscal year 1970, the Congress has authorized and appropriated about $3.4 billion for the development and production of C–5A aircraft.

As it now appears, the Air Force will receive about 17 complete aircraft plus other aircraft or material in various stages of completion for this money. If production is to continue with fiscal year 1971 funding of $344.4 million, an additional 13 aircraft can be completed through December 1970.

The $200 million budget request for contingency funding is intended for continued production of aircraft during the remainder of fiscal year 1971. It is estimated that an additional 12 aircraft can be completed during this period. Mr. President, without the fiscal year 1971 funding, we will receive very few aircraft and a large amount of unfinished work in process for our effort and money.

I believe, Mr. President, that it is proper to say something briefly here about the contractual litigation on this program without entering any judgment on the merits of this litigation. As I understand it, the prime contractor has raised several issues regarding possible ambiguities in the contract that would reflect on the amount of reimbursement the contractor would receive. The prime contractor has requested the Department of Defense to provide interim financing on this program until the litigation is settled because the contractor does not have the financial resources to continue the program while awaiting a legal determination. I understand that the issues concern over $600 million.

Mr. President, I don't think this presentation would be complete without a few words on the need for this aircraft. Last year the Senate had a fine debate on the need for the four squadrons of 81 C–5A aircraft and I believe, at that time, we firmly established a need for these planes when all things were considered.

To summarize this need, Mr. President, the C–5A is intended as an airlift aircraft designed to provide a fast reaction capability to airlift combat or sup-

port units to meet worldwide commitments. Since its inception, this aircraft has been primarily intended to provide the airlift capability for combat and support equipment outsized by dimension or weight to the present or planned airlift aircraft capability. This equipment, such as tanks, self-propelled howitzers, helicopters, et cetera, and in the case of an armored division, constitute about 75 percent of the heavy firepower. The C–5A aircraft is intended for use in complement with other airlift and commercial aircraft in meeting the rapid deployment requirements of the Department of Defense. We are all aware of this deployment requirement that has been discussed many times in connection with proposed reductions of overseas forces. The C–5A aircraft plays a vital role in providing the capability to meet the deployment requirements.

This leads us, Mr. President, to the main and only issue in this authorization request for the C–5A program that can be raised—the $200 million contingency fund. This issue was raised in the Armed Services Committee deliberation on the C–5A program and some very good data was presented. Considering all aspects of this issue, however, the committee approved this amount because there was no other reasonable solution that could be presented that would meet the airlift requirements of the C–5A at the estimated cost to complete this program. I can assure you that all issues relating to this difficult matter were discussed in the committee's deliberation. In fact, in approving the budget request for $200 million, the committee placed specific restrictions on any use of these funds.

In addition, the committee stipulated that the funds cannot be obligated until the Department of Defense presents a plan to resolve this issue in such a way to best protect the public's interest for approval of the House and Senate Armed Services Committees. As you can see, Mr. President, the committee did not intend in any way that this would establish a precedent or "bailout" for the contractor as has been reported in some media. The committee did consider, however, the current and future potential investment in this program and weighed this heavily against the requirement for the aircraft.

The committee arrived at the only possible solution to meet this airlift requirement and approved the funding request pending presentation of a reasonable plan by the Department of Defense. I urge the Senate to also consider the present and potential future investment in this program in their deliberation and to also consider the alternative ways of meeting the airlift requirements associated with the rapid deployment necessary as a deterrent capability in meeting our commitments.

Mr. President, again, the many ramifications of the C–5A program are being subjected to intense but justified scrutiny by Senators from both sides of the aisle. The distinguished Senator from Wisconsin and the distinguished junior Senator from Pennsylvania have submitted an amendment to restrict the use of the $200 million in contingency funds as it relates to continued production of C–5A aircraft. According to news releases I have seen, this amendment has been referred to as a keep-building-the-planes proposal.

Mr. President, I intend to devote the next few minutes to voicing my objections to this proposed amendment. I will base these objections on two prime points: First, the amendment cannot possibly achieve its stated purpose, due to the prime contractor's apparent need for the contingency funds to continue production beyond December of this year; second, the restrictive nature of the amendment eliminates any flexibility that the Department of Defense might have in restructuring the contract with the Lockheed Corp.

I am not the first to recognize the deficiencies in this amendment. My able colleague, Senator TALMADGE, addressed this topic most forcibly on the 12th of August. I commend the distinguished Senator for his discerning analysis and penetrating comments. I will tailor my comments in light of the auspicious start provided by my able friend and colleague.

Mr. President, as I see it, the proposed amendment would not only create another veil of confusion around the C–5 contract dispute, but more importantly would place a completely unfair and unrealistic time constraint on the adjudicative process now underway within the Armed Services Board of Contract Appeals. The language of the amendment, as I understand it, limits the use of the $200 million to three situations. The first situation requires the settlement of the outstanding contract disputes which exist between Lockheed and the Air Force. Specifically, the language of the amendment requires a decision in favor of Lockheed by the ASBCA or by a court of law. The second situation stipulated in the amendment is one wherein Lockheed has been forced into bankruptcy or reorganization. The third situation would require the General Accounting Office to decide on Lockheed's need for the money.

Now, forestalling for the moment consideration of the consequences of the second and third situations, let us focus on the unreality of the first situation identified in the proposed amendment. I emphasize the deficiency in this element of the amendment, because we are completely without precedent in presuming that the Armed Services Board of Contract Appeals will reach a decision on the complex C–5 dispute by the end of this year. Furthermore, it is not inconceivable that the adjudication of these issues could reach a higher level of appeal, namely the court of claims or even the Supreme Court. It has been estimated that the entire process, including the appellate procedures, could take as much as another 3 years. So, in effect the first situation outlined in the proposed amendment is an illusory objective unattainable by the time that Lockheed apparently needs the funds.

Therefore, since it is highly unlikely that a judgment on the contract dispute can possibly be rendered in time, the only operating sense of the proposed amendment is contained in the second and third provisions. The second provision, bankruptcy for Lockheed, presents several objections. First, by passing the amendment, the Congress in effect could be voting in favor of the bankruptcy or reorganization of the Lockheed Corp. Second, the trustee under bankruptcy is not obliged to protect the best interests of the firm's customer, in this case the Government. To the contrary, the trustee's duties are to protect creditors and then stockholders. Therefore, under this second provision we would have no assurance that the trustee would "keep building the planes."

The third situation, submitted only this morning, to subject the $200 million to a review of Lockheed's financial needs by GAO before November 15, 1970, is redundant and an unnecessary expense of taxpayers' moneys. As pointed out by Secretary Packard during May and June in testimony before the Armed Services Committee, the Department of Defense has already made a comprehensive analysis of Lockheed's financial condition and its ability to obtain necessary financing of the C–5A programs. This DOD analysis clearly indicates that Lockheed does not have the financial capability to support continued production of the C–5A pending the settlement of disputed issues. I find it hard to justify the use of GAO resources simply to verify something we already know.

I believe it should also be pointed out that language in the current bill presently before us provides for continued GAO review of all moneys flowing to Lockheed out of the $200 million contingency. Further, after each review by GAO a report is to be submitted to the Congress on the status of the $200 million contingency. I feel this continued GAO review, as well as the other controls in the present bill, provide sufficient safeguards on the $200 million to protect the public interest and prudent use of the taxpayers' funds.

Now, Mr. President, I do not wish to dwell too long on the inadequacies of this proposed amendment, without providing specific rationale as to an alternative course of action. The action I propose is in keeping with the spirit of the Proxmire-Schweiker amendment. In fact, it not only abides by the intent of their adopted slogan, "keep building the planes"; but also provides the foundation for an orderly continuation of the C–5 procurement program.

My proposal is that we should allow the Department of Defense sufficient latitude in their efforts to restructure the contract with Lockheed. Now, let me be perfectly clear in this regard. The restrictive language in the bill reported by the Committee on Armed Services requires the Secretary of Defense to have the approval of the appropriate committees from both the House and Senate before the contingency funds can be obligated. This restriction provides the Congress the appropriate degree of control in these contractual matters. It serves notice to both the Executive and to Lockheed that the Congress fully intends to abide by its responsibility in protecting the taxpayers' interests.

Now, when this restriction is in effect, it seems to me that the Executive should be allowed to pursue every potential

avenue of negotiation which might result in a satisfactorily restructured contract and, above all, permit the delivery of the much needed aircraft.

Mr. President, I hope the Senate will defeat this amendment.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I certainly thank the Senator from South Carolina, and wish I had more time to give him.

Mr. President, I thought perhaps the Senator from Wisconsin wished to use some time at this point. We are down to 14 or 15 minutes.

Mr. PROXMIRE. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Wisconsin has 21 minutes. The Senator from Mississippi has 14 minutes.

Mr. PROXMIRE. Mr. President, I yield myself 1 minute. I say to the Senator from Mississippi that I have discussed this with the Senator from Pennsylvania (Mr. SCHWEIKER), and he and I are pretty much ready to sum up, unless the Senator from Pennsylvania has another short statement he would like to make before his summary.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 4 minutes.

I have given an outline of the issues here and of the committee's position. I do not need to repeat it simply for the sake of repetition. I want to refer to what the Senator from Pennsylvania said about the $200 million.

Yes, it is now a fact that this $200 million will have to be used. That is why we put it in the bill—in order to recover on what we already have spent. The question is, How is it going to be protected and how is it going to be used? That is why we put this restrictive language in here.

Contrary to our desires, we assume the responsibility of requiring a plan to come back to the two committees, whereby we would have to assume additional responsibility.

This is an amendment offered against the $200 million. I think it is admitted that it will have to be spent—that much, anyway. I am frank to say that I think it will probably be more than that, in order for us to recover on what we have already spent. But what I am concerned about is that we not stop the wheels until all the processes can be gone through to determine which one is right about this controversy between the Air Force and the contractor, under the contract, that we have the safeguards, and I believe we do have them.

I mention the one that is not written in, and that is the responsibility Mr. Packard assumes, where he has made special assumptions for us before, he has come through in a mighty fine way—and we have it written in here, too—that this money must be spent in such a way as not to become commingled and not to be used for any purpose but the product in which the Government has a stake. Unless that can be done, and Mr. Packard can recommend a plan to us that does, this money is not going to be spent.

I want to say this again to the Senate: This provision that we already have in the bill, which now would be substituted for by something else, is the tightest statutory language ever drawn for a defense contract with respect to precluding any possible intermingling or diversion of these funds to other programs of a contractor. The committee got that language up under its own responsibility, coupling it with their special responsibility under the other amendment, coupling it with Mr. Packard's special responsibility on his promise, and coupling it with the fact that we already have the authority to call on the General Accounting Office. For my part, they need not expect to escape being called on unless we are satisfied with this plan.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Time is running equally.

Mr. STENNIS. I yield 4 minutes to the Senator from Tennessee.

Mr. BAKER. Mr. President, I thank the Senator from Mississippi for yielding so that I can continue with remarks I started earlier in this colloquy on the pending amendment.

As I pointed out at that time, the three conditions precedent, it seems to me, are not really in fact conditions precedent to obtaining disbursement of this $200 million contingency fund, but, rather, conditions that will lead inexorably to bankruptcy of Lockheed or the cancellation of the production run of the C–5A. That is the net effect of the amendment, in the humble judgment of the junior Senator from Tennessee.

Mr. President, I do not serve on the Armed Services Committee. I have no vested interest in the production of this airplane. So far as I know, no major parts or assemblies are manufactured in my State. I am trying to take—and I believe I am taking—the broadest view of the importance of this weapons system to the formulation of the first genuinely new foreign policy that the United States has attempted to formulate since the postwar era. Some are not aware that this we are doing, but we are doing it anyway.

So if we are trying to examine whether we continue to maintain a presence in the Asian crescent or in Western Europe or in the Middle East, and if so, how, the C–5A is a weapons system that becomes vitally important to that, because it gives us the flexibility to move with strength and to maintain a substantial presence for the United States, in its peacekeeping efforts, in any part of the world, without maintaining extremely costly fixed bases, without maintaining the irritant of American troops on foreign soil.

It seems to me that it is vital to our flexibility in determining how and how soon we can disengage from wars such as the war in Southeast Asia and Vietnam and how we can successfully come to terms with our responsibility as a great, moral, and free nation without committing millions of troops to positions of permanent strength overseas.

I have flown the C–5A, not as an accomplished pilot. Having some experience in this field, I wanted to see firsthand what sort of weapons system this was. I wanted to see the hardware. I was permitted to sit in the right seat of the biggest airplane on earth and to see it perform. The fact alone that it is a highly complex and sophisticated system is not justification for continuing our production of this machine, but it is nonetheless an impressive array. The fact that it is a marvelous performing airplane is not a justification for expending this $200 million in contingency funds, but it is a marvelous performing machine, the largest airplane on earth. The fact that it will permit us to have the mobility for the transport of troops, with front and rear loading, in a kneeling position, is not justification in itself for authorizing, appropriating, and expending under certain circumstances the $200 million contingency fund. But they are important items in our consideration.

The single most important point is this: There is a need for a strategic weapon of this sort. There is a need in the new and evolving foreign policy of the United States for a machine of this type and design. There is no other machine of this type and design in the world; and if we stop, if we do not authorize the continuation of the full production run on the C–5A, we will have to start over, because there is no other airplane that can fulfill this need.

If is unfortunate that there are cost overruns. They are due to many factors, and I do not defend them. The fact is that we are faced with a bad situation, but we necessarily must have this sort of weapons system if we are to have the flexibility to respond and the flexibility of defense that I think we all need.

I do not believe it is in the best interests of the United States to adopt an amendment which creates three untenable alternatives: One, to test the determination and review of the propriety of the paying of this contingency fund with the Board of Contract Appeals and a review through the judiciary; two, for the voluntary or involuntary bankruptcy of Lockheed, in which event the responsibility of the trustee in bankruptcy will be to conserve the assets and protect the debtors and the stockholders, not the Government; or three, until we create the situation where the Comptroller General has to pass on whether we need to pay the money.

I believe that we have got to face up to the fact that this is an expensive weapon system. We have been unfortunate in the cost overruns, but the cheapest thing that can be done now is to continue with the present production run.

Mr. STENNIS. Mr. President, I have only 10 minutes remaining. One of the speakers is delayed for some reason.

Mr. PROXMIRE. I will yield myself some time, and then shall yield to the Senator from Pennsylvania, but just let me answer the Senator from Tennessee who has just spoken, and also the Sen-

ator from Missouri and other Senators who have spoken about the great advantages of the C–5A.

IRRELEVANT POINT

Mr. President, that point is totally irrelevant. It has nothing to do with this amendment. There is nothing in this amendment that would foreclose the C–5A from being produced.

All we are trying to do by this amendment is to protect the taxpayer. In addition we provide additional circumstances not provided in the bill for the funds to be paid. That is without this amendment if the Lockheed Co. went into bankruptcy, there would be no provision in the bill that the trustees could call on the Federal Government for the money necessary to continue production of the C–5A.

We provide for that in this amendment.

No one—in spite of the fact that some of the ablest Members of the Senate are on the other side of this—has argued that the GAO is incompetent to determine financial capability. If the GAO is competent and finds that this money is needed in order to keep the airplane in production, they get the money.

What could possibly be fairer than that?

It would seem to me that we have tried hard in this amendment to meet the objections which have understandably been raised against those Senators—there were five members of the Armed Services Committee of this body who said that we should cut out the $200 million, period.

That was the position of five members of the committee who were familiar with the problem, and sat through the hearing, and concluded that we simply should authorize this $200 million at all.

Mr. STENNIS. If the Senator will yield briefly on that, those members do not say that now. There is no amendment to this——

Mr. PROXMIRE. No, there is no amendment on that, but they said that in the vote on the Schweiker amendment in committee.

Mr. SCHWEIKER. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. SCHWEIKER. I should like to state that that amendment offered in committee was much more arbitrary, much more inflexible, and much more rigid than what we are doing here. That was strictly to delete the $200 million, period.

Thus, with the three contingencies we allow, with the $200 million being paid, we actually have picked up some support. This is a most reasonable amendment that will still protect the taxpayers, yet not give a blank check on a Government contract, with no questions asked.

C–5A PROGRAM CALLED MESS

Mr. PROXMIRE. To listen to the opponents of the amendment, one would think that this was just a routine procurement of an important weapons system and that no problems have developed. Secretary Packard was right when he spoke on Thursday night and singled out the fact that the C–5A was the most scandalous and serious procurement problem in a situation which he called a mess, in which he said that we have made serious blunders, spent far too much money, overorganized, and overspent.

Under these circumstances, it seems to me that the Senate is bound to take some action to protect the taxpayers.

NEED INDEPENDENT FINDING

With the greatest of respect for the committee, I would say to the Senator from Mississippi that he has tried hard to write into the bill protective language. But all we are asking is that an independent agency make a finding of fact that has never been made to the Members of this body or to the public, to find that Lockheed needs this money in order to keep in production.

Mr. CRANSTON. Mr. President, will the Senator from Wisconsin yield?

Mr. PROXMIRE. I yield.

Mr. CRANSTON. The Senator has referred to Under Secretary of Defense David Packard in his presentation today. He is a man for whom I have the greatest of respect. He is a fellow Californian. I gather that he is not a supporter of this amendment. Is that correct?

Mr. PROXMIRE. Of course he is not. No indeed. Mr. Packard is not a supporter of the amendment. We feel that the Department of Defense, with the greatest respect for Mr. Packard, Mr. McNamara, Mr. Laird, Mr. Charles, and other able men, has made blunders in the past on this, it has made mistakes, but this is not a partisan or an individual matter.

We are saying, under the circumstances, and the record which we have, that we should not be fooled again. Therefore, we should get from the GAO some assurance that these funds are needed.

Mr. President, I reserve the remainder of my time.

Mr. JACKSON. Mr. President, will the Senator from Mississippi yield?

Mr. STENNIS. I yield 4 minutes to the Senator from Washington.

The PRESIDING OFFICER. The Senator from Washington is recognized for 4 minutes.

Mr. JACKSON. Mr. President, I believe that the pending amendment is an unwise alternative to the careful arrangements secured by your Committee on Armed Services—arrangements designed to protect the interests of both the taxpayer and the needs of the armed services. I should like to take but a moment of the Senate's time to summarize the arrangement established by the committee and the substitute approach contained in the amendment introduced by the Senator from Wisconsin.

First, as a result of an understanding reached with the Deputy Secretary of Defense, the Senate has been assured that the funds in question will not be released unless the joint objectives of fiscal responsibility and the needs of the armed services are thereby realized.

Second, the Armed Services Committee has received solemn assurances that these funds will not be used for any purpose other than to facilitate the essential completion of the construction of 42 C–5A aircraft.

Third, and again by careful arrangement, we have been assured that any plan for the disposition of these funds for the purpose of acquiring the aircraft will be submitted to the Committee on Armed Services.

I believe, Mr. President, that these unusual arrangements are adequate to secure the interests of economy and prudent expenditure while, at the same time, making adequate provision for a wise decision with respect to the procurement of an important element in our national defense.

We are all concerned at the difficulties posed by cost overruns in Government procurement. The multiple causes of cost growth, particularly in areas of high technology and where operational specifications are subject to change in the course of development, require careful consideration by the legislative, as well as the executive branch. The complexity of the present dispute between the Government and the contractor should surely suggest how difficult determinations are in this area.

The alternative suggested by the pending amendment has two essential provisions. The third, which would make the funds available in the event that they are found legally owing to Lockheed, is simply gratuitous.

The first would leave the determination as to the necessity of releasing the contingency funds to the Comptroller General, whose decision would be based upon a necessarily hasty and possibly inconclusive study. The ability of the Comptroller General to make such a finding by November 15 after weighing all relevant considerations is questionable. In any event, it seems to me preferable that the determination be made by the Department of Defense and subject to the approval of the Committee on Armed Services.

The second method for reaching a decision on the disposition of the contingency funds—and that is all that is at issue here—would assign this responsibility to a trustee in bankruptcy—an unidentified individual whose competence, under the amendment, would substitute for that of the Department of Defense and the Committee on Armed Services.

Neither of these avenues to decision seems to me, Mr. President, as likely to result in a decision reflecting the national interest as the arrangements secured by the Committee on Armed Services. If anything they would entrust a most complex and difficult decision to institutions whose expertise provides only partial qualifications to make a judgment.

While I share the concern of many Senators at the rising costs of defense procurement, I simply cannot agree that the proposed amendment would be a wise or sensible corrective measure, either as a means of coping with the overrun in the C–5A program or as a model for the future. I would hope that we will set about the important task of finding answers to the overrun problem that will enable us to devise methods for correcting or minimizing it. We must not allow our displeasure at a general problem to lead us to unwise and uncertain action in a specific instance.

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. YARBOROUGH. Mr. President, will the Senator yield?

Mr. PROXMIRE. I yield.

Mr. YARBOROUGH. Mr. President, what amount of money has been spent on the C–5A by the Federal Treasury?

Mr. PROXMIRE. Mr. President, on page 18 of the committee report the following statement appears:

> If no additional funding is authorized we will have 17 aircraft at a cost of about $3.4 billion or approximately $200 million per aircraft.

Mr. YARBOROUGH. $3.4 billion has already been paid out for the aircraft.

Mr. PROXMIRE. It has been authorized to be paid out.

Mr. YARBOROUGH. We have actually appropriated $3.4 million, have we not?

Mr. PROXMIRE. The committee report language says that $3.4 billion has been authorized. As I understand, $2.5 billion has been paid out.

Mr. YARBOROUGH. Mr. President, I have recently had some unfortunate personal experience with Lockheed. One of their directors ran against me in the primary this spring and defeated me. He spent money in an amount that is triple any amount ever seen before in Texas primaries.

If we keep pouring money into such corporations, they will be able to buy the whole Senate. I have just been through that experience.

Mr. PROXMIRE. I think that is a point extremely well taken.

Mr. President, in this debate we have overlooked some important facts about this contract. The original contract called for 120 planes to be built at a cost of $3.4 billion. But 20 months ago, hearings before my subcommittee brought to light the fact that there was a $2 billion overrun. That is fact No. 1.

At the end of this year, the Air Force and the contractors will have spent every dollar coming to them under the original contract—including the added funds in the contract for inflation, target ceiling provisions, and the supplementary agreements. According to the committee, this amounts to $3.75 billion.

But instead of 120 planes, we will have only 30. Instead of costing $27 million a copy, these 30 airplanes will cost $125 million per aircraft, according to the committee report. That is fact No. 2.

That is the size of the scandal on this airplane. Let me repeat. We will have spent $3.75 billion at the end of this year, yet we will have only 30 airplanes completed instead of the 120 planes that should have been provided $300 million ago.

In addition, there has been concealment, suppression, and downright falsehoods told to congressional committees and the public.

Furthermore, contrary to repeated claims, the plane does not meet its original specifications. The Whittaker report listed 12 items which had been degraded and which, taken together, indicated a weakening of the structure of the airplane, a condition which has been very unhappily demonstrated since.

The crack in the wing, for example, limits the ability of the plane to land on unimproved airports, as originally specified. Now it is being said that it can be used on "lightly paved" runways. Those are the facts.

I can recall very well that on an NBC–TV program recently the C–5A was shown coming in for a landing. Awaiting the plane were some generals and the distinguished chairman of the House Armed Services Committee. As the plane touched the runway, a wheel rolled off. Then a tire rolled off. It was embarrassing for the distinguished Representative from South Carolina, Mr. RIVERS, and for the generals, as well.

This has been the history of the plane. It is true that it has potential. But it is not true that this is a plane which has been demonstrated in its excellence.

Nevertheless, this amendment does not go nearly as far as five members of the Armed Services Committee of the Senate felt we should have. This is a much more moderate amendment. I repeat, because I think it is important to repeat and to emphasize, that this amendment provides that $200 million will be paid providing one of the following conditions is met.

First. The Armed Services Board of Contract Appeals or a court should decide that part or all of the $200 million is owing to Lockheed under the contract.

Second. A trustee in bankruptcy determines that all or part of the $200 million is necessary to complete the production of the 42 C–5A planes this bill would fund.

Third. The Comptroller General determines, after a study that must be completed by November 15, 1970, that all or part of the $200 million is necessary to complete production of the 42 C–5A planes.

The third condition is a modification of the original amendment. It would permit the $200 million to be paid to Lockheed, but only after a competent, independent finding that could assure the Congress that the funds were needed to make production of the plane possible.

It would avoid what otherwise would be a precedent set in the bill that would give a defense contract $200 million that the Air Force itself says the Government does not owe, and would give the funds without any independent determination that the money is necessary to produce the planes or that the $200 million would be adequate to permit the planes to be produced. The bill without the amendment would make the Government liable for a total of $800 million above the contract, not owed by the Government, before the contract is completed, and perhaps much more.

The amendment would require the Comptroller General to determine how much will be necessary to complete the contract.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. Mr. President, I yield myself 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 minutes.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. PROXMIRE. Mr. President, I yield to the Senator from Illinois.

Mr. PERCY. Mr. President, I was very much concerned about the amendment in its original form. However, in its modified form, I feel that a reasonable and rational approach has been taken. I am happy to indicate my support of the amendment.

I think I should also commend the Senator from Pennsylvania and the Senator from Wisconsin because not only does their amendment focus attention on a very serious problem, but it also has accomplished another purpose. Under the leadership of these two distinguished Senators, we have adopted a new policy.

The new policy enunciated by the Secretary of Defense is a result of their own bitter experience in these problems.

I commend the distinguished Senator from Wisconsin for the contribution he has made and indicate again my support for the amendment.

Mr. HATFIELD. Mr. President, the amendment we are offering today is an overture to the administration. We are seeking an approach which we believe will be most reasonable to all parties concerned.

What we are proposing is this: Let us complete the withdrawal of American Armed Forces from Vietnam by the end of 1971; yet we have no intention of setting any inflexible deadline. If the President discovers that for any reason, our troops cannot be withdrawn by that date, then the President may extend this period by 60 days. Thus, he has complete flexibility to do what is necessary to safely complete this withdrawal.

Furthermore, if the administration advocates an alternative course of policy, then he need only to request an extension of this period for the approval of the Congress.

Thus, we are giving the administration full authority to carry out its withdrawal program, to be completed by the end of 1971. If the administration differs with the course of action, then they need only to justify an alteration of the timetable to the Congress.

I do not know why the administration should find this to be an unreasonable proposal.

In my view, it certainly would be unreasonable to propose that the administration be given full authority for any course of continued military activity in Vietnam without congressional approval beyond 1971.

Therefore, I would hope that all the Members of the Congress as well as the administration will carefully consider this revised amendment with an open mind. In my view this represents a most sensible approach for guiding our future course of action in Vietnam; it is the responsible way for the legislative and executive branches to cooperate together in this process.

There is no excuse for men of reasonable mind to reject such an overture.

Mr. STENNIS. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 2 minutes.

Mr. STENNIS. Mr. President, I want to discuss for a few minutes amendment No. 853 introduced by Senator PROXMIRE and Senator SCHWEIKER and point out what I believe to be serious deficiencies in the meaning and intent of this amendment.

This amendment is being identified by these Senators as the "Keep building the planes" amendment. While this appears to be another catchy slogan, a detailed analysis of the amendment and its ramifications appears to have just the opposite effect.

The amendment proposes to restrict obligation and expenditure of the $200 million contingency fund to be authorized and appropriated to the following one or two conditions:

First. If the Armed Services Board of Contract Appeals—ASBCA—has made a determination that the United States is obligated to the contractor for the amount currently in litigation.

2. If a trustee appointed in bankruptcy under chapter 10 of the Bankruptcy Act determines that all or part of this contingency fund is needed.

The amendment also proposes to require the Comptroller General of the United States to conduct a study of the financial capability of the prime contractor with a view toward determining the contractor's ability to meet the contract terms.

The amendment proposes that the Secretary of Defense be instructed to insure that, in the event of any bankruptcy or corporate reorganization proceeding involving the prime contractor, the financial interests of the United States are protected and priority is given to expeditious completion of the C–5A aircraft contract.

The amendment finally proposes that none of the funds authorized to be appropriated by this or any other act for any purpose other than the C–5A program may be transferred to or used for the C–5A program. This section is intended to preclude programing from other programs.

In response to this amendment, the following points should be considered:

One of the intentions of this amendment is to preclude negotiated settlement of disputes or restructuring of the contract. The amendment precludes any use of the $200 million unless there is a dispute for the Armed Services Board of Contract Appeals to settle or there is a bankruptcy proceeding. Under the first clause, without a dispute, the money could not be used; under the second, without a trustee in bankruptcy, the money could not be used.

The first condition that the amendment proposes—that the $200 million cannot be used until the Armed Services Board of Contract Appeals makes a determination—appears to be an impossible condition with respect to the time factor involved in this program. The $200 million funding is required for continued production approximately at the end of December 1970. The contractor complaint appealing the contracting officer decision on the litigation issue was filed before the Armed Services Board of Contract Appeals in January 1970. Significantly large quantities of paperwork are being reviewed in this case.

The optimum schedule with a highly expedited proceeding as indicated by the Chairman of the Armed Services Board of Contract Appeals is estimated at about 10 months after discovery motions are filed sometime in September or October 1970. This would place the time of determination about June or July 1971 even without an appeal of the determination which could further prolong the issue. It appears fairly evident that under the best and fastest of circumstances the decision of the Armed Services Board of Contract Appeals would not be handed down in time to meet the funding requirements to continue production after December 1970.

It appears evident, therefore, that since the first condition of the amendment could not be met, the funds would not be available for continued production and the contractor would have the obvious choices of defaulting on the contract, which would probably ultimately result in bankruptcy proceedings, or declaring bankruptcy itself. The latter does not appear to be a desirable or feasible course of action.

Based on available data, therefore, it appears that passage of this amendment would force a bankruptcy proceeding. It also appears from all available information that any bankruptcy proceeding in this case would be under chapter 10 of the Bankruptcy Act. This would lead into the second condition of the amendment under which the $200 million could be obligated and expended.

Chapter 10 of the Bankruptcy Act provides the means for debtor reorganization. This section of the Bankruptcy Act, in essence, provides that a trustee appointed by the court to operate the corporation would draft a plan for reorganization for court approval and subsequent approval by the creditors whose interests are affected. The Secretary of the Treasury acts for the United States if the United States is a creditor.

The amendment would allow the use of the $200 million contingency fund if the trustee determined that all or a part of the fund was needed to assist the prime contractor in completing the contract.

The amendment does not require that a plan of reorganization be approved or that the trustee even have formulated a plan of reorganization prior to use of the $200 million. The amendment just provides that the trustee can use all or any part of the $200 million if he determines it is needed.

In summary, therefore, if the amendment passes, the $200 million could be used by a trustee with or without a plan of reorganization. The plan of reorganization would be subject only to the approval of the executive branch through the Secretary of the Treasury.

In comparison, it is stipulated in the authorization bill that the $200 million emergency fund could only be used after a plan submitted by the Secretary of Defense is approved by the Armed Services Committees of the Senate and the House of Representatives.

It is also important to note that this amendment would only cover the availability of funds to the trustee up through June 1971. While I do not intend to prejudge any issue of a potential bankruptcy, I do not believe that a responsible trustee, in formulating a reorganization plan, could consider maintaining a contract without some assurance of funding availability through the contract completion. The amendment does not make any provision for this issue and it can only be assumed that this contract would not be considered in a reorganization plan.

It is apparent, therefore, to me, Mr. President, that this amendment will not be a "Keep building the planes" amendment but would be one of the quickest ways to stop building the planes and deny us the capability that everyone agrees is required.

Mr. President, I ask unanimous consent to have a letter from Deputy Secretary Packard to me under date of August 25, 1970, put in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

THE DEPUTY SECRETARY OF DEFENSE,
Washington, D.C.

Hon. JOHN STENNIS,
Chairman, Senate Armed Services Committee, U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: I have examined the proposed amendment to the Military Procurement Authorization Bill concerning the C–5A, which has been characterized by its authors as one to "Keep Building the Planes." In my opinion, this amendment would assure that we could not "keep building the planes."

Under the amendment the contingency funds for the C–5A could only be expended under one of the following conditions:

1. If the Armed Services Board of Contract Appeals (ASBCA) determines that a part or all of the money is owed to Lockheed, *or*

2. If a trustee in bankruptcy or reorganization under Chapter X determines that the funds would be needed in completing those aircraft scheduled to be delivered by the end of the fiscal year.

I wish to express my objections to the amendment for the reasons stated below.

The amendment does not achieve its stated purpose; that is, the continued production of the C–5A. Based on the present expenditure rate, the funds requested for FY 1971 will be exhausted shortly after the end of calendar year 1970. The ASBCA will not have reached a decision on the extremely complex issues by this date. Therefore, once the funds appropriated for the contract are expended, Lockheed would have to carry the burden of providing financing for this contract until a decision is rendered by the ASBCA. Present indications are that ASBCA cannot reach a decision before mid-1971.

As I have testified before your Committee on several occasions, the company lacks the cash resources to carry this obligation. In short, production of the C–5A aircraft would therefore cease with the expenditure of the FY 1971 appropriation.

Moreover, should the amendment pass and should Lockheed subsequently prevail before the ASBCA or the Court of Claims, the Department of Defense would be in serious danger of having created yet another litigation issue; that is, a charge of breach of contract for failure to continue making payments, which the Board or Court determined were due Lockheed.

I am particularly concerned that the amendment, if passed, would impair our flexibility to seek alternative solutions to this

problem. As I informed the Committee during my testimony in May and June, we are trying to negotiate our disputes and restructure the C–5A contract in a manner which will create a better working arrangement for management by the Air Force.

As I also have testified, the present contract is fraught with several clauses subject to divergent interpretation and not conducive to intensive management on the part of the Air Force. The repricing formula, the abnormal escalation clause, and the production option dispute have all tended to obscure and divert attention from that which is most needed—management by both the Air Force and the contractor to assure continued production at reasonable future incremental costs. It has become my conviction that a restructuring of this contract to eliminate these problems and to promote improved management is mandatory.

I must emphasize that whether the solution is ultimately reached through litigation or settled by negotiation, the funds will be needed in early calendar year 1971 to continue production of the C–5A. Since a decision by the ASBCA is not likely to occur before the funds are needed, passage by Congress of the amendment would halt production of the airplanes.

As I have informed your Committee, I would not use any of the $200 million involved in this issue without again appearing before both your Committee and the House Armed Services Committee to explain in detail my proposed course of action and recommended solution.

Sincerely,

DAVID PACKARD.

Mr. STENNIS. Mr. President, I yield to the Senator from Kentucky.

The PRESIDING OFFICER. The Senator from Kentucky is recognized.

Mr. COOK. Mr. President, under normal circumstances I would like to vote for the amendment. I must say that I think it is a bad contract. I think it has been badly handled.

I disagree with the Senator. This can in no way stop the production of the C–5A. The amendment says that the trustee in bankruptcy can make up his mind whether they need the funds.

A court of bankruptcy has two responsibilities, to see to the interests of the creditors and the stockholders.

The U.S. Government would be last. If this corporation were to go into bankruptcy, it would be the determination of the bankruptcy court whether it should stay in business or not stay in business. If he should say that it should not stay in business, the C–5A would not be built, Poseidon would not be built, the SAM would not be built, the SR–71 would not be built, and the U–2's would not be built.

This is a determination that the trustee makes for the benefit of the stockholders and the creditors and not for the U.S. Government.

I will give a good example. We are now faced with the bankruptcy of the Penn Central. If they cannot pay their debts and they quit, if the Federal Government wants this company to operate, it will then have to subsidize it.

I do not like it. I think it is a bad contract. I think that everyone admits that. However, we cannot say to the American people that we are saving them $200 million because if we need these 81 aircraft and have to have them, we will have to pay for them. If it costs too much, we will have learned a lesson. But we cannot go to the American people and say that we are saving something for them when in the long run we will have saved them nothing at all.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. I yield the remainder of my time to the Senator from Pennsylvania.

The PRESIDING OFFICER. The Senator from Pennsylvania is recognized.

Mr. SCHWEIKER. Mr. President, I thank the Senator from Wisconsin for giving me a further opportunity to sum up the arguments that he and I have made.

We have pointed out that this is probably the worst illustration of military procurement practices in modern history. Rightly or wrongly it has become a test case. The amendment gives us the opportunity to permit this to continue or to blow the whistle and reverse these policies.

As the Senator from Wisconsin has pointed out, we can cite this example as the worst one we have ever come across.

So this is not in dispute. What is in dispute is how we are going to get out of the mess we got into. The original price was $2.6 billion. The latest figure from the selected acquisition reports indicate that it has gone up to $4.6 billion. For 81 planes we are up $2 billion, or nearly a 100-percent overrun.

Now we come to the situation where there is requested another $200 million which Secretary Packard said is actually needed to keep the company from going bankrupt, but in the next breath he said, and the chairman of the committee also said, that is just the beginning; that $200 million is just a part of it. No one knows how much must be supplied after the $200 million. But both of them pointed out that the company said it needs $600 million. Yet the Department of Defense said it really needs $800 million more. Where will all this come to an end?

Now they want us to, in essence, rubberstamp the procedure, as if we have not made enough mistakes, and as if this is a wonderful policy and this is what we should be doing, when the reverse is true.

Mr. President, the only way we will change the policy is to blow the whistle somewhere, and I hope this body today has the courage and the conviction to blow the whistle.

The Senator from Wisconsin and I have offered a reasonable amendment that will not put anyone out of business; it will not put anybody into bankruptcy and it treats them the way the committee would in this regard. There is no question about our amendment triggering that. We give the Comptroller General the right to give them the $200 million, if it is necessary.

We are going to reverse the policy and not permit companies to bid in low and bail out high. If this amendment is rejected, I can imagine that one result will be that we will invite other contractors to bid in low and bail out high. We would set a terrible precedent and invite everyone to do what Lockheed has done.

If we reject the amendment we are going to show everyone that the United States is not going to regulate its own house and put its procurement in order, and that we are not going to meet the issue head on, but give the $200 million to Lockheed because Secretary Packard told the committee that.

In addition, now there are discussions going on between the Government and Lockheed to settle the matter out of the normal process. They want to bypass Congress and the appeals procedure, and sweep us aside once again, whether the figure is $600 million, $800 million, or $1 billion. Then, once again, we will be presented with a fait accompli or a fiscal coup d'etat, and we will go along.

I concede we need the planes, but through our amendment we would be saying, for once, that we should stand on our feet and say there is a limit; that we are going to meet our responsibility today; and that we are not going to condone and sanction the bad military practices that have gone on before.

Mr. President, this vote is vital to determine the future of our procurement policy, whether we have the old blank check approach, the old "give it to them if they need it" philosophy, the bid-in-low and bail-out-high policy; or whether good auditors with fiscal responsibility will deal with military contracts, as is done with every other contract in this Government.

Mr. SCOTT. Mr. President, I am pleased to support the Proxmire-Schweiker amendment controlling the expenditure of funds for the C–5A transport. This amendment provides that the $200 million provided for the C–5A would not be payable to the prime contractor, in this case Lockheed Aircraft Co., unless one of certain conditions are met.

The important modification of this amendment which leads me to support it is that provision directing the Comptroller General of the United States to complete an independent study by November 15, 1970, to determine whether all or part of the $200 million is necessary to complete production of the current contract for the C–5A aircraft. I believe this modification is sound and deserves support by the Members of the Senate.

Mr. President, this debate marks the end of a year in which military expenditures have been given the closest scrutiny ever. I support that effort. We should not be paying $1 more than we have to for military procurement.

It is inconceivable that American taxpayers must foot bills for unwise procurement procedures. For that reason, I support the Proxmire-Schweiker amendment and urge Senators to do the same.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time.

Mr. STENNIS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. STENNIS. Mr. President, what is the matter pending before the Senate?

The PRESIDING OFFICER. The matter pending before the Senate is the

amendment of the Senator from Wisconsin and the Senator from Pennsylvania.

Mr. STENNIS. Mr. President, the yeas and nays have been ordered; is that correct?

The PRESIDING OFFICER. The yeas and nays have been ordered.

Mr. STENNIS. This is straight up and down on the amendment.

The PRESIDING OFFICER. The Senator is correct.

The question is on agreeing to the amendment (No. 853), as modified, offered by the Senator from Wisconsin and the Senator from Pennsylvania.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. HATFIELD (after having voted in the affirmative). Mr. President, on this vote I have a live pair with the distinguished Senator from California (Mr. MURPHY). If he were present and voting, he would vote "nay." If I were permitted to vote, I would vote "yea." Therefore, I withdraw my vote.

Mr. SPARKMAN (after having voted in the negative). Mr. President, I answered the rollcall and voted in the negative. However, I have a live pair with the Senator from Arkansas (Mr. FULBRIGHT). If he were present and voting, he would vote "yea." If I were permitted to vote I would vote "nay." I withdraw my negative vote.

Mr. KENNEDY. I announce that the Senator from Indiana (Mr. BAYH), the Senator from North Dakota (Mr. BURDICK), the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from Montana (Mr. METCALF), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Alaska (Mr. GRAVEL), the Senator from New Mexico (Mr. MONTOYA), and the Senator from North Dakota (Mr. BURDICK), would each vote "yea."

Mr. SCOTT. I announce that the Senator from Hawaii (Mr. FONG), the Senator from Michigan (Mr. GRIFFIN), the Senator from California (Mr. MURPHY), the Senator from Oregon (Mr. PACKWOOD), the Senator from Ohio (Mr. SAXBE) and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

On this vote, the Senator from Ohio (Mr. SAXBE) is paired with the Senator from South Dakota (Mr. MUNDT). If present and voting, the Senator from Ohio would vote "yea" and the Senator from South Dakota would vote "nay."

The pair of the Senator from California (Mr. MURPHY) has been previously announced.

The result was announced—yeas 30, nays 48, as follows:

[No. 273 Leg.]

YEAS—30

Brooke	Kennedy	Percy
Byrd, Va.	Mansfield	Proxmire
Case	Mathias	Ribicoff
Church	McGovern	Schweiker
Cooper	Mondale	Scott
Eagleton	Moss	Smith, Ill.
Goodell	Muskie	Spong
Hart	Nelson	Williams, N.J.
Hughes	Pastore	Yarborough
Javits	Pell	Young, Ohio

NAYS—48

Aiken	Eastland	McClellan
Allen	Ellender	McGee
Allott	Ervin	McIntyre
Anderson	Fannin	Miller
Baker	Goldwater	Pearson
Bellmon	Gurney	Prouty
Bennett	Hansen	Randolph
Bible	Harris	Russell
Boggs	Holland	Smith, Maine
Byrd, W. Va.	Hollings	Stennis
Cook	Hruska	Symington
Cotton	Jackson	Talmadge
Cranston	Jordan, N.C.	Thurmond
Curtis	Jordan, Idaho	Tower
Dole	Long	Williams, Del.
Dominick	Magnuson	Young, N. Dak.

PRESENT AND GIVING LIVE PAIRS, AS PREVIOUSLY ANNOUNCED—2

Hatfield, for.
Sparkman, against.

NOT VOTING—20

Bayh	Gravel	Mundt
Burdick	Griffin	Murphy
Cannon	Hartke	Packwood
Dodd	Inouye	Saxbe
Fong	McCarthy	Stevens
Fulbright	Metcalf	Tydings
Gore	Montoya	

So the amendment (No. 853) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote whereby the amendment was rejected.

Mr. TALMADGE. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

Mr. MANSFIELD. Mr. President, may we have order? I ask Senators to stay, because we are going to try to see if we can expedite the business, on both sides.

The PRESIDING OFFICER. Under the order previously agreed to by unanimous consent, amendment No. 853, the McGovern-Hatfield end-the-war amendment, is to be laid before the Senate at this time.

Mr. MANSFIELD. Mr. President, before the amendment is laid before the Senate, I wonder if it would be possible to determine whether any Senators have amendments they would like to offer this evening, under a time limitation.

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. MANSFIELD. Yes, indeed.

Mr. STENNIS. If it is at all possible to get up another amendment, I think we should do it—one that we can dispose of today.

Mr. MANSFIELD. That is what I mean. Mr. President, it is my understanding that the senior Senator from Illinois (Mr. PERCY) will now agree to a 1-hour limitation on his amendment, which will come up at approximately 11:30 tomorrow morning.

Mr. STENNIS. Mr. President, if the Senator will yield, debate would start at——

Mr. MANSFIELD. On the amendment, it would be changed from 2 hours to 1 hour, with the time to be equally divided between the Senator from Illinois and the Senator from Mississippi.

Mr. STENNIS. Mr. President, reserving the right to object, the Senator from Illinois tells me he thinks he is going to get an agreement on his amendment. If he should, frankly, we would not oppose it, because it is an administrative matter, dealing with detoxification. So, if we could have something else right behind it, it would be helpful.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the time limitation on the amendment of the Senator from Illinois be changed from 2 hours to 1 hour, the time to be equally divided.

The PRESIDING OFFICER (Mr. BENNETT). Is there objection? Without objection, it is so ordered.

Mr. MANSFIELD. Following the amendment of the distinguished Senator from Illinois (Mr. PERCY), on the amendment offered by the distinguished Senator from Wisconsin (Mr. NELSON), again having to do with herbicides, he indicates that he is willing to agree to a 30-minute limitation.

Mr. STENNIS. Mr. President, reserving the right to object, I want to cover this point: The amendment of the Senator from Illinois may be agreed to. I want it fixed where we can move immediately, then, into the next amendment, without having to wait an hour.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. GOODELL. I am going to offer that amendment, coauthored by the Senator from Wisconsin and myself. We have discussed it, and I believe we can be prepared at any time tomorrow to take it up.

Mr. STENNIS. Let us take it up now.

Mr. GOODELL. The Senator from Wisconsin is not on the floor. I am perfectly willing to take it up now.

Mr. STENNIS. We had the same speech made this morning, Mr. President. We are all familiar with it. The same Senators are here.

Mr. MANSFIELD. That is why they are willing to agree to a reduced time limitation. But apparently we can get nowhere.

We do have a 1-hour limitation on the Percy amendment, after which time, hopefully, the Nelson-Goodell amendment will be brought up. I would like to get a half hour time limitation on it now. If not, apparently we can get it tomorrow.

Mr. STENNIS. Reserving the right to object on this matter tomorrow, as I understand, now, the Goodell amendment would follow immediately after the amendment of the Senator from Illinois has been disposed of.

Mr. GOODELL. Right.

Mr. STENNIS. Let us make that 20 minutes to a side.

Mr. MANSFIELD. All right. Mr President, on the Nelson-Goodell amendment, which will follow the Percy amendment, I ask unanimous consent that there be a time limitation of 40 minutes, the time to be equally divided between the Senator from New York (Mr. GOODELL) and the Senator from Wisconsin (Mr. NELSON) on

the one side, and the manager of the bill (Mr. STENNIS) on the other.

The PRESIDING OFFICER. Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object one more time now, I understand that one of these amendments is not even printed yet.

AMENDMENT NO. 863

Mr. GOODELL. We will submit it for printing today.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table.

Mr. STENNIS. Has the amendment of the Senator from Illinois been printed?

Mr. PERCY. My amendment is a printed amendment.

The PRESIDING OFFICER. Without objection, the order is entered.

The unanimous consent agreement, later reduced to writing, is as follows:

Ordered, That during the further consideration of H.R. 17123, military procurement bill, debate on various amendments thereto be limited as follows:

Debate on the amendment by the Senator from South Dakota (Mr. McGOVERN) and others, the so-called "end-the-war" amendment, numbered 862 (which became the pending business following the disposition of the Proxmire amendment (No. 853 on C–5A)) to be limited to 6 hours of controlled time, with a vote coming at 10 o'clock a.m. on Tuesday, September 1. Five hours of the controlled time will begin at 12 o'clock noon on Monday, August 31, and the other hour will occur on Tuesday, September 1 following the prayer, with all of the controlled time to be equally divided and controlled by Mr. McGOVERN and the manager of the bill, Mr. STENNIS. Any amendments to the amendment or motions or appeals relative to the amendment—except a motion to table, if offered—shall be limited to 30 minutes, to be equally divided and controlled between the proponents and Mr. McGOVERN; if Mr. McGOVERN is not opposed to any such amendments, motions, or appeals, the time in opposition will be controlled by Mr. STENNIS or the majority leader or his designee.

The amendment by the Senator from Wisconsin (Mr. PROXMIRE) (No. 861) relative to reduction of military funds by $5 billion, shall be laid down before the close of business on Thursday, August 27; on Friday, August 28, after the prayer, debate on this amendment to be limited to 3 hours, to be equally divided and controlled by Mr. PROXMIRE and the Senator from Mississippi (Mr. STENNIS) with the vote occurring immediately thereafter.

Debate on an amendment by the Senator from Wisconsin (Mr. PROXMIRE) on draftees (No. 754) will become the pending business on Tuesday, September 1 following the disposition of the so called "end-the-war" amendment by the Senator from South Dakota (Mr. McGOVERN), to be limited to 1 hour, to be equally divided and controlled by Mr. PROXMIRE and the Senator from Mississippi (Mr. STENNIS); debate on any amendment to the amendment shall be limited to 20 minutes, to be equally divided and controlled by the mover of the amendment and Mr. PROXMIRE, or Mr. STENNIS if Mr. PROXMIRE is not opposed to the amendment.

Debate on an amendment to be offered by the Senator from Illinois (Mr. PERCY) to be limited to 1 hour, with the time to be equally divided and controlled by Mr. PERCY and the manager of the bill (Mr. STENNIS); any amendments to the amendment will be limited to 10 minutes each, to be equally divided and controlled by the mover of the amendment and Mr. PERCY, or Mr. STENNIS if Mr. PERCY is not opposed to the amendment. Following the disposition of the above amendment, debate on an amendment to be offered by the Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. GOODELL) to be limited to 40 minutes, with the time to be equally divided and controlled by Mr. NELSON and the manager of the bill, Mr. STENNIS.

Debate on two amendments to be called up by the Senator from Massachusetts (Mr. BROOKE) (by unanimous consent if the McGovern amendment, No. 862, is pending) to be limited to 3 hours each, to be equally divided and controlled by Mr. BROOKE and Mr. STENNIS with any amendments thereto to be limited to 10 minutes each, to be equally divided and controlled by the mover of the amendment and Mr. BROOKE, or Mr. STENNIS if Mr. BROOKE is not opposed to the amendment.

The PRESIDING OFFICER. The McGovern-Hatfield amendment will be stated.

The legislative clerk read as follows:

AMENDMENT No. 862

At the end of the bill add a new section as follows:

"SEC. — (a) In accordance with public statements of policy by the President, no funds authorized by this or any other Act may be obligated or expended to maintain a troop level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971.

"(b) After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American Armed Forces in and over Indochina only to accomplish the following objectives:

"(1) the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971;

"(2) to secure the release of prisoners of war;

"(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

"*Provided, however,* That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period of not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to subsection (b)(1) for congressional approval."

Mr. McGOVERN. Mr. President, the proposal we present today is the fruition of several months of effort to offer Congress a practical alternative to the course now being followed in Vietnam and in Indochina as a whole, and at the same time to bring into play the legitimate responsibilities of Congress on questions of war and peace.

The amendment has gone through several revisions since it was first offered on April 30, shortly before the dispatch of U.S. troops into Cambodia. The sponsors of the amendment have maintained from the very beginning that the initial draft or any subsequent version could be modified to meet reasonable suggestions designed to strengthen the base of support for our essential purpose.

We have sought, we have received, and we have incorporated the suggestions of a number of Senators and the numerous private individuals who have expertise on the issues we are raising.

On last Wednesday, a week ago today, we announced that the original sponsors of the amendment had agreed to some modifications in our first proposal. We felt then, and we feel now, that because several months have passed since we first introduced the amendment, it was advisable to modify the termination date for withdrawal to reflect the fact that several months had passed since the amendment was first introduced. But the amendment continues a terminal date approximately 1 full year after the pending amendment could be enacted. The superfluous reference to a declaration of war was dropped from the original language, and the language was changed to provide a uniform terminal date for U.S. military operations in all the Indochinese states.

Finally, we eliminated the provision which would have prohibited expenditures after December 31 of this year on offensive combat operations. We eliminated that out of a desire to avoid any unnecessary problem of definition and to assure that the President would have full flexibility as Commander in Chief to establish strategies best suited to meet the overall policy limitations called for by the amendment.

Mr. President, the amendment we formally introduce today incorporates some further modifications based primarily on valuable suggestions of members of the Committee on Foreign Relations. Outside of adjustments in form, there are three substantive alterations that would have significant legislative effect.

First of all, a new paragraph has been added to codify the withdrawal schedule already announced by the President to reduce the American troop strength in Vietnam to no more than 280,000 men by next April 30.

We believe that that withdrawal schedule, if combined—and this is a very important quotation "if"—with the commitment to full withdrawal, is a highly worthwhile initiative, and we endorse it.

Second, we have added a provision which would allow the President to suspend the December 31, 1971, deadline for up to 60 days and to do that on his own motion, without the consent of Congress, but upon his finding that American troops were subjected to a clear and present danger.

Third, if the President did exercise the authority to extend the deadline, and if he believed that additional time would be needed beyond the 60 days, the amendment provides that he could submit recommendations to Congress within 10 days, including a revised deadline. Such recommendations are to be submitted to Congress within 10 days after the President exercises his option to extend the withdrawal date, so that we would eliminate any doubt that delays

inherent in the congressional process might prevent timely action. The President would, of course, be free to submit recommendations to Congress at any time, as he is now.

These changes do not alter the basic purpose or the central policy objective of our amendment. In fact, they clarify it.

We appreciate the important contributions of key members of the Committee on Foreign Relations with whom we have worked, including the Senator from New York (Mr. JAVITS), who has been one of the leading members of that committee in working out substantive provisions in this amendment that would get the concurrence of a significant number of members of the committee.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. McGOVERN. I am happy to yield to the Senator from New York.

Mr. GOODELL. Mr. President, I think it is important that we emphasize that, although there are modifications in the original amendment to end the war, the two major substantive thrusts of the amendment to end the war are retained.

When I introduced the bill last year, S. 3000, it was a one-sentence bill which said that we are cutting off all funds for American military personnel in Vietnam by December 1 of 1970. That set a fixed date and used the congressional power to cut off funds. That approach was embodied in our amendment to end the war. It is embodied in this modification.

The original concept that I had and that the other Senators had who sponsored the amendment to end the war was that we were not calling for immediate withdrawal, which is unrealistic and unattainable. One cannot just wave a wand and get all the men out of Vietnam. There is a time factor here, in which the troops must be withdrawn with full attention to their safety and the orderliness of the withdrawal. In addition, there is a notice to the Saigon government, to the North Vietnamese, to the Vietcong, and to the world, in advance, that by a fixed date in the future we are going to be out completely. So those features are retained.

Last fall, we could say December 1, 1970, which was essentially a year hence from the date of introduction. Last spring, we could say July 1 or June 30 of 1971, essentially a year hence. Now we are saying December 31 of 1971, which still gives approximately a year's time for withdrawal of the troops in a safe and orderly way, with the President retaining his power as Commander in Chief to protect the troops in the interim period. Other Senators, as the Senator from South Dakota has indicated, have come forward with very important and substantive suggestions.

It is my view that what is incorporated as a modification in the amendment was implicit in the amendment to end the war and my proposal last fall; namely, that we could provide asylum for the South Vietnamese, if necessary, and that we would give the President full authority to protect the troops in the interim period.

Of course also, if the President felt this was an unattainable objective, he could come back to Congress, which he can do in any event, and request an extension of whatever deadline date we had set. That obviously is implicit, that the President can come back on his own, but we have provided that specifically here and we have also provided specifically to continue to give arms aid to the Vietnamese which, of course, was implicit in the original amendment, and that we can provide asylum.

Those are important additions, simply to underscore the fact that we are not saying, "Abandon everything. Pull out. Leave with no continuing concern, no continuing responsibility there." We are saying that we cut off our responsibility for combat troops and military personnel, with aid to go on, and to provide asylum, if necessary. The President can come back and suggest or propose to Congress extending the date, and Congress will then exercise its rightful responsibility in assessing whether the extending date is necessary, and whether it should be approved by us.

Thus, I join the Senator from South Dakota in praising the members of the Foreign Relations Committee for their contribution, particularly my senior colleague Mr. JAVITS, who has been the leader in this endeavor, and has been active in negotiating an approach that retains the viability of the amendment to end the war. The operative provisions of the amendment to end the war bring forth the other substantive aspects of the issue that are dealt with directly in the amendment.

I think this is a good modification and I join the Senator from South Dakota, the Senator from Oregon, the Senator from California, the Senator from Iowa, and the other cosponsors, in this modification.

Mr. McGOVERN. I concur completely in the Senator's elaboration on what it is we are attempting to accomplish with the modifications. They certainly go to the heart of what the junior Senator from New York has had in mind for a long period of time. To the best of my knowledge, he was the only Member of Congress, either in the House or Senate, to submit legislation calling for termination of U.S. military operations in Vietnam, and he did that many months ago. I was proud to be a cosponsor with him on the measure at the time. I am very much pleased to be a cosponsor with him on this modified amendment today.

Mr. CRANSTON. Mr. President, will the Senator from South Dakota yield?

Mr. McGOVERN. I yield.

Mr. CRANSTON. The Senator from South Dakota is in the process of presenting to the Senate what I believe historians will look upon as the most important matter we will have an opportunity to vote upon during this session of Congress.

There are two points I should like briefly to stress.

First, in revising the amendment, great care and wisdom have been exercised in removing language that might have led to the feeling in some quarters that there was some challenge to the President's responsibilities as Commander in Chief. There is nothing in the amendment that does that in any way in its revised form. What is now at issue here is a sharing of the constitutional responsibility that is quite clear, between Congress and the President, in determining what the American Armed Forces shall do, where they shall do it, and whether or how they shall be financed.

The second point—which I will develop later in the course of this debate but wish only to mention now—is that the amendment provides far greater assurances as to the safety of our men in Vietnam and, hence, for the safety and security of this country, than in the present situation, where we have no time table, and an erratic withdrawal program of great uncertainty. The President, in seeking to withdraw troops—and no one challenges him on that point, as to how far or how fast he can go—could lead us into a dangerous situation, having reduced the number of American troops in Vietnam in the course of withdrawal under that approach.

That, I think, is one of the most vital reasons for giving careful consideration to the merits of the amendment, in providing greater protection to American troops in Vietnam.

Mr. McGOVERN. The point the Senator makes is especially important because once we have set a definite, published timetable for withdrawal, we have removed most of the reason the enemy might have for attacking our forces. He knows that every American soldier is going to be out of there by such and such a date. It seems to me that that eliminates the temptation to make that withdrawal difficult. But the present formula that we are following, where we say that we will reduce our forces to such and such a level by next spring, would leave open ended the length of time the remaining forces may stay there, which would be an invitation to the enemy to step up his military operations as long as we have combat forces in the field.

Mr. CRANSTON. That is the exact point. The feeling of the Senator, and my feeling, too, is that if Vietnamization proved not to be working and if, as we withdrew many of our men, they were more and more dependent, as they, of course, would be on the South Vietnamese forces for their protection, and if their forces proved unable to provide that protection, then the failure of Vietnamization would mean a blood bath for the American troops left in Vietnam without adequate American reenforcement to insure their safety.

Mr. GOODELL. Mr. President, in addition to the impact on the North Vietnamese, they would have no motive—reasonable or unreasonable—to attack American forces once a fixed date was set. We know that we are withdrawing completely, and that should have a salutary effect upon Saigon, upon the Thieu-Ky government, because, after all, if there is going to be any negotiated settlement among the Vietnamese, the South Vietnamese leaders must be more realistic about their approach here. This, I think, would make them somewhat more realistic.

One vital point with reference to that

raised by the Senator from California, as to the safety of our troops, at a public meeting that I participated in last spring, a group of sincere individuals in the audience were waving a sign disagreeing with those of us speaking on the platform. The sign read, "Defend the safety of our men in Vietnam."

There was a young veteran who had just returned from Vietnam, who spoke from the platform, and he pointed to the sign and those who were conscientious and sincere in their belief about it, and he said, "The best way to protect the safety of our men in Vietnam is to bring them home."

That is exactly what this would do.

Mr. McGOVERN. The Senator's point is well taken.

Mr. President, I made reference here a while ago to the consultation with the Senator from New York (Mr. JAVITS), and other members of the Foreign Relations Committee, in agreeing that the amendment has not formally been considered by that committee, as was the case with the Cooper-Church amendment. We are hopeful that a majority of the committee will be prepared to support the revised amendment following the return of the committee chairman, the Senator from Arkansas (Mr. FULBRIGHT), who unfortunately has been called away from the Senate this week because of a death in his family.

Throughout the period since we first proposed action of this kind we have held to one central belief—that the interests of the United States would be best served by establishment of an orderly timetable for the removal of all U.S. Forces from Vietnam. We remain firmly convinced that such a commitment is the best available means of terminating the tragic conflict in Indochina, of ending its enormous drain on our human, material, and spiritual resources, and of recapturing the respect of nations throughout the world that look to the United States for leadership.

I think this formula that we offer in the pending amendment can release American policy from arbitrary control by others, either from Saigon or Hanoi, as the Senator from New York (Mr. GOODELL) has just underscored, and place it back in American hands; namely, in the control of Congress and the President of the United States. And it can stimulate the negotations which have been stagnating so long in Paris while the killing has been going on.

At the same time the amendment raises another issue of paramount importance. It seeks to reassert the declining role of Congress in decisions whether or not to commit American forces to battle. I emphasize in this connection that we do not pose a confrontation with any particular President. Rather we confront a dangerous trend which goes back many years, in violation of what we take to be the clear intent of the Constitution. If anyone sees provocation of a "constitutional crisis" in what we are doing, that is perhaps the best illustration of the distance we have strayed from the Constitution itself. Neither the legislative history nor the language of that document allows the interpretation that the Executive alone can initiate war or that, once begun, a war becomes his prerogative alone to end or to expand and continue indefinitely without reference to the wishes of Congress. On the contrary there rests with the Congress an affirmative duty—more than a power—to regularly review every military activity in which the Nation is engaged. The notion of an unbridled executive war power is as foreign to our system as would be an assertion that the President can simply dissolve the Congress and run the country by one-man rule.

Although they will be discussed in more detail as the debate progresses, I do want to make brief reference at this point to several provisions in the amendment that affect central points of concern about the consequences of withdrawal.

No one would be so foolish as to suggest that any kind of a plan, a withdrawal formula or any other formula, for dealing with this war is entirely free from risk.

Among the most serious problems we must face is the status of prisoners of war now held by North Vietnam in a manner which defies standards of decency, including those established in the Geneva accords to which North Vietnam is a signatory. We believe a timetable for withdrawal would facilitate their release by opening the way to meaningful negotiations and by allowing concentration of our strategy on this specific problem in place of its inclusion in a broad range of other goals. The amendment leaves the President with full authority to pursue this issue in any manner he deems appropriate.

Another matter of great concern to all of us is the safety of our forces in Vietnam. On this point, the language explicitly states that the withdrawal shall be conducted in a safe and systematic manner, and it would not hamper the President's power to determine the tactical arrangements and deployments by which this objective can be best achieved within the broad time limitation.

This gives the safest and most systematic disengagement possible within this broad time limitation extending to the end of 1971 and with an emergency clause that would permit the President the right to go ahead in an emergency for a 60-day period beyond that.

It is my conviction that if the amendment is adopted there will be little likelihood of forcing withdrawal under combat pressure.

If one stops to think about it, an adversary would have little or no incentive to attack troops that are being removed. As a matter of fact, it would be in his interest to enhance that withdrawal process if he were certain all the forces would be out by a certain date, provided he did not interfere. The enemy would have a greater incentive to see that that withdrawal is conducted safely lest they risk a longer U.S. presence.

This amendment would permit that to take place in the event there was serious interference with the safe withdrawal of our forces.

The effects of American withdrawal on the people of South Vietnam has also been widely discussed. In my view the predictions of a "bloodbath" have been greatly inflated. But if this is a concern, we suggest a diligent effort, in combination with other nations, to find asylum for those South Vietnamese who might be endangered.

Let me just say parenthetically, Mr. President, that there are tens of thousands of South Vietnamese being killed as this war proceeds. We talk about a bloodbath. We need to keep in mind that not only have thousands of combat forces been killed on both sides, but also hundreds of thousands—I have seen estimates running up to 2 million—of South Vietnamese civilians that have been killed as a result of this war. Many of the deaths have been unintentional. However, it is the direct and indirect result of the kind of massive firepower that has been introduced into this conflict. So, the question is how to terminate this with a minimum continuing danger to the people of Vietnam.

I think that likely there are people prominently identified with the government, either with the military or the political side of that government, who might feel that they are the targets of reprisals in the event the American forces were to be withdrawn. I feel that those people and others who might have the feeling that their lives and well-being are in danger should have some assurance that we will do everything we can to see that asylum is offered in various parts of the world.

My guess that is in view of the French speaking character of the people of Vietnam, many of them would follow their countrymen who have already gone to France in previous months.

The amendment does not oblige the President to take this course and it does not prevent him resources needed to explore the possibilities. Surely such an approach is preferable to the situation now, in which we practice the chilling paradox of staying in Vietnam to prevent a bloodbath while innocent civilians continue to die by the tens of thousands each year because of our own massive firepower.

I again want to stress that most of these deaths are unintentional. I do not think that American artillerymen or American pilots are trying to slaughter innocent people. However, when they pursue enemy guerrillas into areas or towns marked for interdiction or as free fire zones, it is quite obvious that some innocent people are going to be killed in the process.

Beyond these provisions, the amendment specifies that funds will remain available for general assistance to South Vietnam both during and after the withdrawal of U.S. forces, in amounts authorized under ordinary constitutional process. We do not draw a distinction between military and civilian aid. This language further emphasizes that our single purpose is to complete the withdrawal of American Armed Forces both on the ground and in the air by December 31 of next year. And it assures that even then the South Vietnamese will not be denied supplies and equipment from the United States unless Congress makes a separate determination on that issue.

Mr. President, we make no claim that the course we advocate will be convenient or painless. A Vietnam policy with such attributes will never be found. Cer-

tainly they cannot be claimed for the course that is promised if our alternative is rejected.

All we ask is that our proposal be fairly compared with existing policy, and that the Congress exercise its own responsibility for bringing this terrible conflict to an end.

Mr. President, I ask unanimous consent that the text of the amendment now pending and discussed earlier this afternoon be printed in the RECORD.

There being no objection, the amendment was ordered to be printed in the RECORD, as follows:

At an appropriate point in the bill insert the following:

"1. In accordance with public statements of policy by the President, no funds authorized by this or any other act may be obligated or expanded to maintain a troop-level of more than 280,000 armed forces of the United States in Vietnam after April 30, 1971.

"2. After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

"(a) the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971;

"(b) to secure the release of prisoners of war;

"(c) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

"(d) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

"Provided, however, That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American armed forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph 2(a) for a period of not to exceed 60 days and shall inform the Congress forthwith of his findings; and within 10 days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to section 2(a) for Congressional approval."

Mr. McGOVERN. Mr. President, in connection with the amendment an important brief has been prepared by a number of lawyers, law professors, and law students. A part of the brief was printed earlier in the RECORD. But for the convenience of Senators and others who will be following this debate over the next few days, and because the amendment does raise certain constitutional questions that will especially concern Members of the Senate, I ask unanimous consent that the entire text of the brief be printed at this point in the RECORD.

There being no objection, the brief was ordered to be printed in the RECORD, as follows:

THE AMENDMENT TO END THE WAR: THE CONSTITUTION QUESTION

(Material submitted by the Senate Steering Committee of the Congressional Committee for a Vote on the War: Hon. GEORGE MCGOVERN, Democrat, of South Dakota; Hon. MARK HATFIELD, Republican, of Oregon; Hon. CHARLES GOODELL, Republican, of New York; Hon. ALAN CRANSTON, Democrat, of California, and Hon. HAROLD HUGHES, Democrat, of Iowa).

May 13, 1970

Mr. MCGOVERN. Mr. President, there are two profound issues involved in the amendments which have been proposed to limit U.S. activities in Southeast Asia.

The merits of whether it is politically, militarily, or morally sound for us to be entangled in that conflict will be debated at length, as they have been debated for many years. Most of us have strong opinions.

The other issue has received less attention, and for that reason alone it deserves a special focus. Regardless of how any Senator feels about the wisdom of our involvement, he has good reason for deep interest in the procedures through which it has come about, and particularly in the role Congress has or has not played. Concern has been expressed about a possible constitutional crisis over the war power. In truth that crisis already exists, and the Vietnam war is the best possible illustration of that fact.

The complementary amendments introduced by Senators CHURCH and COOPER, on Cambodia, and by Senators HATFIELD, GOODELL, HUGHES, CRANSTON, myself, and other Senators on Vietnam, Cambodia, and Laos, are practical attempts to assert proper congressional involvement. In fact, they use the only vehicle—limitations on spending appropriated funds—that we have available to enforce our decisions on the use of American military power abroad. Moreover, it is a vehicle which the founders of our Republic believed should be vigorously employed.

In this connection, Mr. President, I would like to make available to Members of the Senate an analysis of the constitutional issues broached by these amendments. Entitled "Indochina: The Constitutional Crisis," it supplies an excellent historical description of the war power and a concise discussion of the legislative actions which have been used to justify our posture in Southeast Asia.

With respect to our amendment, it concludes that:

"Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston) are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibility committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change."

Mr. President, the authors of this memorandum include prominent legal scholars and former government officials. I should like to read their names:

Alexander M. Bickel, Professor of Law, Yale Law School.

Bruce Bromley, Attorney, New York City; former Judge, New York Court of Appeals.

Elias Clark, Professor of Law, Yale Law School.

Ramsey Clark, former Attorney General.

William T. Coleman, Attorney, Philadelphia, Pa.

John Doar, President, Bedford-Stuyvesant D&S Corporation, Brooklyn; former Assistant Attorney General.

John W. Douglas, former Assistant Attorney General.

George N. Lindsay, Attorney, New York City.

Burke Marshall, Professor of Law, Yale Law School; former Assistant Attorney General.

Louis F. Oberdorfer, former Assistant Attorney General.

Robert M. Pennoyer, Attorney, New York City.

Stephen J. Pollak, former Assistant Attorney General.

Paul C. Warnke, former Assistant Secretary of Defense.

Edwin M. Zimmerman, former Assistant Attorney General.

In addition, Mr. President, I want to note that the basic research and drafting for the memorandum was done by the 12 Yale Law School students: David Cooke, Reid L. Feldman, Gary Fontana, Frank Hamsher, Gertrude Hamsher, Howard O. Hunter III, Christopher Lunding, David Marks, Jeffrey Orleans, Randall Shepard, Eric Stauffer and John M. Townsend.

Their outstanding work on this project provides a graphic demonstration of how students are doing important, useful, and constructive work on behalf of the peace effort.

I ask unanimous consent that the memorandum to which I have referred be printed in the RECORD.

(There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:)

INDOCHINA: THE CONSTITUTIONAL CRISIS

The dispatch of American troops into Cambodia by the President, without specific authorization by Congress, raises serious questions about the constitutional allocation of power between the legislative and executive branches. The most significant factor in the resolution of such questions is the presence or absence of action by each branch.

The power to commit American forces to combat was originally entrusted to Congress, which retained it almost unchallenged for over a century. But in the twentieth century, Congress has passively allowed the effective ability to engage the United States in hostile actions abroad to be assumed almost entirely by the Presidency.

Proposals now before Congress invoke the money power as a means of asserting control over the Indochinese War. If Congress exercises its money power to prohibit specific uses of the armed forces, it will reassert its long dormant capacity firmly and constitutionally to limit the President's ability to use the armed forces for purposes which Congress does not approve.

I. The language of the constitution

The power to commit American troops to battle was allocated by the Constitution between the President and Congress. (The relevant clauses of the Constitution are quoted in the Appendix.) The President is entrusted with the executive power,[1] made Commander in Chief of the Army and Navy,[2] and, with the advice and consent of the Senate, empowered to make treaties and appoint ambassadors.[3] The Congress is empowered to lay taxes to provide for the common defense,[4] to define and punish offenses against the law of nations,[5] to declare war,[6] to raise and support armies (but not to finance them for more than two years at a time),[7] to provide and maintain a navy,[8] to make rules for the land and naval forces,[9] and to provide for calling up and organizing the militia.[10]

II. The original understanding

The Constitution does not say explicitly whether the army may be sent into battle when Congress has not declared war, or if it may, under what circumstances and by whose decision. In interpreting the Constitution on this point, it is helpful to look at the intent of the Framers and to the understanding of the men who first put the Constitution into practice.[11]

The Constitutional Convention debated the clause giving Congress the power to declare war on August 17, 1787.[12] The clause originally empowered Congress "to make war." [13] Some delegates objected that the power should lie with the executive, as it did in England.[14] Most of the Convention seemed firmly of the opinion that the power should lie with Congress, but that the President should have the power to defend against a sudden attack. The Convention decided to "insert 'declare,' striking out 'make' war, leaving to the executive the power to repel sudden attacks." [15] The Framers had in mind a division of functions. The President, as Commander in Chief, was charged with the conduct of hostilities after they are legally begun. He was also expected to take measures

Footnotes at end of article.

to repel any actual attack upon the United States, as an incident of his executive power. But the power to initiate hostilities was clearly meant to be served to the Congress, with the President participating in that initiative only so far as his signature was necessary to compete an act of Congress. Thus, *the President, unless his veto is overridden, may prevent war, but he cannot constitutionally act alone to begin a war.*

The judicial branch was also quick to conclude that Congress alone can declare war. Delivering the opinion of the Supreme Court in an 1801 prize case, Chief Justice John Marshall concluded that the "whole powers of war" were "vested in Congress."[16]

There may, however, be hostilities which fall short of requiring an actual declaration of war. Ten years after the adoption of the Constitution, the naval trouble between the United States and France which had begun under Washington became so acute that American shipping was greatly endangered.[17] President Adams had to decide what to do. Alexander Hamilton advised the administration against action without Congressional authority:

"In so delicate a case, in one which involves so important a consequence as that of war, my opinion is that no doubtful authority ought to be exercised by the President."[18]

Adams decided to wait for Congress to act, and it passed laws authorizing him to protect American commerce.[19] Similarly in 1801, President Jefferson was faced with hostilities on the Barbary Coast, but felt that he could order only defensive measures until Congress authorized him to commit forces to offensive action.[20]

In the first two limited wars in which the United States found itself, both Adams and Jefferson had the means to order retaliatory action immediately. Perhaps some lives and property would have been saved had they done so. But both clearly felt that the decision to commit American forces was not constitutionally theirs to make, and preferred the preservation of the Constitutional process to the pursuit of a temporary military advantage.

III. Historical development of the war power

A. Wars and Limited Wars in the 19th Century

If the President's power to engage American forces in hostilities on his own initiative is limited to defensive action by a strict construction of the Constitution, the question of the proper role of Congress arises. Congress clearly has the power to engage the United States in formal war, as it did in 1812 with the President reluctantly assenting.[21] It may declare war at the request of the President.[22] And the Congress may also ratify after the fact hostilities begun by the President.[23]

The executive branch very early recognized the exclusive power of Congress to declare war. In the course of a dispute with Spain in 1805, President Jefferson told Congress:

Considering that Congress alone is constitutionally invested with the power of changing our position from peace to war, I have thought it my duty to await their authority before using force in any degree which could be avoided.[24]

Similar deference to the sole power of Congress to make any decision to commit the United States to war was voiced by President James Monroe,[25] Secretary of State John Quincy Adams,[26] and Secretary of State Daniel Webster.[27]

The Congress itself was jealously aware of its war power, and on one occasion nearly censured the President for invading it. In 1846 it had declared, after the fact, that a state of war existed with Mexico. But the debate was bitter and the war unpopular. At the end of the war, the House of Representatives voted its thanks to General Taylor, but amended its resolution to note that he had won a war unnecessarily and unconstitutionally begun by the President of the United States.[28]

Among the Congressmen supporting the amendment were former President John Quincy Adams and future President Abraham Lincoln.

Congress also has considerable power, short of a declaration of war, to authorize and regulate limited hostilities, as it has done on a number of occasions, with and without executive approval, since 1798.[29]

During the nineteenth century, the executive branch frequently recognized the need for congressional authorization even for limited military actions. In 1857 the Secretary of State refused to send ships to help a British expedition in China, because he lacked congressional authority to do so.[30] The next year President Buchanan pleaded with Congress for authority to protect transit across the isthmus of Panama, but refused to act without it.[31] Nor in 1876 would the State Department use force to help Americans in Mexico, because it felt it lacked the power to do so.[32] As late as 1911 President William Howard Taft felt that he had enough power to move troops to the Mexican border, to be ready in case Congress told him to protect American lives and property endangered by the revolution there, but refused to send them in on his own authority.[33]

B. Erosion of the Congressional Warmaking Power in the 20th Century

In the early part of the twentieth century, the executive began to exercise greater discretion in the use of American armed forces abroad. For instance, without specific congressional approval, President Theodore Roosevelt sent American troops into Panama in 1903 and President Wilson sent troops into Mexico in 1916 in pursuit of the Pancho Villa bandits.[34]

Since 1945, the executive has regularly used military force abroad as a tool of diplomacy. Aside from Indochina, the greatest use of American force was in Korea, where several hundred thousand troops were committed to combat and major casualties were incurred. There was neither a formal declaration of war, nor any other specific congressional sanction for the Korean conflict.[35] American forces were sent into the Formosan Strait in 1955, into Lebanon in 1958, and into the Dominican Republic in 1965. The Navy was used to blockade Cuba during the missile crisis in 1962. And, most recently, naval vessels were dispatched to the vicinity of Haiti and Trinidad in response to internal conflicts in those countries. Prior congressional resolutions were obtained by the President for the Formosan and Lebanese actions, but both the validity of those resolutions and the degree to which President Eisenhower relied on them has been questioned.[36]

The application of prior historical precedents to unilateral executive use of armed force abroad in the mid-twentieth century can, however, be misleading. For instance, as precedents for the Vietnam War, a State Department Memorandum cites a long series of military actions ordered by the President alone.[37] The majority of the cited military actions undertaken by the executive without congressional approval took place in the nineteenth century. Most of them were not actions that involved conflicts with foreign states; rather, the bulk of them involved the protection of individuals, police actions against pirates or actions against primitive peoples. Furthermore, the United States did not have a significant standing army during peacetime until after 1945, and the President was limited in the military actions that he could take by the need to approach Congress to ask for any increase in the size of the armed forces. *Today, with a tremendous military machine and modern transport at his immediate disposal, the President is under little practical pressure to seek congressional authorization for his actions, and therefore he is unlikely to seek it unless Congress insists that he do so.*[38]

IV. The theoretical bases for unilateral Presidential action

The theories on which various Presidents have relied for the use of military force abroad without congressional approval may be divided into three general categories: (1) the sudden attack theory; (2) the neutrality theory; and (3) the collective security theory.[39]

(1) *The Sudden Attack Theory.*—The President as the Chief Executive has the inherent power to defend the sovereignty and integrity of the nation itself and to respond to an armed attack on the territory of the United States without requesting congressional approval. For example, we do not question the constitutional authority of the President to order a retaliatory strike in the event of an atomic attack on the territory of the United States. In the absence of an armed attack on American territory proper, the power of the President is more closely circumscribed.[40]

(2) *The Neutrality Theory.*—Also known as "interposition," the neutrality theory was developed during the nineteenth century as a justification for American military involvement abroad to protect American citizens and property. When American armed forces were sent into a foreign nation, their presence was supposed to be "neutral" with respect to any conflicts there. *The executive, in taking such action, was not necessarily "making war" but merely dispatching troops to act as security guards for American citizens and their property. The real difficulty, clearly, was in remaining neutral and avoiding conflict.*[41]

(3) *The Collective Security Theory.*—Since 1945, the United States has entered into many security treaties with foreign nations. Many of these agreements have clauses which indicate that the security of each signatory is vital to the security of each other signatory. Unilateral presidential action under these agreements may be justified as necessary for the protection of American security even though the conflict may arise thousands of miles from American shores, but, *carried to its extreme, the collective security theory would justify almost any unilateral presidential use of armed force abroad,*[42] *a result contrary to Constitutional standards.*

V. The justifications for unilateral executive action in Indochina

The involvement of the United States in Vietnam, the commencement of an air war in Laos, and the expansion of the ground war into Cambodia have resulted almost entirely from executive decisions and actions. The executive branch of the government has justified its action primarily on the grounds of: (1) the presidential prerogative to protect American security interests abroad by whatever means necessary. (2) the SEATO treaty; and (3) the Gulf of Tonkin Resolution.[43] *It cannot be said that the recent actions by the executive in Cambodia or the earlier actions in both Vietnam and Laos are clearly contrary to the Constitution. However, the expansion of the war into Cambodia is the latest in a long series of acts which, taken together, have nearly stripped Congress of its war power.*

(1) *The Presidential Prerogative.*—Undoubtedly, the speed with which crises develop in the modern world necessitates a strong executive who can respond quickly to such crises. The need for a speedy response, the need for secrecy, the need to protect American citizens and property abroad, and the need to protect American security interests in the balance of power are all used to legitimize the use by the executive, without congressional approval, of American armed forces abroad. Recent United States

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actions, especially in Korea and Indochina, are cited to support great executive discretion in the use of American military force abroad. The recent invasion of Cambodia without prior congressional approval or even notice is not without historical precedent and not without justification under a broad interpretation of the collective security theory.[44]

However, the real question is whether the balance has shifted too far in favor of the executive.[45] A war, such as the one in Indochina, requires great sacrifices on the part of great numbers of the American people. It is difficult, if not impossible, to predict the ultimate outcome of any American intervention. Consequently, when there is a possibility of large scale American involvement and even a limited risk of war, Congress should pass on the desirability of American military action.[46]

The executive has also placed reliance on the power of the President as chief formulator of foreign policy and as Commander in Chief of the armed forces. *Granted that the President does have primary responsibility in the modern world for the handling of foreign policy, he should not have the discretion to initiate war as an instrument of foreign policy.*

Finally, the Commander in Chief provision of the Constitution is an expression of civilian control over the military; it does not give the war power to the President.[47]

(2) *The SEATO Treaty.*—The Southeast Asia Treaty Organization is one of the many multilateral collective security treaties which the United States has signed. Neither South Vietnam nor Cambodia is a signatory, but both countries are within "protocol areas" which the signatories consider to be vital to their security interests.[48] The terms of the treaty are ambiguous, and it is at least questionable whether the United States was obligated by the terms of the treaty to come to the aid of South Vietnam.[49]

More importantly, the SEATO agreement cannot help answer the constitutional questions, because it specifically states that action by a signatory in response to an attack on another signatory or a "protocol country" is to be made only after a decision made according to the "constitutional process" of the signatory.[50]

The more relevant issue is the power of the President to involve American forces in foreign combat on the basis of a treaty. The Constitution requires that the Senate must give its advice and consent to any treaty before it can become effective.[51] Once approved, the treaty is of the same nature as any other duly passed law which the executive is bound to execute faithfully.[52] If, however, the war power is a congressional prerogative, the decisions regarding the initiation of war should be made by both houses of Congress and not just the Senate.[53]

(3) *The Tonkin Gulf Resolution.*—Following reported attacks on American naval vessels in the Gulf of Tonkin in August of 1964, Congress passed a joint resolution which gave the President broad discretion to respond to "aggression" in Southeast Asia.[54] Congressional action which does not amount to a formal declaration of war may be a valid congressional authorization of hostilities,[55] and some commentators think that the Tonkin Gulf Resolution is an adequate congressional authorization for the Vietnamese War.[56]

There are two factors, however, which make the Tonkin Gulf Resolution an invalid basis for continued Congressional inaction. First, it was passed with great speed and in the heat of emotion that resulted from the reported attack on American naval vessels in the Tonkin Gulf.[57] Secondly, there were few American troops in Vietnam in the American ground combat forces there.[58]

It has also been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him. This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive.[59]

VI. The opportunities for reassertion of congressional power

The power of the purse is the last bastion of popular control of the government.[60] Congress now has the opportunity to use this power to restore the constitutional balance by including in authorization acts any of a number of restrictions on the use of American funds and forces in Indochina. More forcefully than a resolution of one or both houses,[60a] enacting specific restrictions on the use of our military forces in Indochina and directing their withdrawal would effectively assert congressional control of the limited war in which we are now engaged. Proposed restrictive provisions (such as those advanced by Senators McGovern, Hatfield, Hughes, Goodell and Cranston)[61] are not only a legitimate exercise of Congress' money power, but pose no danger of inflexibility committing our policy to a hazardous course because (1) they include exceptions which insure the safety of our forces and (2) they may be overridden by future congressional action if circumstances change.

A. Specifically restricting the use to which military forces may be put is a legitimate exercise of congressional power

There is no doubt that under the Constitution Congress has complete control over governmental use of funds. Historical precedent, textual analysis of the Constitution, the intent of the Framers, and judicial construction unambiguously indicate that the money power may be used to restrict the President's control of the armed forces.

Past congressional success in the restriction of military policy through the use of specific provisions in money acts offers conclusive support for the legitimacy of such a measurable to control the military actions of the President. Riders and amendments on appropriation and authorization acts traditionally have been a device favored by Congress to restrict and to control executive action.[61a] The most recent example is Section 643 of the Defense Appropriation Act for the current fiscal year, passed in 1969, which states that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos and Thailand."[62] *Last year's rider alone serves as clear precedent for similar restrictions on use of forces or funds in Cambodia or in Vietnam itself.*

An almost identical restriction was enacted by Congress in the Selective Service and Training Act of 1940, which included the proviso that:

"Persons inducted into the land forces of the United States under this Act shall not be employed beyond the limits of the Western Hemisphere except in the Territories and possessions of the United States, including the Philippine Islands."[63]

It appears that in the past Presidents have always complied with such restrictions, even when they originally expressed an intention to ignore them.[64] Compliance by the executive is, in fact, clearly dictated by the Constitution.

The general grant to the President of the executive power[65] is qualified by the admonition that "he shall take care that the laws be faithfully executed."[66] The powers of Congress to raise and appropriate revenues, to raise and support armies, and to provide and maintain a navy, are all law-making powers.[67] *An appropriation rider enacted into law would therefore impose a clear constitutional obligation on the President to abide by its provisions.*[68] In addition, it would constitute a *pro tanto* repeal of previous statutes granting the President discretion to use funds for military purposes.

The President's power as Commander in Chief does not free him from enacted restrictions. The Constitution has granted to Congress the fundamental power to create the resources employed by the branches of the government. *The Commander in Chief clause merely entitles the President to the supreme command of the armed forces within the limits established by the legislation which created those forces,* provided the limits are reasonable.[69]

The fundamental importance of the money power is evident from the determination of the Framers to place this power firmly in the hands of Congress. Particular care was taken to maintain under congressional control the use of funds for military purposes, as indicated by the constitutional provision that no money may be appropriated for the army "for a longer term than two years."[70] The rationale for the allocation of power made by the Framers of the Constitution is basic to our concept of demoracy: that the legislators, as representatives of the people, should have complete control over the nation's resources. Madison described the money power in these terms:

"This power over the purse may, in fact, be regarded as the most complete and effectual weapon with which any constitution can arm the immediate representatives of the people."[71]

The wisdom of this grant of power is borne out by recent history. The conduct of the Indochina War has precipitated a widespread disillusionment with the government, and attendant loss of respect for law. *If the people, through their representatives, have no control over the commitment of their resources to war-making, the result is inconsistent with the democratic principles of the Constitution.*

The Supreme Court spoke most directly to the issue in the *Steel Seizure Case,*[72] concluding that the powers of the President, both as Commander in Chief and in his executive capacity, were not unlimited and could be restrained by another branch of the government.[73] All the Justices in the majority indicated that the extent to which Congress had acted to control the action taken by the President, seizure of most of the nation's steel mills, was significant in determining the constitutionality of his action.[74] The opinions imply that *When Congress speaks on the question of what form executive action may take, such power to act alone as the President may have will be circumscribed.* In the *Steel Seizure Case,* the Justices disagreed on the proper interpretation of Congress' failure to act on relevant legislation; in contrast, *if Congress enacts a clear prohibition on military action in specified areas of Indochina, the meaning would be clear, and presidential power would be effectively limited.*

B. Continuing congressional control and the inclusion of adequate exceptions to restrictions on military action insure that military policy will remain flexible

There is, of course, a possibility that changed circumstances will force a reconsideration of the wisdom of certain specific limitations. But the assertion of congressional control by enacting the proposed restrictions merely shifts from the President to Congress power over future military involvement in Indochina.

The President would retain the power to engage in immediate self-defense under the executive power to repel sudden attacks. In addition, exceptions to the restrictions of the McGovern-Hatfield-Hughes-Goodell-Cranston proposal permit full executive free-

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dom to protect our troops and prisoners during withdrawal.[75] *But major decisions would be reserved for Congress, which is fully capable of making major decisions quickly and competently. And by asserting its proper role in decisions of war-making, Congress would act to re-establish the traditional constitutional balance.*

VII. Conclusion

The current unlimited freedom enjoyed by the executive to engage in military action is largely the result of inaction by Congresses past. As Supreme Court Justice Jackson stated:

"We may say that power to legislate for emergencies belongs in the hands of Congress, but only Congress itself can prevent power from slipping through its fingers."[76]

FOOTNOTES

[1] Constitution of the United States of America, Article 2, § 1.

[2] *Ibid,* Article 2, § 2, cl. 1.

[3] *Ibid,* Article 2, § 2, cl. 2.

[4] *Ibid.* Article 1, § 8, cl. 1.

[5] *Ibid.* Article 1, § 8, cl. 10.

[6] *Ibid.* Article 1, § 8, cl. 11.

[7] *Ibid.* Article 1, § 8, cl. 12.

[8] *Ibid.* Article 1, § 8, cl. 13.

[9] *Ibid.* Article 1, § 8, cl. 14.

[10] *Ibid.* Article 1, § 8, cl. 15 and cl. 16.

[11] For an exhaustive analysis of the historical development of the war power see the article by Francis D. Wormuth, "The Vietnam War: The President versus the Constitution," on which this paper draws heavily. It is reprinted in Falk, ed., *The Vietnam War and International Law,* Princeton University Press, 1969.

[12] James Madison, *Notes of Debates in the Federal Convention,* Ohio University Press edition, 1966.

A transcript of Madison's notes on the debate on the war power is included in the appendix to this paper.

[13] *Ibid.,* debate of August 17, 1787 (Ohio edition page 476).

[14] *Ibid.,* remarks of Mr. Butler (see appendix). For a discussion of the English allocation of power, still accurate when the Constitution was written, see John Locke, *Second Treatise on Government* (1960), chapters 12 and 13, § 145.

Mr. Gerry remarked that he "never expected to hear in a republic a motion to empower the Executive alone to declare war."

[15] *Ibid.,* the motion passed eight states to one, Massachusetts absent (see appendix).

[16] *The Amelia,* 1 Cranch (5 U.S.) 1 (1801). Chief Justice Marshall wrote:

"The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."

The case involved a ship whose seizure would have been legal under the President's privateering proclamation, but whose seizure the Court held was illegal under the terms of the Act of Congress which authorized the proclamation. The privateer was made to pay damages to the ship's owner.

[17] After the outbreak of the war between France and England in 1792, American shipping was molested by the blockades of both nations. President Washington met the challenge with his famous Neutrality Proclamation, which kept the United States out of the conflict. By 1798, however, French depredations on American commerce had become so menacing that action was needed to protect it. The question was whether President Adams could do so on his own authority or whether he needed the authority of Congress.

[18] Alexander Hamilton to James McHenry, the Secretary of War, May 17, 1798 (quoted in Wormuth, *op. cit.*)

[19] Congress suspended commercial intercourse with France in the Act of June 13, 1798, augmented by the Act of February 9, 1799. (1 Stat. 565, 1 Stat. 613).

It denounced the treaty with France in the Act of July 7, 1798 (1 Stat. 578).

It created the Department of the Navy by the Act of April 27, 1798 (1 Stat. 553).

And it established the Marine Corps by the Act of July 11, 1798 (1 Stat. 594).

The controversy with France is described in note 17, above.

[20] The Barbary States, particularly Tripoli, had been marauding American shipping, in an attempt to exact a payment of tribute from the United States. When the promised tribute was not paid, Tripoli declared war on the United States. President Jefferson sent ships to the Mediterranean, but authorized them only to defend themselves and other American ships. The Navy captured a Tripolitan ship, but released it after disarming it, as the President told Congress:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defense, the vessel, being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries."

Thomas Jefferson, First Annual Message, December 8, 1801, *Messages and Papers of the Presidents* (1908) vol. I, p. 326.

[21] Act of June 18, 1812 (2 Stat. 155).

[22] Act of April 20, 1898 (30 Stat. 738), containing the ultimatum to Spain, and the Act of April 25, 1898 (30 Stat. 364), declaring that a state of war had existed since April 21.

[23] Act of May 13, 1846 (Stat.), and Act of August 6, 1861 (12 Stat. 326).

[24] *Messages and Papers of the Presidents,* vol. I, p. 389.

[25] In 1824 Colombia notified the United States that it was threatened by France, and asked for protection. The Monroe Doctrine had been announced the year before, but the administration would not commit itself to defend Colombia. President Monroe wrote to Former President Madison that:

The Executive has no right to compromit the nation in any question of war."

Letter of August 2, 1824, quoted in Wormuth, *op. cit.*

[26] Three days after Monroe's letter to Madison, Secretary of State Adams formally wrote to the Minister of Colombia to the United States:

"By the Constitution of the United States, the ultimate decision of this question belongs to the Legislative Department of the Government."

John Quincy Adams to Jose Maria Salazar, August 6, 1824.

[27] In 1851 Hawaii asked the United States for protection from France. Secretary of State Daniel Webster refused to help:

"I have to say that the war-making power rests entirely with Congress and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another."

J. B. Moore, *Digest of International Law,* Washington, G.P.O. vol. 7, p. 163.

[28] *Congressional Globe,* 30th Congress, 1st Session, page 95, January 3, 1848.

The Mexican War had been precipitated in 1846 by President Polk's dispatch of American troops into a territory whose possession was disputed with Mexico. After hostilities erupted, Congress reluctantly declared that a state of war existed between the United States and Mexico.

The resolution referred to was a vote of thanks to General Zachary Taylor, the Commander of the successful American forces. The clause censuring the President was moved as an amendment to that resolution. The amendment was adopted on January 3, but was dropped when the resolution came up for a final vote.

[29] For the 1798 legislation, see note 19, above.

Congress authorized the President to act against Tripoli in the Act of February 6, 182 (2 Stat. 129).

In 1839, in the course of a dispute over the boundary of Maine, Congress authorized the use of force against England in the Act of March 3, 1839 (5 Stat. 355). Force was never needed.

In 1890 the Congress passed an act, which became law without the President's signature, authorizing the use of force to extract an indemnity for the seizure of American ships off Venezuela. Act of June 17, 1890 (26 Stat. 674). The indemnity was secured by arbitration.

[30] Secretary of State Lewis Cass wrote the British Government that:

"Under the Constitution of the United States, the executive branch of this Government is not the war-making power. The exercise of that great attribute of sovereignty is vested in Congress, and the President has no authority to order aggressive hostilities to be undertaken. . . . Military expeditions into the Chinese territory cannot be undertaken without the authority of the National Legislature." Moore, *op. cit.* vol. 7, p. 164.

[31] President Buchanan told Congress that: "The executive government of this country in its intercourse with foreign nations is limited to diplomacy alone. When this fails it can go no further. It cannot legitimately resort to force without authority of Congress, except in resisting and repelling hostile attacks." *Messages and Papers of the President,* vol. 5, p. 616: Message of December 6, 1958.

[32] Acting Secretary of State Hunter wrote: "The President is not authorized to order or approve an act of war in a country with which we are at peace, except in self-defense. This is a peculiarity of our form of government which at times may be inconvenient, but which is believed to have proved and will in the future be found in the long run to be wise and essential to the public welfare." Moore, *op cit.* vol 7, p. 167.

[33] In his Third Annual Message, President Taft told Congress: "The assumption by the press that I contemplate intervention on Mexican Soil to protect American lives or property is of course gratuitous, because I seriously doubt whether I have such authority under any circumstances, and if I had I would not exercise it without express congressional approval."

Despite presidential protestions to the contrary, a diluted but similar recognition of the need for Congressional approval of limited hostilities lay behind the requests for the Formosa Resolution of 1954, the Middle East Resolution of 1957, and the Gulf of Tonkin Resolution of 1964.

[34] See generally, Reveley, "Presidential War-Making: Constitutional Prerogative or Usurpation?" 55 Va. L. Rev. 1243, 1257–63 (1969). President Wilson sent American troops into Vera Cruz in 1914 on his own authority, but he had asked Congress for an enabling act the day before the troops were used, and the day after the landing Congress ratified his action.

[35] See, "Congress, The President and the Power to Commit Forces to Combat," in *The Vietnam War and International Law,* v. 2 (Falk ed. 1969) at 616, 636–37. This article originally appeared as a Note in the Harvard Law Review, 81 Harv. L. Rev. 1771 (1968). Much of the content and many of the arguments in this memorandum have been drawn from this Note. Hereinafter it will be cited as the "Harv. Note" with page citations to the Falk collection.

[36] See, Moore, "The National Executive and the Use of Armed Forces Abroad," in Falk, supra (n. 35) at 809, 817. This was originally an address given by Professor Moore at the Naval War College on Oct. 11, 1968. (Herein-

after cited as "Moore Address" with page citations to the Falk collection); and see Harv. Note at 637.

[37] U.S. Department of State, "The Legality of United States Participation in the Defense of Viet-Nam," 54 Department of State Bulletin 474 (1966), reprinted in "Symposium—Legality of United States Participation in the Viet Nam Conflict," 75 Yale L.J. 1084 (1966). [Hereinafter cited as State Department Memo.]

[38] As precedent for Vietnam, however, the majority of the nineteenth century uses of force do not survive close scrutiny. Most were minor undertakings, designed to protect American citizens or property, or to revenge a slight to national honor, and most involved no combat, or even its likelihood, with forces of another state. To use force abroad on a notable scale, the President would of necessity have had to request Congress to augment the standing army and navy.

Reveley, supra, n. 8, at 1258.

[39] See generally, Harv. Note.

[40] See generally Harv. Note at 624, 631.

In the event of an armed attack on the territory of the United States proper, there is little question that the executive possesses the power to respond with all means at his disposal. Congressional approval of such action would probably be immediate. When, on the other hand, an attack is made on American persons or property abroad, then the response should generally be proportional to the attack. The recent "Pueblo Incident" is a striking example of the fact that not every use of force against the United States is an act which places the country at war and that a variety of factors should enter into the development of an appropriate response. Short of an attack which threatens the life of the country, therefore, it seems that the President's power under the sudden attack theory is fairly limited.

There is also the danger of provocation, either planned or accidental. The mere presence of American forces near a hostile nation may provoke a "sudden attack." Consider, for instance, the U–2 incident in 1960, the various RB–47 incidents, then the "Pueblo Incident." If the response to such an attack is not limited, then the country may become involved in a much larger conflict with little or no executive-legislative collaboration.

[41] See generally, Harv. Note at 634; Reveley, supra (n. 34) at 1257 et seq.; and Velvel, "The War in Viet Nam: Unconstitutional, Justiciable and Jurisdictionally Attackable," 16 Kan. L. Rev. 449 (1968). (Caveat: Prof. Velvel's article is highly one-sided.)

Modern analogies of the "neutrality theory" were the landing of troops in the Dominican Republic in 1965 and the recent dispatch of American naval vessels to the area around Haiti and Trinidad.

The real problem with the neutrality theory is remaining neutral. "Interposition" may easily lead to "intervention" and the Congress may be faced with a fait accompli. President Roosevelt accomplished an actual "intervention" in Panama in 1903 by "interposing" American troops there under an executive order, ostensibly to protect American property and citizens, but actually to support a friendly government.

However, American citizens who live or own property abroad probably should be able to expect some degree of aid from their government in time of conflict. But if the President has an unfettered right to employ the American military anywhere at anytime to protect American property, Congress may be left without an opportunity to assert its views. And, in many cases, the risks of deployment may be greater than the risks of restraint.

[42] See generally, State Department Memo, Alford, "The Legality of American Military Involvement in Viet Nam: A Broader Perspective," 75 Yale L.J. 1109 (1966); Harv. Note at 627 et seq.; cf., Memorandum of Lawyers' Committee on American Policy toward Viet Nam, 112 Cong. Rec. 2552–59 (daily edn. Feb. 9, 1966).

Almost every national in the world has become classified as friendly, hostile, or neutral, and conflicts which might have seemed minor fifty or a hundred years ago are now often viewed as dangerous because they tend to upset the precarious world order and balance of power. Consequently, the idea of American security has expanded greatly so that an armed conflict in a far part of the world may appear to be a threat to the security of the United States itself. Unilateral Presidential employment of armed forces abroad, under the collective security theory has, therefore, been justified on much the same grounds as unilateral executive action under the sudden attack theory. The physical territory of the United States may be in no immediate, or even distant, danger.

There may be no immediate threat to American forces, citizens, or property, but a conflict may seem to endanger the worldwide security system of the United States. The argument for Presidential action under the collective security theory is that the executive must have the power to respond quickly and forcefully to attacks which are considered important, for a variety of reasons, to the maintenance of the balance of power.

The executive action in Indochina has been premised largely on the collective security theory. The Indochinese War and other recent American military actions serve to indicate that the neutrality theory is no longer viable. In a world which is divided into friendly, hostile, and neutral countries, most armed conflicts will probably affect the existing order. It is difficult, if not impossible, therefore, for American intervention in such conflicts to remain wholly neutral.

The notion that the United States possesses extraterritorial security interests is not novel. The Monroe Doctrine of 1823 is a clear example. But the proliferation of bilateral and multilateral security agreements since the end of World War II has widened American security interests to include most of the world.

Accepting the general premise of the collective security theory, the question is: who determines when the security interest of the United States is threatened, the President or Congress? And who determines what response is to be taken to protect that interest?

[43] See generally, State Department Memo.

[44] See Text and notes, supra.

[45] If the balance has shifted too far in favor of the executive, then Congress must share the blame for its failure to act in the past. Is there any real concern or is it acceptable for the President to have primary responsibility for the use of American forces abroad?

There is certainly a strong argument in favor of giving the executive the ability to respond with speed and force to crises which constitute a *direct* threat to the security of the United States. (See Harv. Note at 640.) But, there are equally strong, if not stronger, arguments in favor of increased congressional control over executive actions which may involve the United States in lengthy conflicts that are costly both in terms of lives and economic resources.

[46] See generally, Moore Address.

[47] Velvel, supra (n. 41) at 457.

[48] The full text of the SEATO Treaty may be found in 6 U.S. Treaties 81; T.I.A.S., No. 3170; 209 U.N. Treaty Series 28; and Falk, supra (n. 35) at 561 and seq. The signatories were: Australia, France, New Zealand, Pakistan, Philippines, Thailand. the United Kingdom, and the United States.

The Protocol to the SEATO Treaty provides in pertinent part that:

The parties to the Southeast Asia Collective Defense Treaty unanimously designate for the purposes of Article IV of the Treaty the states of Cambodia and Laos and the free territory under the jurisdiction of the state of Vietnam."

6 U.S. Treaties 87; T.I.A.S., No. 3170; 209 U.N. Treaty Series 36; Falk, supra (n. 35) at 564.

Laos was removed from the "protocol area" by the Geneva Accords of 1962. See: Protocol to the Declaration on the Neutrality of Laos, T.I.A.S. 5410; Falk, supra (no. 35) at 568.

Article IV goes to the core of the collective security agreement:

"1. Each party recognizes that aggression by means of armed attack in the treaty area against any of the parties or against any state or territory which the parties by unanimous agreement may hereafter designate, would endanger its own peace and safety, and agrees that it will in that event act to meet the common danger in accordance with its constitutional processes. Measures taken under this paragraph shall be immediately reported to the Security Council of the United Nations.

"2. If, in the opinion of any of the parties the inviolability or the integrity of the territory or the sovereignty or political independence of any party in the treaty area or of any other state or territory to which the provisions of paragraph 1 of this article from time to time apply is threatened in any way other than by armed attack or is affected or threatened by any fact or situation which might endanger the peace of the area, the Parties shall consult immediately in order to agree on the measures which should be taken for the common defense.

"3. It is understood that no action on the territory of any state designated by unanimous agreement under paragraph 1 of this article or on any territory so designated shall be taken except at the invitation or with the consent of the government concerned."

[49] See generally, Falk, "International Law and the United States Role in the Viet Nam War," 75 Yale L.J. (1966); Falk, "International Law and the United States Role in Viet Nam: A Response to Professor Moore," 76 Yale L.J. 1095 (1967); but cf. Moore, "International Law and the United States Role in Vietnam: A Reply," 76 Yale L.J. 1051 (1967).

[50] Art. IV, ¶1 of SEATO Treaty, supra (n. 48).

[51] Constitution, Art. 2, § 2, cl. 2.

[52] Id, Art. 2, § 3.

However, the treaty is rendered of no effect if it conflicts with subsequent legislation, since the lawmaking power of Congress is equally as potent as the treaty power.

"A treaty may supersede a prior act of Congress, and an act of Congress may supersede a prior treaty. *The Cherokee Tobacco*, 78 U.S. (11 Wall.) 616, 621 (1870); accord. *Pigeon River Co.* v. *Cox Co.*, 291 U.S. 138, 160 (1934); *Moser* v. *United States*, 341 U.S. 41, 45 (1951).

[53] See Harv. Note at 643–46.

The possibility of giving the war power to the Senate alone was specifically considered and rejected by the Farmers. See, Appendix on the debate in the Constitutional Convention.

[54] Southeast Asia Resolution, Aug. 10, 1964, Public Law 88–408 (H.J. Res. 1145); 78 Stat. 384. The Resolution is also reprinted in Falk, supra (n. 35) at 579.

[55] See e.g. opinion of Chief Justice Marshall in *Talbot* v. *Seeman*, 5 U.S. (1 Cr.) 1, 25 (1801). And, as former Secretary of Defense McNamara has said, "There has not been a normal declaration of war—anywhere in the world—since World War II." Address to American Society of Newspaper Editors, May 18, 1966, *New York Times*, May 19, 1966, p. C–11, col. 1 (city edn.) at col. 2.

[56] See generally, Moore Address; Alford, supra, (n. 42); Moore and Falk articles, supra (n. 49).

Whether the Tonkin Resolution is sufficient authority for the Cambodian invasion and the air action in Laos has not been con-

sidered by the legal commentators thus far, but the language of the Resolution is so broad that it could, arguably, authorize almost any American action in the Western Pacific area. See, remarks of Senators Fulbright and Cooper during debate on the Resolution, 110 Cong. Rec. 18409–410 (1964).

[57] One commentator, however, does argue that Congress had sufficient information to form a reasonable opinion about the possible consequences of the Resolution, and that it was perhaps an unfortunate, but not unconstitutional abdication of responsibility. See, Moore Address at 821, and see generally, Moore and Underwood, "The Lawfulness of United States Assistance to the Republic of Viet Nam," 112 Cong. Rec. 14943, 14960–67, 14983–89 (daily edn., July 14, 1966).

[58] It is at least questionable whether a resolution passed in response to a relatively minor attack on American warships was sufficient authorization for a war which has resulted in more American casualties than any war except the Civil War and World Wars I and II.

It has also been argued that Congress has given its implied approval to the Indochinese War because it has passed military authorization bills for the area. The argument based on enactment of military appropriations legislation is specious. The authorization of expenditures for the support of the soldiers in Southeast Asia War necessitated by the executive fait accompli in dispatching forces there. And, if the Framers had thought that the money power by itself gave Congress sufficient control over the military, there would have been no need to grant Congress the explicit war power. See generally, Harv. Note at 646.

[60] The power of the purse was the weapon used by the English parliament to combat the exercise of despotic power by Charles I and James II. The Framers of the Constitution were certainly aware of its utility as a guarantee of the powers and privileges of the legislature.

[60a] The resolutions now before Congress, though carrying important political impact, would affect the constitutionality of subsequent executive action. If a resolution were made before the initiation of hostilities, Presidential commitment of American forces or significant expansion of the war would be precluded because the resolution would be a clear assertion of the primacy of Congress in the making of war. See *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579 (1952) (Jackson, J., concurring). Once forces were involved in combat the resolution would prohibit expansion of hostilities.

[61] Such restrictions should be distinguished from the so-called "legislative veto," which reserves to Congress or one of its components the right to determine the actual effect of the restriction by subsequent action falling short of actual legislation, such as disapproval by committee action or a resolution of one or both houses.

It is arguable that the inclusion of specific dates on which these restrictions take effect is an invasion of the inherent powers of the President as Commander in Chief. According to a strict construction of the Constitution, the President's inherent power may be limited to the power to repel sudden attacks only by immediate and temporary action. The expansion of his power through its unopposed exercise may be determinative of its constitutionality when Congress does not act, but it may be limited by Congressional action. The important question is whether the proposed limitation is reasonable. Since there is no indication that compliance with these restrictions is not fully feasible, there is no reason why the will of Congress should not be respected on this issue. The authors thus reject the argument.

[61a] Harris, *Congressional Control of Administration*, 213–215 (1964); Huzar, *The Purse and the Sword*, 211, 220, 240 (1950).

[62] 83 Stat. 469 (1969).

The inclusion of the phrase "in line with the expressed intention of the President of the United States," whatever its value as a face-saving device for the President, detracts not at all from the force of this proviso. The full text of the amendment reads:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

[63] Act of September 16, 1940 (54 Stat. 885).

[64] In 1955, for instance, Congress attached a rider, § 638, to the Defense Appropriation Act prohibiting use of funds appropriated therein "for the disposal or transfer by contract or otherwise of work that has been . . . performed by civilian personnel of the Department of Defense unless justified to the Appropriations Committee(s) . . . ." 69 Stat. 321 (1955). A threat to Congress' constitutional powers arose when, in a message to Congress, the President stated that § 638 was unconstitutional and declared that "to the extent that this section seeks to give to the Appropriations Committees of the Senate and the House of Representatives authority to veto or prevent executive action, such section will be regarded as invalid by the executive branch of the government . . . unless otherwise determined by a court of competent jurisdiction." 101 Cong. Rec. 10459–60, 10416, 84th Cong., 1st Session (July 13, 1955).

But despite this threat, the Defense Department complied in full with the provisions of Section 638. The Department reported, as required by the Act, and agreed to delay action to accommodate Congress. And after the Armed Services Subcommittee of the House Appropriations Committee formally denied permission to dispose of several operations employing civilians, the President and the Defense Department followed its directions during the time that § 638 remained law. Carper, *The Defense Appropriation Rider* (1960).

The response of the Comptroller General to this crisis adds further support to the position of Congress. A month after the President had made his threat, the Comptroller General informed Congress that—

"On the fundamental basis that it is for Congress to say how and on what conditions public monies should be spent, the position of the GAO, as the agent of Congress, must be, in this case and always, to accord full effect to the clear meaning of the enactment by the Congress so long as it remains unchanged by legislative action and unimpaired by judicial interpretation. *Id.*"

Therefore, he concluded, where a violation were found he would exercise his power as Comptroller General to disallow credits in the agencies accounts and hold the officers personally liable for the cost of the illegal activity. *Id.* Although § 638 was an example of the use of the legislative veto, it serves as a valid indication of expectable executive response to an unequivocal restriction, particularly since the legislative veto is open to possible attack as a circumvention of the constitutionally required lawmaking process.

[65] U.S. Constitution, Art. II, § 1.

[66] U.S. Constitution, Art. II, § 3.

[67] U.S. Constitution, Art I, §§ 8, 9.

[68] Even if the President acts beyond the constitutional limits of his powers, "Congress has not thereby lost its exclusive constitutional authority to make laws necessary and proper to carry out the powers vested by the Constitution in the Government of the United States, or any Department of officer thereof." *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 588–89 (1952).

Whatever the merits of the arguments about the President's power to impound funds, such practices under which the executive exercises discretion within the limits set by Congress in appropriations acts can be clearly distinguished from a more clearly unconstitutional breach by the executive of restrictions on positive action. See, e.g., Fisher, "Presidential Impoundment of Funds," 38 Geo. Wash. L. Rev. 124, 130 (1969); Davis, "Constitutional Power to Require Defense Expenditures," 33 Fordham L. Rev. 39, 40–41, 55 (1964).

[69] In the words of Justice Black:

"The Constitution is neither silent nor equivocal about who shall make laws which the President is to execute. . . . The Constitution does not subject this lawmaking power of Congress to presidential or military supervision or control. . . . The Founders of this Nation entrusted the lawmaking power to the Congress alone in both good and bad times."

Youngstown Sheet & Tube Co. v. *Sawyer*, 343 U.S. 579, 587–89 (1952).

Other judicial pronouncements on the "raise and support" and appropriations clauses have construed them to give Congress power to control the creation of military forces. One early opinion stated the argument succinctly:

"The power of congress to raise and support armies . . . is clear and undisputable. The language used in the constitution in making this grant of power is so plain, precise and comprehensive, as to leave no room for doubt or controversy, as to where the supreme control over the military force of the country resides."

In re Griver, 16 Wisc. 423, 431 (1863).

Another court has stated the conclusion more forcefully:

"The purpose of the appropriations, the terms and conditions under which said appropriations were made, is a matter in the hands of Congress and it is the plain and explicit duty of the executive branch of the government to comply with the same."

Spaulding v. *Douglas Aircraft Co.*, 60 F. Supp. 985, 988 (S.D. Cal. 1945), affirmed 154 F. 2d 419 (9th Cir. 1946).

[70] U.S. Constitution, Art. I, § 8.

[71] *The Federalist.*

[72] *Youngstown Sheet & Tube* v. *Sawyer*, 343 U.S. 579 (1952).

[73] For instance, Justice Frankfurter felt that the absence of Presidential power would have been beyond contention "had Congress explicitly negated such authority in formal legislation." *Id.* at 602.

Rejecting the view that the Commander in Chief clause supports "any Presidential action, internal or external, involving the use of force," Justice Jackson concluded that "Congress alone controls the raising of revenues and their appropriation and may determine in what manner and by what means they shall be spent for military and naval procurement." *Id.* at 643.

[74] The much-noted concurring opinion of Justice Jackson stated the proposition in more detail:

"Presidential powers are not fixed but fluctuate, depending upon their disjunction or conjunction with those of Congress. . . . When the President takes measures incompatible with the expressed or implied will of Congress, his power is at its lowest ebb. . . . Courts can sustain exclusive presidential control in such a case only by disabling the Congress from acting on the subject. Presidential claim to a power at once so conclusive and preclusive must be scrutinized with caution, for, what is at stake is the equilibrium established by our constitutional system. *Id.* at 635–638."

[75] Exceptions broader than these are not required by the Constitution, since Congress could authorize at any time military action beyond immediate self-defense.

[76] *Youngstown Sheet & Tube Co.* v. *Sawyer*, 343 U.S. 579, 654 (1952).

THE CONSTITUTION OF THE UNITED STATES

(Clauses related to war)

Article I

Section 1. All legislative power herein granted shall be vested in a Congress of the United States . . .

Section 8. The Congress shall have Power to lay and collect Taxes, Duties, Imposts, and Excises, to . . . provide for the common Defences . . .

To declare War, grant letters of Marque and committed on the high Seas, and Offences against the Law of Nations;

To declare War, grant letter of Marque and Reprisal, and make rules concerning Captures on Land and Water;

To raise and support Armies, but no Appropriation of money to that Use shall be for a longer term than Two years;

To provide and maintain a Navy;

To make rules for the Government and Regulation of the land and naval Forces;

To provide for calling forth the Militia . . .

To provide for organizing, arming, and disciplining the Militia . . .

To make all laws which shall be necessary and proper for carrying into Execution the foregoing Powers, . . .

Article II

Section 1. The executive Power shall be vested in a President of the United States of America. . . .

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of the Militia of the Several States when called into the actual service of the United States; . . .

He shall have power, by and with the advice and consent of the Senate, to make Treaties, provided two-thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors . . . and all other Officers of the United States . . .

(The appropriations clause)

Article I

Section 9. No money shall be drawn from the Treasury, but in consequence of Appropriations made by law; . . .

THE DEBATE ON THE WAR POWER IN THE CONSTITUTIONAL CONVENTION

(From Madison's notes)

Friday August 17th in Convention.

"To make war"

Mr. PINKNEY opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to large States, the power will notwithstanding be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war, and another peace.

Mr. BUTLER. The objections against the Legislature lie in great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war but when the Nation will support it.

Mr. MADISON and Mr. GERRY moved to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

Mr. SHARMAN thought it stood very well. The Executive should be able to repeal and not to commerce war. "Make" better than "declare" the latter narrowing the power too much.

Mr. GERRY never expected to hear in a republic a motion to empower the Executive alone to declare war.

Mr. ELLSWORTH. There is a material difference between the cases of making *war* and making *peace*. It should be more easy to get out of war than into it. War also is a simple and overt declaration, peace attended with intricate and secret negotiations.

Mr. MASON was against giving the power of war to the Executive, because not safely to be trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging rather than facilitating war; but for facilitating peace. He preferred "declare" to "make."

On the motion to insert *declare*—in place to *make*, it was agreed to.

N.H. no.

Mas. absent

Cont. no (On the remark by Mr. King that "make" war might be understood to "conduct" it which was an Executive function, Mr. Ellsworth gave up his objection, and the vote of Connecticut was changed to—ay.)

Pa. ay.

Del. ay.

Md. ay.

Va. ay.

N.C. ay.

S.C. ay.

Geo. ay.

Mr. Pinkney's motion to strike out the whole clause, disagreed to without call of States.

COMMENTS ON THE ROLE OF CONGRESS AND THE PRESIDENT IN MILITARY AND FOREIGN AFFAIRS

JAMES MADISON: "The management of foreign relations appears to be the most susceptible of abuse of all the trusts committed to a government, because they can be concealed or disclosed in such parts and at such times as will best suit particular views; and because the body of the people are less capable of judging, and are more under the influence of prejudices, on that branch of their affairs, than of any other. Perhaps it is a universal truth that the loss of liberty at home is to be charged to provisions against danger, real or pretended, from abroad."—Letter to Jefferson, May 13, 1798.

THOMAS JEFFERSON: "Considering that Congress alone is constitutionally invested with the power of changing our condition from peace to war, I have thought it my duty to await their authority for using force in any degree which could be avoided."—Message to Congress, December 6, 1805.

JOHN MARSHALL: "The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry."—Opinion in *The Amelia*, 1801.

JUSTICE SAMUEL P. CHASE: "Congress is empowered to declare a general war, or Congress may wage a limited war; limited in place, in object, in time. If a general war is declared, its extent and operations are only restricted and regulated by the *jus belli*, forming a part of the law of nations; but if a partial war is waged, its extent and operation depend on our municipal laws.—Opinion in *Bas v. Tingey*, 1800.

DANIEL WEBSTER: "In the first place, I have to say that the war-making power in this Government rests entirely with Congress; and that the President can authorize belligerent operations only in the cases expressly provided for by the Constitution and the laws. By these no power is given to the Executive to oppose an attack by one independent nation on the possessions of another. We are bound to regard both France and Hawaii as independent states, and equally independent, and though the general policy of the Government might lead it to take part with either in a controversy with the other, still, if this interference be an act of hostile force, it is not within the constitutional power of the President; and still less is it within the power of any subordinated agent of government, civil or military."—Statement while Secretary of State, 1851.

JAMES BUCHANAN: "The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. It would have no authority to enter the territories of Nicaragua even to prevent the destruction of the transit and to protect the lives and property of our own citizens on their passage. It is true that on a sudden emergency of this character the President would direct any armed force in the vicinity to march to their relief, but in doing this he would act upon his own responsibility."—Message to Congress, December 6, 1858.

ABRAHAM LINCOLN: "Let me first state what I understand to be your position. It is that if it shall become necessary to repel invasion, the President may, without violation of the Constitution, cross the line and invite the territory of another country, and that whether such necessity exists in any given case the President is the sole judge. . . . Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose. . . .

The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us. But your view destroys the whole matter, and place our President where kings have always stood."—Letter to Herndon while in Congress.

May 19, 1970

Mr. CRANSTON. Mr. President, the Senate debate and public discussion of the Church-Cooper amendment have been replete with references to an alleged interference with the President's powers as Commander in Chief. In terms of the manner of action it proposes, this legislative vehicle is, of course, identical to amendment No. 609 to the military procurement authorization bill, the "amendment to end war," and we should not doubt that the same questions will be repeated when that measure is the pending business.

The assertion is that if we deny him the wherewithal he needs to conduct his war policy, the Congress will interfere with the constitutional prerogatives of the President.

It is simply not true, Mr. President, and those who raise such arguments are avoiding—through inadvertence or design—the core of the issue raised by these measures. What we propose is that the Congress fulfill its long-neglected constitutional obligation to decide whether this war shall continue.

In this connection, I would like to call to the attention of the Senate a "Legal Memorandum on the Amendment To End the War" which has been prepared by students of the Harvard Law School under the direction of members of the Harvard Law Review. I understand that it will be released in the near future with the endorsement of a number of prominent legal scholars and members of the legal profession.

On the power of the Commander in Chief, the memorandum points out that the Constitutional Convention had two objectives in mind:

"First, the Convention desired to concentrate in a single civilian leader the tactical control of armies engaged in battle.

"Second, the framers sought to transfer to the President a check on an overly martial legislature so as to insure further against any precipitate commitment of our forces."

Neither purpose presumes a plenary grant of power to conduct wars over the opposition of Congress. On the contrary, again quoting from the memorandum:

"The debates in the Constitutional Convention clearly indicate one thing: Congress was to be given ultimate control over the warmaking power, with a variety of means at its command to enforce its views. At the minimum the framers would have viewed an appropriation restricted in use to disbanding an army and bringing it home as a proper exercise of Congressional power.

"Congress will have abdicated its own powers over war policy, however, if it remains inactive once the question of troop commitment is formally raised."

Let us, therefore, debate the wisdom of continuing the conflict in Vietnam. Let us consider as well the implications in terms of the role of Congress if we allow the war to go on without a positive grant of specific, understandable authority.

But let us avoid the grave error of pitching the debate on issues that do not exist. These amendments have nothing to do with the powers of the President as Commander in Chief; rather, they ask each Member on the Congress to exercise his affirmative duty to approve or disapprove American participation past next June in the Vietnam conflict.

Mr. President, I commend the authors of this "Legal Memorandum on the Amendment to End the War," and I ask unanimous consent that it be printed at this point in the RECORD.

(There being no objection, the memorandum was order to be printed in the RECORD, as follows:)

LEGAL MEMORANDUM ON THE AMENDMENT TO END THE WAR

(This memorandum was prepared under the general direction of several members of the "Harvard Law Review."

(Faculty Advisers: Abram Chayes, Professor of Law; Frank Michelman, Professor of Law.

(General Editors: Jerry Shulman, Joel Klein.

(Contributors: Philip Bakes, Jr., Robert Denham, Ed Glazer, Robert Gordon, Rob Hager, William Kolasky, Frank Kramer, Ira Lupu, James McGibbon, Mark Moskowitz, William Pizzi, Michael Seidman.)

"* * * the doctrine of the separation of powers was adopted by the convention of 1787, not to promote efficiency but to preclude the exercise of arbitrary power. The purpose was, not to avoid friction, but, by means of the inevitable friction incident to the distribution of the governmental powers among three departments, to save the people from autocracy."—*Meyers v. United States*, 272 U.S. 252, 293 (1926) (Brandeis, J. dissenting).

"* * * Congress can alone raise armies; and may put them down, whenever they choose."—2 J. Story, Commentaries on the Constitution of the United States, section 1187 (4th ed. 1873).

A. Introduction

This memorandum examines the constitutional basis for the Amendment to End the War. Most constitutional debate heretofore has focused on the President's authority to engage American troops in hostilities abroad without congressional approval. We do not address this question. Rather, we address the question of congressional power. Regardless of the President's power, Congress may exercise its independent judgment on the use of American forces abroad, indeed, it has an obligation to do so.

There is no doubt that Congress has the competence and responsibility, though not exclusive of presidential competence and responsibility, to make decisions regarding the commitment of U.S. military forces in foreign hostilities. By Article I, section 8, Congress is given the power "To declare War," "To make Rules for the Government and Regulation of the land and naval Forces," and "To provide and maintain a Navy." Nor is there any doubt as to the power of Congress to use the appropriations process to carry out congressional policy on matters within the congressional competence and responsibility. Under Article I, section 8 of the Constitution, Congress is empowered "to lay and collect taxes, . . . to pay the Debts and provide for the common Defense and general Welfare of the United States . . ."; and it is provided by Article I, section 9 that "no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law . . ." Moreover, the link between congressional responsibility to oversee our military commitments and congressional power over appropriations is explicitly forged by the provision in Article I, section 8 that Congress shall have power "to raise and support Armies, but no Appropriation of Money to that Use shall be for a longer Term than two years."

It cannot, then, be contended that in conditioning appropriations upon the orderly withdrawal of American forces from a foreign field, Congress would be acting beyond the scope of its powers under the Constitution. The objection, if there be one, must rather be that for Congress by this means to deny the President resources required for the support of troops in the field would be to encroach upon his prerogatives under Article II, section 2, as "Commander in Chief of the Army and Navy of the United States." The Constitution seems to endow both branches with some relevant competence and responsibility; the question is whether legislative appropriations powers may prevail over executive powers of military command when the policies of the two branches are in conflict.

It is possible to define, if somewhat crudely, the respective spheres of supremacy of Congress and the Presidency in "substantive" terms—in terms, that is, of the issues to be decided. The band of division appears to lie between, on the "congressional" side, decisions as to whether a war is a justified and desirable means of pursuing some United States objective (or of how much and what sort of war is to be waged in pursuit of what objectives); and, on the "presidential" side, decisions as to how those resources committed by Congress to warmaking ought to be managed so as to achieve the contemplated objectives. In light of this analysis an explicit congressional decision that no interests of the United States justify continued American military activities in Indochina, and that accordingly we should withdraw, ought to prevail over a contrary presidential judgment.

A perspective limited to the doctrine of separation of powers, however, yields an incomplete analysis of presidential and congressional prerogative and responsibility. The Constitution, while it sought to provide a harmonious framework for intraction, also aimed at a system of checks and balances among the three branches of government. Underlying this doctrine of checks and balances is the notion that each branch of the government has sufficient power to check the actions of the other branches that it deems unwise. The idea is starkly simple, and is the purest rendition of the constitutional text: only the President may deploy and command the troops, while only Congress may appropriate the wherewithal for their subsistence, equipage, and transport. What the President chooses not to command, Congress cannot well buy; what Congress chooses not to buy, the President cannot well command.

The interplay of these two contending powers illustrates the wisdom of the framers. The commitment of men and treasure to extended foreign war is the gravest exaction a government can make of its people. The constitutional allocation of powers insures that only when both branches—executive and legislative—concur can such an exaction be maintained.

B. The constitutional understanding

Congressional power to enact the Amendment to End the War must ultimately derive from the powers granted the legislative branch by the Constitution. The conflict over the constitutionality of the bill arises because the Constitution divides authority over military affairs between Congress and the President. Article II, section 2 denominates the President as "Commander in Chief of the Army and Navy." Article I, section 8, however, grants Congress the powers to "provide for the common Defence," "To declare War," "To raise and support Armies," and "To make rules for the Government and Regulation of the land and naval Forces."

The phrases on their face establish both a shared and divided power with exclusive Presidential control over troops in the field, and the larger areas of war policy decision-making falling within the domain of Congress.

The original constitutional undertaking did not occur in a historical vacuum, but against the backdrop of the 17th century English struggles between King and Parliament. These struggles were in large part over the power to conduct foreign relations, most especially the power to maintain and use a standing army. Detailed knowledge of this history was part of the common intellectual heritage of the framers.

At the beginning of the 17th century political men accepted almost without question the doctrine that the conduct of foreign affairs, and above all, the making of peace and war, were mysteries of state, the exclusive business of the crown. By the end of the century—a century of the Stuarts, the Commonwealth, the Restoration, and the Glorious Revolution—all this had changed. Parliament had assumed an important role in the policy-making process.

The device Parliament developed for asserting its control was the power to vote revenue.

Before 1624 Parliament had, in time of war, granted the King subsidies without restriction as to how they could be spent. In the Subsidy Act of 1624 the Commons for the first time conditioned the grant. The money was to be spent only for defending England and Ireland, financing the Navy, and aiding the Dutch. Such restrictions were not yet ripe for success; the Lords protested. But Parliament did wring from King James the promise to make no treaty without its "advice and consent." Charles I, successor to James I, tried to wage war without Parliament's help. When nothing was voted for war in 1626 he sought to finance his policy through forced loans. But the impossibility of continuing the war without a parliamentary grant forced him to yield to the Petition of Right (1628), which declared illegal the collection of taxes without Parliamentary consent. The issue was again contested over Ship Money, a tax on towns in lieu of building ships for the navy. This attempt ultimately failed, however, and in 1641 Parliament emphaticaly reasserted its right to a measure of control over the raising and deploying of armies by outlawing Ship Money. Charles I was beheaded shortly thereafter.

The early years of the Restoration monarchy were notorious for Charles II's secret pacts with foreign powers. Parliament once again used the money power to invade this closed policy-making process. In 1666 Parliament revived the technique of placing conditions on its grants of revenue by making a grant of £380,000 and specifying that if the treasurer of the Navy diverted the grant to anything but wages of seamen he should forfeit treble the value of the money. By 1678 the technique of imposing restrictions on the grants of revenue was standard practice. In that year Charles II sought freedom to maintain or disband his army in Flanders as he saw fit. Parliament insisted on retaining general control over basic military policy. It responded with the Supply Act of 1678 which granted a sum of about £206,000 and specified that this sum must be applied to disbanding the Flanders forces and to no other purposes the Act even specified the date of disbandment, a date less than three months from the date of the act. It was, indeed, Parliament's Amendment to End the War.

The Founding Fathers were well aware of this exercise of parliamentary power over military decisionmaking. They were also aware that Parliament's role in foreign affairs had deteriorated just prior to the American Resolution. Alexander Hamilton reported in Federalist No. 26 that Americans derived their ideas about the control of the military "from the nation from whom the inhabitants of these states have in general sprung." Men like Hamilton, a strong advocate of executive power, and James Otis were determined that the American Congress would maintain the authority over warmaking that Parliament had once achieved but was then in danger of losing.

The aims of the Constitutional Convention in making the President the Commander in Chief were two: First, the Convention desired to concentrate in a single civilian leader the tactical control of armies engaged in battle. But this was no plenary grant of power to maintain troops in a particular theater of war once Congress had decided to disengage. As Hamilton interpreted the power, it "amounted to nothing more than the supreme command and direction of the military forces, as first General and Admiral of the Confederacy." This clause places the civilian President at the top of the military command. It contains no grant of power to define the purposes for which the President may exercise his command over the troops.

Second, the framers sought to transfer to the President a check on an overly martial legislature so as to insure further against any precipitate commitment of our forces. They remembered all too well the very broad delegation of responsibility for warmaking conferred by the Articles of Confederation on Congress Mason, arguing for the proposition that someone, either the President or a council of revision, should be given the power to veto legislative action, stated that "The purse and sword must not be in the same hands; if this is true, and the Legislature are able to raise revenues and make and direct a war, I shall agree to a restraining power of the Legislature either in the Executive or a council or revision." The President's check, of course, was by no means intended to grant the executive any exclusive and unrestrainable power over the disposition of the army and navy.

The debates in the Constitutional Convention clearly indicate one thing: Congress was to be given ultimate control over the warmaking power with a variety of means at its command to enforce its views. At a minimum the framers would have viewed an appropriation restricted in use to disbanding an army and bringing it home as a proper exercise of Congressional power. Parliament had exercised this much power in 1678 and the conscious design of the Constitution was to give Congress more power over foreign affairs and warmaking than Parliament had possessed. The Constitution, read in light of the historical context and the framers' fear of a military establishment, thus established that the President could command the tactical operations of an army while engaged, but that Congress had the power through appropriations to provide an army, to disband it, or to disengage it from a particular theater of operations.

The reading is confirmed by the discussion of the relevant constitutional provisions in the Federalist papers. The colonists had seen how easy it was for a king, with a standing army at his disposal, to engage his subjects in foreign conflicts. Thus many objected to this Constitution drafted at Philadelphia because it failed to prohibit a standing army. Hamilton argued that such a prohibition was unnecessary because the Constitution gave the legislature the power to check the President in his capacity as Commander-in-Chief through the control over appropriations attendant on the power to raise and support armies. The requirement, unique in the Constitution, that "no Appropriation of Money to that Use Shall be for a Longer Term than Two Years" was designed to insure review by each new Congress of presidential exercise of command over the armed forces. In the Federalist No. 26, Hamilton said:

"The legislature of the United States will be *obliged*, by this provision [two-year appropriation], once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter, by a formal vote in the face of their constituents. They are not *at liberty* to vest in the executive department permanent funds for the support of an army. . . ."

A definitive practical gloss on the intentions of the constitutional framers is provided by the early relationships between Presidents and Congresses in times of crisis. President Adams sought Congressional authority to respond to French attacks on American ships even though he did not seek to declare war. President Jefferson, too, felt compelled to call on Congress to make a judgment on our response to attacks on our vessels by Tripolitan ships. He indicated this in his first annual message to Congress, in recounting the capture of a Tripolitan cruiser:

"Unauthorized by the Constitution, without the sanction of Congress, to go beyond the line of defence, the vessel being disabled from committing further hostilities, was liberated with its crew. The Legislature will doubtless consider whether, by authorizing measures of offense also, they will place our force on an equal footing with that of its adversaries. I communicate all material information on this subject, that in the exercise of this important function confided by the Constitution to the Legislature exclusively their judgment may form itself in a knowledge and consideration of every circumstance of weight."

Again, in deciding how to respond to the potential Spanish threat in Florida, Jefferson asked Congress to take certain steps, acknowledging that "the course to be pursued will require command of means which it belongs to Congress exclusively to yield or to deny."

Jefferson's successors—Madison, Monroe and even Jackson—all acknowledged executive deference to the legislature on questions of troop deployment and armed hostilities. Indeed, the nineteenth century in general is replete with acknowledgments of congressional preeminence. Lincoln, for example, when he was a member of Congress, stated:

"The provision of the Constitution giving the war making power to Congress, was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This, our Convention understood to be the most oppressive of all Kingly oppressions; and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us."

Moreover, Congress was quick to protect its war powers whenever these were challenged. After President Polk dispatched an army to Mexico in "hot pursuit" of an invading Mexican force, but without Congressional approval, the House passed a resolution stating that the war had been "unnecessarily and unconstitutionally begun by the President . . ."

The twentieth century particularly during the crisis moments of the Cold War, saw increasing congressional acquiescence to broad presidential assertions of power. The high-water mark of this trend came when President Truman committed troops to Korea without prior or subsequent approval by Congress. Thereafter Eisenhower in 1955 (Formosa) and 1957 (Lebanon), Kennedy in 1962 (Cuba) and Johnson 1964 (Tonkin), all sought approval of military action by congressional resolution. Some members of Congress have felt the legislative role in these cases was simply to rubber-stamp executive action. Senator Morse, for example, viewed the Tonkin Gulf Resolution as a carte blanche for presidential discertion. But no one has agreed that this sort of resolution exhausted congressional power.

Even when there is need for rapid response (*e.g.*, the Cuban missile crisis), an accommodation between the President and Congress can be reached. Congress' responsibility is to evaluate the costs and priorities of military abroad. Congress can exercise this most serious decisionmaking function *after* the initial executive commitment has been made as well as before. Indeed only then can Congress get possession of all the data relevant to the commitment involved and make a considered evaluation of it. To allow the President to persist in military action abroad because he deems it essential to the national security even after Congress, on the basis of a full evaluation of the threat and the costs of meeting it, has concluded otherwise, is to extend the President's "defensive" power beyond limitation. The decision to terminate a war is different from one to declare a war, it is nonethelesss within congressional power. It gives the legislature a needed negative check against unbridled executive action.

In sum, the present legislation attempting to establish broad timetables of U.S. withdrawal is an appropriate way for Congress to enforce its policy regarding national priorities and the removal of U.S. military presence from Southeast Asia. It is a mandate of national will which the President as Commander in Chief must follow. Congressional action will not usurp the President's power: he may still decide what is tactically the safest and most effective way to withdraw consistent with spirit of the congressional mandate. Congress will have abdicated its own powers over the war policy, however, if it remains inactive once the question of troop commitment is formally raised.

C. Appropriations power

The means most readily available to Congress to assert congressional power is its authority over appropriations. This power provides a particularly apt negative check on the executive. Historically, there has never been any doubt that Congress has the power to limit executive action through control of the purse. The Constitution explicitly states that "no money shall be drawn from the treasury but in consequence of appropriation made by law," and both branches of Congress have on occasion used this power

to exercise detailed control over the minutiae of executive action.

Richard H. Fenno, Jr., states:

"To criticize Congress for intervening in a specific and detailed fashion is to attack it for doing the only thing it can do to effectively assert its influence. Specifics and details are the indispensable handles which Congressmen use to work inductively toward broader kinds of oversight judgments . . . Congressional control is or is not appropriate in the context of the realities of legislative and executive decisionmaking. The legislator ought not to be criticized for using those controls which are available to him and which his experience tells him bring the greatest influence over executive activity."

Supreme Court Justice Robert Jackson, formerly Attorney General to Franklin Roosevelt, reaffirmed plenary Congressional power over appropriations, with particular reference to control of the armed forces. He wrote:

"Congress alone controls the raising of revenues and their appropriations and may determine in what manner and by what means they shall be spent for military and naval procurement . . . While Congress cannot deprive the President of the command of the army or navy, only Congress can give him an army or a navy to command."

The general power of Congress over appropriations is reinforced by the specific reference to the appropriations power in the Article I, section 8 grant of power to Congress to "raise and support Armies."

There are numerous precedents of carefully placed Congressional restrictions on military appropriations sanctioning the use of appropriations as a vehicle for achieving substantive policy. In 1909, President Theodore Roosevelt sought by executive order to restrict the use of the Marine Corps to onshore bases, apparently in an effort to raise the morale of the Navy. Congress disagreed and sought to force the retention of the Marine Corps on board battleships and cruisers. The House of Representatives' version of the Naval Appropriations Bill of 1909, H.R. 26394, 60th Cong., 2nd Sess. (1909), included the following proviso:

Provided, That hereafter officers and enlisted men of the Marine Corps shall serve as heretofore on board all battleships . . . in detachments of not less than eight per centum of the strength of the enlisted men of the navy on said vessels."

The proviso was written as a directive, with no clear penalty for executive noncompliance.

The Senate Committee on Naval Affairs amended the above proviso so as to make the entire Marine Corps appropriation contingent upon fulfillment of the condition. Senate debate focused on the division between legislative and executive warmaking powers. Senators Lodge, Cummins, and Borah all opposed the particular conditional appropriation. However, under questioning it became clear that the stand these critics took against Congress' power was a very limited one. Senator Bacon asked them whether Congress could order the President to remove troops from the District of Columbia after the President had placed them there. Senator Cummins and Senator Borah both acknowledged that Congress had the constitutional power to do so; Senator Lodge also admitted that his objections were on policy grounds, not on whether Congress had the requisite power to so restrict the use of appropriations.

Some Senators went considerably further in defining Congress' power. Senator Fulton said:

"[N]o doubt . . . Congress has the power to say that money should not be expended on payment of a particular corps of the army if it should be stationed in a particular place.

"And the simple fact that the President in advance had sent the army there would not preclude Congress from still exercising its constitutional function of ordering it removed from there."

In an effort to draw the hazy line between Congressional and Presidential power, Senator Fulton continued:

"I concede that Congress cannot absolutely control and fetter the President, but that is simply when and while he acts as commander in the field and has charge of the movements of military forces and matters of that character that pertain distinctly and peculiarly to the duties of a Commander in Chief. In those matters he is supreme, but after all he is subordinate in all cases to such rules and regulations as Congress shall make. . . . [H]e is nothing more than any other commander in point of power, except that he is the supreme commander. . . . Is the proposed amendment anything more than a regulation? It is a regulation of the navy and provision as to in what manner the Marine Corps shall serve the Nation, where it shall be placed, how long it shall remain at sea, or whether it shall go at all or not."

Following this debate, the amendment containing the conditional appropriation passed both houses of Congress and was part of the bill signed into law by President Roosevelt. If the matter had gone no further, we would have only Congress' side of the power struggle. However, the Secretary of the Navy took the proviso to the Attorney General, George Wickersham, for a ruling on its constitutionality. The Attorney General held the conditional appropriation constitutional, saying:

"If, therefore, in the discharge of his powers and duties as Commander in Chief, the President desires to direct the Marine Corps to perform and function which shall involve the application of the appropriation made by the Act . . . he must direct [that the corps] shall serve as heretofore on board all battleships. . . .

"Inasmuch as Congress has power to create or not to create, as it shall deem expedient, a marine corps, it has power to create a marine corps, make appropriations for its pay, but provide that such appropriation shall not be available unless the marine corps be employed in some designated way, and I therefore am of the opinion that the provision of the statute to which you direct my attention is constitutional."

The parallel here to the Amendment to End the War is obvious. Congress would be exercising its control over expenditures to enforce its policy decisions as to where troops should and should not be without detailing their use by the Commander in Chief while there engaged. Congress would be exercising its historic and constitutional mission as a check on the executive's power to engage American forces in major conflict. It would in no way be interfering with the President's tactical control over the troops during the disengagement process.

A more recent example of Congressional efforts to use the appropriations power to control military policy is provided by the RS–70 manned bomber conflict. The House Armed Services Committee wanted to insure that the Secretary of Defense instituted development of a supersonic manned bomber instead of relying exclusively on guided missiles. The Committee unanimously asserted the power for Congress to use appropriations restrictions to require affirmative policy decisions by the executive. Certainly the power to require affirmative executive action is even greater than the negative power implied in an appropriation which merely reverses prior Presidential action.

A final, and most relevant, example of Congress' conditioning appropriations in order to affect military action is the Defense Appropriations Act of 1970. The Act provides:

"In line with the expressed intention of the President of the United States, none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand."

Thus Congress has already used its appropriations power with the acquiesence of President Nixon, who signed the bill without constitutional objection, to restrict presidential use of military appropriations in a way that expresses Congressional policy regarding the conduct of U.S. military involvement in Southeast Asia.

D. Conclusion

Members of Congress face the solemn duty of deciding whether to allocate further national resources to the war in Southeast Asia. We do not argue here on the merits of that question—that is for Congress to decide. What we do argue is that Congress has the power—indeed, the duty—expressly to make that decision. The Constitution was drafted to allocate governmental power. Once allocated, that power remains, even though lying occasionally dormant, within the branches originally receiving it. The President received power as Commander in Chief to direct all American troops. His actions in employing those troops may or may not have been excessive in recent times; that question is irrelevant to this study. What is relevant is that Congress, too, received warmaking power, the power to determine when and where the United States will commit its armies and its resources to a major conflict.

The Constitution also allocated duties. The President has the duty of protecting American troops during an engagement. He must therefore be accorded by Congress a certain leeway in controlling tactical decisions affecting the safety of American soldiers. The President, however, also has the duty of making sure that the laws are faithfully executed. He must therefore accord to Congress the lawmaking power that is constitutionally theirs to exercise, and he must respect any congressional mandate on the allocation of American resources.

The applicability of these conclusions and of the research and analysis upon which they are based, to the various amendments now before Congress can be succinctly put as follows:

First, it is entirely appropriate under the Constitution for Congress to define the scope and objectives of commitment of military forces to combat abroad. It has acted accordingly in the past two decades. The 1969 National Commitments Resolution asserts the sense of the Senate that no such commitment shall be made without explicit congressional approval.

Second, Congress may constitutionally effect its policy determination by appropriations acts that condition the appropriation upon a specific use of the money granted.

Third, Congress under the Constitution should accord the President enough leeway as Commander in Chief to safeguard the withdrawal of American forces—leeway which the Amendment to End the War carefully preserves. But it is for Congress to decide how restrictively to exercise the appropriations power.

Finally, it is incumbent upon each member of Congress to fulfill his constitutional role by exercising the congressional power to determine the military policy of the United States.

In the twentieth century strong Presidents have exercised their powers to the fullest, while Congresses all too often have quietly acquiesced. That such power has sometimes lain dormant does not mean that it has been abandoned, for in the constitutional scheme of things Congress cannot abandon it. The power must always rest in Congress to decide when the nation has had all the war that it can afford to endure.

If Congress does indeed wish to restore the historic balance between Congress as arbiter

of American military policy and the President as Commander in Chief, it must now seek to implement its decisions by use of the key tool it was given for this purpose: the power to allocate money for national endeavors.

May 13, 1970

Mr. GOODELL. Mr. President, a bipartisan group of Senators purchased prime television time to explain the amendment to end the war—amendment No. 609 to H.R. 17123—to the American public and to seek support for it.

The half-hour broadcast marks the first time that a congressional group has produced such a nationwide program.

The program—"The Amendment to End the War"—was broadcast on Tuesday, May 12, at 7:30 p.m. over the NBC television network.

Senators GEORGE MCGOVERN, MARK HATFIELD, HAROLD HUGHES, FRANK CHURCH, and I participated in the program.

The amendment to end the war was drafted by Senators MCGOVERN, HATFIELD, HUGHES, and me and was introduced on May 5, 1970. It states that unless Congress shall have declared war, no moneys appropriated under the act to which it is attached, or under any other law, shall be used in Vietnam after December 30, 1970, except for the withdrawal of all American forces. It requires that the withdrawal of American forces from Vietnam be completed—that all American military personnel be pulled out—by June 1971, unless the President of the United States requests and Congress passes a joint resolution extending that deadline.

The amendment provides that no money shall be used for military operations in Laos after December 1970. And it provides that no moneys shall be authorized for any military operations in Cambodia or for military aid for that country 30 days following the adoption of the amendment.

I ask unanimous consent that the transcript of the program be printed in the RECORD.

(There being no objection, the items were ordered to be printed in the RECORD, as follows:)

THE AMENDMENT TO END THE WAR: A NETWORK TELEVISION BROADCAST, MAY 12, 1970, NBC

(Participants: Senator George McGovern, Senator Mark O. Hatfield, Senator Charles E. Goodell, Senator Harold E. Hughes, Senator Frank Church)

NARRATION. Today, in the bright springtime of 1970, the United States of America has been ripped apart. Citizens bludgeon each other in the streets of New York. Students die in campus eruption. Buildings explode. Banks burn. The Nation's colleges are shut down. The population is polarized, and there are parades of protest everywhere. Not since the days of the Civil War have Americans treated each other like this.

At the heart of the trouble lies the war in Vietnam. It is a strange war—a war that we have to keep explaining to ourselves year after year after year. And it is a difficult war to explain—particularly to the people who have to go and fight on its inconclusive battlefields.

But while all the talk goes on, the war goes on, too. It continues tonight, as it has continued for a decade. Tonight, Americans will die in Vietnam. Tonight, Americans will die in Cambodia.

What can we do?

Last week, amendment No. 609 was introduced on the floor of the United States Senate. It was co-sponsored by a bi-partisan coalition of twenty Senators. These Republicans and Democrats call it *the amendment to end the war*. They regard it as a realistic new thrust for peace. The Senate debate on it will begin in just a few days.

In the next half hour, five of these Senators will make a case for this amendment. If the American people can effectively urge its passage upon the Members of the House and Senate, if "the amendment to end the war" is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest . . . petition . . . and an act of *law*, we shall have at last ended the Vietnam war.

And now, Senator George McGovern of South Dakota.

Senator MCGOVERN. There is no way under the Constitution by which the Congress of the United States can act either to continue this war or to end it, except by a decision on whether we will appropriate funds to finance the war.

Article I, Section 8 of the Constitution reads as follows: "The Congress shall have power to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years."

Senator HATFIELD. Our amendment to end the war fulfills the obligations that we have under the Constitution. The amendment clearly states that unless the Congress shall have declared war, that no monies appropriated on the act to which we attach the amendment, or any other law, shall be used in Vietnam after December the 30th, 1970, except for the withdrawal of American troops and other provisions.

It provides that no money shall be used for military operations in the country of Laos after December of 1970. It provides that no monies shall be authorized for the use of any military operations in Cambodia, thirty days following the adoption of the Amendment; and that all troops shall be withdrawn from Vietnam, all American troops, by June 1971 unless the President of the United States shall deem that it is important enough to extend that time by requesting the Congress to pass a Joint Resolution authorizing such extension time.

Senator HUGHES. The Amendment to End the War provides continuing funding for full protection of American troops during the total period of our withdrawal. It also provides adequate funding to provide political asylum for all those South Vietnamese and other civilians for which there may be great concern about a bloodbath; and there are adequate provisions that these civilians may be placed in other places for their own protection.

It also provides for a continuing negotiation of exchange of prisoners.

Senator CHURCH. Very soon the Senate will be acting on another Amendment offered by Senator Cooper and myself, which is addressed to the Cambodian situation and sets the limits on that adventure to those declared by the President.

But this End the War Amendment takes the full step, and provides an orderly method for the extrication of the United States from the war in Vietnam, itself.

Senator MCGOVERN. And so what we're looking for is a reasonable way to accomplish that withdrawal, and I think that the principal stumbling block now is that we're somehow worried about losing face. We're worried about embarrassing the policy makers that sent us in there. We're worried about admitting that perhaps we made a mistake.

Actually, I think it would contribute to the greatness of the United States if, as a free people, we could just admit that we're capable of making a mistake; and then do the best we can to put an early end to it.

Senator HUGHES. Vietnamization is not a change in policy at all. It's a continuation of the old, old policy. It is dedicated to war, not to peace. It means that the war will go on and continue to go on for years to come. It means that there has been no one speaking, in this Administration or the last, of an end to our support commitment in Vietnam.

It means that we can look into the future for at least a decade, in all probability, to a quarter of a million men involved in Vietnam. I think every mother and father in America who has a son right now that's five, or six, or seven years old, or anywhere up to 15 or 16, should well realize that that boy is going to be involved in our future commitment in Vietnam under existing policy.

Senator GOODELL. We have come to the point where we realize, and I think the President realized when he went into Cambodia, that Vietnamization will not work; and it was an admission of the failure of Vietnamization.

I think it's time that the American people recognize that the President doesn't have the power to declare war or make war, alone. He can ask Congress to declare that power; and I think that's why what we are discussing here, and urging support from the American people for, is so important.

Congress can do this, and it's not an irresponsible action; and with the walls all falling down around American prestige and power in the world if we decide we're going to get out, Congress would simply be saying, "Okay, we've fought for seven years, we've bled and died, and we've spent our resources on this; and now the time has come to say to the South Vietnamese, 'take it over. We'll give you time. Over a period of time we're going to be withdrawing and you can go on getting aid if you fight for yourself in your own civil war. We're not going to stay there and fight and bleed and die for you any longer.'"

Senator HATFIELD. But the point is simply this: It's no longer the opinion of Presidents, and no longer the opinion of Senators; it's the evidence of history, of over 40,000 deaths, and this amount of resource expended that has proven each one of those escalations to be wrong. And I say, how many more American men have to be heaped upon that funeral pyre of war to disapprove a theory or a doctrine of military action that has been proven wrong each time that it's been acted upon.

Senator CHURCH. After all, the United States is not going to impose any permanent solution in Asia to settle Asian problems among Asian people on the Asian mainland. Now, the idea that we are going to do that is—runs against the whole current of history.

Now, what's happening in Asia is that the western powers are moving out, and that the Asians are taking over for themselves; and Vietnamization, as it's been pointed out here, is not the method for extricating us from this morass. It will merely perpetuate our involvement in this war. Half of the troops may come home; the other half will stay indefinitely; and it does not serve the interests of the United States to maintain a permanent military base in Southeast Asia.

Senator GOODELL. The President reiterated the other night that he was going to continue to bring back these 150,000 men in the next 12 months. Now, many Americans may feel that that means they're all going to be coming back, and nobody's going to be going.

Under a policy of bringing back 150,000 men in the next 12 months, we will send to South Vietnam 276,000 men who are not there now, who are now in the military or about to go into the military; and we'll bring back more, 150,000 more than we send, but in the rotation process there will be this 276,000 men go over there to fight, and perhaps die.

Senator MCGOVERN. And what would we have accomplished, or what evidence is there based on past history, to lead us to believe that we would be in any better position, or that South Vietnam would be in any better position, 1 year or 5 years or 10 years hence, after tens of thousands of additional Americans have been killed, than we are now? What would we have gained?

Senator CHURCH. We have created a "crisis

of confidence," and a deep disillusionment and an alienation that doesn't just affect a narrow fringe of radicals on campus. Anyone who goes to the campuses knows that this feeling extends to millions of young Americans.

Now, if they grow up without a belief in this system, that, it seems to me, has far greater bearing upon the future of the United States than anything we have now, or have ever had at stake out in Indochina.

Senator HUGHES. I think one of the great, tragic byproducts of all of this has been the spiritual scarring of our own people. The questioning in our own minds of why we're involved in a body-count war with total military supremacy, with indiscriminate bombing and far-ranging effects on the ecology of those nations by spraying chemicals and driving the people off of the land into the cities, completely changing the complex of that little nation involving sixteen to eighteen million people.

And we ask ourselves, can we be happy about the fact that we've killed 10,000 Vietnamese and suffered 300 deaths ourselves and in the process that this complete psychology that we have of destroying life, you know, at any expense, and what the results of it are—

Senator CHURCH. It's brutalizing our own society.

Senator HUGHES. It's brutalizing us internally, and we find our young people turning away from it, fleeing to Canada to avoid a war they consider immoral and attitudes that they consider unrealistic in a time, in an age when we really are questioning ourselves to find national purpose again.

Senator MCGOVERN. What we need to understand is that there is no way to separate the cost of this war in Asia, from the cost of our own society. Now, there were stories in the press recently that some of our poor people, some of the black citizens and other minority groups, have shied away from participating in protests against the war on the ground that their concerns are with hunger and with racism and with poverty.

But what I think all of our fellow Americans need to understand is that the answer to these other problems will not come until we put this war behind us, and the enormous drain that it's taking here in our society. The person who's worried about inflation ought to realize that war is a principal cause of it. The man who's worried about the stock market skidding ought to realize that the stock market jitters are associated, to a great extent, with the war.

And as you've said so many times, the Governors and the city councilmen and the others who are worried about where the money is going to come from for those new schools or new sewage projects or other things, they have to understand that the war is robbing them of those possibilities.

Senator HUGHES. We're talking about 16 to 18 million people in South Vietnam. There are 23 million blacks in America who have not been able to find justice in this great country. Untold thousands of American Indians who have never been brought to their fulfillment. You who have worked so long and so energetically in the field of hunger in America, and poverty, with some 35 million people living in poverty, with the very foundations shaking of every major city in the Nation, with the great, basic, undergirding of this Nation that has always kept it stable, with those minorities is now being drained off and siphoned off in the name of somehow saving face in Southeast Asia, you know.

So when we talk, I think you would agree that there seems to be a great paradox in this.

Senator GOODELL. The cost of the war last year was $23 billion, so you can say in just about specific terms that 1 year's cost of this war would clean up all our waters in the United States.

Senator HATFIELD. The half hour that this program is being telecast to the American people, to reduce that or to translate that into terms of the cost of the war; the Federal Government will be spending $1 million just in this one-half hour period.

Senator GOODELL. In Vietnam.

Senator HATFIELD. In Vietnam. Just in Vietnam.

Senator CHURCH. Mark, you know the argument is made that the world will think we're weak if we withdraw from Vietnam. I think that of all the arguments that are made, that is the least impressive. Actually, the world knows that we have the power to exterminate every living inhabitant of Vietnam. If we unleashed that power we could salt it over the way Rome salted over Carthage.

It's not our power that's in question out there. It's the wisdom of our policy; and the world sees the biggest, richest, strongest nation dropping more bombs on North Vietnam than we dropped on all Europe in the Second World War. They see this tremendous disproportion of strength and wealth, and that puts us in a very bad light in the world.

In fact, this war has done more to undermine America's moral leadership in the world than anything that's ever happened to us, and the faster we put the matter right in Southeast Asia and end this war, the sooner we will begin to win back again the respect that this country ought to have throughout the world.

Senator HUGHES. What do you say to people who are really concerned, and I know they're concerned, about the fact that we'll lose face in the world, you know, that we'll really not be a first rate power, as has been implied by our Chief Executives in the past and in the present? And the concern of honest Americans who want to get out of the war, who want to stop the killing and the dying, and yet they say this is America's place in the world, that unless we accept this challenge we're somehow failing in world leadership.

I think this is the question in the minds of millions of Americans today.

Senator HATFIELD. What constitutes leadership? Not just power of armament, but power of ideals. And I say that we are losing in the world today by continuing to be in Vietnam.

It's not a matter of national pride. It's a matter of whether we're practicing what we preach. It's a matter of whether our ideals that were embodied in the Constitution, in the hearts of the American people, are really at the center of our policy, or whether we're out here with some peripheral object of face-saving, and so forth. I say, if it's to be humiliated to admit we're wrong and to save lives, then the sooner we do this, the better it's going to be for our nation. But I don't consider it humiliation. I consider it greatness, because only the powerful can take the chance of admitting error, and we're that powerful today.

Senator GOODELL. And most civilizations that have died, have died from within; and that is happening now in the United States of America if we don't get out of this war.

Senator CHURCH. We clothe this war in the sacred words of "justice" and "freedom" and "peace." But justice and freedom and peace aren't at stake out there. You know, the Government that we're supporting is not a democratic government, it's an incompetent and corrupt military dictatorship; and it's involved in a war with another dictatorship. This is a war between two dictatorships for control of Vietnam.

So I think we make a grave mistake when we try to clothe such a war in terms of the ideals for which this country should stand. Freedom is not at issue for the people of Vietnam. One way or the other, the kind of freedom that we know is not going to be the gift of this war out there.

Senator HUGHES. I think the gut question, though, Frank, and particularly George, when we're talking about this Amendment to End the War, to most Americans is, how can I support this Amendment and at the same time support my country in an involvement we've had over the last 15 years. And I think if people could resolve this in their own minds, you know, they'd very willingly bring this war to an end through this Amendment.

Senator MCGOVERN. Now, the President said the other night that if we leave Vietnam now, we're going to be through, or I think he said we're going to be finished as a peacemaker in Asia. Well now, I think we ought to quit trying to be the policeman for Asia. Let's quit trying to be a solo policeman and banker and pacifier in Asia alone. How ironic it would be if at long last we succeeded in pacifying Southeast Asia and couldn't pacify our own society.

Senator HUGHES. The invasion of Cambodia, I think, was truly the straw that broke the camel's back. They're writing to me at about 8 to 10 to one against the President's posture right now in Southeast Asia; and in the belief and the hope that the Senate of the United States will offer the leadership, you know, to alter this posture.

Senator GOODELL. Everything we have said here tonight is completely unpartisan. I think we have all been as critical of the Democratic Presidents as we have of Republican Presidents, and we should not be considering this in terms of political or partisan advantage one way or the other. This war transcends partisanship, and I know a great many Republicans as well as Democrats who think our policy now is wrong, and we ought to get out. I think the overwhelming number of all Americans, whatever their political party, believe this.

Senator MCGOVERN. I think what we're trying to do with our Amendment to End the War, is to say that that is too important a decision to place on the shoulders of one man. It's too big a risk to ask one man to decide alone. The President ought not to have to make that judgment alone, and under the Constitution, he's not supposed to make that decision alone.

What we're proposing to do is to share that responsibility, and whatever political risk, whatever opportunity, whatever hazard is involved in making the decision to end this war, we're prepared, as elected officials, to stand up on that question and answer yes or no, and then take whatever blame or whatever credit is involved.

Senator GOODELL. In effect, we're providing a situation where the President can withdraw faster, where he can make a determination the war is going to end by a fixed date, and he will not bear the whole onus, himself. We recognize that when you've made such a tragic mistake, there's no painless way to get out of that mistake. We're saying. "We'll share that pain, we'll share that responsibility. But let's recognize the mistake and get out of it."

Senator HUGHES. What do we say to the American parents who have sons fighting in Vietnam? Is this a patriotic move that we are taking in this Amendment to End the War? Is this support of their sons and of our fighting men in Vietnam?

Senator GOODELL. There is no better way to protect the young men who are fighting over there than to bring them home; and I don't know of any military person in any responsible position, who doubts that if we made our declaration, "we're coming out," that they would be brought home safely then.

As long as we stay there, the casualties are going to go up, and if President Nixon's program works, over the next three years, we are talking about a minimum of 5,000 more American dead, and probably closer to

20,000. Four or five times that many casualties, and four or five times that many Vietnamese deaths in the process. Not to mention the billions of dollars involved.

Senator McGOVERN. But now what we're proposing is not a disorganized and uncoordinated outcry. We're proposing a specific legislative Act that will have the full force of law, and it will say in effect, no more money for Southeast Asia for any purpose other than arranging for the systematic and safe withdrawal of our forces, for the exchange of prisoners, for asylum for those people that might be threatened by our withdrawal. It's an orderly, Constitutional procedure for bringing about an end to this war.

Senator CHURCH. Now, this brings the Congress back to the role that it should have been playing all along. It asks the Congress to assume its responsibility to the American people, and it brings our democratic system back to life again in a balanced, Constitutional manner; and that in itself is as important in the long run to the life of this Republic as ending the war in Vietnam.

Senator HATFIELD. What do we say to the American people who have been watching, and who would say, "Well, we agree with you, but our voice is not very loud. I'm only one person, I'm just a little person, so-called little person." You hear that many times. Does that voice have a place in this whole great issue of war and peace?

They say, "We're tired of speeches. We want some action." A lot of the young people say this to us. A lot of the older people say, "All right, turn it off. We agree with you, but what have you done about it? What can you do about it, what can we do?"

Senator CHURCH. We're asking people to make their views known responsibly to their Congressmen, and we are asking the Congress and the Senate of the United States particularly, to begin to assume its responsibility under the Constitution. For years and years now we've abdicated. We've given all the power to the President when it came to war. We've sat on our hands and done nothing, and hoped that the people would look the other way.

Well, the time has come to reassert our responsibility and to stand up and vote on the question of war or peace.

Senator HATFIELD. You know, we've sort of enshrined silence as the virtue of patriotism in the last year or so; and actually, I think the highest patriotic duty that any citizen has is to speak up, to speak his convictions and his mind. That's the hope that we've got to give to all American people. That there is this method, there is this channel open to them, and that we, and others like us on this end of the power structure, so to speak, are receptive. We're not only receptive, but we're inviting them to participate in this Amendment to end the War.

Senator HUGHES. This is what we must do. We need their help. Even if we had 40 Senators presently on this Amendment, we need the help of the people of the United States. There's no other way that we can succeed; and the voice of the people counts in the final analysis. If I'm to exercise my judgment and to follow my conscience in a position of responsibility, I must tell the people when I think we're right, and I must tell them when I think we're wrong; and expect them to support those positions, or to oppose them. But for Lord's sake, don't be quiet. Write, support or oppose, but do something in this critical time.

Senator HATFIELD. If you want to cast your vote to end the war in Indochina, there is something you must do in the next few days. Write to your Congressman or your own Senator, just the simple words, "I vote for the Amendment to End the War in Southeast Asia."

Senator GOODELL. And there's something else you can do. Take a sheet of paper and write on the top, "We, the undersigned, favor the Amendment to End the War." Leave room for names and addresses; and then go out to work, to the church, to the supermarket, where ever you can collect signatures, and get people to sign who agree with you. Send those petitions to your Congressman and to your Senators.

Senator HUGHES. The President of the United States rightfully can command all media to bring a message to the people of the United States any time he deems he has a message of importance. For those of us who have differing viewpoints, and wish to express those to you, the American people, it requires that we seek your assistance.

Senator CHURCH. Remember that 66 cents out of every tax dollar now goes for war. A dollar for peace could go a long way. So send your contribution, whatever it may be, in order that we can continue to speak out. Make your checks out to "Amendment to End the War," post office Box 1A, Ben Franklin Station, Washington, D.C. 20044.

Senator McGOVERN. Let me close this broadcast on a very concrete and specific point. What we are proposing here is that for the first time in the long history of this war, the Senate of the United States stand up and be counted yes or no, on the question of whether we wish the war to continue, or to be ended. We propose to do that in a vote that will come in a very short time. We pledge you that that vote will be held. This is not a sense of the Congress Resolution, it is not a debator's point; it is an act of law, which if carried, will put an end to this war in a systematic way. We ask earnestly tonight for your support in that effort.

President NIXON. Strive in every area of the world——

General WESTMORELAND. In 1968, a new phase is now starting.

President JOHNSON. General Westmoreland's strategy is producing results.

General WESTMORELAND. The enemy's hopes are dim.

President NIXON. If, when the chips are down, the world's most powerful nation acts like a pitiful, helpless giant——

Closing NARRATION. In just a few days, debate on the amendment to end the war will begin on the floor of the United States Senate.

If the American people can effectively urge its passage upon the Members of the House and Senate, if the amendment to end the war is passed, then the traditional right of declaring whether or not we shall commit Americans to battle will be returned to the Congress—where it belongs.

Through protest, petition, and an act of law, we shall have at least ended the Vietnam war.

Mr. McGOVERN. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ROUTINE MORNING BUSINESS

By unanimous consent, the following routine morning business was transacted.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. McGOVERN) laid before the Senate the following letters, which were referred as indicated:

REPORTS OF FOREIGN-TRADE ZONES BOARD

A letter from the Secretary of Commerce, transmitting, pursuant to law, the annual report of the Foreign-Trade Zones Board for the fiscal year ended June 30, 1969, together with the reports covering the activities during the same period of Foreign-Trade Zones Nos. 1, 2, 3, 5, 7, 8, and 9, located respectively at New York, New Orleans, San Francisco, Seattle, Mayaguez, Toledo, and Honolulu (with accompanying reports); to the Committee on Finance.

REPORT OF THE COMPTROLLER GENERAL

A letter from the Acting Comptroller General of the United States, transmitting, pursuant to law, a report on the audit of financial statements of the St. Lawrence Seaway Development Corporation, calendar year 1969, Department of Transportation, dated August 26, 1970 (with an accompanying report); to the Committee on Government Operations.

REPORTS OF THE BOARD OF ACTUARIES OF THE CIVIL SERVICE RETIREMENT SYSTEM

A letter from the Chairman, United States Civil Service Commission, transmitting, pursuant to law, the 46th and 47th annual reports of the Board of Actuaries of the Civil Service Retirement System for the fiscal years ended June 30, 1966 and 1967 (with accompanying reports); to the Committee on Post Office and Civil Service.

REPORT OF A COMMITTEE

The following report of a committee was submitted:

By Mr. YARBOROUGH, from the Committee on Labor and Public Welfare, with amendments:

H. Con. Res. 675. Concurrent resolution expressing the sense of the Congress with respect to the conquest of cancer as a national crusade.

EXECUTIVE REPORTS OF A COMMITTEE

As in executive session, the following favorable reports of nominations were submitted:

By Mr. MAGNUSON, from the Committee on Commerce:

Saul Haas, of Washington, to be a member of the Board of Directors of the Corporation for Public Broadcasting.

By Mr. PASTORE, from the Committee on Commerce:

Frank E. Schooley, of Illinois, John Hay Whitney, of New York, and Jack Wrather, of California, to be members of the Board of Directors of the Corporation for Public Broadcasting;

Rudolph A. Peterson, of California, to be a member of the Board of Directors of the Communications Satellite Corporation; and

Thomas W. Moore, of Connecticut, to be a member of the Board of Directors of the Corporation for Public Broadcasting.

BILL INTRODUCED

A bill was introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. MOSS:

S. 4291. A bill to amend the Railroad Retirement Act of 1937 to provide that the amount of the annuity payable thereunder to a widow shall not be less than the amount of the annuity which would have been payable to her deceased husband if he were living and otherwise qualified to receive an employee's annuity thereunder; to the Committee on Labor and Public Welfare.

ADDITIONAL COSPONSORS OF BILLS

S. 4106

Mr. KENNEDY. Mr. President, at the request of the Senator from Washington (Mr. MAGNUSON), I ask unanimous consent that at the next printing of S. 4106, the National Health Service Corps Act of 1970, the following Senators be added as cosponsors: The Senator from Texas (Mr. YARBOROUGH), the Senator from Missouri (Mr. EAGLETON), the Senator from Minnesota (Mr. MONDALE), the Senator from New York (Mr. JAVITS), the Senator from Vermont (Mr. PROUTY), the Senator from Michigan (Mr. HART), the Senator from Massachusetts (Mr. BROOKE), the Senator from Indiana (Mr. BAYH), the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. MONTOYA), the Senator from Nevada (Mr. BIBLE), and the Senator from Oklahoma (Mr. HARRIS).

The PRESIDING OFFICER (Mr. YOUNG of Ohio). Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENTS

AMENDMENT NO. 862

Mr. McGOVERN (for himself, Mr. HATFIELD, Mr. CRANSTON, Mr. GOODELL, and Mr. HUGHES) proposed an amendment to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to be printed.

(The remarks of Mr. McGOVERN when he proposed the amendment appear earlier in the RECORD under the appropriate heading.)

AMENDMENT NO. 863

Mr. GOODELL (for himself and Mr. NELSON) submitted an amendment, intended to be proposed by them, jointly, to House bill 17123, supra, which was ordered to lie on the table and to be printed.

(The remarks of Mr. GOODELL when he submitted the amendment appear earlier in the RECORD under the appropriate heading.)

ANNOUNCEMENT OF FUELS AND ENERGY COMMISSION HEARINGS

Mr. MOSS. Mr. President, on behalf of the Subcommittee on Minerals, Materials, and Fuels of the Senate Interior Committee, I announce that public hearings have been scheduled for September 10 and 11 on S. 4092, a measure introduced by the distinguished Senator from West Virginia (Mr. RANDOLPH), for himself and some 52 cosponsors.

The title of the bill states clearly its purpose: "To establish a Commission on Fuels and Energy to recommend policies and programs intended to insure that the U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs."

Thus, Mr. President, the far-reaching mission of the commission is to find ways and means of meeting the twin crises that are upon us. These crises are, on the one hand, our requirements for ever greater supplies of energy to meet the needs of our people, and, on the other, to protect and to ameliorate the quality of our environment while meeting these increased energy needs.

The commission to be established by S. 4092 is designated as the National Commission on Fuels and Energy, and its membership will be a most high-level one, composed of members of the Senate and the House and Presidential appointees from agencies of the executive branch that have key responsibilities in the field of energy supplies and environmental quality control and, in addition, persons from private life who have particular knowledge and expertise of the subject matter.

This prestigious group is to make a full and complete investigation and study of the energy demands and of the fuels and energy resources, requirements, and policies of the United States. In particular, it shall evaluate all possible alternative methods of energy production and the relative merits of all energy sources, including fossil fuels, synthetic fuels derived from natural fossil fuels, nuclear, and any other practical sources. Based on such study, it shall recommend those programs and policies which are most likely to insure, through maximum use of indigenous resources, that the Nation's rapidly expanding requirements for low-cost energy will be met, and in a manner consistent with the need to safeguard and improve the quality of the environment.

The commission must submit to the President and to Congress a report of its findings and recommendations within a year from the date of its organization.

Mr. President, all too often we establish commissions or other entities with responsibility for but a single phase, or aspect, of a problem, such as for control of pollution but not for needed production, or for production and not for pollution. The National Fuels and Energy Commission to be established by the bill of the distinguished Senator from West Virginia will have the mission to consider both our needs for increased production and our needs for environmental quality protection.

Mr. President, it is recognized that the broad subject matter of S. 4092 cuts across the jurisdictional lines of several committees of the Senate, including those of the Committee on Public Works, of which the sponsor of the bill is chairman, and the Committee on Commerce, of which Senator MAGNUSON is chairman and who is a cosponsor of the measure, as well as that of the Interior Committee.

Accordingly, on behalf of the Minerals, Materials, and Fuels Subcommittee, I invite members of Commerce and Public Works Committees as well as other members of Interior Committee to participate in our September 10 and 11 hearings. The hearings will be held in the Interior Committee room, 3110 New Senate Office Building. The first day's hearing, that on the 10th, will open at 11 a.m., and those of subsequent days at 10 a.m.

ADDITIONAL STATEMENTS OF SENATORS

AWARD OF DD–963 DESTROYER CONTRACT TO LITTON INDUSTRIES, INC.

Mrs. SMITH of Maine. Mr. President, on June 29, 1970, I expressed in this Chamber my concern about the circumstances of the award of the DD–963 destroyer contract to Litton Industries, Inc. One concern that I expressed was about the leaks of vital information, including prices, and the effect of this industrial espionage on the DD–963 procurement.

I said then:

> The very heart of the competitive process has been nullified in the DD–963 bidding by apparent flagrant discussions of proprietary data. This situation cannot be permitted to go unchallenged and be continued in the future.
>
> It has been alleged to me that personnel of shipping lines, for whom Litton has built, or is building, merchant ships, told a member of the House of Representatives at a golf and country club that Litton had underbid Bath by nine million dollars a ship or two hundred and seventy million dollars on the thirty-ship contract—and that this disclosure was made more than two months before the award of the contract.

On July 1, 1970, I wrote the Attorney General reporting this to him and giving him the name of the person making the allegation to me and the name of the U.S. Representative reportedly making the statement to my informant—and I asked that the matter be fully investigated for potential violation of the law.

Not until 41 days later after a second letter and two telephone calls did I receive a response from the Department of Justice—a letter of August 10, 1970, from Will Wilson, the Assistant Attorney General in charge of the Criminal Division. Even after that amazing length of time it took to even get an acknowledgment of my letter, the long delayed response was incredible. The chronological negativeness of the response was matched by the content negativeness of the response.

Mr. Wilson wrote that there was "insufficient basis for any investigative action by this Department" and stated specifically:

> We have found no indication that any Government employee was the source of the statements described in your letter.

How naive can Mr. Wilson be? Or how naive does he think I am? For where else could the original information come from than from an employee or officer in the Navy Department or Defense Department handling the bidding on this procurement?

Mr. Wilson further stated about the statements that I reported specifically:

> Such statements could have been conjectural in origin or as the result of hindsight flowing from publicity attending the award of the contract.

This portion indicates that Mr. Wilson did not carefully read my letter of July 1, 1970, for there was nothing conjectural about the statements I reported nor were

the statements a result of hindsight after the award of the contract. This was quite clear from my letter.

What I reported was not conjectural at all—to the contrary, it was specific and solid coming from James L. Goodrich, the president of the Bath Iron Works, and Representative WILLIAM D. HATHAWAY, the Congressman from the Second Congressional District of Maine. I gave the names of these two responsible individuals to the Attorney General and yet the Department of Justice apparently and arbitrarily decided not to contact or question either of them.

What I reported was not hindsight after the award had been made—to the contrary, what I reported were alleged statements made more than 2 months before the contract award was made—and the amounts were extremely accurate, both per unit ship and overall. I informed the President, the Secretary of Defense, and the Secretary of the Navy as early as April 24, 1970, by my letter of that date to them, of the report of such statements that were made more than 2 months before the contract award was made.

In his extremely tardy letter of August 10, 1970, to me, Assistant Attorney General Will Wilson further stated:

> In addition, it is not clear whether the information allegedly disclosed is the type of information contemplated under 18 U.S.C. 1905.

One of his assistants subsequently told my assistant that they had concluded that there was no violation under 18 U.S.C. 1905—and yet they made this conclusion without any investigation at all.

As I wrote Mr. Wilson on August 12, 1970, I found his letter of August 10, 1970, to be incredible. In response to inquiry by my office, the cognizant Navy Department official has stated that there are several statutes that would cover pre-award disclosures of the type reported in this case and one of the applicable statutes listed by the Navy Department official is 18 U.S.C. 1905—a statute rejected in this case by Assistant Attorney General Will Wilson without even making an investigation of the matter. Other potentially applicable statutes cited by the Navy Department official are 18 U.S.C. 371, 18 U.S.C. 201, 18 U.S.C. 203, and 18 U.S.C. 641.

The brushoff by the Criminal Division of the Department of Justice and its failure to contact either Mr Goodrich or Representative HATHAWAY about these statements attributed to them is shocking.

Assistant Attorney General Wilson's record on this is:

First. His fallacious conclusion that the statements were conjectural when the specific names of James L. Goodrich, president of the Bath Iron Works, and WILLIAM D. HATHAWAY, U.S. Representative from the Second Congressional District of Maine, were given and his office apparently had made no attempt to interview them on their statements—when the time is clearly set as at least 2 months before the contract was awarded—and when the place is specifically set as the Congressional Golf and Country Club;

Second. His fallacious conclusion that the statements resulted from hindsight after the award of the contract when the specific time is given as more than 2 months prior to the award of the contract;

Third. His rejection of the possibility that 18 U.S.C. 1905 is applicable—when the cognizant Navy Department official himself cites 18 U.S.C. 1905 as applicable to the situation, if the allegations are true;

Fourth. His fallacious conclusion that no Government employee was the source of the alleged statements—when obviously only a Government employee could have been the original source if the statements were made; and

Fifth. His refusal to have an investigation in spite of the very specific information supplied to the Department of Justice.

This pattern of the leaks on Bath's prices is neither sudden nor "hindsight" after the award of the contract. Bath officials have repeatedly reported the leaks to the Secretary of the Navy and other Navy officials. Their contract requires that they report apparent industrial espionage. They have done so on January 13, 1970, to Captain Henning—on April 1, 1970, to Rear Admiral Sonenshein and Rear Admiral Weschler—and later to the Secretary of the Navy.

Specifically, the Bath officials reported to the Secretary of the Navy that they had reason to believe that their February 2, 1970 price was known in the industry before March 26, 1970—that is 3 months prior to the contract award.

Let us examine the significance of this. On March 20, 1970, the Navy directed the competitors to propose a new type of contract. Such leaks are an example of the way Bath could have bid to take irregular advantage of the reset point and is the only logical explanation for any substantial variation in cost submittals on February 2, 1970, and March 26, 1970. Audits had been conducted after each proposal and cost negotiations had occurred from December 5, 1969, to March 20, 1970. As Bath officials pointed cut to Rear Admiral Sonenshein, such a bid would be in violation of the regulations and hence nonresponsive. Bath officials were informed by Government auditors that Mr. Rule was conducting a special audit involving "cost traceability."

If the Litton low offer is credible, then the March 20, 1970, letter of the Navy to the competitors directing them to propose a new type of contract actually permitted an auction insofar as target cost is concerned. Let, in accordance with the Navy's March 20, 1970, letter and Department of Defense regulations, the fourth round could reflect only the third round plus the "clarifications" thereof plus a reduction in profit because of increased ceiling and the new sharing formula.

As a result of the leaks, the prices were known to the industry, and there were no technical changes which would cause a change in cost from the third round of proposals. Litton's apparent drastic reduction in the target cost could only have been on an auction basis to take advantage of the reset point and to get substantially below Bath.

SLOWDOWN AND CUTBACK IN SPACE PROGRAM

Mr. SPARKMAN. Mr. President, I have been concerned with the slowdown and cutback in our space program. I suppose this concern arises from my being close to the program because of the extensive operations carried on in my hometown of Huntsville, Ala., and the presence there for the last 20 years of the highly competent team centered around the German scientists who came to this country shortly after the end of World War II and have rendered such outstanding service since that time. One thing that disturbs me greatly in the present reduced space program is the breaking up of that team and the loss of many of those who have been outstanding leaders in this work.

On August 21 the Birmingham News published an article entitled "Top scientists left stunned, confused by space cutback". Two days later another article, entitled "At Huntsville emotions run high at NASA cutback," appeared in the Birmingham News.

I feel that this problem is dealt with understandingly in these two articles. I ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

TOP SCIENTISTS LEFT STUNNED, CONFUSED BY SPACE CUTBACK

HUNTSVILLE.—The old "Operation Paperclip" team soon will be gone.

The team of top German scientists, headed by Dr. Wernher Von Braun, rose to international fame as the backbone of the U.S. space program.

The some 130 "team" members were brought to the United States in 1945 to direct the program that would eventually see the U.S. win a space race to the moon.

After 25 years, federal belt-tightening on the space program is breaking up the team.

VON BRAUN already has been shifted to Washington as a top executive in the National Aeronautics and Space Administration.

Now his colleagues at NASA's Marshall Space Flight Center in Huntsville are coming under the economy axe. Seven are expected to lose their jobs by Oct. 1, four others have retired before being forced out, and several others have applied for retirement.

At least two others are to be downgraded to lesser positions.

The cutbacks in federal spending come almost exactly 25 years after the team of German scientists entered U.S. Service as a part of "Operation Paperclip."

THAT NAME emerged late in the war. The Pentagon had obtained the names of key German scientists it wanted to bring to this country if they could be found after V-E Day.

The Pentagon files on these men were singled out by paperclips.

The name on one of those paperclipped files was "Wernher Von Braun." At the time he was selected to head the team of scientists, he and a hand-picked team were developing the V-2 rocket.

When Germany surrendered, the United States moved Von Braun and almost his entire team to this country, where they continued their research.

Von Braun directed high-altitude firing of

captured V–2 rockets at White Sands Missile Range in New Mexico, and later became project director of a guided missile development unit in Texas which employed about 120 of his former colleagues.

In 1950, the whole team moved to Huntsville. Early 1970 saw about 50 of the team members still at the Alabama space center. Of the others, eight were at other space agency installations, 21 were in private industry in the United States, 16 had returned to Europe, 14 had retired and 11 were dead.

Now, the remainder of the team probably will either leave or fall victim to the spending cutback.

The seven being forced out are stunned, confused and exasperated. So are the others, who can see more cutbacks coming.

The men had believed the government would protect them in their jobs, no matter how serious manpower cutbacks might become. All but one had accepted the U.S. offer of "excepted positions"—that is, outside civil service—before they became U.S. citizens.

The government is trying to soften the let-down for those men, who are reluctant to leave the only business they know. The only way the German specialists could leave now with full benefits would be if the space agency abolished their jobs—which is exactly what has happened. "Paperclip" team members will get full benefits on the way out.

AT HUNTSVILLE EMOTIONS RUN HIGH AT NASA CUTBACK

(By Pat Houtz)

HUNTSVILLE.—Although only 121 of the almost 6,000 workers at Marshall Space Flight Center have been notified that they will lose their jobs, emotions over the cutback have run high as many of those given walking papers are highly placed workers, with long years of service.

There are seven to be retired that were part of the original Werner von Braun "Operation Paperclip" team, a group of German scientists brought to this country to get a U.S. space program off the ground 25 years ago.

Six of the seven, however, held alien-accepted positions—that is they have long been offered a chance to become a part of the United States Civil Service and have chosen not to.

As a result, they were eligible in the RIF (reduction in force).

Since six of the seven Germans slated to lose their jobs are in the alien-position, they are not allowed to transfer to another career civil service job since they do not have veterans' preference.

"The only way I could stay would be if they would give me credit for my time in the German air force," one of the retirees quipped last week. The humor, however, failed to produce any smiles among the American coworkers.

Officials said the men will receive special consideration for full retirement benefits because their jobs are being abolished.

The seven represent more than 200 years of time in space technology, going all the way back to when they worked on the V–2 rockets at Peenemünde, Germany during World War II.

Four of the original Von Braun team, which numbered 130, have recently retired voluntarily. Most of the Germans are not young men as they were top scientists when they arrived in this country 25 years ago.

In June of this year 48 of the original team were still employed at Marshall.

Their leader, Dr. Von Braun, has been transferred to Washington in a top planning position for NASA.

According to top public information officials at Marshall, no further cutbacks in personnel have been announced or hinted at for the near future.

The officials refused to publicly disclose the names of the German space pioneers whose jobs will be abolished.

THE CRISIS OF A POWER SHORTAGE

Mr. MUSKIE. Mr. President, in recent weeks the Subcommittee on Intergovernmental Relations has heard testimony on legislation concerned with the need for adequate, dependable electric power. The crisis of a power shortage in the New York area highlighted the problem very dramatically. Of equal significance, however, is the fact that the power problem was joined by a severe air pollution condition—one which held for several days. The combination of air pollution and electric power reduction now threatens to become a commonplace item in our lives. The question is whether we will establish appropriate national policies intended to recognize problems when they occur and to offer remedies, or whether we will continue to drift along and try to muddle our way through to their solution.

An editorial by the noted journalist Edward P. Morgan realistically raises points concerning air pollution and power facilities and the need for national planning effort to avoid this one and promote the other.

I ask unanimous consent that Mr. Morgan's comments be printed in the RECORD.

There being no objection, the comments were ordered to be printed in the RECORD, as follows:

STATEMENT BY EDWARD P. MORGAN

This is Edward P. Morgan in Washington with the Shape of One Man's Opinion. A look at a four-letter word after this word. (60)

For generations, one of the most obscene terms in the American lexicon has been a four-letter word spelled p-l-a-n, plan. If cleanliness was next to godliness, planning was a sin, the very thought of which produced goose-bumps on the rugged physiognomy of American private enterprise because it raised the spectre of creeping socialism.

It is hard to think of an area in which this bogey was raised more threateningly than in the field of electrical power. In the New Deal days, private utilities had periodic seizures of apoplexy over the creation of the rural electrification administration, bringing light and power to farmers, extension of service to whom was not considered "profitable" enough to private firms.

The power lobby fought tooth and nail the conception and construction of TVA, Hoover, Grand Coulee, Bonneville and other giant multipurpose dams. Even today, private utilities still propagandize against public power and co-op systems, writing off such advertising costs as "business expense," thus enjoying tax deductions—all of which is another way of saying that rate payers and taxpayers helped finance the power companies' propaganda campaign against their "public" competitors.

Furthermore, private utilities have systematically bucked the application of a national power policy and a system of regional grids whereby power could be pooled and routed, in emergencies, to regions suffering shortages caused by overloads or technical difficulties. True, consumer demand for power has increased staggeringly and paradoxically companies have been seriously stymied by public opposition to their projection of nuclear power plants and other expansions. But here again wise advance planning could have done much to clear such obstacles.

Now, to nobody's surprise, a day of reckoning has arrived, New York City is struggling with a brownout and facing a repeat of the northeast's massive power blackout of a few years ago. Ironically, New York's Consolidated Edison has kept its juice flowing by purchasing extra power from as far away as Canada and, of all subversive instrumentalities, the Tennessee Valley Authority.

Nature has compounded the emergency with an eye-burning smog in wilting weather. But is nature the real villain? Who planned the traffic jam exhausts and other contributors to the smog by pollution belching from industrial chimneys—even those of Con. Edison itself?

I'll be back with a footnote. First this.

The weather readily conspires with urban non-planners to make city life miserable elsewhere. Washington is on the edge of an air pollution alert. This town's principal product is politics, which produces its own pollution but a more palpable kind emerges from garbage dumps, traffic jams and uncoordinated suburban growth.

WOMEN HAVE WON THE RIGHT ON MERIT TO FULL PARTNERSHIP WITH MEN

Mr. RANDOLPH. Mr. President, in 1854, three women were employed as copyists by the U.S. Patent Office. In the following year, when they were about to be dismissed, a Representative wrote to the Secretary of the Interior on behalf of one of them.

The Secretary reportedly replied:

There is every disposition on my part to do anything for the lady in question except to retain her, or any of the other females who work in the rooms of the Patent Office. I have no objections to the employment of females in the performance of such duties as they are competent to discharge, but there is such obvious impropriety in the mixing of the sexes within the walls of a public office that I have determined to arrest the practice.

Let me add, as a historical footnote, that the "lady in question" was Clara Barton, who a few years later went to work on the Civil War battlefields and, as founder of the American Red Cross, became one of the most illustrious women in American history.

Today, August 26, marks the 50th anniversary of women's suffrage, a true legislative landmark that has had an incalculable impact on the course of our Nation.

On this date in 1920 the Secretary of State certified that the 19th amendment had become a part of the Constitution. West Virginia ratified the amendment on March 10, 1920.

The enfranchisement of women to participate in the political life of our country was only the first major step in escalating the so-called battle of the sexes. Today, women seeking equal opportunity hold honored positions in all levels of business and government. Employment officers are abandoning the shopworn phrase, "Can you type?" and are asking, "Can you think?"

Ever mindful of the fact that there are 3 million more women voters than there are men voters, I pay due homage to the American women. She has come a long way from the days when nursing and teaching were considered the only proper occupations.

Working conditions for women in years past left much to be desired. Back in the 1880's, there was published a listing of duties for nurses which seems both laughable and tragic today.

Nurses were told that they must:

First. Bring in a scuttle of coal each day.

Second. Report every day at 7 a.m. and leave at 8 p.m., except on the Sabbath "on which day you will be off from 12 until 2 p.m."

Third. Graduate nurses in good standing will be given an evening off each week for church services.

Fourth. Any nurse who smokes, uses liquor, goes to the beauty shop, or frequents dance halls will give the director a good reason to suspect her worth, her intentions, and integrity.

Fifth. The nurse who performs faithfully and without fault for 5 years will be given an increase of 5 cents a day, providing there are no hospital debts outstanding.

At that time, women comprised only 17 percent of all workers. Today, one in every three workers outside the home is a woman. Her achievements and progress toward job equality and opportunity have been aided and abetted by understanding males.

Today, I fear, this progress is being retarded by a strange and strident voice that professes to speak for all women—everywhere. It parades under a banner of odd acronyms claiming "oppression" and screams for an ill-defined liberation. It calls for a strike when none is needed.

Even to suggest today that there might—just might—be a physiological difference between women and men draws waves of venomous wrath. The small band of bra-less bubbleheads who consider free and unlimited abortions an absolute "right" are not the valid voice for the American woman, any more than the fashion designers or makers of slimmer cigarettes and more kissable lipsticks.

Passage of the so-called equal sexual rights amendment is morally laudable, but it could create a jungle of jurisprudence that might result in such inanities as maternity leave for male employees. Women today must be encouraged to prepare for whatever jobs they are interested in and aspire to do. No field is closed to the capable and well-trained woman. Those who want to play professional football or dig ditches may do so; it is not a matter of competition with men but rather permitting each person to make fullest use of his or her talents.

FRANK BORMAN'S TRIP TO INDIA IN BEHALF OF PRISONERS

Mr. DOMINICK. Mr. President, there are news reports this morning that Frank Borman, the astronaut-turned-diplomat, has arrived in New Delhi, India, in his round-the-world efforts to help American prisoners held by the North Vietnamese. As President Nixon's personal envoy on this mission, he has contacted world leaders to urge their help in putting pressure on the Communists to treat American prisoners in a more humane, more decent manner.

In India he has a great opportunity. Prime Minister Indira Gandhi is a woman with great compassion and great understanding. She has demonstrated her feeling for the personal problems of humans in trouble, both in her homeland and abroad. It can be hoped that the President's emissary can convince Mrs. Gandhi of the need for her intervention in this grave matter.

I feel strongly that only worldwide public opinion pressure can force the Communists to change their tactics and reverse the stand they have taken that is so detrimental to our men. Mr. Borman has been assigned the task of helping to muster that world opinion, and is doing it well.

But we cannot depend on others alone to do the job. We must continue our own efforts at every possible diplomatic and personal contact level to bring the Communists to a more realistic and a more tractable position.

ADDRESS BY DOUGLAS R. SMITH, CHAIRMAN, NATIONAL SAVINGS & TRUST CO.

Mr. BYRD of Virginia. Mr. President, at the annual meeting of the Army Mutual Aid Association, Douglas R. Smith, chairman of the board and president of the National Savings & Trust Co. of Washington, D.C., delivered an enlightening and wide-ranging address.

Mr. Smith talked not only about economic matters, but also about many other problems that face our country at home and abroad.

I feel that Mr. Smith's remarks should be brought to the attention of Senators. I, therefore, ask unanimous consent that the text of his speech be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

ADDRESS BY MR. DOUGLAS R. SMITH

I have been told that one of the most graceful compliments that you can ever receive is to be asked to share your thinking on a return engagement and I can tell you with all sincerity that I could never have been more pleased than to have Kirk Martin invite me to again participate in the annual meeting of the Army Mutual Aid Association. The relationship between our two organizations is one of such importance to us that I could never properly exaggerate it, one that has been in existence since 1892, and I would hazard a guess that our bank has very few relationships that have preceded our treasured association with you. I can only pray that it will continue to flourish for ever and ever. Kirk was not only so generous in inviting me to be with you today, but he was kind enough to not lay down the guidelines of what I should say. I am sure as a banker you expect me to have some very wise advice and sophisticated knowledge of current economic conditions, and I will hasten to tell you that I have as mixed emotions about the world today as anybody.

It is awfully difficult to try to explain or assess the variety of elements that exist. We have had a government in office for 15 months, a government that is committed to cool the inflationary trends that have such a sinister effect on every segment of our economy. We have seen the implementation of tight money policies, high interest rates, some form of, I guess you would say, rationing of credit, an increase in unemployment rate, a declining stock-market, and yet the inflationary trends have been very nearly disaffected.

We were pleased with what was believed to be a proposed balanced budget, but the temperament of the Congress and appropriations since indicated that this is a faint hope only, if even that. We find from the heavy industry areas concern over reduction in sales, the impact of strikes and a hope for easier money to accelerate the economy. We in Washington, I think, are in a unique situation. We are so limited in the effect of general national economic conditions because of the very large, virtually one-industry community—the stable government payroll that generates the wide variety of service industry to our Federal City—so that we are not as sensitive to the impact of broad economic conditions as are other areas. Also, we find ourselves in the fortunate position of being able to visit with some frequency with high ranking government officials, but perhaps I wonder if sometimes we find ourselves believing to be fact what in reality are the hopes of these policy makers.

As I am sure you are aware, the prime rate has just been reduced from 8½ to 8% which should be an indication that there will be some loosening of money, yet so far I have seen very little signs of return to the banking structure of the deposits that have flown into other areas through disintermediation with the net result that with the reductions in rates there is not any strong indication that there are any substantial new funds available for creative loans. There is an urgent need for triggering some action to generate adequate funds for the home building segment of our economy, and yet as of now there are virtually no signs of this coming about. Certainly, after our major government industry, the second most important to us here in Metropolitan Washington is the building industry, and all of us, I am sure, would like to see a stimulation in this field to not only generate a more vital economy but to see some real forward strides made in meeting the desperate housing needs.

And we, certainly here in the Federal City proper, can feel only distress over the inertia displayed in bringing about a renaissance to our inner city which, I think, should have a priority over many projects being undertaken elsewhere. If we do not have a healthy, thriving Capital there is very little room for optimism that the revitalization of inner cities throughout the country will take place. Indeed I think that Washington, D.C., the Capital of the world, should be a showcase community in every way, shape and form. I urge you as concerned Americans to give a sense of leadership so that every single citizen of our country will feel a real proprietary interest in demanding that their town be what it should be.

Perhaps I should be like Mrs. Mitchell and engage a public relations counselor to guide me in more gracefully expressing myself, but strange as it may seem, as a banker I think our economic concerns should be secondary today. I think the avalanche of destructive elements that have taken possession of our country should receive our concern and action before anything else, that if we can get our country back on the right track I think the economic problems will solve themselves.

I would assume you all would know that I am a conservative, that I deeply believe in and love the fundamental strengths that have made our country what it is, and that I am so disheartened by the variety of forces that are unceasingly working to downgrade or eradicate all of these fundamental truths to such a degree that our country finds itself today in the position it is. I am assuming, too, that in the main we think in common on many subjects, and I am taking the liberty of addressing you on that basis.

The Army Mutual Aid so far, far ahead

of its time evolved a program of taking care of its own through concert action of providing the foundation for security and emergency needs to bring peace of mind for so many tens of thousands of people. This is one of the great evidences to me of what I call the strengths of our country, and you all should be so proud of the glorious history of service that you have given, but I wonder every day how many organizations and individuals are completely dedicated to the very destruction of the Army Mutual Aid. I get so disheartened with the constant attacks on the Viet Nam War and wonder what really are the political motivations of many of the people who give their leadership to condemnation of our country. An "unpopular war" it is called, yet I am dumb enough to think there really never was anything such as a popular war. I can assure you World War II wasn't very popular with me when I left my wife and children to go to the South Pacific, but the only thing I would have hated more than going was not going, and I think the insidious propaganda that has given respectability to draft dodgers and flag burners denotes a tragedy beyond words. I think the exaggerated extension and distortion of civil rights philosophy that is permitted to dominate our country is beyond defense: to find virtually every college campus controlled by destructive radicals, to see wanton destruction and vandalism permitted, filth and obscenity not only permitted but encouraged, the contempt for our judicial system—these are all so serious that they defy exaggeration. Certainly indeed we know in Washington that the deterioration of our courts, the complete lack of respect for police and all forms of authority, have brought our City to such a low that it is heartbreaking. Convention, good manners, respect and consideration for others, patriotism, plain boy scout decency have all become descriptions of contempt. I can honestly say I believe I am not a reactionary. I have never in any way approved or identified with any of the extreme right wing elements because they too can be just as destructive. But I believe that unless these virtues are brought back into the mainstream of our country we are going to end up in a disaster that will make other governmental collapses pale in comparison.

I am an absolute integrationist from my heart and I believe so strongly in equality and justice for all, but we are on a one-way street that provides equality and justice for every radical in every area yet denies justice and safety to the decent real American. We have heard and read so much about the silent majority, and I think the day has come that we can no longer be the silent majority. Most assuredly I don't believe in counter-demonstration and riots, but I believe in actively participating in every program, in every organization, every election that will work toward bringing sanity and serenity to our beloved country. I think that forceful expression at the ballot box and constant communication to all levels of elected officials will bring a pressure that can prayerfully correct so many of these desperate conditions that exist; that we should demand that the American way be brought back into the proper perspective, that the conjured up blasphemies such as Anti-God, "The Establishment", the military-industry complex and so forth be completely discredited. I believe that each of us who feels as I do should become truly dedicated missionaries in really spending our energy toward overcoming the false power of influence that has come to dominate our country:

Devotion to our country, respectability, decency, honest law and order and real justice, at least a fairly objective press, must be again made to the elements we look up to. And I can assure you gentlemen unless we place these objectives as our primary ones we will never get our economic structure into one of stability, soundness and security.

I long for the future of the Army Mutual Aid to be as bright, compassionate and as constructive as it has been in the past. I have every ambition for the National Savings and Trust Company to prosper and advance as a public service organization that continues to stand for what it has stood for for 103 years, but I most earnestly believe that unless all of us who share similar hopes and beliefs join hands and give the leadership and the vitality to the very truths in which we believe, we all are living in a house of cards.

MARK TRICE

Mr. AIKEN. Mr. President, I want to join my colleagues in paying tribute to Mark Trice as testimony to his 50 years of service in the Senate.

It takes only one look at Mark to convince me that there were no child labor laws in effect at the time he began this service; but regardless of whether his first employment would have constituted a violation of present day child labor laws, we are all appreciative of the fact that we have had the benefit of his acumen and energy for 50 years.

Certainly during the time that I have been a Member of this body, Mark has been always on the job and is a reliable source of information of what is going on in the Senate from day to day and hour to hour.

And while we are congratulating ourselves, let us also congratulate Margaret Trice for the many years during which she has had the benefit of Mark's advice—and vice versa.

I close this statement by simply saying, "Thank you, Mark."

THE WOMEN'S EQUAL RIGHTS AMENDMENT

Mr. NELSON. Mr. President, today citizens of the United States observe the 50th anniversary of the 19th amendment to the Constitution, which granted women the right to vote. Activities are planned throughout the country to mark this historic occasion and to call attention to the fact that in these subsequent 50 years, women as a group have made very slow and uncertain progress toward the goals of equal rights under the law, equal opportunity in employment and education, and equal dignity and status as human beings. Women, as many other groups in society, are becoming highly aware of this situation, and are demanding long-overdue measures to correct the inequities.

Women today find themselves in a changed role, which technology and an ever-opening society have made possible for them, but not allowed them to fulfill. Society now allows a woman to take up a career, and encourages her to chart her own destiny to a certain extent. But at every step it places before her almost insurmountable barriers to real achievement. While she is expected to educate herself, at least to a certain level, and support herself for a certain period of time, as well as contribute to the support of her family, she is invariably placed in a subordinate position in the working world and must accept lower paying jobs, and positions of limited challenge with little chance for advancement into decisionmaking and executive capacities.

Realistically, it is impossible, and it always has been impossible, for all women to live a sheltered life, serving her family by the hearthside. This is not a satisfying life for many women—nor should it be. The idea of the weaker female being totally dependent upon the male is not only outmoded, but also self-defeating for society. It is a blight upon many more lives than it brings contentment to.

Liberation for women does not mean the usurping of one person's place by another, any more than civil rights means that the black man usurps the place of the white man. It simply means giving everyone, men and women alike, the chance to find and to live the life they find personally fulfilling. In the long run, the winner will be society.

One major step we can take toward correcting the present inequities which women encounter, is to swiftly pass the women's equal rights amendment. Theoretically, such an amendment should not be necessary, as equal rights under the law are the birthright of every American citizen. However, experience has shown that this measure is indeed necessary, and I urge its early passage by the Senate.

SOVIET UNION INVASION OF CZECHOSLOVAKIA

Mr. HANSEN. Mr. President, it was 2 years ago, on August 21, that the forces of the Soviet Union invaded Czechoslovakia. This year it has been a very dismal summer in Prague, with the Czechs pretending that the Warsaw Pact invasion never happened and the Soviet viceroys making sure it was a success. Caught between these opposing forces, the Czechslovak leadership is promoting the Soviet-sponsored "normalization" program through the "political purification" of dissidents. One popular anecdote expresses the party's attitude toward occupation:

Question: What is the most neutral country in the world?

Answer: Czechoslovakia. She doesn't even intervene in her own internal affairs.

A reluctant resignation to the realities of power politics is the prevalent mood in Prague after 2 years of occupation. Outrage, fear, anger, disillusionment, all the outward signs of protest that filled Prague when Soviet tanks entered the city in August 1968 have been spent. These emotions have been frustrated so often that it would be masochism to continue to express them. Such are the political facts of life in Prague.

The Soviet Union provides the primary incentive for normalization. Its occupation forces, estimated at 70,000 to 75,000 troops, are discreetly garrisoned in villages and forests outside the major cities and along the Czechoslovak-West German frontier. Construction of officers' quarters and schools to accommodate the families of Soviet brass indicate that the

troops intend to stay indefinitely. The Russian diplomatic staff monitors political trends and public opinion from its conspicuous yellow-walled villa in Prague. The recent visit of Brezhnev and Kosygin worked to the mutual advantage of the Soviet and Czechoslovak leadership. The Russians got their new friendship treaty with Czechoslovakia. Party Secretary Gustav Husak got this visible Soviet acknowledgment of their confidence in him. The citizens of Prague greeted Brezhnev and Kosygin in silence as their black Chaika limousines and security cars drove through the city. But the Soviet leaders are hardly concerned about their popularity index in Czechoslovakia. For the country is subdued. The party is again "in control." Czechoslovakia is again a loyal member of the Warsaw Pact. Its economy is reoriented toward the Soviet Union. These, after all, were the objectives of the invasion. Not the gratitude of the people. To the Soviets, it is sufficient that the Czechs are quiet.

A number of secondary motives prompt them to take safe refuge in silence. After the dismantling of the former liberal coalitions, the active reformists do not have organizations to support dissent. Now that their articles have been labeled "revisionistic," Czech journalists, who once encouraged reform, are resigned to their eventual expulsion from the Party without an interview. Few liberals who retain tenuous party posts wield effective power. Because the major vehicles of public opinion have been subverted by the post-invasion leadership, critical comment no longer has a forum. Theater performances are now being censored for improper audience reaction. Even the old Dubcek signs have been painted over.

After a recent trip to Prague, Journalist K. C. Cole expressed the current effort to erase the invasion this way:

> Two years ago, when the Russians first came to Czechoslovakia, a young girl named Maria was shot down while crossing the street by a panicky Russian soldier. A small plaque was mounted on a cement wall to commemorate her death. Recently, the plaque was removed and tall flowers were planted to hide the bare spot on the wall. The girl never died. The invasion never happened.

Mr. President, free people everywhere must remember the people of Czechoslovakia and the small nation that was forced to bow to the military might of its colossal neighbor. These events did happen, and we must all work for the day when the people of the world can live in peace and freedom.

THE ATOM: ITS DANGEROUS AFTERMATH—PART VI: ATOMIC POWER AND ATOMIC SAFETY

Mr. CHURCH. Mr. President, on April 16 of this year, in a keynote address opening Earth Week activities at the University of Pennsylvania, a noted nuclear scientist, Dr. Ralph E. Lapp, delivered an address which places in remarkably clear perspective the power needs of our Nation in the future and alternatives we face as a nation in providing for those needs. Dr. Lapp points out that we must begin to think in terms of the needs of future generations and not simply in terms of the next 5 to 10 years:

> Like the Dutch who make half-century plans for reclaiming land from the sea, we need to plan for our thermal future now.

In his remarks, Dr. Lapp points out four dangers that we face regarding the use of nuclear power and suggests how they may be overcome. Any accident hazard, he points out, may be overcome by long-range plans as to the central siting of reactors away from large centers of population. Thermal pollution, caused by the release of heated water used to cool the reactor to the environment, must also be dealt with in considering the long-range development of nuclear power. Effluent discharges from nuclear plants must also be carefully followed and monitored, and Dr. Lapp suggests the possibility of monitoring from sources other than the AEC as a check upon the consolidated power of one agency in this field.

In regard to this subject, I was pleased to read recently that Westinghouse Electric has announced the development of a nuclear power facility which "eliminates any discharge of radioactivity to the environment during normal operating conditions." If the claims made by Westinghouse are true, this certainly is welcome news that bodes well for future development of nuclear power facilities.

Dr. Lapp also points out that our Nation has never developed a long-range program for "burying the atom's ashes." This is a matter which I have repeatedly stressed in past speeches on this subject in the Senate. I feel that greatly intensified research programs in this area are essential. In my own State of Idaho, the National Reactor Testing Station would be an ideal site to conduct such studies and experiments. I suggest the NRTS because I am familiar with its facilities in Idaho and the expertise available there to undertake such a program. I do not suggest that this is the only site which could be utilized, for obviously this is a field of inquiry which will take the combined efforts of many laboratories and experimental stations throughout the country.

Dr. Lapp discusses a number of possibilities, including the development of the elusive fusion reactor, to provide for our future power needs. Because his remarks bear so directly on this whole area and because they place the problems of environmental pollution and power production in such clear focus, I ask unanimous consent that his speech be printed in the RECORD.

I also ask unanimous consent that a press release I received from Westinghouse Electric Corp. asserting their claim of having perfected a nuclear plant which eliminates radioactive discharge appear following Dr. Lapp's remarks.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

POLLUTION, POWER AND POLICY

(Keynote address by Dr. Ralph E. Lapp)

The key words in dealing with environmental problems for the rest of the century and for centuries to come must be "control and planning."

In the last third of the 20th century we are going to have to pay for the lack of control and lack of planning in the first two-thirds. I shall focus on the problems of pollution by concentrating on man's lust for power. From an effluent viewpoint, we may symbolize this as the smokestack and the tailpipe. Others in this series of discussions will talk about the non-power aspects of pollution.

A good way to put pollution in perspective is to survey the century in terms of fuel consumption. In the dim gas-lighted days of 1900 our energy needs were met almost exclusively (92%) by burning coal. But coal is difficult to dig out of the ground and its transportation is costly. Now that its use is being restricted to low sulfur types, it does not appear as the fuel of the future, although it is still highly valued for generating central station electrical power. Over the span of a century—as I have plotted it on a semi-logarithmic scale—the use of coal is almost a flat line.

The United States currently mines about half a billion tons of coal per year and roughly half of this is used to produce electricity. Coal remained the dominant source of energy in U.S.A. until mid-century when it was displaced by petroleum. The automobile, of course, accounts for the spectacular rise of petroleum consumption after the turn of the century. I have plotted the growth in gasoline sales as well as that of automotive horsepower from 1905 to 1970. If we keep burning gasoline at comparable levels, then by 1980, we will consume 100 billion gallons per year—that's well over 1,000 gallons per U.S. family per year.

Looking back along the growth curve of gasoline consumption, it must seem that we were incredibly short-sighted not to have anticipated our present pollution problems emanating from the tailpipe. Surely some medium-bright individual in the thirties must have wondered about the cleansing capacity of the atmosphere. And then was the time that long range highway planning and traffic controls could have been started at very reasonable costs. Today we are on the verge of a great expansion in jet travel. Consumption of jet fuel is rocketing upwards and now is the time to think through jet pollution before we end up paying excessive costs for remedies. As a general rule, every government agency concerned with resource alteration ought to be required to make exhaustive studies of possible adverse effects of an emerging technology before the nation is plunged into its exploitation.

The use of natural gas in the United States follows the growth curve for petroleum and could, were it not for limited reserves, overtake it as the prime fuel of the year 2,000. At the present time the U.S. energy consumption has the following percentage origin:

	Percent
Petroleum	43
Natural gas	30
Coal	23
Hydropower	3
Nuclear power	1

The total energy, measured in British Thermal Units or Btu, for 1970 amounts to about 64 million billion Btu or 6.4×10^{16} Btu. By the end of the century it is expected that this will double. All in all, from one end of the century to the other, the total energy consumption of all fuels will increase 16-fold. If we regard the population of the U.S.A. as quadrupling in this century that means the

per capita energy consumption will go up four-fold.

Such an energy increase is considerable but it does not signal calamity merely on the basis of statistics. It is in the specific use of this energy and in its localization that we must look for our pollution woes. Currently, the split-up among energy sources for the generation of electrical power is:

	Percent
Coal	53
Natural gas	18
Hydropower	16
Petroleum	6
Nuclear power	5

The U.S. appetite for electrical kilowatts is prodigious. From 1900 to the year 2000 the U.S. kilowatt-hours will probably jump 2,000-fold. This means a doubling of electrical power every 9 years over the course of the century. If we assume four times as many people at the end of the century as at the beginning we have a 500-fold per capita increase in electricity in 100 years.

We can illustrate the incandescent America of the year 2000 by projecting a 9,000 billion kilowatt-hour consumption of electricity. This would be roughly 100,000 kw-hr of electricity per family per year. On the basis that 2/3 lb of coal will be burned to produce 1 kw-hr of electrical power, we find that each family will demand the combustion of 33 tons of coal per year just to supply electrical power. That figures out to be almost 3 billion tons of coal!

Obviously, we can't use this much coal to produce electricity, especially if we demand low-sulfur coal. Yet if we examine the fuel requirements for the year 2000 we face a most complex and perplexing problem. What is to be the make-up of the energy sources we tap to produce electrical power then? Looking back to our 1970 energy source break-down, we can systematically examine each energy source and estimate how each may contribute to power production. We need to consider not just the pollution factors, but also fuel reserves and what I call the RDUs—the research and development unknowns. For example, one RDU is that of converting coal to gas. Another is the power-breeder that will allow nuclear powerplants to tap more fully the energy of uranium. Still another is the feasibility of light element power i.e. nuclear fusion.

Up to now man has supplied his thermal and power needs largely by chemical means—by the oxidation of fossil fuels. The U.S. has imense reserves of coal but its sulfur content and availability and transportability make it necessary to taper off our dependence of solid coal as a combustible in powerplants.

Natural gas reserves today are estimated as 300 trillion cubic fet. This could conceivably double by the year 2000 but again an RDU makes estimation uncertain. Much natural gas is locked into gas-bearing formations that could be released by nuclear explosives. However, the radioactive content of such gas poses very real dilemmas for the U.S.

What level of radioactivity in pipeline gas should be permissible? The problem is easy to dismiss by answering "no radioactivity" but our energy demands, especially for gas, may force some compromise. For example, if one takes the historic growth pattern for natural gas and represents it as a straight line on a semi-logarithmic chart, the 1900 value of 128 billion cubic feet soars to 20,000 billion cu. ft. by 1970—a 150-fold increase. If continued at this rate we will run through our gas reserves well before the year 2000. Even if we moderate our demand for natural gas, merely doubling our consumption by the turn of the century, we will have exceeded the reserve supply.

One thing seems very clear when the 20th century is laid out on a logarithmic scale—not everything can be consumed at the pace set by the past. The curves have to bend over. This is easy to say but such curve-bending has the most profound implications for our society. Almost all projections are keyed to a rising Gross National Product. Looking back the only significant dip in the energy curve occurred during the 1930s when the Great Depression abated man's lust for power.

It is very difficult to believe that any reasonable year 2000 energy projection can be met by consuming fossil fuels, however they may be made available through solid-to-gas conversion or by new means of exploitation. Significantly the energy prospects are altered when we crank the atom into our calculations.

The uranium atom was first split in December 1938. The chain reacting nuclear assembly was first initiated four years later. In 1945 it was claimed that atomic energy was just around the corner and prophets predicted that electricity would be produced so cheaply you would not bother to measure its cost. However, the engineering realities of converting the atom's energy through thermal processes into electricity have delayed the debut of the economic atom. Nonetheless, the prospects are such that it is reasonable to assume that by the year 2000 some 45% of electrical power will be atom-produced. If so, we can then make a split-up as follows:

[In percent]

Nuclear power	45
Fossil-fueled power	48
Hydropower	7

It would appear that nuclear power has come along just in time to rescue man from an energy deficit. However, some critics feel that uranium power is more an anchor than a life saver.

We have already mentioned the biggest unknown in the uranium atom's future, namely whether or not a power reactor can be made to produce economic power and breed more nuclear fuel than it consumes. If breeding doesn't work—and this remains to be proved in practice—then nuclear power will exhaust cheap uranium ore in less than two decades. Resort to more costly uranium ores will drive up the power costs and cause utilities to place greater reliance on fossil-fueled plants.

From a hazards viewpoint, atomic plants involve four district categories of dangers.

First, there is the catastrophic hazard, more technically known as a "nuclear excursion" or a "core melt-down". Reactor designers take many precautions to obviate such nuclear disasters. In the event of such an accident, designers believe that the resulting release of radioactive debris can be contained by the plant structure. I believe that a prudent policy of reactor siting requires that no nuclear power plants be located close to metropolitan populations. Additionally, I believe that prudence dictates restricting the population allowed to reside near nuclear power installations.

Second, we have the problem—not unique to nuclear plants but present to a higher degree in them—of thermal pollution. In a nuclear plant, the uranium core substitutes for the fuel box of a coal-fired steam boiler. The difference is that nuclear plants do not release oxidation products up a stack (a means of heat dissipation but also a severe source of pollution) and they are less efficient on a heat conversion basis. Thus a nuclear plant may generate 40 or more percent more heat than a conventional plant. This heat has to be dissipated and it is often done by simply passing cooling water from a river or lake around the coils of a heat exchanger.

The discharge water is heated up and can thermally alter the river or other body of water into which it flows or is pumped. Such heat inputs into a marine environment may significantly alter it. Even though the objections of local critics may be marginal in technical validity so far as present power installations are concerned, there is little doubt that the swift escalation of nuclear power requires that careful consideration be given to future reactor sitings. Here forward planning on a long range scale becomes an absolute necessity.

Looking at the energy curves for the 20th century it is clear that the upward growth of the kilowatt curves aims them at intersecting the total energy curve sometime around the year 2030. This would mean an all-electric economy in sixty years. Then the energy consumption in the U.S., whether all-electric or not, would involve the generations of something like 3×10^{17} Btu. A not unreasonable estimate, assuming a 50%-electric economy and 90% of this serviced by nuclear fuels, would be 10^{17} Btu of waste heat per annum. Much of this would be concentrated at a relatively few sites in U.S.A.

The year 2030 is not that far distant that we can dismiss its thermal tragedies lightly. Like the Dutch who make half-century plans for reclaiming land from the sea, we need to plan for our thermal future now. Proper planning calls for a very broad approach to the energy problem, viewing it in full perspective and taking into account fuel logistics and energy logistics. For example, it may become national policy to promote long-lines distribution of electrical power. The RDUs cloud this prospect right now but it should be possible to transport large amounts of electrical power over great distances and isolate the powerplants. Indeed, one can think of federal power reservations where population is excluded and only nuclear installations are allowed. Such reservations would be located in areas where thermal energy can be dissipated with minimum impact on the ecology. For example, huge nuclear plants may be sited on offshore islands.

Third, there is the matter of effluent discharges in routine operation of nuclear reactors and fuel reprocessing plants. Here the problem is one of being sure that effluents do not exceed wisely-set standards for radioactive pollutants. The U.S. Public Health Service needs to rid itself of its inferiority complex with regard to the Atomic Energy Commission. Self-regulating agencies like the A.E.C. readily succumb to the disease of arrogance and need to be "kept honest" by external forces. We have recently seen that a handful of concerned citizens can constitute a corrective force; I have in mind the word of a few scientists in Colorado; they brought the AEC into confrontation on a number of radiation hazards and very effectively used the antiseptic of criticism to make their points.

Fourth, we must face up to the challenge of burying the atom's ashes. Once nuclear fuel elements have been reprocessed, there remains a residue of long-lived fission products. Once the voluminous liquids have been reduced to some solid form, they need to be given permanent burial. As yet—a quarter century after the expedient of storing radioactive wastes in buried tanks—the Federal Government has not ennunciated a real policy on this waste disposal. It appears that solidified, probably vitrified, wastes will be consigned to salt mines, these being the tightest geologic formations available to man. But which States are to become the permanent sites for such atomic burials? Is the mode of storage truly adequate to confine the contamination for thousands of years? Are the sites capable of handling wastes when volumes swell to levels of the next century?

One thing should be evident from this discussion—we need to make national systems analyses of our energy problems. Our research and development activities should be patterned to these needs. Plunging ahead so rambunctionsly in one field, such as atomic energy, while neglecting research on fossil fuels has turned out to be a very short-sighted policy. Presumably, things might im-

prove if the Atomic Energy Commission were reoriented to be a National Energy Commission with a broader responsibility in research but not in regulation. Much research needs to be done on means of energy tranmission so that plants can be sited far from cities. In addition, a means of direct conversion of fission or fusion energy to electrical power should be a high priority item of our national energy agenda.

When we reach the end of this logarithmic century and look back on our exploits in energy conversion, we will probably reckon that our exploitation of fossil fuel reserves has been profligate. Pollution woes serve to draw attention to the problem. Over the span of one hundred years we will have burned up fossil fuels equivalent to 200 billion tons of coal!

If we continue as a nation to demand thermal energy as in the past, escalating for new population and new per capita demands, then in a quarter century after the year 2000 we can burn up the equivalent of another 200 billion tons of coal. Of course, we will probably resort to nuclear energy to supply these needs for power. However, unless we can power-breed in our reactors, we will run through available low-cost uraniferous ores and be forced to import our uranium and pay higher costs. Hopefully, we will by then have learned how to imitate the stars and burn light elements in fusion reactors. But this is a great RDU and no one can forecast fusion's future with any accuracy.

In conclusion, the nation needs to adopt a new attitude of respect and concern for energy, treating it as a unified and national problem with a century-wide depth of focus. Short-term and long-term pollution parameters must be incorporated into the nation's plans for energy systems. We have for many decades rapaciously looted a one-time only heritage of natural fuel and we must now substitute a wise policy for plunder and plan for the future.

I think that I would be remiss in my responsibilities as a scientist today if I did not mention the strategic arms limitation talks (SALT) now beginning in Vienna. We have been dealing with what I call "slow forms" of pollution—by products and wastes resulting from energy conversion and manufacturing processes. The supreme and acute pollutant of our times is nuclear war and it is therefore appropriate to discuss the criticality of the SALT discussions as they relate to control of the arms race.

The United States engages in the SALT talks as the world's No. 1 nuclear power but to judge from its behavior it appears to be a nervous nuclear giant. The U.S. has the power to hurl some 4,200 nuclear weapons at Soviet aim points and it is in the process of replacing land-based Minuteman ICBMs with a multiple warhead or MIRV system—and substituting 10 MIRV Poseidon warheads for every 3 Polaris A–3 MRVs. The U.S. strategic stockpile will double by 1974 and it could triple shortly thereafter. The arms race spirals upward. That is what SALT is all about—it is an attempt to cool off the arms madness and leave each side with a sense of nuclear sufficiency.

The U.S. nuclear giant is nervous about its vulnerability to a first strike, fearing that the mighty Soviet SS–9s could throw MIRVs at our 1,000 Minuteman silos and destroy the U.S. power to retaliate, thus unhinging the whole system of nuclear deterrence. Ten years ago I testified before a Congressional committee, urging that no land-based missiles be deployed. I argued that with the passage of time offensive missiles would become increasingly accurate and our land-based ICBMs would become vulnerable. Moreover, I testified that our ICBMs would attract enemy fire and the fallout from a Soviet attack on missile bases would cloak northeastern states in a mantle of lethal radioactivity. This would be the most acute and lethal form of atmospheric pollution imaginable.

We are now stuck with this "attractive hazard" in the form of 1,000 Minuteman bases. The U.S. Air Force has invested $17 billion in the total Minuteman program and now we are deploying the Safeguard ABM system to protect Minutemen. From an arms control viewpoint land-based missiles are an anathema, not only because they make each nation psychotic about a first-strike, but because their fire-power cannot be assayed except by on-site inspection. No orbital cameras can look under the silo cover and count warheads. Since the Soviet SS–9 has at least five times the throw-power of our Minuteman III, this asymmetry perturbs the whole arms control equation.

A risk-free agreement cannot be produced at the SALT talks. Some risks will have to be taken, but these should be acceptable risks when one realizes how much excessive capacity has been built into the sea-based and bomber strike forces of the U.S.A. The alternative is to plunge ahead into ever more costly weapons systems and into levels of armament which promise no more, probably less, security than we have now.

Half of the U.S. research and development budget presently goes to arms development. From a standpoint of resource conservation this $8 billion each year represents a low-yield investment of the nation's brainpower and funds. Given the prospect of a depleted fuel bin and mounting pollution, there is an urgent need to apply our scientific and technical talent to preserving the subtle balance of the air-land-water interface upon which all life depends.

WESTINGHOUSE NUCLEAR PLANT ELIMINATES RADIOACTIVE DISCHARGE

PITTSBURGH, May 6.—A major advance in nuclear power plant design that eliminates any discharge of radioactivity to the environment during normal operating conditions has been developed by Westinghouse Electric Corporation.

Joseph C. Rengel, executive vice president, nuclear energy systems, said the new design is now being offered on new plants to electric utility companies.

"We feel strongly that existing federal radiation standards for nuclear plant discharge levels more than adequately protect the health and safety of the general public," he declared. "At the same time, from the beginning of the nuclear industry, we have sought methods for reducing radioactive releases from our nuclear plants to the lowest levels attainable through technological advances."

"The experience gained from operating and maintaining the nine plants we have already placed in operation, plus recent technological developments, now make it possible for Westinghouse to offer what is essentially a zero release plant under normal operating conditions." Mr. Rengel said.

He explained that the new system enables plant operators to concentrate and contain radioactivity within the reactor system itself for long periods of time.

"Radioactive gases will be contained within the system and either stored on-site or shipped off the site periodically. The quantity of gases involved yearly is an amount small enough to be shipped in five normal sized oxygen tanks such as those used by welders," Mr. Rengel said.

The new design completely eliminates the release of tritium (an isotope of hydrogen) from the plant during normal operations. Tritium, in the form of tritiated water, is confined within the system and need be processed for off-site disposal only once or twice during the approximate 40-year lifetime of a nuclear plant.

Mr. Rengel said that Commonwealth Edison Company of Chicago will install a comparable system for minimizing radioactive liquid discharge to Lake Michigan from two one million one hundred thousand-kilowatt nuclear plants now under construction at the Zion Station about 40 miles north of Chicago.

Existing nuclear power plants now discharge minute quantities of radioactive wastes into the air and cooling water. Release levels from all nuclear plants have rarely exceeded one percent of the maximum allowable limits established by the Federal Radiation Council to assure public safety.

The Westinghouse executive said the new radioactive waste system would add about $1 per kilowatt to the cost of a new nuclear power plant.

Mr. Rengel said the phrase "during normal operating conditions" refers to plant operation within design basis with no significant leakage of primary plant water. "Our plants have routinely operated well within these criteria," he added.

He said the only discharge of radioactive gases from the new plant design could occur when the containment structure is ventilated during once-a-year refueling operations.

"Such discharges would be barely detectable above natural background radiation levels," he added.

In addition to the nine plants Westinghouse has placed in operation since 1957, the company has orders for an additional 35 plants now under construction or in the design stage.

"We have felt for some time that the production of electricity with nuclear power was one of the best things that happened to the environment in decades," Mr. Rengel said. "This new development will make it even better."

SHORTAGE OF OIL IN NEW ENGLAND

Mr. MUSKIE. Mr. President, summer is drawing to a close, and the fall and winter seasons will soon be upon us.

The colder weather coming in New England requires the heating of homes, of institutions, of schools, and of businesses, and it will put new strains on the shortage of oil which exists at this time.

The burden of the shortage will be, as always, on the back of the consumer. The homeowner who has to heat his home, the small businessman who has to heat his store, the school district which must have warmth for the children, the hospital which must keep patients comfortable during the fall and winter months, will suffer.

The Concord Monitor, of Concord, N.H., published an excellent editorial in a recent issue which pointed up the critical nature of this fuel shortage in most pointed terms. I was glad to note this editorial's comments about the efforts of the distinguished Senator from New Hampshire (Mr. MCINTYRE) to do something about this shortage. All of those from New England are working hard to see that we have adequate fuel oil at a price which compares with that paid by the rest of the country.

Mr. President, I ask unanimous consent that the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

[From the Concord Monitor, Aug. 3, 1970]

NEW ENGLAND'S OIL SHORTAGE WOES

New England is on the brink of a critical shortage of fuel oil. After a record-breaking

heat wave, the consequences of this short supply are not readily apparent. But if present conditions continue, it will spill over into winter.

The category currently causing consternation is number 6, or residual, fuel oil. It is used in large manufacturing plants, institutions and most importantly in power generating furnaces.

The oil shortage problem is four-fold:

(1) The demand for oil is nearly double the expected increase. Officials had planned a two and a half per cent increase; it is closer to five per cent.

(2) Restrictions on the sulfur content of oil have resulted in lower supplies of conforming fuel, since major refineries have not completed construction of sulfur-removing facilities.

(3) The war between the Arab nations and the Israelis in the Middle East has closed the Suez Canal and limited the supply from that major oil-producing area. In addition, the long trek around the southern tip of Africa has boosted the per barrel price of Middle East oil by 75 cents.

(4) An acute shortage of tankers, mostly of foreign ownership, touched off by the diversion to the demands of the Middle East fighting.

The then-chairman of the New Hampshire Public Utilities Commission said a month ago he had been assured by the Public Service Company of New Hampshire there was no prospect of a power shortage in the state for the next three years.

But Atty. Francis J. Riordan said this was "barring unexpected contingencies."

Since then, the critical nature of the supply problem has deepened.

A crisis has hit New York, where power supplies have been reduced a total of eight percent after a Consolidated Edison Co. generator failed. New England power has been diverted to New York to help take up the slack.

New Hampshire's Sen. Thomas J. McIntyre, a tiger on the backs of the major oil companies, called today for a phasing out of the oil import quota system, which clobbers New England, and replacing it with a tariff system.

The McIntyre proposal would implement the recommendations of President Nixon's Cabinet-level Task Force on Oil Imports, which the President has not yet put into force.

McIntyre charged that the oil import quota was costing U.S. consumers about $5 billion a year.

The oil shortage, which applies to home-heating fuel as well as residual, is making the market ripe for oil price increases. And because oil is so widely used in power-generating plants, this could lead, in turn, to increases in the consumer price of electricity.

Apparently Concord is in no immediate danger of a power shortage. Most electricity serving the city is generated by coal from the Bow plant of Public Service Co.

And while the U.S. Office of Emergency Preparedness says coal reserves are down a bit, the supply locally is considered adequate at least through the coming winter.

What is more ominous, however, is that coal is under increasing assault as a source of air pollution. With growing emphasis on environmental quality cleanup, legislative pressure may be applied to replace coal with sulfur-free (2 percent or less) oil for generating purposes.

This is not only would be a costly undertaking, it would require a temporary shutdown of the Bow facilities.

The oil supply problem—not only in New England, but worldwide—is under intense scrutiny by public as well as private sources.

How the major oil companies handle it will determine whether they are re-oriented to the interests of the public, or will capitalize on a growing crisis for private gain.

NATIONAL TELEPHONE COOPERATIVE ASSOCIATION ENDORSES RURAL COMMUNITY DEVELOPMENT BANK

Mr. PEARSON. Mr. President, on March 19 of this year I introduced a bill (S. 3607) to create the Rural Community Development Bank. This Bank would make loans to job-creating industries locating in rural areas and would also make loans and provide technical assistance to public bodies for the purpose of developing community facilities needed to sustain an expansion in industrial activity.

I have been encouraged by the reception the bill has received. The most recent indication of support comes in the form of an endorsement of the bill by the National Telephone Cooperative Association. Mr. President, the 19 cosponsors of the bill and I welcome this endorsement.

I ask unanimous consent that the association's resolution be printed in the RECORD.

There being no objection, the resolution was ordered to be printed in the RECORD, as follows:

RURAL COMMUNITY DEVELOPMENT BANK BILL

Whereas, S. 3607, the Rural Community Development Bank Bill has been introduced into the United States Senate by Senator James Pearson, and

Whereas, this legislation would work to improve the resources of rural America, and

Whereas, this bill would establish a bank which would make loans to:

Job creating enterprises which would serve to expand and improve the community's economic base;

Public and quasi-public bodies for the development of industrial sites and for the expansion and improvement of those public services and facilities necessary to support a community's overall development effort;

Recreational and cultural facilities;

Developer of public housing where needed; and

Whereas, passage of this legislation would be in the best interest of telephone cooperatives, rural America and the nation as a whole,

Now therefore be it resolved, that the National Telephone Cooperative Association go on record as favoring passage of this legislation, and

Be it further resolved, that the staff of NTCA is hereby authorized and requested to expand such time as possible to work toward this end.

TAXING THE WISDOM OF SOLOMON

Mr. CHURCH. Mr. President, the tax code is a literary abomination. It is a nightmare which even the tax experts puzzle over.

In an article entitled "The Sheer Hell of the Internal Revenue Code," published in the August 1970 issue of the American Bar Association Journal, Mr. Allen D. Choka examines in some detail his view of the code. He points out that for a retired person to take advantage of a $228.60—$457.20 for a couple—tax credit, the taxpayer must fill in—or consider—46 entries on schedule R of form 1040. Mr. Choka notes that some sentences in the code run as high as 506 words. Sentences of 150 to 200 words are commonplace. The language of the code is couched in painful legalese. Definitions refer to other definitions rather than substantive explanation. Mr. Choka concludes his article with a suggestion for rewriting one section of the code to make it understandable.

Mr. President, it adds insult to injury to require American taxpayers to be bookkeepers and then provide them with a set of rules too complex to follow. If experts shudder at the code, how must the average taxpayer feel?

I ask unanimous consent that Mr. Choka's excellent article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SHEER HELL OF THE INTERNAL REVENUE CODE

(By Allen D. Choka)

The June 11 *Wall Street Journal* quotes Wilbur D. Mills, Chairman of the House Ways and Means Committee, as describing the proposed "Deadwood Bill" as "an attempt to simplify the [Internal Revenue] Code by deleting the deadwood". The bill apparently would repeal some 150 obsolete sections of the code and make deletions in about 885 others.

Laudable as this effort may be, it falls far short of what the code desperately needs—a thorough overhauling. It is so complex, so involuted, so convoluted that even the experts are bewildered. Consider this:

Item: In the April 13, 1970, issue of *The Wall Street Journal* Edwin S. Cohen, Assistant Secretary of the Treasury, disclosed the results of a survey of tax returns on which annuities and pensions were reported. He stated that more than 6,000,000 people receive such payments. A study of the tax returns in which these were reported disclosed that 75 per cent were reported incorrectly. Two thirds of those incorrectly reporting overstated their tax.

Item: The retirement income credit permits older taxpayers a credit against their tax. This runs $228.60 for a single person and $457.20 for a couple. To get this credit the taxpayer must fill in (or consider) forty-six entries on Schedule R of Form 1040.

Item: Commenting on the Tax Reform Act of 1969, Mortimer Caplin, former head of the Internal Revenue Service, said in *Fortune* for March, 1970: "It is going to take us at least ten years to comprehend everything that is in this bill."

Just what kind of tax laws have we spawned that causes 75 per cent of the annuities to be reported wrong, requires forty-six entries to earn a $457.20 credit and is amended in such a way that ten years will be required to understand the amendment? Something more than rummaging about the code's deadwood is in order. I recommend an effort to: (1) simplify the code wherever possible, making even substantive changes if necessary; (2) eliminate the prissiness and paranoia that seems to run endemic through legislative draftsmen; and (3) rewrite the code completely in a style that is targeted toward understanding, not obfuscation.

Let me show you with examples—all from the 1969 act—what makes the code so difficult to understand, even for trained lawyers and accountants. Any number of examples could be chosen for this purpose; I doubt that the ones I cite are the worst.

Sentence Length. Almost twenty-five years ago Rudolf Flesch showed in his book, *The Art of Plain Talk*, that short sentences are understandable and long sentences are not. This assumed we hadn't learned this in grammar school. Any sentence of twenty-nine words or more was classified by Mr.

Flesch as "very difficult". Even presupposing that lawyers and accountants are superhuman in dealing with long sentences, it is conceivable that sentences that run 385 words, 397 words and 506 words can be handled by anyone? (Sections 6651(a), 170(b)(1)(A) and 7701(a)(19) respectively.) Almost at random in the code you find sentences running 150 to 200 words.

Strangulated Conceptuality. In an effort to bring tax justice to a precision that would appear to the rational mind as not only impossible but undesirable, we find ourselves confronted with such provisions as Section 1250(f)(2):

For purposes of paragraph (1), the amount taken into account for any element shall be the sum of—

(A) the amount (if any) determined by multiplying—

(i) the amount which bears the same ratio to the lower of the amounts specified in subparagraph (A) or (B) of subsection (a)(1) for the section 1250 property as the additional depreciation for such element attributable to periods after December 31, 1969, bears to the sum of the additional depreciation for all elements attributable to periods after December 31, 1969, by

(ii) the applicable percentage for such elements, and . . .

Is it possible that the conceptualization of the tax structure has completely gotten out of hand when tax justice depends on such language?

Definitionitis. Though definitions are essential to any law, nowhere are they used with such vengeance as in the Internal Revenue Code. In Section 167(1) public utilities are granted a "reasonable allowance" for depreciation. This must be defined. One of the definitions of this term is "the applicable 1968 method." This must then be defined. One of *its* definitions is a "subsection (1) method". And obviously this must be defined. And all this can be used only if a "normalization method of accounting" is used. Defined? Of course. And it can't be used unless a "flow-through method of accounting" is in effect. Also defined. We encounter definitions of definitions of definitions—subject to two other definitions.

Boldly Meaningless. For the blatantly impossible sentence we could pick any number of examples. Here is the first sentence of Section 1348(b)(1):

The term "earned income" means any income which is earned income within the meaning of section 401(c)(2)(C) or section 1911(b), except that such term does not include any distribution to which section 72(m)(5), 72(n), 402(a)(2), or 403(a)(2)(A) applies or any deferred compensation within the meaning of section 404.

Does anyone in this world know what this means standing by itself?

Prissiness and Precision. The 1969 act reduced the amount of accumulated earnings credit for certain groups of corporations under common control. This "credit", in effect, is an amount a corporation can accumulate without fear of being accused of accumulating "excessively". As such, the credit is a kind of floor on a presumption of unreasonableness. This presumption is amended for the year 1970 to $83,333 and for 1971 to $66,667. It is likely the timbers of our tax foundation would have splintered if this presumption in 1970 had been $83,300, or even $84,000?

Similarly, the multiple surtax exemption is reduced for 1970 to $20,833 and for 1971 to $16,667. Would any real difference had been made if, in 1970, the exemption were $21,000?

To take an example from the pre-1969 period, the retirement income credit is based upon 15 per cent of $1,524—not $1,500 or even $1,520, but $1,524.

We have indeed polished and honed tax justice to perfection when we can say that the accumulated earnings presumption should be exactly $83,333, the surtax exemption exactly $16,667 and an elderly taxpayer should get a credit on exactly $1,524.

The Dating Game. Different provisions of the 1969 act go into effect on different dates: January 1, January 10, January 29, April 18, April 30, May 26, May 27, June 30, July 11, July 24, July 25, July 31. August 6, August 7, October 9, November 30, December 19 and December 29.

Frankly, I may have missed a few dates in my search. But I question what injustice might have occurred if the May 26 date had been made May 27, the July 24 date, July 25, and the August 6 date, August 7. Or, for that matter, if the entire law had gone into effect on one date.

Paranoia. Like trust indentures, the code is rapidly entombing the fears of generations of tax draftsmen. For example, the 1969 act decreed that if a corporation uses appreciated property to redeem its shares, a tax must be paid on the appreciation. (Section 311(d).) It then lists seven exceptions to the rule. The conference report added four more. We now have a basic rule with eleven exceptions. The effect on revenue, according to the Senate Finance Committee report (page 279), is: "This provision will prevent the loss of substantial revenue which *would occur in the future if there were to be* a substantial expansion of practice now beginning of buying stock with appreciated property." (Emphasis added.)

Note the future contingencies. Note also the inability to quantify the effect on revenue. But the end result is that a rule with eleven exceptions now clutters up the code.

Labyrinths. The Labyrinthian nature of the code has been epitomized, perhaps inadvertently, in a recent law review article. In the March, 1970, issue of *The Practical Lawyer*, Norman A. Sugarman has brilliantly broken down the fourteen categories of charitable foundations under the 1969 act. In tabular form he has then applied to each of these fourteen the thirty-four different benefits and burdens under the law. This makes 476 different combinations. Did tax justice really demand a law for foundations that requires a tax chart with 476 combinations in order to begin to understand it?

I have taken the extreme liberty of rewriting one of the never-ending sentences I mentioned: Section 6651(a). My rewrite has 190 words instead of 385. No sentence within it numbers more than twenty-eight words. You will be told that laws aren't written in this style. They aren't. They should be.

SECTION 6651(*a*)

You're penalized if you're late filing your tax return or paying your tax under Subchapter A of the following:

Chapter 61, except Part III—(Spirits, Wines and Beer)

Chapter 52—(Tobacco, Cigars and Cigarettes)

Chapter 53—(Firearms)

1. If you don't file your return on time, you're penalized 5% of the tax due on the return for each month (or fraction) you're late.

2. If you don't pay the tax shown in your return on time, you're penalized one-half of 1% on the tax due for each month (or fraction) you're late.

3. If you haven't paid the full tax you owe, you're penalized one-half of 1% of the additional tax for each month (or fraction) you're late paying it. This starts 10 days after our notice to you of the additional tax.

4. You're not late if we've given you an extension of time and you file and pay within this time. If you show us that your lateness was due to reasonable cause and not willful neglect, you won't be penalized. None of these penalties can exceed 25% of the tax due.

REVENUE-SHARING PLAN DESERVES CONSIDERATION

Mr. BENNETT. Mr. President, throughout the postwar period, State and local governments have found themselves in increasing financial difficulty. These governments carry the burden of the provision of basic services necessary to the maintenance and well-being of any society—police and fire protection, health, education and welfare services, highway construction, and so on—the demand for all of which has increased at record levels in the past decade alone.

Tax Foundation Inc., in Facts and Figures on Government Finance 1969, reveals that local expenditures may be nearly five times larger than local revenues, that since 1950 State debt has increased 303 percent, local debt 579 percent, and that current State and local debt averages at levels close to $600 per capita throughout the United States.

Last year this body discussed proposals, notably that of Senator BAKER, for the sharing of Federal revenues with the States. Unfortunately, these proposals were put aside. I believe now is the time for another consideration of a no-strings-attached revenue-sharing measure.

State and local governments find themselves in a situation today which has deteriorated substantially from their position a year ago. We have, since the initial date of these proposals a year ago, launched a massive war on pollution, which can only be effective if local governments cooperate fully, a new crime measure, which must be emulated at State and local levels, but which will require large sums for police forces of increased size, additional officer training, a revamping of local court systems and juvenile detention facilities. We have increased the need for State and local educational and health funding, and we constantly hear the call for new social welfare measures, which, invariably, must begin at local levels. Our population has continued to grow and we have mass demands for services on all sides. Obviously, the Federal Government is not intended nor equipped to handle all the demands at State and local levels—it cannot, for example, be expected to discharge the administration of Utah schools, nor the provision of a firefighting unit for a small Utah county. The point is, these small units of governments are ill equipped to handle the increased demands for these services. If they cannot provide their own services the Federal Government may have to provide them for them.

Mr. President, a revenue-sharing proposal is sorely needed to enable beleaguered State and local units of government to meet the demands of their citizens. Earlier I cited some statistics. We have all seen and heard these figures time and time again. Joseph Pechman of the Brookings Institution tells us, the First National City Bank of New York tells us, that State and local governments will experience an aggregate revenue-expenditure gap of $15 billion by 1975, even when all State attempts to balance their budgets have been considered.

I would like to review for a moment, the reasons why State and local governments cannot continue to provide the financing for all of their public services.

First. State and local officials are politically handicapped in terms of raising needed revenues, even though citizens may be demanding more services. An official who wants to retain his position cannot force tax increases upon an unwilling populace. As Governor of Iowa, our colleague, Senator HUGHES, said it well in his estimation of public reaction to State and local tax increases. He said:

> We governors are afraid of tax increases. We sit there, and we face the people every day. We sit on the firing line and we come down and recommend a $100 million tax increase, and we know we have signed our resignation right along with it. Whereas the federal government can sit here with a tax increase, with not total immunity, but a little immunity as to local effects, and as to what effect it has on individual pocketbooks.

Many more have agreed with Senator HUGHES, and local officials are even more vulnerable to pressure from the taxpayers.

Second, from the standpoint of tax equity and long-range economic policy, it is undesirable to finance long-range needs by property and consumer taxes, the sources upon which State and local governments largely depend. The regressive nature of these taxes is only too well known, and as our inner cities continue to be pockets of low income, the revenue garnered from these sources will continue to diminish in relation to the needs of the areas. The inhabitants of poor areas cannot be expected to bear the brunt of the taxes intended to provide the bulk of services to these nonproducing areas. The question here becomes one of taxing jurisdiction—the relation of the size of the taxing jurisdiction as compared to the size of the economy as a whole.

In each State, in contrast with the Federal Government, the taxing jurisdiction embraces only a limited portion of the American economy, and although it may be a sizable portion of economic activity, no State, and especially no city, is an economically independent unit. "Federal Revenue Sharing With the States," a publication of the National Industrial Conference Board puts the essence of this problem clearly:

> The Federal Government, relying for the most part on personal and corporate income taxes, has shown itself a much more efficient taxing unit in the postwar years than state and local governments which rely largely on property and sales taxes. The reason is that taxing ability depends to some extent on the size of the taxing jurisdiction in relation to the size of the economy.

Cities find themselves in an even weaker position. They may derive their taxing power from the State and have to rely heavily on the property and sales tax to finance their public services. Their tax base is also under a constant state of flux as industry moves in and out of areas. According to both Heller—author of "New Dimensions of Political Economy and Revenue Sharing and the City"—and Pechman, in a Federal system of government where the provision of public services is divided between two or more levels of government, but the taxing power of the different levels is highly unequal, economic decisionmaking will not be rational. Not without reason are slums mainly in areas with weak taxing powers. In addition, these taxes do not fluctuate with the state of the economy. They do not provide an adequate basis for long-range planning of vital services.

My second concern rests with the current grant programs. Certainly we could attempt to meet new demands by an expansion of grant in aid programs, but indications are that it may not be desirable to do so. The grant program is large and growing and its administration is often found wanting. Harvey Lutz, in the Wall Street Journal of December 12, 1966, highlighted some of the problems of the grant system, and if anything, the well-nigh impenetrable administrative jungle he describes has become thicker since the article appeared.

> From the beginning a chain reaction has intensified proliferation of the grant system. As results fell short of expectations and prophecies, more grant programs were devised and more agencies or sub-agencies were set up to operate them. There have been both inter and intra-departmental power struggles to get or keep control, and all kinds of pressure tactics have been employed. A new type of professional has developed in Washington, whose expertise is in advising states and communities regarding the kinds of grants for which they are eligible and the amounts of money they can obtain.
>
> Confusion, duplication, and overlap are characteristic of a government too big to be managed efficiently. The grant system has provided an excellent opportunity for the development of this well-nigh impenetrable administrative jungle. In some cases administrative costs absorb more than half of the available funds for any one program.

To increase grant-in-aid in many instances would be to increase waste, duplication, and inefficiency.

Revenue sharing itself is a simple proposal, made all the more attractive by its simplicity. Revenues shared with lower levels of government will enable them to operate independently, without Federal controls. To a much greater extent local officials will be free from Federal domination and redtape involved in meeting the stringent matching requirements and other conditions required to qualify for Federal assistance under grant-in-aid. Many programs which are currently administered from Washington could be performed at the State and local level by officials who are most familiar with their own particular needs and problems, and who thus can probably make the wisest allocation of these funds in the interests of their own citizens. This increased local autonomy is, perhaps, the greatest advantage of a revenue-sharing proposal. Revenue sharing provides an increased federalism, an increased sense of responsibility at the State and local level, and an increased efficiency in meeting the problems of our Nation when those problems are met by the people who must live with the solutions.

There are other advantages to the proposal also—the distribution formula is especially advantageous to small States, such as Utah, who have small populations but a high level of tax effort. The measure proposed earlier by Senator BAKER provides for a per capita distribution to give large States with large problems the largest share of the intended revenues. In addition, giving smaller States with high tax effort a proportion of the revenues based on their revenue effort provides an added incentive for these States to continue to attempt to meet their own problems out of their own resources. As an example, Utah would receive $30,396,736 under this formula, 0.6 percent of all Federal funds shared with the States, although on a straight population-based formula she would only receive $25,870,000, or 0.5 percent, of the funds so distributed.

Murray L. Weidenbaum, Assistant Secretary of the Treasury, has succinctly summed up the advantages of a revenue sharing proposal:

1. Revenue sharing is a simple program, it would require no new administrative machinery or additional costs to implement.
2. It is automatic in the distribution of the funds.
3. It is equitable—funds go to every city, county, and State in the Nation on a formula basis.
4. It has no strings attached—it provides increased independence to local and state governments.
5. It is neutral—the State-by-State distribution is based primarily on where people reside. The allocation among governments within a State is based on the existing distribution of financial responsibilities among the various units of government as decided in each area.

A no-strings-attached revenue sharing proposal today would demonstrate the commitment of Congress to a reordering of priorities and a return of power to the States. The solution to our growing problems of crime, pollution, traffic congestion and a host of others, must be met at the level at which they exist by the people that they affect at the State and local level. They cannot be met without an additional provision of funds. I endorse revenue sharing legislation and urge early congressional consideration.

EDITOR OF THE CANADIAN RECORD, CANADIAN, TEX., CHALLENGES THE EFFICIENCY OF THE POSTAL SERVICE'S PROGRAM FOR THE ELIMINATION OF RURAL POSTMARKS

Mr. YARBOROUGH. Mr. President, the Canadian Record for August 13, 1970, contains a well written and timely editorial which challenged the Postal Service's claim that the elimination of canceling mail in small cities and towns will insure more efficiency in mail service. As the editor, Mr. Ben Ezzell, so correctly points out:

> Channeling increasing loads of mail into the sectional centers has been the biggest boondoggle ever devised by a government bureau which has been known for some whoppers. When the sectional centers are unable to handle, efficiently and speedily, the volume of mail which is already being unnecessarily channeled through them, increasing the volume obviously isn't going to improve the situation.

Mr. President, throughout my State, small cities and towns are losing their identity through elimination of their

postmarks, and the citizens of these communities are being subjected to outrageous and ridiculous delays in service.

For example, in Tulia, Tex., a town of over 6,000 people, a letter intended for in-town delivery, was mailed at the local post office, taken on a 150-mile journey, and finally placed in the post office box of the person to whom the letter was addressed in the same post office 3 days after it was mailed. On first consideration, situations such as this might seem humorous if not so widespread; however, on closer examination, this type of inefficiency shows a callous indifference to the needs of those citizens of our country who reside in the rural areas. This administration, by allowing such practices as this to continue, is expressing its disinterest in the problems and interests of these Americans and its intention to treat them as second-class citizens.

Mr. President, I do not believe that the people of America will tolerate this inefficiency much longer. Therefore, I submit that it is the duty of every Member of Congress to make every effort possible to insure that rural America receives prompt and efficient postal service.

I ask unanimous consent that the editorial, entitled "Less Efficiency, Please," be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

LESS EFFICIENCY, PLEASE

In an interview with a Hereford Brand reporter, carried by that newspaper last week, Postal Service Officer Mel Benesch, the man in charge of Amarillo's regional postal center, declared that cancelling all mail from outlying small-town post offices in the Lubbock Regional Center "is going to save $50,000 a year."

Benesch was assuring the Hereford interviewer that the changes already put into effect in the Lubbock region . . . where all out-of-town letters are carried into Lubbock for rapid cancellation with a Lubbock postmark . . . had not been put into effect yet in the Amarillo region. Benesch said "there is no indication yet when it will be but the time is coming."

We don't know how Mel Benesch arrived at that nice round $50,000 figure, but even assuming that it may be correct, there is no accurate way of estimating how much the resulting delay in mail service may be costing the businessmen of the Lubbock postal region.

Mel Benesch, of course, will quickly deny that there is any delay . . . but every postal patron who has had any extensive business with the United States Post Office in recent years can attest to the fact that there is, and that every centralized "improvement" instituted by the postal service has made it worse.

Channeling increasing loads of mail into the sectional centers has been the biggest boondoggle ever devised by a government bureau which has been known for some whoppers. When the sectional centers are unable to handle, efficiently and speedily, the volume of mail which is already being unnecessarily channeled through them, increasing the volume obviously isn't going to improve the situation.

Mr. Benesch is proud of the high-speed cancelling machines which his department has installed at the Amarillo Sectional Center. "We don't even know we've got 10,000 pieces of mail," he told The Brand reporter, "it goes through so fast . . . its just absorbed."

And "absorbed" may be a good word for what's happening to much of the mail in the sectional centers these days. It is absorbed so well that it sometimes disappears for days.

Mr. Benesch is the postal officer who explained to the staff of this newspaper at great length a couple of years ago how it was actually going to speed delivery of our newspapers to places like Allison and Briscoe and Wheeler and Lipscomb . . . all of them served by routes which originate in the Canadian post office . . . to carry them into the sectional center in Amarillo on Thursday afternoon and bring them back to the Canadian post office the following morning to be transferred to the route carriers. We couldn't understand how hauling those newspapers on a 200-mile round trip and processing them through the Amarillo sectional center was going to be an improvement over simply holding them overnight in the Canadian post office for carrier dispatch the next morning. but Mr. Benesch assured us that it was going to save the government a lot of money and also speed up the service.

We didn't believe it then, and we don't believe it now. Our disbelief is frequently strengthened when we find that our newspapers failed to make it through the Amarillo Sectional Center on their overnight Thursday journey, and don't get back until Saturday morning to be transferred to our subscribers in neighboring communities.

The mail service just can't stand many more "improvements" of the type that Mr. Benesch and his fellow post office experts keep instituting. And we can ill-afford many more of those "savings" which keep bringing increased postal rates and slower delivery times, either. Can't we please have a little less efficiency and a little more service, Mr. B.?

VOTING RIGHTS IN WYOMING

Mr. HANSEN. Mr. President, today is the 50th anniversary of the 19th amendment to the Constitution granting equal suffrage to women.

We in Wyoming are particularly proud to recognize this accomplishment because Wyoming led the Nation, and indeed the world, when it granted equal suffrage to women in 1869, at the time the Wyoming Territory was organized. In 1890, Wyoming became the first State to give women equal voting rights.

The women of Wyoming enjoyed equal voting rights a full 51 years before these rights were included in the Constitution of the United States.

In 1924, Nellie Tayloe Ross was elected Governor of Wyoming and became the first woman Governor in the country. She then served three Presidents as Director of the U.S. Mint, and to this day is vitally interested in the affairs of her State and Nation. Since 1890, women have served in every elected State office and as Speaker of the Wyoming House of Representatives.

In this day, when many of us advocate lowering the voting age below 21, there is a tendency by some to believe that Federal legislation should set a standard of 18, implying that at the Federal level there exists some great power which makes the Federal Government all knowing in determining the proper voting age. I believe it is appropriate to note at this time that if the women of Wyoming had to wait for Congress and the Nation to wake up and act on women's suffrage, they would not have enjoyed the one-half century of equal rights granted to them by Wyoming.

There is much to be said for the system that has permitted the States the flexibility to take progressive steps to expand the voting franchise, and the benefits we have received from that flexibility are the strongest argument for refusing to preempt State responsibility by Federal statute and applying any change nationally by means of an amendment to the Federal Constitution.

As Governor of Wyoming, I called for the adoption of an amendment authorizing voting by 18-year-olds. This year the State of Wyoming is again in the front ranks and is voting on an amendment to the State Constitution to lower the voting age in Wyoming to 19. I am confident that such action by the State of Wyoming will be as rewarding as that of granting equal suffrage to women.

SOVIET UNION INVASION OF CZECHOSLOVAKIA

Mr. TOWER. Mr. President, the invasion of Czechoslovakia by the Soviet Union 2 years ago last Friday sent a shock wave through the civilized world which belied the popular image of Soviet mellowing. We were shaken to a renewed memory of Hungary, Poland, and the Katyn massacre, the "annexation" of the Baltic states and, indeed, the total scope of brutality and oppression which has characterized the history of Soviet Russia.

In January of 1968, Antonin Novotny, one of the last remnants of Stalinism in Eastern Europe, was removed as first secretary of the Czechoslovakia Communist Party under pressure from liberal reformers, principally writers and intellectuals. Alexander Dubcek was installed as first secretary and the Czech Government embarked on a series of moderate reforms. Censorship was eased. In a speech in Brno, Dubcek promised the widest possible democratization for Czechoslovakia and hinted that, while Czechoslovakia would maintain her alliance with the Soviet Union, she would take a more independent stance in world affairs.

By May of 1968, relations between Czechoslovakia and the Soviet Union were tense. Soviet troops were engaged in military maneuvers near the Czechoslovak frontier. Soviet Premier Kosygin went to Prague for talks with the Dubcek government. Moscow was determined to retard the reformist movement but when Kosygin departed from Prague after 8 days no agreement had been reached. Since Kosygin's visit was ostensibly a "vacation" no official communique was issued and reports indicated that the visit was more amicable than perhaps actually it was.

Reform continued, and Dubcek held the balance in his party between the more radical progressives and Novotny elements. In June, Soviet troops were engaged in military exercises on Czechoslovak territory, a display of military might obviously for the purpose of intimidating the Dubcek regime. Under this threat, the Prague government was brought into conference with the Soviets at Cierna by the end of July. At the conference, Czech leaders reasserted their loyalty to the Soviet Union and Warsaw Pact allies, but insisted upon their rights to guide the internal affairs of Czecho-

slovakia. Finally the Soviets, unsatisfied with the assurances of the Czech Government poured a force of Soviet and Warsaw Pact troops, variously estimated at 200,000 to 650,000 men, into Czechoslovakia. The reform leaders were arrested, and the iron hand of Soviet occupation was clamped down on Czechoslovakia.

Mr. President, the deep sympathy of the American people and of all people who value freedom goes out to the people of Czechoslovakia, who twice in 30 years succumbed to invasion by a superior force. But the lesson of Czechoslovakia is clear: A people who would be free must be strong. The independent spirit of the Czechoslovak people has not been crushed; they have passively resisted the Soviet occupation. But it is clear that only sufficient strength can discourage the use of force by the Soviet Union. The lesson in Soviet diplomacy provided by events in Eastern Europe of 2 years ago is well worth remembering.

THE 50TH ANNIVERSARY OF VOTE FOR WOMEN: ITS REAL MEANING

Mr. PROXMIRE. Mr. President, today is the 50th anniversary of the ratification of the 19th amendment to the Constitution. It is the amendment which gave women the right to vote. It is a good time to pause and actually reflect on how much equality women have today.

Women comprise more than half of the country's population but are still treated as second-class citizens in many important ways. This morning the Washington Post published an article entitled "A Half-Century of Suffrage for Women" which pointed up many of the inequalities which still exist. The Post story points out for example that:

> On the average, a woman with a college degree earns little more than a man with an eighth-grade education. Women constitute only 9% of all professions, 7% of the doctors, 3% of lawyers, and 1% of the engineers. Average starting salaries are lower for women in these fields than for males. Almost all the elementary school teachers are women—but almost all the elementary school principals are male.

The vote for women did not bring equality. Today is not a time to look back, but to look ahead toward eliminating inequalities which still exist. While women do have the vote, it is revealing that, according to Gallup, only 66 women have been elected or appointed to the House and 10 to the Senate. The current Congress has 11 female Members, 10 in the House and one in the Senate. Full political rights for women include equal opportunity to seek elective office. One of the most important steps which the Senate can take to guarantee women of all nations equal political rights is to ratify the convention on political rights for women. Action on this treaty is long overdue. If we are really sincere in our desire to guarantee women equal rights, then the time has come to take action on this treaty. Words will not satisfy the women demanding their rights. They want to see concrete action. Ratification of the Political Rights for Women Convention is one important way in which the Senate could demonstrate to American women that it is really interested in their cause.

WOMEN'S STRIKE FOR EQUALITY

Mr. GOODELL. Mr. President, the Women's Strike for Equality, called for today, August 26, brings an end to the era of dormancy in the women's rights movement.

The date of the strike is significant because it represents the 50th anniversary of the 19th amendment which guaranteed women's suffrage.

This "golden anniversary" does not, unfortunately, represent 50 years of equality. The path to equality has been boobytrapped with delays and frustrations. For example, in 1963, I authored the Equal Pay for Women Act. It provided for a very simple equality that equal pay should be given for equal work regardless of sex. Today, the median income of a woman is $4,200 while a man receives nearly double that amount—$7,200—for comparable work. Lack of progress as in the case of this law, has characterized the movement for women's rights.

That era has ended. The women's rights movement has been revolutionized—charged—with a new spirit and strength that will no longer tolerate inequality and discriminatory institutions. The strike is a dramatic example of this new spirit.

I support the Women's Strike for Equality. It is designed to promote unity among women and to demonstrate that women have the power to make changes in this world. It is designed to encourage women to reflect on the ambiance of inferiority that has limited their life choices. It employs for women the tried and true tactic of organization that has worked so effectively for labor and minority groups in achieving their demands. The strike will enable women to take full advantage of this important tool to meet their own articulated demands.

Yesterday, I had the opportunity to meet with the women who represent the coalition which is organizing the strike in New York City and across the Nation. The actions to be taken in New York City and other cities will be in support of the major demands of the coalition which include free abortions, universal child care centers, and equal opportunity in jobs and education.

While testifying before the Senate Judiciary Committee in support of the equal rights amendment I stated then that the amendment would be meaningless unless accompanied by legislation which would put muscle into the constitutional guarantee of equality. I suggested that such legislation would include the repeal of restrictive abortion laws, the creation of adequate day care centers, and equality of education and occupational opportunity.

As a result of the discussion yesterday, I will be introducing a legislative package within the next few weeks which will implement many of the suggestions made in our meeting.

This legislation and any other legislation designed to provide choices for women will not pass the Congress or the State legislatures for that matter unless women present a united front in support of the efforts. The Women's Strike for Equality represents such a united front. I applaud the efforts of these dedicated women. I sincerely hope that it is the beginning of a new awareness and motivation among both women and men to fight for the equality women have a right to.

In this new spirit of awareness, the men and women graduates of the 1970 class at Vassar College invited Miss Gloria Steinem, a noted journalist and leader of the women's rights movement, to present the commencement address at the June graduation exercises. Miss Steinem's message emphasized that today's women's liberation movement is an integral part of the revolt against social injustice in this country and urged each of the graduates to discard the old prejudices—racial and sexual—which inhibit individual growth and freedom.

In recognition of the strike today, I ask that the full text of Miss Steinem's address be printed in the RECORD.

There being no objection, the address was ordered to be printed in the RECORD, as follows:

LIVING THE REVOLUTION

President Simpson, members of the faculty, families and friends, first brave and courageous male graduates of Vassar—and Sisters.

You may be surprised that I am a commencement speaker. You can't possibly be as surprised as I am. In my experience, commencement speakers are gray-haired, respected creatures, heavy with the experience of power in the world and with Establishment honors. Which means, of course, that they are almost always men.

But this is the year of Women's Liberation. Or at least, it's the year the press has discovered a movement that has been strong for several years now, and reported it as a small, privileged, rather lunatic event instead of the major revolution in consciousness—in everyone's consciousness, male or female—that I believe it truly is.

It may have been a part of that revolution that caused the senior class to invite me here—and I am grateful. It is certainly a part of that revolution that I, a devout nonspeaker, am managing to stand before you at all. I don't know whether you will be grateful or not. The important thing is that we are spending this time together, considering the larger implications of a movement that some call "feminist" but should more accurately be called humanist; a movement that is an integral part of rescuing this country from its old, expensive patterns of elitism, racism, and violence. The first problem for all of us, men and women, is not to learn, but to un-learn. We are filled with the Popular Wisdom of several centuries just past, and we are terrified to give it up. Patriotism means obedience, age means wisdom, woman means submission, black means inferior—these are preconceptions imbedded so deeply in our thinking that we honestly may not know that they are there.

Unfortunately, authorities who write textbooks are sometimes subject to the same Popular Wisdom as the rest of us. They gather their proof around it, and end by becoming the theoreticians of the status quo. Using the most respectable of scholarly methods, for instance, English scientists proved definitively that the English were descended from the angels, while the Irish were descended from the apes. It was beautifully done, complete with comparative skull-measurements and it was a rationale for the English domination of the Irish for more

than 100 years. I try to remember that when I'm reading author Jensen's current and very impressive work on the limitations of black intelligence. Or when I'm reading Lionel Tiger on the inability of women to act in groups.

The apes-and-angels example is an extreme one, but so may some of our recent assumptions be. There are a few psychologists who believe that anti-Communism may eventually be looked upon as a mental disease.

It wasn't easy for the English to give up their mythic superiority. Indeed, there are quite a few Irish who doubt that they have done it yet. Clearing our minds and government policies of outdated myths is proving to be at least as difficult. But it is also inevitable. Whether it's woman's secondary role in society or the paternalistic role of the United States in the world, the old assumptions just don't work anymore.

Rollo May has a theory that I find comforting. There are three periods in history, he says—one in which myths are built up, one in which they obtain, and one in which they are torn down. Clearly, we are living in a time of myths being torn down. We look at the more stable period just past, and we think that such basic and terrifying change has never happened before. But, relatively, it has. Clinging to the comfortable beliefs of the past serves no purpose, and only slows down the growth of new forms to suit a new reality.

Part of living this revolution is having the scales fall from our eyes. Everyday, we see small obvious truths that we had missed before. Our histories, for instance, have generally been written for and about white men. Inhabited countries were "discovered" when the first white male set foot there, and most of us learned more about any one European country than we did about Africa and Asia combined.

I confess that, before some consciousness-changing of my own, I would have thought the Women's History courses springing up around the country belonged in the same cultural ghetto as home economics. The truth is that we need Women's Studies almost as much as we need Black Studies, and for exactly the same reason: too many of us have been allowed from a "good" education believing that everything from political power to scientific discovery was the province of white males. I don't know about Vassar, but at Smith we learned almost nothing about women.

We believed, for instance, that the vote had been "given" to women in some whimsical, benevolent fashion. We never learned about the long desperation of women's struggle, or about the strength and wisdom of the women who led it. We heard about the men who risked their lives in the Abolitionist Movement, but seldom about the women; even though women, as in many movements of social reform, had played the major role. We knew a great deal more about the outdated, male-supremacist theories of Sigmund Freud than we did about societies in which woman had equal responsibility, or even ruled.

"Anonymous," Virginia Woolf once said sadly, "was a woman."

I don't mean to equate our problems of identity with those that flowed from slavery. But, as Gunnar Myrdal pointed out in his classic study, *An American Dilemma*, In drawing a parallel between the position of, and feeling toward, women and Negroes, we are uncovering a fundamental basis of our culture." Blacks and women suffer from the same myths of childlike natures; smaller brains; inability to govern themselves, much less white men; limited to job skills. Identity as sex objects, and so on. Ever since slaves arrived on these shores and were given the legal status of wives—that is, chattel—our legal reforms have followed on each other's heels. (With women, I might add, still lagging considerably behind. Nixon's Commission on Women concluded that the Supreme Court was sanctioning discrimination against women—discrimination that it had long ago ruled unconstitutional in the case of blacks—but the Commission report remains mysteriously unreleased by the White House, An Equal Rights Amendment, now up again before the Senate, has been delayed by a male-chauvinist Congress for 47 years.) Neither blacks nor women have role-models in history: models of individuals who have been honored in authority outside the home.

I remember when I was interviewing Mrs. Nixon just before the 1968 election. I asked her what woman in history she most admired and would want to be like. She said, "Mrs. Eisenhower." When I asked her why, she thought for a moment, and said, "Because she meant so much to young people."

It was the last and most quizzical straw in a long difficult interview, so I ventured a reply. I was in college during the Eisenhower years, I told her, and I didn't notice any special influence that Mrs. Eisenhower had on youth. Mrs. Nixon just looked at me warily, and said, "You didn't?" But afterwards, I decided I had been unfair, After all, neither one of us had that many people to choose from. As Margaret Mead has noted, the only women allowed to be dominant and respectable at the same time are widows. You have to do what society wants you to do, have a husband who dies, and then have power thrust upon you through no fault of your own. The whole thing seems very hard on the men.

Before we go on to other reasons why Women's Liberation is Men's Liberation, too—and why this incarnation of the women's movement is inseparable from this larger revolution—perhaps we should clear the air of a few more myths.

The myth that women are biologically inferior, for instance. In fact, an equally good case could be made for the reverse. Women live longer than men. That's always being cited as proof that we work them to death, but the truth is: women live longer than men even when groups being studied are monks and nuns. We survived Nazi concentration camps better, are protected against heart attacks by our female hormones, are less subject to many diseases, withstand surgery better, and are so much more durable at every stage of life that nature conceives 20 to 50 percent more males just to keep the balance going. The Auto Safety Committee of the American Medical Association has come to the conclusion that women are better drivers because they're less emotional than men. I never thought I would hear myself quoting the AMA, but that one was too good to resist.

Men's hunting activities are forever being pointed to as proof of tribal superiority. But while they were out hunting, women built houses, tilled the fields, developed animal husbandry, and perfected language. Men, isolated from each other out there in the bush, often developed into creatures that were fleet of foot, but not very bright.

I don't want to prove the superiority of one sex to another. That would only be repeating a male mistake. The truth is that we're just not sure how many of our differences are biological and how many are societal. In spite of all the books written on the subject, there is almost no such thing as a culture-free test.

What we do know is that the differences between the two sexes, like the differences between races, are much less great than the differences to be found within each group. Therefore, requirements of a job can only be sensibly suited to the job itself.

It deprives the country of talent to bundle any group of workers together by condition of birth.

A second myth is that women are already being treated equally in this society. We ourselves have been guilty of perpetuating this myth, especially at upper economic levels where women have grown fond of being lavishly maintained as ornaments and children. The chains may be made of mink and wall-to-wall carpeting, but they are still chains.

The truth is that a woman with a college degree working fulltime makes less than a black man with a high school degree working fulltime. And black women make least of all. In many parts of the country—New York City, for instance—a woman has no legally guaranteed right to rent an apartment, buy a house, get accommodations in a hotel, or be served in a public restaurant. She can be refused simply because of her sex. In some states, women cannot own property, and get longer jail sentences for the same crime. Women on welfare must routinely answer humiliating personal questions; male welfare recipients do not. A woman is the last to be hired, the first to be fired. Equal pay for equal work is the exception. Equal chance for advancement, especially at upper levels or at any level with authority over men, is rare enough to be displayed in a museum.

As for our much-touted economic power, we make up only 5% of all the people in the country receiving $10,000 a year or more. And that includes all the famous rich widows. We are 51% of all stockholders, a dubious honor these days, but we hold only 18% of the stock—and that is generally controlled by men. The power women have as consumers is comparable to that power all of us currently have as voters: we can choose among items presented to us, but we have little chance to influence the presentation. Woman's greatest power to date is her nuisance value. The civil rights, peace, and consumer movements are impressive examples of that.

In fact, the myth of economic matriarchy in this country is less testimony to our power, than to the resentment of the little power we do have.

You may wonder why we have submitted to such humiliations all these years; why, indeed, women will sometimes deny that they are secondclass citizens at all.

The answer lies in the psychology of secondclassness. Like all such groups, we come to accept what society says about us. And that is the most terrible punishment of all. We believe that we can only make it in the world by "Uncle Tom-ing," by a real or pretended subservience to white males.

Even when we come to understand that we, as individuals, are not secondclass, we still accept society's assessment of our group—a phenomenon psychologists refer to as Internalized Aggression. From this stems the desire to be the only woman in an office, an academic department, or any other part of the man's world. From this also stems women who put down their sisters—and my own profession of journalism has some of them. By writing or speaking of their non-conformist sisters in a disapproving, conformist way, they are essentially saying, "See what a Real Woman I am," and expecting to be rewarded by ruling-class approval and favors. That is only beginning to change.

It shouldn't be surprising that women behave this way, too. After all, Internalized Aggression has for years been evident in Negroes who criticized each other ("See what a Good Nigger I am"), or in Jews who ridiculed Jewishness ("See how I am different from the other Jews"). It has been responsible for the phenomenon of wanting to be the only black family in the block, or the only Jew in the club.

With women, the whole system reinforces this feeling of being a mere appendage. It's hard for a man to realize just how full of self-doubt we become as a result. Locked into suburban homes with the intellectual com-

panionship of three-year-olds; locked into bad jobs, watching less-qualified men get promoted above us; trapped into poverty by a system that supposes our only identity is our sex motherhood—no wonder we become pathetically grateful for small favors.

I don't want to give the impression, though, that we want to join society exactly as it is. I don't think most women want to pick up slimline briefcases and march off to meaningless, de-personalized jobs. Nor do we want to be drafted—and women certainly should be drafted: even the readers of *Seventeen* Magazine were recently polled as being overwhelmingly in favor of women in National Service—to serve in an unconstitutional, racist, body-count war like the one in Indochina.

We want to liberate men from those inhuman roles as well. We want to share the work and responsibility, and to have men share equal responsibility for the children. Probably the ultimate myth is that children must have fulltime mothers, and that liberated women make bad ones. The truth is that most American children seem to be suffering from too much mother and too little father. Women now spend more time with their homes and families than in any past or present society we know about. To get back to the sanity of the agrarian or joint-family system. We need free universal day-care. With that aid, as in Scandanavian countries, and with laws that permit women equal work and equal pay, men will be relieved of their role as sole breadwinner and stranger to his own children. No more alimony. Fewer boring wives, fewer childlike wives. No more so-called "Jewish mothers," who are simply normal, ambitious human beings with all their ambitiousness confined to the house. No more wives who fall apart with the first wrinkle, because they've been taught their total identity depends on their outsides. No more responsibility for another adult human being who has never been told she is responsible for her own life, and who sooner or later says some version of, "If I hadn't married you, I could have been a star." And let's say it one more time because it's such a great organizing tool—no more alimony. Women's Liberation really is Men's Liberation, too.

The family system that will emerge is a great subject of anxiety. Probably, there will be a variety of choice. Colleague marriages, such as young people have now, with both partners going to law school or the Peace Corps together; that's one alternative. At least they share more than the kitchen and the bedroom. Communes, marriages that are valid for the child-rearing years only . . . there are many possibilities, but they can't be predicted. The growth of new forms must be organic.

The point is that Women's Liberation is not destroying the American family, it is trying to build a human, compassionate alternative out of its ruins. Engels said that the paternalistic, 19th Century family system, was the prototype of capitalism—with man, the capitalist; woman, the means of production; children, the labor—and that the family would only change as the economic system did. Well, capitalism and the mythical American family seem to be in about the same shape.

Of course, there are factors other than economic ones. As Margaret Mead says: No wonder marriage worked so well in the 19th Century; people only lived to be fifty years old. And there are factors other than social reform that will influence women's work success. "No wonder women do less well in business," says a woman executive. "They don't have wives." But the family is the first political unit, and to change it is the most radical act of all.

Women have a special opportunity to live the revolution. By refusing to play their traditional role, they upset and displace the social structure around them. We may be subject to ridicule and suppression, just as men were when they refused to play their traditional role by going to war. But those refusals together are a hope for peace. Anthropologist Geoffrey Gorer discovered that the few peaceful human tribes had a common characteristic: sex roles were not polarized. Boys weren't taught that manhood depended on aggression (or short hair or military skills), and girls weren't taught womanhood depended on submission (or working at home instead of the fields).

For those who still fear that Women's Liberation involves some loss of manhood, let me quote from the Black Panther code. Certainly, if the fear with which they are being met is any standard, the Panthers are currently the most potent male symbol of all. In *Seize the Time*, Bobby Seale writes, "Where there's a Panther house, we try to live socialism. When there's cooking to be done, both brothers and sisters cook. Both wash the dishes. The sisters don't just serve and wait on the brothers. A lot of black nationalist organizations have the idea of regulating women to the role of serving their men, and they relate this to black manhood, but a real manhood is based on humanism, and it's not based on any form of oppression.

One final myth: that women are more moral than men. We are not more moral, we are only uncorrupted by power. But until the leaders of our country put into action the philosophy that Bobby Seale has set down—until the old generation of male chauvinists is out of office—women in positions of power can increase our chances of peace a great deal. I personally would rather have had Margaret Mead as President during the past six years of Vietnam than either Johnson or Nixon. At least, she wouldn't have had her masculinity to prove. Much of the trouble this country is in has to do with the Masculine Mystique: the idea that manhood somehow depends on the subjugation of other people. It's a bipartisan problem.

The challenge to all of us, and to you men and women who are graduating today, is to live a revolution, not to die for one. There has been too much killing, and the weapons are now far too terrible. This revolution has to change consciousness, to upset the injustice of our current heirarchy by refusing to honor it, and to live a life that enforces a new social justice.

Because the truth is none of us can be liberated if other groups are not. Women's Liberation is a bridge between black and white women, but also between the construction workers and the suburbanites, between Nixon's Silent Majority and the young people they hate and fear. Indeed, there's much more injustices and rage among working class women, than among the much-publicized white radical.

Women are sisters. They have many of the same problems, and they can communicate with each other. You only get radicalized as black activists always told us, "on your own thing." Then we make the connection to other injustices in society. The Women's Movement is an important revolutionary bridge, and we are building it.

I know it's traditional on such an occasion to talk about "entering the world." But this is an untraditional generation: You have made the campus part of the world. I thank you for it.

I don't need to tell you what awaits you in this country. You know that much better than I. I will only say that my heart goes with you, and that I hope we will be working together. Divisions of age, race, class and sex are old-fashioned and destructive.

One more thing, especially to the sisters, because I wish someone had said it to me; it would have saved me so much time.

You don't have to play one role, in this revolutionary age above all others. If you're willing to pay the price for it, you can do anything you want to do. And the price is worth it.

INNOVATIVE POLICE PRACTICES

Mr. ALLOTT. Mr. President, today's New York Times carries an interesting front-page story on some innovative police practices that are being instituted in various communities around the Nation.

I am pleased to note that the story bears the dateline of Lakewood, Colo., and that the Lakewood Public Safety Department is prominently featured in the story.

So that all Senators may inform themselves of such innovative and new police methods, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BLAZERS AND SLACKS: NEW POLICE IMAGE

(By Martin Arnold)

LAKEWOOD, COLO.—They are called agents, not policemen, and all of them, including the men directing traffic, wear Navy blue blazers and gray flannel trousers.

They do not wear badges, but like prep school boys, wear patches over their left blazer pocket, which say, in light blue and gold, "Police Agent Lakewood Public Safety Department."

Recruits have to have college degrees; experienced officers joining the department must have at least two years of college.

For in an era in which "law and order" has become a rallying cry and a political issue, many cities, like this one, are re-examining the traditional police role in the community and are experimenting with their law enforcement procedures.

The Lakewood police experiment is probably the most radical in the country.

But educational standards are rising and innovations are being tried in such diverse law enforcement agencies as the police departments in Dallas and Victoria, Tex., in Dayton, Ohio, and in Syracuse, N.Y., Berkeley, Calif., and in the Multnomah County Sheriff's Office in Oregon.

While the tendency to experiment with police departments is increasing, it is still mostly confined to the smaller cities. For while standards for the police are rising in some cities, the apparent national concern with "crime in the streets" and the political pressure this concern generates have, ironically, contributed to the lowering of standards in other cities.

Thus, in New York City, for instance, where the public's demand for more uniformed policemen can seemingly never be satiated, the standards have, in some ways, been lowered, according to a recent federally financed report.

While it is true that 78 per cent of the men entering the city's police department last year had high school diplomas, against 65 per cent in 1960, the average I.Q. of the recruits has dropped.

And, the report said, there was also a significant decline last year in the social and economic backgrounds of the new policemen. Moreover, this decline had nothing to do with minority group recruitment because blacks and Puerto Ricans, the city's ghetto dwellers, were still not joining the department in significant numbers.

PHILADELPHIA IS CITED

In Philadelphia, the lowering of standards s even more dramatic. At a time when police experts and sociologists are calling for better trained, more mature police officers, a boy of 19 can become a full-fledged, sworn, uniformed, gun-carrying policeman with unlimited power to arrest.

Despite these examples from the larger urban areas, however, national standards for the police are rising and, unlike 10 or even five years ago, serious thought is being given to the problem of who should be a policeman and what the role of the police should be in a viable, democratic society.

"We are sitting around trying to figure out the role of the police," said Mark Furstenberg, associate director of the Police Foundation in Washington, funded by the Ford Foundation. "Has the police role changed in the last 10 years—or is it that we didn't really know what police work was all about? I tend to think we didn't know."

TWO BASIC CONCEPTS

Whatever the answer, nearly all police experimentation in the country is predicated on two basic concepts—that police agencies are, first, general service departments rather than mere crime control units, and that despite all the publicity given to court rulings, criminal justice starts on the streets with a cop on the beat.

It is that officer who has first contact with the public, and, therefore, the new theory goes, to attract better men to become the cop on the beat the police department of the future will have to give each man greater discretionary powers.

"Eighty per cent of police work does not involve crime at all," said Mr. Furstenberg. 'It's mainly family crisis intervention, with husband and wife fighting. Or it's fights on the corner between two people. Or it's a cat caught in a tree. Or it's just a lonely lady who calls the police station late at night. That's police work."

So here, in this politically conservative city of 100,000, adjacent to Denver, the most completely experimental police agency in the country went into operation in May.

A SLUMLESS CITY

Lakewood was created because of a police problem. Until the first of the year it was an unincorporated "bedroom" suburb depending for police protection on the able but understaffed and over-extended Jefferson County Sheriff's Office.

Although it is a white, slumless, middle-class city, with Mexican Americans and blacks comprising only one-five hundredth of a per cent of its population, its geographic position led to many problems.

Lying between Denver and the Rockies, its main thoroughfare, West Colfax Street, is mostly a garish, neon-lit potpourri of motels and bars and hamburger stands that attract troublemakers from surrounding areas. And, like other middle class urban areas, Lakewood has a drug problem.

Last year the residents started agitating for their own police force, and to get it Lakewood had to become an incorporated municipality.

One of the first persons hired by the new municipality was Ronald Lynch, 37 years old, a former lieutenant in the Dade County, Fla., sheriff's office, who had been working on the staff of the International Association of Chiefs of Police in Washington.

Mr. Lynch, the son of a retired New York City police lieutenant, grew up on the Lower West Side of Manhattan, and earned a B.A. degree and law degree from the University of Miami.

The man who interviewed him for the position was Walter C. Kane, 35, the Lakewood City Administrator.

"WE HAVE THE CHANCE"

He told the 10-man city council—nine businessmen and a professional woman—that "we have the chance to try something new.

"We don't have to overcome the built-in problems of a hundred-year-old organization. There's a lot of junky, honky-tonk, garish stuff. But still we can do something to save ourselves some of the problems of the urban sprawl," he said.

So Mr. Lynch was hired to head the Public Safety Department, and to set up a police force.

"I was always convinced the paramilitary system of most police departments had a lot of pitfalls," Mr. Lynch says. "And not just the way the policeman approaches the public, but internally within the department also.

"The public really wants a policeman to be used fully. In most areas they hire a guy, train him four months and then put him out on the street where he's not allowed to make any decisions for five to 10 years," Mr. Lynch said.

"The top people—and the sergeants and lieutenants—make all the decisions, but they are furthest from the street problems and the least qualified to make them," Mr. Lynch said. "There had to be a way to take good intelligent individuals and tell them they could go out in the streets and think and act on their own."

COLLEGE GRADUATES WANTED

The first thing Mr. Lynch did was insist that all recruits be college graduates, and all experienced men have at least two years of college—although the department has set a limit—42—on the number of agents it will accept laterally from other departments.

He then did away with the traditional police uniform. "This way the community gets the idea the man is a professional and in time of trouble will assist the agent because they respect them as professionals. And the blazer concept gives the man an image to uphold. He says to himself, "I dress like a professional. I am a professional. I must conduct myself like a pro."

There are, of course, other, equally subtle reasons for taking the policeman out of his military type of uniform: If the policeman dresses like a civilian, the theory goes, he is more likely to behave like one. At a time when a large number of Americans, particularly the young, are opposed to everything military, a civilian attitude by the police might go a long way toward reducing police-student and police-minority group confrontations.

Still, most police officials in the country cling to the historic uniform concept. This attitude springs from two beliefs. They believe that the uniform lends itself better to the paramilitary quality and the pride they think are necessary in a large urban police force, and they believe that, if all of the police are put in blazers and flannels, they have, in essence, been put in uniform.

There are no ranks such as sergeant or lieutenant in the department. Everyone is an agent, although the city was divided into two police areas, similar to precincts, and each area was placed under an Agent in Charge.

The 33 Lakewood agents are all generalists. Each patrols in a regularly marked police car, one man to a car, and each directs traffic in his own area when needed.

Unlike traditional police departments, where there are specialists in such things as robberies and homicides, each agent conducts his own robbery and homicide investigations.

Other communities, besides Lakewood, have done away with the paramilitary feature of their police.

UNIFORM IS KEPT

In Victoria, Tex., for example, a city of 40,000 persons (20 per cent are Mexican Americans and 8 per cent are black) there are no sergeants or lieutenants in the 60-member (six are women) department, although the force does wear the traditional police uniform.

The policemen and police-women (one black, four Mexican Americans) are called "public safety officers" and, after 18 months probation, are promoted to "public safety technicians."

They also are generalists, and although only five are college graduates, the manager of the Public Safety Division, which is what the police department is called, John J. Guseman, encourages his men to take all college courses they can.

Lakewood, like every community, has a gathering place for the not-too-quiet young. Here it is called Holbrook Park, where each evening, teen-agers gather on their motorcycles.

Instead of chasing them away, Agent Gary M. Lindstrom often sets up the public address system he carries in his patrol car and plays rock and roll music for them. "It pays off, too," Agent Lindstrom said.

"One night recently a kid came up to me and told me about a guy selling narcotics in the city. The kids get to trust the police here."

WAIT AND SEE ATTITUDE

If the Lakewood agents are happy with the experiment, the people in the community have a wait and see skepticism. The teenagers at Holbrook Park refer to the "groovy" cops—although all the agents wear rather short neatly trimmed hair—but Lea Leak, an owner of a Lakewood hobby and art supply store, says, "I'm a woman. When a guy swings out of that car in a uniform I feel more secure."

"I think a lot of the people tend to laugh at the blazers here. The whole idea behind the new police department is that the agents stand there and say we can't do anything about it. Too permissive," she said.

C. S. Sherman, who has been a resident of the Lakewood area for nine years, says, "It remains to be seen whether the police can command any respect without regular uniforms. It may work as far as the young people are concerned. The youth of today don't approve of uniforms and anything military."

While other police experiments around the country are not as dramatic as Lakewood's, they are generally just as important.

Starting in November, the Multnomah sheriff's office in Oregon, an enforcement agency, will only accept recruits who have had two years of college.

BLACK INTERNS SOUGHT

The educationally disadvantaged, such as Portland's ghetto blacks, will be able to enter the sheriff's office as interns and after taking 20 hours of college courses become recruits.

"We feel we can't make it too restrictive," said Sheriff J. Bard Purcell, who holds a master's degree in education. He added that "if we are restrictive a lot of disadvantaged youngsters who would make good interested police officers won't be able to get into the department.

Besides attempting to raise the educational standards of police officers, the most common police experiment seems to be aimed at giving the policeman on the beat more discretion in his work.

This is often done through what are called "crime control teams."

Syracuse has one team in operation and two more nearly ready to go.

Under the Syracuse plan, a sergeant and eight other officers, working in shifts, take responsibility for controlling crime in a single sector of the city. Other policemen working in the same area of the city handle the routine traffic and service calls. The crimes the team is concerned with are investigated from beginning to end. They are not turned over to a specialist.

"There's a lack of delay in this kind of operation," a spokesman for the Syracuse department said. "And the men on the team become known in the community. They're not here one day, gone the next. They develop personal contacts and sources which are helpful in solving the crimes, and they also take pleasure in having the responsibility of doing all the police work."

Dayton has gotten some Federal seed

money from the Law Enforcement Assistance Agency of the Justice Department to try team crime control. Police Chief Robert M. Igleburger says, "every officer on the team will be a generalist working with the community. We're not going to skim off the interesting police work and give it to specialists."

INCREASE IN BOMBINGS IN THE UNITED STATES

Mr. TOWER. Mr. President, there has been a drastic increase recently in the number of bombings within the confines of our borders, with major activity in the New York area and on the west coast. The Bureau of Mines lists only 14 States as having good to excellent laws regulating the sale of explosives. Seven States are rated as having fair laws and 23 have what are considered poor regulations or none at all.

Those States having no laws or restrictions are making it possible for terrorists to obtain dynamite and other better grade explosives, putting in jeopardy the lives of all Americans. Senators will recall that authorities discovered dynamite purchased in a New England State amidst the wreckage of the so-called bomb factory which exploded in New York City last March. The dynamite had been purchased under an assumed name.

I think it is important for States to realize the danger which unrestricted sales of explosives pose not only for their own citizens but for the rest of the Nation. A very valuable summary of this issue was published in the New York Times of August 16.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MANY STATES ARE ADOPTING STIFF LAWS TO CURB TERROR BOMBINGS

WASHINGTON, August 15.—Tough new laws and regulations are being proposed and accepted in many states to combat a national increase in terror bombings.

The most common action is to impose licensing rules or requirements for permits on dealers and buyers to keep high explosives out of the hands of potential bombers. Thirty states have some form of permit or license control over the sale of explosives—nearly double the number in 1968.

But thefts of explosives from civilian and military sites are growing at a rate that offsets the curbs on sales.

Typical of comments by state officials advocating the new state controls over explosives is that of the Iowa Attorney General, Richard C. Turner.

A LOCAL RESPONSIBILITY

"If the states cannot respond effectively," he said, "law enforcement will be left more and more to Federal authorities. We will thus violate another of our basic precepts: that law enforcement is a local responsibility."

Interviews in 15 states and with Federal officials and bomb experts also found the following:

While public alarm centers on bombings attributed to the radical left and black extremists, a large number of blasts can be traced to right-wingers, white protests against Negro activities, labor disputes and individuals seeking revenge.

New York City and the West Coast are experiencing the most dramatic increase in explosive bombings. Southern Florida shows a decrease. The Middle West reports little change.

Homemade bombs can be fashioned from easily obtained chemicals. Dynamite and other explosives can be bought or stolen near most large cities, but they are much more difficult to make than firebombs.

The new regulations that the states are adopting vary from a requirement that a buyer pay $2 and sign a statement of legal intent to stricter recordkeeping by licensed dealers, and fingerprinting and investigation of potential buyers. They all seem to have some effect in helping the police trace explosives.

William L. Kinzel, a prosecutor in King County, which includes Seattle, said that a 1969 Washington law requiring a license to purchase explosives was of "invaluable assistance in the investigation of criminal cases involving explosives."

Among the other states that have recently adopted or strengthened requirements for permits are Alabama, New York, Illinois and New Jersey. Still other states, such as Michigan, Texas and Ohio, are considering similar legislation.

14 STATES CITED

The need for stricter state regulations was shown in a survey by the Bureau of Mines in April.

It listed only 14 states as having good to excellent regulatory laws. Seven states were rated fair, and 23 had what were considered to be poor regulations or none at all. Six states were not rated because of difficulties in getting satisfactory responses.

The bureau survey, conducted by Dr. Glenn H. Damon, staff director of safety research, was taken in an effort to provide Federal agencies with the first known summary of such regulations. A similar, uncompleted survey by the explosives industry says that 30 states have laws or regulations and 20 do not.

Attempts to limit sales of explosives to legitimate users have been offset by the growing number of thefts of explosives from civilian and military supplies.

California officials report that more than five tons of explosives were stolen from a northern California dam site in recent years, and the explosives were later found selling for $200 a box in the San Francisco Bay area.

Charles A. O'Brien, California's Deputy Attorney General, called the Government a major supplier of explosives to militants through thefts from military installations. He estimated that more than 70 tons of Army munitions had been stolen from California posts and from supplies heading for Vietnam.

A staff study of the Senate Permanent Investigations Subcommittee showed that dynamite thefts from construction and quarry sites had risen from 12,381 pounds in all of 1969 to 18,989 pounds in the first five months of 1970.

Some states have increased the penalties for the illegal use of explosives in an attempt to curb the bombings.

The Maryland Legislature raised the maximum jail term for illegal manufacture, transportation or possession of explosives from six months to five years within 30 days after two bombings—resulting in two deaths—that appeared to be connected with the trial of H. Rap Brown, the black militant.

The new antibomb law, which passed with little debate, also increased the maximum term for bombing from 20 years to life.

The Iowa Attorney General has asked Iowa legislators for broader authority to investigate extremists and for higher pay and modern equipment for those investigating bombings.

Other states considering raising the penalties for bombings include Massachusetts, Washington and California. The Los Angeles County District Attorney, Evelle Younger, has called for the death penalty for those who threaten or commit bombings.

Law enforcement officers and elected officials generally placed the blame for recent bombings on the radical left and black extremists.

Clarence M. Kelly, the Kansas City, Mo., Chief of Police, said: "We think we do have a pattern here. We know that shortly before the bombings we had visits from some of the national figures in the Weatherman group of the S.D.S."

Kansas City has had about twice the yearly average of seven bombings in the first six months of this year with a series of seven explosions in city government and business buildings between April 13 and April 17.

A Treasury Department study of bombings from Jan. 1, 1969, to April 15, 1970, found that the local police attribute more than half of the bombings they can trace to campus disturbances, 19 percent to black extremists and 14 percent to white extremists.

In North Carolina, which suffered the third highest property damages in the nation from bombings, according to the Treasury study, law officers have been unable to pin bombings on any extremist groups.

"Grudges" are cited by the director of the State Bureau of Investigation, Charles Dunn, as the reason for the high number of bombings in his state.

Mr. Dunn and other law enforcement officers were unable to pinpoint the reason for so many bombings but noted that thefts of explosives from the large number of military bases in North Carolina were not rare.

Florida, however, has experienced a decline in the number of bombings, especially in Dade County, which includes Miami. Figures for the county show that there were 44 explosive bombings in 1968, 15 last year, and only four so far in 1970.

According to Thomas G. Brodie, head of the county bomb squad, the decrease can be attributed in part to arrests in the last two years, "putting the bombers out of business."

NEW YORK FIGURES

The statistics for New York City show a rise in explosive bombings and a decrease in firebombings in the last two years.

There were 93 explosions in New York last year and 52 in the first five months of this year. Incendiary weapons were set off 34 times in 1969 but only six times so far this year.

The trend is being watched by city and Federal officials because the explosive bombs are felt to be a sign of sophistication. They are harder to make and they are considered to be more destructive and more dangerous in that they lack the warning time given by firebombs.

In the eight Far West states, there was an average of seven bomb "incidents" a day during the first three months of 1970, according to Maj. Carl R. Hitchcock of the Sixth Army Bomb Detachment.

He said that these incidents were cases in which his men were actually sent out and picked up or defused something.

Acknowledging some decline in the number of incidents recently, Major Hitchcock still listed 1,006 explosive-bomb incidents in the West from Jan. 1 through July 25 of this year.

The reason given for the trend toward explosive bombings is that potential bombers are realizing how easily they can buy, steal, or make bombs.

Major Hitchcock said that Army analysis of devices defused this year proved that "we are now dealing with people who have the ability to make explosives themselves."

Homemade bombs are almost as easy to make as explosives are to steal or buy and they are harder to trace. But they usually lack the purity and stability of professionally made explosives so they are more likely to backfire on their makers.

Explosive bombs are easily made from chemicals readily and cheaply sold at drugstores if the bomb maker has information

that is available in a number of military and leftist and right-wing publications.

For more exotic explosives, extremists have only to buy or steal from local chemical outlets. In one recent northern California case, militants associated with the Students for a Democratic Society were arrested in the process of making 25 pounds of nitroglycerin.

Almost all the law officers interviewed agreed that if city fire or police ordinances hampered buyers of explosives, they could go to neighboring rural counties or states and buy dynamite across the counter. In Michigan, two young United Press International reporters drove 13 miles outside of Lansing and bought 12 stocks of dynamite for $3.

The reporters wrote that at a drugstore next to the hardware store selling dynamite they were required to prove they were over 21 and sign a pharmacy drug book before they could buy a two-ounce bottle of cough syrup containing codeine.

Since at least 23 states have few restrictions or none on the sale of dynamite, according to the Bureau of Mines study, it would be equally easy to obtain the explosive in these states.

Although New York has strict regulations, the dynamite recovered from a Greenwich Village townhouse after an alleged "bomb factory" there exploded, was found to have been purchased in Keane, N.H., under an assumed name.

APPOINTMENT OF HARRY L. PARRISH AS EXECUTIVE DIRECTOR OF THE REGIONAL TRANSPORTATION DISTRICT

Mr. ALLOTT. Mr. President, the regional transportation district was created by the State Legislature of the State of Colorado and encompasses not only the city and county of Denver, but also Adams, Arapahoe, Jefferson, Boulder, Douglas, and Weld Counties.

The regional transportation district is extremely fortunate, in my judgment, to have obtained the services of Harry L. Parrish as its executive director.

Mr. Parrish was the transportation engineer for Simpson and Curtin, a Philadelphia transportation consulting firm, for 18 years and served as director of improved projects for the large southeastern Pennsylvania Transportation Authority. Mr. Parrish has worked on most of the major urban transportation developments in the United States over the past two decades and is one of the most highly respected experts in the field.

In two interviews published in both Denver Sunday newspapers on August 16, 1970, Mr. Parrish articulately expresses his vision of transportation in the Denver area in the future. I ask unanimous consent that both articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

PUBLIC ATTITUDE, SHORT TIME CHALLENGE TRANSIT PLANNERS

(By Gary Gerhardt)

A bad attitude toward public transportation and lack of time are two of the most challenging factors facing the Regional Transportation District (RTD), Harry Parrish, executive director, believes.

The RDT was established by a 1969 law and is charged with the responsibility of planning and developing a public transportation system for the seven-county region surrounding and including Denver.

Parrish said the lack of time presents a challenge because the act creating the district calls for an election before July 1, 1974. The election will determine whether the district can issue bonds to finance a mass transportation system; a negative vote will dissolve the district.

"It is a real 'self-destruct' arrangement," Parrish said.

"If we can't come up with a sound, feasible plan that the voters in the district like by 1974, it's all over."

PRESENT ATTITUDE

Parrish believes one of the greatest obstacles facing the district is the present attitude of residents in the district toward public transportation.

"The private automobile is almost solely relied upon by the people and we've got to design a public transportation system which can and will compete," he said.

Parrish is a firm believer in developing a public transportation system (he doesn't like to call it a mass transit system). He has 18 years experience in the field.

He came to Denver from Philadelphia where he was director of Improvement Projects responsible for the planning and implementation of the South Eastern Pennsylvania Transit Authority's $613 million, 6-year transportation program.

Parrish was staff engineer for Simpson and Curtin Engineers, a Philadelphia transportation engineering consultant firm, and while with the company, he participated in transit consulting work in more than 30 cities.

"MAXIMUM LOAD"

"One of the big problems with exclusive use of private vehicles," he said, "is that by the time a freeway is completed, it is obsolete.

"Freeways are designed to carry a maximum load the day they open and there is no way for them to expand as the need arises."

But more important, Parrish feels public transportation is needed for ecological reasons.

"Automobiles definitely contribute to the air pollution problem and we must find other methods of travel in cities than by the gasoline engine," he said.

Parrish said he accepted the job in Denver (knowing full well it might abruptly end in four years) because "legislation here told me there was a need and, more important, a desire to do something about the problem of public transportation.

"The really great thing about Denver is this city doesn't have a sizable investment already in a system.

"This is an opportunity to plan an entirely new system.

"In Philadelphia, for example, we had to contend with existing subways and had to fit a new plan in to utilize existing facilities.

"It was a situation when we worked on BART (Bay Area Rapid Transit in San Francisco).

"HAD TO COORDINATE"

"At BART, there were two existing transit systems and we had to coordinate them and then sort of superimpose BART over them both," he said.

Parrish said studies on the Denver situation show commuters should be using the Denver Tramway system three to four times as much as they are given the size of the city's population.

He said the people must be convinced the proposed system his district is working on is for their own good.

"We don't really have an air pollution problem in Denver, yet," he said.

"But, you'd think the people here would realize it and jealously guard against destroying their atmosphere. They must understand a public transportation system could help them do that."

The district now is in a stage of major planning and the plan being developed now should be ready for implementation by the first of next year, Parrish said.

"We have to look at the big picture," he said.

"IT DOESN'T STOP

"When you think of transportation, you have to realize it doesn't stop at lines, political, county, or any other kind.

"We're not planning a public transportation system for 1970, but looking to 1980 and beyond. This doesn't mean, however, nothing is going to be done in the interim."

Parrish said one real problem is that there is a great deal of new technology now becoming available on new and better motors and engines that cut down on pollution.

"However, I think the bus will always be a means of public transportation," he said.

"Diesel fuel has far less pollutants than gasoline," he said.

Parrish said everything is in the planning stage now, but that the probable outcome might be a "fixed-facility system" with buses feeding it.

He concluded that he believes Denver and the district must have a balanced transit system and that Denver, now, is definitely out of balance.

Parrish said the district now has less than four years to design the system, find financing, and most important, to try to sell it to a generation of voters who probably will be too old to use it when completed.

Yet, he said he feels the job definitely can be done.

RTD GOAL: PREVENT TRANPORTATION CHAOS IN DENVER

(By Charles Roos)

Harry Parrish's office at 1050 Yuma St. is about 100 feet from the Valley Highway, close enough to hear the steady whine of traffic if not to smell its fumes.

Parrish's job is to try to see to it that Denver doesn't need quite so many more of these expensive, noisy freeways in the future.

Parrish, 47, came here in June from Philadelphia to be the first executive director of the Regional Transportation District (RTD), a Denver-centered public agency also responsible for Adams, Arapahoe, Boulder, Douglas, Jefferson and Weld Counties.

RTD's board of directors, representing the seven counties, is aiming toward development of a board system of public transportation to complement the area's existing auto network.

18 YEARS EXPERIENCE

Harry Parrish himself is oriented toward public transportation as a result of 18 year's experience as engineer for Simpson and Curtin, Philadelphia consulting firm, and as director of improvement projects for the large Southeastern Pennsylvania Transit Authority (SEPTA).

With Simpson and Curtin, Parrish worked in more than 30 cities in the United States and Canada. He was involved in private and public aspects of mass transportation, looking at the auto-vs-public transit question from both sides of the fence.

CHOICE IN 4 YEARS

Within four years, people of the RTD area will have a choice of which direction to take in future transportation.

"Should we continue," Parrish asked in an interview, "to devote massive amounts of money to the automobile and to the construction of facilities to serve the automobile? And if we do, what will be the total investment, the total cost?"

That total cost, he said, in addition to the obvious things must include such things

as environmental destruction and the loss of taxable property to freeways and interchanges.

"Los Angeles is a good example," he said. "They chose the route of a completely auto-oriented metropolitan area, and now they know it just is not the answer."

COMPARE COST

The alternative, he said, is to consider an investment in public transportation—"a well-designed facility that does the job"—and to compare the total community cost of the two approaches.

He's sure what the answer will be.

"It's just that I've recognized over the years, and I've worked both sides of this thing—I was in highway work as well as public transportation—and I just came to realize that this continued growth of the automobile and its facilities was not the right way to go."

It wouldn't be realistic, of course, to think of eradicating existing freeways or to expect that no new freeways will be built. They will.

REMINDER

Parrish's own job requires that he use a car.

The bustling traffic on the highway just outside his office is a constant reminder of the flexibility and popularity of the personal motor car.

But at the same time the RTD director hopes the district can have some influence on the future of the automobile in the seven-county district to bring about "a better balance in the transportation picture."

If public transit can divert only a portion of the future demand for future highways facilities, the investment will be worth it "many, many times over," he said.

"Highway facilities are designed for peak hours," he said. "That's when most traveling is done.

OUT OF ROOM

"But for every additional 2,000 to 2,500 trips that occur in a peak hour, you need to add a lane to that type of facility out there," Parrish said, motioning toward the Valley Highway.

And, as he noted, there isn't room left in the Valley right-of-way now to add much of anything.

Parrish, who's been in Denver only a matter of weeks, frankly admits one thing has impressed him here—"the real challenge we have in convincing the people of this area what public transportation can do for them."

Translation: he has discovered that traffic in the Denver area is moving surprisingly well right now in comparison with many other cities.

Congestion is a relative thing, he said, and there's certainly some congestion in Denver. Any time a motorist sees a traffic light turn green at the next corner but can't reach the corner before the light changes to red again, that's congestion, according to Parrish.

"But as I see it here," he said, "it doesn't compare with what I've seen in other places. I think that from the standpoint of mobility, Denver is very well organized. Trafficwise, it operates beautifully now.

RELATIVELY EASY

"Oh, sure, you've got some spots like this Valley Highway, certain parts of which are terribly underdesigned for the volume (of cars) using them. The interchanges for example, in many cases are very poor. But for the most part, moving about the city is relatively easy.

"In other words," said Parrish, breaking into a chuckle, "I just wasn't aware that from the standpoint of traffic, Denver was so attractive. Put it that way."

This naturally makes it a little harder to convince people they will need to make a major investment in public transportation. But Parrish is convinced that as time goes on, because of the continued increase in the use of the automobile and the increasing number of auto registrations, the situation "will deteriorate, will get much worse."

Between now and the middle of 1974, RTD's staff and board will be working on a comprehensive plan for public transit in the future. A major contract for consulting work is expected to be awarded about the end of 1970.

10 YEARS TO BUILD

If the voters approve a bond issue in 1974, it will still take 7 to 10 years to design, engineer and build a new system.

And if the voters reject RTD's bond issue in 1974, the district, by law, will simply go out of existence.

That provision in the 1969 RTD law is what Parrish calls the "self-destruct" clause.

On the one hand it certainly has a tendency to spur RTD into action. On the other hand it has a tendency to discourage recruitment of the type of technical staff Parrish is searching for.

TRANSIT STUDY

In other activities, RTD has already applied for a federal grant for a demonstration project involving electric-powered, air-cushioned "personal transportation" vehicles. They may or may not fit into the future area-wide system.

RTD is cooperating in a transit study of the Boulder Valley area and working on other common plans with the Denver Regional Council of Governments (COG).

RTD is highly interested in the city of Denver's negotiations to buy and improve the bus system of the Denver Tramway Corp.

Unfortunately for Denver, RTD can't help finance or operate any such system until the district gets approval for its own long-range plan from the voters, probably not before 1974.

Assuming the city buys Tramway and improves service, Parrish says, that system will certainly be a "major element" in development of RTD's plans for future transport in the seven-county district.

The present Tramway bus fleet won't necessarily be the backbone of RTD's future system, though.

PUBLIC ACCEPTANCE

Parrish believes the RTD board will first look for some form of fixed-line transportation—by rail, air-cushion or some other fixed guideway—to supply the fast, reliable basic service necessary to win public acceptance.

RTD also will need buses, or some other mode resembling buses, to supplement and connect the fixed-line service. But by the time RTD gets into full operation, Parrish thinks a better, more attractive type of bus may be available.

RTD officials, nevertheless, hope Denver's Tramway purchase can be completed without interruption or major cutbacks of service.

Experience in other cities has shown, Parrish said, that "every rider you lose today is just that much harder to win back the longer you wait."

NATIONAL OPPOSITION TO THE DISTRICT OF COLUMBIA CRIME BILL

Mr. ERVIN. Mr. President, the District of Columbia crime bill is now law. Despite the urgings of many Senators that the bill was bad legislation, that it played havoc with the Constitution, and that it should be defeated, a majority of this body disagreed. The President has signed the measure. However much I regret the result, Congress and the President have discharged their responsibilities to assess the legislation in terms of public policy and constitutionality. That, for the time being, ends the legislative role on the issues raised by the bill. The responsibility now rests with the courts and the law-enforcement officials of the District to apply the legislation, and to determine whether it is constitutional. I am confident that our courts will not treat preventive detention, no-knock, and other constitutional infirmities of the bill in the same cavalier manner as did the executive and legislative branches of our Government.

I am also hopeful that the debate on the bill, and the general public outrage against the violence done to constitutional principles, will result in measured and careful application by the police and the prosecutors during the time it remains on the law books. In this respect, I was greatly heartened by the remarks of Chief of Police Jerry Wilson, who recently said that he intended to use no-knock very sparingly, perhaps no more than a dozen times a year.

Chief Wilson's remarks highlight one of the points we tried to make in the debate. That is that no-knock is of limited usefulness to the police, and certainly not warranted when compared to its great opportunities for abuse, and the danger it poses both to police and citizen. We in the District may be thankful that the no-knock law will be administered by a responsible man like Chief Wilson. But we have no assurance that all future police chiefs in Washington or in the rest of the country will be as responsible as he is. Public safety and constitutional principle should not depend on the vagaries of the men on whom we confer power. Ours is, after all, a government of laws, not men.

In the few days since the Senate vote on the District of Columbia crime bill, I have received hundreds of letters. Many, of course, come from citizens living in Washington. But I have also heard from Americans all across our land. With the exception of just a few, the citizens I have heard from are unanimous in opposition to the bill. This mail belies the claim that harsh and repressive anti-crime legislation is a politically popular issue. Quite the contrary. My mail demonstrates that the Constitution and the Bill of Rights are more popular than the District of Columbia crime bill. I am convinced from the letters I have received that the citizens of our country want to do something about crime. But they want to do something truly effective. They are not interested in panaceas which promise cures for problems but accomplish nothing.

While to some people, defense of civil liberties and the Bill of Rights may be nothing more than empty rhetoric, those who have written me care about constitutional principles. They recognize that there is nothing mythical about requiring conviction of a criminal act by a jury of one's peers before imprisonment can be imposed. They recognize that more than codification of the common law is involved when police get expansive authority to break into homes like burglars. If the Attorney General wants to see the substance behind the so-called myth of repressive Federal legislation, I would suggest as a good

starting point the text of the District of Columbia crime bill.

I regret very much that Members of Congress did not have an opportunity to listen to the voice of the people before the bill came to a vote. They would have seen that liberals and conservatives, Republicans, and Democrats, Southerners, Westerners, Easterners, all people, including the so-called "silent majority," oppose this sacrifice of the Constitution. They would have seen that the bill is opposed by people living in the middle of Washington, who are the most direct victims of crime. They would have seen that the bill is opposed by people living in the Maryland and Virginia suburbs, who work in the city and who have friends who live here. They would have seen that legislation which says a man's home is no longer his castle and legislation which violates the principle that every man is innocent until proven guilty of an actual crime he has committed—legislation such as this is not only unwise and unconstitutional, but also politically foolish, not just in the Washington metropolitan area, but all over the country.

I am grateful for the many letters expressing support for those of us who opposed the bill. I applaud the many editorials opposing the bill. It is clear to me from this public response that Americans will fight any attempt to apply no-knock, preventive detention, and other such proposals to the entire country. The citizens of the District may take comfort, small as it may be, in the knowledge, that by their sacrifice they have alerted the country against such repressive anti-crime legislation. Should it be so foolishly proposed that this legislation be applied nationally, I have no doubt that it would be soundly and quickly defeated. Opponents of no-knock and preventive detention may be a minority in the Senate, but they are a majority everywhere else.

I have a high respect for the Congress of the United States, but this is one case where I say Thank God that the Congress of the United States is not the supreme ruler of the American people and that we have courts in which a man can invoke the constitutional rights which Congress and the executive branch may undertake to rob him of.

Mr. President, in order that the Senate have some idea of the breadth of national opposition to the District of Columbia crime bill, I ask unanimous consent that a series of editorials and a selection of letters be printed in the RECORD.

There being no objection, the editorials and letters were ordered to be printed in the RECORD, as follows:

[From the Mining Journal, Aug. 4, 1970]

THREAT TO FREEDOMS

"Excessive bail shall not be required," states the Eighth Amendment to the Bill of Rights.

"The right of the people to be secure in their persons, houses, papers and effects, against unreasonable searches and seizures shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched and the persons or things to be seized," states the Fourth Amendment.

Yet the U.S. Senate last week approved (54–33) a bill that denies bail entirely under certain circumstances and allows police to enter homes without knocking. Also provided in the bill is broadening of the wire-tapping practices of the government.

The measure is the District of Columbia crime bill, which is aimed at trying to reduce the excessively high crime rate in the nation's capital. The end is salutary, but the means are questionable, to say the least.

The bill provides the jailing of an accused person for up to 60 days before his trial if the judge thinks the defendant's record indicates he might be a crime risk in the interim. In other words, it denies bail completely in some cases. It also provides for "no-knock" entry, permitting law officers to enter a home without identifying themselves if they think the suspect might otherwise destroy evidence or endanger the officers' lives.

* * * * *

The vote on the bill cut across party lines and the measure found supporters and opponents together at both ends of the political spectrum. Numbered among the supporters, for instance, were several liberal Northern senators, while the principal opponent of the bill was a conservative Southerner.

The Southerner was Sen. Sam J. Ervin Jr., a North Carolina Democrat, who is regarded as the strictest constructionist in the Senate. His description of the D.C. crime bill is something to be savored:

"This . . . is as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas . . . a garbage pail of some of the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented . . . an affront to constitutional principles and to the intelligence of the people of the United States."

One does not have to search far to learn why the measure passed. Some of those who voted for the bill could find sanctuary in its provisions for reforming the crowded court system in Washington and for establishing a public defender program. Others undoubtedly were sincerely concerned with the appalling tide of crime in the District. And some must have feared that a negative vote would not have been politically expedient in this election year.

These are all understandable motives, and no one doubts that the heavy incidence of crime in Washington must be checked, but must this be done at the expense of individual freedoms that are guaranteed to Americans in their Constitution? If the D.C. crime bill were to become a model for the nation as a whole, the United States would have forsaken some of its most precious liberties. Fortunately, the bill will be tested in court, where Sen. Ervin's accusation of unconstitutionality should be proven.

[From the Independent, Anderson, S.C., July 28, 1970]

JUDGE ERVIN DRAWS A FINE BEAD ON HIGHLY DANGEROUS LEGISLATION

North Carolina Democratic Sen. Sam Ervin has described the Nixon administration's District of Columbia crime bill as "a garbage pail of some of the most repressive, near-sighted, intolerant, unfair, and vindictive legislation that the Senate has ever been presented."

Well, a garbage pail by another name would smell as foul, Attorney General John N. Mitchell to the contrary notwithstanding. Referring to one of the more fetid features of the bill—the so-called "no-knock" authority for federal agents—Mr. Mitchell suggested to the House Ways and Means Committee the other day that the name ought to be changed.

Instead of "no-knock," he said, call it "quick entry." That, he explained, would make it less misleading and prejudicial.

Positively Orwellian. War is peace. Freedom is slavery. Ignorance is strength.

But "no-knock" is still "no-knock," and it is still an invitation to death as well as an unconstitutional invasion of the rights set forth by the charter of our liberies.

It means that federal agents could break into your house without announcing themselves if they have "probable cause to believe" that evidence is likely to be destroyed or that their lives are likely to be endangered.

Attorney General Mitchell explains that no such search could be made without a search warrant obtained from a judge and that the judge would have to be "persuaded" of the existence of that probable cause. Experience with presuadable judges is hardly reassuring.

It is not out of the realm of reasonable surmise that federal agents would not have too much trouble in finding a judge who would, without too much to-do over the matter, give them the authority they requested.

Putting aside the question of the individual's rights in this regard, what about the agents themselves? Would he really be doing them a favor? Or would we not, in actuality, be exposing them to unnecessary risks of counter-attack from Criminals who would have nothing to lose or from ordinary citizens who, for understandable reasons fearful of the unannounced intruders, would defend themselves by shooting first and asking questions later?

In Nebraska, as a matter of fact, a state law, which is probably unconstitutional but has still to be tested in the courts, gives a citizen the right to kill in defense of his person or his property.

"No-knock" is a Gestapo tactic. Like other features in the proposed bill—"preventive detention," for example, which is more Orwellian nomenclature to describe the process by which accused citizens could be locked up for up to 60 days without trial, on a judge's guess that they would be dangerous loose—"no-knock" by any name has no place in a free society.

It goes without saying that crime must be countered, but the way to do so is not by a law which "Judge" Ervin correctly describes as "unconstitutional, unfair, unjust and unworkable."

[From the Durham (N.C.) Morning Herald, July 22, 1970]

DISTRICT OF COLUMBIA CRIME BILL VIOLATES RIGHTS

Granted that crime is bad in the District of Columbia, but it does not follow that the way to combat it is to enact laws which deprive people of their constitutional rights.

Certain features of the District of Columbia crime bill, the conference version of which has passed the House of Representatives and is now being debated in the Senate, do just that, deny to the residents of the nation's capital protection guaranteed by the Constitution.

The portion of the proposed law which permits police to enter a building, including a home, without knocking or announcing themselves if they have "probable cause to believe" evidence may be destroyed or their lives endangered patently contradicts the Fourth Amendment, which explicitly states:

"The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue, but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized."

Expanding the authority of police to tap wires to gain information also runs counter to this amendment. And the mandatory minimum sentence of five years for a person con-

victed twice of armed crimes puts that person in double jeopardy, a violation of the Fifth Amendment which prohibits, among other things, putting a person "in jeopardy of life or limb" twice for the same offense. The minimum sentence in effect punishes a person a second time for an offense of which he had previously been convicted.

Senator Ervin of this state is commendably fighting these unconstitutional provisions of the District of Columbia crime bill. That the bill has a strong chance of passing the Senate is disturbing, for these features constitute a long step toward creating a police state.

[From the Washington Post, July 16, 1970]

THE SENATE AND THE CRIME BILL

The year of maneuvering over President Nixon's anti-crime program for the District of Columbia will come to a climax within the next day or two in the Senate. It is hardly the kind of climax that anyone could have wanted, since it seems quite possible that the Senate will refuse to accept a conference report and will send the whole program, or large parts of it, back to the House for further negotiations.

The dispute between the Senate and the House, as we see it, grows out of fundamentally different approaches by the two bodies toward crime control. The House, especially its District Committee, thinks the tools needed to stop the surge in crime require undercutting individual liberties and include harsh and vindictive treatment of those who are charged with committing crime. The Senate, or at least a substantial group of its members, thinks the crime problem can be brought under control without undermining either the concepts of modern penology or individual liberties.

Unfortunately, the administration has thrown most of its weight on the side of the House in this struggle. As a result, it has helped to put the Senate into the difficult position of being asked to pass a bill containing provisions it has never fully examined or even discussed or of blocking the immediate enactment of the bill's more important and non-controversial provisions. The Senate, for instance, has never acted on preventive detention (a favorite battleground of Senator Ervin and Attorney General Mitchell but the District crime bill authorizes a preventive detention program.

Part of the problem of dealing with this issue, as well as with many others in this bill, is the massiveness of the legislation. The bill is as long as a good-sized novel. It is now in its fourth version, since the conference report differs markedly from the one that passed the House last March and from a group of individual bills that passed the Senate last year. This new version, while vastly improved over the preceding ones thanks to the effort of Senator Tydings and other senators, still covers the whole range of criminal problems—it reorganizes the local courts, changes many provisions of the criminal law, establishes a public defender system, strengthens the bail agency, authorizes preventive detention and wiretapping, and so on. There may be one or two people in Washington who now understand all that is in this bill but not many, particularly since the text of it became available only yesterday.

From our quick reading of that text, it seems to have a good many fewer "fleas," to use Senator Ervin's term for its faults, than the administration's original proposal or the House District Committee's version. But some faults are still there, and some of them are serious. We still don't understand the urgent need of local police for wiretapping authority when the FBI has it. We don't see why all 16- and 17-year-old youths charged with certain crimes must be treated as adults while others the same age—but charged with lesser crimes—may be treated as juveniles. We don't fully understand why rules about "no-knock" searches need to be written into law if they merely codify, as proponents of that section claim, what the law already is. We aren't sure that the preventive detention section contains all the protections against abuse that such legislation needs. We think the idea of mandatory minimum jail terms for specified offenses is basically wrong.

Given all these factors, we sympathize with the efforts of a substantial number of senators to defeat the conference report. But it will not be enough to defeat this report and to leave the District's war on crime suspended in mid-air for another year. The good parts of this legislation—particularly the reorganization of the local courts and the strengthening of the bail agency—are desperately needed. They must be passed by Congress this year. If the Senate rejects the bill as it now stands, a heavy responsibility will rest on each member of Congress and on the administration to work out an accommodation that is acceptable to both houses. The people of the Nation's Capital cannot be asked to endure another year of frustration and rising crime rates while court reform and other noncontroversial measures are held hostage for an assortment of crime control measures which are quite rightly the subject of intense dispute.

[From the Boston (Mass.) Morning Globe, July 17, 1970]

THE PRESIDENT'S CRIME BILL

"Here," said a U.S. Senate witness testifying against the Administration's anti-crime bill and quoting the Red Queen in Alice in Wonderland, "is the King's messenger. He is in prison now being punished and the trial does not even begin until next Wednesday. And of course the crime comes last of all."

The anti-crime bill, proposed for the District of Columbia as a model for the nation and passed by the House Wednesday 332 to 64 after only one hour of desultory debate, may not be all that bad, but it is not far from it. The bill, the product of a joint conference committee, is now up for debate in the Senate where it is expected to get more than a cursory look, as indeed it should.

Attorney General John N. Mitchell argues that the bill's passage is essential to the control of crime in Washington. There is no doubt that crime there has increased in the last 18 months, and to an alarming degree in some categories, such as muggings. There is serious question, however, as to whether the bill is the best way to fight it, and even more serious question as to the havoc it would raise with the legal rights of persons accused of crime. Sen. Sam J. Ervin Jr. (D-N.C.), former Superior Court Judge in his home state and a constitutional authority many times honored by bar associations, sees it as a possible opening of the door to a police state in America—despite the honesty of Administration intentions.

The bill is a catch-all of good and bad provisions. Of its bad ones, it is hard to say which is the worst.

Under the so-called "no-knock" section, law enforcement officers, after obtaining a warrant on the strength of their belief that evidence they want may be on a certain premises, would be permitted to enter those premises at any hour of the day or night without even announcing their presence at the door. Americans for years have been horrified by accounts of the ominous midnight knock on the door in totalitarian countries. Now, in the capital of our own country, the police would not even knock. Down the drain would go the old English common law maxim that neither the king himself nor any of his troops may cross the threshold of the humblest cottage without permission of the owner.

A man's historic right to privacy in his own home would go out the door as the police, where need be, broke it down lest an announcement of their presence would give the home occupants time to destroy, say, a small pinch of marijuana. The number of police officers who would be resisted and perhaps even shot as housebreakers has not even been considered. The Justice Department says the "no-knock" provision would discourage night searches. Its reasoning is impossible to fathom.

The preventive detention section of the bill is even less concerned with constitutional rights. It, too, perverts one of our legal traditions. It argues, in effect, that it doesn't matter how many innocent persons are unjustly punished so long as the shotgun approach assures that none of the guilty goes free.

On its face and at quick reading (which is all it got in the House), it is reasonable enough. It would apply to persons charged with "a dangerous crime," persons charged with "a violent crime" while on bail or probation, persons charged with "a violent crime" who had been convicted of "a violent crime" within the past 10 years, persons who threaten or injure prospective witnesses or jurors, and narcotic addicts charged with "a violent crime." All of this has an appealing sound.

But the definitions are subject to pretty much whatever interpretation one might find it convenient to give them. and the "substantial probability" of guilt makes a total shambles of the constitutional guarantee that all accused are to be considered innocent until they are proven guilty beyond a reasonable doubt. Out the window would go all of the carefully prescribed rules of evidence. A person could be jailed on the basis of hearsay, gossip and rumor. And in some cases this would be for a longer period (even though the maximum would be for 60 days at one whack) than would be possible were he found guilty as charged. Under the "substantial probability" doctrine a man could be punished for a crime he had not yet committed and might never commit. And Sen. Ervin pointedly asks how fair would be the subsequent trial in the case of any accused of whose guilt a court already had found "substantial probability."

The Justice Department's argument that most of the crimes the bill covers were punishable by death in our long ago does not suggest any proper appreciation of the reasons for civilizing the statutes. And the provision permitting a life sentence on third felony convictions overlooks such comparatively recent legal travesties as the life sentence given a Michigan woman convicted of possessing a pint of whiskey in violation of the prohibition law.

An unfortunate aspect of the above-listed outrages against guaranteed rights is that there is no need for them. One of the few virtues in an otherwise hysterical bill is the one that has been underplayed by its advocates. With lawful and effective police work, it goes to the root of crime. By providing for the appointment of an adequate, or at least a nearly adequate, number of judges, it would deter crime in the recommended way of deterring it—by the certainty of legal arrest and an early and fair trial in a court which neither asks nor gives illegal quarter.

[From the Courier Journal & Louisville Times, July 26, 1970]

CRIME BILL'S ENACTMENT IS OMINOUS

It is up to the courts now to preserve certain constitutional rights that are threatened by congressional enactment of the District of Columbia "crime bill." By a 54-to-33 vote the Senate has given final legislative approval to the measure, which President Nixon is expected to sign into law.

There are sections of the bill that authorize "no-knock" searches; give legal sanction to jailing suspects without bail; and broaden the use of wiretapping in law enforcement.

A number of Senators had grave reservations about these provisions, including Senators Cooper and Cook of Kentucky and Bayh of Indiana, all of whom voted against the bill. The opposition was led by Senator Ervin of North Carolina, a Southern conservative. The measure's most conspicuous supporter in the Senate was Senator Tydings of Maryland, a liberal. Thus, the ideological lines were blurred.

The controlling factor seemed to be that this is a congressional election year, and those Senators running for re-election in November were afraid to vote against what was billed as a "law and order" proposal.

EYE ON THE BALLOT BOX

The bill applies only to the District of Columbia; indeed, a commendable part of it provides the District with a needed reorganization and improvement of its judicial system. However, as Senator Ervin warned: "The Attorney General holds this bill up as a model for all the states of the nation. All Senators should know he hopes to have it imposed on all their constituents as well as the residents of the District."

Senator Cooper took the Senate floor and strongly condemned the bill's repressive features: "We saw preventive detention in Germany under the Nazi rule, and it prevails in Communist countries throughout the world . . . and in non-Communist totalitarian countries . . . (the bill) would deny the great principles for which we have stood and which are embodied in the Bill of Rights . . . (it) raises the specter . . . of the early history in England and of our colonial days of the detention of one person by the state without the process of law. . . ."

The "procedural safeguards" that supporters of the bill point to are not all that safe. If the judiciary and law enforcement agencies jointly determine to employ "no-knock" searches and preventive detention on a sweeping scale there is nothing in the bill to stop them.

Those who supported this bill are willing to erode precious constitutional rights in the name of fighting crime, and yet no convincing evidence has been produced that these techniques will in fact prevent crime. We are about to sacrifice very much for what might turn out to be very little.

VIOLATING FREEDOMS TO FIGHT CRIME

The Congress has passed and the President yesterday signed the District of Columbia crime bill. In their concern for the alarming crime rate in the capital—and perhaps with some eagerness to assert an election-year commitment to "law and order"—they have adopted a law which includes provisions that run counter to fundamental rights and to American traditions of long standing.

The reference is to the so-called "no-knock" and "preventive detention" provisions in the measure. The first enables police to burst into a house at any time of the day or night in the alleged search for narcotics evidence, without warning and without identifying themselves as police. Under the "preventive detention" provision, persons accused of crimes and deemed a threat to society could be held without bail for as long as 60 days pending trial.

The leader of the fight against the bill because of these provisions was Sen. Sam J. Ervin Jr., of North Carolina, a conservative who has long been recognized as the Senate's leading constitutional expert. The basis of his unrelenting opposition can readily be seen if one looks at pertinent passages from the Bill of Rights.

These words occur in the Eighth Amendment: "Excessive bail shall not be required . . ." One may ask: What is more "excessive" than an absolute denial of bail under certain circumstances—not because a capital crime is involved, but out of concern lest the accused might possibly commit other crimes pending his trial?

The Fourth Amendment regulates search and seizure in the following clear and definite language: "The right of the people to be secure in their persons, houses, papers, and effects, against unreasonable searches and seizures, shall not be violated, and no warrants shall issue but upon probable cause, supported by oath or affirmation, and particularly describing the place to be searched, and the persons or things to be seized." Ervin has persistently maintained that the "no-knock" provision clearly violates this constitutional guarantee.

None of the above should be taken to imply unconcern for the deplorable crime rate in the nation's capital, or any lack of zeal to attack crime with every legitimate weapon that can be devised. But there must be other and far better ways of fighting crime than to enact statutes which circumvent or violate the fundamental law of the land. Constitutional safeguards against unreasonable search and seizure, and constitutional guarantees of reasonable bail pending trial, have stood us in good stead for nearly two centuries. It is a foreboding day when, even with the best of intentions, we turn our backs on them.

EXPEDIENCY WINS ON CRIME BILL

The U.S. Senate has passed the District of Columbia crime bill in a triumph of expediency over judgment. The fact that it was a "law and order" bill was apparently too much to buck.

Almost everybody wants to do something against crime and reasonable solutions ought to be approved, but the D.C. crime bill is a case of throwing the baby out with the bathwater.

Sen. Sam J. Erwin Jr. (D-N.C.) had led a vain opposition to the measure, repeatedly charging that it was a step toward destroying constitutional safeguards and arguing that its efficacy in dealing with crime was very doubtful.

Among portions of the measure that were attacked as repressive or unconstitutional were authorization for "no knock searches of citizens' homes"; preventive detention, under which an accused could be jailed for two months if there is belief he "might" commit a crime if released, and such things as authorization of wiretaps by police on an almost unlimited range.

What the D.C. crime bill does is put a foot in the constitutional door for the rest of the nation as it edges toward a repressive society.

Senator Ervin is a conservative man, and he is not one who takes the problem of crime lightly. But his argument that this is the wrong approach wasn't enough to stem the tide in favor of the bill which now goes to President Nixon for signature.

"We are told," the senator observed sadly, "it is necessary for us to throw provisions of the U.S. Constitution into the judicial garbage pail in order to cope with crime in the District of Columbia.

And the question is whether this measure will cope with crime. Even if it does—which is doubtful—it will be a high price for law-abiding citizens to pay.

FLAWS IN THE CRIME BILL

A man's home under our Constitution, is supposed to be his castle.

But it will become a less vulnerable castle, at least in the nation's capital, under the provisions of the District of Columbia Crime Bill which has been approved by both houses of Congress.

This massive, far-reaching bill is the first Nixon administration crime-control measure which has been approved by Congress.

Most of the bill is good. For instance, it provides for a modernization of the District of Columbia's court system. It authorizes an additional 17 judges for D.C. courts. It creates a commission to supervise the removal of judges for disability or misconduct.

It provides—correctly, we think—for juveniles 16 or older to be tried as adults in crimes of murder, forcible rape, first-degree burglary, armed robbery or assault with the intent to commit any of these offenses.

It stiffens the mandatory sentences for second and third offenders. The bill makes it a crime to possess, make or use molotov cocktails in the District, And it says there is no justifiable reason for forcibly resisting arrest.

All this and many other provisions of the bill are good. And these provisions are expected to be a blueprint for similar laws in the various states.

But the bill also include two provisions which we think are bad and which do serious damage to the Constitution of the United States, if not in letter certainly in spirit.

One is the infamous no-knock provision which entitles policemen to enter a private home without any notice whatsoever—if the police have reason to believe that notice might result in the destruction of evidence sought, or danger to the life or safety of the police or anyone else, or lead to the escape of the person to be arrested.

The bill allows police to so intrude even when they have no authorization in a search warrant if, after they have made their raid, they encounter circumstances which would justify obtaining the authority in the first place.

What all this means is that District of Columbia police will be able to burst into a private home unannounced, and in so doing they may be greeted by a shotgun blast from some unsuspecting resident who fears for his life.

A man's home is his castle—but in Washington not entirely.

Another obnoxious provision of the bill is its preventive detention feature. A person charged with a dangerous or violent crime may be held without bond up to 60 days, without any trial whatsoever, if the judge thinks it advisable to protect the community's safety. This provision opens the way to serious miscarriages of justice, since a judge has no way prior to trial to determine who is or is not likely to respect the limitations of being freed on bond. This is bound to confine many persons to jail who have been convicted of no crime.

As Sen. Sam D. Ervin of North Carolina said, "No person except Almighty God" knows in advance who is likely to commit a crime.

If this bill serves as a blueprint, we hope future state measures will exclude these two unworthy provisions.

SENATOR ERVIN, FOE OF ANTICRIME BILL, ATTRACTS BIG FOLLOWING

(By Gregg Herrington)

WASHINGTON.—Sen. Sam J. Ervin, a homespun North Carolina Democrat, is attracting a following that stretches across the breadth and ideology of the country.

The affable 73-year-old Tar Heel, whose foremost guide is the U.S. Constitution, is receiving thousands of letters from people who tell him he is their last remaining hope against a computerized police state.

This week, while the veteran of 16 years in the Senate was fighting the District of Columbia crime bill as a document "as full of holes as a mangy dog is of fleas," the anti-computer mail continued stacking up in his subcommittee on constitutional rights.

Letter writers say they are alarmed over Army computer banks on antiwar demonstrators, federal snooping into library records to determine who is reading books on explosives, and customs agents opening personal mail from overseas.

"It is a short step to tyranny if dissent will be intimidated," a New York doctor wrote. A California woman begged him to "prevent 1984 from happening." A Delaware woman

was thankful "you Southerners know your Constitution."

"Freedom of the individual is one thing I've always fought for," Ervin said in an interview. "And, yes, I'm really concerned about us losing it."

"In the case of the District of Columbia crime bill," he said, "you've got the President of the United States wanting to repudiate a law put into effect by the First Continental Congress—the right to bail."

The reference was to preventive detention, a concept Ervin sees as clearly unconstitutional. Proponents say it is needed to keep dangerous criminals from roaming the streets while awaiting trial.

Ervin is equally contemptuous of the no-knock provision permitting warrant-armed police to break into a residence unannounced if there is reason to believe narcotics or other evidence would be destroyed if they waited for the occupants to answer the doorbell.

"It's better for a few people to get away with narcotics than to destroy the rights of all citizens," Ervin said. "I believe a man's home is his castle."

In a Senate speech against the crime bill last week Ervin said with typical emphasis "one of the great hungers of the human heart has been for a place where a man could retreat . . . to converse with his God and family without molestation."

In even the briefest of political discussion Ervin is likely to cite chapter and verse of the Constitution as the only necessary reason for supporting or opposing legislation. It is difficult to get him to go outside of that document and offer his own private reaction to a measure.

Ervin said he thinks the Supreme Court will declare the recently passed 18-year-old vote section of the voting rights act unconstitutional "unless they disregard the Constitution." He said the Constitution clearly leaves it to the states to set their own voting qualifications.

On pornography, Ervin believes local community standards should dictate, not the Supreme Court.

On Vietnam, Ervin says "you shouldn't go into a war unles you're going to win it. We could have won it long ago."

On women's liberation Ervin said he didn't want to get involved, but went on to add some feminists' demands are "about the same as requiring a man to nurse his baby."

Anyway, he said, in his own home Margaret, his wife of 46 years, "lays down the law."

Legislators Pass Buck

President Nixon got from Congress the anti-crime bill for the District of Columbia that he wanted, but in the opinion of many able authorities on constitutional law, the legislators themselves violated the law in enacting the measure, the most basic law of all, the Constitution of the United States. For most Americans, the idea that one must violate the law in order to enforce the law is completely unacceptable.

The onesidedness of the vote in both Houses of Congress reflected the political pressure that was applied by the President and the reluctance of members of Congress to vote against any proposal that has been labeled publicly as a measure to combat crime.

As a result of the congressional action, the President has made good on his campaign promise to do something about crime, and the legislators have passed the onus of killing the unconstitutional provisions of the measures to the courts, at some uncertain time in the future when, hopefully, the public will be less emotional about the crime problem.

The measure approved contains among other provisions believed to be unconstitutional, such as permitting law enforcement to force their way into a private residence without knocking and identifying themselves in advance, a provision for what euphemistically has been called "preventive detention."

The idea that a person should be punished for crimes he has not committed and which it is only suspected he might commit is contrary to the most basic concepts of justice and is in conflict with the principle on which the whole American system of criminal law is built, the presumption that a person is innocent of any crime until he has been proven guilty by due legal process.

If the idea ever comes to be accepted that a person can be held in jail at the whim of a judge or some other public official when he has not been convicted of any specific offense, or has not even been charged appropriately with having committed one, then the country will have taken a long step toward establishment of a police state and the long struggle to protect the individual citizen against governmental tyranny will have been lost.

Senator Sam J. Ervin Jr., recognized as an expert in the field of constitutional law, told his fellow senators that one secton alone of the administration's anti-crime bill for the District of Columbia contained five violations of the Constitution. His colleagues simply ignored his statement and passed it anyway, although many of those voting for it knew that some of the provisions were unconstitutional on their face. No profound knowledge of constitutional law was necessary to be aware of this.

The congressional action thus raised once more the question of the moral as well as the legal propriety of lawmakers approving legislation which they know to be unconstitutional and leaving it to the courts to throw the law out.

It is an action that is taken frequently these days, it seems, The legislators are able to appease the public clamor for governmental action, but an uncertain number of people may suffer before the constitutional issue can be brought properly before the Supreme Court and it can be nullified judicially. The practice rates as one of the most reprehensible forms of buckpassing.

It can be argued, of course, that it is a proper function of the Supreme Court to decide a constitutional question, but is it too much to expect that a lawmaker have a sufficient knowledge of the law to recognize what is constitutional and what is not? To pass the responsibility to the courts amounts to a confession of incompetence or lack of qualification on the part of the legislator.

Scrapping the Constitution

Sens. Sam Ervin and John Stennis are not radicals. They aren't even liberals. They are Southern conservatives. But they also are former judges and recognized authorities on the American Constitution. Before the Senate passed the so-called anticrime bill, both of them warned their colleagues that numerous sections of the measure were unconstitutional. But the Senate, by a vote of 54 to 33, went ahead to pass the bill anyway.

It isn't that the majority discredited what Ervin and Stennis had to say. Most of the Senate's members probably believed them. But they didn't dare not vote for the bill. They feared that they would risk being accused of coddling criminals.

And so we are to have a law that permits police to break into a dwelling, without knocking, if they think there is good reason to believe that illegal activities are taking place behind the door. The same law will permit judges to keep accused persons in jail if, in the judges' opinion, there is a danger that the accused may commit illegal acts if they are granted bail—despite the fact that as accused persons they have not yet been convicted of any crime and, in the eyes of the law, are presumed still to be innocent. The 8th Amendment to the Constitution says that "excessive bail shall not be required." What is more excessive than denying bail entirely on the flimsy pretext that a suspected person may commit a crime if released?

There is every reason for public debate on the constitutionality of the anticrime bill. It never really was debated in the minds of most of those in the House and Senate who voted for the measure. This is an election year. Crime is very much on the minds of a scared populace. The people want something done to curb crime. Passing a bill of this kind would seem to offer that promise. That it may have little if any effect in halting the rising tide of crime is widely recognized—as is the possibility that whole sections of it are likely to be thrown out by the U.S. Supreme Court when the law gets there, as it inevitably will.

But no matter. Most of the senators and representatives are on record as having voted to deal crime a mortal blow. They will be able to remind their constituents of that many times between now and November.

Ervin and Stennis might as well have saved their whistles for the wind. Votes count. The Constitution can go hang. How cynical can Congress get?

Law, Disorder

Well, the U.S. Senate went ahead and approved that crazy "law-and-order" bill this week for the District of Columbia, despite its obvious conflicts with the U.S. Constitution. Among other things, it would permit policemen armed with a warrant to batter down anybody's door without warning; and allow judges to hold people as much as 60 days without trial, on simple "suspicion" they might commit crime if released on bail.

We were happy to see that Kentucky's two senators, John Sherman Cooper and Marlow Cook, voted against it. Mr. Cooper denounced the measure on the floor of the Senate, saying it would "deny the great principles for which we have stood and which are embodied in the Bill of Rights." He charged that the bill's "preventive detention" clause "raises the specter . . . of the early history of England and of our colonial days of the detention of one person by the state without due process of law."

There was a notable reluctance among senators running for re-election this fall to vote against the bill. North Carolina's conservative Sam Ervin nailed them with this pointed comment:

"I hear the siren voice of that old devil, political expediency, whisper in my ear 'You better vote for the D.C. bill because it's a law-and-order bill. It's not politically sagacious, not politically wise, to vote against a law-and-order bill.'"

"(No) Knock Knock, Who Is There"

To their everlasting discredit, the Senate approved the controversial District of Columbia crime bill. Everybody knows that the Nixon Administration intends the D.C. bill to be the "model" for the nation.

Among the provisions of the bill are:

—Authorization for "no knock" searches by police in which police could simply break in to private dwellings without announcing their presence.

—Preventive, or pre-trial detention, under which a defendant could be jailed without bail for up to 60 days if a hearing established that he might commit a crime if he were released.

—Authorization for wire taps.

—As Senator Sam Ervin of North Carolina put it: "This bill would be legal if we first repeal the Constitution." Right on, Sam.

Hooks in the Crime Bills

Public concern over the soaring rate of serious crime in the United States is fully justified, but it does not follow that con-

stitutional safeguards against injustice must be thrown overboard to resolve the problem. Yet, in some respects, that is Atty. Gen. John N. Mitchell's rationale in pushing the "model" anticrime bills now pending in Congress.

Fortunately, Congress is showing doubts about some provisions of both the administration's anticrime bill for the District of Columbia and its proposed Organized Crime Control Act. These provisions may well violate constitutional guarantees.

The need to stop the rise in crime and roll the rate back to more manageable proportions cannot be denied. But the answer cannot deprive innocent as well as guilty of the historic safeguards against wrongful imprisonment, unwarranted search and seizure, the right to bail and other keystones of individual freedom.

The preventive-detention provision of the District of Columbia bill has been described as a "blueprint for a police state" by Sen. Ervin (D-S.C.), the eminent conservative and constitutional expert. Other provisions of this and the organized-crime measure raise similar specters.

The key to effective crime prevention, as Ervin sees it, lies in speedy trial and swift and sure punishment for the guilty. The history of civilized jurisprudence bears him out, and we need only look at Britain to see what a deterrent swift justice can be. Our own clogged courts make this virtually impossible, and so we seek meaner and more dangerous alternatives.

The country badly needs—especially at the state and local level—more courtrooms, more and better judges, bigger and more capable prosecution staffs, and above all far more and better trained police than are now available. All of these things cost money, but they would be well worth the price in terms of public security.

Meanwhile, Congress is pursuing the proper course by refusing to be pushed any further into rubber-stamping bills that clearly need more study.

ERVIN'S CHALLENGE TO DETENTION BILL

A tough "preventive detention" proposal by Atty. Gen. John Mitchell is now under scrutiny of a U.S. Senate committee.

It would allow a federal judge to deny bail for 60 days to anyone accused of a specified "dangerous or violent" crime if the judge felt there was a clear danger of additional crime by the accused.

The temper of the time is such that there is widespread belief that potential bombers, arsonists and rioters should be detained.

Even so, the idea of detention without conviction is abhorrent to the American concept of justice. Chances are that even the temper of the time will not reverse it.

Sen. Sam Ervin of North Carolina is a staunch constitutionalist who is a leading opponent of the proposal. He is certainly not one of the "liberals" in Washington. When he speaks about the Constitution, it is well to listen.

Preventive detention is "more than unconstitutional," in his vew. Aside from that, he declares, the rate of repeat crime is "very low, too low to justify preventive detention."

Sen. Ervin cites Justice Department statistics to substantiate his point. They show that 25 per cent of persons arrested for specified dangerous crimes are rearrested and 17 percent of those charged with specified crimes of violence.

These seem to be high percentages. But Sen. Ervin found that most of the rearrests were for such misdemeanors as traffic-law violations. Actually, only five per cent are rearrested for a second dangerous or violent crime; and a little more than one per cent are found guilty of a second major crime while on bail.

The probability of judicial error is great, Sen. Ervin believes.

He proposes a different solution to the target problem.

The Constitution guarantees the right to a speedy trial. Today's crowded court dockets, as well as typical defense tactics of long delay, rather mock the guarantee. Society, too, is entitled to adjudication within a reasonable time.

Sen. Ervin proposes a law that would require trials on such charges to be held within 60 days. He also would impose stiff additional penalties for crimes committed while on bail. The Ervin bill would provide pretrial service agencies to supervise people on bond.

This is a sensible approach which takes into account the public's right to have its case against a defendant presented in court without stepping into the disputed area of imprisonment before trial.

"FULL OF FLEAS"

Almost a year ago, Attorney General Mitchell hailed the Administration's legislative package for the District of Columbia as a "model anticrime program." It called for a sweeping reorganization of Washington's court system, a much stronger public defender office there, a revision of the city's juvenile code, a system of preventive detention for those awaiting trial, and some other changes in the substance of the District's criminal law. The program was, in the eyes of many observers, the first real evidence of what all the campaign rhetoric concerning the need to do something about crime really meant.

Last March, when this legislation finally passed the House of Representatives in one large omnibus crime bill, Senator Sam Ervin took one look at it and denounced it as "a garbage pail of some of the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented." Not all of the provisions that have raised the hackles of Senator Ervin and many others are of the Administration's making. Some of them are attempts by the House District committee, perhaps the worst committee on Capitol Hill, to write into law the pet ideas of some of its members. The result, however, merits Senator Ervin's conclusion that the bill "is as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas."

This is too bad because much of what is in that omnibus crime bill is good. As it stands, the bill would give the District of Columbia for the first time its own local court system, uniting under one roof activities that now occur in three separate courts and providing enough judicial manpower to allow the administration of justice to work. It would give the District a Family Court, with tools that might allow Washington to begin to make a dent on the juvenile delinquency which is about to overwhelm the city. All this is desirable. But coupled with proposals like those are preventive detention, "no-knock" search authorization, broad wiretapping provisions, mandatory minimum sentences, a reduction in the age limitations of juvenile court, elimination of the right to trial by jury for juveniles, and, of all things, a provision requiring that anyone who sues a policeman for wrongful arrest must pay the officer's fees even if the officer loses the case. These provisions have kept the bill tied up in a conference committee for three months as Senate liberals maneuver to find a way to save the bulk of the bill without having to swallow such affronts to constitutional principles. Whether they can succeed is doubtful and if they don't, the Senate will be faced with a cruel choice—letting another year slip by with nothing done to improve the administration of justice in Washington and taking the rap in an election year of killing anticrime legislation, or passing the bill with its menagerie of evils and hoping that the courts will find the worst of them unconstitutional.

OTHERS ARE SAYING—DANGEROUS PROPOSAL

Sen. Ervin (D-N.C.) is a southern conservative who spent 20 years in or close to the judiciary of his state, including service on its supreme court, before entering the Senate. He has a solid grasp of the principles and spirit of the Constitution and of individual rights under it. He chairs the Senate Judiciary Subcommittee on that subject.

It therefore comes from him with unusual authority and persuasiveness when he denounces Atty. Gen. Mitchell's "preventive detention" scheme. It is "more than unconstitutional," he says, being based in addition on mythical and false notions. It poses impossible criteria for the administration of justice by judges who are not clairvoyant, who can only guess and make more errors than hits.

The preventive detention bill would let a judge deny bail altogether and keep in jail pending trial, up to 60 days, anyone accused of a "dangerous or violent" crime. The judge would have only to raise a possibility that the accused might do something to be rearrested for if he were free on bail.

The bill assumes a high probability that persons arrested for such crimes will repeat them, if they can, while awaiting trial. By the Justice Department's own study, Ervin says, "this turns out to be wrong. The rate is very low, too low to justify preventive detention."

The department cites its study as showing that 25 per cent of persons arrested for specified dangerous crimes are rearrested while out on bail, and 17 per cent of those arrested for specified crimes of violence are rearrested. But Ervin found that most of those rearrests are for misdemeanors or traffic offenses, perhaps; only 5 per cent are rearrested for a second dangerous or violent crime, and scarcely more than 1 per cent are found guilty of two major crimes.

Nothing in the department's study or statement, Ervin noted, supports an assumption that a conscientious judge can zero in on those two or three likely repeaters out of every 200 and accurately predict that likelihood. Instead, to get any worthwhile results from preventive detention, many or most persons accused of dangerous or violent crimes would have to be denied bail and locked up until tried.

That makes it obviously unworkable with even a semblance of justice. Its assumptions are wrong, even if it might possibly be constitutional. And mandatory imprisonment without trial, except for the rare, extreme case, almost certainly is not constitutional—and had better not be if liberty has any meaning left. Congress must quash this repressive idea.

[From the Sun Times, Chicago, Ill., June 16, 1970]

OPPRESSION WILL NOT STOP CRIME

The respected National Council on Crime and Delinquency has joined in criticism of Nixon administration anticrime proposals.

The council's specific target is surely a vulnerable one—the preventive detention mechanism whereby suspects ruled potentially dangerous could be incarcerated for up to 60 days at the whim of the bench.

This bit of foolishness, which is quite likely unconstitutional, is included both in the organized crime control bill and in the crime bill designed for Washington, D.C., which is now deadlocked in Senate-House conference committee.

The council finds a good deal of fault with preventive detention. For example, procedural matters alone would serve to further clog already overburdened courts (a criticism also voiced last year by a spokesman for the American Bar Assn.).

Fundamentally, however, the council's criticism focused on the detention law's danger to civil and individual liberties guaranteed by the Constitution. And the danger is real.

Sen. Sam J. Ervin Jr., (D-N.C.), who is perhaps the leading constitutional authority in Congress, said of preventive detention:

"Fundamental to due process of law is the tenet that a man is presumed innocent until proven guilty beyond a reasonable doubt. Under our system of justice, the government cannot deprive a man of his liberty on the mere accusation or assumption that he has committed a crime or is likely to do so. In practical effect, preventive detention . . . convicts individuals of 'probable' guilt and 'dangerousness' and sentences them to 60 days' imprisonment without trial and conviction of a crime. Such flagrant violation of due process smacks of a police state."

Preventive detention is not the only aspect of the pending crime legislation that should cause shivers along the spines of believers in justice. There is, for instance, the plan to allow no-knock, no-identification raids on dwellings and offices where drug possession is suspected.

Through the heat of controversy, of course, Atty. Gen. John N. Mitchell, author of these extraordinary provisions, has remained adamant. He insists he needs such extra-constitutional tools in order to fight crime.

We believe he does not need oppressive measures which are as likely to harm the innocent as to convict the guilty.

We submit that Congress must reject all moves to thwart liberty.

[From the Free Press, Detroit, Mich., June 12, 1970]

CRIME AND PUNISHMENT

A black judge from Detroit and a white senator from North Carolina might seem a strange alliance, but they make good sense in the defense of the Constitution.

Circuit Court Judge Edward Bell told the Senate constitutional rights subcommittee, now laboring over the proposal by Attorney General Mitchell to permit "preventive detention" of a suspect for up to 60 days, that the plan was unconstitutional and a violation of individual rights. The plan would give a judge power to jail a suspect if he considered the suspect a "dangerous person."

"The accused will have been sent to jail for no act of criminality whatsoever," Judge Bell said. Until convicted he is presumed innocent.

Sen. Sam Ervin, a former North Carolina Supreme Court justice, agreed with Judge Bell. By no means is Sen. Ervin considered a liberal. On constitutional matters he fits the President's description of a strict constructionist. He is conceded to have one of the best judicial minds in the Senate.

The Bill of Rights, Sen. Ervin said, grants individual rights "which cannot be assaulted by the majority." No judge,—"no person except almighty God"—has the "prophetic powers to be able to tell" who might be dangerous.

Perhaps, as Sen. Strom Thurmond argued, good judges would use their discretionary powers wisely and would not jail suspects "unless they were convinced in their own hearts" that the suspect might commit a crime while out on bond.

But the judiciary, like all trades and professions, has its bad practitioners as well as its good ones. Which is one reason this is a nation of laws, not of men. Mr. Mitchell's proposal would make unusually bad law.

[From the Mankato (Minn.), Free Press, July 7, 1970]

INSTRUMENT OF POTENTIAL ABUSE

A great principle of Anglo-American justice, that a man is innocent until proven guilty, is in danger of being compromised by provisions of President Nixon's anti-crime bill permitting preventive detention of persons deemed dangerous to society.

Under the administration proposal, a judge could consider a defendant's "danger to the community" and the "likelihood of flight," both highly subjective factors, in setting conditions for a prisoner's release before his case comes to trial. Upon making such findings, a judge could order a detention hearing for a defendant charged with a "dangerous crime" or a "crime of violence."

For these provisions to apply, the crime would have had to have been committed while the defendant was out on bail, probation, or parole, or within 10 years of a prior conviction for a crime of violence.

Sen. Sam Ervin Jr., D-N.C., the Senate's eminent constitutional lawyer, finds this measure to be a compromise of the fundamental principles of a free system of government.

"If America is to remain a free society," says Ervin, "it will have to take certain risks. One is the risk that a person admitted to bail may flee before trial. Another is the risk that a person admitted to bail may commit crime while free on bail."

"In my judgment," he continues, "it is better for our country to take these risks and remain a free society than it is for it to adopt a tyrannical practice of imprisoning men for crimes which they have not committed and may never commit merely because some court may peer into the future and surmise that they may commit crimes if allowed freedom prior to trial and conviction."

Sen Ervin offers the obvious alternative.

"The real solution to the immediate problem of crime committed by persons on bail and, indeed, the solution to the general problem of crime, lies not in preventive detention . . . but in the speedy trial of the accused and the swift and sure punishment of the guilty."

Such a solution requires a major overhaul of the judicial system and, most important of all, an end to judicial leniency.

This approach is consistent with the principles of a free society. It makes more sense than punishing people not yet proven guilty.

[From the Chattanooga (Tenn.) Times, July 15, 1970]

DANGEROUS PROVISION

The anti-crime bill for the District of Columbia contains highly dubious if not dangerous provisions which pose a threat to the rights and liberties of all citizens of the capital city.

The measure would, for instance, permit a "no-knock" entry by police if officers have reason to suspect there is evidence that can be destroyed during the time required for normal service of a search warrant.

It would authorize detention of an arrested person for up to 60 days if the court has cause to believe the defendant might commit an offense while on bail. This is called "preventive detention." It could well prove at least a 60-day jail sentence for a person merely accused of a crime and not yet convicted.

Such provisions should not have been passed in the first place, and they wouldn't have, if constitutionalists like Sen. Sam Ervin, North Carolina Democrat, had been heeded.

But in the atmosphere of doing something—anything—which resembled an establishment of controls over "crime in the street," both the House and the Senate passed the measure. The District of Columbia is the only locale where Congress has this kind of authority, most such law enforcement being a matter constitutionally reserved to state and local governments.

The bill shouldn't have received the approval of a conference committee which worked three months to resolve the differences between House and Senate versions. But it did, and now stands only one step—approval by both houses again—short of enactment.

Surely, in the extended time the bill has been in conference, there has been opportunity for some sober second thoughts on what the controversial provisions portend. We have no doubt Sen. Ervin will refocus attention on them. This time, we hope his good sense and unquestioned integrity prevail.

[From the New York Times, July 17, 1970]

A BAD PACKAGE

After three months of consideration, a Senate-House conference committee has reported out an anti-crime bill for the District of Columbia which has been variously characterized as violative of no less than five Constitutional amendments and as "a blueprint for a police state." Twenty former Federal prosecutors have found the bill's chief provisions of "doubtful constitutionality, questionable necessity and demonstrable ineffectiveness."

The measure passed by the House has been somewhat improved in conference, notably by the deletion of an incredible provision that would have required plaintiffs to pay the attorneys of policemen they had sued for false arrest, even when the policemen lost the case. The bill also calls for a much-needed court reorganization, designed in part to speed up the calendar—a highly desirable objective in a city with a grave crime problem and a judicial logjam.

But the bill's most dangerous and unnecessary provisions remain. Policemen would be empowered to enter houses without knocking, not just in the limited and special instances where that is permissible even now, but on what might amount to no more than a hunch that evidence might be destroyed or that those inside might make an armed attack if given notice of the police presence at the door. Shades of Chicago.

The bill would allow a judge to keep defendants in jail for sixty days if on the basis of their records he thought them likely to commit other crimes while awaiting trial. It is true that high bail permits even longer detentions now, but its imposition for reasons other than its legitimate purpose is often overruled by a higher court. The proposed bill would not replace the inappropriate use of bail in any case; it would only add to the injustice. More important, it would for the first time give legal sanction to the undoing of the most fundamental principle in Anglo-Saxon law—that a man is innocent until proven guilty.

Legislation for the reorganization of the District's courts was ready within weeks of President Nixon's inauguration. It is regrettable that Administration forces saw fit to make it part of a dubious anti-crime "package" instead of getting it enacted into law at once. Opponents of the bill in its present form, led by Senator Ervin of North Carolina, hope to defeat it on the Senate floor and start over again with a bill for court reform. That would perhaps do less to gratify the emotions of the hysterical but more to reduce crime in the District.

[From the Louisville, Ky., Times, July 17, 1970]

MUST WE DESTROY JUSTICE, TOO?

A House-Senate conference committee has cleared and the House has passed a District of Columbia anti-crime bill that contains harshly repressive features and thus is an "affront to the constitution."

That description was provided by Sen. Sam Ervin, the North Carolina conservative who is as eloquent and outspoken in his defense of civil liberties as he is in his opposition to civil-rights measures. In this case, his position, expressed when the bill was originally before the Senate, is rooted in provisions for "preventive detention" of suspects considered a danger to society and "no-knock" search warrants in cases involving major crimes. The latter is designed mainly for use in narcotics cases.

Neither provision was in the bill that passed the Senate. But the House accepted the administration proposals; thus the conference committee, which toned them down slightly before finally sending them back to the House and Senate.

However, several senators have balked and say they will oppose the compromise measure. Hopefully, they will carry the day.

For the preventive detention and no-knock provisions are not the only undesirable features of what, on balance, is a bad bill. The discretion of judges is reduced by mandatory sentencing requirements; the juvenile age is lowered from 18 to 16 and, finally, there is a provision that would pay attorneys' fees for all policemen accused of making false arrests, whether innocent or guilty.

This is retrograde legislation. Moreover, it is a stalking horse for similar legislation on a national basis.

All this has come about because of the fiercely emotional, politically charged climate that has been raised around the issue of crime. It has resulted, on the one hand, in such contradictions as a plea for more laws to fight crime with and, on the other, statements that the rate of crime is now being brought down by the Nixon administration through strong executive action.

The truth, as always, lies somewhere in between. But there is at stake something more vital and much deeper. That is the course of our society. For, as Sen. Ervin has pointed out, we are in danger of being marked as a people "so zealous in their efforts to enforce the law that they would emulate the example set by Samson in his blindness and destroy the pillars upon which the temple of justice itself rests."

[From the Greensboro Daily News, June 14, 1970]

A Poor Campaign Issue

President Nixon has, in a roundabout way, called on the voters to defeat members of Congress who refuse to support the administration's omnibus anticrime bill, which includes provisions for preventive detention and a "no-knock" narcotics law.

"I do not charge partisanship in this instance," Mr. Nixon told a group of U.S. attorneys at the White House. But he added: "For the Congress to fail to act and go back to the people will be something that the people will remember."

If the people will take the trouble to examine the 13 administration anticrime bills now pending before Congress and if they value their own liberties, they may be more inclined to reject Mr. Nixon's line of reasoning. The "no-knock" provision of the narcotics bill and, most especially, the preventive detention bill are measures more suited to a totalitarian police state than to a democracy.

Sen. Sam Ervin Jr., chairman of the Senate Constitutional Rights Committee, has led the fight in Congress against both of these proposed "anticrime" laws. He says they are unconstitutional and an affront to the American people.

The "no-knock" law, which has passed the Senate, would permit police officers to raid private homes, without knocking and without warning, to search for narcotics. Clearly, the most practical method of gaining entry under such conditions is to knock down a door or smash a window. As Senator Ervin has pointed out, this would give policemen the right to do legally what burglars do outside the law.

Of the preventive detention bill, the Senator remarked that it is "more than unconstitutional—it is based on unsupported theories of criminal behavior." Briefly, this proposed law would empower a federal judge to deny bail to a suspect charged with a "dangerous crime" or a "violent felony" and hold him in jail for up to 60 days before trial.

Yet a Justice Department study—kept under wraps until Senator Ervin made it public—disclosed that only about 11 per cent of the defendants released before trial were rearrested in the interim. And the study showed that only five per cent of those charged with violent or dangerous crimes were rearrested for second crimes in those categories.

Senator Ervin believes, and we agree, that a better solution is to guarantee defendants charged with dangerous or violent crimes a quick trial—within 60 days. He is co-sponsoring, with Senator Philip Hart of Michigan, a "speedy trials" bill.

One might surmise from the remarks of the President and Vice President Spiro Agnew to the visiting U.S. attorneys that the Nixon administration plans to make law and order a leading campaign issue this fall. Both cited Federal Bureau of Investigation figures to show that crime increased by 16 per cent in 1967, 19 per cent in 1968 and 11 per cent last year.

It could be argued, however, that this regular crime rise is reflected in the annual FBI statistics, prepared under the direction of J. Edgar Hoover, is more of a reason for firing Mr. Hoover than for violating the U.S. Constitution by enacting a preventive detention law. Congress has regularly given Mr. Hoover all the money and manpower he asks for. Just as regularly, the FBI end-of-the-year reports indicate that the criminal element gained substantial yardage during the past 12 months.

Certainly there is crime in the United States today. Crime has probably increased out of proportion to the increase in the population. The streets of too many American cities are unsafe, even in broad daylight.

And it is true that it is easier to control criminals by disregarding the Bill of Rights where the rights of suspected criminals are concerned. But the next step is rigid control of the inoffensive and the law-abiding in the same way and with the same methods. Now is the time for Americans who care about their own freedom to let Congress know they are behind Senator Ervin in this fight.

[From the Philadelphia Inquirer, July 22, 1970]

Repressive and Indecent

Senator Sam Ervin of North Carolina calls it "a garbage pail of some of the most repressive, near-sighted, intolerant, unfair, and vindictive legislation that the Senate has ever been presented."

Rep. Brock Adams of Washington state says it is "a laundry list of unconstitutional provisions."

What they are referring to is the package of laws intended to crack down on crime in Washington, D.C. If anything their description of the legislation is too mild.

Its provisions for pretrial detention of defendants, and for the unannounced police break-in of a suspect's home, are especially indecent and repugnant.

Attorney General John N. Mitchell, defending the "no-knock" authority sought to strengthen police search powers, has proposed that "no-knock" be renamed "quick entry." The latter term, he said, would be less misleading and prejudicial.

It isn't what name you give to the sledgehammering of a door that counts to the persons inside, but the gestapo tactics involved.

Preventive detention, as Senator Ervin has said, violates the traditional American belief that a man is innocent until proved guilty. The provision in the bill would empower judges to jail accused persons deemed potentially dangerous for up to 60 days while they await their trials.

This would leave it up to the individual judge to determine whether a suspect is too dangerous to set free on bail. In view of the fact that many defendants have to wait a year or more before they are tried, the 60-day clause could be self-defeating.

After being held that time, without conviction, the suspects may be more dangerous than ever, resentful at losing their jobs and in urgent need of money to support their families and pay their lawyers.

The crime bill immediately before the Senate affects the District of Columbia but it could have an impact far beyond the capital city.

It could establish a precedent and become a model for other American cities struggling against crime, and inclined, perhaps, to forget the Constitutional rights that protect not only criminal suspects, but every citizen.

[From the Tennessean, July 18, 1970]

Crime Bill Full of Danger

Some features of President Nixon's crime bill now being considered by Congress would strike at basic constitutional guarantees and should be rejected.

Perhaps the most dangerous recommendation is one that would permit police in some instances to enter homes without first knocking at the door or identifying themselves.

This measure is proposed for effectiveness in the District of Columbia only, but it is being advanced as a model law, possibly to be extended to the rest of the country at a later date.

If there were any valid reason for singling out the District of Columbia for the initiation of this oppressive law, it has not been made clear what it is. Certainly there is no justification for believing the nation should begin to give up its constitutional protections for the purpose of providing short cuts to law enforcement.

The no-knock measure has its supporters and detractors on both sides of the political fence. But perhaps the most effective opponent is Sen. Sam Ervin, noted conservative from North Carolina, who calls the District of Columbia crime bill "a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

It is too early to tell whether Senator Ervin can turn the tide against this unwise bill. But he deserves the gratitude of those who believe it is still possible to have effective law enforcement in the U.S. without chipping away at the basic principles on which the nation was founded.

[From the Milwaukee (Wis.) Journal, Milwaukee, July 16, 1970]

Police State "Blueprint"

"This . . . is as full of unconstitutional unjust and unwise provisions as a mangy hound dog is full of fleas . . . a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented . . . an affront to constitutional principles and to the intelligence of the people of the United States."

That is what Sen. Ervin (D-N.C.) thinks of the District of Columbia crime bill that has come out of the Senate-House conference committee.

The bill was presented to Congress by Atty. Gen. Mitchell as redemption of a pledge President Nixon had made during his campaign to end crime in the "nation's crime capital." The Senate watered down the measure. The House stiffened it. The conference reported out the bill in much its original form. Among other things, here is what the measure that Ervin calls "a blueprint for a police state" would do:

Let police enter homes or other buildings in a variety of circumstances without knocking or announcing themselves. Give law en-

forcement officers broad wiretapping powers. Let police conduct chemical, scientific and medical tests upon any person found where a search warrant was being served. Allow pretrial detention of accused persons, denying them the constitutional right to bail. The American Bar Association calls preventive detention before trial unconstitutional.

The bill would be particularly destructive of the rights of juveniles. It would deny them right to jury trial. It would allow them to be found delinquent on the basis of a "preponderance of evidence"—something the Supreme Court invalidated a few days after the House bill was passed. Juveniles 15 years old charged with certain crimes could be tried as adults upon motion of the prosecutor. Once a juvenile was tried in an adult court, even if he was acquitted, he could never again be tried as a juvenile.

One of the most vindictive sections provides that if a man is convicted for the third time of a violent crime he would get a mandatory life sentence with no allowance for parole, probation or suspended sentence for 20 years. A violent crime could be a purse snatching. Anyone convicted of an "armed crime of violence" would receive an automatic sentence of three years, even if he had only a toy gun in his pocket and never produced it.

The Fourth Amendment has a guarantee that all citizens shall be "secure in their persons, houses, papers and effects against unreasonable searches and seizures." Thus on the face of it the "no-knock" and wiretapping provisions appear unconstitutional. Rep. Mikva (D-Ill.) says that "the reaction of the average American to an unexpected attempt to break into his home is to fight like hell."

The measure is everything Ervin says it is. It would be headed for almost certain invalidation in the courts. It would, as Ramsey Clark, former attorney general, says, "tinker with the rule of law, with freedom and human dignity in the name of public safety." It should be killed.

[From the New York Times, July 26, 1970]

IN THE NATION: BEYOND THE "FLAME AND RHETORIC"

(By Tom Wicker)

If they hang them all, they'll get the guilty,
That's what you say we ought to do.
If they hang them all, they'll get the guilty—
But, remember, they're gonna hang you too.
—Tom Tee Hall.

WASHINGTON.—Senator Joseph D. Tydings of Maryland, who led the successful effort to impose a punitive anti-crime bill on the District of Columbia, said after the battle that he was glad the measure had survived "all the flame and rhetoric" of its opponents.

It is true that Senator Sam J. Ervin of North Carolina, who led the opposition, is a flamboyant orator and it is equally true that some provisions of the bill evoked impassioned opposition. But this opposition and the points Senator Ervin consistently raised against the bill, however colorfully, were a good deal more than "flame and rhetoric," as the future may disclose to Mr. Tydings and the bill's other supporters, most of whom were Republicans and Southern Democrats.

(Mr. Ervin was joined, however, by three other Southerners, John Stennis of Mississippi, Everett Jordan of North Carolina and J. W. Fulbright of Arkansas, in putting the rights of the individual, even in the voteless, mostly black District, ahead of what Mr. Ervin called "the expediency of law and order.")

There was neither flame nor rhetoric, for instance, in a study by Hans Zeisel of the University of Chicago Law School. Analyzing District of Columbia pre-trial release and rearrest statistics, compiled by the Bureau of Standards at the request of the Department of Justice, Mr. Zeisel concluded that the bill's preventive-detention proposal, had it been in effect when the statistics were gathered, would have resulted in:

"1. Increasing the number of persons not released prior to trial by 46 per cent;

"2. Detaining needlessly—because they would not be rearrested if released—82 per cent of those now detained defendants;

"3. Detaining without any merit 57 per cent of these defendants because they will subsequently be acquitted of their original charge or convicted only of a misdemeanor."

LESS THAN 1 PERCENT

And what would this wholesale imprisonment of innocent people have achieved? "The reduction of the recidivism rate by 0.7 of one percentage point beyond what could be accomplished by the simple expedient of trial within 60 days."

Mr. Tydings and other proponents of the crime bill argued that the court reform needed to speed trials—as urged by Mr. Zeisel and others—could not be pushed through the conservative House of Representatives unless a bill to provide it also contained preventive detention and other stringent measures—which they insist are only minor matters, anyway.

FEAR OF REPRESSION

They could have found an answer to this in Dr. Alexander Heard's wise and courageous report to President Nixon on student and black attitudes. Though not dealing specifically with crime proposals, Dr. Heard recommended "that the President and others undertake to understand the fears of 'repression' among certain groups in our country and to understand the realities underlying those fears; that the President use the moral influence of his office in new ways designed to reduce racial tensions and help develop a climate of racial understanding."

But the D.C. crime bill now is one of those "realities" that underlie the fear of repression; and it is to the spread of that fear that the moral influence of the President—not to mention Mr. Tydings and others—has been lent. The population of the District, after all, is nearly 70 per cent black. That majority is well informed about Black Panthers dead at the hands of the Chicago police. It knows all about the indiscriminate killing of blacks last spring in Augusta, Ga., and at Jackson State; it has seen its own frequent racial clashes in Washington.

So blacks here are not likely to believe that the D.C. police and the Justice Department wanted this legislation in order to break down doors at the Watergate Apartments or to detain preventively the wealthy property owners of Georgetown. Mayor Walter Washington well understands this reaction; he has urged District residents "not to prejudge the effects of this law" but he is seriously concerned that in the six months before its worst provisions take effect, they will do just that. Already, one black leader here has said that District residents would be justified in shooting a policeman who attempted a "no-knock" entry.

But Congress has acted, President Nixon is sure to sign the bill, and Mayor Washington is right that the task now is to calm unreasonable fears and make the law work as equitably as possible. It is the bill itself, not the "flame and rhetoric" of its opponents, that makes this task so difficult.

[From the Free Press, Detroit, Mich., July 19, 1970]

ABA OBJECTS: RIGHTS, REASON ARE SACRIFICED IN CRIME BILL

(By Clayton Fritchey)

WASHINGTON.—The American Bar Association didn't improve its reputation by its indifferent inquiries into two Supreme Court appointments that were rejected by the Senate, but the ABA is now showing surprising diligence in opposing the administration's bill against organized crime.

It is not surprising that various liberal groups are disturbed by repressive provisions in the bill which threaten individual rights, and which are of doubtful constitutionality. The chronically conservative ABA, however, has now become equally critical, although its attention was called to the legislation in the first place by President Nixon himself, who besought its support in getting the bill through Congress.

This bill is flawed by so many undesirable provisions that it is hard now to believe that it could have passed the Senate by a vote of 73 to 1. The Senate, panicked by the law-and-order clamor, simply stampeded, leaving to the House the thankless job of resisting this subversion of civil liberties.

Fortunately, there is an unspoken understanding in Congress that on some issues one branch will rescue the other when such stampedes occasionally occur. Many senators who had misgivings over the organized crime bill voted for it in the confident belief that the House Judiciary Committee would flag it down, and that is what happened.

The legislation was rushed through the Senate in three days with little or no debate. One member voiced the thought of all when he said, "Everyone's afraid of being called soft on crime." The Senators could count, however, on two dedicated civil libertarians—Rep. Emanuel Celler, D–N.Y., and William McCulloch, R-Ohio—who dominate the House Judiciary Committee, to subject the bill to searching examination.

Conversely, the House itself, in a similar stampede vote, recently rushed through a separate crime bill for the District of Columbia, designed by the administration as a model for the nation. It, too, but in a different way, adds up to an assault on civil liberties. Senate conferees are now holding up its passage, just as the Celler committee is detaining the organized crime bill.

The organized crime bill has 10 provisions in all, five of which have just been disapproved by the ABA.

UNJUST AND UNWISE

Among the most dangerous provisions of the bill are the following: (1) Giving grand juries the power to denounce public officials when there is not sufficient evidence to indict; (2) Permitting grand jury witnesses to be held in jail for up to three years for refusing to testify; (3) Allowing judges to impose prison terms up to 30 years on "dangerous special offenders" on the basis of evidence that might not be admissible in an ordinary criminal trial; (4) Severely limiting a defendant's right to object to the use of evidence admittedly obtained by violating the Constitution, including wire taps, coerced confessions, and illegal searches.

The administration's "model" District of Columbia bill is even more objectionable. It introduces preventive detention, which would allow a judge to lock up a defendant pending trial if he thought (or rather guessed) he might commit another crime in the meantime. It also provides for "no-knock" police entry, which would permit police to break into a house without notice or identification.

Also, a teenager charged with a serious offense would automatically be tried as an adult. Further, a policeman could arrest without warrant any person he believed was about to commit a crime. Finally, a citizen who sues for false arrest must pay for the policeman's attorney, even if the citizen wins the case.

A southern conservative, Sen. Sam Ervin Jr., D-N.C., chairman of the constitutional rights subcommittee, describes the District bill "as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas." It is, he concludes, "a garbage pail of some of the most repressive, near-sighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented."

[From the New York Times, Aug. 17, 1970]

HOME STRETCH FOR CONGRESS

After an exceptonally dilatory session last year, the 91st Congress this year has been reasonably productive. When the House of Representatives recessed Friday for nearly a month, it had acted on a lengthy list of important measures. The Senate remains in session because its prolonged debates over Vietnam, Cambodia and the Carswell nomination to the Supreme Court have used up time which otherwise could have been devoted to ordinary legislative tasks.

A half-dozen major bills have been approved by both houses and signed into law by President Nixon. Prominent among them was the renewal of the Voting Rights Act, which is crucial to the enfranchisement of Negroes in the Deep South. A rider to this bill took the historic step of lowering the voting age to eighteen, but it remains for the courts to determine whether this objective can really be achieved without a constitutional amendment.

The reorganization of the postal service was another historic accomplishment, one on which constitutionality is not in doubt. The ban on cigarette advertising on radio and television, the extension of unemployment compensation and the law tightening control of pollution from oil spills also rank as positive steps. Unfortunately, the farm lobby was once again able to exclude farm laborers from the unemployment compensation system.

Congress yielded too much to reactionaries with unworkable, old-fashioned ideas when it passed the District of Columbia crime law. Its "no knock," preventive detention and mandatory sentence provisions are harmful and regressive. However, several other Administration-sponsored crime bills are languishing in committee, which is where they deserve to stay. Money and ideas, not repressive laws, are needed to combat the difficult problem of increased crime.

The House has acted upon several significant measures which await decision in the Senate. Chief among these is the Administration's far-reaching proposal to reform the welfare system by putting a financial floor under low-income families. Also approved was an increase in Social Security benefits. Both deserve the endorsement of the Senate Finance Committee, which has considered them long enough. Senate action also is needed to move ahead a House-passed constitutional amendment providing for direct election of the President. A go-slow policy is in order, however, for another proposed constitutional amendment. This one "guarantees" equal rights for women, but the potential mousetraps it contains never got any House study before it was whooped through last week.

Despite their more productive record this year, the members of the House frequently betray a lack of self-discipline and self-respect. On Friday the leadership could not scrape up a quorum to act on the bill to regulate campaign television costs. Too many members had decided to begin their vacations a day early.

For most of last week the House dawdled over a bill to reform its own procedures, finally putting off final action until next month. The District of Columbia crime bill was passed after the House District Committee had heard very few witnesses; most Congressmen were absent when the House debated the bill and voted on it. The women's rights amendment languished untouched for nearly half a century, then passed with no committee hearings and only an hour's debate.

Democratic self-government has enough substantive problems to overcome without being weakened by the wayward, arbitrary and irresponsible actions of its elected representatives.

[From the Washington Post, July 9, 1970]

WILL MR. FLANNERY PLEASE CALL MR. MITCHELL

If you are confused now about the "no-knock" provisions of the District of Columbia crime bill which would permit police to break into houses unannounced in certain situations, the following statements ought to straighten it out for you:

Thomas A. Flannery, United States attorney for the District of Columbia, commenting on July 8 about the fact that arrests were made during only 8 of 13 gambling raids: "At each of the 13 locations searched by the FBI, agents were required to and did knock, announce their identity and purpose and give the occupant a reasonable time to answer, as required under present law. On several occasions today, they gained entry only to find pans of indistinguishable water soluble paper and charred remnants of flash paper. *Clearly, if the pending 'no-knock' legislation had been in effect, we would have been saved this evidence."*

Department of Justice, commenting on May 14 about what it called "an apparent misunderstanding" over the "no-knock" provision: "The department's proposal does not expand the current authority of police under existing law to enter private premises without knocking and announcing their identity and purpose before entering . . . Under current law, police are generally required, with or without a warrant, to knock and announce their identity and purpose before executing the search. Our proposal does not change this standard. *Current law recognizes several exceptions to this last rule of knocking and announcing prior to entry for what are called exigent circumstances. These exceptions . . . include . . . the need to prevent destruction of evidence,* particularly contraband and implements of organized crime such as narcotics and gambling equipment."

Who is kidding whom?

[From the Atlanta (Ga.), Constitution, June 23, 1970]

NO STAMPEDE ON CRIME BILL

(By Carl Rowan)

WASHINGTON.—President Nixon has fired a heavy broadside at Congress for not approving his crime control bills. A lot of Americans may buy the insinuation that for partisan political reasons a bunch of Democrats have refused to do anything about murderers, rapists, arsonists, dope peddlers, and the lot.

The truth is that these crime control measures raise some critically important constitutional issues, and a band of gutsy Congressmen refuses to be swept along in a tide of anti-crime fear and hysteria.

Sen. Sam Ervin Jr. (D., N.C.) is no raving liberal, and he has voted with the Republicans on so many matters that he can scarcely be labeled a partisan Democrat. But Ervin as much as any man has labored to prevent the Congress from hastily swallowing a crime "cure" that could turn out to be more devastating than the illness.

Consider some of the items of controversy in those 13 bills that President Nixon is trying to prod Congress into approving.

Attorney General John N. Mitchell has said that "the pre-trial release of potentially dangerous defendants constitute one of the most serious factors in the present crime wave." Thus the Administration wants the courts to be able to detain a defendant for 60 days if his release would present "a clear danger to the community."

Ervin argues that "fundamental to due process of law is the tenet that a man is presumed innocent until proven guilty beyond reasonable doubt . . . preventive detention . . . convicts individuals of probable guilt and dangerousness and sentences them to 60 days imprisonment without trial and conviction of a crime. Such flagrant violation of due process smacks of a police state."

Advocates of preventive detention argue that numerous "hard-core" criminals commit many other serious crimes while on bail awaiting trial.

Ervin cites a Justice Department study showing that only one of every 20 persons accused of a serious crime was rearrested for a similar crime while on bail. Ervin argues that the Administration proposal would keep 19 nondangerous persons in jail in order to hold a single dangerous one.

Even more disturbing to some congressmen is the proposed crime bill for the District of Columbia that Mitchell has called a "model anticrime program" that will "point the way for the entire nation."

Even more disturbing to some congressmen * * * unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas."

This bill would grant law enforcement officers broad powers for electronic surveillance, even to the point of eavesdropping on such traditionally privileged conversations as between a priest and a penitent, a lawyer and his client, or a doctor and his patient.

During a search, a policeman could seize any items he believes to be stolen, illegal, used in a crime, or useful in identifying a crime or a criminal—even though such items are not mentioned in his search warrant.

Opponents say the Fourth Amendment is violated by these broad police powers of search, seizure, and wiretapping, and by a bitterly controversial "no-knock" provision.

Mitchell's predecessor, Ramsey Clark, has been a vocal critic of those pushing the new anti-crime legislation. He says "they would violate basic principles, sacrificing liberty on the altar of fear. Safety cannot be purchased at the price of freedom. When one is lost, both are lost. It is not freedom that causes crime."

A lot of senators and representatives are pretty sure that Clark is right, so they drag their heels on the legislation Mr. Nixon is now fighting for—and could make a campaign issue.

But these same congressmen suspect that the public wants the new "tough" anti-crime laws, whatever the risks to individual liberty. So sooner or later the President will probably get his legislation. And the Supreme Court will get some Constitutional challenges.

[From the Washington Post, June 21, 1970]

CRIME CONTROL: A CASE HISTORY OF WHAT IS WRONG

"A Washington policeman shot and killed a fleeing robbery suspect at New Jersey Avenue and K Street NW," the story on Friday's front page began, adding that the officer had himself been shot twice by the suspect, according to the police. That was all that could be said in one paragraph, in a straightforward news account, and it is not until you examine the background of the dead man that the event becomes something more than a shoot-out between a policeman and a suspect—becomes, in fact, almost a model of what is wrong about our system of crime control. For the fact is that Franklin E. Moyler was more than a "suspect"; he was, from all the evidence, a hardened criminal, at liberty on a very small bond and awaiting trial for two previous offenses involving use of a dangerous weapon. In 1965 he was found guilty of robbery and assault on an officer and was imprisoned for nearly two years. After his release, he was charged with assault on several occasions. Last January he was accused of four offenses including assault with a dangerous weapon, but succeeded in regaining freedom when he put up one-tenth of a $1,500 bond in cash. On June 1 he was arrested again on charges of robbery and carrying a dangerous weapon, and this time

a bonding company put up the $2,000 required for his release.

This is a record which calls into question almost every aspect of our approach to crime and criminals and criminal suspects—the efficacy of correctional institutions and of rehabilitation programs for convicted criminals; the speed, or shocking lack of it, with which accused persons are brought to justice; and, finally, the hard question of how to protect the public from people with demonstrably dangerous criminal tendencies who are set free for prolonged periods while awaiting trial. It is impossible to say precisely what might have been done to rehabilitate Moyler over the past five years even if the most advanced techniques had been available—except that it would have been worth a try. It is also impossible to know what would have been the judgment if he had been brought speedily to trial; he might well have been found innocent of the several crimes of which he stood accused, and released each time. What seems inescapable, however, is that he would not have been at New Jersey Avenue and K Street NW last Thursday with a gun at hand, as the police say he was, if he had been detained or even subjected to close and continuing supervision after his arrest on June 1 and until he could be tried—under a greatly accelerated and reformed judicial process. And some such precaution for the sake of public security would have been justified by the known facts in this case, in our view. The record suggested a pattern of criminal activity involving acute dangers to the community. The bail agency was apparently concerned about that risk. It recommended that he be required to get a job in January, and that he be placed in someone else's custody in June, but the judge ignored both conditions of release.

The chief difficulty with the present law is that it makes no allowance for restraints designed to protect the community, except in capital cases. The conditions of release specified in the act are supposed to be used only for the purpose of assuring the appearance of the defendant at the time of his trial. We think judges should also have discretion to use conditional release and monetary bail where necessary to protect the community and that in some cases, involving extraordinary risks, preventive detention for a limited period would be the lesser of two evils. If preventive detention had been used in this case, it might have saved the life of the accused and prevented suffering and danger of death for a conscientious policeman.

Unfortunately, the Department of Justice has sought to cast too broad a net. In some wide categories of cases it would allow preventive detention to become the rule rather than the exception carefully tailored to defendants with records of violence, bail-jumping or other conduct that may menace the public. The District crime bill now in conference between the Senate and House ought to be revised so that it would give the courts new resources in dealing with known criminals of Moyler's type, without making detention before trial almost a general rule in serious cases.

[From the Washington Post, June 13, 1970]

WORDS FROM THE WISE ABOUT CRIME CONTROL

There are two reasons why the House-Senate conferees considering the District crime bills ought to give thoughtful attention to a statement on the subject issued Monday by 20 former federal prosecutors. One reason is that the statement affords an extraordinarily lucid, reasoned and compelling analysis of the bills; the opinions expressed are carefully supported by logic and experience. The second reason is that the signers of the statement are peculiarly qualified to judge the practical effect of these bills. "None of us," their analysis declares with justifiable confidence, "considers himself 'soft on crime' or a 'bleeding heart.' As members of the United States Attorney's Office we committed ourselves to the goal of effective law enforcement. We remain committed to that goal. We also believe that this community should not be subjected to measures of doubtful constitutionality, questionable necessity, and demonstrable ineffectiveness."

The statement has no fault to find with the judicial reorganization features of the crime bills. It focuses attention, however, on novel punitive and investigative provisions, particularly in the House version, which disregard the lessons and the high standards of American justice. The fundamental vice of the House approach to the crime problem lies in its apparent supposition that abandonment of civil liberty is the path to police effectiveness and that ruthlessness rather than rehabilitation is the best way to deal with criminals, even when they are no more than children.

The statement by the former prosecutors deals in detail with criminal procedure provisions of the House bill which they call "constitutionally dubious," observing that "it is no service to law enforcement to subject criminal convictions to certain constitutional attack and endless litigation." In this connection, the prosecutors cite the authorization in the House bill of appeal by the prosecution from trial rulings—and even after an acquittal of a defendant—the placing of the burden of proof on the defendant with respect to the issue of insanity, and the so-called "no-knock" provisions of the House bill. In connection with "no-knock," they point out that, apart from constitutional considerations, "it is no benefit to law enforcement officers to expose them unnecessarily to greater risks of resistance or attack by citizens."

The House bill contains a feature as absurd as it is mischievous—a provision that in any civil suit against a police officer for wrongful arrest, the court must order the plaintiff—even if he wins the case—to pay the defendant an attorney's fee." Comment from the former prosecutors: "We have never heard of such a requirement anywhere in the English-speaking world. This provision is obviously designed to deter the bringing of such lawsuits, whether they are meritorious or not."

The statement demolishes the provisions of the bills for pitiless sentencing of offenders. "Mandatory sentencing provisions," it notes, "are contrary to experience in penology and are likely to be counter-productive from the standpoint of law enforcement and corrections . . . deprive trial judges of discretion to make punishment fit the crime and the criminal . . . discourage guilty pleas and force more defendants to take their chances at trial, even though they actually are guilty . . . create serious disciplinary problems for our prison authorities"

But perhaps the ugliest features of the House bill concern the treatment of juvenile offenders. These, the prosecutors say, "would give the District of Columbia one of the most backward juvenile codes in the United States." To consign youngsters of no more than 15 to adult courts, to deny them the right of trial by jury when they are in Juvenile Court and to deprive them of important procedural protections which they would be entitled to as adults, and finally to commit kids recklessly to adult penal institutions is simply to substitute terror for justice and brutality of compassion.

The former prosecutors who prepared this analysis of the crime bills have rendered an invaluable service to the community. It is not too late for Congress to heed their solemn and earnest warning. The capital needs to give the country a model of skillful strategy in the attack on crime, not a model of a retreat to irrationality.

[From the New York Times, July 27, 1970]

NO SHORTCUT

President Nixon now has before him the omnibus District of Columbia crime bill. By reorganizing and expanding the courts, reforming the coroner's office and rationalizing many procedures, this measure should achieve a substantial improvement in the administration of justice in the nation's capital.

But the bill is impaired, and in our view fatally so, by several meretricious provisions. These defects occur in different parts of the bill, but they derive from a common mistaken premise that shortcuts are possible in coping effectively with the complex problem of crime.

The "no knock" provision enables a police officer with a warrant to enter a home or office without knocking or identifying himself if he believes that evidence may be destroyed. It is intended to prevent gamblers and drug dealers from disposing of betting slips or narcotics during police raids. Yet it is worded so broadly as to jeopardize any citizen's protection against arbitrary police intrusions. Does anyone seriously believe that gambling or drug addiction will be reduced by enabling the police to take this shortcut?

Similarly, the "preventive detention" of criminal suspects for up to sixty days to some extent merely regularizes an existing procedure by which judges have kept some defendants incarcerated by setting high bail. But, as Senator Ervin of North Carolina pointed out in his admirable fight against the bill, preventive detention is a practice reeking of the police state. In other societies, it has never suppressed crime but it has often helped stamp out liberty.

Life sentences for those who commit three or more felonies is a panacea that runs counter to everything that progressive penology has learned about managing prison inmates. A mandatory five-year sentence for a second offense involving the use of a firearm is the shortcut of a Congress and an Administration unwilling to confront the gun lobby. The wide expansion of the Police Department's authority to tap telephones to cover virtually every kind of criminal activity is another illusory shortcut.

Crime has many tangled roots. To treat any one of them requires large sums of money, but society cannot expect impressive progress against crime until it is prepared to invest that money. It is doubtful that the Administration and the Congress are prepared to provide sufficient money even to carry out all the reforms set forth in the better sections of this bill.

Let no one suppose that the mandatory sentences, dragnet wiretapping, preventive detention and "no knock" authority will measurably diminish crime. Those shortcuts which the Supreme Court does not seal off as unconstitutional, experience will show, lead only to a *cul-de-sac*.

[From the Detroit (Mich.) Free Press, July 19, 1970]

AS WE SEE IT: DISTRICT OF COLUMBIA CRIME BILL ASSAILS FREEDOM AND INTELLIGENCE

The administration's bill to combat crime in the District of Columbia is so chilling in its implications that it is incredible that it has advanced so close to passage. Though it is an unvarnished assault on basic American freedoms, it has passed the House and is moving toward approval in the Senate.

The bill includes (1) a provision that permits an accused person to be jailed for up to 60 days before his trial if his record shows in the opinion of a judge, that he would be a crime risk during the pretrial period; (2) a broadening of the wiretapping practices of government; and (3) an extension of the au-

thority of policemen to enter a house without knocking or identifying themselves.

Sen. Sam Ervin, a North Carolina Democrat and a conservative, has had the forensic last word on the bill: "This . . . is as full of unconstitutional, unjust and unwise provisions as a mangy hound dog is full of fleas . . . a garbage pail of some of the most repressive, nearsighted, intolerant, unfair and vindictive legislation that the Senate has ever been presented . . . an affront to constitutional principles and to the intelligence of the people of the United States."

Never mind the splendid hyperboles. Sen. Ervin makes his point. The bill ought to make any thoughtful American even more purple with rage than the acts of violence and crime that have made members of Congress so willing to restrict our liberties. This, indeed, is a bill to shout down from the house tops.

Are we so frightened of crime that we are willing to sacrifice the sanctity of our home to a policeman's suspicions? Do we really care so little for the privacy of conversations that we are willing to see the tapping of telephones extended? Do we really mean to give a judge the right to slap a man with a previous criminal record into jail without trial if he is considered "dangerous?"

These are questions that must be asked, and they are not academic for any of us. No American can afford to assume that such laws will be used only against clearly definable "criminal types" and not against him. Who is dangerous and who is not? Will a conservative Washington homeowner, for instance, be classed as dangerous and therefore subject to the kinds of police activities being authorized for the district? Will someone who wears his hair long?

We had always felt that the idea of the sanctity of the home would protect Americans from inordinate invasions of privacy. From colonial days we have resisted the nosy intrusions of government into our lives. We have looked on with horror at the reality and later the movie depictions of the invasions by the state into homes in Nazi Germany.

Yet here is the Congress of the United States, urged on by the attorney general and the President, about to pass a bill that is straight out of 1930 Germany. True, it only affects the crime-ridden District of Columbia. But the pattern is spreading.

Somehow it must be stopped, in Congress or in the courts. Surely we cannot approach our 200th anniversary—celebrating Mr. Jefferson and his conferees and the freedom they proclaimed—in such a spirit of repression. It is too much.

[From the New York (N.Y.) Post, July 29, 1970]

SMOG OVER CRIME

(By James A. Wechsler)

It is a time of fraud; even those cornflakes a man has been eating for so many thousands of breakfasts turn out to be nutritionally suspect. The "Southern strategy" that did not exist, as we were told so often, is now said to be under reappraisal; the recession that never was—according to official accounts—is now described as gently receding.

Now comes the great deception of the District of Columbia's "anticrime" bill, packaged as an answer to your lonely anxieties on dimly-lit streets and in unguarded homes, the dawn of a new age in which the lawless will at last concede that their number is up, a model for all states where "coddling" is allegedly the basic sin.

It was widely noted at the time of Senate and House approval of the bill that legislators facing reelection this fall generally suppressed their doubts about the Constitutionality—and rationality—of key provisions in the measure. They were apparently persuaded that a negative vote would be as hazardous as a condemnation of motherhood (or, in 1970, sisterhood). Those who had the courage to say nay were too few, but they were a distinguished company.

The crucial point—substantively and symbolically—in the Mitchell program is the concept of "preventive detention." Obviously it represents a total reversal of the doctrine of the presumption of innocence that differentiates free societies from despotism. Under this provision a defendant may be jailed without bail for up to 60 days if a judge concludes, after a hearing, that he "might" commit a crime if released.

Perhaps it is old-fashioned to object—as such conservatives as Sen. Ervin of North Carolina did—that this procedure would expose innocents to capricious interment (and even thereby transform some of the aggrieved into hostile outcasts). But even if that consideration is deemed "ritualistic," an epithet now recklessly applied to those who retain a reverence for the Bill of Rights, the detention gambit is a mindless monstrosity in the light—or darkness—of the stifling congestion of both our courts and our jails. The result of the "preventive" procedure must inevitably be a multiplication of chaos in both courts and prisons.

One of those Congressmen facing reelection who dared to vote against the Mitchell formula is Rep. Allard Lowenstein. His opponent in Nassau's Fifth District—State Sen. Norman F. Lent—has predictably accused Lowenstein of "softness" toward criminals and apathy about "the rights of helpless citizens." No doubt others who stood with Lowenstein against the rampage of unreason will be exposed to similar frenzy. As Sen. Ervin warned: "I hear the siren voice of that old devil, political expediency, whisper in my ear: 'You better vote for the D.C. bill because it's a law-and-order bill.' It's not politically sagacious, not politically wise, to vote against a law-and-order bill."

Lowenstein's vote has enhanced the national importance of his fight. Conceivably his constituency will be sufficiently sensitive and sophisticated to discern the "anti-crime" fakery and folly that thickens the oppressive summer smog.

Other controversial provisions include the "no-knock" authorization permitting police searches without warrant or identification if their is "reason to believe" that evidence inside a home may be destroyed. New York already has such a law; it seems to have had no large-scale consequences, possibly because district attorneys in this area are not prone to abuse the power. Its enactment has ugly overtones, however, for black citizens in regions where there are long histories of unrestrained police intrusion.

The saddest fact is that the move is being advertised as a significant secret weapon against crime. It isn't And it is a surrender to the delusion that the use of ancient totalitarian forms can provide serenity and security.

What is really at stake in these arguments is the issue of whether the country will once again turn away from the search for serious, costly solutions by accepting cheap, demagogic answers. That is the gap between Mitchell and his predecessor, Ramsey Clark, whom Mitchell once reproached for an undue concern with the "sociology" of crime rather than the punishment of criminals.

That happens to be the heart of the matter. Desperate drug-addicts will not suddenly abandon crime when they learn that they may be subject to "preventive detention"—nor will they emerge from prison as constructive, cheerful citizens as long as there are no massive treatment and rehabilitation programs. Parents who see drugs peddled to their kids on the streets—while cops look the other way—will derive no solace from the news that the laws are being "toughened." The rate of recidivism that disgraces our jammed, obsolete prison system will not be improved by the prospect of additional crowding.

These are not new propositions, but they remain the valid ones, and they are being obscured by the extravagant deceptions heralding the code of the primitives. We are in danger of succumbing to the madness that there is a simple, positive ratio between public safety and the overpopulation of squalid jails.

[From the Grand Rapids (Mich.) Press, Aug. 1, 1970]

CRIME AND THE CONSTITUTION

One of our readers missed entirely the point of our recent editorial, "Scrapping the Constitution," which discussed the crime-control Bill Congress has passed for the District of Columbia and President Nixon now has signed into law. This is the measure that would permit police officers to enter a home without knocking if they thought something illegal was going on behind the door and also would permit judges to keep accused persons in jail if, in the judges' opinions, they might commit other crimes if released on bail.

The point of our editorial, as the head indicated, was that the provisions of the bill probably are unconstitutional. The Senate's two leading authorities on constitutional law—Sens. John Stennis and Sam Ervin—both listed several sections they believed to be unconstitutional. Many other authorities on the Constitution made similar observations before the bill was passed. Kent County's prosecuting attorney, James K. Miller, who has as much reason as anyone to applaud so-called new weapons for battling crime, has said that he thinks provisions of the bill are unconstitutional.

Our reader, who did not sign his name, mailed us a copy of the editorial with this comment written in the margin: "Just maybe you are not reading sentiment of public—all citizens have right to walk and drive streets unmolested, which cannot do now . . ."

Obviously our reader is not concerned with observing the niceties of constitutional law. He is disregarding entirely the fact that the Constitution protects his basic rights and that if as a nation we choose to whittle away someone else's rights we shall undermine our own. At the end of that road lie the police state and dictatorship.

Crime is a serious matter in this country and The Press has said so many times. It also has lent its support to every constitutional effort made to halt the rise in crime. It would be easy to suspend the Constitution to get at the criminals. But any person who values his freedom—his right to free speech, to assemble peacefully, to fair and prompt trial before a jury, to elect officials of his own choosing—would find the price unbearable.

Resorting to unconstitutional means to combat crime would be a confession of complete failure and a total loss of faith in the Constitution. We can't believe that our correspondent is ready to admit that the American people no longer are fit to live under constitutional law.

[From the Washington Post, July 23, 1970]

HOW HIGH A PRICE FOR A CRIME BILL

Ever since the administration unveiled its anticrime program for the District of Columbia more than a year ago, it has been clear that the cost of getting the right tools for the job would be high. The things that the District needs most—court reorganization, juvenile law reform, a working bail system, a public defender—were tied then and are tied now to a host of piggy-back riders which either conflict with enlightened thinking on crime control or infringe upon fundamental civil liberties. The question before the Senate today as it votes on the grab-

bag crime bill is whether its worst features are not too heavy a price to pay for the necessary and useful tools it also contains.

In our judgment, the toll exacted against individual rights and modern penology by the bill as it now stands is too great for the Senate to accept without a fight. A Senate that really wants to do something about crime will defeat the conference report, adopt the cleaned-up versions of the least controversial aspects of that report, get to work immediately on the most controversial matters, and put the burden back on the House of Representatives for responsible, effective crime control legislation.

The trouble with the crime bill as it emerged from conference rests not in its major provisions, most of which are admirable, but in the jokers, the pet theories, tossed in by the Department of Justice and the House District Committee. Senator Tydings labored mightily in conference to strip those jokers out and in many instances he was successful. But he fell short of the goal. In exchange for things they desperately need in the fight against crime, the residents of the District are required by this bill to diminish their individual privacy, the sanctity of their homes, the safeguards provided for their children, and the flexibility allowed their judges in trying to reform their criminals.

If this were the only impact of this legislation, the Senate might be able to hold its nose and send the bill along to the President. After all, it would only affect 800,000 or so people who are plagued with crime and why should they mind a few infringements on their rights and a few misguided provisions? But that is not the only consideration involved in this bill. Those members of Congress who normally shuck their responsibilities as legislature for this city because District bills don't matter back home ought to realize that this bill does matter back home. When the administration first proposed this legislation, it hailed its work as a model for the nation. And if Congress now blesses this particular form of preventive detention, this broad scale authorization of wiretapping, this curtailment of juvenile court, this use of mandatory sentences, and this no-knock provision, it is encouraging state legislatures to follow its lead. In that sense, a vote to apply these provisions in the so-called showcase capital is a vote to apply them sooner or later, in Phoenix and Tallahassee, in Keokuk and Kalamazoo.

What, then, is wrong with this bill? Let us begin with its handling of juveniles. Quite properly, the bill makes it easier for 15, 16 and 17-year-olds to be handled as adults, requiring principally that the juvenile judge determine that there is no reasonable prospect of rehabilitating them in specialized juvenile facilities before turning them over to adult courts. But the bill disregards this standard for *every* 16- and 17-year-old charged with first-degree murder, rape, first degree burgarly, armed robbery, or assault to commit those crimes. They are, the bill says, adults, regardless of their prior records, their chances for rehabilitation if handled as juveniles, or their mental condition. Their classmates, if charged with second degree murder, second degree burglary, unarmed robbery, or plain assault, are not adults. Is this equal justice? Is it even-handed application of the principle that juveniles ought to be given the best possible, not the worst possible, chance for rehabilitation? Of course not. (This kind of provision conflicts with the federal government's own model juvenile act, the Uniform Juvenile Court Act, most state laws, the recommendations of the D.C. Crime Commission, the District government and the Department of Public Welfare.)

That is just one example. There are others. The bill holds out to juveniles the promise of speedy proceedings and does little to ensure them. It takes away a juvenile's right to a jury trial. It authorizes preventive detention for juveniles not only when the judge decides the child needs it but unless the judge specifically decides the child does not need it. It lowers the standard of proof needed to find a child "neglected" or "in need of supervision," thus making it easier to take these non-crime-committing children into custody.

We will touch only briefly on other parts of this legislation.

Wiretapping: This bill authorizes taps not only in limited fields like national security and organized crime but also when a person is believed to have committed arson, blackmail, bribery, burglary, destruction of property, gambling, grand larceny, kidnaping, murder, obstruction of justice, receiving stolen property, robbery, extortion, or drug law violations.

Mandatory prison terms: In the face of recommendations to the contrary by the National Crime Commission, the American Bar Association, the American Law Institute and a tentative new code of federal criminal laws, this bill imposes mandatory prison terms in certain instances.

Recidivists: This bill shortcuts, perhaps unconstitutionally, the procedures used in most states which have such statutes for use against three-time offenders.

Searches: The difference between the interpretations placed on the "no-knock" provision of this bill in the House debate and the Senate debate is so great that it is hard to believe anyone knows what it means.

Preventive detention: We think a bill to permit some form of detention or closer supervision of dangerous suspects in certain situations can be written. But this is not it; the language is too broad and the possibilities for abuse too great.

These, then, are some of the reasons why we believe the costs of this particular crime bill outweigh the benefits it would bestow. They are sufficient for the Senate to be justified in defeating the conference report and following the course urged by Senator Ervin. The proponents of this bill argue that if it is killed there will be no District crime bill this year. But this need not be so. Faced with a cleaned-up version of its own legislation, the House would have to decide whether it wants a decent crime bill or a campaign issue. And the administration would be faced with the same choice.

It is hard, of course, for a senator to vote against an anti-crime bill just now. The voters are eager for action and such a vote is subject to easy demagogic attack and gross misinterpretation. But the solution is simple in legislative terms and the principles are clear. The costs of this particular anticrime bill are too high—too high in terms of backward-looking penology, too high in terms of individual freedom.

JULY 25, 1970.

DEAR SENATOR ERVIN: I wanted to express my thanks to you for the fine fight you waged against the repressive measures contained in the D.C. crime bill. It is elected officials such as yourself and your fellow allies that keep my faith in government. I know you will continue to wage such attacks.

Sincerely,

VIRGINIA PHILLIPS.

KINGSTON, N.Y.

PASADENA, CALIF.,
July 23, 1970.

DEAR SIR: I should like to thank you for your vote against the Nixon Administration's crime control bill.

Altho it applies to only the District of Columbia at present there is grave danger that law enforcement agencies over the nation will adopt the same measures.

They seem to think the way to control crime is to trample on the rights of all people which only leads to more resentment and bitterness and thus works directly against what they are trying to accomplish.

With our liberties being curtailed more and more we are fast becoming a police state and if that happens, its the finish of our country.

Again with sincere thanks for your vote, I am

Yours truly,

MARIAN M. STRASSER.

JUNE 16, 1970.

DEAR SENATOR ERVIN: My husband, a Virginia attorney who practices in the District of Columbia, and I support your defense of the constitutional right of individuals to remain free on bond while awaiting trial that is currently questioned in the D.C. crime bill.

It seems to me that legislation to increase the number of judges and generally create an atmosphere in which those accused would enjoy their right to a speedy trial is the proper answer.

It is good to see a southern statesman champion this constitutional right. The unconstitutional preventive detention section carries with it racial overtones as it would most directly affect the mainly black District population.

Sincerely,

SHEILAH C. PERRIN.

ANNANDALE, VA.

JULY 30, 1970.

DEAR SENATOR ERVIN: I have just watched you on the Today Show. I have been saying for sometime too many people have forgotten we are all innocent until proven guilty beyond a reasonable doubt. In our zeal to control crime we forget this basic principle. I am glad to know some of our Senators can still understand that some guilty may go free but in this country the innocent may never be imprisoned. Thank you for your efforts for a free America.

Yours truly,

MRS. GRACE B. ANDERSON.

CHESTERTON, IND.

JULY 16, 1970.

DEAR SENATOR ERVIN: This is just to wish you well in your leadership of the opposition to some of the provisions of the District of Columbia anticrime bill. I know this has been a long-standing concern on your part, and it is very cheering to know you are there to speak up for the way individual persons should be treated by law enforcement authorities. You are striking a timely blow for human rights.

Thank you, and the best of wishes in the battle.

Sincerely,

WILLIAM A. CHRISTIAN.

HAMDEN, CONN.

JULY 30, 1970.

DEAR SENATOR ERVIN: Fortunately, I was listening to the Today program this morning and found your attitude toward the D.C. Anti-Crime bill to be one of enlightenment and fairness. I would regret to see one evil substituted for another, and, while most of us recognize the need to fight crime, I don't agree with this approach.

In any day, and particularly at this time, it is refreshing to find a leader willing to take a possible unpopular position with his constituents to stand for what he believes in. I salute you and wish you success.

Sincerely yours,

GEORGE W. FAIRFIELD.

RICHMOND, VA.

SWEET SPRINGS, MD.,
July 24, 1970.

DEAR SENATOR: Congratulations on your stand for American rights as they are being threatened in the D.C. anti-crime bill. Time

will prove your stand but the fight now is difficult. We appreciate your courage.

Dr. HELEN H. LONG.

JULY 24, 1970.

DEAR SENATOR ERVIN: As a former Southerner, now a Westerner, I want to thank you for your efforts to oppose hysteria and extremism in law enforcement methods and the abandonment of U.S. traditional rights and protections of individuals.

Sincerely,

P. HARTUNG.

TUCSON, ARIZ.

JULY 24, 1970.

DEAR SENATOR ERVIN: Thank you for your vote against the D.C. crime bill with its dangerous "no-knock" and preventive detention provisions. Even though it has been passed into law your opposition has made an impact and possibly these features will be reexamined.

Sincerely yours,

JO ANN G. WEST.

CHAPEL HILL, N.C.

JULY 30, 1970.

DEAR SENATOR ERVIN: You did well in leading Senate fight against D.C. Crime Bill. We strongly support your stand on this issue. Keep at your pursual of the enforcement of the Bill of Rights.

Dr. and Mrs. H. D. HIBBARD.

CARRBORO, N.C.

JUNE 18, 1970.

DEAR SIR: I strongly support your stand *against* the repressive anti-crime bill proposed for the District of Columbia.

Sincerely,

Mrs. C. E. JOHNSON.

HONOLULU, HAWAII.

JULY 27, 1970.

DEAR SENATOR ERVIN. I want you to know that I wholeheartedly support your fight against the unconstitutional provisions of the D.C. crime bill. You should take your position to the country.

Sincerely,

RODNEY C. BRYANT.

WOODBURY, TENN.

JULY 24, 1970.

DEAR SENATOR ERVIN: I appreciate and approve your stand against "no-knock" police entry and preventive detention and hope you succeed in your effort to prevent passage of the legislation in question.

Sincerely yours,

HELEN LAMDAN.

CHICAGO, ILL.

JULY 29, 1970.

DEAR SENATOR ERVIN: Thank you for your attempt at upholding the Constitution by your efforts to defeat the D.C. crime bill. I'm sure the Supreme Court will agree with you; I only hope it happens soon enough to prevent much injustice.

Sincerely,

JOHN BRODERICK.

CHARLOTTESVILLE, VA.

JULY 19, 1970.

DEAR SENATOR ERVIN: I wish to express support and thanks for your efforts to block the D.C. crime bill as presently constituted. The "preventive detention" section is especially dangerous to a democratic society. Keep up the good fight!

Sincerely yours,

DR. NANCY T. CLOSBY.

CORAL GABLES, FLA.

JULY 28, 1970.

DEAR SENATOR ERVIN: As an old time but many time transplanted Tar Heel (Hertford) let me applaud your fight against the D.C. crime bill and decry its passage. I admire your courage and trust that this action by your peers will in no way diminish your continued efforts against deprivation of civil liberty. I certainly share your feelings concerning the horror of increasing crime but agree that the recent crime bill is not the way to go. Keep up the good work. Many of us average folks share your views.

Sincerely,

ARTHUR R. WOODS.

COPPERAS COVE, TEX.

JULY 30, 1970.

DEAR SENATOR ERVIN: I have been extremely concerned over the D.C. crime bill and its extension to the rest of the country. Though I am not a constituent of yours, I appreciate your efforts to oppose this bill and sincerely hope you will continue to oppose it. I sincerely appreciate your efforts to protect all U.S. citizens against this infringement and threat to our basic rights as guaranteed by the U.S. Constitution.

Thank you again. I hope your efforts are successful and that more Senators and Congressmen follow your example.

Sincerely,

CHRISTINE A. REIS.

SEGREGANSETT, MASS.

JULY 30, 1970.

DEAR SENATOR ERVIN: I approve of your stand against the President's no-knock, preventive detention bill.

While our boys fight for freedom, our President recommends the erosion of our freedoms.

Why is there no movement to stop crime by getting at the causes? All of the President's emphasis is to lock the door after the horse is stolen. Has he no real compassion or knowledge of the real ways to prevent crime?

Sincerely,

FORREST D. COMFORT.

LAKE WALES, FLA.

DURHAM, N.C.,
July 16, 1970.

DEAR SENATOR ERVIN: We want you to know that we are in agreement with you in your criticism of the Nixon Anti-Crime Bill particularly in the sections giving the police and Federal Agents "no-knock" powers and in giving the judges too liberal preventive detention powers. This is a move towards an authoritarian police state such as the Fascists had and the Communists still have.

We believe in spending money to obtain and thoroughly train a greater number of local law enforcement officers such as the county and city officers. After serving on a jury recently we do believe that more judges and more courts are needed to speed up law enforcement. Prompt arrest and a speedy trial has the best deterring effect on the criminal.

The war and the resulting inflation and the recent unemployment are some of the root causes of increased criminal activity. These causes have to be attacked also.

Just passing "tough laws" will not solve these problems.

Sincerely yours,

ALDEN W. SWIFT.
MARIE J. SWIFT.

FORT WORTH, TEX.,
July 30, 1970.

DEAR SIR: Over a number of years I have had occasions to differ with your political decisions on certain bills. I do want to say now that I appreciate very much the strong fight you are putting up in Washington against the undermining of certain basic constitutional rights that appear to me to be in jeopardy.

I agree with you that more and more inroads are being made on the individual liberties of people somehow with the hope that these short cuts will prevent crime and further increase the security of our nation. Both of these, as you so well put, are improper assumptions and may well destroy that which they seek to preserve.

Very truly yours,

N. H. KURKO.

JUNE 18, 1970.

DEAR SENATOR ERVIN: My heartfelt thanks! For your fight against S. 2600 and I know your continued efforts will be always directed against similar legislation. Again thanks.

Sincerely,

GEORGE A. MOELLER.

BALTIMORE, MD.

MERION STATION, PA.
July 20, 1970.

DEAR SENATOR ERVIN: Although I am not a constituent of yours, I wish to commend you on your vigorous opposition to the Administration's Omnibus Crime Bill. The tyranny of a police state usually follows what appears to be a legitimate desire for law and order.

Very truly yours,

BARRY E. UNGAR.

JULY 24, 1970.

DEAR SENATOR ERVIN: As residents of the District of Columbia, we would like to thank you for your wholehearted, if unsuccessful attempt to defeat the recently approved Crime Bill. There seems to be no doubt that the measure will now become law.

We have only recently moved here from the South and it did not take us long to realize that great steps need to be taken toward curbing the incredible crime rate in the District. We share your reservation, however, concerning such a vast increase of police power. We simply find it hard to believe that the legislature of any State would pass the Crime Bill.

Among the many methods by which liberty errodes, that by due process of law is the saddest, even if it is the slowest, because one can see inevitably what it leads to.

Thanking you again for your stand on this issue, we remain, sincerely,

JEANETTE ALFORD,
TERRY ALFORD, Ph. D.

WASHINGTON, D.C.

ALEXANDRIA, VA.,
July 23, 1970.

DEAR SENATOR ERVIN: I seldom write letters of agreement or disagreement; however, I feel impelled to let you know that I agree wholeheartedly with your stand on the Crime Bill just passed in the Senate.

I think it is not enough to vote against the bill, but a bill should be presented as an alternative. Since it is an accepted fact by all responsible citizens, that crime is rampant in the District of Columbia, as in many other parts of the country, a very drastic approach to the problem should be taken to stop the spread of this disease in our society.

It seems to me, as has been stated by many others, that the best deterrent to crime would be a swift trial. Could not an emergency court be set up for a short period of time to take care of current offenses immediately? A period of swift punishment might show a reduction in crime. If no change were evident, the process of immediate trial and sentence could be taken as of no value. At least it would be worth a trial.

Thanking you, I remain a former resident of North Carolina now residing in Virginia.

Very truly yours,

RUBY L. HARE.

JULY 18, 1970.

DEAR SENATOR ERVIN: I wish we had a few more Sam Ervin's in the Senate.

On the controversial issues of the Washington, D.C., crime bill, I couldn't agree with you more. If the legislation passes we will be in for many problems ahead.

Our Constitution is as important to me

as the Ten Commandments and I don't know why the Nixon Administration thinks they can whittle away our Bill of Rights so easily.

Just "hang-in-there" and guard Our Constitution.

The freedom-loving Americans appreciate your efforts.

Sincerely yours,

Mrs. R. F. SCHINDELE.

ANNANDALE, VA.

SEVERNA PARK, MD.,
July 26, 1970.

Hon. SENATOR ERVIN: Though not a constituent of yours, nor even in agreement with you on most issues, I nevertheless had to write you to express my deep gratitude to you for your singlehanded efforts in protecting and watching over my civil liberties and those of my fellow citizens. I have long admired you for this and have never taken the time to tell you so before.

In the light of the recent events, however, I felt the time had come to do so. I deeply grieve the passing of the D.C. Crime bill, but grateful to you in your attempt to prevent its passage.

I hope you will continue in your work. May you enjoy a long and fruitful life and may your constituents continue to return you to your office. This country needs more men like you in office.

Sincerely,

Mrs. SELMA GOLDBERG.

GLENCOE, ILL.,
July 20, 1970.

MY DEAR SENATOR ERVIN: We congratulate you on your fight against the "no-knock" crime bill. You are right . . . these are indeed the blueprints for a police state, under the clever, convenient guise of fighting crime. Don't let them get away with it. Don't let the Justice Department eviscerate our precious freedoms. Don't let this repressive administration set such an example to our people, and indeed to the world. If a man's home is truly no longer his castle, then what have we left?

Other than writing letters, tell me what I can do.

Yours fervently,

Mrs. JOHN CHILDE.

PITTSBURGH, PA.,
July 19, 1970.

DEAR SENATOR ERVIN: We wish to thank and commend you and encourage you in your fine work in fighting the Omnibus Crime Bill for the District of Columbia in its House-passed version. We as civil libertarians are horrified that our Congress is contemplating making into law "preventive detention" and the "no-knock entry" clause. These are strong beginnings of a police state. You have our support in fighting this bad legislation.

Mr. and Mrs. ROBERT K. SAYRE.

ANNANDALE, VA.,
July 23, 1970.

SIR: Thank you for your efforts to point out to your colleagues the weaknesses in the D.C. Crime Bill. It is heartening to see an individual who will put himself on the line in order to achieve a long range goal. Your concern for the rights of all people and your efforts to protect those rights through democratic means seems to me an example of the "American way of life."

Very truly yours,

LAURA I. MCDOWALL.

VIENNA, VA.,
July 25, 1970.

DEAR SENATOR ERVIN: I am writing to commend and thank you for your stalwart and eloquent defense of the Bill of Rights against the repression of the so-called D.C. Crime Bill. It is a sad day when the Congress of the United States elects to abridge some of our most cherished liberties. Your stand will remain a bright chapter in the history of the Senate long after the outrages of this legislation have, hopefully, passed into deserved obscurity.

As an active member of the American Civil Liberties Union, my work now seems cut out for me. My hope is that I may approach my task with even a portion of the dedication and zeal with which you have approached yours.

May your voice remain strong in behalf of those individual freedoms which are now so imperiled from many quarters.

Sincerely yours,

ROBERT LOWERRE.

CINCINNATI, OHIO,
June 22, 1970.

DEAR SENATOR ERVIN: I applaud you in your efforts to oppose certain features of President Nixon's crime bill. I agree with you that such provisions as preventive detention and the "no knock" policy are dangerous and unconstitutional. May you continue in your efforts to defend the principles on which our government was based against mounting pressures from all sides.

Sincerely yours,

GREG SALTZMAN.

JULY 16, 1970.

DEAR SENATOR ERVIN: I'm just writing this note to let you know that you have my wholehearted support in your opposition to the pretrial and no-knock provisions in the D.C. crime bill. I think that even though the bill has several progressive measures providing for D.C. court reorganization *that should come into being,* they should *not* be brought into existence at the expense of rights (such as trial before decision of innocence or guilt) guaranteed to every American by the Constitution.

The only thing I can do is shout Bravo! for your stance from the sidelines as I'm not from your state (I'm a resident of Maryland) and even if I were, I'm 17 not of voting age. So Bravo!! and keep up the good work.

Sincerely,

TERRI WEST.

JULY 21, 1970.

SIR: Thank you for your effort to obtain a sound crime bill for the District of Columbia. We understand the concern that leads some people to espouse preventive detention, "no-knock" searches, and increased wiretapping. But such measures are neither wise nor just. They violate principles fundamental to this nation and are as dangerous as the crimes they are to fight.

As Americans—believing still that governments derive their "just powers from the consent of the governed"—we find it especially frustrating that such laws can be imposed on us by a government in no way accountable to us.

Having no voice of our own in Congress, we must rely entirely on men like you who will consider our rights as carefully as the rights of their constituents at home.

Sincerely,

Mr. and Mrs. WALTER L. BRYANT.

WASHINGTON, D.C.

ST. LOUIS, MO.,
June 19, 1970.

DEAR CONGRESSMAN ERVIN: May I commend you on your present stand against the Nixon-Mitchell D.C. crime bill. In his determined and misled efforts to repeal the Bill of Rights, Nixon has presented in this crime bill, which is clearly intended as a model for all cities, an illustration of the most primitive kinds of regression in crime control. And it represents another of Nixon's efforts to usurp the constitutional prerogatives of local government and the courts. Please continue your efforts to resist these incursions, which are a terrible threat to us all.

Again, my thanks for your hard-working, intelligent efforts.

Sincerely,

Mr. and Mrs. DAVID FREIVOGEL.

NASHVILLE, TENN.,
July 22, 1970.

DEAR SENATOR ERVIN: I would like to congratulate you on your great stand against the new crime bill for the District of Columbia.

I am sure that we will all agree that law and order is an important part of our society but not the expense of personal liberty. I feel very strongly that this is a very dangerous law and that it should be stopped. I want to encourage you to continue your fight to kill this bill.

With warm personal regards,

Sincerely,

MICHAEL E. GLASSCOCK, III, M.D.

JULY 26, 1970.

DEAR SENATOR ERVIN: This is to show my appreciation of your battle to preserve constitutional rights, in your fight against the D.C. crime bill. Also, for your past defense of rights, for civilians, and federal workers.

You are a true statesman.

Thank you,

F. MACDONALD.

SILVER SPRING, MD.

NEWPORT NEWS, VA.,
August 3, 1970.

DEAR SENATOR ERVIN: You used to be my Senator when I was a resident of North Carolina.

Frankly, I never voted for you and even since I left the state (a mistake) I have written you in opposition to your policies.

Therefore, I think it is only fair to inform you that I support and admire your position on the recent District of Columbia crime bill.

I do not believe your doubts about the desirability of certain provisions of this bill are mere "legal theory." To the contrary, I think such a notion circumvents the entire concept of rational government.

If I had a pistol, anyone entering my house unannounced would be shot. If I were a criminal and thought my telephone was subject to being tapped, I would have it removed.

When, or if, I ever return to North Carolina and you are still running for office I may be forced to vote for you, in spite of everything.

Kindest regards,

W. J. CRANK.

FOREST PARK, GA.,
July 22, 1970.

DEAR SENATOR ERVIN: Thank you for fighting the D.C. Crime Bill. If people understood what is involved, you would receive many, many letters of thanks.

Congratulations on the powerful statement calling the bill an affront to constitutional principles and a blueprint for a police state. I wish your arguments could be given greater publicity. I did not see this statement in the Atlanta Journal.

With strongest wishes that you may be successful in the fight you are waging,

Very truly yours,

LAVINIA B. GEORGE.

JULY 27, 1970.

DEAR SENATOR ERVIN: For what it's worth. I think your stand against the D.C. crime bill was a true profile in courage. It's comforting to know that there are some people in the Senate who can separate lawnorder from law-and-order. However, it is very discomforting to know that those people are in a minority. I am gratefully yours.

JEFREY R. MITCHELL.

BALTIMORE, MD.

JULY 24, 1970.

DEAR SENATOR ERVIN: I am not a constituent of yours, but I wish I was so I could vote

for you. Your valiant and selfless effort to defeat the DC crime bill and preserve the Bill of Rights deserves the highest praise. Throughout the years you have been a staunch defender of our constitutional rights and here I want to take the opportunity to thank you. You are a courageous man who fights short-sighted "panaceas" to the serious crime problem. I applaud your action and realize the courage it took as you represent a state that is largely conservative and for "law and order." I too favor law and order, but not repression. Once we twist the Constitution for mere temporary expediency as has just been done, we are in serious trouble as a nation. Thanks again, Senator, and please realize that there are many more like me who are grateful for men like you who safeguard our liberties even if it means a loss of popularity to some. Please keep up the good work.

Sincerely,

HOWARD FLEISCHMAN.

ADELPHI, MD.

JULY 24, 1970.

DEAR SENATOR ERVIN: Thank you for your long and hard fight against the D.C. crime bill and in behalf of individual rights.

Needless to say I am quite concerned about the bill's passage, however, there is one flicker of hope left—the courts.

Thank you again.

Sincerely,

Mrs. DAVID R. TAXIN.

HILLCREST HEIGHTS, MD.

SILVER SPRING, MD.,
July 24, 1970.

DEAR SIR: I commend you for your forthright stand taken against the District of Columbia Crime Bill of 1970. I had written about its "no-knock" provisions in a term paper I did on the erosion of our Bill of Rights but I had no idea of how bad some parts of it really were until I read your speech in the July 20 *Congressional Record*. It was very interesting to learn, as I did from your speech, that a defendant could be held in jail for an indeterminate time under the bill's provisions.

I thank you for your past efforts to preserve our rights especially those efforts concerning this bill—which I understand was even worse in the original form as passed by the House of Representatives—and hope that through the efforts of you and other concerned people, I will never have to write another chilling paper as the one I wrote before.

If there is any way I can help in preserving the Bill of Rights, please let me know.

Sincerely,

MARK GRUENBERG.

JULY 20, 1970.

DEAR SENATOR ERVIN: I am writing to you to express my appreciation as a District of Columbia resident and as a Southerner for your noble defense of the fundamental principles of American liberty.

The threat of a "1984"-style society is the most serious problem which America faces today—notwithstanding that the headlines so often go to other dangers. Future generations of free Americans will owe you a debt of gratitude for warning against the incipient totalitarianism which some of the provisions of the D.C. Crime Bill reveal.

Sincerely,

S. BOBO DEAN.

WASHINGTON, D.C.

WASHINGTON, D.C.,
July 24, 1970.

DEAR SENATOR ERVIN: As a resident of the District of Columbia for the past five years, I would like to thank you for your efforts to defeat the D.C. Crime Bill.

The District of Columbia is sorely in need of understanding and support from members of both the Senate and the House, and your leadership in defending our rights is a fine example for other members of the houses.

I join with you in hoping that the questionable provisions of the act will be brought to the courts quickly. I look forward to more constructive legislation from Congress dealing with the problems of our system of justice, particularly with the proper functioning of our correctional institutions.

Once again, thank you for your leadership in our defense. The citizens of the last colony are in your debt.

Yours truly,

ANTHONY TIGHE.

ORDER FOR ADJOURNMENT TO 8:30 A.M. TOMORROW, THURSDAY, AUGUST 27, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today it stand in adjournment until 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR KENNEDY TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that tomorrow morning, immediately following the disposition of the reading of the Journal, the able Senator from Massachusetts (Mr. KENNEDY) be recognized for not to exceed 30 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks tomorrow by the able Senator from Massachusetts (Mr. KENNEDY), there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

NO CALL OF LEGISLATIVE CALENDAR TOMORROW

Mr. BYRD of West Virginia. Mr. President, I am authorized by the able majority leader to say that there will not be a call of unobjected-to items on the legislative calendar tomorrow morning.

ORDER FOR RECOGNITION OF SENATOR BROOKE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the remarks tomorrow morning by the able senior Senator from Massachusetts (Mr. KENNEDY), the distinguished junior Senator from Massachusetts (Mr. BROOKE) be recognized for not to exceed 15 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR PERIOD FOR TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the special orders for recognition of Senators tomorrow, there be a period for the transaction of routine morning business with statements therein limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

The PRESIDING OFFICER. The Chair notes that the Senator from West Virginia changed his request. Would the Senator restate the request in the proper order.

Mr. BYRD of West Virginia. Mr. President, under the unanimous-consent request, the able senior Senator from Massachusetts (Mr. KENNEDY) will be recognized immediately after the disposition of the reading of the Journal tomorrow for not to exceed 30 minutes; and at the conclusion of his statements the able junior Senator from Massachusetts (Mr. BROOKE) will be recognized for 15 minutes; and at the conclusion of the special orders for recognition there will be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The PRESIDING OFFICER. I thank the Senator.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President. I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM—THE NELSON-GOODELL AMENDMENT TO BE LAID BEFORE SENATE TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, at the conclusion of the period for the transaction of routine morning business tomorrow, the amendment to be offered by the able Senator from Wisconsin (Mr. NELSON) and the Senator from New York (Mr. GOODELL), concerning which an agreement has already been reached limiting the time thereon to 40 minutes, be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR AMENDMENT BY MR. PERCY TO BE MADE PENDING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the vote on the amendment to be offered by the able Senator from Wisconsin (Mr. NELSON) and the able Senator from New York (Mr. GOODELL) on tomorow, the amendment to be offered by the able Senator from Illinois (Mr. PERCY), be laid before the Senate and made the pending business.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, it is my understanding that a request has already been agreed to with respect to a 1-hour limitation on the amendment to be offered by the Senator from Illinois (Mr. PERCY).

ADJOURNMENT TO 8:30 A.M.

Mr. KENNEDY. Mr. President, if there be no further business to come before the Senate, I move that the Senate stand in adjournment, in accordance with the previous order.

The motion was agreed to; and (at 4 o'clock and 35 minutes p.m.) the Senate adjourned until tomorrow, Thursday, August 27, 1970, at 8:30 a.m.

NOMINATIONS

Executive nominations received by the Senate August 26 (legislative day of August 25), 1970:

DIPLOMATIC AND FOREIGN SERVICE

William B. Buffum, of New York, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary of the United States of America to the Republic of Lebanon.

U.S. NAVY

Adm. Ephraim P. Holmes, U.S. Navy, for appointment to the grade of admiral on the retired list pursuant to the provisions of title 10, United States Code, section 5233.

Having designated Vice Adm. Charles K. Duncan, U.S. Navy, for commands and other duties determined by the President to be within the contemplation of title 10, United States Code, section 5231, I nominate him for appointment to the grade of admiral while so serving.

EXTENSIONS OF REMARKS

HAYWARD'S TOPFLIGHT FIRE CHIEF

HON. GEORGE P. MILLER

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MILLER of California. Mr. Speaker, the city of Hayward, Calif., one of the most progressive in California, has as its fire chief Matt Jimenez. Chief Jimenez recently was selected as president of the International Association of Fire Chiefs at a meeting which took place in Seattle, Wash.

Matt Jimenez is a man dedicated to his job and one who has made a great contribution in the field of fire prevention in this country.

I include herewith an article from a recent issue of the Oakland, Calif., Tribune giving a short history of Matt's activities:

HAYWARD'S TOPFLIGHT FIRE CHIEF

(By Don Demain)

HAYWARD.—Twenty-five years ago, a young professional boxer gave up a promising career in the ring and decided to become a Hayward policeman.

It was about the only thing that Matt Jimenez set out to do that he didn't accomplish.

At that time shortly after World War II was over, there was no opening on the Hayward Police Department. So the young boxer decided instead to take a "temporary" position with the fire department.

The opening in the police department was slow to arrive, and when it did Jimenez had a change of heart. Firefighting was to become his life work and he set out to be a champion fireman just as he had been a champion fighter.

Seven years later, in 1952, Matt Jimenez was named chief of Hayward's 14-man department.

Under his guidance, the Hayward Fire Department became one of the most modern and efficient firefighting organizations in the country. It has won many awards and citations for its fire prevention work. Today the department numbers 104 in six fire stations.

Jimenez stresses two things in his department, intensive training for his men and widespread public education on fire prevention.

Jimenez has become a popular figure during his 18 years as chief, not only in his own community but throughout the country, because of his travels as a member of the International Association of Fire Chiefs.

As such he developed into a sort of ex officio "ambassador at large" for the city of Hayward. As a result, Hayward has become a popular stopover for traveling firemen from all over the world.

Last Wednesday, in Seattle, Wash., Jimenez attained just about the highest rank a fireman can aspire to.

He took office as president of the international association, pretty good indicator of the esteem held for him by fire chiefs from all over the United States and 31 foreign countries who elected him to the office.

Becoming "World fire chief" was not exactly what Jimenez expected. As a nine-year-old boy, he had shined shoes and sold newspapers on Hayward street corners nearly 40 years ago.

A member of a large Mexican-American family with very modest means whose father worked in the cannery and whose mother could speak no English, young Matt Jimenez at that time was more concerned with survival.

And it was about that time that he decided to become a prize fighter. He was already getting some hard experience fighting, at school and in the streets where the art of self defense had top priority.

Jimenez managed to continue his high school education and was graduated from Hayward High, and then went on to San Mateo Junior College. But World War II erupted and he left college to go to work in the shipyards, then was drafted into the Navy.

Athletic and a physical fitness exponent, Jimenez caught the eye of welterweight Joe Bernal while working out in the gym at Treasury Island.

That started his fighting career. Jimenez entered amateur boxing and then won the 1944 Amateur Athletic Union Pacific Coast Navy heavyweight championship.

This led to a bout with the Coast Guard champion, with Jack Dempsey as referee. Jimenez won, then turned professional and of 22 fights won 19, lost two and had one draw.

By now his ardor for the ring was flagging, a situation abetted by his mother and his fiance, Bernice, who became his wife in September of 1945.

Jimenez readily hung up his gloves, a decision he's never regretted. "If I'd stayed with it, I might still be hearing bells today, but not fire bells."

That's when he decided he'd like to become a policeman. And that's when, fortunately for the Hayward Fire Department, and unfortunately for the police department, there were no openings.

Jimenez, 48, now lives with his wife at their Hayward home at 24844 Canyon View Court. They have four children: Vivi, 9; Valerie, 15; Victoria, 29, a San Jose State College student, and Matt Jr., now in the U.S. Navy.

Jimenez, following his installation as international fire chief is on a tour of Canada and midwestern states.

After he arrives home, he will receive another tribute, a Matt Jimenez testimonial dinner at 6:30 p.m., Aug. 29, at the Holiday Bowl in Hayward. It's to be a toast to the "firemen's fireman."

SENATOR PROUTY'S RECORD OF ASSISTANCE TO EDUCATION

HON. HUGH SCOTT

OF PENNSYLVANIA

IN THE SENATE OF THE UNITED STATES

Wednesday, August 26, 1970

Mr. SCOTT. Mr. President, my friend, the distinguished Senator from Vermont (Mr. PROUTY), is known as a hard worker. One would have to work hard to do all that he has done to provide educational opportunities for all Americans. His education record is impressive, but he does not stop. He keeps working. I ask unanimous consent that a summary of his record be printed in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR WINSTON PROUTY AND EDUCATION—A PROUD RECORD

If you mention education in Congress, one is first apt to think of Senator Winston Prouty. In his years as ranking Republican on the Education Subcommittee, he has forged the programs that have vastly expanded federal support for education.

He has not done this alone, but rather through his ability to work with his colleagues, regardless of party, toward the goal of a quality education for all Americans.

It is interesting to note that another Vermonter, Senator Justin Morrill, first moved Congress to expand the educational opportunities of our nation's young men and women. In 1962, one hundred years after

Justin Morrill's Land Grant College Bill was enacted, Congress began a rapid expansion of Federal aid to education. Again a Vermonter led the way, and Senator Prouty continues to lead the way as Congress seeks to build on the educational experiences of the 1960s "the decade of education".

Senator Wayne Morse, a Democrat from Oregon, was the Chairman of the Education Committee when the Higher Education Amendments of 1968 passed the Senate. Toward the end of the debate he noted "the students of this country owe the Senator from Vermont (Mr. Prouty) a great debt of gratitude." The bill included the most far-reaching programs of student assistance and support for educational institutions in the nation's history.

Whatever students owe Winston Prouty is not important to him for he feels the nation owes the students more support, greater opportunity, more educational options. He continues to work.

HIGHER EDUCATION

Senator Prouty was serving in the House of Representatives when the National Defense Education Act of 1958 was enacted. He supported it vigorously. The next year he came to the Senate and immediately began to press for expanded support for higher education.

As the ranking Republican on the Education Subcommittee, he was in a position to act. He moved in many directions. He pressed for expanded loan and scholarship programs. He worked for broad assistance to education institutions. He sought a tax credit for college expenses incurred by parents and students.

In announcing that he would vote to override the President's veto of the Education Appropriations Act, Senator Prouty put it this way: "I cannot think of a better way to invest a dollar than to use it to educate our young people."

The vetoed bill provided $4.4 billion in federal funds for education. More than $1.2 billion of the funds appropriated are for higher education.

BUILDINGS AND EQUIPMENT

Some of the funds build and equip college facilities and thanks to Senator Prouty's lonely but determined stand in 1963, the arts and humanities, as well as the sciences, are included in construction and equipment programs.

That year, he stood nearly alone in his fight to include the arts and humanities in a federal construction program. He won a partial victory that year and since then he has won a series of victories and expanded federal assistance for a broad curriculum.

LOANS, GRANTS, AND SCHOLARSHIPS

Since entering the Senate, Senator Prouty has sought to expand on the National Defense Education Act student assistance programs.

Bill after bill introduced by Senator Prouty were enacted into law after law, and provided federal support for many of the nation's 7.1 million undergraduate and graduate students.

The student assistance programs, developed with Senator Prouty's guidance, include educational opportunity grants for financially needy undergraduate students; work-study grants for part-time jobs during the school year and full-time summer jobs for students in need of financial assistance to continue their education; insured loans and direct loans to college students.

In the fall of 1969 when many students seeking insured loans were being caught in the tight money squeeze, Senator Prouty co-sponsored the Insured Student Loan Emergency Amendments to provide federal incentive payments to break the tight money grip.

Senator Prouty has not only been a key drafter of student assistance programs, he has also sought to use them imaginatively.

His concept of loan forgiveness has been adopted in several forms.

Originally loan forgiveness was used to cancel the debts incurred by deceased or disabled veterans. Then Senator Prouty sought to head off the teacher shortage by having enacted a loan cancellation provision for teachers to counter the teacher shortage. He later extended this forgiveness provision to private as well as public school teachers, at a rate of 10% of the loan for each year of teaching service up to 50% of the loan.

To alleviate a critical shortage of teachers of the handicapped and teachers in poverty areas, Senator Prouty proposed loan forgiveness provisions to forgive up to 100% of a loan at a rate of 15% per year of service. The program, like other forgiveness programs, has provided an extra incentive for young people to assist the handicapped and disadvantaged.

This year, Senator Prouty's provision for cancelling a portion of a veteran's student loan for service in the Armed Forces became law, thus reducing the burden placed on veterans who borrow funds for their education before entering the service.

TAX RELIEF TO STUDENTS OR PARENTS OF STUDENTS IN COLLEGE

Six years ago Senator Prouty first advocated a tax credit for college expenses incurred by parents and students. He has fought alone and with other Senators to see this concept become law. In 1967 and 1969, the Senate passed such a provision, but in both years the tax credit for college expenses was dropped in conference with the House of Representatives. Senator Prouty continues to press for this proposal.

EDUCATION PROFESSIONS DEVELOPMENT

Senator Prouty supported the Education Professions Development Act of 1967. This Act responded to the critical needs for adequately trained education personnel through grants to states and educational institutions, and local school districts. Some 45,000 persons will participate this year in programs set up by the Act.

Regrettably his amendments to the bill to provide special programs for teachers of the handicapped did not succeed. However, Senator Prouty was later to find other approaches to provide for teachers of the handicapped.

An amendment to the bill offered by Senator Prouty and the late Senator Robert Kennedy to provide funds for Teacher Corps members to counsel youthful first offenders prior to their release from prison was defeated. It was 1970 before such a program was instituted with the Teacher Corps Corrections Education Act.

HIGHER EDUCATION IN VERMONT

Senator Prouty works closely with Vermont's institutions of higher education. He is proud of Vermont's Colleges and Universities and seeks the advice of administrators, faculty and students. He wants to know what is happening on the campuses and how the federal government can best respond to the needs and aspirations of students and faculty alike.

For example, he has worked closely with the College of St. Joseph the Provider to expand its special education program. At present, students learning how to respond to the needs of handicapped children are serving as paraprofessionals throughout the state. As they learn, they also help alleviate the shortage of personnel able to provide the special education approaches our handicapped children need. Senator Prouty is never too busy to lend a hand in assisting Vermont schools in developing programs and seeking federal assistance. He continues to keep in close contact so that he knows what's happening on Vermont campuses.

He's also aware of what's happening on campuses across the nation. He has watched the number of junior colleges double since 1960, while their enrollment tripled. For many areas of the country, the junior college offers young people another option after high school.

Senator Prouty wants to expand the options available and co-authored the Comprehensive Community College Act of 1969, which proposed to provide a three-year $6 billion program of assistance to developing and supporting community colleges across the nation.

ELEMENTARY AND SECONDARY EDUCATION

When he first ran for Congress back in 1950, Senator Prouty advocated federal support for local schools. He kept pressing for such a program, but fifteen years passed before the landmark Elementary and Secondary Education Act of 1965 was enacted.

The principal thrust of the Act was to to aid the educationally deprived child. Senator Prouty contended that the Act missed the mark in a number of areas.

Unfortunately, the majority party, carrying out the wishes of President Johnson, ruled out any amendments to the Act.

While the measure had Senator Prouty's support, he expressed several doubts as to its effectiveness.

He felt that the program evaluation criteria demanded of the state by the Act would excessively burden rural school districts. He was correct.

Senator Prouty contended that the poverty income level for a family of $2,000 was unrealistically low. He recommended a broadening of the program to include children from families with up to $3,000 income. The level has since been raised to this level and is scheduled to go to $4,000.

Senator Prouty feared that upon receipt of federal funds, some school districts would cut back local expenditures. This did happen. After five years of Senator Prouty's prodding, the Act was amended in 1970 to prevent local school districts from supplanting their local funds with federal funds.

During the Senate debate on the Act, he repeatedly expressed his concern about the undue amount of federal control written into the bill by neglecting the role of the state. Senator Prouty particularly wanted a state role for Supplementary Education Centers and Services. This was finally obtained in 1969.

Other problems were soon to develop in the Elementary and Secondary Education Act. The slowness of Congress in appropriating school funds led to chaos in the local school districts. Not knowing how much federal money they would receive, they could not plan or hire effectively. In 1966 Senator Prouty proposed an advance funding mechanism. His proposal was accepted in the Labor and Public Welfare Committee, but later rejected. In 1967 he was successful and school districts now are able to plan ahead, thanks to Senator Prouty's "advance funding" formula. In 1968, Senator Prouty succeeded in applying a similar mechanism to Higher Education programs as well.

PRIVATE AND PAROCHIAL SCHOOLS

Senator Prouty believes that whenever possible under the Constitution, non-public schoolchildren should share the benefits of federal aid to education.

He has pressed for construction loans for non-public schools. He succeeded in extending loan forgiveness to teachers in non-profit schools.

He succeeded in extending the Guidance and Counseling Institutes and Language Institutes to teachers from private and parochial schools.

This year Senator Prouty was able to provide in law that wherever private and parochial school children participate in Supplementary Centers and Services, officials of the private schools should be included in the program.

Most important to Senator Prouty is the workability at a local level of the programs he designs in Congress.

An example of this is in the assistance he provided public and parochial school children in the Swanton-Highgate Area.

In 1967, Senator Prouty helped local officials in the area revitalize their educational programs. He offered assistance in developing a public-parochial school complex to serve several communities. The three existing public schools and one parochial school joined together.

The major result of the combination was the construction of a new education facility and an adjacent religious facility. In order to meet the Constitutional requirements for separation of church and state, all funds for the religious facility were raised separately and not out of public funds. Area voters approved the bond issue for the complex and indicated their desire to use their resources more efficiently through a cooperative public-parochial concept.

BILINGUAL EDUCATION

During the 90th Congress, a bill was introduced to set up bilingual education programs for Spanish-speaking students. Its scope would probably not have been expanded unless Senator Prouty had pushed to include other foreign languages in the program. Senator Prouty succeeded in expanding the program and increasing the authorization. Therefore, French-speaking young people in Vermont can be included in the program.

This March, after some initial difficulties, the Orleans-Essex North Supervisory Union School received funds under the funds to assist French-speaking students in the Northeast Kingdom. Senator Prouty worked closely with local and federal officials in working out the program. He was able to see his legislative concept implemented in his home area.

EDUCATION FOR THE HANDICAPPED

In 1969, Senator Prouty received the Legislative Statesmanship Award of the Council for Exceptional Children. It reads: "The Council for Exceptional Children extends its sincerest appreciation to Senator Winston Prouty of Vermont for his long support and sponsorship of programs to make education a reality for exceptional children throughout this nation. We are especially appreciative of his efforts to bring about a wide range of services which exceptional children so badly need, among them research, personnel and education programs. His interest and constant stimulation brought to fruit the Handicapped Children's Early Education Assistance Act. Senator Prouty's commitment to exceptional children and their parents represents a model to which the Council for Exceptional Children Membership aspires."

When Senator Prouty accepted the award, he didn't mention his accomplishments—he only talked about the tasks undone.

One in every ten school children is handicapped. Each requires special education. In the 1960's as federal aid to education expanded vastly, these handicapped children were not overlooked—thanks to Senator Prouty.

Using his skill with the amendment process, Senator Prouty included handicapped children under provisions for educationally deprived children in the Elementary and Secondary Education Act. He made sure that 15% of the funds for Supplementary Centers and Services would be used for handicapped children. He made sure that 10% of vocational education funds would be put to use to help handicapped young people learn skills.

He also pressed for the creation of the Model High School for the Deaf as an adjunct of Gallaudet College in Washington, D.C. He cosponsored a bill, which is now law, to set up a National Center for Education Medias and Materials for Education of the Handicapped and successfully pressed for a separate Bureau of Education of the Handicapped within the Offices of Education in the Department of Health, Education, and Welfare. This Bureau is now rated the most effective division within the Office of Education.

Education does not begin in kindergarten or first grade, and the handicapped child in particular needs a pre-school education.

In May of 1968, Senator Prouty introduced his bill "The Handicapped Children's Early Education Asistance Act of 1968." Introducing the bill, Senator Prouty told his colleagues: "There is no child who deserves a First Chance, a helping hand, more than the child who enters this world with dim vision, with faint hearing, with difficulty in comprehending the nature of this world, or with any of the myriad disabilities which affect our handicapped children."

His colleagues agreed, and with unprecedented speed Senator Prouty's bill was signed into law just over four months later.

Under Senator Prouty's bill, the Office of Education has been able to create model centers for the development of early childhood education programs for the handicapped. The programs offer youngsters the "First Chance" Senator Prouty sought for them.

These programs will form the basis for an expansion of efforts for handicapped preschool age children.

Senator Prouty is aware that much remains to be done. He asked President Nixon to convene a White House Task Force to consider the problems that remain and how best to resolve them.

Two Task Forces were organized, one for the physically handicapped, the other for the mentally handicapped.

The work of the Task Force is now being reviewed and will form the basis for further efforts to assist the handicapped.

Senator Prouty will continue his efforts and insure that special education for the handicapped is provided within the community rather than having the young person removed from the community.

He will continue to press for his goal of a quality education for every handicapped child. It is a big goal, but Senator Prouty has diligently laid the groundwork for reaching it and he's a hard worker.

VOCATIONAL EDUCATION

On March 28, 1963, Senator Prouty addressed the Vermont State Legislature. He talked about the problem of skill shortages and unemployment and said: "Vocational education will not solve all of our problems, but it should be more vigorously pushed, more adapted to the times and more fully financed." He has pushed, he has sought relevance in vocational education programs, he has fought for higher appropriations for vocational education.

Eight months after his speech, the Vocational Education Amendments of 1963 were enacted. Senator Prouty helped draft the legislation and fought to insure that vocational education funds were allocated to the states on a per capita income formula, rather than a population basis. It was a hard fight against Senators and Representatives from larger and wealthier states, but Senator Prouty won.

He also fought to allow federal vocational education construction funds to be used for divisions of schools teaching vocational education, rather than only to schools devoted solely to this purpose. Again, Senator Prouty won out.

He also won his fight to include semiskilled occupations in programs previously restricted to skilled occupations.

Senator Prouty raised the maximum amount of National Defense Education Act loans a school could give. He was able to extend federal support for guidance and counselling services down through the 7th grade. At the same time he increased the minimum state allotment for such services from $20,000 to $50,000.

Senator Prouty did not let up in his fight for wider course offerings and a fuller school system. In 1968 he engineered with others a complete overhaul of vocational education programs.

He realized the need to set aside funds for research, innovative and special emphasis programs for the handicapped and the disadvantaged. However, he warned against these set asides unless extra funds were forthcoming.

In an attempt to insure adequate funds for all education programs, The Vocational Education Amendments of 1968 contained a Prouty-supported provision exempting education programs from any statutory spending ceiling. In this way, Senator Prouty set a top priority on education. Although this exemption has come under attack, it remains law. This year Senator Prouty joined a majority of his colleagues on the Health Subcommittee in drafting a similar exemption for most health programs. This too is law. Once again, Senator Prouty's priorities are clear.

Senator Prouty's struggle for more vocational education funds coincides with his determination to make maximum use of the money spent. He advocated creation of a National Advisory Council on Vocational Education, as well as state advisory councils. He urged a cataloging of all education programs so a student could know how the many options open.

To bring vocational education into the mainstream of education, he supported merger of the Vocational Loan Program with the Guaranteed Loan Program. He also provided for coverage of private training schools under the National Defense Education Act assistance programs and Education Opportunity Grants.

Senator Prouty strongly supports the career education concept of providing greater federal support to help all schools develop two-year courses. Such courses, Senator believes, will provide greater flexibility for young persons. Senator Prouty puts it simply: "More educational options means more educational opportunities."

LIBRARIES

Senator Prouty was serving in the House of Representatives when the Library Services and Construction Act of 1956 was enacted. He supported it then and since he came to the Senate he has been a chief architect of the Act's extension and revisions. Senator Prouty has consistently worked to insure interlibrary cooperation, innovation in library services, particularly in rural areas.

With his continued concern for the handicapped, Senator Prouty worked to insure special support programs for library services to the physically handicapped.

The need for innovation to meet the "information explosion" is great. A bill supported by Senator Prouty to create a National Commission on Libraries and Information Science has become law. This Commission will spearhead efforts to find new ways of utilizing our ever-increasing wealth of information.

PRESCHOOL EDUCATION

Senator Prouty has been one of the prime movers in the field of early childhood development. He has long recognized the relationship between adequate early exposure to learning experiences and later success in school and social development.

He has proposed and pressed for pre-school education and day-care programs. He de-

veloped a separate pre-school program for handicapped youngsters.

Senator Prouty has continually insisted that preschool programs be comprehensive and not piecemeal. He believes that food and medical services should be adjuncts to educational programs to insure that children do not suffer handicaps in learning either permanently through neglect of health or temporarily through lack of food and medical attention.

In 1966, many feared that money might be taken from Head Start and switched to other "poverty" programs. Senator Prouty's amendment set aside the funds specially for Head Start. Head Start was thus given the chance to develop and grow.

As a key architect of manpower training programs, Senator Prouty realizes the need for day-care services to free potential workers from their home chores.

This year Senator Prouty introduced the most comprehensive day care bill to date. Called the "Head Start Child Development Act of 1970", the bill proposes to consolidate and improve operation of existing day-care programs. It would upgrade custodial day-care programs to educational programs. To do this, Senator Prouty's bill proposes statewide coordination and adoption of minimum standards, stressing the need to provide comprehensive services to young children.

Senator Prouty's day care bill has been widely acclaimed. Work on the measure is proceeding.

CONCLUSION

It is no more easy to separate Senator Prouty's record on education from his overall record of service than it is to separate learning from life. Learning is life.

Senator Prouty's concern for education extends to adult education veterans education, programs, health professions, environmental education, educational television. He is also the ranking Republican on the Special Subcommittee on the National Science Foundation, which oversees the Foundation's programs of support for science research and education totalling a nearly half billion dollars annually. He continues to press for more funds for the National Science Foundation. He seeks to create a new arm of Congress—the Office of Technology Assessment—to insure that we use our burgeoning technology correctly.

It is not enough that one determine a need or propose a solution. One must press for solutions and this takes hard work. As ranking Republican on the Education Subcommittee, Senator Prouty works hard to insure that the programs he advances will not just promise, but perform. He checks each word and phrase, each section and title to insure that our education laws best lead us to his goal of a quality education for every American.

He realizes his vital role in meeting his goal and is mindful of the observation of his predecessor, Justin Morrill, that:

"In other lands and under other forms of government, education may be option, with us, it is indispensable. Untaught and unprincipled men may be governed, but they cannot govern."

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

OLD GLORY FLIES AT NIGHT AT INTER-LAKES HIGH SCHOOL, MEREDITH, N.H.

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, August 26, 1970

Mr. COTTON. Mr. President, Scott King is a 17-year-old Meredith, N.H., youth whose dedication to a cause and whose stubborn persistence are in keeping with the finest traditions of the Granite State and of the United States of America.

A few weeks ago, in student council assembly, Scott proposed that the American flag be flown 24 hours a day year around at the Inter-Lakes High School, where he will be a junior this fall. He was informed, correctly, by school officials that this only could be done by special dispensation.

Undismayed, he spent $23.69 of his earnings on a telegram to the President, asking that the Inter-Lakes School be authorized to fly a lighted flag at night so that the stars and stripes could be displayed 24 hours a day.

He wired:

When it is nighttime here and the flags aren't flying, it is daytime in Vietnam where our boys are dying.

The office of the Secretary of Defense has since notified Scott and school officials that, by special permission of the President of the United States, Old Glory may now be flown at Inter-Lakes High School 24 hours a day.

Mr. President, I ask unanimous consent to place in the RECORD a newspaper story from the Lakes Region Trader, published weekly in Laconia, H.N., which properly commends Scott King for his successful and heartwarming efforts in behalf of his Nation and his school.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

STUDENT GOES TO TOP: DEFENSE DEPARTMENT ALLOWS INTER-LAKES HIGH SCHOOL TO FLY FLAG AT NIGHT

MEREDITH.—Scott King, 17, Star Route, Meredith, is a very patriotic and civic minded young man. Disturbed for quite a while that his school, Inter-Lakes, only displayed the flag from Monday to Friday, from 8:00 a.m. to 5:00 p.m., he decided to do something about it, even if it meant spending a lot of hard earned cash.

Two weeks before school ended, during a student council assembly of which he is a member, he approached the subject of the American flag flying year-round on a 24 hour basis at the school, but was told by school officials that it was not possible as it can only be done by special dispensation. Young Scott was not daunted in the least, but instead decided to do something about it. He sent a telegram to the President of the United States which cost him $23.69. Here is part of Scott's telegram:

Dear Mr. President:

I am presently a sophomore at Inter-Lakes High School, Meredith, N.H. I am on the student council, and am very concerned with what goes on in our country and around the world.

I support you and the war in Indo-China. We had a cousin in the Marines who was killed in the war, and presently have a brother on his second hitch, in Vietnam, as a squad leader in the Marines. I plan to follow in their footsteps and go in the Marines as soon as I graduate. Communism must not spread, and I must do everything in my power to see that it does not.

To get to the purpose, Mr. President, it has to do with the flying of the American flag. In these hard times I feel very strongly that the flag be flown as often as possible. We have a flag in our front yard and it flies 24 hours a day. The light protecting it as if a soldier were on guard with a rifle. Our school wanted to put a flag up that would fly 24 hours a day, seven days a week, but we had to choose between being patriotic, or breaking the law.

I have looked it up and the flag can only be flown 24 hours a day in three places in our country. It is like setting a time when you can be patriotic and when not to be. You have the authority to say where the flag can be flown and how long. I would like you to give our school permission to fly a lighted flag at night. As I sit here I think when it is nighttime here and the flags aren't flying, it is daytime in Vietnam where our boys are dying.

Please don't let us down, Mr. President.

Request reply at earliest convenience.

After many days of waiting the reply to young Scott arrived.

1. On behalf of President Nixon I am replying to your recent telegram requesting offcial authorization to display the national flag continuously at your high school.

2. There would be no official objection to flying the flag continuously at the site of your school to honor members of the Armed Forces serving in Southeast Asia, provided it is always illuminated from sunset to sunrise and provided local school authorities desire to institute such a practice. However, we believe the practice should not be attempted if there is any substantial risk of mishap to the flag for any reason during the hours when the school is unattended.

3. The President noted with satisfaction your reference to the current service of your brother in Vietnam and your own intention to serve in the armed forces following your graduation from school. Best wishes to you and your brother.

Signed: L. Niederlehner, Office of the General Counsel, Office of the Secretary of Defense, Washington, D.C. 20301.

The wheel was in motion, and Scott got busy. School officials were notified, White Mountain Power offered to install the lights at no charge.

Next Monday will be a big day for Scott King, Star Route, Meredith, when his dream becomes reality. By special permission from the President of the United States, every day of the year, night and day, Old Glory will fly proudly at Inter-Lakes High School.

In Scott's own words, "I felt strongly that in these hard times the flag should be flown as often as possible, and I hope that this will have a snowballing effect so that all schools in the state of New Hampshire will do the same, and I wanted Inter-Lake to be first."

Scott is the son of Mr. and Mrs. Norman King, and will be a junior this fall. His brother, Sgt. Natt King, 21, is serving with a battalion in the 1st Marine Division in Vietnam as a squad leader, presently on his second tour of duty. He also has a sister working with United Airlines, and an older brother, Eric, 18.

He is working this summer as a mason's tender for his father. Although poor at present because of the cost of the telegram, he feels his $23.69 was certainly well spent.

NEW MARKET—FIELD OF HONOR

HON. JOHN O. MARSH, JR.

OF VIRGINIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MARSH. Mr. Speaker, the valor of the cadets of Virginia Military Institute, hurried into service at the Battle of New Market, often has been cited with admiration by writers in the field of military history.

Now, the story is becoming more widely known by mounting visitation to New Market Battlefield Park in Virginia's Shenandoah Valley.

Under leave to extend my remarks, I include an account of the preservation and interpretive development of this historic site which appears in the August issue of the Veterans of Foreign Wars magazine, as follows:

NEW MARKET—FIELD OF HONOR—CIVIL WAR PARK IS TRIBUTE TO YOUTH AND VETERANS

(By Helen C. Milius)

The New Market Battlefield Park, opened three years ago as the first battlefield park in the spectacularly beautiful Shenandoah Valley of Virginia, seems to hold a special fascination for veterans.

It was conceived by a veteran as a memorial to veterans. And it may be that veterans have the background for enjoying the peaceful landscape and feeling its significance better than lifelong civilians.

The late George R. Collins, its originator, was a successful businessman of Charleston, W. Va., who had graduated from the Virginia Military Institute at Lexington in 1911, in time to place his engineering skills at the disposal of his country in World War I. He volunteered as a private. Later commissioned, he served in France as a second lieutenant in the artillery.

With a military education and military experience, Collins understandably developed an intense interest in the Civil War. The Battle of New Market, fought on May 15, 1864, particularly intrigued him. In this relatively minor conflict a Union army of 6,000 under Maj. Gen. Franz Sigel was stopped in its southward push through the Shenandoah Valley by 4,500 Confederates under Maj. Gen. John C. Breckenridge. Saturday night skirmishes grew into a full-scale engagement on Sunday in a lashing rainstorm. Though outnumbered, the Confederates turned back the Union troops.

The unique feature of this battle, however, was the participation of a college cadet corps from Collins' alma mater, VMI—an episode unmatched in U.S. history. Their valor under fire for the first time was so soldierly that neither friend nor foe withheld praise. Tribute to "that parcel of young fellows' magnificent fight against the veterans" was heard even within the walls of the U.S. Capitol.

In 1944 Collins bought the 160 acres of Valley farmland that had seen the battle's hottest fighting. The original antebellum farmhouse of the Bushong family, which had been a battle landmark for the VMI cadets, still presided over the farm. At his death in 1964, his will conveyed the real estate to VMI, along with an endowment of $2,900,000. A sentence of the will in his own firm handwriting directed VMI to perpetuate the property "as a memorial of the Battle of New Market and to place improvements thereon for educational purposes . . ."

Accordingly, to its own great surprise, the venerable old college of VMI now operates, as a non-profit enterprise, what is probably the most beautiful battlefield park in all Virginia. Some ex-servicemen may think of VMI principally in terms of its 67 alumni reaching general or flag rank in World War II. Many of these officers' names, starting with Gen. George C. Marshall, still may cause an automatic snap to attention—Generals Brett, Buckner, Burress, Gerow, Handy, Pate, Patton, Puller, Shepherd, Walker. But the park is a serene and relaxing place.

Its 160 acres of refreshingly green fields undulate between the blue wall of Massanutten Mountain on the east and the winding North Fork of the Shenandoah River on the west.

Bordering the park on the east, the historic old Valley Turnpike is now U.S. 11, paralleled by Interstate 81. Visitors find the park conveniently accessible at I–81's New Market exit.

Paths along which children romp lead to other points of interest in the green expanse. Visitors stroll comfortably over terrain where, in the Battle of New Market, soldiers were stuck in the mud under fire. Men of the 28th Ohio Infantry had to tug their boots out of knee-deep mud; many started the long retreat barefooted. VMI cadets recalling their ordeal at postwar reunions referred to one area as the "Field of Lost Shoes."

The park's present visitor center occupies the original Bushong farmhouse, air-conditioned now and handsomely refurbished. Here the whole battle story is summarized in graphic exhibits and in a sparklingly vivid color motion picture, "New Market-Field of Honor," which has won two international awards.

Nearby is the monumental Hall of Valor housing the only comprehensive Civil War museum in existence, fulfilling Collins' wish for "improvements for educational purposes."

One cannot escape the impression that his prime educational purpose was subtly to inculcate a love of country. The veteran, in fact, with an experienced outlook on battlefields, can detect three lessons in patriotism.

First is the patriotism of combat troops ordered into battle in their nation's service. On this level New Market commemorates more than 10,000 veterans from nine states who endured conflict here.

Sigel's Union units came largely from Ohio, Connecticut, Massachusetts, Pennsylvania, New York, Maryland and West Virginia. Breckinridge scraped his Confederates together principally from Virginia and Maryland commands with a detachment from Missouri. Whether from north or south, these troops supplied innumerable examples of valor. The 34th Massachusetts Infantry, for example, within 55 hours fought an intermittent overnight battle, suffered heavy casualties in a prolonged daylight conflict and marched 52 miles.

The VMI cadets demonstrated love of country on a different, more ardent level. They were not combat troops but a well-drilled corps of some 247 college students, with homework to finish and exams to study for. After marching 80 miles from Lexington, they were tucked away behind the Confederate troops as reserves. Their average age was 18, but many cadets were 17 or 16 and three were 15.

Breckinridge hoped to keep them in the rear, using their four companies to convey an impression of greater manpower than he actually had. But the fortunes of war and the cadets upset his plan, for they were Virginians, and Virginia was being invaded.

When a gap in the front line appeared, the cadets moved up on the double. They started fighting. Casualties mounted above 20%. Ten were killed or mortally wounded. Their steadiness under fire made them indistinguishable from veterans.

Captured Union men were amazed to learn they had been fighting not seasoned soldiers but "little devils."

Lessons in a less fiery brand of patriotism also are here. In a joint willingness to respect the sincerity of these cadets—and each other—North and South have found a healing harmony.

For example, consider a half-forgotten act of reconciliation dramatic enough to be a play, improbable as soap opera.

Act I of the drama would begin three weeks after the Battle of New Market, as Gen. David Hunter's Union troops occupied VMI's hometown, Lexington, with virtually no resistance. Most Conferderate troops and VMI cadets had been withdrawn to defend Lynchburg.

Nevertheless, Hunter ordered the destruction of VMI, though some of his younger officers questioned the military necessity of this move. They suspected his motive might be an angry reprisal against the hard-fighting cadets. Barracks, classrooms, library, laboratories and some professors' homes went up in flames.

Two young officers in particular went through the next few decades with this destruction weighing on their conscience.

Then one of them, Capt. Henry A. Du Pont, formerly of the 5th U.S. Artillery, was elected senator from Delaware. His battery had covered the Union retreat from the Battle of New Market. He personally had set fire to a bridge over the Shenandoah to delay Confederate pursuit, but three weeks later sickened at the deliberate burning of VMI.

In April 1913, Du Pont introduced a bill requiring the U.S. government to pay VMI $100,000 in compensation for unjustified wartime destruction. For months he solicited his Capitol collegues' support. The second of those conscience-burdened Union officers, Col. J. M. Schoonmaker, journied from Pennsylvania to back up Du Pont in committee hearings. The Senate passed the bill unanimously.

In the House, however, opposition arose. An Illinois Congressman objected that if a general officer ordered destruction, the destruction was not unjustified and the government was not liable. A Virginia Congressman insinuated that even generals might show bad judgment. The ruckus between the gentleman from Illinois and the gentleman from Virginia started a furor.

When order was restored, calmer Congressmen spoke up to indicate support for the bill from all parts of the nation—Vermont, Texas, Washington. Representatives from Ohio and Pennsylvania called for a "fair and judicious spirit." One of them pointed out that VMI, if helped by the U.S., could in turn help the U.S. with military personnel for defense in national emergencies.

And how prophetic that was! The college contributed more than 4,000 men to the armed services in World War II alone. Eventually the bill became law by a five to one majority in March, 1915.

More than a half-century had elapsed since the Battle of New Market. Few of its 10,000 combatants lived to remember it. But survivors, their families and the public hailed Du Pont's restitution measure as an occasion for burying old hostilities. It helped unite all sections of the nation in a patriotism that could transcend sectionalism.

SENATOR PROUTY'S RECORD OF SUPPORT FOR OLDER AMERICANS

HON. JOHN SHERMAN COOPER

OF KENTUCKY

IN THE SENATE OF THE UNITED STATES

Wednesday, August 26, 1970

Mr. COOPER. Mr. President, I know of no one who has fought longer or harder on behalf of our older citizens than my friend, the Senator from Vermont (Mr. PROUTY). I have seen him win

battles for the elderly and lose battles. Win or lose, he continues to fight. His record of support for older Americans is a proud one, and I ask unanimous consent that a summary of his record be included in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR WINSTON PROUTY AND OLDER AMERICANS ALLIED IN A FIGHT FOR DIGNITY

Older Americans have had more than their share of promises. Many are disillusioned. However, most elderly people look to Winston Prouty with a hope sustained by his accomplishments.

In the United States Senate he has served as their champion. In part with oratory, but mostly through hard work. In an age when the focus is on youth, he has not let his colleagues forget our nation's elderly. The ranking Republican on the Special Committee on Aging, he continues to be the conscience of the Senate in regard to our older citizens.

This March in introducing his "Older Americans Income Assurance Act of 1970," Prouty faced the problem squarely:

"Three out of ten people age 65 and older are living in poverty, and many of them did not become poor until they became old.

"I say this is shocking, because here is a group of Americans living in poverty and the shadow of death while we know the solution to their plight.

"The solution is not education.

"The solution is not job training.

"The solution is not make-work.

"The solution is simply cash income."

His bill would simply assure all Americans 65 or over an annual income of $1,800 for an individual and $2,400 for a couple. Senator Prouty realizes that is not sufficient income for older Americans to live with but at least it is the first step. Hopefully, it is a step others in Congress will soon be willing to take.

Of course, he is ahead of his time. He has been for ten years. Over nine years ago, he advocated minimum Social Security benefits of $70 per month. His foresight is highlighted when we consider that as late as 1969 Congress enacted only a $64 minimum. This year he is working for a $100 minimum payment, along with other needed reforms. Most of the major reforms contained in the 1970 Social Security Act Amendments were initially urged by Senator Prouty years ago. Here is his record, year by year:

1960: He co-sponsored Senator Javits' bill to establish a national voluntary health insurance plan for older Americans. This bill would have given older persons several optional health insurance plans, to be financed out of federal revenues and partly from premiums, and it would have utilized private insurance plans. This imaginative measure was three years before President Kennedy made his plea for Medicare and five years before Medicare became a reality. On August 23, 1960 Senator Prouty made a major speech outlining the problems of the aged and supporting the Javits bill.

1961: This was the year Senator Prouty began his long fight for a decent minimum Social Security benefit. He and Senator Javits cosponsored a bill to raise minimum benefits to $70, to increase widows' benefits and to expand eligibility for coverage. This bill did not succeed.

1962: He was appointed as member of the Senate Special Committee on Aging, a fact-finding and investigating committee which has amassed the hard facts and figures on every aspect of problems of the elderly necessary for shaping effective legislation. Senator Prouty is now the ranking Republican on the Committee which continues its active formulation of policy recommendations.

In 1962 Senator Prouty became a major supporter of the Saltonstall medical insurance plan, which was similar to the 1961 bill. He made a major address in the Senate in support of adequate medical insurance for the aged on July 12, 1962.

1963: The proponents of Medicare, including Senator Prouty, decided that too much opposition remained for passage of a health insurance act in 1963, and decided to defer the issue until support could be united. Senator Prouty then set his staff to work to draw up a comprehensive social security reform package, stressing the need for higher minimums, and for increased widows' benefits. Prouty also began in 1963 to formulate his famous "blanketing in" amendment to provide benefits to older persons not covered under the Social Security System. He continued to investigate the needs of the elderly for such reforms by his participation in Committee on Aging hearings.

1964: In August 1964 Senator Prouty assumed the leadership in the fight for better retirement income by introducing an amendment to (1) raise mimimum benefits from $40 to $70; (2) to increase widow's benefits from 82½% to 100% of the deceased spouse's entitlement and (3) to blanket in, with minimum benefits, those over 70 not covered.

Also in 1964 Senator Prouty: (1) introduced an amendment to prevent veterans from losing pension benefits due to social security increases. This amendment was adopted by the Senate Finance Committee but was stricken in Conference and (2) cosponsored bills with Scott, Keating and Randolph to stimulate employment for older workers.

1965–66: Senator Prouty voted in favor of HR 6675, the historic Medicare bill, on July 9, 1965. Previously Senator Prouty joined Medicare proponents in staving off opposition attempts to kill the bill by procedural tactics.

In 1965, and again in 1966, Senator Prouty introduced and fought for Social Security amendments. On March 2, 1966 Senator Prouty introduced his famous amendment to give minimum Social Security benefits to all persons over age 70 not eligible for regular benefits. He strategically attached his amendment to the 1966 Tax Adjustment Act, and it was adopted by the Senate. In Conference Committee, however, the age when benefits were to fall due was raised to 72 and the benefit to be received was $35 per month. The benefit was increased in 1969 to $46. The "Prouty Payment" law has benefited almost two million older Americans. Senator Prouty fought for the 1965 Older Americans Act providing grants to states for Community service projects. This landmark legislation responded to those many older persons who are anxious to lead more active lives through community service. Since 1965 the Older Americans Act programs have benefited hundreds of thousands of older persons and has given them useful lives once again.

On October 12, 1966 Senator Prouty set forth a 7-point action program designed to improve Social Security and Medicare benefits. In addition to leading the fight for higher minimum benefits, Prouty submitted a bill to (1) permit older employed persons to elect to make no further contribution to Social Security; (2) reduce to age 70 the time after which earnings would not reduce benefits; (3) raise the earnings level exempt from benefit reduction to $2400 and (4) eliminate the limitation on Medicare eligibility to Social Security recipients so as to allow participation in Medicare by all persons 65 and over.

1967: This year brought enactment of Social Security benefit increases, including a $55 minimum. As always, Senator Prouty fought for a $70 minimum, and he also spoke out for his other reform measures. He made several major speeches and introduced several amendments during the floor debate on the 1967 Act. The Senate adopted his amendment to prevent reduction of veterans' benefits on account of Social Security increases. His amendment to eliminate payroll tax increases and to finance any net annual deficit out of general revenues was defeated. His amendment to extend for one year the cut-off date for special age-72 benefits was also rejected.

1968: Senator Prouty has maintained for several years that the time must eventually come when some of the income needs of the elderly must be met from the general federal revenues. Payroll taxes on workers' wages cannot rise indefinitely and can never sustain fully adequate old age benefits. Yet millions of older Americans live below the poverty line (6 million in 1970) and have income needs which the system cannot meet. Basically their needs require more of a welfare-oriented system than a pension system.

Accordingly, on June 18, 1968 Senator Prouty unveiled his imaginative Older Americans Income Act, to assure every individual age 65 or over a minimum annual income of $1200 per year and to provide $1800 to an aged couple. He made a comprehensive speech upon introducing the measure, reviewing the hard facts of the plight of the poverty-stricken elderly. Subsequently, the concept of a guaranteed minimum income has gained wide acceptance. President Nixon's sweeping welfare reform measure embodies this concept in the Family Assistance Act.

1969: Congress once again learned in 1969 that a $55 minimum Social Security benefit was woefully inadequate to meet rising prices. In December Social Security benefits were increased by 15%, providing for a $64 minimum. During debate on this bill, Senator Prouty argued for at least a $70 minimum, and he supported and voted for the Mansfield Amendment to provide a $100 minimum. As in previous years, Senator Prouty fought for a liberalized earnings test and waiver of coverage for workers over 65.

Also in 1969 Senator Prouty and Senator Aiken introduced a bill, S. 110, to expand Medicare benefits by eliminating deductible and coinsurance features; extending coverage to prescription drugs, eyeglasses and dental work; lowering women's eligibility from 65 to 62; and permitting easier access to extended care facilities.

1970: After nine years of efforts to achieve meaningful reform, Senator Prouty believes that Congress in 1970 will have the chance to pass a comprehensive Social Security and Medicare reform bill (HR–17550) containing many of the reforms that he has long sought. The minimum benefit as passed by the House of Representatives is $67.20, with a 5% across-the-board increase. The retirement test is liberalized to $2000 per year and only a $1 for $2 benefit reduction; widows' benefits are raised to 100% and the special Prouty payment is increased to $48.30. Most significantly, the House has passed a provision for automatic increases in benefits in any year that the cost of living rises by 3%.

Senator Prouty welcomes these reform measures, but he is not completely satisfied. Nine years after he urged a $70 minimum, the 1970 bill is inching it up to only $67.20. Senator Prouty introduced 3 amendments to HR–17550. The first would increase minimum benefits to $100, and would provide scaled increases up the line from 10% at the lower level to 1% at the highest level. The second would increase exempted earned income to $2400 annually; the third increases the Prouty amendment by 10% to $50. Once again Senator Prouty is in the advance guard on the Social Security front. Although he accepts the automatic-increase feature, he expresses concern lest such a measure cover up the real need for higher minimum benefits.

This year Senator Prouty has taken a deep interest in the planning for the 1971 White

House Conference on Aging, to insure the Conference's success as a public forum for developing priorities.

In 1970 Prouty also reintroduced the Older Americans Income Assurance Act, with benefit levels set at $1800 for an individual and $2400 for a couple. He continues to speak out on all of the problems of the aged—health, housing, transportation, employment and community service needs.

He hit hard at provisions in the House-passed Social Security bill which would cut Medicaid funds by one-third after a patient had stayed 90 days in a nursing home or mental institution and 60 days in a general hospital and urged the Senate Finance Committee to delete these provisions.

He joined an effort to save the loan interest Federal loan program for housing for the elderly under Section 202 of the Federal Housing Act. Neither the House of Representatives nor the Senate Appropriations Committee appropriated funds for Section 202 housing. Senator Prouty co-sponsored a successful amendment to add $25 million for Section 202 housing.

In conference with the House the Senate figure was turned to $10 million, but at least this move by Senator Prouty and others focused attention on the need to continue this vital program.

Realizing that only 42 percent of older Americans have drivers licenses and that public transportation is often unavailable, inaccessible, inconvenient or physically difficult to use, Senator Prouty has co-sponsored "The Older Americans Transportation Services Development Act" to provide research and demonstration programs in transportation to the elderly.

He continues to press for new ways to open up employment and community service opportunity for the elderly. As he said in his address to the American Association of Retired Persons Convention in Pittsburgh in September 1968: "The old cliché that retirement is putting the individual 'out to pasture' is dead. Retirement is not an escape from living. Instead, it is graduation into the 'now' generation where your skills and experience can be fully shared with your fellow man."

Senator Prouty's approach to the problems of our older citizens is not cold and statistical. It is rather warm and feeling. He sees our elderly not as a forgotten mass, but as individuals who seek an active and involved life with dignity. Above all Senator Prouty's fight has been a fight for dignity for those who have given our country so much. He will continue to fight. The victories have come slowly, but the momentum is building. Senator Prouty is a vigorous fighter.

END TO INJUSTICE IN NORTHERN IRELAND

HON. RICHARD L. OTTINGER

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. OTTINGER. Mr. Speaker, the road to tyranny is paved with repressive measures. The Special Powers Act of Northern Ireland is such a measure.

This repressive statute, delegating extraordinary powers to the Minister of Home Affairs on a temporary basis to reinstate law and order in riot-torn Ulster, was approved by the Northern Ireland Parliament in 1922, 2 years after the partition of Ireland. The act suspended virtually all legal rights of the citizens and gave the Home Secretary dictatorial powers. Freedom of speech, of the press, and of the right to assemble were severely limited, and the police were given almost unlimited search-and-seizure powers.

The obvious danger of enacting such measures in a time of turmoil is that neither the emergency nor the suspension of rights will be temporary. Unfortunately for the Ulster Irish, their country has become a classic illustration of that danger. Not only was the 1922 act never repealed, but it was actually rendered permanent by new legislation in 1933 after having been kept on the statute books through annual review and approval by the Northern Ireland Parliament.

In 1943 an additional Special Powers Act was passed, and though some of the provisions were revoked in subsequent years, renewed violence from 1954 through 1957 resulted in a broad reinstatement of the most repressive features. Consequently, most of the 1922 legislation remains in effect today.

Mr. Speaker, Northern Ireland in 1970 is a divided country, as it has been through most of its brief history. It is clear that the differences between Protestant and Catholic, between those loyal to England and those who want Irish reunification, are exacerbated by the repression of civil rights under the Special Powers Act. The cure has become part of the malady. To keep such a lid clamped on the cauldron that is Northern Ireland can only intensify the pressures already straining the bonds of national unity. Thus the emergency continues and will not abate until the civil liberties of all the citizens of Ulster are restored. Charges of disenfranchisement, discrimination in housing, prejudice in obtaining and holding employment cannot be answered with further deprivation of rights.

Mr. Speaker, Northern Ireland must find the answers to its own problems, but it is obvious that its citizens must be given the means to reconciliation before peace can be restored in their troubled streets. Surely a part of the solution is repeal of the Special Powers Act and restoration of the rights that the rest of the United Kingdom take for granted. Lacking the right to intervene in Northern Ireland's affairs, we must exert pressure on world opinion to provide the impetus for the Ulster and British parliaments to rectify the grievances which have caused such recurring chaos and destruction.

Surely, civil peace in Northern Ireland and the traditional guarantees of British common law are important enough to us all, as members of the community of English-speaking nations, for us to call for those reforms which alone can resolve this explosive situation. Not only are many lives at stake, but the very fabric of Northern Ireland's social order is threatened. I urge nothing less than a complete revocation of the Special Powers Act and across-the-board reinstatement of the civil liberties of all Northern Irishmen, without regard to religion or political beliefs.

The durable principles of English law as a model for the world are weakened so long as these necessary reforms remain uneffected.

SENATOR PROUTY'S RECORD OF ASSISTANCE TO VETERANS

HON. GORDON ALLOTT

OF COLORADO

IN THE SENATE OF THE UNITED STATES

Wednesday, August 26, 1970

Mr. ALLOTT. Mr. President, my good friend the distinguished Senator from Vermont (Mr. PROUTY) has devoted much time to assisting those who have fought for his country. Senator PROUTY has an impressive record of deeds on behalf of our Nation's veterans.

I ask unanimous consent that a summary of his record be printed in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

U.S. SENATOR WINSTON PROUTY: "FOR THOSE WHO HAVE BORNE THE BATTLE"

On June 27, 1970 Senator Winston Prouty received the highest award of the Veterans of Foreign Wars Department of Vermont. The citation which accompanied the Award of Commendation read:

"In recognition of devoted service to the veterans of Vermont and in sincere appreciation of your whole-hearted cooperation and undying efforts of advancing programs of the Veterans of Foreign Wars, this silver medal and citation of commendation is given."

Three weeks later the Vermont Department of the American Legion adopted a resolution commending Senator Prouty for "his continuing devotion to the principles, in our opinion, as established by our founding fathers," and his service to the "community, state, and nation in increasing responsibilities."

Senator Prouty accepted such praise humbly. He feels he has only done his job, which requires working closely with our nation's veterans. He listens to our veterans and has been their staunch ally. Others have talked more about veterans affairs, but few have worked as hard for veterans as Senator Prouty. He knows our veterans, their families and heirs deserve action, not words.

In Congress, Senator Prouty has been in a position to act for our veterans. In the House of Representatives, he served on the Veterans Affairs Committee. In the Senate, he is the second ranking Republican on the Labor and Public Welfare Committee, which has jurisdiction over most legislation affecting veterans.

While this key position has strengthened his ability to serve our veterans, Senator Prouty feels from his service on the House Veterans Affairs Committee that there should be a comparable Committee in the Senate. He has consistently supported moves to create such a Committee in the Senate.

VETERANS' EDUCATION

In his role as ranking Republican on the Senate Education Subcommittee, Senator Prouty is well known for his efforts and achievements in expanding educational opportunities for all Americans, with particular emphasis on those who have served their country in the Armed Services.

Senator Prouty pressed for passage of the Cold War G.I. Bill for years before he was ultimately satisfied with the signing of this historic piece of legislation, Public Law 89–358, on March 3, 1966.

While this law provided a new chance for countless numbers of veterans of the Cold War era and Vietnam to obtain education and training, Senator Prouty's satisfaction was not long lasting.

It soon became apparent that the allowance rates provided in the Cold War G.I. Bill

were not paying the same proportion of the cost of education as the rates provided by the Korean Conflict program, the allowances received accounted for 98 percent of the average tuition, board and room costs at institutions of higher learning, while the allowance paid under the Cold War G.I. Bill covered only 67 percent. It was evident to Senator Prouty that this inequitable situation was preventing many veterans from using their benefits.

To remedy this problem, Senator Prouty supported efforts to place the veterans of the Cold War and Vietnam era on an equal footing, by increasing education and training allowances by 46 percent. The measure providing this increase was approved by the Labor and Public Welfare Committee and the Senate in October of 1969. The House of Representatives only provided a 27 percent increase. The compromise increase signed into Law was 34.6 percent.

This measure also included Prouty-supported provisions for a new flight program to permit a veteran to obtain a low-interest loan for the purpose of receiving a pilot's license and a new farm cooperative training program similar to the one established under the Korean Conflict G.I. Bill.

In addition to his strong support for post-service benefits, Senator Prouty has been concerned because no provision has been made to help veterans repay educational debts contracted before they entered the service. The Senate has twice passed a Prouty proposal to "forgive" a portion of an individual's federally-sponsored student loan for his service in the Armed Services. This year Senator Prouty's forgiveness provision became law and a veteran's National Defense Education Act loan will be cancelled at a rate of 12½ percent for each year of service in the armed service up to a maximum cancellation of half the loan.

Senator Prouty continues to seek new ways to help our veterans help themselves and thus our nation.

On Memorial Day 1969, Senator Prouty outlined a new approach. He suggested that our returning veterans be offered special opportunities for voluntary service in the fight against our domestic ills. He said our young veterans are an important resource for "all have proven their maturity, self-discipline and dedication."

In his Vergennes speech, Senator Prouty noted that 35,000 men separated from the Service each year have some paramedical experience. Two months later, Senator Prouty introduced with Senator Javits the widely-acclaimed "Veterans in Allied Health Professions and Occupations Act of 1969". The bill seeks to alleviate the nation's critical shortage of trained medical personnel with a new program to recruit and train veteran "medics" for civilian health positions.

This proposal has been incorporated into measures to extend the Allied Health Professions Personnel Training Act of 1966.

MEDICAL AND HOSPITAL CARE FOR VETERANS

Few veterans will forget Senator Prouty's 1965 battle against the shutdown of fifteen Veteran's Administration facilities and cut backs at seventeen regional offices.

Senator Prouty took a bold stand; he sought to block the confirmation of W. J. Driver to be Administrator of Veterans Affairs. He had nothing against Mr. Driver, but he wanted to force President Johnson to reconsider the VA cut-backs. Senator Prouty's motion to postpone consideration of the nomination was defeated but he made his point—he is willing to fight for our veterans.

Today as a member of the Senate Health Subcommittee, Senator Prouty is actively seeking solutions to the nation's health crisis. He followed closely an investigation by the Senate Veterans Affairs Subcommittee into the care of wounded Vietnam veterans.

This study revealed that the hospital at the White River Junction Veterans Administration Center and the nation's other V.A. hospitals are under-funded and understaffed. Revelation of these inadequacies led Senator Prouty to join with his colleagues to press for passage of a supplemental appropriation for V.A. hospitals. With Senator Prouty's urgings, the Senate appropriated an additional $100 million though the extra funds were trimmed by $20 million in conference with the House of Representatives.

It was a partial victory and Francis Stover, Director, National Legislative Service of the V.F.W. wrote Senator Prouty:

"You have the sincere thanks and deep appreciation of the Veterans of Foreign Wars for the significant and vital role you played in having the Senate approve this badly needed additional money, which will help provide the V.A. with the personnel and services it needs to extend the highest quality medical care for returning wounded Vietnam veterans and disabled veterans of previous wars."

In meeting our health crisis, Senator Prouty has placed top priority on treatment of our veterans.

He has fought for measures to expand nursing home care and nursing care facilities for veterans. In 1964 he pressed for passage of a bill to extend the paraplegic housing program to blind veterans who hase suffered the loss or use of a leg.

In the 89th Congress, Senator Prouty vigorously supported legislation which increased the compensation paid disabled veterans by 10 percent and increased the number of beds in veterans hospitals. This bill became Public Law 89–311 in October of 1965.

During the first session of the 91st Congress, Senator Prouty was active in his support of six bills to improve health care for veterans. All were approved by the Labor and Public Welfare Committee and the Senate.

One creates a rebuttable presumption that disabilities suffered by former prisoners of war are service connected. Another eliminates the requirement that a veteran who receives a V.A. pension sign a "pauper's" affidavit to receive hospital care for non-service connected disability. Another Prouty-supported measure authorizes community nursing home care for unlimited periods of time for veterans with service-connected disabilities. Still another measure authorizes medical care to veterans with service-connected disabilities regardless of whether the care is for that particular disability or some other. Another raises the federal per diem pay for each veteran hospitalized in a State veterans home from $3.50 to $7.50 and authorizes $5 million in matching funds for remodeling of State veterans homes. The sixth bill authorizes the V.A. to enter into sharing agreements with other private and public hospitals for the use of vital medical resources.

For Vermont veterans, Senator Prouty has successfully fought endeavors to remove veterans facilities from White River Junction. He has succeeded in this fight and in his efforts to obtain funds for a new hospital building at White River Junction. The funds are in the fiscal year 1971 budget requests and Senator Prouty will make sure they are appropriated and that all funds necessary to build the 204-bed annex and remodel existing facilities are made available as needed. Senator Prouty has worked closely with the Vermont Soldier's Home to obtain a $449,535 V.A. participation in the new 40 bed Nursing home care addition to the Soldier's Home.

PENSIONS AND INSURANCE

Those who know Winston Prouty realize that his concern for, and activities on behalf of, our older citizens are unparalleled in Congress. He understands the plight of our older veterans and is determined to do something about it.

Several times Senator Prouty's amendments have insured that social security benefits increases should not be counted in computing the veteran's annual income.

One of the greatest injustices that exists in the present veterans pension laws is that only 10 percent of a veteran's social security benefits are excluded from the calculation of annual income for determining eligibility and the amounts of their pensions. Consequently, the recently passed 15 percent increase in social security benefits will, in the case of many veterans, be more of a burden than benefit by increasing the veteran's annual income to such a level as to cause him to lose a portion of his veteran's pension. In some cases this would result in a net loss to the veteran. In other cases, the social security increase will cause veterans to lose their pensions entirely. Senator Prouty is at work to remedy this situation as he has in the past. He successfully amended the Railroad Retirement Act of 1970 to insure that the 15 percent increase on railroad pensions would not count as income in figuring veterans pensions. This amendment was dropped in conference with the House only after Senator Prouty received assurances its provisions would be enacted in separate legislation.

In the House Veterans Affairs Committee, he served as Chairman of the Subcommittee which watches over the insurance program of the Veterans Administration and the law he sponsored made it possible for thousands of veterans to keep their G.I. insurance.

In the Senate, on two occasions Senator Prouty sponsored bills to re-open the National Service Life Insurance Program, and, although these passed the Senate, they met roadblocks in the House of Representatives.

A NATIONAL CEMETERY IN VERMONT

Much remains to be done for our veterans and Senator Prouty is fully aware of the tasks undone. He believes it is wrong that there is no national cemetery in Vermont or even in New England for that matter. He does not believe that a Vermont veteran should be buried on Long Island, New York, if he wishes interment in a national cemetery. He knows, too, that the Long Island cemetery will be filled by 1975.

Senator Prouty wants a national cemetery in Vermont and has introduced legislation to create such a cemetery in the Green Mountain State. His efforts will continue.

NO TASK TOO SMALL

The legislation which Senator Prouty has proposed, prodded and pushed for veterans has affected the lives of millions of American veterans, but Senator Prouty does not think in terms of numbers, but in terms of individuals.

Each Vermont veteran, dependent or veteran's heir who turns to Senator Prouty receives his personal attention. If a pension check is lost or a medical record misplaced, Senator Prouty tracks it down.

No problem is too small or too large for Senator Prouty. In nineteen years in Congress, he has learned how to get things done.

THE KGB IN 1970

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, the San Diego Union columnist, Dumitru Daniel-

opol, has recently written a very interesting column which considers the activities of the Soviet secret police. While this subject might seem melodramatic to today's generation which has had its own assortment of various television spies, the problem is a very real one, and the danger which the KGB presents is also very real.

I commend this column to my colleagues:

[From the San Diego Union, Aug. 7, 1970]

MOSCOW FEARS ANTI-RED GROUP IN WEST GERMANY

(By Dumitru Danielopol)

MUNICH.—Three days after I visited the house at Zeppeliner Strasse 67, it was attacked with poison gas bombs.

It was the third such attack in recent years. No one has been arrested but the German authorities believe Communists or KGB (Soviet Secret Police) agents in Germany are involved.

The Reds hate that gray, shuttered, businesslike building with good reason.

It is the headquarters of the toughest, most dynamic anti-Communist, anti-Soviet group in the West—the Anti-Bolshevik Bloc of Nations and the Organization of Nationalist Ukrainians. It also houses the editorial and printing offices of the Ukrainian newspaper Shlyak Peremohy, and the ABN Correspondence and several other anti-Communist magazines and newspapers.

ABN, founded in 1943 in the Ukraine, and the Organization of Ukrainian Nationalists are a sharp thorn in the Kremlin's side. They are well organized and have strength not only in the free world but inside the Soviet Union.

This the Kremlin can hardly tolerate.

For years Moscow has been trying to crush this opposition and intimidate or eliminate its leaders.

Eleven years ago, Stephan Bandera, the Ukrainian Nationalist leader, was murdered here with a cyanide gun. Bogdan Stachynsky, a member of the KGB Murder Inc. branch called SMERSH, followed Bandera as he left his office at Zeppeliner Strasse 67 and killed him at the door of his apartment.

Doctors considered it a natural death until Stachynsky defected to the West and divulged the whole plot that he said was planned higher up in the Kremlin by Deputy Premier Alexander Shelepin.

Sentencing Stachynsky as an accessory, a German court found the Soviet government "guilty" of the murder of Bandera.

While mourning their leader, the Ukrainians continued to fight even more resolutely.

The present leader is Jaroslav Stetsko, who for a while in 1941 was prime minister of the short-lived free government established in the Ukraine as the Soviet retreated before the Nazis. He is now head of the Free Ukrainian government in exile.

"Bandera and Stetsko," says Stachynsky, "are considered, both in Russia and in the Ukraine, as symbols of the aims of the independence for the Ukraine movement."

No wonder, Stetsko, too, has been on the KGB black list for a long time.

When you talk to these Ukrainian patriots you realize they are hardly the type to be intimidated by bombs, kidnapers or murderers.

"If the KGB thinks it can frighten the nationalists with poison gas bombs or other terrorist methods, it has again made a miscalculation," said ABN Correspondence soon after the bombing attempt.

"How terrifying our ideals and our actions in the free world must be to Moscow when it needs bombs to seal our lips."

SOUTH AFRICAN SECURITY FORCES KIDNAP AMERICAN?

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, strange things evidently are happening in South Africa. The Observer of London recently published an article about the kidnaping of an American naval attaché. This report may or may not be accurate, but the nature of and past performance of the South African Government make the report credible. The article follows:

ATTACHÉ "KIDNAP" ROW

(By our Commonwealth Correspondent)

American and South African relations, which are already strained by President Nixon's attitude to resuming arms sales to South West Africa, could be seriously damaged if the CIA can confirm its growing suspicions that a United States Naval Attaché in Cape Town, Lt.-Col. Walt Limbach, was kidnapped by Mr. Vorster's security forces.

Walt Limbach—a Vietnam airman hero—walked into Sea Point police station at Cape Town on 29 May and reported that he had been abducted 20 hours before. His story was publicly discounted by Brigadier H. Lambrechts, the head of Cape Town CID.

This denial threw a cloud over the young diplomat's career. If it was the intention to discredit him, for any reason, it looked at first as if this might prove successful.

Limbach, however, fought back, forcing the South African Commissioner of Police, General P. J. Gouws, to step in and announce that the "episode is now closed." But it was, in fact, only just beginning.

Faced with strong diplomatic pressure from the U.S. Embassy, the South African security police suddenly produced leaflets allegedly from the liberal-minded National Union of South African Students on whom they proceeded to throw suspicion for the kidnapping. The leaflets were semi-literate, hardly the work of students, and clearly clumsy forgeries.

For several days Limbach was taken by secret agents around the campus of the University of Cape Town to try to identify his abductors. He was then flown back to Washington, where the CIA debriefed him.

There is a strong likelihood that Limbach might have been the CIA's agent in South Africa and in this role may have come into conflict with Mr. Vorster's own agents who keep a careful eye on Western—and especially American—diplomats.

It seems improbable that Limbach's abduction was planned to help the Vorster Government's campaign to discredit the students' union, as the initial response was to deny completely the kidnapping had ever happened.

The ploy of blaming the students seems to have come only because Limbach would not be shaken from his story.

A statement made available to the CIA—allegedly from a senior South African intelligence officer, after hearing that Limbach reported to the police 20 hours after his abduction—says: "Already? He wasn't to be released for 24 hours."

Even though President Nixon's new Texan Ambassador to South Africa will wish to repair the damaged relations between the two countries, it seems unlikely that the CIA will be willing to let the South African secret service get away with their possible maneuvers against Limbach. Certainly, this fighter pilot—he was involved in the Cuban missile crisis and won 10 medals in Vietnam—is determined to fight the issue.

WOMAN SUFFRAGE DAY PROCLAMATION BY HON. WALTER PETERSON, GOVERNOR OF NEW HAMPSHIRE

HON. NORRIS COTTON

OF NEW HAMPSHIRE

IN THE SENATE OF THE UNITED STATES

Wednesday, August 26, 1970

Mr. COTTON. Mr. President, I am happy to comply with a request received from the New Hampshire Federation of Women's Clubs by asking unanimous consent to have printed in the RECORD the proclamation of Hon. Walter Peterson, Governor of New Hampshire, on Woman Suffrage Day.

There being no objection, the proclamation was ordered to be printed in the RECORD, as follows:

A PROCLAMATION: WOMAN SUFFRAGE DAY

Whereas, fifty years ago the 19th amendment to the Federal Constitution extending suffrage to women was proclaimed by the Secretary of State on the 26th of August, 1920, following passage by Congress and the necessary thirty-six state legislatures, of which New Hampshire was proud to be one;

Whereas, I hereby declare that the 26th of August, 1970, be designated and suitably honored in the State of New Hampshire as Woman Suffrage Day;

Whereas, The passage of this amendment culminated a long campaign which started in 1878 when it was introduced by Senator Sargent of California at the request of Susan B. Anthony, Elizabeth Cady Stanton and other pioneer suffrage leaders;

Whereas, Long before this, however, agitation for women's rights had been conducted in conventions at Seneca Falls, N.Y., and Worcester, Mass., by Lucretia Mott, Lucy Stone and others; and reference was made to the "Unalienable Rights of Equality" guaranteed by the Declaration of Independence;

Whereas, During more recent years we have seen the increasing participation of women in our own legislature, our courts, our town governments and our school systems;

Whereas, They have exercised a constructive and cleansing influence of which we have constant need. The times call for a great widening of this influence in keeping down anarchic violence, finding peaceful solutions in a greatly disturbed world, and rigidly cleaning our polluted environment;

Whereas, In this very month it is heartening to see the action of Congress in respect to a supplemental amendment guaranteeing full women's rights under the law with no discrimination on account of sex;

Now, therefore, I, Walter Peterson, Governor of the State of New Hampshire, do hereby proclaim August 26, 1970 as Woman Suffrage Day in New Hampshire and urge that all citizens join in the observance of Woman Suffrage Day in our State.

Given at the Executive Chambers in Concord, this twentieth day of August in the year of Our Lord one thousand nine hundred and seventy, and of the Independence of the United States of America, the one hundred and ninety-fifth.

By His Excellency, The Governor:

WALTER PETERSON,
Governor.

Attest:

ROBERT L. STARK,
Secretary of State.

SENATE—*Thursday, August 27, 1970*

The Senate met at 8:30 a.m. and was called to order by Hon. ROBERT C. BYRD, a Senator from the State of West Virginia.

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

"New mercies each returning day,
Hover around us as we pray;
New perils past, new sins forgiven,
New thoughts of God, new hopes of heaven."

—JOHN KEBLE.

Eternal Father, whose grace is sufficient for all our need, take this day of our lives into Thy keeping. Inform our minds with Thy divine truth. Direct all our energies that no good gift from Thee be wasted. Help us to husband all our resources for constructive work. Strengthen our wills to do Thy will. Keep our eyes fixed on Thy beauty. Make our mouths eloquent in testimony to Thy love. Make this a day of spiritual joy and peace which moves this troubled world a bit nearer to the reality of Thy kingdom.

In the name of Him who came to all mankind as a servant. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 27, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. ROBERT C. BYRD, a Senator from the State of West Virginia, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. BYRD of West Virginia thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. KENNEDY. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Wednesday, August 26, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. KENNEDY. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under previous order, the Senator from Massachusetts is recognized for 30 minutes.

Mr. SCOTT. Mr. President, will the Senator yield briefly?

Mr. KENNEDY. Mr. President, I yield to the distinguished Senator from Pennsylvania without losing my right to the floor.

PUBLISHING AS A SENATE DOCUMENT TRIBUTES TO MARK TRICE

Mr. SCOTT. Mr. President, on August 19, 1970, and subsequently, a number of speeches were made on the floor of the Senate in recognition of 50 years of service to the Senate by Mark Trice.

On behalf of the distinguished majority leader and myself, I ask unanimous consent that certain congratulatory letters received by him be printed in the RECORD.

I also ask unanimous consent that the speeches made on the floor and the letters be gathered and published as a Senate document, and that Senators shall have 10 days in which to insert additional material if they so desire.

The ACTING PRESIDENT pro tempore. Without objection, the several requests of the able minority leader are granted.

Mr. SCOTT. I thank the Senator from Massachusetts.

The letters ordered to be printed in the RECORD are as follows:

THE WHITE HOUSE,
Washington, August 13, 1970.

Mr. J. MARK TRICE,
Secretary for the Minority,
U.S. Senate,
Washington, D.C.

DEAR MARK: The satisfaction you must derive as you look back on your impressive career is shared by all who have known you—and particularly by your fellow Republicans.

Your long years on Capitol Hill are as great in number as they are in accomplishment; from Senate Page to Secretary for the Minority is a most noteworthy advancement. You have set standards that will remain an inspiration for all who succeed you.

With warmest personal regards from a President who continues to cherish your friendship and your support,

Sincerely,

RICHARD NIXON.

THE VICE PRESIDENT,
Washington, August 19, 1970.

Mr. MARK TRICE,
Secretary to the Minority,
U.S. Senate,
Washington, D.C.

DEAR MARK: I had very much hoped to be able to participate in the celebration of your 50th Anniversary on Capitol Hill; but, as you may know, the President has called a Cabinet meeting for this evening. This, coupled with those things which must be done before I leave for the Far East, make it impossible for me to join with you and your many friends.

However, I do wish to commend you for your many years of meritorious service to the Party and to the United States Senate. Also, you have my sincere thanks for your valuable assistance to me as President of the Senate.

Sincerely,

TED.

THE SECRETARY OF STATE,
Washington, August 19, 1970.

Mr. J. MARK TRICE,
Secretary for the Minority,
U.S. Senate.

DEAR MARK: I should like to join your many friends in expressing my sincere congratulations on your record of dedicated service in the Senate and to the nation. Few can aspire to and still fewer attain the achievement which is being marked today. The tributes are justly deserved and I second them without qualification.

With warm regards,

Sincerely,

WILLIAM P. ROGERS.

AUSTIN, TEX.,
July 24, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: I have envied very few men in my life, but I do envy your fifty years of service in the United States Senate. Some of the happiest days of my career were spent in the Senate—and some of the most satisfying as well.

One of those satisfactions was my close working relationship with you. We represented different parties—and you served the Republican Party proudly and well—but first and foremost, we represented America. You always had my respect, my admiration and my affection.

Congratulations on passing this milestone. I wish you many more years of success. And I salute the years of service you have given to your government.

Sincerely,

LYNDON B. JOHNSON.

INDEPENDENCE, MO., *July 29, 1970.*

Mr. J. TRICE,
U.S. Senate,
Washington, D.C.

DEAR MR. TRICE: I have just learned that you are now in your fiftieth year of service in the United States Senate, and I join with much pleasure your many friends in congratulating you on this momentous occasion in your life, and of so long a dedication to public service.

With every good wish and high regard.

Sincerely yours,

HARRY S. TRUMAN.

JULY 23, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: Congratulations on fifty years of service to the United States Senate.

You have demonstrated over those years a dedication and devotion to your country, your Party, and the Senate itself. Your unselfishness and spirit of cooperation have gained for you the respect and admiration of Vice Presidents, Senators, and former Senators.

I share with you a love for the Senate and hope to return there next year to shake your hand and offer my congratulations to you in person. In the meantime, my very best wishes to you and your family.

Sincerely,

HUBERT H. HUMPHREY.

COLUMBUS, OHIO, *July 24, 1970.*

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: You have long been a most valuable person on the staff of the Senate. When returning, I have always looked you up because of my deep affection for you and your great help to me during my service in

the Senate. It does not seem possible that you have been there fifty years, for you are so full of energy and always so cheerful. I know yours has not been an easy job at times.

Your contribution to the Senate and your Country has been a great one.

Sincerely,

JOHN W. BRICKER.

MR. J. MARK TRICE,
U.S. Senate.

DEAR MARK: It seems hardly possible that you are completing fifty years of service in the Senate. You are a young looking man to have a Golden anniversary.

However, since the fact is upon us, I hasten to send you a word of congratulation. To this I add a word of appreciation of all that you have done for our Senators over these many years. I attest that you were extremely helpful to me personally and for that I have always been grateful.

I like to look back too upon the happy hours spent in your offices during night sessions, having a glass of bourbon with perhaps a piece of New Hampshire cheddar which Norris Cotton would provide . . . waiting for the bell to summon us back to the floor for a vote. Yes, happy hours they were when friendships became warmer, and we could talk unguardedly safe in the confidence and company of good friends.

I wish you the best, Mark. With warm appreciation of our friendship, I am

Faithfully,

PRESCOTT BUSH.

JOHN M. BUTLER,
BALTIMORE, MD.,
July 26, 1970.

DEAR MARK: I have just learned through the good offices of Senator Smith of Maine that you are now in your fiftieth year of service in the United States Senate. What a great privilege has been yours over so many years, more especially in the latter years of your service, to be the friend, confident and in many instances the advisor of the men and women who shaped and are now in large measure shaping the destiny of the Republic. Yours has indeed been the privilege not only to know them and work with them but to be known and respected by them as a man of the highest integrity and intelligence and unerring judgment. And Mark, my dear and enduring friend, you are a great asset to the great institution that is the United States Senate and to us whose privilege it has been to serve in the Senate during your tenure.

Sincerely yours,

JOHN.

JULY 30, 1970.

MR. J. MARK TRICE,
U.S. Senate.

DEAR MARK: Lady Margaret of Maine has written to astound me by saying that you are about to conclude half a century of service to the Senate of the United States.

I saw you most recently on the day when the Senate took affirmative action on the Cooper/Church Amendment, and it couldn't then occur to me that you had served so long. You looked and were acting as though another 50 years of duty was easily attainable. Yours has been an extraordinary achievement to this point in time. It is an understatement for me to wish you well during the years that lie ahead.

We first met in late 1945 when I became a member of the Senate from Washington State. You recognized me as being a neophyte with a minimum understanding of where I was. You, together with Carl L and Winnie B, were patient and unusually considerate in shortening my apprenticeship. I was grateful to you then, and the passage of time has not diminished my respect for you as a public servant of the highest order. In addition, I have long considered you to be my personal friend. One of my few regrets is that I have been too seldom in your company in recent years.

Again, I salute you for the constructive manner in which you have served our beloved country and assisted the political party to which we belong. The Senate, in its entirety, has a precious asset in your good self.

Admiringly,

HARRY P. CAIN.

P.S.—My prediction: The future is certain to treat you well in many ways. It could, and I hope does, see you operate again as Secretary for the Majority. Hasten that day!

INDIANAPOLIS, IND.,
July 27, 1970.

HON. J. MARK TRICE,
U.S. Senate, Washington, D.C.

DEAR MARK: There is an old saying, Mark, that to know a man you must work with him.

We worked together, as you well know, for 18 years. During that time I learned to have great respect for your integrity, ability and particularly your outstanding personality.

We need more men such as you in government.

I wish you the greatest success and happiness.

Sincerely,

HOMER E. CAPEHART.

CONCORDIA, KANS.,
July 24, 1970.

MR. J. MARK TRICE,
U.S. Senate

DEAR MARK: During my eighteen years in the U.S. Senate, I can think of no one that I was more indebted to than you for advice and personal favors.

This is a note to express my sincere thanks for those many favors. Your kindness and your ever willingness to help will never be forgotten.

Again many thanks.

Sincerely,

FRANK CARLSON.

KANSAS CITY, KANS.,
July 30, 1970.

MR. J. MARK TRICE,
Secretary for the Minority,
U.S. Senate, Washington, D.C.

DEAR MARK: It is a distinct honor and pleasure for me to be included among your many friends who are extending you their warmest congratulations and best wishes in honor of your Golden Anniversary in the Senate where you have served so capably and faithfully as Secretary for the Minority as well as in other beneficial capacities.

I know that you are greatly thought of by all who have been associated with you in the Senate and also by many other friends and associates in Congress. Those of us who worked with you in the past as well as those who work with you now and in the future will alway remember your many thoughtfulnesses and kindnesses.

I'll never forget the fine job you did during 1949 and 1950 while I was there. Your competence, friendship, loyalty and cooperation were certainly a great asset, and I'm glad to have this opportunity to thank you for your devoted interest in and dedication to your work—you're to be commended on a very productive fifty years.

Mrs. Darby joins me in wishing you an abundance of good health and many more years of happiness and success.

Sincerely,

HARRY DARBY.

U.S. SENATE,
Washington, D.C., July 27, 1970.

HON. AND MRS. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK AND MARGARET: The saying goes "behind every wonderful man is a lovely woman" and I think this is true in your circumstance, so I address this to the both of you.

Mark, words are so inadequate to express the respect and affection which Everett and I shared about you. Whenever he had a sticky problem or something that bothered him we would get out the little black book and call you. Whether it was Sunday or a holiday you would be there to help.

Your long years of service and your devotion to your country and the Senate which you serve has earned you the admiration from Republicans and Democrats alike. May the years that lie ahead bring you peace and tranquility and may you find satisfaction in a job well done. With every good wish,

MRS. EVERETT M. DIRKSEN.

U.S. COURT OF MILITARY APPEALS,
Washington, D.C., August 7, 1970.

MR. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: Your many years of service in the Senate and the many kindnesses, and your dedication to the United States through your service in the Senate, certainly warrants an appreciation which words alone will not adequately express. But it is the best which I can do in a letter. You were always ready to give advice and through your knowledge of the workings of the Senate were a great aid to me when I first arrived and as I continued through my years as Senator from Michigan.

May you have many more years there and I certainly wish you health and happiness while you are continuing to serve our Government.

Sincerely,

HOMER FERGUSON.

DOVER, DELAWARE,
July 24, 1970.

MR. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: Although nearly ten years have passed since it was my cherished privilege to serve as a United States Senator, the memories and recollections of my association with you continue to be vivid and refreshing.

To visit with you in your office was always interesting, educational and relaxing. The girls at the Secretaries desks reflected your sincerity in their welcome. The colleagues disclosed their philosophies in amplified tones. You could, without undue persuading, add many personal comments in an extremely enjoyable manner—such as having to use the ladder to get into your home. I could not have enjoyed all these things had it not been for your close friendship.

Personal congratulations for fifty years of FULL service to the United States Senate. The members of the Senate and the people of the United States are indebted to you for a lifetime of continuous and devoted assistance.

It is an honor for me to say, "Mark Trice is a true friend."

Most sincerely,

ALLEN.

CHEVY CHASE, MD.,
July 23, 1970.

MR. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: It seems that the years roll around faster than any of us appreciate but there is a special compensation for service rendered, and your half-century of service to the United States Senate is one of the great records of that body. I am proud that, up to the time I retired, I had served with you for a little over half the period of time you

had served, and I benefited from your friendship and advice.

I don't know what has happened to the Twilight Lodge, but I sometimes wonder if its unity has not been fractured just a little, for various reasons not of your making.

In any event, for your half-century of service to the Senate, the country and to all of us who served with you, please accept my congratulations and my best wishes for many future happy years.

Sincerely yours,

BOURKE B. HICKENLOOPER.

INDIANAPOLIS, IND.,
July 31, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: Word has reached me that you are in your 50th year of service in the United States Senate.

Honestly, I don't know whether to congratulate you or extend you deep, heartfelt sympathy. How have you stood it?

Seriously, Mark, I would say that you deserve a medal, and I hope they will present you with one!

I shall always treasure our friendship and most pleasant association during my years in the United States Senate, and certainly I want to be counted among your many, many friends expressing their appreciation for all your kindnesses and gracious assistance.

Janet joins me in sending you our warmest good wishes.

Sincerely,

WILLIAM E. JENNER.

EMBASSY OF THE UNITED STATES OF AMERICA,
New Delhi, India, July 22, 1970.

DEAR MARK: Although, due to the lack of vision of the New York electorate, it looks as if I would not be able to complete fifty years of service in that body, I certainly was astonished when I learned that anyone as young looking and vigorous as you had rounded out a half century of devoted service to the Senate and to the country. I am happy to have been afforded the opportunity to join in a tribute to you for your dedication and to express my deep gratitude for the many, many ways in which you were so helpful to me during my tenure. If I run again and am elected in 1980 or 1990, I know I can count on you for your continued cheerful cooperation. I wish you many years of happiness and deep satisfaction from the knowledge that you are held in such high and respectful regard by the Members of the Senate of all parties and colorations of viewpoint. Warm personal regards,

Very sincerely yours,

KENNETH B. KEATING.

OAKLAND TRIBUNE,
Oakland, Calif., July 30, 1970.

Hon. J. MARK TRICE,
U.S. Senate, Senate Office Building,
Washington, D.C.

DEAR MARK: I have learned that you are about to celebrate your 50th anniversary of service to the United States Senate. As one who had the opportunity to serve as a United States Senator for 13½ years and as both Majority and Minority Leader of the Senate, I want to join your many other friends in extending my best wishes.

I hope that you will have many more years of service. I know that the individuals who have been privileged to serve in the United States Senate, the staff of that institution, the government and people of the United States are in your debt for all that you have done during this half century of time.

With warm personal regards, I remain

Sincerely yours,

WILLIAM F. KNOWLAND.

WYMAN, BAUTZER, FINELL, ROTHMAN & KUCHEL,
Washington, D.C., July 24, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: With all your friends, I share your family's pride as you have reached a unique and imposing milestone of faithful service to the American people. To have served in the United States Senate, on the Republican side, for a half century, to have participated during that time as an important part of the nation's legislative machinery, and to have discharged your duty with devotion and honor and tact is a singular achievement, perhaps unmatched in all the history of the Congress. At any rate, it surely is most unusual in its duration, and I personally trust it will not be concluded for many years and until many additional milestones are reached.

One of the remarkable things about your career is that you have made so many friends, and have kept so many friendships, in a sometimes highly emotional legislative atmosphere which depends on division and dispute in seeking to make progress.

Betty joins me in sending to you and Margaret our prayers and best wishes for long and happy years ahead.

Sincerely,

THOMAS H. KUCHEL.

BEVERLY, MASS.,
August 5, 1970.

Hon. J. MARK TRICE,
U.S. Senate, Washington, D.C.

DEAR MARK: You have a right to look back on your fifty years of service in the United States Senate with deep satisfaction. During my more than thirteen years as a Senator, I had almost daily opportunties to see you at work and to benefit by the talented and valuable services which you rendered. You were always intelligent, always polite and always helpful. Few can equal such a record and none can surpass it. In extending my congratulations to you on this Fiftieth Anniversary, I also send you my warm personal wishes for health and happiness in the future.

With warm regards,

As ever yours,

HENRY CABOT LODGE.

LAS CRUCES, N. MEX.,
July 20, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: A thoughtful person has reminded me that you will be finishing 50 years of service to the Senate soon. You must have been quite large for your age when you went to work.

My short time on the Hill was made much more pleasant and rewarding by the fine service you rendered and the many acts of friendship you performed for me.

I just hope that your reign is much longer and that we can address you before long as the Clerk of the Majority.

Sincerely,

E. L. MECHEM.

LOUISVILLE, KY.,
July 22, 1970.

Mr. J. MARK TRICE,
U.S. Senate.

DEAR MARK: I am proud to be among your many friends who salute you for fifty years of faithful service in the United States Senate.

I suppose congratulations are in order but frankly, I think the United States Senate and particularly the Republican members thereof are to be congratulated for all that you have done over the years.

You and the members of your staff certainly were of untold help to me when I first went to the Senate and in the twelve years that followed. I have no regrets about leaving the Senate except that I miss all of those with whom I enjoyed a delightful camaraderie. My friendship with you is something that I shall treasure always.

Belle Clay asked me the other day what I missed most about Washington. My reply was three-fold: The Finance Committee, The Senate Gym and the Twilight Lodge.

With best wishes always,

Sincerely yours,

THRUSTON B. MORTON.

WALDOBORO, MAINE,
July 31, 1970.

Hon. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: As one who has had the extreme good fortune to have had a rather close and wonderful relationship with you during my service in the Senate of the United States, it is with the greatest of pleasure that I know you now have been wed to that body for 50 years, and are celebrating your Golden Anniversary this year.

My most sincere congratulations to you on attaining a distinction shared by few persons in the history of that most "Exclusive Club".

Mark, no person has ever been more highly dedicated to his work than you. No individual could have possibly extended greater courtesy and kindness to the many members of the United States Senate over the years than you. Every wish or desire has been handled with ease, tact and a great sense of devotion, regardless of whether it came from one high or low on the "totem pole". With you, it was always a question of trying to be of real help and service. Nothing else mattered.

Some of the most pleasant hours of my service there, were due to your friendship, hospitality and patience. You taught me the ways of the Senate and what to do and what not to do. Your door was always open, and during lengthy sessions lasting into late evening, your quarters seemed to be a "haven" for some of us who enjoyed "good fellowship" and a chance to be spared a bit of the lengthy oratory taking place on the floor of the Senate.

Yes, Mark, I have prized and always shall your friendship and all the wonderfully kind and thoughtful things you did for me and many like me. It is simply my one hope now, that I may live to see you again Secretary to the Majority.

Mrs. Payne joins with me in sending our very best, to one of the greatest persons we have ever known. May the next "50" be just as wonderful as the last.

Sincerely,

FREDRICK G. PAYNE.

POTTER & KORNMEIER INTERNATIONAL,
July 22, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: I wish to join with your host of friends in extending my congratulations to you for fifty years of service in the United States Senate.

Mark, you have been privileged to have witnessed hundreds of men and women who have sat in the United States Senate during your one-half century of duty. I am sure your thoughtfulness and willingness to be helpful is deeply appreciated by all of those who have had the privilege of working with you.

Betty joins me in wishing Margaret and yourself our best wishes for your continued health and success.

Kind personal regards on this memorable occasion.

Sincerely,

CHARLES E. POTTER.

FROSTBURG, MD.,
July 24, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: I want to join with your multitude of friends from all over the United States in congratulating you on the completion of 50 years service in the United States Senate.

You can quite deservedly look back with pride on a career of dedicated service to our Country, the Senate and the Republican Party.

I consider myself extremely fortunate to have been able to work with you for 12 of those 50 years.

With many thanks for your help in the past, and with every good wish for the future, I am

Sincerely yours,

J. GLENN BEALL.

OLD SAYBROOK, CONN.,
July 29, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: A half century of service in the United States Senate is a record of which one can properly be proud but years only is a small measure of your service. Your dedication to your duties and the cheerful and friendly manner in which they were discharged by you meant much. Even more meaningful than the years served are the friendships given and received. The thoughtful, kind help always willingly extended by you are fond memories of my service with you.

Mark, in my book, you are one GREAT GUY and so my sincere congratulations to you on this 50th Anniversary.

Sincerely,

WILLIAM A. PURTELL.

BOSTON, MASS.,
July 20, 1970.

Mr. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MARK: As one of your good friends over the twenty-two years that I served with you in the United States Senate, I want to join with your many friends to tell you how much I appreciated the many thoughtful little acts that you did to help me over those years and your extraordinary memory of details that made our actions more helpful in present day problems. Certainly, I hope that your 50th year mark will just be a new step forward for more years of service not only to members of the Senate, but to the nation.

May I add that I have some idea how much Mrs. Trice was of assistance to you and through you to us all. I recall particularly the many telephone calls to your home and to the other occasions on which Mrs. Saltonstall and I had such pleasant meetings with you both.

Congratulations and the best of luck!

Sincerely yours,

LEVERETT SALTONSTALL.

CONCORD, N.H.,
August 11, 1970.

Hon. J. MARK TRICE,
U.S. Senate,
Washington, D.C.

DEAR MR. TRICE: It was my privilege to serve in the U.S. Senate in 1954 having been appointed to fill the vacancy created by the death of Senator Tobey and during my service was grateful to you for your personal consideration and kindness. I failed re-election at the primary held in September and had no opportunity to say farewell. I have recently learned through the Senator from Maine that you have now served the Senate for fifty years and I decided to congratulate both you and the Senate. I take this opportunity to express my appreciation with thanks for your dedicated service and trust that it may long continue.

With my best wishes, I am

Very truly yours,

ROBERT W. UPTON.

S. 4297—INTRODUCTION OF THE HEALTH SECURITY ACT

Mr. KENNEDY. Mr. President, on behalf of Senator YARBOROUGH, Senator COOPER, Senator SAXBE, and myself, as well as Senators MCGOVERN, MONDALE, PELL, YOUNG of Ohio, HART, CRANSTON, HUGHES, BAYH, METCALF, MUSKIE, and MCCARTHY, I introduce the Health Security Act, a legislative proposal to establish a program of comprehensive national health insurance to provide better health care for all our people. We commend this legislation to our colleagues in the Senate for favorable consideration and early action.

Today in the United States, it is widely recognized that the American people are confronted with a crisis in the availability and the delivery of essential health services. In spite of the broad agreement that our population has a right to health care, the evidence is overwhelming that this right cannot be adequately exercised by most of our people. The nature and the dimensions of our national need for a system of better health care are well known. If we are to avoid the collapse of our health services and the disastrous consequences that would ensue for tens of millions of our people, we must take action.

We therefore offer today a health security program that will enable our Nation to make the right to health care not merely a principle or a social goal, but a living and functioning reality.

The primary purpose of our legislation is to establish a program to serve all who need health care and all who are qualified to provide the needed health services. Through a system of national health insurance, the program will guarantee orderly, budgeted, and stable financing of health services. In addition, a major part of the program will help to guarantee that the necessary national resources are available for the delivery of health care. Finally, through a program of innovative supports and incentives, the legislation will generate urgently needed improvements in both the organization and delivery of health care.

The health security program will emphasize the maintenance of health as well as the treatment of illness. By improving the efficiency of organization and by strengthening professional and financial controls, the program will restrain the steeply mounting costs of health care, while providing fair, reasonable, and adequate compensation and support to the individuals and the institutions that furnish health services.

One of the most useful and valuable innovations of the health security program is the resources development fund, which is part and parcel of the overall plan. During the 3 years before the benefit program becomes operational, the resources development fund will generate over 1 billion Federal dollars to improve and strengthen our health care system and to assure the availability and the effectiveness of the covered services when the benefit program begins. The fund will increase manpower and resources, and create new programs of organized health care throughout the Nation.

The goal of the program is to insure that all persons residing in the Nation have the opportunity to receive good health care—without barriers to the care they need, and without the crushing financial burdens that too often accompany the delivery of health services today. We believe that the health security program is a major step toward accomplishing that goal.

CURRENT PROBLEMS

America faces many serious and critical domestic problems, but none is more pervasive or more difficult than the deterioration of our once proud system of health care. In the United States of 1970, health care is the fastest growing failing business in the Nation—a $63 billion industry that fails to meet the urgent needs of our people. In spite of the dramatic recent increases in the Federal health budget and the large amounts we are all now spending for health care, there is almost no one today who believes that the Federal Government and the private citizen are getting full value for their health dollars.

The need for better health care is felt by every individual and family in the Nation. It cuts across all political, social, economic, and geographic lines—rich and poor, black and white, old and young, urban and rural.

As a nation, we have long been committed to fulfilling the potential of good health care for all our people. Yet, despite the dedication of many persons, despite large efforts and enormous expenditures, good health care is not yet even available to millions of people, and it is not actually being received by tens of millions more each year.

At the same time, we are devoting an increasing share of our national economic resources to health care. The cost is increasing, but the quality is declining. Our rates of sickness, disability, and mortality already lag far behind the potential of modern health care and the reality of such care in many foreign nations. Our record is getting no better. It may be getting worse. The consequences are serious. The challenge can no longer be denied.

We know very well the dismal health record of the United States compared to the other major industrial nations of the world. Year after year, the statistics tell us how little progress we have been making in health care in recent decades.

In spite of the fact that our vaunted research and technology is unequalled by any other nation in the history of the world, America is an also-ran in the delivery of health care to our people. In the midst of the rising cost of health care, we have endured a decline in the overall quality of the care we give our citizens. The figures are shocking:

In infant mortality, among the major industrial nations of the world, the United States today trails behind 12 other countries, including all the Scan-

dinavian nations, most of the British Commonwealth, and East Germany.

We trail six other nations in the percentage of mothers who die in childbirth.

Tragically, the infant mortality rate for nonwhites in the United States is twice the rate for whites. And nearly five times as many nonwhite mothers die in childbirth as white—shameful evidence of the ineffective prenatal and postnatal care our minority groups receive.

The story told by other health indicators is equally dismal. The United States trails 17 other nations in life expectancy for males, 10 other nations in life expectancy for females and 15 other nations in the death rate for middle-aged males.

Almost every family knows the cruel burden of worry, frustration, and disappointment that mark our search for better health care. The average American citizen lives in dread of illness and disability. He lives with the uncertainty of not knowing whether to seek medical care, or when to seek it, or how to obtain it. He lives with postponements and delays.

Above all, he lives in fear of the cost of health care. How many millions of Americans have gambled with their health to avoid the high cost of care they need? How many have endured suffering that might have been relieved? How many have had to sacrifice their hopes and plans because of the high price they had to pay for the care they received?

Despite massive sales of private health insurance, most of the expenditures for personal health services must still be borne out of pocket by the patient at the time of illness or as a debt thereafter. Nearly all private health insurance is partial and limited. In 1968, in spite of the fact that health insurance was a giant $12 billion industry, benefit payments in the aggregate met only about one-third of the private costs of health care, leaving two-thirds to be paid outside the framework of health insurance.

Private health insurance—through a thousand private carriers competing with each other, and through a bewildering array of insurance policies—had done no more than this to ease the impact of the cost of medical care on American families.

The private health insurance industry has failed us. It provides sickness insurance, not health insurance; acute care, not preventive care. It gives partial benefits, not comprehensive benefits. It fails to control costs. It fails to control quality. It ignores the poor and the medically indigent.

Far too often, the catastrophe of serious illness is accomplished by the very real fear of financial ruin. Health insurance coverage in America today is more loophole than protection. In 1968, of the 180 million Americans under 65, 20 percent had no hospital insurance, 22 percent had no surgical insurance, 34 percent had no inpatient medical insurance, 50 percent had no outpatient X-ray and laboratory insurance, 57 percent had no insurance for doctors' office visits or home visits, 61 percent had no insurance against the cost of prescription drugs, 97 percent had no dental care insurance.

These problems are not the problems of some small sector of our society. They are not the problems of only the poor, the disadvantaged, the handicapped, or the chronically ill. They are not the problems of only those in the inner city, or in the small towns or the rural areas.

These are the problems of families throughout the Nation. They do not have to read the statistics to know the crisis of our unmet needs. They know the problems firsthand, and they look to us for preventive measures and for remedies.

In our effort to achieve the goal we set today, I believe we will have the strong support of an increasing number of the providers of health care. We know the dedication of the health professions, the heroic efforts of hospitals and other institutions, the conscientious efforts of Federal, State, and local governmental agencies and their health personnel. We know the limitations under which they struggle today to meet the national need for health care. We know that at its best, medical care in the United States is second to none in the world, but we also know that the best is completely inaccessible to the vast majority of our people. More important, we know that if we are to succeed in our effort to improve the quality of health care for all, we must have the active support and assistance of all the health professions.

Our primary concern is not with allocating praise for what is good or blame for what is bad in our current health care system. Our primary concern is with identifying the needs and designing a program capable of meeting the needs we find.

There are three causes of our current health crisis that dominate all the rest:

There is a national shortage of health manpower and institutions.

Rising costs are pricing medical care beyond reach.

There are serious inadequacies in the system by which we organize and deliver health care.

If we are to meet the health needs of the Nation, we must insure that we have the needed health manpower, hospitals, and other institutions. We must keep the costs within reasonable bounds. And, we must develop a system which provides more efficient use of our existing health resources, and which encourages the availability of increased resources for the future.

If we are to succeed in alleviating our health crisis, however, we must attack each of these three problems simultaneously. Producing more health manpower or more hospitals or other institutions without improving the financing and organization of health care would simply exacerbate the already serious problem of the misallocation of our health resources. Changing the financing system alone by pouring more purchasing power into the existing channels would simply escalate the costs still further. And, attempting to deal with the organization system alone would be an invitation to decades of lag and disappointment. Such divided and categorical approaches have been tried under governmental or private sponsorship in the past, and they have met with uniform frustration and defeat. We propose that we should not repeat those mistakes.

Instead, we offer a comprehensive program that is intended to be a balanced and well-proportioned attack on each of the basic problems we face. At every point, we will provide professional and administrative protections and controls to limit the cost and safeguard the high quality of the health care services that will be made available.

NATIONAL HEALTH INSURANCE IN THE PAST

Proposals for national health insurance have a long history in the United States. The need for such a program was recognized at least two generations ago. At that time, medical care was becoming increasingly effective and valuable. Specialization was multiplying. Hospital services were becoming highly complex. Most important, the rising cost of adequate health care was threatening to price good care beyond the reach of millions of people.

It is not surprising, therefore, that health benefits were considered as a part of the original Social Security Act in 1935. Although these benefits were not included at the time, they were reserved for possible future extension of the social security program.

Additional proposals for national health insurance were made in Congress in the late 1930's and in the 1940's. These proposals were extensively studied and debated, but the time was not yet ripe for action. The earliest bills advocated Federal grants for State programs of health insurance. Nothing came of these proposals except the gradual provision of Federal support for State public assistance plans to pay for the costs of medical care—first for indigent persons and later also for medically indigent persons.

As our social security program grew in popularity and demonstrated its successful operation, the proposals in the Congress took the form of recommendations to include health benefits as an integral part of the Social Security Act. These proposals were also extensively studied and debated—over a period of more than 20 years. Out of those studies and debates eventually came, in 1965, the enactment of medicare as a limited program of national health insurance for persons 65 and over, and medicaid as a Federal-State medical care program on a means-test basis for indigent and medically indigent persons.

In those enactments of 1965, and in their subsequent amendments, Congress was guided by a policy of providing Federal financial support for the cost of private medical services. This partnership—governmental financial support and private provision of services—was sound in concept but deficient in practice.

The experience of medicare and medicaid has demonstrated that money alone and medical care insurance alone are no longer adequate to deal with the health care needs of the Nation. So long as the resources are insufficient and the organizational arrangements are inadequate, money alone will only make the problem worse. National health insurance is still necessary, but it must now and for the

years ahead be part of a broader program of health security.

THE NEED FOR NATIONAL HEALTH INSURANCE NOW

Today, the United States is the only major industrial Nation in the world that does not have a national health service or a program of national health insurance.

We know from recent experience that changes in the organization and delivery of health care in the United States will come only by an excruciating national effort. Throughout our society today, there is perhaps no institution more resistant to change than the organized medical profession. Indeed, because the crisis is so serious in the organization and delivery of health care, there are many who argue that we must make improvements in the organization and delivery system first, before we can safely embark on changing the financing system through national health insurance.

I believe the opposite is true. We must use the financing mechanism to create strong new incentives for the reorganization and delivery of health care. Thomas Paine declared at the founding of our American Republic, echoing the words of the ancient Greeks, "Give us a lever and we shall move the world." I say, give us the lever of national health insurance, and together we shall move the medical world and achieve the reforms that are so desperately needed.

The fact that the time has come for national health insurance makes it all the more urgent to pour new resources into remaking our present system. The organization and delivery of health care are so obviously inadequate to meet our current health crisis that only the catalyst of national health insurance will be able to produce the sort of basic revolution that is needed if we are to escape the twin evils of a national health disaster or the federalization of health care in the seventies.

To those who say that national health insurance will not work unless we first have an enormous increase in health manpower and health facilities and a revolution in the delivery of health care, I reply that until we begin moving toward national health insurance, neither Congress nor the medical profession will ever take the basic steps that are essential to reorganize the system. Without national health insurance to galvanize us into action, I fear that we will simply continue to patch the present system beyond any reasonable hope of survival.

The need for comprehensive national health insurance and concomitant changes in the organization and delivery of health care in the United States is our single most important issue of health policy today. If we are to reach our goal of bringing adequate health care to all our citizens, we must have full and generous cooperation between Congress, the administration, and the health profession. We already possess the knowledge and the technology to achieve our goal. All we need is the will. The challenge is enormous, but I am confident that we are equal to the task.

PROPOSALS FROM THE COMMITTEE FOR NATIONAL HEALTH INSURANCE

Recently, a new chapter began in the long history of national health needs and social policy. Walter Reuther was among the first to see that financing programs like medicare and medicaid, or extensions of private health insurance, could not resolve the crisis of disorganization and the spiraling costs of health care. Walter Reuther understood that the Nation needed to take a bold step forward. In November 1968, he announced the formation of the Committee of One Hundred for National Health Insurance. As he said, in establishing the mandate of the committee:

> I do not propose that we borrow a national health insurance system from any other nation. No nation has a system that will meet the peculiar needs of America. I am confident that we have in America the ingenuity and the social inventiveness needed to create a system of national health insurance that will be uniquely American—one that will harmonize and make compatible the best features of the present system, with maximum freedom of choice, within the economic framework and social structure of a national health insurance system.

Joining Walter Reuther on that committee were Dr. Michael E. DeBakey, Mrs. Mary Lasker, Mr. Whitney M. Young, Jr., and other outstanding citizens from the fields of medicine, public health, industry, agriculture, labor, education, the social services, youth, civil rights, religious organizations, and consumer groups. I have had the honor of serving on that committee along with my Senate colleagues, RALPH YARBOROUGH, JOHN SHERMAN COOPER, and WILLIAM SAXBE.

In its efforts over the past 2 years, the committee has worked to develop a sound program for improving the organization, financing, and delivery of health services to the American people. The committee's deliberations were based upon the premise that progress toward a more rational health system should be orderly and evolutionary. They felt that a better system of health care for America should rest upon the positive motivations and interests of both consumers and providers of health services. They believed that no system could succeed if it were imposed by fiat through rigid legislation and administrative regulations.

The bill that we introduce today is based on the recommendations of the committee. Throughout its deliberations, the committee was guided by the work of its distinguished technical subcommittee, chaired by Dr. I. S. Falk, professor emeritus of public health of Yale University and the most eminent authority in the field of health economics in the Nation. The committee consulted extensively with representatives of professional associations, consumer organizations, labor unions, management, and many other interested groups. The plan that the committee has proposed for a national health security program gives careful consideration to the recommendations of all of these groups.

The tragedy of Walter Reuther's death is compounded by the knowledge that he was on the threshold of presenting the committee's program, one of his greatest social visions. Now, as we transfer the debate from the halls of the universities to the hearing rooms of Congress, the committee is fortunate to have the able leadership of Leonard Woodcock. We know, therefore, that the strong and forceful guidance of the committee will continue as its work enters this new stage of activity.

MAJOR PROVISIONS OF THE PROPOSED LEGISLATION

The Health Security Act is intended to be comprehensive and extensive. At the conclusion of my remarks, I shall include a section-by-section analysis of the bill and the text of the bill itself, so that the details of its provisions may be widely available to all.

At this time, however, I would like to call attention to the major principle on which the bill is premised, and to summarize its main provisions.

First. Three basic principles have served as guidelines for this legislation, and they deserve special notice:

The health security program does not envisage a national health service, in which Government owns the facilities, employs the personnel, and manages the finances of the health system. On the contrary, the program proposes a working partnership between the public and private sectors. There will be Government financing and administrative management, joined with private provision of personal health services through private practitioners, institutions, and other providers.

The health security program will be carried out in a gradual process, moving in an evolutionary course from where we are today to the goals we have set for the future.

The comprehensive services covered by the health security program will be financed on a budgeted basis. Funds will be provided from a pool of national resources, with reasonable limitations on the hitherto unlimited expenditures demanded from the national economy.

Second. The benefits of the health security program will be available, with only minor exceptions, to all persons residing in the country, beginning in the middle of 1973. Eligibility will require neither an individual contribution history as in social security nor a means test as in medicaid.

Third. The benefits of the program are intended to embrace the entire range of services required for personal health, including services for the prevention and early detection of disease, for the care and treatment of illness, and for medical rehabilitation. With only four exceptions, there are no restrictions on needed services—no cutoff points, no coinsurance, no deductibles, and no waiting periods. The four exceptions are dictated by inadequacies in existing resources or in management potentials; they deal with nursing home care and other custodial care, psychiatric care, dental care, and certain medicines and appliances.

Fourth. Providers of health services will be compensated directly by the health security program. Individuals will not be charged for covered services.

Hospitals and other institutional providers will be paid on the basis of approved prospective budgets. Independent practitioners, including physicians, dentists, podiatrists and optometrists, may be paid by various methods which they elect: By fee-for-service, by capitation payments, or in some cases by retainers, stipends, or a combination of methods. Comprehensive health service organizations may be paid by capitation, or by a combination of capitation and methods applicable to payments to hospitals and other institutional services. Other independent providers, such as pathology laboratories, radiology services, pharmacies, and providers of appliances, will be paid by methods adapted to their special characteristics.

Fifth. The financial and administrative arrangements are designed to move the medical care system toward organized programs of health services, with special emphasis on teams of professional, technical, and supporting personnel. The resources development fund—containing up to 5 percent of the total amount in the trust fund—will be available to support the most rapid practicable development toward this goal of strengthening and improving the Nation's health resources. Federal law will supersede State statutes which restrict or impede the development of group practice plans. Thus, the program will do its best to assure increased availability of covered health services. It will not be content with merely contributing further strains on our already overburdened resources.

Sixth. The health security program includes various provisions to safeguard the quality of health care. The program will establish national standards more exacting than medicare for participating individual and institutional providers. Independent practitioners will be eligible to participate if they meet licensure and continuing education requirements. Specialty services will be covered if, upon referral, they are performed by qualified persons. Hospitals and other institutions will be eligible for participation if they meet national standards, and if they establish utilization review and affiliation arrangements.

Seventh. In the area of health manpower, the health security program will supplement existing Federal programs. It will provide incentives for comprehensive group practice organizations. It will encourage the efficient use of personnel in short supply. It will stimulate the progressive broadening of health services. It will provide funds for education and training programs, especially for members of minority groups and those disadvantaged by poverty. Finally, it will provide special support for the location of needed health personnel in urban and rural poverty areas.

Eighth. Various Federal health programs will be superseded, in whole or in part, by health security. Since all persons 65 and over will be covered by the program, medicare under the social security system will be terminated. Federal aid to the States for medicaid and other Federal programs will also be terminated except to the extent that benefits under such programs are broader than under health security. However, the bill does not revise the current provisions for personal health services under the Veterans' Administration, temporary disability, or workmen's compensation programs.

Ninth. The administration of the health security program will be concerned primarily with the availability of services, the observance of high quality standards, and the containment of costs within reasonable bounds. Policy and regulations will be established by a five-member full-time Health Security Board, appointed by the President with the advice and consent of the Senate. Members of the Board will serve 5-year terms, and will be under the authority of the Secretary of Health, Education, and Welfare.

A statutory National Advisory Council will assist the Board on general policy, the formulation of regulations and the allocation of funds. Members of the Council will include representatives of both providers and consumers of health care.

Administration of the program will be carried out through the 10 existing HEW regions as well as through the approximately 100 health subareas that now exist as natural medical marketplaces in the Nation. Advisory councils on matters of administration will be established at each of these levels. Through its regulations, the Board will guide the overall performance of the program. It will coordinate its activities with State and regional planning agencies, and it will account for its activities to Congress.

Tenth. The program will be financed through a health security trust fund similar to the social security trust fund. Income to the fund will derive from three sources: 40 percent from Federal general revenues, 35 percent from a tax of 3.5 percent on employers' payrolls, and 25 percent from a 2.1-percent tax on individual income up to $15,000 a year.

Employers may pay all or part of their employees' health security tax, and they would be expected to preserve obligations under existing collective-bargaining agreements.

Each year, the Board will make an advance estimate of the total amount needed for expenditure from the trust fund to pay for services, for program development, and for administration. The Board will allocate funds to the several regions, and these allocations will be subdivided among categories of services in the health subareas. Advance estimates, constituting the program budgets, will be subject to adjustments in accordance with guidelines in the act. The allocations to regions and to subareas will be guided initially by the available data on current levels of expenditures. Thereafter, they will be guided by the program's own experience in making expenditures and in assessing the need for equitable health care throughout the Nation.

Eleventh. On the basis of data from fiscal year 1969, the most recent year for which complete statistics are available, the health security program we are proposing would have paid for a total of $37 billion in personal health care services in the United States. Had the program been in existence in 1969, therefore, it would have paid approximately 70 percent of the $53 billion in total personal health expenditures for that year, or about twice the percentage that existing forms of public and private health insurance now pay.

Overall, expenditures under the health security program will not create a new round of Federal health expenditures, layered on top of existing public and private expenditures for health care. Instead, the health security program is designed to achieve a rechanneling of expenditures already being made, so that existing funds may be allocated more efficiently. In essence, health security expenditures will replace the large amount of wasteful and inefficient expenditures already being made by private citizens, by employers, by voluntary private agencies, and by Federal, State, and local governments. Only in this way can we begin to guarantee our citizens better value for their health dollar.

CONCLUSION

In sum, the Health Security Act we submit to the Senate and to the people of the United States differs from all previous proposals for national health insurance. It is not just another proposal for insurance. It is not just another design for pouring more purchasing power into our already over-strained and overburdened "nonsystem" for the delivery of medical care. It is not just another proposal to generate more professional personnel or more hospitals and clinics, without the means to guarantee their effective utilization.

Ours is a proposal to give us a national system of health security. Under this program, the funds we make available will finance and budget the essential costs of good medical care for the years ahead. At the same time, these funds will be building new capacity to bring adequate, efficient, and reliable medical care to all families and individuals in the Nation.

I invite all members of the Senate to study this proposed legislation and to join with us in seeking its early enactment.

I ask unanimous consent that the bill and a section-by-section analysis of its provisions be printed in the RECORD.

The PRESIDING OFFICER. The bill will be received and appropriately referred; and, without objection, the bill and the analysis will be printed in the RECORD, in accordance with the Senator's request.

The bill (S. 4297) to create a health security program, introduced by Mr. KENNEDY (for himself and other Senators), was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 4297

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as "The Health Security Act."

DECLARATION OF PURPOSE

SEC. 2. The purpose of this Act is—

To create a national health security program which, through a system of national health insurance, will make health services available to all residents of the United States, and

Through the operation of the program, to effect modifications in the organization and methods of delivery of health services which will increase the availability and continuity of care, will emphasize the maintenance of health as well as the treatment of illness and, by improving the efficiency and the utilization of services and by strengthening professional and financial controls, will restrain the mounting cost of care while providing fair and reasonable compensation to those who furnish it.

INITIATION OF HEALTH SECURITY PROGRAM

SEC. 3. Health security taxes will become effective on January 1, and health security benefits on July 1, of 1973. Except for the benefit and related fiscal provisions, title I of this Act is effective upon enactment. Certain Federally financed or supported health programs will be terminated or curtailed when health security benefits become available. Effective dates of the several provisions of this Act are set forth in sections 142, 203, 213, 301, 302, and 303.

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TITLE I—HEALTH SECURITY BENEFITS

PART A—ELIGIBILITY FOR BENEFITS

BASIC ELIGIBILITY

SEC. 11. Every resident of the United States and every non-resident citizen thereof is eligible, while within the United States, to receive the benefits of the health security system created by this Act; except that an alien employee of a foreign government, of an instrumentality of a foreign government exempt from the tax imposed by section 3111 (b) of the Internal Revenue Code of 1954; or of an international organization is eligible only in accordance with an agreement under section 12. An alien admitted as a permanent resident and living within the United States, or an alien admitted for employment and employed within the United States, is for the purposes of this title a resident of the United States.

AGREEMENTS FOR ELIGIBILITY OF OTHER PERSONS

SEC. 12. The Health Security Board (hereafter referred to as "the Board"), with the approval of the Secretary of Health, Education, and Welfare and the Secretary of State, is authorized to enter into agreements with foreign governments, international organizations, or other entities to extend the benefits of this title to persons within the United States not otherwise eligible therefor, in consideration of payment to the United States of the estimated cost of furnishing the benefits to such persons, or of an undertaking to furnish in a foreign country similar benefits to citizens of the United States, or of a combination of payment and such an undertaking.

STUDY OF THE PROVISION OF HEALTH BENEFITS TO UNITED STATES CITIZENS IN OTHER COUNTRIES

SEC. 13. The Secretary of Health, Education, and Welfare, in consultation with the Secretary of State and the Secretary of the Treasury, shall study (a) the practicability and the means of making prepaid health services (or prepaid indemnification for the cost of health services) available, more widely than can be done under section 12, to citizens of the United States who are resident in other countries or are temporarily visiting such countries, by supplementing the authority for reciprocal arrangements under section 12 with authority for payments from the Health Security Trust Fund, and (b) means of equitably financing such services (or indemnification) through the extension of health security taxes; and not later than June 30, 1975, shall report to the Congress his findings and recommendations.

PART B—NATURE AND SCOPE OF BENEFITS: COVERED SERVICES

ENTITLEMENT TO HAVE PAYMENT MADE FOR SERVICES

SEC. 21. Every eligible person is entitled to have payment made by the Board for any covered service furnished within the United States by a participating provider if the service is necessary or appropriate for the maintenance of health or for the diagnosis or treatment of, or rehabilitation following, injury, disability, or disease Covered services are the services described in this part (subject to the exclusions stated in section 28); participating providers are providers described in part C.

PHYSICIAN SERVICES

SEC. 22. (a) Professional services of physicians, furnished in their offices or elsewhere, are covered services except to the extent otherwise provided in this section and section 28. Covered physicians' services include services and supplies of kinds which are commonly furnished in a physician's office, without separate charge, as an incident to his professional services.

(b) Covered physicians' services consist of (1) primary medical services, which are the

services (as defined in regulations, but including preventive services) ordinarily furnished by physicians (whether general practitioners or specialists) engaged in general or family practice for adults or the children or for both, and (2) specialized services. Major surgery and other specialized services designated in regulations are covered services only if they are furnished by an appropriately qualified specialist and, to the extent specified in regulations, on referral by a physician engaged in general or family practice, or if they are emergency services.

(c) Psychiatric (mental health) service to an ambulatory patient is a covered service (1) only if it constitutes an active preventive, diagnostic, therapeutic, or rehabilitative service with respect to emotional or mental disorders, and (2) only to the extent of 20 consultations during a spell of illness (as defined in regulations); but the limitation in clause (2) is not applicable if the service (A) is furnished by a comprehensive health service organization, by a hospital to an outpatient, or by a community mental health center or other mental health clinic which furnishes comprehensive services, or (B) is furnished to a patient of a day care service approved by the Board for this purpose.

DENTAL SERVICES

SEC. 23. (a) Professional services (described in subsection (b)) of a dentist, furnished in his office or elsewhere, are (subject to the provisions of section 28) covered services if they are furnished to a person born after June 30, 1958; or if they are furnished—after June 30, 1974, to a person born after June 30, 1957; after June 30, 1975, to a person born after June 30, 1956; after June 30, 1976, to a person born after June 30, 1955; after June 30, 1977, to a person born after June 30, 1954; or after June 30, 1978, to a person born after June 30, 1953.

Covered services include services, materials, and supplies which are commonly furnished in a dentist's office, without separate charge, as an incident to his professional services.

(b) Covered dental services are preventive services (including personal dental health education), diagnostic services, therapeutic services (exclusive of orthodontic services other than for handicapping malocclusion), and services required for rehabilitation following injury, disability, or disease.

(c) It is the intention of the Congress that the coverage of dental services under this title be extended to persons born before July 1, 1958, as rapidly as the availability of funds and of facilities and personnel makes possible, and the Board, in its annual reports to the Congress on the administration of this Act, shall review the operation of this section and recommend extension of the entitlement specified in this section as rapidly as the Board deems feasible. Not later than January 1, 1980, the Board shall submit its recommendation with respect to the scope and conditions of availability of covered dental services to all persons not already entitled thereto.

INSTITUTIONAL SERVICES

SEC. 24. (a) Inpatient and outpatient hospital services, skilled nursing home services, the service of home health service agencies, and other institutional health services approved by the Board, which are ordinarily furnished by the institution to patients for the purposes stated in section 21, are covered services except to the extent otherwise provided in this section and section 28. Covered services include services furnished generally to the patients served by an institution, including pathology and radiology services and all other necessary services, whether they are furnished by the institution or by others under arrangement with the institution. To the extent provided in regulations, inpatient services of a Christian Science sanatorium are covered services.

(b) Covered services do not include personal comfort items or, unless required for medical reasons, the additional cost of accommodations more expensive than semiprivate accommodations; and do not include domiciliary or custodial care, or institutional care of a person while he is not receiving active medical treatment.

(c) Covered services do not include care in a skilled nursing home for more than 120 days in a spell of illness (as defined in regulations), except that the Board is authorized to liberalize or eliminate this limitation whenever it finds that adequate funds and resources are available therefor and that such action will not lead to excessive utilization of skilled nursing home services.

(d) Covered services do not include institutional care of a person as a psychiatric patient while the patient is not receiving active treatment for an emotional or mental disorder; and do not include care of a person as a psychiatric patient for more than 45 consecutive inpatient days in either a psychiatric or a general hospital during a spell of illness (as defined in regulations).

(e) Covered services do not include institutional care of an inpatient unless a physician has certified to the medical necessity of the patient's admission to the institution, and do not include such care (during a continuous stay in the institution) after such period (if any) as may be specified in regulations unless a physician has certified to the continued medical necessity of such care. Regulations may specify the classes of cases in which certification of continued necessity is required, may specify different periods for different classes of cases, and may permit retroactive certification under such circumstances and to such extent as the Board deems appropriate.

(f) Covered services do not include the services of a general or psychiatric hospital or a skilled nursing home, during a spell of illness (as defined in regulations), after the third day following receipt by the institution and the patient of notice of a finding by a utilization review committee pursuant to section 50(e) that further stay in the hospital or further stay in the nursing home, as the case may be, is not medically necessary.

DRUGS

SEC. 25. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review, and if necessary revise, at least annually) (1) a list of drugs for use in participating institutions and comprehensive health service organizations, and (2) a list (for use outside such institutions and organizations) of diseases and conditions for the treatment of which drugs may be furnished as a covered service, and a specification of the drugs that may be so furnished for each disease or condition listed. Subject to the provisions of subsections (b) and (c) and of section 28, the furnishing of a drug to an eligible person is a covered service if it is furnished by or on prescription of a participating physician or dentist, or by or on prescription of a physician or dentist acting on behalf of a participating institutional or other provider.

(b) The list of drugs referred to in subsection (a)(1) shall be designed to provide physicians and dentists with an armamentarium necessary and sufficient for rational drug therapy incident to comprehensive medical services or incident to covered dental services. The furnishing of a drug on this list is a covered service if it is furnished to a person who is enrolled in a participating comprehensive health service organization, or is administered within a participating hospital to an inpatient or an outpatient, or is administered to an inpatient of a participating skilled nursing home having in effect an affiliation agreement in accordance with section 51(b).

(c) The list of diseases and conditions referred to in subsection (a)(2) shall include those chronic diseases and conditions for which drug therapy, because of its duration and cost, commonly imposes substantial financial hardship; and may include other diseases and conditions for which the Board finds exceptionally costly drug therapy to be commonly required and effective. To assure proper utilization of drugs for specific diseases or conditions, the Board may require that the physician or dentist furnishing or prescribing a listed drug be a specialist qualified to diagnose and treat that disease or condition. The furnishing of a drug (although not to a person or under circumstances described in subsection (b)) is a covered service if (1) the physician or dentist furnishing or prescribing it identifies the disease or condition for which it is furnished or prescribed, and the disease or condition is one appearing on the Board's list, (2) the physician or dentist meets specialist qualifications, if any, required by the Board, and (3) the drug is specified on the Board's list as one available for treatment of the disease or condition identified by the physician or dentist.

(d) The Board shall not list a drug under this section unless (1) the Secretary has found that it is safe and efficacious for the purposes for which it is recommended and (on the list established under subsection (c)) for the treatment of each disease or condition for which it is specified on the list, and (2) the Board finds that it is available at a reasonable cost (considering, among other factors, the existence or absence of competition in the production, distribution, and sale of the drug). Drugs shall be listed by their established names (as defined in section 502(e) of the Federal Food, Drug, and Cosmetic Act) and also, to the extent the Board deems appropriate, by trade names.

(e) In reviewing and revising lists established under this section the Board shall take into consideration (1) current information about the safety and efficacy of listed drugs, and about their cost, (2) the results of review of drug utilization under this title, (3) experience bearing on the determination of what diseases and conditions meet the criteria stated in subsection (c), and (4) such other factors as the Board deems pertinent. Drugs shall be added to or eliminated from the lists as the Board finds best calculated to effectuate the purposes of this section.

DEVICES, APPLIANCES, AND EQUIPMENT

SEC. 26. (a) The Board, with the approval of the Secretary, shall establish and disseminate (and review, and if necessary revise, at least annually) lists of the therapeutic devices, appliances, and equipment (or classes thereof) which it finds are important for the maintenance or restoration of health or of employability or self-management. The Board shall take into consideration the efficacy, reliability, and cost of each item listed, and shall attach to any item such conditions as it deems appropriate with respect to the circumstances under which or the frequency with which the item may be prescribed. In establishing and revising lists under this section the Board shall seek to avoid a rate of expenditure for the furnishing of devices, appliances, and equipment in excess of 2 percent of the rate of expenditure for all covered services.

(b) The furnishing of a device, appliance, or equipment prescribed by a participating physician or dentist, or by a physician or dentist on behalf of a participating institutional or other provider, is (subject to the provisions of section 28) a covered service if the item appears on a current list of essential items and the prescription falls within any conditions attached to the prescribing of that item on the list. The furnishing of any other device, appliance, or equipment so prescribed is also a covered service if, in accordance with regulations, the furnishing of it has been approved in advance by the

Board. Regulations under this section may list items or classes of items which, because of lack of efficacy or reliability or because of cost, the Board has determined may not be furnished as covered services.

MISCELLANEOUS AND SUPPORTING SERVICES

Sec. 27. (a) To the extent provided in regulations (but subject to the provisions of section 28) the following are covered services:

(1) the professional service of optometrists in refractive measurement of the eye and in prescribing eyeglasses;

(2) the professional services of podiatrists;

(3) the diagnostic services of independent pathology laboratories, and diagnostic and therapeutic radiology furnished by independent radiology services;

(4) the care of a psychiatric patient in a mental health day care service (A) for not more than 60 full days (or its equivalent) during or following a spell of illness (as defined in regulations), when furnished by a hospital or a service affiliated with a hospital, or (B) if furnished by a comprehensive health service organization or by a community mental health center or other mental health center which furnishes comprehensive services; and

(5) ambulance and other emergency transportation services.

(b) Supporting services (such as psychological, physiotherapy, nutrition, social work, or health education services) are covered services when they are a part of institutional services or when, with the approval of the Board, they are furnished by a comprehensive health service organization meeting the requirements of section 47, or by an organization, agency, or center with which the Board has entered into an agreement pursuant to section 48 (a), (b), or (c).

EXCLUSIONS FROM COVERED SERVICES

Sec. 28. (a) Health services furnished or paid for under a workmen's compensation law of the United States or a State, or legally required to be so furnished or paid for, are not covered services. Such services, if furnished by a participating provider, shall nevertheless be treated as covered services in accordance with this part unless and until a determination has been made pursuant to the workmen's compensation law that the services are covered by that law, and any resulting overpayment under this Act shall be recouped in the same manner as other overpayments.

(b) Health services furnished in a primary or secondary school are not covered services.

(c) Surgery performed solely for cosmetic purposes (as defined in regulations), and hospital or other services incident thereto, are not covered services.

(d) The furnishing of a drug otherwise than in accordance with section 25 is not a covered service. The furnishing of a device, appliance, or equipment otherwise than in accordance with section 26 is not a covered service unless it is furnished, in accordance with section 22(a) or section 23(a), as an incident to professional services.

(e) The Board may by regulation exclude from covered services medical or surgical procedures (and services incident thereto) which it finds are essentially experimental in character and which, because of cost or because of shortage of qualified personnel or facilities, it finds cannot practicably be furnished on a nationwide basis.

(f) Except as provided in regulations, services are not covered services if (1) they are furnished by another provider to a person enrolled in a comprehensive health service organization, and are within the range of services which the organization has undertaken to furnish, or (2) they are primary physicians' services or covered dental services and are furnished by another provider to a person on the list of a physician or a dentist who has elected to be paid by the capitation method.

(g) The services of a professional practitioner are not covered services if they are furnished in a hospital which is not a participating provider.

PART C—PARTICIPATING PROVIDERS OF SERVICES

IN GENERAL; AGREEMENTS WITH THE BOARD

Sec. 41. A person, corporation, or other entity furnishing any covered service is a participating provider if he or it (a) meets such qualifications and conditions as are established by or pursuant to this part for providers of that service, (b) furnishes the service as an independent provider and not (as employee or otherwise) on behalf of another provider entitled under part E to payment for the service, and (c) has filed with the Board an agreement (1) that services to eligible persons will be furnished without discrimination on the ground of race, color, or national origin, (2) that no charge will be made for any covered service other than for payment authorized by this title, and (3) that the provider will furnish such information as may be reasonably required by the Board for utilization review by professional peers, for the making of payments under this title, and for statistical or other studies of the operation of the title, and will permit such examination of records as may be necessary for verification of information on which payments are based.

PROFESSIONAL PRACTITIONERS

Sec. 42. (a) A physician, dentist, optometrist, or podiatrist, legally authorized on June 30, 1973, to practice his profession in a State, is a qualified provider of covered services within the State; subject, however, to the provisions of subsections (c) and (d). A practitioner first so authorized by a State after June 30, 1973, is a qualified provider if, in addition, he meets national standards established by the Board (taking into consideration the criteria applied by any recognized national testing organization) for the practitioner's profession. A practitioner who is a qualified provider in one State, if he meets the national standards, is also in any other State (in accordance with section 56 (a)(1)) a qualified provider of services which (1) are covered services to persons entitled thereto under this title, and (2) are of a kind which such other State authorizes to be furnished by practitioners of his profession.

(b) For the purposes of this title—

(1) A doctor of osteopathy legally authorized to practice medicine and surgery in a State is a physician.

(2) A dentist qualified in accordance with subsection (a) is a physician when performing oral surgery or other procedures which, in accordance with generally accepted professional standards, may be performed by either a physician or a dentist.

(c) Not later than July 1, 1975, the Board shall establish for professional practitioners such requirements of continuing education (taking into consideration standards approved by appropriate professional organizations) as it finds reasonable and necessary to maintain and enhance the quality of professional services to eligible persons. A professional practitioner who fails to meet a requirement established under this subsection shall, if the deficiency persists after notice and a reasonable opportunity to correct it, cease to be a qualified provider.

(d) A physician qualified in accordance with subsection (a) is not qualified to perform major surgery as a covered service, or to furnish as covered services other specialized services designated in regulations, unless he holds a certificate from the appropriate national specialty board or possesses the qualifications requisite to such certification; except that a physician may be found qualified to furnish any specialized services as covered services if (1) prior to July 1, 1973, he has engaged in furnishing such services as a specialist or as a substantial part of his medical practice, (2) he meets standards established by the Board, and (3) where appropriate, a finding that he is so qualified is recommended by a participating hospital in which he has engaged substantially in furnishing such services.

GENERAL HOSPITALS

Sec. 43. Subject to the provisions of section 52, a general hospital is a qualified provider if it is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) diagnostic, therapeutic, and rehabilitation services, furnished by or under the supervision of physicians, for medical diagnosis, treatment, care, and rehabilitation of injured, disabled, or sick persons;

(b) maintains adequate clinical records on all patients;

(c) has bylaws in effect with respect to its staff of physicians, and has filed with the Board an agreement that in granting or maintaining medical staff privileges it will not discriminate on any ground unrelated to professional qualifications;

(d) has a requirement that every patient must be under the care of a physician;

(e) provides twenty-four-hour nursing service rendered or supervised by a registered professional nurse, and has a licensed practical nurse or registered professional nurse on duty at all times;

(f) has a pharmacy and drug therapeutics committee which establishes policies for the selection, acquisition, and utilization of drugs;

(g) has in effect a hospital utilization review plan which meets the requirements of section 50;

(h) meets all applicable requirements of the law of the State in which it is situated; and

(i) meets such other requirements as the Board finds necessary in the interest of the quality of the care and the safety of patients in the institution.

PSYCHIATRIC HOSPITALS

Sec. 44. Subject to the provisions of section 52, a hospital which is primarily engaged in furnishing psychiatric services to inpatients who are mentally ill is a qualified provider if it (or a distinct part of it) is an institution—

(a) in which diagnostic, therapeutic, and rehabilitative services with respect to mental illness are furnished by or under the supervision of physicians;

(b) which satisfies the requirements of subsections (b) through (i) of section 43;

(c) which, on the basis of staffing and other factors it deems pertinent, the Board finds is qualified to furnish active treatment;

(d) which maintains such records as the Board finds necessary to determine the degree and intensity of the treatment furnished; and

(e) which is accredited by the Joint Commission on the Accreditation of Hospitals.

SKILLED NURSING HOMES

Sec. 45. Subject to the provisions of sections 51 and 52, a skilled nursing home is a qualified provider if it (or a distinct part of it) is an institution which—

(a) is primarily engaged in providing to inpatients (other than mentally ill persons) skilled nursing care and related services for patients who require medical and nursing services;

(b) has written policies, which are developed (and reviewed from time to time) with the advice of a group of professional personnel, including one or more physicians and one or more registered professional nurses, to govern the services it provides;

(c) has a physician, a registered professional nurse, or a medical staff responsible for the execution of such policies;

(d) operates under the supervision of an administrator licensed by the State in which such institution is situated;

(e) has a requirement that the health care of every patient be under the supervision of a physician, and provides for having a physician available to furnish necessary medical care in case of emergency;

(f) maintains adequate clinical records on all patients;

(g) provides twenty-four-hour nursing service sufficient to meet nursing needs in accordance with the policies developed as provided in subsection (b), and has at least one registered professional nurse employed full time;

(h) provides appropriate methods and procedures for the dispensing and administering of drugs;

(i) has in effect a utilization review plan which meets the requirements of section 50;

(j) meets all applicable requirements of the law of the State in which it is situated, and (unless the Board finds that such law provides equivalent protection) meets the provisions of the Life Safety Code of the National Fire Protection Association applicable to nursing homes; and

(k) meets such other requirements, including requirements relating to the physical facilities, as the Board may find necessary in the interest of the quality of care and the safety of patients in the institution.

HOME HEALTH SERVICE AGENCIES

SEC. 46. Subject to the provisions of section 51, a home health service agency is a qualified provider if it is a public agency or a nonprofit private organization, or a subdivision of such an agency or organization, which—

(a) is primarily engaged in furnishing, on an intermittent and visiting basis in patients' homes, skilled nursing and other therapeutic services to patients (other than mentally ill persons) who are under the care of physicians;

(b) has policies developed (and reviewed from time to time) by a group of professional personnel associated with the agency or organization, including one or more physicians and one or more registered professional nurses, to govern the services which it furnishes, and provides for supervision of such services by a physician or registered professional nurse;

(c) maintains adequate clinical records on all patients;

(d) meets all applicable requirements of the law of the State in which it furnishes services; and

(e) meets such other requirements as the Board may find necessary in the interest of the quality of care and the safety of patients of the agency or organization.

COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS

SEC. 47. A comprehensive health service organization is a qualified provider of covered services if—

(a) the organization furnishes health services to an identified population (enrolled in the organization) in or near a specified service area, through arrangements which embody prepaid group practice (as defined in regulations) or other definitive arrangements which the Board finds will so far as practicable provide to enrollees the benefits of prepaid group practice;

(b) the furnishing of services is assured through a contract between the Board and a nonprofit provider of all the services to be furnished by the organization, or through a contract between the Board and a nonprofit provider of some of the services and subcontracts or other arrangements between such provider and providers (profit-making or nonprofit) of the other services;

(c) the organization furnishes, as a minimum, all covered services described in part B (including such supporting services as the Board may have approved under section 27(b)), other than institutional services, mental health services, or dental services; and with the approval of the Board it may furnish covered services which it is not required by this subsection to furnish, and may furnish health services not covered by this title;

(d) the organization furnishes services in such manner as to provide continuity of care and (when services are furnished by different providers) ready referral of patients to such services and at such times as may be medically appropriate, and to the maximum extent feasible makes all services readily accessible to enrollees who live in the specified service area;

(e) all eligible persons, living in or near a specified service area, are eligible to enroll in the organization, except that (1) the number of enrollees may be limited to avoid overtaxing the resources of the organization, and (2) such restrictions upon enrollment may be imposed as are approved by the Board as necessary to prevent undue adverse selection;

(f) the organization provides for periodic consultation with representatives of its enrollees regarding the policies and operation of the organization;

(g) the organization encourages health education of its enrollees and the development and use of preventive health services, and provides that a committee or committees of physicians associated with the organization promulgate medical standards, oversee the professional aspects of the delivery of care, perform the functions of a pharmacy and drug therapeutics committee, and monitor and review the utilization and quality of all health services (including drugs);

(h) the organization, to the extent practicable and consistent with good medical practice employs allied health personnel and subprofessional and lay persons in the furnishing of services;

(i) premiums or other charges by the organization for any services not paid for under this title are reasonable; and

(j) the organization undertakes, to the extent required by regulations, to arrange for reciprocal out-of-area services by other comprehensive health service organizations, or to pay for health services furnished to its enrollees by other participating providers, in emergencies, within or outside the specified service area of the organization.

OTHER HEALTH SERVICE ORGANIZATIONS

SEC. 48. Pursuant to an agreement with the Board containing such terms and conditions with respect to the qualifications of personnel and other matters as the Board may deem appropriate, any of the following is a qualified provider of such services as are specified in the agreement—

(a) a public or other nonprofit agency or organization which furnishes health services as comprehensive as those specified in section 47(c), but does not meet all other requirements of section 47;

(b) a public or other nonprofit center which (1) furnishes, as a minimum, the services of two or more physicians engaged in general or family practice, the services of nurses and supporting personnel, and basic laboratory services, which the Board finds sufficient for the primary medical care of a substantial population living in the vicinity of the center, and (2) has arrangements with other providers of services which the Board finds assure to the population served by the center, on a coordinated basis, all components of health services as comprehensive as those specified in section 47(c);

(c) a public or other nonprofit mental health center or mental health day care service; or

(d) a State or local public health agency furnishing preventive or diagnostic services, a medical or dental group practice or clinic, a diagnostic and treatment center, or another organization or agency furnishing health services to ambulatory patients.

MISCELLANEOUS PROVIDERS

SEC. 49. (a) An independent pathology laboratory is a qualified provider of diagnostic pathology services if (whether or not it is engaged in transactions in interstate commerce) it meets the requirements established by or pursuant to section 353 of the Public Health Service Act. An independent radiology service is a qualified provider of diagnostic and therapeutic radiology if it meets all applicable requirements of the law of the State in which the services are furnished, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(b) A provider of drugs, devices, appliances, or equipment is a qualified provider if he meets all applicable requirements of the Federal Food, Drug, and Cosmetic Act and of the law of the State in which the provider is situated, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(c) A provider of ambulance services is a qualified provider if he meets all applicable requirements of the law of the State in which the services are furnished, and such other requirements as the Board finds necessary in the interest of the quality of care and the safety of eligible persons.

(d) A Christian Science Sanatorium is a qualified provider of services specified in regulations prescribed under section 24(a) if it is operated, or listed and certified, by the First Church of Christ, Scientist, Boston, Massachusetts.

UTILIZATION REVIEW

SEC. 50. A utilization review plan of a general or psychiatric hospital or a skilled nursing home shall be considered sufficient if it provides—

(a) for the periodic review on a sample or other basis (and the maintenance of adequate records of such review) of admissions to the institution, the duration of stays, and the professional services (including drugs) furnished, (1) with respect to the medical necessity of the services, and (2) for the purpose of promoting the most efficient use of available health facilities and services; and provides for periodic reports, to the institution and the medical staff (and, when requested, to the Board), of statistical summaries of the review;

(b) in the case of a general or psychiatric hospital, for such review to be made either (1) by a staff committee of the hospital composed of two or more physicians with or without participation of other professional personnel, or (2) by a group outside the hospital which is similarly composed and which, if practicable, is established by the local medical society and hospitals in the locality, or is established in such other manner as may be approved by the Board; but clause (1) of this subsection shall be inapplicable to any hospital where, because of its small size or for such other reason as may be specified in regulations, it is impracticable for the hospital to have a properly functioning staff committee for the purposes of this section;

(c) in the case of a skilled nursing home, for such review to be made by a committee, composed as provided in subsection (b), established by the State or local public health agency pursuant to a contract with the Board, or by such a committee established by the Board;

(d) for such review, in each case of inpatient hospital services or skilled nursing home services furnished to a patient during a continuous period of extended duration, as of such days or such period (which may differ from different classes of cases) as may be specified in regulations, with such review to be made as promptly as possible after

each day so specified, and in no event later than one week following such day; and

(e) for prompt notification to the institution, the patient and his attending physician of any finding (made after opportunity for consultation to such attending physician) by the physician members of such committee or group that any admission, further stay, or furnishing of particular services in the institution is not medically necessary.

TRANSFER AND AFFILIATION AGREEMENTS

SEC. 51. (a) A skilled nursing home is a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) a transfer agreement with at least one participating hospital, providing for the transfer of patients and of medical and other information between the institutions as medically appropriate.

(b) After June 30, 1975, a skilled nursing home or a home health service agency will be a qualified provider only if it has in effect (or there is in effect a finding under subsection (c) temporarily dispensing with) an affiliation agreement with a participating hospital or a participating comprehensive health service organization, under which the medical staff of the hospital or organization (or a committee thereof) will furnish, or will assume responsibility for, the professional services in the skilled nursing home, or the professional services furnished by the home health agency, as the case may be.

(c) The requirement of a transfer agreement under subsection (a), or of an affiliation agreement under subsection (b), shall not be applicable in any case if there is in effect a finding by the Board that the lack of a suitable hospital or organization within a reasonable distance makes such an agreement impracticable, and that the services of the skilled nursing home or the home health agency are essential to the furnishing of adequate services to eligible persons. Such a finding shall be reviewed periodically, and shall be revoked whenever the Board finds it practicable to do so.

NEWLY CONSTRUCTED FACILITIES

SEC. 52. A general or psychiatric hospital or a skilled nursing home the construction or substantial enlargement of which (whether or not in replacement of another institution) was undertaken (as defined in regulations) after December 31, 1970, is not a participating provider unless the construction or enlargement has been found, by a State agency designated by the Governor of the State for this purpose, or has been found by the Board, to be needed for the furnishing of adequate services to persons residing in the area to be served by the institution.

CONSIDERATION OF PROFESSIONAL ASSOCIATION STANDARDS

SEC. 53. In establishing requirements necessary in the interest of the quality of care and safety of eligible persons, pursuant to section 43(i), 45(k), 46(e), 49(a), 49(b), or 49(c), the Board shall take into consideration standards or criteria established or recommended by any appropriate professional or other association or organization.

COMPLIANCE WITH DIRECTIONS FOR BETTER ORGANIZATION AND COORDINATION OF SERVICES

SEC. 54. If the Board finds that any participating provider of services (other than an individual professional provider) has, without reasonable cause, failed to comply with a direction issued pursuant to section 131, the provider shall, at such time as may be specified by the Board, cease to be a participating provider.

EXCLUSION: FEDERAL PROVIDERS OF SERVICES

SEC. 55. No institution of the Department of Defense, no institution of the Veterans Administration, no institution of the Department of Health, Education, and Welfare engaged in the provision of services to merchant seamen or to Indians or Alaskan natives, and no employee of any of the foregoing acting as employee, is a participating provider. The Board shall, however, reimburse the proper appropriation for any services furnished by any such institution or employee to an eligible person who is not, under any Act other than this Act, eligible to receive the service from the institution or employee.

RESTRICTIVE STATE LAWS INOPERATIVE

SEC. 56. (a) In the furnishing of covered services to eligible persons (any law of a State or political subdivision to the contrary notwithstanding)—

(1) A physician, dentist, optometrist, or podiatrist who is legally authorized by a State to practice his profession and who meets national standards established by the Board pursuant to section 42(a) is hereby authorized to furnish in any other State, either as an independent participating provider or on behalf of an institutional or other participating provider, the services which such other State authorizes to be furnished by practitioners of his profession.

(2) A professional nurse, or a practitioner of another health profession or occupation designated in regulations, who meets national standards established by the Board for his profession or occupation is hereby authorized to furnish in any State, on behalf of participating providers of services, the services which that State authorizes or permits to be furnished by practitioners of his profession or occupation. National standards applicable to professional nursing, or to any other profession or occupation the practice of which is subject in all States to licensure or similar authorization, shall contain a requirement of licensure or authorization by at least one State.

(3) In a participating public or other nonprofit hospital or a participating comprehensive health service organization, a practitioner of any health profession other than medicine or dentistry or of any nonprofessional health occupation who meets national standards established by the Board for his profession or occupation, and meets any additional qualifications established by the Board for the performance of particular acts or procedures, is hereby authorized to perform, under the supervision and responsibility of a physician or dentist, such of the acts which might lawfully be performed by the physician or dentist as are specified in regulations.

(4) A participating public or other nonprofit hospital or a participating comprehensive health service organization is hereby authorized (whether or not the arrangement may be deemed to constitute corporate practice of a profession) to employ physicians, dentists, or other professional practitioners, or to obtain and compensate their services in any other manner, and the practitioners are authorized to serve such a hospital or organization as employees or in any other manner; but only if the employment or other arrangement is not of a kind which the Board finds is likely to cause lay interference with professional acts or professional judgments.

(b) If the Board finds that a proposed corporation will meet the requirements of section 47 for participation as a comprehensive health service organization (or as the principal contractor for such an organization), but that it cannot be incorporated in the State in which it proposes to furnish services because the State law requires that a medical society approve the incorporation of such an organization, or requires that physicians constitute all or a majority of its governing boards, or requires that all physicians in the locality be permitted to participate in the services of the organization, or makes any other requirement which the Board finds incompatible with the purposes of this title, the Board may issue a certification of incorporation to the organization, and it shall thereupon become a body corporate. The powers of the corporation shall be limited to the furnishing of services under this title, and the doing of things reasonably necessary or incident thereto. So far as the Board finds to be compatible with the purposes of this title, the certificate of incorporation shall accord with, and the corporation shall be subject to, provisions of the State law which are applicable to non-profit corporations generally.

PART D—TRUST FUND; ALLOCATION OF FUNDS FOR SERVICES

HEALTH SECURITY TRUST FUND

SEC. 61. (a) Section 1817 of the Social Security Act (creating the Federal Hospital Insurance Trust Fund and appropriating to the fund the proceeds of the hospital insurance payroll taxes and the hospital insurance self-employment tax) is amended—

(1) By striking out the section heading, and the name of the trust fund appearing in subsection (a), and in each case inserting in lieu thereof: "Health Security Trust Fund";

(2) By striking out paragraph (2) of subsection (a) (appropriating to the trust fund the proceeds of the self-employment tax for hospital insurance) and inserting in lieu thereof:

"(2) The taxes imposed by section 1403 of the Internal Revenue Code of 1954 with respect to health security non-wage income reported to the Secretary of the Treasury or his delegate on tax returns under subtitle F of such Code."

(3) By striking out subsections (g) and (h) and inserting in lieu thereof:

"(g) On July 1, 1973, there shall be transferred to the Trust Fund all of the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund. The Trust Fund shall remain subject to the liabilities of the Federal Hospital Insurance Trust Fund existing immediately prior to July 1, 1973.

"(h) In addition to the sums appropriated by subsection (a), there are authorized to be appropriated to the Trust Fund from time to time, out of any moneys in the Treasury not otherwise appropriated, a Government contribution equal to 66⅔ percent of the sums appropriated by subsection (a). There shall be deposited in the Trust Fund all recoveries of overpayments, and all receipts under loans or other agreements entered into, under title I of the Health Security Act.

"(i) The Managing Trustee shall pay from time to time from the Trust Fund such amounts as the Health Security Board certifies are necessary to make payments provided for by title I of the Health Security Act, and the payments with respect to administrative expenses in accordance with section 201(g)."

(b) Section 201(g) of the Social Security Act (providing for annual authorization by the Congress of payment, from the respective trust funds, of the cost of administering the several national systems of social insurance) is amended—

(1) By striking out in paragraph (1)(A) "the Federal Hospital Insurance Trust Fund and the Federal Supplementary Medical Insurance Trust Fund" and inserting in lieu thereof: "the Health Security Trust Fund";

(2) By striking out the words "title XVIII" wherever they appear in the subsection and inserting in lieu thereof: "title I of the Health Security Act".

ANNUAL DETERMINATION OF FUND AVAILABILITY

SEC. 62. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, fix the maximum amount wihch may (except as provided in subsection (c)) be obligated during the

fiscal year for expenditure from the Trust Fund. The amount so fixed—

(1) shall not exceed 166⅔ percent of the expected net receipts during the fiscal year (as estimated by the Secretary of the Treasury) from the taxes imposed by sections 1403, 3101(b), and 3111(b) of the Internal Revenue Code of 1954, and

(2) for any fiscal year beginning after June 30, 1974, shall not exceed the aggregate obligations (as estimated by the Board) incurred and to be incurred by the Trust Fund during the fiscal year current at the time when the determination is made, adjusted to reflect (A) any estimated change expected in the consumer price index, (B) the expected change in the number of eligible persons, (C) any expected change in the number of participating professional providers, or in the number or capacity of institutional or other participating providers, and (D) any change in the cost of administration of this Act indicated in the President's budget estimate pursuant to section 201(g) of the Social Security Act.

(b) In fixing the amount available for obligation during a fiscal year, pursuant to subsection (a)—

(1) if and to the extent that (A) the Board estimates that the amount in the Trust Fund at the beginning of the fiscal year will be less than one-quarter of the obligations incurred and to be incurred during the fiscal year current at the time when the determination is made, and (B) the Board finds that restriction of the amount available for obligation will not materially impair the adequacy or quality of services to eligible persons, the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (1) of that subsection; and

(2) if and to the extent that the Board finds that improvement in the organization and delivery of services or in the control of their utilization has lessened their aggregate cost (or has lessened an increase in their aggregate cost), the amount fixed under subsection (a) shall be less than the maximum stated in paragraph (2) of that subsection.

(c) The amount available for obligation during a fiscal year, fixed pursuant to subsection (a), may be modified before or during the fiscal year if the Secretary of the Treasury finds that the tax receipts referred to in subsection (a)(1) will differ from the estimate by 1 percent or more, or if the Board finds that any of the factors of expected change referred to in subsection (a)(2), or action on the budget estimate for the cost of administration, will differ from the estimate by 5 percent or more; or if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds. If the amount fixed pursuant to subsection (a) is increased, the Board, through the Secretary, shall promptly report its action to the Congress with a statement of the reasons therefor.

HEALTH SERVICES ACCOUNT, HEALTH RESOURCES DEVELOPMENT ACCOUNT, AND ADMINISTRATION ACCOUNT

SEC. 63. (a) There shall be established in the Trust Fund a Health Services Account, a Health Resources Development Account, and an Administration Account.

(b) For each fiscal year there shall be transferred to the Health Resources Development Account the following percentage of the amount available for obligation during that year (as determined pursuant to section 62(a)): for the fiscal year ending June 30, 1974, and for the next succeeding fiscal year, 2 percent; for each of the next two succeeding fiscal years, 3 percent; for each of the next two succeeding fiscal years, 4 percent; and for each fiscal year beginning after June 30, 1979, 5 percent. Funds in the Health Resources Development Account shall be used exclusively for the purposes of part F, and shall remain available for such uses until expended.

(c) The remainder of the amount available for obligation during a fiscal year, after deducting the amount of the President's budget estimates for the cost of administering this Act, shall be transferred to the Health Services Account. Funds in the Health Services Account shall be used exclusively for making payments for covered services in accordance with part E, and shall remain available for such payments until expended.

(d) When the amounts available for a fiscal year for the administration of this Act have been determined by the Congress, the amount available for the administration of this title shall be transferred to the Administration Account, and any necessary adjustments shall be made in the amount transferred to the Health Services Account and in allocations previously made from that Account.

REGIONAL ALLOCATIONS FROM HEALTH SERVICES ACCOUNT

SEC. 64. (a) For each fiscal year the Board shall, not later than March 1 next preceding the beginning of the fiscal year, make allocations to the regions of the Department from the funds available for the fiscal year in the Health Services Account. The allocation to each region shall be equal to the aggregate expenditures for services described in part B as covered services, in the most recent twelve-month period for which reliable data are available, adjusted to reflect the factors of change referred to in clauses (A), (B), and (C) of section 62(a)(2), and further adjusted in accordance with subsections (b) and (c) of this section.

(b) It shall be the objective of the Board to reduce gradually, and ultimately to eliminate substantially, existing differences among the regions in the average per capita cost of health services, except as such differences reflect regional differences in the consumer price index. To this end the Board shall modify the allocations determined under subsection (a) in order (1) to reduce, or to lessen any increase in, the cost of covered services in regions in which the average per capita cost is higher (to an extent greater than the difference in the consumer price index) than the national average per capita cost, to such extent as the Board finds practicable without impairing materially the adequacy or quality of services to eligible persons, and (2) to stimulate, to such extent as the Board finds practicable and desirable, increase in the availability and utilization of covered services in regions in which the average per capita cost is lower (to an extent greater than the difference in the consumer price index) than the national average per capita cost.

(c) If the sum of the regional allocations determined pursuant to subsections (a) and (b) is greater than the amount available (after withholding such reserve for contingencies as the Board deems necessary) in the Health Services Account, the allocations shall be reduced proportionately.

(d) Allocations under this section may be modified before or during a fiscal year if the amount available for obligation is modified pursuant to section 62(c). Either from the contingency reserve or from additional funds made available for obligation, one or more allocations may be increased if an epidemic, disaster, or other occurrence increases the need for health services to an extent which the Board finds requires the expenditure of additional funds.

DIVISION OF REGIONAL FUNDS BY CLASSES OF SERVICES

SEC. 65. (a) For each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, divide the allocation to each region into funds available, respectively, to pay the cost within the region of the following classes of services: (1) institutional services, (2) physician services, (3) dental services, (4) the furnishing of drugs, (5) the furnishing of devices, appliances and equipment, and (6) miscellaneous services.

(b) The content, for purposes of the division of funds, of each class of services shall be defined in regulations. Within the funds available for miscellaneous services, the regulations shall establish sub-funds available, respectively, for the making of incentive payments not otherwise provided for, for supporting services described in section 27(b), for payments to optometrists, for payments to podiatrists, and for such other purposes as the Board may determine.

(c) The amounts assigned to the several funds and sub-funds in each region shall be determined in accordance with regulations, which shall take into account, in addition to the factors considered in making the regional allocations, trends in utilization of the several services and, to the extent the Board finds it practicable, the creation of incentives to the improved utilization thereof.

FUNDS FOR HEALTH SERVICE AREAS

SEC. 66. (a) for each fiscal year the Board shall, not later than April 1 next preceding the beginning of the fiscal year, allot among the health service areas in each region, each of the funds established for the region pursuant to section 65 for a class of services. If an interstate health service area lies partly in each of two or more regions, appropriate allotments of funds from each region shall be made to it.

(b) The amount allotted to each health service area from each regional fund shall be equal to the aggregate expenditures in the area for services of the class for which the fund is available, as determined (or, if necessary, estimated) by the Board for such 12-month period as may be specified in regulations; modified to take account of the factors considered in making regional allocations and in dividing such allocations by classes of services (including modifications designed to further the objective of equalization within each region, in the manner set forth in section 64(b) with respect to interregional equalization).

(c) Payment for services, in accordance with part E, shall be made in each health service area by such officer of the Board as it may designate for the purpose. There shall be established in each area such accounts as the Board may find convenient for making payment to providers of more than one class of services (such as an account for payment to hospitals, or an account for payment to comprehensive health service organizations), in which shall be deposited the appropriate portions of the funds for the several classes of services to be furnished by such providers.

MODIFICATION OF FUND ALLOTMENTS

SEC. 67. Before or during a fiscal year the division of funds by classes of services pursuant to section 65, or the allotment of funds to health service areas pursuant to section 66, may be modified if the amount available for obligation or the regional allocations are modified, or if the Board finds that newly acquired information makes modification essential.

PART E—PAYMENT TO PROVIDERS OF SERVICES IN GENERAL

SEC. 81. Payment shall be made to participating providers, in accordance with this part, for covered services furnished to eligible persons (or, in the case of dental services, furnished to persons entitled thereto under section 23). Payments shall be made from the amounts allocated from the Health Services Account in the Trust Fund, in accordance with part D, for the respective areas and purposes.

METHODS AND AMOUNT TO PROFESSIONAL PRACTITIONERS

SEC. 82. (a) Every independent professional practitioner shall be entitled, at his election, to be paid by the fee-for-service method, consisting of the payment of a fee for each separate covered service.

(b) Every physician engaged as an independent practitioner in the general or family practice of medicine, and every dentist engaged as an independent practitioner in the furnishing of covered dental services, shall be entitled, at his election, to be paid by the capitation method if he has filed with the Board an agreement (1) to furnish all necessary and appropriate primary medical services (as defined in regulations) or covered dental services, as the case may be, to persons on a list of persons who have chosen to receive all such services from the practitioner, (2) to maintain arrangements for referral of patients to specialists, institutions, and other providers of covered services, and (3) to maintain such records and make such reports of services furnished as may be required by regulations for purposes of medical audit. A practitioner electing the capitation method is entitled to be paid by the fee-for-service method for services furnished to persons who are not on his list.

(c) When the Board deems it necessary in order to assure the availability of services or for other reason, the Board (1) may pay an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to the foregoing methods of compensation, and it may reimburse a practitioner for special costs of continuing professional education and of maintaining linkages with other providers of services (such as costs of communication and of attendance at meetings or consultations), and (2) may pay for specialized medical services (including services referred to in section 42(b)(2)) a stated amount per session or per case or may utilize a combination of the methods authorized by this section.

(d) The capitation method of payment for a specified kind and scope of covered services consists of the payment, to a provider of such services, of an annual capitation amount for each person who has chosen to receive all such services from the provider.

(e) The amounts allotted for a fiscal year pursuant to part D for each health service area for physician services, for dental services, for optometrist services, and for podiatrist services, respectively, shall each be used (1) to provide for payments for professional services (made either directly to practitioners or as reimbursement to hospitals or other providers for the compensation of practitioners) to be made by the Board on a budget or stipend basis or any basis other than capitation, fee-for-service, or per case, and (2) from the remainder, to make available (for each kind of professional services) an equal per capita amount for each person resident in the area who is entitled to such services. In any area in which the Board finds that a substantial volume of services is furnished to nonresidents, it may reduce the per capita amount to such extent as it finds necessary to effect an equitable distribution of funds. The per capita amount shall constitute the annual capitation amount for purposes of payment to an organization or other provider furnishing all covered services (described in part B) of the kind for which the allotment is available. Lesser capitation amounts shall be fixed (on the basis of the relative cost of the services) for primary medical services and, as may be required, for any scope of services (less than comprehensive) which is furnished by any institutional or other provider. The remainder referred to in clause (2) of this subsection shall, after providing for capitation payments, be available for making fee-for-service and per case payments.

(f) The amounts of fees payable to independent professional practitioners shall be determined by fee schedules or relative value scales prescribed by the Board after consultation with representatives of the respective professions in the region or the area, and the amounts of payments per case shall be prescribed by the Board after such consultation as it finds appropriate. If at any time during the fiscal year it appears that the aggregate of fees and per case payments for the year will exceed the amount available therefor in the health service area, all fees and payments for services furnished thereafter shall be reduced, proportionately, to such extent as the Board finds necessary to avoid a deficit for the year. The Board may, on such terms as it deems appropriate, delegate to a professional society or to an agency designated by representatives of a profession in the region or the area the payment of fees and per session amounts.

(g) The Board may, on an experimental or demonstration basis, enter into an agreement with a statewide or local professional society or other organization representative of independent professional practitioners to substitute another method of compensation for those set forth in this section (either for all such practitioners, or for all who have elected the fee-for-service, the per case, or the per session method of payment), if the Board is satisfied that the substitute method will not increase the cost of services and will not encourage overutilization or underutilization of covered services. The Board shall review from time to time the operation of such an agreement, and shall, after reasonable notice, terminate it if the Board finds it to have led to increased cost or to overutilization or underutilization of covered services.

PAYMENT TO GENERAL HOSPITALS

SEC. 83. (a) A participating general hospital shall be paid its approved operating costs (determined in accordance with regulations) in the furnishing of covered services to eligible persons, as such approved costs for a fiscal year are set forth in a prospective budget approved by the Board. Regulations under this section shall specify the method or methods to be used, and the items to be included, in determining costs, and shall prescribe a nationally uniform system of cost accounting.

(b) The costs recognized in each hospital budget shall be those, determined in accordance with subsection (a), of furnishing the covered services ordinarily furnished by the hospital to inpatients or outpatients, and of performing any other function ordinarily performed by the hospital, except as the scope of services or of other functions may be modified by agreement of the Board and the hospital or by direction of the Board pursuant to section 131. The budget shall recognize any increase or decrease of cost resulting from a modification of the scope of services or of other functions, or resulting from compliance with any other direction issued pursuant to section 131.

(c) The costs recognized in the budget shall include the cost of reasonable compensation to (and other costs incident to the services of) pathologists, radiologists, and other physicians and other professional or nonprofessional personnel whose services are held out as generally available to patients of the hospital or to classes of its patients, whatever the method of compensation of such physicians and other personnel, and whether or not they are employees of the hospital.

(d) The Board shall review, through such of its officers and employees or through such boards, and in such manner, as may be provided in regulations, proposed budgets prepared and submitted to it by hospitals, and may provide for participation in such review by representatives of the hospitals in the region or in the health service area in which the hospital is situated. Each officer of the Board charged with final action on hospital budgets shall receive and consider written justifications of budget proposals, and may provide oral hearings thereon.

(e) A hospital budget approved under this section for a fiscal year may, in such manner as is provided in regulations, be amended before, during, or after the fiscal year if there is a substantial change in any of the factors relevant to budget approval.

PAYMENT TO PSYCHIATRIC HOSPITALS

SEC. 84. A participating psychiatric hospital which is primarily engaged in furnishing covered services shall be paid in the same manner as a general hospital. Any other participating psychiatric hospital shall be paid an amount determined in accordance with regulations for each patient day of covered services to an eligible person. Such regulations shall take into account, with respect to any distinct part of the hospital which meets the requirements of section 44, the factors to be considered in the approval of the budgets of general hospitals, but with such adjustments as are necessary to provide equitable compensation to the hospital.

PAYMENT TO SKILLS NURSING HOMES AND TO HOME HEALTH SERVICE AGENCIES

SEC. 85. (a) A participating skilled nursing home or home health service agency shall be paid, in the same manner as a general hospital except as provided in subsection (b) of this section, its approved operating costs in the furnishing to eligible persons of skilled nursing home services or home health services, as the case may be.

(b) Regulations under this section shall, for skilled nursing homes and for home health service agencies, respectively, specify the method or methods to be used, and the items to be included, in determining costs; may, to the extent the Board deems desirable, specify nationally uniform systems of cost accounting; and, taking into account the prevailing practices of such homes or such agencies, may specify services which will be recognized in budgets and services which will not be so recognized.

PAYMENT FOR DRUGS

SEC. 86. (a) For each drug appearing on either of the lists established pursuant to section 25, the Board shall from time to time determine a product price or prices which shall constitute the maximum to be recognized under this title as the cost of the drug to a provider thereof. All product prices shall be so fixed as to encourage the acquisition of drugs in substantial quantities, and differing product prices for a single drug may be established only to reflect regional differences in cost or other factors not related to the quantity purchased.

(b) Payment for a drug furnished by an independent pharmacy shall consist of its cost to the pharmacy (not in excess of the applicable product price) plus a dispensing fee. The Board, after consultation with representatives of the pharmaceutical profession, shall establish (and from time to time review and revise) schedules of dispensing fees, designed to afford reasonable compensation to independent pharmacies after taking into account variations in their cost of operation resulting from regional differences, differences in the volume of drugs dispensed, differences in services provided, and other factors which the Board finds relevant.

PAYMENT TO COMPREHENSIVE HEALTH SERVICE ORGANIZATIONS

SEC. 87. (a) Payment to a comprehensive health service organization, other than for hospital or skilled nursing home services, shall consist of basic capitation payments plus additional payments (if any) determined in accordance with subsection (d).

(b) The basic capitation payment shall consist of a basic capitation rate multiplied

by the number of eligible persons enrolled in the organization. The basic capitation rate shall be the sum of the appropriate capitation rate or rates for professional services (determined under section 82(e)) and a capitation rate fixed by the Board, on the basis of the average reasonable and necessary cost per enrollee, for each other service or class of services (exclusive of hospital and skilled nursing home services) to be furnished by the organization in accordance with section 47(c).

(c) If the organization furnishes hospital or skilled nursing home services through one or more institutions operated by it, payment for those services shall (subject to the provisions of subsection (e)) be made in accordance with section 83 or section 85. If with the approval of the Board the organization furnishes such services through arrangements with other providers to which the organization undertakes to make payment for the services, the Board may reimburse the organization for such payments on the basis of patient-days of service utilized by persons enrolled in the organization.

(d) If it appears to the satisfaction of the Board (1) that the average utilization of hospital and skilled nursing home services by eligible persons enrolled in the organization (whether or not such services are furnished by the organization, either directly or through other providers) has, during a fiscal year, been less than the average utilization of such services under comparable circumstances by comparable population groups not enrolled in comprehensive health service organizations, and (2) that the services of the organization have been of high quality and adequate to the needs of its enrollees, the Board shall (subject to the provisions of subsection (e)) make an additional payment to the organization equal to 75 per centum of the amount which the Board finds has been saved to the Trust Fund by such lesser utilization of hospital and skilled nursing home services.

(e) In lieu of payments under subsections (c) and (d), the Board may pay the comprehensive health service organization on a capitation basis for hospital services, or for hospital and skilled nursing home services. The capitation amount for such services shall be determined by the Board on the basis of the average cost of such services under comparable circumstances to comparable population groups not enrolled in comprehensive health service organization, reduced by such amount as the Board finds (on the basis of past experience of the organization) is calculated to yield to the Trust Fund 25 per centum of any saving resulting from average utilization of hospital and skilled nursing home services by persons enrolled in the organization which is less than the average utilization of such services by such comparable population groups.

(f) The amount of any additional payment under subsection (d), or the excess of aggregate payments under subsection (e) over the cost of furnishing hospital and skilled nursing home services to eligible persons enrolled in the organization, may be used by the organization for any of its purposes, including the applications of such amounts to the cost of services not covered by this title.

PAYMENT TO OTHER PROVIDERS

SEC. 88. (a) An agency, organization, or other entity with which the Board has entered into an agreement under section 48 shall be paid by such method (other than the fee-for-service method) as, in accordance with regulations, may be set forth in the agreement.

(b) An independent pathology laboratory or an independent radiology service shall, at its election, be paid by the fee-for-service method in accordance with a fee schedule approved by the Board, or on the basis of a budget so approved, or on such other basis as may be specified in regulations.

(c) Payment for devices, appliances, and equipment, payment for ambulance or other emergency transportation services, and payment for the services of a Christian Science sanatorium shall be made on such basis as may be specified in regulations.

METHODS AND TIME OF PAYMENT

SEC. 89. The Board shall periodically determine the amount which should be paid under this part to each participating provider of services, and the provider shall be paid, from the Health Services Account in the Trust Fund, at such time or times as the Board finds appropriate (but not less often than monthly) and prior to audit or settlement by the General Accounting Office, the amounts so determined, with adjustments on account of underpayments or overpayments previously made (including appropriate retrospective adjustments following amendment of approved institutional budgets). Payment may be made in advance in such cases and to such extent as the Board finds necessary to supply providers with working funds, on such terms as it finds sufficient to protect the interests of the United States.

PART F—PLANNING; FUNDS TO IMPROVE SERVICES AND TO ALLEVIATE SHORTAGES OF FACILITIES AND PERSONNEL

PURPOSE OF PART F; AVAILABILITY OF FUNDS

SEC. 101. (a) The purpose of this part is—

(1) prior to July 1, 1973, to inaugurate a program of strengthening the Nation's resources of health personnel and facilities and its system of delivery of health services, in order to enable the providers of health services better to meet the demands on them when health security benefits become available, and to that end (A) to expand and intensify the health planning process throughout the United States, with primary emphasis on preparation of the health delivery system to meet the demands of the health security program, and (B) to provide financial and other assistance in alleviating shortages and maldistributions of health personnel and facilities in order to increase the supply of services, and in improving the organization of health services to increase their accessibility and effective delivery; and

(2) after June 30, 1973, to reenforce the operation of the health security program as a mechanism for the continuing improvement of the supply and distribution of health personnel and facilities and the organization of health services, and to that end (A) to coordinate the health planning process throughout the United States with a view to the continuing development of plans for maximizing capabilities for the effective delivery of covered services, and (B) to assist in meeting those costs of improvement of personnel, facilities, and organization that are not met either through the normal operation of the health security program or from other sources of public or private assistance.

(b) For the purposes of subsection (a)(1), there are hereby authorized to be appropriated $200,000,000 for the fiscal year ending June 30, 1971, $400,000,000 for the fiscal year ending June 30, 1972, and $600,000,000 for the fiscal year ending June 30, 1973. Funds appropriated under this subsection shall remain available until expended.

(c) For the purposes of subsection (a)(2), the Board is authorized to make expenditures from the Health Resources Development Account in the Trust Fund, established pursuant to section 63.

PLANNING

SEC. 102. (a) In collaboration with State comprehensive health planning agencies approved under section 314(a) of the Public Health Service Act, the Secretary shall promote and support, and as necessary shall conduct within the Department of Health, Education, and Welfare, a continuous process of health service planning for the purpose of improving the supply and distribution of health personnel and facilities and the organization of health services. Except for planning with respect to the national supply of professional health personnel, the planning shall proceed primarily on a State-by-State basis but without excluding more particularized planning for portions of States, for metropolitan or interstate areas, or with respect to health facilities, health manpower development, or other particular aspects of health care. If a State comprehensive health planning agency does not undertake and carry out the responsibility for utilizing and coordinating all health planning activities within the State (including coordination with planning for interstate areas), and for coordinating health planning with planning in related fields, the Secretary shall assume the responsibility for correlating the product of such planning activities within the State.

(b) Prior to July 1, 1973, the planning process shall give first consideration to identification of the most acute shortages and maldistributions of health personnel and facilities and the most serious deficiencies in the organization for delivery of covered services, and to means for the speedy alleviation of these shortcomings. Thereafter, it shall be directed to the continuing development of plans for maximizing capabilities for the effective delivery of covered services.

(c)(1) Section 314(a) of the Public Health Service Act (authorizing grants for comprehensive State health planning) is amended—

(A) by striking out "and" before the phrase "$15,000,000 for the fiscal year ending June 30, 1970" in subsection (a)(1), and inserting immediately after that phrase, $30,000,000 for the fiscal year ending June 30, 1971, and for each of the succeeding four fiscal years, so much as may be necessary"; and

(B) by redesignating paragraphs (D) through (K) of subsection (a)(2) as paragraphs (E) through (L), respectively, and by inserting immediately after paragraph (C) a new paragraph:

"(D) provide that the State agency will place emphasis on the achievement, in collaboration with the Secretary, of the purposes set forth in section 102 of the Health Security Act, and will utilize and coordinate all local or particularized health planning activities within the State (including coordination with planning for insterstate areas), and coordinate health planning with planning in related fields;"

(2) Section 314(b) of the Public Health Service Act (authorizing project grants for areawide health planning) is amended—

(A) by inserting immediaely after the second sentence, "In approving grants under this subsection the Secretary shall take into consideration the extent to which the agency or organization will supplement or otherwise contribute to the effectiveness of the planning conducted by the State agency pursuant to paragraph (D) of subsection (a)(2);" and

(B) by striking out "and" before the phrase "$15,000,000 for the fiscal year ending June 30, 1970" in the last sentence, and inserting immediately after that phrase, "$30,000,000 for the fiscal year ending June 30, 1971, and for each of the succeeding four fiscal years, so much as may be necessary."

GENERAL POLICIES AND PRIORITIES

SEC. 103. (a) In providing assistance under this part, the Board shall give priority to improving and expanding the available resources for, and assuring the accessibility of, services to ambulatory patients which are furnished as part of coordinated systems of comprehensive care. To this end the Board shall encourage and assist (1) the development or expansion of comprehensive health service systems meeting the requirements of

section 47, (2) the development or expansion of agencies, organizations, and centers described in section 48(a) or (b) (including centers established by public and other nonprofit hospitals) to furnish services to persons in urban or rural areas who lack ready access to such services, (3) the recruitment and training of professional personnel to staff such organizations, agencies and centers, (4) the recruitment and training of subprofessional and nonprofessional personnel (including the development and testing of new kinds of health personnel) to assist in the furnishing of such services, to engage in education for personal health maintenance, and to furnish liaison between such organizations, agencies, or centers and the people they serve, and (5) the strengthening of coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds, in order to improve the continuity of care and the assurance that patients will be referred to such services and at such times as may be medically appropriate.

(b) In administering financial assistance under this part the Board shall be guided so far as possible by findings and recommendations of appropriate health planning agencies.

(c) Funds available to carry out this part shall not be used to replace other Federal financial assistance, or to supplement the appropriations for such other assistance except to meet specific needs of the health security system (such as the training of physicians or medical students for the general or family practice of medicine). In administering other programs of Federal financial assistance the Secretary and other officers of the Executive Branch, on recommendation of the Board, shall to the extent possible utilize those programs to further the objectives of this part. To this end the Board, on such terms as it finds appropriate, may lend to an applicant or grantee not more than 90 per centum of the nonfederal funds required as a condition of assistance under any such program, and may pay all or part of the interest in excess of 3 percent per annum on any loan made, guaranteed, or insured under any such program.

ORGANIZATIONS FOR THE CARE OF AMBULATORY PATIENTS

SEC. 104. (a) The Board is authorized to assist, in accordance with this section, the establishment, expansion and operation of (1) comprehensive health service organizations which meet or will meet the requirements of section 47, and (2) public or other nonprofit agencies and organizations, described in section 48(a) and (b), which furnish or will furnish care to ambulatory patients.

(b) The Board is authorized to make grants (1) to any public or nonprofit agency or organization (whether or not it is a provider of health services), for not more than 90 percent of the cost (excluding costs of construction) of planning, developing, and establishing an organization or agency described in subsection (a), or (2) to an existing organization or agency described in subsection (a), for not more than 80 percent of the cost (excluding costs of construction) of planning and developing an enlargement of the scope of its services or an expansion of its resources to enable it to serve more enrollees or a larger clientele. In addition to grants under this subsection, or in lieu of such grants, the Board is authorized to provide technical assistance for the foregoing purposes.

(c) The Board is authorized to make loans to organizations and agencies described in subsection (a) to assist in meeting the cost of constructing (or otherwise acquiring, or improving or equipping) facilities which the Board finds will be essential to the effective and economical delivery, or to the ready accessibility, of covered services to eligible persons. No loan to a newly established agency or organization shall exceed 90 percent, and no loan to any other agency or organization shall exceed 80 percent, of such cost, or of the nonfederal share if other Federal financial assistance in meeting such cost is available.

(d) The Board is authorized to contract with an organization or agency which is described in subsection (a) and which has been either newly established or substantially enlarged, to pay all or a part of any operating deficits, for not more than five years in the case of an organization described in subsection (a)(1), and until not later than June 30, 1973, in the case of an agency or organization described in subsection (a)(2). Any such contract shall condition payments upon the contractor's making all reasonable effort to avoid or minimize operating deficits and (if such deficits exist) making reasonable progress toward becoming self-supporting.

RECRUITMENT, EDUCATION, AND TRAINING OF PERSONNEL

SEC. 105. (a) In consultation with State comprehensive health planning agencies, the Board shall promptly establish (and from time to time review and, if necessary, revise) schedules of priority for the recruitment, education, and training of personnel to meet the most urgent needs of the health security system. The schedules may differ for different parts of the United States.

(b) The Board is authorized to provide to physicians and medical students training for the general or family practice of medicine and training in any other medical specialty in which the Board finds that there is, for the purposes of this title, a critical shortage of qualified practitioners.

(c) The Board shall provide education or training for those classes of health personnel (professional, subprofessional, or nonprofessional) for whom it finds the greatest need, if other Federal financial assistance is not available for such education or training; and if other assistance is available but the Board deems it inadequate to meet the increased need attributable to the health security system, it may, with the approval of the Secretary, provide such education or training pending action by the Congress on a recommendation promptly made by the Secretary to increase the authorization of appropriations (or, if the authorization is deemed adequate, to increase the appropriations) for such other assistance.

(d) The training of personnel authorized by this section includes the development of new kinds of health personnel to assist in the furnishing of comprehensive health services, and also includes the training of persons to provide education for personal health maintenance, to provide liaison between the residents of an area and health organizations and personnel serving them, and to act as consumer representatives and as members of advisory bodies in relation to the operation of this title in the areas in which they reside. The Board may make grants to public or other nonprofit health agencies, institutions, or organizations (1) to pay a part or all of the cost of testing the utility of new kinds of health personnel, and (2) until June 30, 1973, to pay a part of the cost of employing persons trained under this subsection who cannot otherwise readily find employment utilizing the skills imparted by such training.

(e) Education and training under this section shall be provided by the Board through contracts with appropriate educational institutions or such other institutions, agencies, or organizations as it finds qualified for this purpose. The Board may provide directly, or through the contractor, for the payment of stipends to students or trainees in amounts not exceeding the stipends payable under comparable Federal education or training programs.

(f) The Board shall undertake to recruit and train professional practitioners who will agree to practice, in urban or rural areas of acute shortage, in comprehensive health service organizations referred to in section 47 or in agencies or organizations referred to in section 48 (a) or (b). A practitioner who agrees to engage in such practice for at least five years and who enters upon practice in the area before July 1, 1973, may until that date be paid a stipend to supplement his professional earnings, and in an appropriate case the Board may make a commitment to compensate the practitioner after that date in accordance with section 82(c).

(g) In administering this section the Board shall seek to encourage the education and training, for the health professions and other health occupations, of persons disadvantaged by poverty, inadequate education, or membership in ethnic minorities. To this end the Board may, through contracts in accordance with subsection (e), provide to such persons remedial or supplementary education preparatory to or concurrent with education or training for the health professions or occupations, and may (directly or through such contracts) provide to such persons stipends adequate to enable them to avail themselves of such education or training.

SPECIAL IMPROVEMENT GRANTS

SEC. 106. (a) The Board is authorized to make grants to public or other nonprofit health agencies, institutions, and organizations to pay part or all of the cost of establishing improved coordination and linkages among institutional services, among noninstitutional services, and between services of the two kinds.

(b) The Board is authorized to make grants to organizations and agencies described in section 104(a) to pay part or all of the cost of installation of improved utilization review, budget, statistical, or records and information retrieval systems, including the acquisition of equipment therefor, or to pay part or all of the cost of acquisition and installation of diagnostic or therapeutic equipment.

LOANS UNDER PART F

SEC. 107. Loans authorized under this part shall be repayable in not more than 20 years, shall bear interest at the rate of 3 percent per annum, and shall be made on such other terms and conditions as the Board deems appropriate. Amounts paid as interest on any such loan or as repayment of principal shall, if the loan was made before July 1, 1973, be covered into the Treasury as miscellaneous receipts, and if the loan was made after June 30, 1973, be deposited in the Trust Fund to the credit of the Health Resources Development Account.

RELATION OF PARTS E AND F

SEC. 108. Payments under this part pursuant to any grant or loan to, or any contract with, a participating provider of services shall be made in addition to, and not in substitution for, payments to which the provider is entitled under part E.

PART G—ADMINISTRATION

ESTABLISHMENT OF THE HEALTH SECURITY BOARD

SEC. 121. (a) There is hereby established in the Department of Health, Education, and Welfare a Health Security Board to be composed of five members to be appointed by the President, by and with the advice and consent of the Senate. During his term of membership on the Board, no member shall engage in any other business, vocation, or employment. Not more than three members of the Board shall be members of the same political party.

(b) Each member of the Board shall hold office for a term of five years, except that (1)

a member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of office of the members first appointed shall expire, as designated by the President at the time of their appointment, at the end of one, two, three, four, and five years, respectively, after the date of enactment of this Act. A member who has served for two consecutive five-year terms shall not be eligible for reappointment until two years after he has ceased to serve.

(c) The President shall designate one of the members of the Board to serve, at the will of the President, as Chairman of the Board.

(d) (1) Section 5315 of title 5, United States Code (relating to executive pay rates for positions at level IV), is amended by adding at the end thereof the following new clause:

"(94) Chairman of the Health Security Board, Department of Health, Education, and Welfare."

(2) Section 5316 of title 5, United States Code (relating to executive pay rates for positions at level V), is amended by adding at the end thereof the following new clause:

"(130) Members of the Health Security Board, Department of Health, Education, and Welfare."

DUTIES OF THE SECRETARY AND THE BOARD

SEC. 122. (a) The Secretary of Health, Education, and Welfare, and the Board under the supervision and direction of the Secretary, shall perform the duties imposed upon them, respectively, by this title. Regulations authorized by this title shall be issued by the Board with the approval of the Secretary, in accordance with the provisions of section 553 of title 5, United States Code (relating to the publication of and opportunity to comment on, proposed regulations).

(b) The Board shall have the duty of continuous study of the operation of this Act and of the most effective methods of providing comprehensive personal health services to all persons within the United States and to United States citizens elsewhere, and of making, with the approval of the Secretary, recommendations on legislation and matters of administrative policy with respect thereto. The Board shall make, through the Secretary, an annual report to the Congress on the administration of the functions with which it is charged. The report shall include, for periods prior to July 1, 1973, an evaluation by the Board of progress in preparing for the initiation of benefits under this title, and for periods thereafter, an evaluation of the operation of the title, of the adequacy and quality of services furnished under it, and of the costs of the services and the effectiveness of measures to restrain the costs.

(c) In performing his functions with respect to health education and research, environmental health, disability insurance, vocational rehabilitation, the regulation of food and drugs, and all other matters pertaining to health, as well as in supervising and directing the administration of this title by the Board, the Secretary shall direct all activities of the Department toward complementary contributions to the health of the people. He shall include in his annual report to the Congress a report on his discharge of this responsibility.

(d) The Secretary shall make available to the Board all information available to him, from sources within the Department or from other sources, pertaining to the functions of the Board.

EXECUTIVE DIRECTOR; DELEGATION OF AUTHORITY

SEC. 123. (a) There is hereby established the position of Executive Director of the Health Security Board. The Executive Director shall be appointed by the Board with the approval of the Secretary (without regard to the provisions of title 5, United States Code, governing appointments in the competitive service) and shall receive a salary at the rate fixed for Level V of the executive pay schedule. The Executive Director shall serve as secretary to the Board, and shall perform such duties in the administration of this title as the Board may assign to him.

(b) The Board is authorized to delegate to the Executive Director or to any other officer or employee of the Board or, with the approval of the Secretary (and subject to reimbursement of identifiable costs), to any other officer or employee of the Department, any of its functions or duties under this title other than (1) the issuance of regulations, or (2) the determination of the availability of funds and their allocation, under sections 62, 63, and 64.

REGIONS AND HEALTH SERVICE AREAS

SEC. 124. This title shall be administered by the Board through the regions of the Department and, within each region, through such health service areas as the Board may establish. Each health service area shall consist of a State or a part of a State, except as the Board finds that patterns of the organization of health services and of the flow of patients make an interstate area a more practical unit of administration.

NATIONAL HEALTH SECURITY ADVISORY COUNCIL

SEC. 125. (a) There is hereby established a National Health Security Advisory Council, which shall consist of the Chairman of the Board, who shall serve as Chairman of the Council, and twenty members, not otherwise in the employ of the United States, appointed by the Secretary on recommendation of the Board, without regard to the provisions of title 5, United States Code, governing appointments in the competitive service. The appointed members shall include persons who are representative of providers of health services, and of persons (who shall constitute a majority of the Council) who are representative of consumers of such services. Each appointed member shall hold office for a term of four years, except that (1) any member appointed to fill a vacancy occurring during the term for which his predecessor was appointed shall be appointed for the remainder of that term, and (2) the terms of the members first taking office shall expire, as designated by the Secretary at the time of appointment, five at the end of the first year, five at the end of the second year, five at the end of the third year, and five at the end of the fourth year after the date of enactment of this Act. Members of the Council who are representative of providers of health care shall be persons who are outstanding in fields related to medical, hospital, or other health activities, or who are representative of organizations or associations of professional health personnel; members who are representative of consumers of such care shall be persons, not engaged in and having no financial interest in the furnishing of health services, who are familiar with the needs of various segments of the population for personal health services and are experienced in dealing with problems associated with the furnishing of such services.

(b) The Advisory Council is authorized to appoint such professional or technical committees, from its own members or from other persons or both, as may be useful in carrying out its functions. The Council, its members, and its committees shall be provided with such secretarial, clerical, or other assistance as may be authorized by the Board for carrying out their respective functions. The Council shall meet as frequently as the Board deems necessary, but not less than four times each year. Upon request by seven or more members it shall be the duty of the Chairman to call a meeting of the Council.

(c) It shall be the function of the Advisory Council (1) to advise the Board on matters of general policy in the administration of this title, in the formulation of regulations, and in the performance of the Board's functions under part D, and (2) to study the operation of this title and the utilization of health services under it, with a view to recommending any changes in the administration of the title or in its provisions which may appear desirable. The Council shall make an annual report to the Board on the performance of its functions, including any recommendations it may have with respect thereto, and the Board, through the Secretary, shall promptly transmit the report to the Congress, together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(d) Appointed members of the Advisory Council and members of technical or professional committees, while serving on business of the Council (inclusive of travel time), shall receive compensation at rates fixed by the Board, but not exceeding $100 per day; and shall be entitled to receive actual and necessary traveling expenses and per diem in lieu of subsistence while so serving away from their places of residence.

REGIONAL AND LOCAL ADVISORY COUNCILS

SEC. 126. (a) The Board shall appoint for each of the regions of the Department and for each health service area a regional or local advisory council, consisting of the regional or local representative of the Board as chairman and (in such numbers as the Board may determine) representatives of providers of health services and representatives (who shall constitute a majority of the members of each council) of consumers of such services. It shall be the function of each such council to advise the regional or local representative of the Board, as the case may be, on all matters directly relating to the administration of this title in the region or area.

(b) The provisions of section 125(d) shall be applicable to the members of councils appointed under this section.

PROFESSIONAL AND TECHNICAL ADVISORY COMMITTEES

SEC. 127. (a) The Board shall appoint such standing professional and technical committees as it deems necessary to advise it on the administration of this title with respect to the several classes of covered services described in part B. Each such committee shall consist of experts (in such number as the Board may determine) drawn from the health professions, from medical schools or other health educational institutions, from providers of services, or from other sources, whom the Board deems best qualified to advise it with respect to the professional and technical aspects of the furnishing and utilization of, the payment for, and the evaluation of, a class of covered services designated by the Board, and of the relationship of that class of services to other covered services.

(b) The Board is authorized to appoint such temporary professional and technical committees as it deems necessary to advise it on special problems not encompassed in the assignments of standing committees appointed under subsection (a).

(c) Committees appointed under this section shall report from time to time to the Board, and copies of their reports shall be transmitted by the Board to the National Advisory Council.

(d) The provisions of section 125(d) shall be applicable to the members of committees appointed under this section.

DISSEMINATION OF INFORMATION; STUDIES AND EVALUATIONS; SYSTEMS DEVELOPMENT

SEC. 128. (a) The Board shall disseminate, to providers of services and to the public,

information concerning the provisions of this title, the persons eligible to receive the benefits of the title, and the nature, scope, and availability of covered services; and to providers of services, information concerning the conditions of participation, methods and amounts of compensation to providers, and other matters relating to their participation. With the approval of the Secretary, the Board may furnish to all professional practitioners information concerning the safety and efficacy of drugs appearing on either of the lists established under section 25, the indications for their use, and contraindications.

(b) The Board shall make, on a continuing basis after June 30, 1973, a study and evaluation of the operation of this title in all its aspects, including study and evaluation of the adequacy and quality of services furnished under the title, analysis of the cost of each kind of services, and evaluation of the effectiveness of measures to restrain the costs.

(c) The Board is authorized, either directly or by contract—

(1) to make statistical and other studies, on a nationwide, regional, State, or local basis of any aspect of the operation of this title, including studies of the effect of the title upon the health of the people of the United States and the effect of comprehensive health services upon the health of persons receiving such services;

(2) to develop and test methods of providing, through payments for services or otherwise, additional incentives for adherence by providers to standards of adequacy and quality; methods of peer review of the utilization of drugs, and of services not subject to utilization review under section 50; and methods of peer review of the quality of services;

(3) to develop and test, for use by the Board, records and information retrieval systems and budget systems for health services administration, and develop and test model systems for use by providers of services;

(4) to develop and test, for use by providers of services, records and information retrieval systems useful in the furnishing of health services, and equipment (such as equipment for the monitoring of patients' functions, or for multiphasic screening) useful in the furnishing of preventive or diagnostic services;

(5) to develop, in collaboration with the pharmaceutical profession, and test, improved administrative practices or improved methods for the reimbursement of independent pharmacies for the cost of furnishing drugs as a covered service; and

(6) to make such other studies as it may consider necessary or promising for the evaluation, or for the improvement, of the operation of this title.

EXPERIMENTS AND DEMONSTRATIONS

SEC. 129. The Board is authorized, pursuant to agreement with providers of services, to undertake experiments for the purpose of developing and testing alternative methods of compensating providers (in lieu of the methods otherwise prescribed by this title) which offer promise, through financial incentives or otherwise, of improving the coordination of services, improving their quality or their accessibility, or decreasing their cost; and to undertake demonstrations of the results of such experiments. Any such experiment or demonstration with respect to independent professional practitioners shall be undertaken only on the manner specified in section 82(g).

DETERMINATIONS; HEARINGS AND JUDICIAL REVIEW

SEC. 130. (a) Determinations of entitlement to benefits under this title, determinations of who are participating providers of services, determinations whether services are covered services, and determinations of amounts to be paid by the Board to participating providers, shall be made by the Board in accordance with regulations. If the Board finds that a participating provider of services no longer meets the qualifications established by or pursuant to part C for services of the kinds furnished by him (or for some classes of such services), or that he has intentionally violated the provision of this title or of regulations, or that he has failed substantially to carry out the agreement filed by him pursuant to section 41(c), the Board may issue an order terminating the participation of the provider (or terminating it with respect to particular classes of services); but unless the Board finds that eligible persons are endangered, no such order shall be effective until after the provider has been afforded a hearing, or an opportunity therefor, under subsection (b).

(b) A person who is dissatisfied with a determination that he is not an eligible person or that a service furnished him is not a covered service, or a provider of services who is dissatisfied with a determination that he is not a participating provider or with an order terminating his participation (in whole or in part), or a participating provider who alleges that the amount of a payment to him by the Board is less than the amount required by this title and regulations prescribed under it, shall be entitled to a hearing in accordance with section 205(b) of the Social Security Act. A person or provider who is dissatisfied with the decision after such a hearing shall be entitled to judicial review in accordance with section 205(g) of the Social Security Act.

DIRECTIONS BY THE BOARD FOR THE BETTER ORGANIZATION AND COORDINATION OF SERVICES

SEC. 131. (a) The Board is authorized, in accordance with this section, to issue to any participating provider of services (other than an individual professional provider) a direction, as a condition to the provider's continuing after a specified future date to be a participating provider, that the provider shall—

(1) discontinue (for purposes of payment under part E) one more service which the provider is currently furnishing;

(2) initiate one or more covered services which the provider is not currently furnishing;

(3) initiate the furnishing of one or more covered services at a place where the provider is not currently furnishing the services; or

(4) enter into arrangements with one or more other providers of services (A) for the transfer of patients and medical records as may be medically appropriate, (B) for making available to one provider the professional and technical skills of another, or (C) for such other coordination or linkage of covered services as the Board finds will best serve the purposes of this Act.

(b) If the Board finds (1) that the services furnished by a provider of services (other than an individual professional provider) are not necessary to the availability of adequate services under this title and that their continuance as covered services is unreasonably costly, or (2) that the services are furnished inefficiently and at unreasonable cost, that efforts at correction have proved unavailing, and that necessary services can be more efficiently furnished by other providers, the Board may issue a direction that on a specified future date the provider shall cease to be a participating provider.

(c) No direction shall be issued under this section except on the recommendation of, or after consultation with, the State health planning agency (referred to in section 102(a)) of the State in which the direction will be operative. No direction shall be issued under subsection (a) unless the Board finds that it can practicably be carried out by the provider to whom it is addressed.

(d)(1) No direction shall be issued under this section until the Board has published notice, in the service area of the provider or providers affected, describing in general terms the proposed action, giving a brief statement of the reasons therefor, and inviting written comment thereon. The notice shall be published in at least one newspaper circulating in the area, and the Board shall use such other means as it finds calculated to inform residents of the area of the proposed action.

(2) If objection to the proposal is made by any interested provider of services (other than an individual professional provider) or by an interested health planning agency or by a substantial number of interested professional providers or of residents of the area, the Board shall call a public hearing at which it shall present evidence in support of the proposal, and any interested provider of services or health planning agency or any other interested person shall be entitled to participate in the hearing and to present evidence or argument or both. On the basis of evidence presented at the hearing the Board shall make findings of fact, and shall make a final determination either to issue the proposed direction, to modify and issue it, or to withdraw the proposal.

(e) Within thirty days after the issuance of the Board's final determination, any interested provider, planning agency, or person who participated in the hearing may file, with the United States court of appeals for the circuit within which is situated any provider of services affected by the determination, a petition for review of the determination. The second and third sentences of paragraph (3), and paragraphs (4) and (5), of section 1116 of the Social Security Act shall apply to the proceedings in the court of appeals (except that references therein to the Secretary shall be deemed to relate to the Board).

PART II—MISCELLANEOUS PROVISIONS

DEFINITIONS

SEC. 141. When used in this title—

(a) The term "State" includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, and American Samoa.

(b) The term "United States" when used in a geographical sense means the States, as defined in subsection (a).

(c) The term "Secretary", except when the context otherwise requires, means the Secretary of Health, Education, and Welfare.

(d) The term "Department" means the Department of Health, Education, and Welfare, except when the context otherwise requires.

(e) The term "Board" means the Health Security Board established by section 121.

EFFECTIVE DATES OF TITLE I

SEC. 142. Entitlement to health security benefits under this title shall commence on July 1, 1973, and no service or thing furnished prior to that date shall constitute a covered service. Part D shall be effective with respect to fiscal years beginning after June 30, 1973, except that action pursuant to section 201(g) and section 1817(h) of the Social Security Act, as amended by section 61 of this Act, to make funds available on and after July 1, 1973, is authorized to be taken by the Congress prior to that date. In all other respects this title is effective upon enactment.

EXISTING EMPLOYER-EMPLOYEE HEALTH BENEFIT PLANS UNAFFECTED

SEC. 143. (a) No provision of this Act, and no amendment of the Internal Revenue Code of 1954 made by this Act, shall affect or alter any contractual or other nonstatutory obligation of an employer to provide health services to his present and former employees and their dependents, or to any of such persons, or the amount of any obligation for payment (including any amount payable by an em-

ployer for insurance premiums or into a fund to provide for any such payment) toward all or any part of the cost of such services.

(b) If notwithstanding subsection (a) the availability after June 30, 1973, of benefits under this title shall result in a diminution in the cost to an employer of his aggregate obligations (including his liability for taxes imposed by section 3111(b) of the Internal Revenue Code of 1954, as well as any contractual or other undertaking to pay the taxes imposed on his employees by section 3101(b) of the Code) to provide or pay for health services to persons referred to in subsection (a), it is the sense of the Congress that, at least to the extent of such diminution in costs, and at least for the duration of any non-statutory obligation to provide health benefits subsisting on June 30, 1973, equity and fair dealing require the employer to undertake an equivalent cost, either by paying without deduction from their remuneration part or all of the taxes imposed by section 3101(b) of the code on his employees, or by increasing their remuneration, or by providing other benefits to them, or by a combination of these methods, as may be agreed between the employer and his employees or their representatives.

TITLE II—HEALTH SECURITY TAXES

PART A—PAYROLL TAXES

RATES AND COVERAGE

SEC. 201. (a) Section 3101(b) of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on employees) is amended by striking out all that follows clause (1) and inserting in lieu thereof:

"(2) with respect to wages received after December 31, 1972, the rate shall be 2.1 percent."

(b) Section 3111(b) of the Code (imposing a hospital insurance tax on employers) is amended by striking out all that follows clause (1) and inserting in lieu thereof:

"(2) with respect to wages paid after December 31, 1972, the rate shall be 3.5 percent."

(c) Section 3121 of the Code (containing definitions applicable to payroll taxes) is amended by adding at the end thereof the following subsections:

"(r) WAGE BASE FOR PURPOSES OF HEALTH SECURITY TAXES.—For the purpose of section 3101(b), the term 'wages' shall have the meaning set forth in subsection (a) of this section except that in applying paragraph (1) of that subsection the figure '$15,000' shall be substituted for the figure '$7,800'. For the purpose of section 3111(b); the term 'wages' shall have the meaning set forth in subsection (a) of this section except that paragraph (1) of that subsection shall not be applied.

"(s) EMPLOYMENT FOR PURPOSES OF HEALTH SECURITY TAXES.—For the purposes of sections 3101(b) and 3111(b), the term 'employment' shall have the meaning set forth in subsection (b) of this section except that—

"(1) the exclusions contained in the following paragraphs of subsection (b) shall not be applied: paragraph (1) (relating to foreign agricultural workers), paragraphs (5) and (6) (relating to employment by the United States or its instrumentalities) other than paragraph (6)(C)(i) (relating to the President, the Vice President, and members of Congress) and paragraph (6)(C)(iii) through (v) (relating to certain minor employments), paragraph (8) (relating to employment by charitable and similar organizations), paragraph (9) (relating to employment covered by the railroad retirement system), and paragraph (17) (relating to employment by subversive organizations),

"(2) subsection (m) of this section (including services by members of the uniformed services in the term 'employment') shall not be applied, and

"(3) for the purposes of section 3101(b), the exclusion contained in paragraph (7) of subsection (b) of this section (relating to employment by States and their political subdivisions and instrumentalities) shall not be applied, other than paragraph (7)(C)(i) through (iv) (relating to certain minor employments by the District of Columbia)."

CONFORMING AND TECHNICAL AMENDMENTS

SEC. 202. (a) Subsection (b) of section 3101 and subsection (b) of section 3111 of the Code are further amended by striking out "HOSPITAL INSURANCE" in the headings and inserting "HEALTH SECURITY TAX" in lieu thereof, and by striking out "section 3121(a)" and "section 3121(b)" in each subsection and inserting in lieu thereof "section 3121(r)" and "section 3121(s)", respectively.

(b) Section 3121(1) of the Code (relating to the coverage of services performed in the employ of foreign subsidiaries of domestic corporations) is amended by striking out "sections 3101 and 3111" in paragraph (1)(A) and inserting in lieu thereof "sections 3101(a) and 3111(a)", and by inserting at the end of the subsection the following paragraph:

"(11) Notwithstanding the provision of any agreement entered into under this subsection, no domestic corporation shall be under any obligation to pay to the Secretary, with respect to services covered under the agreement and performed after December 31, 1972, amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) if such services constituted employment as defined in section 3121."

(c) Sections 3122 and 3125 of the Code are amended by striking out "section 3111" wherever it appears and inserting in lieu thereof "section 3111(a)".

(d) Section 6413(c)(1)(D) of the Code is amended by inserting "(i)" immediately after "(D)", by striking out "section 3101" and inserting "section 3101(a)" in lieu thereof, and by inserting immediately before the period at the end thereof: "; and (ii) during any calendar year after the calendar year 1972, the wages received by him during such year exceed $15,000, the employee shall be entitled (subject to the provisions of section 31(b)) to a credit or refund of any amount of tax, with respect to such wages, imposed by section 3101(b) and deducted from the employee's wages (whether or not paid to the Secretary or his delegate), which exceeds the tax with respect to the first $15,000 of such wages receives in such calendar year".

(e) Section 218 of the Social Security Act (relating to agreements for the coverage of services performed in the employ of States and their political subdivisions and instrumentalities) is amended—

(1)(A) by striking out, in subsection (e)(1)(A), "sections 3101 and 3111" and inserting in lieu thereof, "sections 3101(a) and 3111(a)";

(B) by adding at the end of subsection (e) the following paragraph:

"(3) Notwithstanding the provisions of any agreement entered into under this section, no State shall be under any obligation to pay to the Secretary of the Treasury, with respect to service covered under the agreement and performed after December 31, 1972, amounts equivalent to the taxes which would be imposed by sections 3101(b) and 3111(b) of the Internal Revenue Code of 1954 if such service constituted employment as defined in section 3121 of such Code."; and

(2) by striking out in subsection (h)(1), "and the Federal Hospital Insurance Trust Fund", and striking out in such subsection "subsection (a)(3) of section 201, subsection (b)(1) of such section, and subsection (a)(1) of section 1817, respectively" and inserting in lieu thereof "subsections (a)(3) and (b)(1) of section 201".

EFFECTIVE DATES OF PART A

SEC. 203. The amendments made by section 201, and the amendments made by subsections (c) and (d) of section 202, shall be effective only with respect to remuneration received, and remuneration paid, after December 31, 1972, and section 3121(s) of the Internal Revenue Code of 1954 (as added by section 201(c) of this Act) shall be applicable only with respect to remuneration for services performed after that date. The amendments made by section 202(a) shall be effective on January 1, 1973. The amendments made by subsections (b) and (e) of section 202 shall be effective only with respect to remuneration for services performed after December 31, 1972.

PART B—TAX ON NON-WAGE INCOME

IMPOSITION OF TAX

SEC. 211. (a) Subsection (b) of section 1401 of the Internal Revenue Code of 1954 (imposing a hospital insurance tax on self-employment income) is repealed.

(b) Section 1403 of the Code is redesignated as section 1404, and the following new section is inserted immediately after section 1402:

"SEC. 1403. (a) HEALTH SECURITY TAX.—In addition to other taxes, there shall be imposed for each taxable year beginning after December 31, 1972, on the income of every individual residing in the United States whose health security non-wage income (as defined in subsection (b)) for the taxable year is $400 or more, a tax equal to 2.1 percent of the amount of such health security non-wage income for such taxable year.

"(b) DEFINITION OF HEALTH SECURITY NON-WAGE INCOME.—The term 'health security non-wage income' means an amount determined by deducting from the adjusted gross income of an individual for the taxable year any part of such income in excess of $15,000, and deducting from the remainder any part of the adjusted gross income which—

"(1) consists of wages taxable under section 3101(b), or

"(2) consists of remuneration for services performed in the employ of the United States as President or Vice President of the United States or as a Member, Delegate, or Resident Commissioner of or to the Congress, or as a member of a uniformed service on active duty, or

"(3) consists of remuneration (not taxable under section 3101(b)) for service performed by an alien in the employ of a foreign government, an instrumentality of a foreign government, or an international organization, or

"(4) consists of payments excluded by section 3121(a)(6) from wages taxable under section 3101(b)."

CONFORMING AND TECHNICAL ADMENDMENTS

SEC. 212. (a) The heading and the table of contents of chapter 2 of subtitle A of the Internal Revenue Code of 1954 are amended to read as follows:

"CHAPTER 2—TAXES ON SELF-EMPLOYMENT INCOME AND NON-WAGE INCOME

"SEC. 1401. Rate of tax on self-employment income

"SEC. 1402. Definitions relating to self-employment income

"SEC. 1403. Tax on health security non-wage income.

"SEC. 1404. Miscellaneous provisions."

(b) Section 1401 of the Code, as amended by section 211(a) of this Act, is further amended by striking out the heading of the section and inserting in lieu thereof, "SEC. 1401. RATE OF TAX ON SELF-EMPLOYMENT INCOME," and by striking out "(a)" at the beginning of the section.

(c) Section 1404 of the Code (as redesignated by section 211(b) of this Act) is amended by striking out "Self-Emplyoment Contributions Act of 1954'" and inserting in lieu thereof, "'Self-Employment and Health Security Contributions Act'".

(d) Section 6015 of the Code (relating to declarations of estimated income by individuals) is amended by striking out in sub-

section (c)(2) "the amount of the self-employment tax imposed by chapter 2" and inserting in lieu thereof "the amount of the taxes imposed by chapter 2".

(e) Section 6017 of the Code is amended—

(1) by striking out the heading of the section and inserting in lieu thereof, "SEC. 6017. SELF-EMPLOYMENT AND HEALTH SECURITY TAX RETURNS.";

(2) by inserting, immediately after the first sentence of the section, the following sentence: "Every individual residing in the United States and having health security nonwage income of $400 or more for the taxable year shall make a return with respect to the health security nonwage income tax imposed by chapter 2."; and

(3) by striking out "the tax" in the second sentence of the section and inserting in lieu thereof, "the taxes," and by inserting immediately before the period at the end of that sentence, ", or on the separate health security nonwage income of each spouse, as the case may be."

EFFECTIVE DATES OF PART B

SEC. 213. The amendments made by section 211 and section 212(d) and (e) shall be effective with respect to taxable years beginning after December 31, 1972. The amendments made by section 212(a), (b), and (c) shall be effective on January 1, 1973.

TITLE III—REPEAL OR AMENDMENT OF OTHER ACTS

REPEAL OF MEDICARE AND FEDERAL EMPLOYEE HEALTH BENEFIT STATUTES

SEC. 301. (a) Effective July 1, 1973—

(1) Title XVIII of the Social Security Act, except section 1817 thereof, is repealed.

(2) The Act of September 28, 1959 (5 U.S.C., Chap. 89) and Public Law 86-724 are repealed.

(b) Subsection (a) shall not affect any right or obligation arising out of any matter occurring before July 1, 1973, or any admintrative or judicial proceeding (whether or not initiated before that date) for the adjudication or enforcement of any such right or obligation.

MEDICAID STATUTE

SEC. 302. After June 30, 1973, no State (as defined in section 1101(a)(1) of the Social Security Act) shall be required, as a condition of approval of its State plan under title XIX of that Act, to furnish any service which constitutes a covered service under title I of this Act, and any amount expended for the furnishing of any such service to a person eligible for services under title I of this Act shall be disregarded in determining the amount of any payment to a State under such title XIX. The Secretary of Health, Education, and Welfare shall by regulation prescribe the minimum scope of services required (in lieu of the requirements of section 1902(a)(13) of the Social Security Act) as a condition of approval, after June 30, 1973, of a State plan under such title XIX. Such minimum scope of services shall, to the extent the Secretary finds practicable, be designed to supplement the benefits available under title I of this Act, with respect to the duration of skilled nursing home services during a spell of illness and with respect to the furnishing of dental services and of drugs (appearing on the list established under section 25(b) of this Act) to persons not entitled to such services, or not entitled to such drugs, under title I of this Act.

VOCATIONAL REHABILITATION ACT; MATERNAL AND CHILD HEALTH AND CRIPPLED CHILDREN'S SERVICES

SEC. 303. Funds made available under the Vocational Rehabilitation Act or under title V of the Social Security Act shall not be used, after June 30, 1973, to pay for personal health services available under title I, of this Act; but they may, in accordance with regulations of the Secretary of Health, Education, and Welfare, be used (a) to pay for institutional services which are either more extensive or more intensive than the services recognized in institutional budgets approved under title I of this Act, or (b) to pay for special medical or other procedures peculiar to vocational rehabilitation, or peculiar to the correction or amelioration of defects or chronic conditions of crippled children, as the case may be.

The section-by-section analysis presented by Mr. KENNEDY is as follows:

HEALTH SECURITY ACT—SECTION-BY-SECTION ANALYSIS

TITLE I

Part A—Eligibility for benefits

(Sections 11-12-13)

Every resident of the U.S. (and every non-resident citizen when in the U.S.) will be eligible for covered services. Reciprocal and "buy-in" agreements will permit the coverage of groups of non-resident aliens, and in some cases benefits to U.S. residents when visiting in other countries. Further provision for U.S. residents in other countries will be studied.

Part B—Nature and scope of benefits: Covered services

(Section 21)

Every eligible person is entitled to have payments made by the Board for covered services provided within the United States by a participating provider.

(Section 22)

All necessary professional services of physicians, wherever furnished, are covered including preventive care, with two important restrictions:

(1) specialist services are covered only when performed by a qualified specialist—except in emergency situations—and generally only on referral from a primary physician. This is intended to protect the public from inadequately trained practitioners and to restore the primary or family practitioner to the role of the manager of health services.

(2) Psychiatric services to an ambulatory patient are covered only for active preventive, diagnostic, therapeutic or rehabilitative service with respect to mental illness. If the patient seeks care in an organized setting (such as a comprehensive health service organization, a hospital out-patient clinic, a community mental health center or other mental health clinic) there is no limit on the number of consultations. In these kinds of organized settings, peer review and budgetary controls can be expected to curtail unnecessary utilization. If the patient is consulting a solo practitioner, there is a limit of 20 consultations per spell of illness.

(Section 23)

Comprehensive dental services (exclusive of most orthodontia) are covered for children under age 15, with the covered age group increasing by two years each year until all those under age 25 are covered. This benefit is limited initially because, even with full use of dental auxiliaries, there is insufficient manpower to provide dental benefits for the entire population. It is the declared intention, however, to extend dental benefits to older persons as rapidly as this becomes feasible.

(Section 24)

Inpatient and outpatient hospital services, and services of a home health agency are covered without arbitrary limitation. Pathology and radiology services are specifically included as parts of *institutional* services, thus reversing the practice of Medicare. Domiciliary or custodial care is specifically excluded in any institution, thus necessitating the two important restrictions on payments for institutional care:

(1) Payment for skilled nursing home care is limited to 120 days per spell of illness. It is not practical to assume that the majority of nursing homes and extended care facilities in the country will be able to implement effective utilization review and control plans in the first years of Health Security. The demand for essentially domiciliary or custodial care in nursing homes is so overwhelming, that an initial arbitrary limit on days of coverage is necessary. Extension of the benefit is authorized when this becomes feasible.

(2) Many state hospitals do not provide optimal active treatment to their psychiatric patients but rather maintain them in a maintenance or custodial setting. If Health Security provided unlimited coverage for patients in these hospitals, it might tend to freeze the current level of care instead of stimulating these institutions to upgrade their medical-care performance. Therefore the psychiatric hospital benefit is limited to 45 consecutive days of *active treatment* during a spell of illness.

(Section 25)

The bill provides coverage for two categories of drug use: prescribed medicines administered to inpatients or outpatients within participating hospitals, or to enrollees of comprehensive health service organizations, and drugs necessary for the treatment of specified chronic illnesses or conditions requiring long or expensive therapy. This will provide coverage of most drug costs for individuals who require costly drug therapy.

The bill requires the Board and the Secretary of HEW to establish two lists of approved drugs, taking into account the safety, efficacy and cost of each drug. There will be a broad list of approved medicines available for use in institutions and by comprehensive health service organizations and a more restricted list which is available for use outside such organized settings. The restricted list shall stipulate which drugs on it shall be available for treatment of each of the specified chronic diseases. No such restrictions shall be placed upon drug therapy within an institutional setting.

Use of the restricted list will meet the most urgent needs for drug therapy while restraining unnecessary utilization. The benefit is more liberal where adequate control mechanisms exist.

(Section 26)

The appliances benefit is similar in concept and operation to the drug benefit, subject to a limitation on aggregate cost. The Board shall prepare lists of approved devices, appliances or equipment which it finds are important for the maintenance or restoration of health, employability or self-management (taking into consideration the reliability and cost of each item). The Board will also specify the circumstances or the frequency with which the item may be prescribed at the cost of the Health Security program.

(Section 27)

The professional services of optometrists and podiatrists are covered, subject to regulations, as are diagnostic or therapeutic services furnished by independent pathology laboratories and radiology services. The care of a psychiatric patient in a mental health day care service is covered for up to 60 days per spell of illness (day care benefits are unlimited if furnished by a comprehensive health service organization or by a community mental health center). Ambulance and other emergency transportation services are covered.

Supporting services such as psychological, physiotherapy, nutrition, social work and health education are covered if they are part of institutional services or are furnished by a comprehensive health service organization. This establishes the important principle that these and other supporting services should be provided as part of a coordinated program of health maintenance and care. Psychologists, physical therapists, social workers, etc. will not be permitted to establish independent

practices and bill the program on a fee-for-service basis. This is intended to assure that whenever services of this nature are provided they are under appropriate medical supervision and are germane to the over-all care of the patient.

(Section 28)

Health services furnished or paid for under a workmen's compensation law are not covered. Reimbursement for loss of earnings is so closely interlocked with the health services aspects of workmen's compensation that absorption of the health services portion of workmen's compensation by Health Security could have the effect of delaying findings of eligibility for income payments. Also, health services furnished in a primary or secondary school are excluded, being generally organized, administered and financed through the education systems.

The Board may exclude from coverage medical or surgical procedures which are essentially experimental in nature. Individuals who enroll in a comprehensive health service organization or enroll themselves with a primary practitioner accepting capitation payments are not entitled to seek covered services from other providers of services (except as specified in regulations). Surgery primarily for cosmetic purposes is excluded from coverage.

The services of a professional practitioner are not covered if they are furnished in a hospital which is not a participating provider. This is intended to discourage physicians from admitting patients to hospitals which cannot or will not meet standards for participation in the program.

Part C—Participating providers of services

(Section 41)

Participating providers are required to meet standards established in this title or by the Board. In addition, they must agree to provide services without discrimination, to make no charge to the patient for any covered service, and to furnish data necessary for utilization review by professional peers, statistical studies by the Board, and verification of information for payments.

(Section 42(a))

Professional practitioners licensed when the program begins are eligible to practice in the State where they are licensed. All newly licensed applicants for participation must meet national standards established by the Board in addition to those required by his State. While stopping short of creating a Federal licensure system for health professionals, this will guarantee minimum national standards. A State-licensed practitioner who meets national standards will be qualified to provide Health Security covered services in any other state. (See also Section 56(a)(1)).

(b) For purposes of this title a doctor of osteopathy is a physician, as is a dentist when performing procedures which, in generally accepted medical practice, may be performed by either a physician or a dentist.

(c) Participating professional providers shall be required to meet continuing education requirements established by the Board (in consultation with appropriate professional organizations.)

(d) Major surgery and certain other specialty services shall be covered only when provided by a board certified or board eligible physician (except in emergency circumstances). Physicians who do not meet these standards but who are providing such services as a substantial part of their practice when the program begins may be found qualified if they meet standards established by the Board and, where appropriate, if recommended by a participating hospital.

(Section 43)

This section establishes conditions of participation for general hospitals similar to those required by Medicare. Two requirements not found in the Medicare program are: (1) that the hospital must not discriminate in granting staff privileges on any grounds unrelated to professional qualifications; and (2) that it establish a pharmacy and drug therapeutics committee for supervision of hospital drug therapy. Medicare allows any hospital accredited by the Joint Commission on the Accreditation of Hospitals (if it provides utilization review) to participate in the program, thus in effect delegating to the Commission the determination whether the standards are met. This title requires all participating hospitals to meet standards established by the Board.

(Section 44)

Psychiatric hospitals will be eligible to participate only if the Board finds that the hospital (or a distinct part of the hospital) is engaged in furnishing *active* diagnostic, therapeutic and rehabilitative services to mentally ill patients. Psychiatric hospitals are required to meet the same standards as those prescribed for general hospitals in Section 43, and such other conditions as the Board finds necessary to demonstrate that the institution is providing active treatment to its patients. These standards will exclude costs incurred by state mental institutions to the extent they serve domiciliary or custodial functions. In addition, psychiatric hospitals must be accredited by the Joint Commission on the Accreditation of Hospitals. (As in Medicare, accreditation is an *additional* requirement in the case of psychiatric hospitals, as further assurance that they meet the requirements of an active treatment program.)

(Sections 45 and 46)

Section 45 establishes conditions of participation for skilled nursing homes similar to those established for extended care facilities under Medicare. Important differences, however, are the requirement for affiliation by 1975 with a participating hospital or comprehensive health service organization (see Section 51(b)) and changes in the requirements for utilization review (see Section 50). Under section 46 participation by home health agencies will be limited to public agencies and non-profit private organizations—proprietary home health agencies are specifically excluded.

(Section 47)

This section describes a comprehensive health service organization which undertakes to provide an enrolled population either with complete health care or, at the least, with complete Health Security services (other than institutional services, mental health or dental services) for the maintenance of health and the care of ambulatory patients. The bill, in its aim to improve the methods of delivery of health services, places much emphasis on the development of new organizations of this kind and the enlargement of old ones.

The section is designed to accommodate forms of organization typical of existing prepaid group practice plans, but also to be flexible enough to permit experimentation with somewhat different forms. In some urban or rural areas, for example, it may be impracticable to bring all of the various services together in one place, and the section has been designed to encompass what has been described as "comprehensive group practice without walls"; the basic essential is the assumption of responsibility for a reasonably comprehensive range of services (including health maintenance), on a continuing and coordinated basis, to a group of persons who have chosen to receive all or nearly all their health care from the organization.

Other requirements are spelled out in this section: The organization must furnish services through the prepaid group practice of medicine, or as near an approximation to prepaid group practice as is feasible. It must be a nonprofit organization, or if several providers share in the furnishing of services the prime contractor with the Board must be nonprofit. All persons living in or near a specified service area will be eligible to enroll, subject to the capacity of the organization to furnish care and subject to minimal underwriting protections. Services must be reasonably accessible to persons living within the specified service area. Periodic consultation with representatives of enrollees is required. Professional policies and their effectuation, including monitoring the quality of services and their utilization, is to be the responsibility of a committee or committees of physicians. Health education and the use of preventive services must be stressed, and lay persons are to be employed so far as is consistent with good medical practice. Charges for any services not covered by Health Security must be reasonable. Finally, the organization must agree to pay for services furnished by other providers in emergencies, either within the service area of the organization or elsewhere, but may meet this requirement to the extent feasible through reciprocal service arrangements with other organizations of like kind.

(Section 48)

This section deals with several classes of health organizations that vary widely, even within a single class, in their structure and in the scope of the services which they offer. Because statutory specifications cannot well be tailored to so many variables, the section sets forth only a general statement of the kinds of organizations to which it relates and leaves participation of each organization to a case-by-case decision of the Board.

Subsection (a) permits the participation of community health centers or the like which, though furnishing services as comprehensive as are required by section 47, do not serve an enrolled or otherwise predetermined population and may not meet some other requirements of section 47. Subsection (b) authorizes the Board to deal separately with the primary care portion of a system of comprehensive care where it is necessary to rely on arrangements with other providers, rather than on a unified structure, to round out the other elements of the system. Where organizations meeting the extensive requirements of section 47 are not available, these two subsections will give the Board flexibility in furthering one of the bill's prime objectives, the development and broad availability of comprehensive services furnished on a coordinated basis.

Because of the extent to which mental health services are separated from other health care, subsection (c) permits the Board to contract directly with public or other nonprofit mental health centers and mental health day care services.

Subsection (d) deals with a miscellany of other health care organizations, public, nonprofit, or proprietary. If a State or local public health agency is providing preventive or diagnostic services, such as immunizations or laboratory tests, the Board may contract with it for the continuance of these services. In the field of private practice, physicians or dentists or other practitioners may group themselves in a clinic, nonprofit or proprietary, or in any number of other ways, and it may be more convenient both to them and to the Board to regard them as an entity than to deal with each practitioner separately. The Board will have wide discretion in contracting with such entities subject only to the limitation that, like other organizations described in section 48, the entity may not (under section 88(a)) be paid on a fee-for-service basis. Practitioners who elect that method of payment may of course pool their bills for submission to the Board, but there is no reason to contract with a unit for the payment of fees to it.

(Section 49)

This section specifies the broad and general conditions under which independent

pathology laboratories, independent radiological services, providers of drugs, devices, appliances, equipment, or ambulance services may qualify as providers under Health Security. As under Medicare, a Christian Science Sanatorium qualifies if operated, or listed and certified, by the First Church of Christ, Scientist, Boston.

(Section 50)

The requirements of utilization review in hospitals and skilled nursing homes are in the main similar to those which Medicare has, since 1966, imposed with respect to services to aged patients. In Health Security the requirements will of course apply to the entire patient population. As in Medicare, the review is designed to serve a dual purpose: identification of certain specific misuses of the institutional services with a view to their termination, and a focusing of continuing attention and concern of the medical staff on the necessity for efficient utilization of institutional resources. Section 50(a) strengthens the educational aspect of the process by requiring specifically that records of reviews be maintained and statistical summaries of them be reported periodically to the institution and its medical staff (and, on request, to the Board). As under Medicare, the review committee will consist of two or more physicians, with or without other professional participation; and in the case of hospitals, will normally be drawn from the medical staff unless for some reason an outside group is required. For skilled nursing homes, on the other hand, section 50(c) departs from Medicare by requiring that the committee be established by the State or local public health agency under contract with the Board, or failing that, by the Board. Like Medicare, section 50(d) calls for review of specific long-stay cases as required by regulations, and section 50(e) for notice to the institution, the attending physician, and the patient when a decision adverse to further institutional services is made.

(Section 51)

Subsection (a) of Section 51 is also like Medicare in requiring a participating skilled nursing home to have in effect an agreement with at least one participating hospital for the transfer of patients and medical and other information as medically appropriate. Subsection (b) introduces a requirement, applicable by 1975 to both skilled nursing homes and home health service agencies, of affiliation with a participating hospital or comprehensive health service organization. Unless the medical staff of the hospital or organization undertakes to furnish the professional services in the nursing home or the professional services of the home health service agency, that medical staff or a committee of it must assume responsibility for these services. Subsection (c) allows the Board to waive the application of either of these requirements to a skilled nursing home or a home health agency which the Board finds essential to the provision of adequate services, if (but only for as long as) lack of a suitable hospital or organization within a reasonable distance makes a transfer or an affiliation agreement impractable.

(Section 52)

If the construction or substantial enlargement of a hospital or skilled nursing home has been undertaken after December 31, 1970, without prior approval by a planning agency designated by the governor of the state or the Board, section 52 precludes the institution from participating in the Health Security program. This should greatly strengthen state and local planning authorities.

(Section 53)

This section requires the Board in fixing, for institutional and other providers, standards beyond those specified in the statute, to take into consideration criteria established or recommended by appropriate professional organizations.

(Section 54)

If the Board issues a direction, as it is authorized by section 131 to do after opportunity for a hearing, that any provider of services (other than an individual practitioner) should expand, curtail, or otherwise modify the covered services which it furnishes, this section stipulates that failure of the provider to comply with the direction will terminate its entitlement to participate in the program.

(Section 55)

Institutions of the Department of Defense and the Veterans Administration, and institutions of the Department of Health, Education, and Welfare serving merchant seamen or Indians or Alaskan natives, are excluded by section 55 from serving as participating providers, as is also any employee of these institutions when he is acting as an employee. The Board will, however, provide reimbursement for any services furnished (in emergencies, for example) by these institutions or agencies to eligible persons who are not a part of their normal clientele.

(Section 56)

This section overrides, for purposes of the Health Security program, State laws of several kinds which inhibit the utilization or the mobility of health personnel, cloud the legality of so-called "corporate practice" of health professions, or restrict the creation of group practice organizations. The authority of Congress to do this, in conjunction with a program of Federal expenditure to provide for the general welfare, flows from the Supremacy Clause of the Constitution and seems now to be clearly established. (*Ivanhoe Irrigation District* v. *McCracken*, 357 U.S. 275 (1958); *King* v. *Smith*, 392 U.S. 309 (7968).)

The first three paragraphs of subsection (a), while stopping short of creating a system of Federal licensure for health personnel, will greatly facilitate both the interstate mobility of State licensees and the effective use of ancillary personnel in the furnishing of health care. The dispensations contained in these paragraphs will be available to persons who meet national standards established by the Board.

Paragraph (1) permits a physician, dentist, optometrist, or podiatrist, licensed in one State and meeting the national standards, to furnish Health Security benefits in any other state, the scope of his permissible practice being governed by the law of the State in which he is practicing. This paragraph obviates the difficulty and cost which a practitioner may encounter, especially where reciprocity of licensure is not available, in taking up practice in a State in which he has not been licensed.

Paragraph (2) grants a similar authority to other health professional and nonprofessional personnel. For occupations such as pharmacy and professional nursing, which are subject to licensure in all States, a person can avail himself of this paragraph only if he is licensed in one State and meets the national standards; in other cases, where licensure is not universally required, compliance with national standards is sufficient. Here again, impediments to mobility created by existing licensure laws will be removed.

The restrictions which many professional practice acts impose on the use of lay assistants, and the legal uncertainties which often deter such use, discourage practices that can increase greatly, without sacrifice of safety, the volume of services which professionals can render. Accordingly, paragraph (3) of subsection (a) enables the Board to permit physicians and dentists, participating in public or nonprofit hospitals and comprehensive health service organizations, to use ancillary health personnel, acting under professional supervision and responsibility, to assist in furnishing Health Security benefits. Such assistants may do only things which the Board nas specified, and may be used only in the context of an organized medical staff or medical group. Persons employed as assistants must not only meet national standards for their respective occupations, but must also satisfy special qualifications that the Board may set for particular acts or procedures.

In the interest of encouraging salaried practice and the integration of professional practitioners into well-structured organizations for the delivery of health services, paragraph (4) of subsection (a) does away with the "corporate practice" rule insofar as concerns participating public or other nonprofit hospitals and comprehensive health service organizations. These institutions may employ physicians or make other arrangements for their services, unless in the unlikely event that lay interference with professional acts or judgments should be threatened. No conflict of interest results from such arrangements; in the nonprofit setting loyalty to employer and loyalty to patient run parallel.

Some state laws place restrictions of one kind or another on the incorporation of group practice organizations. When these restrictions prevent the State incorporation of an organization meeting the strict requirements of the Health Security Act, section 56 (b) empowers the Secretary to incorporate it for purposes of the Act. Except for the special restrictions, State law will govern the corporation.

Part D—Trust fund; allocation of funds for Services Health Security Trust Fund

(Section 61)

This section establishes the Health Security Trust Fund, to receive the net assets of existing (Medicare) funds taken over by the Health Security program, the yield of the Health Security taxes, and the Government's contribution from general revenues amounting to 66⅔% of the yield from these taxes.

Accordingly, this section amends the Social Security Act to convert the present Hospital Insurance Trust Fund (Medicare, Title XVIII, Part A) into the Health Security Trust Fund, and to provide that the appropriations that would have gone into the former (increased by the new tax provisions) shall go into the latter. In addition, on July 1, 1973, the assets and liabilities of the Federal Supplementary Medical Insurance Trust Fund (Medicare, Title XVIII), Part B) will be transferred to the Health Security Trust Fund. Also, a Government contribution to the new Trust Fund is authorized to be appropriated, equal to 66⅔% of the aggregate yield from the payroll taxes on employees and employers and the tax on non-wage income (including self-employment and unearned income), imposed for Health Security under Title II of this Act. The Fund will also receive recoveries of overpayments, and receipts from loans and other agreements. To implement the role of the Trust Fund, the Managing Trustee (the Secretary of the Treasury) will make payments from the Trust Fund provided for under Title I, as the Board certifies, and with respect to administrative expenses as authorized annually by the Congress.

(Section 62)

The Health Security program is intended to operate on a budget basis overall. Accordingly, subsection (a) requires the Board to determine for each fiscal year the maximum amount which may be available for obligation from the Trust Fund. The amount so determined in advance (by March 1 preceding each fiscal year) shall not exceed the smaller of two stated limitations. The first limit is fixed on 166⅔% of the expected net receipts from all the Health Security taxes (i.e., the tax receipts augmented by 66⅔%

thereof, to be appropriated into the Fund from general revenues of the Government.) The second limit, applicable to each fiscal year after June 30, 1974 (i.e., after a year's availability of covered services), is an amount equal to the estimated obligations of the current year (within which the estimate is being made), subject to certain adjustments. Such adjustments will reflect change expected in: (A) the consumer price index; (B) the number of eligible persons; (C) the number of participating professional providers, or the number or capacity of institutional or other participating providers so far as such changes are not already adequately reflected; and (D) the expected cost of program administration.

In the interest of prudent fiscal management, subsection (b) requires the Board to restrict its estimate of the amount available for obligation in the next fiscal year (in accordance with subsection (a)) if the Board estimates that the amount in the Trust Fund at the beginning of the next fiscal year will be less than one-quarter of the total obligations to be incurred for the current year, and that such restriction will not impair the adequacy or quality of the services to be provided. Also, the Board is required to reduce its alternative estimate of the maximum amount to be available if it finds that the aggregate cost to be expected has been reduced (or an expected increase has been lessened) through improvement in organization and delivery of service or through utilization control.

Subsection (c) provides against various other contingencies which may result in increase or decrease in the estimate of the maximum amount to be available for obligation in a next fiscal year. The amount may be modified before or during the fiscal year: if the Secretary of the Treasury finds that the expected Health Security tax receipts will differ by 1 percent or more from the estimate used under subsection (a); or if the Board finds that either its factors of expected change or the cost of administration is expected to differ from the estimate by 5 percent or more; or if an epidemic, disaster or other occurrence compels higher expenditure than had been expected. If, as a result, the maximum estimate has to be increased (rather than being decreased), the Board (through the Secretary) shall promptly report its action to the Congress with its reasons.

(Section 63)

Subsection (a) provides that three separate accounts shall be established in the Health Security Trust Fund—a Health Service Account, a Health Resources Development Account, and an Administration Account. Subsection (b) provides that in each of the first two years of program operation, 2% of the Trust Fund shall be set aside for the Health Resources Development Fund; and the allocation shall increase by 1% at two-year intervals to 5% within the next 6 years. The money in this account will be used exclusively for the planning and system improvement purposes described in part F.

(c) (d) After deducting the amount appropriated by the Congress into the Administration Account, the remainder of the monies shall be allocated to the Health Services Account, and shall be used exclusively for making payment for services in accordance with part E.

(Section 64)

This section provides for allocation of the Health Services account among the regions of the country. (a) The allocation to each region shall be based on the aggregate sum expended during the most recent 12-month period for covered services (with appropriate modification for estimated changes in the consumer price index, the expected number of eligible beneficiaries, estimated change in the number of participating providers). (b) In allocating funds to the regions the Board shall seek to reduce, and over the years gradually eliminate, existing differences among the regions in the average per capita amount expended upon covered health services (except when these reflect differences in the consumer price index). To accomplish this, the Board will curtail increases in allocations to high expenditure regions and stimulate an increase in the availability and utilization of services in regions in which the per capita cost is lower than the national average. (c) If funds available are inadequate, allocations will be reduced pro rata. (d) Allocations may be modified before or during a fiscal year if the Board finds this is necessary.

(Section 65)

The Board will divide the allocation to each region into funds available to pay: institutional services; physician services; dental services; furnishing of drugs; furnishing of devices, appliances, equipment; and miscellaneous services. The percent allocated to each category of service may vary from region to region. In determining allocation to these funds they will be guided by the previous year's expenditures for each category of service but also take into account trends in the utilization of services and the desirability of stimulating improved utilization of resources. They will encourage a shift from heavy reliance on institutional care to better utilization of preventive and ambulatory services.

(Section 66)

These regional funds will be subdivided among the health service areas in each region, primarily upon the basis of the previous year's expenditure for each kind of service. Again, the Board will gradually attempt to achieve the equalization of services within each region by restraining the increase of expenditures in high cost areas and channeling funds into health services areas with a low level of expenditures.

(Section 67)

Before or during a fiscal year, the division of regional funds by classes of service or the allotments to health service areas may be modified if necessary or if indicated by newly acquired information.

Part E—Payment to providers of services

(Section 81)

Payments for covered services provided to eligible persons by participating providers will be made from the Health Service Account in the Trust Fund.

(Section 82)

This section delineates methods of paying professional practitioners. Every independent practitioner (physician, dentist, podiatrist, or optometrist) shall be entitled to be paid by the fee-for-service method (subsection (a)), the amounts paid being in accordance with fee schedules or relative value scales prescribed after consultation with the professions (subsection (f)). Each physician engaged in general or family practice of medicine in independent practice may elect to be paid by the capitation method if he agrees to furnish individuals enrolled on his list with all necessary and appropriate primary services, make arrangements for referral of patients to specialists or institutions when necessary, and maintain records required for medical audit; and independent dentist practitioners may elect the capitation method of payment similarly (subsection (b)).

The requirements in this section are intended to assure that the physician (or dentist) provides to his patients all professional services within the range of his undertaking and secures other needed services by referral. Through regular medical audits, the Board will monitor the level and quality of care provided.

When necessary to assure the availability of services in a given area, the Board may pay an independent practitioner a full-time or part-time stipend in lieu of or as a supplement to other methods of compensation. This method of payment will be used selectively by the Board, mainly to encourage the location of practitioners in remote or deprived areas. Practitioners may also be reimbursed for the special costs of continuing education required by the Board and for maintaining linkages with other providers—for example, communication costs. Incentives operative under this provision will encourage physicians to improve the quality and continuity of patient care, even if the physician does not participate in a group practice. The Board may pay for specialized medical services on a per session or per case basis, or may use a combination of methods authorized by this section.

Subsection (e) of this section describes the method to be used in applying, as between practitioners electing the various methods of payment, the monies available in each health service area for payment to each category of professional providers. From the amount allocated to each service area, the Board will earmark funds sufficient to pay practitioners receiving stipends and for the professional services component of institutional budgets, such as hospitals. The remainder of the money will be divided to compute the amount available per capita in the eligible population of the area for each category of service (i.e. physicians, dentists, podiatrists, optometrists). This per capita amount in each category will fix the capitation payments to organizations that undertake to provide the full range of services in that category to enrolled individuals. Lesser amounts will be fixed for more limited services. For example, if the per capita amounts available for physician, dental and optometric services are $65, $25, and $5 respectively, primary physicians accepting capitation payments will receive the percentage of that $65 which is allocated for primary services, and a comprehensive health service organization which undertakes to provide all physician, dental and optometric services to enrolled individuals will receive $95 for each enrolled individual. After per capita allocations have been made to physicians and dentists who have elected to be paid on a capitation basis and to comprehensive health service organizations, the remainder of the money will be available in each category to pay fee-for-service and per case bills, subject to proration if the aggregate bills exceed the amounts available. This assures that comprehensive health service organizations and individual practitioners accepting capitation payments or a stipend, and professional practitioners on salary in an institutional setting, will not be in jeopardy of having their income diminished by the exhaustion of their service fund by reason of fee-for-service or per case payments.

Subsection (g) authorizes the Board to experiment with other methods of reimbursement so long as the experimental method does not increase the cost of service or lead to overutilization or underutilization of services.

(Section 83)

Hospitals will be paid on the basis of a predetermined annual budget covering their approved costs. To facilitate review of these budgets, the Board will institute a national uniform accounting system. Subsection (b) stipulates that the costs recognized for purposes of the budget will be those incurred in furnishing the normal services of the institution except as changed by agreement, or by order of the Board under section 131. This will enable the Board, on the basis of State and local planning, to eliminate gradually any wasteful or duplicative services, and also to provide for an orderly expansion of hospital services where needed.

Physicians and other professional practi-

tioners whose services are held out as available to patients generally (such as pathologists and radiologists) will be compensated through the institutional budget, whatever the method of compensation of such practitioners and whether or not they are employees of the hospital. This departs from the practice in Medicare which allowed independent billing by such physicians. Hospital budgets will be reviewed by the regional administrative agency of the Board, which may permit participation by representatives of the hospitals in each region. Budgets may be modified before, during, or after the fiscal year if changes occur which make modification necessary.

(Section 84)

If an entire psychiatric hospital is found by the Board to be providing active treatment to its patients, and the institution is therefore primarily engaged in providing covered services to eligible beneficiaries, it will be paid on the same basis as a general hospital (on the basis of an approved annual budget). Otherwise the Board will negotiate a patient-day rate to be paid for each day of covered service provided to an eligible beneficiary.

(Section 85)

This section provides that skilled nursing homes and home health agencies will be paid in the same manner as a general hospital (on an approved annual budget basis). The Board may specify use of nationally uniform systems of accounting and may prescribe by regulation the items to be used in determining approved costs and the services which will be recognized in budgets.

(Section 86)

Reimbursement for drugs will be made to the dispensing agent on the basis of an official "product price" for each drug on the approved list plus a dispensing fee. The official product price will be set at a level which will encourage the pharmacy to purchase substantial quantities of the drug (this should result in significant reductions in the unit cost of each drug). The official price may be modified regionally to reflect differences in costs of acquiring drugs. The Board will establish dispensing fee schedules for reimbursing independent pharmacies. These schedules will take into account regional differences in costs of operation, differences in volume, level of services provided and other factors.

(Section 87)

A comprehensive health service organization will be paid for other than hospital or skilled nursing home services, on the basis of a fixed capitation rate multiplied by the number of eligible enrollees. The amount of the capitation rate will be determined by the per capita amounts available for the several professional services in the area, and a rate fixed by the Board as the average reasonable and necessary cost per enrollee for such other covered services as the organization undertakes to provide (exclusive of hospital and skilled nursing home services) such as physical therapy, nutrition, etc.

A comprehensive health service organization which undertakes to provide for hospital or skilled nursing home services for its enrollees may be paid on an approved annual budget basis or on a capitation basis. An organization which arranges for such services through other providers may be reimbursed on the basis of patient days of service utilized by enrollees. The organization will also be entitled to share in up to 75% of any savings which are achieved by lesser utilization of such institutional services. Entitlement to such savings is conditional upon a finding by the Board that the services of the organization have been of high quality and adequate to the needs of its enrollees, and that the average utilization of hospital or skilled nursing services by enrollees of the comprehensive health service organization is less than use of such services by comparable population groups under comparable circumstances. This money may be used by the comprehensive health service organization for any of its purposes, including the provision of services which are not covered under the Health Security Program.

(Section 88)

Subsection (a) provides that organizations or agencies with which the Board has entered into an agreement under section 48 (such as a neighborhood health center, a nonprofit mental health center, or a state or local health agency furnishing preventive or diagnostic services) may be paid by any method agreed upon other than fee-for-service. Subsection (b) provides that independent pathology or radiology services may elect reimbursement by fee-for-service (with a fee schedule approved by the Board), an approved budget or other basis. Subsection (c) leaves the method of payment for other types of miscellaneous providers of service to be specified in regulations.

(Section 89)

All participating providers will be paid from the Health Services Account in the Trust Fund at such time or times as the Board finds appropriate (but not less often than monthly). The Board may make advance payment to supply providers with working funds when it deems advisable.

Part F—Planning; funds to improve services and to alleviate shortages of facilities and personnel

(Section 101)

This section sets forth the general purposes of Part F and authorizes appropriations, and subsequently expenditure from the Trust Fund, for these purposes. The part envisages a substantial strengthening of the health planning process throughout the country with an eye, first, to the special needs for personnel, facilities, and organization which inauguration of the Health Security program will entail, and thereafter, to continuing improvement of the capabilities for effective delivery of health services. Beyond this, the part enables the Board, through selective financial assistance, to stimulate and assist in the development of comprehensive health services, the education and training of health personnel who are in especially short supply, and the betterment of the organization and efficiency of the health delivery system. For the three-year "tooling-up" period, appropriations of $200, $400, and $600 million are authorized for financial assistance. Beginning in 1973, percentages of the Trust Fund expenditures will be earmarked for such assistance (section 63). From 1973 on, the leverage of these expanding funds will supplement and reinforce the incentives, which are built into the normal operation of the Health Security program, for improvement of the organization and methods of delivery of health services.

(Section 102)

This section directs the Secretary, in collaboration with State comprehensive health planning agencies, to institute a continuous process of health service planning. Prior to July 1, 1973, the planning process must give first consideration to the most acute shortages and needs for delivery of covered services under this Act. Thereafter, planning shall be focused on maximizing continuing capability for delivery of these services.

This section places primarily on the State agencies the responsibility for coordinating the work of the many health planning agencies within the States, and for coordination with interstate agencies and with agencies planning in other fields related to health, but charges the Secretary with this function in any State that fails to meet the responsibility. The section amends the Public Health Service Act to increase the authorized appropriations for State and for local health planning ($30 million in each case for fiscal 1971, as against $15 million authorized for fiscal 1970), and to condition grants upon collaboration for these national purposes. Thus the section, strengthening State planning agencies, focuses in them a responsibility, visualized in the "partnership-for-health" legislation but in many States not yet an operating reality, for pulling together all health planning efforts within their territories. The task will not be easy, but it is one that is lent new urgency by the Health Security program. It belongs more properly to the States than to the national Government, but if any State proves unequal to the task it must and will be assumed by the Secretary.

(Section 103)

In administering part F, this section stipulates, the Board will give priority to improving comprehensive health services for ambulatory patients through the development or expansion of organizations furnishing such services, the recruitment and training of personnel, and the strengthening of coordination among providers of services. Financial assistance will be dispensed, so far as possible, in accordance with recommendations of the appropriate health planning agencies. Funds will not be used to replace other Federal financial assistance, and may supplement other assistance only to meet specific needs of the Health Security program. Other Federal assistance programs are to be administered when possible to further the objectives of part F, and the Board may provide loans or interest subsidies to help the beneficiaries of other programs to meet the requirements for non-Federal funds.

(Section 104)

Help of several kinds will be available under this section for the creation or the enlargement of organizations and agencies providing comprehensive care to ambulatory patients—either organizations to serve an enrolled population on a capitation basis, or agencies such as neighborhood health centers which need not require enrollment in advance. Grants may be made to any public or other nonprofit organization (which need not be a health organization) to help meet the cost, other than construction cost, of establishing such a health service organization, and to existing health service organizations to help meet the cost of expansion; the maximum grants being, in the former case 90 percent of the cost, in the latter 80 percent. The Board may also provide technical assistance for these purposes. Loans may be made for the cost of necessary construction, subject to the same 90 and 80 percent limitations on amount. Finally, start-up costs of operation of these organizations may be underwritten, for five years in the case of organizations which must build up an enrollment to assure operating income, and in other cases until the Health Security program begins payment for services in 1973. The effect of these several provisions is to reduce sharply, if not eliminate, the financial obstacles which have heretofore impeded the growth of comprehensive group practice organizations.

(Section 105)

This section contains a series of provisions to assist in the recruitment, education, and training of health personnel. The Board will establish priorities to meet the most urgent needs of the Health Security system, but the priorities will be flexible both as between different regions and from time to time. Professional practitioners will be recruited for service in shortage areas, both urban and rural, and in comprehensive health service organizations, and such practitioners may be given income guarantees. Other Federal assistance for health education and training will be availed of, but the Board may supplement the other assistance if the Board

believes it inadequate to the needs, until Congress has had opportunity to review its adequacy. The training authorized includes the development of new kinds of health personnel to assist in furnishing comprehensive services, and the training of area residents to participate in personal health education and to serve liaison functions and serve as representatives of the community in dealing with health organizations. Grants may be made to test the utility of such personnel, and to assist in their employment before 1973. Education and training are to be carried out through contracts with appropriate institutions and agencies, and suitable stipends to students and trainees are authorized. Finally, special assistance may be given, both to institutions and to students, to meet the additional costs of training persons disadvanaged by poverty, membership in minority groups, or other cause.

(Section 106)

This section authorizes special improvement grants: first, to any public or other nonprofit health agency or institution to establish improved coordination and linkages with other providers of services; and, second, to organizations providing comprehensive ambulatory care, to improve their utilization review, budget, statistical, or records and information retrieval systems, to acquire equipment needed for those purposes, or to acquire equipment useful for mass screening or for other diagnostic or therapeutic purposes.

(Section 107)

This section provides that loans under Part F are to bear 3 percent interest and to be repayable in not more than 20 years. Other terms and conditions are discretionary with the Board. Repayment of loans made before 1973 from general appropriations will go to the general fund of the Treasury; repayment of later loans will revert to the Health Resources Development Account in the Trust Fund.

(Section 108)

This section specifies that payments under Part F shall be in addition to, and not in lieu of, payments to providers under Part F.

Part G—Administration

This part of the bill creates an administrative structure within the Department of Health, Education and Welfare with exclusive responsibility for administration of the Health Security program. Program policy will be made by a five-member Board serving under the Secretary of HEW. The Board will be assisted by a National Health Security Advisory Council which will recommend policy and evaluate operation of the program, and an Executive Director who will serve as Secretary to the Board and chief administrative officer for the program. Administration of the program will be greatly decentralized among the HEW Regional Offices. Regional and local health services advisory councils will advise on all aspects of the program in their regions and local areas. The Board may also appoint such professional or technical committees as it or the National Advisory Council may deem necessary.

(Section 121)

This section establishes a five-member full-time Health Security Board serving under the Secretary of Health, Education, and Welfare. Board members will be appointed by the President, with the advice and consent of the Senate, for five-year overlapping terms. Not more than three of the five appointees may be members of the same political party. A member who has served two consecutive terms will not be eligible for reappointment until two years after the expiration of his second term. One member of the Board shall serve as chairman at the pleasure of the President.

(Section 122)

This section charges the Secretary of HEW and the Board with responsibility for performing the duties imposed by this title. The Board shall issue regulations with the approval of the Secretary. It is required to engage in the continuous study of operation of the Health Security program; and, with the approval of the Secretary, to make recommendations on legislation and matters of administrative policy, and to report to the Congress annually on administration and operations of the program. The report will include an evaluation of adequacy and quality of services, costs of services and the effectiveness of measures to restrain the costs. The Secretary of HEW is instructed to coordinate the administration of other health-related programs under his jurisdiction with the administration of Health Security, and to include in his annual report to the Congress a report on his discharge of this responsibility.

(Section 123)

This section creates the position of an Executive Director, appointed by the Board with the approval of the Secretary. The Executive Director will serve as secretary to the Board and shall perform such duties in administration of the program as the Board assigns to him. The Board is authorized to delegate to the Executive Director or other employees of HEW any of its functions or duties except the issuance of regulations and the determination of the availability of funds and their allocations.

(Section 124)

This section provides that the program will be administered through the regional offices of the Department of Health, Education, and Welfare. It also requires the establishment of sub-regional (service area) offices. These will in most instances be a state or a part of a state except where patterns in the organization of health services and the flow of patients indicate that an interstate area would provide a more practical administrative unit.

(Section 125)

Subsection (a) establishes a National Health Security Advisory Council, with the Chairman of the Board serving as the Council's Chairman and 20 additional members not in the employ of the Federal Government. A majority of the appointed members will be consumers who are not engaged in providing and have no financial interest in the provision of health services. Members of the Council representing providers of care will be persons who are outstanding in fields related to medical, hospital or other health activities or who are representatives of organizations or professional associations. Members will be appointed to four-year over-lapping terms by the Secretary upon recommendation by the Board.

Subsection (b) authorizes the Advisory Council to appoint professional or technical committees to assist in its functions. The Board will make available to the Council all necessary secretarial and clerical assistance. The Council will meet as frequently as the Board deems necessary, or whenever requested by seven or more members, but not less than four times each year.

Subsection (c) provides that the Advisory Council will advise the Board on matters of general policy in the administration of the program, the formulation of regulations and the allocation of funds for services. The Council is charged with responsibility for studying the operation of the program, and utilization of services under it with a view to recommending changes in administration or in statutory provisions. They are to report annually to the Board on the performance of their functions. The Board, through the Secretary, will transmit the Council's report to the Congress together with a report by the Board on any administrative recommendations of the Council which have not been followed, and a report by the Secretary of his views with respect to any legislative recommendations of the Council.

(Section 126)

To further provide for participation of the community, the Board will appoint an advisory council for each region and for each sub-region. Each such council would have a composition parallel to that of the National Council; and each will have the function of advising the regional or local representative of the Board on all matters directly relating to the administration of the program.

(Section 127)

The Board is authorized to appoint standing committees to advise on the professional and technical aspects of administration with respect to services, payments, evaluations, etc. These committees will consist of experts drawn from the health professions, medical schools or other health educational institutions, providers of services, etc. The Board is also authorized to appoint temporary committees to advise on special problems. The committees will report to the Board, and copies of their reports are to be made available to the National Advisory Council.

(Section 128)

Subsection (a) charges the Board with responsibility for informing the public and providers about the administration and operation of the Health Security program. This will include informing the public about entitlement to eligibility, nature, scope, and availability of services. Providers would be informed of the conditions of participation, methods and amounts of compensation, and administrative policies. In support of the program's effort to improve drug therapy, the Board is authorized, with the approval of the Secretary, to furnish all professional practitioners with information concerning the safety and efficacy of drugs appearing on either of the approved lists (Section 25), indications for their use and contraindications. Information of this nature is not currently available to practitioners.

Subsection (b) requires the Board to make a continuing study and evaluation of the program, including adequacy, quality and costs of services. Subsection (c) authorizes the Board directly or by contract to make detailed statistical and other studies on a national, regional, or local basis of any aspect of the title, to develop and test incentive systems for improving quality of care, methods of peer review of drug utilization and of other service performances, systems of information retrieval, budget programs, instrumentation for multiphasic screening or patient services, reimbursement systems for drugs, and other studies which it considers would improve the quality of services or administration of the program.

(Section 129)

This section authorizes the Board to enter into agreements with providers to experiment with alternative methods of reimbursement which offer promise of improving the coordination of services, their quality or accessibility.

(Section 130)

This section grants authority to the Board, in accordance with regulations, to make determinations of who are participating providers of service, determinations of eligibility, of whether services are covered, and the amount to be paid to providers. The Board is granted authority to terminate participation of a provider who is not in compliance with agreements or regulations. But unless the safety of eligible individuals is endangered, the provider shall be entitled to a hearing before the termination becomes effective.

This section establishes procedures for appeals in accordance with Section 205(b) and 205(g) of the Social Security Act.

(Section 131)

This section has one of the bill's most important provisions with respect to achieving improvement in coordination, availability, and quality of services. It greatly strengthens state and local planning agencies and gives the Board authority to curtail inefficient administration of participating institutional providers.

The Board is authorized to issue a direction to any participating provider (other than an individual professional practitioner) that, as a condition of participation, the provider add or discontinue one or more covered services. For example, if two community hospitals are operating maternity wards at low occupancy rates, the Board may require that one hospital cease to provide such service. A provider may be required to provide services in a new location, enter into arrangements for the transfer of patients and medical records, or establish such other coordination or linkages of covered services as the Board finds appropriate.

In addition, if the Board finds that services furnished by a provider are not necessary to the availability of adequate services, under this title, that their continuance is unreasonably costly, or that the services are furnished inefficiently (and that efforts to correct such inefficiency have proved unavailing) the Board may terminate participation of the provider.

No direction shall be issued under this section except upon the recommendation of, or after consultation with, the appropriate state health planning agency. And no direction shall be issued under this section unless the Board finds that it can be practicably carried out by the provider to whom it is addressed. The Board is required to give due notice and to establish and observe appropriate procedures for hearings and appeals, and judicial review is provided.

Part H—Miscellaneous provisions

(Section 141)

This section contains definitions of certain terms used in the title.

(Section 142)

This section stipulates that the effective date for entitlement for benefits will be July 1, 1973.

(Section 143)

Subsection (a) provides that an employer will not be relieved, by the enactment of the Health Security Act, of any existing contractual or other non-statutory obligation to provide or pay for health services to his present or former employees and their families. Subsection (b) expresses the sense of Congress that if, nevertheless, inauguration of the Health Security Program lessens the cost of an employer's aggregate obligations for health services to such persons, the savings should, at least for the period of any contract subsisting on June 30, 1973, be applied to the payment of the employees' health security taxes, to wage increases, or to other employee benefits.

TITLE II

Part A—Payroll taxes

(Section 201)

Subsections (a) and (b) abolish the Medicare hospital insurance taxes on employers and employees, and substitute a 2.1 percent (employee) tax on wages received after December 31, 1972 and a 3.5 percent (employer) tax on payroll after December 31, 1972. Subsection (c) raises the wage base for purposes of the Health Security employee tax to $15,000 (from $7,800) and eliminates the corresponding ceiling for the employer tax; it broadens the definitions of covered employment to include foreign agricultural workers, employees of the U.S. and its instrumentalities (other than members of the armed forces, and the President, Vice-President, and Members of Congress), employees of charitable and similar organizations, railroad employees, and (for the employee tax only) employees of States and their political subdivisions and instrumentalities.

(Section 202 and 203)

Section 202 makes a number of conforming and technical amendments. Chief among these are provision for refund of excess taxes collected from an employee, who has held two or more jobs, on wages aggregating more than $15,000 in a year; exclusion of Health Security contributions from agreements with State governments for the social security coverage of State and municipal employees (since these employees will contribute to Health Security through payroll taxes); and exclusion of Health Security contributions from agreements for the coverage of United States citizens employed by foreign subsidiaries of United States corporations (since these employees will not benefit directly from Health Security in its present form). Section 203 makes Part A applicable to wages paid after December 31, 1972, but the changes in coverage will apply only if the services are performed after that date.

Part B—Tax on nonwage income

(Section 211)

Subsection (a) abolishes the hospital insurance tax on self-employment income and imposes a 2.1 percent tax on all non-wage income (unless such income is less than $400 a year). Subsection (b) defines "health security non-wage income" as any adjusted gross income up to $15,000 a year which has not already been taxed as wages for health security purposes (excluding certain taxes which are specifically exempted from the health security tax on employees).

(Section 212)

This section makes appropriate changes in nomenclature and in the requirements of tax returns, including reports of estimated tax liability by non-wage-earners.

(Section 213)

This section makes part B effective on January 1, 1973, or for taxable years beginning on or after that date.

TITLE III

(Section 301)

Subsection (a) repeals Medicare, effective July 1, 1973, but stipulates that this shall not affect any right or obligation incurred before July 1, 1973.

(Section 302)

This section requires that after June 30, 1973, no State shall be required to furnish any service covered under Health Security as a part of its State plan for participation under Medicaid, and that the Federal government will have no responsibility to reimburse any State for the cost of providing a service which is covered under Health Security. After June 30, 1973, the Secretary of HEW shall prescribe by regulation the new minimum scope of services required as a condition of State participation under Title XIX. To the extent the Secretary finds practicable, the new minimum benefits will be designed to supplement Health Security—especially with respect to skilled nursing home services, dental services and the furnishing of drugs.

(Section 303)

This section provides that funds available under the Vocational Rehabilitation Act or the Maternal and Child Health title of the Social Security Act shall not be used to pay for personal health services after June 30, 1973, except (to the extent prescribed in regulations by the Secretary of HEW) to pay for services which are more extensive than those covered under Health Security.

Mr. YARBOROUGH. Mr. President, I want to thank the very distinguished Senator from Massachusetts for his great diligence and his faithful attendance on the committee. He is a hard working Senator. His imprint is on every bill that we report. That is true not only on the Health Subcommittee, on which he has shown probably the greatest interest of all, but also on the Education Subcommittee as well.

I first served on that subcommittee in 1958. That has been nearly 13 years now. During his years on the Committee on Labor and Public Welfare, the distinguished Senator from Massachusetts has put in a great deal of time on the Health and Education Subcommittees, as has the distinguished occupant of the Chair, the distinguished Senator from Montana (Mr. METCALF). The Senator from Montana was a member on those subcommittees before he left the full committee. We know of his great leadership in the House on education and in his home State of Montana before he came to Congress. We miss him on that committee and wish he were back with us. Since I am leaving, not voluntarily, I wish the occupant of the chair would come back on that committee next year as I am sure he will find able Senators, such as the Senator from Massachusetts (Mr. KENNEDY) to help him. I hope that other very able Senators will come on that committee to replace those of us leaving. We need ability on that committee because it is an active committee. I think that committee is more active than any other in the Senate.

I remember a few years ago, when President Johnson was signing one of the health bills, he turned around to me and said—

> That committee you are on reports out 80 percent of all the New Frontier and Great Society legislation—including measures concerning health, education, labor, migratory labor, and Indian education, the hearings on this latter matter which were so ably chaired by the late Senator Robert F. Kennedy.

Mr. President, the committee is preparing its 100-year history. We are proud of the fact that on our committee have served such men as the Democratic nominee for the President in 1960, the Republican nominee for the President in 1964, and the great, late Senator from Illinois, Mr. Dirksen. I served with him, and also with the distinguished Senator from Arizona (Mr. GOLDWATER), with the three Kennedy brothers, and with the distinguished Senator from Kentucky, JOHN SHERMAN COOPER, who helped write the National Defense Education Act of 1968. One of the great privileges of my service in the Senate has been to serve on the Committee on Labor and Public Welfare.

Mr. President, I jointly introduce with the distinguished senior Senator from Massachusetts (Mr. KENNEDY) the Health Security Act, the measure for a national health insurance program. First as a member of the Subcommittee on Health and now as chairman of both the Health Subcommittee and full Labor and Public Welfare Committee. I have long been concerned with the massive health problems which plague this country. Of equal interest and importance to me has

been the improvement of health delivery systems. Throughout my public career, I have sought, as did my predecessor on the Health Subcommittee, Lister Hill, to make adequate health care at a reasonable cost for every citizen, a national goal.

Before becoming chairman of the Subcommittee on Health, I urged and worked for the passage of such major programs as the Hill-Burton hospital amendments, the Health Research Facilities Act, both of the 85th Congress; the Public Health Service Training Act and the International Health Research Act during the 86th Congress; the Nurse Training Act of the 88th Congress; the Heart Disease, Cancer, and Stroke—Regional Medical Program Act and the Child Nutrition Act of the 89th Congress; and the Family Planning Services Act and the Health Manpower Act of the 90th Congress.

Now as chairman of the Health Subcommittee, I have sponsored or cosponsored bills covering virtually every dimension of the health field. In the 91st Congress alone, as chairman, I have worked in the subcommittee for such major pieces of health legislation as community mental health center laws, medical school construction assistance laws, communicable disease control laws, hospital construction authorizations, the medical libraries law, the migrant health law, and the grants to schools of public health law.

During my 2 years as chairman of the Health Subcommittee, we have acted on such measures as the Family Planning Act, the Developmental Disabilities Act, the heart disease, cancer, stroke, and kidney disease amendments, the Training of Personnel in Allied Health Professions Act, a resolution in support of the international biological program, and a resolution authorizing the Committee on Labor and Public Welfare to study research activities on cancer. Furthermore, and in addition, during these 2 years, we have held hearings and reported on bills to amend the Randolph-Sheppard Act to aid the blind, to offer comprehensive control of narcotic addition and drug abuse, to set up a prescription drug identification system, to bolster family practice, and to extend provisions of the Wagner-O'Day Act to severely handicapped individuals who are not blind.

Mr. President, I now rise to cosponsor the most significant, and, I might add, the most imperative piece of health legislation in the history of this country, the National Health Security Act of 1970.

Despite the accomplishments which we have made in the past decade, our Nation is currently facing a health crisis of major proportions. Compared with other industrial countries, the health of the majority of Americans today is worse than it was 15 or 20 years ago. With regard to infant mortality during the first year of life, in the list of nations we rank 13th; we rank seventh with the industrial countries in the percentage of mothers who die in childbirth; we are no better than 18th in the life expectancy of males; and we stand at a lowly 14th among all the countries of the world in infant mortality rates. In all instances, the United States ranked better 15 or 20 years ago.

The United States, Mr. President, has a gross national product of nearly $1 trillion a year. There is no reason—no reason whatsoever—why we cannot do better for our people's health needs. We spend in the thirties of billions of dollars yearly in Vietnam; we purchase a useless ABM system. Why, in the face of this can we not provide decent health to our own citizens? Why must we pour $110 billion into Vietnam in 10 years, but in those 10 years slip backward in terms of life expectancy in comparison with the other industrialized nations?

Our failings in health care are not due to scrimping on the part of our citizens. Americans paid some $63 billion out of their pockets for health care in 1969—about 7 percent of the gross national product. This expenditure exceeded 1950 figures by over 500 percent. Since 1950, when health spending amounted to $12 billion, the total health expenditures have risen at an average of 8.8 percent per year—an average of 12.2 percent in the past 3 years.

This increase in spending does not indicate any improvement in health care. Rather, it reveals exactly the opposite, a deterioration of the ability of the health delivery system to provide adequate care at a reasonable cost.

Hospital costs, in the past few years, have gone up 100 percent faster than the cost of living increase; doctors' fees have gone up 50 percent faster. It has been estimated that unless we have large-scale reforms for the health care delivery system, it will cost us twice as much for health insurance by 1975 as it cost us in 1969.

It seems that we can no longer afford to be sick. How can, and moreover, how will, Americans be able to pay for the luxury of health treatment in the coming years? Hospital rooms will cost $400 to $600 a day by the end of the decade, unless there are drastic improvements in our health care system. Who but the wealthiest of us would be able to get hospitalization at these enormous costs?

Mr. President, the first part of any solution to this awesome problem must be a recognition of the waste that a part of the $63 billion which Americans pay represents. Fourteen billion dollars of that figure, experts maintain, is sheer waste. In the current system where insured medical payments are only insured and paid if you are in a hospital, we hospitalize far too many people who would be treated as well, or even better on an outpatient basis. Hospital overuse runs from 25 percent upward. Testing and acute treatment could be done in many cases outside of the hospital at a tremendous savings to patients. Group practice organizations have also yielded savings to patients by coordinating more efficiently, and more effectively, the dissemination of health services. Health advisers tell us that hospital reforms alone would have saved us $4.5 billion last year.

Mr. President, we are, then, a Nation in poor health, relative to our resources, and a Nation spending tremendous amounts of money for that poor health. We must reverse this trend. We must provide decent health care for all Americans; we must provide an adequate system to bring good health for all Americans; and we must accomplish this goal at a cost which this country can afford without overburdening our citizens.

The Health Security Act of 1970 is a plan originally, in substance, developed by the Committee for National Health Insurance, a committee of 100 set up in 1968 under the leadership of the late Walter Reuther, Dr. Michael DeBakey and others. I am proud to have served for some time as a member of this committee of 100, and I believe that this proposal offers the types of solutions needed to meet our health requirements.

The major advantage of this act would be the provision, through a system of national health insurance, of health services to all residents of the United States. The maintenance of health, the improvement of those health standards to which I referred earlier, would be emphasized as strongly as the treatment of illness. Modification and improvement of the organization and methods of delivery of health services will enable us to reach these ends by improving the efficiency and the utilization of services and by strengthening professional and financial controls. By motivating proper medical care, treatment commensurate with the nature of the medical problem, we will be able to create a positive, successful delivery system. Thus, we should expect by the end of this decade, when this act will have been in effect for 10 years, quality health treatment for all of our people.

The benefits of national health security will be manyfold. Physician, hospital and institutional, psychiatric, dental, and miscellaneous services, plus the use of various medicines and certain types of therapeutic devices and equipment—all will be covered by this program.

Thus, instead of the average American spending close to $300 a year for health, he would spend now less than $200, and the coverage in terms of insurance would be remarkably better.

A brief look at the figures dealing with gaps in current health insurance programs substantiates the degree of improvement that the Health Security Act would bring to health treatment in this country. Of the 177 million noninstitutional civilians in the United States in 1968 under 65, 36.3 million, or 20.5 percent had no hospital insurance; 38.8 million had no surgical insurance; 61 million had no in-the-hospital medical expense insurance; 102 million had no insurance for visits to doctor's offices or doctor visits to their homes. The figures go on and on, but the fact remains the same: most people in this country, even accounting for the huge amounts spent on health, have little or no health insurance coverage.

Not only, then, is it true that few Americans hold the necessary health insurance, but it is also the case that the small amount of insurance meets only a small percent of consumer health expenditures. According to the Department of Health, Education, and Welfare, only 36 percent of consumer health expendi-

tures were covered by health insurance in 1968.

Mr. President, it is my conviction, as a citizen and as a public official who has dealt with health matters for most of his public life, that the passage of this health security program will bring about a reversal in recent health trends. Instead of spending exorbitant amounts for mediocre coverage, we will be able, through the mechanics of this measure, to spend a more reasonable sum for excellent health coverage and a fine, serviceable health delivery system.

We will be able to replace medicare, medicaid, the civilian health and medical program of the uniformed services, certain maternal and child health programs, and certain aspects of the temporary disability program. We will be able to eliminate the vast quantity of programs that today overlap, underlap, or form serious gaps and, thus, provide, with this act, comprehensive health benefits to all citizens in a systematic, advantageous and comprehensive program. For instance, new group practice programs, which have proven effective in this country, would be encouraged which would allow fewer doctors in some instances to service the health needs of a larger population. Furthermore, we would be approaching our health problems and the delivery of care in a systematic way, rather than a piecemeal attempt to patch and shore up a deteriorating system which produces medical care at an ever-increasing cost.

The need for reform is, by now, absurdly obvious. And the advantages and benefits of the health security program are equally clear. The obtaining of health care must be brought to the point that it is a right, not a privilege of only the advantaged.

The poor of this country have no or little accessibility to health facilities today. The life expectancy of a nonwhite American is 7 years less than that of a white. Part of that difference is due undoubtedly to the economic unavailability of medical services to some of our American citizens.

But, the problem is not isolated to lower-income people. The middle class is beginning to feel the pinch. Dissatisfaction with the archaic, ineffective, and costly system spreads throughout all classes, all races, and all types of people in this country. We must have reform and significant change. And we must have it immediately.

Mr. President, I intend, as long as I am a Member of the Senate and as long as I remain on this good earth, to fight for the day when good health care for all Americans will be a reality. I cannot do it alone, nor can the Congress do it alone. But, with the support of the people of this great land, we can take a major step toward that goal with the enactment of this Health Security Act.

When the framers of our Constitution had the insight to realize that their actions had implications for themselves as well as their posterity, they demonstrated admirable foresight and wisdom. We, today, must look far into the future and understand that our action, or inaction, will have a distinctive impact on our posterity. The life and health of tomorrow's America depends on our substantial action today.

Mr. President, let us as a nation, and as men, win this race for life.

Again I commend the Senator from Massachusetts for his work on the health and education subcommittees, for his diligence, and for his faithfulness in attendance. He is always there. That is the way we pass legislation by being there, on the job, and knowing what is in the legislation and being able to work it out.

Mr. COOPER. Mr. President, I rise to commend the senior Senator from Massachusetts and the senior Senator from Texas upon the statements they have made this morning with respect to the objectives of the Health Security Act. I am glad to be associated with them and with my colleague on this side of the aisle, the junior Senator from Ohio (Mr. SAXBE).

I look forward to the hearings on this bill, and I hope that we will be able to make substantial progress this year.

Mr. KENNEDY. I thank the Senator from Kentucky.

As we mentioned earlier, the distinguished Senator from Kentucky served on the committee of 100 that has done a great deal of the work in the development of this program. The distinguished Senator from Texas (Mr. YARBOROUGH), who now is the chairman of the Health Subcommittee, also served on the committee, as did the Senator from Ohio (Mr. SAXBE).

So, Mr. President, the measure we introduce today has gone through the process of much consideration and much deliberation. I am sure that there will be improvements and that the proposed legislation will be strengthened in the process of hearings and debate in the Senate.

This measure was given great thought prior to the time of its introduction. Similar legislation is pending in the House of Representatives, and I know it will receive wide hearing and wide interest in the other Chamber.

Other health insurance programs have been introduced recently by the Senator from New York (Mr. JAVITS) and other Members of this body. Although their proposals differ in their approach to the problem, they help to focus attention on one of the very desperate needs in our society and our country today—the need to reorganize the health delivery system and to mobilize more health manpower.

Mr. President, I could not conclude at this time without recognizing the extraordinary contributions that have been made in the entire field of health by the distinguished chairman of the Subcommittee on Health, the Senator from Texas (Mr. YARBOROUGH).

During the time that I have had the opportunity to serve under the chairmanship of Senator YARBOROUGH, the Subcommittee on Health has handled some of the most important pieces of health legislation that have ever been passed by this body. This year alone, I think of the mental health bill, the mental retardation bill, and a number of other health measures. They have gone through the Senate with virtually no dissent. I think this record is a great tribute to the work Senator YARBOROUGH has done and to the bipartisan approach of the members of the health subcommittee in the development of legislation.

As we begin the long and difficult road toward achieving national health insurance, we are going to miss the extraordinary wisdom, understanding, and comprehension that the distinguished Senator from Texas has brought to the many health measures before this body during the period of his service. But we are gratified that the legislation we are introducing today will alway bear his imprint. I want to commend him for his interest in this program, and I know that he will continue to support it. I also want to say how much we appreciate the strong efforts of the distinguished Senator from Kentucky (Mr. COOPER), the distinguished Senator from Ohio (Mr. SAXBE), and other cosponsors in support of this legislation, and how much we will rely upon them in its future development.

Mr. CRANSTON. Mr. President, our country and its people face countless crises today—and not the least of these is in medical care.

Soaring costs of private care now put this portion of preventive and curative medicine totally beyond the reach of tens of millions of our fellow citizens.

Skyrocketing costs of public programs—like medicare—are absolutely staggering.

We are in a health crisis for endless reasons—and no one is expert enough to predict how much worse the crisis can get because wholly unfathomable factors are involved. Who knows, for example, what health hazards we really face today, and will face tomorrow, because of the poisons and pollutions that endanger the air, water and food we depend upon for our very lives?

I join in sponsoring this health insurance legislation because we must come to grips with this crisis.

Undoubtedly this measure will be revised in many small and large ways before it finally becomes the law of the land. It must be given the most detailed and careful study and scrutiny. Surely, there will be many suggestions, some of them sound, some of them unsound, regarding ways to improve the financial and medical aspects of this bill.

Our final objective must be to insure the best possible medical care for the people of our United States and the least possible cost.

I trust that today the U.S. Senate is launching an effort that will lead our Nation to that end.

Mr. BROOKE. Mr. President, I cannot let this opportunity pass without saying how much respect I, and I am sure all my colleagues in the Senate, have for RALPH YARBOROUGH who has served this body so courageously and who has made so many courageous decisions since he came to the Senate.

I am sure that the time will come when we will have an opportunity at length and in depth to speak in commendation and appreciation for what RALPH YARBOROUGH has meant not only to the Senate but also to the United States of America.

The Senator mentioned that he was leaving, and I want him to know that there are those of us on the other side of the aisle, too—as I know there are on his side of the aisle—who have great respect and admiration for him and great appreciation for his valuable and yeoman service to the Senate.

Mr. COOPER. Mr. President, I want to associate myself with what my colleague from Massachusetts (Mr. BROOKE) has just said. I had the honor to serve with RALPH YARBOROUGH on the Committee on Labor and Public Welfare. Beyond that, in his political life and service in the Senate, I always think of him as one of whom it can be truly said, although it may be called a cliche, he has always stood for the people and the common man. We always know where RALPH YARBOROUGH stands.

Mr. YARBOROUGH. Mr. President, I am deeply grateful to the Senator from Massachusetts (Mr. BROOKE) and the Senator from Kentucky (Mr. COOPER) for their kind words. It has been a privilege to serve with each of them. They are the kind of Senators who work to accomplish good for the people. I remember no serious disagreements with any of them on any measures we have worked on, even though we may have differed in our votes.

The Senator from Kentucky (Mr. COOPER) possesses the true courtesy of the great gentleman from Kentucky that he is. We miss him on the committee, too.

I appreciate the kindness of the Senator from Massachusetts. He and the Senator from Kentucky are the kind of Senators who make this body the greatest legislative body in the world.

We hear it called the greatest deliberative body in the world, but I want to change that and say that it is the greatest legislative body in the world, as well.

I have attended interparliamentary meetings since 1962, sometimes twice a year. I have watched the leaders of legislative bodies of the world as they have debated at meetings. Thus, I believe that mine is not an uninformed statement when I say that the Senate of the United States is the greatest legislative body in the world. I have been to the Parliamentary meetings at Brasilia, Canberra, Tehran, Dublin, Lima, Vienna, New Delhi, and other places, and have listened to the world's legislators who are known to have great reputations in their own country, and I believe that I can say without being self-serving, that undoubtedly it is recognized around the world that the Senate of the United States—these 100 men in this small room, constitute the greatest legislative and deliberative body on earth.

Right now, in this Chamber, and occupying the chair, are great Senators who are serving their country. I believe that to serve in the Senate is the highest honor that can come to any American. Perhaps the office of President, or Chief Justice of the United States may be a step higher, so far as serving this great people is concerned, but with that exception, I think nothing else can exceed the public service opportunity for any American, than to serve in this great body.

I am very grateful to my colleagues for their great generosity to me.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time of the Senator from Massachusetts (Mr. BROOKE) not start running until I complete the following unanimous consent requests.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR McINTYRE TODAY

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at the conclusion of the remarks of the Senator from Massachusetts (Mr. BROOKE), the Senator from New Hampshire (Mr. McINTYRE) be recognized for 15 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR YOUNG OF OHIO

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the Senator from New Hampshire (Mr. McINTYRE) today, the Senator from Ohio (Mr. YOUNG) be recognized for 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR FANNIN

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that following the remarks of the Senator from Ohio (Mr. YOUNG) today, the Senator from Arizona (Mr. FANNIN) be recognized for not to exceed 10 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR LIMITATION OF TIME FOR TRANSACTION OF ROUTINE MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the morning business not exceed 30 minutes today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Massachusetts (Mr. BROOKE) is now recognized for 15 minutes.

THE HATFIELD-McGOVERN "END THE WAR" AMENDMENT

Mr. BROOKE. Mr. President, the prolonged war in Vietnam is a source of deep anguish for every American. It has divided our people as no other issue. In spite of earnest efforts and honest intentions, the peace we seek has eluded us.

Yet we have always known that the goal for which we struggle—the right of the people of South Vietnam to determine their own political fate—is one which can only be attained by the Vietnamese themselves. The United States can play no more than a supportive role.

To many, the vast power we have brought to bear has seemed disproportionate to the limited mission we proclaimed. Seeing the immense drain on our national resources, on our military, economic, and social well-being, millions of Americans have despaired.

The remedy for that despair lies in a clear recognition that we have fulfilled our limited commitment, and in a deliberate program for orderly disengagement of American forces from the conflict.

The President has made a historic beginning on such a program. He has reversed the direction of the war. He has reduced American casualties. He has cut the cost of the war virtually in half. He has begun to withdraw hundreds of thousands of U.S. troops. He has exerted strong persuasion on the South Vietnamese to meet their obligations for self-defense. He has launched vital diplomatic initiatives in quest of a negotiated settlement. These efforts vividly demonstrate the President's determined search for a just peace.

However, in my judgment the time has come to reinforce the President's commendable new directions by lending congressional sanction to a responsible program for turning the burdens of this conflict back to the Vietnamese people.

The modified amendment offered by my distinguished colleagues, Senators HATFIELD and McGOVERN, and others, represents such a program. Their proposal is the product of many months of discussion. It provides a reasonable and flexible means for harmonizing legislative and executive policy on this perplexing issue. I support it and I hope the Senate will adopt it. What are the likely effects of its adoption?

The conclusion that we have satisfied our commitment to the Vietnamese, coupled with an extended timetable for troop withdrawal, could invigorate the efforts of the South Vietnamese to stand on their own. Hopefully it will heighten the willingness of all parties to negotiate an early political settlement.

The establishment of a firm timetable for U.S. disengagement would remove Hanoi's principal stated objection to serious diplomacy. It should also reduce Saigon's unstated reliance on the prospect of an indefinite American stay to avoid coming to grips with the hard political realities which must shape any final settlement.

Mr. President, if the military situation should deteriorate, if the lives of our men in Vietnam are endangered, there is no question we will come to their defense. And I am persuaded that the Hatfield-McGovern amendment fully provides for such a contingency. If the President finds that members of the American Armed Forces are exposed to clear and present danger, he may suspend the application of this amendment for up to 60 days. The date of final withdrawal may even be changed, if the President recommends

such action to the Congress, and wins its concurrence in his judgment. This affords ample flexibility to extend our military presence, if such an extension proves necessary.

Mr. President, every Member of this body has given much thought to this grave issue. We know that we must try to balance our important international objectives with our essential domestic goals. And the first of those goals, as the bitter experience of the 1960's has shown, must be at least a minimal consensus in support of our Nation's foreign policies. We all know that the cost of Vietnam is measured not only in lives and dollars and dreams foregone, but in a steep decline in the confidence our people vest in their public institutions.

Wise and independent leadership by this Congress on this issue can do much to restore trust in our political institutions. The Congress should share with the President the awesome burdens and risks he bears in shaping our Nation's policy in Asia.

That is the fundamental advantage of this amendment. It can bolster the President in the policy he has undertaken. It can strengthen the chances for peace in Vietnam. It can open the path to reconciliation for the American people. So vital and so promising a proposal deserves the approval of the Senate and the approbation of those we serve. I respectfully commend it to my colleagues.

NEW ENGLAND'S OIL CUSTOMERS GET HIT AGAIN

Mr. McINTYRE. Mr. President, last week was sad indeed for the consumers of New England.

Announcements were issued, one from Washington and two from islands in the Caribbean, which will mean that the homeowners of New England will probably pay higher prices for their fuel in the coming winter. The announcement in Washington came from General Lincoln, Director of the Office of Emergency Preparedness and Chairman of the Oil Policy Committee, stating that President Nixon was abandoning all consideration of the tariff plan proposed by the Cabinet Task Force on Oil Import Control earlier this year. That announcement means perpetuation, for the forseeable future, of the program which costs each and every family in New England well over $100 per year in added costs of gasoline and home heating oil. In brief, the President said to the consumers of the Nation:

> You don't have the power that the big oil companies have.

The other announcements came from two of the largest and richest oil companies in the world—Standard Oil of New Jersey and Shell—that they were raising the price of No. 2 fuel—home heating—oil from their vast Caribbean refineries by a penny per gallon. This announcement would normally go unnoticed except for the fact that we in New England were looking to the Caribbean area for some relief from the continuing escalation of prices for the vital product that heats our homes. As the Members of the Senate know, on June 17 President Nixon allocated 40,000 barrels of No. 2 imports for the northeastern part of the United States. While this level of imports is far from sufficient, we in New England viewed it as a good start. We hoped that these imports would enable independent fuel oil dealers to halt the continuing escalation in No. 2 fuel oil prices, and there were strong indications that they would.

Our hope was based on the level of No. 2 fuel oil prices that then existed in the Caribbean. Last June the posted Caribbean price of No. 2 fuel oil was 6.5 cents per gallon. That price prevailed until early this month, when Esso and Shell, the major and dominant marketers of the product in the Caribbean area, raised the price to 7.5 cents per gallon. Then last week, as I have indicated, Esso and Shell announced a further price increase to 8.5 cents per gallon. Thus, within the space of a few weeks, the major oil companies have increased the price of home heating oil at the cargo level in the Caribbean by 31 percent. This price increase of 2 cents per gallon—or 84 cents per barrel—means that the oil brought into New England under the new allocation program will be nearly equal in price to domestic oil, and that fuel oil dealers cannot pass on to the consumers savings that might have been realized from the new import program.

I am sure that the major oil companies' response will be that demand for No. 2 fuel oil is high and this is simply one of the results of a free market system. First of all, I would reply that demand simply cannot be high enough to justify a 31-percent increase in the price of a product so essential to the American consumer; and second, because the import allocations under the new program are limited to the Caribbean area, something of a "closed market" does exist. Therefore, it is fair, I believe, to ask whether the large international major oil companies, particularly Esso and Shell, have not raised the price simply to take advantage of the new program and to put increased profits of more than $6 million over the next 4 months into their pockets, while denying any of the benefits of lower priced product to the consumers of the Northeast.

If this were truly a free market situation, I could understand it. But it is not.

If there were no fuel oil shortage looming in this country, I might better understand the motives of the major oil companies. But a fuel crisis is upon us.

And I might add that these same two companies joined the other major oil companies 2 years ago in opposing and killing a plan to build a New England refinery to provide substantial quantities of lower priced home heating oil and residual fuel oil.

They callously killed any chance for relief 2 years ago, and are doing the same thing once again.

If crude oil prices in the Caribbean had risen sharply over the past several weeks, I could understand the reason for this sharp increase in No. 2 fuel oil. But crude oil prices have remained stable.

If the major oil companies did not enjoy so many benefits from the U.S. Government, including protection from real competition, I could understand their callous disregard for the public interest. But the industry receives vast benefits and protection from the U.S. Government and owes that Government, and its people, a special responsibility.

There are no good reasons for these inflationary price increases, and one can only interpret last week's action by these companies as a crass act of profiteering. It will mean more money for them, and higher heating prices for New England.

They could not have done this in a normal market situation; they could not have done this if they did not enjoy protection from the U.S. Government; they could not have done this if New Englanders were free to purchase their oil in any part of the world.

Once again, we in New England are paying the price of being a captive market, a captive market for the world's largest industry.

Mr. President, the Office of Emergency Preparedness has a specific responsibility under instructions from the Senate Appropriations Committee issued on June 24, 1970, as follows:

> The funds (for the OEP) will provide the resources needed to monitor the supply and price changes resulting from the June 17 proclamation providing 40,000 barrels a day of No. 2 fuel oil for New England. In this connection, the committee cannot urge too strongly the effect of fuel oil prices on the New England area, and recommends that the Office of Emergency Preparedness give particular attention to the problem in this area.

In addition, the Director of the OEP has a specified responsibility under section 6(a) of Proclamation 3279, which established the oil import program, to "maintain a constant surveillance of imports of petroleum" and "in the event prices of crude oil or its products or derivatives should be increased" such surveillance shall include a determination as to whether such increase or increases are necessary to accomplish the national security objectives of the oil import program.

And in a letter of comment on the proposed regulations governing the new No. 2 fuel oil program, filed with the Oil Import Administration on July 20, a number of Senators from the Northeastern States also made the following comments regarding Caribbean fuel oil prices:

> We urge that as part of the continuing surveillance requested by the Senate Appropriations Committee, the Office of Emergency Preparedness carefully monitor No. 2 fuel oil prices in the Caribbean. If any increase occur in this marketing area, where supplies must be purchased, the anti-inflationary impact of the new program, which is minimal at least, will be completely eliminated and heating oil prices in the Northeast will be forced upward once again. If there are significant increases in posted or spot prices in the Caribbean in the months ahead, we would expect the Oil Policy Committee to take such increases into account in assessing the impact of the new program on prices in the Northeast.

The President, and in particular, the Director of the Office of Emergency Preparedness, who is also chairman of the Oil Policy Committee, thus have a re-

sponsibility to determine the causes of the recent No. 2 fuel oil price increases, their impact on the Northeastern home heating oil market, and on the accomplishment of the objectives of Proclamation 3990, and, most important, to recommend steps which will lead to a recission of these inflationary and predatory actions. I would hope that the Oil Policy Committee could recommend steps that will lead to a permanent, substantial increase in the level of No. 2 fuel oil imports, and during this emergency, allow such increased imports of No. 2 fuel oil to be purchased in the Caribbean, Europe, and elsewhere.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. McINTYRE. I am happy to yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I certainly wish to commend the distinguished Senator from New Hampshire for making this very timely statement on the condition of the fuel oil supply in the New England States. The Senator has been in the forefront of this battle to see that the many, many consumers of fuel oil in New England will not be discriminated against.

There is no question that we are paying more for fuel oil than we should. But even worse than that, there is a services shortage of fuel oil at the present time which gives us great concern.

There is no question that there is need for a free trade zone and a refinery in New England. The Senator has been one of the leaders in the battle to acquire this free trade zone. We have worked together, as have our other colleagues in New England. I think we have had unanimity in the New England congressional delegation in fighting for a free trade zone and a refinery in New England. But still there is none after many years. Long before I came to the Senate, and I think before the distinguished Senator from New Hampshire came to the Senate, we had this problem of shortages, high prices, and high costs, particularly for No. 2 fuel oil in the New England States.

Could the Senator enlighten me as to the status of the application for a free trade zone at the present time? When we last discussed this matter, as I recall, there had been a unanimous vote or recommendation on the part of some advisory body.

Mr. McINTYRE. As the distinguished Senator from Massachusetts knows, this is one of the mysteries of the times. During the Johnson administration we got the runaround, the State of Maine got the runaround, and it has been continuing. If one reads the law that sets up the free trade zones he cannot help but wonder how in the name of heaven the State of Maine has not been given more prerogative under the law. There is nothing in the law that says this matter can be delayed.

I believe it was Mr. Smith of the Department of Commerce who said:

> We will have to hold up on this because there are large policy questions involved.

But nothing in the law says the application should not be processed because of policy considerations. Machiasport has now become a symbol of our overall fuel oil needs. The State of Maine is still hoping for this free trade zone but we see little glimmer of hope at the present time.

In the meantime, while all of us shoulder to shoulder in this battle against obstacles which at times seem insurmountable, and which frustrate me terribly, shortages and high prices will undoubtedly mean another beautiful but cold winter in New England.

Mr. BROOKE. We are waiting for the President's commission to make a further report and recommendations. Of course, it did make an initial report and recommendations, but it is my understanding now that there is a very large oil company that has a proposal for a refinery, the exact location of which I do not know. Its original site was Machiasport or some place else in New England, but it is my understanding this large oil company has come forth with plans and very shortly it is hopeful of getting a decision on the free trade zone and the location of a refinery which might bring us some relief.

But that will not help us in the heating season of 1970–71. It seems as if every year we are talking about the next year. Even if the application were to be approved the relief would not be forthcoming, for several heating seasons.

In our part of the country we are already only a few days away from the heating season. So it is hoped we could get some emergency relief.

One Massachusetts city—put out a contract for bidding, to heat the city buildings. There was only one bid, and that was only for 50 percent of its contract needs.

So we have a serious problem up there, and I am afraid it is going to get worse this year.

I am happy that the Senator has raised this question. We are going to have to redouble our efforts.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. McINTYRE. Mr. President, I ask unanimous consent to have 1 additional minute.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. McINTYRE. The application of the State of Maine is still before the Foreign Trade Zone Board and before Secretary of Commerce Stans, Secretary of the Treasury Kennedy, and Secretary of the Army Resor. As a matter of interest to the Senator from Massachusetts, I understand Northeast Petroleum, of Tiverton, R.I., has applied for a refinery at Tiverton, R.I., which would operate without a trade zone.

Mr. BROOKE. I was referring to Occidental Oil Co. The Senator may recall that Occidental Oil was interested initially. At that time there was some question of some preference need. There was much opposition from the oil companies and others. It is my understanding that Occidental has a proposal which will not require preferential treatment at all. I do not know where the location will be, if it is approved. We ought to look into that.

Mr. McINTYRE. I thank the Senator.

The ACTING PRESIDENT pro tempore. The time of the Senator has again expired.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum and ask unanimous consent that it be without prejudice to the able Senator from Ohio (Mr. YOUNG) under the previous order.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Under previous order, the Senator from Ohio (Mr. YOUNG) is recognized for 10 minutes.

SPIRO, PLEASE COME HOME

Mr. YOUNG of Ohio. Mr. President, the Constitution gives the Vice President of the United States an important duty. In fact, the only mention regarding the Vice President in our Constitution is:

> The Vice-President of the United States shall be President of the senate, but shall have no vote, unless they be equally divided.

If I were to shock easily, Mr. President, I would express surprise that Vice President AGNEW has presided over the Senate from January 19 to August 26 only 14 hours and 50 minutes. Bear in mind, Mr. President, the Senate has been in session approximately 950 hours during this period.

During these days since January 19 I note that many Senators have presided many more hours than has the Vice President. For example, my colleague Senator QUENTIN BURDICK of North Dakota, although a candidate for re-election, has presided 16½ hours. He has presided over the Senate more hours than the man whose duty it is to preside over our Senate sessions. He is doing this at a time when he is a candidate for reelection as U.S. Senator from his State and has many requests from political leaders there to spend many weekends in North Dakota campaigning for reelection.

Senator JAMES ALLEN of Alabama has presided more than 90 hours as against Vice President AGNEW'S 14 hours and 50 minutes. Also Senator TOM EAGLETON of Missouri has presided over the Senate more than 53 hours. Senator HAROLD HUGHES of Iowa more than 51 hours, and the senior Senator from Ohio, who is now speaking in criticism of the Vice President, has presided more than 16 hours against 14 hours and 50 minutes for the Vice President.

Reading in the Cleveland Plain Dealer of August 25, I find that Vice President AGNEW in Seoul, Korea, promised South Korea more war planes—not proposing to sell them to South Korea but as giveaways. He has generously promised to supply as gifts many more aircraft for

South Korea. Then, unfortunately for American taxpayers, the Vice President manifested his tremendous generosity by announcing for Cambodia an economic aid program of $200 million in the coming year. This also as an outright gift.

SPIRO, please come home.

It is discouraging and frustrating to read in today's newspapers and hear in newscasts that the Vice President, following leaving South Korea, said:

It will take five years or more before American troops will be withdrawn from South Korea.

It is further discouraging to learn that the Vice President's next stop is Thailand. One wonders how many millions of dollars for military and economic aid he will offer Thailand. We have approximately 42,000 soldiers and airmen in Thailand. Will he pledge their remaining there for another "5 years or more" fattening the economy of that nation?

We have approximately 56,800 men of our Armed Forces in South Korea. This despite the fact that South Korea now has a regular army of 550,000 well-trained men. This is the fifth largest standing army in the world. North Korea has a standing army of 350,000. In the South Korean navy there are 17,000 officers and men. Only 9,500 in the North Korean navy. South Korea has 30,000 well-trained marines. North Korea none. South Korea with a population of 31 million has 2 million officers and men in its active reserve. They drill at least twice weekly.

North Korea has a population of only 13 million and has a reserve force of but 1,200,000 men.

Now that the Vice President has promised to give American military aircraft to Korea, the air force of South Korea will be at least equal in combat strength with that of North Korea.

Due to our generosity South Korea has attained huge economic growth in recent years. Its prosperity is booming. North Korea is a poverty-stricken backward nation in comparison.

SPIRO, please come home.

Americans should say SPIRO, please come home. SPIRO, preside over the Senate. Unfortunately, we Americans have been giving away billions of dollars of taxpayers' money in recent years so SPIRO AGNEW, please do not do this to us. SPIRO, please come home.

SAME AID DIRECTOR DISGRACED IN VIETNAM NOW IN CHARGE IN CAMBODIA

Mr. YOUNG of Ohio. Mr. President, in the New York Post of Tuesday, August 25, and other metropolitan newspapers in our country, the nationally known columnists Frank Mankiewicz and Tom Braden exposed the Nixon administration leaders for pledging $200 million in economic aid for Cambodia involving the first year alone. This evidently is one of the achievements of Vice President AGNEW in his present trip to Southeast Asia. This is most unfortunate for the American people. This massive economic aid proposal of $200 million is in addition to the military aid program of $50 million to Cambodia to try to maintain the Lon Nol government in power.

This despite the statement of President Nixon that our intrusion in Cambodia was only temporary. Furthermore, it is amazing that this economic aid program for Cambodia is to be under the direction of Charles Mann who was in charge at one time of economic aid in Vietnam and dismissed from that position due to maladministration and corruption—in fact downright thievery of supplies, machinery and equipment which had cost American taxpayers some millions of dollars.

Mr. President, in their column Tom Braden and Frank Mankiewicz exposed this astonishing give-away program under the management of Charles Mann and Mr. President, I ask unanimous consent that the entire column of Tom Braden and Frank Mankiewicz be inserted in the RECORD at this point as a part of my remarks.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE "VETERAN"

(By Frank Mankiewicz and Tom Braden)

WASHINGTON.—An economic aid program for Cambodia, involving up to $200 million in the first year, is in the works, and the man now set to turn it is the same man who ran the aid program in Vietnam until forced out in disgrace after a series of Congressional investigations.

Charles Mann was the director of aid in Saigon in 1966 when a devastating report was made by a House subcommittee led by Rep. John Moss (D-Cal.). The Moss report led to Mann's dismissal from the Saigon post, but he has remained close to the foreign aid scene and recently surfaced as the director of our economic mission in Laos.

From Laos, Mann recently surveyed the Cambodian economy and has recommended a $200 million annual program, strikingly similar to the one he administered in Saigon, which the Moss committee called a "device for such forms of corruption as profiteering through speculation, fraud, smuggling, theft, overpricing and kickbacks, under-the-table payments, false certification for origin of commodities and diversion to the Viet Cong."

The massive economic aid proposal will be in addition to the recently announced military aid program amounting to $50 million. The Cambodian economy cannot survive more than a few months in the aftermath of the great U.S. "victory" and the resultant Communist gains in the country.

Mann's administration of economic aid in Indochina was criticized in Congress even before the Moss committee made the charges stated. An earlier watchdog committee over foreign aid, headed by former Rep. Porter Hardy (D-Va.), was equally critical of Mann when he was aid director in Cambodia before 1963. But it is precisely this same job to which the Nixon administration now proposes to assign Mann.

Moss is alarmed at the prospect. "We will be watching every move," he says and adds with some understatement: "We do not believe there should be a program in Cambodia similiar to the one in Vietnam, and we do not believe Mann is competent to administer it."

But Mann's proposals for Cambodia, now "under study" at the State Department and the White House, call for a duplication in Cambodia of the program which caused such scandal in Saigon. Direct "budget supplement" is an element of it—that is a polite way to refer to large gifts of U.S. cash to make up any difference between expenditures and receipts.

A second element of the Mann proposal involves an international fund to support the Cambodian currency, a device which in Vietnam has resulted in an artificial rate of exchange which robs the American serviceman and the American taxpayer officially almost as much as local graft robs them unofficially.

But the major feature of Mann's plan involves the institution in Cambodia of a commodity import program (CIP). This is the device by which Vietnamese businessmen were kept friendly to the Thieu-Ky government by the granting of permits to import commodities for the civilian market, with the cost footed by American taxpayers. The goods were then resold at whatever the traffic would bear—either to wealthy Vietnamese or to other countries or—on occasion—to Communist China or to the enemy.

It was this CIP program, accounting for billions of dollars of U.S. aid to Saigon, which caused Moss' committee to blow the whistle on Mann in language rarely seen in an official report, and it is this program which—Moss and many of his colleagues believe—causes the Thieu government to resist so bitterly any negotiation which might end the war.

The CIP, according to the committee, "encouraged speculation, windfall profits and corruption, fed inflation and deprived the United States of maximum benefit from its assistance programs." If it is to be repeated for the Cambodians, their hearts and minds will never be the same.

PRESIDENT NIXON WILL NOT BE THE FIRST

Mr. YOUNG of Ohio. Mr. President, on several occasions President Nixon has been quoted as stating, "I do not intend to be the first U.S. President to lose a war." Apparently he has forgotten some American history taught him at Whittier High School. Very definitely, any student of history knows we Americans did not win the War of 1812. We Americans came out on the losing side.

President James Madison, spurred on by the warhawks of that period, went to war in 1812 with Great Britain. This followed a declaration of war which passed the U.S. Senate by a vote of but 19 to 13. The war cry and slogan of that period was sailors' rights and freedom of seas. Incensed citizens of our new Republic demanded that Great Britain be compelled to guarantee freedom of the seas for American merchant ships and an end to impressment of sailors from American ships by officers of English warships boarding our merchant ships removing sailors who they claimed had deserted British warships. The gazettes of that period and Americans generally demanded war against England for freedom of the seas and sailors' rights.

Great Britain maintained ships of line and frigates off Boston, in the Chesapeake Bay and, in fact, all along our eastern seaboard. Its officers were arrogant in their actions as if the United States was still a British colony. They stopped merchant ships and impressed members of the crew they claimed had deserted from English merchant vessels or warships.

Sailors from English frigates had been for years before our declaration of war boarding American merchant ships, removing seamen they claimed had deserted and were impressing them into the British Navy.

In a particularly provocative incident, the English frigate, *Leopard*, in 1807 followed our frigate, *Chesapeake* outside our 3-mile limit, fired a shot across its bow. Then the English commander demanded the right to board our ship and muster the crew to determine whether four deserters from the English squadron were aboard.

The *Chesapeake* was bound for the Mediterranean. Its cannon had not been mounted. Commodore Barron, the vessel's commander, incensed over delays in outfitting this frigate, then the pride of our Navy, decided to save valuable time by putting the ship in shape on the voyage.

Commodore Barron rejected the demand to permit British officers to board our frigate and muster its crew. The English demand was repeated through a trumpet "The Vice Admiral's orders must be obeyed."

When no response was forthcoming, the *Leopard* crossed the *Chesapeake's* bow, riddled her hull with cannon fire. Commodore Barron finally ordered a hot coal carried from the galley and the only cannon in place was fired. Our flag was then hauled down. The British boarded the *Chesapeake*, removed four deserters they found hiding in its hold.

This outrageous attack caused an uproar throughout the new country. The gazettes of that time and citizens generally demanded a declaration of war. English ships of line and frigates were in great strength in the Atlantic. Wherever our merchant ships sailed, many were halted by British warships. Sailors were forcibly removed under the claim they were English deserters. These hostile acts on the high seas continued right up to 1812. Our infant Navy was small. Our Army was inadequate. Its general officers, as a rule, were overage. Many had fought in the Revolutionary War. Liberty-loving patriots demanded war. War was declared against the British Empire.

Later during the war this ill-omened frigate, *Chesapeake*, under Captain Lawrence, engaged in a duel with the British frigate, *Shannon*, off Boston. In this battle, Captain Lawrence, mortally wounded and taken below deck, gave his final order. This has been passed down to generation after generation of Americans and is part of the great history and noble tradition of our Navy. His immortal words were "Don't give up the ship."

The War of 1812 dragged on until the Peace of Ghent, signed by our envoys and the British, Christmas Eve, 1814. Throughout 2 years of war, our soldiers invading Canada met with one disaster after another. General Hull who had boasted that the United States would annex Canada surrendered Detroit without firing a shot from his fortifications; and to a force of Canadians and Indians inferior in number. Later in Canada our soldiers won some battles. They captured and burned the public buildings in York, Canada's capital. Generally speaking, however, our ground forces invading Canada were poorly led and met with one defeat after another.

Perry's victory near Put-in-Bay, Lake Erie, September 10, 1813, was a great naval victory. The British commander Barclay went into combat with one arm and came out with none. This was the first time in history of the world that an entire British squadron surrendered to an enemy. American schoolboys have always been thrilled by Commodore Perry's message:

> We have met the enemy and they are ours: two ships, two brigs, two schooners and a sloop.

Then on Lake Champlain, another naval victory followed. Finally, from one defeat after another in land fighting, the English, Canadians, and Indian Tecumseh, allied with the English, met with defeat. Our land forces, however, undertook no further offensive in Canada but withdrew across the border. Americans had boasted early in 1812 that the conquest of Canada was a mere matter of marching and then Canada was to be annexed to the United States. This claim proved absurd.

Toward the end of the war British naval vessels including ships of line and frigates had completely blockaded our shore. Most frigates and sloops of our small navy were practically interned in rivers while British ships of line, many with 74 guns and frigates with 44 guns, maintained a tight blockade. An English squadron under Admiral Cockburn sailed up the Chesapeake, landed soldiers and marines, routed our militia at Bladensburg, captured Washington and burned the White House and all Government buildings.

In the Peace of Ghent, no mention whatever was made of the cause of the war nor of the main American demand—freedom of the seas and sailors' rights. No guarantees or assurances whatever were asked of the English by our negotiators who were seeking peace. None were granted.

Our War of 1812 with England had been so overshadowed by the War Between the States, or the Civil War, and by the two World Wars which we fought, it is understandable that President Nixon failed to recall that the War of 1812 was the first and only war in the history of our Republic we lost.

Gen. Andrew Jackson's victory at New Orleans, January 8, 1815, was fought 2 weeks after the Treaty of Ghent had been signed and the war ended. News of the peace treaty of Ghent did not reach the United States for a number of days after January 8, 1815.

Sir Edward Packenham, brother-in-law to the Duke of Wellington, had landed his army composed of veterans of the peninsular war. This army, superior in number to the American forces made a frontal assault on the American lines. The Redcoats marched as if in a drill across a plain expecting to easily overwhelm the frontiersmen behind hastily erected ramparts. General Jackson and his officers had stationed our riflemen three deep behind the ramparts, riflemen in front to shoot while the riflemen behind loaded rifles and reloaded as quickly as those in front fired. In a few minutes the flower of the British army had been decimated by this rapid fire. In less than half an hour the field was covered with dead and wounded. The English retreated having suffered losses of 2,600 including Sir Edward Packenham, their commanding officer and five other generals who were killed. The American losses were 13.

President Nixon will not be the first President to lose a war for the valid reason that we Americans certainly did not win the war of 1812—we lost it and later in the war our militia was routed at Bladensburg and the victorious English captured the Capital of our country and burned the White House and Government buildings.

President Nixon must, however, accept the guilt for expanding and escalating the Vietnam war into Cambodia, Laos, and Thailand, and this fact has been acknowledged by Pentagon and White House officials who now term our expanded air and ground war as the Indochinese war. Unfortunately, our giant B–52 bombers are operating sorties around the clock in Cambodia and along the southern border of Thailand, and in Laos in addition to our continuing operations in Vietnam. This is an undeclared war that is unwinable.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Arizona (Mr. FANNIN) is recognized for 10 minutes.

THE FIGHT AGAINST ILLEGAL NARCOTICS

Mr. FANNIN. Mr. President, last April I told the Senate about one of several community projects in Arizona aimed at stopping the epidemic of illegal drug use among the young. Since that time, community antidrug efforts in my State have intensified. Parents especially are concerned about the illegal narcotics their children are being exposed to.

Many of the citizen groups fighting narcotics are making a splendid effort to bridge the so-called generation gap and to get across the perils of narcotics and marihuana.

These groups are showing the initiative and determination to solve their own problems—the spirit of the Old West.

However, young persons in my State and the rest of the Nation will continue to be tempted by peddlers of destructive drugs unless stronger action is taken both nationally and internationally to cut off the illicit trade.

As far as action at the Federal level is concerned, the administration has submitted to Congress legislation to further accelerate our battle against drugs. The measure, the Controlled Dangerous Substances Act, was passed by the Senate by an 82 to 0 vote on January 28, 1970, and is now pending in the House.

Internationally, we have the United Nations with its Commission on Narcotic Drugs, and the International Narcotics Control Board. We also have an international treaty on narcotic drugs, the Convention on Narcotic Drugs of 1961.

In describing the value of the convention in its report to Congress on May 3, 1967, the Senate Foreign Relations Committee stated:

The 1961 single convention is the culmination of more than 55 years of effort and progress in the field of international narcotics control.

The United States has ratified this international agreement, as have 79 other nations including France, Turkey, Mexico, and Burma.

Unfortunately, paper support and active support are two entirely different and unrelated matters. These international agreements on narcotics control all too often have proven ineffective in coping with major sources of illegal narcotics being sent to the United States. It is for this reason that I chose to cosponsor along with the Senator from California (Mr. MURPHY) and the Senator from Oregon (Mr. PACKWOOD) S. 4233, which promises to increase the active support of the United States in the international control of drug traffic, and hopefully will inspire other nations to cooperate in this needed activity.

This bill pledges that not less than 10 percent of the U.S. fiscal 1971 appropriations for voluntary contributions to the U.N. development program be spent to establish a multilateral fund to support activities designed to end the illegal international traffic in narcotics. It directs the President to support effective multilateral undertakings aimed at the eradication of illegal production and traffic in narcotics through U.S. representatives to international organizations.

It directs the President to support the strengthening of those powers presently given to the United Nations concerning narcotics. This would include investigation and publication of information relating to illegal production and traffic in narcotics, and a further convention concerning production and traffic in synthetic drugs, the so-called psychotropics.

Finally, this bill directs the President to withhold U.S. assistance to nations which refuse to cooperate with U.N. or U.S. programs aimed at suppressing illegal narcotics traffic. The bill requires that the President shall withhold assistance from any country which the President determines has refused—a—to cooperate with the United Nations or its agencies in carrying out programs to suppress international traffic in narcotics or—b—to take appropriate steps to prevent narcotic drugs produced in such country from entering the United States unlawfully.

Sources of the drugs are fairly well known. For example, 80 percent of the illicit heroin sold in this country is grown in Turkey and processed in France. Most of the rest comes from Mexico, with only a small percentage originating in the Burma, Thailand, Laos area.

Just last week the President of Mexico pledged to work with the United States in suppressing the illicit narcotics trade.

Attempts to convince foreign governments they should cut off the illegal production of narcotics are nothing new. But the U.S. Government intensified its efforts in July 1969 after President Nixon emphasized that the elimination of narcotics trafficking was a major matter of U.S. policy.

It was only a month later that the cooperation of U.S. narcotics agents with French agents resulted in the largest seizure of opium ever recorded in France.

Through efforts of the administration, a Franco-American Intergovernmental Committee on Drug Control has been formed. France has increased its force of narcotics agents.

One year ago this month, there was another important action. The United States made a $3 million loan to Turkey for two purposes: equipment of a 750-man narcotics force and the establishment of a crop rotation plan.

Although Turkey has now reduced the number of provinces where opium poppies may be grown from 21 to 7, there is a question as to how successful this program has been.

Despite these efforts, heroin continues to pour into the United States.

I believe the administration has pursued a vigorous course using all the tools available to it in trying to stem this tide.

But there still are weak links in the chain of international, national, and local efforts to eradicate the blight of narcotics which threatens to overwhelm the Nation.

That is why we need to give the President the authority to put effective pressure on uncooperative nations.

While American citizens, young and old, mobilize locally to discourage narcotics use, the Federal Government must make strong efforts to intercept the professional peddler, and foreign governments must move forcefully against clandestine fields and dope factories.

RUSSIANS TEST NEW MRV MISSILES

Mr. FANNIN. Mr. President, in view of the votes taken recently here in the Senate supporting the administration's limited expansion of the ABM system, there was a significant announcement yesterday by Secretary of Defense Melvin R. Laird.

He noted that the Russians have in the past few weeks tested an SS–11 intercontinental ballistics missile carrying a multiple warhead. The Russians have also tested an SS–15.

The major significance of these Russian developments lies in the fact that the SS–11 is only about a third as expensive for the Soviets to build as the larger SS–9. It is estimated the SS–11 costs about $10 million to deploy whereas the SS–9 costs about $30 million. The major disadvantage of the SS–11 up to now has been that it is smaller and therefore cannot carry so massive a warhead as the larger SS–9. If the MRV tests are, however, successful, this big disadvantage will be whittled down considerably. The Soviet attack force will be much more deadly and flexible.

I bring this to the attention of the Senate only because it helps to provide added evidence—if such evidence were needed—to support those Senators who voted in favor of the ABM system. Their votes proved to be farsighted indeed.

TRANSACTION OF ROUTINE MORNING BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, there will now be a period for the transaction of routine morning business, with a limitation of 3 minutes on statements therein.

Mr. BROOKE. Mr. President, I ask unanimous consent that I may proceed for 3 additional minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

NEED TO WORK FOR HUMANE TREATMENT OF PRISONERS

Mr. BROOKE. Mr. President, for the past 4 months the Senate has spent much of its time considering and discussing the problems of the war in Vietnam. It is the earnest desire of all Senators—as it is the desire of all Americans—to bring this war to an early conclusion.

But in our eagerness to see an end to the fighting we must never lose sight of the high-priority consideration, and that is the problem of the Americans now being held prisoner of war in North Vietnam. We must do nothing that will make their bondage more difficult, nor that will postpone in any way their release and reunion with their families.

At the same time we must double and redouble our efforts, both as a Government and as American citizens, to win for them at least the minimum degree of humane treatment provided for by the Geneva accords on prisoners. Among the immediate goals is that of communication between the prisoners and their families without that process being made part of the Communist propaganda war effort.

These considerations must be uppermost always in our minds as we discuss these vital issues.

Mr. President, the distinguished Senator from West Virginia (Mr. BYRD) has been in the forefront of those in Congress who have been working very diligently in trying to alleviate the pains of the families of the 1,500 or more American prisoners of war still being held in camps in North Vietnam. The distinguished Senator from West Virginia and I have jointly filed a resolution with the Senate calling for a special joint committee to conduct hearings. We are hopeful that our resolution will soon be acted upon by the Committee on Foreign Relations, to which it has been referred.

In the meantime, Mr. President, the North Vietnamese still have not shown any inclination whatever to release any of our prisoners. To the best of our information, since the senior Senator from West Virginia and I entered into a rather lengthy colloquy on the floor of the Senate, there has been no improvement in the communication between the prisoners of war and their families in the United States. Unfortunately, many of the wives and mothers have had to go around the world in an attempt to get a message to Hanoi, in an attempt to have Hanoi recognize their responsibility in the treatment of prisoners of war. This is a very shameful circumstance, and one which we certainly hope will be alleviated.

The North Vietnamese must see that we have released prisoners of war, that the treatment of their prisoners has cer-

tainly been humane and they have been allowed to communicate with their families. We expect no less and we will stand for no less.

Mr. BYRD of West Virginia. I thank the able junior Senator from Massachusetts for again bringing this subject to the attention of the Senate. I join him in expressing the hope that the Committee on Foreign Relations will conduct an early hearing on the resolution.

It is pleasing to state that 40 Senators have cosponsored the resolution which has been jointly authored by the Senator from Massachusetts and me. I trust that the Committee on Foreign Relations will be able to give prompt and favorable action to the resolution. It will be my plan—I have discussed this with the Senator from Massachusetts only today—to discuss the resolution with the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), hopefully, at some point during the afternoon today.

Mr. BROOKE. I certainly thank the Senator from West Virginia. Jointly we want it to be known that we do not intend to let this matter drop, that we do not intend just to bring it up every 3 or 4 months, but that we intend to press it and press it and press it, until results are obtained and our American prisoners of war are released. In the interim period, we intend to do all in our power to see that they are treated humanely; and hopefully, that communication between them and their families will be permitted.

Mr. BYRD of West Virginia. I thank the Senator very much. He is performing a great service.

ECONOMY BEING REMOVED AS CAMPAIGN ISSUE

Mr. BROOKE. Mr. President, there is an old English saying that once may be an accident, twice a coincidence, but three times is a moral certainty.

Today it may be fair to go nearly that strong in suggesting that there are solid signs of an economic resurgence in the United States. These signs have come up without the simultaneous self-consuming flames of inflation destroying the effect of that economic upswing.

The latest indication that the economic climate is improving is the preliminary report by the Bureau of Labor Statistics that, for the first time since long before the Nixon administration took office, there is an actual decline in the wholesale price index. During August that index has declined by one-half of 1 percent. This is a major decline.

Newspaper accounts hasten to point out that the effects of this decline may be exaggerated—and I myself do not wish to over-emphasize its importance. But, taken together with the optimistic reports we have been receiving from the Council of Economic Advisers, we now have solid evidence to support the contention that the inflationary spiral has been broken.

It may be weeks, or a month or more, before the wholesale index decline is followed by lower prices at the marketplace. But it now appears assured that this will follow and that for the first time in a decade the buying power of the American dollar will actually show a slight increase instead of a continual erosion.

Of course, there will be economists who scoff at this indication of something better in the offing. It is to their political advantage to scoff, and so we should expect them to scoff. There are those who maintain that the Nation's economy will be in poor condition, and that this will be the biggest single issue during this fall's election. Those who make it such an issue obviously hope to gain votes by doing so.

To gain such votes they will put emphasis on gloom and predictions of disaster, of recession or even depression. There has already been some considerable talk by certain officeseekers of a recession in the midst of inflation, and so forth.

These self-serving predictors of economic doom will continue to preach along this vein.

The facts, however, again—and now more than ever—appear to belie their words.

They will have to find some other issue upon which to run for office; the one to which they now cling is too slender to hold their weight. For their own purposes they have wished the Nation's economy to decline. They have wanted people to believe that inflation means a good economy, that a lessened purchasing ability is good because, for some, it may be accompanied by more, though cheaper, dollars in the pocket. They are being proved wrong. The stability of our economic fabric is being restored. The benefits to all are apparent.

The decline in the wholesale price index is only one more of a series of indications that the policy of fiscal responsibility is working.

COMMUNICATION FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. BYRD of West Virginia) laid before the Senate the following letter, which was referred as indicated:

APPROVAL OF LOAN TO ARKANSAS VALLEY G. & T., INC., OF PUEBLO, COLO.

A letter from the Administrator, Rural Electrification Administration, U.S. Department of Agriculture, transmitting, pursuant to Senate report No. 497, information relating to the approval of a loan to Arkansas Valley G. & T., Inc. of Pueblo, Colo., for the financing of certain transmission facilities (with an accompanying paper); to the Committee on Appropriations.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce, without amendment:

H.R. 17133. An act to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance (Rept. No. 91–1140).

By Mr. ALLOTT, from the Committee on Interior and Insular Affairs, without amendment:

S. 3997. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Confederated Bands of Ute Indians in Court of Claims case 47567, and a judgment in favor of the Ute Tribe of the Uintah and Ouray Reservation for and on behalf of the Uncompahgre Band of Ute Indians in Indian Claims Commission docket No. 349, and for other purposes (Rept. No. 91–1141).

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 13434. An act to provide for the disposition of judgment funds on deposit to the credit of the Hualapai Tribe of the Hualapai Reservation, Ariz., in Indian Claims Commission dockets Nos. 90 and 122, and for other purposes (Rept. No. 91–1147).

By Mr. MOSS, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 16416. An act to reimburse the Ute Tribe of the Uintah and Ouray Reservation for tribal funds that were used to construct, operate, and maintain the Uintah Indian irrigation project, Utah, and for other purposes (Rept. No. 91–1148).

By Mr. BELLMON, from the Committee on Interior and Insular Affairs, without amendment:

H.R. 14097. An act to authorize the use of funds arising from a judgment in favor of the Citizen Band of Potawatomi Indians of Oklahoma in Indian Claims Commission docket No. 96, and for other purposes (Rept. No. 91–1149); and

H.R. 14827. An act to provide for the disposition of funds to pay a judgment in favor of the Sac and Fox Tribes of Oklahoma in Indian Claims Commission docket No. 220, and for other purposes (Rept. No. 91–1150).

By Mr. HANSEN, from the Committee on Interior and Insular Affairs, with an amendment:

S. 2735. A bill to provide for the conveyance of certain public lands in Wyoming to the occupants of the land (Rept. No. 91–1142).

By Mr. BIBLE, from the Committee on Interior and Insular Affairs, with an amendment:

S. 3196. A bill to declare that certain federally owned lands in the State of Nevada are held by the United States in trust for Reno-Sparks Indian Colony, and for other purposes (Rept. No. 91–1143).

By Mr. JACKSON, from the Committee on Interior and Insular Affairs, with an amendment:

S. 4078. A bill to provide for the disposition of funds appropriated to pay judgments in favor of the Snohomish Tribe in Indians Claims Commission docket No. 125, the Upper Skagit Tribe in Indian Claims Commission docket No. 92, and the Snoqualmie and Skykomish Tribes in Indian Claims Commission docket No. 93, and for other purposes (Rept. No. 91–1144).

By Mr. FANNIN, from the Committee on Interior and Insular Affairs, with amendments:

S. 4033. A bill to provide for the disposition of funds appropriated to pay a judgment in favor of the Chemehuevi Tribe of Indians (Rept. No. 91–1145).

By Mr. CHURCH, from the Committee on Interior and Insular Affairs, with amendments:

S. 3487. A bill to authorize the sale and exchange of certain lands on the Coeur d'Alene Indian Reservation, and for other purposes (Rept. No. 91–1146).

HEALTH INSURANCE LEGISLATION—REPORTS OF A COMMITTEE

Mr. BURDICK. Mr. President, from the Committee on Post Office and Civil Service, I report favorably, two bills relating to the Government contribution toward the cost of the Federal employees health insurance program. The

bill (S. 1772) is reported with amendments, and I submit a report (No. 91-1151) thereon. The second bill (H.R. 16968) is reported without amendment, and has no written report.

Under existing law, the Government contributes approximately 28 percent of the average cost of high option health insurance. Under S. 1772, which the committee agreed upon some time ago, this contribution would increase, effective October 1, 1970, to 40 percent of the average cost. The House bill is virtually identical to the Senate bill except that it provides for a 50-percent contribution. The House bill is reported so that, when the Senate bill is acted upon, the action can then be vacated and the House bill can be amended with substitute language in the form of S. 1772, and a conference, if necessary, on a House-passed bill number can be arranged. I hope that, if the Senate agrees with the committee's recommendation, the House might be willing to go along with the lower figure of 40 percent, so that the bill can be quickly signed into law and become effective at the beginning of the first pay period in October 1970.

The PRESIDING OFFICER (Mr. HANSEN). The report will be received and the bills will be placed on the calendar; and the report will be printed.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. SCOTT:

S. 4292. A bill to provide for fiscal responsibility through the establishment of a limitation on budget expenditures and net lending (budget outlays) for the fiscal year 1971, and for other purposes; to the Committee on Finance.

S. 4293. A bill for the relief of Yung Suk Kang; to the Committee on the Judiciary.

By Mr. SPARKMAN:

S. 4294. A bill to amend the Federal Aviation Act of 1958 to authorize free or reduced rate transportation for widows, widowers, and minor children of employees who have died while employed by an air carrier or foreign air carrier after 25 or more years of such employment; to the Committee on Commerce.

By Mr. MILLER:

S. 4295. A bill to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes; to the Committee on Public Works.

(The remarks of Mr. MILLER when he introduced the bill appear below under the appropriate heading.)

By Mr. CRANSTON (for himself, Mr. YARBOROUGH, Mr. HUGHES, Mr. JAVITS, Mr. KENNEDY, Mr. NELSON, Mr. SCHWEIKER, and Mr. WILLIAMS of New Jersey):

S. 4296. A bill to amend title VII of the Public Health Service Act to meet the need for additional personnel in the health professions by encouraging and assisting disadvantaged individuals to pursue training designed to prepare them to engage in the practice of such professions, and for other purposes; to the Committee on Labor and Public Welfare.

(The remarks of Mr. CRANSTON when he introduced the bill appear below under the appropriate heading.)

By Mr. KENNEDY (for himself, Mr. YARBOROUGH, Mr. COOPER, Mr. SAXBE, Mr. MCGOVERN, Mr. MONDALE, Mr. PELL, Mr. YOUNG of Ohio, Mr. HART, Mr. CRANSTON, Mr. HUGHES, Mr. BAYH, Mr. METCALF, Mr. MUSKIE, and Mr. MCCARTHY):

S. 4297. A bill to create a health security program; to the Committee on Finance.

(The remarks of Mr. KENNEDY when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. SMITH of Illinois:

S. 4298. A bill to authorize a White House Conference on Education in 1972; to the Committee on Labor and Public Welfare.

S. 4299. A bill to authorize the Secretary of the Interior to erect an historical marker in or near the Woodlawn Cemetery, Carbondale, Ill., designating such Cemetery as the site of the first recorded planned Memorial Day observance; to the Committee on Interior and Insular Affairs.

(The remarks of Mr. SMITH of Illinois when he introduced S. 4299 appear below under the appropriate heading.)

S. 4295—INTRODUCTION OF THE FEDERAL-AID HIGHWAY ACT OF 1970

Mr. MILLER. Mr. President, I introduce for printing and appropriate reference a bill to authorize appropriations for fiscal years 1972 and 1973 for the construction of certain highways and to extend the time for completion of the National System of Interstate and Defense Highways.

I understand that the Senate Public Works Committee has held several weeks of hearings on various aspects of the Federal-aid highway program. Many different proposals have been advocated regarding what should be done with highway trust funds. Both Senator RANDOLPH, chairman of the committee, and Senator COOPER, the ranking Republican member, have introduced bills on this subject and both have invited Senators to make their views known to the committee. I am using the means of introducing this bill to set forth my views on this subject.

The Interstate System in this country is now more than 70 percent complete. It is anticipated that it can be completed by 1976 or 1977. It is my belief that no major changes should be made in the trust fund revenues and their distribution while the Interstate System is still unfinished. After completion of the system there will be ample opportunity to consider whether any changes in the use of the trust funds should be made.

Therefore, I am introducing this bill today which would merely authorize appropriations for the Federal-aid highway program. It would also extend the date for completion of the National System of Interstate and Defense Highways from the current target date of 1974 to 1976 and would provide authorization of funds for those years. These provisions are the same as the corresponding ones in the administration bill.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred.

The bill (S. 4295) to authorize appropriations for the fiscal years 1972 and 1973 for the construction of certain highways in accordance with title 23 of the United States Code, and for other purposes, introduced by Mr. MILLER, was received, read twice by its title, and referred to the Committee on Public Works.

S. 4296—INTRODUCTION OF THE HEALTH PROFESSIONS ASSISTANCE AMENDMENTS OF 1970

Mr. CRANSTON. Mr. President, I introduce today, for myself and Senator YARBOROUGH, chairman of the Health Subcommittee, of the full Labor and Public Welfare Committee, and a leader of the Nation in health affairs, and for Senators HUGHES, JAVITS, KENNEDY, NELSON, SCHWEIKER, and WILLIAMS of New Jersey, a bill to "amend title VII of the Public Health Service Act to meet the need for additional personnel in the health professions by encouraging and assisting disadvantaged individuals to pursue training designed to prepare them to engage in the practice of such professions, and for other purposes." Its short title would be the "Health Professions Assistance Amendments of 1970."

I am delighted that six members of the Health Subcommittee have joined in cosponsorship of this bill.

The purpose of this legislation is to make important improvements in the health professions student loan and scholarship programs, to encourage greater representation of the educationally and economically disadvantaged in the health professions, and to provide incentives for health professionals assisted through Federal student loans to practice in urban and rural poverty areas.

We face a critical shortage of health professionals in the United States today, including an estimated 50,000 physicians and 9,000 dentists. Adequate health care is simply not available to millions of Americans. And this inadequacy is the result not only of a poorly functioning delivery system but also of shortages in various critical categories of health manpower.

In December 1968, the report of the Carnegie Commission on the future of higher education recommended "a substantial program of Federal aid for medical education" in order to increase the supply of medical school graduates in response to the Nation's rapidly growing need for medical services. Unfortunately, since that time, Federal support for medical education has not expanded at a pace adequate to meet the need.

An important facet of the overall shortage of health professionals is the disproportionately low representation of minority groups in such professions; their representation falls far short of the proportions which such groups represent in the population as a whole. For example, although blacks make up 11 percent of our population, only 2 percent of the medical profession is black. There are only 6,000 black physicians in the entire Nation; one out of every 560 whites is a physician while the rate for blacks is one out of every 3,800. Although comparable nationwide data is not available, the representation of chicanos, Indians and those of oriental descent is estimated

to be even lower proportionately. For example, although chicanos comprised as of 1960 approximately 11 percent of the total population in the Southwestern States, chicanos comprise only 1 percent of the medical student bodies in those States.

This unequal representation is due in large part to two things: the lack of effective counseling to encourage and assist minority students to enter the health professions, and the inadequacy of existing financial aid programs to provide assistance at levels which would enable the disadvantaged to meet the enormous, exploding costs of undergraduate and graduate education in the health professions.

The shortage of health professionals is most apparent and most unfair among the poor, for whom the lack of decent medical care is a serious and growing problem. It is estimated that 10 million persons in this country receive no medical care and for another 20 million the care is substandard and minimal. One reason for the appalling lack of adequate health care among the poor—both rural and urban—is the shortage of health professionals in general. Another is the severe economic disadvantages for any health professional choosing to serve in a low-income community. Poverty areas offer neither the prestige nor the economic rewards attainable in suburban or midcity areas. Thus, not only are the disadvantaged deterred from following careers in the health professions by the prohibitive cost of the many years of schooling required, but those who do manage to become doctors, dentists or other health professionals are prevented from practicing in a poverty area by the necessity of repaying educational debts.

Many young health professionals—black, white, or brown, disadvantaged or not—who would otherwise find a worthy outlet for their idealism, energy and social commitment working in a poverty area find it is simply economically impossible to do so. So these professionals go into practice elsewhere, or they go into research, and the health needs of the poor go unmet.

An important new initiative in this area—which the bill I am introducing would complement and enlarge upon—is the health manpower development program of the National Urban Coalition. This new program is aimed at increasing the supply of doctors, dentists and other health providers in poverty areas, under a $2 million grant just made by the Office of Economic Opportunity. In announcing the new program, John W. Gardner, chairman of the coalition and former Secretary of Health, Education, and Welfare, said:

> There is a particular need to recruit more minority groups into the health professions. In the United States today, only two percent of our physicians are black. Many more members of the minority communities, not only black but Mexican-American and Puerto Rican, would like to pursue careers in health. Such opportunities are almost wholly dependent on the provision of adequate financial support. I cannot emphasize that point too strongly.

In order to assist disadvantaged students to enter the health professions, and to make other improvements in health professions student assistance programs, the bill proposes a number of important changes in the health professions loan and scholarship programs. These changes would benefit all students in need of financial assistance. The loan program, which expires in fiscal year 1971, would be extended through fiscal year 1976. The fiscal year 1971 authorization would be increased from $35 million to $45 million. The authorization for fiscal year 1972 would be $55 million with increases of $5 million for each of the next 4 fiscal years. The student loan maximum would be increased from $2,500 to $3,500 per year for all students. Estimates given to me by medical schools in California are that present student costs average about $6,000 per year and are expected to increase substantially over the next several years. The combination of a $3,500 loan and a $2,500 scholarship authorized under present law would, therefore, just about cover average costs at these schools right now. However, there are many schools where costs are higher than $6,000 per year, and that figure does not include the added expenses for married students with dependents.

For those who are educationally or economically disadvantaged due to socioeconomic factors, the maximum loan would be increased to $7,000 per year. A recent report to the Inter-Association Committee on Expanding Educational Opportunities in Medicine for Black and other Minority Students, by a task force of the American Association of Medical Colleges, concluded:

> The main barrier today for minority students is the inadequacy of financial aid. Coincident with increasing enrollment of minority students in medical schools, federal government and other sources of funds have been decreasing. The need is urgent for reversing this trend and establishing better mechanisms for utilizing available funds.

Another feature of the bill is a broadening of present loan forgiveness provisions. Under existing law, indebtedness on health professions loans is forgiven at the rate of only 15 percent for each year of practice in a rural poverty area. The bill recognizes the need to provide greater encouragement for health professionals to practice in areas where the need is greatest, including both urban and rural poverty areas. Under the bill, loans would be forgiven, up to the full amount of the loan plus accrued interest, at the rate of 33⅓ percent for each year in which a physician, dentist or optometrist practices in either an urban or rural poverty area. This provision for total loan obligation cancellation over 3 years would make cancellation for the first time an attractive alternative to private practice as a means of paying off a student loan. It would also dovetail nicely with Senator MAGNUSON's proposed pilot project National Health Service Corps, contained in S. 4106, which I am privileged to cosponsor.

In addition, in order to provide a greater inducement for medical and other health professions schools to admit larger numbers of disadvantaged students, the scholarship formula would be revised to provide substantial additional assistance to such schools based on the number of such students they enroll. Under present law, this formula is $2,000 times 10 percent of the full-time student population; that is, the school's scholarship fund receives $200 for each student enrolled. The bill would authorize an additional $2,500 to the scholarship fund based on each full-time student who is disadvantaged—as defined in the outreach program which I will discuss next. The maximum individual scholarship for such disadvantaged students would be increased from $2,500 to $5,000, and the scholarship program would be extended through fiscal year 1976.

Finally, the bill would add a new part H to title VII of the Public Health Service Act to provide for grants and contracts to schools and other public or nonprofit organizations for the purpose of identifying, encouraging, and assisting disadvantaged individuals with a potential for education or training in the health professions. Specifically included are those returning veterans with training or experience in the health field. Individuals would be assisted in enrolling, or in qualifying to enroll, in postsecondary education or training, including health professions schools. The outreach program would also provide for broad dissemination of information on sources of financial aid available for such postgraduate or postsecondary education and training.

To this extent, the bill's outreach provisions are similar to those contained in S. 3586, the Health Training Improvement Act of 1970 already passed by the Senate—section 205—as well as the version passed by the House regarding allied health professionals. However, our bill goes further and specifically would authorize the Secretary to fund such other programs as he determines would enhance the enrollment, pursuit, and completion of study by such disadvantaged persons once they are enrolled in medical and other health professions schools.

The bill would authorize appropriations of $5 million for fiscal year 1971, and $40 million over the next 4 fiscal years for this outreach and special assistance program.

This outreach concept was recommended in the AAMC report on expanding minority student opportunities in the health professions, which I referred to earlier. The report called for a network of regional centers to provide information about career opportunities for disadvantaged students in the health professions. Such a program, the report stated, would serve a vital motivational purpose in encouraging and assisting qualified disadvantaged students who were pursuing or considering education and training in the health professions. The fact is that many, many disadvantaged persons who could be effectively educated and trained for vital health professional roles never consider this as a viable possibility. This program would seek to change that and make clear the great possibilities which exist for them in this highly critical skill-shortage area.

The new outreach initiative which I

am proposing would respond to two of the three major needs identified in the AAMC report: First, recruitment of students into health professions education; and, second, retention of students already in the "educational pathway" leading to such professions.

Finally, I wish to point out that physicians' assistants would be assisted under the allied health professions programs contained in S. 3586, the Health Training Improvement Act of 1970, which passed the Senate on July 13. Physicians' assistants are specifically recognized in the Senate report on that bill as being one of several new and promising categories of health manpower. Physicians' assistants are not included under this bill which deals only with the more traditional categories of health professionals. However, I strongly believe that the physicians' assistant is a very important new category in the health manpower area, and must be assisted to the maximum possible extent.

As a member of the Labor and Public Welfare Committee's Health Subcommittee, and as chairman of its Veterans' Affairs Subcommittee, I am deeply involved in the committee's efforts to improve our health care delivery system and to expand our supply of health professionals. Meeting these goals requires increasing our commitment to and our financing of student assistance programs, institutional and special project grants to medical and health professions schools, construction funds and research. However, in expanding and improving these programs I believe we must give special attention to ways in which they can be utilized to improve educational opportunities for the disadvantaged and to improve health care in our poverty areas.

Although I have emphasized the benefits of this bill to disadvantaged health professions students, I would like to make very clear that this bill is also intended to provide general assistance to health professions schools and students by improving and enlarging the loan and scholarship funds available for all students at all medical and health professions schools. We took a major step in this discretion by authorizing the appropriation of $100 million in emergency relief for medical and dental schools in financial distress in S. 3586, the Health Training Improvement Act of 1970, already passed by the Senate. Under that bill, the Secretary would be authorized to make grants to medical and dental schools in dire financial straits as a result of their affirmative response to one or more of the following aspects of national health policy: First, increasing enrollment of students for the purpose of augmenting the supply of trained health professions personnel; second, improving the quality or delivery of health care and services to disadvantaged persons in urban or rural areas; third, providing care to substantial numbers of patients under medicare and medicaid; or fourth, maintaining enrollments and quality in the face of rapidly rising costs.

Another example of the effort being made to meet the health professionals crisis is the action being taken by the University of California School of Medicine at Davis, where the first-year enrollment of medical students is to be increased from 52 to 100 next year. The 3-year-old school will apply for a 5-year, $5 million grant under the physician augmentation program, which provides grants to medical schools willing to make major increases in their first year enrollments. According to C. J. Tupper, dean of the school:

> The plan reflects the concern on the part of administrative and faculty members as to the school's responsibility in meeting the physician manpower shortage crisis.

The Davis medical school proposal is an ambitious one. In light of the very pressing needs and the long period of years before an entering medical student actually becomes an M.D., the timing is important and highly commendable. However, much of the success of the expansion will rest on the adequacy of Federal support in such areas as student assistance, institutional support and health facilities construction grants. It is important, therefore, that these vital programs of support for health professions education be maintained and expanded this year and in the coming years if such initiatives as that being undertaken at UC-Davis are to be productive in helping to solve the health manpower crisis.

Mr. President, I ask unanimous consent that there be printed in the RECORD at this point an analysis of the bill followed by the full text of the bill.

The PRESIDING OFFICER (Mr. BYRD of Virginia). The bill will be received and appropriately referred; and, without objection, the bill and analysis will be printed in the RECORD.

The bill (S. 4296) to amend title VII of the Public Health Service Act to meet the need for additional personnel in the health professions by encouraging and assisting disadvantaged individuals to pursue training designed to prepare them to engage in the practice of such professions, and for other purposes, introduced by Mr. CRANSTON (for himself and other Senators), was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

S. 4296

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Health Professions Assistance Amendments of 1970".

SEC. 2. Title VII of the Public Health Service Act is amended by adding at the end thereof the following new part:

"PART II—GRANTS AND CONTRACTS TO ENCOURAGE FULL UTILIZATION OF EDUCATIONAL TALENT FOR THE HEALTH PROFESSIONS

"SEC. 799a. (a) To assist in meeting the need for additional professional personnel in the health professions (as defined in subsection (b)), the Secretary is authorized to make grants to State or local educational agencies or other public or nonprofit private agencies, institutions, and organizations, or enter into contracts (without regard to section 3709 of the Revised Statutes (41 U.S.C. 5)) for the purpose of—

"(1) identifying individuals with a potential for education or training in the health professions (including veterans of the Armed Forces of the United States with training or experience in the health field) who due to socioeconomic factors are financially or educationally disadvantaged, and encouraging and assisting them (A) to enroll in a school of medicine, dentistry, osteopathy, pharmacy, optometry, podiatry, veterinary medicine, or public health which is accredited as provided in section 721(b)(1)(B); or (B) if they are not qualified to enroll in such a school, to undertake such postsecondary education or training as may be required to qualify them to enroll in such a school;

"(2) publicizing existing sources of financial aid available to persons enrolled in any such school or who are undertaking training necessary to qualify them to enroll in any such school; or

"(3) establishing such programs as the Secretary determines will enhance and facilitate the enrollment, pursuit, and completion of study by individuals referred to in clause (1) in schools referred to in clause (1)(A).

"(b) For purposes of this part, the term 'professional personnel in the health professions' refers to any of the following—

"(1) doctors of medicine;

"(2) doctors of dentistry or persons holding an equivalent degree;

"(3) doctors of osteopathy;

"(4) doctors of pharmacy or bachelors of science in pharmacy;

"(5) doctors of optometry or persons holding an equivalent degree;

"(6) doctors of podiatry or doctors of surgical chiropody;

"(7) doctors of veterinary medicine or persons holding an equivalent degree; or

"(8) graduates of schools of public health.

"(c) For the purpose of carrying out the provisions of this part, there is authorized to be appropriated $5,000,000 for the fiscal year ending June 30, 1971; $7,000,000 for the fiscal year ending June 30, 1972; $9,000,000 for the fiscal year ending June 30, 1973; $11,000,000 for the fiscal year ending June 30, 1974; and $13,000,000 for the fiscal year ending June 30, 1975."

SEC. 3. (a) Section 741(a) of the Public Health Service Act is amended—

(1) in the first sentence thereof, by striking out "Loans" and inserting in lieu thereof "except as otherwise provided in the succeeding sentence, loans";

(2) in the first sentence thereof, by striking out "$2,500" and inserting in lieu thereof "$3,500"; and

(3) by inserting after the first sentence thereof the following new sentence: "In the case of any student who is an individual referred to in section 799(a)(1) such loans may not exceed $7,000 for any such student for any such year."

(b) The second sentence of section 741(f) of such Act is amended—

(1) by striking out "15 per centum" and inserting in lieu thereof "33⅓ per centum";

(2) by striking out "a rural area" and inserting in lieu thereof "an urban or rural area"; and

(3) by striking out "an amount equal to an additional 50 per centum of the total amount of such loans plus interest may be canceled" and inserting in lieu thereof "an amount equal to the total amount of such loans plus interest may be canceled".

(c)(1) Effective in the case of fiscal years ending after June 30, 1970, the first sentence of section 742(a) of such Act is amended to read as follows: "There is authorized to be appropriated to the Secretary of Health, Education, and Welfare to carry out this part (other than section 744) $45,000,000 for the fiscal year ending June 30, 1971, $55,000,000 for the fiscal year ending June 30, 1972, $60,000,000 for the fiscal year ending June 30, 1973, $65,000,000 for the fiscal year ending June 30, 1974, $70,000,000 for the fiscal year ending June 30, 1975, and $75,000,000 for the fiscal year ending June 30, 1976.".

(2) The third sentence of such section 742(a) of such Act is amended—

(A) by striking out "1972" and inserting in lieu thereof "1977"; and

(B) by striking out "1971" and inserting in lieu thereof "1976".

SEC. 4. (a) Effective with respect to fiscal years ending after June 30, 1970, the first sentence of section 780(b) of the Public Health Service Act is amended to read as follows: "For the fiscal year ending June 30, 1971 and for each of the next five fiscal years, the amount of the grant under subsection (a) to each such school shall be equal to (1) $2,000 multiplied by one-tenth of the number of full-time students of such school, plus (2) $2,500 multiplied by the number of full-time students of such school who are individuals referred to in section 799a(a)(1)."

(b) The second sentence of such section 780(b) is amended—

(1) by striking out "1972" and inserting in lieu thereof "1977"; and

(2) by striking out "1971" and inserting in lieu thereof "1976".

(c)(1) Section 780(c)(1)(D) of such Act is amended by striking out "two" and inserting in lieu thereof "seven".

(2) Section 780(c)(1)(E) of such Act is amended—

(A) by striking out "1971" and inserting in lieu thereof "1976"; and

(B) by striking out "1972" and inserting in lieu thereof "1977".

(3) The second sentence of section 780(c)(2) of such Act is amended by striking out "$2,500" and inserting in lieu thereof $5,000 (in the case of any student who is an individual referred to in section 799a(a)(1)), or $2,500 (in the case of any other student).".

The analysis, presented by Mr. CRANSTON, is as follows:

ANALYSIS OF S. 4296—THE PROPOSED HEALTH PROFESSIONS ASSISTANCE AMENDMENTS OF 1970

I. GENERAL DESCRIPTION

The bill is designed to encourage and assist persons who are financially or educationally disadvantaged because of socio-economic factors to pursue training in the health professions. It would accomplish this by establishing a special outreach program to identify, encourage, and prepare disadvantaged persons to enroll in health professions schools and making grants to those schools once they enroll significant numbers of disadvantaged students. In addition, the present law concerning loans and scholarships for students in the health professions schools would be amended (1) to extend these two programs through fiscal year 1976; (2) to raise the maximum limits on loans for all students and on scholarships for disadvantaged persons; (3) to increase the authorizations of appropriations for the loan program; (4) to provide for substantial increases in the allocation of scholarship funds to schools in direct proportion to the number of disadvantaged students enrolled; and (5) to provide increased incentives for practice in urban or rural poverty areas by providing for full cancellation of student loans in return for three years of practice in those areas.

II. SHORT TITLE

Section 1 gives the Act the short title "Health Professions Assistance Amendments of 1970."

III. HEALTH PROFESSIONS OUTREACH PROGRAM

Section 2 of the bill would add a new Part H to Title VII of the Public Health Service Act. Title VII now includes provisions concerning training of professional health personnel. Part H would establish a new program to identify, encourage, and assist disadvantaged persons to prepare for, enter and complete training in the health professions. Part H consists of one section, 799a. It is analyzed by its three subsections. With the exception of clause (3), which is new, it is similar to the outreach provision contained in section 205 of S. 3586, the proposed "Health Training Improvement Act of 1970," passed by the Senate on July 13, 1970.

Subsection (a) of Sec. 799a. Clause (1) gives grant and contract authority to the Secretary of H.E.W. to establish, through public and private educational or other agencies, programs to identify potential health professions students who, due to socio-economic factors, are financially or educationally disadvantaged. (Veterans with training or experience in the health field are specifically included.) Such individuals would be encouraged and assisted to enroll if qualified, or to undertake such post-secondary work as is necessary to become qualified to enroll, in a health professions school.

Clause (2) specifies that a school's or organization's encouragement and assistance efforts would include publicizing existing sources of financial aid available to persons who are enrolled in health professions schools or are undertaking training necessary to qualify for enrollment in any such school.

Clause (3) of this subsection would provide for grants to or contracts with schools to establish programs which the Secretary determines will enhance and facilitate enrollment, pursuit, and completion of study by disadvantaged persons who are potential health professionals.

Subsection (b) of Sec. 799a. Defines "professional personnel in the health professions" as doctors of medicine, dentistry, osteopathy, pharmacy (or bachelor of science in pharmacy), optometry, podiatry or surgical chiropody, veterinary medicine or graduates of schools of public health. This definition is consistent with other parts of Title VII concerning types of health professions schools to which grants are made for construction, student loans and scholarships.

Subsection (c) of Sec. 799a. Would authorize appropriations for Part H from fiscal years 1971 through 1975. The initial authorization is $5,000,000 for FY 1971, and the authorization for each subsequent year is increased by $2,000,000 a year.

IV. STUDENT LOANS

Section 3 of the bill would amend the health professions student loan provisions of Title VII of the Public Health Service Act, 42 U.S.C. 294 a–b.

Loan Levels. Clauses (1) and (2) of subsection 3(a) would increase the present maximum loan level for all students from $2,500 to $3,500 per academic year.

Clause (3) would establish a maximum loan level of $7,000 for disadvantaged students described in the Outreach Provision (Part H of section 799a).

Cancellation of Loans. Subsection 3(b) of the bill would amend present law which cancels student loan indebtedness incurred by physicians, dentists, and optometrists at the rate of 15 percent for each year of practice in a rural poverty area. The annual rate of cancellation would be raised to 33⅓ percent, and the qualifying geographical areas would be expanded to include urban as well as rural poverty areas. The present provision permitting an additional 50 percent cancellation of the debt for work in a rural area is rephrased for clarity.

Student Loan Authorization. Clause (1) of Subsection 3(c) would amend the present student loan authorization section which now expires with an authorization of $35,000,000 in fiscal year 1971. The new schedule would begin with a fiscal year 1971 authorization of $45,000,000, rising to $55,000,000 for 1972, and increasing by $5,000,000 each fiscal year thereafter through fiscal 1976.

Clause (2) of subsection 2(c) would advance the dates but retain the present scheme for phasing out the student loan authorizations. For the three fiscal years following the last specific year's authorization, such sums would be authorized to be appropriated as are necessary to continue to provide loans to students who began their health profession training with a loan under this program.

V. SCHOLARSHIP GRANTS

Section 4 of the bill would (1) amend the present formula for scholarship grants, (2) extend the scholarship grant program through fiscal year 1976, and (3) raise from $2,500 to $5,000 the maximum limit on scholarships in the case of disadvantaged students described in the Outreach Program (Part H of section 799a).

Scholarship Grant Formula. Subsection 4(a) of the bill would change the formula for scholarship grants to schools. The present formula provides a sum equal to $2,000 multiplied by one-tenth of the enrollment, that is, $200 for the scholarship fund based on each student enrolled. This provision would add to the scholarship fund $2,500 based on each disadvantaged student enrolled. It also would extend the scholarship program beyond fiscal year 1971, the last year authorized in present law, to fiscal year 1976.

Scholarship Grant Authorization. Subsection 4(b) and clauses (1) and (2) of Subsection 4(c) provide, comparably to the provisions in section 3(c)(2) of the bill regarding the loan program, for extension of the dates of the scholarship program and for a gradual phasing out of the grants to ensure that a student who began his training with a scholarship may be assisted through to completion.

Scholarship Limit Raised. Clause (3) of Subsection 4(c) would increase the maximum scholarship which can be awarded during a school year from $2,500 to $5,000 in the case of disadvantaged students.

S. 4299—INTRODUCTION OF A BILL RELATING TO COMMEMORATION OF WOODLAWN CEMETERY, CARBONDALE, ILL., AS SITE OF FIRST RECORDED PLANNED MEMORIAL DAY OBSERVANCE

Mr. SMITH of Illinois. Mr. President, I am introducing today a bill to authorize the Secretary of the Interior to erect an historical marker in or near the Woodlawn Cemetery at Carbondale, Ill., designating such cemetery as the site of the first recorded planned Memorial Day observance.

It is especially fitting in my judgment that at this time of political division we should make a concrete demonstration of our dedication to this country. I can think of no more fitting tribute than to authorize the erection of a historic marker at Carbondale, Ill., the site of this, the first Memorial Day observance. According to the sketchy records still available, John A. Logan on April 29, 1866, spoke at that first observance. There for the first time a formal commemoration of the American war dead was made. On that first Memorial Day, 219 Civil War veterans met at the Carbondale Methodist Church and marched to the Woodlawn Cemetery to decorate the graves of their comrades who lost their lives in the War Between the States.

Mr. President, I believe it is especially appropriate that this marker be placed in Carbondale for another reason: Carbondale, Ill., is located in the southern part of Illinois. At the outbreak of the Civil War this town was subject to heavy pressure from both southern and northern sympathizers. In fact, a southern company was organized in that area, despite the fact that Illinois had earlier

declared for the Union. Significantly, when the war ended, survivors from both sides returned home and lived together in the same community.

I submit, Mr. President, that this example of rededication to the cause of national unity should be an example for us in remembering that first celebration. I am proud to introduce this bill for that very worthwhile goal.

I ask unanimous consent that a selection of newspaper clippings and other documents relating to the first celebration of Memorial Day in Carbondale, Ill., be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred; and, without objection, the articles will be printed in the RECORD.

The bill (S. 4299) to authorize the Secretary of the Interior to erect an historical marker in or near the Woodlawn Cemetery, Carbondale, Ill., designating such cemetery as the site of the first recorded planned Memorial Day observance, introduced by Mr. SMITH of Iliinois, was received, read twice by its title, and referred to the Committee on Interior and Insular Affairs.

The articles, presented by Mr. SMITH of Illinois, are as follows:

THE 100TH MEMORIAL DAY, CARBONDALE, ILL., MAY 30, 1968

"Let us then, at the appointed time, gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime. Let us raise above them the dear old flag they saved from dishonor. Let us in this solemn presence renew our pledges to aid and assist those whom they have left among us, a sacred charge upon the nation's gratitude—the soldier's and sailor's widow and orphan."—General John A. Logan.

Memorial Day was established as a national holiday exactly a century ago, when the state of Illinois was celebrating its 50th anniversary as a member of that Union which so many Illinois men had lately died to save.

In 1868, discussions were in progress across the nation about some fitting way to honor the large number of soldiers who had been killed in the bloody battles of the Civil War, 1861–1865. General John A. Logan, second commander-in-chief of the Grand Army of the Republic, issued his famous general order which set the first Memorial Day observance in motion.

A date in May was selected so that quantities of flowers would be available—the 30th because the 31st happened to fall on Sunday in 1868.

Copies of the order were distributed across the nation by the Associated Press. Veterans belonging to the Grand Army of the Republic and other citizens responded enthusiastically in 27 states and the District of Columbia (where General James A. Garfield, later President, gave the principal address).

In subsequent years, the annual Memorial Day observance was broadened to honor those who died in other wars.

The City of Carbondale and Woodlawn Cemetery unite to provide a patriotic service for the families and friends of American Veterans.

Notice was taken some time ago to the fact that upon the death of a veteran, the arm of service of which he was a member, provides an American Flag which covers the casket during the funeral. Before interment, this flag is given to the veteran's family. It is rarely flown. Instead, it is put away and serves as a silent and sad reminder of a loved one.

In 1966, with John Allen, local historian, as its first president, the National Flag Bank was formed in Carbondale. Owners of memorial flags may send them to the Bank. Each flag is then assigned a period in which it is flown over Woodlawn, following which the donor receives an attractive certification of the act and the receipt of the flag, signed by the Mayor of Carbondale and the President of the Memorial Day Association. This year's president is Mr. Paul Biggers.

Flags may be given to non-profit groups needing them. When flags are worn out, they are destroyed with appropriate ceremony.

The Gold Book, kept available for examination at the City Hall, is a permanent record of the names and service histories of veterans for whom flags have been deposited, and the donors.

In the two years of its existence, over seventy flags, from many states, have been received and flown over Woodlawn.

GRAND ARMY OF THE REPUBLIC,
HEADQUARTERS,
Washington, D.C., May 5, 1868.

1. The 30th day of May, 1868, is designated for the purpose of strewing with flowers or otherwise decorating the graves of comrades who died in defense of their country during the late rebellion, and whose bodies now lie in almost every city, village and hamlet church yard in the land. In this observance no form or ceremony is prescribed but posts and comrades will in their own way arrange such fitting services and testimonials of respect as circumstances may permit.

We are organized, comrades, as our regulations tell us, for the purpose, among other things, of preserving and strengthening those kind and fraternal feelings which have bound together the soldiers, sailors and marines who united to suppress the late rebellion. What can aid more to assure this result than by cherishing tenderly the memory of our heroic dead, who made their breasts a barricade between our country and its foes? Their soldier lives were the reveille of freedom to a race in chains and their death a tattoo of rebellious tyranny in arms. We should guard their graves with sacred vigilance. All that the consecrated wealth and taste of the nation can add to their adornment and security is but a fitting tribute to the memory of her slain defenders. Let no wanton foot tread rudely on such hallowed ground. Let pleasant paths invite the coming and going to reverent visitors and fond mourners. Let no vandalism or avarice or neglect, no ravages of time, testify to the present or to the coming generations that we have forgotten as a people, the cost of a free and undivided republic.

If other eyes grow dull and other hands slack and other hearts cold in the solemn trust, ours shall keep it well as long as the light and warmth of life remain in us.

Let us then, at the appointed time, gather around their sacred remains and garland the passionless mounds above them with the choicest flowers of springtime. Let us raise above them the dear old flag they saved from dishonor. Let us in this solemn presence renew our pledges to aid and assist those whom they have left among us a sacred charge upon the nation's gratitude—the soldier's and sailor's widow and orphan.

2. It is the purpose of the commander-in-chief to inaugurate this observance with the hope that it will be kept up from year to year while a survivor of the war remains to honor the memory of his departed comrades. He earnestly desires the public press to call attention to this order, and lend its friendly aid in bringing it to the notice of comrades in all parts of the country in time for simultaneous compliance therewith.

3. Department commanders will use every effort to make this order effective.

JOHN A. LOGAN,
Commander-in-Chief.

By order of N. P. Chipman,
Adjutant-General.

"Every man's life belongs to his country and no man has a right to refuse it when his country calls for it."—John A. Logan, *April* 29, 1866.

SEXTON JOHN GREEN'S MEMO OF FIRST MEMORIAL DAY OBSERVANCE

Memo

Decration, Was held here April, A D 1866 the last Sunday. Speaker's Was John logan. J. W. lane, Methodist preacher Who led in prear. coneal Ingersall, Master of the Day hog,s furnished by Dillengers boys. bred by John borgher. 219 comrades in line of march one fight, branson and russel, "Every Man,s life belongs to his contry And no Man has A right to refuse It When his contry Calls for It" Logan.

THE FIRST MEMORIAL DAY

This is an account of the very local beginning of the American institution of Memorial Day.

Ambrose Crowell, Russell Winchester and Jonathan F. Wiseman, three returned veterans who had served together in the recently ended Civil War, were early arrivals for worship services at Crab Orchard Christian Church, one mile south and four west of Carbondale, Illinois on Sunday morning, April 15, 1866. While awaiting arrival of others they were seated on the steps of the church, talking.

No one of them could have suspected that they soon would witness a simple incident that would lead to the formation of a national institution.

Seated on the church steps, they saw the widow of a former comrade in arms and her two small children approaching on the roadway. They thought it somewhat strange that the mother and children were carrying bouquets of freshly gathered flowers. The little group passed near the steps where Crowell, Winchester and Wiseman were sitting and turned into nearby Hiller Cemetery. There the mother and children removed brush and weeds from a burial plot and arranged their bouquets upon an unmarked grave. The three men were deeply impressed by the simple incident they had observed.

After the worship services were ended people lingered to visit and talk, as was the custom at country churches. The three men who had watched the little family group decorate a comrade's grave before the church services, went into the cemetery and began to clean the graves of other comrades, among them those of Abraham Hiller and Samuel Caswell, both of whom had died while in military service. Some from the lingering group joined in the work while others went to gather flowers to decorate other soldier graves.

Before the three men parted, Crowell suggested to Winchester and Wiseman that the graves of other comrades buried in nearby cemeteries should be cleaned and decorated in like manner, saying it would be an appropriate mark of respect. The three accordingly went to Carbondale together on the next day to see if the people there would in like manner clean and decorate the graves of some twenty soldiers buried in Woodlawn Cemetery near the eastern edge of town.

When this self constituted committee came to Carbondale on Monday, they first went to see Colonel E. J. Ingersoll, prominent business man and civic leader. Colonel Ingersoll heartily approved. Colonel D. H. Brush and other leading citizens of the town enthusiastically approved the proposed plan. A meeting therefore was called for Tuesday evening at the Methodist Church.

At the Tuesday evening meeting it was decided that the observance should be an all-day affair. The last Sunday in April, falling that year on the twenty-ninth of the month, was selected as the date. Colonel

Ingersoll agreed to serve as marshal of the day. The Dillinger brothers, prominent farmers in the Carbondale vicinity, volunteered to furnish hogs for a barbecue. Other farmers gave stock for the same purpose. John Borger, the town's baker, agreed to bake the bread.

Colonel Daniel H. Brush allowed those selected to decorate graves to gather available blooms from his well planted grounds, that then comprised the entire block where Brush School and the United States postoffice now stand. Wreaths were prepared in the northeastern corner of Brush's ground where the postoffice now is.

General John A. Logan, an outstanding military figure of southern Illinois, was chosen to deliver the principal address of the day. Others were designated to take care of various details. Information concerning plans for the day were sent throughout the countryside. People entered heartily into the plan for an observance of the day.

Participants began to arrive in Carbondale early on the morning of the twenty-ninth. The number gathered doubtlessly was the largest in the history of the town. Men who had served in the armed forces of the recently ended conflict met at the Methodist Church. There they were formed in ranks by Col. Ingersoll and marched to the cemetery. Two hundred nineteen men were in the line of march. General Logan marched with them.

At the cemetery, the Reverend J. W. Lane, pastor of the Methodist Episcopal Church, led in prayer. Colonel Brush made a short talk, explaining the purposes and significance of the day. Colonel Ingersoll presented the speaker.

Logan, then forty years old and nearing the height of his influence in state and national affairs, was an eloquent and forceful speaker. He was particularly so when the elements of patriotism and tribute to the military were principal themes.

No copy of General Logan's speech is known to have survived.

Fragmentary written records indicate it as one of his supreme efforts. Only one quotation written then has been found. This one is of Josephus's *Antiquities of the Jews*, owned by James Green, a cousin of General Logan, and at that time caretaker of Woodlawn Cemetery.

It was Green's practice to record events on the margins and in blank spaces in his books. It was upon the flyleaf of the book mentioned recorded with other information about the events of the day in a copy that he made the entry concerning the 1866 Memorial Day services.

The sentence recorded must have been the climax of Logan's speech and impressively delivered to have been chosen by Green as the one to be recorded in his book. It was "Every man's life belongs to his country and no man has a right to refuse it when his country calls for it."

After Logan's address and the decoration of veterans' graves, people departed. The first Memorial Day in Carbondale, and so far as available records reveal, the first community-wide, organized Memorial Day in America had become history.

Tradition relates that the next year, 1867, saw another observance of the day in Carbondale.

Logan wrote to his cousin, the previously mentioned James Green, that he was going to ask the G.A.R., of which he was then Commander-in-Chief, to sponsor Memorial Day services over the nation and that he would suggest May 30, as a suitable date on which the ceremony should be observed. Logan accordingly issued the now famous General Order No. 11 on May 5, 1868. It asked for a Memorial Day and asked that it be observed on each succeeding May 30.

In compliance with this order another observance of the day was held in Carbondale on May 30, 1868. At three-o'clock the church bells rang, and people gathered at the various churches while the soldiers, about 150 in number, gathered at Hindman's Corner. They were commanded by Captain Frank H. Riggs. Their line of march passed the churches where large numbers of citizens joined them. Proceeding to the cemetery they were addressed by Rev. Clark Braden, pastor of the Christian Church, and later president or principal of Southern Illinois College that occupied the site of present day Lincoln Junior High School.

Rev. Braden was an eloquent speaker and by all accounts made a most effective talk. The returned soldiers then proceeded under the leadership of Captain Riggs to "laurel the graves" of their departed comrades.

As they came to each grave Captain Riggs paused and called aloud the name of the buried comrade and the unit with which he had served. At the one unknown grave he proclaimed, "Here rests a stranger—All that we know is that he gave his life for his country."

These ceremonies were followed by the address of Captain Issac Clements that drew praise for its "eloquency, pathos and beauty of language."

Rev. Andrew Luce, pastor of the Presbyterian Church then spoke. He remarked that the God of Battles, who carried the country safely through four years of blood-shed, still guarded and protected all. After a prayer asking the blessings of God upon the country and its defenders, the procession reformed and marched to the Public Square, where they "broke ranks" and returned to their homes.

On April 13, 1869, Logan who had again been chosen to head the Grand Army of the Republic issued General Order 21, calling upon all posts to properly observe Memorial Day on May 30. The exact process of its observance was not prescribed. The press, the Congress of the United States, and all who had so freely helped in previous observances were thanked. Since May 30 occurred on Sunday, it was stated that the observance of the day might be made on Saturday, May 29, if such was desirable.

The New Era of Tuesday, May 25, 1869, carried the following item:

"At home—Gen. Logan arrived home on last Saturday, much improved in health. Thousands of true hearts welcomed the gallant Logan to his native hills."

According to previous arrangements a fourth observance of Memorial Day, that name then beginning to displace that of Decoration Day, was observed at Woodlawn Cemetery. The services had been arranged for Saturday, May 29, as G. O. No. 21 had indicated that they might, but rain forced their postponement to Sunday, May 30. Even then the weather threatened to prevent their being held. In the afternoon the sun came out and people began to gather. Hurried preparations were made and the planned program was carried out as nearly as was possible.

Soldiers met at the depot. Again they were formed in columns under the command of Col. E. J. Ingersoll. Once more they were joined there by Gen. Logan and marched to the cemetery. The glee club sang an ode, "Decoration Day" after this came a prayer offered by Chaplain Cole of the old 31st Illinois. The ceremony of decorating the graves of departed comrades was carried out. Following this twenty seven graves, names given, were decorated. Logan was next presented and addressed the crowd gathered. When he had finished, a closing hymn was sung and the benediction was invoked by Rev. J. W. (W. J.) Grant, pastor of the Methodist Episcopal Church. The people then departed, Carbondale had completed its fourth observance of Memorial or Decoration Day at Woodlawn Cemetery.

With some slight variances in dates, Memorial Day had become a national institution.

It is highly proper than this centennial of the 1866 observance be observed.

[From the Daily Egyptian, May 27, 1967]

PARADE BEGINS HOLIDAY: THREE CIVIL WAR VETERANS RECEIVE CREDIT FOR STARTING MEMORIAL DAY IN CARBONDALE

(By Barbara Wilson)

Organized Memorial Day services claim to have their beginning in 1866 in Carbondale, according to John W. Allen, SIU historian.

On a Sunday early in April of that year, three veterans of the War between the States were waiting for church services to begin at Crab Orchard Church. During their vigil, the men noticed the widow of one of their former comrades and her children entering the nearby cemetery.

As the three continued to watch, the mother and her children cleared off the soldier's grave and placed a bunch of flowers on it. So impressed by this incident were the three men that they, too, gathered flowers and decorated the graves of several other Civil War veterans buried in the cemetery.

Later, the men, Ambrose Crowell, Russel "Spade" Winchester, and Jonathan S. Wiseman, went to discuss with Colonel E. J. Ingersoll, prominent citizen of Carbondale, the possibility of decorating the graves of other veterans in the cemetery in Carbondale.

Soon plans were being made for an all-day affair, with Ingersoll elected marshal-of-the-day. Gen. John A. Logan was chosen to be the main speaker. April 27, 1866 was the day designated as the first Memorial Day, then known as Decoration Day.

On that day, under the direction of Colonel Ingersoll, 219 veterans in and around Carbondale formed into rank and marched to Woodlawn Cemetery. Opening the program with prayer was J. W. Lane, then pastor of the Methodist Episcopal Church. Col. Daniel H. Brush, Civil War veteran and prominent citizen of Carbondale, told of the purpose and significance of the occasion.

Logan, famous Illinois military man during the Civil War period, then gave his address. The only recorded quotation of his speech to be found is: "Every man's life belongs to his country, and no man has a right to refuse it when his country calls for it."

This year's Memorial Day observance will feature J. Lester Buford as the main speaker, with other activities being nearly the same as those initiated a century ago.

Carbondale's 101st Memorial Day celebration will start with a parade. Leaving the Carbondale Community High School at 9 a.m., the parade will march to Woodlawn Cemetery.

The prelude to the first Memorial Day, done in pantomime, will follow the introduction of David H. Keene, mayor of Carbondale.

Buford will give his address following Allen's speech on "Woodlawn's Place in History."

Several choral numbers will be presented by the Rockhill Baptist Church choir. There will also be the presentation of a book of records the "gold book", and the dedication of the "Woodman of the World" plaque.

Commemorating a practice which started with the first Decoration Day in 1866, wreaths will be placed on the graves of patriotic Americans. As with that first memorial observance, this year's Memorial Day program will close with a benediction given by one pastor representing all faiths.

[From the Southern Illinoisan, May 31, 1966]

MEMORIAL DAY CENTENNIAL OBSERVED: FLAGS FLY FOR WAR DEAD

(By Helen Coombs)

The first flag of the first National Flag Bank whipped in the freshening breeze in Carbondale Monday.

The Stars and Stripes was hauled to the top of the pole, then lowered to half mast.

A crowd was in Woodlawn Cemetery for the dedication of the memorial flag bank on the centennial anniversary of the founding of Memorial Day in the same cemetery.

A parade of bands, twirlers, scouts, veteran's groups and their auxiliaries and equestrians opened the day.

Cast members of the memorial pageant "Epilogue To Glory" in costumes of the Civil War era danced in the street at pauses along the parade route to the cemetery. They performed the pageant Monday afternoon and night.

It is good to recall and honor the past and to remember and honor and build from it, dedication speakers said.

"Give me a land with lays and legends," John Allen, president of the sponsoring Carbondale Memorial Day Association said.

"Woodlawn has its place in history."

For Allen the Memorial Day observance was the culmination of dreams from a lifetime study of history and legends of Southern Illinois.

The day was a finale to his helping establish Woodlawn's historic right to claim the first Memorial Day, and to his planning for Monday's observance.

Army Reserve Capt. Ernest Klein, a Special Forces chaplain from Huntington, Ind., dedicated the flag bank as a tribute to all American military men.

Capt. Klein, the Army's official authority on Memorial Day celebrations, said 18 other communities claim to have founded the day. But his historical research leads to Woodlawn Cemetery, he said.

State Rep. Clyde Choate, Anna, a Medal of Honor recipient, accepted the first flag from Mrs. Burrell Smith, Carbondale a founder of the flag bank.

Retired Army Brig. Gen. Oscar Koch read General Order No. 11 of the Grand Army of the Republic, signed by Gen. John A. Logan, which proclaimed Memorial Day almost a century ago. Koch has been the association's general coordinator.

Carbondale Mayor D. Blaney Miller was master of ceremonies. He introduced U.S. Rep. Kenneth J. Gray, D-West Frankfort, who later addressed guests at a Memorial Day luncheon.

Gray is working for the passage of a bill to declare Carbondale the official site of the first Memorial Day.

A choir from the Rock Hill Baptist Church had "The Battle Hymn of the Republic" among its selections.

Negro and white children together inched into the shade-speckled sunshine beneath the speakers' stand for a closer view of the flowered wreaths and flags.

At Pleasant Grove Memorial Cemetery between Murphysboro and Carbondale, 165 flags were displayed in honor of deceased veterans.

Joint memorial services were held in Marion by the Veterans of Foreign Wars and the American Legion.

Herrin Prairie American Legion Post and the Herrin VFW held joint services at the Doughboy statue in Herrin Park.

CARBONDALE MEMORIAL DAY ASSOCIATION, INC.

Carbondale, Ill.

The Carbondale Memorial Day Association requests the pleasure of your company at the observance of the 100th Anniversary of the Founding of Memorial Day at Carbondale, Illinois on Monday, May 30th, 1966.

The events of the day include a parade, starting at the Carbondale Community High School building at West Oak and North Springer Streets at 9:30 A.M., proceeding via Main Street to Woodlawn Cemetery where memorial services will be held.

To commemorate the historic founding as a "first" in the nation, the Association announces with pride another "first"—the dedication of the National Flag Bank at which the first flags donated to the bank will be honored. The services will feature the massed colors and guards of the services of the United States, the Army, Navy, Marine Corps, Coast Guard and Air Force. A national authority on Memorial Day will give a brief dedicatory talk; the flag will be raised by a holder of the coveted Congressional Medal of Honor; the inspiration of the first decoration day at Crab Orchard Christian Church will be presented in pantomime; suitable music and singing by a local choral group and martial airs by bands will complete the program.

In the afternoon and evening the Southern Illinois University Department of Theatre cooperates in presenting a historic pageant written and produced especially for the occasion at the theatre in the new Communications Building on campus. No seats will be reserved. Admission $1.00 (children under 12 years of age, matinee only, 50¢). As the theatre capacity is limited to 600 seats, advance reservations are urged.

A formal luncheon, honoring distinguished guests will be held immediately following the cemetery services, at the Southern Illinois University Ballroom University Center. Tickets by advance sale only, $2.00 per person, not later than May 23rd, 1966.

Please enclose self-addressed envelope with your reservation orders.

Yours sincerely,

JOHN W. ALLEN,
President.

[From the Southern Illinoisan, May 29, 1966]

GENERAL LOGAN SPOKE 100 YEARS AGO AT WOODLAWN: AREA TO HONOR WAR DEAD, OBSERVE DAY'S CENTENNIAL

(By Helen Coombs)

Civil War Gen. John A. Logan spoke of patriotism at what may have been the nation's first Memorial Day 100 years ago in Carbondale's Woodlawn Cemetery.

The same spirit of reverence for the military dead will guide memorial services Monday in the same cemetery.

This year Army Reserve Capt. Ernest C. Klein of Huntington, Ind., a chaplain attached to the Special Forces, is the main speaker.

He served with the 95th Infantry Division in Germany during World War II, and earned the Combat Infantry Badge as an enlisted man.

PARACHUTIST

At 31 he entered Army parachute jump school. Now a senior parachutist, he has made more than 40 jumps.

Capt. Klein was assigned to the Special Forces as a chaplain in 1963. The famous Green Beret now tops his uniform.

But his Green Beret is centered with a cross.

Born in Cullman, Ala., 42 years ago, Klein received his bachelor's degree at Franklin and Marshall University in Lancaster, Pa., and did graduate work at Edes Theological Seminary in Webster Groves, Mo.

He is now pastor of St. Peter's United Church of Christ in Huntington, Ind. His previous pastorate was in Centralia.

He is attached to the Army reserve group headquartered in Chicago and is the only Special Forces chaplain in the western part of the United States.

Capt. Klein came to the attention of the Carbondale Memorial Day Association for another reason as they worked to plan the centennial.

AUTHORITY ON DAY

He was referred to retired Army Brig. Gen. Oscar Koch, Carbondale, as the Army's authority on Memorial Day.

Koch became interested in Carbondale's claim to the first Memorial Day soon after he moved to the city about two years ago.

He and John Allen, Southern Illinois historian living in Carbondale, began an exhaustive investigation. They ended the study, and organized the Memorial Day Association, with the idea that Carbondale was the first.

Allen became president of the non-profit corporation. Koch has acted as general coordinator.

Cities in Virginia, Georgia, Mississippi and Pennsylvania had claimed to have had the first Memorial Day.

One of these was Boalsbury, Pa., where Capt. Klein served an early pastorate. It was there he began his hobby of Memorial Day study. He began his now massive, cross-indexed files.

His findings supported those of Koch and Allen.

SEXTON'S NOTE

The Memorial Day Association's documentary proof was a photograph of a notation by James Green, sexton at Woodlawn Cemetary.

Using the spelling typical of the educational level of the era, Green wrote in 1866:

"Decration was held here April 1866 . . ."

He continued to note a portion of Gen. Logan's speech:

"Every man's life belongs to his country and no man has a right to refuse it when his country calls for it."

The notation on the flyleaf of a book was found in 1930 and photographed for historical reference.

But the association's first concern is the spirit of Memorial Day rather than the absolute proof of the origin.

The morning parade and afternoon and evening performances of the pageant "Epilogue to Glory" have memorial themes.

Rep. Kenneth J. Gray, D–West Frankfort, will give a memorial speech at luncheon.

The highlight of the centennial will be Capt. Klein's morning dedication of flags donated to fly over Woodlawn Cemetary in memorial.

ADDITIONAL COSPONSORS OF BILLS

S. 3354

At the request of the Senator from Washington (Mr. JACKSON), the Senator from Oklahoma (Mr. HARRIS), the Senator from Montana (Mr. METCALF), and the Senator from Texas (Mr. YARBOROUGH) were added as cosponsors of S. 3354, to amend the Water Resources Planning Act (79 Stat. 244) to establish a National Land Use policy.

S. 3822

At the request of the Senator from Utah (Mr. BENNETT), the Senator from Michigan (Mr. GRIFFIN) was added as a cosponsor of S. 3822, the Credit Union Insurance bill.

S. 4106

At the request of the Senator from West Virginia (Mr. BYRD), on behalf of the Senator from Washington (Mr. MAGNUSON), the Senator from Maryland (Mr. TYDINGS) and the Senator from New Hampshire (Mr. MCINTYRE), were added as cosponsors of S. 4106, the National Health Service Corps Act of 1970.

S. 4154

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of S. 4154, to assist in the provision of housing for the elderly, and for other purposes.

S. 4246

At the request of the Senator from New Jersey (Mr. WILLIAMS), the Senator

from Maine (Mr. MUSKIE), was added as a cosponsor of S. 4246, to authorize a special emphasis transportation research and demonstration project program.

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 796 TO H.R. 16311

At the request of the Senator from Montana (Mr. METCALF), the Senator from Oklahoma (Mr. HARRIS) was added as a cosponsor of Amendment No. 796 to H.R. 16311, the Family Assistance Act.

AMENDMENT NO. 846 TO H.R. 18546

At the request of the Senator from Illinois (Mr. SMITH), the Senator from Colorado (Mr. ALLOTT), the Senator from Maryland (Mr. MATHIAS), and the Senator from Michigan (Mr. HART) were added as cosponsors of Amendment No. 846 to H.R. 18546, to establish improved programs for the benefit of producers and consumers of dairy products, wool, wheat, feed grains, cotton, and other commodities, to extend the Agricultural Trade Development and Assistance Act of 1954, as amended, and for other purposes.

NOTICE OF HEARING ON EXECUTIVE REORGANIZATION

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Connecticut (Mr. RIBICOFF), I announce that the Subcommittee on Executive Reorganization will hold a hearing on Reorganization Plan No. 4 of 1970, on September 1. The hearing will be in room 3302, New Senate Office Building at 10:30 a.m.

ADDITIONAL STATEMENTS OF SENATORS

A PLAN FOR PULLING BACK FROM SOUTHEAST ASIA

Mr. JORDAN of Idaho. Mr. President, when President Nixon took office in January of 1969 American foreign policy was bogged down throughout the world with an overburden of troop commitments. He inherited a war involving 536,000 Americans in South Vietnam and a total troop commitment of 912,000 throughout the Pacific and Asia. This is an overwhelming figure. It means that nearly 1 million American men were serving in the U.S. Armed Forces stationed for duty in the Far East.

Six months later, in June of 1969, on the island of Guam, President Nixon set forth the Nixon doctrine, a mature and far-reaching policy to untangle what had become a frighteningly vulnerable percentage of American Armed Forces committed into the Asian world. The Nixon doctrine outlined clearly that American policy will be to assist our friends and allies economically and materially to build themselves, withdrawing American military manpower so that our allies can have the opportunity to govern themselves, their area of the world, and to become equal partners with the United States in assuming the role of mediator for international stability.

The effects of this policy have already begun to be felt in Asia. The President has cut that initial figure of 912,000 American troops to 770,000 American troops and, if present estimates are correct, that figure will be reduced by the end of President Nixon's first term to 272,500 American troops. That figure would roughly mean that in a span of 4 years time the President will have cut our military committment by three-quarters of a million men. This return to a foreign policy which has guided the United States over nearly two centuries and kept her out of the business of other nations shows the concern the President has for the lives of the American people. And it shows as well the assessment by the administration that Asia is ready to shoulder the burden of her own foreign policy.

The U.S. News & World Report of August 31, 1970, contains an article breaking down this dramatic shift, country by country. I ask unanimous consent that the article be printed in the RECORD as being one of the clearest indications of the firm foreign policy upon which the United States is now embarked.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BEYOND AGNEW MISSION: A U.S. PLAN FOR PULLING BACK FROM ASIA

It was a clear and direct message that Vice President Spiro Agnew carried from the White House on his swing through the Far East and Southeast Asia. In sum:

The American role as guardian for all free Asia, constant since the end of World War II, is coming to an end more rapidly than most people think.

As the Pitcogram on these pages shows, plans are under way to reduce drastically the number of U.S. forces in the Far Pacific. As many as 500,000 of the 700,000 Americans now serving in that part of the world will probably be brought home by the end of 1972.

Force of the Nixon Doctrine: Asia allies are being told they must face up to the fact that the Nixon Doctrine, tentatively outlined in June a year ago by the President of Guam, now is the keystone of U.S. policy. That policy rests on the promise of material aid for allies in trouble, and a pledge of protection in case of attack by a nuclear power. But it also makes clear that the U.S. can no longer be counted on to furnish ground-combat troops for wars in Asia.

Four stops were on the Agnew schedule between Augucst 22 and 30—South Korea, Taiwan, South Vietnam and Thailand. All are key allies concerned with the U.S. pull-back.

South Korea, for example, fears that any sizable reduction in U.S. troop strength in that country—it totals 60,000 men in two divisions—will invite invasion by North Korea.

It was Mr. Agnew's mission to bolster the confidence of the South Koreans and other allies that, despite impending cuts, Asia was not being abandoned to the Reds.

In the case of South Korea, strategic U.S. studies have shown that a cut in U.S. troop strength, if balanced by an increase in U.S. air power in South Korea and more funds for modernizing Seoul's Army, will not weaken the South.

Importance of South Vietnam: Key to the pace of withdrawal throughout Asia depends on how fast the U.S. can bring remaining troops home from South Vietnam. Mr. Nixon has already cut strength there from 536,000 men to 400,000 and announced further reductions to 284,000 by next May. Administration sources hint strongly that the rate will be speeded up next spring, leaving a residual force of about 50,000 men in Vietnam at the end of 1972.

As fighting forces leave Vietnam, reductions will be permitted at air and naval bases, supply depots and hospitals in nearby countries. On Taiwan, for example, a reduction is forecast of at least 40 per cent in U.S. strength. U.S. forces in Thailand have already been trimmed by 6,000 men, and other reductions will follow as bombing missions supporting the war in Vietnam and Laos are cut back.

Okinawa, which the U.S. at one time hoped to retain as a strong point facing Red China, is being returned to Japan in an effort to end anti-American agitation there and in Tokyo, and U.S. forces could be cut by half by 1972.

In Japan itself, cuts are starting at military hospitals, airfields and supply centers. The U.S. will turn back 54 more bases in that country and may reduce strength to 20,000.

In the Philippines, withdrawal has been announced of 6,000 Americans by next June—and more will leave as Navy and Air Force support for Vietnam is diminished.

A year ago, some of these countries were clamoring for the U.S. to leave. Now the tune is changing. It was left to Mr. Agnew, in these circumstances, to explain that there is no turning back from the Nixon Doctrine, that two years from now the U.S. military role in Asia will be far different from the one Mr. Nixon inherited as President.

AMERICAN FORCES IN THE PACIFIC AND FAR EAST

	At start of Nixon administration	Today	At end of Nixon's term (estimate)
South Vietnam	536,000	400,000	50,000
South Korea	55,000	60,000	30,000
Thailand	45,000	42,000	10,000
Japan	41,000	39,000	20,000
Okinawa	40,000	55,000	30,000
Philippines	30,000	25,000	13,500
China (Taiwan)	15,000	9,000	9,000
Guam	10,000	10,000	10,000
Naval forces in Western Pacific	140,000	130,000	100,000

THE 221ST ANNIVERSARY OF BIRTH OF GOETHE

Mr. SCOTT. Mr. President, Friday marks the 221st anniversary of the birth of Johann Wolfgang von Goethe. One senses the deep emotion, feels the power, and experiences the vitality embedded in the words of this great German poet. Goethe transcends barriers of language, and establishes a catharsis with all who read his works.

Goethe's life, full of both disappointments and grand achievements, is reflected in his writings, ranging from the Anacreontic and pastoral poetry of his early life to the great perceptive dramas of "Faust" and "Egmont," written by a more somber, older Goethe.

But Goethe, more than a writer, was able to master most domains of human activity and knowledge. His was one of the last of universal minds, standing on the brink of an era of rapidly expanding knowledge which has made forever impossible the universality of interest and sympathy which distinguishes him. Goethe was an accomplished statesman, political economist, theater-director, drama critic, philosopher, and scientist.

This diversity is a tribute to his greatness. He is a poet, "for all time." He is universal; yet, he is still German. He puts into words the aspiration of peoples when he said:

Was du ererbt von deinen Vätern hast,
erwirb es, um es zu besitzen! (*Faust* P. 30).

Translated into English this means:

Earn what you have inherited from your forefathers if you would really possess it.

THE STEEL IMPORT THREAT

Mr. MOSS. Mr. President, the world trade situation in steel, as it affects the American steel industry, and all of its people, has reached a very critical posture.

I would like to review the situation for you, but first, I would like to recall that this is by no means the first time I have spoken in this body on the threat of steel imports to our domestic industry. I have also appeared a number of times before the Senate Finance Committee. The thrust of my comments in each instance has been the same—foreign steel imports must be kept within reasonable limits if our domestic steel industry is not to suffer serious harm.

I have been particularly concerned about the effect of the high level of imports from Japan on west coast markets because this imposes a special threat to the growth of the steel industry in Utah and in other Western States. The Geneva Steel Works, near Provo, traditionally has supplied about 25 percent of the total western steel market's need for structural, plate, hot rolled sheets, and tubular steel.

However, in the last few years the imports from Japan has expanded in these types of steel so tremendously that they have been cutting deeply into Geneva's markets. Unless firmer action is taken, steel import tonnage from Japan will reach a new record in 1970.

I would like to review with the Senate at this time three aspects of the world trade situation on steel.

First, I want to bring Senators up to date on the facts regarding total steel imports into, and steel exports from, this country;

Second, I shall review the economics of the steel trade situation as they bear on the industry;

Third, I wish to discuss the voluntary limitation program on steel imports and the urgent need either for a prompt strengthening of that program or, failing that, for legislative action.

In 1968, during a year of labor negotiations in steel, imports of steel surged to a record 18 million tons, almost 17 percent of consumption. That year, our steel trade deficit was $1.6 billion. In 1969, steel imports totaled 14 million tons, about 13.7 percent of consumption. That produced a steel trade deficit just below $1 billion.

With shipments for 1970 forecast at a level of about 90 million tons for the domestic steel industry, and with estimated imports of 13 million tons, we expect to continue to run a steel trade deficit just under $1 billion in 1970.

Despite the fact that our steel exports have increased to an expected 7 billion tons for the year, in response to a sharp increase in world demand, steel imports this year will be more than 13 percent of steel consumption.

The projected high percentage of imports to consumption and the projected high dollar deficit have been caused in part by an increase in steel prices in other major steel producing nations to a much greater extent than in this country. Accordingly, the value per ton of steel imports into the United States has risen. Additionally, a shift in imports to products of higher value has occurred with emphasis on speciality products, mainly stainless, alloy, and tool steels.

These factors, combined with the low value of our semifinished steel export products, will keep the dollar deficit in steel trade extremely high in 1970.

Thus, the impact of net steel imports in 1970, by market share and by dollar trade deficit, will be at about the same level as in 1969, the second highest year of steel import penetration on record.

The American steel industry faces important disadvantages in terms of foreign competition and steel imports into the United States. Forty-two percent of the world steel capacity outside the United States is government owned. In the free world, excluding the United States, 28 percent of steelmaking capacity is government owned in whole or in part. Because of these and other factors, foreign steel producers voluntarily agreed to limit their exports to the United States. Under the limitations, the European and Japanese producers estimated that the total imports of steel into the United States for 1969 would be 14 million net tons and pledged that there would be no significant shifts in product mix or geographic distribution. Steel imports in 1969 were 14 million tons, but changes occurred in the product mix principally in shifts to high-value steel products.

Specialty steel imports actually increased in 1969, rather than dropping 22 percent from the 1968 level, as was the case overall. In addition, the failure to distribute steel imports along existing prior geographic patterns adversely affected our western producers, who had imports in 1969 into the area 25 percent greater than the level anticipated under the limitations.

During the first quarter of 1970, the shift to products of higher dollar value has continued. Both stainless steel and tool steel imports increased in the first quarter.

The limitations, however, have not had an inflationary impact on steel prices or products. Steel prices have gone up less since the limitations began than the index for all metal products and steel profits were lower in 1969, and in 1970 to date, than in 1968.

Parenthetically, I note the industry had a net return of 7.9 percent on equity in 1968; 6.5 percent in 1969; and lower than that in the first half of 1970. Steel is still one of the lowest profit industries in America.

Moreover, since the inception of the voluntary limitation program in 1969, prices of steel in the United States have risen between January 1969 to May 1970 by 9.1 percent, while market prices of steel outside the United States have gone up by 19 percent in Germany; 13 percent in France; 18 percent in the United Kingdom; and in Japan 15 to 50 percent, depending on the product.

Mr. President, this situation regarding steel imports into the United States requires prompt Government action. Legislative action to impose quotas would far more effectively solve this critical problem than U.S. Government reliance on foreign industry commitments.

The product mix and geographical distribution commitments of the voluntary limitations were not adhered to and the resulting increase of steel imports in the West, as I have already indicated, is of particular concern to me.

In this Congress, as in past Congresses, I am one of the sponsors of bills before the Senate to limit steel imports.

On February 25, 1969, in the first few months of the first session I joined with 32 other Members of the Senate to sponsor S. 1164, a steel import bill introduced by Senator HARTKE.

I was very much interested to note that on July 28, 1970, my colleague from Utah in the House, Representative BURTON, introduced a bill which would have the same purpose. I welcome him aboard.

It is clear that we are fast approaching a point where the enactment of legislation to limit imports is the only effective answer. I hope that such action can be taken by both Houses of Congress this session—I shall certainly press for it.

PROBABLE SHORTAGES OF ENERGY

Mr. TOWER. Mr. President, on August 17, 1970, the Washington Post published an article entitled "Fuel-Short U.S. May Face Plant Closings, Rationing," written by Richard Harwood.

Mr. Harwood is to be praised for writing this timely article. In his comments, he explores the dimensions of the probable shortages of energy caused by various national and international influences.

The article should help to alert the public to the fact of probable shortages of energy in the months ahead. By being made aware of such shortages of energy and by knowing the reasons for these shortages. I hope that those affected will react in a calm and reasoned manner.

I ask unanimous consent that Mr. Harwood's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FUEL-SHORT UNITED STATES MAY FACE PLANT CLOSINGS, RATIONING

(By Richard Harwood)

The Boston Gas Co. announced weeks ago that it would import fuel from Algeria to meet its needs for the coming winter. It could not buy in the United States the natural gas it required.

At about the same time, the town of Braintree, Mass., asked for bids on fuel oil to run its generating plant for another 12 months. No bids were received.

The East Ohio Gas Co., serving Cleveland and other industrial centers, last month issued a warning. If there is severe and widespread cold this winter, factories will have to shut down to provide gas to heat homes, schools and hospitals.

Hundreds of miles to the south, the country's largest electric producer—the Tennessee Valley Authority—is today desperately seeking coal to run its steam plants. Its

normal 60-day stockpiles have dwindled to an average supply level of only 11 days. Some large plants have only a four-day coal supply on hand.

These are symptoms of the fuel "crisis" in the United States today. All over America utility companies, pipeline distributors and oil, gas and coal producers are talking about energy shortages. Some forms of rationing already have been imposed. Other forms may become necessary if the fragile balance between fuel supply and demand is titled the wrong way.

Wildcat strikes in the coal fields, pipeline breakdowns, railroad car shortages, trouble in the Middle East, a maritime strike, or an unusually coal winter could produce severe fuel problems affecting large segments of the population.

Barring developments of that kind, however, most Americans are not likely to suffer from the fuel "crisis" this winter. The average homeowner will have the heat and electricity he has grown accustomed to, according to the Federal Power Commission and according to the utility companies.

But he may be affected in other ways. Factory shutdowns in some areas are a distinct possibility. They occurred last winter in Ohio, New York, Pennsylvania, South Carolina, Georgia, Florida and other states. General Motors, Ford, U.S. Steel, the Atomic Energy Commission, Sylvania Electric and public school systems were among those affected.

Higher utility bills are another likely prospect. The Tennessee Valley Authority recently announced electric rate increases that will add about 25 per cent to consumer utility bills. The prices of industrial fuels, the President's Council of Economic Advisers reported last week, "have advanced with exceptional rapidity during the past year and especially during the first half of 1970." Coal prices are rising at an annual rate of 56 per cent. Fuel oil has been going up at an annual rate of 48 per cent. Big increases in natural gas prices are expected. They may cost consumers $1 billion a year.

"Never before in this century," said John Emerson, an economist for the Chase Manhattan Bank, "have we faced such serious and widespread shortages of energy. These shortages are upon us now."

The chairman of the Federal Power Commission, John Nassikas, confirmed that assessment in a speech last week. The demand for natural gas in the winter of 1970–71, he said, will exceed the supply by 3 billion cubic feet per day. ". . . The basic fossil fuel shortage," he said, "is the most acute phase of our developing energy crisis."

That is evident from what is happening all over the country. Huge utility companies—in Chicago, Washington, Baltimore and other cities—have started rationing their output. In the case of Washington and Baltimore, no new industrial customer can get service if his requirements exceed 300,000 cubic feet of gas per day. No old customer can buy more than 300,000 cubic feet per day of additional gas.

In the past 10 months, East Ohio Gas has turned down orders by steel, chemical and rubber companies for an additional 27 billion cubic feet of gas. Panhandle Eastern Pipeline Company has warned its distributors in the industrialized Great Lakes region that "they have need for volumes of natural gas far in excess of our present ability to supply."

That that these shortages should have come about in a trillion-dollar, peacetime economy is inconceivable to many people. U.S. coal deposits are virtually inexhaustible. There are enormous untapped gas and oil reserves both in this country and abroad. Moreover, the United States has the most sophisticated and extensive fuel production and distribution systems in the world.

Still the squeeze is on and the explanations for it are as confusing as the fact of the squeeze itself.

The natural gas industry, with nearly 40 million residential and commercial customers, blames most of its problems on the Federal Power Commission. FPC price ceilings on interstate sales have been so low, the industry claims, that it has been unprofitable to find and produce the natural gas the country needs. That is the view of the industry's allies in Congress, including Sen. John Tower (R.-Tex.), who declared last week that the "most important reason for the decline (in natural gas production) has been 15 years of chaotic regulation by the Federal Power Commission."

The commission itself no longer rejects that argument out of hand. It has taken steps to permit certain price increases and is aware, Chairman Nassikas said last week, that it "must recognize the realities of the market . . . within a regulatory framework which recognizes the law of supply and demand."

A quite different explanation for the natural gas shortage has been suggested by Bruce Netschert, an economist with National Economic Research Associates.

He implied in recent testimony before a Senate subcommittee that the current shortages may be artificial. The industry, he said, has declined to hook up 500 producing wells in the Gulf of Louisiana to distribution pipelines. The inference was that a gas shortage adds clout to the industry's pleas for price increases.

The coal problem, the industry says, is largely the fault of the big electric utilities who became enchanted with the possibilities of nuclear power a few years ago and refused to sign long-term contracts for coal. Without such contracts, said the National Coal Association, mining companies were both unwilling and unable to expand production. When the nuclear boom failed to materialize and the utilities began clamoring for more coal, the capacity to produce it was simply not there, the association claims.

The fuel oil shortage is blamed primarily on events in the Middle East, which for many years has been a major supplier to the American East Coast. A bulldozer sliced through the Trans-Arabian pipeline—by accident or design—in Syria a few weeks ago. This cut off 500,000 barrels a day that were going to tankers in the Mediterranean Sea.

To take up that slack, oil is now being shipped from the Persian Gulf around the Cape of Good Hope, a trip that takes six to eight times as long as a voyage via the Mediterranean. The resulting demand for tankers has exceeded the supply and driven up the cost of East Coast deliveries tremendously.

Another development was the decision in May of the Libyan government to cut production by 575,000 barrels a day. This was low-sulfur oil, much in demand on the East Coast since stringent air pollution regulations were imposed.

These supply deficiencies are difficult for U.S. producers to overcome because their production of residual fuel oil has always been limited. It is a low-profit product.

The growing national concern with air and water pollution is another factor in the fuel "crisis".

The cleanest fuel is natural gas and the demand for it by utilities and industrial customers has risen as dramatically as the demand for clean air. The demand for low-sulfur coals and fuel oil has also grown rapidly; in some cases, more rapidly than the supply.

Concern over the effect of thermal power plants on water quality has slowed down their construction and has further added to the demands on conventional fuel supplies.

The broad outlook for the winter, according to the FPC, is for occasional industrial fuel shortages but no hardship for residential consumers. That forecast assumes no major interruptions in fuel deliveries.

AMERICAN CATTLEMEN SEEK WIDER EXPORT MARKETS

Mr. SYMINGTON. Mr. President, the cattle industry is an important sector of our agricultural economy, accounting for approximately 30 percent of the cash receipts of farmers and ranchers in my State of Missouri. This industry generates great income for the rural economy and provides an important source of food for our people.

The American cattleman can take credit for supplying the consumer with plentiful quantities of high quality meat and meat products at a reasonably low cost. Our cattlemen have been in the forefront in applying modern science and technology to the cattle business. Gone is the day when cattle were judged according to their appearance in the show ring.

Today, performance testing, detailed recordkeeping and computers are the tools used to produce a better meat animal. How many pounds of beef will an animal produce, of what quality and, above all, at what cost? These are the important questions which modern cattlemen seek to answer.

As a result of the technical and managerial superiority of our cattlemen, foreign cattlemen wishing to improve their own herds look more and more to the United States as a source of high quality breeding animals. But for a variety of reasons, the exporting of American breeding stock in international trade remains small. Often, arbitrary restrictions are placed against the importation of our cattle because of alleged disease problems. In other instances, even more questionable methods are employed by foreign governments to exclude our cattle.

There is much we can do, however, to improve and facilitate the movement of our cattle to overseas markets.

Cattlemen in this country are interested in obtaining better quarantine facilities for cattle exports and more reliable medical procedures for insuring the safe movement of cattle between countries. At the same time, foreign governments must be ready to accept the idea that our cattlemen are no longer in turn willing to accept foreign meat shipments to the United States without any reciprocity. By reciprocity, I mean allowing American cattlemen their fair share of the breeding cattle market overseas.

It would be my hope, therefore, that soon we could look forward to the day when breeding cattle exports would be a big source of dollar earnings for this country in international trade.

In this connection, I ask unanimous consent that an editorial written by Mr. Jerry Litton, from the Litton Charolais Ranch near Chillicothe, Mo., and published in a recent issue of the "Charolais Bull-O-Gram" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

U.S. CATTLEMAN IS GETTING THE SHORT END OF THE STICK

Three weeks of visiting farms and attending livestock meetings in England, Wales, Scotland and France plus previous trips abroad has taught me that Americans, while being respected for their ingenuity and success, are also often times looked upon as "easy to be taken". And no group of Americans are being taken more in this area of world trade than U.S. cattlemen.

The failure of the U.S. Government to look out for the interests of the U.S. cattlemen as it does other interests in the country and the failure of U.S. cattlemen to stand up and fight has resulted in a deplorable situation for the American cattlemen.

Charolais had been raised in a small area of France for over 200 years without even spreading to other parts of France in any significant numbers. And then the U.S. cattlemen got hold of Charolais and showed the world what they could do. And yet, France, not the U.S., has benefitted from these efforts. In spite of the fact that more Charolais are being produced in the U.S. than France and it was the U.S. that brought the breed to the forefront after 200 years of largely unknown existence in France, it is France, and more recently England, Ireland, Japan and New Zealand, that is making money in the export market.

One of the biggest potential markets for breeding stock in the world is Australia and Australians want American Charolais because of easier calving. But Charolais or Charolais semen can't be exported from the U.S. to Australia. Instead the Charolais are sent from France to England, then New Zealand and eventually the progeny to Australia.

What would an export market to Australia mean to American Charolais producers? June 6, 1970 a Charolais sale was held in Australia. The sale consisted of Charolais crossbreeds brought in from New Zealand. Included in the offering were 9 half-blood bred heifers out of Angus cows and a Charolais bull. They sold for an average of $7,020 each. Just think what your half-blood heifers would be worth if they could be exported to Australia.

Five bred heifers with one ¼ Charolais blood sold for prices between $2,340 and $3,510 each. Twenty-four half-blood Charolais bulls (17 head were 10 month old calves) sold for figures from $3,000 to $6,000 each. Straight Angus cows which had been bred to Charolais in New Zealand (all they had going for them) brought as high as $1,700 each.

When one sees half-blood Charolais females worth $300 to $500 in the U.S. selling for an average of $7,020 in Australia it does make one's mouth water. And it is even more disheartening when you realize that Australians want American Charolais.

Here are some facts to keep in mind—and perhaps to write to your Congressman about:

1. The U.S. Congress has just passed a bill, Senate Bill 2306, authored by Senator Roman L. Hruska of Nebraska, to build a quarantine station at a cost of several million dollars on an offshore island for the purpose of making it possible to import breeding stock from countries which could not previously export to the United States because of hoof-and-mouth or rinderpest. I think it is fine to build a quarantine station to import breeding stock and provide the livestock industry with new genetic material. But, why shouldn't money also be spent to build a quarantine station for the U.S. to export or at least make some effort to set up export channels for U.S. cattlemen.

I am sure that cattlemen of other countries must appreciate the U.S. spending this kind of money to make it possible for them to export their product to the U.S. The question that must be asked is what is being done to make it possible for the U.S. cattlemen to export?

2. In 1969 the United States had by far the largest balance of payments deficit in its history—more than double that of any year in our history. For too long we have been interested in exporting U.S. dollars instead of U.S. products and it is catching up with us.

3. Of all farmers and ranchers in our agriculture complex in America the cattleman probably receives less in the way of subsidies than anyone else. Part of the reason is because he doesn't want it. His counterpart in England may get around $75 from the government to keep a cow a year (not bad when you consider the average cost of keeping a cow in the United States isn't much more than $100 a year). Even the Russian cattleman is subsidized. I couldn't find out how much you know how they are about giving out information. But the point to be made is that while the U.S. cattleman receives the least in subsidies, he is faced with the least amount of help in exporting and the most competition from imports.

Just think of the subsidies given to crop producers in the United States and on top of that the dollars the U.S. Government spends each year to export cotton, wheat, soybeans, etc. In spite of the fact that the United States is the biggest producer in the world of beef and in spite of the fact that while the cost of all goods and services have risen 40% in the past 20 years, a full hour's pay purchases 3½ pounds of beef today compared to 20 years ago showing the productivity of the American cattlemen, this country's cattlemen face more competition from beef imports than any cattlemen in the world. And we are going to get about 80 million more pounds this year than last year. The point is American cattlemen are doing more for less from the government and getting less consideration for it in comparison to producers of other agricultural commodities.

4. Australia and New Zealand account for a sizeable portion of the beef exported to the United States to compete with American cattle producers. And where do they go when it comes time to buy breeding stock—not the U.S. It is said that the existence of Blue Tongue disease in the U.S. and the fear that it will be transmitted from imported beef from the U.S. to sheep is the reason for barring all imports of breeding cattle from the U.S. But if a quarantine station can be built to bring in cattle to the U.S. from areas with dreaded disease like hoof-and-mouth, surely a quarantine station to admit cattle from the U.S. to Australia and New Zealand could be built.

5. We hear our Senators and Congressmen preach that trade is a two way street. Well, it isn't as far as the cattleman in the United States is concerned. In spite of being faced with competitive imports (more than any other country in the world) he can't reciprocate by selling breeding stock to these countries even though the cattlemen want to buy from us. They want to buy not only because of the recognized superiority of U.S. agricultural production and breeding methods and technology, but because it might also relieve some of the U.S. cattlemen pressure against their imported beef to the U.S. As it is they have to buy Charolais from countries who disagree to a great extent with American policy abroad.

6. Examine the lack of a two way street: England sells Charolais to the U.S. We cannot sell to England. Australia not only exports millions of pounds of beef to the U.S., but semen from Murrey Greys as well. Cattlemen in Austrlia say semen from American Charolais bulls would sell for $100 a vial in large quantities in Australia. Yet they send semen to us, but we can't send semen to them.

It was the U.S. cattlemen who really brought the attention of Charolais to the world and yet it is the rest of the world who is trading and profiting by it. England buys from France and sells to New Zealand who in turn sells to Australia. We can't sell to England, but Canada and France can. We can't sell to New Zealand, but England can. We can't sell to Australia, but New Zealand can. The U.S. is left out all the way around.

7. The AICA accepts a Charolais registered in the Charolais Herd Book of France, but will the Charolais Herd Book of France accept AICA papers? This is a question being posed to the Frenchmen now. You see a French Charolais herd wants to import an American Charolais bull (more details on that later) and the question is whether or not the French will accept AICA papers even though the AICA accepts French Herd Book papers. Another hurdle—according to the American Polled Hereford Association who recently exported some Polled Herefords to France after many obstacles, "There was and still is a French government restriction that the animals resulting from this cross must be slaughtered and not used or sold for breeding." In other words, they not only couldn't be registered, but their calves had to all be slaughtered. Now how's that for a two-way street in trade? We build a quarantine station at the cost of millions to import breeding stock from them and even if we did export to them, all the progeny would have to be slaughtered.

Tear this out and send it to your Congressman or Senator or write him a personal letter if you feel that U.S. cattlemen aren't getting a fair shake. Just write your U.S. Senator in care of the Senate Office Building, Washington, D.C. or your Congressman in care of the House Office Building, Washington, D.C. You would be surprised how much a letter from home means to an elected official. U.S. cattlemen haven't asked for much from the government in the past and they aren't asking for much now—just the opportunity to bring some U.S. dollars back home.

POLITICAL BROADCAST ADVERTISING

Mr. SCOTT. Mr. President, Congress, shortly after returning from its Labor Day recess, will be asked to approve or disapprove a political broadcast advertising conference report.

On August 18, 1970, WMAL–TV broadcast an editorial on the bill in question. I ask unanimous consent that the text of the editorial be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

POLITICAL BROADCAST ADVERTISING

The bill to limit political broadcast advertising is unfair. It is unfair to broadcasters, because it singles them out for restrictions. It is unfair to political candidates, because it keeps them from full use of their most effective weapon. And it is unfair to voters, because it suggests that somehow election campaigns will cost less.

The bill does not limit all campaign spending . . . just that on radio and television. The same political funds will simply be poured into other forms of advertising. The high cost of political campaigning is a national problem . . . but this bill won't solve it. The bill has advanced in Congress—we think—because it favors incumbents, who are already well-known. The outcry last week from one party shows the potential for political mischief. It is disgraceful that either party should favor such a bill in hopes of short-term or long-term political advantage. This highly discriminatory bill should be dropped. The voter will be best served by finding another solution to the problem of political campaign costs.

CULEBRA

Mr. JACKSON. Mr. President, as Senators are aware, I have initiated a detailed inquiry into the background of the necessity for, and alternatives to, the Navy's practice gunnery and bombing activities on the island of Culebra and adjoining cays.

The Senate is also aware that the junior Senator from New York (Mr. GOODELL) has proposed an amendment to the military procurement bill which would, in effect, terminate the Navy's use of Culebra. A number of Senators have joined in cosponsoring this amendment and many others have expressed deep concern over the Navy's use of Culebra. I wish to express my appreciation to Senator GOODELL for deferring action on his amendment while we search for a satisfactory solution to the present, unhappy situation on Culebra.

On August 11, 1970, the Secretary of the Navy, Hon. John H. Chaffee, Assistant Secretary of the Navy Frank P. Sanders, and other representatives of the Department of Defense appeared before the Armed Services Subcommittee on Military Construction to present a report on both the present and proposed Navy activities on Culebra. The committee's meeting was held in closed session not only because of the confidential nature of portions of the subject but also to encourage frank and open discussion of the present controversy.

Subsequent to the committee's meeting, I requested the Department of the Navy to respond to a number of questions on matters which I felt were not adequately covered during the hearing. I have requested that answers to these questions be made available to the committee no later than September 2, 1970. Among the matters of particular concern to me are the potential political ramifications of the Navy's present activities, the possibility of an accident endangering the lives and safety of the people on Culebra, a designation of alternative areas where the Navy's training requirements could be met without endangering national security, and the Navy's contingency plans for its training mission in the event that present activities should be prohibited.

I have also requested Secretary Hickel and the Department of the Interior to review lands in Federal ownership on Culebra and the adjoining cays and to provide me with a report on the suitability of using these lands for a national recreation area at some future date. This request, of course, assumes that it will be possible to find an alternative site or sites which will meet the Navy's requirements for coordinated training activities.

Mr. President, we have delayed too long coming to grips with the problem of Culebra. As a result of the Senate's concern, reflected by Senator GOODELL'S amendment and my investigation, there is some hope that the Navy is beginning to realize that the situation there is serious: That what is at stake is something more than the Navy's use of a training facility. In fact, what is at stake is the quality of life on Culebra and the Navy's right to decide how far it can go in affecting the lives and well-being of the people who live there.

I hope, Mr. President, that we will be able to resolve not only the immediate situation on Culebra but the broader question of what course the island's future development shall take.

NATIONAL SERVICE FRATERNITY WORKS TO ELIMINATE ARCHITECTURAL BARRIERS

Mr. DOLE. Mr. President, Alpha Phi Omega is a national service fraternity with over 500 chapters on college and university campuses throughout the United States. Alpha Phi Omega boasts a membership of over 119,000. This collegiate organization carries out a broad spectrum of meaningful service projects at the local, regional, and Federal levels.

Local service projects vary from providing Big Brothers for the community children's home and transportation for a handicapped classmate to caring for a university's cougar mascot. Phi Chapter at Syracuse University in Syracuse, N.Y., is promoting a nationwide architectural barriers project to alleviate physical barriers to the handicapped.

Public opinion polls have revealed that approximately two-thirds of the American public have not considered what a serious problem architectural barriers present in the Nation's handicapped, aged, and temporarily disabled.

One in every 10 persons is unable to use buildings and facilities designed for the able bodied. This fact prevents millions of American children from attending school and millions of adults from seeking higher education, training, and employment.

New facilities built and equipped to accommodate the handicapped cost little or no more than buildings designed only for the physically fit. Also, existing buildings are easily made barrier-free at only a nominal cost.

In short, inaccessibility is due simply to failure to think of the needs of the handicapped at the design and planning stage.

Mr. President, I commend Alpha Phi Omega for this public service project and ask unanimous consent that the article recently published in the spring 1970 issue of Torch and Trefoil be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A NATIONAL SERVICE PROPOSAL—ARCHITECTURAL BARRIERS

One out of seven people in our nation has a permanent physical disability. A great many more—possibly you or a brother—will find himself temporarily confined to a wheelchair or crutches due to an injury or disease. These people look at simple structures from a different viewpoint than that of the physically fit. Stairs become obstacles, telephones and water fountains unreachable, and most buildings objects to be viewed, but impossible to enter. These people are being discriminated against and denied a chance to use their talents, unaffected by their handicap.

What is the problem? In many cases it is a lack of simple planning. A ramp, or a wider door can easily turn an impenetrable fortress back into a building. These cost little and are easy to plan for, but the general public is not aware of these problems. With a basic education program these barriers can be eliminated in all future buildings.

And what of those structures already built? Many may be expensive to reconvert, but some can be made accessible through very simple measures, such as widening one door, eliminating three steps, or putting up directions to a well-lighted, accessible service entrance. A simple guide to a city, published for the handicapped, can be of great help. Imagine yourself confined to a wheelchair, having to go to a strange city. Where will you stay?

How will you get around? Such a guide can easily free such a person from complete dependence upon others, allowing him to choose the best facilities available.

We feel the solution to many of these problems lies in a program of information and correction. There are various activities that can be adopted by the various chapters depending upon their size and interests. Each activity alone can be a separate service project.

INFORM THE PUBLIC

Make local people aware of the problem. This will not take the form of pressure, but rather informal presentations, using movies which are available. People usually are very cooperative and eager to help once they become aware of the problem. Government officials can be contacted regarding legislation, action, such as building codes. Businessmen and agencies controlling public buildings, such as the college administration, can be urged to improve their facilities, or consider architectural barriers when planning new ones. Offer specific solution based on your survey, including costs, actual work, and benefits to be derived. Community groups may be quite eager to start a new project on a much larger scale than can be done by a chapter. Such contacts will improve communications between the chapter and the community, and make the community aware of your chapter, paving the way for further help from the community.

Getting our article published about this in the local newspaper may cause citizens to act.

HAVE THE CHAPTER TAKE ACTION

A. Parking facilities

Arrange for special parking facilities for disabled students and faculty. Paint special signs and offer to police these areas.

B. Buildings

A universal symbol for accessible buildings is being designed, and should be ready by this summer. Offer to paint and erect such signs on all buildings you feel are accessible.

C. Orientation and registration

Many times publishing a guide book is not practical. A special orientation tour for disabled students can give them a basic idea of what barriers are present on campus. Find out what courses they would be taking, and arrange with the registrar for preregistration and scheduling of these courses in accessible buildings or on ground floors.

D. Minor construction

There may be some areas where a simple ramp, or minor adjustments can be made by the chapter. Build any corrective devices that may possibly be useful.

E. Think disabled

Make sure any service project carried out does not have built-in barriers. For example, a book exchange should be in an accessible area. Disabled persons should not be overlooked as possible donors in blood drives.

F. Get a guide book prepared

A guide for the handicapped can cover either the campus or community. A survey of all buildings included in the book should

be taken. Gathering all statistics regarding access, parking facilities, elevators, interior halls, doors, and facilities. Sample survey sheets are available from Phi Chapter. These are then reduced to a short description for each building and arranged in booklet form. Many times the cost of printing will be absorbed by a civil group or the printer. The books are distributed to all those who will be using the facilities covered, and can be used by disabled people to plan their activities. It also locates architectural barrier problems in your community that can be used as concrete examples, as well as ones that the chapter can attempt to solve.

NATIONAL COORDINATION

By coordinating this project on a national level, a great impact can be made on the lives of disabled persons. There must be one central location where all news of chapter activities can be compiled; one source for information of where architectural barrier projects are being carried out. Many civic groups have attempted to tackle the problems of architectural barriers, but without national coordination their work has been known by few and left unused.

The importance of this project has been impressed upon us through letters from Secretary Finch and other notable people. Reactions from the college administration and the Architectural Barriers Committee of Syracuse have been favorable, with substantial support. Phi Chapter has all necessary information and material for each portion of the program. Each chapter should try in the next year to adopt some part of this project. We want as many opinions and ideas as possible. We hope to formally propose adoption of architectural barriers as a national service project at the 1970 National Convention in Dallas. Before then, all opinions from other chapters would be greatly appreciated. This is a project Alpha Phi Omega, as a national fraternity, can tackle and solve—now!

THE SLOVAK DESIRE FOR FREEDOM

Mr. SCOTT. Mr. President, on June 19 of this year, representatives of Slovak organizations throughout the world held the first world congress of Slovaks in New York City. This congress adopted a resolution which reaffirms the Slovak desire for freedom. I ask unanimous consent that the declaration be printed in the RECORD.

There being no objection, the declaration was ordered to be printed in the RECORD, as follows:

DECLARATION OF THE FIRST WORLD CONGRESS OF SLOVAKS IN NEW YORK, N.Y., JUNE 19–21, 1970

Representatives of Slovak organizations throughout the world, as well as individuals of Slovak origin in the United States of America, Canada, Australia, Switzerland, Italy, Austria, Sweden, England, Argentina, Germany, Spain and Chile, assembled in New York City in order to lay the foundations for the creation of a world organization of Slovaks hereby declare that:

The struggle for freedom and self-fulfillment is the constant goal throughout Slovak history. Attainment of this objective has not been without encountering obstacles, nor without requiring the work and struggle of many generations and countless sacrifices. Particularly now, when the Slovak nation is unable to determine its own destiny freely, everyone must make great sacrifices.

Slovaks living throughout the entire world, many of whom were born in the United States and elsewhere, accept as a moral duty the necessity to unite in the struggle for the natural rights of the Slovak nation and for the complete freedom in the determination of its destinies. We consider it our obligation to present to the world a true picture of the life and aspirations of the Slovak nation for a free and democatic way of life.

Today we are more acutely aware of this duty in view of the fact that the regime which has been forced upon the Slovak nation is opposed to the national traditions of Slovakia and the country is occupied by the military forces of a foreign Great Power.

Therefore, in view of the foregoing:

We subscribe to the traditional values of Slovak history which have promoted the rebirth of our nation, its growth and its acceptance in western civilization among cultured nations;

We contend that the Slovak question is an international problem and therefore we request that international justice be done Slovakia, justice that would be expressed in full democratic statehood;

We take a positive attitude towards the process of integration in Europe and we demand that the Slovak nation be given the right to participate freely and directly in this process.

We desire and hope that the situation in Central and Eastern Europe will change so that there will no longer be any obstacle towards establishing and maintaining cultural exchanges between the Slovaks at home and abroad which present conditions in Slovakia either make completely impossible, or allow only in a restricted sense.

We recommend the establishment of a permanent organization for the realization of all these aspirations under the name of: Slovak World Congress, which shall embody the spirit of brotherhood and mutual respect. Religious affiliations or political views, insofar as they are not contrary to the spirit of democracy and the objectives mentioned above, will not bar anyone from membership or active participation in our organization. We consider it essential that our goals and methods as well as our activities follow democratic principles.

We shall endeavour to have the Slovak World Congress represent its members on all international scientific, cultural, religious or political forums in the interests of the Slovak nation as expressed in the Constitution and by-laws of the organization.

We urge that the Slovak World Congress devote itself towards promoting the spirit of unity and to co-ordinate all national efforts through constant contact with member organizations maintained through central secretariats, regional secretariats, committees and information bureaus in various countries around the world.

We ask the blessing of Almighty God in this undertaking in the firm hope that with the help and co-operation of all Slovaks we may successfully fulfill our role.

ANDREW GRUTKA, D.D.,
Chairman.
STEFAN D. ROMAN, LL.D.,
Cochairman.

WOMEN'S RIGHTS: THE ROAD AHEAD

Mr. PROXMIRE. Mr. President, yesterday marked the 50th anniversary of the ratification of the 19th amendment to the Constitution guaranteeing women the right to vote. The day was marked by marches, speeches, and other events at which women pressed for expanded rights and opportunities. Much of the activity was very constructive and served to bring to public attention the need for new guarantees of equality in employment, political rights, and other areas. Unfortunately 1 day of protest will not produce the permanent reforms which are necessary if these goals are to be achieved. Sustained political action will be required if women are to gain the guarantees they seek.

Recently the House approved an amendment to the Constitution which will guarantee equal rights for women. This amendment will come before the Senate very shortly. If it is to pass the Senate, concerted political action of the part of women's rights organizations will be necessary to obtain the necessary support.

Another very important issue in which women can exert political pressure is the ratification of the Political Rights for Women Convention. This convention has been before the Senate for many years, but no real consideration has been given to it simply because very little pressure has been placed on the Senate to act. Now is the time for women to organize and urge their Senators to support this convention. The time for Senate action is now—women can make sure that favorable action is taken on this treaty.

"MR. ED" MARKS 40 YEARS AS FREDERICK CAB DRIVER

Mr. MATHIAS. Mr. President, in some communities the transportation of young children to and from kindergarten is a source of great concern to mothers. The mothers of kindergarten children in Frederick, however, have found a solution to this problem in the person of Ed Saltzman. Ed, with his station wagon taxi, known to everyone in town as "Eddie's School Cab," has been driving children to and from kindergartens all over Frederick for 30 of his 40 years as a driver. His friendliness and good humor are remembered by his passengers long after they have finished school. Many a young man or woman can be seen in town waving to Eddie's passing cab, just as they did when they were 5 or 6. Eddie's fans are not limited to past and present kindergarten children though. Many of Frederick's older citizens also rely on Eddie; often refusing, in fact, any other drivers.

If any one person is known and loved by all of Frederick, it is Ed Saltzman. Monica Main, of the Frederick Post, recently recounted some of Eddie's anecdotes in a story in honor of his 40th year of driving. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"MR. ED" MARKS 40 YEARS AS FREDERICK CAB DRIVER

(By Monica Main)

For more than 90 kindergarten and school children in Frederick, "Mr. Ed," the man with the big smile in the brown and yellow station wagon is an important part of their everyday life.

"Mr. Ed" is in reality, Edward K. Saltzman and the 1970 station wagon that he drives is known to mothers all over the city as

"Eddie's School Cab." The "cabbie" has transported generations of youngsters to and from their respective schools for 40 years.

In 1930, Saltzman began his colorful career in a 1930 Sedan.

"It was during fair week," Saltzman recalled. "Fair week was held in October in those days. I was living with my aunt and uncle. My uncle owned a cab service and asked if I would like to try my hand at driving. That's how it all began."

The school service became a routine part of his life as a cab driver in 1940. His school transportation began with 15 youngsters and has grown to a surprising 90 to 100 children today.

The oldest driver "in service years." Saltzman hauls children to Mrs. Corbin's Day Center, Church of the Brethren Kindergarten, Federated Children's Kindergarten, St. John's, Elm Street and North Frederick Schools.

"You learn so much," the father of seven declared, "especially from the children. I could write a book like Art Linkletter's 'Kids Say The Darndest Things.' Parents may not want me to repeat some of the amusing 'family tales' the children tell one another en route to school," he laughs.

For persons who feel cab driving is very dull work, consisting only of chauffeuring people around town, Saltzman describes several past experiences.

"I was once forced to take a pair of characters to Baltimore. I drove the distance with a gun in my back. Fortunately, I made it to Baltimore and they instructed me to return with mouth shut. I notified the police when I reached Frederick but the two were never apprehended."

Not all of Saltzman's mad-cap adventures occurred in the darkened evening hours.

"In broad daylight, after I had picked up two men who instructed me to transport them to Unionville, I was put out of my cab and forced to walk back to town. The state police, whom I reached after obtaining a ride with a passing motorist, were able to recover my cab but never were able to find the thieves. Money was taken, however, it was no great amount since I had just started my route."

Saltzman's passengers range from crooks to celebrities. On one incident a helicopter enroute to President Eisenhower's farm in Gettysburg, carrying the Secretary of Defense and his aides, broke down. Saltzman was summoned to transport the party to the farm and wait until the meeting had adjourned to drive them back to Washington.

"During the meeting," Saltzman explained, "the helicopter was repaired but I still waited because they hadn't paid their fare." When the meeting adjourned, the government workers paid their fare and President Eisenhower bid good day to the Frederick "cabbie."

During his 40 years of service, Saltzman has watched the growth of Frederick and the growth of cab fares.

"I can recall," the small man with graying temples reminisced, "when you could go anywhere in Frederick for 15 cents. Today the same trip will cost anywhere from $1.25-1.50."

Friendships form through a ride in "Eddie's cab." The smiling cabbie pointed out the late Harding sisters, who "wouldn't go anywhere without Eddie at the wheel."

Serving as a chauffeur and guide can be frustrating at times, he admits. Drinking customers give Saltzman reason for concern. "I am leery about taking them out of the city, and they sometimes have no idea where they want to go anyhow," he says.

Would he trade his job for another?

"No, I wouldn't," Saltzman states thoughtfully. "It's a great job. I love the children and most of my day is devoted to them. It's really great to transport children of the children I hauled in years past."

ENCOURAGEMENT IN SOUTHEAST ASIA

Mr. DOLE. Mr. President, encouraging news continues to come out of Vietnam, despite the efforts of some to minimize and belittle the President's efforts to bring about a just and lasting peace.

Today's encouraging news is that the newest casualty figure—the one for the week ending August 22—is 52 men, the lowest since the week ending December 3, 1966.

This, as Senators will recall, was in the early days of the period of the massive manpower buildups in South Vietnam under President Johnson.

It is always tragic to have to talk about encouraging news in terms of reduced casualties since one casualty is always one too many. Nobody, I can assure you, feels more strongly about that last statement than the President of the United States. And he is doing his level best to reach that 7-day period when we can report zero casualties.

There are those today who would do that by retreating or surrendering, but the President, whoever he may be, and in this case it is President Nixon, has the duty and responsibility to end this war in such a way that it insures peace throughout the world, not only today but also tomorrow, by maintaining America's credibility both with its allies and with its potential enemies.

That is what President Nixon is doing.

And that is what he was doing when he sent American troops into the North Vietnamese sanctuaries along the Cambodian border on May 1.

The success of the President's long-term approach as well as of the Cambodian operation is apparent in the figures released today.

Not only is this week's casualty figure the lowest in more than 3½ years, but also the casualty figure for the 8-week period ending August 22 is the lowest in 4½ years.

We have lost 560 men in the last 8 weeks. Not since the period ending February 12, 1966, when we lost 525 men, have we lost so few.

Another encouraging figure and one that emphasizes the worth of the Cambodian operation is the fact that every week in the 8 weeks since June 27, American casualties have run under the 100-a-week figure.

With these results, who can honestly say today that the Cambodian operation was not a success?

As I said earlier, any casualty is too many but the President is working desperately to end the war and to secure a lasting peace, one that will insure that our next generation of young men and women do not have to fight in either the jungles of Asia, or anywhere else in the world.

And, I am proud to say, the President is succeeding—succeeding despite the blind opposition of some who seek peace at any price and others, not so sincere, who seek to turn this terrible war into a political issue.

I assure you again, however, Mr. President, that it is President Nixon who will succeed and not the advocates of retreat and surrender. The American people have too much commonsense, too much love of and pride in their country, too much honor, and too much confidence in President Nixon to settle for less than a peace that embodies honor and justice and that gives the entire world a better chance for peace, not only today but also tomorrow and in the years ahead.

MARY EDITH WILROY, THE SUPERHOSTESS OF BLAIR HOUSE

Mr. MATHIAS. Mr. President, foreign heads of state, ambassadors, and dignitaries come and go in Washington with the assumption on the part of most of us that they are receiving the best in American hospitality. It is, of course, a valid assumption, due in large part to Mrs. Mary Edith Wilroy. Mrs. Wilroy is the hostess in charge of Blair House, which accommodates visiting kings, queens, presidents, diplomats, and other notables. She is charged with the care of these visitors, their meals, accommodations, and even drycleaning and appropriate flowers. The efficiency of Blair House under her guidance rivals the "neither rain, nor sleet, nor snow, nor dark of night" standard of the Post Office motto. Many an international crisis in the form of kitchen fires, and lost clothing and keys, has been expertly avoided by Mrs. Wilroy's outstanding ability.

Marylanders take great pride in being able to serve their Government, and a special debt of gratitude is certainly due Edith Wilroy, of Takoma Park. Her activities and personal insights were recently the subject of an article by Mary Finch Hoyt in Parade magazine. Mr. President, I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE SUPERHOSTESS OF BLAIR HOUSE

(By Mary Finch Hoyt)

WASHINGTON, D.C.—Mary Edith Wilroy is a name that few Americans know. But she has probably entertained more heads of state than any other person in the world—and been paid for doing so. She is the discreet super-hostess who runs Blair House (catty-corner from the White House), the President's guest house for visiting kings, queens, presidents, prime ministers, diplomats and other notables.

During the terms of three Presidents, Mrs. Wilroy has been "protocol officer," tactical commander and fiscal genius for the gracious Georgian-style house, which is furnished with priceless Americana donated by individuals, women's clubs, history buffs and business firms.

"My job is to provide a setting in which international relations can flourish," says the handsome grandmother of seven. "Basically, I go about it like any housewife would."

This means that dinner for 20 or maybe 40 is ready, the housework in 35 rooms is done and she is standing by the door to meet foreign dignitaries who occasionally have been escorted across the street and introduced to her by the President of the United States.

It also means that she must be prepared for the worst. Like the time a dry cleaning truck was stuck in a raging snowstorm with the laundry and evening suits of a party of foreign diplomats who were due at the White House at 8 p.m. "The weather was so bad that I couldn't rent a helicopter, so I finally called the Chief of Police and told him we were headed for an international disaster," she says. "At precisely the right moment a

Black Maria drew up at the door with the clothes. The guests never knew the difference."

A QUIET FIRE ALARM

On another evening, she made sure that Washington officials being entertained in candlelit splendor by a visiting head of state were unaware that excessive heat in the kitchen had triggered an automatic fire alarm at a nearby fire station. Between soup and dessert, Mrs. Wilroy persuaded firemen to take down the ladders already stretched to the third floor and remove fire equipment that completely blocked traffic on Pennsylvania Avenue, without any of the guests being the wiser.

Already this year, Mary Wilroy and her staff of four have kept their cool during a dozen or so state visits. In April alone, for instance, four important foreign guests called Blair House home for three days each, and Cabinet members and State Department officials and their wives—who are entitled to use the mansion—entertained at various luncheons, receptions and dinners for from ten to 200 people.

Word about a state visit comes to Mrs. Wilroy's basement office in Blair House from the State Department's Office of Protocol, of which she is an officer. Next she receives an attaché case full of fact cards which often include not only cultural and geographical data about the country of the visitors, but pictures, biographies and information about their hobbies and interests.

Then she has the huge old mansion put into impeccable order by her staff. The furniture and the old glass and silver—including some made by Paul Revere—are polished to a sheen. Historical memorabilia are dusted. Fine old brass is scrubbed. Fresh, monogrammed linen for bed, bath and table is selected. Candles with pleasant odors are placed in strategic spots. And in each room the supply of souvenir pencils, pens and the blue embossed Blair House stationery is replenished, bowls of fresh fruit, dried fruit, candy, and salted nuts are set out, daily papers and current American and foreign-language magazines brought in.

INDIVIDUALIZED FLOWERS

Mrs. Wilroy may buy favorite white freesias for the bedside of a queen, or pick a special bouquet from her own garden in Takoma Park, Md. When India's Prime Minister Nehru stayed at Blair House, she presented him daily with a fresh rosebud to wear.

"There is simply no routine to fit each occasion," she says, adding that she keeps her own personal file about any visitor who has stayed at Blair House before—like whether he has a wife, a large entourage, medical problems, religious preferences, food considerations or allergies.

Menus are planned with Blair House chef William Dallas. Hot "American" corn sticks, corn muffins or spoonbread and big, U.S.-style breakfasts and an around-the-clock buffet are specialties of the house.

At the very last minute before her guests arrive, Mrs. Wilroy checks to see that embossed name cards have been slipped into special holders on the doors of up to 15 suites awaiting the foreign contingent (they also receive maps with room assignments), that the house is neither too warm nor too cold, that TV sets and light bulbs are working and that doors are hospitably ajar into the cozily lit rooms of the four-story wheat-colored, green-shuttered home.

Sometimes, of course, things go wrong. Recently, she was forced to leave a royal guest standing outside his suite while she searched frantically for keys borrowed by his own security aide, who had slipped upstairs earlier, checked out the rooms, turned off the lights and locked every door in sight.

Mary Wilroy has been chatelaine of 1651 Pennsylvania Avenue since 1961 when she was plucked out of an administrative protocol job in the State Department and told to "go over there and run it as if it were your home."

It was purchased in 1942 by the U.S. Government, fully furnished, from the family of Francis P. Blair, a member of President Jackson's "Kitchen Cabinet." The Blair-Lee house next door, which was built for Blair's daughter who married a cousin of Robert E. Lee, was bought the following year. Now the two homes are connected and used jointly—the doors were cut through when the Truman family lived there while the White House was being renovated.

In 1964, the 140-year-old structure needed a facelift. It had an antiquated kitchen, no central air-conditioning, termites, a leaky water system, hazardous wiring. With Government funds the mansion was modernized and with about $200,000 of contributions from individuals and organizations a massive redecoration project was started. It is still going on.

The AFL–CIO, for instance, paid for redecorating the Lincoln Room, a small, butter-yellow reception room in which Robert E. Lee declined command of the Union Army.

A "king's suite," a handsome red and black bedroom chamber and adjoining library was furnished with gifts from Ambassador and Mrs. Angier Biddle Duke, the Harcourt Amorys Jr., and former Governor and Mrs. W. Averell Harriman.

DIPLOMATIC BUDGET

Mary Wilroy declines to talk about the annual budget for entertaining the President's guests. "When we have company in our home," she says diplomatically, "we don't talk about how much it costs." But because of the wear and tear of constant use, the mansion is always being repaired, and enhanced by new acquisitions. All gifts are approved by a Fine Arts Committee headed by the wife of the Chief of Protocol, who is currently Mrs. Emil S. Mosbacher Jr.

But Mary Wilroy makes the hard decisions about lining up the plumbers, electricians, carpenters and painters who must work quickly when one guest leaves and before another arrives.

Now divorced, she says that the biggest challenge in her life was running her own home and raising her two sons and two daughters.

On some nights when Blair House is dark, Mary Wilroy is able to commute to her own big old house in the Maryland suburbs. But more often she is scurrying around the Blair House mansion offering the kind of American hospitality that calls for finding a rare digestive herb to calm a royal guest; finding the recipe for a very special Norwegian birthday cake for the Prime Minister of Norway, or a bed long enough to accommodate Charles de Gaulle.

"All of this would be pretty heady stuff," admits the hostess of Blair House, "if only there were time to stop and think about it."

ANNIVERSARY OF THE CZECHOSLOVAKIA INVASION

Mr. DOLE. Mr. President, on August 20 a unique protest meeting was held in Washington to commemorate the second anniversary of the Soviet invasion of Czechoslovakia. The organizations sponsoring the meeting represented thousands of Americans of Czechoslovak origin and Czech and Slovak refugees in this country. The proceedings were presided over by Dr. Joseph K. Hasek, president of the District of Columbia chapter of the Czechoslovak National Council of America.

One of the principal accomplishments of the meeting was the adoption of a proclamation by the assembled delegates which outlined the rise and extinction of progressive liberalism in Czechoslovakia in 1968.

Mr. President, this is a compelling and eloquent document, and lest the Senate forget the events of 1968 in Czechoslovakia, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the document was ordered to be printed in the RECORD, as follows:

CZECHOSLOVAK NATIONAL COUNCIL OF AMERICA

On this sad occasion—the 2nd anniversary of the brutal Soviet-led invasion and occupation of the peaceful, freedom-loving country of our ancestors—we, American citizens of Czech, Slovak and Subcarpatho-Ruthenian descent, again remind the entire world of this Soviet violation of principles of international law, incorporated into the Charter of the United Nations.

The Soviet aggression and occupation of Czechoslovakia:

(1) violated the sovereignty of a member state of the United Nations (Article 2, Section 1);

(2) violated Article 2, Section 4, prohibiting the use of military force in the relations between individual members of the United Nations;

(3) violated the principle of self-determination of peoples (Article 1, Section 2);

(4) was in conflict with Article 2, Section 7, prohibiting outside intervention in matters essentially within the domestic jurisdiction of any state; and

(5) was in conflict with a number of resolutions of the General Assembly of the United Nations, particularly Resolution 2131 (XXI) adopted at the meeting of December 21, 1965, upon the Soviet Union's own motion. This resolution prohibits intervention in the domestic affairs of any state, and guarantees the protection of its independence and sovereignty.

The hopes that Czechoslovakia, following the Nazi occupation, would resume its splendid progress toward a modern democracy were first shattered by a communist coup in February, 1948. For the next 20 years, the communist regime lived on reserves accumulated by the 1918 generation, all the time deceiving the very ones in whose name communist revolutions occur: the working class. Czechoslovak workers never were given the promised factories; instead they became prey to communist state-capitalism and Soviet neo-colonialism. Wages gradually were reduced to only about half an adjusted pre-war level as compared to earnings being enjoyed by fellow-workers in the West. The whole nation was politically manipulated, and there was no freedom of press, expression or assembly permitted.

Soviet Russia forced Czechoslovakia to sign lopsided commercial treaties under which that country had to buy low-grade Russian raw materials at world-market prices but sell Russia manufactured goods at below market prices. This kind of operation understandably resulted in tremendous yearly losses for the Czechoslovak economy where foreign trade had been profitable and at least 75% western-oriented. Even under these conditions, Soviet Russia failed to fulfill its trade obligations, and by 1967 owed Czechoslovakia approximately $1 billion for excess deliveries.

The glorious spring of 1968 brought an end to oppression and hypocrisy. Without violence, united behind new, young leaders, Czechs and Slovaks began to expose and correct past blunders . . . until the Soviet war

machine mustered half a million troops and subdued a small, peace and freedom-loving country.

In Washington, on the first anniversary of that humiliating aggression and occupation, Czechoslovak democratic organizations called a Protest Meeting which was attended by many representatives of other exile and ethnic groups and won strong endorsement by many United States Senators, Governors, and Congressmen. That Meeting voted, by acclamation: August 21st shall henceforth be called the "Soviet Day of Shame." Similar meetings and demonstrations were held in Chicago and other cities in U.S.A. and throughout the world.

Now the continued Soviet occupation of Czechoslovakia is another crime against the right of a small country to determine its own destiny and aspirations. The invasion was an intervention by the forces of reactionary communism to prevent the Czechs and Slovaks from establishing their own social order . . . one that did not endanger anyone, and sought to contribute to the building of bridges of understanding across the discords of an ideologically divided world while lending aid to better understanding and cooperation among all nations on the basis of true progress and humanity.

The Soviet Union has tried, subsequently, to justify its crime by the so-called Brezhnev doctrine, which is—in fact—in direct conflict with the Charter of the United Nations. This doctrine tries to sanction aggression, and thereby deliver small countries to the "tender mercies" of the aggressive plans of Soviet imperialism.

The Czechoslovak people, however, are not resigning themselves to these aggressive plans of Moscow. They resisted, and continue to resist and reject, Moscow's claim to a right to intervene in the leadership of the State; they deny Soviet Russia the right to determine who should govern their country or represent it in foreign relations. August 21, in Czechoslovakia, is being commemorated as the "Soviet Day of Shame."

And those of us here in the United States who are joining our friends in Czechoslovakia, urge the whole civilized world to support the effort to achieve the withdrawal of Soviet troops from Czechoslovakia.

Especially at this time we remind representatives of free nations not to lose this opportunity to support the just demands of the people of Czechoslovakia in international meetings and bi-lateral negotiations. We are grateful to President Nixon for his statement of August 7, 1969, rejecting the Brezhnev doctrine and pointing out that he will not be guided by it in cooperating with countries of Eastern Europe. During the forthcoming General Assembly of the United Nations there will be many occasions for denouncing Soviet aggression and repeating demands for the withdrawal of Soviet forces from Czechoslovakia. We hope that representatives of all free nations will not let this opportunity be lost, but will help us solve a problem that endangers not only the peace in Europe but throughout the world.

AWARD OF DD–963 DESTROYER CONTRACT TO LITTON INDUSTRIES, INC.

Mrs. SMITH of Maine. Mr. President, on July 1, 1970, I asked the Comptroller General of the United States to have the General Accounting Office examine into the circumstances surrounding the recent award of a $2.1 billion contract to Litton Industries, Inc., for 30 DD–963 class destroyers. Yesterday I received a report from the Acting Comptroller General. Because of the great interest in this matter, I ask unanimous consent that his letter and report be printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

COMPTROLLER GENERAL OF THE UNITED STATES,
Washington, D.C., August 26, 1970.

Hon. MARGARET CHASE SMITH,
United States Senate.

DEAR SENATOR SMITH: This is in reference to your letter dated July 1, 1970, requesting that we examine into the circumstances surrounding the recent award of a $2.1 billion contract to Litton Industries, Inc., for 30 DD–963 class destroyers.

During our review of this matter, we examined records maintained by the Navy's DD–963 Project Managers Office; the Chief of Naval Operations DD–963 Program Coordinator; the Office of the Naval Ships System Command; Litton Industries, Inc., and Bath Iron Works, Inc. Although we did not obtain advance review comments on this letter from the Department of Defense, the Department of the Navy, or the companies, we discussed these matters with responsible Department of the Navy officials and company officials during the course of our review.

The DD–963 class destroyer program had its origin in late 1966 when officials of the Department of Defense, in recognition of the approaching obsolescence of segments of the Navy's surface fleet, initiated a new shipbuilding program. The primary missions of the DD–963 class destroyer are to (1) provide protection to attack carrier forces against the surface/submarine threat, (2) escort amphibious assault-preassault forces, and (3) conduct shore bombardment in support of amphibious assault or land warfare forces. The Navy inventory objective for destroyers of this type is 50 ships. A procurement program of 30 ships had been approved by the Secretary of Defense subject to congressional authorization. According to the Navy, no procurement action will be taken on the additional 20 ships until the 30 ship program has been funded. The Navy is procuring those destroyers through the concept formulation contract definition multi-year procurement process. A contract was awarded to Litton Industries on June 23, 1970.

FEATURES OF THE FPIS CONTRACT

The DD–963 destroyer contract is a multiyear fixed-price incentive, successive target (FPIS) contract. This type of contract provides for negotiating at the outset an initial target cost and an initial target profit (which make up the initial target price), a ceiling price, and a formula fixing the target profit at the target re-set point. At the re-set point a new formula may be negotiated. The target profit will be adjusted upward or downward fifteen percent (15%) of the difference between the total initial target cost and the re-set target cost, provided that in no event will re-set target profit be less than 6.53 percent ($107.5 million) or more than 10.87 percent ($178.9 million) of the total initial target cost. The ceiling price is not changed but remains at 130 percent of the initial target costs.

The initial target price for the Litton contract is $1.7892 billion. This consists of an initial target cost of $1.64607 billion and $143.13 million for initial target profit. The incentive price revision clause of the contract provides that the vessels being procured are subject to price revision within 90 days after the end of the 37th month after the execution date of the contract. It also provides that, in no event will the total re-set price exceed an established price ceiling of 130 percent of initial target costs, or $2.1399 billion.

The net effect of this is that at the target re-set point the estimate of costs for the 30 ships could have increased by $387 million (about $13 million per ship), and the contractor still would be entitled to a minimum profit of 6.53 percent of target cost or about $107.5 million unless the contractor exceeds the ceiling price.

IMPACT OF ESCALATION CONSIDERATIONS

The escalation features of this contract had a significant impact on the final price proposals of Litton and Bath. These features provided for quarterly labor and material escalation adjustments to be made automatically, based on changes in indices calculated by the Bureau of Labor Statistics without regard to changes in the bidder's actual costs. These automatic adjustments are determined by Navy tables included in the contract which apportion percentages of labor and materials to each individual quarter. The adjustments are made upward or downward and do not alter target cost, target profit, target price, or ceiling price.

In practice, the amount of escalation recoverable using the contract tables may differ from that which the contractor believes he may actually incur. Accordingly, he may include an adjustment for this difference in his price proposal which could either increase or decrease the price. It should be emphasized that the percentage increase either bidder would get from the escalation tables would be the same, since both would be based on the same table and the same index changes. The divergent views of the two bidders as to how economic price levels will perform over the life of this program and their ability to control their impact on their costs appear to have been the largest single point of difference between them in the fourth and final bid prices.

Litton, in its final proposal, estimated that its escalation recovery based on the Navy tables would be $143.7 million more than the escalation they would actually experience, and reduced their final proposal by this amount. Litton's estimate of their recovery of escalation on the third and fourth proposals are shown below in millions of dollars.

[In millions of dollars]

	Proposals	
	Feb. 2, 1970	Mar. 26, 1970
Estimated inflation	485.5	297.45
Estimated escalation payable by Navy	409.5	441.15
Total	76.0	----------
Less: Net escalation estimate included in proposal	72.0	----------
Estimated (under) or over-recovery of escalation	(4.0)	143.7

In reviewing the change in escalation with both DCAA and Litton, we were advised that this change resulted from new data and reconsideration of old data between February 2, and March 26, 1970. Four basic factors entered into this change:

1. Litton's estimates of economic inflation as it would apply under the Navy tables were revised upward to reflect the more recent increases in the labor and material indices. The effect of this was to increase the estimate of the amount of money that Litton would recover under the Navy tables.

2. Certain agreements were tentatively consummated with two primary suppliers that stabilized the exposure of Litton to escalation payments to these two suppliers. Although these agreements actually increased the expected amount payable for escalation, they also removed the risk of po-

tential increases in escalation payments to these two important suppliers.

3. A further analysis of the escalation exposure of a key Litton division heavily involved in this procurement resulted in adjustments in several areas and had the effect of substantially reducing the estimated net exposure of this subsidiary.

4. The fourth factor, which had by far the largest effect, was based on Litton's analysis of experiences in buying material on the LHA program. In effect, Litton believes that it will be able to write contracts without escalation clauses, because it had been successful in doing so in the LHA program, and will thereby substantially reduce its own escalation exposure.

Bath, in its final proposal estimated that its escalation recovery from the Navy tables would be $146.3 million less than it would incur. Bath's projected under-recovery from the tables is shown below in millions of dollars.

[In millions of dollars]

	Proposals	
	Feb. 2, 1970	Mar. 26, 1970
Estimated inflation	454.704	428.219
Estimated escalation payable by Navy	296.068	281.934
Estimated under-recovery of escalation	158.636	146.285

In effect, because Litton anticipated an over-recovery from the tables and Bath an under-recovery, the disparity between the two bids in total dollars was approximately $290 million. The impact of escalation was, therefore, a significant factor in the price competition for the 30 DD–963 destroyers.

If it is assumed that each bidder is correct on his own escalation and cost estimates, the final cost to the Government would be approximately five million dollars more per ship for Bath than for Litton regardless of which bidder's projection of escalation recovery proves to be correct. In Litton's case, should its projection of escalation recovery prove correct, the contract would be completed at about the initial target price, provided cost estimates are also reasonably accurate. If Bath's projection of escalation recovery from the Navy tables is correct, Litton will suffer some reduction in profit. If Bath had received the contract and Litton's projection of escalation recovery proves correct, then Bath would receive about $160 million more for escalation than it estimates. On the other hand, if Bath's projection proves correct, it would complete its contract at about its estimated target price, provided its cost estimates are also reasonably accurate.

REVIEWS OF FINAL PRICE PROPOSALS

Both bidders made substantial reductions in the prices proposed as between their third proposals and their "best and final" offers. Bath reduced its proposed target cost by about $3.6 million per ship, while Litton reduced its proposed target cost by about $9.8 million per ship. In the area of target profit, Bath made a reduction of about $1.3 million per ship compared with a $2.4 million per ship reduction made by Litton. The target price reductions amounted to about $5 million per ship for Bath and about $12 million per ship for Litton. Litton's $12 million per ship reduction was made up of (1) about $2.6 million in estimated material cost, (2) $7.2 million related to recovery of escalation, and (3) about $2.4 million in profit.

No audit of this reduction was conducted since it was the area of material costs that the Navy felt contained most of the contingencies in the February 2, 1970, offer. The Defense Contract Audit Agency (DCAA), in its audit of Litton's February 2nd proposal, had indicated that a material figure of $40.5 million per ship could be justified and that the difference between that figure and the $49.999 million included in the price offer was unsupportable. We were informed by the Navy that this difference, and the fact that a similar situation existed in the Bath offer, was one of the primary reasons why the Navy chose to request the "best and final" offer on the basis of a successive target contract. Thus, when Litton's reduction to $41.5 million per ship was received as the "best and final" offer, it was in reasonably close agreement with the recommendations of DCAA. Also, since there were no technical changes in the contract package between the third and fourth proposals which would affect the types and amounts of material involved, the Navy believed that it had sufficient confidence in the final price offer without further audit.

The ultimate contract price was agreed upon after the Navy had sought and received four specific proposals from the two competing companies. The first three proposals had been prepared on the basis that a firm-fixed price incentive contract would be awarded. The fourth proposal, a "best and final" offer, was prepared on the basis of a fixed-price, incentive contract with successive target prices. Reductions based on this change were made in a period of six days between the time the Navy asked for a "best and final" offer and the time the Navy required this offer to be submitted. Actually, four days had been allowed but this was extended to six as requested by Bath. This seems to us to be a very short period of time, but the Navy believed that each bidder was generally aware that such an offer would be required and was essentially prepared for it. They believe that this is borne out by the fact that both bidders were able to respond.

After we expressed concern that no formal audit was conducted of the changes in Litton's "best and final" offer, Navy, on August 12th, requested DCAA to audit these changes. DCAA's report susbtantially supported Litton's revised prices. However, it contained a qualification, to the effect that DCAA assumed Litton's estimate of the effect of economic inflation, and ability to control its own exposure, were accurate.

ALLOWANCE FOR RISK

Although the Navy maintains that the contractor's estimates of cost for the 30 ships are credible and very much in line with its own independently prepared estimates, the Navy did provide for sharing the risks of cost growth with the proposers. The Navy advised us that, although it believes that it has considerably reduced the technical risks in the procurement of this ship, it is also aware that all risks have been by no means eliminated. It was the intention of the Navy, through the early stages of contract definition, to award a fixed-price incentive contract. However, in its final assessment, it concluded that risks related to softness in major equipment vendor quotations and the additional detailed design work based on the performance type specifications made it unwise to award a fixed-price firm target contract. Any proposer would have to make provision for these risks, whether they did or did not develop. The 130 percent ceiling provision, in conjunction with the provision for a profit floor, permits an increase of $387 million above initial target cost, while still providing the contractor a profit of $107 million. This seems rather substantial. We recognize, however, that the precise amount of this allowance is a matter of judgment and the Navy points out that 30 percent is not unusual and has been used in other ship contracts.

OTHER RISKS ASSUMED BY THE NAVY

A risk assumed by the Navy—one that cannot be calculated—is the risk that in the future a situation might exist where the contractor cannot complete the contract for the ceiling price. The Navy considers this risk to be low in view of its planned close monitoring of technical, schedule, and cost aspects of the contract.

In addition, there is the risk that competition on future buys will be diminished considering the start-up and early learning costs in a procurement of this magnitude, assuming the same ground rules apply. The Navy is of the opinion that the risks are less than the expected advantages. The Navy believes that with other shipbuilding programs, such as the Maritime Administration's ten-year program to build 300 cargo ships, at least five firms, including Bath, will have an excellent opportunity to modernize and improve their competitive position for future destroyer programs. The above, of course, deal with subjective judgments, however, we believe that the Navy should be conscious of the fact that they are the only ones who build military-type ships since it, in essence, controls the military shipbuilding industry. This point is dealt with in the report of the Blue Ribbon Defense Panel, dated July 1, 1970. An extract from this report is attached as Appendix IV.

CONSIDERATION OF ALTERNATIVE MEANS OF BUYING SHIPS

While some consideration may have been given to alternative methods of procuring these ships, we saw no evidence that the Navy performed a thorough analysis of alternatives to awarding a contract of this magnitude to one supplier or of the potential consequences of this action. Whether or not it would have been to the Government's advantage to have these destroyers constructed in more than one yard does not appear to have been considered at that time and we have no firm data from which to assess that question. In anticipation of the possibility that there would be legislation requiring two or more awards, the Navy in the spring of 1969 prepared estimates showing that this would result in increased costs of $125 million to $150 million. Similar estimates made about a year later were $225 million. The production of destroyers of a single configuration will undoubtedly provide economy in both logistical support and in training of crews. Similarly, economy in production can normally be expected from volume production of identical items.

Recognizing that uncontrolled changes have, in past programs, resulted in significant cost growth, in schedule slippages, and in performance degradation, the Navy has taken extraordinary steps to control such changes as follows:

(a) All recommendations for changes must be analyzed and evaluated by several board reviews and by the Project Manager. Changes can be made only as specifically approved and directed by the Project Manager after complete analysis of cost, schedule and effectiveness. Changes which have adverse impact on characteristics or which increase cost or delay production schedule must be approved by the Chief of Naval Operations.

(b) The ship to be constructed is described in the contract. Should it be desired to make major ship system changes, it only can be done after the proposed new system has been thoroughly analyzed and justified to the Chief of Naval Operations, the Secretary of the Navy, the Secretary of Defense—through the Defense Systems Acquisition Review Council process—and then only after funds are obtained through congressional review and appropriation. Thus, major system changes in the ship must be fully funded before they are implemented.

Notwithstanding these efforts, the Navy's *past* experience over the years gives little encouragement that these destroyers really will be built to a single configuration. If, however, controls now planned by the Navy are strictly enforced, the changes in configuration should be kept to a minimum. Additionally, the concerns expressed herein regarding program risks and the procurement process apply regardless of whether Bath or Litton were the selected contractor.

Our specific responses to the matters raised in your letter are discussed in attachments to this letter.

In accordance with agreement reached with you that 24 hours after its delivery this letter could be released to the general public, we will make copies of this material available to those requesting it.

If you desire any further information on this matter, please let us know.

Sincerely yours,

R. F. KELLER,
Acting Comptroller General.

ANALYSIS OF SPECIFIC POINTS RAISED IN THE LETTER FROM SENATOR SMITH

Point 1. The possibility that the contract pricing re-set provision, introduced as a last minute change after three rounds of prices had already been submitted and audited, may have permitted a contractor to take advantage of the regulations to lower estimated costs with full knowledge that costs can be negotiated upward several years after the award at a small sacrifice in profit—but at the expense of another substantial overrun to the Government.

EVENTS LEADING TO AWARD

During the negotiation period leading to the award, the Navy requested and received from the two bidders (Bath and Litton) an initial pricing proposal, two supplements and a "best and final" offer. There were substantial changes between the initial proposal and the second and third offers due largely to changes in the scope of work. The "best and final" offer did not involve a change in the scope of the work.

Bath and Litton responded to the Navy's January 5, 1970, request for a proposal supplement on February 2, 1970. This was each bidder's third round of price and technical proposals for construction of 30 DD–963 destroyers. Both bidders' February 2, 1970, price proposals were predicated on award of a fixed-price incentive contract with a firm target price.

Navy officials advised us that evaluation of these responses indicated that the basic ship designs of each contractor were satisfactory and no further technical changes were required. However, they stated that the type contract previously proposed—fixed-price incentive with firm target—was no longer considered suitable for the DD–963 procurement and that a change to a fixed-price incentive contract with successive targets was indicated. Navy officials stated that the rationale for changing the type of contract centered on their difficulty in obtaining auditable supporting data from both Bath and Litton subcontractors.

Bath officials also indicated that they were hampered by the short time allowed for responding to the Navy's request of March 20, 1970, for a "best and final" offer even though their only request for an extension was granted in full. Litton officials stated they had discussed internally the possibility that the Navy might request use of a successive-target type contract although they had no knowledge of this change until the March 20, 1970, notification. They stated that they had adequate time to prepare a revised price proposal on a successive-target contract.

Both bidders had the same options under the request for proposals. Each bidder reduced its price considerably between March 20 and March 26 when "best and final" offers were submitted. The possibility of obtaining substantial recovery of overruns of target costs up to the ceiling price at the expense of a relatively small reduction in target profit after 39 months of the contract period was available to both bidders. The situation of the Navy would be about the same regardless of whether Litton or Bath received the contract if either found itself in the position of not being able to build the ships within the ceiling price.

ANALYSIS OF PRICE PROPOSALS

In addition to its own price analyses of the bidders' price proposals the contracting officer requested the Defense Contract Audit Agency (DCAA) to review the first three price proposals.

Our review of DCAA reports on the first three rounds of proposals and discussions with DCAA representatives substantiates the Navy's contention in regard to difficulties with subcontractor cost data. For example, at the time of the November price submittal, the Government was questioning $800 million of Litton's proposed costs. By February 2, 1970, these exceptions had been reduced to $230 million. A substantial portion of the reductions was achieved by Litton's acceptance of DCAA's recommendations.

We were informed by the DCAA representatives assigned to the DD–963 project office that, in many instances, DCAA was unable to obtain any reliable source data to support the prices quoted which resulted in substantial amounts of unresolved costs in both bidders' proposals. We discussed the problem of the reliability of subcontractor estimates with officials of both Bath and Litton. Both contractors stated they were ready to accept an award on each of their first three proposals, despite the Navy's concern over the subcontractor estimates. It seemed to be the opinion of both bidders that the reliability of subcontractor quotations steadily improved during the course of the negotiations.

We also found that, because of the difficulty in obtaining reliable subcontract data, the Navy had considered use of a successive-target type contract as early as June 1969. At that time, a decision was reached to continue efforts to use a firm target contract, subject to change to a successive-target contract during final negotiations.

On March 20, 1970, the Navy requested Bath and Litton to submit their "best and final" offer for the DD–963 program. No changes in the scope of the work were specified but the bidders were requested to submit their price proposals on the basis of a fixed-price incentive successive-target contract.

Both bidders submitted revised price proposals to the Navy on March 26, 1970. A per ship comparison of the bidders' February 2 and March 26, 1970, offers is shown below.

[Dollars in millions]

	Bath		Litton	
	3d, Feb. 2, 1970	4th, Mar. 26, 1970	3d, Feb. 2, 1970	4th Mar. 26, 1970
Target cost	$64.9	$61.3	$64.7	$54.9
Target profit:				
Rate (percent)	(13.5)	(12.2)	(11.1)	(8.8)
Dollars	8.8	7.5	7.2	4.8
Target price	73.7	68.8	71.9	59.7
Ceiling price	81.1	79.7	80.8	71.3

We were advised by Navy officials that no audit was requested by the procurement contracting officers on the "best and final" offers. They indicated that their comparison of Bath and Litton's "best and final" offers with their own estimates showed a high degree of similarity in the estimates required engineering and labor hours and in the proposed material costs. They concluded from this comparison that Litton's prices were credible and felt that no audit was needed.

In view of the very substantial reductions in price in Litton's final offer, however, and particularly since there was no change in the scope of the work, we believed that a detailed analysis of the basis of these reductions should be made. On August 12, 1970, the Navy requested DCAA to perform an audit of the changes. The results of that review are discussed in the accompanying letter.

COST GROWTH

As with any such large program, the possibility of cost growth exists and the history of military procurement would indicate that it is more than a possibility. But the Navy feels very strongly that the nature of this procurement and the actions they have taken reduce the risk of cost growth substantially.

Essentially, the Navy believes the risk involved in this contract centers around the long term commitment of the Navy and the contractor, the substantial dollars involved, and the concentration of the work in one facility. In our judgment, there are other factors involved, such as the realism of the Navy commitment to a ship design that will not be materially changed over a long period of time, the fact that the ship has not actually been built, and the possibility that the contractor may not be able to complete the contract within the ceiling price.

The Navy believes that these possibilities have been considerably reduced by the action they have taken. For the most part, components being utilized are "off-the-shelf". A potential problem lies in the integration of the propulsion system. The Navy considers the individual components to be satisfactory, all of which have undergone extensive testing programs in similar applications.

Although the weapon componentry now specified for the ship is off-the-shelf, the Navy also has improved versions for much of it in R&D. The Navy has required that provision be made in the ships' design to allow for incorporating these improvements without great difficulty. Additionally, special procedures have been instituted which require the highest approval before any significant design changes can be made.

Whether these actions will provide the advantage envisioned by the Navy, no one can say at this time. But as indicated above the Navy obviously believes that the actions they have taken significantly reduce the risks.

In addition to these factors, the escalation provisions of the contract provide that these payments will not alter target or ceiling price. Litton estimates this recovery from the Government for escalation of $441.150 million. Should this be an accurate estimate, this amount could be incurred above the ceiling price of $2.139 billion.

OTHERS FACTORS CONSIDERED IN MAKING AWARD

The Navy rationale for awarding the contract to Litton Industries, in addition to price competition, was based on an exhaustive source selection process that extended from about April 1969 to April 1970. This evaluation included five major areas of inquiry in the categories of life cycle cost, ship system, management plans, military effectiveness and corporate qualifications. In the final assessment by the Source Selection

Authority, Litton was given a numerical rating superior to Bath for the following categories.

	Bath	Litton
Ship system	5.80	5.85
Management plans	4.20	5.07
Military effectiveness	6.00	6.68

In the Navy's rating system all of these were considered in the normal range. The records also show that estimates for life cycle cost were also higher as proposed by Bath, by about 5½ percent. With regard to the category of corporate qualifications, our review shows that Bath had considerable difficulty in providing a financial plan acceptable to the Navy; however, the insufficiency of the financial plan was corrected during the final stages of the evaluation. The Source Selection Advisory Council ultimately concluded that the proposal of either contractor would provide destroyers suitable for the future needs of the Navy. Based on the decision of the Source Selection Authority, as well as the lower price quoted by Litton in the best and final offer, the award to Litton Industries was made.

Point 2. "The rationale for awarding a $2 billion shipbuilding contract to a company already carrying the largest new ship construction backlog in the industry."

Point 3. "The dangers from the standpoint of the United States Government of contracting a large portion of our new shipbuilding programs—including $2 billion plus total package procurements—under one corporate entity in the very face of the problems engendered by doing this in the Lockheed Aircraft Corporation case."

Point 5. "The dangerous impact on future competition leading to higher procurement cost in award to a shipbuilding company which has already constructed a new shipyard on the basis of prior total package awards enabling it to drive out proven destroyer-building capability."

In light of the related substance of issues 2, 3, and 5, we felt it appropriate to respond to them collectively.

The Navy's rationale with respect to issue number 2 is related essentially to price. The Navy determined that either bidder could perform the work under the contract. In substance, the Navy maintains that Litton will build the ships cheaper and should not be penalized for its strong position in the industry. With respect to issue number 3, the Navy believes that large cost overruns are unlikely to occur because it doesn't visualize any significant problems in developing this ship. With respect to issue number 5, Navy believes there is sufficient future shipbuilding business (Navy cites the proposal for 300 Maritime vessels and their hope for obtaining 20 additional destroyers) to maintain a competitive industry. Each of these points was dealt with by the Navy in a memorandum prepared in response to a request by the staff consultant, Senate Preparedness Investigating Subcommittee, a copy of which is attached.

The Navy's objective is to build a single ship that will substantially reduce logistical and other problems that have plagued the Navy over the years. In the last analysis, this objective appears to have been the overriding and compelling consideration by the Navy throughout this whole procurement, and has been the primary reason for adhering to the concept of an award to a single contractor.

We think that the substance of the Navy's rationale comes down to the desire to solve what are long standing problems by a standardized ship and to reduce the cost of acquisition as well as operations. However, by contracting with one company that risk is present that the company may not be able to complete the contract at the agreed price. It is possible that the company at some point could come to the Navy and say it is unable to build the ship for the contract price. Under these circumstances, the Navy would find itself with few options. The Navy says it does not expect that this is a real possibility, but it has occurred under other long-range production programs.

We believe also that there is some danger to future competition. Given the Navy's premise of a single ship design (presumably Litton's) at the lowest price, it is difficult to see how another company will be able to compete pricewise with Litton on future orders. Start-up and early learning costs in such a program are substantial and, assuming the same ground rules are applied in the future, it seems questionable as to whether anyone will be able to compete with the successful contractor in this award, no matter how many additional ships the Navy plans to buy. We are told that the differences in commercial and military ships, even if the Maritime program should become a reality would not make the winner of these awards competitive for military ships.

Point 4. Use of the multiyear contract which requires that Congress pay tremendous cancellation charges should it decide in future years not to make appropriations for continuance of the program.

As we understand the contract, the cancellation clause gives the Navy the option of cancelling at the end of any program year, and none of the costs of any ship not included in that program year will be borne by the Navy. As an example, the Navy could cancel the contract after the third ship, and they would in no way be obligated to pay any of the costs of any ships thereafter. There would, of course, be start-up costs, such as design and development work that would apply to all ships and would be largely incurred before any ships are built. However, these costs would be incurred for the most part even if the Navy were to contract for only three ships in the first place.

We think, therefore, that the cancellation clause keeps the Navy or the Congress from being irrevocably committed to the entire ship program and the costs to the Government of buying a lesser number of ships would not be materially different under either method.

Mrs. SMITH of Maine. Mr. President, in my opinion, the most pertinent observations and conclusions of the report are those which are in agreement with the same observations that have been previously made by myself and those in the "Staff Report on Navy Ship Procurement and Construction" made to the Blue Ribbon Defense Panel and which I reported here on August 18, 1970. These observations point up the risks and dangers of concentration of so much ship procurement in a single yard.

When all the destroyer procurement is given to Litton, what options does the Navy Department have should Litton go broke—what options does the Navy Department have if the failure of Lockheed on the C–5 aircraft is repeated by Litton on the DD–963 destroyer?

When all the destroyer procurement is given to Litton, what does this do to future competition?

Apparently the Comptroller General and the General Accounting Office found that the Navy was very narrow minded in this procurement for on pages 6 and 7 of the letter-report are to be found these statements:

While some consideration may have been given alternative methods of procuring these ships, we saw no evidence that the Navy performed a thorough analysis of alternatives to awarding a contract of this magnitude to one supplier or of the potential consequences of this action. Whether or not it would have been to the Government's advantage to have these destroyers constructed in more than one yard does not appear to have been considered at that time and we have no firm data from which to assess that question.

And further:

Notwithstanding these efforts, the Navy's *past* experience over the years gives little encouragement that these destroyers really will be built to a single configuration.

Special attention is directed to pages 8 and 9 of attachment I of the report for these observations by the GAO say in substance that past history is contradictory to the Navy's professed objective in this matter. I call specific attention to that section which states:

The Navy's objective is to build a single ship that will substantially reduce logistical and other problems that have plagued the Navy over the years. In the last analysis, this objective appears to have been the overriding and compelling consideration by the Navy throughout this whole procurement, and has been the primary reason for adhering to the concept of an award to a single contractor.

We think that the substance of the Navy's rationale comes down to the desire to solve what are long standing problems by a standardized ship and to reduce the cost of acquisition as well as operations. However, by contracting with one company the risk is present that the company may not be able to complete the contract at the agreed price. It is possible that the company at some point could come to the Navy and say it is unable to build the ship for the contract price. Under these circumstances, the Navy would find itself with few options. The Navy says it does not expect that this is a real possibility, but it has occurred under other long-range production programs.

We believe also that there is some danger to future competition. Given the Navy's premise of a single ship design (presumably Litton's) at the lowest price, it is difficult to see how another company will be able to compete pricewise with Litton on future orders. Start-up and early learning costs in such a program are substantial and, assuming the same ground rules are applied in the future, it seems questionable as to whether anyone will be able to compete with the successful contractor in this award, no matter how many additional ships the Navy plans to buy. We are told that the differences in commercial and military ships, even if the Maritime program should become a reality, would not make the winner of these awards competitive for military ships.

Mr. President, with the filing of this GAO report, we now have the situation of common criticism of the Navy on the award of the entire contract to Litton being made not just by myself and other Senators, but more significantly by the staff report of the Department of Defense's own Blue Ribbon Defense Panel and the Comptroller General of the United States and the General Accounting Office—severe criticism on the very same basic points.

In view of this, I think that Congress should find great persuasion to split this procurement in the best interests of our national security.

SENATOR KENNEDY'S PERCEPTIVE ADDRESSES TO THE AMERICAN BAR ASSOCIATION ANNUAL MEETING IN ST. LOUIS

Mr. SYMINGTON. Mr. President, earlier this month the distinguished senior Senator from Massachusetts (Mr. KENNEDY) made an extraordinary trip to my State to attend the annual meeting of the American Bar Association in St. Louis. His trip was extraordinary, first, because he was invited to appear by four different units of the ABA and, second, because during his four appearances within a period of 24 hours, he impressed all those who heard him with the range of his experience and the depth of his knowledge in the vital areas he touched upon.

On Monday night, August 10, Senator KENNEDY was the featured speaker at the prestigious annual dinner in honor of the judiciary sponsored by the ABA section on judicial administration. His speech, entitled "At the New Interface of Justice: Challenge and Opportunity," was an incisive call to action for judicial reform especially at the State and local level, and Chief Justice Burger himself called it a perfect companion to his own "State of the Judiciary" address on Federal judicial reform given earlier the same day.

On Wednesday morning, August 11, Senator KENNEDY spent the breakfast hour answering questions from law stuents on topics ranging from polarization in society to the prospects for a constitutional convention.

Next, he was the keynote speaker at a panel on "Hunger" sponsored by the ABA's individual rights and responsibilities section, and he vividly described the urgent need for a massive national assault on hunger and malnutrition.

Finally, he was the featured speaker at a luncheon given by the ABA's standing committee on legal aid and indigent defendants and the National Legal Aid and Defender Association in honor of the 50th anniversary of the ABA's commitment to legal aid and the fifth anniversary of the ABA's support for OEO's legal services program. His speech on "Citizen Advocacy: Trends for the 1970's" projected the growth of legal services and the broader function of citizen advocacy into a future where they will be an integral part of good government.

I believe that all three of his speeches merit careful reading and close consideration by all of us. I ask for unanimous consent that they be printed in the RECORD.

There being no objection, the speeches were ordered to be printed in the RECORD, as follows:

AT THE NEW INTERFACE OF JUSTICE: CHALLENGE AND OPPORTUNITY

The separation of powers and the independent prerogatives of the three branches of government are basic and cherished keystones of our constitutional system, at both the federal and state levels.

Yet, for those of us in Congress, and especially in the Senate, in practice, our focus is on the interdependence of the branches; our activity is constantly at the interfaces between our branch and the other two.

And in recent years we have spent an extraordinary amount of time and effort interacting with the Federal Judiciary.

Our most direct and difficult responsibility has been our constitutionally assigned task of screening federal court appointments to assure their quality, and we have taken this responsibility seriously at every level of the federal court system.

We have also spent a great deal of time generating more business for the federal courts, in such fields as civil rights, organized crime, riots, and gun control, and through such government reforms as the Freedom of Information Act. We have fought battles in the halls of Congress over whether to protect or dilute judicial precedents on such issues as one-man, one-vote, and the First, Fourth, Fifth, and Sixth Amendments, and the outcome of these battles has either generated or precluded extensive federal litigation.

At the same time we have sought to help solve the problems of the federal courts. Although they are still the poor relations in the Federal Establishment, receiving less than 1/10 of 1% of the total Federal Budget of $200 billion, we have during the '60's expanded the federal court system by 185 judges, 2087 employees, and $77 million. And we have done much more. We have replaced the U.S. Commisioners with an upgraded system of U.S. Magistrates. In the Criminal Justice Act of 1964, and the Bail Reform Act of 1966, we have enhanced the fairness of federal criminal justice. We have provided new funds to train U.S. Attorneys, and new law clerks for our judges. We are processing legislation now to encourage the establishment of federal defender offices, and—with the particular guidance and support of the ABA and your President—to create the position of Court Administrator in each circuit.

Perhaps most important of all, we have provided the Federal Judiciary with a research and development arm in the Federal Judicial Center, a focal point for future efforts to modernize and reform federal court performance.

Thus, while we have created problems for our co-equal branch, we have also sought to help solve them in a manner that at least holds potential for success. Certainly the critical situation which Chief Justice Warren has described as "presently bad and ominous for the future" is still with us, but we can now approach it with much more hope, hope borne not only of the new resources and tools Congress has provided, but also of the continuing leadership of men like Chief Justice Warren, Justice Clark, and Chief Justice Burger, who have, in turn, stimulated the interest and support of federal judges everywhere. Certainly, the Chief Justice's eloquent statement today will add great impetus.

Yet, any sense of progress we may feel in the federal courts is dulled by our knowledge that they are only a small part of the entire machinery for administering justice in America, and that in the rest of the system, in the state and local courts which are the instruments of justice for most citizens, there is a worsening crisis of almost unmanageable proportions. In many courts, justice seems about to grind to a complete halt. Immense backlogs, intolerable delays, assembly-line treatment, constant confusion, understaffing, under-planning, and under-funding, have transformed civil litigation into marathons and criminal justice into a hollow game. You who labor on and in the courts know the crisis at first hand, and for you statistics are redundant. But the facts are no longer the exclusive property of the profession. The public is becoming aware that something is awry. Citizen concern has been increasing and this has been reflected in the past few weeks by detailed stories in such publications as Time, Life, and Fortune, which have painted a vivid and disturbing picture of our courts for all the world to see.

The message is not a new one, and it has not been lost on those of us in Congress. If we had not heard it before, we certainly heard it in 1967 in the report of the National Crime Commission, in which so many judges and ABA leaders played a vital role. "The courts are the pivot on which the criminal justice system turns," the Commission said. But pointing to a long line of warnings dating back over half a century, from Charles Evans Hughes through the Wickersham Commission, and others, the 1967 Commission found it "distressing to report that these warnings have gone largely unheeded."

The Ninetieth Congress, however, did not allow this latest warning to go unheeded. We acted decisively to create a mechanism to invest substantial new resources in the entire criminal justice system. In the Safe Streets Act of 1968, we created a new "interface of justice" where federal, state, and local governments could join together to combine their efforts to combat crime. Through the Law Enforcement Assistance Administration, we provided for massive block grants to carry out comprehensive state plans to reform and update every dimension of the criminal justice system from police to courts to corrections. And we authorized sizeable discretionary grants to focus additional funds on priority and innovative programs. We established a National Institute of Law Enforcement and Criminal Justice to develop and test new concepts in all of these fields, and to create a nationwide flow of current information on promising answers to old problems. And we created an Academic Assistance Program to support the education of those who will enter criminal justice careers and those already engaged in them.

It is on this interface that we will focus in the 70's for it reflects the nation's needs and the public's demands. It is an ambitious program, and hard work and close monitoring will be vital to its success. We have just passed the program's second anniversary, and as one who was intimately involved in its drafting and passage, and who has followed its implementation in detail, I must candidly report that it has been only a qualified success. Right now in the Judiciary Committee, we are considering the necessity for structural reforms in L.E.A.A., and the need for administrative reform within that agency is universally recognized. Nevertheless the basic concept of large-scale federal assistance to state and local law enforcement and criminal justice programs is sound, and we are optimistic enough about its future to jump from a funding level of $268 million last year to a figure which will probably be between $750 million and one billion in fiscal '71, and substantially more than a billion thereafter. In the context of the estimated present total national expenditures on crime prevention and control of some 5 to 6 billion dollars, the federal increment will be significant indeed.

Among the problems, however, is one which all those here should be fully apprised of. Thus far, the court's dimension of the Law Enforcement Assistance Program has been its least successful and most disappointing component. For a time, by L.E.A.A.'s own analysis, partial fault was at the federal level where the priorities placed on corrections and police components within the Law Enforcement Assistance Administration left its court division understaffed and somewhat neglected. But that temporary defect cannot explain the dismaying showing of the court systems in the State Plans filed in Washington by each of the State Criminal Justice Planning Agencies in 1969 and 1970.

The figures for 1969 are almost embarrassing. Out of 21 million dollars of block grants distributed to the States, the state plans included projects in the amount of only

$1,382,1000, or 5%, on court-related programs, including prosecution and defense services. This compares to a national rate of spending on courts of 11% of all criminal justice expenditures.

17 out of the 50 states, or over one-third, had no court component whatsoever in their 1969 state plans. Another 15 states had only one such program each. The analyst who reviewed the plans for the Justice Department concluded that:

Most of the reporting states had not focused sharply on their court problems;

The court grant proposals submitted were vague and lacked comprehensiveness;

There was too much emphasis on "studies" in court-related fields that have been well-studied already and are ripe for action;

The proposals indicated that not much innovative work was being planned.

If the 1969 results were all we had, we might attribute these failures to the fact that the program was new or that the '69 plans were prepared on a rush deadline, or that other areas of the Criminal Justice system had more quickly and easily definable needs and opportunities. But now the results for fiscal 1970 are in, and they are almost equally disappointing, with some notable exceptions. And it is the exceptions which prove how deficient the other plans are. For example, in the large and urbanized state of New York, $2 million of the block grant of $16.3 million, or 12.2%, will be spent on court-related projects. And in the small and largely rural state of Idaho, $143,281, out of $702,900, or 20.3% will be spent on courts.

Nevertheless, the average court component for all the state plans is only 6.74%, or $12,452,000 out of the $184,522,000 available for block grants. Twelve states have allocated less than 3% to their court programs. One state which will receive nearly a million dollars more in block grants than New York, will spend over a million dollars less of its grant on its courts.

Of course, there are differences in needs and in relative progress from state to state which may explain some of these disparities. But they do not justify the general pattern of apparent neglect of court programs in the state plans as a group. Moreover, even in the area of discretionary grants, where state and local agencies can apply directly to the Justice Department for federal funds without necessarily going through the state planning process, only 4.19% of the available $30½ million went to court-related projects in fiscal '70, largely because of lack of demand.

These facts have grave implications for all of our goals for the administration of justice in America. First they suggest that we lack either the skill or the will to translate our hopes for the court system itself into action. Second, they indicate that those who know the courts dimension of the criminal justice system best, the judges and the practicing lawyers, are not participating in the state and local criminal justice planning processes.

These conclusions are unacceptable, and it is up to every member of the bench and the bar to see to it that they are rebutted. We cannot afford to miss this opportunity to match the realities of justice to the ideals of justice in our courts. Even at the unjustifiably low 1970 rate of under 7% of block grants spent on courts, the amount available in 1971 will be 25 to 40 million dollars, and if the courts proportion doubles, as it should, there may be $50 to 90 million of new capital available to our court systems in the coming year. I believe that we have both the will and the skill to make that investment and to make it wisely.

Certainly we have the commitment. Members of the bench and bar have come to recognize that court reform must be an issue for widespread involvement and not just for a few high court judges or bar officials. The appellate court judges have accepted the fact that they cannot merely lock themselves in their own courtrooms, but that they must get out and observe for themselves the bargain basement of justice, both to assist the sensitivity and relevance of their own decision-making on cases deriving from lower courts, and to enable them to use their prestige in the battle for lower court reforms. And I think most judges have realized that they can and must delegate administrative authority over court business to management experts who can apply modern business methods to the flow of cases, the storage and retrieval of court information and the scheduling of witnesses, lawyers, jurors and judges. For those few who fear interference with the judicial process, Justice Warren's answer should be dispositive: "The judge's opportunity to apply his independent judgment to the facts and law in individual cases," he said, "is enhanced and strengthened by the proper administration of the courts." Similarly most judges now know that bankers' hours and school teachers' calendars are anachronisms for members of busy courts, and defense counsel and prosecutors as well, know that the time has come to terminate the shell game of continuances to accommodate marginal lawyer needs.

So we do have the will. And we have at least enough of the way to absorb many times the newly available amount of capital. First and most important, we know that we are going to invest heavily in court management and administration. We must bring modern business efficiency to bear on the business of running the courts. A nation as successful as we have been in national defense, in space, and in industry should have ample management and technical skills to get its system of justice working effectively.

And we are going to have to make the necessary changes in structures and habits and processes to render this management meaningful. If we bring a computer into a court that is a mess, and do nothing else, then we are going to have a computerized mess.

But we have other things to be done: Summons systems and station-house release to eliminate court steps for minor offenders. Bail reform, well-designed and intensively followed through, not only to enhance fairness, but to reduce the largely wasted annual expenditures for pre-trial jailing which the Crime Commission estimated at $100,000,000. We need more defender offices, more training for prosecutors, sentencing institutes for judges, and presentence investigation facilities.

More importantly, we must adopt and install more drastic methods for reducing the flow of cases. The Bowery Project in New York, and other programs, have demonstrated how to eliminate from the judicial process public intoxication cases, where the courts can provide neither deterrence nor rehabilitation to the defendants, and the stream of defendants only degrades and demeans the courts in the eyes of the citizenry. Even for some of those who are brought into the criminal justice system, we have seen that it can have its impact on them without the necessity for grinding every one of them through the guilt-determination function. In our federal and state Narcotics Addict Rehabilitation Acts and in our Juvenile Courts we have examples of constructive dispositions without guilt determinations. And in New York City, the Vera Institute's employment project has tested a system where all arrestees for certain types of offenses are screened and considered for job training and job placement, and for counselling by reformed ex-convicts. If they are selected for the program, the project goes to court on their behalf and requests continuances of their cases, so that the task of rehabilitation can begin immediately. Of course, such methods of providing the courts with new alternatives require welcoming into court at an early stage new kinds of resources and new kinds of people to focus efforts on accomplishing quickly the goals of the criminal process without going through all its forms. But as Justice Burger said, just "as war is too important to be left to the generals, so justice is far too important to be left exclusively to the technicians of the law."

There is, then, no barrier of either desire or demand which can justify the poor showing of the courts in the first two years of the Law Enforcement Assistance Program. And so it is on the other conclusion that we must take aim, the indication that judges and lawyers are not contributing to the comprehensive crime planning that is meant to be going on at the local and state level everywhere.

Certainly this state of affairs would be regrettable enough solely in terms of its impact on the courts proportion of LEAA. We know that police officials have been extremely aggressive in seeking funds, and that corrections administrators are well-organized for grantsmanship. Thus if the judicial systems and their friends are timid, we will see federal monies going to air condition paddy wagons in cities where nothing is being done to relieve unbearable court backlogs.

But there is a broader and more basic implication. Those who work on and in the courts do not work in isolation and cannot plan in isolation.

The idea, for example, that there is any problem with a judge's participating in a state or local anti-crime planning agency must be repudiated, and I hope that this Section and the Association will take a clear stand on that point. Judges have a unique and valuable perspective on the entire criminal justice system, and they *must* participate in the planning process, not only to assure adequate attention to the courts' needs, but also to interact with those from the other components of the system.

Indeed, as the Crime Commission and many others have long recognized, one of the key problems with our criminal justice system is that it is *not* a system. Rather it has been a series of separate, only slightly coordinated mechanisms, each with different goals and attitudes and approaches. In many places the various participants have only the most formal contacts with one another. Many judges, for example, believe it is improper for them to even speak to policemen outside of court, presumably because it might affect their judicial detachment. But if there are not more, and more informal contacts we have no change of building a real system. Each participant must understand and take into account the other. The lines of communication feedback must be strengthened. The judge must talk to the policeman, and they must both talk to the correctional administrator. They must all ask themselves hard questions about the impact of what they are doing. I wonder how many judges have asked themselves what fraction of arrests for serious offenses in their communities result in dispositions that make any sense for society. I wonder how many judges have thought about the viewpoint of the policeman who cares much more about arrests than he does about follow-through. And how often do judges get detailed feedback showing the ultimate results of their sentencing decisions. Asking and answering questions like these helps us to take a real system view, to reexamine our goals, and tactics, and assumptions, and then to accomplish meaningful change.

But this process can only go on if all parties to the system relate and interact with one another. And right now there is no better forum than in the state and local planning processes which the Safe Streets Act has spawned.

The questions are hard, harder than they have ever been, and the answers are more

disturbing than ever. Yet now we have the resources and the knowledge and the dedication to try at least to face up to those answers. We can make our courts efficient. We can make them relevant. We can make them both fair and productive. We can make them an integral part of a system that has continuity, strategy, and impact. But we not again have as favorable a setting as we do today, so we must act forcefully and quickly and together. That is our challenge, and that is our opportunity.

HUNGER—1970

I am very pleased to be able to take part, this morning, in the discussion on Freedom from Hunger. I know that hunger is a topic in this year's convention because of the guidance and direction provided to the members of the American Bar Association by Mr. Lloyd Cutler and Mr. Jerome Shestack. No other subject of national concern is more deserving of critical attention. The Section of Individual Rights and Responsibilities has properly focused on the hunger issue as one which should command the attention of all of us who work with our nation's legal and legislative councils.

Our concern about the national hunger scandal is properly emphasized in the report and recommendation of the Section of Individual Rights and Responsibilities. That report urges rapid elimination of hunger and malnutrition in this country.

That is certainly not a new pronouncement. It is not an exhortation directing attention to a new or undiscovered national crisis. But because hunger in America is terribly widespread and totally unnecessary, I fully support the basic tenets of your recommendations—that the continued existence of substantial conditions of hunger and malnutrition are inexcusable, humanly unconscionable and economically and socially shortsighted. For those reasons the battle against hunger must be continued. The repetition of the call to eliminate hunger, as you have done, must be sounded daily, until every American is guaranteed an adequate diet.

I wish to join you in repeating the call for an end to hunger and starvation. In this morning's session I hope to review briefly some of the things that have happened in Washington to assure that no citizen will be permitted to go hungry. At the same time I hope we can discuss what remains to be done and how we might be able to do those things.

In the summer of 1968, sixteen congressional hearings produced statements, accusations, and responses that seemed to hopelessly tangle the true picture of hunger in America.

The majority of congressional witnesses testified that hunger does exist in this prosperous country, in urban slums, in the hills of Appalachia, on the worn out fields of the South, in the barrios of the Southwest and on Indian reservations.

"People are being starved" said Doctor Gatch, a South Carolina physician. "They are being deliberately denied their health and well-being." Hunger USA, the statistically based report of a citizen's Board of Inquiry argued that "ten million Americans are chronically hungry".

In addition, countless studies and endless tours revealed that many children as well as adults are not getting enough food to sustain life. Physicians who visited rural Mississippi counties in 1967 found little children so ridden with disease they were beyond cure.

Indices of substantial malnutrition and hunger appear in the findings among 12,000 people studied by Dr. Arnold E. Schaefer in the National Nutrition Survey in 1968. Doctor Schaefer methodically and conclusively gathered information that proves to everyone, including those who may be doubters that many Americans have bad nutritional health. His studies also verified what many people have long suspected—that in America today there exists not only those who are hungry and malnourished—but also, those who are starving.

He uncovered cases that reveal children who are victims of Kwashiorkor, the tragically consuming and debilitating malady—which fades hair color to a dull red, distends the stomach like a blow-toad, and saps life and energy from the muscles.

From countless documented accounts in statistical summaries, we know what the sad dreary picture of hunger in America looks like:

Approximately 27 million people in this country live in poverty. One third of these people receive some kind of government assistance. The remaining 18 million are really abandoned, and we have not yet found it in our conscience to begin dealing with their problems.

Three million children in America go to bed each night without a decent meal. They always wake up hungry. For these kids each day means there are three strikes against them—their breakfast, their lunch and their dinner.

Among infants admitted to Children's Hospital in Cincinnati 40 years ago, 20 per cent were anemic. In 1944, the incidence was the same. In 1965, that hospital's admissions still had no change in the incidence of anemic infants.

Only ⅓ of poor children in this country receive free or substantially reduced price school lunches.

Too many slum schools in our big cities have no school lunch program.

Food assistance programs are deliberately designed to provide only two-thirds the volume of food per person estimated to be an absolute minimum for nutritional health.

In 1968, 2.3 million farmers received Federal farm subsidies.

If those subsidies had been made on the same skimpy basis that food stamps are issued to the needy poor—only 193,000 farmers would have been subsidized.

Suppose the Defense Department provided adequate diets for just 16 percent of all military units; that was the percentage in 1968, of counties with hungry poor that got food stamps.

A strong correlation exists between prenatal and natal protein deficiency and mental retardation.

5.1 million Americans live in families whose yearly income is less than $1200 a year for a family of four.

Another 9.3 million Americans have incomes less than $2400 per year for a family of four.

Unless they have food assistance, these 14.4 million Americans are hungry because they are poor. This is the group that Federal food programs must help.

Yet as late as last summer, the principal Federal food assistance programs, the food stamp and commodity distribution programs, served only 3.2 million poor people. That amounts to 6.4 million of the estimated 27 million poor and 13 million near poor. Thus, the two programs combined serve a maximum of only 44 percent of the 14.4 million Americans who are so poor that they must have assistance if they are to escape malnutrition.

In short, these programs have never succeeded in reaching a significant proportion of those in need of help.

The participation gap in these food assistance programs is significant—but is often ignored by those who blame the poor for their plight.

In the average food stamp county only 10 percent of the poor actually receive food stamps. A poor family has only one chance in three of living in a county with a stamp program. And if the family happens to live in such a county, it still has only one chance in six of participating in the program.

It is clear from this capsule view that Federal family food assistance programs reach only a small portion of the poor. Moreover, the dollar value of food benefits provided by these aids and the need for food income for poor people is between $2 billion and $4 billion.

The poor can never get all of the things needed for a minimum level of subsistence in our economy. As one witness told Ben Heineman, Chairman of the President's Commission on Income Maintenance Programs, "I either eat good and smell bad, or smell good and don't eat."

For the most part what we hear and read about the poor comes to us in the cold faceless form of statistics. But the people who suffer because they have inadequate incomes are real and personable.

They include: A woman of 72, room bound in a grimy cold flat. A miner with one lung, and no electricity in his mountain shanty. A former farm hand, cotton chopper, orange picker, who has been made obsolete at 32 by mechanization or minimum wage laws. A deserted mother of six in a county that doesn't believe in welfare and doesn't have a food stamp or commodity food program. A slum child in a big city whose father works every day, but earns just $1.40 an hour.

Millions of the hungry of America thus receive no welfare help. They are deprived of nourishment in a country teeming with abundance. Most of us have yet to admit that existing assistance programs do not provide the means to insure even minimum well-being for the unfortunate. The notion that an abundantly adequate subsidy for the "worthy" factors of our economy has not yet spilled over to the care we allocate for the poor.

This is not a problem, however, that is insoluble. Many experts agree that Federal Food Assistance Programs are not bad devices. With enough money and flexibility they can be effective.

Dr. Jean Mayer of the Harvard School of Public Health, suggests that the Food Stamp program be federalized and computerized. According to his proposal, needy people would simply make a statement declaring their requirement and family needs. Then, food stamps would be distributed much the way we now issue assistance through the Social Security Program.

Doctor Mayer and a number of others believe that ultimately food programs ought to be recognized as income supplements and become part of an income maintenance system.

I agree.

The shortage of food in the homes of the poor is not a matter of agriculture. It is a natural and understandable product of a system that thrives on profits. But that system cannot serve effectively the poor people in our population because they offer no means to produce a profit. The obvious and the only way to do that is to improve the income of the poor.

Current action in the Congress and Public concern for the need to revise our national policies of welfare assistance will hopefully be able to do that.

In the past, programs and laws designated to assist the unfortunate were not necessarily planned to provide for protection of their nutritional health.

We have aid to the blind; aid to the permanently and totally disabled; and aid to dependent children. The very names indicate that one must be more than just poor to receive assistance. But none of these programs protect the hungry among the poor.

Laws that were nominally designed to assist the hungry only provide aid to them as an incidental side effect. Even when the nation has conscientiously tried to help the poor it has done so only to the benefit of the so-called "worthy" factors of the economy.

The Agricultural Act of 1935 resulted in benefits as favorable or the farmer as the

Smoot-Hawley Tariff act has been for the manufacturer.

Section 32 of the Agricultural Act encouraged the over production of farm goods in the embarrassingly large quantities that we have today. Each year more than $100 million is spent buying up fresh milk—presumably for consumption by children of all economic classes. But the expressed purpose of the program is frankly not to be construed as a program for the benefit of children, but as one primarily for the milk producers.

Also under the Agricultural Act of the Thirties was the authorization for the initial food stamp program. It was designed to satisfy the grocers' claim for special subsidy consideration. After the start of World War II, food stamps were abandoned, partly because we learned how poorly it served the needs of the hungry.

But in the fifties, we again heard the grocers' pleas for special consideration.

They regarded those who received food from surplus commodity distribution program as lost customers. Conveniently, they ignored the fact that people getting the trickle of surplus commodities were too poor to be viable customers in the first place. The nation's response to the grocers' plea was to revive the old food stamp plan of the thirties.

But again this provides evidence that we reverted to the food stamp program for the benefit of the grocer, not for service to the hungry.

Indeed there is ample evidence that stamp purchase and benefit levels were designed purely for the convenience of program administration and producer profit. The typical food stamp participant family must pay between 37 and 50 percent of its monthly income for food. Which by the way, is the proportion spent for food in many communist countries. While the average American housewife spends 17 percent of the family's money for food.

The Food Stamp Program has little relevance to the family wage earner who follows the crops, does day work, seeks unsuccessfully for a better job, or, while having physical and educational handicaps, tries to retain the family unit and thus is denied welfare.

Other food programs are not much better. Reams of Congressional testimony show similar flaws in the surplus commodity program and in the School Lunch Program. Poor people's needs are consistently the last consideration made in the developing design of such assistance devices.

And so it is, that it can fairly be said, all current laws enacted to bring an end to hunger are suspect in the hollow-eyed stare of the hungry. This, in a country that has shown great ingenuity in responding to human and material emergencies.

If there is a flood or a hurricane, we have a national disaster procedure for the President to employ.

If an entire continent is destroyed by war, we devise a Marshall Plan.

If there is an earthquake in Peru, we send a member of the first family and plane loads of supplies.

If we deem a nation in Southeast Asia vital to our security, we go to war.

There is no end to our ingenuity and resources when the determination is made that a real problem exists, either here or abroad.

But what of the hungry among us. I submit that our response has not been sufficient.

Since Senator Robert Kennedy and Senator Joseph Clark made their tour of several Mississippi counties in 1967, considerable public attention has been focused on the hunger crisis. The public reacted to the CBS documentary "Hunger in America" with considerable furor. That was an encouraging response.

Public debate over the issue of hunger was startling. Lawsuits were filed. The White House and Congress were deluged with mail. The rigid disinterest of middle-class America was shattered. And the history of political manipulation entered an era of critical scrutiny.

Congress got the word. Quickly but carefully, legislation was prepared in the House—two Bills pertaining to school lunches and one proposing a Hunger Commission.

In the Senate the issue of hunger was met head on—first, action was taken to authorize Section 32 funds to feed more poor children. It then acted to create the Select Committee on Nutrition and Human Needs. The Senate mandated that Committee "to conduct a complete study of all matters pertaining to the food, medical and other related basic needs among the American people".

Through participation as a member of that Committee, I watched and studied repeated evidences of the existence of chronic hunger and malnutrition in the United States.

Yet, throughout the hearings the committee heard witness after witness complain about the administration of Federal food assistance programs.

Last Fall I was deeply involved, along with others in the Senate, to insure passage of two food assistance measures:

The first, S. 2547—amended the food stamp Act to provide for more money and to liberalize administration of that program.

After action by the House that introduced a work requirement, and removed the Senate passed provisions authorizing free food stamps to the very needy, that bill was signed into law on May 14.

The second, S. 2548, amended the National School Lunch Act and the Child Nutrition Act of 1966. Final House action on that bill is expected very soon.

My efforts in working for the passage of those bills were aimed at increasing the level of funds available to feed poor people.

In my view, both of these bills are critically vital in the struggle against the deteriorating conditions of chronic hunger. But, Federal legislation, no matter how sincerely or how compassionately it is founded, can be totally ineffective if it is not accompanied by systematic and humane standards at the point where the service is brought to the intended recipient.

Last summer, two professors from the U.S. Military Academy at West Point, conducted a study of food distribution programs at the request of the White House.

They visited fifteen counties in four states in different parts of the country.

In their report of food assistance programs, Captain Terrance Goggin and Captain Clifford Hendrix told of the many subtle and overt schemes local officials use to deny food to the poor:

If you're Black in Mississippi you can't eat. For the mother who bears more than her "quota" of illegitimate children, she and the children will go hungry. And if you work only during the harvest season to pick beets or grapes or oranges, you can't meet the residence requirements for food assistance.

The food issue is a perfect unhappy example of the dangers of the latest fad of local control. Local governments request and run food assistance programs. But the sad repressive result is that those hometown officials who are least responsive to the needs of the poor can also deny them federally proffered food. According to Goggin and Hendrix, federally funded food assistance programs are directly influenced by and are vulnerable to—the parochial attitudes and prejudices of local officials.

It is in this area of local program operation that members of the ABA can have an impact on the crisis of hunger and malnutrition. For, you can stir the benign calm and arouse public compassion. Already because of the cases brought to court concerning food programs, there is an increase in public awareness and interest in this problem.

I can only hope that for my presence here today to be of value on the struggle to insure "Freedom From Hunger" that you will continue with the kind of litigation and administrative action that we have come to call "poverty law" in the hunger area. The advent of the Federal poverty program brought with it legal aid practitioners who are effectively changing the concept of legal action in the area of social welfare. So far, the Columbia Center on Law and Social Policy and the California Rural Legal Assistance Program have been the sources of most legal action in the field of hunger. I believe that to make a lasting impact for hungry Americans that kind of advocacy effort must continue. But litigation, in a sense, is a kind of a last resort in the search for solutions to man's problems. What is really needed is a cold analytical look at the problem of feeding the poor. By training, lawyers are expert at problem solving. They are best when asking questions, questions that haven't been asked before.

Probing questions that would shatter the traditional attitudes about food distribution can arouse the food industry so that there will be less apprehension about change. A lot more can be done to feed the poor efficiently and inexpensively. Surely, from the ingenuity of that great combine called "agribusiness" there can emerge creative methods to "get some food down there" to the poor.

When asked by the space agencies, food companies devised fantastic ways to pack meals for astronauts.

Modern day private catering feeds thousands of people in hospitals, factories and most spectacularly, in airplanes.

We know that there is more than enough food produced by American farmers to feed all of our citizens. It is not because of mechanical or industrial failures that Americans go hungry. People are hungry because of what happens to men in management and policy making positions in government and in industry.

Public debates about the country's ability to feed the poor pointlessly end in a wrangle about money, loss of personal incentives and concern over proving the relationship between good nutrition and desired productivity.

Yet, in our nation's largest Federal assisted food program operated by the Department of Defense these irrelevant concerns are never debated.

The Pentagon spent over $4 billion last year to feed 3.5 million servicemen. That was an annual rate of more than $1100 per person.

While the administration budget for food assistance for the poor amounted to $1.2 billion to feed 8 million people, at a rate of $145 per person.

It has been easier to stir sustained national concern over hunger in Biafra than for places at home for which we are more directly responsible.

The problems of hunger, malnutrition and starvation in this country are looked at in terms of the workings of the system, and the way we have always done things. Unfortunately, they have not been looked at in terms of the problems of feeding hungry people. Decent men continue to sit and discuss statistical reliability and administrative neatness while people still go hungry. I urge you here today to use all your resources, your training and your skill to make the system guarantee an adequate diet for every American. You can help end a hunger emergency in America if you will probe for new and modern responses to this problem.

CITIZEN ADVOCACY: TRENDS FOR THE 1970'S

Nineteen Sixty-Five was a memorable year for all of us.

The Selma-Montgomery march and the Voting Rights Act, Watts and the McCone Commission Report. The great blackout in the Northeast. LBJ started his first full term.

Nick Katzenbach became Attorney General. Sarge Shriver was running OEO by day and the Peace Corps by night. Only 4.3 million dollars was going into legal aid societies nationwide that year, and only 600,000 of the nation's 32 million were getting any kind of assistance in criminal or civil legal matters. And "Murphy" was still a bed, or a woman who made chowder.

But for those of us here, one event that year stands out very clearly. The February meeting of the ABA House of Delegates made its historic pledge on behalf of the ABA "to cooperate with the Office of Economic Opportunity and other appropriate groups in the development of services to indigents and persons of low income." Of course that historic act was a continuation and a vindication of Reginald Heber Smith's dramatic challenge 45 years earlier, on the occasion of the founding of the Committee on Legal Aid Work.

"Let us assume leadership," he said, "by declaring here and now that henceforth within the field of law, the mighty power of the organized American Bar stands pledged to champion the rights of the poor, the weak, and the defenseless."

We come together today to celebrate both of these anniversaries, and we have much to celebrate. The forty-five years of active association between the Bar and the Legal Aid movement have led to five years of the most fruitful partnership in American society today.

Through its support of OEO's Legal Services program the Bar has helped keep itself dynamic and relevant. It has enhanced the attractiveness of law as a career for the new generation of altruistic and activist young Americans. It has helped build new bridges between the poor and the affluent, between the disenfranchised and our institutions, between young and old, between black and brown and red and white. It has sustained what we lawyers like to think of as our built-in conservatism, with a small "c," by proving the durability, adaptability, responsiveness, and capacity of the system and its traditional institutions, but it has done so by producing some radical changes in the system's operations. It has given support to legal services at the local level, getting programs started, educating local bar groups to overcome their timidity, helping to shield programs against local political and economic pressures. At the national level the support of the Bar has been the lifeblood of the Legal Services program, with the ABA leading the fight for authorizing legislation and annual appropriations, and manning the battle stations to ward off the persistent attacks by the enemies of equal justice for all, and by those who wish to dilute the lawyer's independence and the integrity of the lawyer-client relationship. The Congressional rejection of the Murphy Amendment last winter marked the coming of age of the ABA-OEO partnership, although the defensive machinery will have to be kept well-oiled to resist attempts to sneak the substance of the amendment in the side door of an Oklahoma plan or through subordination of Legal Services in the process of OEO regionalization.

We can see the signs of maturity as OEO Legal Services enters a phase where the focus is on quality as well as quantity, where the goal is not just to get money out and offices going, but to see that the lawyers are working with a rational sense of priorities, that they have a real impact, not just an existence.

All of you know at first hand that the growth of legal services means much more than just the 53 million dollars and the 3,950 people now in legal services offices. It means a new source of hope in hundreds of communities, law as a tool for all the people, David and Goliath victories in food stamps, housing, welfare, and the other fields where precedents are vital to the poor.

And with this security and maturity and success, perhaps it is time to pause, to ask what we have learned, and where we want to go. Here is one man's opinion.

First, I think we must begin to look at Legal Services not as an isolated function or a unique instrument, not only as a vital facet of life for the poor, but also as a prototype and model for, and as a subsystem of, a broader function of Citizen Advocacy, of skilled representation for all those who need it to deal with the powerful, sluggish institutions of society, whether in Washington or at City Hall. Obviously, such advocacy has produced a startling change in the lives of the poor. It is their sword to accelerate the flow of the basic ingredients of life—food, shelter, clothing. It is their shield against draconian legal interventions, like eviction and repossession. But in essence, it is really their lever to make the impersonal institutions that control their lives respond to their needs.

Yet, the poor are not the only ones in our society who are disenfranchised and underrepresented and powerless in their relations with the mighty institutions of modern living. We have seen that the same unresponsiveness and irrelevance and blindness and insensitivity to human needs and values, which have made the lives of the poor miserable, are also spoiling the lives of the non-poor. On one ground or another, the majority of Americans are disaffected with the quality of life imposed upon them by forces they cannot see or grasp or do anything about. The city dweller is fed up with traffic and air pollution and crimes; the homeowner with high interest rates and high taxes; the car owner with insurance and repair costs, the elderly with medicare and social security limitations, the middle-income American with the high rent and low quality in available housing. Then there's airport noise and dirty rivers and polluted beaches. And there are whole ranges of institution decisions that vitally affect our lives that we hardly even know about—fuel supply and pricing policies, t.v. programming decisions, aviation safety rules, car safety design, food additives, and hundreds of other conditions of modern living chosen for us mysteriously by unknown forces in unknown ways.

The problems for the non-poor may be different from those of the poor, and they may be generally less urgent—although they can be matters of health and safety and life and death—but they stem from the same roots of institutional malfunctioning, public and private, and in large part they will yield to the same approaches. The theories and principles of Jean and Edgar Cahn are as much blueprints for action for Nader's Raiders as they were for Bellow's Fellows. And any Legal Services Attorney worth his salt is going to have to study closely the Nader techniques and results. The past of the Neighborhood Lawyer and the Consumer Advocate is a shared past, and the future will be a shared future whether we try to make it so or not. But if we consciously make it so, if they share resources and knowledge and ideas, it will be a more fruitful future for all the citizen advocates and for the citizens they represent.

This commonality will be seen clearly, I believe, in a healthy refocussing, during the 70's, of citizen advocacy away from litigation as a primary tool.

In the field of legal services for the poor, the principal avenue of progress has been litigation, but the very successes in this field have taught us that litigation is not the only answer nor the best answer for the citizen advocate. Many of us lawyers like litigation. It can be exciting and competitive, gratifying to the ego; it works under clear rules and within strict bounds; it can produce clean-cut and visible victories. But of course the goal of every corporation lawyer and government lawyer is to stay out of court, to resolve issues before they become irreconciliable conflicts. For litigation in our crowded courts is slow, expensive and frequently undeterminative. It deals only with the pathology of institutions and not with their effective functioning. Most often a single case deals with a single fact situation, and it takes as much work to translate a precedent into a general rule of actual practice as to obtain the precedent. In short, it is too late, too little, and too limited.

Thus our emphasis on the "test case" as the key element of "reform" in the field of citizen advocacy—especially for the poor—may soon become obsolete.

Of course, the bar as a whole must continue to place high priority on vindicating fully in court the rights of the unpopular, and the discriminated against, and the oppressed, and the indigent accused, for when their rights are compromised we all lose a share of our liberty. And it must continue to service the day-to-day litigation needs of the poor, who must be represented fully if the legal system is not to be a cruel hoax to them. But at the same time we must focus our attention earlier in the process of institutional decision-making and actions. We must direct our efforts to the basic sources of agency malfunctions and not just at their symptoms.

We are going to do this in two ways. First, we are just going to do it. That is, even if the structures stay the same, the citizen advocate will have to introduce himself earlier and earlier into the processes of governmental—and corporate—decisionmaking. At the threshold he is going to have to open up these processes to public scrutiny. He is going to have to find out where and when and by whom the key decisions are made, the quiet decisions that really count, and what inputs and pressures go into those decisions. Then he is going to have to marshal his facts and his law and his logic and whatever political support he can muster, to make sure that there are adequate and articulate citizen inputs at the stages where priorities are set, where resources are allocated, where policies are determined, where discretion is exercised, as well as the stages where policy is interpreted, and applied, and implemented. When a court gets a lawsuit involving an agency decision, it can ordinarily ask only two questions—did the agency follow the correct procedure, and was there a sufficient factual basis on which that decision could have been reached within controlling law? But if the citizen advocate enters the picture before the decision is made, the slate is clean. He can affect the choice among a range of alternatives, all of which would be unassailable in court. He can ask—and answer—the questions "why" and "why not" and "what ought to be" about housing and welfare regulations, about auto safety and water pollution rules, or, for that matter, about the OEO guidelines.

Given the existing structures and attitudes, accomplishing this kind of citizen input is not an easy task. Sometimes it takes years just to understand what the dynamics of a government policy are, and to identify the avenues for change. Even with all the advantages we in Congress have when we perform the citizen advocate function—which we frequently do—it was ten years after the adoption of the Oil Import Control program, for example, before we learned where it was vulnerable and how to attack it at the policy-making stage.

And so, the second way we are going to have to approach the task of increasing citizen inputs is by changing the structures and practices of our institutions, so that they welcome and encourage representation of the public interest at the earliest possible stage.

Certainly the federal government has become too big and too complex and spread out for a few top managers to know or affect

what really happens at the delivery end of government programs. And the mushrooming problems and programs at the state and local government stretch the talents and time of officials at those levels to their limits. At this point in history, therefore, public interest advocacy is an absolutely essential element of good government, and government must act accordingly. We must write into every new program, and amend onto every old program, the most effective citizen input mechanisms we can devise. We will have to experiment with different modes, but the task should not be difficult. Most of our federal agencies have had no difficulty designing input mechanisms for industry interests or other special interests, so they should have no trouble innovating in the field of citizen inputs.

In some programs the course is self-evident. The Law Enforcement Assistance Administration, for example, will distribute close to a billion dollars in fiscal 1971. Most of the money will go from the Justice Department to State Anti-Crime Planning Agencies to spend in accordance with the state plans they have submitted. Most of that money will go to cities and counties in accordance with plans and applications they have submitted to the state, or in some cases to regional agencies within the state under plans these agencies have submitted. At no step in the pyramid is there required any citizen input, other than the possibility that a mayor or two may be on the state or regional planning group. There is no stipulation that the plans or applications be released for public comment before they are submitted, and thus we are very likely to see the spectacle of a city getting money to buy a more elaborate harbor patrol launch when it does not have an adequate police-community relations program. In that one program alone there is a fertile field for citizen advocacy on behalf of both the poor and non-poor alike all across the nation.

Under this view the citizen advocates wear many hats. They are policy advisors, substantive evaluators, fiscal auditors, quality control checkers, agents of the legislature to see that its mandates are carried out. And since these functions are quasi-governmental, it is totally appropriate that the government not only be open and hospitable to the citizen advocates, not only require that their inputs on behalf of the public be sought and received, but also assist and, in one form or another, finance the process of citizen advocacy.

The idea of investing public funds in public interest advocacy is not a new one. We have done it with the citizen advisory groups in model cities. In San Francisco, the urban renewal grants include financing for community representatives to participate in the planning and relocation functions. And, of course, the best example is OEO Legal Services, where we have funded in umbrella fashion a wide range of citizen advocates to audit and attack and elevate the functioning of institutions of every type, federal, state, local, and private, whose activities affect the most unrepresented groups of all, the poor. Perhaps Dr. Heard also qualifies as an example of a federally funded and stimulated citizen advocate. And the OEO investment in the National Clients Council, as a gadfly to OEO Legal Services itself, is a perfect example of what can be done by those who sponsor and support a program to make sure that program produces.

Thus the Murphy and Ruckleshaus incidents were the last gasps of an effort to turn the clock back, for the clock will inexorably turn forward to increasing—not stifling—government supported advocacy of government reform. The number of bills before the Ninety-First Congress which will enhance the federal role in financing assaults on federal decision-making is probably in the dozens. I have just held hearings on a bill I introduced to establish a Public Counsel Corporation to provide or fund the provision of representation for the unrepresented public in federal agency rulemaking proceedings, broadly defined. My bill may be one of the least expansive—and I hope most feasible. But it certainly reflects the direction we are moving in, and the direction states, and cities, and corporations must move in, if they are to meet the demands of the times.

Of course, if this prognosis, or expression of hope, proves accurate it is going to create some problems. There is going to be a sudden jump in demand for citizen advocate services, and our law schools and law firms will have to respond to that demand. Right now the citizen advocate bar consists of Legal Services and Legal Aid offices and centers, a few organizations like Inc. Fund and the A.C.L.U., and a handful of foundation-sponsored advocacy centers in Washington, a few public interest law firms, and the ad hoc, pro bono work performed by private lawyers for various citizen groups. Even with all the talent presently centered in Washington, the citizen advocates there cannot properly monitor all the federal agencies. And for each agency that decentralizes, there will be ten Washingtons around the nation where policies are set and executed and will need citizen inputs. For every block grant program there will be fifty Washingtons, and many times that if the state programs are subregionalized. So it will take many "Washington" type lawyers all over the country just to monitor the federal programs, not to mention state and local and corporate activities. They will need a new range of talents from grantsmanship to the Administrative Procedure Act, and from the Hatch Act to Freedom of Information. Thus the law schools will have to assist with new kinds of training. And the law firms will have to help make the manpower available.

Perhaps this is all a big order. And the steps for getting it filled are still wide open for discussion. Yet if we are to be able to stand behind our promises that the system can work in a responsive and responsible manner, then it is an order we had better fill. The Legal Services program has really blazed the trail in this direction, proving clearly the viability of taxpayer funded citizen advocacy. Now it is up to us to follow through.

THE HEALTH COSTS OF AIR POLLUTION

Mr. MUSKIE. Mr. President, last week the Subcommittee on Air and Water Pollution completed action on major amendments to the Clean Air Act. The bill sent to the full committee is a strong piece of legislation. It will, when enacted, have a major impact on the way we live. The subcommittee did not act in haste. It held some 20 days of hearings and 12 executive sessions over the course of the summer.

One of the bill's innovations is the requirement levels of air quality necessary to protect public health be achieved within a period of time set by the statute. This must be done regardless of cost but costs works both ways.

Air pollution costs the American people billions of dollars in health losses, property damage, increased accidents, and in the deterioration of the quality of life. A paper by Lester Lave and Eugene P. Seskin entitled "Air Pollution and Human Health" appeared recently in the publication of the American Association for the Advancement of Sciences. In that paper the authors calculate the health costs of air pollution to the American people.

Mr. President, the costs presented were made without regard to increased accidents, property damage, psychological effects, esthetic values, or effects on vegetation or wildlife. The paper concludes that 50 percent reduction in air pollution levels in this country would produce a health savings to the American people of some $2.1 billion annually.

The concluding paragraphs from this paper summarize what I consider to be important and relevant information as the Senate prepares to consider air pollution legislation. It demonstrates the need to act immediately to provide protection of the public health:

We estimate the total annual cost that would be saved by a 50 percent reduction in air-pollution levels in major urban areas, in terms of decreased morbidity and mortality, to be $2080 million. A more relevant indication of the cost would be the estimate that 4.5 percent of all economic costs associated with morbidity and mortality would be saved by a 50 percent reduction in air pollution in major urban areas (64). This percentage estimate is a robust figure; it is not sensitive to the exact figures chosen for calculating the economic cost of ill health.

Mr. President, I ask unanimous consent that the paper by Messrs. Lave and Seskin be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AIR POLLUTION AND HUMAN HEALTH

(By Lester B. Lave and Eugene P. Seskin)

The quantitative effect, with an estimate of the dollar benefit of pollution abatement, is considered.

Air pollution is a problem of growing importance; public interest seems to have risen faster than the level of pollution in recent years. Presidential messages and news stories have reflected the opinion of scientists and civic leaders that pollution must be abated. This concern has manifested itself in tightened local ordinances (and, more importantly, in increased enforcement of existing ordinances), in federal legislation, and in extensive research to find ways of controlling the emission of pollutants from automobiles and smokestacks. Pollutants are natural constituents of the air. Even without man and his technology, plants, animals, and natural activity would cause some pollution. For example, animals vent carbon dioxide, volcanic action produces sulfur oxides, and wind movement insures that there will be suspended particulates; there is no possibility of removing all pollution from the air. Instead, the problem is one of balancing the need of polluters to vent residuals against the damage suffered by society as a result of the increased pollution (1). To find an optimum level, we must know the marginal costs and marginal benefits associated with abatement. This article is focused on measuring one aspect of the benefit of pollution abatement.

Polluted air affects the health of human beings and of all animals and plants (2). It soils and deteriorates property, impairs various production processes (for example, the widespread use of "clean rooms" is an attempt to reduce contamination from the air), raises the rate of automobile and airline accidents (3), and generally makes living things less comfortable and less happy. Some of these effects are quite definite and measurable, but most are ill-defined and difficult to measure, even conceptually. Thus, scientists still disagree on the quantitative effect of pollution on animals, plants, and materials. Some estimates of the cost of the

soiling and deterioration of property have been made, but the estimates are only a step beyond guesses (4). We conjecture that the major benefit of pollution abatement will be found in a general increase in human happiness or improvement in the "quality of life," rather than in one of the specific, more easily measurable categories. Nonetheless, the "hard" costs are real and at least theoretically measurable.

In this article we report an investigation of the effect of air pollution on human health; we characterize the problem of isolating health effects; we derive quantitative estimates of the effect of air pollution on various diseases and point out reasons for viewing some earlier estimates with caution; we discuss the economic costs of ill health; and we estimate the costs of effects attributed to air pollution.

THE EFFECT OF AIR POLLUTION ON HUMAN HEALTH

In no area of the world is the mean annual level of air pollution high enough to cause continuous acute health problems. Emitted pollutants are diluted in the atmosphere and swept away by winds, except during an inversion; then, for a period that varies from a few hours to a week or more, pollutants are trapped and the dilution process is impeded. When an inversion persists for a week or more, pollution increases substantially, and there is an accompanying increase in the death rate.

Much time has been spent in investigating short-term episodes of air pollution (5). We are more concerned with the long-term effects of growing up in, and living in, a polluted atmosphere. Few scientists would be surprised to find that air pollution is associated with respiratory diseases of many sorts, including lung cancer and emphysema. A number of studies have established a qualitative link between air pollution and ill health.

A qualitative link, however, is of little use. To estimate the benefit of pollution abatement, we must know how the incidence of a disease varies with the level of pollution. The number of studies that allow one to infer a quantitative association is much smaller.

Quantifying the relation. Our objective is to determine the amount of morbidity and mortality for specific diseases that can be ascribed to air pollution. The state of one's health depends on factors (both present and past) such as inherited characteristics (that cause a predisposition to certain diseases), personal habits such as smoking and exercise, general physical condition, diet (including the amount of pollutants ingested with food), living conditions, urban and occupational air pollution, and water pollution (6, 7). Health is a complex matter, and it is exceedingly difficult to sort out the contributions of the various factors. In trying to determine the contribution of any single factor one must be careful neither to include spurious effects nor to conclude on the basis of a single insignificant correlation that there is no association. Laboratory experimentation is of little help in the sorting process (8).

The model implicit in the studies we have examined is a simple linear equation wherein the mortality or morbidity rate is a linear function of the measured level of pollution and, possibly, of an additional socioeconomic variable. In only a few cases do the investigators go beyond calculating a simple or partial correlation.

A number of criticisms can be leveled at this simple model. No account is taken of possibly important factors such as occupational exposure to air pollution and personal habits. These and other factors influencing health must be uncorrelated with the level of pollution, if the estimated effect of pollution is to be an unbiased estimate. In addition, the linear form of the function is not very plausible, except insofar as one considers it a linear approximation over a small range.

Both because of the rather crude nature of the studies and because of the statistical estimation, there is a range of uncertainty concerning the quantitative effect of pollution on human health. This range is reflected in the estimate of the benefit of pollution abatement, discussed below.

Epidemiological studies. Epidemiological data are the kind of health data best adapted to the estimation of air pollution effects. These data are in the form of mortality (or morbidity) rates for a particular group, generally defined geographically (9). For example, an analyst may try to account for variations in the mortality rate among the various census tracts in a city. While these vital statistics are tabulated by the government and so are easily available, there are problems with the accuracy of the classification of the cause of death (since few diagnoses are verified by autopsy and not all physicians take equal care in finding the cause of death). Other problems stem from unmeasured variables such as smoking habits, occupations, occupational exposure to air pollution, and genetic health factors. Whenever a variable is unmeasured, the analyst is implicitly assuming either that it is constant across groups or else that it varies randomly with respect to the level of air pollution. Since there are many unmeasured variables, one should not be surprised to discover that some studies fail to find a significant relationship or that others find a spurious one. For the same reason, one should not expect the quantitative effect to be identical across various groups, even when the relationship in each group is statistically significant.

Sample surveys are a means of gathering a more complete set of data. For example, a retrospective analysis might begin with a sample of people who died from a particular disease. Through questionnaires and interviews, the smoking habits and residence patterns of the deceased can be established. The analysis would then consist of an attempt to find the factors implicated in the death of these individuals. Two types of problems arising from such a study are the proper measurement of variables such as exposure to air pollution (there are many pollutants and many patterns of lifetime exposure) and the possible contributions of variables which still are unobserved, such as occupational hazards, socioeconomic characteristics, and personal habits.

Whatever the source of data, the investigators must rest their cases by concluding that the associations which they find are so strong that it is extremely unlikely that omitted variables could have given rise to the observed correlations; they cannot account for all possible variables.

Episodic relationships. Another method of investigating the effects of pollution involves an attempt to relate daily or weekly morality (or morbidity) rates to indices of air pollution during the interval in question (10). The conclusions of these studies are of limited interest, for two reasons. First, someone who is killed by an increase in air pollution is likely to be gravely ill. Air pollution is a rather subtle irritant, and it is unlikely that a healthy 25-year-old will succumb to a rise in pollution levels. Our interest should be focused on the initial cause of illness rather than on the factor that is the immediate determinant of death. Thus, morbidity data are more useful than mortality data. Second (and more important for the morbidity studies), there are many factors that affect the daily morbidity rate or daily rate of employee absences. Absence rates tend to be high on Mondays and Fridays for reasons that have nothing to do with air pollution or illness. One would expect little change in these absence rates if air pollution were reduced. Other factors, such as absence around holidays, give rise to spurious variation; this can be handled by ignoring the periods in question or by gathering enough data so that this spurious variation is averaged away. Some of these factors (such as high absence rates on Fridays and seasonal absence rates) may be correlated with variations in air pollution and no amount of data or of averaging will separate the effects. We have chosen to disregard the results of these episodic studies, with a few exceptions, cited below.

It is difficult to isolate the pollutants that have the most important effects on health on the basis of the studies we survey here. Measurement techniques have been crude, and there has been a tendency to base concentration figures on a single measurement for a large area. A more important problem is the fact that in most of these studies only a single pollutant was reported. Discovering which pollutants are most harmful is an important area, where further exploration is necessary. We have tried, nevertheless, to differentiate among pollutants in the survey that follows (11). The problem is complicated, since pollution has increased over time, and since lifetime exposure might bear little relation to currently measured levels. These problems are discussed elsewhere (12).

A REVIEW OF THE LITERATURE

We will proceed with a detailed review of studies made in an attempt to find an association between mortality or morbidity and air pollution indices.

Air pollution and bronchitis. Studies link morbidity and mortality from bronchitis to air pollution in England (13), the United States (14, 15), Japan (16), and other countries (17). Mortality rates by country boroughs in England and Wales have been correlated with pollution (as measured by the sulfation rate, total concentration of solids in the air, a deposit index, and the density of suspended particulates) and with socioeconomic variables (such as population density and social class). The smoking habits of the individuals studied have also been investigated. The conclusion of these studies is that air pollution accounts for a doubling of the bronchitis mortality rate for urban, as compared to rural, areas.

We took data reported by Stocks (18, 19) and by Ashley (20) and performed a multiple regression analysis, as shown in Table 1. We fit the following equation to the data $MR_i = a_0 + a_1 P_i + a_2 S_i + e_i$ (1) where MR_i is the mortality rate for a particular disease, in country borough i, P_i is a measure of air pollution in that borough S_i is a measure of socioeconomic status in borough i, and e_i is an error term with a mean of zero. (We also fit other functional forms, as discussed below.) Under general assumptions, the estimated coefficients (a_0, a_1, a_2) will be best linear, unbiased estimates (21). Only if we want to perform significance tests must we make an assumption about the distribution of the error term (for example, the assumption that it is distributed normally).

The first regression in Table 1 relates the bronchitis mortality rate for men to a deposit index (see Table 1, footnote †), and the population density in each of 53 country boroughs. Thirty-nine percent of the variation in the mortality rate (across boroughs) is "explained" by the regression. It is estimated that a unit increase in the deposit index (1 gram per 100 square meters per month) leads to an increase of 0.18 percent in the bronchitis mortality rate (with population per acre held constant). An increase of 0.1 person per acre in the population density is estimated to lead to an increase of 0.02 percent in the mortality rate (with air pollution held constant). As indicated in Table 1 by the t statistics (the values in parentheses below the estimated coefficients), the air pollution variable is extremely important, whereas the socioeconomic variable contributes nothing to the explanatory power of the regression.

TABLE 1.—MULTIPLE REGRESSIONS BASED ON DATA FROM ENGLAND. NUMBERS IN PARENTHESES ARE THE t STATISTIC

Category	R^2*	Index† Air pollution	Index† Socio-economic
Bronchitis mortality rate:			
1. Males, 53 county boroughs‡	0.386	0.182	0.016
Deposit index, persons/acre		(4.80)	(.22)
2. Females	.332	.182	−.031
		(4.55)	(−.42)
3. Males, 28 county boroughs§	.433	1.891	.180
Smoke, persons/acre		(3.79)	(1.86)
4. Females	.412	1.756	.252
		(3.23)	(2.40)
5. Males, 26 areas‖	.766	.310	.062
Smoke, persons/acre		(3.77)	(.53)
6. Females	.559	.303	−.038
		(2.85)	(−.25)
7. Males, 26 areas	.783	.301	.176
Smoke, social class		(5.86)	(1.44)
8. Females	.601	.213	.248
		(3.31)	(1.59)
9. Both sexes, 53 urban areas¶	.377	.199	.159
Smoke, persons/acre		(4.07)	(3.02)
10. Both sexes, 53 urban areas	.300	.161	.151
SO_2, persons/acre		(3.05)	(2.64)
Lung cancer mortality rate:			
11. 53 county boroughs	.445	.041	.154
Deposit index, persons/acre		(2.09)	(4.23)
12. 28 county boroughs	.576	.864	.161
Smoke, persons/acre		(4.08)	(3.89)
13. Male, 26 areas	.781	.137	.115
Smoke, persons/acre		(2.86)	(1.70)
14. Male, 26 areas	.805	.161	.172
Smoke, social class		(5.62)	(2.47)
15. 53 urban areas	.344	−.086	.184
Smoke, persons/acre		(−2.42)	(4.83)
16. 53 urban areas	.378	−.105	.197
SO_2, persons/acre		−3.00	(5.23)
Other cancers:			
17. Stomach, male, 53 county boroughs	0.167	0.070	0.005
Deposit index, persons/acre		(3.08)	(.12)
18. Stomach, female	.175	.070	−.023
		(3.08)	(−.58)
19. Stomach, male, 28 county boroughs	.257	.714	.065
Smoke, persons/acre		(2.57)	(1.21)
20. Stomach, female	.454	.883	.066
		(4.13)	(1.60)
21. Intestinal, 53 county boroughs	.041	.018	−.012
Deposit index, persons/acre		(1.45)	(−.52)
22. Intestinal, 28 county boroughs	.129	.174	.036
Smoke, persons/acre		(1.26)	(1.35)
23. Other cancer, male, 26 areas	.454	.019	.073
Smoke, persons/acre		(.59)	(1.60)
24. Other cancer, female, 26 areas	.044	.039	−.062
Smoke, persons/acre		(.93)	(−1.03)
25. Other cancer, male, 26 areas	.396	.060	.017
Smoke, social class		(2.75)	(.33)
26. Other cancer, female, 26 areas	.002	.005	−.013
Smoke, social class		(.17)	(−.19)
Pneumonia mortality rate:			
27. Male, 26 areas	.477	.118	.121
Smoke, persons/acre		(1.34)	(.97)
28. Female	.253	.068	.137
		(.58)	(.83)
29. Male, 26 areas	.475	.158	.126
Smoke, social class		(2.82)	(.93)
30. Female	.242	.124	.106
		(1.65)	(.58)

*The coefficient of determination: a value of .386 indicates a multiple correlation coefficient of .62, and indicates that 39 percent of the variation in the death rate is "explained" by the regression.

†The t statistic: for a one-tailed t-test with 23 degrees of freedom, a value of 1.71 indicates significance at the .05 level; for 25 or 50 degrees of freedom, the critical values are 1.71 and 1.68.

‡Data for 53 county boroughs in England and Wales as reported by Stocks (18). Air pollution is measured by a deposit index (in grams per 100 square meters per month) whose observed range is 96 to 731, with a mean of 375. The socioeconomic index is expressed in numbers of persons per acre (multiplied by 10); the range is 69 to 364, and the mean is 163. Death rates are measured as index numbers, with the mean for all boroughs in England and Wales equal to 100. Ranges within this sample are as follows: bronchitis (males), 73 to 259; bronchitis (females), 72 to 268; lung cancer, 70 to 159; stomach cancer (males), 67 to 168; stomach cancer (females), 84 to 161; intestinal cancer, 87 to 123.

§Data for 28 county boroughs in England and Wales as reported by Stocks (18). Air pollution is measured by a smoke index (suspended matter, in milligrams per 100 cubic meters); the range is 6 to 49. Again, the socioeconomic index is expressed in numbers of persons per acre (×10) the range is 83 to 342.

‖Data for 26 areas in northern England and Wales as reported in Stocks (19). Air pollution is measured by a smoke index, as for category 3; the range is 15 to 562 mg/1000m³ and the mean is 260. One socioeconomic variable is the number of persons per acre (×10); the range is 1 to 342 and the mean is 102. The other socioeconomic variable is social class; the range is 61 to 295. Death rates are measured as for category 1; within this sample, the range for lung cancer is 23 to 165; for other cancer, 6 to 122 (males) and 88 to 154 (females); for bronchitis, 18 to 259 (males) and 12 to 240 (females); for pneumonia, 61 to 227 (males) and 40 to 245 (females).

¶Data for 53 areas as reported by Ashley (20). Air pollution is measured (i) by a smoke index (as for category 3), with a range of 23 to 261 $\mu g/m^3$ and a mean of 124, or (ii) by an SO_2 index (apparently in the same units), with a range of 33 to 277 and a mean of 124. Death rates are measured as for category 1; within this sample, the range for lung cancer is 70 to 146, and for bronchitis, 64 to 186.

The first ten regressions in Table 1 are an attempt to explain the bronchitis death rate. Four different data sets are used, along with three measures of pollution and two socioeconomic variables. The coefficient of determination, R^2 (the proportion of the variation in the mortality rate explained by the regression), ranges from .3 to .8. Air pollution is a significant explanatory variable in all cases. In only three cases is the socioeconomic variable significant.

The implication of the first regression is that a 10 percent decrease in the deposit rate (38 g 100 m^{-2} month $^{-1}$) would lead to a 7 percent decrease in the bronchitis death rate. Another way of illustrating the effect of air pollution on health is to note that, if all the boroughs were to improve the quality of their air to that enjoyed by the borough having the best air of all those in the sample (a standard deposit rate for all boroughs of 96 g 100 m^{-2} month $^{-1}$), the average mortality rate (for this sample) would fall from 129 to 77. Thus, cleaning the air to the level of cleanliness enjoyed by the area with the best air would mean a 40 percent drop in the bronchitis death rate among males. In the fifth regression the pollution index is a smoke index (Table 1, footnote §), and a different set of areas is considered. This is a more successful regression in terms of the percentage of variation explained. As before, the air pollution coefficient is extremely significant, and the implication is that cleaning the air to the level of cleanliness currently enjoyed by the area with the best air (15 mg/100 m^3) would lower the average bronchitis mortality rate from 106 to 30, a drop of 70 percent. Results of the other regression analyses based on bronchitis mortality data have similar implications. Note that the effect is almost the same for males and females. This indicates reliability and suggests that the effect is independent of occupational exposure.

Winkelstein *et al* (14) collected data on 21 areas in and around Buffalo, New York. A cross tabulation of census tracts by income level and pollution level shows that the mortality rate for asthma, bronchitis, and emphysema (in white males 50 to 69 years old) increases by more than 100 percent as pollution rises from level 1 to level 4 (see 22).

These studies indicate a strong relationship between bronchitis mortality and a number of indices of air pollution. We conclude that bronchitis mortality could be reduced by from 25 to 50 percent depending on the particular location and deposit index, by reducing pollution to the lowest level currently prevailing in these regions. For example, if the air in all of Buffalo were made as clean as the air in those parts of the area that have the best air, a reduction of approximately 50 percent in bronchitis mortality would probably result.

Air pollution and lung cancer. The rate of death from lung cancer has been correlated with several indices of pollution and socioeconomic variables in studies that provided controls for smoking habits and other factors. For English nonsmokers, Stocks and Campbell (23, 24) found a tenfold difference between the death rates for rural and urban areas. Daly (25), in comparing death rates in urban and rural areas of England and Wales, found the urban rate twice as high. Evidence for other parts of Europe also shows an association between lung cancer and air pollution (26).

Regressions 11 through 16 (Table 1) show our reworking of the data for lung cancer mortality for England and Wales (there is no control for smoking). Regressions 11 through 14 imply that, if the quality of air of all boroughs were improved to that of the borough with the best air, the rate of death from lung cancer would fall by between 11 and 44 percent. Regressions 15 and 16 show a relationship between air pollution and lung cancer which is either insignificant or inverse. The only contrary results come from Ashley's data. In the absence of more complete evidence, we must remain curious about these results. Use of such small samples and inadequate controls is certain to lead to some contrary results, but they are disconcerting when they appear.

In a study of 187,783 white American males (50 to 69 years old), Hammond and Horn (27) reported that the age-standardized rate of death due to lung cancer was 34 (per 100,000) in rural areas as compared to 56 in cities of population over 50,000. When standardized with respect both to smoking habits and to age, the rate was 39 in rural areas and 52 in cities of over 50,000.

Haenszel *et al.* (28) analyzed 2191 lung cancer deaths among white American males, that had occurred in 46 states, and data for a control group consisting of males who died from other causes. They found the crude rate of death from lung cancer to have been 1.56 times as high in the urban areas of their study as in the rural areas in 1958 and 1.82 times as high in the period 1948–49 (in subjects 35 years and older, with adjustments made for age). When adjustments are made for both age and smoking history, the ratio is 1.43. Also the ratio increased with duration of residence in the urban or rural area, from 1.08 for residence of less than 1 year to 2.00 for lifetime residence. Haenszel and Taeuber (29) report similar results for white American females. In a number of additional studies the association between air pollution and lung cancer is examained (30).

Buell and Dunn (31) review the evidence

on lung cancer and air pollution; a summary of their findings is given in Table 2. For smokers, death rates (adjusted for age and smoking) ranged from 25 to 123 percent higher in urban areas than in rural areas. For nonsmokers, all differences exceed 120 percent. "The etiological roles for lung cancer of urban living and cigarette smoking seem each to be complete," they say, "in that the urban factor is evident when viewing nonsmokers exclusively, and the smoking factor is evident when viewing rural dwellers exclusively." They argue that differences in the quality of diagnosis could not account for the observed differences for urban and rural areas.

TABLE 2.—A SUMMARY OF LUNG CANCER MORTALITY STUDIES. NUMBER OF DEATHS FROM LUNG CANCER PER 100,000 POPULATION [FROM BUELL AND DUNN (31)]

Study	Standardized for age and smoking			Nonsmokers		
	Urban	Rural	Urban/rural	Urban	Rural	Urban/rural
Buell, Dunn, and Breslow (67) [1]	101	80	1.26	36	11	3.27
Hammond and Horn (68) [2]	52	39	1.33	15	0	8
Stocks (69) [3]	189	85	2.23	50	22	2.27
Dean (70) [4]				38	10	3.80
Golledge and Wicken (71) [5]	149	69	2.15	23	29	.79
Haenszel et al. (72) [6]	100	50	2.00	16	5	3.20

[1] California men; death rates by counties.
[2] American men.
[3] England and Wales.
[4] Northern Ireland.
[5] England land; no adjustment for smoking.
[6] American men.

Nonrespiratory-tract cancers and air pollution. Our reworking of data from England on rates of death from non-respiratory-tract cancer is presented in Table 1 (regressions 17 through 26). In the regressions, stomach cancer is significantly related to a deposit index and a smoke index. The effects are nearly identical for males and females. Intestinal cancer appears to be only marginally related to indices of either deposit or smoke. For 26 areas in northern England and Wales, there appears to be little relationship between nonrespiratory-tract cancers and a smoke index. The single exception in the four regressions occurs for males when the socioeconomic variable is social class; here the smoke index explains a significant amount of the variation in the cancer mortality rate. (Apparently population density and smoke index are so highly related in these 26 areas that neither has significant power to explain such variation).

Winkelstein and Kantor (32) investigated rates of mortality from stomach cancer in Buffalo, New York, and the immediate environs. Their measure of pollution is an index of suspended particulates averaged over a 2-year period. They found the rate of mortality due to stomach cancer to be more than twice as great in areas of high pollution as in areas of low pollution (33).

Hagstrom *et al.* (34) tabulated rates of death from cancer among white middle class residents of Nashville, Tennessee, between 1949 and 1960, using four measures of air pollution. They found the cancer mortality rate to be 25 percent higher in polluted areas than in areas of relatively clean air (35). They also found significant mortality-rate increases associated with individual categories of cancer, such as stomach cancer, cancer of the esophagus, and cancer of the bladder. The individual mortality rates are more closely related to air pollution after the data are broken down by sex and race.

Levin *et al.* (36) report, for all types of cancer, these relationships: The age-adjusted cancer-incidence rates for urban males was 24 percent higher than that for rural males in New York State (exclusive of New York City) (1949–51), 36 percent higher in Connecticut (1947–51), and 40 percent higher in Iowa (1950); the incidence rate for urban females was 14 percent higher than that for rural females in New York State, 28 percent higher in Connecticut, and 34 percent higher in Iowa. For both males and females, the incidence rate for each of 16 categories of cancer was higher in urban than in rural areas.

Cardiovascular disease and air pollution. Enterline et al. (37) found that mortality from heart disease is higher in central-city counties than in suburban counties, and, in turn, higher in suburban counties than in nonmetropolitan counties. Ziedberg *et al.* (38) found that both morbidity and mortality rates for heart disease are associated with air pollution levels in Nashville. The morbidity rate was about twice as high in areas of polluted air as in areas of clean air. The mortality rate was less closely associated; it was 10 to 20 percent higher in areas of polluted air than in areas of clear air (39).

Friedman (40) correlated the rate of mortality from coronary heart disease in white males aged 45 to 64 with the proportion of this group living in urban areas. The simple correlation for 33 states is .79. When cigarette consumption is held constant, the partial correlation is .67.

On the basis of these studies we conclude that a substantial abatement of air pollution would lead to 10 to 15 percent reduction in the mortality and morbidity rates for heart disease. We caution the reader that the evidence relating cardiovascular disease to air pollution is less comprehensive than that linking bronchitis and lung cancer to air pollution.

Total respiratory disease (41). Daly (25) found significant correlations between air pollution and death rates for all respiratory diseases (and for nonrespiratory diseases as well) in England. Douglas and Waller (42) found significant relationships between air pollution and respiratory disease in 3866 British school children. Fairbairn and Reid (43) found significant correlations between air pollution and morbidity rates (for bronchitis, pneumonia, pulmonary tuberculosis, and lung cancer) in England. Regressions 27 through 30 in Table 1 show pneumonia mortality to be related only marginally to a smoke index.

Zeidberg *et al.* (44) questioned 9313 Nashville residents about recent illnesses. Among males aged 55 and older from white middle-class families, the numbers of illnesses per respondent during the past year were 1.92, 1.15, and 1.26 for areas of high, moderate, and low pollution, respectively. There are a number of other comparisons, based on other measures of air pollution and on data for females and nonwhites (some of these are given in 45). However, we should add a word of caution: although the sample size in this study was large enough and controls for many socio-economic variables were included, many important factors were ignored—for example, smoking habits and length of residence. Nonetheless, the finding is extremely strong and seems unlikely to be an artifact of unmeasured variables.

Hammond (46) studied over 50,000 men to find the relationships between emphysema, age, occupational exposure to pollution, urban exposure, and smoking. His results indicated that the effect of air pollution is significant and that heavy smokers have a much higher morbidity rate in cities than in rural areas; the effect becomes more marked as age increases.

Ishikawa *et al.* (47) estimated the incidence of emphysema in Winnipeg (Canada) and St. Louis. They examined the lungs of 300 corpses in each city (the samples were comparable). Findings for each age group (over 25 years old) indicated that the incidence and severity of emphysema is higher in St. Louis, the city with the more polluted air. (In the 45-year-old group 5 percent of those in Winnipeg and 46 percent of those in St. Louis showed evidence of emphysema.)

A number of studies have been made in England on homogeneous occupational groups, such as postmen. The results are relatively pure in that all members of the sample have comparable incomes, working conditions, and social status. Holland and Reid (48) found that the rates of occurrence of severe respiratory symptoms were 25 to 50 percent higher for London postmen than for small-town postmen (sample size, 770), Reid (49) found that, in the postmen of his study, absences due to bronchitis rose from an index number of 100 for the area of least air pollution, to 120 for an area of moderate pollution, to 250 and 283 for the areas of highest pollution. Corresponding figures for absences due to other respiratory illness were 100, 100, 150, and 151, respectively, and for absences due to infectious and parasitic diseases, 100, 115, 130, and 140. Cornwall and Raffle (50) made a similar study of bus drivers in London. They found that 20 to 35 percent of absences due to sickness of any kind could be ascribed to air pollution (they used a fog index as a measure of pollution). Fairbairn and (Reid (43) tabulated absences due to sickness of pollution). Fairbairn and Reid (43) tabulated absences due to sickness for postmen, for males working indoors, and for females working indoors. They found that the age-standardized morbidity rate for bronchitis and pneumonia in the postmen of their study rose from 40 man-years, per 100 man-years, for the area of lowest air pollution (of the four areas studied) to 122 for the area of highest air pollution. Corresponding figures for morbidity from colds were 75 and 171 man-years, and for morbidity from influenza, 131 and 184 man-years. For males working indoors, the low and high morbidity rates were as follows: bronchitis and pneumonia, 32 and 39; colds, 53 and 64; influenza, 88 and 102.

Dohan (fifty-one) studied absences (of more than 7 days) of female employees in eight Radio Corporation of America plants. He found a correlation of .96 between atmospheric concentrations of SO_3 and absences due to respiratory disease in the five cities for which complete data were available. During Asian flu epidemics there was a 200 percent increase in illness in cities with polluted air and only a 20 percent increase in those with relatively unpolluted air.

Infant mortality and total mortality rates. Sprague and Hagstrom (fifty-two) compared air-pollution date for Nashville with fetal and infant mortality rates for Nashville as given in census tracts (for 1955 through 1960). Controls for socioeconomic factors were not included. For infant death rates (ages 28 days to 11 months), the highest correlation was with atmospheric concentrations of SO_3 (in milligrams per 100 square centimeters per day) and was .70. For the neonatal death rates (ages 1 day to 27 days), the highest correlation was with dustfall and was .49. For infants dying during their first day whose death certificate includes mention of immaturity, the highest correlation was with dustfall and was .45. The correlation of the fetal death rate with dustfall was .58.

In a study just being completed (fifty-three), we have collected data for 114 Standard Metropolitan Statistical Areas in the United States and have attempted to

relate total death rates and infant mortality rates to air pollution and other factors. Socioeconomic data, death rates, and air-pollution data were taken from U.S. government publications (fifty-four). Regression 1 (Table 3) shows how the total death rate in 1960 varies with air pollution levels and with socioeconomic factors. As the (biweekly) minimum level of suspended particulates increases, the death rate rises significantly. Moreover, the death rate increases with (i) the density of population of the area, (ii) the proportion of nonwhites, (iii) the proportion of people over age 65, and (iv) the proportion of poor families. Eighty percent of the variation in the death rate across these 114 statistical areas is explained by the regression.

TABLE 3.—REGRESSIONS RELATING INFANT AND TOTAL MORTALITY RATES FOR 114 STANDARD METROPOLITAN STATISTICAL AREAS IN THE UNITED STATES TO AIR POLLUTION AND OTHER FACTORS. FOR MEANS AND STANDARD DEVIATIONS (S.D.) OF THE VARIABLES, SEE †

Category	R^2‡	Air pollution (minimum) concentrations)	Socioeconomic			
			P/m²§	Nonwhite (percent)	Over 65 (percent)	Poor (percent)
TOTAL DEATH RATE						
1. Particulates	0.804	0.102	0.001	0.032	0.682	0.013
t statistic*		(2.83)	(2.58)	(3.42)	(18.37)	(.93)
2. Sulfates	.813	.085	.001	.033	.652	.006
t statistic*		(3.73)	(1.86)	(3.56)	(17.60)	(.49)
DEATH RATE FOR INFANTS OF LESS THAN 1 YEAR						
3. Particulates	.545	.393	----------	.190	----------	.150
t statistic*		(3.07)	----------	(6.63)	----------	(3.28)
4. Sulfates	.522	.150	----------	.200	----------	.123
t statistic*		(1.91)	----------	(6.83)	----------	(2.70)
DEATH RATE FOR INFANTS LESS THAN 28 DAYS OLD						
5. Particulates	0.260	0.273	----------	0.089	----------	0.063
t statistic*		(2.48)	----------	(3.61)	----------	(1.60)
6. Sulfates	.263	.170	----------	.097	----------	.047
t statistic*		(2.57)	----------	(3.96)	----------	(1.23)
FETAL DEATH RATE						
7. Particulates	.434	.274	.004	.171	----------	.106
t statistic*		(2.02)	(2.01)	(5.70)	----------	(2.11)
8. Sulfates	.434	.171	.004	.181	----------	.085
t statistic*		(1.95)	(1.82)	(5.87)	----------	(1.71)

*The t statistic: for a one-tailed t-test, a value of 1.65 indicates significance at the .05 level.
†Total death rate per 10,000: mean, 91.5; S.D., 15.2. Infant death rate (age, <1 year) per 10,000 live births: mean, 255.1; S.D., 36.1. Infant death rate (age, <28 days) per 10,000 live births: mean, 188.0; S.D., 24.4 Fetal death rate per 10,000 live births: mean, 153.9; S.D., 34.4. Suspended particulates ($\mu g/m^3$), minimum reading for a biweekly period: mean, 45.2; S.D., 18.7. Total sulfates ($\mu g/m^3$) (× 10), minimum reading for a biweekly period: mean, 46.9; S.D., 30.6. Persons per square mile: mean, 763.4; S.D., 1387.9. Percentage of nonwhites in population (× 10): mean, 125.2; S.D., 102.8. Percentage of population over 65 (× 10): mean, 84.2; S.D., 21.2. Percentage of families with incomes under $3000 (× 10): mean, 181.6; S.D., 65.7.
‡The coefficient of determination: a value of .804 indicates a multiple correlation coefficient of .90, and indicates that 80 percent of the variation in the death rate is "explained" by the regression.
§Persons per square mile.

Regression 3 shows how the 1960 infant death rate (age, less than 1 year) varies. A smaller proportion (55 percent) of the variation in the death rate is explained by the regression, although the minimum air-pollution level, the percentage of nonwhites, and the proportion of poor families continue to be significant explanatory variables. Regression 5 is an attempt to explain variation in the neonatal death rate. The results are quite similar to those of regression 3. The fetal death rate is examined in regression 7. Here the minimum air-pollution level, population density, the percentage of nonwhites, and the percentage of poor families are all significant explanatory variables.

Regressions 2, 4, 6, and 8 are an attempt to relate these death rates to the atmospheric concentrations of sulfates for the 114 statistical areas of the study. Regression 2 shows that the total death rate is significantly related to the minimum level of sulfate pollution, to population density, and to the percentage of people over age 65; 81 percent of the variation is explained. Regressions 4, 6, and 8 show that the minimum atmospheric concentration of sulfates is a significant explanatory variable in three categories of infant death rates.

One might put these results in perspective by noting estimates on how small decreases in the air-pollution level affect the various death rates. A 10 percent decrease in the minimum concentration of measured particulates would decrease the total death rate by 0.5 percent, the infant death rate by 0.7 percent, the neonatal death rate by 0.6 percent, and the fetal death rate by 0.9 percent. Note that a 10 percent decrease in the percentage of poor families would decrease the total death rate by 0.2 percent and the fetal death rate by 2 percent. A 10 percent decrease in the minimum concentration of sulfates would decrease the total death rate by 0.4 percent, the infant mortality rate by 0.3 percent, the neonatal death rate by 0.4 percent, and the fetal death rate by 0.5 percent.

Each of the relations in Tables 1 and 3 was estimated in alternative ways, including transformation into logarithms, a general quadratic, and a "piecewise" linear form as documented elsewhere (12). The implications about the roles of air pollution and of the socioeconomic variables were unchanged by use of the different functional forms. Another result to be stressed is that, in Table 1, comparable regressions for males and females show almost precisely the same effects for air pollution. This suggests that occupational exposure does not affect these results; the result lends credence to the estimates. A result that we document elsewhere (53) is that it is the minimum level of air pollution that is important, not the occasional peaks. People dealing with this problem should worry about abating air pollution at all times, instead of confining their concern to increased pollution during inversions.

SOME CAVEATS

In preceding sections we have described a number of studies which quantify the relationship between air pollution and both morbidity and mortality. Is the evidence conclusive? Is it possible for a reasonable man still to object that there is no evidence of a substantial quantitative association? We believe that there is conclusive evidence of such association (55).

In the studies discussed, a number of countries are considered, and differences in morbidity and mortality rates among different geographical areas, among people within an occupational group, and among children are examined. Various methods are used, ranging from individual medical examinations and interviews to questionnaires and tabulations of existing data. While individual studies may be attacked on the grounds that none manages to provide controls for all causes of ill health, the number of studies and the variety of approaches are persuasive. It is difficult to imagine how factors such as general habits, inherited characteristics, and lifetime exercise patterns could be taken into account.

To discredit the results, a critic would have to argue that the relationships found by the investigators are spurious because the level of air pollution is correlated with a third factor, which is the "real" cause of ill health. For example, many studies do not take into account smoking habits, occupational exposure, and the general pace of life. Perhaps city dwellers smoke more, get less exercise, tend to be more overweight, and generally live a more strained, tense life than rural dwellers. If so, morbidity and mortality rates would be higher for city dwellers, yet air pollution would be irrelevant. This explanation cannot account for the relationships found.

Apparently there is little systemic relationship between relevant "third" factors and the level of air pollution. An English study (19) in which smoking habits are examined reveals little evidence of differences by residence. There is evidence in the United States that smoking is more prevalent among lower socioeconomic groups (56) but income or other socioeconomic variables would account for this effect and still leave the pollution coefficient unbiased. More importantly, the correlations between air pollution and mortality are better when one is comparing areas within a city (where more factors are held constant) than when one is comparing rural and urban areas (57). It is especially hard to believe that the apparent relation between air pollution and ill health is spurious when significant effects are found in studies comparing individuals within strictly defined occupational groups, such as postmen or bus drivers (where incomes and working conditions are comparable and unmeasured habits are likely to be similar).

When there are uncontrolled factors, some studies may show inconclusive or even negative results; only by collecting samples large enough to "average away" spurious effects can dependable results be guaranteed. In the main, each of the studies cited above was based on a substantial sample. It is the body of studies as a whole that we find persuasive.

An examination of contrary results. Uncontrolled factors, together with small samples, are certain to lead to some results contrary to the weight of evidence and to our expectations. For example, in some studies (58) no attempt is made to control even for income or social status. From the evidence of studies which did provide such controls, we know that failure to control for income leads to biased results, and so we place little credence in either the positive or negative findings of studies lacking these controls.

Sampling error can be extremely important. For example, Zeidberg *et al.* (59) find mixed results in cross-tabulating respiratory disease mortality with level of air pollution and with income class. In general the relationships are in the expected direction, but they are often insignificant. Insignificant results might occur often, if the samples are small, even if air pollution is extremely sig-

nificant, since sampling errors dominate the explanatory variables.

Another study in which sampling error is important is reported by Ferris and Whittenberger (7). They compared individuals in Berlin, New Hampshire, with residents of Chilliwack (British Columbia), Canada, and—not surprisingly in view of the small samples—failed to find significant differences in the occurrence of respiratory disease. Prindle *et al.* (60) compared two Pennsylvania towns in the same fashion. These two studies are admirable in that individuals were subjected to careful medical examinations. However, only a few hundred individuals were studied, and this means that sampling errors tend to obscure the effects of air pollution. Moreover, there were no controls for other factors, such as smoking. Also, one must be careful to control for a host of other variables if the sample is small. For example, the ethnic origins of the population and their general habits and occupations are known to affect mortality rate. It is exceedingly difficult to control for these factors; use of carefully constructed large samples seems the best answer. Finally, air pollution is measured currently, and it is generally assumed that relative levels have been constant over time and that people have lived at their present addresses for a long period. It is hardly surprising that statistical significance is not always obtained when such assumptions are necessary.

Since investigators are more reluctant to publish negative results than positive ones, and since it is more difficult to get negative results published, it is probable that we are unaware of other studies that fail to find a strong association between air pollution and ill health. We are somewhat reluctant to come to strong conclusions without knowledge of such negative results. However, there seems to be no reasonable alternative to evaluating the evidence at hand and allowing for uncertainty. Thus, we conclude that an objective observer would have to agree that there is an important association between air pollution and various morbidity and mortality rates.

THE ECONOMIC COSTS OF DISEASE

Having found a quantitative association between air pollution and both morbidity and mortality, the next question is that of translating the increased sickness and death into dollar units. The relevant question is, How much is society willing to spend to improve health (to lower the incidence of disease)? In other words, how much is it worth to society to relieve painful symptoms, increase the level of comfort of suffers, prevent disability, and prolong life? It has become common practice to estimate what society is willing to pay by totaling the amount that is spent on medical care and the value of earnings "forgone" as a result of the disability or death (61). This cost seems a vast underestimate for the United States in the late 1960's. Society seems willing to spend substantial sums to prolong life or relieve pain. For example, someone with kidney failure can be kept alive by renal dialysis at a cost of $15,000 to $25,000 per year; this sum is substantially in excess of forgone earnings, but today many kidney patients receive this treatment. Another example is leukemia in children; enormous sums are spent to prolong life for a few months, with no economic benefit to society. If ways could be found to keep patients with chronic bronchitis alive and active longer, it seems likely that people would be willing to spend sums substantially greater than the foregone earnings of those helped. So far as preventing disease is concerned, society is willing to spend considerable sums for public health programs such as chest x-rays, inoculation, fluoridation, pure water, and garbage disposal and for private health care programs such as annual physical checkups.

While we believe that the value of earnings forgone as a result of morbidity and mortality provides a gross underestimate of the amount society is willing to pay to lessen pain and premature death caused by disease, we have no other way of deriving numerical estimates of the dollar value of air-pollution abatement. Thus, we proceed with a conventional benefit calculation, using these forgone earnings despite our reservations.

Direct and indirect costs. Our figures for the cost of disease are based on *Estimating the Cost of Illness*, by Dorothy P. Rice (61). Unfortunately, Rice calculated disease costs in quite aggregate terms, and so the category "diseases of the respiratory system" must be broken down. It seems reasonable to assume that both direct and indirect costs would be proportional to the period of hospitalization (total patient-days in hospitals) by disease category (62).

Rice defines a category of direct disease costs as including expenditures for hospital and nursing home care and for services of physicians, dentists, and members of other health professions. "Other direct costs" (which would add about 50 percent to those just enumerated) consist of a variety of personal and nonpersonal expenditures (such as drugs, eyeglasses, and appliances), school health services, industrial in-plant health services, medical activities in federal units other than hospitals, medical research, construction of medical facilities, government public health activities, administrative expenditures of voluntary health agencies, and the net cost of insurance. Since Rice does not allocate "other direct costs" among diseases, we omit it from our cost estimates. However, we conjecture that respiratory diseases represent a substantial portion of this category. Thus, our direct cost estimate is likely to be a substantial underestimate of "true" direct costs (probably more than 50 percent too low).

Estimating indirect cost is an attempt to measure the losses to the nation's economy caused by illness, disability, and premature death. We would argue that such a calculation gives a lower bound for the amount people would be willing to pay to lower the morbidity and mortality rates. These costs are calculated in terms of the earnings forgone by those who are sick, disabled, or prematurely dead (63).

THE HEALTH COST OF AIR POLLUTION

The studies cited earlier in this article show a close association between air pollution and ill health. The evidence is extremely good for some diseases (such as bronchitis and lung cancer) and only suggestive for others (such as cardiovascular disease and nonrespiratory-tract cancers.) Not all factors have been taken into account, but we argue that an unbiased observer would have to concede the association. More effort can and should be spent on refining the estimates. However, the point of this exercise is to estimate the health cost of air pollution. We believe that the evidence is sufficiently complete to allow us to infer, roughly, the quantitative associations. We do so with caution, and proceed to translate the effects into dollars. We have attempted to choose our point estimates from the conservative end of the range.

We interpret the studies cited as indicating that mortality from bronchitis would be reduced by about 50 percent if air pollution were lowered to levels currently prevailing in urban areas with relatively clean air. We therefore make the assumption that there would be a 25 to 50 percent reduction in morbidity and mortality due to bronchitis if air pollution in the major urban areas were abated by about 50 percent. Since the cost of bronchitis (in terms of forgone income and current medical expenditures) is $930 million per year, we conclude that from $250 million to $500 million per year would be saved by a 50 percent abatement of air pollution in the major urban areas.

Approximately 25 percent of mortality from lung cancer can be saved by a 50 percent reduction in air pollution, according to the studies cited above. This amounts to an annual cost of about $33 million.

The studies document a strong relationship between all respiratory disease and air pollution. It seems likely that 25 percent of all morbidity and mortality due to respiratory disease could be saved by a 50 percent abatement in air pollution levels. Since the annual cost of respiratory disease is $4887 million, the amount saved by a 50 percent reduction in air pollution in major urban areas would be $1222 million.

There is evidence that over 20 percent of cardiovascular morbidity and about 20 percent of cardiovascular mortality could be saved if air pollution were reduced by 50 percent. We have chosen to put this saving at only 10 percent—that is, $468 million per year.

Finally, there is a good deal of evidence connecting all mortality from cancer with air pollution. It is difficult to arrive at a single figure, but we have estimated that 15 percent of the cost of cancer would be saved by a 50 percent reduction in air pollution—a total of $390 million per year.

Not all of these cost estimates are equally certain. The connection between bronchitis or lung cancer and air pollution is much better documented than the connection between all cancers or all cardiovascular disease and air pollution. The reader may aggregate the costs as he chooses.

We estimate the total amount annual cost that would be saved by a 50 percent reduction in air-pollution levels in major urban areas, in terms of decreased morbidity and mortality, to be $2080 million. A more relevant indication of the cost would be the estimate that 4.5 percent of all economic costs associated with morbidity and mortality would be saved by a 50 percent reduction in air pollution in major urban areas (64). This percentage estimate is a robust figure; it is not sensitive to the exact figures chosen for calculating the economic cost of ill health.

A final point is that these dollar figures are surely underestimates of the relevant costs. The relevant measure is what people would be willing to pay to reduce morbidity and mortality (for example, to reduce lung cancer by 25 percent). It seems evident that the value used for forgone earnings is a gross underestimate of the actual amount. An additional argument is that many health effects have not been considered in arriving at these costs. For example, relatively low levels of carbon monoxide can affect the central nervous system sufficiently to reduce work efficiency and increase the accident rate (65). Psychological and esthetic effects are likely to be important, and additional costs associated with the effect of air pollution on vegetation, cleanliness, and the deterioration of materials have not been included in these estimates (66).

REFERENCES AND NOTES

1. For a general discussion of inherent problems in handling residuals, see R. U. Ayres and A. V. Kneese, *Amer. Econ Rev.* 59, 282 (1969).

2. For summaries of studies relating air pollution to health, see J. R. Goldsmith, in *Air Pollution*, vol. 1; *Air Pollution and Its Effects*, A. Stern, Ed. (Academic Press, New York, 1968), p. 547; E. C. Hammond, paper presented at the 60th annual meeting of the Air Pollution Control Association, 1967; H. Heimann, *Arch. Environ. Health* 14, 488 (1967). For more general reviews of the literature, see A. G. Cooper, "Sulfur Oxides and other Sulfur Compounds," *U.S. Public Health Serv. Publ. No. 1093* (1965);———, "Carbon Monoxide," *U.S. Public Health Serv. Publ. No. 1503* (1966); "The Oxides of Nitrogen in Air Pollution," *Calif. Dep. Public Health Publ.* (1966); "Air Quantity Criteria for Sulfur Oxides," *U.S. Public Health Serv. Publ.*

No. 1619 (1967); *Effects of Chronic Exposure to Low Levels of Carbon Monoxide on Human Health, Behavior, and Performance* (National Academy of Sciences and National Academy of Engineering, Washington, D.C., 1969):

3. *Public Health (Johannesburg)* 63, 30 (1963); D. M. Johnson, *Good Housekeeping* 1961, 49 (June 1961).

4. See A. V. Kneese, in *Social Sciences and the Environment; Conference on the Present and Potential Contribution of the Social Sciences to Research and Policy Formulation in the Quality of the Physical Environment*, M. E. Garnsey and J. R. Hibbs, Eds. (Univ. of Colorado Press, Boulder, 1967), p. 165; R. G. Ridker, *Economic Costs of Air Pollution* (Praeger, New York, 1967); "Air Quality Criteria for Sulfur Oxides, *U.S. Public Health Serv. Publ. No. 1619* (1967), pp. 54–57.

5. L. Greenburg, M. B. Jacobs, B. M. Drolette, F. Field, M. M. Braverman, *Public Health* Rep. 77, 7 (1962); M. McCarroll and W. Bradley, *Amer. J. Public Health Nat. Health* 56, 1933 (1966); J. Firket, *Trans. Faraday Soc.* 32, 1192 (1936); H. H. Schrenk, H. Heimann, G. D. Clayton, W. M. Gafafer, H. Wexler, "Air Pollution in Donora, Pennsylvania," *Public Health Bull. No. 306* (1949).

6. See J. R. Goldsmith, *Med. Thoracalis* 22, 1 (1965).

7. B. G. Ferris, Jr., and J. L. Whittenberger, *N. Engl. J. Med.* 275, 1413 (1966).

8. For a summary of laboratory experiments see "Air Quality Criteria for Sulfur Oxides," *U.S. Public Health Serv. Publ. No. 1619* (1967), pp. 79–93.

9. Chronic effects, where the incidence of the disease is small, can be studied only for large samples (millions of man-years of exposure); see J. R. Goldsmith, *Arch. Environ. Health* 18, 516 (1969); J. Rumford, *Amer. J. Public Health* 51, 165 (1961). Morbidity data would be more useful than mortality data, since death may result from a cause having no direct relationship to the original pollution-induced disease.

10. For example, M. McCarroll and W. Bradley [*Amer. J. Public Health Nat. Health* 56, 1933 (1966)] correlate the daily mortality rate in New York City with daily pollution indices. See also J. R. McCarroll, E. J. Cassell, W. A. B. Ingram, D. Wolter, "Distribution of families in the Cornell air pollution study" and "Health profiles vs. environmental pollutants," papers presented at the 92nd annual meeting of the American Public Health Association, New York, 1964; ———, *Arch. Environ. Health* 10, 357 (1965); W. Ingram, J. R. McCarroll, E. J. Cassell, D. Wolter, *ibid.*, p. 364; E. J. Cassell, J. R. McCarroll, W. Ingram, D. Wolter, *ibid.*, p. 367. Other workers have attempted to explain daily variations in hospital admissions [see L. Greenburg, F. Field, J. I. Reed, C. L. Erhardt, *J. Amer. Med. Ass.* 182, 161 (1962); W. W. Holland, C. C. Spicer, J. M. G. Wilson, *Lancet* 1961–II, 338 (1961); G. F. Abercrombie, *ibid.* 1953–I, 234 (1953); A. E. Martin, *Mon. Bull. Min. Publ. Health Lab. Serv. Directed Med. Res. Counc.* 20, 42 (1961); R. Lewis, M. M. Gilkeson, Jr., R. O. McCaldin, *Public Health Rep.* 77, 947 (1962); T. D. Sterling, S. V. Pollack, D. A. Schumsky, I. Degroot, *Arch. Environ. Health* 13, 158 (1966); T. D. Sterling, S. V. Pollack, J. Weinkam, *ibid.* 18, 462 (1969)]; absence rates (see J. Ipsen, F. E. Ingenito, M. Deane, *ibid.*, p. 462); symptoms in school children [see B. Paccagnella, R. Pavanello, R. Pesarin, *ibid.*, p. 495; T. Toyama, *ibid.* 8, 153 (1964)]; the incidence of asthma attacks [see L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. Rev. Resp. Dis.* 84, 489 (1961); C. E. Schoettlin and E. Landau, *Public Health Rep.* 76, 545 (1961); R. Lewis, *J. La. State Med. Soc.* 115, 300 (1963)]; and other morbidity [see J. T. Boyd, *Brit. J. Prev. Soc. Med.* 14, 123 (1960); R. G. Loudon and J. F. Kilpatrick, *Arch. Environ. Health* 18, 641 (1969)].

11. The most complete investigation of various pollutants was that of the Nashville studies. See L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. Rev. Resp. Dis.* 84, 489 (1961); L. D. Zeidberg and R. A. Prindle, *Amer. J. Public Health* 53, 185 (1963); L. D. Zeidberg, R. A. Prindle, E. Landau, *ibid.* 54, 85 (1964); L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 214 (1967); ———, *ibid.*, p. 225; R. M. Hagstrom, H. A. Sprague, E. Landau, *ibid.*, p. 237; H. A. Sprague and R. Hagstrom, *ibid.* 18, 503 (1969). It is conceptually possible to differentiate among pollutants, since, for example, the correlation between mean level of suspended particulates and mean level of sulfates for 114 U.S. Standard Metropolitan Statistical Areas is only .20.

12. L. B. Lave, "Air pollution damage" in *Research on Environmental Quality*, A. Kneese, Ed. (Johns Hopkins Press, Baltimore, in press).

13. D. J. B. Ashley, *Brit. J. Cancer* 21, 243 (1967); C. Daly, *Brit. J. Prev. Soc. Med.* 13, 14 (1959); J. Pemberton and C. Goldberg, *Brit. Med. J.* 2, 567 (1954); P. Stocks, *ibid.* 1, 74 (1959); R. E. Waller and P. J. Lawther, *ibid.* 2, 1356 (1955); ———, *ibid* 4, 1473 (1957); P. J. Lawther, *Proc. Roy. Soc. Med.* 51, 262 (1958); ———, *Nat. Acad. Sci. Nat. Res. Counc. Publ. No. 652* (1959), pp. 88–96; ———, *Instrum. Prac.* 11, 611 (1957); J. Pemberton, *J. Hyg. Epidemiol. Microbiol. Immunol. (Prague)* 5, 189 (1961); J. L. Burn and J. Pemberton, *Int. J. Air Water Pollut.* 7, 5 (1963); E. Gorham, *Lancet* 1958-I, 691 (1958); P. Stocks, *Brit. J. Cancer* 14, 397 (1960). These studies are updated and summarized in S. F. Buck and D. A. Brown, *Tobacco Res. Counc. Res. Paper No. 7* (1964).

14. W. Winkelstein, Jr., S. Kantor, E. W. Davis, C. S. Maneri, W. E. Mosher, *Arch. Environ. Health* 14, 162 (1967).

15. International Joint Commission U.S. and Canada, "Report on the pollution of the atmosphere in the Detroit River Area" (Washington and Ottawa, 1960).

16. T. Toyama, *Arch. Environ. Health* 8, 153 (1964).

17. F. L. Petrilli, G. Agnese, S. Kanitz, *ibid.* 12, 733 (1966); A. Bell, in *Air Pollution by Mettallurgical Industries*, A. Bell and J. L. Sullivan, Eds. (Department of Public Health, Sydney, Australia, 1962), pp. 2:1–2: 144.

18. P. Stocks, *Brit. Med. J.* 1, 74 (1959).

19. ———, *Brit. J. Cancer* 14, 397 (1960).

20. D. J. B. Ashley, *ibid.* 21, 243 (1967).

21. That the least-squares method provides the best linear unbiased estimates is the conclusion of the Gauss-Markov theorem, for which $E(ee') = \sigma^2 I$ and $E(e) = 0$ are the basic assumptions. These assumptions are that the basic model must be linear and that the distribution of the errors must have an expected value of zero, have finite variance, have a constant distribution over the various observations, and be independent. In addition, no explanatory variables may be omitted which are correlated with included variables. It is also convenient to assume that the explanatory variables are measured without error, although the framework can easily be adusted to handle errors. In order to perform significance tests, one must make an assumption about the distribution of the error term. For all the relations we estimated, we plotted the residuals and discovered that all distributions were unimodel, symmetric, and basically consistent with the normal distribution. Thus, in the discussion that follows, we have assumed that the error term is distributed normally.

22. For example, for economic level 1 (defined below), the death rates (per 100,000) for pollution levels 2 to 4 (defined below) are 126, 271, and 392. For economic level 2, the death rates for air pollution levels 1 to 4 are 136, 154, 172, and 199. For economic level 4, the death rates for pollution levels 1 to 3 are 70, 80, and 177. The five economic levels, based on median family income in a census tract, are as follows: $3005–$5007; $5175–$6004; $6013–$6614; $6618–$7347; and $7431–$11,792. The four air pollution levels (in micrograms) of suspended particulates (per cubic meter per 24 hours) are as follows: less than 80, 80–100, 100–135, and more than 135.

23. P. Stocks and J. M. Campbell, *Brit Med. J.* 2, 923 (1955).

24. In most of the early studies, pollution measures were not available, and so urban mortality rates were contrasted with rural rates. In these studies a substantial "urban factor" was found, which, unfortunately, was a compound of air pollution and many other factors. In the later studies the portion ascribable to air pollution is separated out.

25. C. Daly, *Brit. J. Prev. Soc. Med.* 13, 14 (1959).

26. Buck and Brown [*Tobacco Res. Counc. Res. Paper No. 7* (1964)], in examining data from England, control for population per acre, for social class, and for smoking habits. They find no relationship between smoking and lung cancer, and a relationship between SO_2 and lung cancer that is not consistent. Stocks uses three sets of data to isolate the effect of air pollution on lung cancer. Contrasting data for eight northern European cities, he finds a correlation between lung cancer and air pollution of .60, and correlations between lung cancer and smoking that range between .27 and .36. Contrasting data for 19 countries, he finds that an index of solid fuel consumption is a much stronger variable than cigarette consumption per capita. Finally, with data from northern England, he finds confirmation of an association between lung cancer and air pollution. See P. Stocks, *Brit. J. Prev. Soc. Med.* 21, 181 (1966).

27. E. C. Hammond and D. Horn, *J. Amer Med Ass.* 166, 1294 (1958).

28. W. Haenszel, D. B. Loveland, M. G. Sirken, *J. Nat Cancer Inst.* 28, 947 (1962).

29. Haenszel and Taeuber analyzed data for 683 white American females who died of lung cancer, and for a control group. They found the crude rate of death from lung cancer to be 1.32 times as high in urban areas as in rural areas for 1958–1959 and 1.29 times as high for 1948–1949 (in subjects 35 years and older, with adjustments made for age). When adjustments were made for both age and smoking history, the ratio was 1.27. This ratio increased with the duration of residence in the urban or rural area, from 0.80 for residence of less than 1 year to 1.76 for lifetime residence. See W. Haenszel and K. E. Taeuber, *J. Nat. Cancer Inst.* 32, 803 (1964).

30. L. D. Zeidberg, R. J. Horton, and E. Landau [*Arch. Environ. Health* 15, 214 (1967)] are not able to isolate an air pollution effect on mortality from lung cancer from data for Nashville for the years 1949 through 1960; C. A. Mills [*Amer. J. Med. Sci.* 239, 316 (1960)] investigated rates of death from lung cancer in Ohio. Stratifying according to the amount of driving done by the deceased, he found that the death rate varied with driving and urban exposure; L. Greenburg, F. Field, J. I. Reed, M. Glasser [*Arch. Environ. Health* 15, 356 (1967)] investigated 1190 cancer deaths that occurred on Staten Island between 1959 and 1961 and found a relationship between lung cancer and pollution; M. L. Levin, W. Haenszel, B. E. Carroll, P. R. Gerhardt, V. H. Handy, S. C. Ingraham II [*J. Nat. Cancer Inst.* 24, 1243 (1960)] found significant differences between urban and rural mortality rates (for periods around 1950) in New York State, Connecticut, and Iowa. For males, the death rates were 41 percent higher in urban areas in New York, 57 percent higher in Connecticut, and 184 percent higher in Iowa. For females, the differences were 7 percent, 24 percent, and 47 percent, respectively; P. Buell, J. E. Dunn, L. Breslow [*Cancer* 20, 2139 (1967)] utilized 69,868 questionnaires covering 336,571 man-years, in their study of lung cancer in California veterans. They found rates of death from lung cancer (adjusted for differences in age and smoking habits) to be 25

percent higher in the major metropolitan areas than in the less urbanized areas. Among nonsmokers, the rates of death from lung cancer were 2.8 to 4.4 times as high for major metropolitan areas as for more rural areas.

31. P. Buell and J. E. Dunn, Jr., *Arch. Environ. Health* 15, 291 (1967).

32. W. Winkelstein, Jr., and S. Kantor, *ibid.* 18, 544 (1969).

33. For economic level 2 (see 22), the mortality rate per 100,000 for gastric cancer in white males 50 to 69 years old changed from 45 to 41, 48 and 84 as the pollution level (see 22) rose. For economic level 4, the rates were 15, 38, and 63 for the first three pollution levels. For white women 50 to 69 years old, the death rates for economic level 2 were 8, 18, 25, and 40 per 100,000. For economic level 4, the death rates were 5 and 21 for the first two pollution levels.

34. R. M. Hagstrom, H. A. Sprague, E. Landau, *Arch. Environ. Health* 15, 237 (1967).

35. The four measures of pollution are suspended particulates (soiling), dustfall, SO_3 and SO_2. For all cancer deaths, the number per 100,000 for middle class residents (defined to include about 75 percent of all residents) fell from 153 for high-pollution areas, to 130 per moderate-pollution areas, to 124 for low-pollution areas when a soiling index (concentration of haze and smoke per 1000 linear feet) was used to classify air pollution. When SO_3 (milligrams per 100 square centimeters per day) was used as a basis for classification, the corresponding death rates were 150, 129, and 145, respectively. With dustfall as a measure, the figures were 145, 130, and 131, and with 24-hour SO_2, in parts per million, they were 141, 129, and 138.

36. M. L. Levin, W. Haenszel, B. E. Carroll, P. R. Gerhardt, V. H. Handy, S. C. Ingraham II, *J. Nat. Cancer Inst.* 24, 1243 (1960).

37. P. E. Enterline, A. E. Rikli, H. I. Sauer, M. Hyman, *Public Health Rep.* 75, 759 (1960).

38. L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 225 (1967).

39. When air-pollution level was measured on the basis of sulfation (SO_3, in milligrams per 100 square centimeters per day), the morbidity rates (for white, middle-class males aged 55 and older) were 64.0 man-years per 1000 man-years for high-pollution areas, 34.1 for moderate-pollution areas, and 36.8 for low-pollution areas. Measurement of air pollution on the basis of 24-hour concentrations of SO_2 gave morbidity rates of 47.2, 36.8, and 22.2, respectively. For these same white, middle-class males, in areas of high atmospheric concentrations of SO_3, the mortality rate was 425.6 per 100,000 population; in moderate-concentration areas, 327.41; and in low-concentration areas, 361.97. With SO_2 concentrations as a measure, the corresponding figures were 424.87, 319.19, and 364.93. When soiling (smoke or suspended particles) was used as the pollution index, the figures were 376.65, 339.13, and 399.88, respectively.

40. G. Friedman, *J. Chronic Dis.* 20, 769 (1967).

41. The effect of air pollution on pneumonia, tuberculosis, and asthma has also been investigated. C. Daly (see 25) reports simple correlations of .60 for pneumonia mortality and pollution from domestic fuel and .52 for pneumonia mortality and pollution from industrial fuel. For tuberculosis mortality the correlations are .59 and .22, respectively. The death rates for pneumonia rise from 30 to 52 per 100,000, and those for tuberculosis rise from 47 to 89, as one goes from rural settings to conurbations. Stocks (19) reports data on pneumonia mortality, by sex, for 26 areas of northern England and Wales. As shown by regressions 27 through 30 in Table 1, there appears to be a strong relationship between a smoke index and pneumonia mortality. The relationship is much stronger for men than for women. C. A. Mills [*Amer. J. Hyg.* 37, 131 (1943)] in a classic study of wards in Pittsburgh and Cincinnati for 1929–30, reports substantial correlation between pneumonia death rates and local pollution indices. He found the correlation between dustfall and rates for pneumonia mortality in white males to be .47 for Pittsburgh and .79 for Cincinnati. The actual variation in these death rates is 41 to 165 per 100,000 population for Cincinnati and 0 to 7852 for Pittsburgh. Mills argues that omitted socioeconomic variables could not account for these correlations, but he made no attempt to control for such variables in his studies. He also found that death rates fell significantly as the altitude of an individual's residence increased; there was a drop of approximately 10 percent in death rate for every 100 feet (30 meters) of elevation [see also C. A. Mills, *Amer. J. Med. Sci.* 224, 403 (1952); E. Gorham, *Lancet* 1959–II, 287 (1959)]. Zeidberg, Prindle, and Landau [*Amer. Rev. Resp. Dis.* 84, 489 (1961)] studied 49 adult and 35 child asthma patients for a year. They found that the attack rate (attacks per person per day) for adults rose from .070 during days when atmospheric concentrations of sulfates were low to .216 when concentrations were high. In children, the effect of increased concentration of sulfates was insignificant. Schoettlin and Landau [*Public Health Rep.* 76, 545 (1961)] investigated 137 asthma patients in Los Angeles during the fall months. They found that 14 percent of the variance in daily attacks (n—3435) could be explained by the maximum atmospheric concentrations of oxidants for that day. These two studies document a strong relationship between asthma and air pollution; Lewis, Gilkeson, and McCaldin [*Public Health Rep. 77,* 947 (1962)] found no association between the daily frequency of visits to charity hospitals for treatment of asthma attacks and measures of air pollution.

42. J. W. B. Douglas and R. E. Waller, *Brit. J. Prev. Soc. Med.* 20, 1 (1966).

43. A. S. Fairbairn and D. D. Reid, *ibid,* 12, 94 (1958).

44. L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. J. Public Health 54,* 85 (1964).

45. Morbidity rates associated with a soiling index were 140, 122, and 96, respectively, for high, moderate, and low pollution; corresponding rates associated with an SO_2 index were 177, 117, and 81. For white females, morbidity rates associated with an SO_3 index were 169, 134, and 160; with a soiling index, 158, 139, and 127; and with an SO_2 index, 172, 136, and 116. For nonwhite males, the morbidity rates asosciated with an SO_3 index were 86 for high concentrations and 84 for moderate and low concentrations; corresponding rates associated with a soiling index were 94 and 67, and with an SO_2 index, 84 and 88. For nonwhite females, morbidity rates of 136 and 140 were associated with high and with moderate and low SO_3 concentrations, respectively; corresponding rates associated with soiling were 140 and 129, and with SO_2 concentrations, 145 and 126. The effects for working women and for housewives, between the ages of 14 and 65, were similar.

46. E. C. Hammond, paper presented at the 60th annual meeting of the Air Pollution Control Association, 1967.

47. S. Ishikawa, D. H. Bowen, V. Fisher, J. P. Wyatt, *Arch. Environ. Health* 18, 660 (1969).

48. W. W. Holland and D. D. Reid, *Lancet* 1965-I, 445 (1965).

49. D. D. Reid, *ibid.* 1958-I 1289 (1958).

50. C. J. Cornwall and P. A. B. Raffle, *Brit. J. Ind. Med.* 18, 24 (1961).

51. F. C. Dohan, *Arch. Environ. Health* 3, 387 (1961; ——— and E. W. Taylor, *Amer. J. Med. Sci.* 240, 337 (1960).

52. H. A. Sprague and R. Hagstrom, *Arch.*

53. L. B. Lave and E. P. Seskin, in preparation.

54. "County and City Data Book," *U.S. Dep. Commerce Publ.* (1962); "Analysis of Suspended Particulates, 1957–61," *U.S. Public Health Serv. Publ. No. 978* (1962); "Vital Statistics of the United States (1960)," *U.S. Dep. Health Educ. Welf. Publ.* (1963); "Vital Statistics of the United States (1961)," *U.S. Dep. Health Educ. Welf. Publ.* (1963).

55. For a discussion of the limitations of these studies, see B. G. Ferris, Jr., and J. L. Whittenberger (7) and J. R. Goldsmith, *Arch. Environ. Health* 18, 516 (1969).

56. See "Smoking and Health Report of the Advisory Committee to the Surgeon General of the Public Health Service," *U.S. Public Health Serv. Publ. No. 1103* (1964), p. 362.

57. This might be explained by noting that farmers tend to be exposed to a high level of pollution in the course of their work (from fertilizers, insecticides, and the exhaust fumes from farm equipment), which causes more deaths from respiratory disease than would be expected from the low level of general air pollution in rural areas.

58. See, for example, T. Toyama (*16*) and F. L. Petrilli, G. Agnese, S. Kanitz, *Arch. Environ. Health* 12, 733 (1966).

59. L. D. Zeidberg, R. J. M. Horton, E. Landau, *Arch. Environ. Health* 15, 214 (1967).

60. R. A. Prindle, G. W. Wright, R. O. McCaldin, S. C. Marcus, T. C. Lloyd, W. E. Bye, *Amer. J. Public Health,* 53, 200 (1963).

61. D. P. Rice, "Estimating the Cost of Illness," *Public Health Serv. Publ. No. 947–6* (1966).

62. The category "diseases of the respiratory system" encompasses numbers 470 through 527 of the 1962 International Classification of Diseases, Adapted (ICDA). A report of the Commission on Professional and Hospital Activities, entitled *Length of Stay in Short-Term General Hospitals (1963–1964)* (McGraw-Hill, New York, 1966), gives details on the average lengths of stay and number of patients in 319 U.S. general hospitals for 1963 and 1964 by specific ICDA classifications. From these figures we were able to compute the ratio of total hospitalization by specific disease to total hospitalization for all respiratory diseases. Of the 2,410,900 inpatient days for all respiratory diseases, 232,222 were for acute bronchitis and 177,232 were for "bronchitis, chronic and unspecified." Thus, approximately 17 percent of all inpatient days for respiratory diseases were for some form of bronchitis. On the basis of current hospitalization rates, we find the direct cost of diseases of the respiratory system to be $1581 million annually. An estimated 17 percent of this amount is due to bronchitis; thus, the direct cost of bronchitis is about $268.8 million annually.

63. To calculate the indirect cost of bronchitis, we must do more than take 17 percent of the total indirect cost ($3,305,700) of all diseases of the respiratory system. Almost 50 percent of respiratory disease patients are hospitalized for "hypertrophy of tonsils and adenoids" (ICDA 510). Hospitalization is categorized by age of patient in the Commission on Professional and Hospital Activities report, and we note that 80 percent of these "tonsils and adenoid" patients were under 20 years of age. Thus, it seems clear that the "forgone earnings" of these patients is negligible, and so no indirect costs should be allocated to this group. We therefore excluded the hospitalization of "tonsil and adenoid" patients before computing the percentage of hospitalization due to bronchities. Thus, we estimated that 20 percent of the indirect cost of respiratory disease can be ascribed to bronchitis.

64. There is one bit of evidence that 25 to 50 percent of total morbidity (and therefore mortality) can be associated with air pollution; see L. D. Zeidberg, R. A. Prindle, E. Landau, *Amer. J. Public Health* 54, 85 (1964). If one accepted this evidence as conclusive, it would follow that the annual cost of air pollution, because of health effects, would run between $14 billion and $29 billion.

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73. The research discussed in this article was supported by a grant from Resources for the Future, Inc. We thank Morton Corn, Allen Kneese, and John Goldsmith for helpful comments. Any opinions and remaining errors are ours.

BILL TO BAN POLLUTING CARS BY 1975 GAINS IN SENATE

WASHINGTON, August 20.—A Senate subcommittee has approved an air pollution bill that would halt sales of new cars on Jan. 1, 1975, if they did not eliminate 90 per cent of the exhaust contaminants allowed in 1970 cars.

Senator Edmund S. Muskie, Democrat of Maine, announced today that his Subcommittee on Air and Water Pollution of the Public Works Committee approved yesterday "a tough piece of legislation" designed to achieve clean air for breathing within five and a half years after its enactment.

He called the automobile "a pollution monster" that consumed most of the subcommittee's deliberations. And he called upon American ingenuity to meet the challenge of the problem, which auto manufacturers have previously said would be difficult to solve before 1980.

Senator Muskie expressed confidence that the measure would pass the full committee next Thursday and the Senate after Labor Day, substantially unchanged or with stronger provisions.

Senator J. Caleb Boggs, Republican of Delaware, appeared at the news conference with him to demonstrate the bi-partisan support Senator Muskie says his bill has in the Senate.

However, the House has already passed an antipollution bill that sets no deadline on the development of cleaner automobiles although it contains many other stringent measures similar to those in the Senator's subcommittee bill.

Representative Ancher Nelsen, Republican of Minnesota, doubted that the House would accept the 1975 deadline in a House-Senate conference, but he would not rule out the possibility.

"Some of us feel that it can't be done by setting any specific target date because the auto industry is perplexed and has told us it doesn't know when it can achieve such standards," he said. "It's like trying to set a date next week, or next month to pull out of Vietnam. It can't be done that way."

The automotive industry and the Department of Transportation officially declined to comment on the Muskie bill until they had time to study it.

But a source at General Motors in Detroit suggested that the industry was not impossibly far from meeting the demands by 1975 for an auto that would be almost pollution free.

He said that two approaches were being followed in research in an attempt to "take autos out of the pollution business." One involves the development of a catalytic muffler that would chemically clean exhausts. The other seeks to develop a new exhaust manifold that would be hot enough to burn off unused fuels.

Publicly, internal combustion experts have taken the position that such developments would take a number of years at a marked increase in the cost of automobiles.

Senator Muskie said the urgency for moving up a target date for low-pollution cars from 1980 to 1975 was the length of time it took to eliminate used cars that would still be polluters.

He said that if new cars did not become minimal polluters until 1980, then it would not be until 1990 that a sufficient number of used cars would be eliminated from the roads to meet public health standards.

AIR STANDARDS CITED

And he suggested that some localities might have to decide to limit or ban automobiles to meet the national air qualities standards his bill would require the Federal Government to establish.

Subcommittee sources said that the high levels of air pollution emitted during rush hour traffic movements into major cities such as New York, Los Angeles and Washington were such that these cities would have to cut such traffic significantly to meet even minimal air standards.

"We will have to do whatever needs to be done to protect the public health," Senator Muskie said. "Tough decisions are going to have to be made."

Other major provisions of the measure would require the following:

Establishment of national air quality standards to protect human health and welfare "from any known or anticipated effects."

Plans by the states to meet these standards after they are promulgated. The plans would have to be prepared in nine months with public hearings and they would have to be designed to achieve air quality standards within three years.

Approval by the Secretary of Health, Education, and Welfare of such plans within four months or preparation of a plan by the Secretary if no plan or an unacceptable one should be submitted.

Achievement by new major-industry plants of a standard of emission consistent with national standards and use of the latest available technology.

Preparation of emission standards for aircraft and vessels and regulations for used commercial vehicles.

The Muskie bill would also allow citizen suits against polluters, including the Federal Government, and establish tough new penalties up to $50,000 and two years in jail for criminal violations and up to $10,000 for civil violations. It would also finance emission research at $450-million during the next three fiscal years.

A major difference between the House-approved bill and the measure reported by Senator Muskie's subcommittee is in the establishment of air-quality control regions.

The Muskie measure would have the Secretary of Health, Education, and Welfare establish interstate and intrastate regions within 90 days of the bill's enactment.

The House bill establishes each state as an air quality region and Representative Paul G. Rogers, Florida Democrat who is generally considered to be the author of the House bill, said on the telephone today that he expected a fight over this issue when the bill reached conference.

He posed no objection to the 1975 deadline for ending sales of polluting cars "if that is a possible accomplishment" but questioned the need for air quality regions that would require new structures.

AMENDMENT TO END THE WAR: VIETNAMESE WAR CASUALTIES AND IMPLICATIONS FOR U.S. POLICY

Mr. HATFIELD. Mr. President, I submit today the fifth in a series of articles dealing with U.S. involvement in Southeast Asia. The article, entitled "Vietnamese War Casualties and Implications for U.S. Policy," was written by Charles P. Shirkey for the Congress of Young Professionals for Political Action.

As a former staff member of the Office of the Assistant Secretary of Defense, Systems Analysis, Mr. Shirkey is well qualified to comment upon the Government projections of reprisals in the event that the Vietcong should gain control in South Vietnam. With concise facts and clear reason he refutes the emotion-laden charges that have been raised about the prospect of a "blood bath," and points out how the only real blood bath will be the continuation of the war. Such information is of utmost importance to the debate on American involvement in Southeast Asia.

I ask unanimous consent that "Vietnamese War Casualties and Implications for U.S. Policy" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD:

VIETNAMESE WAR CASUALTIES AND IMPLICATIONS FOR U.S. POLICY

(By Charles P. Shirkey [1])

This paper examines two recent government-sponsored studies which are often quoted in the press as definitive projections of the likely level of reprisals if the Viet Cong should gain control of South Vietnam. During the past year the "bloodbath" argument has been cited by many, including the President, as justification for the Administration's policy on the future U.S. role in Vietnam. In particular, it has been used by the Administration as sufficient reason why U.S. forces should not be withdrawn fully during the next twelve months. These two studies imply that the Administration is justified in arriving at that conclusion. Thus in addition to examining the empirical basis for the "bloodbath" argument put forth in these two studies, this paper addresses the implications for U.S. policy, particularly the timing of withdrawal.[2]

To clarify the various elements of the "bloodbath" argument, it is useful to distinguish between the following:

A deliberate policy of violent reprisal by a Communist regime in control of South Vietnam;

A post-war Communist policy of assassination and execution; following a *de facto* or negotiated cease-fire;

The current war-time Viet Cong policy of assassination and execution; and

The toll of the war itself.

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[1] The author is a former staff member of the Office of the Assistant Secretary of Defense (System Analysis).

[2] For a discussion of the historical basis for the "bloodbath" argument, see D. Gareth Porter and Len E. Ackland, "Vietnam: The Bloodbath Argument," *Christian Century*, November 5, 1969.

In a monograph on "The Viet-Cong Strategy of Terror" published in February for the U.S. Mission in Saigon, Douglas Pike states, that

"If the communists win decisively in South Viet-Nam (and the key word is decisively) . . . All political opposition, actual or potential would be systematically eliminated." Elsewhere, he quotes Col. Tran Van Dac (the highest ranking Communist officer to come in under South Vietnam's Chieu Hoi program) as stating in the course of a Saigon-sponsored press conference in 1969, that "There are three million South Vietnamese on the (communist) blood debt list" (or blacklist). Thus Mr. Pike concludes, that "Considering the integral part terror plays in communist social change, it does not follow that the quick and sure route to peace, to a moratorium on death, is to permit the communists to assume power." Mr. Pike fails to note, however, that in response to a question a year earlier about what would happen to officials of the Saigon government if the Communists succeeded in Vietnam, Col. Dac responded,

"They would imprison them, send them to concentration camps under this or that pretext . . . to reeducate them . . . so that they can adapt themselves better to the new social order . . . former high officers, educated people, landlords, or property owners . . . are carefully watched." [3]

Another analyst, Stephen T. Hosmer, is somewhat less certain of the likelihood and extent of reprisals under a Communist regime in South Vietnam. In a RAND Corporation report on "Viet Cong Repression and Its Implications for the Future," [4] published in May for the Pentagon's Advanced Research Projects Agency (ARPA), he underlines for emphasis the observation that, *"any discussion of possible Communist behavior must obviously be considered highly speculative."* However, he "finds it difficult to believe that the number (of executions alone) would be much less than 100,000. Indeed, it might well be considerably higher." He notes that both the Saigon government and the Viet Cong fear reprisals should the other side ultimately win. But there is nothing in the entire study which supports a figure of 100,000, much less a figure "considerably higher."

Both authors confuse the past and current use of assassination and execution as a Viet Cong instrument of warfare with (a) the post-war policies which the Communists might adopt or (b) the policies of a Communist regime in control of South Vietnam. They imply that the only reason the Viet Cong have received support from Vietnamese peasants to date has been because of the use of terror. It therefore seems to follow that the Viet Cong could retain control only by continuing such tactics. But this is not consistent with Viet Cong objectives or capabilities. Mr. Pike notes that the use of terror tactics by the Viet Cong to date is designed:

"To prove that the Government of Viet-Nam (GVN) in Saigon is a mere facade propped up by the Americans and will collapse when American disengagement reaches a certain point" and

"To destroy the various political, social, economic and militia-type programs the GVN has underway in the country's 2,500 villages—collectively known as the Pacification Program—thus destroying or minimizing any faith and trust villagers might have in the Saigon government."

Moreover, the use of assassination and execution has been more common in areas outside firm Viet Cong control. Hence, the evidence suggests that the objective of terror is not to maintain control; rather, it is designed to weaken Saigon's authority, particularly in the countryside.

Furthermore, the Viet Cong could readily increase the number of assassinations and executions. Yet they have chosen not to increase them and, in fact, deliberately use restraint. For example, both Mr. Pike and Mr. Hosmer note that all executions must be approved by higher Viet Cong headquarters, a procedure which tends to have a restraining influence. In any event, the mere use of assassination and execution by the Communists in fighting a war does not mean that the same methods would be used to control the country if they were to win. Indeed, Mr. Hosmer notes that the Communists would have strong political reasons to hold down the level of violent reprisals: (1) Disintegration of the Saigon regime would have removed a major reason for reprisals; (2) Needing to run the country, a Communist regime "presumably would want to avoid actions that might hamper its major task of political consolidation and mobilization . . . in particular, to eschew the kind of indiscriminate mass reprisals that might permanently alienate much of the population;" and (3) A Communist regime might fear the excessive reprisals would breed "adverse reactions in other Communist states or parties and among the uncommitted nations."

In addition to confusing the current Viet Cong tactic with a policy which might be pursued by a Communist regime, Mr. Hosmer also appears to confuse (a) the deaths arising from the struggle for power with (b) the deaths that might occur once the Communists are in power. The situation under which one could expect a "bloodbath" of very large proportions is cited as the one in which the struggle for control is long and drawn out. This would apparently result in what Mr. Pike refers to as a "decisive" Communist victory. One would have to agree that any war, conventional or non-conventional, is likely to be bloody if it is long drawn out. Also, the "bloodbath" in this sense would have occurred regardless of whether the Viet Cong or the Saigon government should be the winner.

To the extent that the "bloodbath" argument reflects a genuine concern to reduce the number of Vietnamese deaths in this war, or merely the American complicity, it is worth while to put current and prospective Viet Cong assassinations and executions in the context of the total war. Table I shows that about 1,000,000 Vietnamese have died over the past 5½ years as a direct result of the war. (This would be equivalent to about 5.0 million Americans being killed over a similar period. By comparison, the Vietnamese have lost during the past five years alone four times more, as a percent of population, than we did during the five years of our Civil War—the bloodiest war in our history.) It is estimated that about 330,000 of this total were civilians. About 10%, or about 32,000, of the civilians killed were the victims of Viet Cong assassinations and executions.

[3] This interview dated May 18, 1968, was distributed in mimeographed form by the Joint U.S. Public Affairs Office, Saigon. It is interesting to note that this statement was made *after* the Tet offensive; Mr. Pike maintains that the killings at Hue during Tet support his "bloodbath" argument.

[4] Mr. Hosmer uses the word "repression" to include assassinations and executions.

TABLE I.—TOTAL VIETNAMESE CASUALTIES (DEATHS IN PARENTHESES) JANUARY 1960–JUNE 1970

[Calendar years; casualty estimates in thousands]

	Total 1960–64	1965	1966	1967	1968	1969	Total 1965–69	January–June 1970
Civilians:								
Non-Communist South Vietnamese [1]	NA	100.0	150.0	175.0	300.0	225.0	950.0	110.0
		(33.0)	(45.0)	(53.0)	(100.0)	(68.0)	(300.0)	(30.0)
Includes Viet Cong assassinations and executions [2]	[3] (6.0)	[4] (2.0)	(1.8)	(3.7)	[5] (15.4)	(6.1)	(29.0)	(3.0)
North Vietnamese [6]	NA	NA	NA	NA	NA	NA	NA	NA
Subtotal civilians	NA	100.0	150.0	175.0	300.0	225.0	950.0	110.0
		(33.0)	(45.0)	(53.0)	(100.0)	(68.0)	(300.0)	(30.0)
Combatants:								
South Vietnamese Forces [7]	67.8	34.4	32.9	42.0	98.6	87.1	295.2	48.3
	(23.8)	(11.2)	(12.0)	(12.7)	(27.9)	(21.8)	(85.7)	(11.8)
Viet Cong/North Vietnamese forces	191.0	89.0	139.0	220.0	453.0	392.0	1,293.0	92.9
	(76.0)	(35.0)	(56.0)	(88.0)	(181.0)	(157.0)	(517.0)	(37.1)
Includes: U.S. and South Vietnamese assassinations of Viet Cong (project Phoenix) [8]	NA	NA	NA	NA	[9] (2.3)	[2] (6.2)	NA	NA
Subtotal combatants	248.8	123.4	171.9	262.2	551.6	479.1	1,588.2	141.2
	(99.8)	(46.2)	(68.0)	(100.7)	(208.9)	(178.8)	(602.7)	(48.0)
Total Vietnamese	NA	225.0	325.0	440.0	855.0	702.0	2,540.0	251.2
		(80.0)	(115.0)	(155.0)	(310.0)	(250.0)	(900.0)	(78.9)
Includes: Non-Communist South Vietnamese	NA	135.0	185.0	220.0	400.0	310.0	1,245.0	158.3
		(44.0)	(57.0)	(66.0)	(128.0)	(90.0)	(386.0)	(41.8)

[1] "Report on Civilian Casualty and Refugee Problems in South Vietnam," the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees, May 9, 1968. The estimates were subsequently updated and inserted in the Congressional Record, vol. 115, pt. 30, p. 40623.

[2] Official estimates of the Military Departments and MACV.

[3] An approximation based on the U.S. mission estimate of 9,700 assassinations during 1958–65.

[4] U.S. official estimate cited by Senator Dole, Congressional Record, vol. 115, pt. 30, p. 40620. In 1966, however, Senator Dole's estimate is considerably higher than the MACV estimate cited by Mr. Hosmer.

[5] Ibid.; includes 10,000 civilians reportedly executed by the Viet Cong during Tet.

[6] To the knowledge of this author, no official estimates have been released by the Government of North Vietnam.

[7] Includes para-military forces beginning in 1968.

[8] This program did not begin officially until 1966 but some assassinations of Viet Cong no doubt took place before that time.

[9] Estimates cited in "Vietnam: December 1969," Staff Report, Senate Committee on Foreign Relations, Feb. 2, 1970 (p. 4).

These statistics are rough, but on balance they tend to be conservative. The body count of Viet Cong and North Vietnamese forces are probably inflated and often include civilians, as they did most notably at My Lai. But then estimates of North Vietnamese killed during the bombing of the North are not available and no attempt has been made to estimate the number.

In any event, numbers of deaths alone grossly understate the cost in human suffering that this war has visited on the Vietnamese people. Any discussion of "bloodbath" should also address the 1.6 million wounded—many of whom are maimed for life, and the 4.0 million refugees in South Vietnam alone.[5] In addition, one should include the Laotians and Cambodians who have been killed, wounded or made homeless, since they cannot escape the war.

Setting aside for the moment the question of when and how the Communists might gain control of South Vietnam and whether a Communist regime might pursue a policy of violent reprisals, the number of Vietnamese deaths and casualties over the next five years will depend on three variables:

The level of military engagement (which depends largely on the size of U.S. forces in Southeast Asia, whether engaged in direct combat or in support of the South Vietnamese forces);

The timing of a cease-fire and thus the duration of military hostilities (whether before or after a U.S. full or partial withdrawal); and

The level of Viet Cong and South Vietnamese assassinations and executions prior to a cease-fire, and the level (if any) after cease-fire.

Over the past year, five out of every 1,000 South Vietnamese were killed. For both Vietnams, there were six deaths per 1,000 population. (This would be equivalent to about one million Americans being killed in one year alone). Table II shows projections of Vietnamese casualties over the next five years under various assumptions. If the Administration continues to withdraw troops at the current rate of 50,000 men per quarter (see Case 2), we can expect about 96,000 non-Communist South Vietnamese and 265,000 more total Vietnamese to be killed during the next two years. This will include about 72,000 South Vietnamese civilians. Thus, unless the troop withdrawal rate is accelerated, 100,000 more *will* be killed:

By April 1975, if we count South Vietnamese civilians only and assuming we leave no residual U.S. forces in Vietnam;

By September 1972, if we count total non-Communist South Vietnamese (including South Vietnamese forces); and

By December 1970, if we count total Vietnamese (including Viet Cong and North Vietnamese forces).

Of course, the figure of 100,000 will be reached sooner if (a) there is any delay in the withdrawal schedule (compare Cases 3 and 4) and/or (b) any residual U.S. forces (50,000 or more) are left to support the South Vietnamese forces (see Cases 3, 4 and 5). Alternatively, an accelerated and total withdrawal (see Case 1) will result in fewer deaths over the same periods of time.

TABLE II.—PROJECTED VIETNAMESE CASUALTIES JULY 1970 THROUGH JUNE 1975[1]

[In thousands]

U.S. troop withdrawal options[2]	Non-Communist South Vietnamese only		Total Vietnamese	
	Deaths	Total casualties	Deaths	Total casualties
Case 1: Accelerated withdrawal date; out by Dec. 31, 1971 (Hatfield-McGovern amendment)	130	500	370	1,045
Case 2: Current withdrawal rate; out by early fiscal year 1973	140	540	400	1,130
Case 3: Current withdrawal rate; residual force of 50,000 men	195	750	555	1,565
Case 4: Withdrawal delayed in fiscal year 1972; residual force of 50,000 men	215	810	600	1,695
Case 6: Continuing force of over 200,000 men[3]	265	960	715	2,025

[1] Based on recent monthly averages as shown in appendix A.

[2] All projections assume a level of deaths and casualties at 20 percent the current annual rate when U.S. forces withdraw (i.e., the level of hostilities the South Vietnamese alone could sustain). The remaining 80 percent is assumed to vary in direct proportion to U.S. force levels in Vietnam. Cases are those used in a paper by Arnold Kuzmack, "Casualty and Cost Projections for Different Withdrawal Plans," inserted in the Congressional Record, Aug. 24, 1970, p. 29849.

[3] To date, President Nixon has stated he would withdraw only combat troops; the remaining combat support and logistic support troops number more than 200,000. On the other hand, if the President makes no further withdrawals than those announced to date, there would be about 275,000 men left in Vietnam. These cases would tend to lower or increase the projections respectively.

IMPLICATIONS FOR U.S. POLICY

At his news conference on May 8, Mr. Nixon noted that it is a "moot question" whether the war had been worthwhile, but "now that America is there, if . . . we withdraw from Vietnam and allow the enemy to come into Vietnam and massacre the civilians there by the millions, as they would, if we do that, let me say that America is finished insofar as the peacekeeper in the Asian world is concerned."

Most recently, Vice President Agnew raised the "bloodbath" spectre in an August 17 speech to the Veterans of Foreign Wars Convention in Miami Beach, stating that withdrawal of United States forces would result in the "collapse of the Government, chaos in the country—ultimately the kind of Communism that literally decimated the civilian population of Hue in the Tet offensive".

The "bloodbath" argument has been an integral part of the Administration's position on U.S. withdrawal from South Vietnam since the President first alluded to it in a talk on May 14, 1969. Curiously, the current Adminstration's position is very similar to the position held by Vietnamese officials in Saigon for many years.

Convinced of a "bloodbath" should the Communists take over in South Vietnam, the Administration appears to want to reduce the probability of a Communist victory by keeping U.S. forces in Vietnam until they have a higher confidence than they do now that Vietnamization will work. It does not appear that the Administration expects to have that higher confidence in the near future, given the current rate of withdrawal and the possibility of a residual force.

But the thrust of the Administration's position is contrary to what is being said about the success of the Vietnamization program and the claim that the allied sweep of the sanctuaries in Cambodia resulted in a severe set-back for the Viet Cong and North Vietnamese forces. Indeed, a combined North Vietnamese and Viet Cong force of about 220,000 (backed up by 400,000 regular forces in North Vietnam) would be confronted with a 1,100,000-man South Vietnamese force, having been upgraded by the Vietnamization program, plus about 500,000 Regional and Popular Forces and 2,000,000 Peoples' Self-Defense Force.[6] Moreover, the Administration's position fails to recognize the huge toll in human life that continuation of the war *will* impose on the Vietnamese people. This current bloodbath will continue to be the direct result of American action so long as U.S. troops continue to support large-scale combat operations against the Viet Cong and North Vietnamese forces. Finally, even as Mr. Hosmer notes in his study, the longer the war continues, the greater likelihood of violent reprisals by the Communists should they be the ultimate victors.

The alternative of a fixed timetable for withdrawal, as proposed by the Hatfield-McGovern Amendment (Senate Amendment 609), would insure the lowering and early termination of the current Vietnamese casualty rate, as shown in Case 1 in Table II. The increase in U.S. withdrawals would reduce the level of combat activity prior to a cease-fire. Moreover, it would increase the likelihood of a cease-fire, since the present intransigence of the Saigon government to talks on a cease-fire and coalition is bolstered by the seemingly interminable presence of U.S. forces carrying a major share of the combat duties.

Even if one believes the "bloodbath" argument, the U.S. could offer asylum to those South Vietnamese citizens who might fear reprisals. Senate Amendment 609 provides funds for this very purpose. In the past we have granted asylum to over ½ million Cubans, thousands of Hungarian and others in Communist countries.

[5] Source: Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees.

[6] General W. C. Westmoreland, remarks before the Atlanta Rotary Club, July 27, 1970.

APPENDIX A.—RECENT VIETNAMESE CASUALTY RATES

[In thousands]

	Recent monthly averages			Annual rate		
	Deaths	Nonfatal casualties	Total casualties	Deaths	Nonfatal casualties	Total casualties
Non-Communist South Vietnamese:						
Civilians[1] (including VC assassinations)[2]	(5.7	13.1	18.8	60.0	160.0	220.0
	(.5)		(.5)	(6.0)		(6.0)
South Vietnamese regular and para-military forces[2]	1.7	[3] 4.8	6.6	20.0	60.0	80.0
Subtotal	7.4	17.9	25.3	80.0	220.0	300.0
Vietcong/North Vietnamese forces	11.1	16.6	27.7	140.0	190.0	300.0
Total Vietnamese	18.5	34.6	53.0	220.0	410.0	630.0
U.S. forces (for comparison)[2]	.2-.4	1.7-2.6	1.9-2.9	2.5-3.9	20.1-30.8	22.6-34

[1] Estimates for January–October 1969 by the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees.

[2] Official MACV statistics for July 1969–May 1970.

[3] Official MACV statistics for July 1969–March 1970.

Note.—Totals may not add due to rounding.

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STRATEGIC ARMS LIMITATION TALKS—ARTICLE BY GEORGE BUNN

Mr. NELSON. Mr. President, the Strategic Arms Limitation Talks in Vienna have been termed by some as the most important negotiations in the history of mankind. Whether so or not is probably yet to be determined. Nevertheless no one would doubt the great importance of these talks.

Many articles have been written about the SALT talks, and many more will no doubt appear as the talks continue. One of the most informative and perceptive articles appeared in the Columbia Law Review. In the article entitled "Missile Limitation: By Treaty or Otherwise?" the author, Mr. George Bunn, visiting professor of law, University of Wisconsin, and formerly General Counsel of the Arms Control and Disarmament Agency, discusses the importance of congressional involvement if agreement is ever to be reached in the SALT talks. He also calls for appointing congressional advisers to the American delegation and the creation of an advisory committee composed of Senators from the Foreign Relations Committee, the Armed Services Committee, and the Joint Committee on Atomic Energy.

I ask unanimous consent that this timely article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MISSILE LIMITATION: BY TREATY OR OTHERWISE?

(By George Bunn)

INTRODUCTION

With the opening of the Strategic Arms Limitation Talks (SALT), a fleeting opportunity to halt the "mad momentum" of the missile race is finally at hand. For over a decade arms control negotiators have been trying to find a way to end this competition. During the first several years of discussions, missile proposals were part of comprehensive package plans requiring agreement on a broad range of other weapons before the stockpiling of missiles could be stopped. Wide differences existed between the Americans and the Soviets over inspection, the rates of reduction of various weapons on each side, and the institutional arrangements for keeping the peace as arms were reduced.

In 1964, American negotiators decided to separate strategic nuclear delivery vehicles from the other weapons of the package plans in hopes that a simplified goal could produce agreement more easily. Their proposal was for a "freeze" on the numbers and characteristics of the long-range missiles and aircraft held by each side. The verification system was to be less onerous because it would focus on missile production, the institutional requirements were much reduced, and the arguments over the rate of reduction were to be postponed by negotiating a simple "freeze" agreement in the first instance.

This proposal, and its later modifications, were all rejected by the Soviet Union, probably for two basic reasons. First, the proposal required that inspectors enter the Soviet Union to check on whether its factories were producing missiles. Soviet political leaders found such inspection intolerable. Second, the Soviets had fewer intercontinental missiles than we had, and they did not want to enter negotiations which might reveal that fact to the world or freeze them into a position of inferiority.

By late 1966, an end to these two obstacles was in sight. Intelligence had improved to the point where long-range detection devices could determine with reasonable accuracy the number of fixed intercontinental missiles stationed on the ground. Therefore, if the arms control measure were changed to limit the deployment of these missiles rather than their production, it could be verified without on-site inspection in the Soviet Union. At the same time, the growth of the Soviet stockpile was such that a period of rough American-Soviet parity in numbers of land-based intercontinental ballistic missiles seemed fast approaching. There were, of course, other kinds of nuclear delivery vehicles and other ways of measuring strategic nuclear strength. For example, the United States was thought to have superiority in numbers of deliverable nuclear warheads while the Soviet Union was thought to have superiority in total deliverable nuclear megatonnage. Nonetheless a nuclear exchange between the two would produce about 100 million dead on both sides no matter which attacked first. Because each side had more than enough strength to knock out the other even after suffering a first strike, questions of exact equality were of little relevance. We had become "scorpions in a bottle, able to sting each other only at the price of death."

Private discussions in late 1966 and early 1967 produced an announcement in March of 1967 by President Johnson that Chairman Kosygin had confirmed the willingness of the Soviet Union to enter bilateral talks "to discuss means of limiting the arms race in offensive and defense (*sic*) nuclear missiles." It was two and a half years, however, before the talks began. Completion of the Non-Proliferation Treaty, and apparent Soviet caution, delayed the setting of a date for talks until August of 1968. At that point, the planned announcement of date and place was canceled by the United States after Soviet troops invaded Czechoslovakia. Then, reconsideration by the new Nixon Administration and further hesitation by the Soviet Union delayed things still further. Finally, on November 17, 1969, preliminary talks began in Helsinki. These produced agreement to begin substantive SALT negotiations on April 16, 1970 in Vienna.

The missile race continues unabated, however, and with it, developments in technology which threaten to re-erect the two obstacles which stood in the way of realistic negotiations earlier: the need for on-site inspection and the fear of inferiority, perhaps even of vulnerability.

Without on-site inspection, long-range detection devices may soon be unable to verify compliance with "standstill" agreements freeing certain new weapons both sides now plan to deploy. For example, a missile armed with the newly developed "Multiple Independently-Targeted Reentry Vehicles" (MIRVs), looks from a distance like a missile armed with one reentry vehicle. If both countries install MIRVs, each will have difficulty, without on-site inspection, knowing how many deliverable warheads the other has. Whether a missile system is a defensive anti-ballistic missile (ABM) system, and whether, if so, it is effective, are likewise difficult to determine at great distances. Deployment of ABM systems, therefore, further complicates the problem of verification. New intercontinental missiles which can be fired from railroad flatcars or truck trailers (rather than massive concrete and steel launching pads) can be hidden from view in large warehouses. If these are deployed, inspectors may also be needed. Thus, the new weapons are likely to raise the inspection problem all over again.

The development of new weapons may also cause each side to doubt whether it still has sufficient missile strength to deter the other's first strike. Neither will have an accurate means of knowing how many warheads the other side has. Just as we might interpret the growing Soviet intercontinental missile strength as aimed at our second-strike capability, they could interpret our desire to

[7] Reprinted (in full or excerpt) in the CONGRESSIONAL RECORD, May 26, 1970. pp. 17073–17078.

increase our reentry vehicles by geometric proportions through MIRV's as a threat to their second-strike capability, and our planned thin ABM as a defense against those few Soviet missiles that might survive our first strike. If either side seriously believes that its second-strike capability might be jeopardized, it may well redouble its efforts to deploy more missiles rather than talking seriously at the negotiating table. If one side suspects that the other is trying to take every advantage of the latest technology in order to freeze the first into a position of inferiority, further delay is probable. If both insist upon negotiating from a position of superiority, the talks are not likely to get far.

Assuming, however, that both sides exercise some restraint, the negotiators will continue to be plagued by the problem of advancing technology. They may find it possible to halt deployment of new missiles, but they can not stop political change or the advancement of science. Almost inevitably, a specific limitation on particular kinds of missiles will have to be revised in the future to prevent evasion by new kinds. Almost inevitably, the negotiating problem will be so complex that a first agreement will be able to deal with only part of it. Almost inevitably, what the parties first agree to live with will be changed over time by such developments as mounting Chinese stockpiles, increasing tension or conflict over the Middle East or other unforeseen crises. Almost inevitably, new information about one side's plans will prompt the other to change its own.

The missile race cannot be ended with one bold stroke of the negotiator's pen on a single comprehensive and lasting treaty. I foresee instead a continuing negotiation, a continuing exchange of information on weapon plans and a continuing series of agreements. This article suggests possible structures for such a dialogue, given the division of power over the conduct of foreign policy between the Executive and the Congress.

I. THE PROBLEM—TO PROVIDE EXECUTIVE FLEXIBILITY WITH CONGRESSIONAL PARTICIPATION

Most members of Congress probably assume that any missile agreement will be expressed in the form of a formal treaty to be submitted to the Senate for approval, a treaty which deals with all aspects of the problem and which can only be changed with the consent of the Senate. But, if what I have said already is correct, a number of agreements may be necessary, and they may need frequent revision. To require formal Senate consent to each agreement and to each revision as if each were a separate treaty makes very litle sense in view of the Senate's many other responsibilities.

1963, a vintage year for arms control, illustrates the strain which too many important treaties could put upon the Senate's procedures. The Senate gave expedited treatment that year to the Test Ban Treaty, a modest measure in comparison to a limit on the number of deployed American and Soviet strategic missiles. Yet the advise and consent process occupied most of the Senate's time for about two months. Because Senate action was still required on appropriations and other legislation that year, President Kennedy decided that a prohibition on "bombs in orbit" should not be in treaty form. As a consequence the ban on stationing nuclear weapons in space was not presented as a treaty until 1967.

Not only is two months sometimes too long to wait for approval of a treaty dealing with rapidly changing conditions, but the Senate simply cannot devote very many two-month periods in any year to missile agreements. Moreover, even if a single, comprehensive treaty could be negotiated, its submission to the Senate could run the risk of a damaging defeat—a defeat of the kind suffered in the Senate by the Covenant of the League of Nations. A better method would be informal, interim agreements of narrow scope which would not need formal approval by the Senate but which could be followed by a treaty.

In addition, after almost eight years of worrying about Congressional support for arms control measures, I believe that in carrying out an effective plan of arms control the necessary cooperation between the Executive and the Senate could be improved. Sometimes the Executive does not take the Senate sufficiently into its confidence until the negotiations are so advanced that changes are difficult. On the other hand, the Senate's division of responsibility for arms control is not the best structure for close cooperation with the Executive during negotiations. The Foreign Relations Committee has responsibility for treaties, including those on arms control. The Armed Services Committee and the Senate members of the Joint Committee on Atomic Energy also claim a legitimate interest. At the same time, because theirs is not the sole committee with responsibility, many Senators on these committees feel no real responsibility to advise themselves sufficiently to pass informed judgment on an arms control problem. As a consequence, there is no one comimttee which, if properly involved in the negotiations and satisfied with their progress, could really give any assurance that a two-thirds vote of the Senate could be obtained on an important arms control agreement. The Executive therefore, has less to gain from close consultation than might otherwise be the case.

The framers of the Constitution probably anticipated that the Senate would participate actively from the beginning of treaty negotiations. They appear to have assumed that the Senate would normally act as an "executive council," advising the President and his negotiators on the positions they should take during the negotiations. This method of procedure was tried during George Washington's administration and abandoned when it foundered on tension and disagreement between the President and the Senate. It has not been tried again.

The amount of consultation concerning ongoing treaty negotiations between the Senate and the executive branch has varied considerably since Washington's time depending upon the current state of relations between the executive branch and the Senate and upon the subject matter of the treaty. In some cases, the Foreign Relations Committee, other committees having responsibility for the area covered by the treaty, and the Senate leadership have been consulted before negotiations were begun; in some cases they have not. Later, when agreement becomes close, consultation is, of course, more common.

During arms control negotiations, consultation has generally been more than routine. Perhaps because of the Senate's failure to ratify the League of Nations Covenant, President Harding sent Senators Lodge and Underwood as delegates to the 1921 conference on the Limitation of Armaments and added Senator Root as well to the delegation to the 1922 Naval Limitation Conference. In recent years, members of both House and Senate have served as advisors to American delegations to the Geneva Disarmament Conference. However, their other duties in Washington and the slow pace of negotiations have resulted in their appearance at the conference for a day or two at most, perhaps once or twice a year. As a consequence, the more meaningful consultations have taken place in Washington. During the lengthy negotiations before conclusion of the Test Ban and Non-Proliferation Treaties, for example, informal consultations and formal hearings with the Joint Committee on Atomic Energy were frequent. Committee members took an active interest, committee staff became experts, and the Committee directly influenced the American position, sometimes holding the Executive Branch back from agreements which the Committee thought unwise. The Foreign Relations Committee and its Disarmament Subcommittee were also active, many members urging the negotiators forward toward agreement. A subcommittee of the Armed Services Committee also held hearings, but most of its members were, at best, lukewarm toward successful conclusion of the negotiations. After hearings or informal consultations with members or staff of these committees and often with the Senate leaderhip, the Executive Branch would draft instructions to the negotiators. It would sometimes revise its position in light of the consultations, and sometimes go ahead with the position it had tentatively prepared before the consultations.

During the course of both the Test Ban and Non-Proliferation Treaty negotiations, two crucial issues arose on which large numbers of Senators took a position on the negotiations. The Dodd-Humphrey resolution expressed wide bipartisan support for a treaty banning nuclear tests everywhere but underground at a time when our test ban negotiators were still attempting to gain Soviet agreement to a ban on all tests, including those underground. Before this resolution, the differences over the number and nature of inspections necessary to monitor underground tests had made agreement impossible. The eventual Test Ban Treaty contained no ban on underground tests and therefore no inspection provisions. Similarly, negotiation of a Non-Proliferation Treaty was at a standstill for several years in large part because of our attempt to create, with some of our allies, a Multilateral Force (MLF) having nuclear weapons. It was during hearings before the Joint Committee on Atomic Energy, that the hostility of key members of that Committee to the MLF became publicly clear. Soon after the Senate overwhelmingly adopted the Pastore Resolution urging conclusion of such a Non-Proliferation treaty, serious negotiations began.

It is my belief that both resolutions helped the executive branch choose between conflicting goals and reassured the Soviets that a two-thirds vote of the Senate could probably be obtained. When these two treaties were finally negotiated and submitted to the Senate, the earlier resolutions may well have been of some help in producing such a vote. Probably of much greater importance, however, were the detailed knowledge and dedicated support of key Senators such as Fulbright of Foreign Relations and Pastore of Atomic Energy. This knowledge and support were, of course, the result of the many consultations and hearings going back over a number of years.

Some procedure of this sort will be necessary for the present missile talks. Given our constitutional division of powers and the need for continuing broad public support for arms control, congressional cooperation will be necessary for successful conclusion of binding agreements. Moreover, such agreements will probably require frequent changes. Under the Test Ban Treaty, pressures for change—largely in connection with the venting of radioactive debris from underground shots—have been accommodated entirely by interpretation of its terms. The Non-Proliferation Treaty permits flexibility in the narrowly defined safeguards area through further negotiations not subject to Senate approval. These are ways to accommodate change, and may be useful precedent for future missile agreements, but they should be accompanied by improved procedures for Congressional liaison, perhaps including the designation of one select Senate

Committee with primary responsibility to follow the negotiations. These and other methods of providing, at the same time, both executive flexibility and congressional participation are the subject of more extensive discussion in the pages that follow.

II. PERMISSIBLE FORMS OF AGREEMENT FOR A MISSILE LIMITATION

There can be little doubt that missile limitation is one of the "proper subjects of negotiation between our government and the governments of other nations . . ." which may be dealt with in a treaty. Disarmament is clearly a matter of international concern and has been at least since Isaiah. Arms control has been the subject of treaties to which the United States was a party from the 1817 Rush-Bagot Agreement which limited naval ships on the Great Lakes, to the 1922 Naval Armament Treaty which limited the number of battleships and aircraft carriers of major sea powers, to the 1968 Non-Proliferation Treaty which limits the spread of nuclear weapons to additional countries.

A treaty is not only a proper form for a missile limitation, but it has become the expected form for a final, lasting arms control agreement. Other forms are, however, available, and they should be considered.

A. Executive agreement not authorized or approved by Congress

In addition to treaties, binding international agreements may be made by executive agreement. An executive agreement may be negotiated pursuant to prior statutory authorization of Congress. It may be entered into pursuant to the terms of a treaty approved earlier by the Senate or subject to the later approval of both houses of Congress by joint resolution. Or, it may be made without any basis in congressional action.

The last of these—the most often criticized, form of executive agreement—is one which the President makes by virtue of his authority as Commander-in-Chief and as possessor of the government's "executive power." The federal courts have not considered many executive agreements which have no basis in congressional action, but they upheld several important ones and have given them the same effect as if they had been treaties. The question therefore arises whether a missile limitation agreement could be in this form. An argument can be made that the President's authority as Commander-in-Chief and chief executive would permit him to direct the Secretary of Defense not to add any more strategic missiles to our arsenal. Therefore, the argument runs, he could agree with another country not to do so, and he would not have to submit the agreement to Congress for approval. This argument, however, denigrates the constitutional power of Congress to provide for the common defense, to raise and support an army, and to raise and maintain a navy, as well as the power of the Senate to advise and consent to treaties.

Furthermore, the Arms Control and Disarmament Act of 1961 prohibits the Executive from taking action under any law to "obligate the United States to disarm or to reduce or to limit the . . . armaments of the United States, except pursuant to the treaty making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States." Thus, any missile limitation not authorized by Congress or approved by the Senate which *obligates* the United States *to reduce or limit* armaments is barred by this statute, assuming its constitutionality. Moreover, the President would have a fight on his hands if he agreed to reduce or limit missiles without seeking further congressional approval at some point. After the lengthy controversy resulting in the recent Fulbright Resolution against "national commitments" without congressional sanction, the senatorial criticism of secret "commitments" to Laos and Thailand, and the divisive debate over the ABM, this would seem unwise.

The only modern arms control obligation in executive agreement form, other than armistice agreements, is the "Hot Line," and it does not obligate the United States to reduce or limit any arms. Finally, no major missile reduction or limitation is likely to receive the continuing support of public opinion—which it needs to be lasting—if it ignores Congress altogether. Thus, for reasons as much political as constitutional, it would be unwise to seek, as the preferred framework for obligations reducing or limiting missiles, an executive agreement which is not to be approved by the Senate or Congress and not to be succeeded by a treaty.

B. Executive agreement approved by resolution or authorized by statute

Another form for an arms control measure is an executive agreement subject to later approval by Congress or negotiated pursuant to the express provisions of a statute. A joint House-Senate resolution approving an already-negotiated agreement has been used occasionally to approve such things as an American agreement to become a member of an international organization. An advantage from the Executive's point of view is that only a majority vote is required in the Senate and the House. On the other hand, opponents of a missile agreement could argue that the Executive had chosen to seek a joint resolution in order to avoid the need to secure a two-thirds vote in the Senate. They might attempt to arouse senatorial ire against the participation of the House in what Senators probably would think should be a treaty. Without advance congressional authorization to use this form, any voting advantage of the joint resolution might well be dissipated by such criticism.

This problem could be avoided by prior statutory authorization for the negotiation of the agreement. International postal agreements have been negotiated pursuant to statute since 1874, and reciprocal trade agreements since 1934. The 1934 Reciprocal Trade Agreements Act contained specific limits on executive discretion, such as a prohibition against cutting any tariff more than 50 per cent. As the years went by, and the Act was renewed, Congress increased the tariff-cutting authority of the Executive, but added other limitations on the negotiating power of the Executive. The 1962 Trade Expansion Act, which authorized the Kennedy Round of tariff negotiations, made innovations in providing expressly for congressional members of the American delegation, but it also contained many explicit restraints upon the negotiators.

Reciprocal trade agreements are a useful precedent for congressional authorization for future executive negotiations. But there is not now enough experience with missile talks to know what kinds of limits should be imposed in advance by Congress. I find it almost inconceivable that Congress would authorize the Executive to enter into a missile limitation agreement not subject to later congressional review unless severe statutory restrictions were imposed on executive discretion beforehand. Without more knowledge of the kind of agreement which might be possible, Congress would probably hold the negotiators under such tight reins as to prevent serious talks from getting started. But the procedure is worth considering for the future. Perhaps the negotiation of agreements requiring a "standstill" in missile deployment by the United States and the Soviet Union would give enough experience to provide the basis for congressional authorization of future negotiation of reductions in missile strength.

Other relevant examples of executive agreements authorized by statute are the "agreements for cooperation" with other nations in the atomic energy field. These are based upon the Atomic Energy Act of 1954 and its 1958 amendments. The 1954 Act authorized the negotiation of agreements for the distribution abroad of uranium and other nuclear materials as well as specified information on nuclear processing and reactors, all of which were to be used for peaceful nuclear programs under prescribed conditions. These conditions are much tighter than those imposed by Congress under the first Reciprocal Trade Agreements Act in 1934.

The 1958 Atomic Energy Act Amendments authorized the negotiation of agreements for the transfer to our NATO allies of non-nuclear parts of atomic weapons systems which would not contribute to their atomic weapons capability, the transfer of certain other equipment and material for military application, and the transfer of classified information of the kind necessary, for example, for the development of defense plans and the training of military personnel. The purpose of these agreements was to improve our allies' state of training and readiness to participate in their defense against attack by nuclear weapons, or to use such weapons themselves if authorized by the President to do so after the outbreak of war in Europe. The 1958 Amendments also authorized the executive to provide both classified information on atomic weapons and non-nuclear parts of atomic weapons to allies (at that time only Britain) which had made substantial progress in the development of atomic weapons. The restrictions upon executive discretion in the 1958 Amendments were even tighter than those in the 1954 Act.

Both the 1954 Act and the 1958 amendments contained a substitute for the Constitutional procedure of advice and consent to treaties, a substitute not utilized to review trade negotiations. This is the requirement that the agreement itself be submitted to Congress for a special waiting period before it can go into effect. In the case of agreements for cooperation for peaceful purposes authorized by the 1954 Act, the submission is actually to the Joint Committee on Atomic Energy, the designated watchdog over the executive in atomic energy matters. In this case, the waiting period is thirty days. For the more sensitive agreements for cooperation for military purposes authorized by the 1958 amendments, the submission is to the Congress itself, and the waiting period is sixty days.

Legislative opportunities to "veto" executive action through procedures such as this have been critized as an invasion of executive prerogatives by the legislature. But none of the many agreements for cooperation negotiated under the 1954 Act or the 1958 amendments has even been rejected by Congress. The procedure is tight; both executive and legislature have defined roles; and the Joint Committee has been diligent as a watchdog of the system, yet effective as a defender of its products. The precedent is therefore a useful one for arms control.

For the moment, however, the lack of executive experience with missile talks probably precludes enactment of detailed legislation such as the Atomic Energy or Trade Agreements Acts to authorize the negotiations. At some future time, such legislation can be considered. A key to its success, as in the case of the Atomic Energy Act, will no doubt be the designation of a diligent watchdog committe which has the confidence of other members of Congress. This may present jurisdictional problems since the Foreign Relations Committee claim treaties, the Armed Services Committee claims military affairs, and the Joint Committee on Atomic Energy claims atomic energy matters. The Test Ban Treaty was, however, considered by the members of all three committees sitting together,

and a Disarmament Subcommittee composed of members of all three once existed. So the problem is not insuperable.

C. Executive agreement authorized by treaty

A third form of executive agreement which has seen frequent service is that which is expressly authorized by treaty. This form has, for example, been used for some of the important "status of forces" agreements with our allies. These agreements establish who has jurisdiction over American servicemen charged with law violation abroad. Some of these agreements are treaties; others are executive agreements authorized by treaty. Both have the same international legal effect.

The executive agreement authorized by treaty avoids the problem of a premature congressional enactment based on inadequate negotiating experience. Presumably the negotiation of the treaty will provide sufficient information on future negotiating possibilities to give general guidelines for later executive agreements to be made pursuant to the treaty. By seeking a treaty, the more traditional form of arms control agreement, the executive would avoid the criticism which often accompanies executive agreements without basis in congressional action. Tradition is usually an important consideration in the executive's choice between the treaty and other forms of international agreement. Probably the treaty is the best goal to pursue for a lasting international obligation reducing or limiting missiles. The flexibility for executive action which can be provided within the treaty's framework is therefore discussed in some detail in a later section.

III. THE FIRST STEP: EXECUTIVE ACTION PENDING TREATY NEGOTIATION AND ENTRY INTO FORCE

While a treaty like the one described above may be the best form for the arms limitation agreement, the ideal often suffers when exposed to the practical. Such a treaty may take a good deal of time both to negotiate and to bring into force after negotiation through constitutional ratification procedures. Negotiation of the treaty may indeed turn out to be impossible. We must, therefore, consider other forms of agreement which can serve either in the interim or as a substitute should the treaty negotiations fail.

A. Executive agreement

After negotiating a treaty, states often enter into agreements to govern their relationship in the area dealt with by the treaty pending is ratification and entry into force. On signature of the 1936 Naval Armament Treaty, for example, the parties agreed that if the treaty had not entered into force by January 1, 1937, they would nevertheless observe one of its important obligations until it did, unless entry took longer than six months from that date. This agreement was to be effective as an executive agreement if the Senate did not act by January 1. Similarly, when the treaty creating the International Atomic Energy Agency (IAEA) was signed, the negotiating parties signed an annex providing for a Preparatory Commission which would lay the groundwork for the Agency and remain in existence until the treaty came into force. The annex was submitted to the Senate with the treaty even though it went into force as an executive agreement on the date of signature. Its purpose was to provide for what should be done while the Senate and other parliaments were considering the treaty. A like agreement produced a Provisional International Civil Aviation Organization which operated for two years before the treaty creating the International Civil Aviation Organization became effective.

Executive agreements without benefit of any congressional sanction are thus frequently used to cover the period between negotiation of a treaty and its entry into force. There are, in addition, a number of precedents for executive agreements to cover the earlier period between the beginning of negotiations and their successful conclusion. For example, certain features of an 1871 fisheries agreement which had been formally terminated by Congress were continued in force by the executive pending negotiation of a new treaty in order not to lose the benefits of the old agreement during the then current fishing season.

Armistice agreements, usually of the highest importance to the United States, typically enter into force immediately upon signature by the Executive and are not submitted to the Senate. These agreements may not only terminate hostilities but also lay down political conditions for the belligerents, establish obligations controlling armed forces and armaments and even adumbrate the terms of the final peace treaty. For example, the agreement signed by the Secretary of State on behalf of President McKinley suspending hostilities in the Spanish-American War provided that Spain should relinquish her claim to sovereignty over Cuba, cede Puerto Rico and an island in the Ladrones to the United States and allow the United States to occupy the city, bay and harbor of Manila, pending the final disposition of the Philippines at the peace conference. The armistice of 1918 not only determined military conditions for ending the fighting, but embodied President Wilson's famous "Fourteen Points." The armistice agreements signed with the German satellites after World War II contained provisions for such things as human rights, restitution of property, reparations and boundary adjustments, all of which influenced the pattern of the final peace treaties.

Few would suggest that the Executive lacks power to make armistice agreements and that hostilities should continue pending negotiation of a treaty and approval by the Senate. At the time it is negotiated, an armistice is assumed to be a temporary agreement which will be followed by a definitive treaty of peace to be submitted to the Senate. In some instances, however, as in Korea, no treaty ever is concluded. The armistice agreement then continues in force so long as it is observed, even though it was intended only as a temporary executive agreement. The President's broad authority to negotiate armistice agreements is based upon his powers as Commander-in-Chief and Chief Executive. These are the same Constitutional powers which could provide the basis for an interim executive agreement halting the strategic missile race pending negotiation of a treaty.

B. Conscious parallelism

Interim arms agreements may be informal as well as formal. Countries have restricted the deployment and testing of new weapons by executive action subject to parallel restraint by other countries but without formal agreement to do so. Examples of conscious parallelism include informal agreements relating to nuclear testing, "bombs in orbit," military spending and fissionable material. The examples are discussed below.

1. *Moratorium on nuclear tests—1958–61.* During the period of public debate over a test ban treaty but before negotiations began, the Supreme Soviet ordered all nuclear tests ended in the Soviet Union, reserving its freedom of action if other powers continued testing. The United States was in the midst of a test series and did not then respond. On August 22, 1958, however, after an international conference of experts had agreed to a report on the detection of nuclear tests, President Eisenhower proposed prompt conclusion of a treaty and offered to withhold further American testing for a period of one year from the beginning of negotiations, if the United Kingdom and the Soviet Union would do so. The Soviet Union did not then reply. The last United States test was on October 31, 1958, but the Soviet Union set off nuclear explosions on November 1 and 3. President Eisenhower promptly announced that the United States was thereby relieved "from any obligation under its offer to suspend nuclear weapons tests." He said, however, he would continue the test suspension for the time being and hoped the Soviet Union would also suspend. So far as the United States could determine, the Soviet Union did not conduct a test after this announcement for a period of almost three years. During 1959, there were statements by the United States that, while it regarded itself free to test, it would not do so without first making an announcement to that effect. There were also statements by the Soviet Union that it would not be the first to resume testing. While, on August 30, 1961, the Soviets did resume before we did, they did so after a number of French tests.

In 1963, after both sides had conducted further atmospheric tests and new test ban negotiations in Moscow had been scheduled, President Kennedy announced that "the United States does not propose to conduct nuclear tests in the atmosphere so long as other states do not do so. * * * Such a declaration is not a substitute for a formal binding treaty, but I hope it will help us achieve one." This second test ban moratorium continued for several months—until it was replaced by the Test Ban Treaty.

At no time during either moratorium was there any legal obligation on either side to refrain from testing. From an American constitutional point of view, two presidents had exercised their powers as Commander-in-Chief to order a suspension of tests, but neither had entered into an executive agreement to refrain from doing so. Both had stated that their goal was negotiation of a binding treaty.

2. *Parallel statements of intention on "bombs in orbit"*—1963–67. During 1962, there were public statements by spokesmen for the United States disclosing that thermonuclear weapons could be placed in orbit around the earth subject to reentry on command over target. These statements declared that the United States had no intention of so deploying its nuclear weapons unless the Soviet Union did so, and suggested that the Soviet Union refrain from doing so. During the same year there were private discussions with Soviet representatives on the subject. In 1963, Foreign Mnister Gromyko responded by proposing an "agreement with the United States Government to ban the placing into orbit of objects with nuclear weapons on board." President Kennedy's affirmative reply came the next day.

The Kennedy and Gromyko statements were made in September of 1963 toward the end of a two-month period of Senate consideration and national debate on the Test Ban Treaty. President Kennedy had made clear to his subordinates his desire not to submit another arms control treaty to the Senate that year because of the time, effort and commitments expended to secure a favorable vote on the Test Ban Treaty, Consequently, American and Soviet negotiators agreed upon statements which each side would make to the General Assembly renouncing any "intention of placing in orbit around the earth any weapons of mass destruction, of installing such weapons on celestial bodies, or of stationing such weapons in outer space in any other manner." They agreed upon the text of a resolution which was then adopted by acclamation by the General Assembly. It welcomed the expressions of intention and called upon all states to refrain from the proscribed conduct.

The net result was a moratorium on "bombs in orbit" until 1967 when the Outer Space Treaty was finally concluded. The Treaty constitutes an international obligation to refrain from the conduct which had been renounced in the General Assembly in

1963. By preventing placement of nuclear weapons in space between 1963 and 1967, the President exercised his executive and Commander-in-Chief powers, but did not obligate the United States.

3. *Parallel military budget reduction*—1963–64. In an interview December 31, 1963, Premier Khrushchev said:

"The Supreme Soviet of the USSR has already decided to reduce our military appropriations under the 1964 budget. It would be a good thing if other states acted in a similar way. I am convinced that the peoples of the world would whole-heartily [sic] approve such a policy—I would call it a policy of reciprocal example—in the matter of reducing of the armaments race."

Three days later Secretary of State Rusk announced that there were indications that "the two sides will not be pressing their defense budgets upward into new levels of competition during this next year." President Johnson, in his State of the Union Message, made clear that the U.S. defense budget would be reduced for the fiscal year beginning the following July; in his January message to the Geneva Disarmament Conference, he said that the atmosphere for disarmament negotiations had been brightened by "recent Soviet and American announcements of reductions of military spending . . ."

These announcements were, of course, preceded by private American-Soviet talks. No commitment was made by either side, but each decided that its own interests would be served by parallel announcements of budget cuts. The escalation of the Viet Nam war in late 1964 and in 1965 required supplemental appropriations which increased our military budget for the fiscal year in question. The Soviets believed we had gone back on our word, but in fact there was no obligation.

In a situation where changing events and problems of verification made a commitment unwise even for a year, the parallel action technique was used instead. Had events turned in another direction, the technique might have been repeated and a significant reduction in military expenditures produced over a period of time. No treaty dealing with military expenditures was then being negotiated, but a budget freeze or reduction might have restrained both sides from escalating the nuclear arms race pending negotiations of an agreement applying more directly to nuclear weapons or their carriers.

4. *Parallel announcement of cutbacks of fissionable material production—1964.* The United States has repeatedly advocated a treaty in which some or all of the nuclear powers, particularly the United States and the Soviet Union, would cut off the production of fissionable material for use in nuclear weapons. Negotiation of such a treaty has never begun because the Soviet Union rejected all such proposals. By 1964, however, President Johnson decided we were producing more weapons-grade fissionable material than we needed. "Even in the absence of agreement," he said in his State of the Union Message, "we must not stockpile arms beyond our needs or seek an excess of military power that could be provocative as well as wasteful." He therefore announced a cutback in production of enriched uranium and plutonium, and called on other nuclear powers to do the same. Two weeks later, in a message to the Geneva Disarmament Conference, he proposed that this process be continued by an inspected, plant-by-plant shutdown in the Soviet Union and the United States, leading to a verified agreement to halt all production of fissionable materials for nuclear weapons.

On April 20 and 21, 1964, after consulations among their representatives, President Johnson, Prime Minister Douglas-Home and Premier Krushchev made parallel announcements that they were reducing production or planned production of fissionable material for use in nuclear weapons. Doubt was later expressed by Senator Jackson, chairman of two Senate subcommittees having nuclear weapon responsibilities, whether the Soviet Union was in fact reducing its production. Moreover, the Soviet Union continued adamantly to oppose a verified halt in the production of fissonable materials for weapon purposes. When later cutbacks in American production were announced, no attempt was made to secure parallel Soviet limitations on production.

The President's power to order a cutback was reflected in provisions of the Atomic Energy Act authorizing him to set the amount of fissionable material to be produced. And President Johnson's announcements of production cutbacks were premised upon Amerian needs—with or without any corresponding reduction by the Soviet Union. By announcing a cutback at the same time as did the heads of government of the Soviet Union and the United Kingdom he did not enter into any international obligation. Yet, if the simultaneous announcements had led to successful negotiation of a treaty cuting off production of fissionable materials for making nuclear weapons, they would have been very useful steps toward a restriction on the growth of nuclear stockpiles.

5. *The legality of parallel actions.* None of the parallel actions on nuclear testing, bombs in orbit, military budgets or fissionable material violated the prohibition of the Arms Control and Disarmament Act on executive action "that will *obligate* the United States . . . except pursuant to the treaty-making power of the President under the Constitution or unless authorized by further affirmative legislation by the Congress of the United States." None of them did so, first, because none constituted an *obligation* of the United States, and second, because they did not "reduce or . . . limit . . . armaments of the United States." The test ban moratorium limited the testing of nuclear weapons, not the weapons themselves. The outer space declarations of intention restricted deployment of nuclear weapons, but not the size of the stockpile. The budget announcements reduced military expenditures, but not necessarily armaments. The fissionable material cutbacks dealt with the "ammunition" for nuclear weapons, but not the weapons themselves. None of these four parallel actions thus constituted an "obligation" to "reduce or limit" armaments.

Nor did any of the four parallel actions contravene the Constitution. Each was based on power the President can exercise alone as the Executive and Commander-in-Chief. In any event, each of them could have been described at the time as a step designed to lead toward negotiation of a treaty which would ultimately be submitted to the Senate. Two of the four were, in fact, succeeded by such treaties.

President Nixon has announced that the executive branch is considering a "moratorium" on the testing of multiple independently - targeted reentry vehicles (MIRV's) as a measure which might come out of the missile talks. A moratorium on further testing or deployment of particular missiles by parallel executive restraints pending negotiation of a treaty is amply supoprted by the foregoing precedents and well within President Nixon's power. Moreover, following the example of the preparatory commission created by executive agreement pending the effectiveness of a treaty, an organization to implement the moratorium could also be established by executive action. For the reasons already indicated, technological developments, unforeseen political problems and new information on the other side's plans will probably prompt repeated requests for changes in the specific limitations of the moratorium. Furthermore, one of the basic objectives of the talks is to reduce the risk of nuclear war "through a dialogue about issues arising from the strategic situation." Moreover, the experience with the four parallel actions described above might have been better had there been a forum for everyday exchange of information and negotiation concerning the moratorium.

Assuming, then, that a moratorium can provide necessary interim restraint pending negotiation and entry into force of a treaty, let us look at the ways in which a modern treaty could provide later flexibility for change short of formal amendment of, or withdrawal from, the treaty.

IV. THE SECOND STEP: A TREATY PERMITTING CHANGE BY EXECUTIVE ACTION WITHOUT TREATY AMENDMENT OR WITHDRAWAL

The United Nations Charter and the Test Ban Treaty are examples of two quite different methods of accommodating future developments. Both provide for formal treaty amendment by future agreement which must be submitted to the Senate for its advice and consent. But the Charter goes still further. It gives the Security Council "primary responsibility for the maintenance of international peace and security" in a changing world, and requires members to accept the Council's decisions. The General Assembly has a more limited but nevertheless important role in implementing the Charter in light of new circumstances. Either organ may pass resolutions significantly affecting future conduct of states in particular circumstances.

In the case of the Test Ban Treaty, however, no international organization was created to oversee operation of its provisions. After possibilities for interpretation have been exhausted, the only safety valve it contains aside from the article on treaty amendment, is language permitting a party to withdraw whenever "it decides that extraordinary events, related to the subject maer of his Treaty" (e.g., atmospheric testing by a non-party) have "jeopardized the supreme interests of its country."

These two treaties illustrate two extremes in the range of flexible provisions which can be found in modern treaties to which we are party—treaties which affect our national interests in important ways. It is my view that the Test Ban's provisions are inadequate to meet the needs of missile agreements which will probably need frequent review and revision. On the other hand, the Charter's provision for multilateral decision-making organs are inappropriate for essentially bilateral missile agreements. Most multilateral organizations seem poor precedents for an American-Soviet arrangement to provide flexibility in an agreement to halt future missile deployment. Neither country is likely to admit other countries into the strategic decision-making process. Neither is likely to trust its security to third party mediation or settlement, whether the third parties are international staff or other countries. How could they, without providing the third party with much of the technical, classified information upon which each will act in making its own decisions? Consequently, most precedents involving international legislation within specialized agencies seem inapposite. An examination must be made of other methods for accommodating change within the framework of a treaty affecting important United States interests without either amending the treaty or withdrawing from it.

Both the U.N. Charter and the Test Ban Treaty were in the best tradition of cooperation between the executive branch and the Senate. Both resulted from negotiations in which Senators were involved through advance consultations, hearings, and participation as advisers or members of the American delegation. The Senate could and should devote as much time and attention to one, all-inclusive strategic arms treaty if one could be negotiated. But assuming there are a number of lesser agreements, and that even these will need continuing revision, the manner of congressional participation ap-

propriate for the U.N. Charter and the Test Ban Treaty may not be appropriate for missile agreements. Experience under other treaties should, therefore, be examined.

A. Rush-Bagot Agreement of 1817

The Rush-Bagot Agreement limits naval armament on the Great Lakes and was the first disarmament treaty entered into by the United States. It continues to stand for the principle of Great Lakes disarmament even if the wars, economic growth, and technological development of a century and a half have made its specific restrictions on naval armament obsolete. Lacking any provision for change except for a six-month withdrawal clause, it demonstrates clearly the need for flexibility in such an agreement. Without the executive discretion assumed by the foreign offices of Canada and the United States, the Treaty would now be a dead letter rather than a symbol of international friendship and successful arms control.

The basic provisions of the Agreement were:

(1) The Great Lakes naval force on each side should be confined to four ships, one each on two lakes, and two for the others.

(2) None of these should weigh more than 100 tons or be armed with more than "one eighteen pound cannon."

(3) No other vessels of war should be "there built or armed."

None of these provisions now remains in force in the terms in which it was written. Executive agreements have modified and modernized their content. Any Great Lakes naval vessel of either side can be stationed on any of the Lakes and all limit has been removed on the number of vessels used for training, provided that each side notify the other of the functions, disposition and armament of all training vessels. The 100 ton restriction—designed not for steel but wooden hulls—has been removed. The eighteen-pound limit for guns has been transformed into a more modern four-inch limit. Both countries are now able to build and arm war vessels on the Great Lakes, provided full information is exchanged, the armament is incapable of immediate use and the vessels are promptly removed from the Great Lakes after completion.

These executive agreements came out of the close cooperation of two world wars, but they were preceded by a history of relations between the two countries which was not so amicable. The Rush-Bagot Agreement itself followed the War of 1812 with Britain. Both the United States and Britain were anxious to avoid the economic strain and the risk of collision of a large naval force on the Great Lakes. They dismantled their Great Lakes war vessels and, for approximately twenty years following ratification, closely adhered to the terms of the Agreement. This state of affairs lasted only until the late 1830's and the Canadian Rebellion. During the rebellion, the British government seized and burned an American ship which had been rented to the rebels as a supply ship. Both countries began making preparations for war. By 1841, the British had two steam frigates in the Great Lakes. They removed these in 1843 after protest from the Americans, who in the meantime had begun work on their own warship, the 685-ton, 2-gun ship, the *Michigan*, which remained on the lakes until the early 1920's.

A great deal of informal negotiation went on between the diplomats on both sides. Each side informed the other when it increased its naval forces for purposes of "self-defense," as the British did during the Canadian Rebellion and the United States did during the Civil War. Actions which appeared to endanger the security of the other nation drew sharp protests. In 1864, the United States went so far as to give notice of its intention to terminate the agreement after six months so that shipyards might be built on Great Lakes shores as a defense measure against Confederate raids from Canada. The notice of termination was withdrawn within the six-month period, as the course of the war changed, and the Secretary of State instructed our ambassador in Great Britain to tell the British that the United States wanted to Rush-Bagot Agreement to remain in force and "hoped" the British would not arm vessels in excess of the agreed force. Although the notice of termination had been the subject of a House resolution, there is no indication that the withdrawal of the notice was ever referred back to the House or Senate for its approval. Throughout the life of the Agreement, the negotiation of terms and modifications has been primarily the work of the Executive, although some of the impetus for negotiation may have been made necessary by congressional concern. In the 1890's when there was renewed pressure on the Congress to allow naval shipbuilding on the Great Lakes, the United States attempted to negotiate an exception to the Agreement permitting shipbuilding. The Canadian Governmen refused to agree to such a modification at that time. However, the common needs of the two world wars produced such agreement later. Indeed, by 1942, the two governments had agreed that the new ships built on the Lakes could be tested on the Lakes so that they would be ready for combat as soon as they reached the sea.

During the period of great concern about the Navy's shipbuilding budget in the early 1920's, Canada and the United States met to discuss amendment of the Agreement to make it conform more closely to modern conditions. One of the provisions that both sides wished to include in the new treaty was a clause making the numerical limit on ships subject to executive agreement. This clearly resulted from the lengthy history of changing naval requirements on the Great Lakes. However, although drafts were prepared and exchanged, no final action was ever taken.

The lesson which both foreign offices had learned from the Rush-Bagot experience by the 1920's is still instructive today. A provision permitting changes in specific terms by executive agreement, perhaps reserving for treaty amendment any modification which might alter the purpose of the agreement, would have sanctioned what actually happened and produced a workable, realistic treaty.

B. Boundary commissions

The deficiency of Rush-Bagot—the lack of any provision for change short of amendment or withdrawal—is not present in the treaties governing settlement of disputes about our national boundaries. Yet territory is often as important a national interest as military security and territorial disputes have been a leading cause of wars. From the point of view of Senator Fulbright and the Senate Foreign Relations Committee, "the transfer of territory," like the sending of American troops abroad, is a matter of "really great importance that required the most serious thought" and therefore should clearly be dealt with by treaty. How responsibility for boundary changes is divided between the legislative and executive branches, therefore, seems instructive for the drafting of future arms control agreements.

Senator Fulbright is of course correct in thinking that our boundaries with Canada and Mexico are largely established by treaty. But the everyday problems which arise under these treaties are dealt with by the executive branch alone; only major differences such as the recent Chamizal settlement with Mexico are submitted to Congress for formal approval. On our Canadian border, the recurrent problems of consequence are water diversion, pollution and obstruction. On the Mexican border, the meandering Rio Grande continues to create territorial changes. In both cases, boundary commissions composed of members from each side reach agreements and thereby make decisions which can become binding on their governments without submission to the Senate.

1. *Canadian Border.* A 1909 treaty gives three American and three Canadian Commissioners compulsory jurisdiction over all cases involving the use, obstruction or diversion of boundary waters.[1] Except where the two governments conclude a special agreement, which could of course be submitted to the Senate, the International Joint Commission approves or disapproves all applications which either government may forward to it concerning use, obstruction or diversion.[1] Decisions on these applications are made by majority vote and bind the two governments. In certain other cases, the Commission makes recommendations which are not binding. And, on matters of such importance as the building of the St. Lawrence Seaway, lengthy congressional consideration is of course required.[1]

2. *Mexican Border.* For more than 60 years, the American Commissioner of the International Boundary and Water Commission, United States and Mexico, has had authority to negotiate and settle differences in the application of treaties concerning the location of the shifting boundary line formed by the Rio Grande and the Colorado Rivers. Under an 1889 treaty with Mexico, joint decisions of the United States and Mexican Commissioners are submitted to their two governments for a one month waiting period.[1] If there is no objection by either within that period, the decision on the boundary is binding on both governments. One month is sufficient time for consultation with interested Members of Congress by the officers of the Executive Branch who must make the decision. But it is not usually adequate for formal advice and consent by the Senate. Later treaties, legislation and practice make clear that unusual decisions involving large areas and populations must be submitted to Congress, but everyday matters involving smaller areas and populations need not be. And the practice of executive agreement by the Boundary Commissioners subject to a 30-day waiting period in Washington has been extended to other matters, including the division of irrigation waters between Mexico and the United States pursuant to treaty.[1]

C. Naval limitation treaties

Between the two world wars, three important treaties limiting naval ships and armaments were negotiated: the first in 1922, the second in 1930, and the third in 1936.[1] The 1922 treaty dealt with battleships and aircraft carriers. It established a 5:5:3 ratio for these ships for the United States, the United Kingdom and Japan. The 1930 treaty limited the building of smaller vessels, such as cruisers, destroyers and submarines. The 1936 treaty attempted to regulate only the size and armaments of naval vessels. It did not deal with the number of ships each country could have because Japan, desiring parity in battleships and carriers with America and Britain, walked out of the conference when they would not accede to her demands. Because of the "gathering storm" of war, however, the 1936 treaty was short lived.[1]

None of the three treaties created by international organization to implement its terms. The treaties did, however, contain successively more elaborate provisions for dealing with changed circumstances. While all incorporated formal treaty amendment articles, the later treaties went considerably beyond such provisions.

The 1922 treaty called for a conference to be held in 1930 to consider "what changes, if any, in the treaty may be necessary" in

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Footnotes at end of article.

view of "possible technical and scientific developments." If any of the parties believed, before then, that "the requirements of [its] . . . national security . . . in respect of naval defense are . . . materially affected by any change of circumstances," it could call for a conference of the parties. In either of these conferences, change was to be accommodated by amending the treaty which, of course, required ratification by each government in accordance with its own constitutional processes. Finally, if any party became "engaged in a war which in its opinion affects the naval defense of its national security" it could "suspend for the period of hostilities" most of its obligations upon notice to the other parties. In that event, the other parties were to "consult together with a view to agreement as to what temporary modifications, if any, should be made in the Treaty as between themselves." If no agreement were reached, any of the other parties could suspend its obligations for the period of hostilities. Temporary modification of the treaty would presumably have required submission to the Senate, but suspension would not.

The 1930 Treaty was an amendment to the 1922 Treaty and it continued in effect the relatively traditional provisions for change in the earlier treaty. Additional language was necessary, however, because France and Italy had declined to accept limitations on their cruisers, destroyers and submarines. Britain, Japan and the United States therefore agreed that if the "requirements of national security" of any of them in respect of cruisers, destroyers, or submarines was "materially affected by new construction by any power other than" the three, any of the three could notify the others of the "increase required to be made in its tonnages" of cruisers, destroyers or submarines. Without further agreement, without amending the treaty, and without submitting any amendment to its parliament for approval, the notifying power could make the increase it had specified. The other two would then be permitted to make proportionate increases, provided each of them notified the other.

A provision of the 1930 Treaty called for a conference in 1935 to frame a new treaty. Although both the 1922 Treaty and the 1930 Treaty were scheduled to expire at the end of 1936, the conference was not convened until March of 1936. After the Japanese walked out, Britain, France and the United States drafted a new treaty imposing restrictions on the size and armaments of their battleships, aircraft carriers, lighter surface vessels, and submarines. More significant for our purposes, they agreed to elaborate provisions for the exchange of information on their annual programs for naval construction and acquisition. Throughout the year, notification was to be given of changes in these programs, of various specifications of the vessels to be built, of the dates when keels were laid down, of modifications during construction, and of major over-hauling of older vessels. No vessels within prescribed categories were to be laid down, otherwise acquired or modified in important respect until four months after notification. The provisions appear designed to permit each party to check his intelligence estimates against the declared plans of another party, and to respond to the other's plans by trying to talk him out of it, or by changing his own plans. A fairly continuous exchange of information was required, and a great deal of informal negotiations was possible.

The 1936 Treaty contained authorization somewhat similar to that of the 1930 Treaty to depart from the limits prescribed in the Treaty or in the party's declared annual program if non-parties built vessels not in compliance with the treaty, or if the party felt its "national security" to be "materially affected by any change of circumstances" other than those provided for in the Treaty. As under the comparable provisions of the 1930 Treaty, a departure could be made without amending the Treaty. Such departure was more difficult, however, because of a three month waiting period and a requirement that the parties "consult together and endeavor to reach an agreement with a view to reducing to a minimum the extent of the departures which may be made." Finally, the 1936 Treaty included an article permitting suspension in event of war, an article which was exercised by Britain on the very day in 1939 that she declared war on Germany. The other parties soon followed Britain's suit.

These provisions, according to the American negotiator, were designed to give the agreement sufficient "flexibility" so that it could change to meet the needs of the times. Although they met the needs of war time by permitting immediate suspension, they were not in effect long enough during peacetime to demonstrate their flexibility in such circumstances.

One of the significant precedents for a missile limitation in the 1936 Treaty is the information-exchange requirement giving each party details on the declared annual program of the others and providing a waiting period before new starts were made. During the delay the other parties could respond by negotiating to eliminate or reduce the new starts, and, at the same time, by planning the changes in their own programs which might be necessary if the new starts went ahead on schedule. If negotiation successfully prevented the new start, a formal treaty amendment deflecting that agreement could be negotiated, assuming of course that a moratorium existed until it was ratified. Or, since the departures were from the annual program and not from the Treaty, the parties could simply accept notices from each other of changes in their declared programs.

Another useful precedent from the 1936 arrangement is the authority to change one's annual program in response to the construction by non-signing parties of ships covered by the Treaty. Again, the notice requirement and waiting period afforded opportunity for negotiation within the framework of the treaty to eliminate or reduce new starts without any requirement for formal treaty amendment.

D. Antarctic Treaty

The 1959 Antarctic Treaty, which also permits change with or without treaty amendment, proclaims that Antarctica "shall be used for peaceful purposes only. There shall be prohibited, *inter alia*, any measures of a military nature, such as the establishment of military bases and fortifications, the carrying out of military maneuvers, as well as the testing of any type of weapons." In addition, nuclear explosions are explicitly prohibited in Antarctica.

The Treaty did not create any international organization to implement these terms. It did, however, authorize executive agreement to carry out their purposes. Representatives of the 12 original parties meet periodically to consult and recommend to their Government *"measures in furtherance of the principles and objectives of the treaty,* including measures regarding: (a) use of Antarctica for peaceful purposes only. . . ." These recommendations become effective as an international agreement when approved by each of the governments entitled to participate in the meeting. An American representative ordinarily goes to such a conference with instructions from the State Department worked out with other agencies. Depending upon the importance of the matter, he consults with appropriate members or committees of Congress before departing. During and after the meeting, he reports to the State Department what the agreed recommendations are. The State Department then places the recommendations before officials of other interested government agencies, including members or committees of Congress, before giving its approval. The executive can then bind the United States to these recommendations without further action by Congerss.

At the first consultative meeting, the Antarctic representatives made recommendations to implement a number of the Treaty's provisions, including the Treaty's requirement for prior notice by any party of "any military personnel or equipment intended to be introduced by it into Antarctica. . . ." The recommendation specified the time and manner for furnishing the information and stated that it should include "names, types, numbers, descriptions and armaments of ships, aircraft and other vehicles, introduced, or to be introduced into Antarctica, and information on military equipment, if any, and its location in Antarctica; . . . the number of personnel who are members of the military services . . .; the number and types of armaments possessed by personnel. . . ." These recommendations became effective as an agreement nine months after the meeting without submission to the Senate.

While arms in the Antarctic seem unlikely at the moment to jeopardize our security, the Soviet Union has claims there, and missiles based there could threaten our South American allies as well as ourselves. Consequently, implementation of the Treaty's prohibition on military installation is of some consequence to us. In addition, the Treaty is one of the handful of arms control agreements to which both the United States and the Soviet Union are parties. The Antarctic Treaty's provisions for change are, therefore, relevant precedents.

E. Control of nuclear materials used for peaceful purposes in nonnuclear countries

To control nuclear materials in use by other countries, Congress has worked out new institutional arrangements which give the executive branch considerable leeway in negotiating arrangements. While traditional treaty procedures are not used, executive branch discretion is exercised under the close scrutiny of an alert watchdog committee, the Joint Committee on Atomic Energy.

1. *American-made Fissionable Material.* American cooperation with other countries in the peaceful uses of atomic energy derives largely from President Eisenhower's 1953 "Atoms for Peace" proposal to the United Nations. He announced that the United States would assist other countries in their development of nuclear energy, provided they gave adequate assurance that this assistance would not be misued for military purposes. implementing legislation was enacted in 1954. It authorized the U.S. Atomic Energy Commission to distribute nuclear materials to other nations pursuant to international agreements containing guaranties that the material would not be used for atomic weapons or other military purposes. Such agreements are submitted first to the President for approval, and then to the Joint Committee on Atomic Energy, where they must lie for 30 days while the Congress is in session. Unless the Congress takes steps to disapprove an agreement during the thirty-day period, no further Congressional action is required.

The first agreements for cooperation which the United States entered into with other countries contained detailed language describing the safeguards which would be imposed, and provided for inspection by American nuclear experts. Later, two important international atomic energy organizations were created, one regional (Euratom), and one world-wide (International Atomic Energy Agency). Since 1962, the responsibility for safeguarding nuclear materials from the United States in the reactors of other countries has been gradually transferred to these two agencies—with the support of Congress.

At the present time, the United States relies upon the IAEA's Safeguards System to police the agreements by which we transfer uranium to most countries other than the Euratom Six. Yet, the IAEA regulations creating this system were not submitted to the Congress or any of its committees for formal approval.

This reliance upon the IAEA came about through the following arrangements which the Congress helped to create:

The 1957 International Atomic Energy Agency Statute, a treaty to which the Senate gave its consent, authorizes the Agency to "establish and administer safeguards designed to ensure that special fissionable and other materials . . . are not used in such a way as to further any military purposes. . . ." The statute also contains certain standards or specifications for these safeguards. The regulations creating the IAEA Safeguards Systems were worked out under the direction of the Board because the Statute gives it the major power for running the Agency. The Board is so structured that the United States, with help from its friends and allies, can usually wield a veto on important issues.

The regulations creating the IAEA's Safeguards System were drafted initially by the IAEA's international staff and later drastically revised by the Board of Governors. They were largely the product of lengthy negotiations between nations and not majority voting by the Board. In these negotiations, the United States and, to a lesser extent, the Soviet Union played important roles. Their common interest in effective safeguards to prevent the emergence of new nuclear powers is obvious. On the whole, they have worked fairly well together in the IAEA in recent years.

Congressional participation did not stop with the Senate's vote approving the IAEA Statute. An IAEA Participation Act requires that the American representative, who among other things, sits on the IAEA's Board, shall be appointed with the advice and consent of the Senate and shall take positions based upon instructions from Washington. The first head of the IAEA itself was former Chairman of the Joint Committee, Congressman Sterling Cole. Congressional advisers, usually members of the Joint Committee, attend some of its meetings every year. The Atomic Energy Commission, which has a close relationship to the Joint Committee, supplies experts to the IAEA and to American delegations to IAEA meetings. Instructions from Washington to the American representative are frequently discussed with the Joint Committee before they are transmitted. The AEC has a major role in developing and implementing U.S. policy in this area. It is required by law to keep the Joint Committee "fully and currently informed." Finally, as indicated above, the individual agreements providing for transfer of American nuclear materials to other countries must lay before the Joint Committee for 30 days. If the Congress becomes dissatisfied with the safeguards the IAEA provides, it can require a gradual shift back to inspections by U.S. nationals as particular agreements of cooperation between the United States and other countries come up for renewal. Congress could not in this fashion require the IAEA to change its standards for IAEA safeguard agreements, but it could require American inspectors and higher American standards as the price for American assistance.

2. *Foreign-made Fissionable Material.* The Non-Proliferation Treaty will extend the obligation to accept IAEA-supervised safeguards to nuclear materials which have not been supplied by the United States. In consenting to its inspection article, the Senate refrained from interfering with the present practice of executive discretion, under congressional security, to accommodate future inspection developments.

The inspection article required the application of international safeguards on all nuclear material employed in the peaceful nuclear activities of nonnuclear parties. The safeguards are to be those "set forth in an agreement to be negotiated and concluded with the International Atomic Energy Agency in accordance with the Statute of the International Atomic Energy Agency and the Agency's safeguards system." These safeguards are intended to verify the Treaty's prohibition on the manufacture of nuclear weapons by non-nuclear states.

This inspection clause has been criticized as an "agreement to agree" which the Senate should not approve without first reviewing the inspection agreements which individual countries were going to negotiate with the IAEA. The United States, however, was not to be a party to agreements not involving its materials or equipment, the non-nuclear countries had no obligation to negotiate the inspection agreements until the Treaty went into force, and the Treaty could not go into force until the Senate gave its consent. The Senate decided to rely upon the executive branch, and the watchful eye of the Joint Committee, to see that effective safeguards were ultimately required in the negotiations. The Joint Committee will have all the means for working its will described above—except that the safeguards agreements between the IAEA and other countries covering material not supplied by the United States will not be submitted to the Joint Committee since we will not be party to them.

The IAEA and Non-Proliferation treaties are instructive in showing the extent to which the Senate is prepared to permit the executive branch to negotiate important changes within the framework of a treaty to meet future security needs without repeatedly submitting treaty amendments provided that a committee in which the Senate has confidence is overseeing the negotiations. For our purposes, the participation of a multilateral international organization, the IAEA is probably not the key. An international organization is not what the Senate relies upon and it is not likely to be used for a missile limitation agreement, at least not at the beginning. The relevance of the experience is to show how a treaty giving broad guidelines may result in delegation to the Executive of negotiating power not subject to formal Senate consent, at least where a watchdog committee has been designated to oversee the negotiations and where it does so, effectively.

F. Mutual defense alliances

The executive branch has exercised a great deal of independent authority under our collective defense treaties, which involve forty-two countries. It has even entered into what the Senate Foreign Relations Committee seems to regard as a military alliance with Spain without submitting any treaty to the Senate. Executive promises without Congressional sanction to assist a foreign country by use of the American armed forces or finances have run into frequent Senatorial criticism, culminating recently in the adoption of the Fulbright "National Commitments" resolution. Putting such promises aside, however, arrangements amounting to effective obligations have taken place within the framework of treaty alliances as the result of executive action without clear and explicit Congressional sanction, yet with general Congressional support NATO is the most important case in point.

In NATO, the growth of executive discretion has been directly related to the growth of an institution, the North Atlantic Council. The basis for this institution is Article 9 of the North Atlantic Treaty which establishes a "council" of the parties "to consider matters concerning the implementation of this Treaty." This rudimentary provision was given little further elaboration in the Treaty. According to the 1949 report on the Treaty by the Senate Foreign Relations Committee, this was so because it was "preferable that the specific organization may be evolved in the light of need and experience."

When it gave its consent to Article 9, the Senate may not have foreseen the extent of the institutional evolution which was to follow. But the North Atlantic Treaty was as much a creature of the Senate as it was of the executive branch. It has received strong, bipartisan support in the Senate ever since. It has even acquired an auxiliary organization of legislators from NATO countries who confer once each year.

After the invasion of South Korea in 1950, the United States and other NATO members agreed to the then revolutionary idea of an integrated North Atlantic international military command during time of peace. The North Atlantic Council decided to draw on the forces of its members to increase NATO's military strength, and to place the forces under unified command in Europe. It requested President Truman to designate General Eisenhower to serve as the Supreme Commander.

With the prospect of several more divisions of American troops being sent to Europe while a war was being fought in Korea, the Senate injected itself into the decision-making process. It disagreed with Secretary of State Acheson's claim that the President had constitutional authority as Commander-in-Chief to send U.S. forces to Europe and that "this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution. By resolution, it approved President Truman's order sending General Eisenhower to Europe as Supreme Allied Commander and it approved his plans to send more divisions. But it expressed the "sense of the Senate" that Congressional approval was necessary before deploying American troops to Europe pursuant to the North Atlantic Treaty, and that no more troops should be so deployed without further approval.

Except for troop deployment abroad, however, Congress has been relatively content to let executive branch discretion and NATO decision-making machinery grow—gradually but effectively. After General Eisenhower became Supreme Allied Commander, the North Atlantic Council transformed itself into a permanent body which met regularly. The legal status of the staff, of the permanent representatives to the Council, of the NATO military forces and of the NATO headquarters were regularized by a series of international agreements. As part of the arrangements for bringing Germany into NATO, all forces of NATO members on the continent, with a few exceptions, were placed under the Supreme Allied Commander by resolution of the Council. In large measure as the result of implementation of the North Atlantic Treaty by this and later Council resolutions (none of which were submitted to the Senate for its consent), NATO "has evolved into . . . an international organization which . . . has acquired a marked influence over national forces and defense policies in the Atlantic area . . . and has become a center of decision-making which, although still essentially subject to the principle of unanimity, is nevertheless capable of influencing the allocation of resources in a vital sector through informal and formal procedures in the collegiate bodies, and through the working of its hierarchic military organs.

There are three areas of interest in which this is probably true. In the first, the military infrastructure built up to support the Treaty, the arrangements have evolved to the point where an excellent argument can be made that France violated multilateral international obligations created in large measure by resolutions of the Council when she "with-

drew" from the organization without withdrawing from the Treaty.

Second, within the broad outlines of the Treaty and the 1951 Senate resolution authorizing deployment of United States forces under NATO command, specific annual obligations are made by the executive branch through NATO with respect to the size of our troop commitment, and with respect to national force levels. NATO has devised an annual review procedure for prodding its members toward meeting their treaty obligation to "maintain and develop their individual and collective capacity to resist armed attack." As this procedure now works, a NATO committee recommends certain "force goals" to NATO members; they submit "country plans" which are analyzed by NATO military authorties and international staff; and the differences between the "country plans" and the "force goals" are negotiated out at various levels ending with the defense ministers of each country. Ultimately a five-year plan is adopted for each country with the understanding that it is "firmly committed" to only the first year. "Never before in peace or war have members of an Alliance agreed to exchange systematically such detailed and precise information on the military, economic and financial programmes and to submit these programmes to the examination and criticism of their partners."

Third, executive branch participation in NATO may to some degree limit our freedom of action with respect to our strategic nuclear deterrent. A 1962 NATO communique—which the State Department regards as a "defense commitment or assurance"—reports that our representative to a Council of Ministers meeting gave "firm assurances that [United States] strategic forces will continue to provide defense against threats to the Alliance beyond the capability of NATO-committed forces to deal with." And in 1966, a "nuclear planning group was established to make the first international study of nuclear deterrence and plan for the management of the Western deterrent." Partly as a result of the work of this committee, during the ministers' meeting in December 1967, the North Atlantic Council "adopted" Secretary McNamara's revised strategic concept of a "flexible and balanced range of appropriate responses, conventional and nuclear."

No NATO decision of this kind which we did not support would, of course, bind us to take any action. This is particularly true in the case of an armed attack when "each" member is to take action "individually and in concert" with others as "it deems necessary." But much has been accomplished by consulting in the Council and acting in concert thereafter.

[E]ven if one takes the view that the NATO Council . . . is nothing more than a conference of member states and has no power to make authoritative decisions, there can be no question . . . that certain resolutions agreed upon unanimously by the national representatives in the Council would constitute *international agreements* creating international obligations for the member states.

There are also many times when a "consensus" is achieved which may not impose an international obligation on us but which nevertheless guides our future action.

The North Atlantic Treaty experience is instructive in showing how a forum designed essentially for consultation and negotiation can evolve into an organization providing the basis for a good deal of executive branch discretion to negotiate agreements affecting major national interests, agreements which lie within the broad outlines of a treaty but which go beyond the treaty and are not submitted to the Senate for its consent. This could probably not have happened but for strong Congressional support for the North Atlantic Treaty, executive branch briefing of key committees and members of Congress, congressional participation in some NATO affairs (including visits to European installations) and the watchful eye of the Joint Committee on the nuclear arrangements.

CONCLUSION

When dealing with weapons, closer cooperation with the Soviets than with our NATO allies is not to be expected. To assume that an American-Soviet council to limit missiles could quickly acquire the power to create obligations that is now possessed by the North Atlantic Council is unrealistic. But the kind of cooperation and congressional support which exist in NATO should be our goal if SALT agreements are to achieve the flexibility necessary for stability in a changing world.

A broad exchange of information on national military programs is essential as a check on the intelligence estimates which will form the initial basis for negotiating positions. Precedent for this exists not only under the North Atlantic Treaty, but also under the Naval Limitation Treaties and the Rush-Bagot Agreement. Executive authority to negotiate modifications of missile limitations within guidelines established by Congress or the Senate finds similar precedent in the atomic energy agreements, the Antarctic Treaty, and the later Naval Treaties—as well as in NATO.

For constitutional and political reasons, the best framework for lasting agreement is probably a treaty—as soon as one can be negotiated. In the interim, however, an executive agreement or a moratorium can halt further escalation of the missile race. To implement and revise such a measure, and to provide a continuing forum for strategic dialogue, a preparatory commission can be established.

Appointing congressional advisers to the American delegation will help keep Congress involved, but it will not substitute for the creation of a single committee with Senators from the Foreign Relations Committee, the Armed Services Committee and the Joint Committee on Atomic Energy. If the Senate reposes its confidence in a diligent, responsible and discreet committee, that committee should receive the same kind of information and opportunity to influence the SALT negotiations which the Joint Committee now has in atomic energy activities. The joint participation contemplated by the Constitution and required to sustain wide public support for the negotiations, clearly justifies the greater effort necessary on both sides.

THE DEFENSE OF FORT McHENRY

Mr. MATHIAS. Mr. President, the story of the writing of the national anthem of the United States is familiar to every schoolboy. During the battle for Baltimore, Francis Scott Key, a native of my own Frederick County, Md., wrote a poem, "The Defense of Fort McHenry," which was soon to be known as "The Star-Spangled Banner." In 1931, President Hoover signed the legislation which established this popular song as our National Anthem.

I was pleased to see the tale recounted in the September 1970 Army Digest, the official magazine of the Department of Army.

In addition to retelling the history of the War of 1812, the narrative should remind all of us of the proximity of Fort McHenry National Monument in the Baltimore harbor. Daily between 8 a.m. and 8 p.m., this historic landmark is open for all to inspect and tour its museums.

On September 13, 1970, Defenders' Day, a special celebration is planned. Starting at 7:30 p.m., there will be music, military drill, fireworks and bombardment of the fort.

I ask unanimous consent that the article published in the September 1970, issue of Army Digest, be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BY THE DAWN'S EARLY LIGHT . . . "AN INSPIRATION NOT TO BE RESISTED"

Several miles offshore, a young lawyer stands anxiously on the pitching deck of a small boat, watching helplessly, fearfully, as bomb and shell and rocket send their fiery trails converging on the beleaguered fort.

It is dawn of September 14, 1814, on the Patapsco River, just outside Baltimore, where 16 British warships ride safely, smugly, at anchor as their superior firepower puts them outside the range of the American batteries in Fort McHenry. All that night they had poured shot and shell into the fort, while a landing party attempted to assault it from the rear.

On the tiny American ship the young lawyer, Francis Scott Key, and a companion can only speculate on conditions in the fort. Is the bombardment smashing it to pieces? Did the landing party penetrate its walls? Does it still stand?

Bursts of rockets through the night had lit up the flag. Then, finally, the first rays of the sun pierce the darkness and the black powder smog, and pick up the red, white, and blue of the flag—a flag that shows rips, tears, holes, but still a flag that shows that the fort still stands. Defiantly, it still whipped in the early morning breeze over the frowning walls of the star-shaped, and star-destined, fort.

The sight of the flag still flying over the walls told the men in the little boat—and the British in their men-of-war—and the world generally—that the fort still stood, that invading land troops had been beaten off, that through the long, blazing night, the young Republic had successfully defended its freedom.

It was then that the poem which would become the National Anthem of the United States burst practically full blown from the mind and imagination of the young lawyer-poet.

Who was he, and what was he doing offshore, in a little boat, in the midst of a bombardment on which hung the fate of the new Nation that had been born in war just over a quarter of a century previously?

LAWYER AND POET

Francis Scott Key was a native of Frederick County, Md., where he practiced law and took a deep interest in political matters. (He would later become the prosecuting attorney for the city of Washington.) For relaxation, the young lawyer wrote poetry and verse. A romantic by nature, he never took his verse-making very seriously, although one of his hymns, "Lord, with Glowing Heart I'd Praise Thee," is still to be found in hymnals. Intensely patriotic, he still did not believe that the long-standing crisis with England should have come to actual war.

In this feeling he was far from alone. The country was badly divided, sometimes almost on the brink of dissolution, over issues stemming from the prosecuting of the War of 1812.

When England became embroiled in the Napoleonic wars, she imposed a blockade of the entire European Continent. Napoleon retaliated with a blockade of his own. U.S. shipping and commercial interests were caught in the middle. England insisted on stopping U.S. merchantmen and taking off sailors that

she claimed were deserters from the Royal Navy—and when England even insisted that U.S. ships put into English ports to be taxed, relations became extremely strained.

To complicate matters, the United States tried to embargo all shipping out of U.S. ports, and forbade English and French ships from entering to carry on any sort of trade. The New England merchants were being hurt badly, and there was even talk of resisting this edict by force of arms.

Finally, the wily Napoleon announced that he was lifting his blockade, so American shipping was allowed to resume trade with France. Actually, he kept up his blockade, but the public excuse was honored by the American government. Quite naturally, Great Britain contested the whole idea, and relations were strained to the breaking point.

The clamor for war against England grew in the United States. The so-called "war-hawks" prevailed upon President Madison to send a "war message" to Congress, which reluctantly issued a declaration of war in June 1812.

New England opposed the war from the start and did very little to support it in the way of troops or finances. The frontier elements clamored for land invasion of Canada, but the attempts bogged down. The poorly trained militia of the day, largely under political leaders, often refused to march across state boundaries. In an attempt to invade across the Niagara River, some state troops stood by while other American contingents were mowed down. Not until Winfield Scott, Jacob Brown, Andrew Jackson, and a few other professionals were given commands did American troops begin to measure up to the British regulars.

WAR COMES TO AMERICA

Events dragged on with one disaster following another on land until the hot summer of 1814 when Napoleon fled to Elba, and the British could turn their full attention to punishing their erstwhile colonies. Thousands of battle-hardened troops loaded on transports and sailed for America. The British fleet came up the Chesapeake, burned the fledging capital at Washington, sent President Madison and his government fleeing, and then turned its attention on Baltimore.

While the burning of Washington was a military debacle, it wasn't as disastrous as it might have been. The town was little more than a village; many of the government buildings were only half completed; and the White House had been occupied for only a few years. Baltimore, however, was a different matter—larger, wealthier, more important militarily and strategically and commercially than Washington, the city was a hotbed of anti-British sentiment. From its harbor sailed the vastly effective blockade runners, which continually outsmarted the heavy British men-of-war. Seizure of this city would quite probably end all American resistance.

During the general confusion of battles and burning and flights and alarms and ship movements, the British had taken captive Dr. William Beanes, a physician of Upper Marlboro, Md., and had transferred him with other prisoners to a ship. The doctor was a friend of Key's, and when Key learned of his friend's capture, he enlisted the aid of Colonel John S. Skinner, government agent for arranging exchange of prisoners. The two set out in their little boat to free Dr. Beanes. They were courteously received on the British flagship, and even had dinner with the admiral who released Dr. Beanes.

However, it was pointed out, with apologies, that the true party just simply couldn't be permitted to return to Baltimore. There was the matter of an immediate attack on the city; obviously, it would be highly inconvenient to allow intelligence of the fleet, its strength, its movements, and so on to be carried to the Americans. And since the lawyer and the colonel and the doctor were not prisoners, it would not be proper for them to remain on the British flagship. So would they please take to their little truce ship and stand behind the fleet? The admiral trusts that the gentlemen understood. They did.

THE LONG VIEW

Thus it was that Francis Scott Key and his friends found themselves, bobbing in their small boat, watching and listening through the long night, exulting as the Stars and Stripes appeared through the murk and smoke and dust of battle.

Four miles out, even for a young lawyer-poet, was a long way to see, but the flag itself was no little thing. As though made especially for a show of defiance, it was 42 by 30 feet. The red and white stripes were a full 2 feet wide. There were 15 of them for, at that time, a stripe as well as a star was added for each new state admitted to the Union, and Ohio and Florida had recently been added to the original 13 states.

Writing about the episode in later years, Key said, "Through the clouds of the war the stars of that banner shone in my view, and I saw the discomfited host of its assailants driven back in ignominy to their ships.

"Then in that hour of deliverance and joyful triumph, my heart spoke; and Does not such a country and such defenders of their country deserve a song? was its question. With it came an inspiration not to be resisted."

It was in a celebrating city that Key landed with the first rough draft of his poem already scribbled on paper. He managed to find a place to stay the night, and he polished the poem, which he called "The Defense of Fort McHenry."

In those days, long before instant communications, it was customary for balladeers to write poems about current events. Many would be set to music—usually well-known tunes—and there was frequently a brisk sale for popular items. Key set his verses to an English drinking song, "To Anacreon in Heaven."

Key took the four stanzas of his poem—to which Oliver Wendell Holmes would later add another stanza—to a friend, a judge in Baltimore. The judge took it to a print shop, and shortly it was being circulated as a handbill. It was instantly popular, and soon everybody was singing it. A music publisher is said to be responsible for calling it "The Star-Spangled Banner" rather than the more prosaic "Defense of Fort McHenry."

From the start, the song was immensely popular. It appeared for years in song books, and both the Army and Navy used it on ceremonial occasions. During the Civil War, it was claimed by both sides.

For many years The Star-Spangled Banner and the other venerated tune "America" were interchangeably used in schools and at patriotic events as the National Anthem. Finally, in 1931, a Maryland member of Congress proposed that Francis Scott Key's poem be made the official National Anthem. There was some opposition, however; many felt that the high notes were too difficult for the average singer. Some even believed that the song might jeopardize relations with Britain because of a line in the third stanza which stated: "Their blood has wash't out their foul footstep's pollution." Then again, there were advocates of another popular tune, "Yankee Doodle," originally written by a British officer as a jibe against the bucolic militia of the Revolution. Still others favored "America"—which echoed another old English tune, recognized in England as "God Save the King."

At any rate, the Congress finally voted for "The Star-Spangled Banner," and in 1931 the bill was signed by the President.

Today, offshore from Fort McHenry, the flag still flies just as Key saw it. It is easy for anybody who happens to be out there in the Patapsco River to understand how Key's "inspiration not to be resisted" struck him. Today, there may be no fog of war—only the smog of an industrial city—but through the murk of a dawn, the light in which Key saw the flag remains the same. The ideal it symbolizes still prevails in a troubled world. Today, the defenders of "the home of the brave and the land of the free" may be half way around the world instead of in the old brick fort, but through Key's inspiration, they and the entire Nation have a song which speaks eloquently for freedom.

AMENDMENT TO END THE WAR: ALTERNATIVE VIETNAM WITHDRAWAL PLANS AND BUDGET DEFICITS IN FISCAL YEARS 1971–72

Mr. HATFIELD. Mr. President, I submit today the sixth in a series of articles dealing with U.S. involvement in Southeast Asia. The article entitled, "Alternative Vietnam Withdrawal Plans and Budget Deficits in Fiscal Years 1971–72," was written by Charles P. Shirkey. As a former staff member of the Office of the Assistant Secretary of Defense, Systems Analysis, Mr. Shirkey is extremely knowledgeable about the implications of our future policy in Southeast Asia, particularly its effects upon the fiscal policy of this Government.

Mr. Shirkey clearly points out in this article that an extended commitment of American troops in Vietnam will continue to produce the budget deficits which the President wishes to prevent. This paper also implies that the primary means of curbing the inflationary spiral in this country is the reduction of military spending for the war in Vietnam. In the present debate on the future course of American involvement in Southeast Asia, Mr. Shirkey's paper provides an excellent dilineation of the domestic, economic effects of various policy alternatives.

I ask unanimous consent that "Alternative Vietnam Withdrawal Plans and Budget Deficits in Fiscal Years 1971–72" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

ALTERNATIVE VIETNAM WITHDRAWAL PLANS AND BUDGET DEFICITS IN FISCAL YEAR 1971–72

(By Charles P. Shirkey)

INTRODUCTION

Currently, the Administration is facing budget deficits of at least $12 billion in fiscal year (FY) 1971 and $11 billion in FY 1972. This paper attempts to show the budget and policy implications of alternative Vietnam withdrawal plans, given the Administration's desire to reduce the deficits and to show a surplus, if possible.

Full withdrawal from Vietnam by January 1972 as proposed by the Hatfield-McGovern Amendment (Senate Amendment 609) would save (and reduce the deficits by) about $2.5 billion in FY 71 and $8 billion in FY 72 from the cost of the current Administration plan. This is the most feasible alternative for large savings in the cost of the war during the next two years.

Without the Hatfield-McGovern Amend-

ment, the Administration has some uncomfortable choices to reduce the deficits by similar amounts in FY 71 and 72. The President has left for himself one or a combination of the following options:

Request an extension of a 3% income tax surcharge in FY 71 and an 8% surcharge in FY 72—a total of $37 for every $1,000 in individual income tax over the next three years, in addition to the surcharge on corporate income;

Cancel any new and expanded civilian programs and reduce current programs—a net decrease in spending on civilian programs in constant dollars; or

Reduce the pre-Vietnam "baseline" force levels below the level which this Administration probably planned for the "1½ war" strategy (such as cutting 3⅓ divisions, 3 carriers (CVAs), and 5 tactical air wings) *and* cancel or defer R&D and procurement of new weapons systems (such as ABM, F–14, C–5, F–111, F–15, DD–963, CVAN–70, SSNs, etc.)

The political and economic cost of such measures must be weighed against the desirability of continuing the war beyond December 1971.

Of course, the Administration (together with the Federal Reserve Board) can change its economic philosophy. Various measures can be taken to hold down wage and price increases at the same time that there are large budget deficits and lower interest rates. However, such a change does not appear likely. In any event, it would not justify a continuation of the war beyond December 1971. The $2.5 billion and $8 billion saved in FY 71 and 72 respectively by adoption of the Hatfield-McGovern Amendment could be used for productive investment in the economy and for needed social programs.

BUDGET DEFICITS IN FISCAL YEAR 1971–72

In January the Administration estimated a budget surplus of $1.3 billion in FY 1971. This was revised in May by Budget Director Robert Mayo to an estimated $1.3 billion deficit. However, current estimates indicate a potential deficit of $12.3 billion in FY 71, as shown in Table I. Outlays are now estimated to increase about $12.5 billion over the President's initial request, and revenues are likely to be more than $1 billion less than the January estimate.

TABLE I.—*Potential deficit in fiscal year 1971*

[In billions of dollars]

President's budget (January 1970)—surplus in fiscal year 1971	+1.3
Plus:	
Additional revenue proposals and revisions	+2.2
Less:	
Interest on national debt	—3.0
Workload increases (current programs)	—0.5
Government pay increase	—4.7
Current proposed program increases	—0.2
Equals: Fiscal year 1971 deficit before Congressional increases	—4.9
Less:	
House and Senate passed increases	—4.0
Proposed revenue increases unlikely to get Congressional approval	—3.4
Equals: Revised fiscal year 1971 deficit	—12.3

Source: Based on Appendix A.

The prospects for FY 72 are about the same. As shown in Table II, the Administration is confronted with a potential deficit in FY 72 of about $9.5 billion, excluding any new and expanded programs and collections. If the proposed draft reform favored by the Administration is funded next year, the potential deficit in FY 72 is about $11 billion.

TABLE II.—*Potential deficit in fiscal year 1972*

[In billions of dollars]

Potential deficit in fiscal year 1971	—12.3
Less:	
Workload and price increases (current programs)	—6.0
Government pay increases	—4.5
Current proposed program increases	—6.8
Impact of Tax Reform Act of 1969	—1.5
Plus:	
Revenue increase (current tax laws)	+16.0
Withdrawals announced to date	+0.9
Current proposed revenue increases	+4.7
Equals: Fiscal year 1972 deficit before new and expanded programs	—10.4
Less: New and expanded programs (net)	—1.7
Equals: Potential deficit in fiscal year 1972	—11.2

Source: Based on Appendix A

These projections can be scaled up or down by varying the assumptions. For example, Representative Mahon estimates a deficit of about 13.5 billion in FY 71; adding on the increases voted by the House and Senate during this session runs Mr. Mahon's estimate to about $17 billion.[1] The deficit in FY 72 would be even greater. But whatever the assumptions, the deficits will be large enough to force some uncomfortable decisions.

Budget deficits are not necessarily bad. To many economists, the issue is not whether we should have deficits or not, but what size deficits are needed in FY 71–72 to stimulate the economy and reduce unemployment. However, the Nixon Administration has a conservative economic philosophy and would like to balance the budget or to show a small budget surplus for political reasons alone. The Administration clearly wants to reduce the pressure on capital markets and ease monetary restraints, and maintains that this can be accomplished only by fiscal restraint. Lower interest rates are particularly important if housing construction is to recover from the current depressed levels.

Were it not for the war in Vietnam, President Nixon could have almost balanced budgets in FY 71–72. The FY 71 budget includes about $11 billion for the incremental costs of the war. If the President makes no further withdrawals, other than those which he has already announced, the war will cost about $11 billion again in FY 72. Hence, President Nixon's current budget problems stem largely from the fact that he decided to continue the war when he came into office and plans to keep forces in Vietnam beyond December 1971.

A full withdrawal of U.S. forces from Vietnam during the next 16 months, as proposed by the Hatfield-McGovern Amendment (Senate Amendment 609), would save $2.6 billion in FY 71 and $8.2 billion in FY 72 from the current Administration plan.[2] Thus, in the current budget context, a relevant question is what options has the President left for himself to reduce the deficits by $2.6 billion in FY 71 and $8.2 billion in FY 72. (The remaining $10 billion and $3 billion needed to balance the budgets in FY 71 and 72, and the actions which the President would have to take to do so, are a separable issue of fiscal and monetary policy.)

[1] Hobart Rowen, "Vision of Red Ink Sends Panic Through White House Officials," *The Washington Post*, August 2, 1970.

[2] See Appendix B for a comparison of current estimated budget deficits and those which would result if the Hatfield-McGovern Amendment were adopted.

Unless the President decides to make further withdrawals and/or accelerate withdrawals, he can reduce the deficits by $2.6 billion and $8.2 billion in FY 71 and 72 respectively only by increasing taxes, reducing outlays, or some combination of the two.

TAX INCREASE IN FISCAL YEAR 1971–72

The Tax Reform Act of 1969 terminated the 5% income tax surcharge at the end of FY 70. Any call by the Administration for an increase in taxes in FY 71–72 would probably be a continuation of the surcharge. Given the tax base resulting from the Tax Reform Act of 1969, the Administration would need to request a continuation of a 3% surcharge through December 1970 and for the first half of 1971 to increase revenues by $2.6 billion in FY 71. To increase revenues by $8.2 billion in FY 72, the Administration would need to request an 8% income tax surcharge from July 1971 through June 1972.

As with the income tax surcharge to date, the burden would probably be spread between individuals and corporations. To the individual taxpayer, however, the cost of President Nixon's Vietnam policy would be $15 for every $1,000 in income tax paid in 1970, $55 in 1971 and $40 in 1972. An individual or family paying $4,500 annually in income tax, for example, would pay an additional $500 over the next three years. In addition, there would be a surcharge on corporate income.

The Nixon Administration would clearly like to avoid tax increases if at all possible. Conservative advisors to the President, including Federal Reserve Chairman Burns, believe the tax burden is already too high. Even if President Nixon decided to ask Congress for more taxes, which he has suggested he might do, it would jeopardize Republican prospects in the coming elections. It would be difficult to deny that the need for increased taxes, and the reason there is a deficit at all, is the Administration's policy on the Vietnam war—an issue many would like to avoid this Fall.

EXPENDITURE REDUCTIONS IN FISCAL YEAR 1971–72

If an increase in taxes is not an acceptable option to pay for the President's Vietnam policy, the only remaining alternative to decrease deficits is large expenditure cuts. However, the President's flexibility to reduce outlays is limited by the fact that a sizable portion of the budget—including such mandatory spending programs as interest on the National Debt, Social Security benefits, Medicare, etc.—is not subject to executive control. Any change in these programs, other than certain changes already provided for in the legislation, require Congressional action. The so-called "uncontrollables" account for about $114 billion or 42 percent of total outlays in FY 72. The uncontrollables are higher in FY 71 and account for about $143 billion or 67% of total outlays this fiscal year, since outlays from prior year contracts and obligations are virtually uncontrollable once a particular fiscal year has begun. Table III shows the composition of "controllable" outlays in FY 71–72 out of which the President could cut $2.6 billion and $8.2 billion respectively.

Actually, the President's flexibility is limited further in FY 71 than Table III suggests, because full savings can never be realized in the first year of a reduction. It takes time to terminate programs and get people off the payrolls. If reductions are initiated before December, the Administration would need to cut above $5.0 billion to $5.5 billion in annual spending levels to save $2.6 billion this fiscal year. Thus, the expenditure cuts made in FY 71 alone would save upwards to $6 billion in current estimated outlays in FY 72 (including pay and price increases avoided).

TABLE III.—CONTROLLABLE OUTLAYS IN FISCAL YEARS 1971–72

[In billions of current dollars]

	Fiscal year 1971	Fiscal year 1972	Percent of fiscal year 1972 total
Civilian programs:			
Existing programs [1]	38.9	43.8	35
New or expanded programs	2.5		
Subtotal, civilian programs	41.4	43.8	35
National defense:			
War in Vietnam (incremental cost).[2]	11.2	11.1	9
Pre-Vietnam "baseline" strategic forces [3]	17.4	18.9	15
Pre-Vietnam "baseline" general purpose forces [3]	42.7	47.5	38
Draft reform (volunteer Army)	.2	2.5	2
Subtotal, military	71.5	79.0	63
Other (AEC, MAP, etc.)	2.4	2.5	2
Subtotal, national defense	73.9	81.5	65
Total, controllable outlays	[4] 115.3	125.3	100

[1] The level of existing programs depends on whether some or all of the House- and Senate-passed increases are enacted.

[2] Based on fiscal year 1971 funding level and withdrawals announced to date. For the impact of alternative Vietnam withdrawal schedules in fiscal year 1971–72, see app. D.

[3] Based on end fiscal year 1965 force levels, before the buildup in Vietnam.

[4] If outlays from prior year contracts and obligations are regarded as uncontrollable in the current fiscal year, controllable outlays would be $76,400,000,000 in fiscal year 1971; see footnote (f) to app. C. This includes about $26,000,000,000 in civilian programs and about $50,000,000,000 in national defense, including about $4,000,000,000 in Vietnam war costs.

Source: Author's estimates based on Appendixes A and C. Estimates include pay and price increases, workload increases, and the average (as of July 31, 1970) of House- and Senate-passed controllable increases to the 1971 budget. Totals may not add due to rounding.

This is significant, for the cuts in FY 71 would have a far greater impact on programs than the additional cuts needed in FY 72. This is so even though the savings needed in FY 71 are considerably smaller. In terms of the FY 72 budget, the cuts needed this year would reduce the FY 72 budget plan by about $6 billion. Thus, only $2.2 billion would need to be cut next year to save $8.2 billion in FY 72.

The implications of this fact for withdrawals from Vietnam are particularly important. First, savings in Vietnam war costs this fiscal year would have a greater impact on other programs than comparable savings next year. Only plans to accelerate withdrawals in FY 71 will save money this year. If the Hatfield-McGovern Amendment is passed, non-Vietnam programs would not need to be cut $6 billion. Second, unless the Administration accelerates withdrawals and saves money in FY 71, only an additional $2.2 billion would need to be saved in FY 72. This the President could do by withdrawing as few as 73,000 men next year and retaining a residual force of about 200,000 men in Vietnam. Or he could continue the current withdrawal rate of 50,000 per quarter, saving $5.3 billion in FY 72, and apply the extra $3.1 billion saved to the balance of next year's budget deficit. Yet non-Vietnam programs would already have been cut $6 billion. Of course, the Hatfield-McGovern Amendment would not only avoid the need to cut non-Vietnam programs by $6 billion but also would save the additional $2.2 billion in FY 72.[3]

IMPACT ON CIVILIAN PROGRAMS

In order to save $2.6 billion and $8.2 billion in FY 71 and 72, the President would need (a) to sustain his veto of the increases in the education bill and other spending increases voted by the House and Senate during this session and (b) to withdraw the Administration's proposed increase in Social Security benefits or the Family Assistance Plan, or both. It is unlikely that such a course of action would succeed. Even to propose it would weaken relations with Congress in a mid-term election year and jeopardize the Administration's desire to take a lead in reordering national priorities. Moreover, it would provide no guarantee of reductions in FY 71, since the Administration proposals have a small impact on outlays this year. As was the case with the Hill-Burton Act and more recently the education bill, once the President has vetoed a measure, he has no control over its ultimate disposition. Even the final H.U.D. bill may include some (if not all) of the increases originally proposed. Still, the savings could amount to about $2.6 billion in FY 71 and $8.2 billion in FY 72. However, the President would have given up not only two politically important proposals this year, but also any flexibility for new and expanded programs in next year's budget.

The alternative would be to reduce ongoing programs. This would have money in FY 71. However, it would require reductions amounting to $6 billion to $8 billion in the FY 72 budget—a reduction of 14–19% in controllable civilian outlays. This would represent a large lay-off of government employees and have a severe impact on urban areas, since the greatest savings are in manpower and operations rather than big investment programs. Following on the heels of other cancellations, deferrals and economy measures, which the Administration might make in pursuit of balanced budgets, this could result in the first net reduction in spending on civilian programs since World War II.[4]

IMPACT ON PRE-VIETNAM "BASELINE" DEFENSE FORCES [5]

If an increase in taxes and large reductions in civilian programs are not acceptable and feasible options to pay for the President's Vietnam policy, there is but one alternative left to reduce deficits in FY 71 and 72; namely, large reductions in the pre-Vietnam "baseline" forces. How much depends on (a) the chances for a tax increase, (b) the size of reductions in civilian programs, and (c) the success of Vietnamization and the potential for withdrawals over and above the announced 150,000. From the President's current perspective, all three are uncertain, particularly in FY 71. A proposed tax increase would have to run the Congressional gauntlet—a problematic venture at best. On the other hand, the potential for sizeable reductions in civilian programs is very uncertain in FY 71, and the probability of success of the President's Indochina policy over the next two years cannot be accurately determined at this time. The President's control of pre-Vietnam "baseline" defense budgets is far more certain.

To cut expenditures and reduce the budget deficit by $2.6 billion in FY 71 and hedge against the need for an additional $2.2 billion next year, the Administration would need to plan now for a reduction in outlays of at least $9 billion in FY 72 and begin to implement the reduction in FY 71. This would translate into about $8 billion in 1971 dollars. Pay and price increases account for about $600 million. Moreover, savings have traditionally been overestimated and costs underestimated. Thus, planning for a $9 billion expenditure reduction now would assure that real savings would be about $2.6 billion in FY 71 and about $8.2 billion next year. As a minimum, the President would need to cut about $6 billion in pre-Vietnam "baseline" forces in next year's program, to save $2.6 billion in FY 71.

The impact of a $9 billion cut in pre-Vietnam "baseline" forces is shown in Table IV. It should be noted that these illustrative reductions do not necessarily represent the full amount of reductions in FY 71 and 72. The President is likely to make sizeable reductions anyway in order to reduce the budget deficits and implement the "1½ war" strategy. However, these additional cuts would not be needed *now*, if the Hatfield-McGovern Amendment were adopted, thereby permitting force planning and budget planning to proceed at a more orderly pace.

TABLE IV.—*Illustrative reductions in pre-Vietnam "baseline" defense forces in fiscal year 1971–72 in lieu of full withdrawal from Vietnam by end fiscal year 1971*

[Outlays in billions of current dollars]

	Fiscal year 1972 Savings
Army:	
Deactivate 3⅓ 48,000-man division forces and reduce pre-Vietnam "baseline" force level to 13 divisions	2.1
Cancel Safeguard	.9
Subtotal, Army	3.0
Navy:	
Deactivate 3 carrier task forces (about 30 ships) and reduce pre-Vietnam "baseline" force level to 12 carriers (CVAs)	1.1
Deactivate all 4 ASW carriers (CVS's)	0.3
Reduce amphibious ship forces by 25 percent to lift for one Marine division/wing (or MEF)	0.4
Cut shipbuilding by $1 billion in TOA—cancel/defer LHA, DD–963, CVAN–70, SSNs, etc	0.1
Cancel S–3A ASW aircraft	0.3
Cancel F–14 aircraft	0.8
Subtotal, Navy	3.0
Air Force:	
Deactivate 5 tactical air wings and reduce pre-Vietnam "baseline" force level to 16 wings	1.2
Deactivate some strategic bombers and air defense forces	1.0
Cut aircraft procurement by $1 billion in TOA—cancel/defer C–5, F–111, A–7, etc	0.5
Cancel F–15	0.3
Subtotal, Air Force	3.0
Total	[1] 9.0

[1] About two-thirds of this amount or about $6 billion (in 1972 prices) would need to be implemented this year to save $2.6 billion in FY 71.

Source: Author's estimates; *Authorization for Military Procurement, Research and Development, Fiscal Year 1971, and Reserve Strength*, Hearings before the Senate Committee on Armed Services, 91 Cong. 2 sess., Parts 2 and 3. Costs of forces are derived from total costs, which include direct operations, investment, and indirect support. However, savings in operating forces are assumed to be about 80% of total cost, excluding on-going investment and indirect support. Out-year savings would include these, thereby raising the total savings to about $10.4 billion (in 1972 prices).

[3] See Appendix D for the costs and savings of alternative withdrawal plans.

[4] Non-military spending has increased every year since World War II. See statement of Robert C. Moot in *The Military Budget and National Economic Priorities*, Hearings before the Subcommittee on Economy in Government of the Joint Economic Committee, 91 Con. 1 sess., 1969, Part 1, p. 319.

[5] Based on end-FY 65 force levels, before the buildup in Vietnam, which included 16⅓ active Army divisions, 3 active Marine division/wing teams, 15 aircraft carriers, 21 Air Force tactical air wings, and a total military manpower strength of 2.7 million.

The major impact would probably be on general purpose force levels. In FY 72, the pre-Vietnam "baseline" forces would cost about $71 billion, which includes about $45 billion for operations (including $2.5 billion for draft reform) and $26 billion for investment. Since most of the outlays for investment result from prior year contracts and obligations, most of the cuts would have to be made in operations. In short, the largest savings are realized in manpower reductions. This was equally true of the $6 billion expenditure cuts in FY 69–70, which eliminated a considerable amount of the so-called "fat" in the defense budget. Thus, a $9 billion cut would result in sizeable reductions in major force levels, particularly general purpose force levels, since they account for almost 75% of outlays for pre-Vietnam "baseline" forces.

The illustrative incremental reductions shown in Table IV actually result in a cut of at least $10 billion in pre-Vietnam "baseline" forces over the next few years, since savings in the associated investment (procurement and construction) and particularly indirect support cannot be fully realized in the first 18 months. Therefore, pre-Vietnam "baseline" forces would be reduced to about $54 billion (in 1971 prices) from the current $64 billion level.

These reductions, together with any other cuts which the President might make in pursuit of balanced budgets, would probably result in a far more drastic change in military posture than originally planned by the Administration when it adopted the "1½ war" strategy. Even though some (and perhaps even large) reductions in pre-Vietnam "baseline" forces may be desirable it would be preferable to phase such a change over several years. The Nixon Administration planned to begin reducing pre-Vietnam "baseline" forces in FY 72 after a thorough review of the force requirements. The FY 71 budget was intended to be a 'transition" budget. A rapid cut of this size now ($6 billion in programs in FY 71 alone) would be inefficient and could result in imbalanced force capabilities, which might take several years to rectify. Moreover, such a large, rapid cut could be misinterpreted both at home and abroad. The Administration is already sensitive to the political impact of the FY 69–70 expenditure cuts on certain sectors in the economy, U.S. military preparedness and relations with allies. In addition, the President cannot afford to discount totally Soviet interpretation of such reductions.

CONCLUSION

If the Hatfield-McGovern Amendment is adopted, these awesome choices would not be necessary. The savings resulting from a full withdrawal by December 1971, from the cost of the current Administration plan, would reduce the budget deficits by about $2.6 billion in FY 71 and $8.2 billion in FY 72. Unless the Hatfield-McGovern Amendment is adopted, similar savings can be achieved only by increasing taxes and/or cutting expenditures. Thus, the awesome choices needed to reduce the deficits by $2.6 billion and $8.2 billion in FY 71 and 72 are the price of the President's Vietnam policy.

So long as this Administration pursues balanced budgets, the measures needed to pay for the President's Vietnam policy are drastic. The tax burden in this country is not excessive compared to other industrialized countries, and many would accept a tax increase for productive social programs. But no one today wants to have his taxes increased by 3–8% to pay for a prolongation of the war. Nor is there great enthusiasm for large cuts in urgently needed government expenditures in the fields of air and water pollution, housing, urban transportation, medical research and education. For a public who has seen domestic programs slighted during the past five years, the prospect of the first net reduction in spending on civilian programs since World War II is totally unacceptable.

Pre-Vietnam "baseline" forces can be reduced; the Nixon Administration intended to do so anyway, but not until FY 72. However, the $10 billion in program cuts needed to pay for the President's Vietnam policy during the next few years will require larger force reductions than the Administration probably planned for the new "1½ war" strategy. Moreover, such large cuts in such a relatively short period of time jeopardize orderly defense planning and are vulnerable to the charge of irresponsibility both at home and abroad.

In the final analysis, dollars cannot measure fully the price of the President's Vietnam policy or the savings resulting from the Hatfield-McGovern Amendment. The Administration's case for prolonging the war must be weighed against the desirability of the plans and programs which must be sacrificed to do so.

APPENDIX A

Potential deficits in fiscal years 1971–72 [1]

[In billions of dollars]

Estimate of outlays in 1971:	
President's budget (January 1970)	200.8
Interest on national debt	+3.0
Workload increases (current programs)	+0.5
Government pay increase	+4.7
Current proposed program increases: Draft reform [2]	+0.2
New and expanded programs: Average of House and Senate appropriation action	+4.0
Revised estimate	213.2
Estimate of revenues in 1971:	
President's budget (January 1970)	202.1
Subsequent Administration proposals	+3.1
Subsequent Administration estimate revisions	−0.9
Unlikely Congressional approval:	
User charges	−0.3
Tax on leaded gas; estate and gift tax	−3.1
Revised estimate	200.9
Potential deficit in 1971	−12.3
Estimate of outlays in 1972:	
Revised estimate for 1971	213.2
Workload and price increases (current programs)	+6.0
Government pay increase	+4.5
Current proposed program increases:	
Social security benefits	+2.4
Family assistance plan	+4.4
New and expanded programs: Draft reform [2]	+2.5
Withdrawals announced to date	−0.9
Revised estimate	232.1
Estimate of revenues in 1972:	
Revised estimate for 1971	200.9
Revenue and price increase (under current tax laws)	+16.0
Currently proposed increases: Social security and other collections	+4.7
New revenues: Feedback from draft reform [2]	+0.8
Impact of Tax Reform Act of 1969	−1.5
Revised estimate	220.9
Potential deficit in 1972	−11.2

[1] Estimates as of August 1, 1970.

[2] The phased approach to the "Volunteer" Army favored by the Administration.

Source: Author's estimates; *The Budget of the United States Government, Fiscal Year 1971*, p. 10; Leonard S. Silk, "Nixon's Bugaboo," *The New York Times*, June 15, 1970; Hobart Rowen, "Vision of Red Ink Sends Panic Through White House Officials," *The Washington Post*, August 2, 1970.

APPENDIX B—BUDGET ESTIMATES AND FISCAL DIVIDEND FOR FISCAL YEAR 1971–72

[In billions of current dollars]

	Fiscal year 1971			Fiscal year 1972		
	President's budget (January 1970)	Current estimate	Full withdrawal from Vietnam by January 1972	Before new or expanded programs/revenues	Including new or expanded program revenues [3]	Full withdrawal from Vietnam by January 1972
Unified budget:						
Revenues	202.1	200.9	200.9	220.1	220.9	220.9
Outlays	200.8	[1] 213.2	210.6	[3] 229.6	[3] 232.1	[3] 223.9
Deficit (−)	+1.3	−12.3	−9.7	−9.5	−11.2	−3.0
High employment surplus (+) [4]	+14.0	+2.0	+4.0	+5.0	+3.0	+11.0
Less: Budget surplus at high employment levels, probably needed to permit moderate monetary policy while avoiding inflation	8.0	8.0	8.0	8.0	8.0	8.0
Equals: Fiscal dividend [5]	+6.0	−6.0	−4.0	−3.0	−5.0	+3.0

[1] Estimates as of Aug. 1, 1970.

[2] Currently includes only the expanded draft reform—the phased approach to the "volunteer" Army favored by the administration.

[3] Includes $4,000,000,000—the average as of July 31, 1970, of House and Senate appropriation action on civilian programs—which exceeds the President's request. It is unlikely the President will veto all of these increases. However, should the President sustain a veto of some of these increases, outlays would decrease and the deficit, high employment surplus and fiscal dividend would change accordingly.

[4] This represents the potential budget surplus (potential revenues less current outlays) if the economy were operating at a high employment level. Potential revenues are estimated at $215,000,000,000 in fiscal year 1971, and $235,000,000,000 in fiscal year 1972 under current tax laws, assuming a potential GNP of $1,078,000,000,000 and $1,180,000,000,000 respectively with unemployment at 3.8 percent.

[5] A positive fiscal dividend can be used in 1 or a combination of 4 ways: (1) to expand existing programs; (2) to undertake new public programs; (3) to run a budget surplus for purposes of economic stability, lower interest rates, and a relatively buoyant housing market; and (4) to cut taxes. A negative fiscal dividend implies the reverse of one or some combination of these.

Source: Author's estimates; app. D; The Budget of the U.S. Government, fiscal year 1971, p. 10; Charles L. Schultze, Setting National Priorities: The 1971 Budget, The Brookings Institution, Washington, D.C., 1970, pp. 178–190.

APPENDIX C—CONTROLLABILITY OF POTENTIAL OUTLAYS IN FISCAL YEARS 1971–72[1]

[In billions of current dollars]

	Fiscal year 1971			Fiscal year 1972	
	President's budget (January 1970)	Net increase[2]	Current estimate	Net increase[2]	Current estimate
Uncontrollable:					
Civilian programs	96.3	+5.0	101.3	+9.7	111.0
National defense (military retired pay)	3.2	----------	3.2	+.1	3.3
Subtotal, uncontrollable	99.5	+5.0	104.5	----------	114.3
Controllable:					
Civilian programs	[3] 37.5	+3.9	41.4	+2.4	43.8
National defense:					
War in Vietnam (incremental cost)[4]	11.0	(+.2)	11.2	(−.1)	11.1
Pre-Vietnam "baseline" strategic forces[5]	16.5	(+.9)	17.4	(+2.2)	19.6
Pre-Vietnam "baseline" general purpose forces[5]	40.5	(+2.4)	42.9	(+5.4)	48.3
Subtotal, military	68.0	+3.5	71.5	7.5	79.0
Other (AEC, MAP, etc.)	2.4	----------	2.4	+.1	2.5
Subtotal, controllable	[6] 107.9	+7.4	[6] 115.3	+10.0	125.3
Undistributed intragovernmental transactions	−6.6	----------	−6.6	----------	−6.6
Total outlays	200.8	+12.4	213.2	+19.8	233.0

Source: Author's estimates; Budget of the United States Government, Fiscal Year 1971, p. 44; statement of Robert C. Moot in Department of Defense Appropriations for 1971, hearings before a subcommittee of the House Committee on Appropriations, 91 Cong. 2d sess. (1970), pt. I, p. 493; Charles L. Schultze, Setting National Priorities: The 1971 Budget, the Brookings Institution, Washington, D.C., 1970, p. 19; Leonard S. Silk, "Nixon's Bugaboo," the New York Times, June 15, 1970.

[1] Estimates as of Aug. 1, 1970.

[2] See app. A. Attribution of increases are based on author's estimates.

[3] Includes a net amount of $200,000,000 for the proposed pay raise ($1,400,000,000) less the proposed postal rate increase (—$1,200,000,000).

[4] Based on fiscal year 1971 funding level and withdrawals announced to date. For the impact of alternative Vietnam withdrawal schedules in fiscal years 1971–72, see app. D.

[5] Based on end fiscal year 1965 force levels, before the buildup in Vietnam.

[6] Not all of this amount is controllable now in the same sense that the fiscal year 1972 estimates are but have been presented in this format for comparison with the fiscal year 1972 estimates. If outlays from prior years contracts and obligations are regarded as uncontrollable in the current fiscal year, the estimates of uncontrollable and controllable outlays in fiscal year 1971 would be as follows:

[In billions]

	President's budget	Current estimate
Uncontrollable	$138.4	$143.4
Controllable	69.0	76.4
Undistributed intragovernmental transactions	−6.6	−6.6
Total outlays	200.8	213.2

Of the $76,000,000,000 controllables in fiscal year 1971, about $26,000,000,000 is in civilian programs and about $50,000,000,000 in national defense, including about $4,000,000,000 in Vietnam war costs.

APPENDIX D—COST AND SAVINGS OF ALTERNATIVE VIETNAM WITHDRAWAL PLANS[1]

[In billions of current dollars]

	Fiscal year 1971		Fiscal year 1972[2]	
	Incremental cost	Savings (−) from current administration plan	Incremental cost	Savings (−) from current administration plan
Current administration plan: Current fiscal year 1971 funding level and withdrawals announced to date (150,000 out in fiscal year 1971)[3]	11.2	----------	11.1	----------
Alternative 1: 223,000 residual force end fiscal year 1972	11.4	----------	9.2	−1.7
Alternative 2: 50,000 residual force end fiscal year 1972	11.2	----------	5.9	−5.2
Alternative 3: Continue current withdrawal rate; all out by early fiscal year 1973	11.2	----------	5.8	−5.3
Alternative 4: Total withdrawal by January 1972 (Hatfield-McGovern amendment)	8.6	−2.6	2.6	−8.2

[1] All of these calculations are based on troop level reductions below the actual figure of 538,000 men in Vietnam at end fiscal year 1969, before the first withdrawal was announced. Thus at ene end of the latest 150,000 reduction, the level will be 273,000. Recent statements by Secretary Laird are based on troop ceilings, which were 549,000 at end fiscal year 1969 and will be 284,000 when the latest 150,000 are withdrawn. The incremental costs are the additional costs, all of which could be saved if we were not in Vietnam. All cost estimates include about $1,000,000,000 for military assistance to South Vietnam.

[2] Assumes a 7 percent price deflator in fiscal year 1972 to reflect pay and price increases.

[3] Announced by President Nixon in his televised address on Apr. 20, 1970.

Source: Author's estimates; Arnold M. Kuzmack, "Casualty and Cost Projections for Different Vietnam Withdrawal Plans," monograph inserted in the Congressional Record, Aug. 24, 1970; p. S14076; Charles L. Schultze, Setting National Priorities: The 1971 Budget, The Brookings Institution, Washington, D.C., 1970, p. 19.

TELEVISION DOCUMENTARY ON MIGRANTS TO BE SHOWN IN BALTIMORE

Mr. MONDALE. Mr. President, at the time last month when the NBC television network scheduled a national viewing of their documentary, "Migrant—An NBC White Paper," several network affiliates chose not to show the film. Among the areas where it was not shown were Dallas-Fort Worth, some parts of upper New York State, and in Baltimore, Md.

I now understand that consistent with their public interest obligations, Baltimore Channel 13—WJZ–TV—has arranged to borrow the film from NBC in order that Baltimore area residents can see it. The documentary will be broadcast Saturday, August 29, at 9:30 p.m. Channel 13 will follow the film with an indepth examination on the problems of Maryland and Virginia migrant workers at 10:30 p.m.

I commend Channel 13 for showing this film, for it is consistent with the public's right to know about farmworker living and working conditions existing in this country.

I call this filming to the attention of Senators and to the residents of the surrounding Baltimore-Washington area, in the hope that all those who did not see the documentary last July 16 will have an opportunity to view this extraordinary study of the conditions of migrant and seasonal farmworkers on the east coast.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. KENNEDY). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, is there further morning business?

The PRESIDING OFFICER. Is there further morning business? If not, morning business is concluded.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER. Under the previous order the Chair lays before the Senate the unfinished business which will be stated by title.

The assistant legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. The Senator from New York is recognized.

AMENDMENT NO. 863

Mr. GOODELL. Mr. President, I call up amendment No. 863.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as

follows: The Senator from New York (Mr. GOODELL) for himself and the Senator from Wisconsin (Mr. NELSON) proposes an amendment, No. 863, as follows:

At the end of the bill insert a new section as follows:

"SEC. . PROHIBITIONS ON CROP DESTRUCTION WARFARE.

"No part of any amount authorized or appropriated pursuant to this Act or any other law shall be expended for the purpose of—

"(1) engaging directly in the military application of antiplant chemicals for the purpose of crop destruction;

"(2) entering into or carrying out any contract or agreement to provide agents, delivery systems, dissemination equipment or instruction for the military application of antiplant chemicals for the purpose of crop destruction."

The PRESIDING OFFICER. Under the previous order, the amendment is subject to a time limitation of 40 minutes, the time to be equally divided between the Senator from New York (Mr. GOODELL) and the Senator from Mississippi (Mr. STENNIS). How much time does the Senator yield himself?

Mr. GOODELL. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from New York is recognized for 5 minutes.

CROP DESTRUCTION WARFARE

Mr. GOODELL. Mr. President, yesterday, the Senate voted on the amendment which I coauthored with the Senator from Wisconsin (Mr. NELSON) to prohibit environmental warfare.

Our amendment outlawed use by this country of antiplant chemical weapons. It banned the possibility of proxy use by preventing the transfer of our chemical herbicide capability to other countries. It also called for the dismantling of our antiplant chemical weapons arsenal.

As such, our amendment provided a basis in law for nonuse, nonproliferation, and disarmament of antiplant chemical weapons.

Our amendment aimed at putting these three principles into practice under the binding obligation of law. It was in the form of law that we sought to prohibit environmental warfare as contrasted to a "Sense of the Senate" resolution which would express opinion without the force of law.

This amendment failed to pass the Senate by a vote of 62 to 22.

Today, Senator NELSON and I are offering another amendment in an attempt to put some limitation on this country's use of chemical herbicides in war.

Crop destruction is one purpose of chemical herbicide use. The military objective is to deny an enemy food.

The amendment we are offering today prohibits the use of antiplant chemical weapons for the purpose of destroying food crops. In addition, it prohibits the transfer of a chemical herbicide capability for the purpose of crop destruction.

Mr. President, in 1962, the first year of actual defoliation operations in Vietnam, anticrop missions accounted for 5 percent of the total number of defoliation missions. In 3 years, the missions for crop destruction increased more than eightfold reaching 42 percent of total defoliation missions in 1965. Over the past 2 years, crop destruction missions have decreased to the 1962 level of 5 percent.

The fact that the Defense Department itself has reduced the number of missions for crop destruction over the last 5 years provides an additional reason to question whether destroying food crops is really contributing to military objectives.

The basic issues before us are clear and can be stated simply: Is the United States to engage or disengage from the military practice of crop destruction? Should the United States retain the option to engage in crop destruction as a tactic of war or should it relinquish this option?

If crop destruction should continue, the burden of proof is on the Defense Department to justify its continuance.

This amendment is quite different from that of yesterday. A great many arguments were raised in the debate on the environmental warfare amendment with reference to the military value of defoliation in protecting our troops.

The evidence available to us was to the effect that this is of very marginal value. As a matter of fact, it could be replaced by other methods with no difficulty at all and avoid the tremendous hazards to which we are subjecting the Vietnamese people and avoid the negative repercussions from the use of defoliation in Vietnam.

The amendment we have under consideration today aims directly at a specific aspect of our use of chemicals in Vietnam—that is the use of chemicals against crops, to destroy the crops of "the enemy." We all know that the end effect of crop destruction has had a very, very small impact percentagewise on the enemy.

The vast majority of the crops we have destroyed have not been enemy crops, but South Vietnamese crops or North Vietnamese crops that affected the civilian population.

War is uncivilized in many ways. However, certainly this country that likes to pride itself on being the most civilized country in the world should not be engaged in war against a civilian population. That is, in effect, what a crop destruction program is.

A year ago last February, I visited Biafra. I was appalled that in the Nigerian civil war there was evidence that the participants—both the Biafrans and the Nigerians—were willing to see civilians, mainly women and children, suffer the primary consequences of war. The best estimate is that 2.5 million people in Biafra starved during that horrible 2 years of civil war.

Mr. President, I look with grave concern upon our responsibilities in this matter. The United States, with reference to Biafra and Nigeria, tried very hard to get food over there. We refused to take a position, and rightly so, on the civil war. We refused to aid either party in the civil war in Nigeria.

Look at what is happening in Vietnam. We are undertaking there a program of crop destruction, the main impact of which is on the civilian population. A significant impact from the program is on the Vietnamese people and the small farmers. It is significantly counter-productive of our whole effort in Vietnamization.

I do not suppose that there are many things that turn off the Vietnamese population more than our crop destruction program. Obviously the heavy bombings in certain areas and mistakes that are made result in mass destruction, whether intentionally or unintentionally, through the weapons of war and cause a paralysis of the population.

The argument can be made that we are fighting a war.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOODELL. Mr. President, I yield myself 1 additional minute.

The PRESIDING OFFICER. The Senator from New York is recognized for 1 additional minute.

Mr. GOODELL. It is not inevitable that we destroy the crops of a civilian population that is striving to feed itself and develop its rural economy. These programs have a direct impact on people. They are counterproductive.

The amendment is a clean, precise amendment aimed only at chemical warfare against crops. It does not cover the alleged military significance of antidefoliants along highways or in other areas to meet the threat of ambushes and make it easier to deal with the enemy.

It is very difficult to make any argument of military significance in favor of crop destruction except perhaps that this country is going to hurt the crops so much it will have an impact on the North Vietnamese Government, and that is not the way we should proceed.

Mr. STENNIS. Mr. President, I yield myself 3 minutes, after which I propose to yield more time to the Senator from New Hampshire.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, the measure before us today is no different than the measure yesterday with respect to humanitarianism. No one wants to destroy life under any circumstances. This is not a war against the South Vietnamese; of course not. We had this issue before us yesterday and I commend the Senator from New York and the Senator from Wisconsin for the very fine way they handled their subject and themselves in debate. But when we got right down to the issue there were 22 votes for their broad amendment and 62 votes against it, solely on the one point, and that is, when we send our boys into battle that may cost them their lives we are not going to put restrictions on them.

"War is hell," as General Sherman said. War is war, but we are in it. We are methodically getting out, but we know we are going to be there a while, and I strongly urge now that we not put any more impediments—we are already fighting a defensive war—on the boys and decrease their chances to survive rather than to increase them.

This is not being used to extensively destroy crops and food under any circumstances. It is used merely where it is thought it will be effective in reducing the effectiveness of the enemy, the Vietcong or the North Vietnamese, if they

are in that particular area. It has been helpful to them in taking advantage of the breaks there.

Mr. President, we feed people all over the world. Our AID program illustrates that. That is not the issue here. We are trying to destroy the means of making war, and that is why we have this very limited use of these herbicides as they might affect growing crops.

Mr. President, I yield 10 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I thank my distinguished chairman.

Today the United States is committed to a program of pacification and Vietnamization of the conflict in Vietnam with the purpose of returning our forces to our country while allowing the Vietnamese to determine their mode of government free of outside coercion. The wisdom of this policy is one question. Doing all we can to insure its success—while we are committed to it—is another. As I said yesterday, the safety of American troops in Vietnam and their speediest possible withdrawal must remain our paramount consideration.

The amendment proposed by the distinguished Senator from New York would undoubtedly lessen the chances for success of Vietnamization and lengthen its course. The amendment to desist in the program to reduce the food resources of the Vietcong and the units of the North Vietnamese Army in the Republic of South Vietnam would substantially reduce the military pressure we now place upon the enemy.

I would like to describe this program in some detail to you. First, it must be realized that it is not a large-scale attempt to starve major segments of the population or major geographical areas of the country. Each year since the beginning of the program the amount of crops destroyed has never exceeded 1 percent of the annual food production in Vietnam. The normal variation in food production in the various areas is far greater than this small amount. Despite the shrill cries of the critics, despite the warnings of impending doom, the fact is that there is no evidence of widespread starvation or malnutrition in the Vietnamese population.

Second, this program has been one of the most carefully controlled of any of our military operations in Vietnam. Each and every crop destruction request must originate with the Vietnam province chief. This request must contain a detailed justification for the operation and include a civil affairs annex to insure that any impact on the civilian population has been considered. Each request then must get the approval of the Chief of the Vietnamese Joint General Staff. When the Vietnamese request is received at Headquarters of the U.S. Military Assistance Command Vietnam—MACV—it is staffed along with supporting papers submitted through U.S. advisory channels to MACV. During staffing the request is reviewed by the Civil Operations and Revolutionary Development Support—Cords—the U.S. Agency for International Development—USAID—the U.S. Public Affairs Office, the American Embassy and MACV. The important point is that crop destruction is not a decision that is relegated to the lower levels of command, but is considered in detail by civil and military officials at high levels in both the governments of Vietnam and the United States. Finally, 24 to 48 hours before the actual mission, the province chief is given an opportunity to approve or reject the operation depending on the actual situation at that time. The procedures and the safeguards they provide are not careless, not irresponsible, not indifferent.

Third, attack on crops has been restricted to areas of small population and known to be controlled by the North Vietnamese or Vietcong. Rice fields around villages are not attacked—but rice fields around known enemy troop concentrations, fields which are miles from known habitations and known to feed enemy troops, are attacked. Of course, mistakes may have been made, and the crops of friendly people may have been damaged. The incidence of these has been small. At times it has been necessary for the Vietnamese Government to relocate hamlets and villages when it could no longer offer protection from the Vietcong. Their crops were destroyed rather than let them fall into the hands of the enemy. They could have been ploughed into the ground, perhaps they could have been burned, but they were destroyed by herbicides because that is the quickest method using the least resources. It is nothing but the scorched earth policy used by military forces since time immemorial.

Let me now turn to the central issue of the question before us—the military effectiveness of the crop destruction program. The Vietcong and North Vietnamese units are operating in a theater far removed from their base of support. The weapons, the ammunition, the supplies necessary to maintain units in the field must be trucked or carried over long trails in the jungle. One of the immediate results of denying local food products to these units is that they are forced to devote a significant part of their logistical capability to carrying food instead of weapons and ammunition. This curtails their ability to carry out combat missions against U.S. and Allied troops, and it means less casualties to our American soldiers, marines, and other forces.

Another result of denying food resources to the enemy is that it forces him to spend a considerable part of his time growing food or foraging for it. We know from captured documents that many North Vietnamese and Vietcong units have been ordered to grow their own food. The destruction of local crops and the interdiction of supply routes has made it impossible in many cases for the enemy to supply its units with both weapons and food, so it has resorted to supplying weapons and telling its forces to grow food. This process further detracts from the time the enemy units have for combat missions—many have become full-time farmers and part-time fighters.

Another result has been the location, identification and capture of many enemy troops. The necessity to clear land and plant crops leads to identification. If aerial reconnaissance suddenly shows a number of small rice plots scattered along a strip of previously uninhabited countryside, then we know several things. One thing we know is that people are working there who are not part of the known area population. We also know that an infiltration trail or an enemy base camp is defined by the location of the food plots, and we can direct military activities against these areas. I can assure you that a significant number of infiltration routes have been disclosed in just this way.

There is a great deal of evidence that the lack of food is one of the primary factors with which the enemy must contend. There are captured documents, interrogations of prisoners, and a swelling tide of defectors who rally to the government of the Republic of Vietnam.

Let me give you an example or two from the field:

> The 120th Farm Production Company, 20th Montagnard Communist Battalion, we deployed to central Quang Ngai Province in December, 1969, to set up operations in a 36,000 meter rice field. After the farm was heavily damaged by herbicides, the unit produced only enough food for its own personnel. The unit has since been relocated.

Now I think that it is very important that the enemy has been forced to establish battalions solely for the purpose of producing food—not for the purpose of attacking our troops, but simply for producing food for their forces:

> In four of the five provinces in I Corps tactical zone, helicopter crop destruction operations have been effectively employed to destroy small garden plots and rice plots in areas solidly controlled by NVA/VC. During a recent three month period in one province, 237 such garden plots were located. Many individuals have defected from these areas, and enemy units report low morale because of food shortages.

These are not isolated instances. There is report after report that the enemy units are receiving less and less food as time goes on. Many of them are at bare subsistence levels or less, and their military effectiveness is very substantially degraded.

The program to deny food to the enemy in Vietnam has been an important part of our military operations, and as the cumulative effect of all of these operations grows, the crop destruction becomes more important. Critics predict that dire things could happen as a result. They fail to say whether there is a 50–50 chance of this or that consequence, or that it is highly likely or unlikely—just that it could happen. But these things have not happened. There has been no mass starvation, there has been no massive movement away from the Saigon government as a result, but rather there has been a steady decline in the area controlled by enemy troops and their effectiveness.

Our crop destruction attacks in Vietnam are conducted primarily with agent blue, a solution of cacodylic acid. Cacodylic acid was at one time a drug given directly to humans. It has been replaced by newer, more effective drugs. There is considerable medical experience to attest that its toxicity is indeed comparable to

that of aspirin. There is no scientific basis for fearing that the arsenic in it would be changed in nature to the more toxic state. In any event the more toxic form of arsenic has been widely used in some Asian countries on rubber and coconut oil plantations. Concentrations 100 times the concentrations used in Vietnam have been applied annually for a quarter of a century or more with no ill effects to humans or to the ecology.

The PRESIDING OFFICER (Mr. BYRD of West Virginia). The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator from New Hampshire 2 minutes.

Mr. McINTYRE. Mr. President, the amendment we are considering today is unnecessary. It is unnecessary because it would stop a military operation which is an effective and important part of our total military effort in Vietnam.

If we allow the enemy to obtain food easily and with less expenditure of manpower than he is now forced to use, he will be able to carry out increased military attacks. Each enemy soldier released from growing food is a soldier who can attack our troops. An end to the crop destruction program would increase the number of security forces we would have to maintain, and it would increase the number of casualties that those American forces would sustain.

For these reasons, Mr. President, I must vote against the present amendment and urge my colleagues to do the same.

Mr. GOODELL. Mr. President, I yield 5 minutes to the Senator from Wisconsin (Mr. NELSON).

The PRESIDING OFFICER. The Senator from Wisconsin is recognized for 5 minutes.

Mr. NELSON. Mr. President, the Senator from New Hampshire says the use of herbicides for crop destruction is not on a large scale. I suppose, considering the percentage of the agricultural land involved, that is correct. However, that really is not the point. We are using a weapon that we ought not to use, not only on a large scale or small scale, but not at all. The fact is that we have sprayed 500,000 acres with an anticrop herbicide which contains 54 percent arsenic. The fact is that we are procuring for this year 600,000 gallons which would cover 200,000 acres, which is a substantial amount of land.

The Senator says there is no starvation. I do not know that anybody would argue that there is any starvation. So far as the civilians are concerned. If they do not have any food they go to refugee camps; and many of them are in refugee camps.

With respect to the program, the one independent study I know of commissioned by the Department of Defense, made by the Rand Corp., stated that the program was counterproductive because of the morale factor involved. As a matter of fact, as the Senator said in his own speech:

> A Rand Corporation study conducted at the Department's request concluded that the program was largely counterproductive given its alienation of the civilian population.

Then, of course, the Senator states that the military disagrees with that. I do not know why it commissioned the report if the department was not going to follow what the report concluded.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. NELSON. I yield.

Mr. GOODELL. There was a study in 1967. This practice has been going on for some time. There was a later study in 1970 which indicated that this program is an anathema to the people of North Vietnam and South Vietnam—again, a study out of the Defense Department, commissioned by the Defense Department.

Is there any wonder that it is anathema? I am appalled that this country is engaging in warfare in the sense of using food as a weapon of war. We all know that soldiers end up getting the food. When the civilian population is deprived of food, the enemy soldiers get the food. They take it away from the civilians. That is the nature of guerrilla warfare. That is exactly what happens. The more we deprive the soldiers of food, the more they are going to take it away from the civilian population.

So, instead of growing crops on their land, the civilians go to the refugee camps.

Nobody is saying we are starving them, but we are saying we are turning the land off, making it of marginal value, in a sense—in other words, counterproductive.

I thank the Senator for yielding.

Mr. NELSON. Another point made by the Senator from New Hampshire is that there is no proof of damage. I respectfully suggest that the Senator is wrong about that; 2,4,5-T, as the Senator knows, is teratogenic. It has the capacity to and does deform the fetuses of the animal creatures on which it has been tested. That ought to be alarming enough. As I mentioned the other day, thalidomide was another fetus-deforming drug which had been fairly widely used in Europe and South America and resulted in thousands of cases of children being born without arms and legs.

I do not see how the Senator can suggest that to spread 2,4,5-T and 2,4-D over Vietnam in massive doses does not——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. GOODELL. Mr. President, I yield 5 minutes to the Senator.

Mr. NELSON. Does not expose Vietnam to the great risk of serious, major environmental disruption.

I think we all recognize that when you start to medicate—and that is what it is—all the creatures in a large area by spewing these potent chemicals into the atmosphere, you are running a grave risk, and every time we have done it with any pesticide or any herbicide, it has had disastrous results, the most common example of which is DDT.

However, that part of the argument that it denies food to the enemy raises an important question of principle. What is the implication of this country validating, giving the status of legality to chemical environmental warfare? What are the implications of it?

The military interpretation, in their manual on the law of land warfare, states that the relevant treaty position is that it is especially forbidden to employ poisoned weapons. "The foregoing rule does not prohibit measures being taken to destroy, through chemical or bacterial agents harmless to man, crops intended solely for consumption by the armed forces, if that can be determined."

Now, if, as the military says, we can use, first, only chemicals harmless to man, there is no proof that these chemicals are harmless to man. In fact all evidence available indicated that they are harmful to man. Whatever evidence we have indicates they are harmful. So the use of these herbicides is a violation of the military's own interpretation of the rules. I think that interpretation is wrong on its face, anyway, but it is wrong based on their own interpretation.

Then, second, what is the next implication of using it as a food denial program? Well, half the people on earth get their protein from marine creatures, crustaceans of various kinds and fish. Half the people. If food denied to the enemy is a valid military tactic, and the use of chemicals to accomplish it is a valid military method, then what is to stop a country from poisoning the marine esturaries and the breeding grounds for the fish and the marine creatures on which some countries rely for a major portion of their protein? What are the implications, as we develop more and more and a greater variety of poisonous chemicals that have adverse effects on the flora and fauna? The implications are that some country is going to decide that if the food denial program, which we have validated by our usage in Vietnam, is all right for plants, it is all right for other foods, too, because fish and crustaceans are crops used by countries, just as rice is.

I just wonder what kind of a principle of warfare we are establishing by the use of this food denial program. For no matter what its size may be, it is the principle that counts.

As I mentioned earlier, several times the argument has been made here that we are reducing the program. I am glad to hear that, except that, as I look at the procurement——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. NELSON. One more minute.

Mr. GOODELL. I yield the Senator 1 minute.

Mr. NELSON. As I look at the procurement, the Department of Defense is procuring 600,000 gallons of agent blue which is the anticrop agent and that will cover about 200,000 acres. If they procure it, I assume they are procuring it to use it. If they use it, they will be back up to about the level they were in 1967.

I would hope that at least today we would establish the principle that America is not going to engage in chemical warfare in a food denial program which has grave implications, in my judgment, for the future in terms of warfare, it being a weapon that is cheap and simple and can be used by any country, not only

with disastrous effects upon the edible marine creatures, but upon the whole life system within the ocean itself.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. Mr. President, I yield 3 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, the distinguished Senator from New York mentions the Rand report.

It was the Rand report's finding that as of December 1967 this crop destruction program had led to occasional destruction of civilian food crops. This finding led to careful restructuring of the program. I am informed by the Defense Department that since 1968 no crops have been destroyed in any areas known to be inhabited by civilians, be it a Vietcong hamlet, a Saigon hamlet, a Montagnard hamlet, or otherwise.

This crop destruction program, moreover, is now the most closely controlled of all our activities in Vietnam. The herbicide activities we have talked about are subject to the decision of the corps commander, who can decide whether defoliation will take place. But crop destruction operations have to be approved personally by General Abrams, Ambassador Bunker and high-ranking Vietnamese counterparts.

If we allow the enemy to obtain food easily and with less expenditure of manpower than he is now forced to use, he will be able to carry out increased military attacks. Each enemy soldier released from growing food is a soldier who can attack our troops. An end to the crop destruction program would increase the number of security forces we would have to maintain, and it would increase the number of casualties that those American forces would inevitably sustain.

Fortunately, Mr. President, since 1968, there has been a substantial increase in the geographical areas that have come under the ARVN and South Vietnamese control. They are much greater than they were in 1968. That is why we have been able to greatly curtail this program. It is strictly controlled, and with all due deference to the distinguished proponents of the amendment, we went over the same ground yesterday and decided then that the safety of our troops was the paramount consideration.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. McINTYRE. I will have to yield on the Senator's time.

Mr. STENNIS. Mr. President, I yield to the Senator from New Hampshire 1 minute, if he needs it for himself.

I yield to the Senator from New York 1 minute for colloquy.

Mr. GOODELL. First of all, it seems to me that the Senator is trying to have it both ways. As the Senator from Wisconsin indicated, we are very glad to hear they are reducing this program. The Senator from New Hampshire says it is a very important program, that must be used in a major way to protect our troops, so that the enemy must carry their food in, and we deny them food on the spot.

Why are we reducing it, if it is so important? I wonder where this contradiction comes in, that we are increasing the amount of money for it? Can the Senator from New Hampshire explain why they are asking for enough to spray 200,000 acres in the coming year?

Mr. McINTYRE. I am not at all sure that they intend to use in the near future all that they are procuring at the present time. This may well be a bulk purchase for long-term needs.

The PRESIDING OFFICER. The time of the Senator from New Hampshire has expired.

Mr. McINTYRE. DOD is frank to admit that there were some mistakes prior to 1968. Those mistakes have resulted in stricter controls, which I have already gone into.

Second, many areas that were VC controlled in 1967 are now not VC controlled, so there is no need for this crop spraying. So these two elements are working together: First, the ARVN and South Vietnamese forces are controlling vastly greater areas than they were in 1967——

Mr. GOODELL. May I ask the Senator if this can be used in Cambodia?

Mr. McINTYRE. I beg the Senator's pardon?

Mr. GOODELL. Can this be used in Cambodia by South Vietnamese troops?

Mr. STENNIS. No.

Mr. McINTYRE. Not to my knowledge. Not for destruction of crops in Cambodia. There has been some accidental defoliation of rubber plantations in that country by U.S. forces, but I do not know of any crops being destroyed, either by South Vietnamese or Americans.

Mr. GOODELL. We have read of chemicals being used against rubber plantations. I just wondered if there is a prohibition against these chemicals being used by the South Vietnamese against crops or rubber, which is a crop, in Cambodia.

Mr. McINTYRE. I do not believe it has ever been used purposely on crops in Cambodia.

Mr. GOODELL. I do not believe there is any prohibition on it. I do not say that I know it has ben used.

Mr. McINTYRE. There has not been any of this activity intentionally.

Mr. STENNIS. If the Senator will yield, I know of no such use, and I do not think any such use is contemplated.

Mr. GOODELL. But there is no prohibition in the law against it.

Mr. STENNIS. Not that I know of, expressly.

Mr. President, I yield one-half minute to the Senator from South Carolina. I regret that I do not have more time to yield to him.

Mr. THURMOND. Mr. President, I rise in opposition to the pending amendment No. 863 to the 1971 military authorization bill which would prohibit the use of antiplant chemicals by our military men in Vietnam to destroy enemy crop fields.

One of the chief problems facing the North Vietnamese troops in South Vietnam is the availability of food. The enemy soldiers facing our troops and those of our allies have come a long way to fight and have therefore stretched their supply lines considerably.

The enemy has tried to overcome this disadvantage by producing their own crops in some inaccessible areas of South Vietnam and in areas where few South Vietnamese civilians are located. Furthermore, in some areas enemy soldiers have taken over crops and land belonging to South Vietnamese civilians.

To counter this means of providing food supplies to the enemy, our forces have engaged in selected crop destruction. By destroying the fields planted or controlled by the enemy, we have made it more difficult for them to provide food for their soldiers. In turn, these forces have been reduced in number and are therefore less effective in killing Americans and our allies in this war-ravaged country.

Mr. President, this program of destroying selected crops in certain areas of South Vietnam has been carefully controlled and even at the height of the war did not result in the destruction of more than 1 percent of the annual food production of Vietnam.

Thus, when one compares that statistic with the success of our crop destruction program in handicapping enemy forces, it is easy to see how unwise it would be to discontinue this effort. The interrogation of enemy prisoners reveals that food shortages are among the most critical problems facing the North Vietnamese. These same prisoners attest to the effectiveness of the crop destruction program as it applies to the overall food shortage among enemy soldiers.

Mr. President, the same two reasons I gave yesterday to the initial herbicide amendment offered by my colleagues apply to this amendment. While I recognize their good intentions in offering this latest amendment, it must be stated again that its passage would indirectly cost American lives in this war. Further, the use of antiplant herbicides on enemy crops is not causing any harmful effects to the ecology of South Vietnam according to studies we have made.

For these reasons, Mr. President, I urge the Members of the Senate to reject this amendment.

Mr. STENNIS. I thank the Senator from South Carolina.

I yield myself the remainder of my time.

Mr. President, I certainly hope that the Members of the Senate understand that this is essentially the same question we voted on yesterday, which was rejected by a vote of almost 3 to 1—that is, yesterday's vote included the item at issue now.

Second, there is no vast, extensive use of this matter; but where it has been used most effectively, it has driven them to use more of their people for the growing of food and crops, thus taking them away from other support of the military and taking them away from the actual fighting.

As I have said, we have decided this matter primarily on the ground that we are over there trying to defend this vast area of that country from the Communists, and our boys need every reasonable thing, every possible thing we can supply them to protect themselves. This is jungle warfare at its worst. I think we have enough restrictions now on them as policy. Let us not tie their hands mili-

tarily with respect to every conceivable item, small as this is.

The PRESIDING OFFICER (Mr. RIBICOFF). The time of the Senator has expired.

Mr. GOODELL. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 1 minute remaining.

Mr. GOODELL. Mr. President, with 1 minute remaining, let me simply emphasize that this amendment is quite different from the amendment of yesterday, with all due deference to the Senator from Mississippi. The amendment yesterday was a broad-based amendment that would deny the use of defoliants for any purpose, and many arguments were raised, I believe sincerely, that there was some kind of military significance to defoliating areas where the enemy might be ambushing. That is not involved in this amendment. This amendment is against the use of chemicals for the denial of food. It is the use of chemicals to deny the enemy food—the spraying of crops.

I would say to the Senator from New Hampshire that we have later evidence than 1967, a 1970 report of the Defense Department, which says that it is anathema to the people of South Vietnam.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

Mr. STENNIS. Mr. President, has all time for debate expired?

The PRESIDING OFFICER. All time for debate has expired.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MONDALE. Mr. President, the war in Vietnam has been a series of mistakes and an unquestioned tragedy. In passing this amendment, we have an opportunity to halt one of our most mistaken policies and prevent prolonged destruction among the Vietnamese people far beyond the end of the war.

The American people by nature recoil from the horrors of war. The Vietnam war especially has forced us to question ends and means. Though we have not yet been able to withdraw from bloodshed, we are increasingly questioning such techniques as massive bombing, napalm, and search and destroy missions. One can hope that public consideration of such destruction will help us exert world leadership away from the use of force and violence.

But for some time the United States has had a revulsion and a very clear policy against employment of other weapons of certain types. Since World War I and the days of poison gas in the trenches, we have had a policy against the tactical use of weapons which affect total populations, poison slowly, contaminate land, and destroy organic life chains.

Public concern for these issues has been reflected in controversies involving biological warfare research, nausea and tear gas deployment, nerve gas, and tactical nuclear weapons.

But it is clear now that we have unthinkingly employed destructive materials in Vietnam which deliver all of these catastrophic effects: Anticrop chemicals. Senator NELSON has explained the poison content of these herbicides, especially cacodylic acid. The possibilities of poison buildup in animals and man have been shown in the case of DDT in the United States.

The long-term obliteration of vegetation and botanical cycles is an obvious contamination of the land. The destruction of interdependent plant and animal chains is truly appalling, and will plague the people of Vietnam for years after the war. The research finding that the defoliant chemical 2,4,5-T causes fetal deformities in animals should arouse humanitarian protest against all herbicides, just as we have always opposed biological warfare and tactical nuclear weapons.

The destruction of food crops is a seriously mistaken policy. The Senator from Wisconsin has shown that, in guerrilla warfare, this tactic affects the civil populace primarily and has little impact on the guerrilla enemy. By 1967, the war had already caused the loss of over 600,000 acres of riceland, and created thousands of helpless refugees. The loss of another half million acres due to chemical attack is a civil disaster which cannot but hinder pacification and reduce support for the United States.

It is clear that the administration's delay in submitting the Geneva protocol against chemical and biological warfare to the Senate until August 19, after promising prompt action in November 1969, has become an international embarrassment to the United States; 9 months after the U.N. General Assembly voted 80 to 3 against us, to prohibit use of chemicals under the Geneva Treaty, we still exist under the cloud of herbicide use in Southeast Asia.

Congress has the obligation to act to stop this mistaken policy.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. RIBICOFF). Without objection, it is so ordered.

Mr. STENNIS. Mr. President, we request the yeas and nays.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, what is the question before the Senate?

The PRESIDING OFFICER. The question is on agreeing to the amendment offered by the Senator from New York (Mr. GOODELL) and the Senator from Wisconsin (Mr. NELSON). The yeas and nays have been ordered.

Mr. STENNIS. As I understand, Senators who favor the amendment will vote "yea," and those who are opposed will vote "nay."

The PRESIDING OFFICER. The Senator is correct. The clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Oklahoma (Mr. HARRIS), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from Minnesota (Mr. MCCARTHY), the Senator from New Mexico (Mr. MONTOYA), and the Senator from Georgia (Mr. RUSSELL) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from Oklahoma (Mr. HARRIS) would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from Arizona (Mr. GOLDWATER) and the Senator from Maryland (Mr. MATHIAS) are detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT) and the Senator from California (Mr. MURPHY) would each vote "nay."

The result was announced—yeas 33, nays 48, as follows:

[No. 274 Leg.]

YEAS—33

Bayh	Hughes	Pastore
Burdick	Javits	Percy
Byrd, W. Va.	Kennedy	Proxmire
Case	Magnuson	Randolph
Church	Mansfield	Ribicoff
Cooper	McGovern	Smith, Ill.
Cranston	Metcalf	Symington
Eagleton	Mondale	Tydings
Goodell	Moss	Williams, N.J.
Hart	Muskie	Yarborough
Hatfield	Nelson	Young, Ohio

NAYS—48

Aiken	Eastland	McIntyre
Allen	Ellender	Miller
Allott	Ervin	Pearson
Anderson	Fannin	Pell
Baker	Griffin	Prouty
Bellmon	Gurney	Schweiker
Bennett	Hansen	Scott
Bible	Holland	Smith, Maine
Boggs	Hollings	Sparkman
Brooke	Hruska	Spong
Byrd, Va.	Jackson	Stennis
Cook	Jordan, N.C.	Talmadge
Cotton	Jordan, Idaho	Thurmond
Curtis	Long	Tower
Dole	McClellan	Williams, Del.
Dominick	McGee	Young, N. Dak.

NOT VOTING—19

Cannon	Harris	Murphy
Dodd	Hartke	Packwood
Fong	Inouye	Russell
Fulbright	Mathias	Saxbe
Goldwater	McCarthy	Stevens
Gore	Montoya	
Gravel	Mundt	

So the Goodell-Nelson amendment (No. 863) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

MESSAGE FROM THE HOUSE—ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 15351) to authorize additional funds for the operation of the

Franklin Delano Roosevelt Memorial Commission, and it was signed by the Acting President pro tempore.

ORDER OF BUSINESS

The PRESIDING OFFICER. Under the previous order, the Senate will now proceed to the consideration of amendment No. 860 which the clerk will state.

The LEGISLATIVE CLERK read as follows: The Senator from Illinois (Mr. PERCY) proposes an amendment as follows:

AMENDMENT NO. 860

On page 26, immediately after line 4, insert the following:

"(d) On and after the date of enactment of this Act, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment."

The PRESIDING OFFICER. There is a time limitation of 1 hour on the amendment, 30 minutes to the side.

Mr. PERCY. Mr. President, I ask for the yeas and nays on my amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. Who yields time on the amendment?

Mr. PERCY. Mr. President, I yield myself 10 minutes.

Mr. STENNIS. Mr. President, may we have quiet?

The PRESIDING OFFICER. The Senate will be in order.

The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, on Sunday, August 16, 1970, two private tugboats under Navy contract towed the hulk of a World War II Liberty ship, the *Lebaron Russell Briggs*, out to sea from a North Carolina port. Destination for the tugs and the old Liberty ship was a point in the Atlantic Ocean, 282 miles east of Cape Kennedy.

Mr. STENNIS. Mr. President, the Senate is not in order. This is not a parliamentary body as it is now. Will the Chair protect Senators who wish to hear?

The PRESIDING OFFICER. The Senate will be in order. Senators will be seated.

Mr. PERCY. I thank the distinguished Senator.

The PRESIDING OFFICER. The Senator from Illinois is recognized.

Mr. PERCY. Mr. President, at that point the Liberty ship was to be scuttled in order to dispose of 12,540 concrete-encased nerve gas rockets she was carrying. Some of the rockets contained the powerful and long-lasting VX nerve gas, others the more soluble GB nerve gas. The rockets had been secured in concrete in 1967 and 1968, but now the concrete cases were deteriorating and the Army decided they better be dumped at sea.

The decision had caused a national protest. The Army was unable to convince the public that there were no dangers in transporting the concrete "coffins" by rail across the South or that the gas would not be released into the sea, endangering marine life.

The mayor of Macon, Ga., had vowed that the train would not go through his city. The Environmental Defense Fund and the Governor of Florida had gone to the courts for a permanent injunction against the dumping at sea. The government of the Bahamas, only 165 miles to the southwest of the dumping site, had protested strongly.

In the end, the mayor of Macon relented, the legal action failed, and the government of the Bahamas fell silent again. The concrete "coffins" were loaded aboard trains and moved slowly through the South to an Army military ocean terminal on the appropriately named Cape Fear River at Sunny Point, N.C. There the old Liberty ship was loaded with its deadly cargo.

There has been much consternation because the dumping was allowed to take place despite widely expressed public objection. However, it seemed as though the Army had no alternative. The nerve gas rockets could not be removed from their concrete cases and detoxified. Dumping at sea was a safer solution than burying on land. Because of deterioration, no time could be lost in developing a new method to deal with them. To Secretary Laird the issue was clear. He said that it would never happen again.

The fact of the matter was this: the "live" nerve gas rockets should never have been put in concrete without being detoxified first. This is now agreed by all concerned, and the Army has abandoned that procedure. Chemical weapons are now detoxified, and biological weapons sterilized, in entirely different ways. Live chemical and biological weapons will no longer be transported for disposal.

The committee bill recognizes the problem by including disposal, for the first time, in the HEW safeguards program on chemical and biological weapons. Only transportation and testing had been covered in Public Law 91–121, which was approved on November 19, 1969.

Mr. President, I ask unanimous consent that section 409(b) be printed in the RECORD.

There being no objection, the section was ordered to be printed in the RECORD, as follows:

SECTION 409(b) None of the funds authorized to be appropriated by this Act or any other Act may be used for the transportation of any lethal chemical or any biological warfare agent to or from any military installation in the United States, or the open air testing of any such agent within the United States until the following procedures have been implemented:

(1) the Secretary of Defense (hereafter referred to in this section as the "Secretary") has determined that the transportation or testing proposed to be made is necessary in the interests of national security;

(2) the Secretary has brought particulars of the proposed transportation or testing to the attention of the Secretary of Health, Education, and Welfare, who in turn may direct the Surgeon General of the Public Health Service and other qualified persons to review such particulars with respect to any hazards to public health and safety which such transportation or testing may pose and to recommned what precautionary measures are necessary to protect the public health and safety;

(3) the Secretary has implemented any precautionary measures recommended in accordance with paragraph (2) above (including, where practicable, the detoxification of any such agent, if such agent is to be transported to or from a military installation for disposal): *Provided, however,* That in the event the Secretary finds the recommendation submitted by the Surgeon General would have the effect of preventing the proposed transportation or testing, the President may determine that overriding considerations of national security require such transportation or testing be conducted. Any transportation or testing conducted pursuant to such a Presidential determination shall be carried out in the safest practicable manner, and the President shall report his determination and an explanation thereof to the President of the Senate and the Speaker of the House of Representatives as far in advance as practicable; and

(4) the Secretary has provided notification that the transportation or testing will take place, except where a Presidential determination has been made: (A) to the President of the Senate and the Speaker of the House of Representatives at least 10 days before any such transportation will be commenced and at least 30 days before any such testing will be commenced; (B) to the Governor of any State through which such agents will be transported, such notification to be provided appropriately in advance of any such transportation.

Mr. PERCY. Mr. President, in the pending bill, the Military Procurement Authorization Act, section 506 amends Public Law 91–121, section 409(b), by inserting in lieu of the words "transportation and testing" the words "transportation, testing, or disposal." This makes clear the committee's intention to extend existing safeguards to the disposal problem.

However, at this time when public concern is so great in regard to the disposal problem, I think it makes sense for the Senate to express itself even more explicitly on this question. Therefore, I am calling up my amendment No. 860, which specifies that—on and after the date of enactment of this act—no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment.

In anticipation of calling up this amendment, I wrote to Secretary Laird on August 20, 1970, to inform him of my intention and to request the advice of the Department of Defense on this matter. I have now been advised that the Department of Defense has no objection to the amendment or to its wording.

Mr. President, in calling up this amendment, I do not in any way doubt the firm pledge and word given by our Secretary of Defense, Melvin Laird. He is a man who always adheres to his word and pledge. In my letter to him I pointed out that he would not always be Secretary of Defense and when we make a policy decision which would be supported overwhelmingly by the country, and I believe responded to very favorably by the rest of the world, we should embody that decision in law.

I ask support of Senators and the chairman of the committee in extending this policy into law.

Mr. GURNEY. Mr. President, will the Senator yield?

Mr. PERCY. I am happy to yield to the distinguished Senator from Florida.

Mr. GURNEY. Mr. President, I com-

mend the distinguished Senator from Illinois for offering this amendment.

I can testify to the fact that there was great consternation in my State of Florida when the news broke on the proposed dumping of this nerve gas off our shores. I inquired into it, and, of course, I discovered the same information the Senator from Illinois and others did: That the gas could not be detoxified because it was encased in concrete and had reached such an unstable condition that the only practical means of disposing of it was to dump it in the ocean. I had urged that it be detoxified, and certainly that should be the way to dispose of these sorts of chemicals and gases of warfare from now on.

The amendment is certainly a worthy measure. I think everyone around the country calls for action of this sort. I think the matter should be spelled out in law so that we will be reassured that disposals will be made in this way in the future.

When I talked to the Army people who briefed me on this matter, I got the distinct impression that what had happened in this instance was something that amounted to what I found when I served in the Army: It had been done this way in the past for a long period of time, so it was continued into the future. I think we need to change these procedures and detoxify these gases.

Mr. President, I support the amendment and I hope the Senate will agree to it.

Mr. PERCY. Mr. President, I thank my distinguished colleague who maintained vigilance with respect to this matter. The Governor of his State was one of those who was very much concerned.

It is my understanding that these gases, when they are used, cause the paralysis or continuous contraction of the muscles by which we breathe by attacking enzymes involved in the transmission of nerve impulses through the body.

It is a very interesting but tragic fact that in Johnson City, Tenn., according to the New York Times, the Kentucky train passed within sight of a veterans hospital where aging veterans of World War I, some of whom had suffered the only large-scale use of poison gas in modern history, were still being treated.

The alarm and concern expressed by the citizens of Florida, the Governor of Florida, and the junior Senator from Florida were well founded.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PERCY. Mr. President, I yield myself 2 additional minutes.

The concern evidenced by these distinguished public servants was certainly well warranted.

Because I believe so strongly that no chemical or biological warfare agents should be disposed of before being rendered harmless, and because I believe the American people demand and deserve such assurance, I ask the support of my colleagues in enacting this policy into law.

Mr. GURNEY. Mr. President, will the Senator yield further?

Mr. PERCY. I yield.

Mr. GURNEY. The Senator certainly has pointed out the very dangerous toxic effect of these gases. That is the main reason why we should detoxify them and not lug them hither and yon around the country and not dispose of them in the ocean or in any other place.

This amendment should be agreed to.

Mr. STENNIS. Mr. President, I yield myself 10 minutes on the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, in the first place, we have seen in the last few weeks what a problem is presented to the Army and the military in properly disposing of these chemicals and biological warfare agents. I think it was very unfortunate, and I imagine a very expensive proposition, to have this long train trip and all the publicity it got. But, met with the situation it was faced with, it already having been encased, this was the only thing the Department could do.

As I understand it, the Department of Defense has already met the situation by adopting as policy what this amendment spells out as proposed law.

There is a problem left here, however, that the amendment does not cover, which I imagine the Senator would want covered; that is, a proviso at the end reading as follows:

Unless immediate disposal is immediately necessary in an emergency to safeguard human life.

Those are strong words. It provides a really hard test to meet before they could get out from under the language of the Senator from Illinois. I feel that I should propose that language as an amendment to the Senator's amendment, and with that language added, would be glad to support his amendment.

Would the Senator respond to that, on my time?

Mr. PERCY. Mr. President, I am very happy to respond. I appreciate very much that the distinguished Senator from Mississippi has raised this point. My office has been in contact, in working out this amendment, with a number of people, and I would like to express my appreciation to Dr. Quimby, of the Library of Congress Science Division; Colonel Cannon, Department of Defense liaison officer; Mr. Nissel of the Department of Defense General Counsel's Office; and Mr. Haywood, of the Department of Defense R. & E., and Mr. Hy Fine of the Preparedness Subcommittee.

It is my understanding that it is the feeling of both Mr. Haywood, of the Department of Defense R. & E. and of Mr. Hy Fine, of the Preparedness Subcommittee, that the Army's request would be fully taken care of if we established in the legislative history the point that there may be some flexibility in emergency situations where immediate action may be necessary to save lives. For example, if a munitions ship caught fire, for the safety of the crew it might be necessary to jettison the cargo without detoxification if CBW agents in the cargo might be released. The Army says that such situations are improbable and, should one occur, the Department of Defense would file an immediate report to Congress. I find this understanding to be entirely satisfactory.

I feel, in view of the fact that both Mr. Haywood, of the Defense Department R. & E., and Mr. Hy Fine, of the Preparedness Subcommittee, feel it would be perfectly appropriate and adequate for this to be included in the legislative history, rather than an amendment which would be subject to further interpretation beyond the explanation I have given, and which is all the Department of Defense has asked for, I would earnestly suggest to the distinguished chairman that we establish this legislative history, with which I thoroughly agree, rather than amend the amendment.

Mr. STENNIS. Mr. President, responding to the Senator and making great allowance for his belief in the proposal he has made, I have found by experience that legislative history means almost anything that the interpreter wants it to mean. It is loose. It should not be. We know what we want, and should spell it out, and not leave a lot of things to different interpretations.

Let me comment on the words I have suggested. "Unless immediate disposal." That word "immediate" is a very strong word. "Immediate disposal" is clear. "Necessary" means the utmost. "Immediately necessary in an emergency." They could not go out and just willfully do it because they wanted to; it would have to be a real emergency to safeguard, not property, but human life.

I do not think we could have more restrictive words than these.

The amendment seems to be generally acceptable. It has gotten down to the question now of whether we put it into the law or leave it to the vagaries of interpretation of legislative history. I feel, especially in a matter like this, when we expect absolute obedience here, that we ought to spell it out and say what we mean. The 100 Members of this body are the legislators. We ought to say what we mean.

Mr. THURMOND. Mr. President, will the Senator yield

Mr. STENNIS. I yield to the Senator from South Carolina.

Mr. THURMOND. I commend the distinguished Senator from Mississippi for the point he has just made because if, for instance, a munitions ship should catch fire at sea, something would have to be done. The amendment the distinguished Senator from Mississippi has recommended seems to be a very just, fair, and necessary amendment. Otherwise, there might be hesitancy on the part of the commander of a ship to take action necessary to save human lives. There should not be. On the other hand, unless there is authority to do it, if the law says he cannot do it and there is no authority in an emergency to do it, I can see where great harm could result and human lives would be lost.

I hope the Senator from Illinois would not seriously object to this amendment, because it would seem to be a very essential and necessary amendment. I hope he will accept the amendment to the amendment.

Mr. STENNIS. Mr. President, I yield

now to the Senator from New Hampshire, who has worked on this subject matter so much and has really become an authority on it.

Mr. McINTYRE. Mr. President, in my visits to the Fort Detrick Biological Center and also to Edgewood Arsenal, I have been constantly impressed with the safety precautions in existence, and I doubt whether emergencies will ever arise. But I believe that the language the Senator from Mississippi is suggesting should be made part of the law, because an emergency cannot be ruled out.

Situations just might arise where the personnel in our research centers might be in danger of their lives if they had to go through an elaborate process of detoxification before disposing of a given agent.

So I would concur with the chairman of the committee and urge the Senator from Illinois to accept as part of his amendment the emergency escape clause we are discussing.

Mr. STENNIS. I thank the Senator very much. I now yield as much of my time as he wishes to the Senator from Illinois.

Mr. PERCY. Mr. President, I feel that the distinguished Senator has a very good point, and I am impressed by the support that he has from very knowledgeable Members of this body.

I would like to ask the Senator this question. If we add the words "unless immediate disposal is clearly necessary, in an emergency, to safeguard human life," would the Senator agree to adding the following sentence, which has already been agreed to by the Department of Defense in principle, as follows:

An immediate report should be made to Congress in the event of such disposal.

Mr. STENNIS. I think that is a very good additional safeguard.

Mr. PERCY. I would be very pleased to accept this as a part, then, of the law, as an amendment to the amendment, and I wish to express my appreciation to the distinguished chairman of the Committee on Armed Services, on the basis of his experience, feeling that this would be better as a part of the law rather than a part of our colloquy and the legislative history.

The PRESIDING OFFICER (Mr. RIBICOFF). Does the Senator from Illinois wish the Senate to act on this as a modification of his own amendment, or as an amendment to his amendment? What is the Senator's wish?

Mr. PERCY. As a modification.

The PRESIDING OFFICER. Will the Senator please send his modification to the desk?

Mr. PERCY. Yes. Mr. President, I send to the desk a modification of the amendment, as follows:

At the end of the amendment, add the following language: "unless immediate disposal is clearly necessary, in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal."

The PRESIDING OFFICER. Without objection, the amendment is so modified.

Mr. PERCY's amendment (No. 860), as modified, is as follows:

On page 26, immediately after line 4, insert the following:

"(d) On and after the date of enactment of this Act, no chemical or biological warfare agent shall be disposed of within or outside the United States unless such agent has been detoxified or made harmless to man and his environment, unless immediate disposal is clearly necessary, in an emergency, to safeguard human life. An immediate report should be made to Congress in the event of such disposal."

Mr. STENNIS. Mr. President, in its present form I support the amendment.

Mr. THURMOND. Mr. President——

Mr. STENNIS. Mr. President, I yield to the Senator from South Carolina such time as he wishes.

Mr. THURMOND. Mr. President, as the ranking member on the minority side, since the amendment has been modified by the distinguished Senator from Illinois, I shall be pleased to support the amendment.

The PRESIDING OFFICER. Do Senators yield back their remaining time?

Mr. PERCY. Mr. President, I yield myself 2 additional minutes.

Mr. President, I should like to comment briefly on one aspect of this matter which we should not and would not want to overlook.

I think it was pointed out very clearly in a Christian Science Monitor editorial on August 19, 1970. That editorial stated:

We are witnessing today a remarkable sharpening of mankind's concern and conscience in matters touching upon life's livability on Earth.

The Christian Science Monitor said further:

The worry over the gas was but part and parcel of a far wider concern over many of today's challenges to a secure, pleasant, orderly life.

In view of the fact that the people of the world were deeply alarmed about the action that we were taking, in view of the fact that the citizens of the United States were deeply alarmed over it, and the Members of Congress were deeply concerned, I believe that the action taken today—and several Senators have indicated that they felt the same—is so important that even if the distinguished chairman of the Armed Services Committee accepts the amendment—and with his prestige and power in this body, whenever he accepts an amendment I would expect a unanimous vote on it—even though it might be a unanimous vote, it was the feeling of a number of Senators that nevertheless this matter was so important, in its relationship to our efforts in this body, and the efforts of all legislative bodies throughout the world, to try to preserve the environment in which we live and make this earth habitable and a pleasant, safe, and secure place in which to live, that we ought to have a record vote.

I feel the action we are taking today is most significant, and I thank my distinguished colleague, the highly respected chairman of the Armed Services Committee, for the suggestion that the modification be embodied in the law. The change, I feel, takes care of the possibility of an emergency situation which the Department of Defense pointed out.

Mr. President, I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I am authorized by the Senator from New Hampshire, who is so well versed in this policy, to say that he supports the amendment in its present form.

I commend the Senator from Illinois for the timeliness and the substance of his amendment. I think it meets the situation in a friendly fashion. Frankly, it is something of which I would like to have been the author of myself, to try to meet this situation in a straightforward and effective manner.

I have no complaint at all about a rollcall—and this comment is not directed to the Senator from Illinois—but, Mr. President, I have just observed that some years ago you could not get a rollcall here unless you had something that was considered, by an appreciable number of Senators, to have a good deal of substance in it. We moved on to other things, and had standing votes. I think that is the way it ought to be done, as a matter of procedure. But I am not directing my remarks to the Senator.

It is no wonder we get along so slowly, if we have to have a rollcall vote now, and stop everyone in committees, on a matter that might well be unanimous. If the Senator insists, I want him to understand I am not directing these remarks toward him.

Mr. PERCY. Mr. President, I fully appreciate the spirit of the Senator's comments, and I do realize that this is somewhat unusual, but my colleagues who have spoken to me about it have expressed this feeling, and it was originally my intention to take it up early next week, when I would have had a little more time to prepare and send out memorandums. But I acceded to the request of the majority and minority leaders that we move this forward. I then cut the time down from 2 hours to 1 hour. So, feeling that the perhaps a quarter of an hour we would consume on a matter of this significance and importance would clearly announce to the world that the Senate of the United States supports fully the position stated by the Department of Defense and Secretary Laird on a matter that has alarmed the whole world, I think the extra 15 minutes or so would be well warranted.

Mr. STENNIS. I yield back the remainder of my time.

Mr. PERCY. I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. RIBICOFF). All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Illinois (Mr. PERCY), as modified. On this question, the yeas and nays have been ordered, and the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from Nevada (Mr. CANNON), the Senator from Connecticut (Mr. DODD), the Senator from Arkansas (Mr. FULBRIGHT), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from Hawaii (Mr. INOUYE), the Senator from New Mexico (Mr. MONTOYA), the Senator

from Georgia (Mr. RUSSELL), and the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Alaska (Mr. GRAVEL) and the Senator from New Mexico (Mr. MONTOYA) would vote "yea."

Mr. GRIFFIN. I announce that the Senator from Hawaii (Mr. FONG), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), and the Senator from Alaska (Mr. STEVENS) are necessarily absent.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from Maryland (Mr. MATHIAS) is detained on official business.

If present and voting, the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), and the Senator from Oregon (Mr. PACKWOOD) would each vote "yea."

The result was announced—yeas 82, nays 1, as follows:

[No. 275 Leg.]

YEAS—82

Aiken	Goodell	Muskie
Allen	Griffin	Nelson
Allott	Gurney	Pastore
Anderson	Hansen	Pearson
Baker	Harris	Pell
Bayh	Hart	Percy
Bennett	Hatfield	Prouty
Bible	Holland	Proxmire
Boggs	Hollings	Randolph
Brooke	Hruska	Ribicoff
Burdick	Hughes	Schweiker
Byrd, Va.	Jackson	Scott
Byrd, W. Va.	Javits	Smith, Maine
Case	Jordan, N.C.	Smith, Ill.
Church	Jordan, Idaho	Sparkman
Cook	Kennedy	Spong
Cooper	Long	Stennis
Cotton	Magnuson	Symington
Cranston	Mansfield	Talmadge
Curtis	McCarthy	Thurmond
Dole	McClellan	Tower
Dominick	McGee	Williams, N.J.
Eagleton	McGovern	Williams, Del.
Eastland	McIntyre	Yarborough
Ellender	Metcalf	Young, N. Dak.
Ervin	Miller	Young, Ohio
Fannin	Mondale	
Goldwater	Moss	

NAYS—1

Bellmon

NOT VOTING—17

Cannon	Hartke	Packwood
Dodd	Inouye	Russell
Fong	Mathias	Saxbe
Fulbright	Montoya	Stevens
Gore	Mundt	Tydings
Gravel	Murphy	

So Mr. PERCY's amendment, as modified, was agreed to.

The PRESIDING OFFICER (Mr. EAGLETON). The question now recurs on amendment No. 862 of the Senator from South Dakota (Mr. MCGOVERN), the so-called end-the-war amendment.

DISPOSAL OF MUNITIONS IN INTERNATIONAL WATERS

Mr. PELL. Mr. President, last year the Senate unanimously passed amendments designed to regulate the disposal of chemical and biological weapons. Included among those amendments was my own amendment which required prior determination by the Department of State that the plans of the Department of Defense to dump chemical and biological materials in the ocean do not violate international law.

Last week the Department of Defense announced that a ship loaded with obsolete munitions would be sunk in international waters off the coast of Maryland.

Mr. STENNIS. Mr. President, I think we have to insist on this conference in the Chamber coming to an end and the Senate getting back into session. The Senator from Rhode Island has an important matter to discuss.

The PRESIDING OFFICER. May we have order so that we may hear the Senator from Rhode Island.

Mr. PELL. Mr. President, newspaper reports indicated that in the same area where conventional weapons and munitions were being dumped, nerve gas had been dumped at an earlier stage in our history. Obviously it would be a mistake to have them then dumped in the same place.

The office of the legal adviser at the State Department informed my office that the munitions dumping was planned without a determination by the Department of State that there is no legal reason why it should not be dumped there.

Yet, the Secretary of State has the responsibility for interpreting international law and securing the adherence of this country to international protocols and understandings.

While there is, unfortunately, no specific law which would prohibit completely dumpings of munitions in international waters there are provisions such as article 25 of the 1958 Geneva Convention on the High Seas which require certain notification procedures to be followed when harmful agents are dumped in international waters.

Article 25 reads as follows: "Every State shall take measures to prevent pollution of the seas from the dumping of radioactive waste, taking into account any standards and regulations which may be formulated by the competent international organizations; and

"All States shall cooperate with the competent international organizations in taking measures for the prevention of pollution of the seas or air space above, resulting from any activities with radioactive materials or other harmful agents."

Moreover, the common law of the sea does require countries dumping pollutants in international waters to give due regard to other countries' interests. For example, dumpings cannot take place in international sea lanes, fishing grounds, or on top of underwater cables. Also, when dumpings do take place certain hydrographic notices and warnings have to be delivered to international organizations concerned with ocean navigation.

These tasks are the responsibility of the Secretary of State. The Secretary of State cannot fulfill his responsibilities unless the Department of Defense secures his cooperation for their proposed ocean disposals.

The amendment I offer insures that such procedures are followed.

My amendment simply requires that dumpings of munitions, as well as dumpings of chemical and biological weapons, be cleared with the Secretary of State before the Department of Defense actually dumps their obsolete weapons in international waters in order that the Secretary of State can determine the dumpings do not violate international law.

I ask unanimous consent that my amendment and section 409(c)2 of Public Law 91–121 be printed in the RECORD at this point.

The PRESIDING OFFICER. The clerk will state the amendment.

The assistant legislative clerk read as follows:

The Senator from Rhode Island (Mr. PELL) proposes the following amendment: On page 25, between lines 6 and 7, insert the following:

(3) The first sentence of section 409(c)(2) of such public law is amended by inserting ", or for the disposal of any munitions in international waters," immediately after "outside the United States".

The PRESIDING OFFICER. The Chair wishes to advise the Senator from Rhode Island that if he wishes to call up his amendment, it would take unanimous consent.

Mr. PELL. Mr. President, I ask unanimous consent that the amendment which I have described be called up.

The PRESIDING OFFICER. Is there objection to the unanimous-consent request? The Chair hears none, and it is so ordered.

Without objection, the section of the statute referred to will be printed in the RECORD.

Section 409(c)2, ordered to be printed in the RECORD, is as follows:

None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or biological warfare agent outside the United States if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

Mr. PELL. Mr. President, I also ask unanimous consent that an article describing certain dumping of explosives off the coast of Maryland be printed in the RECORD at this point.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NAVY TO DUMP EXPLOSIVES OFF MARYLAND

(By Aaron Latham)

At dawn this morning, the U.S. Navy is scheduled to dump 5,000 tons of explosive off the Maryland coast of the Atlantic Ocean.

Originally, the explosives were to have been deposited off the New Jersey Coast—almost on top of two sunken ships filled with mustard gas.

The Navy said it shifted the site because of "public concern," but maintained that, even if its old bombs had exploded near the poison gas, there would have been "no danger."

The old liberty ship Davis Hughes—similar to the one used to dump 67 tons of nerve

gas off the coast of Florida on Tuesday—left Earle, N.J., yesterday noon on its way to a site 135 miles off the coast of Maryland.

Navy spokesmen said that the ship was scheduled to go down in 7,200 feet of water and that the intense pressure might trigger an explosion near the bottom.

Maryland Gov. Marvin Mandel said at Baltimore press conference yesterday that he had not been notified of the dumping, that he had first learned of it reading the newspapers, and that he was still not sure just what was being sunk off his state's coast.

"I don't know enough about it to know whether we could even object to it or not because there was no information furnished to us," the governor said. He added that he planned to make further inquiries in Washington.

Before the change of plans, the Davis Hughes—with its cargo of conventional (nonnuclear) bombs, fuses, small arms, gun and rocket ammunition—had been scheduled to go down less than a mile from two sunken ships loaded with mustard gas.

One of these ships with gas on board was scuttled 150 miles east of Barnegat Light, N.J. in May, 1967, the other in June, 1968.

The Navy admitted that an explosion could have ruptured the poison gas cannisters but said that there would have been no danger because the gas solidifies at a depth of 6,500 feet.

The new site off the coast of Maryland is 68 miles southwest of the sunken gas.

The munitions ship was towed from Earle yesterday by the Coast Guard tug Tomoroa, accompanied by the U.S.S. Cromwell, a destroyer escort.

The Navy's press desk at the Pentagon could not say yesterday how old the explosives were or exactly what kind of bombs and ammunition was being sunk. A spokesman said he did not know what type of explosive the bombs contained.

He said the munitions were "conventional" and "obsolete."

Today's dumping will be the 20th of "Operation Chase"—the Navy's code words for the continuing removal of unstable explosives to the safety of the ocean floor. Four of the ships have been laden with gas and chemical devices; the rest with "standard explosive hardware," a Navy spokesman said.

Rep. Clarence D. Long (D-Md.) yesterday wired the Secretary of the Navy to urge the suspension of the dumping. "If New Jersey was the wrong place for dumping these explosives, why is Maryland more appropriate," Long asked.

Mr. PELL. Mr. President, I hope that the distinguished Senator from Mississippi (Mr. STENNIS) might be willing to accept the amendment. It has not received any protest or objection so far as I know from any quarter.

Mr. STENNIS. Mr. President, will the Senator restate the purpose and the import and the meaning of his amendment? Frankly, I have been approached by other Senators with regard to other amendments and I did not hear all of the Senator's statement.

Mr. PELL. Mr. President, the purpose of the amendment is to insure that when conventional munitions are dumped in international waters, the Department of State is notified beforehand in order to achieve two objectives.

The first is to make sure that there has not previously been some other kind of dumping in the same place, where we would not want to dump conventional weapons.

The newspaper reports indicated that we were going to dump conventional munitions where mustard gas had previously been dumped. One obviously would not want to dump explosives on top of mustard gas.

Second, the Department of State has the responsibility of notifying foreign offices and the United Nations when dumping has occurred so that mariners, fishermen, and people laying cables will be aware of the places where there have been dumpings.

It is not only the Defense Department that might engage in dumping. Other groups also engage in this practice. When it comes to determining whether these dumpings are in compliance with international law this responsibility is centralized in the Department of State.

It is for this reason that I have offered the amendment.

Mr. HOLLAND. Mr. President, will the Senator yield for a question?

Mr. PELL. I yield.

Mr. HOLLAND. Mr. President, do I understand that the amendment applies not only to the dumping of conventional weapons that are obsolete or need to be disposed of, but also to conventional ammunition?

Mr. PELL. The amendment applies to the dumping of conventional munitions. I think the definition of munitions means explosives. It does not apply to the dumping of old rifles or cannons, which would not be dumped anyway. It refers to explosives.

Mr. HOLLAND. Mr. President, I thank the Senator.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. STENNIS. Mr. President, does the Senator have a formal statement about this matter?

Mr. PELL. Yes. I have just read it and would be glad to reread it.

Mr. STENNIS. Mr. President, what is the customary procedure now? How are these matters handled?

I know that the military does quite a bit—of course, gas is a new matter—of dumping and getting rid of items that are no longer useful.

Mr. PELL. Mr. President, as I understand it, when obsolete ammunition is surveyed—I recall just prior to World War II when we were still occasionally using World War I ammunition, perhaps that should have been surveyed a long time before—what the Defense Department does is to simply dump the ammunition or put them in an old hull and scuttle that vessel in what it considers to be appropriate international waters. That has been the procedure followed to date.

My amendment would permit the same process to be continued, but would make sure that there is State Department clearance to insure that first there had not been some other kind of dumping that would clash with this dumping, second that our country comply with the 1958 Geneva Convention on the High Seas, and third that our country comply with other requirements of international protocol.

Mr. THURMOND. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. THURMOND. Mr. President, would the distinguished Senator agree to modifying his amendment so as to require the approval of the President, rather than the State Department? I feel it would be more desirable.

Mr. PELL. I would think that if we were to give to the President the responsibility for the notification of other nations, that would raise the level of responsibility. I do not think that it is necessary.

I think that the Secretary of State could normally handle this responsibility. I would think that this is a responsibility that the President would be reluctant to have put upon him.

Mr. THURMOND. I suppose that the distinguished Senator from Rhode Island is relying on the fact that the Secretary of State would refer the matter to the President if there were any question involved, since he is under the President, and the President could object if he saw fit.

Mr. PELL. Absolutely. The Secretary of State is merely an official, and he reports directly to the President and is subservient to him.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. MANSFIELD. The Secretary is the agent of the President, and what he does, he does in the President's name, by the President's authority, and with his consent. They are one and the same.

Mr. PELL. I thank the Senator.

Mr. THURMOND. They are both under the President. In other words, the President is Commander in Chief. He is the President of the United States, and all executive agencies are under him.

Mr. PELL. That is correct.

Mr. THURMOND. As I understand it, the Senator feels that notice given to the Department of State would be sufficient so far as the President is concerned; that the Secretary of State would confer with the President if there were any question concerning it.

Mr. PELL. That would be my understanding.

Mr. THURMOND. I thank the Senator.

Mr. STENNIS. Mr. President, I think this amendment has merit. My present intention is not to object to it. At the same time it has never been printed. It could have implications that are overlooked. I have a request from the Senator from Kentucky that he would like to go into it further.

There has been an agreement to vote, but it certainly was entered into when the Senator from Mississippi was not in the Chamber. I do not blame anyone for that except myself.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MANSFIELD. This appears to me to be a very reasonable amendment. There are no gimmicks in it, and nothing is hidden.

It involves a question which has received a great deal of prominence recently. I noticed that the Senator from Florida raised some question because off the coast of his State, and off the Bahamas, there was a sinking of nerve gas which caused the American people and Congress a great deal of concern.

This measure is so simple I do not know what further detail there would be to go into. It is a way to face up to a problem that has confronted us for some time, and in this way other nations will know our intentions.

The Senator from Rhode Island referred to the fact, at least in passing, that the Army was going to dump munitions off the coast of New Jersey. Those in charge found they had dumped other material there previously and decided to come down and dump them off the coast of Maryland. In the case of that material being dumped, something did happen; although there was no apparent damage. But the ship broke up, or something to that effect.

This is a most serious matter, and I think this proposal will be most helpful to the administration.

Mr. PELL. The danger was in dumping munitions where there had been a dumping before. That was why the dumping had to be moved from the coast of New Jersey.

Mr. COOK. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from Rhode Island has the floor.

Mr. COOK. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. COOK. Mr. President, I wish to state to the distinguished majority leader that the only reason I had any hesitation was that I wanted to see where in section 409 of the public law the language was to be inserted. I would like to read the section in its entirety. It does make good sense.

Under section 409 of Public Law 91–121 it would state:

"(2) None of the funds authorized by this Act or any other Act shall be used for the future testing, development, transportation, storage, or disposal of any lethal chemical or any biological warfare agent outside the United States, or for the disposal of any munitions in international waters, if the Secretary of State, after appropriate notice by the Secretary whenever any such action is contemplated, determines that such testing, development, transportation, storage, or disposal will violate international law. The Secretary of State shall report all determinations made by him under this paragraph to the President of the Senate and the Speaker of the House of Representatives, and to all appropriate international organizations, or organs thereof, in the event such report is required by treaty or other international agreement.

I certainly have no objection to that.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. MANSFIELD. I know from speaking with the President that he was very much disturbed about the situation which developed in relation to the nerve gas crisis in this country, and what he did was the best he could do under the circumstances to find a solution to a most difficult and embarrassing problem.

I thank the Senator.

Mr. COOK. The only reason I asked the question—and I have no objection to the language—is that the section referred to in the present bill makes other technical changes in the subsection and I wanted to read this in context.

Mr. PELL. I thank the Senator. I think the Senator clarified the objective.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. HOLLAND. Mr. President, I have no objection to the amendment, but I call attention to the fact that not only has our Nation disposed of gases and chemicals—which seem to be pretty well covered by the Percy amendment, as amended, and munitions, as would be covered by the Senator's amendment—but it has also sunk a good many ships in international waters.

I remember that after World War I we sank the mainstay of our large fleet and I am simply suggesting that at some stage in this bill and in connection with this amendment it might be well to consider that we are probably going to be doing that same thing. I suggest that the amendment might be made broader and that it might be a helpful addition to the Senator's amendment. I have no objection to it at all as it is worded.

Mr. PELL. I thank the Senator from Florida. His thought has great merit.

Off the coast of New York now, barges dump conventional garbage in huge amounts and pollute the water there. On the other hand, this bill deals with the Department of Defense, and I do not think a more broad amendment, as much as I would like to see it, would be appropriate. I believe that would come in connection with another bill.

Mr. HOLLAND. I was thinking particularly about naval ships, either obsolete ships or those to be disposed of under some international agreement; and this might be the appropriate place to add them.

I am not going to object to the amendment. It seems to me that while we are considering the subject of dumping we must remember that we sank—and I cannot give the exact number—a large number of naval ships after World War I; and we have sunk some obsolete ships since that time. It might be that this is the appropriate place to add that.

I do not object to the amendment.

Mr. PELL. Mr. President, in reply to the excellent suggestion of the Senator from Florida, there is also a positive value here in that as we develop in the exploitation of the oceans, it is becoming increasingly apparent that ships or automobiles when dumped in the seabed can have a positive good in the right place because they encourage the breeding of fish. So this has not only a negative effect but a positive value.

Mr. HOLLAND. Mr. President, will the Senator yield?

Mr. PELL. I yield.

Mr. HOLLAND. My State has been using that method of encouraging production of fish in connection with the disposal of old automobiles for some years.

Mr. PELL. Exactly.

Mr. HOLLAND. But my understanding is that we are talking about the disposal in deep water of things having to do with the defense of our country.

Mr. PELL. The Senator is correct.

Mr. HOLLAND. It occurred to me that the Senator might accept the idea of including ships, but I am not pressing that matter.

I thank the Senator for yielding.

Mr. STENNIS. Mr. President, if I may have the floor in my own right, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 5 minutes.

Mr. STENNIS. Mr. President, this is my impression of this matter and I shall have a proposal to make at the end of my remarks. I think this is a subject matter that is highly urgent, and that we should have more information, and more study, and that something be done about it.

I am constitutionally opposed to any amendment that has possible implications, as this measure could have, being taken up, considered, and agreed to without even being in writing; and especially on a bill like this one. In addition, this matter involves international law.

Nevertheless, I think the subject matter is urgent and I would like to see some progress made. I would like to have the Senator's amendment adopted in its present form, with the understanding that before we complete the conference on this bill, he and others—I will request some departments to participate—will analyze it and make a study of the subject matter and the problem. The conferees will be vested with discretion. They already have discretion, of course, but I am suggesting with a special discretion with reference to this subject matter.

We will do the best we can to bring out something of value but we will not feel bound necessarily just to be unyielding.

What is the Senator's response to that suggestion? I yield to the Senator from Rhode Island.

Mr. PELL. I am glad the Senator is going to accept the amendment. I have, as a general rule, had very bad experiences in the past with amendments that have been qualifiedly accepted. I would hope that this will be the great exception.

Mr. STENNIS. I have not accepted very many. I do not know of more than one or two that I have accepted. I have explained my position. I think the problem is broader than the Senator's amendment. I would propose that more is being done than the Senator's amendment does.

Mr. PELL. As the Senator from Florida suggested.

Mr. STENNIS. Yes; but we want to get into a further study of it and then make a determination and final decision. But it is necessary to get started, and I favor the Senator's amendment.

Mr. President, I yield back my time.

Mr. PELL. I yield back my time.

The PRESIDING OFFICER. The question is on agreeing to the amendment.

The amendment was agreed to.

REFORM OF OUR WELFARE SYSTEM

Mr. MUSKIE. Mr. President, the reform of our welfare system must be one of our highest national priorities. And

we should begin that reform in this session of Congress.

Not only must we alleviate the desperate living conditions of millions of Americans, although that would be reason enough for welfare reform. But we must also relieve State governments from the excessive financial pressures which the present welfare system exerts upon them—and we must stop spending billions of tax dollars on programs which encourage families to break apart.

That is why I support the Nixon administration's initiative in offering a major welfare reform proposal—why I hope that the Finance Committee will soon report out a welfare reform bill we can act upon—and why I urge a full and searching debate by the Senate on this issue which has been neglected far too long.

Of the more than 9 million Americans who now receive some form of welfare assistance from the Federal Government almost 3 million are elderly, blind, or disabled; another 4½ million are children who are poor; and the remaining 1½ million are their parents who live with them, who are out of work, and 94 percent of whom are mothers.

The defects of the present welfare system have become increasingly obvious in recent years—to rich as well as poor, white as well as black, conservative as well as liberal.

It is an undignified system. Destitute people are subjected to erratic and demeaning bureaucratic procedures.

It is an inadequate system. Many of those who depend on welfare exist on pitifully small incomes, and millions of equally poor people receive no help at all.

It is an unsound system. Heads of families are discouraged from seeking jobs, and many wives and children are better off financially if their husbands and fathers leave them.

Welfare reform is long overdue, even though it has its own limitations.

Welfare reform will never be an ultimate solution to the problems of old age or physical handicap. But it can help support our needy senior citizens and disabled citizens in a manner which respects their dignity as individual human beings.

Welfare reform will not absolve the States of their fundamental responsibility to provide social services for the poor. But it can help State governments free the money they need to provide better services for all their citizens.

Welfare reform will not even be the final answer to the question of how to end poverty. But it can help us marshal our resources to start breaking the cycle of despair between one generation and the next.

And so I regard the passage of a welfare reform bill by the House of Representatives as the first major congressional step toward welfare realism in years.

That bill would provide:

A minimum level of Federal support for all needy families with children, including the working poor;

A basic income for the aged, blind, and disabled of $110 a month;

An incentive for present welfare recipients to work, by permitting them to keep more of their earnings than would be deducted from their welfare allotments;

An increase in job training opportunities and the establishment of day care centers.

Certainly we can question whether the proposed level of income support is sufficient. But we can no longer quarrel with the concept of a basic minimum standard.

We can ask whether the family assistance program should not also include poor couples without children. But we can no longer quarrel with the concept of covering all poor families with children.

We can inquire whether mothers who are poor should not be free to choose between working and taking care of their children during the day. But we can no longer quarrel with the concept of making job opportunities and day care centers available to them.

I believe that the House-passed bill is a beginning—that work opportunities and work incentives can be strengthened even further—and that future legislation may indeed be necessary to improve upon the reforms we are able to enact this year.

But we should not disregard the constructive nature of the administration's proposal. And we cannot ignore the need to start reforming our welfare system now, so that it ultimately—assures minimum standards of decent living for all those in need; promotes job opportunities as well as the desire to work; treats poor people fairly in all parts of the country; and removes the burden of welfare cost from State taxing authorities.

We must design a system which aspires to two principal objectives—objectives which the present system does not advance—first, providing adequately for those who cannot do more to help themselves; and second, providing reasonable incentives to self-reliance for those who can help themselves.

And we must of course recognize a third and even more significant objective—that of eliminating, to the greatest extent possible, the need for any welfare assistance at all.

That means improving our schools, developing children's skills and abilities early, and building their motivation and self-respect.

It means developing a comprehensive health care system, making adequate health services available to all Americans, and working to prevent the hardships of illness and the damage of malnutrition.

It means sustaining a satisfactory rate of economic growth to keep employment at a maximum, creating new kinds of rewarding and socially useful jobs, training men and women to fill them, and offering them the opportunity to accept those jobs wherever they are available.

And it means a common and unqualified commitment to shape a whole society in this land which has a place in it for every American, whoever he or she may be.

These are objectives which belong at the top of the national agenda. And the time to start working on that agenda is now.

APPOINTMENTS BY THE VICE PRESIDENT

The PRESIDING OFFICER (Mr. EAGLETON). The Chair, on behalf of the Vice President, appoints the Senator from Connecticut (Mr. RIBICOFF) and the Senator from Kansas (Mr. DOLE) to the 16th General Conference of the United Nations Educational, Scientific, and Cultural Organization, to be held in Paris, October 12 to November 14, 1970.

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BYRD of Virginia). Without objection, it is so ordered.

THE "END THE WAR" AMENDMENT

Mr. PELL. Mr. President, I congratulate the Senator from South Dakota and the Senator from Oregon on the leadership they have shown in the amendment that is under discussion.

I have reluctantly come to the conclusion that the approach of providing a specific timetable with a certain escape clause, as contained in the amendment as presently written, if there are untoward military events, is necessary. I have been willing to cosponsor it and support it for some time. However, many of us in the Foreign Relations Committee feel very much the same way, and there has been a good deal of consultation back and forth between the members of the Foreign Relations Committee and the sponsors of this amendment.

The sponsors of this amendment have carried this fight to the people. They have made a tremendous effort, we believe, and deserve the full credit for the impact that this amendment has caused and, I hope, for securing its adoption.

After consultation between the two groups, it was decided that the language might be broadened a little, and by doing so, we hoped it might secure the support of a majority of the members of the Foreign Relations Committee and secure more votes within the Senate.

The interesting thing in my mind is that the Committee on Foreign Relations, which started out, to the best of my recollection—at least, when I became a member of it in 1964—as being without any particular view with regard to Indochina, had no real opinion on this subject one way or the other. But this group of Senators who have had more responsibility with regard to the conduct of the Foreign Relations Committee and the setting up of policies abroad than any other group of men, as they gradually studied the problem, as they gradually bore into the problem, became increasingly of the view that our policies in Vietnam and Indochina were a disaster, that the war was a disaster, and that

the sooner it was terminated, the better off we all would be.

This is very much the same process, to my mind, that Secretary of Defense Clark Clifford went through. He came to his job as an intelligent, convinced hawk, a believer in the merit and correctness of our policies in Indochina, but one who had not studied the problem in any great detail. Then he did what is rarely done, I regret to say, in government: He asked questions, and applied the cold light of commonsense and of reason to the policies we were following. The more questions he asked, the more answers he got that were unsatisfactory. As we all know, he went through a complete 180-degree turn in his views in this matter.

Generally speaking, one has found that those with responsibility for policy, who study it analytically, very often come out with this change of view. In the beginning, in the Foreign Relations Committee had no view. There are other groups of men, with perhaps not as much responsibility for foreign policy but more responsibility for defense requirements or more responsibility for a variety of other factors in our government life, who started out with a different view or different premises.

But one point that I think the public press and Nation as a whole have not perceived enough is the process that caused a group of 15 or 17 men, with no preconceived views, to come out as they have in general opposition to the war. The process that was responsible was careful study and evaluation.

Because of this, I felt it was a good idea that there should be as much cooperation as possible between Foreign Relations Committee and the sponsors of this amendment. We have had these conversations together; and, as a member of the Foreign Relations Committee, I wanted to express at this time my support for this amendment and to urge very much its adoption.

Mr. McGOVERN. Mr. President, I want to express my appreciation to the Senator from Rhode Island not only for what he has just said on the floor about the amendment but also for the role he personally has played as a member of the Foreign Relations Committee in helping us to devise language that would win the concurrence of a number of members of the Foreign Relations Committee in support of our amendment.

As I said yesterday, we are very hopeful when the chairman of the Committee on Foreign Relations, the Senator from Arkansas (Mr. FULBRIGHT), returns—he is attending the funeral of a member of his family—the committee can be convened, and that a majority of them will come out in support of the revised language.

The Senator from Rhode Island (Mr. PELL) has been the leader on the majority side of the Foreign Relations Committee in working out the revised language that was submitted yesterday, which is the pending amendment, supported on the minority side by the Senator from New York (Mr. JAVITS). We are most grateful for the efforts they have made, and we believe that their support strengthens the foundations of the amendment.

So I thank the Senator both for his supporting words on the floor this afternoon and for the very substantial work he has done in helping us with the language of the various provisions of the amendment.

I might ask the Senator if he could take just a moment to explain the thinking of various members of the Foreign Relations Committee with reference to the provision for the 60-day leeway we have given the President beyond the time certain deadline which is set in other sections of the bill for the withdrawal of American forces.

Mr. PELL. I would add that we realized that this leeway was accepted with considerable reluctance by the sponsors of the original amendment. But we are very grateful that they bear with this thought—the thought that some untoward military escalation on the part of the North Vietnamese could take place as we were withdrawing which might necessitate, from a military viewpoint, a slowdown or some reversal of course on the part of the President.

The 60-day clause means that the President has this opportunity of delay, provided he is in communication with Congress. It seems to me an eminently sensible provision.

If the policy of our Government is the liquidation of our armed manpower on the mainland of Asia, with the exception of Korea—and I have read in today's newspaper that we hope to liquidate that, too—it would seem to me that this is absolutely in line with that policy. This might well be the objective of our President. Perhaps the liquidation of our commitment there is in the back of the minds of the administration. But some pressure, some direction, some timetable is necessary in order to keep us moving along this course.

As the Senator and I are well aware, many forces in the country have a diametrically opposite view and will press the President not to carry out this liquidation. I know I was critized by my State VFW. I think the Senator from South Dakota was the object of some barbs from the National VFW. There are other groups around the country who would equate patriotism and a love of the American flag with gung ho-ism in Indochina.

No Senator here fought a more gallant war than did the Senator from South Dakota. I came back in a hospital ship—sick, not wounded—in World War II. Yet, none of us here feel that any group has a monopoly on patriotism. When I see the American flag flying, it fills my soul with as much joy and my eyes well up when I think of what it means just as much or more than anyone else. So we have drawn up this amendment to appeal to a broad variety of people.

Mr. McGOVERN. On tomorrow, I hope to discuss the constitutional issues raised by the amendment and make what I believe will be one of the strongest arguments for the amendment; namely, that it provides a formula whereby the Senate can discharge its obligations under the Constitution and share in the decisions of war and peace.

One of the most tragic aspects of the entire involvement in Vietnam and Indochina is that so much of it has been carried on without a clear declaration of congressional intent. Certainly the Constitution makes it clear that Congress has some obligation to share in the decisions about whether American forces should be committed and, once committed, how long they should stay there.

The amendment will give every Senator an opportunity to exercise his constitutional authority and register his best judgment as to whether we should set a timetable beyond which American forces could not stay in Indochina.

Mr. PELL. In his argument, would the Senator enlarge on the thought that the executive branch means exactly that, that the executive executes policy, guidelines, and the laws set forth by Congress?

I believe that I am correct in saying that Senators like the Senator from South Dakota and me are among the minority in the Senate, in that we are not lawyers, but this is a clear point which has all too rarely been brought out; namely, when we talk about the different branches of the Government and their responsibilities, we know what the judiciary does. It judges. We know what the legislative does. It legislates or writes the laws. I think we know what the executive branch is to do, which is to execute, to execute the laws written by the legislature and the decisions of the judiciary. Yet, in fact, we find increasingly that the executive, while not taking over the prerogatives of the judiciary, is really exercising many of the functions that the founders of the Constitution thought belonged to the legislative branch.

The legislation should be the board of directors and the executive the manager of the plant.

I hope that this is an argument that the Senator would see fit to develop, because I think it is a simple argument that any newspaper reader, television viewer, or 6th grade child knows, that the responsibility of the executive is to execute policy or instructions. When we think of the executive branch, that is exactly what we think of, that it executes what we in the legislative body have set forth as policy.

Mr. McGOVERN. The Senator is right. He has put his finger on the fundamental distinction between the war powers of the Congress as against the powers of the executive. The Constitution and especially the history of the constitutional debates—the Madison papers and those of others who kept records of the constitutional debates—make clear that what the framers intended to do was to give Congress the power to declare war and to decide whether the country would commit American forces to a foreign conflict, and for how long; and the Commander in Chief, the President, was given the power to direct those forces, once committed to battle. But the time limit and decisions as to what forces should be committed were vested in Congress. So there is no possible way anyone can make a compelling case that Congress is stepping beyond its constitutional authority when it sets a time limit

on the commitment of American forces to a particular war.

Mr. PELL. My recollection may be faulty, but I think I recall that in one of the original drafts of the Constitution, it was proposed that Congress should have the power "to make war," and then it was realized that Congress could not make war or conduct a war because we could not have a group of argumentative men conducting a war by committee. It would be too difficult. But the decision, as the Senator said to engage in or "to declare war"—which is the phrase finally adopted—was agreed on at that time, underlining exactly the very valid point the Senator is making.

Mr. McGOVERN. The Senator is correct. In that connection, the faculty and students of the Boston University Law School published a special issue of the Law Review in the spring of 1970 on the subject of U.S. intervention in Cambodia, legal analyses of the event, and its domestic repercussions. This special issue contains an article on the point the Senator from Rhode Island has just raised, authored by two constitutional lawyers, Francis L. Coolidge, Jr., and Joel David Sharrow. I ask unanimous consent that the article entitled "Warmaking Powers, The Intentions of Our Framers in the Light of Parliamentary History" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE WAR-MAKING POWERS: THE INTENTIONS OF THE FRAMERS IN THE LIGHT OF PARLIAMENTARY HISTORY

I. INTRODUCTION AND SCOPE

Of the many unique aspects of the Constitution, one of the most often commented upon is its ability to endure and adapt to the changing times. This concept of the living Constitution,[1] however, has been subject to diverse interpretation. There are those who would virtually ignore the written document and relying on its "spirit," adopt a more or less behavioralist approach. Professor Charles Merriam has stated that,

"[t]he Constitution is not an idol but a spirit; not a form of words but a set of political attitudes and habits of behavior. Those who worship the text, worship in reality their own attitudes which they fondly hope the interpretation of the text may produce.[2]

This broad view of the Constitution ignores the fact that the document is constructed of both general phrases, *e.g.*, "due process," and more precise terms, *e.g.*, "bill of attainder." Cardozo recognized this difference in *The Nature of the Judicial Process*, where he wrote that what varies from age to age in the Constitution are the "great generalities." [3] Even these more general phrases, however, may not be interpreted with judicial abandon. Justice Holmes has written that in interpreting the Constitution, it is important to remember that it is a frame of government within whose bounds the coequal branches must operate.[4] When a more precise meaning of words of art as defined by the Founding Fathers can be discerned, the tendency has been to resist reinterpretation and to apply the original definitions so that the purpose of having a *written* Constitution is not subverted.

It is the dual purpose of this Note to explain why the Founding Fathers segregated the different aspects of military power into coequal branches of the national government, and to discern the meanings given to the phrases "to declare war" and "commander-in-chief."

II. RELEVANT PARLIAMENTARY HISTORY

Before any discussion of the Constitutional Convention can be undertaken though, the parliamentary antecedents must be examined, along with the relevant aspects of English political history, since the Framers relied on these to a great extent in drafting the Constitution.[5] For the purpose of this Note, these precedents can be broken into the following three headings: Parliament's exclusive power to tax and make appropriations, Parliament's power to oversee the military, and the royal prerogative as commander in chief.

A. Parliament's power of the purse

Of all the great powers of Parliament, perhaps the oldest and most significant, in terms of its development, is the power of the purse,[6] which includes both the right to tax and to make appropriations. Before Parliament had any authority in the running of the military, its taxing powers were at least theoretically established. In 1297, Edward I, in the Confirmation of the Charters, affirmed the exclusive right of Parliament to authorize or refuse taxes.

And for so much as divers people of our realm are in fear, that the aids and tasks which they have given to us beforetime towards our wars and other business, of their own grant and good will, howsoever they were made, might turn to a bondage to them and their heirs, because they might be at another time found in the rolls, and [likewise for] the praises taken throughout the realm by our ministers; we have granted for us and our heirs, that we shall not draw such aids, tasks, nor prises into a custom, for any thing that hath been done heretofore, [be it by roll or any other precedent that may be founden].

Moreover we have granted for us and our heirs as well to archbishops, bishops, abbots, priors, and other folk of holy church, as also to earls, barons, and to all the communality of the land, that for no business from henceforth we shall take such manner of aids, tasks, nor prises, but by the common assent of the realm, and for the common profit thereof, saving the ancient aids and prises due and accustomed.[7]

But the parliamentary appropriations power was far from secure in practice, and not until 1353 did Parliament authorize its first specific appropriation, empowering the King to levy and collect a tax on wool to be used for the King's war.[8] At the same time, Parliament began examining the collector's books,[9] presumably to insure that they knew how much revenue they were granting to the King. This would incidentally ensure that the King was not levying taxes beyond the parliamentary authorization. Although the subsequent Plantaganets did not fully observe the parliamentary right,[10] there was continued theoretical acquiescence in the rule that all taxes had to be confirmed by Parliament.[11] Under succeeding Kings this rule was further consolidated, and in 1407 Commons lay claim to the right of first considering all money bills before Lord.[12] Not until the time of the Stuarts did Parliament secure in practice, the power that it theoretically possessed for over three hundred years.

Parliament's exclusive appropriations power continued unchallenged until the reign of James I, when Parliament's great struggle with the Monarchy began over the power of the purse. As early as 1606, the King had attempted to levy money by raising duties,[13] and thereby entered into a protracted dispute with Commons. During his reign, and that of his son Charles I, this controversy increased, leading to the great Petition of Rights in which it was stated:

. . . it is declared and enacted, that from thenceforth no person shall be compelled to make any loans to the king against his will, . . . your subjects have inherited this freedom that they should not be compelled to contribute to any tax, tallage, aid, or other like charge, not set by common consent in Parliament.[14]

With the arrival of the Civil War [15] and the Protectorate,[16] Parliament's control of taxation was assured, and despite the efforts of the later Stuarts it was not seriously challenged again. In 1665, Parliament specified how tax money was to be spent,[17] and this custom continued from then on. At the same time, military money bills were made annual so the Parliament could keep tight control over any standing army.[18] A further important step was made in 1678, when Parliament so reduced the military appropriation that the King was forced to disband a portion of the army.[19] The next year Parliament voted a special appropriation for the sole purpose of disbanding the army,[20] and thereby imposed a veto on the King's prerogative as commander in chief. In 1688, William and Mary reconfirmed Parliament's power of the purse in the Bill of Rights: [21]

. . . levying money for or to the use of the Crowne by pretence of prerogative without grant of Parlyament for longer time or in other manner then the same is or shall be granted is illegal.

Finally, in 1706 Parliament ruled that only military money bills requested by the Crown would be considered.[22] This is the reverse of the rule in the United States, where any member of the House can initiate an appropriation bill.[23] The change was prompted by the many pay bills petitioned for by military officers, but also served as a royal veto on appropriations.[24] The Framers of the Constitution were therefore accustomed to a system whereby the legislature, through the power of the purse, could check the executive's use of the military by refusing to appropriate the funds needed to carry on a campaign.

B. Parliament's power to control the military

Unlike the power of the purse, Parliament's power to oversee the military was a late development, and was not marked by any clear evolutionary process. As early as 1311, Parliament asserted:

Whereas the king, on account of the many perils that he and his kingdom may incur, ought not to undertake an act of war against any one, or to go out of the kingdom, without the common assent of his baronage, we ordain that henceforth the king shall neither go out of the kingdom nor undertake an act of war against any one without the common assent of his baronage, and that in parliament.[25]

But this seems to have been an unwarranted assumption of the power to declare war by Parliament. Under Edward III, Parliament, either on its own initiative or at the request of the Monarch, advised the King on war and peace,[26] although it does not appear that it claimed any right in this area. Such consultations were continued under the Lancasters, and Parliament was assured, by reason of the Treaty of Troyes, that no negotiations with France would be carried on without its consent.[27] The right to declare war and make peace was never formally vested in Parliament, however, and until the seventeenth century, there seems to have been a general accceptance of the theory that the power to both declare and make war was the King's prerogative.[28]

In 1641, Parliament tried to secure the war-making power by giving control of the standing army to the Earl of Essex, who was under its authority,[29] and when in the next year Charles I refused to give up control of the militia, the Civil War resulted.[30] With the restoration though, the command of the

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military was returned to the Monarch. 13 Car. II, c. 6 (1664) stated:

[T]he sole supreme government, command and disposition of the militia and of all forces by sea and land and of all forts and places of strength is and by the laws of England ever was the undoubted right of his Majesty and his royal predecessors, Kings and Queens of England, and that both or either of the Houses of Parliament cannot nor ought to pretend to the same.

Thereafter, Parliament's control of the military took the form not of any right to declare or make war or peace, but rather of the authority to levy and maintain a standing army. This was of course different from the de facto control Parliament could exercise through the power of the purse. In the Bill of Rights, this power to authorize an army was accepted in the statement:

. . . the raising or keeping a standing army within the kingdome in time of peace unlesse it be with consent of parlyament is against law.[31]

Later, Parliament's war-making powers were further consolidated when it secured the exclusive right to grant military commissions.[32]

Thus, through the power to make annual appropriations, the power to authorize armies, and the power to grant and remove commissions,[33] Parliament was able to control the military. Also, the rise of the Cabinet Council between 1689 and 1714 [34] and the inclusion therein of the Secretaries of State and War [35] meant that by the time of the American Revolution, Parliament had assumed almost complete practical control over the military, while the King merely retained the theoretical power to declare and make war.

C. The Sovereign's prerogative as Commander in Chief

Of all the royal powers, one of the last significant ones to be lost was the right of the Monarch to be commander in chief of the armed forces. Although the King could not raise armies without Parliament's consent, up to the eighteenth century, once the forces were mustered they were under his sole authority. Both Charles II and William III were careful to retain this power, and, although the former made Monks, and later Monmouth, Captain-Generals, Charles still kept supreme command.[36] This can be ascribed to two main causes: first, a single individual is always better able to control military operations than a large group. This was well demonstrated during the Civil War, and even when the Monarch lost command around 1700, it fell not to Parliament, *per se*, but rather to Marlborough and the Cabinet Councils.[37] Secondly, the Crown had developed a more efficient means of running the military during the Civil War, through the use of Secretaries of State and War who were solely responsible to the King; [38] indeed, the Crown might well have retained its prerogative as commander in chief but for the accident that Anne came to the throne just as the War of the Spanish Succession was beginning.[39] Since neither she nor her husband were competent to lead troops, the command fell to Marlborough, who raised the office of Captain-General to great heights by reason of his military genius.[40] At the same time, the Cabinet was evolving as the central organ of executive power, and Marlborough was a member of it.[41] Likewise, the Secretaries of State became responsible to the Cabinet more and more [42] so that it, rather than the Monarch, exercised the real command. It is interesting to note that Parliament, *per se*, never really commanded the army; instead it was the Cabinet. At the time of the American Revolution, therefore, although the King no longer commanded, control was still vested not in the legislative branch, but rather in the newly formed executive.

Given this background one can easily see why, in the United States, the various military powers were given to different branches of the Government, Congress being vested with the power to make military appropriations and declare war, while the President was vested with the authority to wage the war. It remains to be seen how closely the Framers followed the pattern that had evolved in England during the preceding century.

III. THE CONVENTION

A. Separating the powers of declaring and conducting war

When the Philadelphia Convention convened on Monday, May 14, 1787, the delegates had ostensibly gathered for the purpose of amending the Articles of Confederation,[43] which was deemed to be defective because the States were able to act as autonomous bodies, and the national government was unable to enforce its regulations.[44] Therefore, it was essential that the powers of the national government be altered and enlarged.[45] However, even before the Convention commenced work, the idea of drafting a constitution for a new system of government was being discussed.[46] Under the Articles of Confederation, the only existent organ of national government was the Confederation Congress. [47] Since the Congress exercised all the powers of the national government, there was no need for the Articles of Confederation to distinguish between executive and legislative powers.[48] But because this was the major failing of the Articles, the first task undertaken by the Convention was to segregate the different powers of government into three coequal branches [49] and change the form of government at its very roots. With the existence of coequal branches, the Convention separated the power to declare war from the power to conduct war, [50] delegating the former to the legislation branch and the latter to the executive branch.[51]

On May 29, 1787, William Randolph of the Virginia delegation put forward fifteen resolutions as a basis on which the Convention could frame a new system of government. These resolutions, presented to the Convention during the first meeting held to discuss substantive matters, attempted to separate legislative from executive functions.[52] Randolph's sixth resolution gave the National Legislature the authority "to enjoy the legislative rights vested in Congress by the Confederation," [53] while the seventh resolution gave the National Executive the "general authority to execute the national laws," as well as "the executive rights vested in Congress by the Confederation." [54] All fifteen of Randolph's resolutions were referred to the Committee of the Whole.[55]

On June 1, the Convention, sitting as the Committee of the Whole, began deliberations on Randolph's seventh proposition, which delegated to the National Executive the authority to execute the national laws. During the debate as to whether the National Executive should be composed of a single or a multiple magistrate, it was suggested that if the National Executive was composed of a single magistrate, it would not be wise to give him the powers of war and peace, which powers in England were vested in the King.[56] If a single magistrate, being a vigorous executive, had the powers of war and peace, it was feared that he would be an elective monarch.[57] However, Mr. Wilson, in rebuttal to this view, agreed with Mr. Sherman that the only function of the Executive was to execute the laws passed by the Legislature.[58] Thus, even at this early date during the Convention's deliberations, it can be seen that the Founding Fathers were afraid of allowing a vigorous Executive the powers of war and peace, which, in England, meant the power to declare war.[59]

On June 15, William Patterson from New Jersey proposed a plan designed to amend the Articles of Confederation,[60] as an alternative to Randolph's plan, which required the Convention to discard the Articles and formulate a new system of government. The authority of the Executive under Patterson's plan was limited to directing military activities,[61] implying that the Congress would retain the authority to declare war.[62] Three days later, Alexander Hamilton submitted and read, but did not move to adopt, eleven propositions to be substituted for those of Randolph. While Hamilton's fourth article authorized the Executive to direct "war when authorized or begun," his sixth article gave the Senate "the sole power of declaring war." [63] Although the Convention returned to Randolph's propositions as a basis for deliberations when next sitting as the Committee of the Whole [64] and ignored both the Patterson and Hamilton plans, it is important to recognize that both these plans gave only limited military power to the Executive.

On Monday, August 6, John Rutledge of South Carolina delivered the report of the Committee of Detail,[65] a subcommittee of the Committee of the Whole. The report was the first draft of a Constitution that the Convention actually deliberated upon; previously, the only plan that the Convention worked with was Randolph's propositions, the proposals of Pinckney and Hamilton not having been dealt with. This first draft explicitly differentiated between the Executive's military power and the military power of the Legislature,[66] authorizing the Executive to be commander in chief, while authorizing the Legislature to "make" war.[67] On August 17, the Convention amended the seventh article, substituting the word "declare" for "make" in the clause delegating the power to the Legislature "to make war." This substitution was made for definitional purposes.

Mr. Pinckney opposed the vesting this power in the Legislature. Its proceedings were too slow. It would meet but once a year. The House of Representatives would be too numerous for such deliberations. The Senate would be the best depository, being more acquainted with foreign affairs, and most capable of proper resolutions. If the States are equally represented in the Senate, so as to give no advantage to the large States, the power will, notwithstanding, be safe, as the small have their all at stake in such cases as well as the large States. It would be singular for one authority to make war, and another peace.

Mr. Butler. The objections against the Legislature lie in a great degree against the Senate. He was for vesting the power in the President, who will have all the requisite qualities, and will not make war *but when the nation will support it* [emphasis added].

Mr. Madison and Mr. Gerry moved to insert "declare," striking out "make," war [emphasis in original]; leaving to the Executive the power to repel sudden attacks.

Mr. Sherman thought it stood very well. The Executive should be able to repel, and not to commence, war. "Make" is better than declare, the latter narrowing the power too much.

Mr. Gerry never expected to hear, in a republic, a motion to empower the Executive alone to declare war.

Mr. Ellsworth. There is a material difference between the cases of making *war* and making *peace* [emphasis in original]. It should be more easy to get out of war, than into it. War also is a simple and overt declaration, peace attended with intricate and secret negociaations [sic].

Mr. Mason was against giving the power of war to the Executive, because not safely to be

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trusted with it; or to the Senate, because not so constructed as to be entitled to it. He was for clogging, rather than facilitating *war; but for facilitating peace* [emphasis added]. He preferred *"declare"* to *"make"* [emphasis on original].

On the motion to insert *"declare"* in place of *"make"* it was agreed to . . . [emphasis in original].[68]

This debate makes the point that only the Legislature was intended to commence or declare war.[69] The Executive, as the commander in chief, was given the authority only to "repel sudden attacks," which, by reading Madison's and Gerry's motion together with Sherman's and Gerry's comments, was defined as "making" war. Butler's idea that the Executive would make war only when the nation will support it, and therefore should have the authority to commence a war, was rejected. The Congress as a whole, the branch that Mason recognized to be the truly representative branch of Government,[70] was the only organ of the new national government that would have the authority to involve the nation in a foreign war.

The Executive, however, was not stripped of all military authority.[71] Aside from having the power to repel sudden attacks, the Executive, as commander in chief, was empowered to direct the conduct and execution of war, much as a general or an admiral would do.[72] When the Constitution was finally submitted to the States for ratification,[73] the sections relating to the congressional power to declare war [74] and the executive power as commander in chief [75] appeared as they had been reported by the Committee of Detail on August 6, except for the substitution of "declare" for "make" in what eventually became article I, section 8, clause 11 of the Constitution.

Thus, the constitutional language, when seen in the light of the relevant Convention history, makes clear the nature of the separation of military powers intended by the Framers.

B. The power of the purse

In order to curb the possible expansion of executive military power, and to preserve in Congress the legal authority to commence war, Congress was given the exclusive power to make military appropriations. Although it is true that the general appropriations power was awarded Congress in article I, section 8, clause 1, only the military appropriations power was separated from the general grant and circumscribed by an extremely revealing limitation; article I, section 8, clause 12 places a two-year limitation on the period for which appropriations to raise and support an army may be made.[76]

The existence of a standing army was seen to be such a serious threat to liberty [77] that there were even objections expressed to making the period of review biennially instead of annually, as was the English custom.

To the second clause [allowing military appropriations for a two-year term] Mr. Gerry objected, that it admitted of appropriations to an army for two years, instead of one; for which he could not conceive a reason; that it implied there was to be a standing army, which he inveighed against, as dangerous to liberty—as unnecessary even for so great an extent of country as this—and if necessary, some restriction on the number and duration ought to be provided. Nor was this a proper time for such an innovation. The people would not bear it.

Mr. Sherman remarked, that the appropriations were permitted only, not required to be for two years. As the Legislature is to be biennially elected, it would be inconvenient to require appropriations to be for one year, as there might be no session within the time necessary to renew them. He should himself, he said, like a reasonable restriction on the number and continuance of an army in time of peace.

The second clause was then agreed to . . .[78]

It is important to note that the two-year limitation on military appropriations was not meant to require the Congress to replenish the military fund.[79] Congress is empowered to permit military appropriations to expire at the end of a given period, and their judgment is not subject to executive review.[80] Thus, by exercising the power of the purse, which the Framers intended to be an effective check on a vigorous Executive,[81] the Congress can diminish or deny military appropriations and constitutionally do away with the Executive's power of the sword.

IV. CONCLUSION

With the English parliamentary experience in focus, the nature of the separation of the war-making powers between the President and Congress becomes more understandable. The Congress was vested with the authority to commence war,[82] as well as the power to continue the war or make the peace. With the exception of a situation permitting the Executive to repel a sudden attack,[83] the President was given authority only to prosecute conflicts initiated by Congress.[84]

Because of the importance of a decision to enter into a war, the Framers felt it critical to have the people unified behind that purpose. The best way to ensure the presence of that consensus was to vest the power to declare war in the most representative branch, the Congress.[85] On the other hand, a vigorous Executive with broad military powers was seen to pose a threat to individual liberty,[86] and to vest that Executive with the power to initiate war would reduce the likelihood that his judgment would represent the unified purpose of the people.

To ensure the separation of military power as envisioned,[87] Congress was vested with the power of the purse.[88] Further, to require close scrutiny of executive military power and to reduce the threat that a standing army posed to individual liberty, Congress was empowered to make military appropriations only for two-year periods.[89] Thus, the precise nature of the separation of powers was effected largely in response to the fears of the Framers, fears that have materialized in the minds of many today.

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FOOTNOTES

[1] H. McBain, The Living Constitution (1927).

[2] C. Merriam, The Written Constitution and the Unwritten Attitude 30 (1931).

[3] B. Cardozo, The Nature of the Judicial Process 17 (1921).

[4] Opinion of the Justices, 160 Mass. 586, 594 (1894) (Holmes, J.).

[5] No one familiar with the common law of England can read the Constitution of the United States without observing the great desire of the Convention which framed that instrument to make it conform as far as possible with that law. One would suppose that the leaders of a revolutionary movement of eight years' duration or more, the purpose of which was to emancipate the newly formed States from the dominion of Great Britain, would have come out of that struggle with resentments arising from a sense of injury at the hands of that government which would have created a prejudice against its laws and their system of administration. On the contrary, it seems obvious from the instrument, which they produced as the fundamental and organic law of a new government for a new country, that their attachment for the old laws and even for the old general form of political government remained almost unaffected.

S. Miller, Lectures on the Constitution of the United States 486 (1893). See generally C. Stevens, Sources of the Constitution of the United States (2d ed. 1927) [hereinafter cited as C. Stevens].

[6] See T. Taswell-Langmead, English Constitutional History 237–41 (9th ed. A. Poole 1929) [hereinafter cited as T. Taswell-Langmead].

[7] (Confirmation of the Charters) 25 Edw. 1, c. 5, 6 (1297).

[8] Rot. Parl., ii 271. See T. Taswell-Langmead 239.

[9] Rot. Parl., ii 130. Taswell-Langmead thinks that the commission of examiners was initially established so that Parliament could ascertain statistics as to the number of parishes. T. Taswell-Langmead 239–40.

[10] T. Taswell-Langmead 237.

[11] Presumably tax bills were requested by the Crown only, and did not initiate in Parliament. Id.

[12] Id. at 275. This was of course carried over into the Constitution, which provides that all money bills should originate in the House of Representatives. U.S. Const. art. I, § 7.

[13] T. Taswell-Langmead 463.

[14] 3 Car. 1, c. 1, § 1 (1628), in T. Taswell-Langmead 501–02.

[15] 1642–1649. As a result of the Civil War, Charles I was beheaded and the Monarchy overthrown.

[16] The Protectorate was the form of government that ruled England from the end of the Civil War until 1660, when the Monarchy was restored.

[17] J. Omond, Parliament and the Army 1642–1904, at 30–31 (1933) [hereinafter cited as J. Omond]. Despite the example set in 1353, it would appear that Parliament had become accustomed to making general appropriations.

[18] Id. at 30.

[19] F. Allen, The Supreme Command in England, 1640–1780, at 138 (1966) [hereinafter cited as F. Allen].

[20] Id.

[21] 1 W. & M. sess. 2, c. 2 (1688).

[22] J. Omond 33.

[23] See note 10 supra.

[24] The general prerogative of the Monarch to veto acts of Parliament had virtually disappeared, Queen Anne having used it once in 1707 to veto the Scotch Militia Bill. It has never been used since. T. Taswell-Langmead 665–66. In this country, the President has always had a definite veto power, so no similar restriction would be necessary.

[25] 4 Edw. 2 Ordinances of 1311, in C. Stephenson & F. Marcham, Sources of English Constitutional History 194 (1937).

[26] T. Taswell-Langmead 247–48.

[27] Id. at 281.

[28] Stevens thinks that Congress' power to declare war came not directly from the English example but rather from the colonial legislatures. C. Stevens 110 n.2.

[29] J. Omond 7.

[30] Id. at 7–8.

[31] 1 W. & M. sess. 2, c. 2 (1969).

[32] See J. Omond 45–46; F. Allen 138.

[33] See J. Omond 45–46; F. Allen 138.

[34] F. Allen 142–43.

[35] Id. at 142, 148.

[36] Id. at 120–27.

[37] Id. at 147–61.

[38] Id. at 134–35, 139.

[39] Both the Queen's reign and the War of the Spanish Succession began in 1702.

[40] F. Allen 126–27.

[41] Id. at 144.

[42] See generally M. Thomason, The Secretaries of State 1681–1782 (1932).

[43] "[Y]our Commissioners, with the most respectful deference, beg leave to suggest their unanimous conviction, that it may essentially tend to advance the interests of the Union, if the States by whom they have been respectively delegated would themselves concur, and use their endeavors to procure the concurrence of the other States, . . . to devise such further provisions as shall appear to them necessary to render the constitution of the Federal Government adequate to the exigencies of the Union. . . ." Hamilton's recommendation drafted at the close of the Annapolis Convention in 1786, quoted in 2 The Madison Papers 702–03 (1840). On May

30, 1787, the day after William Randolph of Virginia had put forth fifteen Resolutions for a new government, "General Pinckney expressed a doubt whether the act of Congress recommending the Convention, or the commissions of the Deputies to it, would authorize a discussion of a system founded on different principles from the Federal Constitution." 2 The Madison Papers 748 (1840).

[44] "[T]he radical infirmity of the 'Articles of Confederation' was the dependence of Congress on the voluntary and simultaneous compliance with its requisitions by so many independent communities, each consulting more or less its particular interests and convenience, and distrusting the compliance of the others." 2 The Madison Papers 692 (1840).

[45] Virginia was the first state to respond to Hamilton's recommendation, and passed a statute delegating authority to her deputies to join with the deputies of the other states to devise and discuss " 'all such alterations and farther provisions, as may be necessary to render the Federal Constitution adequate to the exigencies of the Union . . . .' " Id. at 706. See also id. at 703–07.

[46] "In the winter of 1784–5, Noah Webster, whose political and other valuable writings had made him known to the public, proposed, in one of his publications [Sketches of American Policy], 'a new system of government which should act, not on the States, but directly on individuals, and vest in Congress full power to carry its laws into effect.' " 2 The Madison Papers 708 (1840) (footnote omitted). In a letter to Edmund Randolph, James Madison briefly sketched out a plan for a new system of government. Id. at 630–34.

[47] "The one central organ of the newly established government was a congress, which might well have been termed a congress of states . . . . Executive there was none, beyond the committees which the congress might establish to work under its own direction . . . ." M. Farrand, The Framing of the Constitution 3–4 (1913) [hereinafter cited as M. Farrand]. See also The Articles of Confederation, in id. at 211–24.

[48] See, e.g., Articles of Confederation art. IX, para. 4, in M. Farrand 219, which gave the "united states in congress assembled" the authority to make "rules for the government and regulation of the . . . land and naval forces [a legislative function], and directing their operations [an executive function]."

[49] "Some of the more superficial observers were inclined to ascribe the difficulties of the confederation to the defective organization of the government. Montesquieu, whose writings were taken as political gospel, had shown the absolute necessity of separating the legislative, executive, and judicial powers. There ought, therefore, to be a separate executive which should be able to take the initiative when occasion demanded, which should be capable of action in foreign relations. . . ." M. Farrand 49–50. Hamilton, writing in The Federalist No. 71, espoused as one of the advantages of the new Constitution the fact that the partition of the Government was proper, and that the different branches should be independent of each other. The Federalist and Other Constitutional Papers 393–94 (E. Scott ed. 1898) [hereinafter cited as Scott].

[50] See 3 The Madison Papers 1351–52 (1840).

[51] President John Q. Adams believed that the two powers are inherently different in nature. "The respective powers of the President and Congress of the United States, in the case of war with foreign powers, are yet undetermined. Perhaps they can never be defined. The Constitution expressly gives to Congress the power of *declaring* war, and that act can of course never be performed by the President alone. But war is often made without being declared. War is a state in which nations are placed not alone by their own acts, but by the acts of other nations. The *declaration* of war is in its nature a legislative act, but the conduct of war is and must be executive." J. Q. Adams, The Lives of Madison and Monroe 58–59 (1850) (emphasis in original). Compare with the Articles of Confederation, which placed both powers under the auspices of the Confederation Congress. "No state shall engage in any war without the consent of the united states in congress assembled, unless such state be actually invaded by enemies, or shall have received certain advice of a resolution being formed by some nation of Indians to invade such state . . . till the united states in congress assembled can be consulted: nor shall any state grant commissions to any ships or vessels of war, nor letters of marque or reprisal, except it be after a declaration of war by the united states in congress assembled, and then only against the kingdom or state and the subjects thereof, against which war has been so declared, and under such regulations as shall be established by the united states in congress assembled . . . ." Articles of Confederation art. VI, para. 5, quoted in M. Farrand 215. "The united states in congress assembled, shall have the sole and exclusive right and power of determining on peace and war . . . ." Articles of Confederation art. IX, para. 1, quoted in id. at 216.

[52] 2 The Madison Papers 732, 733 (1840).

[53] Id. at 732.

[54] Id. at 733. It should be pointed out that executive functions are concerned with carrying out a rule or regulation to its full extent, as opposed to promulgating that rule or regulation, which is essentially a legislative function.

[55] A Committee of the Whole is a committee composed of all the members of an organization, usually a legislative body, which operates under flexible and informal rules, addressing itself to certain specific questions.

Shortly after Randolph submitted his resolution, Charles Pinckney of South Carolina put before the Convention a draft of a constitution that he had prepared, but he did not refer it to the Committee of the Whole. Although this draft was not referred to again, there is similarity between it and the Constitution as finally drafted by the Convention. Compare Pinckney's draft, 2 The Madison Papers 735–46 (1840), with the Constitution as submitted by the Convention to the States for ratification, 3 The Madison Papers 1605–22 (1840).

The sixth article of Pinckney's Constitution gave power to the National Legislature to raise armies and a fleet; the seventh article gave the Senate the "sole and exclusive power to declare war"; the eighth article set out the authority and powers of a National Executive. The National Executive was given the duty to "take care that the laws of the United States be duly executed. . . . He shall be Commander-in-Chief of the army and navy of the United States, and of the militia of the several States. . . ." 2 The Madison Papers 740, 742–43 (1840).

[56] See p. 8 supra. See also Wilson's remarks, 2 The Madison Papers 763 (1840).

[57] See 2 Madison Papers 762–63 (1840): "Mr. Pinckney was for a vigorous Executive, but was afraid the executive powers of the existing Congress might extend to peace and war, &c.; which would render the Executive a monarchy of the worst kind, to wit, an elective one.

"Mr. Wilson moved that the Executive consist of a single person. Mr. C. Pinckney seconded the motion . . . .

" . . . .

"Mr. Rutledge . . . was for vesting the executive power in a single person, though he was not for giving him the power of war and peace. A single man would feel the greatest responsibility, and administer the public affairs best.

"Mr. Sherman said, he considered the executive magistracy as nothing more than an institution for carrying the will of the legislature into effect . . . .

"Mr. Wilson preferred a single magistrate, as giving most energy, dispatch and responsibility to the office. He did not consider the prerogatives of the British monarch as a proper guide in defining the executive powers. Some of these prerogatives were of a legislative nature; among others, that of war and peace, &c. The only powers he considered strictly executive were those of executing the laws . . . ."

[58] Id.

[59] See note 56 supra; The Federalist No. 69 (A. Hamilton), in Scott 379.

[60] See 2 The Madison Papers 863 (1840).

[61] Resolution No. 4 stated, inter alia, that the Executive was "to direct all military operations; provided, that none of the persons composing the Federal Executive shall, on any occasion, take command of any troops, so as personally to conduct any military enterprise, as General, or in any other capacity." Id. at 865.

[62] Article IX of the Articles of Confederation gave the Confederation Congress "the sole and exclusive right and power of determining on peace and war . . . ." M. Farrand 216.

[63] 2 The Madison Papers 891 (1840).

[64] Id. at 904.

[65] Id. at 1226.

[66] Compare the tenth article of this Constitution, which made the Executive the "Commander-in-chief of the army and navy of the United States, and of the militia of the several States," with the seventh article, which authorized the legislature to make war; to raise armies; to build and equip fleets; and to call the forth the aid of the militia. Id. at 1237, 1233.

[67] Id.

[68] 3 The Madison Papers 1351–52 (1840).

[69] "[T]hat it is the peculiar and exclusive province of Congress, *when the nation is at peace* to change that state into a state of war; whether from calculations of policy or from provocations, or injuries received; in other words, it belongs to Congress only, *to go to war*. But when a foreign nation declares, or openly and avowedly makes war upon the United States, they are then by the very fact *already at war*, and any declaration on the part of Congress is nugatory; it is at least unnecessary." Works (A. Hamilton ed.), VII, 745–48 (1801), quoted in E. Corwin, The President: Office and Powers, 1787–1957, at 199 (4th rev. ed. 1957) (emphasis in original) (footnote omitted).

[70] See Mason's reasons for refusing to give the power of commencing war to either the Executive or to the Senate. However, the Virginia delegation with Mason a member thereof voted in favor of authorizing the legislature as a whole to declare war. 3 The Madison Papers 1352–53 (1840).

[71] "Additional testimony as to the purely military significance originally attached to the clause is afforded by Story's statement in his *Commentaries*, written nearly half a century later, that the only objection leveled against it in the states' ratifying conventions was that 'it would be dangerous to let him [the President] [sic] command in person.' 'The propriety,' Story adds, 'of admitting the President to be Commander-in-Chief, so far as to give orders and have a general superintendency, was admitted.' " E. Corwin, supra note 69, at 228 (footnote omitted). The President's "duty and . . . power are purely military. As commander-in-chief, he is authorized to direct the movements of the naval and military forces placed by law at his command, and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy." Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850).

[72] "The President is to be Commander-in-chief of the army and navy of the United States. In this respect his authority would be nominally the same with that of the King of Great Britain, but in substance much in-

ferior to it. It would amount to nothing more than the supreme command and direction of the military and naval forces, as first general and admiral of the Confederacy; while that of the British king extends to the *declaring* of war, and to the *raising* and *regulating* of fleets and armies; all which, by the Constitution under consideration, would appertain to the Legislature." The Federalist No. 49 (A. Hamilton), quoted in Scott 379 (emphasis in original) (footnote omitted). "Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war, implies the direction of the common strength; and the power of directing and employing the common strength, forms an usual and essential part in the definition of the Executive authority." The Federalist No. 74 (A. Hamilton), in id. at 407.

[73] The Convention submitted its final draft and adjourned on September 17, 1787. 3 The Madison Papers 1624 (1840).

[74] U.S. Const. art. I, § 8, cl. 11.

[75] U.S. Const. art. II, § 2, cl. 1.

[76] "The Congress shall have power . . . to raise and support armies, but no appropriation of money to that use shall be for a longer term than two years . . . ." U.S. Const. art. I, § 8, cl. 12.

[77] "The military should, however, be regarded with a watchful eye; for it is a profession that is liable to dangerous pervision. But the powers vested in the federal government do not go the length which has been said. A standing army is not granted or intended, for there can be no provision for its continuing three years, much less for its permanent establishment. Two years are the utmost time for which money can be given. It will be under all the restrictions which wisdom and jealously can suggest, and the original grant of the supplies must be made by the House of representatives, the immediate delegates of the people." T. Coxe, An Examination (1788), in Scott 769.

[78] 3 The Madison Papers 1495 (1840).

[79] "The Legislature of the United States will be *obliged*, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense of the matter by a formal vote in the face of their constituents." The Federalist No. 26 (A. Hamilton), quoted in Scott 143 (emphasis in original). Cf. id.: "They [the Congress] are not *at liberty* to vest in the Executive department, permanent funds for the support of an army; if they were even incautious enough to be willing to repose in it so improper a confidence." (emphasis in original).

[80] Mr. Dawes, speaking in the Massachusetts Legislature, espousing ratification of the Constitution stated: "The army must expire of itself in two years after it shall be raised, unless renewed by representatives, who at that time will have just come fresh from the body of the people. It will share the same fate as that of a temporary law, which dies at the time mentioned in the act itself, unless revived by some future legislature." 1 The Debates, Resolutions, and other Proceedings, in Convention, on the Adoption of the Federal Constitution 109 (J. Elliot ed. 1827).

[81] The delegates to the Convention recognized that Congress had the power of the purse, especially as related to war. See, e.g., Wilson's views, 3 The Madison Papers 1309 (1840).

[82] "The grant of the war making power to the Legislature constituted an innovation in Government. In all other countries that power had been vested in the Executive." C. Warren, The Making of the Constitution 480–81 (1928) [hereinafter cited as Warren].

[83] See Madison's and Gerry's view of what is meant by allowing the commander in chief to "make" war, in 3 The Madison Papers 1352 (1840).

[84] See C. Stevens, supra note 5, at 162–64: "In time of war, he [the President] has all the powers recognized by the laws and usages of war. The right to declare war being confined to Congress, he can only proclaim it when Congress has acted."

[85] See Senator Sumner's remarks, Cong. Globe, 37th Cong., 2d Sess. 2188–93 (June 27, 1862), quoted in E. Corwin, supra note 69, at 232–33: "The government of the United States appears most completely in an Act of Congress. Therefore war is declared, armies are raised, rules concerning captures are made, and all articles of war regulating the conduct of war are established by Act of Congress. It is by Act of Congress that the War Powers are all put in motion. When once in motion, the President must execute them. But he is only the instrument of Congress, under the Constitution."

[86] "Jefferson wrote to Madison, Sept. 6, 1789: 'We have already given, in example, one effectual check to the dog of war, by transferring the power of letting him loose from the Executive to the Legislative body, from those who are to spend to those who are to pay." Warren 481 B 1.

[87] See 2 The Madison Papers 763 (1840), where James Wilson refers to the British King's prerogative of war and peace as being "of a legislative nature." See also J.Q. Adams, supra note 51, at 58–5 (1850) ("[t]he *declaration* of war is in its nature a legislative act, but the conduct of war is and must be executive"); Col. Mason's comment, June 6, 1787, in 2 The Madison Papers 811 (1840) ("[t]he purse and the sword ought never to get into the same hands whether legislative or executive").

[88] U.S. Const. art. I, § 8, cl. 1.

[89] U.S. Const. art. I, § 8, cl. 12.

Mr. McGOVERN. Mr. President, there is a second article written by Henry Monaghan, which deals with the President's warmaking powers under the Constitution, and I ask unanimous consent to have that article printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

PRESIDENTIAL WAR-MAKING

(By Henry P. Monaghan*)

The Vietnam "war" has convinced many persons that the president of the United States claims apparently unlimited power to commit this country to war. Not surprisingly, therefore, considerable interest has focused on the powers that inhere in the presidency. And many critics of the war—those who in other times and in other contexts might have been sympathetic to a spacious conception of presidential power—have concluded that the Vietnam conflict is not only a tragic error, but is the direct result of unconstitutional conduct by the president. I cannot accept this view; at bottom, it seems to me yet another example of the American propensity to substitute "for the question of the beneficial *use* of the powers of government . . . the question of their *existence*."[1] In view of what has already been written,[2] I shall confine myself to the considerations that impress me as controlling. Since my concern is with the constitutional relationship between the president and congress, I shall give no consideration to the consistency of the president's action with American treaty obligations or with international law generally.[3]

I

If one examines the text of the constitution, he is at once struck by the differences between the powers conferred upon congress by article I and those given to the president by article II. The great powers that one identifies with the national government are conferred upon congress: the powers to tax and to spend, to regulate commerce, to raise armies and navies, and to declare war.[4] By contrast, the textual powers conferred upon the president are both few and of uncertain dimension. Some are plainly of a trivial character.[5] The few more open-ended clauses upon which "strong" presidents have based their authority are as follows:

Section 1. The executive Power shall be vested in a President of the United States of America. . . .

Section 2. The President shall be Commander in Chief of the Army and Navy of the United States, and of a Militia of the several States, when called into the actual Service of the United States; . . .

He shall have power, by and with the Advice and Consent of the Senate, to make Treaties, providing two thirds of the Senators present concur; and he shall nominate, and by and with the Advice and Consent of the Senate, shall appoint Ambassadors, other public Ministers and Consuls. . . .

Section 3. [H]e shall take Care that the Laws be faithfully executed . . .[6]

But, textually, none of these powers need be read as a significantly independent, substantive power. For example, the grant of the "executive power" in section 1 can be understood simply as creating a unitary executive department that, in turn, will possess the powers subsequently enumerated in sections 2 and 3.[7] The power to receive ambassadors might mean no more than that, as the nation's symbolic head, the president has a ministerial, non-discretionary duty to receive foreign representatives. The president's power as commander in chief, so heavily relied upon by modern presidents, could be read only as constituting the president, in Hamilton's phrase, "the first general and admiral of the confederacy,"[8] and not as an independent authority for making decisions that, in turn, require use of the armed forces to back them up.[9] Finally, the "take care" clause could be taken as simply declaratory of a presidential obligation to enforce existing congressional policy. Not surprisingly, therefore, the presidency was not originally viewed as a great office. The dominant mood was that of legislative prerogative.

But the measure of presidential power cannot be gleaned simply from the words of article II alone, nor from references by eighteenth century statesmen as to the appropriate distribution of legislative and executive power. For reasons that are beyond the scope of this paper to examine, there has been a vast accretion of power in the presidency, particularly in this century.[10] Moreover, there has been a sharp decline in congressional power. The amount of political power in any society is not a fixed, determinate sum; it can expand or contract as a society changes. Accordingly, congressional as well as presidential power could have significantly increased as American society and the entire world became more complicated and interdependent. It did not do so largely because of congress' increasing inability to deal with national and international problems.[11] "Presidential government" has, therefore, emerged as the dominant aspect of modern American political life;[12] it is to the presidency, not congress, that we look for realization of the aspirations of a "great society."

I doubt whether the emergence of presidential government is a process capable of significant reversal; an apparently universal characteristic of twentieth century government has been the growth of "executive" power and the relative decline of the legislative process. Whether this result is desirable is, of course, an issue of major contemporary importance.[13] Whether it "defeats" the framers' intention is, however, a profitless speculation.[14] We do not and cannot know,

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what, specifically, they would have thought about a world so different from their own. Nor would we really care.[15] The central fact is that the framers left us with a structure of government sufficiently fluid to accommodate a good deal of shifting power between congress and the president. The relative balance of power between the branches has varied over the course of our history. But the long era of "congressional government,"[16] which extended from the civil war to the end of the nineteenth century, has now given way to an era of presidential dominance.

By and large the broad expansion of presidential power has occurred as a result of large, open-ended legislative grants from congress itself. At least with respect to internal matters, presidents have seldom been forced to rely upon any claim of "inherent" presidential powers.[17] However, appeals to this source have not been lacking. Pointing to the grant of the executive power, as well as the "commander-in-chief" and the "take care" clauses, "strong" presidents have always asserted the power to act in the absence of statute where there was an emergency. And despite the loose manner in which the case is sometimes read, the *Steel Seizure* case[18] fully supports their claim. There, the secretary of commerce, acting under the direction of the president, seized the steel mills during the height of the Korean conflict in order to prevent interruption of vital supports for the war effort. A lower court injunction against the seizure was affirmed in the supreme court by a six-to-three vote. To be sure, in his brief "opinion for the court" Mr. Justice Black rejected the proposition that the president could act without congressional authorization;[19] in so doing, he ignored innumerable instances to the contrary, as the dissenting opinion convincingly demonstrated.[20] More importantly Mr. Justice Black spoke only for himself and Mr. Justice Douglas. Four concurring and three dissenting justices—seven of the nine members of the court—either reserved judgment on the issue or expressly recognized that the president had inherent power to act in an emergency so long as he did not contravene a specific congressional mandate. Analysis of the opinions shows that the real division within the court was over the far narrower issue of whether the president's act did in fact contravene existing federal statutes.[21]

I seems to me indefensible to assert that even on internal matters the president must invaribly point to a statute to justify his conduct. Should an emergency arise, the president must and will act so as to protect the nations interest as he conceives it. To require the existance of a statute would leave an enormous gap in the nation's power to meet an emergency, a doctrine not likely to commend itself to men of affairs. And I would add that the existance of an emergency is larely a political not a judicial question. If the president abuses that power, the only recourse is subsequent congressional action and, ultimately, the displeasure of the electorate.

As it does with respect to internal matters, the constitutional text assigns broad powers to congress in the area of foreign affairs: congress is given power to regulate commerce with foreign nations; to define and punish offenses against the law of nations; to declare war, to advise and consent to treaties (the senate); to raise and support the army and navy; and finally, it has control over the purse strings.[23] The president is also expressly vested with some powers bearing on foreign relations, principally the power to make treaties (with the advice and consent of the senate) and the power to receive foreign envoys.[24] More importantly, from the beginning the Hamiltonian contention[25] that the president possessed broad "inherent" powers in representing the nation in our foreign relations gained considerable currency. Thus Marshall could refer to the president as "the sole organ of the nation in its external relations, and its sole representative with foreign nations.[26] By 1935 the supreme court, undoubtedly influenced by the long and steady growth of presidential activity, characterized the presidential prerogative to conduct foreign affairs as "delicate, plenary and exclusive."[27]

Not surprisingly, therefore, most writers recognize that the respective ambits of congressional and executive powers in controlling the direction of American policy cannot be resolved simply by an appeal to the constitutional text. That document "is remarkably inexact concerning the distribution of responsibilities . . . for the making of foreign policy";[28] it seems to permit the exercise of considerable power over this subject matter in both branches.[29] Writing in 1957, Professor Corwin accurately summarized the situation:

"[C]onsidered only for its affirmative grants of powers capable of affecting the issue, [the constitution] is an invitation to struggle for the privilege of directing American foreign policy. In such a struggle the President has, it is true, certain great advantages, which are pointed out by Jay in *The Federalist:* the *unity* of the office, its capacity for *secrecy* and *dispatch*, and its superior sources of *information;* to which should be added the fact that it is always on hand and ready for action, whereas the houses of Congress are in adjournment much of the time. But despite all this, actual *practice* under the Constitution has shown that, while the President is usually in a position to *propose*, the Senate and Congress are often in a technical position at least to *dispose*. The verdict of history, in short, is that the power to determine the substantive content of American foreign policy is a *divided* power, with the lion's share falling usually, though by no means always, to the President."[30]

Accordingly, even if one were inclined to accept Mr. Justice Black's view that presidential action within the United States must be grounded in a statute, there is no basis for applying such a rigid concept of separation of powers past our shorelines.

The general view for which I have been contending is that analysis of the doctrine of separation of powers should focus more on a recognition that often what is being separated are institutions and not necessarily "powers."[31] To some degree these institutions have unique powers; one would not expect the president to promulgate an income tax code merely because in his judgment congress should have done so. But there are gray areas where joint power exists—where both branches have tremendous and overlapping power and where any "conflict" must be resolved on the political not the legal level.[32] This seems to me indisputably true in the area of foreign affairs. And the consequences of this view are of course evident: the existence of the congressional power over the subject of foreign affairs will not support a narrow definition of presidential power. Absent congressional action, the president has (to use a conclusory term) "inherent" constitutional power in the conduct of our foreign affairs. *It is, therefore, an error of considerable significance to adopt uncritically an "either-or" logic—to assume that the doctrine of separation of powers requires that power must be either in, and only in, congress or in the president.* Such a rigid, mechanical view has never accurately described the relationship between congress and the presidency even with respect to internal affairs; it is wholly insupportable in the area of foreign affairs. The fact is that power may inhere in both branches.

Necessity, of course, requires that the president have the major responsibility for day-to-day conduct of foreign affairs. Coupled with the institutional weakness of congress[33] this fact gives modern presidents tremendous leverage in any struggle with congress for control over the direction of American foreign policy. A determined president can confront congress with a *fait accompli;* nonetheless, congress is under no constitutional compulsion to back it up.[34] Thus, while it lacks the institutional capacity to play a sustained affirmative role in shaping American foreign policy, a sufficiently determined congress[35] can exercise considerable direction over at least specific aspects of that policy.

It is, I submit, with the foregoing general considerations in mind that one should commence any assessment of presidential power to commit the armed forces to hostilities without prior congressional authorization.

II

The occasions on which presidents have refused to take military action abroad because of a lack of prior congressional authorization are few in number and increasingly rare.[36] From the beginning of our constitutional history, presidents have both deployed the armed forces abroad and committed them to actual hostilities without explicit congressional authorization. In excess of one hundred and twenty instances of such action exist.[37] The precedents extend back to Washington and include that great "strict constructionist" Jefferson; they run through the nineteenth century;[38] and with the emergence of the United States as a global power in this century, they become sharper and more spectacular. The presidencies of the two Roosevelts provide classic examples.[39] Moreover, no recent president has refused to commit the armed forces to actual hostilities because of a lack of congressional approval, as the conduct of Truman in Korea, Johnson in the Dominican Republic, and Kennedy, Johnson and Nixon in Southeast Asia demonstrate.[40] Thus, argues the state department, "practice and precedent have confirmed the constitutional authority of the president to commit the armed forces to battle without a declaration of war."[41]

The strength of the "practice and precedent" has, however, not gone unchallenged. Most writers who seek constitutionally based restrictions on the president's war-making power argue that the precedents are not compelling.[42] Indeed, it has been suggested that there is only one prior illustration of presidential commitment of armed forces to war without congressional authorization, namely, Korea.[43] The other instances cited, it is argued, were simply presidential responses to reprisals, or "relatively minor and short-lived occurrences [that] do not establish precedent for the massive and long-lasting [Vietnam] war . . .":[44] "minor" and "short-lived" from whose point of view? Certainly not from the perspective of those against whom the armed forces were employed; and certainly not from the presidents' view, since they generally brought about the results intended. To dismiss American interventions in Latin America as "minor" amounts to recognition of presidential power to wage war against weak opponents for limited purposes.

The validity of each of the precedents relied upon by the state department need not be separately defended. Taken as a whole, they seem to me to add up to the following: with ever-increasing frequency, presidents have employed that amount of force that they deemed necessary to accomplish their foreign policy objectives. When little force was needed (*e.g.,* in our incursions in Latin America), little was used; when larger commitments were necesary, they too were forthcoming. Whatever the intention of the framers, the military machine has become simply an instrument for the achievement of foreign policy goals,[45] which, in turn, have become

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a central responsibility of the presidency. Congress has seldom objected on legal grounds,[46] and so the only limitation upon presidential power has been that imposed by political considerations. That is the teaching of our history.

To be sure, various legal theories have been advanced in defense of presidential power. In good lawyer-like fashion these theories have been framed in terms no broader than necessary to justify the particular presidential action at issue.[47] For example, in the late nineteenth century, American troop interventions in Latin America were rationalized in terms of "inherent" presidential power "neutrality" to protect the rights of American citizens abroad during foreign disorders—a fiction that did not survive the turn of the century.[48] Since presidential use of armed forces abroad has assumed considerably enlarged dimension in this century, it is hardly surprisng that the supporting rationales have been constantly broadened and adjusted.[49] The rationales have, in a word, followed the practice.

Despite the foregoing history, most contemporary writers, deeply distressed by the Vietnam war, have insisted that presidential power over foreign affairs does not embrace the power to "make" war. And, they argue, committing the armed forces to hostilities on the scale that has occurred in Vietnam is "making" war. These writers argue that the decision to make war has such obviously far-reaching consequences that the framers wisely required that it must be made by a broadly representative body, namely, congress.[50] So stated, the argument has considerable appeal; nonetheless, I do not believe that it can provide an acceptable basis for developing constitutionally based restrictions upon use of military force as an instrument of presidential foreign policy.

All the commentators agree that the president has some "inherent" power to commit the armed forces to hostilities where necessary to repel "sudden attacks." And few, if any, would restrict that power to one of repelling attacks on American soil—thereby ignoring attacks on Canada and (in a highly interdependent world) attacks on NATO countries. Generally speaking, the commentators recognize that a president can take action with respect to any "sudden attack" where American interests are at stake.[51]

In its most rudimentary form, the "sudden attack" theory suggests a line between defensive and aggressive action. The president may take only that action necessary to defend American interests; he cannot go further and engage in the "aggressive" use of military force.[52] So conceived, the sudden attack theory has little to recommend it. A line between defensive and aggressive action might have been workable in the era of Jefferson and Madison; the vast expanse of two oceans and generally poor communications permitted some content to such a distinction. But that distinction can have little meaning for the president of a great global power in a highly complex and interdependent world. Modern presidents are faced with endless "emergencies" of varying duration and intensity, and the military apparatus has become an important instrument of their foreign policy. Given the evolution of the presidency, it is hardly surprising that in the twentieth century the presidential power to repel sudden attacks has "developed into an undefined power . . . to employ without Congressional authorization the armed forces in the protection of American rights and interest broad whenever necessary." [53]

Rejecting a narrow version of the "sudden attack" theory, several writers seek to articulate constitutional limitations on presidential war-making in terms of the president's opportunity to consult with congress.[54] Where an "emergency" precludes an opportunity to consult with congress the president may commit the armed forces to hostilities to the extent he deems necessary. A narrow definition of "emergency" could make this theory substantially equivalent to the sudden attack theory; but emergency can be conceived more generously so as to include any situation in which the president could conclude that quick, decisive use of force is necessary.[55] The important point of the theory is that the president must seek congressional authorization at the first available opportunity.

There are, however, differences among these writers who hold to this "congressional approval" theory. Some commentators apparently assume that any "major" foreign deployment of the armed services under circumstances that might constitute an act of war under international law should have congressional approval.[56] Others assert that only the actual commitment of the armed forces to hostilities requires congressional approval.[57] In turn, some writers believe that any commitment of the armed forces to battle requires approval; [58] others apparently assume that only "massive," "major" or "prolonged" use of the military requires congressional action.[59] The former position is at least clear; as previously indicated, the latter position amounts to a concession that the president is authorized to wage "quick" wars against weak opponents for limited objectives.

To ask, if possible, that the president obtain authorization from Congress before making any (major?) commitment of the armed forces to hostilities may represent desirable policy. That judgment depends largely on one's assessment of the respective institutional competence of Congress and the president.[60] But the central issue is whether such authorization is constitutionally required. To my mind, there are several objections to asserting that the proposed rule is of constitutional magnitude: (1) it is too uncertain in what it demands; (2) history has legitimated the practice of presidential war-making; and (3) the proposed rule stems from an unrealistic model of separation of powers.

First. It is unclear precisely what the ambit of any supposed congressional prerogative is. Can the president continue to act if Congress is too divided to act clearly either in support of or in opposiiton to the president's action? And what precisely is the president to ask of Congress? One commentator would apparently require a declaration of war or of "limited war." [61] These are drastic steps, which could have serious and damaging consequences both in our foreign relations [62] and internally.[63] But if Congress can authorize presidential action without such a declaration,[64] what is the textual basis of that power? And at what frequency or under what conditions must congressional approval be re-obtained?

Moreover, has Congress approved presidential action in Vietnam, either in the sweeping Gulf of Tonkin resolution or by implication in its monetary authorization bills? [65] If not, what further kind of congressional action is needed? [66] In any event, can it fairly be denied that, at least until recently, Congress has in fact overwhelmingly supported presidential policy in Vietnam? If such an informal consensus existed, is that sufficient "authorization"? In this regard it will not do to say that Congress has not approved presidential policy in Vietnam because its "choice" has been restricted by a presidential *fait accompli*. In view of the president's operational responsibility for foreign affairs and its own lack of institutional competence to play a sustained affirmative role, Congress necessarily must always act after the fact. Accordingly, Congress' function is essentially to check and disapprove presidential policy.[67] In Vietnam, United States involvement has been by way of slow, steady escalation in commitment; any *fait accompli* has occurred only over a considerable period of time. Congress has had considerable time to reverse the direction of presidential policy; until the Cambodian incident, it has made no serious effort to do so.

Second. In varying degrees the commentators present us with visibly strained efforts to minimize the long and ever-accumulating practice of presidential "war-making," if one prefers that term. For better or worse that practice seems to me clearly established, as I have indicated. To my mind, this historical development of our institutions has settled the legitimacy of "inherent" presidential power to commit the armed forces to hostilities. A practice so deeply embedded in our governmental structure should be treated as decisive of the constitutional issue. History and practice are not here being appealed to in order to freeze forever the scope of a constitutional guarantee framed in terms of individual liberty; [68] rather, this issue deals with the distribution of political power between the legislative and executive branches. Matters of this character are, in the words of Chief Justice Marshall, best left "to the practice of government." [69]

Third. The writers who advocate constitutionally based restraints on presidential war-making expend little effort on developing any comprehensive, realistic theory of the contemporary meaning of separation of powers. Much of their discussion seems to me premised on an eighteenth century model of the relationship between the legislative and executive branches. Not surprisingly, therefore, they do not come to grips with the evolution of our governmental practice, particularly the essentially fluid nature of the division between legislative and executive power in the area of foreign affairs, and the fact that, over time, the military machine has simply become an instrument for achieving presidential foreign policy objectives. Moreover, the danger of any all-out conflict between the executive and legislative branches is measurably reduced by the fact that the political parties cut across both institutions. Accordingly, as head of his party, the president can generally find strong support for his prerogatives inside congress itself.[70] In sum, therefore, these commentators' conception of separation of powers does not and cannot describe existing political reality.

Like federalism,[71] the doctrine of separation of powers should, at least in the area of foreign affairs, be viewed as essentially a political, not a legal, contract. The precise balance of power between congress and the president will reflect the dominant political realities of the times. So understanding the doctrine of separation of powers, I am not persuaded that recognition of presidential power to commit the armed forces to hostilities in order to achieve foreign policy objectives is constitutionally inconsistent with the existence of congressional power to declare war, or with any of the other congressional grants over foreign affairs.[72] Such tensions as may exist between the two branches of government occur because of overlapping power, and they must be resolved on the political, not the legal, level.

To my mind, therefore, any attempt to circumscribe on constitutional grounds the president's power to use the armed forces abroad confuses political with constitutional issues.[73] This seems to me all the more apparent when it is recognized that any president can engage in a wide range of conduct (such as severance of diplomatic relations, expulsion of ambassadors, treaty denunciation, etc.), which might easily force this country into war. Those who seek constitutional checks on the president place their trust in false gods. As Professor Burns has observed, the checks inherent in separation of powers do not operate in the making of war or even in the making of foreign policies that could precipitate war—for example, Franklin Roosevelt's instructions to the Navy

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Department in the months before Pearl Harbor. Yet these are almost irreversible decisions; if the President makes a collossal mistake, there is no institutional safeguard against its consequences. The President is actually checked by Congress only in making those decisions that could indeed be reversed if they turned out badly—for example, in social or economic policy. Thus the President might make a decision on taxes as irresponsible or daft as a decision for a showdown with a foreign power—but on the former matter there would always be a majority of the voters at the next election to repudiate his actions. A presidential course set for war cannot be reversed.

A nuclear holocaust would wipe out all the checks and balances—including the voters. In short, the whole concept of restraints in this area is topsy-turvey—a fact I sometimes reflect on dourly as I sit each fall teaching freshmen about the traditional checks and balances.

Still, the power of the President to make a catastrophic blunder while fatigued or under great stress is not the price we pay for the Presidency. It is the price we pay for living in the kind of world that we do. The only protection possible is the one the White House already affords: a group of men closely related to the President who can restrain him if need be. If power and decision making in the White House are collective, prudence is collective too.[74]

Absent a fundamental re-structuring of our governmental institutions, it seems to me impossible to characterize the president's conduct in Vietnam as unconstitutional, however unwise it may be. The Vietnam war is an instrument of presidential foreign policy. Those opposed to that policy can call upon congress to repudiate it, and congress has ample power to do so. There may be disagreement over the precise action that congress could take. But it seems difficult to deny that congress has the power to refuse to appropriate funds for carrying on the conflict.[75] Whether in that event the president could "requisition" other funds to continue the war need not be considered. No president could survive politically if he is seen acting in lawless defiance of a congressional command to end the war, even if he could escape impeachment. Accordingly, so far as Vietnam is concerned, if congress repudiates the war, it will come to an end.

I should perhaps conclude this summary discussion with a word about the role of the courts. Since the precise relationship between the executive and the legislative branches is a matter for the political process, I can of course see no role for the courts to play. A contention that the president of the United States must defend his decision to commit troops to combat before a federal district judge in Boston, Milwaukee or Seattle strikes me as wholly untenable.[76] I find it impossible to believe that the article III grant of "judicial power" to decide "cases or controversies" includes the power to resolve issues of this magnitude.[77]

HENRY P. MONAGHAN.

FOOTNOTES

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[1] Corwin, The Constitution as Instrument and as Symbol, 30 Am. Pol. Sci. Rev. 1071, 1077 (1936) (emphasis in original).

[2] Particularly helpful discussions are found in Note, Congress, The President, and The Power to Commit Forces to Combat, 81 Harv. L., Rev. 1771 (1968) and an earlier symposium, Legality of United States Participation in the Viet Nam Conflict: A Symposium, 75 Yale L.J. 1084 (1966). See also M. Pusey, The Way We Go To War (1969) for a lucid, nontechnical discussion of the relevant historical materials and of the events surrounding our involvement in Vietnam.

Of a more palemical character are F. Wormuth, The Vietnam War: The President versus the Constitution (April 1968) (Occasional Paper: Center for the Study of Democratic Institutions); Malawer, The Vietnam War Under the Constitution: Legal Issues Involved in the United States Military Involvement in Vietnam, 31 U. Pitt. L. Rev. 205 (1969); and Velvel, The War in Viet Nam: Unconstitutional, Justiciable, and Juridictionally Attackable, 16 Kan. L. Rev. 449 (1968).

There has been considerable debate in the senate on the constitutionality of the presidential action. See in particular: (1) Hearings on S. Res. 151 Before the Senate Comm. on Foreign Relations, 90th Cong., 1st Sess. (1967); (2) Senate Comm. on Foreign Relations, National Commitments, S. Rep. No. 797, 90th Cong., 1st Sess. (1967); (3) Senate Comm. on Foreign Relations, National Commitments, S. Rep. No. 129, 91st Cong., 1st Sess. (1969). More recently, the president's action in Cambodia has triggered another round of intense debate, largely in the context of two sets of proposals: Hatfield-McGovern Amendment, S. Amend. 609, 91st Cong., 2d Sess. (1970); Cooper-Church Amendments, S. Amend. 620, 91st Cong., 2d Sess. (1970).

[3] For a general collection of articles on this aspect of the Vietnam conflict see The Vietnam War and International Law (R. Falk. ed. 1968) and see R. Hull & J. Novogrod, Law and Vietnam (1968), most of which is devoted to the nonconstitutional law aspects of Vietnam. While I do not purport to have made a careful analysis of this aspect of the Vietnam conflict, I must say that the efforts to show that United States action in Vietnam violates accepted norms of international law seem quite insubstantial. Accordingly, I have not included any separate consideration on the restraint that accepted rules of international law imposed upon presidential war-making. That, however, is an issue that merits careful consideration.

[4] See U.S. Const. art. I, § 8, cls. 1–18. See also U.S. Const. amend. XIV, § 5.

[5] For example, the president "may require the Opinion, in writing, of the principal Officer in each of the executive Departments, upon any Subject relating to the Duties of their respective Offices, and he shall have Power to grant Reprieves and Pardons for Offenses against the United States, except in Cases of Impeachment." U.S. Const. art. II, § 2.

[6] U.S. Const. art. II, §§ 1–3.

[7] See C. Black, Perspectives in Constitutional Law 58 (1963).

[8] The Federalist No. 69 (A. Hamilton). See also Fleming v. Page, 50 U.S. (9 How.) 603, 615 (1850).

[9] Note, supra note 2, at 1775.

[10] This development stems from such diverse factors as the rise of political parties, the advent of mass communications, and the complexity and highly interdependent character of modern life. For particularly helpful discussions of the growth of and the present dimensions of the presidency see J. Burns, Presidential Government (1965); R. Neustadt, Presidential Power: The Politics of Leadership (1960).

[11] Kurland, The Impotence of Reticence, 1968 Duke L.J. 619, 634–36.

[12] Id. at 627–28. Professor Kurland, it should be noted, deeply laments this result.

[13] Increasing concern has been expressed whether, institutionally, the presidency has inadequate information on which grave decisions must be based. G. Reedy, The Twilight of the Presidency 24–29 (1970). Like many writers who are deeply disturbed by the concentration of power in the president, Mr. Reedy shows a preference for a strong senate.

[14] For a brief discussion of the view of the framers see E. Corwin, The President: Office and Powers 1787–1957, at 10–19 (4th rev. ed. 1957). It should be recalled that this discussion took place against a backdrop of the United States and of the world that bears little semblance to our times. Even so, Hamilton vigorously advanced the conception of a strong president.

[15] Missouri V. Holland, 252 U.S. 416, 433 (1920) (Holmes, J.):

[W]hen we are dealing with words that also are a constituent act, like the Constitution of the United States, we must realize that the framers have called into life a being the development of which could not have been foreseen completely by the most gifted of its begetters. It was enough for them to realize or to hope that they had created an organism; it has taken a century and has cost their successors much sweat and blood to prove that they created a nation. The case before us must be considered in the light of our whole experience and not merely in that of what was said a hundred years ago.

[16] J. Burns, supra note 10, at 70–71:

In the deepest sense congressional government was not really government. It was rather brokerage—a place for the adjustment of competing economic interests. The main interest in Congress, Bryce noted, related to the raising and spending of money. And the more the Presidency was drawn into the congressional orbit, the less the Presidency could be a place for the expression and realization of great dreams, programs, and conflicts.

[17] C. Black, supra note 7, at 57:

[W]ithout straining a single provision in the text, Congress might have made the President into a symbolic chef d'état. . . .

[C]ongress, instead of reducing the Executive to a formal status, has by its own laws steadily added to his power; most of the legally warrantable powers of the Presidency today come from statutes.

[18] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579 (1952).

[19] Id. at 587–88. See also J. Smith & C. Cotter, Powers of the President During Crisis (1960).

[20] Youngstown Sheet & Tube Co. v. Sawyer, 343 U.S. 579, 683–700 (1952).

[21] E.g., Kauper, The Steel Seizure Case: Congress, The President and The Supreme Court, 51 Mich. L. Rev. 141, 178 (1952). I do not mean to suggest that the division on this issue is unimportant. Congress had, after all, not *expressly* forbidden the president to seize the steel mills. See, e.g., C. Black, supra note 7, at 64.

[22] Mr. Justice Black's opinion has been widely criticized. Professor Black characterizes it as "unhistoric and unworkable." C. Black, supra note 7, at 63. "[T]he opinion," says Professor Corwin, "bears all the earmarks of hasty improvisation as well as of strong prepossession, being unquestionably contradicted by a long record of presidential pioneering in territory eventually occupied by Congress." E. Corwin, supra note 14, at 155. See also Corwin, The Steal Seizure Case: A Judicial Brick Without Straw, 53 Colum. L. Rev. 53 (1953); Kauper, supra note 21; Lea, The Steel Case: Presidential Seizure of Private Industry, 47 Nw. U.L. Rev. 289 (1952).

It has, of course, sometimes been suggested that, given a grave enough situation, the president can act *in disregard of a legislative command*. Lincoln put the matter sharply: "Are all the laws but *one* to go unexecuted, and the Government itself to pieces lest that one be violated?" Message to Congress, July 4, 1861 (emphasis in original), quoted in E. Corwin, supra note 14, at 252. See generally E. Corwin, supra note 14, at 228–30, 250–52. Despite the evident appeal in Lincoln's position it is difficult to frame any theory of separation of powers that would permit the president to claim inherent power to disregard congressional commands because he deemed an emergency to exist. Of course, there are techniques by which this issue can be avoided. It seems likely, for example, that existing statutes could generally

be construed in a manner so as not to present any conflict.

[23] U.S. Const. art. I, § 8, cls. 3, 10–14; U.S. Const. art. II, § 2.

[24] U.S. Const. art. II, §§ 2–3.

[25] The respective prerogatives of congress and the president were vigorously debated by Hamilton and Madison. See E. Corwin, supra note 14, at 177–84. Hamilton pressed for a particularly broad construction of presidential power to conduct foreign affairs. See id.

[26] Annals of Cong. 613 (1800).

[27] United States v. Curtis-Wright Export Corp., 299 U.S. 304, 320 (1936). Here, the court accepted the doctrine of "inherent" presidential power over foreign affairs. Id. at 319–20. See generally E. Corwin, supra note 14, at 170–226; G. Schubert. The Presidency in the Courts 101–36 (1957).

[28] L. Koenig, The Presidency and The Crisis 18 (1944).

[29] Professor Black argues, however, that the textual powers of the president to conduct foreign affairs are in fact minimal. Accordingly, he is of the opinion that the constitutional text presupposed congressional supremacy in the area of foreign affairs corresponding to a similar supremacy in internal affairs. C. Black, supra note 7, at 57–59. Professor Kurland is of the same view. Kurland, supra note 11, at 621–23. I tend to agree with this view. Historical necessity has, however, expanded the content of such terms as "executive power" and "commander in chief" and it has given sanction to the Hamiltonian view of "inherent" powers—i.e., to powers not in the constitutional text. See generally authorities cited in note 27 supra.

[30] E. Corwin, supra note 14, at 171 (emphasis in original) (footnote omitted).

[31] R. Neustadt, supra note 10, at 33: "The constitutional convention of 1787 is supposed to have created a government of 'separated powers.' It did nothing of the sort. Rather, it created a government of separated institutions *sharing* powers." (emphasis in original). See also S. Huntington, Political Order in Changing Societies 109–12, 115–21 (1968).

[32] There are numerous areas where clashes between the president and congress are not easily resolvable apart from the play of the political process. For example, there are no clear rules governing the power of the executive to withhold information from congress. Younger, Congressional Investigations and Executive Secrecy: A Study in the Separation of Powers, 20 U. Pitt. L. Rev. 755 (1959). See also the questions arising from the presidents asserted power to "impound" funds voted by congress for expenditures.

[33] The "conclusion is unavoidable that the national legislature, as it now plays its exacting role on the political stage, is remarkably ill-suited to exercise a wise control over the nation's foreign policy." R. Dahl, Congress and Foreign Policy 3 (1950). However, Professor Finer has voiced grave concern about the capacity of one man to respond in a rational manner to constant world crises and has suggested institutional restraints on the presidency. H. Finer, The Presidency: Crisis and Regeneration 198 (1960).

[34] E. Corwin, supra note 14, at 184–93.

[35] "Senate" should in all probability be substituted for "congress." But see J. Clark, The Senate Establishment 15 (1963) ("the Senate has become archaic, outmoded, obsolete as a meaningful democratic institution"). It is, I think, exceedingly difficult to imagine any real role in foreign affairs for the house of representatives.

[36] In recent times President Wilson alone seems to have been troubled by lack of congressional authorization. See Comment. The President, The Congress, and The Power to Declare War, 16 Kan. L. Rev. 82, 85 (1967). Nonetheless, he ordered the bombing of Vera Cruz without congressional authority. Id. at 84. Moreover, with respect to World War I, he took action that, he conceded, was quite likely to draw us into war.

[37] For a valuable collection of instances of such presidential action extending through 1941 see J. Rogers, World Policing and The Constitution 92–123 (1945). See also F. Wormuth, supra note 2, at 6-43; M. Pusey, supra note 2, at 41-114.

[38] Professor Commanger describes the post civil war instances as "so numerous as to be tedious." Commanger, Presidential Power: The Issue Analyzed, N.Y. Times, Jan. 14, 1951 § 6 (Magazine), at 23.

[39] For a detailed discussion of the conduct of Franklin Roosevelt see L. Koenig, supra note 28, 18-66.

[40] It should also be noted that President Eisenhower deployed 14,000 troops in Lebanon without statutory authority, and on the basis of his "inherent" constitutional power. See 104 Cong. Rec. 13, 903-04 (1958) (statement by President Eisenhower). Mention should also be made of President Kennedy's use of the navy in Cuba. See M. Pusey, supra note 2, at 9-10. Fortunately, in neither instance did actual hostilities occur. However, in each case the deployment of the armed forces may actually have constituted an act of war.

[41] U.S. Dept. of State, The Legality of United States Participation in the Defense of Viet Nam, 54 Dep't State Bull. 474, 488 (1966), reprinted in Legality of United States Participation in the Viet Nam Conflict: A Symposium, 75 Yale L.J. 1084, 1085 (1966).

[42] See, e.g., F. Wormuth, supra note 2. Not all the critics agree with this view. For example, Pusey writes that "[i]n recent years, however, the President has been exercising the power to make war with alarming consistency." M. Pusey, supra note 2, at 1.

[43] Malawer, supra note 2, at 224. See also Standard, United States Intervention in Vietnam Is Not Legal, 52 A.B.A.J. 627, 632 (1966). If a full-blown declaration of war is a necessary condition for presidential action, Korea cannot be distinguished by a reference to alleged United States obligations under the United Nations Charter, which is merely a treaty. Only congress, not the senate, can declare war.

[44] Malawer, supra note 2, at 213-14.

[45] Professor Wormuth argues that this radically distorts the intention of the framers. F. Wormuth, supra note 2, at 46. See also id. at 35. In the words of President Buchanan: " 'The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When that fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks.' " Id. at 17, quoting from 5 Messages and Papers of the Presidents, 1789–1908, at 516 (J. Richardson ed. 1908).

[46] L. Koenig, supra note 28, at 46: "Congress seldom has objected to the action of the President, as commander-in-chief, in sending abroad and maintaining the armed forces without its prior concurrence. The instances of objection are important, but the otherwise general consent has tacitly established the rule of practice. . . ."

[47] See Note, supra note 2, at 1776-85 for a discussion of the various theories advanced in support of presidential action.

[48] Id. at 1788-90.

[49] Id. at 1793.

[50] For an exposition of the view of the framers see M. Pusey, supra note 2, at 41–57.

[51] E.g., Velvel, supra note 2, at 453–55.

[52] Professor Malawer seems to assume this view, Malawer, supra note 2, at 223. See also Comment, The President, The Congress and The Power to Declare War, 16 Kan. L. Rev. 82, 94–95 (1967).

[53] Corwin, Who has the Power to Make War, N.Y. Times, July 31, 1949, § 6 (Magaine), at 14. See also R. Hull & J. Novogrod, supra note 3, at 171–72.

[54] E.g., Velvel, supra note 2 ,at 454–55, 499 n. 216; Note, supra note 2, at 1974–98.

[55] Velvel, supra note 2, at 545–55, 499 n. 216; Note, supra note 2, at 1794–98.

[56] Note, supra note 2, at 1798:

[I]nstead of assuming that the President may deploy American forces as he sees fit and only in the exceptional case need he seek congressional approval, the presumption should be that congressional collaboration is the general rule wherever the use of the military is involved, with presidential initiative being reserved for the exceptional case.

[57] Professor Velvel apparently assumes that the President has unlimited constitutional power to deploy the armed forces abroad. Velvel, supra note 2, at 471–72.

[58] Note, supra note 2, at 1797.

[59] M. Pusey, note 2, at 174. Professor Velvel seems concerned only with massive involvements. E.g., Velvel, supra note 2, at 468.

[60] For various views on the degree of institutional competence held by these two branches see notes 33 & 35 supra and authorities cited therein.

[61] Velvel, supra note 2, at 461–62.

[62] Since the end of World War II there have been no formal declarations of war by a nation. See Indochina: The Constitutional Crisis, 116 Cong. Rec. 7117, 7121 n.55 (daily ed. May 13, 1970). This memorandum was prepared by Yale Law School students and signed by Professor Bickel and others.

[63] A formal declaration of war would of course increase the reservoir of internal regulatory power possessed by the national government (if it can be increased over what is already possessed). For a list of legislation that becomes effective on the basis of a formal declaration of war see 116 Cong. Rec. 5122–23 (daily ed. June 3, 1970).

[64] See Note, supra note 2, at 1798: "An excessively wooden concept of what constitutes congressional exercise of its power to declare war would have the effect, not of preserving congressional authority, but of transferring more and more decisions to the more flexible executive branch."

[65] Not surprisingly, those opposed to the war find these actions insufficient. E.g., Malawer, supra note 2, at 227–31; Velvel, supra note 2, at 465–66, 472–79. Indeed, Professor Wormuth finds the Gulf of Tonkin resolution "unconstitutional." F. Wormuth, supra note 2, at 43–53.

[66] Note, supra note 2, at 1798–803 carefully considers this problem.

[67] This seems to me to dispose of arguments of the following character:

It has been argued that congressional inaction and failure to repeal the Tonkin Gulf Resolution give implicit authorization to the Indochinese War. The logical outcome of such an argument is that the President can do whatever he wishes and the Congress has the affirmative duty to try to stop him. This shifts the presumption of the Framers in favor of congressional control over war-making and gives the initial and continued upper hand to the executive.

Indochina: The Constitutional Crisis, supra note 62, at 7119 (footnote omitted). The "presumption" of which these writers talk, if it ever existed, has no modern basis. Significantly, these writers make no effort to relate the alleged presumption to the present allocation of responsibility between Congress and the President in the conduct of foreign affairs.

[68] Compare Harper v. Virginia Bd. of Elections, 383 U.S. 663, 669–70 (1966).

[69] In McCulloch v. Maryland, 17 U.S. (4 Wheat.) 316 (1819), Chief Justice Marshall expressly recognized the importance of the historical practice of the political organs of the government in assessing the meaning of constitutional guarantees not involving guarantees of personal freedom. In sustaining congressional legislation creating a national bank, he wrote:

It will not be denied, that a bold and daring usurpation might be resisted, after an acquiescence still longer and more complete

than this. But it is conceived, that a doubtful question, one on which human reason may pause, and the human judgment be suspended, in the decision of which the great principles of liberty are not concerned, but the respective powers of those who are equally the representatives of the people, are to be adjusted; if not put at rest by the practice of the government, ought to receive a considerable impression from that practice. An exposition of the constitution, deliberately established by legislative acts, on the faith of which an immense property has been advanced, ought not to be lightly disregarded. Id. at 401.

[70] I do not think the views expressed by Professor Burns in his book Presidential Government (1965) are inconsistent with this statement.

[71] Recent decisions of the supreme court indicate to me that there are no federalism-derived constitutional limits on congressional legislative power. See, e.g., Katzenbach v. Morgan, 384 U.S. 641 (1966); Katzenbach v. McClung, 379 U.S. 294 (1964); and Heart of Atlanta Motel, Inc. v. United States, 379 U.S. 241 (1964), which demonstrates that the court will sustain an exercise of congressional power that is "rationally" related to any of the enumerated congressional grants. Professor Wechsler long ago reminded us that the actual structure of federalism is and should be governed by the dictates of political process, not by artificial legal doctrines. Wechsler, The Political Safeguards of Federalism: The Role of the States in the Composition and Selection of the National Government, 54 Colum. L. Rev. 543 (1954).

[72] It is worth observing that "Congressional power to declare war' . . . does not, even semantically, exclude armed hostilities without such a formal declaration." 116 Cong. Rec. 8405 (daily ed. June 4, 1970) (letter of Professors Rostow, Winter and Bock to Senator Allott).

[73] The writers who seek constitutionally based restrictions are, of course, committed to the familiar—and psychologically comfortable—lawyer's task of "drawing lines." That mentality makes difficult the recognition of areas not governed (at least in form) by legal rules. Thus while one writer accurately frames "the real issues," how is the President's authority as Chief Executive and Commander in Chief to be reconciled with Congress' power to declare war?, his approach is an attempt to draw a line so as to create an exclusive congressional preserve, which the President may not trespass with permissiveness. Note, supra note 2, at 1771.

[74] J. Burns, supra note 10, at 298.

[75] See Indochina: The Constitutional Crisis, supra note 62, at 7119. Even Professor Rostow, et al., supra note 72, fall short of challenging this power.

[76] See C. Rossiter, The Supreme Court and the Commander in Chief 131 (1951): "As in the past, so in the future, President and Congress will fight our wars with little or no thought about a reckoning with the Supreme Court."

[77] See Mora v. McNamara, 389 U.S. 934 (1967). The sole limit of the courts' powers is, in my judgment, to announce that the matter must be resolved by the political branches of government. Contra, Schwartz & McCormack, The Justiciability of Legal Objections to the American Military Effort in Vietnam, 46 Tex. L. Rev. 1033, 1053 (1968); Velvel, supra note 2, at 479–503. Professor Velvel has had no success in convincing the courts. Velvel v. Nixon, 415 F.2d 236 (10th Cir. 1969), cert. denied, 396 U.S. 1042 (1970).

I recognize, of course, that not all presidential action is beyond judicial scrutiny. For a list of instances in which the supreme court has invalidated presidential action on constitutional ground see G. Schubert, supra note 27, at 361–65 (1957).

Mr. McGOVERN. Mr. President, I strongly recommend these articles to all Senators who want to refresh their minds at the beginning of this debate as to the constitutional obligations of Senators and the powers of the Commander in Chief under the same Constitution. They are scholarly, well done, carefully thought out pieces.

Again I want to thank the Senator from Rhode Island for his thoughts.

Mr. PELL. There is another thought or question I should like to raise with the Senator from South Dakota, and that is, I recognize, and I am sure he recognizes, too, that this is pretty strong medicine we recommend here by cutting the power of the purse. But those of us who have opposed the war for a period of time, have sought other routes and methods to achieve the result we are after from the viewpoint of general policy. We have had amendments that have been accepted, and there is, generally speaking, I think, an agreement, or the desire at least, to contract the war, as seen by the acceptance of the Cooper-Church amendment some time ago.

I think we should also recognize the fact that—when the majority of our legislative body, both House and Senate, come to the same conclusion that the Senator from South Dakota and I have, then the war is ended. It is that simple. But, as long as we represent the minority view, it would seem that the war would go on.

That very simple fact should be brought to the attention of the American people, that when the majority of their elected representatives want to terminate the war by the course of withholding funds, they can do so. And, until the majority of their elected representatives want to do it, I do not believe it will be terminated.

Mr. McGOVERN. In connection with the use of the authorization power to limit American military operations, the authors of the law review article, to which I have just referred, have very properly singled that out as one final, indisputable control Congress has over military operations.

The constitutional debate raged long and loud and clear on this particular point. There is no question at all that the Founding Fathers wrote in the power of the purse as the principal device by which Members of the Congress of the United States control the executive branch on matters relating to war and peace.

Let me read to the Senator one paragraph from this article by Mr. Cooley and Mr. Sherrill in which they say:

In order to curb the possible expansion of executive military power, and to preserve in Congress the legal authority to commence war, Congress was given the exclusive power to make military appropriations. Although it is true that the general appropriations power was awarded Congress in article I, section 8, clause 1, only the military appropriations power was separated from the general grant and circumscribed by an extremely revealing limitation; article I, section 8, clause 12 places a two-year limitation on the period for which appropriations to raise and support an army may be made.

As the Senator knows, no appropriations power for any purpose is limited to 2 years except for military appropriations. The reason for that, as it becomes clear to anyone reading the debate in the Constitutional Convention, is that the Founding Fathers wanted to make very sure that the power of the purse over the military operations was not extended out to the point where the Chief Executive could conduct war without reference to the Congress.

We are not engaged in a luxury when we look critically at military operations every 2 years. To avoid that would be to avoid the clear obligation we have under article 1, section 8, clause 2 of the Constitution which requires us to permit no military appropriations for more than 2 years without a critical review by Congress.

Mr. PELL. Mr. President, I would agree with the Senator. I would add a final point, if I may, and that is that many people in the present administration, including, I believe, our President, would like to see this war ended.

The problem is that a war acquires momentum, and vitality, and a force, and a constituency all of its own. In order to stop a war and the course of policy that has acquired roots and become dug in at this point, it is going to require many shoulders to the wheel and the efforts of many. The President needs help in this regard.

I have heard bandied about the phrase "eventual liquidation of our military manpower commitments in the southeastern part of Asia."

That may be the objective some in the administration would like to see and hope to see, but unless legislation along the lines of the legislation we support is passed, this policy will not be effectuated because the counter forces are in such strong opposition.

We should recognize that what we are doing here in a sense is helping to achieve this objective that I am sure many people in the administration want to achieve.

As one member of the Committee on Foreign Relations, I can assure the Senator that when we meet, we will do our best to get majority support for the amendment. If we succeed, I will be delighted, and I hope that we can induce a majority of the Senate to support it. If we do not succeed, I would be disappointed. However, I would still hope that the good sense of this amendment would prevail when it comes to a vote in the Senate.

Mr. McGOVERN. Mr. President, I thank the Senator.

Earlier today, the Senator from Massachusetts (Mr. BROOKE) made a statement on the floor of the Senate endorsing the amendment that is now pending, the amendment to end the war that is sponsored by the Senator from Oregon (Mr. HATFIELD), me, and other Senators. He made one statement that I would like to underscore at this time. He said:

The amendment provides a reasonable and flexible means for harmonizing legislative and executive policy on this perplexing issue. I support it and I hope the Senate will adopt it.

The Senator from Massachusetts then went on to say:

> The conclusion that we have satisfied our commitment to the Vietnamese, coupled with an extended timetable for troop withdrawal, could invigorate the efforts of the South Vietnamese to stand on their own. Hopefully it will heighten the willingness of all parties to negotiate an early political settlement.

The Senator from Massachusetts then said:

> The establishment of a firm timetable for U.S. disengagement would remove Hanoi's principal stated objection to serious diplomacy. It should also reduce Saigon's unstated reliance on the prospect of an indefinite American stay to avoid coming to grips with the hard political realities which must shape any final settlement.

I think that the Senator from Massachusetts, as well as the Senator from Rhode Island who has just left the floor, have both alluded to two very important aspects of the pending amendment. That is the impact that this amendment will have on both Hanoi and Saigon.

In the case of Hanoi, it meets the principal demands they have made all along, a demand which we think stands at the very heart of the stalemate that has kept us from making any progress in Paris. That concerns their insistence that we must agree not on the withdrawal of 150,000 or 180,000 troops, but must agree on the withdrawal of all American forces from Vietnamese soil.

This amendment does propose such an agreement, not because we think it is in the interest of Hanoi, but because we think it is in the interest of the United States. After 10 years of combat activities in Vietnam, and after 10 years prior to that of assisting the French and the South Vietnamese with military support, I think the time has come in our own interest to terminate this war.

The first possible impact of this amendment would be to help break the stalemate that has frozen the negotiating effort in Paris for the past 2 years. Nothing has been accomplished in those negotiations so far other than an agreement on the shape of the table, and that took many weeks of hard negotiations.

One of the principal stumbling blocks to the progress of the negotiations has been the insistence on the part of the other side that they are not interested in talking seriously about a final end of the war or the prisoner exchange issue or asylum or anything of that kind until the United States agrees to a definite time for the withdrawal of our forces.

If our amendment is agreed to, we think that great pressure will be brought on the North Vietnamese to sit down and work out arrangements about the other pending matters and especially the matters of prisoner exchange and some kind of arrangements for insuring the safety of the withdrawal process.

The other side of the amendment concerns the impact on Saigon. There is no question that the administration's most urgent hope is that the people of South Vietnam will somehow assume more responsibility for directing their own affairs and standing on their own feet.

For 16 years, ever since we made our first written commitment to South Vietnam, in October 1954, we have been hoping the same thing—that the South Vietnamese would assume a greater burden of the conflict themselves and that we would not have to carry the enormous load we have carried in blood and treasure in that conflict.

It seems to me the best way to make clear to the regime in Saigon that they must carry this responsibility on their own is to set a timetable for our withdrawal; not to say, as the President said, that we are going to stay there until they are ready to take over, which is just an invitation to the generals in Saigon not to be ready.

To the contrary, we should say that after December 31, 1971, they are on their own unless the President and Congress jointly decide that an extension of the withdrawal deadline is in order.

The third factor that seems to me of great importance in this amendment is the opportunity it provides to the President to share with the elected representatives of the people this decision for bringing the war to an end.

In the same sense that some 6 years ago President Johnson came to the Senate and asked for our concurrence in the Gulf of Tonkin resolution that preceded an escalation of the war, so it seems to me that it is logical for the President, looking at this very complex, divisive, and troublesome issue, to want to share with Congress the responsibility of ending the war.

I must say, speaking as one who has been in the political life of this country for a number of years, that it is difficult for me to understand why the President would not seize on that opportunity to share what will obviously be a very controversial and, perhaps, unpopular decision on his part, and that is to order the withdrawal of American forces at some point, stopping short of a military victory.

The President said that we are not trying for a military victory. He ruled that out as American policy. He said we are trying for a negotiated settlement; that we have long since given up the idea of a military decision. That being the case, it is quite clear there will be large numbers of Americans who will be looking for a scapegoat on which to blame what they will regard as an unacceptable settlement of the war, a settlement that stops short of a knockout punch of our adversary.

So it would seem to me that this being a decision of that kind, one that could set off continued debate and recriminations in the country, the more jointly we can share in the decision of the executive branch, the more we reduce the danger of the kind of "scapegoating" that could divide the Nation for years to come.

I do not think anyone has yet proposed a settlement of this war that will be enormously popular. There is no way to back away from a disaster of this kind, from the blunder we made in Indochina. The best we can do is end the blood bath and our involvement there as quickly as we can. No one has the wisdom to come up with a decision to make everyone happy.

Therefore, I plead with the President and his supporters to see this amendment not as something representing a slap in the face to the White House, the Department of State, or the executive branch of our Government, but as a formula well within the spirit and letter of the Constitution of the United States, which places in the Senate and in the Congress the obligation to make these decisions about the commitment of American forces and American military operations of all kinds.

It would seem to me that would be one of the most compelling arguments in support of the amendment.

Mr. President, the pending amendment to end American military involvement in the affairs of the Vietnamese people raises a number of important issues.

The first of these is that the amendment offers a practical formula for terminating our involvement in what seems to be an endless and futile conflict, and it does that by setting an announced timetable, by which we would agree to a particular time for the withdrawal of our forces.

The alternative of such an action is many more years of brutal and hopeless conflict, in which we can anticipate that thousands of young Americans, to say nothing of thousands of Asians, will be killed and crippled. Billions of dollars more in resources will be wasted, and there will be the further rending of our society.

It seems to me the burden of proof is on those who would gamble with an indefinite continuance of this war, and that it behooves them to demonstrate to us what we hope to gain as a country by continuing this war with no announced timetable for withdrawal of all of our forces. What would be gained by the sacrifice of several thousand additional American lives and many more billions of dollars, and the continued destruction of the people of Vietnam and their countryside?

If it is true, as the President has said—and I believe he means it—that we have given up hope for a military victory, what do we hope to accomplish by continuing this war month after month? What do we believe there is in our present policy to produce negotiations in Paris when that policy has produced no progress at the Paris negotiations session after session?

What evidence is there that the South Vietnamese regime in Saigon is prepared to have us withdraw American forces from their country? To be sure, the President talked in terms of another reduction of 150,000 men, but that still leaves us with 280,000 American forces committed to Vietnam; and with all the pressure remaining on the other side to make it just as difficult and painful for us to stay.

I think the burden is on those who defend the present policy, a policy that has not produced a military victory, a policy that has not produced a negotiated settlement, a policy that has not produced a willingness on the part of the government in Saigon to stand up on its own feet.

Advocates of the policy now being pursued in Vietnam maintain that they

have no dispute with the authors of this amendment in wanting the war to end. Surely, that must be the case. They argue further that the President is meeting the objectives of this amendment; that he is withdrawing troops and moving toward American disengagement; and they ask us why we tamper with the administration policies in view of troop reductions that have already taken place.

I would like to suggest, based on the incredible cost of this war, that we question those policies with all the wisdom and courage we can muster. It is my hope that as the debate proceeds today and continues Friday, Saturday, and Monday, with the vote coming on Tuesday, we can use this occasion as a kind of balancing off of the alternatives that are available to us; that we will consider very carefully the cost we can be expected to pay if we continue on our present course with no set timetable for withdrawal of our troops, against the background of all the likely effects of this amendment upon our own people and the contesting forces in Saigon and Hanoi.

I trust that we have not grown so accustomed to the killing and maiming of our young men that we now regard it as the natural order of things, to be changed or ended only upon the most compelling and convincing evidence. The natural order is for those young men to live. Many of them resent their forced participation in a war they regard as foolish and pointless.

The President has withdrawn troops. Yet, we cannot escape the fact that over 15,000 Americans have died since January of 1969, or that nearly 100,000 have been wounded. The terrible toll mounts each week.

Recently, a former Defense systems analyst prepared a study of the probable U.S. casualty rates we can expect under various policy alternatives. His conclusions are based upon past experience.

He found that in the absence of a definite timetable for withdrawal next year and if current withdrawal rates are continued so that all Americans are out in early fiscal 1973, we should be prepared to accept at least 5,400 more combat deaths and 42,500 combat wounded.

If withdrawals were to stop when the level of 50,000 troops is reached, some 7,200 Americans will be killed and another 57,100 will incur injuries by fiscal 1975.

If we maintain, as is widely expected under the President's program, a force level of about 225,000 men, some 14,700 will be killed and 115,000 wounded in the next 4 years. Meanwhile, the loss of Vietnamese life would continue on a much larger scale.

Other costs of the war seem almost insignificant next to the horrible sacrifice of human life and limb which is still being exacted. But they continue to tear at the very fabric of our society.

We have poured at least $115 billion directly into the conflict. It costs $57 million each day. One economist has calculated that hidden costs such as the loss of productive manpower bring the total cumulative price to $219 billion.

War-borne inflation has robbed the purchasing power of every dollar in circulation by as much as one-fourth since 1964. Real corporate profits have dropped by 17 percent since 1965. The real average income of U.S. production workers has dipped by 2 percent in the last 5 years. The war has brought a painfully unique experience to our economy—a combination of inflation and recession at the same time.

Meanwhile, domestic priorities—schools, housing, conservation, anticrime efforts, and others—have been forced to await the release of Vietnam funds. The needs of millions of Americans are given only half-hearted attention, while we invest our blood and treasure in an unrepresentative band of corrupt rulers in Saigon.

Beyond this and, in part, because of it, we have been forced to watch the deterioration of our national spirit. The violence practiced by a few self-styled revolutionaries has diverted attention from the quiet disillusionment and despair felt by millions of Americans, young and old. We cannot even begin to repair the deep divisions brought by the war until the war itself is ended.

It is on the basis of these enormous burdens that Congress must ask why the war goes on. If those who support current administration policy covet the title "Peacemaker," let them tell us what will be gained by pressing on with this hopeless venture; what we will have, at the end of more years of conflict, to justify the lives and bodies that will be destroyed for so long as it continues.

VIETNAMIZATION

We are told now that we pursue but one essential aim in Vietnam—to secure the right of "self-determination" for the South Vietnamese people. That is the President's description, often difficult to locate amidst the wildly ambitious claims of his supporters.

But even that single goal of Vietnamese self-determination is contradicted by our own actions. We define it in terms of the Thieu-Ky government, whose contempt for self-determination is exhibited almost daily. That regime jails its critics. It steadfastly refuses to conduct economic and social reforms which might broaden its political base. It excludes important non-Communist elements from any sort of political participation. Our embrace of that regime effectively denies to the Vietnamese people the very goal we profess to seek.

How can we sustain this claim while at the same time suppressing surveys indicating that if the South Vietnamese were afforded the opportunity to choose, the vast majority would ask that we leave their country while only a tiny percentage—one-twentieth—want us to stay. What are we to say about self-determination when a public opinion survey sponsored by American officials in South Vietnam this summer indicated that 65 percent of the Vietnamese people want us to leave their soil now, 30 percent had no opinion, and only 5 percent wished us to remain? Is it surprising that a red-faced U.S. command in Saigon suppressed this poll?

Regardless of how we view the objectives announced by the President, we must also question whether there is any hope that they can be achieved under the strategy he proposes to follow.

Today's military approach—Vietnamization—brings to mind previous attempts to turn the war over to the South Vietnamese. The following words might well be employed to describe the current approach:

> With a little more training, the Vietnamese army will be the equal of any other army in its ability to combat the enemy and will be able to defend itself against the Vietminh if attacked.

But they were spoken nearly 15 years ago by then Secretary of the Army Wilbur Bruckner. In truth, Vietnamization has always been our strategy, even before the progressive "Americanization" for the war. It is as barren now as it has always been.

We should be absolutely clear that Vietnamization is not a route toward peace or toward an end to U.S. involvement. At best it can do no more than reduce the number of American forces, and, perhaps, the number of casualties. But they will not end because the war will not end. On the battlefield, Vietnamization merely continues the policy of military attrition in the hope that the other side will eventually become discouraged and come to terms.

It is impossible to calculate the number of troops that can be safely withdrawn under this strategy. The main influence will be exerted by factors totally beyond our control—primarily the competence and dedication of South Vietnamization forces and the level of activity maintained by the adversary.

We do know, however, that our commanders in the field have been in constant dispute with administration civilian policymakers in this country over the withdrawal schedule. They want to slow it down now, even though some 400,000 Americans still remain. General Abrams was reported to resist the April announcement that 150,000 more would be taken out.

The concern expressed by military commanders is understandable. I share it. It is wholly unreasonable to expect our military to pursue the same goals with constantly shrinking numbers. In addition, it poses grave risks to our troops. Their capacity for self-defense is depleted and their dependence upon unreliable South Vietnamese forces grows each time more Americans are pulled out. And so long as there is no commitment to complete withdrawal, we can expect that our manpower will be primary targets of enemy attacks. I submit that Vietnamization exposes American men to more danger than virtually any other alternative. It literally invites the sort of defeat the administration fears so deeply.

Today, we have two fresh illustrations of the fragility of the Vietnamization program. The first is the fact that administration spokesmen almost without fail respond to our proposal for complete orderly withdrawal with alarmed predictions of the imminent collapse of South Vietnam. According to the Vice President, for example, withdrawal in a year's time, as we have proposed, would

bring "collapse of the government, chaos in the country—and ultimately the kind of communism that literally decimated the civilian population of Hue in the Tet offensive." We cannot avoid asking that if South Vietnam is in such dismal shape now, after all these years of help and with a numerical superiority of some 4 to 1 over enemy forces in the South, how can we believe that they will soon develop the capacity for their own defense.

The sequence of events in Cambodia since February of this year is a second clear indication that Vietnamization is a losing game. The administration denies that we have assumed any commitment to the wobbly new government in that country, just as it has denied all along that the decision to send troops on May 1, was inspired by a desire to prevent the collapse of that regime.

Yet, the presence or absence of a formal commitment is really irrelevant in the present context. What is relevant is the rationale for the new program of aid to Cambodia. According to the Vice President:

"We're going to do everything we can to help the Lon Nol government" because, "the whole matter of Cambodia is related to the security of our troops in Vietnam."

We should not be surprised by this statement. It reaffirms what the President said just 5 months ago:

> If this enemy effort succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier; a refuge where enemy troops could return from combat without fear of retaliation. North Vietnamese men and supplies could then be poured into that country jeopardizing not only the lives of our men, but the people of South Vietnam as well.

In truth, the administration has been saying throughout the Cambodian episode that the Vietnamization strategy will collapse if the Communists are successful next door. As the Vice President said so bluntly last weekend, the survival of the Lon Nol government has become a precondition to the success of the Vietnamization program and our withdrawal from Vietnam. A commitment to Vietnamization is in practical effect precisely the same thing as a commitment to insure the survival of Lon Nol. It means that we are now, in Cambodia, right back where we started in Vietnam a decade ago. The only difference is that thus far South Vietnamese forces are used to shore up the Cambodian Government while American manpower takes their place back in Vietnam. Yet, even as many as 40,000 ARVN troops are barely able to defend Phno Penh, while the Communists freely roam the countryside. In spite of the President's claim of a great American victory in Cambodia, the hard truth is that events in Cambodia have dealt a staggering blow to the whole Vietnamization strategy. The central Communist headquarters the President said we were attacking in Cambodia was never found, and the border sanctuaries he said we were eliminating have now spread over half of Cambodia.

If the battlefield outlook is alarming, there is perhaps even less reason for optimism about the prospects at the negotiating table.

The U.S. position remains essentially the same as announced in May of 1969. It calls for mutual withdrawal of all United States and North Vietnamese forces, to be followed by elections set up by a commission in which the National Liberation Front would participate.

North Vietnam and the NLF have steadfastly refused to accept these terms. They doubtless regard them as a method of assuring their exclusion from any postwar government. I suspect they see such a settlement as abandonment of the minimum objectives for which they have battled these many years. They insist upon prior U.S. withdrawal and a provisional coalition government preceding elections.

Regardless of whether we can discern reason in their position, we do know that they are not buying our plan and we do not have the power to force it on them. The Thieu-Ky government, meanwhile, adamantly refuses to share their power with any group, ruling out a coalition government which could be an alternative route toward free elections. And we allow them to dictate our own position on this score.

This is the stalemate which prevails in Paris. We cannot pose credible threats of military pressure while reducing our forces, whereas the adversary has 400,000 crack troops poised in North Vietnam not yet committed to battle. We cannot arrange acceptance of the coalition concept by the Thieu-Ky regime because they know we are committed to their political survival and they can therefore dictate our terms by exposing their own weaknesses. Our policy has been imprisoned, Saigon and Hanoi have the only keys, and they have no inclination to release us.

In sum, present policy combines the worst elements, and none of the attributes, of efforts to win and efforts to get out. It enfeebles our hand in Paris and emboldens the Thieu-Ky government to become even less accommodating. It continues the decimation of the Vietnamese people and their ravaged country. It invites the Thieu-Ky government to abuse our help.

Mr. President, this policy simply cannot succeed. To believe that it can defies all of our catastrophic experience in Vietnam, to say nothing of the nearly 20 years of struggle that went before.

THE LESSONS OF VIETNAM

What is perhaps most distressing about the course chosen by the administration is its failure to accept the wisdom which should flow naturally from a mistake as monumental as our early decision to become involved in Vietnamese affairs. Those lessons cry out desperately for our attention.

We should know by now first, that notwithstanding any preferences we might have, South Vietnam's form of government has no bearing at all on any critical interest of the United States. Our own freedoms will not be diminished regardless of what happens there. Surely, we must recognize that tiny North Vietnam could possess no designs upon our national safety.

Second, we must perceive that ideologies do not knock nations over like dominoes. Where governments are unrepresentative and unresponsive to the aspirations of their people, there is danger that Communist insurgency will attract significant support. Where the indigenous government is strong, it need not fear subversion. In either case, its fate will depend almost entirely on local conditions which we are powerless to control.

Third, for the same reasons, the theory of "exemplary wars," holding that by fighting in Vietnam we somehow discourage communist-inspired "wars of national liberation" elsewhere, is mere shadow. Perhaps it is enough to note that the President's pledge of "no more Vietnams" simply cannot coexist with the premise that the example of Vietnam will deter revolutionaries in other nations.

Fourth, the war in Vietnam is not and never has been, except in the imagination of American policymakers, a struggle between global powers. Neither China nor the Soviet Union has regarded Vietnam highly enough to risk direct involvement. It is as peripheral to them as it should be to us, and as much beyond their control.

Fifth, our involvement has been destined to fail from the outset, only in part because of the character of the leadership in Indochina with which we have become identified. In a nation inspired by a 20-year quest for independence, leaders who hold power solely because of the props of a foreign power cannot hope to win the confidence of their own people. They are the antithesis of independence.

Sixth, through our effort in Vietnam, coming on the heels of the French campaign to retain its colonial domination, we have probably done more to encourage communism in Asia than anything else we might have done; certainly more than that dismal ideology might have accomplished on its own.

We have offered it the power to identify with long-held aspirations for national independence, while our alternative is offered through the likes of Thieu and Ky. They, and the horrible, indiscriminate destruction rained by heavy bombing, free fire zones, and other characteristics of battle, are what we supply to the simple people of South Vietnam as a definition of liberty and democracy. They must regard our philosophy of government as something to be avoided at almost any cost. All Americans might well be indignant at the affront to our cherished principles which flows from our embrace of the despotic generals in Saigon.

Seventh, there can be no military solution to the Vietnam conflict—unless we are willing to inflict such incredible destruction that a "victory" would have no meaning for anyone. We can make things more difficult for the Vietcong and the North Vietnamese. We can, if we are to remain indefinitely, prevent a military victory by the other side. But such accomplishments are empty in a guerrilla war. Presidential advisor Henry Kissinger told us why in an article in January of last year:

The guerrilla wins if he does not lose. The conventional army loses if it does not win.

By his definition, the war has been lost for many years.

THE AMENDMENT TO END THE WAR

We must, therefore, define our choices in precise terms.

We do not ask the Senate to choose between withdrawal and victory in Vietnam. The choice is between withdrawal at a definite time—the end of 1971—and withdrawal later, at an unspecified time, after the terrible toll has mounted still further.

We do not pose a choice between abandoning and saving the Thieu-Ky government. Instead, the issue is whether we will let despots in another land—already the beneficiaries of unparallelled American generosity and sacrifice—continue to dictate American policy, or whether we will serve notice that it will soon be time for them to fight their own battles, or make their own peace, and stand on their own feet.

Nor is self-determination for the Vietnamese people at issue, unless we recognize that we will enhance their opportunity for self-determination if we stop imposing upon them a regime whose contempt for democratic process is flaunted every day.

The question is not whether we will hold or lose the credibility of our international commitments. It is whether or not we will begin to regain the international confidence in American wisdom and prudence that wanes each day the war goes on.

The policy we propose will save American lives. It will remove them from danger. And it must be compared to a policy which would leave dwindling numbers of troops increasingly vulnerable to attack and increasingly reliant upon unpredictable South Vietnamese forces for their defense.

Our proposal will improve the chances for release of American prisoners by removing the incentive to hold them and by making possible the creation of incentives to set them free. It stands against our present policy under which the number of prisoners will probably increase.

We suggest a serious search for a means of preventing political reprisals against South Vietnamese. It must be matched against a war in which tens of thousands of innocent civilians are killed each year, mostly by the indiscriminate firepower of United States and South Vietnamese forces.

Of critical importance, our plan offers some hope for meaningful negotiations by breaking down intransigence on both sides of warring Vietnamese. It stands against a policy that has produced only months of deadlock and that can promise nothing but more of the same.

I will discuss the very important constitutional issues involved in the amendment to end the war at a later time in the debate.

Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I would like to make note of the fact that in the printed version of our amendment that was submitted yesterday an error was made by the Printing Office. In the first subsection, the two words "in Vietnam," which should have appeared after the words "armed forces of the United States," were left out.

The error is being corrected by the Printing Office, but I wanted to mention it now to avoid any confusion that might take place as a result of that error.

This is the section of the bill that would limit the number of American forces in Vietnam to 280,000 after April 30 in Vietnam. Then following that April 30 deadline, the remaining 280,000 would have to be pulled out by December 31, 1971.

Mr. BROOKE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BROOKE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 799

Mr. BROOKE. Mr. President, on behalf of myself, the Senator from New Hampshire (Mr. McINTYRE), and the Senator from Michigan (Mr. HART), I call up amendment No. 799 to H.R. 17123, and ask that it be read.

The PRESIDING OFFICER. Does the Senator ask unanimous consent for its consideration?

Mr. BROOKE. I ask unanimous consent.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The legislative clerk read the amendment (No. 799) as follows:

On page 14, between lines—and —, insert a new section as follows:

"SEC. 206. The Secretary of Defense is authorized and directed to initiate a program of research to develop at the earliest possible date, a single reentry vehicle system for the Minuteman III missile and a single reentry vehicle system for the Poseidon missile. For purposes of this section "a single reentry vehicle system" is a system capable of only deploying a single reentry vehicle and its associated penetration aids. The funds to be expended in carrying out the provisions of this section shall be funds transferred from other projects by the Secretary pursuant to his authority under existing law to transfer funds from one project to another."

The PRESIDING OFFICER. Is it the Senator's understanding that the total time allotted to the Senator from Massachusetts on his two amendments is 3 hours?

Mr. BROOKE. No, I think there is a unanimous consent agreement for 3 hours on each of these amendments, Mr. President.

The PRESIDING OFFICER. The amendments are not numbered in the agreement.

Mr. BROOKE. I think there are 3 hours on each of the amendments. This one has 3 hours.

The PRESIDING OFFICER. The Senator may proceed. How much time does he yield himself?

Mr. BROOKE. I yield myself 15 minutes.

Mr. President, Senate consideration of the defense procurement authorization comes at a moment of extreme delicacy in many realms of national security policy—the strategic arms limitation talks are in a crucial phase, the strategic balance is poised at the edge of far-reaching changes, defense spending is tottering under the challenge of competing domestic demands. Among the many issues we must consider in this debate, none is more critical than that of MIRV—the multiple independently targetable reentry vehicles whose incipient deployment is drastically changing the composition and capabilities of American strategic forces.

As Members of the Senate may recall, I have long argued that our security and that of the Soviet Union would be best served by a mutual suspension of MIRV testing and deployment. If such weapons were deployed in large numbers and were developed to levels of very high accuracy, they could seriously threaten hardened missile silos and could undermine the stable deterrence on which both countries depend.

It is, of course, reassuring to know that any such hard-target MIRV systems are years away from being perfected and that the initial systems now being deployed do not in fact pose a threat to the Soviet Union's retaliatory forces. Yet, as has often been pointed out in this Chamber, unless clear safeguards are established, technical improvements could eventually transform the first-generation MIRV systems which are capable only of a retaliatory mission into more dangerous weapons which might seem capable of a first strike. This could only induce a larger arms race, as the Soviets would be obliged to increase the number of offensive weapons or take other countermeasures to insure their ability to deter us, just as we are determined to do whatever is necessary to guarantee that we can deter them.

Under these circumstances, how we resolve the dilemmas posed by the development of MIRV technology will do much to shape the stability of the strategic balance. I remain convinced

that a mutual ban on MIRV testing and deployment is the wisest course, and I am still hopeful that the SALT negotiations will eventually produce such an understanding. However, we do not know when, how, or if SALT will address the complicated problems of MIRV, and we must seek to shape a sound policy which will deal with two contingencies: Either, first, mutual limitation on MIRV in the SALT negotiations, or second, a continued deployment of MIRV in the absence of such a limitation.

In line with the sentiments voiced by the Senate in Senate Resolution 211, which urged a limitation on both offensive and defensive strategic weapons, particularly MIRV, we should do everything possible to facilitate a reasonable agreement on this difficult issue.

Toward this end I am today proposing an amendment which could make a major contribution to this objective. This amendment will authorize the Department of Defense to initiate development of single reentry vehicle systems for both the Minuteman III and the Poseidon missiles, which are presently designed specifically as MIRV launchers.

Mr. President, I ask unanimous consent to modify my amendment No. 799 to read as follows:

SEC. 206. The Secretary of Defense is authorized to initiate a program of research to develop at the earliest possible date, a single reentry vehicle system for the Minuteman III missile and a single reentry vehicle system for the Poseidon missile. For purposes of this section "a single reentry vehicle system" is a system capable of only deploying a single reentry vehicle and its associated penetration aids. The funds to be expended in carrying out the provisions of this section shall be funds transferred from other projects by the Secretary pursuant to his authority under existing law to transfer funds from one project to another.

The PRESIDING OFFICER. Without objection, the amendment will be so modified.

Mr. BROOKE. So long as the United States has only MIRV systems for deployment on these two missiles, a proposed MIRV limitation would be tantamount to a de facto reduction in U.S. strategic forces. This is an especially critical factor with regard to the Poseidon system, since a number of submarines are being converted to a carry this missile and a MIRV ban would mean that those subs could not be on station for a number of months, that is, until the Poseidon missile was altered or the boats refitted to Polaris missiles.

Thus, as a matter of simple prudence, the United States needs to prepare for the contingency of a MIRV limitation by developing single reentry vehicle systems which could be mounted on these weapons. Dr. John Foster and other Defense Department spokesmen have alluded to precisely this possibility in remarking that Minuteman III and Poseidon could be fitted for single warheads. It is important to delay no longer in undertaking the work to make this a live option. This amendment would explicitly authorize such work.

I should perhaps mention that there are several advantages to pursuing such a development. Mounting a single reentry vehicle on the Poseidon could permit the submarines to operate at greater ranges from their targets. By increasing the maneuvering room for the boats, this option would contribute substantially to their invulnerability to attack by antisubmarine warfare forces. This is a significant advantage in its own right, but it could become even more so if the United States were gradually to evolve toward heavier reliance on the so-called "blue-water option," that is, concentrating the largest fraction of its deterrent forces at sea and reducing or phasing out fixed-site land-based missiles. I consider it premature to elect this option at this time, since I believe it could best be pursued in the context of a larger strategic arms agreement which limited ASW forces as well as other weapons. If ASW forces were not so limited, the invulnerability of sea-based forces might erode over the longer term. Nevertheless, the blue-water option is a serious candidate for coming decades and there could be a special value in the added operating space which a single RV Poseidon would give our boats.

The purpose of this amendment is quite simple. If SALT produces a limit on MIRV systems, we will need to have the option of installing single reentry vehicles on the expensive Minuteman III and Poseidon missiles we are buying. I trust that the Senate will agree that the Department of Defense should be encouraged to prepare for that contingency, and I hope my colleagues will accept this modest amendment.

Mr. President, I trust that the distinguished chairman of the Armed Services Committee will seriously consider accepting this amendment, as modified, authorizing the Department of Defense to do the research for a single warhead weapons system.

Mr. STENNIS. I thank the Senator.

I yield myself 10 minutes.

I am familiar with the amendment and the modification that the Senator has made.

The Senator from Washington (Mr. JACKSON) must attend a hearing shortly, and I will yield the floor to him, if he wishes. I would like the Senator to make his remarks on this matter now, before he is compelled to leave the Chamber. I yield 10 minutes, or such time as he may wish, to the Senator from Washington.

Mr. JACKSON. I thank the distinguished chairman of the committee.

Mr. President, I commend my good friend, the Senator from Massachusetts, for the long and diligent effort he has been making to try to see whether there is some way in which we and the Soviets might reach an agreement to limit MIRV. I know that he has given much time and thought to this problem. May I say that I, too, want to see a secure agreement reached. I think the problem here is, How do you do it? How do you find a way and a means of resolving this terrible dilemma?

Mr. President, I think the first problem one faces is the attitude of the Soviet Union. If history bears me out, the Soviet Union has taken the position in the past that they will not reach an agreement on a weapons system that they do themselves possess. I remember well the Baruch-Acheson-Lilienthal proposal which we made to the United Nations in 1946. We offered at that time to turn over to the United Nations, under appropriate safeguards, our entire nuclear stockpile. The objective was to bring to a halt the proliferation of nuclear weapons. We all recall that when we made this proposal in the Security Council, it was vetoed by the Soviet Union. The Soviet Union was determined not to enter into an agreement in connection with a weapons capability it did not then possess.

To my knowledge, there have been no signals, direct or indirect, from the Soviet Union suggesting that they want now to reach an agreement to limit MIRV, to control it, to eliminate it, or otherwise to reach an agreement regarding the role that MIRV is to play in our respective deterrent systems.

This being the case, I am convinced that the Soviet Union is not about to reach an agreement or even discuss seriously the subject of MIRV until the Soviet Union has successfully developed and tested an operational MIRV capability.

Therefore, I think that the President—and the administration—should have available all options that might be of use in order to reach one day a verifiable agreement on MIRV.

I need not go into the difficult problems that pertain to reaching an agreement on MIRV. Obviously, if you are going to have an agreement that is at all secure under present circumstances, you must have onsite inspection. To my knowledge, the Soviet Union has not reached the point where they are willing to permit foreigners on their soil to carry out any role in connection with onsite or other means by which verification can be obtained.

This being the case, Mr. President, I want to reemphasize the importance of making available to the President all possible options, so that he is in a position to negotiate effectively when and if this subject should become a subject of negotiation in connection with the overall effort we are trying to make on a strategic arms limitation agreement.

I want to point out that, as the Senator from Massachusetts has so ably pointed out, this is permissive. The Secretary of Defense is authorized to initiate such a program at his discretion.

I would point out that the single reentry vehicle, as authorized here, would be similar to Minuteman I or to the original Polaris missile system. Of course, there is no limitation on the yield. It could be a much larger yield than is available under the present deployment in connection with single warhead systems. Moreover, the single warhead could well have a greater counterforce potential per booster than the present MIRV systems.

As I understand it, Mr. President, this does not in any manner detract from, nor does it add to, any existing authority that the Secretary of Defense has at the present time.

I fully understand that the Senator from Massachusetts is anxious to make sure that every conceivable signal is sent out from this country of our desire to reach an agreement in this matter.

I want to reach an agreement. But I do not think that we should stop our

efforts to deploy our own MIRV capability at this time. Certainly there is nothing even by implication in the amendment which would exclude our going ahead with MIRV. I would like to see the clearest signal sent to the Soviet Union to get them involved in talks and discussions on the subject of MIRV. I think we need to make clear in this country that we would like to see an agreement reached here, that we are interested in talking about this subject; but, so far, I want to say to the Senator, this has been a one-way street. I know that he is desirous of making clear, once again, our desire to try to get our adversary around to the point that he will discuss the subject.

I want to commend my good friend from Massachusetts for his sincerity, his dedication, and his determination to do everything possible to get something going here in the way of discussions and talks. So that, as I say, it has been very helpful and the Senator has been rendering a great service to the country in getting this issue out in the open.

I only hope there may be some signals coming across the way which would indicate a bilateral interest and not just a unilateral interest in the subject.

Mr. BROOKE. I certainly am grateful for the statement made by the distinguished chairman. I am well aware that he wants to do everything he can, as we all do, to bring about successful negotiations at SALT, and to send forth as clear a signal as possible to the Soviet Union that we are ready, willing, able, and desirous of reaching an arms limitation agreement.

I concur that we want to see some signals come back this way from the Soviet Union, that it should not all be going one way. The Senator from Washington could not help being encouraged—as am I—by the quality of the talks both at Helsinki and Vienna. Hopefully, when they meet again in Helsinki, the talks will continue at a comparable level. Without doubt, the total lack of propaganda emanating from either side in the talks has been extremely helpful.

It is important that we do all we can in the legislative branch as well as in the executive branch to let our adversary know our position in regard to the important negotiations at SALT.

This is a simple amendment which the Senator from Washington very clearly describes as permissive. There is no doubt about that. The Secretary of Defense is not being directed, but merely authorized, to proceed with a single warhead weapon, which I think the Department of Defense is well aware may be needed in the event the SALT talks are successful in calling for a ban on MIRV. We have already gone on record by a vote of 72 to 6 in this body calling for a mutual ban on MIRV—on all offensive and defensive nuclear weapons systems, for that matter. I would want to point out, however, that this single-warhead system, which would be researched and developed by the Department of Defense, could be essential to us in the event the ban is forthcoming on MIRV. As the Senator said, it should go to Minuteman III and to Poseidon. With this new warhead there would be some improvement, of course, in the penetration capabilities.

Mr. JACKSON. I was referring only to the single warhead concept. Since the original Polaris missile deployment, there have been, of course, a number of improvements in the state of the art. The further sophistication basically involves making the warhead smaller with a greater yield. This is the whole art of nuclear weapons technology. This has been accomplished over the years. But I was referring only to the nature of the single warhead.

Mr. BROOKE. I understand. We would be going back to the single warhead concept. But we would have improvements, as the Senator has stated. And now it would be possible to have even further improvement in the hardware itself.

Thus, I am hopeful that the distinguished chairman of the Armed Services Committee would accept this very modest and very simple amendment. And I am hopeful that the Department of Defense, acting under this authorization, would proceed with the vital research in order that we might have this single warhead system. I am most hopeful that the SALT talks will achieve this ban on MIRV, which I consider to be the most destabilizing element of our weapons technology, and something that certainly will not be helpful to us in achieving a mutual deterrent which we both so desperately seek at this time.

Mr. STENNIS. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER (Mr. JORDAN of Idaho). The Senator from Mississippi is recognized for 10 minutes.

Mr. STENNIS. Mr. President, this amendment, No. 799, has already been modified by the author, the Senator from Massachusetts (Mr. BROOKE), to strike out on line 1 the word "and," and on line 2 the word "directed." Thus it would read:

> Section 206, the Secretary of Defense is authorized to initiate a program of research to develop at the earliest possible date a single entry vehicle system for the Minuteman III missile and a single reentry vehicle system for the Poseidon missile.

Well, Mr. President, of course this relates to MIRV that we had discussion on here at length last year. The Senator from Massachusetts has done a great deal of very fine work on the matter. As a member of the Armed Services Committee, he has presented various phases of the entire subject to us from time to time. On these matters, as I emphasized in the ABM debate, we must give great consideration and thought to the SALT talks that are going on now. I feel that none of us wants to do anything that would jeopardize the President's position at the talks, or diminish the backing that he deserves from the Nation as a whole. We disagreed as to whether the curtailment of the ABM would do that. However, that was a matter of judgment. That has all been settled.

The MIRV question is a big item at the SALT talk tables and I think it will be for some time.

This amendment authorizes the Secretary of Defense, but does not require him, to have a program for research regarding this single reentry system for Minuteman III. That is something I could not particularly have any objection to, the secretary having the discretionary authority to proceed or not as his judgment and that of his advisers might dictate.

It is rather clear that in the initial stage of these final matters, he has discretionary authority to proceed anyway as a general proposition. Until the research gets up to the certain stage of a line item, why the discretion is there for the Secretary.

This matter of the single reentry system is well known. It is not a new process.

If he was going to proceed on it, it is all right to have statutory authority. But I would not support it under any circumstances if it directed him and made it a requirement in view of all the situations at the SALT talks and for other reasons, too.

As we have it now, with the Minuteman and the Poseidon—and I direct this as a question to the Senator from Massachusetts—all the Senator intends, as this amendment now stands, is to give what I call discretionary authority for the Secretary of Defense to proceed only on a research and development program for this single reentry system. Is that correct?

Mr. BROOKE. The Senator is correct. The amendment is permissive in nature.

Mr. STENNIS. The Senator speaks, of course, for the other Senators on the amendment?

Mr. BROOKE. Yes, I do.

Mr. STENNIS. Mr. President, the Senator from Texas has asked me for time. I will yield such time as he might require to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I thank my distinguished friend, the Senator from Mississippi. Actually, I think that all of the questions I had to raise have been answered.

I would like to restate the fact that this in no way puts DOD into a straitjacket insofar as dealing with research and development on the MIRV if they choose to do so. But it does authorize a change of direction, if they choose, to the improvement of a single warhead system.

Mr. BROOKE. Mr. President, the original amendment would have directed them to proceed with research and development on a single warhead system without any authorization or funds for such procedures.

The modified amendment does not direct the Secretary of Defense—but it does authorize him—to proceed with research and development of a single warhead weapons system.

Mr. TOWER. It does not preclude him from going ahead on the MIRV.

Mr. BROOKE. No. It has nothing to do with that at all.

I have always advocated and proposed a mutual ban of MIRV. But I have never advocated, nor have I ever proposed, a unilateral ban on MIRV.

Mr. TOWER. I understand. That question has already been answered. I wanted to restate that that is what we

are doing. I think I can say that I am authorized to state that this meets with the approval of the Executive.

Mr. BROOKE. I am delighted to have that information. I thank the Senator.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from South Carolina.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, before this amendment was amended, in my judgment, it was an unnecessary amendment and possibly a dangerous amendment. The way it is modified now, the Secretary of Defense is authorized to initiate a program of research, but is not directed to do so.

If we have to go to war, the Minuteman missile and the Poseidon missiles—the latter are missiles on our submarines—are going to be used against the enemy. If they are going to be used against the enemy, why should we not have a multiple-purpose warhead instead of a single warhead?

It does not make any sense to me if we are at war not to use all of our power to win the war and to win it quickly and get out and get through with it.

I am not going to oppose the amendment, because it has been modified. It merely authorizes the Secretary of Defense to initiate this program if he sees fit to do so.

The point I am making is why should we ever weaken our military strength in any way, shape, or form in the event we have to go to war?

Mr. BROOKE. Mr. President, will the distinguished Senator from South Carolina yield?

Mr. THURMOND. Mr. President, I would be very pleased to yield to the distinguished Senator from Massachusetts.

Mr. BROOKE. Mr. President, I think the distinguished Senator from South Carolina makes a very valid point. However, the question before us now under this amendment is simply one pertaining to the possibility of an agreement between the United States of America and the Soviet Union at SALT on banning MIRV.

If such an agreement is forthcoming—and I am sure the Senator would like to see such an agreement—then it would mean that MIRV would be banned and we would have then to rely upon a single warhead weapons system.

All this amendment does is to authorize the Secretary of Defense to initiate research and development on a single warhead system in the event that such a ban is forthcoming. If the ban is not forthcoming, then of course no one is suggesting that we give up our multiple warhead weapons system, namely MIRV.

If the ban does result, then we are back where we were initially with a single warhead concept for Polaris and under Minuteman I, and we do not have an upgrading and a stronger penetration or a larger penetration or a harder target capability.

The program I advocate will enable us, if we do have to fall back to the single warhead system, to have a strong, sound system. It will enable the Department of Defense to initiate research and development in this direction.

No one is suggesting that we give up any of our security or any of our strength or that we stop anything that we are presently doing so far as our MIRV is concerned. I can assure the distinguished Senator from South Carolina of that.

Mr. THURMOND. Mr. President, I thank the Senator from Massachusetts. The Minuteman III is a land-based missile. The Poseidon missile will be a submarine-based missile.

If we enter into an agreement with the Soviet Union, of course the Defense Department will have to conform its weapons to whatever agreement is entered into. But the best way to get an agreement and the best way to get the Soviets to agree to anything is to let them know that we have the power. That is all they know.

The goal of the Soviets is to take over the world. They are all over the world now. They directed and inspired the war in Vietnam. They are now inspiring and causing trouble in the Mideast.

Ever since World War II has ended, the trouble that has been caused in this peaceful world has been caused by the Soviet Union chiefly.

Red China has participated in some places, but not to any great extent compared with the Soviet Union. Red China today is revolutionary and they would like to spread communism throughout the world. But they do not have the power. The Soviet Union does have the power. It has tremendous power. But we will stand a better chance not to weaken our Defense Establishment in any way, shape, or form to get an agreement with the Soviet Union; and I hope we do nothing to indicate to them that we are weakening our Defense Establishment.

As I stated, since this amendment merely would authorize the Department of Defense to act on this subject, I am not going to oppose the amendment, but I see nothing to be gained under it. The only possible objection I would see would be perhaps a psychological effect. I do not want to see the Soviet Union get the idea we are going to weaken our Military Establishment in any way because that will encourage them to be more aggressive than ever before.

I am glad the distinguished Senator from Massachusetts explained the amendment and explained that it merely gives flexibility and that the purpose from his standpoint in offering it is to try to get an agreement from SALT.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time be charged equally.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. JACKSON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. STENNIS. Mr. President, I yield myself 1 minute before we conclude the discussion on this proposal.

Under the circumstances of this amendment, the wording, the substance, and the legislative history, I am glad to join in the support of the amendment as amended.

I yield the floor.

Mr. BROOKE. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER. All remaining time having been yielded back, the question is on agreeing to the amendment of the Senator from Massachusetts (Mr. BROOKE), as amended.

The amendment was agreed to.

Mr. JACKSON. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM

Mr. MANSFIELD. Mr. President, for the information of the Senate, it appears that there is a very strong possibility that tomorrow, following the vote on the Proxmire amendment—for which there is a 3-hour limitation of time, and the time will expire not later than 12 noon—amendments by the distinguished Senator from Oklahoma (Mr. BELLMON), the distinguished Senator from Alaska (Mr. STEVENS), the distinguished Senator from New Hampshire (Mr. MCINTYRE), and others—the Muskie-Smith amendment excluded—can be considered expeditiously and very likely it will be possible to achieve a one-half hour time limitation on such amendments.

Then on Monday, beginning at noon, we have 5 hours of controlled time on the McGovern amendment, on which the Senate will vote on Tuesday morning, after 1 hour of debate on Tuesday morning, coming in at 9 a.m. and voting at 10 o'clock.

That is to be followed by the Proxmire amendment, on which a 1-hour limitation has already been granted.

Then the distinguished Senator from Arkansas (Mr. FULBRIGHT) will have an amendment which will not take too much time.

But it appears as though we will have a very busy session tomorrow, and votes, with Senators who have amendments cooperating to the best of their ability. There is the exception of one amendment, which will have to be worked out between the parties concerned and the manager of the bill.

RESCISSION OF ORDER FOR SATURDAY SESSION

Mr. MANSFIELD. So, Mr. President, with that in mind, and after consultation among the combined leadership, I ask unanimous consent to vacate the order which called for the Senate coming into session on Saturday next.

The PRESIDING OFFICER. Without objection it is so ordered.

ORDER FOR ADJOURNMENT TO TOMORROW AT 8:30 A.M.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to vacate the order for tomorrow, which called for the Senate to convene at 9 a.m., and ask unanimous consent that when the Senate completes its business tonight, it adjourn until 8:30 a.m. tomorrow.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR CALL OF LEGISLATIVE AND EXECUTIVE CALENDARS ON TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that tomorrow, after the prayer, unobjected-to items on the legislative calendar and the Executive Calendar be taken up.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS TOMORROW

Mr. MANSFIELD. Mr. President, I ask unanimous consent that thereafter there be a brief period for the transaction of routine business, to expire precisely at, if not before, 9 a.m.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MANSFIELD. At which time the time limitation already agreed to by the Senate will begin to run on the Proxmire 3-hour amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM FRIDAY TO MONDAY, AUGUST 31, AT 9 A.M.

Mr. MANSFIELD. Mr. President, in order to expedite matters, I ask unanimous consent that when the Senate completes its business tomorrow, it stand in recess until 9 a.m. Monday.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR RECESS FROM MONDAY TO TUESDAY NEXT AT 9 A.M.

Mr. MANSFIELD. Mr. President, just to make sure, I ask unanimous consent that when the Senate completes its business on Monday next, it stand in recess until 9 a.m., on Tuesday, September 1, 1970.

The PRESIDING OFFICER. Without objection, it is so ordered

Mr. SCOTT. Mr. President, if the majority leader will yield, I express the hope that, in view of the cooperation of the Senators involved, it will be possible to get third reading and passage of the pending bill sometime on Tuesday, under this schedule.

Mr. MANSFIELD. Yes; but do not bet on it. Prospects look good, but the way things happen in this body, anything could happen. Hopefully, we can do that.

Mr. SCOTT. I would like to bet on it, but not money.

Mr. MANSFIELD. It is a good possibility.

I would hope that attachés on both sides will notify each Senator individually about the change in plans for Saturday, because some of them had to cancel engagements, and that was the fault of the leadership, especially the Senator from Montana; and other Senators may have commitments which they now can keep.

So I would suggest to the respective secretaries to the majority and the minority that each Senator be notified immediately of the change in plans.

I thank the distinguished Senator from Massachusetts for yielding.

Mr. STENNIS. Mr. President, will the Senator yield? Will the Senator tell me briefly the change in plans? I was not present in the Chamber when the Senator made his statement.

Mr. MANSFIELD. We have received such good cooperation from Senators who have amendments—there is one exception, which the manager and other Senators will have to work out—that we think we can handle most of them tomorrow and Monday. Therefore, in view of that new factor, the Senate will not come in at 10 o'clock Saturday, but will instead go over until 8:30 a.m. tomorrow and then from tomorrow night until 9 o'clock Monday. In the first half hour tomorrow we will take up unobjected to matters on the calendar, the Executive Calendar, and brief morning business, but, as previously agreed to, beginning at 9 o'clock the 3-hour limitation on the Proxmire amendment will begin.

Mr. STENNIS. I thank the Senator.

The PRESIDING OFFICER. Did the Senator from Montana intend that the Senate recess or adjourn until 8:30 tomorrow morning?

Mr. MANSFIELD. Adjourn.

The PRESIDING OFFICER. Adjourn.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

AMENDMENT NO. 798

Mr. BROOKE. Mr. President, I ask unanimous consent to call up my amendment No. 798.

The PRESIDING OFFICER. Without objection, it is so ordered.

The amendment will be stated.

The assistant legislative clerk read amendment No. 798 as follows:

At the end of the bill add a new section as follows:

"No funds authorized to be appropriated pursuant to this or any other Act may be used for operational development, testing, or procurement of any multiple independently targetable reentry vehicle (MIRV) system in which an individual reentry vehicle provides a capability to destroy a hardened target. For purposes of this section, 'a capability to destroy a hardened target' means that combination of warhead yield and accuracy required to generate the equivalent of one-third the level of blast overpressures and related effects considered necessary to enable a single warhead to neutralize a hardened missile silo."

Mr. BROOKE. Mr. President, I ask unanimous consent to modify my amendment No. 798.

The PRESIDING OFFICER. The Senator has a right to modify his amendment. The amendment will be stated.

The modified amendment was read as follows:

At the end of the bill add a new section as follows:

"No funds authorized to be appropriated pursuant to this Act may be used for operational development, testing, or procurement of any multiple independently targetable reentry vehicle (MIRV) system in which an individual reentry vehicle provides a capability to destroy a hardened target. For purposes of this section, 'a capability to destroy a hardened target' means that combination of warhead yield and accuracy required to generate the equivalent of one-third the level of blast overpressures and related effects considered necessary to enable a single warhead to neutralize a hardened missile silo."

The PRESIDING OFFICER. How much time does the Senator yield himself?

Mr. BROOKE. Mr. President, I yield myself 20 minutes.

CONGRESSIONAL PREROGATIVES AND CONSTRUCTIVE POLICY: THE CASE OF MIRV

Mr. President, I have offered two amendments to H.R. 17123 which deal with U.S. MIRV programs. The second of these proposals would provide a statutory underpinning of a policy already established by the President and endorsed by the Armed Services Committee in its action limiting work on ABRES, the advanced ballistic reentry systems project. It would confirm the U.S. commitment to a retaliatory, rather than a first-strike MIRV program.

The Department of Defense has stated no objection to the policy expressed by this amendment or to the technical provisions it contains. Indeed, I should stress that this amendment was revised substantially in extended discussions with officials of the Department. It was changed to satisfy every technical or substantive issue raised by the Department. In consultation with DOD I have drawn this amendment with great care to be sure that it in no way impedes or disrupts existing or planned MIRV programs.

This amendment would simply implement existing national policy to refrain from a hard-target MIRV capability; it would establish a meaningful ceiling which the Department will surely agree affords ample latitude for a retaliatory MIRV, as in our present Minuteman III and Poseidon systems, and yet avoids the potential instabilities associated with a MIRV system capable of destroying hardened missile silos.

In short, this amendment would be a concrete congressional step to give content to the declaratory policy already long proclaimed by the executive branch; namely, that the United States is pursuing a strictly deterrent, second-strike strategy and will not seek destabilizing first-strike capabilities.

In stressing this point before the Armed Services Committee Secretary Laird testified that the President "has made it perfectly clear that we do not intend to develop counterforce capabilities which the Soviets could construe as having a first-strike potential." We can all appreciate the Secretary's own concern about the destabilizing implications of Soviet weapons with a counterforce potential against U.S. strategic forces. This no doubt makes him especially sensitive to the dangers of proceeding with an American hard-target program which would increase the risk that the Soviets might adopt a reckless "launch-on-warning policy" or undertake further offensive deployments.

Secretary Laird has, however, stated a procedural objection to this amendment on the basis that it allegedly sets "the precedent that Congress will establish the general characteristics of U.S. military systems."

Congressman Laird would never have agreed with Secretary Laird. Neither should anyone else who values the Legislature's constitutional responsibility and authority to determine overall policy for the American Armed Forces. While a Member of the House of Representatives, Mr. Laird repeatedly and vigorously fought for an affirmative congressional role in determining national strategic policy and in defining the weapons systems to implement that policy. For example, as a member of the House Appropriations Committee, Congressman Laird authored an amendment specifying that, rather than develop the mach 2.5 version of the TFX proposed by Secretary McNamara, the Department of Defense should develop and procure a mach 3 aircraft. Congressman Laird's proposal represented a far more detailed specification of weapon characteristics than is incorporated in either of my amendments regarding MIRV.

In 1967 Congressman Laird was one of the most prominent advocates of the view that Congress should press the Executive to expedite work on a supersonic strategic bomber as opposed to continued reliance upon subsonic aircraft for this mission. In addition to doubling the budget request for development of advanced manned strategic aircraft, the House Appropriations Committee sharply criticized the Executive for failure to heed previous congressional guidelines on the number of strategic bombers to be retained in active service, a complaint voiced strongly by Mr. Laird at that time.

Earlier, Mr. Laird had attempted to eliminate funds for several squadrons of Titan missiles, preferring to rely upon the smaller, solid-fuel Minuteman system. Once more, this act represented a clear judgment on his part that, as a Member of Congress, he could and should give preference to a weapons system whose characteristics he considered superior to those of a competitor.

Speaking in the House on June 25, 1963, Congressman Laird pointed to the work of his appropriations subcommittee on the Polaris nuclear submarine program and noted that, some 5 years before, the committee had approved more than was requested for leadtime items for that important system. He properly claimed, as have other knowledgeable Members of Congress, that the Legislature had served the national security well by expediting research, development, and deployment of the Polaris system. Clearly, this action represented an important attempt by the Congress to specify which weapons should be emphasized in composing America's strategic mix.

That same speech stressed that Congress and its committees must deal with defense matters on three interrelated levels. First that of strategy, second, that of tactics and, third, that of weapons, materiel and manpower. At no time did Congressman Laird shrink from the hard decisions on weapons characteristics or other issues which he then recognized were unavoidable if Congress was to meet its high responsibilities. For example, Mr. Laird was instrumental in the Defense appropriations subcommittee's approval of extra funds for preproduction activities on an anti-ballistic-missile system, concluding, in contradiction to the executive branch, that a system of the characteristics and functions of the Nike X should be expedited.

Similarly, Congressman Laird was a vigorous proponent of energetic development of a military space capability. He was instrumental in the Appropriations Committee's 1965 directive that the Department of Defense focus funds upon and accelerate the manned orbital laboratory program. This action by the Committee, no less than on other occasions, constituted a congressional attempt to set the general characteristics of U.S. military systems. Indeed, Mr. Laird's efforts in this case would have specified very far-reaching criteria for a military system, since it would have required emphasis on a system capable of operating in outer space and would have added the costly and controversial capability of including a man in the system.

In short, as Congressman Laird's own performance in the House illustrates, it is by no means unusual for Congress to "establish the general characteristics of U.S. military systems." In the Senate Armed Services Committee this year we have done it in a number of instances, favoring the AX aircraft over the Cheyenne helicopter system, limiting the ABM system deployment to defense of the deterrent instead of thin area defense, and taking comparable actions on numerous other systems.

A perennial issue of this character is the question of a nuclear navy, especially nuclear powered aircraft carriers. As Members of Congress know, the Legislature has had a great deal to do with the technical features of our naval fleets.

Unless the Congress addresses the composition and characteristics of the Armed Forces, its constitutional power is very nearly meaningless. Therefore, I am somewhat appalled that the Secretary would suggest that Congress should not establish the general characteristics of U.S. military systems. His very letter acknowledges that the policy set forth in the amendment parallels the administration's own declarations that the United States will refrain from a hard target MIRV capability program. In other words, the Department in no way suggests that this amendment contravenes existing policy. It does not disturb our present MIRV programs in any way. It is in fact a vital reinforcement to our commitment to successful negotiations in SALT and to stable nuclear deterrence based on a credible second strike capability.

As I have repeatedly stressed, this amendment would merely insure that any MIRV systems which are deployed are in fact compatible with our declared retaliatory policy and do not undermine strategic stability by becoming potential first-strike weapons.

I cannot believe that any Senator or national spokesman would call into question America's longstanding retaliatory posture by voting to pursue an unattainable and highly dangerous first-strike capability.

The important contribution of this amendment is to give meaning to our declarations that we will not develop capabilities threatening the Soviet retaliatory force. There has never been an explicit definition of what we mean when we say we will not pursue the hard-target MIRV capability. This amendment is essential if we are to make those declarations credible. No one could deny that the definition allows ample capability for the retaliatory mission. It would simply establish a threshold well below the level required to destroy hardened missile silos.

The distinction between these two types of capabilities is precisely the one which the Defense Department emphasizes in proclaiming that our first generation MIRV systems are strictly retaliatory, stabilizing, deterrent weapons not capable of a counterforce first strike. That is an accurate description of existing MIRV capabilities and the threshold suggested in this amendment in no way limits our development and deployment of a retaliatory MIRV system.

I know that during much of the 1960's Representative Laird was reluctant to forgo the option of an American counterforce capability. But Secretary Laird has wisely recognized that nuclear parity is a fact and that efforts by the Soviet Union or the United States to obtain a first-strike posture merely generate new pressures for an arms race and new dangers for world peace. Perhaps the best description of the purpose of the strategic arms limitations talks is contained in the phrase "institutionalization of strategic parity." Secretary Laird, more than anyone else, has emphasized how destabilizing potential counterforce systems are, in his repeated criticisms of the possible hard-target implications of the Soviet SS–9.

I find myself in complete agreement with the remarks made by Representative Laird 7 years ago when he said:

> Obviously, if the only capability we are serious about is a second strike capability, there seems to be no logical reason for spending vast sums of money for first strike weapons.

A second-strike policy is the confirmed position of the U.S. Government. It has been enunciated and endorsed by President Nixon as well as by the Secretary

of Defense and their predecessors. I believe it would be a great disservice to American security even to hint that the United States was inclined to seek, under some circumstances, a first-strike capability.

By adopting the proposals I have made regarding MIRV, Congress will be lending force and credence to our country's second-strike posture. We can contribute immensely to the long-term prospects of strategic arms limitation and nuclear stability.

In closing, I am moved to cite the sage counsel of one of the ablest military leaders of our time, Adm. Hyman Rickover. In congressional testimony 3 years ago, Admiral Rickover urged Congress to exercise independent judgment in matters of national security, to demand full information, and to assert its own prerogatives in the interest of forging sound national policy. Representative Laird himself inserted this critical comment by Admiral Rickover in the CONGRESSIONAL RECORD. The admiral expressed his deep concern about the tendency of Congress and its committees merely to accept the standard line of the executive branch:

> The theory is that "mother knows best"; that Government departments are best able to judge issues, setting up a party line and telling congressional committees, "This is it. We know the story, and there is no use going into it."
>
> You will find that it will become increasingly difficult to uncover the real pros and cons that are considered—or not considered—in arriving at the decisions presented to you for ratification. In other words, Congress is merely to listen to the official position. This is tantamount to saying that the Department is capable, but members of Congress are not capable of judging the issue; that the Department must do Congress' thinking for it; that the Department can make a better decision than Congress is able to do. Now, most members of Congress are lawyers or experienced professional and business people. I am sure you have enough wit and intelligence to judge things for yourselves.

Later in the same testimony, Admiral Rickover advised Congress to demand full information on which to base its own intelligent judgments. He said:

> Unless you maintain this right by exercising it, it will be lost—and I am afraid it is being lost. I am sure you are aware of the decline of parliamentary systems all over the world. I hope our Congress will take steps to prevent such a decline in the United States. We were the first to establish representative democracy in modern times; let us be the last to permit its decline.

Surely, Congress is not so contemptuous of its own capacities that it will hesitate to judge an important issue of national security on its merits. The Department of Defense has raised no objection to this amendment on the merits, and I am confident that Senators who study it will lend their support. With all respect for our good friend, Secretary Laird, the procedural point he has raised against these amendments is too weak for serious consideration. His record as a legislator makes clear that he would have rejected such a procedural contention while he was serving in Congress. He was right then and he is wrong now. In support of his wise policy of today—a secure second-strike capability for America—let us follow his wise counsel of yesterday—strong and explicit congressional leadership.

The PRESIDING OFFICER. The Senator's 20 minutes have expired.

Who yields time?

Mr. JACKSON. I yield myself 10 minutes.

Mr. President, I was pleased to join the Senator from Massachusetts and the distinguished chairman of the Committee on Armed Services in accepting the amendment authorizing research and development on a single reentry vehicle for the Minuteman III and Poseidon missiles. This addition to the bill has the effect, it seems to me, of indicating to the world that the Senate of the United States is concerned to keep options open in the configuration of our strategic forces. One such option, which could prove of significance if and when there is a real possibility of an agreement to limit MIRV, is suggested by the authority contained in the amendment. As I pointed out previously, however, the Department of Defense is already empowered, without specific authorization from Congress, to initiate programs of this sort that are essential to the maintenance of a sound defense program—a power limited by congressional review.

The second amendment, offered by the distinguished Senator from Massachusetts, and which is now pending, is much more problematic. This amendment would prohibit the improvement of MIRV yield and accuracy combination so as to keep them ineffective against hard targets. While we have no plans at present to undertake the programs that would be prohibited by this amendment, I am bound to say that a limitation of this kind would be unwise, indeed.

First, to the extent to which the amendment would impose a limitation of a technical nature—on, say, such programs as guidance technology—I oppose it on the ground that questions of this nature are best handled in the executive branch, or at the very least, after review by the Committee on Armed Services.

Second, to the extent to which the amendment is a technical means to the affirmation of a specific strategic doctrine, it should be opposed until there has been full and careful consideration of the doctrine itself. We are not pursuing counterforce programs at present, and I agree in this. But I would not consider it wise to enact a statute—by means of a technical amendment to a procurement act—that determines in law what our strategic policy ought to be, however much one might agree with the policy itself.

This is not, Mr. President, the manner in which questions of the utmost importance should be decided, and the nature of our strategic posture is such a question. We are now involved in serious negotiations with the Soviet Union aimed at the limitation of strategic arms. Our defense policies must now be viewed in the light of their possible impact on our effort to negotiate significant arms control agreements. An effort by which Congress joins with the executive, and acts with great care, in this common goal will brighten our hopes for the future.

Mr. President, I yield back the balance of the time that I reserved to our side.

Mr. BROOKE. Mr. President, will the Senator yield?

Mr. JACKSON. All right, I will continue on my time. I yield to the Senator from Massachusetts.

Mr. BROOKE. The Senator from Washington stated that this is a subject matter that should be left to the executive branch. Is that correct? Is that a correct interpretation of his remarks?

Mr. JACKSON. That is correct. In connection with the pending negotiations, I do not believe that we should endeavor to put the President and his representatives under severe constraints in connection with those negotiations. The Senator knows that all of these problems are susceptible of being considered in connection with the SALT talks. I would not think it wise for the legislative branch to intervene by limiting the options of the President of the United States with regard to these negotiations.

Mr. BROOKE. The Senator is well aware of the fact that the President and the Secretary of Defense both stated publicly, and it is certainly well understood by the Soviet Union, that the United States does not seek a first strike capability. Is that not true?

Mr. JACKSON. That is correct.

Mr. BROOKE. And that the Secretary of Defense, before the Armed Services Committee, made it clear that it is the policy of the U.S. Government not to seek a first strike capability. As a matter of fact, a second strike capability is the foundation of our nuclear deterrence. Is that correct?

Mr. JACKSON. There is a vast difference between the indication that we do not seek this capability, and a statute preventing it. That is what we are really talking about.

Mr. BROOKE. Is there any question in the Senator's mind that the United States would, at any time, seek a first strike capability?

Mr. JACKSON. I do not think anyone can answer that question for all time except in the context of the kind of environments we might eventually face, perhaps as a result of failure to reach agreement. This is very much like a management-labor dispute. Can anyone imagine labor and management sitting down at a conference table with labor having given up its strike power—or part of it—before beginning talks or while they are underway, or management having first given up part of the inventory which it had built up in anticipation of the strike?

If we are going to get an agreement with the Soviet Union, and if it is to cover a wide spectrum of strategic options here, we simply have to leave all the options open.

I do not follow basically the reasoning here. Over a period of years we sent a signal to the Soviet Union, in which we indicated we were not developing a first strike capability.

Years ago we told the Soviet Union, in the development of our Minuteman force, that we were not going for any first strike capability. What has happened? While we have done this in good faith over the years, the Soviet Union, despite that clear signal from us—that we are

not trying to develop a capability to knock out Soviet hardened sites—their response is to deploy around 300 SS–9's each with a throw weight of 25 megatons or three 5 megaton multiples.

I do not know what kind of interpretation they will place on some statutory limitation, after we have, by a most positive act—that is, the way in which we have deployed our strategic forces—made it unequivocally clear that we do not seek a first strike capability.

Mr. BROOKE. Is it the Senator's contention that the Soviet Union is seeking a first strike capability?

Mr. JACKSON. I do not know how the Senator can interpret the capability, which they have developed, except as suggesting that they are working toward that objective. I am not saying that they now have such a capability; but, surely, if it is not for that eventual purpose, then I would say to my friend from Massachusetts they are making very unwise use of fissionable material and delivery capability because one would not use a 25-megaton warhead against a city or a populated area; he would use it only against hardened targets.

Mr. BROOKE. Could not the Soviet Union consider the MIRV'ing of our Minuteman III or the MIRV'ing of our Poseidon force as tantamount to securing for ourselves a first strike capability?

Mr. JACKSON. Let me answer that: Long before we ever talked about MIRV, they were going ahead with a 25-megaton warhead. I want to point out to the Senator that the Soviets cannot claim they went ahead on the SS–9 because of possible MIRVing capabilities on our part. Such a response makes no strategic sense. Our MIRV does not threaten their SS–9, and even if it did their response would not be to invest $9 billion in the SS–9 force.

Mr. BROOKE. Could we not go from a Minuteman force, plus the bomber fleet, to a submarine fleet? Do we not have several options which might, at some point in the future, be regarded by the Soviets as tantamount to a first strike capability?

Mr. JACKSON. No, sir. The bomber force has no first strike capability. The Polaris system does not have a first strike capability; neither does the Minuteman force.

Mr. BROOKE. Is the Senator prepared to say, in his opinion, that the Soviet Union has been aiming for a first strike capability on its part?

Mr. JACKSON. No, sir.

Mr. BROOKE. All right.

Mr. JACKSON. I made it very clear. I made the clear distinction. I said that they do not now have a first-strike capability. I did raise the question of whether they are moving toward a first-strike capability; otherwise, why would they be deploying the SS–9 in such numbers, a route that we avoided and, in fact, refused to follow a decade ago. That was a decision made in 1960–61.

Mr. BROOKE. The Senator has said that in his view the Soviet Union does not at this time have a first-strike capability, and that the United States at this time does not have a first-strike capability.

Mr. JACKSON. Yes.

Mr. BROOKE. Is it the Senator's contention that a first-strike capability is negotiable in the SALT talks?

Mr. JACKSON. Well, I would hope that mutual limits on the procurement of weapons capable of destroying hard targets are negotiable. This would be the most helpful limitation.

Mr. BROOKE. Would the Senator comment specifically with regard to a first-strike capability? Is this a subject of negotiation? Is it not very possible that if Soviet Union thinks that by refusing to deny ourselves a first-strike capability, we might proceed with a first-strike capability, they would then be tempted to fire without warning?

Mr. JACKSON. I am sure that if the Soviet Union would accept limits on the SS–9 deployment, we in turn could work out something in connection with the ABM deployment. The whole purpose of the ABM effort, in terms of the SALT talks, is to convince the Soviet Union that they should not continue with deployment of the SS–9, because they are spending $30 million for an SS–9 and we can counter that for a lot less.

Mr. BROOKE. If the United States and the Soviet Union both do not have a first strike capability—and we both agree that they do not—then it would seem to me there would be no opposition to an amendment which merely makes it statutory that the United States does not seek a first strike capability. I think the Senator from Washington will certainly agree that if either side possesses a first strike capability, it would be destabilizing. Is that correct?

Mr. JACKSON. Surely. I want all of this negotiated. And I hope that we can reach an effective and secure agreement to achieve what the Senator has in mind.

Mr. BROOKE. If that agreement is not reached during that negotiation, certainly the Senator does not want either side to continue toward a first strike capability.

Mr. JACKSON. Mr. President, the Senator is laying down a unilateral constraint which prevents the President of the United States, or his appropriate representatives, from negotiating this matter.

Mr. BROOKE. Mr. President, it only seems to me that if we secure a first strike capability and the Soviet Union knows about it, what we can expect of the Soviet Union is that they might fire without warning. We want to avoid this kind of destabilization.

Mr. JACKSON. Mr. President, let me say to my friend that the United States of America from that day in 1945, well into the early 1960's, had the means of utterly destroying the Soviet Union.

Mr. BROOKE. We know that.

Mr. JACKSON. Just a moment. Mr. President, to say that the United States, if it had a first strike capability, would attempt to strike the Soviet Union and that therefore the Soviets would strike the United States without warning does not make much sense.

The Soviet Union was aware that we had this capability from 1945 to the early 1960's, and we did nothing about it.

In that time, Mr. President, the Soviet Union took all sorts of risks. They kept pushing and pushing. We know what happened in Western Europe. We know what happened in Korea, and so on. They took these risks despite the fact that the United States had the means of totally destroying them.

We practiced restraint. No one is going to make a convincing argument that, because we go about trying to protect our deterrent, we are doing something which would cause the Soviet Union to make a first strike against us.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I yield myself an additional 5 minutes.

Mr. BROOKE. Mr. President, all I am saying is that there is a danger that if the United States would secure a first strike capability, the Soviet Union could fire without warning.

The Soviet Union should recognize this danger also. They must know that if they develop a first strike capability, then we change our policy to one of "fire without warning," even though we have shown this magnificent restraint to which the Senator referred.

Mr. JACKSON. Mr. President, I may say that we had a first strike capability from 1945 until 1962. We did not strike. If the shoe had been on the other foot, I wonder what would have been the situation.

Mr. BROOKE. We were not as close to parity then as we are now.

Mr. JACKSON. Mr. President, I yield to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized.

Mr. TOWER. Mr. President, I think the Senator from Washington has stated his case with great restraint and in very tempered terms. I would perhaps go a little further and say it is true that neither country now possesses a first-strike capability. It is certain that the United States does not possess a first-strike policy. I think that is important.

The fact is that reading from our present intelligence, even on a nonclassified basis, it becomes obvious that what the Senator from Washington says is true, that they are building a first-strike capability.

By the mid 1970's they may very well have a first-strike capability to the extent that they could destroy our capability to retaliate with absolute impunity.

I think the term "first strike" has been thrown around too long. If the Soviet Union launched an attack against us and tried to destroy our capacity to retaliate, we might want the capacity to destroy that weapon held in reserve. That does not necessarily mean a first-strike policy.

I think it is perfectly obvious, as the Senator from Washington pointed out, the United States does not have a first-strike policy. The Senator from Massachusetts admitted that we acted with restraint. We have been sorely provoked time and time again. There is not one instance since World War II of U.S. provocation of the Soviet Union. However, there are numerous instances of the Soviet Union provocation of the United States. And we have acted with restraint.

The Senator from Washington would agree that in 1948 when we were sorely

provoked, we could have fought a preemptive war and won it hands down.

I think it is naive to think that we have to give some signal of sincerity and some evidence of good faith to the Soviet Union or else they will try to strike us without warning, thinking we have designs on them. They know we do not have designs on them.

The Western powers have spent a great deal of their energies and resources not only in liquidating their Colonial empires but also in trying to shore up their defenses to the greatest extent possible. On the other hand, the Soviet history in that period of time has been one of absolute imperialism.

I think we are fools if we think that simply by taking unilateral action to reduce our capacity, we will convince the Soviets and that they will do the same.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JACKSON. Mr. President, I yield an additional 5 minutes to the Senator from Texas.

The PRESIDING OFFICER. The Senator from Texas is recognized for an additional 5 minutes.

Mr. BROOKE. Mr. President, will the Senator yield for a question?

Mr. TOWER. I yield for a question.

Mr. BROOKE. Mr. President, does the Senator agree that we have a second strike strategy?

Mr. TOWER. We have a second strike policy. I think that the configuration and deployment of our military forces make it adequately plain that we have no intention of having anything other than a second strike policy.

Mr. BROOKE. Mr. President, that in fact amounts to a second strike strategy.

Mr. TOWER. We do not intend to strike first. I can see no situation in which we would strike first.

Mr. BROOKE. Does the Senator agree that our second strike strategy might be less credible if we develop a first strike credibility?

Mr. TOWER. I would rather use the term "countercharge" in the course of the development of second strike capability. We may have to have a Nike system at the weapons sites. And I see nothing wrong with that.

I do not think that the Russians, even if we develop the capacity—which we will not do, and I do not suggest that we do—but even if we develop first strike capability across the board, I do not think that the Russians seriously believe we would ever use it.

The Russians read history and they do not read the history they put in the textbooks and teach their students. They read the unexpurgated version of it. They are no fools. I think they do have a sense of history. I think they do understand that psychologically they have been superior to us in terms of their waging of the cold war against us.

Mr. BROOKE. Mr. President, the Senator from Texas has indicated that there is a distinction between a first strike policy and a first strike capability. I think he has raised a point.

Mr. TOWER. Yes.

Mr. BROOKE. How can we be assured that the Soviet Union understands this distinction between first strike policy and first strike capability? How can the Soviet Union be sure that if we achieve, obtain, or develop first strike capability, the controlling factor will still be our second strike policy rather than our first strike capability?

Mr. TOWER. Mr. President, is the Senator suggesting that if we develop a first strike capability, the Soviet Union will assume that that is our policy?

Mr. BROOKE. Mr. President, is that not a possibility?

Mr. TOWER. I think it is a possibility. But I think it is highly improbable. As I say, based on history, experience, and our own restraint when we had actual superiority and when we had the capability to reduce the Soviet Union to a shambles, we did not do so.

Mr. BROOKE. Does the Senator from Texas feel the Soviet Union has not shown restraint?

Mr. TOWER. I do not think the Soviet Union has shown restraint. As a matter of fact, the Soviets are obviously afraid. They understand they cannot secure their hegemony in this world without resorting to military force. They proved it in Budapest; and they proved it in Prague. What was happening in Prague? Did the Czechs say they were going to abrogate the Warsaw pact or opt out of the Communist sphere, or establish a capitalist system? No. They asserted that their Government was still Communist and that their economic system was still socialist; but they wanted to liberalize some of their institutions. The Soviet Union feels so insecure in its ability to maintain its programs, that they had to resort to armed force.

Mr. BROOKE. Mr. President, will the Senator yield?

The PRESIDING OFFICER (Mr. FANNIN). The time of the Senator has expired.

Mr. BROOKE. Mr. President, I yield the Senator 5 minutes.

Mr. JACKSON. We will divide the time equally.

Mr. BROOKE. The fact remains that in all the time we have been in Vietnam, to my knowledge, there has not been one Soviet soldier in Vietnam. Is that correct?

Mr. TOWER. Not to my knowledge. We have not discovered evidence of any.

Mr. BROOKE. We have not discovered evidence of any.

Mr. TOWER. Nor any Chinese soldiers, nor North Korean soldiers, nor Czechs, nor Albanians.

Mr. BROOKE. Which does indicate some restraint, does it not?

Mr. TOWER. No, it does not, because they operate a little differently than we operate. They establish a clandestine infrastructure with military arms. That is how they secure their ends. They have not extended their control over any territory or people beyond the use of military means, but they use clandestine infrastructures with military arms, or revolutionary warfare directed from the outside.

As long as they can direct this vast apparatus from the outside they do not need the overt action of troops from other countries. But we discovered the considerable presence of North Vietnamese troops in South Vietnam. Regardless of what is said about the Saigon government, the fact is there were apparently more North Vietnamese that wanted to live in the south than there were South Vietnamese who wanted to live in the north because there was no movement of South Vietnamese into North Vietnam after the DMZ was established, but about a million North Vietnamese left North Vietnam. One could consider that not only covert action but overt, as well.

Mr. BROOKE. It seems that whenever we get into a discussion of the nuclear arms race or relationships between the United States and the Soviet Union we become bogged down in the same old, rather hopeless approach to the problem.

I personally have taken great heart from the potential success of the SALT talks. I am sure the Senator from Texas has done the same thing.

Mr. TOWER. I am delighted with the progress.

Mr. BROOKE. The fact that these talks have been lacking in propaganda has been most encouraging. I have taken heart from the meeting of Willy Brandt in Moscow and the apparent agreement which resulted between the Soviet Union and the West German Government. I have taken heart from the ratification of the Nuclear Test Ban Treaty, and the Treaty for the Nonproliferation of Nuclear Weapons. There are many things that give us hope.

The other side of the coin is that we should not have any hope. There are some who say that we are going to be eternally suspicious of the Soviet Union and that the Soviet Union is going to be eternally suspicious of the United States. In the meantime, what is happening?

Since World War II the Government of the United States has spent more than $1 trillion in defense, and the Soviet Union is not lagging far behind in this expenditure. It seems to me we should be willing and eager to do all we can to control the arms race that is going on and that could lead to a nuclear war.

Mr. TOWER. Mr. President, will the Senator yield?

Mr. BROOKE. I yield.

Mr. TOWER. Talking about the relative expenditures of the Soviet Union with those of the United States, I might remind the Senator from Massachusetts that the Soviet Union gets everything it wants at cost, and their costs do not run as high as costs in our capitalist system where we pay our workers more money.

Then, look at it in terms of the gross national product which the Soviet Union spends on arms and the gross national product which we have spent on arms and one will find that they have been more active than we.

Mr. BROOKE. It does not matter if we are spending more of our gross national product or whether they are spending more of their gross national product. The fact is that we are both spending billions and billons of dollars in an insane nuclear arms race, and that it has to stop.

Mr. TOWER. We did not start it.

Mr. BROOKE. I do not care who started it, we or they. The fact is that it is still going on. The SALT talks give us some hope that it may be stopped.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. BROOKE. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

Mr. BROOKE. It seems to me there is an alternative to what the Senator from Texas has said. Maybe he does not agree with me; and the Senator from Washington may not agree with me. I am not suggesting that if we achieve a first strike capability, automatically the Soviet Union is going to fire first without warning. I pray to God that does not happen, for if it does the world will not be worth living in anyway; it will not matter who has superior weapons for neither side will be able to live on this earth.

Then, there is the other point. As we continue with our Minuteman II and III force, and Poseidon production, getting ever closer to a first strike capability, what will the Soviet Union have to do? It will have to respond by building more accurate SS–11's, SS–13's, SS–19's, and whatever one wants to call them with more megatonnage. And what will we have to do? We will have to get larger Minuteman III's or Minuteman IV's, and MIRV's. We will go on and on, and they will go on and on. We will spend trillions of dollars in an insane nuclear arms race.

What I am suggesting by this very modest amendment which I propose is that the legislative body—not the executive branch because the executive branch has already said it does not seek a first strike capability—but this legislative branch should say that we do not seek a first strike capability. Let it be known to the Soviet Union and to the world that we want to end this nuclear arms race in which we are engaged and which is causing so much suffering to millions of people, not only in the United States, but all over the world. That is all I propose.

Mr. TOWER. Mr. President, will the Senator yield to me for 3 minutes?

Mr. JACKSON. I yield to the Senator from Texas 5 minutes.

Mr. TOWER. Mr. President, I think basically there is a striking difference in the way we view the Soviet Union response to the things we do. I never for 1 minute would question the motivation of the distinguished Senator from Massachusetts. I think he is well motivated. I think he is a great patriot. He has already proved that in his personal life and in his personal experience. He has done more here for his country than I have and I want to make that adequately clear.

I think we have a different understanding of some things. But I do not accept the notion, and I think many of us do not accept the notion, that if we will take this situation and legally bind ourselves against making progress in some field of weapons development or deployment, we will convey to the Soviet Union a signal of good will and sincerity that will remove any suspicion they have of us and make them more amenable to the consideration of a limitation of strategic arms.

Further, it is said that if we show some restraint in the development of new arms systems, they will do likewise. I must say that I can accept neither of those premises. To begin with, we have exercised great restraint. In the past few years and the past decade we have slowed down our development of new weapons systems. We have not developed more than two or three significant new weapons systems in the last decade, and the Soviet Union has developed several.

We have not developed an air-to-air interceptor since 1955. The Russians have developed eight.

We have been dismantling our Navy. We have been retiring ships from operational duty. The Soviets, on the other hand, have gone into extensive expansion of their shipbuilding programs and the modernization of their navy.

We have stopped the deployment of intercontinental ballistic missiles at 1,054, and the Russians have now gone beyond that, and are still going.

We have never gone into extensive development toward a first strike capability that they have—not in recent years—and they continue apace to deploy the SS–9, which is a formidable piece of weapon.

It is my feeling that should we, through statutory action, legally preclude the United States from doing things which the Soviets are not precluded from doing legally, then they will interpret this as a sign of weakness and they will have little feeling but contempt for us; and that it will not hasten the day—indeed, it will postpone the day—when they will sit down and make some meaningful settlement with the United States on the limitation of arms. The only thing they understand is toughness.

One advantage they have over us, being a dictatorship, or an oligarchy, or whatever you want to call it—a country ruled by a very few and a country not subject to the restraints of constitutional, popular government—is that they can do anything they want to do; and we had better place ourselves in a position of being able to move with some degree of dispatch and lack of inhibition and restraint to develop new weapons systems if indeed it appears in the interests of the United States and the free world to do so.

Mr. BROOKE. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from Massachusetts.

Mr. BROOKE. I wish to thank the distinguished Senator from Texas for his very kind reference to my patriotism, and to thank him for for entering into this colloquy. He is a very able and a very skillful debater and has great knowledge of our military weapons systems. I think the colloquy has been very helpful.

I would like at this time to direct a question to the able Senator from Washington (Mr. JACKSON): Is it just possible that the large SS–9's to which the Senator referred in our colloquy are designed for a so-called damage-limiting function—that is, weapons to be used against U.S. weapons in the event that war actually begins?

Mr. JACKSON. Mr. President, I suppose one could so speculate. That would not be the kind of conclusion I would come to, nor is it the conclusion which most strategic weapons experts—and I am not a strategic weapons expert—would come to.

I must say that most people who were hoping for some kind of signal from the Soviets that all they wanted was to protect their own interests—which is understandable—and to have a deterrent which was survivable, were somewhat dismayed—and I guess that would be putting it mildly—when the Soviets made a decision to go ahead with this huge missile system.

I, for the life of me, cannot understand what possible use they would have for the SS–9 other than to use it against very hard targets.

As I have said, I was involved, way back in the 1950's, when we discussed, in the Joint Committee on Atomic Energy, whether we should have available for our arsenal weapons with very substantial megatonnage. We made a decision not to go that route, even with our manned bombers.

I had hoped, of course, that the Soviet Union, in connection with their response, which was to be expected, to build up their own missiles, would have followed the route we followed. That certainly would have been a clear signal that they wanted to reach some kind of agreement.

When one stops to consider the amount of money that the Soviet Union has invested in the SS–9 alone, one cannot help but be disturbed. My recollection is that they have invested, based on the best evaluation that can be made, about $9 billion in the SS–9 force. This is an investment, of course, that is substantial indeed. This is an investment that it was not necessary for them to make if their sole purpose was to achieve parity and to have a force with which they could protect their own vital strategic interest. They have, after all, a wholly adequate deterrent force in their other land-based missiles—more than 1,000 of them.

I think the SS–9 simply cannot be explained away, when one just faces the cold, hard facts of its great size. It is hardly in keeping with the expected goal of a survivable force with which they have in mind only an ability to retaliate against a possible surprise attack by the United States.

I say they cannot, with any objectivity, assume that the United States is bent on a first-strike capability when one reviews the past history in which we had a monopoly and during which time they had a very small nuclear force.

The PRESIDING OFFICER. The 5 minutes of the Senator from Massachusetts have expired.

Mr. BROOKE. Mr. President, I yield myself 5 additional minutes.

I feel that the colloquy entered into by the most able and distinguished Senator from Washington and the very able and distinguished Senator from Texas have been very healthy and very helpful.

I feel very strongly that Congress has a joint responsibility with the President and the executive branch of Government to establish the general characteristics of military weapons systems. We must not shirk our responsibility. I think that, contrary to what Secretary Laird said in another statement to the distinguished chairman of the Armed Services Com-

mittee concerning both of the amendments I have offered today, this is a matter for the Congress as well as for the Department of Defense.

If that were not true, all we need do is act upon those recommendations submitted to us. Without question, the weapons systems and their characteristics would be decided upon solely by the Defense Department.

My amendments are an attempt to reassert the constitutional prerogatives of the Congress.

One of those amendments, of course, has been accepted with modifications. A second amendment, having to do with first strike capability, is one which deals with a very vital and very important subject—a matter which goes to the heart of the arms limitation talks, and really to the question of peace or extermination.

I feel that it is a most important subject. And I realize that on this highly technical matter we have not had an opportunity for hearing before the Armed Services Committee. Therefore, I would like to ask the distinguished chairman of the Armed Services Committee, who is present in the Chamber, whether we could have an agreement at some time to have hearings on the subject matter of the present amendment.

Mr. STENNIS. Well, I want to be frank with the Senator. I feel as though I have already said about all I can say now on hearings, and guaranteeing hearings. I would not say I was not going to have any, but we have got this bill for 1972 coming up, selective service coming up, the question of a voluntary army coming up, alleged rumors of more than one pay bill coming up, and a great deal many matters.

I am not indifferent to the Senator's request at all, but I just believe I ought not to make any commitment. We already have a subcommittee, headed by the Senator from Washington (Mr. JACKSON), on the SALT talks. Would the Senator from Washington care to respond?

Mr. JACKSON. Yes.

Mr. President, will the Senator yield?

Mr. BROOKE. I yield to the Senator from Washington.

Mr. STENNIS. On my time, if he cares to.

Mr. JACKSON. First, Mr. President, let me say, as I said in connection with the earlier amendment, that I compliment the able Senator from Massachusetts for bringing these matters before the Senate. I think it is healthy that we have a good colloquy and a good discussion. I know how sincere the Senator is, and I repeat what I said earlier: I disagree with the means the Senator has in mind of trying to accomplish the result which we all want to achieve, an agreement to limit strategic arms.

I shall be happy—it is not possible this fall, but after the first of the year—to go into this matter of MIRV and its role in the Strategic Arms Limitation Talks. As the Senator from Massachusetts knows, I would say that much of the discussion would have to be in executive session. We could have some open sessions where we have outside witnesses.

I would be happy to explore the whole area of MIRV and the ramifications of the pending amendment and other possible amendments that the Senator might have in mind for the future.

I think what has been said here today lays a foundation for an ongoing discussion in the Strategic Arms Limitation Subcommittee, of which the Senator from Massachusetts is a member. I would be very happy to get into it at an appropriate time after the first of the year.

Mr. BROOKE. Mr. President, I am very pleased that the distinguished chairman of the Subcommittee on SALT feels this way about this subject, and that he would be willing—if not before then certainly at the beginning of the next session—to have hearings on this important subject.

I think it is a matter we should not dismiss. It is a matter on which more of our colleagues should be thoroughly informed. It is something that is going to be with us for a long period of time, and it is something that deserves our very serious consideration, and as much knowledge as possible on the complex matters of MIRV technology.

Mr. JACKSON. Will the Senator yield at that point?

Mr. BROOKE. I yield.

Mr. JACKSON. Without getting into any of the classified aspects of our hearings before the subcommittee, I think it is fair to say that the distinguished Senator from Massachusetts has already raised questions about certain aspects of MIRV as it relates to the SALT talks. I think we are in a position to go on from there, and, especially based on the colloquy here today, to dig deeper and spend some appropriate amount of time on this subject.

Mr. BROOKE. Mr. President, I thank the very able Senator from Washington. Though he claims not to be an expert on these matters, he is perhaps as knowledgeable or more knowledgeable about them than any of the rest of us in the Senate. He has spent a great deal of time on them; he has done a lot of personal research, and I am very grateful that he has been willing to spend so much time in colloquy on both of these amendments today.

Mr. President, I feel very strongly about this matter. I frankly do not know what the outcome of a record vote would be. I do not think any of us do, we cannot predict what the Senate will do. But in the event the Senate did reject the amendment overwhelmingly, I would be very fearful that it might be misconstrued by the Soviet Union and by the negotiators at the SALT talks in a way that would be very harmful to us. It might be misconstrued as indicating that this meant we were seeking a first strike capability.

The able Senator from Washington, the able Senator from Texas, and all of us have agreed, as the President of the United States, Mr. Nixon, and the Secretary of Defense, Mr. Laird, did publicly, that the policy is not to seek a first strike capability, and that we are not seeking a first strike capability. The able Senator from Washington and the able Senator from Texas have indicated that they both hope we will not in the future seek a first strike capability. I think this should be clear to the Soviet Union and to the negotiators at SALT on both sides, that the United States is not seeking a first strike capability. That is why I am fearful that if we had a vote today, it could be misconstrued, and could be very harmful to the success of the SALT talks. That is certainly something none of us would want to happen.

Because of that concern, Mr. President, I ask unanimous consent that I may withdraw my amendment.

The PRESIDING OFFICER. The Senator has the right to withdraw his amendment.

Mr. BROOKE. Mr. President, before I withdraw the amendment, let me briefly summarize its merits. A grave contingency confronts us and it is imperative that the Congress prepare to meet it. That is the possibility—one might say the probability—that the initial MIRV deployments will continue and that these weapons will be in the arsenals of the United States and probably the Soviet Union for the indefinite future. If that trend continues, our fundamental concern must be to insure that the MIRV's that are deployed reinforce strategic stability. They can do so only if they are exclusively, explicitly, and credibly designed for the retaliatory, second strike mission. In short, we must erect standards which make clear that the United States will not deploy MIRV systems capable of threatening the Soviet strategic forces.

The United States has, of course, been committed to a second strike posture for many years. The task here is to see that the MIRV systems are compatible with that posture. President Nixon has consistently stressed this principle in his decisions and declarations on strategic weapons. For example, in proposing the Safeguard anti-ballistic-missile system, the President wisely underscored his concern to avoid actions which appeared to threaten the Soviet retaliatory forces. In his remarks of March 14, 1969—surely one of the most important and enlightened strategic statements by any statesman—Mr. Nixon repeatedly applied the American doctrine of deterrence. We rejected the possibility of a heavy ABM defense because:

> It might look to an opponent like the prelude to an offensive strategy threatening the Soviet deterrent.

He also decided against meeting the Soviet buildup by increasing U.S. offensive capabilities, since such an increase "could be misinterpreted by the Soviets as an attempt to threaten their deterrent. It would therefore stimulate an arms race." And the President partially justified the reorientation of the U.S. ABM system to defense of the Minuteman force by stating:

> The program is not provocative. The Soviet retaliatory capability is not affected by our decision.

President Nixon applied the same standard in his redirection of the U.S. MIRV program. As the Senate will recall, Mr. Nixon informed us some months ago that a proposed development of a hard-target MIRV system had not been approved and that the United States has no such program.

In testimony before the Armed Services Committee Secretary of Defense Laird further commented on this im-

portant decision by pointing out that the President "has made it perfectly clear that we do not intend to develop counterforce capabilities which the Soviets could construe as having a first-strike potential." I believe the Secretary, who has been so deeply concerned by the deployment of Soviet weapons with an evident potential for attacking U.S. ICBM's, must have a special appreciation of the hazards of such destabilizing weapons. It is clear to every careful analyst that weapons capable of counterforce attacks only make the existing strategic balance more dangerous and the ensuing arms race more costly.

There is, obviously, no disagreement that, if MIRV is required to penetrate a Soviet ABM system and to maintain a credible second strike capability, then this country will continue deploying such systems. However, the retaliatory mission can be performed with relatively modest yields and limited accuracies that would be unsuitable for any first strike against enemy missile forces. The truth of this simple axiom is apparent when one recalls that Hiroshima was almost obliterated by a 20-kiloton atomic bomb—much smaller than today's missile-borne payloads—delivered with an accuracy which has long since been surpassed.

The Armed Services Committee has expressed its concern about the implications of MIRV for the credibility of America's commitment to a second strike or mutual deterrence doctrine. In reducing the funds for the so-called ABRES—advanced ballistic reentry systems—program, the committee has stressed in its report that the reduction is related to "any future hard-target kill capability." The report points out that the strictly retaliatory objective "can be met with substantially less accuracy and more modest yields than needed for the counterforce mission." Thus, the committee has thoughtfully discouraged even preliminary development work which might be viewed as pointed toward a destabilizing counterforce capacity—a capacity that is unnecessary and indeed highly detrimental to deterrence.

In pursuit of this same objective, so clearly enunciated by the President, the Secretary of Defense, and the Armed Services Committee, I am proposing a second amendment setting the standards for deployment of a retaliatory MIRV capability. This amendment would prohibit the use of funds for operational development, testing or procurement of a hard-target MIRV system, and would specifically define what a hard-target MIRV system capability is.

Much discussion of this issue has been impeded by the absence of an agreed definition of hard-target capability. Obviously it is meaningless to declare that the United States will forego a capability to attack Soviet strategic forces unless that capability is defined in believable and understandable terms. Both in the interest of our own understanding, and even more, of Soviet perceptions of our intentions, this amendment would limit U.S. MIRV systems to yields and accuracies no greater than one-third the level considered necessary to enable a single warhead to neutralize a hardened missile silo.

I have developed this definition in extensive discussions with the Department of Defense and with colleagues in and out of Congress. As I am sure the Department of Defense agrees, it provides more than ample latitude for MIRV systems to meet the requirements of a second strike, while it establishes a threshold well below that which could jeopardize Soviet missile forces. I believe it to be an even more urgent provision than the first amendment I have presented. On the real likelihood that MIRV deployment may continue, we must have firm guidelines for our subsequent action in this field.

Because of their deep concern on this matter, more than half the members of the faculty of the Massachusetts Institute of Technology have individually joined in a petition to the President and the Senate to forgo any hard-target MIRV development. Growing numbers of responsible spokesmen in the technical community, including many proponents of MIRV, recognize that we do not need and in fact cannot afford to move toward hard-target MIRV's, since the result can only be a diminution in our own security. This amendment can be a decisive affirmation of our determination to avoid ambiguous or provocative improvements in MIRV systems.

The logic for this proposal is rooted in mutual deterrence itself, as President Nixon has so well indicated. Stable deterrence requires that neither side threaten the other side's capacity to retaliate. This is necessary not only to avoid endless cycles in the arms race, as one of the other side moves desperately to protect its retaliatory capacity. It is primarily important because, should a nation find its forces to be vulnerable, those weapons can only be used if they themselves are launched first. If they are withheld, they run the risk of destruction. This is the insight which years ago led Albert Wohlstetter and others to note that the "balance of terror" is delicate, and that security in the nuclear age demands that strategic weapons be invulnerable. Thus, U.S. security is in no way served by any capability to threaten Soviet strategic forces. Such a capability would only raise the prospect that Soviet weapons might be launched in some moment of crisis out of fear that otherwise they would be disarmed in a first strike. The same is no less true of any Soviet deployment threatening our retaliatory forces.

We cannot tolerate hair triggers in an era of instant and total devastation. The only sane policy for both countries is to refrain from such destabilizing systems and to take those measures which create unambiguous and invulnerable second strike forces.

That is the purpose of this amendment. By setting this criterion for American MIRV systems, we can enhance our own security and set a model for the Soviet Union to match. Even if they fail to do so, we will have insured that any American MIRV systems are compatible with the policy to which the United States is dedicated. We will also have struck a note of prudence which could resound very helpfully in the Strategic Arms Limitation Talks.

To sum up, the subject of MIRV is complex but the case for this amendment is itself quite simple. If MIRV deployment continues, we shall need to insure that the American MIRV systems remain strictly retaliatory weapons which do not undermine the stable deterrence on which our security rests.

Mr. President, I withdraw the amendment.

I yield back the remainder of my time.

Mr. JACKSON. I yield back the remainder of my time.

Mr. THURMOND. Mr. President, I rise in distinct opposition to the proposed amendment, No. 861, which would require a $5 billion across-the-board reduction in military spending to the fiscal year 1971 defense authorization bill. Spending would be reduced from $71.2 to $66 billion. A $5 billion across-the-board cut would of necessity involve the termination or stretching out of many defense contracts. Either action could be disastrous both from a cost efficiency and military preparedness standpoint.

The Senate Armed Services Committee and the two special ad hoc subcommittees appointed by Chairman STENNIS reviewed the requests by the military departments over a span of months in painstaking detail. Senator STENNIS and Senator MCINTYRE I know will comment on their endeavors. I would like to comment specifically on the work and efforts of the Tactical Air Power Subcommittee, due to the temporary absence of Chairman CANNON.

On July 29, Senator CANNON presented to the Senate a detailed résumé of the work of the subcommittee. I do not intend to repeat that information today, but I am ready to discuss any of these programs today to reaffirm the basis for the actions recommended to the full committee.

In brief, 10 major aircraft programs and 12 major missile programs were examined. The funds requested for these weapon systems was $3.2 billion.

The subcommittee recommended reductions of $173.3 million—a reduction of 5.4 percent. Each member of this subcommittee took his job seriously. We were keenly aware that our national security interests, and the world in which we live today, presented a clear mandate that we not act hastily or arbitrarily. If we had attempted an arbitrary across-the-board cut as a method of procedure, it would not have been necessary for us to explore any of these programs in any detail. There would have been no need to do so. No matter what the justification presented by the Department of Defense with respect to any weapon systems, our minds would have been made up. The only question that we would have found necessary to resolve was the percentage cut we desired to inflict on the Defense Department requests.

Quite frankly, Mr. President, I do not think the subcommittee would have properly discharged its responsibility to the American people by resorting to such a course of action. We would have left the clear implication that we neither had the time nor the interest to review the validity or the merit with respect to the programs and weapon systems of the Department of Defense.

I am sure everyone would agree that it would not be a commendable performance for us to throw up our hands—state

the task was impossible—and thereby rubberstamp the entire financial requests of the Department of Defense. Not at all. The American taxpayers expects more of Congress than to merely rubberstamp the requests of any branch of the Government, including the Defense Department.

We then proceed to the precise opposite of a rubberstamp, which is resorting to an arbitrary cut in the request of the Defense Department.

This approach is wanting in both wisdom and logic. First of all, if we abrogate our responsibilities and fail to make the wisest judgments possible after a thorough review of the individual programs, we would be making an uninformed judgment. To determine the amount the Defense budget should be cut would invoke an arbitrary rule of thumb whose accuracy would be a sheer guess. Who could knowledgeably tell the American people that Defense expenditures should randomly be cut by $5 billion? What would make that figure any more correct than $1 billion or $2 billion? What would make $10 billion more exact than a $50 billion cut? The arbitrary figure would be based on guesswork rather than judged on merit.

Therefore, Mr. President, such a procedure was rejected during the Tactical Air Power Subcommittee's deliberation on the $3.2 billion in requests for tactical weapon systems as being entirely unfounded. There were no preconceived ideas or opinions on which programs would be supported or not supported. There were no preconceived ideas on the specific amount of money that should or should not be cut from the budget. It was our sole objective to let each program and the facts surrounding each program speak for itself and either justify or not justify the funds requested.

As Senator CANNON told the Senate on July 29, in presenting the recommendations of the subcommittee, he felt Secretary Laird's budget—which he characterized as a "rock bottom" budget—was a reasonable one. After all, the Secretary and hundreds of people in the Defense Department had worked long and diligently in its preparation. This, coupled with the importance of these programs to our national security, requires that we on the Armed Services Committee exercise the best possible judgment. It requires that we act with caution and restraint and obtain all relevant facts on each weapon system. Every effort was made to achieve this objective.

The full committee held hearings resulting in 2,715 pages of printed testimony. We in the Tactical Air Power Subcommittee had 1,367 pages of hearings in an effort to properly discharge our responsibilities. These classified hearings are available to any Senator who desires to review them and to explore the details relative to 22 major tactical aircraft and missile systems.

I know that the Armed Services Committee, under the excellent leadership of the distinguished Senator from Mississippi, shares with me this philosophy and approach toward handling the Defense Department's budget.

As we know, the full committee, after months of intensive hearings, presented to the Senate a budget which had been reduced by $1.3 billion, from $20.2 billion to $18.9 billion. This action was not done arbitrarily by the use of a percentage cut. It was done with deliberativeness and careful attention to the justification surrounding each of the major weapon systems. Questions raised on the floor with respect to the justification or lack thereof concerning any major weapon system were welcomed. Senators who wanted more facts received a prompt answer. However, now that many amendments dealing with specific weapons systems have been defeated after lengthy and extensive debate, I certainly do not believe the Senate should resort to an across-the-board reduction of $5 billion without any justification whatsoever to support this amendment.

In my judgment, wielding a large ax on military programs and to "cut for the sake of cutting" lacks wisdom and foresight. Our national security interests must not be abrogated or discounted in the pellmell rush to achieve economy. We must not permit the desire for economy to sweep everything before it. As long as we have our worldwide commitments and expect the military to be capable and responsible to meet them, we must provide them with the weapons and hardware; otherwise, we are only kidding ourselves.

There is an associated issue that has come in for considerable discussion on the floor. That issue underlies in some large degree the reasoning of the proponents of the amendment to make a flat $5 billion cut. That issue revolves around the principle of concurrency. As the term was used, it represents some degree of overlap between research and development and production.

The Tactical Air Power Subcommittee indirectly has been commended on the floor of the Senate for some of its actions in reducing the request for production funds where research and development had not shown sufficient progress. It is true. We did cut production funds for the Sparrow-Aim 7–F, the Maverick, and the Condor missile programs. However, we did not do so arbitrarily. Most importantly, we did not reduce these funds merely because research and development had not been completed. We did it after reviewing all the facts available and reaching a judgment that procurement funds could safely be deferred in order to obtain another year of intensive research and development. A satisfactory level of progress in research and development must be achieved before significant production is permitted to proceed. Frequently, these are difficult decisions. An informed judgment can be made only after the facts on each weapon system has been reviewed. It is not proper and fitting to jump to a conclusion that no procurement funds are warranted until research and development has been 100 percent completed. Unfortunately, Mr. President, that is the impression I have received from some of the statements made recently here on the floor.

Concurrency is a very important subject but one which is frequently misunderstood. As we have been discussing it, concurrency is the overlap at some point in time where some research and development is taking place simultaneously with production. First of all, there is nothing wrong with some concurrency as long as it is properly understood and properly applied.

The major factor that has to be realized and fairly evaluated is the "degree of risk" involved in a given program. If the "degree of risk" is deemed acceptable by the experts, then reasonable production funds should be approved and some production permitted. This applies in particular to the procurement of long-lead items. If we fail to authorize the procurement of long-lead items before research and development is completed then not only is valuable time lost, but the cost of the weapons system jumps enormously. I should say in passing that long-lead items are those complicated hard-to-get components of a weapons system that take the longest period of time on which to obtain delivery.

Every new weapons system should have a "degree of risk" involved. If there is no risk involved, we are not improving the state of the art. We are merely maintaining the status quo. We might as well purchase older military hardware that we have been buying over the years which has the inherent disadvantage of obsolescence. Every Senator should recognize, Mr. President, that new weapons systems involve risk. Risks cannot and should not be eliminated. The key issue to be determined is the "degree of risk." Where we deem the risk acceptable, we authorize the funds; and where we deem the risk unacceptable, we deny production funds.

I wonder if people who believe concurrency is "evil" have analyzed the enormous increases in cost that would be incurred if Congress were to insist that research and development be completed prior to authorizing any production funds. The slow rate of development and production on all weapons systems under this procedure would make most of them economically impossible to procure. None of them could pass the test of cost effectiveness.

Let us take a specific example. On the F–14 aircraft program there will be 12 research and development aircraft. These aircraft will be delivered between January and December 1971 at the rate of one per month. The first aircraft will fly ahead of schedule in December of this year under present plans. There was some misunderstanding on the floor the other day indicating that the 26 aircraft in this year's bill were prototype or development aircraft. This is not the case. They are production aircraft. Some people have suggested we finish F–14 research and development before buying the first production aircraft. On the surface, this may sound reasonable in theory, but in the world of reality, Mr. President, it would be terrible. Why is this so?

The Navy will not receive the 12th research and development aircraft until December 1971. Although research and development will go beyond that point, let us assume for the moment that research and development will be substantially completed with delivery of the 12th aircraft in December 1971. Then assume the administration acts with unprecedented speed and includes a procurement request in the fiscal year 1973 budget request which will come to the

Congress in January 1972. It would then be about September or October 1972 before the Congress completed action on the bill and hopefully the Navy would be in a position to let a contract by January of 1973. Meanwhile the contractor has had no production work or funds during 1972. His work force has of necessity been disbanded and the existing contract has been completely abrogated. The result would be an utter and complete procurement disaster.

Assuming that a contract was ultimately let we would not receive the first operational squadron until approximately 3 years later than the present program—namely, 1976. Under this approach, we could not protect our national security interest in any realistic manner. The F–4 requires replacement by 1975—there is no question or doubt about that.

We authorized 26 production F–14 aircraft this year. The first one will not be delivered until January 1972, more than 1 year after the first flight of the F–14. The balance will be delivered during 1972. Thus it is readily apparent that we will have spent very little of the funds authorized this year for the 26 aircraft until substantial flight test data has been accumulated.

Now let us examine some of the associated cost figures. If we require delivery of the 12 research and development aircraft prior to authorizing the procurement of any F–14 aircraft it would cost a staggering sum of money and a 2-year production gap. If we permitted a 2-year production gap, under the analysis previously mentioned, where we wait until the fiscal year 1973 budget year to authorize F–14 aircraft there is no accurate cost figure available. In my judgment, I feel confident the increased cost would exceed $2 billion over the present program. Why do I say this? The Navy has analyzed the cost impact for a 1-year production gap. The increased costs thereof were $896 million over the present program. I do not think the American taxpayer would knowingly support this concept of purchasing weapons systems if he is provided an awareness of the facts involved. We cannot and must not let simplistic or idealistic approaches be used to govern the procurement of complicated weapons systems. Any proposed changes must be thoroughly reviewed to determine their impact on any given program in time, cost, and impact on our national security position. Otherwise we do ourselves and the Nation a grave injustice.

I would add further, Mr. President, that the Tactical Air Power Subcommittee examined the impact of reducing the F–14 program this year from 26 to 15 aircraft. This would have incurred a minimum increase in cost of $64 million. In addition the unit cost of the 15 aircraft would have risen $9 million each for a total of $135 million more than necessary. Also, the unit cost of aircraft purchased in later years would be higher. I hasten to add that the unit cost figures are for this year only. The initial aircraft of any type costs more. The average price is less as additional planes are produced.

Mr. President, the subcommittee looked at an extreme example. Suppose the F–14 was a catastrophic failure at the time of first flight this December and the program was terminated shortly thereafter. The estimated Government liability for the 26 aircraft in this year's bill is $165 million. Its liability if it purchased 15 aircraft is $124 million. We did not feel that the difference as to potential Government liability was sufficient to justify reducing the program from 26 to 15 aircraft and to incur the minimum $64 million increase in cost as a consequence. We felt the "degree of risk" was such that we could justifiably authorize the 26 aircraft—and we did so.

It is possible, Mr. President, for anyone to conjure up all sorts of problems that may arise on the F–14 or any other weapons system for that matter. Quite frankly, I cannot support this premise. We endeavored to arrive at reasoned judgments based on the facts available and not on a hypothesis that some problem may arise. Problems will be incurred. This is no secret. They are incurred on any major weapons system where there are significant advances in the state-of-the-art. If we did not have problems we would have no degree of risk. But as to those programs that we have acted upon affirmatively, it was our judgment the degree of risk was acceptable.

In summary on this point, Mr. President, I cannot emphasize too strongly the enormous—extremely enormous—increase in price that the American taxpayer will have to pay for his defense if we resorted to the philosophy or management practice that concurrency by its very nature is wrong and should be completely avoided.

Another important area I feel compelled to comment on today is the fact that this bill which was brought to the floor after searching scrutiny and thorough work by the Committee on Armed Services now has had numerous amendments introduced to it and had they been adopted it would have resembled a "Christmas tree." Many of these amendments are germane and many are not. In my opinion, the amendments should principally deal with the justification or lack thereof for the funds dealing with the weapon systems involved. Many of the amendments introduced, in my opinion, should properly be the subject of separate and distinct legislation.

Another comment I feel compelled to make, Mr. President, is that the Congress over the years has earned the title of the most deliberative body in the world and I think we have eminently lived up to that title. This bill came to the Senate floor on July 24 and the certain end does not appear in sight.

The Department of Defense commenced a new fiscal year on July 1, hence it must operate under continuing resolutions. Of equal importance is the fact that it, of necessity, is already hard at work on the fiscal year 1972 budget, without any precise knowledge of what this bill will contain. This is an extremely difficult way in which to conduct the largest business in the world. We properly expect DOD officials to be most efficient in the administration of this department, but we seldom sit back and reflect on one of the most important reasons why their efficiency is reduced—because their budgets are given to them several months after the fiscal year commences. This is not an efficient or economical way to "run a railroad" and we all recognize it.

Every Member had a willingness this year to dispose of the appropriation bills early. We had every intention of doing so. Several issues arose which found us engaging in weeks of debate on nonappropriations issues. It is my earnest suggestion that the President and the Secretary of Defense give earnest consideration toward recommending to the Congress a change in the fiscal year covering the executive branch of the Government. I firmly believe that we should change to the calendar year basis so that our appropriation bills, and particularly that of the Defense Department, would be acted on by October or November—which has been the real world in recent times—for the calendar year commencing the following January 1 so a more efficient and orderly procedure of running our Government could be realized.

I want to say that I am not criticizing any individual or any amendment. I am sincerely convinced, however, that our system of doing business in the Congress must be materially improved upon. The American people and the executive branch of the Government are depending on us to legislate in a timely manner. I refer particularly to the appropriations bills which have encountered increased difficulties during recent years due to the presence of other major issues.

Finally, Mr. President, I do not believe the Senate can or should act as a "committee on the whole." Over the years we have established a very essential and invaluable element in the legislative process, known as the committee system without which we cannot operate or function effectively. I am sure every Member recognizes this fundamental premise. Yet, with respect to the military authorization bill, a good deal of debate on the floor has revolved around basic and fundamental questions—questions which have been explored thoroughly by the Committee on Armed Services. The hearing records are available to any Senator or his staff. Certainly they should have the information they desire, to make an informed judgment, but I do not think we can afford endless discussion to basic questions here on the floor. We must move ahead with this vital legislation and rely on the integrity of the committee system to a large extent.

In conclusion, Mr. President, I think that after we have debated at length amendments dealing with certain individual weapon systems, that it would be extremely unwise for the Senate to accept any across-the-board cut to this authorization bill. No one, no matter how well intentioned, can state with any degree of certitude what that reduction should be—in order to be completely equitable and objective—and more importantly, permit the protection of our vital national security interest.

In conclusion, I want to say there is nothing magic in the cuts we made or our recommendations to the Senate. I do state that we took our actions only after lengthy hearings, and a serious delibera-

tion of the available facts to reach our judgments. In my opinion, anyone who desires to cut our bill further should advance persuasive and specific facts to support their position.

Generalized expressions, feelings, and opinions are not, in my opinion, a sound basis for invoking additional cuts.

I would urge the Senate, Mr. President, to respectfully but summarily reject amendment No. 861 whose purpose is to pursue such a course of action by a cut of $5 billion.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER (Mr. FANNIN). The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 861

Mr. STENNIS. Mr. President, I speak now in opposition to amendment No. 861, which is the Proxmire-Mathias amendment, proposing a limitation of $66 billion on fiscal year 1971 budget outlays for military functions of the Department of Defense.

Mr. President, with all respect to the sponsors of the amendment, I am convinced that it does not have the merit that would make it deserving to be adopted, and, therefore, it should be rejected.

I am certain that the Senator from Wisconsin agrees that we should not spend 1 cent more on defense than is absolutely necessary. But we disagree on how much is necessary.

Thus far we have been debating the military procurement authorization bill for fiscal year 1971, for which the Committee on Armed Services has recommended $19.3 billion. This is a decrease of $1.3 billion, or 6.7 percent from the $20.6 billion requested.

The budget request upon which this bill is based represents only 29 percent of the total defense request for new obligatory authority.

Therefore, the proposed amendment goes far beyond this bill we have under consideration, and would impose an expenditure reduction of $5.2 billion on the entire defense budget, which is not before us, has not been debated, and has not been discussed.

In other words, this cut would apply to many other appropriations which are beyond the cognizance of the Committee on Armed Services and which have not been reported by the Committee on Appropriations of the Senate or of the House.

Here is a case where Appropriations Committees have been waiting for the passage of this bill, and now we come along in this authorization bill and cut appropriations that come in on the other bill, and which cannot come in until consideration of this bill is finished. It is an impossible situation we continue to get ourselves into. I believe this body will pay the cost in prestige, importance, and the fullest respect of informed people.

It is a matter of concern to me—and I am not talking about individual Senators—but we are getting the cart before the horse. We are reversing the procedure and making reductions before we ever get the bill, even before the bill is written.

I emphasize that the fiscal 1971 authorization is for new obligatory authority, and that only a small portion will normally be expended during 1971. For obvious reasons, Mr. President, these funds had to be authorized and the money appropriated in advance so that the Department of Defense, as to weaponry especially, will be in a position to proceed and make contracts so that these matters may move forward.

I have already mentioned the fact that this goes over into the business of appropriations that have not been written yet, much less presented to this body.

I have a communication before me from the chairman of the Committee on Appropriations. He is obviously concerned about this reversal of the processes. The letter is dated August 27, 1970, and is addressed to me as chairman of the committee. The letter reads:

U.S. SENATE,
COMMITTEE ON APPROPRIATIONS,
Washington, D.C., August 27, 1970.

Hon. JOHN STENNIS,
U.S. Senate,
Washington, D.C.

DEAR SENATOR STENNIS: I am enclosing for your consideration a memorandum prepared by the staff of the Committee on the Proxmire-Mathias Amendment to the pending Department of Defense Procurement Authorization Bill (Amendment Number 861) imposing a limitation of $66 billion on fiscal year 1971 budget outlays for military functions of the Department of Defense.

Sincerely,

RICHARD B. RUSSELL,
Chairman.

Mr. President, the Senator from Georgia (Mr. RUSSELL) is chairman of the Committee on Appropriations and chairman of the Defense Subcommittee that handles that bill.

The memorandum is dated today and it is from the Chief of Staff and his able assistant. It sets forth the situation as to fiscal years 1969, 1970, and 1971, and it shows the enormous effect of this proposed amendment and how it cuts into several years' programs and bills that have not even been written up, much less that have come before the Senate.

Mr. President, I ask unanimous consent that the memorandum which was enclosed in the letter from the distinguished Senator from Georgia (Mr. RUSSELL) dated August 27, 1970, may be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

Date: August 27, 1970.
Memorandum to: Chairman RUSSELL.
From: Tom Scott and Bill Woodruff.
Subject: The Proxmire-Mathias Amendment to the pending Department of Defense Procurement Authorization Bill (Amendment No. 861)

1. As requested by you, we have reviewed the Proxmire-Mathias Amendment, and in our opinion, the following points should be carefully considered before such an amendment is enacted:

a. The President's budget for fiscal year 1971 is based on budget outlays for "military functions" of the Department of Defense totaling $71.2 billion. The Proxmire-Mathias Amendment would impose a ceiling of $66 billion on such outlays—a reduction of $5.2 billion, or approximately 7.3%.

b. Attention is called to the fact that the estimated fiscal year 1971 outlays for military functions represents a reduction of $5.3 billion below the fiscal year 1970 level and $6.7 billion below the fiscal year 1969 level. However, when we look at these expenditure levels stated in constant fiscal year 1969 dollars, the decreases are even greater. Stated in fiscal year 1969 dollars, the fiscal year 1971 estimate for military functions is $65.3 billion—a reduction of $12.6 billion below the fiscal year 1969. These comparisons are set out in the following tabulation:

[In billions of dollars]

Fiscal year	Actual dollars	1969 dollars
1969	77.9	77.9
1970	76.5	71.8
1971	71.2	65.3

c. The pending bill relates only to a portion of military outlays. The Proxmire-Mathias Amendment applies to all outlays under military functions. A more appropriate and more timely measure for this type of limitation was the Second Supplemental Appropriation Bill, 1970, which included Section 501 imposing a limitation on total budget outlays for all departments and agencies for fiscal year 1971.

d. As reported by the Committee on Armed Services, the pending bill includes authorizations for fiscal year 1971 appropriations totaling $19.2 billion. If the Department of Defense Appropriation Bill includes 100% of these authorizations, the fiscal year 1971 budget outlays from these appropriations would only total approximately $6.5 billion.

e. In recent years, the Congress has not seen fit to impose a limitation on the outlays for specific programs of a single Department of the Executive Branch. While such a provision is workable, it should be enacted well before the beginning of the fiscal year in order that the appropriate plans and controls could be set up. However, in this instance, we are two months into the fiscal year with the likelihood that the provision will not be enacted for another month or so. To impose such a limitation this late in the year would create great management and administrative problems.

f. Of the estimated total of $71.2 billion for fiscal year 1971 budget outlays for military functions, approximately $26.5 billion is for the payment of obligations incurred under appropriations for prior years and for July and August under the existing Continuing Resolution, over which the Department of Defense can exercise very little control. When this fact is considered, we find that, of the $71.2 billion, only $44.7 billion is subject to control, and this $5.2 billion reduction would have to be made here—a reduction of approximately 12%.

Mr. STENNIS. Mr. President, the Senator from Wisconsin proposes a 7-percent reduction in outlays in fiscal year 1971. His description is that:

It is a reduction of almost the same percentage that the Senate Armed Services Committee cut the $20.5 billion military authorization bill. It carries over the same percentage cut to overall military spending that the Senate Armed Services Committee cut the military procurement authorization—

Mr. President, the committee cut the authorization request by 6.7 percent. That is a 6.7-percent cut in new money. We actually reduced outlays in fiscal year 1971 by less than 1 percent—three-tenths

of 1 percent to be more accurate. I want to emphasize that the committee cut 6.7 percent of the new obligational authority, not 6.7 percent of the outlays. To make a cut of 6.7 percent in outlays, the committee would have had to deny an amount representing practically the entire request.

Mr. President, I recognize that the Senator from Wisconsin leaves the specific items up to the executive branch. I want everyone to understand, though, that a cut in outlays in a given fiscal year translates into a significantly greater reduction in total program. This seemingly small 7 percent cut in outlays is not small in its effect on the defense program. I do not say "Defense Department" now. Everybody wants to criticize the Department. I am talking about the defense program. Consider also that 2 months of the fiscal year are gone and it will take even more of the fiscal year before plans can be put in effect to make the reduction. The Defense Department is already operating on what we call contingent authority. It is mighty bad business, but it is the best we have been able to do. As I have already said, the Department is now 60 days into the new fiscal year. The bill will not get to the President's desk for another month, so about one-fourth of the fiscal year will be gone before the contents of the bill are ever made available.

Mr. President, I must emphasize the severity of the proposed reduction in outlays. It will make a shambles of the Military Establishment.

The Senator from Wisconsin quoted Mr. Packard as saying:

> Frankly... in Defense Procurement we have a real mess on our hands.

Amendment No. 861 is not a solution. The solution will come from carefully considered planning and well executed programs—not from the precipitous action called for by the amendment under consideration.

It is one thing to say that area after area has been identified where cuts could be made. It is yet another thing to say cuts should be made, and still another to say that all the cuts should be made in this fiscal year. I can speak now only for the procurement and research and development areas. The committee has examined every major program in detail and that includes all the programs recommended for reduction by the Peace Through Law report. The Senate has already rejected the proposed ABM cuts. The committee adjusted the B–1 program. We are not rushing into production without building and testing prototypes. We have specifically addressed stretching the art in the authorization of new weapons systems. We are recommending only the urgent requirements this year. We are not "filling every request for dollars for defense and the Military Establishment."

Mr. President, military functions expenditures are budgeted at $71.2 billion for fiscal year 1971—$5.3 billion below fiscal year 1970.

The proposed amendment would reduce fiscal year 1971 expenditures another $5.2 billion—a total of $10.5 billion below fiscal year 1970 or almost 15 percent within 1 year. But the amendment is even more drastic. Even if it were enacted before the end of the first quarter of this fiscal year had passed, little, if any, of the reduction could be effective before January 1, 1971. This means that reductions in the last half of this fiscal year would have to be at a rate of over $10 billion to remain within the annual expenditure limitation.

Mr. President, with all deference to everyone, that is ridiculous. We have cuts that are going to operate on appropriation bills on which testimony has not been finished. They have never been written up by the committee. There are no reports here. They are not before the Senate. It is worse than what we call blind meat-ax cuts on a bill that has been heard and presented. This is reaching back and cutting bills that have never gotten here, and most of those reductions would have to be made within the last 6 months, rather than 12 months.

Congress is already 3 months behind in providing the means to operate the Government for 1971. It seems to me we could well stay our hand rather than, in effect, cut off 3 more months here and then require this unjustified, ill-considered, unmeasured reduction, all of it to occur within the last 6 months.

Because different areas of Defense programs spend at different rates in the year moneys are appropriated, an expenditure reduction at the rate of $10 billion for the last half year would represent a $25–$30 billion rate of program reduction in the last half of fiscal year 1971. For example, procurement accounts spend about 25 percent the first year; so for each dollar of procurement expenditure reduction, $4 of program authorization must be cut. Similarly, research, development, test and evaluation spends about 50 percent; thus, there is a two for one program reduction involved with research and development expenditures.

The impact of an expenditure reduction of $5 billion in the last half of fiscal year 1971—a $10 billion annual rate—would be chaotic. Expenditures programed for the last half of fiscal year 1971 are approximately $35 billion. This would be reduced by 14 percent during the 6-month period causing massive turmoil in personnel employment, and procurement and research and development programs.

A program reduction of $12 to $15 billion would be required on an annual basis. This would leave a Defense program in fiscal year 1971 of $60 billion or less. Converted to fiscal year 1964 dollars, this would represent a program level of $45 billion as compared to the fiscal year 1964 program of $49.6 billion. The program reduction required would represent a massive reduction in force levels, and procurement and research programs below pre-Vietnam levels. This is at a time when we have 400,000 men still deployed to South Vietnam, engaged in a war which will still cost at an annual incremental rate of $10.5 billion by the end of fiscal year 1971.

We would have to go back, disentangle the mess we had created, come back here, and recommend and have passed appropriations that would make up for what we would do under this drastic amendment.

Mr. President, my desires to reduce expenditures for the Department of Defense are well known. What we have been doing here last year and this year is well known. Many others have joined in it, including Secretary Laird. But there is a way to do it. I think the people want reductions to come about. At the same time, the people do not want our national security imperiled. They do not want our military might destroyed. They do not want to dismantle the Army, Navy, Marine Corps, and Air Force. They do not want to neglect our men when our policy still requires them to fight in Vietnam. The people want to have options in that. They want the best weapons, the best equipment possible, the most safety for the men doing the fighting, the most security for themselves and their children. As long as they think a reasonable effort is being made here to reduce those amounts and conserve our resources, but protect our security, they are going to be satisfied; and they have a right to expect the very things I have described.

Reductions of this magnitude would endanger the support of U.S. forces in South Vietnam. They would reduce our overall military readiness to such a degree as to seriously endanger the country. U.S. commitments would be defaulted and the support of our forces worldwide greatly jeopardized.

The proposed amendment should not be approved. Now, this is not an alarmist talking here. This is someone who has been trying to make some orderly, reasonable reductions. Our committee, not just the chairman but the entire committee, is familiar with this problem and knows something about the operations and what funds are required, and we have brought this money bill here and it has been under attack for days and days and days. Yet, while there has been a chance to debate these matters out, dollarwise I do not believe it has been changed one bit, unless it was on the basis that the subcommittee, on the discovery of additional facts, had agreed to it.

I state that as additional evidence that the committees have worked through these things from one side to the other, topside and bottom, for the purpose of taking the water out of it. But this is a meat-ax approach, to move in here, without rhyme or reason, in some cases without the bills even being before the Senate. This proposal is a drastic reduction that would take part of the bone and muscle away. Should we let this amendment become law, it would cost more to go in and repair the damage and restore the strength than the amendment would save.

Of course, I am for reduced military spending. At the same time, I am particularly concerned that we do not, in the name of economy, overly react to the winding down of the unpopular Vietnam war. I remember all too well the state of the military at the beginning of World War II and the Korean war. We were not prepared. I remember sitting right there in the seat behind the one I now occupy, near the beginning of the Korean war. I was sitting there when I learned, through a speech on this floor

by a Senator knowledgeable on the subject, that our airmen and our pilots who were having to fight in Korea in what we called fighter planes, were actually having to go up every day against a plane that we found out, all too late, was superior to our own.

I do not ever want to have that feeling again. No one does. There is no excuse for it any more. And I do not think, from that date until now, there has been any more neglect of our need to have the best weapon, whether it is a plane or a rifle.

But if we follow the meat-ax method, with amendments like this, we are going to tear down our strength, and have second-rate weapons, and the other man will have the best.

We were not prepared for World War II. We were not prepared for the Korean war. We lost huge chunks of territory because we were not strong enough. We fought a delaying action to buy time to train and equip military forces, at enormous cost in money and manpower. The unpardonable part was the lives of our fighting men that were lost to retake ground that should not have been lost in the first place.

National security is no accident—it results from sound planning and proper funding. Amendment 861 would abrogate all of the planning and analyses that have been accomplished within the executive branch. It would negate the careful and probing look at Defense programs by the appropriate congressional committees. It makes a judgment more on size than on commitments and requirements.

As President Eisenhower once stated:

Until war is eliminated from international relations, unpreparedness for it is well nigh as criminal as war itself.

In my opinion amendment No. 861 would push us perilously close to a state of national unpreparedness.

God forbid that, in our anxiety to reduce some military spending which is already being reduced at a very reasonable rate, in our zeal and our desire, that we run by and overlook some of the guidelines, some of the mileboards, and some of the cautions of time and experience, and have to pay for it in loss of our men on the battlefield, loss of first quality weapons, and a diminution and impairment of our national security.

I just do not believe it will happen. My only concern is that Senators get the facts, and that is why I am speaking here tonight to these empty chairs, in order to get this matter into the RECORD so that in some way, some of it will percolate through and get to their attention. I shall be back tomorrow, standing right here with additional facts and with a repetition of some of these, and we will hammer on, here, in an effort to get the facts through. If we do, the judgment of the Senate will be sound.

Mr. President, the question of manpower alone has been under discussion here. It is a question I am particularly interested in, also. But I want to state the facts on that subject tomorrow.

Mr. President, I do not know of anyone who wants the floor.

LIMITATION ON STATEMENTS DURING THE TRANSACTION OF ROUTINE MORNING BUSINESS TOMORROW

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that statements made during the period for the transaction of routine morning business tomorrow be limited to 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STENNIS. Mr. President, regarding the subject upon which I have just spoken—that is, the amendment providing for a $5.2 billion reduction in military expenditures for fiscal 1971—I have a copy of a letter dated today, addressed to each of my colleagues, regarding this amendment and its meaning, which I have had hand-delivered to them this afternoon. I ask unanimous consent to have it printed at this point in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 27, 1970.

DEAR SENATOR: Tomorrow about twelve o'clock the Senate will vote on Amendment #861 which would place a spending ceiling on the Department of Defense on all Department of Defense activities for fiscal year 1971 in the amount of $66 billion. This would be $5.2 billion below the planned outlay of $71.2 billion. I strongly urge that you vote against this amendment in view of the facts I cite below:

(1) By placing a spending ceiling on all military functions, the amendment goes far beyond the scope of the pending procurement authorization bill. In fact, only $6.5 billion of the $19.2 billion in the pending bill would be affected by expenditure limitations in fiscal year 1971 although the total procurement program would necessarily be drastically cut.

(2) No one knows how the $5.2 billion reduction would be applied. I can only emphasize the chaotic results that could be anticipated in the Department of Defense especially in view of the various reductions already underway. This reduction is about 12% rather than 7% since $26.5 billion out of the $71.2 billion budget outlay for fiscal year 1971 has already been committed under continuing resolution authority leaving only $44.7 billion subject to control.

Even more important, this amendment would have an impact mainly in the last half of fiscal year 1971—January through June—and therefore would require a $10.4 billion reduced expenditure rate for this six-month period.

(3) The present budget calls for a manpower reduction of 311,000 (military and civilian) by June 30, 1971, resulting in a total of 4,051,000. If $3 billion of the $5.2 billion cut is applied to manpower, the total reduction would be an additional $1.2 million people or four times the present planned cut with catastrophic results on our defense posture in this period of time.

(4) If the remaining $2.2 billion is applied to procurement, the annual level of effort will be reduced by $12 billion per year because of lead-time and delivery problems. This costly disruption would affect about one million people in the defense industry.

Present and future budget pressures will restrict defense spending to the minimum without the necessity of the proposed amendment. I will set forth in detail on the Floor of the Senate the efforts already being made in this regard.

Sincerely,

JOHN C. STENNIS.

UNANIMOUS-CONSENT AGREEMENTS

Mr. BYRD of West Virginia. Mr. President, having discussed the unanimous-consent requests about to be made with the authors of the amendments and with the manager of the bill and the able assistant minority leader, I am authorized by the distinguished majority leader to ask unanimous consent that time on the amendment to be offered by the Senator from Oklahoma (Mr. BELLMON), amendment No. 857, be limited to 30 minutes, the time to be equally divided between the author of the amendment (Mr. BELLMON) and the manager of the bill (Mr. STENNIS); that if there be amendments thereto, the time on each amendment to be limited to 10 minutes, to be equally divided between the author of the amendment to the amendment and Mr. BELLMON, the author of the basic amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that time on the amendment to be offered by the distinguished Senator from New Hampshire (Mr. MCINTYRE), the so-called NSF research amendment, be limited to 1 hour, the time to be equally divided between the author of the amendment and the manager of the bill (Mr. STENNIS); and that all amendments thereto be limited each to not to exceed 20 minutes, to be equally divided between the author of the amendment to the amendment and the author of the basic amendment (Mr. MCINTYRE).

The PRESIDING OFFICER. Without objection, it is so ordered.

The unanimous-consent agreements, subsequently reduced to writing, are as follows:

Debate on an amendment to be offered by the Senator from Oklahoma (Mr. BELLMON), numbered 857, to be laid down after the vote on the above amendment, to be limited to 30 minutes to be equally divided and con-

trolled by Mr. BELLMON and the Senator from Mississippi (Mr. STENNIS), with the time on any amendments thereto limited to 10 minutes each to be equally divided and controlled by the mover and Mr. BELLMON.

Debate on an amendment to be offered by the Senator from New Hampshire (Mr. McINTYRE), to be limited to 1 hour to be equally divided and controlled by Mr. McINTYRE and the Senator from Mississippi (Mr. STENNIS), with the time on any amendments thereto limited to 20 minutes each, to be equally divided and controlled by the mover and Mr. McINTYRE.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

THE AMENDMENT TO END THE WAR

Mr. GOODELL. Mr. President, the war continues—carried by its own momentum and bereft of all purpose.

Having lost any other justification, the conflict in Vietnam has become justification for itself. We fight on, no longer to preserve any perceived stake in Indochina, but because we do not know how to end the fighting—because we cannot bear to accept any outcome short of the military success that perpetually eludes us.

The time has come for a national reckoning on the war. That reckoning shows the real interests of our Nation in preserving the present South Vietnamese Government by force of arms are marginal or nonexistent; that the human toll and the economic costs of preserving our military presence there clearly outweigh any benefit that would conceivably result from our continued commitment.

The time has come for complete termination of our military participation in the Indochina war.

ESSENTIAL ELEMENTS OF DISENGAGEMENT

Any viable plan for disengagement from this tragic war must include these elements:

First. It must be a plan for complete disengagement of all American military personnel—both combat and noncombat—from Vietnam. It cannot involve the indefinite retention of a residual force of any size in Indochina.

Second. It must set a firm, publicly announced target date for the completion of the withdrawal. Our final disengagement cannot be conditional and cannot be deferred by the decisions or actions of Hanoi or Saigon.

Third. The withdrawal should be accomplished with reasonable swiftness, in order to limit further loss of American lives and further disruption of American domestic priorities.

Finally, the target date for completion of the withdrawal should be established by law. Legislation should be adopted barring the expenditure of funds for the continuance of the American military presence in Indochina beyond that terminal date, except with the express prior consent of the Congress.

We—Senators McGOVERN, HATFIELD, CRANSTON, HUGHES, and myself—have endeavored to embody these principles in the amendment to end the war, now pending before the Senate. It is our view that Congress should share with the President the awesome responsibility of removing our military presence from Southeast Asia.

The amendment had its origin in a bill that I proposed in September of 1969—S. 3000, the Vietnam Disengagement Act.

My bill was the first legislation ever to be offered to mandate an end to the war. It spelled out, for the first time, the two basic concepts that are now central to the amendment:

Setting a fixed deadline for the withdrawal of all American forces from Vietnam; and

Enforcing that deadline through Congress' constitutional power of the purse, by providing for the cutoff of funds for any continuation of the American military presence in Vietnam after that deadline.

At the time I offered my bill, I encountered little support and much hostility. Only two Senators were ultimately willing to announce their support of the legislation. The President of the United States and the Governor of my own State denounced it. It was said that if the legislation came before the Senate, it would attract only a handful of votes. Time, the Cambodian invasion, and the continued bankruptcy of the policy of Vietnamization changed all that.

After the Cambodian invasion, four of my colleagues and I decided to combine our forces in offering a single legislative proposal to end the war.

Each of us had offered our own legislative plans for ending the conflict. Mine, S. 3000, was the earliest and had stated the basic ideas. Senators McGOVERN, HATFIELD, and CRANSTON had on the day of the invasion offered an amendment that prescribed separate disengagement timetables from Vietnam, Laos, and Cambodia. Senator HUGHES had introduced a resolution to cut off military aid to the Saigon government, if it failed to make specified reforms.

We decided to lay aside our differences and our individual proposals and develop a joint approach—one based on the concepts of my original legislation. Our product was the amendment to end the war.

We endeavored to persuade those of our colleagues who had spoken out against the war to support our amendment, rather than introducing variations of their own. Our objective was to avoid the fractionalization of effort that occurred in the prior year, when nearly a dozen Senators had offered their own differing legislative proposals on the war.

We wanted a measure that had force of law, not just another resolution that gave advice to a President who had already disregarded all similar advice.

We also wanted a measure that would actually be brought to a vote, not merely referred to a committee for study and probable oblivion.

We achieved the objectives.

The amendment has become the vehicle for legislating an end to the war.

It has attracted the cosponsorship of over one-fourth the membership of the Senate.

It now is up for a vote—the first congressional vote on the war.

It may become law.

The amendment requires all American Armed Forces to be withdrawn from all of Indochina by December 31, 1971. It enforces that deadline by barring the expenditure of funds for maintaining any U.S. troops in Indochina after that date.

The December 31, 1971, deadline provides a little more than a year for the completion of withdrawal. That is the time span which I envisioned when I introduced my original bill in September of last year, requiring withdrawal to be completed at the end of this year.

The amendment permits the President to extend the withdrawal deadline by 60 days if he finds our troops are exposed to "unanticipated clear and present danger"—in the words of the amendment—in meeting the December 1971 deadline. Any further extensions beyond the 80 days permitted to the President on his own behalf, however, would require express congressional authorization.

PROTECTION OF AMERICAN LIVES

A publicly announced deadline such as we have been proposing would make certain that after a specified date, no more American soldiers would die in Indochina. The vain sacrifice of thousands of American lives would be over.

After the Cambodian adventure, we heard much rhetoric from the administration that the invasion somehow had saved lives. It did not. Lives can only be lost—not preserved—by an extension of the war. If we are seriously concerned with saving American men, there is only one course—to bring them home.

We do not advocate—our amendment does not propose—the denial of funds for our combat troops while they are facing the enemy in the field. We urge, instead, the adoption by Congress of a deadline that provides sufficient time for our troops to be withdrawn in a safe, orderly fashion.

Throughout the period of withdrawal, the Commander in Chief should be permitted to utilize whatever tactics are necessary to insure that maximum safety is achieved. This would include all forms of defense against attack. The most prudent course might be to withdraw combat troops last, but in any case the entire range of protective options would be available to commanders.

The safety of our troops during the process of withdrawal will depend, at least in part, upon the response of North Vietnam and the Vietcong. It is difficult, however, to calculate a motive for them to attack troops that are in the process of being removed from the war. Something approaching an informal cease-fire during the withdrawal period is quite plausible, with a reduction in the overall level of violence.

THE NEGOTIATIONS

The Paris negotiations are bogged down, as everyone concedes. Two fundamental issues confront the Paris talks: The presence of U.S. troops on Vietnamese soil and the control of the Government of South Vietnam. There is stalemate on both issues.

Talks may well proceed. We hope that secret talks will begin again. The hope of any eventuality of agreement is very dim, however.

The North Vietnamese will not negotiate, according to all reports, without a firm commitment by the United States for a complete and rapid disengagement of its forces.

The United States refuses to give an unconditional commitment to withdraw. The President has spoken only of an "eventual" withdrawal of all American troops—and that conditioned on the pullout of all North Vietnamese forces and the assurance they will not return. Meanwhile, plans go forward for the retention of a residual force of American troops for an indefinite period until Vietnamization succeeds.

The North Vietnamese, in turn, are equally adamant in refusing to accept any "mutual withdrawal" plan, since it would leave its arch enemy the Saigon government—while still unable to win—in exclusive control of all governmental machinery in South Vietnam.

The political issue is still more tangled. Yet out of all the bickering about coalitions and elections, one thing stands out clearly. The Vietcong, backed by their North Vietnamese allies, demand a major voice—perhaps a controlling voice—in the Government of South Vietnam. The Thieu-Ky regime, backed by its American sponsors, remains adamant in refusing to share any real power with its enemy.

By announcing a timetable for complete withdrawal of its forces, the United States would break the deadlock on one of the two basic matters in dispute—the U.S. military presence in Indochina.

The other issue—control of the Government of South Vietnam—is more difficult to settle, as it depends principally upon the flexibility and reasonableness of Hanoi and Saigon. Announcing a timetable for our withdrawal would, however, create an environment more favorable to real practical political negotiations.

Our decision to withdraw would give the Saigon government a powerful incentive to seek a political accommodation, by meeting what is perhaps the central dilemma facing American policy. The Thieu-Ky administration has been vocally and embarrassingly unwilling to make any of the concessions necessary to break the deadlock. Its intransigence derives in large measure from our open-ended commitment to its preservation. No regime, born as this one in the heat of war, would be likely to hazard its fortunes in peacetime politics as long as it could enjoy the underwriting of the most powerful military nation in the world. Our commitment, in effect, gives Saigon an almost dictatorial power over the direction of U.S. policy. Paradoxically, it is a power best exercised by military and political failures. Palpably, the Thieu-Ky government's interests lie in continuing the conflict which keeps it in power, in retaining the hazards of war and avoiding the hazards of politics. To further this interest Saigon can prevent agreement indefinitely, unless the United States sets precise, unquestioned limits upon the extent and duration of its military commitment.

Our decision to withdraw would also provide an inducement for our adversaries to seek a political agreement. They have long benefited from the fact that we, as the foreign intruder, have polarized the political situation in the South and driven many nationalist elements underground or toward the NLF. Our withdrawal would foster a depolarization—that could place pressure on all factions, including the NLF, to seek to share power, rather than fight on.

If this route is followed, it is possible to conceive of a settlement which, while perhaps not reflecting the preferences of Saigon, would square fully with U.S. advocacy of self-determination for the Vietnamese people.

THE SURVIVAL OF SOUTH VIETNAM AFTER OUR WITHDRAWAL

A decision to terminate our military presence would neither abandon our South Vietnamese allies nor invite the destruction of the South Vietnamese people.

Our withdrawal would leave South Vietnam with roughly 1 million men under arms in the regular forces, plus perhaps another quarter million in the national police, all arrayed in combat against enemy forces only one-fourth to one-fifth as large. This numerical superiority would hold even if North Vietnamese troops held back thus far were committed to battle. The South Vietnamese Army is, in comparison to the North Vietnamese and Vietcong forces, elaborately equipped and trained. And South Vietnam would continue to be eligible to receive U.S. arms and economic aid in amounts to be determined by the Congress.

Mr. President, I wish to emphasize that we who advocate the amendment to end the war have never urged that we cut off all aid to South Vietnam. If they wish to go on fighting, and the President and Congress determine that it is in our interest to supply them, that is a separate decision to be made. The amendment to end the war would remove American forces from combat. The amendment would not bar military supplies or economic assistance from being sent to Vietnam, if Congress and the President so authorize.

Suggestions that South Vietnam would be overrun and its people slaughtered after withdrawal do not, therefore, reflect realities of existing power—unless the Saigon government is totally unable to marshal the support of its people so that no numerical superiority of forces and no amount of American aid can preserve it. To suppose that such a large force, operating in a defensive role, could simply be destroyed by a much smaller and less well-armed enemy assumes profound debilities in the South Vietnamese Army and Government—and this assumption, in turn, would mean that President Nixon's own plan to train South Vietnamese forces to take over the burden of the fighting would have virtually no chance of success in the foreseeable future.

Our withdrawal would not abandon the Saigon government. Rather, it would choices, based on realistic assessments of their own strength without the artificial inflation of an American guarantee. As noted, they might assume a more amenable posture in Paris. They might implement the kind of economic and political reforms long recognized by American advisers as essential to the achievement of broad indigenous support. They might adopt less ambitious military strategies aimed at defense of critical areas, instead of seeking to control the entire countryside and parts of other countries as well.

PRISONERS OF WAR

Whatever Vietnam policy is pursued by the United States cannot alter the fact that the North Vietnamese have life and death control over Americans shot down and captured over years of conflict. The same truth renders impossible a guarantee by advocates of any policy that the course—be it escalation, Vietnamization, or withdrawal—will result in the certain return of American prisoners.

The perpetuation of our military involvement in Indochina created, however, a strong incentive for the North Vietnamese to hold our prisoners. A decision to terminate our involvement will eliminate that incentive, and thus reduce much of the reason for their continued incarceration. Moreover, by enhancing the outlook of meaningful negotiations on all war-related issues, it will advance the resolution of this issue, which is essential to any acceptable settlement.

EFFECT ON U.S. GLOBAL POSTURE

An argument in favor of our continued military presence in Vietnam has been that disengagement there would somehow do irreparable injury to our entire global posture.

It is far more likely, however, that the opposite is true—that disengagement would enhance the return of this Nation's global standing and influence.

The war does not improve the U.S. position in Asia; it weakens it.

The Vietnam experience has clearly shown that the United States cannot establish a bridgehead in an Asian nation in defiance of indigenous forces of nationalism. A reason for our lack of success in Vietnam is that we permitted ourselves to become identified as the foreign occupier and the successor of the French colonialist in a country in which anticolonialist and nationalist sentiments far surpass the appeal of any other political ideology or system.

Nationalism is also the great catalyst in the rest of Southeast Asia—and for that reason our continued involvement in what is widely regarded as a colonial war has and will seriously undermine our credibility in the region.

The war has been advertised as a deterrent to Communist expansion in Asia, but thus far has succeeded chiefly in being a magnet for it. Our stand in Vietnam appears to have precipitated, rather than prevented, the spread of the war into the rest of Indochina. Our new involvement in the internal affairs of Cambodia has, for the first time, drawn the Communist Chinese into unequivocal support of a "war of national liberation" in that country.

The way to influence in Asia does not lie in continuation of the war and the propping up of unpopular regimes in

the face of the rising forces of nationalism. It lies, rather, in ending the war and forging strong economic and political links with independent and internally strong nations. We have much more to gain, for example, from improving our ties with Japan—now one of the world's leading industrial and economic powers—than in shoring up a sagging military dictatorship in Cambodia.

On a global basis, the war has been weakening, not strengthening, our influence and power. By tying down our resources, our military capacities, our energies and our attention to a futile and endless war in one corner of the world, it has drained our capacity to influence developments in Europe, in the Middle East and elsewhere, and damaged our credibility and prestige in the view of our allies.

Above all, the war has weakened us in the eyes of the world by dividing us internally. American power and resources were never in doubt—but our ability to utilize these capacities for global objectives have been placed in serious question by our profound internal split over Vietnam.

And if it is our moral leadership with which we are concerned this can only be enhanced by ending a war that the rest of the world largely regards as a futile and immoral effort to rescue a corrupt dictatorship.

Those who argue that disengagement would make us seem, in the President's words, a "pitiful helpless giant" have forgotten their recent history. The Russians themselves were compelled to disengage their missiles from Cuba in 1962—a move that certainly had the appearance of a setback, if not a defeat. Yet no one—least of all the architects of Vietnamization within the administration—ever discounted Russian power. The reverse in Cuba did not undermine that power because like our own, it was based upon overwhelming and incontestable economic and military resources. Similarly, the French termination of the colonial war in Algeria proved a prelude of a sudden resurgency of French prestige and influence. The same holds true of us, were we to terminate the war in Vietnam. No rational observer in the Kremlin or elsewhere would regard our Nation—with its armies and rockets and missiles and technology and riches, and with a sense of renewal born of the ending of a divisive and hopeless war—as anything but a force to be reckoned with.

THE RESPONSIBILITY OF CONGRESS

Mr. President, the amendment to end the war has the force of law. It is not merely advice to an administration that has ignored all similar advice in the past. If enacted, it would actually accomplish its stated objective of disengaging our Nation from this hopeless war.

The Constitution vests in Congress the power to declare war. Surely Congress should share with the President the responsibility for undeclaring a war that never was declared in the first place.

The President does not have the power of war and peace under the Constitution of the United States.

Our major role in the war began when Congress adopted the Gulf of Tonkin resolution, and President Johnson interpreted the resolution in a manner that deprived Congress of its responsibilities in the field of foreign affairs in Southeast Asia.

In the last 2 years, Congress has taken some significant steps in reclaiming its responsibilities. The Congress has barred the deployment of combat troops in Laos and Thailand. The Senate has repealed the Gulf of Tonkin resolution, and the House is expected to follow suit. The Senate has adopted the commitments resolution, requiring congressional consent for commitments of American military force abroad. And the Senate has approved the Church-Cooper amendment, restricting further direct or indirect U.S. incursions into Cambodia.

The enactment of legislation terminating the U.S. military presence in Indochina by a specified date, would restore Congress to its proper foreign affairs role.

There is yet another reason why Congress must cease being merely a bystander in the conflict and assume a partnership with the President in disengaging the Nation from Vietnam.

The ending of a major war inevitably involves extremely controversial and sensitive issues—and this is especially true of a war we have not won. If one man—the President, but also the leader of a political party—bears the responsibility of making these decisions alone, there is great danger that division and partisan recrimination will ensue. If this man shares the responsibility with the Members of Congress, who represent both parties and a wide spectrum of opinion, the chances of a solution which will command the confidence of the people are much improved.

President Roosevelt at Yalta took upon himself virtually the entire burden of deciding the peace settlement after World War II. The suspicion, bitterness, and partisan bickering that followed—typified by the Joseph McCarthy movement in the 1950's—is a matter of history. This time, since the issues are still more delicate, let us be sure the burden is shared.

The issue before us is not the constitutionality of the actions already taken by the President in expanding the war in Vietnam, Laos, and Cambodia, in the absence of a strong stand by the Congress.

The issue is whether Congress may now exercise its constitutional authority over appropriations, in order to require a termination of U.S. military activities in Indochina by a certain date.

Congress is supreme under the Constitution in its control of the expenditure of tax money. The military resources available to the President remain in the exclusive domain of Congress, along with its decisive share of the power to choose which objectives shall be pursued and which shall not. Legislation restricting the expenditure of tax money for war operates no differently than legislation restricting the expenditure of more money for foreign aid.

The Constitution, moreover, explicitly provides that military appropriations may never be made for a period exceeding 2 years. This provision was designed by the Founding Fathers to force a continuing, affirmative reexamination of the executive department in the military sphere.

Last year, in more direct parallel to the amendment to end the war, the Defense Appropriations Act of 1970 provides:

> None of the funds appropriated by this act shall be used to finance the introduction of American ground combat troops into Laos or Thailand.

The provision is an obvious limitation on the kinds of actions and the location in which the President may command the military forces made available to him. Its propriety under the Constitution is beyond question.

The kind of legislation we are proposing leaves the President with full discretion as Commander in Chief, to manage the removal of U.S. forces from Indochina. It does no more than exercise a power clearly held by the Congress to determine that military forces shall not be available for a particular purpose, and thus comports exactly with the constitutional arrangement.

THE FAILURE OF VIETNAMIZATION

Vietnamization is nothing new—it is as old as the Indochina war. It was attempted by the French, by the Kennedy administration, and by the Johnson administration in its first year. In each case this strategy—of arming, training, and directing the South Vietnamese armies—has not worked, and has proven the prelude to further military involvement.

Vietnamization is not, therefore, a true policy of disengagement. It is not a delayed version of the complete withdrawal policy we are urging. It is, at best, a troop reduction stratgey—a plan aimed at reducing the American presence to a level that would sustain the Saigon government and army and at the same time seem "acceptable" to American public opinion.

Last April, the President announced that he would withdraw 150,000 men from Vietnam within the period of about a year. Even if this schedule is followed, there will be over a quarter of a million American troops in Vietnam well into the third year of the Nixon administration's term in office. That is about the same as the American force level 4 years ago.

I commend the President once again for reversing the course of escalation, but I cannot be satisfied with that alone.

By all indications, the administration is contemplating the retention of a residual force in Vietnam for an unspecified and possibly indefinite period. Even a relatively low residual force figure represents a permanent troop commitment of the same order of magnitude as that which existed when we initiated bombing the North.

The price of this American commitment will be from 5,000 to 10,000 or more American dead by the end of 1972. It will be from 25,000 to 50,000 or more American wounded by that time—the most serious casualties of any war in our history. And the cost will be $30 to $50 billion or more—a cost that must be measured in the opportunities forgone to respond to urgent domestic needs.

No U.S. interest in Vietnam justifies

such sacrifice in this seemingly interminable war.

This is the staggering price if Vietnamization works as planned. And recent developments in Cambodia show that Vietnamization is plainly unlikely to work.

The South Vietnamese Army, whose capacity to defend even South Vietnam is still critically dependent upon American military forces, now seems intent upon spreading its resources even more thinly in long-term ground operations throughout Cambodia. It is clear that the number of Vietnamese soldiers available to relieve American manpower in Vietnam is significantly reduced. To extend assignment of Saigon's forces to wide areas of Cambodia make a travesty of whatever prospects for success Vietnamization might have enjoyed, had the role of Saigon's troops been confined to Vietnam. Since Vietnamization means substitution of Vietnamese soldiers for Americans, it is clear that the process set in motion by the Cambodian invasion works directly against prospects for achievement of that policy and bringing American soldiers home.

The loss of Cambodian neutrality thus presents a striking illustration of the fragility of a policy which relies upon military pressure in a widening war with shrinking numbers of men. Encouragement of an alliance between Saigon and Phnompenh will weaken rather than strengthen the U.S. position. It brings into the fray a dismally weak new military force on the allied side, while extending the battlefront over thousands more square miles of jungle. It offers both political and military advantage to the enemy by identifying American interests with a new narrow dictatorship and in opposition to a deposed leader enjoying broad respect and support among the populace.

In Cambodia, we have seen that—despite our supposedly successful invasion—the enemy has taken over the entire eastern and northeastern sections of the country, cut most of the major roads, and is able to menace the capital at any time it chooses.

The enemy response to the invasion has also threatened other areas of Southeast Asia not previously contested in earnest. North Vietnamese forces have recently expanded their position in southern Laos—seizing Attopeu and Saravene, both major strategic centers. U.S. intervention has invited the North Vietnamese to extend their operations anywhere in Cambodia, including districts opposite the Thai frontier. This, in turn, would threaten the security of Thailand whose open southeastern flank was previously protected by the existence of a neutralist Cambodia.

It is thus difficult, indeed, to perceive how Vietnamization has deterred the Communist "aggression" in Southeast Asia, of which the President so often speaks.

COSTS OF CONTINUING THE WAR

If the benefits of continuing the war are—as we have seen—minimal, the costs are staggering. It is this gross disproportion of benefits and costs that is, in my opinion, the most compelling argument for swift and complete disengagement.

In Vietnam, the war—ostensibly fought to prevent a bloodbath from occurring—has created a bloodbath of incredible proportions. To date, more than one million men, women, and children have died as a result of hostilities in Vietnam. If the war continues for 5 years more, another million people will die.

In Vietnam, the war—supposedly fought in the name of "self-determination"—has imposed on a people who want peace a brutal and corrupt military dictatorship that wants war.

Those are hard words, Mr. President, but I speak them advisedly, and I believe from the depths of my being they are true.

The overriding interest of a clear majority of the South Vietnamese people is to stop the killing, to stop the destruction of the cities, villages, and farms of Vietnam.

The overriding interest of the military regime of South Vietnam is the perpetuation of the war. Truly, the South Vietnamese people have become the "silenced majority" in South Vietnam.

It is the war that is the basis of the regime's absolute rule. It is the war that gives the regime the excuse to persecute, imprison, and even torture its non-Communist opponents. It is the war that gives the narrow clique undergirding the regime an artificially high standard of living based on war profits and commodity imports.

THE IMPACT OF THE WAR UPON OUR NATION

The loss caused by the war to our own Nation surpasses all reckoning. Human accounting would have to begin with the 50,000 Americans killed and the quarter of a million Americans injured—many of them maimed for life.

Perhaps some would have the war continue precisely because of this toll of life. But surely it is unacceptable to make further sacrifice in a futile cause, to give meaning to sacrifice already made. Instead of the casualties we can expect from further conflict, their memory can be best honored by the preservation of life.

If some bear the burdens of war most heavily, no one in America can escape its pervasive, pernicious influence. The economic crisis engendered by the war touches each of us.

The first half of the 1960's was a period of great economic promise—of sustained growth coupled with relatively stable prices. This came to an end when the United States began its involvement in the Vietnam conflict.

Because of the war, our economy has become plagued by the twin evils of inflation and unemployment. Because of the war, we have seen the dollar's value eroded to the point where any apparent growth in the economy has been offset by a decline in real worth.

The war has also warped our national priorities.

The money we should be spending to build housing in America is being used to destroy housing in Vietnam. The billions needed to restore our own environment are being spent to ruin the ecology of Vietnam.

Beyond these material costs, are the still more pernicious spiritual ones: the divsions within our Nation, the rise of violence and intolerance, the diminution of belief in our political processes.

Mr. President, the worst the enemy can do in the field does not compare with the injury this war is inflicting on the spirit of our Nation.

This war must end. This amendment will end it. I urge the adoption of the amendment.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. GOODELL. I yield.

Mr. DOLE. Mr. President, first let me state that I have listened with great interest to the statement of the junior Senator from New York. There have been so many "amendments to end the war"—or, as I designate them "amendments to lose the peace"—that it is difficult for any of us to follow, from one day to the next, just what the subject matter of them may be.

I was encouraged today by a statement of the majority leader, the Senator from Montana (Mr. MANSFIELD), who was quoted as saying he was pleased with President Nixon's efforts to withdraw troops from Southeast Asia, the Senator said, quote:

> I think there should be further withdrawals from the Far East. In this regard I am pleased to note that President Nixon has already brought home a substantial number and I think our troops should be withdrawn from Western Europe as well.
>
> Agnew's statement is encouraging and Nixon's actions even more so. Since he has been in office, the President has withdrawn 167,000 troops from the Far East, including naval forces from the Western Pacific.
>
> The trend is there.

Mr. President, I believe that statement indicates recognition that there has been a marked change by this administration. I am not surprised that those who seek the Presidency on the Democrat side would now want to vote for an amendment to end the war, and then, of course, blame President Nixon for not withdrawing all the troops. Such a tactic makes political sense. But I might suggest, as we shall in the next few days, that what the sponsors of the so-called end the war amendment did initially was raise over half a million dollars on the wording of one amendment, and then, after raising nearly $600,000 by an appeal on national television to the American people on May 12, and after pleading for support of the so-called amendment to end the war or amendment to lose the peace, they have made radical changes in the amendment on two occasions, so the amendment, as I read it now, at least the latest version, introduced yesterday by the junior Senator from South Dakota, is in effect an endorsement of President Nixon's Vietnamization program, as compared with the amendment used to raise the $600,000.

I find it rather difficult, and will say so in the next few days, to know just what we are to believe. We have had, for the first time in history, Members of this body appealing to the public for funds, and using those funds, to lobby their own colleagues, if you will, in the various States, through paid political advertisements, through newspaper ads with a flag draped casket. The inference in this campaign is clear and is to the

effect that only those 25 Senators who are listed want peace, and that those who support President Nixon apparently enjoy the war and the killing.

I find now, Mr. President, that the revised so-called amendment to end the war—better designated the amendment to lose the peace—is, by and large, an endorsement of President Nixon's Vietnamization program.

Mr. GOODELL. Mr. President, will the Senator yield at that point?

Mr. DOLE. I yield.

Mr. GOODELL. I am intrigued by the Senator's interpretation, which is not my interpretation, of the amendment to end the war. If it is the interpretation of the Senator from Kansas that, in its present form, the amendment to end the war is an endorsement of President Nixon's policy, I would invite his vote in favor of it.

Mr. DOLE. Well, I think perhaps I could support it with some further changes.

The vast difference, of course, is that suddenly there are some in the Senate who say, "We want to determine when the war ends; we want to take that flexibility away from the President"—the only President I know of, since the war started, who has done anything about ending it.

Perhaps if we could make some additional amendments and, instead of saying "April 30, 1971" say "on a date determined by the President," and make some other changes, it might be worthwhile.

But I say to the Senator from New York that really, if he looks at the six or seven different versions introduced by the Senator from New York and others, he will find a very radical change between the first version and the latest one. We find one amendment offered for fundraising purposes, apparently, and then, following the raising of a half-million dollars, we find that amendment was changed. And it was changed again yesterday, and now we no longer talk about ending hostilities next April or next June. Now we are discussing, in this amendment, the end of February 1972. Of course, the President could still come to Congress and extend it beyond that date.

So there has been a rather marked change, I say to the Senator from New York, with respect to amendment No. 609 and the present amendment, No. 862.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. GOODELL. There have been changes.

Mr. DOLE. Yes, radical changes.

Mr. GOODELL. I would not define them as radical changes.

Let me cite to the Senator from Kansas the fact that last September, I was the first Member of the Congress to introduce a bill to cut off funds by a fixed date. It was a very simple measure. It provided simply that no funds will be expended to support military personnel in Vietnam after December 1, 1970.

That basic approach has been retained throughout.

There are the two vital features of any proposed legislation to end the war: First, setting a fixed date by Congress, by law; and second, using Congress power over the purse to cut off funds after that date.

The amendment to end the war succeeded my S. 3000. It added other phrases. There were attempts to bring in other senatorial support. But never in any of the versions have we compromised the two basic features: Setting a fixed date and using congressional power to share the responsibility with the President by cutting off funds.

I might say to the Senator that when I went around the country last fall, last winter, and this spring, I faced many groups, particularly student groups, who would hop up and down and shout, "Out now!" I defied them.

I said, "You are asking for an instant tomorrow, an unrealistic objective. From my viewpoint, in the briefings I have had from the military and other experts in the Pentagon, it would take a minimum of about a year for a safe and orderly withdrawal of all American troops from Southeast Asia."

So my original proposal provided for complete withdrawal approximately a year hence. The amendment to end the war in the spring provided for it approximately a year hence, June 30, 1971. Time has elapsed.

Mr. DOLE. Eight months have not elapsed.

Mr. GOODELL. The pending amendment provides for final withdrawal by December 31, 1971. Anticipating delay in final enactment of the measure by Congress, the deadline is set in approximately a year, giving ample time for orderly and safe withdrawal. That has been the consistent approach since my original S. 3000.

In addition, we add to this measure—again, because of the concern of some Senators about the issue of Presidential prerogative and having an interim period for the President, as Commander in Chief, to exercise his discretion and come back to Congress—a 60-day extension, completely in the President's discretion. That is new. During that 60 days, he could come to Congress and make his case that some troops should remain there for a longer period of time. If he persuades Congress, Congress will approve.

But the two vital features—I might say three vital features—have been preserved: Setting a fixed date; fixing that date approximately a year hence from the date of enactment; and cutting off funds through congressional power. These features have been retained consistently throughout all amendments, and that was the appeal we made to the people for support for the amendment to end the war. It is the appeal we make for support today.

I thank the Senator for yielding.

Mr. DOLE. I thank the Senator from New York.

The basic question, the basic issue, is still, who shall determine when the last man is withdrawn from Indochina—and specifically, South Vietnam? Shall it be a committee of 100 or 535—Congress—or shall it be the President, whoever he might be?

Mr. GOODELL. I agree with that.

Mr. DOLE. That is the issue.

Mr. GOODELL. I agree with that. I think only Congress has the power to declare war.

Mr. DOLE. We are not declaring war.

Mr. GOODELL. We are trying to declare peace.

Mr. DOLE. As I recall, the Senator from New York did give some credit to President Nixon for changing direction in South Vietnam but charged that he was not proceeding quickly enough and that the Vietnamization program was a failure.

As I read the amendment, it is perfectly all right for Congress to say, in effect, not by name, that we can continue the Vietnamization program until the end of next February 1972. It is fine if Congress says that, if we are permitted to fix the date. The Senator does not call it Vietnamization, but he certainly does not deny that it is Vietnamization.

Let me point out one other significant fact. In amendment 609, which is referred to as the fundraising amendment, it is stated very specifically:

> Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970.

There has been a basic departure from that statement. We are now talking about February of 1972. So we are adding approximately 14 months. And the Senator from New York has just stated that nothing is intended to deny aid to South Vietnam or any other country. So that is a departure.

Mr. GOODELL. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr GOODELL The latter point is not a departure at all. No amendment to end the war—my original S. 3000, the amendment to end the war offered in the spring during the Cambodian intrusion, and the modification today—as denied the continued supply of arms and training to the South Vietnamese. There has been no change in that.

The Senator points out that the dates for final and complete withdrawal have changed. The Senator very adroitly chooses to interpret that as an endorsement of Vietnamization. The reason why the dates have been changed is the practical reality of protecting the safety of our troops. We cannot remove them in a month. I do not believe they could be removed safely and in an orderly fashion in 3 months.

December 1, 1970, which was my first proposal, has become unrealistic, because we have not been able to get the amendment adopted. We have been consistent in saying that we want to protect our troops, the safety of our troops, and have them withdrawn in orderly fashion; and the best military evidence is that that will take approximately a year.

So, consistently, we have provided the final termination date as approximately 1 year hence.

Mr. DOLE. Let me say to the Senator from New York that I do not quarrel with his consistency, and I say so in all respect to the Senator from New York. I understand, as he understands, that the issue next Tuesday will be who makes the determination.

Mr. GOODELL. I agree.

Mr. DOLE. Shall it be the President?

Shall it be President Nixon, who is disengaging in Southeast Asia? Shall it be the President, who found this war on his doorstep on January 20, 1969, and who has thus far returned more than 120,000 Americans, and who will return another 150,000 by next May 1, which, I might say to the Senator from New York, is 15,000 more than advocated 2 years ago by the principal sponsor of this amendment, the junior Senator from South Dakota?

The point I seek to make is that President Nixon has kept his word with reference to South Vietnam. It would seem that we would do a great disservice to the President to say to him, and to signal the enemy in advance, that we fix the date, December 31, 1971, plus the 2-month grace period, beyond which the President is powerless to act in Southeast Asia. The President might have a faster timetable. I assume that this amendment would not require the President to continue the war, would it, until February 1972?

Mr. GOODELL. If the Senator will yield, he reminds me of the comment the President made last year—2 days after the introduction by me of S. 3000, the Vietnam Disengagement Act. That bill provided for final and complete withdrawal by December 1, 1970. At the time, it was a little more than a year beyond the date of enactment, if it were enacted.

The President's comment at the press conference was that my proposal was "defeatist". He wanted to get all those troops out before December 1, 1970. Of course, we all want to get them out as soon as possible. If we can withdraw them faster, the President is at full liberty to withdraw them faster.

I would say to the Senator that I agree with him that the question is who makes the decision, but I do not think it is a question of whether it is the President or Congress, it is a question of whether the President makes it alone or Congress shares that responsibility with the President. I believe that the Constitution provides Congress has that responsibility and that obligation.

I might say to the Senator from Kansas that he might welcome the posing of this issue. I welcome it. It would be my guess, much to my regret, that next Tuesday, the amendment to end the war will be defeated in the Senate, although I think there will be a substantial vote in favor of it. The Senator from Kansas can then go forth and interpret the vote by the Nation's elected representatives as being in support of the President's policy of withdrawal. I hope that all my colleagues understand that.

I, too, praise the President. I will go before any forum and say that President Nixon inherited this war. He has turned it around. He has withdrawn troops. But that does not mean that he has got the right policy. That does not mean that we have a vital interest in staying in the war and winding it down gradually while 20,000 to 30,000 more Americans die.

I am sure that whatever President Nixon's policy—and this is not a partisan matter, obviously, and it was not the Johnson administration's and it is not under President Nixon—while I prefer the Nixon policy to the Johnson policy, it is not the right policy in terms of the country, in terms of its vital interests.

Thus, I think that Congress should step forward and vote on it. I know that the Senator is ready and willing to vote on it. Other Senators, of course, will do so. The vote will be on the record and they can go before the people and defend their actions.

Mr. DOLE. I appreciate the Senator's comments. We have participated in the rather lengthy debate on past amendments and resolutions on this subject. I voted for the Church-Cooper resolution, after the extended debate on that measure, and I recognize the responsibility that Congress has. We must share the burdens, but I say again that, for some reason, the burdens were not shared when the conflict was escalated in 1964, 1965, 1966, and 1967.

Again I recognize that the Senator from New York has been consistent. He has been an active opponent of escalation. I applaud him for it. The point is, there was no rush at that time, by the Senate or the House, to limit the withdrawal date, or any escalation date, or any escalation figure, or any troop level, as this amendment does. It appears to me that we say, in effect, in fact, section (a) states:

SEC. . (a) In accordance with public statements of policy by the President, no funds authorized by this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty thousand armed forces of the United States after April 30, 1971.

As the Senator knows, that is precisely what the troop level will be at that time; so there is no quarrel with that section. It is an endorsement of the program and the progress achieved by President Nixon. The sponsors of the amendment recognize that as President Nixon's achievement, and not in a partisan way. It is a recognition that the President has made progress.

Mr. GOODELL. I agree with that.

Mr. DOLE. The troop level will have gone from 485,000 odd men down to 280,000, or fewer, by May 1 of next year.

Mr. GOODELL. On that point let me say that I agree wholeheartedly with the Senator from Kansas in the point he has made, that no one proposed this before, that no one proposed a fixed date. I must say to the Senator from Kansas that I was in the House of Representatives at the time. There were 100 Senators here. Apparently, no one thought of it. I did not. The first time it was proposed was in 1969, after I had agonized for 9 months. I tried various approaches that would be a responsible exercise of legislative power, recognizing the realities of the conflict in South Vietnam, and I came up with this device.

I did not choose to vote against military appropriations because that would be voting against giving our troops the supplies and equipment they needed. At least it would be interpreted that way by many. Any effort to cut off funds immediately for the military would be interpreted as meaning we are not going to give our boys the ammunition and the guns they need after we have sent them over. Therefore, it occurred to me that the only way to approach it was to set a fixed date about a year away—by which time we would cut off all funds, which would give a warning to all the combatants, and notice to the President, that this was the date Congress felt should be observed.

I made that proposal on September 26 of last year and we see now a series of other proposals that use this device.

I must say to the Senator from Kansas that I agree with him, had I thought of it in 1967 or 1966, I hope and expect that I would have offered it as an alternative to the Johnson administration then in power.

Certainly my offering it on September 26, 1969, had nothing to do with the fact that the President of my party was in the White House. As a matter of fact, it made it more difficult. But it was my view that this question—and I know it is the view of the Senator from Kansas—was one in which politics did not enter. This is not a political debate, obviously, between the two of us.

Mr. DOLE. I appreciate that. I appreciate the Senator's responding. I am certain he agrees that every Member of this body wants the war to end today, wanted it to end years ago, 5 years ago, and wants it to end next week. But that is not the issue. It never has been and it never should be.

Mr. GOODELL. I agree. That reminds me of the point the Senator made earlier, regarding the advertisements which were printed and placed on the media. Anything that might have implied a lack of patriotism or a lack of concern for peace among those who supported the President, I disavow completely. It certainly was not my intent, and I am sure it was not the intent of the sponsors of the amendment to end the war. I respect the position of the Senator from Kansas. I respect the President's position. I know that they do not like the war, either. They want peace. It is a question between us—among us, if you will—how to attain the peace. That is where we differ.

Mr. DOLE. I agree with that statement and I am certain that the debate on Monday and Tuesday of next week will be on that level, as to how we can, through constructive debate, perhaps bring about an end to the conflict in South Vietnam perhaps 1 day sooner, or a month sooner, or a year sooner. But I do not agree with the response to this matter contained in the so-called amendment to end the war. The Senator from Kansas has great confidence that President Nixon is definitely trying to disengage and extricate us and to hold down the casualties. The Senator from Kansas happens to believe the President's plan is working. Perhaps there is a better plan. But I find no such policy enunciated in the most recent so-called amendment to end the war—or its recent modification.

Mr. GOODELL. I thank the Senator from Kansas very much.

THREE-PRONGED ATTACK

Mr. DOLE. Mr. President, I have today launched a three-pronged effort to block a recent ruling of the Federal Communications Commission.

The decision in question was issued on August 18 and dealt with the so-called fairness doctrine for presentation of conflicting viewpoints on major issues over radio and television.

The three points are:

An appeal taking the FCC into the U.S. Court of Appeals in Washington, D.C.

A motion with the Commission asking postponement of its decision until the court gives a ruling.

A letter to NBC President Julian Goodman asking that opposing spokesmen be allowed to answer an NBC program featuring Senators GEORGE McGOVERN and WILLIAM FULBRIGHT scheduled for broadcast on NBC August 31.

That, incidentally, is a day or two before the vote on the so-called amendment to end the war.

I was one of 11 U.S. Senators who unsuccessfully sought an FCC ruling to obtain free time on NBC to respond to a May 12, 1970, NBC television show promoting the McGovern-Hatfield so-called amendment to end the war. My petition, along with several other related cases concerning radio and TV coverage of controversial issues, was dealt with in one FCC opinion. In taking the Commission to the Court of Appeals, I have challenged portions of the FCC decision which require the major television networks to grant free prime time for opponents of the President's Southeast Asian policy to answer five televised Presidential addresses on the subject.

At the same time the court case was begun, a separate petition was filed asking postponement of FCC enforcement of its decision until a court ruling is obtained.

If the confusion the FCC has created is to be clarified and further misapplication of the law is to be avoided, we must have an authoritative decision by the courts. If the Commission's order is allowed to stand until the court can rule, the damage will have been done regardless of the court's final decision.

NBC announced on August 21 that it was making free broadcast time available to Senators McGOVERN and FULBRIGHT in response to the recent FCC decision.

In my letter to NBC President Goodman, I pointed out that the so-called end the war amendment would be voted on the morning after the McGovern-Fulbright program, and opponents would have no other chance to reply. I have asked that two additional Senators with opposing viewpoints be allowed to appear on the August 31 program.

Mr. President, I ask unanimous consent that the notice of appeal to the U.S. court of appeals, the motion to stay filed with the FCC, and a copy of my letter to Mr. Goodman may be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

[In the United States Court of Appeals for the District of Columbia Circuit]

NOTICE OF APPEAL

ROBERT DOLE, appellant, *v.* Federal Communications Commission, appellee

Robert Dole, United States Senator, State of Kansas, pursuant to the provisions of Section 402 (b) of the Communications Act of 1934, as amended, hereby appeals from the actions of the Federal Communications Commission, as contained in a Memorandum Opinion and Order released August 18, 1970, FCC 70-881 (— FCC 2d—) entitled *In Re Complaint of Eleven United States Senators Against National Broadcasting Company, Inc.*, and other closely related and mutually dependent cases contained in the same Memorandum Opinion and Order. In its order, the Federal Communications Commission denied the complaint of the appellant, and ten other Senators, against the National Broadcasting Company (NBC) involving the May 12, 1970 program on NBC which supported the "Amendment to End the War." This matter is treated in what the FCC Memorandum Opinion and Order refers to as "Section D", Paragraphs 46 through 51.

Because portions of the Commission decision, Section B, "The Complaints that a Spokesman be Given Equal Opportunities to Respond When the President has Addressed the Nation on Broadcast Facilities," and Section C, "The Complaints that the Networks or Licensees Have Not Achieved Fairness in View of the Number of Presidential Broadcasts on the Indo-China War and Their Efforts to Present the Contrasting Viewpoint," are apparently interrelated in the Commission's rationale, contained in the Order, appeal is taken from these portions of the Order, also.

If the decision of the Commission in respect to Sections B, C and D is allowed to stand as the law, the rights of the Appellant, and many other similarly situated individuals, will be aggrieved and adversely affected. Broadcast licensees would be encouraged to act unreasonably and to fail to fulfill their obligations to the public which they serve.

Respectfully submitted,

ROBERT DOLE.

MOTION FOR STAY

(Before the Federal Communications Commission, 11 U.S. Senators against National Broadcasting Co., Inc.)

Re FCC 70-81, memorandum opinion and order released August 18, 1970.

To: The Commission

Robert Dole, United States Senator, State of Kansas, hereinafter referred to as Movant, by his attorney, respectfully submits this Motion for Stay of the Commission decision in the above captioned proceeding. In support of the Motion, Movant shows:

Movant was one of the eleven United States Senators filing a complaint with the Federal Communications Commission against the practices of the National Broadcasting Company, Inc. (hereinafter NBC). Said complaint was filed on July 13, 1970. Thereafter, on July 16, 1970, Movant and other United States Senators submitted a Brief in support of their request for time and their complaint against NBC. The latter filed a reply on July 30, 1970. The Federal Communications Commission released its Memorandum Opinion and Order on August 18, 1970, which denied the complaint of Movant and the other ten Senators. See Section D, Paragraphs 46 through 51 of said Memorandum Opinion and Order, pages 21 and 22.

As a party aggrieved and adversely affected, Movant has filed a notice of appeal with the United States Court of Appeals for the District of Columbia Circuit. The appeal raises questions of law involved with all aspects of the Commission's decision, save for that portion that dealt with the complaint of the Republican National Committee. In view of the pendency of the appeal, Movant asks that the Commission stay the effectiveness of its decision, until the United States Court of Appeals for the District of Columbia Circuit has had an opportnuity to pass upon all aspects of the appeal.

Specifically, the Commission should enter an order requiring that the parties preserve the *status quo* pending the outcome of the appeal before the United States Court of Appeals for the District of Columbia Circuit.

As will be shown below, a stay is vital in the instant case, in order to maintain the *status quo* and avoid disruption which would be of a substantial nature in the event the Commission declined to enter a stay of the effectiveness of its decision of August 18. If the appeal is successful before the Court, the National Broadcasting System would be required to grant thirty minutes of prime time to the Movant and the other Senators to respond to the program of May 12, 1970, presented by the "Committee to End the War" over the NBC network. The FCC decision recognizes that there was a controversial issue of public importance and that the Fairness Doctrine was applicable. No one has been permitted by NBC to answer that specific program on NBC. Instead, the Commission has merely relied upon vague generalities to the effect that the "Administration" has had opportunity to present a contrasting position.

Instead of the opportunity for Movant and other Senators to debate the issue, the effect of the FCC decision has been to permit, and encourage, NBC to grant further time to Senator McGovern, as well as Senator Fulbright, to overwhelm the public with their views, presented free over NBC.

A stay of the decision is necessary to avoid serious injury to the public and to nullify the overall effect of the Commission decision. The granting of a stay in this matter will not harm anyone. The lack of injury to the public dictates that the Commission stay the effectiveness of its decision.

In conclusion, the grant of a stay would protect the public interest as well as the interest of Movant and other United States Senators, pending a final decision by the United States Court of Appeals.

Note is taken of the fact that a petition for reconsideration of that portion of the decision dealing with the Republican National Committee complaint is pending before the Commission. A grant of the stay would simply permit the Commission to maintain orderly processes during the pendency of review, both by it and by the Court.

Respectfully submitted.

ROBERT DOLE.

Mr. JULIAN GOODMAN,
President, National Broadcasting Co.,
New York, N.Y.

DEAR MR. GOODMAN: I note that the National Broadcasting Company has announced a one-half hour program on August 31, 1970, featuring Senators Fulbright and McGovern as "spokesmen to present the contrasting viewpoint to the Administration" on the "issue" of the Indochina War. It has also been reported that NBC does not intend to appeal the August 18, 1970, decision of the Federal Communications Commission dealing with the Fairness Doctrine. I have also read your article in the *Wall Street Journal* of August 3, 1970, entitled, "TV: Formulas Won't Bring Fairness."

Taking the FCC decision the NBC announcement and your article together, I am concerned and alarmed at your failure:

1. To invite Senators, opposed to the positions espoused by Senators Fulbright and McGovern, to appear on the same program with them; or, alternatively.

2. To refrain from presenting Senators Fulbright and McGovern until all legal and administrative remedies have been exhausted.

In the first place, it is difficult to understand how you define the "issue" of the Indochina War, or what you have determined the "viewpoint of the Administration" to be or what *the* contrasting viewpoint to it is. Nonetheless, in the light of the importance of the issues involved, your actions appear to be incomplete and ill-considered.

Although the second above enumerated course of action does not have the greatest appeal, it does appear to be a possible way of complying with the letter and spirit of the

law, because the points of law raised by the August 18 FCC decision have not yet been finally determined by the Commission or the courts. It seems somewhat unusual that NBC would take this action under the August 18 ruling before all administrative and legal remedies have been exhausted.

I believe the first course outlined above would provide the greatest freedom of information and most complete discussion of the issues for the public. If you carry Senators Fulbright and McGovern on August 31, 1970, you will be obliged to present spokesmen opposing the views they will express. Under the circumstances surrounding this matter, the most reasonable and effective way to illuminate the controversial issues to be discussed by Senators McGovern and Fulbright would be to simultaneously present spokesmen from the U.S. Senate who hold opposing views.

You have stated that there is no formula and that there should be none for balancing Presidential appearances on television. You are certainly correct both as to Presidential statements and the general question of all controversial issues. In this case it is also important to remember that the Presidential appearances in question took place long before August 31, and that the circumstances and issues have changed considerably in the interval. Particularly important is the fact that the McGovern-Hatfield Amendment has twice been altered significantly within the past few days, and one would expect the latest version of this proposal to be the principal subject of discussion on August 31. Thus, the appearance of Senators Fulbright and McGovern will be the first discussion of a controversial issue (viz. the new version of the McGovern-Hatfield Amendment), to which opponents will have a clear right of reply. On this point it should also be noted that the Senate will vote on the McGovern-Hatfied Amendment on the morning following the appearance of Senators McGovern and Fulbright. Therefore, August 31 will be the last day any discussion of the opposition viewpoint would be relevant.

I call upon you to insure that the major portions on each issue presented on the August 31 NBC program are expressed by including in addition to Senators McGovern and Fulbright two other Senators who hold opposing viewpoints on the issues to be discussed.

You should also be aware that I am today taking an appeal of the August 18 FCC decision to the U.S. Court of Appeals for the District of Columbia and am filing a motion for stay of said decision with the FCC.

Sincerely yours,

BOB DOLE,
U.S. Senate.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I am about to propose a unanimous-consent request which has been cleared with all principal parties concerned, meaning the authors of the amendments, the manager of the bill, the able assistant minority leader, and the able majority leader.

Mr. President, I ask unanimous consent that on tomorrow, immediately following the vote on the amendment offered by the Senator from Wisconsin (Mr. PROXMIRE), the amendment of the Senator from Alabama (Mr. BELLMON), amendment No. 857, be laid before the Senate and made the pending business. A limitation of 30 minutes has already been agreed to on amendment No. 857.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that immediately following the vote on the amendment to be offered by the Senator from Oklahoma (Mr. BELLMON) on tomorrow, the amendment by the Senator from New Hampshire (Mr. MCINTYRE), the so-called NSF research amendment, be laid before the Senate and made the pending business. A limitation of 1 hour has already been agreed to.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that there be 5 hours of controlled time on the amendment which will be offered by the Senator from Maine (Mr. MUSKIE), the first 2 hours of controlled time to begin running on Monday next at 10 o'clock in the morning, and going until noon on Monday next, the 3 remaining hours of controlled time to begin running on Tuesday next, immediately following the vote which will occur on the amendment to be offered by the Senator from Wisconsin (Mr. PROXMIRE) with respect to draftees; that upon the conclusion of the 3 hours on Tuesday next, a vote occur on the amendment to be offered by the Senator from Maine (Mr. MUSKIE), the debate on the Muskie amendment both on Monday and Tuesday, to be equally divided and controlled by the able Senator from Maine (Mr. MUSKIE) and the manager of the bill, the Senator from Mississippi (Mr. STENNIS), and that any amendments thereto, appeals and motions, except a motion to lay on the table, be limited to 30 minutes, the time to be equally divided between the author of the amendment to the amendment and the author of the basic amendment, the Senator from Maine (Mr. MUSKIE), or if the Senator from Maine (Mr. MUSKIE) is not opposed to the amendment to the amendment, then the time in opposition to be under the control of the able manager of the bill, the Senator from Mississippi (Mr. STENNIS).

Mr. President, I ask unanimous consent further that, immediately upon the conclusion of the vote which will occur on Tuesday, circa 3 in the afternoon on the Muskie amendment, the bill be advanced to third reading, that there be 1 hour on the bill to be equally divided between the manager of the bill, the Senator from Mississippi (Mr. STENNIS), and the minority leader or his designee, and that a vote occur on final passage of the bill at the expiration of that 1 hour.

The PRESIDING OFFICER (Mr. BURDICK). Is there objection?

Mr. STENNIS. Mr. President, reserving the right to object—and I certainly do not intend to object—one point is not clear to me with reference to amendments to the Muskie amendment.

There was to be 30 minutes allowed on each amendment. Nevertheless the agreement says that a vote on the Muskie amendment shall come at 3 o'clock.

Mr. BYRD of West Virginia. I said circa 3 o'clock, approximately 3 o'clock.

Mr. STENNIS. All right. Reserving the right further to object, does that mean that if an amendment is to be offered and debated, a vote could be had on the amendment to the amendment at that time?

Mr. BYRD of West Virginia. If an amendment to the amendment is offered, a vote on the amendment to the amendment would occur only after all time had expired on the basic amendment. I think that is in accordance with the precedents, if I may inquire of the Chair.

The PRESIDING OFFICER. The Senator is correct.

Mr. STENNIS. Mr. President, it seems to me that it would lend confusion if a Senator should offer an amendment. During the rest of the debate, the debators and the listeners would be uncertain as to what was to be voted on, particularly whether it was the final version.

It seems to me that there ought to be some debate after it is known just what the Muskie amendment is going to be.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. MUSKIE. Mr. President, I think there is likely to be only one possible amendment to the amendment as it lies at the desk. If it is offered, it will be offered, I think, early in the 5 hours of controlled time to which the Senator from West Virginia has referred.

In my point of view, I do not think it is necessary to include any time for that amendment. From my point of view, I would be content to let the 5 hours of controlled time remain and we can take the time out of that to consider the other amendment that the Senator from Mississippi and I have discussed.

Mr. STENNIS. Mr. President, if the Senator would yield further, I certainly do not intend to be contentious.

My point is that I think in the final part of the debate, the debaters and the voters ought to all have their minds on the substance of the amendment in making up their minds—I do not know what form the Muskie amendment will take—and debate it before a vote is taken on the amendment to the amendment.

Perhaps the Senator would offer his amendment on Monday during the controlled time.

Mr. BYRD. of West Virginia. Mr. President, would this suggestion be agreeable and meet the point raised by the able Senator?

Would the Senator agree if I should ask unanimous consent that if any amendment to the Muskie amendment is offered, the 30 minutes on the amendment to the amendment start running immediately and that a vote thereon occur at the expiration of the 30 minutes allotted on the amendment to the amendment?

Mr. STENNIS. Mr. President, I would rather have it that way than the way

it was first stated. But the Senator from Maine has the key to this matter.

Mr. MUSKIE. Mr. President, I do not want to be locked in at this point to this unanimous-consent agreement. It is my feeling at this point that if the amendment is offered, I will offer it on Monday.

I think the Senator has made a valid point. On Tuesday we ought not to confuse the issue. It is going to be difficult enough to get the agreement of all Senators on the principal issues. I will give their personal assurance and clear it with all Senators.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. Mr. President, I am satisfied with the Senator's assurance.

The PRESIDING OFFICER. Is there objection to the unanimous consent request? The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I wish to be sure we are clear on this point that has been raised.

I so revise my unanimous-consent request to take into consideration the possibility that an amendment to the amendment may be offered. I revise my unanimous-consent request to provide that the time on an amendment to the amendment start running immediately upon the submission of such amendment to the amendment, and that, at the conclusion of the 30 minutes on the amendment to the amendment, there be a vote on the amendment to the amendment.

The PRESIDING OFFICER. That it would be in order before all time is used?

Mr. BYRD of West Virginia. Yes.

The PRESIDING OFFICER. Is there objection? The Chair hears no objection, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I wish to express appreciation to the able assistant minority leader, who may have a question or some comment at this point, and also to the manager of the bill, the Senator from Mississippi (Mr. STENNIS), to the author of the amendment, the Senator from Maine (Mr. MUSKIE), and the coauthor of the amendment, the Senator from Maine (Mrs. SMITH), and to all other Senators who have cooperated so will in making it possible for these agreements to be effectuated.

Mr. STENNIS. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. STENNIS. We are indebted to the Senator from West Virginia and the Senator from Michigan, Mr. President. They worked out this matter.

Mr. BYRD of West Virginia. Mr. President, would the Senator yield to me for 30 additional seconds?

Mr. PROXMIRE. I yield.

Mr. BYRD of West Virginia. Mr. President, it has been called to my attention that in my unanimous-consent request I used the word "advanced" to third reading. I amend my statement to say that "the bill be read the third time."

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 861

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the pending amendment be laid aside.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I call up my amendment, No. 861, and I ask that it be made the pending business.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read as follows:

At the end of the bill add a new section as follows:

"SEC. 508. (a) Notwithstanding any other provision of law, the aggregate amount that may be expended for Department of Defense—Military Functions for the fiscal year ending June 30, 1971, shall not exceed $66,000,000,000."

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the name of the Senator from Oklahoma (Mr. HARRIS) be added as a cosponsor of the amendment.

The PRESIDING OFFICER (Mr. BURDICK). Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, earlier today the distinguished chairman of the Committee on Armed Services, the Senator from Mississippi (Mr. STENNIS), made a strong, and, as he always does, a fair but powerful attack on this amendment. I wish to reply to some of the points he made because I disagree very strongly.

One of the points he makes is that this amendment would reverse the usual process, by acting before the Committee on Appropriations reports. What this amendment would do is not to say we can appropriate a certain amount. The amendment states that we would put a limit on the amount the President can spend.

Such a proposal has been voted for in the past and it has been supported in the past by a substantial majority of Senators who are here now. It is not a precedent and it is not a radical departure from past practice, in the sense it has not been done before. Further, the Committee on Appropriations can make any appropriations they wish but there is a limit on the amount the President can spend.

Then, the distinguished Senator from Mississippi objected to the amendment on the ground that already 2 months of the year have gone and although we would cut $5 billion it will have a different effect since the $5 billion has to be treated on a prorated basis of 9 months or 10 months, instead of 12 months. That is an interesting objection because the Senator meets himself coming back in that argument.

If the Senator is suggesting that I wait until the appropriation bill is before us, then it would not be a matter of 2 months or 3 months, but many more months, because the appropriation bill will not be before us until October. Then the Senator from Mississippi could make his argument even more strongly that we are treating the Department of Defense unfairly.

Although this amendment calls for a cut of $5.1 billion, or a reduction to $66 billion, I think all of us are realistic enough to recognize that this bill must go to conference. Unfortunately, Mr. RIVERS and the conferees on the other side are unlikely to share the enthusiasm of the Senator from Wisconsin for a cut of $5 billion. Therefore, I anticipate there will be some compromises in conference and, indeed, leeway, because the House did not make any cuts.

This is a limited, and as I shall demonstrate, a highly responsible proposal. There is no question the Department of Defense can live with the $66 billion. Last year we were told that if we reduced appropriations below President Nixon's request it would do great damage to our defense and that it would be a serious mistake insofar as our defense was concerned because President Nixon had already cut President Johnson's request. We cut President Nixon's defense request by more than $5 billion. What happened? We still have a military force. We still are fighting the war in Vietnam, and I am sure we are all unhappy about it. We still have 3 million men in the Armed Forces, over 400 major bases abroad, and we are still wasting money in procurement, as the Under Secretary of Defense testified in a speech the other night. So there is no question that we have not starved our military. Our military has not become too weak.

WHY THE PROXMIRE-MATHIAS AMENDMENT SHOULD BE PASSED

Mr. President, there are overwhelming reasons why the Proxmire-Mathias amendment should be agreed to. All the amendment does is to place a limitation on the money that can be spent this fiscal year for the "Department of Defense—military functions." It reduces spending by $5.2 billion or approximately 7 percent below the estimated outlays in the President's budget for these purposes. We would cut back the proposed $71.2 billion spending in fiscal 1971 for "military functions" to $66 billion. We do this by placing a ceiling on the amount which can be spent.

SIMPLE, DIRECT AMENDMENT

I think this is a direct, simple, straightforward way to do it. I know there will be all kinds of arguments—mostly irrelevant and procedural or nit-picking—which will be made against the amendment. But it is a direct, simple, and effective means to cut military spending this year. Senators should therefore vote on that issue rather than on some of the irrelevant and unimportant and extraneous issues which will be raised. Later, I will raise some of them myself in order to answer them and rebut them before attempts are made to canonize and cast them in bronze.

DEALS WITH SPENDING

One of the problems Congress faces when it passes an authorization bill or an appropriation bill is that it is the President who determines how much of an appropriation bill will be spent and when. The importance of this amendment is that we limit the actual spending. We can actually effect what is spent in this fiscal year for military functions by passing this amendment.

The Armed Services Committee itself has cut almost 7 percent in the procurement bill. That cut will certainly be

translated into at least that amount or more on the appropriation bill. What our amendment does in effect, is to make it possible to apply the 7-percent cut not only to procurement but the other items—the nonprocurement items—in military spending as well.

WHY AND WHERE WE SHOULD CUT

The amendment does not detail where the cuts should be made. It leaves that to the President and the Pentagon. There is very good reason for that. In the past when we have proposed amendments to specific weapons or for specific items, it is invariably argued that Senators do not have enough information and are not expert enough to second guess the military experts at the Pentagon on these issues. That is always and invariably said.

What our amendment does, however, is to limit the expenditures but tell the Pentagon, in effect, to make the cuts. They can make them where they want them within the limits of the law. They can choose the priorities and the places to cut, within, of course, the military budget.

But while we leave the actual cuts to them, we and others have made detailed suggestions where the cuts could be made and have provided extensive analysis and information as to where the waste lies. Let me be specific.

WASTE IN PROCUREMENT

There is no question whatsoever that there is fantastic fat and waste in the procurement of our weapons systems. And this along with manpower is where the big money is.

But until the debate last year and the debate this year, Pentagon spending was sacred. Finally, we have at least been able to criticize it and to develop what the problems are. That has been a healthy endeavor. But unless the Pentagon cuts and cuts hard, in the procurement area, as the committee itself has done in its 7-percent cut we will get no effective action. Our amendment contemplates that the Pentagon would carry out the committee cuts.

It is not only the Senator from Wisconsin who is critical of procurement. Almost any one who has looked at it objectively concludes that changes are needed. No less a person than Secretary Packard gave a scathing indictment of procurement practices before the Armed Forces Management Association in Los Angeles last week. Here are some of the things he said:

Frankly, gentlemen, in Defense procurement we have a real mess on our hands, and the question you and I have to face up to is what are we going to do to clean it up.

His criticism of routine defense procurement, as opposed to some examples of good procurement he cited, was devasting. After giving some examples of procurement carried out well when it was done outside the system and under good leadership, Secretary Packard had this to say:

On the other hand, when we are not in a hurry to get things done right, we over-organize, over-man, over-spend, and under-accomplish.

I congratulate the Secretary both for his frankness and for his courage in addressing those remarks to a meeting in the citadel of the so-called military-industrial complex.

In addition, the Secretary addressed himself to the problem of the new highly complex systems. This is where much of the trouble has been—in the black boxes, in the avionics, in the computer-radar systems. The Stubbing report brought this out dramatically over 18 months ago. But this is what the Secretary said to the management group:

The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost.

How right he is about that. We know from the General Accounting Office's report comparing the present cost of 38 major weapons systems with the estimates of their cost when the Pentagon originally asked for them, that they have increased by $23 billion or more than 50 percent in cost. And that, I can say, is a most modest and careful estimate.

The Secretary also gave some additional reasons why we are in the "mess" we are in. Let me quote him once again:

Let's face it—the fact is that there has been bad management of many defense programs in the past. We spend billions of the taxpayers dollars; sometimes we spend it badly. Part of this is due to basic uncertainties in the defense business. Some uncertainties will always exist. However most of it has been due to bad management; both in the Department of Defense and in the Defense Industry.

And we could provide example after example after example. The C–5A with its $2 billion overrun, its wing crack, and its late delivery is one.

There is the GAMA Goat, a combination land and water vehicle which the Pentagon assigned to a company which had no experience in making anything comparable. It rose in cost from $69.1 million as a planning estimate to $438.7 million now.

There is, of course, the case of the famous TFX—or F–111.

There is also the Submersible Rescue Vehicle—a vessel originally designed to rescue men from submarines. The original estimate was $36 million for 12 vessels, or $3 million each. Present estimates have risen to almost $80 million a unit. And the irony of it is that we have found that such a vessel might have been successfully used only twice since the 1920's.

BETTER USE OF FUNDS

We say this country could be stronger if we cut back on waste and used those funds in one or all of three ways.

First, those funds are vitally needed for our unmet needs here at home—for schools, for health, for housing, and to fight pollution. When the Congress has increased some of these funds even by small amounts over the President's budget, he has vetoed them with a stinging rebuke to us as "big spenders." But many of us believe that our priorities should be reordered—that we can pay for some or all of these increases in health, housing, education, and anti-pollution, by cutting back on military waste and on unnecessary military expenditures.

Second, there needs to be some reordering in the Pentagon itself. Many experts believe we would be far wiser to spend military funds on new fighter planes instead of the C–5A. Many believe fighters are far more important than a new manned bomber which past Secretaries of Defense said were out of date almost a decade ago.

Certainly we should be spending funds for submarines rather than aircraft carriers. Furthermore, we should be beefing up our combat divisions or our combat-ready divisions and cutting back on supply units, some reserve forces that sit around doing very little, and on the bureaucratic and logistic excesses which give us only one fighting man for every 15 men in the service.

Third, some of the savings we could make in a more efficient Defense Department—and more efficiency elsewhere too—should be returned to the taxpayers of this country who are now terribly overburdened with tremendous increases in their property taxes, sales taxes, and State income taxes.

Let us examine what the $2 billion overrun on the C–5A itself might have been used for.

The $2 billion, at $10,000 per man per year for the cost of a man in the service, would finance the pay and allowances and associated personnel costs for 200,000 combat troops, or more than 10 combat divisions, for a full year.

That fact is precisely why this country can be far stronger than it now is if we will get rid of military waste and redundancies.

Two billion dollars would finance the housing subsidies for some 3⅓ million families under the new homeownership provisions of the 1968 Housing Act for an entire year. Yet this country has the most desperate housing shortage in its history.

The $2 billion Lockheed overrun is five times as much as in last year's budget for rural electrification. It is almost 20 times the limit of $214 million for urban mass transit in the House appropriations bill. It was almost double on the 1970 funds for low- and moderate-income housing in the HUD budget. The $2 billion would have paid for almost all the non-service-connected pensions for all U.S. veterans in the last fiscal year. It is more than all the money we spend for veterans' hospitals and medical care for them.

We are talking only about the overrun on one weapons system. We must cut back on military waste. We must reorder our priorities.

Many people say, "We are against military waste, but how do you cut it back?" There is one way Congress can effectively cut it back, there is one congressional power that is respected, and that is to cut the amount of funds available. Secretary Packard said money available for spending for defense contracts in the past has been far too much. The only way we can provide discipline comparable to the discipline in the private sector is to reduce the funds available.

That is why this amendment is so important if we are going to get efficiency.

No one can doubt that if those who make procurement are limited in the amounts they have, they will have to exercise discipline and responsibility.

OVERSEAS BASES

A short time ago a major story in the New York Times reported that this country had 429 major and almost 3,000 minor bases scattered in 30 countries throughout the world.

Many of these were established for reasons now long forgotten. Many of them are redundant. Many of them should be reexamined to determine if they are really needed.

By remaining at some of them, we may in fact give the appearance of a commitment to deploy our military forces which has never been embodied in a detailed agreement, let alone a treaty consented to by the Senate.

The Senator from Missouri (Mr. SYMINGTON) is examining this question in great detail and with great perserverance. His initial findings alone are sufficient for us to know that a great many of them are redundant and should be closed.

May I make one further point in this regard? When Senators voted for the C–5A, some did so on the grounds that that plane would allow us to bring the boys home and to close down overseas bases and save hundreds of millions of dollars. Now that we have agreed to spend over $3.75 billion for only 42 C–5A's, we should start making some of those savings in the overseas bases which are redundant and out of date. The best way to do so is to put a ceiling on the Pentagon's spending so that they do not delay any longer in getting rid of those bases so unnecessary to our fundamental security.

SHIFT FROM TWO-PLUS TO ONE-PLUS WAR STRATEGY

Last year on the floor of the Senate, the distinguished Chairman of the Armed Services Committee argued against amendments we proposed to make specific cuts in defense procurement on the grounds that this could not be done until we shifted from the two-plus war strategy. That strategy said we should have enough troops and equipment to be able to fight a major land war in Europe and a major land war in Asia plus a minor war or contretemps somewhere else, all at the same time.

Now the policy has been changed. Secretary Laird has announced that we have done away with the two-plus war strategy and now are following a one-plus war strategy. But, this is not reflected in any significant budget cuts. When pressed on this issue, we are told that we had never fully funded the two-plus war strategy. Consequently, they argue, there are no savings.

This is an interesting argument, but there is ample proof that is it not true. There should be major cuts to reflect our shift in policy. The evidence is from a man who should know, namely Mr. Charles Schultze, formerly the Budget Director.

The one-plus strategy was "costed out" by the military departments when Mr. Schultze was Director of the Budget. Based on that knowledge and his own long experience, he has calculated that the one-plus war strategy should cost us $14 billion less than we are spending for strategic and general purpose forces this year. He made that estimate on the basis of his very considerable knowledge of the facts.

One could argue that there has not yet been time to put this $14 billion cut in effect, and I acknowledge that. But I do not see why we could not effect at least $5 billion of it, or along with savings in procurement and bases and other reforms, we could not make a $5 billion overall cut, now that the two-plus war strategy has been discarded and the one-plus strategy is in effect.

We should be getting some of the savings from this shift in policy this year. And a cut of $5 billion in overall military spending would help to bring it about.

MANPOWER

Manpower costs are the single biggest military expense. We now have slightly more than 3 million men and women under arms. Before Vietnam we had about 2.5 million. We should be aiming for that goal again, and soon. That would bring cuts larger in military personnel than are now proposed.

The costs per year for one man in uniform plus the logistics and supplies needed to support him, are variously estimated from about $10,000 per man, upwards to $25,000 per man if that man is in a combat unit in a war zone overseas.

The cutback in troops have thus far brought very slight reductions in costs. But they should have a large payoff soon. Unless we cut back hard on overall military spending, the Pentagon will usurp those savings and use them for their own purposes. That is why it is so important that we place a ceiling on expenditures this year.

ENOUGH IS ENOUGH

The members of Congress for Peace Through Law have published a major study on where savings could be made. Published a few weeks ago, that document has been pored over by the Defense Department attempting to find minor errors or mistakes by which to denigrate it. But they have failed to do so, and the basic substance of that report remains intact.

That report, along with the study by the Brookings Institution early in the year, came to essentially the same conclusions about our strategic forces. They found that we could reduce our strategic weapon expenditures from about $18 billion a year to $14 billion a year, and still continue to increase our strategic weapons and strength. We would increase them from 4,200 to 7,000 deliverable nuclear weapons.

We now have at least 4,200 force loadings—nuclear weapons which can be delivered on an enemy after a first strike by that enemy. This is our strategic deterrent.

According to the Pentagon damage tables published in 1968, 400 of these deliverable weapons could wipe out 74 million Russians and 75 percent of their industry. That is a damage which they would be unwilling and unable to sustain.

But we not only have 400 of these weapons, but we have 4,200 of these weapons—or 10 times as many. In addition, under the present programs, authorizations, and appropriations, we intend to increase the number to over 9,000. This would be done by MIRV'ing our Minutemen, providing for the new manned bomber, and shifting from the Polaris to the Poseidon submarine and its larger number of missiles.

Our intentions are to go from 10 times the number of nuclear weapons we need to over 20 times the number we need to wipe out 74 million Russians and 75 percent of their industry. Both Mr. Schultze and the report by members of Congress for Peace Through Law indicate that we could cut back our strategic spending to $14 billion or less, and still provide some 7,000 deliverable weapons in the near future. We could cut by $4 billion here and still carry out the research and development for the ABM, the B–1 bomber, and the ULMS system, while continuing but not speed up the Poseidon MIRV program.

That policy would soon provide some 7,000 deliverable nuclear weapons or force loadings.

That not only is a "sufficient" deterrent. That is an overwhelming deterrent.

OTHER SAVINGS

There are other savings which could be made as well. The new uniform accounting law, according to Admiral Rickover, should save at least $2 billion a year when fully in effect. I am proud to say that the Senate version was accepted in conference on the Defense Production Act and has now been signed into law. While it will take time to get underway, this should bring a big future saving.

There are numerous weapons and weapons systems which individual Senators and Members of the House have examined and found wanting. We question the MBT tank, the B–1 bomber, and the need for more carriers. There is duplication in our anti-submarine warfare efforts which should be consolidated. Furthermore, the Pentagon spends at least $40 million a year directly on public relations and many millions more indirectly. Reform in food procurement practices, and rotation and leave policies of the services, could effect long overdue reductions in expenses.

In fact, as the old saying goes about the local town imbiber, "He spills more liquor than he drinks."

We believe that a ceiling on Pentagon expenditures $5 billion below the amount now proposed to be spent, is the best possible means of forcing some financial discipline on the military services.

It is not only important to choose among military and civilian priorities. There must also be priorities within the Pentagon. The old programs, the wasteful practices, and excessively costly weapons systems must give way to new programs, more efficiency, and weapons which are built on time at a cost estimated reasonably accurately in advance, and which work when they are delivered.

STOCK ARGUMENTS

There are many more reasons why this amendment should be passed. But on the whole it will not be attacked on substantive grounds. We will hear the stock arguments and I will raise some of them now and answer them now.

It will be asked, why did you put it on this bill? Why did you not offer it at the time when the proposed ceiling on all expenditures was offered, or why do you not wait for the appropriation bill? Those arguments have been trotted out on the Senate floor already.

That is no argument against our proposal. It is in order now. We have a right to offer it now. It is relevant now. The word would go out tomorrow to the Pentagon that cuts were coming.

Furthermore, if we wait for the appropriations bill, our amendment would be the subject of a point of order.

The funds in the appropriations bill will not all be spent this year. What will be actually spent this year by the President will come from funds appropriated last year and funds in supplemental appropriations, as well as money appropriated this year. Since one cannot legislate on an appropriations bill, and since one can only limit the specific funds in an appropriation bill, our amendment to limit "spending" or put a ceiling on the spending in this fiscal year would be out of order on the military appropriations bill. That's why we are offering it now.

WHY THE OVERALL CUT?

Some will argue that against a general cut. "You should make specific cuts; you should not use the meat ax approach," it will be said.

That would be a good argument except for two things. When we tried it, the Pentagon supporters opposed it. In addition, more than 75 Members of the Senate—more than two-thirds—have voted for some form of general cut or to impose an overall ceiling on various bills in the previous two sessions of Congress. If a Senator says, "I am against the meat ax or general approach," one can almost invariably say to him, "But Senator, you voted for a general cut this year or last year or the year before." And interestingly enough, more than half of the handful of Members who have not voted for a general cut in recent sessions, are supporters of the amendment I have offered today.

Members should not be swayed by that argument.

It will be said that we are crippling the Pentagon. But they will still have $66 billion for military functions, and $68 billion overall. Mr. President, that is no crippling amount. The fact is that the Russian budget shows something like 17.5 billion rubles, which is the equivalent of about $20 billion, that they spend on their military. Taking into account the difference between the Russian cost of living and ours, the amount they pay their troops, and so on, the London Office of Strategic Studies reports that the Russians are spending now, this year, about $40 billion. We double-checked this figure with the experts who testified before the Joint Economic Committee on this very matter last year, to update their figures. They said that every evidence they have is that the Russian comparable military spending is still about $40 billion or $45 billion in the equivalent amount, and making do with what that $40 billion will buy.

So even if this amendment were enacted, we would still provide far more than half again as much as the Russians spend. As I say, the only way you can exercise discipline on any department, especially the military, where the waste has been demonstrated so vividly, is to cut the amount available. This is the one check that Congress really has.

CONCLUSION

This is a simple, straightforward vote. Are we willing to cut back military spending at a time when are asked to cut back on the money we appropriated for schools and health, or do we believe that the Pentagon should come first?

Are we willing to continue excesses and overruns and wasteful spending, or are we going to insist upon the discipline of the purse strings, which is the one discipline the Congress has?

Are we to have a top-heavy, gold-plated military, with redundant bases, excessive logistic and support personnel, and $40 million for propaganda, or do we want a lean, lithe, combat ready military force which operates efficiently and operates within its means?

Those are the real choices. The issues are clear. It is up to the Senate to decide.

SENATOR MATHIAS DISCUSSES DEFENSE SPENDING

My distinguished colleague from Maryland (Mr. MATHIAS), joins me in sponsoring this amendment. He has been called away this afternoon on a family emergency, but I would like to include in the RECORD remarks prepared by him in support of this amendment. I ask unanimous consent that Senator MATHIAS' comments be included at this point.

There being no objection, Senator MATHIAS' statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR MATHIAS

Mr. President, cutting a defense budget is not a job to be done with a dull blunt instrument. It is a job to be done with care, judgment and foresight. It is probably more of an art than a science.

Failure to recognize this fact is probably one of the reasons the efforts made to date in reducing defense costs have reacted unfavorably to overall security considerations and may cause some understandable concern. We have attempted to reduce total dollar cost without altering our pattern of operation. As a result we pour billions into obsolescing hardware items and into peripheral engagement in Vietnam, but neglect the very bedrock security factors upon which security depends. We might instead practice the doctrine of "fly before you buy" and produce limited numbers of prototypes before we place orders for procurement in the billion dollar category.

It is a little like the farmer who foregoes the purchase of next year's seed in order to gather this year's tares.

The Senate Armed Services Committee has wisely rejected some of the Pentagon requests. But at this time of crisis, when our technical lead is in jeopardy, we cannot afford to continue such expenditure on unnecessary or marginally useful systems. We must stabilize our economy and increase our investment in the educational and scientific programs on which our future security will be founded. Our future security will be based on current activity not at our missile sites but in our classrooms—and our educational system is now in crisis.

President Eisenhower was perhaps our wisest recent President on matters of national security. He kept the country strong and our society stable. Our deterrent is still essentially based on programs researched and developed during his administration while he resisted pressures to deploy unnecessary systems. I would like to quote his words here:

"No matter how much we spend for arms, there is no safety in arms alone. Our security is the total product of our economic, intellectual, moral, and military strengths . . .

"Let me elaborate on this great truth . . . It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. The Military Establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines."

I cannot improve on General Eisenhower's prophetic words. I can only say that they describe our current condition. And they dictate the kind of "severe scrutiny of the defense budget" for which another great Republican, Robert A. Taft, appealed in his last public speech. Such "severe scrutiny," I believe, would result in a cut at least as great as that currently contemplated. I urge such a cut solemnly, in the interests of national security and domestic peace.

It is not an easy decision for any member of Congress to advocate a curb on government spending when such a decision involves the vital area of national defense. But I do so in the strong conviction that the amendment is responsible in its substance and is made mandatory by the current economic situation.

The citizens of the United States and their elected representatives in Congress can no longer ignore the implications of the fiscal situation we face. Despite a few hopeful signs, inflation is literally eating the nation out of house and home. It is imperative that we review our priorities in light of this daily menace to our national and individual economic situations. We must act swiftly and decisively to restore fiscal order.

I speak of the eroding forces of inflation in general and the needless waste of defense funds in particular. The President is fighting inflation on a broad front. He is acutely aware of the need for economy. His recent veto of the education appropriations bill, although unpopular, was the only responsible course he had in calling the question of overall federal spending levels to the attention of Congress and the nation.

In addition, we have seen recently the commitment to continue an outdated farm subsidy program, the commitment to advance a premature antiballistic missile system and other, similar massive allocations of federal funds. It now appears that the hoped-for surplus of $1.3 billion in our national budget for the current year is disintegrating into a projected $10 billion to $15 billion deficit. If we are to win the war against inflation, we must come to the defense of our economy now. Until we control this slide, no amount of money, however large, will achieve its original purpose and, in fact, may only provide further fuel to the fires of inflation.

Such considerations gain added meaning when Deputy Secretary of Defense David Packard confirms publicly—as he did last week—what many of us have suspected about military procurement process for a long time. As Mr. Packard put it, "We have a real mess on our hands." Rather than more people and more supervision, he said, the Defense Department requires fewer people and a more concerted, economic approach to spending.

This is precisely what the pending amendment will do. It will save money and en-

courage more efficient managment. Inasmuch as military spending is essentially non-productive and inflationary by nature, we simply cannot afford the expenditure of a single dollar beyond our minimal needs. The Senate Armed Services Committee realized this when it cut nearly seven per cent from the military procurement authorization bill. The pending amendment would cut about 7.1 per cent from all military spending.

There are numerous precedents for Congress to legislate a general cut in spending for a particular department and to allow the administrators of the department involved to determine where to apply the cuts. As recently as February 27, the Senate adopted an amendment offered by the distinguished Senator from New Hampshire (Mr. COTTON) to cut by two per cent spending by agencies covered in the appropriation bill for the Health, Education and Welfare departments.

This amendment, would limit overall military spending this year to $66 billion, would leave to the President and the Defense Department the decisions as to where to impose spending cuts. Many members of the Senate, in debate on the pending bill and on other occasions, have pointed to specific areas where they felt cuts could be made. This amendment would leave the decision on cuts up to the executive agencies which in the past have opposed specific cuts on the ground that only the Pentagon knew where they should be made.

In making these cuts, moreover, I recommend that the Pentagon take special effort to assure that scientific and other technical manpower are not permanently lost to our national security programs. It is crucial that current retrenchments—like current expenditures—be designed with our long term security in mind. Conversion of our defense industry for peaceful purposes should not be considered as a part time concern. Conversion is a necessary instrument of intelligent defense planning, preserving our mobilization base for a future crisis.

In the future our defense spending should be maintained at a relatively steady and balanced level. We should not allow uncertain new appraisals of Soviet intentions and capabilities to panic us into erratic splurges of investment in untested systems.

The area where it is most important for the United States to retain a general advantage is in science and technology. The ultimate commentary on our defense policies in recent years is their failure to provide for leadership in this crucial realm, while entailing levels of expenditure far beyond the reach of our competitors in every other area.

Mr. PROXMIRE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

ADJOURNMENT UNTIL 8:30 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 tomorrow morning.

The motion was agreed to; and (at 6:44 p.m.) the Senate adjourned until tomorrow, Friday, August 28, 1970, at 8:30 a.m.

EXTENSIONS OF REMARKS

AND WAITING JUSTICE SLEEPS

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Thursday, August 27, 1970

Mr. DOLE. Mr. President, Kansas City, Kans., recently marked the appointment of a new police chief with a community testimonial dinner. The man of the hour was Police Chief Boston Daniels, a well-known and highly respected law enforcement official in Kansas City for many years prior to becoming the head of the police department. His appointment was hailed by all segments of the community, for he has the respect and support of all age, ethnic, and political groups in the city.

The featured speaker at the dinner was George W. Haley, a native Kansas Citian who has recently come to Washington as Chief Counsel for the Urban Mass Transit Administration in the Department of Transportation. In his remarks Mr. Haley touched on several aspects of recent national trends and events which directly affect the atmosphere in which Chief Daniels undertakes his new responsibilities.

Because they are both timely and worthwhile, I ask unanimous consent that Mr. Haley's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

REMARKS BY GEORGE W. HALEY

There is no question but that I am glad to be here tonight. To be invited back home after ten months in Washington on this occasion is indeed a high moment in my life. My reflections—indeed the challenge I feel—on addressing you at this particular banquet—fills me with a great amount of anxiety.

I, of course, am happy to see all of you. To greet the Mayor and City Commissioners; County Commissioner Richard Walsh and Mrs. Walsh; to greet the Honorable Robert Dole, United States Senator from Kansas and the Honorable Larry Winn, Congressman from the 3rd District, both of whom I see in Washington frequently; to greet the Honorable Bruce Watkins, Clerk of the Jackson County Circuit Court; to greet the Honorable James P. Davis, eminent Kansas legislator and president of Progress, Inc. which is sponsoring this banquet and the political, workhorse, dynamo—Clyde A. Townsend, one of my very best friends; to greet Jim Browne, newly appointed director of the Board of Public Utilities (Kansas City is really making strides); and indeed, to greet Police Chief Boston Daniels and his charming and gracious lady, Rosemary; Indeed to greet all of the distinguished dignitaries and the more than six hundred of you—fills me with nostalgia. I confess my family and I are really homesick in Washington. If my wife had her way, we'd have already moved back to Kansas City.

Don't get me wrong. The work in Washington is challenging and exciting and worthwhile. The Department of Transportation, under Secretary John Volpe, may be the youngest Cabinet-level department but it's a sharp outfit with its work cut out for it.

And the Urban Mass Transportation Administration—where I hang my hat—we are really "where the action is". I know Mayor McDowell, the commissioners and many others of you are well aware of the great crisis of inner-city transportation. You know well the need for people from all walks of life to have easy and efficient access to jobs, to training centers, schools, hospitals, parks and good housing.

You know—as we do in Washington—that more and more public transportation must be looked upon as a public responsibility, just like public education, public health, and public safety. The right to basic mobility can no longer be satisfied with the building of sidewalks. America is a growing nation, a moving nation, and our cities must maintain an efficient flow of people and goods if they are to survive.

But I did not come here tonight to talk shop, as they say. Rather—I want with my friends to speak briefly about the times and the troubles that reach out and affect us all.

It seems long years ago in my high school glee club, I sang a Negro spiritual which troubled, I'm troubled in mind . . ." This said, among other things, "I'm troubled, I'm evening—distinguished citizens here assembled—I say to you with my deepest concern "I'm troubled, I'm troubled, I'm troubled in mind. . . ." For these are trying times in the area of law enforcement generally. The horrors of Kent State, Jackson College, Augusta, Georgia and even more recently, the late Leon Jordan of Kansas City, Missouri and two youths on separate occasions in Lawrence, Kansas are incredibly true. These killings cannot be allowed to continue unabated if this nation is to survive. They debase humanity and beget counter-killings on a scale that spells disaster for all of us, black and white alike. They return us to the anarchy and bestiality of that primeval condition in which every man is the enemy of every other man. My friends, these killings must be stopped.

Now I am not here this evening to deliver a speech . . . to go on at length about the crisis of stability that threatens this great nation. (I don't want you to think that I'm a Washington bureaucrat yet—who gives a 2 hour speech every time he gets to his feet!) But I would like to share with you—my friends—and particularly with Chief Daniels—a few words I like very much that happened across my desk the other day.

These words have nothing to do with Transportation, nothing to do with what I'm paid by the taxpayers to do. But they have everything to do with our gathering here tonight; they explain why we honor a man like Boston Daniels.

Let me read this passage to you:

"God give us men! A time like this demands
Strong minds, great hearts, true faith and ready hands . . .
Men whom the lust for office does not kill,
Men whom the spoils of office cannot buy;
Men who possess opinions and a will;
Men who have honour—men who will not lie;
Men who can stand before a demagogue
And damn his treacherous flatteries without winking;
Tall men—sun-crowned—who live above the fog
In public duty and in private thinking.
For while the rabble, with their thumb-worn creeds,

Their large professions and their little deeds
Mingle in selfish strife—Freedom weeps,
Wrong rules the land,
And waiting justice sleeps."

Those words were written by Josiah Gilbert Holland more than a century ago.

But they ring fearfully true today . . . "And waiting justice sleeps . . ."

If we allow justice to sleep . . . if the forces of wrong can polarize and tear this nation asunder . . . Carlyle has said the only thing it takes for evil to overcome good is for good men to do nothing . . . if we fall victim to selfish strife . . . then truly, freedom will weep the bitter tears of failure.

And if freedom . . . and liberty . . . and brotherhood . . . and peace are to be obtained for all Americans and handed down . . . then they will demand men such as the man we honor here tonight.

I wish I could speak to you tonight with unrivaled confidence. I wish I had the specific answers to the specific problems. I wish . . . as I know so many of you wish . . . that I could put my hand into the air and stop a bullet in flight. Is there one of us who would not reverse—were he able—these national tragedies? Al Capp has said that the real martyrs of Kent State were the young men who pulled the trigger. Is it possible each of us—in our own way—died to some extent with these tragedies? It is beautifully said: "Each man's death diminishes me."

But my friends, that is not the nature of fatal mistakes. We cannot turn back the hands of time. The Moving Finger having writ, moves on. But it will be a greater tragedy—a more serious mistake—to ignore these events—to not learn from them. I join you, and all the citizens of this great city, in a feeling of hope and encouragement. Because Kansas City, Kansas—and its most-distinguished City Commissioners—have taken a massive stride forward; a giant step in the right direction.

The man we honor here this evening has the respect of this entire community. He is professional, experienced, and dedicated to his calling. He is a natural leader. He knows fear, but is not afraid of it. He is not unaware of compassion and understanding. He is a man for these times, a man who will serve his city well.

I said earlier—perhaps in a moment of emotion—"these killings must be stopped!" But Boston, I'm sure you know I didn't mean for you to catch bullets with your hands. You know, too, that I am not one who subscribes to anything approaching a police state—something too many people are too quick to prescribe in the face of rising strife.

But I do mean this. And I mean it well and I'm not trying to con you:

The times demand a strong mind, a great heart, true faith, and ready hands. The times demand men of honour who will not lie. The times demand men who live "above the fog" in public duty and private thinking.

And this city now has that kind of a man as their Chief law enforcement officer!

I am delighted, proud, and confident with your appointment.

A public servant such as Chief Daniels will make this great city an even greater place to live—and my wife, my children and I—look forward even more to coming home again.

It is wonderful to be with you on this occasion. I thank you.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

CONGRESSMAN PHILBIN REPORTS TO DISTRICT

HON. PHILIP J. PHILBIN

OF MASSACHUSETTS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PHILBIN. Mr. Speaker, in keeping with my usual practice toward the end of each Congress, I circulate in my district a summary of the issues and legislative accomplishments of the current Congress.

This year I am making available a report on the 91st Congress to the third district and under unanimous consent I place the text in the CONGRESSIONAL RECORD at this point:

During the short recess of the House, I thought that this might be an opportune time to provide the Third District with this report on the legislative accomplishments, to date, of the 91st Congress, in keeping with my usual practice.

Overall, the 91st Congress can best be described as a responsible, working Congress that made far-reaching contributions to the nation and one that will be remembered for its legislative "firsts," in several important areas. In addition, the first session of the 91st Congress last year was in session from January 3 to December 23, the sixth longest in history. At this time, adjournment is unpredictable in view of the remaining workload of legislation.

The most comprehensive tax reform bill in history became law, largely through the initiative and work of the Congress. The reform proposal also provided tax relief for lower income Americans and a 15 percent increase in Social Security benefits.

For the first time since 1923, when it was first introduced, the House approved the Equal Rights Amendment and there is prospect of early action in the Senate. I was a cosponsor of the Equal Rights Bill and signed the discharge petition to bring it on the floor of the House for debate. I was glad to support it in the House because I feel the time is long past due to remove from our laws any discrimination on account of sex. In fact, it was largely through my efforts that legislation was finally passed in the 90th Congress to remove restrictions on the promotion for women in the armed services, and we now have the first lady Brigadier Generals in military history with General Elizabeth Hoisington as director of the Women's Army Corps, made up of 12,000 enlisted and 1000 women officers, and with General Anna Mae Hays as supervisor of 5000 Army nurses.

For the first time since World War II, there was the most searching Congressional inquiry into and debate on the foreign and military spending policies of the Executive branch of the government, thus renewing one of the most powerful roles of the Congress under the separation of powers provided by the Constitution. In large measure, the length of the first session was due to the extended debate on defense procurement authorization and appropriation bills.

This debate reflected the deepening concern of many Americans over the widening of the war in Indochina, especially after Cambodia, despite the President's assurances of the June 30 withdrawal from that country.

I am opposed to escalation of the war in Vietnam, Cambodia, Laos or elsewhere and favor a flexible withdrawal of our forces timed to meet the existing conditions without danger to our troops and the commitments we have made not only to the peoples of Southeast Asia, but to other parts of the free world.

Congressional participation in establishing national policies is a healthy thing for the country. It can be particularly beneficial when there is at the same time full realization by Congress of the responsibilities involved when it extends the power of the purse over the shaping of foreign policy.

It must be remembered that ending the war by a stroke of the pen or directing that no funds be spent for the conflict as of a certain date, as some would do, cannot be accomplished without assuming the responsibility for what is to follow. Open debate can provide the necessary guidelines for proper Congressional control over appropriations, subject to the Executive veto power. It is in this way that Congress can limit military spending, as it already has done in a selective way without affecting funds for food, clothing and many other necessities that our troops require.

In fact, the 91st Congress shifted our national priorities by providing increased funding of needed health, education and welfare programs. In the process, there was one Presidential veto of the Health, Education and Welfare Appropriations Bill, upheld by a narrow margin, and a later veto of hospital construction funds which was overridden. More recently, the President vetoed the Education and Independent Offices Appropriations bills. The Education veto was overridden by the House while the Independent Offices Appropriations veto was sustained. I voted to override these vetoes.

In the legislative process, it should be recognized that all legislation is subject to Presidential veto. When the veto is exercised, the Congress can override and the measure becomes law. However, when appropriation bills are overridden by Congress, the President retains discretionary power over full and partial spending of the funds involved.

In the first session, Congress cut $5.6 billions from the President's defense budget and added $1.1 billion more for social welfare programs. This included doubling the food stamp program for the poor to $610 million, approval of a $4.8 billion extension of the housing program, increased education and training benefits for Vietnam veterans, and more adequate funding for badly needed pollution abatement programs. I vigorously supported these measures.

The Congress last year passed one of the most stringent coal mine health and safety bills which I supported, and an additional safety bill has been reported to the House this year.

Congress in extending the Voting Rights Act, one of the landmark Civil Rights laws, approved the vote for 18-year-olds and the issue may be determined by the courts in time for the 1972 Presidential election. The extension also provides for the retention of key remedies for abolishing discrimination in voting.

The House, in approving the Electoral Reform bill, provided for the direct election of the President and Vice President and the measure is now awaiting Senate clearance. If finally approved, the proposal, which amends the Constitution, must then be ratified by three-fourths of the States. I also supported this measure.

The House for the first time in a quarter of a century sought to reform its rules and procedures and the extended debate on the 141-page bill will be resumed after the House recess.

Numerous amendments are being offered to

the bill. One of the most significant amendments, sponsored by Congressmen O'Neill and Gubser, dealing with the recording of teller votes in the Congressional Reocrd, has been adopted and is among the reforms I am supporting.

The Postal Reform bill is another achievement of the 91st Congress. The new law abolishes the Post Office Department and creates in its stead the United States Postal Service, within the Executive branch, to own and operate the postal service. The new service is to be governed by a commission serving rotating terms of office. The law also contains prohibitions designed to end political influence in the postal service.

I supported the postal reform bill, but still have some reservations concerning the desirability of changing the present mode of providing suitable pay for postal workers, which heretofore resided in Congress. I also have some questions about the vast administrative powers vested by the new law in a few top level officials of the new U.S. Postal Service and the lack of Congressional veto of any increased postal rates.

On the whole, the new law demonstrates an effort by the Congress to eliminate huge postal deficits and represents an action which the postal workers and general public appear to favor. I voted for the bill because I was hopeful it would bring improvements in our overall postal system.

Both sessions of the 91st Congress provided increased funding for education programs and this produced the severe tests between a new President and a Congress with the opposition party in control. Two Presidential education vetoes were overridden and in addition, the Congress renewed the Elementary and Secondary Education Act and increased the authorization for the NDEA student loan, work-study and education opportunity grant programs, all very important to the Third District, our State and Nation, which I thought merited my support.

Social Security benefits were increased by 15% in the first session and a House-passed bill in the second session provides a 5% increase effective January 1971 and automatic cost-of-living increases thereafter. I supported both bills and also sponsored H.R. 11603, which contains the cost-of-living increase provision.

Consumer protection legislation was given continued attention in the 91st Congress. The National Commission on Product Safety was extended and the Child Protection and Toy Safety Act laws approved. Awaiting House for Senate action, after extended hearings, are several consumer bills, including the Fair Credit Reporting Act, Poison Prevention Packaging Act, Consumer Protection Act, and Unsolicited Credit Cards bill.

In pollution abatement, the 91st Congress besides increasing funding of existing programs, approved the Endangered Species bill, extended Clean Air Research, and passed the Water Quality Improvement Act and Fish Conservation bill. From the beginning, I have been a committed conservationist and strong, consistent supporter of environmental and ecological measures in the Congress.

Among housing legislation approved are the Housing and Urban Development Amendments, extending existing programs, and the Emergency Home Finance Act to provide home mortgage funds at reduced rates through Federal home loan banks. I was also among the first Members of Congress sponsoring and working for housing legislation and have supported every housing bill coming before the House during my service.

As one of the original sponsors of the Arts and Humanities bill, I supported increased funding of these very desirable programs which could be given real life and valuable expansion through vibrant, intelligent, flexible Government support.

I am very proud to have taken an active, vigorous part in the enactment by the 91st Congress of the continuing social, economic and cultural programs, which if properly administered and funded, will bring inestimable benefits to the health, education and welfare of the American people and also bring new strength and prestige to our nation.

These are some of the highlights of the almost continuous first and continuing second sessions of the 91st Congress which, on the whole, is seeking to be responsive to the needs of the nation. The record is still being written and I believe that the American people will agree that thus far it is a good record.

COMMITTEE WORK ESSENTIAL KEY TO LEGISLATION

Committee work provides the most demanding part of a Congressman's daily job. This can mean an appearance before some other committee on legislation directly affecting his District, on a pending bill of national significance, or on some legislative proposal the Congressman is sponsoring in the House.

For instance, I was glad to record my approval of the extension of the life of the New England Regional Commission before the House Public Works Committee and to stress to my colleagues the involvement of the Third District in this legislation, in view of the proposed activity of the Commission to deal with pollution abatement in the North Nashua River Basin. The benefits of this demonstration work will later be extended to other parts of the Third District, our State, region and Nation.

Again, personal appeals on two occasions to the Subcommittee on Parks helped to clear two separate bills from the House Interior and Insular Affairs Committee on the enlargement of the Cape Cod National Seashore and the Minute Man National Historical Park.

When members of the Massachusetts State Legislature appeared before the House Banking and Currency Committee on pending mass transit bills, I urged consideration of their views on the pressing, serious mass transit problem. At the same time, I sought early consideration of my own H.R. 13203, which seeks to establish a mass transit fund and a more substantial Federal coordination and contribution toward the solution of our mass transit ills.

Of course, during the 91st Congress, my work on the House Committee on Armed Services, of which I am the ranking member, took up much of my time.

In the Committee and on the floor of the House, I was a leader in adjusting and increasing the pay, separation and retirement benefits, medical, dental and hospital treatment for all personnel of the armed services. In fact, all pay, health and other measures for the welfare and benefit of our service personnel originated in and were shaped with every measure of generosity by the House Armed Services Committee, which is noted for fighting the battles of our boys in the Armed Services and their dependents.

Last fall during the debate on the Military Procurement bill, I was successful in getting House adoption of my amendment to regulate lethal chemical and biological warfare components in a compromise acceptable to both sides of this hotly contested CBW issue.

In addition to participating in the full Committee sessions dealing with our military posture and the military procurement and construction authorization bills, I conducted extensive hearings of my own as Chairman of Subcommittee No. 1, which had an unusually heavy legislative agenda.

I also conducted two special subcommittee investigations into the operation of the Post Exchanges and Commissaries and the role of military funding in the field of Independent Research and Development. These inquiries are continuing, and during the House recess, I am reviewing the extensive testimony heard thus far for the preparation of needed reports to the full Committee.

Besides other legislation, my Subcommittee No. 1 has been concerned with the heavy responsibility of our national strategic stockpile. It is this subcommittee which performs the vital oversight of our critical materials, totalling over 100 categories of rare minerals and materials, in the Nation's $6.5 billion stockpile inventory.

During the 91st Congress, as Subcommittee Chairman, I guided through Congress 18 stockpile disposal bills, which were signed into law. The funds resulting from the sale of these surplus items went into the general treasury, thus helping greatly in reducing the budget deficit.

American industry also benefited from the Subcommittee's work, because our stockpile disposal actions helped to alleviate severe industrial shortages of critical metals.

In committee and on the floor of the House, I have emphasized my support of Israel's request for additional aircraft for its own defense on the grounds that further delay in providing this aircraft for defense of this young, democratic government in the Middle East could seriously impair Israel's ability to defend itself.

Peace in the Middle East is of greatest concern to the United States and the free world.

I have moved in many ways to express my warm friendship, sympathetic consideration and support for the brave young State of Israel and its gallant people and to sustain a policy that will contribute to the defense and wellbeing of this free democratic nation in the Middle East so that total peace can be established.

Even before the recognition of Israel by this government, I was vigorously supporting, encouraging and doing everything possible to sustain and further the cause of Israel. I am continuing my efforts and supporting this government in assisting Israel to sustain and uphold its sovereignty and its free institutions and bring total peace to the Middle East.

During my entire service on the Armed Services Committee, I have always worked for a strong affirmative, peace-structured foreign policy and sought to build an impregnable national defense to protect the nation, keep our commitments to the free world, deter aggression, preserve the peace, and encourage the rule of law by justiciable institutions for mankind.

CONGRESS HELPED DISTRICT

The 91st Congress made numerous contributions to the well-being of the Third District and I would like to signal out in this brief report some of the more important actions that are directly beneficial to our area.

Federal action on two broad fronts to abate pollution in the North Nashua River Basin is now becoming a reality with the continued funding of key flood control projects in the Fitchburg area in the Public Works Appropriations bill and the first concerted attack on pollution in the Basin under the $2.5 million allocated to the New England Regional Commission for this purpose in the Commerce Department Appropriations Bill as the first increment of the $9 million program to clean up the Nashua.

A total of $745,000 during the 91st Congress was voted toward the planning of the design of two flood control reservoirs, Whitmanville and Nookagee near Fitchburg. A revision of the original design of these projects is now required as a result of the decision of the city of Fitchburg not to participate in the water supply features of these reservoirs. While it had previously indicated interest in the increased reservoir storage capacity to meet its future water needs at an estimated local cost of $3 million, the city will now explore alternate sources of supply.

The Army Engineers have informed me that preliminary evaluations indicate that both Whitemanville and Nookagee can still meet the economically sound and justifiable requirements for Federal construction assistance and there is the possibility that construction can start in 1972 or 1973 if the redesigned projects meet the governing criteria.

The $100,000 provided in this year's Public Works Appropriation bill will permit the final planning of Whitmanville at a total planning cost of $570,000. Nookagee this year was voted $200,000 to continue the planning for which the Congress has already provided about $300,000. An appropriation next year of $130,000 will permit the final planning of this project.

As chairman of the Massachusetts Congressional Delegation Committee on Flood Control, I helped clear through the Congress the huge $500 million flood prevention program for New England after the disastrous 1955 floods. Consequently, even before the 1962 and 1967 redistrictings which brought many additional Charles River Basin communities into the Third District, I was seeking solutions to the water resources problems of this Basin.

I was successful in pressing for adoption of the Charles River Basin water resources development plan under the guidance of the Army Engineers and during the 91st Congress $275,000 was voted in the Public Works Appropriation Bills which will permit completion of this $660,000 study.

These funds will help provide detailed study of the complex problems peculiar to this Basin, which are largely the result of rapid urban expansion of the area where some towns in the upper reaches have doubled their growth in the last ten years.

The Charles River Basin urgently requires solutions to its land, air and pollution problems, but in addition it has other environmental aspects which require attention. The Charles is a unique river corridor. It has historical buildings and sites, marshlands teeming with wildlife in the upper reaches, and landscaped river banks and parklands in the densely populated urban areas. The preservation of these values is especially important in the face of the urban sprawl.

When the Charles River water resources development plan is completed, the communities along the Charles will have some guidance in meeting such problems as control of flash-type flooding, pollution, wildlife preservation, recreational needs, land use and other water resources priorities.

The 91st Congress also voted $600,000 toward the advance engineering and design of the new $26.5 million dam on the Lower Charles River in Boston, which is designed to provide flood protection for areas of Boston and Cambridge and also control the water level upstream above Galen Street in Watertown.

The 91st Congress took effective action toward the start of the $200 million modernization of the Boston Naval Shipyard. Early last year, I was successful in getting the needed approval of the Real Estate Subcommittee of the House Armed Services Committee for the transfer of the Boston Army Base to the Navy. The formal transfer was made on June 30 this year.

Subsequently, in the Military Construction Authorization bill, the committee approved the transfer of $7.3 million, previously appropriated for drydock modernization at Charlestown, and an additional $300,000 to begin the first phase of the expansion program at the South Boston Naval Annex.

The modernization program was slowed down by a Pentagon freeze on military construction activities early this year, but just recently Secretary of the Navy Chafee informed me that the funds for Boston have now been released.

When the modernization is completed at the combined Boston Army Base and South Boston Annex location, the new Boston naval facility will be able to repair modern class ships, including the new DD–963 class destroyers.

In June, I appeared before the Subcommittee on Parks of the House Interior and Insular Affairs Committee to urge adoption of H.R. 13934, which I co-sponsored with my esteemed friend and colleague, Congressman Brad Morse, who formerly represented Concord in the Congress, to complete Minute Man National Historical Park.

The bill, calling for nearly $6 million for final land acquisition and development, has now been reported from committee and I am pressing for early action in the House so that the Park may be completed in time for the nation's bicentennial celebration in 1976.

Earlier this year, the committee cleared legislation along the lines of my H.R. 5246 to increase the funding authorization for the Cape Code National Seashore. As a dedicated conservationist, I sponsored the first bill in Congress back in 1957 to establish a National Park on Cape Cod.

These are just a few of the legislative actions of the 91st Congress, in which I took part, to provide direct beneficial assistance to the Third District.

The CONGRESSIONAL RECORD is an unique publication. When the Congress is in session, it is printed overnight like your morning newspaper. It carries not only an official transcript of the debate on the floor of the House and Senate, but also a listing of bills introduced, reports submitted, a summary of committee activities, speeches, extension of remarks showing the views and opinions of Members on a wide variety of national issues, and a full report on the day's legislative activities.

Each Congressman has a limited allotment of the CONGRESSIONAL RECORD for distribution in his District. Since coming to Congress, I have made it my practice to send the RECORD to the public libraries and the schools and colleges in the Third Disrict so that maximum use could be made of this valuable public document.

As part of this report to the Third District, I am including a portion of the CONGRESSIONAL RECORD Index listing an account of my work in the House. The complete Philbin index for the 91st Congress to date is far more extensive.

The official index of the Congressional Record presents an accurate record of the nature and extent of the participation of each Member of the House and Senate in the legislative process. While this reprint of the Index of the 91st Congress, to date, reflects my activities in the House, it is far from being complete simply for lack of space. It also does not show my work elsewhere—in my offices in Washington and in the Third District, in committee hearing rooms where legislation is shaped for presentation to the House, in the offices of Federal officials on matters affecting the District, or in the cities and towns making up the District.

I hope that this partial Index will help give you some indication of the range and scope of my activities during the current Congress as your U.S. Representative in Washington. The complete index of my work in the House is available upon request.

While the index sets forth with clarity the very large spread of my Congressional activities, it would be almost impossible to enumerate the thousands and thousands of people whose individual cases and problems I have handled throughout my tenure.

This assistance embraces practically every classification of citizens and people residing in the Third District, and even beyond its broad confines.

Veterans and their dependents, immigrants and their families, persons seeking or receiving social security benefits, medicare, medicaid, the enlisted personnel and officers of all the armed services who have come to me literally by the thousands to seek my counsel and assistance with their problems, business and professional men, labor leaders and their organizations, many municipal and state officials, fraternal and civic organizations, students, scientists, educators at every level, and hosts of people from the rank and file have all sought and received my assistance.

I regard the personal help that I have been able to render to so many during my service to be one of the most important and rewarding features of my Congressional work, because it has permitted me to assist so many people with challenging problems, who otherwise might not have been helped so effectively.

SALE OF ARMS TO SOUTH AFRICA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, on August 11, 1970 I joined with 46 Members of the House and Senate in signing a letter to Secretary Rogers and in issuing a statement about the proposed sale of arms by Great Britain to South Africa. The letter, statement, and list of signatories were introduced into the RECORD on August 13, 1970, at page 28831 by the gentleman from New York (Mr. REID) who initiated the letter and statement. During a special order on that day, requested by the gentleman from New York (Mr. LOWENSTEIN) the proposed arms sale was discussed. As an extension of that colloquy I want to introduce into the RECORD some materials on this subject from the Indian and Foreign Review of August 1, 1970. The first is an unsigned "Note and Comment," and the second gives some Indian press opinion on "Arms for Apartheid." I believe it is useful for this House to have the reaction of an Asian Commonwealth nation to Britain's proposed policy.

The articles follow:

NOTES AND COMMENT: ARMS EMBARGO AGAINST SOUTH AFRICA AND UN SECURITY COUNCIL

The numerous resolutions of the United Nations, calling upon the South African Government to desist from its discriminatory policies have had little or no effect. Resolutions calling upon member-states to take measures of political and economic nature against the South African policies have also not produced result.

Meanwhile, South Africa has not only intensified its racist practices but has also built up a formidable military machine to oppose the freedom movement and to spread and support, by force of arms, its racist doctrines and practices in the neighbouring territories of Namibia, Portuguese colonies and Southern Rhodesia. South Africa indeed poses a grave challenge and threat to the peace of Southern Africa. There are few parallels in history where the views and voices of so many have been ignored by the so few and for so long.

In the recent debate in the British House of Lords on the plan of the Government of the United Kingdom to renew arms supply to South Africa, Lord Caradon, till recently British Ambassador at the UN, moved an amendment which would inhibit the present British Government from pursuing its objective. And it is not surprising that in the

British Upper House, Lord Caradon's motion was decisively defeated.

The arguments used by the British Government can be summarized as follows: It was bound by the 1955 Simonstown Agreement providing for British-South African cooperation to defend the Cape Sea route. Secondly, the defence requirements of the British Government, particularly East of Suez, both in their narrower and wider contexts, called for the resumption of arms supply to South Africa.

This argument was met in the British Upper House by Lord Chalfont, who pointed out that the Simonstown Agreement was outdated and out moded for any defence preparations or strategy of the present-day world.

The arguments about communism and Soviet influence in the area too were religiously used by the Government spokesmen. We have heard similar arguments about communism in South East Asia as also in the Middle East. Then the argument was used that the sale and supply of arms to South Africa would bring money. Obviously many British aristocrats and plutocrats are interested in money above every normal consideration although their polished manners forbid them to speak about it in public or private.

Then there are two further arguments—the arms were needed for maritime defence and would only be used against external dangers and not for suppressing the local population. We have heard this type of argument too so often. We have heard of the theory of supplying arms only to be used for specific purposes and no other. We do not have to go deep into history to realise what happened when particular Governments decided to use these arms for purposes very different from what the donors had in mind. Use of U.S. armament in the Indo-Pakistan clash in 1965 is a case in point.

There is another aspect too. United Nations have passed resolutions for encouraging liberation movements. Will these arms help or hinder such movements even if they were to be used for external purposes?

Equally offensive is the theory that the supply of arms does not in any way reduce the detestation which donor countries feel towards apartheid or regimes based on total race discrimination. These countries expect us to believe that such a supply of arms does in fact discourage these racial practices and these racist regimes. Logic and morality can, indeed, be perverted in many ways and it seems, some Christian gentlemen are more adept at it than their barbaric ancestors, heathens and such other inferior breeds.

India has protested against the proposed British scheme to resume sale of arms to South Africa. The Indian Prime Minister has, it seems, conveyed to her British counterpart that the proposed British move will heighten tensions and inject big power rivalries into the Indian Ocean. Besides India, a number of Commonwealth countries have lodged protests with the British Government.

Several African and Asian nations have informed the United Nations that the sale of arms will lead to increasing dehumanisation of non-White Africans and Asians living in South Africa. The proposal is reported to have created such a reaction that African Commonwealth countries may request other member-nations of that organization to boycott or indefinitely postpone the Commonwealth summit due to be held in Singapore next January.

That the only threat to peace and security in and around the southern half of Africa comes from South Africa regime's covert aggression and subversion against the neighbouring independent countries and people under colonial yoke struggling for their freedom is proved by the data on South Africa's defence budget which over the last decade has increased from 44 million rands to 272 million rands a year. Of the nearly one billion dollars spent on defence during this period, more than half was on the acquisition of weapons, aircraft, naval stores, and other heavy equipment. The South African air force is being geared to the task of combating 'Terrorists' i.e. the freedom struggle of the oppressed people.

The contention that South Africa is receiving these weapons for external defence and not for the purpose of enforcing apartheid has not been borne out by facts nor was it ever accepted by the Security Council. On the contrary, the Security Council, during its deliberations in 1963–64, recognized that there was little chance of persuading South Africa to discard its racist policies without an effective embargo on the supply of arms and equipment to South Africa from other countries. This was reflected in Resolution 181 of August, 1963, 182 of December, 1963 and 191 of June, 1964.

The Security Council thus became committed to a certain course of action aimed at weakening South Africa's capacity to impose its racist policies in Southern Africa. But neither these nor other measures such as the cutting off of economic and trade relations and prevention of flow of investments have had much result because of the actions of certain states whose exports to South Africa alone make the crucial difference between success and failure of embargo. Many loopholes have been found to circumvent the purport of these resolutions.

A favoured technique has been the claim that weapons are being supplied under L.D. contracts, the terms of which are rarely specified. In a country like South Africa, where the indigenous people are kept in a virtual state of serfdom, even the supply of shot guns and hunting equipment by South Africa's trading partners adds to the oppressive apparatus of that country. The policy of surreptitious support for South Africa's war machine has done much damage to undermine effective United Nations action against apartheid.

In the light of the foregoing, the UN Security Council, on July 23, approved without any dissenting vote a resolution calling on all states to bar the sale of arms to South Africa "unconditionally and without reservations whatsoever." The vote was 12 to none with Britain, France and the USA abstaining.

The resolution, which was sponsored by the Council's five African and Asian members strengthens the decisions against arms sales to South Africa approved in 1963 and 1964 by applying it also to spare parts, the training abroad of South African forces and foreign investment in and the granting of licenses and patents to the South African arms industry.

Explaining Britain's abstention, the British delegate brought up a ridiculous objection to the condemnation in the resolution of "violations" of the old embargo. He said this did not seem a suitable word to use about recommendations made by the Council. The American delegate trotted up the excuse that the text of the resolution was "too sweeping" and went beyond the limits of what the U.S. Government was prepared to undertake. The French delegate did not explain his absention for obvious reasons. France seems to have actually become now South Africa's biggest supplier of arms.

The struggle against the aggressive and oppressive action of South Africa started nearly three quarters of a century ago when Mahatma Gandhi led the movement of popular defiance against racial discrimination. Since then, this movement nas grown considerably and spread throughout the world. It was the Delegation of India that first brought to the notice of the United Nations the practices of the racist regime in South Africa. Some people never forgave India for it but India is nonetheless proud that she did so and over the years her initiative gathered more and more strength and South Africa stands today universally condemned and can find real solace only in the embrace of colonial Portugal.

ARMS FOR APARTHEID

Commenting on Tory Government's decision to lift arms embargo on South Africa, *The Hindustan Times* (July 10) editorially said:

"By repealing the 1964 arms embargo, Sir Alec hopes to secure the defence of the Cape route, the joint control of which was provided for by the Simonstown agreement. The irony is that in 1967, following the closure of the Suez Canal, the Tories in opposition demanded arms supply to South Africa on the ground that the Cape route had become vital for western shipping. Now they argue that with the likely opening of the Suez Canal the Soviet penetration of the Indian Ocean area will be intensified. So the Simonstown agreement has become crucial.

During all these years of arms embargo South Africa has been emphasising its strategic significance to the defence plants of the West. Even before the British ban on military supplies became effective, South Africa had diversified its sources of supply and found France quite willing to do business. Even as Mr. Debre was thus enlarging French military supplies, the Tories in Britain started complaining bitterly that France was displacing Britain in South African affections and might even acquire the Simonstown naval facilities. Meanwhile Pretoria was assiduously plugging the line that its growing military power coupled with its foreign policy commitment to promote economic integration in southern and central Africa was the best antidote to Soviet penetration in the Southern Hemisphere. The British move shows that Whitehall has swallowed the argument, hook, line, and sinker. But as Lord Caradon, who resigned recently as Britain's chief UN representative, has pointed out, it would amount to undoing all the good work done in the last six years. Though the feeling was widespread among the Asian-African states that Britain could have done more against South Africa's racial policies, nobody grudged acknowledging the importance of the arms embargo. Now the Tories are putting the clock back and placing Britain on the wrong side in the struggle between African nationalism and white minority domination."

Writing on the same subject, The *Times of India* (July 9) in its editorial said:

"It will be a crying shame for Britain if the Tory Government agrees to sell arms to South Africa. It is true that such a deal can earn for it as much as sterling £225 million in three years. But is it in such dire straits that it has to cast all moral scruples to the winds to make that much extra money? In any case the Tory ministers should be honest enough to admit that it is the lure of financial gain alone which makes the idea of selling arms to South Africa so attractive to them. It is disingenuous of Sir Alec Douglas-Home to cite the Simonstown agreement to justify an arms deal. That agreement in no way obliges Britain to sell sophisticated weapons to South Africa. If this had not been so Dr. Verwoerd would have repudiated the agreement the very moment Mr. Wilson refused to sell arms to his Government. It is equally absurd for Sir Alec to argue that there is a threat to the Capetown route just because the Soviet navy has started visiting the Indian Ocean. The United States does not share this view. Even if the Soviet naval presence is greatly strengthened in the years to come, it does not follow that it will interfere with the freedom of movement on the high seas. In the wholly unlikely event of any such interference South Africa by itself will not be able to do much and the Western nations will have to act directly and in concert with the U.S. By selling arms to South

Africa in these circumstances Britain can only help to decrease the sense of isolation of the racist regime there and alienate not only all African people but also all coloured members of the Commonwealth. Even from the financial point of view the deal can turn into a liability if the African nations decide to retaliate.

It is an essentially moral issue. It should not be confused by raising questions regarding the likely use of the weapons for crushing the resistance of the suppressed and restive African majority. Dr. Vorster can comfortably given an assurance on this score. South Africa is self-sufficient in small arms required to deal with guerilla bands and angry crowds. What is more, armed resistance in the country is still so sporadic and ill-organised that the police force is more than capable of dealing with it. In any case, the racist regime in South Africa does not lack weapons of mass terror. France and Italy have been quite generous with supplies. The French Panhard armoured cars, for instance, can serve the same deadly purpose that the British Saracen armoured personnel carriers did in the massacre at Sharpeville a decade ago. The strike aircraft which the Italians are manufacturing for South Africa are ideally suited for counter-insurgency operations. They can do the job of bombing the Africans as well as the far more sophisticated and costly Buccaneers. Similarly, not much purpose is served by references to the UN Security Council's resolution of 1964 which prohibits the sale of arms to South Africa. If France and Italy are not inhibited by it, why should Britain be? Mr. Heath and Sir Alec can legitimately ask their interlocutors if the international community has ever censured countries which have gleefully rushed into the arms market in South Africa and have taken full advantage of the British trade sanctions against Rhodesia."

TOWARD MORE VOTER PARTICIPATION

HON. CHARLES H. WILSON

OF CALIFORNIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CHARLES H. WILSON. Mr. Speaker, the privilege of voting is one of the most cherished which we Americans possess. Yet how many of us bother to exercise this privilege? And how many of us are barred from doing so by archaic and frustrating voting regulations—or antivoting regulations, depending on ones viewpoint—which throw all sorts of obstacles in a potential voter's path? Statistics paint a rather grim picture of just how widespread and extensive the nonvoting population is.

No fewer than 47 million Americans failed to vote in the 1968 presidential election. The nonvoters outnumbered those casting ballots for Richard Nixon by 17 million, and the turnouts in State and local elections are usually even more feeble. While we often pride ourselves on being the world's leading example of democracy, the truth is that we lag far behind other free, western nations, in terms of voter participation.

Although most of the regulations which block many citizens from voting require State or Federal legislation to be altered, we can nevertheless work within the present system to assure that qualified voters are helped to register and to vote in the coming elections. In and around my district in southern California, this kind of work is presently being undertaken.

I would like to salute and compliment the many fine groups in my area, including the League of Women Voters, the California Jaycees and the organizers of the Southwest Voters Registration for their outstanding and nonpartisan efforts in the public interest to help Californians to register and vote. By their worthwhile efforts, these individuals are clearly demonstrating that, "with a little help from its friends," democracy can work more effectively toward the goal of having each citizen's vote be heard by his Government.

In an effort to make a meaningful contribution to the important task of voter registration, I want to include at this point in my remarks the text of a mailing which I will send to all of the residents of my district. This mailing will serve to inform my constituents of what the registration requirements are and where they may write or call to assure that they will be registered for the November election. In this manner, I am hopeful that we can significantly reduce the level of nonparticipation in our important electoral process and assure that all who want to play their rightful roles in our democracy will be helped and encouraged to do so. I include the aforementioned text at this point in the RECORD:

Are YOU Registered to Vote?

DEAR CONSTITUENT: The act of voting is fundamental to a Democracy. But you cannot vote unless you are registered. If you, or anyone in your household, are eligible to vote but unregistered at this address, I urge you to register *before* September 10, so that you may vote in November.

To help you in this process, I am providing the attached card. If you are currently unregistered, please fill it out and return it to Southwest Voters Registration. Their officials will give it to an appropriate Deputy Registrar (guided by whichever party preference you may choose to indicate on the return card), and every effort will be made to register you to vote.

You are *eligible* to register to vote if by November 3: *you will be 21 years of age, and have lived in California for 1 year and the County for 90 days.*

If you have any questions, please call the County Registrar of Voters at 628-9211, ext. 63231, or the Southwest Voters Registration at 758-4750.

Sincerely,

CHARLES H. WILSON,
Your Congressman.

IF YOU ARE NOT NOW REGISTERED TO VOTE FILL IN AND RETURN

(NOTE.—Filling out and returning this card does not register you to vote, but every effort will be made to have a Deputy Registrar contact you.)

Attention: We are presently not registered to vote: (Please print)

Names: _____
_____
_____
Address: _____
City: _____ Zip: _____
Phone: _____
Best time to contact:
In the Evening
During the Day
Call First
Party preference:
Democratic
Republican
Peace and Freedom
American Independent
Other
Decline To State
Registration closes September 10.

OBJECTIONS TO ABM

HON. MANUEL LUJAN, JR.

OF NEW MEXICO

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. LUJAN. Mr. Speaker, the following is a letter I have received from a constituent of mine, Ronald Standler, and I believe it should be included in the RECORD. Mr. Standler, a physics major at the University of Denver, has devoted a great deal of time and effort to his research on ABM and his remarks are worth noting:

DEAR MR. LUJAN: This is the survey of my objections to the Safeguard ABM System promised in my letter of 26 July.

As a scholar I have a very strong inclination toward bibliographic integrity. I guarantee that the quotations are accurate and that I have not misrepresented what the speaker said by deleting significant words. I do not include any material that appears unreasonable or inaccurate under the guise of a footnote, I think everything in this paper is credible. I do not know of any satisfactory answer to any of the points in this survey. The following list gives abbreviations used in textual footnotes; the number following the abbreviation in the footnote is the page number of the work cited.

ABM: Abram Chayes & Jerome B. Wiesner: *ABM—An Evaluation of the Decision to Deploy an Antiballistic Missile System* Signet, 1969, 282 pages.

ENW: Samuel Glasstone: *The Effects of Nuclear Weapons*, U.S. Atomic Energy Commission, Revised February 1964, 730 pages.

HAC: Hearings before the Subcommittees on Department of Defense and Military Construction of the *House Committee on Appropriations*, "Safeguard Antiballistic Missile System", 22 May 1969, 89 pages.

HASC: Hearings before the *House Committee on Armed Services*, "Military Posture" 27 February to 8 April 1970, 1856 pages.

JCAE: Hearings before the Subcommittee on Military Applications of the *Joint Committee on Atomic Energy*, "Scope, Magnitude, and Implications of the United States Antiballistic Missile Program", 6-7 November 1967, 154 pages.

JEC: Hearings before the Subcommittee on Economy in Government of the *Joint Economic Committee*, "The Acquisition of Weapons Systems," 29-31 December 1969, 279 pages.

LRS: Donald S. Bussey: *The Safeguard ABM—some of the issues*, Legislative Reference Service, 1 July 1969, 40 pages.

SA: Richard L. Garwin & Hans A. Bethe: "Anti-Ballistic-Missile Systems," *Scientific American*, March 1968, 218: 21-31.

SAFE/INFRO: *Safeguard Information* pamphet issued by Department of Defense, March 1970.

SASC: Hearings before the *Senate Armed Services Committee* "Authorization for Military Procurement, Research and Development, Fiscal Year 1971, and Reserve Strength" 20 February to 11 June 1970, 2492 pages.

SD: Herman Lowenhar: "ABM Radars: Myth vs. Reality" *Space and Aeronautics*, November 1969, pages 56-64.

SFRC: Hearings before the Subcommittee on International Organization and Dis-

armament Affairs of the *Senate Foreign Relations Committee*, "Strategic and Foreign Policy Implications of ABM Systems," 6 March to 21 May 1969, 621 pages.

Let me put before you what I consider the arguments against deploying Safeguard from the scientific-engineering viewpoint.

COMPUTERS

The computers in the Safeguard ABM system will be the "largest and most complex ever built." (ABM 6) Dr. Foster, director of Defense research and engineering, has conceded that "when you try to integrate these two [missile site radar and Sprint] you have a software program that is enormous." (HASC 7070) The computer must interpret the radar signals, distinguish ICBM warheads from satellites, space junk, aurora borealis, astronomical objects (e.g., the moon), decoys, chaff, etc.; correct for refraction and reflection of radar signals by nuclear explosions, guide our interceptor missiles to the target, and arm and fire those ABM warheads that do successfully intercept the target. In addition, 10 to 15% of the computer capacity would be assigned to checking its performance for errors and defects, such as pinpointing the location of equipment failures. (ABM 6, 115) Since all of these tasks must be performed more or less simultaneously, the computer will use "the 'time shared' approach still being developed by data processing theorists." (ABM 6) The computer must be programmed to correctly respond to nearly every possible event if Safeguard is to work in a dependable manner; it has been concluded that "there is a substantial likelihood that . . . unpredictable effects [would cause] the system [to] . . . fail completely, for totally unexpected reasons." (ABM 117)

"To put perfected software into an ABM system would be—and this is the consensus of experienced system programers—impossible. All the large software systems that exist contain 'bugs.' There is no prospect for wholly perfecting any large software system in the next decade." (ABM 123) This, of course, does not mean that the Safeguard ABM is doomed to failure because the computers are not perfect; but it does lessen the chance of Safeguard operating efficiently and continuously. Constant testing and improvements will be done with the Safeguard system. It is in these improvements that another danger comes. "The revising [of the computer program] has to be done very carefully because a programmer is likely to do more harm than good when he makes a 'corrective' change. Correcting one error may expose [or create] another, which, when it gets a chance, may disrupt the whole subsystem—which may then disrupt (or conceivably even destroy) the over-all system." (ABM 126) As has been my experience with very small programs at the University of Denver, debugging a program is an art. True, logic and mathematics helps, but they are not sufficient. (SFRC 494)

The failure of the computer will imply complete failure of the entire Safeguard system, since there would be no other possible manner in which so much information could be accurately processed in a matter of seconds. A highly skilled technician could not manually operate the Safeguard system using only his perceptions and good judgment without the assistance of the computer.

A well known Bureau of the Budget report of late 1968 by Mr. Richard A. Stubbing found that sophisticated electronics systems in their first year of deployment were likely to have failure rates much higher than the standards set forth in the original specifications. "A sample of 13 major Air Force/Navy aircraft and missile programs with sophisticated electronic systems initiated since 1955" showed that only four systems had "reliability over 75% of initial specifications." (SFRC 453) On the basis of this dismal record one may expect the Safeguard computer to perform less perfectly than its designers and proponents claim.

EFFECTS OF IONIZATION ON RADAR

When a nuclear warhead is detonated in the atmosphere, the sudden release of radiation in the form of X-rays creates a fireball (ENW 44, 316) of temperature on the order of several tens of million degrees Celsius. (ENW 29), which in turn ionizes the air. The gamma rays emitted by the initial and residual nuclear radiation will also produce ionization (ENW 373), as will beta rays from the residual nuclear radiation (ENW 470). If the density of the atmosphere is at least 1/10,000 that of the sea level value, the ionized air will absorb energy from the radar wave and attenuate the wave (ENW 506–7). However, if the density of the atmosphere is sufficiently high the collisions between neutral and ionized molecules is frequent enough to cause the ionization to "disappear very rapidly." (ENW 507–8) The two opposing effects of air density limit the most serious attenuation of radar waves to the region 45 miles above the Earth's surface, plus or minus ten miles (ENW 510, 532). Elaborate tables, graphs, and formulae are available to predict the area of the sky and degree of attenuation produced by a one megaton fission bomb at various altitudes. (ENW 512–545) As a physics student I believe in the sanctity of numbers: certainly anyone can make some assumptions and then produce some impressive appearing calculations to "prove" whatever they desire. Only with access to classified information can the dependence upon assumptions be converted to a factual appraisal. I will make one crude caculation to demonstrate how such a calculation might be performed.

We are given that in "the D region of the normal ionosphere, an electron density of one electron per cubic centimeter will cause a ten megacycle signal to suffer an attenuation of about 4×10^{-5} decibel per mile of travel. For other electron densities, and for higher signal frequencies, the attenuation is directly proportional to the electron density and inversely proportional to the square of the signal frequency." (ENW 527) The frequency of the PAR (perimeter acquisition radar) is purportedly 442MHz. (SD 58) $4\times10^{-5}\times(1/44)^2=2\times10^{-8}$ db attenuation per mile of travel in the D region per electron/ml for the Safeguard PAR radar.

A one megaton fission bomb detonated ten to forty miles above the Earth's surface will produce electron densities of *at least* 8×16^6 electrons/ml in the D layer over an eighteen minute period. (ENW 520) If the radar beam is at a twenty degree angle with respect to the horizontal, the beam length in the D layer is given by $10x(1/\cos80°)=59$ miles (ENW 528).

Since the beam passes through the D layer twice (once going to the target and again on the return trip back to the receiver), the total mileage in the D layer is 118 miles.

Hence the attenuation of the PAR beam 18 minutes after detonation is given by

$$2x10^{-8}x8x10^{6}x118=19 \text{ db}=87\% \text{ loss},$$

which is quite high. "No radar can perform adequately with a 20 db loss term, over and above normal losses, added to its range equation." (SD 60) The significant blackout for the PAR will last less than one hour if only one fission bomb is exploded as described above; at that time the electron density will have declined to 10^6 elecerons/ml and the attenuation to 2.4 db. (ENW 520)

The MSR (missile site radar) with its ultra high frequency of 3 GHz (SD58) will have about forty-six times less attenuation than the PAR, so it is relatively immune to blackout.

There are, in addition to blackout (excessive attenuation of radar signals by high ion densities), two other ionization-radar interactions that are important, although usually omitted from discussions of the ABM.

One of these is the refraction problem. This occurs when the radar beam passes through a region where the electron density changes. This is completely analogous to the common experience of a pencil partially immersed in water appearing bent. You can measure the index of refraction of water and, after measuring some angles and performing simple calculations, apply a correction to show that the pencil is straight without removing it from the water. A similar calculation could be performed in the case of refraction of radar waves if the electron densities for the sky between the target and radar were known (they are not known). Fortunately the error is often small: the error will be less than ⅛ degree of arc for angles of incidence less than eighty degrees and changes of 10° electrons/ml for a 400 MHz radar. (ENW 528–9.) However, a small angular error can correspond to a large error in position for distant objects. As the angle of incidence increases there is a rapidly increasing refraction error until the beam is reflected by the ions. A 400 MHz beam meeting a 4×10^7 electron/ml density at an incidence angle of seventy degrees or more will be reflected. (ENW 530)

The other problem is the formation of erratic, irregular patches of highly ionized air in alignment with the Earth's magnetic field. The patches reflect radar waves and may give the computer the false impression that the patches are a solid physical object. The phenomena are called "clutter" (SASC 2306) and may appear to twinkle like the stars. (ENW 529) "Not enough is known of these phenomena to permit a quantitative description." (ENW 529) Hence, this precludes our programming the Safeguard computer to interpret these patches properly.

The warheads in our ABM missiles will be designed to contribute as little ionization as possible, but under the laws of physics they cannot avoid some ionization. The enemy may choose to detonate high yield devices at high altitudes inside the range of PAR but beyond the range of Spartan ABM. This is called a precursor attack; its goal is to blind and distort the PAR. To defeat the effects of ionization upon the radar beam, the PAR units at various northern ABM sites will be coordinated in the hope that other PAR units can see behind the blackout region of one PAR. (SASC 260, HASC 7075).

In conclusion, Dr. Hans Bethe, Nobel laureate in physics, said "my favorite penetration aid is blackout." (SFRC 36) Dr. Wolfgang Panofsky, Director of Stanford University Linear Accelerator Center, states "it has now become clear that the MSR and its computer will have to perform autonomously without any benefit from the PAR." (SASC 2307).

MINUTEMEN/SAFEGUARD ANTAGONISM

The high power Safeguard radars may damage the Minutemen missiles in the ground and during the initial part of their trajectory. Some twenty million dollars may be spent on proper shielding for the Minutemen system. (HASC 7592–5) Also, if a precursor attack is mounted against Safeguard, the high radiation and ionization levels might interfere with the Minutemen if their trajectory passed through the nuclear debris.

PENETRATION AIDS: DECOYS

In any rational assault on an ABM system, decoys will be used to exhaust the supply of interceptor missiles at little expense to the offense. A decoy must be lightweight to conserve fuel of the launch vehicle (if the enemy wanted a heavy decoy, they might as well put a warhead inside since ICBMs are in limited supply and every reentry vehicle has a chance of reaching the target) and be placed on a credible trajectory toward an important target so that the defense will find it imperative that the decoy be intercepted.

Two types of decoys may figure prominently in an attack. The first is "tank fragments," so called because they are pieces of the fuel tank and booster rocket which have been dispersed by a small conventional explosive charge after the nuclear warhead has separated. The same explosive that breaks up the rocket will also put each tank fragment on a slightly different trajectory from the warhead. The other type of decoy is an aluminum coated plastic balloon which is inflated and released above the atmosphere. Above the atmosphere there is no frictional drag; balloons will exhibit the same ballistics as warheads. The balloons, of course, can be manufactured to have a shape indistinguishable from warheads.

It is commonly argued by proponents of the Safeguard ABM that the Chinese do not have the technology capable of making decent decoys. The authoritative Legislative Reference Service states that "Chinese technical competence should not be underrated. If the same kind of high priority is assigned to this effort as appears to have been the case for the nuclear weapon, there would appear to be a strong probability that the Communist Chinese could develop penetration aids that could outwit the Safeguard system as presently conceived." (LRS 33)

PENETRATION AIDS: CHAFF

Chaff was originally tinsel much like the material used to decorate Christmas trees that was dropped from bomber aircraft to confuse defense radar. The ABM radar has a much higher frequency than an AA (anti-aircraft) radar and, thus, the chaff may be reduced in size. The size of chaff is usually given as half the wavelength of the radar it is used against: the chaff would be a reflecting dipole. "A wire of a given length is also effective against a radar of shorter wavelength." (SA, 29)

Using the basic relationship $f\gamma=c$ where $c=3\times10^8$ meters/sec. the velocity of electromagnetic waves, we solve for the wavelength γ of the PAR: $\gamma=3\times10^8/4.4\times10^8=0.7$ meter and γ of the MSR: $\gamma=3\times10^8/3\times10^9=0.1$ meter.

Hence wires 35 cm long will be adequate chaff for both the PAR and MSR. Adjusting Dr. Bethe's computation (SA, 29) we find that one hundred million (10^8) copper wires 0.001 inch in diameter and 35 centimeters long will weigh only 140 kilogrammes: "easily carried by an ICBM." (SFRC 36) These chaff wires are admittedly difficult to disperse evenly over a large volume. (SFRC, 36) once this is done, the chaff gives a radar image of "a large obscure volume, many miles across, moving on a ballistic trajectory." (ABM 20) In the ionosphere the chaff cloud would require that several Spartans be targeted inside the cloud to destroy possible warheads hidden inside. The obnoxious stuff (chaff) will "float" in the atmosphere and might be cleaned up with the powerful atmosphere blast of a nuclear ABM warhead.

Since all rationally constructed penetration aids are lightweight, the defense could ignore everything until it enters the atmosphere. At that point atmospheric drag will sort the less dense penetration aids from the heavier warheads. This technique makes area defense impossible and reduces the margin of available time to mere seconds. With decoys the number of objects considered by the computer will be unusually large, which means that the time-shared computer will be slower in issuing instructions—a slowness that may be fatal when every millisecond counts.

PENETRATION AIDS: JAMMING

The final type of penetration aid is electronic countermeasures or jamming. A radio transmitter could be placed inside a decoy which would send out noisy signals on radar frequencies. The transmitter would not require high power since the radar signals are relatively weak at target distances. This might offer great success in confounding the defense.

MSR EASY TARGET

Because the radar must be housed in a building transparent to radio waves and because it is requisite to Safeguard's operation, the radar is an obvious target. The radars are much more susceptible to blast damage than Minutemen silos. (SFRC 271, SASC 2215) "Clearly, if silos can be targeted, so can radars, and there is no doubt which would crumble first." (SD 57) The estimate is that the radars can not endure more than a thirty pound per square inch overpressure. (SD 57, ABM 40) A one megaton bomb will produce thirty psi overpressures up to 1.3 miles from ground zero. (ENW Bomb Effects Computer) Since the radar buildings already contain a ⅛ inch thick steel plate in addition to reinforced concrete walls, it is doubtful if they can be further hardened and still be transparent to radio waves. (HASC7104)

NOT MUCH TIME

It takes an ICBM 34 minutes to travel 6000 nautical miles. (ABM103) Regardless of the detection system we use, we can never have more than this brief length of time to prepare for the onslaught. In order to intercept the enemy's warhead, we must launch our ABM within four to ten minutes after the PAR detects the warhead. (SFRC 265–270) In these few minutes we must acquire accurate data on the trajectory and make a number of decisions. There is one decision that requires special attention. All ABM interceptors are equipped with a nuclear warhead which, under present U.S. policy, would require the consent of the President before we could fire them.

I think most people, both proponents and adversaries of Safeguard deployment, agree that it is a wise policy to require the President to authorize the use of any nuclear weapon by our nation's armed forces. A few people have suggested that it will be necessary (but not necessarily wise) to delegate that authority to a junior military officer at the Safeguard control center. (HASC 7089)

In the few minutes available for his decision, the President will not have very much information available. He will hardly have time for consultation with those standing beside him, not to mention meaningful consultations with his regular advisors. The whole idea of requiring Presidential consent is to allow him the opportunity to deliberate, and not a computer or a military officer. But the concept is almost meaningless if the President has neither the time nor the information available before he makes the decision. Hence the President's decision will be only a token expression.

Representative Otis G. Pike (NY) has declared: "I don't believe you can get to the President a message, have a rational decision made by the President, have the decision made to authorize the firing of the system in [deleted] minutes. I don't know anybody else who believes it either." (HASC 7091) Both Deputy Secretary of Defense Packard and General Starbird (commander of Safeguard) were present but did not refute Mr. Pike's statement except to say that the system had the capability of getting the message to and from the President even if he were in Rumania.

Dr. Licklider, Professor of Electrical Engineering at MIT, has written: "Early in its operation life, the Ballistic Missile Early Warning System [BMEWS] made its now-famous detection of 'incoming ballistic missiles' that turned out to be the moon. Fortunately, cool wisdom in Colorado Springs—and lack of confidence in the new system—prevailed over the reflex of counterstrike, and what could have been the greatest tragedy in history became a lesson. Was the lesson merely to remember that large, distant objects can reflect as much energy as smaller, nearer ones? Or was it that men may not trust the advice of untested electronic systems enough to launch nuclear missiles? Or was it that men should not trust the advice of untested electronic systems?" (ABM 122–3)

Senator Albert Gore has presented an instructive hypothetical case: "A sergeant or a lieutenant . . . or whoever is out in Montana at the missile site, who finally gets the President of the United States on the telephone, and in an excited voice says, 'Mr. President, the radars, 4½ minutes ago, picked up three ICBMs coming over the horizon from the Soviet Union, they are in trajectory bringing them on top of us, which button do I push?' The President asks some questions, and he said, 'Mr. President, I see three more. We have got three minutes left.' 'Well, do you see any more?' 'Yes, Mr. President, there are three more and they are headed for North Dakota; which button do I press?' [Senator Fulbright:] 'The panic button.'" (SFRC 213)

FOBS

The problem of time is intensified if the enemy begins their attack with a "Fractional Orbital Bombardment System" (FOBS). The trajectory used by FOBS is a circular one which follows the Earth's curvature at approximately constant altitude. This altitude is kept as low as possible so that it appears above the horizon only when it is near the target. The advantage of FOBS then is that it has a very short time between detection by our radar and its impact on target; if the FOBS projectile flies at an altitude of 100 nautical miles (115 statute miles) the time difference between initial radar acquisition and impact on target is only three and a half minutes. (ABM 104) FOBS may escape detection by BMEWS because of its low altitude. (JCAE 129) FOBS can also be used to send a missile via the South Pole. (SFRC 278) Fortunately, the payload that can be carried by FOBS is from ½ to ¾ that which can be carried by an ICBM on a conventional trajectory (SA 23) and is probably less than three megatons. (JCAE 18) The accuracy of FOBS is poorer than that of an ICBM. (ABM 220) A small change in trajectory might allow a FOBS to orbit the Earth several times should it be desired that it not impact immediately.

With FOBS it may be possible to stage a successful surprise attack on Safeguard, and if FOBS warheads do knock out the MSR, Safeguard is dead.

SAFETY/HAIR TRIGGER

Professor Herbert York has pointed out a contradiction between "hair trigger" readiness and safety requirements. I wish to quote his explanation of this: "I should like now to turn to a technical problem that pertains to all the forms of ABM so far proposed, but which unfortunately is not so simple to discuss . . . [as other objections].

"Any active defense system such as the ABM must sit in readiness for two or four or eight years and then fire at the precisely correct second following a warning time of only a few minutes. This warning time is so short that systems designers usually attempt to eliminate human decisionmakers, even at low command levels, from the decisionmaking system. Further, the precision needed for the firing time is so fine that machines must be used to choose the precise instant of firing no matter how the decision to fire is made. In the case of offensive missiles the situation is different in an essential way: although maintaining readiness throughout a long, indefinite period is necessary, the moment of firing is not so precisely controlled in general and, hence human decisionmakers, including even those at high levels, can be permitted to play a part in the decisionmaking process. Thus, the trigger of any ABM, unlike the trigger of the ICBMs and Polarises, must be continuously sensitive and ready, in short a 'hair trigger' for indefinitely long periods of time.

"On the other hand, it is obvious that we cannot afford to have an ABM fire by mistake or in response to a false alarm, and, indeed, the Army has recently gone to some pains to assure residents of areas near proposed Sentinel [the ABM system preceding Safeguard; both systems use the same components] sites, that it has imposed design requirements which will insure against the accidental launching of the missile and the subsequent detonation of the nuclear warhead it carries. These two requirements, a hair trigger so that it can cope with a surprise attack and a 'stiff trigger' so that it will never go off accidentally are, I believe contradictory requirements. This problem exists only in the real world and not on the test range [because] on the test range . . . the interceptions do not involve the use of nuclear weapons and the day, if not the second, of the mock attack is known." (SFRC 77–78)

Professor York further states that requiring the President's permission lessens "the probability of its [Safeguard] being fired under conditions of surprise." (SFRC 609) Professor York "strongly endorses" the requirement of Presidential consent, as do I. (SFRC 609). The point is that the process of consent consumes valuable time.

My letter of 19 July 1969 to Colonel Reid and his reply of 11 August 1969 (furnished through your courtesy) explored Professor York's two points: rapid action and safety. Colonel Reid recited past nuclear safety as an assurance for future safety on a new project—an irrelevant reply. (The remarks on the bottom half of page one and all of page two are good points, however.) Colonel Reid completely ignored the other half of Professor York's statement, the part about the necessity for rapid response after being inactive for a long time. Deputy Secretary of Defense Packard was also challenged with Professor York's testimony and he failed to reply to any of it, but he did, unsuccessfully, try to discredit Professor York. (SFRC 309–312) I mention Colonel Reid's and Mr. Packard's reaction only to underscore the importance and apparent irrefutability of Professor York's objections.

WARHEAD KILL MECHANISM

Everybody is aware of the tremendous damage caused by nuclear weapons at low altitude, and since nuclear weapons are used in Safeguard ABMs there is little public question that Safeguard can destroy enemy warheads. Unfortunately, the issue is not clear. Most of the destruction caused by nuclear weapons is a result of blast; about half of the total energy of a fission weapon is distributed as blast and shock. (ENW 8, 102) Above the atmosphere, where the Spartan will detonate, there is no blast to kill the enemy warhead.

The Spartan will use X-rays and neutrons to destroy the enemy warhead; the technical details have been admirably presented by Professor Bethe (SA 25–27). There are effective ways to shield the warhead from X-ray damage and possible ways to shield against neutrons. (SA 27) "The defense, not knowing the detailed design of the reentry vehicle [enemy warhead], has little way of knowing if it has destroyed a given vehicle . . . until the warhead either goes off or fails to do so." (SA 27) The question is not so much "Can the nuclear warhead kill a RV [reentry vehicle or enemy warhead] with radiation alone?" as it is "Can the ABM get near enough to the RV to kill it?" About 70% of a fission warhead's substantial energy is in the form of thermal X-rays. (ENW 26) The Spartan warhead is probably a fusion, not fission, device so neutrons will be produced in large quantities. (ENW 23) Since the flux of particles will decrease as the inverse square of the distance, the ABM must accurately intercept the RV.

The Sprint missile will detonate in the upper atmosphere above a "safe" level. Making a very crude and unreliable calculation: if the Sprint carries a two kiloton warhead as reported (SD 62) using blast overpressure figures computed for sea-level conditions, the Sprint warhead will create a maximum overpressure of ten times normal atmospheric pressure over a radius of four hundred feet. I haven't the slightest notion what overpressure would be necessary to crush a RV, or the overpressure of a two kiloton weapon exploded in the thinner air of the upper atmosphere. But again, the accuracy of Sprint is important.

TESTING ABM

The proponents of Safeguard are fond of saying how well the system is performing on the test range. (SAFE/INFO Question #61; SASC 220, 254, 2328; HASC 7065, 7087, 7078–9) "There have been 16 Spartan firings to date. Eleven of these were completely successful, three partially successful, and two unsuccessful." (SASC 2328) Since no criterion is given for "partially successful," and in the field an enemy warhead is either destroyed or not, I think "partially successful" and "unsuccessful" should be relabeled as "failures." This gives a Spartan efficiency of 11/16 or 69%. When I criticized this in my letter to Colonel Reid, he replied "the reliability of the final production missiles will be greater than the present research and development missiles being fired. In actual combat, the production type missiles will not usually be exercised to their maximum design capabilities as the research missiles are today." (11 August 1969, page three)

With this point in mind, let us look at the progress being made with Spartan. In the period before mid-May 1969 the Spartan efficiency was 5/8=63%; after mid-May 1969 it was 6/8=75%, not a very great improvement and perhaps not statistically significant. (data from SASC 2328) I disagree with the DOD conclusion that this test "demonstrates the readiness of Spartan to perform satisfactorily." (SASC 2328)

Furthermore, the tests results cited above are *not* ICBM intercept trials. The first testing of Safeguard intercept of ICBMs will take place in the fall of 1970, over a year after funds to deploy Safeguard were requested SAFE/INFO question #18, HASC 7069, 7108) Asking to deploy a yet untested weapon is a very rash act. Secretary Packard shrugs off this objection by saying a "fly before you buy concept . . . is simply not feasible" with Safeguard. (HASC 7068)

The only real test would be provided by a real enemy who deliberately tried to be uncooperative and who attacked us with an intelligently thought out plan that we could not anticipate, as opposed to trials held on our test range. Simulated tests and laboratory trials do not provide much assurance of success. (HAC 57)

The environment created by many nuclear explosions at various altitudes within a brief time span is not well understood, confer the paragraph on "clutter" under Ionization of this paper. Dr. Wiesner feels that, even without the 1963 Test Ban treaty prohibiting nuclear explosions in space and in the atmosphere, this kind of environment "could not be simulated." (ABM 13; SFRC 520, 525)

SATURATE ABM WITH MIRV'S

MIRV is an acronym for "Multiple Independently Targetable Re-entry Vehicle." Several MIRV warheads may be carried into space by one ICBM; the defense must contend with intecepting each RV separately. It is conceivable that it would require twenty ABMs to negate what came from a single ICBM. (SA 25) It is obvious that MIRV will be a useful tool, with penetration aids, to exhaust our supply of ABMs and win not only the military engagement but also the cost battle: an expensive ABM system would be overwhelmed by an offense which is cheaper.

Dr. Foster of DOD has clearly stated that MIRV is the highest confidence penetration aid for defeating an ABM defense. (JCAE 40–41; SFRC 318–319; SASC 2193) and Secretary Laird agrees (HAC 11). There can be no misunderstanding: Dr. Foster has said "The principal objective of our MIRV systems is to improve our defense penetration capability [capability to penetrate Soviet ABM] in the presence of ABM defense." (SASC 2193)

In a straightforward statement, Dr. Foster tells how we will defeat the ABM around Moscow: "We propose to go through that system by sheer exhaustion of the defenses." (HAC 62) I think it is obvious that the Russian offensive technology would defeat Safeguard in the same manner that we intend to defeat their ABM.

MORE EXPENSIVE TO DEFEND THAN TO ATTACK

We must consider the next point: which is less expensive, to purchase additional Minutemen ICBMs with the knowledge that Russia can destroy some of them in their silos or to purchase Safeguard to defend the Minutemen we have. In this consideration we make the (unwarranted) assumption that Safeguard will be an effective ABM system, as claimed by DOD.

Let me state that an economic argument is difficult to make because cost data, number of missiles, etc., is difficult to obtain and likely to change. I suggest that you contact DOD and get the data to perform the calculation according to your own assumptions in order to convince yourself of the truth of the following.

We have already paid for the research, development, testing, and evaluation (R.D.T.&E.) for the Minutemen system and would have done so regardless of the status of the ABM. Hence, I think we can fairly neglect RDT&E costs for the Minutemen but include them on Safeguard.

If we assume that the efficiency of the Safeguard system is equal to the efficiency of an enemy ICBM the results will cancel; this is a convenient assumption. (e.g. If we assume Safeguard is 50% efficient we must launch two ABM missiles to destroy one targget; likewise the enemy must launch two 50% efficient ICBMs to provide one target for Safeguard.)

We can also assume the cost of an enemy ICBM is comparable to the cost of our Minutemen if we wish to compare the target vs. interceptor cost.

The entire Minuteman system will cost $17 billion for one thousand ICBMs: $17 million per ICBM. (HASC 8169–70). The missiles themselves cost $4,574 million each in fiscal year 1970. (SASC 907)

The entire Safeguard system of a dozen sites is expected to cost $11.9 billion, including AEC warhead costs, with December 1969 cost levels. (SASC 227–8; SAFE/INFO question #43) The annual operating costs will be $0.35 billion, plus personnel housing, manpower overhead, etc. (SASC 271; SAFE/INFO question #43)

The two Phase I sites protecting the Minutemen will have a total cost of $5.4 billion including AEC warheads. (SASC 271, SAFE/INFO question #43) Annual operating costs will be $0.1 billion. (SAFE/INFO question #43)

DOD omits AEC warhead costs as a matter of policy (JEC 35) and, if you request cost figures, be certain to have the warheads costs included.

The number of ABM missiles per Safeguard site is classified. The usual assumption is 33 Spartans per site, 75 Sprints per Minuteman site, and 12 Sprints at each of the other sites. (ABM 87) The Soviet ABM system around Moscow has 64 ABM launchers and a reload capability. (HASC 7094)

Using the Phase I costs divided by 108 ABM missiles, we see that it costs us exactly $50 million plus operating costs to intercept *one* enemy RV if our system is 100% efficient.

Compare this with $4.6 million per Minuteman!

Other authors have reached the same conclusion that the ABM is much more expensive than the value of the Minuteman it protects and the cost of the enemy's efforts to defeat it. (Dr. Panofsky: SASC 2216 2286–7; Dr. Bethe: SFRC 41; SA 25–26; Dr. Rathjens: SFRC 360, 363–364 [detailed argument presented]; also ABM 23, 88–92)

Despite these inescapable conclusions, a few proponents of Safeguard continue to suggest the contrary. Senator Stennis suggests (page 23 of Senate Report #91–1016 on FY 1971 military appropriations bill) that defensive cost is LESS than "the cost of the offense to offset that defense." And official DOD releases say that if the enemy exhausts Safeguard with a large number of RVs, "the defender wins the engagement. The defense has forced an attrition of the attack force which, of course, is one of the defense goals." (Colonel Reid letter of 1 July 1969 page three; SAFE/INFO question 34 point three) Senator Stennis and Colonel Reid are simply wrong.

WHAT HAPPENS IF SAFEGUARD FAILS

The enemy will assume Safeguard will work: they will assume whatever specifications would be most damaging to their offense. Hence areas "protected" by Safeguard would have more missiles targeted at them in order to exhaust Safeguard. If Safeguard fails, we will experience a "horrible debacle"; we will be "much more severely devastated than if the system had never been deployed." (ABM 121, 52; Dr. Hornig concurs SASC 2297)

CANNOT PROTECT BOMBER BASES

According to the authorative government handbook *Effects of Nuclear Weapons,* an overpressure of three pounds per square inch will cause severe damage to transport airplanes and helicopters. (ENW 167) "Complete destruction or damage [of cargo airplanes] beyond economical repair may be expected at peak overpressures of four to six pounds per square inch." (ENW 253) A one megaton bomb will produce 6 psi overpressure 3.8 miles from ground zero and 3 psi up to six miles from ground zero. (ENW Bomb Effective Computer)

A single one megaton warhead with moderate accuracy would be sufficient to destroy all the aircraft at an Air Force Base. Since it is not claimed that our ABM system is perfect, defense of bomber bases is unreasonable.

DEFENSE OF CITIES IMPOSSIBLE

The Department of Defense has made it very clear that defense of cities against more than a few ICBMs is impossible.

Secretary Laird: "...it does not appear feasible, with existing ABM technology, to erect a defense against the Soviet missile threat to our cities which could preclude a catastrophic level of fatalities." (HAC 8, 40–41, 43)

Secretary Packard: "I am very pleased to know that you [Senator Gore] and I have come to the same conclusion on this matter—that an ABM defense of our cities makes no sense...."(SFRC 304)

DEFENSE OF WASHINGTON, D.C.

One of the dozen Safeguard sites has as its prime objective defense of Washington, D.C. (SASC 246; HAC 44; HASC 7112) Protection of the National Command Authority is an euphemism for city defense of Washington, D.C. I found the preceding quote of Secretary Packard and sent it to you in my letter of 7 February 1970 with a request for a direct explanation. Colonel Steele's cursory letter of 13 July 1970 obviously did not even attempt to answer my question. You also realize that it is a poor attempt: you state apologetically, "I think you can therefore assume this is all the Department of Defense wishes to say on the subject." DOD cannot be blamed for their reluctance to admit that at least some of the Safeguard goals are unreasonable. And yet you, as an elected representative of the people, should not be asked to support a system that cannot be justified.

SECURITY

I am very much aware of the fact that because I do not have access to classified information, I am ignorant of many important facts. Secrecy regarding the construction of the components is obviously justified, but performance claims should be made available to the public. This will not endanger our security since the enemy will, when faced with ignorance of our weapons, assume whatever would be most damaging to them—hence their reaction will almost certainly be an overreaction and the resulting arms race will degrade our mutual security.

Dr. Teller, a supporter of many DOD programs including Safeguard, has called for less secrecy and more public discussion on the ABM. (SFRC 517–8, 523) Dr. Panofsky and Senator Symington have objected to selective declassification of old facts to conjure up the image of a new threat. (SFRC 194, 316; SASC 2214) It is inconceivable that DOD classifies performance figures on Soviet systems: they are apparently trying to honour our enemy's security system? (SFRC 268; HASC 7516, 7915) A rough calculation of Dr. Foster was severely censored (HASC 7089), but Mr. Packard's erroneous statement on the very same subject was later corrected for the record by DOD (SFRC 266). General Betts was not able to justify why DOD classified some statements (HASC 8307–8). DOD classified a public report that embarrassed it (SFRC 453). Congressmen sometimes leave notes on secret material on their desks after a closed hearing (HASC 6813, 6984).

IS THE ABM DEFENSIVE?

Proponents of the Safeguard ABM state that a defensive weapon will not provoke an arms race. I fail to understand this argument. If Safeguard works, it will have increased the number of Minuteman ICBMs and cities that might otherwise have perished. The obvious reaction of the enemy to this effect would be to increase his offensive force, probably with MIRVs. (SASC 2319–20; HAC 51–52) The proposed deployment of the ABM around Minutemen sites is not purely defensive since it will purportedly enhance the effectiveness of an offensive weapon.

INDEPENDENT ADVICE

It was very ironic (and really quite humorous if anyone could retain a sense of humour while talking about nuclear weapons) that the only scientist independent of DOD and its contractors Secretary Packard remembered consulting on the ABM prior to the decision to deploy Safeguard was Professor Panofsky of Stanford. (SFRC 307–308) As it turned out, this consultation was when the two met accidentally at the San Francisco airport for half an hour. (SFRC 328) The discussion was, of course, "informal" and "unclassified." (SFRC 327, 337) Moreover, Professor Panofsky opposed deployment of the ABM!

CONCLUSION

Professor York, director DOD Research and Engineering from 1953 to 1961, expressed the "gravest doubts as to the capability of any ABM system." (SFRC 78) He was not concerned with the possibility of a few failures but "catastrophic failure in which at the moment of truth either nothing happens at all or all interceptions fail." (SFRC 78)

Each of these technical problems by itself could probably be satisfactorily solved. As a composite it is almost certain that they will not be solved. In a nuclear missile exchange the offense has all the advantages. The ABM systems now technologically and economically feasible are all members of one class: failures.

Safeguard will not work.

I have never written a paper or considered problems so dismal, so depressing. Even so, I have ignored other vital considerations: the arms race, the economic situation of our country, and the domestic/international political scene.

Respectfully yours,

RONALD B. STANDLER.

CONTINUE THE INVESTMENT TAX CREDIT FOR SMALL BUSINESS

HON. JOHN C. CULVER

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CULVER. Mr. Speaker, recently I introduced legislation which will be of particular benefit to small businessmen and farmers. My bill, H.R. 17532, amends the Internal Revenue Code to provide for the continuation of a tax credit for investments of up to $15,000.

Prior to enactment of the Tax Reform Act of 1969, a business was permitted to take a Federal income tax credit for a percentage of qualifying investment, which consisted mainly of machinery and equipment. The taxpayer was allowed a credit equal to 7 percent of the investment for facilities with estimated useful lives of 8 years or more. Assets with lives between 4 and 8 years were, in effect, allowed a reduced percentage.

If a business invested $40,000, for example, in a piece of equipment with a useful life of at least 8 years, the taxpayer could reduce his tax liability by $2,800—that is, 7 percent of $40,000. The Tax Reform Act of 1969 repealed this credit for property acquired after April 18, 1969.

My bill provides that if the taxpayer constructs, reconstructs, erects, or acquires qualifying property after 1969, he may take a credit for the amount of investment up to $15,000 a year. Thus, a taxpayer who buys a machine for $15,000 will be entitled to a $1,050 tax credit—that is, 7 percent of $15,000—the same as he was prior to enactment of the Tax Reform Act of 1969.

While H.R. 17532 would allow a tax credit on the amount of qualified investment up to $15,000 for any size business, the bill is designed to help primarily small businesses and small farms, for whom a tax saving of $1,050 will have a significant financial impact. It will be helpful to those who have difficulty in obtaining adequate financing for purchase of machinery and equipment, and it may well be a means of survival for many marginal firms.

At the same time it will serve to stimulate the economy of rural America. It will provide the opportunity for farmers to improve and modernize their equipment to meet the challenges of an ever-changing and more competitive agricultural economy. It will also benefit the business of the small firms which provide for the farmer the materials and services he needs. The result will be to stimulate the economic activity of rural

America, providing greater opportunities for employment and increasing the attractiveness of life there.

I believe that the complete repeal of the investment tax credit in the Tax Reform Act of 1969 was unfortunate. A limited credit is an appropriate and effective way of aiding the small businessman and farmer to compete with large corporations.

I insert a copy of the bill at this point in the RECORD:

H.R. 17532

A bill to amend the Internal Revenue Code of 1954 to provide for the continuation of the investment tax credit for small businesses, and for other purposes

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 49 of the Internal Revenue Code of 1954 (relating to termination of credit) is amended—

(1) by inserting after "pre-termination property" in subsection (a) the following: "and property to which subsection (e) applies", and

(2) by adding at the end thereof the following new subsection:

"(e) SMALL BUSINESS EXEMPTION—

"(1) IN GENERAL.—In the case of section 38 property (other than pre-termination property)—

"(A) the physical construction, reconstruction, or erection of which is begun after December 31, 1969, or

"(B) which is acquired by the taxpayer after December 31, 1969,

and which is constructed, reconstructed, erected, or acquired for use in a trade or business, the taxpayer may select items to which this subsection applies to the extent that the qualified investment for the taxable year attributable to such items does not exceed $15,000. In the case of any item so selected (to the extent of the qualified investment attributable to such item taken into account under the preceding sentence), subsections (c) and (d) of this section, paragraphs (5) and (6) of section 46(b), and the last sentence of section 47(a)(4) shall not apply.

"(2) SPECIAL RULES.—

"(A) MARRIED INDIVIDUALS.—In the case of a husband or wife who files a separate return, the amount specified in paragraph (1) shall be $7,500 in lieu of $15,000. This subparagraph shall not apply if the spouse of the taxpayer has no qualified investment for, and no unused credit carryback or carryover to, the taxable year of such spouse which ends within or with the taxpayer's taxable year.

"(B) AFFILIATED GROUPS.—In the case of an affiliated group, the $15,000 amount specified in paragraph (1) shall be reduced for each member of the group by apportioning $15,000 among the members of such group in such manner as the Secretary or his delegate shall by regulations prescribe. For purposes of the preceding sentence, the term 'affiliated group' has the meaning assigned to such term by section 1504(a), except that—

"(i) the phrase 'more than 50 percent' shall be substituted for the phrase 'at least 80 percent' each place it appears in section 1504(a), and

"(ii) all corporations shall be treated as includible corporations (without any exclusion under section 1504(b)).

"(C) PARTNERSHIPS.—In the case of a partnership, the $15,000 amount specified in paragraph (1) shall apply with respect to the partnership and with respect to each partner.

"(D) OTHER TAXPAYERS.—Under regulations prescribed by the Secretary or his delegate, rules similar to the rules provided by sections 46(d), 48(e), and 48(f) shall be applied for purposes of this subsection."

CONGRESSMAN MYERS 1970 QUESTIONNAIRE RESULTS

HON. JOHN T. MYERS

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. MYERS. Mr. Speaker, during the 4 years it has been my privilege to serve as a Member of the House of Representatives, it has been my practice to seek opinions and comments of the residents of the Seventh Congressional District through public opinion polls. These surveys have afforded a quick and effective means for residents to make known their views on a wide variety of national issues and have been very useful to me in my efforts to represent the people of the district.

In June of this year, we sent the latest in our series of questionnaires into every home in the district. The results of that poll are now in and I would like to bring to the attention of the Congress and the administration the tabulation of the survey. There was no effort to restrict the distribution of the poll or to affect the results by limiting it to any particular interest or economic group. This tabulation represents a broad sample of prevailing opinion in the 15 counties of the Seventh District.

Nearly 20,000 persons responded to the poll. This compares to 18,000 in 1969; 15,000 in 1968, and about 10,000 in 1967. This represents about 11 percent of those who received the poll which is considered an above average response. To see so many people calmly showing an interest in questions affecting our lives and government is a sign of encouragement.

Although the issues represented in the poll cover a wide variety of topics, it was clear that thousands of those participating were not satisfied with a declaration of views on a simple yes or no basis. The thoughtful comments they added provided an understanding of their opinions in far greater depth than would have been possible otherwise.

NIXON'S PERFORMANCE

It was clear from the poll that President Nixon's performance since he assumed office 18 months ago enjoys the overwhelming support of the people of the district. A total of 75 percent rated Nixon's performance either excellent or good while only 20 percent said they feel he is not doing so well. I do not pretend to believe that the 75 percent agrees with everything President Nixon has done since taking office. There has never been—there can never be—that kind of agreement in a free society. I do believe it does indicate the degree of confidence the people of our district have in the President.

The President has leveled with the American people. Whether you agree with him or not, he has told us how he feels and what he is going to do—and then has fulfilled his promises. This is the record that matters in the long run.

VIETNAM

This same confidence in the President's ability was reflected in the response to the question on Vietnam. A majority, 51 percent, favor the administration plan for the orderly withdrawal of troops. Only 16 percent call for the immediate withdrawal of all U.S. troops which would preclude the administration's Vietnamization program. Another 28 percent support sufficient military action to defeat the enemy on the battlefield. The significance of this latter figure is brought into sharp focus when compared to our 1967 poll taken at the time President Johnson was sending large numbers of troops into Vietnam. Then, 74 percent of those responding favored an all-out military victory. Today, almost the reverse is true with 67 percent favoring withdrawal.

When President Nixon assumed office, more and more Americans were going to Vietnam. Since he has been President, American troops have been coming home. No partisan debate can change the fact that by next spring we will have about 270,000 fewer American troops in Vietnam than we had when the Nixon administration took office. No doubt this has had a major influence on how the people of the Seventh District rate his performance.

THE ECONOMY

The views expressed by many of those responding showed concern about inflation to be second only to concern about the war in Vietnam. Congress was criticized for its insistence upon adding additional appropriations which would assure continuing deficit spending. A total of 59 percent believe that spending for even the most desirable Federal programs should be cut back until inflation is brought under control. Another 34 percent favor wage and price controls similar to those imposed during World War II. Understandably, only 2 percent expressed support for raising income taxes as a means of controlling inflation.

I have supported the President's veto of appropriations bills which would have cost the American taxpayer more than $1 billion. I will continue to support his efforts to introduce a new spirit of self-discipline in Government spending—a willingness to make hard choices and to enforce a strict sense of priorities. Nearly every economic indicator now predicts victory in the administration's war on inflation but Congress must continue to hold down Government spending if this victory is to be a lasting one.

DRAFT

There is broad support, 42 percent, for a Selective Service System based on the lottery and eliminating all deferments, thereby making all physically able young men eligible for the draft. This is similar to the system now in effect with the exception that undergraduate student deferments are still granted. Thirty percent favor the administration proposal for an all-volunteer army. The fate of this proposal in Congress is uncertain. Twenty-two percent favor retention of the present system. The Congress and the administration are concerned about correcting the inequities in the present system. The report of the Gates Commission was promising in that it indicated the feasibility of establishing a volunteer military force as soon as the manpower demands of the Vietnam con-

flict diminish. Certainly, this issue will get a full review before the present legislation expires next year.

WELFARE REFORM

Proposed reform of the welfare system drew a heavy response with 75 percent opposed to the guaranteed annual wage which is one of the major sections of the bill now before Congress. I voted against the plan because I feel strongly that the provision of a minimum income could only serve to discourage initiative and eliminate incentives among those who most need the help. We must develop programs to insure meaningful employment for those on the welfare rolls instead of developing yet another handout on top of those which have failed so miserably in the past.

STUDENTS AND THE 18-YEAR-OLD VOTE

Two separate but related questions evoked responses indicative of the deep concern over the disorders which have plagued our colleges and universities. An overwhelming 86 percent of the people of the district favor ending Federal aid to students found guilty of disrupting classes or other normal college operations. At the same time, 66 percent are opposed to lowering the voting age to 18. Opposition to the lowering of the voting age has increased from 61 percent in the 1969 poll, perhaps a reaction to the campus disorders within our district. As you know, since this poll was taken Congress approved legislation lowering the voting age to 18. That legislation is now being contested in several States including Indiana.

DRUG ABUSE

One of the major proposals of the Nixon administration providing tougher penalties for drug pushers and users has the support of 67 percent of those responding. Only 14 percent favor easing or eliminating penalties imposed upon those involved in the drug traffic, while 13 percent oppose any changes in the present law. Legislation revising the Federal narcotics laws has been stalled in Congress for more than a year. This inaction is a disservice to the public and to the thousands of people whose lives have been jeopardized by the illicit drug traffic.

ENVIRONMENT

I was encouraged to note the support of 82 percent for my package of seven bills designed to wage a constructive and effective campaign against air and water pollution. In a nutshell, these bills are designed to clean up our water resources, to improve the quality of the air we breathe, and to remove from the landscape the litter and trash which has been a national eyesore.

I also am sponsor of a resolution which would establish an annual observance of Earth Day which this year served as the focal point for those of us who sense the urgency of the environmental crisis. I am convinced we must act now in order to assure future generations of an environment capable of sustaining life.

POSTAL REFORM

Residents of the district differed in their approach to much-needed postal reform but nearly all agreed that some form of sweeping reorganization is necessary if we are to provide the people of the Nation with an efficient and responsible postal system. Thirty-seven percent expressed favor of the postal corporation plan which passed Congress and was signed by President Nixon early in August. Hopefully, the new system will result in modernized procedures and improved working conditions.

SALT TALKS

Support for a strategic arms limitation treaty (SALT) with the Soviet Union came from 71 percent of those responding with only 13 percent expressing some doubt about the effectiveness of any agreement with the Soviet bloc. Progress in these talks has been very encouraging to date. If success is achieved in this conference, the day may come when Russians will decide that the best course for the Soviet Union as well as for the world is to concentrate their energy and know-how on improving the well-being of mankind rather than on developing the machines of destruction which threaten all of civilization.

AGRICULTURE

A total of 42 percent believe the Federal Government should promote rural development through programs of economic incentives and aid to private industry. Twenty-nine percent oppose Government playing such a role while another 25 percent were undecided. The unusually high percentage of undecided votes is indicative of the depth of this problem and the controversy over what is needed to stimulate rural development. The House recently approved a new agricultural act which I believe will result in greater income for the Nation's farmers. The Senate must act before it becomes law. Rural America has more than its share of need and a major thrust in public policy in the 1970's must be aimed at filling these needs.

The complete questionnaire results follow:

(In percent)

1. Do you believe our Selective Service System should be—(A) Retained as is, (B) Abolished in favor of an all-volunteer Army, (C) Based on a lottery system without deferments—

(A)	22
(B)	30
(C)	42
No response	6

2. Do you favor a Government-Guaranteed annual wage as a means of eliminating poverty—

Yes	12
No	75
Undecided	9
No response	4

3. Which do you believe should take preference in efforts to control inflation: (A) Raise income taxes, (B) Reduce Federal spending, (C) Wage and price control—

(A)	2
(B)	59
(C)	34
No response	5

4. What course do you favor in Vietnam—(A) Administration plan for orderly withdrawal of troops (B) Immediate withdrawal of all troops (C) Seek complete military victory—

(A)	51
(B)	16
(C)	28
No response	5

5. In dealing with the possession and use of marijuana, do you favor—(A) Easing and eliminating Federal minimum penalties (B) Increasing the penalties (C) No change in present laws—

(A)	14
(B)	67
(C)	13
No response	6

6. With regard to the question of granting 18-year-olds the vote in national elections, do you favor—(A) A change by amendment to the Constitution (B) A change by act of Congress (C) No lowering of voting age—

(A)	15
(B)	14
(C)	66
No response	5

7. Should the Federal Government promote rural development through programs of economic incentives and aid to private industry to help create jobs in rural areas—

Yes	42
No	29
Undecided	25
No response	4

8. Do you support Congressman Myers' legislation providing strict controls over pollution of our environment—

Yes	82
No	3
Undecided	10
No response	5

9. Do you support efforts by the Administration to reach an enforceable arms control agreement with the Soviet Union—

Yes	71
No	13
Undecided	11
No response	5

10. Do you favor ending Federal aid to individual students found guilty of disrupting classes or other normal college operations—

Yes	86
No	9
Undecided	2
No response	3

11. Concerning the operation of the Post Office Department, should Congress reorganize the department by—(A) Changing it to a non-profit public corporation (B) Allowing private industry to take over postal functions (C) Granting present postal authorities additional control with specific Congressional oversight—

(A)	37
(B)	25
(C)	29
No response	9

12. How would you rate President Nixon's overall performance since he took office—(A) Excellent (B) Good (C) Not so good—

(A)	30
(B)	45
(C)	20
No response	5

COMMONSENSE AND ACADEMIC FREEDOM

HON. PHILIP M. CRANE

OF ILLINOIS

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. CRANE. Mr. Speaker, Prof. Sidney Hook recently delivered an address at the 116th commencement of Rockford College in Rockford, Ill. This speech is entitled "Commonsense and Academic

Freedom," and its message is particularly poignant since it was probably the first commencement address to be given after the spring tragedies at Kent State and Jackson State.

Dr. Hook discusses the campus situation with amazing clarity and vision, and I commend his very thoughtful address to the readers of the CONGRESSIONAL RECORD:

COMMONSENSE AND ACADEMIC FREEDOM

(By Dr. Sidney Hook)

I wish to thank the members of the Graduating Class of Rockford College for extending an invitation to me through Dean Wattles to address them on this memorable occasion. It is a memorable occasion for various reasons, not only for you but also for the larger community, academic and non-academic, of which you are a part. It is especially memorable in that it is among the first commencements in this area of the nation, if not the first, to be held since the tragic events at Kent State College and Jackson State College, catastrophic occurrences for which we must all grieve and within our power atone.

As we live through these anguished days, it is difficult to think about anything except the tragedies, heartbreaking blunders and "might-have-beens" of the past. But if these tragedies and blunders are not to recur, we must turn our thoughts to the future. If we think about the future as citizens concerned with and about education, the overriding priority in the order of our concern, must go to the future of our colleges and universities. For on their development, the direction in which they move, much in our culture, in our very way of life—in your own way of life—depends. For the fate of our institutions of higher learning both reflects and helps redetermine the society in which they are found.

American colleges and universities today face the gravest crisis in their history—a crisis in their governance, their curriculum, their structure, their philosophy of education—to the extent that they have one—and, above all, in their freedom to inquire and to teach. From one end of the country to another, they are being subjected to unprecedented attacks from within their own academic communities that may close them down intermittently as they become transformed into centers of political action.

ACADEMIC FREEDOM ECLIPSED

There is a serious danger that unless this trend is resisted and reversed, colleges and universities will no longer be dedicated to the primary educational task of the discovery, publication and teaching of the truth but to the furtherance of ideological goals imposed by political activists among the faculties with the aid of student forces they have inspired and helped organize. The upshot may well be the gradual eclipse, under vague and misleading populist slogans of "participation" and "community control," of the very principles of academic freedom.

The development of free institutions of higher education in the United States has been a matter of slow but sure growth from the early days when they were the instruments of religious denominations and parochial political groups. Until yesterday, so to speak, the struggle for their liberation from these extraneous controls might have been considered won. One might have said with confidence that the faculties of our colleges and universities have been free to inquire into and teach the truth as they saw it in their respective fields of competence in complete independence. They were not compelled to subscribe to any ecclesiastical, economic or political dogmas to win or retain their posts. Occasionally, to be sure, there were episodic violations of these principles of academic freedom. But their very infrequency and the public outcry these violations evoked, testified to the strength of the tradition of freedom.

All this is under attack today; but no longer by the traditional enemies of academic freedom. During the last few years academic freedom has been threatened often openly and directly by political fanatics among students, and sometimes, with greater subtlety, by their faculty allies. On some campuses student extremists have set themselevs up as arbiters of what may be taught in certain controversial fields. They have with relative impunity disrupted the classes of professors of whom they disapprove, and even threatened them with bodily harm. In some places they have reinforced their demands for unilateral concessions by faculties and administrations with fire-bombs and widespread vandalism. In other places they have refused to permit student bodies to choose freely among curricular options offered them with respect to subjects connected with national defense, or to abide by the majority decision once it was expressed. They have invaded the laboratories of scientists whose projects they have declared to be not in the public interest as they have conceived it, destroyed apparatus, ransacked and scattered files. And since the latest turn in foreign affairs, some of these elements have sized the opportunities and facilities, provided by institutions for *all* students, to further their own political interests and programs. The result has been chronic and serious interference with normal educational activities by other students who do not share these political interests or who, sharing them, feel that they can be best fulfilled through the normal educational processes. In short, fanatical students and some of their faculty allies have set themselves up as censors not only of what is good for man, society and the university, but of the methods and ways by which that good is to be realized.

FACULTIES NEED THE COURAGE OF PRINCIPLE

Responses by administrators and faculties to these desecrations have on the whole been feeble and defensive. Although the reaction of public opinion to acts of criminal violence has been much stronger, in the nature of the case, the proposals of educational laymen for meeting these conditions are unsophisticated and sometimes uninformed. They are usually hit-and-miss affairs which sometimes undermine educational autonomy, and harry the innocent in order to get at the guilty. Instead of isolating the hard core of fanatics from the mass of students, they make it easier for them to take a leadership role. There is really no need for punitive legislation on either federal or local levels to discipline violators of legal and educational due process. Experience has shown how ineffective such an approach is. The truth is that the faculties almost everywhere already have the power to do what is necessary if only they have the insight, and above all, the moral courage to do it. It is moral courage that has been in conspicuously short supply, and its deficiency has resulted in cumulative evils that become progressively harder to meet.

It is an attractive illusion to hope that if a faculty or a representative faculty-student agency that has relevant jurisdiction yields on a matter of principle in order to insure peace, this *will* insure peace. Experience confirms what should be apparent to any thoughtful person. Once the principle is yielded, the violation becomes a premise for escalating more and more imperious demands. Then when they become intolerable and an attempt is made to return to some form of the abandoned principle, the effort is sure to be interpreted by those skilled in the arts of demagogy as a needless provocation.

The first thing we must try to do is to insure a change in the climate of violence that has engulfed so many of our colleges and universities since the fateful events at the University of California at Berkeley a few years ago ushered in the academic revolution. There is no panacea by which this can be done. We cannot abolish history or retrieve the errors of omission and commission of the past. It is not enough to proclaim our rededication to the fundamental purpose of the college and university as an institution of learning and teaching. I am assuming that every well-regulated institution has established through the cooperation of its constituencies—faculties, students, and administrators—well-publicized guidelines on the rights and limits of expression in the academic community. The very nature of the quest for truth, of the process of negotiating differences about the scope of campus action presupposes that independence, criticism and dissent are integral to the life of the academic community. We cannot stress too much that it is never the right to dissent that is in question but only the form it takes. Protests, speeches, peaceful parades and demonstrations concerning real or fancied grievances are always in order. They are part of the birthright of all Americans. What is not part of this birthright are assault, arson, vandalism, the hurling of rocks and fire-bombs, the seizure of classrooms, offices and laboratories that disrupt the educational process.

FACULTY/STUDENTS CAN POLICE THEIR OWN CAMPUSES

It might be desirable as part of the ritual of academic life to have a joint meeting of faculty and students (or their representatives where numbers are large) at the outset of the school year to reaffirm the guide lines regulating the amenities of rational discourse and activity on the campus. To avoid as far as possible ultimate showdowns with law enforcement authorities, it is advisable to rely on student and faculty members to police their own campuses. If this were done, it would be easier to move more swiftly and justly against those who wish not to improve the university by remedying its defects but wish to establish a beachhead in the university and use it as a sanctuary for hit-and-run raids against the society they wish to destroy.

In the long run, however, the greatest threat to colleges and universities does not come from acts of criminal violence, as costly and senseless as they are. With or without faculty sanctions the law will ultimately be enforced against law-breakers as the toll of their depradations mounts. Even with the surcease of violence, and perhaps as a price for its surcease, there still remain grave threats to the academic freedom of teachers and students in some tendencies strongly in higher education today. The wounds that the academy inflicts on itself in its bewildered effort to ward off attacks by its enemies may prove most dangerous to its future as a center of independent critical and creative thought. I can list only briefly some of these tendencies but their cumulative effect is weighty.

THE PROBLEM OF ACADEMIC TENURE

(1) Among these tendencies is the attempt to undermine and politicalize the conditions of academic tenure without which academic freedom is not viable. There are many legitimate problems connected with questions of life-long academic tenure. In the educational interest of students, abuses of this tenure system should be corrected. But I am now calling attention ot a new strategy, projected by extremist student groups on several campuses, that uses concern for conditions of tenure as an entering wedge to control both the content and personnel of instruction, and to achieve by indirection what direct action and confrontation cannot accomplish.

I speak of the demands for what has been called the principle of "parity," i.e. for 50% student voting rights on all decision-making

committees in the university, in colleges, or in departments. Among the chief issues on which parity of student power is demanded is tenure—both the granting of tenure and periodical renewal of tenure. Those making the demands are not content with being consulted before tenure is granted, with evaluating their teachers' abilities to communicate effectively and helpfully. This is an educationally legitimate procedure for which much can be said. But the demand goes far beyond that. It seeks power for students to decide on an equal footing with a professor's colleagues and peers whether he is to be invited to teach, whether he is to be granted tenure, and whether he is to have his tenure renewed every three or five or seven years—the time interval apparently depending upon the political militancy of those making the demand. The organizers of this movement towards parity, and its most zealous advocates, are those extremist political activists who have stressed political "relevance" as among the chief criteria of satisfactory teaching. It is not difficult to predict the upshot of the decisions of a tenure committee in which political fanatics enjoy parity with others. It would require only one faint-hearted faculty member, who feared for his own tenure or who sought to ingratiate himself with student activists or who agreed with their political criteria of relevance and acceptability, to give dominant power to a new and intolerant orthodoxy. A purge of the faculty would begin, ostensibly for technical pedagogical reasons, but actually on ideological grounds. In this way tenure as a basic safeguard of academic freedom will be eliminated. It is already under attack at universities on both coasts where extremist political activists have agitated for the dismissal of outstanding scholars whose views they caricature and denounce as "racist" or "fascist," and whose classes they often disrupt.

THE ATTACK ON RESEARCH

(2) In some prestigious institutions engaged in technological and scientific research, questionnaires are being circulated to the faculty requesting members to indicate what controls on research other than the judgments of their own scientific peers, should be established. Here, too, there are many legitimate problems on which men of good will and intelligence may differ. But there is reason to believe that under the cover of political and ethical criteria of selection, a program is being developed to eliminate research on all "war-related-problems"—a catch-all phrase for a vast number of actual and potential projects including many that have no, or extremely peripheral, bearings on national defense. This is coupled with the suggestion that "the community" or "the people" be brought into deliberations since they are affected by the consequences of all research. There is obvious danger here that the loudest and perhaps the decisive voices in determining the legitimacy of research will be, not the professionally trained and responsible scientists in consultation with his qualified colleagues and representatives of the electorate, but "the people" or the "community" whose moral and political judgment will be interpreted by a small activist élite desirous of imposing their own foreign policy line on the nation. Basic decision on research may be subjected to artfully concealed vetoes by those whose ruling passion is some political commitment or overarching ideological bias rather than the advance of scientific knowledge.

THE DEFEAT OF REASONED DISCOURSE

(3) There is even a grosser and more manifest threat to academic freedom which increases in boldness and arrogance every day. In centers of learning and teaching, of discovery and evaluation, we have taken it as axiomatic that reasoned discourse is the method by which conclusions are reached and disagreements resolved. This presupposes freedom for all points of view to present their position, to marshal arguments, to offer alternatives to any policies and proposals in any field. Universities have flourished as the amenities of civilized discourse became the common law of the life of mind.

Today on many American campuses this freedom no longer exists. Certain extremist groups have destroyed the rights of students and faculty to hear views that challenge or even disagree with their own. The very freedoms which these groups have enjoyed and exploited to the fullest extent in the past, they now flagrantly deny to others. It is hardly an exaggeration to say that after the victory of the so-called Free Speech Movement at the University of California at Berkeley—which actually had little to do with free speech although it sparked student disruptions at home and abroad—free speech, in fact, disappeared in many areas at Berkeley. It has become hazardous to speak there in criticism of extremist causes or groups. No one can present positions that favor American policy. In hundreds of other universities, revolutionary or subversive or anti-government speakers are made welcome, but the meetings of other groups critical of them are not tolerated. Their meetings are disrupted. Their speakers are harried, shouted down, sometimes assaulted. While spokesmen for movements hostile to the government have unlimited freedom to incite to violent action in opposing governmental policies, spokesmen for these policies are often barred from campuses or can appear only under military cordons. By and large in these institutions the faculty and administration remain silent or content themselves merely with issuing ineffectual releases deprecating the worst excesses. They seem fearful of initiating disciplinary action even when official guests of the university have been insulted or scandalously mistreated lest this exacerbate the situation.

All of these threats to academic freedom come to a head in precipitate attempts to politicalize the university in the aftermath of recent tragic events. It is sad to observe the capitulation to the movement towards politicalization by scholars and administrators in leading institutions of learning who until recently regarded it as unthinkable that the university as a corporate body take a *political* stand in behalf of any cause no matter how exalted.

THE UNIVERSITY MUST NOT BECOME PARTISAN

Grant that there are many worthy causes in this world. Grant, since we believe in academic freedom, that all faculty members, students and administrators are free to devote themselves to the pursuit of these causes. Grant that the exercise of one's rights as a citizen of a free society should not jeopardize a scholar's standing in the academic community. But granting all this does not entail in the least that the university *as such* is thereby politically committed or should be. For when the university as a corporate body takes a stand in behalf of one political position rather than another, it is being inescapably partisan and hence unfair to those among its faculty and students who disagree with that stand or who, agreeing with it, regard it as a betrayal of the mission of the university to take a partisan political stand.

As *individuals*, faculty members and students have a right to support any position with respect to American involvement in Viet Nam or elsewhere. But when universities formally or officially shut down in protest, and on top of that declare that university resources are to be devoted to the termination of American involvement by bringing organized pressure to bear on Senators, Congressmen and the Executive in behalf of one strategy rather than another, it is obvious that this is a *political* commitment. The university cannot claim to be neutral with respect to any political issue unless it permits all those who hold different positions on this issue to use its educational resources, too. But the variety of possible positions on the multiple issues that arise make such a course absurd. For if all groups used the university resources for political purposes, educational life would come to an end.

As *individuals*, faculty members and students have every right to throw themselves into the maelstrom of political activity during the coming electoral campaigns. But when universities as corporate bodies declare that they propose to shut down for two weeks next fall to permit faculties and students to engage in political activity, they are betraying their responsibility to serve "as citadels of reason, sanity and civility in a deeply troubled world." There are scholars, teachers and students who may not wish to engage in political activity of this kind, or who may wish to choose other times and other ways to influence political decisions. No institution has a right to restrict *their* freedom of choice in these respects.

Were any university as a corporate body to decide to shut down so that its staff and its students could engage for two weeks in prayer and other forms of religious worship, there would be an immediate outcry that such action violated the religious and academic freedom of the secular members of the academic community. No corporate body is justified in determining whether, when or how I should worship at the altar of my faith or any faith. It has no more justification to legislate for me in the field of politics. It is a shabby pretense to assert, as the President of one such Eastern institution has, that shutting it down for a fortnight "neither commits the university to any particular political position nor interferes with its prime educational responsibilities." It is no secret that the university is being shut down to mobilize its students and teachers for the election of one set of candidates over another, of so-called "peace" candidates, as if all candidates were not peace candidates differing only on how best to achieve it. But no matter how worthy a specific political strategy is, it is still a partisan one. And for those teachers and scholars who prefer not to engage in any political activity at this time or in this fashion, the assertion that the closure of the university is no interruption of prime educational responsibilities is sheer mockery.

THE FREE MARKET OF IDEAS MUST BE PRESERVED

Actually any college or university that has announced that its corporate resources are being devoted to the prosecution of a partisan political position or that it intends to close so that its faculty and students can march or descend on Washington for political purposes, has violated the clearly specified rules of its tax-exempt status. It is inviting taxpayer's suits.

What really is at stake in our current crisis is our pluralistic educational system, and ultimately the quality of our political democracy. If we have faith that we can learn from experience, the processes of learning must remain open to meet the problems of an open society. The challenges to its survival, to its survival as a free society, can only be met by preserving and strengthening what Justice Oliver Wendell Holmes called the free market of ideas—which is not identical with the free market of commodities. This entails the rejection of all authoritarian dogmas and practices that would transform the colleges and universities of the nation from communities of independent seekers for truths into instruments of ideological indoctrination.

To keep the institutions of higher learning open and free should be the task not only of professional educators but of all citizens. And to this double duty all of us must rise today—especially the young. For although it is true that the young will inherit the world, whether the world they inherit will be free, depends largely on them.

SENATE—*Friday, August 28, 1970*

The Senate met at 8:30 a.m. and was called to order by Hon. JAMES B. ALLEN, a Senator from the State of Alabama.

The Reverend Ronald Winters, pastor, Mount Pleasant Baptist Church, Floris, Va., offered the following prayer:

Blessed is the nation whose God is the Lord; and the people whom He hath chosen for His own inheritance.—Psalm 33: 12.

O God, our Father, unto Thee we pray. We thank Thee for permitting us to be a part of Thine inheritance. Let every soul be subject unto the higher powers. For there is no power but of God.

Give strength of purpose to these Senators who have been chosen by the people of this Nation. We pray Thee, O God, that they will shoulder their responsibilities with wisdom and justice.

Grant them that greatness of spirit that enables them to be sensitive to the needs of mankind, kindly in thought, and generous in deed. May we remember that Thou, O God, giveth the peace that passeth all understanding through Jesus Christ our Lord. Amen.

DESIGNATION OF ACTING PRESIDENT PRO TEMPORE

The PRESIDING OFFICER. The clerk will please read a communication from the President pro tempore of the Senate (Mr. RUSSELL).

The assistant legislative clerk read the following letter:

U.S. SENATE,
PRESIDENT PRO TEMPORE,
Washington, D.C., August 28, 1970.

To the Senate:

Being temporarily absent from the Senate, I appoint Hon. JAMES B. ALLEN, a Senator from the State of Alabama, to perform the duties of the Chair during my absence.

RICHARD B. RUSSELL,
President pro tempore.

Mr. ALLEN thereupon took the chair as Acting President pro tempore.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of the Journal of the proceedings of Thursday, August 27, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be permitted to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

EXECUTIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate go into executive session to consider the nominations on the Executive Calendar.

There being no objection, the Senate proceeded to consider executive business.

CORPORATION FOR PUBLIC BROADCASTING

The assistant legislative clerk proceeded to read sundry nominations for the Corporation for Public Broadcasting.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that those nominations be considered en bloc.

The ACTING PRESIDENT pro tempore. Without objection, the nominations will be considered en bloc; and, without objection, the nominations are confirmed.

COMMUNICATIONS SATELLITE CORPORATION

The assistant legislative clerk read the nomination of Rudolph A. Peterson, of California, to be a member of the board of directors of the Communications Satellite Corporation.

The ACTING PRESIDENT pro tempore. Without objection, the nomination will be considered; and, without objection, it is confirmed.

Mr. MANSFIELD. Mr. President, I request that the President be immediately notified of the confirmation of the nominations.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

LEGISLATIVE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate return to legislative session.

There being no objection, the Senate resumed the consideration of legislative business.

THE CALENDAR

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the Senate turn to the consideration of the following unobjected-to measures on the Senate Calendar: Calendar Nos. 985, 1142, 1143, 1156, and 1157.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

IRENE SADOWSKA SULLIVAN

The Senate proceeded to consider the bill (S. 1785) for the relief of Irene Sadowska Sullivan, which had been reported from the Committee on the Judiciary with an amendment, on page 2, line 15, after the word "pay," strike out "out of any money in the Treasury not otherwise appropriated," and insert "out of any money now or hereafter deposited in the War Claims Fund,"; so as to make the bill read:

S. 1785

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That notwithstanding any provisions of title II of the War Claims Act of 1948, as amended (50 U.S.C., App. 2017–2017p), limiting the period within which claims may be filed thereunder, including section 211 of such Act (50 U.S.C., App. 2017j), the Foreign Claims Settlement Commission of the United States is authorized and directed (1) to receive, consider, and act upon any claims of Irene Sadowska Sullivan, of Scottsdale, Arizona, filed within six months after the date of enactment of this Act, relating to the loss of a tenement building owned by her father, a United States citizen, in Warsaw, Poland, as if such claims had been filed within the time and in the manner provided in such Act, the said Irene Sadowska Sullivan having filed a valid claim relating to such building prior to the date of expiration of the general war claims program, but not having been able to complete her documentation of such claim until after such date; and (2) to certify to the Secretary of the Treasury its determination as to the amount of any award to which the said Irene Sadowska Sullivan would have been entitled on the basis of such claims if they had been filed within the time and in the manner provided in such Act.

SEC. 2. Upon receipt by the Secretary of the Treasury of the certification described in the first section of this Act, the Secretary shall pay, out of any money now or hereafter deposited in the War Claims Fund, to the said Irene Sadowska Sullivan, the amount of any award so certified by the Commission: *Provided,* That no part of the amount appropriated in this Act shall be paid or delivered to or received by any agent or attorney on account of services rendered in connection with this claim, and the same shall be unlawful, any contract to the contrary notwithstanding. Any person violating the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding $1,000.

Tne amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–981), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

PURPOSE OF AMENDMENT

The purpose of the amendment is to cause any funds arising under the bill to be paid properly from the War Claims Fund rather than from the general Treasury.

PURPOSE OF BILL AS AMENDED

The purpose of the bill, as amended, is that notwithstanding any provisions of title II of the War Claims Act of 1948, as amended (50 U.S.C., App. 2017–2017p), limiting the period within which claims may be filed thereunder, including section 211 of such act (50 U.S.C., App. 2017j), the Foreign Claims Settlement Commission of the United States is authorized and directed (1) to receive, consider, and act upon any claims of Irene Sadowska Sullivan of Scottsdale, Ariz., filed within 6 months after the date of enactment of this act, relating to the loss of a tenement building owned by her father, a U.S. citizen, in Warsaw, Poland, as if such claims had been filed within the time and in the manner provided in such act, the said Irene Sadowska Sullivan having filed a valid claim relating to such building prior to the date of expiration of the general war claims program, but not having been able to complete her documentation of such claim until after such date; and (2) to certify to the Secretary of the Treasury its determination as to the amount of any award to which the said Irene Sadowska Sullivan would have been entitled on the basis of such claims if they had been filed within the time and in the manner provided in such act.

The facts of the case as found in the report from the Foreign Claims Settlement Commission are as follows:

Title II of the War Claims Act of 1948, as amended, among other things directed the Foreign Claims Settlement Commission to determine the validity and amount of claims of nationals of the United States for the loss or destruction of, or physical damage to, real property and tangible personal property, located in Poland as well as certain other central European countries, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of the enemy or alleged enemy character of the owner, which property was owned by a national of the United States at the time of such loss, damage or destruction. The program was completed on May 17, 1967 in accordance with the statute.

The Commission's records disclose that a claim (No. W-997) was filed by Irene Sadowska Sullivan under title II of the War Claims Act of 1948, as amended (Public Law 87-846), based upon losses of certain household furnishings, clothing, an automobile and an inventory of a fishing equipment business located in Warsaw, Poland, which losses occurred during World War II as a direct consequence of military operations of war.

By a proposed decision dated April 20, 1966, claimant Irene Sadowska Sullivan was granted an award in the amount of $8,556 for the loss of the subject property. Inasmuch as no objections were filed to the award, the decision was entered as the Commission's final decision on May 19, 1966. The award was subsequently certified to the Secretary of the Treasury for payment out of the War Claims Fund and the award was paid in the full amount.

In December 1966, Mrs. Sullivan communicated with the Commission for advice regarding procedures applicable to reopening claims for further consideration for property not previously claimed. She was advised that Commission regulations provided for the reopening of claims for further consideration based upon additional losses. This could be accomplished by filing a petition and appropriate evidence establishing ownership, loss, or destruction, and the value of such property.

A petition to reopen was subsequently filed with the Commission on March 3, 1967, seeking additional compensation for the damage or destruction of a tenement house in Warsaw which had been purchased by claimant's late father. The only evidence submitted with the petition was an affidavit executed by two persons then residing in Poland. After an examination of the affidavit, it was found not to have been of sufficient probative value to warrant the granting of compensation under the statute. Mrs. Sullivan was advised by letter dated May 15, 1967, that her petition to reopen had been denied for the foregoing reason.

The war claims program under title II of the War Claims Act of 1948, as amended, was completed on May 17, 1967, and the Commission's jurisdiction with respect to such claims terminated on that date. In regard to such date, section 211 of the statute reads as follows:

"The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than four years following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title."

Legislation granting appropriations for the program was enacted on May 17, 1963. Accordingly, the Commission was required to complete all of its determinations on these claims within a 4-year period from that date.

Subsequent to May 17, 1967, the completion date, Mrs. Sullivan submitted a certificate from official sources in Warsaw which established ownership in the tenement house which was the subject of the petition to reopen her claim. This certificate, however, was not received by the Commission until May 22, 1967, which was, of course, subsequent to the date upon which the statutory authority for the determination of these claims terminated. In case this evidence had been received prior to the completion date, undoubtedly the evidence would have been considered for the purpose of reopening Mrs. Sullivan's claim and possibly granting her an additional amount for the loss or damage to the building.

When certain limitations are fixed for the filing of claims or evidence or the performance of any act, there are inevitably cases in which acts either are not, or cannot, be performed within the time limits prescribed. As an example, under the program administered by the Commission pursuant to the Polish Claims Agreement of 1960 which provided for a settlement of claims arising out of the nationalization or other taking of American-owned property by the Government of Poland, approximately 3,000 claims were denied wholly or in part for failure of claimants to meet the burden of proof in support of such claim prior to the termination of the program on March 31, 1966. In many cases the claimants had as long as five years to obtain and submit evidence but were unable to do so prior to the completion of the program.

These denials were subject of public testimony before the Committee on Foreign Relations in connection with the consideration of legislation in the 89th Congress to extend the Polish claims program for the reason that additional time was required by certain claimants to acquire evidence from the Polish authorities.

Because of the extensive property damage in Poland during World War II, the obliteration of 60 percent of the land records and the removal of many former residents from given areas, the Commission was advised that it was impossible for Polish authorities to furnish some of the evidence or information sought by the claimants. The legislation was not enacted and the claims which had been denied for insufficient evidence remained closed.

Upon completion of the war damage claims program under title II of the War Claims Act of 1948, 7,039 awards had been approved out of a total of 22,605 claims filed. It is estimated that between 3 and 4,000 of these war damage claims were denied in whole or in part because of claimant's failure to furnish evidence in support of their claims prior to the completion of the program on May 17, 1967, including the claim filed by Mrs. Sullivan.

In these claims as well as claims under other programs, the Commission has not been in a position to change its decisions and take favorable action upon receipt of evidence despite the fact that such evidence may have been submitted only a few days after the completion of these programs.

Upon completion of the war damage claims program under title II of the War Claims Act, the Commission had certified awards in the aggregate amount of $340.4 million to the Secretary of the Treasury for payment out of the War Claims Fund which consists of the net proceeds of enemy property vested in the United States under the Trading With the Enemy Act. Only $223.7 million, however, was deposited into the Fund for the payment of the approved awards. Awards based on certain maritime losses and losses by small business concerns were paid in full in accordance with the priority payment procedures as prescribed under the act as well as those awards approved in an amount of $10,000 or less. All awards approved in excess of $10,000 were paid to the extent of $10,000 plus a prorated payment of 61.3 percent of the balance in excess of $10,000, in accordance with these payment procedures. Consequently, the payment of these awards has presently exhausted the money in the War Claims Fund. It is anticipated, however, that additional money may be made available for transfer into the War Claims Fund possibly within the near future.

The objections of the Foreign Claims Settlement Commission are, in the opinion of the committee, successfully answered by a brief submitted by the sponsor which reads as follows:

Relative to private bill S. 1785, which I have introduced for myself and Senator Fannin, I would like to respond to the report filed by the Foreign Claims Settlement Commission by letter of September 22. I strongly disagree with the opinion of the Commission relative to the merits of the case and I concur with the Commission relative to the proper source of funds for payment under the bill.

On April 10, I presented a detailed brief to the committee, including an extensive appendix of documentary proof. The brief establishes that on March 3, 1967, Mrs. Irene Sullivan submitted a formal petition, by registered letter, to the Commission to reopen her claim before the Commission so as to include an award for the destruction of a building in Warsaw which had been owned by her late father. (See exhibit 3A.)

Mrs. Sullivan enclosed with her petition an affidavit made by Mr. and Mrs. Konopka of Warsaw, who had been the family attorneys for approximately 25 years. Their affidavit was sworn to before the U.S. Vice Consul at Warsaw and set forth a specific description of the property, including its address, its ownership, its value, the cause of its destruction, and the page number of the official land mortgage book in which the property was recorded. (See exhibit 3B.)

The brief further establishes that these same two persons had furnished an affidavit which had been accepted by the Commission as proof of Mrs. Sullivan's original claim. Thus, the Commission had already determined that these individuals are competent, reliable witnesses. (See exhibit 1.)

In contrast to the actual facts of the case, the Commission has reported that "The only evidence submitted with the petition was an affidavit executed by two persons then residing in Poland." This bare statement is misleading because it completely conceals the facts that these are the same two persons on whom the Commission had once before relied in granting the original award to Mrs. Sullivan. Also, the Commission's report fails to disclose that the affidavit gave a full, detailed description of the property, including a citation of the page number on which the property was listed in the official land records of the city of Warsaw.

It is my belief in these circumstances, the evidence supplied by Mr. and Mrs. Konopka should have constituted sufficient probative value to support an award to Mrs. Sullivan. At the very least, I believe it then became mandatory for the Commission, should it have had any doubts as to the fact, to inquire whether Mrs. Sullivan possessed any additional evidence.

On April 7, 1967, the Commission did respond to Mrs. Sullivan's petition by asking her to complete and return an affidavit of inheritance. The Commission did not use this occasion to ask for any other supporting evidence of any kind. (See exhibit 4.)

Mrs. Sullivan returned the completed affidavit on April 12, 1967, by registered letter No. 3063, and attached to the affidavit a request that the Commission advise her if any further information or documents would be required. The Commission never did acknowledge her inquiry.

The Commission has failed to inform the committee that Mrs. Sullivan was asked to complete an affidavit of inheritance or that

she sought to be advised if any further evidence would be required. To me, these are significant facts because they prove, first, that the Commission never requested any additional evidence other than the affidavit of inheritance and second, that the Commission had been put on notice by Mrs. Sullivan that she stood ready to give any further verification that might be needed.

The equities in Mrs. Sullivan's case are further buttressed by the fact that at the first occasion when she was informed of the need for new evidence, she sent it almost immediately.

The first time the Commission informed Mrs. Sullivan that her petition did not warrant a new award was on May 15, 1967, 2 days before its authority to consider war claims expired. On May 22, 1967, exactly 1 week later, Mrs. Sullivan furnished new evidence in the form of an official certificate of the Governmental Notary Bureau in Warsaw attesting to the ownership of the property, the destruction thereof as a result of military operations during World War II, and its value. The document verified each fact sworn to by Mr. and Mrs. Konopka, even down to the same page number in the mortgage record books as cited by them. (See exhibits 5, 6A, and 6B.)

Consequently, the facts demonstrate that had the commission given Mrs. Sullivan an opportunity to know of and respond to its questions she could have furnished the appropriate evidence promptly.

Finally, there is no question but that the claim as verified by Mrs. Sullivan was sufficient to justify an award. In reply to my letter of inquiry dated February 19th, Mr. Leonard v. B. Sutton, Chairman of the FCSC, says at page 2:

"Your inquiry of February 19, 1967, poses two questions. First, if the submission by Mrs. Sullivan had been timely, would she have presented the type of claim for which an award would have been made under Public Law 87–846? The answer to this question is in the affirmative."

In summary, I must disagree strongly with the opinion given by the Commission that "there does not appear to be any special extenuating circumstances for singling out Irene Sadowska Sullivan for special relief or that she is more deserving than others to receive such relief."

By the very admission of the Chairman of the Commission, Mrs. Sullivan's claim stated grounds "for which an award would have been made * * *" had the Commission deemed it timely. Certainly this unusual statement alone distinguishes the case from all others and establishes equity in her behalf.

If Mrs. Sullivan's original claim was accepted on the basis of evidence given by the family attorneys, why was evidence from the same people not accepted in the case of her amended claim?

If the Commission had any doubts at all relative to the truth of her claim, why did it not respond to her offer of April 12, 1967, to supply any further information that was necessary?

The fact that they failed to give Mrs. Sullivan any opportunity to meet their reservations about her claim, in the face of her specific request to be allowed to do just that, creates a strong equity in her behalf. This is particularly so in view of her proven ability to supply additional evidence quite promptly.

Thus, several features of the case distinguish it from other instances in which persons failed to submit timely evidence to the Commission. How many other cases exist in which an award "would have been made * * *"? How many other cases are there where the pending claim was supported by detailed evidence offered by the same witnesses whose statement had previously served as the basis for the making of an award?

How many other claimants had formally requested an opportunity to provide additional evidence if this would be required? How many other cases are there in which the claimant did in fact transmit to the Commission additional convincing evidence within less than 1 week from the time the Commission's authority expired?

Obviously, there are no other such cases. For the Commission to assert that the enactment of a private bill in the case will open the door to the passage of 3,000 or 4,000 other such bills is ridiculous. The special circumstances of the case are highly unlikely to be present in any other situation, and I am confident that the bill would not create a precedent for other claimants.

Turning to the second comment presented by the Commission, I wish to state my agreement with the position of the Commission that it is unwise to use unappropriated funds in the Treasury for the payment of war damage claims. In order to correct this aspect of the bill, I suggest that the committee accept an amendment to the bill as follows:

On page 2, lines 15 and 16, strike out", out of any money in the Treasury not otherwise appropriated," and substitute ", out of any money now or hereafter deposited in the War Claims Fund,"

On the basis of these reasons, I respectfully ask that the committee approve the bill with an amendment.

It is the opinion of the committee that this is a proper case to waive the bar, and, accordingly, it is recommended that the bill as amended be favorably enacted.

Attached hereto and made a part hereof are the substantiating papers.

FOREIGN CLAIMS SETTLEMENT COMMISSION OF THE UNITED STATES,
Washington, D.C., September 22, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Committee on the Judiciary,
U.S. Senate, Washington, D.C.

DEAR MR. CHAIRMAN: Further reference is made to your letter of May 1, 1969, requesting a report by the Foreign Claims Settlement Commission on the bill, S. 1785, 91st Congress, for the relief of Irene Sadowska Sullivan.

The bill waives certain time limitations under title II of the War Claims Act of 1948, as amended, and directs the Foreign Claims Settlement Commission to act upon any claim by Irene Sadowska Sullivan of Scottsdale, Ariz., relating to the loss of a tenement building in Warsaw, Poland, and to certify the amount of any award to the Secretary of Treasury for payment in accordance with the statute. Such payment would be made out of any money in the Treasury not otherwise appropriated.

Title II of the War Claims Act of 1948, as amended, among other things, directed the Foreign Claims Settlement Commission to determine the validity and amount of claims of nationals of the United States for the loss or destruction of, or physical damage to, real property and tangible personal property, located in Poland as well as certain other central European countries, which loss, destruction, or physical damage occurred during the period beginning September 1, 1939, and ending May 8, 1945, as a direct consequence of military operations of war or special measures directed against property because of the enemy or alleged enemy character of the owner, which property was owned by a national of the United States at the time of such loss, damage or destruction. The program was completed on May 17, 1967, in accordance with the statute.

The Commission's records disclose that a claim (No. W–997) was filed by Irene Sadowska Sullivan under title II of the War Claims Act of 1948, as amended (Public Law 87–846), based upon losses of certain household furnishings, clothing, an automobile and an inventory of a fishing equipment business located in Warsaw, Poland, which losses occurred during World War II as a direct consequence of military operations of war.

By a proposed decision dated April 20, 1966, claimant Irene Sadowska Sullivan was granted an award in the amount of $8,556.00 for the loss of the subject property. Inasmuch as no objections were filed to the award, the decision was entered as the Commission's Final Decision on May 19, 1966. The award was subsequently certified to the Secretary of Treasury for payment out of the War Claims Fund and the award was paid in the full amount.

In December 1966, Mrs. Sullivan communicated with the Commission for advice regarding procedures applicable to reopening claims for further consideration for property not previously claimed. She was advised that Commission regulations provided for the reopening of claims for further consideration based upon additional losses. This could be accomplished by filing a petition and appropriate evidence establishing ownership, loss or destruction, and the value of such property.

A petition to reopen was subsequently filed with the Commission on March 3, 1967 seeking additional compensation for the damage or destruction of a tenement house in Warsaw which had been purchased by claimant's late father. The only evidence submitted with the petition was an affidavit executed by two persons then residing in Poland. After an examination of the affidavit, it was found not to have been of sufficient probative value to warrant the granting of compensation under the statute. Mrs. Sullivan was advised by letter dated May 15, 1967 that her petition to reopen had been denied for the foregoing reason.

The war claims program under title II of the War Claims Act of 1948, as amended, was completed on May 17, 1967, and the Commission's jurisdiction with respect to such claims terminated on that date. In regard to such date, section 211 of the statute reads as follows:

"The Commission shall complete its affairs in connection with the settlement of claims pursuant to this title not later than 4 years following the enactment of legislation making appropriations to the Commission for payment of administrative expenses incurred in carrying out its functions under this title."

Legislation granting appropriations for the program was enacted on May 17, 1963. Accordingly, the Commission was required to complete all of its determinations on these claims within a 4-year period from that date.

Subsequent to May 17, 1967, the completion date, Mrs. Sullivan submitted a certificate from official sources in Warsaw which established ownership in the tenement house which was the subject of the petition to reopen her claim. This certificate, however, was not received by the Commission until May 22, 1967, which was, of course, subsequent to the date upon which the statutory authority for the determination of these claims terminated. In case this evidence had been received prior to the completion date, undoubtedly the evidence would have been considered for the purpose of reopening Mrs. Sullivan's claim and possibly granting her an additional amount for the loss or damage to the building.

When certain limitations are fixed for the filing of claims or evidence or the performance of any act, there are inevitably cases in which acts either are not, or cannot, be performed within the time limits prescribed. As an example, under the program administered by the Commission pursuant to the Polish Claims Agreements of 1960 which provided for a settlement of claims arising out of

the nationalization or other taking of American-owned property by the Government of Poland, approximately 3,000 claims were denied wholly or in part for failure of claimants to meet the burden of proof in support of such claim prior to the termination of the program on March 31, 1966. In many cases the claimants had as long as 5 years to obtain and submit evidence but were unable to do so prior to the completion of the program.

These denials were subject of public testimony before the Committee on Foreign Relations in connection with the consideration of legislation in the 89th Congress to extend the Polish Claims Program for the reason that additional time was required by certain claimants to acquire evidence from the Polish authorities.

Because of the extensive property damage in Poland during World War II, the obliteration of 60 percent of the land records and the removal of many former residents from given areas, the Commission was advised that it was impossible for Polish authorities to furnish some of the evidence or information sought by the claimants. The legislation was not enacted and the claims which had been denied for insufficient evidence remained closed.

Upon completion of the war damage claims program under title II of the War Claims Act of 1948, 7,039 awards had been approved out of a total of 22,605 claims filed. It is estimated that between 3,000 and 4,000 of these war damage claims were denied in whole or in part because of claimant's failure to furnish evidence in support of their claims prior to the completion of the program on May 17, 1967, including the claim filed by Mrs. Sullivan.

In these claims as well as claims under other programs, the Commission has not been in a position to change its decisions and take favorable action upon receipt of evidence despite the fact that such evidence may have been submitted only a few days after the completion of these programs.

Upon completion of the war damage claims program under title II of the War Claims Act, the Commission had certified awards in the aggregate amount of $340.4 million to the Secretary of the Treasury for payment out of the War Claims Fund which consists of the net proceeds of enemy property vested in the United States under the Trading With the Enemy Act. Only $223.7 million, however, was deposited into the Fund for the payment of the approved awards. Awards based on certain maritime losses and losses by small business concerns were paid in full in accordance with the priority payment procedures as prescribed under the act as well as those awards approved in an amount of $10,000 or less. All awards approved in excess of $10,000 were paid to the extent of $10,000 plus a prorated payment of 61.3 percent of the balance in excess of $10,000, in accordance with these payment procedures. Consequently, the payment of these awards has presently exhausted the money in the War Claims Fund. It is anticipated, however, that additional money may be made available for transfer into the War Claims Fund possibly within the near future.

The bill proposes to pay any award due Mrs. Sullivan out of unappropriated money in the Treasury. Accordingly, it would not affect future payments out of the War Claims Fund.

The Commission is of the opinion that if S. 1785 is enacted, it would be discriminatory to the other claimants who were unable to document their claims prior to the completion date of the program. Moreover, there does not appear to be any special extenuating circumstances for singling out Irene Sadowska Sullivan for special relief or that she is more deserving than others to receive such relief. In the absence of such circumstances and because the Commission is of the opinion that the use of unappropriated funds in the Treasury for the payment of war damage claims would establish a highly undesirable precedent for other unsatisfied claimants under other similar claims programs, it is opposed to the enactment of S. 1785.

Advice has been received from the Bureau of the Budget that there would be no objection to the presentation of this report to your committee.

Sincerely yours,

LEONARD v. B. SUTTON,
Chairman.

U.S. SENATE,
COMMITTEE ON ARMED SERVICES,
Washington, D.C., October 21, 1969.

Hon. JAMES O. EASTLAND,
Chairman, Judiciary Committee,
U.S. Senate, Washington, D.C.

DEAR JIM: Relative to private bill S. 1785, which I have introduced for myself and Senator Fannin, I would like to respond to the report filed by the Foreign Claims Settlement Commission by letter of September 22. I strongly disagree with the opinion of the Commission relative to the merits of the case and I concur with the Commission relative to the proper source of funds for payment under the bill.

On April 10, I presented a detailed brief to the committee, including an extensive appendix of documentary proof. The brief establishes that on March 3, 1967, Mrs. Irene Sullivan submitted a formal petition, by registered letter to the Commission to reopen her claim before the Commission so as to include an award for the destruction of a building in Warsaw which had been owned by her late father. (See exhibit 3A.)

Mrs. Sullivan enclosed with her petition an affidavit made by Mr. and Mrs. Konopka of Warsaw, who had been the family attorneys for approximately 25 years. Their affidavit was sworn to before the U.S. Vice Consul at Warsaw and set forth a specific description of the property, including its address, its ownership, its value, the cause of its destruction, and the page number of the official land mortgage book in which the property was recorded. (See exhibit 3B.)

The brief further establishes that these same two persons had furnished an affidavit which had been accepted by the Commission as proof of Mrs. Sullivan's original claim. Thus, the Commission had already determined that these individuals are competent, reliable witnesses. (See exhibit 1.)

In contrast to the actual facts of the case, the Commission has reported that "The only evidence submitted with the petition was an affidavit executed by two persons then residing in Poland." This bare statement is misleading because it completely conceals the facts that these are the same two persons on whom the Commission had once before relied in granting the original award to Mrs. Sullivan. Also, the Commission's report fails to disclosed that the affidavit gave a full, detailed description of the property, including a citation of the page number on which the property was listed in the official land records of the city of Warsaw.

It is my belief that in these circumstances, the evidence supplied by Mr. and Mrs. Konopka should have constituted sufficient probative value to support an award to Mrs. Sullivan. At the very least, I believe it then became mandatory for the Commission, should it have had any doubts as to the fact, to inquire whether Mrs. Sullivan possessed any additional evidence.

On April 7, 1967, the Commission did respond to Mrs. Sullivan's petition by asking her to complete and return an affidavit of inheritance. The Commission did not use this occasion to ask for any other supporting evidence of any kind. (See exhibit 4.)

Mrs. Sullivan returned the completed affidavit on April 12, 1967, by registered letter No. 3063, and attached to the affidavit a request that the Commission advise her if any further information or documents would be required. The Commission never did acknowledge her inquiry.

The Commission has failed to inform the committee that Mrs. Sullivan was asked to complete an affidavit of inheritance or that she sought to be advised if any further evidence would be required. To me, these are significant facts because they prove, first, that the Commission never requested any additional evidence other than the affidavit of inheritance and second, that the Commission had been put on notice by Mrs. Sullivan that she stood ready to give any further verification that might be needed.

The equities in Mrs. Sullivan's case are further buttressed by the fact that at the first occasion when she was informed of the need for new evidence, she sent it almost immediately.

The first time the Commission informed Mrs. Sullivan that her petition did not warrant a new award was on May 15, 1967, 2 days before its authority to consider war claims expired. On May 22, 1967, exactly 1 week later, Mrs. Sullivan furnished new evidence in the form of an official certificate of the Governmental Notary Bureau in Warsaw attesting to the ownership of the property, the destruction thereof as a result of military operations during World War II, and its value. The document verified each fact sworn to by Mr. and Mrs. Konopka, even down to the same page number in the mortgage record books as cited by them. (See exhibits 5, 6A, and 6B.)

Consequently, the facts demonstrate that had the Commission given Mrs. Sullivan an opportunity to know of and respond to its questions she could have furnished the appropriate evidence promptly.

Finally, there is no question but that the claim as verified by Mrs. Sullivan was sufficient to justify an award. In reply to my letter of inquiry dated February 19, Mr. Leonard v. B. Sutton, Chairman of the FCSC, says at page 2:

"Your inquiry of February 19, 1967, poses two questions. First, if the submission by Mrs. Sullivan had been timely, would she have presented the type of claim for which an award would have been made under Public Law 87-846. The answer to this question is in the affirmative."

In summary, I must disagree strongly with the opinion given by the Commission that "there does not appear to be any special extenuating circumstances for singling out Irene Sadowska Sullivan for special relief or that she is more deserving than others to receive such relief."

By the very admission of the Chairman of the Commission, Mrs. Sullivan's claim stated grounds "for which an award would have been made . . ." had the Commission deemed it timely. Certainly this unusual statement alone distinguishes the case from all others and establishes equity in her behalf.

If Mrs. Sullivan's original claim was accepted on the basis of evidence given by the family attorneys, why was evidence from the same people not accepted in the case of her amended claim?

If the Commission had any doubts at all relative to the truth of her claim, why did it not respond to her offer of April 12, 1967, to supply any further information that was necessary?

The fact that they failed to give Mrs. Sullivan any opportunity to meet their reservations about her claim, in the face of her specific request to be allowed to do just that, creates a strong equity in her behalf. This is particularly so in view of her proven ability to supply additional evidence quite promptly.

Thus, several features of the case distinguish it from other instances in which persons failed to submit timely evidence to the Commission. How many other cases exist in

which an award "would have been made . . ."? How many other cases are there where the pending claim was supported by detailed evidence offered by the same witnesses whose statement had previously served as the basis for the making of an award? How many other claimants had formally requested an opportunity to provide additional evidence if this would be required? How many other cases are there in which the claimant did in fact transmit to the Commission additional convincing evidence within less than 1 week from the time the Commission's authority expired?

Obviously there are no other such cases. For the Commission to assert that the enactment of a private bill in the case will open the door to the passage of 3 or 4,000 other such bills is ridiculous. The special circumstances of the case are highly unlikely to be present in any other situation, and I am confident that the bill would not create a precedent for other claimants.

Turning to the second comment presented by the Commission, I wish to state my agreement with the position of the Commission that it is unwise to use unappropriated funds in the Treasury for the payment of war damage claims. In order to correct this aspect of the bill, I suggest that the Committee accept an amendment to the bill as follows:

On page 2, lines 15 and 16, strike out ", out of any money now or hereafter deposited in the War Claims Fund,".

On the basis of these reasons, I respectfully ask that the Committee approve the bill with an amendment.

With warmest personal regards,

BARRY GOLDWATER.

U.S. SENATE,
COMMITTEE ON AERONAUTICAL
AND SPACE SCIENCES,
Washington, D.C., April 16, 1969.

HON. JAMES O. EASTLAND,
Chairman, Senate Judiciary Committee, U.S. Senate, Washington, D.C.

DEAR JIM: In connection with the private bill, S. 1785, which I introduced on April 14, for the relief of Irene Sadowska Sullivan, I would like to submit for your consideration the following statement of facts which I believe will justify the granting of relief in her case.

I

1. On April 20, 1966, the Foreign Claims Settlement Commission of the United States made an award to Mrs. Sullivan of $8,556 for the loss of certain personal property owned by her in Warsaw, Poland, that had been destroyed as a result of military operations during World War II. The Commission made its findings based upon the affidavits of Mr. and Mrs. Zdzislaw Konopka, the family solicitor, and an itemization by a third individual. (See proposed decision of April 20, 1966, labeled exhibit 1.)

2. By letter of November 28, 1966, Mrs. Sullivan communicated with the Commission to request information on how to reopen her claim so as to include additional property losses based upon the destruction of certain property in Warsaw which was formerly owned by her father, a United States citizen. The Commission acknowledged her letter on November 30, 1966, and advised her that her claim could be reopened by petition to include different losses. (See answer by FCSC dated November 30, 1966, labeled exhibit 2.)

3. On March 3, 1967, Mrs. Sullivan submitted a request, by registered letter, to the Commission to reopen her claim to include additional property in Warsaw. She enclosed with her letter an affidavit made by Mr. and Mrs. Konopka of Warsaw, the same two persons whose former affidavit had been accepted by the Commission as proof of Mrs. Sullivan's original claim. Their new affidavit was sworn to before the United States Vice Consul at Warsaw and presented a specific description of the property, its ownership, its value, and the cause of its destruction. (See letter by Mrs. Sullivan, dated March 3, 1967, labeled exhibit 3A; and see affidavit by Mr. and Mrs. Konopka, dated February 21, 1967, labeled exhibit 3B).

4. On April 7, 1967, the Commission responded to Mrs. Sullivan's request and asked her to complete and return an affidavit of inheritance. No other supporting evidence was requested. She complied with this requirement. (See letter by the Commission, dated April 7, 1967, labeled exhibit 4.)

5. On May 15, 1967, 2 days before the Commission's authority to consider war claims expired, it sent to Mrs. Sullivan its findings that her petition did not warrant the reopening of her claim. The Commission stated that the joint affidavit of the Konopkas was not of sufficient probative value and that there was no proof of her father's naturalization. (See letter by Commission, dated May 15, 1967, labeled exhibit 5.)

6. Immediately upon receipt of the Commission's letter, Mrs. Sullivan submitted new evidence to verify her claim in the form of an official certificate by the Government Notary Bureau in Warsaw, dated February 21, 1967. The description of the property, its value, and its ownership was certified to in this document in exact conformity to the description previously given to the Commission by Mr. and Mrs. Konopka. (See registered letter of Mrs. Sullivan, dated May 22, 1967, labeled exhibit 6A; and see translation of official certificate, dated February 21, 1967, labeled exhibit 6B.)

7. Finally, in July 1967 Mrs. Sullivan submitted to the Commission a statement from the U.S. Immigration and Naturalization Service proving that her father had been naturalized as a U.S. citizen on November 16, 1925. (See letter by INS, dated July 7, 1967, labeled exhibit 7.)

II

The evidence in this case conclusively shows that the facts submitted to the Commission by Mrs. Sullivan in her letter of March 3, 1967, were accurate and would have presented the type of claim for which an award would have been made under the war claims program. The facts are also clear that she submitted her claim at a time when the Commission still had authority to consider such claims.

For some reason, the Commission did not accept her documentation as having sufficient probative value, even though her claim included a sworn affidavit by the family attorney and his wife, Mr. and Mrs. Konopka, whose first affidavit had been accepted by the Commission as appropriate to establish the facts supporting her original claim.

On its face, their affidavit, which referred to the official mortgage book, should have constituted sufficient value to create a reasonable belief that the facts stated therein were true. At the least, the affidavit should have served as sufficient ground for the Commission to learn from Mrs. Sullivan if she had any additional evidence available concerning the property.

But the first notice which the Commission gave to Mrs. Sullivan that there was any doubt about her claim was in its letter of May 15, 1967, 2 days before its authority over such claims expired. The record proves that Mrs. Sullivan could have, and did, respond promptly with appropriate evidence as soon as she knew that there was a need for additional confirmation.

As to the question raised by the Commission concerning the citizenship of her father, it is a fact that this element of her claim could have been confirmed almost immediately by the simple procedure of sending an inquiry by cable or letter to the U.S. Embassy at Warsaw, where her father had been registered as a U.S. citizen. Again, Mrs. Sullivan was able to furnish proof on her own once the question was raised.

III.

In summary, I believe the record in this case establishes definite equities for the granting of relief. Mrs. Sullivan's presentation of facts was honest; she submitted a claim of the type for which an award would be made; her claim was documented by the same reputable individuals whose evidence had previously been accepted by the Commission; she was not provided with any indication that the Commission had any questions about her statement of facts, nor was she given any opportunity to meet the questions raised by the Commission, prior to the expiration of its authority; and her claim was pending before the Commission in an active status on the date its authority ended.

For the above reasons, I submit that Mrs. Sullivan is equitably due the relief provided in this bill and that there are unique circumstances in her case that distinguish it from the other cases where persons were barred by the time limit from submitting their claims.

I respectfully request that the committee approve this bill and do report favorably thereon.

With best wishes,

BARRY GOLDWATER.

RURAL HOUSING LOANS

The Senate proceeded to consider the bill (S. 3330) to authorize rural housing loans to lessees of nonfarm rural land, and for other purposes, which had been reported from the Committee on Banking and Currency with an amendment to strike out all after the enacting clause and insert:

That section 501(b)(2) of the Housing Act of 1949 is amended—

(1) by inserting "sections 502 and 504 of" after "For the purposes of"; and

(2) by striking out "the terms 'owner', 'farm', and 'mortgage' shall be deemed to include, respectively, the lessee of, the land included in" and inserting in lieu thereof "the terms 'owner' and 'mortgage' shall be deemed to include, respectively, the lessee of".

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–129), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to authorize the Farmers Home Administration to make rural housing loans under title V of the Housing Act of 1949 to lessees of nonfarm rural land. Under existing law, such loans can be made only to applicants having a leasehold interest in a farm.

This proposal would not be of widespread benefit because of the limited use of leaseholds in most parts of the United States. However, it would be of particular benefit in Puerto Rico and Hawaii where much of the land is not available for outright purchase and is commonly held under lease. The proposed new authority would be particularly helpful in special situations, such as where title to land which is or could be occupied by Indians is held by the tribe. If such land could be occupied by individual Indians on the basis of acceptable assur-

ance that the purpose of the loans would be carried out, the Indians could then qualify for title V assistance.

Two bills were introduced on this matter, S. 3330 by Senator Metcalf, and S. 3755 by Senator Fong. Although the bills were differently worded, they had identical meaning. The committee reported S. 3330 as being the more briefly worded and as being the first bill to be introduced.

The bill as introduced was amended by the committee to clarify its applicability to rural housing loans to individuals and families. This is accomplished by adding a further amendment to section 501(v)(2) of the Housing Act of 1949. The amendment inserts "sections 502 and 504" after "For the purposes of" in section 501(b)(2).

VETERANS HOUSING LOANS

The Senate proceeded to consider the bill (S. 3775) to amend section 1811 of title 38, United States Code, to authorize the Veterans' Administration to make direct loans to any veteran who is determined to be eligible for assistance in acquiring specially adapted housing under chapter 21 of title 38, United States Code, which had been reported from the Committee on Banking and Currency with an amendment on page 1, after line 4, strike out:

"(1) Notwithstanding the provisions of subsections (a), (b), and (c) of this section, the Administrator is authorized to make or enter into a commitment to make a loan to a veteran who is determined to be eligible for the benefits of chapter 21 of this title, to assist such veteran in acquiring a specially adapted housing unit authorized under chapter 21, if the veteran is eligible for loan guaranty benefits under this title and show to the satisfaction of the Administrator that he is unable to obtain a guaranteed loan for such purpose from a private lender. Such loans shall be subject to all provisions of this section except those contained in subsections (b) and (c)."

And, in lieu thereof, insert:

"(1) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter."

So as to make the bill read:

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 1811 of title 38, United States Code, is amended by adding after subsection (k) the following new subsection:

"(l) The Administrator is authorized, without regard to the provisions of subsections (a), (b), and (c) of this section, to make or enter into a commitment to make a loan to any veteran to assist the veteran in acquiring a specially adapted housing unit authorized under chapter 21 of this title, if the veteran is determined to be eligible for the benefits of such chapter 21, and is eligible for loan guaranty benefits under this chapter."

SEC. 2. Section 1811(l) (1) of title 38, United States Code, is amended by inserting after "housing credit shortage area," the following: "or in any area for a veteran who is determined to be eligible for assistance in acquiring a specially adapted housing unit under chapter 21 of this title,"

The amendment was agreed to.

The bill was ordered to be engrossed for a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 911–130), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

The purpose of this bill is to authorize the Veterans' Administration to make direct loans to eligible disabled veterans for assistance in acquiring specially adapted housing as defined in chapter 21 of title 38, United States Code.

Chapter 21 contains authority for the Veterans' Administration to provide grants up to 50 percent of cost not to exceed $10,000 for specially adapted housing for eligible disabled veterans, defined as those who are disabled and entitled to compensation under chapter 11 of title 38 and have total service-connected disabilities.

Under the VA direct loan program, loans are made to veterans to finance housing in credit shortage areas and only if there is a showing that the veteran cannot obtain the money from a private lender at a market rate. Under this bill, as amended by the committee, direct loans to finance specially adapted housing could be made to eligible disabled veterans located anywhere in the Nation without regard to the showing that he cannot obtain money from a private lender.

The bill as introduced and recommended by the administration would have required the veteran to show that he was unable to obtain money from a private lender before he would have been eligible for a direct loan. The committee is recommending an amendment to the bill to remove this requirement because it believes that veterans who would benefit from this bill deserve every consideration and should be assured of these benefits without regard to where they live or the availability of other possible sources of credit.

The following excerpt from a letter from Donald E. Johnson, Administrator of the Veterans' Administration, to Hon. John Sparkman, chairman of the Banking and Currency Committee, reflects the views of the committee:

"We believe that these severely handicapped veterans whose disability resulted from service, in recognition of their sacrifices for the Nation, deserve to be insulated against wide fluctuations in the private capital market. The assurance of credit availability for such veterans through direct VA loans is deemed meritorious and would be a meaningful extension of the special housing benefit which has been provided for the group."

CONQUEST OF CANCER

The Senate proceeded to consider the concurrent resolution (H. Con. Res. 675) expressing the sense of the Congress with respect to the conquest of cancer as a national crusade, which had been reported from the Committee on Labor and Public Welfare with amendments on page 2, line 4, after the word "That," insert "it is the sense of"; and in the same line after the word "Congress," strike out "appropriate the funds" and insert "that sufficient funds be appropriated."

The amendments were agreed to.

The concurrent resolution, as amended, was agreed to.

The preamble was agreed to.

WAR RISK INSURANCE

The bill (H.R. 17133) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance was considered, ordered to a third reading, read the third time, and passed.

Mr. MANSFIELD. Mr. President, I ask unanimous consent to have printed in the RECORD an excerpt from the report (No. 91–1140), explaining the purposes of the measure.

There being no objection, the excerpt was ordered to be printed in the RECORD, as follows:

H.R. 17133

SUMMARY OF THE BILL

This bill extends the expiration date of section 1312 of title XIII of the Federal Aviation Act to September 7, 1975. Under present law the section expires September 7, 1970.

DISCUSSION

Title XIII of the Federal Aviation Act, as amended, authorizes the Secretary of Transportation, with the approval of the President, to provide premium and nonpremium war risk insurance for the protection of aircraft and of persons and property transported aboard them, and against other liabilities of a kind that insurance would customarily cover, when commercial insurance cannot be obtained on reasonable terms and conditions from U.S. insurance carriers or carriers authorized to conduct business in the United States.

Under title XIII a department or agency of the United States may, with the approval of the President, procure from the Secretary war risk insurance if it enters into an agreement with the Secretary to indemnify him against all losses covered by the insurance provided under the act. This insurance is provided without premiums and is presently provided to air carriers that have contracts with the Department of Defense and the Department of State. The Defense Department believes and the committee concurs that war risk insurance is a vital element in the program to provide airlift requirements for the Vietnam war.

In a letter to the committee, printed in this report, the Department of the Air Force speaking on behalf of DOD said:

"* * * Airlines under contract to MAC (Military Airlift Command) must have some form of protection against war risks if they are to operate into areas like Southeast Asia where damage from hostile action may occur * * *. Through an agreement with the Department of Transportation the Department of Defense has agreed to indemnify the Department of Transportation against all losses covered by such insurance. Because the availability of aviation war risk insurance is essential if the requirements of the Department of Defense for commercial transportation services are to be met, the Department of the Air Force, on behalf of the Department of Defense, supports the proposed legislation * * *."

The premium war risk insurance program is intended to provide coverage for American carriers in addition to what is available to them commercially. The coverage of war risks is necessary because the ordinary aviation insurance policy covers only the usual perils of fire, damage, and other risks, and excepts certain named "war risks" from coverage. Commercial policies usually include a clause or clauses, excluding from coverage any claim for loss or damage occasioned by war, hostilities, insurrection, or acts of foreign enemies, among other explicit situations. The committee believes that U.S. air carriers should not be expected to assume the risk of the loss of their aircraft from such excluded perils and that therefore existing

law should be extended to meet this obligation.

The Congress has extended the war risk insurance program on three previous occasions: (1) for 5 years to June 13, 1961, under Public Law 84–746; (2) for another 5 years to June 13, 1966, under Public Law 87–89; and (3) for another 4 years to September 7, 1970, under Public Law 89–447.

CHANGES IN EXISTING LAW

In compliance with subsection 4 of rule XXIX of the Standing Rules of the Senate, changes in existing law made by the bill are shown as follows (existing law proposed to be omitted is enclosed in black brackets, new matter is printed in italic, existing law in which no change is proposed is shown in roman):

"TERMINATION OF TITLE

"SEC. 1312. The authority of the Secretary to provide insurance and reinsurance under this title shall expire at the termination of September 7, [1970] *1975.*"

COST OF LEGISLATION

There is no way to predict whether or to what extent there may be any costs for the extension of this provision of law. To date, according to the Department of Transportation, only one claim in the amount of $625 has been paid under the nonpremium type of war risk insurance. There is also a pending claim arising out of an incident in Vietnam which is now being litigated. There are also small costs of an administrative nature associated with the program.

Under the premium-type war risk insurance there has never been a claim and it is not possible to determine whether the policy premiums are sufficient to cover any future claims and the administrative costs of the program.

ORDER FOR ADJOURNMENT TO MONDAY, AUGUST 31, 1970, AT 8:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8:30 o'clock Monday morning next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR RECOGNITION OF SENATOR ALLEN ON MONDAY AND CONSIDERATION OF MUSKIE AMENDMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, immediately following the prayer and the disposition of the reading of the Journal, the able Senator from Alabama (Mr. ALLEN) be recognized for not to exceed 1½ hours, with the understanding that the Muskie amendment will be laid before the Senate and made the pending business at 10 a.m.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM MONDAY TO TUESDAY, SEPTEMBER 1, 1970, AT 8:30 A.M.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Monday next, when the Senate completes its business, it stand in adjournment until 8:30 a.m. on Tusday next.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF UNOBJECTED-TO MEASURES ON TUESDAY, SEPTEMBER 1, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that on Tuesday next, immediately following the prayer and the disposition of the reading of the Journal, the unobjected-to items on the calendar be called, if there be any.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR TRANSACTION OF ROUTINE BUSINESS ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that until 9 a.m., on Tuesday next, following any callup of unobjected-to items on the legislative calendar, there be a period for the transaction of routine morning business, with statements therein limited to 3 minutes.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

ORDER FOR CONSIDERATION OF McGOVERN AMENDMENT ON TUESDAY NEXT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that precisely at 9 o'clock a.m. on Tuesday next the McGovern amendment be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

A KNOW-NOTHING APPROACH TO FREE TRADE

Mr. HANSEN. Mr. President, despite the fact that the esteemed chairman of the Ways and Means Committee, WILBUR MILLS, and members of that committee gave great attention to the evidence, witnesses, and the trends in export-import balances before reporting out the President's trade bill, Hendrik S. Houthakker, a member of the Council of Economic Advisers, says that:

> The quota provisions inserted into the President's trade bill are essentially a know-nothing approach to the delicate problems of international economic relations.

I am amazed that Mr. Houthakker would make such a sweeping condemnation of this thoughtfully considered legislation. It is equally shocking that he would impugn the wisdom of such skilled, highly intelligent and respected lawmakers.

Recently Mr. Houthakker delivered an address to the Soybean Processors Association in which he attacked protectionism, particularly in the form of import quotas. He paid special attention to the textile quota legislation as contained in the Mills bill and reported by the House Ways and Means Committee by a vote of 17 to 6.

In order to establish his thesis against quotas and in favor of more liberal trade Mr. Houthakker rewrote some economic history and substituted some myths of his own for those he sought to upset.

In looking over his speech it should be kept in mind to whom his remarks were made. It was to the processors of soybeans. The significance of this is that soybeans and soybean oil have done very well in recent years at exporting to Europe and Japan. At the moment, soybeans and soybean oil represent our No. 1 export, according to the speaker. For this success the growers and processors are, indeed, to be congratulated. Unquestionably, they have done well in making the most of a new product not much produced elsewhere but which has found wide acceptance for a variety of uses, both here and abroad. Full credit should be extended to the industry for its good fortune and enterprise.

However, Mr. Houthakker jumps to several conclusions from this premise. He allows himself to fall under the spell of the old cliche that holds that our export industries pay the highest wages and that, therefore, the workers from the import-vulnerable industries should let imports take their jobs so that these workers might shift to the exporting industries where the wage fields are greener.

Evidently, Mr. Houthakker has not learned that this theory has been rendered obsolete by the developments of recent years.

The steel industry is a high-paying industry. This means, by economic theory, that it is an efficient industry. It was indeed an export industry for years. Then, although it continued to pay high wages, something happened; 1958 was the turning point. From that year on, steel moved into a trade deficit position, and has been there every year since.

What would have happened to the workers in the textile and the shoe industry, where the pay is relatively less, had they been evicted from their jobs by imports and started moving into the steel industry 12 to 15 years ago, while the high-paying steel industry was still in a favorable export position?

The economic adviser, Mr. Houthakker, also mentioned coal as a high-wage industry that does very well today in exporting.

Is he familiar with the history of coal since 1950? At that time, 483,000 coal miners were at work. The industry faced extinction unless it increased its productivity drastically. Oil and gas and imports of residual fuel oil were driving coal out of the market. The coal industry did save itself by the only method open to it; namely, ruthless displacement of miners by machinery. The industry was saved; but at a cost that our economy and our civilization could not tolerate or endure, were the example followed by industry after industry.

By 1968, the number of workers had been reduced to 139,000. This was a loss of well over 300,000. The distress of the Appalachian region as a monument to this epic is too well known to need repeating.

Should the textile and shoe workers, who earned less than the miners, have stepped aside in the late 1950's to make way for imports, which were beginning to come in ever greater vol-

ume, and sought employment in the coal mines, where the wages were so much more attractive? The question answers itself. They would have walked into a morgue.

Thus we see that Mr. Houthakker's prescription would not have worked so well for the lower paid workers in textiles and footwear had they sought a haven in the steel and coal industries, which were among the high-paying industries.

Then there is the automobile industry, also a high-paying field. There was indeed a time when this country was the automobile builder for the world. In recent years, however, the scene has changed vastly. Other countries, notably West Germany and Japan, have, by dint of modern technology, and the advantage of much lower paid factory workers, become highly competitive; and we are now net importers of automobiles. In Japan the average hourly pay is 84 cents and in West Germany $1.81, while the United States pays $3.86 to its factory workers.

Should our textile and shoe workers be willing to retreat before imports and buy tickets to Detroit and go to General Motors, Ford, and Chrysler and say "Here we are. We understand that you are a high-paying industry, therefore highly efficient and therefore also successful at exporting. We come from low-paying, inefficient industries and are sure you will gladly open your doors to us. We will all be glad to join the United Auto Workers. They will surely be glad to see us and to welcome us with open arms"?

But let us not forget about the soybeans. The growers and processors have lucrative foreign outlets. Surely they would have a place for the textile and shoeworkers.

Or would they? How many workers are employed in growing soybeans, and how many in the processing plants? It is unfortunately true that our total farming operations in this country do not employ nearly as many workers as the factories that convert the raw products into a large variety of finished goods.

Today total agricultural employment is only some 4,000,000. For the year of 1969 the employment averaged 3,606,000 according to the Survey of Current Business published by the Department of Commerce. Soybeans and soybean processing cannot account for very many of these; so the textile and shoe workers, after giving up their jobs to imports, might encounter some difficulty finding jobs with the soybean growers and processors.

Mr. Houthakker's thesis falls flat as anyone can see who takes the trouble to track it to its logical conclusion.

He says out of hand that the policy of reciprocal trade in the 1930's served us well and "can continue to serve as well."

Unfortunately, such benefits as the program brought us have run out of steam. Our trade negotiations fell far short of reciprocity. Today nearly all of our manufacturing industries with a few strong exceptions are in a trade deficit. The exceptions are confined to a few industries, such as machinery and transport equipment, including aircraft and computers, and chemicals. By contrast a long line of industries are in a deficit position, such as steel, textiles, footwear, automobiles, typewriters, consumer electronic goods, sewing machines, bicycles, a variety of hardware, watches, glass, pottery, tile, and so forth.

Employment in the trade-deficit industries exceeds that of the export-surplus ones by some 2 million.

The trade trend of the past 5 years can hardly be read as an endorsement of a course or policy that would bring us more of the same. Mr. Houthakker says that there is little truth "in the argument that the negotiations to reduce tariffs during the 1960's have generally worked to our disadvantage." How much more disadvantage can we tolerate without creating the kind of employment crisis that will result if we do not halt the onrush of imports? These not only displace workers but make it impossible for the great number of import-vulnerable industries to hire their share of the millions of new workers who will come on our labor market in the next few years. Can these oncoming armies of new workers all look to the "high-wage" industries to absorb them? Can the steel industry take, not only their proportionate share, but also those who cannot find work in the import-driven industries, that like the coal industry of a few years ago, must strive to displace as many workers as they can in order to remain or become competitive with imports? Can the coal industry come to the rescue, or the aircraft industry? Or the soybean processors or the computer manufacturers?

The outlook is indeed not good for such a consummation. The problem will be difficult enough even if we seek to avoid the capture of our market by keeping imports within reasonable bounds.

Reasonable and flexible import quotas will not only not cripple our trade but will put it on a healthy basis by allowing imports to share in the growth of our market instead of badly disrupting industry after industry.

Mr. Houthakker is so clearly on the wrong track in his reading of our trade trends and the writing on the competitive wall, he should pay a little more attention to the towering facts in the premises, and less to academic economic theory.

Mr. McINTYRE. Mr. President, the distinguished Senator from Wyoming (Mr. HANSEN) has made a number of points this morning which are well worth commenting upon.

To begin with, I would like to compliment him for the method of his analysis of Dr. Houthakker's speech on the trade bill. The Senator has quite properly avoided any recourse to broad, theoretical statements covering the range of cliches about foreign trade and the role of competition in determining which American workers can keep their jobs and which cannot. Instead, the distinguished Senator from Wyoming has discussed the trade bill in terms of the specific industries involved.

For example, the Senator from Wyoming has pointed out in his carefully researched speech that soybean processors enjoy significant advantages over their foreign competition, as a result of which their industry clearly has no need for protection from imports.

On the other hand, as the Senator so correctly points out, workers in the shoe industry face a much different situation. They receive, as he points out, relatively low pay. They are employed, as he so clearly points out, in an industry with a trade deficit. And indeed they are, as he implies, properly deserving of protection from foreign competition which will have the effect of driving large numbers of shoe workers from their jobs. And clearly, the same is true of the textile workers of whom the Senator speaks.

Indeed, Mr. President, I believe that this industry-by-industry approach of the Senator from Wyoming is one which the Senate would be well advised to follow as it considers the trade bill. Many other industries, such as petroleum, which were not mentioned in the Senator's prepared remarks today, are also affected by the bill now in the House of Representatives. I would hope that the case for protection of each of these other industries could also be examined separately along the lines described by the Senator from Wyoming, who has performed a distinct public service by his remarks today.

Mr. BELLMON. Mr. President, will the Senator yield?

Mr. HANSEN. I yield.

Mr. BELLMON. Mr. President, I congratulate the distinguished Senator from Wyoming for calling the Senate's attention to this statement by Mr. Houthakker, a member of the Council of Economic Advisers. I feel, as the Senator from Wyoming has stated he feels, that this country is in grave danger of having its growth and economy seriously disrupted by competition for our domestic markets by products produced in countries with vastly different economic conditions than we have here.

This is true in many fields, those which the Senator from Wyoming has mentioned as well as others. I am particularly concerned with the situation as far as imported beef is concerned, much of it from countries with vastly cheaper production costs than we have.

Much of this competition is not fair, and can cause serious disruption in agriculture.

But I wish also to comment on a matter involving my personal acquaintance with Dr. Houthakker. For the information of the Senate, I was amazed to hear him say one time, on a radio program in which we both participated, that what happened to agriculture was really of very little consequence, since agriculture accounted for only about 3 percent of the gross national product. I was completely astounded by that remark. It reminded me of the attitude that some take that the foundation of a building really is not of any consequence, because you cannot see very much of it.

The fact is, of course, that if we allow our agriculture to become disrupted or be destroyed, as the policy recommended

by Dr. Houthakker would do, the total economy of the country would be very greatly shaken; in fact, I think it would be totally destroyed, because if we do not have an efficient way of producing the food and fiber our society must have, then certainly the great industrial complexes that have developed around our urban centers cannot continue to exist, because people have to be well fed and able to provide for their own subsistence, and the failure of agriculture, of course, would make it impossible for them to remain productive industrial workers.

I strongly agree with the position the Senator from Wyoming has taken this morning that the carefully worked out bill that has been reported by the House Ways and Means Committee is on the right track, in that it does allow continued expansion of foreign trade by sharing our domestic markets with products from other countries, but at the same time it assures that American workers and American industries are not going to be disrupted by the uncontrolled competition from products that are produced where the total costs are much below those which we face in our own Nation.

I compliment the Senator, and say that I share his views.

Mr. HANSEN. I thank my distinguished colleague.

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE EASTERN AND WESTERN RAILROADS REQUEST FREIGHT RATE INCREASE

Mr. MANSFIELD. Mr. President, the news that the eastern and western railroads are seeking a 15-percent freight rate increase is depressing, saddening, and could be disastrous to the grain producers and growers in Montana as well as to the lumber industry as a whole. After taking a 5-percent rail freight increase only 2 months ago that hiked the per-car cost of shipping by some $60, western lumbermen—I am speaking especially of the lumbermen of Montana—may be at loggerheads soon with a 15-percent increase which they contend—and I agree with them—will further reduce the ability to compete in eastern United States markets.

It appears to me that something must be done. To that end, together with other members of the Montana Congressional Delegation, I have dispatched a letter to the President of the United States asking him to look into this matter, so that the ICC will not give its usual pro forma consideration to this request granting it routinely.

I have directed a letter as well to the chairman of the Committee on Commerce, asking that his committee look into this particular proposal. I am hopeful that something will be done to help the freight rate structure as it exists in Montana, rather to make it more and more difficult by granting these rate increases periodically.

Mr. President, I have said more than enough on this matter up to this time. I have introduced a bill which would seek to place a demurrage rate of $100 a day on freight cars held by railroads not owning them beyond the usual 48-hour limit. I have gotten nowhere with that proposed legislation.

The message apparently was not getting through. So I have made the suggestion that if the ICC cannot deal with the situation, it should be abolished and its activities transferred, in whole or in part, to the Department of Transportation. There, under the Secretaryship of John H. Volpe, I am quite sure that some consideration would be given to this situation which has become a perennial problem.

I am hopeful that this latest increase request coming within less than 2 months after a 5-percent increase, which followed on the heels of a 6-percent increase, will be denied and that the economy of the wheatgrower, and the lumber industry will be preserved and given the kind of protection it needs within this country.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. MANSFIELD. I am delighted to yield.

Mr. HANSEN. Mr. President, I compliment the distinguished majority leader for his usual perception in noting turns in events which can pose real economic hardship on our part of the Rocky Mountain west.

I have joined with the distinguished Senator in appealing to the Interstate Commerce Commission for relief from a practice long engaged in by eastern railroads whereby they gobble up the boxcars and the freight cars belonging to western lines and pay only a pittance of what it is costing those lines to have those cars rolling on the tracks, and thereby make it more difficult for our western lines to haul as cheaply as would otherwise be possible these products that are so important and essential to the economy of the States of Montana and Wyoming and all that great livestock, lumber, and grain producing area of the Northwest.

I have not had an opportunity to study—as I assure the distinguished Senator I will be doing—the facets of this most recent order; but I certainly want to join him in saying that I know full well that the increased difficulty that he cites as following in the wake of this increase in rates will be visited upon the lumber industry in my State of Wyoming, also. It will affect our grain growers. In the fall, when we start harvesting sugar beets, I suspect that we will find a recurrence of the kind of beet-car shortage that we have experienced for the last several years.

I assure the distinguished Senator that I will be happy to do anything I can to help alleviate some of these problems and thereby make unnecessary further increases in freight rates.

Mr. MANSFIELD. Mr. President, I am delighted that the distinguished Senator from Wyoming has entered this discussion. As I have said many times, he has been a leader in protecting the interests of our part of the country. What he has said today is very true.

He mentioned the grain producers, the grain growers, the lumber industry, and the sugar beet industry. Sugar beets will be coming to harvest within the next month or so, depending on the weather. This matter will affect that industry quite dramatically. The Senator has also mentioned its effect on the cattle industry as well.

In other words, our part of the country happens to be an orphan so far as freight rate consideration is concerned. We are always on the receiving end of these increases plowed one on top of the other. The process has upset tremendously our economic development. It has imposed an unfair burden upon the people of our part of the Nation, making it more difficult to survive because of the increased costs which follow increased freight rates.

Mr. President, I ask unanimous consent to have printed at this point in the RECORD a news story published in the Great Falls, Mont., Tribune of August 24, 1970, entitled "Freight Rate Hike Would Cut Lumbermen's Ability To Compete."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A 15-PERCENT INCREASE ON WESTERN RAILROAD SHIPPING: FREIGHT RATE HIKE WOULD CUT LUMBERMEN'S ABILITY TO COMPETE

(By Ralph Pomnichowski)

After taking a 5 per cent rail freight increase only two months ago that hiked the per car cost of shipping by some $60, western lumbermen may be at loggerheads soon with a 15 per cent increase they contend will further reduce the ability to compete in eastern U.S. markets.

It was announced last week in Chicago that eastern and western railroads have agreed to move ahead with a 15 per cent across-the-board freight increase petition to be filed with the Interstate Commerce Commission about Sept. 1.

The St. Regis Forest Products Division in Libby, as well as other western Montana forest products manufacturers, would be affected by a rate hike, said Fred Shinkle, Tacoma, assistant regional transportation manager.

Shinkle pointed out that any increases by rail carriers eventually will be charged to the consumer. Moreover, he said, an increase will put western lumbermen at a further disadvantage of competition with southern U.S. lumber producers, who now pay a lower rate than their western counterparts.

"As a matter of principle, of course, we're against anything that would increase costs," Shinkle said, adding that the entire western industry is united in opposition to the percentage increases.

Percentage increases place an unfair burden on western lumbermen because any increase means a larger dollar charge to them than to the southern producers, Shinkle said. "For instance," he said, "if their rate to New York is $1 and ours is $2, then we increase 12 cents on a 6 per cent increase,

while they increase only 6 cents per hundredweight."

It costs the same to ship lumber to the eastern railroad sector from Tacoma as it does from Libby, Shinkle noted. The sector area is from Indiana east and generally north of the Ohio River, he said.

The last increase of 5 per cent, he said, boosted the per-hundredweight rate from $1.60 to $1.68. Since the average car loading is about 75,000 pounds, the increase amounted to $60 per car.

The Libby plant, he said, ships 20–25 rail cars of lumber per day in addition to 8–10 cars of wood chips bought by the Hoerner-Waldorf plant in Missoula.

As general practice, he said, lumber shipments are sent collect, but the freight cost is reflected in the total cost of the product.

Some St. Regis products are shipped by truck, he said, but truck rates are slightly higher than rail charges and have generally kept pace with rail hikes.

Rail rates are lower in Canada, he pointed out, but not very much has been shipped in that manner by St. Regis.

Southern mills enjoy a basic lower rail rate to the eastern and midwest markets, he said, and within the southern states, western trade influence is nil.

Another facet of the problem, he said, is that competitive materials such as steel, plastic and cement will make further inroads into building preference for wood if the retail price continues to climb for lumber as the result of rail freight price increases.

Freight rates to the midwest and southeast, he said, are lower than for the eastern sector.

He pointed out, the rail rate has increased 27 cents per hundredweight over the past three years. In 1967, the per-car cost of transportation at 75,000 pounds would have been about $1,057. It now is about $1,250 and could grow to almost $1,500 if another increase does amount to 15 per cent.

The most recent increase, Bob Barnes, Libby, traffic manager said, did not increase lumber prices in Montana appreciably. The company's shipments of wood chips to the Missoula area plant, he noted, come under a slightly different rate schedule because the cars go to Missoula via Sandpoint, Idaho, crossing a state line. More lumber and studs are shipped out of state than plywood, he added.

Nationwide, Barnes, said, the lumber market has been slower than usual, partially because of the "tight money" situation that makes it somewhat more difficult for persons to secure new home loans.

The Western Wood Products Association, Portland, which counts St. Regis among its members, issued a letter last May commenting on the differences between consideration shown by Canadian and U.S. rail carriers to the marketing needs of their lumber customers.

WWPA's transportation manager, James G. Manning, said that, "Agreement was reached between representatives of the British Columbia and Alberta forest products industry and the Canadian railroads to publish a new level of rail rates on forest products from all British Columbia and Alberta shipping points to destinations in eastern Canada.

"The published rate . . . from Vancouver, B.C., to Windsor, Ontario, is $1.38 per hundredweight. The comparable U.S. rate from Portland to Detroit . . . is $1.60 per hundredweight on the blanket rate. Our initial reaction to this development of rate reductions in Canada is that it appears the Canadian railroads are more receptive to the needs of their lumber shippers than are the U.S. lines.

"Another feature to be considered in the use of these border (rate) combinations is the Canadian-U.S. currency exchange factor. A shipment billed from British Columbia to Windsor . . . and then re-billed beyond can have the Canadian portion of the freight paid in Canadian funds. The currency rate of exchange then of 7¾ per cent will produce another 10.69 cents per hundredweight saving for the Canadian product.

"The example of rate disparity outlined above," Manning wrote, "illustrates what happens when the U.S. lines continue to seek percentage freight rate increases without any regard to the competitive effect on their shippers. Even more alarming is what is apparently in store for our mills. It is our understanding (last May) that the Canadian lines are very near to approving a new level of rates applying to eastern Canada that will further drastically reduce the present level.

"It will be a sad commentary on U.S. railroad rate-making when the day arrives that lumber producers in the State of Washington, for example, are able to barge or truck shipment to western Canada to obtain a better freight rate to eastern U.S. points than they would have by shipping the entire distance by U.S. lines."

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The ACTING PRESIDENT pro tempore. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMUNICATIONS FROM EXECUTIVE DEPARTMENTS, ETC.

The ACTING PRESIDENT pro tempore (Mr. ALLEN) laid before the Senate the following letters, which were referred as indicated:

REPORT ON VALUE OF PROPERTY, SUPPLIES, AND COMMODITIES PROVIDED BY THE BERLIN MAGISTRAT

A letter from the Assistant Secretary of Defense, reporting, pursuant to law, on the value of property, supplies, and commodities provided by the Berlin Magistrat, for the quarter ended June 30, 1970; to the Committee on Appropriations.

REPORT ON LOCATION, NATURE, AND ESTIMATED COST OF FACILITIES PROJECTS PROPOSED FOR THE AIR FORCE RESERVE

A letter from the Deputy Assistant Secretary of Defense (Installations and Housing), reporting, pursuant to law, on the location, nature, and estimated cost of facilities projects proposed for the Air Force Reserve; to the Committee on Armed Services.

PROPOSED LEGISLATION DECLARING THAT CERTAIN FEDERALLY OWNED LAND IS HELD BY THE UNITED STATES IN TRUST FOR CERTAIN INDIANS

A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to declare that certain federally owned land is held by the United States in trust for the Lac Courte Oreilles Bank of Lake Superior Chippewa Indians of Wisconsin (with an accompanying paper); to the Committee on Interior and Insular Affairs.

REPORTS OF COMPTROLLER GENERAL

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on continuing problems in providing nursing home care and prescribed drugs under the medicaid program in California, Social and Rehabilitation Service, Department of Health, Education, and Welfare, dated August 26, 1970 (with an accompanying report); to the Committee on Government Operations.

A letter from the Comptroller General of the United States, transmitting, pursuant to law, a report on improvements needed in determining graduate education requirements for military officer positions, Department of Defense, dated August 28, 1970 (with an accompanying report); to the Committee on Government Operations.

EXECUTIVE REPORTS OF COMMITTEES

As in executive session, the following favorable reports of nominations were submitted:

By Mr. FULBRIGHT, from the Committee on Foreign Relations:

Dwight Dickinson, of Rhode Island, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Republic of Togo;

Charles R. Harley, of Maryland, to be U.S. Alternate Executive Director of the International Monetary Fund;

Emory C. Swank, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to Cambodia;

Nicholas G. Thacher, of California, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Kingdom of Saudi Arabia;

L. Dean Brown, of the District of Columbia, a Foreign Service officer of class 1, to be Ambassador Extraordinary and Plenipotentiary to the Hashemite Kingdom of Jordan; and

Artemus E. Weatherbee, of Maine, to be U.S. Director of the Asian Development Bank.

By Mr. JAVITS, from the Committee on Labor and Public Welfare:

Laurence H. Silberman, of Hawaii, to be Under Secretary of Labor (Rept. No. 91–22); and

Peter G. Nash, of New York, to be Solicitor for the Department of Labor.

Mr. STENNIS. Mr. President, from the Committee on Armed Services I report favorably the nominations of two general officers in the Amy and ask that these names be placed on the Executive Calendar.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

The nominations, ordered placed on the Executive Calendar, are as follows:

Lt. Gen. Frederick Carlton Weyand, Army of the United States (major general, U.S. Army) to be assigned to a position of importance and responsibility designated by the President, in the grade of general; and

Gen. James Karrick Woolnough, Army of the United States (major general, U.S. Army), to be placed on the retired list in the grade of general.

Mr. STENNIS. Mr. President, in addition, I report favorably 1,100 appointments and promotions in the Army in grade of colonel and below; 1,945 appointments and promotions in the Navy in grade of lieutenant commander and below; 4,492 appointments and promotions in the Air Force in grade of major and below; and 106 appointments in the Marine Corps in grade of captain and below. Since these names have already been printed in the CONGRESSIONAL REC-

ORD, in order to save the expense of printing on the Executive Calendar, I ask unanimous consent that they be ordered to lie on the Secretary's desk for the information of any Senator.

The PRESIDING OFFICER. Without objection, it is so ordered.

The nominations, ordered to lie on the desk, are as follows:

Mike VanRollins, and sundry other enlisted personnel, to be ensigns in the Navy:

Bruce L. Bosworth, and sundry other Naval Reserve officers, for assignment in the U.S. Navy.;

Joseph V. Virostko, U.S. Navy, retired, to be reappointed from the temporary disability retired list, as a permanent chief warrant officer in the Navy;

James H. King, Jr., Army Reserve Officer Training Corps graduate, for permanent appointment in the Marine Corps;

Leland A. Aber, and sundry other Air Force Officers, for appointment in the Regular Air Force;

Kenneth E. Cook, and sundry other persons for, appointment in the Regular Army;

Joseph Y. Kurata, and sundry other persons, for appointment in the Regular Army of the United States;

Rallin J. Aars, and sundry other officers, for promotion in the Regular Air Force;

William Walter Asbye, and sundry other officers, for promotion in the Navy;

Kevin R. Danehy, and sundry other officers, for appointment in the Marine Corps; and

Lester W. Abrams, and sundry other officers for promotion in the Regular Army of the United Sates.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. MAGNUSON, from the Committee on Commerce without amendment:

H.R. 13716. An act to improve and clarify certain laws affecting the Coast Guard Reserve (Rept. No. 91–1152).

By Mrs. MOSS, from the Committee on Interior and Insular Affairs, with amendments:

S. 3553. A bill to amend the Water Resources Research Act of 1964 to increase the authorization for water resources research and institutes, and for other purposes (Rept. No. 91—1153).

AUTHORITY TO FILE REPORT ON H.R. 18546 NEXT WEEK (S. REPT. NO. 91–1154)

Mr. ELLENDER. Mr. President, from the Committee on Agriculture and Forestry, I report H.R. 18546, with an amendment, and ask unanimous consent to file the report together with minority, supplemental, and individual views next week.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

BILLS AND A JOINT RESOLUTION INTRODUCED

Bills and a joint resolution were introduced, read the first time, and, by unanimous consent, the second time, and referred as follows:

By Mr. CURTIS:

S. 4300. A bill for the relief of Kimura Koshun; to the Committee on the Judiciary.

By Mr. MATHIAS:

S. 4301. A bill for the relief of Fernando Agustin Maldonado; and

S. 4302. A bill for the relief of Sara Elena Rasines de Maldonado; to the Committee on the Judiciary.

By Mr. STEVENS:

S. J. Res. 233. Joint resolution proposing an amendment to the Constitution of the United States with respect to the flag of the United States; to the Committee on the Judiciary.

(The remarks of Mr. STEVENS when he introduced the joint resolution appear below under the appropriate heading.)

SENATE JOINT RESOLUTION 233— INTRODUCTION OF JOINT RESOLUTION RELATING TO PROPOSED AMENDMENT OF THE CONSTITUTION TO PERMIT HONORING AND PROTECTING OUR FLAG

Mr. STEVENS. Mr. President, in recent years we have seen a strange and unparalleled development in this country. The American flag—the symbol of our Nation's heritage and ideals—has been taken over by extremists, utilized for crass commercialism, and worn as clothing. Amid all this the vast majority of loyal Americans have been trying to continue to honor the flag in traditional ways, but we feel, as Time magazine put it, "that their flag has been expropriated."

It is, indeed, a strange situation to find that some citizens of the Republic fear that, if they show pride at seeing our national symbol or if they display it on holidays, they will be indicating that they agree or disagree with a particular present-day policy.

That is not the purpose of our national symbol. The American flag belongs to all of us, and I, for one, would like to see it returned to the people.

I am, therefore, introducing legislation today to authorize a constitutional amendment which will permit the flag to be saluted in our public schools and which will permit Congress to enact laws designed to prevent desecration of the flag.

The amendment is needed because several rulings of the U.S. Supreme Court indicate that desecrating the flag can be an act protected by the first amendment's free expression clause. My amendment will not impinge on free speech since it does not prohibit the expression of any idea or philosophy, but merely allows Congress to prohibit the use of the American flag as part of such an expression.

The amendment is also needed to permit the saluting of the flag in our public schools.

The flag is a cherished national symbol of which we should be proud. It represents, at once, all that we have been and all that we hope to be. It belongs to no group or party, and it should not be identified with any policy or practice. It belongs to all of us, and we should take steps now to see that it always will.

I ask unanimous consent that the full text of my proposed constitutional amendment be printed in the RECORD at this point.

The PRESIDING OFFICER (Mr. EAGLETON). The joint resolution will be received and appropriately referred; and, without objection, the joint resolution will be printed in the RECORD.

The joint resolution (S.J. Res. 233) proposing an amendment to the Constitution of the United States with respect to the flag of the United States, introduced by Mr. STEVENS, was received, read twice by its title, referred to the Committee on the Judiciary, and ordered to be printed in the RECORD, as follows:

S.J. RES. 233

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, (two-thirds of each House concurring therein), That the following article is hereby proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. Nothing contained in this Constitution shall abridge the right of persons lawfully assembled, in any public building, school, or educational institution which is supported in whole or in part through the expenditure of public funds, to participate voluntarily in the pledge of allegiance to the flag of the United States.

"SEC. 2. Notwithstanding any other provision of this Constitution, the Congress shall have power by appropriate legislation to regulate the display and handling of the flag of the United States and to protect it from desecration.

"SEC. 3. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission to the States by the Congress."

ADDITIONAL COSPONSORS OF A BILL

S. 4092

At the request of the Senator from West Virginia (Mr. RANDOLPH) the Senator from New York (Mr. GOODELL), the Senator from Tennessee (Mr. GORE), and the Senator from California (Mr. MURPHY) were added as cosponsors of S. 4092, to establish a Commission on Fuels and Energy to recommend programs and policies intended to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs.

Mr. RANDOLPH. Mr. President, on July 16 when I introduced S. 4092, a bill to establish a Commission on Fuels and Energy, I listed in my remarks the distinguished Senator from Wyoming (Mr. HANSEN) as a cosponsor. This is reflected on page 24636 of the RECORD. However, when the bill was printed Senator HANSEN's name was not on it. His name was inadvertently left off the cosponsorship list submitted with the bill.

I genuinely regret this error because the able Senator from Wyoming was one of the first persons to agree to cosponsor S. 4092. More importantly, he has been an active, knowledgeable and effective participant in the discussions of fuel and energy problems. His efforts have contributed significantly to a better understanding of this vital issue and the need for a national policy on fuels and energy.

Mr. President, I am privileged to ask unanimous consent that at the next printing the name of the distinguished Senator from Wyoming (Mr. HANSEN) be

added as a cosponsor of S. 4092, to establish a Commission on Fuels and Energy to recommend programs and policies intented to insure that U.S. requirements for low-cost energy will be met, and to reconcile environmental quality requirements with future energy needs.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is so ordered.

SENATE CONCURRENT RESOLUTION 81—SUBMISSION OF A CONCURRENT RESOLUTION AUTHORIZING THE PRINTING OF ADDITIONAL COPIES OF SENATE HEARINGS ON COPYRIGHT LAW REVISION (S. 597, 90TH CONGRESS)

Mr. McCLELLAN submitted the following concurrent resolution (S. Con. Res. 81) which was referred to the Committee on Rules and Administration:

S. CON. RES. 81

Resolved by the Senate (the House of Representatives concurring), That there be printed for the use of the Senate Committee on the Judiciary two thousand additional copies of Parts 1, 2, 3, 4, and index of the hearings before its Subcommittee on Patents, Trademarks, and Copyrights during the Ninetieth Congress on Copyright Law Revision (S. 597).

ADDITIONAL COSPONSOR OF A CONCURRENT RESOLUTION

SENATE CONCURRENT RESOLUTION 80

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Maine (Mr. MUSKIE) was added as a cosponsor of Senate Concurrent Resolution 80, to establish a joint committee to study the treatment of prisoners of war in Vietnam.

EQUAL RIGHTS FOR MEN AND WOMEN—AMENDMENTS

AMENDMENTS NOS. 864 THROUGH 867

Mr. ERVIN submitted four amendments, intended to be proposed by him, to the joint resolution (H.J. Res. 264) proposing an amendment to the Constitution of the United States relative to equal rights for men and women, which were ordered to lie on the table and to be printed.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES—AMENDMENTS

AMENDMENT NO. 868

Mr. FULBRIGHT submitted amendments, intended to be proposed by him, to the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes, which was ordered to lie on the table and to be printed.

(The remarks of Mr. FULBRIGHT when he submitted the amendment appear later in the RECORD under the appropriate heading.)

ADDITIONAL COSPONSORS OF AMENDMENTS

AMENDMENT NO. 861 TO H.R. 17123

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from Arkansas (Mr. FULBRIGHT) and the Senator from New York (Mr. JAVITS) were added as cosponsors of amendment No. 861, to H.R. 17123, the military appropriations authorization bill.

AMENDMENT NO. 862 TO H.R. 17123

At the request of the Senator from Rhode Island (Mr. PELL), he was added as a cosponsor of amendment No. 862, to H.R. 17123, the military appropriations authorization bill.

At the request of the Senator from South Dakota (Mr. MCGOVERN), the Senator from Idaho (Mr. CHURCH) was added as a cosponsor of amendment No. 862, to H.R. 17123, the military appropriations authorization bill.

REMOVAL OF NAME OF COSPONSOR FROM AMENDMENT NO. 846, TO H.R. 18546

Mr. WILLIAMS of Delaware. Mr. President, through an inadvertence the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of amendment No. 846 to H.R. 18546. I ask unanimous consent that the name of the Senator be removed as a cosponsor of the previously listed amendment.

The PRESIDING OFFICER (Mr. SPONG). Without objection, it is ordered.

ADDITIONAL STATEMENTS OF SENATORS

LONG-TERM DIRECTION OF SOVIET POLICY

Mr. ALLOTT. Mr. President, the question of the long-term direction of Soviet policy continues to be urgently relevant to a number of American policy decisions.

Recently it has been suggested that we pressure Israel to place its confidence in the competence of the United Nations and the good will of the Soviet Union. This suggestion implied an optimistic judgment about the course of Soviet policy.

On the other hand, we have just concluded this year's debate on the ABM system. This debate made clear that the Soviet Union has been increasing its offensive military capabilities. This increase has driven the Soviet economy into increasingly serious difficulty.

This fact has a special relevance to the Soviet-German nonaggression pact which was recently signed in Moscow, and which has yet to be ratified by the German Bundestag.

This pact has been seized upon by some persons as fresh evidence that the Soviet Union is becoming an amicable citizen in the community of nations. I want to suggest that this is not the only possible, and is certainly not the most plausible, interpretation of the pact. I would like to suggest that we evaluate the meaning and desirability of that pact in light of its economic significance. I think the economic aspects of this agreement have not been stressed sufficiently in the press.

As usual, the Soviet economy is experiencing hard times. The only thing unusual about the current situation is that the situation is especially bad. As usual, the Soviet Union is seeking economically advantageous agreements with free nations. This is the background to the recent treaty.

Because I believe that this matter needs to be put into perspective, I should like to recall for the Senate some of the background and ramifications surrounding this treaty.

The Soviet-German treaty renouncing the use of force between the two countries was signed on August 12, just about 10 months after the Social Democrat Government of Chancellor Willy Brandt took office in West Germany. Even its proponents will agree that the treaty was signed under a certain amount of political duress. The new Brandt government was in a hurry to produce the diplomatic breakthroughs promised in the election campaign. Government anxiety was heightened by the fact that new elections are in the offing.

Actually, the nonaggression pact is not a peace treaty in the actual sense, but a bilateral agreement by the European superpower the Soviet Union, and the militarily despondent West Germany, committing both nations not to interfere "by force into each others affairs."

The reason for such an agreement is not clear because West Germany, with its limited military offensive capability, cannot under any stretch of the imagination, be considered a military threat to the Soviet Union either now or in the future.

The Soviet Union, on the other hand, has never been militarily in better condition than it is at the present time. Moreover, the Soviets have never been deterred by a treaty from the intervention into its neighbors' affairs.

The signing of the treaty took place just 1 week short of the anniversary of the 1968 Czechoslovakian invasion. Some political observers in the Christian Democrats Party have charged that this treaty has all of the hallmarks of a "diktate." It was, they say, really dictated by a close friend of Brandt, Egon Bahr, who spent many weeks in Moscow waiting for Andrei Gromyko to have some spare time. Bahr and Gromyko at last met, but the exact nature of their discussions was not made public. When the text of Bahr's arrangements with Gromyko was "leaked" in West Germany through an underground intelligence source, it created a small scale political scandal. Bahr's opponents immediately charged that the arrangement proposed by Bahr would give away West Germany's political trump cards and get nothing in exchange.

The Christian Democrats, as well as leading newspapers and opinion journals in Germany, demanded that Foreign Minister Scheel, a member of West Ger-

many's small but crucial Free Democrats Party, renegotiate the Bahr arrangements. Scheel thus went to Moscow as head of a 19-man delegation and stayed there for 10 days. Unfortunately, the confrontation between Andrei Gromyko, who has been Foreign Minister of one of the two superpowers for the past 13 years, and Scheel, who became Foreign Minister of West Germany just 10 months ago, appears to have been an uneven match. Scheel did not, in actuality, succeed in changing anything in the arrangements originally accepted by Bahr from Gromyko.

The five-point treaty that emerged is a most interesting document. It recognizes the status quo in Europe and strips the western part of Germany of any right to assist those Germans living under Soviet occupation in East Germany. Perhaps it is symbolic that the treaty was signed on the anniversary of the construction of the Berlin Wall. The Wall sealed off East Berlin from West Berlin, while the treaty could have the effect of placing a diplomatic imprimatur on the de facto isolation of East Germany from West Germany. As if to underscore the meaning of the new treaty, a huge delegation of East German officials arrived in Moscow on August 13, the day Willy Brandt departed for home. This delegation, headed by Deputy Prime Minister and Chairman of the State Planning Committee of East Germany, G. Schuerer, were in Moscow to sign the most comprehensive economic agreement ever put into effect between the two countries.

This agreement, called by the Soviet newspaper, Pravda, "the protocol," ties East German industry with the Soviet Union industrial complex for the entire 1971–75 period. It includes 17 interdepartmental agreements and 13 agreements by the industrial ministers of the Soviet Union and East Germany. The practical effect of this arrangement will be to integrate the East German economy into the Soviet economy with nearly all the East German ministries and industries linked directly into Soviet industries and subordinated to the unified Soviet production plan for 1971–75.

The true significance of this parallel development can be appreciated only in light of the fact that the Soviet economy is in serious difficulty. As I mentioned earlier, in an effort to surpass the United States in strategic armaments, the Soviet Union has considerably strained its entire economic structure. The Soviet aircraft industry and its naval forces are also growing much faster than was predicted several years ago. This alarming leap in military hardware production has necessitated considerable readjustment of the whole industrial structure in the U.S.S.R. and placed a very serious strain on the industrial and agricultural segments of the economy.

Mr. President, the strongest economy in Western Europe is that of West Germany. The strongest economy in Eastern Europe is that of East Germany. The combined effect of the Moscow-East German agreement and of the nonaggression pact will be to ease the Soviet Union's economic troubles.

The preamble of the treaty signed by Chancellor Brandt includes a paragraph concerning "extension of economic cooperation." As far as the Soviet Union is concerned, this is the most vital part of the treaty. The Soviet Union needs the West German industrial know-how and equipment to replace that which has been diverted into "sensitive"—their word for military—production. Most of all, however, the Soviets need West German credits. Reports reaching West Germany indicate that the specific amount of credit to be extended by West Germany to the Soviet Union was discussed behind the scenes, but it has never been revealed.

West German Economic Minister Schiller and Finance Minister Moller visit Moscow next month to discuss details of economic cooperation. It is now apparent that this discussion will include West German deliveries of machinery, equipment, pipelines, and so forth, on long-term credit. This arrangement will make it easier for the Soviet Union to continue its arms race with the United States unhindered by the present economic difficulties. Because it is essential for the Soviets to bridge their current economic shortages, the treaty truly comes at a convenient time.

Proof that the economic negotiations and arrangements are important to the Soviets is the fact that some of these arrangements will take effect before the final ratification of the treaty by the West German Parliament. Yet, it is possible that the treaty may run into difficulty in the Bundestag. According to the West German constitution, any treaty concerning settlement of borders requires a two-thirds majority vote of the Bundestag. It now appears that considerable parliamentary maneuvering and complicated political activities will be required to secure the ratification of this treaty.

In an effort to speed ratification, Foreign Minister Scheel attached to the treaty a letter to Soviet Minister Gromyko. This letter, in a very vague form, refers to the national aspirations of the German people. It seems designed to convey the impression that West Germany still has reservations about the finality of the division of Germany. Christian Democrats have charged that this letter amounts to plain political gimmickry. They point out that the Scheel letter is of no de juré consequence since it is a document signed only by himself and not by the Soviet Union. The Soviet papers have chosen to ignore the letter entirely and have not printed it in Pravda or Izvestia or any other paper. Observers have indicated that the letter is meant only to produce some votes in the West German Bundestag and does not in any way alter the permanency of the West German-Soviet agreement for the division of Germany and the abandoning of compatriots in East Germany.

All concerned Americans will watch with interest as the Germans debate this matter which, in its economic aspects, may make it easier for our Soviet enemy to fuel the arms race.

Mr. President, while I have chosen to emphasize the economic aspects of this treaty, I must not conclude before taking note of one way in which it might have a significant effect on the political life of West Germany.

This treaty might cast a shadow over the lives—and political power—of the millions of Germans who were driven from their homelands by the onrushing Red Army at the end of World War II These persons have been exemplary citizens of West Germany. They have been active in the political life of that vibrant new democracy. All the while they have been aware that, in an important sense, they are the only voice of those who could not flee to the West at the end of the war.

The West Germans who settled in the freedom of the West did not abandon those they left behind. They formed vigorous refugee organizations which have been a constant source of embarrassment to the Soviet occupiers of East Germany. It would be a terrible shame if, in order to produce an illusion of amity with the Soviet Union, the West German Government ignores these organizations, or seeks to undermine their stature.

There can be little doubt that the Soviet Union would like this. It is reasonable to expect that they urged this course upon the West German Government. I assume the West German Government will not pay this price to purchase the fragile good humor of the Soviet Union.

Mr. President, I want to share with all Senators two interesting commentaries on this treaty I have been discussing. One is a letter published in the Washington Post of August 20. It was written by Dr. Kurt L. London, professor emeritus of international affairs at George Washington University. The second commentary is an editorial published in the National Review of August 25 and entitled "The Brandt-Brezhnev Pact." I ask unanimous consent that the commentaries be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

THE MOSCOW-BONN TREATY

If we penetrate the clouds of euphoria which have polluted the political thinking of our government, we can see that the Moscow-Bonn treaty of Aug. 12, gives the Soviets everything they want at this stage of European development. It makes West Germany a third-class power, thereby decreasing the strength of NATO which already has been weakened by France's narrow-minded policy and Senator Mansfield's compaign for reducing the American forces in Germany. The renunciation of forces is the facade behind which the Soviet goal of a European staus quo has been achieved. From the Soviet point of view, this is the first step toward its growing involvement with European affairs, both East *and* West—a Russian version of de Galle's "Europe to the Urals."

The treaty has been signed but must be ratified to come into force. The Soviet "parliament" is no problem; it does what it is told. The Bundestag in Bonn, however, will ratify it only if the Berlin problem is solved, at least to some degree. The Brandt government is committed on this point. Minor gestures will not suffice; Moscow will have to make meaningful concessions, whether East Germany's Ulbricht likes it or not. Previously, there have been no indications that the Soviets would "give" what the Western

powers want most: free access to and from Berlin, easier traffic between East and West Berlin, and the recognition of the economic and political presence of the Federal Republic in West Berlin.

At the forthcoming four-power meeting, the attitude of the Kremlin toward these issues is critical. If Moscow makes concessions, this may indeed usher in a new era of better East-West understanding. If it does not, the treaty may become a dead letter and East-West relations may deteriorate badly. In foreign policy and international politics an "either-or" situation is dangerous. It seems to me that Chancellor Brandt, possibly for domestic reasons, acted far too hastily at a time when, for reasons of their own, the Soviets were quite ready for a new *modus vivendi*. Continuation of his government will depend largely on Soviet concessions regarding Berlin and subsequent ratifications. Should the Soviets renege, the political polarization in the Federal Republic will harden and the Kiesinger forces will have an excellent opportunity to return to office.

At best, the treaty has an uncertain future, and there is no reason for jubilation.

KURT L. LONDON,
Professor Emeritus of International Affairs, George Washington University.

WASHINGTON.

THE BRANDT-BREZHNEV PACT

The news of the initialing of the new German-Soviet treaty by Foreign Ministers Walter Scheel and Andrei Gromyko inevitably awakens strange echoes along the corridors of memory. What are the shades of Ribbentrop and Molotov murmuring as they look over the shoulders of their Minister-successors? Still further back in the darkness, what flickers through the ghostly minds of Adolf Hitler and Joseph Stalin? Did not that protocol of 31 years ago also "pledge both sides to renounce force in settling disputes" and look forward, "through an improvement in bilateral relations," to peace and advancing well-being for all Europe?

But Willy Brandt is no Hitler, and Leonid Brezhnev no Stalin. . . . Let us not skip quite so fast. Brandt is no Nazi, certainly, but he, as Hitler was, is chief of the German Reich. And is it not this same Brezhnev who two short years ago sent his tanks and guns to crush a people who sought in some small degree to order their own lives according to their own notions? (Those tanks rumbling through the streets of Prague wore stars instead of swastikas, but the news photos could otherwise have been of the tanks in the streets of Vienna; or Prague itself, too, thirty years earlier.) Is this not the Brezhnev who, by his doctrine of "limited sovereignty," has proclaimed Communist Russia's imperial suzerainty over all "socialist nations and peoples" wherever situated? What does signing with him a treaty of peace, friendship and mutual good will signify to his colonial subjects?

This new accord, then, is not the first between Germans and Slavs, nor the second. Back of the Pact of 1939 is Rapallo, and on back through the centuries to Roman times a recurrent series, as the Germans—that dynamic, industrious, seemingly unconquerable *volk*—from their position at the strategic center of the European peninsula have swung slowly back and forth from east to west and then to east again. Now once more through the person of a Socialist Chancellor the *drang nach osten* reasserts itself.

"The agreement on which we reached accommodation," Herr Scheel stated, "is oriented toward the future." What is in that future, as Scheel and Brandt sense it, that brought them to Moscow this summer? For one thing, undoubtedly, the vast potential markets of Eastern Europe that have beckoned German industry and technology for generations and that now become more tempting and more necessary than ever as the German and world economies advance to new heights of production. The German government wishes to liquidate or suspend the political obstacles left by the War to economic expansion to the east. In addition, this accord can be seen as an initial move in one more of the perennial German drives to gain the hegemony of Europe, or at any rate of Western Europe. Although Germany has kept in touch with her Western allies, it is Germany that has taken the initiative to break further out of the postwar frame than has been heretofore attempted; Germany, not France, not France and Germany together, not NATO, not Germany and America.

Though this accord "should open a new page in relations between the Soviet Union and the Federal Republic of Germany," Herr Scheel carefully explained, "at the same time, we are striving for better relations between Eastern and Western Europe. From the very outset, we made it clear that for us it is not only a matter of representing the national interest of the Federal Republic of Germany." We Germans, that is to say, are speaking and acting not only for ourselves but for all West Europeans. And not only West Europeans, it would seem: "We want to contribute to the relaxation of tension, which will be to the good of all peoples in Eastern and Western Europe."

Minister Gromyko did not disagree, and carried the picture of the future a frame further: "The Soviet government is convinced that these results are in the interests of . . . expanding the cooperation between our countries and in the interests of further détente in Europe." "Further détente": Gromyko meant the all-European security conference that Moscow, acting in part through Finland, has long been pushing.

To sum up: This future is evidently a post-NATO Europe, a Europe from which the American influence and presence would be limited (Bonn) or eliminated (Moscow).

The long-term aim of the Soviet Union, implicit in the accord, is thus strategically offensive: the progressive isolation and exclusion of the U.S. from Europe, with (whatever the illusions of German Socialists) the consequent extension of Soviet domination over all Europe. Meanwhile, for the nearer term, there are other substantial gains in prospect. The Soviet empire, with its economy of late faltering even more badly than usual, needs the infusions of advanced machines, products and technology that Germany can supply. The Presidium has not forgotten Lenin's dictum that German technology plus Russian space, resources and manpower would rule the world.

And this accord, Moscow believes and hopes, will help complete the process she deems essential but has been unable to complete even after a full generation: the legitimization of her empire. That the empire exists in fact is sufficiently demonstrated whenever a colony or vassal state acts in a manner that breaches the imperial discipline. But in the eyes of the Kremlin the de facto relation is too bare and even precarious. The Kremlin desires that the imperial order—formulated in its political essence as "the Brezhnev doctrine"—should be accepted as legitimate and unchallengeable by the non-Communist world.

Up to now one of the plainest standing challenges to the imperial legitimacy has been West Germany's "Hallstein doctrine," refusing diplomatic recognition to all states that recognize East Germany, thus to all the vassal nations. In signing this new Moscow accord, the German Socialists complete the slow burial of the Hallstein doctrine that began two years ago.

Third, and surely not last in importance: along three major fronts: the European (southwestern), Mideastern (actually, southern), and Far Eastern. Soviet strategy Russia confronts the non-Communist world seeks and must seek to avoid active involvement on two of these fronts, above all on three, simultaneously. By this accord, the Kremlin is getting a German promise of all quiet on the European front, so that attention may be focused on the present and potential troubles on the other two.

All in all, not a bad deal for Brezhnev.

HEALTH PROFESSIONS ASSISTANCE AMENDMENTS OF 1970

Mr. KENNEDY. Mr. President, I am pleased to join in cosponsoring S. 4296, Senator CRANSTON'S proposed Health Professions Assistance Amendments of 1970, which he introduced yesterday. I have long been deeply concerned about the role which the health manpower shortage plays in our national health crisis. I have been equally concerned over the desperate shortage of health professionals from the ethnic and economic substrata of our society.

It is estimated that only slightly more than 2 percent of America's doctors are black. In addition, an estimated 45 percent of medical students today are from families in the upper 10 percent of income groups. This unequal ethnic and economic representation translates into unequal opportunity to enter the health professions. The losers are not only the individuals to whom opportunity is denied, but the community, particularly the poverty community, which might otherwise benefit from the return of its sons and daughters as doctors, dentists, and other health professionals.

I believe that the Federal Government has the responsibility to help medical schools to expand their enrollment. In turn, medical schools must make greater efforts to recruit and assist low income and minority individuals who wish to become doctors.

The bill which Senator CRANSTON has introduced today is a creative and effective response to the needs which must be met. It would provide much needed additional assistance to medical and other health professions schools and to students enrolled at such schools. It would encourage the enrollment of potential health professionals from low income or minority backgrounds. And it would authorize assistance to schools to establish programs to help low income and minority students in the successful completion of their course of study.

It is a pleasure to join with Senator CRANSTON in support of this legislation and the important objectives which it seeks to attain.

STATUS OF REMAINING LEGISLATION

Mr. SCOTT. Mr. President, I wish to commend the majority leader for placing in the RECORD a few days ago a status of legislation still remaining as of August 20, 1970. In looking over the list, I find some items that were initiated by the administration and some that had their origin in the Senate.

I know it will be impossible to complete action on all the legislation still pending, but I would hope that committees could report some of the more necessary bills and that the Senate could

pass as many as possible before we adjourn sine die.

I again commend the majority leader for putting the report in the RECORD so that we may all know the task that still lies ahead.

ARE BASES IN SPAIN WORTH THE COST?

Mr. CHURCH. Mr. President, at extraordinary costs, the U.S. developed a strategic, global deterrent consisting of long-range bombers, intercontinental missiles, and nuclear submarines. Yet, at the same time, the United States retains, at considerable cost, many forward foreign bases, acquired in an earlier period when our weapons lacked intercontinental range. The question arises as to the present value of these bases on foreign soil, when related to the price we pay for them.

Our military bases in Spain are a case in point. Mr. Douglas C. Wilson of the Providence Journal-Bulletin has addressed himself to the question of their current value to us, as compared with what we pay for them. I ask unanimous consent that his cogent article of May 17, 1970, entitled "Are They Worth the Cost?" be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ARE THEY WORTH THE COST?

(By Douglas C. Wilson)

WASHINGTON.—This year, once again, the Franco dictatorship in Spain is demanding U.S. payment for the survival of American hostages in that country.

The hostages are military bases on Spanish soil which have lost almost all of their original strategic value for the United States. Despite this loss of value, and despite American liabilities in the bargain, Washington, once again, is paying the piper.

By all odds it is one of the most fatuous set of circumstances in our entire foreign policy.

At issue is the rent which the U.S. government must pay to continue using two major air bases and a nuclear submarine base. The United States spent 42 million dollars to build these and other military installations under terms of an executive agreement with Spain which was signed in 1953.

The original base agreement was reached at a time when American strategists were building a deterrent of overseas air bases to "contain" communism. Manned bombers were our main deterrent, in those days, and in order to be effective they had to be placed within easy striking distance of the Soviet Union.

Then as now, liberals in this country and Europe were sharply critical of Franco's dictatorial regime, the last vestige of fascism on the continent. But American officials felt it necessary to have bases in Spain, so they set aside political scruples and worked out the agreement.

THREE SITES

Airfields were paved at three sites—Moron, Torrejon and Zaragosa—strung diagonally across Spain from southwest to northeast. A 485-mile oil pipeline was built along a similar path from the Atlantic to the Pyrennes. And an Atlantic seaport for the U.S. Navy, equipped with a mile-long breakwater and a 1,000-foot pier, was established above Gibraltar at Rota.

Once regarded as vital links in our global defense line, the airfields are now obsolescent. During a recent period, in fact, Zaragosa was closed down under a caretaker status, and now there are plans to deactivate Moron. The airfields have lost their strategic value if only because we now have perfected methods for refueling bombers in flight. While the bases still provide secondary support to our aircraft, they are no longer essential.

The airfields have lost their value for a more fundamental reason, however: the manned bomber, itself, no longer plays any crucial role in U.S. deterrent strategy. It has been supplanted for many years now by the ICBM and Polaris warheads.

The submarine base at Rota, to be sure, is not so archaic. But the U.S. Navy has gained other footholds in the Mediterranean region since this Spanish port was completed; so even Rota does not have the unique value it had earlier, when it was the only U.S. port in the area.

In spite of these factors, the U.S. military, a jealous proprietor, has been loathe to abandon its outposts. It is always easier to perpetuate the status quo, to protect the vested interest. So the U.S. renewed the agreement with Spain last year and is about to renew it again this year.

2 YEAR PACT

The astonishing part is that Franco has been able to raise the price we pay for this declining investment. Up until September, 1968, the U.S. was paying for the real estate at a rate of 20 million dollars a year. This payment took the form of military assistance.

When the lease expired in that month, the Franco government tried to raise the rent to 35 million dollars for the next five-year period. Washington balked, but the new, two-year agreement, reached last year, was for 55 million dollars in further military assistance, an increase of 37 per cent in the annual rate—plus 35 million dollars more in bank credits.

This new lease, retroactive to 1968, will expire next fall, and the two governments already are negotiating terms which would allow the U.S. to remain at the bases still longer. In a recent joint statement the two governments said they have "made substantial progress" toward an agreement.

This time the payment will be made in the form of economic and cultural assistance, rather than military armaments. No doubt this change is meant to pacify the critics—leaders in Congress like Sen. J. William Fulbright, D–Ark., the chairman of the foreign relations committee—who find "people-to-people programs" far less objectionable than arsenal-to-arsenal programs.

But there is little reason to doubt that the dollar cost may again be increased; and whether the payment is guns or butter, the arrangement is hard to fathom. Indeed, Franco's extortion for the Spanish bases may be the cleverest maneuver since the one carried out by Tom Sawyer, when Tom got the other kids to whitewash the fence, to like the chore, and even to pay him for letting them do it.

GREATER PROFITS

With or without these bases, the Franco government profits from the nuclear shield we help to maintain through NATO. Spain does not belong to NATO. Franco's government has been kept out of this club for 20 years because it takes a unanimous vote of the allies to admit a new member and Franco's despotism is still anathema to some of the European democracies.

Along with being shielded by NATO, however, Franco draws an even greater profit. This comes from the base agreement—a tie with the U.S. which has bolstered Franco's prestige through long years of European disfavor. What's more important, it has strengthened his arm: in 17 years, we have provided the Spanish government with about 65 million dollars worth of military assistance—including Sabre jet fighters, Sidewinder missiles, tanks and anti-tank weapons, artillery pieces, anti-aircraft guns, and U.S. training for the Spanish forces.

The U.S. government has received little in return. First and always, of course, the Spanish bases belong to Spain and not the United States. The agreement reserves for the Spanish government the right to use the bases however it wishes.

The contract doesn't guarantee the same for the United States. Four years ago, when four of our H-bombs were lost off the Spanish coast, the Spanish government said no more American planes carrying nuclear bombs could use the bases. And all the U.S. planes were banned from the airfields during the Arab-Israeli war in 1967. Franco was afraid the Arabs might take offense at them.

With our access subject to sudden cutoffs like these, especially when wars break out, it is hard to see their value at all.

In the 1967 war, Spain regarded our presence on Spanish soil as a liability. Potentially, however, the arrangement has always stood as an even greater liability for the United States.

Townsend Hoopes, who was assistant secretary of defense when the agreement was formed in 1953, wrote 12 years ago that our development of the ICBM and Polaris systems would "render our long-range atomic force independent of forward bases located on foreign soil." He said "the added freedom of action resulting from this development would permit United States diplomacy . . . to eliminate bases where they are no longer needed." He also said it would free us from the "awkward commitments that embarrass our true purposes."

The United States has constantly risked embarrassment in its links with the Franco dictatorship. These ties do not constitute a formal alliance, but they don't need to. This was recognized at the end of 1968. When the chairman of the Joint Chiefs of Staff, Gen. Earle G. Wheeler, assured Franco in a secret memorandum that the Spanish government had the best security guarantee it could want: the presence of U.S. forces on Spanish soil.

DOUBLE LIABILITY

The obvious question is how this military tie with the Franco government might involve us if Spain should become embroiled in open conflict—either at home or abroad.

As it is, Franco and his hand-picked successors are armed with American-supplied weapons, to use against any challenge.

As it is, the Franco government for years has fought political battles ruthlessly, to suppress liberal elements within Spain itself. It has denied basic freedoms by incarcerating political opponents and controlling religious activities.

Such activities make the Franco regime a strange bedfellow for the United States. Yet we have been very obliging; and to safeguard our own dubious investment, we have even sought to curb free expression ourselves. Only a year ago, U.S. authorities directed Americans in Spain to say nothing about Hitler and Nazi Germany, because Franco still thinks kindly of these past associates.

The force of 10,000 American servicemen stationed in Spain was told in the same directive that "talking about Spanish restrictions on Protestant religious activities is not permitted." They were told that references to dictatorship "should be avoided"—that servicemen should "be especially wary of comparisons between dictatorships and freedom."

This, then, is still another price the U.S. has paid to "defend" the free world with these relics of military strategy. It may be the most incalculable and incomprehensible price of all.

WHAT ABOUT SDS AT KENT STATE?

Mr. HANSEN. Mr. President, the testimony that was given to the President's Commission on Campus Unrest during its investigation of the tragedy at Kent

State neglected to present important information toward finding the truth about the causes of the violence.

I refer particularly to the record of activity of Students for a Democratic Society at Kent State University. Such testimony, as best I can determine, is absent from the Commission's initial report. This poses somewhat of a mystery. The fact that there was SDS activity there was clearly brought out in the 1969 Annual Report of the House Committee on Internal Security. Chapter 4 of this document, entitled "SDS Activities at Kent State University, Kent, Ohio," is a report of hearings held on June 24 and 25, 1969, before the committee. Many of the Kent State officials who testified at these hearings have also testified before the Scranton Commission, including Dr. Robert I. White, president of the university.

What the testimony before the Internal Security Committee showed was that there has been an extremely active SDS chapter at Kent State with close ties to the national organization; that the SDS was dedicated to "defeat the system"; and that members of the SDS at Kent State were advocating the use of any means, including guns and explosives, to achieve their objective.

I do not think the Scranton Commission can ignore this documented evidence; but apparently it has been inadequately considered. In my opinion, too much of the search into the causes of violence at Kent State involved a parade of witnesses who unleashed their inflammatory rhetoric on the Commission.

It may be of some interest to the Scranton Commission that it achieved certain publicity for its endeavors in some parts of the Nation's press. As a case in point, I refer to a story published in the Washington Post of August 20.

This story, headlined "Campus Panel Told of Grim Outlook at Kent," was a report of the previous day's hearings. The article was 21 paragraphs long. However, the first six paragraphs were devoted to the testimony of two students who predicted that there may be a war coming at Kent State, that students will be armed and will shoot back if fired upon, that there is a class polarization sweeping the country, and that the United States may be faced with civil war.

It is not until we reach the last four paragraphs of the story that the reader learns the fact that the commander of the Ohio National Guard, Sylvester Del Corso, testified that his troops had been assigned to more than 30 civil disturbances in the past 2½ years and had never harmed anyone until the Kent State incident.

Had a reader reached the next to last paragraph—and most readers probably did not—he would have learned that Chester Williams, campus security director, testified that student demonstrators who burned an ROTC building on the campus 2 days before the shootings were so "vicious looking" that he refused to send his 22-man riot squad up against them.

Finally, in the last paragraph of the story, the reader learns that Glenn Frank, a professor described as highly popular with the Kent State students, said, "Never in my 17 years of teaching have I seen a group as arrogant, as bent on destruction" as the crowd that burned the ROTC building.

Mr. President, I believe the Scranton Commission could have lowered the emphasis on proviolence witnesses and given equal forums to those who can shed light on the real causes of campus unrest.

I ask unanimous consent that the article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

CAMPUS PANEL TOLD OF GRIM OUTLOOK AT KENT

(By Richard Harwood)

KENT, Ohio, Aug. 19—The Presidential Commission on Campus Unrest was warned today of the possibility of more bloodshed at Kent State University this fall.

"I'm very fearful about things to come at Kent," Robert Pickett told the commission. He is a black alumnus of Kent State who is now a law student at the University of Michigan.

Pickett said the university in certain of its policies—enlarging the campus police force, for example—is "asking for a war, calling for it, praying for it and to a large extent they will get it."

If it comes this fall, he declared, "students will be armed and will shoot back if fired upon."

He warned also of a polarization that is sweeping the country, a polarization of class which pits students and intellectuals against "hard hats."

Another pessimistic witness was Steve Sharoff, a white graduate student in history. A "growing minority of students is prepared for armed conflict," he said. "I feel," he went on, "that we in the United States face civil war if things are not changed soon. And we know who the winner will be. It won't be us."

The commission began hearings here today into the general causes of campus unrest and into the particular events that led to the killing of four Kent State students last May in a confrontation with National Guardsmen.

A state grand jury is preparing to investigate the deaths, a fact that led commission chairman William Scranton to promise that the commission would do nothing to interfere with the grand jury's actions.

Opening witness was the university president, Dr. Robert White, who described the events leading up to the shootings on May 4 and surmised that Kent State had been "targeted" for disruptions by unnamed radicals "interested in either doing some burning or shutting us down."

He had no recommendations for the commission to make to the President but implied that some of his own problems were the result of too many unqualified students at Kent State.

"We have a lot of human debris on this campus," he said, "several thousand students who shouldn't be here and who would be happier and more productive elsewhere."

The commander of the Ohio National Guard, Sylvester Del Corso, was questioned sharply about the weapons issued to guardsmen and the circumstances under which they can be used.

He said he would prefer his men to carry non-lethal weapons, perhaps shotguns loaded with rock salt. Instead they are now armed with M–1 rifles, which were used on May 4, and will be getting M–16 automatic rifles this fall.

He implied that that decision was made by the Pentagon.

He had no coherent explanation as to how the shooting by guardsmen began at Kent State. No sniper has ever been identified, he said; there is no evidence his men had run out of tear gas, and they were never given a command to fire.

In fact, Del Corso said, "I cannot imagine any circumstance under which we would order men to fire."

The only justification for a guardsman firing his weapon, he said, is in self-defense and maybe "an individual decision."

"But throwing a rock," he said, "is not sufficient cause to fire." He said his troops have been assigned to more than 30 civil disturbances in the past 2½ years and have never harmed anyone until the Kent State incident.

The mood and behavior of the students during that period may have been a factor in what occurred, according to two witnesses.

One of them, Chester Williams, the campus security director, said student demonstrators who burned an ROTC building two days before the shooting were so "vicious looking" he declined to send his 22-man riot squad up against them.

Glenn Frank, a professor described as highly popular with the Kent State students, said, "Never in 17 years of teaching have I seen a group as arrogant, as bent on destruction" as the crowd that burned the ROTC building.

CANCER CURE MUST BE A NATIONAL GOAL

Mr. YARBOROUGH. Mr. President, the Wall Street Journal for August 26, 1970, carries an article about what I consider to be a most important goal for the American Nation: finding a cure for cancer.

The article is entitled "National Goal: Curing Cancer by 1976." It describes the resolution I sponsored to create a committee of research and financial authorities who can pull together a program for future research on this disease that will produce a cure.

Three hundred thousand Americans die each year of this scourge. Such a toll is unconscionable in a country so advanced as we are in science and research. A successful American cancer cure would do more for mankind and for American prestige in the world than any military device we could possibly invent.

Ths committee of consultants has already begun work. They are surveying all present cancer research activities. They will weigh them for their progress and signs of success.

The most important part of their work will come when they make their recommendations as to what should be done—what avenues give the greatest hope for success.

These will not be easy decisions. But they will be essential to the focusing of research money and talent on the end of finding the answer to cancer in its many dreaded forms.

I urge Senators and others to read this account of the purpose and progress of the committee, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

NATIONAL GOAL: CURING CANCER BY 1976

(By Jerry E. Bishop)

NEW YORK.—For the last few years medical researchers, particularly those delving

into the mysteries of cancer, have watched the nation's space program with frustration and envy.

Over a period of seven years the American taxpayer poured $24 billion into landing men on the moon, the most concrete result of which was a few pounds of rocks and soil of interest to a handful of physical scientists. At the same time, cancer scientists, whose researches could ultimately save thousands of lives, have struggled along on, at most about $250 million a year in cancer research funds.

To many cancer researchers this fickleness of the taxpayer has seemed almost incomprehensible. They have searched hard for ways to stir up the same type of public enthusiasm for cancer research as that which opened the Federal coffers for the manned moon landings. A frequently heard plea is that elimination of cancer should be declared a "nation goal," just as President Kennedy, in 1961, declare the moon landing a national goal.

A serious attempt to finally answer this plea is now under way. Its success or failure could change the approach to almost all the nation's disease problems. A little-known committee of scientists and laymen has begun meeting privately, sometimes in Washington, sometimes here in New York. Known as the National Committee of Consultants to Conquer Cancer, it was set up by a Senate resolution, sponsored by Sen. Ralph Yarborough of Texas, and 53 other Senators and given a $250,000 appropriation.

The committee's assignment, in Sen. Yarborough's words, is to "recommend to the Congress and to the American people what must be done to achieve cures for the major forms of cancer by 1976. . . ."

The committee's attention, Mr. Yarborough said, should be directed in particular "toward the creation of a new administrative agency which would guarantee that the conquest of cancer becomes a highly visible national goal."

The committee's 26 members, half of them scientists and half laymen, are as illustrious as the panel is obscure. Among them are venture capitalist Laurance S. Rockefeller, Olin Corp., chairman G. Keith Funston, Steelworkers' Union president I. W. Abel, Nobel-prize-winning geneticist Joshua Lederberg, Boston's famed cancer researcher, Dr. Sidney Farber and Solan-Kettering Institute's vice president, Dr. Joseph Burchenal.

The committee, according to its chairman, Benno Schmidt, a partner of J. H. Whitney & Co., expects to report to Congress by year's end.

The committee's assignment is formidable, for there are some sharp differences between landing men on the moon and conquering cancer.

The moon-landing effort had the drama of a feat that man had speculated about for centuries and the competitiveness of beating the Russians and renewing the American ego. Both of these elements are lacking in the "conquest of cancer." There is, of course, no "cancer race" in the same sense of the "space race." And, as Dr. Farber notes, it wasn't so many years ago that even physicians regarded cancer as an incontestable feature of nature. Only recently, he explains, have doctors begun to express a "restrained optimism" that cancer is a solvable problem.

There is also a more basic difference. At the time the moon effort was begun there was no question that it could be done. The technology was available, and no new scientific discoveries were required.

For instance, not only have rockets been around for centuries, but the ability of a rocket to carry men to the moon had been realized almost three-quarters of a century earlier, "scaling-up" the military rocket to the giant Saturn V was an amazing engineering feat, but basically it wasn't much different than scaling-up the primitive suspension foot bridge to the Golden Gate bridge. There was considerable confidence in Mr. Kennedy's order to reach the moon "by the end of the decade," the only question being what month the moon landing would occur.

By contrast, little is known about cancer. Surgeons and radiotherapists can cure almost all skin cancer, a majority of breast and uterine cancer and varying percentages of other cancers by either excising the malignancies or destroying them. Some cancers can be prevented; elimination of cigaret smoking, for example, should prevent a large portion of the lung cancer deaths.

Beyond this, however, the disease, or diseases, (doctors count scores of different types of cancer) remain much of a mystery. Although to a trained radiologist the appearance and behavior of a cancer cell differ from those of a normal cell, the exact difference and how and why they occur, are largely a mystery. Without such basic knowledge, researchers are more or less stabbing in the dark in developing new methods of treatment of prevention. Such stabs are sometimes successful, often not, and it is impossible to be certain in advance which effort will work and which won't.

When engineers could predict a successful moon landing, the outcome of cancer research is highly unpredictable. The key to the disease may come from a single laborator next month or it may not come until scores of laboratories have been at work for another decade.

It is highly unlikely that any group of experts can promise that cures for major forms of cancer will be achieved within five years even if appropriations for cancer research were unlimited. To do so could raise high hopes among the public and result in a disenchantment, as 1976 rolled around, that might do considerable harm to public support of cancer research in the long run. Yet without such dramatic promises, public enthusiasm for a major "assault" on cancer that the researchers have longed for may be more difficult to arouse.

Some committee members have already indicated that rather than promise cures the group may well propose a master plan to reorganize Government support of cancer research. The master plan would be in operation by 1976, and the only promise would be that it holds the best chance of conquering cancer at some unspecified future time.

This isn't to say there aren't some tantalizing possibilities for bringing cancer under control. The expansion of cancer research over the last 15 years has started to yield some exciting leads. Virologists appear to be only a step or two away from linking viruses with at least leukemia and possibly some other human cancers. A flood of new knowledge about the way the body protects itself against disease is suggesting that it might be possible to direct the body's immune system against cancer cells. Chemists and biochemists are beginning to think they can design drugs that would selectively attack cancer cells. New tests for the early diagnosis of common cancers, such as bowel cancer, are starting to emerge from the laboratory.

But this also makes the cancer problem sharply different from the moon landing. There was only one way to reach the moon—mounting a self-contained, man-carrying capsule on a series of rockets. The "conquest of cancer" probably will require a multitude of approaches.

A vaccine, for example, may be the key to leukemia control but not necessarily for breast cancer. A public education program on the dangers of smoking and air pollution might reverse the rising death rate from lung cancer, while early diagnosis may be the weapon to use against bowel cancer.

Any group sitting down to map out an "all-out assault" on cancer, then, must come to some decisions on allocating money and manpower among a variety of different approaches. By implication, this means setting up a system of priorities, which in medical research is extremely difficult. Should $100 million be thrown into virus research on the possibility that this will produce a leukemia vaccine? Or should the money be plowed into chemical research for a drug that would cure leukemia? How much effort should be devoted to perfecting a method of diagnosing bowel cancer in its early stages as compared to support of basic research in the body's immunity?

Some of the priorities are bound to be wrong. The $100 million of research on leukemia viruses might come to nought while $10 million into anti-cancer drugs might yield a cure for the same disease. And, at any moment, a single scientist may make a key discovery that, if it is to be exploited, would require an immediate reshuffling of priorities, and the transfer of scientists and money from one area of research into the new area.

As Dr. Farber explains, the committee's recommendations be necessity "will be subject to change without notice."

There is no lack of confidence among the committee members that they can come up with a space-age type of program in cancer research. "We think we can design recommendations which, if acted upon, can be used to build a major assault on this disease," says committee chairman Mr. Schmidt.

If the committee is successful it could set a new pattern for Federal support for medical research. There's no reason, for example, why a similar approach couldn't be used for heart disease, which kills twice as many Americans as cancer, against arthritis, or against birth defects.

At the very least, the committee, one way or another, may answer that question that many Americans asked a year ago, when Neil Armstrong stepped on the moon: "If we can land men on the moon why can't we find a cure for cancer?"

POW PROPAGANDA

Mr. GRIFFIN. Mr. President, Hanoi is busily exploiting its harsh and illegal prisoner-of-war policy. Like animal trainers, the North Vietnamese Communists regularly broadcast "interviews" with the men they hold prisoner. These so-called "testimonials" endlessly repeat the same propaganda line:

We are well treated; We receive food and mail from home; Our hosts—as the North Vietnamese like to call themselves—are friendly and humane.

It would be nice if we could believe the glowing reports transmitted by those broadcasts. But every shred of evidence indicates that they represent nothing but blatantly false propaganda.

If our men are treated so well, why does not Hanoi allow international inspection of their prisons?

If they really want Americans to come home, why do they not start by releasing American POW's?

THE STATE OF THE JUDICIARY REPORT

Mr. NELSON. Mr. President, event follows upon event so quickly now that important messages receive media attention one day and are forgotten the next.

Chief Justice Burger's state of the judiciary report to the American Bar Association is a case in point.

Fortunately on September 8, the Washington Evening Star carried a commentary on Justice Burger's speech that was most pertinent. The author of the

commentary, Milton Viorst, made important points that Congress and Chief Justice Burger should seriously consider.

I think it most ironic that at the very time the Chief Justice was suggesting "we should look more to State courts familiar with local conditions and local problems," President Nixon endorsed the report of Russell Train's Council on Environmental Quality recommending stricter Federal laws concerning environmental problems—laws that would be enforced in the Federal courts.

The Chief Justice deserves support for his proposals for improving, reforming, and enlarging facilities of the Federal court system. Congress and the executive branch, however, must push forward to solve those national concerns that otherwise might suffer parochial defeats in State courts.

I ask unanimous consent that Mr. Viorst's column be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

BURGER'S THEORY WAS OUTDATED DECADES AGO

In his State of the Judiciary address this week, Chief Justice Warren Burger put on an interesting display indeed of what it means to be a "strict constructionist."

It wasn't enough for him to complain of the procedural safeguards incorporated into the law enforcement system by judicial decisions in recent years. With accuracy, he said they increased the burdens on the nation's courts.

He went a step further, however. He had the audacity to tell the Congress what laws it should and should not pass.

Not surprisingly, they are laws conventionally described as "liberal." He did not inveigh against preventive detention, for example. They were laws the Nixon administration doesn't like.

"People speak glibly of putting all the problems of pollution, of crowded cities, of consumer class action and others in the federal courts," he said. "We should look more to state courts familiar with local conditions and local problems."

Such a view is fine in theory—except that it's a theory which has been discredited for decades.

The federal court system—like the federal government itself—has grown not by some grand design, but because the state courts have shown themselves so parochial, so inept, so subject to the political and social control of local vested interests that they have been unable to assure to Americans the justice guaranteed to them under the Constitution.

The Brown case in 1954, and a hundred other civil rights actions, came to the federal courts because state courts had failed to face up honestly to the issues they raised.

The same factor applies to such cases as one man-one vote, the right to counsel and the validity of the state poll tax. The Warren Court did what the state courts would not.

Justice Burger surely knows that air and water pollution is a matter over which local courts have been effectively powerless. Local judges don't take on industries—and if they do, their orders don't get enforced.

It is odd that the chief justice also pointed to "consumer class actions," which would allow consumers as groups to bring suit for damages against frauds. Such legislation is currently under consideration in both the House and Senate.

This legislation has been a special target of the Nixon administration, the National Association of Manufacturers and, for that matter, the American Bar Association, before which Burger delivered his jeremiad.

It is interesting that he chose the bar association, the Gibraltar of "establishment" conservatism, for his State of the Judiciary address. Would the surgeon general report to the American Medical Association? If the chief justice wants to make this an annual message, he should go before Congress, as the President does with the State of the Union.

Indeed, what Justice Burger's entire message reflects is his lack of understanding of the federal court system as a channel through which concerned Americans can fight "within the system" to redress their grievances against the "establishment."

If many young people, both black and white, have become militantly "anti-establishment," many more have refused to join them for the very reason that, in the Brown case and so many others, the federal courts did respond to a need for social justice.

Justice Burger is, of course, correct in saying that the federal judiciary must have more money, more judges and more modern administrative methods. He has, perhaps, overlooked his own powers to assign judges where he sees fit and to reduce the length of court recesses, as a means of speeding up procedures. Yet there is no denying that genuine reform is essential.

Where Justice Burger seems disturbingly insensitive is in the emphasis he puts on efficiency without acknowledging that the first objective of the court system is justice.

In the case "of pollution of crowded cities, of consumer class actions," it is the responsibility of Congress to set the terms of justice. Justice Burger has no right to tell Congress that they cannot be met.

Indeed, the chief justice would have been on stronger ground declaring that the goal of his message was a compassionate court system. Even a "strict constructionist," after all, must know that quick courts are not necessarily the same as good courts.

SCHOOLBUS SAFETY

Mr. KENNEDY. Mr. President, the National Transportation Safety Board this week issued a special study on the "Inadequate Structural Assembly of Schoolbus Bodies" following an investigation into schoolbus accidents. The conclusions of the Safety Board clearly demonstrate that the 19 million schoolchildren who ride buses to and from school are not being provided with the maximum safety consistent with current engineering capabilities.

I can only describe as "shocking" the Safety Board's discovery that at least four different types of schoolbuses exhibited "inadequate and inefficient" body construction. In the accidents studied, the Safety Board concluded that:

Inadequate or inefficient fastening of structures at the roofline and other locations in the rearmost section of the bus substantially contributed to these injuries, one of which was fatal.

The report noted a failure of the design of the bus joints to conform to standard engineering guides and commented:

It would appear that such calculations were not used in connection with the design of the joints in these schoolbuses.

The Board found that far more fasteners are used in the intercity bus than in the schoolbuses studied and also added that:

Board personnel have examined such intercity buses and studied reports of damage to such buses in a number of severe accidents and have not found the type of disintegrative damage and gross separations at fasteners such as that exhibited by school buses.

It is important to note that there are approximately 10 different schoolbus manufacturers who share the annual market of some 30,000 vehicles. Not all of the manufacturers were studied by the Board, and the majority of the buses produced each year may not reflect the inadequacies cited in the current report. However, it should be incumbent upon the National Highway Safety Board of the Department of Transportation to ascertain immediately whether this condition is as widespread as the present study indicates.

Mr. President, I am writing today to the Secretary of Transportation, to the Schoolbus Manufacturers Institute, and to the National Education Association to ask that an immediate study be made into this question.

The Safety Board acknowledges that remedying the inadequate fastening might only affect 0.1 percent of the total national fatality toll. However, I cannot believe that all of the agencies associated with schoolbuses will not share the conclusion of the Board that there is a "unique need for protection of the innocent children who ride schoolbuses, and who are almost totally unable to assure their safety by their own actions."

The Board estimates that the simple act of providing an adequate number of rivets to the joints of the schoolbus will save from 20 to 30 lives each year and will reduce the number of children who are seriously injured.

Mr. President, I believe we would be guilty of the grossest negligence if we did not immediately ask all schoolbus manufacturers to alter their construction methods to reflect the recommendations of the Safety Board.

The Department of Transportation has authority to issue rules to require such changes and I would hope that the Department will act at once in this matter.

I would suggest that the Secretary might take advantage of the offer made last February 11, 1970, by the National Academy of Sciences to assist in a detailed study of schoolbuses. I believe that the resources of the Academy would be particularly appropriate for the task of evaluating the methods used in schoolbus construction.

At the same time, I would urge the Secretary of Transportation to expedite the issuance of rules concerning other aspects of schoolbus safety, many of which have been pending for 3 years.

Eight months ago, I recommended that the Department issue national standards in relation to the construction and operation of schoolbuses to insure minimum standards of safety to all schoolchildren regardless of the State in which they reside. Until these national requirements exist, the accident of residence will mean that one child is afforded less protection when he travels to and from school than a child who resides in a different State.

While I am aware that many of the recommendations I made in January and February are under active review, I

would reemphasize the need for the earliest possible issuance of these regulations. We are at the start of a new school year. The latest statistics show an ever-increasing number of accidents, injuries, and deaths involving schoolbuses. We must act now to reverse that trend.

The recommendations which again I intend to call to the attention of the Department are the following:

First. Performance standards requiring high-back, padded seats.

Second. A 20-G resistant seatbelt for the schoolbus driver.

Third. The prohibition of standees.

Fourth. Rules requiring maintenance and inspection programs specifically geared to schoolbuses.

Fifth. Research to produce a prototype safe schoolbus.

Sixth. A rear emergency exit.

Seventh. Side emergency exit doors.

Eighth. Elimination of interior protrusions—that is, metal stanchions.

Ninth. Standardization of bumper heights.

Tenth. Requirements that States establish standards for qualifications and training of schoolbus drivers based on Federal minimums.

Eleventh. Guidelines to the States for the planning of schoolbus routes and loading zones.

Mr. President, I also want to commend particularly the National Transportation Safety Board for its study "Inadequate Structural Assembly of Schoolbus Bodies." I ask unanimous consent that the study conclusions and the correspondence from the National Academy of Sciences be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

JANUARY 28, 1970.

Dr. PHILLIP HANDLER,
President National Academy of Sciences, Washington, D.C.

DEAR DR. HANDLER: As noted in the enclosed copy of a letter I sent to the Secretary of Transportation, the Department of Transportation has failed to establish safety standards in the manufacture, operation, maintenance or inspection of school buses.

The safety of the nation's school children is a matter that concerns us greatly and I would like to know if the Academy might be able to suggest minimum safety standards that could immediately be issued. We have been extremely tardy in bringing our knowledge and experience to bear on this question. I would hope that your organization might be able to offer the Department some assistance in this matter.

I look forward to your suggestions on this subject.

With best regards.

Sincerely,

EDWARD M. KENNEDY.

NATIONAL ACADEMY OF SCIENCES,
Washington, D.C., February 11, 1970.

Hon. EDWARD M. KENNEDY,
U.S. Senate, Committee on Labor and Public Welfare, Washington, D.C.

DEAR SENATOR KENNEDY: Thank you for your letter of January 28, enclosing a copy of your correspondence to the Secretary of Transportation concerning safety standards in the manufacture, operation, maintenance and inspection of school buses. No one can fail to be concerned over the loss of life or injury to any individual child who is entrusted to the care of the school system. For this reason the nationwide cooperation of both public and private organizations is essential if we are to reduce the failure in this system of transportation.

As your letter to the Secretary indicated, the Department of Transportation has been working for some time on this question. Their study and the work of other organizations have improved our understanding of the causes of accidents and injuries that occur in the transportation of school children. As an example, the National Conference on School Transportation (administered by the National Education Association) has for many years issued guidelines for school bus equipment and for the selection and training of school bus operators. It is our understanding that the Association has scheduled a meeting for this spring to update these guidelines.

Thus a beginning has been made in developing the necessary information that is needed to formulate national standards and guidelines for improving school bus safety. Unquestionably, we must now move ahead as rapidly as possible in applying this knowledge and experience. In this regard we should not overlook the related safety problems involved in the operation of school transportation systems (i.e., the problems of scheduling, loading and unloading).

The National Academy of Sciences, of course, stands ready to assist and advise the Department of Transportation on the problems outlined in your letter. Our Highway Research Board has recently completed studies in the areas of driver education and ambulance design at the request of the Department and would be pleased to make a detailed study of school buses.

I appreciate your interest in bringing this correspondence to my attention and I have transmitted a copy of my response to the Secretary of Transportation for his information.

Cordially,

PHILIP HANDLER,
President.

SPECIAL STUDY: INADEQUATE STRUCTURAL ASSEMBLY OF SCHOOLBUS BODIES—THE ACCIDENTS AT DECATUR AND HUNTSVILLE, ALABAMA

(Figures referred to not printed in the RECORD)

INTRODUCTION

Indications that the structural assembly of schoolbus bodies might be inadequate were found and reported by the Safety Board in a grade-crossing accident which occurred October 2, 1967, at Waterloo, Nebraska. That accident showed that major elements of the schoolbus body had separated cleanly under crash forces. This separation involved high-crash forces produced by the collision between a train and a schoolbus. The separations occurred where fasteners used to assemble many elements of the schoolbus were few and widely spaced. Because no observations of injuries were made, it was not possible to determine whether the spacing of the fasteners contributed to the four fatalities in that accident. Since that time, the Safety Board has reviewed two additional accident reports in which there is sufficient information to relate certain features of the schoolbus structural fastenings to the injuries.

The first of these accidents occurred at Decatur, Alabama, April 23, 1968, and the second at Huntsville, Alabama, November 19, 1968. These accidents were initially investigated by accident research teams organized to provide both engineering and medical investigation by the Georgia Institute of Technology, under contract to the National Highway Safety Bureau. The group is called the Atlanta Medico-Engineering Research Team.

Actions have already resulted from these two reports in areas not covered by this review. The first accident was followed by the passage of schoolbus inspection legislation by the State of Alabama, and the second accident investigation initiated the recall of a large number of brake master cylinders by the General Motors Corporation. This study is based upon evidence of the two reports, and additional analysis of the evidence, including a thorough inspection of the schoolbus body involved in the Decatur, Alabama, accident by Safety Board personnel.

This study will review the examples of injuries in these accidents, explain how the design of joints and fastenings was involved in the injuries and in structural strength of schoolbuses, and compare schoolbus construction with construction of other types of buses which employ more efficient and complete fastenings. The study relates entirely to the type of schoolbus which is manufactured by attaching a schoolbus body to a truck chassis. No review has been made of the integral-body-and-chassis type of schoolbus which constitutes less than 10 percent of total production. The examples in this study involve different makes and models of schoolbuses. Although there are indications that the problems discussed are widespread, the study has not covered all makes and models of this general type. The study will also discuss the factors of cost, safety benefits, and justice factors in the protection of the child passengers involved. Although the number of fatalities contributed to by inadequate or inefficient structural strength of schoolbuses is a relatively small proportion of the national highway toll, the Board recommendations are consistent with the scope of the problem, the need for just treatment of schoolchildren in schoolbus accidents, and the technical capabilities of the schoolbus manufacturing industry.

INJURIES IN THE DECATUR, ALA., ACCIDENT

The accident at Decatur, Alabama, involved failure of the schoolbus brakes at the top of a long hill, and the inability of the driver to control the bus. The bus ran off the right-hand shoulder of the outside of the turn at the bottom of the hill and into a deep, eroded gully. The forward right-hand upper section of the bus body struck exposed tree roots and rocks and a fencepost, while in a partially overturned condition. The forward part of the upper right-hand portion of the bus was destroyed by rearward impact. Four fatal injuries occurred, two near the collapsed forward portion of the bus structure, two at unknown seat locations. In addition, some seats were torn from the floor, seat cushions were loosened from their normal positions, and a variety of injuries were associated with unrestrained passengers thrown from the left side of the bus to the right side. The motion of schoolbus passengers and the floor attachment failures during collisions of this type are typical. Such factors are under consideration by studies of the National Highway Safety Bureau. Thirty-four injury cases were studied in the Decatur accident.

A predominant source of reported injury was the laceration of child passengers by exposed edges of the bus interior sheet metal, including the ceiling, which were raised and opened by the distortion of the upper right-hand front structure of the bus. This area of the interior is shown in Figure 1. The exposed sharp edges of the sheet metal were raised into shapes similar to the edge of a shovel or a cookie cutter. Lacerations were attributed to contact with these edges in the report of the Atlanta Medico-Engineering Research Team:

"The predominant injury pattern was to the face and scalp, with multiple lacerations, abrasions and contusions. . . . Upon impact the bus evidently received a strong longitudinal and tangential force causing the sheet metal panels on the interior bus ceiling to

open up, exposing the children to sharp metal contact. Evidence indicated that a number of the children were injured by this hazard. . . ."

In addition, Board personnel carefully examined these edges, and found a fragment of blue yarn snagged on one of the edges in a place which was not normally exposed. The most probable source of this fragment of yarn was the clothing of some child in the bus; however, there is no basis for determining whether the snagging occurred during the impact or during rescue operations.

The raising of these sharp edges was made possible by the very wide spacing of the screws which were used to fasten the edges of the sheet metal interior roof panels to each other and to the roof bows. Furthermore, as can be seen in the illustration, the panels are connected to each other and to roof members so that their strength is *potentially* a source of added structural strength of the bus. However, the fastening of the panels serves primarily to attach them to the roof bows as a form of cover. The wide spacing of the fasteners does not permit substantial transfer of the structural loads developed in a crash. Thus the raising of sharp edges between fasteners produces a source for injuries and is also a manifestation of poor capability of the joined steel interior panels and bows to act together in carrying the crash load. There is an implication that the collapse of the bus body might have not been so complete if all the ceiling panel joints had held.

An additional indication of the injury potential of the raised edge is seen in Figure 2. This photograph shows an area rearward of the area shown in Figure 1. Here, near the right of the picture, a panel edge is opened and folded forward. The folding could not have occurred prior to the opening of the panel. The necessary inference is that during the crash some object, either a child or possibly a seat cushion, struck the edge after it had been raised, and with an impact sufficient to fold it forward. To produce this folding, the impact would necessarily have been generally against the edge, the direction most likely to have produced lacerations. The bloodstains on the panel immediately forward (to the left in the picture) of the folded edge may or may not have been associated with injuries due to the edge.

It is concluded that the cause of this predominant class of reported injuries was with the inadequate fastening of the roof panels to the bows. The assembly was inadequate in the sense that it was insufficient to prevent separation of the panels from the bows and the raising of sharp and injurious edges under collision conditions.

Figure 3 shows a separation which occurred between the schoolbus body and the cowl of the truck body to which the schoolbus body was mounted. Schoolbuses of this type are customarily manufactured by bolting the schoolbus body onto a truck chassis frame. In this case, the rearward forces placed upon the upper right front of the bus body structure separated the lower part of the schoolbus body from the cowl. At this point the schoolbus body was attached to the cowl by widely spaced bolts, the holes for which are indicated by arrows in the illustration. The absence of distortion around these holes indicates that the bolts failed. This separation may have increased the amount of rearward deflection of the upper part of the schoolbus body.

FATALITIES AND INJURIES IN HUNTSVILLE, ALA. ACCIDENT

This accident occurred when brakes failed on a schoolbus which was descending a hill. The bus ran off the road to the outside of a right-hand curve. The bus rolled over to the left and the rear portion struck a tree which penetrated the passenger compartment at the last row of seats. Figure 4 shows a rear view of the area of the bus which struck the tree. The photograph was taken after the bus had been turned back upright. The right-hand rear seat in which two children were seated was torn out, and the undamaged seat seen at right is the next section forward. One child seated in the absent seat was killed and another seriously injured. The wreckage in the lower half of the picture consists of the rear wall of the bus, the rear door, the rearmost roof bow. Part of the lower portion of the right wall is also shown, but its shape is better seen in Figure 5.

Figure 4 also shows that the rear section of the bus was separated neatly from the forward section, with very little deformation of the next forward section of the bus. This indicates that the forward section of the bus shared only a little in supporting the forces of impact imposed by the tree. The very wide spacing of rivets on the outer shell of the bus can be seen in this photograph. The wide spacing of rivet holes is indicated on the roof bow. Close observation of the illustration showed that the rivets were pulled through the parent material or had pulled through the edge. The ceiling panel, having been separated at the rivets, is simply hanging down. Note that the door is relatively intact, the glass unbroken.

Analysis of the destructive effect in this photograph indicates that only one of the heavier gauge structural elements ruptured through its main section. All the other destruction which allowed the tree trunk to penetrate and destroy the area of the right rear seat appears to have resulted from separation of joints where they were connected by fasteners.

A view of the right rear of the bus is shown in Figure 5. The straight line of cleavage between the rearmost section and the next forward section is especially evident. The rearmost right sidewall below the window line, still flat and undistorted, has been rotated rearward and downward. Separation occurred along the vertical line of fasteners between the rearmost section and the next forward section.

It is most significant that the two "impact siderails," which are major structural members, are still extending to the rear in their normal position, almost perfectly straight with litle distortion. There are three siderails, showing as black bands in the picture. The upper and lower are still in place. The middle siderail remained attached to the panel, but separated where riveted to the forward section of the siderail. Thus both the sidewall panels and the heavier gauge siderails have been neatly separated with little or no damage other than the breakage of fasteners. The rivets or bolts by which the siderail is attached to the panels and bows are spaced approximately 5 to 6 inches apart.

Figure 5 indicates separation with virtually no distortion of either joined portion and is direct evidence of fastening inadequate to develop the potential strength of the structure. Because the separation occurred, the next forward section of the body was prevented from carrying any of the load of impact with the tree. This localized the effect of the tree's impact, leaving the rearmost section almost alone to resist the impact. Thus it is concluded that the tree penetrated more deeply into the rear section of the bus than would have occurred if the fasteners had been sufficiently complete to transfer a significant portion of the load into the next section. The tree, because of the weakness of the fastenings, merely disassembled and crushed the rearmost section of the bus.

The report of the Atlanta Medical Engineering Research Team said:

"The injuries to the three occupants in the rear seats resulted from contact with either the tree, which entered the passenger compartment, or from undetermined portions of the bus structural frame and skin which were forced into the compartment. . . ."

The Safety Board concludes that inadequate or inefficient fastening of structures at the roofline and other locations in the rearmost section of the bus substantially contributed to these injuries, one of which was fatal.

In defining the fastening of structures, no distinction has been made between the heavier structural frame and the skin. It is evident that the panels would lend substantial strength if they were adequately fastened. If the strength of panels is not employed then it would be necessary to use heavier members to obtain adequate strength in the structure. The separation of structure with little or no distortion indicates that neither approach was employed sufficiently to provide adequate strength.

ADDITIONAL EXAMPLES

Additional examples of the separation of bus structure at joints and the raising of sharp edges capable of inflicting injury in the interior of the bus are shown in the photographs of the appendices. These accident investigations did not include sufficient information to determine the relationship of injuries to the failures in the bus construction; however, these photographs illustrate the variety of the failures. A total of four different makes and models of schoolbuses are involved in the Decatur and Huntsville accidents and in the two examples in the appendices. This indicates that the problems of inadequate assembly are not restricted to any one type of bus, but are fairly widespread.

Figure A is an illustration used in the Board's report of the accident at Waterloo, Nebraska. The right side of the schoolbus is shown and a number of clean separations are visible. For example, the roof is separated in large sections at joints. The sheet steel interior panel at the left is neatly separated and shows no effect of having carried a load whatsoever. This disassembly was a result of snagging engagement of the structure by extremely heavy members on the railroad locomotive involved.

Figure B shows a rear view of the same schoolbus struck by the train. This illustration should be compared with the rear view of the schoolbus which was disintegrated by a tree impact in the Huntsville, Alabama, accident, Figure 4. Figure B shows the same phenomenon of neat separation at joints with little or no distortion of the nearby supporting structure. The left wall interior panel is seen best in Figure A. The corresponding outer panel is also relatively undistorted, and the bus structure is separated cleanly along a vertical line.

Figure B also shows clean separation of floor sections. This bus floor was formed by assembly of a number of transverse sections, each of which carried a pair of seats. The transverse sections are flanged at the front and rear and are joined at the flanges by fasteners. All of the transverse sections rest across the chassis frame of the truck to which the schoolbus body is bolted, and thus vertical stiffness is obtained from the truck frame rails. In this case, the rear floor sections were separated neatly at the flanged joint and there is little or no distortion of the flange, indicating that the fastenings were insufficient to provide mutual support. The separated flange was damaged in a later phase of the accident.

Figure C shows the exterior of a schoolbus which was struck on its right side by an automobile in an accident at Atlanta, Georgia. The bus was deflected from its path and rolled over a highway guardrail which penetrated the top of the bus. The guardrail was somewhat flattened and reduced in height. Separation between the roof panels and upper frame rail has occurred exactly along the line of fasteners. This sep-

aration occurred both forward and rearward of the line of penetration of the guardrail. At the rear separation, an entire corner of the roof panel has been separated.

Figure D shows the interior of the same schoolbus as Figure C. The localized penetration of the roof produced a clean separation between the roof panels and ceiling interior panels and sharp edges are presented in the interior as in the Decatur, Alabama, accident. The illustration shows the sharp edge only on the near side of the separation; however, there would necessarily be another sharp edge in the rear portion.

INADEQUACY OR INEFFICIENCY IN RIVETED JOINT DESIGN

In the foregoing discussion, riveted joints were referred to as "inadequate" when there was an insufficient number of fasteners to prevent the development of sharp edges when the fastened sheets were subjected to crash loads. The technical term for riveted or bolted joints which fail under loads much lower than can be attained by a sufficient number of fasteners is "inefficient." The "efficiency" of a riveted joint is a percentage number, the percentage of the strength achieved by the joint where 100 percent represents the strength of the parent metal. Handbook data[1] for certain kinds of riveted structural joints indicate that efficiencies of 50 to 94 percent can be attained by careful design and construction. The lower values of efficiency are obtained by using a single row of rivets whose spacing is carefully calculated at the optimum. This, however, is low-cost construction. Much higher percentages of efficiency and strength are obtained for such structures as boilers and air compressors by using three or four rows of rivets.

The efficiencies of the joints seen in these illustrations of schoolbus design appear to be very low, indeed. In typical riveted joints, an efficiency of about 60 percent is reached when rivets are spaced at a distance between centers approximating 2½ times the diameter of the rivet. In the examples of schoolbus construction cited, distances between rivets or other fasteners ranged between 4 inches and 10 inches, and no rivet diameters were larger than ⅜ of an inch. Thus, the actual spacing between rivets varied from approximately 10.5 times the rivet diameter to as much as 25 times the rivet diameter. This was sufficient to resist wind and weather, but the joint could contribute little to structural strength.

The efficiency of such joints is subject to calculation and can be maximized. The subject is covered by standard references such as *Mark's Standard Handbook for Engineers*. It would appear that such calculations were not used in connection with the design of the joints in these schoolbuses.

SCHOOLBUS STRUCTURE VERSUS STRUCTURES USED IN INTERCITY AND TRANSIT BUSES

Schoolbus bodies are primarily constructed of steel joined by welding and riveting and bolting and, in some areas, by the use of sheet metal screws. Buses used in regular passenger service such as transit buses or intercity ("over-the-road") buses, are more likely to be constructed of aluminum external sheets formed and riveted to underlying structural members of aluminum or steel. Substantially higher efficiency in riveted structural joints is apparently achieved in these designs.

Figure 6 shows a comparison between a typical city transit bus and one type of schoolbus. More strength of joints is evident in the transit bus in similar structural areas.

Figure 7 shows a comparison of the external surfaces of a typical intercity bus versus the same portion of the body in a typical schoolbus body. As can be seen, far more fasteners are used in the intercity bus. Board personnel have examined such intercity buses and studied reports of damage to such buses in a number of severe accidents and have not found the type of disintegrative damage and gross separations at fasteners such as that exhibited by schoolbuses.

Figure 8 shows a comparison of the external fastenings at the driver's seat location for a transit bus and another type of schoolbus. As before, it is evident that far more rivets are used to fasten the panels in the transit bus structure than in the schoolbus structure.

The economic significance of this fully joined construction is that the total weight of metal employed in the intercity and transit buses is used efficiently to create an integrated structure able to resist impact damage. The schoolbus structures, on the other hand, rely upon steel bows and columns connected to various lengthwise members to which the steel panels of the side, roof, ceiling and interior panels, and side impact rails are attached by riveting or by the use of sheet metal screws. In general, these panels act to keep out weather or hold insulation in place, but do not develop a sufficiently high proportion of the available strength to be regarded as more than covering material. The strength of the panels reduces shake and vibration so long as the relatively few fasteners hold, but contributes little to the ultimate crash strength.

It is to be recognized, of course, that the schoolbus bodies are substantially lighter in total weight than are the intercity or transit bus bodies. Also, schoolbuses typically carry a larger number of passengers in a smaller space than do intercity buses. These considerations do not change the observation that these schoolbus structures are very lightly joined as compared to intercity or transit buses. It would appear that, if anything, the lighter weight of the schoolbuses would require greater efforts to achieve efficient joints and thus employ all the material to resist structural disintegration.

It should also be noted that the Safety Board has not reviewed or studied all of the schoolbus bodies now being manufactured. There may be exceptions to these generalizations as to inadequate and inefficient joint fastenings. Also, it should be noted that some types of collisions may not place stresses on panels and joints of a type which would reveal these problems.

COSTS AND SAFETY BENEFITS OF EFFICIENT SCHOOLBUS STRUCTURES

It appears that the strength of many joints in schoolbus bodies could be increased by factors of three or four simply by increasing the number of rivets or other fasteners used. In many cases, this could be done by drilling additional holes and adding rivets after the schoolbuses have been manufactured. It would appear that between two to five times as many fasteners could be employed, dependent upon the existing degree of fastening.

The cost of labor in assembling schoolbuses would be increased by increasing the number of fastenings; however, that factor might be reduced by employing mechanical methods of placing rivets which might be practical if larger numbers of rivets were used. The weight of the bus would not be significantly increased by the added fasteners. The question is immediately raised as to whether the benefits would be worth the cost and whether these are priority changes in the perspective of the total highway losses.

The question of cost arises because of a unique characteristic of structures which makes it possible to assemble such a vehicle body without employing high-efficiency joints. That characteristic is the fact that almost the maximum degree of stiffness, freedom from vibration, and watertightness can be obtained in a structure with only a fraction of the number of fasteners required to produce maximum protection when a crash impact occurs. Thus, the doubling or tripling of the number of rivets or other fasteners needed in a bus of this type is not a necessity for normal operation, but is required only to obtain crash protection for occupants. The amount of added assembly cost to achieve the increased structural strength is unknown, but it could be estimated by detailed studies. The question is, are the safety benefits worth the increased cost of assembly which would be necessary?

It is evident that the number of lives to be saved annually by such structural changes does not exceed 20 to 30 children. The number of injuries to children prevented is believed to be much larger, but cannot be estimated. However, theoretically it should be possible to determine the total cost of improving the structural construction and to estimate some type of dollar loss to society represented by the lives of the children saved and the injuries prevented. This type of calculation balancing dollar cost against lives of children has not, so far as can be determined, been attempted in the safety field, although cost-benefit evaluations are frequently urged as a form of insurging economy in policy decisions. It might well be that, in this particular case, it could be shown that the cost of saving lives by fully joining schoolbus structures might be relatively high per life saved.

A second question concerning this proposal is what priority it should enjoy as a project of DOT compared to other methods of reducing highway fatalities. The lives potentially savable by stronger schoolbus structure is less than 0.1 percent of the total national fatality toll. Thus it can correctly be said that among the various safety efforts which might be applied by such agencies as the National Highway Safety Bureau, efforts to establish this particular correction would be of low priority.

STRUCTURAL IMPROVEMENT PRIORITY BASED UPON JUSTICE AND EQUITABILITY

If the priority of schoolbus structural improvement is low in terms of the total national needs in which DOT and the National Highway Safety Bureau must function, schoolbus fatality and injury is nevertheless a predominant concern in two areas, the schoolbus manufacturing industry and schoolbus operators and users. In the schoolbus field, the degree of effort for safety has not been traditionally determined by cost/benefit considerations, but by the unique need for protection of the innocent children who ride schoolbuses, and who are almost totally unable to assure their safety by their own actions. Schoolbus riding children are seated within the buses usually because State laws require schooling, the children are not there totally on their own volition. Society has established many regulations for the safety of school children which may appear exaggerated in other fields. For this reason, it appears that the employment of structural assembly methods in schoolbuses which are less efficient than methods used in other types of passenger buses should be considered primarily a question of justice to schoolbus riding children. This consideration of justice, in the Board's view, should override the question of whether the cost of complete assembly could be demonstrated to be less than the dollar value of the lives saved.

A second consideration in the need to attack this problem is a possible deleterious effect on the structural safety of intercity buses and transit buses if inadequate assembly is allowed to persist in the schoolbus field. If schoolbuses are not corrected, might it not also be argued that intercity and transit bus manufacture were justified in re-

[1] Mark's Standard Handbook for Engineers, 1968 Edition.

ducing the efficiency of joint construction? There is an implication that it might be possible to reduce the number of fastenings in intercity buses to a level consistent with freedom from shake and vibration without respect to crash impact performance. If that were done, the phenomena of complete separation of portions of the structure might occur in other types of buses as well as in schoolbuses. It is not clear that such a reduction in strength would even be considered in the other bus fields, but it seems unwise to tolerate the weaknesses in schoolbuses when the strength of other buses is provided voluntarily.

A question of fairness in some competitive operations is also involved. Schoolchildren can be carried on longer distance excursions, including intercity trips, either by schoolbus or by chartered buses of the intercity type. Long distance trips by schoolbus are often authorized by local school boards in the interest of direct cost savings. It costs less to operate a light schoolbus. Schoolbuses are also sometimes used by the military services for other than local services in preference to the intercity type of bus, again on an apparent direct cost saving basis. The schoolbus type of construction, however, does not appear to be designed for continuous high-speed over-the-road service. Most schoolbus usage involves local service, speeds below top highway speeds, and short duration of passenger occupancy. It may be that some schoolbus manufacturers have adopted the methods of minimal joining under the assumption that schoolbus crashes will occur at low speeds. If that is the case, the occupants of schoolbuses exposed to long high-speed travel may be exposed to greater risks than are occupants of typical intercity buses. The generally low fatality rate in typical local schoolbus service may not apply when the same buses are used for intercity service.

CONCLUSIONS

As a result of this study the Safety Board concludes that:

(1) There have been crashes in which the disintegration of the structure of the schoolbus and the lack of mutual support of structural parts are evident. The failure of the structural parts to support each other in crashes has contributed to injury and fatality and is an implied threat in future schoolbus crashes.

(2) Interior panels present exposed sharp edges because the widely spaced and inadequate fastenings at joints fail or allow edges to be raised between fasteners in schoolbus crashes. Such edges are a source of injury to passengers.

(3) The joints employed to join structural members and potential load carrying panels in schoolbuses are often inadequate and "inefficient" in the technical sense because they employ relatively few fasteners and thus do not develop more than a small fraction of the structural strength which is potentially available.

(4) Other types of buses, such as intercity buses and city transit buses, exhibit much more adequate joining of structural load carrying panels than do schoolbuses. This indicates that more adequate fastening of schoolbus structures is technically feasible.

(5) The question whether the increased cost of more adequately fastened schoolbus bodies would be repaid in reduced fatality and injury is difficult to determine; however, the Safety Board believes that adequate joints are necessary in justice to the innocent schoolchildren passengers.

(6) The correction of this problem is not a high priority matter in relation to the total numbers of national highway losses; however, it is an important matter of justice in the field of schoolbus manufacture and operation. Not only is it unfair to children to allow the sources of injury from inadequate joining to continue, it is also undesirable to allow a source of injury to continue in one field (schoolbuses) when it is voluntarily controlled in another field (intercity and transit buses).

RECOMMENDATIONS

The National Transportation Safety Board recommends:

(1) That the National Education Association and the schoolbus manufacturing industry adopt a policy of using fastening methods which inhibit the raising of sharp edges and which provide much greater efficiency of joints to prevent the disintegration of schoolbus bodies. This policy might well be implemented by voluntary specifications adopted by the National Education Association and used by schoolbus purchasers and manufacturers.

(2) That the National Highway Safety Bureau include in its accident research investigations and studies a search for evidence of the nature of schoolbus disintegration and the significance of the disintegration phenomena in injury causation.

(3) That the National Highway Safety Bureau continue its consideration of the recommendation concerning schoolbus safety made by the Safety Board in its report of the grade-crossing accident at Waterloo-Nebraska, which occurred October 2, 1967.

CULEBRA

Mr. SCOTT. Mr. President, the continuing controversy surrounding the U.S. Navy and the island of Culebra, a part of Puerto Rico, is the subject of an analytical report prepared for the Governor of Puerto Rico, by Dr. Robert A. Kilmarx, Georgetown Center for Strategic Studies, and released August 22. Although I am not wed to the specifics of Dr. Kilmarx's analysis, I do support its main thrust of discontinuance of the use of Culebra as a target.

The citizens who live on the tiny island municipality of Culebra have requested the U.S. Navy to terminate its target practice trainig using Culebra as a target for live shells, bombs, and machinegun bullets.

Dr. Kilmarx's analysis is intended to provide independent advice about naval requirements and use of firing ranges at and near the Culebra Island. The conclusions and recommendations of the analysis are qualified as tentative, indicating that future developments could alter them.

It appears that the ultimate resolution of this matter will be the end of naval use of Culebra as a target for shelling and bombardment.

The time schedule for this discontinuance will have to be worked out between the island and the Navy with consideration given to the problems and difficulties of both parties, in addition to the humanistic consideration for the American citizens making their homes on Culebra.

T. D. ALLMAN'S REPORTING

Mr. CHURCH. Mr. President, until he was declared "persona non grata" by the Lon Nol regime in Cambodia, T. D. Allman was a major source for American readers of on-the-spot information about current events in beleaguered Cambodia. His reporting—accurate, candid, balanced, inquiring—was in the best tradition of journalism that the Indochina war has spawned.

Two of his last dispatches from Phnom Penh vividly detail life in war-torn Cambodia. For example, his comments about arms peddling on the local black market bring to light some of the sordidness our military presence in the region has created. Ironically, when the United States threatens to disengage, the dependent profiteers urge Uncle Sam to remain.

I ask unanimous consent that two articles by T. D. Allman be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LAL AND BAL LOVE DICK

(By T. D. Allman)

Lal and Bal are two rather plump brothers from Bombay who would appear to make a modest living from a small cloth shop near Phnom Penh's central market. Their shop displays silk, cotton, nylon, underwear, shirts, rain coats and even a few war surplus Eisenhower jackets.

But Lal and Bal, should you wish, can also provide other wares: Would you like to buy a genuine Buddha head stolen from the ruins of Angkor Wat? Or an M-16 rifle peddled by a South Vietnamese MP to buy souvenirs for his family back home? Or perhaps you really want a few tons of rice or salt? Or to change into dollars a few hundred thousand Cambodian riels?

Like dozens of other Indian, Chinese and Cambodian entrepreneurs in Phnom Penh's black market, Lal and Bal are there to help you. They follow the laws of Adam Smith—supply, demand, profits—unpolluted by any contaminants like social responsibility, patriotism or political loyalties.

Like others, these middlesized, middleaged middlemen claim the Cambodian war has hurt business. It does not seem to be hurting too badly. They just bought an apartment house in Hongkong. Lal heartily dislikes Bernie Cornfield. "I lost $75,000 in his business."

"Actually," he says, "things haven't been good since the war started and the VC reduced their buying here. The Vietcong were good businessmen. They paid their bills on time and didn't bargain too hard. In the good old days, a little old Vietnamese lady, dressed in rags, would come in, take out $5,000 from her blouse and change it into riels. The VC, however, preferred mostly to work through the Chinese. You can trust them. I wouldn't know a guy's name, or remember his face, but I would give him a few million riels, and a week later the equivalent in dollars would show up in my bank account in Hong Kong. Mutual confidence is the foundation of all business relationships."

The communists apparently paid hard currency for soft riels to pay for the rice, medicine and other supplies they bought in Cambodia during the days of Prince Sihanouk. "In most countries the communists just come in and take what they want. Sihanouk made them pay for things. That was why the riel was so stable."

According to Bal ready cash was plentiful in Sihanouk's time because of government corruption. "A man would buy a job with the customs and turn a nice profit. Now all these people are out of jobs, or at least trying to looking honest."

Is the new government corrupt?

"They haven't had enough time," answers Lal a little regretfully. "But time heals all wounds as they say."

Despite the war, the communists continue to make some purchases, mostly salt, rice and medicine.

"I've got a little racket going right now I'd love to tell you about," says Bal. "I made 500,000 riels (about $6,000) on it last month. We could even use a journalist in the operation. But I'd better not tell you for a few weeks . . ."

Who are the buyers?

"Our friends in black pyjamas"

Is it legal?

"Is anything worthwhile legal in this life?" demands Bal.

The two brothers do good business in guns thanks to South Vietnamese soldiers. About twice a week, they say, the soldiers come in and sell their weapons.

Who are the biggest purchasers of guns?

"Well, there's a Cambodian," says Lal, "who I bet is in turn selling the guns to s-o-m-e-b-o-d-y." He takes a sip of tea. "He comes in regularly and buys up the market." Interjects Bal: "Last week he bought a pile of guns, and just as he was about to drive away in his sports car, he said, 'Do you have anything else?' So I pulled out this Japanese laughing bag that my kid and brought back from Hongkong. He offered 2,000 riels for it (about $22) if you can believe it. I told him 3,000. He said, 'No, things are tough right now. The VC shot down one of my helicopters over Siemp Reap last week and I lost a whole shipment.'"

"We didn't ask what the shipment was," says Bill, cutting his index fingers across his throat. "We want to stay alive."

On sale at the ferry point of Neak Leong, the most colourful black market, are US mosquito nets and insect repellent, Dutch canned ham, British cigarettes, Vietnamese soap, Portguese sardines, Japanese fruit juice, Chinese cigarette lighters, Russian Vodka and Cambodian girls.

The oddest customer in the black market, however, is the US embassy in Phnom Penh. Recently, according to reliable sources the embassy sent an agent into the market and bought an M-16, for the bargain price of 6,500 riels. This was part of an effort to gather details on the monumental black market drain on US supply facilities in Southeast Asia.

From the door of their shop, Lal and Bal look on the kaleidoscope of Southeast Asian turmoil placidly. "Things aren't going too well now," says Bal. "But I have faith in the Americans. They have brought us prosperity. The Nixon Doctrine and popular opinion may cut down on things a little, but I know America will find a way to stay in Southeast Asia."

NOTES OF A PERSONA NON GRATA

(By T. D. Allman)

There was the Cambodian shoeshine boy who, when asked if he preferred the new government or Prince Sihanouk, replied in perfect French, "I don't discuss politics."

And the Vietnamese, hostess, multilingual in Khmer, Vietnamese, French, Chinese, English and Thai, who was explaining why she carried a *laisser-passer* from the police allowing her to work after curfew. "I belong to a special profession," she said.

In the central market, insects writhe for sale in wicker baskets: they are used to sweeten soups and eaten as casual snacks.

Phnom Penh has a classical ballet, but no taxicabs, an olympic stadium but water that is not safe to drink. Its gardened boulevards are the cleanest and most pleasant in Asia, but more than 50,000 interned Vietnamese civilians must use the Mekong River as a toilet, wash basin and source of drinking water.

Like most Asian cities, the Cambodian capital is new. Traditional Asian life produced rice, war and the occasional royal compound. It took the Europeans, and a wave of Chinese immigration in the 19th century to give Cambodia its first real city since Angkor Wat was sacked in 1353. Historically, the city has three nuclei, only one of them Cambodian. The first is the royal palace, even in republican Cambodian a symbol of the city's primacy and one of the treasures of traditional Khmer architecture with its solid silver pagoda and a graceful stepped gate. It was designed by a Frenchman in the late 19th century. The second is Chinatown. The third is a small artificial hill from which radiate several of Phnom Penh's main boulevards. The city takes its name from the hill. Phnom Penh, in Khmer (the Cambodian language) means hill. Penh was a woman who several hundred years ago decided to build the hill, and top it with a Buddhist temple.

Phnom Penh is bright and bustling in the morning. By noon, the sun has become brilliant, and the government offices, even now, during the war, close down for the day a short time later. Everyone sleeps during the afternoon. Toward five the sun sinks behind a dust bank or a grey monsoon cloud and turns into a yellow orange disk. In either case, the town is diffused with red and orange light, the dying sun reflected in the yellow water paint that covers every French style building absorbed in the red tiles of the city's roofs. This is the time when the whole city seems to be chatting. Europeans on the roof of the Hotel Monorom look out across the flat rice fields to the hills behind. There are, as the saying goes, Communists in those hills, and even much closer. But Phnom Penh now seems less changed by the war that it did two months ago. The ugly anti-Vietnamese posters have come down, the people are less nervous. The Cambodians are replacing the sandbags around the public buildings with smart little guard posts. The evening promises good food, oblivion if you want it, or sex.

After dinner and dancing, the choices are varied: Madame Chum's for opium smoked with friends under a blue light, or pot on the hotel balcony. Some, after a day of war, still want sensation, not numbness. At every corner, the ladies of the night sit in wait. They can ambush you, especially if there are five or six of them and the street ends in a barbed wire barricade. "It was easier just to give in," confessed one European the next morning. And then, if you resist the temptation too well, the cyclo boys will gossip. They are the crows of Phnom Penh. Speaking broken French and English, they hop from the Royale to the Monorom to the Ministry of Information to the briefing to the P. T. T. to Madam Chum's to La Taverne and La Venise. From them you can learn: the sex habits of the last Ambassador of———, the latest black market rate, the name of the chief of Secret Police, what the explosion last night on the other side of town was, that in Phnom Penh one has no secrets, except important ones.

The Street names: some of them have been changed. The Boulevard Norodom Sihanouk is the Boulevard 18 March 1970, the day the Prince was ousted. The Boulevard Mao Tse Tung has become the Avenue de la Liberte. The Cambodian government wanted to rechristen it Nixon Avenue, in thanks for the April 30 invasion, but the low profile prevailed.

The Vietnamese quarter is now filled with Cambodians who have taken over Vietnamese property. There were 250,000 Vietnamese, 250,000 Chinese and only 150,000 Cambodians in Phnom Penh before. Now there are few Vietnamese, except those in prisons and in the camps.

If, for Cambodians dissatisfied with the village, Phnom Penh is a way up, for some foreigners it is simply a way out. Near the insects in the central market, one can buy lotus seeds. Cities, in a way, can be judged by the type of expatriates they attract. Until the war began, Phnom Penh was home for nearly a score of simpering, scraping Europeans, mostly Europeans, who made a living in activities ranging from playing badminton with Prince Sihanouk to smuggling. Most were well known for their kinky sex habits. Swiss bank accounts and an uncanny ability to shift with the prevailing political wind. The most clever have survived, and still work for the government, the rest have taken their sports cars and Swiss bank books and disappeared.

On March 17, 1970, a Western ambassador who had been in Phnom Penh too long, and fallen prey to all its insidious, comfortable, gentle little corruptions looked out of his office window at the immaculate boulevard below. "Things will never change here." he said. "The place is charmed." It can bewitch one, even when the war is 10 kilometers away. One can leave dead children on the ground and half an hour later be eating osso bucco at La Venise where the talk is all about money, France and who is sleeping with whom and find it rather exciting.

Then, reality intrudes, once in a while. It was somehow incredibly more shocking, a few weeks ago, to see a little Chinese girl crushed under the wheels of a car on the gardened Avenue Norodom than to see half a dozen children dead at Takeo. It was so incongruous.

The jungle of war and the jungle of mildew and rotting woods and damp river banks is all around Phnom Penh, pushed back a little every day by the South Vietnamese gunships and American bombers and gallons of yellow water paint and herds of young boys and girls sweeping the streets. The jungle encroaches during the night, and then gets pushed back, like a cuticle, the next morning.

The insects and the dampness and war in the end conquer everything in Cambodia. The Americans are coming, going, everywhere. They have little offices in the Cambodian ministries, and Army officers in civilian clothes wander through the Ministry of Defense. They fill one or two of the recommended restaurants, the only ones wearing short sleeve shirts.

The trains no longer pull out from Phnom Penh station for Battambang and Sihanoukville. There is no place now to go for weekends. The city is isolated in its charm and sophistication.

The isolation, geographically, is new. But Phnom Penh, designed by Frenchmen, built by Vietnamese artisans, operated for a profit by Chinese businessmen, governed by a few Cambodian civil servants, its eyes always more firmly fixed on Paris, Saigon or Peking than on the surrounding provinces from which it draws its wealth, has always been a place apart from those surrounding provinces.

These people, the Phnom Penhoise, are not the stolid, toiling peasants who are the Cambodian nation. Rather, they are animated, rather lazy, dissatisfied. They hated Sihanouk for what he could not give them. They were the core of support for the new government: restless students, low-paid civil servants, the urban underemployed. Now they remain the government's chief source of support, and of potential opposition. But war, if it has ravaged the countryside and left Phnom Penh to gaze more than ever inward on itself, has given the town dwellers a sense of participation. The youths affect guns and fatigues, the students drill, the big merchants give small donations to the Red Cross. In many ways, it is their war, declared out of boredom last March in front of the Vietnamese Communist Embassies.

And for this reason there could be the core of a class war in Cambodia if the Communists were clever enough and nationalism did not intervene: but not the war of capitalist against proletariat, the war of the towns against the countryside.

ARTICLES BY RICHARD WILSON AND SMITH HEMPSTONE

Mr. SCOTT. Mr. President, a recent edition of the Washington Evening Star contains two excellent articles, one by Richard Wilson and one by Smith Hempstone. I ask unanimous consent to have both articles printed in the RECORD.

There being no objection, the articles

were ordered to be printed in the RECORD, as follows:

THAT GREAT GENERATION NEVER WAS LOST

(By Smith Hempstone)

We are, we are told by teen-age philosophers and their sycophants, privileged to be in the presence of a great generation. And, of course, they are right.

We have only to look about to see the faces of that generation which truly can be called great. But you will not find its members on the campuses or among the street people or in narcotics-sustained rural communes. You will find them putting the finishing touches to their careers, bouncing their grandchildren on their knees or—the unlucky ones—incarcerated in old folks' homes by a society which scorns its aged.

One of the characteristics which has distinguished man from other animals long extinct is his capacity to adapt to change. It is this genius which has given him dominion over all the earth and its waters, and thrust his questing spirit to the fringes of outer space.

No generation has shown a greater willingness and capacity to adapt to change, channeling man's exploding knowledge into the conquest of new horizons, than those men and women born in the waning years of the last century and in the first decade of the present century.

These tough-minded Americans fought a grisly world war, kept their balance through the heady years of the 1920s and endured a grinding depression. They knew what it was to be hungry and cold and—because they knew—vowed that it would never happen to their children or their children's children. And it didn't.

When that peace for which so many had died collapsed in the face of a twisted tyranny, they didn't cringe: They went out and, at the cost of much blood and tears, kicked the stuffings out of Mr. Adolf Hitler. And when that nightmare ended, they had the compassion to expend billions of dollars to help their former enemies reconstruct their lands and their lives.

Buffeted by an ideological hurricane, they spurned the easy solutions of fascism on the one hand and communism on the other, believing that, for all its distortions and inequities, democracy remained the one road which free men could travel to a just society.

Born into a world where education was the privilege of the few, they made it the right of the many. They fostered that responsible unionism which has given those who work with their hands a place in our economic sun without parallel in human history, reducing the working day by a third while doubling per capita output.

In the field of health, they virtually eliminated the epidemics of typhus, diphtheria, smallpox, scarlet fever, measles, mumps, polio and tuberculosis which had ravaged their youth, increasing life expectancy by 50 percent. Meanwhile, venereal disease, which had been virtually stamped out, again has become epidemic; and that can hardly be pinned on septuagenarians.

Socially, they clung to and expanded the American dream of an open society which gauges a man's worth by his individual qualities rather than by his accent or antecedents. Inheritors of a legacy of unthinking racism, they moved belatedly, slowly but surely to extend to black Americans whose rights and privileges which are and should be their heritage.

They placed books, music, telephones, radio, television and automobiles, things which—when properly used—enrich the lives of men, within the reach of all. They gave unstintingly to their children and grandchildren, making the present generation of Americans the tallest, healthiest and perhaps the brightest—if not the wisest—in this nation's history.

Having split the atom, they put it to work for the good of mankind, preserving in tumultuous times that fragile nuclear peace upon which the life of the world depends.

Because they were neither angels nor prophets, they made mistakes. They left some tasks unfinished. They began others which might better have been left undone. But in the main, they intended well and they did well, leaving this country and the world better places than they had found them.

If the tantrum tots of today succeed in channeling their inner chaos to construct a more perfect union, they will be building upon the foundation laid by a generation, mistakenly called lost by Gertrude Stein, which never copped out, never stopped trying, never gave up believing.

CRIES OF REPRESSION REFLECT INVERTED LOGIC

(By Richard Wilson)

Repression has now become the favored word for all efforts to restore discipline in a disordered society. Look through the writings of the new and old left, listen to the college presidents and professors, harken to the students and hear the ugly word repression ringing down the centuries as the cruel weapon of the oppressors.

It is repression if a college president calls in the police to restore order when the criminal laws are violated by rioters whose only visible purpose is to disrupt the educational process.

It is repression if Congress passes a law, and the Preident signs it, to hold in jail those deemed by careful judicial process to be imminently likely to commit another crime if released on bail because they have done so before.

It is repression when a vice president speaks out openly expressing the convictions of many millions that the practices of the news media overemphasize and glamorize dissent and disorder.

It is repression when the President of the United States refuses to be swayed by the advice of college presidents that he let student opinion control his policies.

All is repression, in fact, if it is a rejection of the nonnegotiable demands that the nation be reorganized forthwith on the lines desired by the residual legatees of the affluent society who toil not but dislike their prospective inheritance.

The latest gambit is that it is probably true that repression does not exist as an instrument of Washington's policy, but because some of the students and some of the blacks think it exists, their belief is a reality which must be dealt with. Reality or pretense?

A certain number of blacks not long ago pretended to believe that the government of the United States was preparing unused military installations as concentration camps in a studied program to wipe out the Negro race in America.

A distressingly large number of students and professors have "believed" the pretense that the Nixon administration, and particuarly Vice President Agnew, were studying a scheme to call off the 1972 presidential election, presumably for the purpose of converting the country into a dictatorship under Nixon.

The pretense is believed that Nixon, in spite of a civil rights record which in another presidency would have been regarded as activist, is anti-Negro. The record is simply ignored by indulging in polemics on the Nixon-Thurmond political relationship which is, in fact, resulting in the irreversible desegregation of the public school system in the South.

So far as the campuses are concerned, Nixon's policy is the opposite of repression. What he has been trying to get across for the past two years is that the responsibility lies with the university administrations and he will not intervene with the power of the federal government.

It is true that Nixon is attempting to repress crime and, along with a large majority of Congress, has implemented measures which may prove impractical. The nation will find out if they are impractical by the way they are administered in a tryout in one of the major crime areas of the country, the District of Columbia.

Alexander Heard, chancellor of Vanderbilt University, and President James E. Cheek of Howard University apparently wish policy to be based in considerable part on the pretense that repression does exist as an instrument of national policy.

This essentially insincere attitude can be compared to asking a parent to pay attention to the teary remonstrances of a child who feels repressed on being ordered to bed. The way he feels about it is the reality not his need for sleep.

Much of this kind of inverted logic runs through the Heard-Cheek report on campus unrest, but much more in their hurt response to Nixon's rejoinder that they have placed the blame in the wrong place.

The federal government is not running the colleges and universities, and that is a good thing. Messrs. Heard and Cheek are not meeting with much success in their effort to pass their troubles on to Washington. But it is not surprising they tried to do so. Everyone else does.

RESOLUTIONS BY ASSOCIATION FOR EDUCATION IN JOURNALISM

Mr. FULBRIGHT. Mr. President, the Association for Education in Journalism recently held its 53d annual convention at the American University. The AEJ is the major organization of professors and others involved in the teaching of journalism.

Two of the resolutions adopted by the AEJ at this meeting are, I think, of particular interest and significance and I would like to call them to the attention of the Senate and the public.

One resolution, referring to "the current spate of repressive language against the American press," condemns "in the strongest possible terms the infringements on those media freedoms being pursued under the leadership of President Nixon and Vice President AGNEW."

A second resolution condemned the administration for distorting information about the war in Indochina; for attempts to suppress responsible discussion of war in news media; for building secret files on war reporters; and for employing spies impersonating newsmen.

Mr. President, I ask unanimous consent that the text of the resolution on press freedom and an article on the AEJ convention which appeared in Editor and Publisher magazine, August 22, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RESOLUTION ADOPTED BY AEJ

The text of the resolution adopted by the Association for Education in Journalism:

"Whereas the current spate of repressive language against the American Press, led by Vice President Spiro Agnew, constitutes in its intimidation and harassment a direct attack on the freedoms assured under the First Amendment—freedoms of speech, press, petition, and assembly; and,

"Whereas the present wave of repression is formidable for its sources among high officials, and for its pervasiveness at national, state and local levels and across the executive, judicial, and legislative branches; and,

"Whereas similar periods of repression in American history—such as the 1793 Alien and Sedition Law, the abolitionist period, the

years during and just after World War I, and the McCarthy era—can be recalled with general disgust and profound national embarrassment; then be it therefore

"Resolved, that the Association for Education in Journalism reaffirms its faith in the freedoms guaranteed by the First Amendment and it condemns in the strongest possible terms the infringements on those media freedoms being pusued under the leadership of President Nixon and Vice President Agnew."

PRESS INTIMIDATION CONDEMNED: TEACHERS REPRIMAND NIXON AND AGNEW FOR HARASSMENT

Several hundred of the nation's journalism teachers sent President Nixon and Vice President Agnew to the principal's office this week to be reprimanded for bullying the news media.

A formal resolution adopted by the members of the Association for Education in Journalism, in annual meeting in Washington, condemned "in the strongest possible terms" the infringements on First Amendment freedom "being pursued under the leadership" of the White House.

Deploring the spate of repressive language directed at the American press, amounting to intimidation, the educators likened it to the periods of the Alien and Sedition laws in the early days of the republic and the McCarthy era of the 1950s.

The original text of the resolution named only the Vice President but an amendment adding the President to the condemnation carried by an overwhelming voice vote.

WAR NEWS DISTORTED

A second resolution condemned the Administration for distorting information about the war in Indochina; for attempts to suppress responsible discussion of the war in news media; for building secret files on war reporters; and for employing spies impersonating newsmen.

AEJ urged its members to promote discussion and investigation among students in respect to the consequences of the repressive practices on American society.

If they didn't already know it from doing their homework, journalism teachers learned in Washington that there is a wide difference of opinion among members of the press on whether the news media are fulfilling their primary responsibilities to the public.

Much of the time at the 53rd annual AEJ convention at the American University—the first time the group has ever met in the nation's capital—was given to discussion of the criticism of journalism.

TWO SIDES TO CRITICISM

The professors heard Ben Bagdikian, national editor of the *Washington Post* and a well-known "conscience" of the press, call for a more definite policy of allowing editors to select the news, regardless of pressures from radical demonstrators and creators of "pseudo events."

Then Norman E. Isaacs, past president of the American Society of Newspaper Editors, disagreed with Bagdikian's premise and advocated establishment of a press council here similar to the one that keeps tabs on journalistic shortcomings and outrages in Great Britain.

Despite present opposition, Isaacs said, "we may have the beginning of such an institution within four to five years." He has found support for it among many editors and some publishers, but he admitted the creation of a press council may be difficult because of the reluctance of people of stature to assume the task. Isaacs said he had encountered this problem in initiating the idea in Louisville where he has been executive editor of the *Courier Journal* and *Louisville Times* and has conducted a daily "beg your pardon" department where corrections are made promptly, as well as an ombudsman service to handle readers' gripes.

"The Nixon Administration and the Media—Professional Perspectives" was the title of a general session where the teachers became aware quickly that there are two sides to the story of whether the criticism directed at the press is justified.

Some speakers from the press maintained that the Administration had effectively intimidated the news media; others held that the attacks by Vice President Agnew and remarks by President Nixon and some of his intimate advisors were "right on target."

FOREIGN POLICY BRIEFING

The association's gathering began Sunday with 500 attending a State Department reception where a huge "off the record" sign hung overhead. On Wednesday evening the delegates went to the White House for a reception, little more than 24 hours after the President had paid a call on the editors of the *New York News* in New York City in another of his planned visits to news media offices. Herbert Klein, director of communications, greeted about 800 AEJ members and guests in the President's name. He said he was unable to be there.

ERRONEOUS IMPRESSION

Michael Collins, the astronaut who is assistant secretary for affairs, greeted the teachers at the State Department. In his remarks he said there is an erroneous impression abroad of the department being remote, "as if it is a space capsule on the other side of the moon."

The State Department, Collins corrected, is always open to new lines of communication with the public.

Dr. Ray Cline, director of the bureau of intelligence and research, briefed the visitors on the Administration's foreign policy. He said he favored the issuance of visas to journalists to go to North Vietnam, Red China and Albania.

The reporting in the American press, he said, constitutes one of the major sources of information for the State Department.

Asked for his personal opinion on the use of the Attorney General's guidelines for subpoenaing newsmen to obtain information, Cline replied: "I would rather take a reporter to lunch than subpoena his notes, which nobody could read anyway."

In a reminiscent introduction to his formal talk, George Reedy, a White House press secretary in the early days of the Johnson Administration, said he believes that reporting is more accurate and more informative today than in pretelevision days.

A "DELIBERATE" EFFORT

Les Moeller, Iowa University, chaired the panel session where Senator George McGovern of South Dakota, smarting from Vice President Agnew's most recent blast at the Hatfield-McGovern resolution to compel withdrawal of U.S. forces from Indochina, levelled the charge that the Administration has made a "deliberate effort to harass and intimidate the press."

"The President himself," McGovern asserted, "has joined in the attack on the press and on the intelligence of the American public." The Nixon people, he went on, have created a climate of fear, designed to intimidate the media and this is a serious threat to a free society.

The Senator cited Agnew's remark: "To penetrate the cacophony of seditious drivel emanating from the best publicized clowns in our society and their fans in the Fourth Estate, yet, my friends, to penetrate that drivel, we need a cry of alarm, not a whisper."

Then McGovern said, the President claimed that the press, as he saw in Los Angeles, "glorified a man who was guilty, directly or indirectly, of eight murders without reason."

Attorney General Mitchell's announcement he personally will decide on subpoenas to be issued for reporters' notes and unused film and tapes is still another assault against freedom of the press, McGovern declared.

"Part of the Administration attack on the media," the Senator continued, "has been cloaked in criticism of too much concentration of ownership of newspapers and television stations. Those news institutions which have been singled out are those which editorially have been critical of the Administration. Far bigger news conglomerates, which often support the Administration, are exempt from trust-busting."

"ADMITTEDLY ON TARGET"

The Senator's address was followed by a panel moderated by Marquis Childs, *St. Louis Post-Dispatch* columnist, said there is an air of depression in some parts of the country because the news is so horrendous." Many people are so alarmed that they simply do not want to hear these reports and Agnew has contributed to it, he said.

William Eaton, *Chicago Daily News*, said he disagreed that "there is a climate of fear among the press." The Administration's remarks about the press are nothing new, since governments have always made charges of that nature.

James Jackson Kilpatrick, columnist, characterized all the supposed intimidation of the press are pure "humbug." On the contrary, he added, more journalists are trying to demonstrate their independence. In fact, Agnew's remarks were "admirably on target," Kilpatrick said.

James McCartney, Knight Newspapers, asserted that Agnew has created an air of suspicion that greatly worries me," and added: "I would not hesitate to use the phrase incipient fascism."

McCartney also described the difficulties reporters encounter in getting information on military operations and other matters which so frequently are "classified."

CONTACTS WITH EDITORS

Robert Phelps, *New York Times*, said he did not feel newsmen had been intimidated by Agnew's remarks. He described how the Administration is trying to bypass the Washington press corps by sending copies of Presidential speeches to local editors and by developing other contacts, whereas most Presidential press conferences are "very formal."

Jules Witcover, *Los Angeles Times*, said the public had not recognized the scope and effectiveness of Herbert Klein's operations in sending "briefing teams" around the country and in cultivating other ways in order to maintain direct contacts with editors. Agnew, he added, has tended to divide the press into "good guys and bad guys" and in this there is "a danger of creating civil war among the members of the press."

NICHOLAS VON HOFFMAN ON THE SENATE

Mr. PERCY. Mr. President, this morning's Washington Post contains a column of commentary by Mr. Nicholas von Hoffman in which he states that if the Republicans should capture the Senate this fall, the Senate would be turned into "a docile nullity" and that coal miners, welfare mothers, sick people, grocery shopping housewives, Mexican stoop laborers, automobile drivers, and many other kinds of people will lose "the only effective protection they could get at the Federal level." He appears to take delight in referring to one Republican as a "dear, somewhat lost man" and to others as "mediocrities." He goes on to extoll the virtues of Democratic commit-

tee chairmen and subcommittee chairmen.

I find this somewhat amusing and ironical as for years one of Mr. Von Hoffman's prime targets has been the ineffectiveness and blind obeisance of the Senate. Perhaps Mr. Von Hoffman has forgotten that since 1954 the Senate has been controlled by Democrats. One would think by reading his column that the world has been in great shape since 1954 and that the Senate has been the shining light of faith, hope, and freedom in the Western World. Where, oh where, are the columns of yesteryear?

Mr. President, another column has been written in a different publication in May of this year. In May 1970, the Ripon Forum wrote an article comparing present Senate committee chairmanships with what would be the case if the Republicans took control this November. The article concludes that on balance, "the Senate would be led by more progressives than at present if the Republicans are in control." Using its own rating system, the Ripon Forum finds that present committee chairmen obtain an average score of 38; their GOP counterparts receive an average of 48. It contains at least one error, as Senator SCOTT would become chairman of the Committee on Rules and Administration; and we hope for Senator MUNDT's recovery. Mr. Von Hoffman omits mentioning that Senator JAVITS may become chairman of the so-called Hunger Committee.

Mr. President, I ask unanimous consent that the Ripon Forum article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

FOR A GOP SENATE

When Senator Harry Byrd Jr. of Virginia left the Democratic Party a few weeks ago, he said that the reason he was not joining the Republicans was that they were too liberal for him. If the Ripon ratings (FORUM, March, 1970) are any indication, leadership of the Senate will pass into more liberal hands if the Republicans win control in November.

Given the Senators who are retiring, as well as probable preferences of those faced with the choice of more than one chairmanship, present Democratic and potential Republican committee chairmen, with their Ripon ratings, are:

Committee	Present chairman	Republican potential
Aeronautics and Space.	Anderson (56)	Curtis (31).
Agriculture	Ellender (31)	Miller (48).
*Appropriations	Russell (22)	Young [N.D.] (29).
*Armed Services	Stennis (15)	Smith [Maine] (41).
Banking and Currency	Sparkman (24)	Tower (29).
Commerce	Magnuson (55)	Cotton (25).
District of Columbia	Tydings (76)	Prouty (50).
*Finance	Long (32)	Bennett (41).
*Foreign Relations	Fulbright (60)	Aiken (82).
Govt. Operations	McClellan (7)	Percy (86).
Interior	Jackson (55)	Allott (31).
*Judiciary	Eastland (9)	Hruska (28).
*Labor and Welfare	Yarborough (58)	Javits (85).
Post Office	McGee (48)	Fong (42).
Public Works	Randolph (45)	Cooper (95).
Rules and Administration.	Jordan [N.C.] (15)	Thurmond (21).

In the Ripon ratings, present committee chairmen obtain an average score of 38; their GOP counterparts receive an average of 48.

As for the top six committees (asterisked), Democrats average 33, Republicans 51. The ADA also rates the six Republicans higher than their Democratic counterparts; the ACA and AFL–CIO rate the Republicans lower.

Therefore a credible argument can be made that on balance, the Senate would be led by more progressives than at present if the Republicans are in control. This gives progressive Republicans all the more reason to concentrate on delivering a GOP majority in the Senate this year.

Mr. PERCY. Mr. President, Von Hoffman states at one point that "unhappily we have to survive the worse to arrive at the better." I agree, only in a different context than he is driving at. I think we will arrive at the better if the Republicans take control of the Senate this fall. In the spirit of fair competition that is the essence of the two-party system, I shall be working with my Republican colleagues this fall if we ever adjourn, to bring about an increase of seven Republican Members in the Senate.

A NEW KIND OF MURDEROUS VIOLENCE

Mr. ALLOTT. Mr. President, this summer is drawing to an end.

It is a measure of the disagreeable nature of the times that we end every summer by trying to decide how terrible the summer has been in terms of violence and disorders. And it is some measure of how bad the times are that many people seem to feel that this has been a "good" summer—relatively speaking.

One frequently hears it said these days that the summer of 1970 has been a "good" summer because there have not been large-scale urban riots. And, of course, the universities have been on vacation, so another source of violent disorder has been relatively quiet.

Mr. President, I think this judgment involves a serious misreading of the nature of the summer that is ending. The fact of the matter is that this has been a summer featuring a new kind of murderous violence.

Mr. President, Columnists Rowland Evans and Robert Novak have discussed this matter with customary clarity, and with proper urgency, in their column in Thursday's edition of the Washington Post. So that all Senators may ponder their important column, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE TERRIBLE SUMMER OF 1970

The two most notable victims of recent racial violence, an Omaha policeman and a Houston black militant, typify the alarming increase in organized urban guerrilla warfare—often directly connected to the Black Panther Party.

Both the Omaha dynamiting and the Houston shootout can be traced to local revolutionary organizations intimately connected with the Black Panthers. Taken together, they help dispel two widely held notions: First, the feeling by liberals that the Panthers, though unpleasant, are not really much to worry about; second, the comforting impression held by politicians generally that we have made it through most of the summer without racial trouble.

In truth, the absence of any Watts-style mass riot has masked the fact that this has been the terrible summer of '70. Instead of headline-producing rioting, the pattern of black militancy has changed to ever better organized urban guerrilla warfare deeply influenced by Black Panther philosophy. Law enforcement experts believe that this year has moved the U.S. far down the road toward white counterguerrilla action and virtual civil war.

For instance, the killing of the Omaha police officer Aug. 17 by a dynamite booby trap was no solitary event but intertwined with Black Panther activity. David L. Rice, charged with conspiracy to commit murder, is a leader of Omaha's National Committee to Combat Fascism—which until a year ago was an official Black Panther chapter.

Moreover, the Aug. 17 tragedy in Omaha was the eighth dynamite bombing in Omaha, Des Moines and Ames, Iowa, since the theft of dynamite from a Des Moines supply company May 5.

Black Panther fingerprints are similarly all over the killing by police of black militant Carl Hampton in Houston July 26. People's Party II founded in Houston by Hampton, aped the Black Panther Party in its ten-point program, its rules, and its adherence to Mao Tsetung's teachings.

Following Black Panther dogma, Hampton stockpiled arms at People's Party II headquarters and directed that "all party members must learn to use and service weapons correctly."

These are not isolated incidents. Black Panther propaganda glorifying the killing of police abounds in Negro ghettoes. Furthermore, authorities believe the Panthers are conveying expert guerrilla instruction from Communist Cuba—including an English-language version of an urban guerrilla manual printed in Cuba which has been circulated throughout Negro neighborhoods (including high schools).

The Cuban manual contains detailed instructions for city street fighting, bomb construction, hijacking airplanes, and—with special recommendation—kidnaping public officials. Only by killing police and other instruments of "repression," it advises, can the terrorist maintain his identity.

Still more ominous are specific blueprints charted by local black guerrilla bands. Earlier this year, Detroit police uncovered plans for recurrent ambush assassinations of police intended to trigger race riots. The document detailed how police could be lured into secluded ghetto areas to be cut down by high-powered sniper rifles—precisely the fate of two Detroit policemen before the document was captured.

The epidemic is worsening. Unlike the centrally directed Communist Party underground, black guerrillas are decentralized and difficult to infiltrate. The hard fact is that police are losing the fight to control them. The terrible summer of 1970 may be followed by escalated black guerrilla war year-around with frightful consequences that nobody today can dare guess.

BLACK PANTHER THREAT

Mr. DOLE. Mr. President, recent killings of a judge near San Francisco, policemen in Omaha and Detroit, and a Houston black militant indicate the serious threat which extremist groups pose to the orderly process of our governmental system.

The summer of 1970 has not witnessed mass rioting, rather the more terrifying specter of organized urban guerrilla warfare. This tactic is basic to the philosophy of the Black Panthers and other revolutionary groups, as evidenced in their teachings and police discoveries of caches of weapons and blueprints for more assassinations.

Mr. President, blind and naive support of organizations like the Black Panther party has become fashionable in some circles today. I would hope that these killings will alert Americans to the very real danger which extremist groups and their revolutionary spokesmen pose to our society.

A column written by Rowland Evans and Robert Novak and published in the Washington Post of August 27, 1970, and an editorial published in the Chicago Tribune of August 17, 1970, draw attention to this threat. I ask unanimous consent that these items be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

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The epidemic is worsening. Unlike the centrally directed Communist Party underground, black guerrillas are decentralized and difficult to infiltrate. The hard fact is that police are losing the fight to control them. The terrible summer of 1970 may be followed by escalated black guerrilla war year-around with frightful consequences that nobody today can dare guess.

INNOCENT COMMUNISTS AND PANTHERS

The district attorney at San Francisco has confirmed that two guns used recently by three black convicts who fatally shot Judge Harold Haley in an attempt to escape from a courtroom in San Rafael were purchased by Angela Davis. She is a self-proclaimed Communist who has been fired from her teaching job at the University of California at Los Angeles.

The weapons, a carbine and semi-automatic pistol, were smuggled into the courtroom by Jonathan Jackson, 17, who was killed along with a convict defendant and a convict witness. Jackson was Miss Davis' companion-bodyguard and accompanied her when she sought to interview one of Judge Haley's killers and two other San Quentin convicts accused of murdering a prison guard. Her public comments on the accused convicts represented them as martyrs.

Huey P. Newton, a cofounder of the Black Panther Party and its "defense minister," hailed the killers of Judge Haley as "true revolutionaries" and said that young Jackson "would have been my successor" had he not died. Newton was released from prison on bail only a week ago, after the California Supreme Court upheld the reversal of his conviction of shooting an Oakland policeman.

Miss Davis, a philosophy instructor, was dismissed by U.C.L.A.'s board of regents for "extramural activities"—i.e., after-hours Communism. She was supported in her efforts to retain her university post by "liberals" who think that Communists are harmless and that it was unthinkable that she would infect students wtih her radicalism.

The Panthers also have become fashionable with those who toy with radicalism. Most of the Yale student body shut down the university with demonstrations in support of Panthers on trial in New Haven for the murder of a party member they considered to be an informer. The Leonard Bernsteins invited a group of Panthers to their Park Avenue apartment to mix with society's upper crust.

We think that black Communist lady professors who supply guns for murder and Panthers who smuggle them into court or acclaim killings in cold blood are hardly innocents, but these murderous activities don't seem to register wtih those who compose their fan club.

THE ATOM: ITS DANGEROUS AFTERMATH: PART VII—CONVENTIONAL FUELS, THE COMING POWER CRISIS, AND THE ATOM

Mr. CHURCH. Mr. President, in a four-part series entitled "Electricity for the Future," published in the Washington Post, staff writers Morton Mintz, Robert K. Warner, Thomas O'Toole, and John Hanrahan discuss in depth the centralization of control over critical fuel sources in our Nation; our Nation's coming power crisis; and the promise and perils of the atom in meeting our Nation's burgeoning electrical energy needs in the decades ahead.

These gentlemen point out shocking facts which Congress would do well to heed. In the first article, Mr. Mintz and Mr. Warner point out that:

At least 18 oil companies have invested in producing and processing uranium; one key step is entirely controlled by two oil firms. Although the petroleum industry now accounts for only one-sixth of uranium production, it holds 45 percent of all known uranium reserves and makes more than one half the new discoveries.

All of the 25 largest oil companies have natural gas interests, which may be inevitable since gas is usually found with petroleum. At least 11 of the 25 have significant interests in coal as well: The two largest owners of coal reserves are both oil companies, and the petroleum industry as a whole accounts for at least 25 per cent of the nation's coal production.

Six of the ten largest oil companies have interests in every other fuel.

This concentration is occurring at a time when demand for electricity is expected to increase by 50 percent in the next 5 years. One need not have a vivid imagination to realize the consequences to our Nation in the years ahead when this demand is coupled with the fact that ownership of the sources to fulfill it is centralized in the hands of a few corporate giants.

In the second of the series, Thomas O'Toole examines the movement of utility companies toward the use of the atom as a source of energy in the production of electrical power. The rising cost of conventional fuels has made atomic fuel a more attractive commodity. The projected growth curve for atomically produced electrical energy suggested by O'Toole is phenomenal, indicating atomic power will have 20 percent of U.S. markets by 1980, 75 percent by 1990, and 90 percent by the year 2000. The article also discusses the special problems associated with nuclear plant development and concludes with a quote from AEC Commissioner Milton Shaw that "atomic power is the only answer" to meet our increasing electrical power demands.

In the third of the series, O'Toole examines pollution problems associated with atomic plants. Thermal pollution caused by the huge amounts of water necessary to cool a nuclear plant, accident hazard, effluent discharges, and finding a final resting place for radioactive waste materials produced by the plants. When we combine the huge growth curve projected for the role of atomic power with the questions we face with regard to pollution problems, it becomes obvious that more research is needed to make nuclear plants as compatible with our environment as is humanly possible. We cannot afford to make the same mistakes with pollution from atomic fuels that we made with conventional fuels. Atomic power is, after all, an infant science. There is still much we do not understand. Ongoing research in the field of atomic safety is essential

and I, for one, intend to support such programs.

In the final article of the series, John Hanrahan presents a case study of the construction of one atomic plant at Calvert Cliffs, Md.

Mr. President, my brief summary of these four articles cannot possibly cover the wealth of information which they contain. I commend them to the attention of Senators and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

ELECTRICITY FOR THE FUTURE—I: BIG OIL COMPANIES ACQUIRE GRIP ON COMPETING FUELS

(By Morton Mintz and Robert K. Warner)

Since 1965 the nation's largest oil company has become one of the two largest holders of coal reserves. The same corporation, Standard Oil of New Jersey, has also become a principal operator in the newest competitor to coal and oil—uranium, the source of nuclear power.

In the last five years, most of the country's major oil companies have acquired significant holdings in every fuel, a trend that could end effective competition between oil, gas, coal and uranium and result in large increases in the future cost of electricity.

The trend is especially ominous in the uranium industry because nuclear fuel is expected to produce more than half of all electricity by about 1990.

Sen. George D. Aiken (R-Vt.) says:

"There is some group determined to get control of electrical energy in this nation."

At least 18 oil companies have invested in producing and processing uranium; one key step is entirely controlled by two oil firms. Although the petroleum industry now accounts for only one-sixth of uranium production, it holds 45 per cent of all known uranium reserves and makes more than half the new discoveries.

All of the 25 largest oil companies have natural gas interests, which may be inevitable since gas is usually found with petroleum. At least 11 of the 25 have significant interests in coal as well: The two largest owners of coal reserves are both oil companies, and the petroleum industry as a whole accounts for at least 25 per cent of the nation's coal production.

Six of the ten largest oil companies have interests in every other fuel.

The Justice Department's deputy assistant attorney general for antitrust warned last May against the growing concentration.

"While few forms of energy supply are not subject to some type of governmental regulation," Walker B. Comegys told the Senate antitrust subcommittee, "we cannot lightly forgo interfuel competition as the most effective long-term force for consumer protection in the energy field."

National Economic Research Association (NERA), a private consulting firm, compiled data for the Senate antitrust subcommittee showing the penetration of the 25 largest oil companies into other fuel industries.

Nine of the oil companies, some of them already corporate giants, had interests in all the other fuel sources—coal, gas, uranium and shale. They are Standard of New Jersey, second in sales volume among all American industrial corporations; Texaco, eighth in sales; Gulf, tenth; Shell, 16th; Atlantic Richfield, 29th; Continental, 35th; Sun, 47th; Standard of Ohio, 97th; and Ashland, 101st. Not only are such firms buying competitive fuels, but because of their size they are in a strong position to outbid other kinds of industries that wish to venture into the energy field.

"The acquisitions by the oil companies across the energy market spectrum . . . may be viewed as classic horizontal integration on a scale comparable to the formation of the trusts in the latter decades of the nineteenth century," NERA said.

"In short, the oil companies, themselves portraying their activities as efforts at diversification, are in fact systematically acquiring their competition."

This economic concentration is occurring at a time when the Country is entering an era of unprecedented demand for electric power and growing difficulty in satisfying the demand.

Over the next five years, the national demand for electricity is expected to increase by at least nine per cent annually, or more than a 50 per cent increase by 1975. In the 10 Northeastern states and Maryland, power needs are expected to grow even more rapidly.

Should these increases continue beyond 1975, and the Federal Power Commission believes they will the Nation's utilities must more than quadruple their power capacity in the next 20 years.

Opponents of the oil industry's involvement in other fuels say that the increased demand for electricity will give the petroleum industry a strange hold on utilities and on their corporations that depend on energy.

The oil industry has always dominated natural gas, but its penetration of other competing fuels was thin until the mid-1960s.

In September, 1963 Gulf Oil acquired Pittsburgh and Midway, a coal company that accounts for about 2 per cent of national production.

Then, on Oct. 13, 1965 Continental Oil Co. announced a break through: An agreement in principle to buy Consolidation Coal, the largest producer, which alone accounts for about 12 per cent of total coal production.

The Justice Department did not challenge this first giant step by the oil industry into the territory of a rival fuel. The merger was formally completed in October, 1966.

Other acquisitions followed. In January 1968 Occidental Petroleum acquired Island Creek, the third-ranked coal producer, with about 7 per cent of annual output. In August 1968 Standard Oil of Ohio acquired Old Ben, for another two per cent. Today, eight of the ten largest coal companies are owned by oil, mineral or large industrial concerns with interests in the energy field.

In addition, oil companies such as Humble, Jersey Standard's major domestic affiliate, have been spending millions of dollars each year to acquire thousands of acres of coal reserves which they do not mine despite the fact that utilities have been complaining of a serious coal shortage.

The oil companies say that current prices do not provide enough incentive for them to produce coal, and that their coal reserves are long-range investments for the time when they are forced by dwindling oil supplies to artificially convert coal into natural gas and oil.

Oil opponents say that petroleum companies are creating an artificial shortage of coal that will lead simply to higher prices.

The same acquisition trend exists in the nuclear fuel industry. Until 1966, only two oil companies were significant uranium producers. But in 1968, oil companies did 44 per cent of the drilling for uranium exploration and development. In 1969, they did 37 per cent.

S. David Freeman, of the White House Office of Science and Technology, told the Senate antitrust subcommittee last May that as of Jan. 1, 1970, petroleum companies controlled 45 per cent of the known uranium reserves.

NERA described the position of oil companies in the uranium industry as "truly dominant."

Kerr-McGee, an oil company, owns 23 per cent of total uranium milling capacity directly and another 4 per cent through a half-ownership. This capacity exceeds that of any other firm.

Only two companies are in the business of converting "yellow cake," the uranium concentrate that results from milling, into UF6, a compound used in uranium enrichment. One is Kerr-McGee, which has building plans for half the national capacity. The other is Atlantic Richfield.

In the reprocessing field, which involves taking spent nuclear fuel and preparing it for further use, five plants are in existence or under construction. Oil companies own four of them.

There is one crucial step in atomic power that neither oil companies nor any other private enterprise controls. This is the enrichment of uranium by increasing its content of the fissionable isotope U-235. The complicated process is done only by government plants, at a fixed fee. The Nixon administration wishes to raise this fee by about ten per cent.

Members of the Joint Committee on Atomic Energy are resisting this increase but not because they disagree with the need for a specific price change. They object that the administration plan would be part of a new set of pricing guidelines that would be based not on the actual costs of running the plants, but on projections of 1980 costs of running a hypothetical new plant as "a commercial operation."

The Council of Economic Advisors defends the new guidelines, partly because it wants to make sure that the government is not unfairly subsidizing the uranimum industry at the expense of competing fuels.

A Council staff member said that the real costs of enrichment are obscured by the advantages of using risk-free government money, official bans on imports of foreign uranium and federal support of nuclear research.

A recent report by the General Accounting Office may have settled the issue, however, in saying that the proposed guidelines are of doubtful legality. The Joint Committee has reported out a bill that retains the existing criteria. But even if Congress passes it, the President could veto it, leaving the whole matter unsettled—along with the question of the increase's ultimate impact on the cost of electricity.

Today, an even more basic, long-range issue is unsettled.

At present, a crucial step in converting uranium into usable fuels is accomplished at three gigantic government plants in Oak Ridge, Tenn., Paducah, Ky., and Portsmouth, Ohio.

These gaseous diffusion plants were built by the government for $2.3 billion. The government still owns them, although they are operated by private companies, Union Carbide and Goodyear. As a crucial link in the economic chain that establishes the price of nuclear power, these plants and their product have a profound effect on the competitive sources of electricity—coal, oil and gas.

Originally the plants were built to make material for nuclear bombs and they still do. But defense needs have begun to diminish and demands for the same kinds of materials for peaceful nuclear fuel has begun to increase. This demand for nuclear fuel is still relatively small.

The Federal Power Commission estimates that this year nuclear power will provide only 4 per cent of all electricity. Commission figures show that in 1969, coal generated 49 per cent of electricity; natural gas, 23 per cent; and oil, 9 per cent.

Hydro-electric power accounted for 17 per cent, but it is expected to decrease, since most profitable sites of falling water have already been exploited.

But most authorities agree that we are on the threshold of a rapid expansion of the role of uranium in generation of electricity. While in 1970 nuclear reactors produced only

4 per cent of electricity, by 1980 they are expected to produce 29 per cent, and by 1990 about 52 per cent.

There are clear reasons for the expected rise of nuclear power. The demand for power is rising rapidly, both from an expanding population and the dependence of ever-larger numbers of devices run by electricity. If nuclear power does not contribute substantially to these new demands, then the projected use of electricity will have to be reduced and the price of electricity greatly increased.

Another reason to expect more nuclear electricity is the rapid rise in the last two years of the cost of coal and oil.

Rep. Chet Holifield (D-Calif), chairman of the Joint Committee on Atomic Energy, points out that in 1968, power companies paid 28 cents for the quantity of coal needed to produce one million British Thermal Units (BTUs).

In 1969 they paid 30 cents. But last March they had to pay 35 cents and in April 38 cents. A survey by The Washington Post found that some utilities in non-mining areas are now paying about 40 cents per million BTU's, and they expect the price to climb much higher.

Before year's end, Holifield warns, the price of coal may be 50 per cent higher than in 1968. And the requirements of many areas for low-sulfur coal, because of air pollution, pushes the fuel's price still higher.

Thus, whatever changes the status of nuclear fuels will have an important influence on the competitive position of coal and oil.

In the view of some, government involvement in the nuclear industry represents a dilution of private enterprise and unfair competition for coal and oil.

For others who fear a growing monopoly on fuels, the nuclear plants represent the only major fuel installations beyond the control of the present energy entrepreneurs.

President Nixon has announced that he intends to sell the government enrichment plants to private industry "at such time as various national interests will best be served . . ."

The possibility of selling the plants was suggested long before the Nixon administration took office. Four years ago the Atomic Industrial Forum, a nuclear trade association, appointed a committee to study the future of the plants.

The committee was chaired by Kenneth D. Nichols, an AEC general manager during President Eisenhower's first term who has worked in recent years for Gulf Oil, the Mellon family and other concerns.

The group concluded, in June 1968, "It is desirable and feasible for the AEC to transfer its enrichment plants promptly to the private sector."

One of the committee's seven members was not so sure. William M. Capron, then an economist at the Brookings Institution, attached a footnote to the committee's report, expressing doubt that "if these plants are sold, the private market thereby created would operate in a sufficiently competitive manner so as to adequately protect the public interest."

The efficiency of the three gaseous diffusion plants has never been questioned. They are among the largest industrial operations in the world, with a floor space of 640 acres and energy requirements of their own that in 1964 used 4 per cent of the Nation's electricity. If the plants are doing so well, why does the administration want to sell them?

"Sale of these plants could free federal resources for more pressing national uses," the President said last November. "In addition, $2 billion or more is expected to be needed over the next 10–15 years to expand plant capacity to meet increasing commercial demand."

If nuclear generating plants are built as expected, current enrichment capacity will be adequate only until 1978 or shortly thereafter, when new plants, major additions or new technology become mandatory.

Because new facilities take at least six years to build, new projects will have to be started soon to meet needs at the end of the decade. Some officials, such as Atomic Energy Commissioner James T. Ramey, say the new projects should have begun some time ago.

At this point private enterprise has shown little interest in buying the plants.

For some time, the plants have been operating at only 40 per cent of capacity or less, and even at this low level, they have built up a stockpile of enriched uranium that would last the nation's nuclear generators for some 18 months. A purchaser would have to tie up a huge investment for years before the plants would operate near full capacity.

Yet long before the plants approach capacity it will be necessary to start expanding them to meet future needs—a costly venture but a necessary one if the nation's power demands are to be met.

For the past three years, the AEC has been seeking funds for a $407 million "Cascade Improvement Program" that would increase enrichment capacity by about 25 per cent over a six-year period, at the same time, reduce the average cost of enrichment by about ten per cent.

Until this year, the project has been given low priority by the Bureau of the Budget, leading to charges from Sen. Albert Gore (D-Tenn.), a member of the joint committee, that the administration is trying to weaken the plants to help justify their sale.

"What they want to do is turn our nuclear fuel facilities into a shambles by refusing to make improvements," Gore said. "Then they'll say that private enterprise must be brought in to improve things."

A high Budget Bureau official said that the Bureau of the Budget found it "imprudent to build to capacity on estimates alone." He said, however, that the needs for nuclear power are such that a decision probably should be made on support of the Cascade program for the year beginning next July 1.

Even if implemented, the improvement program will add only enough capacity to meet needs for two more years, by current estimates. By 1980, a new $1 billion diffusion plant will be needed—and a decision on whether to build that plant must come by 1974 to insure operation by 1980.

Several members of the Joint Committee have been looking for alternative ways to cut back on the demands for enrichment in order to avoid making such overwhelming expenditures. Among the possibilities:

Licensing a foreign nation or consortium to build and operate its own enrichment plant. Nearly half the work now done in the three U.S. plants is for foreign countries.

Increasing the efficiency with which nuclear fuel is used. For some years the AEC has been doing research on a "fast breeder reactor" that might create great quantities of plutonium—a valuable nuclear fuel not yet feasible for electricity—while burning U 235.

Developing a new "centrifuge process" for enriching uranium that would end total reliance on the gaseous diffusion plants. The centrifuge would entail much smaller capital costs than the diffusion process.

While the huge size of the three diffusion plants limits potential buyers to the very richest corporations, the centrifuge might be purchased and operated by a number of smaller companies. But it, like the fast breeder reactor, is still far from commercial feasibility.

A bipartisan alliance of legislators, many of them members of the Joint Committee on Atomic Energy, fears that if the plants are sold, only the giant oil companies—fortified by such financial advantages as the depletion allowance and import quotas—will have the resources to buy them.

Committee member George L. Aiken, a Vermont Republican, believes that the proposed sale of the plants is a political favor to the petroleum industry.

"The President probably feels indebted to those who helped elect him," Aiken told The Washington Post.

The economic stakes for consumers are huge. Testifying last year before the Joint Committee, Phillip Sporn, retired president of the American Electric Power Co., the nation's largest utility holding company, estimated that private ownership of the plants would cause an increase of as much as 50 per cent in the total cost of nuclear fuel.

The National Rural Electric Cooperative Association said that by the 1980s, when nuclear fuel may account for more than one-third of generated electricity, such an increase would cost the American public $1 billion a year in higher electric bills, and perhaps more, if the fossil fuels raise their prices to take advantage of the reduced competition from nuclear fuel.

Sen. Aiken said that sale of the plants would be "the most advanced step toward private control of the Nation that has ever occurred.

"When you control energy—and oil interests now control coal and are on their way to controlling nuclear fuel—then you control the Nation," Aiken said. "I see this as a very serious threat to political democracy."

Today there are several sources of energy, although their control is quickly consolidating. Some power plants are even designed to switch from coal to oil or natural gas depending on which bids lower on fuel contracts. But many utility companies fear that in the near future, when they shop around for fuel they will find only one store.

Twenty years from now nuclear power—today only an infant in electrical generation—will be a powerful force, providing more than half of all American electricity and therefore creating the competitive yardstick by which other fuels will be sold.

Decisions made in Congress and the White House in the next few years will determine whether it will be a vigorous competitor or a silent partner to the present fuels.

ELECTRICITY FOR THE FUTURE—II: UTILITIES TURN TO THE ATOM AS COST OF FOSSIL FUEL SOARS

(By Thomas O'Toole)

When it comes to generating electricity, King Coal is losing power: the heir apparent is uranium.

The evidence is nowhere more convincing than at the Tennessee Valley Authority. That mammoth electric utility is located in the heart of the nation's coal country, but it is building three of the world's largest atomic power plants.

"The country's private utilities figured if TVA thought the atom could compete with coal," White House energy adviser David Freeman said recently "then by God there must be something to nuclear power after all."

The turn to atomic power comes at a crucial time. In many cities there is already a power shortage and in the next 30 years the national demand is expected to double. At the same time the conventional fuels—coal, oil and gas—are rapidly increasing in cost. Measures against pollution will make them more costly still.

There are only 16 atomic plants generating electricity in the United States now, but 98 additional nuclear power plants are being built or are in the active design stage.

What's more, 80 per cent of these new atomic plants are what utility men call "big" plants able to deliver more than 750,000 kilowatts apiece. Scattered about 27 states and Puerto Rico, these 98 plants

represent an investment of almost $22 billion and an electrical output of almost 90 million kilowatts, which is as much electricity as the entire country generated 15 years ago.

While TVA's decision to go atomic may have triggered it, there is far more to the sudden boom in nuclear power.

First is the fruition of postwar atomic research. The Atomic Energy Commission and the Navy have spent almost $5 billion in the past 20 years to develop nuclear power, and these expenditures have begun to pay off in terms of accumulated experience and understanding.

"We've put nuclear reactors into 98 submarines and we have 17 years experience operating four commercal atomic power plants," said John Simpson, president of Westinghouse Power Systems Co., which has won more than a third of the new atomic orders. "Believe me, it's helped us."

Something that has helped at least as much is the steady rise in the price of coal and oil, the atom's two toughest foes in the struggle for electric power dollars.

While the cost of enriched uranium has barely budged, oil (used in nine per cent of today's U.S. power plants) has risen 50 per cent in price the last five years to about 40 cents per million BTU's of energy, twice that of uranium's.

Many cities have also passed anti-pollution laws requiring utilities to burn only low-surphur oil, which costs more than conventional heating oils that contaminate the air with sulphur dioxide.

"We burn oil in seven of our plants," says Philadelphia Electric Co. "Turning to low-sulphur oil in these plants increases our fuel bill by $10 million a year."

More important is what happened to coal, which heats steam for 58 per cent of the electric power plants in the U.S.

Coal is now scarce, partly because of labor troubles, partly because of productivity declines and partly because of rail car shortages. A survey taken last spring by the Federal Power Commission found coal shortages at more than half the power companies surveyed, including Virginia Electric and Power Co., Chicago's Commonwealth Edison Co. and the Tennessee Valley Authority.

Coal's price is climbing even faster than oil's. Duke Power Co. President W. B. McGuire said recently the utility's coal cost rose from 28 cents per million BTU in 1968 to 30 cents in 1969, to 35 cents last March, to 38 cents a month later and will reach 42 cents before the end of 1970.

"We're in an era of high fuel costs," McGuire told the North Carolina Utilities Commission two months ago, "and we will be until this company can convert to atom-powered fuel."

Despite such strong endorsements, the new atomic power industry is having excruciating growing pains.

One reason is that atomic power has special costs that are getting more expensive every day. It's true that uranium, the nuclear fuel, costs less than coal and oil. But the costs of constructing atomic power plants are almost 50 per cent higher than fossil fuel plant costs.

While general construction costs were climbing 60 per cent in the past five years, atomic power plants were doubling in price, to $220 a kilowatt compared to $160 for plants using coal.

A striking example of escalating atomic costs is the pair of million kilowatt nuclear plants being built at Peach Bottom, Pa., by Philadelphia Electric Co. They will cost $400 million apiece, an unthinkable price 10 years ago.

"There are many reasons for this, including the fact that we spend twice as much time engineering atomic power plants," said Howard M. Winterson, vice president of Combustion Engineering Co., one of the nation's four major atomic equipment suppliers. "Why, we spend $1 million a year on rent for a computer that does nothing but compute specifications for nuclear reactor vessels."

Strikes and shortages of skilled labor aggravate the normal trial-and-error of any new industry. These were made worse by poor planning by electric companies. In one recent 30-month period, utilities overwhelmed the four major suppliers with 60 new orders for nuclear plants. This sudden burden was a major cause of construction delays of atomic power plants, now averaging 11 months.

Exotic materials, precise design requirements, and a new technology sometimes make nightmares of construction plans. Take the case of the Oyster Creek plant of the Jersey Central Power & Light Co. at Tom's River, N.J. Last September it began generating electricity more than two years behind schedule.

To begin with, the plant's 500-ton reactor vessel, or container, was shipped to the Oyster Creek site sooner than expected.

"They stored it in the open salt air like it was a lawn mower," recalls one AEC official. "It's no wonder what happened."

The AEC man claims that the workmen uncrating the reactor vessel bent its intake and exhaust nozzles. This took weeks to correct.

A second delay came about when inspectors found cracks in the welding of all but nine of 137 steel sleeves located where the drive mechanism for the control rods penetrates the pressure vessel. The AEC is convinced the cracks came from the corrosion of sea air. In any case, it took a year to coat the tubes with a more protective alloy.

Next came what one observer called the "case of the vanishing records."

Houston's Alloy Tube & Pipe Corp. had supplied stainless steel pipe for the Oyster Creek plant just before the Texas firm merged with Ohio's Armco Steel Co. In the course of the merger, the records of the pipe's production and testing were either lost or mislaid.

Since the AEC demands rigid testing of all atomic plant parts and documentary proof of the testing, it insisted on records for the pipe. This meant new tests. By this time the piping was already installed at Oyster Creek. So the stainless steel pipes had to be removed and retested, delaying Oyster Creek's start-up another 10 weeks.

The results of delays like these are not soothing for utility men to contemplate. Jersey Central Power & Light, while waiting for Oyster Creek to start producing cheap nuclear power, had to spend $60,000 a day buying power from its neighbors at twice what Oyster Creek power was supposed to cost.

Watching debacles like Oyster Creek from afar, many utilities have either held off on buying atomic plants or have cancelled plans to build them. The AEC admits that so far this year six electric power companies dropped plans for atomic power. The commission expects one or two more to follow suit before the year is out.

Other firms hedged their bets by installing excess fossil fuel capacity while waiting for their nuclear plants to be built.

"We decided we couldn't count on the nuclear plants coming in on time," said Donald C. Cook, president of American Electric Power Co. "None ever had, so we're building enough fossil capacity so that even if they never come in we'll have enough energy. All we want our customers to know is that when they press the switch they'll have enough power."

What worries power experts the most about nuclear plants is their complexity and the overwhelming need to keep them completely safe. These two requirements have forced numerous shutdowns of atomic plants in the last few years.

A typical complex incident occurred a few years ago when nickel-plated silver cadmium control rods in a reactor corroded, flooding the reactor core with contaminating silver from the insides of the rods.

"The plant operator had to scrap $750,000 of core parts," said A. Nelson Tardiff of the AEC's Division of Reactor Development. "The plant was contaminated with silver and the accumulated downtime to effect clean-up amounted to two months."

In 1968, all of the 11 atomic power plants then operating were shut down from time to time for minor repairs. Five of them were closed for a total of 27 months because of major break-downs. The 22,000 kilowatt plant at Elk River, Minn. was shut down in February 1968 because of reactor leakage and was never started up again.

A year ago, 12 plants were in operation and enough troubles were encountered to shut down eight of the plants for a total of more than 30 months. The 50,000 kilowatt La-Crosse Boiling Water Reactor at Genoa, Wisc., had to be closed five times for seven months due to breakdowns.

This year, there are 16 plants in operation and so far there have been three major shutdowns.

Jersey Central's Oyster Creek plant was closed from Apr. 19 to May 22 when the hydraulic seals in the driver mechanism of six control rods failed. Niagara Mohawk's Nine Mile Point plant was closed Mar. 30 by three cracked parts in a furnace and not reopened until July 12.

Most recently, Consolidated Edison's Indian Point plant was closed May 20 by a broken thermal sleeve in a nozzle connection in the primary cooling system and by cracks in a nearby pipe. At the earliest, Con Ed hopes to have the plant back generating power sometime in September.

"We're dealing with an infant technology," says Milton Shaw, director of the AEC's Division of Reactor Development. "I know the utilities assumed that nuclear power brought with it inherent perfection, but this business is a tough one."

It's been very tough on the companies in the business of nuclear supply, the firms that make and deliver the reactor vessels, the nuclear fuel elements, the valves, pipes and turbines that make up an atomic steam supply system.

Fewer than half the firms that started out in the atomic power business are still in. The dropouts include such well-to-do giants as Foster Wheeler Corp., American Machine & Foundry Co. and Allis-Chalmers Mfg. Co.

The main reason such firms have dropped out of nuclear power is the red ink that has bathed the entire industry for the last 15 years.

One firm, Combustion Engineering, figures it has spent $60 million on nuclear research and development, none of which it has recovered through profits. Westinghouse's John Simpson says his firm has spent over $100 million on atomic R. & D., but thinks Westinghouse might turn a profit this year for the first time.

"We'll be the only ones to do so," he says.

General Electric has probably lost the most money on atomic power, but part of its losses might have come from the deals it struck in the early 1960's attempting to launch the atomic industry. By one account, GE lost more than $100 million on the Dresden atomic plants it built for Commonwealth Edison and an estimated $50 million on the Oyster Creek plant it put up for Jersey Central.

The company that has suffered the most in atomic power has been Babcock & Wilcox Co., which a year ago admitted that it was behind schedule on every one of the 28 nuclear pressure vessels it was putting together in its Mount Vernon Ind. works. The resulting losses sank profits too low last year to

cover the dividend. A vice president of the company committed suicide.

Despite the losses and the suffering, the companies that make up the atomic industry see a bright future for nuclear power.

"I think we all feel the future is nuclear," says Combustion Engineering's Howard Winterson. "We've had some discouraging years, but our costs should begin to level off and when that happens atomic power will be in a better over all competitive position than coal and oil."

Westinghouse's John Simpson said a recently completed study of fuel prices has led his company to predict a steady decline in atomic fuel costs to about 17 cents per million BTU by 1980 and a rise in the cost of coal to about 45 cents per million BTU.

Utility experts are also convinced that pollution laws will drive more power companies away from coal and oil, even the relatively clean low-sulphur forms of both. Only last month, Los Angeles County Judge Bernard S. Jefferson turned down a utility's appeal of a Los Angeles County ban on a new oil-fired plant it wanted to build at Playa del Rey.

"We're converting energy and no matter how you do it there's an impact on the environment," says Philadelphia Electric's John Kemper. "We feel the nuclear plant is the cleanest way to do it."

Though it electrifies only about 4 per cent of the power lines in the U.S. today, atomic power is destined to take on an ever larger role in power generation.

The Atomic Energy Commission expects that by 1980 atomic power plants will be generating 180 million kilowatts of electricity in the U.S. Most experts don't think it will get that high, but most of them agree that at least 130 million kilowatts will be nuclear by 1980, which will still be more than 20 per cent of the U.S. total in 10 years.

The AEC also believes that half the new electric power plants being ordered by utilities in 1980 will be nuclear, that 75 per cent of the orders in 1990 will be nuclear and that by the year 2000 nuclear's share of new orders will be 90 per cent.

If this happens, half the electric generating capacity of the country will be nuclear by 1990 and almost 60 per cent by 2000. There will be 450 atomic power plants in the country by 1990 and 950 by the year 2000, generating more than 1.1 billion kilowatts of electricity.

"I don't see how it can turn out any other way," says the AEC's Milton Shaw. "Coal and oil prices are going to keep going up, and there seems no way of getting the sulphur out of them to anybody's satisfaction. Atomic power is the only answer."

ELECTRICITY FOR THE FUTURE—III: BURGEONING ATOMIC PLANTS RUN INTO POLLUTION AWARENESS

(By Thomas O'Toole)

To consumers hungry for cheap electricity, the salvation from blackouts and smog is atomic power plants—graceful, scientific buildings humming quietly in remote locations, unmarred by belching smokestacks and sulphurous fumes.

But to environmental activists, the same nuclear plants are insidious monsters matching in their own quiet way today's pollution from burning coal and oil. At issue is their more subtle pollution from radioactivity and, oddly, hot water.

How this issue is resolved may decide whether the United States can continue to have enough cheap electricity for its growing population and its proliferating washing machines, air conditioners and other electrical appliances.

The issue is far from resolved today.

Of the 55 atomic power plants in the active stage of construction in the U.S. today, 12 have been stopped or blocked from producing power by environmental lawsuits. One reason the other 43 have so far escaped legal action is that they're not far enough along. Long Island Lighting Co. figures legal intervention against its Shoreham plant has now delayed its construction seven months. Consumers Power Co.'s Palisades plant on Lake Michigan has been held up at least that long, and Northern States Power Co.'s Monticello plant outside Minneapolis has been set back almost a year by lawsuits.

LONG TERM THREAT

The inescapable irony is that nuclear power has always been promoted as the "clean" way of making electricity.

Atomic power plants don't belch fly ash and the noxious fumes of sulphur dioxide, nitrogen oxide, carbon monoxide and methane into the atmosphere the way coal, oil or gas-fueled plants do.

But atomic power plants discharge pollutants all their own.

"The fossil fuel plant is a lot dirtier than the nuclear plant," said White House energy adviser David Freeman. "At the same time, it may be that fossil plants are an immediate threat to the environment while nuclear plants represent the longterm threat for the future."

The longterm threat comes from emissions of tiny amounts of radioactivity, none usually dangerous by itself in those quantities. But radioactivity received by humans is cumulative until some day the total may reach the threshold of medical damage, usually cancer. Nuclear plants being built today will be lifetime fixtures on the landscape. Generations of human and animal populations will accumulate their emissions.

The other pollution threat is hot water. All electric generating cores have inner temperatures of about 1,000 degrees and need large quantities of water to cool them. Nuclear plants need 50 per cent more water than fossil fuel plants because, among other reasons, it has no smokestacks to help carry away the heat. The plants take in cool water from a lake or stream and return it much hotter, with effects on marine life that are still being debated.

A one-million kilowatt nuclear plant (the average sized atomic plant being ordered today) discharges half a million gallons of heated waste water every minute. Atomic discharge water is 4 to 5 degrees hotter than fossil discharge.

The Atomic Energy Commission suggests that this so-called "thermal pollution" may do little harm.

In a study being done by the Connecticut Yankee Atomic Power Co., relatively few ill effects have been found in a five-mile stretch of the Connecticut River although every minute the plant discharges 370,000 gallons of water 22.4 degrees warmer than it took in.

The study found that the diatoms that dominated the river plankton disappeared, giving up their role to blue-green algae that thrived in the warmer water.

Catfish entering the discharge canal apparently suffered from a sudden rise in their metabolism and did "not fare as well as those that do not enter" the canal, an effect the study director concluded could "hardly be regarded as calamitous."

In fact, it was pointed out that the warming of the river by the plant drew more insect larvae (beetles, dragonflies, damselflies) to the river bottom and more striped bass to the river at all times of the year.

"In the long run," the study director concluded, the warming of the river "may even prove to be beneficial in one way or another."

The Connecticut River study is one of the few done so far of the effects of thermal pollution on a stream. But critics point out that the Connecticut is a cold-water river, ranging from a winter low of freezing to a summer high of about 86 degrees.

FEW FISH COULD SURVIVE

What of the warm-water rivers and bays of the Southern United States, whose water never freezes and stays above 90 degrees through the heat of a four-month summer? Biologists claim that few fish could survive in water much warmer. Joseph DiNunno, director of the AEC's office of environmental affairs, admits this is one of the problems he's most concerned about.

Another is multiple use of the same body of water by a number of atomic power plants.

"Ten plants on the same lake or river may not hurt you," DiNunno says. "Eleven may not and even twelve may not. But somewhere you'll put in just one more plant and you'll get pushed over the edge."

A survey earlier this month by The Washington Post shows there are two or more nuclear power plants built or being built on at least 25 U.S. waterways.

By 1974, the survey showed, there will be four atomic power plants on the Delaware River, four on the Susquehanna River and four on the Ohio River. There will be five nuclear plants on the Hudson River, five on the Illinois River and six on northern banks of the Mississippi River. Lake Michigan will lead the U.S. in nuclear plants in 1974: It will have nine atomic plants along its shores.

More subtle and potentially more serious than thermal pollution is the threat of contamination of the air and water by the radioactive discharge of nuclear power plants.

TINY TRACES

All nuclear power reactors vent tiny traces of radiation through microscopic cracks in the reactors and through the bombardment of exterior metal parts by neutrons escaping the inner cores.

These small bits of radiation show up mostly as radioactive strontium, cesium, iodine, krypton and tritium. The strontium and cesium escape as miniscule slivers of metal and are usually trapped before they're released to the water outside the plant. While iodine can also be caught, it can also be released as a gas. The krypton is always released as a gas and is allowed to escape through "vent" stacks into the atmosphere above the plant.

Tritium is a radioactive form of hydrogen gas that dissolves instantly in the power plant's cooling water once it escapes from the reactor. Extremely difficult and expensive to separate from the water, it must be discharged into whatever river or lake the coolant was taken from in the first place.

The Atomic Energy Commission says that nuclear plants operating today release iodine, krypton and tritium into the environment that is 1 per cent or less than the allowable limit set by radiation guidelines.

Its critics concede that this is generally true, but complain that this does not tell how much radioactivity the 16 nuclear plants operating in the U.S. today have released in their lifetimes.

THREE IN EXCESS

In a recent study of nine operating nuclear plants, the U.S. Public Health Service found three plants releasing radioactive gases into the air that far exceeded the AEC's "1 per cent" estimates.

For example, Pacific Gas & Electric's Humboldt Bay plant near Eureka, Calif. vented off gaseous radioactive iodine that was 11 per cent of its allowable limit in 1967 and 8 per cent of the limit in 1968. The same plant released almost 900,000 "curies" of radioactive krypton in 1967 and again in 1968, more than half the allowable limits in both years.

While the AEC claims that the almost weightless krypton gas escapes immediately into the upper atmosphere where it can do no harm, skeptics remain unconvinced.

"What happens if the wind isn't blowing up and what happens when it rains?" asks Johns Hopkins University radiologist Edward Radford. "I'll tell you what happens. If the

wind is blowing away from the plant, the krypton goes downwind with it. If it's raining, the krypton adheres to dust particles or raindrops and settles down to earth just like the fallout from an atom bomb test."

Described by most observers as a "middle-of-the-road" critic, Dr. Radford said he almost accepted the idea that krypton was no radiation threat until he saw a public health study on the worldwide growth of nuclear power.

"The Public Health Service estimated," Dr. Radford said, "that if nuclear power grows the way it's expected we would have the maximum permissible concentration of radioactive krypton (half-life 10 years) in the world's atmosphere by the year 2060."

Half-life is the time it takes for half the atoms of a radioactive substance to disintegrate. Then it takes the same amount of time for half the remaining atoms to disintegrate, and so on ad infinitum.

The Public Health Service also measured atomic power plant's leakage of tritium, which is itself a gas but which largely escapes from nuclear plants dissolved in the discharged cooling water.

While still below permissible limits, the amount of tritium discharged by nuclear plants is growing, partly because power production is growing and partly because the plants seem to degrade as they get older.

TRITIUM LEAKS

Con Edison's Indian Point plant on the Hudson River, for example, leaked 125 curies of tritium in 1966, more than twice that a year later and six times that by 1968.

Southern California's San Onofre plant, located less than 5,000 yards from the Western White House at San Clemente, discharged almost 2,400 curies into the Pacific Ocean in 1968, its first full year of operation. So far, no study has been made of subsequent years.

What worries scientists most about tritium leakage is that it's so hard to stop and that once leaked it stays so long (a 12.3 year half-life) and is so difficult to clean up.

"It's not like the other discharges," says Johns Hopkins' Dr. Radford. "You just can't comb tritium out of the air or water once it gets there, and it also combines freely with the hydrogen, oxygen and carbon of every living cell known to medicine."

Tiny traces of radiation released to the air and water, argues the AEC's Joseph DiNunno, don't mean that people are exposed to it, and therein lies another debate about how atomic power strikes the environment.

While it's true that most of the radioactivity released from atomic power plants never gets far from the plant sites, it's also true that a growing number of people live close by.

In studying 21 sites where nuclear plants are being built, the Public Health Service found that more than 1.4 million people live less than 10 miles from the plants' sites, with another 50 million within 50 miles.

These people can come in contact with the radiation released from the plants through their drinking water and food. One of the few studies the Public Health Service has done on that subject was at Commonwealth Edison's Dresden plant.

Strontium 89 was found in snow a half mile from the plant, cesium-137 in corn growing about the same distance away and iodine-131 in the thyroid glands of cattle grazing almost two miles from the plant.

The AEC's Savannah River plant released as much as 100 curies of tritium per day to the air and even more to the river, which led one physicist to wonder what the tritium levels were in a herd of deer living on an island near the plant.

"The deer had tritium throughout their bodies," says Johns Hopkins' Dr. Radford, "even in their DNA," the genetic molecules. "The question is, will this hurt their offspring?"

There is little information about the effect on living creatures of radioactive agents.

One of the few studies of "low-dose" radiation was done by Britain's pioneering Dr. Alice Stewart, who only two months ago published the first results of her 22-year survey of the relation of childhood cancers to X-rays of their mothers while pregnant.

POSSIBILITIES OF ACCIDENTS

Writing in the respected British journal, The Lancet, Dr. Stewart said that she was able to compare 7,649 children who had died of cancer before the age of 10 with 7,649 children who had lived to the age of 10 cancer-free. Both groups of children were matched for sex, age and locale where they grew up. Dr. Stewart found that the rate of fatal cancers went up with the number of times the children had been X-rayed before birth.

"The fetal doses may need to be revised in the light of further evidence," Dr. Stewart said, "but if they are correct we would expect that among one million children exposed shortly before birth to one rad of ionizing radiations, there would be an extra 300 to 800 deaths before the age of 10 years due to radiation-induced cancer."

"One rad" is much more than the five-to-fifteen thousandths of a rad that might be received each year by people living near atomic plants and it is a lot less than the radiation received by victims of the Hiroshima and Nagasaki bomb blasts. But it still lies in the range of what radiologists call "low-dose" effects comparable to the small "fallout" from nuclear power plants.

Critics of nuclear power have also focused on possible accidents in the plants.

Since the nuclear fuel in an atomic power plant cannot come together suddenly, a nuclear explosion in a power plant is not possible.

But there is a remote chance that loss of cooling with abrupt melting of fuel could vent radioactivity outside the plant—more fallout than an atomic explosion.

The AEC has taken elaborate steps to make certain that nothing like this ever happens It insists that each reactor have a second, standby coolant. In addition, automatic controls shut down the reactor immediately when any coolant is lost.

Nevertheless, the AEC requires owners of atomic power plants cover themselves with as much insurance as they can.

The AEC has done what most people believe has been thorough policing of accident possibilities. But is the AEC tough enough?

The question is before the AEC right now, in the application of Long Island Lighting Co. to operate an atomic power plant near the town of Shoreham on the north shore of Long Island. In a recent hearing, it was pointed out that the plant is located 7,500 feet from the launching site of a NIKE missile base and about 3 miles from the end of a runway used by Grumman Aircraft to test experimental planes.

One member of the Lloyd Harbor study group protesting the plant said he was told by a nuclear-safety specialist that the AEC has no experience dealing with nuclear plants near missile bases, nor are there any regulations that cover them. An AEC official says the only thing like a precedent is the nearness (five miles) of Homestead Air Force Base to the Florida Power and Light Co.'s nuclear plant at Turkey Point.

Has the AEC done enough to guard against accidents? The independent Advisory Committee for Reactor Safeguards doesn't think so, and recently complained that "because of funding limitations and other reasons" the AEC has done almost nothing about researching new methods of dealing with ruptures in the primary coolant piping that could bring on partial or complete meltdowns of fuel.

In the face of new fears of thermal pollution, the nuclear power industry has taken some additional steps.

Fifteen utilities building 24 of the 98 nuclear plants now under construction are installing special cooling towers to lower the temperature of discharge water before of discharge water before returning it to the river or lake it came from.

But cooling towers cost anywhere from $8 to $10 million, which utilities are reluctant to add to an atomic power plant that already costs as much as $400 million.

"I personally think," says John Kemper, manager of engineering for Philadelphia Electric Co., which is putting cooling towers in four nuclear plants, "that the public will have to pay for some of this cleanup. We just have to get some rate relief for all this expense."

Many people in the power industry don't think radiation leakage is as big a problem, so they're less willing to do something about it. Others think it is a far more difficult problem than thermal pollution.

One of a few who thinks it might not be too hard to solve is John Simpson, president of Westinghouse Power Co. He says that engineering changes can be made in Westinghouse reactors to cut down liquid radioactive discharges (including tritium) to just about zero. Simpson says such changes would cost no more than $1 million a plant.

Gas discharge such as radioactive krypton might be harder to bring down close to zero.

"You'd need considerably more equipment," says one nuclear expert, "to contain gases like krypton. It might cost you more than the cooling towers for thermal pollution."

It could turn out that the AEC might be forced to reduce radioactive discharges, if for no other reason than the Nixon administration insists on it.

The Department of Health, Education and Welfare has started a two-year study to determine whether the federal guidelines controlling radiation discharge should be made more strict. HEW's Dr. Arthur Wolfe two weeks ago suggested that certain standards would be tightened.

"I'm thinking specifically of iodine-131," Dr. Wolff said. "There is fresh evidence to suggest that the human thyroid gland is two to three times more sensitive to radioactive iodine than we once thought. We may have to adjust our guidelines on iodine releases accordingly."

Many radiologists believe that the federal government must adjust its thinking on radioactivity of all kinds—medical X-rays, emanations from color television sets and the added radiation received by people flying high-altitude jets. Each impact of radiation has some biological influence, though how much is not known precisely.

"There is no threshold to radiation damage, let's understand that," says Johns Hopkins' Dr. Edward Radford. "What's more, we don't understand what latent damage radiation does to cells."

In many ways, atomic power is growing at a difficult time. The public, sensitive about dangerous pollution from its present power plants, is becoming aware that atomic plants may have dangerous pollution of their own.

On the other hand, the country needs more cheap electricity, which nuclear power can provide. Nuclear pollution may be on the way to solution in these early days of the industry instead of waiting for the kind of delayed awareness that happened with coal and oil.

The Advisory Committee on Reactor Safeguards in a letter last year told the AEC to move faster to control radioactive wastes, and one member of the committee said that radiation levels can be reduced to 10 per cent—maybe even 1 per cent—of present levels.

ELECTRICITY FOR THE FUTURE—IV: MARYLAND A-PLANT: BOON OR A MENACE?

(By John Hanrahan)

The nuclear power plant being built at Calvert Cliffs, Md., provides a case study both for those who consider atomic energy the key to the nation's growing power needs and for those who view it as a potential menace.

To the Atomic Energy Commission and many utility companies, such nuclear power plants are a big part of the solution to the electricity shortage that has brought blackouts and brownouts to the Eastern Seaboard in recent years.

C. E. Utermohle, board chairman and president of the Baltimore Gas and Electric Co., says that his firm's $387 million, 1.6-million kilowatt plant will be safe and reliable and will pose no threat to human life or the ecology of Chesapeake Bay.

Utermohle and other supporters of the plant on the Western Shore of the Bay, 45 miles south of Washington, feel that an increasing number of nuclear power plants—in contrast to "fossil fuel" plants using coal, oil or gas—must be built in the near future to cope with the ever-increasing need for electricity.

To the critics, the rapid proliferation of such facilities raises a threat to the environment through release of radiation, heating of waterways and possible accidents. The potential for damage is even higher, the critics contend, when the facility is situated on the Chesapeake Bay, a treasure house of seafood and the provider of millions of hours of recreation annually.

What some critics fear most is that the ten or more nuclear plants projected for the Bay area in the next decade could wreak ecological havoc and endanger future generations. Calvert Cliffs, they think, is a precedent.

But beyond these arguments, common to nuclear power plants around the country, are questions about how the plans moved from the drawing boards to reality. The process, critics and even some supporters of the project say, was carried out so quietly over a period of years that opponents learned about it too late to mount an effective campaign to block the plant or have it relocated.

The company said it picked about 50 possible sites in the early 1960s before settling on Calvert Cliffs.

Jess W. Malcolm, executive director of the nonprofit, conservationist Chesapeake Bay Foundation, Inc., says that there were at least 30 separate actions involved in the decision-making process by federal and state agencies to clear the way for the Calvert Cliffs plant. Seldom, he says, were citizens' views seriously sought.

"In short, the decision to permit a nuclear power plant to operate on Chesapeake Bay is being made in a series of minor decisions, suggesting de facto approval of the facility at every step of the way," Malcolm says. "All of these steps were taken when, in fact, the basic question of whether a nuclear plant that would use Chesapeake Bay waters should be constructed at Calvert Cliffs was never asked."

HEARINGS IN 1969

Dr. Edward P. Radford, professor of environmental medicine at John Hopkins University, is among the scores of people who have criticized the events in the decision-making process.

He notes that in May of 1969, the AEC began hearings on Baltimore Gas and Electric's application for a construction permit.

Although opponents regarded this as the key hearing in blocking the plant, the AEC pointed out that the law governing such proceedings prohibited presentation of testimony regarding the choice of plant location, thermal effects on marine life in the Bay, power line location and the relationship between the size of the plant and the actual power needs of the area to be served.

Testimony was therefore limited strictly to matters regarding actual plant construction.

Radford says it subsequently developed that witnesses were not permitted to challenge the standards for the release of radioactive materials to the environment. The hearing was "pure window dressing," Radford contends.

The next hearing was before the Maryland Public Service Commission in July, 1969. The question was whether a new Maryland law, which became effective July 1, 1968, was applicable to the Calvert Cliffs plant. The new law gave the PSC the right to approve power plant location and operating plans for such plants on which construction had not begun.

At this hearing, less than two months after it had testified before the Atomic Energy Commission for a permit for construction which theoretically had not yet begun, Baltimore Gas and Electric argued before the PSC that it had, in fact, begun construction a year earlier.

The regulatory agencies paid little heed to the apparent contradiction in testimony. The AEC granted the construction permit; the PSC said that the new law did not apply to the Calvert Cliffs plant.

The Maryland Academy of Sciences, a nonprofit organization which receives some state funds, issued a report last winter calling the plant "an acceptable risk" when looked upon as "an experimental tool." The academy report also urged a moratorium on additional nuclear power plants on the bay until environmental studies are made, but efforts by some legislators last winter to impose such a moratorium and to block the Calvert Cliffs plant failed miserably.

The final state permit, for use of the waters of the bay to cool the plant's generators, was granted last spring.

Maryland's director of water resources attached strict restrictions on, among other things, the radiation that would be discharged into the bay. But a Baltimore Gas and Electric spokesman noted that a similiar case in Minnesota is being challenged on grounds that only the AEC can set radiation standards, and said that Maryland's tougher restrictions for Calvert Cliffs "would be null and void" if the court rules in the AEC's favor.

The water use permit issued by Maryland limits the permissable radioactivity level in liquid discharges to 1 per cent of what AEC allows.

Dr. Neil Solomon, Maryland's health director, say the AEC would permit too high a release of radioactive tritium from the plant and possibly "cause unacceptable concentrations in shellfish in the waters receiving the discharge."

Also, Solomon says, Baltimore Gas and Electric must register the plant "as a potential air pollution source" because it will emit radioactive isotopes to the atmosphere. The company contends the amount to be released will be so insignificant as to pose no hazard.

COMPANY'S RESPONSE

As to the frequent citizens' charges that the company kept the proposed Calvert Cliffs plant shrouded in secrecy until it was too late to mount effective opposition, Baltimore Gas and Electric Co. responds that all of its actions have been taken openly and with accompanying publicity.

"I believe that Baltimore Gas and Electric is quite open in its planning about power plant sites," says company president Utermohle.

"More than 3½ years ago, in mid-1966, we publicly requested rezoning of our Calvert County property as the possible location of a nuclear power plant. The Associated Press carried a story on the event.

"About a year after that, in May, 1967, we held the largest news conference in the history of the company to announce specific plans for the project to the public and to answer any and all questions which might arise. . . .

"It was almost a year later that we finally began site preparation and excavation. Yet no clear opposition appeared until the year after that—1969—during the final stages of our application for an AEC nuclear construction permit."

For Maryland, at least, Calvert Cliffs is the guinea pig for the nuclear power industry. Supporters of the project, such as William W. Eaton, chairman of a task force appointed by Gov. Marvin Mandel, foresee a threefold to eightfold increase in the power needs of the Chesapeake Bay region by the year 2000.

SIX PLANTS EXPECTED

According to 10-year plans filed by the utility companies with the Maryland Public Service Commission last winter, at least six nuclear power plants are likely to be built in Maryland in the next 10 years in addition to the Calvert Cliffs facility.

Baltimore Gas and Electric Co. has said it would make a determination sometime this year as to the type of 1.6 million kilowatt plants—nuclear or fossil—that it will build at Bush River off Chesapeake Bay rd. north of Baltimore. Completion would come in 1979.

The Potomac Edison Co. filed plans for a 650,000 kilowatt plant to be located either at Point of Rocks, Md., or Grafton, W. Va., or Washington, Pa.

The company notes, in documents filed with the Public Service Commission, that if nuclear energy is used, the plant will have to be at least 1.1 million kilowatts. At any rate, the company says, construction is to be completed in 1978.

ANOTHER CONTROVERSY

Recently, another storm of controversy developed over the Potomac Electric Power Co.'s plans to build either two nuclear or fossil fuel plants on the Potomac River at Sandy Point in Charles County. Plans call for each unit to be 1,050,000 kilowatts, with completion in 1977 and 1979, respectively.

Still being kept under wraps by Pepco is another planned 1 million kilowatt plant. According to company plans filed with the Public Service Commission, the site and type of fuel for the plant have not yet been determined. Construction is scheduled to begin in January 1971 and be completed by January 1978, but the public has yet to be apprised of the specific plans.

Although these are the only power plant plans currently on file with the Public Service Commission that could use nuclear fuel, additional proposals may be expected in the years to come. As the governors' task force stated:

"Arbitrarily, it can be assumed that half the electric generating plants in the Chesapeake Bay Region in the year 2000 will be nuclear. In this case the increased demand for power during the next three decades in the Bay region . . . could mean building five more 3000-megawatt nuclear power plants in the Chesapeake Bay region, i.e. about 10 more Calvert Cliffs plants."

The Chesapeake Environmental Protection Association, along with other environment and conservation groups, has expressed the view that much of the planning for future power needs constitutes a self-fulfilling prophecy.

The organization expressed it this way in a news release last Spring:

"Estimates of future power needs are based on an estimated increase in population as well as an increase in consumption per person. This is a statistical extrapolation which, if accepted as a goal, can be made to come true.

"The costs of attaining such a goal have not, however, been calculated. Would a

ruined environment make life not worth the candle? Or would we be better off with candles?"

To CEPA and many other concerned environment groups, "present plans for increased power capacity by the use of nuclear energy should be halted and restudied in the light of what the real need for power may be and how much, if any, of the remaining environmental quality we can trade for it and still survive."

Earlier this month, the AEC turned down still another proposal by opponents of Calvert Cliffs to halt construction.

Before the plant will be allowed to operate, the AEC said, the company will be required to submit a plan detailing the environmental impact of the facility. By that time, with close to $400 million spent, no one seriously believes the AEC would refuse an operating permit.

Perhaps, Chairman Edmund Muskie (D-Maine) of the Senate air and water pollution subcommittee said recently, Maryland and the nation learned something from Calvert Cliffs and can be on guard to see that such future plants are not established facts of life before citizen concern is aroused.

At Calvert Cliffs, Muskie said, the plant built up such a "momentum" that the state and its concerned citizens "were foreclosed . . . from taking sufficient steps" to regulate it.

So the utilities, the citizens and the state government will be watching the Calvert Cliffs plant in the years to come.

If the plant, in the words of Hugh Hunter, chief engineer of the Maryland Public Service Commission, "proves to be a good citizen" and not a hazard to the bay and human life, then nuclear power plants can be expected to spring up all over the state.

"The utility companies are laying back right now, watching what happens at Calvert Cliffs," Hunter says. "If this plant is a success, then there's little question that you're going to see many more such plants built in this state in the years to come."

TERRORIST KIDNAPING MOVEMENTS ABROAD

Mr. ALLOTT. Mr. President, on Monday, August 24, 1970, the distinguished junior Senator from West Virginia (Mr. BYRD) submitted Senate Resolution 454. I assure the Senator of my full support for this wise measure and urge all Senators to give it their prompt and total support.

The resolution is responsive to a new and odious tactic currently in fashion among radical terrorists in various parts of the world. This is the tactic of seizing innocent aliens in a foreign nation and holding them hostage for the achievement of radical political goals in that foreign nation.

This tactic has been refined to a barbarous perfection in recent months. The favorite targets of these mad and cowardly kidnapers are Americans. The most recent outrages have been committed in Uruguay, where the Tupamaros terrorist movement is struggling to win with terror what it cannot win through legitimate political practices.

Twice these political brigands have seized Americans, threatening to murder them if the Uruguayan Government refused to release the leftwing terrorists it has succeeded in putting behind bars. One American—Daniel Mitrione—has already been murdered by the Tupamaros.

As we speak here, Mr. President, another American and a Brazilian are being held by the Tupamaros. The American is Dr. Claude L. Fly from Fort Collins, Colo. Dr. Fly is a dedicated public servant who has been sharing his agricultural expertise with the Uruguayan Government.

The Uruguayan Government is making every effort to rescue Dr. Fly. Our own State Department is cooperating in every way possible. We all pray they will be successful.

What we can do here and now, Mr. President, is to try to minimize the likelihood of such terrorist activities in the future. Senate Resolution 454 calls upon the President to initiate bilateral and, where appropriate, multilateral agreements binding the signatory nations to do all they can to protect American personnel from such terrorists and to prosecute them vigorously when they are apprehended.

In addition, the resolution provides that signatory nations would institute extradition arrangements and other procedures that would frustrate the terrorist goal of getting released comrades to safety in other nations.

Mr. President, I command the distinguished senior Senator from West Virginia for submitting this timely and humane resolution. I urge its swift adoption.

PRESIDENT NIXON REVIVES L. B. J.'S PET "GIVEAWAY"

Mr. WILLIAMS of Delaware. Mr. President, today's Washington Daily News contains an article entitled "Nixon Quietly Revives L. B. J.'s Pet Giveaway'," written by Dan Thomasson.

In the article, Mr. Thomasson suggests that a "multimillion-dollar giveaway" that had been approved in the closing days of the Johnson administration and canceled in the early days of the Nixon administration has now been revived.

As one who was highly critical of this project, I sincerely hope that this report is in error; however, to be sure I am asking the departments for more details and may have some comments on this later.

I ask unanimous consent that Mr. Thomasson's article and my comments on the same project, as made in the Senate on October 30, 1969, be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

NIXON QUIETLY REVIVES L. B. J.'S PET "GIVEAWAY"

(By Dan Thomasson)

President Nixon—prodded by former President Lyndon B. Johnson—quietly has revived a pet LBJ project in Austin, Tex., despite charges it is a "multi-million-dollar giveaway."

Top congressional sources said today an angry Mr. Johnson urged Mr. Nixon to resurrect the project which involves more than $7 million in Federal Housing Administration (FHA) grants and loans and transfer of 26.5 acres of federal land to a group of Mr. Johnson's personal friends and business associates.

The project, rushed thru in the last days of the Johnson administration, was killed by the Nixon administration last year after congressional critics questioned its legality.

The Health, Education and Welfare Department confirmed today it had withdrawn its contest of the land transaction with the Austin Geriatrics Center, Inc., a nonprofit organization which plans to use the land and loans to set up a 168-bed nursing home and 250-unit housing complex for the elderly.

100 PER CENT FINANCING

And the Housing and Urban Development (HUD) Department conceded it has worked out a new 100 per cent federal financing deal with the Austin organization. The organizers include J. C. Kellam, manager of radio and TV properties owned by Mr. Johnson's family in Austin; Frank C. Erwin Jr., Austin attorney and longtime Johnson friend, and Roy A. Butler, Austin auto dealer and TV station owner who also has been a close ally of Mr. Johnson's.

The congressional sources said Mr. Johnson, infuriated by the Nixon administration's rejection of the project, pointedly reminded Mr. Nixon that he (Johnson) was supporting the President's policy on Vietnam and Southeast Asia.

"Lyndon considered this sort of a hometown monument to his administration," the congressional source said. "And he didn't like it at all when Nixon axed it."

FISH HATCHERY

The land involved had been a fish hatchery which the Interior Department declared surplus and transferred to HEW, in December, 1968, little more than a month before Mr. Johnson was to leave office. HEW, in turn, deeded it to the Texas group over strenuous objections of some HEW officials.

But in October, 1969, the Nixon administration demanded the land be returned to HEW on grounds the Texas group did not have the proper tax-exempt status, a technical move designed to stop the transaction.

A HEW spokesman said today, however, that this problem has been ironed out and the deed to Austin Geriatrics has been confirmed. Altho the land originally had been appraised at $2 million, its value was set at $640,000 in deeding it over at no cost to the Texas group.

The original deal called for the Texas group to get loans and grants totaling around $9 million from the FHA, HEW, and HUD to put up the geriatrics complex. To finance the 10 per cent down-payment required for FHA mortgage guarantees, the group was permitted to pledge the land it had received free from HEW.

In August of last year, HUD Secretary George W. Romney personally ordered FHA officials not to give the Texas group a 60-day extension on the mortgage commitments. And in September, 1969, a review revealed the commitments "were not feasible" and the project was killed.

In January of this year, however, a month after Mr. Johnson visited Mr. Nixon in the White House, the Texas group contacted FHA and was told it could submit new applications. On May 7, Austin Geriatrics submitted two new applications and on July 8, San Antonio FHA officials said the new plan was feasible.

STATEMENT OF SENATOR JOHN J. WILLIAMS

Mr. President, today I call attention to a highly questionable transaction wherein real estate with a real value of over $2 million was given away in the last 90 days of the Johnson Administration.

Between October 21, 1968, and January 20, 1969, a group of Texans, Mr. J. C. Kellum, Mr. Roy A. Butler, and Mr. Frank C. Erwin, Jr., formed a nonprofit corporation and then received a free gift from the Government of 26½ acres of choice real estate in the center of Austin, Texas. A low value of $642,000 was used, but actually this valuation was far too low since in the Government files

at that same time was an earlier appraisal which showed a valuation on this same land of over $2 million. As if that were not enough, in addition to receiving this gift of land this same group was approved for large cash grants from the Department of Health, Education, and Welfare and for Federal Housing Administration loans totaling over $8 million to build a nursing home and apartments on this same project. F.H.A. loans are not supposed to be for more than 90 per cent of the construction cost. To provide the necessary 10 per cent down payment the group pledged as collateral the land which the government had just given them plus the proceeds of three cash grants awarded them by H.E.W. totaling nearly a half million dollars. This meant that the group would have no money invested in the $10 million project.

The files indicate that these liberal transactions were arranged upon orders from the White House, and official approval was given by the Secretary of Health, Education, and Welfare, who overrode the strenuous objections of subordinates who recognized this deal as a land grab in which the interests of the Government were not being properly protected.

I shall review the chronology of these transactions and let the record speak for itself.

First the President developed the idea of establishing a geriatric center in Austin, Texas. The project was originally supposed to have the sponsorship of the University of Texas; but the University soon withdrew and then a group of individuals formed a so-called nonprofit organization and proceeded with the plans.

On October 29, 1968, there was a special meeting at the White House to discuss this project. Present were Mr. M. Nimetz, Special Assistant to Mr. J. Gaither, representing the President; Dr. Thomas McCarthy, National Center for Health Services, Research and Development; Mr. H. R. Moskof, President, Committee of Urban Housing; Mr. T. Ray Ogden and Mr. C. L. Tilley, of Brooks, Barr, Graeber and White, of the Washington and Austin offices, respectively; Mr. A. H. Dilly, Vice Chancellor for Health Affairs, University of Texas, Austin; Mr. A. D. Grezzo, Chief, Elderly Nursing Homes and Medical Facilities Branch, F.H.A.; and Mr. J. A. Cunningham and Dr. Milton L. Bankoff, both of Division of Medical Care Administration, Public Heatlh Service.

The purpose of this meeting was to develop a definitive program in response to the President's request for a new and innovative nursing home for Austin, Texas, as soon as possible.

The representatives of the University of Texas expressed their desire to cooperate completely with the President; however, they insisted on a permanent well-built building which would be operated according to high standards.

In view of the local bed situation (1,500 nursing home beds in Austin, which has a population of 200,000 and a new medicenter of 225 beds) and the low amount of financial reimbursement under current Texas regulations it was decided at this meeting that the maximum building size should be 250 beds for the nursing home.

The National Medical Association Foundation (N.M.A.F.) program was discussed in depth, and it was decided to use the N.M.A.F. plan of a continuum of care with construction of a nursing home to be followed by construction of housing for the well-elderly as rapidly as possible. Both were to be included in the master plan for the site which was to be approved as soon as possible so that construction could be begun by December 25, 1968.

The group at the October 29 meeting was told that 26 acres of federal land then being used as a fish hatchery and located five minutes east of the center of Austin, Texas, was available. That was prime land and had been valued at $2 per square foot, or over $2 million, but later when transferred this valuation was arbitrarily reduced to $642,000. There appears to be no justification for this lower appraisal.

After much discussion at this October 29 meeting this federal site was chosen. Significantly as of the date this property (consisting of 2 tracts—one of 5.79 acres and one of 20.704 acres) was selected it had not even been declared surplus, nor had the Texas group filed their organization papers.

Two weeks later, on November 15, 1968, the 20.704 acres plus an easement of .390 acres, for a total of 21.094, was conveniently reported as excess to the needs of the Interior Department, and four days later, on November 19, 1968, it was declared surplus. This property was not screened for use by the other federal agencies as is required by the law.

Meanwhile a new group took over. On this same date, November 19, 1968, the Austin Geriatrics Center, Inc., was formed under the Texas Nonprofit Corporation Act with directors and incorporators as follows:

Directors.—Frank C. Erwin, Jr., Roy A. Butler, J. C. Kellam.

Incorporators.—Burnell Waldrep, Richard C. Gibson, William R. Long.

On November 20, 1968, Mr. Sol Elson, Director of Surplus Property, sent a memorandum to Mr. Donald F. Simpson, Assistant Secretary for Administration, giving a status report on the surplus property situation and raising questions which needed to be answered in order to meet time tables set by his superiors (namely, to get this transaction cleared before January 20, 1969). In this memorandum Mr. Elson outlined their problem as follows:

1. They had not yet received an application, so they didn't know what the proposed program was.

2. They had no knowledge regarding the nature of the corporation that was to get the property or its financial ability.

They assumed it would be eligible as a nonprofit organization. Since the construction was going to be fully subsidized by the federal government and since the operation might have to be subsidized Mr. Elson felt serious doubt might exist as to the financial feasibility of the project unless there were a pledge for underwriting continuing long-term operations by some financially responsible organization. He requested additional information so that they could meet the Administration's wishes.

On November 22, 1968, their application was filed and sent to Mr. Sam G. Wynn, Regional Representative, Office of Surplus Property Utilization, H.E.W.

On November 26, 1968, the remaining 5.79 acres were reported as excess to the needs of the Interior Department, and the following day, November 27, 1968, Mr. Donald Simpson, Assistant Secretary of H.E.W., gave Secretary Wilbur Cohen a report promising that the property would be ready for delivery by December 11, but Mr. Simpson raised a question as to whether publicity of the transaction would be appropriate.

On November 29, 1968, the 5.79 acres, which on November 26 had been declared excess to the needs of the Interior Department, was officially declared surplus. Again there was no screening of other federal agencies as to its possible use.

On December 6, 1968, Secretary Cohen advised the President that as of December 2, 1968, the 26.5 acres had been officially declared surplus by the General Services Administration, that it had been assigned to H.E.W. for disposal, and that he would be ready to deliver the deed to the Austin group on December 10, 1968, at 2:00 P.M.

On December 10, 1968, the signed deed was delivered to the Texas group with a provision therein for a right of reverter for thirty years if:

1. The property was not used continuously for health and health research purposes in accordance with the application and "the supplement thereto."

2. The Center sells, rents, encumbers, or transfers the property without the consent of H.E.W.

3. The Center fails to report yearly to H.E.W.

4. The Center violates the Civil Rights Act.

The Texas group did have one problem regarding its ability to pledge the property as collateral to obtain financing from the F.H.A. This was soon resolved by the execution of a Consent Agreement on January 10, 1969, which allowed them to use this property, which was costing them nothing, as collateral for an $8 million low interest government loan.

The plan was for the Center to build a large facility, which meant a large loan and a fair amount of equity money. This could be difficult for the Center from a practical standpoint. From a technical standpoint H.E.W. had the right to revert if the Center mortgaged without first obtaining the Department's consent; however, if the Center could comply and had private financing without F.H.A. help it could be difficult to refuse such consent.

Assuming the Department of H.E.W. refused to consent it would be possible for the Center to abrogate the condition subsequently by paying to the Department $642,000 the low GSA appraised figure.

While $642,000 was the appraisal figure used for the transfer of the property to the Texas group, actually at the time of the transfer the agency files showed that earlier the same land had been appraised at well over $2 million. I found no basis for the lower valuation except to make this giveaway transaction appear less odorous.

As mentioned earlier, in addition to the free land this Texas group needed some cash. They were applying for $8.5 million in loans, and the Government required that they furnish ten per cent collateral.

The land they had received as a gift, while actually worth $2.2 million, had been accepted at a low appraisal of $642,000 and therefore would not cover the required ten per cent. (The Government loans are supposed to be for only ninety per cent of the construction costs.)

Again H.E.W. came to the rescue. On January 8, 1969, Mr. Thomas McCarthy, the Deputy Director of the National Center for Health Services Research and Development, wrote the Chief of the Contract Branch requesting that a contract he awarded the Center in the amount of $150,000 with a 12-month period of performance. Mr. McCarthy claimed that the Center had unique, important, and predominate capabilities to do the work they sought to undertake and that therefore it was impractical to secure competition by formal advertising. I suppose what he really meant was that only 12 days remained before the Administration would be out of office and that they did not have time for competitive bids.

On the following day, January 9, 1969, the Center was invited to submit a proposal, which was done on January 10 by Mr. Frank C. Erwin, Jr., President of the Center. The total estimated cost was $150,000, and Articles of the Center were attached indicating it to be a nonprofit corporation incorporated on November 19, 1968.

On January 13, 1969, Mr. William W. Brownholtz, Chief, Cost Advisory Branch, Office of Financial Management, submitted to the Chief of Contract Operation Section, Procurement Division, Health Services and Mental Health Administration (H.S.M.H.A.) an adverse report recommending against giving this contract to the Center. He com-

mented that the contract was to be a cost reimbursement type and that the organization was not ongoing and had not established an adequate accounting system to implement the contract. He also noted that the contract contemplated charging many overhead costs to the contract program. This naturally would be inappropriate if the Center also carried on activities unrelated to the Contract Program as they would have the benefit of overhead cost payments made through the contract. He felt the Center should file a security bond.

On January 14, 1969, Mr. Samuel J. Dick, Contracting Officer, likewise submitted an adverse pre-award onsite evaluation. Some of the points raised in this report were as follows:

1. The Center had no legal domicile, but Mr. Erwin suggested that his office address in Austin be used.

2. The Center had no assets other than the property deeded to them by the Federal Government.

3. F.H.A. mortgage negotiations had not been concluded, but the Center hoped to break ground by January 23, 1969, and commence construction in February. The Center therefore did not have facilities to perform the contract and would not have them until the nursing home was built.

4. The Center did not have an administrative staff or employees. Mr. Ervin was to select an administrative staff and a Director of Research, and the Center hoped to obtain consultants.

5. The Center did not have an adequate accounting system or controls to administer a government contract.

6. The Center did not have financial capacity or other resources to perform the contract, nor had it demonstrated the ability to obtain such financing. The Center felt advance payments would be necessary for operating capital.

7. The Center had no prior contracts or experience.

8. The contract contemplated was for one year, which was not within the ability of the Center, and it hoped a 2- to 3-year contract would be considered.

In this report of January 14, 1969, it is clear that Mr. Dick felt that the Center did not meet the standards of the Federal Procurement Regulations and recommended that the contract not be awarded.

On January 15, 1969, the following day, a synopsis was published in the Commerce Business Daily indicating that the Center was the sole source for the program by reason of its unique plans and capabilities and that there therefore would be no competition.

On that same day, January 15, 1969, Mr. J. Keesler, Chief, Procurement Branch Office of Procurement and Material Management, H.S.M.H.A., wrote a memorandum to the Deputy Administrator attaching Mr. Dick's memorandum of January 14. He reviewed the file with Mr. Weiner, Office of the General Counsel, and Mr. William Brownholtz, Office of Financial Management, and pointed out that they all agreed that the contract should not be awarded to this Texas group.

But White House pressure was on, and no attention was paid to any of these adverse reports.

On January 17, 1969, H.E.W. signed the contract in the amount of $150,000.

Three days later, January 20, 1969, a government-guaranteed loan in the amount of $2,283,800 was approved for the 168-bed nursing home with the San Antonio Insuring Office issuing a commitment under Section 232 (Project No. 115-43011-NP).

This loan application carried the notation that the closing requirements of about $227,000 would be cared for by H.E.W. grants.

On January 20, 1969, (the same day) a second government-guaranteed loan for $6,350,000 was approved under Section 236 for a 363-unit project designed for elderly with 20 per cent rent supplement units (Project No. 115-44008-NP-SUP).

In addition to the gift of land, this group during the same 90-day period received approval of a series of grants: From H.E.W. $150,000; and from H.U.D. $298,582 interest reduction payment (Section 236) and $58,779 in rent subsidies.

These advance cash grants and the free land received from H.E.W. were the only security advanced as representing the sponsors' ten per cent security for the $8.5-million government loan.

Thus here we have the government, in cash grants and free land, furnishing collateral for their own loans.

Mr. President, an examination of this transaction clearly shows that the free gift of this land and the approval of these cash grants and these $8.5 million in loans were obviously political decisions, and as the result of this last-minute scramble to get just one more grab from the Federal Treasury the taxpayers stand to lose millions.

To illustrate just how bold this deal was I call attention to a memo signed by Secretary Cohen on January 16, 1969, just four days before leaving office.

On January 15 two adverse reports had been received, recommending against the approval of the H.E.W. grants and the transfer of this land to this Texas group.

On January 16, 1969, Secretary Wilbur J. Cohen dictated a memorandum for the file indicating that he had personally reviewed the files, that he knew Mr. Frank Erwin, one of the directors of the Texas group, to be a man of integrity, and that he personally had discussed the project with the officials of the University of Texas who had assured him of their support of the Center. Based on said assurances he was approving the project. There is a hand-written note in the Department files on a route slip, which states:

1. Sign all three copies.

2. Sign memorandum for the record saying you reviewed, etc., and therefore approve the project.

3. Ship whole package to Lewis, and we will get a man on a plane to Texas to get them to sign before January 20.

Mr. President, I question not only the propriety but the legality of this multi-million dollar giveaway transaction wherein all rules governing the disposition of government property were ignored. Grants were made and loans were approved for this group in a manner which underscores bureaucratic contempt for the American taxpayers. This transaction cannot remain unchallenged.

I am today requesting the Department of Justice to investigate this transaction and take whatever steps are necessary to protect the interests of the Government and to recover this property. Meanwhile I am suggesting that all government agencies which approved any grants or loans to this group stop all disbursements until the Department of Justice has had an opportunity to act.

THE RIGHT TO READ

Mr. PERCY. Mr. President, the ability to read is, of course, critical for those who wish to become full and active members of our society. Unfortunately, it is increasingly apparent that too many students are not adequately acquiring this most basic skill.

In recognition of this fact, President Nixon has endorsed the right to read as a national goal for the 1970's and he has indicated that the achievement of this goal will require a national effort to develop new curricula and new methods and to better apply the many methods and programs that already exist.

An article by Mr. Lew F. Palmer, Jr. which recently appeared in the Chicago Daily News clearly and succinctly indicates the wisdom of the President's action. Mr. Palmer not only highlights the problem but reports on the activities of an organization, the Reading Foundation, which appears to have developed a successful method of overcoming the cultural disadvantages of the poor in teaching them how to read.

Mr. President, because I believe that Senators may benefit from Mr. Palmer's article, I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SCHOOLS NEEDN'T BE THAT BAD

A federal study commission has reported that one student of every seven has trouble reading, with some barely learning to read at all.

According to the American Assn. of Junior Colleges, one-third to one-half of new students need remedial instruction before they can work toward a four-year degree.

An education expert in Tampa says boys and girls there are graduating from high school with reading abilities of "small children."

Recent reports from the Chicago Board of Education show that the average pupil entering first grade had an above-average IQ. By the time they "progressed" to upper grades, they were below national reading norms.

The ability to read, of course, has an overwhelming relationship to the ability to progress in all phases of the educational process. It is interesting to note also that poor reading skills are directly correlated with antisocial behavior.

A committee from the Health, Education and Welfare Department reports that about 75 per cent of all juvenile delinquents are significantly retarded in reading.

This same committee discovered that of 10,000 young offenders in federal prisons, 90 per cent had reading problems in school.

It is ironic that the federal study commission on reading made its dismal report about a month after U.S. astronauts landed on the moon, for education experts estimate that a crash program to teach every American boy and girl to read adequately would cost as much as it took to get those footprints on the moon.

No such expenditure is under discussion now and if it were our system of priorities are such that it would not stand a ghost of a chance of becoming reality.

Until the American educational establishment discovers ways to solve this extraordinary problem and until the federal government decides that it is just as important to teach kids to read as it is to make moon trips, something must be done to keep the situation from getting worse.

Officials at the Reading Foundation in Chicago are convinced they have found a way to overcome reading deficiencies. The plan is called Optimation and the primary objective is to increase immediate comprehension and long-run retention of all materials read.

Actually, it is a rapid reading course and Robert B. Ayres, the foundation president says he has proof that "increasing the rat of reading results in increased and fast understanding of the material."

He says Optimation has been "highly s cessful" with business executives and p fessionals. It has now been tested in sch even among so-called disadvantaged dren, with remarkable success.

A course given at Christian Action try in Chicago saw one student leap

reading rate of 166 words a minute to 27,000. The class average was 12,220. Class comprehension increased from 50 to 53 per cent.

At Holy Angels Catholic school in Chicago, eighth graders participated in 24 hours of class instruction and 22 hours of home practice. Ayres reported that at the beginning of the course, the class' average reading speed was 141 words a minute with 40 per cent comprehension.

"The class average at the conclusion of the course was 5,615 words a minute," Ayres said, "and 58 per cent comprehension. The gain in reading efficiency (reading rate multiplied by comprehension) was 5,815 per cent."

After similar results were obtained at Ocean Hill-Brownsville Demonstration School District in Brooklyn—one of the rare community-controlled school districts in the country—Rhody A. McCoy, unit administrator, wrote Ayres:

"In the beginning, I was apprehensive about the program results that now are very evident in all three pilot classes you have conducted. The constructive, positive attitude that the students display is beautiful.

"If they continue with this new attitude, they can't help but be successful in life."

McCoy listed these "reactions we have had about your course: Students are more confident . . . It has made it possible for the teacher to do a better job now that the students are more receptive and capable of getting through sufficient material to make their classes more meaningful . . .

"Parents . . . report a complete change in reading habits with many who did not read books before now reading four or five a week and more."

The big question, then, is why public school systems are not making use of Optimation? Obviously something is terribly wrong with our present systems of teaching reading. New approaches are desperately needed. Innovation and experimentation are essential.

THE McGOVERN-HATFIELD AMENDMENT

Mr. ALLOTT. Mr. President, I am pleased to be able to share with the Senate today a most informative and cogent document pertaining to the McGovern-Hatfield amendment.

I have been fortunate to receive a memorandum which is a comprehensive discussion of the delusive theories which underlie the amendment. This memorandum was drafted for me by Prof. William H. Roberts, director of the Institute of International Law and Relations at the Catholic University of America, in Washington, D.C.

So that all Senators may profit from the thinking of this distinguished scholar, I ask unanimous consent that his memorandum be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM REGARDING THE PROPOSED MCGOVERN-HATFIELD AMENDMENT TO THE MILITARY PROCUREMENT AUTHORIZATION ACT (H.R. 17123)

INTRODUCTION

1. In his address of April 30, 1970,[1] the President announced his decision that "the time has come for action" in regard to the Cambodian bases and sanctuaries of the enemy forces. This presidential decision was based on the following findings of fact and conclusions:

a. "For the past five years . . . North Vietnam has occupied military sanctuaries all along the Cambodian frontier with South Vietnam. Some of these extend up to 20 miles into Cambodia. They are used for hit-and-run attacks on Americans and South Vietnamese forces in South Vietnam.

"These Communist-occupied territories contain major base camps, training sites, logistic facilities, weapons and ammunition factories, air strips and prisoner of war compounds."

b. "In contrast to our policy, the enemy in the past two weeks has stepped up his guerrilla actions and he is concentrating his main attacks on our forces and those of South Vietnam."

c. "If this effort succeeds, Cambodia would become a vast enemy staging area and springboard for attacks on South Vietnam along 600 miles of frontier—and a refuge where enemy troops could return from combat without fear of retaliation.

"North Vietnamese men and supplies could then be poured into that country, jeopardizing not only the lives of our own men but the people of South Vietnam as well."

d. "The areas in which these [i.e., U.S.-South Vietnamese] attacks will be launched are completely occupied and controlled by North Vietnamese forces."

e. "I have concluded that the actions of the enemy in the last 10 days clearly endanger the lives of Americans who are in Vietnam now and would constitute an unacceptable risk to those who will be there after our withdrawal of 150,000.

"To protect our men who are in Vietnam and to guarantee the continued success of our withdrawal and Vietnamization program, I have concluded the time has come for action." The purpose of the orders to be issued pursuant to the President's determination ". . . is not to occupy the areas. Once the enemy forces are driven out of these sanctuaries and their military supplies destroyed, we will withdraw."

2. Clearly, the findings and the determination as well as the purpose of the actions announced in the President's address of April 30, 1970, are incidental to the fact that American forces have been engaged in military operations in Vietnam for several years. Therefore, the President's decision is a military one which was made in his capacity as Commander-in-Chief of the Armed Forces. This conclusion is strongly emphasized by the fact that the purpose of the action, as stated by the President, is exclusively a military and not a political one.

3. The sequence of events following the President's announcement of April 30, 1970, namely the various amendments offered in the Senate to pending legislation, specifically the so-called McGovern-Hatfield Amendment to the Military Procurement Authorization Act (H.R. 17123) were clearly introduced in response to the President's aforementioned address. Consequently, the amendments, and specifically their operational clauses would, if enacted, impose in effect and of necessity serious limitations and restraints on the President's constitutional powers as Chief Executive, who is solely charged with the conduct of the foreign relations of the United States (hereinafter "foreign relations power"), and as Commander-in-Chief of the Armed Forces (hereinafter "Command power"). Clearly, statements made in the course of the debate on these amendments and even proposed amendments to their preambles, specifically statements, etc., to the effect that the proposed amendments, e.g., the proposed McGovern-Hatfield Amendment are not intended to interfere with the aforementioned presidential powers, contradict the operational clauses of these amendments because they do, in fact, constitute interference with the President's aforementioned authority.

4. This memorandum will attempt to analyze specifically the proposed McGovern-Hatfield Amendment under the following headings: I. The powers of the Executive; II. Interrelations Between the Foreign Relations and the Command Powers of the President; III. The Foreign Relations Power of the President; IV. The Command Powers of the President; V. Limitations on Congressional Interference with the President's Foreign Relations and Command Powers; and VI. Substance and Contents of the President's Command Powers as Determined by International Law.

Clearly, the proposed McGovern-Hatfield Amendment has a much wider scope than the Cooper-Church Amendment to the Foreign Military Sales Act (H.R. 15628), as passed by the Senate. Therefore, the former does not only include and cover the policy and provisions of the Cooper-Church Amendment but it is, in fact, a far more ambitious and farther-reaching projection of the policies which have found expression in the latter, as passed by the Senate. Occasional references to the aforesaid Amendment are, therefore, equally applicable to the proposed McGovern-Hatfield Amendment, and will simply serve the purpose of exploring all its ramifications.

I—The powers of the executive

It is well established that constitutional practice has been firmly based on the doctrine of executive power as originally stated by Alexander Hamilton. He said that:

"The general doctrine of our constitution then is, that the *executive power* of the nation is vested in the President, subject only to the *exceptions* and qualifications, which are expressed in the instrument."[2]

Thomas Jefferson did not only support Hamilton's aforementioned doctrine but expressed it in ever more explicit terms when he said that:

"The executive . . . possessing the rights of self-government from nature, cannot be controlled in the exercise of them but by a law, passed in the form of the Constitution."[3]

The prevailing constitutional doctrine was aptly summarized in the following words of the Solicitor of the Department of State when he said:

". . . where, by the terms of the constitution the national government is vested with control over a certain *sphere of action*, that portion of the field is the president's which is executive in character. . . ."[4]

II—Interrelations between the foreign relations and the command powers of the President

It is well established that the conduct of the foreign relations of the United States has been solely vested in the President.[5] One of the leading academic authorities on the Constitution, Edward S. Corwin, spoke in this connection of ". . . the President's monopoly of the function of international intercourse and his constitutional independence in the performance of that function."[6] In addition, the Constitution makes the President expressly the Commander-in-Chief of the Armed Forces.[7]

The fact that the President's foreign relations and command powers are closely interrelated to each other has been recognized since Hamilton wrote that the executive department was ". . . the organ of intercourse between the nation and foreign nations" and that it was "charged with command and disposition of the public force."[8] He, then, arrived at the conclusion that:

". . . it belongs to the 'executive power' to do whatever else [except a declaration of war] the law of nations, co-operating with the treaties of the country, enjoin in the intercourse of the United States with foreign powers."[9]

John Marshall, when a member of the House of Representatives, spoke of the interrelations between the aforementioned two powers of the President when he said that:

Footnotes at end of article.

"The president is the sole organ of the nation in its external relations. . . . He possesses the whole Executive power. He holds and directs the force of the nation. Of consequence, any act to be performed by the force of the nation is to be performed through him." [10]

Similarly, Monroe, in his capacity as Secretary of War, advised Congress that "The power of command was vested in the President primarily for the purpose of giving him that control over military and naval operations which is a necessary attribute of the executive branch." [11]

Justice Nelson, sitting as Circuit Justice and speaking for the court, epitomized the interconnection between the foreign relations and command powers of the President in the following words:

"For this purpose the whole Executive power is placed in his [the President's] hands . . . and different departments of government have been organized, through which this power may be most conveniently executed *whether by negotiation or by force.*" [12] (Emphasis added.)

The reasons behind this combination of foreign relations and command powers in the hands of the President were aptly stated by Justice Sutherland when he said for the Court that:

". . . he [the President], not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries, and especially is this true in time of war." [13]

III.—The President's foreign relations powers

Constitutional doctrine, Congress, as well as the executive and judicial branches of the Government, have consistently maintained that the power to conduct the foreign relations of the United States (foreign relations power), with the exception *expressly* stated in the Constitution, is solely vested in the President. Alexander Hamilton emphasized this point when he said that "the legislative department is not the organ of intercourse between the United States and foreign nations." [14]

Again, Jefferson emphasized Hamilton's point of view when he said that:

"The transaction of business with foreign nations is Executive altogether . . . except as to such portions of it as are specially submitted to the Senate. Exceptions are to be construed strictly." [15]

As early as 1816, the Senate Foreign Relations Committee in a report to the Senate warned against congressional interference with the President's exclusive powers in the foreign relations field on the ground that such interference was bound ". . . to impair the best security for the national safety." [16]

In 1897, the Senate Foreign Relations Committee made a thorough investigation of the question of presidential powers in the foreign policy field in connection with the question of the recognition of Cuba's independence. The Committee arrived at the following conclusions:

"The executive branch is the sole mouth piece of the nation in communication with foreign sovereignties. . . . In the department of international law, therefore, properly speaking, a congressional recognition of belligerency or independence would be a nullity." [17]

About a decade later, Senator Spooner of the Foreign Relations Committee said in the Senate:

"The Senate has nothing whatever to do with. . . the conduct of our foreign intercourse and relations save the exercise of the one constitutional function of advice and consent which the Constitution requires. . . . From the foundation of the Government it has been conceded in practice and in theory that the Constitution vests the power of negotiation and the various phases—and they are multifarious—of the conduct of our foreign relations exclusively in the President. And . . . he does not exercise that constitutional power, nor can he be made to do it, under the tutelage or guardianship of the Senate or of the House or of the Senate and House combined." [18]

Similarly, the executive branch stated its position clearly in a memorandum of the Solicitor of the Department of State when he said:

"In all cases the President could direct and control, but in the 'Presidential' Department he could determine *what should be done, as well as how it should be done.*" [19] (Memorandum's emphasis.)

The Supreme Court emphasized in *United States* v. *Curtiss-Wright Corp.*, the fact that:

"Not only is the federal power over external affairs in origin and essential character different from that over internal affairs, but participation in the exercise of the power is significantly limited. In this vast external realm . . . the President alone has the power to speak or listen as a representative of the nation. . . . [H]e alone negotiates. Into the field of negotiations the Senate cannot intrude and Congress itself is powerless to invade it." [20]

The Supreme Court then elaborated upon the nature of the President's foreign relations power by referring to it as:

". . . the very delicate, plenary and exclusive power of the President as the sole organ of the federal government in the field of international relations. . . ." [21]

IV.—The powers of the President as Commander-in-Chief

In Federalist Paper No. 74, Alexander Hamilton stated the constitutional doctrine regarding the President's powers as Commander-in-Chief clearly when he said:

"Even those of them which have, in other respects, coupled the chief magistrate with a council, have for the most part concentrated the military authority in him alone. Of all the cares or concerns of government, the direction of war most peculiarly demands those qualities which distinguish the exercise of power by a single hand. The direction of war implies the direction of common strength; and the power of directing and employing the common strength, forms a usual and essential part in the definition of executive authority."

This doctrine was re-affirmed by the Supreme Court in a case arising out of the occupation of Tampico in the Mexican War. Chief Justice Taney, for the Court said:

"As commander-in-chief, he [the President] is authorized to direct the movements of the naval and military forces placed by law at his command and to employ them in the manner he may deem most effectual to harass and conquer and subdue the enemy." [22]

In 1860, Francis Lieber summarized the doctrine in his *Remarks on Army Regulations*. In connection with his elaboration of the President's exclusive power to direct military movements, Lieber said that the war powers of Congress did not give ". . . it, command the Army. Here the constitutional power of the President as Commander-in-Chief is exclusive." [23]

The following words of Senator O. H. Browning in the 1862 Senate debate between him and Senator Sumner state convincingly and clearly the reasons for the presidential command powers and the danger inherent in the attempt to interfere with them. In the Senate debate of June 25, 1862, Senator Browning said:

"And now, I again ask whether it is seriously contended that Congress has either the right or the power to judge of and determine upon any of them [i.e., military necessities] a month in advance of its occurrence? Whatever the seeming necessity be now, when the month has elapsed it may no longer exist.

"These necessities can be determined only by the military commander and to him the Constitution has entrusted the prerogative of judging them. When the Constitution made the President 'Commander-in-Chief of the Army and Navy of the United States' it clothed him with all the incidental powers necessary to a full, faithful and efficient performance of the duties of that high office; and to decide what are military necessities, and to devise and execute the requisite measure to meet them, is one of these incidents. It is not a legislative but an executive function, and Congress has nothing to do with it. . . . Nor can Congress control him in the command of the Army, for, if it can, then he is not Commander-in-Chief, and the assertion of the Constitution to that effect is a falsehood. And whenever Congress assumes control of the Army in the field, it usurps the powers of a coordinate department of government, destroys the checks and balances provided for the safety of the people, and subverts the Constitution.

"Congress is to raise and regulate the Army; when raised and regulated, the President is to have the supreme command and direction.

"He [the President] is as supreme in his sphere as the legislative department is in its sphere; and in the performance of his duties, he cannot, without abnegation of his authority, submit to the control of either Congress or the people." [24]

Several days later, on June 27, 1862, Senator Browning said in elaboration of this point:

"When we are engaged in war, and it [the army] is in the field marshalled for strife, I deny that Congress . . . has any power to say to the President, do this or do that . . . advance today and retreat tomorrow." [25]

This doctrine was upheld by the Supreme Court in the *Prize* cases where it said that "He [the President] must determine what degree of force the crisis demands." [26]

The scope of the command powers of the President over the armed forces in the field has to be understood in terms of the relationship between ends and appropriate means. Alexander Hamilton referred to this problem where he said that:

"The means ought to be proportioned to the end; the persons from whose agency the attainment of any end is expected, ought to possess the means by which it has to be attained." [27]

Once United States forces are involved in military operations against enemy forces, the President as Commander-in-Chief is constitutionally required ". . . to use all means calculated to weaken the enemy and to bring the struggle to a successful conclusion." [28]

In *Durand* v. *Hollins, supra,* Justice Nelson, for the court, said that the question whether it had been the duty of the President to interpose by force for the protection of American citizens in Greytown, Nicaragua, was a question of public policy ". . . which belonged to the executive to determine and his decision is final and conclusive." [29] The Court then held that the two principal means for conducting foreign relations were negotiation or force.

In *Lichter* v. *United States,* the Supreme Court quoted from an address by former Chief Justice Charles Evans Hughes that "The power to wage war is the power to wage war successfully." In elaborating upon the aforesaid statement the Court, then, held that ". . . the primary implication of a war power that it should be an *effective power to wage war successfully.*" [30] (Emphasis added.)

In *United States* v. *Hirabayashi,* the District Court [31] pointed out that:

"The Constitution of the United States was intended by the fathers who framed it to be able to cope with war emergencies. This nation came into being as a result of a successful war. The Constitution was written shortly

Footnotes at end of article.

thereafter and at a time when its framers had every reason, by virtue of their experience and in the light of then world conditions, to expect that this nation be confronted by war in the future."

In the same case [*United States* v. *Hirabayashi*] the Supreme Court held that the war power of the national government which includes the President's command powers over armed forces in the field ". . . extends to every matter and activity so related to war as substantially to affect its conduct and progress. The power is not restricted to the winning of victories in the field and the repulse of the enemy forces. It embraces every phase of the national defense, *including the protection of war materials and the members of the armed forces from injury and from dangers which attend the rise, the execution and progress of war. . . .*" (Emphasis added.)

Consequently, the Supreme Court concluded that the war powers, which include the Presidential command powers, provide a wide scope "for the exercise of judgment and discretion in determining the nature and extent of the threatened injury and danger and in the selection of the means for resisting it."[32] The constitutional doctrine and practice were aptly summarized in the following words:

"The President in time of war has entire control of the movements of the army and navy. Congress has, under the Constitution, the sole power to raise and support armies . . .; but after the forces have been provided and war has begun, the President may order them anywhere he will for the purpose of carrying the war to a successful conclusion.

* * * * *

". . . in time of war the authority of the President is recognized as being absolute as to where the war is to be conducted whether . . . to carry on an offensive war in the enemy territory, in the territory of an ally, or perhaps even in the territory of a neutral.

* * * * *

"Just as the President decides when and where troops should be employed in time of war, so he alone likewise determine how the forces should be used, for what purposes, the manner and extent of their participation in compaigns and the *time of the withdrawal.*"[33] (Emphasis added.)

V.—Limitations on congressional interference with the President's foreign relations and command powers

Already in 1789, the problem of congressional interference with the powers vested in the President and the dangers inherent in such interference were clearly visualized and precisely stated in the following words:

"He [Roger Sherman] seems to think . . . that the power of displacing from office is subject to legislative discretion; because, having a right to create, it may limit or modify as it thinks proper. . . . [W]hen I consider that the Constitution clearly intended to maintain a marked distinction between the Legislative, Executive and Judicial powers of Government; and when I consider that if the Legislature has a power, such as is contended for [*i.e.*, the power to make provisions for removal of officers appointed with the consent of the Senate], they may subject and transfer at discretion powers from one department of our Government to another; they may, on principle, exclude the Presidents altogether from exercising any authority . . . they may vest it in the whole Congress; or they may reserve it to be exercised by this House. When I consider the consequences of this doctrine and compare them with the true principles of the Constitution, I own that I cannot subscribe to it. . . ."[34]

President Taft stated clearly and precisely the narrow limits of permissible congressional interference with the President's foreign relations and command powers when he said:

"Two principles, limiting congressional interference with the Executive powers are clear. First, Congress may not exercise any of the powers vested in the President, and second, it may not prevent or obstruct the use of means given him by the Constitution for the exercise of those powers."[35]

Similarly, a distinguished former American ambassador to Germany who had been a life-long student of international affairs said that:

". . . . the contention that one department of the government may in any way coerce another is a repudiation of the very purpose of the division of power and would result in the destruction of that freedom under law which the Constitution aims to establish."[36]

The Supreme Court has consistently held that the powers of Congress to interfere with the foreign relations and command powers of the President are strictly and narrowly limited. In 1914, the Supreme Court held that:

"It is settled beyond dispute that the Constitution is not self destructive. In other words, that the powers which it confers on the one hand, it does not take immediately away with the other."[37]

In the inter-war period, the Supreme Court reaffirmed the well-established constitutional practice and doctrine that:

". . . he [the President], not Congress, has the better opportunity of knowing the conditions which prevail in foreign countries and especially is this true in time of war.

"This consideration discloses the unwisdom of requiring Congress in this field of governmental power [*i.e.*, federal powers in the field of external affairs] to lay down narrowly definite standards by which the President is to be governed. As we said in *Mackenzie* v. *Hare*, 239 U.S. 299, 311, 'we should hesitate long before limiting or embarrassing such power' . . . ."[38]

Twelve years later, *i.e.*, after the end of World War II, the Supreme Court held again in *Lichter* v. *United States* that:

". . . the primary implication of a war power is that it should be an effective power to wage the war successfully. Thus, while the constitutional structure and controls of our Government are our guides equally in war and in peace, *they must be read with the realistic purpose of the entire instrument in mind.*" (Emphasis added.)[39]

Finally, in 1958 the Supreme Court approached the same problem from a slightly different angle when it said:

"The restrictions confining Congress in the exercise of any of the powers expressly delegated to it in the Constitution apply with equal vigor when that body seeks to regulate our relations with foreign nations. *Since Congress may not act arbitrarily, a rational means must exist between the content of a specific power in Congress and the acts of Congress in carrying that power into* execution. More simply stated, *the means . . . must be reasonably related to the act*—here regulation of foreign affairs." (Emphasis added.)[40]

Doctrine and practice were aptly summarized when the court held in *Palmer* v. *United States Civil Service Commission that*:

"The Congress of the United States under the separation of powers in the federal Constitution cannot require the President of the United States to surrender any of his executive powder [sic]".[41]

President Kennedy relied on the same well-established constitutional practice and doctrine when he said in a letter to the then Chairman of the House Armed Services Committee, the Honorable Carl Vinson, in connection with the RS–70 debate that:

"Each branch of the Government has a responsibility to 'preserve, protect and defend' the Constitution and the clear separation of legislative and executive powers it requires. I must, therefore, insist upon the full powers and discretions essential to the faithful execution of my responsibilities as President and Commander-in-Chief, under Article II, Sections 2 and 3 of the Constitution.

"Additionally, implicit in the Constitution, of course, is the intent that a spirit of comity govern relations between the executive and legislative. And while this makes unwise, *if not impossible any legislative effort to 'direct' the Executive on matters within the latter's jurisdiction . . .*" (Emphasis added.)[42]

VI.—Substance and contents of the President's command powers determined by international law

The decision of the President "to clean out major sanctuaries on the Cambodian-Vietnamese border" is incidental to the state of war existing in Vietnam in which the United States Armed Forces have been involved for several years. The aforesaid decision is, therefore clearly based on the powers vested in the President as Commander-in-Chief of the Armed Forces and as "Executive of the Law of Nations."

As stated heretofore, Chief Justice Taney said for the Court in 1850:

"His [the President's] duty and his power are purely military. As Commander in Chief, he is authorized to direct the movements of the naval and military forces placed, by law at his command. . . ."[43]

In this connection, Attorney General Cushing said in 1855:

"So he [the President], and he alone is the supreme commander in chief of the Army and Navy. . . . That is a power constitutionally inherent in the person of the President."[44]

It is well established that the findings and determinations made by the President in his capacity as Commander-in-Chief are definite and final. The Supreme Court held already in 1827 that:

"We are all of opinion, that the authority to decide whether the exigency [i.e., the President's authority to call the militia into federal service] has arisen belongs exclusively to the President, and that his decision is conclusive upon all other persons."[45]

Specifically in regard to armed forces in the field, the constitutional practice and doctrine concerning the command power of the President has been authoritatively stated in the following words:

"As against an enemy in the field the President possesses all the powers which are accorded by International Law to any supreme commander."[46]

Since the substance and the contents of the powers of the President as Commander-in-Chief of the armed forces in the field are determined by international law, the President is under a constitutional obligation to see to it that international law is faithfully executed because the "take care" clause of Article II, Section 3 of the Constitution does not only apply to municipal but also to international law. In this connection, Alexander Hamilton stated already the well-established and generally accepted doctrine when he said:

"The Executive is charged with the execution of all laws, the law of nations, as well as the municipal, by which the former are recognized and adopted.

"The President is the constitutional Executor of the laws. Our treaties and the laws of nations form a part of the law of the land. He, who is to execute the laws, must first judge for himself or their meaning."[47]

Although the Constitution makes the President Commander-in-Chief of the armed forces, the substance and the contents of the command powers are, as heretofore stated, determined by international law. The United

Footnotes at end of article.

States Army Field Manual, The Law of Land Warfare (FM 27–10 (1956), hereinafter "Field Manual") is the principal source for ". . . authoritative guidance . . . on the customary and treaty law applicable to the conduct of warfare on land and the relationships between belligerents and neutral states."[48] The provisions of the Field Manual have "evidentiary value insofar as they bear upon questions of custom and practice."[49]

In his determination, announced on April 30, 1970, the President had to be guided by the customary law of war which ". . . applies to all cases of declared war or any other armed conflict which may arise between the United States and other nations."[50] Therefore, the President was under a constitutional obligation to apply the customary international law of land warfare in any international armed conflict regardless of whether war had been declared or not.

"As the customary law of war applies to cases of international armed conflict . . . a declaration of war is not an essential condition of the application of this body of law."[51]

In his findings announced on April 20, 1970, the President stated that the enemy had:

". . . occupied military sanctuaries. . . . They are used for hit-and-run attacks on American and South Vietnamese forces in South Vietnam.

"These communist-occupied territories contain major base camps, training sites, logistic facilities. . . ."

Therefore, by using Cambodian territory actively, *i.e.*, for the purpose of attack, and passively as sanctuaries, the enemy had, by its own action, and, as will be shown hereinafter, in violation of international law, extended the theatre of war into Cambodia and/or had made Cambodia a base of operations. In such a contingency, the injured party, *i.e.*, the other belligerent, may legally resort to remedial actions one of which are reprisals.[52] The President, as Commander-in-Chief, was under an obligation to initiate such reprisals because ". . . the safety of the troops required immediate action. . . ."[53]

A leading and generally recognized Swedish authority on the law of war and neutrality states that:

"Reprisals are always designed to meet unlawful acts already performed by the enemy, and they aim at putting an end to the situation which has thus arisen or at relieving the danger of later infringements."[54]

In fact, Castren says:

"Reprisals belong to that small class of measures which enable warfare to be kept within legal limits and they may thus be said to be a kind of *sanction* for the laws of war." (Author's emphasis.)[55]

Therefore, the provisions of the proposed McGovern-Hatfield Amendment are an obvious interference with the President's exclusive powers as Commander-in-Chief on the ground that they attempt to limit, restrict and restrain the supreme commander's discretion to select the optimum means of reprisal which are called for by concrete situations in the field as they develop. Clearly, and particularly if reprisal action has to be taken in the territory of a neutral country, it is preferable to enable the local forces of the neutral to participate to the maximum of their capability in effective reprisal actions and specifically by deploying its own forces. If such an opportunity exists, it is the supreme commander's duty to make maximum use of it and to limit the involvement of his armed forces to the degree necessary to initiate and, possibly at a later date, to support the local forces. Any other action on the part of the supreme commander would be inconsistent with the governing principle of economy of force which is one of the fundamental strategic principles by which a supreme commander has to be guided. Inaction or insufficient action along these lines is bound to subject the supreme commander to justifiable criticism for his failure to make use of all available means for adequate reprisal.

Specifically, sub-sections (b) and (c) of the proposed McGovern-Hatfield Amendment would, in effect, attempt to restrain the Commander-in-Chief's discretion to select adequate reprisal measures enabling Cambodia and Laos to take themselves, in due course, "unitary or repressive action of their own."[56] Obviously, the policy which finds expression in the proposed Amendment would force the aforementioned countries, and, specifically, at this time Cambodia, to "bear a passive part in the necessary suppression of courses which are fatal to . . . freedom. . . ."[57] One of the principal duties of a neutral state is to prevent the entry of armed forces of a belligerent power. Therefore, the Field Manual restates verbatim the rule of Hague Convention, V, 1907, Article 1, when it provides that "The territory of Neutral Powers is inviolable."[58] From this follows that "an unauthorized entry into the territory of a neutral state is prohibited."[59] Inability of the neutral power to prevent violations of its territory vests in the other belligerent the *right* to attack enemy forces there.

"Should the neutral State be unable, or fail for any reason, to prevent violations of its neutrality by the troops of one belligerent entering or passing through its territory, the other belligerent may be justified in attacking the enemy forces on this territory."[60]

Specifically, this is the case when the neutral territory is turned into a base of operations and, even more so, if it is turned into a theatre of war.[61] American practice developed in both World Wars continues to be well-established, namely to consider "territory occupied by an enemy power . . . on a par with enemy territory."[62] Clearly, this is to an every greater degree the case if neutral territory is not only occupied but is actively and passively used for the enemy's military operations. If the neutral power is unable to prevent the enemy from carrying out military operations, the duties of a neutral under international law—

". . . are violated whenever an expedition, organized on neutral soil for the purpose of engaging in military operations against a belligerent state, is permitted to depart from the neutral's domain and in consequence causes injury to that State."[63]

In such a contingency, the enemy by his own action has extended the theatre of operations to neutral territory by making it a stopping point for its own military or paramilitary operations or expeditions.[64] Clearly, the injured belligerent has the right and supreme commander has the duty, to take appropriate reprisal actions.

This doctrine is supported by the award of the Greco-German Mixed Arbitral Tribunal in *Coenca Brothers* v. *Germany*.[65] There the Tribunal said:

"In general, Germany was entitled to conduct military operations against neutral Greek territories occupied by allied troops. The occupation of Salonica by the Allies in the autumn of 1915 constituted a violation of Greek neutrality. The question whether the Greek Government protested against the occupation . . . was irrelevant. In any case, the occupation constituted an unlawful act as far as Germany was concerned and justified the latter in conducting on Greek territory the necessary measures of warfare."

Similarly, the French Conseil des Prises ruled in The Anna Maria[66] that:

"Moreover, the presence of German and Italian forces, and the series of war-like actions committed by them in the waters and on the territory of Tunis, had made these waters and that territory a theatre of operations where the right of capture could be exercised."

The same considerations apply if the enemy uses neutral territory as a base of operations, i.e., as sanctuaries where its strength can be augmented. A base of operations has been aptly defined as:

". . . a place where, contrary to international law, a belligerent may augment his strength to wage war more effectively against his enemy, as by recruiting, fitting out expeditions, taking refuge there, and . . . disseminating military information, or performing other acts of a like character."[67]

It is uncontradicted that the establishment of sanctuaries brings

". . . the neutral country . . . under the common military definition of a base of operations; it becomes the territory 'from which an army or a naval force draws its resources and reinforcements, that from which it sets forth on an offensive expedition, and in which it finds a refuge at need.'"[68]

Incidentally, the United States applies this doctrine to the use of its own territory as a base of operations. In this connection, Attorney General Robert Kennedy stated with reference to the neutrality laws of the United States on April 20, 1961 that:

"What the law does prohibit is a group organized as a military expedition from departing from the United States to take action as a military force against a nation with whom the United States is at peace."[69]

CONCLUSION

On the aforementioned grounds, it is submitted that the proposed McGovern–Hatfield Amendment to the Military Procurement Authorization Act (H.R. 17123), if passed, would—if accepted by the President—constitute an interference with the foreign relations and command powers *exclusively* vested in the President in his respective capacities as Chief Executive and as Commander-in-Chief of the United States Armed Forces.

Since the substance and the contents of the President's command powers over the armed forces in the field are determined by international law, as authoritatively stated in the United States Army Field Manual, the Law of Land Warfare, the proposed Amendment would also, if passed, constitute an interference with the rights and duties vested by international law in any supreme commander of armed forces in the field. Thus, the proposed McGovern-Hatfield Amendment would, if passed, constitute an attempt to abrogate or change unilaterally norms and rules of international law. Clearly this would effectively undermine the credibility of the United States which, as Rome and Britain in times past, has probably the greatest interest in protecting and developing generally accepted principles and rules governing international conduct in peace as well as in war.

FOOTNOTES

[1] Cong. Rec. 13838–9 (1970).

[2] 7 Works of Alexander Hamilton 81 (J. C. Hamilton ed., 1851) [Hereinafter "Hamilton, Works"].

[3] 5 Writings of Thomas Jefferson 272 (Ford ed., 1898) [Hereinafter "Jefferson, Writings"].

[4] Memorandum of the Solicitor of the Department of State, October 1, 1930, in connection with Sen. Res. 253. 71st Cong., 2d sess., as quoted in 4 Hackworth, Digest of International Law 643 (1942).

[5] Constitution, Art. II, sec. 2, cl. 2 and 3.

[6] Corwin, The President: Office and Powers 188 (1962).

[7] Constitution, Art. II, sec. 2, cl. 1.

[8] 7 Hamilton, Works, supra, at 79–80.

[9] Ibid., at 84.

[10] 2 Benton Abridgments of the Debates of Congress 466–467 (1861). See also Annals of Cong., 6th Cong., col. 613, as quoted in *United States* v. *Curtiss-Wright*, 299 U.S. 304, 319 (1936).

[11] American State Papers, Military Affairs I, at 606.

[12] *Durand* v. *Hollins*, 8 Fed. Cas. 111, 112 C.C. S.D. N.Y., (1860).

[13] *United States* v. *Curtiss-Wright*, supra, at 320.
[14] 7 Hamilton, Works, supra, at 79.
[15] 5 Jefferson, Writings, supra, at 161–162.
[16] 8 U.S. Sen., Reports, Committee on Foreign Relations 24 (1816) as quoted in *United States* v. *Curtiss-Wright*, supra, at 319.
[17] Sen. Doc. No. 56, 54th Cong., 2d sess. 20–22 (1897).
[18] 40 Cong. Rec., pt. 2, 1418–1419 (1906) as quoted in 5 Hackworth, supra, 28–30.
[19] Memorandum of October 1, 1930, supra, as quoted in 4 Hackworth, supra, at 644.
[20] *United States* v. *Curtiss-Wright*, supra, at 319.
[21] Ibid., at 320.
[22] *Fleming* v. *Page*, 9 How. 603, 614 (1850).
[23] Lieber, Remarks on Army Regulations 18.
[24] Cong. Globe, 37th Cong., 2d sess., at 2919–2120 (1862).
[25] Ibid., at 2970.
[26] *Prize Cases*, 2 Bl. 635, 670 (1863).
[27] The Federalist, No. 23.
[28] 3 Willoughby, The Constitution of the United States, section 1033, as quoted in *Ebel* v. *Drum*, 52 F. Supp. 189, 194 (D.C. D. Mass. 1943).
[29] *Durand* v. *Hollins*, supra, at 112.
[30] *Lichter* v. *United States*, 334 U.S. 742, 782 (1948).
[31] *United States* v. *Hirabayashi*, 46 F. Supp. 657, 662 (D.C. W.D. Washington, N.D., 1942).
[32] *United States* v. *Hirabayashi*, 320 U.S. 81, 93 (1942). See also *Brown* v. *Wright*, 137 F 2d 487, 489 (4 Cir., 1943).
[33] Berdahl, "War Powers of the Executive in the United States," 9 University of Illinois Studies in the Social Sciences 1, 121–122 (1920).
[34] Annals of Cong., 495, 496 ( ), as quoted in *Myers* v. *United States*, 272 U.S. 52, 125 (1926).
[35] Taft, Our Chief Magistrate and His Powers 126 (1916).
[36] Hill, Present Problems in Foreign Policy 163 (1919).
[37] *Billings* v. *United States*, 232 U.S. 261, 282 (1914).
[38] *United States* v. *Curtiss-Wright*, supra, at 321, 322.
[39] *Lichter* v. *United States*, supra, at 782.
[40] *Perez* v. *Brownell*, 356 U.S. 44, 58 (1958).
[41] *Palmer* v. *U.S. Civil Service Commission*, 191 F. Supp. 495, 511 (D.C. S.D. Illinois, S.D. 1961); reversed on other grounds, 297 F 2d 450 (7 Cir., 1962); cert. den. 369 U.S. 849 (1962). See also *United States* v. *Carrollo*, 3 F. Supp. 3, 7 (D.C. W.D. Missouri, W.D. 1939); *Lutcher S.A. Cellulose* v. *Inter-American Development Bank*, 253 F. Supp. 570 (D.C. D.C. 1966).
[42] 108 Con. Rec. 4694 (1962).
[43] *Fleming* v. *Page*, supra, 614.
[44] 7 Ops. Atty. Gen. 453, 464–465 (1855).
[45] *Martin* v. *Mott*, 12 Wheat. 19, 30 (1827).
[46] Sen. Doc. No. 39; 88th Cong., 1st session 452 (1964).
[47] 7 Hamilton, Works, supra at 84.
[48] United States Army Field Manual, The Law of Land Warfare, FM 27–10 (1956) (hereinafter "Field Manual"), sec. 1.
[49] Ibid.
[50] Ibid, sec. 8(b).
[51] Ibid, sec. 9.
[52] Ibid, sec. 495.
[53] Ibid.
[54] Castern, The Present Law of War and Neutrality 69 (1954).
[55] Ibid.
[56] 5 Lloyds Reports of Prize Cases 393 (1915–1924).
[57] Ibid.
[58] Field Manual, supra, sec. 515(a).
[59] Ibid., sec. 515(b).
[60] Ibid., sec. 520.
[61] Lauterpacht, Oppenheim's International Law 656 (1952). See also Starke, An Introduction to International Law 44 (1963).
[62] Castren, supra, 110. See also 10 Whiteman, Digest of International Law 96 (1968).
[63] 3 Hyde, International Law, Chiefly as Interpreted by the United States, 2253–54 (1945), as quoted in 11 Whiteman, supra 230 (1968).
[64] Castren, supra, at 70.
[65] Annual Digest of Public International Law Cases, No. 389 (1927–28).
[66] Annual Digest of Public International Law Cases, No. 174 (1946).
[67] Greenspan, The Modern Law of Land Warfare, 542 (1959).
[68] Hall, A Treatise on International Law 723–724 (1924).
[69] 11 Whiteman, supra, 231.

NEW SUPPORT FOR RATIFICATION OF POLITICAL RIGHTS FOR WOMEN TREATY

Mr. PROXMIRE. Mr. President, in the past 2 days I have discussed the need for organized political action on the part of women to secure permanent guarantees of their rights. Today I shall ask to have printed in the RECORD a letter I received from the Women's International League for Peace and Freedom which endorses ratification of the Political Rights for Women Convention. This is the type of action which is needed if the Senate is to act on this treaty. The Senate will not act on this treaty unless women make their views known to their Senators. I encourage women to organize themselves in order that effective pressure can be exerted on the Senate.

As evidence that women are now demanding action on this treaty, I ask unanimous consent that the resolution and the accompanying letter from the Women's International League for Peace and Freedom be printed in the RECORD.

There being no objection, the items were ordered to be printed in the RECORD, as follows:

RATIFICATION OF U.N. CONVENTION ON POLITICAL RIGHTS FOR WOMEN

To: Senator J. William Fulbright, Chairman, Senate Foreign Relations Committee; all members of the Senate Foreign Relations Committee; Secretary of State William P. Rogers; U.S. Representative to the United Nations Charles W. Yost.

The United States Section of the Women's International League for Peace and Freedom, in Annual Meeting at Waukesha, Wisconsin, June 10–14, 1970, demands that the U.N. Convention on Political Rights for Women, tabled in the Senate Foreign Relations Committee since 1967, be reported out by the Committee and ratified by the Senate without further delay.

WOMEN'S INTERNATIONAL LEAGUE FOR PEACE AND FREEDOM,
Washington, D.C., July 27, 1970.

DEAR SENATOR: The Women's International League for Peace and Freedom has been in favor of the U.N. Convention on Political Rights for Women since this convention was adopted by the General Assembly in December 1952. It provides:

(1) that women shall be entitled to vote in all elections on equal terms with men, without discrimination.

(2) that women shall be eligible for election to all publicly elected bodies established by national law on equal terms with men, without discrimination.

(3) that women shall be entitled to hold public office and exercise all public functions established by national law on equal terms with men, without discrimination.

Sixty-five nations have ratified this convention but the U.S. has not acted on it. This convention was transmitted to the Senate in 1963. Hearings were held but the convention has been tabled since 1967 in the Senate Foreign Relations Committee.

The Women's International League finds it inexcusable that the U.S. has delayed ratifying this convention for seventeen years especially since the U.S. claims to be the defender of democracy and human rights in the world. We urge ratification without further delay.

I enclose the Resolution on the Ratification of the U.N. Convention on the Political Rights for Women adopted by the U.S. Section of the Women's International League for Peace and Freedom at its Annual Meeting in Waukesha, Wisconsin, June 10–14, 1970.

Sincerely,

PATRICIA A. SAMUEL,
Legislative Director.

ECONOMIC PROGRESS

Mr. DOLE. Mr. President, we hear much talk today about the need to reorder priorities in this country. But while the critics have been talking, President Nixon has been taking action.

When he assumed office, the President inherited an economy which was overheated by constantly escalating war and defense expenditures. Irresponsible spending had left us a hyperinflated economy.

The President has effected dramatic changes in our defense spending. He has consistently reduced defense outlays to the point that mid-1971 expenditures will be almost back to the 1965 level. Since the 1971 economy is much larger than that of 1965, this is indeed a substantial reduction.

Shifting from the overheated wartime economy that the President inherited to a peacetime program of responsible spending, requires cooperation from the Congress and the American people.

Vice President AGNEW, in the Washington Post of August 16, 1970, outlined the progress which has been made and the assistance which is needed to stabilize our peacetime economy. I ask unanimous consent that the Vice President's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

THE MYTH THAT WE ARE IN A RECESSION
(By SPIRO T. AGNEW)

I welcome this opportunity to make some observations about economic developments and policy that I don't believe have been getting through to the public in most recent newspaper commentary.

To understand what is now going on in our economy, it is important that we realize our economic system is having to make not one but two major adjustments simultaneously. It is having to adjust to a major decline in defense spending while it is also cooling off from a long inflationary overheating that had become increasingly dangerous.

The adjustment in defense spending is a far greater force on the economy than many people realize. From 1968 to mid-1970 defense spending has been reduced over $12 billion (in terms of this year's prices), and by mid-1971 the reductions will approach $20 billion.

Now this is a massive reduction, even in our large economy. It means that defense outlays in real terms by mid-1971 will be almost back to the 1965 level. Since the economy in 1971 will be larger than in 1965, this obviously means that defense will be receiving in substantially smaller share of our

total output than in 1965 before the previous administration escalated the Vietnam conflict.

This is a massive re-ordering of priorities. While some have been busy orating about the need for this, the President has been busy doing something about it.

These shifts, of course, cause some painful dislocations. They mean jobs and careers terminated in defense plants and defense laboratories. Such reductions tend to hit selected professions and skills and regions of the country far harder than reductions in general budget outlays, whose effects would be spread more evenly.

These problems were foreseen and would have been less painful if the Congress had acted more promptly on administration proposals—in some cases made over a year ago—for expanding and strengthening the unemployment compensation system, for more extensive and effective manpower training programs, and for a revolutionary new approach to family assistance.

Early this year the President also sent to Congress legislation to stimulate housing, and its earlier enactment would have augmented job opportunities in our lumber producing states, which have had to bear more than their share of reduced defense employment. The President recognized early that both rational economic policy and simple humanity required programs to soften the transition problems of those who would be affected by reduced defense spending.

The economy has also had to face the transition from complex and tangled problems created by the inflationary overheating that ran unrestrained after 1965. Interest rates began to soar in 1968 as people, fearful of inflation, turned away from bonds and mortgages.

The stock market and its institutions were whip-sawed in a tragic way—forced to overexpand as the inflation caused a frenzy of buying, then forced into a painful contraction as the market inevitably receded from the stratosphere. This was all doubly tragic because many small savers were lured into stock purchases, and housing declined as normal savings flowing into savings and loan associations and other thrift institutions dried up.

The problems posed for economic policy by this double-layered adjustment were formidable. A strategy of policy had to be devised that would cool off the economy but keep within tolerable limits the adverse effect on output, incomes, and employment.

How did we succeed? Far better than the prose often proffered to us might imply.

Suppose, for a change, we skip the rhetoric and simply examine facts.

First, the myth that we are in a recession. The current adjustment is clearly far less severe than that of 1960–61, the mildest postwar adjustment that economists have called a recession. It is closer to, but slightly more severe than, the 1966–67 adjustment, which has not been decreed to be a recession.

It is now about 6 months since this adjustment began, and industrial production has declined 1.5 per cent in that 6-month period. In the comparable period during 1966–67 the decline was only slightly smaller, 1.2 per cent. For 1960–61, however, the corresponding decline was 4.1 per cent (and for 1957–58, 11.9 percent).

The picture would be broadly similar for such other general monthly measures of the economy as personal income or employment. So we are hardly in a recession.

Next, the problem of inflation. There has, of course been progress against inflation. The rates of increase in the wholesale price index and the commodity segment of the consumer price index quit accelerating last year, and the rate of increase has actually been slowing this year. On this the facts are clear.

Americans are not, of course, a patient people. Making progress has been hard going. That had to be expected. The results of severely mismanaged economic policies for three years after 1965 could not be expected to disappear overnight. Our critics conveniently forget that the Democrats occupied the White House in the postwar period's mildest recession, and even after four years the unemployment rate still registered 5 per cent in early 1965.

Next, the budget. Mr. Rowen stated in this column recently that "a sense of panic is sweeping the Nixon administration" about the budget. That was a rather extravagant statement. The budget remains under control. But it will be difficult to keep it that way if Congress doesn't get off the election year spending binge it seems to be yielding to and join the administration in an effort to keep spending under firm control.

For the current fiscal year, outlays will remain well below the receipts that the tax system can generate at reasonably full employment. The President established this as a guiding rule because it makes economic sense. We don't want to return to the conditions of 1966 to 1968, when outlays overshot the revenue-producing capacity of the tax system at full employment by annual amounts up to $25 billion.

In summary, the economic outlook is good and should improve further if Congress will cooperate with the President. We have these favorable indications:

Federal Reserve policies clearly became moderately expansionist about 6 months ago, and if experience is any guide, this action will eventually exert its diffused effects on the economy.

Consumer spending is strong—as has been demonstrated by the rebound of auto sales to a 9¼-million rate.

After-tax incomes rose about $5 billion this quarter because of tax changes alone, and the abnormally high savings rate suggests that spending has not even yet fully adjusted to higher after-tax incomes.

Our foreign trade has strengthened dramatically from a negligible merchandise surplus at the $0.9 billion annual rate a year ago to a $4.0 billion rate in the second quarter this year.

Housing is perking up, as starts rise and mortgage money becomes more available. Inventories are generally well in line with sales.

Indeed, except for growing evidence that the super boom in capital goods is waning, the hard facts about prospects are on the plus side. And that super boom was part of the highly overheated and strained inflationary economy.

We have problems. A double transition such as this one couldn't be painless or instant. Americans, however, are realists. They will not be talked into a direction not indicated by basic facts. Fortunately, the facts are now going our way.

FUNDS IMPROPERLY PAID TO ORGANIZERS OF CHICAGO RIOTS

Mr. WILLIAMS of Delaware. Mr. President, the Wilmington Morning News of August 11, 1970, contains an article entitled "Illinois Report Hits Students," written by Mr. Henry J. Taylor.

The article calls attention to the fact that the Illinois Crime Commission has found that $192,000 in Federal funds and $85,000 in Carnegie Foundation funds were paid to organizers of the riots in the Chicago area.

Apparently these Government funds were distributed under a grant by the Office of Economic Opportunity.

Such use of Government money is an insult to the intelligence of the American taxpayers, and the Government officials responsible should be fired.

I ask unanimous consent that the article be printed in the RECORD. At the same time, I suggest that the Appropriations Committee and the Senate keep this in mind when we act on the appropriations for this agency.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

ILLINOIS REPORT HITS STUDENTS

(By Henry J. Taylor)

The Illinois Crime Investigation Commission, noting the convicted Chicago Seven riot instigators, now finds that $192,000 in federal funds and $85,000 in Carnegie Foundation funds were paid the organizers of the riots. The money was channeled through a thing called the Chicago Student Health Organization, nice as you please. And who would know it?

The Office of Economic Opportunity (the official name for the "Poverty War") likewise gave a subsidiary of the so-called Institute for Policy Studies in Washington, D.C., $193,313 when the institute was subsidizing the rioters and providing bail for them. Moreover, the American Civil Liberties Union has contributed funds to the rioters.

The Illinois commission confirms that the Ford Foundation fed money into a TV blasphemy ("Report on Iron Mountain") which pitched at our youth a fictional war and then anonymously ridiculed the United States and our fighting men in Vietnam in scathing critisim.

The commission finds that many chapters of Students for a Democratic Society across our country are supported by grants from the same colleges and universities they attack, bomb and try to burn down.

It also notes that of the 284 rioters arrested with the Chicago Seven the largest single contingent (nine) from any university community outside Chicago was from Kent State University in Ohio. Shouldn't this fact be included in the hearings about the subsequent tragic Kent killings?

The commission finds clear evidence that the appalling increase in youth crime is directly related to the increased lack of good home influence, parental respect, etc. Well, TV is the third parent in our homes. Millions of our youth from their childhood ages spend more time at the feet of this third parent, TV, than they do in school.

They're too seldom watching lessons in integrity, honesty, courage, generosity, patriotism or respect for parental duty—the lessons of civilized society. Countless brainwashed, unhappy children are being conditioned to expect violence and seek violence while the networks pocket the cash.

"Only unstable children will be adversely affected by TV," say some psychiatrists and the moguls of the fast-buck money-making machines known as CBS, NBC, and ABC. Well the commission asks, what child is born "stable"? What, if not the frequent sights and sounds of violence, will make him unstable?

How can the TV moguls conceivably argue that countless millions of impressionable youth can see criminal and violent actions all of their young lives and not expect that they will turn to violence and even to crime for fun?

With our youth being given constant lessons in criminal actions, they are performing the villainy they're taught.

Meanwhile, likewise cashing in on and further encouraging campus violence and revolution as a whole, greedy movie producers are concocting such vicious blasphemies as the picture called, "Getting Straight." In it students destroy a university and then blow kisses to each other across the flaming cam-

pus. In "If . . ." another campus is joyfully burned.

The movie version of infamous Chicago Seven Abbie Hoffman's highly profitable book, "Revolution for the Hell of It," is now scheduled for production. Or have you seen "The Strawberry Statement"? It's playing nationwide at neighborhood movie theaters. It is a similar blast at American institutions. All these and others like them exploit revolution in our country and exploit young bloodshed.

The Illinois Crime Investigation Commission quotes the declaration of the Chicago Seven at the opening of their trial on Sept. 24, 1969: "The battles for social change are not going to be won in the courtroom but on the campuses and in the streets." It is encouraging to read, at long last, a perceiving, thorough and documented report that calls a spade a spade.

AID FOR DISASTER VICTIMS OF HURRICANE CELIA; OFFICE OF EMERGENCY PREPAREDNESS FAILS VICTIMS

Mr. YARBOROUGH. Mr. President, I was shocked to learn yesterday that the U.S. Government is providing substandard housing for victims of Hurricane Celia. The Office of Emergency Preparedness made a decision in Corpus Christi, Tex., to issue trailers for temporary housing to families without sewage connections or septic tanks, provided they can use their own outdoor toilet facilities.

This is a giant step backward. In passing the Disaster Relief Act of 1960, Congress recognized the need of people left homeless by a natural disaster and authorized the Federal Government to provide dwelling accommodations for such persons. It carries an implied responsibility that dwellings provided by the Federal Government be adequate, regardless of the previous economic status of the disaster victim.

I am alarmed that the OEP has implemented such a callous and restrictive interpretation which circumvents the intent of Congress in providing relief for victims of a natural disaster.

I have urged the Director of the Office of Emergency Preparedness, Gen. George A. Lincoln, to reconsider this interpretation.

Mr. President, I ask unanimous consent that my letter of August 27, 1970, to General Lincoln on this subject be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

AUGUST 27, 1970.

Gen. GEORGE A. LINCOLN,
Director, Office of Emergency Preparedness, Washington, D.C.

DEAR GENERAL LINCOLN: As you know, a great part of the devastation caused by Hurricane Celia took place in the rural areas surrounding the City of Corpus Christi. The Department of HUD estimates that two-thirds of the trailers they will furnish as temporary shelters will be located outside Corpus Christi. Most of this rural area does not have sewage systems and consequently most of the poor use outdoor privies.

During the first few days after the disaster, HUD representatives notified applicants for temporary housing that costs for construction of septic tanks would be reimbursed for applicants that did not have other adequate drainage facilities. Subsequently, this aid was withdrawn and applicants had to construct their own septic tanks before temporary shelter would be made available on their private lots. As of last Sunday, August 23, the HUD waived its requirements for septic tanks. Now, families with outdoor privies may be issued a trailer, provided they can continue to use their own outdoor toilet facilities. Ostensibly, if their privy was demolished, a family would still not be able to obtain temporary shelter from HUD.

I do not believe Congress intended its disaster relief bill to be interpreted in this restrictive manner. Housing which requires a family to use an outdoor toilet is not adequate housing. Section 1715.11(a)(4) of your regulations state that expenses for preparing the site and for the installation of utilities are reimbursable by the Federal government. These expenses should include whatever is necessary to insure that the housing provided by the Federal government is adequate, and should specifically include construction of septic tanks to replace outdoor toilets.

I understand that this decision was made under the pressure of the disaster after a hurried evaluation of Congressional intent. I urge you to reconsider the decision which is limiting your assistance and denying it to those persons who need it the most.

Sincerely,

RALPH W. YARBOROUGH.

CAMBODIA OPERATION RECEIVES UNFAIR CRITICISM

Mr. DOLE. Mr. President, President Nixon has withdrawn American forces from Cambodia as promised, and even ahead of the deadline he had established. Yet the President continues to receive criticism for that operation.

Amidst all the noise from those who advocate America shrinking from her responsibilities, the President acted decisively in Cambodia. He outlined limited specific objectives, achieved them, and withdrew as promised.

An article written by James J. Kilpatrick was published in the Washington Evening Star of August 6, 1970. It perceptively examines the Cambodian operation and the unfair response of some Americans to the President's action. I ask unanimous consent that Mr. Kilpatrick's article be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

"SUCCESS" IN CAMBODIA VENTURE WINS NO ACCLAIM

(By James J. Kilpatrick)

A month has passed since the cutting-out operation in Cambodia came to an end. By all the usual criteria for judging presidential decisions, this successful venture ought to be winning acclaim. Yet the President continues to suffer denunciation for his action in Cambodia—and it is a terrible symptom of the national sickness that this should be so.

How is one to define this sickness? Part of it is blurred vision: We look at communism, but do not see it clearly. Part of it is an impediment in hearing: Certain voices—the voices of students, the voices of dissenters—register in our heads with disproportionate volume. But the signs point most sadly to a kind of wasting disease.

"It is a matter of will," Frank J. Johnson has written, "and we no longer have it."

Johnson is foreign editor of the American Security Council's Washington Report. Last month he delivered himself of a somber epitaph to the declining greatness of our country. Johnson is not an extremist; he is a scholar and a thinker. He merits an attentive hearing when he concludes that "the tide of history has begun to run against us, and the day of our world preeminence is over."

Listen to Johnson for a moment: "The internal convulsion which beset Rome in the First Century B.C. did so with her external frontiers at least secure so that she could afford the luxury of domestic strife and still survive. We are not so fortunate. Our Time of Troubles has come upon us in the midst of, and in part because of, a titanic world conflict for the political destiny of all mankind. A large segment of our population seems entirely to have lost sight of what is at stake. We are turning inward and contending against each other, either unmindful or uncaring about the holocaust which our withdrawal from power and responsibility will unleash upon the world and upon ourselves."

Everywhere that one looks, as Johnson remarks, one sees a fretful isolationism growing. In the press, in the Congress, in the universities, the "cop out" counsel swells: Get out of Vietnam. Call the troops home from Europe and Korea. Cancel a scheduled aircraft carrier. Reduce the role of the Joint Chiefs of Staff. Cut the funds for weapons research. Downgrade the anti-ballistic missile system.

It is all part of the same myopia, the same tiredness. Great powers must act as great powers. So President Nixon acted in Cambodia—boldly, decisively, responsibly. He said his action would not enlarge the war; and it has not. He said that destruction of the Communist arms depots would enhance the safety of our remaining forces; and there is every reason to believe this is true. He promised to withdraw the expedition by June 30; and he fulfilled that promise.

Tactically, strategically, psychologically, the Cambodian venture was sound. Yet much of what might have been gained by this stroke of arms has been lost to the strident clamor of immature students and professional liberals who shun the whole concept of power. They want no part of greatness—not if greatness demands cold steel. Let us therefore ridicule "the generals" and "the admirals," and let us make love, not war.

It is all very tempting. But this should be understood. If the United States abdicates its inherited responsibility for defending and preserving Western values, those values are done for. No one else remains to defend them. We must look down the road, in this event, to a twilight of abdication and a long night of tyranny.

For it is just as Johnson says: Willy-nilly, order will be kept. Power vacuums will be filled. In one fashion or another, while we are making love the Communist empire will be waging war. Its purpose never alters. Nixon understands this; but there must be times, in the midst of Washington's cricket chorus, when he wonders in despair if he understands this alone.

THE WOODLAWN SOCIAL SERVICES CENTER

Mr. PERCY. Mr. President, individuals who receive public assistance face a number of problems in obtaining certain elementary social services. In some cases, they cannot afford the cost of these services and they are not eligible to receive them free or at reduced cost. In other cases, even where they are eligible to receive these services as part of the assistance they receive, they are all too often not informed of their eligibility. If they are eligible and they do seek the services, frequently they find that the services are in fact inadequate, inappropriate, or misdirected. Finally, even when appropriate

and adequate services are available, they often can be obtained only after a number of demeaning, conflicting, or senseless regulations are overcome.

These and other problems have caused the school of social services administration at the University of Chicago, with the cooperation of the State of Illinois, to establish the Woodlawn Social Services Center. This center serves two purposes. First, the center makes a number of high quality social services available at a central location to all residents of the Woodlawn area regardless of income. Second, the center serves as an educational tool to train generalist social workers who will be able to perform the functions of a worker trained in casework, community organization, or group work.

Mr. President, Dean Harold Richman of the school of social services administration at the University of Chicago recently explained the concepts behind and the operation of the Woodlawn Social Services Center to the Women's Board of the University of Chicago. Because I believe that the Woodlawn Service Center is a unique institution which is attempting to find solutions to one of our more important social problems, I ask unanimous consent that Dean Richman's remarks be printed in the RECORD.

There being no objection, the remarks were ordered to be printed in the RECORD, as follows:

THE WOODLAWN SOCIAL SERVICES CENTER

(Presentation to the women's board by Dean Harold A. Richman, May 18, 1970)

Welcome to SSA. I want to thank Mrs. Ranney and Mrs. Heineman for giving me the chance to talk with you about the Woodlawn Service Program, a project in which you have taken such a deep and generous interest. Later on this morning, you will see the new building, which should be ready for occupancy by July 1st. I hope that my description of the concerns and business of the Center will help you to envision the uses to which it will be put by the Service Program staff, this School, and the people of Woodlawn.

The story of the Center begins with the people and problems of Woodlawn. We are now sitting on the edge of a community that is virtually all black and where at least one out of every four families lives below the poverty level, which is $3300 per year for a family of four. About 25 percent of Woodlawn's people receive welfare. The infant mortality rate is 45 per 1000 live births, and in East Woodlawn 54 per 1000, compared with the national level of 24 per 1000. Unemployment runs three times higher than the national level. Housing is very poor. At least half of it is classified as dilapidated, deteriorating, or lacking in the basic facilities necessary for health and decency. Old housing is being torn down faster than new housing is being built. Despite these conditions, rents in Woodlawn are higher than in more desirable areas of the city.

But statistics dehumanize and they don't help us to understand the living dimensions of the problem. For that, we have to turn to what these abstract numbers mean to the people who live there and to how the community, through its services, has responded to these people or, more accurately, failed to respond to them.

There is the blind couple with two young sighted children. Because their mother cannot see to gauge how much food they are eating, the children are undernourished. Because she is afraid of what her oldest child might get into, the mother keeps him immobile in a feeding chair most of the day. There has been no day care or homemaker service available in Woodlawn for this family, which wants, needs and deserves to stay together.

A teen-age boy in a welfare family was accidentally shot in the foot and taken to Jackson Park Hospital. His mother immediately joined him there, but when she produced her public aid medical care, the hospital told her they couldn't treat the boy. After a lengthy argument, she took her son to Billings where he was given first aid treatment, but was told after the card was shown that there was no surgical bed available. It was suggested that she take her son to Cook County Hospital. Wishing to avoid County Hospital, she then took her son to Michael Reese where the same scene was replayed. Finally, the next day, they went to Cook County where the boy was treated although the doctors said it was too late to remove the bullet, an uncomplicated procedure which should have been done immediately.

A child was referred to the school social work unit by her teacher because of disruptive behavior in her fifth-grade classroom. Although the social worker's statement described the teacher as "a disturbed person" who "engaged in very bizarre behavior," it was the child and her family who were treated as the problems and given counseling. The next school year, with a new teacher, the child proceeded to do extremely well in school. No attempt was made to deal with the teacher.

A welfare mother who needed new housing for her family managed to locate a suitable apartment, but was in danger of losing her claim to it unless the landlord received her deposit check. The check, which had been processed and to which she was entitled, was withheld by the welfare agency because the woman had "cussed out" the worker the week before and the worker was "very angry with her."

A family with thirteen children, numerous extreme problems ranging from the birth of illegitimate twins to a daughter, to serious health deficiencies, and a mother totally overwhelmed by the situation, was receiving visits from four different public agencies. Despite four agencies' involvement, the family received only one-third of its entitlement to public assistance, one child who had been seriously injured in an accident was still untreated, the other children could not attend school for lack of clothes, and the entire family continued to live in dangerous housing.

These cases are not particularly dramatic or extreme as life in Woodlawn goes, but they demonstrate yet another problem that is not ordinarily included in the statistical catalog of the pathology of poverty—the failure of the existing services to help people.

Services fail in a number of ways.

First, there are simply not enough of any kind of service to go around.

Second, as the incident of the hospitals shows, some services are just not available to poor black people. Almost all black emergency cases in Chicago are referred to Cook County Hospital, where the average emergency room wait is two hours and the treatment is often inadequate and always impersonal.

Third, many of the services are simply inappropriate and misdirected. For lack of what is needed, the Woodlawn residents get what there is—for the most part too little and too late of what someone else decides they need. As in the case of the child's difficulties with her fifth-grade teacher, the service is too often directed at changing the client, not improving the conditions in the service or in the system it represents. Small wonder that services are often greeted with hostility and resentment by residents.

Fourth, the services are often coercive and punitive as in the case of the withheld housing check. Thus, with some justification, what are called service agencies are often perceived as enemy ground.

Fifth, services are piecemeal and fragmented. When a multi-problem family has to deal with four workers from different agencies, each concerned with a small part of the problem, the family is confused and additionally burdened with the task of putting together the services available to it. It is left to the family, which is hardly equipped for this role, to reconcile the inconsistencies in advice and the often contradictory demands of theoretically cooperating agencies.

Sixth, the agencies, not the clients, define needs for service and rate the success or failure of their efforts. If these efforts fail, they are traditionally explained in two ways: the lack of adequate resources to deliver the services properly or the innate inadequacy of the clients. Very little scrutiny has been directed at the nature and quality of the service systems themselves.

The poor state of social service systems like Woodlawn's are a matter of great concern to SSA. For this School's job is not limited to producing social workers to fill jobs in social services as they are; in educating true professionals, we also, as a school, must work continually on the range of social problems and the institutions by which society tries to meet these problems.

In initiating the Social Services Center project, the School has hoped to create both a resource for Woodlawn and an educational setting which would allow us to examine and experiment, and perhaps improve, the systems in which our graduates would work.

We have been joined in this effort by the State of Illinois, which has made Woodlawn an experimental area for improvements in the delivery and management of social services over which the State has jurisdiction—a jurisdiction which includes all services permitted under public aid, child welfare, vocational rehabilitation, family services, employment services and mental health programs. The Social Services Center will serve as the headquarters for this experimental service program in Woodlawn.

The service program will be guided by several basic premises:

First, the provision of services will be separated from the provision of cash assistance. Clearly, to a welfare recipient, the greatest need is the need for cash. Public aid does not begin to provide support that meet even minimal family needs. This is deplorable and Federal legislation to correct that inequity is now in process. But where the same system provides both cash and service, the lines between need for money and need for help are blurred. Services tend to be emphasized in public aid in an attempt to make up for the deficiency of money; and conversely, monetary help seems to the client to hinge on his willingness to submit services. By separating the two functions and making public aid an independent financial transaction, two things come about; services are not regarded as coercive and thus can be sought out by people—whether they receive assistance or not—as wanted and needed; and family cash needs can be assessed, as is proper, independent of the often punitive judgments about the quality and character of people's private lives.

Services will be offered in one setting—the Social Services Center. A separate office, physically removed from the service program, will handle requests for financial help. These requests will be handled in a businesslike manner. Instead of the currently exhaustive, case-by-case investigation, eligibility will be determined by a declaration by the applicant of his needs. A sample of declarations will be periodically examined for accuracy just as is the practice with income tax returns.

Second, services will be available, insofar as possible, to all residents of Woodlawn—simply on the basis of residence in the area,

not on determination of financial need. People at all income levels, not just the poor, can and should benefit from public services—day care, homemaker help, counseling, skill training services and the like. The Woodlawn Service Program's goal is to serve all of Woodlawn.

Third, use of the Service Program should be totally voluntary; no one *must* use the Service Program, not even public aid recipients. Services that are imposed or are limited to the poor are generally poorly run, poorly regarded, and poorly used. But services open for people by their own choice must be good services—or they will not survive.

And fourth, the services should be of the highest quality possible. The State's resources, the School's educational program, the University's reserves of knowledge, and the willingness of voluntary agencies to work with this program, should all help to contribute to achieving quality service for Woodlawn.

Admirable as these basic tenets are, they will not be simple to translate into reality. However, the State's plan for operating the Woodlawn Service Program should greatly ease the very complicated task of bringing many different services together around the interests and needs of the community.

Administrative authority over all State service programs in Woodlawn will be vested in the program director, Mr. Clinton McKay. This authority will permit him to draw freely on State resources as well as to make contracts and agreements with other public and private agencies for purchase of services needed in the community but not available under State jurisdiction.

This "project manager" approach has several important virtues: the piecemeal nature of the present system can be overcome; the inconsistent requirements and conflicting criteria of existing services can be reconciled; and, not least of all, there will be one person who is accountable for providing quality services and answerable to the community for grievances.

The Program proposes to operate on two basic principles: one, that the client himself knows what he needs and two, that the program's job is to get the client what he needs or else have a good reason why it cannot.

As to the services themselves, I would like to describe briefly some of the major elements in the projected program:

First, the Early Childhood Development Center.

The early childhood program will provide comprehensive nurturing, health, and educational services for pre-school children during that portion of the day when it cannot be provided at home by parents. Due to the necessarily limited facilities of the Center building and the distance of this facility from some parts of Woodlawn, the programs will be provided in a number of other settings as well: outposts in existing structures; mobile units; and in group and individual day care homes. Among the services to be offered under its rubric are: links with other health, educational and social services; emergency short-term care; pre- and post-school care for children whose parents work beyond school hours; individual arrangements for 24-hour care; and a summer program for young school-age children. In addition, the Center will serve as a facility for training community residents in preschool teaching, child welfare, food preparation, and service and secretarial and clerical tasks, and homemaker services.

A second major interest of Woodlawn residents is health care. Given the extreme inadequacy of available health services to the people of Woodlawn, the high priority of health services is not surprising. In keeping with the focus on integrated, comprehensive services, the resources that the State can bring to this program, and the desires of the Woodlawn community, we are currently engaged in discussion with City and State authorities about cooperating in the planning, organizing and financing of a truly comprehensive, prepaid health program.

A third important area of concern is employment. The program will offer the gamut of employment services to the people of Woodlawn—access to manpower, recruitment, placement and job training program. In addition, it plans to operate its own training programs for employees of the service program. It is the hope that the Woodlawn Service Program will ultimately recruit and train 90 percent of its staff directly from the community.

Other services the program intends to offer are: consumer education and protection; vocational and social rehabilitation of the handicapped; housing services; adoption and services to unmarried parents; cultural programs; recreation; special programs for youth and the elderly; liaison with educational institutions; new community correctional services; and new community mental health facilities and services.

This has been a necessarily skeletal description of the Woodlawn Service Program—just enough to outline its community-based philosophy and its commitment to a spectrum of services easily accessible to community residents. I hope you will feel free to question us more closely on its plans later on.

Now let me turn to the School's educational investment in this program.

The School's experimental program within the Social Services Center is to educate students to be generalist social workers who will be able to deal with the complex and multiple problems people in a community like Woodlawn experience. A generalist worker is one who can work on a range of problems at a variety of levels with a repertoire of different methods for the benefit of a particular family or individual. Instead of four workers fragmenting responsibility for the woman with thirteen children and a host of problems, a generalist would be competent to deal with the range of what that family needs. That is not the way it is now.

Typically, there are three major tracks of study in schools of social work: casework, which is primarily work with individuals around personal problems; group work, which is the working out of shared problems between similarly troubled or situated individuals through the medium of small groups; and community organization, which means creating a sense of unity and involving community residents in developing and operating programs to remedy social problems widely experienced in a community.

The generalist student is interested in knowing about elements of all three kinds of practice—and recognizes that, especially in places such as Woodlawn, professionals can be more effective and useful for their clients if they have access to a variety of approaches for problem-solving and if they can follow through on a problem beyond the boundaries that current agency distinctions and professional methods impose.

Let's take an example. Several of our generalist students placed in the public aid office worked with mothers of retarded school-age children. There are only two public residential treatment facilities for such children in Illinois, both down State, and there are no provisions, despite legal requirements, in Woodlawn public schools, for classes for retarded children. Students helped the mothers to make what arrangements were possible for their children, but they worked on the problem in other ways as well. In the home, families were helped to adjust to and to understand the difficulties of life with retarded children. Through the Maternal and Infant Welfare Station, it was discovered that there were 123 such children in Woodlawn. The clinic agreed to contact and interview the mothers of each of these children—and the clinic's para-professional staff were trained by the student workers for these visits. The visitors brought along with them applications for mothers to complete and return to Woodlawn schools requesting that special classes be made available. While this had been possible all along, few mothers had known about or had been encouraged or informed that such an option was open. The mothers were also organized into groups to share their problems, anxieties and concerns about their retarded children. This experience was regarded as extremely supportive. In addition, the generalist students and mothers have worked with the schools as they have moved forward to make arrangements for special classes for the children.

Our students were able to deal with this difficult problem at all levels as it affected individual mothers, their retarded children, and the rest of the family; as it affected groups of people with a common problem; and as it was reflected in the community through its responsibility to make provision for this special need.

Our generalist students will do their practical field work in Woodlawn under the direct aegis of the Woodlawn Service Program as it goes into operations. We have here, I think, a happy marriage: a new generalist social work student learning his work in a new generalist service program.

Our greatest hope is that this joint effort will produce something of great value for the Woodlawn community. Most assuredly this effort has been and will continue to be of great significance for the School. For we are a profession trying to renew ourselves.

The staggering social problems of the past decade have revealed failings in our existing institutions and our methods for coping with social needs. Our institutions and methods have not kept pace with the challenges imposed on them, as a look at Woodlawn's present social service system clearly demonstrates. We must examine how this has happened and lead in the effort to find better ideas and better ways.

A facility like the Social Services Center is essential to this process. Its importance to the community is reason enough for having it; but beyond that, it is crucial to a profession trying to find its role, and essential as a link between the academic community and one part of the society whose plight the academic community must learn to understand—and through this understanding—to help.

STEPS WHICH LEAD TO PEACE

Mr. DOLE. Mr. President, within the past few weeks steps have been taken in several areas, all of which lead to peace. Most prominent are the cease-fire and the talks in the Middle East. Although there is a long way to go before peace between the Arabs and the Israelis is a reality, we have at least begun.

In addition to the Middle East are the Bonn-Moscow treaty, the SALT talks, and the gradual winding down of the Vietnam war.

The Mideast situation is specifically commented upon in the Seattle Post-Intelligencer's editorial entitled "Cooling Mideast" and generally in the Drummonds' column entitled "Don't Look Now, But Peace Is Right Around the Corner." I commend them to the Senate and ask unanimous consent that they be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

[From the Seattle (Wash.) Post-Intelligencer, Aug. 5, 1970]

COOLING MIDEAST

A super-sized gold star has been earned by the Nixon administration, and especially by Secretary of State William P. Rogers, for their altogether remarkable achievement in the Middle East. Even the most bitter critics of the President cannot diminish the accomplishment.

Getting Egypt and Jordan to agree with Israel on anything is a feat of diplomacy which borders on the incredible. Getting them to agree to start talks on arrangements for a cease-fire and a possibly permanent peace settlement borders on the miraculous.

For 22 years, ever since the founding of Israel, the area has been a cauldron of bubbling hate. Three wars solved nothing except to escalate the violence which only last week threatened to erupt into a confrontation of the two major world powers.

Now, for the moment at least, this ultimate danger has been eased—and it is United States initiative which is responsible. For the moment it is unimportant to think of the risks we have taken; of the possibility of treachery by the Soviet-Arab axis, or of the regrettable arm-twisting we have applied to our Israeli allies.

It also is useless to consider that the hatred continues; that the Arab-Israeli mess is still as prickly as a barrel full or porcupines, and that peace in the Middle East is still a remote ideal.

What is all important is that a potential breakthrough to sanity has been scored—a breakthrough which President Nixon described in these words:

"We do not underestimate the difficulties which still lie ahead. We still have a long way to go before achieving the results we hope to achieve.

"But in a situation where a year and a half ago there seemed to be no hope, there now at least is some hope."

That says it.

DON'T LOOK NOW, BUT PEACE IS RIGHT AROUND THE CORNER

(By Roscoe and Geoffrey Drummond)

WASHINGTON.—It's no mirage; it's real: A more peaceful and stable world is coming into being.

Many moves are being made in many places at the same time that hold great promise. No one has to shy from being an optimist.

The building blocks of peace are actually beginning to be laid: (1) In the Middle East, (2) in the new Bonn-Moscow treaty, (3) in improved relations between Eastern and Western Europe, (4) in U.S.-Soviet nuclear arms control, (5) in including Britain in the European Common Market, (6) and there are even glimmering signs of a settlement of the Indochina war.

These events are developing with breathtaking rapidity. Only when put in a pattern does their significance fully emerge.

The whole peace picture is greater than its separate parts. And each separate part is a large building block in itself.

The Middle East—Is peace near? Not for sure, but it may come faster than many think. The principal adversaries have started on the road to settlement. If either side had thought that continued fighting was in its interest, it would never have accepted the Rogers proposals and especially the 90-day truce.

There is evidence that the Soviet Union wants to get out of what it got into in risking such a perilous confrontation with the United States. Moscow pressed the Arabs to accept, and Washington pressed the Israelis to accept. For the first time the Big Four Powers are taking substantially the same line. The ingredients of compromise are visible.

Europe—Until Willy Brandt became chancellor last year no West German government ever thought it worthwhile to say to the Soviet Union, let's settle some things. Brandt said just that and he meant let's clean up the unfinished business of World War II. He found the Soviets unexpectedly responsive.

The pessimists said nothing would come of it or that it would take many months. A nonaggression treaty was completed in less than two weeks. West Germany accepted long-disputed frontiers. Brandt went to Moscow to sign it and to talk with Premier Alexis Kosygin about better access to West Berlin and trade and credit for the Soviets.

This treaty will almost certainly bring fuller contact between the Eastern European Communist states and Western Europe to the benefit of both. It is a riskful decision for the Soviets who must feel the need to decrease tensions with Western Europe as it faces rising tensions with Red China.

Federation—The negotiations to bring Britain into the Common Market are proceeding slowly but productively. Gaullist nationalism is on the wane in France and the way things are now going some form of European political federation is not to be dismissed.

Arms Race—The U.S. and the USSR seem ready to make real progress to temper down the nuclear arms race.

Indochina—The Soviet Union is reported to be urging a political settlement of the war in Laos and as telling Hanoi that it will not increase its military aid. This may be the precursor to a Soviet move to prod the peace negotiations in Paris.

But whatever happens in Paris, our information is that President Nixon has already decided to step up the pace of U.S. troop withdrawal in the next few months. The war may not be over, but it will not be long before it will be primarily South Vietnam's war.

If anyone had predicted these tremendous events even two months ago, he would have been branded a crackpot by most of the experts.

Not now.

OIL IMPORT QUOTAS AND MEAT IMPORT QUOTAS

Mr. JAVITS. Mr. President, last Friday, when I spoke in the Senate on trade matters, it was agreed that the distinguished Senator from Wyoming (Mr. HANSEN) would have the opportunity to address himself to my remarks in the RECORD and that I, in turn, would have the opportunity to address myself to his remarks. I should now like to respond to the remarks made by Senator HANSEN on August 21 and appearing at page 29675 of the RECORD, on the subject of oil import quotas and meat import quotas.

OIL IMPORT QUOTAS

I shall comment first on the Senator's statement that he cannot understand why Senators from large consuming States such as New York continue their "advocacy of unlimited imports of oil." Mr. President, no one from New York or any other large consuming State that I know of has been advocating practically unlimited imports of oil. What we have urged is a liberalization of existing rigid oil import controls.

There is simply no good reason for the severe limitations now placed on imports from secure Western Hemisphere oil supply sources such as Canada and Venezuela. The Cabinet Task Force on Oil Import Control found that increasing imports from Canada and Venezuela would in no way endanger our national security, and national security, of course, the only legal basis for an oil import control program. Nor is anyone advocating that we become heavily dependent on Eastern Hemisphere oil supplies. The Senator from Wyoming and other Senators maintain that the Cabinet task force recommendations would lead to a flood of imports from the Middle East. This is simply not so; I would refer the Senator to paragraph 337 on page 98 of the Task Force Report which states:

> It remains possible that Eastern Hemisphere imports, considered less secure than those from the Western Hemisphere, might increase unexpectedly despite the high proposed tariff barrier. To guard against this possibility we propose establishment of an absolute maximum for tariff-restricted Eastern Hemisphere oil imports equal to 10% of domestic demand.

I do not know how it can be stated more clearly. I would hope that the Senator from Wyoming and other Senators will in the future direct their remarks to what we and the Cabinet task force are advocating and not set up the straw man of dependence on the Middle East.

As for understanding why we urge liberalization, I ask the Senate's understanding that constituents in our States and, indeed, in an ever-growing number of States across the Nation are weary of subsidizing one of the most profitable industries in the country—the oil industry. In fact, it is surprising to me that we have not heard more from consumers as I have heard from consumers in my State. One wonders whether they know how much the overprotection of the oil industry through the oil import program is costing each citizen. For example, the Cabinet task force pegged the per capita cost in Wyoming at $57 per head. That was the highest per capita cost of any State in the Union and some $33 higher per capita than the national average.

In his statement, the able Senator from Wyoming said that the $5 billion savings to U.S. consumers that would result from lifting oil import restrictions has now "evaporated" and that it now costs some 75 cents a barrel more to buy foreign oil delivered to east coast ports than the delivered cost of U.S. domestic crude. Certainly, it is clear that the industry has itself put out a number of theoretical statements about the high cost of foreign oil. Actually, the facts are very different, and I should like to take this opportunity to set the record straight. First, there is little or no oil coming into this country from abroad at a higher price than domestic crude oil. Hardly a barrel. And if any person has proof that such high priced imports are arriving at our ports, I would like to see the bills of lading or other documentation. Theoretical exercises under which an unnamed company pays a high spot freight rate to move Middle East crude around Africa to the east coast are simply academic speculation. It is not happening that way. The big oil companies who bring in the major share of foreign crude oil do not arrange for freight in the spot market. They move

about half of their oil on tankers which they own. Thus, the only freight cost they pay is the actual cost of operating those vessels. Moreover, most of the rest of their freight requirements are covered by long term charter, involving periods of anywhere from 2 to 20 years. These rates are fixed and are not determined by today's high spot levels. So foreign crude oil is indeed still flowing to the United States at a delivered cost of anywhere between $1.25 and $1.50 per barrel lower than the delivered cost of domestic crude oil, and no hypothetical example can change those facts. And imports into the United States of crude oil and products are higher now than they were a year ago.

Next, I should like to turn to the Senator's assertion that the $2 price for residual fuel oil used by our power companies, hospitals, schools, apartment houses, and other large users has now doubled in price because of "the Middle East situation."

Actually, the shortage of heavy residual fuel is worldwide, and the dramatic price changes he referred to occurred before the rupture in the pipeline in Syria and before Libya cut back oil production. These situations are simply not related. The shortage of heavy fuel is caused, pure and simple, by the oil companies miscalculations of the growth in demand for this product in the United States and in Western Europe and Japan. Besides, our imports of residual fuel come largely from the Caribbean area, with a small balance from Europe. They do not come from the Middle East.

The Senator wonders how I can blame the U.S. industry for the shortage of heavy fuel and how I can blame the quota system when, in fact, heavy fuel can be imported without quotas. What happens, Mr. President, is that oil quotas insulate U.S. oil prices from world price trends. The domestic industry is protected from competition from abroad. This scheme, together with State prorationing, which protects the domestic industries from competition here at home, enables the oil industry to go happily along, taxing the consumer with artificially high prices.

Among the many oil products, some are obviously more valuable—and more profitable—than others. In recognition of this, ever since World War II, oil companies have been cutting back on the production of heavy fuel oil, the least profitable product, and maximizing the production of the most profitable product—gasoline.

Thus, the liberalization of residual fuel quotas did not cause our dependency on foreign heavy fuel. In fact, we were forced to lift limits on heavy fuel because the domestic refining industry simply did not make enough of the product to cover our needs. The same forces—the distortion caused by the oil import program—operated to create a shortage just this year in the Midwest which finally resulted in some imports of heavy fuel into district II—when electric companies and others from that region found they simply could not buy from domestic sources enough heavy fuel oil to meet their demands.

There is talk about the 80 percent dependency on foreign heavy fuel on the east coast. Did the Senator ever ask himself why? The reason is painfully clear. The oil industry has been simply unwilling to cover our heavy fuel needs here at home and has systematically squeezed out heavy fuel production in favor of more profitable products.

Mr. President, it seems obvious that we must have substantially greater imports of No. 2 fuel oil and find a way to create incentives to get some low sulphur heavy fuel No. 6 oil refining capacity built here in the U.S. east coast. On the west coast, there is already an incentive program under which a refiner receives one barrel of import rights for each barrel of low sulphur fuel products. A foreign trade zone refinery has also been approved on the west coast. Yet on the east coast, where the need is far greater, we have no such programs. We are the ones who have to pay the artificially high prices resulting from this program. Our prices are at the highest in the world. I note that the Senator cited some statistics from a Washington newspaper showing that European gasoline prices are higher than ours. What he did not mention was that European governments rely to a far greater extent than the United States on revenue from taxes on fuel. I should like to ask the Senator what the price of gasoline in Europe is, excluding these taxes, as compared with U.S. prices, excluding taxes. I can tell him the wholesale price for all oil products in Europe reflects world market prices; and those prices are far lower than our prices.

The Senator from Wyoming says:

The oil companies and a number of us in Congress have warned for several years that increasing dependence on foreign sources was hazardous.

If the Senator will recall, the northeastern Senators and Governors warned about an impending residual fuel oil shortage 2 years ago. We had a plan for building additional refining capacity on the east coast to provide substantial additional quantities of low-sulfur residual fuel oil. Naturally, the oil industry opposed it. That refinery could have been in operation this winter, but it was scuttled—scuttled perhaps by the same people who claim they warned of a shortage. So it is not the events of recent months that are to blame for our present crisis, but the opposition of the oil industry itself.

MEAT IMPORT QUOTAS

Turning briefly to the question of beef imports, I ask unanimous consent that Governor Rockefeller's recommendation of July 11 to the President on this matter be printed in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

MEMORANDUM

To: The President.
From: Nelson A. Rockefeller.
Subject: Beef Imports.

I. PURPOSE

The purpose of this memorandum is to present background information and recommendations on a forthcoming decision that directly affects:

A. The consumers of New York and other states in their day-to-day battle against inflation and the rising cost of living.

B. Trade with other nations of the Western Hemisphere, and consequently, the economic progress of the people of the other nations in the Hemisphere.

II. BACKGROUND

A. *U.S. Consumption:* The consumption of beef in the U.S. is currently 22.1 billion pounds a year, up by 6.9 billion pounds, or 46%, in the last ten years. In that period, per capita consumption has gone up from 85.0 pounds per person to 110.5 pounds per person yearly. The U.S. Agriculture Department estimates that total beef consumption in the U.S. will increase next year about 635 million pounds, or 3%.

B. *U.S. Prices:* The price of beef is steadily increasing—at a rate that is higher than the overall cost of living.

1. *Table beef.* The wholesale price of "choice" beef in Chicago in 1960 was 26.24 cents per pound, and now it is 31.56 cents per pound, an increase of 20%. But retail beef prices went up much more in this period. The price of rib roast in one New York City grocery chain increased from 99 cents per pound in 1960 to $1.49 per pound in 1970, an increase of 50%. According to the Bureau of Labor Statistics, the price of hamburger in the New York/Northeastern New Jersey area increased from 49.1 cents per pound in 1960 to 87.9 cents per pound in 1970. This was a price rise of 79%.

2. *Manufacturing beef.* These grades of beef are used in frozen dinners and canned meat products for the lower income consumer market; and the cost of this manufacturing beef has gone up more, proportionately, than higher grades of table beef. For example, the wholesale price of the "canner" grade of beef in Chicago in 1960 was 13.28¢ per pound; in 1970 the price is 20.37¢ per pound, an increase of 53%—as against a 20% increase for "choice" beef.

One reason is that the consumption of precooked beef products has gone up rapidly, but the United States does not now produce in sufficient quantities the supplies of these second grades of beef. Our supplies used to come from milk cows after they had reached an age where they were retired from service. Today, our cow population is half of what it used to be. Simultaneously, U.S. cattlemen have concentrated on producing the higher grades of table beef.

C. *Sources of Supply:*

1. *Domestic.* Ten years ago the United States was producing 17.8 billion pounds of beef annually—about 95% of total consumption. In 1969 the U.S. produced 21.8 billion pounds of beef, about 93% of consumption.

2. *Imports.* Of the 1.35 billion pounds of fresh and frozen beef imported into the U.S. in 1969, Australia shipped in about 50%, New Zealand about 20%, and all of the eight Western Hemisphere countries permitted to ship fresh or frozen beef to the U.S. about 18%.

Of the 1.2 billion pounds of pre-cooked beef imported into the U.S. in 1968 (latest figures available), Argentina shipped 11% and Uruguay 5.6%. This Argentine beef accounted for 40% of Argentina's exports to the U.S.; cooked beef represented 13% of Uruguay's exports to the U.S. As you know, Congress deliberately omitted from the 1964 Meat Import Act any quota or restriction on pre-cooked beef, and subsequent testimony before Congress does not show that there has been a serious adverse effect on U.S. cattle industry. Nevertheless, there was introduced into Congress last year a bill that would restrict cooked beef.

III. RECOMMENDATIONS

In my report to you on the Presidential Mission to the Western Hemisphere actions, I emphasized that all nations of this Hemisphere see agriculture as the productive force

for raising their standards of living, creating employment opportunities, and generating foreign exchange and capital for economic and social development.

In that report I recommended that the United States allocate a major part of future growth in its agricultural consumption to the other nations of the Western Hemisphere.

I also proposed, in view of the widespread malnutrition and the grave shortage of protein for expectant mothers and infants, that the U.S. should provide leadership in a Hemisphere-wide nutrition program.

In view of the continuing increases in the cost of living in New York and other states, in recognition of your continuing objective to hold down inflation, and in pursuance of your goal of expanding trade with the other Hemisphere nations, I offer these recommendations:

A. That the United States continue to increase quotas of fresh and frozen beef imports.

B. That the U.S. Agriculture Department, in allocating shares of the annual increase of fresh and frozen beef, provide for an overall increase of 2% yearly for the Western Hemisphere countries, until the Western Hemisphere share reaches 25% of all U.S. beef imports. This increase would be allotted to each nation involved by a formula based on exports to the U.S. for the past three years, plus a bonus for any country that increased its domestic per capita beef consumption during the previous decade.

Such a bonus would help to reverse a trend evident in some Central American countries—selling beef to the U.S. at higher prices and reducing domestic per capita consumption of beef.

C. That your Administration strongly recommend to Congress that there be no change in present regulations permitting pre-cooked meat to enter the U.S.

COMPENSATION FOR INNOCENT VICTIMS OF CRIMINAL ACTS: SHOWING CONCERN FOR THE FORGOTTEN VICTIMS OF OUR VIOLENT SOCIETY

Mr. YARBOROUGH. Mr. President, the Wall Street Journal of August 26, 1970, contains an article entitled "Aiding the Innocent," written by Mr. W. Stewart Pinkerton, Jr., which describes the plans of compensation for innocent victims of criminal acts that are in force in New York, California, Hawaii, Maryland, and Massachusetts and also points out that a task force of the National Commission of Causes and Prevention of Violence will recommend the establishment of a Federal compensation program. As the author of the first Federal innocent victims compensation bill to be introduced in Congress, I am gratified that more and more attention is being focused on the urgent need for this type of legislation.

For many years, the control of crime was considered to be solely a State function. However, as crime increased and became more mobile in recent years, the Federal Government has assumed a more active role in the whole area of criminal law. This is evidenced by the passage of the Omnibus Crime Control and Safe Streets Act and the recent District of Columbia crime bill, which are crime prevention measures, and the Economic Opportunity Act which is directed at the eradication of the causes of crime.

Despite the growing involvement of the Federal Government in the problems of crime in America, very little attention has been given to the needs and problems of the innocent victims of criminal acts. On the contrary, there has been a general attitude among both State and Federal officials that the compensation of victims of criminal acts for their losses should be left to private sources such as insurance. It is obvious to anyone who has even had any contact with criminal law and victims of crime that government, both State and Federal, has an affirmative duty not only to protect its citizens from criminals and criminal acts, but also to compensate the innocent victims of such violence.

As Mr. Pinkerton states in his article:

> Legal authorities and law enforcement officials say the trend reflects concern over rising violence and the dawning conviction that society is obliged to help its victims. "We're dealing with what used to be the forgotten man," says Mr. Van Rensselaer of the New York board. J. Edgar Hoover, director of the FBI, expressed similar sentiments in a report last year when he said: "Certainly under the rule of law those who abide by the law should have protection equal to that of those who break the law."

Based on a lifetime of experience as a trial lawyer, a State District Judge, and a legislator, I recognize the compelling need for a Government program to protect these innocent victims. The great tragedy in America is that so many victims of criminal acts are themselves poor and disadvantaged people who cannot afford insurance. These people are completely without any source of compensation for their injuries and damages. To compound this unjust situation, it is often the case that the police protection of poor people from crime is very inadequate.

For these reasons, I introduced in June of 1965 the first Federal innocent victims compensation act ever to be presented to Congress. At the time I introduced the bill—then S. 2155—no State had such a compensation plan. At that time, the only countries in the world that provided compensation to victims of criminal acts were New Zealand, which enacted the first such plan in 1963, and England, which enacted its plan in 1964. My purpose in introducing this bill was to establish a plan of compensation applicable to all Federal areas, including the District of Columbia, which would serve as a model for the States. Although Congress has not passed my bill, despite the fact that I have introduced it in each Congress since 1965, I am gratified that at least five States have adopted this idea and have enacted innocent victims compensation laws. These States and the date of their laws are: California, 1968; Hawaii, 1968; Maryland, 1969; Massachusetts, 1968; and New York, 1969.

In addition, the Canadian Provinces of Saskatchewan and Newfoundland and the Australian States of New South Wales and Queensland have enacted innocent victims compensation since 1965. Furthermore, the State legislatures of Illinois, New Jersey, and Pennsylvania are considering such legislation.

At the beginning of the 91st Congress, I again introduced my bill, now S. 9. In addition to S. 9, I also introduced in this Congress, S. 2936, which is similar to S. 9 except it only applies to the District of Columbia. I firmly believe that the District of Columbia with its alarming crime problem and its vast poverty would provide one of the best testing grounds for this type of legislation in America. The District of Columbia Committee held hearings on S. 2936 in December of 1969. At these hearings, my bill received the strong support from such authorities on criminal justice as: Representative ABNER J. MIKVA, of Illinois; Dean Page Keeton of the University of Texas School of Law; Prof. Gilbert Geis of the School of Criminal Justice, State University of New York; and Prof. Norval Morris, professor of law and criminology, director, Center for Studies in Criminal Justice, University of Chicago.

This proposal has also gained support of former U.S. Supreme Court Justice and Ambassador to the United Nations Arthur J. Goldberg.

A common thread of logic ran through all of the testimony in favor of this bill and that is that government, both State and Federal, have assumed the duty of protecting the people from criminal acts. Our citizens pay taxes for this protection and when they are injured as a result of criminal conduct, then government has failed in its duty and thus should compensate the victim. In my judgment, an even more compelling justification for such a plan of compensation is that the victim of a criminal act has no effective remedy at law. As Dean Keeton, one of America's greatest professors of law, so accurately stated during the hearings on S. 2936:

> Even in the rare case where a person is injured by a solvent criminal, the government's dealing with the offender often forecloses or interferes with the possibility of civil recovery. The government's interest in arresting and imprisoning him prevents him from earning money that could compensate the victim. Furthermore, "one effect of requiring the accused to employ his available funds to pay the costs of his defense may be to exhaust or limit the funds from which the victim may recover in a civil suit for the damages against the accused."
>
> Thus, not only is the right of civil recovery limited by the nature of the criminal, but the government often takes an active role in diminishing what little possibility of recovery may have existed. The interests of society in punishment, deterrence, and rehabilitation interfere with the interests of the victim.

The Committee on the District of Columbia favorably reported S. 2936 as a part of S. 2601, the District of Columbia crime bill, and it was passed unanimously by the Senate. Unfortunately, this important program was lost in conference.

Mr. President, the time has come for Congress to decide whether or not it intends to actually do anything to help the innocent people who are being maimed and injured daily by criminals in all parts of the country, including the Nation's Capital. We have seen in the last few years a revolution in the area of criminal justice. We have seen the passage of strong Federal law enforcement measures. However, the victim, the person who crys out for assistance from his government, still is neglected.

The proposals embodied in my bills,

S. 9 and S. 2936, are not revolutionary or unreasonable. Rather the system of compensation that I propose is as sound and logical as workmen's compensation. Under my bills, there would be created a Violent Crimes Commission, composed of members appointed by the President, whose function would be to determine: First whether the alleged victim was truly innocent; and, second, how much, if any, compensation he is entitled to. Compensation would be awarded only for injuries or death resulting from such violent crimes as arson, assault, murder, rape and other sex crimes, robbery, mayhem, kidnaping, manslaughter, and other crimes of force against the person. No compensation would be awarded solely for crimes against property which did not involve some physical injury. The limit of compensation to any victim would be $25,000.

Although compensation of innocent victims of crime is not a new idea, it does represent a legislative experiment in a new phase of criminal law. As has been the case throughout history, there are always those who are hesitant to experiment with a new system or program or even a new idea. However, as Justice Brandeis once said:

If we would guide by light of reason, we must let our minds be bold.

Mr. President, this is a time for bold action. This is a time for Congress to demonstrate to the people of America that it is as interested in the problems and suffering of victims of criminal acts as it is in protecting rights of accused criminals. Therefore, I urge my colleagues on the Judiciary and District of Columbia Committees to report S. 9 and S. 2936 to the Senate so that by record vote the American people can see if we are interested in aiding innocent victims of criminal acts.

Mr. President, for the benefit of Senators who have not had the opportunity to study this matter, I ask unanimous consent that the following documents be printed at this point in the RECORD:

First, copies of S. 9 and S. 2936;

Second, the article entitled "Aiding the Innocent," written by W. Stewart Pinkerton, Jr., and published in the Wall Street Journal of Wednesday, August 26, 1970; and

Third, an article entitled "The Battle for a Federal Violent Crimes Compensation Act: The Genesis of S. 9," which I authored, and which appears in 43 Southern California Law Review 93 (1970).

There being no objection, the items were ordered to be printed in the RECORD, as follows:

S. 9

A bill to provide for the compensation of persons injured by certain criminal acts

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

TITLE I—SHORT TITLE AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "Criminal Injuries Compensation Act of 1969".

DEFINITIONS

SEC. 102. As used in this Act—

(1) The term "child" means an unmarried person who is under eighteen years of age and includes a stepchild or an adopted child;

(2) The term "Commission" means the Violent Crimes Compensation Commission established by this Act;

(3) The term "dependents" means those who were wholly or partially dependent upon his income at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and shall include the child of such victim born after his death;

(4) The term "personal injury" means actual bodily harm and includes pregnancy and mental or nervous shock;

(5) The term "relative" means his spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, half sister, or spouse's parents;

(6) The term "victim" means a person who is injured or killed by an act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is established a Violent Crimes Compensation Commission which shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. The President shall designate one of the members of the Commission who has been a member of the bar of a Federal court or of the highest court of a State for at least eight years as Chairman.

(b) No member of the Commission shall engage in any other business, vocation, or employment.

(c) The Chairman and one other member of the Commission shall constitute a quorum, except as provided in section 205(b); and where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(d) The Commission shall have an official seal.

TERMS AND COMPENSATION OF MEMBERS

SEC. 202. (a) The term of office of each member of the Commission taking office after December 31, 1969, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1969, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1969; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term.

(b) Each member of the Commission shall be eligible for reappointment.

(c) A vacancy in the Commission shall not affect its powers.

(d) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(e) Each member of the Commission shall be compensated at the rate prescribed for level IV of the Federal Executive Salary Schedule of the Federal Executive Salary Act of 1964 except the Chairman who shall be compensated at the rate prescribed for level III of such schedule.

ATTORNEYS, EXAMINERS, AND EMPLOYEES OF THE COMMISSION; EXPENSES

SEC. 203. (a) The Commission is authorized to appoint such officers, attorneys, examiners, and other experts as may be necessary for carrying out its functions under this Act, and the Commission may, subject to the civil service laws, appoint such other officers and employees as are necessary and fix their compensation in accordance with the Classification Act of 1949.

(b) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission outside the District of Columbia incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or by any individual it designates for that purpose.

PRINCIPAL OFFICE

SEC. 204. (a) The principal office of the Commission shall be in or near the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

(b) The Commission shall maintain an office for the service of process and papers within the District of Columbia.

POWERS AND DUTIES OF THE COMMISSION

SEC. 205. (a) Upon request made to the Commission after the filing of an application under the provisions of this Act, the Commission or its duly authorized representative shall have a hearing on such application, shall fix a time and place for such hearing, and shall cause notice thereof to be given to the applicant.

(b) For the purpose of carrying out the provisions of this Act, the Commission, or any member thereof, or its duly authorized representative, may hold such hearings, sit and act at such times and places, and take such testimony as the Commission or such member may deem advisable. Any member of the Commission may administer oaths, or affirmations to witnesses appearing before the Commission or before such member. The Commission shall have such powers of subpena and compulsion of attendance and production of documents as are conferred upon the Securities and Exchange Commission by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by said Chairman. Subpenas shall be served by any person designated by the said Chairman.

(c) In any case in which the person entitled to make an application is a child, the application may be made on his behalf by any person acting as his parent or guardian. In any case in which the person entitled to make an application is mentally defective, the application may be made on his behalf by his guardian or such other individual authorized to administer his estate.

(d) Where any application is made to the Commission under this Act, the applicant, and any attorney assisting the Commission, shall be entitled to appear and be heard.

(e) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(f) Where under this Act any person is entitled to appear and be heard by the Commission, that person may appear in person or by his attorney.

(g) Every person appearing under the preceding subsect'ons of this section shall have the right to produce evidence and to cross-examine witnesses.

(h) The Commission or its duly authorized representative may receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action

and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

(i) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

(j) Except as otherwise provided in this Act, the Administrative Procedure Act shall apply to the proceedings of the Commission.

ATTORNEY'S FEES

SEC. 206. The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under (a) above, the Commission may determine, in accordance with such published rules or regulations as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by (a) above, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

FINALITY OF DECISION

SEC. 207. The orders and decisions of the Commission shall be reviewable on appeal, except that no trial de novo of the facts determined by the Commission shall be allowed.

REGULATIONS

SEC. 208. In the performance of its functions, the Commission is authorized to make, promulgate, issue, rescind, and amend rules and regulations prescribing the procedures to be followed in the filing of applications and the proceedings under this Act, and such other matters as the Commission deems appropriate.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of compensation in accordance with the provisions of this Act, if such act or omission occurs—

(1) within the "special maritime and territorial jurisdiction of the United States" as defined in section 7 of title 18 of the United States Code; or

(2) within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person; or

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

(g) Upon certification by the Commission, the Secretary of the Treasury shall pay to the person named in such order the amount specified therein.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of compensation in accordance with the provisions of this Act for personal injury or death which resulted from offenses in the following categories:

(1) assault with intent to kill, rob, rape, or poison;
(2) assault with intent to commit mayhem;
(3) assault with a dangerous weapon;
(4) assault;
(5) mayhem;
(6) malicious disfiguring;
(7) threats to do bodily harm;
(8) lewd, indecent, or obscene acts;
(9) indecent act with children;
(10) arson;
(11) kidnaping;
(12) robbery;
(13) murder;
(14) manslaughter, voluntary;
(15) attempted murder;
(16) rape;
(17) attempted rape;
(18) or other crimes involving force to the person.

NATURE OF THE COMPENSATION

SEC. 303. The Commission may order the payment of compensation under this Act for—

(a) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(b) loss of earning power as a result of total or partial incapacity of such victim;

(c) pecuniary loss to the dependents of the deceased victim;

(d) pain and suffering of the victim; and

(e) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 304. (a) No order for the payment of compensation shall be made under section 301 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death of the victim living with the offender as his wife or her husband or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS OF THE ORDER

SEC. 305. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission may at any time, on its own motion or on the application of the Attorney General, or of the victim or his dependents, or of the offender, vary any order for the payment of compensation made under this Act in such manner as the Commission thinks fit, whether as to terms of the order or by increasing or decreasing the amount of the award or otherwise.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any other judicial district by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—MISCELLANEOUS

REPORTS TO CONGRESS

SEC. 501. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded.

PENALTIES

SEC. 502. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or

information presented to the Commission under this Act.

APPROPRIATIONS

SEC. 503. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 504. This Act shall take effect on January 1, 1970.

S. 2936

A bill to provide for the compensation of persons injured by certain criminal acts in the District of Columbia

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled.

TITLE I—SHORT TITLE AND DEFINITIONS

SHORT TITLE

SEC. 101. This Act may be cited as the "District of Columbia Criminal Injuries Compensation Act".

DEFINITIONS

SEC. 102. As used in this Act—

(1) the term "child" means an unmarried person who is under eighteen years of age and includes a stepchild, an adopted child;

(2) the term "Commission" means the District of Columbia Violent Crimes Compensation Commission established by this Act;

(3) the term "dependents" means those who were wholly or partially dependent upon his income at the time of his death or would have been so dependent but for the incapacity due to the injury from which the death resulted and shall include the child of such victim born after his death;

(4) the term "personal injury" means actual bodily harm and includes pregnancy and mental or nervous shock;

(5) the term "relative" means the spouse, parent, grandparent, stepfather, stepmother, child, grandchild, brother, sister, half brother, or half sister of the victim; and

(6) the term "victim" means a person who is injured or killed by any act or omission of any other person which is within the description of any of the offenses specified in section 302 of this Act.

TITLE II—ESTABLISHMENT OF VIOLENT CRIMES COMPENSATION COMMISSION

VIOLENT CRIMES COMPENSATION COMMISSION

SEC. 201. (a) There is established a District of Columbia Violent Crimes Compensation Commission which shall be composed of three members to be appointed by the President, by and with the advice and consent of the Senate, solely on the grounds of fitness to perform the duties of the office. The President shall designate one of the members of the Commission who has been a member of the bar of a Federal court or of the highest court of a State for at least eight years as Chairman.

(b) No member of the Commission shall engage in any other business, vocation, or employment.

(c) The Chairman and one other member of the Commission shall constitute a quorum, except as provided in section 205(b); and where opinion is divided and only one other member is present, the opinion of the Chairman shall prevail.

(d) The Commission shall have an official seal.

TERMS AND COMPENSATION OF MEMBERS

SEC. 202. (a) The term of office of each member of the Commission taking office after December 31, 1969, shall be eight years, except that (1) the terms of office of the members first taking office after December 31, 1969, shall expire as designated by the President at the time of the appointment, one at the end of four years, one at the end of six years, and one at the end of eight years, after December 31, 1969; and (2) any member appointed to fill a vacancy occurring prior to the expiration of the terms for which his predecessor was appointed shall be appointed for the remainder of such term.

(b) Each member of the Commission shall be eligible for reappointment.

(c) A vacancy in the Commission shall not affect its powers.

(d) Any member of the Commission may be removed by the President for inefficiency, neglect of duty, or malfeasance in office.

(e) Each member of the Commission shall be compensated at the rate prescribed for level IV under subsection 5315 of title 5, United States Code, except the Chairman who shall be compensated at the rate prescribed for level III under section 5314 of such title.

ATTORNEYS, EXAMINERS, AND EMPLOYEES OF THE COMMISSION; EXPENSES

SEC. 203. (a) The Commission is authorized to appoint and fix the compensation of such officers, attorneys, examiners, experts, and other employees as may be necessary for carrying out its functions under this Act.

(b) All expenses of the Commission, including all necessary traveling and subsistence expenses of the Commission incurred by the members or employees of the Commission under its orders, shall be allowed and paid on the presentation of itemized vouchers therefor approved by the Commission or by any individual it designates for that purpose.

PRINCIPAL OFFICE

SEC. 204. The principal office of the Commission shall be in the District of Columbia, but the Commission or any duly authorized representative may exercise any or all of its powers in any place.

POWERS AND PROCEDURES OF THE COMMISSION

SEC. 205. (a) Upon request made to the Commission after the filing of an application under the provisions of this Act, the Commission or its duly authorized representative shall have a hearing on such application, shall fix a time and place for such hearing, and shall cause notice thereof to be given to the applicant.

(b) For the purpose of carrying out the provisions of this Act, the Commission, or any member thereof, or its duly authorized representative, may hold such hearings, sit and act at such times and places, and take such testimony as the Commission or such member may deem advisable. Any member of the Commission may administer oaths, or affirmations to witnesses appearing before the Commission or before such member. The Commission shall have such powers of subpena and compulsion of attendance and production of documents as are conferred upon the Securities and Exchange Commission by subsection (c) of section 18 of the Act of August 26, 1935, and the provisions of subsection (d) of such section shall be applicable to all persons summoned by subpena or otherwise to attend or testify or produce such documents as are described therein before the Commission, except that no subpena shall be issued except under the signature of the Chairman, and application to any court for aid in enforcing such subpena may be made only by said Chairman. Subpenas shall be served by any person designated by the said Chairman.

(c) In any case in which the person entitled to make an application is a child, the application may be made on his behalf by any person acting as his parent or guardian. In any case in which the person entitled to make an application is mentally defective, the application may be made on his behalf by his guardian or such other individual authorized to administer his estate.

(d) Where any application is made to the Commission under this Act, the applicant, and any attorney assisting the Commission, shall be entitled to appear and be heard.

(e) Any other person may appear and be heard who satisfies the Commission that he has a substantial interest in the proceedings.

(f) Where under this Act any person is entitled to appear and be heard by the Commission, that person may appear in person or by his attorney.

(g) Every person appearing under the preceding subsections of this section shall have the right to produce evidence and to cross-examine witnesses.

(h) The Commission or its duly authorized representative may receive in evidence any statement, document, information, or matter that may in the opinion of the Commission contribute to its functions under this Act, whether or not such statement, document, information, or matter would be admissible in a court of law, except that any evidence introduced by or on behalf of the person or persons charged with causing the injury or death of the victim, any request for a stay of the Commission's action, and the fact of any award granted by the Commission shall not be admissible against such person or persons in any prosecution for such injury or death.

(i) If any person has been convicted of any offense with respect to an act or omission on which a claim under this Act is based, proof of that conviction shall, unless an appeal against the conviction or a petition for a rehearing or certiorari in respect of the charge is pending or a new trial or rehearing has been ordered, be taken as conclusive evidence that the offense has been committed.

(j) Except as otherwise provided in this Act, the provisions of subchapter II of chapter 5 and chapter 7 of title 5, United States Code shall apply to the proceedings of the Commission.

ATTORNEYS' FEES

SEC. 206. (a) The Commission shall publish regulations providing that an attorney shall, at the conclusion of proceedings under this Act, file with the agency a statement of the amount of fee charged in connection with his services rendered in such proceedings.

(b) After the fee information is filed by an attorney under (a) above, the Commission may determine, in accordance with such published rules or regulation as it may provide, that such fee charged is excessive. If, after notice to the attorney of this determination, the Commission and the attorney fail to agree upon a fee, the Commission may, within ninety days after the receipt of the information required by (a) above, petition the United States district court in the district in which the attorney maintains an office, and the court shall determine a reasonable fee for the services rendered by the attorney.

(c) Any attorney who charges, demands, receives, or collects for services rendered in connection with any proceedings under this Act any amount in excess of that allowed under this section, if any compensation is paid, shall be fined not more than $2,000 or imprisoned not more than one year, or both.

FINALITY OF DECISION

SEC. 207. The orders and decisions of the Commission shall be reviewable on appeal, except that no trial de novo of the facts determined by the Commission shall be allowed.

REGULATIONS

SEC. 208. In the performance of its functions, the Commission is authorized to make, promulgate, issue, rescind, and amend rules and regulations prescribing the procedures to be followed in the filing of applications and the proceedings under this Act, and such other matters as the Commission deems appropriate.

TITLE III—AWARD AND PAYMENT OF COMPENSATION

AWARDING COMPENSATION

SEC. 301. (a) In any case in which a person is injured or killed by any act or omission of any other person which is within the description of the offenses listed in section 302 of this Act, the Commission may, in its discretion, upon an application, order the payment of compensation in accordance with the provisions of this Act, if such Act or omission occors within the District of Columbia.

(b) The Commission may order the payment of compensation—

(1) to or on behalf of the injured person; or

(2) in the case of the personal injury of the victim, where the compensation if for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim to that person; or

(3) in the case of the death of the victim, to or for the benefit of the dependents or closest relative of the deceased victim, or any one or more of such dependents.

(c) For the purposes of this Act, a person shall be deemed to have intended an act or omission notwithstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent.

(d) In determining whether to make an order under this section, or the amount of any award, the Commission may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death, unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.

(e) No order may be made under this section unless the Commission, supported by substantial evidence, finds that—

(1) such an act or omission did occur; and

(2) the injury or death resulted from such act or omission.

(f) An order may be made under this section whether or not any person is prosecuted or convicted of any offense arising out of such act or omission, or if such act or omission is the subject of any other legal action. Upon application from the Attorney General or the person or persons alleged to have caused the injury or death, the Commission shall suspend proceedings under this Act until such application is withdrawn or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.

(g) Upon certification by the Commission, the Commissioner of the District of Columbia shall pay to the person named in such order the amount specified therein.

OFFENSES TO WHICH THIS ACT APPLIES

SEC. 302. The Commission may order the payment of compensation in accordance with the provisions of this Act for personal injury or death which resulted from the following offenses:

(1) arson (D.C. Code, sec. 22–401);

(2) assault (D.C. Code, secs. 22–503, 504);

(3) assault with intent to kill, rob, or rape, and attempt to poison (D.C. Code, sec 22–501);

(4) assault with intent to commit mayhem or with dangerous weapon (D.C. Code, sec. 22–502);

(5) indecent act with children (D.C. Code, sec. 22–3501);

(6) kidnaping (D.C. Code, sec. 22–2101);

(7) lewd, indecent or obscene acts (D.C. Code, sec. 22–1112);

(8) manslaughter (D.C. Code, sec. 22–2405);

(9) murder (D.C. Code, secs. 22–2401, 2402, 2403);

(10) negligent homicide (D.C. Code, sec. 40–606);

(11) rape (D.C. Code, sec. 22–2801);

(12) robbery (D.C. Code, sec. 22–2901);

(13) unauthorized use of vehicles (D.C. Code, sec. 22–2204);

(14) or other crimes involving force to the person.

NATURE OF THE COMPENSATION

SEC. 303. The Commission may order the payment of compensation under this Act for—

(a) expenses actually and reasonably incurred as a result of the personal injury or death of the victim;

(b) loss of earning power as a result of total or partial incapacity of such victim;

(c) pecuniary loss to the dependents of the deceased victim;

(d) pain and suffering of the victim; and

(e) any other pecuniary loss resulting from the personal injury or death of the victim which the Commission determines to be reasonable.

LIMITATIONS UPON AWARDING COMPENSATION

SEC. 304. (a) No order for the payment of compensation shall be made under section 301 of this Act unless the application has been made within two years after the date of the personal injury or death.

(b) No compensation shall be awarded under this Act to or on behalf of any victim in an amount in excess of $25,000.

(c) No compensation shall be awarded if the victim was at the time of the personal injury or death of the victim living with the offender as his wife or her husband or in situations when the Commission at its discretion feels unjust enrichment to or on behalf of the offender would result.

TERMS OF THE ORDER

SEC. 305. (a) Except as otherwise provided in this section, any order for the payment of compensation under this Act may be made on such terms as the Commission deems appropriate.

(b) The Commission shall deduct from any payments awarded under section 301 of this Act any payments received by the victim or by any of his dependents from the offender or from any person on behalf of the offender, or from the United States (except those received under this Act), a State or any of its subdivisions, for personal injury or death compensable under this Act, but only to the extent that the sum of such payments and any award under this Act are in excess of the total compensable injuries suffered by the victim as determined by the Commission.

(c) The Commission may at any time, on its own motion or on the application of the Attorney General, or of the victim or his dependents, or of the offender, vary any order for the payment of compensation made under this Act in such manner as the Commission thinks fit, whether as to terms of the order or by increasing or decreasing the amount of the award or otherwise.

TITLE IV—RECOVERY OF COMPENSATION

RECOVERY FROM OFFENDER

SEC. 401. (a) Whenever any person is convicted of an offense and an order for the payment of compensation is or has been made under this Act for a personal injury or death resulting from the act or omission constituting such offense, the Commission may institute an action against such person for the recovery of the whole or any specified part of such compensation in the district court of the United States for any judicial district in which such person resides or is found. Such court shall have jurisdiction to hear, determine, and render judgment in any such action.

(b) Process of the district court for any judicial district in any action under this section may be served in any other judicial district of the United States by the United States marshal thereof. Whenever it appears to the court in which any action under this section is pending that other parties should be brought before the court in such action, the court may cause such other parties to be summoned from any judicial district of the United States.

(c) An order for the payment of compensation under this Act shall not affect the right of any person to recover damages from any other person by a civil action for the injury or death.

TITLE V—MISCELLANEOUS

REPORTS TO THE CONGRESS

SEC. 501. The Commission shall transmit to the President and to the Congress annually a report of its activities under this Act including the name of each applicant, a brief description of the facts in each case, and the amount, if any, of compensation awarded.

PENALTIES

SEC. 502. The provisions of section 1001 of title 18 of the United States Code shall apply to any application, statement, document, or information presented to the Commission under this Act.

APPROPRIATIONS

SEC. 503. There are hereby authorized to be appropriated such sums as may be necessary to carry out the provisions of this Act.

EFFECTIVE DATE

SEC. 504. This Act shall take effect on January 1, 1970.

[From the Wall Street Journal, Aug. 26, 1970]

AIDING THE INNOCENT: MORE STATES AWARD CASH COMPENSATION TO VICTIMS OF CRIME—MEDICAL COSTS, INCOME LOSS ARE DEFRAYED—TASK FORCE TO URGE A NATIONAL EFFORT—A MUGGED TAILOR FINDS HELP

(By W. Stewart Pinkerton, Jr.)

NEW YORK.—As the 67-year-old tailor was preparing to close his little shop on the West Side, a man entered, savagely beat and stabbed him, and took his money. It was not an uncommon crime in the city—and for the tailor, as for many crime victims, it was financial disaster.

Disabled for eight months, he ran up medical bills that far outstripped his insurance. While he was recovering, his shop burned down. Shorn of assets and deeply in debt, the tailor turned to the Crime Victims Compensation Board, a New York State body set up three years ago to aid the targets of violent crime.

The board considered his plight and awarded him $3,133. Of that total, $2,266 was for payment of unreimbursed medical expenses and the remaining $867 for loss of earnings (the latter could have been much higher, but the tailor, who was old enough to collect Social Security, chose to do so and the board took that income into account).

As recently as four years ago, neither the tailor nor any other crime victim in the U.S. could have expected any such public aid; society was more intent on catching criminals than helping the unfortunates they prey on. Since then, however, New York, California, Hawaii, Maryland and Massachusetts have all begun to offer compensation to hard-pressed crime victims, and have paid out about $1.8 million to roughly 1,000 claimants so far.

A SPREADING MOVEMENT

Considering the incidence of violent crime, the amount seems small. Those involved in the programs say that's because they've received little public notice so far, not because benefits are insignificant or limited to a tiny percentage of victims. "The public just

doesn't know much about these programs," says Stanley Van Rensselaer, chairman of the New York State compensation board.

That may change as the idea spreads. Other states, including Pennsylvania, Illinois and New Jersey, are considering legislation that would lead to the compensation of crime victims. And a task force of the National Commission on the Causes and Prevention of Violence will recommend in a report to be published next week, that a Federal program be established.

Legal authorities and law enforcement officials say the trend reflects concern over rising violence, and the dawning conviction that society is obligated to help its victims. "We're dealing with what used to be the forgotten man," says Mr. Van Rensselaer of the New York board. J. Edgar Hoover, director of the FBI, expressed similar sentiments in a report last year when he said: "Certainly under the rule of law those who abide by the law should have protection equal to that of those who break the law."

LITTLE RECOURSE

The idea of compensation for crime victims isn't new. Ancient Babylonian codes specified that the government should replace the lost goods of a robbery victim if the thief escaped with them. Over the centuries, however, the concept faded in favor of a system that viewed crime as an offense against society and not the individual. So victims were left with little recourse except to file civil suits against criminals, a thoroughly unsatisfactory course most of the time; few criminals have any resources worth talking about, and many are never apprehended in the first place.

New Zealand is credited with reviving the idea and establishing the first modern compensation plan in 1963. New York's program, considered one of the most effective in this country, got considerable impetus from the 1965 murder of Arthur Collins, who was stabbed to death while trying to stop another man from molesting two women on a subway. The incident got much publicity, and the New York City Council voted to pay Mr. Collins' widow $4,200 a year for life. Shortly afterward, Gov. Nelson Rockefeller appointed a committee that framed the state's present compensation program.

New York and the other states don't pay anything for casualty losses—a pickpocket's theft of a wallet stuffed with cash, say, or the burglary of a TV set from an apartment. Their programs all are designed to compensate victims for loss of income and unreimbursed medical expenses resulting from criminal violence. Beyond this, the administration of the programs and their benefits vary widely.

DIFFERING PROCEDURES

New York uses a three-man board of attorneys who rule on claims investigated by staff members, and will pay up to $15,000 for loss of income. In Massachusetts, victims file claims in the state court, which refers them to the attorney general's office for investigation; a judge makes the final award, which can be up to $10,000 for loss of income.

Maryland, which has a board similar to New York's, has the highest allowable payout—$45,000 for permanent total disability. Awards are made according to a carefully defined schedule of benefits spelled out in the state's workmen's compensation law; total disability of one leg resulting from criminal assault, for example, works out to $9,400.

To qualify for help under state programs, a victim generally is required to report the crime promptly to the police. Also he can't have contributed to his own injury; the New York board recently turned down a claim by one man who sought out a prostitute in a bar and was later mugged in a hotel room by her accomplice.

In New York, Massachusetts and Maryland, a claimant has to prove he has incurred at least $100 in unreimbursed medical expenses or has lost at least two weeks work due to his injuries. New York, Maryland and California require that the applicant be facing serious financial hardship—a requirement that some legal experts contend smacks of welfarism and is alien to the whole idea of compensation.

"If you're hit by an auto, your compensation isn't based on financial need," says Abraham Goldstein, dean of the Yale University law school, who argues that it shouldn't be any different when you're assaulted by a thug. Herbert Sigurdson, an associate professor in the University of Southern California's school of public administration, agrees. "Compensation should be a right," he says. "Hardship should have nothing to do with it."

But the states that do have such requirements often interpret financial hardship pretty liberally. A 64-year-old New York construction worker, for example, recently was paid on a $115 claim he made for unreimbursed medical expenses arising from a mugging—even though he had $700 in savings and earned $8,000 a year. Says Mr. Van Rensselaer, the compensation board chairman: "He works for a company with a mandatory retirement age of 65, and he's 64. He has a wife to support and has all he can do to stay above water. In this case, $115 was a hardship."

Hawaii has what is considered a particularly liberal program. There is no hardship requirement, and victims can even collect for "mental anguish" suffered as a result of criminal attack. Last year one woman who was robbed and raped in her home was awarded $108 for medical fees and $2,200 for pain, suffering and mental shock.

Not all of the programs have operated smoothly. California's had to be removed from the jurisdiction of the state's social welfare department in 1967 because administrators had been applying the rigid standards used for welfare eligibility to people who applied for compensation as crime victims; few were actually being helped. Responsibility is now shared by the Board of Control, an agency that handles claims against the state, and the California attorney general's office, which investigates them.

However, this year is the first for which the California legislature has appropriated funds to provide additional staffing for the program, at the beginning of the year there were 236 cases backed up, waiting for processing. Though the California program started in 1967, as did New York's, only 159 awards totaling about $180,000 were made by the Golden State through 1969; New York paid out $1.4 million to 630 claimants.

[From the Southern California Law Review]

THE BATTLE FOR A FEDERAL VIOLENT CRIMES COMPENSATION ACT: THE GENESIS OF S. 9

(By RALPH W. YARBOROUGH)

(NOTE.—The response of American jurisdictions to the need for violence victim compensation has been sporadic. United States Senator Ralph Yarborough has been in the vanguard of those advocating a comprehensive federal policy. In this article the Senator renews his call for a national victim compensation program and explains his latest proposed legislation.)

INTRODUCTION

Within the American federal system prevention of crime has traditionally been the province of the state governments. The increasing sophistication and expanded scope of criminal activity, which frequently crosses state jurisdictional boundaries, have prompted an increasing federal commitment to the prevention of crime [1] and the eradication of its causes.[2] The failure of both the state and federal governments to stem this increase in violent crimes,[3] and a sense of indignation at a system of criminal law which seems to be more concerned with the rights of the criminal than the loss of his victim, have led to a growing conviction that the government is morally—if not legally—obliged to provide compensation to victims of violence.

While several foreign jurisdictions [4] and a small minority of American state legislatures [5] have enacted statutes to effectuate this purpose, the persistent efforts of myself and other national legislators have not resulted in a similar commitment at the federal level in this country. This article will be devoted to a brief examination of the rationale for existing violence victim compensation programs and an analysis of legislation which I have introduced, and which is now pending before Congress, to illustrate how that program would meet the pressing need for a federal violence victim compensation law.

EXISTING PROGRAMS

State compensation to victims of crime is not a new concept. While the authors of precursors to modern plans were probably motivated more by a desire to encourage commerce than by sympathy for the victim, the concept of governmental responsibility to those injured by anti-social acts proscribed by the state can be seen in embryonic form in ancient laws. Hammurabi's Code, for example, provided that:

"Section 22. If a man has committed robbery and is caught, that man shall be put to death.

"Section 23. If a robber is not caught, the man who has been robbed shall formally declare whatever he had lost before a god, and the city and the mayor in whose territory or district the robbery has been committed shall replace whatever he has lost for him.

"Section 24. If (it is) the life (of the owner that is lost), the city or the mayor shall pay one maneh of silver to his kinsfolk." [6]

The concept of state liability for criminal depredations was forcefully reasserted in *Arms of the Law*,[7] published in 1951. The author, Margery Fry, underwent a thought transition which parallels the evolution of modern theories of victim compensation. Miss Fry, an English social reformer and magistrate, initially advocated compensation by the criminal because of the obvious deterrent effect of such liability.[8] Ultimately, however, she shifted her focus from deterrence of the criminal to compensation of his victim. She argued that government compensation to victims of violence was a logical extention of an enlightened social policy which already provided transfer payments for the majority of social dislocations occasioned by modern life in industrial society.[9]

"In our modern systems of collective responsibility for sickness and injury, we have evolved a machinery for assuring compensation which could well be extended to injuries criminally caused, affording equal benefits to the man who falls from a ladder at work and the man whose enemy pushed the ladder from under him at home. . . . The logical way of providing for criminally inflicted injuries would be to tax every adult citizen . . . to cover a risk to which each is exposed. . . . The State which forbids our going armed in self-defence cannot disown all responsibility for its occasional failure to protect." [10]

The first official response to Miss Fry's proposals came two years later in a White Paper entitled *Penal Practice in a Changing Society*.[11] Its author suggested that any fundamental reexamination of penal methods must include not only the obligations of society and the offender to one another, but

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Footnotes at end of article.

also the responsibility of both to the victims of crime. The White Paper specifically agreed with Miss Fry's views that society is primarily obligated to the victims of crime, not only because of its failure to protect him from anti-social behavior, but also because only society has the resources to insure effective compensation.[12] The Working Party, subsequently constituted to study the feasibility of a compensation scheme, rejected the proposition that the state is legally obliged to provide such support.[13] In a report entitled *Compensation for Victims of Crimes of Violence*,[14] the Party concluded:

"The proposition that the State has a duty to protect its members from unlawful violence and that if it fails to do so it should pay compensation seems to us to be both fallacious and dangerous. Fallacious, because we do not believe that the State has an absolute duty to protect every citizen all the time against other citizens: there is a distinction between compensation for the consequences of civil riot, which the force of law and order may be expected to prevent, and compensation for injury by individual acts of personal violence, which can never be entirely prevented. It is true that . . . the public generally are prohibited from carrying weapons to protect themselves, but it does not follow that the State has assumed the duty of protecting them everywhere and in all circumstances; the most it has done is to create an assumption that it will provide a general condition of civil peace.[15]

The Party went on, however, to acknowledge a moral obligation to those without remedy at law for losses occasioned by anti-social conduct.

"The public does, however, feel a sense of responsibility for and sympathy with the innocent victim, and it is right that this feeling should find practical expression in the provision of compensation on behalf of the community.[16]

On the basis of this recommendation the English Compensation for Victims of Crimes of Violence Scheme became operational.[17]

While agitation for a compensation plan began in England before it began in New Zealand, the latter was the first to enact such a program into law.[18] Ironically, there was no great public outcry for a compensation plan in New Zealand; it was advocated primarily to quell opposition to penal reform which, for its supposed generosity toward lawbreakers, had outraged the populace.[19] During the debate on the Criminal Injuries Compensation Act in the New Zealand Parliament, the program was justified in terms of the community's duty to those who suffer from criminal violence.[20] Just as industry has the duty to compensate its injured workers, it was argued, so should the community accept a special responsibility towards its constituents injured by criminal acts,[21] Given the advanced state of social legislation in New Zealand, such a program was readily acceptable as a natural extension of the welfare concept into a new realm.[22]

When the Australian state of New South Wales enacted similar legislation several years later,[23] the government's attitude toward such a measure was explicit—any compensation awarded pursuant to the legislation was given out of grace rather than as a matter of legal right.[24] Speaking about the bill in the Legislative Assembly, the Attorney General stated:

"By this measure the State is not assuming legal liability but it is recognizing—most offenders being men of straw as honorable members know—the need to make some provision for the victims of offenders as a matter of grace in proper circumstances.[25]

In 1967 the Canadian provinces of Saskatchewan [26] and Newfoundland [27] both adopted compensation programs very similar to the New Zealand Act. The strong influence of the other commonwealth jurisdictions was reflected in the Saskatchewan Attorney General's proposal to the General Assembly:

"[I]n 1964, the New Zealand Government introduced what this Government feels to be a very progressive measure. The same measure is presently in operation in that this measure is being very well received by the public in both countries. I refer to the plan of both the United Kingdom and New Zealand whereby compensation is payable to innocent persons who have suffered physical injuries as a result of certain criminal acts or omissions, and whereby compensation is payable to dependents of innocent persons who have been killed as a result of certain criminal acts or omissions. There has been a recognition in recent years for a program of this kind because of an increase in the crimes of violence in the society in which we live. The law as it presently exists is inadequate in many cases, as well as legal remedy is worthless because of the lack of assets of the offender is unknown. The loss of the breadwinner either permanently or temporarily is recognized to cause extreme hardships in many cases. It is primarily to remove this hardship in deserving cases that we propose at this session to introduce a Bill in this House to provide for the payment of compensation in the event of certain injuries or deaths caused by criminal acts or omissions." [28]

Only five jurisdictions [29] within the United States have adopted compensation programs for victims of violence. California's statute, enacted shortly after England's and New Zealand's programs became operative, was the first of its kind in this country.[30] There are several aspects of the California measure which are unique. No compensation board was created to administer the program. Virtually all other programs have created a small (typically 3–5 member) board to adjudicate an applicant's right to compensation and amount of award. In California, these functions were given to the State Board of Control,[31] specific criteria for administering the program were left to the Board.[32] The statute makes financial need a prerequisite to compensation.[33] All of these factors cast the program in the light of "welfare"—something which other jurisdictions have avoided.

The New York program [34] does not limit compensation to those "in need," but rather recognizes that those who are victims of criminal acts are by definition, in need and should be compensated.

"The legislature recognizes that many innocent persons suffered personal physical injury or death as a result of criminal acts. Such persons or their dependents may thereby suffer disability, incur financial hardships, or become dependent upon public assistance. The legislature finds and determines that there is a need for government financial assistance for such victims of crime. Accordingly, it is the legislature's intent that aid, care and support be provided by the State, as a matter of grace, for such victims of crime." [35]

It should be noted, however, that pains were taken to make it clear that the obligation of the State to compensate is moral rather than legal.

The Preamble to the Maryland compensation statute [36] similarly restricts the grounds upon which the duty of compensation is assumed by the state:

"The legislature recognizes that many persons suffer personal physical injury or death as a result of criminal acts or in their efforts to prevent crime or apprehend persons committing or attempting to commit crimes. Such persons or their dependents may thereby suffer disability, incur financial hardships or become dependent upon public assistance. The legislature finds and determines that there is a need for governmental financial assistance for such victims of crime. Accordingly, it is the legislature's intent that aid, care and support be provided by the State, as a matter of moral responsibility, for such victims of crime." [37]

In Massachusetts,[38] the special Legislatve Committee found that the commonwealth "owes" compensation to those of its citizens it fails to protect from crime.[39] General popular support for the compensation plan was grounded in the belief, (similar to that held in New Zealand),[40] that victims should be as much a subject of concern as are criminals.[41]

PROPOSALS FOR A FEDERAL COMPENSATION PROGRAM

Two conclusions can be drawn from the above discussion of compensation programs. First, as long as the effects of crime continue to dislocate members of society, and as long as society continues to assume the task of preventing anti-social behavior, society will continue to owe some obligation (be it moral or legal) to the victims of crime. Second, the need for such programs in the United States—a need which can be measured by the high and ever-increasing crime rates—is not being met by the few state-administered compensation plans. Though existing schemes are to be lauded both for their intent and effect, too few of our states have passed such legislation. Many of our citizens are deprived of the obvious benefits a compensation plan can provide solely because they reside in the "wrong" state. The federal government, in my opinion, has the obligation to step in and fill the void in protecting the welfare of these citizens.

On June 17, 1965, I introduced the first victim compensation legislation in Congress.[42] I have reintroduced comparable legislation in each Congress since that time.[43] The present version of that bill, S. 9, is now pending before the Senate Committee on the Judiciary. In addition to a federal compensation program, I recently introduced similar legislation applicable to the District of Columbia.[44] The remarks I made on the floor of the Senate at that time summarize my reasons for introducing the above legislation: [45]

"[We] must see crime in terms of a three-part equation: The conditions of life that produce a criminal act, the criminal act itself, and the victim's loss. At the moment, our major resources center upon the act of the criminal. Surely we owe as much assistance and concern to the victim of a violent crime as we do to his attacker.

"Society's responsibility to the victims of crimes of violence is directly related to society's dereliction in fulfilling its responsibilities for preserving law and order within the society. Unlike an earlier time in our history when citizens bore arms and largely were responsible for their own protection, various laws, institutions and mores within today's societal structure exist as a pledge that society will provide protection. When society fails in its assumed duty to protect its citizens, society ought to have the responsibility of compensating the innocent victim for his personal pain and injury." [46]

The major features of my bill to establish a federal compensation program, the Criminal Injuries Compensation Act, are based on the best aspects of the English and New Zealand programs.

A. Jurisdictional scope of S. 9

The Criminal Injuries Compensation Act [47] would seek to prevent economic dislocation of the victims of crime by making financial provision for injuries suffered by them. Injury to, or loss of, property is not compensable under the Act. Further, the Act is applicable only to injuries incurred within the special maritime and territorial jurisdiction of the United States,[48] including the District of Columbia.[49]

B. Administration of the act

The bill would create a Federal Violent Crimes Compensation Commission, a three-

Footnotes at end of article.

man tribunal appointed by the President for 8-year staggered terms.[50] The Chairman, who must be a member of the bar of a federal court, or of the highest court of a state for at least eight years prior to appointment,[51] would be designated by the President. Commission members would not be permitted to engage in any other business, vocation or employment.[52] The Commission may appoint necessary officers, attorneys, and employees, and fix their compensation.[53] Members, who are eligible for reappointment, may be removed by the President for inefficiency, neglect of duty, or malfeasance in office. The principal office of the Committee would be in or near the District of Columbia, but Commission powers could be exercised by an authorized representative in any place.[54]

It is the Commission's function and duty to examine the evidence presented to it to determine both the innocence of the victim [55] and the amount of the award. The authority of the Commission to award compensation is not dependent on the prosecution or conviction of the accused for the offensive giving rise to the injury.[56] The Commission may, however, upon application of the Attorney General or the person or persons alleged to have caused the injury or death, suspend proceedings until such application is withdrawn, or until a prosecution for an offense arising out of such act or omission is no longer pending or imminent. The Commission may also suspend proceedings in the interest of justice if a civil action arising from such act or omission is pending or imminent.[57]

The Commission has wide discretion both in granting awards and attorneys' fees,[58] and in determining whether in fact an injury occurred, whether it was caused by a criminal act, whether there exists a relationship between victim and criminal which would prevent compensation, and whether the victim should bear some share of the responsibility for the injury. While appeal to the courts would be allowed,[59] no trial de novo may be had on the merits.[60]

C. Criteria for compensation

The Act provides for compensation in cases where any person is injured or killed by an act or omission within the description of offenses contained in the Bill.[61] "Injury" includes actual bodily harm, pregnancy, and mental or nervous shock.[62] While "victim" is defined as one immediately injured by the criminal act.[63] provision is made in the Act for payment to dependents and close relatives when the immediate victim dies as a result of the injury.[64] In a sense, therefore, compensation is made to consequential or indirect victims.

One somewhat unique feature of S. 9 is that criminal intent is expressly excluded from consideration. "A person shall be deemed to have intended an act or omission not withstanding that by reason of age, insanity, drunkenness, or otherwise he was legally incapable of forming a criminal intent." [65] The only findings essential to the award are that the act or omission complained of did occur, and that injury or death resulted therefrom.

D. Compensation and limitations on its payment

The payment of compensation under the Act may be ordered for:

(a) expenses actually and reasonably incurred as a result of the injury or death of the victim;

(b) loss of earning power as a result of total or partial incapacity of such victim;

(c) pecuniary loss to the dependents of the deceased victim;

(d) pain and suffering of the victim; and

(e) any other pecuniary loss resulting from the personal injury or death of the victim which (is determined) to be reasonable.[66]

Compensation can be made to three categories of persons:

(1) to or on behalf of the injured persons; or

(2) in the case of the personal injury of the victim, where the compensation is for pecuniary loss suffered or expenses incurred by any person responsible for the maintenance of the victim, to that person; or

(3) in the case of death of the victim, to or for the benefit of the dependents or closest relation of the deceased victim, or any one or more of such dependents.[67]

All monetary awards are made in lump sum payments.[68] While this method has been criticized on the ground that a lump sum payment accurately anticipate future expenses, it does serve the beneficial purpose of encouraging those who are away from work to return as quickly as possible.[69] Compensation is limited to twenty-five thousand dollars.[70]

Discretion can be exercised in denying compensation in cases where it is felt that "unjust enrichment to or on behalf of the offender would result." [71] An absolute bar to the right of compensation under the Act is an interspousal relationship between victim and criminal:

"No Compensation shall be awarded if the victim was at the time of the personal injury or death of the victim living with the offender as his wife or her husband." [72]

A large portion of violent crime in America occurs in the home between relatives, and especially between husbands and wives. Not only is there a great possibility of collusion in these cases, but such behavior is hard to detect via investigation. Such investigation, further, would be expensive and time consuming; to require such a degree of care on the part of the decision-maker would divert funds from the primary functions of the Act. For that reason, and for convenience of deciding such matters, we advocate that there be no investigation in those cases where the probability of collusion and unjust enrichment is highest. While this formulation suffers from the defect of all per se rules in that it may lead to injustice in some instances, the per se rule would insure that in most cases the limited funds available will not be dissipated by collusive claims.

Also relevant to the question of compensation is the responsibility of the victim.[73] While there is no absolute bar to compensation for "contributory" behavior, the decision maker may consider the fault of the victim in determining the proper award. Of course the victim would never be considered at fault where injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender.[74]

The victim should not receive double benefits or be better off financially by reason of the crime than he would otherwise have been. In assessing the amount of compensation to be paid, "any payment received by the victim, or by any of his dependents, from the offender, or from any person on behalf of the offender, or from the United States (except those received under this bill), a State or any of its subdivisions for personal injury or death compensable under this Act, shall be deducted from the award, but only to the extent that the sum of such payments and any awards under this Act are in excess of the total compensable injuries suffered by the victim. . . .[75]" While the bill also provides for the recovery by the government from the offender, it is probable that the proportion of costs actually recouped in this way will be small.[76]

CONCLUSION

Our society expends billions of dollars every year in the detection and prevention of crime. The tacit focus of many social welfare programs is the elimination of conditions which breed crime. Once the criminal is apprehended he is subjected to a very sophisticated (and expensive) process designed not only to isolate him from society for the duration of his sentence, but to rehabilitate him for the day of his release. Yet nowhere in this pervasive and complex social institution is provision made for compensation to the victim of violent crimes. Inasmuch as the victim's assailant is usually a "man of straw" any legal right which the victim may have to recover from him is largely illusory. The moral obligation of the national government to this forgotten man is at least as compelling as the obligation which has been recognized to victims of other societal ills. Unemployment insurance, for example, is a concomitant of the modern industrial state's responsibility for control of the economy. Detection and prevention of crime are among the most elementary duties of the State. Where the state has failed in its obligation to protect its citizens from anti-social conduct it should rightfully assume responsibility for compensating the victim.

FOOTNOTES

* United States Senator from Texas.

[1] *E.g.*, Omnibus Crime Control and Safe Streets Act of 1968, 18 U.S.C. § 921 (Supp. 1968):

"DECLARATIONS AND PURPOSE

"Congress finds that the high incidence of crime in the United States threatens the peace, security, and general welfare of the Nation and its citizens. To prevent crime and to insure the greater safety of the people, law enforcement efforts must be better coordinated, intensified, and made more effective at all levels of government.

"Congress finds further that crime is essentially a local problem that must be dealt with by State and local governments if it is to be controlled effectively.

"It is therefore the declared policy of the Congress to assist State and local governments in strengthening and improving law enforcement at every level by national assistance. It is the purpose of this title to (1) encourage States and units of general local government to prepare and adopt comprehensive plans based upon their evaluation of State and local problems of law enforcement; (2) authorize grants to States and units of local government in order to improve and strengthen law enforcement; and (3) encourage research and development; directed toward the improvement of law enforcement and the development of new methods for the prevention and reduction of crime and the detection and apprehension of criminals."

Another indication of such concern is manifested in creation by President Johnson of the National Commission on the Causes and Prevention of Violence. Exec. Order No. 11412, 3 C.F.R. 114 (Supp. 1968).

[2] *E.g.*, Economic Opportunity Act of 1964, 42 U.S.C. § 2701 (1964). The House Report cited crime and juvenile delinquency as some of the indirect costs of poverty in America. H.R. Rep. No. 1458, 88th Cong., 2d Sess. 2 (1964).

[3] *E.g.*, Lamborn, *Remedies for the Victims of Crime*, 43 S. CAL. L. REV. 22 & nn. 1–2 (1970).

[4] New Zealand, England, New South Wales and Queensland in Australia, and Saskatchewan and New Foundland in Canada.

[5] California, Hawaii, Maryland, Massachusetts and New York.

[6] 2 G. DRIVER, THE BABYLONIAN LAWS 21 (1955).

[7] M. FRY, ARMS OF THE LAW (1951).

[8] *Id.* at 126.

[9] Fry, *Justice For Victims*, The Observer (London), July 7, 1957, at 8, col. 2, reprinted in 8 J. PUB. L. 191 (1959).

[10] *Roundtable*, 8 J. PUB. L. 191, 192–93 (1959).

[11] LAW REFORM COMMITTEE, CMND. No. 645 (1959).

[12] *Id.* at 7.

[13] LAW REFORM COMMITTEE, CMND. No. 1406, at 6 (1961).

[14] *Id.*

[15] *Id.* at 7.

[16] *Id. passim.*

[17] There is no statute governing the Scheme.

[18] THE ENGLISH COMPENSATION SCHEME FOR VICTIMS OF CRIMES OF VIOLENCE, LAW REFORM COMMITTEE, CMND. No. 2323 (1964) became effective August 1, 1964. New Zealand's Criminal Injuries Compensation Act, 1963, No. 134 of 1963 (N.Z.) became effective January 1, 1964; it was subsequently amended by Criminal Injuries Compensation Amendment Acts, 1966, No. 22 of 1966 (N.Z.); No. 67 of 1967 (N.Z.).

[19] Weeks, *The New Zealand Criminal Injuries Compensation Scheme,* 43 S. CAL. L. REV. 107 & n. 4 (1970).

[20] 330 PARL. DEB. NOS. 1965–68 (N.Z.) (1963).

[21] Cameron, *The New Zealand Criminal Compensation Act,* 1963, 16 U. TORONTO L.J. 177, 180 (1965).

[22] Weeks, *supra* note 19.

[23] Criminal Injuries Compensation Act, 1967, No. 14 of 1967 (N.S.W.) effective January 1, 1968.

[24] *See* Chappell, *Compensating Australian Victims of Violent Crime,* 41 AUSTL. L.J. 3, 6 (1967); Chappell, *The Emergence of Australian Schemes to Compensate Victims of Crime,* 43 S. CAL. L. REV. 73–74 & nn. 17–18 (1970).

[25] Chappell, *supra* note 24, at 6.

[26] The Criminal Injuries Compensation Act, 1967, No. 84 of 1967 (Sask.); as amended by No. 16 of 1968 (Sask.). This statute became effective on September 1, 1967. *See* Eremko, *Compensation of Criminal Injuries in Saskatchewan,* 19 U. TORONTO L.J. 263, 264 (1969).

[27] Criminal Injuries Compensation Act, 1968, No. 26 of 1968 (New F.) The Newfoundland Compensation program became effective on May 23, 1968.

[28] 1967 PARL. DEB. 246, 251–54 (Sask.).

[29] *See* note 5 *supra.*

[30] Victims of Crime Act, CAL. GOV'T. CODE §§ 13960–66 (West Supp. 1968).

[31] *Id.* §§ 13962–63.

[32] *Id.* § 13963. The articulated justification for the California statute reveals the welfare bias: ". . . that it serves public purpose, and is of benefit to the state, to indemnify those needy residents of the State of California who are victims of crimes committed in the State of California, and those needy domiciliaries of California who are injured as a consequence of an act committed while temporarily in another State of jurisdiction where such act, if committed in California, would have been a public offense, for the injuries suffered as a result of the commission of the crimes." *Id.* § 13960. One unintended result of justifying a compensation system in terms of welfare, is that the procedures established to administer such a program tend to be more lax than those under a scheme where compensation is stated to be a legal right of the recipient. Shank, *Aid to Victims of Violent Crimes in California,* 43 S. CAL. L. REV. 85, 89 & n. 17 (1970).

[33] CAL. GOV'T. CODE § 13963 (West Supp. 1968).

[34] Crime Victims Compensation Board Act, N.Y. EXEC. LAW §§ 620–25 (McKinney Supp. 1969). This Act was approved August 1, 1966.

[35] *Id.* § 620.

[36] Criminal Injuries Compensation Act, MD. ANN. CODE art. 26A §§ 17 (1969).

[37] *Id.*

[38] MASS. GEN. LAWS ch. 258A (1968).

[39] Floyd, *Massachusetts Plan to Aid Victims of Crime,* 48 BOST. U. L. REV. 360, 362 (1968).

[40] *See* note 21 *supra* and accompanying text.

[41] Attorney General Richardson remarked: In the past, we have spent millions for the apprehension and rehabilitation of criminals, but not one cent for their victims. Floyd, *supra* note 39, at 362.

[42] S. 2166, 89th Cong. 1st Sess. (1965). For a description of this legislation, *see* Yarborough, *S. 2155 of the Eighty-Ninth Congress—The Criminal Injuries Compensation Act,* 50 MINN. L. REV. 255 (1965).

[43] S. 646, 90th Cong. 1st Sess. (1967); S. 9, 91st Cong. 1st Sess. (1969).

[44] S. 2936, 91st Cong. 1st Sess. (1969).

[45] While none of the pending Congressional bills contains a statement of legislative intent or policy, the authors have, from time to time, generally advanced the arguments of Margery Fry (*see* text accompanying notes 9–11 *supra*), and those of the Honorable Arthur J. Goldberg, former Associate Justice of the United States Supreme Court, and later Ambassador to the United Nations, who is an outspoken proponent of such a program in this country. *See, e.g.,* Goldberg, *Equality and Government Action,* 39 N.Y.U.L. REV. 205, 224 (1964): "The victim of a robbery or an assault has been denied the 'protection' of the laws in a very real sense, and society should assume some responsibility for making him whole." *See also* Goldberg, *Preface to Symposium on Compensation for Victims of Violence,* 43 S. CAL. L. REV. 1 (1970).

[46] CONGRESSIONAL RECORD, vol. 115, pt. 19, p. 26270 (remarks of Senator Ralph W. Yarborough introducing a Bill to Create a District of Columbia Violent Crime Compensation Commission).

[47] S. 9, 91st Cong., 1st Sess. (1969) [hereinafter all undesignated citations to Sections are to Sections in this Bill].

[48] Section 301(1). That term is fully defined in 18 U.S.C. § 7 (1964).

[49] Section 301(2).

[50] The President appoints with the advice and consent of the Senate. Section 201(a).

[51] *Id.*

[52] Section 201(b).

[53] Section 203(a). Such compensation shall be determined in accordance with the Classification Act of 1949, 5 U.S.C. §§ 5101–15 (1964). *Id.*

[54] Section 204(a). The Chairman and one other member constitutes a quorum, and should opinions differ at such a meeting, the Chairman's opinion will prevail.

[55] Sections 301(d), 305(a).

[56] One of the criticisms of the New South Wales scheme, for example, is that the interests of the victim and the criminal are basically conflicting. *See* Chappell, *supra* note 24, at 74 & nn. 17–18. While the determination of any trial would have an effect on a subsequent compensation proceeding (*see e.g.,* § 204(i) which provides that a criminal conviction with respect to a claim under the Act shall be taken as conclusive evidence that the offense has been committed) there is no requirement that the criminal be tried or convicted before compensation can be awarded.

[57] Section 301(f). The reasons for this provision are twofold. First, by § 305(b) the Commission may deduct from any compensation award an amount equal to compensation for the same injuries from other sources. The Commission may also institute a civil action against an offender for recovery of funds used to compensate his victim. It is reasonable, therefore, to await the results of any pending civil action between victim and offender from an efficiency point of view. It is also equitable, for reasons of justice among the parties, not to place the stamp of approval on the plaintiff's case in that proceeding by providing a collateral determination of liability for the consideration of court and jury. While it is the function of the Commission to compensate for injuries caused by violent behavior, they are not a judicial agency, and such matters as burdens of proof and admissibility of evidence are at variance with many common law rules. It would be unfair to the parties to allow a governmental body's seal of approval to be placed on the side of one of the parties' cases.

[58] The granting of Attorneys' fees is dealt with in § 206.

[59] Section 207. An earlier version of this Act. § 2155. 89th Cong., 1st Sess. (1965), was criticized by Professor Robert Childres for failing to provide any appeal, as is normally the case in administrative decisions in this country. Childres. *Compensation for Criminally Inflicted Personal Injuries.* 50 MINN. L. REV. 271, 277 (1965). The criticism was well taken, and in this latest version of the Bill, Commission determinations are appealable to the federal district courts. The efficiency value in administrative agencies, however, is maximized by denying courts the right to a de novo review.

[60] Section 207.

[61] Section 302. Those offenses, §§ 302(1)-(18) are assault with intent to kill, rob, rape, or poison; assault with intent to commit mayhem; assault with a dangerous weapon; assault; mayhem; malicious disfiguring, threats to do bodily harm; lewd, indecent, or obscene acts, indecent acts with children; arson; kidnapping, robbery; murder; manslaughter, voluntary; attempted murder; rape, attempted rape; or other crimes involving force to the person.

[62] Section 102(4).

[63] Section 102(6).

[64] Section 301(b) (1)-(3).

[65] Section 301(c). This feature of the Bill (and others which will be discussed *infra*) indicates that its sole concern is with the victim, and the problem caused him by virtue of the criminal act. For reasons not relevant here, certain acts are rendered noncriminal by the law; this does not mean that society has not the obligations to prevent such behavior, but rather that we have decided not to punish the offender. Instead, he is rehabilitated in a fashion suited to his individual characteristics. It is clear, however, that the harm has been done to the victim, and cannot be undone by that rehabilitation. Therefore, compensation is needed.

[66] Section 303(a)-(e).

[67] Section 201(b)(1)–(3).

[68] Section 301(g).

[69] *See* note 17 *supra.*

[70] Section 304(b).

[71] Section 304(c).

[72] *Id.* A two year statute of limitations which begins to run when the injury occurs, also operates as an absolute bar. Section 304(a).

[73] Section 301(d): "In determining whether to make an order under this section, or the amount of any award, the (decision maker) may consider any circumstances it determines to be relevant, including the behavior of the victim which directly or indirectly contributed to his injury or death. . . ."

[74] *Id.*: "[The Commission may reduce the award for contributory acts of the victim] unless such injury or death resulted from the victim's lawful attempt to prevent the commission of a crime or to apprehend an offender."

[75] Section 305(b).

[76] *Cf.* Lamborn, *supra* note 3, at 37–39 & nn. 71–77.

CONCLUSION OF MORNING BUSINESS

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that morning business be closed and that amendment No. 861 be laid before the Senate and made the pending business.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The ACTING PRESIDENT pro tempore. Under the previous order, the Chair

lays before the Senate the unfinished business, which will be stated by title.

The legislative clerk read as follows:

A bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selective Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The ACTING PRESIDENT pro tempore. Under the previous order, amendment No. 861, offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE), is now the pending business. The clerk will state the amendment.

The legislative clerk read as follows:

At the end of the bill add a new section as follows:

SEC. 508. (a) Notwithstanding any other provision of law, the aggregate amount that may be expended for Department of Defense—Military Functions for the fiscal year ending June 30, 1971, shall not exceed $66,000,000,000.

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum, and I ask unanimous consent that the time consumed for the quorum call be charged equally against both sides.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. EAGLETON. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield to the distinguished Senator from Missouri such time as he may require.

The ACTING PRESIDENT pro tempore. The Senator from Missouri is recognized.

THE MBT–70 TANK

Mr. EAGLETON. Mr. President, Deputy Secretary of Defense David Packard said recently:

Frankly, in defense procurement we have a real mess.

I concur wholeheartedly.

Speaking at the Armed Forces Management Association dinner last week, Secretary Packard continued:

The lesson that comes through loud and clear here is we should buy *only* what we need—not systems you or anyone else thinks they can develop to do something that doesn't need to be done. The Defense Department has been led down the garden path for years on sophisticated systems that you promised would do all kinds of things for some optimistic cost. Too frequently we have been wrong in listening to you, and more frequently you have been unable to deliver on either of these promises—what it would do or what it would cost. And we in the past have sometimes been guilty of over-optimism on our cost estimates and over-demanding in our requirements. We share the blame together, but the mistakes of the past cannot be repeated if we are to provide for the Nation's defenses in today's climate of a critical public and a critical Congress.

Last year, I questioned a weapons system which could well be the prototype for Secretary Packard's criticism—the MBT–70.

When the technology necessary to make a quantum jump in tanks became available, the Department of Defense was all too willing to be led down the "garden path." Low cost and high performance were promises that contractors and the Pentagon made but never kept.

Justified by the larger number of admittedly inferior Russian tanks in Europe, the MBT–70 was originally to cost less than $300,000 per unit. But its price rose steadily. Any many of the original technical innovations were dropped.

Initial research and development costs have jumped 525 percent, and the cost for the total project has risen to over $8 billion.

In 1969, while the Department of the Army based its decision to continue development on the unrealistically low figure of $520,000 per unit, the real cost had risen to almost $850,000.

Last year, during the debate on the military procurement bill, I asked for a GAO study of the MBT–70.

The GAO, using a per unit figure lower than the present one, raised serious questions about the tank. The GAO concluded:

The need for and role of the complex, large, expensive tank in future warfare would appear to warrant assessment.

The full GAO report was very useful and, in my opinion, highly critical. It cast doubts over the future role of tanks in general, and especially one as expensive and complex as the MBT–70. Although marked "secret," there is an interesting discussion of the role of the tank beginning on page 24 of that report. I commend it to my colleagues' careful attention.

The GAO study also discussed an interesting intelligence estimate which, in my opinion, casts doubts on the future magnitude of the threat—and the need for an MBT–70 to meet it.

Finally, the study summarized an OASD(SA) study of the MBT–70's cost effectiveness and came to conclusions—all classified "secret." Obviously, skyrocketing costs and the MBT–70's degraded capability greatly alter any original calculations of cost effectiveness. This year, even Secretary Packard noted:

Some of the cost-effectiveness analysis indicated that we could achieve capability with a larger number of less capable tanks.

Meanwhile, as our planners have been lured onward by new tank technology, little serious thought has been given to the implications for the role of the tank of parallel advances in antitank weaponry.

So, as a result of the process Secretary Packard so accurately described, the United States will either purchase, at our present level of tank expenditures, fewer expensive and complicated tanks in the face of increasingly effective antitank weapons, or, at far greater cost, a greatly upgraded tank force in an age where the tank is becoming more vulnerable.

But, despite these classic mistakes, the MBT rumbles on.

We now find this great "dream tank" will be delivered more than half a decade late, provide less capability than promised, cost at least 2½ times the original estimate, and face a threat that has not substantially been upgraded.

The Armed Services Committee has earmarked $77 million for further research and development and advance production engineering on the MBT–70 in fiscal year 1971.

I would like to point out that these funds do not commit the tank to production. The committee is aware of the problems and has promised "continued review toward elimination of marginal features and reduction in cost." Further, the committee notes that "In addition, reliability and maintainability is of critical importance and should be emphasized in the development effort."

I share Secretary Packard's hope that the past will not be a guide to the future. And I believe that hope can be partially realized by a careful second look at the MBT–70 before it finally rolls off the production line.

I want to say that although there are some sections of this bill with which I disagree, I believe that the committee's overall efforts are highly deserving of praise.

After all, this bill represents the most difficult decisions which must be made with respect to our military preparedness. It authorizes all our research and development efforts as well as 75 to 85 percent of all procurement for 1971. The committee must deal with myriad long leadtime items and the ever-present threat of new and destabilizing technical breakthroughs by our adversaries. Whereas it takes only 6 months at most to recruit, train, and deploy manpower effectively, research and development once foregone, and stretchouts or cancellations once made, are almost impossible to recover from rapidly. Therefore, cuts in this bill have to be made far more cautiously than in other sections of the DOD budget.

Yet even with these responsibilities the committee, under the able leadership of the Senator from Mississippi (Mr. STENNIS), has managed to prune $1.329 billion from the Pentagon's $20.237 billion request.

And the committee altered the House-passed version by:

Reducing new obligational authority by $334.8 million.

Deleting $688.8 million for five naval vessels added by the House, lead items for the CVAN–70, the improved Hawk missile, the international fighter, and the M60A1E2.

Reducing R. & D. on the B–1, the Cheyenne helicopter, and the SAM–D by a total of $82.6 million.

Deleting $59.3 million for areawide ABM site preparation, Project Mallard and SCAD.

Reducing the advanced ballistic missile defense program and the rebasing program for Minuteman by $47 million.

As the committee states:

The bill as recommended by the Committee in terms of procurement and research

and development funding has been reduced by $1.329 billion or 6% below the House and 6.7% below the Department of Defense request which was described as "rock bottom" when submitted.

I believe that represents a commendable achievement.

But these reductions only cover $20 billion—albeit the most difficult part—of a $71.2 billion Pentagon budget.

Congress can do more. And I believe the Proxmire-Mathias overall spending ceiling is the way to do it. For while the Department of Defense should be able to set priorities within the limits of their expertise, only Congress is charged with maintaining a broader view of the Nation's needs. And today our needs are many.

With a $10 billion or more Federal deficit predicted for fiscal 1971, and urgent nonmilitary needs to be met, Congress should decide where cuts are made in the total Federal budget.

We must provide for the common defense. And we are.

We must remain stronger than Russia. And we will.

The Armed Services Committee has provided guidance for an overall spending limitation by cutting almost 7 percent from the most crucial and difficult part of the DOD rock bottom budget request. The Proxmire-Mathias amendment merely applies this standard to overall DOD spending for fiscal 1971.

There are many examples where the Pentagon could save the approximately $4 billion dollars that the Proxmire-Mathias amendment would recover from the rest of the DOD budget.

For instance, Admiral Rickover testified that up to $2 billion per year could be saved by the single step of instituting uniform accounting procedures.

And while the committee may hesitate unilaterally to reduce or cancel Pentagon programs such as the MBT–70, the B–1 and the F–14, the Department of Defense, faced with a budget restriction, might take another look at them.

Numerous cuts have been suggested by the MCPL report, by Robert Benson, formerly of the office of the Comptroller of the Department of Defense, by Mr. William W. Kaufmann, former consultant to Secretary of Defense McNamara now with the Brookings Institute and by others.

Our present force structure is predicated on our ability to fight the initial premobilization stages of two large and one small war: a war in Europe in response to an attack on NATO by the Warsaw pact; a war in Asia in response to a Chinese attack; and a minor war in the Western Hemisphere against an unspecified enemy—all at the same time.

Considerable savings would accrue, however, if the Nixon doctrine were implemented. According to the former Director of the Bureau of the Budget, Charles L. Schultze:

> One alternative to returning to this type of force structure is to adapt the armed forces and the military budget to a literal interpretation of the "Guam Doctrine." If we truly accept the fact that the United States is no longer prepared to intervene on the ground in a large way in Asia, then those forces in the baseline structure earmarked for that contingency could be sharply reduced. Should we adopt a military posture consistent with this change in our overseas policy, some $10 billion per year could be saved in the military budget. We could eliminate: six Army divisions, three wings of tactical aircraft, six attack carrier task forces, and a significant part of our anti-submarine and amphibious forces in the Pacific. Such a reduction would still leave the U.S. with two Marine divisions, six fighter bomber air wings, and three attack carriers earmarked for service in an Asian emergency. In addition, a reasonable re-evaluation of how we deploy our carriers might release one or two of the Atlantic-based carriers for Pacific service. In short, a military force structure consistent with the apparent foreign policy thrust of the Guam Doctrine could release $10 billion a year . . .

Ten billion dollars—the amount of our projected deficit for fiscal year 1971.

Mr. Schultze's is but one suggestion. The final technical decisions will and should rest with the Department of Defense—within a rational funding level set by the Congress.

The administration has talked a great deal about shifting some of our tax dollars from military uses to investments in human resources. Unfortunately the shift to date is largely an illusion, accomplished by fiscal sleight of hand.

For instance, on July 18, the President said, and I quote:

> Let us set the record straight. We have changed our national priorities. In the budget I proposed for fiscal 1971, spending for defense is exceeded by spending for human resources for the first time in 20 years. . . . It calls for spending 37 per cent for defense and 41 per cent for human resources programs.

This is nonsense. What the fiscal 1971 budget actually shows is the growth of Federal trust funds—for self-supporting programs such as social security—which have, since fiscal 1969, been lumped together with Federal operating funds in an all-inclusive device known as the "unified budget."

While it is true that under the unified budget "human resources" programs account for 41 percent of total outlays, a closer look reveals that $48.7 billion of the $82 billion—a whopping 59 percent—budgeted for human resources are in fact outlays from trust funds.

These billions are not "Federal funds" spent at the discretion of the Federal Government. They are merely held in trust by the Government for specific trust funds—social security, medicare, unemployment insurance, and others—but under the unified budget are reflected as spending for "human resources."

While the unified budget may provide a more precise accounting of inflow and outflow, a "Federal funds" budget, comparable to the old administrative budget, more clearly illustrates the policy decisions and priorities of the Federal Government.

Mr. President, I ask unanimous consent that there be printed at this point in my remarks a functional breakdown of Federal funds outlays for fiscal 1971 as proposed in the President's budget.

There being no objection, the table was ordered to be printed in the RECORD, as follows:

FEDERAL FUNDS OUTLAYS BY FUNCTION, FISCAL 1971, AS PROPOSED IN THE PRESIDENT'S BUDGET

[In millions of dollars]

Function	Amount	Percent of total
National defense	$73,615	47.51
International affairs and finance	3,589	2.32
Space research and technology	3,400	2.19
Human resources	33,221	21.44
Education and manpower	8,129	5.25
Health	8,318	5.37
Income security	8,556	5.52
Veterans benefits and services	8,218	5.30
Physical resources	16,123	10.41
Agriculture and rural development	5,364	3.46
Natural resources	2,503	1.62
Commerce and transportation	4,475	2.89
Community development and housing	3,781	2.44
Interest	17,799	11.49
General Government	4,407	2.84
Other	2,782	1.80
Total Federal funds budget outlays	154,936	100.00

Mr. EAGLETON. Mr. President, this clearly shows that there has been no change in our national priorities.

National defense outlays, 47.5 percent of the total, continue to be more than twice those for any other budget category or group of categories. Human resources account for only 21.4 percent of outlays.

Of every tax dollar collected from the American people, the 1971 budget would allocate 50 cents for defense and space, 5 cents for health programs, 3 cents for education, about 2 cents for housing and urban renewal, 2 cents for job training, 1½ cents for all natural resource programs, including water pollution control, 1 cent for food and nutrition, and about one-fifth of 1 cent for mass transportation.

In one way, however, the 1971 budget tells us a lot about the administration's real priorities. Despite all the rhetoric about ending the war, about the transition from a wartime to a peacetime economy, about changing priorities, this administration has chosen not to reveal to the American people what reduction, if any, there will be this year in the cost of the war—or wars—in Southeast Asia. And if we are not told the cost of the war it will be exceedingly difficult for the Congress and the Nation to ascertain the amount of any "peace dividend" available as the war is deescalated.

Mr. President, the question of our national priorities is the single most important and encompassing issue that will be before the American people in this decade.

It is not just a matter of "more for my people and less for yours." It is a question of the goals and the future of a nation.

A change in priorities is not accomplished simply by juggling convenient groups of budget items. Nor is it effected by subtracting X billions of dollars from the military budget and hoping it will be divided among Y number of domestic programs—although I believe this is clearly and urgently in the national interest.

The redirection of our priorities must

be of a more profound nature. It requires first that we free ourselves of certain illusions—the illusion that our national honor is at stake somewhere in the jungles of Southeast Asia—the illusion that national progress lies in the way of repeated space spectaculars and bigger and better sonic booms—the illusion that the defense budget is sacrosanct and that more Pentagon money means more national security.

Only when we see these illusions for what they are, and not before, will the Federal Government and the Nation be capable of changing its priorities. Only then will it be possible to make a national commitment of attention, will, energy, and resources to meet the needs of the American people—for education, health care, jobs, housing, low-cost public transportation, crime control, and an environment conducive to human life.

In closing, Mr. President, I want to make it clear that I commend the President for the small shift in his 1971 budget from military to domestic spending. However, this is not enough. By passing the Proxmire-Mathias amendment Congress can improve upon the President's efforts, as it did last year by cutting the defense appropriation $5.6 billion.

But we should not delude ourselves. This is but a start. The monumental work of reordering our national priorities lies ahead of us.

The best judgment and efforts, and many difficult decisions, will be required of each of us if we are to eventually discover that our progress, our security, and our national honor lies in the strength of our own society and in the quality of the lives of our own people.

Mr. PROXMIRE. Mr. President, I thank the distinguished Senator from Missouri for an excellent statement.

Mr. STENNIS. Mr. President, will the Senator yield me 1 minute, on my time?

Mr. PROXMIRE. I yield.

Mr. STENNIS. Mr. President, will the Senator yield, on my time?

Mr. EAGLETON. I am pleased to.

Mr. STENNIS. Mr. President, I yield myself 3 minutes.

For major parts of his speech and remarks, I want to agree with and commend highly the Senator from Missouri. I believe he is coming around mighty fast. The deeper he gets into the military budget and all, he modifies his views. I believe he has modified his views somewhat on the modern battle tank, which we discussed so much last year, something I was concerned about before I became chairman.

I wish we could stop spending money on these modern weapons, which cost so much, and cost more and more each year. The trouble is that we cannot stop the other side from building antitank weapons. If we could do that, we would get along with our old tanks; but as long as they are going forward with modern electronics, with which the Senator is familiar, we cannot drag our feet. We are caught in that dilemma on many weapons.

It is easy to talk in generalities, but it is hard to get down to the nub of things and reducing these expenditures rapidly. For instance, the 1971 budget has $21 billion in it for military personnel. That is for food, pay, travel, clothes, and items of that kind. Those expenditures will come down only when we reduce the number of men in the military; and we want that to come about as rapidly as possible.

For retired military personnel, there is an amount of $3.1 billion. We cannot reduce that except by changing the law. That is $3.1 billion.

In this budget there is an item of $19.5 billion for operation and maintenance. That is for general operation and maintenance of all the facilities—gasoline, oil, grease and things that make the wheels roll. That amount can be reduced as we reduce the personnel. They run right along together in this shooting war.

Our country comes first, but we have our commitments that we just do not want to turn our back on. We do not want to spurn our word once given.

Procurement plus some other items is really what we are debating about—$19 billion. For research and development, which the Senator emphasizes, it is $7.3 billion. He stated the matter better than I could. Once that time is gone——

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I will yield 2 minutes to the Senator so he can reply.

Mr. EAGLETON. I thank the Senator from Mississippi. I shall take only 1 minute of those 2 minutes.

The Senator is undoubtedly correct that the business of cutting the military budget, with its certain built-in, unavoidable costs, is a very difficult process. I tried to make clear, and I think the Senator understood that from my remarks, that I was not trying to oversimplify the problem involved in trying to cut the budget. It is the same difficulty Secretary Richardson faces in HEW when he is looking at the education budget. He knows, as we know, that there is great need to expand the education budget, whether guidance counseling, technical education, or many other important programs. He has to make some very tough judgments on what the overall Federal budget can afford to spend for the education budget.

And when we have a projected $10 billion national deficit, every department head, defense included, should do some belt tightening.

As I stated in my speech, I commend the Senator from Mississippi and the Armed Services Committee. I think they did the most thorough job in the history of the country in trying to prune the defense budget. I think the Senator from Wisconsin, the Senator from Maryland, and I are trying to give the Department of Defense assistance. I think the Senator is moving in the right direction, by cutting R. & D. and procurement by almost 7 percent and cutting Federal spending. We are helping him attain that goal.

I thank the Senator.

Mr. PROXMIRE. Mr. President, I yield 20 minutes to the Senator from Maryland.

Mr. MATHIAS. Mr. President, I thank the Senator from Wisconsin for yielding me time. I congratulate him for his continued effort in the field of Government economy. No place is it more important than in the area of defense spending, because, whatever differences there may be between us, on the question of how we are going to have a strong America we all agree on the goal. The Senator from Wisconsin has been leading the Senate, the Congress, and the country in the effort to have a stronger America by pointing out the dangers to the economy which have existed in recent years.

A STRONG AMERICA

But I would like to come to recent weeks, Mr. President, because recent weeks have brought ominous reports to those of us who believe that the United States must maintain a position of unchallengeable military strength. In the nuclear age, only a strong America can ensure a safe world. Yet it appears that the United States itself is pursuing policies that are putting our national security into increasing jeopardy. And if the United States is in danger, so is the global balance of military power that has preserved peace among the great powers since World War II.

In the past, the chief dangers to our national security have come from failure to respond adequately to threats from beyond our shores. Before Pearl Harbor, our woefully sluggish mobilization may have encouraged German and Japanese aggression. After World War II, our precipitate demobilization may have encouraged the Berlin blockade and Korean aggression. Then, in the technological realm, we based our defense on bombers long after the Soviet Union had secretly decided to emphasize intercontinental missiles. The result was the the shocking surprise of Sputnik at a time when the military was still chiefly concerned with an illusory "bomber gap."

These discomfiting experiences have created a new determination in the United States to assure our military and technological supremacy. The result today is different from any of the dangers we have faced in the past. We find ourselves excessively prepared for a wide range of impending threats, and yet poorly prepared for the long term maintenance of our security.

Contrary to some reports, we find we have superiority over the Soviet Union in every important category of current military strength, including strategic weaponry. The Soviet Union has deployed a number of relatively primitive ABM's around Moscow, connected to huge and extremely vulnerable radars. But Phase I of the much more sophisticated Safeguard program, already under construction as authorized by Congress, will soon give us a much larger number of deployed interceptors.

In any case, ABM's play a much greater role in defense budgets than in national defense. In more important areas, our Polaris and Poseidon programs give the United States far more and better sea based missile launchers, and our Strategic Air Command affords us a large and unchallenged lead in intercontinental

bombers. Although we are marginally behind in numbers of land based missiles, our lead in MIRV technology—multiple independently targetable warheads—gives us the capability swiftly to acquire a decisive edge even here—in the unlikely event our other retaliatory systems fall in jeopardy. Overall, our strategic lead is now about 3 to 1 in deliverable warheads, even without considering our widely dispersed tactical nuclear capability, also available for attack on the Soviet mainland if necessary.

It is said that with their SS–9's the Soviet Union can deliver greater total megatonnage. But this overkill measure is irrelevant, unless we suppose that our enemy would find some strange gratification in bombing bomb craters—or boiling the sea—and irradiating the world.

In fact, our current strategic position is unchallengeable and invulnerable at least for the next decade. We cannot improve it by adding to it with current technology. That course will only waste our resources and promote the dangerous militarization of Soviet society already described by columnist Joseph Alsop. At the same time, we would exacerbate the real danger to a strong America, the real threat to our national security.

This real danger does not come from strategic inferiority or lack of military preparation. It comes from the condition of American society, particularly as it affects science and education. The writings of historian Arnold Toynbee on the empires of the past have shown that most great nations have fallen not from external attack but from internal dissolution. Although I do not believe that we are suffering a terminal social crisis, our current problems direly affect our future national security.

Dr. John Foster, the Pentagon's Director of Research and Engineering, declared in a recent speech:

> The Soviet Union is now about to seize world technological leadership from the United States.

He cites Soviet expenditures on research and development increasing at a rate of between 10 and 13 percent a year. His appraisal comes in ominous contrast to his observation only last year that "there are no areas at present where we know the Soviet Union is ahead" in technology. It appears that the Soviet gains have been occurring at the same time as U.S. cutbacks in scientific research and education.

Dr. Foster's prediction thus is most disturbing in what it suggests about our recent defense policies. The impending shift in technological leadership—if it occurs—will come desipte an overwhelming U.S. edge in total military spending. With an economy nearly twice as large as the Soviet Union's, the United States has been spending 50 to 100 percent more on defense. Yet we have allowed the Soviet Union to move toward the lead in the one really crucial area—in the words of Dr. Foster, to threaten to "seize world technological leadership." Foster says we are already in a position in which "despite our best efforts, we must expect more Russian firsts and fewer American firsts in the next 5 to 10 years because of the current Soviet momentum."

When one considers the great advantage the United States has maintained in total defense spending, this Soviet achievement in the most crucial realm bespeaks an inexcusable misjudgment in American priorities which, of course, goes back over a period of years to the Kennedy and Johnson administrations.

Where has all the money gone? Much of it, of course, has gone to Vietnam. But even outside of Vietnam and outside of other ground mobilization, the United States has spent far more in defense than the Soviet Union over the last decade. Only in recent years, when the U.S. lead became so overwhelming as to portend a first strike capability, did the Soviet Union approach the United States in strategic spending. But the U.S. excess in strategic spending did not increase our security over the long run. It only increased Soviet spending.

Far too much of our money, moreover, was spent procuring and deploying present technology—even if it was not needed in terms of current threats. Apart from some $28 billion spent on missile systems that were not deployed, billions were spent on repeatedly replacing our land-based missiles with new models as soon as they were developed—from successive forms of Atlases and Titans to Minutemen I, II, and III. We have spent many billions maintaining our surface naval fleet at World War II levels—and protecting it with expensive but sometimes ineffective new defenses—despite the increasing vulnerability of all surface systems to Soviet submarines, missiles, and other offensive weapons. Over $15 billion has been spent on air defense against the minimal Soviet bomber threat.

I could, of course, continue the sad catalog of obsolescent weapons technology we have procured in our resolve to deploy every novelty we develop, in response to every possible threat, regardless of our overall superiority. Suffice it to say that the total of unnecessary spending is in the range of hundreds of billions of dollars.

Meanwhile the Soviet Union has perplexed us by its failure to keep pace. As Foster has said:

> Soviet military hardware frequently has not reflected the most advanced state of the art in the U.S.S.R.

The Soviet Union has concentrated on "proven technology" and "robust, relatively simple equipment," Foster reports.

Richard Wilson described the contrast in the Washington Star of August 3 in a column on the administration's blue ribbon panel on the Pentagon, headed by Gilbert W. Fitzhugh, chairman of the Board of Metropolitan Life Insurance Co. The Fitzhugh recommendations and their favorable reception in the administration are the most promising development in years in the area of defense policies. Wilson wrote:

> Under the McNamara system the United States followed a general pattern of visualizing the weapons it wanted and, without prototypes as in the case of TFX—the faultily operational F–111—creating it. The testing was done by agencies already committed on the scale of billions of dollars to the success of the weapon and thus loath to recognize its failure. The Russians are satisfied with weapons that work but are not things of beauty and technical marvels of the Buck Rogers age. But under the American system the thing has to look like a Cadillac of the 22d Century.

While the Soviet Union was saving money with its Volkswagen procurement policies, we now know from Foster that it was also investing in research and scientific education to assure its future strength, while the United States was cutting back.

The political philosophy of Marxism-Leninism has long held the belief that overspending on armaments will be one of the key factors in what is seen as the ultimate downfall of the West. Former Premier Khrushchev of the Soviet Union, describing this in a discussion of what he called the "general crisis of capitalism," said:

> An integral trait of the aggressive imperialist policy and economy is the gigantic increase of militarism, this cancerous growth of contemporary capitalist society.

Whether or not we accept this argument, there is little question that our adversaries in the global political situation welcome every dollar of our national budget which is siphoned off from other, economically productive fields into the dead end of surplus military hardware.

Let us look at the figures which illustrate the comparison in military spending. Total military spending by the United States in the last fiscal year is estimated at $78 billion to $79 billion. The budget request for the current year is more than $71 billion, a figure, I think, which compares favorably in large measure, due to the work of the Senate and of the efforts of the distinguished chairman of the Armed Services Committee, the Senator from Mississippi, and we want to help him do even better this year. But even if the pending amendment is adopted, we would spend $66 billion this year.

What does the Soviet Union spend on its military operations? The highly respected Institute for Strategic Studies estimates that last year the Soviets spent the equivalent of $42 billion in U.S. purchasing power to maintain its military program.

In Indochina alone, U.S. military spending in recent years has approached $30 billion. But the combined Soviet-Chinese military input into the Indochina war is estimated by responsible U.S. officials at barely $1 billion a year at its peak in 1967 and at not more than $500 million in the years since then.

Our adversaries cite as a philosophical truism that we will spend ourselves into oblivion, and look at what we are doing: spending more than one and one-half times as much as overall defense operations and up to 30 times as much in our one theater of active conflict, an area which is of questionable importance to the true vital interest of the United States.

We are faced today with a new defense budget. In view of Dr. Foster's alarms, I must admit I am disturbed to discover that there is little change in the

old pattern. The Pentagon continues to propose excessive spending on current and impending technology, some of it relatively ineffective or untested, even though our overall position of superiority is unchallenged in the short run. We have been asked for money for ABM, Minuteman III, a new intercontinental bomber, new destroyers, and attack aircraft carriers. A detailed critique of these and other requested programs has been prepared by the Committee on Military Spending of Members of Congress for Peace Through Law. I served on the committee and I recommend its findings, albeit with personal reservations on some points.

Cutting a defense budget is not a job to be done with a dull, blunt instrument. It is a job to be done with care, judgment, and foresight. It is probably more of an art than a science.

Failure to recognize this fact is probably one of the reasons the efforts made to date in reducing defense costs have reacted unfavorably to overall security considerations and may cause some understandable concern. We have attempted to reduce total dollar cost without altering our pattern of operation. As a result, we pour billions into obsolescing hardware items and into peripheral engagement in Vietnam, but neglect the very bedrock security factors upon which security depends. We might instead practice the doctrine of "fly before you buy" and produce limited numbers of prototypes before we place orders for procurement in the billion-dollar category.

While we continue on the course we have followed to date, our basic defense industrial base has been allowed to slow down. By the estimate of a responsible industrial association, it is now 46 percent idle, and Defense Department Comptroller Moot confirms that it is about 30 percent idle. These figures have particular significance in the light of Dr. Foster's warning.

It is a little like the farmer who foregoes the purchase of next year's seed in order to gather this year's tares.

The Senate Armed Services Committee is to be commended for wisely rejecting some of the Pentagon requests. But at this time of crisis, when our technical lead is in jeopardy, we cannot afford to continue such expenditure on unnecessary or marginally useful systems. We must stabilize our economy and increase our investment in the educational and scientific programs on which our future security will be founded. Our future security will be based on current activity not at our missile sites but in our classrooms—and our educational system is now in crisis.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. PROXMIRE. I yield 5 minutes to the Senator from Maryland.

Mr. MATHIAS. I thank the Senator for giving me time to conclude my remarks.

President Eisenhower was perhaps our wisest recent President on matters of national security. He kept the country strong and our society stable. Our deterrent is still essentially based on programs researched and developed during his administration while he resisted pressures to deploy unnecessary systems. I would like to quote his words:

> No matter how much we spend for arms, there is no safety in arms alone. Our security is the total product of our economic, intellectual, moral, and military strengths . . .
>
> Let me elaborate on this great truth . . . It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. The Military Establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines.

I cannot improve on General Eisenhower's prophetic words. I can only say that they describe our current condition. And they dictate the kind of "severe scrutiny of the defense budget" for which another great Republican, Robert A. Taft, appealed in his last public speech. Such "severe scrutiny," I believe, would result in a cut at least as great as that currently contemplated. I urge such a cut solemnly, in the interests of national security and domestic peace.

It is not an easy decision for any member of Congress to advocate a curb on government spending when such a decision involves the vital area of national defense. But I do so in the strong conviction that the amendment which has been sponsored by the distinguished Senator from Wisconsin and myself is responsible in its substance and is made mandatory by the current economic situation.

The citizens of the United States and their elected representatives in Congress can no longer ignore the implications of the fiscal situation we face. Despite a few hopeful signs, inflation is literally eating the Nation out of house and home. It is imperative that we review our priorities in light of this daily menace to our national and individual economic situations. We must act swiftly and decisively to restore fiscal order.

I speak of the eroding forces of inflation in general and the needless waste of defense funds in particular. The President is fighting inflation on a broad front. He is acutely aware of the need for economy. His recent veto of the education appropriations bill, although unpopular, was the only responsible course he had in calling the question of overall Federal spending levels to the attention of Congress and the Nation. Unfortunately, the Congress did not heed the warning flag he raised and overrode the veto.

In addition to this action, we have seen recently the commitment to continue an outdated farm subsidy program, the commitment to advance a premature antiballastic missile system and other, similar massive allocations of Federal funds. It now appears that the hoped-for surplus of $1.3 billion in our national budget for the current year is disintegrating into a projected $10 billion to $15 billion deficit. If we are to win the war against inflation, we must come to the defense of our economy now. We must stop this faceless thief—inflation—which steals from the pocketbook of every American family. Until we control this slide, no amount of money, however large, will achieve its original purpose and, in fact, may only provide further fuel to the fires of inflation.

Such considerations gain added meaning when Deputy Secretary of Defense David Packard confirms publicly—as he did last week—what many of us have suspected about military procurement process for a long time. As Mr. Packard put it, "We have a real mess on our hands." And, in a commendably blunt speech, he acknowledged that the Defense Department is suffering from a long-building crisis of "bad management." Rather than more people and more supervision, he said, the Defense Department requires fewer people and a more concerted, economic approach to spending.

This is precisely what the pending amendment will do. It will save money and encourage more efficient management. Inasmuch as military spending is essentially nonproductive and inflationary by nature, we simply cannot afford the expenditure of a single dollar beyond our minimal needs. The Senate Armed Services Committee realized this when it cut nearly 7 percent from the military procurement authorization bill. The pending amendment would cut about 7.1 percent from all military spending.

There are numerous precedents for Congress to legislate a general cut in spending for a particular department and to allow the administrators of the department involved to determine where to apply the cuts. As recently as February 27, the Senate adopted an amendment offered by the distinguished Senator from New Hampshire (Mr. COTTON) to cut by 2 percent spending by agencies covered in the appropriation bill for the Health, Education, and Welfare Departments.

This amendment, which would limit overall military spending this year to $66 billion, would leave to the President and the Defense Department the decisions as to where to impose spending cuts. Many Members of the Senate, in debate on the pending bill and on other occasions, have pointed to specific areas where they felt cuts could be made. This amendment would leave the decision on cuts up to the executive agencies which in the past have opposed specific cuts on the ground that only the Pentagon knew where they should be made.

I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a copy of a memorandum entitled "The Proxmire-Mathias Amendment To Limit Fiscal Year 1971 Military Spending to $66 Billion," which summarizes what this amendment would do and why it must be adopted as a responsible approach to the problems which confront us.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MATHIAS. Mr. President, in making these cuts, moreover, I recommend that the Pentagon take special effort to assure that scientific and other technical manpower are not permanently lost to

our national security programs. Over the last few years, our defense procurement programs have been cut by a total of nearly one-third without close attention to the long-term effects. Our future mobilization base has been jeopardized. It is crucial that current retrenchments—like current expenditures—be designed with our long-term security in mind. Conversion of our defense industry for peaceful purposes should not be considered as a part time concern. Conversion is a necessary instrument of intelligent defense planning, preserving our mobilization base for a future crisis.

In the future our defense spending should be maintained at a relatively steady and balanced level. We should not allow uncertain new appraisals of Soviet intentions and capabilities to panic us into erratic splurges of investment in untested systems. A balanced approach would prevent literal crash programs for new aircraft—and titanic new efforts in shipbuilding—that bring public disillusionment and abrupt retrenchment.

The Soviet Union has long lagged far behind us in the arms race; its economy cannot permit maintenance of long-term defense spending competitive with ours without major social strains. By inducing the U.S.S.R. to increase its proportionate commitment to defense, we will only enhance the power of militarists in Soviet society.

The only area where it is important for the United States to retain a general advantage is in science and technology. The ultimate commentary on our defense policies in recent years is their failure to provide for leadership in this crucial realm, while entailing levels of expenditure far beyond the reach of our competitors in every other area.

We must have a strong America. I believe that a program combining retrenchment in current defense spending with conversion of industry rather than dissolution of it represents our best long-term hope for peace and prosperity.

EXHIBIT 1

THE PROXMIRE-MATHIAS AMENDMENT TO LIMIT FISCAL YEAR 1971 MILITARY SPENDING TO $66 BILLION

LANGUAGE OF THE AMENDMENT

The Amendment reads:

At the end of the bill add a new section as follows:

Sec. 508(a) Notwithstanding any other provision of law, the aggregate amount that may be expended for Department of Defense—Military Functions for the fiscal year ending June 30, 1971, shall not exceed $66,000,000,000."

WHAT IT DOES

The outlays proposed in the President's budget for Department of Defense—Military Functions are $71.2 billion. It includes almost all military spending except 1) foreign military assistance, 2) military spending by the Atomic Energy Commission, and 3) some defense related activities such as stockpiling, and selective service.

The Amendment limits spending. It puts a ceiling of $66 billion on military spending.

It cuts approximately 7 percent below the amount proposed in the budget. This is almost the same percentage the Senate Armed Services Committee reduced the 20.5 billion Military Authorization bill.

WHO DETERMINES WHERE TO CUT

The Amendment leaves the specific determination of where to cut, to the President and the Defense Department. Members of the Senate have pointed to specific areas where cuts could take place. But the precise cuts are left to the Executive Departments who in the past have opposed specific cuts on the ground that only the Pentagon knew where they should be made.

PRECEDENTS FOR GENERAL CUTS OR LIMITATIONS ON SPENDING

There are numerous precedents for general cuts or limitations on spending for both military and civilian programs.

On June 29, 1970, Senator Williams (R.-Del.) offered an Amendment to place a ceiling on fiscal year 1971 spending.

On February 27, 1970, Senator Cotton (R.-N.H.) proposed a 2 percent cut in the HEW-Labor bill.

On April 19, 1968, Senator Williams (R.-Del.) proposed a 3 percent reduction in the military procurement authorization bill.

On April 18, 1968, Senator Hart (D.-Mich.) proposed a $500 million cut in military research and development.

One or another of these general cuts and limitations have been supported by a large proportion of the Members of the Senate.

WHERE CUTS COULD BE MADE

While the amendment does not propose any specific areas where cuts should be made, a thoroughly documented case has been made for cuts of $10 to $14 billion. Among those areas are:

Procurement.—The overruns on 38 major weapons systems, according to the General Accounting Office, amount to $23 billion.

As Secretary Packard said "Frankly . . . in Defense Procurement, we have a real mess on our hands. . . ."

And Mr. Gilbert Fitzhugh, on the release of his report, said in a press conference, "Defense Department's policies have contributed to serious cost overruns, schedule slippage and performance deficiencies."

Overseas bases.—We now have some 429 major and almost 3,000 minor bases scattered in 30 countries throughout the world, many of which are no longer necessary.

New one-plus war strategy.—The shift from a two plus war strategy to a one-plus war strategy should, according to former Budget Director Charles Schultze, mean a $14 billion cut. While the Pentagon has announced the new policy, no reductions have yet occurred.

Uniform accounting.—According to Admiral Rickover, instituting the Uniform Accounting Procedures—just signed into law—should save up to $2 billion.

Manpower.—Troop withdrawals from Vietnam and a general reduction in manpower to the pre-Vietnam level of 2.5 million should bring large savings.

Weapons.—Specific weapon systems could be cut, lengthened in time for delivery, or kept in the research and development stage. Among these are the MBT–70 tank, the B–1 bomber, duplication in the anti-submarine warfare program, and the number of carriers.

Others.—Savings could be made in the amounts spent on public relations at the Pentagon, on food procurement, in the rotation and leave policies of the forces outside Vietnam and combat.

ARGUMENTS FOR THE $66 BILLION CEILING

(1) In light of our burgeoning domestic needs—schools, health, anti-pollution, to name only a few, we must shift priorities from the military to the civilian sectors.

(2) The prospective $10 to $15 billion budget deficit means that no substantial amounts will be available to meet these needs unless a major reduction is made in military spending.

(3) The Education and HEW Appropriations bills were vetoed on grounds of excessive spending. In the battle against inflation, stringent guidelines must be extended to all areas of government spending.

(4) Military spending is non-productive. We should not spend a single dollar more for it than is absolutely needed. A shift from military to needed civilian spending will satisfy pent up needs, be less inflationary, and be far more productive.

Mr. STENNIS. Mr. President, I yield myself 20 minutes on the bill.

The PRESIDING OFFICER (Mr. NELSON). The Senator from Mississippi is recognized for 20 minutes.

Mr. STENNIS. Mr. President, let me say at the beginning that I wish all Senators could be here this morning. We are having a good discussion on both sides. I consider the vote on this amendment to be highly important. It will be a vital vote. If the amendment should be agreed to, it would be, with all deference to its authors, throwing into the junk heap some of the heretofore well considered, reliable and essential guidelines and procedures of our committee work.

The amendment seeks to anticipate appropriation bills that will come up later, in bills that cannot be put together until this bill now under debate is passed. It tries to anticipate all these matters in a rather general way, but in an effective way, if it should become law, it would put a cap on total spending which again, with all respect, I think would be artificial and would cause chaos and confusion and downright danger and harm. To get out of the situation it would take us into, it would cost far more money than the orderly and effective procedure we are under now, and would systematically reduce the military budget, at the same time we were protecting our security and living up to our commitments.

I have mentioned it once this morning, but I point out again the items that go to make up the 1971 budget.

The first item is military personnel, which includes the pay, food, and the travel which go with our military uniformed personnel—$21 billion.

The only way to reduce that, and we are reducing it gradually and rather rapidly, is to reduce our personnel, which is something we cannot do. It is like pruning a peach tree.

The next item is retirement of military personnel—$3.194 billion.

The only way to reduce that would be to change the law, and I have not seen any bills introduced to reduce that money.

Operation maintenance. That is for gas, oil, grease, and things that make the wheels turn—$19 billion.

That, of course, is tied directly to personnel. The cost is coming down. But we cannot just take off the brakes and let everything run downhill because we have other priorities—I have some priorities myself. The item for operation maintenance just mentioned is $2.5 billion down from the last fiscal year.

Just that item alone, procurement, that is the bill we really have up here, which is what is all that is before the Senate except for the amendments. That is the part of the bill which was already honed

and dissected and put back together with a reduction of $1.3 billion.

We appreciate the compliments about having done that but, at the same time, they are turning right around and telling us now that here is something we have not had a chance to pass on and they know more about it than we do. Of course, this is not a matter of personalities.

We have in the bill $19.3 billion, which is now before the Senate, and there has been no disposition on the part of the Senate to change any of the figures we have in the bill proper, that $19.3 billion.

Research, test and evaluation—$7.3 billion. That is the one the Senator from New Hampshire (Mr. McINTYRE) will speak on in a few minutes. That is down considerably and it has been brought down systematically. The Senator from Missouri speaking against the bill and for this amendment said this morning that it represents time that cannot be recalled.

I shall not belabor these items further which have been brought in and contested by this amendment. There is no bill before us on it. The Appropriations Committee has not made any recommendation yet.

Mr. President, I have a "defense budget cutback facts" statement in my hand and ask unanimous consent that it be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

DEFENSE BUDGET CUTBACK FACTS

Defense spending in FY 1971 is 34.6% of the Federal budget total—the lowest percentage since FY 1950, before the Korean War.

Defense spending in FY 1971 amounts to 7% of the Gross National Product (GNP)—the lowest per cent since FY 1951.

From prewar (FY 1964) to FY 1971, Defense spending is up $21 billion; other Federal agency spending is up $64.9 billion.

From 1969 to 1971, Defense spending drops by $6.9 billion; other Federal agencies increase by $24.6 billion.

Defense spending was $50.8 billion in prewar FY 1964, $78 billion in FY 1968, and $78.7 billion in FY 1969, compared to $71.8 billion in FY 1971— down $6.9 billion from FY 1969 and down $5.2 billion from FY 1970.

Very large pay increases have been provided by the Congress over these years, and increases in the general price level have added 23.2% to the cost of weapons and other Defense purchases since prewar FY 1964.

If FY 1971 pay rates and price levels had been in effect throughout, spending would have been $66.8 billion in 1964, $89.1 billion in 1968 and $86.7 billion in 1969, compared to $71.8 billion in 1971.

Therefore, after allowing for inflation (largely pay increases) Defense spending in FY 1971 (including war costs) is $5 billion or 7% above prewar 1964. Most of the Defense spending increase is due to inflation.

On the same basis (dollars of constant buying power) Defense spending peaked at $89.1 billion in FY 1968, and is down by $17.3 billion (20%) in FY 1971.

There were 2,685,000 military personnel on active duty in prewar June 1964. This peaked at 3,547,000 in June 1968, and is estimated at 2,908,000 for June 1971. 862,000 military personnel were added from 1964 to 1968, and 639,000 are being cut from that peak by 1971. June 1971 strength will be 223,000 (8%) above June 1964. Most of the wartime buildup has been removed.

Civilian employment was 1,035,000 in June 1964, 1,287,000 in June 1968, and is estimated at 1,145,000 in June 1971. 252,000 civilians were added from 1964 to 1968, and 142,000 are cut from that peak by 1971. June 1971 employment is 110,000 (10%) above June 1964. Most of the wartime buildup has been removed.

From prewar 1964 to 1968, Defense-related employment in industry increased by 1.7 million jobs. From 1968 to 1971, industry jobs will fall by 1.3 million, removing most of the wartime buildup.

From the 1968 wartime peak to 1971, Defense cuts amount to $17.3 billion in constant dollars, and over 2 million jobs—781,000 military personnel and direct-hire civilians, and 1.3 million jobs in industry.

In constant dollars (FY 1971 prices) Defense outlays for procurement, construction, and RDT&E were $30.5 billion in FY 1964 and peaked a $40.1 billion in FY 1968, compared to $28 billion in FY 1971. That is, Defense spending for investment and RDT&E drops $12.1 billion (30%) from the wartime peak, and is $2.5 billion (8%) *below* the prewar level.

Procurement spending in constant dollars, including war costs, is 2% below prewar 1964; RDT&E is down 16%; and construction down 10%.

For procurement, construction, and RDT&E, the FY 1971 program, war costs and all, is the lowest since FY 1964. If special war costs are set aside, this is the lowest budget since the 1950's.

The 1971 Defense budget has been cut back to near the prewar level, while war costs continue to be significant. FY 1971 Defense spending is *up $5 billion* from prewar FY 1964, in constant dollars. Incremental war spending in FY 1971 is *more than twice* that amount. The difference represents cutbacks in baseline programs from the prewar level.

Mr. STENNIS. Mr. President, let me make some brief comments on some of the items on this matter. One item, based on these facts, is that 2.6 million military personnel were on active duty in prewar June 1964. I will just use round numbers here. The peak was 4.5 million men in June 1968. It is estimated to be 2.9 million men for June 1971.

Thus, 862,000 men were added from 1964 to 1968 and 639,000 men will be cut from that peak by 1971.

In other words, there was a buildup because of the war, but by the end of this budget year we will have most of that whittled way back down to a more reasonable figure. So that the 1971 strength at the end of this budget year will be 223,000 men, 8 percent above June of 1964. Most of the wartime buildup will have been removed.

On this idea of civilian employment—and that involves tremendous cost—civilian employment was 1,035,000 in June 1964. It was 1,287,000 in June 1968. It is estimated at 1.145 million in June 1971. The 250,000 civilians were added from 1964 to 1968. That is at the peak of its strength. And 140,000 were cut back by 1971. June 1971, the figure will be 10 percent above that for 1964.

So most of the wartime buildup here has already been removed.

My point is that we cannot include a great many more reductions here because the wartime strength has been absorbed from prewar 1964 to 1968.

Defense-related employment increased by 1.47 million jobs from 1968 to 1971. Those jobs will fall to 1.3 million, removing most of the wartime buildup.

So, when we talk about wars hopefully ending and the costs coming down, we can see that that matter has been already worked on and the water has been squeezed out. We are at or approaching almost the level of prewar costs.

I favor coming down below what it is now. However, these things have to be done in an orderly way. They are being done and they must be done in an orderly way.

Another thing that sheds light on the subject is constant dollars, fiscal year 1971 prices; defense outlays for procurement, construction, research and development, and engineering were $30.5 billion in fiscal year 1964. It peaked to $40 billion in fiscal year 1968, compared to $28 billion in fiscal year 1971. That is this fiscal year we are talking about, fiscal year 1971. That is defense spending for construction, research, and development, engineering. It dropped $12.1 billion, or 30 percent, from the wartime peak and is $2.5 million or 8 percent below the prewar level.

Those things illustrate that so far as the costs due to the war is concerned, the luxuries of the budget have been cleared out, cleaned up, and eliminated faster than the war is being eliminated. And those are the reductions that we insisted be made. The committee did that. The Defense Department does not write this bill up any more than our grandchildren write it up. We get information from them, and we have men on the staff capable of evaluating what they say on most every subject in the bill.

That is why it has not been subjected to attack on these individual items. It has been picked to pieces and put back together by men who knew the subject matter and we had reason and grounds for our action.

I want to emphasize that. I was impressed here that the Senator from Georgia (Mr. RUSSELL), the chairman of the Appropriations Committee, long time chairman of the Armed Services Committee, and a long time member of the Appropriations Committee—from the early 1930's—was so impressed with what this amendment would do that he had two very able, competent men on his staff prepare a memorandum.

The Senator from Georgia was moved to send that memorandum out to every member of the committee. I had it printed in the RECORD yesterday afternoon. I think that we will hear from some of these members. There was a time, I believe, when it would have been sent to all members of the committee.

It sets out the enormous impact of the amendment, far beyond the full realization of some of those who propose it in such good faith. I refer to that memorandum now. We will discuss it some later as things develop.

I have information here that our staff has prepared in anticipation of this or any other amendment that might be drawn. I think it is well for these figures to be challenged. They are enormous.

I get concerned. I am concerned all the time. The Defense Department knows where my corns are. They know that this personnel matter hurts my corns all the time. I want them to do even more about a reduction, but I know that

we cannot go in there and eliminate men, either military men or civilian employees.

I know that we have these various weapons. We can stop making them as far as our side is concerned. But we cannot stop the other side from making more weapons and more modern weapons.

We can stop building tanks, but we cannot stop the other side from building antitank weapons and using all the technological improvements, including modern electronics.

We have to weigh these things. The defense budget for 1971 is $71.3 billion. This would be compared with the revised Nixon budget of $74.9 billion and the Johnson budget for fiscal year 1970 of $82.9 billion.

If the factor of inflation is replaced—and this is a major point—in terms of 1964 dollars, the budget for fiscal year 1971 would be only $54.6 billion as compared to the $50.8 billion budget for fiscal year 1964. In other words, when we go back to the 1964 dollars, we find that we are running less than $4 billion above the 1964 budget which was a period before the war buildup. The war is not over yet. The annual budget has increased by two times.

We have put the square and compass on these figures from every conceivable angle, and have got substantially the same result. This bears out what I have been saying; namely, that most of the cost of the war, due to inflation and the increase due to the war buildup, has been taken out, even though the war is still going on. Defense outlays for military functions are projected to drop more than $5.3 billion from fiscal 1970 to fiscal 1971—from $76.5 billion to $71.2 billion. The fiscal 1971 budget has been characterized as a transition budget. The weapons systems being funded are mainly those currently in being except for the ABM.

We have some weapons coming along later, such as the F–14 and the F–15. I do not want to mislead anyone. They are going to be super in cost because they are super in modernity. I think they will be the best weapons in the world in their field. If we are not exactly meeting that test, we must meet it.

Despite the fact that 682,000 fewer people will be on the defense payroll, military and civilian, by June 1971, compared with June 30, 1969, the entire Department of Defense payroll cost—that is, active military, civilian, and retired personnel—will increase by $400 million, from $35.4 billion to $35.8 billion. This shows the effect of inflation and also the mounting cost of military retired pay, which now costs about $3.2 billion annually.

We can do nothing about this under present law. It will be necessary to change the law, but, as I say, no one proposes to do that.

As compared to June 30, 1969, the net reduction in personnel counting DOD military and civilian and defense products industries on June 30, 1970, will be 526,000 and on June 30, 1971, will be 1,026,000. This is a conservative figure since there could be an even greater impact on the defense industries.

The fiscal year 1971 defense budget is close to the prewar, peacetime levels—much closer than many people realize. We studied this matter and do this before the bill was ever filed. Military manpower, for example, is forecast at 2,908,000 for June 30, 1971. That is an 8-percent increase above the level of $2,685,000 at June 30, 1964. And it is less than 4 percent above the $2,808,000 we had on June 30, 1962, another peacetime year. Unless there is some kind of setback we are going to reduce that further.

Never before have we seen such cutbacks in the military while fighting continues. Military manpower is dropping 639,000 from the peak reached in 1968; civilian employment by 142,000; and defense jobs in industry are dropping over 1 million from 1968 to 1971.

REMOVAL OF MISCONCEPTION

Mr. President, I want to remove a widespread misconception that relates to the defense dollar and what has occurred since 1964 with respect to the defense budget as a whole.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 3 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 3 additional minutes.

Mr. STENNIS. Mr. President, contrary to popular belief, the Defense proportion of the total Federal budget is decreasing. From fiscal year 1964 to fiscal year 1968, total Government spending rose by 50 percent and I might add that in the President's budget forecast another increase of 12 percent is projected by the end of fiscal year 1971. In other words, from fiscal year 1964 through fiscal year 1971, total Government spending will have increased by 62 percent.

That is unthinkable, but true.

On the other hand the expenditures of the Department of Defense from fiscal year 1964 through fiscal year 1971 are expected to increase by 41 percent as compared to 62 percent for the Government as a whole. Dollarwise defense spending in fiscal year 1964 was $50.8 billion compared to $71.8 billion for fiscal year 1971.

In summary, Mr. President, from fiscal year 1964 through fiscal year 1971, discounting inflation and pay increases, over 90 percent of the increase in Federal spending has gone to nondefense Federal agencies.

I was surprised at those figures myself but they are borne out and they do stand up.

Mr. President, in summary these figures show definite progress and definite goals, and they show that we are well on our way. All of this has been done despite the fact the war is continuing.

Mr. President, I reserve the unused part of my 3 minutes.

Mr. McINTYRE. Mr. President, will the Senator yield to me for 12 minutes?

Mr. STENNIS. Mr. President, I yield to the chairman of our Subcommittee on Research, Development, Testing, and Evaluation, the Senator from New Hampshire (Mr. McINTYRE), who has done a tremendous amount of effective work and who has filed a fine report.

Mr. McINTYRE. Mr. President, I must voice my opposition to the amendment now pending before us.

I have no quarrel with the amendment's basic goal—a reduction of our overall military expenditures. I have worked long and hard this year myself toward that very goal.

And I will continue to pursue it in the future. For military expenditures are too often nonproductive in nature. They detract from our capability to meet urgent domestic needs. And they add to the budgetary deficit which now looms large before us.

So I oppose the present amendment, Mr. President, not out of hostility to its purpose, but from a deep conviction that it is an improper means for reaching our common end.

Consider for a moment what this amendment would entail.

Two months of the fiscal year have already passed, and 10 months remain. In that remaining time, we must complete Senate and Conferee action on this authorization, and then undertake House, Senate, and conference action on each of the three appropriation bills involved.

And sometime in that process, if this amendment is adopted, we would pass to the Department of Defense the job of cutting spending by $5.2 billion in the months that remain of the fiscal year.

It is important to remember that this amendment is directed to spending—checks issued. Not authorizations, appropriations, or obligations. Not new contracts. It is directed to spending.

Now with respect to Defense spending the 1971 defense budget is divided almost evenly between payroll and purchases. About $35.8 billion is for payroll, and $35.4 billion for purchase of goods and services, for a total of $71.2 billion.

Let us consider the payroll part first. Let us suppose that the Department is forced to achieve $3 billion of the $5.2 billion cut by manpower cutbacks. The total payroll for 1 month is about $3 billion, and there are 10 months remaining in the fiscal year. This means that the Department would have to cut the average number of employees by 10 percent for the remainder of the year—in addition to the personnel cuts already planned.

But this would be a 10-percent cut only if it could be effected immediately—on September 1. This of course is impossible. Decisions must be made as to which jobs are to be abolished. Personnel must then be given notice. Account must be taken that military induction, enlistment, and reenlistment actions are already in process. It takes time before personnel accessions can be further reduced and separations increased, above the plan—and this is the only way to get the payroll down.

If the Department began promptly, the payroll cuts would begin to show up in January 1971, at the earliest, and manpower would then be progressively reduced each month through June 1971.

We would then be saving from 1 to 6 months of budgeted pay for each person separated. And these savings would be offset to some extent by increased separation payments and other costs.

The result is that, if we are to save $3 billion in Defense payroll spending starting now, we would have to cut Defense manpower by about 30 percent below the budgeted level as of June 30, 1971—a further cut of about 1.2 million personnel.

Mr. President, I agree that we should achieve manpower reductions wherever possible. But we are already doing just that. The Defense Department has already budgeted a reduction of 311,000 men—about 6 or 7 percent—for fiscal 1971. And the Appropriations Committees will determine, after a careful and detailed analysis, whether additional reductions are possible. Undoubtedly there will be still further reductions next year.

This is the manner in which manpower reductions should be achieved, not by amendments like the one before us. Just consider the implications, Mr. President, of a 30-percent manpower reduction over the next 10 months.

Now let us look at the other half of the Defense spending picture—the $35.4 billion for the purchase of goods and contractual services.

It is a simple fact of life—which this amendment ignores—that contracts are entered into several months before money is actually spent. Well over half of fiscal 1971 spending will result from contracts entered into last fiscal year—before July 1970. When additional contracts entered into during the past 2 months are considered, it becomes clear that close to three-fourths of this year's purchase spending is already under contract.

As a maximum, then, there will be about $9 billion in fiscal year 1971 spending from contracts to be let after September 1, 1970. If we are to reduce this spending by $2.2 billion—the remainder of the $5.2 billion cut—a 25-percent cutback would be involved. But the process could not be begun immediately. Decisions would have to be made as to where the cuts were to be effected. And, in the meantime, the clock would continue to run so that an increasingly large share of the 1971 spending would be committed—leaving the Department with a 50-percent cutback problem, or worse.

And these areas where the cuts would have to be applied often involve items of high priority, where the Department's discretion is limited. They involve such items as food, medical supplies, and fuel for aircraft and ships—items with relatively short lead times.

Given the magnitude of the cut required, the sole criterion in all these actions by the Department would have to be the spending rate—how fast the particular kind of program spends out. Not how badly the item is needed. Not long-run economy.

Consider the manner in which our priorities might be distorted. It might not be possible for example to cut spending for procurement of aircraft and ships, because this is covered by contracts already in existence. It might be necessary therefore to reduce contracts for such items as ship and aircraft fuel, thereby taking purchased ships and aircraft off station.

It will also be necessary to abandon some needed programs, and to delay others—all at much higher long-run costs—in order to minimize current spending.

This will contribute neither to economy nor to national security. It would be ironic—but not surprising—if the advocates of this spending cut later led the chorus of pious horror over the uneconomical actions sure to result.

Mr. President, we have heard a great deal about the need to be more realistic in allocating resources in terms of priorities and the need to instill better management of public affairs. Nothing could be more destructive of these ends than the spending cut that is proposed here. We have heard a great deal about the need for more congressional and public awareness of relative costs and relative priorities, and more congressional control over military and foreign affairs, and a more informed approach to budgeting and policymaking. Consider the contrast between this objective and the present proposal. I do not know what the Department of Defense would have to do to accommodate a $5.2 billion expenditure slash this late in the game. No one in this Chamber knows. Indeed, neither the President nor the Pentagon could tell us, because they do not know either.

We have heard that the Defense budget must be cut because Defense management is bad—but the remedy proposed here would not be good management. We have heard that congressional oversight must be strengthened—but the remedy proposed here would involve transfer to the executive of some $10 to $15 billion in current program decisions, entirely apart from the established procedures for congressional oversight.

The proposed amendment is unworkable and unsound.

It would produce consequences that none of us can begin to understand. This amendment should be roundly defeated.

I yield back the remainder of my time.

Mr. STENNIS. Mr. President, I thank the Senator very much. Certain Senators expect to be here. There is a very urgent and important meeting of the Committee on Agriculture and Forestry, for one.

I ask unanimous consent that we may, on divided time, have a quorum call.

The PRESIDING OFFICER. Without objection, it is so ordered, and the clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. PROXMIRE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. I yield 5 minutes to the Senator from Oklahoma.

Mr. HARRIS. Mr. President, I rise to support the amendment offered by the distinguished Senator from Wisconsin (Mr. PROXMIRE) and the distinguished Senator from Maryland (Mr. MATHIAS), an amendment of which I am also a sponsor.

Mr. President, some years ago, in a very well-meaning effort, the then Secretary of Defense instituted a new program called PPBS—Planning Programing Budgeting System—a program for making up the Defense Department budget—a program that later spread throughout the Government—the central idea of which was that there ought to be a much more logical and rational way to make up the Federal defense budget than had been used in the past.

The idea was that we should not continue the old way of making up the defense budget, which started with a decision in the upper levels of the Government as to how much the maximum defense expenditure would be, and then a decision within the Defense Department to divide out that maximum among the various services.

It was said, with some justification, that that was not the right way to go about it, that, instead, the defense budget should be prepared from the bottom up on a cost-effectiveness basis, and that, based upon the decisions of need and the security of the country and how those needs might be met and that security might best be protected, the budget would be compiled.

On balance, that would seem to be a much better system for making up a defense budget, and I am certain that those who proposed it and who helped to carry it out had in mind that it would result—since it would operate on a more rational basis, and Congress would have access to the basic reasoning and facts which had gone into that budgetary process—in a lowered defense budget, or at least in greater restriction on increases in the defense budget.

But, Mr. President, as we have seen in recent years, that did not prove to be the result. Since I have been in the Senate—and that has been only about 7 years—we have seen the budget of the Defense Department increase enormously in amount, and that cannot be attributed entirely to the Vietnam war, though, of course, that war accounts for a portion of the increased cost.

Beginning last year, led by the excellent work of the distinguished Senator from Wisconsin (Mr. PROXMIRE) and others, the Senate has begun to give the same kind of scrutiny to defense expenditures and requests for defense expenditures that it gives to other kinds of expenditures and requests.

I think it is time that we put an upward limit on defense budgets from time to time, and that is the purpose of the amendment now before us. I do not think that logic and rationality alone in making up the defense budget can be said to have been such an overwhelming success, and, therefore, I think it is time we revert to one aspect of what may not have been such a totally bad system after all—simply saying that we think $66 billion, as this amendment would provide, or whatever figure may be chosen from year to year, is as much as we can afford to spend this year, in consideration of national security, other needs, our gross national product and Federal revenues in general.

I say that, Mr. President, because with defense expenditures we have had a different kind of attitude than we have had

about other kinds of expenditures. We have been willing to take all sorts of risks in the field of health; we have been willing to take all sorts of risks in the fields of education, housing, crime, pollution and all the other myriad problems which afflict us in growing degrees these days; and yet our budgetary process in regard to defense seems primarily to have been built upon the premise that we could accept only zero risks in that field.

We should not say that we will accept only zero risks in that field, and then say we will accept whatever risks may be involved in the mounting problems of education, housing, health, crime, pollution, and all of the other domestic problems which we face.

What I am saying, Mr. President, is this: I think it is time—though it is almost a cliche to say it these days—that we reorder our priorities in this country. For while it is almost a cliche to say it, it has not become a trite thing to do. We have made very little progress toward actually reordering our priorities in fact.

But if we are going to face up to the fact that there are still, in this country, the richest country in the world, 25 million people or more who live in poverty and despair; that there are at least 11 million substandard and overcrowded housing units in the United States today; that more than 60 million of our citizens are not served with any kind of sewer system; that the shortage of doctors for our elderly and veterans and poor people is really approaching a national disgrace; that one out of 50 Americans cannot get a doctor today under almost any kind of circumstances; that our environment continues to deteriorate alarmingly; that we face a crisis in education; that our streets are increasingly unsafe; then we have to recognize that we must reorder the priorities of this country and decide to put first things first. We cannot do that so long as defense expenditures stay at an unnecessarily high level, and that is why I support this tough-minded amendment which is before the Senate, and I hope it will be adopted by the Senate.

We should not—either for economic reasons or the pressure of domestic needs—jeopardize national security; on that we are agreed. But on one item alone, the withdrawal of some troops from Western Europe and Korea, withdrawals which even the administration is coming closer to agreeing can be made without damage to our security or that of those countries to which we are committed, would virtually provide all the savings required by the pending amendment. I urge its adoption.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. I yield myself 3 minutes.

Mr. President, I covered this point yesterday afternoon, and I am sure this is the way the matter will figure out: If we impose this so-called reduction now of $5.2 billion, which is in addition to the other reductions that the committee has made in the bill, it will all have to be absorbed in the last 6 months of the present calendar year. It is just a fact of life that we have already let July and August pass, operating on a continuing resolution. As Senators know, that is set for the previous year's level. This bill cannot possibly be finished and signed by the President in less than a month from now, and that will be 3 months of the time gone.

The appropriation bills take more time. Last year, the appropriation bill for the Department of Defense became law, I think, on the 22d of December. It could have been a few days before then, but it was in December. Then, for the first time, they will know where they are in the Defense Department.

We cannot just run out as though we are catching an animal or something and do these things. They have to be set in motion. So it will take the last 6 months of the year in absorbing this reduction of $5.2 billion, and that will be doing it at a rate of $10 billion a year, in a 6-month period.

There are a million employees, people in military uniforms, contracts that are in force, and many thousands of civilian employees. The machine cannot be stopped that fast, in such a short period of time.

A precedent was established here a few years ago, when a cap was put on spending, through a resolution. It came up at one time in connection with a tax increase. But we started that at the then current level of spending, and some exceptions were made, and we wound up with approximately half of the Government excepted from this operation. The war was on then, and the war is on now. We forget that. So I do not think that that resolution was a realistic precedent as applied to the present problem.

I would not create a job just to give it to some individual; but, at the same time, when all this machinery is going and these people are in jobs, to throw them out literally without any decent notice and no orderly procedure, simply because we want to vote for a resolution with respect to a reduction, is not the American life.

I have some actual figures on this. To save $3.2 billion in the defense payroll under the circumstances to which I have been alluding, it would be necessary to cut direct civilian and military manpower by approximately 30 percent—1.2 million people below the level planned for June 30, 1971. In short, Mr. President, to cut defense spending by $5.2 billion after the year already is well underway, as I have described, will be cutting more than 2 million jobs—about 1 million in the defense industry and more than a million in direct employment.

That is the way the knife will cut if we adopt this amendment and it becomes law. It might be said that that is not correct. I believe it is correct. We asked them to make the calculations, and I think we are dealing with people who are as honest as they can be with the calculations and their estimates. I think this is the only evidence before the Senate on what this will do to these civilian employees, in such a short period of time, with no chance to get ready. There is no way to do it in an orderly fashion, if it is just demanded that it be done.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. I yield myself 1 additional minute.

The only thing before the Senate that has been carefully weighed by a committee, with a report filed and a recommendation—although the other Senators are very able and very conscientious—the only thing before the committee, in a legislative way and according to our general operation schedule, is that $19 billion plus bill for procurement—hardware, tanks, ships, guns, submarines, airplanes, and other things that are necessary, particularly for the years ahead.

I plead with the Senate: Let us not go off at an angle here, not on this bill, in an effort to try to change the priorities that we all want to change—but in an orderly way—and do something we will have to come back and undo later, to the great harm of many citizens, and without saving money but losing money.

The PRESIDING OFFICER. Who yields time?

Mr. McINTYRE. Mr. President, will the Senator yield me 5 minutes?

Mr. STENNIS. I yield 5 minutes to the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, the impact of the amendment offered by the distinguished Senator from Wisconsin confused me somewhat initially, since the bill before the Senate is a request by Defense for some $20,585,789,000 for procurement and research and development.

As a result of our briefings and hearings, the Armed Services Committee was able to recommend to the full Senate a reduction of the Department of Defense request of $20,585,789,000 to a figure of $19,242,000,000. This recommendation resulted, as I think I can demonstrate, from a great deal of hard work, a great deal of tough questioning, and many hours of study.

I have here this morning the report the R. & D. Subcommittee gave to the full committee on the work it did. We were examining of that $20,585,000,000 request, $7,345,000,000 for research and development, test, and evaluation. We started to take a look at the budget request back on February 3, with the Air Force coming in to discuss with us for an hour and a half the ABRES, or advanced ballistic reentry system, program. On that same day, we took a look at the B–1 bomber. We spent about 3 hours on those two subjects that day.

The next day, February 4, we had the Navy come in to talk about the E–2C. The R. & D. Subcommittee had some misgivings about what we thought was some duplication between the E–2C and the AWACS program. The same day we looked at the Aegis missile for 3 hours. We devoted the entire day to those two subjects.

On February 6, we met for an hour on the AWACS program, the airborne warning and control system.

On February 11, we met for 2 hours and a half with the Air Force on the Minuteman, asking questions and trying to determine whether there was any softness in the request that the Air Force was making for that program.

On February 12, we took up a program called Surface Effect Ships, for 2 hours with the Navy. We ran across something that bothered the subcommittee on R. & D. quite a bit. This is a joint pro-

gram between Commerce and Navy, but we found that Commerce was squealing out from funding its share of the program.

On February 16, we looked at the Army program on advanced helicopter development, which figured strongly later on in our decision affecting the Cheyenne helicopter.

On February 18, 2 hours were spent taking a good look at the Cheyenne itself.

On February 19, we were back with an interesting problem in the research and development field, what is known as Minuteman Rebasing. Two hours were spent on that.

Then moving to March 10, the Air Force was questioned seriously and at length for 2 hours on the supersonic cruise armed decoy, known as SCAD.

On March 11, the Navy was over to talk about ULMS. That is a far-out program of the future dealing with a new submarine and a new missile, a program that last year we were completely dissatisfied with in the R. & D. Subcommittee, resulting in a recommendation that the program be scratched, at least temporarily. Some funds were then put back in conference. This year the ULMS program is beginning to make more sense to the subcommittee. We see it as important to our future security.

On the same day, we spent 2 hours and a half on the Mark 48 torpedo. This is the torpedo that the Research and Development Subcommittee was very much interested in because we had an intuitive feeling that perhaps money could be saved in that area. This hope actually caused me to go to Antec in the Caribbean where the Mark 48 torpedo was being tested. We spent 4 hours on that program.

It will be interesting for the Senator from Wisconsin to note that this torpedo has now reached a final testing stage, so that the subcommittee felt there was no answer but to give the Department of Defense the money it needed to continue with the program. It is a torpedo of great potential for the security of the United States.

On March 16, the Navy discussed with us and we questioned them on the destroyer helicopter program. In this area we felt we found a softness or at least an area where we could save money.

On March 18, for 2 hours and a half, we discussed the undersea surveillance system—SOSUS—which I had the opportunity to visit later at Key West at one of the SOSUS schools.

On March 18, for an hour and a half, the Navy came over to tell us about their acoustics warfare program. Interestingly enough, the ASW, antisubmarine warfare, is deeply involved in the future defense of this country. The research and development subcommittee spent much time on ASW.

On March 23, we took up section 203. Ultimately, many hours were spent by the staff and by members of the subcommittee on this very difficult problem of section 203. We will have an amendment to offer later today on that.

On March 24, the Army's advanced ballistic missile defense was discussed for 2 hours.

On March 25, we reviewed section 409 dealing with the chemical and biological warfare program. Visits were then made to Fort Detrick and Edgewood Arsenal.

On March 25, the Navy discussed the advanced surface ship sonar development, for an hour and a half.

On March 26, the Navy brought in Admiral Caldwell who is a very distinguished naval officer and very well informed. We spent 4 hours discussing antisubmarine warfare. In all the money that will be requested for ASW development, we found very little that we could intelligently and with reason reduce.

On March 31 we spent up to 2 hours discussing defense communications planning.

On April 1, we discussed nuclear weapons effects research programs and testing, for 3 hours.

On April 2, we discussed ARPA programs for 2 hours and a half.

On April 8, we discussed the Federal contract research centers, and we visited one on the outskirts of Washington. Behavioral and social sciences were also given a going over.

On the following day, April 9, we looked at the SAM/D program, on which we recommended a strong reduction last year. That reduction was restored in conference, we recommend a reduction this year of $16 million.

On April 10, the Army's Pershing missile was looked at and discussed, as were the testing programs of the services.

On April 11, the Lance missile program to replace the Sergeant was examined for 2 hours.

On April 16, we took up for 2 hours and a half the highly controversial S3A, which is a plane to fly off carriers in the ASW program. Ours was a tough decision on that one, but we finally decided to go along with the program, at least for another year.

Finally, on April 20, we discussed one of the programs which the Senator from Wisconsin has been questioning—the STANO sensor program.

The important thing to realize is that we looked at many programs and tried to cut back on those programs. They were all discussed and evaluated thoroughly. We cut no more than we did because we found no more to cut.

When the Senator from Wisconsin comes here, therefore, and talks about a $5.2 billion cut, I wonder what he expects from the Subcommittee on Research and Development and Tactical Air Subcommittee, headed by the Senator from Nevada (Mr. CANNON), that have spent many hours trying to find these dollars in an intelligent way that the Senator wants to cut, and to do so with something less than mere intuition.

I expect that if the amendment carries, the judgment of someone else will be superimposed over the judgment of the Subcommittee on Research and Development.

Mr. PROXMIRE. All the amendment contemplates is that the rest of the Defense Department would do exactly what the Senator's subcommittee did. The subcommittee made a cut of 6 or 7 percent in the procurement bill. We want the same kind of cut in the rest of the Defense Department budget.

Mr. McINTYRE. But the amendment does not say that.

Mr. PROXMIRE. Mr. President, we believe there should be a whole series of areas in which the Defense Department budget could be cut. It would not necessarily be research or procurement. I will show that in a moment. That would be at the option of the Defense Department itself.

Mr. McINTYRE. This is proposed after the long hours we spent in subcommittee thus far this year. I think it would have been appropriate if the amendment had exempted research and development.

I am not sure, but I feel that the Senator from Wisconsin must be aware of this. I am not sure how much deeper we can cut on a technological basis. That area is so important.

I feel that I should point out the long hours of work that the subcommittees have spent on this matter since February to the point where it dominated our time. It is almost the first of September now. We have been in executive session time and time again because of the difficulty of getting quorums.

A lot of work has been done by the Armed Services Committee, the Senator from Mississippi, who is an excellent chairman, fair, impartial, and hard nosed.

I think the Senator is aware that the Secretary of Defense has taken a position. The Senator knows that the Secretary has a reputation of being on the line on this matter. This is a rock bottom budget. Yet, somehow or other we found $1.3 billion to cut. That does not seem to be inconsequential.

Mr. PROXMIRE. It is exactly the point. If the Senator's subcommittee can find $1.3 billion or 7 percent in procurement to cut, the Defense Department can find $3.9 billion to cut in the remainder of the operations for a total reduction of 7 percent. They should be hard nosed and disciplined. They should be required to make the hard choices. That is all we are asking for.

Mr. McINTYRE. Then the appropriate time to bring up the amendment would be when the appropriation bill is here.

Mr. PROXMIRE. That will be 2 months later. We will then really have a time problem in making the cut.

Mr. STENNIS. Mr. President, I yield 2 minutes or such time as the Senator from Maine may use.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mrs. SMITH of Maine. Mr. President, before us now for consideration is an amendment which would impose a flat percentage reduction on the defense budget. The proponents of this amendment seek to accomplish indirectly that which they failed to do by direct means.

I want to make it very clear that there are items in the bill that I did not want to see included. I also agreed to a number of reductions during the markup which caused me some dismay. While I felt very strongly that certain programs should not be cut, I, too, recognize not only the need but the demand for reducing Federal expenditures.

But, Mr. President, unlike the arbitrary cut as proposed in this amendment,

the committee reductions were made on the basis of sound justification and after a thorough and painstaking analysis of the budget submission.

A $5.2 billion cut on this bill that has been so thoroughly explored and so thoroughly explained by the distinguished chairman, the Senator from Mississippi, is in my opinion a dangerous way of legislating. With the continuing resolutions going on, the prospect of this cut, if it were to go through, would mean not only a $5 billion cut, but could mean a $10 billion cut.

This is a national security matter. I am sure that the distinguished Senator from Wisconsin is as security minded as the rest of us. If he could sit at the table in the Armed Services Committee under the direction of its distinguished chairman, and realize how thoroughly we studied every item and how we examined the expenditures in previous years, he would know that there has already been a sizable cut and I am sure he would better understand how I feel about it.

We see a concerted effort here to nullify the committee system which in the end would lead to the U.S. Senate becoming a legislative quagmire.

An across-the-board percentage reduction does little to enhance public confidence in the legislative process.

In my judgment the issues underlying the thrust of this amendment have already been subjected to very serious consideration. I see no way to justify a reduction of $5.2 billion, and I assure my colleagues that such a cut would have a most serious impact on our national security.

Mr. President, I abhor war as do we all, and I join every citizen in the Nation in begrudging the resources that must be allocated for defense. If we are to give further consideration to the reduction of the Defense budget, I submit that this be done in a more rational and responsible manner. There is no way of justifying the cut as proposed in this amendment. To me it represents a substitute for sound judgment and I shall vote against it.

Mr. President, I know of no one on the floor of the Senate who is more economy minded than the Senator from Maine. I think this is well known.

I am troubled, however, always when an across-the-board cut is proposed.

I will have to vote against the proposal. While I would like to see a $5 billion cut, and I hope this will come to us before very long, I think it is a dangerous way to act as a committee of the whole on the floor rather than to take the committee's recommendations.

Mr. STENNIS. Mr. President, I thank the Senator from Maine for a splendid statement.

ORDER OF BUSINESS

Mr. STENNIS. Mr. President, I ask unanimous consent that we may have a brief quorum call on divided time, and I suggest the absence of a quorum.

The PRESIDING OFFICER. Is there objection? The Chair hears none and it is so ordered. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. STENNIS. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PROXMIRE. Mr. President, I yield 5 minutes to the Senator from Massachusetts.

The PRESIDING OFFICER. The Senator from Massachusetts is recognized for 5 minutes.

Mr. KENNEDY. Mr. President, I thank the Senator from Wisconsin.

Last February, I called for a new realism in our defense budget. Today, I have the opportunity to begin to implement this recommendation.

The Proxmire-Mathias amendment provides for a sensible ceiling on Pentagon expenditures. It reduces total defense outlays by about the same percentage as the Armed Services Committee has already cut the military authorization bill. It is a major contribution to the fight against inflation and a first step toward reordering our national priorities.

Just a short while ago, the President vetoed significant education and housing bills on the ground that they were too inflationary. But military expenditures are the most inflationary of all Government expenditures because they do not supply Americans with any of the goods and services they desire. In fact, when the military budget gets high enough, as in World War II, we require a sweeping system of controls to keep the prices down. Thus, a reduction in military spending is an effective way to fight inflation.

But there are even more pressing reasons to reduce and reallocate military spending. Every American knows what these reasons are—crime, poverty, pollution; inadequate schools, inadequate housing, inadequate transportation. The $5 billion saved by this amendment could go a long way toward meeting these domestic problems.

Of course, no reduction in defense outlays would be acceptable if it impaired our national security. But this 7 percent reduction does not do so. There are many areas where substantial cuts can be made without jeopardizing our military posture.

The most obvious area is manpower. Twenty-five years after World War II, for example, we continue to deploy 320,000 troops in Europe and 250,000 of their dependents at a yearly cost estimated to run between $12 and $15 billion. I do not suggest that all these troops be withdrawn. Some must remain to demonstrate to both NATO and the Warsaw Pact that any conflict in Western Europe will inevitably involve the military might of the United States. But we should withdraw a substantial number of these troops, and let the increasingly prosperous nations of Western Europe contribute more to their own defense.

I think this would really follow the recommendations made by President Eisenhower 14 years ago. He suggested the United States should consider withdrawing 2½ divisions from Western Europe.

What has happened in the meantime, particularly the improved relationship between the Soviet Union and the Federal Republic of Germany, demonstrates that we should consider reduction of the number of troops we have in Western Europe.

And as the distinguished Senator from Illinois (Mr. PERCY) and other Senators have pointed out, we should secure larger contributions for support of the troops that remain from the West European countries. In this way we could reduce our military budget, but also maintain our responsibility to the countries of Western Europe.

In Korea we have two full divisions totalling 56,000 men. As the administration itself is beginning to recognize, this is a much larger force than necessary for our national security. For almost 20 years we have armed and trained the Army of the Republic of Korea, at a cost of nearly $3 billion. That army should be capable of meeting any threat from the North. We need only deploy a small number of troops—if any at all—to demonstrate our commitment to South Korea's independence.

I was heartened by statements relating to the Vice President's trip to South Korea which indicate that the administration is for a reduction in the number of the American troops in South Korea.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. PROXMIRE. I yield the Senator 2 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 2 additional minutes.

Mr. KENNEDY. Substantial savings can also be obtained by a closer examination of our naval needs. At present we maintain a fleet of 15 attack carrier task forces, even though the Soviet Union does not have a single attack carrier, and also has far fewer overseas bases than we do. Charles Schultze, the former Director of the Bureau of the Budget, indicated in testimony before the Joint Economic Committee that the size of our carrier fleet was the most questionable item in the military budget. The cost of each task force, which includes the aircraft carrier plus supporting ships is about $400 million per year. This is more than the budget request for the entire legislative branch of the Government, including the Senate, the House, the Capitol, the Library of Congress, the Government Printing Office, the General Accounting Office—all the salaries and other costs. Yet, as Mr. Schultze suggested, the reason we have 15 attack carrier forces may be purely historical.

In the Washington Naval Disarmament Treaty of 1921, the U.S. Navy allotted 15 capitol ships. All during the nineteen-twenties and thirties, the navy had 15 battleships. Since 1941 (with temporary exception of a few years during the Korean War) it has had 15 attack carriers, the "modern" capital ship. Missions and "contingencies" have changed sharply over the last 45 years. But this particular force level has not.

Clearly, when an attack carrier task force costs $400 million each year, it needs more than an historical justification. If, as Secretary Laird recently announced, we are not policemen of the

world, do we really need 15 attack carriers?

Another questionable item in the Navy's budget is the antisubmarine warfare carriers. Former Secretary of Defense McNamara conceded that this is "a relatively high cost system in relation to its effectiveness." It can only be made more effective at great expense, and therefore its deployment should be promptly reexamined.

DOD should also examine whether both the Navy and the Air Force are presently planing to procure tactical aircraft which use far more sophisticated and expensive equipment than is really necessary. There is a danger that both services are paying exorbitant amounts for "gold-plated" new planes which perform only marginally better than their predecessors, At a time when austerity is the watchword, this seems a good place to start being austere.

There are many other items I could point to, ranging from the new manned bomber to the Pentagon's $39 million public relations budget.

That public relations budget is $3 million more than the administration request under the Older Americans Act. Certainly, we should take a hard look at this ordering of priorities.

Obviously we have responsibilities around the world, but in the past we have been willing to accept these responsibilities and continue them without the appropriate review of both our commitments and the weapons needed to meet them. We can no longer afford to be so casual.

I feel the amendment of the Senator from Wisconsin (Mr. PROXMIRE), which is cosponsored by the Senator from Maryland (Mr. MATHIAS) is responsible and thoughtful, and that it fulfills our responsibility to provide for the national security of the United States without ignoring our domestic needs.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from North Dakota.

The PRESIDING OFFICER. The Senator from North Dakota is recognized.

Mr. YOUNG of North Dakota. Mr. President, there are many reasons why the pending amendment should be rejected. Let me name a few:

First, this is not the appropriate legislation for such an amendment. It would have been far better if it had been offered as an amendment to section 501 of the second supplemental appropriation bill, 1970, imposing a limitation of fiscal year 1971 budget outlays. This bill was passed by the Senate on June 22.

Second, it is too late to impose a limitation of this magnitude. We are now nearly 2 months into fiscal year 1971, and the Department of Defense could not establish the necessary administrative and management machinery that would be required for an orderly implementation of such a limitation.

The amendment does not reflect the fact that the fiscal 1971 estimated outlays for military functions of $71.2 billion represents a reduction of $6.7 billion below the fiscal 1969 level and $5.3 billion below the fiscal 1970 level.

The amendment does not reflect the fact that we are still involved in a major war and the tremendous cost of inflation. When stated in fiscal 1969 dollars, the fiscal year 1971 estimate for military functions outlays is $65.3 billion—a reduction of $12.6 billion below the fiscal 1969 level and $6.5 billion below the fiscal year 1970 level.

The sponsors of the amendment have failed to recognize that the fiscal year 1971 estimate of $71.2 billion for military functions outlays includes approximately $26.5 billion to liquidate obligations incurred pursuant to authority granted in previous years and in July and August under the authority of the continuing resolution. I want to discuss this point in detail.

Mr. President, the sponsors of the amendment state:

> It cuts approximately 7 percent below the amount proposed in the budget.

I might add that this alone is sufficient reason for the amendment to be rejected, but, in addition, it must be borne in mind that the amendment, in its application, will force far greater reductions. As I stated, $26.5 billion of the $71.2 billion represents funds that are required to liquidate obligations that have been incurred pursuant to the authority granted in appropriations for prior fiscal years and for the months of July and August under the authority of the continuing resolution.

These are bills the Government owes, and the Department of Defense cannot take any action to make a reduction in these funds. When this $26.5 billion is eliminated from the total of $71.2 billion, we have $44.5 billion left that is subject to some degree of control by the Department of Defense.

The proposed $5.2 billion reduction would have to be made in this remaining $44.5 billion—a reduction of approximately 12 percent. To make reductions of this magnitude would completely wreck our defense posture.

The sponsors of the amendment state further:

> There are numerous precedents for general cuts or limitations on spending for both military and civilian programs.

In my opinion, the instances cited are not a precedent for a limitation on the outlays for specific programs for one department of the executive branch of the Government. However, there is a precedent for an unsuccessful effort to impose such a limitation.

The Department of Defense Appropriations Act for fiscal year 1953, as it passed the other body, included a limitation of $46 billion on the expenditures of the Department of Defense. This amendment was rejected by the Senate and the conference committee accepted the Senate position on the matter. It was not a workable procedure for fiscal year 1953 and it is not a workable procedure for this year.

Mr. President, on May 20, 1970, the Department of Defense Appropriations Subcommittee, of which I am the ranking minority member, concluded 5 weeks of hearings on the Department of Defense appropriation bill for fiscal year 1971. We heard 155 witnesses. The printed hearings will total more than 4,300 pages.

The PRESIDING OFFICER. The 5 minutes of the Senator have expired.

Mr. STENNIS. Mr. President, I yield the Senator 1 additional minute.

Mr. YOUNG of North Dakota. It was on the first day of these hearings, February 20, in joint session with the Committee on Armed Services that Secretary Laird clearly stated the challenge we must consider in enacting appropriations for the Department of Defense. He said:

> As we reduce our defense spending and move further into negotiations, we should have no illusions about the current state of world affairs. I am obliged to report to you, for example, that the Soviet Union is not making similar reductions in its defense budget. In fact, the Soviet Union is pulling abreast of us in many major areas of military strength and ahead of us in others. The Soviets are continuing the rapid deployment of major strategic offensive weapons systems at a rate that could, by the mid-1970's, place us in a second-rate strategic position with regard to the future security of the Free World.

Mr. President, the adoption of the pending amendment would hasten the day when we would find ourselves in this second-rate strategic position. I cannot escape the conclusion that the adoption of this proposed amendment would be the blueprint to making the United States a second-rate power to Russia. I urge the Senate to reject this amendment.

Mr. PROXMIRE. Mr. President, I yield 1 minute to the Senator from New York (Mr. JAVITS).

Mr. JAVITS. Mr. President, I shall support the amendment, without necessarily—and all of us are in the same position—knowing what will finally come out of conference. It would undoubtedly be less than the $5.2 billion now contemplated when it comes out of conference, if it is adopted.

My reason for supporting this amendment is that we must readjust our national priorities if we are not to sacrifice domestic tranquillity to a foreign war. The people had a chance to vote for guns or butter on a tax reform bill, and they decided not to pay the bill for both. We face now a deficit which may run as high as $10 billion. We should not provide such disproportionately large sums for the defense budget.

It seems to me we are faced with no choice except to readjust our priorities on a broad scale, which this amendment requires, because we simply must devote more money to cities, schools, health, ecology, and many other priorities needed at this time. I shall support the amendment.

The PRESIDING OFFICER. Who yields time?

Mr. PROXMIRE. Mr. President, I yield myself 5 minutes.

Mr. President, this vote is the test vote of 1970 on economy in Government. Here is the test vote on Government spending. This amendment, if adopted, would cut spending far more than the combined increases in the President's budgets in all appropriation bills passed by the Congress to date. It would reduce spending far more sharply than the Nixon vetoes would reduce it.

The vote today will really separate the big spenders and those who are fiscally responsible. As the Senator from New York said so eloquently, this is the priorities amendment.

The Wall Street Journal of this morning, on its front page, under "Washington Wire," states:

> Administration insiders now concede the possibility of a deficit lurching to $10 billion or $15 billion this fiscal year—far beyond the official projection of $1.3 billion; the deficit for July was $6.7 billion, against $3.1 billion for July of last year. But further sizable spending cuts are near-impossible; the Administration is locked into spending commitments.

That means two things: It means we cannot have the kind of educational programs, the kind of housing programs, the kind of antipollution programs that we all feel are necessary for our country, and in 1972 the situation is going to be even more difficult. We are told that without military spending cuts the deficit could then be $15 billion to $25 billion.

This amendment is not an amendment which will weaken our security. The fact is—and this has not been disputed; we have checked it and double-checked it—that the Russians are spending 17 billion rubles, roughly the equivalent of $20 billion. Translated into the comparative cost of living between their country and ours, it is going to spend $40 billion American purchasing power dollars on its military. So this amendment would provide that we would still spend $26 billion more than the Russians spend.

Furthermore, there are many areas where this cut can be made. One would think, to listen to the opponents, that there is no fat in the military budget, that the entire cut would have to be taken out of substantive programs. The fact is that we have excessive, redundant bases, over 400 major bases, scattered around the world. We had a documentation by a distinguished Under Secretary of Defense last Thursday night on waste and fat in procurement, which he called a mess, and in which he said we were overspending and in which he indicated the obvious cure would be to have less money available to the Pentagon for procurement.

We have a manpower situation that has become a disgrace with 12 men in supply and support for every one in combat—the worst ratio in the history of warfare.

We have a European commitment, 25 years after the end of World War II, with 320,000 American troops still stationed in Europe, and no convincing case made that we cannot withdraw 50,000 or 100,000 of those troops.

We are still voting in terms of spending for a two-plus war strategy, although the administration accepts, they say, a one-plus war strategy. Analysis by the Brookings Institute shows that we could have some $9 billion a year if we actually followed the one-plus war strategy which the administration says it is following.

It has been pointed out that the Pentagon has been spending some $40 million a year in public relations.

This amendment, if it were entirely concentrated—we are not assuming it should be, but if it were entirely concentrated in the strategic arms area, would mean that we could still beef up our nuclear weapons from 4,200 full nuclear loads to 7,000 within the next 5 years. This would mean that instead of having 10 times the number of such weapons necessary to devastate Russia, kill 75 million Russians and knock out 75 percent of its industry, we would have 15 times as many. The bill itself, unamended, contemplates we should have 20 times as many. We are not saying the entire savings should be in that area, but that option would be left open to the Pentagon.

Still not mentioned are a speedup in the withdrawal from Vietnam, or a slowdown in the rotating of troops and officers, or the adoption of uniform accounting standards, legislation for which we have passed, and which Admiral Rickover says could save us $2 billion a year.

Nor, Mr. President, have we mentioned the $8 to $10 billion a year in surplus supplies sold off at a few cents on the dollar, equal to 20 to 25 percent of all the supplies we buy.

This is the kind of waste we are permitting to continue in the Pentagon, without providing the discipline that Congress could provide—the one real authority and check we have to require efficiency in military operations, and require an end to the redundancy of weapons and the kind of manpower and materiel waste from which we have suffered so much.

Mr. President, that is what this amendment would accomplish. I yield the floor.

The PRESIDING OFFICER. Who yields time?

Mr. FULBRIGHT. Is the Senator's time exhausted?

Mr. PROXMIRE. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 10 minutes remaining.

Mr. FULBRIGHT. Three minutes?

Mr. PROXMIRE. I yield 3 minutes to the Senator from Arkansas.

Mr. FULBRIGHT. Mr. President, I support the amendment of the Senator from Wisconsin. For several months now, there has been a great deal said on this floor about the state of the finances of this country, and even more has been said by the executive branch and others about the spendthrift Congress.

We have had three vetoes of major bills relating to domestic affairs—very important domestic affairs: education, housing, water and sewers, and so on. The amount by which those bills as passed by Congress exceeded the amount acceptable to the President, as I recall it, was something less than $1.5 billion. Because of that, because we passed bills exceeding the President's requests by approximately $1.5 billion, nearly every day there is published an article inspired by some member of the executive branch to the effect that this is a spendthrift Congress, an irresponsible and wasteful Congress.

I do not know how we can be responsible, in this body, without taking into account the condition of our finances and the needs of our country, without having to make decisions with regard to the priorities. That is what is important, and most important, to our country.

The Senator from Wisconsin has given more attention to this aspect of our affairs than nearly any other Member in this body. His committee on the economic report has had very fine hearings, with the finest minds in this country. He has made efforts, and I have supported them, to cut specific items of various kinds, such as the ABM and others, and we have lost. It may be that there is some valid reason for not cutting the ABM, although I have not yet found one. I have not ever seen a good reason. But the Senate thought otherwise.

Now the Senate is turning to the last resort, which is to say, in effect, "If you will not accept specific cuts, this is a general cut," and leave it up to the discretion of the administration as to where the reductions should be applied; because there are many activities carried on by the Military Establishment where reductions could be effected. With respect to personnel and foreign bases, for example, there are hundreds of foreign bases, and I am quite sure a third of them could be closed without the slightest effect upon our security. They are simply held on and kept in operation through inertia. They were created during a period of tension in the days of Stalin, and in a big bureaucracy, there just is not enough initiative and interest to close them. So they go on, with thousands of people stationed in remote places around the world. Most of those places are rather pleasant places in which to live, so they are hard to give up.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. FULBRIGHT. Two more minutes?

Mr. PROXMIRE. I yield the Senator from Arkansas 2 more minutes.

Mr. FULBRIGHT. So I think the approach of the Senator from Wisconsin is the only way left to meet the President's criticism about a spendthrift Congress. If we could pass the amendment offered by the Senator from Wisconsin, we would certainly bring the amounts which have been voted by this Congress back into line with the President's overall budget requests. I have not figured it out to the dollar, but I know it would make a substantial contribution toward bringing the overall expenditures down to or below the President's requests; and I do not have the slightest doubt that such a cut could be absorbed in the various activities of the military without any substantial effect upon the security of the country.

The President's own policy recently, in the Middle East and in the SALT talks, if I interpret it properly, is an effort to bring about détente, to bring about a lessening of tension and better relations with the Russians. I can think of nothing that would be more impressive as a contribution to that overall effort of bringing about better relations with the Russians than a cut in military expenditures. It would be a signal to the Russians that we are not determined to press the arms race on and on and on, with the

only logical explanation being that we expect to have a confrontation sooner or later, and we are getting prepared for it.

I do not think this would in any serious way weaken us, but it would be a sign to the world and to the Russians that it is now our intention to move toward a relaxation of tensions in international relations.

I thank the Senator.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President——

Mr. FULBRIGHT. Mr. President, if the Senator will yield me just a moment, I ask unanimous consent to be added as a cosponsor of the amendment, No. 862——

Mr. STENNIS. While the Senator is doing that, I yield 2 minutes to the Senator from Michigan.

Mr. JAVITS. Mr. President, would the Senator allow me to do the same?

Mr. STENNIS. I am sorry, I do not have the time, gentlemen.

Mr. GRIFFIN. Mr. President, we hear the cry in this debate for a reordering of priorities. The distinguished Senator from Wisconsin has referred to his proposal as the "priorities" amendment. This would seem to assume and suggest that there has been no reordering of priorities. I want to take just a moment to remind the Senate and those who are following this debate that under the Nixon administration we have already witnessed dramatic reordering of our national priorities.

In 1961, the Federal grant was spending 48 percent of the budget on defense. In 1969, we were spending 44 percent of the Federal budget on defense. But the fiscal 1971 budget, submitted by President Nixon, allocates not 48 percent, not 44 percent, but only 37 percent of the Federal budget for national defense.

This is the first time in over 20 years that any administration has allocated more money in the budget for human needs and resources than for defense. This administration has already cut defense spending nearly $12 billion below the level of the last Johnson administration year. But there is a limit and we must not cut below the minimum absolutely essential for national security.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. Each side has 5 minutes remaining.

Mr. STENNIS. I yield 3 minutes to the Senator from Washington.

Mr. JACKSON. Mr. President, I know that the distinguished chairman of the Committee on Armed Services has already made it a matter of record that the pending amendment would decimate the defense budget in a most unfortunate and irresponsible way. I wish to take but a moment of the Senate's time to join with him in opposition to this ill-conceived amendment.

I wish to make it clear at the outset that opposition to the pending amendment in no way suggests opposition to the full exercise of congressional responsibility in limiting defense expenditure to the minimum level consistent with the requirements for a sound approach to our national security. It is, Mr. President, foolish in the extreme to believe that the issue before us is one of congressional responsibility or the ordering of our national priorities or the promotion of economy in Government. There is no necessary relationship between these objectives, worthy in themselves and deserving of support, and the amendment before us.

Let me be perfectly clear: The exercize of our responsibilities, the ordering of our priorities and the effort to assure economy must be based on careful, deliberate, and prudent limitation on expenditure of the sort that has been carried out by the Commitee on Armed Services. The committee has, as the Senate knows, examined every line in the Procurement Act and brought to the floor a measure that is $1.3 billion less than the House version of the act. It has acted with care and discretion that contrasts sharply with the careless and heavy-handed approach of the pending amendment. It is not, Mr. President, an exercise of our responsibility to order a budget cut whose impact we cannot even begin to assess, much less support with careful argument. It is, I believe, a derrogation of responsibility. By failing to request specific budget cuts, the wisdom of which could be argued, we are being asked to give to the executive branch the sole authority to spend—wisely or unwisely—whatever arbitrary figure a random guess has placed before us. If a $5 billion cut cannot be defended on a program by program basis, it cannot be defended in the aggregate. Obscuring the effect of our action is no substitute for precise argument.

Moreover, Mr. President, it is naive to believe, as apparently some do, that the answer to waste and inefficiency lies in reducing the funds available to be spent. There is no reason to suppose that waste and inefficiency will not continue at a lower spending level, or even to suppose that the percentage of funds spent unwisely will decline as the budget declines.

It is the responsibility of the Senate to assure that unnecessary programs are not funded, and the first step in achieving this result is to identify which programs are unnecessary or unwise. We have tried to do that in committee. We have considered amendments that identified programs to which some Senators objected and, after careful debate, we have sustained them. The pending amendment is nothing more than a substitute for the failure of its sponsors to convince the Senate that there are programs whose deletion would leave our national security unimpaired.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield 1 additional minute to the Senator.

Mr. JACKSON. I would point out, Mr. President, that many supporters of the pending amendment have participated in an effort to determine which defense programs can be canceled or deferred. Failing to argue that the results of their research have convinced them—and ought to convince the Senate—to enact specific cuts, they have come to the floor with an amendment that casts doubt on the confidence with which they support their own findings. I am referring here to the desultory report of the Members of Congress for Peace Through Law. Had the recommendations of that report been intended seriously to assist Congress in enacting sensible legislation, it is those recommendations—program by program—that would be before us now, and not an ill-considered amendment that would impact on programs covering several fiscal years and affecting at least 10 billion dollars in obligational authority.

I would welcome any effort, Mr. President, to bring before the Committee on Armed Services serious recommendations to limit defense expenditures on which we may exercise our constitutional authority. This is the least we can do in our continuing effort to provide for an adequate level of national security for a minimum defense budget. The pending amendment, far from advancing these objectives, is but an irresponsible caricature of them.

Mr. STENNIS. Mr. President, I yield myself 1 minute.

I will have to leave the Chamber for a short time following the vote on the pending amendment. I wish to announce my support of the amendment worked out by the Senator from New Hampshire which he will offer, and which I think is needed.

Mr. President, in considering a $5.2 billion cut in Defense spending for this fiscal year, as proposed by amendment No. 861, we had better recognize that we may well be talking about well over 2 million jobs by next June 30.

Let us consider a few facts.

Fiscal year 1971 is already well along—we are at the end of the second month, with 10 months remaining. And it will be some time yet before this bill is enacted into law.

Just about half of the Defense budget for this fiscal year is for the military and civilian payroll; the other half is for purchase of goods and contractual services.

Fiscal year 1971 spending for purchases is already largely determined—it will result from contracts already in existence, made in prior years or in July and August of this year. A very small amount of fiscal year 1971 spending will result from purchase contracts to be entered into in the next 10 months. In fact, I am advised that to cut purchase spending by $2 billion for the balance of the year, the Department will have to cut back by about $12 billion on new contracts—and this in turn will cut industry workload by about one-third, the equivalent of about a million jobs, by next June.

This would leave about $3.2 billion in spending cuts to be achieved by reducing the number of military personnel and direct civilian employment of the Department. Once again, we must recognize that there is a significant leadtime involved. Large further personnel cuts cannot be made immediately. It takes several months before a cutback directive can be translated into less personnel on the

rolls. If the Department began promptly, it would be about January before employment reductions would begin to take effect, with further reductions each month thereafter. To save $3.2 billion in the Defense payroll under these circumstances, it would be necessary to cut direct civilian and military manpower by about 30 percent—1.2 million people—below the level planned for June 30, 1971.

In short, Mr. President, to cut Defense spending by $5.2 billion after the year is already well underway, would be cutting over 2 million jobs—about a million in defense industry, and over a million in direct employment.

To appreciate what this means, we have to understand that very large manpower cuts are already reflected in the fiscal year 1971 budgets as submitted. Measured from the wartime peak in 1968, the budget proposed cuts of 639,000 military personnel, 142,000 civilians, and 1.3 million contractor personnel by June 30, 1971—a total manpower reduction of over 2 million.

The cut that is already underway, involving more than 2 million jobs spread over 3 years, has itself created a great many problems. It has certainly added to our unemployment problems, while causing turbulence in Defense programing and in defense-related industry. These problems would be compounded many times over if we had to compress a further 2 million job cut into the short space of 10 months.

And, Mr. President, if we are to cut Defense spending by $5.2 billion in this way—$3.2 billion in direct payroll and $2 billion in purchases—we would end up on June 30, 1971 with a military force under 2 million men, about the same level as we had on June 30, 1941, 6 months before Pearl Harbor. We will face a chaotic situation in defense industry, as contracting volume is cut by $12 billion to achieve $2 billion in current year spending cuts, compounding a situation that is already critical.

A cut of $5.2 billion in Defense spending, it is said, is only about 7 percent of the total. But it quickly becomes a 30-percent problem when it must be effected through progressive cuts in contracting and employment, beginning after the fiscal year is well underway. Under the circumstances, a cut of $5.2 billion in Defense spending would produce chaos in defense manpower, including defense-related employment in industry.

Mr. PROXMIRE. Mr. President, how much time remains?

The PRESIDING OFFICER. The Senator from Wisconsin has 5 minutes.

Mr. PROXMIRE. I yield the remainder of my time to the majority leader.

Mr. MANSFIELD. Mr. President, more than a quarter of a century after the end of the Second World War, approximately 535,000 U.S. troops, dependents, and U.S. workers are still in Europe. It takes $14 billion every year out of the defense budget to maintain that unnecessary force and those unnecessary dependents and those unnecessary U.S. workers.

This country has more than 2,000 bases, large and small, scattered throughout the world. The cost of this, according to the latest figure I received some months ago, is $4.8 billion a year. Why, 25 years after the end of the Second World War, do we have to have so many bases in so many countries, having so much in the way of personnel, and costing so much in the way of Government expenditure? Why, after 25 years, do we have to have this amount of troops, dependents, and U.S. workers in Western Europe, at a cost of $14 billion a year out of the defense budget?

Mr. President, I support the Proxmire-Mathias amendment putting an expenditure limit of $66 billion on the Defense Department for fiscal year 1971. In my judgment the imposition of such a ceiling is the only way that this Nation's fiscal and economic house can be put in order. Talk is easy. It is time to act on the hard choices that must be made.

When the budget was proposed this year for fiscal 1971, the strength of the economy was misjudged. It was estimated that tax revenues would yield sufficient funds to provide a surplus of $1.3 billion. Unfortunately, the estimate was wrong. It was later revised in May of this year to reflect a deficit of over $1.3 billion.

The economic slowdown during past months provides an even more bleak forecast. It is now estimated that the loss in tax revenues—because of the economic recession—will be up to $15 billion. In other words, we may now expect $15 billion less than what the administration projected when the budget was originally proposed in January. That loss will be felt in every department of Government. It will be felt in the health and welfare programs that are so vital; in the fight to preserve the environment and in the education needs. As we have seen, the loss has been dramatically felt already in our vital housing and urban assistance programs.

It was in January that the Defense Department was allocated over $71 billion for fiscal 1971. But now we know that the Government will receive perhaps $15 billion less and all I ask the Senate is: Where will the Government make up this revenue?

Will it be by cutting education?

Will it be still more from housing and urban assistance?

Will it be from hospital construction as was attempted?

Will it be from health research?

Or will it be instead from the Defense Department which has recently learned from its own study that the overall efficiency of its operations and spending is greatly deficient.

The Senators from Wisconsin and Maryland can certainly document precisely those areas where the cuts can be made. Manpower reductions alone could contribute the greatest share of the reduction. Those troops returning from Southeast Asia and those hopefully to be removed from Europe could account for over $3 billion in savings if the levels of the Armed Forces are correspondingly reduced.

The experience of the Senate over the past 2 years should reinforce the approach taken by this amendment. When efforts are made to meet head-on one weapon system after another, the Senate is deluged by Defense Department reports, secret documents, and what not that accomplish the necessary obfuscation. Many of the systems deemed in one year as essential by the Executive in order to defend against the Senate's criticism are dropped the following year by the Pentagon for the very reasons the Senate expressed. What is Congress role in determining the expenditure levels of the various departments? That level of expenditure really decides national priorities.

Giving to the Defense Department the right to eliminate what they consider most expendible faces the question realistically. It is what happens today, anyway. The Defense Department now determines what is necessary and how much it costs. The rest is provided by Congress. Let Congress at least put a ceiling on what they may spend and let the competition for the funds within the Pentagon determine the elimination of the least necessary items.

In short, we can do more today to determine priorities than we have done all year. This is the Senate's opportunity to contribute to balancing the books so loudly heralded when education bills are passed, when hospital construction bills are passed, when housing bills are passed. But those measures contain much, much less compared to what we are here talking about. There is more money to be saved with this amendment than can be saved in all of the rest put together.

For those who cry out to cut spending, for those who say let us be fiscally responsible—this is their opportunity to act with their vote instead of their voice.

Mr. HART. Mr. President, today's vote on this amendment to limit Pentagon spending to $66 billion may be as important a vote as the Senate will have this session on the question of reordering priorities.

The amendment, of which I am a cosponsor, reduces the total Pentagon budget request of $71.2 billion by about $5.2 billion.

In considering this amendment, we must remember that within the last 12 months, the President has vetoed two education appropriation bills and one housing appropriation bill because Congress approved more funds than the President requested.

The President vetoed the education funding bill for fiscal year 1971 because Congress added $453 million to the budget request.

The President vetoed the housing money bill because it exceeded the budget request by $541 million.

The twin ironies of that second veto are: $700 million of the funds contained in the bill would not be spent this year and therefore, are not inflationary;

And, under the President's priorities, the bill contains more funds for the space agency than for the housing department.

Even without consideration of those two ironies, the fact remains that the President vetoed the two bills because together they exceeded the President's funding requests by $994 million.

That means if we pass the amendment

now before the Senate, the President could accept the priorities set in the education and housing bills as passed by Congress and still be more than $4 billion ahead of the game.

And if, indeed, the principal concern is the effect of Federal spending on inflation, a cut in defense spending will do more to cool a heated economy than cuts in education and housing.

As a matter of fact, a convincing case can be made that spending for education and housing are necessary to combat inflation.

Some will argue that a 7-percent cut in Pentagon spending will be detrimental to the Nation's security.

The fact is that the Senate Armed Service's Committee recommends a cut of almost 7 percent in that portion of the Pentagon budget covered by the military procurement authorization bill. Those recommended reductions will be part of any overall cut we may approve today.

The fact is that Pentagon projects are still plagued with costly overruns such as the $2 billion overrun on the C–5A. One effective way to halt, or at least decrease such overruns is to put pressure on Pentagon planners to improve procurement procedures by setting a reduced overall spending limit.

The fact is that the administration is prepared to spend almost $1 billion this year on an ABM system which it will have to tear down if it gets the arms limitations agreement it wants.

The fact is that we still have 3 million men under arms, and according to the New York Times, 429 major bases and almost 3,000 minor bases overseas. One justification for going ahead with the costly C–5A airplane is that deployment of the craft will enable us to bring our troops home from overseas bases. Let us do that and save some money.

The fact is that studies show we can reduce expenditures from $18 billion to $14 billion and still continue to increase our strategic strength.

The fact is that we now have more than 4,000 deliverable nuclear weapons, probably 10 times as many as we need to achieve near total destruction of the U.S.S.R.

And the fact is that according to the London Office of Strategic Studies, Russians are spending the equivalent of less than $45 billion on military activities this year.

These are only some of the reasons why I believe a reduction of 7 percent in a $70 billion budget would not undermine the national security.

There will be those who argue that establishment of a spending limit and leaving the specific cuts to the Pentagon is not the proper way to reduce Pentagon spending.

There is ample precedent for this approach.

In 1951, Congress told President Truman to reduce the Federal budget by a specific amount.

In 1968, the Senate approved a 3-percent reduction in the military procurement authorization bill.

Last February, at the suggestion of the ranking Republican members of the Senate Appropriations Subcommittee on Health, Education, and Welfare, the Senate approved a 2-percent cut in the HEW-Labor funding bill.

As a matter of fact, in 1968, I proposed an unspecified cut of $500 million in military research and development. While that amendment failed by three votes, Congress later determined, thanks to the strenuous efforts of Senator THOMAS MCINTYRE, chairman of the Subcommittee on Research and Development, that my amendment was too modest.

Last year by going over the Pentagon budget for these items with a fine tooth comb, Senator MCINTYRE succeeded in reducing the Pentagon requests for $8.2 billion by about $1 billion. This year, the Senator recommends cutting the budget request of $7.4 billion by more than $400 million.

That comes to a 2-year savings of about $1.5 billion.

If Senator MCINTYRE and his subcommittee can make such savings out of budget requests of $8 billion and $7.4 billion, I suggest the Pentagon can find $5.2 billion worth of fat in a $70 billion budget.

Mr. President, in summing up the case for this amendment, I can find no more eloquent argument than these words of President Eisenhower:

> No matter how much we spend for arms, there is no safety in arms alone. Our security is the total product of our economic, intellectual, moral and military strengths . . .
>
> Let me elaborate on this great truth . . . It happens that defense is a field in which I have had varied experience over a lifetime, and if I have learned anything, it is that there is no way in which a country can satisfy the craving for absolute security—but it easily can bankrupt itself, morally and economically, in attempting to reach that illusory goal through arms alone. The Military Establishment, not productive of itself, necessarily must feed on the energy, productivity and brainpower of the country, and if it takes too much, our total strength declines.

Mr. PROXMIRE. Mr. President, how much time have I remaining?

The PRESIDING OFFICER. Thirty seconds.

Mr. PROXMIRE. Mr. President, I yield back the remainder of my time and ask for the yeas and nays on the amendment.

The yeas and nays were ordered.

Mr. STENNIS. Mr. President, I yield back the remainder of my time.

The PRESIDING OFFICER (Mr. HARRIS). All time on the amendment has now been yielded back.

The question is on agreeing to the Mathias-Proxmire amendment, No. 861.

On this question the yeas and nays have been ordered, and the clerk will call the roll.

The assistant legislative clerk called the roll.

Mr. RIBICOFF (when his name was called). On this vote I have a pair with the Senator from Florida (Mr. GURNEY). If he were present and voting, he would vote "nay." If I were at liberty to vote, I would vote "yea." I withhold my vote.

Mr. EASTLAND (after having voted in the negative). On this vote I have a pair with the Senator from Maryland (Mr. TYDINGS). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withdraw my vote.

Mr. MAGNUSON (when his named was called). On this vote I have a pair with the Senator from California (Mr. CRANSTON). If he were present and voting, he would vote "yea." If I were at liberty to vote, I would vote "nay." I withhold my vote.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), the Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. Moss), the Senator from Maryland (Mr. TYDINGS) are necessarily absent.

I further announce that, if present and voting, the Senator from Louisiana (Mr. LONG) would vote "nay."

On this vote, the Senator from Nevada (Mr. CANNON) is paired with the Senator from Alaska (Mr. GRAVEL). If present and voting, the Senator from Nevada would vote "nay" and the Senator from Alaska would vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Sentor from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from South Dakota (Mr. MUNDT) and the Senator from California (Mr. MURPHY) would each vote "nay."

The pair of the Senator from Florida (Mr. GURNEY) has been previously announced.

On this vote, the Senator from Ohio (Mr. SAXBE) is paired with the Senator from Illinois (Mr. SMITH). If present and voting, the Senator from Ohio would vote "yea" and the Senator from Illinois would vote "nay."

The result was announced—yeas 31, nays 42, as follows:

[No. 276 Leg.]

YEAS—31

Burdick	Hughes	Pastore
Byrd, W. Va.	Javits	Pearson
Case	Kennedy	Pell
Church	Mansfield	Proxmire
Cooper	Mathias	Randolph
Eagleton	McCarthy	Symington
Fulbright	McGovern	Williams, N.J.
Goodell	Metcalf	Williams, Del.
Harris	Mondale	Young, Ohio
Hart	Muskie	
Hatfield	Nelson	

NAYS—42

Aiken	Bellmon	Brooke
Allen	Bennett	Byrd, Va.
Allott	Bible	Cook
Baker	Boggs	Curtis

Dole	Jordan, Idaho	Smith, Maine
Dominick	McClellan	Sparkman
Ellender	McGee	Spong
Ervin	McIntyre	Stennis
Griffin	Miller	Stevens
Hansen	Percy	Talmadge
Holland	Prouty	Thurmond
Hruska	Russell	Tower
Jackson	Schweiker	Yarborough
Jordan, N.C.	Scott	Young, N. Dak.

PRESENT AND ANNOUNCING LIVE PAIRS AS PREVIOUSLY RECORDED—3

Eastland, against.
Magnuson, against.
Ribicoff, for.

NOT VOTING—24

Anderson	Goldwater	Montoya
Bayh	Gore	Moss
Cannon	Gravel	Mundt
Cotton	Gurney	Murphy
Cranston	Hartke	Packwood
Dodd	Hollings	Saxbe
Fannin	Inouye	Smith, Ill.
Fong	Long	Tydings

So the Mathias-Proxmire amendment (No. 861) was rejected.

Mr. STENNIS. Mr. President, I move to reconsider the vote by which the amendment was rejected.

Mr. HOLLAND. Mr. President, I move to lay that motion on the table.

Mr. THURMOND. Mr. President, I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to the consideration of amendment No. 857, with a time limitation of 30 minutes. The clerk will report the amendment.

The assistant legislative clerk proceeded to state the amendment.

Mr. BELLMON. Mr. President, I ask unanimous consent that further reading of the amendment be dispensed with and that the amendment may be printed in the RECORD.

The PRESIDING OFFICER. Without objection, it is so ordered, and the amendment will be printed in the RECORD.

The amendment, ordered to be printed in the RECORD, is as follows:

At the appropriate place in the bill insert a new section as follows:

SEC. . (a) Notwithstanding any other provision of law, for a period of one year prior to the closing and for a period of three years following the closing of any military installation in any State, the Secretary of Defense shall, to the maximum extent practicable, in awarding any contract for the purchase of any equipment or service, give preference to any contractor who agrees that, in carrying out such contract, he will utilize the facilities at such installation and offer jobs to former employees who are unemployed as a result of the base closing.

(b) In order that the provisions of subsection (a) of this section may be effectively carried out in the case of any military installation which the Secretary of Defense has announced will be closed, he shall cooperate to the maximum extent practicable, consistent with security requirements, in making the facilities of such installation available for inspection by persons interested in utilizing such facilities after the installation has been closed. The Secretary shall make such facilities available for inspection by such persons as far in advance of the final closing of any military installation as possible.

(c) As used in this section (1) the term "State" means the several States and the District of columbia, and (2) the term "equipment or service" includes the repair, overhaul, rebuilding, or modification of any equipment as well as the manufacture of any equipment.

PROGRAM

Mr. MANSFIELD. Mr. President, will the Senator from Oklahoma yield to me so that I may make an announcement?

Mr. BELLMON. I yield to the Senator from Montana.

Mr. BYRD of West Virginia. Mr. President, may we have order?

The PRESIDING OFFICER. Senators will be seated. Those who have business to conduct other than the business of the Senate will please leave the Chamber.

Mr. MANSFIELD. Mr. President, first I extend my personal thanks to the Presiding Officer for his efforts to keep decorum and dignity in this body. I hope the example set by you, sir, will be followed by others who occupy the chair.

Mr. President, for the information of Senators, and with the concurrence of the distinguished manager of the bill, I wish to announce that there will be 30 minutes on the Bellmon amendment, and 1 hour on the McIntyre amendment. I understand the Senator from Arkansas (Mr. FULBRIGHT) will have one or two amendments; and that the Senator from New York (Mr. GOODELL) will have one or two amendments following that. So this is to put the Senate on notice that there will be rollcall votes this afternoon and a number of amendments to be considered.

I call to the attention of Senators that the Senate convenes at 8:30 a.m. Monday and 8:30 a.m. Tuesday; and that on Tuesday we will have four rollcall votes at the very least. I wish Senators would keep that in mind and be prepared to stay in town. Take Saturday off and Sunday, too, but act accordingly.

Mr. SCOTT. The restaurant will be open for breakfast at 8 o'clock. [Laughter.]

CONTROL OF TIME ON BELLMON AMENDMENT

Mr. STENNIS. Mr. President, will the Senator from Oklahoma yield to me?

Mr. BELLMON. I yield.

Mr. STENNIS. Mr. President, on the Bellmon amendment, I ask unanimous consent that the time in opposition thereto be controlled by the Senator from South Carolina.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 857

Mr. BELLMON. Mr. President, this is a brief amendment. The gist of the amendment is contained in the first paragraph which states:

SEC. . (a) Notwithstanding any other provision of law, for a period of one year prior to the closing and for a period of three years following the closing of any military installation in any State, the Secretary of Defense shall, to the maximum extent practicable, in awarding any contract for the purchase of any equipment or service, give preference to any contractor who agrees that, in carrying out such contract, he will utilize the facilities at such installation and offer jobs to former employees who are unemployed as a result of the base closing.

Mr. President, like many other States, Oklahoma has a number of military installations whose operations contribute to the size of the State's work force and to the overall economy of the area. In each instance, the Federal Government has invested large amounts of money establishing, equipping, and staffing these installations. The resulting payrolls have been of major importance to the communities of the area in which they are located.

When new military bases are opened, great stress is placed upon local communities to provide the facilities and services the new influx of population requires. Frequently officials of the Federal Government bring pressure upon local governmental and community leaders to provide lodging, housing, larger schools, entertainment facilities, recreation opportunities, and service industries. These developments are essential to the successful operation of Federal facilities, and local communities which meet such needs provide a genuine service in the national interest.

Because of varying requirements in our Nation's defense needs, it becomes necessary from time to time to make reductions in personnel, or to close down an installation. When such a necessity occurs, the resulting impact on the surrounding area can be calamitous. This is especially true if the installation is in a rural area and one in which there are no major industries to provide employment for a significant number of people who are laid off.

Mr. President, just as local communities and citizens have a responsibility to provide needed services and facilities when new Federal facilities are opened, the Federal Government has a responsibility to take every reasonable step to cushion the economic shock to local communities when the defense needs of the country no longer require use of the base.

In Oklahoma at the present time, we have such a situation at Clinton-Sherman Air Force Base. The Air Force has determined that it no longer has need of this base, and has withdrawn its B–52's along with all military and civilian personnel. The closure of this base has created a vacuum in the economic life of the cities and towns of the area which will be very difficult to fill.

Mr. President, this is a situation that is not in the best interests of this country. In order to provide some means of guarding against future occurrences of this type, I propose an amendment to the military procurement act to require the Secretary of Defense to give preference in the awarding of contracts to contractors who will agree to utilize the facilities at such installations and offer jobs to former employees who are unemployed as a result of a base closure.

Many who have served in the Armed Forces know from firsthand experience the tragic lack of civilian facilities and services to support military base personnel in many instances. One of the reasons for this unfortunate condition is the on-again, off-again nature of military base uses. This amendment is intended to stabilize activity at military bases and encourage development of needed supporting services.

There is another reason for this amendment. The investment by this Government in military bases represents

many, many billions of dollars. At the Clinton-Sherman Airbase alone, the investment by this Government amounts to approximately $57 million. In addition, among the facilities being vacated are 900 Capehart housing units in excellent condition, with a mortgage value of around $12 million, plus a water and sewer system, plus all other necessary facilities for a "new town." The only missing element is jobs, to take the place of the 8,000 military and civilian positions representing an annual payroll of $15.1 million.

This amendment is intended to provide civilian job opportunities so that these homes can be used and so that the present residents will not be forced into our already overcrowded cities. This amendment will help the Federal Government assume its responsibility when military bases are closed in the same way local communities are expected to meet their responsibilities when bases are opened.

With the anticipated decrease in military activity it is not unlikely that a great many communities in all parts of this country will be affected. This amendment can do much to lessen the economic blow to local communities faced with the sudden loss of employment and departure of families from their area. This amendment can help establish "new towns" in areas which need and can support permanent population and can help lessen congestion. This kind of preventive measure, in my opinion, is much preferable to any kind of effort intended to dismantle bases which, with job opportunities, could become viable communities.

Mr. President, I discussed this matter with the distinguished Senator from South Carolina and I believe he has an amendment he would like to suggest.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized.

Mr. THURMOND. Mr. President, the proposed amendment is entirely inconsistent with the long established procurement principles and policies of the Federal Government. It could result in the award of contracts to less competent and less qualified contractors. It could cause dislocation of contractor employees in one area as the price for hiring Federal employees who are out of work. It could cause the payment of higher prices for goods and services and penalize a low bidder solely on the grounds that he could not afford to abandon his own plant and people.

It would be unfair to any contractors who have their own facilities which are adequate to provide the equipment or services. In effect it could place a contractor with less invested in facilities and people in a favored position and defeat the normal process of competitive procurement.

Incompetency, lack of experience, and marginal financial stability all could be set aside under this amendment. A less qualified contractor, who under normal standards would not win the contract, could wind up with it because he was able and willing to use idle facilities at closed Government installations.

There are well established procedures, already in effect which provide for preferential consideration of displaced Defense civil service employees in filling both vacated and new jobs. This is covered by Department of Defense Instruction No. 1404.5 dated April 22, 1970, and entitled "Nation-Wide Centralized Referral System for Displaced Department of Defense Employees."

This policy is on a national basis so that employees who lose their jobs in one area of the country, and who are unable to be placed in civil service jobs in the same locale, also have preferential rights for employment in other areas of the country.

Mr. President, it is inconceivable that this amendment in its present form would be given serious consideration by the Senate. As I have explained, its terms are undefined. Its provisions and meanings are fraught with vagaries. Though I agree completely with its objectives, to help relocate and rehire Federal employees who have lost their jobs, the method for accomplishing this as proposed in the bill is not acceptable. The impact of lower budgets and reduced Defense spending is even greater on private industry than on Government installations. The job protection and reemployment rights available to civil service employees are not available to workers in industry.

I fully sympathize with the objective that the distinguished Senator from Oklahoma has in mind. I wonder whether he would consider modifying his amendment so that the amendment would read as follows:

At the appropriate place in the bill, insert a new section, as follows:

"SEC.—. (a) The Secretary shall also encourage recipients of defense contracts to use military installations being closed and to offer employment to former employees of military installations who are unemployed as a result of the closing of such installations.

"(b) The Secretary of Defense, in the case of any military installation which he has announced will be closed, shall cooperate to the maximum extent practicable, consistent with security requirements, in making the facilities of such installation available for inspection by persons interested in utilizing such facilities after the installation has been closed. The Secretary shall make such facilities available for inspection by such persons as far in advance of the final closing of any military installation as possible."

Mr. President, if the distinguished Senator from Oklahoma can see his way clear to modify his amendment in that respect, I shall be glad to support it.

Mr. BELLMON. Mr. President, before I respond to the distinguished Senator from South Carolina, I would just like to say that I do not accept some of the objections that the Defense Department has raised to the language I have proposed. There is nothing in this language that would, in my opinion, require the Defese Department to award contracts to either incompetent or high cost bidders. It simply authorizes the Secretary of Defense, to the maximum extent possible, to make use of facilities that are being closed and people who are being put out of work because of the closing of the installations. It was not ever the intent of the Senator from Oklahoma that those contracts be awarded to companies that could not perform or that were asking unusually high prices.

In my judgment, relocating the workers is not the complete answer, because it leaves the communities in a totally impoverished state and causes a huge waste of investment of Federal funds in plants that could be turned into useful and enduring enterprises.

Also, the policy followed by the Defense Department simply means relocation of thousands and thousands of workers from areas where there is plenty of room, clean air, and clean water, into our already crowded cities, where there are already problems of congestion, pollution, and crime.

I believe the original language is in many ways superior, but I believe the language suggested by the Senator from South Carolina will go a long way toward accomplishing the objective I had in mind when the amendment was offered. I believe that if the Defense Department will make use of the language which has been proposed it will go a long way toward accomplishing the objective of using the facilities and providing jobs for people who became unemployed when the facilities were closed.

Therefore, I accept the modification.

Mr. THURMOND. Mr. President, I appreciate the Senator's comments, and I am pleased that he accepts the amendment.

The PRESIDING OFFICER. Will the Senator send to the desk the modification of the amendment of the Senator from Oklahoma in order that it may be stated to the Senate?

The amendment, as modified, was read as follows:

At the appropriate place in the bill, insert a new section, as follows:

"SEC. —. (a) The Secretary shall also encourage recipients of defense contracts to use military installations being closed and to offer employment to former employees of military installations who are unemployed as a result of the closing of such installations.

"(b) The Secretary of Defense, in the case of any military installation which he has announced will be closed, shall cooperate to the maximum extent practicable, consistent with security requirements, in making the facilities of such installation available for inspection by persons interested in utilizing such facilities after the installation has been closed. The Secretary shall make such facilities available for inspection by such persons as far in advance of the final closing of any military installation as possible."

Mr. BELLMON. Mr. President, I yield back my time.

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Oklahoma, as modified.

The amendment, as modified, was agreed to.

The PRESIDING OFFICER. Under the previous order, the Chair recognizes the Senator from New Hampshire.

Mr. McINTYRE. I have an amend-

ment at the desk. I ask that the amendment may be read.

The PRESIDING OFFICER. The amendment will be stated.

The assistant legislative clerk read the amendment, as follows:

On page 14, immediately above line 19, insert the following:

"SEC. 207. It is the sense of the Congress that—

"(1) an increase in Government support of basic scientific research is necessary to preserve and strengthen the sound technological base essential both to protection of the national security and the solution of unmet domestic needs;

"(2) a larger share of such support should be provided hereafter through the National Science Foundation;

"(3) to the extent that funds are not otherwise available to provide for such increased support during the fiscal year beginning July 1, 1971, they should be provided from funds which have been or are programmed for other Federal programs for such fiscal year; and

"(4) in implementation of and in a manner consistent with these precepts the Director of the Office of Management and Budget should, in the preparation of the Federal budget for the fiscal year beginning July 1, 1971, provide for not less than a 20 per centum increase in the amount of funds to be made available to the National Science Foundation over the amount made available to such Foundation for the fiscal year ending June 30, 1971."

Mr. McINTYRE. Mr. President, I ask unanimous consent that section 204 of the committee amendment be considered as part of my amendment so that it and the new section 207 which I now offer as an amendment may be considered en bloc.

The PRESIDING OFFICER (Mr. SPONG). Is there objection?

Mr. DOMINICK. Mr. President, reserving the right to object, what is the Senator doing?

Mr. McINTYRE. I have asked unanimous consent that section 204 of the committee amendment be considered as a part of my amendment so that it and the new section 207 proposed in my amendment may be considered en bloc.

The PRESIDING OFFICER. And to be considered as an amendment to the substitute.

Mr. DOMINICK. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOMINICK. Section 204 has already been agreed to by this body.

The PRESIDING OFFICER. The Senator from Colorado is in error.

Mr. DOMINICK. I thought the committee amendments had been agreed to.

The PRESIDING OFFICER. The committee amendment is an amendment in the nature of a substitute for the whole bill.

Is there objection to the request of the Senator from New Hampshire? The Chair hears none, and it is so ordered.

The amendments being considered en bloc are as follows:

On page 11, after line 11 insert the following:

"SEC. 204. None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct and apparent relationship to a specific military function or operation."

On page 14, immediately above line 19, insert the following:

"SEC. 207. It is the sense of the Congress that—

"(1) an increase in Government support of basic scientific research is necessary to preserve and strengthen the sound technological base essential both to protection of the national security and the solution of unmet domestic needs;

"(2) a larger share of such support should be provided hereafter through the National Science Foundation;

"(3) to the extent that funds are not otherwise available to provide for such increased support during the fiscal year beginning July 1, 1971, they should be provided from funds which have been or are programmed for other Federal programs for such fiscal year; and

"(4) in implementation of and in a manner consistent with these precepts the Director of the Office of Management and Budget should, in the preparation of the Federal budget for the fiscal year beginning July 1, 1971, provide for not less than a 20 per centum increase in the amount of funds to be made available to the National Science Foundation over the amount made available to such Foundation for the fiscal year ending June 30, 1971."

Mr. McINTYRE. Mr. President, the Research and Development Subcommittee has wrestled long and hard this year with the problems posed by section 203 of last year's bill. That section, you will remember, provided that no Department of Defense research funds were to be used during fiscal 1970 for any research projects or studies which lacked "a direct and apparent relationship to a specific military function or operation."

After long deliberation, the Research and Development Subcommittee recommended the reenactment of section 203. That recommendation, as you know, was accepted by the full committee, and what was section 203 of last year's bill is now section 204 of the bill pending before the Senate.

The subcommittee recommended the reenactment of section 203 because it could not rationally quarrel with the section's basic thrust. Ever since the first days of the cold war, Department of Defense requests for funds have been warmly received on the Hill. As a consequence, and as the breadth of its own activities has increased markedly, the Department has often undertaken research of equal or greater relevancy to other mission agencies.

I think all of us could cite a number of instances in which the Defense Department research program exceeded its proper bounds. One prime example is Project Themis, a program to establish centers of excellence at universities previously lacking in first-rate research facilities and personnel. It would be hard to argue against the long term benefits inherent in such a program. But it would be hard to dispute either that such a university-development program bears far greater relevance to the mission of the National Science Foundation than to that of our Defense Establishment.

There is a good example, too, in the fiscal 1971 R.D.T. & E. budget. The surface effects ships program is a joint Navy-Commerce Department venture to develop hydrofoil technology. During the program's early years, the funds required were small, and both participants contributed equal amounts. For fiscal 1971, however, $20 million was required and the Department of Defense requested funds to cover almost the entire amount.

Referring to its recommended reenactment of section 203, the committee coupled a $10 million reduction in the surface effects ships program with the following language in the committee report:

The Bureau of the Budget should recognize that . . . Department of Defense Support of non-defense programs is not viewed with favor. . . . The budget for fiscal year 1972 should be examined carefully . . . to insure that such instances are not repeated.

Surely the time has come for examples of this kind to end. How can we possibly hope to reorder our priorities if the research programs of domestic mission agencies—the source of the new technologies required to solve their problems—are not able to stand on their own two feet?

The mere reenactment of section 203, however, might well be productive of more problems than it solved. Ever since its passage, the section has been subjected to conflicting interpretations. Moreover, its reenactment by itself will not make available additional research funds for domestic-oriented programs.

I would like to come to grips with these problems today. I would like to make clear, first, the committee's understanding of what the section requires. The amendment will insure the allocation of funds to domestic research goals.

Let us be clear, first, what section 203 itself requires. A good deal of misunderstanding has existed on this matter in the past and has contributed, I feel, to the controversy which the section has sparked.

It has been widely assumed, for example, that only research directed to the solution of short-term problems is permissible under section 203, that basic research of a long-range, exploratory nature has been ruled out of bounds.

The committee rejects this interpretation of the section's relevancy test in recommending its reenactment. It is a fundamental truth that any agency heavily dependent on science and technology for the performance of its mission must engage in basic research if it is to perform that mission well. Consider the alternative. If the Defense Department were to cease its support of research on the frontiers of science and technology we might well suffer as a nation the fate of the buggy-whip makers and wagon craftsmen who kept trying to improve their old specialties long after the internal combustion engine had finally arrived on the scene.

It has also been argued that section 203 bars Defense Department participation in any research projects which might be relevant to domestic agencies. This, too, is not quite right. What the section actually requires is a project's relevance to the defense mission. There are clearly projects with this relevance and domestic relevance as well. The application of military radar and computer technology to civilian air traffic control

functions, experimental work on housing on military bases, and selected manpower training programs are only a few examples.

The committee strongly believes that an effort should be made, not to bar Defense Department participation in all programs of dual relevance, but to maximize the domestic fallout of the Department's efforts in this area. This is essential, in my view, if our priorities are to be reordered under current budgetary pressures and if the many skills of our Defense Establishment are to be enlisted in the cause.

The bill reported by the committee makes a small beginning on this large and long-range task. At the suggestion of the distinguished Senator from Massachusetts (Mr. BROOKE), it creates an Interagency Advisory Council on Domestic Applications of Defense Research. This council, composed of members from eight different agencies, will attempt to identify research projects of mutual interest to DOD and the other member agencies and to coordinate work upon them. It is the committee's hope that as nondefense research programs expand in coming years, sponsorship and supervision of work begun under the council's auspices can be shifted to other agencies.

I would like to point out, Mr. President, that the strongest proponents of section 203—such as our distinguished majority leader, for example—have never suggested that it was designed to rule out Defense Department participation in basic academic research or in projects of dual relevance. But misunderstandings have arisen on these points, and I am sure that the Senator from Montana would agree with me that a clarification is in order at the present time.

The Defense Department has also expressed concern about the subjective nature of the relevancy test prescribed by section 203 and the headaches the test has given to defense research managers charged with its application.

Unfortunately, there is no simple solution to this problem. There is no precise, self-applying test which could possibly be devised. Yet some test obviously must be prescribed if the Congress is to give voice to its strong belief that there should be an end to the Department's support of nondefense research and programs.

The idea of relevance is not new. I should think that the Defense Department would be well acquainted with the following statements that support the principle of relevance.

First:

> The foundation shall be increasingly responsible for providing support by the federal government for general-purpose research through contracts and grants. The conduct and support by other federal agencies of basic research in areas which are closely related to their missions is recognizable as important and desirable, especially in response to current national needs, and shall continue.

Second:

> Mission oriented governmental agencies do and should support much long-range basic research, information from which is calculated to have a direct bearing on some aspect of their mission . . . All mission oriented agencies need to be in close contact with the best and most advanced research which can apply to their problems.

The first is from President Eisenhower's Executive Order No. 10521 of March 15, 1954, on scientific research. This order still stands. It was not rescinded by President Kennedy, by President Johnson, or by President Nixon. The second comes from the recent advice to the President by his Task Force on Science Policy.

It is the committee's belief that the overwhelming majority of research projects now in the Defense Department's budget do meet the relevancy test in section 203. The project review necessitated by the section, plus the budget cuts of recent years, have gone a long way toward setting its house in order.

No formal Defense Department review of existing research projects—to determine their compliance with section 203—is contemplated by the committee in conjunction with the section's reenactment. But its continued presence will serve two goals.

First, it will serve as a directive to defense research managers, in considering proposed projects for Department support, to heed the principle of relevancy which section 203 lays down. It is the committee's hope that projects of all but the highest relevancy will be turned down by the Department and directed to alternative sponsors, consistent with the availability of alternative research funds.

Second, the continued presence of section 203 will serve as a warning to defense research managers that the Hill's green light for unrelated defense research has turned red, and that clearly irrelevant proposals will be afforded a hostile reception if included by these managers in the Department's submitted budgets. Naturally, the judgments of these managers, as the men most aware of a given project's ramifications, will be carefully considered if and when the relevancy of future projects becomes an issue.

While some of the controversy which section 203 has sparked has been due to misinterpretations and to the subjective nature of its relevancy test, even more has resulted from there being ascribed to the section by its supporters a far broader function than the one I have just outlined—one broader, in fact, than the words of the section permit.

Judging from remarks on the floor during the past year, it is clear that section 203 was intended by its supporters not merely to weed out nondefense research projects in the Department's budget, but to correct what they regarded as a serious structural imbalance in Government support of basic research in the United States. It was their hope that the new section would produce large-scale reductions in Department of Defense research programs and that these reductions would be offset by corresponding increases in the research budgets of the National Science Foundation and domestic mission agencies.

Such a restructuring was deemed especially important, by the amendment's Senate supporters, within the academic community, where Department of Defense research support has until very recently exceeded that of the National Science Foundation. As our majority leader, the distinguished Senator from Montana (Mr. MANSFIELD) explained on the floor last year:

> A reasonable goal to be obtained through the working of this new provision could be to reduce DOD funding of academic research to no more than 25% of that funded by the National Science Foundation by the end of fiscal 1971.

Things just have not worked out that way.

In the first place, the Defense Department's review of its entire research program resulted in the identification of only $8.2 million worth of projects on which work had to stop because of section 203. This was an amount, needless to say, far less than supporters of section 203 had intended and far less than that required for a structural reallocation. In fact, the $8.2 million cut occasioned by section 203 was itself subsumed in the much larger $64 million reduction imposed directly by the Congress on the Department's research budget.

At the same time, reductions were also imposed last year on the research budgets of most domestic mission agencies. Faced with budgetary restrictions, these agencies responded in time-honored fashion, cutting back on research in deference to ongoing programs.

The academic community was saddled with most of the final burden. Agencies could reduce their in-house research efforts only minimally if efficient utilization of their facilities was to be maintained. And since too few dollars were available at the National Science Foundation to pick up the resulting "dropouts," many academic investigators have found themselves cut off from the research support necessary if their investigations are to go on.

In retrospect, these results are not surprising.

To begin with, section 203 was an improper vehicle for use in effectuating a major reallocation of Government research support. Legislation so imprecise, if given such a function, will inevitably be subjected to conflicting interpretations, with the result a war of words but a stalemate in the sphere of action. In fact, the reallocation function attributed to section 203 only served to heighten the difficulties inherent in application of its relevancy test.

Moreover, the section's supporters have seemed at times little more clear than the section itself as regards the nature and mechanism of the reallocation they hoped it would achieve. How many Department of Defense research dollars were to fall out en route to the new alinement? How were these dollars to be offset with increases elsewhere in a period of dollar shortages when most governmental agencies—and most congressional committees, too—saw research as the place to cut? And how could the institutional base needed to support the new structure possibly be built in 2 short fiscal

years? Not only was the legislative vehicle deficient. With questions like these unanswered—some indeed unanswerable—its route was ill defined.

Similar criticisms cannot be leveled, however, at the basic policy goal of reallocating Government support of research in the United States. For too long a time, too few of our total research as well as operating dollars have been channeled into domestic-oriented areas. How can we hope to end pollution and to meet the whole range of unmet domestic needs unless we develop the kinds of technology requisite to meeting them?

And it is especially important in my view that new patterns of research support be developed for our academic communities all across the country. I think that an excellent goal, not for the coming year but for the relatively short-term future, would be the goal sighted by the distinguished Senator from Montana (Mr. MANSFIELD) in discussing section 203 last year—a level of funding for the National Science Foundation four times as large as the basic research budget of the Defense Department. There are several considerations in favor of such a goal.

One is nothing more than the preservation of a viable relationship between the academic community and the Defense Department itself. At present, many university administrators are under extreme pressure from activist student elements to end all "war-related research" on the campuses. Such pressure faces university administrators—and the Defense Department—with a rather unpleasant choice: They must end their long and mutually beneficial association or otherwise run the risk of growing strife on campus.

A larger National Science Foundation role on campus would help to diffuse the tension. In the short run, it would enable the most sorely pressed university administrators to temporarily sever their relationship with the Defense Department with minimal ill effects for both. These universities and their investigators could turn to the Foundation as an alternate source of funds, while the Department would be insured that the needed work somehow got done. Foundation officials have made it quite clear to me that a large number of any projects dropped by the Defense Department would win Foundation support in open competition with all other projects proposed.

Over the longer term, a larger Foundation role might help to dissipate the present unrest itself. Most students, if pressed, would openly acknowledge the importance of a continuing link between our universities and the Defense Department. On reflection, they would not dispute that traditional research support links are an eminently practical means for bringing the advice and criticism of experts in the academic community to bear on the Defense Establishment.

What stops them from espousing such a view just now is their deep alienation from present national policy—the war in Vietnam, the gigantic military budget, and our unmet needs at home. A larger role for the National Science Foundation would itself be an indication that our policies were changing, that our system was being responsive.

A larger Foundation role would have several other implications.

It would enable the Foundation to bring to academic research some of the central policy coordination so sorely lacking to date. The horizons of individual mission agencies are quite properly limited by their own functions and operations. They have neither the resources nor the responsibility to assess our research needs from a truly national perspective. The Foundation, on the other hand, would be able with increased resources to step up its development of a national science policy, channeling resources and creating new pools of talent in areas neglected for the most part till now.

Moreover, while increased research efforts by domestic mission agencies are also needed, these agencies are not always the best of research sponsors, even within their areas of interest. They quite properly define individual projects so as to maximize the potential for short-term practical solutions, often to the detriment of breakthroughs around the corner. And there is a related consideration also. It is not unheard of for an agency to favor research which extends rather than undermines its ongoing programs, and therefore not to fund a research project calling these programs into question. So even as regards short-term, pragmatic solutions to problems, the Foundation, by encouraging truly free inquiries, would have a vital contribution to make.

A larger Foundation role would be helpful also in times of budget stringency, such as the present. The time-honored tendency, in such periods, is for mission agencies to cut back on their research dollars. The Foundation, as an institution devoted to basic research support, would not be subject to such pressures internally. And it would be better able to resist such cuts on the Hill, by arguing the necessity of support for its program because other research efforts were already being cut back. A larger Foundation role would thus help to insure the academic community of steady, long-term research support.

Indeed, it is the absence on such steady support at present which makes a rather prompt increase in the Foundation's budget imperative. The experience of the past year is instructive in this regard.

Due to budgetary stringency, virtually all mission agencies have been forced to cut back sharply on their own research programs. Some of the reductions have been absorbed in-house, to the extent consistent with efficient utilization of existing facilities. But there have been quite substantial cuts in the funding of outside performers.

As a result, many investigators have found themselves cut off from former funds. Such cuts have in fact been so severe that over $60 million worth of terminated research projects have been or are likely soon to be presented to the National Science Foundation for support. Many of these projects merit support, but the funds are just not available. The Bureau of the Budget was aware of this problem in the preparation of the Foundation's fiscal 1971 budget, but it allocated only $10 million for use in meeting it.

Already recent science graduates are finding it impossible to find employment in either research or education. If the situation continues, the damage could be severe. For while established scientists will win out in any scramble for limited funds, it is on the newcomers in major fields that our long-range future depends.

It is for reasons such as these, Mr. President, that I share the commitment of the distinguished Senator from Montana to an increased role for the National Science Foundation.

The amendment I am introducing today will provide for such an increase. It will explicitly direct the executive branch to do what the Senator from Montana hoped it would do in response to section 203.

My amendment calls upon the Office of Management and Budget, in its preparation of the fiscal 1972 Government budget, to provide for a 20-percent increase over the congressionally approved fiscal 1971 level in the budget of the National Science Foundation.

The Foundation's fiscal 1971 budget is $513 million. My amendment would thus provide for an increase of approximately $100 million.

This increase would constitute an important first step toward the goal of a $1 billion National Science Foundation budget recently endorsed by the President's Task Force on Science Policy. It would greatly alleviate the present "dropout" problem and also permit initiation of important new Foundation programs.

I do not believe that this increased funding for the National Science Foundation should be sought, however, at the expense of the remaining research funds of the Department of Defense or other mission agencies. I believe that the restructuring of research support envisioned by my amendment must be achieved through the channeling of increased funds to the National Science Foundation, not through the shuffling of existing research dollars. I say this for several reasons.

To begin with, such shuffling could be disruptive of existing research projects and would only compound the present "dropout" problem.

More significant is the fundamental importance of research to the solution of our present problems, both defense related and domestic. Many of our problems—in the field of pollution, for example—can be solved by technological breakthroughs, but these breakthroughs will not occur unless sufficient research funds are continually available.

In illustration of this point, the Illinois Institute of Technology's Research Institute not long ago did a series of case studies on products which today are having a major socioeconomic impact on the Nation and the world. The institute found that the last 50 percent of the significant research events that led to development

of magnetic ferrites, now widely used in computer memories, telecommunications, and small electric motors, occurred in a period from 1946–59; those that produced the video tape recorder produced in 1956 started in 1927; the last 50 percent of events leading to "The Pill" in 1960 began in 1936; and those that ended in the electron microscope in 1940 started in 1910.

Indeed it might be dangerous not to provide the steady large-scale research funding needed to insure similar breakthroughs in the future. Unfortunate though it may be, we are in competition today with an economic system which emphasizes the benefits of long-range planning.

I am in fact troubled by the trend which has developed over the past decade as regards Soviet and American research programs. Soviet research and development in all areas has been growing at a rate of about 10 percent a year, while our own research expenditures across the board have essentially leveled off.

I need not remind this body of the fact that three of the most significant scientific and technological developments of the century—nuclear fission, radar, and jet propulsion—were all based upon fundamental work done mainly from abroad. Our security might be jeopardized should future breakthroughs of similar magnitude again occur abroad.

Yet Soviet-American research trends are especially disturbing in the areas of military, atomic energy, and space work. During the 1960's, Soviet military research and development expenditures increased by about 60 percent, while our own expenditures increased by roughly 30 percent. And estimates for 1970 show the Soviets are now leading by more than 20 percent in absolute dollar terms.

Under these circumstances, and in light of the large-scale reductions which the Armed Services Committee has made in the Defense Department's research program during the past 2 years, further broad cuts in this area are not warranted. We would be ill advised not to couple our continuing cutbacks in defense procurement and hardware reduction with the strong research and development program needed to advance our technological base.

I wonder how many of my colleagues perceive how significant a cutback in Department of Defense funding of academic research has already occurred in the past 2 years. Actually, there has been a decline during this period from a level of $247.3 million in fiscal 1969 to $215.6 million in fiscal 1971. Measured in constant dollars—accounting for the impact of inflation and of increasingly costly technology per se—that represents a decrease in research effort of almost 25 percent in a very short time.

But while my amendment does not call for a reduction in other research programs to offset the increase provided by it for the National Science Foundation, it does recognize that some offset may be needed. It calls upon the Office of Management and Budget, should the budgetary requirement exist, to make some corresponding reduction in other projected programs.

This requirement is included, Mr. President, not only to demonstrate a sense of fiscal responsibility. Its purpose is to make clear that the increase called for—a very small amount in relation to our total budget—is not to be rejected on grounds of inadequate funds, that research should not be the target of any adjustments which may be required.

Mr. President, the Research and Development Subcommittee has wrestled long and hard this year with the problems posed by section 203.

The distinguished Senator from Montana deserves our gratitude for introducing that section and for bringing the issues it has raised to our attention. I believe that the section has had a constructive influence during the past year and that it will continue to have such an influence if interpreted along the lines I have outlined.

I also believe, however, that the broader restructuring of Government research support which the Senator envisaged as a result of section 203 can best be achieved through the amendment I am offering today and executive branch action pursuant to that amendment. I sincerely hope that he will join with me today in support of my amendment.

Mr. President, this concludes my remarks on my amendment. I think it might be useful, however, to place in the RECORD at this point a detailed analysis of the Defense Department's 6.1 or basic research budget. I ask unanimous consent to do so.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

6.1 RESEARCH

[In millions of dollars]

By Agency	Fiscal year— 1969	1970	Fiscal year 1971 Requested	Recommended by SASC
Army	88.9	76.4	80.1	76.3
Navy	130.3	117.9	118.9	116.6
Air Force	95.9	85.0	83.3	83.3
ARPA	43.6	43.2	42.7	36.7
DASA	45.5	46.0	44.6	44.6
Total	404.2	368.5	369.6	357.5
By scientific area:				
General physics	39.7	33.6	31.8	
Nuclear physics	34.7	33.4	28.5	
Chemistry	14.7	13.2	13.5	
Mathematical sciences	43.7	42.6	35.9	
Electronics	31.6	27.7	29.5	
Materials research	42.8	38.4	49.2	
Mechanics	31.7	30.3	30.9	
Energy conversion	16.7	14.1	15.5	
Terrestrial sciences	13.7	12.6	14.0	
Atmospheric sciences	31.1	31.1	32.6	
Biological and medical	44.2	38.3	39.2	
Behavioral and social	16.3	12.9	13.1	[1] 12.9
Oceanography	32.1	30.0	28.7	
stronomy and astrophysics	11.1	10.3	7.2	
Total	404.2	368.5	369.6	[1] 357.5

[1] The $12.1 million cut recommended by the committee is to be made at the discretion of DOD, except in the area of social and behavioral sciences, where $200,000 of the cut has been mandated.

R.D.T. & E. AUTHORIZATION BY PERFORMER

[In millions of dollars]

	Fiscal years— 1969	1970	Fiscal year 1971 Requested	Recommended by SASC
1. In-House:				
Government owned, contractor operated	329.5	341.3	337.2	
Government owned, government operated 6.1 research	169.1	154.5	153.2	
Other	1,861.3	1,873.3	1,826.5	
2. Industry:				
6.1 Industrial Research Laboratories	44.3	44.5	44.4	
Other	4,481.3	4,130.4	4,151.3	
3. Universities and colleges:				
6.1 research	160.9	143.7	144.1	
Other	80.4	79.4	71.5	
4. Federal Contract Research Centers:				
6.1 research	5.2	5.8	7.4	
Other	225.9	210.7	213.1	
5. Other nonprofit research institutions:				
6.1 research	12.2	12.5	11.1	
Other	369.9	359.0	325.4	
6. Foreign performers:				
6.1 research	6.0	2.4	2.0	
6.2 exploratory development	3.2	1.3	1.0	
7. Hospitals, State institutions, and other miscellaneous: 6.1 research	6.5	5.1	7.4	
8. Emergency fund		75.0	50.0	50.0
9. Prior year authorization			56.0	
Total R.D.T. & E. program	7,755.7	7,438.9	7,401.6	7,016.5
6.1 research	(404.2)	(368.5)	(369.6)	(357.5)
Other	(7,351.5)	(7,070.4)	(7,032.0)	(6,659.0)

SOURCE OF FINANCING

1. *In-House*—This pays for the cost of operating and maintaining all of the Department of Defense activities engaged in research, development, test and evaluation. The 6.1 Research funds relate specifically to laboratories which are engaged in conducting in-house research and whose people monitor research contracts and grants. This category does not include the funds for research contracts and grants, and these are distributed among the other categories as indicated. This category also includes funds from 6.2, 6.3, 6.4 and 6.5, as well as from the operational development programs.

An example of a contractor-operated installation is the Eastern Test Range in Florida which is operated and maintained by Pan American Airways with Radio Corporation of America as the major subcontractor.

2. *Industry*—This is the largest category and includes contractual effort from all areas and programs under the RDT&E appropriation. The major dollars are for 6.2, 6.3, 6.4, 6.5, and operational developments. The 6.1 effort is primarily for contracts with indus-

trial research laboratories, examples of which are listed separately.

3. *Universities and Colleges*—The preponderance of funds which go to these activities is provided by contract and grant from 6.1 Research funds. The remaining funds largely are provided from 6.2 and some from 6.3.

4. *Federal Contract Research Centers*—Most of the funds are provided from 6.2, 6.3, 6.4, 6.5 and operational developments. A small portion is provided from 6.1 Research.

5. *Other Non-Profit Research Institutions*—A small fraction of these funds comes from 6.1 Research. Most of the money comes from 6.2, 6.3, 6.4, 6.5 and operational developments. Typical institutions are listed separately.

6. *Foreign Performers*—As indicated in the table, 6.1 Research and 6.2 Exploratory Development are the two program sources of funds.

7. *Hospitals, State Institutions, and Others*—This is supported entirely from 6.1 Research. Typical organizations are listed separately.

6.1 Research.
6.2 Exploratory Development.
6.3 Advanced Development.
6.4 Engineering Development.
6.5 Management and Support.

Mr. KENNEDY. Mr. President, I support the amendment of the Senator from New Hampshire.

There is today a crisis in support for basic research. In fiscal 1970, mission-oriented agencies such as DOD, NASA, AEC, and HEW reduced their expenditures for academic research by at least $60 million. The National Science Foundation was given only $10 million to take up the slack. As a result, university science programs are in disarray. Brilliant graduate students do not know if they will ever be able to make use of their excellent education. Undergraduates are turning away from science to other fields of endeavor.

Basic research is crucial to our Nation's future. Our economic leadership depends upon it, as does our ability to overcome the adverse side effects of economic growth. We look to basic research also to improve the health of our citizens—to fight heart disease, cancer, and mental illness.

Scientific research needs to be funded in an orderly manner. It cannot be turned on and off like a faucet. Expensive equipment cannot be purchased one year and left idle the next. First-class research teams cannot be organized and disbanded at will.

When basic research is left in the hands of mission-oriented agencies, constant fluctuations in funding levels are almost inevitable. In times of budgetary belt tightening, the mission agencies will always sacrifice their long-term research projects to more immediate concerns. What is needed therefore is an adequately funded agency whose primary concern is basic research.

The National Science Foundation was supposed to be that agency. It was supposed to insure that academic science was supported in an orderly fashion. But the National Science Foundation has never been given enough funds to perform that task. For many years it lived in the shadow of the mission agencies, particularly DOD.

Senator MCINTYRE's amendment is a first step toward enabling the National Science Foundation to play its proper role in the support for scientific research. I hope that the Senate will accept the amendment and that the administration will heed our voices and begin to formulate an intelligent science policy.

I would like to add that I come from the State bordering on the distinguished Senator's own State of New Hampshire and one of the things that impressed me traveling around my State is that there are so many defense-oriented industries which are interested in trying to utilize their personnel and their technical know-how to address many of the critical domestic and social needs of this country; but they find that there is no institution that could help them to develop alternative products which might be consumer oriented or meet social needs.

I believe that there is a sound movement taking place within Congress which recognizes the responsibility of Congress to try to assist private industry, universities, and technical and scientific personnel to utilize their enormous skills to meet our domestic needs. The Conversion Research and Education Act, which I have introduced, is part of that movement.

The Senator from New Hampshire, as I understand the thrust of his remarks, is trying to jar this body into confronting this problem, and I want to commend him for raising this issue before the Senate, and to thank him. He has chaired the hearings on research of the Armed Services Committee and has a broad understanding of the needs in that area.

Mr. MCINTYRE. Mr. President, I want to thank the distinguished Senator from Massachusetts for his kind statement concerning the work of the subcommittee. He is exactly right. We find solutions to problems of this kind on the R. & D. Subcommittee extremely difficult. We are trying to jar the Senate into thinking about reordering its priorities in the field of basic research. Hopefully, we can begin to get some assistance from the executive branch.

Let me make it clear that the subcommittee's thinking at the present time is that after reducing Defense Department basic research $75 million to $80 million in the past 2 years, that program itself should not go any lower. But the National Science Foundation's own efforts must be increased, for the long series of reasons I cited. Thus, I appreciate very much the support of the Senator from Massachusetts. He has a wide knowledge indeed of this subject.

Mr. KENNEDY. As I said, the National Science Foundation can play an extremely important role here. What we must try to do, particularly as we cut back defense expenditures, and as this results in loss of employment among many scientific and engineering personnel, is to develop within the Commerce Department, the Small Business Administration, and other agencies of the Government, as well as the National Science Foundation, the ability to redirect the energies of the scientific community so that they can come to grips with our domestic needs.

We in this body will have to try to meet the present challenge and find ways to help industry and the scientific and engineering professions to find it worth their while to devote their talents to meeting the social needs which exist in this country.

The Senator from New Hampshire has performed an extremely useful service in helping to crystallize some of the thinking on this matter.

Mr. MCINTYRE. I thank the Senator from Massachusetts and urge his continued interest in what we consider to be a difficult problem. His help will certainly be needed if the goals of my amendment today are to be realized.

Mr. DOMINICK. Mr. President, I was most interested in listening to the colloquy between the Senator from Massachusetts and the Senator from New Hampshire. All too often we in the Senate and the public at large forget the benefits which have accrued to society as a whole by virtue of some of the military defense spending which has gone on in the past.

For example, we had not only the research previously funded before the amendment of the Senator from Arkansas (Mr. FULBRIGHT) was agreed to, that puts us in a bind, to which the Senator from New Hampshire is now addressing himself, but we have the fallout from rapid education developments, language schools, new techniques in medicine and surgery, and a great many other progressive steps of this kind which, generally speaking, have been totally overlooked in the field of public awareness, and often—much too often, it seems to me—in the debates in the Senate.

Mr. President, I have looked at the amendment with some care because of the fact that it operates on an authorizing level for fiscal 1972. Both the Senator from New Hampshire and I serve on the Armed Services Committee. I also serve on the Committee on Labor and Public Welfare. The responsibility for determining the authorizing level for the National Science Foundation comes within the jurisdiction of the Committee on Labor and Public Welfare.

I spoke to the chairman of the committee, the Senator from Texas (Mr. YARBOROUGH), and we read this over again. As I said, the authorizing limits for the National Science Foundation do come within the jurisdiction of the Committee on Labor and Public Welfare, and obviously we have not had any hearings or any evidence as to what it would be, and so forth, for fiscal 1972, because we are simply not on that level.

I notice that the amendment is written as a sense of Congress amendment. In other words, what the Senator is saying here, as I understand it, is that it is the feeling that if this could be done within the budgetary process, we should work towards that end. Is that correct?

Mr. MCINTYRE. That is correct. The amendment states it to be the sense of the Congress that action by the Office of Management and Budget is required soon—in preparing next year's budget—if we are to meet this urgent problem. The Senator realizes that what we are

trying to do is to focus attention on the problem, so that the Office of Management and Budget can act and so that domestic mission will be aware of the fact that they too, should be picking up the cudgels on behalf of their own research and development programs. That is the thrust of the amendment.

Mr. DOMINICK. I am delighted to have the Senator from New Hampshire verify my understanding, and also the understanding of the Senator from Texas (Mr. YARBOROUGH). This eliminates, obviously, any jurisdictional problem we might have had, and is also trying to put back into focus the fact that the amendment of the Senator from Arkansas (Mr. FULBRIGHT), which the Senate has agreed to and is a provision of the bill, has created a substantial cutback in the scientific community through the universities and the ability to proceed with scientific research.

I think it is extremely important. I certainly hope that we can get around the results of that by the initiative taken by the Senator from New Hampshire.

Mr. McINTYRE. Mr. President, I thank my good friend, the Senator from Colorado, who is a member with me of the Armed Services Committee, for his attention to this matter. As the Senator has already pointed out, it is his committee that has jurisdiction of the National Science Foundation. His committee's help could be extremely important as we try to change the whole thrust of Government research support around.

Mr. MANSFIELD. Mr. President, will the Senator yield?

Mr. THURMOND. Mr. President, I yield 1 minute to the Senator from Montana.

Mr. MANSFIELD. Mr. President, I support the McIntyre amendment, section 207, since it specifies the direction in which I believe Federal sponsorship of science should proceed. It elaborates and complements the expressed intention of section 203 of the present law. It specifies the congressional intent to channel more resources through the National Science Foundation, while insisting that the Department of Defense maintain a program of basic research. I support fully this policy.

I believe the enactment last year by the Congress of section 203 has focused much needed attention on the whole issue of this Nation's science policy and the methods through which the Federal Government makes its contribution to the research community. I would hope that the Senate will express overwhelmingly its support for the basic thrust of 203 and back fully the Armed Services Committee in its recommendation of its reenactment.

I was invited by Congressman DADDARIO to testify before his House Subcommittee on Science, Research, and Development with respect to the use of public resources for basic science and the rechanneling of these resources through civilian agencies. I ask unanimous consent that my statement before his subcommittee on August 11 be printed at this point in the RECORD. It fortifies the statement made today by the distinguished Senator from New Hampshire (Mr. McINTYRE), who has done such outstanding work in this field as the chairman of the pertinent subcommittee of the Senate Armed Services Committee. I congratulate him.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

RECHANNELING THE PUBLIC RESOURCES FOR BASIC SCIENCE THROUGH THE CIVILIAN AGENCIES: A NEW GOAL FOR NATIONAL SCIENCE POLICY

(Statement of Senator Mike Mansfield)

I have been asked to comment on the government's role regarding the support of research. I appreciate this invitation by the Chairman of the Subcommittee on Science, Research and Development. Specifically, I suppose the question really is whether adequate government support of science can be carried on if there is a permanent shift away from the role of the military in the conduct of research. What must be considered is the relationship of the Department of Defense and other mission agencies to the matter of research; what part research plays in their overall functions and as a related matter, whether strong ties should be continued between the Pentagon and our universities. The answer to these questions by and large will determine this nation's entire science policy for the years ahead.

At the outset I should say that the quality of life on earth tomorrow will be determined in large part by the measure of the scientific research undertaken today. There is thus a significant public responsibility to sponsor research in the various scientific disciplines and to keep the way clear to follow up on new discoveries. Determining the emphasis, however, is a most delicate responsibility. To a great extent the emphasis is determined by the size of the resource devoted to the various disciplines.

Since the end of World War II, the Government's contribution to research, development and the supporting facilities has reached nearly $200 billion. Where and by whom that money was spent has determined not only the science policy of this nation but the entire emphasis in science education and training. During this time well over half of the government's contribution to science has been channeled through the Department of Defense. It must be clearly understood that most of this money purchased research of the highest quality. However, not nearly so clear is the rationale that dictated that the Department of Defense should be the principal sponsoring agency for much of this vital research.

For the past 25 years the Pentagon has sponsored research in almost every scientific discipline imaginable. From the most esoteric examinations of ornithology to the study of broad social movements in foreign countries, the Pentagon has run the gamut in its research endeavors. By necessity, therefore, the Pentagon assumed a significant role in determining the nation's science policy. The desirability of such a large role for this mission agency is the basic issue confronting us.

It is not difficult to understand how we got where we are today. The phenomenon of channeling so much of our research money through the Defense Department developed over the years not only from normal bureaucratic urges to grow but because the science community and the Congress acquiesced in that growth. So the question is not how we got here. It is why. To put it simply: Why should the Defense Department be the principal government agency through which is funded the federal research that has no apparent relationship to the security needs of this nation?

To reply by saying that the research community has found that funds simply were more readily available at the Defense Department rather than at other civilian agencies states a fact. But it is not an answer. Nor is it sufficient to say that Pentagon requests for funds receive less Congressional scrutiny than those requested by non-military agencies. Too often in the past prevailing attitude has been expressed by the question: Are we giving you enough? Perhaps it should have been: Why do you need so much? In part the historical answer lies in the fact that the cloak of national security lined with the international threat of communism simply prevented a close scrutiny of Defense requests including requests for research and development. In part, the answer is that Defense spending requests became so large that even billions for research and development seemed dwarfed. As a result the scientific community came to rely upon the immunity of Defense funding from close scrutiny and occasional budgeting squeezes. For years Defense funding provided a very stable source of research money. It was the easiest path for research community to follow.

It wasn't long before many of the most able members of the science community gravitated to this source of funds. It became apparent, too, that although only a relatively small fraction of the federal research dollar was spent on university campuses, that money was very important to those universities in maintaining their status. The salaries paid by the research grant paid in effect the salary of the faculty member and a good share of the institution's overhead as well. The universities were not prepared to accept direct subsidies for fear of losing their autonomy—but they were apparently prepared to accept such a dependence indirectly with no questions asked.

Two years ago during Senate debate on the Defense appropriations bill for fiscal year 1969, I offered an amendment which would have limited the payment of indirect costs for a research grant or project to 25 percent of the direct costs.[1] From my preparation for this measure and subsequent debate, I saw the grave financial difficulties faced by our universities today and noted the disturbingly heavy dependence of virtually all of our leading universities upon hidden subsidy via indirect costs. A total of 620 academic institutions in fiscal year 1968 received federal support for research and development totaling $1.4 billion. Of this the Department of Defense accounted for $243 million and the National Science Foundation, $212 million. This money largely benefited only a few institutions. The top 100 accounted for 87 percent, or $1.2 billion.[2] Even under the limitation of my amendment, these top 100 would have received $300 million for indirect costs; money that the individual scientists would never see but which would go into general university funds. Of this, in turn, 20 percent would have come from the military appropriations. And since overhead charges by many institutions were higher than the 25 percent limit I proposed, the Defense Department in 1968 was supplying more than $60 million to the indirect cost accounts of leading universities. Under these circumstances, I concluded that the situation was most unhealthy. To better gauge the ramifications of the federal subsidy to universities through overhead payments, I wrote to Philip Handler, then Chairman of the National Science Board and now President of the National Academy of Sciences. In a frank reply, he pointed out that of $1,671 million of federal funds for research at universities for fiscal year 1967, only about $426 million were utilized to

[1] Congressional Record, vol. 114, pt. 22, p. 29322.

[2] "Federal support of research and development at universities and colleges and selected nonprofit institutions, fiscal year 1968." National Science Foundation report NSF 69-33, 1969, pp. 3 & 14.

support research in the most immediate sense. The remainder found its way into institutional funds and departmental funds.[3]

Subsequently the National Science Board proposed to the President that this situation of a hidden and unhealthy subsidy be corrected through grants to the universities so that future proposals for research would need cover only the direct and out-of-pocket costs of the work. I hope that the silence which greeted this recommendation within the Executive Branch will not be permanent and that Congress will assess its practicability as a way to establish more honest relations between the universities and the agencies of the federal government that fund on-campus research and higher education.

A contributing reason for the expansion of defense interests into almost each imaginable field of research in my opinion is the past and present inadequate information about what kind of research is being done by whom and where.

It has often occurred to me, and to other Members of Congress, that because many federal departments and agencies fund so many research projects, there is a real possibility of overlap and duplication simply because "the word" does not pass between federal research administrators. Note that I am not speaking of research that one scientist deliberately carries out to confirm or refute the discovery of another, for this is an essential part of the scientific process. Rather, I have been and am still concerned with the probability that needless and unwitting duplication of work occurs which could be minimized if scientists and administrators had a current, reliable and complete source of information about who is doing what research with federal funds. So I asked the agencies to supply me with a list of current research projects. Having little success with the direct request, I arranged for the Bureau of the Budget to ask the agencies to comply.[4] When all of the replies finally trickled in, it was evident that whatever the agency project information systems may be, they are simply incapable of readily providing summary information on research. Eight departments and agencies finally responded. Five separate replies were sent by Defense and six by the Department of Health, Education and Welfare, bringing the total number of project information readouts to 17. Eight replies appeared to be print-outs of computer systems, with the rest manually prepared. Two defense agencies submitted computer products and three manual ones. Later it was reported to me informally that project information had been taken from the computer-based systems, edited and put back in before being printed out for transmittal. Three of the agencies of HEW and four other agencies used the science classification system specified by the Bureau of the Budget in its Circular A-46. The remainder employed their own systems for identifying fields of science. The system used by the National Science Foundation, presumably the lead agency for federal information on science and technology, was different from that specified by the Bureau of the Budget.

Parenthetically, considering the many computers and elaborate information systems of government agencies, this simple request should not have produced the administrative convulsions that it did. The administrative entanglement indicated to me that each department goes its own way in research with little attention to that funded by others. There simply does not exist a system capable of quickly and easily informing research administrators in one department of what research of potential interest or use to them is currently funded by another federal agency. While coffee-break exchanges among scientists have their value, they are not an adequate substitute. It is well over a years since I inquired into this matter. Yet the Office of Science and Technology has not decided what current information about research projects should be collected, who should do the collecting, how it should be collected and who can have access to it. Perhaps we need some one to tackle this issue with the vigor of past efforts when the related question of cataloging and making available the results of research already done was exhaustively considered. Perhaps the reorganized Office of Management and Budget can give this a priority among its management functions.

My experience in trying to get current information on research confirmed yet again my observation that bureaucracies must often be kept after to obtain improvements in the administration of government-funded research. These improvements are all the more necessary in a time when the dominant question has changed from: "What can we spend our increasing research appropriations on?" to "How can we best spend the available appropriations for research?"

In this connection, to overcome the inertia, to get out of comfortable, well-worn ruts sometime require heroic measures.

It was during the Senate's appropriation hearings in 1968 that I asked Dr. Foster of the Defense Department about duplication of research and about the relation of Defense-sponsored research, particularly its basic research, to that of other agencies. It was abundantly clear in his response that the Pentagon then believed all fields of science and technology were open to it, that it saw no inconsistency in funding basic research in fields already funded by civil agencies, and that *all* research projects it sponsored were somehow relevant to Defense needs. The Defense Department was adamant in its position that it must continue the full spectrum of research then being undertaken, even though by definition the outcome of much such research can neither be predicted nor its possible relevants to military science known. This testimony reinforced the conviction that research funded by the military appropriations had built up an enormous momentum, and that only the most forceful efforts by Congress could effect change in the direction of rechanneling federal responsibility for the funding of basic research. At the time, it seemed clear that there was not a national policy that viewed the nation's long-term interests. What to do about it was another question.

During the floor debate on the military authorization bill (PL 91-121) for fiscal year 1970, I added a rider which appeared as Section 203. It reads as follows:

"None of the funds authorized to be appropriated by this Act may be used to carry out any research project or study unless such project or study has a direct or apparent relationship to a specific military function or operation."

That provision became law and the same provision now appears as Section 204 of the military authorization bill reported to the Senate for fiscal year 1971, but does not appear in the bill reported in the House.

I believe Section 203 is a necessary and practicable step towards the goal of reducing the heavy dependence of American science that has built up since the early 1950's. Properly and imaginatively administered, it can also lead to a strengthening and a rebuilding of the foundation for the future of much of American science.

The intent of the provision is clear. It is a mandate to reduce the research community's dependence on the Defense Department when it appears that the investigation under consideration could be sponsored more reasonably by a civilian agency. After all, the National Science Foundation was created by Congress back in 1950 specifically to channel federal funds into basic research. Since its creation, it has been the orphan child of the federal government's science policy. Since 1955 NSF has been given $2 billion to sponsor basic research. During this same period, Pentagon spending has been $3 billion on this same type of research; it has spent 50% more for the fundamental investigations—in addition to the many billions on advanced research and development of specific military needs—than has the agency set up for this sole purpose.

The addition of Section 203 to the military authorization law thus sought to set in motion a realignment. The language was intentionally imprecise in an effort to afford the Executive Branch an opportunity to start a process that would lead to the transfer of resources from the Defense Department to the civilian agencies—primarily to the National Science Foundation.

Clearly, Congress does not exist to operate the daily workings of the Executive. By law, however, Congress does have a responsibility together, with the President, to establish broad policies. Congress has a right to assume that policies so established will be followed. Much progress has already been made since Section 203 became law in the face of the resistance that has lingered in some quarters. The authorization for NSF funding for this coming fiscal year has been increased by about $75 million over last year. By comparison, this year the Defense Department's share of basic research funds will be $50 million less than that of the National Science Foundation.

By no means, however, does Section 203 intend to cut off the Defense Department from research that it needs. It is neither anti-military nor anti-research. Whether the language chosen is interpreted strictly or loosely, it is hoped that the ultimate result of this whole endeavor will be a continued high level of basic research funding by the federal government. Hopefully, we will see in the near future that the civilian agencies under the leadership of the National Science Foundation will develop as the primary source for these research funds. The responsibility of the civilian agencies to fund an appropriate share of basic research is in no way diminished by Section 203. The Pentagon will continue to have a responsibility for research—even basic research, one that allows those entrusted with military defense to maintain a full and necessary exchange with the researchers at the frontiers of science. The role of the Defense Department in sponsoring basic research, however, is intended to be incidental rather than predominant.

Turning now to the DoD response to Section 203, I believe that the review of research by DoD could have benefited from guidance and criteria issued by its top management. That did not happen. Instead, all that the Defense Department did was to send a memorandum to its constituent agencies informing them of Section 203 and telling them to comply.

When I inquired of DoD about their follow-through on this provision, Deputy Secretary of Defense Packard replied in part that the Department had contacted the National Academy of Sciences and invited them to consider carrying out an examination of all projects which might be affected. I thought this a constructive idea and wrote to Dr. Handler on December 5, 1969, to support this participation by the Academy. To my disappointment, Dr. Handler replied on December 12 that he must decline to involve the National Academy of Sciences directly in the review. He did volunteer to offer the Academy for any follow-up review. More important, he agreed it would be useful for

[3] For the text of Mr. Handler's letter, see the Congressional Record, vol. 114, pt. 22, pp. 29338-9.

[4] c.f. Bureau of the Budget Bulletin No. 69-8, dated December 3, 1968, Subject: Listings of Federal Government contracts and grants for support of research.

the Academy to do two things. First, to formulate principles which might guide the administration of Section 203. Second, to undertake a projection of the implications and consequences of Section 203 with respect to the future of federal research policy and the national welfare. While I did not ask the Academy to do so then, experience with Section 203 indicates that it should do so now.

To date, there have been differences in application within the Department of Defense. On the one hand, for example, the Advanced Projects Research Agency asserts that none of its projects fail the test of Section 203, even though the General Accounting Office has singled out some as questionable in terms of this legislation and as more properly supportable by the State Department than by military appropriations. On the other hand, the Department of the Air Force has seized upon Section 203 to terminate research funded from appropriations prior to fiscal year 1970, with the excuse that they were carrying out the "Mansfield" philosophy.[5]

Of the 6,600 research projects that were reviewed, 220 were found affected by Section 203 which involved fiscal year 1970 funds totalling $8.8 million. This is about 4 percent of the $223 million that DoD obligated during this fiscal year for research at colleges and universities, and less than 1 percent of the $1,295 million of federal funds for university research and development estimated by the Bureau of the Budget for fiscal year 1970.

By comparison, the general tightening of the Defense research budget for fiscal year 1970 caused a reduction of $64 million, notwithstanding Section 203.

Recently, the Secretary of the Air Force testified that approximately 7 percent of the research projects, representing 3 percent of the Air Force research program, failed to pass Section 203. In comparison, tightening funds required a cut of over 10 percent.

Of course, Section 203 goes beyond the 220 projects immediately affected. Research projects funded from prior years' funds that do not meet the test of this legislation will be affected as they come up for renewal. The Comptroller General was unable to provide us with an estimate of the number of projects in this category or their total funding. Nonetheless, in my judgment, such projects should continue to their normal expiration, which will provide time for coordinated review by the Department of Defense with the civil agencies and for leadership and initiatives from the Office of Science and Technology. Despite its limited reaction to date, I still look to the Office of Science and Technology to provide the leadership necessary so that research affected by Section 203 which should be continued in the national interest will have a fair chance at the available basic research funds.

All that is required under Section 203 is relevance, which is not a dirty word as some critics of the Section sometimes seem to suggest. Relevance does not preclude agencies from funding basic research. Section 203 does not forbid the Defense Department from funding any and all research at colleges and universities. Had that been our purpose, we would have so written this legislation. What Section 203 does is to begin to close out a second and a backdoor National Science Foundation which has grown up in the Department of Defense.

It seems to me that the Defense Department can readily identify and justify many fields of fundamental research about which enough is known to judge their relevance to defense needs now and in the foreseeable future. Research funded in such fields as a result of announcement and publication of such DoD interests should produce proposals for research that would permit scientists to explore aspects of science which add to understanding in fields reasonably related to Defense needs.

The idea of relevance is now new. I should think that the Science Adviser to the President would be well acquainted with the following statements that support the principle of relevance.

First:

"The Foundation shall be increasingly responsible for providing support by the federal government for general-purpose research through contracts and grants. The conduct and support by other federal agencies of basic research *in areas which are closely related to their missions* is recognizable as important and desirable, especially in response to current national needs, and shall continue."

Second:

"Mission oriented governmental agencies do and should support much long-range basic research, information from which is calculated *to have a direct bearing on some aspect* of their mission. . . . All mission oriented agencies need to be in close contact with the best and most advanced research which can apply to their problems."

The first is from President Eisenhower's Executive Order No. 10521 of March 15, 1954, on scientific research. This order still stands. It was not rescinded by President Kennedy, by President Johnson or by President Nixon. The second comes from the recent advice to the President by his Task Force on Science Policy.

Section 203 opened to the Administration a unique opportunity to set in motion a rebalancing of the responsibilities of federal agencies for the funding of basic research. The section became law on November 19, 1969. Yet the budget for fiscal year 1971 does not indicate that this opportunity has been taken. There is no indication of a shift of basic research unrelated to defense needs to the National Science Foundation or other agencies and, at the same time, a corresponding reduction in Defense funding.

In short, timely arrangements have not been made for orderly decisions pursuant to Section 203. I wrote last fall to the Director of the Budget Bureau and to the Cabinet officers of Departments and other agencies concerned on that point. The letters have had no appreciable effect. The Research Management Advisory Panel to your Subcommittee recommended that the Section be administered so as to produce an orderly shift in sources of research support. What has happened to that recommendation? In the meantime, where is the contribution of the interdepartmental system for coordination in research to which reference is always made when Congress starts to talk about improving the administration of federal appropriations for research? What has it done?

All that is heard are requests for the abolition of Section 203. Indeed, there seems to be almost a willingness to risk the wreck of the whole DoD basic research program rather than take an innovative and imaginative response to the law. Again, however, what may be involved is the built-in inertia of bureaucracy.

To carry out the intent of Section 203 will require new ventures in interagency coordination. That is the responsibility of the reorganized Bureau of the Budget and the Office of Science and Technology under the President. Thus far, unfortunately, the White House science office apparently sustains the rigid opposition of the agencies to Section 203. That is most unfortunate because if there are to be improvements in coordination and a shift in the emphasis of federal policy with regard to support of basic research, it is going to take a joint effort by the President and the Congress.

To sum it up: We are in dire need of a new national policy on the federal role in science. Whether technological progress depends upon basic research is no longer an issue. That was agreed upon years ago; and I am sure it is the conviction of Congress that maintenance and hopefully growth in scientific activities are essential to the public welfare and the nation's future. But the policies of the 1950's and 1960's are not suitable for the already perplexing 1970's. Too much is at stake to depend upon fortune, upon luck, upon happenstance. Our policies must be soundly and thoughtfully conceived and guided.

If the Executivve Branch is thinking about policy in these terms, no evidence of it has yet appeared in the public press despite recent inputs from the President's Task Force on Science Policy and the National Goals research staff.

I hope we can look to the scientific community for advice. Yet I recall that this community speaking through the National Academy of Sciences in 1965 was unable to answer the questions on how much money should be spent for research and how it should be divided up.

Recognizing the risk of oversimplifying, it would be my judgment that we can no longer rely for guidance upon an uncoordinated, unplanned collection of laws, orders, statements, understandings, and traditions. These all have their place. But we must now bring them together, which is what the inquiry of the Subcommittee is all about. I would hope that the Subcommittee on Science, Research and Development will continue its role of Congressional leadership and stimulate enough interest so that our leaders of government and science will sit down together and work out the principal outline and content of the kind of policy that is needed. It is up to Congress to assert its long-neglected responsibility and set forth a national policy for science. It is long overdue.

The PRESIDING OFFICER. The time yielded to the Senator from Colorado has now expired. The only remaining time in the hands of the Senator from South Carolina.

Mr. THURMOND. Mr. President, how much time remains?

The PRESIDING OFFICER. Twenty-five minutes remain to the Senator from South Carolina.

Mr. THURMOND. Mr. President, I yield myself 5 minutes.

The PRESIDING OFFICER. The Senator from South Carolina is recognized for 5 minutes.

Mr. THURMOND. Mr. President, I support the amendment of the distinguished Senator from New Hampshire. My interpretation of the amendment is that the purpose is not to reduce research and development for critical weapons which are essential to our national security. It is simply to provide more funds to the National Science Foundation for basic research.

Basic research is essential. We should go forward in this field. The developments we have had and the inventions that have come to this country have come from basic research.

It is very important that we not reduce funds. It is important that we continue to go forward in that field.

I want to say, however, that the survival of this country is not only dependent upon that basic research but is also

[5] In his letter to Rep. Daddario of June 5, 1970, Secretary Seamans wrote of Section 203: "We have attempted to meet the intent, as we understood it, rather than merely the letter of Section 203. Accordingly, we made no distinction between fiscal year 1970 or prior year funded research in our review. . . ."

dependent upon the research the Defense Department does with our critical weapons.

In this connection, I want to read from an article by Gen. Thomas Lane, a retired Army general. This article is entitled "Survival Is First Priority."

General Lane says:

Citizens who follow discussion of the federal budget will frequently encounter the cry for new national priorities. The usual ploy is for a Senator or a lobbyist to cite the needs of education, medicine or housing, then mention the cost of new military aircraft, and say, "We must revise our priorities!"

It is revolting to note the frequency with which public officials or prominent intellectuals resort to this tactic. It is revolting because the cry reveals an ignorance and confusion which ill become men bearing public responsibility.

In our society, the increasing mastery of machine technology is reducing the proportion of society engaged in essential work. From top scientists to factory workers we have the producing elements of society. The rest of the people enter occupations reflecting the leisure opportunities of our economic system. On the intellectual side, they used to be called philosophers; but now that the numbers have greatly increased and philosophy is too difficult, they call themselves social scientists.

Although the field includes some social scientists who are soundly trained in philosophy and are broadly educated in related disciplines, the common aspect of the social scientist who gains public attention is that of a narrow-minded zealot absorbed in his craft and oblivious to other values. He is an educator who lacks the most elementary comprehension of sound public policy. He is a doctor with his fist in the public purse. He is a welfare worker who thinks government has an obligation to tax the workers to sustain the drones. In the federal Department of Health, Education and Welfare, his number is legion.

Each of these specialists considers his work essential to the welfare of the United States. As he looks at the federal budget and notes the cost of a new airplane or of an ABM system, he drools to think what he could do with that kind of money. He argues that we are wasting money on weapons of destruction instead of investing it in his constructive service to mankind.

It is dangerous to have such mistaken ideas rampant in our society. Every citizen, whatever his occupation, should understand that national survival must be our first priority. All other activities depend upon the success of our security effort. If it fails, there will be no health, no education and no welfare. There will be only the kind of enslavement we see behind the iron curtain, a slavery which thousands have risked their lives to escape.

Security is worth all our resources, if they are required for success. And it is not due one cent more than the minimum required for success.

This country has always put its security first. We have no problem of priorities. Our problem is to define the security requirement.

Security requirements are determined by the threats which hostile powers and principalities pose to our existence. Our domestic health and morale are indeed vital factors in meeting the hostile threat and are to this extent allies of national security. But health education and welfare have no independent value which takes precedence over national security.

Security requirements are in their nature necessities, not preferences. We must do what must be done and no more. If the threat of Soviet aggression now requires vast expenditures on sophisticated armaments, we must meet that threat until we can disarm it.

Whether we should at the same time achieve a particular level of social services within our society is a question for the citizen to ponder. But we should be clear-headed about the different nature of these programs. In priority, they come after national security.

Mr. President, I feel that we must remember that the weapons and planes and armaments we have today to protect the people of this Nation are the result of research and development that was done 5, 10, or 15 years ago. It is essential that we do go forward and provide the necessary research and development for the Defense Department in order to maintain our national security. Without national security, as I have just stated, we have nothing. Our people, if they are to survive, must be protected by the Defense Department.

I am in favor of the various programs we have today, but if we have to choose between research and development for the Defense Department and other programs, there should be no question in the minds of the people of America which they will choose.

I repeat, national security means our survival.

The PRESIDING OFFICER. Who yields time?

Mr. THURMOND. Mr. President, I yield back my time.

The PRESIDING OFFICER. All time has been yielded back.

Mr. THURMOND. Mr. President, I ask for the yeas and nays.

The PRESIDING OFFICER. The request has been made for the yeas and nays. There is not a sufficient second.

The yeas and nays were not ordered.

Mr. THURMOND. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. BYRD of West Virginia. Mr. President, I ask for the yeas and nays on the pending amendment.

The yeas and nays were ordered.

The PRESIDING OFFICER. All time on the amendments having been yielded back, and the yeas and nays having been ordered, the clerk will call the roll.

The legislative clerk called the roll.

Mr. KENNEDY. I announce that the Senator from New Mexico (Mr. ANDERSON), the Senator from Indiana (Mr. BAYH), The Senator from Nevada (Mr. CANNON), the Senator from California (Mr. CRANSTON), the Senator from Connecticut (Mr. DODD), the Senator from Tennessee (Mr. GORE), the Senator from Alaska (Mr. GRAVEL), the Senator from Indiana (Mr. HARTKE), the Senator from South Carolina (Mr. HOLLINGS), the Senator from Hawaii (Mr. INOUYE), the Senator from Louisiana (Mr. LONG), the Senator from Minnesota (Mr. MCCARTHY), the Senator from South Dakota, (Mr. MCGOVERN), the Senator from New Mexico (Mr. MONTOYA), the Senator from Utah (Mr. MOSS), the Senator from Connecticut (Mr. RIBICOFF), the Senator from Georgia (Mr. RUSSELL), the Senator from Mississippi (Mr. STENNIS), and the Senator from Maryland (Mr. TYDINGS), are necessarily absent.

I further announce that, if present and voting, the Senator from Connecticut (Mr. RIBICOFF), the Senator from Alaska (Mr. GRAVEL), and the Senator from South Dakota (Mr. MCGOVERN), would each vote "yea."

Mr. GRIFFIN. I announce that the Senator from New Hampshire (Mr. COTTON), the Senators from Arizona (Mr. FANNIN and Mr. GOLDWATER), the Senator from Hawaii (Mr. FONG), the Senator from Florida (Mr. GURNEY), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), and the Senator from Illinois (Mr. SMITH) are necessarily absent.

The Senator from Oregon (Mr. PACKWOOD) is absent on official business.

The Senator from South Dakota (Mr. MUNDT) is absent because of illness.

The Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), and the Senator from Texas (Mr. TOWER) are detained on official business.

If present and voting, the Senator from Arizona (Mr. FANNIN), the Senator from Florida (Mr. GURNEY), the Senator from New York (Mr. JAVITS), the Senator from Iowa (Mr. MILLER), the Senator from South Dakota (Mr. MUNDT), the Senator from California (Mr. MURPHY), the Senator from Ohio (Mr. SAXBE), the Senator from Iillinois (Mr. SMITH), and the Senator from Texas (Mr. TOWER) would each vote "yea."

The result was announced—yeas 68, nays 0, as follows:

[No. 277 Leg.]

YEAS—68

Aiken	Fulbright	Nelson
Allen	Goodell	Pastore
Allott	Griffin	Pearson
Baker	Hansen	Pell
Bellmon	Harris	Percy
Bennett	Hart	Prouty
Bible	Hatfield	Proxmire
Boggs	Holland	Randolph
Brooke	Hruska	Schweiker
Burdick	Hughes	Scott
Byrd, Va.	Jackson	Smith, Maine
Byrd, W. Va.	Jordan, N.C.	Sparkman
Case	Jordan, Idaho	Spong
Church	Kennedy	Stevens
Cook	Magnuson	Symington
Cooper	Mansfield	Talmadge
Curtis	Mathias	Thurmond
Dole	McClellan	Williams, N.J.
Dominick	McGee	Williams, Del.
Eagleton	McIntyre	Yarborough
Eastland	Metcalf	Young, N. Dak.
Ellender	Mondale	Young, Ohio
Ervin	Muskie	

NAYS—0

NOT VOTING—32

Anderson	Gurney	Mundt
Bayh	Hartke	Murphy
Cannon	Hollings	Packwood
Cotton	Inouye	Ribicoff
Cranston	Javits	Russell
Dodd	Long	Saxbe
Fannin	McCarthy	Smith, Ill.
Fong	McGovern	Stennis
Goldwater	Miller	Tower
Gore	Montoya	Tydings
Gravel	Moss	

So Mr. MCINTYRE's amendments were agreed to en bloc.

Mr. PROXMIRE. Mr. President, earlier today, the Senate voted, as I understand it, by a 42-to-31 vote to reject an amend-

ment that Senator MATHIAS and I offered which would have provided a ceiling on the amount the Defense Department could expend in this fiscal year. I think the significance of that vote is very great. We lost that vote. However, I point out that the vote itself represents remarkable progress. A few years ago, on a similar proposal, only two Senators voted to limit defense spending. That was a motion to limit it by 10 percent. Those two Senators were the distinguished Senator from South Dakota (Mr. MCGOVERN) and the distinguised Senator from West Virginia (Mr. RANDOLPH). I voted against that proposal.

I am gratified for the active support of this amendment by the senior Senator from West Virginia (Mr. RANDOLPH). At that time, he stated that we could eliminate billions of dollars from the military budget. He stressed that it was essential to apply these savings to priority domestic programs. This is the reasoning of many today. But in 1963 the Senator from West Virginia was practically alone in the cause at the time—on the roll call only two Members voted for the amendment. So the Senator from West Virginia was one of the earliest advocates of a reasonable defense budget and of the need to reorder our national priorities.

I think many of us have had an awakening in the last 2 years. I say that because there is going to be another opportunity for us to offer similar action when the appropriation bill comes before the Senate.

The principal arguments I have heard against this amendment—and I sat through the entire debate—were these: No. 1, it was the wrong bill. We should have amended the appropriation bill. No. 2, because we limited spending instead of obligational authority, we put the Pentagon in the position where they would actually have to cut back by the full force of expenditures in the next fiscal year without any flexibility. If we act to limit the appropriation bill, on the other hand, we affect obligational authority. We do not directly limit the spending itself. They would be free to expend sums that have been obligated in the past, so the cut would not have as drastic or immediate an effect.

With that in mind, Mr. President, I think there is every likelihood, every real posibility, that we can pick up five, six, or seven votes next month, which is all we apparently need in order to provide an effective reduced limit of defense appropriations.

I might add that the House Appropriations Committee, which last year cut approximately $5 billion from the Defense appropriation proposal made by President Nixon, has yet to act; and after that House action last year, the Senate cut even further below the Nixon requests.

So I do hope that the Members of the Senate and those in various organizations who so enthusiastically and faithfully supported us in talking to Senators on this matter will not lose heart. I think we have every real chance for effective action in this session, within the next few weeks.

Mr. HATFIELD. Mr. President, the Vietnam war continues. That is the one clear, unmistakable fact that we must all recognize. After two decades of American involvement; after 10 years of American men fighting in Southeast Asia; after $140 billion has been spent; after dropping more bombs on North and South Vietnam than the total of all bombs dropped during World War II and the Korean war; after 43,000 Americans have been killed and 285,000 wounded; after more than 122,000 South Vietnamese soldiers have died and more than 295,000 casualties; after an estimated 300,000 civilian deaths; after 1 million civilian casualties; after 4 million have lost their homes; after an estimated 620,000 North Vietnamese and Vietcong soldiers have died, the war continues.

Despite 27 months at the Paris negotiating table; despite halts, resumptions, and halts, in the bombing of the North. Despite programs and plans for Vietnamization—despite all this the Vietnam war continues. And it will continue.

Americans will continue to die there. Vietnamese will continue to die. The country will continue to be torn apart by bombs. Civilians will continue to be maimed and slaughtered. America's resources will continue to be drained. Our young men will continue to be alienated, and our position in the eyes of all the world will continue to erode.

So I ask my colleagues—what is their plan, what is their way, what is the method that they prescribe to bring this conflict to an end? How is it all going to stop? Tell me the way that will bring this unfortunate chapter of our Nation's history to a close.

Vietnamization—that is what we most often hear proposed. Vietnamization is put forth as a plan for ending the war. But it is nothing of the sort. Vietnamization means that South Vietnamese will fight and die in increasing numbers instead of Americans. Eventually Americans will fire the artillery and fly the planes and drop the bombs, but the South Vietnamese will shoot the rifles. Vietnamization is not a plan for ending the war in Vietnam. At best, it is a plan designed to reduce American casualties and to enable fewer American troops to be in Vietnam while still pursuing the same goals that have been guiding our policy over the past decades.

Let us examine what we really mean when we talk about Vietnamization. We constantly hear about the numbers of completed and proposed troop withdrawals from Vietnam. Seldom, however, do we recognize the number of present and projected troops that remain in Vietnam. The President's announced reduction of 150,000 additional troops by April 1971, will leave approximately the same number of Americans in Vietnam as there were in the summer of 1966. It is not clear exactly what will be our policy relating to troop withdrawals beyond that time. Some reports suggest that we will never be able to reduce our forces below about 200,000 men. Other reports have suggested that the intention is to bring American forces eventually down to a lower level—perhaps 20,000 to 50,000 remaining as a residual force.

In any event, the details of our policy beyond this time are not known. But it is clear that we do intend to retain a specific military presence in that country.

The President has announced three criteria which shall guide the progress of our troop withdrawals. The first is the progress of negotiations in Paris. I would speak to this point in further depth later, but now I will only point out that after 27 months and 81 meetings there has been no progress.

The second criterion announced by the President to guide the rate of troop withdrawals is the level of enemy activity. I assume that what is meant by this factor is that as long as the enemy stops fighting, then we can withdraw our troops. That, of course, is perfectly reasonable. But it is true that as long as Americans are present and fighting in Vietnam, the enemy has absolutely no intention of suddenly laying down his arms.

Thus the level of enemy activity offers no hope for troop withdrawals unless one assumes that we can militarily crush the enemy into surrender—a goal which the administration has repudiated in its own statements.

And so, the war continues.

The third factor governing the rate of our withdrawal from Vietnam according to the administration, is the ability of the South Vietnamese to take over the fighting on their own. As Vice President AGNEW Stated on August 20, 1970, "Withdrawal—from Vietnam—will take place only as the capability of the South Vietnamese becomes able to take up the slack." In other words, if the South Vietnamese become better able to fight and to win without our assistance, then we will find it possible to withdraw added numbers of our troops. But the opposite is also clear. If the South Vietnamese are unable to maintain an effective military position against their opponents, then our troops will remain. We never would have sent more than 500,000 Americans to Vietnam if the South Vietnamese could successfully fight their own war.

Nevertheless, assume for a moment that you accept the basic premise of Vietnamization; namely, that the war can continue but that the South Vietnamese should be responsible for the fighting. The question then becomes this: When would be a reasonable time for the South Vietnamese to go it on their own? Vietnamization as such is really nothing new. We have been trying to give them the ability to defend themselves on their own since the time the first American dollar and first American soldier arrived. So the South Vietnamese have had the direct benefit of our presence and equipment and training for more than 10 years and our indirect assistance for a decade before that. We have given them more than $6.6 billion worth of direct military aid since 1950.

All this effort—I suppose—has been successful in some ways. The South Vietnamese now have armed forces numbering more than 1 million men. If you add to this the size of the local police and security forces which provide defense, you then have another 250,000 men. Thus, they now have a strong and for-

midable force. What is the size of the enemy whom they fight against? At present, it is estimated that there are 240,000 North Vietnamese and Vietcong whom they fight against in the South. The Vietnamese have approximately an additional 400,000 soldiers in their total army in the north whom they have never committed to the south. It is doubtful they could ever commit that total number. According to the Defense Department. 620,000 of the enemy troops have died in battle. With enemy forces so reduced, with all the assistance and aid we have given them and would, in the foreseeable future, always hold a very decisive advantage.

And so, what does it really take to enable them to defend themselves on their own? The question is, will they ever be able to? If one accepts the basic premise behind Vietnamization, and if one believes it should at least be given a chance, then let me ask this—is it reasonable to give Vietnamization another year, or even more than a year, another 15 months to see if it will succeed? Now is not that a reasonable approach? Let us say you believe that, for some reason, a force of 1.2 million men cannot now effectively defend themselves against a force of 225,000 of their fellow countrymen. And that, given enough time and preparation and materiel and support this force of more than a million men eventually will be able to effectively defend themselves against their opponent. Well, then, let us see if they are able to do that in the next year or so. Let us say that we will do everything we can—continue to give them all the manpower, all the training, and all the support of our own troops that they require until the end of 1971—let us propose that. And let us see if then they can finally be able to defend themselves on their own. And if they cannot effectively defend themselves by the end of 1971, then I would submit they will never be able to effectively defend themselves.

Vietnamization has currently been defined to mean this: We will continue to fight for the Vietnamese as long as they cannot fight on their own. That may take 2 years, or 4 years, or 8 years, or 10 years—or never. That sort of policy is nothing more than a rationalization for maintaining American military involvement in the Vietnam war. But let us interpret Vietnamization in a different way, in a more reasonable manner. Let us say that we will give them all that they need—give everything that we have—offering the South Vietnamese every opportunity to fight on their own, and devote the next year to that end. We will announce that by the end of that year they will then have to continue the conflict, if they so desire, without the assistance of American military forces.

That is what our amendment proposes. It knows that the South Vietnamese will never be able to fight on their own as long as they are never told that they will have to do so. It knows that the South Vietnamese will never prepare themselves in earnest for fighting without the help of American Armed Forces so long as they are told that Americans will give them help as long as they need it. By linking our withdrawals to the ability of the South Vietnamese to fight on their own, we have a formula for a never-ending American involvement.

If we truly want to give the South Vietnamese the ability and the opportunity to carry on this struggle independently of our military forces—if we truly are seeking that aim—then we must tell them in no uncertain terms that they must become militarily independent of our manpower. And why should that be so startling, so threatening—particularly when they have more than a year to prepare for that circumstance. Why should they feel nervous, or threatened, about having to fight on their own against a force currently only one-fifth the size of their own? Why should they be resisting every American word that mentions increasing the pace of American withdrawal?

The conclusion one is tempted to draw is that they doubt whether they possess what is truly necessary to carry out their aims—that they doubt they have the necessary determination, the necessary commitment, the necessary will to achieve their goals. But if this is the case—if they are lacking in those essential qualities, then no degree of American involvement ever can or ever will achieve those ends for them.

Most serious of all, Vietnamization simply does not provide for a stable political settlement of the conflict; rather, it is a formula for a continuing, protracted war. President Nixon has stated on April 20, 1970, that "a political settlement is the heart of the matter." And yet, if we rely solely upon Vietnamization of the war, there will be no political accommodation between the antagonists in Vietnam. Vietnamization merely changes the nature of the conflict; it does not resolve political differences; it does not halt the loss of life; and it perpetuates the very political instability which dragged us into Vietnam initially.

And so, Vietnamization alone is simply not the way out. It does not provide for the complete withdrawal of American troops; it is a military strategy which fails to deal with the political roots of the war: it does not achieve peace but only changes the identity of some of those who die. And the war continues.

The President's alternative to Vietnamization has been progress at the Paris peace talks. However, those talks have been stalemated since they began. On June 30, 1970, President Nixon stated that when his administration took office:

> The United States had been negotiating at Paris for ten months but nothing had been agreed upon other than the shape of the bargaining table.

And in his Vietnam "up-date" report on April 20, 1970, he candidly admitted—

> I must report with regret that no progress has taken place on the negotiating front.

Some have charged that this amendment would undermine Ambassador Bruce and destroy any chance for a negotiated settlement at Paris. A complete withdrawal, they maintain, would eliminate any incentive for the North Vietnamese and the Vietcong to negotiate because they will have achieved the primary purpose of their negotiations—the withdrawal of American troops.

And yet, it must be pointed out that the real difference here is the pace of withdrawal, not withdrawal itself. The President has already wisely committed us to a withdrawal of some American troops. We seek to speed that withdrawal, to disengage militarily with honor and order and safety.

Apparently even the administration does not believe that withdrawal of American troops would undermine the Paris negotiations. If so, they would appear to be working at cross purposes. Vice President AGNEW himself has defended the withdrawal of troops while we negotiate. On May 3, 1970, on "Face the Nation," Peter Lisagor asked him:

> Why should (the North Vietnamese) come to Paris and negotiate seriously, Mr. Vice President, if we have already proclaimed . . . that we are withdrawing from South Vietnam? What is the inducement for them to negotiate?

Vice President AGNEW responded:

> They are not only negotiating with us, they are negotiating with the South Vietnamese, and the South Vietnamese are going to be there a long time.

This is precisely the point. Any true resolution of differences in South Vietnam, any political accommodation, must come from the South Vietnamese themselves. Our withdrawal will not undermine those negotiations; they will not eliminate the possibilities for a political settlement to what is essentially a political conflict.

In fact, we have every reason to believe that a stated withdrawal of all American troops more than 15 months from now would initiate the first real breakthrough in the stalemated negotiations. Saigon has demonstrated little or no interest in a negotiated settlement of the war, and as the course of Vietnamization, with the continued American presence in South Vietnam, has become more clear, President Thieu has grown increasingly intransigent.

On July 28 Thieu announced confidently that he expected total military victory in 3 years, that he would "never accept a Government coalition with the Communists," and that—

> If the Communists do not want peace, peace will certainly come with our victory. . . . If they wish to continue fighting, we will eliminate them. (Washington Post: July 30, 1970).

Within days the administration unfortunately chose to support such a rigid position, declaring on July 31:

> We are opposed to a coalition government, negotiated or imposed. (Washington Post: August 1, 1970).

As long as Americans remain in Vietnam, as long as we continue to shore up Thieu and his clique in Saigon, he has no reason to take negotiations seriously or to begin to make concessions and compromises necessary to unite the disparate factions in his country. And the war continues.

If, however, for the first time, we announced publicly and openly that American troops would not remain indefinitely in Vietnam, if we declared our intention not to remain there beyond December 31, 1971, then Thieu and the Saigon government would be compelled to confront the political realities of South Vietnam.

We might then be able to achieve the concessions which we need and desire to achieve a stable and durable peace. For the first time, it could be possible to negotiate effectively the release of prisoners-of-war; a cease-fire and deescalation could be instituted to secure the safety of American troops during withdrawal; the level of conflict in Laos and Cambodia could be reduced; and the political impasse in South Vietnam might at last be penetrated.

A fixed withdrawal date at the end of 1971 will not, as Vice President Agnew has charged, deal "a lethal blow" to the Paris talks. Rather, the illusion of real negotiations threaten to provide a rationalization for continuing the war indefinitely, not ending it.

Furthermore, the entire history of our involvement in Vietnam demonstrates that concrete results cannot be achieved by exerting only military leverage. This is the case for the United States; it was true also for the French. The North has shown every indication that it will fight a protracted war or it will seek a political settlement once a definite timetable for the withdrawal of all American forces has been established.

The real "lethal blow" to the Paris peace talks would be an escalation of military activity or another invasion of Cambodia. Secretary of State Rogers stated the candid truth when he said that the chances for a negotiated settlement of the war had deteriorated since the invasion of Cambodia. On July 15, he said that North Vietnam and the Vietcong would "not be inclined to negotiate" after the setbacks they suffered in Cambodia and this meant that the prospect for the negotiations "in the next couple of months are not too bright." He also stated that the Vietnam war might very well end with "no war and no peace."

This amendment is not a desertion of one commitment to the South Vietnamese people or their Government. Our sacrifice of American lives, our provision of arms, and money, our support for more than two decades speak eloquently of our concern for the people of South Vietnam.

We have no desire to abandon the South Vietnamese now or even 15 months from now. The amendment stipulates that military aid, including operations, may continue until December 31, 1971. After that date, if American troops are still needed in South Vietnam, all the President must do is come to the Congress and explain why. By congressional action, South Vietnam could continue to receive the aid of our Armed Forces but the need and necessity must be established.

The destruction of Vietnam during this war has been so great that they will need aid and support for many years to rebuild their shattered society. Part of that aid might mean the supply of additional weapons and materiel to provide security and continued military aid to the South Vietnamese Army; part of that aid might be money and assistance to reform and transform the wreckage of the war. We are not deserting our allies; they have fought with us and died with us, but we cannot send Americans to die for them forever.

There simply comes a time when allies must become true allies and not dependents. Our commitment to South Vietnam has never been unlimited, and a stipulated withdrawal date 15 months in the future would serve notice to Saigon that the time has come for it to confront the conflicts which have destroyed the fabric and quality of Vietnamese life for so long.

And so, unless this amendment is passed, we are confronted with the indefinite commitment and maintenance of American troops in Vietnam, with a constant loss of American lives, and with support for a government which has made little effort to win the allegiance of the people it governs. The war continues now, and unless this amendment is passed, the war will go on with no definite end in sight.

This amendment provides the United States with an honorable and orderly way out. First, it merely stipulates that the present withdrawal rate already announced by the President would be put into legislative form. The administration has already stated that these withdrawals are irreversible, so this provision expresses congressional support for the President's policy. Thus, this provision authorizes a troop level of no more than 280,000 men in Vietnam by April of 1971.

If, of course, the administration found it necessary to change its policy and not meet this withdrawal rate because of some unexpected contingency, Congress would simply be called upon to approve a differing authorization.

The second provision of the amendment concerns itself with those policies beyond April of 1971; it states that funds appropriated after that time for use in Indochina should be used for the following objectives:

First, the orderly termination of military operations there and the safe and systematic withdrawal of remaining armed forces by December 31, 1971;

Second, to secure the release of prisoners of war;

Third, the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

Fourth, to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

We do not know if this is inconsistent with the policies of the administration. They have chosen not to reveal their course of action beyond April of 1971. But we do believe it to be a sound and reasonable approach for the administration to follow. If, however, the President finds that either circumstances or policies prohibit him from withdrawing all armed forces by the end of 1971, and if this poses any danger to our military forces at that time, then he has the option of extending this timetable by 60 days. Further, if the President decides that armed forces should remain in Vietnam beyond this period of time, then he would be required to come to the Congress and set forth his recommendations and deadline for their withdrawal subject to the approval of the Congress.

Therefore, this amendment is an overture to the administration. We are seeking an approach which we believe will be most reasonable to all parties concerned.

We are giving the administration full authority to carry out its withdrawal program, to be completed by the end of 1971. If the administration differs with the course of action, then they need only to justify an alteration of the timetable to the Congress.

I do not know why the administration should find this to be an unreasonable proposal.

In my view, it certainly would be unreasonable to propose that the administration be given full authority for any course of continued military activity in Vietnam without congressional approval beyond 1971.

Therefore, I would hope that the administration will carefully consider this revised amendment with an open mind. In my view this represents a most sensible approach for guiding our future course of action in Vietnam; it is the responsible way for the legislative executive branches to cooperate together in this process.

There is no excuse for men of reasonable minds to reject such an overture.

The primary purpose of all these provisions is the preservation of human lives—South Vietnamese and American. Some have objected that the amendment would tie the hands of the President as Commander in Chief. I categorically deny this.

The President himself stated on July 1, 1970, that

> the right of the President of the United States under the Constitution (is) to protect the lives of American men.

This amendment in no way interferes with the power of the Commander in Chief to protect the lives of American men. It assures the safety of American men and enables the President to protect American troops during an orderly withdrawal.

A withdrawal by December 31, 1971, is the best means of holding down the number of American deaths and casualties in Vietnam. This is the conclusion of studies projecting American casualties in Vietnam prepared by two former staff members of the Office of Systems Analysis in the Department of Defense. We have no assurances that the present rates of withdrawal will continue, but assuming they would continue until all American troops had departed, we would be out of Vietnam by approximately September 1972. Compared with this plan, a December 31, 1971, withdrawal date would mean 1,600 fewer American deaths and 14,000 fewer casualties.

If, however, current withdrawal rates continue leaving a residual force of 50,000 Americans in Vietnam until 1975, a withdrawal by the end of 1971 would mean 3,600 fewer deaths and 31,550 fewer casualties. Some plans call for a residual force of approximately 200,000 in Vietnam until 1975, and compared with this prospect, the amendment withdrawal date would save 10,900 American lives and prevent more than 96,000 casualties.

All this assumes that the present level of fighting would persist, as it gives every indication it will. It also assumes that there will be no cease-fire or reduction

in the level of combat once a fixed withdrawal date of December 31, 1971, is declared. However, once we make it clear that we are withdrawing and will depart by a fixed date Hanoi and the Vietcong would have good reason to negotiate a cease-fire or reduce the level of fighting in order to assure a withdrawal by the end of next year.

In providing a way to reduce American casualties, the amendment can hardly be construed as restricting the President's powers as Commander in Chief only of those forces which have been raised and supported by the Congress. The framers of the Constitution strongly intended that the Commander in Chief should direct our military forces into war with other nations only when war had been declared by the Congress.

The wisdom of the separation of powers, therefore, applies to our Nation's policies of defense and foreign affairs just as clearly as it applies to domestic issues. It is no infringement upon the President's constitutional duties as Commander in Chief for Congress to exercise its own judgment over the support of armies for specific purposes.

For too long the Congress has given the President almost sole responsibility for the war; this must be changed. I want to see the Congress reassume its proper constitutional responsibility. The American people hold us accountable for what this Government does; we must answer to them.

The American public supports a withdrawal from Vietnam by the end of 1971. The Harris poll of August 17, 1970, indicates that 44 percent of the American public favor a withdrawal by the end of 1971 while 35 percent oppose it. This sentiment is further evidenced by an earlier Gallup poll during the last week in May which indicated that 48 percent favored a withdrawal by July 1971, or before, while only 31 percent favored the President's policy of timing withdrawals on the ability of the South Vietnamese to handle the fighting.

As elected representatives of the people, we must listen to them. They favor an orderly and rational withdrawal of American troops by the end of 1971, and the approval of this amendment will testify to the Senate's ability to respond to the will of the American people.

While saving lives, a December 31, 1971, withdrawal would also conserve billions of dollars needed desperately for domestic needs. The amendment would save nearly $5 billion compared with the present withdrawal rate, if it continues. Assuming that a residual force of 50,000 were maintained in Vietnam until 1975, this amendment would save nearly $11 billion. Furthermore, if 200,000 troops are stationed in Vietnam until 1975, more than $46 billion would be saved.

The war continues to be the single greatest source of inflation in the economy. This amendment would be a decisive move in checking the rising prices and soaring interest rates which are victimizing every American.

These are the consequences of the amendment which is before you. It offers us a chance of peace, a responsible withdrawal from a war which has killed our young, alienated our youth, drained our resources, and earned us the disaffection of people across the globe. The war continues, but we have a chance, an opportunity to end it and the tragedy it has brought.

And yet, some have obscured both the intent and consequences of the amendment with insinuations and specters of disaster. Some have charged that a "bloodbath" will follow in the wake of our departure from Vietnam. If this is in fact the case, the amendment states that asylum will be provided "for Indochinese who might be physically endangered by the withdrawal of United States forces."

Some may seek such asylum, but the facts indicate that this bloodbath argument is fallacious. It ignores the loss of life which is continuing in Vietnam today and which will continue until this war is stopped. According to casualty projections, the current withdrawal rate, should it continue, would result in 10,000 more South Vietnamese deaths, compared with the December 31, 1971, withdrawal date. If present withdrawal rates continue, leaving a residual force of 50,000 men in Vietnam, 65,000 more South Vietnamese would lose their lives in battle. And if a force of 200,000 Americans remained in Vietnam until 1975, 135,000 more South Vietnamese soldiers would be killed.

The bloodbath theory simply does not hold. By withdrawing American troops from Vietnam, both American and Vietnamese lives will be spared.

Furthermore, more than 15 months will provide both Americans and South Vietnamese to establish conditions in which repressions could be prevented. According to the Rand Corp. report, any government developing after an American departure would have compelling reasons for not instituting a program of assassination and terror. Such a move would only further alienate and divide a people looking for a government to support.

Today the South Vietnamese Army is four to five times larger than all enemy troops in South Vietnam. Presumably, such a force is capable of preventing the deaths of the citizens whom they protect. If they are not prepared to do so now, 15 months provides ample time to train and equip such troops. If they cannot protect the people 15 months from now, When, may I ask, will they be ready?

At the basis of this issue is the political reality that only a government which wins the allegiance of the people can prevent repression and reprisals. After all the men and money and equipment the United States has provided, Saigon must now provide for the safety and welfare of its citizens.

Critics of this amendment often invoke the well-worn domino theory to explain why this amendment is dangerous and ill advised. Whenever I hear someone defend U.S. policy in Vietnam with the domino theory, I recall the wise words of President Eisenhower, who said:

> I never played dominos, and I never took much stock in short labels to describe a complex situation until I felt that everybody know what the label meant.

Vietnam is a complex situation and one which simply cannot be described in the simplistic terms of the domino theory. It ought to be apparent by now that in Vietnam we are not dealing with a monolithic Communist movement sweeping across border after border. China and Russia are not unified, and Hanoi has consistently and skillfully played one off against the other. Hanoi is an intensely nationalistic regime, though communism is its political philosophy, and its support from the people arises from its appeal to nationalistic fervor. It is little wonder that they are able to lump together the United States, France, and China as the hated invaders of their country.

The real purpose of the domino theory, as Joseph Kraft has written, is "not to describe the situation in Asia but to rationalize the Vietnamese war for American public opinion." The truth is that our continued intervention in Vietnam, and our perpetual military involvement there, are having exactly the same effect which the domino theory describes. We are driving Hanoi into greater and greater dependence upon Russia and China. Most alarming, however, is the growing disaffection among neutral countries throughout Asia who deplore and resent the potential threat of an ever-widening war in Indochina.

President Nixon has told us to talk to the dominos who would be affected by the withdrawal of American troops from Indochina, and yet former Ambassador to Japan Edwin O. Reischauer has maintained that Vietnam is the central issue undermining our critically important relationship with Japan:

> The relationship between the United States and Japan,

He has stated—

> is being eroded by Vietnam strains and stresses.

A withdrawal of American troops from Vietnam and the establishment of political stability in Indochina will do more to check the expansion of communism throughout Asia than anything else we can do at this point in history.

If this domino theory were valid, if the Asian countries were concerned about the threat of communism spreading throughout Asia, then they, too, would have a stake in guaranteeing a non-Communist government in South Vietnam. Presumably their concern would be so great that they, too, would supply men to fight in common cause with the South Vietnamese. However, the only Asians fighting in Vietnam are those paid by the United States as mercenaries. And so, it would appear that it is more important to watch what dominos do than what they say.

The fundamental lesson of Vietnam is simply this: We cannot fight wars, even those involving avowed Communists, unless the people themselves wish to resist the growth of communism in their country. This is as true for all the Southeast Asian countries as it is for South Vietnam. The test of their strength as viable governments is their ability to deal with the forces within their own countries which threaten to disrupt and disturb the government's authority.

President Nixon himself has given explicit recognition to this fact in his Guam

doctrine. American strategic interests are not at stake in Vietnam, and unless the South Vietnamese people have the desire and will to establish a democratic government, we cannot provide it for them.

If we withdraw from Vietnam by the end of next year, if this amendment is passed, and if we declare that our commitment to South Vietnam is not unlimited, our credibility in Southeast Asia and around the world will be improved—not impaired. Today we suffer the scorn, the revulsion, the resentment of people throughout the world who are offended by the immorality and futility of this war. A withdrawal from Vietnam offers the United States the opportunity to reclaim the moral leadership for peace in a divided world.

Some have accused the supporters of this amendment as being isolationist, of seeking to establish a "fortress America." We want no isolation from the harsh realities of the world. With the massive power and influence of the United States comes great responsibility for using that power prudently and humanely. Continuing to fight a war which few wish to defend, maintaining a presence in Vietnam which is resented by many Vietnamese and Americans alike, has drained our resources and sapped our strength. To regain our prestige, influence, and power in international affairs requires a prompt, orderly withdrawal from the conflict.

During recent weeks those who have opposed the amendment have charged that our amendment would represent a surrender to Hanoi. But I ask—is it disloyal to America to vote for the preservation of American lives? Is it wrong to vote for a withdrawal from a war in which victory is not the goal?

The issue, I repeat again, is not one of withdrawal or no withdrawal. Even the President is committed to the extrication of some American troops from Vietnam. The issue is not one of victory or defeat, success or surrender. The administration is pursuing a policy to reduce our stake in the war; this amendment simply withdraws all American troops from participating in the conflict. We cannot win or lose this war; only the South Vietnamese can do that. For years we have provided men and materiel, arms and aid, to the South Vietnamese, and I submit that it is now reasonable to say that 15 months from now we will no longer sacrifice American lives. We have done our best; we have given our best—to suffer and die in Vietnam.

Our policy in Vietnam has never been total victory. Instead, as President Nixon stated on July 1, 1970, a just peace in Vietnam means—

> Simply the right of the people of South Vietnam to determine their own future without having us impose our will upon them, or the North Vietnamese or anybody else outside impose their will upon them.

Then the President asked—

> When we look at that limited objective, I am sure some would say, "Well, is that really worth it? Is that worth the efforts of all these Americans fighting in Vietnam, the lives that have been lost?"

That is a disturbing question; it is agonizing indeed to ask whether the suffering and pain and death of this war have any meaning, purpose, or significance. There are those who have said and will continue to say that those lives were lost in vain. But such a judgment is filled with ambiguities which only history will make more clear for us to understand.

I will not say that the deaths of 43,000 Americans have no meaning. But I do say this. We have tried to strengthen the South Vietnamese Government; we have provided aid to the people; during the next 15 months we will provide more funds and support to create a stable society and open the door to peace. But they must make it on their own. Let us give the South Vietnamese, strengthened by our assistance and support, the freedom to choose their own future, to make their own peace.

Let there be no mistake. This amendment is not peace at any price; it is not cut and run; it is not an immediate, precipitate withdrawal. Rather, this amendment provides for a rational, safe, orderly withdrawal of all American troops more than 1 year from now. It preserves all the constitutional powers of the President as Commander in Chief; it reasserts congressional responsibility for the conduct of the war; it offers a hope for the achievement of our policy objectives; it offers us and the Vietnamese people the possibility of peace.

By passing this amendment the Congress will declare clearly its intention to participate in the judgments which guide the course of the war in Vietnam. Respect for our Constitution and reverence for rule by law and not men demand that the Congress accept this responsibility for the tragic and prolonged conflict in Southeast Asia.

The constitutional balance between Congress and the President for conducting the war must be reestablished. In the wisdom of the framers of the Constitution, the power of the Executive to wage war was checked by the Congress. As Lincoln clearly saw more than a century ago:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and imperishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us.

This is not Nixon's war; it was not Johnson's war; it should be seen as America's war. This is your war—it is mine. We must not shirk our constitutional responsibility; we must not allow these decisions to be borne alone by the President. The responsibility for waging a war is too great a burden for any one man to bear; Congress must make its own judgments, reach its own conclusions, and struggle toward its own decisions. Together, sometimes in concord, sometimes in disagreement, the Congress and the President will express the will of the people and govern our Nation wisely.

This amendment will give us the opportunity to create that constitutional balance and will set the method by which the legislative and executive branches together can exercise their shared responsibilities. We may not be able to withdraw all American troops from Indochina by the end of 1971; then the President has the option of extending this time, in order to insure the safety of the troops, by 60 days. Furthermore, if the President believes it is necessary to maintain troops beyond December 31, 1971, he need only come to the Congress and explain why it is necessary to maintain them there, setting a deadline for their withdrawal for the Congress to approve. South Vietnam and other countries may need additional aid after 1971; such aid would simply require congressional authorization. Through the established legislative procedures, the need and necessity of future involvement in Indochina can be studied and determined under the provisions of this amendment.

This amendment stipulates a constitutionally proper means of sharing responsibility for the conduct of the war with the Executive and for achieving a safe, orderly, rational withdrawal from Vietnam. The time has come for the Congress not only to debate, to discuss, and to agonize with the country over this war, but to use its best wisdom and exercise its inherent responsibility to enable an honorable resolution of our tragic involvement in this conflict.

The conflict in South Vietnam must cease; it has brutalized our people and created strife and enmity between neighbors. More than 50 years ago, during the First World War, Walter Lippmann observed:

> There is in America today the beginning of that very military arrogance which we are being told this war is being fought to abolish. It shows itself in contempt for all efforts toward peace, in programs of armament which are vistas of a nightmare, in denunciation of the virtues that make a free and tolerant people, in a hatred of other points of view, in the attempt to haze and ostracize those who have different opinions, and in the assertion of a brittle, touchy impatience at the thought that anything can be adjusted without slamming the table or rattling the windows.
>
> Which position requires courage and which requires nothing but the willingness to drift with the current . . .? At a dinner table, in a drawing room, on the stump, in the Senate, the easy attitude is to follow the loudest declaration, to go with, and not against, the violence of the tribe. It usually involves no risk, and it is almost a cheap way to approval.
>
> Yet there is no guarantee that the fibre of a people is sound because no one appears who is willing to risk the sneers of the angriest. It may be that the people who are ready to sacrifice popularity, to face ridicule, to stand out for reason and adjustment, are the people who really have the bravery that freedom requires.

Those words might have been written today. We need the bravery that freedom requires, to preserve human life, to make our Government sensitive to a people tired of war, to move our country toward peace. This amendment offers us that opportunity.

The war continues. But it need not continue indefinitely. We are not powerless; we are not without responsibility. Let us take our responsibility and pass this amendment to withdraw our troops orderly and safely.

WASHINGTON POST ENDORSES AMENDMENT TO END THE WAR

Mr. President, it was with a feeling approaching unalloyed pleasure that I read this morning's Washington Post to discover that, at long last, the amendment to end the war, sponsored by 25 U.S. Senators, has found favor in the sight of the editorialists of that fine newspaper.

This demonstrates a laudable openness of mind and a willingness to listen to the reasonableness of the proponents of the amendment, who have argued for setting a definite timetable for the withdrawal of our troops from Vietnam, and a proper regard for the constitutional responsibilities of the Congress.

I ask unanimous consent to have the editorial printed in the RECORD, and should like to express my appreciation to the Washington Post editors for their support. I am hopeful that it will be read and taken into consideration by Members of Congress who are yet to be convinced of the merit of the amendment.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NATIONAL POLICY TO END THE WAR

The Senate has an opportunity during the next few days to write a rational and responsible policy for ending the war in Vietnam. For many months the Senate has been itching to reverse its 1964 endorsement of a blank check to President Johnson to initiate and carry on that war. It adopted the Fulbright resolution designed to give Congress a voice in future national commitments, and a few weeks ago it attempted to forbid widening of the war to Cambodia through the Cooper-Church amendment, although the language got pretty muddy before the final action came and the House would have none of it. Now the Senate has a chance to go on record for an orderly and timely liquidation—an objective that is earnestly sought by an overwhelming majority of the American people.

This issue has been distorted in the past by the simplistic manner in which some senators sought to hasten the withdrawal from Vietnam. A scuttle-and-run policy was said to be the only alternative to a declaration of war. Widespread opposition to any action by Congress on the war was aroused by the argument that it could be, and should be, cut off by a snap of the congressional fingers.

As the issue is now being debated in the Senate, however, it assumes a very different posture. No longer is there any effort to say that American troops must be out of Vietnam within six months. In its present form (the text is presented, for the record, elsewhere on this page today) the amendment to the military procurement bill originally offered by Senators McGovern and Hatfield would now require the withdrawal of American armed forces by Dec. 31, 1971—leaving a liquidation period of 16 months. If any emergency should arise, the President would be authorized to extend this period by 60 days, and if that did not allow enough time for safe evacuation of Southeast Asia the President would so report to Congress within 10 days so that Congress could authorize a further extension.

Rigidity has thus given way to flexibility. As reshaped by the Foreign Relations Committee, this is quite a different proposition, which would have the great virtue of enacting a national policy for termination of the war without putting the President into a straitjacket. In effect Congress would enact the President's withdrawal formula as a sound national objective, without saying that it would have to be carried out in any and all circumstances. This achievement of firmness in the statement of a national policy, along with elbow room in actually carrying it out, is a tribute to the good judgment of all those who have contributed to it.

Up to now, the administration has remained in opposition to any congressional action in this sphere. In part this may be attribute to the sound objections raised against earlier versions of the McGovern-Hatfield amendment. No doubt it also reflects an automatic White House preference for a free hand. In this case, however, the White House as well as the country has an enormous interest in having the Congress on record for termination of the war in an orderly and responsible fashion. If the outcome should turn sour—by no means a remote possibility—it would be much better to have the President and Congress jointly responsible.

In our view, the White House could well regard this proposal before the Senate as a fortuitous opportunity to put Congress on record in favor of the Nixon withdrawal policy or something close to it. The requirement that our Vietnam troop-level be reduced to 280,000 men by next April 30 and that the remaining forces be brought home by the end of next year is specifically recognized in the language of the amendment as a reflection of the President's own statements. Unless the President wishes to deviate from this withdrawal policy, there are compelling reasons why he should welcome a congressional reaffirmation of it.

The President has, to be sure, opposed past efforts to set a date for the windup of the Vietnamese affair. He has feared that the fixing of a date would take pressure off the North Vietnamese to negotiate an end of the war. But if Congress fixes a date which the President could postpone or even eliminate with the consent of Congress, when the time came, the North Vietnamese would, as the Foreign Relations staff memorandum notes, have no assurance that mere stalling would redound to their advantage.

In any event, it seems to us that the advantages of having a congressional withdrawal policy on the books greatly outweigh any disadvantages that might be encountered at the negotiating table. Such legislation would put the President under pressure to carry out the evacuation at the earliest feasible date. It would put our military leaders—and our diplomats, as well—on notice that the national policy is irreversible. Saigon also would have a clearer understanding of what the score is and would be able to adjust its policies accordingly. So long as there is hope that the President may change his mind under pressure the Thieu government is more likely to avoid the hard decisions that are essential to a future for South Vietnam without American manpower for its defense.

Behind all the arguments for and against this amendment is the even more vital fact that the Senate is making a bid to get back into the policy-making arena in regard to war and peace. We think the President should welcome that effort as a bed-rock imperative of American democracy. If the present amendment is not satisfactory to the administration in all particulars, amendments can always be suggested. But it would be tragically shortsighted for the administration to take an arbitrary stand against congressional action designed to underscore and give congressional support for the President's own policy. Orderly termination of the war as soon as feasible ought to be the joint policy of the two political branches, and it is doubtful that there will be a better opportunity than the present to make it so.

Mr. MONDALE. Mr. President, the debate we begin today marks a singular moment in the history of the Senate.

As so often when decisions in this Chamber are most grave, the issue itself is most clear. The Hatfield-McGovern amendment represents, as many of my distinguished colleagues have pointed out, a reassertion of congressional authority in the fateful choices of war and peace—a reassertion so plainly required by the Constitution and so long overdue.

But beyond the momentous question of the balance of powers in our Government, the purpose of this amendment is still more simple and fundamental.

My colleagues and I rise today to stop at last the killing and maiming of Americans in Vietnam.

The historic merit of this amendment, Mr. President, is the unmistakable message it would carry from the Congress to the Nation and the world.

To the American people, unanimous in their yearning for peace, it would affirm that the years of illusion and misdirection and terrible sacrifice in this war are finally coming to an end.

It would express that large measure of the public will, particularly among our young, for a rapid and total withdrawal of U.S. forces.

Moreover, it is a special strength of the present amendment that it has been expanded to meet also the deep and legitimate concern of many Americans that withdrawal could mean the exposure of our dwindling forces to enemy attack. There can be no real argument that this legislation somehow ties the President's hands in defending our men in Vietnam. On the contrary, by providing the President explicit authority to defend our forces as he judges necessary to secure our withdrawal, this amendment would bring our men home safely and honorably as well as soon.

I should point out in particular, Mr. President, that the amendment also provides full authority to the President to do all he can to secure the release of our prisoners of war in North and South Vietnam. The barbaric treatment of those men and the anguish of their loved ones here at home is an enormous tragedy of this war. The Hatfield-McGovern amendment recognizes the constant obligation of the Congress as well as the Executive to work toward the liberation of our men as rapidly as possible.

Yet this act of Congress would speak not only to the hopes of America. Its message would be equally clear to friend and foe in Vietnam.

To South Vietnam, whose responsibilities we have borne too long, we would be serving fair notice that finally—after the hollow rhetoric of two administrations—Asian boys are indeed going to have to fight Asian wars.

The lessons of the last 16 years are vivid. Nations—much as men—are stifled by patronage and strengthened by challenge. If the Army of Vietnam is to be truly effective, if the democratic elements of the country are ever to pull themselves together, if an independent nation is in fact to be built in South Vietnam, the best incentive we can provide is the sure knowledge that the time has

come for them to shoulder the primary responsibility of their own defense.

To Hanoi, this amendment also conveys a challenge and an incentive which might well be decisive in reaching a negotiated settlement.

For months, the North Vietnamese and their supporters have been telling us that the first imperative of successful negotiations, and the key to departure of their own troops from South Vietnam, would be a specific commitment to the withdrawal of U.S. forces. This amendment calls that hand for all the world to see.

Nor can Hanoi find ready advantage in this amendment for their own position on the ground. To lie and wait insures them nothing when the President, with consent of the Congress, can adjust our withdrawal to meet any contingency. And how confidently can Hanoi ignore a settlement now when the notice of our withdrawal is likely to galvanize the non-Communist forces of South Vietnam as never before? The shrewd men in Hanoi could well conclude that the price of a settlement today would be less than what they might pay for the risky months of waiting.

The administration has often argued that uncertainty is the greatest strength of its policy—and that this amendment will eliminate that tactic.

Indeed it will, Mr. President, and that is perhaps the ultimate virtue of the amendment. For the cost of calculated obscurity in our Vietnam policy has been far too high.

A Hanoi uncertain of our objectives has been intransigent at the conference table and unremitting on the battlefields.

A Saigon uncertain of our policy has been slow to gather the strength, as it must, to stand on its own feet.

And most important, an America uncertain of our course has been as tragically and dangerously divided as at any moment since the Civil War.

President Nixon has told us again and again that the heart of the matter is not whether we end this war, but how we end it.

And that is true. We have a clear choice of paths to follow.

We can continue the equivocation which passes for diplomacy, the improvisation which passes for a plan, the bluff and lashing out—as in Cambodia—which passes for strength and manly purpose.

Or we can make good on the pledge for peace we all avow. We can undertake a truly national policy to end this war.

That alone will speed the return of our men held prisoners.

That alone will flush out an elusive enemy.

That alone will insure our accomplishments in Vietnam.

That alone will redeem the pledge made by President Nixon in his campaign to bring America together.

So what we are about in this legislation, Mr. President is nothing less than a test of the long-professed commitment of the Congress and Executive alike.

We face the choice squarely. The Senate can share with the President the awesome burden of making peace with Vietnam and ourselves. Or we can spurn once more our constitutional obligation.

No more fateful choice has confronted the Members of this body.

AMENDMENT NO. 814

Mr. FULBRIGHT. Mr. President, I ask unanimous consent to call up my amendment No. 814.

The PRESIDING OFFICER. Without objection, the amendment will be stated.

The assistant legislative clerk read the proposed amendment, as follows:

On page 14, between lines 18 and 19, insert the following:

SEC. 206. (a) Notwithstanding any other provision of law, beginning with the fiscal year beginning July 1, 1971, no funds appropriated to or for the use of the Department of Defense for any fiscal year may be expended for carrying out research or study projects involving foreign affairs, foreign areas, or related matters except to the extent that the total amount expended for such purposes in such fiscal year does not exceed an amount equal to the total amount expended by the Department of State in the immediately preceding fiscal year for research and study projects (involving foreign affairs, foreign areas, or related matters) which were conducted for the Department of State by persons or organizations outside such Department. The total amount expended by the Department of State in any fiscal year for such projects shall include amounts transferred to the Department of State from other departments and agencies for the purpose of having such projects carried out under the direction of the Department of State.

(b) The head of any department or agency of the Federal Government shall, in response to any request made to him in writing by a committee of the Congress, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was made by a person outside the Federal Government, except that this requirement shall not apply in the case of any report, study, or investigation with respect to which the President exercises the right of executive privilege.

Mr. FULBRIGHT. Mr. President, it is a simple amendment and I hope that the managers of the bill will accept it. The amendment would:

First. Limit the Defense Department's spending for research by outside organizations on foreign affairs matters to not more than the amount appropriated, or transferred by other agencies, to the Department of State in the preceding fiscal year for such research; and

Second. Insure that congressional committees are given access to Government-financed research studies carried out by private individuals or organizations unless "executive privilege" is invoked.

In the last fiscal year the Department of Defense spent $9 million for outside research on foreign affairs matters, 72 times the $125,000 appropriated to the Department of State for its entire external research program, including contracts, consultants, and conferences.

In its report on the Defense authorization bill last year, the Senate Armed Services Committee wisely urged that $4 million of Defense funds for research on foreign affairs matters be transferred to other Government agencies, particularly the Department of State. In doing so the committee stated that:

Defense Department activities in these two categories ("foreign military security environments" and "policy planning studies") have grown up to fill a void caused by lack of information in this area available from agencies which may be more directly responsible.

But the Defense Department's response to the committee's directive was to transfer only $483,000 of its $9 million budget to the State Department in fiscal 1970. And that came about only last June, as the fiscal year was ending, in an obvious attempt to show that it had not ignored the Committee's request entirely.

The situation is little better this fiscal year. The Defense Department's budget request for foreign affairs research is $9.9 million. And the State Department's request for external research is $350,000—of which only $241,000 is slated for contract research. The Armed Services Committee is to be commended for recommending a 30-percent reduction in the Defense request—to $6.8 million. But this cut will still leave a situation where the military is spending nearly 20 times as much on foreign affairs research as the agency assigned the primary responsibility for conduct of the Nation's foreign policy.

For the information of the Senate let me list a few of the titles of foreign affairs research projects carried out by the Defense Department in fiscal year 1970 which are proposed for continued funding in fiscal year 1971. Unfortunately the amounts planned for fiscal year 1971 are classified but I can assure the Senate that they are substantial:

FISCAL YEAR 1970—TITLE AND AMOUNTS

Strategic Analysis of North Africa, Middle East, and South Asia, $139,000.

U.S., U.S.S.R., CPR Strategic Interactions and Response Patterns, $325,000.

Soviet Military Policy, $255,000.

European Security Issues, $76,000.

Asian Security Issues, $312,000.

Dimensions of International Conflict for Long Term Prediction, $200,000.

World Event/Interaction Survey for Short Term Conflict Prediction, $112,000.

Forecasting International Defense Alliances and Alinements, $100,000.

Asian Regional Arrangements, and so forth, $325,000.

Base Studies, and so forth, $400,000.

My amendment would limit the Department of Defense's spending for foreign affairs research, such as these projects, to not more than that spent by the Department of State in the last fiscal year for external research of this nature, including its own funds and any funds transferred to State by the Department of Defense or other Government agencies. It would not only encourage Defense to transfer additional research funds to the State Department, as the committee has urged, but it would also give the State Department leverage for obtaining additional allocations during the budgetmaking process. In explaining the committee's 30-percent reduction in this activity to the Senate, Senator MCINTYRE stressed the need for transferring responsibility for this research to State. He said:

It is the Committee's expectation that its action this year will underscore the need

for additional such steps both within the State and Defense Department themselves and at the Bureau of the Budget.

My amendment will help to carry out the committee's intent.

Although the amount of money involved here is dwarfed by the size of other authorizations in this bill, the principle involved is important. Over the years the Department of Defense has moved into this and many other areas which are the proper responsibility of the State Department solely because it, and not the State Department, could get the money from the Congress. This amendment will help restore the proper relationship between the responsibilities of the two Departments and insure that requests for financing this type of research will be given closer scrutiny than has been the case in the past.

The second part of the amendment would require Government agencies to make available to congressional committees, upon request, any study or report prepared outside the Government which was financed in whole or in part by the sponsoring agency. The purpose is to insure that the Congress is given access to research studies performed by the so-called think tanks, the universities, or individuals whose work is paid for by the taxpayers. The amendment recognizes the right of the President to withhold "privileged" information from the Congress, and it also specifies that the mandate applies only to work performed outside the Government.

This amendment is the outgrowth of many efforts by the Committee on Foreign Relations to obtain a study prepared by the Institute for Defense Analysis relating to the 1964 Gulf of Tonkin incident. It is my understanding that the study contains a review of what happened in the Gulf of Tonkin, how communications were handled, and in general how decisions were made. The purpose of the study, I was informed, was to determine what lessons could be learned for future crisis situations. I think that my colleagues will agree that there is much that all of us can learn from that incident and its aftermath. The committee has attempted a number of times to obtain this study from the Department of Defense, but has been refused each time.

The Institute for Defense Analysis receives virtually all its funds from the Department of Defense. In the 1970 fiscal year this organization received $10,130,000 from the Department of Defense and the Department proposes to give them $10,650,000 in 1971.

I believe that the Congress, which imposes the taxes on the public to finance this organization, and which authorizes and appropriates the money for it, should have the right to see how that money is being spent. The issue here is far more important than this one study—it is a question of whether the Congress has the power to obtain information, prepared outside the Government with tax money, for which no claim of executive privilege has been made.

The Senate is beginning to reassert its Constitutional prerogatives and to restore the proper balance to our political system. Passage of this amendment will be one small, but positive, step in that direction.

Mr. President, I recognize that these practices have grown up over the past several years during a period of wartime. I sincerely hope that we are beginning to wind down the war and that before too long we will return to a period of more normal civilian control and participation—especially participation by Congress—in decisions involving our national security.

I hope that this amendment will be accepted by the distinguished Senator from New Hampshire. He has been very cooperative on this matter, last year, and this year.

Mr. McINTYRE. Mr. President, in discussing the amendment offered by my good friend, the Senator from Arkansas, I would like first to address myself to that part of amendment No. 814 which is labeled section 206(a).

Mr. President, I have listened with interest to the remarks of my distinguished colleague from Arkansas (Mr. FULBRIGHT). I must admit in all candor that I share his commitment to an increased role for the State Department in foreign area research, an endeavor in which it has lagged almost to the point of delinquency.

Let me review briefly the action which the Armed Services Committee has taken in the past 2 years in this foreign research area to reduce DOD's role and increase State's.

The Defense Department's foreign area research program has always represented only a small part of its work on the behavioral and social sciences. The great bulk of its effort has been expended in the areas of: First, human performance—studies of the performance of men under stress; second, manpower selection and training—studies of the best methods for training men for various positions in the Armed Forces; and third, human factors engineering—studies to insure that military hardware is designed for safe, efficient, and effective use under battlefield conditions. The foreign area research budget of the Department is itself divided into two components—foreign military security environments and policy planning studies. Mr. President, as background to my discussion, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks a table of Department of Defense funding of social and behavioral science research for fiscal years 1969–71.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. McINTYRE. Mr. President, last year the Department's foreign area research budget request was $13.3 million. The committee recommended a reduction of $1.5 million and coupled this reduction with the following language in the committee report:

> The Committee believes measures should be taken to transfer a number of these efforts to other agencies for future fiscal years and that during the coming fiscal year the management of certain projects of interest to the Department of State, the Arms Control and Disarmament Agency, the National Science Foundation, and other agencies should be taken over by those agencies, particularly the Department of State. This should be with the understanding that any subsequent requests for funding authority will be made by these other agencies in their future budget presentations which Congress should be prepared to consider carefully in light of this suggested change. The Department of Defense should actively seek agreements for transferring approximately $4 million of . . . fiscal 1970 funds (earmarked for foreign area research) to other agencies.

It should be clear to my colleague that the Armed Services Committee intended that the shift from Defense Department support to other agency support be accomplished in an expeditious but orderly manner.

However, as the result of a successful floor amendment introduced by the Senator from Arkansas last year, the Department's program was subsequently reduced another $2.8 million, from $11.8 million to $9.0 million. One effect of this additional reduction was to wipe out almost 70 percent of the funds earmarked by the committee for transfer to other agencies.

Despite this loss of funds, efforts were made by the Defense Department to initiate not a transfer of additional funds to the State Department directly, but the allocation of some funds to a collaborative State-DOD research program. Less than 2 months ago an agreement was finally reached whereby $483,000 of fiscal 1970 funds were made available for such work.

The fiscal 1971 Defense Department budget included a request of $9.9 million for foreign area research. In light of the Department's reluctance to approve outright transfers of funds to the State Department and in light of the policy expressed in section 203 of last year's bill, the committee subjected this request to a thorough, almost painstaking examination. As a result of this examination, it recommended a reduction of $3.1 million—over 30 percent—from the Department's proposed budget, bringing it to a level of $6.8 million. This reduction was directed primarily to work in counterinsurgency operations and work proposed by the military services but deemed more appropriate either to the State Department or the International Security Affairs Office of the Department of Defense. The remaining funds are earmarked for projects which, while of interest to the State Department, bear a clear relationship to the Defense Department's own mission. Plans for a jointly-staffed State-DOD foreign area research coordinating committee under National Security Council auspices are well underway. The committee should be established soon, after which funds for those remaining foreign area research projects in DOD's budget which are of interest to State also will be made available to the committee and the projects conducted on a collaborative basis.

I submit that the committee has done all it can in the past 2 years both to eliminate Defense Department involvement in foreign area research not relevant to its own mission and to increase the State Department's participation in this work. I agree that the latter goal

has not yet been realized to an appropriate extent, but I feel that future pressures toward this end should be applied not to the Defense Department but to State itself and to the Bureau of the Budget as the agency with overseeing responsibility as regards the composition of State's budget. As for the Defense Department itself, its foreign area research budget has now declined from $16.1 million in fiscal 1968 to a committee-recommended fiscal 1971 budget of $6.8 million, an overall reduction of 58 percent.

I would like to ask my colleague, as chairman of the Foreign Relations Committee, what actions he has taken to increase State's own foreign area research budget in recent years, and just what he feels has to be done by the Congress to get State moving in this area?

EXHIBIT NO. 1

BEHAVIORAL AND SOCIAL SCIENCE

[In thousands of dollars]

	1969	Budget 1970	Actual 1970	Fiscal year 1971 Requested	Change	Recommended
Human performance:						
Army	400	600	500	1,000	−300	700
Navy	2,400	2,500	1,000	1,000		1,000
Air Force	500	700	300	200		200
Defense agencies	3,600	2,500	2,700	2,700	−200	2,500
Total	6,900	6,300	4,500	4,900	−500	4,400
Manpower selection and training:						
Army	5,700	6,100	4,600	5,500	−500	5,000
Navy	9,900	10,800	8,200	9,000	−700	8,300
Air Force	3,500	5,100	5,200	8,900	−700	8,200
Defense agencies	2,400	3,300	3,400	3,800	−200	3,600
Total	21,500	25,300	21,400	27,200	−2,100	25,100
Human factors engineering:						
Army	1,800	2,100	1,500	1,800		1,800
Navy	1,200	1,300	900	1,200		1,200
Air Force	300	300	200	200		200
Defense agencies						
Total	3,300	3,700	2,600	3,200		3,200
Foreign military security environments:						
Army	2,600	2,900	1,900	2,900	−1,300	1,600
Navy	300	300	200	200		200
Air Force	1,100	1,100				
Defense agencies	3,200	2,600	2,600	2,600	−500	2,100
Total	7,200	6,900	4,700	5,700	−1,800	3,900
Policy planning studies:						
Army	1,700	1,500	1,100	1,100	−400	700
Navy	800	700	600	500	−200	300
Air Force	1,900	1,900	1,000	1,000	−300	700
Defense agencies	2,000	2,300	1,600	1,600	−400	1,200
Total	6,400	6,400	4,300	4,200	−1,300	2,900
Summary:						
Army	12,200	13,200	9,600	12,300	−2,500	9,800
Navy	14,600	15,600	10,900	11,900	−900	11,000
Air Force	7,300	9,100	6,700	10,300	−1,000	9,300
Defense agencies	11,200	10,700	10,300	10,700	−1,300	9,400
Total	45,300	48,600	37,500	45,200	−5,700	39,500

Mr. FULBRIGHT. Mr. President, the only concrete action was the action that the Senator from New Hampshire cooperated in. That was the principal effective agent.

This was one of the reasons I liked that approach. I do not know how to inspire the State Department to assert its responsibility in this area. The State Department has not in recent years had very much influence in the budget process. Matters that are clearly within the State Department, such as the exchange program, have been restrained very severely through the budget and by action of the Appropriations Committee.

As a matter of fact, the Senator knows that all agencies other than the Department of Defense have great difficulty when it comes to getting money.

Mr. McINTYRE. Mr. President, will the Senator yield?

Mr. FULBRIGHT. The State Department has had other pressing budget problems and they have not tried very hard, apparently, to get more money for research. I have counseled that they do so but there have been no effective results.

Mr. McINTYRE. The Senator just supported the amendment I offered, which is an outgrowth of section 203, which is the application of the relevancy test, which has given us quite a few problems in connection with the defense budget. This amendment is an attempt to bring the National Science Foundation into this picture more clearly as an institution solely devoted to research. When there is budget stringency and a need to cut, the cut is too often at the research end. This amendment points one direction in which we have to go. But there have to be increases, too, in the research budgets of other mission agencies. The State Department is one of these.

It is said the Department of Defense is doing too much in research. The Department of Defense will meet that argument by saying, "Those areas where we are carrying on research may well go to the National Science Foundation and to the State Department, but we think these areas of research are important and should be done, and no one else is now doing them. So we will need the Senator's cooperation, as chairman of the Committee on Foreign Relations, to bring about this reordering of research within the Government today.

Mr. FULBRIGHT. I appreciate what the Senator has said, and I congratulate him on what he has accomplished. Without his efforts it could not have been done.

I do not profess to set myself up as a final judge on what is necessary for the defense of our country in the way of research involving foreign matters, but many of the research activities of the Defense Department, it seems to me, were related to a particular view of the world situation and our role in the world.

To put it another way, much of the research was based on a false assumption as to the need for such studies, for example there were the research projects or counterinsurgencies in countries like Chile.

I thought Project Camelot and other research of this nature, should not have been financed for two reasons. First, that it should not have been done by the Department of Defense, and second, that it should not have been done by any agency. It was a frill. If a private institution having nothing to do with its money wanted to do that kind of work, it would be all right, but we should not be paying for this kind of thing with the taxpayers money.

What we are now talking about is transferring research which I, and the Senator from New Hampshire agree should be done, but not by the Department of Defense.

Mr. McINTYRE. What I am trying to say to the Senator is that it is not enough for the Senator from Arkansas to take the position that some of the foreign area research by the Department of Defense should not have been done by that Department. That is not enough. The Senator deserves a great deal of credit for his alertness in focusing light on this matter. The Committee on Armed Services has focused attention on this matter.

Mr. FULBRIGHT. The Senator is correct.

Mr. McINTYRE. But this is not enough. We must also get the work done elsewhere, when it should be done.

With respect to the State Department, it seems to me that there are many foreign area research projects which should be looked into by some of their best minds, projects that would be of interest to the Senator as chairman of the Committee on Foreign Relations. All I am saying is that the Defense Department's research program in this area has been cut back properly and that in the future we must work together to increase State Department Foreign area research efforts.

I am saying we need the Senator's help, whether it is an on-going study on the Soviet Union, or the Red Chinese, or something else. The Senator should be pushing for these studies.

Mr. FULBRIGHT. When the Senator referred to on-going studies of the Red Chinese and Russia, that is an area I agree should be pursued.

Mr. McINTYRE. Can the Senator tell

me if the State Department is actually conducting such a study?

Mr. FULBRIGHT. I do not know. They have a policy planning staff and they have a research bureau, but both are quite small. The funds for outside research are very limited, as I have stated. If the operation were given more attention by the head of the State Department they could do a better job.

The Senator also knows the State Department has suffered a considerable decrease in responsibility with the development of the White House National Security Council staff. I think it has suffered a decrease in its own assurance capacity to exert itself. It is not a new development. In the preceding administration there developed the idea that the State Department is not as effective as it should be. I think many people over there felt they were being bypassed.

If one reads the press today it is common gossip among many journalists that Mr. Kissinger is really the Secretary of State and that he and his staff are the ones who are really consulted and who play a major role and that the State Department really survives by sending ambassadors abroad and giving receptions, and so on. I do not subscribe to that theory.

I have great respect for the Secretary of State, although I do not know how his influence compares to that of Dr. Kissinger. I do not wish to go off on a tangent.

But there is a research agency in the State Department and it is the office which should have the responsibility and the funds for carrying out this type of research. It is the agency that is responsible to Congress, contrary to Mr. Kissinger's operation at the White House, which takes the position that they are immune to coming before Congress and talking about or discussing foreign policy.

So we have a situation that is very serious. I would like to rebuild the prestige and the functions of the State Department. I think what the Senator suggested goes in that direction. His attitude has been highly sympathetic to that in the past. I think it is very important that the civilian aspect of our foreign policy be emphasized. That is what this amendment is all about.

I appreciate what the Senator has done and his openminded attitude about the problem.

I would hope that as a result of this discussion and what has happened, the State Department would reemphasize the position of the research operation and the policy planning staff, and give them more money, as the Senator suggests.

The Senator and I are in complete agreement. I, too, hope that the State Department will begin to expand its activities in this area.

I see the Senator from Mississippi is here. I would like to turn to section (b) of the amendment. It was my understanding that the chairman of the full committee was agreeable to accepting this part of the amendment provided some minor modifications were made.

Mr. President, I yield at this time to the Senator from Mississippi (Mr. STENNIS) on section (b) of the amendment with which he is familiar.

Mr. STENNIS. Mr. President, if the Senator from Arkansas will yield to me; is this his modified amendment No. 814?

Mr. FULBRIGHT. That is correct.

Mr. STENNIS. This is the amendment we discussed a few weeks ago?

Mr. FULBRIGHT. That is correct. I confined it to the two committees that the Senator referred to.

Mr. STENNIS. Yes. As I understand it, the Senator has plainly excepted from the requirement anything about the President's exercising the right of executive privilege. That is what the Senator intended to do?

Mr. FULBRIGHT. Yes; that is explicit in the language.

Mr. President, while the Senator is considering that, I wanted to add a few words about the second section. It has become almost impossible to obtain the result of much of the research for which, as I have said, the taxpayers have paid Just recently I received a letter from a man in Thailand who said:

> I am writing to suggest that the work of the Committee on Foreign Relations might be assisted by reading a study prepared for OSD/ARPA by the Research Analysis Corporation of McLean, Virginia, titled "A History of Insurgency and Counterinsurgency in Thailand." The report is classified Secret. It is my strong belief that more informed policy-makers make more informed policies, and therefore I feel it would be very much in the national interest of the United States for your committee to study this report. I mention this only because of the possibility that through some oversight members of the Executive Branch may have failed to bring this very detailed and extensive study to your attention.

He goes on to say:

> May I in return ask for one small accommodation, namely that my name not be used in connection with your request for this document (assuming you have not seen it). The title of this document is unclassified, so there is no reason why I should not mention it to you in an open letter. However I have noted a certain sensitivity in Washington, Saigon and Bangkok when your name comes up.

I think two things are to be said about the letter. First, this man, obviously an honest man, no longer feels free to speak openly, because of possible retaliation that he may suffer. So I feel constrained not to give the man's name in public, although the Senator from New Hampshire is free to see the letter. I just do not want to prejudice the writer in any way.

We made a request to the Defense Department for the study, which was paid 100 percent by the taxpayers' money. In response to that request we received a letter from Dr. Foster saying "no" which was classified "confidential." I do not know how absurd one can get. They have gone so far as to classify a letter that says, "No, we will not give you the report." That is what it says here. It says, "This is a report which is limited to internal distribution," and then they mark that letter "confidential."

I do not know how much more absurd one can get in abusing the power of classification than to classify a letter saying "No, you cannot have the document," but which I think, under any democratic processes, ought to be made available to my committee.

That is what the second part of the amendment which the Senator from Mississippi is considering deals with. I think they have carried this matter to an absolute absurdity. I do not see how the committees of the Congress can be expected to function effectively if all these papers that are considered research papers are unavailable for the consideration of the Senate or the committees.

Mr. McINTYRE. Mr. President, the chairman of the Committee on Armed Services and I find ourselves in sympathy with that portion of the amendment offered by the distinguished Senator from Arkansas provided that it can be restricted so as to apply to the Armed Services Committee and the Committee on Foreign Relations of the Senate and the Armed Services Committee and the Committee on Foreign Affairs of the House. If the Senator from Arkansas is willing to modify the amendment to that extent, it is my understanding that we are willing to accept the amendment as modified.

Mr. FULBRIGHT. Mr. President, I send to the desk a modfication of my amendment No. 814 and ask to have it stated.

The PRESIDING OFFICER. The amendment, as modified, will be stated.

The assistant legislative clerk read the modified amendment as follows:

> Strike out subsections (a) and (b) of the amendment and insert a new subsection (a) as follows:
>
> "SEC. 206 (a) The head of any department or agency of the Federal Government shall, in response to any request made to him in writing by the Senate Committee on Armed Services, the Senate Committee on Foreign Relations, the House Committee on Armed Services, or the House Committee on Foreign Affairs, promptly submit to such committee a copy of any report, study, or investigation requested by such committee if the report, study, or investigation was financed in whole or in part with Federal funds and was made by a person outside the Federal Government, except that this requirement shall not apply in the case of any report, study, or investigation with respect to which the President exercises the right of executive privilege."

Mr. STENNIS. Mr. President, will the Senator yield to me?

Mr. FULBRIGHT. I yield.

Mr. STENNIS. Mr. President, I have always thought it was our duty to protect the right of executive privilege. I think it is the duty of the Executive to respect our privileges. I think that privilege is spelled out in the amendment for the committees that have direct jurisdiction.

We discussed this matter last year with the Senator from Arkansas and worked on it somewhat then. I think we ought to accept the amendment and take it to conference and see what we can work out on it with our conferees from the House. I am delighted to do that. That is my studied opinion of it.

Mr. McINTYRE. Mr. President, will the Senator from Arkansas yield?

Mr. FULBRIGHT. I yield.

Mr. McINTYRE. It is also my understanding that the modification would delete that section marked (a) in the original amendment. Is that correct?

Mr. FULBRIGHT. It does.

I want to thank the Senator from Mississippi and the Senator from New Hampshire. I think this may be a small part of the overall effort of Congress to play a more significant, and I would think more constructive, role in the formulation of our national policies, especially in the field of foreign affairs.

We are subject to criticism in the press all the time to the effect that "Congress does not do this" and "Congress does not do that," but I assure Senators that Congress cannot perform its functions when we are not allowed to get the basic research—and it is about the only basic research that is being conducted, as the Senator has already said—but are met with a classification of documents which I do not think have the slightest thing to do with military affairs. I refer, for example, to the study that Dr. Foster just refused to let us have. Apparently we were turned down on the pretext of protecting the sensitivities of some people with whom we have relations. But, after all, Congress has some responsibilities.

So I appreciate the attitude of the Senator from Mississippi, and I hope he will insist upon this amendment in conference.

Mr. President, I am ready for the vote. I move the adoption of the amendment, as modified.

The PRESIDING OFFICER. The question is on agreeing to the amendment, as modified.

The amendment, as modified, was agreed to.

Mr. FULBRIGHT. Mr. President, I have another amendment which I did intend to offer today, but, by agreement with the various people concerned, the Senator from Mississippi and others, I shall not offer it until next Tuesday, at which time the Senator from West Virginia has informed me that he has reserved the time for a vote on it, with a 40-minute limitation. Is that correct?

Mr. BYRD of West Virginia. If the Senator will yield, let me get that request in right now.

Mr. FULBRIGHT. I do wish, very briefly, to explain what it is, after the Senator——

Mr. BYRD of West Virginia. I will make the request later, then.

Mr. FULBRIGHT. All right. I will just make the statement now, and the Senator can make his arrangement a little later.

This is a very brief amendment, and I wanted to explain at this time what it is intended to do. The amendment concerns section 501 of the bill.

I ask unanimous consent that I may yield to the Senator from West Virginia without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I have cleared this request with the principal parties involved—the author of the amendment, the manager of the bill, the assistant minority leader, the majority leader—and other interested Senators.

I ask unanimous consent that, on Tuesday next, the controlled time on the Muskie amendment be limited and reduced from 3 hours to 2½ hours, beginning immediately following the vote on the Proxmire amendment with regard to draftees; and that, at the conclusion of the vote on the Muskie amendment, the amendment to be offered by the able Senator from Arkansas (Mr. FULBRIGHT) be laid before the Senate and made the pending business, and that there be a time limitation on the Fulbright amendment of 40 minutes, to be equally divided between and controlled by the author of the amendment and the manager of the bill; and that, at the conclusion of the 40 minutes, a vote occur on the amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT).

That, immediately following the vote on the amendment by the Senator from Arkansas (Mr. FULBRIGHT) the vote occur on the committee amendment, as amended, after which the bill be read a third time and there be one-half hour of controlled time on the bill, at the conclusion of which the vote on passage of the bill occur.

Mr. JAVITS. Mr. President, reserving the right to object—and I shall not object unless I have to—may we know from the Senator from West Virginia whether the door is not left open to anyone else who might have an amendment? You never know, until the end of the road, whether someone does or not. Would this arrangement cut off any right to offer an amendment?

Mr. BYRD of West Virginia. It would not cut off any right to offer an amendment to the amendment. An amendment could be offered at the expiration of the 40 minutes, but there would be no time on an amendment to the amendment. The vote would occur immediately.

Mr. JAVITS. Mr. President, I do not think that is fair. In other words, the Senator, without any notice to the Senate, is foreclosing debate even on amendments which are at the desk.

I think it would be better if the Senator would make some modest provision, such as 10 minutes on the side, for anything else that might come up, just to protect Senators against that contingency.

Mr. GRIFFIN. Mr. President, will the Senator yield for an observation?

Mr. BYRD of West Virginia. I yield.

Mr. GRIFFIN. I think the Senator from New York makes an important point. It is a fact, however, that during the remainder of the afternoon today and on Monday, I think any Senator does have an opportunity to offer an amendment. It would probably have to be by unanimous consent if it were taken out of time already allotted, but it could come at the end of the day, and there is no particular problem, nor does there have to be, in my experience, in having other amendments brought up.

One of the problems we have is that we have already set a final time for voting, and there would have to be a modification of that agreement; is that correct?

Mr. JAVITS. What is the final time for voting, if I may ask the Senator?

Mr. BYRD of West Virginia. Well, it is a little uncertain. There can be no specific time stated for the final vote under the order previously agreed to.

Mr. JAVITS. The Senator from Michigan said we have already set a final time.

Mr. BYRD of West Virginia. We have set a limitation on time, but we have not said the vote will occur at X hour.

Mr. GRIFFIN. Mr. President, I stand corrected. The Senator from West Virginia is correct.

Mr. JAVITS. I understand the force of the problem. I know Senators are anxious to get away, and I am, myself. I am not pleading otherwise.

But I do think that to lock up this bill with third reading, without giving any Senator who may decide he wishes to offer an amendment the opportunity to do so, is just not right.

I would therefore respectfully suggest that either on Monday or Tuesday—let us say on Monday, at the conclusion of Senator McGOVERN's time; or, what would even be fairer, because we do not know what is going to happen on these various elements of the bill, it really ought to come at the end of the vote on the Muskie amendment on Tuesday. At that time, if any other Senator has an amendment, he ought to have 10 minutes on each side.

Mr. BYRD of West Virginia. Does the Senator have reference to an amendment to the amendment?

Mr. JAVITS. I mean any amendment. Do not have third reading until any Senator who wishes to propose anything can do it, with 10 minutes on the side. Then lock it up.

Mr. FULBRIGHT. Mr. President——

Mr. BYRD of West Virginia. Mr. President, I have the floor. An order respecting third reading has already been locked up. It was agreed to on yesterday. May I say to the Senator from New York that I am very sympathetic to his request with regard to an amendment to the amendment offered by the Senator from Arkansas. But believe me, many hours of effort have been expended, bases have been touched and retouched in attempting to conclude these various agreements. Now, if we are to open this up to any amendment which might be brought in here on Tuesday next by any Senator, I shall be forced to withdraw this request and object to any other. But I am perfectly willing to revise my request to include the provision that there be a limitation of 20 minutes on any amendment to the Fulbright amendment, to be equally divided.

Mr. JAVITS. Or substitute therefor?

Mr. BYRD of West Virginia. Well, that is also considered as an amendment.

Mr. JAVITS. Could the Senator, then, provide that on Monday, after the time has expired on the McGovern amendment, if any Senator wishes to propose an amendment, there will be 20 minutes, equally divided? Then other Senators will be protected.

Mr. BYRD of West Virginia. Mr. President, I revise my request in this manner, with respect to the amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT):

That time on any amendment to the Fulbright amendment be limited to 20 minutes, to be equally divided between the author of the amendment and the Senator from Arkansas (Mr. FULBRIGHT), or, if Mr. FULBRIGHT is not opposed thereto, then the time in opposition to be under the control of the able manager of the bill (Mr. STENNIS).

Mr. JAVITS. And any amendment means a substitute as well.

Mr. BYRD of West Virginia. Yes.

Mr. GRIFFIN. Mr. President, reserving the right to object—and I shall not—can this amendment be further identified?

Mr. FULBRIGHT. Mr. President, if the Senator will yield—and I wish to make an observation, too——

Mr. BYRD of West Virginia. Mr. President, I yield for that purpose.

Mr. FULBRIGHT. This amendment is intended to preserve the legal and proper jurisdiction of the Committee on Foreign Relations, over the foreign military sales matters. I was going to explain it in a few minutes. Its effect is——

Mr. GRIFFIN. It is not printed, I take it, at this point?

Mr. FULBRIGHT. I have a copy here. It has not been——

Mr. GRIFFIN. Numbered?

Mr. FULBRIGHT. Printed. A copy is available. I had intended to bring it up this afternoon, debate it, and have a vote on it. I was requested to follow this procedure of putting it off until next week because, I understood, the Senator from Montana and others did not wish to deal with it this afternoon.

The effect of it would be that the so-called Jackson amendment would be effective only if the military sales bill or similar legislation does not become law. If that bill, which is now in conference, does become the law, of course, it would authorize funds for the same purpose covered by the Jackson amendment.

If for any reason it fails to become the law, then this provision in the bill would go into effect.

In other words, I am trying, actually, to protect what I believe to be the legitimate jurisdiction of the Committee on Foreign Relations. As everyone knows, certain committees, the Committee on Government Operations and others, including the Armed Services Committee, have become involved in matters properly under the jurisdiction of the Foreign Relations Committee. I feel that it is my duty to resist such moves. I do not think that I should voluntarily allow the Foreign Relations Committee to be deprived of its basic jurisdiction. That is the only purpose of the amendment. It has no other purpose.

Mr. GRIFFIN. I thank the Senator for giving us a description of the amendment.

Mr. FULBRIGHT. That is all it is about. It does not deal with amounts. It does not try to cut down or enlarge or change the amounts involved.

Mr. JAVITS. Mr. President, if the Senator will yield, the amendment will be directed to section 501, at page 18, lines 7 to 21, inclusive.

Mr. FULBRIGHT. That is correct.

Mr. JAVITS. And the thrust of it will be to retain this provision in this bill only if the Military Sales Act does not become law.

Mr. FULBRIGHT. That is correct.

Mr. JAVITS. And the operation of this section would be suspended until that question is determined.

Mr. FULBRIGHT. If it does not become law, then this is operative.

Mr. JAVITS. In other words, this would not be operative on that basis until December 31, 1970, if operative at all.

Mr. FULBRIGHT. It would be 15 days after the adjournment of Congress. If Congress adjourns, say, October 15, it would be effective November 1, approximately.

Mr. JAVITS. I thank the Senator.

Mr. FULBRIGHT. The President must be given time to sign a sales bill, of course.

Mr. STENNIS. Mr. President, if the Senator will yield, I am not going to object to any reasonable request for time; but if we could get to it——

Mr. FULBRIGHT. I have to object. For example, if the Senator wishes to offer the Military Sales Act devoid of some of the amendments as an amendment to this, I could not accept an agreement that would make the Senate vote on that kind of amendment in 10 minutes. We spent weeks on the Military Sales Act; it is in conference. If it means that, I could not accept that kind of agreement.

Mr. JAVITS. Frankly, I might say to the Senator, speaking only for myself, that I have no idea what I would do on even the Senator's amendment. After all, I am a member of the Foreign Relations Committee, and I am also deeply interested in the Jackson amendment, and I would like to retain it. So I have to worry about it. I cannot tell the Senator what I would move. I think the Senator knows me personally well enough to know that I will move heaven and earth to respect the time problems and the feelings of the Senator as to this issue; and, probably, if I am against him, I will just challenge him on his amendment.

Mr. FULBRIGHT. Of course, the amendment might be rejected. I cannot have any protection about the adoption of an amendment. I want protection against bringing in that kind of amendment—for example, if Senator X offers the text of the Military Sales Act as an amendment.

Mr. JAVITS. To shut off amendments of substitutes is really impossible in situations such as that.

Mr. FULBRIGHT. I was going to call up the amendment this afternoon. It was not my request that it go over.

Mr. JAVITS. That will not shut off amendments to it, and if you shut it off this afternoon, Senators could talk as long as they wish.

Mr. FULBRIGHT. That is correct.

Mr. BYRD of West Virginia. Mr. President, may I have the Chair propound the unanimous-consent request as revised? Or would the Chair like me to repeat the request?

The PRESIDING OFFICER. If the Senator from West Virginia would repeat the request as revised, the Chair would be very grateful.

Mr. BYRD of West Virginia. Mr. President, I restate my request as follows: I ask unanimous consent that on Tuesday next, the time which will begin running on the Muskie amendment, at approximately 12 o'clock noon, be limited to 2½ hours instead of 3 hours, as originally proposed; that at the expiration of the time allotted, a vote occur on the Muskie amendment, following which vote, the amendment to be offered by the able Senator from Arkansas (Mr. FULBRIGHT) be laid before the Senate and made the pending business.

Mr. STENNIS. After the vote.

Mr. BYRD of West Virginia. Following the vote on the Muskie amendment, the amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT) be laid before the Senate and made the pending business, the time thereon to be limited to 40 minutes, to be equally divided and controlled between the author of the amendment, Mr. FULBRIGHT, and the manager of the bill, Mr. STENNIS; that any amendments thereto be limited to 20 minutes, the time to be equally divided and controlled between the author of the amendment to the amendment and the author of the basic amendment, or, if Mr. FULBRIGHT is not opposed thereto, the Senator from Mississippi, the manager of the bill, or, if he is not opposed thereto, the minority leader or his designee; that following the vote on the amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT), the vote occur on the committee amendment as amended, after which the bill be read a third time; that time on final passage be limited to 30 minutes, to be equally divided between and controlled by the manager of the bill and the able minority leader or his designee.

Mr. GRIFFIN. Mr. President, reserving the right to object, may it be understood that the request of the Senator from West Virginia does not preclude the possibility of motions being made which are not debatable, prior to the vote on the Fulbright amendment, such as a motion to table?

Mr. BYRD of West Virginia. In other words, the Senator does not wish to exclude a motion to lay on the table the amendment to be offered by the Senator from Arkansas?

Mr. FULBRIGHT. That is at the end——

Mr. GRIFFIN. At the expiration of the time.

Mr. JAVITS. Mr. President, if the Senator will yield, is it the understanding now with the leadership—this is not part of the unanimous-consent request—that on Monday, after the debate on the McGovern amendment, which has 5 hours, they will go as long as necessary to accommodate Senators who wish to introduce other amendments, on a basis of 20 minutes total, 10 minutes to a side?

Mr. BYRD of West Virginia. Mr. President, I would want the able manager of the bill to be agreeable to this request, the request being that at the expiration of the time which has been allotted on the McGovern amendment on Monday next, which is 5 hours, any amendments offered by any Senator be limited each to 20 minutes, the time to be equally

divided and controlled between the author of the amendment and the manager of the bill.

Mr. STENNIS. For how long? For just Monday?

Mr. JAVITS. Monday.

Mr. STENNIS. I have no objection.

Mr. President, if the Senator will yield, I feel that gives everybody a chance, without locking anyone in—it does lock up the bill—and I hope that will be the end.

The PRESIDING OFFICER. The Chair wishes to inquire of the Senator from West Virginia, to be perfectly clear, whether the last suggestion was a suggestion only and not a part of the agreement.

Mr. JAVITS. Mr. President, if the Senator will yield, as I understand it, if the Senate stays in session after the 5 hours have expired, any business can be handled. Therefore, whether or not the Senator makes it a unanimous-consent request is entirely in the discretion of the leadership. I am satisfied to trust the good faith of the leadership. If it commits itself, it will do it.

I will say to the Senator that if he wants me to limit the debate on such amendments to 20 minutes, it would have to be included in the unanimous-consent request.

Mr. BYRD of West Virginia. I intended to do that, but I wanted to be sure that the manager of the bill was agreeable.

There is now another complicating factor which has been called to my attention, Mr. President. I think we are about to reach an agreement on the second phase, which has to do with Monday. May we have the first part of my request, dealing with Tuesday, agreed to, with the understanding that if something happens to the second part of the request, we can vacate the first?

The PRESIDING OFFICER (Mr. MATHIAS). Is there objection to the initial request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. Mr. President, that was with respect to Tuesday next.

Now, I ask unanimous consent that immediately following the expiration of the 5 hours allotted on the McGovern amendment on Monday next, the Senator from Illinois (Mr. PERCY) be recognized for not to exceed 30 minutes, following which Senators may offer amendments with time on any amendment to be limited to 20 minutes, the time to be equally divided between the mover of the amendment and the manager of the bill.

Mr. FULBRIGHT. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator from Arkansas will state it.

Mr. FULBRIGHT. Does this mean that the amendments have to be germane to the bill? Can we bring in nongermane matters?

Mr. BYRD of West Virginia. No, there is no rule requiring germaneness in this context.

The PRESIDING OFFICER. The Chair would advise the Senator from Arkansas that there are no germane requirements.

Mr. FULBRIGHT. So, an amendment on any subject, civil rights, pollution, nutrition, anything, is in order with 20 minutes debate. Is that right?

Mr. BYRD of West Virginia. That is right, but I do not see any problem there.

Mr. FULBRIGHT. There used to be those who saw problems. Perhaps there is not. I am not raising any. I was just inquiring.

Mr. BYRD of West Virginia. I think that any Senator would exercise——

Mr. STENNIS. Mr. President——

Mr. BYRD of West Virginia. Mr. President, who has the floor?

The PRESIDING OFFICER. The Senator from West Virginia has the floor.

Mr. BYRD of West Virginia. I am sure that any Senator would reserve his right to move to table such an amendment. I feel confident that the leadership could be relied upon to support a tabling motion on any dilatory amendment.

Mr. FULBRIGHT. I was merely inquiring as to what the intention was.

The PRESIDING OFFICER. Is there objection to the second unanimous consent request of the Senator from West Virginia? The Chair hears none, and it is so ordered.

Mr. BYRD of West Virginia. I thank all Senators concerned.

The unanimous-consent agreement, later reduced to writing, is as follows:

Ordered, That during the further consideration of H.R. 17123, military procurement bill, debate on various amendments thereto be limited as follows:

Debate on the amendment by the Senator from South Dakota (Mr. McGOVERN) and others, the so-called "end-the-war" amendment, numbered 862, to be limited to 6 hours of controlled time, with a vote coming at 10 o'clock a.m. on Tuesday, September 1. Five hours of the controlled time will begin at 12 o'clock noon on Monday, August 31, and the other hour will occur on Tuesday, September 1 between 9 o'clock a.m. and 10 o'clock a.m., with all of the controlled time to be equally divided and controlled by Mr. McGOVERN and the manager of the bill, Mr. STENNIS. Any amendments to the amendment or motions or appeals relative to the amendment (except a motion to table, if offered) shall be limited to 30 minutes, to be equally divided and controlled between the proponents and Mr. McGOVERN; if Mr. McGOVERN is not opposed to any such amendments, motions, or appeals, the time in opposition will be controlled by Mr. STENNIS or the Majority Leader or his designee.

Debate on an amendment by the Senator from Wisconsin (Mr. PROXMIRE) on draftees, numbered 754, will become the pending business on Tuesday, September 1, following the disposition of the so-called "end-the-war" amendment numbered 862, by Mr. McGOVERN, with the time to be limited to 1 hour, to be equally divided and controlled by Mr. PROXMIRE and Mr. STENNIS; debate on any amendment to the amendment shall be limited to 20 minutes to be equally divided and controlled by the mover of the amendment (Mr. PROXMIRE) or Mr. STENNIS if Mr. PROXMIRE is not opposed to the amendment.

Debate on an amendment to be offered by the Senator from Maine (Mr. MUSKIE) numbered 811, will be limited to 4½ hours of controlled time. The first two hours of controlled time will be from 10 o'clock a.m. to 12 o'clock noon on Monday, August 31. The other 2½ hours of debate wil be on Tuesday, September 1 following the vote on the amendment by Mr. PROXMIRE on draftees numbered 754, with all the controlled time on the Muskie amendment (No. 811) to be equally divided and controlled by Mr. MUSKIE and the manager of the bill, Mr. STENNIS. Any amendments to the Muskie amendment or motions or appeals relative thereto shall be limited to 30 minutes, to be equally divided and controlled by the mover of the motion or amendment and Mr. MUSKIE, and such amendments or motions shall be in order at any time during the consideration of the Muskie amendment, which, if offered, will be taken from the 4½ hours allotted to the amendment, numbered 811.

On Monday, August 31 following debate on the McGovern amendment numbered 862, the Senator from Illinois (Mr. PERCY) will be recognized for 30 minutes, after which debate on any amendment offered will be limited to 20 minutes to be equally divided and controlled by the mover of such amendment and the manager of the bill, Mr. STENNIS.

Debate on an amendment to be offered by the Senator from Arkansas (Mr. FULBRIGHT) immediately after the vote on the Muskie amendment will be limited to 40 minutes, to be equally divided and controlled by Mr. FULBRIGHT and the manager of the bill, Mr. STENNIS, with debate on any amendment to the amendment limited to 20 minutes to be equally divided by the mover and Mr. FULBRIGHT, or Mr. STENNIS if Mr. FULBRIGHT is not opposed to the amendment.

Immediately following the vote on the Fulbright amendment, the vote will occur on the committee amendment, as amended, after which the bill be read a third time, after which will be ½ hour of general debate on the final passage of the bill, as amended, to be equally divided between the manager of the bill (Mr. STENNIS) and the Minority Leader or his designee, and that a vote occur on the final passage of the bill at the expiration of that time.

AMENDMENT NO. 868

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that there be printed and lie on the table the amendment to which I have already referred.

The PRESIDING OFFICER. The amendment will be received and printed and will lie on the table, as requested.

Mr. FULBRIGHT. Mr. President, this is a simple amendment concerning section 501 of the bill.

Section 501 would do two things. It would have the Congress go on record with a policy statement concerning the dangerous and delicate situation in the Middle East. And it would give an open-ended authorization for the sale to Israel, on credit, of any amount of arms that "may be necessary to counteract any past, present, or future increased military assistance provided to other countries in the Middle East." The provision clearly deals with policy and substantive matters wihin the jurisdiction of the Foreign Relations Committee. If this section were introduced as a bill, there is no question but that it would be referred to the Foreign Relations Committee for consideration.

I am well aware of the strong sentiment in this body that the United States provide additional arms to Israel. The foreign military sales bill, H.R. 15628, which was the subject of nearly 8 weeks debate in this Chamber, contains ample funds for that purpose, if the President decides that it is in our national interest to do so. The program that would be extended by that bill is the traditional

method for financing arms sales on credit to Israel and other foreign countries.

That bill is still in conference and is very much alive. I have no doubt that the conferees will meet again shortly after the House returns from its recess. For the Senate to approve section 501 as written under these circumstances would be both premature and a direct invasion of the jurisdiction of the Foreign Relations Committee. It would also be most untimely in view of the long sought cease-fire and the negotiations now underway.

The amendment I have offered would not strike section 501 from the bill nor would it diminish the authority it contains. It would merely make the authority conditional on the Congress failure to pass a military sales bill before adjournment. And it would insure that the inclusion of a military sales item in this bill will not be considered as a precedent for the handling of future military sales legislation, so that the traditional jurisdiction of the Foreign Relations Committee over this subject will be preserved.

The 90-day cease-fire in the Middle East will not expire until November 5, long after the Congress has adjourned sine die. Hopefully, there will be an extension of the agreement, if a settlement has not been reached by then. Certainly the President will not decided to ship additional arms to Israel as long as the cease-fire is in effect. So as a practical matter, there is no need for arms sales authority until well after the time when it will be known definitely whether the conferees on the military sales bill can reach agreement.

In summary, this amendment does not affect the basic authority in section 501. It only holds that authority in abeyance and makes it conditional on Congress failure to pass a military sales bill. And it specifically states that the enactment of the provision shall not be a precedent for future congressional consideration of such matters.

I hope that the amendment will be adopted.

Mr. President, just by way of comment, I want to assure the Senator from New York that the purpose of the amendment is in no way to deal with the merits of the subject matter, which is dealt with in the amendment. It is intended to protect what I believe to be the legal and proper jurisdiction of the Committee on Foreign Relations. That is why I am offering it. It is not to try to pass judgment upon the substance of the problem which is involved here.

Mr. President, I thank the Senator from Mississippi.

Mr. STENNIS. Mr. President, I ask for recognition.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. Mr. President, I ask unanimous consent that I be authorized to yield to the Senator from Kansas (Mr. DOLE) for 10 minutes without losing my right to the floor.

The PRESIDING OFFICER. Without objection, the Senator from Kansas is recognized for 10 minutes.

THE FIFTH VERSION OF THE SO-CALLED "END THE WAR AMENDMENT"

Mr. DOLE. Mr. President, I have read the original so-called "end the war amendment"—more appropriately, the "lose the peace amendment"—all the intermediate changes and versions, and now the latest, the fifth edition, of the proposal sponsored by the Senators from Oregon and South Dakota.

It is interesting to note that through this series of alterations the sponsors have changed their amendment from a declaration of capitulation in Vietnam to a recognition and acceptance of what President Nixon has been saying and doing in Vietnam for 19 months.

With a few more changes, now, it would correspond closely with the President's expressed policy in South Vietnam, and his program for Southeast Asia.

Until we reach that point, there is only one question to decide—should the President, as Commander in Chief, continue to direct this country's disengagement from a war the previous two administrations got us into, or should that job be delegated to a committee of 535—the Congress?

Mr. President, I recognize that we will debate whatever remains of the "end the war amendment" next week, but before then we should discuss—if only briefly—the amendment as it is now and ask: What was the purpose of the original amendment which has now gone through a complete metamorphosis?

Tomorrow's so-called "end the war amendment" may be different than today's, so it should be clearly understood that I am discussing only the fifth version of the amendment—the one before us today. I do not know the future intentions of the principal sponsors and whether additional changes are planned.

What today's amendment says, as I read it, says the President must have the troop level in Vietnam down to 280,000 by next April 30. This comes so close to the plan President Nixon announced on April 30 that one wonders if the drafters had their source material switched.

Regardless of the surface similarity to the President's program, we now come to the meat of the fourth amended amendment, or the fifth amended amendment, which declares:

> After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

Those objectives are stated to be:

First. Withdrawal of all American forces by December 31, 1971.

Second. Release of prisoners of war.

Third. Provision of asylum for endangered Vietnamese.

Fourth. The supply of aid to South Vietnam.

This statement of objectives with its December 31, 1971 deadline is followed by a proviso that in the face of a "clear and present danger" to American Armed Forces the President may suspend the withdrawal deadline by up to 60 days, or until March 1, 1972.

SUBSTANTIAL QUESTIONS RAISED

All of the objectives are worthwhile and commendable but the cited leaves unanswered questions.

For example: What happens under this fifth version if the North Vietnamese attack in such a way and at such a time as to make impossible either the orderly termination of military operations or the safe and systematic withdrawal of remaining forces by December 31, 1971 or by March 1, 1972? And what precisely would constitute a clear and present danger to American forces?

Another question: Where do we provide asylum for thousands and perhaps millions of South Vietnamese refugees, how do we know whose lives will be endangered until it is too late?

Another question: What assurances do we have that the enemy will release their American prisoners under any circumstances?

Yet another question: What assistance could we provide South Vietnam if our precipitate withdrawal turned that country over to the Viet Cong and the North Vietnamese?

WHY SO MANY CHANGES

Mr. President, I am hopeful that answers to these and other questions will be forthcoming and I trust we will get into another matter of critical importance which underlies and surrounds the McGovern-Hatfield amendment.

It is a question that has not been satisfactorily answered. It is the question of propriety, custom, and precedent surrounding the campaign to raise money and conduct a lobbying effort on behalf of the amendment.

Certainly those who donated money—I might add that this amounted to some $600,000—in response to the May 12 NBC television solicitation, newspaper advertisements, and spot commercials on radio and television did so in the belief that there was a plan to end the war.

Now, however, many contributors must have discovered that the plan they thought they were supporting keeps changing. So far, it has changed at least four or five times.

The original intent and representation was to end the war June 30, 1971, by ending our fighting on December 31, 1970, and withdrawing our troops 6 months later. This was the so-called fund-raising amendment, the amendment discussed on May 12, at which time the sponsors were able to raise some $600,000 based on the emotions and anxieties of the American people.

What has happened to change the plan to 280,000 troops by April 30, 1971, and withdrawal of all forces by December 31, 1971, or March 1, 1972?

If the amendment's sponsors did not intend to press for an end of the war by June 30, 1971, why did they draft their amendment to promise that date? And why did they raise half a million dollars on the strength of the date included in their first amendment? If they did not mean June 30, 1971, do they mean December 31, 1971, or do they now mean March 1, 1972, or do they mean some other date in 1972, or 1973, or 1974, or 1975?

CREDIBILITY COMPARED

Credibilty has become a prominent catchword in Washington over the past several years, and I believe it is important to recognize that President Nixon's credibility on ending the war and winning the peace is unimpeachable.

Just look at the record. He took office in January 1969, with 542,000 American fighting a war commenced and expanded by two previous administrations. In June, September, and December of that year he announced withdrawals of 25,000, 35,000, and 50,000 troops, and by April 15 of this year those 115,000 men had been withdrawn.

When he announced the initiation of the Cambodia operations on April 30, he said that all American forces would be withdrawn from that country by June 30. And on June 30, American forces were out of Cambodia.

President Nixon has not equivocated over dates or numbers. He has made clear, reasonable commitments, and he has kept them. When the President speaks of numbers and dates, there is no question of those numbers or those dates.

I believe the Presidents' record offers a marked contrast to that of the so-called "end the war amendment," which I believe should be designated, "the lose-the-peace amendment." This amendment started out having all American forces out of Vietnam on December 1, 1970. Then it said December 31. Then it said June 30, 1971. Now it says we will have 280,000 men in Vietnam on April 30, 1971 and have them all out by December 31, 1971—or is it March 1, 1972, or 1973, or 1974, or when?

I cannot believe that the "lose-the-peace amendment" was introduced with the expectation that it would ever become law. Any observer of Washington knows that the Senate and the House will never pass it and no President, Democrat or Republican, would ever sign it. But, since it has been advocated so vigorously and at such expense and with such considerable efforts to lobby and pressure Members of the Senate, we are entitled to know why it was introduced and why it has been subjected to such fundamental, continuing, and substantial alteration.

Mr. President, perhaps it is expecting too much to expect answers to these questions, but I do believe they are questions most Americans are asking.

I am looking forward to next week's debate, regardless of what form the "lose-the-peace amendment" may take at that time.

Mr. President, so that my colleagues in the Senate may know, I ask unanimous consent to have printed in the RECORD what I believe to be the pioneer version, the bill introduced by the Senator from New York (Mr. GOODELL), on October 7, 1969. That is what I refer to as the first version of "the lose-the-peace amendment."

That was followed on October 8, 1969, by what I refer to as the second version "the lose-the-peace amendment," introduced by the junior Senator from South Dakota and others.

That was followed on April 30, 1970, by what I consider to be the third version, introduced by the junior Senator from South Dakota and the senior Senator from Oregon.

That was followed by the fourth version on May 5, 1970, introduced by the Senator from South Dakota and others.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield the Senator from Kansas 2 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 2 additional minutes.

Mr. DOLE. Mr. President, that was followed by the fifth version which was never printed as an amendment. However, it did appear in the RECORD, and it was indicated that it would perhaps be the final version. That appeared in the RECORD sometime last week.

That was followed by the sixth and the latest version of "the lose-the-peace amendment," which was introduced on August 26, 1970, by the junior Senator from South Dakota and the senior Senator from Oregon.

I ask unanimous consent that all of these different versions of the so-called "amendment-to-end-the war" be printed in the RECORD at the conclusion of my remarks so that Members of the Senate will understand that we are not considering the amendment discussed on national television on May 12, 1970. We are considering one of the half dozen versions. I am not certain what we may be considering next week.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

EXHIBIT 1

S. 3000

A bill to amend the Foreign Assistance Act of 1961

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That this Act may be cited as the "Vietnam Disengagement Act of 1969."

SEC. 2. (a) Congress finds that the broad foreign policy interests of the United States require that the American military presence in Vietnam be removed at the earliest possible time, and that such action will promote the social and political well-being of the people of South Vietnam; that the prosecution of the war in Vietnam with American troops must be ended, not merely reduced; that the loss of American lives in Vietnam can be halted only by establishing a clear timetable for terminating American combat operations and withdrawing American troop commitments in the near future; and that the responsibility for ending the American involvement in Vietnam is not the President's alone, but must be shared by the Congress under its constitutional authority to "raise and support armies" and to "declare war."

(b) It is the purpose of this Act—

(1) to reassert the responsibility of Congress, under its constitutional authority to "raise and support armies' and "declare war," to share with the President the task of extricating this Nation from the Vietnam war; and to involve Congress in setting a clear and unequivocal timetable for the withdrawal of American troops from Vietnam;

(2) to express the clear intent of Congress that all American military personnel be withdrawn from Vietnam on or before December 1, 1970; so that the retention even of noncombat military training personnel in Vietnam after that date would not be permitted without the enactment by Congress of further legislation specifically approving such retention; and

(3) to give clear notice to the Government of South Vietnam that following December 1, 1970, it must assume the burden of fighting; and to permit the withdrawal of American military personnel and the assumption of their combat functions in an orderly fashion on a schedule set by the President with a required termination date of December 1, 1970.

SEC. 3. Chapter 1 of part III of the Foreign Assistance Act of 1961 is amended by adding at the end thereof the following new section:

"SEC. 620A. PRESENCE IN VIETNAM.—No part of any amount authorized to be appropriated under any Act shall be used after December 1, 1970, to maintain military personnel of the United States in Vietnam."

S. CON. RES. 39

A concurrent resolution relating to withdrawal of United States forces from Vietnam

Whereas the war in Vietnam has resulted in the loss of more than forty thousand American lives, in some two hundred and fifty thousand American casualties, in the depletion of American resources to the extent of over $100,000,000,000, and in inestimable destruction of Vietnamese life and property; and

Whereas the war stands today as the greatest single obstacle to efforts to focus the country's financial, human, and spiritual resources upon urgent domestic needs; and

Whereas spokesmen for the present administration have recognized that military victory cannot be achieved in Vietnam and have specifically defined United States policy to exclude that unattainable goal; and

Whereas the painful history of United States involvement in Vietnam exposes the futility of external attempts to create and sustain a viable, indigenous government, particularly when its leaders resist political and social reforms aimed at inspiring popular confidence and support; and

Whereas the leaders of South Vietnam have indicated, by action and deed, that their ambitions conflict with the interests of the United States in a prompt settlement of the conflict, and that they are unlikely to adopt a negotiating posture which might end the war so long as they are assured of all the United States support they need to prosecute it; and

Whereas the dominant result of policies relating the level of American presence to the capability or willingness of the South Vietnamese to fight the war themselves can only be the continued daily loss of life and limb by American servicemen, with no foreseeable conclusion: Now, therefore, be it

Resolved by the Senate (the House of Representatives concurring), That it is the sense of the Congress of the United States that all United States forces should now be withdrawn from Vietnam, the pace of the withdrawal to be limited only by steps to insure the safety of our forces, the mutual release of prisoners of war, and the provision of safety, through arrangement for amnesty or asylum in friendly countries, for those Vietnamese who might be endangered by our disengagement.

AMENDMENT NO. 605

On page , line , insert the following:

"SEC. . (a) Unless there has been a declaration of war by the Congress with respect to any conflict in Vietnam, no part of any funds appropriated pursuant to this Act or any other law shall be expended in connection with such conflict after December 31, 1970, for any purpose other than to pay costs relating to the withdrawal of all United States forces, to the termination of United States military operations in that country, to the arrangement for exchange of prisoners of war with the Government of North Viet-

nam, to the provision of food and other non-military supplies and services for the welfare of the Vietnamese people, and to arrangements for asylum in friendly countries for Vietnamese who might be physically endangered by the withdrawal of United States forces.

"(b) Unless there has been a declaration of war by the Congress with respect to any conflict in Laos, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish, after December 31, 1970, to Laos or to personnel of Laos any defense article or any military assistance or advice.

"(c) Unless there has been a declaration of war by the Congress with respect to any conflict in Cambodia, no part of any funds appropriated pursuant to this Act or any other law shall be expended to furnish to Cambodia or personnel of Cambodia any defense article or any military assistance or advice.

"(d) For purposes of this section, the term 'defense article' shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

AMENDMENT NO. 609

On page —, line —, insert the following:

"SEC. (a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 31, 1970, for any purpose arising from military conflict: *Provided*, That funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylums for Vietnamese who might be physically endangered by the withdrawal of United States forces: *And provided further*, That the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

"(b) Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisers, or to support military operations by the forces of the United States or any other country in or over Laos.

"(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to the Act or any other law shall be expended, after thirty days after the date of enactment of this Act, to furnish to Cambodia any defense article or any military assistance or military advisers, or to support military operations by the forces of the United States or any other country in or over Cambodia.

"(d) For the purposes of this section, the term 'defense article' shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961."

AMENDMENT NO. 609—NEW LANGUAGE

Sec. (a) No part of any funds appropriated pursuant to this Act or any other law shall be used after December 31, 1971, to maintain or introduce any military personnel of the United States in or over Indochina, unless the Congress (after examination of the recommendations to be submitted under subsection (c) of this section) shall by joint resolution specifically otherwise provide.

(b) Nothing in this section shall preclude the otherwise authorized use of funds in connection with Indochina for provision of assistance in amounts and for purposes specifically authorized by the Congress, for the release of prisoners, and for the arrangement of asylum for Indochinese who might be physically endangered by the withdrawal of United States forces.

(c) Within sixty days after the date of enactment of this Act, the President shall submit to the Congress his recommendations of United States policy in Indochina, including his assessments of both the military and political consequences of the withdrawal required pursuant to subsection (a) of this section, his recommendations on steps to secure the release of United States prisoners of war, and his evaluation of the ability of United States forces to conduct a safe and orderly withdrawal from Indochina by December 31, 1971. It is the sense of Congress that such recommendations (and such supplementary recommendations as the President may elect to submit at a later time) should be examined in the Senate by the Committees on Armed Services and Foreign Relations and in the House by the Committees on Armed Services and Foreign Affairs and that such committees should report their recommendations to the Senate and House respectively.

(d) For purposes of this section, the term "Indochina" shall mean North and South Vietnam, Laos, and Cambodia.

AMENDMENT NO. 862

At the end of the bill add a new section as follows:

"SEC. —. (a) In accordance with public statements of policy by the President, no funds authorized by this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty thousand armed forces of the United States after April 30, 1971.

"(b) After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

"(1) the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971;

"(2) to secure the release of prisoners of war;

"(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

"(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

Provided, however, That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American Armed Forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph b(1) for a period of not to exceed sixty days and shall inform the Congress forthwith of his findings; and within ten days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to subsection (b) (1) for congressional approval."

Mr. McGOVERN. Mr. President, will the Senator yield to me for a couple of brief questions?

Mr. DOLE. I yield.

Mr. McGOVERN. Mr. President, I did not hear all of the Senator's remarks, but I do want to thank him for having printed in the RECORD the various modifications that have been made in the amendment to end the war, because I think it will give us a helpful illustration of how the legislative process works.

I cannot believe that the Senator from Kansas is suggesting that the best way to produce sound legislation is to automatically accept the first version of any bill or amendment that is introduced.

I well remember, as the Senator from Kansas may remember, that the last time we passed major agricultural legislation in 1965, it went through the process of repeated amendment. I can recall at least a dozen different amendments in which members of the committee and Senators on the floor participated that, I think, improved the bill.

I ask the Senator if he is trying to propound a new legislative doctrine here that a piece of legislation which is modified after its original introduction thereby loses any merit that it might have.

Mr. DOLE. Mr. President, I do not believe this amendment ever had any merit. But if it did, the point is that on May 12, 1970, on national television the Senator from South Dakota and others asked the American people to send in their money to end the war. That amendment has been changed two or three times since that time, including the timetable.

If I had donated any money on one premise and the premise was changed, I might request my money be returned.

That is the point that I make.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I ask unanimous consent, without losing my right to the floor, that I may yield 5 additional minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 additional minutes.

Mr. DOLE. Mr. President, I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, with reference to that point, the President of the United States, in my opinion, is now sitting in the White House to a great extent because of the unpopularity of the Vietnam war and the fact that, during the 1968 campaign, then candidate Nixon told the American people that he had a plan to end the war, that he did not feel it ought to be revealed during the campaign, but that once the campaign pressures were out of the way, he would reveal the plan for ending the war. Perhaps partly on those prospects, some $22 million was contributed by people all over the country to Mr. Nixon's campaign.

Would the Senator say that in view of the fact that a year and a half has passed and we still have some 400,000 forces in Vietnam and suffer casualties every week, that the President ought to refund that money?

Mr. DOLE. Mr. President, I do not recall that, and I observed the election rather closely, even the efforts of the junior Senator from South Dakota with reference to the Presidency.

I do not recall the President making a plea on the television, "Send in your money and I will end the war in Southeast Asia."

Mr. McGOVERN. He asked for our votes on that basis.

Mr. DOLE. On that basis and many others.

The action of the Senator from South Dakota and others set the precedent

that it is proper for the Members of the Senate to buy national TV time and raise money for radio and TV spots in my State and others to lobby their colleagues.

That creates the impression that it is proper procedure. It is precedent breaking. If someone now wants to raise money for the Black Panthers or the White Citizens Council there would be the precedent established by the Senator from South Dakota and others on the May 12 program.

Mr. McGOVERN. Mr. President, there were some 70,000 people who contributed following that broadcast. The changes in the amendment have been widely discussed in the press. To the best of my knowledge, not one single contributor has asked that his money be returned.

I am sure there would be no question about it if anyone wrote in and said, "Your original amendment called for the withdrawal of American forces by June 30, 1971. Now you have changed the date."

Mr. DOLE. You have really changed it to March 1972.

Mr. McGOVERN. Mr. President, at the time we made our broadcast, we had a June 30, 1971 deadline for the withdrawal of the forces. However, as the Senator knows, a number of months have passed since that amendment was first introduced.

What the sponsors had in mind was providing a good, solid year's time following action on that amendment to terminate American involvement. Now several months have passed. In keeping with that, we have set back our withdrawal deadline to December 31, 1971. But there is nothing in there to prevent the President from arranging an earlier withdrawal if he felt the situation so dictated.

Mr. DOLE. I do not quarrel with the Senator's wish to end the war in South Vietnam; and trust he does not quarrel with my wish to end the war. I believe that everyone would like to see a quick end of the war in Southeast Asia, or wherever war occurs.

I do not say this in defense of the President because he needs no defense. However, he has a plan for peace and he is extricating us from the situation he inherited.

As I recall some of the Senator's speeches in 1968, he was advocating a withdrawal of 250,000 American troops. President Nixon will exceed that figure by next May 1.

As I have said, President Nixon does have a plan. His plan might not be as rapid as we like, but it is a very complex problem and some one person must speak for our Government and it must be the President.

I recognize, having voted for the Church-Cooper resolution, the responsibility of Congress, but since we are on the road to disengagement, it would be the better part of wisdom to leave it to the President.

Mr. McGOVERN. Mr. President, will the Senator yield briefly?

Mr. STENNIS. Mr. President, I shall speak for about 30 minutes, but I yield 1 minute to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I wish to call the attention of the Senate to a telegram received from former Vice President Humphrey, in which he endorses the McGovern-Hatfield amendment and urges the Senate to pass it. I think it is significant that the Vice President, who supported American policy in Vietnam during all the years he was the Vice President, has now called for passage of the so-called McGovern-Hatfield amendment.

Mr. President, I ask unanimous consent to have the telegram printed in the RECORD.

There being no objection, the telegram was ordered to be printed in the RECORD, as follows:

DEAR GEORGE: I consider the forthcoming vote on the McGovern-Hatfield Amendment to End the War as a test of our determination to disengage from a costly and tragic struggle.

Unfortunately the Paris negotiations have yielded no results. Clearly a new initiative for peace is needed. The McGovern-Hatfield Amendment, together with a standstill ceasefire and the conduct of new free elections in South Vietnam, provide our best hope for peace.

This Amendment provides the opportunity for reasserting an American initiative to encourage a political settlement of this cruel war. With this Amendment our own policy for Southeast Asia will be subject neither to the veto of Saigon nor to the provocative and sporadic incursions emanating from Hanoi. It will afford us an opportunity to regard from a new perspective our own domestic needs and other international obligations.

I endorse the McGovern-Hatfield Amendment as a firm statement of official policy stating a clear commitment by our government to make an orderly and systematic withdrawal. It offers every possible protection for American military manpower and will bring our men safely home. It reasserts the responsibility of Congress in the conduct of foreign affairs while leaving the President with necessary flexibility to fulfill his constitutional obligations.

I fully endorse the McGovern-Hatfield Amendment and urge your colleagues to support it.

Sincerely,

HUBERT H. HUMPHREY.

Mr. McGOVERN. Mr. President, I thank the Senator from Mississippi for yielding to me.

Mr. STENNIS. Mr. President, I ask unanimous consent that I may suggest the absence of a quorum, without losing my right to the floor.

The PRESIDING OFFICER. Without objection, it is so ordered. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. McGOVERN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I intend to yield the floor back to the Senator from Mississippi but first I wish to call attention, not only to the telegram from the former Vice President, but also what seems to me to be a very significant editorial endorsement of the amendment which was published in the Washington Post.

I say it is a very significant endorsement not only because the Washington Post is a major newspaper that is frequently quoted on the floor of the Senate and in other public forums, but also because it represents the first time that this newspaper has endorsed the amendment. Reflecting, perhaps, the point that the Senator from Kansas made here a while ago that there have been changes in the amendment, the Washington Post editorial now comes out with strong support of the revised version of the amendment.

Mr. President, there might be some quarrel on the part of cosponsors as to whether we have fundamentally altered the substance of the amendment, but be that as it may, we did make certain changes in the amendment that would give the President somewhat greater flexibility in terms of handling our withdrawal from Vietnam and from Indochina. We did provide that as he approaches the deadline, or at any time after the passage of the amendment, until the deadline of December 31, 1971, the President could, without further consultation with Congress, extend that deadline for not to exceed 60 days. If he chooses that course he would have to come to Congress within the first 10 days after announcing the extension and ask Congress to set a new deadline if he wanted to go beyond the 60-day grace period.

Perhaps because of that proviso with respect to the deadline of December 31, the Washington Post has now endorsed the amendment.

I might say, in a rather remarkable turn for him, the Vice President some 2 weeks ago in his speech at Miami Beach cited a previous editorial in the Washington Post as an indication that this amendment was reckless. So in view of the high regard the Vice President has for the editorial opinion of the Washington Post I am now very hopeful that he will have it in mind and say that this amendment has the kind of responsible proposal the editor of the Washington Post believes it to be.

Mr. President, I ask unanimous consent to have printed in the RECORD the editorial entitled "A National Policy To End the War," published in the Washington Post today.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

A NATIONAL POLICY TO END THE WAR

The Senate has an opportunity during the next few days to write a rational and responsible policy for ending the war in Vietnam. For many months the Senate has been itching to reverse its 1964 endorsement of a blank check to President Johnson to initiate and carry on that war. It adopted the Fulbright resolution designed to give Congress a voice in future national commitments, and a few weeks ago it attempted to forbid widening of the war to Cambodia through the Cooper-Church amendment, although the language got pretty muddy before the final action came and the House would have none of it. Now the Senate has a chance to go on record for an orderly and timely liquidation—an objective that is earnestly sought by an overwhelming majority of the American people.

This issue has been distorted in the past by the simplistic manner in which some senators sought to hasten the withdrawal from Vietnam. A scuttle-and-run policy was

said to be the only alternative to a declaration of war. Widespread opposition to any action by Congress on the war was aroused by the argument that it could be, and should be, cut off by a snap of the congressional fingers.

As the issue is now being debated in the Senate, however, it assumes a very different posture. No longer is there any effort to say that American troops must be out of Vietnam within six months. In its present form the amendment to the military procurement bill originally offered by Senators McGovern and Hatfield would now require the withdrawal of American armed forces by Dec. 31, 1971—leaving a liquidation period of 16 months. If any emergency should arise, the President would be authorized to extend this period by 60 days, and if that did not allow enough time for safe evacuation of Southeast Asia the President would so report to Congress within 10 days so that Congress could authorize a further extension.

Rigidity has thus given way to flexibility. As reshaped by the Foreign Relations Committee, this is quite a different proposition, which would have the great virtue of enacting a national policy for termination of the war without putting the President into a straitjacket. In effect Congress would enact the President's withdrawal formula as a sound national objective, without saying that it would have to be carried out in any and all circumstances. This achievement of firmness in the statement of a national policy, along with elbow room in actually carrying it out, is a tribute to the good judgment of all those who have contributed to it.

Up to now, the administration has remained in opposition to any congressional action in this sphere. In part this may be attributed to the sound objections raised against earlier versions of the McGovern-Hatfield amendment. No doubt it also reflects an automatic White House preference for a free hand. In this case, however, the White House as well as the country has an enormous interest in having the Congress on record for termination of the war in an orderly and responsible fashion. If the outcome should turn sour—by no means a remote possibility—it would be much better to have the President and Congress jointly responsible.

In our view, the White House could well regard this proposal before the Senate as a fortuitous opportunity to put Congress on record in favor of the Nixon withdrawal policy or something close to it. The requirement that our Vietnam troop-level be reduced to 280,000 men by next April 30 and that the remaining forces be brought home by the end of next year is specifically recognized in the language of the amendment as a reflection of the President's own statements. Unless the President wishes to deviate from this withdrawal policy, there are compelling reasons why he should welcome a congressional reaffirmation of it.

The President has, to be sure, opposed past efforts to set a date for the windup of the Vietnamese affair. He has feared that the fixing of a date would take the pressure off the North Vietnamese to negotiate an end of the war. But if Congress fixes a date which the President coud postpone or even eliminate with the consent of Congress, when the time came, the North Vietnamese would, as the Foreign Relations staff memorandum notes, have no assurance that mere stalling would redound to their advantage.

In any event, it seems to us that the advantages of having a congressional withdrawal policy on the books greatly outweigh any disadvantages that might be encountered at the negotiating table. Such legislation would put the President under pressure to carry out the evacuation at the earliest feasible date. It would put our military leaders—and our diplomats, as well—on notice that the national policy is irreversible. Saigon also would have a clearer understanding of what the score is and would be able to adjust its policies accordingly. So long as there is hope that the President may change his mind under pressure the Thieu government is more likely to avoid the hard decisions that are essential to a future for South Vietnam without American manpower for its defense.

Behind all the arguments for and against this amendment is the even more vital fact that the Senate is making a bid to get back into the policymaking arena in regard to war and peace. We think the President should welcome that effort as a bedrock imperative of American democracy. If the present amendment is not satisfactory to the administration in all particulars, amendments can always be suggested. But it would be tragically shortsighted for the administration to take an arbitrary stand against congressional action designed to underscore and give congressional support for the President's own policy. Orderly termination of the war as soon as feasible ought to be the joint policy of the two political branches, and it is doubtful that there will be a better opportunity than the present to make it so.

CORRECTION OF THE RECORD

Mr. McGOVERN. Mr. President, yesterday I had printed in the RECORD an article from the Boston University Law Review, written by Francis L. Coolidge, Jr. and Joel David Sharrow. The article, as published in the CONGRESSIONAL RECORD today, lists the wrong authors, or at least with a terrible spelling of their names. I would like to have those names corrected in the RECORD as they appear at the conclusion of the article: Francis L. Coolidge, Jr., and Joel David Sharrow.

The PRESIDING OFFICER. The correction will be made.

Mr. McGOVERN. I ask unanimous consent that the name of the author of the second article I inserted from the Boston University Law Review, Henry P. Monaghan, appear following that article.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, will the Senator yield?

Mr. McGOVERN. I yield.

Mr. FULBRIGHT. Mr. President, I ask unanimous consent that I may be made cosponsor of amendment No. 862, commonly referred to as the McGovern-Hatfield amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. FULBRIGHT. Mr. President, I wish to congratulate the distinguished Senator from South Dakota for the work he has done on the amendment and to endorse the editorial which has just been referred to. The editorial contains an interpretation of the purpose of the amendment and the effect it would have.

I believe it would be of help to the administration, the country, and Congress if this amendment were agreed to. It would tend to bring Congress and the administration back together on the same track. I hope the amendment is agreed to.

Mr. McGOVERN. Mr. President, I appreciate the Senator's words. The revision in the amendment was worked out at the suggestion of respective members of the Committee on Foreign Relations, with the graciousness of the chairman.

Mr. FULBRIGHT. I do not wish to take away any credit that is due the Senator from South Dakota. The revision here is a matter of detail. It simply deals with one of the problems, in particular, and that is the capacity for flexibility in case of unforeseen developments. The thrust of the amendment is exactly the same, and that is, to express the policy of Congress and the Senate to end the war. I think from that point of view there is no substantial change.

AMENDMENT NO. 862—ADDITIONAL COSPONSOR

Mr. JAVITS. Mr. President, I ask unanimous consent that I may be made a cosponsor of amendment No. 862, the so-called McGovern-Hatfield amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

THE DD–963 DESTROYER PROGRAM

Mr. STENNIS. Mr. President, I have not previously discussed on the floor of the Senate the issues involved in the DD–963 destroyer program and the award of the contract for the 30 ships involved to the Ingalls Shipbuilding Division of Litton Systems, Inc., because I was awaiting the completion and delivery of the report from the General Accounting Office directed to the suggestion of a "buy-in" by Litton on the final bid. This report has now been completed and, as I will show, it refutes the "buy-in" suggestion entirely and vindicates the award completely as far as this issue is concerned.

I should mention at the outset, Mr. President, that the distinguished Senator from Maine (Mr. MUSKIE) has an amendment which would require contracts for the construction of these destroyers with two domestic shipbuilders, with the total number of destroyers to be constructed to be divided substantially equally between such shipbuilders. While I strongly oppose the Muskie amendment and think that every sense of justice and equity calls for its defeat, it is not my purpose to address it in detail at this time, although I shall do so later. What I propose to do today is to discuss, and hopefully throw light upon and bring understanding about, a number of issues which have been raised with respect to this program and the award of the contract to Ingalls.

HISTORY OF THE PROGRAM

Industry competition was initiated on the DD–963 program in 1967—more than 3 years ago.

Proposals for the development and construction of the DD–963 were initially received from six shipbuilders: Todd Shipbuilding, Inc.; Avondale Shipyards, Inc.; Newport News Shipbuilding and Drydock Co.; Bath Iron Works Corp.; General Dynamics Quincy Division; and Litton Systems, Inc., Ingalls Shipbuilding Division.

The request for proposals was released to industry on February 15, 1968, covering competition for contract definition. I will come back to this point later.

By October 1969, consideration had been narrowed to Bath Iron Works and Ingalls, and these two were requested to make certain refinements to their proposal and contractual documents prior

to final evaluation and source selection. Subsequently, in February 1970, additional proposals—the third—were received from the two companies still left in the competition.

Shortly thereafter the Navy asked the competing companies for their "best and final" offers. These were submitted on March 26, 1970. The proposal by Ingalls was adjudged to be lowest and best. The price breakdown per ship for Litton was $71.3 million while that of Bath was more than $8 million higher—$79.7 million. The total value of the contract based on the ceiling price is about $2.14 billion.

NO CHANGE IN GROUND RULES

In the request for proposal of February 15, 1968, a set of ground rules was established for the DD–963. Among the ground rules was the stipulation that the development and production contract for all of the 30 ships would be awarded to a single successful contract definition contractor. At no time were changes made in these ground rules during the industry competitive contract definition which began with the release of the request for proposal on February 15, 1968, and terminated with the award of the contract on June 23, 1970.

That date of February 15, 1968, is important, because it was then that the ground rules were announced and were understood, and all procedures were conducted with those ground rules in view.

This is a very significant fact. For more than 2 years prior to the contract award the stipulation that the award would be made on a "winner take all" basis was known and accepted. This was the program recommended by the Navy. This was the program approved by the Secretary of Defense, Bureau of the Budget, and the President. Congress knew of the procurement program and this stipulation and acquiesced in it. Industry found it entirely acceptable and made no objection prior to the contract award.

Let me remind the Senate that the Navy spent more than 3 years in planning for the DD–963 destroyer program and going through the source selection process and the industry competition. Industry competition itself started more than 2 years before the contract award. After this intense competition, and after literally thousands of man-hours spent by the source selection experts, objection is now made to a ground rule established in February 1968. We are now asked to change the ground rules even though no one has alleged that all of the competitors were not given equal opportunity in the competition and negotiations for the award. As a matter of fact, it has not been brought to my attention that Bath Iron Works itself is raising any question whatsoever with respect to the fairness of its treatment in the competition.

Mr. President, I want to say with great completeness and clarity that I have no complaint with the Senator from Maine (Mr. MUSKIE), who filed the amendment and prompted it. I fully understand his viewpoint, his obligation to have matters gone into and fully considered from the viewpoint of his own constituents, from the viewpoint of his own obligation to them, from the viewpoint of his obligation to his fellow Senators, and from the viewpoint of his obligation to the rest of the country. I have the highest respect for him and also for other Senators who have presented amendments. This is not a personal matter.

DD–963 SOURCE SELECTION PROCESS

It should be understood that source selection for the DD–963 destroyer was not based on cost alone, although price was, of course, an important consideration. It was based on full consideration of five distinct categories: Life cycle cost, ship system, management plans for conducting the detailed design and production effort, military effectiveness of the ship, and corporate qualifications of the competitors.

The team which conducted the evaluation was composed of experts drawn from 27 different Navy commands and Government agencies throughout the United States, approximately 350 full-time evaluators, augmented by about 250 part-time consultants, were used.

All these were used. Mr. President, that sounds like a great deal of attention and consideration was given to this matter, and it was and should have been. This involves 30 destroyers, long since overdue in our U.S. Navy. Most of our destroyers are World War II vintage, far behind the art of achievement in this field now, far behind the modernity that is needed and required, especially in view of the new potential with reference to Soviet attack submarines and their other types of submarines.

I know, as a matter of fact, that for years destroyer needs have been pushed aside to a lower priority among the many demands of the Navy. It should be noted that when it was finally decided to launch in on this program, it was recognized that it would be a 6- or 7-year program. It is not a fly-by-night proposition. It has had the utmost consideration of the different Navy commands, experts, and part-time consultants.

It is very significant, I think, that in all five categories the Ingalls proposal was adjudged superior. The degree of superiority varied depending on the category, but at no time was there a reversal of relative positions. These categories were known to the contractors from the day they entered the competition. The evaluation within the categories was based on comparison with predetermined standards which were established prior to the receipt of the proposals and prior to the start of the evaluation. And finally, as I have said, in each of the five categories, Litton demonstrated a measurable advantage and no reversal of position occurred as a result of the extensive reviews of the source selection conducted by the Secretary of the Navy or the Secretary of Defense prior to receipt of approval to proceed with award of the production contract.

It is interesting to note here, Mr. President, that these 3 years of activity, planning, and ground rules extend over the period of two administrations, two Secretaries of Defense, two Secretaries of the Navy, and two Chiefs of Naval Operations, besides the military officers in the Navy.

"BEST AND FINAL" OFFERS

As I have mentioned, negotiations on the DD–963 program were completed by a request for a "best and final" offer from both final competitors. The basis for this request is the Armed Services Procurement Regulations, which requires a formal close to the negotiation. The Comptroller General has frequently ruled on this question and has stated that offerors should be advised, first, that negotiations are being conducted; second, that offerors are being asked for their "best and final" offer, not merely to confirm or reconfirm prior offers; and, finally, third, that any revision must be submitted by the date specified.

As recently as July 2, 1970, the Comptroller reiterated his position. In the case of NASA's proposed award to General Electric, he recommended that Fairchild protest be sustained. The full text of his opinion appears in the CONGRESSIONAL RECORD for July 9, 1970, pages 23477–23479.

In short, not only was there no irregularity in the request for the "best and final" offer from the final competitors, but the fact is that the award would have been subject to a successful protest under the rulings of the Comptroller General if this procedure had not been followed.

"RESET" PROVISION

Some question has been raised with the contract pricing "reset" provision that was established during the final negotiations for this contract. There is no merit in this. The "reset" provision is an accepted and standard part of the fixed price incentive—successive target type of contract which is provided for and fully explained in the Armed Services Procurement Regulations.

There is nothing unique in this so-called "reset" provision and use of it is not limited to the DD–963. It has been used on many other programs, and both by the present and preceding administrations. These include the Army's one and one-quarter ton truck program; the Army's Vulcan weapon system—antiaircraft gun; the Navy's A–7D/E attack aircraft; the Navy's *Phoenix* air-to-air weapons control system; the contract for Pratt and Whitney engines for the Navy's F–14 and the Air Force's F–15 aircraft; the Navy's general purpose amphibious assault ship—LHA; the Air Force's F–15 aircraft; and the Air Force's airborne warning and control system—AWACS.

In the DD–963 contract the "reset" of target price will occur in the 39th month of the contract. At this point the contractor must submit to the Navy either a proposal for a firm target price or a firm fixed price for the 30-ship program. In no event—and I stress this point—can the contractor's proposed prices exceed the ceiling price as now established under the contract. Further, in negotiating the "reset" price the contractor is motivated to control the established target cost and get below it if possible since he will share, through increased profits, a percentage of the proposed costs below the established costs.

The contract also provides some protection to the contractor for unanticipated

costs which cause an increase above the established target costs. However, the contractor's profit is narrowed as the costs approach ceiling, and when they reach ceiling there is zero profit.

In this issue of "reset" target prices, and increases and decreases in profits based on cost presentation, it should be realized that the same contract was offered to both of the final competitors after an analysis of their third proposals indicated excessive contingencies in significant cost areas. Both competitors had the opportunity to change, and did change, their proposals when the "best and final" offer was requested. I have looked at the final figures of both competitors, Mr. President, and it is clear that both contractors reduced their target costs and profits, and also their proposed ceiling price. Ingall's ceiling price, as well as its target price, was substantially below its competitor's prices. Since the ceiling price cannot be exceeded under the "reset" provision, neither competitor could benefit from a large cost overrun on the program.

The contract in this case is in no way similar to the contract involved in the C–5A procurement. There is no so-called golden handshake in this contract, and there is no manner by which the contractor can increase his profits except by a reduction in the established target cost which will, of course, also save the Government money. In addition, this is a fixed price incentive—successive target contract and is not to be confused with the total package procurement concept utilized in the case of the C–5A.

Mr. President, I refer to the C–5A contract. I frankly stated here on the floor of the Senate that I thought it was a bad contract for the contractor and for the Air Force. We had very substantial consideration of that contract in our committee and here on the floor, and the Senate has acted on it. I wanted to make that clear because of some who had referred to this as similar to the C–5A, when in fact, on analysis, it is not similar, but is dissimilar in major particulars.

ALLEGED "BUY-IN"

There have been allegations that Litton made a "buy-in" on its "best and final" offer on the DD–963 program. There is no merit to this whatsoever and no evidence to support it.

Invariably in any procurement the bidder, in developing his own estimate, will include contingencies for unknown factors in his quotation, depending on the type of contract arrangement contemplated. The decision to change the type of pricing arrangement in requesting the "best and final" offer was in recognition of the contingencies in Bath and Litton's third proposal, as indicated by the detailed technical and audit analyses which the Navy had conducted.

These contingencies existed primarily in the area of major subcontracting wherein there was a lack of firmness in the subcontract quotations which resulted in pricing data being based on budgeting estimates rather than on firm quotes or on quotes containing a significant amount of unsupportable costs. It was expected that there would be substantial reductions in the responses to the request for the "best and final" offers which were based upon a high share of initial risk being accepted by the Navy and a postponement of the establishment of firm pricing arrangements until after resolution of the major uncertainties which created the need for the contingencies in the prices.

I will go into some detail to explain the reason for the substantial reduction in Litton's proposal in the "best and final" offer as compared with the third proposal. But before I do, let me point out again that Litton's "best and final" offer was more than $8 million lower than that of Bath. This represents a savings to the Government on the 30-ship program of about a quarter of a billion dollars.

The difference in prices between the Bath and Litton final offers are readily explainable by differences in the labor rates, overhead rates, general administrative costs and profit rates, each of which was audited and found valid. Any attempt at a "buy-in" in the Litton "best and final" offer would have required unreasonable manipulation of labor manhours and/or material cost estimates which would have been readily identified in the course of the analyses.

Now let me explain to you the basis for reduction in Litton's price from the third to the fourth proposal. The reduction in the target price amounted to $12.2 million per ship. Of this reduction, $2.4 million was in target profit and $9.8 million was in target cost. The new target profit represents an 8.8 percent profit which is a reasonably good rate in comparison with that achieved in the shipbuilding industry.

The major reduction in the target cost estimates category was in net material—adjusted for overhead—and amounted to $8.4 million per ship. In their February 2 proposal, Litton had given an estimate that $49.9 million per ship would be required for material. In their "best and final" offer submitted on March 26, 1970, the direct material estimate was $41.5 million per ship.

No audit of that reduction was performed at the time—although it has been since—since it was in the area of material costs that the Navy felt that most of the contingencies in the February 2, 1970, offer existed. In their audit of the February 2 proposal, the Defense Contract Audit Agency indicated that a material figure of $40.5 million per ship could be justified and that the difference between that figure and the $49.9 million per ship included in the price offer was unsupportable. This, and the fact that a similar situation existed in the Bath offer, was one of the primary reasons why the Navy chose to request the "best and final" offer on the basis of a successive target contract. Thus, when Litton's reduction to $41.5 million per ship for material was received in the "best and final" offer, it was in reasonably close agreement with the recommendation of the Defense Contract Audit Agency.

Mr. President, these are facts in detail, but they are very significant. I was determined that all the facts be brought here to have bearing on any challenge that might be made since this amendment was offered.

In any event, the Defense Contract Audit Agency has now conducted an audit of the material content of Litton's best and final offer. The amounts of the reduction in the material costs offered by Litton has been found to be reasonable by this audit as has also the rationale for the reductions in other categories.

This is a situation which is tinged with some irony. The Navy had expected a reduction in the costs on the best and final offer and this is what it got. By this reduction the Government is going to save about a quarter of a billion dollars. However, based on this savings, we see an effort here in the Senate to take half the contract away from Litton and give it to a competitor whose quoted cost per ship was more than $8 million higher.

I make nothing but favorable references to that competitor. They are reputable and reliable people, with know-how. Their design was good and passed the qualifications. But this was a point of two competitors pitted against each other and the Government trying to get the most for its money in ships. And that is exactly what happened. The Government got a better bid from one of them.

If we truly want to save money, we will not disturb this contract award and impair the obligation of this contract. If we do disturb it, then we will be faced with the proposition that the Navy will either have to reduce the ship construction program or we shall have to authorize and appropriate additional amounts for it.

CAPABILITY OF INGALLS FACILITY TO HANDLE THE AWARD

Another question raised with respect to this award relates to the merits of awarding a major contract to a company with a large new ship construction backlog and a new and untested facility with no experience in handling this backlog.

The matters of the adequacy of the contractors' facilities to handle the award were treated in two separate categories of the source selection. In the management plans for the development and production category, the processes to be used by the contractors in achieving their ship product were evaluated. This evaluation treated the adequacy of their plan for managing and supporting their work effort, for conducting their detailed engineering, for the procurement of materials, for the production of the ship, and finally for the test and evaluation by which they would demonstrate that the ship actually met all performance requirements. Both contractors were judged to be satisfactory in this area, but Litton was superior by about 10 percent.

In the category of corporate qualifications, the Source Selection Advisory Council examined the degree to which the contractors' past performance and the resources available to them provided confidence in their ability to carry out successfully what they had proposed to do. Included in this category was the technical competence of the contractors' organization, and manpower resources and capabilities, and the financial resources required to perform the contract. In this category also both contractors were judged to be satisfactory, but In-

galls held the advantage in all factors considered, especially in the financial resources for performance of the contract.

In short, during the selection process the detailed management plans, production plans, schedules and man loading charts of both competitors were thoroughly examined and deemed feasible of accomplishment. Although a sizable backlog is shown for the Ingalls facility, it does not differentiate between work to be accomplished at Pascagoula and that which is subcontracted. In the case of the DD–963, it is estimated that approximately 60 percent of the dollars involved in the contract will be spent outside of the Pascagoula area and distributed over about 45 States. As a matter of fact, I understand that the pacing factor in the delivery of the ships will be the capability of the subcontractors to provide the components needed rather than by Ingalls' own capability and the backlog at this plant.

When we address the capability of Ingalls to handle this award, we should be aware of its outstanding record for quality ship construction over a period of many years. Since 1958 Ingalls has delivered or received contracts for 66 Navy ships with a total contract value of $3.96 billion. Since 1959 it had delivered or received contracts for 43 commercial ships with a contract value of $592 million. This record itself inspires confidence. I have tables showing the details of Ingalls' commercial and Navy ship construction program.

With respect to the newness of the Ingalls facility, let me point out that it has been under construction for 2 years and is scheduled for completion later this year. Production has already been started on eight commercial ships at this facility. In fact, the commercial shipping lines had sufficient confidence in this new yard to award contracts amounting to over $170 million before the yard is completed. This "new and untested" facility will not constitute an abnormal production risk. Certainly, it will not be as great a risk than would be the planned facility of the other finalist—Bath Iron Works—which is not even yet under construction.

ENTIRE AWARD TO ONE CONTRACTOR

Another and somewhat related issue raises a strawman—the dangers of contracting such a large portion of our new shipbuilding programs to one corporate entity, particularly in view of the problems now faced in the C–5A case.

The DD–963 program is distinguishable from other large programs which have been the subject of criticism because it is a development program based primarily on known engineering state-of-the-art and is not dependent on a large-scale research effort. This is why no prototype is required or justified in this case. The risks associated with production based on state-of-the-art engineering effort are considered minimal. Problems that have occurred on prior ship programs from the contractor's interpretation and implementation of Navy developed specifications will be avoided on the DD–963 program because the ship's specifications and design and the program plans required to produce these ships were developed in great detail by the contractor. Under previous programs the Navy developed specifications and they had to be interpreted and implemented by the builder. Problems arising from the alleged impossibility of achieving Navy specifications will be avoided in this program.

Finally, the contract performance risk in terms of schedule, technical performance, and cost control has also been minimized by an extensive definition of the management plans which form a part of the contract. These management plans provide an excellent means for the contractor to control his efforts and for the Government to detect problems as they are developing so that prompt and effective corrective action can be taken.

MULTIYEAR CONTRACT AND CANCELLATION CHARGES

Another issue concerns the use of the multiyear contract and the suggestion that this type of procurement would require that the Congress pay tremendous cancellation charges should it decide in future years to discontinue the programs. The implication is also made, Mr. President, that this concept transfers control for all practical purposes out of the hands of the Congress and virtually precludes an effective review on an annual basis. Neither of these suggestions are factually accurate or justified.

The Navy believes that the most economical approach to acquisition of the number of identical ships is through a multiyear contract. This type of contract provides the advantages of economic procurement of material and efficient utilization of facilities and manpower.

The shipbuilding industry in its own privately financed study concluded that multiyear procurement of standardized ships was necessary for industry vitality. The Maritime Administration has also concluded that the multiyear approach was most economical.

In essence, Mr. President, the multiyear procurement is certainly most appropriate where there are a number of ships which are to be funded in increments over a period of years. Congress continues to control the expenditures through the authorization and appropriation process. Each multiyear increment is subject to review in the consideration of the budget. The Congress retains the power to cancel authorization of the program in any year. In the event the Congress decides to discontinue the program a normal cancellation clause in the contract affords protection to the Government and to the contractor.

Since the contract is based on a level unit price over a period of years, the contractor is given limited protection for reasonable preproduction and other nonrecurring costs that should be amortized over the entire program. In a similar manner the Government reserves maximum contractual limitations on cancellation payments subject to negotiations and consideration for the effort performed prior to cancellation.

Mr. President, the alleged "tremendous" cancellation charges imputed to this program simply do not exist. Under the multiyear type procurement no more is paid in the event of cancellation than would be paid if the ships had been bought on an individual basis. The Navy estimates that if the contract for 30 ships was stopped after the first 16 ships were authorized and maximum cancellation costs are paid, the average cost of the first 16 ships, including these cancellation costs, would be lower than the cost of 16 ships bought under an annual procurement plan. These maximum contractual cancellation costs amount to $279 million if the program is stopped after 16 ships. I think it is clear and is recognized by all knowledgeable persons that in the case of the construction of a number of standard and identical ships multiyear contracting is the most efficient and economical manner in which to proceed.

IMPACT OF AWARD ON FUTURE COMPETITION

It has also been asserted that there would be a dangerous impact on future competition from the award of the Navy's entire destroyer program for the 1970's to a shipbuilding company that has just constructed a new facility. It is asserted that this award would enable this shipyard to drive out proven destroyer building capability and would adversely affect our mobilization base and result in higher costs in the long run.

This ignores the facts. The Navy's entire destroyer program for the 1970's as reported in their quarterly reports to the Armed Services Committee is an inventory requirement of 50 new ships and, therefore, this contract for 30 ships does not necessarily represent the Navy's entire destroyer program for the 1970's. Fifty ships are considered by the Navy to be its minimum requirement to replace the aging World War II destroyers, although requests for approval of additional destroyer procurement are not contemplated until the DD–963 program is well underway.

It is my understanding that there are at least five qualified private shipyards, including the Bath facility, which can be competitive in any follow-on destroyer procurement. Any of these shipyards certainly have the option to modernize and improve their competitive position for future destroyer programs by participating in other shipbuilding programs that will be forthcoming. The recently announced Maritime Administration 10-year program to build 300 new American-flag cargo ships is, of course, a prime example of potential future programs. To penalize a shipyard which has already modernized its facility by denying it a contract on the basis that such modernization would give it a competitive advantage which would prevent further modernization of industry could in reality be a deterrent against modernization.

INDUSTRIAL ESPIONAGE

Another issue that I want to discuss is the allegation that there were leaks of vital information, including prices, during the DD–963 procurement. I have inquired into this matter since I am also concerned about a matter of this nature in any competitive procurement. The Navy Investigative Service advises me that it is continuing its investigation into

information provided to the Navy on April 15, 1970, by Bath shipyard officials of specific pricing information they had received from an unidentified source. I am told that no evidence of any leakage of information from Navy personnel has been uncovered.

The Navy states that as far as they can now determine the information that the Bath shipyard price was more than $8 million higher per ship than Litton became available after the "best and final" offers were submitted by the contractors on March 26, 1970. The Navy conducted no negotiations with respect to prices with either Bath or Litton after that date. I will continue to follow this and advise the Senate further of any significant disclosures that may be found since I view this as a very serious matter.

However, the fact that Litton's bid was so much lower than Bath's on the "best and final" offer—about $8 million per ship—would seem to rule out any so-called industrial espionage in this case. Certainly, if Litton had actually known the amount of Bath's offer before it submitted its bid, it would be only reasonable it would have bid moderately lower than Bath. As it is, the difference of $8 million a ship means that Litton has left about a quarter of a billion dollars on the table.

BLUE RIBBON PANEL STAFF STUDY

In previous discussion on the floor of the Senate reference has been made to a blue ribbon defense panel staff study on Navy ship procurement which generally recommends a distribution of major ship construction of a series of ships to two or more yards. I do not intend to discuss this staff study in any detail, but do want to make a few comments with respect to it.

The first and most obvious observation with respect to this question is that the staff report is not part of the Blue Ribbon Defense Panel report. As a matter of fact, the report of the Blue Ribbon Defense Panel contains an express disclaimer with respect to such staff studies and reports. The Blue Ribbon Defense Panel report contains this statement:

> Selected staff reports have been identified as Appendices to this Report. The Panel's recommendations are in no case based exclusively on these staff reports, as its studies were broader and more extensive than the staff report alone. Some of the appended staff reports contain detailed facts and evaluations bearing on specific recommendations of the Panel, while others address subjects, draw conclusions and suggest changes in areas which the Panel as a whole did not choose to address. In some such instances, there was a question as to whether the studies covered all of the particular subject or subjects sufficiently to enable the Panel confidently to make a recommendation.

In a letter dated August 4, 1970, the Honorable J. Fred Buzhardt, then staff assistant to the Chairman of the Blue Ribbon Defense Panel, and now General Counsel of the Department of Defense, said with reference to the staff study on Navy ship procurement:

> This staff study does not, of course, constitute a part of the report of the Blue Ribbon Defense Panel, and the findings and recommendations included in this staff report were not adopted by the Panel except to the extent they appear in the Panel's report.

I want to make one or two observations about the staff report itself. At one point it asserts that concentration of work in a few yards will reduce competition and offset the advantages of series production. This statement apparently was made prior to completion of the competition in the DD–963 program because the final competition in this case resulted in a reduction in price of about $270 million.

Continuing, the staff report asserts:

> This is particularly true since high production rates of complex ships (six or more a year) is not probable. Again this statement was apparently written before the completion of the competition in the DD–963 program since the contract delivery schedule for these destroyers calls for delivery of up to 11 ships in a single year, or about one per month.

Another statement in the staff report was:

> In the case of the DX (DD–963) the Navy could by now have a prototype ship, virtually ready to sail and less money would have been spent than has by now been spent for paper only.

The staff report stated that:

> In excess of $100 million has already been spent on the program for the paper preliminaries.

This is inaccurate. The records do not show any amount such as this as having been spent on the program prior to the contract award. The records show that the cost of the "paper studies" for this program for all contractors was only $36 million. Funding documents as of December 31, 1969, showed only about $30 million expended for the program. Neither of these amounts would be enough to construct a prototype of the DD–963 under any circumstances. The staff possibly thought that, because the Congress had appropriated funds for the DD–963, it was being expended by the Navy for paper studies. I am unable to find any justification for the assertion that $100 million has been spent on such paper studies.

COST INCREASES IF TWO DIFFERENT SHIPBUILDING FACILITIES ARE REQUIRED

Mr. President, I do not intend at this time to discuss in detail the question of the increased cost to the DD–963 program which would result if the Muskie amendment is adopted. However, since it is obvious that there has been some confusion about this question, I do want to say a few words with reference to it.

On May 18, 1970, the Navy, in a memorandum classified "confidential," did inform me that, if it was required that this ship be built at "two different U.S. shipbuilding facilities," the cost would be increased "up to $225 million if as many as 10 ships should be built in a second shipyard under a subcontract to the selected prime contractor." This memorandum was properly classified because the award had not been made at that time. With the selection of the winning offeror and the signing of the contract, details of cost information which were classified during contract negotiations became unclassified, and subsequent memoranda on this subject reflected this.

It is important for us to remember that the May 18 memorandum was directed to the amendment by Representative WYMAN, Republican, of New Hampshire, which permitted a subcontract by the winning contractor, and that the memorandum assumed that only one design would be used and that procurement would be centralized in the prime contractor.

Mr. President, the reason, and the only reason, that I called for information about some kind of an estimate for the possible added cost to the Government of the two shipyard proposals was because there was an amendment in the bill we were considering at the time and we needed this information as part of the record for the consideration of the committee on the question of whether they would include that amendment in the Senate bill.

I say that is the only reason that I had any knowledge of it. And it was used, of course, for that purpose, and for that purpose alone.

Subsequently, the Navy spokesman said that if the contract was split evenly between two yards, that is, 15 ships each, the increased cost could be as high as $600 million. It is important to note that this $600 million was based in part on learning curve information obtained from both finalists at the Navy's request in conjunction with the Navy's assessment of the impact of a split procurement.

On July 27, 1970, in an unclassified memorandum to me, the Navy stated that the cost increase associated with the proposed amendment by Senator MUSKIE could not be determined accurately until after the negotiations which would implement it; but that the costs involved would be substantial—"somewhere between $225 million and $685 million for the 30-ship program."

It should be noted that the Muskie amendment is substantially different from the Wyman amendment because it calls for "contracts for the construction of such destroyers with two domestic shipbuilders," and also requires that the "total number of such destroyers to be constructed" be divided substantially equally between such shipbuilders.

I am going to discuss the Muskie amendment in some detail later and that discussion will include an explanation of the cost increase which will be involved in splitting the program as contemplated by the Senator's amendment. It is my purpose at this time simply to point out why the May 18 memorandum was "confidential" while the later information was not, and also to point out that the cost impact under the Wyman amendment would be substantially different from the cost impact under the Muskie amendment. I do not have to tell you that it is dangerous for us to attempt to compare apples with oranges.

CONCLUSION

Mr. President, since I am always concerned whenever questions are raised about the propriety of procurement awards of weapon systems, I hope that I

have been of some assistance to the Senate today in clarifying the issues and giving the facts on the contract award for the DD–963.

As I have said, Mr. President, it is not my purpose at this time to specifically rebut the amendment proposed by the Senator from Maine. However, I must comment that not only is his amendment without merit, it would—if adopted—set a precedent which would be very dangerous. As a matter of fact, if we follow the procedure recommended by the amendment the end result would be to make a farce of and undermine the integrity of the competitive processes laid down for source selection and awards of this type of contract.

All of us who have any industries located in our States that do business with the Government should pause and consider very carefully what the result will be if we establish the precedent of legislating contract awards on the floor of the Senate, because this will simply mean that any contractor who is successful in obtaining a Government contract because his bid is lowest and best could have all or part of the contract taken away from him by legislative action by the Congress. This would, in essence, make the Congress the final and supreme contracting agency and I am sure that no one desires this.

Ingalls Shipbuilding was selected as the winner of this contract after careful examination of both proposals by a source selection board of highly trained and qualified people. There is no question that Ingalls had the superior design. No issue has been raised with respect to this. There is also no issue about the fact that Ingalls had the lowest bid. As a matter of fact, as I have mentioned several times, it was lower than Bath's by about $8 million per ship—or over a quarter of a billion dollars on the 30-ship program.

There is no question whatsoever that both the law and the Armed Service Procurement Regulations were followed scrupulously in connection with this award. No question whatsoever has been raised about this.

I shall reserve detailed discussion of the Muskie amendment until later, but I must warn now that its adoption would establish a very bad precedent which would plague us for years to come. It would be very dangerous for the Congress to repudiate a contract made and entered into in good faith with the lowest and best bidder after 3 years of working and planning. The substitution of a majority of the Congress for the source selection process would have very serious repercussions in defense procurement for many years to come.

It is a healthy thing for any Member of Congress to pursue in detail the very fine quality of work done by a Government agency, and to pursue in detail the high quality of work done especially by the Navy, which has an abundance of some of the finest talent in the country with long years of experience in ship contracts, ship supervision, construction of ships and, of course, navigation and all the requirements of all special kinds of ships they have and that they must have. I have pursued this matter vigorously.

I have come into contact with some of the finest talent I have ever known. I already knew they were doing a good job. They know their lessons well when they come to Capitol Hill. They have many men. All these negotiations with respect to contracts are so that they can get the most for their money; they need more ships for their money. They have been relegated to a low priority for the military dollar. The demand has been so great for missiles, highly expensive planes, and many other things that the destroyer program has waited and waited, and now it is far behind the times.

This contract needs to move forward, but of all those people I have come in contact with, one of the finest is the gentleman who was the Chief of Naval Operations during all these negotiations, Admiral Moorer. Chief of Naval Operations is the highest office in the Navy. He recently completed 4 or 6 years as Chief of Naval Operations and was selected by President Nixon to be his principal military adviser. He was nominated to be Chairman of the Joint Chiefs of Staff and was unanimously approved by the committee and unanimously approved by the Senate. He is now serving in the highest military position in our Government.

If there are any flies in the contract, he would know about it, and he would not have allowed it for one single minute. I am not putting him on the spot. I am speaking of the outstanding work and faith he inspired in the Navy—and I do not make any exceptions—and in those who have come into contact with him. It is the Navy that has done these things.

Finally Secretary Chafee has been doing a fine job there, as has Mr. Packard, the Deputy Secretary of Defense.

This contract does not have to lean on them or be propped up. But at the same time they are part of the negotiations and the hard decisions, and there were many hard decisions to make. They were part of the decisions with respect to what was best for the Navy and what would get the most ships for the taxpayers' dollar. For that reason I defer to them.

Mr. SPARKMAN. Mr. President, will the Senator yield?

Mr. STENNIS. I am glad to yield to the distinguished Senator from Alabama.

Mr. SPARKMAN. Mr. President, I have enjoyed listening to the Senator's presentation. The Senator mentioned Admiral Moorer. We all know the splendid job he did as Chief of Naval Operations and we are confident of the good job he is going to do as Chairman of the Joint Chiefs of Staff.

About 3 or 4 days ago he was interviewed by a reporter for the Birmingham News. I read the article and his interview was one of the most forceful and refreshing articles I have read on military policy in general and on the relationship between South Vietnam, and military participation in our defense program.

I have been very much impressed with what the Senator said here, and the fact that this contract went through regular channels that Congress over the years has provided for the letting of contracts.

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. In addition, it received the careful scrutiny of people who are experts in that line. It was responsive to our requirement in competitive bidding with respect to the lowest bid of a qualified bidder who meets all requirements and that requirement was followed in this case.

Mr. STENNIS. The Senator is correct.

Mr. SPARKMAN. There is no question about the qualification of this company to do the work, is there?

Mr. STENNIS. There is no question about that. The Senator is correct.

Mr. SPARKMAN. They have been building ships for a long, long time down there.

Mr. STENNIS. Yes.

Mr. SPARKMAN. Formerly it was the Ingall Shipbuilding Corp. I knew the Ingall family and I still know some of them. They are from Birmingham and they are still involved in the operation. I know how heavily we have depended on the shipbuilding facility over the years.

There is one other thing I was impressed with by what the Senator said and that is the fact that we have been waiting a long time to get this destroyer program going.

A matter that disturbs me, and I have discussed this privately with the Senator at other times, has been the apparent loss in ship strength, comparatively speaking, over the past few years. I have seen some other reports that have been printed that to me are distressing. The Navy is still one of our great defensive forces, and I think we need to check more carefully on our maintaining its level of strength, even in peacetime.

We cannot wait until we are in trouble and then get our Navy. Can we?

Mr. STENNIS. It takes years of previous preparation and building.

Mr. SPARKMAN. Does the Senator know of any previous contract in which it was required that there be a split between different shipyards?

Mr. STENNIS. Will the Senator repeat that question?

Mr. SPARKMAN. Has there been any precedent for a proposal such as this, after it has gone through all the channels, to split it up?

Mr. STENNIS. No.

Mr. SPARKMAN. Regardless of great additional expense?

Mr. STENNIS. No.

Mr. SPARKMAN. Mr. President, for my part I want to thank the Senator for the great exposition he has given us.

Mr. STENNIS. I thank the Senator from Alabama. I appreciate his interest and support. I was merely trying to bring out the facts in this rather long and somewhat complicated set of procedures.

Mr. SPARKMAN. I think the Senator from Mississippi has done that admirably, and I hope all Senators will read his presentation.

Mr. STENNIS. I thank the Senator. I hope it will largely get to them, because the Senate will vote on this matter next Tuesday.

Mr. President, let me add that since the war has been in progress, this matter has been gone through by the General Accounting Office. In its fine way that office has gotten into the basis for the bids and the differentials and the prices of the two ship contractors. It went back into the materiel on all those items, and it found no complaint. The General Accounting Office made no complaint on that score. There was, in effect, no "buy-in," as that term is used, and I shall go into that in more detail before the debate is over.

Mr. SPARKMAN. I thank the Senator. I am in accord with his reference to the excellent job the General Accounting Office does. Also, we should keep in mind that the General Accounting Office is an arm of the Congress of the United States.

Mr. STENNIS. I certainly share the Senator's view. I knew Mr. Elmer Staats before he became Comptroller General. His record was splendid, and his performance since then has been outstanding. So we have the General Accounting Office, and we will take that matter up. It recognizes the question that if the award was made for multiple ships, there was a question of not dividing it up between additional sources, but it was determined that it was a matter of a judgment to be made. The judgment has already been made, and the Navy made it, as to which was the best course to follow. The contract was accepted. They all had their day in court. The low bidder got the contract. That is just about the story, and a brief way to put it.

Mr. SPARKMAN. I think the Senator has put it well.

Mr. STENNIS. We will go into this matter more in detail later. I thank the Senator again.

DD–963 AMENDMENT BY SENATOR MUSKIE

Mr. President, I strongly oppose the amendment offered by the distinguished Senator from Maine (Mr. MUSKIE). This amendment would prohibit the expenditures of funds for the procurement of DD–963 class destroyers unless separate contracts for the construction of such destroyers are entered into with two domestic shipbuilders and the total of such destroyers to be constructed is divided substantially equally between such shipbuilders.

That was the very question before the Navy during all those years of decision. The Navy decided to go the other route. That was the question before Congress. We knew all about this all through the years, and it came into sharp issue a short time ago on the military procurement bill. An amendment providing certain requirements passed the House, did not pass the Senate, but came right on the conference table and was considered by the joint conferees. The amendment did not survive. The conference accepted what the Navy had in progress, to go all the way with the successful bidder. The money was then appropriated for that purpose. So we have here what I have already referred to.

You already know that, in accordance with the Navy's plan which has existed for 3 years, and as a result of industry competition, a contract for 30 of the DD–963 destroyers has been awarded to Litton Systems, Inc., Ingalls Shipbuilding Division. I suggest to you that it is very late in the game—as a matter of fact, after the game is over—to change the rules and require that the contract be torn up and that new proceedings be started. I am confident that the Senate will not approve this amendment if it understands exactly what is involved and what the impact of the amendment would be.

However, before I discuss specifically the impact of this amendment on the Navy's shipbuilding program, I would like to discuss the history which resulted in the award to Ingalls. The Navy spent more than 3 years in planning for the DD–963 destroyer program. It considered all approaches to the best procurement methods. The industry competition on this program was started in 1967—over 2 years before the contract award. The ground rules for the competition were published to industry by the release of the request for proposal on February 15, 1968. Among these ground rules were that the development and production contract would be awarded to a single successful contract definition contractor. These ground rules made it clear that a substantial multiyear buy was planned. There were no changes in these ground rules at any time during the industry competitive contract definition which began with the release of the request for proposal on February 15, 1968, and terminated with the award of the contract on June 23, 1970.

In other words, Mr. President, it was known from the beginning that it was contemplated that the award would be made to a single successful contract definition contractor. This was the recommendation of the Navy. It was approved by the Secretary of Defense, the Bureau of the Budget, and the President. Congress acquiesced in it for 2 years. The shipbuilding industry raised no objection to it. Then after the award has been made to Ingalls, the Senator from Maine proposes an amendment which is apparently designed to give Bath Iron Works, Inc., of Maine another opportunity to get a portion of this award.

Let me say here, Mr. President, that the two final contractors—that is, Ingalls Shipbuilding Division and Bath Iron Works—were given equal opportunity in all competition and negotiations for this program award. The competitors are not, to my knowledge, raising any question with respect to the fairness of treatment in this competition. There is no question but that Ingalls had both the superior technical design and the lowest costs in its proposal. In fact, Ingalls proposal was more than $8 million per ship lower than that of Bath Iron Works. These are facts which are not questioned by anyone.

I reemphasize that this contract was awarded after 2 years of very intensive competition. Are we in Congress now to reopen this issue and decide how and to whom the contract should be awarded and divided? Why was not this done 2 years ago? Why is this question being raised only with respect to the DD–963 program? It just does not make sense for the Congress to sit back for 2 years and let the Navy go through the proper and prescribed procurement processes, make the award on the basis of the best and lowest bid, and then have the Senator from the State representing the losing finalist introduce an amendment to negate all this effort and impair the obligation of the contract entered into by the Government with a private shipbuilder.

Are we going to establish a prceedent for every losing contractor to try to reverse the action of the source selection authority on the Senate floor with an amendment to the authorization bill? Mr. President, if this precedent is established by the adoption of the Senator's amendment, then the Senate should be prepared to assume the responsibility for awarding contracts in all major Government procurements.

Mr. President, I will now say a few words about the impact of this amendment on the Navy shipbuilding program and on the economy of our Government.

The DD–963 program was, by design, a major departure from past ship procurement programs in recognition of the rising cost of ships and as a specific effort to minimize ship-operating costs. Continuing studies over the years have established that significant savings could be realized by designing the destroyers for low production cost, building the ships in large production lots, and perfecting the design for ease of production at the designer's shipyard.

In arriving at this conclusion, the Navy studied our domestic shipbuilding operations, foreign operations—both in Europe and in Japan—and the procurement practices which encourage improved efficency. As I say, the Navy has concluded that the use of stable programs, using the techniques of series production of standardized ships, modularized construction, and other available methods of production control, significant savings can be made. The same conclusions have been reached by independent studies sponsored by the shipbuilding industry, the academic community at Webb Institute of Naval Architecture, and by the Maritime Administration in their planning for the rebuilding of the U.S. merchant fleet.

The actual savings will vary depending on the size of the program and the type and complexity of the ships being built. For the DD–963 program, the contract costs for the production of 30 ships of this class are about 15 percent less than could have been realized using multiple shipyards as builders and annual lot procurement techniques which we used until recently for the acquisition of most Navy ships.

All of these factors, including the basic ground-rule that production responsibility would be limited to a single contractor, were fully considered in the industry competition for this program. They were all well known to the shipbuilders who competed, specifically including Bath Iron Works. Based on an in-depth analysis of contractors' proposals received on this program, under the consideration which I haved mentioned, the Navy estimates that each DD–963 destroyer pur-

chased under an "all in one builder" program would cost between $8 million to $20 million less than the cost of acquiring the same destroyer in a split buy of the program, depending on the manner of the program split.

I think the results of the competition and the money savings resulting from the award in this case clearly vindicate the Navy's wisdom in going to series construction and "all in one builder" program.

Now let us look at the impact of the Muskie amendment on the Government's position with respect to this program. As I stated, the Muskie amendment would require that the Navy enter into two separate contracts. Use of a single design would be highly desirable to the Navy in view of the major reductions in training and logistics support which would result. However, to use the single design, it would be necessary to delay procurement of ships from a second source until a bid package is available from Litton. This would involve a 2-year delay in contract awards for the second 15 ships. With respect to standardization, it is probable that the use of a second source would result in some loss of standardization, even with tight control and supervision.

In addition, the Senator's amendment would increase the cost of the program substantially. The Navy estimates that any significant split of the DD–963 program would increase costs anywhere from $225 million to $685 million, depending on the number of ships involved, the method of contracting, and other factors. If, for example, the Navy was required to award contracts to two builders—and this seems to be required by the Muskie amendment—the estimate is that the cost increase for the complete 30-ship program would be about $600 million. If two different ships are required the cost increase is estimated at about $685 million.

Both the Department of Defense and the Navy is opposed to split of the program because of the substantial increased costs that would result. The "one builder" approach being used for the DD–963 program will provide the Navy with destroyers at the least cost to the Government. I think we all agree that this is an important issue.

The Navy has been falling behind year after year in keeping up with its requirements for new construction to fulfill urgent fleet needs. This is true in all types of ships. If additional money is available, I feel very strongly that it would be best used to acquire additional ships, be they support ships, submarines, or any of the other types we need so badly. Such additional purchases would, of course, be in competition, open to all builders and would thus be of benefit and value to the U.S. shipbuilding industry.

As I have already noted, the language of the Muskie amendment would require the Navy to enter into two separate contracts with two different shipbuilders. It is readily apparent that this would create a significant delay since the procurement of ships from the second source would cause the entire proceedings to be held up awaiting the preparation of a bid package by Ingalls. It is estimated that this would involve about a 2-year delay in the contract award for the second 15 ships. It should also be noted that under the language of the proposed amendment the Government would be exposed to cancellation costs on the Litton contract which was bid on the basis of 30 ships rather than the 15 ships contemplated under the Muskie amendment.

In addition, Mr. President, the Senator's proposal would not significantly increase the assurance of uninterrupted delivery against strike or disaster at the prime shipyard. Most of the large components of these ships will be bought from single vendors after competition for purposes of economy and standardization. The threat of a strike or national disaster at the vendor plant is equally present as at the shipyard. There are factors which are lived with in any production cycle over a period of years. Since a single contractor would utilize the vendor production to capacity or near capacity, a second contractor would only delay the progress of production and reduce the economies that could be achieved.

I think it is apparent, Mr. President, that the cost increases and delay in ship deliveries associated with the Muskie amendment would do nothing to assist the Navy shipbuilding program or the Nation's economy. The estimated increased cost of between $225 million and $685 million would have to be taken from the Navy's program for new construction of ships. This would appear to be in direct conflict with the Senator's expressed desire to carry out a substantial modification program at other shipyards. Obviously taking these funds from the Navy's new construction program would reduce the future awards that could result in a modernization program.

Of course, the alternate course of action is to increase the budget for Navy shipbuilding to offset this amount. In this time of austerity, the Senate Armed Services Committee has sought to get the most out of a substantially reduced budget. I am sure that Senator MUSKIE does not want to take the opposite tack and increase the defense budget, but the fact is that his amendment would have precisely that effect. My understanding has been that the distinguished Senator has been strongly in favor of reduced military spending.

In summary, Mr. President, on the point of the impact on the Navy's shipbuilding program, I hope that the Senate fully understands that the adoption of the amendment proposed by the distinguished Senator from Maine would seriously cripple the Navy's DD–963 construction program. The amendment would cause considerable delay and would substantially inflate the cost of the program. It is, indeed, very late in the day after the competition has been completed and the award has been made to come forward with a proposal which would interrupt and disrupt a very sound program which the Navy has worked on for 3 years.

In addition, Mr. President, I certainly do not believe that the Senate wants to take on the responsibility of source selection and convert itself into an agency to make contract awards for the Government. We certainly do not want to do this when the result would be to set aside a contract award already made and thus impair the obligation of that contract. I think we should all understand that if we do this in the case of this Navy program, then we must be prepared in the future to do it with respect to other Government contract awards.

The fact is, Mr. President, if this amendment should become law it would set an extremely bad precedent and throw the entire Government contracting procedures into chaos and make a mockery of the source selection machinery. More important, however, it would introduce politics and political considerations directly into Government procurement. For that and other reasons, it is not only without merit but it is actually a dangerous amendment which should not be seriously considered.

Let me remind the Senate that at the outset of this bill we had before us an amendment by the distinguished Senator from Delaware (Mr. WILLIAMS), who is justly noted for his rugged honesty and integrity. The purpose of that amendment was to preclude the making of announcements of defense contract awards by Members of Congress, and the primary reason advanced in support of the amendment was that it raised the suggestion of political influence if Members of the Congress were permitted to make such announcements. We all agreed that this was a bad practice and the amendment was unanimously adopted.

Now we have before us an amendment which would cancel and disrupt the award of the DD–963 destroyer contract which has been made on its merits by the Navy. While I can understand that the Senator from Maine (Mr. MUSKIE) wants some of the business to go to his State, the procedure which he would follow does far more than suggest political influence. His amendment, if adopted, would be political influence of the most direct, flagrant, and blatant type because the Senate, or a majority of it—and we are all politicians—would have passed final judgment on a military contract award.

I hope that we will all look to the future and realize that if we establish the precedent that we are going to interfere with and set aside contract awards in such cases, we are inviting more trouble than can possibly be imagined. Government contracts will no longer be awarded on the merits of the proposals and on the basis of the lowest and best bid. They will finally be determined by who have the most votes or most political influence in the Congress. This will inevitably result in political logrolling of the worst type and could open the door for all types of undesirable practices.

If we adopt this amendment, Mr. President, we might as well add another amendment to the bill to the effect that no contract award by the Defense Department or any other governmental agency shall be final or binding until it has been submitted to and approved by

the Congress. If we interfere with one Government contract award, certainly we are taking upon ourselves the responsibility to look at the others. There is certainly no reason to single out this contract which, as the record shows, is entirely free of any suspicion of irregularity whatsoever.

In conclusion, Mr. President, I state emphatically that we simply should not intervene directly in these procurement matters and abrogate a source selection made by the Defense Department and a contract entered into by it. Not only does this destroy the integrity of the procurement practices and source selection procedures, it actually would in this case impair the obligation of a contract since it would take at least a part of the award away from the successful competitor.

In concluding, Mr. President, let me say again that the DD–963 program originated 3 years ago. From its very inception the Navy intended to award the entire contract to a single shipyard. The published ground rules so stated. Not until this year has the Senate been asked to legislate or mandate a division of the contract. It is very late in the day to do this after the award has been made to the shipyard which won the competition on the merit because it had the lowest and best bid. If a division of the contract is so meritorious and so necessary now, why did not the Senator attempt to compel this prior to the selection of the winning contractor? Until this year—until the shipyard in Maine lost the contract—the Senate was entirely content to proceed on the Navy's prescribed "winner take all" basis. Repudiation of the source selection process in this case would have very serious repercussions, indeed.

With all deference, Mr. President, I say that the Senator's amendment has nothing whatsoever to recommend it. Its impact on the entire procurement process can only be harmful and mischievous and I hope and expect that it will be defeated.

I point out with emphasis again that I have nothing but the highest commendation for the Senator from Maine and other cosponsors who have worked on this matter with diligence and earnestness and great sincerity.

I yield the floor.

RESTORING CONSTITUTIONAL GOVERNMENT

Mr. McGOVERN. Mr. President, I rise today to speak about a deepening constitutional crisis in the United States. That crisis centers around the crucial issues of war and peace and the proper role of the Congress in relationship to the Chief Executive. As I have studied the growing tendency of the Congress to surrender its war powers to the President, I have been increasingly convinced that we are in danger of falling into one-man rule in the United States. The pending amendment not only seeks to terminate U.S. military involvement in the affairs of the people of Indochina, but it seeks to reassert the congressional powers which our constitutional fathers intended us to shoulder.

The debate on Indochina policy over the past several months has been underscored by growing concern over the constitutional balance between the executive and legislative branches. The long-range implications of this issue are no less significant than our policy choices on Vietnam.

A deepening constitutional crisis in the all-important areas of war and peace is not unique with this administration, nor with its predecessor. The confused relationship between executive and legislative war powers that bedevils us today began at the turn of the century, with President Theodore Roosevelt's dispatch of troops into Panama in 1903. In a characteristic boast, President Roosevelt said: "I took the canal and let Congress debate." Also without congressional action, President Wilson sent troops into Mexico in 1916, in pursuit of Pancho Villa. But these and most otner military actions ordered by American Presidents acting on their own initiative were small in size and brief in duration.

Before Vietnam, Laos, and Cambodia, the most extensive use of Armed Forces by unilateral executive action was in Korea, where several hundred thousand Americans fought, and where 33,000 died—a loss long ago exceeded in Vietnam. President Eisenhower acted without congressional authority in the Formosan Strait in 1955 and in Lebanon in 1958, although resolutions of support were obtained.

Secretary of State Dean Acheson bluntly asserted the premise of Executive war powers to the Senate Armed Services and Foreign Relations Committees nearly 20 years ago. Said Mr. Acheson:

> Not only has the President the authority to use the Armed Forces in carrying out the broad foreign policy of the United States and implementing treaties, but it is equally clear that this authority may not be interfered with by the Congress in the exercise of powers which it has under the Constitution.

The position taken by the Nixon administration is strikingly similar. In comments of March 10, 1969, on the National Commitments Resolution the Department of State outlined its views thus:

> As Commander in Chief, the President has the sole authority to command our Armed Forces, whether they are within or outside the United States. And, although reasonable men may differ as to the circumstances in which he should do so, the President has the constitutional power to send U.S. military forces abroad without specific congressional approval.

Mr. President, I submit that this thesis stands the Constitution on its head. It facilitates what that document seeks to impede. It brands as congressional "interference" the very powers which the Founding Fathers urgently intended the Congress to exercise.

EXECUTIVE AND LEGISLATIVE WAR POWERS

The Constitution does, to be sure, grant specific foreign policy and defense powers to the President. Under article II, section 2, he is authorized to make treaties, by and with the advice and consent of the Senate, and to appoint ambassadors. In this realm there is a presidential monopoly. According to Justice Sutherland's opinion in a 1936 case, U.S. against Curtiss-Wright Corp.:

> He alone negotiates. Into the field of negotiation, the Senate cannot intrude; and the Congress itself is powerless to invade it.

It is clear, therefore, that no Member of the Congress, no committee of the Congress, not even the Congress acting as a unified branch of Government can purport to negotiate officially with other nations. We can do no more than offer advice, which the President can accept or reject.

Beyond this, the President is designated as Commander in Chief of the Army and Navy of the United States. It is this office, along with the constitutional vesting of general executive power, which some see as authorizing the unilateral executive military actions taken during this century, including Vietnam. Though that interpretation seems to me to go far beyond the Constitution. And such an interpretation was clearly not contemplated by the founders. Alexander Hamilton, a strong advocate of executive power, interpreted the office of Commander in Chief as amounting to "nothing more than the supreme command and direction of the military forces, as first General and Admiral of the Confederacy."

The Constitution places a civilian at the top of the military command structure. Each man in uniform is answerable to him. It says nothing about the purposes he can pursue with the armed forces under his command.

Madison's notes of the debates at the Constitutional Convention do, however, indicate a desire to give the President some unilateral authority. An early draft provided that the Congress should have the power to "make" war. The record says, for example:

> Mr. Sharman thought it stood very well. The Executive should be able to repeal and not to commence war. "Make" better than "declare" the latter narrowing the power too much.

But Mr. Madison and Mr. Gerry moved:

> . . . to insert "declare," striking out "make" war; leaving to the Executive the power to repel sudden attacks.

The substitution was approved, giving the President authority to meet an emergency attack in the absence of congressional action. But here also arises the first very substantial reason to suppose that unilateral executive power is quite limited. The framers expressed themselves clearly on one instance in which an Executive decision could stand alone, and they mentioned no others. The scope of this single power is not precisely defined, and it is a matter of some dispute. Certainly, the President can use all of the forces at his command to defend the Nation's shores against an attack. Doubtless, he needs no permission to direct the protection of American military forces wherever deployed, if they are in immediate, perceivable danger. An act of Congress purporting to prohibit such action would be a nullity.

It is much less clear whether he can order offensive operations based on the fear that an enemy is about to attack. The terms used in the motion—"repel" and "sudden"—seem to imply that congressional approval should be sought in

any case where the threat is not immediate, and they also suggest that the amount of force used should be as much as is sufficient to remove the threat. But more substantial questions are raised by the logical consequences of a broader power. While a Member of Congress, Abraham Lincoln provided a compelling analysis on this point in a letter to Herndon:

> Allow the President to invade a neighboring nation whenever he shall deem it necessary to repel an invasion, and you allow him to do so whenever he may choose to say he deems it necessary for such a purpose, and you allow him to make war at his pleasure. Study to see if you can fix any limit to his power in this respect, after having given him so much power as you propose.

But executive prerogatives on issues of war and peace do not stand alone. Against them are arrayed an extensive listing of legislative powers and duties. Under article I, section 8, it falls to the Congress to "declare War," to "make Rules for the Government and Regulation of the land and naval Forces," to "provide and maintain a Navy," and to "provide for the common Defence and general Welfare of the United States." The Constitution further provides that "no money shall be drawn from the Treasury, but in Consequence of Appropriations made by Law." And, in the case of appropriations to support armies and only in that case, it limits those appropriations to a duration of 2 years.

The letter from Lincoln just cited also supplied an accurate description of the reasons why Congress was so explicitly designated:

> The provision of the Constitution giving the war-making power to Congress was dictated, as I understand it, by the following reasons: Kings had always been involving and impoverishing their people in wars, pretending generally, if not always, that the good of the people was the object. This our convention understood to be the most oppressive of all kingly oppressions, and they resolved to so frame the Constitution that no one man should hold the power of bringing oppression upon us.

The framers wrote with the benefit of sharp hindsight upon two centuries of contest between English kings and Parliament. What is most relevant here is that Parliament had successfully employed its power of the purse to prevent and halt royal adventures abroad. In fact, a legislative forerunner to the pending amendment to end the war was passed in 1678, when Parliament specified that the Army of Charles in Flanders be disbanded by a date certain. The framers clearly intended that the Congress should have at least that much power, and they added more by requiring congressional action to initiate war as well as allowing congressional action to stop it.

Hence, the conclusion drawn by Mr. Ellsworth in the Constitutional Convention, again from Madison's notes, is significant:

> Mr. ELLSWORTH. There is a material difference between the cases of making *war* and making *peace*. It should be more easy to get out of a war than into it.

Mr. Madison also expressed support for:

> Clogging rather than facilitating war, but for facilitating peace.

If any ambiguity can still be asserted, we have only to look to early authoritative opinions. In 1801, Chief Justice John Marshall wrote:

> The whole powers of war being, by the Constitution, vested in Congress, the acts of that body alone can be resorted to as our guides in this inquiry.

As a member of the executive branch, Secretary of State Daniel Webster wrote in 1851:

> I have to say that the war-making power in this Government rests entirely with the Congress; and that the President can authorize belligerent operations only in the cases expressly provided by the Constitution and the laws. But no power is given to the Executive to oppose an attack by one independent nation on the possessions of another.

Or consider James Buchanan's precise description in a December 1858 message to Congress:

> The executive government of this country in its intercourse with foreign nations is limited to the employment of diplomacy alone. When this fails it can proceed no further. It cannot legitimately resort to force without the direct authority of Congress, except in resisting and repelling hostile attacks. . .

The legislative history, the historical setting, and the language itself, it seems to me, are unmistakable.

No one can read the record of the debates leading up to the establishment of the Constitution without being aware of the very strong convictions of the delegates to that convention that the war power should reside in Congress when it comes to the question of whether we go to war or whether we end it. The war power that the President has relates entirely to his function in commanding the troops once they are committed by the act of Congress or once committed to meet an emergency situation or to repel an attack. But they do not justify the kind of authority that some critics would give to the President in terms of the war and the long, drawn-out struggle in Indochina. All the constitutional debates point to the conclusion that the power to determine the purposes for which American military forces will be used resides in the legislative branch, whose laws must be faithfully executed by the President. The Commander in Chief clause merely entitles the President to the supreme command and tactical control of those forces when they are engaged in activities authorized either by enacted laws or by the Constitution itself. It can be read no other way.

Those who contend now for inflated Presidential powers can cite no textural support for their thesis. They make but one assertion—that the President holds full control over the use of the Armed Forces in pursuit of American security interests by reason of "practice" or "tradition," most of that tradition in the last few decades.

I fail to see how such foggy precepts can allow us to alter, without amendment, the terms of the Constitution itself. The truth is that Congress has acquiesced in Executive action either because it supported them or lacked the will to assert its opposition. In most instances in which the President has acted alone, he probably could have obtained congressional authority had he asked for it. The trend which has concerned us has developed because Congress has not really disagreed with the Executive and has thus felt no need to assert its own views. It is a serious perversion of the Constitution to suggest that congressional inaction signals the loss of congressional power and the gross expansion of Executive authority.

The logical import of the Presidential powers claimed would be to destroy the constitutional scheme so painstakingly constructed by the framers of that document. It would establish virtual one-man rule over the most momentous decisions any government is ever called upon to make—the decisions of war and peace. Considering the breadth of security interests claimed or potentially claimed by the Executive, it would leave the President free to engage in any conflict, large or small, short or indefinite, anywhere in the world. Under the new assumption of Executive power, it is hard to envision a conflict for which congressional authority would be required.

During the debate on the Church-Cooper amendment earlier this year, and also in the discussions that have taken place on the pending proposal, the administration's advocates have pleaded strenuously that we would interfere with the Commander in Chief. I find it intriguing that this argument has been raised with such fervor by some Senators who supported a provision in the Defense Appropriations Act of 1970 which barred the use of funds for the introduction of combat troops into Laos or Thailand.

I have often thought, Mr. President, since the incursion into Cambodia, that if we had had the foresight to realize that such a thing might happen, Cambodia would doubtless have been added to the restriction in 1970 that barred the use of funds for the introduction of combat troops into Laos and Thailand. I am confident that the only reason we did not include Cambodia under that restriction in 1970 is that it never occurred to anyone in the Senate that the President might order forces into Cambodia.

I suggest that we would do well to avoid the grave error of confusing our support for the President's Vietnam policy with an imaginary constitutional mandate for Congress to abandon duties imposed upon it by the Constitution. Every Senator is and should remain free to make his own choices on matters of policy, relying upon knowledge, wisdom, and conscience. But we are bound, by our oath of office, to uphold the Constitution.

Let us not forget that the Constitution binds us to review all funds for military operations at least once every 2 years. That is not put there for our convenience but for the protection of the country against the indefinite commitment of American forces or American military operations without systematic congressional review at least once every 2 years.

THE CONGRESSIONAL DUTY TO REVIEW

The points I have discussed may appear to have only an indirect relevance

to the pending amendment, since they relate primarily to the question whether the war in Vietnam was properly initiated. The pending amendment does not contest that issue; it does not seek to declare illegal the past actions of any President. It applies only to the future.

But it is clear that our constitutional system contemplates severe limitations on the President's flexibility in the use of the Armed Forces when he acts without specific congressional approval. Certainly, these influences on the initiation of war bear greatly on the question of how it might be terminated once begun.

The authorities are precise on this score, as well. They tell us two essential things:

First, that Congress very clearly does have the power to limit the purposes for which the Nation's Armed Forces shall be used, even after those forces have been engaged; and

Second, that we have a positive obligation to review these decisions at regular intervals.

The first point is a proper and logical consequence of the exclusive congressional power of the purse. It means, according to Justice Story's Commentaries on the Constitution of the United States, that:

> Congress can alone raise armies; and may put them down whenever they choose.

The second power flows from the 2-year time limitation on military appropriations, to which I have referred previously. Although it is our practice to appropriate every year for all Government activities, there is nothing in the Constitution to require that procedure except in the case of funding for the Armed Forces.

Alexander Hamilton described the meaning of that limitation in Federalist No. 26:

> The legislature of the United States will be obliged, by this provision, once at least in every two years, to deliberate upon the propriety of keeping a military force on foot; to come to a new resolution on the point; and to declare their sense on the matter, by a formal vote in the face of their constituencies.

The reason was explained by Mr. Dawes to the Massachusetts Ratification Convention:

> When we consider that this branch [the House] is to be elected every two years, there is great propriety in its being restrained from making any grants in support of the army for a longer space than that of their existence. If the election of this popular branch were for seven years, as in England, the men who would make the first grant, might also be the second and third, for the continuance of the army, and such an acquaintance might exist between the representatives in Congress and the leaders of the army as might be unfavorable for liberty.

The framers avoided this difficulty, Mr. Dawes pointed out, by providing the following result:

> The army must expire of itself in two years after it shall be raised, unless renewed by representatives, who, at that time, will have just come fresh from the body of the people. It will share the same fate as that of a temporary law, which dies at the time mentioned in the act itself, unless revived by some future legislature!

In the case of the very existence of the Armed Forces, therefore, and certainly on the narrower question of any portion of those forces engaged in conflict, Congress has an express duty to provide review and control, and there is no way in which we can surrender that power without violating the Constitution. The framers intended that no part of our Military Establishment should be maintained without continuing surveillance by the legislature.

Hence, I do not see how any Member of this body can find the comfort of neutrality on the war in Indochina by saying it is all a matter for the President to decide. We cannot withhold our judgments. The Constitution requires an "aye" or "nay" on this transcendent issue.

Those of us who oppose the war have, I believe, a moral obligation to use the power of our office to end it, or at least to try. That belief has been the central motivation for this amendment.

But it is a decision we cannot avoid in any case, amendment or not. We have voted upon it every year since the war began, through our annual votes on military appropriations bills. While we may have intended otherwise, our effect has been to ratify Executive action.

I must say it is a difficult thing, once troops are committed, for a Member of Congress to stand up and vote on appropriations that would terminate that action, but there is no other way under the Constitution, once American forces are committed abroad by the executive branch of the Government, for that action to be terminated except by the power of the purse which the Founding Fathers intended Congress to exercise with special care on matters relating to military operations.

Thus it is not correct to say that this tragic war belongs to Mr. Nixon, or to Mr. Johnson. It is not the property of their predecessors. It belongs just as much to the Congress which has supplied the Army, Navy and Air Forces with the necessary appropriations to fight it.

Our amendment does no more than confront the issue directly. When Senators vote next Tuesday morning at 10 a.m., they will be voting their individual judgments on whether or not they wish to use their constitutional powers to set a limit on our military involvement in Indochina, or would instead place the entire burden for that decision on the President alone.

AUTHORITY FOR INDOCHINA WAR

Beyond the broad powers it claims for the President, the executive branch has relied primarily upon a collective security theory to justify our involvement in Indochina. It has been asserted that our membership in the Southeast Asia Treaty Organization has demanded U.S. military action. While South Vietnam is not a signatory, it is within the protocol areas which the signatories consider vital to their security interests. It is argued that we are thus committed to other SEATO members to respond to aggression in Vietnam. As I shall show in a minute, I do not hold that interpretation of the SEATO Treaty, but if one were to push that argument, we would be obligated to go into Cambodia, which bears exactly the same relationship to the SEATO Treaty as South Vietnam does.

But, for two very good reasons, this cannot serve as an adequate response to a constitutional challenge. First, the treaty was ratified only by the Senate, whereas the Constitution requires that the Congress—both Houses—shall exercise war powers. Surely, the Senate cannot provide advance authority for military action that must wait for approval by the House as well.

Second, and more significantly, the terms of the Treaty itself provide that a response will be made only after a decision based on the "constitutional processes" of the signatory. A document which incorporates "constitutional processes" certainly cannot be construed to allow their avoidance.

Some have also urged that the Gulf of Tonkin resolution provides authority for the war, although neither the Johnson nor the Nixon administration has relied upon it. As a matter of fact, Under Secretary of State Katzenbach said years ago that they did not really need any authority from Congress to carry on military operations in South Vietnam. This administration has repeated that it does not need the Gulf of Tonkin resolution to justify what it is doing. But again, the response has fatal disabilities.

The resolution was not a grant of authority; it was an expression of approval of presidential "determination" to resist attack and prevent further aggression. Nowhere within its terms are such critical operative words as "empower" or "authorize." Moreover, where the Senate is concerned, it is obviously relevant to point out that we have twice voted by large margins to repeal the Gulf of Tonkin resolution. Surely, those in this body who thought it conferred authority must now look elsewhere for the executive power under which the war goes on.

I do not dispute that the President, as Commander in Chief, has the authority to withdraw American forces and to take all steps necessary to defend them during that process. Having found them deployed when he assumed office, he surely has those powers.

But Mr. Nixon assumes more than that. While removing some troops, he is leaving others. American forces are engaged in offensive operations, including heavy aerial bombardment. On next May first, at least 280,000 will remain in Vietnam, with no plan to bring them home. They will be there in pursuit of broad goals which have been set without the official authorization of Congress.

Of even deeper significance in a constitutional sense is the limitless scope of authority the President still claims in connection with Vietnam. The vastly-inflated Commander in Chief concept literally places no limit on what he might do. That concept could take us anywhere. No wonder there is such anxiety in the land, with such enormous power concentrated in one man's hands.

AMENDMENT TO RESTORE CONSTITUTIONAL GOVERNMENT

Apart from the policy of definite withdrawal it seeks to establish, our amendment responds directly to doubts about

whether the President does have authority in Indochina and, if so, its extent.

We can safely predict that one of two results will flow from its passage.

First, the President may abide by the timetable and remove all American armed forces by December 31 of next year. I personally hope he would move ahead on that timetable. If that is done, Congress will have rightly shared any political risks involved in the unsatisfactory conclusion of the war to which there is no satisfactory conclusion possible, that is, one that would satisfy all our citizens. I believe it is the obligation of Congress to share with the President the political hazards involved in terminating the war without victory. The President said that we are not going to go for a military victory. I think that is clear, because he would not withdraw forces if he intended to push for a military victory in Vietnam.

There is no victory in this futile and tragic war. Let us face that fact as men sworn to uphold the Constitution, rather than hiding behind the cloak of presidential power, and say that it is entirely up to the President as to the time the troops are committed and the conditions under which they are brought home. We can do a great deal to eliminate the kind of scapegoating that may otherwise follow withdrawal of our forces from Vietnam, if that decision is brought about by both the executive and the duly elected representatives of the people in Congress.

Second, the President may return to the Congress and seek explicit authority for his own policy, through carefully worded legislation designed to support his aims while perhaps limiting the time or the numbers of troops to be involved. The terms of the amendment suggest that he might do that during the 60-day period in which he is authorized to suspend the deadline for withdrawal in the event of an emergency. But he could obviously do it at any time, and any subsequent legislative act would, of course, supplant the terms of this proposal.

During the period after passage of the amendment, until the withdrawal deadline on December 31, he could come to Congress at any time during that period of time, and ask for a revision in the terms of the amendment, including the withdrawal deadline. He does not have to wait until the closing weeks of the withdrawal deadline.

If he were successful, he would have renewed credibility both at home and abroad. He would move with a clear mandate. The nagging doubts about new enlargements of the war could be laid to rest.

In any event, American involvement would be terminated by joint action of the legislative and executive branches, as the Constitution intended.

The President does not come before us now asking for authorization of his Indochina policy. He did not come to us to ask us for approval before American forces were sent to Cambodia. We are instead told that Congress has no business in such matters. Thus, if we are to participate at all, it must be on our own initiative.

For reasons which I have repeated throughout the discussion of this amendment, I am convinced that its terms offer the most hopeful and responsible route out of Indochina, out of a war that I believe the overwhelming majority of the American people want to see ended. Establishment of an orderly timetable for withdrawal can stimulate stagnating negotiations, release our policy from the grip of dictators in Hanoi and Saigon, and end the slaughter of Americans and Asians.

The Senator from Kansas earlier today talked about his view that this amendment is an amendment to lose the peace. There is not any peace to lose. There is a bloody war in progress that is killing young Americans every day and continues to slaughter people in South Vietnam at the rate of about 200,000 a year. That is the bloody conflict, the so-called bloodbath that exists.

We do not know what will happen if we end the war and withdraw the massive firepower of the United States. But we do know that hundreds of thousands of people are being killed as long as the war goes on. We know about this bloodbath. It is a historic fact which we read about in the news bulletins day after day.

We have no peace to lose, but only a war to end. That is why this amendment is properly named an amendment to end the war and why it is improper to talk about losing something which we do not have, which is peace. We are trying to establish peace, and this amendment has that as its purpose.

But Senators who disagree or have doubts about our policy in Indochina have equally strong reasons for supporting this proposal. It is a means to restore the constitutional principles from which we have strayed. Congress ought to share with the President in these decisions affecting war and peace.

Thousands of Americans have sacrificed their lives to secure liberty and create the Constitution that documents that liberty. And that is the only document to which every Senator swears his loyalty and which he swears to uphold when he becomes a Member of the Senate.

I hope that we will now have the simple fortitude to use that constitutional power that this great document invests in this body.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the time on any amendment, order, or appeal relative to amendment No. 811 by the Senator from Maine (Mr. MUSKIE) be taken out of the 4½ hours allotted to that amendment.

The PRESIDING OFFICER. Without objection, it is so ordered.

ORDER FOR ADJOURNMENT FROM TUESDAY NEXT TO 9 A.M. WEDNESDAY, SEPTEMBER 2, 1970

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that when the Senate completes its business on Tuesday next, it stand in adjournment until 9 a.m. on Wednesday, September 2, 1970.

The PRESIDING OFFICER (Mr. SCHWEIKER). Without objection, it is so ordered.

THE BLOODBATH HOAX

Mr. McGOVERN. Mr. President, in recent weeks we have heard time and again that the orderly withdrawal of U.S. Armed Forces from Vietnam will result in a "bloodbath" of political reprisals against the South Vietnamese.

The President suggested in one of his recent telecasts, for example, that millions of South Vietnamese have placed their trust in us and that—

> To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life.

The Vice President easily transformed that "risk" to reality in his August 17 speech in Florida. He said:

> The result of our proposal would be . . . the collapse of the government, chaos in the country—and ultimately the kind of Communism that literally decimated the civilian population of Hue in the Tet offensive.

The clear implication of both statements is that the Vietnamese population is protected by our presence. And that proposition is a mean, cruel hoax. It would justify the indefinite slaughter of thousands of innocent South Vietnamese on the pretext that a few—primarily Messrs. Thieu and Ky and their narrow band of henchmen—might be saved.

It must first be noted that the "bloodbath" theory itself is open to serious question. I wonder, for example, why it is that an enemy takeover must result from our withdrawal, when it is a fact that the South Vietnamese have some 1,352,000 men under arms with some degree of combat training, including 1 million full-time soldiers. Estimates of enemy strength at the end of 1969 numbered at 240,000, including 100,000 North Vietnamese, 40,000 main force, and 100,000 irregulars and guerrillas. And it is estimated that only about 90,000 are combat troops, with the rest engaged in support activities. I simply cannot see how it is that 1,352,000 men are to be slaughtered by 90,000. If they cannot defend themselves on that basis then the entire Vietnamization strategy surely must fall.

If Vietnamization is as barren as it appears, and if the Communists are therefore destined to a share of the power in South Vietnam regardless of which policy alternative we choose, there are still reasons to doubt that a bloodbath would occur.

The most likely targets of political reprisals will have long since departed. According to a Swiss newspaper account, more than 10,000 of the Saigon elite have left the country since the negotiations began, and between $1.5 and $2 billion has left Vietnam by deposits in foreign banks. As for General Thieu, he has found a home for his children in Rome and his wife has a house in Europe.

With the vast bulk of the remaining civilian population the interest of the new government will be in accommodation, to consolidate its own power rather

than undermining confidence in the power of someone else.

But the most compelling response to this issue lies in the bloodbath that goes on now.

The Vice President's reference to events at Hue during the Tet offensive is more helpful on this score than he knows.

The Vietcong executed some civilians. We can only react with shock and dismay at this barbaric action.

Yet of the 3,600 civilians who died, the enemy killed only 1,000. The rest, more than two times as many, were attributed to the enormous indiscriminate firepower used by the allies to recapture the city.

There could be no more precise illustration of the fallacy in the administration's argument. What happened at Hue is happening throughout the Vietnamese countryside. It will last as long as the war goes on.

Mr. President, I have just recently received a paper on this subject by a Villanova Law School student, Stanley Shulman, and I believe it deserves the careful attention of every Senator. He employs and expands the excellent studies previously compiled by Senator Kennedy's Senate Subcommittee on Refugees.

Mr. Shulman points out that—

Nearly one-third of the population of South Vietnam has already become either a war casualty or a refugee.

He sets total non-Communist fatalities at 90,000 each year, a figure that is not declining. In fact the total number of casualties has increased since the 1968 Tet offensive, in large part because of more heavy aerial bombardment which cannot distinguish between enemy and innocent.

As to the future, Mr. Shulman makes a careful comparison of civilian casualties we can expect from continued war, as opposed to even the most hysterical predictions in the event of a Communist takeover. He says:

Between now and election time, 1972, civilian deaths alone will be over 100,000.

Non-communist Vietnamese deaths (combatant and civilian combined) will be twice that number.

Total war deaths will be almost five times that number.

Non-communist Vietnamese dead and wounded will be over 700,000.

Total Vietnamese dead and wounded will be 1,400,000.

Clearly we are faced with the prospect of a bloodbath. It is one we can virtually guarantee unless the war is ended.

Mr. President, I ask unanimous consent that the paper to which I have referred be printed at this point in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THE TRAGIC IRONY OF THE BLOODBATH THEORY

(By Stanley Shulman [1])

"When we assumed the burden of helping defend South Vietnam, millions of South Vietnamese men, women, and children placed their trust in us. To abandon them now would risk a massacre that would shock and dismay everyone in the world who values human life." President Nixon, May, 1969

Nearly one third of the population of South Vietnam has already become either a war casualty or a refugee.[2] This staggering amount of war misery will only grow under Nixon's Vietnamization Program. The strategy of more military aid for the present narrowly based, right-wing Saigon government, by removing the pressure on the Saigon regime for a negotiated settlement of the war and exacerbating divisions within Vietnamese society, both increases the chances for a future bloodbath and allows the everyday bloodbath to continue. Although American deaths are admittedly now declining, the total number of South Vietnamese casualties remains the same. The extension of the war into Cambodia, coupled with the Administration's apparent unwillingness to press for a negotiated compromise settlement, suggest anything but consideration for the value of human life.

If Americans were made aware of the extent of the daily toll of South Vietnamese civilian and military dead and wounded, the hollowness of the bloodbath theory would be immediately apparent to them. But the public has had little exposure to these facts. We constantly hear precise statistics on the numbers of weapons captured, tons of rice destroyed, and enemy killed, but a serious listing of civilian war casualties—the crucial component of the daily bloodbath—has always somehow been beyond the capabilities of the U.S. and Saigon governments.

Official civilian war casualty statistics are filled with glaring omissions. As far back as December, 1967, the head of AID medical programs in South Vietnam estimated that the number of civilian casualties were running at a rate of approximately 100,000 a year: 76,000 injured and approximately 24,000 civilians killed outright or dying before they could reach medical facilities. This in itself was a more than 100% increase over official estimates.[3]

But sadly the story does not end there. The Senate Subcommittee on Refugees subsequently visited approximately 32 of the 43 South Vietnamese provinces and discovered that even the AID statistics for the number of civilian casualties, based on civilians treated as inpatients at provincial hospitals, was underestimated because several hospitals were not reporting and those who did report often understated the figures from 10 to 50 percent. Further, the number of outpatients and those treated at village or hamlet facilities added an additional 100,000 casualties per year (although some are not of a serious nature). Using the AID chief medical officer's estimate of 24,000 civilians killed outright or dying before they could reach medical facilities, the total estimate of civilian casualties was approximately 175,000 for 1967.[4]

Within the last twelve months the total number of officially reported casualties, civilian and combatant, has been 40 percent higher than the 1967 pre-Tet offensive statistics. Unless reporting methods have improved enormously since 1967, we must conclude that the intensity of the war during President Nixon's Vietnamization Program has been greater than the pre-Tet levels, producing within the past year well over 200,000 killed or wounded civilians.

The official United States military casualty rate is one killed for every 6 or 7 wounded. The civilian ratio must be much greater, since death is far more probable for the innocent noncombatant who has minimal access to surgical and anesthesia capability, an adequate blood bank, or rapid transport to medical facilities.

Thus after careful study, the Senate Subcommittee on Refugees recently concluded that approximately 60,000 Vietnamese civilians had died from May, 1969–April 1970 alone.[5] Add to this United States, South Vietnamese, and other allied combat deaths and *total non-communist fatalities equal at least 90,000 for one year.* (May, 1969–April 1970). This figure provides an illuminating comparison with the Administration's oftenquoted Rand Corporation study, which predicted that approximately 100,000 might be executed after a Communist takeover in the South.

The Rand prediction is difficult to accept, in light of the fact that that study:

(1) Assumed that the Communists could win total victory in the South when the South Vietnamese Army's strength is placed at 1,250,000. (To admit such a possibility is to admit the failure of the Vietnamization Program.)

(2) Was in general agreement with the Administration's view of the events following the Communist takeover in the North and the Hue occupation, which have been subject to serious dispute by many critics;

(3) Did not consider the impact of strong third-country or international controls on a peace settlement; and

(4) Did not account for our moral obligation to provide a political evacuee program.

However, even if one does accept this figure, if the war continues at its present rate, during the period between now and election time 1972:

Civilian deaths alone will be over 100,000.

Non-communist Vietnamese deaths (combatant and civilian combined) will be twice that number.

Total war deaths will be almost five times that number.

Non-communist Vietnamese dead and wounded will be over 700,000.

Total Vietnamese dead and wounded will be 1,400,000.

These figures take no account of the 400,000 who will become refugees and the substantial but difficult to estimate Cambodian and Laotian casualties.

There is no reason to expect a significant change in this death and casualty rate. The decline in American casualties has led us to believe that the war has been "winding down," when in fact there has been no such turn of events. Excepting the abnormally high death rate during the year of the Tet offensive, South Vietnamese casualties reached their high mark under the Vietnamization Program in 1969. The first half of 1970 indicates a similar trend.

The President's bloodbath theory is therefore a tragically ironic justification for continuing the war. We are presently destroying the Vietnamese people in order to save them, at a cost of 40 million dollars a day. No speculation about a future "bloodbath," even if the Rand figures were to be accepted at face value, should obscure the fact that a far more massive bloodbath is presently occurring in Vietnam. Contrary to the President's statement quoted at the beginning of this paper, the value of human life seems

[1] 1970 graduate, Dickinson College. First-year student, Villanova Law School. This paper is a portion of a larger study, not yet completed, questioning the entire theoretical basis of the "bloodbath" argument.

[2] Senate Subcommittee on Refugees, *Hearings on Civilian Casualty, Social Welfare and Refugee Problems in South Vietnam,* 91st Cong., 1st Sess., p. 1 (Committee Print, 1969).

[3] See 115 Cong. Rec. S17510 (daily ed., Dec. 22, 1969). All civilian casualty figures are based on estimates by the Senate Subcommittee on Refugees, the only government body to undertake an in-depth study of this problem.

[4] *Ibid.*

[5] Staff Memorandum, Subcommittee files.

clearly one of the last priorities of this Administration's Vietnam policy.

STATE DEMOCRATIC PARTIES SUPPORT AMENDMENT TO END THE WAR AND EARLY WITHDRAWAL OF AMERICAN FORCES FROM SOUTHEAST ASIA

Mr. McGOVERN. Mr. President, the Democratic Parties in at least eight States have, in the past few months, declared their support for the amendment to end the war and an early withdrawal of American forces which I sponsor with 23 other Senators. Other State Democratic Parties may also have taken positions on the amendment of which I am not aware.

The eight States are: Maine, Massachusetts, Nebraska, North Carolina, New York, South Dakota, Utah, and Washington. In South Dakota, the party specifically commended efforts of members of both political parties who seek to reassert the constitutional responsibility of the Congress while affirming the need for presidential flexibility, and it endorsed the February 1970 position of the National Democratic Policy Council. The New York statement issued from a special party convocation.

The amendment and the withdrawal of all American forces by a fixed deadline are not a partisan matter. Senators on both sides of the aisle support the amendment; citizens across the country in both political parties have spoken out for it. But it is indicative of the importance and urgency of the issue that State Democratic Parties, in the midst of their own organizational activities, have taken the time to put their position on the record.

I applaud the action of those State Democratic Parties which have spoken out. I urge that all Americans who feel that the time has come to set a fixed deadline for the safe and secure withdrawal of American forces from Indochina act now to let their Senators know how they feel as we approach the vote on this important amendment.

Mr. President, I ask unanimous consent that the resolutions of those parties which I have received be placed in the RECORD at this point.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

MAINE DEMOCRATIC PARTY PLATFORM, MAY 16, 1970

FOREIGN POLICY

* * * * *

2. The most important immediate objective of American foreign policy must be to terminate our nation's military involvement in Southeast Asia, and the first priority during the process of withdrawal of our forces is to secure a complete exchange of all prisoners of war in Indochina.

We endorse the peace plan contained in the resolution offered by Senator Ed Muskie in the United States Senate on May 11, 1970, and entitled "Declaring a Policy for Peace in Indochina". The resolution follows:

"Whereas de-escalation of the fighting, withdrawal of United States troops from Indochina, and intensive efforts at negotiations are the only routes to peace in Southeast Asia: Now, therefore, be it

Resolved, that the United States of America seeks a peaceful resolution of its differences with North Vietnam, and that United States policy encourage peace among all the peoples of Indochina and be it further

Resolved, that to achieve the objectives of this Resolution: (a) the United States immediately withdraw all its military forces from and cease military operations in Cambodia; (b) United States bombing of targets in North Vietnam be stopped henceforth; (c) the United States seek an immediate, standstill cease fire in Vietnam and other areas in Indochina; (d) the United States government declare that all its forces and military personnel will be withdrawn from Indochina in a specified time, not to exceed eighteen months from the date of adoption of this Resolution; (e) the United States delegation to the Paris Vietnam Peace talks be strengthened with negotiators empowered and directed to seek an agreement to facilitate the formulation of a political settlement in South Vietnam; (f) the United States encourage a conference under the auspices of the governments of East Asia or other appropriate international sponsorship to provide for discussions among all the various governments and political groups in South Vietnam and in Indochina for the purpose of resolving their political differences; and (g) the United States pledge technical and economic assistance for the reconstruction and economic development of the war-ravaged regions of Indochina and be it further

Resolved, that (a) the Senate express its support, and urge the President to develop a plan, for the complete withdrawal of United States military personnel from Indochina, such withdrawal to be completed in not more than eighteen months from the date of adoption of this Resolution; and (b) the Committees on Appropriations, Armed Services and Foreign Relations submit to the Senate by July 15, 1970, appropriate legislative recommendations, including but not limited to restrictions on military expenditures in Indochina, to implement the objectives of this Resolution.

We also endorse the amendment offered in the United States Senate on May 2, 1970 by Senators Goodell, Hatfield, Hughes, McGovern and Cranston, as embodying an approach designed to implement that Declaration.

The Amendment is as follows:

Section A: Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December 1970, for any other purpose arising from military conflict provided that funds may be expended as required for the safe and systematic withdrawal of all United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

Section B: Unless Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish to Laos any military advisors, or to support military operations by the forces of the United States or any other country in or over Laos.

Section C: Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after 30 days after the date of enactment of this Act, to furnish to Cambodia any defense articles of any military assistance of military advisors, or to support military operations by the forces of the United States or any other country in or over Cambodia.

RESOLUTION TO END THE WAR APPROVED BY THE NORTH CAROLINA STATE DEMOCRATIC PARTY IN CONVENTION, RALEIGH, JULY 14, 1970

Whereas, we believe that the withdrawal of American forces from Southeast Asia is more essential to the best interests of this country, this state, and this nation than a military victory in Vietnam or the support of the present government in South Vietnam:

Be is resolved that we, the delegates to the Democratic Convention of the State of North Carolina, support the Amendment to End the War, U.S. Senate #609, sponsored by Senators McGovern, Hatfield, Goodell, Cranston, Hughes, and others; and be it further resolved that we, the delegates of the State Democratic Convention convey our concern about the war to the Governor of the State of North Carolina and to the Congressional delegation from North Carolina. The Amendment reads as follows:

(a) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended in Vietnam after December, 1970, for any purpose arising from military conflict; Provided that funds may be expended as required for the safe and systematic withdrawal of all United States military personnel, the termination of United States military operations, the provision of assistance to South Vietnam in amounts and for purposes specifically authorized by the Congress, the exchange of prisoners, and the arrangement of asylum for Vietnamese who might be physically endangered by the withdrawal of United States forces, and Further Provided, that the withdrawal of all United States military personnel from Vietnam shall be completed no later than June 30, 1971, unless the Congress, by joint resolution, approves a finding by the President that an additional stated period of time is required to insure the safety of such personnel during the withdrawal process.

(b) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended after December 31, 1970, to furnish Laos any military advisors, or to support any military operations by the forces of the United States or any other country in or over Laos.

(c) Unless the Congress shall have declared war, no part of any funds appropriated pursuant to this Act or any other law shall be expended, after 30 days after the date of the enactment of this Act, to furnish Cambodia any defense article or any military assistance or military advisors, or to support military operations by the forces of the United States or any other country in or over Cambodia.

(d) For the purposes of this section, the term "defense article" shall have the same meaning given such term under section 644 of the Foreign Assistance Act of 1961.

RESOLUTIONS FOR THE NEW YORK DEMOCRATIC CONVOCATION, MAY 20, 1970

We Democrats, assembled in this special convocation to consider the crisis of expanded American involvement in Southeast Asia, proclaim our determination to make the American system work successfully, to make our government and the Democratic Party responsive to our people's needs, to restore the dialogue essential to democracy's well-being, to move by every legal and effective means to end the violence at home and abroad, and to make the Democratic Party of New York a powerful instrument to restore domestic tranquility and to end the war in Indochina now.

To accomplish these objectives:

1. We unequivocally denounce the invasion of Cambodia, the under-cover war in Laos, and the resumption of bombing in North Viet-Nam. We call upon the President and the Congress to announce that all United States forces will be removed immediately from any combat role anywhere in Indochina, and that all United States military personnel will be out of Indochina by the end of 1971, appropriate provision having been made for their safe withdrawal and the release of prisoners of war.

2. We pledge our full support to the enactment of the Church-Cooper and McGovern-Hatfield amendments in the Senate and the adoption of their counterpart, H.R. 1000, in the House of Representatives; we ask that the Democratic members of the New York Congressional Delegation publicly commit themselves to the support of H.R. 1000 and other appropriate legislative efforts to end the war; and we call upon the Congress to reassert its constitutional mandate to control American involvement in foreign wars.

3. We call upon the Government of the United States to demand the release of and offer immediate sanctuary to the hundreds of prisoners now languishing in the dungeons of South Viet-Nam whose only crime has been support of a negotiated settlement of the Vietnamese war.

4. We call for the appointment of a Chief United States negotiator at the Paris Peace Conference who will have the confidence of the Congressional Foreign Relations Committees so that Americans may be assured that their view of an honorable agreement is being explored to end the war.

5. We welcome the young, both as members and critics of our Party. We welcome their creative dissent, the honesty of their dissatisfaction, and their commitment of personal energy to the election of candidates who reflect their hopes and ideals. We endorse The National Petition Drive organized by student groups throughout the State and urge all Democratic candidates, leaders, and organizations, to support actively this effort.

6. We ask for an honest effort by all citizens and groups to hear the opinions and arguments that divide us, to avoid violence against person and property, and to avoid the use of the flag as a partisan symbol representing the superior patriotism of either side.

7. We recognize the heroic valor of the Armed Forces of the United States in the Indochina war, and we call upon the Federal and State governments to provide generously for the support of the bereaved families of the dead, and for the medical care of the wounded and disabled; and we further ask that the elected representatives of the Democratic Party make regular periodic visits to veterans' installations where the American wounded are cared for to make certain that the Nation's obligation to these victims of the war is fulfilled.

8. We believe that international commitments that directly affect the security and national interests of the United States are seriously undermined by our involvement in Indochina. In calling for the immediate end to American military involvement in Indochina, we reject the counsel of isolationism and reaffirm our legitimate international commitments.

9. We call upon government on every level to recognize the increasing despair of millions of Americans as their pleas for social justice are met with attitudes of benign neglect and violent repression; and in demand that the Democratic Party of New York, in the voice and action of its office holders, candidates, and leaders place the imperative of social justice at the top of the American agenda.

The Democratic Party and its national leadership have a major responsibility for the tragic American involvement in Viet-Nam. We will not fulfill our responsibility to the future of our Nation, to our Party or to ourselves by rationalizing past mistakes or tolerating their repetition. We speak today as Democrats to make our political institutions respond to the urgent need for peace in our land. We speak today as Americans in calling for the end—NOW—to a war that has no national purpose and that is morally, politically, economically and militarily wrong.

THE 1970 UTAH DEMOCRATIC PLATFORM: GOVERNMENT IN A CHANGING AMERICA

INDOCHINA AND MILITARY SPENDING

The expanding war in Southeast Asia is of deep concern to the Democratic Party. It has torn the social and economic fabric of both the United States and the involved Asian nations. With a nation in economic and social turmoil, military might does not guarantee security, either within or without. We urge: The immediate withdrawal of all military personnel from Southeast Asia, in such a way that it does not endanger their security. We should not forget nor abandon our servicemen who are prisoners of war. We should endeavor to secure international supervision to insure the safety of the Asian people.

We urge that the military budget be reduced drastically. Although not opposed to continued research, we urge a suspension in deployment of A.B.M. and M.I.R.V. systems; a further cutback in military assistance and troop commitments to other nations, and a planned conversion of defense industries to civilian needs. There should be simultaneous emphasis on arms limitations talks and diplomatic negotiations for peace.

RESOLUTION NO. 12 OF SOUTH DAKOTA STATE DEMOCRATIC CONVENTION, MITCHELL, S. DAK., JULY 17, 1970

Whereas, the South Dakota Democratic Party takes notice of the reasons which prompted this nation's active military involvement in substantial force in Viet Nam and Southeast Asia,

Whereas, the war in Southeast Asia has cost thousands of American lives, billions in tax dollars, and has eroded our national spirit and divided our people in a way not seen in this country since the Civil War,

Whereas, without commenting directly on the validity and rationale of those decisions it is now clear that the war has been unnecessarily prolonged, and

Whereas, we acknowledge the effort to reassert the constitutional responsibility of the Congress in policy matters of this kind and affirm the need for presidential flexibility within this constitutional responsibility to defend our nation. We commend those thoughtful members of both political parties who have directed and inspired these meaningful Congressional efforts.

Now, therefore be it resolved, that the South Dakota Democratic Party endorses and supports the position of the National Democratic Policy Council. Text of position statement:

II. INTERNATIONAL AFFAIRS

Despite the Administration's claims of progress, Vietnam remains our most urgent overseas problem and our most divisive and bitter domestic one. Our national interests require that the war in Vietnam be brought to a close at the earliest practical moment. The loss of life, the division of resources from critical domestic needs, and the disunity of our country must be ended.

The withdrawal of some U.S. troops is a desirable first step and we support this decision. But future U.S. decisions, affecting American lives and resources, should not be dependent upon either North Vietnamese or South Vietnamese actions. Our schedule of withdrawal should not be dependent upon the progress of the Paris peace talks, the level of violence, or the progress of so-called Vietnamization. It should depend primarily upon the interests and policy of the United States. That interest and that policy require a firm and unequivocal commitment to the American people that all U.S. forces will be withdrawn from Vietnam in accordance with a definite schedule. We see no reason why this withdrawal should not be completed within eighteen months. Such a withdrawal can be accelerated by efforts to create the conditions necessary for a peaceful political settlement.

THE 1970 WASHINGTON STATE DEMOCRATIC PLATFORM

I. BUILDING FOR WORLD PEACE

1. We urge removal of all U.S. Troops—combat, support and advisory—from Vietnam and elsewhere in Indochina in keeping with the terms of the McGovern-Hatfield Senate Amendment #609, which says, among other things, that unless the Congress shall have declared war, no funds shall be expended in Vietnam after December 31, 1970, except as required for the safe and systematic withdrawal of all U.S. military personnel, and that the withdrawal of personnel shall be completed no later than June 30, 1971, unless Congress approves an additional period of time to insure the safety of personnel during the withdrawal process.

AMENDMENT TO END THE WAR—ASYLUM

Mr. McGOVERN. Mr. President, the amendment to end the war deals specifically with whatever fears remain about the possibility that there might be political reprisals in Vietnam following the withdrawal of U.S. forces.

Where this single issue is concerned, we propose a serious search, in combination with other nations, for asylum for South Vietnamese who might be endangered. The amendment leaves ample time for such efforts.

Some may find this plan unsatisfactory. I emphasize that it is no more than a suggestion, and an assurance that whatever funds are required will be available both before and after withdrawal. It supports any initiatives the President might want to make. He could pursue other means as well.

We cannot fail to note that this approach stands against a policy under which we are literally guaranteed that thousands of innocent South Vietnamese will be slaughtered. Hundreds of thousands will suffer grievous injury. The decimation of the Vietnamese countryside by bombs and defoliants will continue. Still more will be added to the millions of Vietnamese refugees whose homes and villages have been wiped out.

If we are concerned about a bloodbath, the choice between our amendment and the President's program could not be more obvious.

Mr. President, two Washington attorneys, Charles Hill and Frank Lloyd, have prepared for the benefit of the Congress a two-part study which carefully examines the so-called bloodbath theory and then amplifies on the steps which might be taken to arrange asylum. I commend this study to the attention of my colleagues, and I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the material

was ordered to be printed in the RECORD, as follows:

THE ADMINISTRATION'S "BLOODBATH" SPECTER: A REBUTTAL AND PROGRAM FOR PREVENTION

(By Charles E. Hill [1] and Frank W. Lloyd, III [2])

Over the past year, the Nixon Administration has constructed and evaluated to the forefront of its arguments in support of the existing Vietnam policy the contention that withdrawal of United States forces under a specified timetable would result in a "bloodbath" of Vietnamese citizens, both officials and civilians, by Viet Cong and North Vietnamese forces. Most recently, Vice President Agnew raised the "bloodbath" spectre in an August 17 speech to the Veterans of Foreign Wars Convention in Miami Beach, stating that withdrawal of United States forces would result in the "collapse of the Government, chaos in the country—ultimately the kind of Communism that literally decimated the civilian population of Hue in the Tet offensive".

In support of its predictions, the Administration has consistently cited two recent studies—one by a government employee, the other by a consultant under government contract—dealing with the subject of Viet Cong "repression". These are "The Viet Cong Strategy of Terror" (1970), by Douglas Pike, a USIA employee, and "Viet Cong Repression and its Implications for the Future" (1970), a report prepared for the Advanced Research Projects Agency by Stephen T. Hosmer of the Rand Corporation.

The purpose of this paper is twofold: first, to detail arguments in rebuttal to the Administration's contention that a "bloodbath" is inevitable, and, secondly, to set forth in detail those measures and relevant past experiences which might be drawn upon, to the extent necessary, to prevent a "bloodbath" if the Administration truly believes that this spectre can become a reality. Since many authors have dealt at length with the first point, the primary focus of this paper will be on the issue the Administration has as yet refused to deal with—the nature of those provisions and institutions relevant and necessary to insure Vietnamese asylum and resettlement, in this country or abroad.

I. REBUTTAL TO THE "BLOODBATH" ARGUMENT

Detailed rebuttal to the Administration's "bloodbath" argument and a critique of the basic studies on which it is founded is contained in D. Gareth Porter and Len E. Ackland's "Viet Nam: The Bloodbath Argument", *Christian Century* (November 5, 1969), and Charles P. Shirkey's "Vietnamese War Casualties and Implications for U.S. Policy", published by the Congress of Young Professionals for Political Action, as well as several other articles cited below. Rather than reconstruct in detail the arguments made in these articles, this part will only provide a brief summary and citations to those resources. This section will first analyze the historical events and sources relied upon by the Administration to support its thesis; it will then summarize the positive arguments that have been advanced by various commentators to rebut this position.

Analogy to Events in North Vietnam from 1954 to 1957. The Administration has relied heavily upon the alleged assassination of 50,000 persons in North Vietnam, as well as the imprisonment and later death of "hundreds of thousands" of others, in retaliation for their pre-1954 activities and in the course of Hanoi's consolidation of power, to support its argument. To the contrary, however, it appears that it was the Diem regime that in fact indulged most heavily in acts of political reprisal in the post-1954 era, while the Hanoi Government acted with great restraint in this regard. As pointed out in articles by George McT. Kahin [3] and Thomas Wicker,[4] only 19 complaints were lodged with the International Control Commission against North Vietnam during the period 1954–56, while more than 200 complaints were filed against the Diem regime. Furthermore, while the ICC found no difficulty in investigating complaints in the North, it was consistently obstructed in the South. In early 1957 it was barred by Diem from further efforts to pursue allegations, involving over 1000 incidents, against his regime. In addition, it is well documented that between 1954 and 1960 over 48,000 alleged Communists were arrested in South Vietnam, many of whom doubtless perished during their imprisonment.[5]

The Administration also has made constant reference to the large number of Catholics in the South, many of whom left the North in 1954, and has clearly inferred that Catholics would be placed in particular jeopardy by a United States military withdrawal. As has been pointed out by Clark Clifford [6] and Tran Van Dinh,[7] only about half the Catholics in North Vietnam moved south and those remaining experienced no particular discriminatory treatment, much less reprisals, at the hands of the Hanoi Government. There are presently approximately an equal number of Catholics in the North and the South, and Catholics hold prominent positions in the National Liberation Front.[8]

Deaths in Connection With the Land Reform Program and Consequent Peasant Revolt. The deaths in North Vietnam during the period from 1954 to 1957, to which the Administration has alluded, actually took place in connection with Hanoi's efforts to mobilize the local peasantry and redistribute to peasants land held by landowners, not as planned reprisal for pre-1954 activities nor to eliminate potential opposition and consolidate control. Most reliable sources place the number killed at 10,000 to 15,000, although some sources claim as high as 50,000 deaths. There is no reliable source that supports President Nixon's contention that, in addition to some 50,000 individuals killed directly, hundreds of thousands" of persons died in work camps.[9] More importantly, many of the excesses committed appear to have resulted from the free reign given to peasants and local cadres during the period and, by mid-1956, Ho Chi Minh apparently recognized the mistake that was being made, halted the program and took corrective action.[10] Richard Barnet reports that officials in Hanoi seem fully cognizant of the damage that was done and are resolved not to repeat this experience in the South.[11] Finally, D. Gareth Porter maintains that the North Vietnamese land reform program was in large part a response to the pressure on the land posed by a sizable landless population and that this underlying pressure does not exist in the South.[12]

Col. Tran Van Dac's Estimate. Pike refers to the assessment by Col. Tran Van Dac, the highest-ranking Communist defector, that three million South Vietnamese are on the Communist "blood-debt list." As has been pointed out by numerous commentators, this comment was made after the "blood-bath" argument was elevated to a prominent position by the Administration and is completely inconsistent with Col. Dac's detailed statement made a year earlier that individuals on such lists would be imprisoned, sent to concentration camps for re-education, or simply "carefully watched." [13]

Analogy to Hue. Pike's prediction that a major "bloodbath" would follow a "decisive" Communist takeover in South Vietnam is based upon his assessment of events at Hue during the Tet offensive. Initially, it should be pointed out that Pike's reconstruction of events (*i.e.*, that a small percentage of the blacklist killings took place during the initial occupation stage, that roughly 2,000 individuals were killed during the second phase of the occupation when Communists embarked upon an effort at consolidation and "social reconstruction", and that the bulk of the individuals—over 3,000—were killed during the withdrawal stage in an effort to eliminate witnesses who could prevent the Viet Cong structure from again going underground) [14] is directly refuted by Stephen Hosmer, author of the RAND study. Hosmer not only found the Communist activity at Hue (which he estimated resulted in roughly 3,000 deaths as opposed to Pike's more than 5,000) inconsistent with the normal application of terror by the Viet Cong, but estimated that the bulk of the deaths probably resulted from action taken by Communist soldiers, rather than political cadres. He assumes the likelihood of a general breakdown in discipline under the strain of battle and also relies upon a document that indicates that many of the deaths may have resulted from the difficulty in handling POW's in the intensified fighting and under the pressures of gradual withdrawal.[15] In addition to the general objection that Pike's reconstruction is lacking in essential documentation (as opposed to the generally high level of documentation in the Hosmer report), if not also in reasoned analysis, it has been argued by many commentators that the bulk of the deaths appear to have taken place during the midst of the intense fighting after the assault on the Citadel and that most of the bodies identified are those of soldiers and police.[16]

Pike and Hosmer Reports in General.[17] Several additional points should be made in regard to these two reports. Pike states, as a qualification to his prediction of a post-withdrawal "bloodbath", that it applies if the Communists "win *decisively* (and the key word is decisively) . . ." As has been pointed out by Charles Shirkey (*supra* at 8) a United States withdrawal would leave a South Vietnamese military force of over 1,250,000 men to face a combined North Vietnamese and Viet Cong force of little more than 200,000. Unless the Administration's Vietnamization program is a clear hoax, bearing no hope of success, it would appear that a "decisive" Communist victory should not come about. Furthermore, Pike maintains that the largest number of deaths at Hue were brought about during the Communist efforts to eliminate potential witnesses to the Viet Cong underground network. There would, of course, be no such incentive in the event of a Communist takeover, thus extrapolation based upon Pike's 5,000 death figure is wholly inappropriate.

The Hosmer study itself provides compelling arguments undercutting the Administration's "bloodbath" spectre. Hosmer (p. 36) stresses the restraint which the Communists have heretofore exercised in the use of physical "repression", stating:

"It may be said, then that the Communists have tended to view repression as a flexible instrument to be applied in accordance with the political requirements of a particular area at a particular time. They have also been sensitive to the political dangers inherent in the misuse of this instrument, particularly to the possible loss of popular support, and have therefore attempted to keep it under firm control."

And in assessing the likelihood of "repression" following a Communist takeover, Hosmer (p. 176) is careful to point out that "any discussion of possible Communist behavior under such circumstances *must obviously be considered highly speculative. . . .*"

Furthermore, Hosmer recognizes that the manner in which the Communists come to power will have a very real effect upon the extent of "repression". He reserves his gloomiest prediction for the situation in which a Communist takeover is the result of a long series of general offensives and uprisings. But this really says little more than that a con-

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tinuation and intensification of the existing struggle in South Vietnam will be accompanied by a large number of deaths, in part through continued Communist tactics of repression.

Hosmer does, however, recognize that a Communist assumption of control through political arrangements such as the gradual subversion of a coalition government, would entail a greatly reduced likelihood of widespread violence. He thus recognizes that, under such circumstances, there would be considerable incentive to restrict the use of terror and to increase reliance upon persuasion. Hosmer further details reasons why the Communists might show particular restraint in the use of "repression" upon assuming power, in light of the "important change of context" which would have occurred.[18] He thus details the need to forge a degree of unity and to mobilize support in a divided society, as well as the need to draw upon the technical skills of former servants to the old regime. Hosmer further stresses the significant impact which international scrutiny of post-takeover events might have.

Despite such compelling arguments to the contrary, however, Hosmer ends by simply citing the possible temptation to purge "hard core" supporters of the present regime, the quest for consolidation of control and the possible need to "warn" potential reactionaries and then moves inexplicably to an estimate of the likely extent of an ensuing bloodbath: "one can only guess at what the *minimum* would be, but, given the size of the target categories involved, this author finds it difficult that the number would be much less than 100,000." [19]

Unlikelihood of a Precipitous Communist Takeover. As indicated above, Pike himself premises his pessimistic assessment upon the existence of a "decisive" takeover and Hosmer specifically recognizes the likelihood that a Communist takeover evolving from political maneuvers within the country would reduce the likelihood of extensive "repression." The overwhelming numerical superiority of the South Vietnamese forces has been detailed above. Senator Kennedy has stressed the fact that the non-Communist groups in South Vietnam are well-organized and well-armed.[20] It is assumed that the Administration's "Vietnamization" program will continue to the final withdrawal of American troops, and that military assistance to the Saigon regime will continue even after withdrawal.

If the Administration's recent statements about the success of Vietnamization are to be believed, there would appear to be no significant danger of an immediate Communist victory. Conditions thus appear ripe for those evolutionary developments which even Administration-cited commentators admit would lead to a greatly reduced likelihood of Communist repression.[21] If anything, our failure to withdraw troops from Vietnam is impeding the evolutionary process toward a negotiated settlement with compromise on both sides, while maintaining the high level of the existing "bloodbath."

Nature of Vietnamese Society and the Need for Reconciliation and Accommodation. Many commentators have noted the highly complex and multi-faceted nature of Vietnamese society, which includes such religious factions as the Cao Dai and Hoa Hao and the various Catholic and Buddhist sects, as well as numerous other political parties, clan associations, ethnic groupings and secret societies.[22] The Viet Cong itself essentially reflects or at least contains representatives of South Vietnam's diverse elements.[23] Even Pike, in suggesting that postwar Vietnam could resemble a federation of regional groupings like Switzerland, appears to recognize the pluralistic nature of Vietnamese society.

These factors represent compelling reasons for the Communists to utilize restraint, both in the process of seeking power after a United States withdrawal and in the process of consolidating that power in the event of a takeover. Hosmer, as noted above, recognizes the pressure upon a Communist regime to take positive steps to forge a sense of national unity in so highly fragmented a society and to bind the societal wounds inflicted through over 25 years of constant warfare. Several commentators have argued in detail that the Viet Cong and North Vietnamese leadership realize that the need for national reconciliation will dictate strict limits on the use of repression and a gradual approach to alteration of Vietnamese society.[24] These points alone indicate that a major bloodbath in Vietnam is unlikely, even if specific efforts are not made to safeguard against such an eventuality.

Treaty Guaranties and International Surveillance. Asylum, resettlement, and related programs to eliminate the possibility of a bloodbath are the subject of detailed analysis in Part II of this paper. There are also, however, detailed provisions that can be included in a negotiated settlement to provide guaranties against political reprisals. Both the 1954 Geneva Agreements on Vietnam and the Evian Ceasefire Accords that concluded the Algerian War provided for freedom of movement out of the territory touched by the war and guaranties against reprisals for political acts committed prior to the cessation of hostilities. Such settlements can serve as valid precedents for a negotiated agreement between the Viet Cong and this or a less intractable Saigon government.

Further, the official Viet Cong program specifically disavows postwar reprisals and endorses the concept of amnesty provided for in the 1954 Geneva Agreements. Several commentators have reported indications from Viet Cong officials that they will accept external safeguards, such as a continued international presence and investigation of alleged reprisals on the lines of the former International Control Commission, to insure that reprisals will not take place.[25]

Continuation of the Present Bloodbath. Any discussion of a potential bloodbath in Vietnam at some future date is meaningless unless seen in the context of the existing bloodbath occurring in Vietnam today. It is difficult to distinguish between death at the hands of a Viet Cong assassin or a People's Court and death resulting from napalm burns or fragments of anti-personnel weapons. As pointed out in a recent column by Frank Mankiewicz and Tom Braden, American weaponry is killing more Vietnamese civilians in one year than the Administration claims the Viet Cong have assassinated since the war began.[26]

Official United States and South Vietnamese Government figures conservatively estimate civilian deaths at about 300,000 up to December 31, 1969, or a minimum of 50,000 to 60,000 per year. Only about 10% of this figure appears to be the result of Communist assassination and executions.[27] These figures do not include the countless Vietnamese civilians maimed during the course of this war, who will carry its scars throughout their lives. Nor do these figures include civilian deaths in Laos from United States saturation bombings, nor in Cambodia which has only recently been the scene of extensive U.S. artillery and bombing. And, of course, these figures make no note of the fatalities among combatants, estimated at over 600,000 to date.

This fact alone, even without the clear evidence that the "bloodbath" spectre may well be without substance, should lead us to the choice of withdrawal. This is even more the case since, as outlined in the following section, adequate provision can be made, even without negotiations with the Viet Cong or North Vietnamese, for sanctuary and resettlement for all those who might be threatened by reprisals.

II. DEALING WITH A POTENTIAL BLOODBATH—ASYLUM AND RESETTLEMENT OF THREATENED SOUTH VIETNAMESE

Even should the Administration's position—that programmed withdrawal within the guidelines of the End the War Amendment would offer significant potential for a "bloodbath"—contain some element of truth (or should the Administration's actions create a self-fulfilling prophecy), there is no reason for these fears to become a reality.

There are numerous measures, drawing upon existing legislation and institutional facilities as well as upon past actions under analogous situations, that can readily be taken to avoid realization of the Administration's predictions. Part II of this paper will detail procedures and institutions which might be used to assure asylum and resettlement, both inside and outside the United States, for any potential victims of Vietcong or North Vietnamese reprisals.

A. The legislative framework for providing asylum to political refugees in the United States

1. *Basic Immigration Legislation.* In 1965, the long-standing system under the Immigration and Nationality Act of allocating specific immigration quotas to individual countries was replaced by a scheme providing for an overall limit upon annual immigration to the United States, with preference accorded to individuals meeting certain relationship and skill qualifications. (8 U.S.C. §§ 1151–1156). Thus, Sections 1151(a) and 1152(a) provide that the number of aliens who may be issued immigrant visas or otherwise lawfully admitted to the United States under a permanent resident or "conditional entry" (as defined in subpart 2 below) status shall not, in any fiscal year, exceed a total of 170,000,[28] and no more than 20,000 individuals from any single foreign state may enter in any fiscal year.

Subparts (1)–(5) of Section 1153(a) establish priority, with numerical limits, for specified categories of individuals related by blood or marriage to United States citizens or individuals already admitted for permanent residence in the United States, and to immigrants who are members of the professions or whose exceptional ability in the sciences or the arts may offer substantial benefit to the United States economy, cultural interests or welfare. Subpart (6), the sixth preference category, provides that up to 10 percent of the annual quota may consist of individuals capable of performing specified skilled or unskilled labor "for which a shortage of employable and willing persons exists in the United States."

The blood and marriage relationship categories will not offer an immediate avenue for any significant number of individuals who might be threatened by Communist retaliation in South Vietnam. Upon entry of a South Vietnamese citizen under one of the other categories, however, his spouse and unmarried children would qualify under subpart (2) for preferential immigration status.

A significant number of Vietnamese refugees, however, might be accorded preferential treatment under subpart (3), providing entry for individuals skilled in the professions, science or the arts. The term "profession" is defined in Section 1101(a)(32) to "include but not be limited to architects, engineers, lawyers, physicians, surgeons, and teachers in elementary or secondary schools, colleges, academies or seminaries", and has been extended to include such activities as accounting and business administration. A caveat apparently requires all such applicants to display educational qualifications, or a combination of education and work experience, essentially equivalent to that obtained by United States residents entering

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the same profession.[29] While no detailed skill breakdown has so far been supplied regarding individuals deemed to be on a Communist "blacklist", Hosmer, in the RAND study (pp. 184–186), lists the following categories of South Vietnamese as most in danger of Communist retaliation in the event of a takeover: (a) Viet Cong defectors (particularly persons actively cooperating with the Government of South Vietnam); (b) intelligence and counter-intelligence personnel (from top level personnel to hamlet level officials); (c) national police and other security personnel; (d) government officials (particularly senior officials in the central government and middle level province and district officials); (e) military commissioned and non-commissioned officers; and (f) leading members of political organizations actively opposed to the Viet Cong program.

These groups should contain a relatively large number of persons qualifying as "professionals" under subpart (3). Under the Administration's more pessimistic estimate, their numbers would be augmented by strictly private professionals who, it would be argued, are endangered simply because of their economic class. Furthermore, past experience with Hungarian and Cuban refugee indicates that refugees fleeing a Communist regime contain a significant percentage of professionals. (See Section B below). A major shortcoming of subpart (3), however, is its annual numerical limit of 17,000 immigrants.[30] This has resulted in a waiting list covering roughly two years, although the list apparently contains many applicants from countries which readily fulfill their annual 20,000 person limit, thus the interim period during which a professional seeking to immigrate would have to remain in South Vietnam or in another asylum country would not extend for this entire period.[31]

Subpart (6), which provides for the entry of immigrants capable of performing "skilled" or "unskilled" labor, offers another significant potential route for Vietnamese refugees. Many of those individuals within the Rand study categories should exhibit varied skills allowing entry under this subpart.

Section 1182(a)(14) provides, as a prerequisite for granting a visa under this category, that the Secretary of Labor must certify to the Secretary of State and the Attorney General that there are insufficient workers in the United States "able, willing, qualified, and available" at the time of application and at the applicant's destination to perform the skilled or unskilled labor in question and that the applicant's employment would not "adversely affect the wages and working conditions" of similarly employed United States workers. The certification procedure itself is apparently not a major roadblock, since the full 17,000 visas under this section are allocated each year. There is, however, a waiting list under this category, presently extending back to November, 1969 applicants.[32] Again, this would at most necessitate a waiting period in an initial asylum country of up to ten months abroad, in the absence of special remedial measures.

Subpart (8) of Section 1153 provides that, to the extent that the annual quota is not filled through applications under preference categories (including the specific refugee category mentioned below), visas shall be made available to qualified immigrants "strictly in the chronological order in which they qualify." Due to regular failure to fulfill the allotments for relatives, about 30,000 visas are annually available to non-preference applicants. The waiting list for this group extends from September 1969[33] and, while applicants must also meet the labor certification requirements mentioned above, these appear to be applied less rigorously to non-preference applicants.

In summary, although there are difficulties in assessing the availability of visas under the first six preference categories without more specific information on skill levels of potential refugees, the benefit potential refugees can derive from such categories might be substantial. Particularly in light of the annual availability of roughly 30,000 non-preference visas (waiting list problems aside), these categories might well provide visas for up to half of the annual maximum quota of 20,000 Vietnamese admissible under the basic immigration legislation. And, of course, these categories could be drawn upon year after year to bring in refugees from a country of first asylum.

2. *Special Provision for Political Refugees.* The immigration laws provide two specific entry routes for the political refugee: (1) as a "conditional entrant" through the preference system described above and (2) as a "parolee" pursuant to discretionary powers granted to the Attorney General.

Conditional entry. As the seventh preference category, Section 1153(a)(7) provides that "conditional entry" may be granted to refugees not exceeding 6% of the annual maximum figure (i.e., 10,200 persons). "Refugees" are defined as individuals who, because of persecution or fear of persecution because of race, religion, or political opinion, have filed from a Communist or Communist-dominated country or area (or from the general area of the Middle East) and who are "unable or unwilling to return to such country or area on account of race, religion, or political opinion. . . ." Also included within this category are individuals uprooted by national calamities and unable to return to their prior homes.[34]

The regulations (8 CFR § 235.9(a)) set forth countries from which application for conditional entry status may be made. Lebanon is the listed country closest to Vietnam, but an appropriate amendment could quickly remedy this situation. The regulations (§ 235.9(c)) also require assurances of employment and housing, as well as transportation to the new residence, as prerequisites to granting conditional entry status. Appropriate government programs would surely make adequate provision for these assurances but, to the extent necessary, exceptions to these requirements could be provided through amended regulations.

The annual 10,200 quota was apparently exhausted by the mid-point of the fiscal year ending in June, due to the large number of refugees fleeing Czechoslovakia in the last two years. From 1966 to 1969, however, roughly 3,000 places under this category were left vacant annually. The camps from which Czech refugees have been immigrating are now relatively empty, indicating the likely return to pre-1969 conditions for conditional entry applicants.[35] The requirement imposed by Section 1153(c), that applicants within each category be taken in the order of their application, applies only to the first six preference categories, thus authorizing granting of conditional entry to areas of greatest need or impact upon national interest.

Parole. While the 1965 amendments to the immigration laws added for the first time *specific* provision for the admission of refugees, the Attorney General has since at least 1952 had the power to grant special dispensation to individuals in emergency situations. Section 1182(d)(5) provides that the Attorney General may, in his discretion, "parole into the United States temporarily under such conditions as he may prescribe for *emergent reasons or for reasons deemed strictly in the public interest* any alien applying for admission to the United States. . . ." (Emphasis added).[36] The "bloodbath" that the Administration fears may occur in Vietnam certainly constitutes an emergency and providing specific dispensation to endangered South Vietnamese citizens must be deemed action "in the public interest."

The power to parole refugees under Section 1182(d)(5) has been exercised on numerous occasions. Following the 1956–57 Hungarian Revolution over 30,000 Hungarian refugees were admitted into the United States, 15,000 of whom were paroled by the Attorney General upon request of the President.[37] Between 1962 and 1965, over 15,000 Chinese refugees were paroled into the United States.[38] And a significant percentage of the half million Cuban refugees admitted to this country since 1959 likewise came through the parole process.[39] Finally, the Attorney General has apparently made recent use of this power to allow the entry of 1,500 Polish and Czechoslovakian refugees per month during the first six months of 1970. Such action was apparently taken, at least in part, because of the exhaustion of the conditional entry quota for the fiscal year ending in June, 1970.[40]

Thus, even without reference to the six preference categories mentioned above, existing provision for annual admission of over 10,000 refugees and purovides an additional mechanism whereby the Attorney General may authorize admission of whatever number he deems necessary under emergency conditions or in light of his assessment of the public interest. While the conditional entry provisions apply to political refugees from all Communist-controlled areas and the Middle East, as well as refugees from natural calamities, surely priority (if necessary), in light of our past commitment to South Vietnam, would be granted to individuals fleeing Communist persecution there. Further the 10,200 conditional entrant quota is an annually recurring means for bringing refugees into this country, thus allowing gradual assimilation of refugees from various countries of first asylum.

3. *Ad Hoc Legislative Solutions.* Should the need arise for more decisive and immediate action than can be provided under existing legislation, or should the Administration be reluctant to utilize existing procedures without a further Congressional mandate, an *ad hoc* legislative solution could be sought. At an earlier point in the history of our immigration laws, before the development of the specific refugee provisions, such *ad hoc* solutions were utilized to deal with all refugee emergencies. These should provide valid precedents for any future legislative steps. The Displaced Persons Act of 1948 (62 Stat. 1009) authorized granting political refugees up to 202,000 visas, without regard to national quotas then in effect. This Act was apparently amended two years later to allow an additional 39,000 political refugee visas. In 1953, Congress passed the Refugee Relief Act of 1953 (71 Stat. 639) which provided for 205,000 visas, again without regard to existing quotas. These two Acts, as well as the Refugee-Escapee Act of 1957 (71 Stat. 639), also made special provision for the adjustment of status to that of permanent resident for a specified percentage of refugees admitted under their terms or pursuant to other provisions.

4. *Summary.* In conclusion, in the event of threatened Communist retaliation in the wake of United States withdrawal from South Vietnam, specific provisions in our immigration laws covering political refugees would allow admission of roughly 10,000 immigrants annually. In conjunction with those individuals qualifying under the profession, skill and relationship preference categories, any likely flow of political refugees from South Vietnam should be able to fill that country's 20,000 annual limit.

To the extent that this figure, which is available each year, is inadequate, the Attorney General has the power to authorize temporary "parole" into this country of additional South Vietnamese that he deems to be under threat of political reprisal. Ample precedent also exists for the development of a legislative solution specifically tailored to meet any extraordinary refugee problems, be-

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yond the scope of the above provisions, that might arise.

B. Past U.S. refugee asylum and resettlement efforts

Humanitarian assistance to refugees has been a basic tenet of United States policy throughout its history. The United States is, in fact, in large measure a "nation of refugees" from various European persecutions and conflicts during the 17th, 18th and 19th Centuries. Likewise, in this century, particularly in the post-World War II period, the United States has made major efforts to resettle refugees arriving in this country, and has provided substantial assistance to many more who have fled to other nations.

At the outset, it should be noted that many of our recent refugee assistance efforts, particularly for Asian refugees, have not had as a primary component a substantial refugee influx into the United States. For instance, our aid program for the 60,000 Tibetans who left their country after the 1960 Chinese takeover consisted principally of more than $2 million in aid for emergency relief and resettlement in India and Nepal, in addition to substantial quantities of surplus food commodities provided under Public Law 480. Few Tibetans came to the United States, most remaining in the Asian countries of first asylum.

Likewise, our on-going Far East Refugee Program, begun in 1954, which assists Chinese refugees in Hong Kong and Macao, emphasizes resettlement efforts in the country of first asylum or other Asian countries rather than emigration to the United States. While 15,000 Chinese refugees were brought to this country from 1962–65 under a special parole program, this represents only a tiny portion of the Chinese refugees assisted under this program. Nearly $15 million has been expended on this program, primarily through contracts with voluntary agencies, plus vast quantities of surplus foods valued at over $50 million.

The general statutory authority for United States assistance to refugee groups in other asylum countries is contained in the Migration and Refugee Assistance Act of 1962, 22 U.S.C. § 2601–05. Section 2601(b)(2) authorizes appropriations as necessary "for assistance to or in behalf of refugees designated by the President . . . when the President determines that such assistance will contribute to the defense, or to the security, or to the foreign policy interests of the United States." Besides regular appropriations under this Section, Section 2601(c) provides for up to $10 million to be transferred from annual foreign aid appropriations for this or other refugee assistance purposes specified under the Act when the President "determines it to be important to the national interest . . . in order to meet unexpected urgent refugee and emigration needs." A large-scale aid program to Vietnamese refugees who had gained asylum in other countries would certainly "contribute . . . to the foreign policy interests of the United States," and the $10 million contingency fund could be tapped under presidential order for this effort.

Means of insuring the existence of other willing asylum nations and of coordinating international humanitarian resources to assist in handling a potential Vietnamese refugee problem will be discussed in the next section. Since the majority of educated Vietnamese have a French-oriented background, it is unlikely that most would choose the United States if they were allowed to emigrate to France, where a substantial colony (10–15,000) of Vietnamese already live. Others might well prefer to live in other European or Asian countries. Even assuming, however, that all Vietnamese refugees would choose or would be forced, because of lack of international cooperation, to utilize the United States as their asylum country, the resources and capability to accomplish this are not lacking. On two occasions in recent history—the Hungarian and Cuban crises—the United States has shown that it can absorb a large number of refugees during a short period of time, and can use present legislation or enact special legislation to facilitate this.

When Hungarians left their country in large numbers during the winter of 1956/57, President Eisenhower instituted an emergency parole program that called for transporting 21,500 refugees to the United States within a few weeks' time. Within five months over 32,000 refugees had reached the United States, virtually all penniless and few of whom could speak our language. At Camp Kilmer, New Jersey, a reception center was instituted where more than 20 voluntary and government agencies, coordinated by a special Presidential Committee, served these refugees. Job skills were ascertained, and matching job offers solicited throughout the United States.

Resettlement of virtually all the initial refugee wave of 32,000 was accomplished by May 1957, little more than five months after the crisis began. Resettlement was facilitated by the fact that over one-half of the employable refugees were professionals and skilled or semi-skilled workers. To insure satisfactory permanent assimilation of these refugees into American society, governors' and mayors' committees were instituted in resettlement states and communities to continue assistance efforts after the federal government's task was over.

Even in the Hungarian crisis, however, the United States was not the country of first asylum, since most Hungarian refugees had first migrated to Austria. The first occasion in recent history when we became the country of first asylum for a large refugee population came in 1959, when Cubans began to flee the Castro regime. By late 1960 the refugee flow had so increased that the federal government established a Cuban Refugee Emergency Center in Miami. In February 1961 a full-scale Cuban Refugee Program was formally instituted within the Department of HEW. The Migration and Refugee Assistance Act of 1962, referred to above, was largely a response to the Cuban refugee problem. Special provisions were included in this Act (Sections 2601(b) (3)–(6)) for assistance to Western Hemisphere refugees, including aid to state and local agencies providing welfare services, special health, education, and vocational (including professional) training programs, and payment of transportation and resettlement expenses.

By 1969 over a half million Cuban refugees had reached the United States, the vast majority of whom had been served in some form by this federal program. The total cost of the Cuban Refugee Program to this point was slightly over $400 million. Resettlement was handled primarily by four national voluntary agencies working under HEW contract—Catholic Relief Services, Church World Service, United HIAS Service and the International Rescue Committee—all experienced in resettling refugees in the United States.

Within the first three years of the program, over 70,000 of the approximately 169,000 refugees registered in Miami were resettled. Resettlement was accomplished in every state and several U.S. territories, and a few refugees were resettled in Latin America and European countries. These efforts are still continuing. Resettlement in other parts of the United States has apparently been quite successful, primarily because, like the Hungarians, the Cuban refugees were a fairly skilled group. About half of the employable refugees were professional, technical and managerial personnel, and only about 25 percent were unskilled and semiskilled workers.

In the highly unlikely event that (a) more than 100,000 South Vietnamese wish to seek asylum in the event of United States withdrawal and (b) the United States will not be able to make, through international diplomatic negotiations, provision for resettlement in other nations of a significant percentage of whatever number desire asylum, these experiences indicate that even a large-scale influx of destitute, non-English speaking refugees into the United States can be dealt with on a rational, humanitarian basis. In such a contingency, specific health, education, training, and resettlement programs on the model of those in the Cuban program could be authorized through amendment to the 1962 Migration and Refugee Assistance Act.

Although it is extremely unlikely that the potential Vietnamese refugee influx would ever reach the level of the half million Cubans already assimilated, the cost of the Cuban relief and resettlement program in its first seven years, even for this number of persons—$400,000,000—represents only an insignificant portion of our yearly Vietnam War expenditures. Using a highly conservative $12 billion estimate of the cost of the Vietnam War for the current fiscal year,[41] even a refugee program of this magnitude would cost less than two weeks of continuing the war. Our experience with accepting 32,000 Hungarians—possibly a more reasonable estimate of Vietnamese the United States might be called upon to take within our borders, even if the total seeking asylum were over 100,000—shows that a refugee population of this size, given substantial and concerted action from volunteer and government agencies, can be assimilated in far less time at a far smaller cost.

One unknown factor is whether the percentage of skilled refugees would be significantly smaller than the high percentage of skilled persons who emigrated from Hungary and Cuba. As previously noted, even according to the Rand Study quoted by the Vice-President as setting the potential "bloodbath" figure at over 100,000, those South Vietnamese most in danger of death or long imprisonment at the hands of a Communist regime are principally civilian government officials, military officers, national police, intelligence and counter-intelligence personnel, and officials and party members of South Vietnam's right-wing political parties.[42] (See Section A above.)

All of these groups tend to be among the better educated and skilled elements of Vietnamese society. Many from this strata of Vietnamese society, because they have been required to deal with United States military and civilian personnel during the long American presence in their country, have learned basic communication in our language. The list does not include the large rural peasant or unskilled or semiskilled urban worker Vietnamese classes of Vietnamese society, who would create the most difficult education, training and resettlement problems in the United States or other foreign countries. This is consistent with the experience in most Communist takeovers, where it is the upper classes—the beneficiaries of the supposed inequalities of the old order—who feel most threatened and thus leave the country.

The fact that these potential refugees are Asian should not be a deterrent to United States resettlement. Although there has never been a substantial Vietnamese community in this country, we have had substantial immigrations from other Asian countries in the past. Large Chinese, Japanese and Filipino populations, particularly in the far West, exist in this country at the present time. The 1960 Census found over 464,000 Japanese, 237,000 Chinese and 176,000 Filipinos living in the United States, as well as sizeable numbers of Koreans, Indonesians and Asian Indians. It is reasonable to as-

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sume that, on the basis of past increases, the 1970 Census will show well over a million persons of Asian descent in the United States.

One of the principal justifications for entering the Vietnam War was that we are an "Asian nation" as well as a Europe-oriented nation. If we sincerely believe this, we should not hesitate to accept a new Asian population influx that we are, at least technically, clearly capable of absorbing. The recent admission of 15,000 Chinese parolees—refugees from Hong Kong—illustrates that resettlement for new groups of Asian refugees in this country is feasible. The existence of a substantial Vietnamese colony in France shows that Vietnamese are equally capable of integrating into a Western culture.

Thus there is nothing in past history to indicate that the United States could not, utilizing existing and special legislation, deal unilaterally with a Vietnamese refugee problem of the magnitude envisioned by those who hypothesize a "bloodbath" in the event of United States withdrawal from South Vietnam. To the contrary, our experience indicates that such a refugee population could be absorbed at a cost insignificant in proportion to expenditures for continuing the war, if our resources and will are mobilized in the same manner in which we met the Hungarian and Cuban crises.[43]

C. The potential for multilateral assistance to Vietnamese refugees through international governmental and private agencies

In attempting to accommodate those South Vietnamese wishing to emigrate in the event of United States withdrawal or a Communist takeover, however, the United States is not limited to its own resources. Nor is it clearly necessary for the United States to resettle all or even the majority of these refugees within its own boundaries. Many international organizations whose resources are devoted exclusively or in part to assisting refugees throughout the world have the status to mobilize world-wide cooperation and multilateral aid for the emigration and resettlement of South Vietnamese refugees.

The principal coordinator of international refugee assistance is the United Nations High Commissioner for Refugees (UNHCR). This office, established by the UN General Assembly in 1950, succeeded the United Nations Relief and Rehabilitation Administration, which dealt with refugees and displaced persons during the Second World War, and the International Refugee Organization, which continued these efforts in the immediate postwar period. The High Commissioner's initial task was to promote international cooperation for the protection of refugees throughout the world and to attempt to obtain generous asylum policies on the part of present and potential host countries for refugees. In 1954, however, the General Assembly authorized the High Commissioner to go beyond this purely diplomatic role and to carry out direct assistance programs that tried to bring about permanent solutions—through repatriation or resettlement—to refugee problems.

The High Commissioner's program is administered by a 30-member committee that meets twice a year at Geneva, Switzerland, the High Commissioner's headquarters. A representative of the United States is a member of this committee. The United States has been a substantial annual contributor to the High Commissioner's activities, under the authority for such contributions contained in the 1962 Migration and Refugee Assistance Act (Section 2601(b)(1)).[44]

The High Commissioner's role is basically a coordinating rather than an operational one. His Office implements a specific area refugee program in close cooperation with other intergovernmental or voluntary service organizations as operational partners. These have included the Intergovernmental Committee for European Migration, the League of Red Cross Societies, religious voluntary agencies such as the Catholic Relief Services, World Council of Churches, Lutheran World Relief, and the American Friends Service Committee. The High Commissioner's Office also draws heavily upon the resources of other United Nations bodies such as the International Labor Organization (ILO), World Health Organization (WHO), Food and Agriculture Organization (FAO), and United Nations Development Program (UNDP).

The most important international organization that deals with refugee transportation, as opposed to the many organizations, such as the Red Cross and religious-based groups, that provide assistance once refugees have reached an asylum or resettlement country, is the Intergovernmental Committee for European Migration (ICEM). ICEM was established in Brussels in 1951 at a conference convened at the initiative of the United States. Its initial aim was to help solve European postwar population pressure and refugee problems by assisting emigration to less developed nations or other willing host countries. ICEM now has 31 member governments. Its Director is a United States citizen, John F. Thomas, the former Director of our Cuban Refugee Program. Contributions to its budget are voluntary, with the United States generally contributing approximately one-third of the total.[45]

From its inception until May, 1970, ICEM has moved over 1,700,000 persons, approximately half of them refugees.[46] The largest number of refugees have been accepted by the United States, with Australia and Latin America following. Although ICEM, as its name indicates, originally focused principally upon European emigration, in recent years it has begun assisting refugees in other parts of the world, including the Middle East, North Africa, and the Far East. Thus there seems no reason why it could not, if requested, undertake logistical planning for a possible large-scale Vietnamese emigration.

The High Commissioner's Office, with the aid of ICEM, the Red Cross, and other operational partners, has shown that it can deal effectively with refugee and asylum problems of the magnitude represented by the maximal projections of Vietnamese who would be threatened by a Communist takeover. It has also shown that its resources and those of its operational partners can be mobilized quickly to handle emergency situations.

The first major refugee crisis during which the Office acted as the general coordinator of relief operations came in the winter of 1956–57 when more than 200,000 Hungarian refugees crossed into Austria and Yugoslavia. Actual relief operations were carried out principally by UNHCR's operating partners, the League of Red Cross Societies and ICEM. The High Commissioner's Office collected $11.6 million from worldwide fund appeals, the League provided services and supplies worth approximately $30 million, and ICEM moved nearly 206,000 refugees during the oeration.[47] The United States cooperated fully in these relief efforts, as noted in the previous section. But this operation was not a unilateral but a worldwide resettlement effort, coordinated by international agencies. The United States accepted less than one-sixth of the total number of refugees.

The High Commissioner's Office also played a major role in solving the Algerian refugee crisis. Beginning in 1957, more than 200,000 Algerians crossed into Morocco and Tunisia. With the League of Red Cross Societies as its operational partner, the High Commissioner saw that food, shelter, and clothing were provided to these refugees. Following the Evian Ceasefire Accords of 1962, which specifically provided for refugee amnesty, the High Commissioner participated, along with the Algerian and French governments, in the tripartite commission that carried out their successful repatriation. Contributions from governmental and private sources to UNHCR and the League for this joint operation totaled over $22 million.

The majority of the High Commissioner's present resources are devoted to the substantial refugee problem in Africa, where, even prior to the Nigerian Civil War, the Office was providing some form of assistance to an estimated half million refugees created by national and tribal disputes.[48] The High Commissioner's activities in Africa have ranged from purely diplomatic efforts to encourage African nations to grant voluntary asylum and full civil rights to refugees to large-scale medical, shelter and other emergency relief efforts (with the Red Cross and other volunteer agencies) and long-range resettlement and development programs (with the United Nations Development Program).

The High Commissioner's Office also has a continuing concern with Asian refugee problems. One of its first direct assistance programs was undertaken to aid Chinese refugees in Hong Kong and Macao, a program which is still continuing. It also coordinates large-scale assistance efforts to aid the Tibetan refugees currently in India and Nepal. The United States, as previously noted, assists and supplements both these efforts.[49]

The High Commissioner's Office therefore seems uniquely suited to assist the United States in diplomatic negotiations with potential host nations for South Vietnamese refugees, and to coordinate international assistance, resettlement and redevelopment efforts in the event that a refugee emigration does occur. Although the High Commissioner's mandate would not technically extend to Vietnamese until they had actually left their country[50] his Office should legitimately be able to initiate planning for a potential future refugee problem. If objections were raised to these activities, the United States could seek a General Assembly resolution to cover this situation. Such special resolutions, calling on the High Commissioner to extend his "good offices" to assist governments in dealing with situations outside his technical mandate, have been given in the past. Although the initial responsibility for moving refugees out of Vietnam, to bring them within the High Commissioner's specific mandate, would lie primarily with the United States, it could call upon the ICEM, Red Cross, and other international agencies besides the High Commissioner to assist in providing transportation and initial aid until full United Nations cooperation could be activated.

The United States has cooperated fully in the past with the High Commissioner, ICEM, Red Cross and other voluntary agencies in dealing with the Hungarian, Tibetan, Algerian and other refugee situations on an international basis.

It recently did so again in the Czechoslovakian crisis. To date, however, the United States and South Vietnamese governments have apparently been unwilling to seriously attempt to marshal active international concern for the needs of Vietnamese already refugees within their own country or those who might become refugees in the event of a Communist takeover. Both governments apparently fear that requesting international planning for Vietnamese refugee efforts would allow opportunity for international debate of the justice of United States involvement in the war and the tactics used by both governments to carry it out that contribute to the high civilian mortality and displacement rate. Thus they have so far

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attempted to "go it alone" on refugee assistance.

If a large-scale "bloodbath" is seriously considered a probability, the United States and Saigon governments should immediately begin to mobilize the resources of the international community to meet this contingency, utilizing the same pattern of coordination between United Nations bodies, voluntary agencies, and UN member governments successfully used to deal with the Hungarian, Algerian, Tibetan, and other recent large-scale refugee emigrations. Efforts should begin immediately to encourage the High Commissioner's Office, ICEM, the League of Red Cross Societies, and other voluntary organizations to plan for such a Vietnamese emigration, with the assurance that if a bloodbath is actually threatened, they will be given a full partnership role in the effort to remove all who might be in danger. The French were willing to enter into such an international partnership with the High Commissioner to solve the Algerian refugee problem after a ceasefire was reached. We should be no less willing to commit ourselves to the solution of such problems through international means.

Even if the United States were unwilling to seek or unable to obtain broad-based international cooperation in planning for Vietnamese asylum and resettlement, it should at least seek to assure asylum in other nations through bilateral or multilateral discussions and treaty agreements. The first source of such agreements should be our "allies" in the Vietnam War—Thailand, the Phillipines, South Korea, Australia and New Zealand. Since we have been forced to underwrite the cost of troops from the first three nations, it is difficult to believe that they will offer asylum to Vietnamese without similar financial assistance from us. Supporting refugee asylum in these countries should, however, be far less expensive than the cost of continuing our support of their troops in Vietnam. Our other allies should be asked to support Vietnamese asylum without United States assistance. Australia, like the United States, has accepted large refugee emigrations—although predominantly European—in the past, and still has substantial underpopulated areas that could be used for resettlement and redevelopment. The United States should likewise begin immediate diplomatic discussions with France, which has already accepted a significant number of Vietnamese refugees, on its willingness to accept greater Vietnamese immigration in the future.

Those who sincerely believe that a "bloodbath" might occur should be the strongest supporters of immediate and serious diplomatic efforts to assure that no one nation will have to take upon itself the total burden of refugee asylum and resettlement. By emphasizing that the Vietnamese situation, whatever its causes and current political state, is now a worldwide humanitarian problem and by seeking international assistance to meet it, the United States can only realize long run gains. In the short term, the United States may by such actions open the war to greater international debate and criticism. But if it can effectively mobilize world opinion to accept the view that there is international responsibility for relocation of any South Vietnamese that might be threatened by a Communist takeover, the results will be worth the short-term risks.

The alternatives are less palatable. Leaving within South Vietnam those who believe their lives would be in danger after our withdrawal would cause much greater international criticism of the United States. Accepting all Vietnamese emigrants into the United States, although technically feasible, still is not the optimum solution. Many Vietnamese may prefer to live in an Asian or European environment, and that choice should be open to them. The final alternative, ignoring the problem and letting the war drag on, with its continuing "bloodbath" and substantial internal refugee problem, is the most unacceptable of all.[51]

D. Conclusion

We have attempted to show, in this section, that there is no lack of avenues through which any "bloodbath" possibility can be effectively foreclosed. In the final analysis, however, the solution to any potential bloodbath situation depends essentially upon the political will of this country's leaders. Devising and implementing appropriate mechanisms for asylum and resettlement, here and abroad, presents no insurmountable challenge. It surely calls for no more creativity and expenditure of time and energy than has so far been spent in the development of the "bloodbath" spectre by the Administration. To the extent that this Administration is truly concerned with the lives of the inhabitants of South Vietnam, it should direct its energies both to developing solutions along the lines advanced in this paper and to assuring the political commitment on the part of the American people necessary for their implementation. Indulging in speculative "bloodbath" rhetoric, while the actual bloodbath in Vietnam continues unbated, will only delay this process and make it more difficult to carry out effectively.

FOOTNOTES

[1] L.L.B. Harvard 1966.

[2] L.L.B. Harvard 1967.

[3] "Topics: History and the Bloodbath Theory in Viet Nam", *New York Times*, December 6, 1969.

[4] "In the Nation: Mr. Nixon's Scary Dreams", *New York Times*, May 12, 1970.

[5] See also, Porter and Ackland, *supra*, and George McT. Kahin and D. Gareth Porter, *The Administration's Bloodbath Argument*, Cornell University, July 1970.

[6] *Set a Date in Viet Nam, Stick to it, Get Out*, Life Magazine, May 22, 1970.

[7] *The Fate of "Our" Vietnamese after Withdrawal: Fear of a Bloodbath*, New Republic, December 6, 1969.

[8] For a more detailed rebuttal of the Administration's position on the Catholics, see Dinh, *supra*.

[9] Televised address, November 3, 1969.

[10] Porter and Kahin, *supra* at 4; Porter and Ackland, *supra*.

[11] Richard J. Barnet, *Hanoi's View*, contained in the Congressional Record, May 26, 1970.

[12] Letter of August 3, 1970 to Charles E. Hill.

[13] Shirkey, *supra* at 2. Shirkey also points out that South Vietnam contains only 4.4 million men between the ages of 15 and 40.

[14] Pike, *supra* at 54–59.

[15] Hosmer, *supra* at 76, 77.

[16] Porter and Kahin, *supra* at 7, and Ackland and Porter, *supra*. Despite Pike's own reconstruction of events, his figures indicate that 50% of the dead are "unknown or unidentified" while 30% were military or paramilitary personnel.

[17] For a general critique of these two reports, see Shirkey, *supra;* Porter, *supra;* Porter and Kahin, *supra;* and Porter and Ackland, *supra*.

[18] Hosmer, *supra* at 178. He fails, however, to give proper weight in his assessment to the elimination of a major reason detailed earlier in his study for Communist terror, *i.e.*, the undermining of confidence in the South Vietnam regime and the isolation of that Government from the people.

[19] Hosmer, *supra* at 186.

[20] 116 Cong. Rec. 7805 (daily ed. May 26, 1970).

[21] As Lee Gelb and Morton H. Halperin indicated in "Only A Timetable Can Extricate Nixon", *Washington Post*, May 24, 1970, the Administration's objection to a fixed timetable casts considerable doubt on its convictions regarding the success of its Vietnamization program, and in fact hints of an intention to maintain a continuous military presence in Vietnam.

[22] Stanley Karnow, "Specialists Doubt U.S. Pullout Would Lead to Slaughter", *Washington Post*, November 3, 1969; Barnet, *supra*.

[23] Karnow, *supra*, and Barnet, *supra*.

[24] Porter and Kahin, *supra* at 3; Barnet, *supra*.

[25] Barnet, *supra;* Dinh, *supra*.

[26] "Noncombatant Toll Already Exceeds Predictions of Vietnam Bloodbath", *Washington Post*, July 21, 1970. See confirming figures from the Senate Refugee Subcommittee, 115 Cong. Rec. S17509–10 (daily ed. Dec. 22, 1969).

[27] Mankiewicz and Braden, *supra;* Shirkey, *supra* at 5. Note particularly Charles Shirkey's projections of civilian casualties and deaths under certain factual assumptions.

[28] Immigrants from Western Hemisphere countries are not included in this overall quota, but are dealt with under a separate provision of the Immigration and Nationality Act.

[29] *Factora* v. *District Director of U.S. Immigration and Naturalization Service*, 292 F. Supp. 518 (C.D. Cal. 1968); *Guinto* v. *District Director of U.S. Immigration and Naturalization Service*, 303 F. Supp. 1094 (C.D. Cal. 1969).

[30] The certification requirements specified below in regard to skilled and unskilled labor apply equally to individuals seeking entry under the professional category, but should raise no difficulties for the latter group.

[31] Telephone conversation with Immigration Service officials, August 21, 1970. Of course, professionals could also seek entry through the other avenues detailed below.

[32] Telephone conversation with officials of the Immigration Service, August 21, 1970.

[33] Telephone conversation with Immigration Service officials, August 21, 1970.

[34] Persons entering the United States as "conditional entrants" are deemed "excludable" aliens, rather than permanent residents subject to deportation, and their status is thus not surrounded with as many due process safeguards as are accorded under a deportation hearing. A proviso in subpart (7), however, allows immigration visas not exceeding one-half of the 10,200 annual allotment of conditional entries to be granted to refugees who have been continuously present in the United States for two years. Visas granted under this proviso result in an equivalent decrease in the number of "conditional entries" available during the year in which they are made available. Section 1153(g) and the regulations in 8 CFR § 235.9(3) otherwise provide for inspection of conditional entrants two years after entry and authorize application for resident visa under conditions applicable to applicants outside the United States.

[35] Telephone conversation with Immigration Service officials, August 25, 1970, and 9 HCR Bull. 7 (Jan.–March, 1970).

[36] Admission through parole also leaves an immigrant in "excludable alien" status, explained above, and when the Attorney General determines that the purpose of parole has been served, he may be returned abroad for treatment in accordance with normal immigration procedures. Entry as a parolee is apparently not conditioned upon the job, housing, and transportation qualifications detailed above.

[37] See 103 Cong. Rec. 1355 (1957) and *Report by the President's Committee for Hungarian Refugee Relief*, May 14, 1957, 36 Dept. State Bull. 984–85 (1957).

[38] See Presidential Directive, May 23, 1962, 46 Dept. State Bull. 993 (1962) and A. E. Evans, "The Political Refugee in U.S. Immigration Law and Practice," 3 *The International Lawyer*, 204, 219 (1969). Parole of

Chinese refugees was apparently conducted under the provisions of the Fair Share Act of 1960 (74 Stat. 504) which specifically authorized the parole of political refugees. This specific coverage of political refugee parole was not carried over to the amended immigration scheme in 1965. While it might be argued that the elimination of this specific provision, in conjunction with the inclusion of a particular preference category for political refugees, constitutes a Congressional intent to restrict the Attorney General's powers to non-refugee parolees, it must be noted that this power had been used by the Attorney General to parole refugees prior to the passage of the Fair Share Act and, as indicated below, Attorney General Mitchell has resorted to this power during the first six months of 1970.

[39] Evans, *supra* at 219–220.

[40] Interview with staff members of the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees on July 13, 1970, and 9 HCR Bull. 7 (Jan.–March 1970).

[41] See testimony by former Budget Director Charles L. Schultze before the Senate Committee on Foreign Relations (April 29, 1970); press conference, Secretary of Defense Melvin Laird, July 27, 1970.

[42] The other category mentioned in the RAND Study—Viet Cong defectors—might range from highly skilled to unskilled, but this group should not comprise the largest percentage of refugees.

[43] Much of the information used in this section is contained in publications of the Senate Subcommittee to Investigate Problems Connected with Refugees and Escapees including *U.S. Assistance to Refugees Throughout the World*, 91st Cong., 1st Sess. (1969) and *Resettlement of Cuban Refugees*, 88th Cong., 2nd Sess. (1963), both committee prints. See also *Report of the President's Committee for Hungarian Relief* (May 14, 1957), 36 Dept. State Bull. 984–85 (1957).

[44] The High Commissioner's administrative budget is financed through the overall United Nations budget, but annual budgets for direct refugee assistance programs are separately financed through voluntary contributions from UN member governments at annual pledging conferences. Emergency programs are funded by specific appeals from the High Commissioner's Office. Seventy governments pledged contributions to the $5.8 million 1970 budget for direct assistance programs.

[45] These contributions, like those to the High Commissioner's work, are authorized by the 1962 Migration and Refugee Assistance Act (Section 2601(a)).

[46] The remainder were national migrants who wished to move from overpopulated Western European areas to underdeveloped and sparsely populated countries.

[47] Of the over 32,000 refugees accepted by the United States, approximately two-thirds came to this country by the United States Military Transport Services and one-third by ICEM.

[48] This figure includes sizeable groups of refugees from the Portugese African colonies, Rwanda, Sudan, Ethiopia, and the Congo.

[49] One of the world's most pressing refugee problems—that of the Palestinians—is omitted from the list of the High Commissioner's programs because it is handled exclusively by a separate UN body, the United Nations Relief and Works Agency for Palestine Refugees in the Near East (UNRWA). This important agency, established prior to the High Commissioner's Office, in 1949, continues to provide aid, education and vocational training to the 1,500,000 refugees created by two Arab-Israeli wars.

[50] Because the High Commissioner's mandate speaks of persons "outside their country of origin," it does not extend to persons displaced within their country by a civil war, such as the hundreds of thousands of refugees presently in Vietnam.

[51] Sources for this section include the following materials published by the High Commissioner's Office: *Background Paper on the Office of the United Nations High Commissioner for Refugees*, UN Doc. MHCR/48/66/Rev. 2 (1966); *Report of the High Commissioner for Refugees, Addendum*, 24 U.N. GAOR Supp. 12A, UN Doc. A/7612/Add. 1 (1969); *Refugees: 20 Questions and Answers* (1969); *The Red Cross and the Refugees* (1963); and the quarterly *HCR Bulletin*. The following ICEM-published materials were also used: *ICEM: Facts and Figures* (1970); *Review of Achievements* (1969); and *The Road to Freedom* (1969). See also, for current information on ICEM, *Hearings on Selective Migration Program for Latin America Operated by the ICEM Before the Subcommittee on Inter-American Affairs of the House Committee on Foreign Affairs*, 91st Cong., 2nd Sess. (1970).

ADJOURNMENT TO 8:30 A.M., MONDAY, AUGUST 31, 1970

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8:30 a.m. Monday next.

The motion was agreed to; and (at 5 o'clock and 19 minutes p.m.) the Senate adjourned until Monday, August 31, 1970, at 8:30 a.m.

CONFIRMATIONS

Executive nominations confirmed by the Senate August 28, 1970:

CORPORATION FOR PUBLIC BROADCASTING

The following-named persons to be members of the Board of Directors of the Corporation of Public Broadcasting for terms expiring March 26, 1976:

Frank E. Schooley, of Illinois.
John Hay Whitney, of New York.
Jack Wrather, of California.
Saul Haas, of Washington.
Thomas W. Moore, of Connecticut.

COMMUNICATIONS SATELLITE CORPORATION

Ralph A. Peterson, of California, to be a member of the board of directors of the Communications Satellite Corp. until the date of the annual meeting of the corporation in 1973.

EXTENSIONS OF REMARKS

THE FASTEST, CLEANEST FORM OF MASS TRANSPORTATION

HON. THOMAS M. PELLY

OF WASHINGTON

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. PELLY. Mr. Speaker, argument over the Federal Government's financial participation in the development of two prototypes of the supersonic transport is reaching hysterical proportions by those opposed to this project. And, as is generally the case when emotion is so prevalent, all too often little regard is given to the truth.

Continually, emotional arguments regarding effects the SST will have on our environment have been answered by scientists of the Boeing Co., the builder of the U.S. SST and from Federal officials, not the least of whom is the Secretary of Transportation. Yet, the same discredited distortions are offered under the apparent theory that if they are repeated often enough they will become fact.

Yet, the fact is that the SST will provide all Americans with the fastest, cleanest form of mass transportation ever developed. There is absolutely no proof that the SST will have an appreciable effect on the atmosphere. Its sonic boom will not be heard by those living in populated areas. It will present no radiation hazard to the average traveler.

As I said, Mr. Speaker, there is no proof that these detrimental effects to our environment will occur, but, of course, the total picture will be studied as prototype development continues. Certainly, no environmental harm can come from the production of two prototypes.

And, opponents force the issue to be raised again and again, but the contract with the manufacturer clearly states that the Federal money will be returned with the sales of the SST.

There have appeared three noteworthy articles in recent days on the subject of the SST. Two of them are columns from the Machinist newspaper, and the other appeared in Parade magazine. Lest it be forgotten that America is in competition with the British-French Concorde and the Russian TU–144, the clipping from Parade, and the aforementioned two from the Machinist, will appear at this point in the RECORD:

(NOTE.—Here is the text of the AFL–CIO Executive Council's statement on the need for a U.S. supersonic transport aircraft. The statement was adopted at the Executive Council's recent midsummer meeting in Chicago:)

The constantly increasing desire of the American people to travel by air requires the constant development of new and more productive aircraft. In the last seven years, airline travel has doubled. It is expected to triple again by 1980.

To accommodate more air travelers without adding to the congestion of the airlanes and airports, the aerospace industry must develop larger and faster airplanes.

Today, the USSR and the French and British are developing airliners that will fly at supersonic speeds on trans-oceanic flights. These nations, using government funds, have produced prototypes and are now well along in their testing programs.

READY TO PRODUCE

The American aerospace industry is ready to begin the production of two prototypes of its own supersonic transport. To make that production possible, government funds have been budgeted. The House of Representatives has voted $290,000,000; the Senate is scheduled to vote later this month.

Without an SST, the American aerospace industry will be unable to maintain its leadership in world aviation, losing most of the market for transoceanic airliners. That would mean a loss for the United States of its

principal manufactured export with an attendant loss of some twenty-two billion dollars in the U.S. balance of payments.

American aerospace workers will also lose sorely needed employment. Production of the two prototypes will provide work for 20,000 employees of the contractor—the Boeing Company—and its subcontractors.

In full production, the SST would provide directly an estimated 50,000 jobs in 40 states and indirectly at least 100,000 more in supporting activities.

EFFECT ON ENVIRONMENT

We recognize some of the reservations about the possible effect supersonic flight might have on the quality of the earth's environment. However, no environmental harm can come from the production of two prototypes. Two government councils have stated that on the basis of knowledge available today in the free world, there is no reason to believe that a fleet of supersonic airliners will degrade the atmosphere.

Nevertheless, the Department of Transportation has stimulated further research on the effects from supersonic flight of military aircraft. This information will be augmented in 1973 when the Russian TU-144 begins commercial service and again in 1974 when the French-British Concorde goes into commercial service. This research will provide further assurance that there will be no degradation of the atmosphere from the American SST.

Per passenger mile, jet aircraft pollute the earth's atmosphere less than any other form of mechanical transportation.

We urge the United States Senate to vote funds for the development of an American SST. The age of supersonic travel over water will soon be here. The United States cannot afford to be left in the lurch.

NECESSARY

Horace Sutton, associate editor of the Saturday Review, examined the arguments for and against the Supersonic Transport (SST) in the cover article of the magazine's Aug. 15 issue. Here are excerpts from his conclusions:

Secor Browne, head of the Civil Aeronautics Board . . . finds the Russians highly pragmatic, possessed of an infinite power to allocate men and resources. Skills are the one element they know to be in short supply.

To the Russians, the SST is primarily an internal machine. It's a long crummy ride from Moscow to Vladivostok or Novosibirsk, and if you can get your skilled people there in half or a third of the time, you get more out of them. To move people who have the skills faster and get more productivity out of them—that's why they are interested.

ADVANTAGES TO MAN

The capability of moving skilled people around the world faster is a far different theory than calling the SST a fast plane for the jet set. Instead of seven hours to Europe it will fly in two-and-a-half, instead of 14 hours to Asia, it will be five. These are the advantages to man.

The continuity of an aircraft industry that provided thirty billion dollars to the economy is among the advantages to the nation. Somehow along the way, the building of an SST became, in the minds of its detractors, a product of the military-industrial complex, a bogeyman of the Seventies. As Senator Jackson has said, "If the Ford foundation were building this plane, I don't think there would be this opposition." Nor, had it surfaced in some other season, would the possible environmental dangers have provided such a fat target.

NATIONAL PRIDE

Those who ask now whether we need the SST might well have asked similar questions at the onset of the steam-powered locomotive, of the electric trolley car, of the horseless carriage, and of the airplane itself.

No nation that has placed a man on the moon needs to worry about national pride, and surely the American SST must not be built for reasons of national honor. But national economics is a vital issue, and employment is a vital issue, especially if we are to improve the lot of twenty-six million citizens who exist below the poverty level. If we are capable of producing a functional technology that will not despoil the planet, then the SST should be considered with favor.

Given today's concern for the environment and the authority which the President holds in the National Environment Policy Act, the time to seek international and reciprocal research and development is now.

Whether we build one or not, the age of supersonic transport has arrived.

SECRET FLIGHTS

Without fanfare of any sort the Soviet Union has secretly been testing its TU-144 supersonic airliner for the past four months.

On May 11th, the 120-seat airliner, captained by test pilot Eduard Yelyan, took off from an airfield near Moscow, flew at a speed of 1256 miles per hour. On May 26th Yelyan again tested the TU-144, this time at an altitude of 50,000 feet, flew at 1344 mph, more than twice the speed of sound.

The Soviet airliner has a top speed of 1560 miles an hour, will probably carry its first load of passengers later in the year.

It is for sale to the West.

In conclusion, Mr. Speaker, it should be pointed out that the emotional outcries being heard today in opposition to the SST are very similar to those of the past to other advanced modes of transportation.

It was New York Gov. Martin Van Buren who wrote President Andrew Jackson in 1829 that the Government "should create an Interstate Commerce Commission to protect the American people from the evils of railroads and to preserve the canals for posterity." Governor Van Buren's concern, as he stated it, was "railroad carriages are pulled at the enormous speed of 15 miles per hour by engines which in addition to endangering life and limb of passengers, roar and snort their way through the countryside, setting fire to the crops, scaring the livestock and frightening women and children." He concluded, "The Almighty certainly never intended that people should travel at such breakneck speed."

Also, in light of the discussions relating to the SST and the weather, the Armed Forces Journal is quoted in the June 4, 1870, edition as stating:

It is said that the iron rails of the Pacific Road have so affected the electrical conditions of the atmosphere of the American Desert as to increase the fall of rain.

And, the summary reached by our distinguished colleague from Ohio (Mr. BROWN) to the adverse Joint Economic Committee in the Senate is very timely. He said:

If the Joint Economic Committee had been advising Queen Isabella, we would still be in Barcelona waiting to prove the world round before daring the Atlantic.

Mr. Speaker, I certainly hope the Senate will look to the facts, not the illogical emotion, and that it will soon act favorably on the orderly continuation of America's supersonic transport development program.

URBAN RENEWAL IN ATCHISON, KANS.

HON. ROBERT DOLE

OF KANSAS

IN THE SENATE OF THE UNITED STATES

Friday, August 28, 1970

Mr. DOLE. Mr. President, by popular notion, urban renewal is often associated with rebuilding large deteriorated sectors of major cities, but the program is having a significant impact in smaller towns and cities. One such city, Atchison, Kans., has been conducting a substantial urban renewal program for more than 10 years, and the results have been impressive. A modern, attractive, and revitalized center for life in northeast Kansas has been established through the foresight and cooperation of local citizens and the financial aid of the Federal Government.

One of my primary contentions in recent years has been that rural and small-town America holds the ready-made answer to the crisis of pollution and overcrowding and the nearly unbearable strain of daily life which afflicts our giant urban areas. Fresh air, elbow room, and a chance for a life that is really worth living are the great resources of places such as Atchison.

President Nixon has given high priority to stimulating development of urbanized America and to encouraging local leadership for solving local problems. The Atchison example should provide encouragement for such programs in other towns and cities as well as for the concept of President Nixon's new federalism.

Mr. President, an article about urban renewal in Atchison, written by John Herbers, was published in the New York Times of August 21. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

URBAN RENEWAL COMES TO ATCHISON, KANS., WHERE FEDERAL AID IS SCORNED (AND ACCEPTED)

(By John Herbers)

ATCHISON, KANS., August 13.—Frank Todd is 79 years old, a retired Atchison banker and a former chairman of the Kansas Republican party, which champions self-help and a minimum of Federal spending. Yet he boasts openly that urban renewal, one of the most controversial of the big Federal domestic programs, "took this old river town that was rundown at the heels and made something of it." Urban renewal, known chiefly as a means of rejuvenating the core of big cities, is spreading to small communities across the country.

More than half of the renewal money that has been distributed from Washington in recent years has gone into cities of less than 25,000. The Department of Housing and Urban Development is besieged with new applications for aid.

Among the backlog of applications are those from about 150 small cities that have never received renewal funds. The Nixon Administration, with its strong rural and suburban orientation and a policy aimed at stemming migration of people to overcrowded urban centers, is allocating a larger share of the limited funds to the smaller communities than had the previous Administration.

In cities like Atchison, population 12,300

the results of urban renewal are faster and more dramatic than in large cities where the decay is so vast that it swallows Federal dollars for years before change is visible.

Here the central business district has been transformed. Plans for building shopping centers in the outlying areas, a trend even in small towns, have been abandoned. And the city is currently upgrading residential districts that have ruddy, unpaved streets, ramshackle houses and no sewers or street lights.

Further, urban renewal has primed the flow of other Federal funds into this basically conservative community where some of the town leaders still scorn money from Washington as a despoiler of local initiative.

Built on the bluffs of the Missouri River, 50 miles northwest of Kansas City, the community is best known, perhaps, for supplying one-third of the same of the Atchison, Topeka & Sante Fe Railway.

It has overdistinctive qualities. The other evening two citizens with nothing to do—but with an intimate knowledge of the townspeople—sat down and figured out that there were at least 31 millionaires in the city.

"And that's not counting the doubtful ones," one of them said.

The millionaires live for the most part in fine old Victorian mansions with ornate chimneys, towers and carriage houses. Half a hill away there may be the small home of a factory worker.

Atchison has St. Benedict's College, foundries, grain mills, and a public hospital that has no financial worries because it owns a profitable distillery. Some persons commute to work in Kansas City so they can live here.

In 1958 a flash flood that washed out most of the business district was, according to one resident, "the best thing that ever happened to Atchison." That was the beginning of urban renewal.

In subsequent years, with a $2.5-million renewal grant and an $800,000 publicly voted bond issue as matching funds, the city built a three-and-a-half-block mall—trees, grass, concrete canopies, fountains and rides for children—down the center of Commercial Street, the main artery.

Stores on either side were rebuilt and entire blocks of the buildings behind them cleared for parking lots. Children play on the mall while their parents shop, and it is used as well for square dances, art shows, fairs and other events.

"At first there was considerable opposition," recalled Mr. Todd, who served on the local renewal commission from the beginning. "People said to me, 'why, you will never close Commercial Street to automobile traffic.' But we did."

There is still opposition, Mr. Todd said, but it is more philosophical—antipathy to dependence on Washington—than practical.

C. V. O'Neill, editor of The Atchison Daily Globe, said that while some merchants had prospered greatly because of the project others not able to compete for the mall space had been hurt.

Nevertheless, when the downtown project was closed out, the city commission approved plans to open new projects in residential areas, with $40,000 left over from the downtown project as a starter for matching funds.

Three projects are planned. One is now under way in a destitute section of the South Side. It is a wilderness of weed-covered hills and substandard housing. The city has not made improvements there, it is explained, because the homeowners could not pay the assessments and the property would revert to the city.

With an initial $750,000 grant from Washington and local matching funds, sewer lines and water and lighting facilities will be constructed. With these improvements certain, new construction and rehabilitation of housing has begun. The array of Federal housing subsidies and relocation grants are being utilized. The plan is to make the neighborhood attractive to both the poor and nonpoor.

"We had citizen participation in renewal here long before Washington made it mandatory," said James A. Schroer, director of the renewal agency, a big friendly man who seems to know everyone in town.

The spirit of it all is peculiar to small-town America.

Hugo Siebermorgen, an insurance agent of some means, lives in a big house in the renewal area. He is said to cook the finest steaks in town in his backyard, which is crowded with tomato vines, beer coolers, grills and a huge American flag flying over it all.

Only a few steps away is a just-completed public housing project on land that Mr. Siebermorgen sold to the city housing authority. When a visitor asked his feeling about living next to public housing, Mr. Siebermorgen just smiled and said he would welcome his new neighbors.

The last project still under consideration—but virtually certain to go through if funds from Washington last—is to rehabilitate a less-rundown area on the North Side of the city. Most of the black population, which comprises 10 per cent of the city, live there in a neighborhood that is in the shadow of the homes of millionaires.

"For a town that is so conservative," said one of the civil leaders, somewhat apologetically, "we certainly got deeply involved in Federal aid."

SENATOR PROUTY'S WORK TOWARD A BALANCED TRANSPORTATION SYSTEM

HON. HOWARD H. BAKER, JR.

OF TENNESSEE

IN THE SENATE OF THE UNITED STATES

Friday, August 28, 1970

Mr. BAKER. Mr. President, our Nation has the technology to develop a truly balanced transportation system. I believe to properly apply this technology we need innovative and imaginative approaches to transportation. During his service on the Commerce Committee my good friend from Vermont, Mr. PROUTY, has demonstrated great innovation and imagination in his approach to transportation. He has provided bold leadership in this field.

I ask unanimous consent that a summary of his record be printed in the Extensions of Remarks.

There being no objection, the summary was ordered to be printed in the RECORD, as follows:

SENATOR PROUTY'S WORK TOWARD A BALANCED TRANSPORTATION SYSTEM

The transportation of people and goods in the United States accounts for more than 20 percent of our Gross National Product each year, and the way things are going, by the end of the seventies, we will be spending a total of $320 million every year, just to move freight and people in normal everyday commerce.

In fact, the demand for transportation services of all kinds is far outstripping population growth and most other forms of economic activity in this country. In the next twenty years we must double the transportation capacity we have developed since the founding of the Republic.

We must increase our capacity in a responsible way with full consideration given the environmental impact of alternative modes of transportation.

Our transportation system must be balanced ecologically and economically.

As a member of the Senate Commerce Committee, Senator Prouty has sought to provide for balanced, yet sustained, growth in our transportation capacity.

Senator Prouty is the ranking Republican on the Surface Transportation Subcommittee and serves on the Aviation and Merchant Marine Subcommittees. He also is the ranking Republican on the Special Freight Car Shortage Subcommittee. He is, therefore, in a position to act to insure our nation moves in new directions in transportation.

RAILROAD

During the 1960's the Executive Branch was reluctant to face up to the nation's deteriorating national rail system. Primarily through Senator Prouty's leadership both Congress and the Administration have moved on several fronts in the 91st Congress.

In 1969, Senator Prouty pressed for a solution to the crisis in intercity rail passenger service. By 1969 there were fewer than 480 intercity rail passenger trains in operation and those trains were creating an annual economic loss of over $250,000,000 for the rail industry .

In the fall of 1969 the Surface Transportation Subcommittee held extensive hearings on the decline in intercity rail passenger service and the Committee began considering possible solutions to the problem.

At that time Senator Prouty proposed a quasi-public corporation to take over the operation of intercity passenger trains. The Subcommittee did not adopt his proposal and on April 9, 1970 the Committee reported a bill authorizing $405 million direct operating subsidies to railroads.

Undaunted, Prouty filed individual views setting forth his comprehensive plan for the establishment of a National Rail Passenger Corporation. Prouty continued to meet with representatives of the National Rail Passenger Association, rail labor, rail management, the Interstate Commerce Commission, and the Department of Transportation in order to gain support for his proposal. Prouty maintained that direct operating subsidies had never solved any transportation problem and that it was the time to face this particular transportation problem with his new and pragmatic proposal.

Prouty succeeded in gaining unanimous support for his proposal, and by May 6, 1970 when the bill came to the Senate floor, Prouty had convinced the Committee leadership to join with him and, in an unprecedented move, an amendment was offered striking the complete text of the bill reported by the Committee and substituting the Prouty alternative. The Prouty alternative passed the Senate on May 6th by a vote of 78 to 3.

Senator Prouty's long struggle was successful and his colleagues noted his efforts. Majority leader Mike Mansfield praised the Senator for this "remarkable success." The Chairman of the Surface Transportation Subcommittee, Vance Hartke, a Democrat from Indiana, joined in commending Senator Prouty and Minority leader Hugh Scott noted "If there is one man to whom credit should go for the favorable action that this body has taken today, it is to the junior Senator from Vermont (Mr. Prouty)."

The Prouty bill would establish a new quasi-public corporation to take over the operation of intercity rail passenger service.

The new corporation would have 15 directors with 8 appointed by the President and 7 by the stockholders. Common stockholders, who initially would be railroads which bought into the corporation, would elect 3 directors. Preferred stockholders, who would be those buying stock issued for public subscription would elect 4 directors.

The corporation would be financed by a one-time Federal grant of $40 million, and would have upto a $60 million line of credit

guaranteed by the Federal government. Rail carriers would be relieved of their obligation to provide intercity rail passenger service by buying common stock in the corporation in an amount equal to the avoidable losses they incurred during 1969 because of passenger train operators. The corporation would also raise capital through the sale of preferred stocks to the public. The preferred stocks would carry a guaranteed 6 percent annual dividend and could be converted into common stock.

Prouty's amendment also contained the most liberal labor protection provisions of any legislation ever passed by the Senate. These provisions stem from Senator Prouty's service on the Labor and Public Welfare Committee, which considers legislation vital to railroad workers.

Because of his close working knowledge of railroad management and labor relations, Prouty persuaded the Commerce Committee to give prompt consideration to amendments to the 1907 Hours of Service Act, which had been locked in Congress since 1962.

Prouty, however, recognized that far more constructive legislation was needed if a framework for producing a truly efficient and effective rail industry were to be obtained. Specifically, Prouty led the way on the Hours of Service Act Amendments. Senator Prouty pushed for prompt Senate action on a bill which had passed the House. In Subcommittee he had several of his amendments adopted which insured passage of the bill in the Senate and which insured that the amendments would be workable. Among his amendments adopted were ones which exempt wreck relief crews from the limitations of the Act and one which made clear that hours of service for non-operating personnel could be no more than 9, rather than the 12 hour limit for operating personnel. (Under the 1907 Act, operating personnel had been limited to 16 hours work at any one time.)

This legislation was signed into law by the President on December 26, 1969 (P.L. 91–169) and was a significant updating of Federal law relating to working conditions for railroad employees. Prouty's active support for the measure assured its passage, although at the same time Prouty stressed that the matters covered by the law are best handled through the collective bargaining process. One of his amendments to the bill specifies that nothing should be inferred from the Hours of Service Act to prevent labor and management from developing more favorable hours of service for employees through the collective bargaining process.

Senator Prouty viewed with alarm the increasing number of railroad train derailments and accidents. Since well-maintained railroad tracks are essential to efficient rail transportation, Prouty viewed the ever-increasing number of derailments as a serious indicator of the deterioration of the rail industry. More importantly, the Vermonter viewed the rail accidents as a direct threat to human life and communities. The need for transporting highly hazardous substances made the matter of safety even more serious.

During the first session of this Congress, Prouty was primarily responsible for putting together the Federal Railroad Safety Act and the Hazardous Materials Transportation Control Act.

Finding the absence of any comprehensive Federal law in this area, Prouty moved to solve the problem.

In April 1969 Prouty was instrumental in getting the Department of Transportation to establish a Railroad Safety Task Force, made up of representatives of rail labor, rail management, and State Public Utility Commissions. The Task Force was committed to filing a report by June 30, 1969. With considerable prodding from Prouty, they met their deadline and Prouty introduced with Senator Norris Cotton S. 3061, embodying the recommendations of the Task Force.

Prouty then held a series of meetings with representatives of the State Public Utility Commissions, rail labor and rail management and drafted the first comprehensive National Railroad Safety Act and the Hazardous Materials Transportation Control Act.

Prouty's bill was accepted as a substitute amendment to S. 1933, a less comprehensive rail safety bill pending before the Committee. On December 21, 1969, the Senate passed this historic measure.

Once again Senator Prouty was commended for his ability to reconcile various groups and get solid support for his proposals. Senator Hartke noted that "Senator Prouty brought many of the parties together in his office and personally worked to thrash out agreement upon some of the most bitterly contested issues." Senator Scott said "Senator Prouty has again demonstrated his characteristic abilities as a fine legislator."

The bill reflects Prouty's aversion to piecemeal legislation and his belief that in a Federal system of government there needs to be both horizontal and vertical coordination and cooperation. For example, the Secretary of Transportation is given comprehensive power to establish nation-wide rail safety regulations. The regulations can cover railroad operations, maintenance and employee qualifications. To insure proper surveillance and enforcement of safety standards, Prouty's proposal provides Federal matching funds to State employees engaged in railroad safety inspection.

Senator Prouty's bill also directs the Department of Transportation to study the problem of grade crossing elimination and to report their recommendations to Congress within one year. Grade crossing accidents continue to cause over 2,000 deaths a year.

Senator Prouty viewed the problem of transporting hazardous materials as one that affected all modes of transportation. Therefore, his proposal to have a separate "Hazardous Materials Transportation Control Act" was adopted by the Committee and passed by the Senate.

Under Senator Prouty's "Hazardous Materials Transportation Control Act" the Secretary of Transportation is directed to establish within the Federal Government facilities and staff to scientifically evaluate the hazards connected with the transportation of dangerous materials. Recent military shipments of nerve gas and mustard gas dramatized the present lack of information in this area.

His proposal also directs the Secretary to establish a central information source which will enable local authorities in communities where accidents occur to quickly find out the best way to prevent harm from hazardous materials.

Both the "Federal Railroad Act" and the "Hazardous Materials Transportation Control Act" are needed to insure the safe transportation of goods and people.

In designing the comprehensive "Hazardous Materials Transportation Control Act", Senator Prouty discovered a weakness in existing law which he felt needed immediate correction. The weakness was that a motor carrier could be convicted of a violation of the explosives act, but that the Interstate Commerce Commission had no existing authority for suspending or revoking the operating rights of a convicted carrier. Therefore, Prouty encouraged the Committee to promptly enact legislation giving the ICC authority to suspend or revoke operating rights for motor carriers convicted of violations of the explosives act.

On December 15, 1969 this bill passed the Senate.

FAIR FREIGHT RATES

The Surface Transportation Subcommittee conducted hearings on S. 2355, a bill to establish a special commission to study freight rates. During the hearings, Prouty questioned the need for another Commission to be established and expressed concern that the bill did not include a study of all freight rates.

Prouty introduced his own bill (S. J. Res. 186), and all of his Republican colleagues on the Committee joined him as co-sponsors.

Prouty's resolution would direct the Secretary of Transportation to conduct a study of freight rates for all modes of transportation and report to Congress within one year. Prouty's move is significant in that the nation's freight rate structure has not been studied since 1944.

The enactment of Senator Prouty's bill could lead to a complete revamping of the nation's freight rate structure. Prouty is also anxious for the passage of legislation permitting carriers to establish joint rates and through routes, which would be of particular benefit to small manufacturers in areas such as Vermont. In addition, he has asked the Committee to conduct hearings on a bill he sponsored (S. 3875) with Senator James B. Pearson of Kansas which would establish a national freight car pool so as to alleviate the persistent freight car shortage problems.

On June 23, 1970 during an oversight hearing on the I.C.C. Prouty obtained a commitment from the Commission that it would give the problem of coal car shortages top priority so that electric utilities would be assured an adequate coal supply.

Specifically, Senator Prouty worked this year to head off a power shortage in Burlington. In July it looked as though the Burlington Electric Light Department would not be able to obtain a large enough coal supply to get Burlington through the winter.

Prouty met with the Interstate Commerce Commission, the railroad industry and the National Coal Association and urged action. Within a month Burlington Electric had received the coal supplies it needed for the coming winter.

AVIATION

As a member of the Aviation Subcommittee Senator Prouty has been deeply concerned with the problems stemming from the rapid growth of air transportation.

He has been particularly concerned in three areas: (1) the development of a safe and adequate airport and airway system; (2) the adequacy of air service in non-urban areas of the country; and (3) regulations to require complete disclosure of airline ownership.

In the 90th Congress Senator Prouty explored the difficult problem of obtaining enough money to insure safe and adequate airport and airway development. Prouty was one of the first to recognize the need for airport and airways trust funds. Senator Prouty prepared legislation which would have utilized an air passenger head tax for building a trust fund. The Vermonter later became convinced that a broader based tax was needed in order to better reflect the actual airport/airway users. Late in the 90th Congress the Senate enacted a bill supported by Prouty which would have established an aviation trust fund. However, the bill never became law because it was not fully supported by the Johnson Administration.

In the 91st Congress Prouty supported a comprehensive proposal by the Nixon Administration which established an airport/airway trust fund.

In the Commerce Committee and on the Senate floor Prouty fought to insure that monies in the trust fund would not be siphoned off into terminal buildings in big cities and that programs within states should be coordinated through the state aviation agency.

On the matter of funds for terminals, the

final bill made certain that funds from the trust fund could not be used for terminal building. The bill also preserved the right for states to coordinate airport development in the 28 states which have laws requiring such coordination. Believing that "vertical coordination" in airport planning was as important as "horizontal coordination" Prouty was disappointed that coordination of airport development at the State level was not more vigorously encouraged.

As one of the prime architects of the bill, Prouty was present at the White House on May 21, 1970 when the airport/airway legislation was signed into law (P.L. 91–258).

The ten-year airport/airway development legislation represents the most significant aviation legislation since the Airport Development Act of 1946. For the first time in the Nation's history, Federal funds will be insured for developing airports and developing new technology for making airways safe.

With the passage of the Airport and Airways Development Act of 1970, a major problem reaching crisis proportions was met. Prouty then turned his attention to the problem of providing adequate and efficient air carrier service in non-urban areas.

In Vermont, Prouty has seen the transfer of air carrier service from major airlines, such as Northeast, to smaller so-called third level carriers. Prouty encouraged the Committee to conduct field hearings to determine the actual condition of air service in non-urban areas. Thus far, hearings have been held in Utah, Kansas, Nevada, and Washington, D.C. Senator Prouty has been assured that hearings will be held in New England on this matter within the near future.

In the 91st Congress Prouty strongly supported S. 1373, which revised regulations of the Civil Aeronautics Board (C.A.B.) so that air carrier mergers through stock acquisition would be brought to the knowledge of that agency. This bill became law on August 10, 1969. (P.L. 91–62).

Senator Prouty had amendments adopted which created regulations for acquisition of air carriers which were identical to Securities and Exchange Commission regulations. In the future, the C.A.B. will be able to determine "who" owns air carriers in order to be able to effectively regulate air carrier service in the public interest.

THE U.S. MERCHANT FLEET

Senator Prouty is disturbed by the condition of the U.S. Merchant Fleet. During the 1960's the number of U.S. flag ships continued to decline. Today less than 6 percent of our national exports are carried on American ships. This fact not only means fewer jobs for American seamen, but also presents a serious risk for United States national security.

As a member of the Merchant Marine Subcommittee, Senator Prouty tried to get the last Administration to support a new maritime program. Unfortunately the then Secretary of Transportation, Alan Boyd, insisted on tying foreign ship building to any maritime program. Neither Prouty nor other members of the Committee were able to support foreign shipbuilding because of the devastating effect such a program would have on both the long range ability of the United States to build ships and the immediate unfavorable balance of payments.

Prouty and other Committee members were particularly pleased that this Administration submitted legislation to revitalize our antiquated merchant fleet. The President's program envisions the construction of 30 ships a year for the next 10 years and relies on American ship building.

As of this date, the Merchant Marine Subcommittee has reported the bill favorably to the Full Committee. Prouty supported amendments restoring the "Buy American" provisions of the 1936 act (which was adopted) and amendments calling for a pre-audit report before operating subsidies could be given to operators of both foreign and American flag vessels.

It is anticipated that Congress will enact the Nixon maritime proposal, which will represent the strongest effort at re-building the American merchant fleet since World War II.

Prouty supported the enactments of the Motor Vehicle and Highway Safety Act of 1966. During this 91st Congress this Act was extended and considerably expanded. Prouty served as a conferee for the Senate (April 15, 1970), and the bill was signed into law by the President May 22, 1970 (P.L. 91–265).

Among other amendments to the 1966 Act supported by Prouty were authority for the Secretary of Transportation to institute procedures for automobile tire recall, if necessary; a special study on farm tractor safety; and the establishment of a Federal research and compliance facilty.

In a matter related to motor vehicle safety, Prouty encouraged the Secretary of Transportation to upgrade the position for the Director of Highway and Motor Vehicle Safety so as to give that office greater effectiveness within the Department of Transportation.

HIGHWAYS

The federal highway program is under the jurisdiction of the Senate Public Works Committee; however, Senator Prouty has long worked to redirect the use of highway trust funds.

Senator Prouty believes that states should have increased flexibility in their use of the funds. For some time Senator Prouty has advocated the use of the trust fund for highway maintenance. In Vermont, particularly, the cost of maintaining roads is a great burden. Senator Prouty also would expand the use of the states' highway trust fund share to include public transportation, housing where necessary to home those displaced by highways. He also co-sponsored the two bills which include provisions for public transportation and replacement housing. Senator Prouty believes these bills move in the right direction but that even more flexibility should be provided for the states.

CONCLUSION

To build a balanced transportation system requires a total view of our transportation needs. Senator Prouty insists that we must stop viewing the various modes as independent and see how they interlock.

He supports Secretary of Transportation John Volpe's work on a master plan for national transportation.

Senator Prouty stresses the need for full consideration of the environment in the plan. We must design and place our highways and airports so as to conserve land, pressure parks, and ensure healthy, balanced development of surrounding areas.

Senator Prouty believes we have the technological skills needed to achieve a balanced transportation system. He has used his legislative skills to bring us closer to the goal.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?

MAX BRYDENTHAL

HON. ANDREW JACOBS, JR.

OF INDIANA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. JACOBS. Mr. Speaker, Elmer Davis wrote:

This country was not created by cowards. And it will not be maintained by them either.

Max Brydenthal, of Indianapolis, a man of many activities—all good—has been taken from us by a heart attack.

Max was certainly no coward. But it would not be entirely accurate to say that he was just a fighter for causes. He was a worker for causes. And, therefore, he was the very best that America is.

No American has ever read this CONGRESSIONAL RECORD with greater scholarship or consistency than Max Brydenthal who at times literally leaned against a lathe during rest breaks to scrutinize this RECORD at his production work job in the Chevrolet body plant at Indianapolis.

So now you know the answer to the question, Does anyone ever read the CONGRESSIONAL RECORD? Max Brydenthal did regularly. And he read a great deal else also. And in so doing, he became one of the best informed public servants; whether in his capacity of president of the Marion County, Indiana, AFL–CIO Council, as a member of the Indianapolis City Council, or as a member of the Indiana General Assembly, or as an officer in his own UAW local union.

Max Brydenthal was one of the closest and most devoted friends I have had. He literally worked himself to death.

His wife, Dorothy, and his three excellent children, Nancy, Kurt and Karen deserve the kindness, respect, and gratitude all America owes to Max Brydenthal because they gave up so much of his time in order that he might spend it for us.

Mr. Speaker, I insert two newspaper, one television, and one radio editorial:

[From the Indianapolis News]

MAX E. BRYDENTHAL

Organized labor in Marion County has lost a wise and vigorous leader in the death of Max E. Brydenthal.

Brydenthal, 59, was president of the Marion County Central Labor Council, AFL–CIO. He had served five terms as president of United Auto Workers Local 23 and 10 years on its bargaining committee. He was president of its credit union, which he had organized.

Labor was not the only beneficiary of his talents and dedication. In public life he had served effectively as city councilman from 1964 to '68 and was a member of the Legislature, serving as representative from Marion County in 1959–60. He was a Democratic candidate for election this fall as state senator from Marion County.

In yet another public post he was the first chairman of the Mass Transportation Authority, but his contribuiton to his community exended far beyond elective, or appointive offices. He has been on the board of directors of many organizations, including the United Fund.

Brydenthal was willing to give his time and effort to any organization which he felt was helpful to the public. Both the ranks of organized labor and the community at large regret his passing.

[From the Indianapolis Star]

MAX E. BRYDENTHAL

A man of many concerns, Max Brydenthal believed deeply in personal involvement in community service and the search for solutions to community problems.

His face was familiar in the quarters of the United Fund and other volunteer agencies, in the chambers of the City Council and the Indiana General Assembly, as well as in the halls of the United Auto Workers and the AFL–CIO Central Labor Council, of which he was president. He spurred other labor union leaders to extend their participation in civic affairs.

Beneath his quiet manner were a keen mind and a tough will. He was a bargainer, and an effective one. He expended his energies and talents not only on behalf of union members when it was his job to represent them but also on behalf of the poor, of minorities and of others whom he perceived to be in need of a champion.

His death leaves a gap in the life of the community.

[From a WISH–TV editorial]

MAX BRYDENTHAL

To those who knew him, Max Brydenthal was both a leader and a friend.

His unexpected death yesterday at the age of 59 has saddened those friends he made in all areas of his life's work.

That work for Mr. Brydenthal centered around those most basic ingredients of our society, government and labor. At the time of his death, Mr. Brydenthal was president of the Marion County Central Labor Council, AFL–CIO, a post he had held for the past three years.

He was an Indianapolis City Councilman from 1964–68, the first chairman of the Mass Transportation Authority, a former state representative, and was currently running as a Democratic nominee for the State Senate.

In all of these activities, Mr. Brydenthal emerged as a leader, a man who was both respected for his convictions and admired by those who may have been on the other side of the issue.

Exemplifying that non-partisan respect for Mr. Brydenthal was the tribute from Mayor Lugar, who said, "His counsel was important to me in trying to build a greater Indianapolis. . . . He was a wonderful friend and I will miss him greatly."

Max Brydenthal attained his stature in the minds and hearts of others because of his sincere belief in his country, his community and his fellowman. And he showed that belief not just with words, but with actions. . . personal, interested, dedicated involvement.

There are too few Max Brydenthals around whose lives enrich both the community and its people. The impact they leave on the lives of others is deep and meaningful.

[From a WFBM editorial]

ON THE DEATH OF MAX BRYDENTHAL

Max Brydenthal had been president of the Marion County Central Labor Council for six years. He was also an ardent Democrat and an excellent politician, having served in both the State Legislature and the Indianapolis City Council. But he'll probably be remembered most in this community as a man who cared about people in need.

Max often said, "My business is people." And he seemed to devote almost every waking moment to that business.

At the time of his death, he was serving on the boards of such people-helping agencies as the United Fund, Community Service Council, Community Action Against Poverty, Senior Citizens Center, Marion County Mental Health Association, Community Credit Counseling Service, and the United Southside Community Organization, where he also served as vice president.

Max Brydenthal helped organize the first blood bank in Marion County. He was the first chairman of the Marion County Mass Transportation Authority. And he was a leader in the successful effort to reactivate the Indianapolis Housing Authority.

Though he was a Democrat—and currently a candidate for the State Senate, his advice was frequently sought by Mayor Lugar, who only recently named Max to the planning committee for the up-coming NATO mayor's conference, to be held in this city.

It's difficult to see how one man could do more for his community than Max Brydenthal did. And we believe his loss will be felt deeply throughout the Indianapolis area.

SELF-DETERMINATION FOR FORMOSA

HON. DONALD M. FRASER

OF MINNESOTA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FRASER. Mr. Speaker, on July 29, 1970, I presented a paper at a Members of Congress for Peace Through Law—MCPL—luncheon. The subject of my paper was "Political Repression in 'Free China.' " In it I stated:

If the U.S. wants a resolution of the political impasse now existing in (the Formosa Straits area), the U.S. cannot continue its extensive support of the Nationalist regime simply because it is the lesser of two evils.

Mr. Speaker, I feel this very strongly. My paper amply documents the suppression of basic political liberties by the Nationalist Chinese regime. At the same time I recognize that the mainland Communist regime represents the greater evil. A recent New York Times Magazine article by Richard Hughes provides current evidence that this is the case.

It is clear that just as we must cease our support, moral and material, of the Nationalist regime on Formosa, we must not surrender the fate of Formosa to the Chinese.

It is my hope that the Congress will look closely at the China issue and seek new initiatives. Hoping to contribute to a rational debate of the subject, I place in the RECORD my MCPL paper and Mr. Hughes' New York Times article with a compilation of revolting statements concerning "Law and Order, Peking Style":

POLITICAL REPRESSION IN "FREE CHINA"

(By Donald M. Fraser)

INTRODUCTION

This paper details the authoritarian nature of the regime controlling Formosa (Taiwan). The suppression of basic political liberties is amply documented.

What are the implications for the United States' China policy? A fresh start on U.S. policy must take the country as it is, not as it might have been. The U.S. undoubtedly bears responsibility for helping establish on Formosa and continue in office the existing Nationalist Chinese government. And most Taiwanese (Formosans), as well as the transplanted mainlanders, if faced with the choice would prefer the present regime, coercive as it is, to the mainland Communist regime. But if the U.S. wants a resolution of the political impasse now existing in that part of the world, the U.S. cannot continue its extensive support of the Nationalist regime simply because it is the lesser of two evils. The people living on Formosa want to and must become masters of their own destiny.

For all practical purposes, the State Department no longer recognizes any claim by the Nationalist government to mainland China. Inevitably the fiction that the Nationalist regime represents all of China must be abandoned. This, in turn, will force the Nationalist government to receive a mandate from the people living on Formosa or lose the legitimacy it now claims.

When these changes will occur is uncertain. Members who serve in the three national congressional bodies now based in Taiwan (Formosa) were elected in the late 1940's before the flight from the mainland. Now, as National Assembly members die, quorum requirements are lowered. The passage of time alone will force some change in the present system and outlook. But the abandonment of the current Nationalist fictions of legitimacy will be fiercely resisted as long as possible by the present regime.

Our present Ambassador to Taiwan recently said: "The established policy of our Government is to prevent the renewal of hostilities in the Taiwan Strait area which could easily imperil the peace of Asia." I agree that this should be a part of our policy. But this is not enough. Although we have no vital security interest in Formosa, we have a great humanitarian interest in and concern for the people who live on Formosa.

Thus, we should neither explicitly nor tacitly encourage incursions by the Nationalists onto the mainland or the expansion of Formosan military airfields to accommodate U.S. military aircraft as large as B–52 bombers. We should encourage more realistic military defense levels. And until a process begins that will result in the destiny of Formosa being placed in the hands of all those who live there, we should scale down or discontinue military and other support to the Nationalist regime. We should strongly assert our belief that the people living on Taiwan be given full political rights including self-determination.

Beyond reducing our support for the regime, it is unclear how the U.S. can directly aid the growth of political freedom on Formosa. Were we better equipped, we might find other ways to contribute to the growth of freedom there. But it is clear that the most important contribution the U.S. can make is its support of the morally right position—self-determination. The people of Taiwan are capable of directing their own affairs.

In any event, a more realistic appraisal of the facts about Formosa must underlie new U.S. policies toward the regime, and the American public must become aware of the realities.

BRIEF HISTORY OF FORMOSA

Chinese, primarily from Fukien Province, began to migrate in substantial numbers to the island of Formosa in the late 15th and early 16th centuries. During the 17th century, various colonial powers (the Portuguese, the Spanish, the Dutch) and dissident Chinese vied for the island. In 1683 the Ching Dynasty formally annexed Formosa. For the next two centuries, Formosa was very loosely controlled by China. After being defeated in the Sino-Japanese War of 1894–1895, China ceded Formosa to Japan and agreed to Korea's "independence." Although Korea was not annexed by Japan until 15 years later, Formosa was annexed immediately. For the next 50 years, Formosa was ruled by Japan.

In 1943, at a meeting in Cairo, President Franklin D. Roosevelt, Prime Minister Winston Churchill, and President Chiang Kai-shek issued a declaration which read in part: "All territories Japan had stolen from the Chinese, such as . . . Formosa, and the Pescadores, shall be restored to the Republic of China". The terms of this declaration were repeated two years later at the Potsdam Conference. When Japan surrendered, General MacArthur authorized the Chinese Nationalists to accept

the surrender of Formosa from the Japanese and to occupy the island in behalf of the allied powers. Peace treaties subsequently signed with Japan ended that nation's "right, title and claim" to Formosa. But the island's status was left in limbo. The official position of the U.S. is that the status of Formosa remains unresolved.

When the Chinese came to Taiwan in 1945 and 1946, they found a highly literate (80%) and modern state. Chinese troops took advantage of the relative prosperity of Formosa and numerous incidents of pillage, rape, and murder occurred. A former resident of Formosa, Albert Axelbank, wrote in *Harper's:* "Formosan rage (at the conduct of the occupation forces) exploded February 28, 1947, after police beat to death a woman who allegedly sold untaxed cigarettes." Blood literally flowed in the streets of Taipei. A recent State Department paper summarized a memorandum submitted by Ambassador J. Leighton Stuart to President Chiang on April 18, 1947: "The memorandum recounts numerous incidents of widespread and indiscriminate killings by government police and troops, particularly after reinforcements began to arrive from the mainland on March 8. Some of these incidents which occurred in Taipei were observed by American consular officials; others were reported by foreign residents there and elsewhere. U.S. official documents, written well after the event, generally have accepted the figure of 10,000 persons as the approximate number killed during the period which extended until the end of March, 1947." The Formosans have not forgotten.

This tragedy received little foreign attention because even as the Nationalists were occupying Formosa in 1947, they were engaged in a bloody civil war on the mainland. In 1949, Chiang and the remnants of his government and armies were driven out of China and sought refuge on Formosa. Chiang arrived on the island on December 10, 1949.

The area controlled by the Nationalist Government was reduced from 3,700,000 square miles and a population of 500,000,000 on the Chinese mainland to Taiwan proper, the Pescadores, and the tiny islands of Quemoy and Matsu, with a combined area of 13,890 square miles and a population of 8,000,000. Today there are 14,000,000 people on Formosa. Of that number, 85% are native 'Taiwanese.

PERMANENT "STATE OF SIEGE"

The Nationalist Government now had control over a relatively small territory and it had taken steps to ensure that its rule over Taiwan would be virtually complete. On May 19, 1949, the Nationalist Chinese Garrison Command in Formosa had proclaimed a general "state of siege" or martial law over Formosa and the other islands. The effect of the civil liberties of the people was devastating. Illustrative of its severity were the large number of offenses carrying the death penalty including: (1) circulating rumors and beguiling the public, (2) disrupting the money market, (3) striking by workers or traders, (4) encouraging students to strike, and (5) disrupting water supplies or electric and gas services.

Examination of these martial law regulations is essential to an understanding of the internal situation in Taiwan, because the "state of siege" still exists.[1] Since 1949, a major portion of community life in Formosa has been under the control and surveillance of military authority. Most guarantees and protections of individual rights and freedoms written into the 1947 Chinese Constitution have been suspended, and the judicial system has become a pawn of the military.

Political offenses are defined generally as "crimes which are incidental to and form a part of political disturbances, including offenses consisting in an attack upon the political order of things established in the country . . . as well as offenses committed to obtain *any* political object." Several laws were added to ensure complete control over the local population. The Statute for Punishment of Rebellion (June 21, 1949), the Statute for Denouncement and Suppression of Rebels (instituted in 1940 and amended in 1954), the Military Trial Law (instituted in 1956 and amended in 1959), and the Judicial Interpretation of the Council of Grand Justices (1956) have formed the basis for the militarization of the judicial system. Since 1949, political offenses have been under the control of a military court.

Special practices abrogate important provisions of the judicial system: (1) In practice, the statute of limitations is not applicable for political offenses. Individuals have been tried for political crimes allegedly committed nearly two decades ago.

(2) The principle prohibiting *ex post facto* laws is not applicable to political offenses. This results in trials and convictions of "offenders" for political acts committed before laws prohibited the acts.

(3) Immunities and privileges of legislators are not recognized for political offenses. A member of the Legislative Yuan is "permanently responsible for opinions expressed in it if the opinion constitutes a political offense," even though the Constitution provides immunity for "an opinion expressed or a vote cast in the Yuan."

(4) Persons are not given remission of punishment for political offenses committed when they were underage. Recently, several persons were convicted of offenses committed over 24 years ago when they were less than 14 years old.

(5) Leniencies given to an offender's family who shielded him are not applicable for political offenses. Everyone is obligated to renounce the "rebel." No one is safe from being reported by members of his family. Imprisonment of from one to seven years is meted out to those who knowingly fail to denounce "rebels."

(6) There is no parole for political offenders.

If you are not caught in the web of these laws, you can be politically detained under the Statute for the Denouncement and Suppression of Rebels. This law stipulates that "those who commit (political) offenses and need reform shall be sent for reform." There are two supplements to the fundamental laws already mentioned. They are "Measures for Control of Hooligans during the Enforcement of Martial Law in Formosa" and "Measures for the Reform of Rebels during the Period of Communist Rebellion." If the government cannot imprison you on a specific charge, it can intern you for suspected thoughts or behavior. The first term is three years and it is indefinitely renewable. Political internment can, without trial, amount to life imprisonment.

The state of siege was instituted before the Nationalist Government was evicted from the mainland and is to last as long as the "period of Communist rebellion" exists on the Chinese mainland—that is, until the forces of Chiang Kai-Shek return to and occupy the mainland. Since the move to Taipei, the "temporary" capital of China, the laws have been enacted by a legislature elected on the mainland over 20 years ago and composed of representatives of all of China.

According to the election laws governing the elections held in 1947–1948—it was at these elections that the existing government was, in effect, selected—Formosa's quota of representatives was 19 of 3045 members of the National Assembly, 8 of 773 members of the Legislative *Yuan,* and 5 of 223 members of the Control *Yuan.* These three bodies functionally constitute the "Congress," as the term is commonly understood in other political systems. Formosa's representation today in the National "Congress" remains proportionately about the same as it was in 1948.

Formosans have less than 3% representation. Yet, in practice, these laws apply only to Formosa. To suggest that the *status quo* should be changed and self-determination given the people of Taiwan is regarded by the Nationalist regime as sedition and dealt with harshly.

These laws, produced by a system in which Formosans have almost no role, are executed by an equally undemocratic court system. Political prisoners are tried in a military court. That court is controlled by the Garrison Command of Formosa, responsible for the general security of the island. And a political prisoner can be held incommunicado for months or years without even being charged. His trial is virtually always secret.

The permanent state of siege, instituted in Taiwan 21 years ago, has eliminated political life in Formosa.

Conservative United Nations sources estimate at least 1500 political prisoners are now being held by the Nationalist Government. Other sources, largely Formosan, place the figure at from 10,000 to 20,000. The March 1968 issue of *The Independent Formosa,* published in Tokyo, Paris, and Philadelphia, reported: "It has been estimated that there are approximately two hundred executions and 1,500 arrests of political offenders each year out of a total population of only twelve million." Since the Nationalist Government considers guilt established by association with "rebels" and such association is punishable under the law, the families of these detainees live under a constant threat of arrest.

A few illustrations of the Formosan political climate, provided to me by sources I believe to be very reliable, follow:

Prisoner A was arrested in 1960 for distributing pamphlets which discussed the possibility of Formosa being ruled some day by Formosans. Given a life sentence. Prisoner is 43 years old. Before arrest he was a photographer by profession. He maintained a middle-class family of wife and five children. Soon after he was put into prison, the prisoner was tortured. Torture included being suspended upside down from a rafter and having gasoline put into his nose drop by drop. He was beaten severely. Torture was intermittent. When after several months he became very weak, he was taken out of the solitary confinement section and put into a common cell with sick prisoners. Some had tuberculosis, and soon A developed tuberculosis. Later A developed a bleeding ulcer. Soon after the prisoner's arrest, his father became very ill and required extensive medical care and hospitalization. The prisoner's wife attempted to pay the medical bills of her father-in-law and went deeply into debt. The family now has a debt equivalent of $1,000 on which it pays 3% a month. The family is very poor. The wife and all five children (now ages 16-23) work. All of them firmly believe that A was right to do what he did.

B was arrested at the same time and for the same offense as A. He was sentenced to 12 years instead of life. The prisoner is 36 years old. Before his arrest he was a camera operator at a Taipei movie house. He is married and has one child, a girl, who is now 12 years old. After B's arrest, his parents and his brothers and sisters severed all relations with B, his wife, and his child for fear of themselves coming under suspicion. B's wife became a prostitute to support herself and her daughter and her aged mother.

C was arrested in 1960 when he was a

[1] The material for this section has been obtained from a study of the laws and problems surrounding political offenses in Formosa. The study is by a lawyer with great experience in Taiwan affairs.

freshman in law school. He was charged with organizing a group planning to overthrow the government. He was sentenced to 12 years in prison. C is the only member of the family to go to college. The others are illiterate. The family are fishermen, and they make very little money. Since C's arrest, the family has been constantly harassed by the police. The father, mother, two younger sisters, and a younger brother live in a single room and are very poor. Mother is in very bad health and frequently has fainting spells.

D was arrested in 1963 and sentenced to 10 years in prison for allegedly being involved in a plot to overthrow the government. He talked about the unlikeliness of the government ever recovering the mainland. His family only learned about his arrest six months after the arrest when the police came to the home to tell the family not to tell anyone of his arrest. At the time of the arrest, he was a student at a military academy. His mother and father are illiterate and very poor. They live in a one-room mud house in the country. He has five sisters who are in school.

E was arrested in 1960 and charged with having participated in the February 28, 1947, revolt on Taiwan. He was sentenced to 10 years in prison. E's wife and two sons have been taken in by his wife's brother.

F was a factory foreman. He is Taiwanese. Some of the men working for him were Chinese. Three Chinese who worked for him denounced him for listening to broadcasts from the mainland and for having "contempt for mainlanders in Taiwan." He was sentenced to five years in prison.

G is about 38 years old. He is now on trial for having distributed pamphlets which were critical of the government. If convicted, the only punishment can be death. He was arrested in March 1967. In 1968 his family received a letter from him saying that he was on a bus trip and that he was well. He was forced by the police to write that letter. He is held incommunicado. He is imprisoned at Chin Nei in a suburb of Taipei.

H was arrested in 1967 and charged with failing to denounce men who hoped to overthrow the government. H's only connection with the group is that he was hired for $2.50 to make a name stamp which read "Action Group of the Taiwan Independence Center" for the group. He has not been tried, but if he is convicted, he will receive seven years in prison. He has been in prison since 1967 awaiting trial.

Before his arrest, I was a primary school teacher. He was sentenced to seven years in prison for having written a personal letter to a friend in which he discussed the future of Taiwan after the death of Chiang Kai-shek. I was then on reserve duty for the summer with the Navy.

THE KUOMINTANG PARTY AND EDUCATION

A dictatorial regime must, if it is to have any future, thoroughly control the educational process of the country. This lesson has been learned by the Kuomintang (KMT) leadership, and they are now implementing that control.[2] In 1951, two years after the flight to Formosa, Chiang Kai-shek addressed a joint meeting of the Revolutionary Academy and Officers' Training School. He said: ". . . the greatest cause of our failure on the mainland was the failure in education and culture. *Only because we failed in the field of education did we fail in so many other fields as well.*" Chiang went on to explain that the Kuomintang (KMT) Party had formulated, since 1928, resolutions on educational policy, but they had not been implemented throughout China. He said: "They did not actively incorporate our party's policy into their teaching. They disregarded party policy on education. They thought that party policy on education had nothing to do with actual education. As a result we have never realized our party's ideals in education."

On August 11, 1952, Chiang Ching-kuo, the head of his father's secret police, delivered a "Top Secret" address to cadets at a training class for party workers in which he related the goals of the KMT party in education:

"We must start a large scale youth movement to elevate and strengthen the political education of youths. Every school must have a systematic plan for strengthening political education and elevating the political knowledge of its students. In both youth movements and in political education we must carry out thought indoctrination and win the struggle for the minds of youths and make the youths accept our correct thoughts and abandon all incorrect thoughts. This course will lead to the unification of the political motives and political directions of youths and make them love our party, believe in our party, have hope in our party, support our party and make them voluntarily join our party and aid it in accomplishing its mission."

A year later, Chiang Kai-shek, in a secret address, related the control of education to the consolidation and enhancement of the powers and position of the leader of the KMT party:

"In brief, if there is no party ideology then there can be no revolution. If there is no fuhrer-type leader there can be no fatherland and no revolution can be successful. When we examine our painful experience on the mainland we must recognize that our failure on the mainland was due to our failure to believe in the Three Peoples Principles and especially on the loss of confidence in our leader. That was the cause of our tragedy. Now, today, for the sake of our revolution, for the sake of the fatherland and for the sake of our anti-communist and anti-Russian mission we have to restore confidence in the Three Peoples Principles and especially restore confidence in our leader. We cannot emphasize too much the importance of the central leadership of the revolution. Our slogan will be 'Party Ideology, Leader, Fatherland, Responsibility, and Honor.'"

To implement the goal, enunciated by Chiang Ching-kuo in 1952, the "Chinese Youth Corps for Anti-Communism and the Salvation of the Fatherland," known as the Youth Corps, was established largely to study KMT literature and the thoughts of President Chiang. All students above 12 wanting high school certificates must "voluntarily" become members. Non-Youth Corps members are not allowed to graduate from high school. In addition to the Youth Corps, the Party Headquarters for Intellectual Youth has a branch in every college in Taiwan. It generally has monthly meetings in small cells of 10 members, and leaders report directly to the party hierarchy.

The Ministry of Education naturally is controlled by the KMT Party. The Minister is usually a trusted aide of either the President or his son. In local colleges, the dean of students and the chief military instructor are either directly or indirectly appointed by the KMT. The security officer, required in each school by a 1959 statute, is directly responsible for reporting to the secret police on the activities occurring in the school. He is required to know what happens in each classroom. Consequently, at least one pupil in each class reports to the security officer. In one university these "professional students" are often veterans of the armed forces. "Student, faculty, and staff members who apply for either a passport or a job must be approved by the security officer of their school." Many faculty and student arrests are believed to result from reports by the security officer.

The most odious aspect of the totalitarian educational system in Formosa is that each faculty member in every school must persuade some person other than a member of his immediate family to sign the following statement: "I guarantee that Mr. ——— will abide by the law and government orders. I guarantee that he is not a Communist, or a member of any other subversive element. If he fails to do so, or is any of the above, then I have the obligation to denounce him. If I do not denounce him, then I am willing to receive punishment according to Article V. of the Statute for the Denouncement of Rebels." The result of this system is that "if the guarantor even has the slightest suspicion that the thoughts or actions of the guaranteed are not acceptable to the government, then he is moved by fear to denounce the guaranteed immediately." A similar system is used for every college student.

Dr. Marilyn Young, of the Center for Chinese Studies at the University of Michigan, wrote in a recent letter that:

"Few American students can be unaware of the fact that the system of informal spies which permeates Taiwan has overseas branches throughout the United States. It is a safe assumption that no student from Taiwan, particularly if he is Taiwanese, can comfortably engage in public discussion of political issues unless he has permanently abandoned any intention of returning to the island."

She gave two specific examples. In August 1968, Chen Yu-hsi was "tried and sentenced for apparently having read 'The Thoughts of Mao' . . . in the Oriental Section of the U. of Hawaii's East-West Center Library and for having written articles for a journal deemed left-wing by the Nationalist Government." And in 1966, "Huang Ch'i-ming, a graduate student at the University of Wisconsin, home on a brief filial visit, was arrested and convicted on the charge of having attended meetings in Madison where 'the problem of Formosa' was discussed."

Professor Young draws certain conclusions from these two cases and others and asks hard questions:

"Suppose both Huang and Chen were guilty as charged. What does that mean about Chinese centers across the country? It means that we study with and among students who are under direct threat of imprisonment, afraid to discuss subjects of vital mutual concern. It means that we tolerate in our midst a disgusting atmosphere of fear and repression. It means that China centers have double standards for academic freedom—if you are Chinese keep your mouth shut, for we cannot help you if you get into trouble. Should American universities continue to accept students who cannot openly engage in the kind of intellectual exchange we pride ourselves in encouraging? Should we allow a foreign government to infringe upon the right of free speech on our campuses?"

The paper on education in Taiwan mentioned previously concludes:

"Many young people in Taiwan have never developed their abilities to engage in independent thought, objective analysis, and critical observation. In the Taiwan educational system there is an atmosphere, even at institutions of higher learning, in which unconventional, unorthodox, or nonconformist thinking or behavior is not only frowned upon but is severely punished. This has resulted in a complete lack of creative intellectual activity on the Taiwan campuses."

Another result of the educational system indicated in this paper is that it has produced generations of citizens who have learned that they can express themselves in public only in strict accord with govern-

[2] Material for this section is taken from a confidential paper on the government's influence on education in Formosa today written by a foreigner who has taught there for nearly two years.

ment policy. Even among young people, there is an inconsistency between what they say in public and what they say in private.

CHRISTIAN CHURCHES ON FORMOSA

No organization escapes the ever watchful eye of the government. The Christian churches on Formosa do not claim more than 10 or 15% of the population. But because President Chiang is a professed Christian, the size of their membership does not accurately reflect the churches' influence.[3] President Chiang has little day-to-day control over the administrative bureaucracy of the country. Yet in one fairly prominent Protestant denomination, it is freely admitted that middle-range party functionaries (who are all mainlanders) have the veto power over the important activities of that church in Taiwan.

The general trend of religious action has been toward ecumenical cooperation. National (U.S.) and worldwide bodies, such as the World Council of Churches, have been concerned with social and political progress. Among other matters, the National Council of Churches in the United States and the World Council of Churches have advocated normalization of relations with the Peoples Republic of China. Naturally this is contrary to the views of those in power in Formosa. Several tactics have been used by a relatively small group of middle-level party and government functionaries to control the denominations in Taiwan. Anything that is ecumenical or connected with the worldwide Christian movement is considered "leftist" and is closely watched.

This small group of functionaries operating within religious organizations uses "terrorist tactics to intimidate others." A Christian leader received a visit from the secret police after his return from an East Asia Christian Conference (the Asian affiliate of the World Council of Churches). The secret police investigated him "on the grounds that the East Asia Christian Conference was subversive, due to its World Council connection . . . even his being a party member has not saved him inconvenience in this matter." Another minister was tipped off that he was to be put in prison; through his connections, he was able to leave the island rather than face indefinite imprisonment.

At the present time, the International Council of Christian Churches, led by an insurgent American Presbyterian minister, Dr. Carl McIntire, has established the Republic of China Council of Christian Churches in Taiwan. Dr. McIntire is connected with many right-wing causes in the U.S. under the guise of anti-communism Christianity. (He recently said that the July 4th Honor America celebration in Washington, D.C., was not sufficiently patriotic to suit him.) He is making alliances with the various party functionaries within Protestant denominations in Formosa. This combination has the ultimate objective of severing all connections between Formosa Protestant denominations and outside organizations.

As Protestant groups withdraw from Taiwan, as one important one already has, the Christians on Formosa will be at the mercy of the extremists who have strong political connections. Chinese pastors indicate that these extremist government functionaries are not representative of the feeling of the majority, but the majority is intimidated into silence.

CONCLUSION

From the facts uncovered, it seems abundantly clear that we support an unrepresentative and repressive government in Formosa as we have been doing for some time in South Vietnam. Over the long run, however, the stakes in Formosa are much larger. U.S. policy toward Taiwan directly affects our relations with the Peoples Republic of China.

As we have seen, the government of Chiang Kai-shek claims to be the sole legitimate government of China, even though it has actual physical control over only the population on Taiwan. His government doesn't represent China and it doesn't represent Formosa. Chiang's government does not tolerate political discussion which raises the legitimacy of the present system or suggests changes in it. For 20 years the U.S. government has gone along with Chiang Kai-shek, helping to perpetuate the myth that he on Formosa represents the entire nation of China and Formosa.

In one sense, we are faced not with a China problem, because it is quite clear who governs the 750,000,000 people of China and they do not receive our support, either material or moral, for their efforts. But we *are* faced with the problem of the future status of Formosa, because we have long been involved in the present Nationalist government's affairs.

The Nationalist Government of China does not represent the people of Formosa. The Formosans have not been given any voice in determining their future. They have been subjected to government by martial law and to government by a system that includes only a handful of Formosans.

Finally, the Nationalist Government does not represent China except in the tortured reasoning of its ideology. It deludes itself that it will return to reconquer and govern China. It is time for all parties to this complex political problem to face the realities of this situation. "Free China" is neither "Free" nor "China."

[From the New York Times Magazine, Aug. 23, 1970]

MAO MAKES THE TRIALS RUN ON TIME

(By Richard Hughes)

HONG KONG.—The public trials of 1951—when, according to reliable estimates, as many as two million "enemies of the people" were executed—have been revived throughout China. On the hard evidence of provincial radio news, monitored here, the trials were resumed at the beginning of this year, although early reports suggested that they first began in mid-December in Harbin, Shanghai and Sinkiang. Since January, there have been factual reports of similar trials in Kwangtung, Heilungkiang, Inner Mongolia, Fukien, Peking, Tientsin, Wuhan, Kwangsi and Honan. In the month of March, in Canton alone, according to the Kwangtung Province radio, more than 100 male civilians were found guilty at three mass trials and were shot on the spot. In addition, some 300 to 350 were sentenced to long terms of imprisonment in "corrective labor establishments." The "jury" at each of these public trials, by official count, averaged 10,000—attendance compulsory.

The Kwantung trials were prudently suspended during the Canton Spring Trade Fair, attended by 3,000 foreign businessmen, but they have since resumed. The absence of regular news services from Yunnan and Szechwan probably conceals the staging of similar trials in those turbulent provinces. In conservative judgment here, more than 5,000 "major criminals" have been tried and at least 1,000 executed in the first six months of this year.

The 1951 trials represented in large part belated vengeance by tortured workers and peasants against pre-1949 tyrants and persecutors. "Blood calls for blood," as the writer Han Suyin, who survived the revolution, said recently, explaining those mass executions. The present trials are designed to suppress the turmoil which has arisen within China, in the wake of the great "cultural revolution" that began in 1967. That upheaval largely destroyed the administrative machinery of the Chinese Communist party, leaving the army to try to fill the power vacuum on a local, piecemeal basis. One accompaniment has been a crime wave—both of "crimes" as Westerners understand the word and of "political crimes."

The crisis is called, with bland Oriental understatement, "the New Trend"—*hsin-ssu-ch'ao*. The term goes back to 1932, when Mao Tse-tung was temporarily a party outcast, and it then meant a "new trend" in confused and divided party policy and morale. In 1968, the initial lawlessness following the cultural revolution was attributed to the New Trend; in 1969, the "trend," still "new," was dubbed "antiproletarian." This year, the prefix has become "anarchist." But, let it be noted, the adjective "new" still attempts to disguise an old and mounting "trend."

The peasants are sullen and uncooperative, following the removal of the "incentives" which they had regained in the early days of the "cultural" reverse: family marketing and selling, private plots of land, pigs and poultry for one's own table. Young people in the cities are resentful of the suspension of education, and their mass transfers to the remote countryside. The local "Revolutionary Committees" which have replaced the old centralized party bureaucracy lend themselves to petty power struggles and corruption.

"This antiproletarian New Trend," a joint editorial in The People's Daily, Red Flag and Liberation Army Daily warned last year, "finds channels to representation in the very heart of the Revolutionary Committees, and jams the process of the strategy laid down by Chairman Mao. This is the political program of the enemy—capitalist tendencies, crime and intrigue."

The scale of the purge in both the party and army commands, which destroyed discipline and morale, is sometimes forgotten. The "casualty" lists have now been confirmed by China specialists here. Never in the history of any other dictatorship has there been such a purge of top, trusted officials, the majority of whom had apparently served the cause faithfully down the hard years and into the years of normal reward.

Twelve of the 30 members of the Politburo were purged. The Central Committee secretariat, charged with policy administration, has vanished; six of its 10 officials were disgraced; the remaining four were absorbed in the now shrinking and doomed Cultural Revolutionary group.

Of the Central Committee's 93 full members, 48 were purged and nine censured, leaving an uneasy rump of only 36 survivors (who include six doddering figureheads). Of the committee's 79 alternate members, 45 were purged and 15 suspended. In the party's six regional bureaus, there were 67 secretaries and alternate secretaries. Of these, 37 were driven into outer darkness, and 17 were suspended for self-criticism and possible rehabilitation. Finally, of the party's 28 provincial secretaries, 20 were purged, two were told to meditate upon their sins, and one committed suicide.

In the military command, it has now been definitely established that more than 100 high-ranking leaders were dismissed from Peking headquarters alone during the "cultural" purge. Another 200, at least, were purged from provincial regions of the People's Liberation Army. These totals, patiently and authoritatively documented from Chinese records of promotion, are more than double earlier estimates. They are probably still inconclusive.

The chief of staff of the navy, two deputy chiefs of staff of the army, and the deputy chief of staff of the air force were dismissed. The deputy directors of the following key military organs have all been replaced: Public Security, Military Affairs Academy, Scientific and Technological Com-

[3] The material for this section is based upon confidential communications from a foreigner well acquainted with the religious life of Formosa.

mission, Political Ministry of the Peking Military Region, Higher Military Institute, Department of Military Operations, General Political Department.

Gen. Shou Shih-ti, commander of the Chinese paratroops (and member of the party's Central Control Committee), was sunk without a trace. So were both the commanders and deputy commanders of the armored corps, the antichemical warfare corps, and the Peking garrison; the commander of the artillery corps, and the deputy commanders of the air force and the navy.

The personal fates of all these casualties are, of course, not known, and the effect on morale among their ranking officers and friends can only be surmised. Some may be in labor camps, some under "house arrest," others merely demoted and transferred.

Not surprisingly, young people in China are increasingly opposed to authority, especially now that Peking's once-proud "authority" is so diffused and weakened by the purges of the cultural revolution. Not only university students have resented the massive compulsory evacuations from the cities to "glorious productive work in the countryside" (some estimates run as high as evacuation of 20 million youths). In Canton, the center of the traditionally "rebellious south," the police, the militia and the army have been harassed by the return of rebellious youths from the farms, seeking their homes once more, embarrassing their parents, resorting to theft and robbery, lies and misrepresentation—because their work permits and ration cards are inoperative.

No one in Hong Kong can attempt to estimate the number of recalcitrant students and young urban workers who flexed their muscles under Chairman Mao's divine instructions a couple of years ago, and who—now disillusioned—are quitting their rural work. No one in Peking, either, could attempt a proper estimate. But public trials are needed to handle them.

The invocation of a public trial for juvenile delinquency—whether in a commune or a city—is now a matter for local decision by the provincial authorities—which is to say, by the army. Public trials of ordinary, minor, nonpolitical offenders indicate that juvenile delinquency is waxing. Clearly the decadent, capitalist West is not unique in its subversion by juvenile delinquency and independence.

"In reasoning," Mao Tsetung wrote a long time before the current revival of *hsin-ssuch'ao*, "we must begin by administering a shock and shouting at the patient, 'You are ill,' so that he is frightened into a sweat, and then we tell him *gently* that he needs treatment."

That was the theory of punishment—or correction—of heretical crime in China when the mass-accusation meetings, public trials and executions of 1951 became blood-stained history. The Mao formula was primarily concerned with ideological offenses and deviations, but as a lofty principle of reform it was supposed to govern ordinary crime also. There is still neither a criminal nor a civil legal code in China. Sentences, imposed openly by a people's court—as distinct from a public trial—or privately by a national security commissar, are influenced by the personal and political background of the offender rather than by the gravity of his offense. A robber or a rapist will escape lightly if he has a "reliable" background, while a minor transgressor can cop a long stretch if, say, he has been unwise enough to have had a landlord for a father.

There are three categories of prison camps in China, known officially as Corrective Labor Establishments. My information on them is an amalgam of independent reports by former prisoners, screened in Hong Kong, Macao (before the Communists forced the Portuguese to return all Chinese escapees) and Taipei.

First, there are the Labor Reform camps, reserved customarily for long-sentence offenders who are engaged in hard labor, heavy construction, basic agriculture, railway and road building, and the like. Secondly, there are Education Through Labor camps for lesser offenders. Up to the mid-sixities, the maximum sentence in these No. 2 camps was supposed to be three years, but, as with affairs generally in China today, no one has any idea now what the rules are, or who makes them. The third category constitutes Forced Labor camps, where petty criminals, migrants and the unemployed are put to work. Many of the prisoners in these camps have not been charged with an offense, and indeed are classified as "volunteers."

Prisoners in the Education Through Labor camps may be paid a monthly wage of up to 30 yuan ($12), and, in theory, retain their "voting rights"—a harmless enough indulgence. "Volunteers" in the Forced Labor camps can earn from 20 to 60 yuan ($24) a month—and, if their work, behavior, self-criticism and political studies are satisfactory, may be permitted a brief visit to family, relatives or friends once a year. Semiskilled workers in these two categories of prison camps are often employed in the manufacture of plastics, textiles, clothing, socks, electric fans, footwear and other light-industry goods for low-priced export and sale in the Communist supermarkets of Hong Kong.

On all the available evidence, political offenders who have escaped the firing squad at public trials during the "New Trend" are being thrust into the top-security Labor Reform camps, among the hardened and dangerous criminals, revisionists, landlords' progeny and other "bad elements." Restive students and juvenile delinquents, now being tried at mass public trials for moral effect and warning, are probably placed in Education Through Labor camps, or else dispersed to more remote and primitive communes.

All prison escapees with whom I have talked accepted a cynical, party-line approach to crime and punishment as the *hsin-ssuch'ao* way of life in Mao's China. One party cadre in Canton was found guilty of corruption involving commune funds, but escaped with a reprimand because his superior (who was known to have shared in the offense) testified to his devotion to the party and to "the importance of his work for the state." Conversely, an elderly professor in Chungking, who had been under fire during the 1957 period of letting a hundred flowers bloom (when imprudent intellectuals were persuaded to criticize the regime's faults), was sentenced to eight years—in a Tsinghai prison camp, where he would have no friends—for "spreading rumors of an anti-Government nature and attacking Government policy." The evidence had shown that he had casually asked someone how long he thought Chairman Mao would live. He died in the Tsinghai camp, but "only from loneliness," my antiparty informers told me with frightening objectivity—not from ill-treatment or heavy labor. "He was a kind old man," they said, "and all the army guards in Tsinghai loved and helped him."

One bright young Cantonese student, with a good party record and the "reliable" background of a "revolutionary-peasant" father, was sentenced to two years, making chamberpots in a No. 2 labor camp, because he had contested the right of his commune production leader to transfer him from university studies to urgent river-dike construction. Examples have to be made.

Conditions inside the Labor Reform camps vary, one gathers, from area to area, and from political crisis to crisis. But certain conditions, rewards and penalties seem to be consistent. Food is carefully rationed according to the physical labor of the prisoners. During the nationwide food shortage of the early sixties, after the "Great Leap" had become the "Great Retreat," there were thousands of prison deaths from malnutrition or plain starvation. Tuberculosis, on the testimony of a former national security cadre now living anonymously in Macao, is maintaining a death toll of around 40 per cent among old workers in most Labor Reform camps in mining areas—a legacy of those hard days, which admittedly were hard for all Chinese.

All prisoners attend self-criticism meetings of from two to three hours every night. A section leader, himself a prisoner struggling for early parole, supervises a group unit of from 12 to 20 prisoners, each of whom in turn each night must stand up and denounce himself and other prisoners. Failure to cooperate "sincerely" can mean harder work, a reduced food ration, or sometimes deferment of technically overdue parole.

Bed spaces in dormitories are changed regularly to prevent friendships developing among prisoners. Right or wrong, most of the ex-prisoners with whom I talked believed the camp legend that "criticism"—i.e., betrayal—of a minimum of six other prisoners was a necessary condition for parole. The camp authorities might not always accept the "criticism" officially, but they appreciated the "sincerity" which prompted it. Normally, army and security guards do not personally maltreat prisoners. But they look the other way, or only murmur gentle remonstrances, when bully-boy "activists" seek to hasten remission of their own sentences by beating up uncooperative fellow prisoners.

As a general rule, the regime has sought to appoint northern guards to prison camps in the south, and southern guards to camps in the north. Prisoners in Kwangtung Province count themselves lucky if they are sent to a camp controlled by locally born guards. The historic enmity between northern and southern Chinese has been widened and deepened by the cultural revolution and the New Trend.

Parole, when won, is indefinite. The ex-prisoner, wherever he ends up, must visit the resident national security representatives at least once a week and provide evidence of his enduring reform, penitence and continuing self-criticism. His family and neighbors must assume personal responsibility for his rehabilitation, and are themselves harassed by spot-check interrogations by local officials on his progress and behavior. Paroled prisoners, consequently, are seldom welcomed by neighbors or—after a lengthy absence—even by their families.

Attempts are made in hardship areas, where the prison camps naturally flourish, to "persuade" released prisoners to remain on developmental work by bringing, sometimes unannounced and unexpected, their families to join them. Early releases are then offered on condition that the offenders remain in the area, technically "free." Wages are also offered, ranging up to 60 yuan a month, which is above the average income in the commune to which the "released" prisoner would otherwise return.

Here is the officially promulgated scale of punishment for crimes in Kwangtung Province—as of the "cultural" revolution. Since then, many sentences have been increased—especially as examples at the pubilc trials.

Theft and burglary: 1 to 8 years.

Sabotage of the national economy: 1 to 15 years (or life).

Vagrancy: 2 to 5 years.

Rape: 2 to 5 years.

Corruption: 3 to 10 years.

"Living like a playboy, and being obsessed with lascivious thoughts": 5 to 10 years.

Carnal knowledge of minors: 10 to 12 years.

Murder, a rare crime, draws death. The sentence for attempted escape from the mainland to Hong Kong has recently been raised from an average of six months to three years. The gunboat patrols of Hong Kong waters

have been doubled, and the army is cooperating by sending units to coastal villages to arrest friends and relatives of refugees, charging them with complicity.

As a general rule, the larger the "jury" at a public trial, the heavier the penalty. Peking's Current Affairs Journal has formally blessed the technique: "The enthusiasm of active elements in making accusations and passing sentences can be prepared amongst selected groups beforehand. It is desirable to regulate the degree of tension. . . . The masses can be stimulated right from the beginning; then pressure can be slackened to allow time for ideological precept and discussion; finally tension must be again strengthened so that the feeling of mass indignation can last until the end of the trial."

There has been one modification in protocol for these revived mass trials. In the past, formal approval by the Supreme Court was mandatory before the firing squad took over. That bourgeois regulation has now been repealed—or forgotten.

LAW AND ORDER, PEKING STYLE

(Compiled by Richard Hughes.)

I

Radio Peking (Jan. 20): "Six prisoners were found guilty this week at a People's Court of political crimes, counter-revolutionary plotting against the masses and the state, and conspiring with the archrenegade, archrevisionist, ugly scab and traitor Liu Shao-chi. They were found guilty of corruption, bribery and embezzlement. After a public hearing of evidence, all pleaded guilty and—amid shouts of 'Long Live Chairman Mao!'—they were executed on the spot."

Eyewitness report (from neutral Asian diplomat): "Probably 20,000 members of the 'jury,' dominated by a huge billboard portrait of Chairman Mao, were assembled in the sportsground near Peking's West Gate when the six prisoners, with shaven heads, were dragged into the arena. All rose and shouted: 'Guilty! Death!'

"It was 9 o'clock on a bitterly cold January morning this Year of the Dog, with a pitiless wind cutting high over the Great Wall and the Western Hills from the Gobi Desert.

"Three guards handled each prisoner; two grasped his arms, the other forced down his head. On each man's chest was a placard proclaiming his crimes. Five 'judges' marched into the arena; two women, two men in uniform, and a senior in civilian clothes from the secret police. A band blared 'The East Is Red,' and the execution squad, with submachine guns, stood at attention and then relaxed for the trial, bored, chatting, smoking.

"Charges were read against each prisoner in turn. Witnesses were called and bawled their evidence through loudspeakers, brandishing the little red book of Chairman Mao's 'Thoughts.' No defense was allowed or plea taken. Following a lead from the claque in the front seats of the bleachers, the whole 'jury' rose once more, shouting: 'Guilty! Death!'

"The first prisoner was dragged before the firing squad, tied to a post in front of a high screen, and shot immediately and efficiently. The body was dragged to one side and turned over on its back. Justice had taken 20 minutes.

"The same procedure was followed with the remaining five prisoners, except that proceedings were hastened. and only 10 minutes were needed to try and shoot the last man. By 11:30, the 'jury' was marching out to the tune of 'Sailing the Sea Depends Upon the Helmsman.' Some crossed the arena to file triumphantly past and spit, and even urinate, upon the six bodies. By noon, the crowd had been cleared by waiting trucks or had dispersed on foot to neighboring factories. But the bodies lay there all day."

II

Radio Canton (*May 12*): *"A young woman was yesterday tried and found guilty at a People's Court in Lu Chueh of the theft of a bicycle. Her father was also found guilty of having failed as head of the family to hold regular family classes to study Chairman Mao's 'Thoughts.' Both admitted their guilt. The People's Court shouted approval when the comrade judge referred the prisoners to the Public Security Bureau in Namhoi for sentence. The trial opened at 7 A.M. and closed at 11:30 A.M."*

Eyewitness Report (from a Hong Kong resident who was visiting relatives at the Lu Chueh commune): "A teen-aged girl was charged with the theft of a bicycle—a curious offense, because she could only have ridden it around secretly at night. However, her crime assumed new dimensions when it was alleged, improbably, that she was planning to escape to Hong Kong by bicycle—a difficult venture even for an invisible cyclist. Several neighbors bore witness against her, as she sat, weeping silently, head bowed, on a stool between two militiamen; two of the witnesses struck her on the head with their copies of Chairman Moa's 'Thoughts.'

"The girl's father was charged with having been an accessory to the theft—which was not legally proved, because the bicycle was not produced and no one could suggest what the girl had done with it. Other witnesses, also striking him on the head as he squatted silently, accused the father of contempt for Chairman Mao's teachings and neglect of family study of the 'Thoughts,' and demanded that he submit to reform through hard labor.

"This trial lasted for more than four hours, and it appears that the 'jury' became restive toward the close, although none dared leave. Finally, the pair were led away, separately, for sentencing. The forecast in the commune is that they will be sent to different labor camps for terms of 'reform' ranging from two to four years."

III

Radio Canton (*May 28*): *"Six enemies of the people, who had been convicted at a Canton People's Court of having been supporters of Liu Shao-chi, of having started factional fighting during the cultural revolution, of having helped people to escape, of having listened to reactionary radio stations and of having been employes of a foreign state, were publicly executed yesterday at Shumchün [on the Hong Kong border]. All admitted their guilt before execution."*

Eyewitness report (from a Hong Kong resident who was in Shumchün after visiting relatives in Canton): "The shootings started at 9 A.M., after villagers had come to the hillside outside the village. This execution center cannot be surveyed by Hong Kong police from their lookout at Lowu [on the Hong Kong side of the border]. The six men were dragged, in turn, to the execution spot and killed by a firing squad with submachine guns.

"The first man kept shouting, 'I am innocent,' and was crying and wailing as the army men tied him to a pole. The other five offered no resistance. One was shot sitting on a box; three were shot standing up; the last man refused to stand up and was shot kneeling. There was an interval of 10 minutes between executions. Soldiers photographed each execution.

"During the executions, there were heavy showers of rain, but this did not delay the performance. Afterward, many of the audience, men, women and children, filed past the corpses, which had been kicked over onto their backs in a row by the armed men. The bodies lay there all day and night. I did not return. But I am told that they remained there until the next noon, and were frequently defiled by passing groups, organized by the army."

Another eyewitness report (from a child of Hong Kong parents, also returning home): "My No. 1 uncle and aunty took me up on the roof to see the men shot. I did not like to see. One man was shouting out before he was shot dead. I started to cry and hid my eyes. My aunty was very angry with me and took me off the roof, while people laughed at us, saying she had lost face."

CPL. DAVID L. SMITH

HON. JOSEPH M. GAYDOS

OF PENNSYLVANIA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. GAYDOS. Mr. Speaker, it is with deep regret that I announce the death of another of our brave fighting men, Cpl. David L. Smith, of Clairton, Pa., who was killed in Southeast Asia.

We owe a profound debt of gratitude and appreciation to our dedicated servicemen who sacrificed their lives for this great country. In tribute to Corporal Smith for his heroic action, I wish to honor his memory and commend his courage and valor, by placing in the RECORD the following article:

CITY MARINE DIES IN SOUTHEAST ASIA

Marine Cpl. David L. Smith, son of Mr. and Mrs. Lawrence W. Smith of 31–D Miles Ave., has been reported killed in combat in Southeast Asia by the U.S. Defense Department.

Cpl. Smith, 22, a 1966 graduate of Clairton High School, entered the Marines May 23, 1968. He had been in the war theater, notably Vietnam, approximately seven and a half months, according to members of his family.

The young Marine is survived by his parents, two brothers and a sister.

SENATE—*Monday, August 31, 1970*

The Senate met at 8:30 a.m. and was called to order by the Acting President pro tempore (Mr. METCALF).

The Chaplain, the Reverend Edward L. R. Elson, D.D., offered the following prayer:

O Thou who art from everlasting to everlasting, yet the light of each new day, make known Thy presence to us not only in the moment of prayer, but also in the doing of each task. Take us as we are, O Lord, and reinforce our human endowments with divine energy. Sharpen our intellects. Refine our perceptions. Regulate our emotions. Direct our wills. Make sound our judgments. Grant that in all we do this Nation may be well served, mankind uplifted, and Thy kingdom extended.

Through Jesus Christ our Lord. Amen.

THE JOURNAL

Mr. MANSFIELD. Mr. President, I ask unanimous consent that the reading of

the Journal of the proceedings of Friday, August 28, 1970, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

COMMITTEE MEETINGS DURING SENATE SESSION

Mr. MANSFIELD. Mr. President, I ask unanimous consent that all committees be authorized to meet during the session of the Senate today.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States submitting a nomination was communicated to the Senate by Mr. Leonard, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session, the Acting President pro tempore (Mr. METCALF) laid before the Senate a message from the President of the United States submitting the nomination of John N. Irwin II, of New York, to be Under Secretary of State, which was referred to the Committee on Foreign Relations.

MESSAGE FROM THE HOUSE— ENROLLED BILL SIGNED

A message from the House of Representatives, by Mr. Hackney, one of its reading clerks, announced that the Speaker had affixed his signature to the enrolled bill (H.R. 17133) to extend the provisions of title XIII of the Federal Aviation Act of 1958, as amended, relating to war risk insurance.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from Alabama (Mr. ALLEN) is recognized for 1½ hours.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield briefly?

Mr. ALLEN. Mr. President, I am glad to yield to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that at 10 o'clock this morning the able Senator from New York (Mr. JAVITS) be recognized for not to exceed 10 minutes, the time to come out of the time on the Muskie amendment, to be equally divided, and that at 10 minutes past 10 o'clock this morning the Muskie amendment be laid before the Senate and made the pending business.

The ACTING PRESIDENT pro tempore. Without objection, the several requests are granted.

FORCED IMMEDIATE DESEGREGATION POLICIES

Mr. ALLEN. Mr. President, I appreciate the opportunity that has been afforded me, through unanimous consent of the Senate, to speak on a subject that is near and dear to the hearts of the people of Alabama and of the South, and that is our public school system and our boys and girls who go to those schools.

Mr. President, some of the schools in Alabama opened before this week, many opened today, others will open next week. Many school systems are in a state of chaos as a result of the forced immediate desegregation policies of Washington bureaucracy and the Federal courts.

Mr. President, what I have to say today is said in the interest of public school education.

Public school education in the South and in the Nation cannot survive in the absence of strong public support. Public support is diminishing. The institution of public education is in danger.

The interest and welfare of the Nation are involved and the interest and welfare of countless millions of schoolchildren lie in the balance, waiting decisions which this Congress and the Supreme Court must make on fundamental principles of our constitutional system of government, as they relate to our children and to public education. This then is the motive of my remarks and the cause for which I speak.

SITUATION IN ALABAMA PUBLIC SCHOOLS

Mr. President, let me begin with an account of the current chaotic public school situation in the public schools of Alabama.

Letters from concerned parents pour into my office in a continuous stream. They describe factual situations which are well nigh incredible.

These letters speak of community schools being closed on court order and children scattered and bused all over cities and counties.

The cost of construction of many of these schools was financed from proceeds from the sale of bonds on which outstanding indebtedness remains. Payments of these obligations are made from proceeds of taxes voluntarily assumed by citizens of separate communities in some instances and by the people of Alabama in other instances. The proceeds are dedicated by law to payment, and payment is further guaranteed by obligations of contract. The effect is that the people of these communities must continue to pay taxes for public school facilities which have been odered closed and abandoned by Federal authorities.

I have a letter from a county school superintendent indicating that school facilities constructed at a cost of over $1 million in his county alone have been ordered abandoned by Federal court decree, despite the fact that about three-fourths of the outstanding bonded indebtedness remains and must yet be paid.

Throughout the State of Alabama public school facilities with a value in excess of $100 million have been ordered abandoned and closed to public use, on orders of Federal officials.

Concerned parents write and properly object to the uprooting of their children from their communities and neighborhoods. They object to their children being compelled to travel long distances by public or private transportation to and from school. In many instances an undue amount of time is required to travel to and from schools, and parents on farms are deprived of services of their children in the performance of useful chores. Others point out that as parents they are denied the opportunity of adequate parental supervision. In other instances parents point out that schoolbus transportation is not provided and that their children must walk long distances to and from school and that their children are deprived of the opportunity to participate in extracurricular school activities, and also the opportunity for recreation in their neighborhoods.

Some parents complain that their children are arbitrarily assigned to schools which do not offer college preparatory courses—that their children are denied opportunities to continue study in foreign languages and courses in higher mathematics. Others say that their children have no opportunity to continue instruction in music, glee clubs, and school bands, and still others complain that their children can no longer participate in high school athletics because of the lack of transportation and the time involved in going to and from school.

Thousands of concerned parents complain of arbitrary assignments of their children to overcrowded schools while school buildings and classrooms nearer their homes have been abandoned. They cannot understand, nor can I, why thousands of Alabama schoolchildren must be bused or compelled to walk to schools which are overcrowded, inadequately staffed, poorly equipped, and without reasonable sanitary facilities when perfectly good schools are available in their communities or neighborhoods.

So it would seem to the junior Senator from Alabama, Mr. President, that the Federal bureaucracy, the HEW, the Justice Department, and the Federal courts, are more interested in the sociological experiment regarding the desegregation of the public schools than they are in the education of our children. But the people of Alabama are not interested in sociological experiments. They are interested in the welfare, the education, the health, and the safety of their children.

We resent, Mr. President, the fact that the Federal school policy with respect to desegregation of public schools demands the immediate, the forced desegregation of public schools in Alabama and the South, and at the same time, in sections outside the South, segregation continues to be protected and fostered, and even encouraged.

Mr. President, the administration boasts that by September—and September will be here tomorrow—97 percent of the public school districts in the South will have been desegregated. Contrast that with the report of the board of regents of the University of the State of New York, in which they point out—and this report was dated in late 1969—that segregation in the public schools of New York State is increasing rapidly.

The people of Alabama and the people of the South resent this type of policy, and we feel that a uniform policy should be adopted. But we find that the very people who are insisting on the immediate forced desegregation of the public schools of the South are the very ones

who fight the hardest to continue segregation in the public schools of the North.

Mr. President, schoolchildren in Alabama are being compelled to attend schools so overcrowded that classes must be held in auditoriums, libraries, and cafeterias or in temporary, makeshift, portable buildings.

Teachers point out that vested tenure rights are being abrogated and that hundreds of teachers are being uprooted from their communities and assigned willy-nilly on the basis of the single consideration—racial balance criterion.

School superintendents, principals, and members of local school boards justifiably protest that the Department of Health, Education, and Welfare, the Department of Justice, or the U.S. district courts have imposed school plans and conditions which are impossible of implementation. By impossible, they mean that they have neither the power nor the funds to comply with the plans imposed upon them.

Mr. President, I have a letter from a concerned parent which points out that her child is forbidden to attend a public school almost across the street from her home. I have another letter that indicates that an emotionally disturbed child is not permitted to attend a neighborhood school but has been arbitrarily reassigned to a school across the city which requires transportation by public conveyance, a transfer downtown, and an additional trip across the city, all this despite the fact that the emotionally disturbed condition of the child has been verified by certification of a doctor.

Mr. President, I have previously addressed the Senate on most of these problems. Hundreds of additional examples could be cited. I believe, however, that it is clear that a human tragedy is taking place in Alabama. But the problem is not limited to Alabama. Nor is it limited to southern States.

The problem is nationwide in scope. It will help to provide perspective if we briefly examine the problem from a national viewpoint

Material illustrative of the national scope of the problem is nearly inexhaustible. However, I will cite and quote from only a few sources which make the point.

First let me refer to an article which appeared in the New York Times Magazine, May 2, 1965, entitled "Close to Midnight for New York Schools." That title is significant. Here are a few observations excerpted from the article:

> Not long ago many of us felt that a large share of the Negro failure in the schools was itself the product of segregation, but almost nobody whose opinion is worth considering believes it today. Personally, I think that open enrollment did make some positive difference in the accomplishment of the Negro children who rode the buses—but I can't prove it and neither can anyone else.
>
> The American tradition of the common school—

This is important because it reflects my view and, I believe, that of the majority of the people of the United States—

> rests on the willingness of parents who have a choice to send their children to the public school. They do so because they believe the public schools adequate to what they regard as the needs of their children; when they lose faith in the serviceability of public education, they send their children to private schools or to suburban schools, once described by U.S. Commissioner of Education Francis Kepple as "private school systems run on public funds."
>
> And though ministers and rabbis whose own children go or have gone to private schools are now making the matter a moral issue, the parents who withdraw their children from the city public schools are not to be criticized for it. *There is nothing admirable or truly humanitarian about people who are prepared deliberately and consciously to sacrifice their children for the sake of their political principles.* (Emphasis supplied).

To illustrate further the national scope of the problem, let me quote from another source to illustrate the geographic distribution of the problem. An article appeared in the August 1969 issue of Nation's Business, from which the following observations have been excerpted.

Mr. HANSEN. Mr. President, will the Senator yield?

Mr. ALLEN. Yes; I am delighted to yield to the distinguished Senator from Wyoming.

Mr. HANSEN. Mr. President, I am impressed with what the distinguished Senator from Alabama is saying. I hold the feeling, and I think it is shared by a great number of people, that, traditionally, with residence has gone the choice of a school. I think that there is strong historical proof of this fact.

As the pioneers first settled this great land of ours and then as they began their migration westward, without exception, schools and churches were two of the first public institutions that were built.

Mr. ALLEN. Yes; I think that is certainly true.

Mr. HANSEN. A great many people, in choosing a home, are interested in knowing how far their children will have to go in order to get to a school. I am certain that most young people with children, or those whose children are yet to be born, probably look at a community in its total aspect and consider proximity to schools and the type of education offered in choosing the place where they may live.

Conversely, I think it is true that there is much to be said for the confidence, the assurance that a youngster has when he first begins school, when he is able to be with youngsters that he has known in preschool days. I happen to believe that one of the most objectionable side effects of busing of children, particularly young children, is that when a child in the first grade is loaded onto a bus and moved out of the neighborhood, away from his friends, many tensions can easily develop in that young person.

So there are two situations: First, those persons who deliberately choose a locality because of many considerations, including that of schools; second, the situation that evolves in which people find themselves in a particular community and because their children have reached the first grade in that area, they, too, would hope that their children would not have to be removed from that area when they begin school.

Does the junior Senator from Alabama share my feeling in this regard?

Mr. ALLEN. Yes, I certainly do. I appreciate very much the contribution that the distinguished Senator from Wyoming is making to this discussion.

I recall most pleasantly that all through the some 20 months of this Congress, as the problems of the public schools of the Nation have been under discussion in the Senate, the distinguished Senator from Wyoming has shown an all too rare perception of the problem involved, an all too rare sympathy with the South in our problem of trying to save our public school systems.

I want to commend and express my appreciation to the distinguished Senator from Wyoming for his stand on the issues that have been presented to the Senate in this area. I recall his votes for freedom of choice, for neighborhood schools, for the Stennis amendment, and for uniform application of the desegregation rules and guidelines of the Federal Government.

I hope that the distinguished Senator from Wyoming would feel that this would be a compliment; I intend it in that fashion. It is the opinion of the junior Senator from Alabama that the distinguished Senator from Wyoming would make a most able southern U.S. Senator, that he would feel very much at home in Alabama, and that he would feel very much at home in some of the seats on this side of the aisle.

Again I express my appreciation to the distinguished Senator.

Mr. HANSEN. Mr. President, if the Senator will yield further, let me say that I am indeed grateful to him for his very generous observation. I should like to make a couple of further observations, if I may.

No. 1, without going into the historical situation from which arose the argument over de jure and de facto segregation, I think few people can deny that today most of those persons who are caught up in so-called de jure segregation, to which one set of laws apply, as well as those involved in a de facto segregation situation, to which a different set of laws apply, cannot be held responsible for either situation. That may have been true in the past; I do not deny that at all. But although there were conscious, deliberate, legislative, and administrative efforts to segregate races in the schools in the past, I think that today, if we are fair with ourselves, we will have to say that the overwhelming majority of people, whether they live in the South or in the North, had not had all that much to do with it. As a consequence, I take a dim view of some legislators and some members of the courts and others who, while publicly inveighing against segregation in the Halls of Congress and in the courts throughout the land, do everything they can to put on the record the condemnation that they would like to be a part of insofar as de jure segregation goes; yet they will turn around, by their actions, and perpetuate de facto segregation.

To me, it is interesting. But I could not take the position that is taken by some legislators, saying the things that have been said by them and then doing what a good many of them have done.

If they believe that this system is as good for the country as they proclaim it is, all I can say is that they ought to be in the Chamber today, helping to introduce legislation and seeing to it that it is enacted, which would desegregate, whether it be de facto or de jure segregation, and seeing to it that there is a uniform blend of the races throughout the United States, insofar as that can be accomplished.

When it came to that point, I think a great many legislators would have to admit that the very points that are being made by the distinguished Senator from Alabama have a great deal of validity, that it just might be more important to a young schoolchild, attending school for the first time, to have the advantage of going to school near at home, to have the advantage of being with friends he has known and has played with, and not to be subjected to the trauma, which surely will follow, of being picked up and hauled by bus to some distant school, to be placed with youngsters none of whom he has ever seen before. All the advantages that are recognized that go with matriculating in a school near home, to which the Senator has alluded, for the most part are denied this youngster, plus the fact that he is subjected to the emotional strain of being removed far from home, far from friends, far from anyone he knows.

I would hope that the Members of this body and of the other body and some members of the court would be honest enough with themselves to say that they would be perfectly willing to have their children treated in precisely the same manner as they now contend must be accorded a great many children in the South and a great many children in some other parts of the country. I will think that they are sincere when they take the leadership in such a movement.

If children can be bused across school district lines and across county lines, I see no reason why they cannot be bused across State lines, if the practice of busing is considered so desirable. It is not too far to bring them across the Potomac River; but I think that to start bringing youngsters from Maryland and Virginia into the District and taking youngsters from the District into Maryland and Virginia, some of those who now find so much merit in the course they have helped to chart for the schools of this country would be the first to cry "Stop!"

I thank the distinguished Senator for letting me take so much of his time.

Mr. ALLEN. I thank the distinguished Senator from Wyoming for his penetrating analysis of this problem and this situation. He has certainly touched on a most sensitive area in pointing out that if segregation is bad in the South, if it results in unequal educational opportunities in the South, if desegregation should be forced on the South, then these same rules, these same principles should be applied as well in sections outside the South, and that the very people who are insisting on forced, immediate desegregation in the South should adopt the same attitude with respect to segregation in the public schools of the North.

I should like to suggest also that some day we are going to have a uniform policy with respect to racial balance in the public schools, North and South, and whatever Congress in its wisdom, whatever the HEW, whatever the Federal courts mete out to the South today will some day be meted out in equal measure to sections outside the South. We cannot continue indefinitely to have one system for the South and another system for the North.

Abraham Lincoln said:

A house divided against itself cannot stand.

He was quoting from the Bible, of course. Thus, we cannot forever have a dual system, one for the North and one for the South, in this most important area affecting the boys and girls of the entire Nation.

Mr. HANSEN. Mr. President, will the Senator yield for one further moment?

Mr. ALLEN. I yield.

Mr. HANSEN. I should like to observe that there are a great many of us who, while not denying that at some level there may be small advantage toward broadening the opportunity for competition among school students, it has certainly not been proved—to my satisfaction, at least—that we are making the best use of our educational dollars when we spend tremendous sums busing children back and forth, having buses cross midway on their routes, hauling some children east and others west across town, and north and south across town, when we know that there is much that could be done for the schools by spending money for better facilities, for more adequate equipment, for more and better qualified teachers than they have had in the past.

I cannot believe that what has come out of the legislative and judicial actions which have brought us to the point at which we now find ourselves as we confront the fall of 1970 proves that we are making the best use of our education dollars.

I hope that we might spend more money on all the schools, but particularly on those which are the weakest in equipment, in teaching staff, and in facilities. If we could do that, if we could provide better education in each of the schools and save the money we are spending trying to achieve a sociological goal, I would think we would be serving our Nation better at this particular time.

I thank the distinguished Senator from Alabama.

Mr. ALLEN. I thank the Senator from Wyoming. I should like another moment or two to propound a question to the Senator from Wyoming. If every child were given the opportunity to go to any school in the system that he chose to go to, would not that give everyone the same opportunity? Would it not be fair and equal treatment if we were to support the principle of freedom to choose and attend the school of one's choice? Would that not impress the Senator from Wyoming as being a fair and equal application of the law?

Mr. HANSEN. As the distinguished Senator knows, I am not a lawyer. And there are many school systems I have not seen, but on its face, I can see nothing wrong with the so-called freedom of choice. It seems to me to have much merit. I think that those who inveigh against it, as nearly as I know, always try to say it really is not true freedom of choice; but I feel certain that the junior Senator from Alabama is speaking of true freedom of choice.

Mr. ALLEN. Yes, indeed.

Mr. HANSEN. With that in mind, I have no argument at all.

Mr. ALLEN. The people of Alabama ask for freedom of choice—a bona fide freedom of choice, a freedom of choice that is fairly and impartially enforced, where the school doors are open to any child.

They say that the Supreme Court has never defined the term "unitary school."

The Chief Justice takes exception to that statement and states that the Supreme Court has defined "unitary school"; that it has been defined in an opinion of the Supreme Court as a school where no child is effectively excluded by reason of his race or color. Thus, that would seem to imply to the junior Senator from Alabama that freedom of choice should comply with that type of definition of a unitary school, where no child is effectively excluded from attendance by reason of his race or color. Thus, it works both ways. It works with respect to a white child and a black child. It would enable the white child to go to a school of his choice. If he were excluded from that school by reason of his race or color, then that would not be a unitary school. The same way with a black child. If he were effectively excluded from attending that school by reason of his race or color, then that would not be a unitary school.

However, under the Supreme Court's orders, and the plans of the HEW, a white child is told where he has to go, and he must go there because of his race. The black child is told where he has to go, and he is told to go there because of his race. Thus, it occurs to met that the very plans which are being forced on the school systems of the South violate definition of a unitary school.

Mr. HANSEN. At this point, Mr. President, let me say that I can see need for the holding by school boards of authority sufficient to regulate attendance so as to make good use of all facilities within a particular school district.

Mr. ALLEN. Very definitely.

Mr. HANSEN. However, I would say that if, beyond that, freedom of choice were to be more widely extended and recognized than is the case in the situation today, then it certainly would follow that we would not find the anomalous situation to which the distinguished Senator from Alabama has referred. He speaks of children being forced to travel beyond empty schools, schools that are closed now, and are being taken much farther away from their homes in order to comply with the decisions of the Supreme Court and with the decisions of the law of the land as passed by Congress.

Most certainly this sort of situation, I should think, under a full freedom-of-choice plan would not obtain. I cannot think of very many people who would be willing to have their youngsters bused beyond one school and taken much far-

ther away to another school in order to achieve a racial balance.

Mr. President, if that does help to clear my response to the question of the distinguished Senator from Alabama, I am happy to submit it.

Mr. ALLEN. Mr. President, I appreciate the extremely valuable contribution of the Senator from Wyoming to this all-important subject.

I return now to the article published in the Nation's Business magazine, and quote District of Columbia officials further:

District of Columbia officials in a report on what has been happening in their jurisdiction: "No evidence was found that any major changes in aptitude or achievement test scores were associated with any of the . . . school programs.

In general, there was failure to recognize the intent and philosophy of the legislation.

And a harsh indictment has come in the resulting reports by the cities and states which have poured into the Office of Education. There have been comments such as:

From Nebraska officials, "Reading achievement levels of disadvantaged readers were no higher after one or two years of participating in Title I programs than achievement levels that would have been expected for the same grade levels without them."

And Florida's latest evaluation report showed the relative performance of thousands of children on language, reading and arithmetic achievement tests declined after exposure to the "benefits" of Title I."

A Parsons, Kansas, school official wrote: "Probably there has been as much good accidentally as there has been on purpose."

Minnesota education authorities said: "The most serious criticism of the projects may well be that they continue, even if in a more concentrated form or on a more individual basis, the same type of educational programs and activities that produced the educationally disadvantaged child.

And a Kansas educator said: "Projects in some schools are doing irreparable damage to the ongoing regular programs."

Said Florida officials: "The frustrations involved in this interagency planning approach were so disquieting at times that there was much question as to whether the benefits gained would offset the problems created."

And from Maine: "It appears to us that there is no necessity for legislation relating community action programs to Title I programs, since the CAP committee is not staffed to intelligently review a Title I project."

One New Jersey official: "We have just about completed approval for projects for fiscal year 1967 and yet we received, in the past week, a draft of revised rules and regulations to be used for fiscal year 1967."

Ohio officials complained: "Inadequate planning was apparent in that the evaluation format, neither in the initial stages nor in its final form, embodied a meaningful basis for evaluation."

Alaska officials blew up on 1968 evaluation procedures.

Kentucky plaintively noted it has received a copy of "Questions to be Answered by State Elementary and Secondary Education Act Title I Evaluations" in April, 1968. Then it received a second, slightly different copy. And then a third, with more variations. Which was the final copy?

"A mad rush and poor use of funds throughout projects" (Arizona). "Much duplication of time and effort at both state and local levels." (Vermont).

Mr. President, I ask unanimous consent that the entire article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibit 1.)

Mr. ALLEN. Mr. President, most of the above complaints relate to title I programs and expenditures, but they speak most eloquently to the point of bureaucratic ineptitude, inefficiency and incompetence of many so-called education experts in the Department of Health, Education, and Welfare. These share a responsibility for some of the near incredible school plans imposed on the South.

Mr. President, let me refer now to an article which appeared in the U.S. News & World Report in its October 13, 1969, issue. The article is entitled "Why School Busing Is In Trouble." The article is a report on a nationwide survey. It concludes that the nationwide trend is against busing as a way of integrating city schools in the North. The reasons are many and compelling. Situations are described in Chicago, Minneapolis, Los Angeles, Boston, and other areas of the Nation.

Mr. President, I ask unanimous consent that this article be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without ojection, it is so ordered.

(See exhibit 2.)

Mr. ALLEN. Mr. President, I could continue citing similar material to further illustrate the costly failure of efforts throughout the Nation. We have cited this material merely to illustrate the nationwide scope of the problem and to suggest the incompetency of those in whose hands the problem has been placed.

ORIGIN AND CHRONOLOGICAL DEVELOPMENT OF PROBLEM

Mr. President, I should now like to discuss the origin and the chronological development of this problem with respect to the desegregation of public schools in the South and, if there is to be any in the North, then in the North, too.

The chaotic public school situation in the South and throughout the Nation did not just happen. It has its origin in departures from fundamental principles of constitutional government. The problems have been compounded by nearly unbelievable incompetence of Federal bureaucrats in trying to implement what Francis Keppel expressed in the title of his book "The Necessary Revolution in American Education."

Mr. President, I think it is extremely important to explore the origin and development of these problems. Let us get to the root of it. We will skip over the original 1954 Brown decision. Few, if any, believe that this decision could be reversed without a constitutional amendment, and I know of no one who believes that such an amendment could be adopted at this time. In the South, the original Brown decision was reluctantly accepted.

All States with statutory laws requiring segregation in schools repealed them. In some Southern States segregation was provided for in State constitutions. These also were stricken by constitutional amendments freely and voluntarily approved by the people.

So, de jure segregation, segregation said to be imposed by law, came to an end in the South within a reasonable time after the original Brown decision.

But the second Brown decision did more than strike down segregation de jure. The second Brown decision said that previously segregated school systems, although constitutional and proper prior to Brown I—I refer to the 1954 Brown case as "Brown I" and to the subsequent Brown case as "Brown II"—would have to be reformed and altered. The Supreme Court imposed an affirmative duty on local school authorities to do the job.

Herein, Mr. President, lies the root of the problem. Here is the original departure from law and reason which has proven the source of many problems. First, the idea that the nonrepresentative, nonelected branch of the Federal Government could properly employ judicial powers to enforce monumental social reforms affecting the lives and welfare of millions of parents, schoolchildren, and elected school officials is nothing short of revolutionary.

It is difficult to imagine a more revolutionary or a more tyrannical idea. It has corrupted the Constitution and along with it fundamental concepts of equity and justice. This we will demonstrate in just a moment. But, first, let us examine the method by which the Supreme Court sought to implement its idea of social reform by judicial decree. That is what this is—social reform rather than educational reform. The method of implementation has compounded the problem a hundredfold.

Justice Black has given a fair summary of the method of implementation adopted by the Court. He said:

After careful consideration of the many viewpoints . . . we announced our decision in Brown II, 349 U.S. 294 (1955).

That was the year after the original Brown case.

At this point, Mr. President, I will list in numerical sequence precisely what the Court held—in the words of Justice Black:

1. We—

The Supreme Court—

held that the primary responsibility for abolishing the system of segregated schools would rest with the local school authorities.

Justice Black continued:

We were not content, however, to leave this task in the unsupervised hands of local school authorities. . . .

2. The problem of delays by local school authorities . . . was therefore to be the responsibility of courts, local courts so far as practical . . .

3. Those courts to be guided by traditional equitable flexibility to shape remedies . . .

Mr. President, it staggers the imagination to consider that that Court devoted 4 days to the argument on this single problem of implementation and yet came up with something so impractical. For example, an undisputed fact is that local school authorities did not have and never had the power to carry out the court imposed responsibility to dismantle the institutional structure of public education incorporating segregated schools.

Local school authorities cannot alone establish a "unitary school system"—whatever that term may mean. The school system was imposed by State legislatures—by the law of the Constitution, and by State statutes.

It is simply incredible that the Court should have felt no responsibility to better inform itself as to powers of local school authorities. They should have known that schools are operated under voluminous school codes enacted by State legislatures. Local school authorities are not autonomous sovereign bodies with power to enact their own laws. Their powers are derived from State legislatures. The powers so conferred are executive in nature and not legislative. Local boards of education are not empowered to spend school funds as they see fit. School revenues are appropriated and are budgeted. State support is earmarked by legislature by object and by purpose. In most school districts in the South a far larger portion of school operating revenues are provided by State legislatures than by local governmental bodies.

School boards cannot levy taxes—they cannot use proceeds of taxation which are earmarked for retirement of bond issues or for payment of teachers salaries or to purchase buses. In most States, procedures for school closings, consolidations, and resulting transfer of pupils and teachers are prescribed by State statute. State enacted teacher tenure laws strictly govern assignment and transfer of teachers.

Under the circumstances, Mr. President, how in the name of commonsense could the Supreme Court have imagined that local school authorities could reform the public schools? Is it to be imagined that these things could be done without money? Is it imagined that local school authorities can levy taxes?

I doubt that members of the Supreme Court or anybody else for that matter had a clear idea of the extent to which the Court would eventually go in pushing its reforms. Nevertheless, State legislators at the time, and I was one of them, reasoned that law does not require the impossible and that all that local school authorities could do within the realm of possibility was to administer fairly and impartially a system of pupil placement which permitted parents an opportunity to choose the school their child should attend.

Certainly, this reasonable appraisal of the possible was supported by the first definitive interpretation of the Supreme Court Brown decision, one of the original suits on remand to the district court.

In *Briggs* v. *Elliott* (132 F. Supp. 776) the Court said, and this is no longer the law of the land but I am pointing it out as part of the evolution or transition from one position to another by the Federal courts:

1. "It (the Supreme Court) has not decided that the federal courts are to take over the regulation of the public schools of the state.

2. "It has not decided that the states must mix persons of different races in the schools or must require them to attend schools, or must deprive them of the right of choosing the schools they attend.

3. "What it has decided, and all that it has decided, is that a state may not deny to any person on account of race the right to attend any school that it maintains—but, if the schools which it maintains are open to children of all races, no violation of the constitution is involved *even though the children of different races voluntarily attend different schools,* as they attend churches. (Emhasis supplied.)

4. "Nothing in the constitution or in the decision of the Supreme Court takes away from the people *freedom to choose* the schools they attend. *The constitution in other words does not require integration. It merely forbids discrimination.* It does not forbid such segregation as occurs as the result of *voluntary* action. It merely forbids the use of governmental power to enforce segregation." (Emphasis supplied.)

Mr. President, the Supreme Court denied certiorari and consequently the above interpretation was widely accepted by constitutional authorities as guidelines for State legislatures. Nine Southern States adopted the principle of freedom of choice and pupil placement laws as logical steps toward compliance with Supreme Court decisions in the Brown case, showing an attitude on the part of the Southern States to comply with what the Supreme Court said the law was. As I will point out later the Supreme Court has not decided many of the questions that are causing so much of the chaos. They need to come back from their 3-month recess, which they take every year, and decide some of these questions. There has been a time when the junior Senator from Alabama would have felt that possibly a 12-month-per-year recess for the Supreme Court would have been in the best interests of this country, but with so many questions before the Court on appeal to the Court, so many questions to be decided, it seems that it is the duty of the members of the Supreme Court to come back from their recess and decide these questions and set in order the public school system of the Nation, to the chaos in which they have had such a part.

Mr. President, as late as 1963 Federal courts upheld freedom of choice and pupil placement laws, and Federal courts have avoided holding that State constitutional provisions which protect the right of parents to freedom of choice are outlawed by the 14th amendment.

On the other hand, Federal courts, including the Supreme Court, have taken the position that freedom of choice, while not unconstitutional, is permissible only if parents choose schools so as to meet an unspecified racial mix as may be prescribed by various Federal courts.

They have not ruled that freedom of choice is unconstitutional. They have held that since the application of the freedom-of-choice rule and policy did not result in the required but unspecified racial mix, the freedom of choice plan would be stricken down—not because it was freedom of choice, but because it did not provide the type and degree of racial mix that the Supreme Court seemed to think it should have. But at that time they should have taken the opportunity to point out what is the racial mix that is required to meet their views as to what is necessary to desegregate the public schools.

The Supreme Court allows the district courts and the courts of appeal all over the country to come up with different interpretations, different rules, and does nothing to advise the lower courts of what the law is. I hazard the opinion that the Supreme Court has the law with respect to desegregation of public schools in such a state of confusion that not only does a school board official or a teacher or school administrator, and not only do the district courts and the courts of appeal, not know what the law is, but that the Supreme Court itself does not know what the law is. If it does know, it is high time it is imparting that information to the people of this country, because it has been 16 years since the Brown decision.

Chief Justice Burger points out three areas in which the Supreme Court has not ruled. I hope I get to that point before my time is up.

Mr. President, I submit that the Brown II decision was a grave and almost incomprehensible mistake. The method of implementation prescribed was divorced from practical, down-to-earth realities. It had no relation to the factual situation as it existed then or as it exists today. Reason and rationality are the essence of law. Without these attributes a statute or decree can be put into effect only by resort to force—sheer, brutal, naked force.

That, Mr. President, is precisely what the Supreme Court authorized when it invited district courts to preside over local boards of education and to fashion remedies under equitable powers of Federal courts.

For 5 years U.S. district courts and State and local school authorities wrestled with the problem of trying to find out what the Supreme Court would require. The Supreme Court satisfied itself with a case-by-case process and expounded on the meaning of "deliberate speed"; it considered State pupil placement laws; it passed on pupil transfer provisions; it considered questions concerning administrative remedies, freedom of choice, and similar questions. Throughout this time the Supreme Court permitted conflicting and contradictory U.S. district court opinions to stand and refused to address itself to the resolution of these conflicts. Then in 1960, United Nations Educational, Scientific, and Cultural Organization entered the picture. In December 1960 it adopted a "Convention on Discrimination in Education," and an almost identical document entitled "Recommendation on Discrimination in Education." Congress would have had to approve a "convention" but the Executive could agree to implement the "recommendation," the provisions of which differ only slightly from the provisions in the formal "convention."

Mr. President, I request unanimous consent that the texts of these documents be printed in the RECORD in the Extensions of Remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

(See exhibits 3 and 4.)

Mr. ALLEN. These agreements and conventions are interesting as an indication of how far their provisions have been implemented in the United States by executive and judicial decrees and to

what extent they have been implemented by actions of Congress. The texts are also interesting because they raise very profound constitutional questions extraneous to immediate problems in public school education.

Mr. President, from the time of the acceptance by the United States of "Recommendations on Discrimination in Education," our Nation has undergone a continuous revolution in public school education dimly outlined in "The Necessary Revolution of American Education" by Francis Keppel, who was Commissioner of Education in 1962 under President Kennedy, and primarily responsible for implementing the "Agreement."

As the Keppel revolution gathered steam some of the major foundations in our Nation helped finance a gigantic propaganda program aimed at the enactment of the Civil Rights Act of 1964. This act ushered in a new era of litigation. It opened new legal questions and it provided the opportunity for the U.S. Supreme Court to demonstrate once again an incapability to face up to necessary constitutional questions which had to be determined and which remain to be determined.

The failures of the U.S. Supreme Court from the enactment of the 1964 Civil Rights Act can be traced to refusal to decide whether or not the Constitution of the United States requires racial balance in public schools.

Mr. President, this is the issue central to and controlling all others. Those nine men, sitting in the marbled mausoleum across the way, are primarily responsible for the disastrous and tragic school plans imposed upon the public schools in the South by reason of their failure to decide this vital issue.

Innumerable U.S. district court judges have complained, and rightfully so, of the inability to determine what the Supreme Court means in the use of a multitude of new and vague terms employed by the Court dating from enactment of the Civil Rights Act of 1964.

For example, as late as December 30, 1969, the U.S. district court judge who presided in the important case entitled "Beckett and Others Against the School Board of the City of Norfolk," decided December 30, 1969, complained that such terms as "desegregation," "intergration," "unitary system," nondiscriminatory," and others have not been defined by the Supreme Court. Neither have such terms as "discrimination," "racial ratios," "root and branch"—where they said segregation has to be destroyed root and branch—and "racial balance." But the most important of these is racial balance.

When the Supreme Court decides the question of racial balance in public schools, the importance of other definitions will disappear. If racial balance is required by the Constitution of the United States then the entire issue can be consigned to computers and the means of achieving racial balance are of secondary importance.

But if the Supreme Court decides that racial balance is required it will also have decided that parents no longer have a right superior to that of the State to decide the type of education their children shall receive and that parents shall no longer have a voice in the choice of schools their children shall attend.

If the Constitution requires racial balance in public schools, than parents will have been denied the human rights of parental supervision and control of their own children in matters affecting their health, safety, welfare, and moral training.

On the other hand, if racial balance in public schools is not required by the Constitution, then and only then are definitions of "desegregation," "unitary school" and similar words and phrases of importance.

On the problems of definitions, it is worthy of note that the Supreme Court and the Department of Justice and the Department of Health, Education, and Welfare refuse to accept definitions already provided by Congress.

In addition, the U.S. Supreme Court, the Department of Health, Education, and Welfare, and the Department of Justice have failed to accept the definition and judgments respecting racial balance provided by the United Nation's agencies and instrumentalities.

For example, the International Commission of Jurists in a special 1965 report based on a study of racial discrimination in British New Guinea, defined the terms "racial discrimination" and "racial imbalance." No one will question the liberal credentials of the International Commission of Jurists whose study of the problem was undertaken at the request of the Government of New Guinea.

Mr. President, I want to call attention to the following definitions and discussion excerpted from the above report.

> The term "imbalance" implies some departure from a standard or norm and presumably, . . . its obverse, "balance" should imply conformity with such a standard or norm. Part of the difficulty surrounding an inquiry of this nature will inevitably center around the determination of such norms.

Let me call special attention to the following excerpts:

> The term "imbalance" implies the existence or possible existence of a balance which amounts to a fixed criterion of participation of the different racial groups in the fields concerned . . . such criterion is proportional to the numerical strength of the various racial groups.
>
> *We are of the opinion that it is neither possible nor desirable to fix such an absolute standard of racial participation. It is not required by the existing constitution of British Guiana or by international law.* (emphasis added)
>
> We are convinced that any attempt to fix an absolute standard of racial participation in the public services would lead to arbitrary procedures which would, in the long run, retard racial harmony in the community. . . .
>
> We do not consider that such disproportionate participation is in itself undesirable; but it is necessary to give full weight to the existence or non-existence of such a fact in determining whether or not racial discrimination exists.

Mr. President, despite the laws of Congress on this subject and despite the authoritative opinion of international authority, the Supreme Court of the United States has taken precisely the opposite view as it relates to teachers. This, too, has contributed to the present mess and uncertainties in the public school system.

On June 2, 1969, the Supreme Court handed down a ruling in a Montgomery, Ala., school case relating to assignment of public school teachers. The Supreme Court rejected a "substantial or approximate" participation in favor of an arbitrary ratio.

However, in what has become a characteristic of the Supreme Court opinions, the Court did not rule that "racial balance" is required by the U.S. Constitution. Instead, the opinion held, in its necessary effect, that any deviation from racial balance is unconstitutional.

The implications of the principle extend to all public services and could eventually affect all public employees in every aspect of public service without regard to qualifications, merit, tenure, and other valid standards. It is a landmark decision. For if it is a valid principle as applied to teacher assignments, it is also valid as applied to pupil assignments.

Mr. President, I have previously commented on this decision in greater detail, and I request unanimous consent that my remarks which appeared in the CONGRESSIONAL RECORD of June 17, 1969, be printed in the appendix to these remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 5.)

Mr. ALLEN. Let it be said to the credit of Chief Justice Burger, however, that he does not consider the racial balance question decided. The following statement by Chief Justice Burger seems to indicate that he recognizes that the racial balance question must be decided before other related questions can be answered. This is what he says in his opinion:

> As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including whether, as a *constitutional matter, any particular racial balance must be achieved in the schools;* to what extent school districts and zones may or must be altered as a constitutional matter; and to what extent transportation——

In other words, busing—

> may or must be provided to achieve the ends sought by prior holdings of the Court. (Emphasis supplied).

These are the three things that he says have not been decided and ought to be decided. In other words, the Chief Justice of the United States is saying that the Supreme Court, after 16 years of fumbling with this most important question, still has not decided these three most important questions: Whether any particular racial balance must be achieved in the schools, to what extent school districts and zones may or must be altered as a constitutional matter, and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the court.

Yet we find the district courts and circuit courts of appeals approving and implementing plans of HEW, or devising plans of their own, putting into effect all three of these procedures, not one of which has been ruled on by the Su-

preme Court, according to the Chief Justice himself. So these matters need clarification.

Mr. President, the distinguished national columnist, David Lawrence, in an article appearing in the U.S. News & World Report, August 31, 1970, has presented a compelling argument why U.S. Supreme Court clarifications are needed. I request unanimous consent that his article entitled "Clarification Needed" be printed in the appendix to these remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 6.)

Mr. ALLEN. In the interest of further illustration of the point of clarification, I request unanimous consent that my remarks on the subject which appeared in the CONGRESSIONAL RECORD of August 25, 1970, be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 7.)

Mr. ALLEN. I further request unanimous consent that an article entitled "Do Most Americans Secretly Want Segregation?" by the distinguished Senator from Connecticut (Mr. RIBICOFF) which appeared in Look magazine dated September 8, 1970; and the Washington Post, August 29, 1970, editorial entitled "Desegregation: Waiting on the Court" be printed in the appendix to my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibits 8 and 9.)

Mr. ALLEN. I also ask unanimous consent that a résumé dated August 6, 1970, prepared by me entitled "The Fight To Return Public Schools to State and Local Control" be printed in the RECORD as an appendix to my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 10.)

Mr. ALLEN. Mr. President, the Fourth Circuit Court of Appeals has announced a "rule of reasonableness" in carrying into effect the desegregation policies required by the Supreme Court. The case in which that rule was announced is before the Supreme Court. If that "rule of reasonableness" is adopted, it could be the answer to this problem.

We find the Justices on vacation until October, and schools opening all over the country. Some schools are opening in Alabama today, and others are opening next week, some already having opened.

The Supreme Court has it within its power to announce rules of law that would help clear up and clean up the mess and confusion that have been caused in the public schools of the South by their own decisions and their failure to clarify those decisions.

Supreme Court Justices are appointed for life. I might say parenthetically that I believe the district court judges ought to be elected. The courts of appeals judges ought to be appointed for stated terms. The Justices receive compensation of $60,000 per year. They are able to retire at $60,000 per year after not having paid 1 cent into any retirement fund. Yet, they take each year a 3-month vacation, regardless of the chaos in which our public schools find themselves. I believe it is the responsibility of the Supreme Court to come back into session and decide these matters, these cases, these principles that are pending before them.

EXECUTIVE DEPARTMENT

All the blame for the present school situation does not rest upon the Supreme Court. The executive branch of the Government shares a large measure of responsibility for existing chaos in our public schools. In speaking of the executive department, I refer more specifically to the Department of Health, Education, and Welfare and to the Department of Justice. These agencies of the executive branch have simply taken the bit in their teeth and are beyond control of Congress as expressed in existing statutes and restraints.

In this connection, the laws of Congress are treated with contempt. The following is a partial list of specific statutory provisions of law which these agencies have consistently and persistently violated:

Sec. 401 (b) "Desegregation" means the assignment of students to public schools and within such schools without regard to their race, color, religion, or national origin, but "desegregation" shall not mean the assignment of students to public schools in order to overcome racial imbalance.

Congress said further:

Sec. 407 (a) (2) . . . nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance, or otherwise enlarge the existing power of the court to assure compliance with constitutional standards.

Even later, Congress said in Public Law 89–750, section 181—1966:

Nothing contained in this Act shall be construed to authorize any department, agency, officer or employee of the United States . . . to require the assignment or transportation of students or teachers in order to overcome racial imbalance.

And still later, in 1969, Congress said:

No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance.

In addition, I could cite provisions of various statutes authorizing Federal assistance to public education which specifically deny the Executive the power to prescribe employment practices of any educational institution. In addition, such a provision is contained in the 1964 Civil Rights Act. We could also refer to the provision of the 1964 Civil Rights Act relating to the authority of the Department of Health, Education, and Welfare to withhold or cut off funds authorized by Congress for the benefit of school children. This provision of the law has been and continues to be flagrantly violated by the Department of Health, Education, and Welfare.

To further illustrate the damage done by these merchants of rule or ruin, I want to cite two examples of their work. I refer specifically to the school plans prepared by so-called experts of the Department of Health, Education, and Welfare in Choctaw County, Ala., and Mobile County, Ala.

The Choctaw County school plan is celebrated in Alabama as the "Case of a Confused Education Expert." This individual was employed by the Department of Health, Education, and Welfare to prepare a comprehensive school plan for the Choctaw County, Ala., school system. The plan was prepared for submission to a U.S. district court judge as the work of an expert.

The individual was so confused that he referred to Choctaw County, Ala., in one place in the plan, as being located in Louisiana and at another place in the plan Choctaw County, Ala., was located in Mississippi. He spent all of a single day in preparation of an in-depth study of education needs and problems in Choctaw County. However, he failed to contact any school official in the county and made whirlwind, windshield inspection of public school facilities in the county.

The school plan submitted to the court was as disoriented as the education "expert" who prepared it. The plan proposed what amounted to destruction of the public school system in Choctaw County. I have commented on this case previously in greater detail in remarks which appeared in the RECORD of October 14, 1969. To further illustrate the point of bureaucratic incompetency and inefficiency, I request unanimous consent that my previous remarks on the Choctaw County case be printed in the RECORD at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 11.)

Mr. ALLEN. Many of the same criticisms can be applied to the Mobile, Ala., school system plan prepared by so-called experts in the employ of the Department of Health, Education, and Welfare. An editorial in the highly respected Mobile Register makes the point better than I can. The editorial expresses the judgment that:

HEW's "plan" for the public school system of Mobile County is in reality a formula for the destruction of the system of public education in this county. It is a brutal bureaucratic atrocity of which no responsible agency of government would be guilty.

For the first time in American history, an instrumentality of government in Washington, D.C., has gone so stark wild that it openly calls for violation of federal law to destroy a public school system.

Its ruthless, reckless, destructive, law-defying scheme would virtually reduce the system of public education in this county to a daily clutter of pupil-hauling buses operated as one segment of the bankruptcy-producing expenditures to which the school system would be subjected as an inevitable necessity to compliance.

What travesty, what mockery, what hypocrisy, what outrage perpetrated against the public intelligence . . . (by the action of) HEW.

I have since learned that the above two examples are not isolated or exceptional cases. It is common practice for HEW educational experts to draw up school plans based on the single criterion of

racial balance. In view of the fact that the cases I have described are typical, I request unanimous consent that my remarks on the Mobile County school situation which appeared in the RECORD of July 22, 1969, be printed at the conclusion of my remarks.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered. (See exhibit 12.)

Mr. ALLEN. I continue to level criticisms at the Department of Justice and the Department of Health, Education, and Welfare, but this does not improve the qualifications of their experts or alter their built-in preconceptions of law. I have previously mentioned that these departments willfully and wantonly disregard the law, so criticism is not likely to accomplish what must be done. Congress has permitted these agencies to get by with their lawless action. Federal courts have condoned and encouraged them.

It has reached the point where the people of this Nation will have to assert the ultimate sovereignty which is theirs and demand corrective actions. The people are already aroused. They need only to be informed of the extent to which their constitutional liberties are being trammeled on by the executive branch of Federal Government. In the interest of informing the people, I want to devote the next few minutes to outline some of the constitutional liberties which are being sacrificed on the alter of disciplines of rule or ruin in the public schools of this Nation.

CONSTITUTIONAL QUESTIONS

A legislative solution to the problems presented to this point cannot be provided until we fully understand the magnitude of the departures from constitutional law reflected in current problems created by the Federal judiciary and by the Federal executive.

Most, if not all, of the departures relate to the traditional protections of our liberties provided by the due process clause of article V of our Constitution.

It is unquestioned that due process of law is a limitation on the powers and on the means employed by the Congress, the executive and the U.S. courts in the creation of statutes and in their administration.

The violations of which I shall speak are both procedural and substantive. Both have the effect of curbing liberties granted and guaranteed by the Constitution. Executive department agreements with international agencies designed to reform domestic institutions in our Nation are not consistent with constitutional procedures demanded by due process of law.

Delegation of legislative powers of Congress to the executive without precise limitations on the power delegated violate procedural due process of law. In this regard the 1964 Civil Rights Act violates due process of law and has become the source of limitless evils and innumerable problems. For one thing, it has permitted the executive department to become judge of its own powers in matters vitally affecting the health, safety, morals, welfare, and cultural training of schoolchildren.

For another thing, it has permitted the executive department to create "dual standards" in the administration of laws so that provisions of the Civil Rights Act can be utterly disregarded in one section of the Nation and enforced by arbitrary and unreasonable means in another section of the Nation.

It establishes the proposition that provisions of the Constitution of the United States mean one thing as applied to one section of the Nation and something entirely different as applied in other sections of the Nation. The de facto-de jure distinctions are the result of special pleaders in the Department of Health, Education, and Welfare. The distinction is mythical, fictitious, and invidious. The distinctions violate procedural and substantive due process of law.

The asserted power in the executive department to close and order the abandonment of school buildings and other facilities violates due process of law. These facilities were constructed from the proceeds of the sale of bonds. Taxes are earmarked for payment of these bonds. Payment is guaranteed by statute and by contract. Outstanding bonded indebtedness remains. Closing of such schools on order of the Federal courts or the Federal executive is equivalent to condemnation of this property. It is equivalent to taking property of citizens represented by payment of taxes earmarked for payment of bonded indebtedness without a scintilla of due process of law. More specifically, such procedures are contrary to due process provisions of article V of the Constitution.

Teacher tenure rights which have become vested by law are abrogated by procedures which compel transfer and assignment of teachers contrary to their vested right of tenure. This, too, violates article V of the Constitution.

The arbitrary compulsion of teachers to teach only in certain schools and localities abridges the constitutionally protected right of freedom to contract. This procedure also violates property rights traditionally recognized and protected by article V of the Constitution.

The administrative regulations by which private schools are denied a tax exempt status has the effect of amending, modifying, and in some respects repealing laws of Congress. This violates procedural due process of law.

The administrative regulation to deny deductibility of contributions to private schools for income tax purposes violates procedural due process of law. In addition, it abrogates the right of an individual to choose the object of his benevolence, and in this respect violates the first amendment right of freedom of association.

Any effort by Congress or the executive to impede by tax penalty the right of freedom of association has profound implications for church related schools.

Church related schools no less than segregated schools involve first amendment rights and any principle established by the executive for one has implications for the others.

Administrative and judicial enforcement procedures which rely on rule by mandatory injunction and enforcement by means of contempt of court proceedings and the threat of confiscatory fines and imprisonment of elected public officials violate due process of law.

In this instance, the rights abrogated are rights originating in the Magna Carta and continued in precedent dating from A.D. 1215.

The departure from this due process protection has profound implications for organized labor.

Organized labor has fought this battle before, and it is doubtful that they will accept the proposition embraced in rule by injunction as it is applied to their children and to their public schools.

Enforcement procedures which involve the deprivation of innocent children of goods and services authorized and funded by Congress violate substantive and procedural due process of law. It is worth observing that when the Department of HEW requests funding, they speak of the needs of children. When they speak of depriving children of these funds, they speak of school districts and administrators. In other words, the funds are requested for children, but procedures for deprivation involve administrators of the funds. There is no semblance of due process of law where the persons involved who suffer deprivation are provided no opportunity for a hearing even to plead for mercy. School administrators and school districts do not eat school lunches nor use the services Congress has provided for schoolchildren.

Administration procedures to combine legislative, executive, and judicial powers in a single agency of Government constitute depotism by the accepted definition of the term. Congress cannot authorize such procedures because it has no power to do so. The Supreme Court cannot legislate such procedures because it, too, is limited by the constitutional protection of the people provided for in the due process clause of article V of the Constitution.

These are but a few of many additional violations of the Constitution which have resulted primarily from accepting international agreements and obligations as law superior to the law of our Constitution, and they result from the enactment of the 1964 Civil Rights Act, which conforms in almost every particular to provisions of UNESCO's "Recommendation on Discrimination in Education."

If problems have arisen as a result of the 1964 Civil Rights Act, enacted under authority of the 14th amendment, it necessarily follows that Congress has the power and the responsibility to correct the problems so created.

Let us next consider the possibilities for legislative redress.

CONGRESSIONAL REDRESS

The question arises as to the legal and moral responsibility of Congress to help resolve some of the major problems which I have previously mentioned. Will Congress realistically accept the responsibility in this matter or will it continue to pass the buck to the executive and to the Federal judiciary?

I think Congress has a duty to help resolve these problems.

No one can seriously question the power of Congress to correct inequities and injustices and departures from the law which stem directly from enactment of the 1964 Civil Rights Act.

Section 5 of the 14th amendment provides:

> The Congress shall have power to enforce, by appropriate legislation, the provisions of this article.

If this provision authorizes Congress to enact the Civil Rights Act, it likewise authorizes Congress to enact legislation more clearly and definitely defining the rights to be protected under the 14th amendment. Particular attention should be given to rights supposed to be protected by the equal protection and due process clauses of the 14th amendment.

It is true that Congress has defined the term "desegregation." It is also true that Congress has time and again made clear its intention with respect to the issue of racial balance. Time and again, Congress has expressed itself on this last point.

Nevertheless, the executive branch of Government and Federal courts have disregarded the law and the often repeated expression of legislative intent on the subject of racial balance.

Under the circumstances, it seems clear to me that Congress must establish a national policy with respect to the concept of racial balance.

I have previously proposed legislation by means of an amendment to the appropriations bill for the Department of HEW that we establish "freedom of choice" of parents to choose the schools their children shall attend as an inviolate right protected by the Constitution of the United States. The amendment provides:

> It is hereby declared to be the sense of Congress that the freedom of choice of parents to choose the public primary and secondary schools to which they shall send their children (subject to age, academic, and residence requirements) is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

Because of the past record of deliberate disregard of limitations placed upon the Department of HEW, it would seem necessary that Congress provide for penal sanctions applicable to officers and administrators in the Department of Justice and in the Department of HEW, and others who act under color of law in clear violation of specific limitations on their powers.

If members of the executive department and other branches of the Federal Government refuse to be bound by the laws enacted by Congress, it would seem clear to me that penal sanction should be imposed on the one hand, and that members of the Federal judiciary should be reminded of the power in the House of Representatives to impeach and the power in the Senate to try the issue raised by impeachment.

It is extremely hard for me to reconcile palpable abridgements of constitutionally protected rights with "good behavior" on the part of Federal judges.

Let me conclude my remarks with these observations. We have reached a point when the very legitimacy of the Supreme Court and the Federal judicial system is seriously questioned by a majority of the people in the United States.

There is a parallel here from the standpoint of judicial authority with the situation following the Dred Scott decision. Let me quote from a recent issue of the Boston University Law Review:

> Dred Scott was seen to rest ultimately upon the authority of the Court's decision. It would appear that Professor Bickel is correct in asserting that authority is, in the final analysis, the basis of the Court's competence, although force and power may serve to provide the short-term acceptance of the decision.

There is also a parallel between present trends in constitutional law with trends in the development of German law which led to the tyranny of the National Socialist State under dictatorship of the Nazi Party. On this point let me quote from the same source, the Boston University Law Review:

> This conception of law and its validity (we call it the positivist theory) made the (German) lawyers as well as the people defenseless against the most arbitrary, the most horrible, the most criminal laws. It places in the last analysis law equal to power; only where power is, is there law.

I am deeply concerned—and every Member of the Senate should be deeply concerned—by trends manifested in the proposition that the end justifies the means. In this regard, let me quote the observation of the Honorable Bryce Baggett, a State senator in Oklahoma, published by the Educational Commission of the States in the October 1969, issue containing an article entitled "Confrontation on Campus." Senator Baggett said:

> I deplore the concept that the end justifies the means. It is not so important where we are going, but how we are getting there. The processes of democracy are shaped on this premise. Goals are not as important as the means by which these goals are attained. Perfect justice does not exist, but due process of law does exist.

Let me also commend to the consideration of my colleagues, the observations of Robert A. Nisbet on the subject of limitations of the power.

In an article published in the Washington Post May 18, 1969, Nisbet had this to say:

> The most striking fact in the present period of revolutionary change is the quickened erosion of the traditional institutional authorities that for nearly a millennium have been Western man's principal sources of order and liberty. I am referring to the manifest decline of influence of the legal system, the church, family, local community and, most recently and perhaps most ominously, of school and the university. . . . Throughout human history, when the traditional authorities have been in dissolution, or have seemed to be, it is power—in the sense of naked coercion—that has sprung up.

Our Nation is involved in a crisis. The people are fed up with arbitrary government. Millions of schoolchildren, white and black, are seriously affected by the lawless irresponsibility of the Federal and judicial branches of Federal Government, and they are completely fed up with the failure of Congress to face up to its responsibilities to help correct the problems in our public school system.

Time and again we hear the charge that the ultraliberal coalition in Congress has permitted the cause of political expediency to rule over the dictates of reason and justice. The people are fed up with those who play politics with their children. The time of reckoning is at hand. The people have been forced against the wall. They have but two alternatives. They may bow to the superior power of Government, or they can rebel and "throw the rascals out."

On our part, we can and we should call upon the Supreme Court to come back from its vacation and address itself to the problems affecting millions of schoolchildren throughout this Nation.

In the words of John Donne:

> Never seek to know for whom the bell tolls; it tolls for thee.

These procedures and practices, if continued to be applied in the South today, are the same procedures and practices which will be applied in States outside of the South tomorrow.

The school bell that tolls throughout the South today, tolls for thee.

EXHIBIT 1

THE CURSE OF CRASH EDUCATION

(By R. C. Orem)

If reports from states and cities are a bench mark, the federal government's multi-billion dollar campaign to sharply improve education for the children of the city ghetto and the rural poverty pocket needs vast overhauling.

It's a noble idea that has bogged down in a mass of waste and haste.

"Programs have been piecemeal fragmentary and ill-planned," complained Texas education officials in reviewing the spending of $200 million for the educationally deprived in their state from 1966 to 1968.

"Objectives have been piecemeal, fragmentary and ill-planned . . . duplications of effort are being exerted by local, state and federal funding agencies without attempt at coordination."

Commented District of Columbia officials in a report on what has been happening in their jurisdiction: "No evidence was found that any major changes in aptitude or achievement test scores were associated with any of the . . . school programs."

And New York officials said: "In general, there was failure to recognize the intent and philosophy of the legislation."

Authorization to meet "the special educational needs of educationally deprived children" under Title I of the Elementary and Secondary Education Act is the cornerstone of the vast project they were talking about.

Lyndon Johnson, who signed the Act in a one-room Texas schoolhouse on April 11, 1965, hailed it as the "most creative legislation passed by Congress since I came to Washington."

A former teacher himself, President Johnson hoped schools would become institutions for social change in his Great Society, helping to eliminate poverty and aiding the disadvantaged.

Zipped through Congress in three months the Act was the first great federal foray into public and private elementary education.

THREE BILLION DOLLARS SO FAR

Few people question the wisdom of investing more money in aid of American education, especially for programs aimed at the disadvantaged. But many now are questioning the quality of the job being done with a vast sum—nearly $3 billion so far.

Educators have complained bitterly about going ahead with a crash program, ill-thought out and patchwork-implemented.

With extension of the Act now before

Congress, many cry for a hard look at what has or has not been accomplished, and for some better administration.

What really has been accomplished is hard to pinpoint.

The Act called for unprecedented evaluation of poverty education programs by states, cities, the Office of Education and the National Advisory Council on Education.

And a harsh indictment has come in the resulting reports by the cities and states which have poured into the Office of Education. There have been comments such as:

"Reading achievement levels of disadvantaged readers were no higher after one or two years of participating in Title I programs than achievement levels that would have been expected for the same grade levels without them." (From Nebraska officials.)

"Generally speaking, the results were not what had been anticipated. . . . In isolated cases significant gains were obtained but in the large majority, changes were not significant. In some cases post-test results were even found to be significant in the wrong direction." (From Pontiac, Mich.)

"One problem is that Title I programs have created a 'brain drain' from the classroom. Too often one of the most capable teachers is named project coordinator or cultural coordinator. Thus, when an excellent teacher is removed from the classroom, the good that he does in Title I is offset by the less effective work then being done in the classroom he left." (From Newark, N.J.)

AIDING THE WRONG STUDENTS

The National Advisory Council criticized the program for failure "to identify and attract the most seriously disadvantaged children" while in the continuing confusion huge numbers of nondeprived students have been enrolled.

In one school system alone, it reported, "almost seven and a half times more children (over 300,000) were enrolled in Title I activities than were listed as eligible."

More than half of all Title I funds are spent for instructional activities, largely remedial reading. But these reading efforts, costing an estimated $1 billion over three years, often have been a parody of sound educational practice and may have had as much negative as positive effect.

Nebraska officials reported: "Most schools used an elementary teacher with no special remedial training as their remedial reading teacher."

And Florida's latest evaluation report showed the relative performance of thousands of children on language, reading and arithmetic achievement tests declined after exposure to the "benefits" of Title I.

Of approximately 15,000 Florida third graders who took the Stanford Achievement Test, those scoring in the lowest quartile in reading increased from 44 per cent to 67 per cent, while those scoring in the highest quartile decreased from 18 per cent to 6 per cent.

These funds for the educationally deprived also finance schools for unwed mothers, welfare services, recreation and a potpourri of other regular and summer term projects.

A FAR-AFIELD TRIP

Field trips have ranged from a visit at the New York Giants professional football camp to a 28-day tour of the United States by a group of students from Idaho. "Consultants" have been hired from as far away as Leicestershire, England.

During the first year of the Act alone, more than $200 million was spent for equipment and materials, much of which could not be delivered by swamped producers until after programs had ended. Reported Kansas officials:

"Without materials and specialized equipment the programs could not function as planned. . . . Some programs were practically unrecognizable when the state agency consultant made site visitations. Teachers had to improvise until the material arrived and in many instances the arrival was after the close of school."

A shortage of space and facilities has further crippled Title I programs. And despite critical construction needs of local school systems, the Office of Education has discouraged construction with these funds. Consequently, as Illinois authorities reported, "Title I activities . . . often forced . . . other classes into makeshift spaces such as Quonset huts, closets, engineering rooms."

The negative effects of Title I, tragically, have probably nullified whatever desirable results did occur. A Parsons, Kans., school official wrote: "Probably there has been as much good accidentally as there has been on purpose."

Minnesota education authorities said: "The most serious criticism of the projects may well be that they continue, even if in a more concentrated form or on a more individual basis, the same type of educational programs and activities that produced the educationally disadvantaged child."

And a Kansas educator said: "Projects in some schools are doing irreparable damage to the ongoing regular programs."

A Title I provision that is causing consternation—and in some states, legal suits—has local educational agencies provide opportunities for participation of parochial and other nonpublic school children "to the extent consistent with the number of educationally deprived children who are enrolled in private elementary and secondary schools."

WOBBLY GUIDELINES

Both public and nonpublic educators have been confused by regulations and guidelines on this section.

But this confusion is negligible when compared to that caused by the provision which requires development of Title I programs in cooperation with Office of Economic Opportunity-sponsored Community Action Program agencies.

Educators generally listed in their reports these problems with the OEO agencies: Poor communications, overlapping and duplication of responsibilities, power struggles, red tape.

There has been widespread opposition among educators to community action agency development in education. The National Advisory Council reported: "This relationship has, in some cities, handicapped or delayed program initiative by local schools and given excessive authority to CAP agencies."

Said Florida officials: "The frustrations involved in this interagency planning approach were so disquieting at times that there was much question as to whether the benefits gained would offset the problems created."

And from Maine: "It appears to us that there is no necessity for legislation relating community action programs to Title I programs, since the CAP committee is not staffed to intelligently review a Title I project."

State after state bluntly blamed the U.S. Office of Education for chaotic administration of Title I programs, citing a shopping list of complaints on late and inadequate information, fuzzy guidelines, policy conflicts and poor communications in general.

BETTER THAN NEVER

Complained one New Jersey official: "We have just about completed approval of projects for fiscal year 1967 and yet we received, in the past week, a draft of revised rules and regulations to be used for fiscal year 1967."

"The information on the forms is not adequate for providing the reality of project operation," reported Wisconsin officials, "and yet an offer of state assistance in application revision and coordination for the coming year was not well-received at the federal level."

Ohio officials complained: "Inadequate planning was apparent in that the evaluation format, neither in the initial stages nor in its final form, embodied a meaningful basis for evaluation."

Alaska officials blew up on 1968 evaluation procedures. "The administrative absurdity of asking new questions six weeks before the due date of a report should have been apparent . . . Any first year busines student could point out the administrative impossibility of ex-post facto questions."

Kentucky plaintively noted it had received a copy of "Questions to be Answered by State Elementary and Secondary Education Act Title I Evaluations" in April, 1968. Then it received a second, slightly different copy. And then a third, with more variations. Which was the final copy?

The matter of timing for receiving funds under the Act has been an area for particularly tart comment by state officials, whose reports bristled with frustrations: "A mad rush and poor use of funds throughout projects" (Arizona). "Much duplication of time and effort at both state and local levels" (Vermont). "Lack of efficient planning and effective use of money" (Lubbock, Texas).

Poverty education funds are allocated on a formula between urban and rural. Project cost in California, for example, ranges from $252.67 for a single disadvantaged child in a one-room mountain school to over $15 million for 50,000 children in the Los Angeles school district.

Yet, states such as Illinois have noted that in rural districts "time . . . is squandered" attempting to meet guideline technicalities "which are meaningful only in large metropolitan areas."

Large city programs typically have been disorganized and diffuse. With an acute shortage of facilities, stair landings and corridors have become teaching areas. New Orleans reported that employing such heavily-traveled space for speech development "borders on the ridiculous."

Birmingham, Ala., cited problems of "insufficient supervisory staff" and Chicago noted a "critical" shortage of administrative personnel.

Without adequate leadership, project efforts are thinly spread, their effects frittered away. Destruction and theft of record players and other equipment plagues the programs.

Failure to properly diagnose student needs is almost universal. Attendance is irregular, with many dropping out altogether after the first few days.

ANOTHER $1.2 BILLION

In spite of all the criticism, the House Committee on Education and Labor has recommended extension of the Elementary and Secondary Education Act, with $1.2 billion to be spent for fiscal year 1970. The Committee contended Title I has been doing a successful job, reaching more than nine million students in 16,000 school districts. It did recommend strengthening evaluation reports at the state and local level, and establishment of state advisory councils.

By law, the Office of Education is supposed to give Congress an annual evaluation report on Title I programs. It hasn't yet delivered all of these reports and, in fact, it's still groping for a sensible evaluation format. The reports it has made have tended to be self-serving.

From studies of state reports, nearly 200 sources of trouble and tension within Title I have been identified. With the need so great to provide better education for the disadvantaged, it is essential that a critical look be taken at how these programs are working, and that some meaningful way of evaluating them be found.

If not, there will continue to be waste and haste, to the tragic detriment of those who most need help.

EXHIBIT 2

WHY SCHOOL BUSING IS IN TROUBLE

The school bus is running into trouble as a vehicle for racial integration.

Once, only a few years ago, busing was being hailed by civil-rights leaders as the answer to Northern-style segregation—the so-called de facto segregation that occurs when children living in all-black or all-white neighborhoods attend neighborhood schools.

The idea was to bring about racial mixing in the classroom by busing children back and forth—bus Negro youngsters out of their black areas.

There was opposition, often bitter. Battles over busing split many communities. But opponents, frequently denounced as racists, lost in city after city. And the idea spread. Busing has been adopted as an integration method in scores of cities around the U.S.

Now, however, attitudes are changing. The tide of the battle appears to have turned—against busing.

The new trend shows up in a nationwide survey by members of the staff of U.S. News & World Report." According to that survey:

Among civil-rights leaders, educators and Negroes themselves, doubts are growing about the value of busing, either as a method of integration or as a method of improving education.

Interest is growing in a different idea—that Negroes may benefit more from an improvement of schools in their own neighborhoods than they do from being bused into white schools.

"A DEFINITE CHANGE"

In Baltimore, Associate Superintendent of Schools William Tinderhughes told "U.S. News & Report":

"There has been a very definitie change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now.

"Parents now are more concerned with the quality of the education that their children are getting. The same group that at one time was speaking for integration now is speaking about curriculum, about teachers and about the quality of that educational program."

In Chicago, Assistant School Superintendent David J. Heffernan said this:

"The integration battle now has taken a different turn. Busing, as such, is almost completely out of the picture. It has proved effective neither for integration nor for better education."

In Minneapolis, this comment came from Floyd Amundson, school-board consultant in community relations:

"The trend here is away from busing because it doesn't solve anything. The blacks themselves apparently would prefer to have their own schools improved rather than have their children bused to mostly white schools."

On the West Coast, a school official in Los Angeles reported:

"Fewer blacks have been showing up at board meetings to demand integrated schools this year. The 'Black Power' movement, with its emphasis on the isolation of black people, may have something to do with it."

"CLIMATE HAS CHANGED"

The trend toward racial "separatism" shows up in several places. In Pittsburgh, John March, director of public relations for the board of education, said this:

"The climate has changed. The most militant outspoken blacks are not interested in integration. They want separation. You wonder how you can justify busing under these conditions.

"This puts the school boards right in the middle. We are under pressure from the State Human Relations Commission to desegregate. But the militants don't want it. The children even segregate themselves in our high-school cafeterias. We have separate black and white areas that the blacks are mostly responsible for creating. The old rules just don't seem to work any more."

Black separatists, however, are far from being the chief causes for the diminishing popularity of busing.

Civil-rights leaders with long and strong commitments to the cause of integration are questioning the value of the bus. One is James Farmer, former head of the Congress of Racial Equality (CORE) who now, as Assistant Secretary of Health, Education and Welfare, is the highest-ranking Negro in the Nixon Administration. Mr. Farmer announced last March that he had changed his mind on integration by bus. He said:

"Our objective should be to provide a high-quality education. The real problem is not integration or segregation. It is the quality of education. Busing is not relevant to high-quality education. It works severe hardships on the people it affects. In the South, I found blacks complaining of being bused to school."

WHERE BUSING WORKS

All this does not mean that busing is being abandoned as a way of integration.

In a number of smaller cities, where black pupils are a minority, busing has worked with considerable success in improving what educators call "racial balance." It has been accepted without serious protest in many such cities.

One city which advocates of busing cite as an example is Berkeley, Calif. There, in a city of 121,000 population, 3,500 pupils—whites and blacks—are "cross-bused" 'to achieve in each school a racial mix that is almost in exact proportion to the city's school-age population: 49.6 per cent white, 42.8 per cent black and 7.6 per cent Oriental or American Indian. Complaints are mostly over the cost: $530,000 a year for the total integration program, with $204,000 for the actual busing.

Another success story is told in Elmira, N.Y., a city of approximately 50,000 population, with 1,000 Negroes among 14,000 school students. There some 300 white and 200 black pupils are bused outside their home areas to balance enrollments racially. Elmira's Superintendent of Schools Charles E. Davis reported:

"Our troubles have been few. Our over-all conclusion is that no one has suffered and many people are gaining.

"I think that in any moderate-sized city with a relatively small black population, some plan similar to ours could be made to work."

THE NEW YORK STORY

It is in larger cities or in cities with big proportions of Negroes in the schools that busing encounters its greatest problems.

New York City, where the whole busing experiment started a dozen years ago, has had more turmoil than success.

That city has tried almost every integration device known—busing, school "pairing," "open enrollment," redrawing of school-attendance districts, even elimination of junior high schools and substitution of new "intermediate" schools to draw youngsters from wider areas of the city at an earlier age.

Busing alone costs New York City some 3 million dollars a year.

After all this effort there is more segregation, not less. There are more all-black or nearly all-black schools in New York today than there were before. And tests have shown no clear academic gains among children who are bused.

New York's integration attempts have stirred massive protests, have been the targets of numerous lawsuits. Many thousands of white parents have moved out of the city to suburbs.

Now Negroes and Puerto Ricans outnumber whites in the city's schools.

New York, however, is still trying. About 14,500 pupils are riding chartered buses under "free choice—open enrollment" programs designed to improve "racial balance."

In New York State, outside of New York City, the State education department reports that 30 to 35 school districts have systems for correcting "racial imbalance." Most involve busing.

Much of New York State's integration effort is made under pressure of a policy laid down by former State Commissioner of Education James E. Allen, who now is U.S. Commissioner of Education in the Nixon Administration. For New York, he defined any school more than 50 percent Negro as "racially imbalanced," and ruled "there must be corrective action in each community where such imbalance exists."

New York State's general assembly, however, put restrictions on forced integration with a so-called "antibusing" law which was passed last spring and went into effect September 1.

That law forbids appointed school officials or boards to change district boundaries or pupil-assignment plans for the purpose of changing racial balance without consent of parents. This requires programs to be voluntary in many cities, including New York City.

Massachusetts is another State that requires local action against "racial imbalance." State aid can be cut off from schools over half Negro.

Boston, with a number of predominantly Negro schools, is busing about 2,000 pupils at public expense to comply with this law. About 5,000 other pupils are riding buses at their parents' expense in a program of "open enrollment."

Boston also has a new "magnet" school in a Negro area that draws 340 white children—by bus—to take advantage of the special facilities it offers.

All of Boston's bus riders for integration are volunteers. Parents have protested angrily against busing in the past. Mrs. Louise Day Hicks, a leading opponent of busing while head of the school board, recently led all candidates in a preliminary election for the city council.

CITIES THAT BALK

Several large cities with districts that are heavily Negro have refused to follow New York's example of massive busing.

Despite years of heated demands by civil-rights groups, the Chicago school board has insisted on maintaining the "neighborhood school" concept, which results in dozens of schools being nearly all-white or all-black.

The sole busing program there is a small one to relieve overcrowding.

Instead of busing, the school board plans to erect a series of "magnet" schools where specially trained teachers will use the latest methods and equipment to teach a cross-section of children of all races and economic levels.

In Philadelphia, this report came from Oliver Lancaster, assistant director of the board of education's office of community affairs:

"We have no pressure—from either whites or blacks—for massive desegregation. It is not possible to make the massive shifts it would take to accomplish that quickly. Our trend is toward quality schools."

At present, Philadelphia's only busing is to relieve overcrowding in some black schools. A proposed program for integration would involve some busing. But it stresses improved schools—and some specialized schools, in Negro areas to attract white pupils.

Pittsburgh and Baltimore also bus primarily to relieve overcrowding. But the result usually is the mixing of more Negroes into white schools.

CALIFORNIA OPPOSITION

In California, opposition to compulsory busing for integration is mounting steadily. A statewide campaign is under way to place on the November, 1970, ballot a proposal to prohibit such busing.

San Francisco may win the right to elect its school board, mainly as a result of opposition to an integration plan recently adopted by the city's appointive board. That plan calls for busing 4,500 pupils next year.

The Concerned Parents Association has succeeded in putting the proposal for a school-board election on the November 4 ballot. Its hope is to elect enough advocates of "neighborhood schools" to block the busing program.

San Francisco's Mayor Joseph Alioto is on record against the busing plan, saying:

"I don't believe the black community wants it. I don't believe the white community wants it."

In nearby Richmond, voters last April elected three school-board members who campaigned against a forced-busing plan. The new board has replaced the force plan with one which calls for voluntary busing on a smaller scale.

In Pittsburgh, Calif., five Negro families have sued to block busing of their children to white schools. They say they prefer an integration plan that does not put "the entire burden on the Negro pupils."

Sausalito has integrated its schools by a program of busing both white and Negro pupils. School costs have skyrocketed, and some families have sought to transfer out of the district.

Los Angeles has a voluntary busing program which some hail as a success, others as a failure. It affects fewer than 1,000 pupils and was adopted under pressure of a threatened suit.

California's State board of education has ruled that any school is "imbalanced" if its minority enrollment varies more than 15 per cent from the percentage of minority students in the school district.

In Los Angeles, school authorities estimate that 160,000 students would have to be bused at an initial cost of 100 million dollars, followed by a yearly cost of 20 million, to comply with the letter of that ruling. Most school officials take the position that the State board's ruling has no force at law.

COLORADO CONTROVERSY

Denver has been torn by a controversy over busing. The school board adopted an integration program calling for transfers of several thousand children—both black and white. Voters then elected two new board members who swung a vote to rescind the program. But advocates of busing sued and won the program's temporary reinstatement. Now the busing is being done despite continued protests.

MICHIGAN'S PROBLEMS

In Michigan, there may be as many as 70 school districts that bus for racial balance.

One city that does is Grand Rapids. There, about 1,500 black students ride buses from their black-neighborhood homes to schools that are mostly white. And busing has become a focal point of discontent with the school system.

White parents helped elect three opponents of busing in a bitter school-board election last spring.

When classes opened this autumn, a group called Blacks United for Survival (BUS) organized a temporary boycott of the schools. Busing was not the only issue. Some Negroes demand a complete return to neighborhood schools. Some object to "one-way busing" and want whites bused, too. Others complain that the plan does not provide enough integration. Still others demand more emphasis on quality of education.

Here, in a single community, you find most of the problems and controversies that beset busing as a means of integrating Northern schools.

VIEWS IN WASHINGTON

It is not only in cities that busing is losing favor. It has acquired some powerful opponents in the Federal Government, too.

President Nixon recently said, "It's never been the policy of the Administration to impose busing as a way to achieve racial balance." In his 1968 election campaign he criticized busing as "forced integration rather than putting emphasis on education."

Congress has forbidden the Department of Health, Education and Welfare to require busing in order to overcome "racial imbalance."

Representative Edith Green (Dem.), of Oregon, a member of the House Education and Labor Committee, is known as a civil-rights supporter. In an interview in "The Urban Review," she said:

"I seriously question busing for social reform—taking a youngster from a disadvantaged home in a ghetto area . . . transporting him to another school where he spends five or six hours of the day and then is picked up and taken back to the same disadvantaged home, the same tenement area. I have serious questions of how much we're really helping that child."

What Negro parents "are entitled to," Representative Green suggested, is "quality education for their children in the area in which they live."

EXHIBIT 3

[From texts approved by the UNESCO General Conference at its 11th session, 1960]

I. CONVENTION AGAINST DISCRIMINATION IN EDUCATION [1]

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 14 November to 15 December 1960, at its eleventh session,

Recalling that the Universal Declaration of Human Rights asserts the principle of non-discrimination and proclaims that every person has the right to education,

Considering that discrimination in education is a violation of rights enunciated in that Declaration,

Considering that, under the terms of its Constitution, the United Nations Educational, Scientific and Cultural Organization has the purpose of instituting collaboration among the nations with a view to furthering for all universal respect for human rights and equality of educational opportunity,

Recognizing that, consequently, the United Nations Educational, Scientific and Cultural Organization, while respecting the diversity of national educational systems, has the duty not only to prescribe any form of discrimination in education but also to promote equality of opportunity and treatment for all in education,

Having before it proposals concerning the different aspects of discrimination in education, constituting item 17.1.4 of the agenda of the session,

Having decided at its tenth session that this question should be made the subject of an international convention as well as of recommendations to Member States,

Adopts this convention on the fourteenth day of December 1960.

ARTICLE 1

1. For the purposes of this Convention, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic condition or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

(a) Of depriving any person or group of persons of access to education of any type or at any level;

(b) Of limiting any person or group of persons to education of an inferior standard;

(c) Subject to the provisions of Article 2 of this Convention, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

2. For the purposes of this Convention, the term "education" refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

ARTICLE 2

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of Article 1 of this Convention:

(a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;

(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems or institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

ARTICLE 3

In order to eliminate and prevent discrimination within the meaning of this Convention, the States Parties thereto undertake:

(a) To abrogate any statutory provisions and any administrative instructions and to discontinue any administrative practices which involve discrimination in education;

(b) To ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;

(c) Not to allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;

(d) Not to allow, in any form of assistance granted by the public authorities to educational institutions, any restrictions or preference based solely on the ground that pupils belong to a particular group;

(e) To give foreign nationals resident within their territory the same access to education as that given to their own nationals.

ARTICLE 4

The States Parties to this Convention undertake furthermore to formulate, develop

[1] As adopted at the thirtieth plenary meeting, 14 December 1960.

and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;

(b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;

(c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;

(d) To provide training for the teaching profession without discrimination.

ARTICLE 5

1. The States Parties to this Convention agree that:

(a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms: it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians, firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

2. The States Parties to this Convention undertake to take all necessary measures to ensure the application of the principles enunciated in paragraph 1 of this Article.

ARTICLE 6

In the application of this Convention, the State Parties to it undertake to pay the greatest attention to any recommendations hereafter adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization defining the measures to be taken against the different forms of discrimination in education and for the purpose of ensuring quality of opportunity and treatment in education.

ARTICLE 7

The States Parties to this Convention shall in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Convention, including that taken for the formulation and the development of the national policy defined in Article 4 as well as the results achieved and the obstacles encountered in the application of that policy.

ARTICLE 8

Any dispute which may arise between any two or more States Parties to this Convention concerning the interpretation or application of this Convention, which is not settled by negotiation shall at the request of the parties to the dispute be referred, failing other means of settling the dispute, to the International Court of Justice for decision.

ARTICLE 9

Reservations to this Convention shall not be permitted.

ARTICLE 10

This Convention shall not have the effect of diminishing the rights which individuals or groups may enjoy by virtue of agreements concluded between two or more States, where such rights are not contrary to the letter or spirit of this Convention.

ARTICLE 11

This Convention is drawn up in English, French, Russian and Spanish, the four texts being equally authoritative.

ARTICLE 12

1. This Convention shall be subject to ratification or acceptance by States Members of the United Nations Educational, Scientific and Cultural Organization in accordance with their respective constitutional procedures.

2. The instruments of ratification or acceptance shall be deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 13

1. This Convention shall be open to accession by all States not Members of the United Nations Educational, Scientific and Cultural Organization which are invited to do so by the Executive Board of the Organization.

2. Accession shall be affected by the deposit of an instrument of accession with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

ARTICLE 14

This Convention shall enter into force three months after the date of the deposit of the third instrument of ratification, acceptance or accession, but only with respect to those States which have deposited their respective instruments on or before that date. It shall enter into force with respect to any other State three months after the deposit of its instrument of ratification, acceptance or accession.

ARTICLE 15

The States Parties to this Convention recognize that the Convention is applicable not only to their metropolitan territory but also to all non-self-governing, trust, colonial and other territories for the international relations of which they are responsible; they understake to consult, if necessary, the governments or other competent authorities of these territories on or before ratification, acceptance or accession with a view to securing the application of the Convention to those territories, and to notify the Director-General of the United Nations Educational, Scientific and Cultural Organization of the territories to which it is accordingly applied, the notification to take effect three months after the date of its receipt.

ARTICLE 16

1. Each State Party to this Convention may denounce the Convention on its own behalf or on behalf of any territory for whose international relations it is responsible.

2. The denunciation shall be notified by an instrument in writing, deposited with the Director-General of the United Nations Educational, Scientific and Cultural Organization.

3. The denunciation shall take effect twelve months after the receipt of the instrument of denunication.

ARTICLE 17

The Director-General of the United Nations Educational, Scientific and Cultural Organization shall inform the States Members of the Organization, the States not members of the Organization which are referred to in Article 13, as well as the United Nations, of the deposit of all the instruments of ratification, acceptance and accession provided for in Articles 12 and 13, and of the notifications and denunciations provided for in Articles 15 and 16 respectively.

ARTICLE 18

1. This Convention may be revised by the General Conference of the United Nations Educational, Scientific and Cultural Organization. Any such revision shall, however, bind only the States which shall become Parties to the revising convention.

2. If the General Conference should adopt a new convention revising this Convention in whole or in part, then, unless the new convention otherwise provides, this Convention shall cease to be open to ratification, acceptance or accession as from the date on which the new revising convention enters into force.

ARTICLE 19

In conformity with Article 1–2 of the Charter of the United Nations this Convention shall be registered with the Secretariat of the United Nations at the request of the Director-General of the United Nations Educational, Scientific and Cultural Organization.

Done in Paris, this fifteenth day of December 1960, in two authentic copies bearing the signatures of the President of the eleventh session of the General Conference and of the Director-General of the United Nations Educational, Scientific and Cultural Organization, which shall be deposited in the archives of the United Nations Educational, Scientific and Cultural Organization, and certified true copies of which shall be delivered to all the States referred to in Articles 12 and 13 as well as to the United Nations.

EXHIBIT 4

[From texts approved by the UNESCO General Conference, at its 11th session, 1960]

II. RECOMMENDATION AGAINST DISCRIMINATION IN EDUCATION [1]

The General Conference of the United Nations Educational, Scientific and Cultural Organization, meeting in Paris from 14 November to 15 December 1960, at its eleventh session,

Recalling that the Universal Declaration of Human Rights asserts the principle of nondiscrimination and proclaims that every person has the right to education.

Considering that discrimination in education is a violation of rights enunciated in that Declaration.

Considering that, under the terms of its Constitution, the United Nations Educational, Scientific and Cultural Organization has the purpose of instituting collaboration among the nations with a view to furthering

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[1] As adopted at the thirteenth plenary meeting, 14 December 1960.

for all universal respect for human rights and equality of educational opportunity.

Recognizing that, consequently, the United Nations Educational, Scientific and Cultural Organization, while respecting the diversity of the national educational systems, has the duty not only to prescribe any form of discrimination in education but also to promote equality of opportunity and treatment for all in education.

Having before it proposals concerning the different aspects of discrimination in education, constituting item 17.1.4 of the agenda of the session,

Having decided at its tenth session that this question should be made the subject of an international convention as well as of recommendations to Member States,

Adopts this Recommendation on the fourteenth day of December 1960.

The General Conference recommends that Member States should apply the following provisions by taking whatever legislative or other steps may be required to give effect, within their respective territories, to the principles set forth in this Recommendation.

I

1. For the purpose of this Recommendation, the term "discrimination" includes any distinction, exclusion, limitation or preference which, being based on race, colour, sex, language, religion, political or other opinion, national or social origin, economic conditions or birth, has the purpose or effect of nullifying or impairing equality of treatment in education and in particular:

(a) Of depriving any person or group of persons of access to education of any type or at any level;

(b) Of limiting any person or group of persons to education of an inferior standard;

(c) Subject to the provisions of section II of this Recommendation, of establishing or maintaining separate educational systems or institutions for persons or groups of persons; or

(d) Of inflicting on any person or group of persons conditions which are incompatible with the dignity of man.

2. For the purposes of this Recommendation, the term "education" refers to all types and levels of education, and includes access to education, the standard and quality of education, and the conditions under which it is given.

II

When permitted in a State, the following situations shall not be deemed to constitute discrimination, within the meaning of section I of this Recommendation:

(a) The establishment or maintenance of separate educational systems or institutions for pupils of the two sexes, if these systems or institutions offer equivalent access to education, provide a teaching staff with qualifications of the same standard as well as school premises and equipment of the same quality, and afford the opportunity to take the same or equivalent courses of study;

(b) The establishment or maintenance, for religious or linguistic reasons, of separate educational systems of institutions offering an education which is in keeping with the wishes of the pupil's parents or legal guardians, if participation in such systems or attendance at such institutions is optional and if the education provided conforms to such standards as may be laid down or approved by the competent authorities, in particular for education of the same level;

(c) The establishment or maintenance of private educational institutions, if the object of the institutions is not to secure the exclusion of any group but to provide educational facilities in addition to those provided by the public authorities, if the institutions are conducted in accordance with that object, and if the education provided conforms with such standards as may be laid down or approved by the competent authorities, in particular for education of the same level.

In order to eliminate and prevent discrimination within the meaning of this Recommendation, Member States should:

(a) Abrogate any statutory provisions and any administrative instructions and discontinue any administrative practices which involve discrimination in education;

(b) Ensure, by legislation where necessary, that there is no discrimination in the admission of pupils to educational institutions;

(c) Not allow any differences of treatment by the public authorities between nationals, except on the basis of merit or need, in the matter of school fees and the grant of scholarships or other forms of assistance to pupils and necessary permits and facilities for the pursuit of studies in foreign countries;

(d) Not allow, in any form of assistance granted by the public authorities to educational institutions, any restriction or preference based solely on the ground that pupils belong to a particular group;

(e) Give foreign nationals resident within their territory the same access to education as that given to their own nationals.

IV

Member States should furthermore formulate, develop and apply a national policy which, by methods appropriate to the circumstances and to national usage, will tend to promote equality of opportunity and of treatment in the matter of education and in particular:

(a) To make primary education free and compulsory; make secondary education in its different forms generally available and accessible to all; make higher education equally accessible to all on the basis of individual capacity; assure compliance by all with the obligation to attend school prescribed by law;

(b) To ensure that the standards of education are equivalent in all public educational institutions of the same level, and that the conditions relating to the quality of the education provided are also equivalent;

(c) To encourage and intensify by appropriate methods the education of persons who have not received any primary education or who have not completed the entire primary education course and the continuation of their education on the basis of individual capacity;

(d) To provide training for the teaching profession without discrimination.

V

Member States should take all necessary measures to ensure the application of the following principles:

(a) Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms; it shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace;

(b) It is essential to respect the liberty of parents and, where applicable, of legal guardians firstly to choose for their children institutions other than those maintained by the public authorities but conforming to such minimum educational standards as may be laid down or approved by the competent authorities and, secondly, to ensure, in a manner consistent with the procedures followed in the State for the application of its legislation, the religious and moral education of the children in conformity with their own convictions; and no person or group of persons should be compelled to receive religious instruction inconsistent with his or their convictions;

(c) It is essential to recognize the right of members of national minorities to carry on their own educational activities, including the maintenance of schools and, depending on the educational policy of each State, the use or the teaching of their own language, provided however:

(i) That this right is not exercised in a manner which prevents the members of these minorities from understanding the culture and language of the community as a whole and from participating in its activities, or which prejudices national sovereignty;

(ii) That the standard of education is not lower than the general standard laid down or approved by the competent authorities; and

(iii) That attendance at such schools is optional.

VI

In the application of this Recommendation, Member States should pay the greatest attention to any recommendations hereafter adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization defining the measures to be taken against the different forms of discrimination in education and for the purpose of ensuring equality of opportunity and of treatment in education.

VII

Member States should be in their periodic reports submitted to the General Conference of the United Nations Educational, Scientific and Cultural Organization, on dates and in a manner to be determined by it, give information on the legislative and administrative provisions which they have adopted and other action which they have taken for the application of this Recommendation, including that taken for the formulation and the development of the national policy defined in section IV as well as the results achieved and the obstacles encountered in the application of that policy.

The foregoing is the authentic text of the Recommendation duly adopted by the General Conference of the United Nations Educational, Scientific and Cultural Organization during its eleventh session, which was held in Paris and declared closed the fifteenth day of December 1960.

EXHIBIT 5

[From the CONGRESSIONAL RECORD, June 17, 1969]

THE RACIAL BALANCE DECISION OF THE SUPREME COURT

Mr. ALLEN. Mr. President, on June 2, 1969, the Supreme Court of the United States handed down what we believe will become one of the most controversial decisions in the history of the Court. This conclusion is arrived at by reason of the truly revolutionary principle of "racial balance" announced by the Court, and on a consideration of the almost unlimited field for application and dangerous potential for mischief inherent in the principle.

Mr. President, I refer to the decision in United States against Montgomery County, Ala., School Board. The factual background in a nutshell is this: The Federal District Court in Montgomery, Ala., established an absolute standard for employment and assignment of schoolteachers in the Montgomery County school system in the following language:

"In each school the ratio of white to Negro faculty members (must be) substantially the same as it is throughout the school system."

This particular ruling was taken on appeal to the U.S. Court of Appeals for the Fifth Judicial Circuit, where the racial ratio standards for assignment of teachers to separate schools was rejected and the lower court order was modified to provide for "substantial or approximate" attainment of racial ratio as a future goal. The Supreme Court overruled the circuit court of appeals and reinstated the racial ratio standard as controlling criteria in future teacher assignments.

Mr. President, I submit that the principle established by this decision is that of "racial balance" and that it is of such importance as to call for much more critical attention than it has yet received.

In this connection, the problem of critical analysis is made somewhat difficult by reason of the devious approach employed by the Supreme Court in laying down the principle and by reason of the refusal of the Court even to mention the far-reaching implications of the principle. In short, the Court affirmed the obverse of the principle of racial balance without mentioning the necessary proposition from which the obverse is inferred. Let me illustrate.

A proposition stating that the Constitution requires racial participation in employment in public services proportionate to the numerical strength of the separate races in a community is precisely the same as declaring that the Constitution requires racial balance in the employment of races in public services. The obverse of this proposition is that any deviation from racial balance is unconstitutional.

It will be recalled that the Supreme Court approved the order of a Federal district court which assigned racial ratios to separate schools as a means of correcting racial imbalance reflected in employment and assignment of teachers. In doing so, the Supreme Court necessarily established the principle that proportionate racial participation or racial balance in the employment and assignment of teachers is an affirmative requirement of the Constitution.

The fact that the Supreme Court incorporated the requirement of racial balance into the Constitution by upholding the obverse of the above proposition rather than by directly affirming the principle cannot alter the fact that the principle of racial balance is clearly and unavoidably laid down as an affirmative requirement of the Constitution. The only question left open by the Court is to what degree the standard is to be achieved.

The term "racial balance" implies the existence of an ideal degree of racial participation in public services. This ideal is considered to reflect racial participation in employment or services proportionate to the numerical strength of the races in the population of a community. When such proportion is expressed as a ratio, as was done in the case under consideration, the effect is to prescribe racial balance as the goal.

In the instant case the Federal district court judge directed the assignment of teachers to achieve racial balance in this language:

"In each school the ratio of white to Negro faculty members (must be) substantially the same as it is throughout the school system."

We do not imply that the Supreme Court has said that henceforth every Federal district court judge in the United States must order assignment of teachers to schools in a manner to achieve immediate and precise racial balance. On the contrary, the Supreme Court in establishing the principle of racial balance expressed the opinion that it did not believe the district court judge intended to apply the principle inflexibly as to time and presumably as to mathematical exactitude.

On the other hand, the Supreme Court went out of its way to make clear that "substantial and approximate" attainment of the ideal racial participation would not meet the Supreme Court concept of constitutionally required racial balance. In fact the Supreme Court specifically rejected the "substantial or approximate" criteria, suggested by the U.S. Court of Appeals, in favor of the mathematical ratio imposed by the Federal district court.

So while "racial balance" has been established as an affirmative requirement of the Constitution, the precise degree of conformity required remains hanging. However, we do know that something less than exact proportionate racial participation may be acceptable to the Supreme Court but that something more than "substantial or approximate" balance is required.

Previous Supreme Court attitudes regarding a constitutional mandate of mathematical preciseness in allocating legislative powers of State and Federal Governments leaves little room to doubt that the Court intends in this case to impose near precise racial balance as the constitutional requirement for employment in public services.

In any event, no one can seriously question the fact that under the Constitution, as revised and edited by the Warren Court, racial participation in public employment must be proportionate to the numerical strength of the races in the population and that such standard is in essence the standard of racial balance. Neither can it be doubted that this essentially social concept of racial balance has been dressed out by the Court and armed with the coercive powers of Federal Government under the guise of a principle of constitutional law.

One result of this decision is that Federal district courts throughout the United States are now vested with near unlimited discretionary powers over public school systems. Such courts can compel employment and assignment of teachers until racial balance is achieved in each school in the separate school systems throughout the Nation. Additional discretionary powers vested in Federal district court judges include the power to veto over location of new schools, a power of supervision over recruitment, hiring, firing, promotion, and transfer of teachers and administrative personnel, as may be necessary to achieve the new constitutional mandate of racial balance.

And, while the decision was rendered in a case involving employment and assignment of public school teachers, it cannot seriously be questioned that the principle applies with equal force to assignment of schoolchildren. Consequently, Federal district courts are now vested with power to redraw school attendance boundaries, to close schools and compel transfer and busing of pupils, and otherwise to supervise the public school systems in a manner to reach what is now said to be a constitutional mandate of racial balance in public schools.

In addition, the principle has application to employment in all public services of which teaching is but one. It has application to employment in the civil services and to firemen and policemen on all levels of government.

The principle has application also to all private employment in firms doing business with any branch of Federal, State, and local governments.

Another inevitable result of the decision is that every racial minority in the United States may now allege deviation from racial balance in employment as a basis for legal action to compel racially proportionate employment. In addition, the Federal executive is authorized and empowered by this decision to send its agents throughout the land armed with authority of the Supreme Court decision to further dictate employment practices in private employment.

Consequently, we can reasonably expect to see ushered in a new era of litigation which may extend from now to eternity or until the Supreme Court holds that the "racial balance" mandate of the Constitution prohibits an employee from exercising the right to quit, change jobs, or move when to do so would result in creating a now constitutionally prohibited racial imbalance in employment.

We recognize that this last projection may seem to be unreasonable but we most sincerely submit that it does not strike us as more unreasonable as a possibility than the ruling that the Constitution requires hiring and assignment of employees by racial quotas in order to achieve a racial balance in employment.

And I do maintain that the Supreme Court decision is unreasonable in the extreme. It is irrational, arbitrary, and invidious. It utterly disregards the public interest; it disregards individual merit and experience and qualifications; it disregards educational criteria such as the availability of qualified and experienced teachers as may be required by education considerations. Furthermore, it disregards the will and wishes of the teachers and pupils involved and it disregards the will and wishes of the people of the communities involved and thus disregards the necessity for public support of the education system. Finally, the racial balance mandate disregards what parents may believe to be the best interest of their children in a most intimate matter affecting the health, safety, and moral welfare of their children.

The Supreme Court decision goes even further than this. It specifically defies the will of Congress. For example, in the appropriation bill for the Department of Health, Education, and Welfare, passed in October 1968, it was specifically provided:

"No part of the funds contained in this act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

In addition the Civil Rights Act of 1964 states:

" 'Desegregation' shall not mean the assignment of students to public schools in order to overcome racial imbalance . . .

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance."

Innumerable expressions of legislative intent of a similar nature have been incorporated in Federal aid to education statutes—but aside from misleading the people, what avail are these expressions of congressional intent in the face of this last Supreme Court decision?

The Supreme Court has declared a new ball game. Congressional intent no longer matters, nor the will and wishes of State legislatures, nor of elected local school officials, nor that of teachers or even parents of the children. Racial balance is the new and controlling constitutional criteria for determining the location of new schools, in decisions related to closing and consolidating schools, in transferring and busing children, and in the assignment of pupils and teachers. Consequently all decisions on these questions are now supposed to be within the purview of discretionary powers of a single Federal district court judge.

Mr. President, tyrannical powers are thus vested in Federal district court judges. This is a situation unparalleled in the history of our Nation or in the history of any nation of free people. For in truth, such powers are absolutely incompatible with a government of a society of free people.

Let me cite an example of tyrannical control. The U.S. Court of Appeals for the Fifth Judicial Circuit decided to turn control of the Mobile County, Ala., school system over to the Department of Health, Education, and Welfare. This is the judicially assigned responsibility of the Department of Health, Education, and Welfare as laid down by the Court:

"The District Court shall forthwith request the Office of Education of the United States Department of Health, Education, and Welfare to collaborate with the Board of School Commissioners of Mobile County in the preparation of a plan to fully and affirmatively desegregate all public schools in Mobile

County, urban and rural, together with comprehensive recommendations for locating and designing new schools, and expanding and consolidating existing schools to assist in eradicating past discrimination and effecting desegregation."

Mr. President, the above language is an order to the Federal district court judge to request the Department of Health, Education, and Welfare to restructure the public school system of an entire county having a population of approximately 300,000 people, despite the specific language of an act of Congress which prohibits expenditure of HEW funds for achieving racial balance in public schools.

Yet, under authority of the racial balance decision of the Supreme Court, the Department of Health, Education, and Welfare can do nothing but reorganize the public school system to achieve racial balance.

The above approach can reasonably be expected to be followed throughout the United States.

After years of judicial doubletalk we now know that the ends to be achieved by Federal courts is not "desegregation" nor "nondiscrimination" but rather "racial balance" defined by the Court as racial participation in the public services proportionate to the numerical strength of the races in a particular unit of employment. And this theoretical social ideal imposed by the Superme Court as law of the land must be achieved to a degree that is more than substantial or approximate even though less than mathematically precise.

Mr. President, I predict that the people of our Nation are not going to accept tyrannical control over the lives of their children affecting, as it does, the safety, and moral welfare of their children. This can mean but one thing. Federal district courts have to continue to resort to processes of the inquisition to enforce its school orders. They can gain compliance only by threatening elected local school officials with confiscation of their property by imposition of heavy fines and threats of imprisonment or both without benefit of trial by jury. This fact expresses a judgment on the whole sorry system.

On the part of the Federal executive, it must continue the vicious practice of depriving innocent children of food, money, and other benefits authorized by Congress. In areas other than public education the executive must continue to deprive and threaten to deprive the aged, sick, poor, handicapped of necessities of life as a means of compelling compliance with its dictatorial orders. In still other areas the Federal executive must continue to threaten abrogation of contracts and thus financial ruin of private business as a means of enforcement.

Mr. President, I submit that the enforcement techniques adopted by the Federal judiciary and the Federal executive are alone enough to condemn the policies and decisions which gave them birth. These techniques reveal an underlying callousness and even viciousness on the part of disciples of force and violence some of whom currently wield this hideous power in our Republic.

Mr. President, there is but one solution to this corruption—it is to amend the Constitution of the United States to return control of public schools to the States and to the people. I have submitted a proposed constitutional amendment for submission to the States to do just that.

EXHIBIT 6

[From U.S. News & World Report, Aug. 31, 1970]

CLARIFICATION NEEDED

(By David Lawrence)

If ever there was a time when it was necessary for the Supreme Court of the United States to come forth with a decision clarifying the many ambiguous opinions, rulings and orders hitherto handed down by the appellate and lower courts, it is right now.

Ever since the historic decision of 1954 outlawing segregation in the public schools, there has been uncertainty as to how far school authorities must go to accomplish "desegregation." The High Court itself has never said that it necessarily requires compulsory integregation. Congress in the Civil Rights Act of 1964 declared that "desegregation" shall not mean "the assignment of students to public schools in order to overcome racial imbalance."

Again and again, however, some of the lower courts have ordered school boards to adopt plans which specify a certain percentage of blacks and whites in the student body and faculties of each school within their district. The theory behind many of the decisions has been that wherever State authority has created school systems which permitted or encouraged segregation, the results were what is called "de jure" segregation, as distinguished from "de facto" segregation in schools in other parts of the country where neighborhood patterns were followed.

But to all intents and purposes school authorities everywhere are confronted with the fact that in their areas some schools are predominantly white and some are predominantly black. The pressure on school boards has been to bring about a gradual lessening of such racial imbalance. The lower courts have from time to time gone along with the idea that the school systems could rearrange their districting and assignment patterns so as to conform to a concept of less and less segregation.

The Supreme Court originally said that desegregation should be carried out with "all deliberate speed," but last year it explicitly declared that "the obligation of every school district is to terminate dual school systems at once and to operate hereafter only unitary schools." Unfortunately the Court did not define what constitutes "unitary schools," and lower courts have varied in their interpretation of what is required. Some have ordered desegregation plans that virtually call for "racial balance" and have set specific dates on which they must be put into effect—often within a few months. Several schools have been given notice that this will have to be done by September 1970.

The only way that some of these programs can be carried out is by extensive busing of students. This requires the purchase and operation of a large number of buses, which is, of course, expensive and involves either more taxes or less money for other school programs. More complications have arisen as parents object to having their children transported long distances from their own neighborhoods, and teachers are dissatisfied with being compelled to travel to schools far away from their homes. Confusion has resulted.

Now the school authorities in the South want to get from the Supreme Court a final determination of what must be done to achieve the purposes of its desegregation decrees. They also want to see the Court apply its rulings to schools outside the South, too, even though the segregation in them is described as "de facto." Many members of Congress are saying that "the law of the land" should be the same everywhere.

So the whole problem comes back to the Supreme Court of the United States, and in the last few days officials of the Administration, including the Attorney General, have been urging the High Court to render a decision which will enable school authorities in the South to know exactly what they have to do to conform to the objective of desegregation. Some lower court judges have been recognizing the realities of the situation and have not been compelling racial balance. Others are imposing plans which, in effect, set racial quotas for all schools, irrespective of whether the predominance of one race or the other results naturally from residential patterns. Only the Supreme Court can resolve the differences between these lower court rulings and set the standards of what is or is not required to accomplish desegregation.

Notwithstanding all of the controversy, the South has made a great deal of progress in eliminating segregated schools. Many school districts have desegregated voluntarily and without friction. In seven Southern States committees have been appointed, consisting of white and black leaders. They have been working with Administration officials to carry forward the desegregation effort.

The occasion now is at hand when all the parties concerned believe that the Supreme Court can be of help in solving the most complex problems ever faced in the field of education. But prompt action is needed with clear definitions to guide everybody—school authorities the judiciary and the executive departments. For the nation's highest court still holds the answer to the riddles of "desegregation."

EXHIBIT 7

[From the CONGRESSIONAL RECORD, Aug. 25, 1970]

S. 4287—INTRODUCTION OF A BILL RELATING TO PLANS OR RECOMMENDATIONS IN THE MATTER OF SCHOOL DESEGREGATION

Mr. ALLEN. Mr. President, I introduce for appropriate reference a very short bill to which few can take exception. I ask unanimous consent that the bill be printed at this point in the RECORD for purpose of comment thereon.

The PRESIDING OFFICER (Mr. FANNIN). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD.

The bill (S. 4237), to provide that the U.S. Senators and the Members of the House of Representatives concerned with any plan or other recommendation relating to school desegregation prepared by any officer or employee or agent of the Department of Health, Education, and Welfare for submission to any U.S. court or any public agency of a State be furnished a copy of such plan or other recommendation, and for other purposes, introduced by Mr. ALLEN, was received, read twice by its title, referred to the Committee on Labor and Public Welfare, and ordered to be printed in the RECORD, as follows:

"S. 4287

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That no plan or recommendation or modification of an existing plan or recommendation prepared by any officer or employee or agent of the Department of Health, Education, and Welfare concerning the desegregation of the schools of any local educational agency within any State shall be furnished to any Court of the United States, any public agency of a State, or any political subdivision of such State, unless a copy of such plan, recommendation or modification has been submitted to the United States Senators of that State and to the Members of the House of Representatives from the Congressional Districts in which the schools of such local educational agency are located. Any such copy shall contain a statement that the plan, recommendation or modification does not effectively exclude any student or teacher from any school of the local educational agency because of race, or color, and shall be attested to under oath or affirmation by the Secretary of Health, Education and Welfare or his designee."

Mr. ALLEN. Mr. President, it will be seen that the bill merely requires the Department of Health, Education, and Welfare to submit

a copy of desegregation plans, recommendations or modification of existing plans or recommendations prepared under auspices of the Department to the Senators and Representatives of the respective States and congressional districts in which the schools affected by such plans are located.

Ordinarily, Mr. President, it would seem that Senators and Representatives are entitled to copies of such plans as a matter of courtesy. Instead, experience has demonstrated that the Department of Health, Education, and Welfare is reluctant to disclose such plans, recommendations or modification prior to submission for consideration and implementation by Federal judges or by local school boards.

Yet, Mr. President, the citizens of the State and congressional districts involved looks to us for relief from what appears to them to be grossly unreasonable and sometimes unlawful plans imposed upon the schools and schoolchildren affected by those plans.

The primary purpose for reviewing such plans before they are submitted for implementation is to determine whether or not the actions contemplated are consistent with laws of Congress and decisions of the U.S. Supreme Court.

It is my sincere judgment that many plans prepared by the Department of Health, Education, and Welfare and submitted for implementation by Federal district courts are unreasonable, irrational, contrary to laws of Congress, and without authority under any specific ruling of the U.S. Supreme Court.

For this reason the bill provides that copies of such plans or recommendations contain a statement affirming that such plans or recommendations do not go beyond what is required by the U.S. Supreme Court.

It is a fact, Mr. President, that school plans and recommendations have been prepared by agents of the Department of Health, Education, and Welfare and submitted to Federal district courts for implementation which are without authority of statutory law and which so beyond anything which the Supreme Court of the United States has required.

Mr. President, we recall extended debates on the merits of the Whitten amendments, the provisions of which limited the Department of Health, Education, and Welfare in the matter of requiring busing. We recall that liberal forces in the Senate were successful in attaching an amendment to the Whitten amendment expressed in the term "except as required by the Constitution."

The implication in the exception was that the Department of Health, Education, and Welfare should be limited in its plans and actions unless such plans and actions were authorized by Supreme Court decisions.

In this connection, Mr. President, in Northcross and others against Board of Education of the Memphis, Tenn., City Schools and others, decided March 9, 1970, Chief Justice Burger made this special point, he said:

"As soon as possible, however, we ought to resolve some of the basic practical problems when they are appropriately presented including *whether, as a constitutional matter any particular racial balance must be achieved in the schools;* to what extent school districts and zones may or must be altered as a constitutional matter; and to what extent transportation may or must be provided to achieve the ends sought by prior holdings of the Court." (Emphasis supplied.)

Mr. President, some of the school plans prepared by the Department of Health, Education, and Welfare and submitted for implementation by Federal district courts in Alabama treat all of these questions as having been already decided by the Supreme Court. For practical purposes of desegregation of schools the Department of Health, Education, and Welfare and the U.S. Attorney General have constituted themselves a Supreme Court in all matters affecting desegregation of public schools.

They have decided as a matter of constitutional law that racial balance must be achieved in certain schools in the South although the Supreme Court has not said so and the administrative rulings in this regard are not uniformly applied.

Then, too, the Department has decided on its own initiative to what extent school districts and zones must be altered as a constitutional matter. Yet, the Supreme Court has not so decided.

Furthermore, the Department of Health, Education, and Welfare has determined to what extent transportation may or must be provided by the separate local school boards.

Surely, Mr. President, those Senators who were so insistent on compliance with constitutional standards in opposing limitations on the Department of Health, Education, and Welfare will recognize that the Department has acted not as required by the Constitution but as dictated by its own notions.

On the other hand, where the Supreme Court has spoken authoritatively on a particular subject, the Department of Health, Education, and Welfare and the U.S. Attorney General utterly disregard the mandate of the Court.

Let me quote further from Chief Justice Burger who said:

"The suggestion that the Court has not defined a unitary school system is not supportable. In Alexander v. Holmes County Board of Education, 396 U.S. 19 (1969), we stated, albeit perhaps too cryptically, that a unitary system was one 'within which no person is to be effectively excluded from any school because of race or color.' "

In the fact of this definition, the Department of Health, Education, and Welfare continues to submit desegregation plans which violate this rule in that such plans are designed to effectively exclude literally thousands of schoolchildren from public schools for no other reason than that of race or color.

In some instances the Department of HEW excludes both white and black children from public schools in their neighborhoods in order to achieve racial balance and without regard to the will or wishes of the parents and without regard to the health, safety, morals, and general welfare of the children, and without regard to the will, wishes, and authoritative opinion of local school authorities and without regard to the Supreme Court definition of a unitary school system.

In addition, the Department willfully and wantonly redraws school district boundaries and school attendance zones and recommends transportation of children long distances from their homes for no other reason than the race and color of the children involved.

Mr. President, U.S. Senators and U.S. Representatives elected by the people have a right to know beforehand whether school plans prepared by Federal agents and agencies of the Federal Government conform to the law of the land. The evidence is conclusive that the law is being violated.

Mr. President, it is my judgment that every U.S. Senator has a vital interest in the passage of this bill. The plans, the processes, and the procedures now being applied in the Southern States are precisely the plans, processes, and procedures which will be soon applied in all sections of the Nation.

The de facto-de jure distinction is a fabrication of special pleaders in the Department of Health, Education, and Welfare. It will not hold up.

Let me assure Senators that arbitrary and unlawful procedures if permitted to go unchallenged in the South will be the same arbitrary procedures applied in your States. The people of your State will demand explanations and relief no less than the people of Alabama and the South demand explanations and relief.

We ask only that as elected representatives of the people we be informed of the plans, recommendations, and modifications of such which the Department of Health, Education, and Welfare intends to ask Federal courts to implement.

Who can reasonably object to such a request?

EXHIBIT 8

[From Look magazine Sept. 8, 1970]

DO MOST AMERICANS SECRETLY WANT SEGREGATION?

(By Senator ABRAHAM A. RIBICOFF)

Last February 9, in a speech on the floor of the United States Senate, I accused my own part of the country, the North, of "monumental hypocrisy" in its treatment of the black man. My speech occurred during debate on an amendment calling for a uniform national policy on school desegregation. Sen. John Stennis of Mississippi sponsored the amendment. I said I would support Senator Stennis.

In the speech, I argued that what is evil in Mississippi does not become a virtue when it is practiced in Connecticut. We Northerners have been too eager to point out the horrors of Southern segregation originally based on law (*de jure*), while moving to the suburbs and segregating our schools according to our housing patterns (*de facto*).

Of course, Presidents, senators, sociologists and boards of education can debate the relative evils of *de jure* and *de facto* segregation all they want. But for the black child who is forced to suffer segregated education, there is no difference.

Whether you call it *de jure* or *de facto*, it is segregation—pure and plain. For the black child, it means white people don't think his life is as important as a white child's or that he is good enough to associate with their children.

How the message comes, whether by *de jure* or *de facto*, is irrelevant. What counts is the damage. That is the same in both cases. It often is permanent, jeopardizing the black child's entire adult life. No legal phrase can soften the blow or end the pain. The phrase *de facto* has only one purpose. It provides a "respectable" screen behind which white Americans can discriminate against black children.

Without question, many Southerners hoped the Stennis amendment would slow down integration in the South. Though the states that had dual school systems are desegregating under constitutionally based Supreme Court orders that nobody can change, some hard-core resisters are still trying to circumvent those orders by such methods as segregated classrooms in "integrated" schools or with private schools for whites. Clearly, any kind of slowdown in the South is unacceptable.

But it is time for us to stop looking only at the motives of the South. What about the motives of the rest of us? How committed are we to integration in our own backyards?

Those of us in the North should begin to look honestly at ourselves and see that our contribution to integration has been to refine the art of making sure blacks can ride in the front of buses we never ride, can live in someone else's neighborhoods and can work in the lower reaches of our organizations.

The fundamental problem is the increase in *de facto* segregation in both the North and the South. As long as this nation avoids facing the issue of *de facto* segregration squarely, many will insist that such segregation is accidental and therefore not illegal. This does more than absolve the North of responsibility for the unequal education afforded black children in their own communities. It also is an open invitation to the South to emulate the North.

In time, the South can argue that it has

ended *de jure* segregation and replaced it with the *de facto* kind. As proof, the South will soon be able to say its cities and suburbs are just like the North's—black cities, white suburbs. Then what will our tolerance of *de facto* segregation have achieved? I argued seven months ago that we needed a national policy to end segregation in the North as well as the South. The needs seems even more urgent now. If anything, recent actions by the President and the Congress have strengthened my conviction that America is heading down the road to apartheid, a strict separation of the races, based on *de facto* segregation, and that nobody who has the power to alter this course appears willing to do so.

The Senate did pass the Stennis amendment. But the Senate-House conference committee watered it down to the point where it marked a giant step backward. For the first time, Congress wrote into law the distinction between *de facto* and *de jure* and singled out only *de jure* for government action.

On March 24, President Nixon told the nation that while *de facto* segregation was "undesirable," his Administration would require no steps to end it, in either the North or the South.

Then, on May 21, the President introduced his Emergency School Aid Act of 1970, a two-year, $1.5 billion package designed to promote desegregation. This legislation provides financial assistance for *de jure* school systems that must desegregate.

But the President's program also builds on the shortcomings of the earlier desegregation message with regard to *de facto* segregation. It doesn't require anything of anyone. It is purely voluntary. If you want to desegregate, fine. There will be money available to help you over the hurdles. If you don't, that's OK, too. It's not illegal. The decision is yours. The Federal Government will stay neutral.

In short, *de facto* segregation is still a "U.S. Government Approved" product. The President's program allows us all to continue to talk a good game of integration while serenely practicing segregation. The message to the South is unmistakable: If you segregate your society as well as your schools, as we do in the North, we can all segregate together.

What bitter irony that the model for American apartheid should come from the North. Most of us always believed apartheid would come exclusively from the South, whose legacy of slavery and legalized segregation was fundamentally responsible for most of the racial tension in this nation. There is little doubt that if life had been better in the South, the black man would have stayed. He would not have embarked upon one of the greatest and swiftest migrations of the single people in our history.

But the South, no matter what happens with this month's school-desegregation drive, has no monopoly on being brutal to the black man. When he moved North, our welcome was a ghetto, an unemployment line, a substandard tenement, a poor school and no medical care. And all our criticism of the South, no matter how justified, cannot excuse or erase these facts. The North has been just as successful in denying to the black man and his family the opportunities we insist upon for ourselves and our families Only we tell ourselves it isn't our fault. The institutions are responsible. There is nothing we can do. It's a terrible "accident," a fact all of us may decry, but for which few of us will accept responsibility.

An almost classic example of this kind of thinking occurred recently in Pontiac, Mich., when the Board of Education told a Federal court that the city's schools were segregated because its neighborhoods were segregated. The Board agreed with the black parents who had brought suit that a black child's segregated education was inferior and harmful and that the resulting damage was irreparable. But the Board argued that, since it had not created the segregation, it had no responsibility to correct this admittedly harmful and devastating condition.

The U.S. District Court Judge, Damon J. Keith, ruled otherwise. He found that despite its frequent pronouncements in support of integrated education, the Board had used its powers to perpetuate segregation and prevent integration.

The segregation in Pontiac is no accident. Nor is it in many American communities. Unlike its Southern counterpart, Northern segregation may not be traceable to one official action. But the thousands of individual decisions—by school boards, real estate brokers, businessmen, politicians, and private citizens—that created *de facto* segregation were all based on the same objective as the official *de jure* action: to keep blacks and whites separate.

Furthermore, a segregated education is harmful to white children as well. White students having no contact with blacks during their school years receive a distorted view of American society. Many of them acknowledge this fact and complain about it.

How can we reverse this trend?

We can begin by recognizing that we don't have to wait for the Supreme Court to rule on *de facto* segregation. The President and the Congress have all the power they need. The longer we wait, the worse the problems will be.

The Supreme Court originally acted against segregation in 1954 largely because every other political institution refused to act. If the President and the Congress continue to abdicate their constitutional responsibilities, they will only succeed in paralyzing the courts, which cannot carry the entire burden by themselves. Or, taking their cues from a reluctant Washington, courts may begin to give legal sanction to *de facto* segregation.

We must also recognize that focusing only on integration in our central cities will simply drive many of the remaining whites to the sanctuary of the surrounding suburbs.

A recent opinion poll reported that most Americans support integration and are willing to send their children to integrated schools. Substantial opposition to integration generally occurs when schools and neighborhoods cease to reflect the society at large. But this need not be an insurmountable problem if we view the entire metropolitan area—including the suburbs—as a whole. The percentage of blacks in most of these areas is less than 20 percent. In fact, in the major metropolitan areas in 1969, blacks made up only 12 percent of the population.

Our goal then should be a national policy to end segregation in all our schools, no matter what we call that segregation or how it occurred. We can't expect this to happen overnight. But we can require that all school districts in a metropolitan area formulate plans now to end segregation in all our schools within ten years. Every area's plan must provide for uniform progress each year, with the result being an end to all racial segregation in the final year.

Only when we require school integration throughout our metropolitan areas can we guarantee sufficient stability to avoid the white flight that has characterized large-scale integration thus far. Variations should be allowed, but only those that occur within the context of obtaining general racial balance.

Our policy, and the methods of achieving it, must be compulsory, all-inclusive and based on a timetable. We have had enough halfway houses for human rights in this country. They don't work. Left to our own devices, we will behave just as the South did for so many years—long on deliberations and short on speed.

Many argue that the suburbs never will go along with this. My answer is to end all Federal educational assistance to any individual school district that refuses to participate in its area's plan. Federal assistance also should be denied any state that gives aid to a school district that does not participate in such a plan.

Those communities that are hard-pressed to finance integration will need whatever help we can give them. Therefore, as the President has suggested in part, the Federal Government should provide school districts with funds to cover the additional expenses involved in desegregation. Cost is not a valid reason for the continued denial of human rights.

Talk of integrating suburban schools often results in frantic discussions about busing. Much of this issue is a "red herring." Millions of American children already are bused to school. Suburban parents often insist upon the opportunity for their children to ride on a school bus as a matter of right.

Moreover, busing is only one technique for integrating schools. Many school districts have successfully integrated their schools by redrawing district lines, pairing neighborhood schools, and locating new schools in areas that make integration easier. These techniques have actually reduced the amount of busing in some areas.

Many who object to busing don't really object to the bus ride. Their concern is the school at the end of the ride. As long as broad disparities exist in the caliber of students, teachers, atmosphere and equipment in our schools, I can understand a parent's concern over proposals that would take his child from a school he knows to one that is unknown.

America cannot allow these disparities in its schools to continue. But the solution is not continued opposition to integration. Nor is it a call limited only to improving ghetto schools. Integration and the improvement of all schools must go forward together.

In the long run, though, lasting school integration cannot occur in a segregated society. It is a fantasy to think that integration can be achieved by letting black children attend our schools when we won't let their parents live in our neighborhoods. That was the basic point I sought to make last February. It is of critical importance.

Some 80 percent of all the new jobs developed in the past 20 years are in the suburbs. Blacks must have access to those jobs and to homes near them. We should encourage the suburbs to provide low-income housing. Private industry should hire more blacks and refuse to move into a suburb until housing for their low-income workers is provided. The Federal Government should refuse to locate its facilities or allow its contractors to locate in areas that do not provide low-income housing.

At the same time, the Federal Government must recognize the severe financial problems confronting suburban communities throughout the country. We therefore should supply additional funds to those suburbs that provide housing, employment and education for blacks in order to cover the additional expenses they have as a result of these activities.

I realize that this is a tall order, one that causes many supporters of integration to despair of the likelihood that we ever will take these steps. Some liberals even oppose a uniform national policy on desegregation on the grounds that spreading the skimpy Federal resources for implementing desegregation across the country will totally destroy their usefulness; that *de facto* segregation is a complex process against which we must move very carefully and slowly; and that moving in the North will generate such opposition that progress will stop everywhere.

But to me, these arguments are unpersuasive as they were last February. The Congress has said it would provide the men

and the money to implement desegregation on a national scale. Tripling Federal school-desegregation-enforcement activities would cost only $10 million more a year. This country presently spends less than $5 million a year in this area.

The "go slow" argument is based on the same reasoning that sent many Northern liberals into hysterics when it came from south of the Mason-Dixon line. Except we don't even have a policy of "go slow" in the North. We have a policy of "no go."

On the third point, that moving in the North would create enormous opposition. I have always assumed that we sought integration—and still seek it—not because we think it is popular but because we prize certain basic human rights. Nobody ever argued that integration was popular. But that doesn't justify a double standard for black children that says what's bad for you in the South is good for you in the North.

There is another question that we ought to settle once and for all: Why should we fight for integration when many blacks themselves call for separatism?

It is true that some blacks don't want integration. This is an understandable paradox. White tokenism in both the North and South has made these blacks frustrated, bitter and angry. They want only to be left alone.

But it's a curious kind of morality that drives blacks to such despair over the possibilities of achieving integration and then uses this despair to justify doing—or not doing—what we have always done or not done.

The most important fact is this: Most blacks still want integration. They cling to the same hopes and goals America has held out to every other group. Denying them their rightful opportunity because a minority of blacks has become impatient, and with good reason, is a shabby betrayal of the ideals this country is supposed to represent.

Making integration a national goal should not make it an impossible goal. I fervently hope that our commitment to integration is not so fragile that we shall discard it when we are asked to meet it. There are more constructive things for us to do than write obituaries for the cause of human rights in America.

EXHIBIT 9

[From the Washington Post, Aug. 29, 1970]

DESEGREGATION: WAITING ON THE COURT

It is hard to see how the Supreme Court could have done otherwise than refuse—as it did this week—to set aside school desegregation orders affecting Charlotte, N.C., and three other Southern cities. Or perhaps it is more accurate to say that it is hard to imagine the confusion that would have followed. The court had earlier agreed to hear the Charlotte case and will do so this fall. It will be an important case, since it will mark the first time the high Court has waded into the growing controversy over the meaning of desegregation in the context of the large urban centers of the South. U.S. District Judge James B. McMillan has ordered the schools of Charlotte and Mecklenburg County to do away with all black schools, to reproduce the district's 70-30 percent proportion of white to black schoolchildren in it individual schools, and to do so by means of busing an additional 13,000 children to school. There has been a complex history to this case, but—pending the Supreme Court's hearing and decision—Judge McMillan's order is in force. And since school is about to reopen not just in Charlotte but in cities across the South under any number of conflicting lower court orders, the setting aside of the Charlotte order could only have produced disruptive last minute attempts to reverse course in district after district.

The Southern (and to some extent Northern) landscape is strewn with these controversial, semi-settled, and often contradictory court orders, and that is why the Charlotte-Mecklenburg hearing by the Supreme Court could prove so important. Though a big city is involved, the issue here is not one of de facto versus de jure segregation. Rather the lower courts have concluded that Charlotte's schools are racially segregated as a consequence of racialy segregated housing patterns for which the state has its degree of responsibility. What is at issue is not this fact so much as the remedy that can be ordered under law—which is to say, under the Fourteenth Amendment, the Supreme Court's 1954 and subsequent decisions, and the civil rights statutes on the books. The Charlotte-Mecklenberg school board has claimed that it is not within the realm of physical or economic practicality to reproduce the racial pattern Judge McMillan has in mind, and last May the Fourth Circuit described Judge McMillan's order as unreasonable. There is clearly, then, a considerable body of legal opinion which holds that the creation af a unitary school system does not require the uniform creation of racially integrated schools or presuppose the dissolution of every all-black school in a district. Unless it should rule very narrowly, that is the question the Supreme Court is likely to reach in the Charlotte-Mecklenburg case.

Whatever its ruling, of course, there is every reason to expect that litigation on this question will go on. But you need only look at the state of perplexity in which the South now finds itself—the resignation of the Jackson, Miss., school superintendent yesterday is a case in point—to realize how sorely some guidance is needed from the high Court in the matter. For years—until last October's nonsense decision, in fact—the Court was waiting on the South. Now, in another sense, it is the other way around.

EXHIBIT 10

THE FIGHT TO RETURN PUBLIC SCHOOLS TO STATE AND LOCAL CONTROL

As your United States Senator, I have continually fought to return the control of the public schools of Alabama and the South to State and local governments and to resist federal domination and control.

These goals have been sought through:

1. Support of positive legislation such as that providing for Freedom of Choice, Neighborhood Schools, and by Constitutional amendment returning schools to state and local governments; and by support of such measures as the Stennis Amendment and the Whitten Amendments.

2. Dozens of speeches on the Senate floor pointing out views of people of Alabama on school problems.

3. Dozens of meetings with Alabama parents groups and school officials.

4. Intercession with and protest to President Nixon, HEW and Justice Department officials regarding forced immediate desegregation.

5. Opposition to all legislation discriminating against Alabama and the South.

6. Support of all legislation that would help provide a good education to all citizens.

Listed below in chronological order is a brief résumé to date of some of these actions to which I have referred:

Congressional Record Dated:

February 24, 1969.—A letter to HEW Secretary Robert H. Finch requesting information on the total number of school children deprived of funds and services under orders of the Department of HEW, and the total dollar value of lunches, services, and other benefits withheld from school children in the South. This letter expressed my concern over the actions of HEW that were depriving school children of funds and services provided by taxpayers' dollars.

March 17, 1969.—Introduction of proposed Constitutional amendment to return control of local schools to the states and to the people—Senate speech in support of the proposed amendment.

March 24, 1969.—Remarks on insertion of an editorial from the *Dothan Eagle* critical of the President's nomination of liberal New York school Superintendent, Dr. James E. Allen, Jr., known as "Mr. Busing," as U.S. Commissioner of Education.

May 1, 1969.—Co-sponsored with Senator Dirksen a bill to authorize the Committee on the Judiciary to investigate the impairment of the internal security of the U.S. arising from disorders at educational institutions.

May 5, 1969.—Senate speech in opposition to the confirmation of Dr. James E. Allen, Jr., as U.S. Commissioner of Education and Assistant Secretary of HEW.

June 17, 1969.—Senate speech critical of U.S. Supreme Court decision which approved "racial balance" in the assignment of teachers as a requirement of the U.S. Constitution.

July 14, 1969.—Telegram to HEW Secretary Robert H. Finch condemning disregard by his Department of provisions of the 1964 Civil Rights Act and violation of an act of Congress which *denied* the Department power to spend Federal funds to compel transportation of pupils to achieve racial balance in public schools.

July 14, 1969.—Telegram addressed to President Nixon pointing out contradictions between his campaign statements relating to desegregation of public schools and the actions of his Administration in conflict with laws of Congress and with his statements as a candidate for the Office of President.

July 25, 1969.—Attended meeting at the White House along with other members of the Alabama Congressional Delegation for conference with Secretary Finch and Attorney General Mitchell to protest unfair and unreasonable public school policies promoted by the Administration in Alabama.

July 27, 1969.—Senate speech attacking Department of HEW actions and school plans in Alabama.

August 4, 1969.—Participated in Senate debate in support of the "Whitten Amendment" to deny use of public funds by the Department of HEW for compulsory busing to achieve racial balance in the schools.

September 3, 1969.—Introduction of an amendment to the Department of HEW Appropriations Bill which amendment declared "Freedom of Choice" as a public policy established by Congress—Senate speech in support of the amendment.

September 16, 1969.—Remarks in the Senate on the *Congressional Record* of a nationally syndicated column by James Kilpatrick, entitled "Let's Stop Kicking the South Around."

September 16, 1969.—Remarks in the Senate on insertion in the *Congressional Record* of an editorial from the *Washington Evening Star* which stated in part, "Public officials no doubt can be whipped into line. But whether the same will prove true of large numbers of parents is, we think, doubtful to say the least."

September 22, 1969.—Remarks in the Senate on insertion in the *Congressional Record* of an editorial from the *Montgomery Advertiser* entitled "With Malice and Misinformation," criticizing the U.S. Civil Rights Commission report on desegregation in the South.

September 26, 1969.—Sent a detailed letter to HEW Secretary Robert H. Finch condemning the application by his Department of dual standards in the interpretation and administration of the laws of Congress. Under dual standards in the Department treated racial imbalance in public schools of the South as unconstitutional while even greater racial imbalance in schools outside the South was considered of no concern to the Department of HEW.

September 29, 1969.—Senate speech condemning dual standards as applied to southern schools. The speech is documented with correspondence from me directed to Presi-

dent Nixon and HEW Secretary Robert H. Finch, demanding compliance with the laws of Congress which prohibits the use of HEW funds for compulsory busing to achieve racial balance in public schools.

September 30, 1969.—Remarks on insertion in the *Congressional Record* of a letter from a concerned parent in Montgomery, Alabama. This letter was an eloquent appeal for common sense approaches and simple justice for school children in the desegregation process.

October 14, 1969.—Senate speech condemning the almost unbelievable chaos and ruin of the public schools of Choctaw County, Alabama under a fantastic desegregation plan prepared by a hired agent of the Department of HEW and submitted as the plan of an "education expert" on the basis of a one day visit to Choctaw County, Alabama.

October 16, 1969.—Participated in Senate debate in support of the "Fair Play" Stennis Amendment demanding an end to dual standards and discrimination against the South in applying desegregation plans throughout the nation.

October 30, 1969.—Speech in the Senate criticizing the U.S. Supreme Court "Instant Integration" decision in the Mississippi school cases.

November 5, 1969.—Co-sponsored with North Carolina Senator Sam Ervin a bill to amend the Civil Rights Act of 1964 by adding a new title, which restores to local school boards their constitutional power to administer the public schools committed to their charge.

December 2, 1969.—Remarks in the Senate on insertion in the *Congressional Record* of an article published in the official publication of Mobile Jaycees entitled "A Jaycee Speaks Out on Federal Interference in Public Education."

December 17, 1969.—Senate debate on my "Freedom of Choice" Amendment. The Amendment was attached to the Appropriations Bill for the Department of HEW and declared, among other things, that the freedom of parents to choose the school to which they shall send their children is an inviolate right, the protection and maintenance of which is part of the public policy of the United States.

January 26, 1970.—Jointly sponsored with Mississippi Senator James Eastland a bill to compensate local school boards for cost of schools ordered closed or abandoned as a result of coercive actions of Federal Courts and agencies—In a Senate speech in support of this bill it is pointed out that schools valued in excess of $100 million have been closed in Alabama alone.

January 26, 1970.—Jointly sponsored with Senator Eastland a bill to preserve the tax exempt status of, and the deductibility of contributions to private schools.

January 26, 1970.—Senate speech and debate criticizing U.S. Supreme Court for misuse of equity powers in desegregation cases.

January 27, 1970.—Co-sponsored Mississippi Senator John Stennis' "Fair Play" Amendment requiring the Department of HEW to deal uniformly in all regions of the U.S. with respect to desegregation of public schools.

January 30, 1970.—Co-sponsored with Senator Ervin an amendment to the Civil Rights Act of 1964 to permit "Freedom of Choice" in student assignments.

February 2, 1970.—Co-sponsored with Senator Ervin an amendment to the 1964 Civil Rights Act to prohibit the Department of HEW from withholding or threatening to withhold federal financial assistance to public schools operating under the principle of freedom of choice.

February 2, 1970.—Co-sponsored with Senator Ervin a bill to prohibit the use of public funds for busing pupils to alter the racial composition of schools.

February 2, 1970.—Co-sponsored with Senator Ervin an amendment to permit local school boards to bring civil actions against agents and agencies of the U.S. for violating certain laws relating to operation, management, and control of local public schools.

February 2, 1970.—Co-sponsored with Senator Ervin an amendment to the 1964 Civil Rights Act to deny Federal Courts jurisdiction and power to make changes in the racial composition of the student body of any public school.

February 3, 1970.—Co-sponsored with Senator Stennis an amendment to permit assignment of children to public schools in the manner requested or authorized by their parents or guardian.

February 8, 1970.—Participated in a Concerned Parents rally of some 15,000 parents in Birmingham. Governor Wallace, Representative John Rarick of Louisiana, Representative Bill Nichols, and Representative Walter Flowers of Alabama and I spoke and pledged our full support in an effort to obtain equal treatment and simple justice for the public school children of Alabama and the South.

February 9, 1970.—Senate speech in support of the above amendments.

February 9, 1970.—Senate speech pledging full support of principles announced by Southern Governors at a Mobile, Alabama meeting held to plan cooperative efforts in resisting ruinous public school policies enforced by Federal Courts and the Nixon Administration.

February 10, 1970.—Participation in Senate debate in support of Freedom of Choice Amendment.

February 16, 1970.—Co-sponsored with Senator Ervin a bill denying power to any Court, Department, agency, officer or employer of the United States to refuse any child the right to attend the public school nearest his home.

February 16, 1970.—Co-sponsored with Senator Ervin an amendment to prohibit transportation of school children to achieve racial balance in schools.

February 16, 1970.—Co-sponsored with Senator Ervin an Amendment to prohibit compulsory assignment of school teachers to schools other than the school in which any such teacher contracts to serve.

February 17, 1970.—Participation in Senate debate on Stennis Amendment.

February 17, 1970.—Participation in Senate debate in opposition to the "Scott Amendment" to perpetuate dual constitutional standards for desegregation on a sectional basis.

February 18, 1970.—Participation in Senate debate in support of the Stennis and Ervin Amendments.

February 19, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of a letter from a concerned mother published in the *Alabama Farmer* and entitled "God Help Our Court-Conducted Schools."

February 19, 1970.—Senate speech severely criticizing the role of Federal Courts in exercising control of local public schools.

February 25, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of a letter from a concerned parent from Tuscaloosa, Alabama.

February 28, 1970.—Participation in Senate debate in opposition to the "Scott Amendment" to destroy freedom of choice.

February 28, 1970.—Participation in Senate debate in opposition to the "Mathias Amendment" which would destroy freedom of choice.

March 13, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of an editorial written by Father Daniel Lyons published in the *Twin Circle*, entitled "The Big Yellow School Bus."

March 18, 1970.—Senate speech pointing out new efforts by the Department of HEW to control institutions of higher education and junior colleges in Alabama, and my opposition to these policies.

March 24, 1970.—Participation in Senate debate in support of the Stennis Amendment.

March 25, 1970.—Participation in Senate debate in support of the Stennis Amendment.

April 1, 1970.—Senate speech and debate in support of the Stennis Amendment.

April 8, 1970.—Co-sponsored a proposed Constitutional amendment to permit voluntary prayers or meditation in public schools and other public buildings.

April 30, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of a letter from Hon. Virgil Nolan Price, Superintendent of Tallapoosa County schools, relating to $1 million worth of school buildings closed and abandoned in the county pursuant to Federal Court orders.

May 4, 1970.—Conference held in Washington with superintendents of public school systems of Autauga County, and Ozark, Huntsville and Enterprise on important education problems.

May 7, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of a *Readers Digest* article entitled, "Our Troubled Schools."

June 4, 1970. Remarks on insertion in the *Congressional Record* of an editorial from Camilla, Georgia entitled "More Money Not Complete Answer."

June 15, 1970.—Remarks in the Senate on announcement of resignation of Dr. James E. Allen, Jr. including insertion in the *Record* of my original reasons for opposing the confirmation of Dr. James E. Allen as U.S. Commissioner of Education and Assistant Secretary of the Department of HEW.

June 24, 1970.—Participation in debate on the HEW Appropriations Bill in support of the Stennis Amendment.

June 25, 1970.—Participation in Senate debate in support of the Stennis Amendment.

July 14, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of a David Lawrence column relating to discriminatory treatment of private schools in the South.

July 15, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of the legal brief prepared by the Department of Justice in support of the tax exempt status of private segregated schools and the deductibility of contributions made to such schools. This brief was filed prior to the reversal of policy by the Nixon Administration.

July 16, 1970.—Remarks in the Senate on insertion in the *Congressional Record* of a letter from Hon. J. C. Davis, Mayor of the City of Chickasaw, Alabama and article written by Dixie Wright and published in the Mobile, Alabama *Press Register*. Both the letter and the article deal with recent Federal Court school plan imposed on Mobile County schools.

July 23, 1970.—Remarks made in the Senate on insertion in the *Congressional Record* of an editorial published in the Montgomery Alabama *Advertiser-Journal* relating to the tax exempt status of private schools. In these remarks I give required notice to the Senate that when an appropriate revenue measure comes. before the Senate from the House of Representatives I will offer amendments authorizing the continuation of the tax exempt status of all private schools and the continued deductibility of contributions to such schools.

July 28, 1970.—Senate speech in support of the Senate-House Conference Report which upheld provisions of the Whitten Amendment as enacted originally by the House of Representatives.

August 3, 1970.—Participation in Senate debate on a bill to clarify and help resolve conflicts in decisions of various U.S. Federal District Courts and U.S. Circuit Courts of Appeal as they relate to provisions of the Whitten Amendment and to uniform application of desegregation standards throughout the nation.

August 4, 1970.—Senate speech relating to

visit of Senator Mondale to Alabama in apparent conflict with duties assigned to his Select Committee on Equal Educational Opportunity. The Committee was authorized by Congress to study the problem of desegregating schools outside of the South. Instead, Senator Mondale conducted one-day whirlwind surveys in Prattville, Alabama; Homer, Louisiana; and Uvalde, Texas. Senator Mondale's conclusions based on his supposed investigation is commented on and illustrated with editorial opinion from Alabama newspapers.

August 6, 1970.—Conference with Assistant Attorney General Jerris Leonard at U.S. Justice Department concerning chaotic school conditions in Alabama.

EXHIBIT 11

[From the CONGRESSIONAL RECORD, Oct. 14, 1969]

HEW THREATENS DESTRUCTION OF CHOCTAW COUNTY, ALA., SCHOOL SYSTEM

Mr. ALLEN. Mr. President, the public school system in Choctaw County, Ala., has a responsibility for educating close to 5000 children and it is threatened with destruction. This tragic situation is one wholly contrived by Federal Courts and the U.S. Department of Health, Education, and Welfare.

The Congress of the United States has an interest in and a responsibility in this matter because many of the unbelievably wierd things which have taken place in Choctaw County are supposedly authorized by legislation enacted by Congress and are being financed from funds provided by Congress. Let me briefly state the background.

Mr. President, most Federal courts in the south have washed their hands of responsibility for destructive effects of their racial edicts and decrees relating to public school education in the Southern States. This washing of hands is typified in the language used by the Court of Appeals for the Fifth Judicial Circuit in absolving the court of blame for consequences:

"The Department of Health, Education, and Welfare, with its staff of trained educational experts with their day to day experience with thousands of school systems is far better qualified to deal with such operational and administrative problems than the court presided over by judges who do not have sufficient competence—they are not educators or school administrators—to know the right questions much less the right answers."

This is from the Court of Appeals for the Fifth Judicial Circuit—the court that has passed on many of these questions in the Southern States.

Mr. President, Federal courts now request the Department of Health, Education, and Welfare to accept responsibility for working out plans to overcome racial imbalance in particular school jurisdictions which are already desegregated but which fail to produce the racial balance demanded by Federal courts.

Mr. President, this procedure might appear at first glance to be reasonable and one suggested by consideration of the education of the children involved. However, experience demonstrates that agents of the Department of Health, Education, and Welfare who undertake this role for Federal courts are neither education experts nor are they experienced in planning sound education programs. As a matter of fact, it has been made abundantly clear by now that these people are concerned only with devising plans to achieve racial balance in the schools.

Mr. President, one of these so-called experts was sent by HEW into Choctaw County, Ala., to prepare a plan on request of the Federal district court. Let us take a look at the procedures used by the HEW experts and examine the plan to see if it can be justified in terms of education standards or criteria.

This expert spent all of one single day riding over the county viewing schoolbuildings and collecting enrollment figures for the prior school year. None of his valuable time was spent in consultation with any member of the local board of education. No time was wasted with such mundane things as inquiring about the sources of school revenue and school budgets or determining whether or not funds were available to the local board to implement any sort of plan. Transportation facilities were not inspected or even considered. Neither parents, pupils, nor teachers were consulted or even interveiwed. No thought or effort was given to determining whether or not the public might support the plan.

The plan was presented to the Federal district court as one prepared by an education expert paid for and approved by the U.S. Department of Health, Education, and Welfare, and it was panned off on the public as the work of an education expert and one that presented a sound plan from the standpoint of educational considerations. In doing so, the people were deceived, and it is my judgment they were defrauded. In support of this judgment, I submit the following facts for consideration by the Senate and the public.

First of all a question concerning the qualifications of the expert must be disposed of. There is reason to believe that his education might have been deficient in geography if nothing else because in the plan presented to the court he referred to Choctaw County, Ala., as being a Louisiana parish and to a Louisiana university as the source of assistance to local boards of education in implementing the plan. At another place in the plan, Choctaw County, Ala., is referred to as being located in Mississippi. Of course, this is not conclusive evidence of a deficiency in the expert's knowledge of geography, it could be evidence of a disorientation as to time and place. This last conclusion is supported by a substantial amount of additional evidence throughout the plan.

On the other hand, I have been assured by the Department of Health, Education, and Welfare that this particular expert is not deficient in his knowledge of geography and that he is in touch with reality. If we accept these assurances, there is but one remaining conclusion assessable from the facts. That is that the plan presented by this expert as being one designed to meet the local education requirements of the schoolchildren of Choctaw County, Ala., was not that at all but rather a plan drawn up by somebody for Louisiana and Mississippi schools and panned off on the Federal district court and the public in Alabama as the result of an in depth study of local conditions by an education expert.

I think this last explanation to be most likely. It demonstrates conclusively that the plan was not designed on the basis of education considerations in Choctaw County, Ala., but only as a sham to meet the single racial balance criteria.

This is the point I want to emphasize. The so-called plans submitted by so-called education experts of the Department of Health, Education, and Welfare in Alabama and in the South are not even remotely concerned with improving educational opportunities for anyone but have the sole objective of overcoming racial imbalance in the public schools. Yet, Mr. President, Federal statutes forbid such activities by the Department. Even a disoriented education expert in the Department of Health, Education, and Welfare can understand the plain language of the statute which states that the Department shall not spend funds appropriated to it by Congress for the purpose of seeking to overcome racial imbalance in schools.

Mr. President, if the Department were merely violating the law, a remedy would be readily available. But the Department is doing more than that. It is also rejecting education standards in formulating plans it submits to Federal courts and because of that the Department is systematically destroying public school education in the South.

Mr. President, let me demonstrate just how completely these disoriented education experts disregard sound education criteria in formulation of plans to be enforced by Federal courts.

Two high schools in Choctaw County, Ala., are—or were—accredited by the Southern Association of Secondary Schools and Colleges. The association is the highest accreditation agency in the South. Four additional high schools in the county were accredited by the State of Alabama. One school was not accredited by either of these agencies.

Now, the expert submitted his plan, supposedly the result of an in depth study and evaluation, and proposed abandonment of the two high schools enjoying the highest accreditation and recommended to the court that the one school with no accreditation should be retained. Such idiocy can be understood only when it is realized that these people are not concerned about educating the children but only with plans to achieve racial balance in the schools.

Mr. President, this is a type of plan which no Senator would tolerate in his own State. It is the type of plan which no Federal judge and no education expert in the Department of Health, Education, and Welfare would recommend for a school system for their own children. This is the type of plan which the U.S. Attorney General sends so-called civil rights lawyers into Federal courts to defend as educationally sound and in the best interest of all the children of the school district.

This is the type of plan which the Department of Health, Education, and Welfare brags about as representing "the services of professional educators at the Office of Education in the Department of Health, Education, and Welfare." And this is the disgraceful sham of a plan which is being imposed upon the schoolchildren throughout the Southern States. The injustice and stupidity of it makes the blood boil.

Mr. President, that is not all. The evidence of willful, reckless, and wanton disregard for the education and welfare of children in the South continues to unfold in one sorry episode after another. These demented experts from the Department of Health, Education, and Welfare come up with plans which are physically impossible of implementation. How are school boards supposed to bus pupils all over the county without school buses? How are they to buy school buses without the money to pay for them? How are they to borrow money without authority to borrow it? Who is going to lend a school board money when anyone can see that the board is being driven to bankruptcy and ruin? Where is a school board to get the money to tear down and rebuild and convert schools as recommended by HEW incompetents posing as education experts?

The truth is that these helpless school systems are dealing with people who do not care enough about education or the welfare of the children involved to consult with local school officials, or even inquire about the financial resources of the county. They slap down a fantastic plan as a temporary expedient without a second thought about the future of public education in the areas.

Consider this. To implement the plan submitted for Choctaw County, Ala., would unconditionally bankrupt the school system. Let me show why this is so.

In Alabama, the major portion of the public school funds for rural schools comes from the State. State funds are allocated under an equalization formula which takes into account a number of factors, but the amount received is largely determined by the number of pupils in average daily at-

tendance. In round figures Alabama provides close to $400 per pupil in average daily attendance. Consequently, if a school system loses half of its enrollment, it will lose half of its support from the State. Fixed operating expenses of the system remain fairly constant so any loss of operating funds must be absorbed by reduced operating expenses. That means fewer teachers and less equipment, supplies, and less money for transportation. It means no more capital expenditures which would add fixed costs.

Since September of this year, the Choctaw County school system has already lost close to 1,000 pupils. As a result, it stands to lose approximately one-fifth of its operating funds. As the cutback is applied more and more will drop out because of the inability of the system to maintain an adequate education program.

Under these circumstances, the idea of trying to compel local boards to buy more buses and to assume the added cost of the fantastically expensive business of busing pupils hither, thither, and yon over the country—is the epitome of absurdity.

Mind you—all of this for the sole purpose of overcoming racial imbalance in the schools. These people are not talking about desegregation, a term which after 15 years the Supreme Court has never gotten around to defining and which Congress has not defined except to say that whatever it means, it does not mean that Congress delegated to the Department of Health, Education, and Welfare the power to overcome racial imbalance in public schools. These people are not talking about a unitary school system. Alabama has a unitary school system and it has desegregated schools. These racial experts in the Department of Health, Education, and Welfare and sociologists in the Federal courts are concerned with but one thing and one thing only, and that is racial imbalance in schools and both have demonstrated that they do not care about alienation of public support of education or the ruin and wreck they leave behind.

The ACTING PRESIDENT pro tempore. The time of the Senator has expired.

Mr. ALLEN. Mr. President, I ask unanimous consent that I be permitted to continue for an additional 5 minutes.

The ACTING PRESIDENT pro tempore. Without objection, the Senator from Alabama is recognized for an additional 5 minutes.

Mr. ALLEN. Mr. President, unless the Department of Health, Education, and Welfare gets rid of its quacks and disoriented experts and unless some evidence of commonsense and human compassion can be demonstrated by these people—the public schools of the South are on the way out. It is only a question of time. It is difficult to convey in words a sense of the depth of the feeling of the people on this subject, dealing as it does with matters relating to the health, safety, and welfare of their children. In most rural areas of the South the public schools are community schools. Most contain the first through the 12th grades in a single school building. In most, the parent-teacher associations and civic clubs and other organizations contribute substantial funds and services to provide improvements in school programs and facilities.

Children in the same family naturally attend the same school from the first grade through the 12th grades. Under the irrational racist plan submitted by the befuddled HEW expert, some children in the same family would have to be bused to four separate schools before they finish the ninth grade. Some children would be compelled to ride buses for distances up to 90 miles and spend up to 4 hours a day riding a school bus. Under the bankruptcy producing plan sponsored by and recommended by the Department of Health, Education, and Welfare, school libraries, science laboratory facilities and fixtures, improved playing fields would be abandoned and converted to other uses. School bands, glee clubs, and honorary societies would be disbanned. High school seniors who have already purchased their class rings would be scattered and bused into different high schools. Many teachers who have invested life savings in homes in local communities would be displaced and ordered to accept dictation as to where they will teach or else quit teaching. Cherished teacher tenure rights secured by law are ordered sacrificed.

Local school board members are ordered to abandon their sworn duty and moral obligation to children and the communities and to implement plans and decrees imposed by total strangers and which are contrary to reason and commonsense and contrary to their best judgment under pain of confiscatory fines and imprisonment. In short, the will and wishes of parents and teachers are overridden and conscientious public servants are compelled to preside over the liquidation of the public school system to which they have dedicated their lives. That an agency of Federal Government is the author of this ruin is a tragic fact.

Yes, Mr. President, it is a tragedy. It is an appalling tragedy. That a situation such as this could have developed in our Nation is cause for grave concern.

One cause for concern lies in the fact that Federal officeholders claim a power to impose racial solutions and another concern is the readiness to use calloused means to impose and enforce those solutions in local public schools.

Consider the weapon of deprivation used against innocent children by Federal officials. Federal funds used to provide hot breakfasts and lunches and education benefits for children of the poor are ruthlessly withheld by the Department as a means of enforcing its racial solutions. These HEW brutalitarians have become immune to the use of this hideous weapon and like a vice in the words of Pope, "We first endure, then pity, then embrace," it. The weapon of deprivation is embraced by the Department and its use is stoutly defended by the Department. Just a week or two ago, Secretary Finch announced his intention to oppose efforts of Congress to deprive him of this weapon.

Yes, Mr. President, this is a matter of deep concern, and the role Federal courts play in this experiment in racism is cause for concern, and resort by Federal district courts to injunctions to enforce racial decrees is a cause for concern. And it is cause for concern when Federal district courts threaten elected public officials with confiscatory fines and imprisonment without benefit of trial by jury to compel unwilling public officials to execute racial decrees handed down by the courts.

Of course, some will say that there is a vast difference between compulsory integration of races and compulsory extermination of races. Indeed, there is a vast difference. But there are also similarities. In both instances the decrees are racial and the end is rationalized by a social collectivist theory. In both instances the decrees are enforced by the coercive powers of Government. In both instances there is an attempted evasion of moral responsibility for the consequence by washing of hands by courts and shifting the responsibility to the collective will of the State. In both instances there is a ruthless disregard for the custom, tradition, and belief of a minority. In both instances the methods of implementation—deprivation of innocent children, confiscatory fines, imprisonment of public officials—are inhumane and barbaric. Furthermore, one might reasonably ask if the principal difference between State enforced extermination and State enforced integration is not in the long run but a difference in the time it takes to achieve the same end.

Yes, Mr. President, these are causes for concern. We had better back up and take a hard look at these sad, tragic, and dangerous trends.

American people are beginning to ask once again, where do we draw the line on Federal powers? When do we draw the line? Are we prepared to accept as a principle of constitutional law the right of Federal agencies to withhold necessities of life from citizens of this Nation as a legitimate means to any end? Are 12 million more Americans to be placed under the mercy of HEW brutalitarians who withhold food from the mouths of children as a means of enforcing regulations? Are we prepared to accept the principle of rule by injunction over the lives of our children?

Mr. President, much more could be said on this subject and much more should be said. Doubtless, much more will be said. I am going to close these remarks by saying that the Department of Health, Educatiton, and Welfare has demonstrated incompetence and stupidity in its performance in Choctaw County, Ala., and throughout the South.

It is clear to me that Federal courts and these HEW incompetents are hung up on the silly absurdity of the racial balance as some kind of panacea that will instantly equalize educational opportunities.

Mr. President, the people of no civilized nation on the face of this earth believe it. And there is no evidence or other reason to believe it. Other nations considered racial balance and the idea has been rejected as both irrational and impractical. More and more black citizens are also beginning to realize that racial balance is not worth a row of beans from the standpoint of improving education opportunities. In fact, there is no responsible evidence from any source to indicate that racial balance contributes anything constructive in the way of equalizing educational opportunities. On the other hand, there is overwhelming evidence from throughout the United States that arbitrary actions to achieve racial balance in schools are dismal flops and costly failures.

Mr. President, the U.S. News & World Report, in its issue of October 13, 1969, has published the results of a nationwide survey on the subject of busing to achieve racial balance. The survey shows conclusively that this arbitrary and artificial device is being rejected throughout the United States as too costly, impractical, and devoid of education benefits.

Mr. President, I ask unanimous consent that the article from the U.S. News & World Report be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD.

[From U.S. News & World Report, Oct. 13, 1969]

WHY SCHOOL BUSING IS IN TROUBLE

Once, only a few years ago, busing was being hailed by civil-rights leaders as the answer to Northern-style segregation—the so-called *de facto* segregation that occurs when children living in all-black or all-white neighborhoods attend neighborhood schools.

The idea was to bring about racial mixture in the classroom by busing children back and forth—bus Negro youngsters out of their black neighborhoods to schools in white areas, and bus white youngsters to schools in black areas.

There was opposition, often bitter. Battles over busing split many communities. But opponents, frequently denounced as racists, lost in city after city. And the idea spread. Busing has been adopted as an integration method in scores of cities around the U.S.

Now, however, attitudes are changing. The tide of the battle appears to have turned—against busing.

This new trend shows up in a nationwide survey by members of the staff of "U.S. News & World Report." According to that survey:

Among civil-rights leaders, educators and

Negroes themselves, doubts are growing about the value of busing, either as method of integration or as a method of improving education.

Interest is growing in a different idea—that Negroes may benefit more from an improvement of schools in their own neighborhoods than they do from being bused into white schools.

You find this change in many cities.

"A definite change." In Baltimore, Associate Superintendent of Schools William Tinderhughes told "U.S. News & World Report":

"There has been a very definite change in thinking about busing for integration in recent years. A few years ago, there was demand for busing. But not now.

"Parents now are more concerned with the quality of the education that their children are getting. The same group that at one time was speaking for integration now is speaking about curriculum, about teachers and about the quality of the educational program."

In Chicago, Assistant Schools Superintendent David J. Heffernan said this:

"The integration battle now has taken a different turn. Busing, as such, is almost completely out of the picture. It has proved effective neither for integration nor for better education."

In Minneapolis, this comment came from Floyd Amundson, school-board consultant in community relations:

"The trend here is away from busing because it doesn't solve anything. The blacks themselves apparently would prefer to have their own schools improved rather than have their children bused to mostly white schools."

On the West Coast, a school official in Los Angeles reported:

"Fewer blacks have been showing up at board meetings to demand integrated schools this year. The 'Black Power' movement, with its emphasis on the isolation of black people, may have something to do with it."

"Climate has changed." The trend toward racial "separatism" shows up in several places. In Pittsburgh, John March, director of public relations for the board of education, said this:

"The climate has changed. The most militant, outspoken blacks are not interested in integration. They want separation. You wonder how you can justify busing under these conditions.

"This puts the school boards right in the middle. We are under pressure from the State Human Relations Commission to desegregate. But the militants don't want it. The children even segregate themselves in our high-school cafeterias. We have separate black and white areas that the blacks are mostly responsible for creating. The old rules just don't seem to work any more."

Black separatists, however, are far from being the chief causes for the diminishing popularity of busing.

Civil-rights leaders with long and strong commitments to the cause of integration are questioning the value of the bus. One is James Farmer, former head of the Congress of Racial Equality (CORE) who now, as Assistant Secretary of Health, Education and Welfare, is the highest-ranking Negro in the Nixon Administration. Mr. Farmer announced last March that he had changed his mind on integration by bus. He said:

"Our objective should be to provide a high-quality education. The real problem is not integration or segregation. It is the quality of education. Busing is not relevant to high-quality education. It works severe hardships on the people it affects. In the South, I found blacks complaining of being bused to school."

Where busing works. All this does not mean that busing is being abandoned as a way of integration.

In a number of smaller cities, where black pupils are a minority, busing has worked with considerable success in improving what educators call "racial balance." It has been accepted without serious protest in many such cities.

One city which advocates of busing cite as an example is Berkeley, Calif. There, in a city of 121,000 population, 3,500 pupils—whites and blacks—are "cross-bused" to achieve in each school a racial mix that is almost in exact proportion to the city's school-age population: 49.6 per cent white, 42.8 per cent black and 7.6 per cent Oriental or American Indian. Complaints are mostly over the cost: $530,000 a year for the total integration program, with $204,000 for the actual busing.

Another success story is told in Elmira, N.Y., a city of approximately 50,000 population, with 1,000 Negroes among 14,000 school students. There some 300 white and 200 black pupils are bused outside their home areas to balance enrollments racially. Elmira's Superintendent of Schools Charles E. Davis reported:

"Our troubles have been few. Our over-all conclusion is that no one has suffered and many people are gaining.

"I think that in any moderate-sized city with a relatively small black population, some plan similar to ours could be made to work."

The New York story. It is in larger cities or in cities with big proportions of Negroes in the schools that busing encounters its greatest problems.

New York City, where the whole busing experiment started a dozen years ago, has had more turmoil than success.

That city has tried almost every integration device known—busing, school "pairing," "open enrollment," redrawing of school-attendance districts, even elimination of junior high schools and substitution of new "intermediate" schools to draw youngsters from wider areas of the city at an earlier age.

Busing alone costs New York City some 3 million dollars a year.

After all this effort there is more segregation, not less. There are more all-black or nearly all-black schools in New York today than there were before. And tests have shown no clear academic gains among children who are bused.

New York's integration attempts have stirred massive protests, have been the targets of numerous lawsuits. Many thousands of white parents have moved out of the city to suburbs.

Now Negroes and Puerto Ricans outnumber white in the city's schools.

New York, however, is still trying. About 14,500 pupils are riding chartered buses under "free choice—open enrollment" programs designed to improve "racial balance."

In New York State, outside New York City, the State education department reports that 30 to 35 school districts have systems for correcting "racial imbalance." Most involve busing.

Much of New York State's integration effort is made under pressure of a policy laid down by former State Commissioner of Education James E. Allen, who now is U.S. Commissioner of Education in the Nixon Administration. For New York, he defined any school more than 50 per cent Negro as "racially imbalanced," and ruled "there must be corrective action in each community where such imbalance exists."

New York State's general assembly, however, put restrictions on forced integration with a so-called "antibusing" law which was passed last spring and went into effect September 1.

That law forbids appointed school officials or boards to change district boundaries or pupil-assignment plans for the purpose of changing racial balance without consent of parents. This requires programs to be voluntary in many cities, including New York City.

Massachusetts is another State that requires local action against "racial imbalance." State aid can be cut off from schools over half Negro.

Boston, with a number of predominantly Negro schools, is busing about 2,000 pupils at public expense to comply with this law. About 5,000 other pupils are riding buses at their parents' expense in a program of "open enrollment."

Boston also has a new "magnet" school in a Negro area that draws 340 white children—by bus—to take advantage of the special facilities it offers.

All of Boston's bus riders for integration are volunters. Parents have protested angrily against busing in the past. Mrs. Louise Day Hicks, a leading opponent of busing while head of the school board, recently led all candidates in a preliminary election for the city council.

Cities that balk. Several large cities with districts that are heavily Negro have refused to follow New York's example of massive busing.

Despite years of heated demands by civil-rights groups, the Chicago school board has insisted on maintaining the "neighborhood school" concept, which results in dozens of schools being nearly all-white or all-black.

The sole busing program there is a small one to relieve overcrowding.

Instead of busing, the school board plans to erect a series of "magnet" schools where specially trained teachers will use the latest methods and equipment to teach a cross-section of children of all races and economic levels.

In Philadelphia, this report came from Oliver Lancaster, assistant director of the board of education's office of community affairs:

"We have no pressure—from either whites or blacks—for massive desegregation. It isn't possible to make the massive shifts it would take to accomplish that quickly. Our trend is toward quality schools."

At present, Philadelphia's only busing is to relieve overcrowding in some black schools. A proposed program for integration would involve some busing. But it stresses improved schools—and some specialized schools—in Negro areas to attract white pupils.

Pittsburgh and Baltimore also bus primarily to relieve overcrowding. But the result usually is the mixing of more Negroes into white schools.

California opposition. In California opposition to compulsory busing for integration is mounting steadily. A Statewide campaign is under way to place on the November, 1970, ballot a proposal to prohibit such busing.

San Francisco may win the right to elect its school board, mainly as a result of opposition to an integration plan recently adopted by the city's appointive board. That plan calls for busing 4,500 pupils next year.

The Concerned Parents Association has succeeded in putting the proposal for a school-board election on the November 4 ballot. Its hope is to elect enough advocates of "neighborhood schools" to block the busing program.

San Francisco's Mayor Joseph Alioto is on record against the busing plan, saying:

"I don't believe the black community wants it. I don't believe the white community wants it."

In nearby Richmond, voters last April elected three school-board members who campaigned against a forced-busing plan. The new board has replaced the force plan with one which calls for voluntary busing on a smaller scale.

In Pittsburg, Calif., five Negro families have sued to block busing of their children to white schools. They say they prefer an integration plan that does not put "the entire burden on the Negro pupils."

Sausalito has integrated its schools by a program of busing both white and Negro pupils. Schools costs have skyrocketed, and

some families have sought to transfer out of the district.

Los Angeles has a voluntary busing program which some hail as a success, others as a failure. It affects fewer than 1,000 pupils and was adopted under pressure of threatened suit.

California's State board of education has ruled that any school is "imbalanced" if its minority enrollment varies more than 15 per cent from the percentage of minority students in the school district.

In Los Angeles, school authorities estimate that 160,000 students would have to be bused at an initial cost of 100 million dollars, followed by a yearly cost of 20 million, to comply with the letter of that ruling. Most school officials take the position that the State board's ruling has no force as law.

Colorado controversy. Denver has been torn by a controversy over busing. The school board adopted an integration program calling for transfers of several thousand children—both black and white. Voters then elected two new board members who swung a vote to rescind the prorgam. But advocates of busing sued and won the program's temporary reinstatement. Now the busing is being done despite continued protests.

Michigan's problems. In Michigan, there may be as many as 70 school districts that bus for racial balance.

One city that does is Grand Rapids. There, about 1,500 black students ride buses from their black-neighborhood homes to schools that are mostly white. And busing has become a focal point of discontent with the school system.

White parents helped elect three opponents of busing in a bitter school-board election last spring.

When classes opened this autumn, a group called Blacks United for Survival (BUS) organized a temporary boycott of the schools. Busing was not the only issue. Some Negroes demand a complete return to neighborhood schools. Some object to "one-way busing" and want whites bused, too. Others complain that the plan does not provide enough integration. Still others demand more emphasis on quality of education.

Here, in a single community, you find most of the problems and controversies that beset busing as a means of integrating Northern schools.

Views in Washington. It is not only in cities that busing is losing favor. It has acquired some powerful opponents in the Federal Government, too.

President Nixon recently said, "It's never been the policy of the Administration to impose busing as a way to achieve racial balance." In his 1968 election campaign he criticized busing as "forced integration rather than putting emphasis on education."

Congress has forbidden the Department of Health, Education and Welfare to require busing in order to overcome "racial imbalance."

Representative Edith Green (Dem.), of Oregon, a member of the House Education and Labor Committee, is known as a civil-rights supporter. In an interview in "The Urban Review," she said:

"I seriously question busing for social reform—taking a youngster from a disadvantaged home in a ghetto area . . . transporting him to another school where he spends five or six hours of the day and then is picked up and taken back to the same disadvantaged home, the same tenement area. I have serious questions of how much we're really helping that child."

What Negro parents "are entitled to," Representative Green suggested, is "quality education for their children in the area in which they live."

EXHIBIT 12

DEPARTMENT OF HEW PLANS IN MOBILE, ALA.

Mr. ALLEN. Mr. President, I speak today for the people of Mobile and for the people of Alabama. The Department of Health, Education, and Welfare, through its actions in Mobile, Ala., is violating laws of Congress, and we demand that the executive branch of the Federal Government, and every department in it, be compelled to obey the law.

I have just returned from a visit to Mobile, where I opened a fourth office in Alabama; the purpose of these offices being to serve more effectively the people of Alabama and to keep informed of issues uppermost in the minds of the people.

Mobile is a thriving port city with a metropolitan area population of about 300,000 people. While in Mobile, I had the honor and pleasure of addressing the Alabama Bar Association at its annual meeting in Mobile. Accordingly, I had the opportunity to talk with hundreds of Alabama citizens and responsible leadership of the city of Mobile and of the State of Alabama.

Mr. President, the people of Mobile and of the State of Alabama are outraged by actions of the Department of Health, Education, and Welfare in Mobile which are in clear violation of the law and which defy the expressed will of Congress. We have a right to be outraged. The public schools and public education are at stake. The welfare of their children is at stake. We have a right to demand action by Congress.

Mr. President, storm clouds are on the horizon—a storm is brewing in this country. The eye of that storm may turn out to be Mobile, Ala., where the Department of Health, Education, and Welfare has submitted detailed school plans which call for closing of some schools, for building others, for mass conversion of schools for purposes other than those they were constructed to serve—such as changing elementary schools into junior and senior high schools and vice versa, necessitating expensive renovations. These plans require gerrymandering of attendance zones in order to achieve racial balance at the expense of sound educational and practical considerations. The plan calls for busing at least 15,000 more students than are presently bused in the public school system in Mobile County, Ala. In addition, the plan calls for assignment of faculty and administrative personnel on the basis of race and an implied threat of dismissal of teachers who refuse such assignment.

Mr. President, not less than three provisions of the statutes under which the Department operates have been utterly disregarded in the formulation and implementation of an unprecedented 26-page plan for Federal takeover of public schools of Mobile County, Ala., by the Department of Health, Education, and Welfare. Consider these provisions of the Civil Rights Act of 1964:

"Nothing herein shall empower any official or court of the United States to issue any order seeking to achieve a racial balance in any school by requiring the transportation of pupils or students from one school to another or one school district to another in order to achieve such racial balance.

"Nothing contained in this Title shall be construed to authorize action under this Title by any department or agency with respect to any employment practice of any employer . . . except when a primary objective of the federal financial assistance is to provide employment."

In addition, Mr. President, the 1968 appropriations bill for the Department of Health, Education, and Welfare specifically provides:

"No part of the funds contained in this Act may be used to force busing of students, abolishment of any school, or to force any student attending any elementary or secondary school to attend a particular school against the choice of his or her parents or parent in order to overcome racial imbalance."

Mr. President, is it any wonder that the highly respected Mobile Register should have editorially declared in this connection:

"HEW's 'plan' for the public school system of Mobile County is in reality a formula for the destruction of the system of public education in this county. It is a brutal bureaucratic atrocity of which no responsible agency of government would be guilty.

"For the first time in American history, an instrumentality of government in Washington, D.C., has gone so stark wild that it openly calls for violation of federal law to destroy a public school system.

"Its ruthless, reckless, destructive, law-defying scheme would virtually reduce the system of public education in this county to a daily clutter of pupil-hauling buses operated as one segment of the bankruptcy-producing expenditures to which the school system would be subjected as an inevitable necessity to compliance.

"What travesty, what mockery, what hypocrisy, what outrage perpetrated against the public intelligence . . . (by the action of) HEW."

Mr. President, I concur in these sentiments. The vast majority of the people of Mobile and of the State of Alabama concur in them, and they are convinced that the Department of Health, Education, and Welfare, if not checked, will destroy the public school system of Alabama. This conviction is not without substance.

Imagine, if you will, Mr. President, a Federal agency issuing 126 pages of rules and regulations governing the administration of local public schools of a county. This despite the 1968 declaration by Congress that the Department should not use funds appropriated by Congress to force busing of students, to abolish any schools, or to force any student attending an elementary or secondary school to attend another school against the choice of his parents in order to overcome racial imbalance. Is the Department of Health, Education, and Welfare bound by this law or is it not?

And what about the law that says that no department or agency of government shall be authorized to interfere with employment practices unless the primary objective of Federal assistance is to provide employment? Is the Department of Health, Education, and Welfare bound by this law or is it not?

Another truly shocking aspect of this and other arrogant and defiant HEW school plans is the absence of education standards. There is not a word, not a line, not a thought given to educational criteria.

There is not a word, not a line, not a thought given to a consideration of convenience and safety of schoolchildren affected.

There is not a word, not a line, not a thought given to the wishes and best judgment of pupils, parents, teachers, and local education authorities in Mobile County. All valid considerations of this nature are subordinated or utterly disregarded to the overriding consideration of compulsory race mixing to the detriment of all children and the education system which serves all children.

But, Mr. President, the plans were not silent on one point. Where are the people to get the money to build new schools, to remodel and alter others, and to pay the increased cost of busing 15,000 additional children?

In this regard, the Department has the audacity to suggest that local public officials levy additional taxes. This part of the HEW plan reveals the cold-blooded, calculating potential for tyranny that constantly lurks in bureaucratic administration of power. For how can the Department require the levy of taxes? The answer is that it threatens to withhold funds and services provided by Congress for the benefit of schoolchildren. The Department uses food, money, necessities of life as a weapon for enforcement of its regulations. Or else it can resort to Federal courts which continue to threaten elected public officials with confiscatory fines

and imprisonment without benefit of trial by jury as a means of effecting obedience to dictatorial social reforms. Will the people of this Nation submit to such tyranny?

Mr. President, when an agency of the Federal Government willfully violates the law of the land and the expressed will of Congress, there must be an extraordinary reason for it. When public officials flip and flop in their public statements, and when their actions contradict their words—there must be a reason for it.

Mr. President, I would like to call to the attention of my colleagues the statement made by Richard M. Nixon while a candidate for President. Mr. Nixon stated in a television broadcast, and I quote:

"I believe that the Supreme Court decision was a correct decision, Brown versus the Board of Education. But, on the other hand, while that decision dealt with segregation and said that we would not have segregation, when you go beyond that and say that it is the responsibility of the Federal Government and the Federal Courts to, in effect, act as local school districts in determining how we carry that out, and then to use the power of the Federal Treasury to withhold funds or give funds in order to carry it out, then I think we are going too far."

Mr. President, there is good reason to believe the people of this Nation agreed with candidate Nixon. They had a right to believe him. They have a right to believe public statements of candidates and the right to believe the statements of the Secretary of the Department of Health, Education, and Welfare, Robert H. Finch, who said at his confirmation hearing, as reported by the Washington Post, that publication of renowned truth and veracity:

"Mr. Finch said that he did not agree with withholding federal funds, the weapon used by the Johnson Administration."

Mr. President, the people believed that statement. They had a right to believe it. It seemed to be consistent with the statement of candidate Nixon that he did not believe that Federal courts and Federal agencies of Government should act as local school districts or withhold Federal funds.

Yet, Mr. President, one of the first official acts of Mr. Finch upon assuming the office of Secretary of the Department of Health, Education, and Welfare was to order withholding funds, benefits and services from innocent schoolchildren. Since then, the Department has continued to use the "weapon" of withholding funds—funds provided by Congress for the benefit of schoolchildren and not for the benefit of school board members and public school administrators.

And, Mr. President, these funds and services and other benefits have been withheld without due process of law, without an opportunity for parents to be heard or to object or to plead not to be deprived through no fault of their own.

It is my judgment that several of the major political issues of the next congressional and presidential election are being shaped in the context of Federal education policy.

The people want to know whether or not the Constitution will continue to be the law that governs government;

Whether or not the executive branch of the Federal Government will be compelled to obey the law;

Whether or not political actions shall be subordinated to morality, ethics, and humanitarian principles in this Nation;

Whether or not innocent persons shall be deprived of food and benefits as a political weapon to effect social reforms.

Mr. President, these issues as they relate to public education involve considerations of the health, safety, moral welfare of children, and the right of a free people to self-government in matters affecting the vital interests of their children.

These are issues that must be decided. There is no way for any elected public official to avoid a stand on the moral and ethical issues raised in Mobile County, Ala.

Yes, Mr. President, the people of Mobile, the people of Alabama, the people of the South, and the people of this Nation have a right to be outraged.

Mr. President, let us put this problem in perspective. We are not dealing with an isolated action by the Department of Health, Education, and Welfare. The lawless action of the Department is not limited to the public school system of Mobile County, Ala. The hideous plans given birth by unlawful actions of the Department extend to over 25 separate school systems in Alabama. Nor will such lawlessness stop in Alabama, nor will it stop in the South, they will eventualy be extended to cover every pubic school system in the United States—and do not discount that as the intention of the Department. For the forces of rule or ruin in the Department of Health, Education, and Welfare who now exercise life or death powers over the public schools of the South are already reaching out to impose that power over the public schools in other regions of the Nation. This lawlessness must be stopped. It must be stopped now.

Mr. President, how do we explain the actions of public officials who say one thing and do another, and departments of Federal Government which violate laws of Congress with impunity?

The people of this Nation are getting fed up with this business of playing politics with their children and their schools. They are not going to let arrogant and callous politicians endanger the health, safety, and morals of their children and destroy their public school in pursuit of self-centered political ambitions.

The people are fed up with power politics devoid of moral, humanitarian, and ethical considerations, and with politicians who can justify withholding funds, services and benefits from innocent schoolchildren, as a "weapon" to be used for political gain. I say as sincerely and solemnly as I know how that ruthless politicians had better stop playing politics with our children.

The people are downright revolted by pious pretentions about democracy and constitutional law by those who deprive the innocent and also deliberately flout the laws of Congress. They are fed up with deceptions, double talk, and double standards.

But politics is one thing and obeying the law is another. Mr. Finch in Mobile County is executing the will of Congress or he is not. He is, or he is not above the law. The Supreme Court has not declared any of these statutes invalid. They are binding upon every public official, the Department of Health, Education, and Welfare and Federal judges. Yet, Mr. President, these laws are violated by the Department of Health, Education, and Welfare. The people demand that something be done about it. They have a right to demand redress. They will have redress in one way or the other. I say as sincerely as I know how that the people are mad. They have a right to be. A storm is brewing. Something is going to give. Something has to give, and I do not believe it is going to be the will of the people of Alabama and the will of the people of our Nation to resist usurpation of powers and tyrannical use of powers by the Federal executive as so glaringly manifest in HEW actions in Mobile County public schools.

ORDER OF BUSINESS

The ACTING PRESIDENT pro tempore. Under the previous order, the Senator from New York (Mr. JAVITS) is recognized for 10 minutes.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield for a unanimous-consent request?

Mr. JAVITS. I yield.

WAIVER OF CALL OF THE CALENDAR

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the call of the legislative calendar, under rule VIII, be dispensed with.

The ACTING PRESIDENT pro tempore. Without objection, it is so ordered.

THE CORPORATE LIQUIDITY CRISIS

Mr. JAVITS. Mr. President, I have taken the time this morning to discuss a serious problem of an economic character in the country, and that is the illiquidity, in my judgment, of a serious number of employers of labor and corporations in the country so as to require our attention.

Neither the administration nor the Congress has yet moved to solve one of the pressing problems of our economy: the continuing and ominous squeeze on corporate liquidity.

In the midst of optimistic statements about the economy, it is critical to remember the abyss which may be at our feet, the abyss of illiquidity.

It is not an overstatement to say that the economic cardiogram was flashing the danger signal in the wake of the Penn Central bankruptcy. The commercial paper market weathered this immediate storm and the administration has been reassuring the Nation that all is now well. However, a nationwide survey I have just made has convinced me that all is not well and that the underlying conditions that lead to the first crisis are still very much with us. Now is the time to take out the "life insurance" to guarantee that if another principal member of the Nation's economic family fails, the overall health of the economy will remain intact. Another major corporation could fail without the bankruptcy procedures being able to insure continuance of operations over a crisis period.

It is conventional wisdom to state that the behavior of the commercial paper market in the wake of the Penn Central bankruptcy indicates the strength of our financial markets. However, it is the truth to state that if there is another failure like Penn Central, a major crisis would develop since the underlying condition of illiquidity has not been relieved.

It also is clear that when Penn Central went bankrupt, a clear and present danger existed that the commercial paper market would cease orderly functioning and that the Federal Government lacked the necessary emergency powers to shore it up. We must insure that this possibility does not arise again.

In recent letters to me, Gaylord A. Freeman, chairman of the board of the First National Bank of Chicago and Frederick L. Deming, a former Undersecretary of the Treasury and now a partner in Lazard Freres and Co., graphically spelled out the details of the liquidity problem.

Mr. Freeman who gave me his kind permission to use sections of his letter of August 19 stated:

I feel that the immediate crises of fear of commercial paper, which was generated by

the Penn Central failure, has passed. However, the liquidity problem remains. Corporations are quite illiquid. Inventories have been rising (particularly in this part of the country where we have more manufacturers of durable goods than non-durables), and accounts are not being paid as promptly. Thus, liquidity is impaired, and borrowing needs increase. (Our loans have been running about $4-billion—some $437-million and 12 percent ahead of a year ago.) Municipalities are also less liquid than before, and I am afraid that even the federal government has been a little short of cash.

Thus, though the crisis has passed, the problem is still with us. And one, or possible two, failures of large companies (and I don't see any immediate prospect of this) could cause a further loss of confidence and a real crisis. Thus, it seems to me it would be wise for the federal government to have some standby authority.

Mr. Deming wrote that:

The high degree of uncertainty which characterizes our economy reflects concern about the corporate liquidity situation and some fear of a liquidity crisis. By almost any measure corporate liquidity has deteriorated considerably in the past several years, particularly in the last 18 months. Some significant ratios for all non-financial corporations are listed below; were data available for mid-1970 they would show further deterioration.

	1964	1968	1969
(1) Cash plus Government securities as percent of corporate gross product (end of year)	18.6	14.2	12.5
(2) Liquid assets as percent of current liabilities (end of year)	42.3	34.4	30.0
(3) Internal sources of funds as percent of total finance required for increase in assets (full year)	70.3	57.1	52.8
(4) Net interest paid as percent of of corporate profits before tax (full year)	9.1	14.2	16.8

Mr. Deming continued:

The odds against a liquidity crisis still seem fairly favorable but they undoubtedly have shortened over the past six months. In this kind of situation it would be well to establish some safeguards to prevent any real crisis, or if one occurs to ensure against any serious chain reaction.

One month ago, I introduced legislation which would provide the administration with the economic war power needed in times of economic difficulty. Basically, my bill would authorize the Secretary of the Treasury to guarantee loans made to certain businesses which are in necessitious circumstances, the continuance of whose operations are vital to the national interest. The Secretary would also be required to certify that the purposes of the loan to be guaranteed must further the economic health and welfare of the Nation or a region thereof, and that the business of the enterprise to be assisted is of a nature which makes assistance appropriate in furtherance of the purposes of this bill. What these two conditions mean is that the business must be one imbued with the public interest, and one whose failure would seriously affect the economy of our country or the well-being of a particular area such as a city or a populous county; it could conceivably be a business undergoing reorganization under the Bankruptcy Act, so long as the necessary conditions are met. They further mean that the purposes to which the guaranteed loan would be put must be carefully scrutinized before any guarantee is made; that these purposes must be productive and must be such as to help restore or maintain the economy of the nation or the region.

I am pleased that Dr. Arthur Burns of the Federal Reserve System feels so strongly that such a loan guarantee power is needed that he would be willing to see this power lodged in the FED if the Treasury did not wish to administer it.

It is my understanding that my proposal has been actively considered at very high levels of this administration and that apparently the decision has been made not to support this bill at this time. Reportedly, the administration fears that its support of such a bill would have an adverse effect on business confidence rather than buoy it up. In my view this judgment is faulty, since the American business community and the American banking community full well know their state of illiquidity. I would venture that almost every major bank in this Nation is aware that at least some of its important corporate customers have a cash-flow problem. The banking community also is aware that it is carrying more potentially troublesome loans now than it was a year ago, with the result that the domino theory of business failures still cannot be ruled out. Banks also are noticing a strong loan demand from companies that have never borrowed before, and a loan demand from companies lacking in liquidity.

Many, even the larger companies, have about exhausted their borrowing authority and many cannot pay bills on time. This is about the surest indicator that the crisis danger is by no means past.

Many small companies that have been issuing commercial paper have withdrawn from the market and have returned to the banks for their financial needs—again swelling loan demand. Finally, the budgetary position of the Federal Government—which puts it further in deficit—guarantees that the Treasury will become a more active borrower in the financial markets, thus placing pressure on these loan markets.

These facts are drawn from discussions I have held with financial leaders in New York, San Francisco, Chicago, Dallas, Atlanta, and Winston-Salem.

In citing these facts, I wish merely to point out that optimistic administration statements are not kidding anyone. The American business community and the banking community are fully aware of the liquidity problems they are facing and they would be relieved, indeed, to have the Government and the Congress do something to alleviate them.

It would buttress business confidence if the administration would support measures such as an emergency loan guarantee authority to help insure that another major crisis does not develop. The administration should do so now.

The actions of the Congress in the economic area cannot escape criticism, either. Legislation which addresses itself to the real economic problems of today languishes.

While I and others feel that the emergency loan guarantee authority falls into this category, the Penn Central problem is an even more pressing specific example. In the very near future, banks throughout the Nation will be asked to lend funds to Penn Central for operating costs which would be backed by trustee certificates. I have been informed that such trustee certificates will not be viewed as adequate collateral by some of the banks, and that without a Government guarantee, the banking community probably will not lend Penn Central the required funds. Thus, in the very near future, the administration and the Congress may be faced with three specific choices. That they can either enact a loan guarantee bill; allow Penn Central to suspend operations with the macroeconomic implications such a failure would cause; or nationalize the railroad. In my view it is the course of wisdom to opt for the first choice.

But, the bill providing such loan guarantee authority languishes in the Congress. A bill to provide brokerage insurance also faces an uncertain fate partially because of the administration's uncertain position in support of this bill.

On the broader question of emergency loan guarantee powers, hearings have not been held by the key committees. This suggests that the two-way flow of information between the business and banking community and the Members of the Congress on the importance of such an emergency guarantee power could be faulted. I previously suggested that all Members of the Congress consult with the administration and the Federal Reserve on the need for an emergency loan guarantee bill. I now urge that the banking and business community make their wishes known to the Congress to acquaint the Members of the Congress with the status of the liquidity problems in their districts and States.

I ask unanimous consent to have the memo Frederick Deming sent me on the liquidity situation printed in the RECORD.

There being no objection, the memo was ordered to be printed in the RECORD, as follows:

THE CORPORATE LIQUIDITY PROBLEM—WHAT CAN BE DONE ABOUT IT

I. The current economic situation continues to be characterized by a high degree of uncertainty. That uncertainty reflects four fundamental factors:

A. Differing appraisals of the basic strengths and weaknesses of the economy and consequent fairly sharp differences as to its immediate future course. The spectrum of expectation ranges from real recession through continued stagnation to slow resumption of sustainable growth and up to continued or resurgent inflation.

B. Fears about the two major trouble spots in the world—the Middle East and Southeast Asia. The lessening of tension in the Middle East should have eased these fears, but that development seems to have been approximately offset by the events in Cambodia.

C. Doubts about the efficacy of Government economic policies. These are heightened by recognition of the fact that the American economy is so big that it generates great momentum on its own and can be for some time relatively insensitive to policy changes.

The doubts also are compounded by the feeling that in an election year economics tends to be subordinated to politics. When, far more than usual, the problem of current policy is to follow a path that guards against the dangers of the extremes—recession or continued inflation—the doubts also are greater than usual.

D. Concern about the corporate liquidity situation and some fear of a liquidity crisis. By almost any measure corporate liquidity has deteriorated considerably in the past several years, particularly in the last 18 months. Some significant ratios for all non-financial corporations are listed below; were data available for mid-1970 they would show further deterioration.

	1964	1968	1969
(1) Cash plus Government securities as percent of corporate gross product (end of year)	18.6	14.2	12.5
(2) Liquid assets as percent of current liabilities (end of year)	42.3	34.3	30.0
(3) Internal sources of funds as percent of total finance required for increase in assets (full year)	70.3	57.1	52.8
(4) Net interest paid as percent of corporate profits before tax (full year)	9.1	14.2	16.8

II. This memorandum is addressed to the fourth factor, the liquidity problem. That problem itself reflects four factors which can be best presented in the chronological order of their emergence:

A. Corporate liquidity, as the above cited figures indicate, had been run down to relatively low levels over the past several years. Thus when the liquidity problem became evident early in 1970, the corporate liquidity base was already low. In part this rundown of liquidity reflected more efficient use of funds and in that respect was not a harmful development. In part it reflected the buoyant economic situation which increased requirements for funds to finance additional plant and equipment and inventory and to carry on an increased volume of business. In part it reflected the higher cost of keeping "idle funds" as interest rates rose.

B. A restrictive monetary policy begun in late 1968 became increasingly tight in 1969. Policy has been eased in 1970 but it has remained relatively restrictive even after the easing. The restrictive policy resulted in curtailed bank lending and thus forced more borrowing into other channels, particularly the capital and commercial paper markets. In the former, corporate demand completed with heavy Government agency and state and municipal finance. This growing demand in the face of monetary restraint drove up interest rates to unprecedented levels. And as demand increased lenders became more selective and somewhat less willing to give up their own liquidity for long-term obligations.

C. Hopes for lower interest rates in the near future coupled with difficulties in borrowing at long-term caused a number of corporations to meet their needs for funds by short-term finance—some by commercial paper, some by short-term notes sold in the capital markets. Some corporations deferred capital market borrowings and ran down their own liquidity still more. When interest rates not only failed to fall but actually rose substantially the market climate became even less favorable and the liquidity problem was intensified. Lenders became even more selective and the rate differential between excellent and merely good credits widened appreciably.

D. The conjuncture of high rates, lender selectivity, economic slowdown and reduced profits and cash flow has made corporate debt service significantly more difficult and more costly. A weak and falling stock market practically has precluded equity finance. By mid-1970 the liquidity squeeze was quite evident. The question was whether it would become a crisis rather than just a problem.

III. The figures cited earlier are averages for all non-financial corporations. Some corporations are below average; some few may be actually at dangerously low levels of liquidity. Whether the liquidity problem becomes a liquidity crisis depends upon (1) what happens to those relatively few large corporations which may be in a vulnerable position and (2) the repercussions which might stem from one or more failures. The basic danger to the economy lies in a possible chain reaction both in the real economy and in the financial markets. The following points are pertinent in weighing that danger.

A. The fact that some cases of vulnerability are the product of improvidence, lack of foresight or bad management is not particularly relevant. Whether a bankrupt corporation has been "good" or "bad," the effects on the real economy are roughly the same—loss of production, loss of jobs, loss of markets for other companies. The real question to be faced is whether there would be a significant chain reaction in the real economy and, perhaps even more important, whether there would result a psychological reaction which would intensify the chain reaction in the real economy and lead to significantly adverse effects in the financial markets.

B. The Penn Central case is a dramatic illustration of a liquidity crisis for one important company. On the whole the reactions to the Penn Central bankruptcy give some cause for optimism but there were some very unsettling—fortunately, temporary—results. So far there has been little impact on the real economy and what the delayed impact may be cannot be ascertained as yet. Obviously a railroad in receivership is not likely to be as good a customer as one that is operating outside receivership and at a profit. Some layoffs of workers are foreseen also, but that impact seems likely to be relatively small. Some other railroads are being directly affected. Neither the stock nor bond markets were shaken badly by the case but the commercial paper market was hit hard for a time and some perfectly sound credits—finance companies—went through considerable discomfort and had to undertake a real scramble for funds. Here there was potential chain reaction; it was halted by prompt Federal Reserve and big commercial bank action.

C. Other smaller failures seem to have had little impact on either the real economy or the financial markets but they undoubtedly have contributed to the growing selectivity of lenders. The well-publicized troubles of some of the conglomerates obviously have affected the price of their stocks and probably have affected the general level of stock prices. They also have had impact on lender selectivity. On the whole, however, none of these developments has carried the seeds of potential chain reaction.

D. The potential danger of chain reaction thus would seem to stem mainly from adverse developments, especially failure, of one or more companies with two or more of the following characteristics ranked in rough order of importance: (1) substantial size in sales, purchases and employment; (2) national prominence (almost automatic for concerns of the first characteristic; (3) reputation for sound financial management and position; (4) government regulated; (5) major sales to government or government regulated companies. The more vulnerable companies are those with characteristics (4) or (5) and (1). There probably would be greater chain reaction potential from companies with characteristics (1), (2) and (3).

IV. The odds against a liquidity crisis still seem fairly favorable but they undoubtedly have shortened over the past six months. In this kind of situation it would be well to establish some safeguards designed to prevent any real crisis, or if one occurs to ensure against any serious chain reaction. Two major safeguards seem indicated:

A. The first and more important is largely already in place and requires no legislation. The Federal Reserve already has relaxed monetary policy and could relax more should that seem the appropriate course of policy. Perhaps even more importantly, the Federal Reserve has assured the banks that they will have adequate liquidity to ensure that their customers can keep or get needed credits to ameliorate any liquidity squeeze. Specifically, the Federal Reserve seems to have assured the banks ready access to the discount window should they need it as a result of picking up some of the demand that had focussed on the commrecial paper market. The Federal Reserve also has suspended ceiling on large short-term certificates of deposit, which enables the banks to obtain funds more freely. The one additional step which the Federal Reserve might undertake is to give the banks a bit more "guidance" as to how they should employ their funds—e.g., emphasis on "productive" loans and suggestions that banks roll over credits rather than force borrowers out into the capital markets.

B. The second safeguard would reinforce the first and help insure against a chain reaction by providing finance for a company faced with a liquidity crisis that could lead to bankruptcy. In effect, the second safeguard would be a new Reconstruction Finance Corporation but with primary emphasis on Government guarantee of credits. It would be highly useful to get such a safeguard in place quickly.

V. The establishment of the second safeguard would require legislation. The form and character of the safeguard should reflect certain criteria which would ensure its acceptance and effectiveness. Such criteria would include:

A. *Relative simplicity in establishment and administration.* This would argue for a simple Federal program of loan guarantees (plus, perhaps, a relatively small direct loan program) with its administration placed in an existing institution. This would minimize new staff requirements and should almost eliminate start-up time problems. It also should ensure efficient and prompt action in cases where the program would be used. There should be no need for Government capitalization (although, if a direct loan program were included some appropriations probably would be necessary).

B. *Sufficient size to make the safeguard authoritative and credible.* A loan guarantee program of $5 billion (plus, perhaps, a direct loan program of $500 million) should meet this criterion.

C. *Assurance of maximum cooperation from the financial community.* A loan guarantee program probably would be preferred to a direct loan program by the financial community both because it would be bigger and because it would not be directly competitive. Lodgment of the administration of the program in a known existing institution and efficient, expert and prompt decision-making by that institution also would be important in assuring maximum financial community cooperation.

D. *Adequate controls to prevent misuse or unnecessary use.* In essence the adequacy of such controls would depend primarily upon the strength of the administration of the program. Certain guidelines can be set forth in the legislation and more specific guidelines can be developed by the administrator. What would need to be controlled would be the temptation on the part of the financial community to seek government guarantee not merely in cases of real need, but simply to make the prospective credit better and/or to permit it to carry a relatively low interest

rate. What also would need to be controlled would be the temptation to bring either hopeless cases in for guarantee or direct loan or cases which would be unlikely to have serious national or regional repercussions and hence unlikely to set off a chain reaction and lead to a liquidity crisis.

E. *Minimal drain on the Federal budget.* A guarantee loan program administered by an existing Federal institution could be structured so as to cost virtually nothing in direct budget terms. With no Federal capital and minor (reimbursable or direct) administrative costs, the only real drain on the budget would come from losses requiring the Government guarantee to be taken up. (Some minor, non-determinable budget costs might result from the market impact of additional Government guaranteed securities on interest rates paid on direct Treasury securities.) A direct loan program probably would involve appropriations and budget costs. (These, however, might be made acceptable by following the suggestions noted in Section VI, A.)

F. *Political acceptance and palatability.* There are three factors which could be involved here: the amount of direct budget costs, the lodgment of the administration of the program and the fact that it is designed primarily for big business. Particularly the latter factor might be extremely sensitive. This would argue for earmarking a portion of the guarantee authority (and a portion of the direct loan fund, if it were included) for small business. It probably also argues for a direct loan program even though that would raise another political problem—direct budget costs.

VI. Following the criteria laid down in the preceding section, the second safeguard—an emergency lending authority—could take the following form:

A. A loan guarantee authority of $5 billion and a direct loan program of $500 million to provide emergency financial assistance to business enterprises to meet temporary and urgent financial requirements which, if not met, might seriously impair the ability of such enterprises to produce goods and services, might seriously affect the economy of the Nation or a region thereof, and might seriously disrupt the financial markets.

(One method of financing the $500 million direct loan program which merits exploration would be the earmarking of a portion of the payment made annually by the Federal Reserve to the Treasury. This payment, which has been much larger than $500 million, represents virtually all of the net profits of the System and is covered into the general revenues. In general, the Treasury opposes earmarking such funds and has valid reasons for its position. In this particular case, however, such earmarking might make sense. Obviously it would provide no direct budget saving but it might make the appropriation process easier. Should this approach be used, it should take the form of straight earmarking and appropriation rather than having the Federal Reserve pay the funds directly into the direct loan fund.)

B. The guarantee authority and the direct loan program to be administered by the Federal Reserve Board with the Federal Reserve Banks acting as fiscal agents and in such other capacities as the Board may require.

C. No guarantee of a loan and no direct loan should be made unless the Federal Reserve Board finds that:

(1) The loan is necessary to carry out the purposes of the Act;

(2) The loan is not otherwise available on reasonable terms and conditions;

(3) There is reasonable assurance of repayment;

(4) The loan will be applied to productive purposes necessary to the economic health and welfare of the Nation or a region thereof.

D. The Federal Reserve Board should have authority to require such security for guarantee or loan and such agreements regarding management as it regards as necessary. The Board also should have the authority to consult with and review with management any matter which may bear on the company's ability to repay the loan.

E. Limitations on any guarantees or direct loans to one enterprise should be set at 2 per cent of the total guarantee authority or direct loan fund ($100 million guarantee, $10 million direct loan) except that in unusual cases that seem certain to affect adversely the national economy, and after consultation with the Secretary of the Treasury, the Chairman of the Council of Economic Advisors and the Director of the Office of Management and Budget the guarantee limit could be extended to 5 per cent of the total guarantee authority.

F. Five per cent of the guarantee authority ($250 million) and ten per cent of the direct loan fund ($50 million) should be earmarked for smaller business enterprises—those that without emergency finance would affect adversely the economy of a smaller region such as a town or a country. Limitations on guarantees or direct loans to any one enterprise in this category should be fixed at 2 per cent of the earmarked guarantee authority or direct loan fund ($5 million guarantee or $1 million direct loan).

G. The Federal Reserve Board would be required to make quarterly reports to the Congress with respect to its administration of the guarantee authority or the direct loan fund.

VII. There are strong arguments for putting the administration of the guarantee and direct loan programs in the Federal Reserve Board:

The Federal Reserve has administered programs of this kind in the past and did them well. It has the expertise and staff. Expenses of administration should be small;

The Federal Reserve has the respect of the financial community and could be expected to get maximum cooperation from that group;

The Federal Reserve is an independent agency that would be little susceptible to outside pressures;

The Chairman of the Federal Reserve Board has suggested that Congress give attention to the feasibility of a Federal loan guarantee program to necessitous borrowers but at the same time has expressed the opinion that any such program should be administered with care. As noted earlier, the question of adequate control of an emergency loan program rests basically on strong administration.

VIII. Senator Javits has already introduced a bill, S. 4127, which would establish an emergency guarantee of loans up to $5 billion. A copy of that bill is attached to this memorandum. The Javits bill differs from the proposal set forth in this memorandum in six major aspects:

There is no direct loan program.

The administrative authority is lodged in the Secretary of the Treasury.

He is required to consult with the chairman and ranking minority members of the Senate and House Banking Committees before making any guarantee commitment of less than $20 million and submit for full Congressional action any commitment of more than $20 million.

A loan Guarantee Policy Board is created with the Chairman appointed by the President (and confirmed by the Senate) and the Chairman of the Federal Reserve Board and the Secretary of the Treasury as members. Such Board is to establish general policies.

The authority is temporary (for one year) but the establishment of a permanent Emergency Loan Guarantee Corporation may be considered after one year and the receipt of a report from the Secretary of the Treasury.

There is no specific provision for smaller business.

The major weakness in the Javits bill is the provision for Congressional consultation. After the Penn Central case this is perfectly understandable but probably is not workable. The Congress simply is not organized to be a operating executive committee for emergency lending. It would be much better for Congress to delegate the loan guarantee (and/or direct loan) authority to an operating institution that it can trust and which has expertise in this field. The provision (in Section VI of this memorandum) for quarterly reports should provide ample opportunity for close Congressional review.

Aside from this provision for Congressional consultation the Javits bill has much to commend it; in fact, much of the language of Section VI of this memorandum is taken directly from it. This memorandum argues that there is no need for a new institution—and hence by implication no need for a Loan Guarantee Policy Board—and that the Federal Reserve should administer the program. It also argues for a direct loan program and for specific provision for small business. The Federal Reserve point is important; the direct loan program and the small business provision are not crucial except, perhaps, politically. Neither is the memorandum's implication that the authority should be longer than one year.

It would be quite easy to amend the Javits bill to make it conform to the outline in Section VI of this memorandum. At a minimum it should be amended to eliminate the Congressional consultation or Congressional action provisions.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The PRESIDING OFFICER (Mr. SPARKMAN). Under the previous order, the Chair now lays before the Senate the unfinished business which the clerk will state.

The assistant legislative clerk read the following:

H.R. 17123, to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evalution for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The Senate resumed the consideration of the bill.

The PRESIDING OFFICER. The Senator from Maine is recognized. How much time does he yield himself?

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. MUSKIE. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MUSKIE. Mr. President, I yield myself 15 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for 15 minutes.

AMENDMENT NO. 811—MODIFICATION

Mr. MUSKIE. Mr. President, I send to the desk a modification of the pending

amendment, 811, and ask that it be stated.

The PRESIDING OFFICER. The modification will be stated.

The assistant legislative clerk read as follows:

AMENDMENT No. 811

H.R. 17123, An Act to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and viz: On page 7, line 6, strike out the period and insert for other purposes, in lieu thereof a colon and the following:

"*Provided*, that none of the funds authorized by this Act may be expended for the procurement of DD-963 class destroyers unless (1) the prime contractor with whom the United States contracts for the construction of such destroyers is required under the terms of such contract to subcontract to another United States shipyard and (2) the total number of such destroyers set forth under the terms of the prime contract is divided substantially equally between the prime contractor and subcontractor."

Mr. MUSKIE. Mr. President, in the course of my remarks I shall undertake to explain the amendment and the difference between the substitute and the amendment which has just been stated.

Mr. President, during recent months a series of events have occurred which taken together prove conclusively that an award of the entire DD–963 destroyer procurement by the Department of Defense to one contractor was ill advised and certainly not in the national interest. And that decision must be modified by the Congress in a prompt and responsible manner.

I am proposing an amendment to the military procurement bill which, in essence, would require the division of that contract by way of a subcontractor for substantially half of the ships to a second American shipbuilder which won as a result of competitive bidding. Thus, Litton would remain as the prime contractor with 15 ships exceeding $1 billion in value and the second corporation would be responsible for the construction of the balance of the ships.

This position is supported by findings of Mr. Fitzhugh's blue ribbon defense panel in a report to the President and Secretary of Defense on July 1, 1970, only one week after the Navy awarded its entire nonnuclear destroyer program to Litton Industries. The report says in part:

The Navy, while procuring fewer ships in recent years, is the source of an increasingly higher percentage of the total funds spent for ship construction in this country.

As a consequence, the procurement process for Navy ships, even more than in other procurements, must reflect a concern for the existence of a sufficiently broad industrial base to provide competition for such procurements.

Moreover, a subcommittee of the blue ribbon defense panel, headed by Wilfred J. McNeil, first Comptroller of the Department of Defense, used even stronger language when they said:

If the Navy goes ahead with its announced intentions to seek series type production contracts for major ship programs in a single yard, there will be almost total concentration of major Navy work in three . . . yards . . . over a significant period of time. During this hiatus for the remainder of the yards, they may well lose their capability to respond to Navy shipbuilding requirements or go out of business altogether. Although the Navy cannot and should not attempt to keep all its former suppliers of ships in business the maintaining of a responsive production base and a healthy, competitive environment . . . is certainly as important as experimentation with new procurement techniques.

If recent history on moderately large Navy ship orders is any indication, large package ship procurements constitute a serious risk to the contracting shipyards' corporate survival. The DD963 destroyer program currently planned for 30 ships represents about $3 Billion. A ten percent loss in performing on this contract ($300 Million) would exceed the net worth of either of the shipyards competing for that program by at least a factor of two.

As concentration of work in a few yards progresses with a high degree of specialization in each, there will be serious reduction in competition for Naval ships. In addition, there could also be a substantial reduction in the nation's total shipbuilding capability. This loss of a competitive environment in itself could offset the economic advantages of series production. . . . The Navy . . . with respect to its combat vessels, must be concerned not only with the maintenance of an adequate production base but also with the continuation of a healthy competition within that base.

In order to (a) insure an adequate production for combat ships and (b) Continue to generate competition between shipyards for most classes of ships—The Navy should take such action as is appropriate to distribute major multi-ship prime contract awards among two or more yards.

In order to (a) maintain a healthy competitive environment and (b) Insure a viable production base for Navy combat ships and auxiliaries—Prime contracts for series production of a single class of Navy ships should be awarded to more than one yard whenever the total order exceeds ten ships.

Mr. President, this recommendation is the latest recommendation of a panel specifically organized a year ago by President Nixon to review Defense Department organization and policies. In the light of the nature of that panel and its significance in this administration, its recommendation as based upon this procurement award is significant.

I agree with the McNeil report in the main; however, my amendment does not provide for separate prime contracts because I feel there are cost and standardization advantages in a single design produced at two locations.

The General Accounting Office has given us its views on this subject in its report of August 26, 1970. The report was issued in response to a request by my distinguished colleague, the senior Senator from Maine (Mrs. SMITH), earlier this year. The report was put in the RECORD in its entirety on August 28 of this year. I would like to read these excerpts from that report:

By contracting with one company the risk is present that the company may not be able to complete the contract at the agreed price. It is possible that the company at some point could come to the Navy and say it is unable to build the ship for the contract price. Under these circumstances, the Navy would find itself with few options. The Navy says it does not expect that this is a real possibility, but it has occurred under other long-range production programs.

We believe also that there is some danger to future competition. Given the Navy's premise of a single ship design (presumably Litton's) at the lowest price, it is difficult to see how another company will be able to compete pricewise with Litton on future orders. Start-up and early learning costs in such a program are substantial and, assuming the same ground rules are applied in the future, it seems questionable as to whether anyone will be able to compete with the successful contractor in this award, no matter how many additional ships the Navy plans to buy. We are told that the differences in commercial and military ships, even if the Maritime program should become a reality, would not make the winner of these awards competitive for military ships.

These are significant views, expressed by highly qualified sources. To date they have apparently been discounted by the Department of Defense in their rush to award a contract and get started with the destroyer program—even though we are over 4 years from the first ship delivery in a program scheduled to run into 1979. Unless we act to correct the situation now, our destroyer program—the very heart of our Navy—could suffer over the next decade.

The DD–963 class destroyer program had its origin in late 1966 when officials of the Department of Defense, in recognition of the approaching obsolescence of segments of the Navy's surface fleet, initiated a new shipbuilding program. The primary mission of the DD–963 class destroyer are to: First, provide protection to attack carrier forces against the surface/submarine threat, second, escort amphibious assault-preassault forces, and third, conduct shore bombardment in support of amphibious assault or land warfare forces. The Navy inventory objective for destroyers of this type is 50 ships. A procurement program of 30 ships has been approved by the Secretary of Defense subject to congressional authorization.

The Navy's original intention was to procure from 30 to 50 destroyers, using the total package/multiyear procurement technique with a plan to award a single fixed-price contract to the winning competitor. Early competition included six American shipyards: Avondale of Louisiana, Newport News of Virginia, Todd of California, General Dynamics of Massachusetts, Bath Iron Works of Maine, and Litton of Mississippi.

Prior to the award of a contract definition contract, the competition was reduced to half, with General Dynamics, Bath, and Litton remaining.

Proposals were submitted by the three in April of 1969 which included a recommended ship design, management plan, and price.

The Navy reviewed the three proposals extensively and in September of 1969 announced that General Dynamics shipyard would be eliminated from the competition.

Shortly thereafter the Navy requested the first supplementary proposals from Bath and Litton, which were submitted in November of 1969. This request included major changes of a technical na-

ture to the ship designs which, in effect, altered the scope of the work to be performed under the contract. It is important to note that Bath and Litton were each developing their own destroyer design, similar only with respect to performance characteristics. These proposals submitted in response to this request included the second round of price quotations.

The Navy, apparently still dissatisfied with the second supplementary proposals offered in November, requested a third set in February 1970 from both competitors. Again, technical changes were requested and a third round of prices quoted. The Navy has verified that target costs per ship after the third round were virtually the same, with Bath $64.9 million and Litton $64.7 million. Since there were no technical changes after the third round of prices, it is critical to bear in mind that both finalists' costs were essentially the same before the fourth and final bids were submitted.

Then in March the Navy changed the type of contract from a fixed price incentive to a fixed price incentive successive targets contract and asked for "best and final" prices. The successive targets feature gave the winning contractor the right to renegotiate prices 39 months into the contract. Bath's target cost in the final round came down to $61.3 million and Litton's dropped drastically to $54.9 million per ship. This change created a final difference in price of approximately $276 million on the total 30-ship program, with Litton the low bidder, and again, Mr. President, I want to emphasize that there were no changes in the technical requirements before the final bid.

On June 23, 1970, the Navy announced an award of the entire 30 ships to Litton Industries but conceded that each of the finalists had offered an excellent ship and a fully acceptable proposal.

The Navy awarded the contract to one shipyard in the very face of prior action taken in the House of Representatives, with the concurrence and full support of the chairman of the House Armed Services Committee, to force a division of the contract between at least two American shipbuilding companies.

It has been argued that a division of the contract now would be unfair because a contract has already been awarded, because it would allegedly increase the cost to the Government and because it would allegedly establish a bad precedent for the Congress. In my opinion, these arguments for awarding to a single builder all of our new destroyers are unsound and misleading.

On the first point, certainly the Navy and Litton were aware of the House action, to which I have referred, before the contract was awarded. Second, there has been wide speculation from the time that the third contract was eliminated that the contract might well be divided between the two remaining competitors. I doubt if either of the two contractors would have been surprised if the Navy decided to award the contract to two rather than one shipyard.

On the question of surprise, Mr. President, the Navy, prior to contract award, took appropriate steps to amend the contractual language in the Bath and Litton proposals to include the mechanics for dividing the contract in the event the Senate supports the earlier House vote.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. MUSKIE. Mr. President, I yield myself another 10 minutes.

The PRESIDING OFFICER. The Senator from Maine is recognized for an additional 10 minutes.

Mr. MUSKIE. Mr. President, I ask unanimous consent to have printed in the RECORD at the conclusion of my remarks as an exhibit, article XXVI from the Litton contract on the subject I have just referred to.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. MUSKIE. Mr. President, I would like to read this language from that article. I repeat, this is in the Litton contract:

(a) The Government shall have the right to require the Contractor to subcontract the construction of a quantity of complete vessels as may be necessary to comply with the legislation referred to in the premises hereof. The Contracting Officer may require the Contractor to solicit all shipbuilders on the Naval Ship Systems Command's bidders list for destroyers for one or more subcontracts.

How can it be argued, Mr. President, that with this provision in the contract, which Litton signed, that the amendment I propose would constitute a surprise to Litton industries?

My amendment proposes to do what the Litton contract permits the Navy to do.

Thus the Navy very properly anticipated such action and is fully prepared to implement the desires of Congress without delay or disruption to the program.

Likewise, the entire argument is addressed only to costs directly connected with the procurement of the initial 30 ships in this program and completely fails to acknowledge the lasting cost advantages of maintaining competition in our shipbuilding industry.

Let me just cite for the RECORD the intent of my amendment:

First. Retention of one prime contract by Litton Industries.

Second. Require that approximately half the ships be subcontracted to a second American shipyard, after a round of competitive bids from any shipyards approved by the Department of Defense.

Third. Utilization of a single design, presumably Litton's.

Fourth. Utilization of centralized procurement of machinery and equipment for purchases of 30 shipsets of like components to assure standard ships at lowest possible price.

Fifth. Provide the economies of series ship production derived from construction of at least 15 ships of the same design within a single facility.

The principal reason for any increased cost to the Government would result from the need for two 15-ship learning curves in lieu of one 30-ship learning curve. And even this is mitigated by the fact that there will be a single design, and machinery and equipment will be purchased in lots of 30.

Any figures reflecting an estimate of the increased cost of dividing the contract are based conjecture alone. Since it is my clear understanding that neither Bath nor Litton was ever requested to estimate the cost of building in quantities of fewer than 30 ships, I cannot understand the various additional cost estimates of the Navy as brought forward by my esteemed colleague from Mississippi. My sources indicate that with a single prime contract the costs would not be increased more than 4 to 5 percent. The advantages to be gained from the competition on follow-on contracts and the retention of multiple-destroyer building capabilities far outweigh these increased costs. That conclusion is justified by the record.

It is worthy of note that ongoing and fierce competition between six shipyards in the procurement of 30 DDG's between 1957 and 1965 tended to drive the Government's cost down, even in a period of inflation. For example, three DDG's were purchased from one shipyard in 1957 for approximately $16.5 million per ship. And in 1965, the last three ships in this class were purchased from another shipbuilder for approximately $14.5 million per ship—a $2.5 million reduction over an 8-year period which was inflationary. Competition does have a favorable effect on cost to the Government as this example proves.

It is appropriate to consider the spread in prices of the two final DD–963 competitors, Bath and Litton. As noted, each submitted virtually the same prices on the third round proposals; yet with no change in technical requirements, Litton's winning price on the fourth round was $276 million less than Bath's. This has created the false impression that the Government's cost of doing business with Litton would be hundreds of millions less than the next best offer. This conclusion is completely false and should be clarified lest Members of Congress be misled into believing that Litton's costs are far lower than others in the industry.

Let me explain that in the final pricing proposals, each of the two competitors made assumptions concerning the effect on costs of projected economic changes over the 8-year contract. It must be understood that the type of contract used requires that the Government pay the contractor escalation payments for cost variances compared to a base month, in this case January 1969. The payments vary with the changes in a national labor index and a national material index. The amounts that the Government is contractually obligated to pay may have little relation to the actual cost experience of the contractor. And the payments are in addition to and separate from the contract price.

In competition for defense awards, bidders are permitted to estimate that their own actual cost changes will be greater or less than the fluctuations experienced in the national averages. Bidders include the difference between their own expected inflationary cost changes and the anticipated Government payments in their bids.

Under the reset terms of the fixed price incentive successive target contract the contractor can recover his increased

costs due to inflation and in essence "get well" for any errors in projecting the economic trends. In fact, Litton's costs under the contract can increase $387 million, while still providing a profit of $107 million. In the words of the GAO, "this seems rather substantial."

Bath and Litton made vastly different projections relative to the inflationary growth and the amount of payments by the Government under the escalation payments clause. The difference in the projections amounts to $290 million, an amount which is greater than the price spread of the competitors. In actuality, Bath's best and final proposal contained cost estimates which in current dollars were less than Litton's comparable cost estimates. Thus the entire $276 million difference in the final prices is a result of the assumptions made relative to the economic conditions over the next 8 years.

It is important to reemphasize that the increases in costs due to economic conditions and the payments under the escalation clause are virtually independent of the contractor and his present projections. The escalation payments to either Bath or Litton will be similar because they are based on national indices. The contractor's actual cost increases, whether Bath's or Litton's, would be similar because of the commonality of subcontractors and the pattern settlements of labor negotiations.

Regardless of which competitor projected the economy more accurately, when the two competitors use the same set of assumptions regarding the future course of the economy, the price differential of $276 million disappears. I, therefore, cannot concur with the Navy assessment that a $276 million difference existed between the two proposals, when looked at in terms of the final costs to the Government.

Given the fact that Bath was cost competitive with Litton and that there exists the potential for strong competition from shipyards in Maine, Massachusetts, Virginia, Louisiana, California, and Washington State for any subcontracted ships, we would estimate that the cost increase by dividing this initial 30-ship purchase will not exceed 4 to 5 percent. This is a small premium indeed for reducing the risks to the Government and retaining a competitive shipbuilding environment which will ultimately create far greater cost savings on future procurements. And I would repeat that absent strong follow-on competition for the other 20 destroyers, Litton will be in a good position to name its own price for future destroyer awards.

To lose our proven destroyer-building capability could prove disastrous for the country. Bath, from my State, alone has built nearly 160 destroyer-type ships—19 within the 1960's—and their record for cost and delivery performance is enviable in this day of overruns and poor contractor performance. I am attaching a copy of Bath's destroyer-building history to this statement. There are other shipyards building destroyers with nearly comparable records. All of this stands to be lost by awarding the entire DD–963 contract, the major destroyer program for the 1970's, to a single, relatively inexperienced destroyer-building shipyard.

Furthermore, the country will lose this golden opportunity to encourage a second shipyard to modernize unless we act to insure that a 15-ship subcontract is awarded.

It is argued, third, that the proposed division of the contract would be establishing a dangerous precedent. This whole matter is a precedent of serious concern. The issue is really not whether or not we set a precedent, but what kind of precedent we set. I do not believe we should continue on one course simply because the Departments of Defense and the Navy believed it correct 3 years ago and apparently still feel committed to decisions made in 1967. In my opinion, the weight of evidence has swung to such a degree that a change must be made now before our Government is irrevocably committed for 8 years to a posture in this program that we will live to regret.

That, Mr. President, could be the "dangerous precedent."

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. MUSKIE. How much have I used, Mr. President?

The PRESIDING OFFICER. The Senuator has used 25 of his 55 minutes.

Mr. MUSKIE. I yield myself another 10 minutes.

As early as 1964 many naval officers and shipbuilders, including the top management of Bath Iron Works Corp., were questioning the wisdom of awarding entire ship procurements to a single company. In that year Bath bid on eight of 17 LST's and its price for each of eight was more than $500,000 per ship under the next lowest offer. But the award was made for all 17 ships to one other shipbuilding company.

I then questioned Mr. McNamara, the Secretary of Defense, as to the prudence of this type of concentration of ship awards. He told me and Bath's management that this would be the policy for ship procurement and left no alternative—either compete for the large contracts or get out of the business of building ships for the Navy.

History has recorded the tremendous problems inherent in this procurement policy and we all now recognize the schedule slippages, quality problems and staggering overruns which have plagued the Navy in recent years. We are now hundreds of ship-years late and overruns exceed a billion dollars.

There may be benefits to be gained by ship purchases using multiyear funding but there is clear evidence that award of multiple numbers of ships to a company with a large and diverse backlog presents overwhelming managerial problems which come home to roost for the Navy and Congress.

The problem is not isolated but has hit every shipyard which has taken on more work than it could digest, including Avondale, Lockheed, General Dynamics, and even Litton.

Litton, for example, with its present backlog of over $1.5 billion, exclusive of this contract, is today experiencing severe delivery problems which have been well publicized. The Baltimore Sun of August 25 this year speaks of a known 8-month delay per ship in an eight-ship maritime contract and the owners of the steamship lines for whom the ships are intended speculate on probable delays of a year or more per ship. These ships will come ahead of the Navy's billion-dollar-plus LHA program already under contract for that same facility, let alone the DD–963 program.

Litton excuses the delays based on labor difficulties and an act of God, Hurricane Camille. But it is for these very reasons that we cannot permit our entire destroyer program to be tied up in one plant along with submarines, LHA's, and other types of naval ships.

Another hurricane hit Avondale's shipyard in the 1960's and reputedly damaged 18 ships under construction, sinking several and blowing others aground.

Acts of God, Mr. President, can disrupt any single operation as could a national emergency, but, at the risk of using a trite phrase, I feel compelled to ask why we knowingly place all of our eggs in one basket, when with advance planning these problems can be softened by geographical distribution.

We are also well aware of manpower difficulties tied to defense contracts in certain areas and the numerous problems inherent in dealing with an unskilled work force built up virtually overnight. Litton's labor and recruiting problems are well known in the South under their present backlog, let alone the added requirement for 4,000 new employees needed to take on the DD–963 contract.

Litton's backlog, in effect worth over $1.5 billion, even without the inclusion of any destroyers, extends well into 1975. Beyond this, Litton, is one of three qualified submarine builders, is today competing for part of a 10-ship submarine program expected to be awarded within weeks.

The record shows that Litton's management and work force are now stretched beyond their ability to perform, even without the addition of a prime contract for 15 destroyers, let alone 30.

For the above reasons, I have introduced an amendment to the military procurement bill which would provide:

That none of the funds authorized by this Act may be expended for the procurement of DD 963 class destroyers unless (1) the prime contractor with whom the United States contracts for the construction of such destroyers is required under the terms of such contract to subcontract to another United States shipyard and (2) the total number of such destroyers set forth under the terms of the prime contract is divided substantially equally between the prime contractor and subcontractor.

My amendment would support:

The concept of a single design for all 30 ships;

The utilization of a central procurement group to purchase 30 shipsets of machinery and equipment;

The standardization of ships within a single class;

The economies of production which

can be derived from construction of 15 ships of the same class in a single facility;

The modernization of more than one shipyard;

A broader and less risky distribution of this defense contract;

The maintenance of a competitive shipbuilding environment;

Lowest long range ship procurement costs to the Government.

Even on the 30-ship procurement at issue, I cannot accept the unsupported estimates that costs would increase by hundreds of millions if the contract is divided. Costs may increase modestly because of shorter learning curves, but this is a small price to pay for the many other benefits of a split buy—and even this increase will be minimized by a tough competition, including perhaps six or more potential destroyer builders, and there will be lasting long term advantages.

All qualified bidders would have a fair opportunity to compete for the subcontracted ships in open competitive bidding supervised by the prime contractor and the Navy. Clearly, the long term interests of the Government, the economy, industrial growth, and national security are best served by such a reasonable division.

And so I submit that the approach I have offered is reasonable. It is prudent. It is fair. And it should be enacted into law.

I reserve the remainder of my time.

EXHIBIT 1

ARTICLE XXVI. LEGISLATION REQUIRING SUBCONTRACTING COMPLETE VESSELS

(a) The Government shall have the right to require the Contractor to subcontract the construction of a quantity of complete vessels as may be necessary to comply with the legislation referred to in the premises hereof. The Contracting Officer may require the Contractor to solicit all shipbuilders on the Naval Ship Systems Command's bidders list for destroyers for one or more subcontracts. It is contemplated that such request will not be made until after enactment of the Department of Defense Appropriation Act, 1971. The Contracting Officer shall exercise the right to require subcontracting of complete vessels by notifying the Contractor in writing not later than 15 July 1971, unless said date is extended by mutual agreement. Such notification shall (i) designate the quantity of vessels and fiscal year increments to be subcontracted and (ii) specify the number of shipbuilders among whom the quantity is to be devided and the number of vessels to be subcontracted to each such shipbuilder.

(b) The subcontract(s) for construction of complete vessels shall be subject to Clause 59 of the General Provisions entitled "Subcontracts," and advance consent to the subcontract(s) by the Procuring Contracting Officer must be obtained. Any such subcontract shall contain a provision for upward and downward escalation on account of labor and material which shall be similiar to the Article of this contract entitled "Compensation Adjustments (Labor and Material)." Said provision must be specifically consented to by the Procuring Contracting Officer.

(c) Notwithstanding the exercise of the right to require subcontracting of complete vessels, all provisions of this contract shall remain in full force and effect, as between the Contractor and the Government, including, but not limited to, the Articles of this contract entitled 'Performance, Maintainability, and Reliability Guarantee,' 'Warranty Period,' 'Total System Responsibility,' and 'Contractor Personnel (Warranty Engineers).'

(d) If the right to require subcontracting of complete vessels is exercised, the delivery schedule set forth in paragraph (b) of the Article entitled 'Delivery' shall remain unchanged unless the parties otherwise mutually agree, but the two lines in said paragraph reading:

'shall be delivered to the Government at the Contractor's shipyard in accordance with the following schedule.'

shall be revised to read as follows:

'shall be delivered in accordance with the following schedule to the Government at the shipyard of the Contractor or, for subcontracted vessels, at the shipyard(s) of the vessel subcontractor(s) except that any vessel subcontracted to a shipbuilder located on the Great Lakes, shall be delivered at the U.S. Naval Shipyard, Boston, Massachusetts.'

(e) If the right to require subcontracting of complete vessels is exercised, the parties hereby mutually agree that equitable adjustments for the contractor's increased costs shall be established in accordance with the procedures provided for in the clause of the General Provisions entitled 'Changes.' Said adjustments shall include, but not be limited to, adjustments in initial target cost, target profit, target price and ceiling price and cancellation ceilings. Failure to agree on any such equitable adjustment shall be subject to the "dispute" clause of the General Provisions.

(f) If the right to require subcontracting of complete vessels is exercised, additional revisions, changes or modifications to said Articles or to other Articles and clauses of this contract may be made without further consideration, as the parties may mutually agree.

(g) The Contracting Officer may require the Contractor to submit proposed revisions to the DD Program Plans referenced in Article I(b) of this contract which would be necessary or desirable in the event of the exercise of the right to require subcontracting of complete vessels. It is anticipated that the Contracting Officer will not so require until after enactment of the Department of Defense Appropriation Act, 1971.

(h) If the Contracting Officer requires the Contractor to solicit shipbuilders as provided in paragraph (a) of this Article, or to revise the DD Program Plans, as provided for in paragraph (g), or both, and if the Contracting Officer does not exercise the right to require the subcontracting of complete vessels or approve the proposed shipbuilding subcontract(s), then the Contractor shall be compensated for the work involved in complying with such requirement(s) in the same manner and to the same extent as if such requirement(s) were Class I ECP(s) requested by the Contracting Officer but not incorporated into the contract (see paragraph (e) of article XXX entitled "Configuration Control").

In witness whereof, the parties have executed this amendment as of the date of this contract and the Contracting Officer has executed this amendment contemporaneously with his execution of the contract.

Mr. STENNIS. Mr. President, I yield 15 minutes to the Senator from Mississippi (Mr. EASTLAND).

Mr. EASTLAND. Mr. President, the announcement of the Navy's award of the 30-ship DD–963 destroyer contract to the Litton-Ingalls "Shipyard of the Future" at Pascagoula has precipitated a number of conditions.

It represents to the winners the fruition of a great endeavor launched in 1967 by a trail-blazing partnership between Mississippi and the Litton-Ingalls organization. This State-private enterprise venture was aimed at building the vessels of tomorrow and rebuilding the shining tradition of seafaring America.

It represents to the losers the disappointment that always accompanies the end of a long and arduous—and unsuccessful effort.

I can understand the delight of the one and the dismay of the other—but—I must oppose any move to deny to the Pascagoula yard its earned and deserved victory.

Let us trace—very briefly—the course of this procurement and, hopefully, clear up some possible misunderstandings along the way.

Six qualified participants started out together more than 2 years ago in quest of this contract. The intense competition finally narrowed down to Litton and Bath of Maine. The long, established and recognized route toward evaluating and selecting an ultimate builder of the destroyers culminated in the submission—by both parties—of sealed bids which were styled "best and final offer."

What followed is a matter of fact and of record. Litton underbid its competitor by the amazing figure of $9 million per ship, thus affording a saving to this Government in these days of the defense cutback of $270 million.

Now—how is it possible for one shipyard to beat another so badly on this destroyer construction venture?

It is possible and clearly understandable when the facility on our gulf coast is recognized for what it is.

The "Shipyard of the Future" is exactly what its name implies—the wave of the future in the field of ship construction—both military and commercial.

It is the most modern yard in the United States—in the Western Hemisphere—and, possibly—in the world. A matter of vital importance to the timely launching of these versatile destroyers and a significant factor in the Navy's decision in favor of Litton is the fact that the Pascagoula plant is producing ships now.

Mr. President, competition for this assembly line shipyard can come only from a major rebuilding of any yard in being or from a new facility designed around the Litton-Ingalls concept.

A Russian admiral recently made the chilling announcement that the U.S.S.R. possesses "a four-ocean, blue-water navy." If we are to meet the Soviet challenge on the seas—in the military and commercial sectors—and, if we propose to recapture our rightful position in the forefront of maritime nations—then we must adopt modern, low-cost methods. The technology of today—the advances in the art of shipbuilding in Europe and in the Far East—make it imperative for us to utilize entirely new ship construction techniques.

What of the quality of the work in Pascagoula? I have heard our nuclear submarines described as "the most intricate piece of machinery in the world." I am proud to report to the Senate that many nuclear subs have left the Litton yard and serve in our fleet at this hour. Those who launch these great undersea vessels are certainly capable of constructing the finest of destroyers.

Litton-Ingalls entered—with others—a fair and wide open competition for this contract. Their engineers produced a design which earned the Navy's approval. The company submitted the lowest bid and its employees have demonstrated—over the years—their capabilities as builders of the highest quality ocean vessels for the naval and merchant services.

The U.S. Navy—charged by this Congress with the responsibility for the defense at sea of this Nation and of the free world—selected from among the competitors the organization they believed to be best equipped to build the backbone of our destroyer forces at the lowest cost.

Finally, we answer the complaint that this award is too much business to go to one firm with the information that 60 percent of the cost of these destroyers will be spent for material from suppliers outside the shipbuilder's plant. The subcontracts flowing from this procurement will reach into 45 of our States.

Mr. President, here we are, after the fact, after 2 years of evaluation and selection and competition, being asked to take away from Litton-Ingalls that which they earned. The Senate is requested now to negate the competition, to disregard the "best and final offers," and to vacate a contract which was planned for—worked for—and won.

Americans are believers in clean and open competition. I am convinced that one of our principles would be violated if we said, "We want you to enter this long and tough competition, but keep in mind—even if you win on your merits, we may take your victory away from you through legislative action."

A contract, legally, and morally binding, has been awarded on the basis of sealed best and final offers. No sound or valid reason has been offered to cause the Senate to vacate the contract.

In our tradition of equity and in what I firmly believe to be the best interest of our Navy—as well as for the future of our country on the oceans—I urge the rejection of this amendment.

Mr. President, the Navy has furnished some information with respect to questions which were asked of it. One question is as follows:

Recent experience indicates that it is simply not prudent to follow a policy of single source procurement when it can be avoided.

These questions were asked by some of those who object to this procurement.

The Navy's answer is as follows:

The fact that contracts have been issued to single sources for procurement of aircraft and weapon systems is not necessarily the reason for cost growth and performance problems. The problem has been the commitment to production while significant research and development remains unfinished. This is not the case in the destroyer contract which is more suitably termed "a detail design and production" contract. To avoid concurrency, where any technical or schedule risk is involved, preproduction shore site testing has been required or fallback positions have been predetermined. The DD 963 contract also contains milestones which must be met by the contractor before the government becomes committed to fund out-year increments of the contract. Incidentally, a distinction should be made between single source and sole source procurement. The DD 963 contract was the result of an intensive industry-wide competition held under pre-established and published rules. It was not a sole source procurement.

Another question:

By adopting (the) amendment . . . the Navy . . . (can) still realize the benefits sought in current policies, namely:

(4) The economies of production which can be derived from the construction of 15 ships of the same class within a single facility.

(6) The possibility that a second shipyard can proceed with a modernization program based on a 15 ship contract.

That is the big argument made here.

Now here is what the Navy says about that:

NAVY COMMENTS

a. The economies of production in a 15 ship buy cannot equal that obtained in a 30 ship buy from one production source.

b. A 15 ship buy spread over five years, as the Navy now has planned the 30 ship buy, would at best provide one shipyard with three ships a year. This is exactly the case made against shipyard modernization cited in Senator Muskie's remarks on the DDG program. Economies of series production are sensitive to rate of production as well as number of units produced.

Here is another question and objection:

The risks are greater by proceeding with the present plan which calls for the construction of all thirty ships in a single shipyard.

NAVY COMMENT

The risk of placing a large program in a single building facility is no higher than the risk associated with procuring components, such as gears and turbines, from single sources in what is termed "the heavy equipment industries." Sixty percent of the cost of these destroyers will be spent for material from suppliers outside the shipbuilder's plant. We must accept "acts of God" and accommodate to them. That applies to all the industries that will support the destroyer program, including the assembly yard. A program split among several assembly yards will have little impact on minimizing the effects of catastrophies. The suppliers of large components for the destroyers will be the same whether the number of shipyards is one or two or more.

Here is another question:

It certainly appears imprudent to reduce our destroyer building capability to virtually a single source.

That argument is used.

Here is the Navy's reply:

NAVY COMMENT

Awarding a single contract to Litton does not require that all future destroyer contracts must be awarded to Litton. While a destroyer is a complex ship, it does not represent a unique shipbuilding problem. Many yards have built destroyers in the past and many could be available to do so in the future. It must be recognized that the DD 963 contract award is the culmination of an intense competition which started over two years ago with six qualified participants. The remaining five participants are still active today and bidding on other ship programs.

Here is another question:

My discussion with one of the competitors in the DD 963 program . . . indicate that a substantial modernization effort could be carried out based on the award of fifteen ships in this program. This, incidentally, is consistent with the Maritime Administration's rationale that award of contracts for as many as ten to twenty ships at a time is sufficient to encourage the shipbuilding industry to proceed with major facility improvement programs.

Here is the Navy's reply:

NAVY COMMENT

The Maritime Administration Approach to contract awards which encourage facilities modernization is no different from that that has been used by the Navy for the past several years. The Maritime program envisions 300 ships in 10 years. An award of 10 to 20 ships a year then means funding 10 to 20 ships each year. The destroyer program funds ships in increments over a five year period. Splitting the program, therefore, only provides funds for two or three ships a year to any one facility. That is probably not sufficient to encourage significant facilities modernization.

Now, Mr. President, here are bids made by the two companies which they said was the best and final offer, that the Litton bid would save the Government $270 million, $9 million a destroyer.

Under the bid from Bath in Maine, the Navy estimates, if we adopt the amendment, that the costs to the Government would be $225 million to $685 million.

Mr. MUSKIE. Mr. President, will the Senator from Mississippi yield?

Mr. EASTLAND. I yield.

Mr. MUSKIE. I am not aware of any estimate submitted by any of the two final bidders upon which the Navy could base such an estimated increase in costs. I know that the Senator from Mississippi and his colleague (Mr. STENNIS) have used these figures. Would the Senator provide the basis for this estimate of the increased costs so that we may understand it? It seems to be speculation on the basis of anything that I can understand.

Mr. EASTLAND. It is not general speculation. It is based upon the judgment of the U.S. Navy who are in charge of the program and who are doing, in my judgment, a wonderful job and are better qualified than any of us to pass upon it.

Yes, I will attempt to get the basis of that. My colleague (Mr. STENNIS) is in a much better position than I am.

Mr. MUSKIE. May I put my question in a more precise form for the benefit of the Senator. Does the Navy say that it has——

The PRESIDING OFFICER (Mr. BAYH). The time of the Senator has expired. Does he wish to request additional time?

Mr. STENNIS. Mr. President, I yield 2 additional minutes for the Senator's question.

The PRESIDING OFFICER. The Senator from Maine is recognized for 2 minutes.

Mr. MUSKIE. Does the Navy say that it received the information from the other bidders upon which the Navy could make an evaluation as to what each might require in terms of cost per ship, if a lesser number than 30 ships were involved?

Mr. EASTLAND. They say that the bid from the shipyard in Bath, Maine, which was submitted as its best and final offer on the 30 ships, would be $9 million a destroyer, or $270 million.

Mr. MUSKIE. What I am asking is

whether the Navy contends that it had a bid from Bath or Litton, or elsewhere, on 30 ships——

Mr. EASTLAND. No, no——

Mr. MUSKIE. Or in an even split, as my amendment proposes?

Mr. EASTLAND. They have said that an even split was unworkable. I have given the reasons the Navy said it was unworkable.

Mr. MUSKIE. Then why did Litton sign a contract to provide for a split if it contends that a split is unworkable?

Mr. EASTLAND. I cannot tell the Senator that. I am telling the Senator what the Navy thinks.

Mr. STENNIS. Mr. President, if I may answer that question right there, as I understand it, the House amendment put it at $10 million. The Navy put that clause in there. But whatever actually it will cost, that would be at the expense of the Federal Government. It would not be at the expense of the contractor, naturally. If the contract requires this additional clause, why Congress has to pay the bill.

Mr. MUSKIE. I understand that, of course.

The PRESIDING OFFICER. The time of the Senator has expired. Is additional time requested?

Mr. MUSKIE. Mr. President, I will take 2 minutes from my own time to answer that.

I understand, of course, that is the case. I discussed that in the prepared remarks I made this morning. But I made two points in response to what the Senator is making:

First, to the best of my knowledge neither of the bidders submitted information to the Navy upon which the Navy could estimate what either bidder would charge per ship for a lesser number of ships than the 30 involved in the contract. If that is the case, the estimate of the increased cost must be based upon speculation.

Second, in response to the Senator from Mississippi (Mr. STENNIS), I have argued in my original remarks this morning that the minimal increase of cost that this kind of bid would involve would be more than offset by the long-range savings through the competitive situation in the shipyards.

Mr. EASTLAND. We cannot do that by building 15 ships a year.

Mr. MUSKIE. I am talking about a 15–15 split. The Fitzhugh committee said that it would not award more than 10 ships in a multiple award to a single shipyard.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. EASTLAND. Mr. President, as I recall, some of the staff members said that. However, the panel did not pass upon it. The only thing involved here is 30 destroyers.

Mr. MUSKIE. Mr. President, the full report of the panel does not include the subcommitte report. But what is contained in the full report is fully consistent with and reflects the subcommittee report from which I have read. It does not deny or challenge it or raise a question about it. It reflects and reaches the same general conclusions.

Mr. EASTLAND. Mr. President, the Navy is the best judge of this whole matter. They know more about it than my friend, the Senator from Maine. They know more about it than I do.

Mr. MUSKIE. Does that mean that we should abdicate our duty here today?

Mr. EASTLAND. After bids are let and a company submits its best and final offer and loses, then I think that should be the end of it.

To conclude my prepared statement:

QUESTION

The award of the thirty ship DD 963 contract to Litton will drive that company to recruit approximately 4,000 new employees in an area already stretched to supply the skilled personnel needed to accomplish their present backlog.

NAVY COMMENT

The availability of manpower was carefully considered in the source selection process. It is noted that peak personnel needs occur four years from now and a buildup of 4,000 people in that time is eminently practicable. The work of the State of Mississippi and the contractor's planning approved by the U.S. Department of Commerce provide Congress with the assurance needed that the social and economic aspects of this contract award have been fully taken into account.

QUESTION

For these reasons, it makes real sense to divide the contract, and the national interest can be served by acting before the fact rather than waiting one or more years before inevitable problems to arise. Then we will all wonder why Congress lacked the initiative to act at a time when something meaningful could have been done to improve the prospects of success in this destroyer construction program.

NAVY COMMENT

It should be noted that in a peacetime environment it is most important that the necessary defense capability be developed at minimum cost. The series production approach of standardized ships is the most significant factor in achieving that objective. One of the critical paths in the shipbuilding process is the furnishing of material by subcontractors and vendors. In shipbuilding, the governing factor is the production rate of the heavy equipment industry, the manufacturers of special gears, turbines, etc. The suppliers rates of delivery actually governs the rate of ship deliveries. This is true for government furnished weapons as well as for contractor furnished equipment. Therefore, if the destroyer program were divided among a number of builders with the goal of standardized ships still a requirement, it would be necessary to restrict construction in any one facility to an inefficient, sub-optimal rate because of the heavy equipment industry's inability to meet the production requirements. It has further been shown that in a wartime environment, under mobilization conditions, shipbuilding facilities can be activated faster than the pipeline of critical components can be filled. There are, therefore, no compelling defense reasons for using forced or uneconomical contract award practices in order to maintain warship construction facilities in a nonmobilization situation.

Finally, it must be pointed out that the proposed Muskie amendment would increase the cost of the 30 ship program by somewhat between $225M and $685M, depending on the number of ships involved in the split and other factors. The national interests, including that of the shipbuilding industry as a whole, would be better served by using the dollars which would be required to implement split construction of the DD 963 class, for new ship programs, open to competition of all builders, rather than requiring our new destroyers to cost more than now contracted for.

Mr. MUSKIE. Mr. President, I yield myself an additional minute.

The PRESIDING OFFICER. The Senator from Maine is recognized for 1 additional minute.

Mr. MUSKIE. Mr. President, I do not accept the thesis of infallibility of the Navy in this area or the Defense Department, for that matter, may I say to the distinguished Senator from Mississippi, and I doubt that he does.

Mr. President, I ask unanimous consent that my amendment, as modified, be printed for the availability of Senators tomorrow.

The PRESIDING OFFICER (Mr. BAYH). Without objection, it is so ordered. Who yields time?

Mr. STENNIS. Mr. President, I yield myself 15 minutes in opposition to the amendment.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for 15 minutes.

Mr. STENNIS. Mr. President, I want to make it very clear indeed at the very beginning that anything I say or do or think is not in derogation of the fine shipyard in Bath, Maine. They have a fine record. They are key people in the industry. They are well represented on the floor. The Senator from Maine (Mrs. SMITH) is one of the most valuable members of the minority on our Armed Services Committee. We greatly appreciate her fine services.

The junior Senator from Maine and I work on various matters together. We disagree on this. However, anything that I say is not meant to cast any reflection upon him in any way. I am sure that each of the Senators from Maine understands that. And I want all other Senators to be sure to understand it also.

Mr. President, the Senator from Maine (Mr. MUSKIE) told me on Thursday when we agreed on a time limitation, that he expected to submit a modified amendment. That is exactly what he has done today. It is an amendment that he was courteous enough to give me a copy of before we agreed on the time limitation. We had to know what we were going to pass on. I want to personally thank him for that courtesy.

If the Senator will permit me, on my time, to ask him some questions about this modified amendment that he is standing on today, I would be glad to do so.

Mr. President, in the beginning of his remarks, the Senator from Maine (Mr. MUSKIE) referred to the prime contractor and indicated, as I understood, that Litton would be the prime contractor. Presently Litton is the one that has the contract.

Would the Senator explain a little further what he had in mind under the revised amendment?

Mr. MUSKIE. Mr. President, the Senator is correct that this was not left on doubt by the original amendment. The original amendment provided two prime subcontractors. However, I was persuaded as I studied the question further to modify the amendment in this way to provide for one prime contractor, one design, Litton being that prime con-

tractor and Litton's design being that design. It offered a savings that we ought not to ignore.

Mr. STENNIS. Mr. President, does the Senator's amendment leave Litton Ingalls with the contract they have now, but reducing the number of destroyers or ships to be built to 15?

Mr. MUSKIE. Mr. President, I am not too familiar with the Litton contract. It is conceivable, of course, that this amendment in its impact upon the contract would require some modifications. I would have no judgment on that. But essentially I would think that the contract would govern the modifications bearing upon the costs, and so on. I would expect that there would be modifications.

Mr. STENNIS. Mr. President, what guarantee or what assurance would this amendment give that Litton Ingalls Industries would be left in with a contract of any kind and would not have to start all over to compete again on the new terms?

Mr. MUSKIE. The Senator has asked my intention. I stated my intention and understanding. The language is as follows:

Provided, That none of the funds authorized by this Act may be expended for the procurement of DD 963 class destroyers unless (1) the prime contractor with whom the United States contracts for the construction of such destroyers is required under the terms of such contract to subcontract to another United States shipyard . . .

This amendment does not by its terms void the existing contract. I would think that the reference contained in the language that I have just read indicates quite clearly that the prime contractor intended is Litton Industries. At least, that is my intention. And I would be surprised if the Navy were to interpret it otherwise.

Mr. STENNIS. Mr. President, I think that is a vital point that we must know about for certain. I am certain about the Senator's intentions here. But the language says: "unless (1) the prime contractor with whom the United States contracts for the construction of such destroyers."

That certainly permits reasonable interpretation, it seems to me, that that refers to a future contract, a future prime contract, rather than the contract that is in being.

If the Senator means, though, that he is going to keep the Litton and Ingalls contract and they will be the prime contractors for at least half of the contracts, why we ought to know that, or will this totally set aside the contract, and everybody would start over again?

Mr. MUSKIE. My intention is it should not set aside the contract. It is not my purpose that the ambiguity to which the Senator refers would have that effect. I would be glad to consider any clarification of the language which would reassure the Senator on that point.

I do not personally conceive that the contract would be set aside and the process started over. That would not be in the national interest. That is not my intention and I do not think that should be done.

Since Litton is not specifically mentioned in the amendment, I can see the ambiguity to which the Senator refers.

Mr. STENNIS. The Senator made his position clear and I thank him for that.

Second, if Litton is to continue as the prime contractor but required to subcontract out one-half of it, would the Senator expect Litton's price to be the same per ship under the new arrangement as it is under the contract as made?

Mr. MUSKIE. I would expect not.

Mr. STENNIS. The Senator would expect Litton to receive more money per ship than under the contract they have now?

Mr. MUSKIE. I would expect with the shorter learning curve that result would follow.

Mr. STENNIS. That would involve negotiating with Litton on a new price basis; the Navy and Litton would negotiate on a new price basis?

Mr. MUSKIE. Precisely, and I would say on that point there is already, as a result of four pricing rounds, sufficient information available to the Navy and the contractors so that it could not be said Litton would have a blank check in that respect. I think there is a basis for negotiations that would adequately protect Government interests.

Mr. STENNIS. Who would negotiate with this subcontractor? Would that be Litton or the Navy?

Mr. MUSKIE. As the amendment is worded, as I understand it, the other 15 ships would be subject to competitive bidding.

Mr. STENNIS. But who would conduct this competitive bidding and the negotiations and make the contract? Would that be Litton or the Navy?

Mr. MUSKIE. I would expect, as I fully understand the language in the Litton contract, to which I referred in my remarks, that the Navy would be in the driver's seat in working out the arrangements.

Mr. STENNIS. Who would pay the bill with respect to different costs or additional costs that might be incurred due to this subcontractor being brought in?

Mr. MUSKIE. If there were additional costs, of course, the Navy would.

Mr. STENNIS. Does the Senator estimate there would not be additional costs if the contractor was brought in, or how much does he estimate those costs to be?

Mr. MUSKIE. I do not think there is any basis for making those estimates, any more than the Senator or I could answer his earlier question with respect to the increase in price per ship Litton might get with a split in the contract. These learning curves produce different results and, as the distinguished Senator from Mississippi (Mr. EASTLAND) noted, I am not an expert in this field and I would not make that projection.

But in the price proposals of both contracts, in the event Bath should prove to be the contractor, there is sufficient information to protect the public interest in that respect.

As I said in my statement, splitting the contract with the two, with shorter learning periods, would indicate there would be some increase in cost per ship. In my judgment, that would be offset by the value of retaining a competitive situation in the industry; and second, the long-range procurement savings when there are follow-on contracts. This is the balance.

Mr. STENNIS. At the same time, as I understand the Senator, and he has been very frank about it, under his amendment the Navy would owe some additional money, the amount unknown, to Litton-Ingalls, the prime contractor, because of things which would cost more and also it probably would cost more for the subcontractor per ship than the present bid.

Mr. MUSKIE. We do not know the result of the competitive bidding for those 15 ships. It is conceivable, with the price picture that is now a public record, as it emerged from this competition, that bidding on the other 15 ships could produce a lower price. I am not in a position to project that.

The important point is to retain competitive bidding and that would occur in the competitive bidding for the other 15 ships.

Mr. STENNIS. What would be the responsibility of the prime contractor to the Navy, to the Government, for the production of the ships that are subcontracted out to the subcontractor?

Mr. MUSKIE. To the extent that subject is covered by the provision in the contract to which both of us have already referred, that contract would be the best guide. To the extent to which the details are not provided in the amendment, I would assume it would have to be worked out.

Mr. STENNIS. Under the Senator's amendment, the prime contractor would carry a responsibility for the production as produced by the subcontractor. Is that correct?

Mr. MUSKIE. I am not sure what the contract states on that point.

Mr. STENNIS. I am talking about the Senator's amendment.

Mr. MUSKIE. The amendment anticipates this possibility of legislation, and works out in some detail, which cover two very closely printed pages, the mechanics of adjusting to such legislation that the Navy and Litton envisaged when they entered into the contract. I am not sure of those details sufficiently to act as an expert in response to such detailed questioning. I have had the provision printed in the RECORD for the Senate to study.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 10 additional minutes.

Mr. STENNIS. I thank the Senator. My questions were directed as to the impact on the situation, the contracts, and so forth, under the Senator's amendment, and not under any existing contract that is now going to be abrogated this month. I will have some evidence on the cost matter that will be accurate.

Mr. MUSKIE. It might be helpful to Senators if I repeated this provision in the contract:

The government shall have the right to require the contractor to subcontract the construction of a quantity of complete vessels as may be necessary to comply with the legislation referred to in the premises hereof.

That is a direct reference to the kind of legislation we are discussing. It was in anticipation of this legislation that the two pages of details were included in the contract. If legislation of this kind is enacted by Congress, and Litton remains the prime contractor in accordance with the intention of both of us, this provision of the contract would come into play.

Mr. STENNIS. I thank the Senator. I wish to review briefly what has happened. There is nothing new about this matter. As early as 1966 the Navy made the decision that ships which are not unusually complicated but which are greatly needed in a modern version, would be let out under one contract. They announced that in their original statements. They wanted prospective bidders to come in and submit a design and compete, and it was in writing from the very beginning. All parties understood it because they all read those proposals that the whole matter would be based on the idea that if there was an award it would go to one shipyard. Everyone knew that.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. I yield briefly. My time is running away.

Mr. MUSKIE. It was my understanding over the 3 to 4 years that I have been close to this matter that there has been speculation in the industry almost constantly as to what might result in a split between two or three possible contractors?

Is the Senator saying Litton was unaware of that possibility?

Mr. STENNIS. I am just citing the facts from the record. The speculation was that Bath was going to get the contract. I noticed that in many newspapers. But it proved to be speculation, and the price difference was what caused the difference.

These six contractors came in, under that condition, from the very beginning, the competition was later reduced to three, as is customary, and later two, Bath and Litton, both capable designs were approved, everything about it was approved, and finally, as the Senator said, they called for the best and final bid. That was, I believe, in March of this year.

There never was any change in the ground rules. There never was anything to the contrary. I have never heard it disputed that there was any kind of understanding but that that rule prevailed and the contract was awarded when those lower bids came in.

During the course of that, Congress passed on the question of whether it would be a sole contract three or four times, I know. In appropriating money these questions would come up. Last year, it came up in the conference between the House and the Senate on the authorization bill, and I have a copy here of what was before us in the form of a House amendment. That was considered by the Congress, and was dropped, and they stayed with the sole contractor concept as to those ships.

There is no doubt about that. It is reflected in the report of the House conferees. I think it is covered here in the statement in the conference report. Bath knew that. Everyone knew it who was familiar with the subject matter.

Now, after the contract is finally let, we have the situation as is presented here today.

I want to thank the Senator again for advising me, before we agreed on the time limitation, about his new amendment. I sent it over to the ones who are most familiar with the entire subject, the Navy. We were going to start debate this morning at 10 o'clock; I had to know what the facts are.

Let me point out that this matter has been handled from the very beginning in two different administrations. It has been handled by two Secretaries of Defense. It has been handled by two Secretaries of the Navy. It was handled under Admiral Moorer, who was Chief of Naval Operations, until just before this contract was actually made. He was selected by the President of the United States to be Chairman of the Joint Chiefs of Staff. His nomination was confirmed unanimously by the Armed Services Committee and here on the floor of the Senate, amidst many compliments. I know, too, that Mr. Packard, who has proven to be a man of exceptional ability in this field, concerned himself with the contract. So the judgment of all these people was involved.

It was reported to the General Accounting Office on the idea that the low bid might be a "buy-in." That is a term that has been thrown around here. It means a deliberate buying in, bidding too low, in order to get the foot in the door and make up for it later in some way.

The General Accounting Office is made up of rather competent people, led by a fine and capable man. They went into it fully. They dug back into it. Their report says, in effect, that there is justification for this lower bid. They say, in effect, it was not a "buy-in." That is about as strong evidence as one could find quickly.

So this case comes before the Senate on what are proven, essential facts. It boils down to the fact that we would be setting a precedent here which would affect all contractors, whether the contracts are for airplanes, tanks, ships, missiles, or whatever they are; that if they compete and do not get the contract, they can, nevertheless, come to the floor of the Senate and get an amendment adopted that will set the contract aside and they will have another chance. Where is that going to leave the Members of this body? They will be approached all the time by disappointed contractors in their States saying, "You want to get this set aside." Where does that leave the contractors as a whole in the field of military construction? So a new precedent would be established here, a new rule of the game, under which Boeing, McDonnell, and the rest of them, trying to get contracts for missiles, submarines, and everything else, would think they were immune. They are all involved here. If this contract is set aside on these facts, they will not know where they are, and they will not know where the Navy or any other branch of the service is, when they bid. No Secretary of Defense will know where he is when he is trying to negotiate to get a good price for the Government. He would know that he would be subject to being overruled and having his decision set aside. That is what we are plowing into right now. I am not referring to Maine, Mississippi, or any other State. We have to represent the Nation and decide what is best for the Government. There is nothing that would so blow up the whole concept than for us to come along now on these facts and set a precedent like this.

Mr. MUSKIE. Mr. President, will the Senator yield?

Mr. STENNIS. May I proceed? A good part of my time has been used up.

The PRESIDING OFFICER. The time of the Senator has expired. Does the Senator yield himself additional time?

Mrs. SMITH of Maine. Mr. President, will the Senator yield?

Mr. STENNIS. Mr. President, I will yield to either Senator from Maine for a brief question. I did not know my time was up. I will yield the floor, unless the Senator from Maine wants to ask a question.

Mrs. SMITH of Maine. Mr. President, I would like to ask the Senator from Mississippi if he will cite or read from the GAO report that part that he referred to which said this was not a "buy-in."

Mr. STENNIS. Mr. President, I yield myself 5 minutes.

I said the general substance of it, the general meaning of it, as I understood, was that it was not a "buy-in," because the facts justify it, as they found it. The part of the bid that was based on cost of materials—and they were figuring a lower interest for one thing—they could not attack. I refer to materials and supplies, and not firm contracts, but propositions they had with subcontractors. I have an itemized list of those amounts. I cannot put my hand on it right now, but I will come back to that and speak more in detail on that, as I did the other day.

Mrs. SMITH of Maine. Mr. President, will the Senator yield?

Mr. STENNIS. I yield to the Senator.

Mrs. SMITH of Maine. Then the distinguished Senator would say that that was his interpretation of the GAO report, that it states it was not a buy-in? That is rather a convenient interpretation; we will leave it at that.

Mr. STENNIS. Yes. I will put it this way: My interpretation, as well as that of my advisers and the others I have to help me pass on this issue, and also a conference I had with those men after that report was in as to what it meant, with particular reference to the buy-in.

As I understand them, they give this contract a clean bill of health on that score. Certainly there are no findings against it, and I do not believe that their report is unfair, although the Senator from Maine doubtless has another interpretation.

Mrs. SMITH of Maine. Mr. President, I would only say that I, too, had a conference with the same gentlemen, and my interpretation was entirely different from that of the distinguished Senator from Mississippi.

Mr. STENNIS. I thank the Senator very much.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has a minute and a half.

Mr. STENNIS. How much?

The PRESIDING OFFICER. A minute and a half remain of the last 5 minutes the Senator yielded himself.

Mr. STENNIS. Excuse me; how much time in all do I have remaining?

The PRESIDING OFFICER. Three and one-half minutes.

Mr. STENNIS. Mr. President, I have a letter here, that I have referred to heretofore, from Mr. Warner, the Acting Secretary of the Navy, with reference to the amendment in its present form, that is, the revised form as put in by the Senator. I ask unanimous consent that the letter be printed in the RECORD at this point.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF THE NAVY,
Washington, D.C., August 29, 1970.

Hon. JOHN C. STENNIS,
Chairman, Committee on Armed Services,
U.S. Senate,
Washington, D.C.

DEAR MR. CHAIRMAN: The Secretary of the Navy, John H. Chafee, recently submitted the Department of Defense position on Amendment No. 811 to HR 17123. You have advised that there may be a change to Amendment No. 811 wherein the prime contractor would be directed to subcontract half of the procurement of the DD 963 ships to another builder. The DOD position on this proposed change is forwarded herewith as you requested.

There is general agreement in industry that a shipbuilder requires a sizable production commitment if he is to be able to produce ships in the most economical manner. This fact is borne out by studies by Webb Institute and the Maritime Administration, as well as by Navy and the shipbuilding industry itself. From the beginning of the DX (DD 963) program in 1966, the Secretary of Defense stated repeatedly that the approach to this program acquisition would centralize the design and production of the total program in one prime contractor. The Navy advised Congress of this intent during hearings in 1967 and 1968, and Congress strongly supported the program. Also, in its consideration of the Military Authorization Bill, the first session of the 91st Congress in Joint Conference eliminated a provision from the House Bill which would have required the DD 963 ships to be built in three shipyards.

Thus, the Congress has been fully informed of the Navy's procurement plan since 1967. It supported the Navy's position of awarding the full contract to one builder when it authorized and appropriated long-lead funds for the program in FY 69, and again when it authorized and appropriated full funding for the first three ships in FY 70, and at the same time eliminated the principle of split procurement referred to above.

A change to the present procurement plan, as proposed by the revised Amendment, would result in serious program disruption and essentially nullifying most of the benefits of competition and series production. Splitting the program between two yards would reduce learning benefits, including start-up and tooling in two yards vice one, and production efficiency. Also, reducing the production quantity and rate of the prime contractor to less than now planned would result in a less economical production. All of the above would significantly increase program costs.

Subcontracting half of the ships would involve a 9–10 year commitment of the prime contractor's ultimate responsibility for the performance, schedule and cost control of a large number of ships built by another shipbuilder. Realistically, to assume this responsibility would involve committing large numbers of top professional managers, supervisors and technicians with no productive return to the prime contractor. The result would be a dilution of management effectiveness and an increase in program costs.

The actual cost impact of the proposed Amendment would not be known until the Government negotiates with the prime contractor—but it is clear that the costs could be substantially higher than even the $225 million increase which has been estimated for up to a 20/10 split of the program. Without a significant increase in program funding, the use of a second shipbuilder will substantially decrease the number of ships the Navy will be able to procure.

The Navy has been falling behind year after year in keeping up with its requirements for new construction to fulfill urgent Fleet needs. In the judgment of the Department of Defense the additional funds required to implement the split procurement would better be used to provide additional ships so badly needed by the Navy. Such procurement would, of course, be in competition open to all builders and would thus help the U.S. shipbuilding industry.

For these reasons, the Department of Defense is opposed to the proposed change requiring that the procurement of the DD 963 class ships be split between two shipyards.

Sincerely yours,

JOHN W. WARNER,
Acting Secretary of the Navy.

Mr. STENNIS. Mr. President, reading some of the pertinent sentences here, the letter says:

There is general agreement in industry that a shipbuilder requires a sizable production commitment if he is to be able to produce ships in the most economical manner. This fact is borne out by studies by Webb Institute and the Maritime Administration, as well as by Navy and the shipbuilding industry itself. From the beginning of the DX (DD 963) program in 1966, the Secretary of Defense stated repeatedly that the approach to this program acquisition would centralize the design and production of the total program in one prime contractor. The Navy advised Congress of this intent during hearings in 1967 and 1968, and Congress strongly supported the program. Also, in its consideration of the Military Authorization Bill, the first session of the 91st Congress in Joint Conference eliminated a provision from the House Bill which would have required the DD 963 ships to be built in three shipyards.

Thus, the Congress has been fully informed of the Navy's procurement plan since 1967.

The rest of these facts will speak for themselves, Mr. President.

The PRESIDING OFFICER. The Chair advises the Senator from Mississippi, relative to the time situation, since he requested that information a moment ago, that his 5 minutes have expired, and he now has 2 minutes remaining in his allotment of time between now and 4 o'clock.

Mr. STENNIS. I thank the Chair. I reserve those 2 minutes.

Mr. MUSKIE. Mr. President, I may have some time for the Senator from Mississippi before 12 o'clock.

Mr. STENNIS. I thank the Senator.

Mr. MUSKIE. First of all, I yield myself 5 minutes on the question of the rules of the game which the distinguished Senator from Mississippi has raised.

The fact is that over the past 3 or 4 years, as competition has moved along from the time when there were six shipyards involved to the time when there were three, down to the time when there were only two, there was speculation all the time, well known to the industry and to all parties who were in competition, that this contract might eventually be divided. Because of its magnitude, because of the importance of spreading our destroyer-building capacity geographically, and for many other reasons I have stated here this morning, that speculation has been underway. It was very strong in the weeks just preceding the final award.

I think there was some element of surprise in the reaction to the decision finally to seize on one shipyard. The fact is, as reflected by the GAO report, that the Navy apparently never did consider splitting this contract among two or more yards.

That is all the more reason, Mr. President, why Congress should consider the implications of the failure to split.

In my judgment, for the reasons stated in the Fitzhugh report and the McNeil subcommittee report, the Navy should have considered, in a way that it apparently did not, the factors which I have undertaken to spell out here this morning, and which those two reports spell out in such detail.

It is important to preserve competition in this shipbuilding field in the United States. The McNeil report and the Fitzhugh report indicate that clearly.

The Senator speaks of surprise, and the fact that the award has been given, and poor losers should not now come forward with proposals of this kind.

Let me remind the Senator from Mississippi that the House of Representatives had acted on a similar proposal before the contract award. The Navy was on notice and Litton was on notice that at least one House of Congress was concerned about the policy implications of a single shipyard award. The award should not have been made at that time, if the Navy really wanted to focus on the considerations which were troubling Congress. To plead surprise now, at this point, when Litton and the Navy were already on notice that these questions were being raised, I do not think reflects any better faith or good will than the attitude of the Senators who are sponsoring this amendment.

This is an important policy change that is being made with respect to the construction of our destroyers, and it ought not to become frozen in concrete until all of the inputs possible have been made.

The Senator says that Congress has already approved this single ship procurement policy for destroyers; but not in any deliberate, considered way, insofar as the total membership of the House of Representatives and the Senate is concerned.

I do not know what discussion there was of these factors in the conference committee to which the Senator has referred, but the Senate has not deliberated

in any such way on this question. The House of Representatives did, and the House as a whole adopted the amendment dictating the splitting of this contract between the two shipyards. So if there has been any liberation, the deliberation is all on the other side of the position taken by the Senator from Mississippi.

The PRESIDING OFFICER. The Senator's 5 minutes have expired.

Mr. MUSKIE. I yield myself 3 more minutes.

Let me cover one or two points that have been raised by the distinguished Senators from Mississippi. First of all, Senator EASTLAND has said Litton's costs were lower because it has the best U.S. facilities for building these ships.

Let the RECORD show, Mr. President, that both proposals, Bath and Litton, included completely new facilities, designed specifically to build destroyers. Both shipyards would have had modern, up-to-date shipyards. There is nothing to choose between them.

Second, I point to Bath's record in building destroyers. If there is a shipyard in this country identified as a destroyer building yard, it is the Bath Iron Works. Everyone who has ever served in the Navy on a destroyer knows that. Earlier today, I put into the RECORD the fact that Bath has built more than 160 destroyers during its existence. In 1 month during World War II it sent down its ways more destroyers than were built by the entire Japanese Empire in World War II. Bath is a destroyer building shipyard.

So if we talk about which yard can build a better destroyer, if we are to rely on the record, it leads to only one conclusion: Bath. Litton has never designed a destroyer before. Litton has built, at most, two small destroyers. Gibbs and Cox, which designed the Bath ship in this competition, has designed almost all if not all the destroyers that have been built for the U.S. Navy since the 1930's.

If we are talking about quality, record, and performance, Bath has that record of performance, far beyond that of any other shipyard in this country, let alone Litton, which is not a destroyer-building yard and has no record in this respect.

So what we are talking about, Mr. President, is this: The Navy has found that both yards proposed good, acceptable ships. What we are talking about now is not the competition between the two, but whether or not these 30 destroyers are to be built in one yard or in two yards, in the national interest. It is no longer a question of competition between Bath and Litton. There may be questions emerging out of that competition yet to be answered, as my distinguished colleague from Maine has suggested. But now what we are considering, and conceivably for the last time, with the last opportunity to act, is the question of whether or not the Nation's interests are best served by a split in this contract.

I submit that for the reasons I have given earlier, those interests are better served in that respect.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator's 3 minutes have expired. The Senator has 8 minutes remaining.

Mr. MUSKIE. May I ask the distinguished Senator from Mississippi whether he would like more time than remains to him?

Mr. STENNIS. Mr. President, how much time do I have?

Mr. MUSKIE. I have 8 minutes, and the Senator from Mississippi has 10. I would be glad to split the time.

The PRESIDING OFFICER. The Senator from Maine has 8 minutes, and the Senator from Mississippi has 2 minutes.

Mr. STENNIS. Does the Senator from Maine want to use more time?

Mr. MUSKIE. I reserve the remainder of my time. I have a few more remarks to make, but they will not consume 8 minutes.

Mr. STENNIS. Does the Senator wish to proceed now?

Mr. MUSKIE. No. I yield at this time.

Mr. STENNIS. Mr. President, I understand that this does not cut off debate on this subject, that tomorrow we will have controlled time.

Referring again to the letter I have just put in the RECORD, Mr. Warner, Acting Secretary of the Navy, says:

> The actual cost impact of the proposed Amendment would not be known until the Government negotiates with the prime contractor—but it is clear that the costs could be substantially higher than even the $225 million increase which has been estimated for up to a 20/10 split of the program. Without a significant increase in program funding the use of a second shipbuilder will substantially decrease the number of ships the Navy will be able to procure.

Now we are getting down to the hard part of this matter. He says a minimum, substantially higher than $225 million. That is a cost increase of a quarter of a billion dollars, we might say. We have been working 5 weeks here in an attempt to reduce this bill. The Senator from Maine voted just the other day for a $5.2 billion decrease, which was all right. But now let us not get the facts mixed up.

This amendment would add hard dollars, at least a quarter of a billion dollars, for this shipbuilding program alone; and I will refer to that again.

I do not think it would be fair to the Senator to ask him if he would have offered this amendment had Bath gotten the contract. I am not asking him that question. He speaks in behalf of a fine company. Nevertheless, they went to bat, they played the game according to the rules, and they lost; and now they want to turn around and say that not only do they want to change the rules but also the score and the result of the game. I do not believe we can do that. We should not set such a precedent, and I do not believe we will.

Mr. President, the distinguished Senator from Maine (Mr. MUSKIE) has now revised his amendment so as to require a subcontract procedure with respect to the DD–963 rather than two separate contracts. This revision has some very significant implications because, by calling for subcontracts, the Senator from Maine must be held to have admitted that the contract with Litton is valid and binding and that there were no irregularities in the industry competition source selection procedure and the award of the contract. This also admits, at least by implication, that there was no "buy-in" on the part of Litton and, additionally, that Ingalls Shipbuilding Division has the capabilities and facilities to carry out the contract and construct ships required by it. These things are implicit in the Senator's amendment because the proposal for a subcontract presumes the existence of a valid prime contract.

Nevertheless, Mr. President, I strongly believe that it would be a very serious mistake for the Senate to adopt the Muskie amendment. If it should become law it would set an extremely bad precedent and throw the entire military contracting procedure into chaos and make a mockery of the defense source selection machinery. I think we should all be aware of this situation.

If we establish the precedent that we can by legislation interfere with contract awards and require subcontracts by the prime contractor, then all defense industries and other Government contractors had better beware.

If we can do this to the DD–963 program, we can also do it to the Air Force's F–15 fighter aircraft program, the contract for which has been awarded to McDonnell Douglas Aircraft Co. of St. Louis, Mo. We can also do it to the Grumman Aircraft Co. at Bethpage, N.Y., which holds the contract for the Navy's F–14 aircraft. We can also do it with respect to the Poseidon missile, the contract for which has peen awarded to Lockheed Aircraft at Sunnyvale, Calif. We can also do it to the B–1 aircraft—the follow-on strategic bomber—the contract for which has been awarded to North American Rockwell at Los Angeles, Calif.

We can also do it with respect to the Navy's S–3A aircraft, the contract for which has been awarded to Lockheed Aircraft Co. at Burbank, Calif. Similar action can be taken with respect to the Airborne Warning and Control System (AWACS), the contract for which has been awarded to the Boeing Co. at Seattle, Wash. It can also be done to the SAM–D ground-to-air missile, the contract for which has been awarded to the Raytheon Co. at Medford, Mass. We can also do it with respect to the Main Battle Tank—MBT–70—the contract for which has been awarded to General Motors Corp. at Cleveland, Ohio.

I think we would all be concerned by a precedent such as this. The point that I am making is that what we are asked to do to the award of the DD–963 destroyer contract today can be done to any other weapon system tomorrow if we establish this precedent. The precedent, in my opinion, would bear bitter fruit which we would live to regret. There is no reasonable rationale or logic whatsoever for the Senate to undertake to pass on contract awards and change the obligations of contracts already entered into by the Government.

Mr. President, although many issues have been raised with respect to the DD–963 contract to Ingalls Shipbuilding Division, the basic and central issue in

question is very clear and simple. That is, that after more than 2 years of intense industry competition, under ground rules established in advance and known to all competitors, Ingalls was awarded the contract. Bath Iron Works of Maine was the losing finalist. What we are really being asked to pass upon is the question of whether or not Bath, after having lost the competition because its bid was not lowest and best, should now by legislative action be awarded a part of the contract it was unable to win in regularly and legally conducted competition. This is what the whole thing boils down to, regardless of any other issues that might be raised.

I think it is far too late in the day for us to adopt an amendment of this nature. As you will recall, last year the House bill contained a provision requiring the construction of the DD–963 in at least three shipyards. This provision was removed in the conference and the House conference report dated November 4, 1969, contains this statement:

> Because of the advanced state of the contracting procedures for this class of destroyers, the conferees agreed to remove this requirement on this class of destroyers at this time.

If the contracting procedures were in an "advanced state" last year, they are certainly far more advanced at this time. As a matter of fact, they are certainly far more advanced at this time. As a matter of fact, the contract has been awarded and the competition has been concluded. While I can understand the desire of the Senator from Maine to obtain a portion of this business for the shipyard located in his State, I think that it would be disruptive in effect, would increase the cost of the program, and would delay ship delivery. Certainly, Litton could not be expected to build 15 ships at the same unit price as it offered to build 30. I am compelled to wonder whether Bath or any other shipbuilder would accept a subcontract for 15 ships at the same unit price bid by Litton for 30 ships.

The Acting Secretary of the Navy has advised me that the actual cost impact of the proposed amendment would not be known until the Government negotiated with the prime contractor. However, he stated that it is clear that the costs could be substantially higher than even the $225 million increase which has been estimated for up to a 20/10 split of the program. Therefore, without a significant increase in program funding, the use of the second shipbuilder will substantially decrease the number of ships the Navy will be able to procure.

We have been hearing a lot of arguments for reducing military spending on the floor of the Senate during the last several weeks while this bill was being considered. Many Members of the Senate have consistently voted for amendments proposing reductions in spending. If these Members are really in favor of economy in defense procurement and reduced spending, then certainly if they are to be consistent, and if they are to vote in accordance to the principles which they have so repeatedly expressed, they cannot and will not support the Muskie amendment.

Within the past few days the Government Accounting Office has submitted a letter report on the investigation which it made of the DD–963 contract. One of the points which it inquired into was the question of the credibility of the "best and final" offer of Litton and the possibility that there was a "buy-in" action on the part of Litton. As a part of the General Accounting Office's investigation into this matter, the Defense Contract Audit Agency made an audit of the difference between the third and the "best and final" offers of Litton on this matter. In general, it found that the "best and final" offer was reasonable, justified, and supportable. The General Accounting Office took no exception to this and, therefore, it appears that the question of a "buy-in" has now been completely laid to rest.

The issue now being urged is with respect to the advisability of the Navy's procurement plan and its potential influence on future competition in the shipbuilding industry. Having been unable to get the contract award by the established and recognized competitive procurement practices, it would appear that Bath now wants the Senate to intervene, upset the award, and give it a share of it. However, I do want to discuss briefly the questions which this issue raises. Let me emphasize, I have only the highest regard for both.

The question of the effects which the procurement approach may have in future competition within the shipbuilding industry is much more a question of judgment and opinion than was the "buy-in" issue. This is reflected by the GAO letter report. Most of the concern voiced by the GAO have been considered by the Navy since the inception of the DD–963 program. The major difference in opinion lies in the evaluation of the extent of risk involved. As was properly stated in the report, the Navy's opinion is that this risk is low, and that the procedures involved in the contract will result in the surfacing of incipient problems in time to solve the problems before the contractor's ability to perform has been jeopardized. It would appear that the Navy was in the best position to make a judgment on this point.

There is general agreement in industry that a shipbuilder requires a sizable production commitment if he is to be able to produce ships in the most economical manner. This fact is borne out by studies by Webb Institute and the Maritime Administration, as well as by the Navy and the shipbuilding industry itself.

From the beginning of the DD–963 program in 1966, the Secretary of Defense stated repeatedly that the approach to this program acquisition would centralize the design and production of the total program in one prime contractor. The Navy advised Congress of this intent during hearings in 1967 and 1968, and Congress strongly supported the program. Congress has been fully informed of the Navy's procurement plans since 1967. In addition, this ground rule, that is, the "all to one builder," was published to industry when the Navy went out with the request for proposals for the DD–963 on February 15, 1968. This ground rule has never changed. It was known to all of the competitors. It was accepted by all of the competitors just as it has been accepted by the Navy, the two Secretaries of Defense, and by the Congress. The Senator from Maine raised no question to his ground rule until after his shipyard lost the award. To adopt his amendment would be a clear case of changing the ground rules after the game is over. I do not believe that the Senate wants to do this.

The fact is, Mr. President, that the procedure used on this program was deliberately intended by the Navy and the Defense Department to be a major departure from prior ship procurement programs. This procedure was followed in recognition of the rising costs of ships and as a result of a specific effort to minimize ship operating costs by having them as nearly identical as possible. The DD–963 program is distinguishable from many large programs—the C–5A, for example—which have been the subject of criticism because this program does not involve any large-scale research and development effort. It is a design and production program—not a research and development program. The production is based on engineering state-of-the-art and the risks associated with it are minimal.

Let me remind the Senate that we very recently had before us the amendment by the distinguished Senator from Delaware (Mr. WILLIAMS) who is justly noted for his rugged honesty and integrity. The purpose of that amendment was to preclude the making of announcements of defense contract awards by Members of Congress and the primary reason advanced in support of the amendment was that it raised the suggestion of political influence if members were permitted to make such announcements. We all agreed with this thought and the amendment was unanimously adopted.

Now we have before us an amendment which would compel a subcontracting of approximately half of the DD–963 destroyer program, despite the contract award which has been made on its merits by the Navy. I can certainly understand that the Senator from Maine wants some of this business to go to his State, but the procedure which he would have us follow does far more than "suggest" political influence. His amendment, if adopted, would be political influence of the most direct, flagrant, and blatant type because the Senate, or a majority of it, will have passed final judgment on a military contract award.

Mr. President, if we adopt this amendment we may as well add another amendment to the bill, to the effect that no contract award by the Defense Department or any other Government agency shall be final or binding until it has been submitted to and approved by the Congress. If we interfere with one Government contract award by compelling the prime contractor to subcontract a portion of it, certainly we are taking upon ourselves the responsibility to look at others. There is certainly no reason to single out this contract which, so far as

the debate here shows, is entirely free of any suspicion or any irregularity whatsoever.

I hope that we will all look to the future and realize that if we establish this precedent that we are going to intervene and require a subcontract in such cases, we are inviting more trouble than can possibly be imagined. The contractor will no longer be certain of his position. He will necessarily have to increase his bid against the contingency that he might be required to subcontract a substantial portion of the program. The question of whether or not there should be subcontracts will no longer be determined upon the merit. It will finally be determined by who has the most votes or the most political influence in Congress. True competitive procurement will go out the window.

Mr. MUSKIE. Mr. President, may I say that on the record I have been opposed to the single-ship procurement policy from the beginning.

I have already recited for the RECORD this morning the circumstances which led to Bath's involvement in this procurement competition. Bath had bid on eight of 17 LST's about 4 years ago, and Bath's per-unit cost was $500,000 lower than that of the next lowest bidder. But because the Department was committed to this total procurement concept, Bath did not get that bid. All 17 ships went to the next lowest bidder.

I got in touch with the Department of Defense to ask specifically whether there was a future for Bath in the shipbuilding industry for the Navy, and we were told, with no options, "Either you get into this our way or get out of the shipbuilding business." This is why Bath was involved—not because I thought it was better to build all these ships in one yard, not because Bath thought it was better, but because there was no other choice.

That does not make it a sound policy, may I say to the distinguished Senator from Mississippi. I say to the Senator that this policy was not adequately reviewed by Congress at that time. We went forward with such a policy as the result of a decision in the executive branch, a policy which I think we ought to review at this time, while we still have a chance.

Let me summarize recent events which have occurred and the reasons why I believe a change in policy is mandatory at this time.

Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4½ minutes.

Mr. MUSKIE. I yield myself 3 minutes.

During the past 3 years the fact that large and diversified shipbuilding backlogs are virtually unmanageable has become clearly evident. Schedule slippages and overruns at shipyards owned by Avondale, General Dynamics, Litton, and Lockheed are a matter of record.

Total package procurement has in large part been discredited, most recently by the Fitzhugh report—just issued this past summer—and the DD–963 program was essentially a total package procurement.

Evidence that the largest American corporation, such as Lockheed, the Penn Central Railroad, General Dynamics, and LTV, are susceptible to failure under certain circumstances has surfaced recently. This fact, in my opinion, makes highly questionable the wisdom of placing too large a percentage of our defense dollars in the hands of a single corporate entity.

The country's economy has taken a serious downswing which makes it more important than before to balance our defense spending geographically.

The Nixon administration's Blue Ribbon Defense Panel, headed by Mr. Fitzhugh, has within weeks recommended that huge defense contracts be divided where possible to avoid overconcentration and to maintain a reasonable mobilization base. If the report of this team of experts had been made 6 weeks earlier and if the Department of Defense had heeded the advice of this committee, it is probable that the Navy would have divided the DD–963 contract. And the contract should be divided now.

I yield to my distinguished colleague from Maine, Senator SMITH.

Mrs. SMITH of Maine. Mr. President, I listened with interest to the distinguished Senator from Mississippi when he stated that the Navy had told him that the increased cost would be $225 million. I think this is somewhat suspect, since Admiral Sonenshein increased that from $225 million to $600 million in about 6 weeks' time.

AMENDMENT NO. 862

Mr. MUSKIE. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mr. EAGLETON). Without objection, it is so ordered.

Under the previous order, the Chair now lays before the Senate amendment No. 862 which the clerk will state.

The assistant legislative clerk read as follows:

SEC. . (a) In accordance with public statements of policy by the President, no funds authorized by this or any other Act may be obligated or expended to maintain a troop level of more than two hundred and eighty thousand armed forces of the United States in Vietnam after April 30, 1971.

(b) After April 30, 1971, funds herein authorized or hereafter appropriated may be expended in connection with activities of American armed forces in and over Indochina only to accomplish the following objectives:

(1) the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971;

(2) to secure the release of prisoners of war;

(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces; and

(4) to provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

Provided, however, That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American Armed Forces are exposed to unanticipated clear and present danger, he may suspend the application of paragraph b(1) for a period of not to exceed sixty days and shall inform the Congress forthwith of his findings; and within ten days following application of the suspension the President may submit recommendations, including (if necessary) a new date applicable to subsection (b)(1) for congressional approval.

Mr. HATFIELD. Mr. President, I yield 30 minutes to the Senator from Iowa (Mr. HUGHES), one of the cosponsors of this amendment.

Mr. HUGHES. Mr. President, I thank the distinguished Senator from Oregon for yielding me this time.

Mr. President, as we move to consider the end the war amendment, we get to the target center of what is the overriding issue before the American people today.

Shall we, at long last, take the decisive steps to end American military involvement in Southeast Asia?

Or, shall we continue present policies, which, whatever their merits may be, give no real assurance of total military disengagement?

Whatever else we are accomplishing by this debate, we are keeping faith with the American people by bringing this central issue to a vote.

The debate on our military policies has been long and impassioned between responsible elected Representatives of the people. Representatives who are alike in their devotion to the national interests but deeply divided on exactly what our national interests are and on the policies that will most effectively implement those interests.

I am deeply grateful to the distinguished chairman of the Armed Services Committee, the Senator from Mississippi (Mr. STENNIS), and his colleagues of both parties, who have carried the administration's side of this issue, for the fair- and high-minded plane on which they have conducted the debate.

To question the motives of the dedicated men in this Chamber, who have fought the uphill battle against traditional public attitudes to bring about this vote on a definite plan to end the war, would be an incalculable disservice to a free people.

We disagree in matters of judgment—not in fundamental objectives nor in devotion to our country.

I have never met more devoutly patriotic men than the Senator from South Dakota (Mr. MCGOVERN), the Senator from Oregon (Mr. HATFIELD), and the other sponsors of the amendment to end the war.

If I am convinced of anything about the American people, it would be that every responsible American wants to support his President, in time of war, regardless of party differences.

The optimum solution for ending our involvement in Indochina would be for the President to take the necessary moves to get all of our troops out and to create the necessary preconditions for giving peace negotiations a credible chance of success.

I do not question that this is what the President wants.

But one after another of the current news reports tell us the familiar story of increasing involvement, as the dispatch of yesterday that said:

Fresh evidence that American planes are carrying out direct bombing missions in support of the Cambodians came through a Cambodian radio at a government strongpoint near Phnom Penh yesterday.

We are repeatedly told that the only way we can safely withdraw our troops is by extending our engagement.

The pronouncements of the Vice President in his recent trip to Southeast Asia give little solace to those who believe we should get out of Southeast Asia as soon as it can be safely and systematically done.

Although Mr. Nixon acknowledges that the settlement in Indochina must be political, not military, our policies, in point of fact, continue in hot pursuit of a military victory.

The President continues to refer to peace negotiations, and his appointment of Ambassador Bruce to the Paris peace talks was a commendable and statesmanlike move. But at the same time, Mr. Nixon pledges our country to the perpetuation of the Thieu-Ky regime in Saigon. Flatly, this objective and the objective of realistic peace negotiations in Paris are mutually incompatible.

In this country, the pendulum of public opinion about the Indochina war has swung back and forth between deep concern and apathy—or despair. For a number of months, following last November, an almost unbelievable amnesia enveloped the Nation—a lapse of memory about the on-going horror of the killing, maiming, and destruction in Vietnam. Then, for a time, the fog lifted.

The revelations of My Lai shocked us into awareness of how this war is brutalizing our own people. The discovery by news correspondents of the extent of our Government's involvement in Laos aroused new doubts and apprehensions. The invasion of Cambodia was the straw that broke the camel's back.

In the heat of the national concern over the Cambodia invasion, I believe that the passage of the amendment to end the war would have been assured.

Now the cutting edge of the public protest has somewhat dulled, although I am convinced that the deep-lying sentiment is as strong as ever.

In my own State, the untold story, as I see it, is of the peace movement that has emerged in the small communites of middle America—not among the youth, who were already with it, but among the calm and established adult citizens of these communities.

The on-going story of the Indochina war is one of abstract comparatives. There were "fewer casualties" this week than the week before—or than 6 months before. We tend to lose sight of the fact that the men killed are flesh-and-blood people, not statistics, and that for each one killed there are many others horribly maimed or otherwise incapacitated.

But I am convinced that an increasing multitude of people who have been quiescent up to this point are beginning to believe that our continued involvement, reduced in numbers and modified in form though it may be, cannot be justified as being in our national interest.

They no longer can accept the idea that the sacrifice of American lives is justified in our crusade to save Asia from communism—which, in Vietnam, amounts to perpetuating one corrupt, dictatorial military regime against another.

These middle Americans have become aware of what this war is doing to our economy, to our domestic order, to our hopes for meeting vital national needs in education, in welfare, in medical research, in equal opportunity, in the alleviation of poverty, in the preservation of our God-given natural environment.

We cannot take care of our sick and needy, purify our diseased waters, resolve racial tensions, or provide citizens equality of opportunity, because we are fighting a war—a war that many of us believe is not to protect ourselves, but to assert ourselves—in accordance with an outworn militaristic code.

I do not question for a moment the sincerity of those who believe that the President is getting us out of Southeast Asia. I do not question for a moment that this is his intention.

But the overwhelming evidence—the facts—simply do not support the thesis that we are really getting out.

I believe we should withdraw from Southeast Asia, not simply because the continuation and expansion of the conflict are senseless and destructive of our national interest, but because our involvement in civil wars between military dictatorships in a distant continent is wrong—ethically as well as practically wrong.

The effect of the expanding war on our economy, particularly on the prices the middle American is paying at the marketplace, is a compelling consideration. But what really hurts is what this war is doing to twist and dehumanize ourselves and other human beings.

And what really counts is how we are letting our domestic society—the front line of our national defense—disintegrate while we try to solve the political problems of the peoples of Asia who view our intervention with the same enthusiasm with which they would greet an onslaught of the plague.

What a confusion of purpose and idealism we show in the many facets of our war policy in Asia.

In my office recently, a 20-year-old Iowa boy told me:

I can't understand why people don't see that the aim of the so-called Vietnamization is the ultimate in immorality. It is simply an effort not to stop the war, but to shift the burden of the killing from white people to Asians, with the United States paying the bill.

We are the most powerful Nation yet seen by the human race. Yet there are finite limits to our power. Realistically, we cannot impose by military force the kinds of government we want on the countries of Asia. Moreover, we have no God-given right to do this. We have sacrificed 51,000 American lives, more than 260,000 wounded, and upward of $180 billion in resources to perpetuate a military dictatorship in South Vietnam that represents no more than 15 or 20 percent, by estimates, of the South Vietnamese people.

And think of what we have done to the people and the countryside with our strategic and tactical bombings, our napalm, our herbicides, our destruction of whole communities "in order to save them."

President Nixon has now been in office for 588 days. In that time, 12,908 men have died in combat and another 3,000 or so have died in accidents in Vietnam. During the same 588 days, an additional 94,889 men have been wounded.

Mr. Nixon has reduced the level of combat, for which he deserves full credit, but the average daily casualty rates remain at a level that I believe is simply unacceptable. Since January 20, 1969, an average of more than 22 American men have died each day; 165 men have been wounded each day.

Even if that rate should drop further—to 100 casualties a day, or 50—I am sure no one in this Chamber would call that "acceptable." What we need to do is to stop the sacrifice of American lives.

The President's policies have reduced casualties and brought some troops home. But they have not brought us closer to peace and total disengagement. And I am sure that this is what the American people believed Mr. Nixon had in mind when he said 2 years ago that he would end the war.

Mr. President, one of the most amazing and frightening phenomena of our times is the disparity between what our Government tells us is going on in Southeast Asia and what the news reports indicate really is going on.

The war has, in point of fact, expanded. It has widened in Cambodia without the consent of Congress and in direct violation of the will of the Senate. "Air interdiction" of supplies has become tactical support for the Cambodian army. The Washington Evening Star last week reported that the CIA is now operating guerrilla teams in Cambodia, as it has for years in Laos.

The longrun costs of the war are also still increasing. U.S. officials have now recommended an additional $200 million of aid for Cambodia. We are already giving $40 million per year in military aid. Laos is getting $50 million per year.

South Vietnam has requested an extra $200 million in economic aid. It is already receiving a half-billion dollars a year in military aid.

When will it all end?

One fact that seems to have escaped the public attention is that Mr. Nixon, since he has been President, has never, in my opinion, promised to withdraw all American troops from Vietnam. The most he has announced is a reduction to the 280,000 figure included in the present amendment. And newspaper reports suggest that the administration plans to keep residual forces of somewhere between 20,000 and 200,000 men.

Whatever the number of forces we leave in Vietnam, our leaving them spells prolongation, rather than cessation, of our military involvement.

In the course of my life, I have learned to admire men who have the courage to

admit that they have made mistakes. I believe the same truth applies to nations.

Many patriotic Americans believe that we made a catastrophic mistake by getting involved in Vietnam in the first place and that we tragically compounded that mistake by staying there and getting in more deeply.

While the war goes on, our country suffers. We suffer from the loss of 51,000 men who will never return to raise families or help their communities become better places in which to live.

We suffer because 150,000 men have been discharged from the service as invalids, over 10 percent of them totally disabled.

We suffer because the lifeblood needs of our society go unmet so that we can determine the political destinies of Asian peoples who detest us for our intervention.

Apart from all of the heartache, the loss of life and limb, the neglect of vital needs here at home, this war is costing the average American dearly—far beyond what he realizes. It cost the average American family $600 last year. Inflation, fueled by the war, cost the average American family another $350. Prices since 1964 have risen by over 25 percent. The middle American is paying for this war of unclear purpose and no visible end—and it hurts deeply.

What is the prospect if we do not change course?

Studies by Arnold Kuzmack and Charles Shirkey, both formerly with the Office of the Assistant Secretary of Defense for Systems Analysis, have concluded that, even at the current withdrawal rate and assuming no residual forces, 400,000 more Vietnamese will die; 5,400 more Americans will die and 42,500 will be wounded.

Many of these people can be saved—if we are willing to take the decisive step to end the war embodied in this amendment.

At some point, the step must be taken. Why not now?

Mr. DOLE. Mr. President, will the Senator yield for a question?

Mr. HUGHES. Mr. President, I am happy to yield to the distinguished Senator from Kansas for a question.

Mr. DOLE. Mr. President, the so-called end-the-war amendment provides that the war continue until March 1, 1972, as I understand it. How many casualties could be expected during that period of time?

Mr. HUGHES. The projected rate would depend on the rate of withdrawal and the duration of the war. I do not have the calculations before me.

Mr. DOLE. Mr. President, the point I make is that the amendment may be called an end-the-war amendment, but the war would continue under the amendment to March 1, 1972, about 18 months from now. If that is ending the war, it is a long last scene.

Mr. HUGHES. Mr. President, the Senator from Kansas is well aware of the fact that the sponsors of the amendment would like to end the war much sooner and that our amendment would permit an earlier termination. However, realizing the legislative process and the differences existing among the Members of the Senate, we modified the amendment to end the war to provide for the earliest possible total conclusion of the war. That was not the final product which most of us would like to have seen. But nonetheless, it is the best product that we thought we had an opportunity to win with.

Mr. McGOVERN. Mr. President, before the Senator leaves that point, will the Senator yield for a question?

Mr. HUGHES. I am happy to yield to the Senator from South Dakota.

Mr. McGOVERN. With reference to the timetable withdrawal deadline of this amendment would the Senator agree there is nothing in that amendment that requires us to stay that long? As a matter of fact, that is the outside limit unless there is some extension of the deadline by joint action of Congress and the President. But is there not a distinct probability that if we gave notice by passage of this amendment that we were withdrawing all American forces not later than 16 months from now, that would have the effect of inducing both sides to the negotiating table? It would have that effect in the case of Saigon because of the knowledge they could not count on us indefinitely to carry the major burden of the war and, therefore, they would be more inclined to settlement. In the case of Hanoi, by announcing a definite withdrawal timetable would we not remove much of the incentive they have for continuing the war in that it would not be in their interests if they knew we were leaving at a certain time, to be harassing our troops and making it difficult to carry out that withdrawal.

I ask the Senator if this amendment were agreed to would it not have a good chance of bringing about a cessation of hostilities even earlier than the 16-month deadline attached to the amendment?

Mr. HUGHES. Mr. President, I agree with the Senator that the probability is, that if this amendment should become the law of the land, many things would begin immediately to happen that would have force and effect on all nations involved: North Vietnam, South Vietnam, Cambodia, Thailand, as well as the United States, and perhaps also Russia and China with respect to supplies and shipping.

As the Senator pointed out, there is nothing to prohibit an earlier termination, if it is deemed logistically possible—as most of us believe it is—and practical, in trying to bring about a negotiated, diplomatic settlement of the war.

I believe the Senator is correct that Hanoi would appropriately conclude that chances for a negotiated settlement would be increased by the passage of this amendment, but that they would not increase activities against American forces remaining in Vietnam during withdrawal. I think it would have a tremendous impact on the Government of South Vietnam by implying to them that they are not going to be able to dictate a military settlement of the war, but that they must begin to negotiate with the objective of forming a government that is truly representative of the people of South Vietnam. Only through that process can they maintain peace in Vietnam and some hope of a democratic government in the process.

I believe that in our country the by-products would be immediately noticeable. We would see the product of our efforts not only in our young people, but also in large minority groups, which will realize that we are going to redirect our energies to take care of the cancerous problems of this Nation. Many of these things would start immediately upon the signing of the amendment into law.

I think the Senator is correct.

Mr. McGOVERN. It seems to me the converse is true under the present program. The present policy is an open-ended commitment today, and that is really what it is when the President says in effect that we are going to stay there until the South Vietnamese forces are prepared to take over. In other words, our policy is really attached at the present time to the maintenance of the Thieu-Ky regime. That seems to put our troops in a very dangerous position militarily because two things are happening under Vietnamization. On the one hand we are reducing the number of American forces but we are maintaining the same unacceptable political objective as far as the other side is concerned.

We are saying we are going to do whatever is necessary to keep the Thieu-Ky regime in power. That is clear, and it is something the other side will never accept. The war will go on as long as we insist that the Thieu-Ky regime stay in power, and our forces will stay there, if I interpret the President's Vietnamization statements correctly, until we feel that regime is powerful enough to stay in power without us. That, it seems to me, is an invitation to Hanoi and the Vietcong to continue the killing and the military pressure. All of that goes on at the same time we are reducing the level of our military forces in Vietnam. How much easier it would be if we announced that we were pulling out on a certain timetable; that we are not going to insist that the Thieu-Ky regime stay in power, and that we no longer see any political objective there that is worthy of a protracted war. That seems to be a much safer withdrawal posture for our forces.

Would the Senator generally agree with that analysis?

Mr. HUGHES. Yes, I would be in general agreement with the analysis of the Senator.

As the Senator knows, the Senator from Missouri (Mr. EAGLETON) and I introduced a resolution last fall which stated, in effect, that the administration in Saigon, the Thieu-Ky regime, should take all steps necessary to release political prisoners in Saigon, which are estimated variously between 16,000 and 100,000, and to allow free expression of the press. In the last calendar year 14 newspapers have been closed down. Many people who spoke out for peace or who advocated negotiation were put in prison, whether they were running for political office, writing editorials, or speaking in the Parliament of South Vietnam.

By proposing this resolution, we hoped to allow the people there to speak for themselves and to have a better opportunity to realize that our involvement there could be rapidly terminated with security and safety for our troops, and that it would probably be a better political solution for South Vietnam.

I am sure that those results would occur as a result of this amendment also.

Mr. DOLE. Mr President, will the Senator yield?

Mr. HUGHES. As the distinguished Senator knows, we are on controlled time. I am happy to yield to the Senator for a question regarding what I am stating, but he will have all the time he needs, and I assume it will be allotted to him by the chairman of the Committee on Armed Services. I am happy to yield to the Senator for a question.

Mr. DOLE. I understand we are on controlled time, but we should debate the amendment. I will be happy to yield to the Senator when I have time so the merits of the amendment can be debated.

Mr. HUGHES. I thank the distinguished Senator for agreeing to yield to the Senator from Iowa when he has time. I hope he will let me know when he takes the floor so I may have the opportunity.

Mr. DOLE. It will be today.

Mr. HUGHES. I thank the Senator.

Mr. DOLE. Why should the enemy negotiate if told in advance we are to get out not later than March 1, 1972; that is, if we give them notice we are going to pull out regardless, and I assume the Senator admits the amendment amounts to unilateral withdrawal and not one with reciprocity, regardless of the consequences.

Yesterday there was an example of what might happen. There was a shelling of an orphanage and 15 to 20 children were killed. This is the Vietcong terror we have read about and that some believe will never happen if there is a precipitate withdrawal by U.S. forces.

Why should the enemy be told in advance we are going to vacate South Vietnam no later than March 1, 1972?

Mr. HUGHES. I would like to comment that we do not condone the shelling of hospitals by the enemy and the killing and injuring of children any more than we do the indiscriminate bombing by the Vietcong or the North Vietnamese which has taken thousands of lives in Vietnam. The point we make is that we must treat our prisoners of war in such a way that the nations of the world will put pressure upon the North Vietnamese, the Vietcong, and others to treat our prisoners of war in accordance with the provisions of the Geneva Convention.

My point is that the North Vietnamese will not press when we are withdrawing and will be willing to negotiate.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HUGHES. Mr. President, will the Senator yield me 5 minutes?

Mr. HATFIELD. Mr. President, I yield 5 minutes to the Senator from Iowa.

Mr. HUGHES. I thank the distinguished Senator.

The North Vietnamese would understand that we were leaving and that we were leaving on an agreed-to timetable. Negotiations would then proceed, and it would be folly for the North Vietnamese to attempt victory. Negotiations at the peace table, with the North Vietnamese and the National Liberation Front represented, I am convinced, would lead to resolving the issues in a way that has not been attempted up to this time. I do not think that it would result in a hazard or that they would wait to begin a new war.

Mr. DOLE. In effect, we would be negotiating from weakness rather than from strength. That is what the amendment which I designate the amendment to lose the peace does. When we do not announce our timetable, we have some strength which would help bring about negotiations. We have an experienced negotiator there, an outstanding American, Ambassador Bruce. There is some hope that, within some weeks, they will get down to negotiations. In all sincerity, I believe that what we would do by announcing the timetable in advance would be to end any hope of ending the war through negotiations.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. HUGHES. I am glad to yield, but first let me say that I have never doubted the sincerity of the Senator from Kansas. I share the hope that we will have peace in South Vietnam. We have differing views on how that should be done, but his sincerity, and that of any other Senator, is not in doubt.

I yield now to the Senator from Oregon.

Mr. HATFIELD. Mr. President, I would like to add to what the Senator from Iowa has said. Rather than ask the cosponsors of the amendment, the Senator from Kansas should have the administration answer his question, because this question was posed to the Vice President of the United States on CBS's "Face the Nation" on May 3. Peter Lisagor asked the Vice President of the United States why the North Vietnamese would want to negotiate in Paris when Mr. Nixon has already stated that our objective is withdrawal. The Vice President answered that question, as posed this morning by the Senator from Kansas, in this way:

> Let us not forget that we are not the only ones negotiating in Paris. We are not the only ones fighting in Vietnam. After we leave the South Vietnamese will be there for a very long time.

Adding to what the Vice President of the United States said, let me say that there are there 1.25 million men in the armed services and local policemen under the control of the South Vietnamese Government, over five times the number of the enemy they face in South Vietnam. Therefore, to add to and to support the Vice President's contention that our stated policy is to depart, we are not going to leave a vacuum there even after full withdrawal of American troops. So I suggest that we let the Vice President answer the question of the Senator from Kansas, because he eloquently answered the question on "Face the Nation."

Mr. HUGHES. I thank the Senator from Oregon.

I shall be glad to yield a little time to the Senator from Kansas to respond.

Mr. DOLE. Of course, that does not answer the question. That is an agreement with the Vice President which I welcome, but the Vice President never said we should set a date and tell the enemy in advance that on that date we are going to vacate South Vietnam. It makes no difference how we slice it, what the sponsors of the amendment have done is to embrace and endorse the Vietnamization program——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield the Senator 5 minutes.

Mr. DOLE. But then in a kind of "one-upmanship" they fix the date, saying, "Well, the President says that we are going to have a 280,000 troop level by next April, but we want to fix the date and deny the President further flexibility."

It is incumbent upon the sponsors of the amendment to explain to the Senate today, or tomorrow morning, how the proposal differs from the Vietnamization program, except that it fixes the date, except that it notifies the enemy in advance of the time of that withdrawal, except that it prevents the President, whoever he may be, from negotiating for peace or the terms of withdrawal—and that right is reserved to the President in the Constitution. The Senator from Kansas is not the Commander in Chief, nor is the Senator from Iowa, nor is the Senator from Oregon, nor is the Senator from South Dakota. It is a serious question we must resolve, which I want to emphasize, before we vote on the amendment tomorrow.

Mr. HUGHES. Mr. President, the amendment to end the war provides for safe and systematic withdrawal of U.S. forces.

It provides for negotiation for the release of our prisoners of war in enemy hands.

It provides for asylum for any Vietnamese who might be endangered by our withdrawal.

It opens up the possibility of constructive peace negotiations by setting forth a definite schedule of withdrawal. But this schedule is flexible and does not tie the President's hands.

It is the way to terminate this conflict—not with dishonor, but with prudence and with pride in doing the right thing.

As Prof. A. Doak Barnett of Columbia University recently said:

> If we move in the direction of a definite total withdrawal on the basis of a timetable . . . it will stimulate the Asian countries to face up to a greater extent to their own problems, to grope for broader international relations, to try to see what degree of reasonable cooperation is necessary and possible.

In other words, it will foster the President's own avowed doctrine.

Combat soldiers from my own State have sent me from Vietnam some of the wisest commentaries on the war I have heard.

One GI wrote:

> We are still trying to win a military victory in a situation where there can only be a political settlement. Will we never learn?

Another wrote:

Don't worry about the young people of our country. If our national security is threatened, they can be counted on. But in this war, our national security is not being jeopardized. We are interfering in the internal affairs of distant peoples whose customs and national aspirations we don't understand. The Vietnamese look at us with hate and distrust. All they want is to till their land. They want us to get out.

Said one seriously wounded soldier:

I haven't seen anything over here that is worth the life of one GI.

And finally, an older GI who had been a schoolteacher wrote:

I realize our fathers turned out in 1941, almost without protest. But then they had some idea of what they were fighting for. . . . I have no complaints about my treatment here. But I would not want any of my friends, my relatives, or my sons—if I ever had any—to get involved in this nightmare.

Mr. President, the time has come to end American involvement in the Indochina war.

The time has come for a realization that the byproducts of that war are not confined to the South Vietnamese or the Cambodians or the Thais, but are internally affecting this country to the point where this Nation is divided as it has never been since the Civil War. This war has torn the this country asunder. It has resulted in some of the worst violence we have seen, to the point where people are losing hope.

I think it behooves us to realize that the mightiest Nation on earth, the Nation that has the greatest scientific and technological capabilities, the greatest educational system, and the greatest food- and fiber-producing capabilities ever seen in the history of mankind, certainly has the wit and reason, at this point, to realize the great internal damage to this country caused by this tragic war. We see a drug epidemic in our land. We hear people continually wondering aloud what the purpose of this Nation is.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. HUGHES. One-half minute.

Mr. HATFIELD. I yield the Senator from Iowa 1 additional minute.

Mr. HUGHES. Mr. President, I think this is the greatest soul-searching time for America in the last hundred years—a time to really try to understand what we are doing in Southeast Asia in the name of the United States of America—this great and free democracy.

It is time we realize that we have a responsibility to be a standard bearer in demanding an end to the destruction of lives and the environment of South Vietnam. We should also realize what this great country, greater than any other ever conceived by man, is doing to South Vietnam, in the name of defending the freedom and the rights of that country.

As we come to understand these things, surely we can reconcile ourselves to accept the fact that the final outcome of the war in South Vietnam will be a diplomatic and a negotiated decision, not a decision won by the military forces of this Nation. And we, in our hearts, must reconcile ourselves to lending the support we believe is absolutely essential to making this decision, which we all would like, in future years, to be able to look back upon as being one of the most courageous moments in the history of our country.

Mr. HATFIELD. Mr. President, I yield myself 1 minute.

I wish to say, as one who has been associated with the Senator from Iowa for many years, as a fellow Governor and now as a fellow Senator, that I have known him to be not only a man devoted to the political duties of his office, but one moved by his duty to his fellow man. I believe his speech has added not only political and diplomatic data to this debate, but that he has infused it with the warmth of compassion and humanity, demonstrating his devotion as a person concerned with the welfare of other people.

At this time, Mr. President, I am honored to yield 15 minutes to my very good friend and able colleague from New Jersey (Mr. CASE).

Mr. CASE. Mr. President, in my lifetime I have not known a public issue more perplexing or a problem more agonizing than that of American policy in Vietnam.

Other problems have had—and still have—more apocalyptic connotations, for example, the unleashing of atomic and nuclear energy, or those that we are just now beginning to recognize relating to mankind's destruction of the environment on which his and all other life depends.

But, however awful these latter matters, our role in regard to them has somehow been, and I think will continue to be, vastly less difficult than those we have faced, and still face, in regard to American policy in Southeast Asia. The answers, though drastic and of immeasurable consequence, somehow have been and are easier to come by.

A few people—perhaps they have been the lucky ones—have found or professed to find no difficulty in deciding what we should have done in Southeast Asia. But for most of us—certainly for me—this has not been true.

Despite nagging doubts, I felt that, on balance, for a time what we were trying to do made sense, that is establish an essential measure of stability in that great area of the world in which chaos threatened as a result of the destruction and upheaval resulting from World War II. I have never agreed, and still do not, with those who feel that our actions made no sense at any time and that the lives lost and treasure spent were frittered away in meaningless violence.

I do not mean to argue this now, but merely to sketch the background against which my thinking in regard to the war in South Vietnam has developed.

Some time ago I began to feel that, however good our intentions, however sound and even useful our actions may have been in the early and middle years of the conflict, the time had come for a fundamental reappraisal of American policy. It became more and more clear to me that the period of diminishing returns had set in and that a continuation of our policy as it had been carried out would lead only to an endless war with endless American casualties, and endless drain on our treasury, and endless destruction in Vietnam itself.

It had become clear that while we could not be defeated in battle, neither could we win a military victory without unacceptable risks of great power involvement and a third world war.

It had become clear, too, that unless the South Vietnamese regime took drastic and far-reaching steps to reform its policies, to broaden its base of support and to prepare itself for its own defense, it would never be able to survive upon our withdrawal—whether that occurred in 60 days or 6,000 years. It seemed clear, finally, that, since we were doing substantially all the serious fighting and were supporting their economy with billions of American dollars, they would never change their ways unless we forced them to by insisting that our support would continue only for such period as would give them a reasonable chance to shape up.

And, so, I became an advocate of the proposition that we should fix a definite date for our complete withdrawal, announce this decision publicly and stick to it.

Since I did not, and do not, want to see chaos result in South Vietnam after we leave, I have always felt, and I still feel that this date must present a reasonable period in which the South Vietnamese may put their own house in order. The only problem, then—and a most difficult one—is to determine what that date should be.

No one could be absolutely sure about this. But the best advice I could get was that given by Dr. Edwin Reischauer, one-time U.S. Ambassador to Japan and a lifetime student of the Orient. He suggested about a year ago that the end of 1971 would be reasonable. I have not seen anything which causes me to think his suggestion is very far from the mark.

And, so, I have been happy that the so-called Hatfield-McGovern amendment has been modified by its chief sponsors to provide, in effect, for American withdrawal from South Vietnam by the end of 1971.

I know that there are stated limitations on U.S. military activities in and over South Vietnam between April 30 and December 31, 1971, but the range of activities permitted during that period leaves with the President his full authority as Commander in Chief to provide for the defense of American forces in that period, and of this I fully approve.

The argument has been made that to fix a definite date for our withdrawal means only an enemy victory. It is claimed that North Vietnam will just sit and wait for the time to pass and then, when we are out, come in for the kill; that she will never negotiate because she has no need to.

The answer to this is, and I think always has been, that North Vietnam will never negotiate unless she feels that American withdrawal, whenever it occurs will leave South Vietnam able to defend itself. And the course I suggest, and that implicit in the pending amendment, is the only course offering a reasonable chance that the South Viet-

namese will make themselves capable of their own defense and of continued existence as an independent state.

And, so, by fixing a date for our withdrawal and sticking to it so long as that date is reasonable, we will be taking the only course which might lead to successful negotiations. The North Vietnamese will negotiate when they feel that they can get a better deal now than they might if they waited and had to face a South Vietnamese nation strong and determined to defend itself.

I applaud the President's decision to turn from escalation to deescalation of America's participation in the war and I approve of the actions he has taken over the past year to implement that decision.

My difference with the President on this matter is precisely this: He has made our continued withdrawals dependent upon South Vietnam's progress in building its own defensive strength. This, it has always seemed to me, leaves the initiative where it should not be—with Saigon, and not with the United States. South Vietnam can defeat our purpose by failing to take the steps necessary, and many of them will be hard steps, to assure she becomes capable of her own defense and continued existence as a nation.

The pending amendment would return the initiative in this matter to the United States, and this is where it must remain.

Is December 31, 1971, the right date? At this moment no one can be absolutely sure.

But one can say this. If the period is too long, the President can shorten the process of withdrawal to whatever extent he finds possible.

But what if the period is too short? The answer is equally clear. All the President need do is come to Congress and, with any kind of supportable case for an extension of time, he would surely get it. Why do I say this? I say it because if the President makes it clear to the country that a longer time is needed, the Congress will surely grant it. And if the case cannot be justified before the people of America, then it will not warrant further loss of American life and further expenditure of our material resources. I am confident that the people can be trusted to make the right decision in this matter and I am confident that the Congress can be counted on to reflect the people's will.

This is the way in which the great decisions of war and peace must be made in democratic America.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CASE. I am happy to yield.

Mr. DOLE. The basic point is illustrated by the very able Senator from New Jersey. It is, When will we withdraw from South Vietnam? I am wondering how the Senator from New Jersey interprets the present version of the Hatfield-McGovern amendment, which is No. 5 or No. 6—from the President's Vietnamization program.

What is the difference between the President's program and the so-called end-the-war amendment? Even under the end-the-war amendment, the war can continue for 18 additional months. It may be that the President would end it before that time.

Why, at a time, as the Senator from New Jersey has pointed out, when the President has changed the course of the war, should we attempt now to say to this President, who will remove over 80 percent of the combat troops out of South Vietnam by next May, "The course you follow is incorrect; it is correct only if the Senate or Congress can fix an absolute date"? To me, this is Vietnamization with a fixed date. I do not know what else it can be called.

Mr. CASE. I am glad that the Senator from Kansas took my interposition seriously enough to engage in this colloquy, because I have tried to come to the nub of this matter in my remarks.

As I said in my remarks, I approve thoroughly of what the President has done in changing the course of the war. President Johnson's policy was to raise the ante. President Nixon recognized the fallacy of this, the great wrong in it, and changed the course of the war; and I think history will show that it was probably his greatest contribution as President of the United States. I applaud thi..

Where I differ with him, as I point out—and precisely the point of my difference with him—is that he has said that the continuation of the withdrawal of our troops must depend upon a corresponding increase in the South Vietnamese ability to defend themselves. This places the initiative on the South Vietnamese. It gives it to them instead of to us.

So long as, for example, under President Johnson we were doing the bulk of the fighting, the great bulk of the fighting, and were putting billions of dollars into their economy just to keep them alive—and literally hundreds of South Vietnamese were getting rich in the process, while our men were dying—they never would make any effort to change the situation. I must say that this problem was compounded by the failure of our military to the South Vietnamese at that time. I thoroughly agree with Secretary Laird's appraisal when he came back after his first trip abroad, after his appointment, and said that he was appalled at the condition of the so-called military forces in South Vietnam.

Much has been done in the right direction, but much has not been done. The time we are looking forward to now is that when the completion of the withdrawal of 150,000 troops, which the President has scheduled, has taken place and the condition that we will face at that time.

It is my sincere judgment that if we say we are going so long as they improve—but do not fix a definite, final date—they will never make the final hard decisions which will make them capable of defending themselves, whether it is now or in 6,000 years. That is why I think the fixing of a definite date is important.

Perhaps the amendment's date is too far in the future. Perhaps the President can get us out safely and without leaving chaos in our wake before that time. If so, nothing in the amendment prevents that. So the flexibility of shortening the process still exists. If, on the other hand, the time period is too short, then the President can come to Congress and to the country and get an extension for whatever time is reasonable. But within the context that we are not going to continue there indefinitely, as many pronouncements from South Vietnam suggest we may have to, unless the South Vietnamese change their thinking—and I do not think they have changed it—we may have to be there indefinitely, with the kind of support that will keep us involved and that will prevent them from taking the final steps necessary to develop an independent nation.

It may be that inevitably there will be a contest in Southeast Asia after we leave. We cannot prevent that. I think it is very possible that there will be some sort of internal wars going on.

What I am concerned about is that nothing that we have done, or do, should lead to making those wars more difficult, more horrible than they otherwise would have been.

We have taken on a responsibility. I am not one of those who say that we can just pull out. We did take on a responsibility for the lives of millions of people in that part of the world, and many thousands of American men have lost their lives in carrying out this country's mission, and I honor them for that.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. CASE. Will the Senator yield me 2 additional minutes?

Mr. HATFIELD. I yield 2 additional minutes to the Senator from New Jersey.

Mr. CASE. I say that what they have done has not been useless or in vain. But I do say that the time has come for a turn, that Congress has a role here, and that I think this amendment, in its present form provides us an opportunity to exercise that role in a wholly responsible way.

Mr. DOLE. Mr. President, will the Senator yield briefly?

Mr. CASE. I yield.

Mr. DOLE. Let me say at the outset that there is a very narrow difference of opinion with reference to my views and those of the distinguished Senator from New Jersey. I, too, believe that years ago there should have been more effort made to train the ARVN forces so that they might take over the battle. It is unfortunate that only in the last days under Secretary of Defense Clifford and President Johnson and now under President Nixon and Secretary Laird, this program has been accelerated. But I cannot believe that we strengthen our position by announcing in advance a withdrawal date.

Every Member of this body is committed to peace. Every Member of this body wants the war to end as quickly as possible. Certainly, the President holds that view. The Secretary of Defense and the Secretary of State have indicated that by June 1971, all combat forces will be out.

Thus, it appears to me that we are on the right course without any definite date being fixed.

I listened to the Senator's remarks with reference to the negotiations but

feel that we undercut whatever effectiveness David Bruce might have by telling the enemy in advance that we will get out in advance regardless, no later than March 1, 1972. Otherwise, we are in basic agreement.

Mr. CASE. I thank the Senator very much for, at least, trying to make my thoughts even more clear than I may have been able to do in my prepared remarks. The question is a narrow one. But it is a significant one.

The only further thing I should like to say, is that we need to do more than just bring them up to the mark militarily. We also must make the Vietnamese Government want to make itself into a strong representative government with broad enough based policies so that it will have a reasonable opportunity to attract the support of its people.

Mr. HATFIELD. Mr. President, I am very grateful to the Senator from New Jersey for his fine presentation this morning on this amendment. He serves with great distinction on the Committee on Foreign Relations and brings to bear on the subject that background, experience, and perception.

I am also grateful to the Senator from Kansas (Mr. DOLE) for his assist in bringing out some of the points we are making as part of our presentation. This is part of the responsibility of the Senate to focus and sharpen the points of differences which exist. If the Senator from Kansas wishes additional time, we certainly will be happy to yield it to him, to permit this colloquy to continue on any occasion.

Mr. President, at this time I yield 15 minutes to one of the cosponsors of the amendment to end the war, a man whom I have known for some time and has a great background and understanding of the great issues of the debate now engaged in, the very distinguished Senator from California (Mr. CRANSTON).

The PRESIDING OFFICER (Mr. YOUNG of Ohio). The Senator from California is recognized for 15 minutes.

Mr. McGOVERN. Mr. President, will the Senator from Oregon yield me 1 minute?

Mr. HATFIELD. I am delighted to yield 1 minute to the distinguished sponsor of the amendment.

Mr. McGOVERN. I wish to take this time to commend the Senator from New Jersey (Mr. CASE) for the statement he has made here today. For many years he has been one of the most thoughtful Members of the Senate in his consideration of the issues which face us in Southeast Asia. His support for this amendment and also the contribution he made in helping to draft the language which would be more acceptable to Members of the Senate is most important. I wanted to express my deep appreciation to the Senator for what he has done. I thank the Senator from Oregon for yielding me this time.

Mr. CRANSTON. Forty hours ago, yet another American died a violent death in America attributable both, I think, directly and indirectly, to the violence in Vietnam. That man was Ruben Salazar, a man of vast accomplishment, a man of even vaster promise. His loss is an utterly tragic one—I think immeasurable. I am deeply shocked and saddened by the news of the tragic death of Ruben Salazar. He was a peaceful and compassionate man who dedicated his life to the eradiction of poverty, injustice, prejudice, and ignorance. It was the occasion of a gathering called the Chicago moratorium against the Vietnamese war that he was covering as a newsman that led to the circumstances that caused his death. The Chicago moratorium was led by a man who did all he could to assure that it would be a peaceful demonstration against the violence in Vietnam. Its leaders were motivated primarily by the fact that an unfairly high proportion of those who bear the burden of combat in Vietnam and who have died or have been wounded are Americans of Mexican extraction. Somewhere on the periphery of the gathering some violence commenced and in the course of that violence Ruben Salazar was killed, although of course he was not engaging in the violence in any way.

Like many of us, Ruben Salazar was outraged by the senseless war both at home and in Southeast Asia. Violence has divided us, it has pitted us against each other, resulting in needless and tragic deaths.

The loss of Ruben Salazar is incalculable. His wife has lost a husband. His three children have lost their father. The entire community has been deprived of one of its most forceful and effective spokesmen. They have lost the wisdom, guidance, understanding of a compassionate man who never ceased to remind us of the problems which remain unfinished.

I do not cite the killing of Ruben Salazar as an argument to end the war. The killing of Ruben Salazar does symbolize for me and for so many who respected and loved him, what the Vietnamese war is doing to our beloved country.

Quite regardless of the differences among us on how to end this tragic war and our bloody involvement in it, I wanted to eulogize this great, fallen American in my first moments on the Senate floor after his tragic death. I thought there could be no more fitting context to refer to it than in this debate on the pending amendment.

Now, Mr. President, to turn specifically to the pending amendment before the Senate, let me first say that to one degree or another, each of us in this Chamber is disheartened by the prolonged war in Indochina.

Certainly, we are all anxious to end our involvement in the fighting there.

We disagree only on how best to bring this about.

I deeply hope that our debate on this amendment, however spirited it may be, does not increase the divisions in the Nation which have erupted in large measure because of the war in Vietnam.

It is the responsibility of the Congress, no less than that of the White House, to help pull this country back together again.

I believe President Nixon is sincere in wanting to end our military involvement in Vietnam.

He clearly is trying: The troop withdrawals he has made in the past, and the withdrawals he has announced for the immediate future, prove that.

This amendment impugns neither the President's motives nor his integrity.

Supporters of this amendment fear, however, that the policy of Vietnamization just will not work.

The President, of course, will stick to his word and reduce our forces to 280,000 men by next spring.

But what will happen then?

Will Vietnamization permit us to withdraw those remaining men safely and soon?

I gravely doubt that it can.

Vietnamization strikes me as little more than a new name for an old, unworkable policy followed by the Johnson administration.

It is based on the false assumption that the United States and the Saigon government can, by the continued application of military force, wrest from North Vietnam the political concessions which, in the President's words, will enable us to "Win the Peace."

While we have insisted through the years that we will bargain only from "a position of strength," we mistakenly continue to assume that the other side will be willing to negotiate from a position of weakness.

And our policy has been to pound them into this state of weakness.

But we were unable to succeed in doing this when we had 520,000 troops in the field and our planes were bombing North Vietnam around the clock.

If we could not succeed in wringing concessions from them then, how can we reasonably hope to do so now that we are withdrawing our ground combat troops and having them replaced by South Vietnamese?

If the best trained, best led, best equipped fighting men in the world—the American Army, Navy, and Air Force—could not "win the peace" in Vietnam, how can we expect poorly led, poorly trained, and poorly motivated South Vietnamese troops to perform this miracle?

The consequences of Vietnamization are beginning to be apparent.

By trying to win the war, we have succeeded only in expanding the war.

Our planes are engaged in combat missions over Cambodia.

Our enemies are at the gates of Phnom Penh, and they are showing ominous signs of increased activity in Laos.

Vietnamization is turning all of Indochina into a single battlefield.

Meanwhile back in Vietnam, the Saigon government continues to conduct its bad business as usual.

Anti-Communist political opponents of the regime are still being locked up.

Corruption and graft rage throughout all levels of society.

And 30 percent of South Vietnamese combat troops continue to desert every year.

There is a distressing parallel between the Saigon regime and the Chinese army of Chiang Kai-shek in the waning days of World War II.

In South Vietnam today, as in China in 1944, thousands of phantom soldiers—men who have deserted or who have died in battle—continue to pad the army rolls.

Their commanders carry their names

on active duty rosters, then pocket their salaries and sell their supplies.

The military arm of the Saigon regime is rotten from top to bottom.

We are repeating in Vietnam the same mistakes we made in China in 1944 by unwisely backing a corrupt military corps.

Worse yet, the economic and social fabric of South Vietnam has been torn apart over the past few years.

Millions of peaceful peasants have been turned into homeless refugees.

Inflation is rampant.

The cities have been turned into steaming cesspools of urban rot.

A rural, agriculture-based people have been transformed into a culturally disoriented people largely dependent on massive inflows of American aid and military might to keep from slipping into anarchy and starvation.

Sad to say, our efforts, no matter how well-intentioned, have turned a closely knit nation of small farmers into a rootless mass of camp followers.

Vietnamization, with its hope of winning political concessions through military means, is a fragile reed rooted in political quicksand.

Vietnamization is built upon a Saigon government that is a repressive, military dictatorship, ruling a corrupt and undependable army and a society of badly abused and thoroughly confused and dependent people.

Vietnamization, it seems to me, is a prescription for disaster—both for us and for the Vietnamese people we are supposed to be defending.

For America, the potential disaster in Vietnamization lies in the matter of the safety of our troops.

The President has made much of his concern for the safety of our men, and surely all Americans consider that our major, overriding concern.

Yet Vietnamization hides within it a possibly fatal flaw in this very respect.

As American ground combat forces are withdrawn, the men left behind will become more vulnerable to enemy attack.

Fewer in number, they will possess less firepower and less mobility.

But what is worse, they increasingly will have to depend on South Vietnamese forces for their protection.

The safety of our young men thus will be resting primarily on an army with a high desertion rate, with no real commitment to their cause, with little feeling of allegiance to their generals in Saigon, and even less feeling of allegiance to us.

There have been increasing reports of anti-American incidents in Vietnam.

American troops have been surrounded, hooted, and jeered at by South Vietnamese civilians in cities firmly under control of the Saigon government.

Half of the American deaths in Vietnam have resulted not from engagements with front line Vietcong or North Vietnamese troops, but from mines, booby traps, and sniper fire from second and third level Vietcong cadres, and their peasant sympathizers in the countryside who hate the Communists of the North, who hate the dictators of the South, and who hate the foreign intruders—first the Japanese, then the French, and now us.

Time after time, Vietnamese villagers have sat quietly by watching our boys walk into minefields and booby traps which they knew were there, and in many cases had planted themselves.

We have never announced our intention to withdraw all our forces from Vietnam.

This Nation has never officially declared that it does, indeed, ever intend to withdraw entirely from Vietnam.

Our enemies feel they cannot trust us.

And their uncertainty over our real aims and ultimate intentions about withdrawal can only heighten this distrust.

As we reduce our forces, we become a tempting target for attack.

The Vietcong and the North Vietnamese could hit our remaining troops very hard.

And who will be there to protect them?

We cannot be sure who the South Vietnamese will shoot at when they see us leaving for home and the major burden of the fighting falls on their shoulders.

We cannot even be sure they will stay around long enough to shoot at all.

Yet it is this very undependable ally on whom the very success of Vietnamization depends.

And it is this very unreliable ally on whom we will be relying to protect our men.

Mr. President, we have already asked much of the men we have sent into combat in Vietnam.

But this, I submit, is asking too much.

What would we do if the enemy were to achieve a breakthrough and imminently endanger our men?

We would not be able to rush reinforcements back in fast enough to stop them.

We would have to choose: Either a massive, amphibious retreat by sea, or a massive retaliatory strike, involving perhaps the use of tactical nuclear weapons.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. HATFIELD. Mr. President, I yield an additional 6 minutes to the Senator from California.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. CRANSTON. This, then is our probable future under Vietnamization: A choice between a bloody Asian version of Dunkirk and a bigger, bloodier reescalated war culminating in a nuclear strike.

The present policy of slow, erratic withdrawals of some American troops, while at the same time leaving the enemy uncertain as to when, if ever, we will withdraw all of them, is an unwise, militarily dangerous course.

And we compound the military risk by depending on the South Vietnamese to "protect our rear."

I fear that we are setting up a situation in which the introduction of nuclear weapons may become inescapable.

If that were to happen, I am convinced that the Vietcong and the North Vietnamese would turn to Red China for intervention and we would then face the prospect of the huge Asian land war, and possible nuclear holocaust, we have luckily avoided till now.

Experienced professional military officers, including West Point graduates who have served in Vietnam, have outlined this very scenario for me.

This is no nightmare dreamed up by a civilian; it is a very real military probability which many of our military men foresee and dread.

I believe this amendment offers the only safe way to end our military involvement in Indochina and improve the prospects for peace in the area.

As former Defense Secretary Clark Clifford has put it:

> Let's set a timetable, stick to it, and get out.

This amendment sets a date for the withdrawal of all our troops.

It keeps the safety of our men in our hands, rather than putting it in the hands of the South Vietnamese.

It assures the Vietcong and the North Vietnamese that we are committed to withdrawal by a specific, publicly announced date, thus eliminating their uncertainty and reducing the incentives for an attack against our remaining men.

Thus the amendment would enable us to effect our withdrawal in a safe, orderly, and systematic manner.

As Arthur L. Karp and Comdr. G. E. Everly, U.S. Navy retired, pointed out in their article on "The Safety of American Troops While Withdrawing from South Vietnam":

> If withdrawal is viewed in purely military terms, a systematic, planned military withdrawal is the safest way to disengage.
>
> Any other method, however attractive on the basis of political considerations, will impose greater military risks and a number of casualties that would depend on South Vietnamese performance.
>
> Once fully committed to other than a systematic military withdrawal, the U.S. will gradually lose control of the situation.
>
> A failure on the part of the South Vietnamese forces could confront the U.S. with the choice between very high casualties or re-entry into the country with a rescue force.
>
> A straightforward military withdrawal runs no such risks.

Equally important as its effects on our enemies, a set timetable would have a salutary effect on our so-called friends.

The amendment would serve notice on the Thieu-Ky regime that its days are numbered unless it broadens its political base and pushes ahead with land reform and democratic changes.

I am not talking about forcing a coalition government.

I am talking about bringing into the government non-Communist moderates and nationalists who are kept out of power, when they are not thrown into jail.

Just as the South Vietnamese military have no incentive for taking over the fighting as long as we remain, so the South Vietnamese politicians have no incentive for democratizing the government and bringing in opposing views.

As long as our tanks and planes are there, they feel safely ensconced in office.

There is real hope for persuading the enemy to negotiate a peace in the alternative offered by this amendment.

A strong, viable democratic government in Saigon, which is not alined with the "hated foreigner" and is making real strides in land reform, would have a wide

popular appeal and would erode Communist support.

This then would be a government which the North Vietnamese would have to negotiate with seriously.

For these reasons I strongly support this amendment. The Senate, as well as the President, has a responsibility to make its position clear and to share equally its constitutional duty in helping to bring this unhappy war to an end.

Mr. DOLE. Mr. President, will the Senator yield?

Mr. CRANSTON. I am delighted to yield to the Senator from Kansas.

Mr. DOLE. On the issue, which I discussed last week with the Senator from Oregon on who should determine the time of withdrawal, it occurs to me that withdrawal is certainly the desire of the President, everyone in this body, and the other body. The issue resolves itself as to who should have the final determination. Should it be the 535 Members of Congress or the President of the United States?

As the Senator knows, the President is the Commander in Chief, whoever he might be. Congress has the right to declare war. In the early days, when they were discussing the Constitution, at one time they said that Congress should have the right to make war, and after some discussion they limited it to the right to declare war. It goes without saying that the President has the right to negotiate treaties ratified by the Senate.

The PRESIDING OFFICER. The time of the Senator from California has expired.

Mr. McGOVERN. Mr. President, I yield 5 minutes to the Senator from California.

The PRESIDING OFFICER. The Senator may proceed.

Mr. DOLE. So my basic question is, particularly in view of the President's successes in deescalating the war and reducing the troop level by 120,000 and it will be another 150,000 by next May 1—and all of our combat troops may be out by June 1, 1971—why should we now impose our restrictions, of the Senate and the Congress, on a President who is having some success?

Second, how does the so-called end the war amendment—which I designate "lose the peace" amendment—differ from the Vietnamization program, with one exception—that there is a final terminal date? How does it differ from the Vietnamization program? Under the amendment we would be at war for 18 months more and there would be more casualties and more men killed. I ask the Senator if there is not a very narrow distinction?

Mr. CRANSTON. First, Mr. President, I suggest the Senator from Kansas take another look at the Constitution. Rather incredibly he has overlooked a fundamental clause in that Constitution which provides that Congress shall provide funds for the Armed Forces. This is the one clause where a time limit was placed because of the urgent nature of this particular power. It was limited to 2-year appropriations at the most so that every 2 years Congress shall be required, if it is lax in the exercise of its responsibility, to review whether or not Armed Forces should continue in their present use and strength under the command of the President. That is a vitally important responsibility that this amendment would seek to remind Congress to once again establish. We are seeking through this amendment to share responsibility with the President. We are not dictating to him.

The revised amendment carefully provides also for the President to extend the date and he could have a further extension if he feels the safety of our troops—which is uppermost in our minds and the mind of the President—is jeopardized. That would be the key factor in determining what would be the wisest course in Vietnam.

Turning to the Senator's other question, I should say that this amendment does seek to set a time limit for our engagement in South Vietnam. It is our belief that it will reduce the bloodshed, that it will reduce the casualties, and that it will lead hopefully to an end of the war, so far as our participation, and perhaps to the war itself, well in advance of the fixed date set in the amendment.

It is our belief there are many, many reasons why the other side will be far more likely to negotiate an end to the conflict and our involvement in that conflict once the date has been set than under the present open-ended situation which, as I outlined in my brief, opens the door to more bloodshed of Americans than the alternative we are offering.

Mr. DOLE. The Senator agrees that under the amendment we would continue the war for 18 months. The President could come before Congress and continue it some time after that. If a situation arose where the President could not or did not withdraw within the 18 months, I assume Congress would go along with the situation.

The Senator did not state how he views this amendment to be different from the Vietnamization program that has been successful.

Mr. CRANSTON. We give notice to the South Vietnamese that we are not there forever; that the time has come for them to stand up on their own feet. As long as we do not serve notice to them that we are on our way out totally on a timetable why should they share the burden when we are prepared to do so much of the bleeding and dying for a government that we have propped up? Why should they make reforms like to solidify South Vietnam and the people of South Vietnam and raise them as a nation capable of standing on their feet with the capability of defending the sovereignty of the south against those who would overthrow that government by violence?

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, will the Senator from Mississippi yield to me for 5 minutes?

Mr. STENNIS. I yield 5 minutes to the Senator from Kansas.

The PRESIDING OFFICER. The Senator from Kansas is recognized.

Mr. DOLE. I would like to continue the discussion if it is satisfactory to the Senator from California.

Not only do we serve notice on South Vietnam, which seems to be of great concern to the Senator from California, but we serve notice on the North Vietnamese and the Vietcong, who are the enemy in Southeast Asia. We tell them in advance that in the event this amendment is agreed to without change, that by March 1, 1972, we are going to vacate South Vietnam or Indochina. It goes beyond that. It seems to me what we are saying, in effect, to David Bruce, who hopefully will have some success in Paris, is that there is no need to negotiate. Why should the enemy negotiate or why should any one negotiate if they know that in 6 months, or 18 months they are going to achieve their objective and that we are going to walk off and leave 17 million Vietnamese, with whom we are rightfully or wrongfully engaged in a war? Why not move the time up until today, or make it 30 days or 60 days from now or as quickly as we can withdraw?

Mr. CRANSTON. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. CRANSTON. It is, of course, recognized that adoption of this amendment would serve notice to the North as well as to the South of our intention to withdraw on a certain timetable. It is our belief that this is far more likely than any present circumstance to lead to negotiations with the North, where they would be more willing to negotiate more rapid withdrawal of our troops under safe conditions so that none of them would be assaulted by the other side. In the absence of this, there is great danger that the enemy will decide to assault us when we are down to a reduced strength and we are depending more on the South Vietnamese for protection. when we would not be in a position to protect our own men to the same degree as when we had larger forces there.

When the South also begins to broaden its base, which will lead to strengthening itself, I believe then, at long last, the situation would develop where it would be to their interest to negotiate with the North, and they could get on with agreements over the border, which has for so long been the cause of the provocation which has led the Vietcong and the North to carry their war on with the South Vietnamese Government.

I would like to ask the Senator if he sees any sign, any hint, any token, that the present situation would lead to successful negotiations and to a cessation of conditions which existed first under the Chinese, then under the French, and now under us, where, decade after decade. they have been unwilling to negotiate. I see no sign of their willingness to negotiate in any serious way and have a conclusion of the violence.

Mr. DOLE. There is some sign, as the enemy's chief negotiator has returned to Paris. The criticism had been that we needed a top negotiator. The Nixon administration appointed David Bruce, an outstanding American of great ability and great competence. So there is that hope, just as there is in the Mideast, for some negotiated peace.

I happen to believe that the Vietcong and the North Vietnamese are at a very low ebb right now. I happen to believe that they are looking for a solution, not a military victory but a negotiated way to end the war, which would be satisfactory. It just appears that we say to

the enemy, "Stick around. Stay around. We are going to leave here by a time certain."

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. May I have 5 additional minutes?

Mr. STENNIS. Mr. President, the Senator from West Virginia (Mr. BYRD) has come in on an emergency matter. I yield to him now. Has the Senator finished his colloquy?

Mr. DOLE. May I have just 2 minutes?

Mr. STENNIS. I yield 2 minutes gladly to the Senator from Kansas.

Mr. DOLE. What we have seen is a complete metamorphosis. The original advocate of end the war was the junior Senator from New York (Mr. GOODELL). He suggested a withdrawal by December 1, 1970. Then we had a resolution by the junior Senator from South Dakota and other Senators that suggested December 31, 1970. Then we had another resolution suggesting April 30, 1971. Then another resolution suggested December 31, 1971. Then another resolution suggested that if we are not out by December 31, 1971, we will give the President 2 additional months. Each additional change apparently meant more votes in the Senate for the so-called end the war amendment.

I am not certain how many votes the Senators believed they could attract by this proposal. I am not sure whether the Senator from South Dakota considered the fate of the South Vietnamese or the fate of Americans or primarily how many votes would be obtained in the Senate. So each time there was a new retreat. Each time there was a further step backward in an attempt to attract votes. Now we have reached the final version, the fifth or sixth version, of the so-called end the war amendment.

What is the amendment before the Senate? I am not certain which amendment it is that is before us——

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. CRANSTON. Mr. President, may I have 30 seconds?

Mr. STENNIS. I yield.

Mr. CRANSTON. I am sure the Senator from Kansas knows we are presently debating the amended version of the amendment to end the war. That is the pending business in the Senate.

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from West Virginia.

Mr. BYRD of West Virginia. Mr. President, I want—as much as anyone else—to see American fighting men brought home from Vietnam.

But wishful thinking will not get us out of Vietnam, and we must face up to reality—whether we like it or not.

The so-called end the war amendment sounds good. We all want to see an end to the war. But I shall vote against the amendment. Why?

In the first place, it publicly states a deadline—December 31, 1971—for withdrawal of American troops from Vietnam. I would like to see American troops out of Vietnam—even before December 31, 1971—and I am for having, as a part of our own plans, a tentative timetable toward which we should aim.

But to enact legislation publicly announcing an arbitrary date for withdrawal would indubitably undermine our position at the peace table.

If Hanoi knows we will be out of Vietnam by a certain guaranteed date, why should she make any concessions? The enemy need only to sit tight until the announced deadline, and then take over.

Second, the amendment could, in effect, hamper the President in the protection of American forces in Vietnam, in that the amendment would substitute the judgment of 535 Members of Congress for that of the President, as Commander in Chief, as to what constitutes a "clear and present danger" to our troops for any period exceeding 60 days beyond December 31, 1971.

Moreover, the amendment could have an effect opposite to that which is intended on its face. Instead of ending the war, it could, in reality, create a situation which would endanger our remaining forces, and thus prolong our engagement.

Finally, the President is committed to a policy of gradual withdrawal, and he has already reduced our forces there significantly. Additionally, he has indicated that, by April 30 of next year, he will have the troop level down to a figure as low as or even below what the amendment would require.

With all due respect, Mr. President, to the sponsors of the amendment, and recognizing their good intentions, I must, nevertheless, oppose the amendment. I think, if enacted, it would be unworkable; it would prove to be a serious hindrance to negotiations at the peace talks; it would tie the hands of the President in his efforts to bring about an orderly and gradual withdrawal without rewarding Communist aggression, and it might impede rather than hasten that withdrawal; and it could result in jeopardy to our own troops in Vietnam.

In view of these and other objections to the amendment, I, therefore, shall vote against it when my name is called on tomorrow.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. BYRD of West Virginia. I yield.

Mr. McGOVERN. The Senator from West Virginia is a student of the Constitution and of the responsibilities of both the Congress and the President in issues of war and peace. I wonder if he is fully aware, in view of the anxiety he has just expressed about restricting the powers of the President, that there is nothing in this amendment that would prevent the President from exercising full tactical command power over American forces up until the time of their withdrawal?

The amendment does set an announced withdrawal date at the end of next year, with the proviso that the President, in an emergency situation, could extend that on his own authority, and that if he wanted another extension, he would have to come back to Congress.

Does not the Senator feel that is really the way that the Constitution intended that the powers of war be divided between the President and Congress, with Congress setting the limits, that is, fixing the time, defining the scope of American military operations abroad, and giving the President full tactical authority, as long as those troops are in battle, to order them as he sees fit?

I do not see where the amendment disrupts that constitutional balance at all.

Mr. BYRD of West Virginia. Mr. President, if I may respond to the Senator, I do think the war powers are to be shared between Congress and the President. But we are in a war in Vietnam. I do not think that Congress can or should set a timetable, because I think, as I have stated, that this would really undermine our negotiating position at the peace table.

What I really had reference to when I indicated that the amendment might put in jeopardy our troops, and where I think we may be going too far in that particular respect, lies in the provision that the President would have to come back to Congress after 60 days beyond the December 31, 1971, deadline.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. BYRD of West Virginia. Will the Senator from Mississippi yield me 1 more minute?

Mr. STENNIS. I am glad to yield it to the Senator.

Mr. BYRD of West Virginia. To do this would substitute, in my opinion, the 535 Members of Congress for the one position of Commander in Chief under the Constitution, with respect to a decision which I think should be the decision of the Commander in Chief in that particular emergency.

Mr. McGOVERN. I can only say to the Senator that I find that an interesting doctrine, that he would read the Constitution in that way, that the judgment of one man is so much to be preferred to the judgment of 535 that simply saying that ought to resolve the issue.

That is not my interpretation of the Constitution, if I may say so respectfully to the Senator.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. STENNIS. I yield the Senator from West Virginia 2 more minutes.

Mr. McGOVERN. I would read it that we, as the 535 Members of Congress, do have that responsibility, to make that judgment as to whether the presence of American forces should be continued on any particular military front. If the decision is made that they should be, then, of course, it is up to the President to command those forces for as long as Congress permits them to stay in battle. But I do respectfully urge the Senator to look at that constitutional aspect of the issue, because to me it is quite clear that we cannot give up that obligation, which is ours, to make these judgments about the commitment of American forces abroad, and that the President's power is limited only to commanding those forces in those areas of the world where Congress has sent them, and for whatever time we feel it is in our national interest to keep them there.

Mr. BYRD of West Virginia. Mr.

President, the Constitution, in article I, section 8, clauses 11, 12, 13, 14, 15, 16, and 18 sets forth the war powers of Congress. But it specifically states in article II, section 2, that the President shall be the Commander in Chief, and I think the Senator's amendment interposes the legislative branch into the constitutional responsibilities and powers of the President as they are derived from the Constitution; because I think the particular decision he is talking about now would be one for the President of the United States to make, depending upon what the circumstances are at the time.

The President is to determine the tactical decisions. It seems to me that for us to draw a line and say, "This far and no farther" in a situation in which our troops are already engaged, in a situation in which the President has already enunciated and is implementing a policy of orderly withdrawal and is committed to a policy of continued withdrawal, would be going too far. I think we would be tying the President's hands and contravening the President's powers under the Constitution. The authors of the Constitution decided there would be one Commander in Chief, the President of the United States. I think this amendment injects Congress into that area wherein the President has the clear authority under the Constitution to act.

Mr. McGOVERN. I have to disagree with the Senator. He makes his point, but I cannot see where there is any invasion of the Commander in Chief's function by Congress in its function of exercising judgment as to how long a particular military operation is in our national interest.

I think it is some measure of how far we have fallen into the view that the President should have a free hand in this area that the Senator is disturbed at the notion that Congress, even though it is 535 men—which, as far as I am concerned, increases its collective wisdom rather than decreases it—ought to have the responsibility and the authority to make a judgment on this matter.

Mr. BYRD of West Virginia. Mr. President, I think there is the added factor of practicality. I think it would be impracticable, in a situation which amounts to an emergency, for the President—I am talking about the situation which might come about 60 days beyond the expiration date of December 31, 1971—to have to come back to Congress and get the approval of Congress to act in a situation where the lives of American troops may be in jeopardy.

The Senator knows how long we debated the Cooper-Church amendment. He knows how long we have been on this bill. I would hesitate to think that Congress would pass a law that might tie the hands of the President in a dire situation 60 days beyond the scheduled termination date of December 31, 1971, when the lives of our troops might be at stake. So I think it is impracticable.

Not only do I think there are serious constitutional questions, but I think it is impracticable to legislate in this way, and it is certainly impractical to expect the President to carry out his duties as Commander in Chief under such a restriction.

Mr. McGOVERN. Mr. President, I can only say to the Senator, in response—

Mr. BYRD of West Virginia. May I say I respect the Senator; we just disagree.

Mr. McGOVERN. In reply to the Senator's last point, I would say that the Senator from New York (Mr. JAVITS) made the statement, in debate with Senator STENNIS, Senator TOWER, and myself on one of the television networks on Saturday, that perhaps an antifilibuster clause could be attached here, so that we could prevent that one possible emergency situation the Senator is talking about.

We do have written into this amendment language that would give the President the authority, during that 60-day grace period, to come to Congress and say, "Under these circumstances, I think additional time is necessary."

Then, if Congress concurred, the President would be free to assume his command function and direct the tactical operations of our forces.

It seems to me that is every precaution that is necessary, but if the Senator from West Virginia would want to suggest an antifilibuster clause in the amendment, perhaps we could consider that.

Mr. BYRD of West Virginia. Mr. President, I appreciate the Senator's suggestion with respect to an antifilibuster clause, and I recognize that such language could be written. I do not question that that could be done; there are precedents for that.

Mr. McGOVERN. Yes. For example, reorganization.

Mr. BYRD of West Virginia. In reorganization plans, and so on. But I think that overall, the amendment has too many other failings. Even if this obstacle were circumvented, I think the amendment has too many failings. I have stated my position with respect to its shortcomings.

I respect the Senator for what he is trying to do and I applaud his objective; however, I must respectfully disagree with the approach he is taking in this instance.

Mr. McGOVERN. I thank the Senator for yielding.

Mr. STENNIS. Mr. President, I now yield myself 20 minutes, or so much thereof as I may use, in opposition to the amendment.

Mr. President, we have a good faith effort here by very fine Members of this body to bring into focus this issue. I have talked with the Senator from South Dakota about this many times, and I accept his thought that he thinks he is strengthening the hand of the President of the United States. I do not believe that that is the import of his amendment. I believe it is just the opposite. But I am sure he believes that, and that neither he nor the Senator from Oregon, would be sponsoring this thing unless they thought it was best.

Mr. President, I believe that this is the certain way, to set a definite time, on a certain date, we are going to get out, regardless—you will be through with us and rid of us, too, if you will just wait this thing out. That is exactly what I think they will do—sit and wait. I want to make some preliminary remarks leading up to that thought.

Mr. President, thousands of words have been spoken on the McGovern-Hatfield amendment which is known as the so-called end the war amendment. This amendment in its present form would limit the use of funds in such a manner that the troop level in Vietnam would be no more than 280,000 after April 30, 1971, and thereafter funds could be expended only for the systematic withdrawal of all our Armed Forces by December 31, 1971, with the proviso that the President, in his own right, could suspend the December 31 date by 60 days; and, further, the President must within 10 days after any suspension submit for congressional approval any recommendation for a new date of termination. The amendment would permit the use of funds in connection with the release of prisoners of war and provision for the asylum of Vietnamese. I should note, also, that this limitation of funds applies to the "activities of American Armed Forces in and over Indochina."

Mr. President, it is my firm conviction that this amendment involves only one basic issue—the question of how we shall conduct our withdrawal from Vietnam; not shall we do it, but how shall we do it? There is no doubt that the goal of both the President and Congress is the same—that we shall wind down this war. The direction or trend of American combat activity is irreversible. It will be reduced on a systematic and orderly basis. The basic issue, therefore, is the wisdom of whether we should legislate the end of this war through the denial of funds and force the withdrawal of our forces on a definite date or whether we should provide the President as Commander in Chief with the necessary degree of discretion which will permit our withdrawal on an orderly and honorable basis.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. STENNIS. I yield.

Mr. McGOVERN. Mr. President, I want to commend the Senator from Mississippi for drawing the issue precisely as it ought to be drawn. When he said that the basic issue is "how shall we conduct our withdrawal from Vietnam," I think he phrased the question we are debating here as well as it can be stated. Regardless of how one feels about the answer to that question, that is the issue.

The Senator has said on several occasions that he regards this amendment as a perfectly constitutional amendment, and I appreciate that. I do not think the issue is the question of whether this amendment is constitutional or not, because it is clear that Congress does have the power of the purse; that we can cut off funds for any military operation at any time we see fit.

So I rise not to interrupt the Senator's speech but simply to commend him for the fairness and the wisdom he demonstrates in drawing the issue as cleanly and as sharply as he can in a debate on how we can best disengage from this war.

Mr. STENNIS. I thank the Senator very genuinely. I think it is the duty of all of us to get at the issue the best we can. In saying that the basic issue is

"how," I do not try to discount all those who argue about the powers of a Commander in Chief on the battlefield. I believe in that doctrine, but I believe the overall question here now is the matter of how we are going to end it.

I include in my thoughts on "how," the proposition that we are not willing just to withdraw, just to leave in any way. I want to make that clear. I am not advocating that. I am sure the Senator understands.

Mr. McGOVERN. Yes. I did not want to make the Senator's argument for him, to try to put words in his mouth, but simply to say that I do think that what we are arguing about here or should be discussing is the question the Senator has raised. What is in our national interest? How can we best wind down this war and disengage with a minimum of danger to our troops, keeping in proper balance the Commander in Chief function of the President and the power of the purse of Congress? How can we best maintain our credibility as a nation in the world and our responsibilities to our own people?

All those things really go back, I think, to the question the Senator has raised as to how we can best wind down the war and disengage and bring it to an end.

Mr. STENNIS. I thank the Senator very much. I am going to say something against a legislative termination only, but I am going to say again, too, that I think the Senator's amendment is directly right on the button of the Constitution, that it is a limitation on appropriated funds, and only Congress has the power to appropriate money.

My opposition to this amendment does not mean that my desire to end the war and return all of our fighting men from Southeast Asia is less than that of any other Member of the Senate. I do not believe, however, that we should cut and run from Vietnam by a legislative termination date which will broadcast to the enemy and the world the precise nature of our plans. When we leave South Vietnam—and I hope this will be soon—I believe we should leave with the American flag flying proudly and not dragged in a disorderly retreat.

The adoption of this amendment would be interpreted around the world as the beginning of a disorganized retreat under the mandate of the legislative body.

I would observe, Mr. President, that the pending amendment is completely constitutional. There is not the slightest doubt that Congress has complete authority to limit the use of funds for this or any other war, or for that matter, on any other activity regardless of whether it is related to the Department of Defense.

Mr. President, we are under a mandate to provide for the national security, I know, in 2-year intervals. We have to support the Army and the Navy. But I do not think that language is broad enough to mandate the situation. So I think Congress has the duty and responsibility, and I have urged many times on the floor of the Senate that we pass these appropriations. Congress has the responsibility for doing that, and can put limitations on it. The clear and unequivocal constitutional authority of the Congress over the "power of the purse" removes any doubt as to the legality of this amendment. The only issue concerns its wisdom.

Let me briefly outline some of the issues raised by this proposal. This amendment extends notice in advance to the enemy as to our precise intentions. I can think of no more difficult position in which this proposal would place the President and the country. I say "the" President. I am not talking about Richard Nixon. I am talking about "the" President, whoever he may be at any time. All those who oppose us in Vietnam would have only to sit and wait. This is no way to conduct a systematic withdrawal of a military operation. I believe it is contrary to all known, recognized, and agreed principles of military operations in warfare.

I remember a story told in jest about the captain who had already lost one limb in battle, but he was able to get back to the frontlines, and things were getting so hot for everyone, he told his company, "Well, we will retreat at 2 o'clock but inasmuch as I am lame I will start out a little early even though it is just 1 o'clock."

I do not think we should send word to the enemy that we are starting our retreat irreversibly, and that by a certain date we will be gone.

Our principal objective in South Vietnam is the Vietnamization of the South Vietnamese forces—that is, to furnish them the equipment and training in such a way that they will be capable of defending the country with their own men and resources. Until that is done as part of the present plan, we will be staying there in unknown numbers and taking part to an unknown degree in the fighting. I had grave doubt as to the possible success of this program for a long time. I do not try to describe the long time but I think it will take some time. No one knows exactly. It could be some time or a long time. I think that more time would be required. It is my present belief that the Vietnamization effort will be a success. I believe that much more strongly now than I did at the beginning, even 6 months ago. We must, however, allow a degree of flexibility in order to insure that time will not be so inflexible as to preclude the completion of this vital program.

Let me emphasize, Mr. President, that I do not question the patriotism or sincerity of those who offer this amendment—their unquestioned patriotism, their fine war records, and the outstanding service they have behind them. However, I do question their judgment. To set publicly a day certain for terminating our operations in Vietnam and removing American troops, would only make the situation more uncertain and more dangerous by encouraging our enemies to avoid negotiation and, to the extent possible, to avoid combat until our troops have been withdrawn.

The only thing the enemy would have to do would be to sit down and wait. I do not say that is all they would do. They would sit down and wait in some parts but in others they would terrorize and "guerrillaize" us in many ways and in many places during that time. That is my estimate of their approach as to what it would be basically. They would not be forced to have to meet any timetable. They would just merely wait until we were out of the way.

Under the Nixon doctrine, we are continuing our efforts to help the independent nations of Southeast Asia to choose and shape their own future and are encouraging them to assume the burden of their own defense. I believe that we should continue in this direction and in the pursuit of these aims. I am not advocating that we assist the Cambodian Government or anything like that. I want to make that very clear. But in a general way and in a general direction we should pursue those aims.

I believe that we can rely on President Nixon's promises with respect to our plans in Southeast Asia and with respect to our plans in the Paris negotiations. Until those promises fail to be honored, the President deserves our support in his efforts to bring about genuine negotiations for a just settlement in Southeast Asia.

Mr. President, let no one scoff at the peace negotiations in Paris. I know a little about the heartbreak and the hard work that has gone into that effort over there by the present President and the preceding President. I know the genuineness of the efforts of our men in Paris and I know of the continued rebuffs they have endured. But I believe that, instead of torpedoing the negotiations and putting on a mandate here by the legislative branch, we should support the efforts of our Paris peace negotiators. They are sincere. The executive branch is doing everything it can to bring about results consistent with the predicament we find ourselves in, the honor we must maintain, and the leadership we are forced somewhat, against our will by circumstances, to assume throughout the free world.

Instead of thinking up ways to put a limitation on here, we should be thinking about ways to strengthen the hold of those charged with representing this Nation at the Paris peace negotiations. And who is that? It is our Chief Executive. It makes no difference what his name is. He is the only negotiator we have. He is the only man who can speak for our entire Nation. He is the only President we have. He is the only spokesman we have in all our international affairs, and that includes this war.

All of that is known around the world, of course, however little others may know about our system of government. They know that our President is the Chief Executive of this country and that he speaks for the Government of the United States. He is the one individual chosen by the people of this great Nation to act for them. As he has already declared, he wants to stop this war. I believe that he has shown that he does. I am not here to praise him. But he represents the voice of this Nation in all our international affairs. He was chosen by the people. This war has been one of the most important

things on his mind, as well as on the minds of all the people. He was chosen by them to conduct the war and to negotiate a peace.

The people want a peace they can live with, too, one that will not set a precedent and open the door to worse trouble than we are now in. There is no doubt about that.

I have no doubt about the sentiments of the Senate when the time comes to vote on the pending amendment. By a very clear margin, in my humble judgment, a majority of Senators will not agree to a cut-off date at a certain time. Every Senator wishes to end the war. The great majority of this body realizes what we are up against. They certainly know the system of government they represent and the type of enemy we have in Vietnam, and even though the going is rough, they are willing to "tough it out."

Mr. President, I believe that these efforts would be torpedoed by the adoption of this amendment, and I hope that it will be rejected.

Mr. McGOVERN. Mr. President, I yield myself 3 minutes so that I may respond to the Senator from Mississippi and ask a question.

The PRESIDING OFFICER (Mr. GRIFFIN). The Senator from South Dakota is recognized for 3 minutes.

Mr. McGOVERN. I should like to ask the Senator a question with reference to his fears that if we were to announce a time certain for withdrawal, the other side would simply sit and wait.

When we get right down to it, why would they be anymore likely to do that than they would merely to sit and wait out the President's withdrawal plan? The President says that it is irreversible, that we are getting out under his plan. That being the case, what difference does it make in terms of the enemy's plans, whether they wait until December 31, 1971, or wait out Mr. Nixon's plan? In either case, it is a matter of sitting and waiting.

Mr. STENNIS. Mr. President, the President said:

I am planning to come out. I am planning certain programs. Our overall program is to come out. Here is a part of the program.

The program did not guarantee a date or time. On the other hand, he said:

Nevertheless, if necessary I will use the power of this Nation in a progressive and forward way.

He said:

I am not promising under all circumstances that I will not hit them again.

He is very wise in taking that position. If we adopt this amendment, we will be catching his right arm up in the air and holding it and leaving him without the permission or authority to back up his word. We would be withholding power from the man in office.

Mr. McGOVERN. Mr. President, the Senator knows that the way in which the amendment is drafted, if the President needs authority, there is a provision in the amendment for Congress to give it to him.

As I said to the Senator from West Virginia earlier, that is where the Constitution intends to place the warmaking power, in Congress and the President jointly.

In addition, he has complete flexibility to do anything he would like prior to the deadline. And he could come back to Congress at anytime for additional authority.

Mr. STENNIS. Mr. President, I do not believe that the Senator had that provision in the original amendment.

Mr. McGOVERN. The Senator is correct. We did have a provision in the original amendment that the President could come back and ask for an extension of time. We did not give him a 60-day leeway without asking for an extension of time.

Mr. STENNIS. Mr. President, the enemy is saying, "They have a man at the head of the Nation whom they do not give any more authority than a 60-day emergency clause. We do not believe he has the influence to go back and get more time."

We would be killing off his powers.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself an additional 3 minutes.

The PRESIDING OFFICER. The Senator from Mississippi is recognized for an additional 3 minutes.

Mr. STENNIS. Mr. President, we would be torpedoing his powers and responsibilities. I say that we should keep the responsibility on him. I do not want to relieve him of a bit of it. Keep the responsibility on him and retain his duties as the Constitution declares them to be.

Mr. McGOVERN. Mr. President, if I can say so respectfully, that might be an easy way to put the responsibility on the President. But I do not think we can do that and dodge our obligation under the Constitution as Members of the Senate. We do have an obligation to carry that burden with the President.

Mr. STENNIS. Mr. President, I did not tell the President, "I am with you regardless of what you do." I never promised that. The reason that I did not promise it is that I have a responsibility, too.

Mr. McGOVERN. Mr. President, I call the attention of the Senator to the views of Mr. Townsend Hoopes with reference to the negotiations, writing in the July 1970 Foreign Affairs Quarterly.

He said:

The resulting deadlock at Paris ought not to be surprising; it reflects the fact that our present political aims exceed our bargaining power.

Then he goes on to make this interesting point:

To put it bluntly, the one thing we can negotiate at this stage of the war is the manner of our going. Averell Harriman, who speaks with a special authority on the subject of negotiations with the North Vietnamese, appears to believe that if we would declare our intention to leave South Vietnam, we could negotiate not only the return of our prisoners, but also the formation of a neutral government in the South, including but not dominated by the National Liberation Front, and committed to settlement and cordial relations but not merger with North Vietnam. According to Mr. Harriman, an unambiguous American declaration of departure could bring the Russians into a cooperating position, and could thus establish the preconditions for international guarantees of the negotiated arrangements, including, after a reasonable period, international supervision of all-Vietnam elections.

I ask the Senator if it is not just possible, and I think probable, that by announcing a definite time for our withdrawal we might break the deadlocked negotiations in Paris and the other side would find it advisable, knowing that we would move out at such and such a time, to negotiate questions with reference to prisoner exchange and the government in the south and perhaps asylum for people who might be jeopardized by our withdrawal.

It would seem to me that a whole series of things would be open for negotiations, whereas now nothing is happening, as the Senator knows, in terms of the negotiations in Paris.

As far as I know, in 2 years they have settled on nothing but the shape of the table, but no one has been around the table.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. STENNIS. Mr. President, I yield myself 1 additional minute only.

The PRESIDING OFFICER (Mr. DOMINICK). The Senator from Mississippi is recognized for 1 additional minute.

Mr. STENNIS. Mr. President, we have a responsibility and authority here. I have read that article. I did not have time to read very much, but I did read that.

My reaction is the other way. As I understand the enemy and their record, I think that things would occur as I have said.

Mr. McGOVERN. I thank the Senator.

Mr. STENNIS. I thank the Senator very much.

Mr. President, I ask unanimous consent that if I am not on the floor when the Senator from Missouri finishes, that the Senator from Kansas (Mr. DOLE) be recognized for 10 minutes and that he have charge of the time on this side in my absence.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. McGOVERN. Mr. President, I yield 10 minutes to the Senator from Missouri.

The PRESIDING OFFICER. The Senator from Missouri is recognized for 10 minutes.

Mr. EAGLETON. Mr. President, it is possible to understand how we became involved in Indochina. It is far more difficult to understand why we have not extricated ourselves.

We became involved in 1950 because of the cold war and the fears that were raised by the thrust of international communism.

After World War II, Russia—expanding, aggressive, and leader of the Communist world—was on the move eastward toward Western Europe, southward toward the Mediterranean and westward toward China and perhaps Japan.

Our response was firm, swift, and positive. It was a success partly because of our resolve and partly because our programs were specifically designed to meet a specific threat.

Townsend Hoopes points out that—

The restoration of Western Europe and Japan, and the effective blunting of Moscow's ideological military thrust, required only eight years.

Our efforts had been totally absorbing and unfortunately had shaped the thinking of an entire generation of policymakers. Containment and mutual security became all-purpose policies to be exported throughout the world.

These policies failed to delineate the difference between nationalists who were Communists but posed no threat to American national security, and expanding Russian or Chinese communism which could gravely affect us. Yet these policies still guide our destiny in the jungles of Southeast Asia.

The sad history of how we slid into Vietnam need not be recounted. It is done. We are there. We must get out.

But unless and until we change the overall thrust of U.S. policy—which the McGovern-Hatfield amendment does—we will find U.S. troops involved in South Vietnam indefinitely and, despite the best intentions of the Nixon administration, in Cambodia as well.

Recent events in Cambodia are all too familiar. We have seen the process before. The characters and places have changed, but it is still the same cold war script.

Instead of Dulles and Eisenhower propping up South Vietnam with economic and military assistance to keep the other countries of Southeast Asia from falling like dominoes, the Nixon administration is now helping Cambodia in order to protect South Vietnam.

A brief foray into Cambodia to capture enemy supplies and weapons was extended. It had, President Nixon told a group of Congressmen on May 5, a "subsidiary purpose" of relieving the Communist pressure against the Lon Nol government.

Then President Nixon stated on May 8, 1970, that he "would expect that the South Vietnamese would come out approximately at the same time that we do because when we come out our logistical support and air support will also come out with them." The South Vietnamese forces stayed, occasionally teaming with Cambodian forces far from the sanctuary areas.

Despite President Nixon's statement on June 3 that "the only remaining American activity in Cambodia after July 1 will be air missions to interdict the movement of enemy troops and material where I find that it is necessary to protect the lives and security of our men in South Vietnam," American planes are now flying support missions for Cambodian forces throughout Cambodia.

In addition to almost $50 million in military aid, another $200 million in economic aid is now reportedly on the drawing board.

Then last Sunday, the Vice President of the United States pledged that we would do "everything we can" to see that the government of Lon Nol survives, and raised the specter that if Cambodia falls, Vietnamization may grind to a halt.

And yesterday the Vice President went even further, stating:

American forces will not be involved in the Cambodian fighting unless in the judgment of the U.S. commander, General Creighton Abrams, and of course the people who have to make decisions, that the security of American troops is threatened.

To the Vice President, "people who have to make decisions" and President Nixon are synonymous, and the President has already spoken in a way that leaves a little doubt about his intentions.

On April 30, the President stated:

If the enemy succeeds, Cambodia would become a vast enemy staging area and a springboard for attacks on South Vietnam along 600 miles of frontier—a refuge where enemy troops will return from combat without fear of retaliation. . . . North Vietnamese men and supplies could then be poured into the country jeopardizing not only our own but the people of South Vietnam as well.

In other words, if military assistance, economic aid, close air support, and a generous helping of foreign troops from South Vietnam and perhaps Thailand are insufficient to save the government of Lon Nol, U.S. forces may intervene further.

But Congress too has decisions to make. Congress is charged with the constitutional responsibility to make decisions on whether this country goes to war, Vice President AGNEW notwithstanding.

And, by passing the McGovern-Hatfield amendment, Congress fulfills that responsibility. For, although the language of the amendment deals only with Vietnam, it offers a far broader blueprint for American foreign policy.

By writing the Nixon doctrine into law, as the McGovern-Hatfield amendment does, Congress is saying to countries in Southeast Asia and elsewhere that the United States cannot and will not do for you what you are unable or unwilling to do for yourselves; to the Thieu-Ky regime in Saigon, that 50,000 American soldiers will not remain indefinitely as hostages to your survival; and to Cambodia, that no American combat troops are coming.

And hopefully by implementing what the Nixon doctrine preaches but fails to practice, the passage of the McGovern-Hatfield amendment will mark the first step on the long road back to reality for American foreign policy.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. EAGLETON. I yield to the Senator from South Dakota.

Mr. McGOVERN. Mr. President, I commend the Senator from Missouri for his succinct and compelling statement for the amendment. I thank the Senator for the role he has played in helping us to draft this amendment and improve it as the situation changed.

Mr. EAGLETON. I thank the Senator.

Mr. President, I yield the floor.

Mr. DOLE. Mr. President, I will defer to the Senator from New York if the Senator from South Dakota yields time to him. The Senator from New York has a schedule to make.

Mr. McGOVERN. Mr. President, I am happy to yield to the Senator from New York such time as he may need.

Mr. JAVITS. I thank the Senator. I will only be 10 minutes and if I need more time I will ask for it. I am grateful to the Senators.

The PRESIDING OFFICER. The Senator from New York is recognized.

AN AMENDMENT TO END THE WAR

Mr. JAVITS. Mr. President, I have come to my decision on the so-called McGovern-Hatfield amendment very slowly, after much thought, and only based on its complete redrafting. To me it is a very basic decision and I think the individual terms are designed only in order to demonstrate the impact of that decision.

The basic decision between ourselves and the President is: Shall we fix a date for withdrawal from Vietnam or shall we leave it open? By leaving it open we would leave it to the President, giving him the benefit of all good faith, feeling, in terms of withdrawal, that we would do it "as soon as it possibly could be done." That, to my mind, is the issue.

Mr. President, in coming out for the McGovern-Hatfield amendment, I have come down on the side which says "fix a date." That is the real issue here.

Mr. President, during this legislative session the Senate has had its mettle challenged on numerous grueling occasions. There have been debates and decisive votes on many of the key issues of domestic policy. In the international sphere, classic struggles have been waged concerning policy in Cambodia, over the ABM and the nuclear arms race. Now, the Senate is being called upon to face up to its most important duty. That duty, simply, is to fulfill its constitutional responsibilities with respect to the war in Vietnam.

In my judgment, however, there is a great deal potentially to be concerned about if the Senate does not act positively by adopting this amendment. In a policy sense, the defeat of this amendment leaves up in the air possible further U.S. involvement in Indochina.

The Vice President already has asserted that:

We are going to do everything we can to help the Lon Nol Government:

He is further quoted as warning that—

It would be impossible for United States combat troops to pull out of South Vietnam if the Communists overthrew the Government of Lon Nol and took over Cambodia.

Mr. President, I am greatly concerned that this school of thought will be greatly strengthened in the councils of the Nixon administration if a date is not fixed for getting out of Vietnam.

Also, there is, in my judgment, a constitutional danger which might threaten the very foundations of our system of government and liberties; and that is the implication that the Presidency is beyond the control of Congress in the exercise of the Nation's war powers and the conduct of its foreign policy.

Within the course of this very year, it has been asserted that it is desirable that the President be deemed to have the power to acquire foreign bases without reference to Congress, to deploy the Armed Forces abroad without reference to Congress, and to take whatever action he feels necessary to protect these forces wherever he has deployed them—all

without reference to Congress. It has been asserted, too, that the President may take these actions without the advice of the Senate and that he may withhold pertinent information concerning those negotiations from the Senate on security grounds, although details may be freely communicated to foreign governments who are not a party to the negotiations.

Recent remarks of the Vice President even have hinted that the President is not bound by congressional action and appropriation in the expenditure of public funds. In commenting on the possibility of the Cooper-Church amendment becoming law, the Vice President is quoted as stating:

> There are many ways to bring about financial assistance to a friendly nation.

Mr. President, there has been considerable public comment about recent efforts within the Congress to reassert the war powers reserved to the Congress in the Constitution. I am a participant in this on-going effort and I believe that my oath of office requires me to do this.

What has been noticed, Mr. President, is that the reassertion of congressional authority has led to a countervailing hardening and intensification of assertions of unilateral and unfettered Presidential prerogative. Our action has produced a reaction. The situation is now a dynamic one, in which it is impossible for us to stand still. If we back off now, we may not be able to preserve even the position we now hold, because of the counter pressure of claims for the Presidency.

A further expansion of the powers of the Presidency, in present circumstances, could leave the nation dependent solely upon the good judgment and benign intent of the incumbent. And, though we have a high standard for eminence in the Presidency in our history, the centuries of the struggle for freedom teach us that our liberties require firmer institutional safeguards if they are to survive. This is the basis of our constitutional system of checks and balances.

To some of my colleagues who are most illustrious captains of earlier battles I would like to borrow a most apt exhortation from Shakespeare: "Once more into the breach, dear friends, once more."

The question before the Senate is amendment 862, principally sponsored by Senators McGOVERN and HATFIELD, along with Senators GOODELL, HUGHES, and CRANSTON and a considerable number of other Senators. As everyone knows, the language to be voted on today differs very significantly from the language of the original "end-the-war" amendment language first introduced on April 30. I commend the sponsors for the sincerity they manifested in their willingness to go that extra mile—by again revising their amendment—so as to make it conform to the approach of a broader group in the Senate.

And, I am gratified to have been able to join in bringing about the final revisions which are embodied in the amendment now to be voted upon. In my judgment we now have a formula which meets the basic criteria in a situation such as this. In a most responsible and carefully considered way, it says something significant while preserving flexibility and taking due account of the President's responsibility and prerogatives. I did not support the original version of the McGovern-Hatfield amendment because I did not think it met those criteria. I have cosponsored the present amendment because I am confident that it does.

The amendment is no longer structured in a way which suggests that the Senate has only the alternatives of declaring war or bringing about an abrupt end of military operations through a denial of further appropriations at the end of 1970. In my judgment. the differences between the present amendment and the original "end-the-war" amendment are well expressed in the editorial of the Washington Post on August 28.

To me the most significant difference between the original and the present amendments is in the difference in the views they articulate of the responsibility of the Senate with respect to the Vietnam war and the exercise of the Nation's war powers. Amendment 862 is a positive amendment. It is an affirmative assertion of the will and the authority of the Senate in conjunction with the President's exercise of his authority. It is not a dissenting amendment. It is not an "opposition" amendment telling the President that we are going to cut off money because we do not like what is happening.

This amendment presents the Senate with a unique opportunity with respect to the war in Vietnam. In adopting this amendment, the Senate will have asserted a national policy for ending the war through the establishment of a terminal target date for the disengagement of U.S. military forces.

This would be an exercise of the Senate's constitutional role of advise and consent in its highest sense.

The Senate has voted twice to repeal the Gulf of Tonkin resolution, by which it gave the President the broad authority to wage war in Southeast Asia without any time limitation. The Senate must now give its advise and consent to a policy of terminating the war in Vietman. In doing this we are not opposing the President in any fundamental sense. Rather, we are sharing with him, through a positive action in our own right, the responsibility for bringing an end to the Vietnam war.

In its most important provision this amendment established by statute the national objective of: "the orderly termination of military operations there and the safe and systematic withdrawal of remaining Armed Forces by December 31, 1971."

These are objectives—omitting the date—which the President himself has proclaimed publicly to the Congress and to the American people. The President is given great flexibility in achieving these objectives. In the final "proviso" clause there is a built-in mechanism which enables the President to extend the terminal date for military disengagement by 60 days, if this should be warranted by circumstances. And, he can ask the Congress for a new termination date altogether.

In saying that this amendment does not oppose the President. I was not trying to gloss over the difference of approach which undoubtedly exists between the administration and the supporters of this amendment concerning the Vietnam war. The virtue of this amendment is that it enables the Senate to express effective opposition to the war, without placing itself in a position of confrontation with the President. This is how our constitutional system is designed to work. The exercise of the Senate's constitutional responsibilities to declare war through this amendment in no way impedes the President's exercise of his constitutional responsibilities as Commander in Chief. The President may not be happy with the national policy of fixing a withdrawal date contained in this amendment, but he has no grounds for feeling that the Presidential power is invaded.

Mr. McGOVERN. Mr. President, will the Senator yield?

Mr. JAVITS. I yield

Mr. McGOVERN. Is it not a fact that the amendment leaves absolutely intact the President's function as Commander in Chief so long as there is one single American soldier in Indochina, up until December 31, 1971, or if it is extended, up until the end of that extension. The President is in total command, is he not, of any American forces that remain in the theater of operations?

Mr. JAVITS. That was my motive in selecting the language which I did. I must pay tribute here to my colleagues who are sponsoring the amendment for their willingness to amend their language, once convinced, and without being rigid adherents to their own draftsmanship.

I would like to make clear that the President remains Commander in Chief, but the power of Commander in Chief, and this is a constitutional question, does not include the power to declare war or to make war of a kind which can only result from a declaration of war. That is what we have here.

Mr. McGOVERN. Or to provide money for the war.

Mr. JAVITS. That is exactly right.

Mr. McGOVERN. If the Senator will yield further, I just want to take a moment to express the appreciation that I know every cosponsor of the amendment feels. The senior Senator from New York was a principal draftsman in improving the language of the amendment. He has worked very closely, patiently, and helpfully with the cosponsors of the amendment from the very beginning, and has given us generously of his legal and constitutional knowledge and his experience as a member of the Committee on Foreign Relations. I know I speak for many Members of the Senate in expressing the appreciation we feel for the leadership he has provided.

Mr. JAVITS. I am grateful to my colleague for his very kind remarks.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. JAVITS. May I have 5 minutes?

Mr. McGOVERN. I yield 5 minutes to the Senator from New York.

Mr. JAVITS. We know that no general has ever had enough troops. No general ever had enough transport. No general ever had enough time to deal with a military operation, whether it was for an attack or defense. Never in the history of warfare has any general conceded that he was completely ready.

The same thing is true for Vietnamization, which is finally under the control of the government of Saigon. Therefore, until they say they are ready, there is no completion of Vietnamization. If that is going to be our timetable, then it is without end. It has no date at all.

I do not think the President feels that way. I think the President has a date in mind. I am sure of that. He is intelligent and sensitive, a human being of high distinction. But unless that date is shared with the American people and the Congress, unless Saigon knows that is the end of the road, it is not going to pay attention. One can always talk with the President, which is a private matter. There is no desire to have an operation in Vietnam that is discreditable. If I were Mr. Thieu or Mr. Ky I would advise the President that, as between a published date and an unpublished date, the published date is worse for them—but better for us.

The veto in the hands of Hanoi is similar. Hanoi has taken the position that this is a civil war and as long as there are American troops in Vietnam, there is a foreign military power at work and the civil war cannot be settled between the parties.

In view of the fact that the President has announced withdrawal anyway, we might just as well give notice in the most effective way possible that we are ready to see a political settlement, this time between North Vietnam and South Vietnam, and just as South Vietnam could not exercise the veto on Vietnamization because there was a fixed date, so there would be an enormous inducement, both to Hanoi and Saigon, to negotiate a political settlement precisely because there was a fixed date.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. JAVITS. I yield.

Mr. McGOVERN. The Senator has made reference to the fact that there are really two vetoes over our policy in Vietnam now, one of those vetoes being held by Hanoi and the other by Saigon.

If what the Vice President told us a week or so ago is correct, that the whole thing is off if the Lon Nol government falls, that both Vietnamization and assured American withdrawal are ended if Lon Nol——

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I yield myself 5 minutes.

If all of that is true, that Vietnamization and the withdrawal timetable that we are presently on depend on the capacity of the Lon Nol government to survive, have we not now added a third veto that hampers the control of our policy?

Mr. JAVITS. We may very well have done so, except that, frankly, I can hardly believe that we have done that. I can hardly believe that American policymakers, aside from general remarks to buck up the Lon Nol government, are really engaged in such a commitment which, as the Senator properly says, if made would build yet a third veto into the situation, and keep us there perhaps even longer than the first two.

Mr. McGOVERN. I think the Senator has underscored, in his remarks today, a problem that has for years bedeviled us in Vietnam, and that is that there is a difference between our interests and the interests of our ally in South Vietnam.

The President has said, if I read him correctly, that we would be willing to consider a coalition government—I think he referred to it as a government representative of the major political interests in the South—but General Thieu says he will never consider that, he will never share his power with his challengers in the South.

I think the Senator is correct in saying that President Nixon is looking toward withdrawal at some time, but Mr. Thieu says it is ridiculous to talk about that now. When the President expressed the hope to the American people that the South Vietnamese forces would come out of Cambodia when we did, Mr. Thieu said, "That is silly talk from silly people."

I think all of this—and the thrust of the Senator's remarks makes this very clear—shows that we are involved in a situation where, until we do take control of our own policy, we are going to be tied to the government in Saigon, which has interests far different from our own.

Mr. JAVITS. Mr. President, I think that is of extreme importance. But it seems to me that we need not discredit the government in Saigon to make that acknowledgement. I have no desire to tear them down. When we leave, I hope they make it. As I say, I have no desire to tear them down; there is no need for it.

But let us face the issue that if they are ever going to have any political relationship with their own people who are fighting them—and there are plenty of those in addition to the North Vietnamese—we must provide a timetable within which they will have to do it.

Mr. McGOVERN. Is it not true that there is an army of some 1 million men under the command of General Theiu?

Mr. JAVITS. There is a million-man army, and they are beginning to develop an air force. They are showing considerable signs of self dependence in Cambodia, where some of their forces are now, and certainly in Vietnam.

It seems to me that every nation which goes in to do what we wanted to do, which was to help a small people achieve the right to determine its own future, must have some terminal point for its efforts. Really, on moral grounds, we had the same reason for going into Czechoslovakia under the United Nations Charter, or Hungary. Obviously, those would have been insane commitments. We took this one, which in my judgment was very improvident.

But, Mr. President, there must be some terminal point, some conditions, some outside parameter to that effort and Congress has a role in defining what it is.

That leads me to this question, which I think is basic here: the question of defeat as far as the United States is concerned. It reminds me, in the reverse, of what Senator AIKEN said one day, "Let us just say we won, and get out." We may as well say we lost and get out. The point is, we never went in to win or lose; we went in to give a small nation an opportunity to seek its own solution, its own way out. Our commitment was always limited, in many ways. We could wipe out North Vietnam in two afternoons; everyone knows that. But no one would want us to do that, in the beginning or now.

Besides that, we are not there to win and we are not there to lose; we are there to do a particular thing in terms of assisting the right of a small people to find its own place in the world. The President himself has now decided that issue. He himself says he is going to withdraw. So all we are talking about is what shall be the timetable, and shall it be in his mind or shall it be written into the law?

In my judgment, that is the central issue. There is no other issue involved. He himself says he is getting out as soon as he possibly can. The central issue is, shall we set a date? On that issue, I believe the weight of the evidence is now on the side of the proponents of the amendment, and that is why I have joined in supporting it.

Mr. McGOVERN. As far as simply saying we have won and getting out is concerned, it is my view that we have applied that doctrine in Cambodia, and I hope we can sustain it there.

Mr. HATFIELD. Mr. President, will the Senator yield?

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I yield myself 5 additional minutes to yield to the Senator from Oregon.

Mr. HATFIELD. Will the Senator from New York yield at this time?

Mr. JAVITS. Oh, yes.

Mr. HATFIELD. Will the Senator comment a little further on this question about our commitments in Vietnam, as to the legal aspect of them, under President Eisenhower? Are we under an irrevocable and clearly defined legal responsibility, upon which we would be reneging to withdraw at this time?

Mr. JAVITS. No, I have never thought that. I do not think President Eisenhower thought that. He rejected that proposition himself, in refusing to send troops in to bail the French out of Dienbienphu.

I doubt that we ever subscribed to any proposition which took us beyond our national interest or our constitutional processes, both of which are basically built into the American freedom of action in respect of this situation.

The implication of the commitment was contained in a protocol to the Southeast Asia Treaty. Indochina was not even a party to that treaty in any affirmative sense of being a contracting party. It was a kind of third party beneficiary, to use a legal term, and always

on the basis of the volition of the United States, plus obedience to American constitutional processes.

On both grounds, the interests of our country and the right of our country to determine when it would or would not act in a given situation, and the assertion now of the congressional authority, seeking that it be joined with the Presidential authority, I see no legal basis which could lock us into Vietnam as against an exercise of the authority by the President and Congress which would be represented by this enactment.

Mr. HATFIELD. Mr. President, will the Senator yield further?

Mr. JAVITS. I yield.

Mr. HATFIELD. The Senator is a member of the Committee on Foreign Relations, where he has been serving with great distinction. In view of that service and his long involvement in concerns throughout the world of problems that lead to peace and war, would the Senator not agree that those who say that this is a neoisolationist move or a neoisolationist trend in this country are completely in error, because among other sponsors and supporters of this amendment are men who are well known for their concern about international commitments and international involvement? Would the Senator not agree that this kind of tiedown to an interminable period in Southeast Asia actually creates a possibility of less likelihood for the United States to assume its rightful role in other parts of the world, where there is a greater threat to the peace existing even today?

Mr. JAVITS. I agree with that, and I would like to make just one brief observation on that point. There is a lot of speculation in the world that the American people have somehow relinquished their interest in the world and are no longer concerned with playing an activist role in peacekeeping in the world. That does not mean we have withdrawn, but just that we will carry only our share.

I think the events in Vietnam and the terrible division in this country which they have engendered have intended to magnify that. I do not believe that the fundamental feeling of responsibility of the American people has changed, but I think it has been inhibited by the way in which events in Vietnam have gone. I believe that we would tremendously free America to take its role in the world in terms of building peace elsewhere, if we would end this particular involvement.

Mr. HATFIELD. I thank the Senator.

It seems to me, both from the standpoint of the statement made today on the floor of the Senate and the very outstanding contribution made by him on a national television program last Saturday night, the Senator from New York speaks not only as an authority with much background from the Committee on Foreign Relations and other involvements, but also as one of the outstanding constitutional lawyers in the Senate. Therefore, I think his testimony and his comments should weigh heavily in the minds of those who are uncommitted. I do not think anyone could charge the Senator from New York with being other than intimately and deeply concerned about all our involvements in the world, our leadership in the world, for the cause of peace and the upholding of our legal commitments and our legal responsibilities.

I thank the Senator from New York for his contribution in helping to revise the language of the amendment and the leadership he has given on the floor of the Senate and elsewhere on behalf of this amendment at this time.

Mr. JAVITS. I thank both my colleagues.

Mr. McGOVERN. Mr. President, how much time do the proponents of the amendment have remaining?

The PRESIDING OFFICER. The proponents have 26 minutes remaining.

Mr. McGOVERN. That is out of the 2½ hours that we are allocated today?

The PRESIDING OFFICER. That is correct.

Mr. McGOVERN. I yield 5 minutes to the Senator from Idaho.

Mr. CHURCH. Having achieved our basic objective of serious negotiations tied to an orderly withdrawal from Vietnam, what task remains for the doves to perform?

There are two major undertakings left. First, we must keep up the pressure so that President Nixon's withdrawal from Southeast Asia will remain as irreversible a process as Secretary of State Rogers says it is. Second, in absence of a political settlement in Indochina, we must work to prevent a Korean-type prolongation of our Vietnamese misadventure.

On the first count, the sudden aberration of the Cambodian invasion illustrates the danger that Mr. Nixon might yet be tempted to reverse gears and reescalate the war should the Vietcong and the North Vietnamese fail to lie low. Already the administration is having to eat most of its words of reassurance to the American public, as it keeps getting edged into further involvement in Cambodia. An entire speech would scarcely do justice to that subject. Suffice it to say now that the current situation makes it overwhelmingly clear why the Cooper-Church amendment, passed by the Senate on June 30, needs to be enacted into law. It would prohibit any full-scale return to Cambodia without congressional consent.

On the second count, it should be painfully evident that we must avoid the trap of keeping a vestigial military presence in South Vietnam for the indefinite future. An American military foothold there is unnecessary to our security, unduly expensive, and disruptive to a final resolution of the Vietnam—or Indochina—problem. Moreover, it would militate against any improvement in relations with China over the long term, which should be the central objective of American foreign policy in Asia.

The Korean example should be proof and warning enough of this thesis. Seventeen years after the end of the fighting, we are still locked into Korea. At great expense, we have kept a sizable army there all these years. Now, as fiscal pressures compel a reduction in this force, an indignant Korean Government demands another $3 billion in military assistance as severance pay.

Nevertheless, the pressures mount for making the same mistake all over again in Vietnam. Writing from Saigon, Washington Post correspondent Lawrence Stern recently warned in an article datelined August 26, 1970, that:

> President Nguyen Van Thieu will press the case for maintaining a 50,000 man "residual" American military presence in South Vietnam during his talks today with Vice President Spiro T. Agnew.
>
> This, as far as Thieu is concerned, will be "Topic A" in the conversations at Independence Palace, according to qualified official sources here.
>
> So far there has been no official communication between Presidents Thieu and Nixon on the size of the American troop commitment to South Vietnam in what the presidential palace has begun to call the "postwar" period.
>
> In a recent dinner with a few Western correspondents on July 30, Thieu first floated his proposal for a 50,000-man American military force in South Vietnam to "guarantee the peace" after 1973—in what might be described as the post-Vietnamization period. . . .
>
> "We still have many things to ask of you," Thieu said to American correspondents during the July 30 dinner.
>
> U.S. Ambassador Ellsworth Bunker is known to feel that Thieu's position is a reasonable one and has, in private conversation, cited the precedent of South Korea where the United States maintained a "peacekeeping" force of about 60,000 troops for 18 years.

In my view, the adoption of the McGovern-Hatfield amendment—as it has been refined—would demonstrate that we have learned something from past experience, and that we are determined to sever the military umbilical cord which fastens us so tightly to the Saigon government. It would remove the gnawing suspicion that Vietnamization might be intended to promote a lingering, though lessened, American military presence in South Vietnam for the indefinite future. It would guarantee the withdrawal of all remaining American troops by setting a deadline beyond which they could not be retained without congressional approval. It would thus make certain that, unless Congress approved, we would neither reescalate our involvement in Vietnam nor permit our engagement there to be transformed into another Korean-type garrison for American troops on the mainland of Asia.

For these reasons, I shall cast my vote in favor of the McGovern-Hatfield amendment.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 minutes.

Mr. DOLE. First, Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in this morning's New York Times entitled "Sound Motive, Dubious Method."

There being no objection, the article was ordered to be printed in the RECORD, as follows:

SOUND MOTIVE, DUBIOUS METHOD

The Senate will vote tomorrow on the Hatfield-McGovern amendment to set a timetable for ending the war in Vietnam, an objective devoutly wished by millions of Americans. The framers of the measure have labored responsibly and creatively to extend the deadline for withdrawal of American forces and to allow the President flexibility in applying that deadline.

The question the Senate must decide is

whether adoption of the resolution will enhance the prospects of negotiating an honorable settlement in Paris and genuinely extricating the United States from its disastrous adventure in Vietnam.

It is an excruciatingly difficult question for those who deplore—as we do—the lack of candor and the outright deception practiced by this and the two previous Administrations with regard to the American involvement in this Asian morass. And there can be no doubt that in the course of this ill-starred adventure the Executive has often bypassed or ignored the Congress.

There is genuine danger for the American system in Vice President Agnew's reckless assaults on Senators Hatfield and McGovern and their allies, honorable men whose records refute his "pacifist" and "isolationist" labels. They have long agonized over ways to help free this country honorably from a fruitless and divisive involvement and they deserve better than to be attacked as architects of "a blueprint for the first defeat in the history of the United States."

The basic question remains, however: is this amendment the right way either to redress the imbalance of power in the Government or to advance the prospects for American withdrawal and peace in Vietnam?

The argument is used that the timetable in the amendment is roughly the one the President has set for himself; and that its passage would thus be a contribution toward a joint Executive-Legislative policy. But the President is careful to preserve his options and it seems unwise to fix a withdrawal schedule for him by law, even one that contains the loopholes now put into it by the measure's sponsors.

Most important, in our view, is the probable effect of a withdrawal deadline on the peace talks in Paris. Mr. Nixon insists that, despite the lack of a new negotiating brief, David Bruce has been given latitude to explore all possible avenues to a satisfactory settlement. It is just such vagueness that has caused many Senators to despair that American troops will ever be out of Vietnam unless Congress applies an independent prod.

A prod undoubtedly would be useful; the question is what kind it should be. That Hanoi has been stonewalling in Paris is no excuse for Washington's failure to take the initiative there.

Our own belief is that the best way to end the stalemate in Paris is through prompt United States sponsorship of a proposal for a standstill cease-fire by all forces in Vietnam. A Senate resolution to this effect might help to end the war. The Hatfield-McGovern plan, which differs merely in timetable from the Administration's Vietnamization objective, would only end the American involvement—and assure that the war goes on. For there will be little incentive for Hanoi to negotiate a settlement if the President is under Congressional mandate to meet a deadline for evacuation, however diluted.

The sponsoring Senators have labored overtime to make their amendment more reasonable and flexible, but we cannot believe that its adoption will bring closer the goal they seek.

Mr. DOLE. Second, I ask unanimous consent to have printed at this point in the RECORD an editorial published in the Washington Sunday Star of August 30, entitled "Asia: America's Great Withdrawal Begins."

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

ASIA: AMERICA'S GREAT WITHDRAWAL BEGINS

As Vice President Agnew winds up his four-nation Asian tour, it is clear that we stand at the end of one era and at the beginning of another. Three times in the last three decades, this country has sent ground units of its armed forces into battle on the Asian mainland. Now the great withdrawal has begun, and it is doubtful if ever again American troops will be committed on that huge land mass. That single fact is fraught with tremendous significance, not only for our own children but for the 60 percent of the human race which inhabits Asia.

The Western encroachment on Asia has deep roots. It began in the early years of the Sixteenth Century, when the Portuguese wrested control of the Indian Ocean from the Arabs. In the early chapters of that saga, the Portuguese, Spanish and Dutch contested with one another for the wealth of the Indies, with the French and British scrambling for their share a little later. In 1854, Commodore Matthew Perry's black ships opened up Japan, committing the United States to an Asian destiny more manifest to some than to others.

In a sense, it was inevitable that America should involve herself. From the moment the first settler set foot on these shores, he turned his back on Europe and felt himself drawn toward the setting sun. The course of empire saw the flow of a restless people across the great prairies until the shores of the Pacific were reached. But still the dying sun glowed red on the Western horizon and we followed it until our gunboats patrolled far into the interior of China. At the same time, the Russians were expanding their empire at the expense of China's western territories. At the apogee of the age of imperialism, foreign flags flew over virtually every Asian nation except China, Japan and Thailand. The harbinger of the end of that era was the defeat by Japan of Russia in 1905.

The seeds sown at Tsushima flowered in the 1940s and 1950s with the withdrawal of the British, Dutch and French from all but a few pockets of Asia. It was perhaps inevitable that the United States, in Korea in the 1950s and Vietnam in the 1960s, should attempt to fill the power vacuum left by the departure of the colonial powers.

Because the United States was a different country and the United Nations a different organization twenty years ago—and because that war was fundamentally a conventional one—we were able to prevent the Communist conquest of Korea, which commands that sea approach to north China, Manchuria and eastern Siberia, pointing like a dagger at the heart of Japan. Now, two decades later, we have 63,000 troops left in Korea. By next June, the United States will withdraw 20,000 of these, with total withdrawal, in Agnew's words expected in about "five years."

Historians of another era will have to judge whether the United States has "won" or "lost" the second Indochinese War. Clearly, despite the commitment of more than half a million troops, a military victory has not been achieved. Whether the time that has been purchased with so many deaths will prevent Communist domination of Southeast Asia in the decades to come remains to be seen. What is clear is that the American withdrawal of its fighting units has begun and is irreversible, given the country's present and foreseeable political sentiment. The presence of 49,000 U.S. troops in Thailand is unlikely to continue once the Vietnam phase-out is completed.

As a people, we have never been much on nuance and shading. We like our victories total and their surrenders unconditional. The failure to win such victories, to impose such surrenders, conjures up the danger that we may pick up our marbles and go home, turning our backs on Asia and the Pacific. Yet the United States cannot cease to be an Asian power. Five of our states are washed by the waters of the Pacific and one sits at the core of that ocean. We are committed to the defense of Taiwan and we have treaties—which President Nixon has promised we will honor—with no fewer than 18 Asian nations. In an economic sense, it would be disastrous for the United States to abdicate its interest in a continent which contains 92 percent of the world's rubber, 63 percent of its tin, 22 percent of its manganese and nearly half of its tungsten. As a world power, the United States can no more shirk its responsibilities in Asia than it can abandon its position in Europe.

Although Vietnam and the Middle East grab most of the headlines, it is in Northeast Asia in general—in Korea in particular—where the danger of great power confrontation in the 1970s looms largest. There, and there alone, do the interests of the two superpowers, the United States and the Soviet Union, and those of two aspirant superpowers, Communist China and Japan, intersect.

The Sino-Soviet quarrel, the outcome of which cannot be foreseen, has provided a temporary breathing spell in that sector. If this time is employed by Japan—a first-rate economic power but a tenth-rate military nation—to develop its security forces, the United States may be able to play a secondary role in this area. Until then, the security of South Korea, upon which that of Japan hinges, rightly will continue to be a matter of primary concern to the White House.

Walter Lippmann, who opposed the American involvement in Vietnam from the beginning, in our view takes a sound position in regard to what America's stance should be when we withdraw our combat troops from the mainland. Writing in 1964, Lippmann had this to say about the post-Vietnam era:

"A policy of stabilization in Southeast Asia demands that the American power and presence in the South Pacific shall not be withdrawn when our troops withdraw from South Vietnam. On the contrary, we should strengthen our position in the South Pacific. We should be able to do this if we do not forget, as we have allowed ourselves to forget, that we are a sea and air power."

Implicit in this is the suggestion that we must commit ourselves to the economic, political and military development of those Pacific island-nations which swing in a great arc from Japan in the north to Australia in the south. Inevitably, this will leave the small nations of Southeast Asia—South Vietnam, Laos, Cambodia, Thailand, Burma, Malaysia and Singapore—on a rather sticky wicket. While it is clear that the United States will continue to provide economic assistance and military hardware to these nations, the implications of Mr. Nixon's Guam Doctrine are that, with the exception of nuclear attack, they are pretty much on their own.

Ultimately, no Pacific settlement is possible until Communist China is admitted to the United Nations and the family of nations. This, of course, depends just as much upon the actions of Peking as it does on the attitude of Washington. But now that the excesses of the Cultural Revolution are behind it, China shows promising signs of wishing to normalize its relations with the rest of the world. Sir Robert Scott, a veteran British China hand, maintains that Peking's aims today "are little different from what they were fifty or a hundred years ago—unity, self-sufficiency, security." If this is so, the prospects for peace in the Pacific—or at least for the absence of large-scale war—are not as bad as they might be.

Russia's expansion of her high seas fleet and Moscow's peace efforts in the Middle East, which clearly are designed to procure the reopening of the Suez sea route to Asia, make it clear that the Kremlin intends to make its weight felt in the Pacific in the 1970s.

Under the circumstances, the United States, in the inevitable psychological depression of the post-Vietnam era, could make no greater error than to contemplate a withdrawal from off-shore Asia. In Japan and

Indonesia particularly, we have potentially powerful friends. Under the nuclear umbrella of the Nixon doctrine, these friends—and others—need to be encouraged and helped to build a Pacific Community of which the United States could be no more and no less than an equal member.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HATFIELD. I thank the Senator for yielding for just a moment.

Mr. President, I ask unanimous consent to have printed in the RECORD an editorial published in the Washington Post of Friday, August 28, entitled "A National Policy to End the War," and an editorial published in the St. Louis Post Dispatch of Sunday, August 30, 1970, entitled "Two Critical Issues of the War."

Mr. DOLE. Mr. President, I ask unanimous consent that those editorials be printed in the RECORD following my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. DOLE. I yield to the distinguished Senator from West Virginia.

MODIFICATION OF AMENDMENT NO. 754

Mr. BYRD of West Virginia. Mr. President, at the request of the Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent that amendment No. 754 to H.R. 17123, the military authorizations bill, be modified to make the language of the bill more consistent with itself. Legislative counsel has informed Senator PROXMIRE that the word "drafted" on page 2, line 12, should be changed to "inducted" in order to be consistent with the use of the word "inducted" on page 1, line 4, and on page 2, line 6.

I ask unanimous consent that this technical change be made, that the revised language of amendment 754 be printed in the RECORD at this point, and that the amendment as modified be printed and lie on the table.

The PRESIDING OFFICER. Without objection, it is so ordered.

AMENDMENT NO. 754

At the end of the bill add a new section as follows:

"SEC. . No funds appropriated pursuant to this or any other Act may be expended after the date of enactment of this section for the purpose of sending to South Vietnam, Laos, or Cambodia, any person inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, or any subsequent Act providing for the conscription of persons into the Armed Forces, unless funds are specifically authorized to be expended for such purpose by law hereafter enacted. The preceding sentence shall not apply in the case of any person inducted into the Armed Forces of the United States under the Military Selective Service Act of 1967, or any subsequent Act providing for the conscription of persons into the Armed Forces, who (1) Volunteers for duty in South Vietnam, Laos, or Cambodia, or (2) has voluntarily extended his military service obligation after having been inducted into the Armed Forces."

Mr. DOLE. Mr. President, first of all, because the proponents of the amendment have used up most of their time, I should like to take some of the time allotted to me to ask questions either of the Senator from Oregon or the Senator from South Dakota with reference to the most recent version of the so-called end the war amendment.

First I would ask the question of either the Senator from South Dakota or the Senator from Oregon with regard to section 3 of the so-called end the war amendment on page 2 which reads:

(3) the provision of asylum for Vietnamese who might be physically endangered by withdrawal of American forces;

I am wondering whether either Senator might clarify just what this provision may mean, whether there is any estimate or notion where asylum may be, in Kansas, South Dakota, Oregon, Guam, or why the provision was inserted. I address that question to either Senator.

Mr. HATFIELD. First I should like to say, this is not a figure, and there is no figure I know of because, first of all, it does assume there may be conditions which none of us can project at this time or predict which will create the necessity for some who might not wish to stay in Vietnam after our withdrawal. I would point out, it does not have to be based on the fact that they fear the Communists in Vietnam, they may fear non-Communists or other fellow countrymen within Vietnam. We have seen evidence today of how much terror there is in Vietnam and how much suppression and oppression there is on the part of Thieu-Ky regime.

In discussing and debating over the number of years of our whole involvement in Vietnam, the question has always been raised about what would we do with those to whom we have made some sort of political commitment, whether known or unknown, and if that might mean they would personally or physically be in danger if they remained after we left. That was the only reason for putting this in the amendment. I do not think it is anything terribly unique or extraordinary. It is just recognizing the possibility of a call for asylum by certain individuals with a change of political government or policy in the regime within South Vietnam.

Mr. DOLE. I might then ask, if there has been any thought given, because in this amendment was that carefully considered—it has been, because it has been changed four or five times, and each time it has brought forth other changes—but certainly some thought was given as to where the asylum might be, whether it would be somewhere in Southeast Asia. Has there been any thought given as to where we would provide this asylum in the event South Vietnamese were physically endangered?

Mr. HATFIELD. As the Senator from Kansas knows, there have been those already in South Vietnam who have sought asylum even before the Thieu-Ky regime came in. Many went to France. Madame Ngu, who became famous in South Vietnam, went to Italy. I do not know where these people might want to go. I think that we would have to wait and see, if this amendment prevails and these events take place. The point is, we have made provision for all contingencies, trying again to indicate that we are concerned about all the people in South Vietnam, not just our own American troops. That was the reason for providing this particular section in the amendment.

Mr. DOLE. I might also say there are about 1 million North Vietnamese who fled to South Vietnam.

Mr. HATFIELD. Let me go back to that. I suppose at one of the notable points in history, when there was an expansion of the population—and let us make the record clear on this—there were a number of people who came into South Vietnam, because it had been carefully documented, expected, and anticipated that an election would be held in 1956. So that many of those who went to South Vietnam did not go on the basis of any fear for their lives but for the purpose of voting for reunification and voting for the Ho Chi Minh regime of the North. I think it should be further pointed out historically that Catholic support of the regime in South Vietnam was an ingathering, to a great extent because of the cultural and religious affinity they had for one another.

Mr. DOLE. Were there not some, if I recall, who fled because of fear of terror?

Mr. HATFIELD. Yes. If the Senator will yield further on that point of terror, there was also terror within South Vietnam, let us not forget, under the Diem regime. One reason why that regime was challenged, not just by the Communists alone but by Communists and non-Communists, was due to the repressive measures which were taken by the Diem regime against its own people. So if we are going to talk about regimes of terror, it has been characteristic of both North and South.

Mr. DOLE. The Senator is not suggesting that there is more terror in South Vietnam than there is in the North?

Mr. HATFIELD. I do not believe that terror can be described that way. Terror is a matter of intensity wherever it exists.

Mr. DOLE. I call the attention of the Senator to the fact that when the elections were held in South Vietnam yesterday for 30 Senators there were acts of terrorism throughout South Vietnam, including the murder and slaughter of some 15 children in an orphanage. But let me come back to this question of asylum. With the adoption of the amendment, would that asylum be at the discretion of the President to determine, or would Congress determine it? Are we going to give the President that power?

Mr. HATFIELD. I think there are already well established precedents on aslyum in this country. When asked for by individuals seeking asylum, their requests are handled in the executive branch by the State Department. There is adequate historical and traditional precedent for such things. There is no attempt here to change the precedent. I am sure the precedent is already well established.

Mr. DOLE. Well, we seem to be trying to change this precedent, of how to end the war. I thought there was a new precedent for it in the pending amendment.

Mr. HATFIELD. I think the very opposite is true. The precedent we have is for trying to reestablish the role of Congress in this whole war in Vietnam. It has broken a precedent. Our action here

is to try to reestablish the historic precedent.

Mr. DOLE. There is no precedent at all. Despite all the wars we have been engaged in in this country, the fact is that we have here—at least I can find no precedent—a precedent for cutting off funds. That would be a precedent, would it not?

Would the Senator comment on how our prisoners of war would ever be released? I do not understand how we can strengthen the hand of any President or any Congress by adopting this amendment to end the war, with reference to our prisoners of war, because once we have withdrawn that leverage, what strength would we have, how could we negotiate for the release of our prisoners of war when we have no strength, no viability in the country of South Vietnam? How would that be determined? Would that be determined by the President or would it be determined by the Senate?

The PRESIDING OFFICER (Mr. BENNETT). The time of the Senator has expired.

Mr. DOLE. Mr. President, I yield myself 10 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 10 additional minutes.

Mr. HATFIELD. I should like to respond to that statement, but I think my colleague from South Dakota would prefer to comment on it. Let me say to the Senator from Kansas that I enjoy this kind of repartee or colloquy to bring out the points he wanted to question us on, but I feel that since I am only one of the coauthors of the amendment, I should yield part of the opportunity to respond to the Senator from Kansas in this way, to my colleague from South Dakota.

Mr. McGOVERN. The Senator from Kansas mentioned the question of asylum. He specifically made reference to the possibility of refugees from Vietnam. Under the provisions of the amendment, and having mentioned possibly South Dakota as a location, let me say that as one resident of South Dakota, if it would bring about an earlier end to the war in Vietnam, I think I could say with complete certainty for the people of my State, that we would much prefer to have a few Vietnamese coming to South Dakota to stop the flow of young South Dakotans going to the jungles of Vietnam, if that is the choice. There is no question in my mind, about it, I believe it would be resolved sooner.

Mr. DOLE. The Senator says a few. There are 17 million people in South Vietnam. Of course, I do not know how many would be physically endangered but certainly more than a few. I share the view expressed by the Senator from South Dakota, as it is certainly nothing new for our country to provide asylum for refugees. We did it in the Cuban crisis and would do it again if necessary.

That is not the point the Senator from Kansas makes. The point is that apparently the sponsors of the amendment recognize that many who remain in South Vietnam, if there is a precipitate withdrawal because of some fixed date by the sponsors, will be physically endangered.

It is my hope that under President Nixon's plan, which is working and has exceeded the expectations of most everyone, there will be no one physically endangered when the last American leaves South Vietnam.

Mr. McGOVERN. Mr. President, on that point, is the Senator aware that a public opinion survey was conducted in South Vietnam in which the South Vietnamese people who responded indicated that 65 percent would like to see us withdraw now; 30 percent said they did not have any opinion on it; and only 5 percent expressed any desire to have our forces stay.

I have not seen any other surveys. I wonder if that does not indicate that the Senator's fear of a blood bath in the event of our withdrawal is somewhat stronger than the same anxiety that might exist on the part of the people of South Vietnam.

I think that what they fear are the enormous destructive blows being struck on that country as a result of the massive firepower of our own weapons that have been introduced in that war.

I do not find it hard to understand a public opinion poll on the part of the rank and file of the people in South Vietnam when they say, in effect, that they would like to have us go home.

Mr. DOLE. Mr. President, I find it hard to find that public opinion poll. The Senator referred to it on a national network program and has referred to it again on the Senate floor.

It would be most interesting if we might have a copy of it, if such a poll exists. The Senator from Kansas has never been able to find it.

Mr. McGOVERN. Mr. President, the results of the poll were released by an ABC correspondent in Saigon. It was reported after that that it had been repressed by the American command in Saigon.

The results of the poll were published by the Senator from Ohio (Mr. YOUNG) in the CONGRESSIONAL RECORD 2 weeks ago. There has been no denial or no refutation from anyone in the State Department or in the Pentagon.

I have no reason to doubt it. The poll has been suppressed, and that is why it has been difficult to get a copy of the poll.

Mr. DOLE. Mr. President, I have discussed this particular poll with the Defense Department officials. They have no knowledge of it.

Getting on to the more important question, it appears to me, as I have said before, that what the sponsors have done in an effort to obtain more votes for their amendment is to redraft the amendment on five different occasions.

It appears now that in effect the sponsors are embracing the Nixon program of Vietnamization. But they are saying, in effect, "While we are for Vietnamization, while we endorse the principles, we want a piece of the action. Therefore, all that has to be done is to put a date on the withdrawal. President Nixon has done everything else. The Vietnamization program is working. But he has not announced his timetable. He has not shown his hand to the enemy. Therefore, we in Congress want to write in a date."

I find it difficult to find any vast difference between what the principal sponsors of the amendment have proposed in the so-called end-the-war amendment and what President Nixon was doing.

Would the Senator from Oregon care to comment on that?

Mr. HATFIELD. Mr. President, I think the Senator from Kansas has already posed two previous questions that have not been answered in his colloquy. I would like to go back to them first.

The Senator from Kansas indicated first what would happen to those who might have to seek asylum or who would have to leave Saigon. Let me point out that we have had previous occasions when people have had to leave Vietnam because of a turnover or change of administration or regime.

I do not have to cite the fact that Madam Ngu said that she felt it was vital for the safety of her life that she leave Vietnam after the fall of Diem.

This is not a change from a non-Communist to a Communist regime. General Big Minh had to leave Vietnam. He felt it was wise for the safety of his life that he leave.

We have heard examples of turnovers of regime when people have had to leave Vietnam and seek asylum elsewhere.

The Senator brought up the matter of what would happen to our prisoners of war. I do not know of anyone who has spoken on the floor more frequently about the prisoner-of-war situation than I have. I do not know of any other Senator who is more deeply concerned about the matter of our men who have been so heinously treated.

Mr. DOLE. My point is, should we leave that up to the Senate or to the President?

Mr. HATFIELD. In the present situation we have not been successful in getting a release of the prisoners of war. We have not been able to take up the issue.

Consequently, it seems to me that if we set a time specificly for our withdrawal and declare that all American troops will be out on that particular date, we set the stage for meaningful negotiation of the question of American prisoners of war that no longer have to be held as hostages and levers and prods to try to get negotiations underway. I think we would have a better chance to get negotiations started then for the release of prisoners of war than we have experienced up to this point.

Mr. DOLE. Mr. President, would the Senator from Oregon comment on how this amendment differs in any respect from the Vietnamization program, with the exception of setting a fixed date.

Mr. HATFIELD. Mr. President, let me say that I cannot speak for all my colleagues who are cosponsors. The Senator from Kansas knows very well that when we were shoulder to shoulder last week on the draft amendment, there are different emphasis and different points that each cosponsor might wish to give as the reason for his support of the measure.

I have been publicly on record and have stated and restated that up to the point of Cambodia I supported President Nixon's Vietnamization program. There is no mystery or cloud of misunderstanding on that matter. I stood solemnly for President Nixon's Vietnamization policy up to the point of Cambodia.

I believe this amendment gives the Vietnamization program its best chance of success. This is not a confrontation. If the Senator will go back to the amendment in its original form, he will note that the amendment was introduced the day the invasion of Cambodia took place. That is the reason we had to modify the language, in view of the events that were unfolding. The Senator from South Dakota and I introduced the amendment the day before Cambodia.

On that occasion, it was our hope that the President would support the amendment. There was no aim to have a confrontation, to put us in juxtaposition with the President, but rather to undergird the President and assist him in shouldering this responsibility.

In March 1968, when President Johnson gave his famous speech about not being a candidate, I think that most of the people accepted the fact that this was Mr. Johnson's war and that, therefore, it would be impossible for him to seek renomination.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I ask unanimous consent to continue for 5 additional minutes.

The PRESIDING OFFICER. The Senator from Kansas is recognized for 5 additional minutes.

Mr. DOLE. Mr. President, I yield to the Senator from Oregon.

Mr. HATFIELD. Mr. President, on the occasion when the amendment was introduced, Mr. Larry O'Brien, the chairman of the Democratic Party, expressed in a public forum an indication of the war becoming Mr. Nixon's war.

The Senator from Kansas realizes that we are both standing on this side of the political aisle. I do not think the war should be known as Mr. Johnson's war or Mr. Nixon's war. I do not think we should make a political point of the war. I do not think it should be connected to a certain policy.

This amendment can make the war become, in effect, an American people's war rather than a certain President's war. I think the Senator from Kansas would agree that the burden of this war should not be borne on the shoulders of one man, having him take full responsibility for every life lost in Vietnam or the future course of Vietnam operations.

This asks the President to take his own course for 16 months and then, in a transitional period, let Congress stand up and quit "Monday morning quarterbacking" the President and assume its proper role.

This is not a challenge to the President. This is a challenge to our colleagues to stand up and assume the responsibility the Constitution has placed on our shoulders.

Mr. DOLE. I thank the Senator from Oregon. As I said at the outset, in my opinion debate is what we need on this amendment. We need high-level debate to discuss the provisions and determine in depth the meaning of the provisions. If there are differences of opinion, perhaps they can be resolved; but the amendment to end the war, the present version, would extend the war for another 18 months.

I would also indicate, as earlier, that in my opinion President Nixon has made great progress and is on the way to complete disengagement. Both the Secretary of Defense and the Secretary of State have indicated that by June 1971 all combat troops will be withdrawn from South Vietnam, and to me this indicates additional progress. But, in any event, if that goal is not reached by next May 1, 80 percent of our combat forces will be withdrawn from Vietnam.

When President Nixon took the oath of office on January 20, 1969, this war was an actuality, it was a fact, it was on his doorstep. He did not ask for any of the appropriations which had financed escalation; he did not ask for the war; he was not a party beginning or expanding to it. Yet the war has continued.

Had there been a continued escalation of the war, perhaps this effort by Congress to fix a timetable might have more validity. But I have difficulty understanding why we should force the President or why we should expect the President, whatever his name may be—Nixon, Johnson, Kennedy, or Eisenhower—or whoever might succeed President Nixon, to say in advance that unless he comes back to Congress we will quit in South Vietnam, or any other country, or in any other conflict.

Mr. HATFIELD. Mr. President, will the Senator yield?

Mr. DOLE. I yield.

Mr. HATFIELD. I think one of the most important reasons why we should ask him to do that, and I say this as a fellow Republican, is that since the days of Herbert Hoover—and I have been to many conventions where this has been stated—it is the Democrats who have usurped the power and centralized the power and it was up to Republicans to be elected to reverse that trend established under the New Deal. This is the opportune time for Republicans who express this concern that has been expressed over centralization of power in one man. I am speaking of the constitutional questions, especially article I, section 8 of the Constitution.

Mr. DOLE. I might point out that the section of article I, section 8, of the Constitution which the Senator mentions refers only to armies and has no reference to the Navy. The Navy is mentioned separately and without a 2-year limit on appropriations. But in any event this is the first time that Congress—perhaps the second time—has attempted to cut off funds. It occurs to me, as the Senator from Mississippi pointed out earlier, that there must be some one American, the President, to speak for the people.

As the Senator from Oregon knows, those who drafted the Constitution at one time thought of changing in the Legislative Article the word "declare" to "make" but decided the word should be "declare"—because only one person, the President, should determine how a war should be expanded and contracted.

We should not defuse the control and authority, particularly at a time when President Nixon is on a path to peace. Perhaps the withdrawal is not as rapid as everyone would like, but he is engaged in a program to bring about peace.

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. DOLE. Mr. President, I yield myself 5 additional minutes.

The PRESIDING OFFICER. The Senator is recognized for 5 additional minutes.

THE CASE AGAINST THE M'GOVERN-HATFIELD AMENDMENT

Mr. DOLE. Mr. President, Winston Churchill once said:

> Patience and perseverence must never be grudged when the peace of the world is at stake.

These words have particular relevance to this time in our Nations' history and to the debate which the Senate is conducting today.

Never before in nearly two centuries of our country's life has national patience and perseverence been tried more severely than by the conflict in Vietnam. But at the same time, never has the future of the cause of peace been more gravely jeopardized.

THE NEW ISOLATIONISTS

A new kind of isolationism has risen in our country in the last few years, perhaps as an outgrowth of war weariness, perhaps because some Americans have become so deeply immersed in the internal problems of our country, and perhaps because some have seen a political opportunity in the understandable deside of our people tc achieve an end to this war and the beginning of peace.

This new isolationism is taking a number of directions, none of them in the best interests of our country if we accept the premise that a nation's domestic, internal vitality is related to and fundamentally dependent upon that nation's strength and vigor in the international arena.

This being so, we must strike the balance between spending for internal needs and spending for defense to insure that the United States can survive as a free nation in a world where all nations are not our friends.

This proposition is being largely overlooked or ignored by some segments of our population including, in my opinion, some in the Congress of the United States.

One of the forms this neoisolationism has taken has been a growing unwillingness by some to bear with President Nixon while he brings the war in South Vietnam to a just and honorable conclusion—a conclusion which will—because it must—maintain America's credibility with all nations and strengthen the American people's faith in themselves.

This means ending the war in such a way that South Vietnam is in a position to defend itself, in such a way that leaves our allies sure of our commitments to them, and in such a way that leaves our present and potential enemies equally

sure that we will keep those commitments.

As I said, there are those who are not willing to wait for this kind of peace. They seek an "instant peace" they apparently think can be obtained by phrasemaking and legislative fiat.

The current vehicle for accomplishing their aims is known by three names. The press calls it the McGovern-Hatfield amendment. The principal sponsors and their supporters call it the "amendment to end the war." Those of us who support the President and who believe in an honorable peace call it the "amendment to lose the peace."

I do not question the motives of the amendment's supporters, which include many who are rumored to have presidential aspirations.

But, I do question their judgment. They tell us—time and again they tell us—that they do not seek to retreat or surrender, nor do they not seek to thwart the President, because they oppose him. They say they only want to share the the burden and the responsibility with him. But what they would share or more aptly, usurp, is the President's sole responsibility as Commander in Chief. They would relegate to themselves the authority to order unilateral and precipitate withdrawal. They would legislate themselves the power to impose a one-sided deadline. But they cannot—nor do they wish to—assume the responsibility for these actions. The President alone bears that responsibility, the Constitution assigns it to him, and no legislative pronouncement, Madison Avenue commercial slogan, or emotional television appeal can remove or diminish that responsibility.

NO FALSE PEACE

No one disputes the proposition that peace needs to be restored in Southeast Asia. Nor should anyone quarrel with the proposition that peace must be durable and just. Peace, after all, is much more than an absence of war. It also means a system wherein the rights of every Nation are respected—such fundamental rights as national independence, self-determination, security, and freedom from intimidation.

We must be careful, therefore, that in our understandable desire to end hostilities in Southeast Asia we do not leap into a false peace, a peace that is precarious, impractical, or unjust. There are essential building blocks to be put in place before we can sit back and say that the structure of peace in Southeast Asia is solid enough to withstand the battering of subsequent events.

The element of timing becomes vital at this juncture. This is not the time to establish any arbitrary date or indulge in any other action which would narrow or restrict our efforts to end the war honorably and build peace successfully.

We already are well along the road to ending our combat role in Vietnam, as the President has promised. The number of U.S. combat troops in Vietnam has dropped by 120,000—from 550,000 when the President took office to 430,000 by the middle of this year. An additional 150,000 of our combat troops are scheduled to come home by May 1971. This is nearly one-half the number of troops that were in Vietnam when he took office. By that time, according to the President's senior military advisers, the Government of Vietnam forces will be able to handle ground combat operations.

Reversing the trend of American military engagement, and reducing American casualties, is only one facet of the Vietnamization program.

Another critical factor is the ability of the South Vietnamese to assume for themselves the task of their own defense and nation-building. They have done much in this regard, even in the midst of war. But they need time and assistance to broaden and deepen successes already achieved.

An equally critical factor is Hanoi's intentions. Let us acknowledge that the enemy is tough and resilient, and should not be underestimated. We can hope that the level of combat can be further reduced; but at the same time we must be prepared for new enemy offensives. To adopt any other stance would be foolhardy. It would jeopardize all the progress we have made in the past 19 months. The President was right and deserves our full support when he said on November 3 last year, and several times since, that if he concludes that increased enemy action endangers our remaining forces in Vietnam, he will not hesitate to take strong and effective measures to protect the members of our Armed Forces. He could do no less as Commander in Chief.

Neither should the element of timing be overlooked in regard to negotiating a settlement of the war in Indochina. We have demonstrated again and again a willingness to negotiate. But that stipulated willingness could be undercut if Hanoi were to conclude that it can wait us out. We can and should continue our search for genuine negotiation. Simultaneously, we must continue to demonstrate our resolve here in the United States to gain a just and lasting peace; and we must continue to support the common defense efforts of threatened nations of Asia.

THE UNITED STATES AS AN ALLY

There is one particular aspect of the issues raised by the McGovern-Hatfield amendment which in my judgment needs continued emphasis. It involves the role our country is to assume in world affairs as we face the challenges and opportunities of the 1970's.

Our ultimate goal is a world at peace. Sadly, a just and durable peace around the globe is not yet in sight. It is incumbent upon us, therefore, to develop creative policies and pursue feasible actions which not only minimize threats to our own security but create confidence among our allies as well as move us down a realistic road to peace.

The President outlined a blueprint to do just that in his report to the Congress last February on "U.S. foreign policy for the 1970's." In that report, he laid special stress on the fact that we are now dealing with a world of stronger allies. The central thesis which springs from the fact is that the United States no longer will have to bear the great burdens we undertook in defense of the free world 25 years ago. Other nations now have an ability and responsibility to deal with local disputes.

The time has not yet arrived, however, when all of our friends in Asia can stand alone. We still must help in varying degrees where it makes a real difference, and where it is considered in our own interest. We cannot live in isolation. We are a power in the Pacific and, therefore, we remain involved in the Pacific.

A key element in current strategy is partnership. Responsibilities in Asia once borne by the United States at such great cost can now be shared. The United States has embarked on a policy of encouraging Asian initiative, and the Vice President carefully articulated this policy to major Asian leaders last week. But we and they are only at the beginning stage of that policy. It is as unwise as it is untimely if we now start to draw lines which could constrict Asian initiative and undermine the Nixon doctrine for U.S. policy.

The McGovern-Hatfield amendment would be construed as constrictive by our allies throughout the world. Although it deals only with Indochina, it would be read elsewhere as a declaration that the United States was adopting a "sink or swim" approach where the interests of security and peace are concerned.

This is hardly the essence of the partnership role we have proclaimed. We have said we stand ready to meet our commitments. Yet this amendment, if passed, would mean our friends really could not be sure of our staying power. If we are going to rely on them to do more for themselves, they must be able to rely on us to do what we have said we would do. If their belief in our commitments is eroded, they may lose the essential incentive or will to handle their own self-defense. The stamina of our policies is at stake.

There should be no doubt that our stamina is being weighed by our opponents. This simply is not the time to specify by hour, day, week, or even year—as the McGovern-Hatfield amendment would—a limit to our involvement. Even with the most careful planning, there must be some latitude in making certain choices of action. The President needs latitude, not constrictions, as he tries to effectuate his strategy for peace.

A POTENTIAL BLOODBATH

A picture on the front page of today's Washington Post captioned "Death at the Orphanage" which is far more eloquent that the associated story on page 12, but I wish in particular to call it to the attention of the supporters of this amendment.

As we are all aware, one of the considerations the President has felt must be taken into account as he attempts to disengage the United States from South Vietnam is the fate of those who have actively resisted the Vietcong and the North Vietnamese.

Experts on Vietnam, including Douglas Pike and Stephen T. Hosmer, have foreseen the possibility of a wave to terrorism against the South Vietnamese when we leave, and if the North Vietnamese gain control, a bloodbath that could take over a million lives.

Even the supporters of McGovern-

Hatfield recognize this possibility by providing that the President can spend money for sanctuaries for those South Vietnamese who may be threatened.

However, the question arises: Who is to tell who the endangered South Vietnamese are or where they may be?

Terrorism, including murder and torture, is practiced as a political weapon by the North Vietnamese and Vietcong. One does not have to be an overt opponent to be a victim.

Since 1964, Vietcong and North Vietnamese terrorism has been responsible for about 50,000 kidnapings and more than 23,000 murders, not counting the great Tet bloodbath of 1968 where thousands were murdered in the city of Hue alone.

Mr. President, this brings me to today's story. I will insert it in the RECORD, but first let me read a paragraph or two:

Spokesmen said many of the enemy targets were populated regions that had lived in relative peace for several months. Forty-two civilians were reported killed and 120 wounded, some in attacks against rural voting centers.

Troops described by survivors as uniformed North Vietnamese rampaged through a Buddhist orphanage and hospital 22 miles southwest of Danang, hurling grenades and dynamite bombs. The 30-minute attack left 12 dead and 45 wounded.

I ask unanimous consent to have the article in full printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Post, August 31]

FIFTY-FIVE KILLED IN ATTACKS BY VIETCONG

In their sharpest coordinated attacks across South Vietnam in four months, North Vietnamese and Vietcong troops inflicted heavy casualties Sunday just before nationwide elections began.

Fifty-five South Vietnamese were killed and 140 wounded in more than 50 overnight attacks on towns, military installations and in scattered ground fighting, military communiques said.

The U.S. Command reported only seven attacks against U.S. units or positions, with light casualties.

Spokesmen said many of the enemy targets were populated regions that had lived in relative peace for several months. Forty-two civilians were reported killed and 120 wounded, some in attacks against rural voting centers.

Troops described by survivors as uniformed North Vietnamese rampaged through a Buddhist orphanage and hospital 22 miles southwest of Danang hurling grenades and dynamite bombs. The 30-minute attack left 12 dead and 45 wounded.

Informed sources said North Vietnamese and Vietcong forces might attempt to maintain the momentum of their attacks for several days to mark North Vietnam's national day Wednesday and the first anniversary Thursday of the death of President Ho Chi Minh.

Others thought the overnight attacks were geared only to the elections.

Mr. DOLE. It is obvious that these premeditated attacks were a part of official Communist policy. They are a part of a strategy of terror aimed not at defeating South Vietnam in military combat but at destroying South Vietnamese morale by killing, wounding, and pillaging. No matter that the victims are the sick, the wounded, the orphaned.

Visualize what could happen then, Mr. President, if the United States cuts and runs on December 31, 1971, or on February 29, 1972, before the South Vietnamese Army is trained well enough to protect the countryside.

Today's front page picture would be mild by comparison to any record of the North Vietnamese and Vietcong premeditated policies of murder and torture which will sweep through South Vietnam if we abandon our commitments, our principles, and our allies, as the sponsors of McGovern-Hatfield wish us to do.

CONCLUSION

One of Abraham Lincoln's remarks concerning the trying search for peace during the Civil War is compellingly appropriate to the issues before us today. He said:

A man watches his pear tree, impatient for the ripening of the fruit.

Let him attempt to force the progress, and he may spoil fruit and tree.

Let us not in our impatience for peace and an end to war heed a rash, popular, or expedient course which would spoil either the fruit of that peace which we seek or the tree of freedom at home or abroad.

EXHIBIT 1

[From the Washington Post, Aug. 28, 1970]

A NATIONAL POLICY TO END THE WAR

The Senate has an opportunity during the next few days to write a rational and responsible policy for ending the war in Vietnam. For many months the Senate has been itching to reverse its 1964 endorsement of a blank check to President Johnson to initiate and carry on that war. It adopted the Fulbright resolution designed to give Congress a voice in future national commitments, and a few weeks ago it attempted to forbid widening of the war to Cambodia through the Cooper-Church amendment, although the language got pretty muddy before the final action came and the House would have none of it. Now the Senate has a chance to go on record for an orderly and timely liquidation—an objective that is earnestly sought by an overwhelming majority of the American people.

This issue has been distorted in the past by the simplistic manner in which some senators sought to hasten the withdrawal from Vietnam. A scuttle-and-run policy was said to be the only alternative to a declaration of war. Widespread opposition to any action by Congress on the war was aroused by the argument that it could be, and should be, cut off by a snap of the congressional fingers.

As the issue is now being debated in the Senate, however, it assumes a very different posture. No longer is there any effort to say that American troops must be out of Vietnam within six months. In its present form (the text is presented, for the record, elsewhere on this page today) the amendment to the military procurement bill originally offered by Senators McGovern and Hatfield would now require the withdrawal of American armed forces by Dec. 31, 1971—leaving a liquidation period of 16 months. If any emergency should arise, the President would be authorized to extend this period by 60 days, and if that did not allow enough time for safe evacuation of Southeast Asia the President would so report to Congress within 10 days so that Congress could authorize a further extension.

Rigidity has thus given way to flexibility. As reshaped by the Foreign Relations Committee, this is quite a different proposition, which would have the great virtue of enacting a national policy for termination of the war without putting the President into a straitjacket. In effect Congress would enact the President's withdrawal formula as a sound national objective, without saying that it would have to be carried out in any and all circumstances. This achievement of firmness in the statement of a national policy, along with elbow room in actually carrying it out, is a tribute to the good judgment of all those who have contributed to it.

Up to now, the administration has remained in opposition to any congressional action in this sphere. In part this may be attributed to the sound objections raised against earlier versions of the McGovern-Hatfield amendment. No doubt it also reflects an automatic White House preference for a free hand. In this case, however, the White House as well as the country has an enormous interest in having the Congress on record for termination of the war in an orderly and responsible fashion. If the outcome should turn sour—by no means a remote possibility—it would be much better to have the President and Congress jointly responsible.

In our view, the White House could well regard this proposal before the Senate as a fortuitous opportunity to put Congress on record in favor of the Nixon withdrawal policy or something close to it. The requirement that our Vietnam troop-level be reduced to 280,000 men by next April 30 and that the remaining forces be brought home by the end of next year is specifically recognized in the language of the amendment as a reflection of the President's own statements. Unless the President wishes to deviate from this withdrawal policy, there are compelling reasons why he should welcome a congressional reaffirmation of it.

The President has, to be sure, opposed past efforts to set a date for the windup of the Vietnamese affair. He has feared that the fixing of a date would take pressure off the North Vietnamese to negotiate an end of the war. But if Congress fixes a date which the President could postpone or even eliminate with the consent of Congress, when the time came, the North Vietnamese would, as the Foreign Relations staff memorandum notes, have no assurance that mere stalling would redound to their advantage.

In any event, it seems to us that the advantages of having a congressional withdrawal policy on the books greatly outweigh any disadvantages that might be encountered at the negotiating table. Such legislation would put the President under pressure to carry out the evacuation at the earliest feasible date. It would put our military leaders—and our diplomats, as well—on notice that the national policy is irreversible. Saigon also would have a clearer understanding of what the score is and would be able to adjust its policies accordingly. So long as there is hope that the President may change his mind under pressure the Thieu government is more likely to avoid the hard decisions that are essential to a future for South Vietnam without American manpower for its defense.

Behind all the arguments for and against this amendment is the even more vital fact that the Senate is making a bid to get back into the policymaking arena in regard to war and peace. We think the President should welcome that effort as a bedrock imperative of American democracy. If the present amendment is not satisfactory to the administration in all particulars, amendments can always be suggested. But it would be tragically shortsighted for the administration to take an arbitrary stand against congressional action designed to underscore and give congressional support for the President's own policy. Orderly termination of the war as soon as feasible ought to be the joint policy of the two political branches, and it is doubt-

ful that there will be a better opportunity than the present to make it so.

[From the St. Louis Post Dispatch, Aug. 30, 1970]

TWO CRITICAL ISSUES OF THE WAR

Two critical issues are at stake in this week's Senate vote on the McGovern-Hatfield amendment to end the war. One is the question, not whether some troops shall be withdrawn from Vietnam, but whether a quarter of a million young Americans shall stay there indefinitely after 1971. The second question is whether the decision on this matter shall be made by the President alone, or shall be shared by Congress, as the Constitution intended when it gave Congress the exclusive power to declare war.

On both counts, we think the McGovern-Hatfield amendment should be adopted. Vice President Agnew has sought to smear all supporters of the amendment as cowards and isolationists who seek American humiliation and defeat in SE Asia. The fact is that the kind of specific timetable of withdrawal which the amendment contemplates has been proposed behind closed doors by high officials of the Administration itself. They urged it, not because they wish to "lose the war" but because they felt a definite schedule of troop withdrawals would compel Saigon to accept a reasonable political settlement.

This judgment, shared by McGovern-Hatfield backers, may be right or wrong, but those who hold it are entitled to be heard as honest citizens, no less brave or patriotic because they differ with official policy.

When not denouncing McGovern-Hatfield as an instrument of surrender, the Administration tries to convince the people that its own objectives are the same as the amendment's to withdraw American troops, to end the war. What many Americans do not realize is that while Mr. Nixon promises to bring home 150,000 men by next spring, his policy calls for sending some 250,000 other men out to Vietnam during this period, and maintaining that troop level perhaps for years to come.

Thus it is true that Mr. Nixon is committed to reducing our force level sharply from the 540,000 reached under Lyndon Johnson. But he has never committed himself to reduce it below 250,000 men, or roughly half. This is what the argument is about. Even if the President's rate of withdrawals is considered satisfactory, the question remains what happens after next spring when the garrison has been cut to about 250,000?

It is strange and in a way incredible that some Americans, and some members of Congress, should be willing to leave the answer entirely to one man's discretion. Most of us agree now that, whatever our differences may be on how to get out of Vietnam, it was a tragic mistake to become so deeply involved there in the first place. In doing so we permitted the crucial decisions to be made by President Johnson and his military advisors without the effective participation of Congress and the people, as the Constitution contemplated. Having thus permitted one man to decide whether 40,000 Americans should die and thousands more be wounded, is it not time to redress the balance so that Congress will at least help decide how many other Americans shall die and be wounded in the years ahead?

All of history argues that if by the latter part of 1971 there is good reason to keep American troops in Vietnam on the end of the year, President Nixon can persuade Congress to authorize it. Even if he were to ask for a declaration of war, there is little question that he would obtain it. The question is whether he shall be required to consult Congress, to justify the course he chooses. McGovern-Hatfield would make Congress a full partner in future decisions on Indochina, and that is as it should be.

However the McGovern-Hatfield goes, it will be an important indicator of Senatorial attitudes toward the war, and toward the role of Congress in the waging of war. We expect Sens. Symington and Eagleton to declare themselves unequivocally on those questions, and we think Attorney General John C. Danforth, who seeks to replace Sen. Symington should do so as well.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Florida.

Mr. HOLLAND. Mr. President, no Member of this body nor any other knowing citizen could for a moment challenge either the strong convictions of the authors of the pending amendment or their proven patriotism in battle and under the most difficult circumstances of battle.

The Senator from Florida, after making that clear, also wants to make it clear that he feels that the approach used in the pending amendment by its authors is, in his judgment, most unwise, unfair to the President, unfair to the Nation, and most unfair to the several hundred thousand Americans whose lives are directly affected by what goes on in Vietnam because of their presence there.

Mr. President, I shall not belabor the question of the effect of the adoption of this amendment upon the Paris peace talks, which have led us to no satisfactory conclusion as yet, and whose promise is not very good at this moment. I shall dwell instead upon the fact that the very amendments which have been offered by the sponsors of the pending amendment—and this is the fifth version of the proposal—show how completely changing the picture is, and how much it has changed even in the opinion of the sponsors of the amendment since the time when they first offered their original bill last fall.

The Senator from Kansas stated there were six versions of the approach to this question. The first version, however, was offered by the Senator from New York (Mr. GOODELL), the other five—four of which have been offered and one debated but not offered—by the sponsors of the present amendment, the Senator from South Dakota and the Senator from Oregon.

It will appear from even a casual reading of these five versions of their approach to the problem how greatly the judgment of the sponsors of the amendment has changed during the period while we have been debating this subject. I shall not go into the matter in such detail as to quote provisions from these five differing approaches, but, beginning with the content of Senate Concurrent Resolution 39, offered last fall, and going through all of the other four versions of the proposal, it would appear that not only have the views of the sponsors——

The PRESIDING OFFICER. The 5 minutes of the Senator from Florida have expired.

Mr. STENNIS. Mr. President, how much time do I have remaining?

The PRESIDING OFFICER. The Senator has 56 minutes.

Mr. STENNIS. I yield the Senator 5 minutes.

Mr. HOLLAND. Not only have the views of the sponsors of the amendment as to the time which should be specified as the date by which this war should be ended changed materially from time to time, but also their opinions have changed to other conditions which they felt were fair, and I am sure they felt they were fair both toward the Chief Executive, toward our fighting men, and toward the country. Those conditions also have changed, as shown by the content of the several provisions which the Senators have offered.

I repeat, I think the sponsors have offered them with deep conviction. The point I am making is that we are dealing with a very serious matter, in which conditions are changed from day to day, from week to week, and from month to month; and nowhere is that better illustrated than by reading the five versions of the approach adopted by the sponsors of this amendment.

Therefore, Mr. President, it seems to me that it should be very clear that it is unwise for us now to try to pick a date to end this war, that it is unwise for us now to handicap our negotiators in Paris, or the President, by such an adoption; and that it is unwise for us to give what looks like a period of grace, as provided by the last version of the amendment, of 60 days to the President, in the event he is not successful in bringing the war to an end by the end of next year, December 31, 1971, and in the event he has not been able by that time to get all of our personnel out of South Vietnam.

Mr. President, I think that the mere reading of those five provisions, all coming from the highly conscientious minds of the sponsors of this proposal, shows how changing the proposal is, how changing the opinions of these distinguished Senators have been during this relatively short period of time, and how clear it is that even in their opinion the time for ending the war and the conditions in connection therewith have greatly changed.

Mr. McGOVERN. Mr. President, will the Senator yield at that point?

Mr. HOLLAND. I shall be glad to yield in just a moment if I have time, but I want to finish this thought.

It seems to me that it is very clear that it is unwise, unsound, and unsafe to try, at one time—and these sponsors have tried at five different times to state their conscientious views as to what the facts existing at that time required—to embody any inflexible condition at any fixed time, and that means at this time as well as at any of the preceding times when the Senators drew amendments which they thought would deal effectively with this matter.

Mr. President, with that thought, I am glad to yield to the Senator from South Dakota, assuming that I have the time to yield.

Mr. McGOVERN. Mr. President, I merely wanted to call the Senator's attention to the fact, since he has made

considerable point of the changes that have been made in the amendment since it was first introduced, that the fundamental change is in the date for withdrawal, and the basic reason for setting back the time is that a number of months have passed since the amendment was introduced.

I do not know what the fifth version is that the Senator is talking about. There have actually been four versions of the amendment, the first having been introduced on April 30, the day before the Cambodian invasion.

At that time, we had thought that possibly a vote could occur in 30 days, and we set the withdrawal deadline a little over a year hence, June 30, 1971. But with the passage of the spring and the summer months, and with September 1 coming upon us tomorrow, it seemed prudent, in order to meet our original purpose, which was a withdrawal deadline about 1 year in the future, that we move that deadline back to December 1971.

The essential purpose of the amendment, which is to set a definite, announced withdrawal date at a reasonable time approximately a year in the future has never changed. I wanted to make that point, rather than to leave the impression that there has been a radical change in the purposes and goals of the sponsors of the amendment. As far as I am concerned, there has been very little change in our essential purpose.

We have added one other matter that I think is significant, and that is the 60-day grace period in which the President could extend the deadline without any further consultation with Congress. In the original version, he would have had to come back to Congress even for a 60-day extension.

Mr. HOLLAND. And the Senator has added also another additional condition that I think should be called to his attention. That is the one that no money may be spent on the maintenance of our troops when more than 280,000 remain there, should they remain there after April 30, 1971.

So there are two removal dates fixed now, instead of the one set by the earlier version.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. McGOVERN. I thank the Senator.

Mr. HOLLAND. Mr. President, if I may have 1 more minute——

Mr. STENNIS. I am glad to yield the Senator 1 additional minute.

Mr. HOLLAND. I thank the Senator from South Dakota for his comments. I think all Senators, including the sponsors of the amendment, should realize that if there is one person in the United States who is most eager to bring this war to an end and bring our men back, it would be the President of the United States because he had a commitment looking to that end—without attempting to quote the words—in his race; because, being a human being, he would like to succeed; because, being a human being, he would like to be nominated and, if possible, elected for a second term. We all know that is his natural ambition. And he knows what the continuation of the Vietnam war did to his predecessor.

It seems to me just as clear as day itself that if we want to trust this matter to a man who not only has all information down to the minute, at any fixed minute, but also to a man who has probably most at stake personally in the bringing of this war to an end and bringing of our troops back, we should leave it to the President of the United States. The Senator from Florida is willing to do just that.

Mr. BYRD of West Virginia. Mr. President, will the Senator yield?

Mr. STENNIS. I yield 2 minutes to the Senator from West Virginia.

ORDER FOR ADJOURNMENT UNTIL 8 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, I have been asked by the majority leader to revise the time for the convening of the Senate on tomorrow morning. Therefore, I ask unanimous consent that when the Senate completes its business today, it stand in adjournment until 8 o'clock tomorrow morning.

The PRESIDING OFFICER. Without objection, it is so ordered.

PROGRAM—UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that, immediately following the prayer and the disposition of the reading of the Journal tomorrow morning, the Executive Calendar and unobjected-to items on the legislative calendar be called—not necsssarily in that order—following which the able Senator from Iowa (Mr. HUGHES) be recognized for not to exceed 10 minutes; that at the conclusion of the remarks by the Senator from Iowa (Mr. HUGHES), the able Senator from Ohio (Mr. YOUNG) be recognized for not to exceed 20 minutes and that, following the special orders for recognition of Senators, there be a period for the transaction of routine morning business, with statements made therein by Senators limited to 3 minutes; that the period for the transaction of routine morning business end at 9 a.m.; that at 9 a.m. the amendment offered by the able Senator from South Dakota (Mr. McGOVERN), amendment No. 862, be laid before the Senate and made the pending business.

Mr. STENNIS. Mr. President, reserving the right to object—and I do not expect to object—I believe the Senator made a request regarding tomorrow morning's early session.

Mr. BYRD of West Virginia. Yes.

Mr. STENNIS. That leaves the situation as it was with reference to the end the war amendment, with debate on it from 9 a.m. to 10 a.m.?

Mr. BYRD of West Virginia. That is correct. The order on scheduled amendments would be unchanged.

Mr. STENNIS. I do not object.

The PRESIDING OFFICER. Without objection, it is so ordered.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 5 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, if the Senator from South Dakota is willing, we might discuss some of the additional provisions of the amendment and some of the shortcomings the Senator from Kansas feels are contained in the amendment.

It would be helpful to the Senator from Kansas, and perhaps the entire Senate, if the Senator from South Dakota would clarify and expand upon section 4, on page 2, which reads:

> To provide assistance to the Republic of Vietnam consistent with the foregoing objectives.

Would the Senator comment on that provision?

Mr. McGOVERN. The purpose of that provision in the amendment is to make clear that nothing in this amendment should prevent Congress, if it so decides, from offering assistance to the government and to the people of South Vietnam.

Mr. DOLE. Could that be extended beyond December 31, 1971?

Mr. McGOVERN. Yes. If it is covered by congressional action, it could be. It is to make clear that, while the amendment terminates the military operations that involves American personnel either on the ground or in the air, nothing in this amendment would preclude any action by Congress that it wished to take with regard to the granting of assistance—military, economic, or otherwise—to the people of South Vietnam or to other countries in Indochina.

Mr. DOLE. There is another question. With reference to the unnumbered proviso on page 2 which states:

> That if the President, while giving effect to the foregoing paragraphs of this section, finds in meeting the termination date that members of the American Armed Forces are exposed to unanticipated clear and present danger.

It would be helpful, again, if we could clarify or at least elaborate on "clear and present danger." It means one thing, from a legal standpoint, and perhaps has another interpretation from a military standpoint.

Mr. McGOVERN. It is designed to give the President, as Commander in Chief, the leeway he needs to meet an emergency situation. We would anticipate and take very seriously the December 31 withdrawal deadline. But some Members of the Senate felt that a situation might

develop in which the President would not have time to come to Congress and ask for additional authority to meet a crisis—perhaps an attack on our troops or some other contingency that we could not foresee—and that, therefore, a grace period was needed, during which the time the President could move without any further consultation with Congress.

It further provides, though, that if he uses that option to extend the time by 60 days, he would have to come to Congress if he wanted any additional time and present the case for a new withdrawal deadline within 10 days after exercising the option for a grace period.

But for 60 days, all that is required is a finding by the President. He would interpret the standard himself.

Mr. DOLE. I believe the amendment is clear, but, the amendment does require unilateral withdrawal. Is that correct? No reciprocity is required by the North Vietnamese.

Mr. McGOVERN. That is correct. It puts the complete control of the withdrawal timetable within the hands of the U.S. Government, and it has no reference at all to any withdrawal timetable by Hanoi or by any other forces.

Mr. DOLE. Finally, the Senator from South Dakota, again in accordance with the amendment, would be opposed to any residual support force remaining beyond December 31, 1971, or February 29, 1972, or some additional time determined by Congress, whether it be logistics or construction or communications, airpower, or military or any other residual support force.

Mr. McGOVERN. That is correct. The amendment bars any kind of American military forces—logistical, supporting, or any other kind.

Mr. DOLE. Another question: Would the amendment have any effect on the troops now stationed in Korea and the troops now stationed in Thailand?

Mr. McGOVERN. No; it would not. It relates only to American forces in what was once referred to as Indochina. That would be the two Vietnams—North and South Vietnam—Cambodia, and Laos.

Mr. DOLE. Would it be fair to say that, perhaps, in addition to the basic question of who makes the determination, the President or the Congress, another issues involved is the pace of withdrawal. The Senator from South Dakota and the Senator from Oregon, as I understand it, feel that it should be a more rapid pace.

Mr. McGOVERN. Yes. It would be more rapid that that schedule. It would be one that would have to be completed by the end of 1971 unless the President exercised the 60-day option. But the important thing about it, as I see it, is that there is a definite target date announced, as opposed to a plan with no target date at all. That is really crucial. We are not telling the President how many forces have to be out, except for the one provision that by April 30 he should achieve the 280,000 force level he himself has announced.

Mr. DOLE. Mr. President, I ask unanimous consent that a story in today's Evening Star, entitled "Cambodian Town Captured, Viet Orphans Killed," be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

[From the Washington Star, Aug. 31, 1970]

CAMBODIA TOWN CAPTURED, VIET ORPHANS KILLED

PHNOM PENH.—Viet Cong forces overran the town of Srang, 26 miles southwest of Phnom Penh, and forced Cambodian defenders into what the government called a tactical withdrawal yesterday.

The South Vietnamese command said North Vietnamese troops killed 10 persons and wounded 44 in an attack on a South Vietnamese orphanage.

"This is just plain murder," said Maj. Thomas J. Pentacost of Camp Lejeune, N.C., of the attack on a Buddhist compound near An Hoa, 352 miles northeast of Saigon.

The report said uniformed North Vietnamese troops also seized a Buddhist monk, dragged him from his pagoda, bound his wrists and shot him to death when he refused to give them his money. The troops also robbed the orphanage treasury and fled with pigs and chickens, the report said.

SEIZURE OF SRANG

Communiques from Phnom Penh said Communist troops had seized the town of Srang. Spokesmen said Cambodian troops withdrew "to avoid the Viet Cong pressure and give airplanes a clear target."

Heavy air strikes were called in to try to force the Viet Cong out of the area around Srang. The spokesman declined to say whether American jets took part in the attacks.

Allied officials in Saigon reported 40 shelling attacks overnight, 20 fewer than the previous night. At least 42 civilians died and 114 were wounded in Communist shellings and ground attacks early yesterday.

The 60 rocket and mortar attacks throughout South Vietnam late Saturday and yesterday morning were the most since 96 were carried out June 4, military spokesmen said. Allied officials described "enemy activity" at its highest level since early May. They say it is an apparent attempt to disrupt South Vietnam's senatorial elections.

A South Vietnamese military doctor and 12 government troops who seized a hospital and began sniping at passersby at NHA Trang Air Base, 188 miles northeast of Saigon, were subdued today after the doctor, Capt. Ha Thuc Nhom, unsuccesfully tried to commit suicide. Three persons were killed in the six-day siege, including a U.S. soldier.

Fighting across Cambodia was light following the Viet Cong seizure of Srang.

There was no estimate of the number of Communist troops around Srang. The fighting broke out Friday with a series of harassment attacks and ended yesterday with a successful Communist assault on the town.

"I do not believe the Viet Cong will stay in that town too long," the military spokesman said. He did not elaborate.

ATTACK NEAR CAPITAL

Military officers at Moat Krasas Krao, six miles east of Phnom Penh, said the Viet Cong control the area around the town's Roman Catholic Church and a reinforced Cambodian company has fortified government positions in the town in expectation of an attack by 200 Viet Cong.

The Viet Cong moved into the area Saturday. It was the closest battle to the capital so far.

Allied military sources in Saigon said the level of enemy activity remained high today, but the shelling attacks fell off from weekend levels.

Mr. STENNIS. Mr. President, I yield 10 minutes to the distinguished Senator from South Carolina.

The PRESIDING OFFICER (Mr. COOK). The Senator from South Carolina is recognized for 10 minutes.

Mr. THURMOND. Mr. President, I rise in opposition to amendment No. 862, the so-called end the war amendment, now pending in the Senate. This amendment has been revised a number of times, the latest version requiring that no funds shall be provided to maintain a troop level greater than 280,000 after April 30, 1971. Further, it is required that after April 30, 1971, funds provided in the act may be used only for the following purposes: First, orderly termination of all military operations and the withdrawal of remaining forces by December 31, 1971; second, to secure the release of U.S. prisoners of war; third, provision for the asylum of Vietnamese who might be endangered by the U.S. withdrawal; and fourth, assistance to the Republic of Vietnam consistent with the foregoing objectives.

Amendment No. 862 also provides that in the event these deadlines may endanger U.S. personnel, the President may extend the December 31, 1971 date, 60 days. If such action is taken the President shall inform the Congress forthwith of his findings and within 10 days of the suspension the President may submit recommendations, including—if necessary—a new date for congressional approval.

Even though this amendment has been altered several times in the past few days, it is still a bad amendment and its passage could result in serious consequences both for United States and South Vietnamese forces in South Vietnam.

Mr. President, there are a number of reasons why I oppose this amendment. First among them is the fact that despite the lengthening of the withdrawal date, the amendment would still limit the flexibility of the President as regards our commitments in South Vietnam. This brings us to a key point in this entire discussion. Should the President of the United States, as Commander in Chief, continue to direct this country's disengagement in Vietnam or should the Congress take over? I submit that this country would be making a grave mistake if the Senate accepts this amendment and restricts the President in his powers as Commander in Chief. If the Senate wishes to speak on this matter it should do so with a resolution rather than a restrictive amendment. The President has made good on his promises involving the war in Vietnam. We are in fact well along on our program of reducing U.S. forces from Southeast Asia. Our experience with promises by the Secretary of Defense leads us also to believe when he says, as he has several times, that U.S. forces remaining after June 1971 will be mainly support forces or protecting U.S. support forces.

But our plans and actions in Southeast Asia must take into account both the continued safety of U.S. forces. In the absence of a negotiated settlement successful implementation of the program of Vietnamization must be attained if we are to assure the right of the people of South Vietnam to choose their own Government. To impose upon the President an arbitrary deadline and special limitations unrelated to those objectives would prejudice and could preclude attainment of a just and durable peace in South Vietnam.

Second, it is equally important that in our planning we take into account the matter of prisoners of war. We have sought in every imaginable way to bring pressure on the enemy to abide by the Geneva Conventions and to treat our men humanely. In Paris, we have tried repeatedly to conduct meaningful talks on the prisoner of war issue. Earlier this year the government of Vietnam released unconditionally 62 sick and wounded North Vietnamese Army prisoners of war and transported them to the shores of North Vietnam. Our Government has also spoken out at the United Nations.

As individuals, we have supported resolutions by the Congress and initiatives by other organizations. This effort was intended to enlist the support and influence of world opinion in the cause of our men now held prisoner in North Vietnam and elsewhere in Southeast Asia.

A public, fixed schedule of withdrawals likely would adversely affect chances to get U.S. prisoners of war back. Our military forces in Southeast Asia give us some leverage in negotiations for better treatment and release of U.S. prisoners in enemy hands.

Third, the December 31, 1971, date for total withdrawal is too great an acceleration to allow the South Vietnamese to achieve a sufficient capability in all requisite fields to cope with the enemy. Training of South Vietnamese in complex skills will not be completed by this date. In this connection, I am referring to the training of pilots and those personnel who operate and maintain sophisticated equipment. This training cannot be accelerated significantly. While I recognize that the vast majority of our military personnel will be out of Vietnam by the end of next year, we will still need some soldiers there for training purposes in the areas I have just mentioned.

Fourth, this amendment precludes a military assistance advisory group—MAAG—considered necessary to insure continued progress by the South Vietnamese. While such a group would not be large, its technicians are needed to assist the Vietnamese in managing and logistically supporting the large military structure we will leave behind. If we fail to provide such support, we would thus significantly reduce the capability of our allies to secure their own defense. Thus, we would reduce the chances of continued freedom for the South Vietnamese.

Finally, for these reasons I oppose this amendment and urge my colleagues to defeat it. While the amendment has been altered considerably to bring it in line with President Nixon's timetable, it is still unwise to impose a set schedule on him.

Mr. President, some have called this amendment the lose-the-peace amendment. There is a lot of truth in that charge. Our history shows us we have often won the war but lost the peace. In Vietnam we have not won the war. We certainly cannot afford to lose the peace.

If we take this action it would reduce U.S. international credibility and bring all U.S. obligations and treaties into immediate review by our allies. It would be clear that these obligations had unspecified time limits which are apt to grow shorter if subject to pressure.

I submit to my colleagues that the winning of the peace in Vietnam will be especially difficult if we accept this amendment. We have lost a lot of men in this war. We owe them our best in bringing our involvement in South Vietnam to a successful conclusion.

It would be a crime to lock ourselves into schedules and timetables which would throw away our chances to make this commitment worthwhile. Three Presidents have been involved in this commitment. We must not bind the one whose actions will decide the fate of the South Vietnamese people and the fruits of our efforts in Indochina.

The country knows of the concern of every Member of Congress regarding our commitment in Southeast Asia. The President has gone to extremes to reassure the people in this area. In the heat of this debate let us reject this amendment so as not to destroy the efforts of the past 10 years.

Mr. President, I ask unanimous consent that an editorial entitled, "The White Flag Amendment" published in the New York Daily News of Monday, August 31, 1970, be printed at this point in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE WHITE FLAG AMENDMENT

The "White Flag Amendment"—which masquerades as the "amendment to end the war" comes before the Senate tomorrow for a showdown vote.

This bugout scheme is co-sponsored by Sens. George McGovern (D-S.D.) and Mark Hatfield (R-Ore.). And despite some last-minute chopping and changing to sucker fence-sitting senators, the proposal remains what it has always been, a blueprint for a U.S. surrender in Vietnam.

It would force a pell-mell pullout of American forces there by cutting off all funds for the Vietnam war as of Dec. 31, 1971. It represents the kind of simple—and simple-minded—solution to Vietnam for which arch-doves and pacifists (as well as the defeatists and Reds who lurk behind them) have long clamored.

This amendment wears the phony tag of a "peace" plan. More accurately, it constitutes a first step toward whittling Uncle Sam down to pygmy size in the world power scales; it would fill our enemies with glee and our friends with dismay.

McGovern-Hatfield might appear a cheap out from Vietnam. But we would pay for it dearly later in other challenges and confrontations as the Communists probe, as they inevitably do at any sign of weakness, to determine the exact jelly content of America's spine.

The McGoverns, Hatfields, Fulbrights, Goodells and their ilk would have the nation believe that its only choice lies between their skedaddle scheme and an endless war. That is a lie.

President Richard M. Nixon has a program for ending America's commitment in Vietnam, and it is now under way. It involves an orderly cutback in U.S. forces.

The White House method assures the South Vietnamese at least a fighting chance to stand on their own feet and determine their own future after we leave.

Equally important, it tells the world the U.S. is not about to pull the covers over its head and duck out on its responsibilities as leader of the free world.

We urge the Senate to slap down the McGovern-Hatfield amendment, and scuttle with it any notion that America is willing to buy off noisy dissidents at the price of its honor.

The PRESIDING OFFICER. Who yields time?

Mr. McGOVERN. Mr. President, I yield myself 2 minutes.

The PRESIDING OFFICER. The Senator from South Dakota is recognized for 2 minutes.

THE PROPOSAL TO END THE WAR

Mr. McGOVERN. Mr. President, I call to the attention of the Senate an excellent editorial that appeared in the Boston Globe of last Saturday. It is a rather lengthy editorial and sets forth the reasons why the amendment to end the war should be agreed to. I think it is one of the most cogently reasoned editorials that has ever come to my attention.

I ask unanimous consent that the editorial to which I have referred be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THE PROPOSAL TO END THE WAR

If the Hatfield-McGovern proposal to end the war in Vietnam is defeated in the United States Senate when it comes to a vote Tuesday, the reason will have to be that some senators, including several from New England, have not yet recovered from the brainwashing they got at the White House when the proposal was in its original and largely unacceptable form.

There now is no discernible reason for the White House itself, let alone its most loyal Senate supporters, to oppose the proposal (an amendment to the $19.2 billion military authorization bill) unless it be, as some White House dissidents have stated to their Senate confidants, that "the President does not want the Senate to take the play away from him in an election year."

The Hatfield-McGovern proposal, as amended within the last few days, yields to every legitimate claim the President could make that his constantly asserted powers as commander-in-chief of the armed forces, would be diluted. The proposal, as meticulously amended by Senate constitutionalists, preserves all of the President's legal prerogatives. It denies him only the "right," so dubious that not even his most ardent Senate backers have asserted it, to prolong and widen the war in any manner that he may deem fit.

On April 20, Mr. Nixon asserted, "I tonight announce plan for the withdrawal of an additional 150,000 American troops to be completed during the spring of next year. This will bring a total reduction of 265,500 men in our armed forces below the level that existed when we took office 15 months ago."

Give or take a man or two, this is almost precisely what the Hatfield-McGovern proposal, as amended, would do. It leans over backwards to protect the President's asserted prerogatives, even though many Senate constitutionalists believe he has grievously overstated them. The arithmetic of the President's proposal would leave between 260,000 and 270,000 men in Vietnam after next spring. The Hatfield-McGovern proposal would permit him 10,000 more than this after next April 30. And while it provides for the cutoff of all funds for troop maintenance in Indochina by Jan. 1, 1972, it also gives the President a 60-day grace period if he wants it and provides, in addition, that the President thereafter may ask Congress for further extensions. It gives him all reasonable flexibility.

If the White House, then, is really serious about winding down the war and is holding nothing up its sleeve, its opposition to Hatfield-McGovern is inexplicable except for

the above-stated political reasons. An incidental fact possibly worthy of note is that the Administration's announced withdrawal timetable is already behind schedule. Withdrawals which had been averaging 12,500 a month have been cut back to between 7000 and 7500. Another interesting incidental is the way the American people have reacted to news developments, as these reactions have been noted by senators.

After the invasion of Cambodia, the mail was running 12 to 1 in favor of the Hatfield-McGovern resolution. After the withdrawal, the public fears appeared to be allayed. There was very little mail one way or another. Now (and this may be a bit of an eye opener at the White House) the volume of mail overwhelmingly favoring the "get out" amendment has picked up considerably as a consequence of such warlike speeches as the one in which the Vice President told a veterans' convention, "The nation will not go down to humiliating defeat on the battlefield, I promise you that." His most recent utterance, in Bangkok, should give even further pause to those who have reason to believe this war could drag on for years if senators now run out on their own responsibilities:

"If my visit to Cambodia gave the Communists the impression (that the United States was contributing to an escalation of our involvement there), that is exactly what we had in mind."

The ambiguity in this and other pronouncements of the executive branch should give senators a feeling of uneasiness, at the very least. They would do well to ponder the counsel of Sen. Edward W. Brooke, himself a recent convert to the Hatfield-McGovern proposal as it has been amended:

"The proposal lends congressional sanction to a responsible program (for ending the war). It provides a reasonable and flexible means for harmonizing legislative and executive policy on this perplexing issue. . . . It can bolster the President. . . . It can strengthen the chance for peace. . . . It can open the path to reconciliation for the American people."

What more can senators want? And what less can the disturbed American people demand?

LEGAL EXPERTS SUPPORT M'GOVERN-HATFIELD AMENDMENT

Mr. McGOVERN. Mr. President, in a similar vein, a letter to the editor published in the New York Times of August 30, 1970, signed by five distinguished legal scholars—Bruce Bromley, William T. Coleman, Jr., John W. Douglas, Roger Fisher, and Paul C. Warnke—advances the thesis that the important question here really centers on the issue of whether we should announce a time certain, a definite date for the withdrawal of our forces or whether we should proceed on the policy advanced by the administration and leave that withdrawal date uncertain and the time for our disengagement open ended.

I ask unanimous consent that the letter to the editor of the New York Times to which I have referred be printed in the RECORD.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

DEBATE ON MCGOVERN-HATFIELD AMENDMENT URGED

To the Editor:

As the Senate approaches a vote on the McGovern-Hatfield "Amendment to End the War," it is imperative that citizens and legislators alike focus on the central issue—the wisdom of setting a time limit on our military involvement in Indochina. Unfortunately, too much attention in the debate has been devoted to irrelevant argument about whether the President or the Congress should control military tactics.

Some opponents of the amendment have characterized it as an attempt by Congress to dictate military tactics to the President and to infringe upon his powers as Commander in Chief of our armed forces.

The fact is, however, that the amendment does not deal with military tactics. It is wholly concerned with the basic issue of the use of our military force to make war in Indochina and calls for an end to our direct military involvement in that area by Dec. 31 of 1971. Up until the time that our forces are disengaged, the President will retain full control over tactical decisions.

We recognize, of course, that the President has far-ranging powers as Commander in Chief. In an emergency situation like Pearl Harbor, it is his responsibility to take the immediate action necessary to meet the particular emergency.

In a war authorized by Congress, it is his responsibility to make the day-by-day civilian decisions on the tactics to be employed, how that war shall be fought, whether to take an offensive or defensive position, and what conventional forces should be used in a particular battle.

The President's powers, however, do not extend to the basic policy question of when our national objectives shall be pursued by military means. That is the responsibility of Congress. The President is not free to decide on a unilateral basis when, where, how long and against whom the United States shall wage war.

The division of responsibility between the Congress and the President is made clear by the Constitution itself. To insure that the elected representatives of the people would decide to what use any standing army would be put, the Constitution provided that no appropriation for an army shall have a term longer than two years. No comparable limitation on any other type of appropriation is to be found in the Constitution.

This restriction was designed to compel Congress to exercise its responsibility to review and, if necessary, restrain, international military activity. In the Federalist No. 26, Alexander Hamilton, a supporter of a strong executive, makes clear the intention of the Constitutional Convention in this regard.

The most recent example of Congressional exercise of its constitutional duty is Section 643 of the Department of Defense Appropriations Act of 1970, which provides that "none of the funds appropriated by this Act shall be used to finance the introduction of American ground combat troops into Laos or Thailand." The bill was signed by the President without constitutional objection.

Similarly, the Selective Training and Service Act of 1940 included a prohibition against the employment of persons inducted under the act beyond the limits of the Western Hemisphere, except in U.S. territories and possessions.

We recognize that the present Administration inherited our military involvement in Indochina. We also recognize that the manner by which that involvement may be terminated is open to question. But what is needed as the vote on the McGovern-Hatfield Amendment approaches is a straight-forward debate on the merits of setting a date for termination of the Indochina war, uncluttered by any argument that Congress is attempting to usurp Presidential power or prerogatives.

BRUCE BROMLEY.
WILLIAM T. COLEMAN, Jr.
JOHN W. DOUGLAS.
ROGER FISHER.
PAUL C. WARNKE.

CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS

Mr. McGOVERN. Mr. President, two former experts in the systems analysis section of the Assistant Secretary of Defense, Charles Shirkey and Arnold Kusmack, have prepared a series of projections on what the casualties and cost projections are likely to be under the various alternatives for ending our involvement in the war in Indochina.

The first projection deals with the cost in dollars and the number of Americans who might be killed in action and the number of Vietnamese casualties that would develop if we were to follow the withdrawal plan outlined in the pending amendment.

Another projection deals with the costs in all of those categories if we were to continue at the present withdrawal rate as outlined by the administration.

Another projection deals with what the likely casualties and costs would be if we were to continue our present withdrawal schedule but leave a residual force of either 50,000 or 200,000 men, which is another figure that has been referred to.

I think that Senators will find these projections to be of great interest and assistance in reaching their vote on this amendment tomorrow.

Mr. President, I ask unanimous consent that this tabulation be printed in the RECORD.

There being no objection, the tabulation was ordered to be printed in the RECORD, as follows:

CASUALTY AND COST PROJECTIONS FOR DIFFERENT VIETNAM WITHDRAWAL PLANS

	Cost (billions)	Increase over case 1	Americans killed in action	Increase over case 1	American casualties	Increase over case 1	South Vietnamese killed in action	Increase over case 1	Total Vietnamese killed in action	Increase over case 1	South Vietnamese casualties	Increase over case 1	Total Vietnamese casualties	Increase over case 1
1. Withdrawal by end of 1971	$15.0	----------	3,800	----------	33,900	----------	130,000	----------	370,000	----------	500,000	----------	1,045,000	----------
2. Current withdrawal rate, out by early fiscal year 1973	19.7	4.7	5,400	[1] 1,600	47,900	[2] 14,000	140,000	10,000	400,000	30,000	540,000	40,000	1,130,000	85,000
3. Current withdrawal rate, residual force of 50,000 men	25.7	12.7	7,400	3,600	65,450	31,550	195,000	65,000	555,000	185,000	750,000	250,000	1,565,000	520,000
4. Withdrawal delayed in fiscal year 1972, residual force of 50,000 men	31.5	16.5	9,500	5,700	84,000	50,100	215,000	85,000	600,000	230,000	810,000	310,000	1,695,000	650,000
5. Continuing force of more than 200,000 men (fiscal year 1975)	46.4	41.4	14,700	[1] 10,900	130,300	[2] 96,400	265,000	135,000	715,000	345,000	960,000	460,000	2,025,000	980,000

[1] Killed in action.
[2] Wounded.

Note: All projections are based on the period, fiscal years 1971–75. "Casualties" means dead and wounded.

REBUTTAL TO NEW YORK TIMES EDITORIAL OF AUGUST 31, 1970

Mr. HATFIELD. Mr. President, I yield myself 4 minutes.

The PRESIDING OFFICER. The Senator from Oregon is recognized for 4 minutes.

Mr. HATFIELD. Mr. President, the New York Times this morning published an editorial which describes the "amendment to end the war" as having a "sound motive" but being a "dubious method." I believe that the New York Times has misunderstood the nature and import of the amendment, and several points which are raised in the editorial need clarification and correction.

The New York Times maintains that "it is unwise to fix a withdrawal schedule for—the President—by law" because it would restrict presidential options. The fact is that this amendment does not curb the President's powers to achieve a safe and systematic withdrawal from Vietnam, which is the President's own stated objective. The amendment provides flexibility for the President in meeting the deadline of December 31, 1971; it offers a 60-day extension of the deadline; and if additional time is necessary to withdraw American troops safely, Congress may grant that time at the request of the President.

Furthermore, this amendment imposes no restrictions on the President in his search for a negotiated settlement to the Vietnam conflict or in his determination of a sound military strategy during the next 15 months. It does, however, distribute the responsibility for the future course on the war between the Congress and the President. That is where the Constitution places the responsibility for war; that is where it ought to be now and remain in the future.

The New York Times also objects that this amendment would not contribute to a negotiated settlement of the war but only end American involvement in the conflict.

It claims that Ambassador Bruce would have additional difficulties in breaking through the deadlock in Paris because "there will be little incentive for Hanoi to negotiate a settlement if the President is under congressional mandate to meet a deadline for evacuation."

The facts contradict this analysis. Hanoi and the Vietcong have always stated that a stipulated withdrawal date of all American troops is the primary precondition for a negotiated settlement. If this amendment is passed, if we declare that all American troops will be withdrawn by the end of 1971, a breakthrough in Paris might at last be a possibility.

The New York Times advocates a declaration of a ceasefire as the means to move negotiations forward, but President Thieu in his speech of July 31 has already rejected an unconditional ceasefire and has committed himself only to a cease-fire based on negotiations. Therefore, a cease-fire declaration cannot be a "prod" to negotiations, but only the result of negotiations.

Let us keep in mind that a withdrawal does not eliminate the possibility of a cease-fire; rather, it provides a satisfactory basis for both sides to reach a conclusion to reduce or stop the fighting.

Furthermore, the critical relationship at Paris talks is not between the United States and Hanoi but between the Vietnamese themselves. As long as Saigon has the assurance of an indefinite presence of American troops in Vietnam, it has no incentives to negotiate seriously in Paris. As long as Hanoi has no concrete indication of our desire to leave Vietnam completely, it will continue to fight and to resist any American negotiating proposals.

We agree with the New York Times that "a prod would undoubtedly be useful" in Paris. A cease-fire which has already been rejected by the South Vietnamese provides little hope of being such a prod. An announced withdrawal date does.

It would compel Saigon to confront the political realities within South Vietnam and encourage the Government to broaden its base and seek a just accommodation of all the contending groups.

Furthermore, a fixed withdrawal date would provide Hanoi and the Vietcong with new incentives to make the concessions necessary for a negotiated settlement. For the first time, it could be possible to negotiate effectively the release of prisoners of war. A cease-fire and de-escalation could be instituted to secure the safety of American troops during withdrawal; the level of conflict in Laos and Cambodia could be reduced and the political impasse in South Vietnam might at last be penetrated.

This amendment neither restricts the Presidential options in bringing the war to an end nor does it represent a threat to the Paris negotiations. Instead, it is a reasonable, rational proposal for bringing this war to an end and saving human lives—American and Vietnamese.

SAVINGS TO BE EFFECTED BY THE AMENDMENT TO END THE WAR

Mr. HATFIELD. Mr. President, the subject of the economic stability of this country after the Vietnam war is the concern of every citizen. Inflation has affected nearly all areas of the country and every sector of the economy. The amendment to end the war would result in substantial savings for the Federal Government, savings which could be used for domestic needs. I would like to commend to the Senate two articles by Peter T. Knight, entitled "The Conversion Problem: Can Swords Be Beat Into Plowshares Without Severe Economic Dislocations?" and "The War, Inflation, and the Housing Market." Both articles discuss the effect which the war has had upon the American economy and the economic effects of the amendment to end the war. The author holds a Ph. D. in economics from Stanford University. I ask unanimous consent that these two articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

THE CONVERSION PROBLEM: CAN SWORDS BE BEAT INTO PLOWSHARES WITHOUT SEVERE ECONOMIC DISLOCATIONS?

(NOTE.—Peter T. Knight, the author holds a Ph. D. in economics from Stanford University. He wishes to thank Charles Shirkey, Reuben McCornack, Len Ackland, Philip Musgrove and Arnold Kantor for helpful comments on an earlier draft of this paper.)

"Peace in the world should be a hopeful prospect. And one of the ways to create such a prospect is to assure, through rational conversion planning, that the anvil on which peace is hammered out is not the heads and backs of demobilized servicemen and displaced defense workers and their families."

"When a defense worker gets laid off in a helicopter plant in Texas or in a plant in Southern California, or in Connecticut or in Massachusetts, he will not be quiet if you tell him that the economy will eventually solve his problems by creating a job for him half way across the continent, if he somehow finds it possible to survive."—Walter P. Reuther, testimony before the Senate Committee on Labor and Public Welfare, hearings on *Postwar Economic* Conversion, December 1, 1969.

INTRODUCTION

The principal issue to be discussed in this paper is whether a publically announced timetable for withdrawal from Indochina according to the Hatfield-McGovern Amendment (Senate Amendment 862), which would reduce *military* spending by about $2.6 billion in FY 1971 and $8.2 billion in FY 1972, would cause serious dislocations in our national economy.[1]

It is a political fact that resistance to reductions in expenditures for war will be encountered unless viable job alternatives are provided for people engaged in military work, whether such persons are currently in the armed forces or involved in defense production. The immediate problem is posed by the demobilization of military personnel and cutting back of production in defense plants which have been supporting the war in Southeast Asia.

Reducing the "baseline" military budget (FY 1964 level corrected for inflation) beyond the level proposed by the Nixon Administration, considered desirable by many people in view of the changed international situation and pressing demands for new domestic programs, is a separable issue. It is not dealt with by the Hatfield-McGovern Amendment and will not be considered specifically here.[2] However, many of the existing programs and policy proposals discussed in this paper are also applicable to cuts in the "baseline" military budget.

The problem of converting productive capacity from wartime to peacetime use, both in terms of personnel and plant and equipment, is not one without precedents for the U.S. economy. Defense spending fell from 37.5 percent of GNP in 1945 to only 6.6 percent in 1947, a period of only two years.[3] In the same period 9,850,000 men were demobilized from the armed forces.[4] In FY 1970, total government purchases of goods and services for national defense amounted to 8.2 percent of GNP and the incremental cost of the war in Southeast Asia, as calculated by the Department of Defense ($17.4 billion) came to 1.8 percent of GNP.[4] U.S. military personnel in Southeast Asia, including Naval Forces averaged about 600,000 in FY 1970, not all of which would leave the armed forces when withdrawn from the theatre of operations.

Assuming a GNP of $1014 billion in FY 1971 and $1075 billion in FY 1972 measured in the prices expected to prevail in those years, the cutbacks in military spending implicit in the Hatfield-McGovern Amendment ($2.6 billion in FY 1971 and $8.2 billion in FY 1972) amount to 3 tenths of one percent and 8 tenths of one percent of GNP in these years, respectively.[5]

Now that the relative magnitudes of these reductions in war expenditures have been placed in perspective, the body of this paper

Footnotes at end of article.

will discuss policies and programs for dealing with the conversion problem at both the macroeconomic level—maintaining adequate aggregate demand in the economy—and at the microeconomic level, where the focus is on the individuals, communities, and firms which are likely to be affected by cutbacks in war spending.

A. *Maintaining the Level of Aggregate Demand.*—The effect of reductions in war and other military spending, other things being equal, is deflationary. If the economy were overheated, cutbacks in military spending might present a welcome opportunity to reduce excessive demand. Today, however, the economy is already in a mild recession.

There is ample room for debate concerning the proper mix of fiscal and monetary policy to restore price stability and healthy economic growth such as we enjoyed in the years preceeding the escalation of the Vietnam war. But few economists would argue that we should cut military expenditures without taking offsetting stimulatory action. The real issue in maintaining a favorable economic climate in which the conversion process can take place is whether reductions in military spending should be offset by:

(a) increases in federal spending on high priority programs in the areas of pollution and crime control, health care, housing, nutrition, poverty, mass transport systems and the like;

(b) tax reductions;

(c) easing the restrictive monetary policies which have severely depressed residential construction and more than doubled the cost of borrowing for state and local governments since the war was escalated in 1965; [6]

(d) some mixture of the above;

Only if none of these policies were followed would there be any danger that cuts in military spending would help precipitate a generalized recession.

If we are serious about reordering national priorities, alternative (b), tax cuts, must be ruled out, however attractive it might appear at first glance. For while valuable human and material resources have been sacrificed to the war effort, our environment has deteriorated, an acute housing shortage has developed, urban and racial problems have continued to worsen, our system of medical care approaches collapse, and hunger has been discovered in America—in short, the very fabric of our society is being torn apart. John Kenneth Galbraith has stated the case eloquently.

"I am not sure what the advantage is in having a few more dollars to spend if the air is too dirty to breathe, the water is too polluted to drink, commuters are losing out in the battle to get in and out of cities, the streets are filthy, the schools are so bad that the young wisely stay away, and hoodlums roll citizens for the dollars they save in taxes." [7]

A successful attack on these problems is sure to require far more than the funds that would be released by ending American participation in the war. Nevertheless, the money saved by adopting the Hatfield-McGovern Amendment could make substantial contributions. For example, the $2.6 and $8.2 billion in FY 1971 and FY 1972 respectively could purchase the following: [8]

Item or program	Fiscal year 1971	Fiscal year 1972
Low cost housing units of 3.5 to 4.5 rooms in typical developments of approximately 270 units at an average construction cost per unit of $14,500; or	179,000	566,000
Public health centers at an average cost of $550,000 for a center serving a population of 50,000 to 100,000 and providing such services as physical checkups, presymptom screening, immunization, health education, family planning, diagnostic services, rehabilitation services, drugs, etc.; or	4,700	14,900
Hospitals of 125 beds each at an average cost of $19,716 per bed for building and fixed equipment costs at a cost of $24,047 per bed for total project cost. Average facilities of such a hospital to include blood bank, central supply, clinical laboratory, electrocardiograph, medical record department, outpatient and emergency departments, pharmacy, X-ray diagnosis, operating rooms, delivery rooms, postoperative recovery room, medical library, premature nursery, and physical therapy department; or	865	2,728
New public elementary and high school classrooms; or	39,000	123,000
Full 4-year scholarships for tuition, board, and room at public colleges and universities; or	260,000	820,000
Acres of city parks, approximately half at an average of $75,000 per acre and the balance of $4,000 per acre; or	65,800	207,600
Multiply expenditures for air and water pollution control proposed in the fiscal year 1971 budget by the factors indicated; or	5.0	15.6
Multiply Federal expenditures for urban mass transport programs proposed in the fiscal year 1971 budget by the factors indicated; or	8.7	27.3
Multiply Federal expenditures for law enforcement proposed in the fiscal year 1971 budget by the factors indicated	2.1	6.5

Summarizing, the best method of neutralizing the deflationary impact of cuts in *military* spending would probably be some combination of increased government spending on civilian programs to meet urgent social needs and a less restrictive monetary policy. The latter would be a first step forward making up the housing deficit which has accumulated during the war and allow state and local governments access to the capital market on more favorable terms.

B. *Helping Individuals, Firms, and Communities.*—It is sometimes argued that, to accomplish the transition to a peacetime economy, all that is needed is to maintain a satisfactory level of aggregate demand in the economy as a whole. While assuring a healthy economic environment at the national level is *necessary* for assuring a smooth and orderly conversion, it is by no means *sufficient*. This argument neglects the fact that some individuals, firms, and communities are likely to be especially hard hit during the transition period. To neglect their very real fears and anxieties would be to court their political opposition.

What are the dimensions of this problem? First of all, some productive capacity can be re-converted to civilian use as was done after World War II—for example, firms making military uniforms can easily make clothes for civilians—but for other firms the problem is not reconversion but simply conversion. They have grown up catering to the military and have little experience producing for the civilian market.[9] This problem is less severe for capacity related to the conventional war in Southeast Asia than that which was designed to produce highly sophisticated weapons systems, such as missiles, nuclear weapons, and esoteric items for the military space program. Nevertheless, it is a problem most importantly for munitions plants and manufacturers of helicopters and jet fighter-bombers.

But what percentage of the decreases in military expenditures which would occur if the Hatfield-McGovern plan were carried out would consist of cutbacks in munitions, aircraft, and other types of production which might present conversion problems? This question cannot be answered authoritatively with official figures, but it is possible to make some estimates which should be fairly accurate. Since breakdowns of incremental Southeast Asia war costs are not available for FY 1971 and FY 1972, our starting point will be FY 1970. According to the statement presented to the House Appropriations Subcommittee on the Department of Defense by Robert C. Moot, Assistant Secretary of Defense (Comptroller) on March 3, 1970, the breakdown for FY 1970 was the following: [10]

[Dollars in billions]

	Amount	Percent of total
Military personnel	$5.375	30.8
Operations and maintenance	5.438	31.2
Procurement	6.283	36.1
Research, development, testing, and evaluation	.112	.6
Military construction	.220	1.3

To be very conservative (i.e., provide an upper limit for military demand which could result in "hard core" conversion problems), assume that 25 percent of the operations and maintenance expenditures (O&M) and 75 percent of the procurement expenditures consist of purchases of munitions and sophisticated military equipment. Next assume that each of these categories, O&M and procurement, will be the same fraction of total incremental war costs in fiscal year 1971 and fiscal year 1972 as they were in fiscal year 1970. Incremental costs of the war in fiscal year 1971 and fiscal year 1972 respectively are estimated at $11.2 and $11.1 billions if the President withdraws only the number of troops he has announced to date.[11] According to the same source, the savings by following the Hatfield-McGovern plan would be $2.6 billion in fiscal year 1971 and $8.2 billion in fiscal year 1972, in the projected prices of those years, that is taking into account expected inflation. Finally assume that O&M and procurement are the same percentages of these cost *reductions* as they are of estimated costs if the war proceeds according to the Nixon plan. That would mean cutbacks in demand for hard-to-convert defense production on the order of $.9 billion in fiscal year 1971 and $2.9 billion in fiscal year 1972, or one-tenth of 1 percent of projected GNP in fiscal year 1971 and three-tenths of 1 percent in fiscal year 1972.[12]

A rough estimate of the people employed in hard-to-convert military production which would be affected is 35,000 in fiscal year 1971 and 110,000 in fiscal year 1972.[13]

Thus it would appear that the magnitude of the "hard core" conversion problem is not that great. But even this relatively small "hard core" problem should not be ignored, since it could mean real hardships for the individuals, firms, and communities affected.

Planning for meeting the conversion problem will, of course, be facilitated by having a publicly announced timetable of troop withdrawals. The following paragraphs review existing and proposed programs at the microeconomic level which might be utilized to smooth the transition to a peacetime economy.

1. *Programs to Assist Individuals.*—Most existing and proposed programs in this category are designed to maintain an affected person's income while he is searching for or preparing himself for a new job and to increase labor mobility through retraining, the provision of information on job openings, the payment of moving costs, and the like.

(a) Income maintenance: Coverage and benefits obtainable under unemployment compensation systems in the United States varies widely from state to state and is usually insufficient to permit a worker to maintain his previously experienced level of living unless he has substantial private reserves. Residence requirements severely curtail the incentive to seek out new jobs outside the labor market area where the worker currently resides. A negative income tax would help remedy the situation, as would the federalization of existing unemployment compensation schemes. The Trade Expansion Act of 1962 and the proposed Trade Act of

Footnotes at end of article.

1970 (H.R. 18970, currently before Congress) contain provisions for income maintenance as well as retraining and other benefits for workers who lose their jobs due to tariff liberalization or other U.S. commercial policy.

(b) Retraining: The Manpower Development and Training Act of 1962, as amended, provides limited funds for "brief refreshers or reorientation courses in order to become qualified for other employment" to assist people "who have become unemployed because of the specialized nature of their former employment." A greatly expanded program under this act could be a major contribution to a smooth transition. Another precedent for retraining and transition benefits is the Trade Expansion Act of 1962.

On August 14, 1970, Senator Edward Kennedy introduced the Conversion Research and Education Act of 1970, a bill (S. 4241) which would, among other things, provide funds to "retrain scientists, engineers and technicians so that they can contribute constructively to civilian research and development activities" and "conversion fellowships to highly qualified scientists, engineers and technicians", according priority to "applicants . . . who have been or anticipate being out of work because of reductions in defense related research and development expenditures." The funds would be administered by the National Science Foundation Conversion Program. This proposal is directed at those highly trained scientists, engineers, and technicians which Richard Barnet suggested might become "a new class of $20,000-a-year hard core unemployed." [14] It might be added that while unemployed, they could be expected to be highly vocal and susceptible to political organization.

(c) Job information: The existing Federal-State Employment Service does not really function smoothly at the national level. The Nixon Administration's proposed Manpower Training Act of 1969 (S. 2838 and H.R. 13472) would, besides consolidating all Federally assisted manpower programs and their funding sources under the Department of Labor, require the Secretary of Labor to establish a computerized job-bank program:

"(1) to identify sources of available manpower supply and job vacancies;

"(2) to match the qualifications of unemployed, underemployed and disadvantaged persons with employer requirements and job opportunities on a National, State, local or other appropriate basis;

(3) to refer and place such persons in jobs; and

(4) to distribute promptly and to assure availability of information concerning manpower needs and resources to employers, employees, public and private job placement agencies and interested individuals and agencies." [15]

Work on this type of bank should begin immediately and in the meantime, increased resources should be provided to help handle increased demands on the existing Federal-State Employment Service.

(d) Travel and relocation costs: There is currently no provision, other than the exemption of moving costs permitted for income tax purposes, which would facilitate a displaced worker's moving to a new job once he found it, assuming this were necessary. Since the elimination of defense jobs would arise from an act of national policy, it would be just for the nation as a whole and not individuals affected to bear the financial costs of the relocations involved. There is a precedent in the Trade Expansion Act of 1962 for paying travel and relocation costs for persons who lose their jobs due to tariff liberalization.

(3) Homeowner assistance: Some provision must be made to prevent a worker who must leave an affected community from losing his equity in his home due to depressed prices and high brokers' fees. This problem is likely to be particularly severe when isolated military bases or production facilites are closed. Special FHA and VA mortgage forbearance procedures might be utilized here in special cases to avoid foreclosures, but there is no program to avoid a heavy loss if a home must be sold in a depressed market.

"2. *Programs for Private Business.*—At present there is no ongoing program designed to provide incentives for conversion from military to civilian production. On March 4, 1969, Senator McGovern introduced a bill to establish a National Economic Conversion Commission (S. 1285). Noting that a study by the Arms Control and Disarmament Agency of 12 cases of attempted diversification by defense contractors had found that "successful diversification needs the commitment of top management to the program. Such commitment is made difficult by several factors:

"There is a discouraging history of failure in commercial diversification efforts by defense firms;

"There is doubt that the defense customer wants diversification of these firms;

"There is little indication that the owners of defense firms or the financial community wish defense manufacturers to diversify;"

S. 1285 requires that "each defense contract or grant hereafter entered into by the Department of Defense or any military department thereof, or by the Atomic Energy Commission, shall contain provisions effective to require the contractor to define his capability for converting manpower, facilities, and any other resources now used for specific military purposes, to civilian uses."

The late Walter Reuther, in his testimony before the Senate Labor and Public Welfare Committee on December 1, 1969, said that he agreed with the intent of the bill and the motives of those who proposed it, but observed that ". . . unless you put some teeth into it . . . it will remain a noble declaration of purpose without any practical hope of being implemented, and I take it the worker in Texas, who is about to be laid off, will not be able to give a copy of that to the landlord or the guy who is trying to collect the next payment on his house." [16] To remedy this deficiency, he proposed an ingenious plan of economic incentives designed to force defense contractors to prepare and execute viable conversion programs in their own self interest. This proposal is described in great detail in Reuther's prepared statement to the Senate Labor and Public Welfare Committee.[17] The essence of the proposal is that 25 percent of each contractor's profits from defense production be required to be set aside as a conversion reserve to be held in a government trust fund. As Reuther explained it,

"Monies deposited in the trust fund would be released to carry out a conversion plan filed with the government by the contractor and to pay certain types of benefits to the contractor's workers to minimize hardships from which they might suffer during the transition to civilian production.

"Impounded profits released to the contractor by the trust fund for physical conversion of his facilities and for retraining of his workers would be no different, in principle, from profits voluntarily set aside and later reinvested by a civilian production corporation to reequip and retrain for manufacture of a new product when the market for an old one dried up.

"The fact that a portion of the impounded profits might have to be released to tide workers over the transition period is the spur to sound planning for conversion and effective and expeditious execution of the plans. For any impounded profits remaining after completion of conversion, plus interest on the entire amount deposited in the trust found, would be returned to the contractor. In consequence, successful and quick conversions, which would avoid or minimize benefits payable to workers in the transition period, would maximize the amount of impounded profits returnable to the contractor.

"The fact that impounded profits would be released to meet conversion costs only insofar as such costs were incurred *under a plan* filed by the contractor would tend to assure that he would plan seriously and carefully. The planning would be his and not the government's. Execution of the plan would also be in his hands. And his money would be at stake." [18]

Title IV of Senator Edward Kennedy's proposal, the Conversion Research and Education Act of 1970 (S. 4241) authorizes the Small Business Administration to make grants to small business concerns which have engaged in defense-related B&D activities within the three year period immediately prior to the date of enactment of the bill to pay up to 80 percent of the cost of enrolling eligible personnel of such concerns in any retraining programs set up by academic institutions, non-profit organizations, and business firms under Titles II or III of the same bill.

Both the McGovern proposal to create a National Economic Conversion Commission, as modified by Reuther's suggested incentive plan (with the government possibly sharing the cost by allowing the conversion fund to come from *pre-tax* rather than *post-tax* profits) and Kennedy's Conversion Research and Education Act would appear to meet real needs and should be given serious consideration by Congress.

3. *Programs to Assist Communities:* There are a number of existing programs which might be enlisted and possibly consolidated to provide assistance to communities which are severely affected by military cutbacks. Improving these existing programs and seeing that they are adequately funded should be an important part of any overall conversion program since there are a number of important labor markets—such as Seattle, San Diego, the San Francisco Bay region, St. Louis, parts of Connecticut and Massachusetts, and a number of areas in Texas—with high concentrations of defense industries. Particularly hard hit may be smaller communities which have grown up around isolated military bases or production facilities which might be closed.

The Department of Defense has an Office of Economic Adjustment to assist and encourage local leadership in impacted areas to identify and exploit their resources for economic growth. Staff members from this office visit such communities, provide ideas and advice, and help identify Federal programs applicable to local problems, putting community officials in touch with the approriate government offices. AEC and NASA have similar operations.

Perhaps the broadest legislation in this field is the Public Works and Economic Development Act of 1965 (PL 89–136). Under this act, an area designated a "Redevelopment Area" by the Secretary of Commerce becomes eligible for grants and loans for public works, development facilities, and a wide range of services. Areas in which the Secretary determines that "the loss, removal, curtailment, or closing of a major source of employment has caused within three years prior to, or threatens to cause within three years after, the date of request an unusual and abrupt rise in unemployment of such magnitude that the unemployment rate for the area at the time of request exceeds the national average or can reasonably be expected to exceed the national average by 50 percentum or more unless assistance is provided" may qualify for such assistance. Recently Seattle has been declared a redevelopment area due to the cutback in production at the Boeing plants in that city, which was not connected with the Indochina war. Richard Barnet has suggested that Federally owned military installations and/or defense

Footnotes at end of article.

production facilities be turned over to the affected community at nominal cost upon receipt of a plan for the utilization of the property.[19]

C. SUMMARY AND CONCLUSIONS

There is no need to fear a generalized recession as the result of major reductions in military spending. Offsetting fiscal and monetary policies can maintain a healthy level of aggregate demand in the economy while attacking some of the urgent social problems which have been allowed to accumulate while we have sacrificed valuable human and financial resources to the war effort.

But a healthy economic environment is not sufficient to insure a smooth transition to a peacetime economy. At the same time we seek to facilitate rational planning for conversion by calling for a publicly announced timetable of withdrawal from Vietnam, we must make every effort to minimize the inevitable disruptions which will affect specific individuals, firms, and communities if we seek to enlist their support in ending the war. This paper has reviewed some of the existing and proposed programs which might be used to achieve this end.

While it is hard to estimate what costs associated with the conversion effort might be incurred in any of these programs, they would be small in comparsion with the costs of continuing the war. Much of the necessary conversion is likely to occur without any assistance from the government as our flexible free enterprise economy reacts to changing demands which in turn reflect changing national priorities. Furthermore, any conversion costs incurred can be viewed as an investment in the future productive capacity and health of our society that are likely to have high returns. War expenditures finance a perverse kind of consumption which is parasitic on the economy and has proven dangerous to the social fabric of the nation. There is no reason to believe that the only way our dynamic economy can prosper is by continuing to pour good money after bad pursuing military "victory" in what is essentially an Asian civil war.

FOOTNOTES

[1] For a discussion of how these estimates were arrived at see Charles P. Shirkey, "Alternative Vietnam Withdrawal Plans and Budget Deficits in FY 1971–72," inserted in the *Congressional Record* August 27, 1970, and Arnold M. Kuzmack, "Casualty and Cost Projections for Different Vietnam Withdrawal Plans," inserted in the *Congressional Record*, August 24, 1970. See also the Appendix to the present paper, which is taken from Shirkey's paper.

[2] The number of persons serving in the armed forces on June 30, 1964, was 2,685,000. Of these, 21,000 were serving in Southeast Asia, leaving a "baseline" force of 2,664,000. However, the 2,482,000 man force existing on June 30, 1961, is perhaps a better estimate of the baseline force, since most of the difference between the 1961 and 1964 figures, 182,000 men, can be considered part of the buildup in the conventional forces within the United States designed to fight and support wars such as Vietnam. For the purposes of this paper, however, the "incremental costs" of the war will be based on the 1964 baseline which the DOD favors. Personnel statistics are from *The Budget of the United States Government for the Fiscal Year Ending June 30, 1966*, USGPO, Washington, 1965, page 70, and *Budget of the United States Government, Fiscal Year 1969*, page 83.

[3] Data from DOD, OASD (Comptroller), FAD 119, 24 January 1967.

[4] Calculated from data in Council of Economic Advisers, *Economic Indicators*, August 1970, page 2 (GNP and Defense Spending). Incremental costs of the war from Statement by Hon. Robert C. Moot, Assistant Secretary of Defense (Comptroller) before the Subcommittee on the Department of Defense of the House Appropriations Committee which may be found in the published hearings entitled *Department of Defense Appropriations for 1971*, USGPO, 1970, page 454.

[5] The FY 1971 and FY 1972 GNP figures assume a growth of real GNP of 2 percent in FY 1971 and 4 percent in FY 1972, with inflation of 4 percent in FY 1971 and 2 percent in FY 1972 for a total of 6 percent growth in monetary GNP in each year.

[6] The average number of public and private housing starts for the five war years 1965–69 was 3.9 percent below the average for the pre-escalation years 1960–64. During the first half of 1970 (annual rate) they were 10.1 percent below the 1960–64 average. These figures conceal a strong trend toward construction of apartment buildings and other multiple family dwellings as opposed to single family homes. The ratio of single family private housing starts to total private housing starts declined from an average of 68.9 percent in 1960–64 to 62.5 percent in 1965–69 and was running at 57.0 percent in the first six months of 1970. Meanwhile the number of new families seeking housing has been increasing rapidly as the children produced in the post World War II "baby boom" begin to marry and have children. The effect of the war on the housing market will be discussed in much greater detail in my forthcoming CYPPA paper, "The War and the Housing Market." All data cited above is from the publications of the Council of Economic Advisors: *Economic Indicators* (August 1970) and *The Annual Report of the Council of Economic Advisors, 1969*. Interest rates (Standard and Poors) for high grade municipal bonds have risen from 3.27 percent in 1965 to 6.69 percent in the first six months of 1970. (*Economic Indicators*, August 1970).

[7] Quoted in Jack Anderson, "After Vietnam—What? Will Our Economy Tumble if Peace Comes?," *Parade*, August 21, 1969.

[8] Friends Service Committee on National Legislation, calculated from data in "What a Billion Will Buy at Home," Charles L. Schultze et al., *Setting National Priorities: The 1971 Budget*, The Brookings Institution, Washington, D.C., 1970.

[9] A number of articles documenting this fact are reprinted in *Postwar Economic Conversion*, Hearings before the Committee on Labor and Public Welfare, United States Senate, Part 1 (USGPO, 1970). Testimony before the committee is also supportive of this assertion.

[10] Calculated from Tables 4 and 5, Statement of Hon. Robert C. Moot, *Department of Defense Appropriations for 1971, Hearings before a Subcommittee of the Committee on Appropriations, House of Representatives, Part 1*, USGPO, 1970, pages 488 and 489.

[11] See Appendix.

[12] .25 times 31.2 percent (O&M) +.75 times 36.1 percent (procurement) =34.9 percent. This percentage of 2.6 and 8.2 gives the figures cited, .9 and 2.9.

[13] These estimates were obtained by calculating the value of shipments per employee in two industries, aircraft and parts (SIC 372) and ordnance and accessories (SIC 19, which includes guns, howitzers, mortars, missiles, ammunition, tanks, small arms, etc.) for 1966 and then taking their simple arithmetic average, which is $22,733. (Data from U.S. Department of Commerce, Bureau of the Census, *Annual Survey of Manufactures, 1966*, USGPO, 1969). Assuming no change in labor productivity and a price increase of 14 percent between calendar year 1966 and FY 1971 and 16 percent for FY 1972 (based on the wholesale price index for industrial products), the value of shipments per worker was estimated as $25,916 for FY 1971 and $26,370 for FY 1972. The estimates of cutbacks in demand for the products of these industries was then divided by the estimated value of shipments per worker to give the figures used in the text. It should be added that the number of workers would be *less* if labor productivity in these industries improved over the period between 1966 and FY 1971–72.

[14] Richard J. Barnet, *The Economy of Death*, Atheneum, New York, 1970, page 154.

[15] Jean Polatsek, "Brief Operational Outline and Section by Section Analysis of the Proposed Manpower Training Act of 1969," Library of Congress paper 69–148–ED, 1 October 1969.

[16] Postwar Economic Conversion, *Hearings Before the Committee on Labor and Public Welfare*, United States Senate, Part 1, page 121.

[17] *Ibid.*, pages 70–91.

[18] *Ibid.*, page 79.

[19] *The Economy of Death*, p. 163.

COST AND SAVINGS OF ALTERNATIVE VIETNAM WITHDRAWAL PLANS [1]

[In billions of current dollars]

	Fiscal year 1971		Fiscal year 1972 [2]	
	Incremental cost	Savings (−) from current administration plan	Incremental cost	Savings (−) from current administration plan
Current administration plan: Current fiscal year 1971 funding level and withdrawals announced to date (150,000 out in fiscal year 1971) [3]	$11.2		$11.1	
Alternative 1: 223,000 residual force ending fiscal year 1972	11.2		9.4	−$1.7
Alternative 2: 50,000 residual force ending fiscal year 1972	11.2		5.9	−5.2
Alternative 3: Continue current withdrawal rate: all out by early fiscal year 1973	11.2		5.8	−5.3
Alternative 4: Total withdrawal January 1972 (Hatfield-McGovern amendment)	8.6	−$2.6	2.9	−8.2

[1] All of these calculations are based on troop level reductions below the actual figure of 538,000 men in Vietnam at end Fiscal Year 1969, before the 1st withdrawal was announced. Thus at the end of the latest 150,000 reduction, the level will be 273,000. Recent statements by Secretary Laird are based on troop ceilings, which were 549,000 at end fiscal year 1969 and will be 284,000 when the latest 150,000 are withdrawn. The incremental costs are the additional costs, all of which could be saved if we were not in Vietnam. All cost estimates include about $1,000,000,000 for military assistance to South Vietnam.

[2] Assumes a 7-percent price deflator in fiscal year 1972, to reflect pay and price increases.

[3] Announced by President Nixon in his televised address on Apr. 20, 1970.

Note.—This table is taken from Charles P. Shirkey, "Alternative Vietnam Withdrawal Plans and Budget Deficits in Fiscal Year 1971–72," inserted in the Congressional Record Aug. 27, 1970.

Source: Author's estimates; Arnold M. Kuzmack, "Casualty and Cost Projections for Different Vietnam Withdrawl Plan" monograph inserted in the Congressional Record, Aug. 24, 1970, p. S14076; Charles L. Schultze, "Setting National Priorities: The 1971 budget", The Brookings Institution, Washington, D.C., 1970, p. 19.

THE WAR, INFLATION, AND THE HOUSING MARKET

(By Peter T. Knight, a Ph.D. in economics from Stanford University)

INTRODUCTION

No major sector of the American economy has been more distorted by the Indochina war and the means used to finance it than residential construction. Record high interest rates have been caused by the reliance upon restrictive monetary policies and inflationary deficit finance to pay for an unpopular war. Residential construction is more influenced by interest rates than most economic activities, and of the factors influencing residential construction, interest rates are by far the most important. The monetary policies of the Johnson and Nixon administrations have succeeded in choking off residential construction and channeling the funds released into the business sector where they helped finance war production. The result of sky-high interest rates and severely curtailed residential construction is that a critical housing shortage has developed while the rate of new family formation has been rising as "war babies" produced in the post World War II "baby boom" marry and begin to have their own children.

With both mortgages and housing expensive and difficult to come by, a significant segment of our population, young married couples especially, find their dreams of owning their own homes frustrated. What they are also beginning to realize is that the housing shortage is directly attributable to the same war which the young husbands have in many cases been forced to fight against their wills, the same war which has created a massive draft resistance movement and alienated a whole generation. They have been asked not only to sacrifice years of their lives as conscripts, but also their hopes of owning their own homes. This realization is rapidly being transformed into political demands that something be done to alleviate the housing shortage, which is sure to be a key issue in the 1970 congressional elections. The McGovern-Hatfield Plan offers the best chance short of a quick negotiated settlement for ending the drain on the economy and the strain on our society imposed by a war which almost everyone now admits was a grave mistake. Following the McGovern-Hatfield plan could free sorely needed funds for new housing construction, approximately $2.6 billion in FY 1971 and $8.2 billion in FY 1972, should Congress direct that the money saved by a planned withdrawal be spent in this fashion.[1]

The remainder of this paper provides documentation and analysis to support the assertions made in the first paragraph.

1. *The principal cause of inflation was the escalation of the war in the second half of 1965 and the failure to apply normal wartime measures such as war taxes and wage and price controls.*

Most economists, including those on the President's Council of Economic Advisers, agree that the U.S. economy was operating at very close to its maximum potential in 1965, when war expenditures escalated sharply.[2] These increased military expenditures required a reduction in the goods and services which would have been available to the nonmilitary sectors of the economy in the absence of the war. Freeing the resources needed from use in the domestic economy was accomplished by a combination of deficit spending, large reductions in private investment (especially residential construction), a deterioration in the balance of payments with foreign countries (reduced exports) and some increase in taxes.[3]

The acceleration in war spending need not have resulted in inflation if sufficiently stringent stabilization policies had been followed. For example, a prompt increase in taxation as advocated by the Council of Economic Advisers in 1966 could probably have prevented it, and such a tax hike certainly would have allowed the Federal Reserve Board to pursue a less tight monetary policy. Wage and price controls, urged by many economists, might also have helped. However, even wrapping such measures in the American flag was not likely to be politically opportune in the case of an unpopular war. For three years after the initial escalation in the latter half of 1965 no major tax increase was passed by Congress. Then in June 1968 the Revenue and Expenditure Control Act, which combined a reduction in nonmilitary government expenditures with a 10 percent surtax was finally enacted.[4] Wage and price controls have not been instituted to the present day.

There is considerable agreement among economists and businessmen that war spending was the major factor throwing the economy into an inflationary spiral. In April 1968 the Committee for Economic Development, which is composed of leading U.S. businessmen, said the following in their report entitled *The National Economy and the Vietnam War:*

"The requirements for military hardware that builds up after the middle of 1965 were met without much strain, largely because inventories were ample and defense production industries had available capacity. However, the economy as a whole felt the impact of the total military demand. The defense build-up soon led to inflationary pressures. In a period of two years the value of resources devoted to national defense rose by about 50 percent. Largely as a result of this, the nation's total purchases of goods and services increased rapidly, accelerating at a rate in excess of the growth of real output. A jump in the rate of price increases inevitably followed." [5]

Similarly, President Johnson's own Council of Economic Advisers, in their 1968 *Annual Report* also noted that the inflationary spiral was linked to sharp increases in war spending.

"Around mid-1965, the growth of demand for industrial products suddenly accelerated as the direct and indirect consequences of the enlarged commitment of U.S. forces in Vietnam.

"Prices of consumer services began to accelerate, as service firms found it more difficult to obtain workers. With rising food and service prices and stronger demands for labor, upward pressures on wages intensified in both the organized and unorganized sectors. In the industrial area, the impact of demand on prices was strongest in the defense-related and capital goods sectors, where shortages of both capacity and skilled manpower were most pronounced. But prices also advanced in many other areas.

"The upward pressures on prices and wages in this period reflected both the speed of the advance and the high level of resource utilization which the economy achieved. These pressures tripped off a price-wage spiral." [6]

Deficit spending rather than increased taxes was used to finance the war and we experienced an increasing rate of inflation. Inflation is in reality one of the cruelest taxes since it strikes hardest at those least able to defend themselves—retired people living on past savings, white collar workers such as teachers and government employees, welfare recipients, and unskilled workers.

When a substantial tax increase was finally voted in 1968, inflationary expectations were so strong that even now the Nixon Administration considers increasing unemployment as the only means of restraining price increases to a tolerable level. As of July 1970, the seasonally adjusted unemployment rate had risen to 5.0 percent from 3.5 percent in December 1969.[7]

Finally the testimony by Louis B. Lundborg, Chairman of the Board of the Bank of America, the largest bank in the country, before the Senate Committee on Foreign Relations on April 15, 1970, is worth citing. Mr. Lundborg charged that "While there is room for a wide range of opinion concerning proper tax policies during this period, especially over the timing and magnitude of tax increases, and the proper role of monetary policy, *the basic cause of the inflationary forces was a sharp increase in federal spending associated with the escalation of the conflict in Vietnam.*" (emphasis added)

2. *The principal causes of high interest rates in recent years have been the heavy reliance on monetary policy and deficit spending by the federal government and the expectations of continued inflation caused by the war-induced inflationary spiral.*

No American President has dared ask Congress for war taxes for this unpopular war. As Charles Cicchetti has pointed out, "even the surtax of the late 1960's, which President Johnson proposed and later President Nixon endorsed, was presented to the American people as a fiscal device to control inflation and not as a tax to pay for the war, which was the direct cause of inflation." [8] Monetary policy was the principal tool used for restraining the economy in 1966, resulting in sharply increasing interest rates and the notorious "credit crunch" of that year.

In the subsequent two years the Federal Reserve supplied massive assistance to the money market as it struggled to adjust to excessively large demands for credit, thus temporarily delaying the worst of the problems. But as inflation continued, lenders became increasingly reluctant to place their money in fixed-income securities, since they expected inflation to continue. This resulted in further rises in interest rates. In 1969 the Federal Reserve again shifted to severe monetary restraint and the credit markets were left unassisted to deal with mushrooming demands for borrowing from both the private sector and the government. The result was skyrocketing interest rates which are still with us today. Some of the principal interest rates over the period being discussed are shown in Table 1.

3. *Federal monetary policy was successful in choking off residential construction, thus freeing funds to finance war production.*

Econometric research has provided empirical confirmation of what bankers have long known—one of the principal determinants of the number of new housing starts for single family dwellings is the rate on mortgages.[9] Other kinds of interest rates, for example those on corporate and municipal bonds, may also influence housing starts for private and public rental units. Columns 1–3 of Table 1 show that each of these three key interest rates was substantially higher in the five war years (1965–1969) than in the "peace" years (1960–65) and that in the first six months of 1970 there has been another dramatic rise.

Columns 4–7 present various indicators of residential construction activity, all of which were running at a lower level during the war years than during the "peace" years, and again the situation has deteriorated in a striking fashion in the first six months of 1970. Single unit private housing starts have shown the sharpest drop, 28.2 percent below the 1960–64 level for the first half of 1970.

In part this reflects a continuing trend toward multi-family units (mostly rental) and away from owner-occupied single family homes.

The degree to which the monetary policies of the Johnson and Nixon Administrations have succeeded in diverting loaned funds from residential mortgages to the business sector, where they helped finance war production, is shown in Table 2. During the five "peace" years, 1960–64, an average of 30.3 percent of the funds raised went into residential mortgages and 34.5 percent to business. During the war years, 1965–1969,

Footnotes at end of article.

mortgages accounted for only 21.6 percent of the available funds and the business sector absorbed 46.4 percent.

4. *The number of families in the U.S. has gone up faster during the war years than during the preceding "peace" years, while residential construction has declined, resulting in a growing housing shortage.*

Column 8 of Table 1 shows that the average annual increase in the number of families in the United States was 24.8 percent higher during the years 1965–69 than it was prior to the war escalation in 1960–64. In 1967 the first children born in the post World War II baby boom reached the age of 21. Thus during the war period there has been a spurt in new family formations as the "war babies" marry and begin to have children of their own. Coupled with the decline in residential construction during the same period, we have all the ingredients for a housing shortage.

Column 9 of Table 1 shows that the vacancy rate (vacancies to total housing units available) has dropped from an average of 3.5 percent in the period 1960–64 to 2.9 percent in the period 1965–69. The situation was worsened still further in the first quarter of 1970 (2.3%). These figures are the statistical evidence of what real estate people like to call "a very tight housing market."

FOOTNOTES

[1] For a discussion of how these estimates were arrived at see Charles P. Shirkey, "Alternative Vietnam Withdrawal Plans and Budget Deficits in FY 1971–72," inserted in the *Congressional Record* August 27, 1970, and Arnold M. Kuzmack, "Casualty and Cost Projections for Different Vietnam Withdrawal Plans," inserted in the *Congressional Record*, August 24, 1970.

[2] *The Annual Report of the Council of Economic Advisers*, 1968, page 68.

[3] See, for example, Arthur N. Okun, The Political Economy of Prosperity, W.W. Norton & Company, New York, 1970, Chapter III.

[4] In his January 1966 Budget message President Johnson did, however, request a new graduated withholding system on individual income taxes, a reversal of the scheduled reductions of excise taxes on automobiles and telephone service, and a speedup in the collection of corporate income taxes. These measures were enacted two months later. In addition, an already scheduled raise in social security payroll taxes took effect in January 1966.

[5] Committee for Economic Development, *The National Economy and the Vietnam War: A Statement by the Research and Policy Committee*, New York, 1968, page 10.

[6] Council on Economic Advisers, *Annual Report of the Council of Economic Advisers*, 1968, page 104.

[7] *Economic Indicators*, August 1970.

[8] Charles J. Cicchetti, "How the War in Indo China Is Being Paid for by the American Public: An Economic Comparison of the Periods Before and After Escalation," inserted in the *Congressional Record* August 13, 1970.

[9] Gerald L. Childs, "Progress Report on a Market Model for Nonfarm Housing," Rutgers University, June 1, 1969 (unpublished paper).

TABLE 1.—SOME KEY INTEREST RATES AND INDICATORS OF RESIDENTIAL CONSTRUCTION ACTIVITY

Year, month	Home mortgage yields (new homes) (percent) (1)	Yield on Aaa corporate bonds (Moody's) (percent) (2)	High-grade municipal bonds (Stanford and Poors) (percent) (3)	Total public and private housing starts (1,000 units) (4)	Single unit private housing starts (1,000 units) (5)	Single unit private housing starts as a percent of total private housing starts (6)	Value of residential construction component of GNP (billions of 1958 dollars) (7)	Annual increase in families (thousands) (8)	Vacancy rate (percent) (9)
Peace years:									
1960	NA	4.41	3.73	1,296.0	994.7	75.4	21.9	345	3.4
1961	NA	4.35	3.46	1,365.0	974.4	72.4	21.6	885	3.6
1962	NA	4.33	3.18	1,492.4	991.3	67.8	23.8	657	3.5
1963	5.84	4.26	3.23	1,642.0	1,020.7	63.4	24.8	438	3.5
1964	57.8	4.40	3.22	1,561.0	970.5	63.5	24.2	399	3.5
War years:									
1965	5.76	4.49	3.27	1,509.6	963.8	63.4	23.8	444	3.5
1966	6.25	5.13	3.82	1,196.2	778.5	66.8	21.3	786	3.3
1967	6.46	5.51	3.96	1,321.9	843.9	65.3	20.3	769	2.9
1968	6.97	6.18	4.51	1,545.5	899.5	59.7	23.3	676	2.5
1969	7.81	7.03	5.81	1,499.9	810.6	55.0	23.3	727	2.2
Average: 1960–64	[1] 5.81	4.35	3.36	1,471.4	990.3	68.9	23.3	545	3.5
Average: 1965–69	[1] 6.65	5.67	4.27	1,414.6	859.3	62.5	22.4	680	2.9
January to June 1970	[2] 8.41	8.01	6.69	[3][4] 1,323.0	711.0	[1] 57.0	[4] 20.4	N.A	[5] 2.3
Percentage change from 1960–64 average:									
1965–69	14.5	30.3	27.1	−3.9	−13.2	−9.3	−3.9	24.8	−17.1
January to June 1970	44.8	84.4	99.1	−10.1	−28.2	−17.3	−12.5	N.A.	[5] −34.3

[1] 1963–64 average is the base.
[2] January–May.
[3] Annual rate.
[4] Seasonally adjusted annual rate.
[5] 1st quarter 1970.

Sources (by column):
1. Federal Reserve Bulletin various issues—FHLBB effective rate series, reflects fees and charges as well as contract rate.
2–6. Economic Indicators, various issues; 6 is calculated by author from data in Economic Indicators.
7. Annual Report of the Council of Economic Advisers, 1970, and Survey of Current Business, U.S. Department of Commerce, Bureau of the Census, series P-60, No. 70, July 16, 1970.
8. Increases are calculated from March of the given year to March of the next year.
9. Vacant housing units for rent or sale as a percent of total available units. Calculated from U.S. Department of Commerce, Bureau of the Census, Series HIII, No. 43 and 55. 1969 and 1970 figures directly from Bureau of the Census.

TABLE 2.—PERCENTAGE OF FUNDS RAISED, NONFINANCIAL SECTORS OF THE U.S. ECONOMY, 1960–69

	1960	1961	1962	1963	1964	1965	1966	1967	1968	1969	1960–64 average	1965–69 average	Percentage change 1960–64 to 1965–69
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	100.0	0.0
U.S. Government	−5.7	15.4	12.9	6.9	9.6	2.4	5.1	15.7	13.8	−4.1	7.8	6.6	−15.4
All other others total	105.7	84.4	87.1	93.1	90.4	97.6	94.7	84.3	86.3	104.2	92.1	93.4	1.4
Residential mortgage	32.0	29.2	28.8	31.7	30.0	26.8	21.2	18.4	19.2	22.6	30.3	21.6	−28.7
Business	37.9	34.8	34.0	33.6	32.4	42.0	49.5	45.9	40.1	54.5	34.5	46.4	34.5
Equity	4.6	6.0	1.1	−.3	2.4	−.4	1.3	2.9	−.7	5.1	2.8	1.6	−42.9
Bonds	9.5	9.8	8.5	6.8	6.0	7.7	14.8	18.0	13.2	15.1	8.1	13.8	70.4
Mortgages	10.6	10.9	11.3	11.6	8 8	9.4	11.4	8.2	8.9	8.4	10.6	9.3	−12.3
Other loans	13.3	8.1	13.1	15.6	15 2	25.4	21.8	16.9	18.7	26.0	13.1	21.8	66.4
State and local governments	14.6	11.7	10.7	10.6	9.0	10.8	9.3	9.6	10.5	10.1	11.3	10.6	6.2
Households[1]	16.0	3.4	9.6	11.3	11.7	14.2	12.7	5.6	13.4	13.0	10.4	11.8	13.5
Foreign	5.1	5.3	3.9	5.9	7.3	3.7	2.2	5.0	3.1	4.0	5.5	3.6	−34.6

[1] Not including mortgage debt.

Source: Calculations by author from data in Federal Reserve Bulletin, various issues.

The PRESIDING OFFICER. Who yields time?

Mr. STENNIS. Mr. President, I yield 6 minutes to the Senator from Michigan and more time if he needs it.

The PRESIDING OFFICER. The Senator from Michigan is recognized.

Mr. GRIFFIN. Mr. President, I know and appreciate the genuine concern, the sincerity, and the deep convictions of the sponsors and supporters of the pending amendment.

Along with most Americans and the President, I share the abiding desire of the sponsors to see an end to our involvement in the Vietnam war. I, too, want to see our troops come home as soon as possible from this unpopular war.

This has been a long, costly and frustrating war. In addition to the tragic losses on the battlefields, it has produced agonizing dissent here at home.

It may be appealing—but, I suggest

most respectfully, that it is misleading, even deceiving—to suggest that the war can be ended simply by passing an amendment. Yet, that is the proposition before us, and on which the Senate will vote tomorrow.

I am disturbed about this proposal for a number of reasons. It holds out promises to the American people which may, or may not, be realized. If the amendment were adopted, our action would be misunderstood by our friends throughout the world and in Asia particularly. In addition, and of even more concern, it would be misinterpreted and could lead to miscalculations on the part of the enemy.

This proposal ignores the harsh realities of the world in which we live and the difficult task of disengaging from the war in Vietnam.

Even the sponsors of the amendment have recognized this to some extent, for they have produced one version after another of the amendment.

As originally proposed, the amendment would have required the withdrawal of all American forces from Vietnam by June 30, 1971. In what the press has interpreted an effort to attract more votes, the rewritten amendment was rewritten within the last week to extend the withdrawal deadline to December 31, 1971.

In still another change, which also was interpreted as an effort to win more votes, the amendment was revised again just before it was made the pending business before the Senate.

The latest version would give the President an additional 60 days on the deadline for withdrawal—making it March 1, 1972—if he found that American troops in Vietnam were exposed to unanticipated clear and present danger.

It seems rather obvious that there has been almost a desperate effort to make palatable an unpalatable product—to make acceptable the unacceptable.

In the Senate cloakrooms and elsewhere the revised amendment is being appropriately referred to as "the amendment to extend the war." And that is what it could be—in either its original or its revised form.

At best, the amendment is superfluous. At worst, it is mischievous.

It is unnecessary because the President has turned the war around in Vietnam and American troops are coming home on an orderly basis that protects the safety of American forces as well as our national interest.

Since the Nixon administration took office on January 2, 1969, more than 115,000 troops have been withdrawn.

Under a schedule made public by the President, an additional 150,000 troops will be withdrawn by next April 30, and 50,000 of them by October of this year.

President Nixon has kept his promises. Indeed, he has moved faster than many dared to hope. He is moving on a course toward full and complete disengagement.

The proposed amendment is mischievous because it intrudes unnecessarily on the flexibility that the President needs as Commander in Chief of the Armed Forces and on his conduct of the delicate diplomatic moves which could lead to a negotiated settlement of the war.

As the showdown on this issue approaches, it is well to recall a statement made by President Nixon on September 26, 1969:

> It is my conclusion, that if the administration were to impose an arbitrary cutoff time—say, the end of 1970 or the middle of 1971—for the complete withdrawal of American forces in Vietnam, that inevitably leads to perpetuating and continuing the war until that time and destroys any chance to reach the objective that I am trying to achieve of ending the war before the end of 1970 or before the middle of 1971.

If we should tie the President's hands by law to a fixed and publicly proclaimed timetable schedule—it would serve only to make an orderly withdrawal more difficult—and quite possibly, more dangerous for our men in Vietnam. Surely, we do not wish to force a Dunkirk-type withdrawal from the beaches of Vietnam—and yet, that could be the effect if such a decision were to be cast in legislative concrete.

Reference has already been made to the disastrous impact that adoption of this amendment would have on the peace talks which have been resumed in Paris.

No one on the other side of this debate has ever provided a satisfactory answer to this question: Why would an invading army negotiate a settlement once the defenders have announced a timetable for complete, unilateral withdrawal?

To put it simply: Adoption of the proposed amendment would trumpet loud and clear to the Communist enemy the message that he need not negotiate at all, that he could attain by default what he has not been able to win on the battlefield.

Mr. President, in addition to other objections to this amendment, it would also have the effect of disrupting our Vietnamization program which has attained, in the judgment of Secretary of Defense Melvin Laird, a high degree of momentum. Vietnamization of the war is the surest way of speeding the withdrawal of American forces, and it seems to me that we should be encouraging—not disrupting—our Vietnamization program in every practical way.

President Nixon is in the process of winding down our participation in the Vietnam war. He is bringing American boys home. President Nixon deserves—and has earned our support. I am confident the Senate will register that support by voting on this amendment.

Mr. STENNIS. Mr. President, I yield 6 minutes, or such time as he may need, to the Senator from Pennsylvania.

Mr. SCOTT. Mr. President, Senators are ambassadors from their States. Senators may know more of irrigation, grazing, urban rehabilitation, or may feel they do, than others. Some Senators, indeed, feel they know more about how to conduct a war than those entrusted with its conduct. They are entitled to their opinion, although I suspect it is not universally shared.

In my opinion Senators just cannot negotiate, in freehand style, their own schedule for disengagement from this war.

This is an unpopular war. There are no prowar Senators. So far as I know, there is no respectable body of prowar Americans. We are all antiwar; we are all for disengagement; we are all for getting out. Some of us believe competent people are engaged in that process and, indeed, I am satisfied that is exactly what the Commander in Chief is doing.

Mr. President, the many versions of this amendment, offered in succession, and often in contradiction to the full-page ads on the same amendment, have compounded confusion upon confusion in an effort to pick up support from one person here or one person there.

Certainly the many versions of this amendment are more revealing, contrasted to the one of disengagement presently being pursued and adhered to on schedule by the Commander in Chief.

This amendment, if agreed to, would cast into limbo any trust other nations would have in us, and notify negotiators from Hanoi there can be no possible peace until the end of next year. So why, indeed, should anyone pursue any possibility of peace? Why should the dove of peace which hovers like a halo over some advocates of this amendment, find any nesting place in Paris when the notice goes out that there is no peace, there can be no peace, there will be no peace because on a certain date we are leaving, horse, foot, and dragoon, bag and baggage, and on that date nothing remains but for the enemy to pick up the marbles, reap the gains, close the doors on the free world and say to the Congress of the United States "much obliged."

The amendment is, as has been said, an attempt to reassert congressional war-making power. It is far too restrictive and impractical. It is an attempt to accomplish more than withdrawal. Any firm and public completion date of total U.S. withdrawal would severely limit our flexibility in reacting to North Vietnamese threats and possibly temporary setbacks in Vietnamization. The latest date for total withdrawal—although I point out the amendment is still open to amendment and new versions may yet occur—so far given us is too great an acceleration to allow the South Vietnamese to achieve a sufficient capability in all requisite fields to cope with the North Vietnamese.

Training of Vietnamese in complex skills—pilots, maintenance, operation of sophisticated equipment, and so forth—will not be completed by then; such training cannot be accelerated significantly.

The amendment precludes a military assistance advisory group—MAAG—considered necessary to insure continued progress by the South Vietnamese. While not large, this group of U.S. technicians is needed to assist the Vietnamese in managing and logistically supporting the large military structure the Vietnamese have built in a short time. Withdrawing these technicians and advisers prematurely may significantly reduce the capability of South Vietnamese forces.

A public fixed schedule of withdrawals likely would adversely affect chances to get U.S. POW's back. Our military forces in Southeast Asia give us some leverage

in negotiations for better treatment and release of U.S. prisoners in enemy hands.

The McGovern amendment would, if enacted, undermine the Paris negotiations by bringing all North Vietnamese goals in Southeast Asia within reach. Further, it would reduce U.S. international credibility and bring all U.S. obligations and treaties into immediate review by our allies; it would be clear that these obligations had unspecified time limits which are apt to grow shorter if subject to pressure.

In other words, what nation would ever make a treaty with us again if it knew that any treaty made with the United States, after it had been confirmed by the Senate, might be subject to some Senate whim or some public pressure or some election campaign, or some other motivation which perhaps is not now present, which would cause the Senate of the United States to withdraw and say, "We are sorry we made it; we are going to say goodby to the obligation. We are going to reverse the agreement and we are going to unilaterally quit?"

Now I yield to the distinguished Senator from South Dakota.

Mr. McGOVERN. Let me say on that point——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. May I have 2 additional minutes?

Mr. STENNIS. I yield 2 additional minutes to the Senator.

Mr. McGOVERN. Is the Senator saying we would be violating a treaty if we withdrew our forces from Vietnam?

Mr. SCOTT. The Senator is saying that we would be violating something which is more inviolate than a treaty, and that is our commitment to our own forces in Vietnam, and is citing that if we were to withdraw under the hardest kind of commitment, which is a commitment on the field of battle, under orders from the U.S. Senate, then no nation would see fit to believe that a future treaty could not be abrogated or substantially altered by Senate amendment.

Mr. McGOVERN. I cannot see how the Senator can feel that the United States has gone back, or under the terms of this amendment would go back, on any commitment we had with the people of South Vietnam. We never at any time, as I understand it, made any commitment to stay there indefinitely. We said we would assist them, and we have done that, it seems to me, beyond any reasonable criterion of generosity, investing the lives of tens of thousands of Americans and billions of dollars. It seems to me this amendment is well within our constitutional processes——

The PRESIDING OFFICER. The time of the Senator has again expired.

Mr. STENNIS. Mr. President, I yield the Senator 2 minutes.

Mr. McGOVERN. The Senator from South Dakota is proposing, under the terms of this amendment, that it is in our interest as a nation to set a definite timetable so that our friends in Vietnam and our enemies in the North, and others, will know what the limits of our commitment are.

Mr. SCOTT. Is the Senator contending that when we went into Vietnam, or as we pursued a course ratified by several Presidents, at any time we told the South Vietnamese we would be out of there by December 31, 1971?

Mr. McGOVERN. No; I am not suggesting that at all. I think they are entitled to a fair warning. That is why I think this date ought to be at some future time. But that is 16 months hence. There is also the escape provision to meet any emergency situation that might develop.

I suggest that this is not a "bugging out" or running out on our commitment. We have been more than generous to the people of South Vietnam. What we propose under the amendment is to give them a reasonable time to get their house in order, if they wish, and take over the struggle, or, failing that, work out an arrangement with those that challenge them in that field.

Mr. STENNIS. Mr. President, I yield an additional 2 minutes to the Senator.

Mr. SCOTT. May I say, in conclusion, that I know of no promise made by the President which has not been kept. I myself hope that we can accelerate withdrawal even further. I would like to see volunteers instead of draftees ultimately. I would like to see many things done. But, above all, I would not like to see us take the credibility of the United States and toss it up for grabs in world opinion by a decision that on a certain calendar date the Commander in Chief is directed by the Senate of the United States to stop whatever we are doing, even though at that time we may be engaged in a difficult military situation, or even though at that time our prisoners of war are not released—and, as I understand it, the distinguished Senator from South Dakota is not willing to condition the termination upon the release of the prisoners. If he were, he might pick up some help there. I do not know——

Mr. McGOVERN. The amendment has a provision that funds will not be cut off for that purpose, and it gives the President, as I have said, the option of exercising 60 days' additional time. If he feels that is not sufficient, he can come back and ask the Congress for additional time.

Mr. SCOTT. I can only say, with all due respect, that that, to my mind, is hardly the way to get our prisoners of war back.

Mr. McGOVERN. We are not getting very many back under our present procedures.

Mr. SCOTT. Our last leverage, our last best hope, of getting those prisoners out would not be served by withdrawing all of our forces under a calendar restriction, because, as the Senator has said, if we did not get them out when his magic date on the calendar arrives—the Senator has had several magic dates; if this last magic date does not suffice, we have another 60 days in which the President can say to the Congress——

The PRESIDING OFFICER. The time of the Senator has expired.

Mr. SCOTT. Mr. President, may I take the liberty of yielding myself 2 additional minutes? I ask unanimous consent to do so.

Mr. BYRD of West Virginia. Mr. President, on behalf of the Senator from Mississippi, I ask unanimous consent to yield 2 minutes to the Senator from Pennsylvania.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. SCOTT. Yes, the President may come to the Congress and say, "I am sorry, our best leverage is gone; our prisoners are still there; we did not make any provision for them. Will the Congress give us 60 days more to get the prisoners of war out?" That will be read in Hanoi as it is in Washington, and the prisoners of war will not come out.

Mr. McGOVERN. I cannot conceive of the President's permitting American prisoners of war to remain after our troops are withdrawn.

Mr. SCOTT. That is what the amendment says.

Mr. McGOVERN. It does not require that.

Mr. SCOTT. It does not require that. It permits it.

Mr. McGOVERN. It does not require that at all, and I cannot see the Senate of the United States denying a request of the President to do all that was necessary to bring about the release of the prisoners.

Mr. SCOTT. But the Senator's amendment does deny the request of the President in the first instance.

Mr. McGOVERN. It does not.

Mr. SCOTT. Yes, it does; to continue with the deescalation of the forces, and if the Senate will deny the President the right to permit him to continue winding down the war on his schedule, then the Senate can and perhaps would deny the President the 60 days additional to get out the prisoners of war, because the Senate is composed of reasonable men, and the Senate would know they would not get them out in 60 days; they would not have any leverage to get them out with.

Mr. McGOVERN. Mr. President, the Senator is completely misreading the amendment. There is nothing in the amendment that restricts the power of the President to bring about the relief of prisoners. There is no way that I know of that we are ever going to get the prisoners out of there, if we continue on our present course.

The PRESIDING OFFICER. The Senator's time has expired.

Mr. SCOTT. I ask for 2 more minutes.

Mr. BYRD of West Virginia. Mr. President, how much time remains on both sides?

The PRESIDING OFFICER. The Senator from Mississippi has 5 minutes, the Senator from South Dakota 15.

Mr. McGOVERN. I had promised the Senator from Maine 15 minutes. Will he yield back 2 minutes of it, to complete the remainder of the colloquy?

Mr. MUSKIE. Yes; I would be delighted to do so.

Mr. McGOVERN. I yield the Senator from Pennsylvania 2 minutes so that we can complete the colloquy.

Mr. SCOTT. I will conclude with this inquiry, if the Senator will permit: How does the Senator from South Dakota plan to get the prisoners of war out of North Vietnam?

Mr. McGOVERN. I think the burden for that answer ought to be on the Senator from Pennsylvania.

Mr. SCOTT. I pass it to the Senator from South Dakota, whose amendment it is.

Mr. McGOVERN. Mr. President, I intend to comment on that later, but I remind the Senator that our prisoners have now been held for a number of years. There is no evidence that our present course is ever going to effect the release of a single prisoner. I think they are being held as hostages of the policy that has not produced an end to the war.

Here we are offering an alternative proposal which we think will bring about an end to the fighting. We feel that thus we have reduced the reason for those prisoners being held. When we make it clear to the other side that our forces are coming out, I think when that date is announced, it will increase the likelihood of negotiations getting underway.

There are two things the other side has said block them from negotiating with us: First, the presence of the Thieu-Ky regime in Saigon, and our backing of that regime, and second, our refusal to agree to the full withdrawal of our forces.

By meeting those two objectives, as this amendment would do, I think for the first time we shall have opened up the possibility for release of the prisoners, who have not been released under the present policy.

Mr. SCOTT. I thank the Senator for the admission that there is no plan for the release of the prisoners.

Mr. MUSKIE. Mr. President, I support the pending amendment to the military procurement bill, H.R. 17123.

It is time to make clear our commitment to end the war in Vietnam.

And this amendment would do so—at the same time as it would preserve all of the President's constitutional powers.

The cardinal issue is whether our involvement in the conflict in Indochina must be regarded as open ended and indefinite in duration, or whether the time has come to establish a definite deadline for our military participation there.

Those of us who support this amendment believe that the best interests of the United States—both at home and abroad—would be served by its enactment.

Those who oppose it, including the administration, insist that our military presence must continue while the South Vietnamese attempt to win the military victory which has eluded our own efforts for so many years.

I submit, however, that the advantages of a clearcut withdrawal policy would be substantial, not only in terms of our own domestic concerns, but in terms of peace in Vietnam itself.

Control of our conduct would clearly be in our hands, not those of the North Vietnamese or the South Vietnamese. And a climate for meaningful negotiations might finally be established.

The administration has argued that a publicly announced withdrawal timetable would give Hanoi no incentive to negotiate seriously in Paris. But the negotiations are already at a virtual standstill and there seems to be no prospect for improvement so long as Vietnamization remains our only policy.

The administration has also argued that a publicly announced timetable would permit Hanoi to attack our forces once they were sufficiently reduced in size. But it seems obvious that Hanoi could do so anyway once enough Americans are withdrawn, whether or not a timetable for their withdrawal is announced.

And finally, the concept of a withdrawal timetable has been criticized as leading to an eventual bloodbath in South Vietnam. However, nothing in our present policy can guarantee against the possibility of reprisals once we are out of Vietnam in any event. For example, even were the Communists to accept the President's proposals for free elections and come to power through this means, nothing in our policy could guarantee against reprisals at that point. Besides, is it not clear that the war itself is a bloodbath and that this certainty must be weighed against any speculative possibility?

In formulating our withdrawal plan, we must, of course, accept the responsibility for evacuating and resettling those who wish to leave Vietnam.

On the matters we most care about—the return of our men held as prisoners of war and the safety of our troops as we withdraw—there is every likelihood of reaching an understanding with Hanoi once we indicate our willingness to set a firm date for our withdrawal.

Prospects for a broader political settlement in Vietnam may also improve. For the generals who control the South Vietnamese Government may seriously consider sharing their power once they realize that their weakness can no longer keep us in Vietnam indefinitely. And once the leaders in Hanoi know we are leaving, they may also be ready for serious negotiations as long as we can exercise some leverage at the peace talks in Paris.

No one can argue that our enormous contributions to South Vietnam over a 7-year period have fallen short of the commitment we originally made.

The basic question now is whether a specific deadline should be set for the withdrawal of all U.S. military personnel from Vietnam, not what that date should be. The McGovern-Hatfield amendment provides a realistic and sensible deadline of December 31, 1971.

That amendment represents no challenge to the President's constitutional responsibilities as Commander in Chief. It does not dictate the day-by-day tactics to be employed to protect our forces while military operations continue. But is does reflect Congress' determination to respond to its constitutional responsibility of deciding how long these forces will be committed to that war.

Nor does the amendment constitute a political challenge to the President. Rather, it offers to share the political responsibility for the hard decision that must be made. Whatever date for withdrawal is set, there is no easy way out of Vietnam.

In my opinion, the establishment of a specific deadline is the best among nothing but bad choices, and to make the choice will involve political costs and political courage.

But the issue is one that transcends purely political considerations. It must not be approached from the standpoint of possible political advantage; for only by distorting the motives of those who support the establishment of a deadline can this cardinal issue be turned into a partisan political debate.

A consideration of the issue on the merits is required. And such consideration, in my judgment, can lead only to affirmative support of the principle set forth so clearly in the McGovern-Hatfield amendment.

Mr. President, I yield back the balance of my time.

Mr. McGOVERN. Mr. President, before the Senator yields the floor, I would like to commend him on what I think has been one of the most thoughtful statements yet made in support of the amendment.

The Senator made one statement that especially interested me, when he said that there is no really good solution to this war.

I think that some years ago it was Mr. Lippman who said:

> You can't back away from a mistake with great glory and grace.

But, recognizing the fact that no matter how we settle this war, it will probably draw some objections in some quarters, a good many people will not feel happy with any kind of solution short of a total victory. That being the case, is there not some advantage in a democratic society such as ours of spreading the responsibility for that decision as broadly as we can—in short, of involving Congress, so that Senators and Representatives, representing every district in this country, can vote on the question of whether they would like to see American military operations continued or terminated at a definite date?

It seems to me that, from the standpoint of the President, it would be an advantage to him to share this burden and this responsibility as broadly as he can with the elected representatives of the people.

Would not the Senator think that that is one of the ways of minimizing the danger of scapegoating that might set off division and bitterness in our national life after the withdrawal of troops from Indochina?

Mr. MUSKIE. I agree with the Senator.

I should like to add a few thoughts that buttress the point he is making.

First of all, I do not know of anybody's plan, including the administration's, that will result in a withdrawal with the tidying up of all the loose ends. The administration has told us that it has an irrevocable policy of complete withdrawal. But whenever that comes, there will be a great deal of untidy loose ends that will create political problems for the government in Saigon, for the government in Hanoi, and for ourselves. So that the question of tidying up is a question that I think has no relevance to the amendment before us.

The second point I should like to make

is this: If we were to accept a deadline of this kind, I think that almost immediately we would begin to reap some of the benefits of the withdrawal itself. These benefits, as I see them, would be these: First of all, we could begin immediately to heal the divisions in this country which have been created by this tragic war and its consequences for us here at home. Once the country understands that the end is in sight, we could begin to act as though it had arrived, not only with respect to our attitudes toward each other but also with respect to planning the future commitment of our resources here at home and elsewhere.

Second, with respect to nations around the globe, I suspect that the setting of such a deadline would result in an almost audible breathing of relief throughout the world, especially among our friends, as they come to understand that their great friend and ally, the United States, had made the tough decision to cut off its involvement.

So I think that the beneficent effects upon our relationships with other countries around the world would be most useful.

Finally, with respect to the people of Vietnam themselves, it seems to me that such a clear-cut target would have less repercussions.

Mr. McGOVERN. I again commend the Senator on his excellent statement.

Mr. DOLE. Mr. President, a parliamentary inquiry.

The PRESIDING OFFICER. The Senator will state it.

Mr. DOLE. How much time remains?

The PRESIDING OFFICER. The time of the Senator from South Dakota has expired. The Senator from Mississippi has 5 minutes remaining.

Mr. STENNIS. I yield 2 minutes to the Senator from Kansas.

Mr. DOLE. Mr. President, the focal question appears to be who shall make the determination, Congress or the President, with reference to peace in South Vietnam and the rate of withdrawal and when they may come about.

Some years ago, in his renowned "Commentaries on the Constitution," Justice Joseph Story said:

> Of all the cases and concerns of government, the direction of war most peculiarly demands those qualities, which distinguish the exercise of power by a single hand. Unity of plan, promptitude, activity and decision, are indispensable to success; and these can scarcely exist, except when a single magistrate is entrusted exclusively with the power. Even the coupling of the authority of an executive council with him, in the exercise of such powers, enfeebles the system, divides the responsibility, and not unfrequently defeats every energetic measure. Timidity, indecision, obstinacy and pride of opinion, must mingle in all such councils, and infuse a torpor and sluggishness, destructive of all military operations.

Mr. President, I believe that summarizes very well the basic argument. Some one person must speak for America. Some one person must speak for our country. Some one person must negotiate.

The PRESIDING OFFICER. The Senator's 2 minutes have expired.

Mr. STENNIS. I yield 1 additional minute to the Senator from Kansas.

Mr. DOLE. It appears to me that whether that person be a Republican or a Democrat, whether it be this year or next year or 10 years ago or 10 years hence, that one person must be the Commander in Chief, the President of the United States.

Despite the good intentions and despite the wishes of every Member of this body that the war in South Vietnam end and end quickly, we must recognize that only the Commander in Chief can bring about peace and can negotiate peace and bring an honorable end to the war in Vietnam. To impose a timetable on the Commander in Chief and on the President would do a disservice not to Richard Nixon but to the Office of the President and to the President in his efforts for a just and lasting peace; and, above all, it would serve notice on our allies around the world that we will cut and run, that we do not honor our commitments.

Therefore, I strongly urge that the amendment be rejected.

Mr. STENNIS. Mr. President, reference has already been made to this New York Times editorial, which has an analytical question and comment. I want to read one sentence:

> The basic question remains, however, is this amendment the right one either to redress the imbalance of power in the government or to advance the prospects for American withdrawal and peace in Vietnam?

It answers that question "no" in both instances. I think that is a very fine summary.

In addition, this amendment, hardened into law, would give away to the other side every possible advantage that we could possibly have. It would take all the judgment and discretion away from the man who has to speak and has the responsibility of negotiating for our side, for the people of the United States.

I am certain in my mind that the majority of the Members of this body never will be willing to walk up here and say, regardless of everything else, "I am going to take away what discretion and judgment and consideration the President of the United States has; I am going to take it away from him and write it into hard law." That must not happen and will not happen.

Mr. President, I judge our time is up. We shall have 1 hour tomorrow. I yield the floor.

OVER 10,000 IN AUSTIN, TEX., SIGN PETITIONS FOR HATFIELD-McGOVERN AMENDMENT

Mr. YARBOROUGH. Mr. President, I have received petitions in favor of the Hatfield-McGovern amendment from over 10,000 Texans from the city of Austin. I hold these petitions in my hand, and exhibit them in the Senate for the inspection of any Senator. There are 439 sheets of names, generally with 25 names per page, and the names are followed by addresses of the signatories.

Each separate sheet of these petitions begins with this paragraph:

> We, the undersigned, in support of "The Amendment to End the War," petition the President and Congress to terminate United States involvement in Vietnam by June 30, 1971.

The amended Hatfield-McGovern amendment calls for the termination of American involvement in the Southeast Asian war by December 31, 1971.

These petitions were gathered by representatives of the University of Texas branch of "Outreach" and given to Representative JAKE PICKLE of that District to be given to Senator McGOVERN or Senator HATFIELD, sponsors of this amendment.

I am a cosponsor of this amendment, and feel that I should call the attention of the entire Senate to these petitions in support of the Hatfield-McGovern amendment, from my home city of Austin, Tex.

This 3-inch high stack of petitions represents such tremendous support of the amendment that I am tempted to place all of the names and addresses in the CONGRESSIONAL RECORD, as I have often seen voluminous petitions printed in the CONGRESSIONAL RECORD. However, I have been informed that to print these petitions with the more than 10,000 names on them would consume about 75 pages in the CONGRESSIONAL RECORD, which, at $128 a page, would cost the taxpayers approximately $9,600. As much as I would like to exhibit to the Senate this support for the Hatfield-McGovern amendment, I will forgo placing these 10,000 names from Austin, Tex., in the RECORD to save the taxpayers money—parenthetically, the cost of placing the names of these 10,000 Austin, Tex., citizens who favor the termination of the war in Vietnam in the RECORD—about $9,600—is about one-fifteenth of the cost to the taxpayers of killing one Vietcong, which costs the taxpayer about $146,000.

I ask unanimous consent to have printed in the RECORD the letter from Representative JAKE PICKLE by which these petitions were transmitted to me.

There being no objection, the letter was ordered to be printed in the RECORD, as follows:

HOUSE OF REPRESENTATIVES,
Washington, D.C., August 17, 1970.

Hon. RALPH W. YARBOROUGH,
Old Senate Office Building,
Washington, D.C.

DEAR SENATOR: Last Friday in my Austin office, I had the pleasure of visiting with three representatives of the University of Texas branch of "Outreach". At that time, they officially presented me with the attached petitions bearing the names of approximately 10,000 students and local residents in basic support of the McGovern-Hatfield Amendment.

During the course of the conversation, they requested that I make the petitions available to either Senator McGovern or Senator Hatfield. I told them that I would be happy to do so, and that I would ask that you forward the names on, particularly since you are our senior Senator and these are your constituents also.

The outgoing President is Mr. Ray Flugel, 1714 East Woodward, Apartment No. 212, Austin, Texas; and the new President is Bob Hall, 4200 Avenue A, Apartment No. 207, Austin, Texas.

Thank you for your assistance.

Sincerely yours,

J. J. PICKLE.

Mr. McGOVERN. Mr. President, I should like to take this few moments to

thank the Senator from Texas for bringing these petitions to the attention of the Senate. He may be pleased to know that without any strenuously organized effort, something over 2 million names have come in from all over the country attached to petitions of that kind. My guess is that there are many times that number of petitions moving around the country in various towns and cities in the States across this country. When I was in my home State a few months ago, I ran into petitions everywhere I went. It is an encouraging outpouring of support and I commend the Senator from Texas for bringing his petitions to our attention.

ORDER OF BUSINESS

The PRESIDING OFFICER (Mr. HUGHES). Under the previous order, the Senator from Illinois (Mr. PERCY) is now recognized for 30 minutes.

S. 4305, S. 4306—INTRODUCTION OF BILLS RELATING TO VETERANS

Mr. PERCY. Mr. President, I have two issues to speak on today. The first deals with two veterans' items which the President called for the elimination of in a message to Congress on February 26, 1970.

Mr. President, on August 6, 1969, these proposals were submitted to the Congress, and referred to the Finance Committee where they have seen no action, and have not been introduced as legislation to the Senate. In a time when we face a deficit as large as $10 billion, it is my conviction that we should act promptly and responsibly to cut back on needless expenditures. It was for this reason that I decided to identify areas with fiscal 1971 budget where $4 billion could be saved. With these two items today of $100 million, I have now identified areas amounting to $1.7 billion.

Mr. President, I will continue to search out those areas of excess in the budget, and I urge the Congress to act swiftly and favorably on these and other areas.

These two issues I have spoken of today are an excellent example of money misspent. This $100 million could have been used to upgrade veterans' hospitals or for other higher priority needs. Instead, it has been used needlessly and thus wastefully. It is the duty of the Congress to see to it that the taxpayer's money is not spent unwisely, and that money be saved wherever feasible at a time when we face a large budget deficit. This is my goal, and I hope and believe that it is the goal of every Member of this body.

Mr. President, on February 26 of this year, President Nixon proposed to the Congress areas in the budget that should be reduced, terminated, or restructed. Many of these proposals are included in the Federal Economy Act of 1970 which is currently pending before various Senate committees including the Finance Committee, the Commerce Committee, the Agriculture Committee, and the Labor and Public Welfare Committee.

However, certain of the President's proposals were not included in this bill. In my search for areas where we can cut Federal spending by as much as $4 billion, in fiscal 1971, I believe that we should pay particular attention to those areas that the administration itself has identified as wasteful.

Consequently, today I am introducing two bills which, when enacted, will save $100 million. I ask unanimous consent that these two bills be printed in full at the conclusion of my remarks in the RECORD.

The PRESIDING OFFICER (Mr. HUGHES). The two bills will be received and appropriately referred; and, without objection, will be printed at the conclusion of the Senator's remarks as requested.

Mr. PERCY. Mr. President, those bills deal with certain veterans benefits that the administration has identified as wasteful.

In 1926, tuberculosis was a dread disease. Few persons suffering from TB could be expected to live more than 20 years. In the continental United States in 1926, the death rate from respiratory TB was 76.6 per 100,000 population. Medical authorities contended that those with arrested TB did not have and would never have the strength to meet the demands of their previous employment and hence that a significant curtailment in economic activity was required to avoid recurrence of the disease. Faced with these facts in 1926, the Congress decided to compensate veterans whose service-connected TB had been arrested. Since the disability was actually a recognition of an earlier disease and a potential of a future disease, the rating of disability and the payment of compensation did not fit neatly into the schedule then employed by the Veterans' Bureau. Thus, the Congress choose to compensate these veterans with a statutory award consisting of a minimum monthly rate of compensation.

In 1949, the Congress enacted into law provisions that designate the following disability ratings: a 100-percent rating for 2 years following the arrest of the disease, a 50-percent rating for the succeeding 4 years without the necessity of establishing any physical or economic impairment, and a 30-percent rating for a further period of 5 years. This section of law also provides a permanent 30-percent rating for veterans who had far advanced lesions, and a 20-percent permanent rating for veterans whose disease had been moderately advanced if there is continued disability.

Since the time of the passage of this legislation, medical science has made tremendous advances with respect to the treatment of this disease. Modern methods of treatment have been so successful that the death rate from this disease has been lowered to a point of relative insignificance. For example, in 1965, the death rate from pulmonary TB in the United States was 3.8 per 100,000 population. In addition, data now available show no unusual residual impairment in cases of arrested TB. Following the modern course of treatment, these individuals are able to return to their homes with assurance of normal industrial acceptance and generally to full-time employment. Recurrence of the disease is not anticipated.

Considering these medical advances, the Veterans' Administration, several years ago, requested a number of medical authorities in the field of tuberculosis to study the present situation with respect to the disease. Following many months of deliberation, these consultants concluded that statutory awards are medically unsound, and disability ratings assigned to the disease should be related to demonstrable physical impairment.

This is obviously the correct conclusion. From the standpoint of equality, veterans with arrested tuberculosis should be provided compensation for their average impairment on the same basis as is used for those with other diseases and injuries. A statutory rate is not based on impairment, and is thus discriminatory as it represents preferential treatment for this special class of veterans. It provides them compensation without requirement of disability.

Last year, the Congress enacted Public Law 90–493. This law abolished special compensation for future cases of arrested TB. However, there are still about 44,000 individuals now receiving compensation for arrested TB. The bill I am introducing today would resolve this inequity. Statuatory disability would no longer be granted; compensation would only be granted on the basis of disability. By enacting this legislation, an annual savings of $46 million could be realized.

In this instance, the Congress must catch up with enlightened and advanced medical knowledge and take this opportunity to provide equitable compensation for all veterans while at the same time saving $46 million.

Mr. President, the second bill I am introducing today deals with the cost of burial expenses of veterans with wartime service. In the past 20 years, social security and other legislation has been enacted which tends to duplicate the benefits provided under the VA law. Under current law the VA provides $250 for such burial expenses. This legislation would limit the VA payment to the difference between $250 and the amount of various non-VA benefits due to each veteran's survivors.

This provision dates back to the War Risk Insurance Act of 1917. The historical purpose of this burial allowance was to avoid the burial of war veterans in a potter's field. However, as other Federal benefit assistance programs have been adopted, or broadened, for various elements of the general populace, the need for a special burial allowance for veterans to avoid burial in a potter's field has decreased, and the problem of duplicate Federal benefits directed toward the same purpose has arisen.

Burial and funeral allowances, or lump-sum death payments, are now paid under many different provisions of law, which include the Federal Employees' Compensation Act, the Social Security Act, and the Railroad Retirement Act.

This bill would limit the payment of the burial allowance to the difference between the amount of similar purpose benefits paid by the United States, and $250. It still would insure the payment of at least $250 in Federal burial and funeral expenses benefits.

This bill would in no way defeat the historical purpose of the burial allowance. It would, however, eliminate dupli-

cate payments by the Federal Government for the same purpose, and it would result in annual savings of $54 million.

The bills, introduced by Mr. PERCY, were received, read twice by their titles, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 4305

A bill to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purpose

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 902 of title 38, United States Code, is amended to read as follows:

"§ 902. Funeral expenses

"(a) Where a veteran dies—

"(1) of a service-connected disability; or

"(2) who was (A) a veteran of any war; (B) discharged from the active military, naval, or air service for a disability incurred or aggravated in line of duty; or

(C) in receipt of (or but for the receipt of retirement pay would have been entitled to) disability compensation;

the Administrator, in his discretion having due regard to the circumstances in each case, may pay a monetary allowance (hereinafter referred to as a 'burial allowance'), which does not exceed an amount computed as provided in subsection (b) of this section, to such person as he prescribes to cover the burial and funeral expenses of the deceased veteran and the expense of preparing the body and transporting it to the place of burial. For the purpose of this subsection, the term 'veteran' includes a person who died during a period deemed to be active military, naval, or air service under section 106(c) of this title.

"(b)" The maximum burial allowance payable under this section in any one case shall be $250 reduced by any amount payable under section 202(i) of the Social Security Act (42 U.S.C. 402(i)) or any other Act providing for the payment of expenses of funeral, transportation, and interment.

"(c) Except as hereafter provided in this subsection, no deduction shall be made from the burial allowance because of the veteran's net assets at the time of his death, or because of any contribution from any source toward the burial and funeral expenses (including transportation), unless the amount of expenses incurred is covered by the amount actually paid therefor by a State, any agency or political subdivision of a State, or the employer of the deceased veteran. No claim shall be allowed (1) for more than difference between the entire amount of the expenses incurred and the amount paid by any or all of the foregoing, or (2) when the burial allowance would revert to the funds of a public or private organization or would discharge such an organization's obligation without payment."

SEC. 2. This Act shall take effect on the first day of the second calendar month following enactment.

S. 4306

A bill to repeal the savings provision of Public Law 90-493 protecting veterans entitled to disability compensation for arrested tuberculosis

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That (a) subsection 4(b) of Public Law 90-493 is hereby repealed.

(b) This Act shall take effect on the first day of the second calendar month following enactment, and any reduction or discontinuance of compensation required as a result of enactment shall be effective on that day.

INTRODUCTION OF S. 4307—THE ENVIRONMENTAL QUALITY IMPROVEMENT ACT OF 1970, TO ESTABLISH A CORPS OF ENGINEERS ENVIRONMENTAL ADVISORY BOARD

Mr. PERCY. Mr. President, the decade of the 1970's has been declared the decade to preserve our environment. On April 22, Earth Day, this country witnessed a unanimity of spirit that has too often been lacking in recent years. The Nation as a whole, young and old, conservatives and liberals alike, stood up en masse and dedicated themselves and this Nation to an unspoiled environment. However, most of the actions taken by this Nation have been reflex actions, reactions to critical situations that already exist. When it was discovered for instance, that there was a dangerous concentration of mercury in our waters, immediate action was demanded. It was for this reason that I introduced S. 4210 which provides maximum penalties of up to $10,000 a day for those who so poison our waters. This was a necessary reaction, but one that would have been unnecessary had farsighted planning been taken a decade ago.

This lack of comprehensive planning is evident in many other areas of congressional responsibility. The Army Corps of Engineers has been a continual object of criticism in this regard. The corps is charged with the responsibility of developing, maintaining, and improving our waterways. However, time and time again it has been accused of not giving due weight to environmental considerations. The Cross-Florida Barge Canal is a case in point. Construction of the canal was authorized in World War II to enable allied shipping to bypass the threat of Nazi submarines stationed in the Carribean and Atlantic. Yet, construction of the canal did not begin until 1964. Since that time, many voices have been raised in opposition to the construction of the canal. Some of our most prominent ecologists have expressed concern that this project will cause great harm to the environment of the area. Secretary Hickel, himself, wrote a letter to the Secretary of the Army requesting that construction be delayed for 15 months to allow an environmental study. Unfortunately, these pleas have gone unheeded. If a method had been provided whereby this issue could have been resolved before the environment was threatened, the whole affair could have been avoided. As I said, this is only one example where the actions of the corps have raised cries of alarm from conservationists, but previous commitments made by the corps have allegedly "locked in" the projects.

The Corps of Engineers has for years been dredging Chicago area waterways contiguous with Lake Michigan. They have dumped into the lake in recent years the equivalent of a dozen Merchandise Marts, the largest building in the world, in mass volume of polluted dredgings. The corps is well aware that this practice contributes to the pollution of the Great Lakes but maintains that Congress does not appropriate sufficient funds to dispose of the dredgings elsewhere. No one focuses proper attention on the environmental effect of their actions undertaken for commercial purposes.

Mr. President, I have great admiration for the Corps of Engineers. It has a great many outstanding accomplishments and is comprised of a group of highly dedicated men.

General Clarke, who serves as the Chief of the Army Corps of Engineers, is to be commended for taking the first steps toward the creation of the Environmental Advisory Board. Having invited six noted environmental experts to serve on the Board, General Clarke has given the legislation I am introducing today its initial impetus.

This latest undertaking by Clarke is characteristic of the high quality performance he has and continues to tender the United States through his military service. His work as engineer commander for the District of Columbia from 1960 to 1963, as director of military construction from 1963 to 1965, and most recently as commandant of the U.S. Engineering School at Ft. Belvoir is well known to us here in Congress. He is a man distinguished both in his public and private life, a fact further acknowledged by his having been decorated with the Legion of Merit.

It is a source of great satisfaction to me, as I introduce this legislation today, to think that when passed it will be administered at the outset by General Clarke.

But I think we must take into account the fact that in the past the Congress of the United States and the country have never given proper attention to the environmental effects of the actions of the Corps of Engineers nor to the actions of many other agencies of the U.S. Government, for that matter.

It is for this reason that I raise this issue at this time, not as a point of criticism, but as a means of trying to find organizationally the best way to adapt ourselves to new conditions and the new priorities the Nation and the Congress feel should now be placed on the environmental effects of activities of the Corps of Engineers and other governmental agencies as well.

I was pleased, therefore, to cosponsor the bill the administration sent to Congress to deal with this problem. It calls for a discontinuance of the disposal of polluted dredged materials into the Great Lakes by the corps and by private interests. Containment areas are to be made available as a suitable alternative.

The point is, however, that Congress should not have to legislate on each specific project of the corps when it has been found, after the fact, to be in violation of the general environmental interest. By providing a structure whereby the environmental interests can be systematically considered prior to the undertaking of specific projects, we can save the ecology and also save the Congress.

Recognizing then the need for some mechanism whereby environmental considerations could be given prime attention within the corps, I am today—on behalf of Senator RANDOLPH, chairman of the Senate Public Works Committee,

Senator COOPER, ranking minority member, and myself—introducing legislation which will provide this mechanism. I consider it absolutely essential to the protection of the environment. Mr. President, I ask unanimous consent that the bill be printed in full at the conclusion of my remarks.

The PRESIDING OFFICER. Without objection, it is so ordered.

(See exhibit 1.)

Mr. PERCY. Mr. President, the corps has itself appointed an ex officio Environmental Advisory Board partially in response to the criticism it has received. It consists of six men authorized to advise the corps concerning environmental issues. While the Board gives every sign of being a good idea, I believe it is not nearly effective enough as presently structured. What is worse, it carries no promise of improvement in the future. The legislation I am introducing today builds on the principle and structure that the corps itself has chosen and in my judgment strengthens it to insure its effectiveness.

It is my plan to establish a permanent, statutory Environmental Advisory Board within the Corps of Engineers. The Board shall consist of six members to be chosen by the Secretary of the Army from a list of candidates submitted by the President's Council on Environmental Quality. This, hopefully, will insure that only highly qualified environmentalists be nominated to the Board, but it enables, at the same time, the Secretary of the Army to exercise a certain degree of flexibility in choosing those to serve.

The Board's primary function will be to submit a recommendation on each corps project to the Secretary of the Army before any construction has begun, or any permit issued. Their recommendation will be based upon the environmental considerations surrounding the proposed project. If the Secretary of the Army decides to act contrary to the recommendations of the Board, the matter will automatically be forwarded to the Secretary of Defense who shall, after reviewing the Board's recommendations and the Secretary's reasons for not following them, make a final decision. In addition, the Board shall be represented at each hearing conducted by the corps, and possess the right to hold initial hearings and/or subsequent hearings.

The annual report of the corps to the Congress shall include a summary of the Board's recommendations to the corps, the actions taken by the corps in response to those recommendations, and any other comments concerning the operations of the corps with respect to the environment which it deems pertinent.

Mr. President, the enactment of this legislation will stand as a benchmark in the history of environmental legislation. It will for the first time provide a structure to insure the consideration of the environment in all projects proposed to be undertaken by the corps. More importantly, it will establish the important precedent for creating in each governmental department a method for the systematic inquiry into these questions.

Perhaps some might comment that this legislation is unnecessary since the corps has already established an Advisory Board. I would point out, however, that this Board, though conceived some 5 months ago, has met only once and has not yet been asked to submit its opinion on any project. I am sure that the corps is sincere in its desire to protect the environment, but it is my opinion that so far its work represents only a good beginning. By statutorily establishing this Board, by specifying the manner in which the members of the Board shall be chosen, and by spelling out its functions, this legislation promises prime attention to the environment. If, for any reason, the Secretary of the Army, or the Secretary of Defense decide to go against the Board's environmental recommendations, I am confident that their reasons will be justifiable since both the public and the Congress will have the opportunity to keep close tabs on these issues.

Mr. President, each Member of the Congress can site innumerable examples of where the views of reasonable citizens concerning some project of the Corps of Engineers have been unnecessarily squelched. Had this Board existed 10 years ago, these controversies might never have arisen.

Each of us in this body knows that there are some bills which have been introduced which received considerable publicity, but which realistically do little to solve our environmental problems. This bill, though, is not a grandstander. It is a bill that is a down-to-earth practical solution that will work.

The idea behind this Board is long overdue. In order to protect the environment, in order to protect the rights of all citizens to an unspoiled environment, and in order to enable the corps to carry out its duties, this legislation deserves the immediate and favorable consideration of the Congress.

I am grateful for the powerful support offered by the co-sponsorship of Senators RANDOLPH and COOPER who have distinguished themselves through the years in their concern for preserving our environment.

The bill (S. 4307) to amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board, introduced by Mr. PERCY (for himself, Mr. RANDOLPH, and Mr. COOPER), was received, read twice by its title, referred to the Committee on Public Works, and ordered to be printed in the RECORD, as follows:

S. 4307

Be it enacted by the Senate and the House of Representatives of the United States of America in Congress assembled, That the Environmental Quality Improvement Act of 1970 is amended (1) in section 205 by inserting after "to be appropriated" the following: "to carry out the preceding provisions of this title," and (2) by inserting after such section a new section as follows:

"CORPS OF ENGINEERS ENVIRONMENTAL ADVISORY ROARD

"SEC. 206. (a) There is established in the Department of the Army a Corps of Engineers Environmental Advisory Board (hereinafter in this section referred to as the 'Board'). The Board shall be comprised of six members appointed by the Secretary of the Army for terms of three years each, except that (1) of the initial six members of the Board, two shall serve for terms of one year each, two for terms of two years each, and two for terms of three years each as determined by the Secretary at the time of appointment, (2) a member shall continue to serve until his successor is appointed, and (3) a member appointed to fill a vacancy in an unexpired term shall be appointed for the remainder of such term. Each member of the Board shall be appointed from among at least two individuals proposed for such appointment by the Council on Environmental Quality, except that on the effective date of this section any individual serving as a member of the environmental advisory board to the Corps of Engineers in the Department of the Army may be appointed as one of the initial six members of the Board. The Board shall annually elect one member to serve as chairman. Members of the Board shall be entitled to receive compensation at a rate fixed by the Secretary of the Army but not exceeding the rate specified for grade GS–18 in section 5332 of title 5, United States Code.

"(b) The Board shall review all functions of the Secretary of the Army being carried out through the Corps of Engineers for the purpose of making such recommendations to the Secretary with respect to each function as the Board determines will best carry out the purpose of this title and the National Environmental Policy Act of 1969.

"(c) Any report submitted to the Congress as part of such functions by the Secretary with respect to any examination or survey or recommending any improvement for river or harbor or flood control purposes shall include the Board's recommendations, if any, with respect to any activity proposed in such report.

"(d) In any case where the Board submits a recommendation to the Secretary of the Army relating to an authorized program to be carried out by the Secretary and the Secretary determines not to carry out such recommendation in its entirety, the Secretary shall submit such recommendation, along with the reasons for not carrying it out, to the Secretary of Defense who shall make a final determination with respect to carrying out the recommendation prior to its implementation.

"(e) In each hearing conducted by the corps, the Chairman of the Board or his designee shall attend.

"(f) The Board is authorized to conduct initial and/or subsequent hearings upon finding that (1) the corps has under consideration a project which will substantially effect the environment and for which the corps will grant or deny a permit, (2) the corps has conducted initial inquiries which in the Board's judgment did not adequately deal with all the appropriate issues or (3) that the public interest has been sufficiently represented to the Board to warrant further official inquiry.

"(g) There shall be included in the annual report submitted by the corps to the Congress a summary of the recommendations made by the Board to the corps, and the actions taken on the basis of those recommendations; plus such other comments as the Board shall determine to be necessary or desirable with respect to the operations of the corps as such operations relate to environmental protection.

"(h) The Board is authorized to employ such officers and employees (including experts and consultants) as may be necessary to carry out its functions under this section.

"(i) The Board shall have access to any information in the possession of the corps and may request the Corps to obtain or develop such information as it may require; the corps shall make available to the Board such staff and facilities as may be required.

"(j) There are authorized to be appropriated such amounts as may be necessary to carry out the provisions of this section."

ORDER OF BUSINESS

The PRESIDING OFFICER. The senior Senator from West Virginia is recognized.

Mr. BYRD of West Virginia. Mr. President, does the Senator from Illinois still hold the floor?

Mr. PERCY. Mr. President, does the distinguished Senator wish the floor? I would be happy to yield it to him.

Mr. RANDOLPH. Mr. President, the Senator from Illinois may yield the floor and I will take the floor in my own right.

Mr. PERCY. Mr. President, I would be very happy to yield the floor.

Mr. BYRD of West Virginia. Mr. President, I think it would be well if the Senator yielded to the Senator his remaining time, because I am about to propound a unanimous-consent request.

Mr. PERCY. Mr. President, I yield the remaining time to the senior Senator from West Virginia.

UNANIMOUS-CONSENT AGREEMENT

Mr. BYRD of West Virginia. Mr. President, I ask unanimous consent that once the Senator yields the floor, there be a period for the transaction of routine morning business with a time limitation on statements made therein for 3 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. PERCY. Mr. President, does the distinguished Senator from Kentucky desire to make remarks on this matter?

Mr. COOPER. Mr. President, I understand that the Senator has yielded to the senior Senator from West Virginia. If there is any time remaining I will speak on the matter.

The PRESIDING OFFICER. The Senator from West Virginia has 13 minutes remaining. Following that time, there will be a period for the transaction of routine morning business with a period therein not to exceed 3 minutes.

CONTINUATION OF DEBATE ON THE INTRODUCTION OF A BILL TO ESTABLISH A CORPS OF ENGINEERS ADVISORY BOARD

Mr. RANDOLPH. Mr. President, I am gratified to join the able Senator from Illinois (Mr. PERCY) as a cosponsor of his bill to establish an Environmental Advisory Board in the Corps of Engineers.

The Senator from Illinois has quite properly called attention to the very substantial impact on our natural environment by the civil works projects constructed by the Corps of Engineers. It is important that this impact be fully recognized and that projects under the jurisdiction of the corps be planned and executed in such a way as to avoid undesirable results.

I commend my colleague from Illinois for taking the initiative to create a body which would concern itself exclusively with the important work of the Corps of Engineers, and its relationship to the environment.

If the measure is enacted, I do not anticipate that the Environmental Advisory Board would relieve the Council on Environmental Quality of any of its responsibilities as established by the National Environmental Policy Act of 1969.

I envision, rather, that the Environmental Advisory Board of the Corps of Engineers would complement and reinforce the Council in its function of reviewing and appraising the environmental impact of all Federal activities. The relationship of the two bodies, in fact, is indicated in the bill by the requirement that members of the Environmental Advisory Board be appointed from a list of candidates submitted by the Council on Environmental Quality.

Furthermore, by confining its area of responsibility to the Corps of Engineers, the Board could be of considerable value in helping the Council on Environmental Quality develop its own expertise in this area.

Many projects undertaken by the Corps of Engineers are of such a large scale that their effect on the environment is substantial. Surely, a large dam can make its presence felt over a wide area, just as can a series of locks on a major waterway or even a small watershed project. All of these activities by the corps have worthwhile and productive goals, but we must assure that they do not also produce undesirable side effects. The very scope of many corps projects makes this assurance essential, for they are prominent examples of Government activity that must prominently reflect Government concern for the environment.

The Subcommittee on Flood Control, Rivers and Harbors of the Committee on Public Works, under the chairmanship of the distinguished Senator from Ohio (Mr. YOUNG), has already conducted extensive hearings on legislation relating to Corps of Engineers activities. The subcommittee has additional hearings scheduled, and I hope it will be able to consider this bill soon. This bill to establish a Corps of Engineers Environmental Advisory Board is a timely and worthwhile proposal. I hope it will receive the prompt and affirmative attention of the Senate.

The Senator from Kentucky (Mr. COOPER) has been alluded to by the Senator from Illinois as the ranking minority member of the Committee on Public Works. We have discussed this proposal. At the outset there was some question in our thinking as we developed our action which leads us to join the Senator from Illinois.

Mr. President, How much time do I have remaining?

The PRESIDING OFFICER. The Senator has 4 minutes remaining.

Mr. RANDOLPH. Mr. President, I yield to the Senator from Kentucky, or, if he desires, I will yield the floor.

Mr. COOPER. Mr. President, will the Senator from Illinois yield to me?

Mr. PERCY. I have yielded the floor.

Mr. RANDOLPH. Mr. President, I have 4 minutes remaining. I yield to the Senator and I am sure we could get further time if necessary.

Mr. COOPER. Mr. President, I thank the Senator from West Virginia and the Presiding Officer for their generosity.

The distinguished Senator from Illinois (Mr. PERCY) has stated well the purpose of the bill which he has introduced, and in which the Senator from West Virginia and I have joined.

I think it is fortunate that the Senator from West Virginia (Mr. RANDOLPH), chairman of the Committee on Public Works, is a sponsor of the bill. As the ranking Republican member of the committee, I wanted to join in sponsoring the bill so that our committee in a bipartisan way, could study this bill and explore the very important issues it raises.

In the last 5 years the Committee on Public Works has engaged in the consideration of many problems about which very little was known throughout the country. We held hearings and Senate bills have been passed dealing with air pollution control, water pollution control, control of oil spillage, and on solid waste management. In connection with the Federal highway system we have dealt with comprehensive bills to give greater protection to the environment and the ecology from the intrusion of even necessary highways.

Now, through bills like that introduced by the Senator from Illinois (Mr. PERCY), we could begin to place more emphasis on the Corps of Engineers activities and the necessary protection of the environment which should accompany those activities. We owe much to the Corps of Engineers. In my State, the Corps of Engineers has reconstructed locks and dams on the Ohio River and made it the greatest artery of water traffic in the world. The corps activities involve water quality and storage; they have given us flood protection to save the lives of people.

Now, we believe it is important to look ahead. In many instances it may be too late. We think it important that we begin to study the enactment of necessary legislation to protect as best we can the environment and ecology in our river valleys.

Mr. President, I wish to pay tribute to our colleague from Illinois for his thoughtfulness and initiative in introducing this legislation. I assure him that in the Committee on Public Works the Senator from West Virginia (Mr. RANDOLPH), and I, as well as others, will give this matter our fullest attention.

I thank the Senator.

Mr. PERCY. Mr. President, will the Senator yield?

Mr. COOPER. I yield.

Mr. PERCY. Mr. President, I wish to express my deep appreciation for the comments that have been made this afternoon by my distinguished colleagues. I have had a great deal of respect for the work they have done in the Committee on Public Works. I do not think many Members of this body fully appreciate the amount of time and attention it takes to consider these projects all over the country. The time and attention required should not be underestimated.

I have been constantly amazed, as I have testified before the committee, at the depth of the understanding the committee members have of the projects. I

know they themselves have been deeply concerned about the environmental protection.

I think the solution we have arrived at today via the legislative process will strengthen the credibility and enhance the reputation, which is already high, of the constructive work the corps has done. It will provide both a visibility and a mechanism whereby we can provide adequate funds and thought to each undertaking in evaluating the effect it promises upon the environment and upon society.

I thank my distinguished colleague once again.

The PRESIDING OFFICER. What is the pleasure of the Senate?

TRANSACTION OF ROUTINE MORNING BUSINESS

The PRESIDING OFFICER. Pursuant to the previous order, the Senate will now proceed to a period for the transaction of routine morning business, with statements therein not to exceed 3 minutes.

STATEMENT BY SENATOR PROXMIRE ON THE PROXMIRE-NELSON-HUGHES DRAFT AMENDMENT

Mr. BYRD of West Virginia. Mr. President, at the request of the able Senator from Wisconsin (Mr. PROXMIRE), I ask unanimous consent to insert in the RECORD a statement by Mr. PROXMIRE on the Proxmire-Nelson-Hughes draft amendment.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR PROXMIRE ON THE PROXMIRE-NELSON-HUGHES DRAFT AMENDMENT

Mr. President, tomorrow the Senate will vote on the Proxmire-Nelson-Hughes amendment which would provide that no draftee would be sent to Vietnam, Laos, or Cambodia without his consent.

The amendment provides that after the date of enactment of the Military Authorization bill, no funds may be expended for the purpose of sending draftees to South Vietnam, Cambodia or Laos, unless specifically authorized by Congress at a later date, or unless they volunteer.

It is now both possible and practical to do this.

"Numerically, it is now possible to end the practice of sending draftees to Vietnam. At the present time, there are only 107,400 draftees serving there. This figure represents less than 4 percent of our total U.S. military strength of 3.1 million men, and only 8 percent of the 1.3 million men now serving in the U.S. Army. There should be more than enough other military personnel to fulfill any obligations we may have in Vietnam without sending more draftees.

"Furthermore, the total of 265,000 men President Nixon has announced will be withdrawn from South Vietnam by next spring is two and a half times larger than the 107,400 Army draftees now serving in that country.

There is one further fact which makes it practical to stop sending draftees to Vietnam. Secretary Laird stated in May that by the end of fiscal year 1971, American ground troops in Vietnam will not be assigned to combat missions. While some of our troops will still be there, they will not be assigned to combat duty.

There is thus no reason to send further draftees to Vietnam, because the only argument now for draftees in Vietnam is because they are a very large part of the combat units—disproportionately large and without draftees it would otherwise be difficult to send new combat units to Vietnam.

A FAIR PROPOSAL

It is not only practical, but it is also a fair proposal.

"The draftee serving in South Vietnam today is assuming a highly disproportionate share of the fighting, and the dying, in that country. This has, in fact, been the case for several years now.

"In 1965, only 16 percent of total combat deaths in Vietnam, including all branches of the armed forces, were draftees. By 1968, this percentage had risen to 34 percent; by 1969 to 41 percent. Today, although draftees comprise only a quarter of all our men in Vietnam, their percentage of combat deaths has risen to 46 percent. Thus, while draftees comprise just over 10 percent of all military personnel, they comprise almost half of combat deaths in Vietnam. That is unfair.

"Statistics for 1969 further substantiate the fact that draftees are becoming the cannon fodder of the Vietnam War. During this period, Army draftees were being killed in action at a rate of 31 per 1,000. By contrast, Army enlistees were killed at a rate of 17 per 1,000. Thus, Army draftees were killed at nearly twice the rate of non-draftees in Vietnam last year.

"Facts and figures do not, in themselves, reveal the entire nature of the draftee's burden. For the draftee is, by definition, an involuntary inductee. He is serving in Vietnam by command, not consent. He has no choice in the matter. The vast majority of draftees in Vietnam are there against their will, fighting a war Congress has not even declared.

"The draftee has assumed a disproportionate share of the combat role in the Vietnam War. Now the combat role is being phased out. Last week 52 Americans were killed in action in Vietnam, the lowest total in three years.

"We no longer need the draftee in Vietnam. His role as the combat soldier can be and should be phased out. We have men to replace him, men that will go to Vietnam as volunteers, not involuntary inductees. This policy of an all-volunteer armed force in Vietnam is not only feasible, but right."

I want to make it clear that the amendment does not withdraw the draftees now in Vietnam at a faster rate than others or prevent them from continuing to fight. But it would prevent sending other draftees to Vietnam if the amendment is passed.

AMENDMENT WOULD EQUALIZE DRAFTEES AND VOLUNTEERS

In a very real sense what the amendment would do is to give the draftee the same option that the volunteer now has.

At the present time if a man signs up voluntarily for the military, he can most often choose his specialty or his training. The effect of this is to exempt him from combat duty in Vietnam.

In addition, men in combat in Vietnam are offered opportunities to leave Vietnam or to escape from combat, if they sign on for an additional period of time.

Again, the practical effect has been that the non-draftee fights only if he volunteers to fight, but the draftee—in very large proportions—is forced to fight.

The amendment, by giving the draftee a choice much like the choice of the non-draftee—would tend to equalize this presently very unequal situation.

The Proxmire-Nelson-Hughes amendment has been co-sponsored by Senators Cranston, Young of Ohio, Church, Yarborough, McGovern, and Goodell.

It deserves to be passed in order to provide some semblance of equality in who is required to fight in Vietnam in the few remaining months when combat missions will still be assigned.

PETITIONS

Petitions were laid before the Senate and referred as indicated:

By the ACTING PRESIDENT pro tempore (Mr. METCALF):

The petition of Frances Bogatoy, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

A letter, in the nature of a petition, from George F. Bern, of Youngstown, Ohio, praying for the enactment of legislation relating to revenue sharing; to the Committee on Finance.

REPORTS OF COMMITTEES

The following reports of committees were submitted:

By Mr. McGEE, from the Committee on Post Office and Civil Service, without amendment:

S. 4227. A bill to provide an equitable system for fixing and adjusting the rates of pay for prevailing rate employees of the Government, and for other purposes (Rept. No. 91–1155).

By Mr. YARBOROUGH, from the Committee on Appropriations, with amendments:

H.R. 16900. An act making appropriations for the Treasury and Post Office Departments, the Executive Office of the President, and certain independent agencies, for the fiscal year ending June 30, 1971, and for other purposes (Rept. No. 91–1156).

DISASTER ASSISTANCE ACT OF 1970—REPORT OF A COMMITTEE—INDIVIDUAL VIEWS (S. REPT. NO. 91–1157)

Mr. BAYH. Mr. President, from the Committee on Public Works I report favorably the bill S. 3619, the Disaster Assistance Act of 1970, with an amendment.

In accordance with the agreement of the chairmen of the Public Works and the Banking and Currency Committees after the bill was ordered reported from the Public Works Committee on August 12, it was referred to the Banking Committee for review, comments and possible amendment.

The Banking Committee on August 25 considered the bill and suggested certain changes which have been incorporated in the bill as reported.

I ask unanimous consent that the individual views of the Senator from Kansas (Mr. DOLE) be printed together with the report.

The PRESIDING OFFICER (Mr. COOK). The report will be received and the bill will be placed on the calendar; and, without objection, the report will be printed, as requested by the Senator from Indiana.

BILLS INTRODUCED

Bills were introduced, read the first time and, by unanimous consent, the second time, and referred as follows:

By Mr. ERVIN:

S. 4303. A bill for the relief of Maria Irma Majano de Reyes; to the Committee on the Judiciary.

By Mr. McGOVERN:

S. 4304. A bill to amend Section 402(a)(10) of the Social Security Act; to the Committee on Finance.

(The remarks of Mr. McGOVERN when he introduced the bill appear below under the appropriate heading.)

By Mr. PERCY:

S. 4305. A bill to amend section 902 of title 38, United States Code, to eliminate certain duplications in Federal benefits now payable for the same, or similar, purposes; and

S. 4306. A bill to repeal the savings provision of Public Law 90-493 protecting veterans entitled to disability compensation for arrested tuberculosis; to the Committee on Finance.

(The remarks of Mr. PERCY when he introduced the bills appear earlier in the RECORD under the appropriate heading.)

By Mr. PERCY (for himself, Mr. RANDOLPH, and Mr. COOPER):

S. 4307. A bill to amend the Environmental Quality Improvement Act of 1970 in order to establish a Corps of Engineers Environmental Advisory Board; to the Committee on Public Works.

(The remarks of Mr. PERCY when he introduced the bill appear earlier in the RECORD under the appropriate heading.)

By Mr. STEVENS:

S. 4308. A bill for the relief of the estate of Lowell W. Gresham; to the Committee on the Judiciary.

By Mr. HRUSKA (by request):

S. 4309. A bill to amend the Immigration and Nationality Act, and for other purposes; to the Committee on the Judiciary.

(The remarks of Mr. HRUSKA when he introduced the bill appear later in the RECORD under the appropriate heading.)

S. 4304—INTRODUCTION OF A BILL TO AMEND THE SOCIAL SECURITY ACT

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 870 THROUGH 874

Mr. McGOVERN. Mr. President, today I am proposing three changes in the administration's family assistance proposal, included in five amendments to that bill, and one amendment to the Social Security Act a bill that would make it easier for welfare recipients to accept work.

Without objection I request that at this point my statement before the Senate Finance Committee, and the bill and amendments be printed in the RECORD.

The PRESIDING OFFICER (Mr. COOK). The bill will be received and appropriately referred; and, without objection, the bill will be printed in the RECORD; and the amendments will be received and printed, and will be appropriately referred; and, without objection, the amendments and statement will be printed in the RECORD.

The bill (S. 4304) to amend section 402(a)(10) of the Social Security Act; introduced by Mr. McGOVERN, was received, read twice by its title, referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

S. 4304

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That section 402(a)(10) of the Social Security Act is amended—

(1) by inserting "(A)" immediately after "(10)";

(2) by inserting at the end thereof the following:

"(B) provide that, effective April 1, 1971, whenever any family whose eligibility for such aid is terminated by reason of the acceptance of employment by any member thereof, such family may (within one year after such eligibility was so terminated), by filing a simple sworn declaration as to pertinent factual information, immediately re-establish its eligibility for such aid;".

The amendments (Nos. 870 through 874), submitted by Mr. McGOVERN, were referred to the Committee on Finance, and ordered to be printed in the RECORD, as follows:

AMENDMENT NO. 870

On page 30, line 3, strike out "(a)", and
On page 30, strike out lines 15 through 24.

AMENDMENT NO. 871

On page 25, lines 10 and 20, strike out "or supervise the carrying out of".

AMENDMENT NO. 872

On page 4, line 3, insert the following: "(a)"

On page 34, line 7, strike out "1964" and all that follows, and insert in lieu thereof, "1964."

On page 34, between lines 7 and 8, insert the following new subsection:

"(b) It is the intention of Congress that the Secretary of Health, Education and Welfare and the States in administering the Assistance Programs established by Title IV of the Social Security Act as amended by this Act, will to the fullest extent feasible, insure that the seniority, pension, and other rights and benefits enjoyed by those who were employed in the Administration of programs under such title as in effect prior to the effective date of this Act, will be preserved and protected."

AMENDMENT NO. 873

On page 16, beginning with the word "The" on line 16, strike out all through "applications,", and insert in lieu thereof:

"The Secretary shall provide for the use of a simplified statement, to establish eligibility, and for adequate and effective methods of verification of applicants and recipients through the use of sampling and other scientific techniques, and shall provide for".

AMENDMENT NO. 874

On page 27, beginning with the word "or" on line 7 strike out all through the word "payments" on line 9.

On page 27, line 18, beginning with the word "unemployed," strike out all through line 2 on page 28, and insert in lieu thereof: "unemployed."

On page 28, line 12, strike out the word "part," and insert in lieu thereof the word "title,".

The statement, presented by Mr. McGOVERN, is as follows:

STATEMENT OF SENATOR GEORGE McGOVERN BEFORE THE SENATE FINANCE COMMITTEE, AUGUST 25, 1970

It is a special pleasure for me to appear before this Committee to testify on the Administration's Family Assistance Plan. The Administration's initiative in this area has opened an opportunity for all of us to participate in what can be a truly historic step forward in the fight for an adequate and dignified program of public assistance in America. I know that this is something all of us desire, though we may have some differences over the details. We all want to make sure that Family Assistance is a really workable reform of the present system, not simply another flop which disappoints Americans who support it through their taxes and Americans who hope to improve their lives through its benefits. There is no question of the good intentions of the Administration in proposing this measure. But we all know where good intentions alone may lead. The potential significance of this legislation requires that it be given the most searching inquiry. I know that this Committee is doing just that and I hope my remarks here today will be of some help in that regard.

Before discussing the details of the program itself, however, I would like to respond to what I feel have been some unnecessary and unjustified remarks emanating from various quarters of the Administration. Since Family Assistance passed the House of Representatives, Administration spokesmen have repeatedly charged that its final passage by the Congress is being obstructed by liberals. I am frankly mystified by these charges, for, as best as I can tell, it has been the so-called liberals who have been consistently in the forefront of those supporting Family Assistance. Admittedly, this support has been expressed with reservations but the support has been there nevertheless. In fact, the Administration's criticism of those who basically support its effort makes one wonder about its understanding of the legislative process and its seriousness about enacting legislation. Let there be no doubt about this fact. Liberals want a Public Assistance reform just as badly as its most vigorous proponents downtown. But they want a bill that will really work. And, I for one, have serious doubts that the Administration proposal, unless significantly modified, will work. Let me just add, in passing, that this Committee is performing an important service to us all in exposing the discrepancies between the realities of Family Assistance and some of the more extravagant claims that have been made for it. Family Assistance is no panacea for the varied ills of our society. It can be one reasonable and practical step forward, however, in the developemnt of a larger national income maintenance strategy.

As you know, I have been deeply interested in the poverty-related problem of hunger and malnutrition in this country and have had the privilege of chairing the Senate's Select Committee on Nutrition and Human Needs. One of the major efforts of the Committee has been to press for an expanded food stamp program that will reach every hungry family until their cash resources may become adequate. At this point in time, only some six million persons participate in the food stamp program. Least understandable is the failure of many recipients of public assistance to participate. We believe that failure is often due to separate administrative structures. I see the mechanism of Family Assistance as a means of ensuring that food stamps reach every needy family. To that end, I have offered an amendment to HR 16311—the Simplified Food Stamp Distribution System—to combine the administration of Family Assistance and Food Stamps. This amendment, I believe, helps fulfill President Nixon's pledge "to put an end to hunger in America itself for all time." It would ensure that every public assistance family at least receives a minimum income of $2,400: the basic $1,600 under Family Assistance and $800 from the Food Stamp Program. The Administration has already announced its intention of taking a step in the direction of my amendment by permitting Family Assistance recipients living in Food Stamp areas to "check off" whether or not they want to buy stamps. This does not do anything for the assistance recipients now dependent on unsatisfactory surplus commodity distribution programs. I see no reason why assistance recipients in commodity counties should not also have the right to check off their desire to receive stamps. Not only would this amendment take us farther in assuring that food assistance reaches all in need, it would result in millions of dollars saved through streamlined administration.

I know that this Committee has spent a

considerable amount of time discussing problems of work incentives and disincentives, much of the debate centering on so-called notch problems or loss of benefits that may result from increased income. It has been brought out that the Food Stamp Program, when considered along with Family Assistance, creates one of these so-called notches. F.A.P. incidentally, represents an improvement over the present arrangement. It is possible to diminish the size of the notch by technical changes in the food stamp schedule, changes that do not damage the integrity of the program. But, failing that, I must say in all candor that I prefer the small risk of a notch disincentive, to the risk of millions of needy persons being deprived of food assistance. It is for this reason that I am disturbed by the revised food stamp schedules submitted to the Committee by the Department of Health, Education and Welfare. They appear on pages 46–58 of your June publication of "The Family Assistance Act as revised and resubmitted." A close look at those tables reveals that all earned income would be counted for purposes of calculating a family's food stamp purchase price and bonus stamps. Under the present system for calculating income, a recipient is allowed certain mandatory deductions and $360 in exempt income to arrive at a net income for purposes of food stamps. Under F.A.P. we were told there would be $60 a month, or $720 a year of exempt income. But the HEW charts indicate that any earned income would mean an immediate rise in the cost of food stamps, and an immediate reduction in the value of the bonus stamps. That would work a particular hardship on those aged, blind and disabled persons who have some small source of income beyond public assistance and those AFDC mothers who do part-time work. The revised schedule would not apply to all of these persons once FAP goes into effect. The $110 assistance benefit for single persons, for instance, puts some of those persons beyond food stamp program eligibility.

But we have reason to believe that the Administration intends to implement their new food stamp schedule shortly. Thus, those persons now using the program would be penalized for future program accommodation. And it is those who do take the initiative to secure a little in earnings that will suffer most. If this is the kind of revision the Administration actually plans, I will oppose it vigorously. Family Assistance must be used as a means to make sure that people are adequately nourished, not as a means to deprive them of nutrition to satisfy mathematical symmetry.

Let me speak, for a moment, directly to the issue of the notch problem and work. I do not believe that many Americans want a free ride on the dole. Welfare, with all the stigma attached to it, is not an attractive alternative to self-support through work. Most people do not choose to be maintained by welfare unless they have no choice. The notch problem is not new. There have always been points at which earned income in some amount would mean the end or sharp reduction in welfare and in-kind benefits. People do not reject earned income and accept public assistance. For most poor people the welfare categories established by law do not permit the able-bodied that choice. For the others, the only work available too often does not provide them with the kind of security they need to keep body and soul together.

I believe that whether people work or do not work is more a function of our manpower and education policies, and the general condition of the economy, than it is a function of some mathematical formula dreamed up by the economists. I believe the availability of jobs at living wages constitute a *work incentive* and that a lack of jobs, or jobs only at unfair wages, are the real *work disincentives*. The question of whether people will quit welfare to take work, or quit work to take welfare, has always been with us. The answer the poor have always given us is that they will work when work is available, especially when that work offers real security. This is the key. Security. It is a basic need of every human being. It is most important to people who have spent their lives on the edge of insecurity, on the edge of hunger, of homelessness, of poverty.

I heartily support real work incentives. I strongly oppose the kind of work incentives that in reality only protect the idea of cheap labor in America. The real answer to encouraging poor persons in America to work is to build into any work requirements the fundamental protections that our great labor organizations have struggled so hard to win: safe working conditions, living wages, retirement and sickness benefits. The answer to the question of how to encourage the poor to work does not lie in how we phrase a work requirement that harrasses and humiliates the poor. Provide the jobs, and the wages, and the poor will solve the notch problem. Other senators are offering ways to meet this problem. Senator Nelson has proposed a program of public service employment so that decent jobs at liveable wages will be available. Within the Family Assistance Program, Senators Harris and Ribicoff have also proposed that jobs be provided. I believe their efforts should be supported. I myself hope to address this problem of a sense of security, at least in part, with an interim amendment I have offered to enable welfare recipients to move more easily from public assistance to employment and back to public assistance when that is necessary.

As I have followed the proceedings before this Committee, I could not help being reminded of the welfare debates that have taken place since I have been in Congress. You will remember them as well. In 1956, we voted for the first Social Service Amendments as a solution to the welfare problem. In 1962, we voted again for service amendments. In 1967, I recall very vividly the work requirements tied to the Work Incentive Program and the provisions for finding deserting fathers. Each time the debates have been the same and so have been the results—rising welfare rolls and costs. Each time the hope that we will turn welfare recipients into earners and taxpayers proves hollow. If I am skeptical that the Administration's Family Assistance proposal will solve our problems, it is because all the proposals of the last 15 years have made the same claim, and for mechanisms very similar to what we are asked to vote on this year.

There are really three central issues in this year's debate: How we will treat work, how much money we will spend, who will administer whatever program emerges.

I want to make a few more comments about work. I have no quarrel with work incentives; I believe welfare programs should not be designed to discourage people from taking jobs. I have no quarrel with providing training and day care for those who are able to work. I do have a serious quarrel with the idea of using our public assistance programs to institutionalize low wages, unsafe working conditions, and poor labor practices. To do that is to freeze the poor into permanent welfare status, with no hope of being released from its terrible dependency.

Let me expand on this a bit. In 1969 there were nearly five million poor families; 3.2 million of those families had one, two, three or even more wage earners. Even Secretary Richardson tells us that 39% of our poor families were headed by a fully-employed worker whose earnings were less than a poverty wage. Just last week a small news story held that 500,000 federal employees earned wages below the poverty line. Given these facts I find it difficult to understand why the Congress of the United States should make it legal and virtually inevitable that millions of American households be supported through a system of welfare payments rather than a system of adequate wages. If we have adequate wages and a mechanism to compensate for family size, we would have no working poor.

That brings us to the matter of what is an appropriate referral for work. I believe it sound to require that job referrals be mandatory only at the higher of either the prevailing wages for such work in an area, or the federal minimum wage. Senator Harris has made such a proposal and I believe it deserves support. At the same time, if we took the single step of raising the minimum wage to $2.00 per hour, a full time worker would earn $4,100. At least one estimate, and I believe it conservative, indicates that this would result in better than a half billion dollars saving in payments to the working poor.

But it is not just a dollar amount that is at stake. Other protections have been built into our labor system to protect workers from exploitation. Specifically, recipients of Unemployment Insurance have been granted a variety of safeguards which I would find it unacceptable to omit. At the very least, we must restore that language guaranteeing that referrals would be made only to suitable work or training.

There are now many individuals who fall between the cracks in our public assistance/labor market system. There are partially disabled adults who do not qualify for public assistance and cannot get or hold jobs. There are men and women in their sixties not yet old enough to qualify for Social Security or Old Age Assistance living in areas where the only income available is from stoop labor in the hot sun—work for which they are no longer physically able. There are individuals too blind to get jobs and not blind enough for public assistance standards. It is these who will be exploited if we do not write employment protections into FAP. And it is their children who will suffer with them.

It is not enough to recognize that there are unpleasant jobs in any society. We must also recognize that in some parts of this country public assistance would be denied to mothers who refuse to work for 60 hours in a week as a domestic help, while their children are said to be in adequate day care if an older neighbor child looks after them. It is likewise true that some parts of this country men with "brown lung," for whom a return to the textile mills or coal mines would prove fatal, would be denied assistance if such jobs existed. There are places in this country where assistance is now, and would in the future, be denied to everyone when a fruit or vegetable crop was due for harvest. There are migrant and mining camps in this country in which conditions are admittedly substandard in such basic areas as housing, sanitation and water supplies. Those jobs—mining, manufacturing, harvesting—may indeed be required by society. But if our society requires that those jobs be performed then we must be prepared to pay the workers involved and to protect their rights to work and live in physical safety.

Liberals have also been charged with wanting to increase the amount of money in Family Assistance to an unreasonable level. I do not think this is an accurate charge. I fully appreciate the inflationary pressures in our economy and the need to keep a lid on federal expenditures. I do not understand why the real human needs of our people—health, education and welfare—must always be sacrificed to those pressures rather than some other, less important programs. Be that as it may, I believe there is some money within the limits of this year's budget which can and should be applied to improving Family Assistance. For instance, I understand that the Department of Health, Education and Welfare now estimates it could not implement Family Assistance before July of 1972 or even later. Why then could not money earmarked for start-up costs in 1971 be used to restore state benefits for intact families with an unemployed parent present, or to

create actual jobs, or to expand day care opportunities more rapidly. Another improvement that will not cost more money this year or next, but which would ensure the ultimate success of the new system, would be built-in steps to raise the basic payment to the federal poverty line by 1975, or steps toward higher federal payments but reduced state burdens over time. Simply put, this is not a question of how to use available money in the first year of the program, but a commitment to its future. A commitment to make sure that Family Assistance doesn't become a dead-end for America's poor.

The last critical issue I want to discuss is the Administration of the program. It often seems to me that we operate our welfare programs on a principle of reverse responsibility. Unlike other programs, we have given the most significant discretionary controls in welfare to that level of government which contributed the least to its financial support. Under AFDC, local governments exercised most control and paid only about 10% of the cost. States controlled the rest and bore about 30% of the cost. Washington picked up the bill, issued regulations and gave advice, but really did very little by way of controlling the programs.

There was once good reason for this. Originally federal programs were simply adjuncts to state efforts. But with the introduction of Family Assistance and an expressed commitment to a single, nationally uniform program, I believe there is good reason to correct this imbalance. If the federal government is paying the bill, then the federal government should have the most say over how the program is run. We should move, now, from the very outset to make sure that this is so. If we permit the program to be turned over to the state lock, stock and barrel from the beginning of the program, it is not going to be easy three or five years hence to get the program back. For this reason, I am offering amendments to eliminate the option for full state operation of the program, as well as the third level option of county level administration. As long as states continue to share the financial burden of the program, then shared federal and state administration makes some sense. County control makes no sense at all. Full federal administration makes the most sense because only through such unitary control will state by state variations be eliminated.

Federal administration is necessary from another perspective as well. There has been much talk in recent weeks of "national standards," as though standards would, of themselves, ensure national uniformity. While it is true that national standards are important and necessary, standards alone are not enough. Without federal administration, it will still be possible, within broadly set limits, for states and localities to exercise discretion in the operation of the programs. I have been made dramatically aware of this problem in the operation of our federal food programs, where local discretion has been used to keep eligible applicants from receiving assistance. Federal administration is not a cure-all but it would go a long way to more even-handed, uniform administration of our public assistance programs.

So, let me say in conclusion, that the time has come for reform, real reform, of our inadequate, inefficient, demeaning system of public assistance. The Administration has proposed a program. And we have the opportunity to improve on it. I hope we will all have an opportunity to vote on a final measure which includes the improvements that I have outlined today and that other senators are vigorously pursuing. I hope we will not have to face the choice of voting for a measure that does not include those improvements, that does not truly reform the present system, because I do not believe that kind of measure merits our support.

ADDITIONAL COSPONSOR OF A BILL

S. 4215

At the request of the Senator from Wyoming (Mr. HANSEN), on behalf of the senior Senator from California (Mr. MURPHY) the junior Senator from California (Mr. CRANSTON) was added as a cosponsor of S. 4215, to authorize the Secretary of the Interior to engage in a feasibility study of the Salton Sea project, California.

SENATE RESOLUTION 458—SUBMISSION OF A RESOLUTION AUTHORIZING THE PRINTING OF A HISTORY OF THE COMMITTEE ON AGRICULTURE AND FORESTRY AS A SENATE DOMUMENT

Mr. ELLENDER submitted the following resolution (S. Res. 458); which was referred to the Committee on Rules and Administration:

SENATE RESOLUTION 458

Resolved, That a brief history of the United States Senate Committee on Agriculture and Forestry and landmark agricultural legislation 1825–1970 be printed as a Senate document, and that there be printed nine thousand additional copies of such document for the use of the Committee on Agriculture and Forestry.

ADDITIONAL COSPONSOR OF A RESOLUTION

SENATE RESOLUTION 454

At the request of the Senator from West Virginia (Mr. BYRD), the Senator from Colorado (Mr. ALLOTT) was added as a cosponsor of Senate Resolution 454, expressing the sense of the Senate that the United States should enter into agreements with other nations relating to measures to be taken against persons who unlawfully endanger the life and freedom of any official of a government of another nation or international organization, or a member of his family.

SHARING THE COST OF HEALTH INSURANCE FOR FEDERAL EMPLOYEES AND ANNUITANTS—AMENDMENT

AMENDMENT NO. 869

Mr. McGEE. Mr. President, I submit an amendment intended to be proposed by me, to S. 1772 which was reported by Senator BURDICK on August 27, a bill to increase the Government contribution to the cost of health insurance for Government employees, and ask that the amendment be printed and lay on the table.

This is a technical amendment merely changing an incorrect printing in the bill as reported. The bill provides for a July 1, 1970, effective date but the committee intended for the effective date to be October 1, 1970, to avoid administration problems of retroactive increases in insurance premiums already paid.

When the bill is called up for floor action, I hope that the majority leader, if I am not present at that time, will ask unanimous consent for the adoption of this technical amendment.

The PRESIDING OFFICER (Mr. EAGLETON). The amendment will be received and printed, and will lie on the table.

FAMILY ASSISTANCE ACT OF 1970—AMENDMENTS

AMENDMENTS NOS. 870 THROUGH 874

Mr. McGOVERN submitted five amendments, intended to be proposed by him, to the bill (H.R. 16311) to authorize a family assistance plan providing basic benefits to low-income families with children, to provide incentives for employment and training to improve the capacity for employment of members of such families, to achieve greater uniformity of treatment of recipients under the Federal-State public assistance programs and to otherwise improve such programs, and for other purposes, which were referred to the Committee on Finance and ordered to be printed.

(The remarks of Mr. McGOVERN, when he submitted the amendments, appear below under the appropriate heading.)

ADDITIONAL COSPONSORS OF AN AMENDMENT

AMENDMENT NO. 754 TO H.R. 17123

At the request of the Senator from Wisconsin (Mr. PROXMIRE), the Senator from New York (Mr. GOODELL) was added as a cosponsor of amendment No. 754 to H.R. 17123, the military appropriations authorization bill.

ADDITIONAL STATEMENTS OF SENATORS

CONQUEST OF CANCER RESOLUTION

Mr. YARBOROUGH. Mr. President, on Friday the Senate adopted Concurrent Resolution 675, which was passed by the House on July 15, 1970. The resolution was submitted by the gentleman from New York, the Honorable JOHN J. ROONEY, on March 4, 1970, as House Concurrent Resolution 526, and was submitted under its present designation of House Concurrent Resolution 675 on July 8, 1970, to provide for a minor and inconsequential change in language.

The resolution is one which expresses the sense of Congress with regard to cancer. It is fitting that the Senate joined the House in expressing its dedication to the solution of this dread disease. In April of this year the Senate adopted Senate Resolution 376, which was submitted by me on March 25 of this year. That resolution provided for the appointment of a panel of cancer experts to explore the cancer problem and recommend what needs to be done about it. That is appropriate, now that the House and Senate have combined their common sentiment and in the terms of this resolution dedicated the entire Congress to the necessary legislation and appropriations to accomplish the same purpose.

It is estimated by the National Cancer Institute and the American Cancer So-

ciety that 330,000 persons will die from cancer this year. Eminent scientists and physicians in the study and treatment of cancer are convinced that a significant number of these deaths could be averted if only sufficient commitment and resources were available. Furthermore, there is reason to believe that an enhanced research effort will lead to further breakthrough in the management and treatment of persons suffering from cancer.

I am delighted that under the able and distinguished leadership of Representative ROONEY this resolution was agreed to by the House. The Senate has approved the House joining us in this vitally important endeavor.

Mr. President, the action of this body in adopting House Concurrent Resolution 675 is another forward step toward the goal the Senate has previously set to find the cause and cure of cancer by 1976, the Bicentennial of American independence. We seek to find American independence from cancer by 1976.

APPROPRIATIONS FOR THE SUPERSONIC TRANSPORT

Mr. MUSKIE. Mr. President, I ask for unanimous consent to have printed in the RECORD a statement made by me on Friday, August 28, 1970, before the Transportation Subcommittee of the Senate Committee on Appropriations, concerning appropriations for the supersonic transport.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR EDMUND S. MUSKIE BEFORE THE TRANSPORTATION SUBCOMMITTEE OF THE SENATE APPROPRIATIONS COMMITTEE ON APPROPRIATIONS FOR THE SST, AUGUST 28, 1970

Mr. Chairman, in 1963 President Kennedy announced that the Federal Government would embark on a program to develop a supersonic transport. He pledged a $750 million limit on Federal support of the project.

We have now spent almost $700 million on this project and are beng asked to appropriate $290 million more. It is now likely that the prototype costs to the Government will rise to at least $1.3 billion. Many people suspect that the Government will even be asked to finance production of these aircraft.

It is now time, Mr. Chairman, to take a second look at the SST . . . to re-evaluate it . . . and to ask whether we can afford to continue the program.

This is an appropriate time to take a second look . . .

For this year Congress passed the National Environmental Policy Act. We said that major Federal programs must be carefully examined in light of their potential impact on the environment.

This year we are considering significant changes in our national transportation policies. We recognize the need to spend our money more carefully and more wisely . . . on programs that do the most good for the most people.

And this year we are faced with substantial unemployment in one-fifth of our major labor markets. We must deal with this problem effectively and quickly.

So we should ask what the SST means to us . . . with respect to our environment, our priorities and our people.

To many Americans, the SST is a symbol of man's lack of concern for his planet.

I am aware that proposed rules would prohibit SST's from flying over populated land areas. But this does not answer the questions of—

What effects sonic booms would have on ships at sea, and on fish and animal life;

What effects sideline takeoff noise four or five times that of the 747 would have on people who work in the airports or live in neighboring communities;

What effects jet vapors would have on the upper atmosphere, on world climate, and on radiation levels.

Even the Chairman of the President's Council on Environmental Quality has stated that this last question "has not received the attention it deserves." The MIT Study of Critical Environmental Problems concluded recently that "the projected SST's can have a clearly measurable effect on the world climate." The National Academy of Sciences has reached a similar conclusion.

I know that proponents of the SST have promised that these problems will be studied as soon as the prototypes are built and before the production phase.

I hope that an increasing financial commitment would not weaken that resolve. But I am concerned that this research would occupy environmental research resources that are being stretched thin as we seek to solve the problems of air and water pollution that we have already created.

We should ask whether new research on the environmental effects of the SST—research that would be admittedly necessary before production—is the wisest use we can make of our limited capacity.

I am also concerned, Mr. Chairman, with the question of whether the FAA has complied with the National Environmental Policy Act.

Section 102 (2)(c) of the act requires a "detailed statement" from the agency on the environmental impact of any major proposal—whether or not work on the project had begun before passage of the act. The FAA has not submitted a detailed statement.

Section 102 (2)(c) of the act requires each agency to "study, develop and prescribe appropriate alternatives to recommend courses of action." The FAA has not submitted those alternatives.

The Appropriations Committee should not report the appropriations bill to the floor until the requirements of section 102 of the Environmental Policy Act have been met.

Then the Senate can make its own decision on the merits. At this time too many environmental questions have not been answered.

* * * * *

We should also ask whether we *need* the SST . . . as much as we need new mass transit systems for our cities, new airport facilities for the planes already flying, or new schools, homes and a clean environment.

These programs also cost money—as much or more than the SST. And the funds must come from the same kitty . . . resources that are limited.

This year's budget for air pollution control is $106 million. To restore our air to a breathable, healthy level will cost the Government almost $400 million a year. Appropriations bills for medical care, Education and Housing have been vetoed . . . yet *these* needs are not being met.

We cannot afford everything under the sun. We must face the realities of difficult choices . . . and say "no" to some things we should like but do not need.

Those are the questions we must ask about our priorities.

Finally, Mr. Chairman, we ask what the SST means to our people.

The level of unemployment in the State of Washington is unacceptable . . . as unacceptable as in thirty other major labor markets across the nation.

We cannot ignore the fact that the problem in Washington may get worse if the SST program is halted. But we know that the program will not reverse the rising levels across the nation . . . and this must be our first concern . . . with first call on our resources.

We must meet the challenge of unemployment nationwide. It will take new programs, more imaginative ideas and perhaps more expensive efforts. It is a problem that affects all our States . . . and that demands remedies for all our States.

The SST program is not without merit, Mr. Chairman—

It *would* provide job opportunities;

It would be a technological victory;

And it *would* be an exciting advance in air travel.

But at this time, Mr. Chairman, it is not the best use of our resources . . . the environmental, social and human costs are too high.

And at this time, with the kinds of needs that have gone unmet, dropping the SST is the kind of difficult decision we must make.

MILITARY AID FOR CAMBODIA

Mr. FULBRIGHT. Mr. President, on July 23 the President signed a determination, required by law, which authorizes up to $40 million in military aid for Cambodia in fiscal year 1971. This will be in addition to the $8.9 million already given Cambodia in fiscal year 1970.

The last sentence of the determination, which was in the form of a memorandum from the President to the Secretary of State, stated:

> You are requested on my behalf to report this determination and authorization promptly to the Senate and House of Representatives.

This is in accord with the requirement in the Foreign Assistance Act that the Congress be notified promptly of such decisions. Webster's defines "prompt" as "Done or rendered readily; given without delay or hesitation." The determination, transmitted by a letter from the Department of State dated August 21, was received by the Committee on Foreign Relations on August 24. Another reporting requirement, contained in the Foreign Assistance Appropriation Act, requires that determinations of this nature be reported to the Congress "within 30 days after each such determination." It was 29 days from the date of the President's signature to the date of the Department's transmittal letter. I note, however, that the basic information had been leaked to the press well before the committee received any official notice of the decision. I ask unanmous consent that the President's determination be printed at this point in the RECORD.

There being no objection, the memorandum was ordered to be printed in the RECORD, as follows:

THE WHITE HOUSE,
July 23, 1970.

PRESIDENTIAL DETERMINATION NO. 71–2

MEMORANDUM FOR THE SECRETARY OF STATE

Subject: Determination and Authorization Under Section 614(a) of the Foreign Assistance Act, and Under the Foreign Assistance and Related Agencies Appropriation Act, Permitting the Furnishing of Defense Articles and Services to Cambodia up to $40 Million

In accordance with the recommendation in your memorandum of June 27, 1970, I hereby:

(a) Determine pursuant to Section 614(a)

of the Act that the authorization of the use of up to $40 million of funds available for the grant of defense articles and services to Cambodia, without regard to the limitations of Section 505(a), 505(b)(2), second clause, 509, 620(t), or any other provision of the Act limiting the furnishing of military assistance to Cambodia, is important to the security of the United States;

(b) Authorize pursuant to Section 614(a) of the Act such use of up to $40 million for the grant of defense articles and services to Cambodia without regard to the limitations of the Sections of the Act referred to in (a) above:

(c) Determine pursuant to the third proviso of the military assistance paragraph of Title I of the Foreign Assistance Act, 1970, that military assistance to Cambodia for FY 1971 in an amount of up to $40 million is essential to the national interest of the United States.

You are requested on my behalf to report this determination and authorization promptly to the Senate and House of Representatives.

RICHARD NIXON.

Mr. FULBRIGHT. Mr. President, unfortunately, the Secretary of State's recommendation, which contains the justification for the President's decision, is classified "Secret" and cannot be made public.

The handling by the executive branch of the requirements of law which must be met prior to furnishing military aid is practically a rerun of the earlier decision to send arms to Cambodia, which involved a determination made retroactive a month from the President's signature in order to legalize arms shipments which had been made a month before. The Foreign Assistance Act, quite properly, contains a number of restrictions which must be satisfied before arms aid can be given to a country. These restrictions were designed both to insure the most effective use of our citizens' tax dollars and to act as a restraining influence on executive branch relations with arms aid recipients. Here are the requirements of the Foreign Assistance Act that have been waived in the decision to give more arms to Cambodia:

First. Section 505(a) requires that military grant aid not be given unless the country has agreed to comply with a number of specific requirements, pertaining to use, transfer, and U.S. access to the equipment. Such an agreement was proposed to the Cambodian Government on August 20, 4 months after aid was first given, but apparently the agreement has not yet been concluded.

Second. Section 505(b)(2) requires that any defense articles totaling more than $3,000,000 in a fiscal year cannot be furnished unless the President determines that the arms will be used to maintain its own defensive strength and "the defensive strength of the free world."

No such determination has been made nor is one likely to be made in view of Cambodia's claim of neutrality.

Third. Section 509 requires that before any defense article having a value greater than $100,000 be given to another country that the head of the appropriate U.S. group in Cambodia certify 6 months prior to delivery that the country "has the capability to utilize effectively such article."

No such assurance has been given and we have no information on what type of equipment we plan to give her that costs more than $100,000. A $100,000-plus weapon would hardly fit in the "small arms" category, however.

Fourth. Section 620(t) requires that, in the case of a country that has broken diplomatic relations with the United States, diplomatic relations must be restored and a new aid agreement negotiated before military aid is provided.

We do not have an aid agreement with Cambodia.

However, section 614 of the act gives the President general authority to waive all of those and any other requirements of the act "when the President determines that such authorization is important to the security of the United States." The President used this authority to waive the requirements I have listed. He is perfectly within his rights in exercising that authority. And the State Department is fully within its legal rights in waiting 29 out of the 30 days allowed by the statute to send the determination to the Congress.

But the issue involved is not so much one of legal niceties as it is of comity between the legislative and the executive branches of Government. In recent years there has been a great erosion of the executive branch's credibility in the Congress. Instead of mutual trust and confidence there is now mutual distrust and suspicion, not only on foreign policy but across the board. I cannot believe that the President is conscious of the erosive effect on the relationship between the two branches caused by actions of this nature. In the handling of such a matter he is, I believe, a captive of a bureaucracy which, in large measure, seems to have little respect for the legislative branch. Credibility is a fragile thing and once destroyed is very difficult—and often impossible—to restore. This most recent incident is of little practical consequence but it does, I think, illustrate the operation of a way of thinking now prevalent in the bureaucracy of the executive branch. It is an attitude which seems to consider the Congress of little importance in the running of this country's affairs—foreign or domestic. There is a lesson here for every Member of Congress.

LACK OF ADEQUATE INSPECTION OF IMPORTED MEATS

Mr. YOUNG of North Dakota. Mr. President, I never could quite understand why the people of the United States are so concerned about the strictest kind of inspection of meats of all kinds slaughtered in the United States and at the same time have very little or no concern about the lack of adequate inspection of vast amounts of imported meats.

It is wrong to believe that much of this imported meat is subjected to anything like the careful and stringent inspections made of our domestic meat products.

Mr. President, an excellent article on this subject appeared in a recent issue of the Western Livestock Reporter. It was written by Mr. Patrick K. Goggins, the publisher. It is an article that I think would be of real interest to the vast consumer public in the United States. I ask unanimous consent that it be printed in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

AS I SEE IT . . .

In this world and in this age of laws and regulations and rules it certainly seems odd how the United States Department of Agriculture and others can turn a blind eye on inspection of foreign meat.

The absolute whammy that they are putting on the American packer, both at the federal and state level is unbelievable and yet, they turn their back on the uncleanliness and the standards of inspection of imported meat.

This particular item has been fought out the last three weeks in Congress to a fair-thee-well. I don't know exactly what is going to come of it but there are more Republicans and Democrats alike joining arms in the fight to get something done. And it certainly needs to be done.

Dr. H. M. Steinmetz, Assistant Deputy Administrator of consumer protection of the USDA is one of the biggest fighters against any passage of any kind of a meat import inspection bill. He comes up with some pretty weak arguments in my estimation of why we shouldn't touch it.

Of course the State Department, the Department of Consumer Affairs and the USDA all feel that if any kind of stringent, more strict inspection law is put into effect, the foreign countries will then counteract and put quite a lot of pressure upon American products that they buy through similar acts.

Bruce E. Hackett from Overbrook, Kansas testified in a letter to Senator Robert Dole (R. Kansas) that he and his family lived and had a trucking business in Australia from September 1963 to December of 1967 and that his brother is still there running that business.

He testifies that on in-plant handling the meat was moved from building to building in non-refrigerated cars. They did not have refrigerated vans for in-plant and that most of the meat is hauled in flat cars or flatbed type trailers with a canvas over the top of it from the plant down to the docks where it waits in the hot sun for up to 8 to 10 hours without refrigeration before it is loaded into ships.

The few inspectors we have over there who are trying to get something done, can't begin to. Here is a paragraph for instance on page 20, paragraph 53 of the Rules and Regulations of the Commonwealth of Australia: "When an officer considers that vermin are likely to come in contact with meat at an export establishment—this is on processing meat to be sent out of the country—the establishment, require the occupier to cause to be taken effective measures for the purpose of destroying the vermin."

In other words they can use poison to get rid of the rats but nothing is done with the meat. Here in the U.S., if rats get into meat, the whole lot is condemned and goes in the tank. When it gets here to the U.S. approximately 180 pounds out of 32,000 pounds is looked at and looked at quite hastily. The U.S. inspectors then put USDA Inspected and Passed on these crates.

Now hear this: This same meat can then go into interstate shipment. It can go to federal inspected plant.

Now we have our state packers who are under state rules, who are under the same regulations as our federal packing houses. They cannot ship meat interstate. They have to ship intra-state. Our regulations won't even let this state inspected meat even get near a federal inspected packing house. Why should this imported, uncleaned meat be allowed to enter those channels without any strings attached.

They kill horses in the same plant that they kill cattle in Australia. They kill rabbits for people in the same plants as they do cattle.

And the 14 roving inspectors that we have over there don't live in Australia or New Zealand or Argentina, they live in the United States and maybe see the plant once a year. Then when they inspect, they inspect their systems, but they don't inspect livestock.

Then you look at the U.S. packer. He's forced to pay U.S. inspectors overtime anytime he works over 8 hours and when there is an inspector on the line, the whole packing house stops, because they want to look at every carcass and do.

The packing industry in the United States has paid in excess of $15 million dollars last year alone in over-time to USDA meat inspectors to keep their plants running. This was just to the inspectors themselves, not to mention all the man-hours and loss of time waiting for these inspectors while the whole process stopped and employee pay scale went on.

Then in Australia they allow wild rabbits that are destroyed on ranches to be brought in to their meat establishments to be prepared for export without inspection.

Now maybe many of you ranchers who have not written to your Senators and Representatives and the President of the United States will do it. Something has got to be done. . . .

This is a very unfair, unhealthy situation for you in the cow business. Because one of these days some kind of a disease is going to break out over this deal and you know who is going to get the black eye . . . meat producers.

PRAISE FOR THE TROOPERS OF CASPER, WYO.

Mr. McGEE. Mr. President, many Senators, at least those who share my interest in football, undoubtedly had the opportunity last night to witness the halftime show put on by the troopers of Casper, Wyo., at the New York Jets-Minnesota Vikings game in Bloomington.

Those who did witness this show saw an example of the skill and precision of an outstanding youth organization. Casper, and indeed all Wyoming, is vastly proud of the drum and bugle corps which recently took its second straight class A world open title in competition in Lynn, Mass., on the heels of a first-place win in the Veterans of Foreign Wars national drum and bugle competition in Miami, thus capping its most successful season to date.

The troopers, a band of dedicated youngsters who train and work year-round under the direction of equally dedicated adult leaders, are Wyoming's official musical ambassadors, Mr. President. They are expected to arrive home in Casper late tomorrow, in time for the youngsters to get back to the classroom after another victorious sweep of the country. As always, Casperites will turn out by the thousands to welcome the troopers home. For those people, and for all of us, really, this organization represents living proof of the determination to excel, the willingness to work hard, and the talent to achieve success which is present in America's young people.

A BRIGHT SIDE TO EVERY PROBLEM

Mr. BELLMON. Mr. President, in a recent editorial, the Daily Oklahoman points out that there is a bright side to almost every problem facing our Nation. In our efforts to right our wrongs, we tend to look only at the negative side, that which we hope to better.

Occasionally it is good to know a positive side to many problems does exist. Therefore, I ask unanimous consent that the editorial entitled "There Is a Bright Side" be printed in the RECORD.

There being no objection, the editorial was ordered to be printed in the RECORD, as follows:

THERE IS A BRIGHT SIDE

Americans want more optimism from their public officials and business leaders, President Nixon is reported to have told recent visitors to the San Clemente White House.

It is natural for any elected leader to prefer that the voters look on the bright side of life, especially in an election year. In Nixon's case, his concern that we may be forgetting what is right with America in our concern with what is wrong was the theme of his speech to the Jaycee convention in St. Louis some weeks ago. It has some basis.

Much of the gloom and doom polluting the national atmosphere emanates from a noisy clique in Congress. Some Senators see the end of civilization in our involvement in Southeast Asia's fight to remain independent. The same Senators see equally dire consequences if America does not take a more active part in Israel's fight to survive. Almost the same names are signed to every cry of despair over the pollution of the atmosphere, lakes and streams, and seashores. They seem to find nothing inconsistent in demanding an end to atomic power projects and an immediate end to power blackouts in the same areas.

There is a bright side to almost every problem facing this nation. In Southeast Asia, withdrawal of more and more American military units and men is accompanied by increasing self-confidence and independence among the local peoples. Instead of deploring their lack of skill with modern weapons, Americans ought to be organizing cheering squads, and maybe "bundles for Vietnam" programs to help them help themselves.

American involvement in the Middle East is nearly as old as this republic. American universities at Cairo and Beirut have educated many thousands of business and governmental leaders who now regard the current alienation between this country and the Arab states as temporary. For over two decades, we have also been in the mainstay of Israeli independence. There is a wealth of untapped good will and confidence for Secretary of State Rogers' peace proposals to take root in.

Nuclear power plants are the subject of hysterical protests. Yet in this ecology-happy era, we should note that they do not emit noxious gases, sulphur dioxide, or particle pollutants into the air. Their byproducts that do give some trouble are heat—which any energy plant involves—and radiation in fuel wastes, which can be disposed of safely. A dozen heat dissipation schemes are under study or test. Instead of screaming about possible dangers from these cleanest of all power plants, while we gag on existing air pollution, we should be rejoicing that we know how to furnish the energy needs of our growing population.

The new jumbo jets are smokeless. Older model airliners are being fitted with new engines that leave no black plumes in their wakes. The good news that this annoyance is being dealt with is drowned out by the wails of those whose only contribution to solving problems is wailing.

There is so much that is right about America, and the world, that it is unhealthy to look only at the problems not yet fully solved.

RECENT DEVELOPMENTS IN CAMBODIA

Mr. FULBRIGHT. Mr. President, on April 27, 3 days before the President's speech announcing the U.S. intervention into Cambodia, the Committee on Foreign Relations held a meeting with the Secretary of State to discuss recent developments in that country. The discussion between committee members and the Secretary concentrated on the questions concerning possible U.S. military aid to the Lon Nol government.

At the close of the meeting I asked the Secretary to supply for the record answers to a list of questions which we had either not been able to discuss or to cover adequately during the course of the meeting. Three months later on August 20, the Department submitted the unclassified replies to these questions. In view of the fact that the replies provide additional information concerning the administration's policy on Cambodia and other aspects of the war in Southeast Asia, I ask unanimous consent that the questions and answers be printed in the RECORD.

There being no objection, the information was ordered to be printed in the RECORD, as follows:

DEPARTMENT OF STATE,
Washington, D.C., August 20, 1970.

Hon. J. W. FULBRIGHT,
Chairman, Committee on Foreign Relations, U.S. Senate.

DEAR MR. CHAIRMAN: The Secretary has asked me to reply to a mimeographed list of questions which was handed to him after his appearance before your committee on April 27, 1970.

I have enclosed the answers to your questions.

If I can be of assistance to you at any time, please do not hesitate to let me know.

Sincerely yours,

DAVID M. ABSHIRE,
Assistant Secretary for Congressional Relations.

CAMBODIA

1. Would you explain how the Nixon Doctrine applies to the situation in Cambodia?

The Nixon Doctrine calls for a threatened country to make maximum efforts and assume the major responsibility for providing the manpower for its defense. Cambodia is certainly doing that. Second, the policy stresses regional cooperation and Cambodia's neighbors are providing help to assure Cambodia's continued independence and neutrality. Third, the U.S. is to assist self-help and regional actions where our participation can make a difference and this is being done through the supply of small arms and other materiel. Finally, we are also considering a program of economic assistance as are other nations.

2. (a) Does the Administration plan to consult with the Committee *before* a decision is made concerning the furnishing of arms to Cambodia? the sending of advisors? Air strikes in Cambodia?

We have already informed the Senate Foreign Relations Committee of our initial grant of 8.9 million dollars in small arms and other material to the Cambodian Government and our plans for additional military assistance. We intend to continue to inform the appropriate Congressional Committees of any further Presidential Determinations concerning assistance to Cambodia.

The President has made clear there will be no U.S. advisors with Cambodian units and that U.S. air strikes will be authorized only

as necessary to protect U.S. forces in Viet-Nam.

(b) Did U.S. personnel participate in drawing up Cambodia's arms request?

No.

(c) Will the Administration make public *any* agreement with Cambodia, or any other government, concerning U.S. aid to or military action in Cambodia? Can you assure us that there will be no repeat of the experience in Laos or Thailand?

We have no plans for any secret agreements concerning U.S. aid to, or military action in, Cambodia. We have provided the facts concerning the extent and limits of U.S. involvement in Cambodia and will continue to do so. In order to satisfy the requirements of the Foreign Assistance Act, on August 15 we exchanged notes with the Government of Cambodia whereby that government undertook to abide by the obligations of the Act. These notes in no way involve a new commitment.

3. (a) Do you think that arms can be supplied to Cambodia, and used effectively, without sending in American advisors to train the Cambodians in how to use the equipment?

The request from the Cambodian Government was for arms support only, and we are supplying small arms and other materiel that can be used immediately without advisors by the Cambodian military. We have no plans to provide more complex equipment which would require advisors for training purposes.

(b) Did the Cambodians ask for arms alone, or both arms and advisors?

The Cambodians asked for arms alone.

4. (a) Have any Asian nations offered to supply Cambodia with arms?

Yes. The Republic of Viet-Nam has supplied and intends to continue supplying weapons captured in enemy sanctuaries in Cambodia to the Cambodian government. The Thai Government has also supplied military equipment to Cambodia including river patrol craft and individual equipment.

(b) Is the United States doing anything to encourage Thailand, South Korea, or other Asian nations to give arms to Cambodia? Have we offered to reimburse, or otherwise pay for aid that other countries may give to Cambodia?

The President announced that we will encourage and support the efforts of those countries which wish to furnish Cambodia with arms and materiel. We have no present plans to reimburse nations taking such initiatives, but the question of replacement of armaments expended could arise, in which case we would hope to consult with the Committee.

(c) Would the Administration look with favor on an offer by Thailand or South Korea to send advisors or troops to Cambodia?

This would depend on the Cambodian view of any such offer, and on the military situation at the time. We do not think a large number of foreign troops are needed at present.

5. (a) Are U.S. officials consulted, or notified, in advance by the Vietnamese of plans for combat operations in Cambodia?

Yes.

(b) Have the combat operations by South Vietnamese forces across the Cambodian border been carried out with the approval of U.S. officials? If not, have any attempts been made to prevent further attacks?

ARVN operations in Cambodia are coordinated with U.S. counterparts in South Viet-Nam to prevent weakening of joint operations or defensive positions there by the deployment of ARVN forces in Cambodia.

(c) Have any U.S. personnel participated in the planning of operations in Cambodia by South Vietnamese forces?

As indicated above, to the extent that ARVN operations in Cambodia are relevant to joint operations and positions in South Viet-Nam, U.S. counterparts are consulted.

6. (a) Have any U.S. personnel—military or civilian—crossed the South Viet-Nam-Cambodian border since the trouble began? If so, give the details.

After the withdrawal of U.S. combat troops on July 1, 1970 no U.S. personnel have crossed the South Viet-Nam-Cambodian border except those assigned to, or visiting, the U.S. Embassy in Phnom Penh.

(b) Has there been any change in the orders to U.S. personnel concerning "hot pursuit" as a result of the change in the situation in Cambodia?

No.

(c) Have any U.S. aircraft flown into Cambodia, either on combat or cargo missions, since the new government took over? If so, what are the details?

This question has been overtaken by events. The Committee is aware of U.S. air strikes to interdict enemy supply and troop replacement activities, as authorized and announced by President Nixon. There have also been flights carrying arms for the Cambodian Government, as well as supply and support missions for our Embassy at Phnom Penh.

7. What is your assessment of Viet Cong and North Vietnamese intentions in Cambodia? Do they view the developments there as favorable to their objectives?

In view of recent developments in Cambodia, we suspect that the Communist Vietnamese themselves are unsure of their ultimate objectives there. It will take them some time to reorganize and resupply their operations. In view of this fact, it is very difficult to estimate whether they view recent developments as favorable to their interests or not. Clearly, our attacks on their sanctuaries delivered a severe blow to their short term interests.

8. (a) Do you think Cambodia's forces could hold out if the enemy forces make a determined effort to take over the country?

In order to answer such a hypothetical question we would have to know with complete accuracy enemy intentions and capabilities. However, the Cambodian forces (FANK) recently have shown an increasing capability to fight effectively on their own.

(b) If not, how much help would they need from outside sources—in personnel and supplies? What effect would this have on the military situation in South Viet-Nam?

We are studying Cambodia's needs at the present time pursuant to its request for military aid, and we are heartened by the determination shown by the Cambodian Government thus far in its own defense. The amount of assistance Cambodia would need if the enemy made a "determined effort" would be a function of the assets which the enemy would be prepared to devote to the conquest of Cambodia and this, of course, is impossible to determine.

(c) What effect would a Communist takeover in Cambodia have on the U.S. position in South Viet-Nam? In Laos?

If the Communists were to take over and secure all Cambodia, giving them, *inter alia*, free access to the deepwater port of Kompong Som (formerly Sihanoukville) there would be a serious adverse effect on our position in South Viet-Nam and Laos.

(d) What are the alternatives available to the United States if the Communists should move to take over Cambodia?

As noted above, the intentions of the Communists are unclear. In any event, the President, in recent public statements, has clearly defined the policy we will follow in Cambodia.

(e) What would the United States do if Sihanouk returned to Cambodia and set up a government in the Viet Cong controlled area?

Again, we are not prepared to speculate upon questions of such a hypothetical nature. If Sihanouk were to return to Cambodia our policy would be contingent upon a consideration of other related, and as of now indeterminate, factors.

9. (a) What are the prospects for the development of a united front against the United States by the enemy forces of North Viet-Nam, South Viet-Nam, Laos and Cambodia?

The above mentioned enemy forces already operate as a *de facto* united front. If they were establish a united front in name, the military situation would not be altered to any significant degree.

(b) What would be the likely effects of such a move?

The enemy might attempt to exploit such a move as a propaganda victory.

10. How many U.S. government personnel are now in Cambodia? Are there any plans for sending more people in, even on a temporary basis?

All operational military personnel have been withdrawn from Cambodia. 36 positions have been authorized at the U.S. Embassy, of which 9 are Defense Attaches and 5 Marine Guards. Only 24 of the 36 have arrived on post, but 26 additional personnel are on temporary duty in connection with reconditioning of the new Chancery and establishment of other facilities. This staffing pattern will be subject to reconsideration, as conditions require.

11. Is the Administration giving consideration to permitting U.S. bombing of enemy bases in Cambodia? What would be your position if such a request came from our military officials?

Covered by 2(a) above.

VIET-NAM

1. Did the President's speech last week represent, in any way, a change in U.S. policy? If so, in what respect?

The President's April 20 speech and his TV news conference in Los Angeles on July 20 did not represent any change in U.S. policy. The President also made clear, in response to a question, that President Thieu's position with regard to negotiation is "on all fours" with ours. "We have consulted with him and he with us before any negotiating positions have been presented."

2. Is the United States considering any new initiatives in Paris? the replacement of Ambassador Lodge?

As President Nixon has said, Ambassador David K. E. Bruce, the new head of our delegation in Paris, has wide latitude in the negotiations. We hope our move in sending a senior negotiator will be reciprocated by the North Vietnamese and that serious negotiations will ensue.

3. Do you think the military situation in South Viet-Nam has improved, or deteriorated, as a result of developments in Cambodia?

The military situation in South Viet-Nam has improved considerably since the beginning of the combined allied attacks on the North Vietnamese sanctuaries in Cambodia. The destruction and capture of arms and supplies have prevented the enemy from mounting large offensives in the center and south, thus allowing Vietnamization and pacification to proceed with less interference than before. Operations against North Vietnamese forces in Cambodia have confirmed that an impressive improvement has taken place in the South Vietnamese Army (ARVN) recently. These operations have also increased ARVN confidence and self-reliance.

4. Are there any plans for replacing Ambassador Bunker?

There are no present plans for replacing Ambassador Bunker.

LAOS

1. Has there been any change in the basic military situation in Laos in recent weeks?

There has been little or no change in the basic military situation. The rainy season, which slows down North Vietnamese military activities, is in full progress. The capture of

Saravane by North Vietnamese troops on June 9 was more significant as a political psychological setback for the Royal Lao Government (RLG) than it was as a military one. Nonetheless, although north Laos has quieted, continued hostile pressure in south Laos, particularly in the area contiguous to northeast Cambodia, continues to concern us.

2. (a) What effect, if any, have developments in Cambodia had on the political situation in Laos?

The political situation in Laos bears a close relationship to the course of military events in the field. The allied operations against communist lines of communication in Cambodia probably contributed to the North Vietnamese decision to attack isolated Government-held pockets in south Laos, thereby provoking discussion in Vientiane about the viability of neutralism. The U.S. government has made it clear that our support both for the Prime Minister and Lao neutralism remains steadfast.

(b) Have there been any further exchanges between the Pathet Lao and Souvanna Phouma?

Prince Souphanouvong wrote on June 12 to Souvanna Phouma essentially reiterating the Lao Popular Front (LPF) terms of March 6 which called for an unconditional halt in U.S. bombing as a prelude to talks among the Lao factions. The RLG replied on June 25 that the LPF precondition of a complete and unconditional halt in American bombing in Laos, without the withdrawal of the more than 60,000 North Vietnamese troops in Laos, was unacceptable. The RLG, however, reiterated its willingness to send representatives to talk with Souphanouvong's envoys, and proposed a site. The RLG also said that a bombing halt could be dealt with as a priority topic in talks between the Lao factions. In early July, the Pathet Lao representative in Vientiane told the Prime Minister that a high-ranking LPF emissary would be sent to carry the LPF's formal reply to the RLG and would be empowered to discuss modalities for holding talks. This emissary, Prince Souk Vongsak, arrived July 31 and he has entered into preliminary discussions with Souvanna and other members of the Government. From these discussions it is still not yet completely clear whether the LPF has abandoned its bombing halt precondition as the price of beginning the talks, but in any event this item will be of first order of priority if and when talks are held. Further discussions with Souphanouvong's emissary—possibly including reference back to LPF headquarters—will be necessary to conclude final agreement on modalities put forth by the two sides.

3. What is your assessment of North Viet-Nam's intentions in Laos?

The North Vietnamese intend to protect their western border with a band of territory sufficiently controlled so that their war effort in South Viet-Nam can proceed and major threats to the homeland are avoided or minimized. They doubtless further wish to see areas immediately to the west (i.e. the Mekong valley), if not directly under their hegemony, at least not in unfriendly hands.

4. What has been the reaction from the Soviet government to the release of the transcript of the hearings on Laos? From China?

At the time it was released publicly, the report of the Symington Subcommittee hearings on Laos was mentioned prominently in the Soviet mass media. The Soviets maintained that public and Congressional pressures had forced the Nixon Administration to acknowledge certain U.S. military actions in Laos.

Although the Symington Subcommittee transcript provided the Soviet media with readily usable source material, it did not cause a basic shift in the Soviet position.

The Symington report was briefly mentioned in the first week of May in New China News Agency broadcasts, but was not mentioned in later broadcasts. (It was incorporated in a long and detailed propaganda blast in English to Southeast Asia by the Pathet Lao Radio on July 21 commemorating the 8th anniversary of the signing of the Geneva Agreements.)

5. Do you think that it is possible to reach any kind of settlement on Laos as long as the war in South Viet-Nam continues?

In view of the many interconnections between the situation in Laos and the war in South Viet-Nam, particularly the North Vietnamese use of the Ho Chi Minh trail, it is difficult to foresee a long-term settlement in Laos at this time. However, current exchanges between Souvanna and Souphanouvong may indicate that some aspects of the Laos situation can be worked on despite the continuation of the war in South Viet-Nam.

SOUTHEAST ASIA ISSUES IN GENERAL

1. (a) Do you think the prospects for bringing peace to Southeast Asia are better, or worse, now than they were before the fighting began in Cambodia?

As a result of our operations in Cambodia the enemy is in a weaker position. It remains to be seen whether they will now begin to negotiate seriously or whether they choose to prolong the fighting. Nevertheless, our operation has won time for the South Vietnamese to train and prepare themselves to carry a greater burden of their defense, and it has contributed to the continuance and success of our withdrawal program.

(b) Has the United States political position improved, in your view, as a result of recent developments? Is the United States negotiating position better?

The United States political position has improved in the sense that more of the world is now aware of what the Communists have been doing and continue to do in Cambodia. Strictly speaking, our negotiating position remains the same: that is, we have publicly and privately offered generous and forthcoming proposals for settlement of the war; we have not presented these proposals on a take-it-or-leave-it basis, but we are quite prepared to discuss them. We have appointed Ambassador Bruce as head of our delegation in Paris, and we have given him great flexibility in the conduct of the negotiations. The other side remains intransigent, but we hope they will soon recognize that it is in their best interests to negotiate, now rather than later.

(c) How do you think the other side views the recent developments—as a setback for them or as creating a greater dilemma for the United States?

As the President said, the Cambodia operation, from a military point of view, was the most successful operation of this long and difficult war. To world opinion the communist occupation of large areas of Cambodia is a blatant violation of Cambodia sovereignty and neutrality. The other side must certainly recognize that it has suffered these setbacks. On the other hand, so long as the Cambodian government is in a weak and precarious position, the other side hopes that we will face an insoluble problem of helping the Cambodians defend themselves while carrying out our troop withdrawals from Viet-Nam.

2. (a) Are developments in Cambodia likely to have any effect on Russia's willingness to help bring the war to an end?

The Soviets recognize that an expanded or protracted war in Indochina would ultimately be to the benefit of China and to their own disadvantage. In order to maintain their influence in the area, they would seemingly want to help end the war. Nevertheless, it remains true that they are anxious to avoid the appearance of forcing Hanoi to make any substantial concessions to the U.S.

(b) If China encourages a united front in Southeast Asia against the United States, can the Soviet Union afford to do any less?

Certainly one of the motivations of the Soviet Union is its concern with maintaining influence with the Communist parties of Southeast Asia, particularly with that of North Viet-Nam. Naturally, Chinese actions to increase its degree of influence in SEA must be taken into account by Moscow in determining its own positions on such issues as the united front.

(c) Do you think the Soviet Union is likely to agree to a Geneva-type conference as long as North Viet-Nam is opposed to such a move?

Probably not, because of the strong tangible and ideological interests which bind the two.

3. Do you think that recent developments in Southeast Asia make it more imperative that there be a political settlement which affects the entire area?

Recent developments indicate the continuing desirability of a political settlement, without which dangers of expansion or escalation of the war remain, regardless of current military trends. A viable peace must be based upon a general agreement that all the countries of Southeast Asia have a genuine political role to play in the future of the region, and without such an agreement a limited but highly undesirable level of hostilities could persist indefinitely.

WORLD BEGINS TO REALIZE JUSTICE OF COMPLAINTS AGAINST NORTH VIETNAMESE FOR PRISONER CRUELTY

Mr. HANSEN. Mr. President, this is the last day of August, and for most Americans that means summer is nearly at an end. It has been a summer of great concern for America, concern about the war in Vietnam, and concern about domestic tranquillity. For some this concern has been self-centered and in some cases self-serving. But for most Americans this concern has gone far beyond self and has centered on the great issues and problems of the day.

Among the issues that have been the focus of attention has been that of the Americans being held prisoner by the North Vietnamese. Although few in number, these Americans have become a cause that far outstrips their numerical strength. They have, indeed, become a thorn that pricks the conscience not only of this Nation but of the world.

The brutal and inhumane treatment to which these men have been subjected has caused a great revulsion against the Communists both here in America and among thinking, feeling people the world over. By the tactics they have used the Communists have demonstrated to the world the nature of their system and the harshness of their type of government.

We in America must continue through the coming seasons to work with utmost diligence and skill toward the release of these American prisoners. In the task we can now count on more and more support from all free nations everywhere. Our cause is just; the realization of its justice is spreading across the globe.

STATUS OF HUMAN RIGHTS CONVENTIONS

Mr. PROXMIRE. Mr. President, today I wish to review the status of the major human rights treaties pending before the

Senate. For more than 3 years I have urged the Senate to ratify three of these treaties—the Genocide Convention, the Political Rights of Women Convention, and the Convention of the Abolition of Forced Labor. As of today, none of these have been ratified by the Senate. Hearings were first held on the Genocide Convention in 1950. No further action was taken on the convention until just recently, when the Committee on Foreign Relations reopened hearings. Unfortunately the committee has not yet reported the treaty to the Senate.

Hearings were held on the Political Rights for Women Convention in 1967 in the Senate Foreign Relations Committee. Like the Genocide Treaty, it has never been reported out of committee.

The Convention on the Abolition of Forced Labor was submitted to the Senate on January 22, 1963. Hearings were held on the treaty in 1967, but the Foreign Relations Committee did not report it for Senate action.

Mr. President, we cannot delay action on these treaties any further. I strongly urge members of the Foreign Relations Committee to give these treaties careful consideration. Senate action on the Genocide Convention is long overdue. Twenty years have passed since hearings were first held on the treaty. There can be no excuse for delay in ratifying these treaties. I urge the Senate to act on these treaties now.

NIXON ADMINISTRATION PROGRESS ON THE INFLATION FRONT

Mr. BENNETT. Mr. President, the efforts of the Nixon administration to bring the inflation which it inherited under control without seriously disrupting the economy continues to make progress. Even the President of the AFL–CIO, Mr. George Meany, in an interview published in this morning's Washington Post, concedes that the economy is basically sound.

I think the President and his economic advisers are to be commended for their efforts and policies in helping to stop inflation gradually and in a reasonable way without any economic reversals and without a costly recession.

President Nixon has proved to be a farsighted and capable manager of domestic economic problems. Recently the Detroit Sun News and the Des Moines Register published editorials describing the Nixon policies. I ask unanimous consent that these editorials be included in the RECORD as a reflection of responsible press opinion recognizing that problems do exist in the economy but also admitting that President Nixon is having success in pursuing the only reasonable alternative.

My purpose in doing this is to counteract those prophets of gloom who in the forthcoming election will try to blame all of the economic problems on President Nixon, who inherited them but has managed to bring them under control without serious disruption. This coupled with his continuing success in the field of foreign policy convinces me that we have at the helm a wise and able administrator.

There being no objection, the editorials were ordered to be printed in the RECORD, as follows:

YEAR OF THE TURTLE?

It's exasperating but it looks as though 1970 will be the Year of the Turtle. The economy is moving slowly but surely along a plateau just above recession and just below rapid growth. In many ways, it is the best course even though the nation has never had turtle-like patience in waiting for economic recovery.

The spurt of economic news, mostly statistical, coming from Washington in recent days is "quietly encouraging." The indicators show the economy is growing, although marginally and with persistent but moderating inflation.

As a result, fears of a deep or prolonged recession no longer seem reasonable even as an outside chance. Still, the figures are not exuberant enough to justify the expectation of a surging economic rebound. We know the economy, like the turtle, is moving but it's hard to resist the temptation to push it along a bit faster.

Yet what other course would we choose? With unemployment at 5 percent and likely to go higher on a temporary basis, no one wants the economy to halt dead in its tracks. With inflation still proceeding at a 4.3 percent annual rate in the June quarter, few people would trade the turtle for the hare.

Our economic goal is full employment with relative price stability. We stand a better chance of reaching the goal line with a steady turtle than the flash and fade-out of the fabled hare.

"RECESSION" ENDED?

The major economic activity indicators showed a modest rise in July, and the economy managed a slight growth in output of goods and services in the second quarter of the year. The statistical trend has changed enough to cause several government economists to say the "recession" has ended.

Actually, the performance of the economy in the last year has been such as to hardly justify the term "recession." The turndown in GNP in the last quarter of 1969 and first quarter of 1970 was very small. Industrial production this July was only 3 per cent below that of July 1969. In the postwar recessions of the 1950s, industrial output fell from 5 to 14 per cent.

However, it is premature to declare "no recession." One reason the industrial production index rose in July was the return to work of several large groups of strikers. Without their return, the figure would not have looked so good. Industrial output also rose last March, with three successive declines after that.

If the downturn in GNP really has reached bottom, as optimistic government economists think, the Nixon Administration will be in a position to claim a "first" in economic management.

In a time of serious inflation, President Nixon has had the nerve to avoid the slam-bang, crackdown type of inflation restraint which appealed to former Treasury Secretary George Humphrey. Instead, he has insisted upon gradualism in both fiscal and monetary policy. He has chosen to permit a greater degree of inflation rather than to precipitate a serious recession and heavy unemployment.

This episode is not yet over. Inflation is still troublesome, although there have been some recent signs of cooling down. The stock market is still sagging and dragging. Unemployment stands at 5 per cent. Nixon and his advisers are not out of the woods and may yet have to turn to stronger measures than the wage-price "alerts" they have started issuing.

But the July economic figures indicate that the deep recession predicted to set in this fall has been stalled off, if not prevented. That is a considerable feat. It is especially noteworthy that Nixon, a Republican with broad support among businessmen and financiers, has been able to take a "liberal" line in economic policy. That is, he has chosen a policy which favors people over dollars; employment stability over "sound currency."

Nixon was greatly impressed by the three recessions of the 1950s, while he was Vice-President, and he has learned something from them.

THE SST: THROWING GOOD MONEY AFTER BAD

Mr. PROXMIRE. Mr. President, last week the Janesville, Wis., Gazette published an excellent editorial on the SST, which hits the nail on the head. The editorial urges the Senate not to be swayed by the fact that we have already spent $700 million on this frill into voting money for a venture which "could cost taxpayers $3 billion, earn little or no return, pollute the upper atmosphere and benefit few people except for the Boeing Corp. and jet-set travelers who want to get to Europe a few hours sooner."

The editorial also has the perfect answer to Congressman BROWN's suggestion that we might have never discovered the New World if the Joint Economic Committee had been advising Queen Isabella in 1942. The Gazette notes:

We can think of a more pertinent analogy: If the efficiency committee had been advising Congress when funds were first committed for the SST, we would be $700 million to the good right now instead of $700 million in the hole. Too bad it wasn't.

Mr. President, I ask unanimous consent that the editorial entitled "Throwing Good Money After Bad," published in the Janesville Gazette of August 24, 1970, be printed in the RECORD. I also ask unanimous consent that excerpts from the report of August 17, 1970, by the Economy in Government Subcommittee of the Joint Economic Committee entitled "Federal Transportation Expenditure" be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

THROWING GOOD MONEY AFTER BAD

We heartily concur with a Senate efficiency panel's recommendation that the government get out of the program to develop a supersonic transport plane (SST).

This commercial venture financed at public expense ($700 million so far) could cost taxpayers $3 billion, earn little or no return, pollute the upper atmosphere and benefit few people except for the Boeing Corporation and jet-set travelers who want to get to Europe a few hours sooner.

The House, to its discredit, has approved $290 million more for this airborne white elephant. Now the Senate is being asked to do the same.

Sen. William Proxmire of Wisconsin, chairman of the efficiency committee, opposes any additional funds for the SST. "If Congress succeeds in reordering priorities this year, there is no doubt in my mind that the SST will wind up right at the bottom of the list, where it belongs."

Rep. Clarence J. Brown of Ohio, however, dissented from the majority viewpoint, saying that if the efficiency panel "had been advising Queen Isabella, we would all still be in Barcelona waiting to prove the world round before daring the Atlantic."

We can think of a more pertinent analogy: If the efficiency committee had been advising Congress when funds were first committed for the SST, we would be $700 million to the good right now instead of $700 million in the hole. Too bad it wasn't.

FEDERAL TRANSPORTATION EXPENDITURE

I. INTRODUCTION AND SUMMARY

In May of this year, the Subcommittee on Economy in Government of the Joint Economic Committee held hearings on Federal transportation expenditure policy. This examination was part of the subcommittee's continuing study of Economic Analysis and the Efficiency of Government. This subcommittee does not yet regard this study as complete and hopes to continue its examination of Federal transportation policy as well as of other major Federal activities which lend themselves to economic analysis. We have as yet given little attention to such important areas of Federal transportation expenditure as airport and airways development or rail transit. Nor have we fully examined the regulatory aspects of Federal transportation policy. However, the hearings which we have already held have revealed some serious deficiencies in the economic analysis available to Congress. Thus we feel it is important to report at this time, in order that the Congress may have available the results of our study as it proceeds with major transportation expenditure decisions during the current session.

Our report is concerned both with the general capability of Congress and the executive branch to conduct and to evaluate economic analyses of transportation programs and with the application of general principles of economic analysis to the Federal-aid highway program and to the supersonic transport development program. Our principal conclusions are as follows:

A more unified approach to transportation expenditure decisions is needed, in Congress as well as in the executive branch.

The provisions of the Department of Transportation Act relating to the Department's authority to conduct investment analysis should be re-examined. If it is found that these provisions restrict the Department's authority to perform investment analysis essential to Government program efficiency, the law should be amended.

The executive branch should provide the Congress with more comprehensive analysis of the social costs and benefits of Federal transportation programs, and Congress should improve its capability for evaluating such information. Since existing authorizations for the Interstate Highway System extend into fiscal 1974 Congress would be well advised to postpone action on further authorizations until more adequate analysis of the social costs and benefits of further Interstate Highway expenditures can be made available.

NOTES

Senator John Sparkman states: "The responsibilities of my position as Chairman of the Senate Banking and Currency Committee, together with my other committee assignments, made it impossible for me to participate to any great extent in the hearings leading up to this report. Accordingly, I do not feel that I should join in it."

Senator Symington states: "Because of unusually heavy commitments in connection with other committee responsibilities, I was unable to participate in all the hearings on which this report is based; therefore I do not wish to endorse it."

Transportation expenditures should be subjected to all the usual procedures of budgetary review. Congress should take such legislative action as is required to provide for the orderly but expeditious phasing out of the highway trust fund and the return to the financing of transportation expenditures out of general revenues.[1]

Federal programs of highway aid should contain incentives for the development of efficient road pricing. Existing Federal restrictions on the use of tolls should be reexamined.

The diversity of Federal financing formulas which distorts choices among alternative types of transportation investment should be corrected, and restrictions on the uses to which States can apply revenue from State gasoline and motor vehicle taxes should be removed.

The Federal aid highway program, the supersonic transport development program, and most other transportation investment programs clearly fall within the scope of section 102 of the National Environmental Policy Act of 1969, which requires full reporting of the environmental consequences of proposed Federal programs. Authorization and appropriation requests for these programs should not be approved until the required information has been supplied.

Few significant public benefits appear likely to result from the supersonic transport (SST) development program. On the other hand, very significant social costs are associated with this program. More productive uses of Government resources are clearly available. No further Federal financial support of the supersonic transport development program is justified at this time.

If the SST program is continued, the total cost to the Government is likely to reach $3 billion or more. There is little prospect that the Government will earn a reasonable rate of return on its investment. It is entirely possible that the Government will recover none of this investment.

Unless new technology for reducing engine noise can be developed, adherence to the administration's commitment to avoid degradation of the noise environment in the vicinity of airports—a commitment which we strongly support—will make it difficult or impossible for the SST to operate from existing U.S. airports.

The British-French Concorde does not pose a competitive threat of sufficient magnitude to justify continued Federal Government support of the U.S. SST.

Further work on the SST prototype is premature at this time. Research efforts should be concentrated on investigating the effects on weather and climate of introducing additional moisture into the stratosphere; on new technology to reduce engine noise; and on efforts to eliminate the sonic boom. When more progress has been made in overcoming these serious environmental effects, the SST may look like a much more attractive commercial proposition. When the SST does become an attractive commercial proposition, we believe that private financing will be available, and there will be no need for direct Government investment in SST development.

II. ECONOMIC ANALYSIS OF FEDERAL TRANSPORTATION EXPENDITURE

The establishment of the Department of Transportation in 1967 was envisaged as a major step toward coordinated transportation policy decisions; decisions based on analysis of investments in different modes of transportation as alternative means of meeting the Nation's need for mobility; decisions designed to produce fast, safe, and convenient transportation in an efficient manner. The opening sections of the Department of Transportation Act state:

SEC. 2. (a) The Congress hereby declares that the general welfare, the economic growth and stability of the Nation and its security require the development of national transportation policies and programs conducive to the provision of fast, safe, efficient, and convenient transportation at the lowest cost consistent therewith and with other national objectives, including the efficient utilization and conservation of the Nation's resources.

(b)(1) The Congress therefore finds that the establishment of a Department of Transportation is necessary in the public interest and to assure the coordinated, effective administration of the transportation programs of the Federal Government; to facilitate the development and improvement of coordinated transportation service. * * *

As yet these goals remain far from realization. The Department of Transportation is handicapped by legislative restrictions which discourage the needed analysis of alternatives. The way in which Congress handles transportation legislation—with urban mass transit considered by the Banking and Currency Committees, highways by the Public Works Committees, other forms of transportation by the Commerce Committees, and trust fund legislation by the Ways and Means and Senate Finance Committees—places further obstacles in the way of a coordinated approach to transportation policy.

A more unified approach to transportation expenditure decisions is needed in Congress as well as in the executive branch. The decisionmaking process should be organized so as to permit and require full review both of the relative costs of alternative ways of meeting a given transportation need and of the priority which a proposed transportation investment should be accorded relative to alternative uses of public resources.

Legislative restrictions which discourage adequate investment analysis should be removed

Section 4(b)(2) of the Department of Transportation Act states:

Nothing in this Act shall be construed to authorize, without appropriate action by Congress, the adoption, revision, or implementation of—

(*a*) any transportation policy, or

(*b*) any investment standards of criteria.

Section 7(a) reads in part:

The Secretary, subject to the provisions of Section 4 of this Act, shall develop and * * * revise standards and criteria consistent with national transportation policies, for the formulation and economic evaluation of all proposals for the investment of Federal funds in transportation facilities or equipment, except such proposals as are concerned with * * * (5) water resource projects; or (6) grant-in-aid programs authorized by law.

Both the general prohibition of section 4(b) and the major specific exceptions to section 7(a) would appear to seriously restrict the authority of the Department of Transportation to conduct investment analysis. In 1968 Dr. M. Cecil Mackey, who was at that time Assistant Secretary of Transportation for Policy Development, supplied the following statement in response to questions raised by this subcommittee concerning the possible need to amend these sections of the Department of Transportation Act:

There would not appear to be special reasons for imposing particular restrictions such as those in sections 7(a) and 4(b)(2) on DOT's authority to manage its programs * * *. The amendment of section 7(a) of the Department of Transportation Act would facilitate implementation of effective economic analysis. There does not appear to be any important administrative or noneconomic reason why the act should remain as it is.[1]

Another witness, testifying before the subcommittee in September 1969, interpreted these two sections of the Department of Transportation Act as "explicit caveats" against engaging in "economic analysis of costs, benefits, and appropriate discount

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Footnotes at end of article.

rates."[2] While the present Assistant Secretary of Transportation indicated in our most recent hearings on this subject that he did not feel these provisions were "unduly restrictive," and were designed "to insure that rigid cost-benefit criteria are not * * * made a benchmark against which projects wind up on a go-no-go basis," the subcommittee feels that, at the very least, these provisions of the law should be reexamined with respect to their effect on the authority of the Department to perform needed economic analysis.

Legislative restrictions which discourage or prohibit adequate investment analysis should be removed. The relevant provisions of the Department of Transportation Act should be reexamined. If it is found that they restrict the authority of the Department of Transportation to perform investment analysis essential to Government program efficiency, the law should be amended.

Social costs and benefits must be fully included in investment analysis

While cost and benefit estimation is a valuable tool in the decisionmaking process, it is subject to abuse if the concepts are applied too narrowly. Since Congress is concerned with the public value of Federal investments, the social, or external, costs as well as the direct monetary costs must be fully considered. A similarly broad concept must be applied to the estimation of benefits.

In the case of highways, for example, the social costs include such things as noise, air pollution, dislocation of homes and businesses, neighborhood disruption, creation of barriers between neighborhoods, loss of recreational lands, and the like. Some of these, such as housing dislocation, are at least partially reflected in the actual dollar costs to the Government of highway construction. Others such as noise and air pollution are not (except to the limited extent that damages may have been awarded to individuals who have brought court actions). Some of the social costs, such as neighborhood disruption, are extremely difficult, and in some cases impossible, to quantify. Additional efforts to measure such costs should be undertaken. Where such costs cannot be quantified, they can and must be explicitly recognized as qualitative factors which should be fully considered in making program judgments.

In the case of benefits, such relatively simple techniques as the estimation of traffic volume obviously are not a sufficient measure of social benefit. A rural highway may have a relatively low traffic volume, but it may provide residents of the area with their only means of mobility, and hence their only access to jobs, schools, and community services. It may open up to industry and tourism areas which were previously inaccessible. By contrast, a new urban highway may bring more cars onto already congested city streets, while at the same time discouraging use of alternative means of transportation. In this latter case, the volume of traffic using the road may on balance be a cost to urban residents and commuters rather than a benefit.

It is also necessary to know how the social costs and benefits of a transportation investment will be distributed among different groups in the population. In the case of highways, for example, the benefits accrue largely to users of the highway (although many of these might prefer alternative means of transportation if adequate alternatives were available) and to owners of strategically placed commercial property. Under our present financing system, the dollar costs of highway construction are paid by purchasers of gasoline, tires, and diesel fuel, regardless of the extent to which they will benefit from the construction of a particular highway. The costs of highway maintenance and repair, as well as the cost of feeder roads, are not, however, financed from Federal gasoline taxes.

Many of the social, or external, costs of highways are paid either by those who must move out to make way for the highway or by those who must continue to live in close proximity to it. Another, more generalized type of social cost is borne by the substantial fraction of the population who are nondrivers—the young, the aged, the poor. These groups are at a growing relative disadvantage as society becomes increasingly dependent on the private automobile. Is it good public policy to assess costs against some groups in order that other groups may benefit? This is a judgmental question relating to the real distribution of income in our society. Fuller information as to the probable distribution of costs and benefits would improve the ability of the Congress to make wise judgments.

The highway "need" estimates contained in the national highway needs reports, which are required to be submitted to Congress every 2 years, are not based on these broad considerations of social cost and benefit. "Need" as used in these reports refers to "capacity adequate to accommodate the highway travel forecast for a given target year."[3] Since funds are apportioned to the States in accordance with their estimated "needs," the financing system contains a considerable incentive to produce inflated travel forecasts. Furthermore, there is persuasive evidence that the "demand" for highways, as measured by traffic volume, is partly a function of highway availability. Increasing the highway mileage may merely stimulate more automobile travel.

Based on the misleading concept of equating need with travel forecast, the most recent highway needs report estimates that there is a "need" to devote $320 billion worth of our national resources to road construction over the next 15 years. We do not believe that anything like this enormous sum can or will be spared for road construction. The crucial question, however, is: Which parts of this total highway "need" offer a social rate of return sufficient to justify the expenditure of public funds? A more specific and pressing question which the Congress must decide is the extent to which the social value of the remaining segments of the Interstate Highway System justifies the authorization of additional funds. It is now estimated that completion of the presently designated 42,500 mile system will require approximately $12 billion in Federal funds, beyond currently authorized amounts, and this estimate contains no allowance for any future cost increases.

At our recent hearings, Assistant Secretary of Transportation Baker described to the subcommittee analytic efforts currently being undertaken by his Department which are designed to yield conclusions about the comparative value of investment in different modes of transportation. The target date for completion of this analysis is not until 1972. In the meantime, the background information needed to make a major new decision on Federal-aid highway authorizations is simply not available.

In making transportation expenditure decisions, Congress needs access to more comprehensive analysis of social costs and benefits than is currently available. The appropriate agencies of the executive branch should make such information available at the time authorization requests are introduced, and Congress should improve its capability for evaluating such information. Specifically, such analysis should include:

(1) Estimates of the full costs and benefits of proposed transportation investments. External costs and benefits should be included, and an adequate discount rate should be applied to the estimation of future benefits; (2) estimates of the distribution of the costs and benefits of the proposed project among different groups in society, together with an analysis of the extent to which fully adequate compensation of those who are adversely affected by such investment is feasible.

Adequate information of this type is not presently available with respect to uncompleted portions of the Interstate Highway System. Since existing authorizations for the Interstate System extend into fiscal 1974, we believe Congress would be well advised to postpone action on further authorizations until more adequate analysis of the social value of further Interstate Highway expenditures can be made available.

If there are proposed sections of the Interstate System which cannot demonstrate a high social value, Congress should have this information when further authorizations are considered.

Federal Transportation Expenditures Should Be Subjected to Regular Budgetary Review

The previous two sections of this report have stressed our belief that more complete economic analysis of proposed transportation investments is essential. Such analysis will really be of value, however, only if our financing system is sufficiently flexible to permit rational use of the analytic evidence. Evidence that a particular transportation need can be met most efficiently by improving the public transportation system, for example, is apt to be ignored if funds are available only for highway construction. Similarly, evidence that urban transportation problems could best be eased by enabling people to live closer to their jobs may be primarily of academic interest if funds are available for transportation systems but not for housing and urban reconstruction.

From its initiation in 1916 until 1956, the Federal aid highway program was financed out of general revenues, so that highway appropriations were subjected to all the usual procedures of budgetary review. In the mid-1950's, it was decided to give a very high budgetary priority to the construction of a comprehensive national highway system. A special financing arrangement, the highway trust fund, was created. Revenues from the Federal gasoline tax and certain other motor vehicle-related taxes were placed in this fund, and the use of these revenues was restricted to the financing of federally aided highway construction.

The receipts of the highway trust fund now exceed $5 billion per year. Total receipts from 1956 through its scheduled expiration date in September 1972 will approach $60 billion. For 15 years now this important source of revenue has been insulated from any real consideration of the relative value of highway and nonhighway uses. We believe the time has arrived when provision should be made for Congress to again have the opportunity to review annually the uses of this revenue.

It is sometimes argued that it is somehow unfair to use revenues from the gasoline tax and other road-user charges for anything except highway construction. There are several reasons why we do not accept this argument. First, since the average family finds it very difficult to get along in today's world without an automobile, this family has little choice except to pay gasoline taxes. There is no logical basis for regarding payment of these taxes as a "vote" for more highways. Second, we do not view our other excise taxes this way. Alcoholic beverage taxes, for example, are not used to build distilleries, nor are they dedicated to use in constructing facilities for the treatment of alcoholics. Third, even if we were to accept the view that the proceeds of the gasoline tax should be expended only for the benefit of road users, new highways are clearly not

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the only investment from which road users might benefit. A witness at our recent hearings told of a study he had made indicating that 35 percent of the benefit of a proposed new subway line would accrue to road users, rather than subway users.[4] Yet we do not finance rapid transit from the gasoline tax. Many road users would benefit from making our central cities livable again, so that urban streets would be less clogged with commuters from the suburbs. Yet we do not finance urban reconstruction through the gasoline tax.

There have recently been a number of proposals put forward for broadening the uses to which highway trust fund revenues can be put. These range from the relatively modest proposals put forward by the administration this year to finance forest and public land highways and the highway safety and beautification programs out of the trust fund to sweeping proposals to finance Federal investment in all modes of transportation out of a general trust fund made up of receipts from all the existing Federal transportation user charges, perhaps supplemented by transfers from general revenues.

The Assistant Secretary of Transportation indicated in his testimony before our subcommittee that the Department has various proposals for a general transportation trust fund under active consideration. Several other witnesses at our recent hearings advocated this general trust fund approach. Many of their arguments are quite persuasive. A general trust fund offers one major advantage over the proliferation of separate trust funds for the various modes of transportation, a proliferation evidenced by the establishment this year of an airport-airways trust fund. With a general trust fund it would become possible to allocate funds rationally among transportation modes choosing in each individual situation the mode which will most efficiently and effectively serve our need for mobility.

The disadvantage of the general transportation trust fund approach arises when we come to the question of a rational allocation of budget resources between transportation and nontransportation uses. How can we be sure that we would not lock ourselves into a situation in which we would overinvest in transportation while underinvesting in other aspects of economic development and public well-being? There is clearly, for example, a tradeoff between patterns of residential location and our need for urban transportation. But the establishment of a general transportation trust fund would provide no incentives to analyze housing investment and transportation investment as alternative solutions to the problem of urban mobility, nor would it provide the opportunity to allocate expenditures in accordance with the results of any such analysis.

Thus, while some broader concept of a transportation trust fund would contribute to a more rational allocation of Federal expenditure than at present, this objective would be more completely realized by a return to the financing of transportation investment out of general revenues. There is, of course, need for some assurance of financing continuity where investment projects take several years to complete, but this problem is not unique to transportation investment, and we believe it can be satisfactorily handled without the segregation of revenues into special funds.

Transportation expenditures should be subjected to all the usual procedures of budgetary review. In keeping with the previous recommendation of this subcommittee, subsequently endorsed by the full Joint Economic Committee, that "the trust fund should be abolished as an instrument for financing Federal programs involving investment, construction, or the provision of facilities or services," Congress should take such legislative action as is required to provide for the orderly but expeditious phasing out of the highway trust fund and the return to the financing of transportation expenditures out of general revenues.[5 6 7]

Economically efficient pricing of publicly provided transportation facilities is lacking

One aspect of transportation policy on which we found widespread agreement among our witnesses was that in the United States we have largely failed to employ user charges as a method of insuring efficient use of publicly provided transportation facilities. User charges for services and facilities provided by government are the equivalent of the prices which are charged for goods and services in the private marketplace. These prices perform the important function of efficiently allocating resources among competing uses. If the price (user charge) is below the cost of the service, demand for the service will be greater than if the user had to pay the full cost, and resources will be diverted to this use which would be more productive in other uses. Users of the service will be being subsidized by someone. Where there is some public purpose to be served by encouraging use of a particular service, an argument can, of course, be made for public subsidization of that service. In such cases, however, the extent of the subsidy should be explicitly recognized and weighed against alternative uses of public resources.

The purpose of user charges for those parts of our national transportation system provided through the private market is well understood. Travelers by train or commercial airline buy a ticket, the price of which is at least roughly related to the cost of operating the service. The role of user charges for those parts of the transportation system provided by the public sector is much less well understood. Introduction into general usage in this country of the British term "road pricing," or more generally, "transportation pricing," would aid in gaining wider public understanding of the pricing function served by user charges.

There are many aspects of our present transportation pricing system which violate principles of both equity and economic efficiency. Public subsidization of general aviation is one glaring example. Another, which we discuss later in this report, is the potential subsidization of supersonic flight by passengers on subsonic flights. Road pricing is another major area where public policy has failed to follow sound economic principles.

Road pricing, in the form of tolls, was at one time quite common in this country, but with the development of the Federal aid highway program this approach was largely abandoned. Federal law now provides that, with certain exceptions related to the retirement of bonded indebtedness, all highways built with Federal aid "shall be free from tolls of all kinds." Highways today are financed by the gasoline tax and other related charges, but these Federal funds can be used only for the construction or major reconstruction of highways, not to cover the maintenance costs of the use of existing roads, nor to compensate for the congestion, noise, air pollution, and similar social costs associated with the use of existing roads.

A further major limitation of the gasoline tax as a road pricing device is that it bears little, if any, relation to the cost of using a particular road at a particular time. The amount of gasoline tax paid is essentially the same whether the driving is done on an uncongested rural highway or in the middle of the city at rush hour. Efficient pricing of our road system would require that the cost of operating a motor vehicle be higher under conditions which impose a higher social cost. By providing free use of urban highways at congested times of day, while requiring users of public transportation to pay their own way (or a large part of it), we encourage the use of the private automobile relative to the use of public transportation. Society at large is in essence subsidizing the rush hour driver.

We found widespread agreement among the witnesses at our recent hearings that several approaches to the differential pricing of road use—including tolls, special licenses for rush-hour driving, parking charges, and perhaps special metering devices—are technically feasible, but they have been largely neglected in the United States. Much more extensive investigation of the practical possibilities for road pricing has been undertaken in Great Britain, and the subcommittee was fortunate in having some of the results of these studies described by Dr. Cristopher Foster, formerly Director General of Planning for the British Ministry of Transport. Dr. Foster explained that urban roadspace should be regarded as a scarce commodity, and then explained:

Where there is scarcity private enterprise—and Government—usually uses the price mechanism to ration the commodity rather than allowing people to form lines and jostle it out. On urban roads we let people form lines. It would be a much more efficient solution if an economic price * * * were set on highways.* * * In my own country there has been great interest in new methods of urban road pricing since the report of the Smeed Committee in 1964.[8]

This may be compared with the description by another witness of his experience in discussing road pricing with officials at different levels of government in this country:

No one had really considered the possibility of using peak-hour tolls as a device to manage the use of the road system.* * * No assessment has been made, or even contemplated, of the costs and benefits of peak-hour tolls under any circumstances.* * * Development of rational parking policies * * * is another unexploited possibility for increasing the efficiency of urban transportation systems at virtually zero cost.* * * Parking policy in most cities is unbelievably bad.[9]

The potential for road pricing devices as a means of reducing urban road congestion and of obtaining an efficient allocation of resources into urban road construction and maintenance should receive much more attention at all levels of government. Federal programs of highway aid should contain incentives for the development of efficient road pricing. Existing Federal restrictions on the use of tolls should be reexamined.

Federal financing formulas should not distort the allocation of State and local Resources

The Interstate Highway System was initially conceived as a national highway system, designed to provide an efficient means of traveling between cities and, therefore, designed to yield significant national benefits. It was thus thought appropriate for the Federal Government to assume 90 percent of the cost of building the Interstate System.

In fact, however, many urban portions of the Interstate have come to be used primarily, not to connect cities, but to move local residents around within a given metropolitan area. Since other federally aided urban highways receive no more than 50 percent Federal aid and since Federal aid for urban mass transit has been almost nonexistent, a substantial incentive was created for local governments to attempt to meet their local transportation needs through the Interstate System. In many instances these local transportation needs could have been met at lower total cost and in a manner more consistent with clear local preferences through improvement of existing roads, development of express bus service or, in larger

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cities, construction of rail rapid transit. However, the disparities in the level of Federal support for different types of transportation have distorted local choices and discouraged selection of the economically most efficient alternatives.

If the purpose of Federal support of urban transportation investment is to assist metropolitan areas in meeting their local needs, then surely alternative ways of meeting these needs should be examined on the basis of comparative cost and compatibility with local preferences.

Under the present method of allocation of interstate highway funds, if a proposed section of the Interstate is not built, the funds for it revert into the highway trust fund. The choice facing State and local governments is thus one of going ahead with a proposed highway section or of losing the Federal money entirely. The alternative of using the Federal funds to meet the transportation need by some other means is not available.

The Department of Transportation has recently identified a number of segments of the Interstate System which will be particularly difficult to complete either because of local opposition to the highway or because the cost seems excessive. It is estimated that the proposed "Chicago Crosstown" route, for example, will cost approximately $1 billion, or $50 million per mile, to construct. Although the number of miles involved in these segments is a very small percentage of the total Interstate System and none of the segments is regarded by the Department of Transportation as essential to an integrated national system, the combined cost of these segments is estimated to be $4 billion. Consideration should certainly be given to deleting segments such as these from the Interstate System. Consideration should also be given to making available to the States and localities involved some portion of the funds they would otherwise have received for these interstate projects for use in meeting their transportation needs by alternative means, provided that such alternatives were approved by the appropriate Federal officials.

Diversity of financing formulas has a tremendous impact on local decisions, but it is not the only provision of Federal transportation law which influences State and local expenditure decisions. Another which we feel should be reexamined is the restriction placed in the Federal law 36 years ago requiring the States, as a condition of Federal aid, to earmark their own revenues from gasoline and motor vehicle taxes to highway construction. Today the States continue to be obligated to devote at least that portion of these taxes which was in effect in 1934 exclusively to highway use. Just as we favor making the Federal revenues which now go into the highway trust fund available for general use, we feel States should also be free to allocate their revenues to the uses they determine to be of highest priority.

States and localities should be encouraged to use their Federal assistance, as well as their own funds, in the most efficient way. The diversity of Federal financing formulas which distorts choices among alternative types of transportation investment should be corrected and a full evaluation of the way in which Federal transportation law restricts or influences State and local decisions should be undertaken. Restrictions on the uses to which States can apply revenue from State gasoline and motor vehicle taxes should be removed.[10]

III. MEASURING THE ENVIRONMENTAL EFFECTS OF TRANSPORTATION INVESTMENT

Section 102(c) of the National Environmental Policy Act of 1969 requires that all agencies of the Federal Government shall:

Include in every recommendation or report on proposals for legislation and other major Federal actions significantly affecting the quality of the human environment, a detailed statement by the responsible official on—

(i) The environmental impact of the proposed action;

(ii) Any adverse environmental effects which cannot be avoided should the proposal be implemented;

(iii) Alternatives to the proposed action;

(iv) The relationship between local short-term uses of man's environment and the maintenance and enhancement of long-term productivity; and

(v) Any irreversible and irretrievable commitments of resources which would be involved in the proposed action should it be implemented.

Prior to making any detailed statement, the responsible Federal official shall consult with and obtain the comments of any Federal agency which has jurisdiction by law or special expertise with respect to any environmental impact involved. Copies of such statement and the comments and views of the appropriate Federal, State, and local agencies, which are authorized to develop and enforce environmental standards, shall be made available to the President, the Council on Environmental Quality and to the public. * * *

It is obvious that any major transportation investment will "significantly affect the quality of the human environment." In his testimony before our subcommittee, Russell Train, Chairman of the Council on Environmental Quality, indicated that in his judgment proposals for legislation relative to the two programs in which the subcommittee was especially interested, the Federal-aid highway program and the supersonic transport development program, should be accompanied by the information specified in Policy Act. As yet no such reports have been section 102 of the National Environmental prepared with respect to the SST, and the Department of Transportation, was unable to assure the subcommittee that this information would be submitted before the ending of this session of Congress. The subcommittee is pleased to note, however, that the report required under the act is expected to be issued shortly with respect to the administration's request for extension of the highway trust fund.

As we have stated earlier in this report, environmental effects of transportation systems are an important part of the social costs and benefits which must be taken into account in measuring the public value of an investment. The environmental consequences of the transportation programs with which we are concerned are very great and should be a major element in decisions on whether to proceed with funding. It is essential that full information on environmental effects be made available before expenditure decisions are made.

Section 102 of the National Environmental Policy Act of 1969, which requires full reporting of the environmental consequences of proposed Federal programs having a significant environmental impact, must be complied with. The Federal aid highway program, the supersonic transport development program, and most other transportation investment programs clearly fall within the scope of this act. The Department of Transportation should make the required information available to Congress as promptly as possible. Authorization and appropriation requests for these programs should not be approved until such information has been supplied.

IV. THE SUPERSONIC TRANSPORT DEVELOPMENT PROGRAM

Federal participation in the development of a commercial supersonic transport has aroused a great deal of controversy. Numerous attempts to analyze the public value of this program have failed to produce a clear justification for Federal participation. Arguments have been advanced by responsible public officials that the development of a commercial SST would advance scientific knowledge, strengthen the U.S. balance of payments, contribute to the health of our aerospace industry, provide employment and enhance our national prestige. Other equally responsible public officials have concluded that the SST would more likely hurt than help the balance of payments, would have a negligible impact on employment, would contribute seriously to noise pollution at airports, might potentially have serious effects on weather and climate, would be utilized by only a small fraction of our population, and is unlikely to be a commercial success. For example, the Under Secretary of the Treasury for Monetary Affairs concluded in March 1969 that "the balance of public benefits or losses may well be negative," and the Director of the Office of Science and Technology concluded that "the Government should not be subsidizing a device which has neither commercial attractiveness of public acceptance."

In view of the many pressing demands on the Federal budget and in view of the recommendation of the Joint Economic Committee in its 1970 Annual Report that Congress take prompt action to meet "the need to reduce or eliminate expenditures for space, the supersonic transport, and highways," the Subcommittee on Economy in Government in its May hearings undertook an extensive review of the social costs and benefits of the SST program. We heard testimony from Federal officials responsible for the program and from private experts. Representatives of the Boeing Co., which is building the SST prototype, declined our invitation to appear before the subcommittee, but made extensive written information available to us. The chairman of the subcommittee also requested and received written comments from the members of the ad hoc committee of Government officials which reviewed the SST program at the President's request early in 1969. The subcommittee thus feels that its review of this program has been quite thorough and that efforts have been made to obtain all points of view.

It is our conclusion that few significant public benefits appear likely to result from the supersonic transport development program. On the other hand, very significant social costs are associated with this program. More productive uses of Government resources are clearly available. No further Federal financial support of the supersonic transport development program is justified at this time.

The SST offers few public benefits

Employment Benefits of the SST.—The country is suffering from excessive and rising unemployment at the present time, and much of this unemployment is in the aerospace sector of the economy. We strongly advocate effective action to restore full employment. However, the employment impact of SST prototype development is extremely modest. The Boeing Co. estimates that the *production* phase of the SST program will provide employment for 50,000 persons. This figure has been widely publicized, but it has seldom been pointed out in conjunction with this estimate that the production phase of the program will not, at the earliest, be reached until the mid-1970's. The Under Secretary of Transportation stated during our hearings that "the employment peaks in this program would not occur until the latter half of the 1970's."

The current phase of the program, the *prototype* phase, is estimated by Boeing to employ 20,000 persons. This is only 0.02 percent of the civilian labor force, and only 0.5 percent of total employment in the elec-

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trical and transportation equipment industries. It is only 0.5 percent of the 4 million unemployed in May 1970. The unemployment problems of this country can only be solved by promoting an economy which provides job opportunities on a much more massive scale, and this means productive jobs providing goods and services which society regards as useful and desirable. The SST does not qualify on these grounds.

Our conclusion with respect to the minimal employment impact of the SST is confirmed by the Assistant Secretary of Labor for Manpower, who wrote to the chairman of the subcommittee on April 30, 1970, that "although the overall employment situation in the country has certainly shifted since last year, we would still conclude that the net employment increase from the SST would be negligible."

Balance of Payments.—The difficulty of estimating the balance-of-payments impact of the SST is evidenced by the widely different estimates made by competent and responsible Government officials. In testifying before us in May, the Under Secretary of Transportation estimated that SST sales would have a total favorable impact on the U.S. trade balance through 1990 of as much as $16 billion. This estimate is based on assumed sales of at least 500 U.S. SST's and on the further assumption that in the absence of a U.S. SST, the U.S. airlines will import some 300 British-French Concordes. For reasons we discuss below, both of these sales assumptions are very hard to accept. Furthermore, this balance-of-payments estimate ignores the potential impact of the SST in generating increased foreign travel by U.S. citizens. A more complete estimate of the balance-of-payments impact would consider the foreign travel impact as well as the direct impact of aircraft sales.

Using this broader method of estimation, both the Treasury and the State Department have concluded that the SST is at least as likely to hurt as to help the U.S. balance of payments. In a letter to the chairman of this subcommittee on May 1, 1970, the Under Secretary of the Treasury for Monetary Affairs confirmed his earlier judgment that "the potentially adverse impact on our travel account from development of a U.S. SST could equal or outweigh the positive impact on the aircraft sales account." The Department of State also confirmed, in a letter to the chairman of the subcommittee on May 7, 1970, that they continue to share this view that the balance-of-payments impact of the SST could well be adverse.

Competitive Threat Posed by the Concorde.—Many of the arguments advanced in support of the SST, especially those relating to the balance of payments and the preeminence of the U.S. aerospace industry, are based on the assumption that if a commercial U.S. SST is not developed, a large and lucrative market will be lost to the British-French Concorde. Consequently, the subcommittee endeavored to obtain as much information as possible concerning the Concorde. We found no convincing evidence that a commercially viable Concorde will be developed and sold on the world market in quantities sufficient to damage either our balance of payments or the health of our areospace industry.

Although the Concorde prototype is now undergoing test flights, serious technical problems remain. It has not yet been demonstrated that the Concorde can carry passengers across the Atlantic without refueling. The weight of the plane has increased substantially over original estimates, meaning that it must carry more fuel in order to give it trans-Atlantic range. It is quite possible that there will be no room left in the plane for any significant "payload" (passenger and freight-carrying capacity). In such an event, substantial redesign of the plane would be required. It is not at all certain that the British and French governments would continue with Concorde development in the face of another major cost increase.

Even if a commercial Concorde is developed and put on the market, purchase is not likely to be a commercially attractive proposition for the airlines. The British and French airlines, which are government-owned, can and probably will be required to buy the Concorde, and can be subsidized for operation of an uneconomic plane. In this event, other major airlines might feel obliged to purchase a few Concordes for competitive purposes even though they would be operated at a loss. However, the likely sales of the Concorde to U.S. airlines are far below the 300 assumption on which some estimates of the impact on the U.S. balance of payments have been based. World airlines currently have options for 74 Concordes, but these options represent a minimal financial investment and imply no obligation to actually buy these planes.

The Concorde does not pose a competitive threat of sufficient magnitude to justify continued Federal Government support of the U.S. SST.

Scientific Advance.—The advance in scientific knowledge, the so-called "technological fallout," is undoubtedly useful, but this knowledge could be obtained in other ways, at lower cost. The Government officials who reviewed this question at the President's request last year concluded that "the value of this benefit appears to be limited. * * * In the SST program, fallout or technological advance should be considered as a bonus or additional benefit from a program which must depend upon other reasons for its continuation." This panel, which included a representative of the Department of Defense, further concluded that "The SST program cannot be considered as providing unique technological inputs to military programs." This conclusion was confirmed by the statement in a letter from the Department of Defense to the chairman of this subcommittee on May 8, 1970, that "there are other avenues of research which could develop the technology which would accrue from the SST."

National Prestige.—As to the contribution of the SST to the health of the aerospace industry and the prestige of the United States, we find it hard to believe that either will be enhanced by spending billions of dollars to produce an airplane which will have a seriously adverse environmental impact and for which the prospects of commercial success do not appear sufficiently bright to attract private financing. If our aerospace industry is to maintain its preeminent position it must do so by continuing to show the initiative to privately develop and finance products which can find a successful commercial market. When and if commercial supersonic flight becomes an attractive commercial proposition, private financing will be forthcoming. The appropriate Federal role is one of protection of the public interest by requiring that aircraft meet standards of safety and environmental quality. We can best enhance our national prestige and that of our aerospace industry by protecting the public interest.

The social costs of the SST are greater than is generally recognized

Actual Dollar Cost to the Federal Government.—The monetary cost to the Government of SST prototype development is now estimated to be about $1.3 billion, including the recently revealed cost growth of $76 million. Some idea of the increase in cost of this program since the initial decision to proceed with the program can be obtained by comparing this $1.3 billion with the statement made by President Kennedy in 1963 that in no event would the cost to the Government be permitted to exceed $750 million.

Numerous technical problems remain to be resolved during the prototype phase—the basic structural material has recently been changed from titanium "Stresskin" to aluminum brazed titanium honeycomb; a satisfactory fuel sealant has not yet been developed; and the engines still require substantial modifications to reduce takeoff noise. With serious technical difficulties still to be overcome, experience with the development of other U.S. aircraft, both military and commercial, and British-French experience with development of the Concorde all suggest that further substantial cost increases during the prototype phase must be expected. Cost estimates on the Concorde have now approximately quadrupled since the original estimate in 1962. Dr. Richard Garwin, who recently headed a group of technical experts who reviewed the SST program for the Office of Science and Technology, expressed the opinion during our hearings that cost increase of 30 to 40 percent over present estimates could be expected during the prototype phase of the U.S. SST. Such an increase would bring the cost through the prototype phase to $1.7 or $1.8 billion.

Between $600 and $700 million has been spent on the SST through the end of fiscal 1970. This is substantially less than one-half of what we regard as a realistic estimate of the costs through the prototype phase. Two hundred and ninety million dollars has been requested for fiscal year 1971. If the program is terminated now, the cost to the Government, while large, would be only a fraction of the eventual total costs of prototype development.

Even more disturbing than the probable cost increase during the *prototype* phase is the likely need for Government support for the actual *production* of the aircraft. Financing requirements for the production phase were estimated by the Under Secretary of Transportation to be about twice those for the 747 jet, or about $1 billion. Although officials responsible for the program have repeatedly expressed a belief that the production phase will be privately financed, they have been unable to produce evidence in support of this belief and unwilling to give a commitment that Federal support for SST production would not be sought. Indeed, the Under Secretary of Transportation expressed to us his intention to recommend Federal support of SST production, should that prove necessary, when he stated, "I am on record * * * with the statement that while I was of the opinion that private financing would be available, if it were not at that time, and if we felt that we had a successful SST program * * * and it required some Government-guaranteed loans, then I think that we would so recommend."

Other witnesses expressed the belief that the total cost of SST development and production would be on the order of $5 to $7 billion. They expressed great skepticism about the availability of private financing, in the absence of Government guarantees. They felt that the Government's share of the cost of the SST program might well reach $3 to $4 billion. This skepticism concerning private financing is due to the very shaky prospects of the SST for commercial success and to the readily available opportunities for private capital to find alternative uses which appear both safer and more profitable.

Our witnesses felt that the estimates being used by the advocates of the program that 500 or more SST's can be sold were entirely unrealistic. The airlines have heavy financial commitments over the next several years for the purchase of 747's (jumbo jets). Operating costs for the 747 will be far below those for the SST. The number of travelers willing to pay the premium necessary to cover the higher cost of operation of the SST will be very small. In a tight financial situation and with more than adequate capacity already available, the airlines are unlikely to purchase many SST's. For those SST's which are put

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into commercial operation, fares are likely to be set below full cost of operation. This loss will probably be covered by keeping fares higher than otherwise necessary on subsonic flights. Thus, all air travelers will help subsidize the SST. Asked about the views of airline executives regarding the SST, Gen. Elwood Quesada, who is a director of American Airlines, told us, "There are a lot of people that say that the airlines wish the [SST] airplane would go away. And I am one of them."

Adding to our skepticism about the commercial success of the SST and its ability to attract private financing is the apparent inability of the Boeing Co. to come up with a financial plan as required under its contract with the Government. The contract as amended in July 1969 required Boeing to submit by December 31, 1969, a plan for financing of the production phase, but the subcommittee was informed that this requirement had been waived by mutual agreement until June 30, 1972. Thus the Congress is being asked to appropriate $290 million this year for a program for which no assurance can be given that there is any upper limit on the eventual total cost to the Government.

The SST has sometimes been defended as an appropriate use of government money on the grounds that the Government will recover its investment. Even if it were correct that the Government investment will be fully recovered, this argument obviously does not justify Government participation in a program. On the basis of this argument, the Government should feel free to invest in any commercial enterprise, just so long as the prospects for recovery of the investment were good. However, we have concluded that, in any case, the prospects of the Government fully recovering its investment are remote. The contract is designed to produce recovery of the Government dollars invested upon sale of the 300th SST. Subsequent royalties cease when the Government has earned 6 percent on its investment. Thus, the maximum potential return to the Government under its contract with Boeing is recovery of its investment plus 6 percent.[11] Six percent is obviously not a full rate of return to capital in today's market. The average cost of Treasury borrowing has been consistently above 6 percent since early 1969.

Should sales total less than 300 planes there is no assurance that the Government would get any money back at all. The contract already allows deferment of royalties, by mutual agreement, until after 100 airframes have been sold. One can easily imagine further royalty deferment if poor sales are causing losses to the private investors. Another weakness of the contract is that it defines "airframe" as one designed to fly at speeds between Mach 2.2 and Mach 3.1. Should Boeing redesign the aircraft to fly at Mach 2.1, its financial obligation to the Government would aparently be terminated.

Our private witnesses did not feel the prospects for selling 300 SST's were very bright. When we asked General Quesada how much the Government might lose if, for example, only 279 aircraft were sold, he replied, "I think the Government in all probability would lose all of its investment."

No satisfactory evidence has been presented that the production phase of the SST program can be financed entirely from private sources. If the SST program is continued, the total cost to the Government is likely to reach $3 billion or more. There is little prospect that the Government will earn a reasonable rate of return on its investment. It is entirely possible that the Government will recover none of this investment.

Environmental Costs of the SST: Sonic Boom.—There are at least three major types of environmental cost associated with the SST. These are sonic boom, airport noise, and possible damaging effects on the upper atmosphere through the introduction of additional moisture and the destruction of ozone. In an effort to meet the sonic boom problem, the FAA has issued notice of a proposed rule prohibiting supersonic flight over populated areas. We regard strict adherence to such a rule as essential. This rule, however, will greatly reduce the prospects for commercial success of the SST since operation will be restricted to overseas routes. There is thus reason to expect that great pressure will be brought to bear to relax this rule, particularly if the SST does not prove commercially successful when restricted to overseas operation. The language of the proposed rule is such as to raise doubts that the rule would be adhered to in the face of such pressures. The notice of proposed rulemaking reads in part:

Sonic boom producing flights over populated areas within the United States are believed to be economically and technologically "unnecessary" as that word is used in section 611 of the Federal Aviation Act of 1958. Traffic demand studies have concluded that from 500 to 800 supersonic transport airplanes will be in operation by the year 1990. Available studies conclude that these expected traffic demands are sufficient to insure an economically viable supersonic transport, even assuming a sonic boom restriction of the kind proposed in this notice.

A restriction on sonic boom producing flights over populated areas is supported at this time by the inconclusive results of research concerning the effects of sonic boom on the surface environment.

Will this rule be adhered to if the belief that boom-producing flights over populated areas are "economically unnecessary" does not prove to be correct?

Airport Noise.—While the problem of airport noise created by the SST has not received nearly as much public attention as the sonic boom, the dimensions of this problem appear to us to be equally as serious. The high level of sideline noise on takeoff may very well preclude use of many of our existing major airports for SST flights. The costs of airport modification and of construction of new airports designed to accommodate the SST will be enormous. These costs have not been taken into account in estimating the cost of the SST. Furthermore, new airports will have to be constructed at a considerable distance from major centers of population. The time spent traveling to the airport could largely negate the flight time savings achieved by flying at supersonic speeds.

The FAA has recently set a limit on sideline noise at takeoff for new subsonic planes of 108 perceived noise decibels. In terms of the noise measures used by the FAA, the SST will be three to four times louder than this standard, and it will be four to five times louder than the 747. In terms of the noise measure cited by Dr. Garwin in his testimony the SST will produce as much noise as the simultaneous takeoff of 50 jumbo jets satisfying the 108 perceived noise decibel requirement.

In testifying before us, Russell Train, Chairman of the Council on Environment Quality, announced a commitment by the Administration that:

The guidelines with respect to noise certification of the supersonic civilian transport should assure that the noise environment in the vicinity of airports at the time of the introduction of supersonics will not be degraded in any way.

In the course of questioning, Mr. Train revealed that in order to fulfill this commitment to avoid degradation of the noise environment, it will in all probability be necessary to prohibit the SST from landing at most of our existing major airports:

I believe that if we set our standard for the supersonic aircraft in a way which insured that the noise environment in and around our airports will not be degraded, that it will be exceedingly difficult if not impossible for the SST as presently designed and the Concorde as we now know it to operate from U.S. airports.

Eventually the technology necessary to overcome this noise problem will undoubtedly be developed. But such technology is not presently available, nor is an adequate effort to develop such technology apparently being undertaken. Mr. Train told us:

The present level of research in sideline noise, as well as the other environmental problems and uncertainties to which I have referred, is not at a level that we think it should be.

Dr. Gordon McDonald, a member of the Council on Environmental Quality, added:

Using current technology, the chances of obtaining an economically viable airplane and meeting what we propose as the noise criterion are slim. However, there are alternatives ahead that might very well lead to a quieter engine.

We strongly support the commitment made by the Administration that the supersonic transport will not be allowed to degrade the noise environment in the vicinity of airports. This commitment should be incorporated into regulations setting airport noise standards for supersonic planes; standards equally as stringent as those already established for new subsonic planes. The Congress should, however, be aware that unless new technology for reducing engine noise can be developed, adherence to this commitment will make it difficult or impossible for the SST to operate from existing U.S. airports.

Atmospheric Effects.—The third major environmental problem associated with the SST, the possible damage to the upper atmosphere, has also received inadequate public attention. When the Chairman of the Council on Environmental Quality called this area of concern to the attention of our subcommittee, he made it clear that the possible effects on weather and climate are not well understood at this time. It is known that SST operation will introduce substantial additional moisture into the stratosphere. This moisture may destroy some fraction of the ozone in the atmosphere, leading to an increase in the ultraviolet radiation which reaches the earth. This moisture may also increase our cloud cover.

Mr. Train told us:

The increased water content coupled with the natural increase could lead in a few years to a sun shielding cloud cover with serious consequences on climate. * * * The effects should be thoroughly understood before any country proceeds with a massive introduction of supersonic transports.

With respect to the destruction of ozone and the consequent increase in ultraviolet radiation, little is known at this time about what the harmful effects might be. The ultraviolet radiation which presently reaches the earth causes such familiar effects as sunburn. Life could not exist on the surface of the earth if the earth were not shielded by ozone from the full effects of ultraviolet radiation. It is not presently known just what adverse effects small increases in ultraviolet radiation might have on leafy plants and other sensitive life forms. Dr. McDonald of the Council on Environmental Quality stated at our hearings:

This is potentially such a significant problem that we really must understand it before proceeding in any way to alter the water vapor content of this part of the atmosphere.

It seems clear to us that further work on the SST prototype is premature at this time. Research efforts should be concentrated on investigating the effects on weather and climate of introducing additional moisture into the stratosphere; on new technology

Footnotes at end of article.

to reduce engine noise; and on efforts to eliminate the sonic boom. When more progress has been made in overcoming these serious environmental effects, the SST may look like a much more attractive commercial proposition. When the SST does become an attractive commercial proposition, we believe that private financing will be available, and there will be no need for direct Government investment in SST development.

Separate views of Representative Clarence J. Brown

If the Joint Economic Committee had been advising Queen Isabella we would still be in Barcelona waiting to prove the world round before daring the Atlantic. The same kind of thinking displayed in this report would have kept the American Government of the last century from developing transcontinental railroads—or President Kennedy 10 years ago from undertaking a program to reach the moon.

While suggesting that there may, indeed, be two sides to the story, the committee does not present in this report the very persuasive arguments or authorities in favor of developing the supersonic transport. The report is a collection of unsubstantiated "concerns" from "experts" who are given equal weight in spite of widely varying degrees of competence. Reasonable men can differ on whether an American SST should be developed at this time. But this report woud have been much more helpful in reaching a sound conclusion on this question and the broader issues of transportation policy had it presented the arguments pro and con, made some differentiation between facts and opinions, and indicated the degree to which the latter are or are not substantiated.

Disregarding its conclusions, this report has blurred facts with suspicions and used tortured (frequently contradictory) logic to come to conclusions about future U.S. transportation policy which will not bear the test of close examination.

There is a natural tendency to over-emphasize our own importance akin to the tendency in human nature which resists change. From time to time in various ways, all of us wish we could slow down technological progress and freeze things as they are.

Opponents of developing an American SST argue as if the United States alone were deciding whether there will be a supersonic aircraft. Neither the Joint Economic Committee nor the U.S. Government will determine whether the supersonic carrier is developed. The British-French Concorde has been flying regularly for over a year and has accumulated hundreds of test hours successfully. Supersonic transport aircraft are currently a reality.

Further, ever increasing numbers of passengers travel by air to more and more places for one primary reason—shorter trip times. Time is money and the airline industry sells time-savings. An industry that is in the business of conserving time will take advantage of any technological change that enables it to perform more productively. Everyone may not like today's emphasis on speed, but like it or not, it is a fact which must be accepted.

If the SST is technically and economically feasible, the airline industry will buy supersonic aircraft (which they have indicated they intend to). The issue then becomes whose aircraft will then buy. The U.S. aircraft industry presently supplies over 85 percent of all commercial planes and parts in use throughout the free world. If the United States does not maintain our technological momentum and our leadership in commercial aviation, our position will disintegrate, and such a disintegration would mean a significant change in our balance of payments (an estimated loss of $22 billion through 1990) and an equally enormous loss in domestic employment which may be even more important.

Some opponents to the SST say that the development of a supersonic aircraft is fine, but that it should be done entirely with private financing and that Government assistance weakens our successful free-enterprise tradition.

This argument is unsound and should not be the basis for failure to support the SST. Development of the SST is estimated to cost $1.5 billion. No private financial arrangement in the present economic circumstance can produce that kind of financing, particularly since the SST program will have stretched over 18 years from the time the Congress started appropiating funds to the time of the first delivery to airlines. No industry could afford an investment of this magnitude for such a long period before getting a return on its money. The $1.5 billion figure approaches the entire net worth of our major commercial transport producers. Thus it should be obvious that the SST business is in fact competition between countries.

While I sympathize with the support of free enterprise given by the SST opponents, their argument overlooks the sizable participation of the Federal Government in the historic development of our railroad system in the 19th century, construction of the Federal Highway System, support of navigable waterways, and the development of atomic energy in the 20th century.

Rather than being an abandonment of the free enterprise system, Government participation in a development the size of supersonic transport is an enormous assist to the continued growth and prosperity of one of our largest private industries which has been of great benefit to our Nation and the world.

The report attempts to make its points against the SST by arguing first that the SST will be economically and technically infeasible. Then it turns around and argues that the SST will be so successful that its development by the United States will worsen our balance-of-payments situation by encouraging Americans to travel abroad and spend U.S. dollars there. Can both things really be true?

Ignoring for the moment which of these contradictory assumptions about the feasibility of the SST is true, one must question the logic that says SST planes will be taking Americans abroad so American companies should not build them. If Americans will be adversely affecting our balance of payments by traveling in foreign countries, that presumed economic disadvantage might be ameliorated at least by retaining the present leadership the American aviation industry holds in making and selling a U.S. product in world markets. If American technical and economic leadership could produce a commercially successful SST before foreign competitors market their plane (and parts and collateral services and activities), it might even benefit U.S. airlines by enhancing the success of their service to both American and foreign travelers in the United States and abroad and further offset any adverse balance of payments impact from added foreign travel by Americans.

And that gives no consideration to the positive impact on trade balances which would accrue to the world's leading manufacturer and marketer of products from being able to open up new parts of the world to swift trade. It will not be interstate travel in the United States that benefits from the development and use of the SST. Nor will the greatest benefit be in cutting the flight time to Europe from 8 hours to half a working day. The real benefit will come (as it did a few years ago in European travel) when almost anyplace in the world is available on an overnight flight. The movement of civilization and cultural development throughout world history has depended upon such shortening of trade routes.

No one can say with certainty whether the supersonic transport will be a commercial success. If such answers could be prophesied with accuracy, there would be no need for this report. Without such assurance, however, how does the evidence argue? The French and the British apparently feel it lies on the side of developing an SST in the hope of seizing a bigger chunk of aircraft markets in the world. And orders (which must necessarily be optional until a working version flies) have clearly demonstrated the airline industry's confidence in the commercial feasibility of the SST if actual costs of the plane come within estimated limits. In spite of the one distinguished spokesman from the industry who opposes the SST, the general business judgment of the aircraft and airline industry would seem superior to that evidenced in the majority report. The entire history of the aerospace industry, from the Wright brothers through the 747, is full of scenarios similar to the one in which we find ourselves. Doomsayers had similar negative views of the 707. History records the same problem for Robert Fulton and his steamboat, but the reaction to the concept of the wheel has been lost in the past.

The entire history of the airlines is based on the productivity of the aircraft available. To the airlines, productivity is the number of available seat-miles-per-hour that an airplane will produce. The SST will be a significant improvement, being nearly twice as productive as the 747. Without the periodic improvements in productivity and the continuing research and development in American aviation technology, we would still be flying DC–3's, fare levels would unquestionably be higher and the problems of airport and airway congestion would make air travel as we know it today impossible.

Suffice it to say, the committee makes no case that the SST will not fly and do so to economic advantage. The market is there to get to Europe faster and vast new markets will be opened further away even as recent aircraft developments took European travel from ships. Today 43 percent of the American public has flown and the curve is sharply upward. That percentage will hit 60 percent by 1985, according to present estimates.

The report properly indicates difference of opinion about the cost to develop a supersonic plane to serve a growing portion of this growing market. It is axiomatic, because of recent rates of inflation, that SST development is costing more now than it was originally predicted to cost. So does everything else. This trend makes for legitimate differences of opinion on what final costs may be. But two facts stand out clearly. To stop development now means that resumption of development at some future date will be much more costly than to finish the job now. And to suspend development now—even temporarily—will result in a loss of some significant portion of the $700 million the Federal Government has already invested since President Kennedy first recommended the program be undertaken.

Based on optimistic estimates of prospective sales of an American SST, the Federal investment would be fully returned with a modest rate of interest before we take into account any social and technological benefits which might derive from having an American version of the plane. And, of course, this does not include the debatable economic benefits to our balance of payments. At this rate, the SST becomes a better investment than the transcontinental railroads, the one-time canal system and many public works projects. Even at the committee's most pessimistic market estimates, it seems possible that technological and other benefits might offset some of the lack of direct cash return to Federal coffers. But what benefits will accrue from abandonment of the $700 million invested thus far? The committee suggests none.

With no thought of downgrading economic

questions involved with the decision on whether or not the Federal Government should invest funds in the SST development, it is difficult to avoid the feeling that the real core of the committee antagonism to the project involves environmental concerns—an area in which there is legitimate widespread interest, but in which this committee is not necessarily expert. Given the political climate of any question relating to the environment, one doesn't have to be an expert to raise a bogeyman that would appear to be sufficient to create Government action—or inaction, as in this case. Obviously we must be cautious about any program which would damage our environment, particularly if such injury might be permanent. But if all Federal or private programs are to proceed only on a "guilty until proven innocent" basis, progress will indeed come slowly in a wide variety of areas. Under such a case, any question raised can be determining.

Claims of a new ice age, fundamental alterations in weather patterns or deterioration of marine life if SST's take to the air fall more in the area of conjecture not unlike the arguments against the use of aluminum pans in cooking. While they have not been disproven, they have certainly not been proven to any impressive extent. If all technological change must await proof of its safety, then technological change will be slow indeed. In the past, technological change has been successfully undertaken with a view that it would benefit mankind and any harmful effects could be corrected—by technology. This approach brought man out of the cave. Some confidence might come from that. But the fact that Government, which presumably speaks for all of us, is involved in the development should give the committee some further confidence that nothing would be finally approved that would be detrimental. (One is inclined to ask how the United States would prevent use of the Concorde outside American airspace should it be proven detrimental. Perhaps we ought to undertake the development to assure the world a safe SST.)

The President has already announced that the Government will not permit supersonic flights over land, if there are resulting sonic booms. At this time there is no evidence that sonic booms over the ocean or ice cap will injure anything. The military has been conducting such flights for many years with no apparent damage.

Much has also been made of the airport noise factor. At the present time the industry and the Government are in the midst of a concerted research effort to reduce the airport noise of the SST. Competent testimony indicated SST noise would be only slightly higher than the 707 at the present state of development. The problem of airport sideline noise is but one of many which experts argued would succumb to our superior technological ability. In the related, and more important area of community noise, the SST will be quieter than subsonic jets because of its faster climb capability and quieter operation during approach to landing.

While it is difficult to disagree with the rest of the committee's report, since it contains many beautiful thoughts and is basically harmless, I do not think that the report offers much in the way of sensible, practical, specific recommendations for proceeding. No one can reasonably argue that someone ought not to examine the efficiency of our transportation programs, but I hope that in the future it is done less superficially.

Governing is hard. The decisions are not easy. I question that this report helps anyone much. I favor, as I assume everyone does, considering all of the factors in locating highways. I strongly supoprt a more unified approach to transportation policy, and hope the committee continues to hold hearings in this area. But it is one thing to observe that we ought to consider "social costs" and another to quantify them.

Conversely, the report insists that we quantify social costs for highways, particularly urban ones, but does not mention that the social costs of public transportation, such as inconvenience, lost time, and so forth, be considered. The social costs—and perhaps more important, the practicality—of all proposals ought to be considered.

I worry about the inconsistency of the committees report. It finds fault with the rural highway user having to pay a gasoline tax dedicated to the building of an Interstate Highway System he will not use (and which the committee feels has social disadvantages not present in a rural lane); but then it later suggests that interstate highway users (and presumably anyone else paying a gasoline tax) ought to happily pay the bill for the construction of urban mass transit systems which they might never use.

I agree with the committee, and hope that the proposal is thoughtfully reviewed that our current highway trust fund undoubtedly has distorted some decisions because of the financing available, but I am confused as to whether the committee favors financing all transportation out of general revenues, which seems to be what is advocated on page 5 and pages 7–8, or a specific user charge, which seems to be advocated in the remarks about road pricing on page 10.

I strongly support, as I trust the committee does, an approach to our transportation which considers all modes, their interrelationships, and a careful consideration of all costs and benefits. I hope that we move toward viewing our actions involving one mode as unquestionably influencing another mode. Indeed, I have continuously advocated that this policy be applied to transportation regulation also.

However, I cannot help but feel that the report sheds little light on the subject; it is long on superficial, nice-sounding, ideas and short on practical analysis and applications of the views expressed. The report sounds good, but adds little in the way of hard facts or logic by which to measure transportation policy. It is a vehicle for flaying the supersonic transport program, but not a very convincing one because of its lack of logical conclusions drawn from any hard facts.

FOOTNOTES

[1] "Economic Analysis of Public Investment Decisions: Interest Rate Policy, and Discounting Analysis." Hearings before Subcommittee on Economy in Government, pp. 171–172.

[2] James Nelson, "Economic Analysis and the Efficiency of Government, Pt. 2." Hearings before the Subcommittee on Economy in Government, p. 488.

[3] 1970 National Highway Needs Report, p. 11.

[4] Christopher Foster, testimony before the Subcommittee on Economy in Government, May 6, 1970.

[5] Representative Patman states: "I approve the report with the exception of the recommendation to abolish the highway trust fund. In my opinion, it would be more practical to expand the existing trust fund to cover the extremely urgent need of mass transit. I believe this would be a more effective way of meeting immediate mass transit needs and also serve the purpose of reordering priorities in the field of transportation."

[6] Senator Percy agrees there is a great need for better budgetary control over transportation spending, but feels that the best way to meet the transportation needs of this Nation—especially for urban transit—would be through the use of a general transportation trust fund.

[7] Representative Conable believes that since the Federal highway trust fund was created to finance the construction of the interstate highway system, it would be premature to advocate abolishment of the fund before the system, as presently envisaged, is complete. Therefore, he does not endorse this recommendation at the present time.

[8] Christopher Foster, testimony before the Subcommittee on Economy in Government, May 6, 1970. The title of "Smeed Committee Report" referred to is: "Road Pricing: The Economic and Technical Possibilities," London, HMSO, 1964.

[9] John Kain, testimony before the Subcommittee on Economy in Government May 6, 1970.

[10] Senator Percy believes a general transportation trust fund would allow for such flexibility and permit State and local governmental units the freedom to allocate funds among different modes of transportation in the most efficient manner to meet the particular needs of each State and locality.

[11] In a Summary of Current Economic Studies of the U.S. Supersonic Transport prepared by the Federal Aviation Administration in September 1969, it was estimated that the Government's rate of return assuming the sale of 500 planes would be only 4.3 percent, while the after tax rate of return for Boeing would be 15 percent and for General Electric, the engine manufacturer, 11.2 percent.

THE FAMILY ASSISTANCE PLAN

Mr. WILLIAMS of Delaware. Mr. President, last Friday the President, recognizing that there are serious flaws in the administration's new welfare plan—family assistance plan—as passed by the House, suggested as a compromise that the effective date of the bill be deferred 6 months or until January 1972, and in the meantime run a $50 million pilot project to determine how the bill would work.

Postponing the effective date of the administration's family assistance plan by 6 months and then running a pilot project during the interim does not alter the situation, nor does it answer the question of whether this is or is not a bad bill.

To enact an entirely new welfare program with an annual cost factor of $4 or $3 billion over the existing law and then delay the effective date until a pilot project can be run to determine the feasibility of the law seems to be putting the cart before the horse.

Furthermore, it is unrealistic to figure that Congress can act on this new welfare plan before the recess for the November elections; and that raises the further question: Should a new $4 to $6 billion welfare program of this far-reaching magnitude, which more than doubles the present welfare rolls, be acted upon a lameduck Congress?

One other point to be considered is that we are already confronted with a deficit of over $20 to $25 billion during this 1971 fiscal year, and can, or should, the taxpayers be asked to bear the burden of the increased taxes that will be required if this new multi-billion-dollar welfare law is enacted?

In my opinion, it would make better sense to authorize the $50 million pilot project and then await the results of the experiment before deciding on what type of law we want to enact.

PROBLEMS WITH AUTO REPAIRS AND AUTO INSURANCE

Mr. HART. Mr. President, as all Senators know—from the old reliable source, the mail—consumers have been having more than a few problems with auto repairs and auto insurance.

The Subcommittee on Antitrust and Monopoly has conducted lengthy hearings on both, developing explanations as to what the problems are and why they exist. In the next few days I shall introduce proposed legislation to cope with some of the problems.

Because Senators do not have the time to examine all such reports in depth, it is always most helpful when members of the press give an assist.

Frances Cerra, of Newsday newspaper of Long Island City, N.Y., has done an excellent job of that in two articles published in the August 24 issue. Miss Cerra has managed to highlight the problem areas and discuss possible solutions in a light, readable style which makes education a painless process.

I ask unanimous consent that the article entitled "The Auto Repair Business: A Call for a New Model" and "And Some Realignment in Car Insurance, Too," be printed in the RECORD.

There being no objection, the article were ordered to be printed in the RECORD, as follows:

THE AUTO REPAIR BUSINESS: A CALL FOR A NEW MODEL

(By Frances Cerra)

The car stalls. You turn the ignition key, the starter gives a healthy whir and the engine kicks over, but as soon as you put the car in drive it faints dead away. Serious symptoms, and you wouldn't want the patient to die unexpectedly in the middle of a busy highway.

Bucking and stalling, you jerk your way to the closest state diagnostic center. There, for about $10, expert mechanics in clean blue striped shirts and ties gently take charge of the patient while you anxiously wait in an adjoining room. A few minutes later a mechanic leads you to a consultation room. His diagnosis: carburetor trouble.

The cure will cost about $25, he reassures you, and definitely is not fatal. Clutching a written explanation of the diagnosis you drive the now gasping patient to your family garage. Charley, the master mechanic, reads the diagnosis and gives you a price, $42. Fine. He admits the patient and promises to complete the repairs in two days.

Two days later you return to Charley who hands you a bill with his signature certifying that the carburetor has been fixed properly. Now driving your healthily humming car, you return to the diagnostic center. For $1 more, the repair is checked. Your car is cured.

Simple, uncomplicated—and fiction. Getting a car fixed today is too often an exasperating, traumatic experience. Car owners have been complaining to state and federal officials for years about their problems and expose has followed expose in detailing dishonest practices and simple incompetence.

In 1969, car owners in this country paid $8.8 billion for repairs and mechanical parts, an average of $138 for each of the 64,000,000 passenger vehicles on the road. (There are 100,000,000 motor vehicles in all.) The total cost of car maintenance, including crash repairs, tires and tubes, came to somewhere between $25 billion and $30 billion. Using the most optimistic statistics at hand, Sen. Philip Hart (D-Mich.) estimates that one third of all repairs are done unsatisfactorily, which could mean that $10 billion was wasted by car owners in 1969.

"The loss to consumers runs into the billions, without giving a dollar amount to the frustration and inconvenience," said Hart in opening hearings on car repairs last October.

Besides loss of money, improperly repaired cars also cause loss of life, how much is not yet known. But the death toll on the road becomes horrifying when put in perspective: 55,200 persons died in car accidents in 1968, a number that exceed the total number of U.S. servicemen killed in Vietnam from 1966 to 1969.

But there is hope. Prodded by public outcry into recognizing the existence of auto repair problems, the auto industry itself is beginning to work on the problem and the government appears ready to force some changes that may improve the situation. Sen. Hart, in fact, is expected to introduce legislation within the next two weeks that will cover a broad spectrum of auto problems. This, together with private efforts, may bring about radical changes in the present systems of car repairs and car insurance coverage within the next five years. Here are some of the major changes that may be in the offing.

The shortage of car mechanics will have disappeared and car mechanics will either be licensed or nationally certified; the cost of car insurance will be based on how susceptible the car is to damage; car diagnostic centers, such as the one in the fictional story, will be common; and cars will be designed to resist damage and to be easily repaired when they are damaged.

Many of the prerequisites for these changes exist now. The idea of a diagnostic center is not new and several, such as the Mobil Car Repair Center in East Meadow, already exist. The center is one of three run by Mobil around the country as an experimental project begun in 1964. Instead of mechanics, the center employs specially trained diagnosticians in clean shirts and ties who place a car in a special bay where they attach to it electrontic equipment.

Like doctors, the diagnosticians' tools are laid out in neat rows: all sizes of wrenches, pressure gauges, battery testers and appropriately, a stethoscope with a metal probe on the end. That is used to pinpoint the source of a rattle or ping.

The car being diagnosed moves into the bay where it is first visually inspected for things like loose wires and belts, and holes in the tailpipe or muffler system. A wheel is pulled off and the brake drum inspected and measured for wear.

Then the car moves on to special rollers in the floor which are connected to a machine called a dynomometer. This tells the diagnostician whether the brakes are pulling and releasing property and about the condition of the ignition system, the fuel pump, carburetor and other running parts.

After the diagnosis is finished, a mechanic informs the car owner of the results and gives him the option to have the repairs performed right at the center or of taking the diagnosis sheet to a garage for repairs. The diagnosis itself cost $9.95. Unlike the fictitious diagnostic center, Mobil will not verify that another mechanic has performed a repair properly.

In the legislation that Sen. Hart will introduce soon, he reportedly will call for implementation of the federal car inspection requirements throughout the country, for stricter inspection standards and for mandatory inspections after crash repairs are performed. Hart's staff and the Department of Transportation have been working with RCA to develop a mobile motor vehicle inspection station which is expected to be unveiled soon. According to knowledgeable sources, the inspectiton station consists of sophisticated diagnostic equipment contained in a big truck which can be set up in 40 minutes. Sen. Hart's staff believes that these mobile units could become state-run diagnostic centers in addition to inspection stations so that the quality of auto repairs could be controlled. Thus the fictitious diagnostic center would be a reality.

However, even with the most sophisticated diagnostic equipment, repairing a car depends on the skill of the mechanic.

For three generations, the Scutaros have been auto mechanics. Bob Scutaro, a slight, dark-haired man, has been a mechanic for 18 years, and now he is the service manager at Mobil. Recently he opened the hood of a 1970 Oldsmobile 442, an expensive, highly powered car with an air foil mounted on the trunk lid to make it look like a sophisticated racing car. "See what they've got on here?" he asked Bob Hamblet, manager of the center, motioning toward a spring-mounted air filter sitting on top of the engine. It was a new type of filter, he said, designed to cut down on the air pollution produced by the big engine of the car.

"I think car repairing is getting more difficult," said Scutaro, who lives in Farmingdale. "Young men figure that being a mechanic is being a grease monkey. It isn't. It's as complicated as being an airplane mechanic and it takes three years of training to be a competent auto mechanic."

This "grease monkey" image, plus what many mechanics consider inadequate pay, has led to an acute shortage of trained auto mechanics. In 1950, there was one mechanic for every 73 cars and trucks. Now there are 130 cars and trucks for each mechanic, about 50 more than each can handle. At the beginning of 1969, it was estimated that mechanics earned an average of about $6,500 a year not enough to keep the good ones from looking for employment in other industries.

Auto mechanics also have the problem of convincing prospective employers that they know how to do the work. "With a secretary you check her typing and shorthand and have a pretty good idea of her ability," said Hamblet, the Mobil manager. "With a mechanic there is no way of testing, and you usually make a decision on whether to keep him after a 30-day trial period on the job so you can see the quality of his work."

A test for auto mechanics is being developed now, however, by the Educational Testing Service in Princeton, N.J., under a contract with the National Automobile Dealers Association and the auto manufacturers. Frank McCarthy, executive vice president of the dealers association, said that the objective of the tests is to make it possible to certify mechanics under standards that are accepted nationwide.

"We are definitely committeed to establishing a certification program," said McCarthy, "and we would like this to be considered as a substitute for licensing."

In the past, critics of auto repair practices have recommended that auto mechanics be licensed like electricians or even hairdressers. Some critics have suggested licensing all mechanics. Others urge the licensing only of master mechanics who would be responsible for all the repairs in their shops and would verify by their signatures that repairs had been done properly.

But recently many critics, including Sen. Hart, have been convinced that (at least temporarily) a voluntary certification program is a more desirable idea. They feel that too strict a licensing test would force many existing mechanics out of their jobs, and worsen the repair situation, while too easy a test would give government sanction to persons who are really not qualified to do all types of auto repairs.

"If you can stimulate the individual by giving him the goal of certification, and if you can identify this individual to the dealer, he can be rewarded financially and with prestige," said McCarthy.

McCarthy hopes that certification will attract more men—or women—to the field

of auto mechanics. Right now there is ample training available for people interested in the field. Department of Labor Manpower Training programs will in some cases even pay a person's salary while they are learning auto mechanics. All of the car manufacturers run training schools, and many new car dealers will cooperate with local high schools in work-school programs to interest teenagers in the field. General Motors will train any member of the armed forces in the basics of auto mechanics, free of charge, if he simply applies before he is completely out of service. The problem, according to McCarthy, is not that there is a lack of training opportunities, but simply too few people interested in the field. Certification may change that situation.

Having enough competent auto mechanics and setting up diagnostic centers would go a long way toward solving their repair problem, but many believe that even this is not enough. Cars are hard to fix, harder than necessary, and have in the past been made in such a way that leads critics to charge that they are deliberately made so that they are easy to damage and expensive to repair. No proud owner of a shiny new car needs to be told what one trip to a shopping center can do to the side door panels or the rear bumper. Did you know, for example, that the fan blade of a 1968 Rambler American is about two inches from the radiator? That means that if the front bumper is hit, the fan blade is pushed into the radiator and damages it. Cost of repair, as much as $70.

That piece of information came from Louis Baffa, president of the Auto Body Association of America, when he testified in December, 1968, at hearings of the Senate subcommittee on antitrust and monopoly. The same situation, he said, existed in a 1966 Pontiac Tempest.

Recent studies have shown, in fact, that if a car is run into a wall at only five mph it will be damaged to the tune of $200 on the average and perhaps as high as $305. What this means in terms of insurance costs is staggering since 75 per cent of all collision claims are for $200 or under.

Sen. Hart's subcommittee heard a number of witnesses testify on the ways in which modern cars are made to "perpetuate the flow of high profits by design vulnerability to damage of normally encountered operating hazards," in the words of Norman Bennett, a member of the Society of Automotive Engineers. On the question of bumpers, Bennett has plenty to say.

"Today, and for many recent years," Bennett told the subcommittee, "the expensive and highly decorative bumpers are mounted so that they easily deform and readily result in $150 or more damage from a minor blow that could have been easily avoided, by intelligent and considerate design . . . This type of design is not only unnecessary but inexcusable except for one reason—it results in expensive repairs. The extremes that the manufacturers will go to place easily damaged components such as lights and body projections in vulnerable positions is ludicrous."

The manufacturers deny this. John Bates is the director of the service section of General Motors in Detroit and responsible for their corporate effort in repairability and mechanic training. "That's a completely false accusation," said Bates in reply to the charge that the cars are deliberately made to be damaged easily. "We would be our own worst enemies if we constructed cars so that repairs would be inordinately expensive. Our job is to give the purchaser of a product the optimum in transportation and durability." Asked why bumpers have become more flimsy over the years, he said that the current design is a "compromise between absorption of impact and rigidity." He said, "We've been working for years on an absorbing bumper, but we haven't been able to come up with anything and neither has anyone else."

Sen. Hart is apparently aware of the morass that this debate over deliberately vulnerable design could be and so has devised a way around it that would save the consumer a great deal of money. His legislation will reportedly set up a car rating system administered by the Department of Transportation.

Each model car will be crash-tested to determine how vulnerable it is to damaging itself and its occupants. The rating will determine, in part, the cost of auto insurance. Hart hopes that by providing consmers with a visible, immediate incentive, through lower insurance premiums, they will pick up the safer and more economical car. The Detroit automakers will then be forced hopefully by their desire for profits, to make sturdy, safe cars.

Owning a car today is an expensive proposition, a $100 billion proposition, in fact, for Americans each year. Through these measures—licensing or certification of mechanics, damage rating of cars, diagnostic equipment and better car design—Hart hopes to save the American public an estimated $8 billion to $10 billion a year.

AND SOME REALIGNMENT IN CAR INSURANCE, TOO

(By Frances Cerra)

Nobody wants to be in a car accident. But some people, wise in the ways of insurance companies, have a plan of action ready so that they can collect "a little gravy" in the event of a minor collision.

"If anybody ever hits me in the rear, I'm going to immediately open the door, slide out on to the ground and lie there until an ambulance comes," said one Wyandanch resident. Others plan to clutch at their necks, utter the magic word "whiplash" and institute a suit against the other driver. Of 250 people who said at the time of their accident that they had been just shaken up, 96 per cent ended up suing the other driver, according to attorney Roger Hunting, author of a book called "Who Sues." Said Hunting, "They told us they weren't looking for big money, just a little extra, a little gravy."

Chances are that such people can recover a lot of gravy. Statistics show, in fact, that one-third of the people involved in minor accidents receive at least one and a half times their economic loss in insurance settlements, and that if the true loss is $500, the odds are that the payment will be $2,250.

What is not so widely known is how people fare when they are involved in serious accidents. Recently completed studies by the Department of Transportation show that if the accident actually costs you $25,000 in medical expenses, loss of time on the job and other costs, you will probably recover only about $7,000. In fact, 71 per cent of the victims of serious accidents get back less than one-quarter of what the accident cost them, and 45 per cent of such people actually have to lower their standard of living as a result of the accident.

What's more, the same insurance system that allows your whiplash, real or imaginary, to finance a trip to Acapulco two years after the accident happens may force the victim of a serious accident to remain crippled for the rest of his life. It takes an average of 15 months and three weeks to settle auto accident claims in New York State, but physical therapy must be started immediately after an accident. Paying for it can't be delayed.

It is statistics such as these, numbers that coldly suggest a staggering amount of human suffering, that have spurred the drive to overhaul the present system of auto insurance. Massachusetts has just passed a halfway reform measure and other states will probably follow soon. The New York State Department of Insurance has labeled the present so-called "fault" system as "part lottery and part bazaar," and Gov. Rockefeller has strongly advocated beginning a "no-fault" system. Change will probably be forthcoming on the federal level too. Sen. Philip Hart (D-Mich.) plans to introduce legislation soon which will reportedly blend the no-fault system with parts of the present system.

The basic trouble with the "fault" system is that it does not protect people from financial disaster while at the same time it is extremely expensive. The immensity of the problem hits home when you realize, to quote Sen. Hart, that auto accidents cost $61 billion from July 1965 to Dec. 1969, three-fourths the cost of the Vietnam war during the same period. In addition to this financial cost, the current system is the major cause of court congestion.

Auto insurance is different from other kinds of insurance which guarantee the policy holder that he will be reimbursed for his losses. Health insurance, for example, pays off when you get sick. Auto liability insurance instead protects you from being sued by someone else in case you are in an accident where you may have been at fault. If your guilt is proven in a court case, the insurance you've been purchasing at such a big expense will reimburse some stranger, the guy in the other car, for his losses.

As for your medical expenses, the work time you lost and any other personal expenses, tough luck. You were to blame so you have to pay your losses out of your own pocket. (If you carry collision insurance, the cost of damage to your car will probably be covered.)

This fault system is a throwback to the days when only the rich owned horses or cars and had to protect themselves from being sued by people they ran over. Today, when everyone drives and especially when crashes are most often caused by a combination of mistakes by both drivers, faulty cars and poor highway design, the entire concept of fault is considered to be outmoded by many.

In practice the system develops further faults. The small claim of $1,000 or less is a nuisance to insurance companies so they generally settle them quickly regardless of the actual loss a person suffers or of who is to blame. On the other hand, in large cases, the tortured, time-consuming and expensive suit procedure is carried on for years, wearing down the patience of the injured and making them settle eventually out of court. In fact, 99 per cent of all auto-accident cases are eventually settled out of court but not before the pre-trial and other judicial proceedings have tied the courts up. In fact, legal authorities agree that the major cause of court congestion is the automobile accident case.

All of this waste and inefficiency shows up in unnecessarily high insurance premiums. Let us start with $1 for auto liability coverage. Immediately the administrative costs of the insurance companies and their agents use up 33 cents. Lawyers and claims investigators use up another 23 cents. That leaves 44 cents of the $1 to compensate accident victims. But 44 cents does not end up paying for the losses of those victims.

First of all, because of a peculiarity of law, eight cents goes for medical or other expenses that have already been paid for by some other form of insurance such as Blue Cross. Another 21.5 cents rewards people for their "pain and suffering." As we have seen, the pain and suffering payments generally go to people involved in small accidents.

Finally, out of this $1, only 14.5 cents goes to people for their actual damages. Put another way, New York State residents pay $7 in insurance premiums to gets $1 back for damages they suffer.

On a national scale, this is even more stag-

gering. Total auto premiums in 1968 totaled $11.7 billion, and even assuming that 20 per cent of that total went to reimburse actual damage, at least $9 billion is wasted.

The minimum liability insurance required by law in New York State costs an average of $125 a year. Many people pay far more. The New York State Insurance Department estimates that auto insurance premiums could be cut in half if a no-fault system replaces the current one.

The principle of the no-fault system is that when an accident occurs each driver's insurance company will reimburse him directly for all his losses. There would be no attempt to determine who is to blame so that suits would be eliminated. That is all there is to the idea.

The American Insurance Association has estimates showing that lawyers as a group get from 10 to 30 per cent of their income from auto accident cases. A no-fault system would end this source of income. It is no surprise to proponents of the no-fault system that the New York State Association of Trial Lawyers vehemently opposes the idea with public statements like these:

The so-called "No-Fault" plan . . . deprive the innocent of their day in court and of an opportunity to have their rights adjudicated by their peers," read one press release.

Aaron Broker of Kings Point, counsel to the Committee on Community Affairs of the association, was quoted as saying, "The movement afoot (for no-fault insurance) is calculated to reduce those injured through no fault of their own to a reliance upon a dole akin to charity."

Major segments of the auto insurance industry are also opposed to the idea, arguing that they are not convinced that there would be substantial cost savings from the system and that, "The New York plan would make an innocent victim of an automobile accident pay for his own injuries and property damage and would bar him from taking legal action against the wrongdoer," in the words of Vestal Lemmon, president of the National Association of Independent Insurers.

In Hunting's book, he points out that long delays in settlement of accident cases benefit the insurance companies. "They have the money in interest-bearing investments all that time, for one thing," he said. "And then they get people to settle for less because they can't put up with the delays."

It is apparent though, that insurance company and lawyer opposition will not be strong enough to prevent at least partial reform of the current system. The new Massachusetts law eliminates the fault idea in all cases under $2,000 but preserves it in larger cases. This will probably reduce premiums and relieve court congestion but will not, of course, correct the problem of adequately reimbursing persons involved in serious accidents.

Reformers in other states and on the federal level are seeking other compromises. In any case, the one crucial factor—public acceptance of the no-fault system—seems assured. The Department of Transportation has found that once the new idea is explained to them, more people prefer to give up their chance at "a little gravy" than to maintain the present system.

—Cerra.

THE WAR IN INDOCHINA

Mr. McGOVERN. Mr. President, Foreign Affairs Quarterly for July 1970, contains three valuable articles on various aspects of the issues raised by the current debate on the McGovern-Hatfield amendment. They are: "Legacy of the Cold War in Indochina," written by Townsend Hoopes; "From the Vietnam War to as Indochina War," written by Jean Lacouture; and "Vietnamization: Can It Work?" written by Robert H. Johnson.

All three gentlemen are distinguished and knowledgeable observers of our Indochina policy. I ask unanimous consent that their helpful articles be printed in the RECORD.

There being no objection, the articles were ordered to be printed in the RECORD, as follows:

LEGACY OF THE COLD WAR IN INDOCHINA

(By Townsend Hoopes)

A question recently posed by a distinguished colleague is central for anyone who earnestly seeks to understand how an entire generation of American political leaders, with the best will in the world, pushed the country onto the slippery slope that led ever downward into the engulfing morass of Indochina. The question is this: "Why did so many intelligent, experienced and humane men in government fail to grasp the immorality of our intervention in Vietnam and the cancerous division it was producing at home, long after this was instinctively evident to their wives and children?"

As a nation we are still only beginning to address this prickly and uncomfortable question. The New Left has of course long since rendered its own verdict: namely, that the entire leadership was venal, and was moreover acting within the compulsions of an imperialist system. For those, however, who still value reason and believe in factual, proportioned discourse as the most reliable road to approximate truth, the question is serious and compelling; ultimately it is inescapable. While we remain at some distance from a complete answer, it seems certain that an important part of the answer lies in what has been called the cold-war syndrome and in its ramified legacy. Every American over 40 (especially those between 40 and 60) shares involuntarily in this legacy, to a greater or lesser degree, because the cold war was the pervasive reality of the years in which that generation came to its political maturity. By cold war I mean, of course, the highly charged and dangerous power struggle that billowed up out of World War II between a monolithic communist structure directed by Stalin and a rather more loose, hastily reassembled coalition of nations led by the United States.

There is a tendency today, especially among younger people, to denigrate the Stalinist threat, to discount the challenge and the perils it presented, and by various efforts at historical revisionism to conclude that the cold war was an unnecessary happening provoked by American imperialists and militarists. The evidence of those who helped to formulate the democratic response, or who merely lived through the period, is of course quite different. The cold war was a real and bitter struggle touched off by Stalin's utterly serious efforts to subvert and capture Western Europe, to penetrate the Mediterranean basin, and to gain a major influence in the strategic Asian anchor, Japan. No doubt, U.S. insistence on free elections in Eastern Europe confirmed the worst suspicions of Soviet leaders that a universalist American capitalism intended to deny Russian paramountcy in the belt of states through which Hitler's terrible invading force had marched, a buffer zone regarded by Stalin as the minimal requirement of Russian security. But it was not merely the case of a Kremlin leadership understandably paranoid in the aftermath of unprecedented human loss and physical devastation inside its homeland; it was also the case of a leadership impelled by the iron logic of a messianic ideology, a fact that made the Soviet Union compulsively expansionist and thus something quite different from the classic nation-state. Through his far-flung operatives Stalin discerned, in the war-bred chaos beyond his borders, new opportunities to extend Soviet power.

Disciplined, activist communist parties all over the world were almost instantly responsive to central direction from the Kremlin; and they were bent upon widespread disruption and seizure, stimulated by the brute fact that much of the civilized world lay physically and economically prostrate in the immediate wake of World War II. To meet and turn back a fundamental challenge to the power balance which we had fought that war to restore, we were thrust by irresistible logic into a series of dramatic salvage operations—to aid the Greeks and Turks, rebuild Europe through the Marshall Plan, establish the North Atlantic Treaty Organization, stand in Berlin, fight in Korea. As the one free nation with the necessary strength and coherence to lead the resistance, we were forced by the steady pressure of postwar crises to exertions of a scale and character that seemed to make our universal involvement a permanent necessity. While, in fact, the restoration of Western Europe and Japan, and the effective blunting of Moscow's ideological-military thrust, required only about eight years, the effort was totally absorbing. Combined with the harsh lesson in power realities taught by World War II, its effect was to shape the thinking of an entire American generation with respect to the way power is organized in the world and with respect to the requirements of U.S. security.

II

The Korean war in particular shaped our national attitudes about the developing situation in Vietnam and thus made probable, as early as 1954, our ultimate military intervention 11 years later. For the attack on South Korea was a Russian decision—a command by Stalin to send a Russian-trained puppet army across an established international boundary line. Washington saw the attack as a naked, centrally directed aggression, a bold attempt to upset the precarious postwar balance, a dagger aimed straight at our vital interest in Japan. This grave view was confirmed by the United Nations, not only in resolutions, but in sending to battle combat forces from 14 member nations. Such a vigorous response, mingling free-world idealism with a practical determination to defend the global power balance, was a singular triumph for the collective security idea. As it redeemed the dismal failures of the League, so also it confirmed the suspicion that the communist menace excluded no means in pursuing its expansionist aims.

Washington had thought it discerned the Russian hand in Southeast Asia even before this event. A month before the attack on Korea, the United States extended military and economic aid to those three petty states to which France had in 1948 granted a nominal independence within the French Union. Announcing the new policy from Paris, May 8, 1950, Secretary Acheson said in part: "The United States, convinced that neither national independence nor democratic evolution exists in any area dominated by Soviet imperialism, considers the situation to be such as to warrant its according economic aid and military equipment to the Associated States of Indochina and to France in order to assist them in restoring stability. . . ." While the policy reflected, in part, a price demanded by France for her cooperation with NATO, it seems fair to assume that the language was of American choosing. As the Korean war deepened, so did our assistance to the French forces in Indochina. A joint statement in September 1951 by high diplomatic and military officials of the two governments expressed "complete agreement that the successful defense of Indochina is of great importance to the defense of all Southeast Asia" and emphasized that

American and French policies in Indochina "are not at variance." The United States promised faster deliveries of military equipment. A similar communique of June 30, 1952, expressed "unanimous satisfaction over the vigorous and successful course of military operations;" it added that the "excellent performance of the Associated States' forces in battle was found to be a source of particular encouragement." Already underwriting one-third of the total cost of the Indochinese war, we proceeded further to expand our military aid to "the French Union."

In 1954, we were just a year beyond a painfully achieved Korean truce, after three years of bloody fighting. The communists had won the civil war in China, a result which brought severe psychological shock to Americans, who had nurtured sentimental notions of the Chinese people and of U.S.-Chinese relations. Mao was consolidating his control over that vast land mass and its population then numbering 600 million people. Chinese communist intervention in the Korean war, brought on by a serious misreading of diplomatic signals on both sides and by the Truman-MacArthur decision to march to the Yalu, had highly charged America's fears of the Yellow Peril; more broadly, it had reinforced our perception of a precarious coalition of free states under assault across the entire globe by a seamless international conspiracy. In the circumstances, it was almost inevitable that the United States would view the impending French departure from Indochina as merely the opening of another avenue for communist expansion in Asia.

The possibility of local, independent communist action lay outside the range of our cold-war vision. As Secretary Dulles said in June 1954: "At the moment, Indochina is the area where international Communism most vigorously seeks expansion. . . . The problem is one of restoring tranquility in an area where disturbances are fomented from Communist China, but where there is no invasion by Communist China." From the penetrating analyses of George Kennan, the leading Russian expert of his time, the somewhat undiscriminating inference was drawn that *every* form of communism flowed without limit into power vacuums and open crevices wherever they presented themselves. And Indochina without the French seemed to fit that interpretation almost precisely, with Ho Chi Minh dominant in North Vietnam and the Chinese land mass controlled by Mao.

America's policy, engineered by President Eisenhower and Secretary Dulles, thus set about building an anti-communist counterforce in the South—first by helping to establish the de facto reality of a new sovereign nation, next by finding and installing a new national leader (Diem), and then by endowing him with abundant economic and military assistance. The United States was not a signatory to the Geneva Agreements (nor to the Final Declaration of the conference which spelled out the agreement to all-Vietnam elections in 1956); as President Eisenhower explained it on July 21, 1954, the agreement "contains features which we do not like." In a separate statement at Geneva, the United States declared that, while it would refrain from the threat or the use of force to upset the terms of the settlement, it would take a grave view of any renewal of communist aggression in the area. It then moved urgently to conclude the SEATO alliance and to bring under its protection Cambodia, Laos and one-half of Vietnam, *i.e.* "the free territory under the jurisditcion of the State of Vietnam."

In July 1955, the new government in Saigon took, with U.S. encouragement, the next logical step; it rejected the North Vietnamese invitation to discuss elections, on grounds that were above suspicion in the West, given the context of total struggle against "International Communism." Saigon argued that the people in the North would be unable to express their will freely, and that falsified votes in the North could outweigh genuine votes in the South. Underlying every specific move was the firmest American determination to prevent any further communist advance.

It is significant that these policies and actions were strongly supported by the American people; there was no dissent from within government, very little from Congress or the press, and nothing significant from scholars or other close observers of foreign affairs. As a nation we had little perception that we might be frustrating a widely supported national independence movement by lending our aid and our prestige to what were at best colonial puppets, who suffered an innate incapacity to win over any sizable segment of the Vietnamese people to their side, and who, as it turned out, could not govern at all without the direct presence and support of a vary large U.S. expeditionary force. What we saw predominantly was another disagreeable but utterly necessary effort to plug the dike against further communist expansion in Asia.

III

It is very difficult to argue today that that judgment did not reflect the historical and political truth for America at the time, for it was based on direct, chilling and bloody encounters with Stalinism at many strategic points on the globe. The trouble and the tragedy have been that the American response to the cold war generated its own momentum and, in doing so, led us progressively to actions beyond the rational requirements of our national security. Looking back, one can see why men of good conscience—even men with a sense of history—were vulnerable to the developing *hubris*, for the major elements of our national response had roots in some of the noblest American traditions. From Woodrow Wilson down through Franklin Roosevelt we were bequeathed the legacy of America's democratizing mission in the world. And whatever retrospective cynicism Americans might have felt at having fought in 1918 "to make the world safe for democracy," it did not make the "Four Freedoms" or the "Atlantic Charter" any less compelling as political aims in 1945. From Woodrow Wilson and Henry Stimson came the strong belief in the need for collective security against aggression, a conviction reinforced by the disastrous failures of the League of Nations in the 1930s which had led us to the holocaust of World War II. From the tense confrontation with Stalinism came a semi-official, increasingly dogmatic anti-communism.

Each of these strands of policy was legitimate and useful, if applied with a sense of proportion. But what began happening after, and as a result of, the Korean war can be seen with the benefit of hindsight as extension pressed to the point of distortion. Stimson's doctrine held that collective action was required to prevent rather clear-cut aggressions by great powers against the *vital* interests of other great powers, in order to maintain or restore a working balance of power among those leading states. But John Foster Dulles, who practiced a devil theory of communism, began to apply the collective security idea to cases where great power involvement was merely speculative or tenuous, or where the U.S. interest, seen in proportion, was only marginal. The Central Treaty Organization (CENTO), viewed by Dulles as a barrier to a Soviet military attack southward into the Middle East, merely generated improvements in the road network and other communications linking Iran, Afghanistan and Pakistan; it also provided Pakistan with arms in order to balance off India.

CENTO did not, however, prevent Soviet penetration into the Middle East; that feat was accomplished bloodlessly by the proven Western strategem of offering military equipment—in this case to Egypt, Syria and Yemen. The South-East Asia Treaty Organization (SEATO), created in response to what was seen as the danger of communist Chinese hordes pouring down through Southeast Asia and on into Malaya, Burma and Indonesia, brought together a strange collection of physically weak or politically disabled partners. Indeed the unlikelihood that they could or would ever act effectively in concert was so apparent that the alliance provided only the thinnest cloak for what was privately understood to be its underlying purpose: namely, the protective exercise of U.S. power. Six months before the treaty was signed, Secretary Dulles had warned of a possible communist Chinese invasion of Southeast Asia. "If such overt military aggression occurred," he said on June 11, 1954, "that would be a deliberate threat to the United States itself. The United States would of course invoke the processes of the United Nations and consult with its allies. But we could not escape ultimate responsibility for decisions closely touching our own security and self-defense."

By these and similar pronouncements the Chinese communist menace was inflated, and the American defense line drawn through the heart of Southeast Asia. Thus were distortions of threat and interest progressively embedded in the unspoken suppositions of policy formulation, accepted by both political parties and sustained by American public opinion. From 1950 onward, we underwrote, for example, a large Nationalist Chinese Army on Taiwan, a policy based partly on the rationale that it was necessary to guard against a large-scale invasion from the communist mainland; more objective analysis showed in 1965 (when Mao's armed forces were better organized and equipped) that his chances of sending a sizable amphibious force across 120 miles of open water in the face of Nationalist aerial surveillance, the Seventh Fleet, and quickly available U.S. combat airpower was approximately zero.

By a similar process of inflation, the proportioned impulse that produced the Marshall Plan led later to the delusion of "nation-building" in Vietnam, and to Lyndon Johnson's expressed hope of bringing the full fruits of the Great Society to the Mekong. Prudent and rational anti-communism, which recognized Moscow and Peking as major adversaries in the international arena, but understood that ideology is transient while national interests endure, degenerated for a time into a sort of religious obsession which saw the threat as a changeless, all-encompassing evil; the result was to becloud clear thought. The pressures thus arising from a combination of real and spurious threats, and from our assumption of vast responsibility in a world seething with change and discontent, moved U.S. policy—and American opinion—toward a Pavlovian tendency to see every local uprising as a mortal test of wills between a communist octopus and the free world coalition. The trouble was, of course, that this view of our various adversaries as a monolith persisted long after the facts on which it was based had begun to shift.

The sea changes in the communist situation that occurred in the late 1950s and the 1960s are now well known; one needs therefore to cite only the major developments as reference points: (1) the Sino-Soviet breach, which split the vaunted unity of communist doctrine and thus progressively undermined the Soviet position as Mother Church; (2) developments within the U.S.S.R. itself—caused by years of effective NATO containment, the aging process, and the effects of affluence—which moved Russia toward the posture of a status quo power and noticeably reduced Soviet revolutionary fervor in relation to the underdeveloped world: (3)

Moscow's progressive loss of appeal to and control over communist parties throughout the world that lie beyond the physical reach of Russian military power; and (4) the growing uneasiness of the Soviet position in Eastern Europe, brought about by broader economic and cultural relations with the West and the radiated effects of de-Stalinization in Russia. The latter process led, of course, over a period of years, not only to signs of public criticism of the official system in Russia, but also to varying kinds of self-assertion in Eastern Europe, where latent nationalism needed only opportunity to be rekindled. The invasion of Czechoslovakia in 1968 seemed to mark the end of officially tolerated post-Stalin liberalism, but it did not end Russian uncertainties in Eastern Europe; moreover, it once again showed the world a siege mentality that could hardly enhance the attraction of communism in other places.

Notwithstanding these developments—which between 1954 and 1964 were of course unevenly paced, partially disguised, and incomplete—every American policy action in Vietnam during that period, under three Presidents and ranging from economic aid to military training to military supply to the sending of advisers, continued to be based on what seemed a self-evident proposition: namely, that the expansion of "International Communism" presented everywhere, and in nearly every form, a direct menace to U.S. security that had to be stopped—in the last resort by whatever means were necessary.

We thus embarked upon large-scale military intervention in 1965 because the President's advisers, and the President who accepted their advice, remained the prisoners of their cold war experience at a time when communist power had in fact ceased to be monolithic and was breaking up into ideological and political fragments. Intellectually aware of this fragmentation, American leaders were neverless unable to acknowledge and apply the implications of that process for either "International Communism" or the U.S. interest in Southeast Asia. Still impelled by the long shock wave produced by the communist victory in China and the French collapse in Vietnam, they saw instability in that area as primarily the consequence of alien subversion; they also saw it as intolerable—and remediable.

The cold-war syndrome prevailing in Washington in 1965 thus represented no break with the Eisenhower and Kennedy periods. None of those responsible perceived the necessity—or the possibility—or redefining our interests or our role in the world in ways that would permit the drawing of more careful distinctions between those commitments and involvements that are in fact vital to our national security, and those that spring more or less from our deeply held view of what the world "ought" to be and of how it "ought" to be organized. A few viewed the prospect of a protracted testing of wills in insurgent-counterinsurgent combat with missionary zeal, accepting as an article of faith the dubious notion that an insurgency blocked in Vietnam would deter an insurgency planned in Jordan or Trinidad. Convinced absolutely of Americas altruism, they were persuaded that only through the application of American-guided "nation-building," American counter-guerilla doctrine, and, if need be, American military forces could backward nations be saved from the scourge of instability and brought to their rightful place in the modern world.

Our efforts on behalf of South Vietnam through 1964 are not, I believe, fairly construed as immoral, if one thus understands the origins of the governing U.S. attitudes and the formidable new strength and dimension they were given by the relentless pressures of the cold war. Though flawed by progressive misconceptions, U.S. policies toward Southeast Asia were well intentioned and pursued in the earnest belief that we were defending freedom. Yet at each of several critical junctures—in 1962 when President Kennedy (at the prompting of General Maxwell Taylor and Walt Rostow) introduced artillery and fighter-bomber aircraft into South Vietnam and raised U.S. advisory sterngths from 700 to 16,000; after the overthrow of Diem in November 1963; in the autumn of 1964 when the collapse of the carbroard regime in Saigon seemed imminent—American leadership failed to grasp the central truth: namely, that the U.S. interest in Southeast Asia is limited, not vital; that while a limited effort to shore up South Vietnam was warranted, a total effort to save a government founded at low tide upon the receding sands of the French colonial empire was both alien to our interest and destructive of our reputation. The sudden discontinuity in the American presidency may well have been the decisive factor after 1963.

In any event, the chances for restraint, for acknowledging mistakes with reasonable grace, and for an intelligent cutting of losses were missed. The nation went over the brink and down the slippery slope. We failed to see that the realization of our ostensibly limited objectives in Vietnam required in fact the total frustration of the other side's aims, and thus might well involve a wholly open-ended commitment. North Vietnam's unexpected tenacity, deriving from the fact that the war was for Hanoi a vital struggle, led us in the event to the application of progressively unlimited means. This loss of proportion led to wanton destruction, to a gross disparity between ends and means, and therein lies the immorality.

It would be, of course, incorrect and unfair to place all of the blame on President Johnson and his advisers, for, as is evident, we are dealing with what has been a national state of mind. It is well to remember that the advisers were widely regarded when they entered government as among the ablest, the best-informed, the most humane and liberal men who could be found for public trust. And that was a true assessment. President Johnson himself reflected a fateful duality, with overtones of personal tragedy. In late 1964, before the decision to insert American combat forces was taken, there is evidence that he clung to very real doubts concerning the wisdom of further U.S. military involvement in Vietnam, and that he resisted the contrary advice of major cabinet officers. But once he was overborne by the felt pressure of events or the collective weight of his advisers' experience, once he was committed, then his visceral preference for victory came into the open. From that point onward, his domineering personality and his strong allergy to dissent within the bosom of his official family made it almost certain that advice to him would continue to be homogeneous.

Three years later—with a half-million Americans waging no better than a military stalemate, with physical and human destruction in Vietnam on a rising scale, with our domestic scene punctuated by protests, draft resistance and the fateful merging of anti-war and racial dissension—it still required a near cataclysmic event to arrest a policy of open-ended escalation. To put the matter more precisely, it required the dramatic, undisguisable shock of the Tet offensive to knock the props out from under the contrived structure of official optimism, to create heavy public pressures for change, and thus to enable a few well-placed and determined men within the government to restore a measure of proportion to our policy in Vietnam.

IV

What are the outlines of the situation today, a little more than two years after the Johnson decisions that put a ceiling on the war? They suggest the tenacity of the legacy. Shopworn, altered by circumstance, lacking the full confidence of old, the cold war syndrome appears nevertheless to be alive and well and living in Washington.

One perceives that President Nixon had the opportunity (like President Eisenhower with respect to Korea in 1953) to take definitive steps toward liquidating the war during his first months in office, without political risks for himself, indeed with political benefit for both his own party and the cause of national unity. In fact, his opportunity was broader. It was no less than the chance to lead the nation firmly away from a decade of self-deception in Indochina, to admit a national mistake and by that cleansing act begin to uncoil the contradictions and restore the national balance. He could have set himself the task of demonstrating that, after five years of major fighting, we had done as much as we could do to assist South Vietnam, and that our proper course should now be an orderly but unswerving withdrawal, recognizing two central realities: that the tangled political issues which torture and divide Vietnam, growing as they do out of long colonial repression and the consequent struggle to define a national identity, can be settled only among the Vietnamese themselves; and that contrary to the erroneous assumption on which U.S. military intervention was based, the particular constitutional form and ideological orientation of Vietnamese politics do *not* affect the vital interests of the United States.

It is significant that the new president did not take that road, but meditated upon the problem until the honeymoon period was over and the war had become unmistakably his responsibility and that of the Republican Party. Why did he do this? One is drawn by his actions and utterances to the conclusion that he personifies the ambivalence of his generation, which is now in uneasy transition from the ingrained certitudes of the cold-war syndrome toward somewhat unpalatable new truths. He is somewhere between believing in the essential rightness of this war and understanding that the American interest requires its liquidation. He has evolved a policy that seems aimed at substantially reducing and possibly ending the American role, but so conditionally and gradually as to make the process almost imperceptible. At the same time, he has been unwilling to abandon either the rhetoric that supported our intervention in the first place or the implicit insistence that our proxy must prevail even if we depart. Like his immediate predecessor, he appears to lack the scale of mind and the inner security required to risk even a transient loss of national prestige for the sake of a healthy national adjustment to reality in Southeast Asia.

On November 3, 1969, Mr. Nixon said he was proceeding on two fronts: "a peace settlement through negotiations or, if that fails, ending the war through Vietnamization." Negotiations have thus far failed—chiefly because the U.S. negotiating position does not reflect current realities. With minor embellishments, this position still rests on the President's proposals of May 14, 1969, calling for mutual withdrawal of United States and North Vietnamese forces followed by internationally supervised elections, which would be arranged by a special commission in which the National Liberation Front would participate. But Hanoi has never been prepared to accept arrangements for elections worked out under the auspices of the Thieu government and in which the winner would take all; and the U.S.-South Vietnam military position (now affected by the withdrawal of 110,000 American troops and the announced intention to remove another 150,000) is not sufficient to compel the withdrawal of North Vietnamese forces. The resulting deadlock at Paris ought not to be surprising; it reflects the fact that our present political aims exceed our bargaining power.

To put it bluntly, the one thing we can negotiate at this stage of the war is the manner of our going. Averell Harriman, who speaks with a special authority on the subject of negotiations with the North Vietnamese, appears to believe that if we would declare our intention to leave South Vietnam, we could negotiate not only the return of our prisoners, but also the formation of a neutral government in the South, including but not dominated by the National Liberation Front, and committed to settlement and cordial relations but not merger with North Vietnam. According to Mr. Harriman, an unambiguous American declaration of departure could bring the Russians into a cooperating position, and could thus establish the preconditions for international guarantees of the negotiated arrangements, including, after a reasonable period, international supervision of all-Vietnam elections.

It does not seem impossible that a clear-minded President could lead American opinion to an understanding that firm action along this line need not be cause for a national nervous breakdown; in fact, the military and economic, as well as the psychological, advantages of removing our leg from the quicksand are fully demonstrable. Our power and influence would not evaporate. We would not be rendered incapable of defining and defending our vital and legitimate interests. On the contrary, our ability to reassure our NATO and Japanese treaty partners, and our capacity to exert a firm and steadying influence on the dangers in the Middle East, could only be enhanced by the restoration of our global poise. Our industrial, technical and cultural achievements would continue to astound and attract the world.

President Nixon remains convinced, however, that American prestige in Asia rides on the survival of an anti-communist regime in Saigon. He thus sees an approach such as the Harriman proposal as leading to "humiliation and defeat for the United States." He employs the scare tactic of a "bloodbath" if we should depart under conditions that would leave the survival of the Thieu regime in doubt. In this he misrepresents the known facts concerning Hanoi's treatment of Catholics in the North since 1954, and ignores: (a) the clear reality that an announced U.S. intention to depart would create a strong incentive for compromise settlement among virtually all South Vietnamese, except the inner circles of the Thieu regime; (b) the marked Vietnamese capacity and penchant for accommodation; and (c) the fact that a bloodbath exists in Vietnam *here and now*—in the form of indiscriminate killing and destruction produced by B-52 saturation raids, search-and-destroy operations, "free fire" zones, and atrocities such as those perpetuated at Song My. From such a perspective, the President was not moved to modify his negotiating position at Paris, but to invade Cambodia in what most experienced observers regard as an illusory attempt to force Hanoi to negotiate on his terms.

Thus strapped to a negotiating position that cannot succeed, he is thrown back upon the policy of Vietnamization. This is a policy of a certain virtue, but it is important to understand what it can and cannot accomplish. If linked to a definite deadline for total withdrawal it can be a vehicle for the relatively rapid extrication of American forces; if not so linked, it can become the deliberate or inadvertent centerpiece of an argument designed to show that the permanent retention of sizable American forces in South Vietnam is an inescapable necessity if we are to avoid "humiliation and defeat." In neither case, however, is Vietnamization likely to lead to an ending of the war through political settlement. For by enlarging and strengthening South Vietnamese armed forces, it buttresses Saigon's natural resistance to compromise negotiation; on the other hand, it cannot change the military balance sufficiently to modify Hanoi's refusal to negotiate on Saigon's terms. Unfortunately, President Nixon is trying to leave the impression that Vietnamization is somehow equivalent to negotiations, in the sense that it leads to "a just peace;" in fact, it moves in the opposite direction—toward making the war interminable.

The Nixon policy thus comes down to a continuation of the strategy of attrition, hopefully at lower and therefore politically acceptable levels of violence, and ending hopefully at some distant date in a sort of triumph by survival for the Thieu régime. It is a policy built on the gossamer dream that the Thieu forces can in fact be enabled to stand alone against North Vietnam within the time-frame defined by American domestic pressures for the withdrawal of U.S. forces. It is a policy which seeks to control events in Southeast Asia, while at the same time reducing U.S. forces and thus U.S. bargaining power and influence in the area. It is a policy which declines to come to grips with the hard choices that must be made if U.S. forces are to be protected as their numbers decline and the war continues.

In particular, the insistence on a very gradual, very conditional departure creates vulnerabilities that are potentially grave. The lingering nature of the process makes it vulnerable to unanticipated intervening events—like the Lon Nol coup in Cambodia—which knock it off balance, create new pressures for compensatory military action, and thus further confound an already complicated set of equations. At the same time, the conditional nature of the process—the uncertainty over whether we intend to leave totally or only partially—precludes a negotiated settlement and works against the development of even a tacit understanding with the other side with regard to lowering the level of violence. It thus increases the jeopardy of U.S. forces. It also keeps alive the hopes of those who, erroneously believing the 38th and 17th parallels present analogous issues, want to "do a Korea;" that is, apply indefinitely whatever American muscle is required to transform South Vietnam into an anti-communist bastion.

It is reasonable to suppose that the perception of some or all of these weaknesses in present U.S. policy, and a desire to escape their consequences, was what led President Nixon to his watershed invasion of Cambodia. That decision, taken virtually without consulting any person or institution that shares his Constitutional responsibility, brought to a climax an already growing crisis of confidence in the national leadership. It showed how seriously the President had underestimated the risks of his policy for the continued cohesion of our own society. It showed that the Indochina issue is more than ever a virulent poison in the national bloodstream, reaching now to all segments of the population, but permeating those citizens under 25 years of age who are called upon to do the actual fighting and who by 1975 will comprise nearly half the population. It made blindingly clear the grave peril of extending our national preoccupation with the Indochina war for an indefinite period.

These are somber indicators of the prospect before us; yet the shocked and impassioned general reaction to the Cambodian adventure may in fact point the way to more hopeful developments. For that reaction seems to show that, while the President and a small, influential segment of the foreign-military bureaucracy remain residually hooked on the cold-war syndrome, there is rapidly widening agreement in the Congress, the press, the intelligentsia, and even in the putative silent majority on these propositions: (1) the United States does not and cannot control events in Southeast Asia, either at the present level of effort or with a much larger commitment, and neither can the Russians or the Chinese; (2) the United States has no vital interest at stake in Indochina; we can accept and adjust to whatever outcome is arrived at by the people who live there; (3) the United States must wholly terminate its military role in Indochina within a short time (by the end of 1971 at the very latest) or else accept grave risks of our own national disintegration; and (4) if our elected leaders will cease their appeals to the emotionalism that unavoidably surrounds the concepts of "national commitment" and "national prestige," and will deal in true proportion with the real choices facing us in Southeast Asia, there is no reason why our rich and powerful country cannot extricate itself with reasonable poise and dignity, without a traumatic loss of self-confidence, and without a lapse into mindless isolation.

The highest test of character is to learn from the past, to admit one's mistakes, and to act on that admission. This remains the course of honor and reason and sanity for United States policy in Indochina. Any other course can only compound the present contradictions and lead us to the kind of trauma that could quite literally dissolve the bonds of our political union.

FROM THE VIETNAM WAR TO AN INDOCHINA WAR

(By Jean Lacouture)

During the last week of April 1970 the Vietnam war became the Second Indochina War. On April 24 and 25 representatives of the four movements of the Indochinese Left convened at a certain spot in south China to seal an alliance that had been contracted many years before by three of the movements—the North Vietnamese Lao Dong, the Pathet Lao and the South Vietnamese National Liberation Front (NLF)—and to which Prince Sihanouk, overthrown a month earlier by the Cambodian Right, was now adhering in a conspicuously unconditional manner. The *Indochinese* revolutionary front thus came into being.

Five days later, President Nixon announced the entry into Cambodia of sizable American contingents backed up by South Vietnamese units. This operation, dubbed "Total Victory," was presented in Saigon as an attempt to wind up the war and be done with it. In this manner a strategy was defined which confuses the idea of victory with that of extending the conflict outside Vietnam. In the light of the disclosures made two weeks before by a subcommittee of the Senate Foreign Relations Committee regarding American participation in the fighting in Laos, the conclusion is inescapable that on April 30, 1970, the United States embarked on what is now the Second Indochina War.

Thus Richard Nixon became the first Republican President to increase the responsibilities of the United States on that Asian landmass into which Washington's best strategists have so often insisted that no American army must ever plunge. And the operation was launched under conditions that the worst enemies of the United States might have hoped for. "We must have two or three Vietnams!" Ernesto "Che" Guevara had trumpeted in 1967 in the name of the worldwide revolution. And there they are, from Luang Prabang to Kep: two or three Vietnams, that is to say, the whole of that territory of Indochina which French colonization seems, in retrospect, to have put together to serve as the framework for a revolutionary undertaking—a framework that is more open to Vietnamese energies than the restricted territory of Vietnam alone.

The very word "Indochina" was created by colonization and for colonization; the Danish-born geographer Malte-Brun coined the term in 1852. In 1887, an Indochinese administration was set up, under the authority of

a governor general presiding sometimes in Saigon and sometimes in Hanoi, composed of the following elements—the colony of Cochin China in the South; the protectorates of Annam in the east, which retained a ceremonial sovereign residing in Hué, and of Tonkin, in the north, where an "imperial delegate" resided; and the kingdoms of Cambodia and Laos in the west, whose monarchical systems were left intact by the colonizers. This arrangement was a strange combination of three Vietnamese countries strongly marked by Chinese influence and Confucian historical tradition and the little kingdoms of the Mekong, which belong, rather, with the cultural sphere of India and are wholly dominated by the strictest form of Buddhism.

In concocting this amalgam of nations and civilizations, the French colonizers were, like their British rivals in Nigeria, attempting to set up the most economical kind of operation, one by which some of the colonized peoples are made to exploit the others. And to a large extent they succeeded. In Vietnam they managed to maintain a class of mandarins, which enabled them to develop an artful indirect kind of colonization. In Laos and Cambodia, a class made up of Vietnamese petty officials, small businessmen and artisans served as the motor of French colonization. In this way a relatively economical system of exploitation was established, and the three peoples to be dominated were, in appearance, lined up against one another.

In fact, the French colonizers overshot their objective; in spite of themselves they united, in a strange way, these three different peoples, at very dissimilar levels of development, and in so doing imposed on them a single historical framework which the revolutionaries are now making use of for their own puposes. Of course, the Vietnamese intermediaries did inspire ill feeling and hatred of the kind which recently exploded in Cambodia. But this ill-will does not appear to be great enough to deflect the three peoples from developing together on converging courses in the years to come.

II

This Indochinese concept, intimately bound up with history and with colonial methods, was, indeed, very quickly seized upon by the revolutionaries, who retained the framework imposed by their enemy the better to struggle against him. This was what one of the founders of the Vietminh dubbed one day the strategy of "the glove turned inside out."

On February 3, 1930, in Hong Kong, the Vietnamese Communist Party was founded; Ho Chi Minh (then Nguyen Ai Quoc) immediately became its top leader. But six months later the leader called his comrades together in another conference in the course of which he gave the party a new name, rechristening it the Indochinese Communist Party (ICP). It was after consulting with the leaders of the Third International that the future president of the Democratic Republic of North Vietnam reached this decision, which in his eyes had the merit of giving the revolutionary effort he had just launched a more international character. It is worth noting, moreover, that the program which Nguyen Ai Quoc promulgated at that time included the following aims: (1) to overthrow imperialism, feudalism and the reactionary bourgeoisie in Vietnam, and (2) to achieve the complete independence of Indochina. Thus the first strategist of communism in this region restored a distinction consonant with the inequalities of the three countries in terms of development by calling for a *social* revolution in Vietnam and a *political* one in the peninsula as a whole.

It must be admitted that this Indochinese strategy was for a long time quite artificial, since the ICP remained for many years essentially Vietnamese. And it must be noted that when the Laotians and Cambodians truly embarked on revolutionary action they founded their own organizations—the Pathet Lao for the first and the Pracheachon for the second.

It was on an almost exclusively Vietnamese basis that Ho Chi Minh and his comrades launched the revolution in 1945. In the two neighboring countries the independence movement was sparked by very diverse forces: in Cambodia, they were, at first, two traditionally educated intellectuals, Hiem Chieu and Son Ngoc Minh, and in Laos a curious triumvirate of half-brother princes: the feudalist Petsarath, the liberal Souvanna Phouma and the Marxist Souphanouvong. Very quickly, moreover, the Vietnamese revolutionaries were to set up cells within the Laotian movement, while in Cambodia the local revolutionaries were to conserve a much greater degree of autonomy.

In 1951, six years after the outbreak of the colonial war against France, the three Indochinese movements concluded a Viet-Lao-Khmer alliance for the purpose of preparing to extend the fighting to the whole of the peninsula. Two years later, indeed, General Giap, pinned down by the French expeditionary corps in the key zones of the deltas of the Red River and the Mekong, suddenly decided to widen the theater of operations and entice his enemies onto new battlefields. In April 1953 he drew the French general staff toward Laos, encouraging them little by little to think that that was the terrain on which they could smash him. Between November 1953 and May 1954 came the creation, then the resistance, and finally the collapse of the entrenched camp of Dienbienphu. In broadening the First Indochina War, Giap faced the loss of everything. (This was a lesson which American strategists do not seem to have remembered: I shall have more to say on the subject.)

The Geneva Conference in 1954 was to bring the First Indochina War to an end. The Indochinese front was not, indeed, much in evidence at those councils: since the revolutionary parties had not had sufficient time to coördinate their efforts, Laos and Cambodia were represented there by governments whose only wish was to separate their problems from those of Vietnam and to draw a veil over the existence on their territories of groups that were more or less Marxist. But these groups were to grow bigger in the course of the ensuing years, and at the second Geneva Conference, the one devoted to Laos in the summer of 1962, the Indochinese theme was invoked much more often. The delegate from North Vietnam, Ung Van Khiem, hinted that a neutralization of the Indochinese region would be salutary. He specifically excluded the Democratic Republic of North Vietnam from this, but left the door open for the future.

This idea was taken up again in a much more precise and intesting form in various programs promulgated by the National Liberation Front of South Vietnam, founded in December 1960, which went on record as favoring an alliance of neutral nations comprised of Cambodia, Laos and South Vietnam. It seems astonishing today that observers at the time did not take greater note of the very great originality of this program and the audacity it took for those South Vietnamese underground fighters to place their future within a framework in which, at least for a time, Cambodia and Laos would be closer to them than North Vietnam. Of course, for most of the American experts the NLF did not exist except as an echo of hypocritical orders dictated by Hanoi.

It was at the beginning of 1965, on the initiative of Prince Sihanouk, that Indochina emerged clearly as the major theme of all struggle against the American intervention and for political and economic reconstruction. On February 14, 1965, a "conference of Indochinese peoples" met in Phnom Penh. For Sihanouk this was most importantly an opportunity to have his country's frontiers guaranteed by the North Vietnamese and the NLF, whom he saw as the eventual victors and thus as his future neighbors. For Hanoi and the Front it was a chance to demonstrate the solidarity against imperialism of the revolution and neutralism, of the national masses and the national bourgeoisies, of the Vietnamese and their neighbors.

Geopolitical front, socio-economic alliance: at Phnom Penh were to be found all the factions opposed to American hegemony, from the intellectuals, mostly bourgeois and Catholic, of Tran Van Huu's "Committee for Peace and for the Renovation of South Vietnam" to the guerrilla fighters of the Pahet Lao and the bureaucrats of the Cambodian Sangkum. The major theme of the Phnom Penh meeting was the search for a formula for the neutralization of the whole of Indochina, the first step toward which might be an international conference like that of 1962, broadened to consider the future of the three countries. But the delegate from Hanoi, Hoang Quoc Viet, opposed this idea of Prince Sihanouk's: the bombardments of the North by the U.S. Air Force had just stiffened Hanoi's atitude still further. The Phnom Penh conference made no advance along the road to peace; but it confirmed and made manifest the "Indochinese" theme, and brought to light aspirations held in common by the most diverse delegations. It was, on this level, a success.

The American bombing of North Vietnam also contributed to the "materialization" of Indochina. It did this in three ways. First, the Vietnamese revolution, attacked at the very center of its strength, sought any and all means of hitting back, and all fronts thereafter became acceptable for striking a blow at the enemy. Secondly, this retaliation, with priority targets in South Vietnam, required a set-up in the transport of men and supplies from North to South by way of the Ho Chi Minh Trail, which goes through Laos for several hundred kilometers and through Cambodia for about a hundred. And finally, this aerial strategy gave an impetus to the increase of flights by American aircraft over the most diverse objectives—including, among others, frontiers; from this across a multiplicity of aerial incursions, in 1965 and 1966, which progressively nudged Cambodia into the war.

It was, however, in Laos that the greatest extension of the war outside the frontiers of Vietnam occurred. Since 1964—that is, since the actual dissociation of the neutralist coalition government formed in 1962, a sort of modus vivendi had been established, dividing the kingdom into two zones: in the west, seven provinces, from Luang Prabang to Savannaket, controlled (less and less) by the Vientiane government of Prince Souvanna Phouma, and to the east, from Sam Neua to the Cambodian frontier, five provinces controlled by the Pathet Lao and traversed by the Ho Chi Minh Trail. The double neutralization, both diplomatic and governmental, imposed by the 14 powers participating in the second Geneva Conference had thus given way to an actual partition.

After the halt of the bombings of North Vietnam in November 1968, however, the American bombers stepped up their raids on the Ho Chi Minh Trail linking North and South Vietnam across Laos and part of Cambodia. The frequency and amplitude of these bombings were described in a report of a Senate Foreign Relations subcommittee published in April 1970. Testifying before this subcommittee, Senator Stuart Symington declared that these raids had practically supplanted the raids over North Vietnam that had been halted, and revealed that the U.S. ambassador in Vientiane had the authority to order these bombings and specify

where the bombs were to be dropped, which, according to the Senator from Missouri, made that diplomat virtually a "military proconsul." Directly challenged on this matter, former Ambassador Sullivan declared that since he had been replaced in Vientiane by his colleague Godley these bombing raids had doubled.

So Laos, where almost 40,000 North Vietnamese soldiers are permanently entrenched in a zone which covers almost half the country and against which the U.S. Air Force daily launches from 300 to 400 aerial strikes, has certainly been "in the war" for several years. But operations there took on a new dimension in February 1970, when the Pathet Lao, aided by its Vietnamese allies, overran the Plaine des Jarres, the strategic crossroads of the country, which the tacit partition of Laos had provisionally kept outside its sector. The strategic ascendacy of the communist forces was thus affirmed: it was becoming increasingly obvious that Prince Souphanouvong and his allies held the country in their hands, and that if they did not take either Vientiane or Luang Prabang it was in consequence of a political decision and not a stratgic incapacity. (What is more, in spite of the redoubling of operations by the U.S. Air Force after the capture of the Plaine des Jarres, the Pathet Lao's military and political ascendancy grew still more, so that it was able, at the beginning of May, to take an important center in the south, Attopeu.)

But this strategic ascendancy has not been used (or not yet) by the leaders of the Pathet Lao in pursuit of "total victory." After his forces had seized the Plaine des Jarres, Souphanouvong sent his half-brother and rival Souvanna Phouma an offer to negotiate within the framework of the 1962 agreements, to the end of establishing a coalition government, restoring territorial unity and cutting short all foreign intervention. Obviously, the successes it had achieved in the course of the preceding months would enable the Pathet Lao to increase its demands and its share of power. But the situation of the Vientiane government was so bad that it accepted the principle of negotiation, with Washington's approval.

It will be up to future historians to find out whether or not this trend toward "appeasement" in Laos helped to set in motion the operation of March 1970 in Phnom Penh, and whether or not it was to prevent the initiation of a process which might have led to a generalized negotiation of Indochinese problems as a whole that the "ultras"—South Vietnamese, Cambodians, Thais (and perhaps, but not probably, Americans)—prepared and carried out the Phnom Penh coup d'état.

III

For it is, in any case, the Cambodian episode that has just given the war its true dimensions. We must inquire into the background of it, for the overlapping of strategic combinations and internal intrigue may throw light on the probable future evolution of Indochina as a whole. The affair began in the summer of 1966. Within a few weeks, the Sihanouk régime, which had managed until then to keep the kingdom out of the war and maintain a precarious balance at home between a feudal system adapted to the needs of a nascent capitalism and a progressive intelligentsia (very small in numbers but very active), found itself in a shaky condition at the very moment when the visit in August of General de Gaulle served to shore it up.

One may recall that General de Gaulle's speech at Phnom Penh caused a considerable stir. From then on, Sihanouk became the accomplice in what the entire anti-communist cause in Southeast Asia considered a most troublesome program. In their view, this outpost of Gaullist subversion had to go. In the end it was to be gotten rid of more easily than they imagined because Sihanouk's great ally in Paris was eliminated, and because his successors would turn out to be less attached to the policy General de Gaulle had defined in Phnom Penh.

But Sihanouk found himself on dangerous ground both internationally and at Phnom Penh. He had allowed his relations with Peking to degenerate, thus weakening himself in dealing with the Americans. At home, a few weeks after General de Gaulle's visit, general elections were held—elections which the Prince had wanted to be "freer" than such events had ever been before in Cambodia. The result was to bring a majority of influential landowners into the parliament. Khmer society became represented by those controlled by money and by feudal relationships. Sihanouk had wanted to pay tribute to democracy; instead, he placed the noose of feudalism around his neck.

In the next four years, his personal power was steadily eroded by private interests and those friendly to the Americans. At the same time, neutrality was encouraged and a start was made in establishing state control of the economy. In 1967, one of the leaders of the Left intelligentsia, Chau Seng, who under Sihanouk had held almost all the high offices except the ministries controlling the army and the police, warned the comrade-prince that intrigues were being brought to a boil by the chiefs of the former party of "national renovation," the traditional Right. The names of two of these had already been singled out: Prince Sirik Matak and General Lon Nol. Sihanouk had long been wary of the former and had sent him abroad from one embassy to another. But Lon Nol? He was a soldier, therefore disciplined; and since he was not even a prince, how could he possibly be ambitious enough to think of substituting himself for a descendant of the kings of Angkor?

From 1967 to 1969 Sihanouk, more and more responsive to pressures from the Right, seemed to be letting his relations with Peking become strained, allowing private interests to regain complete control over foreign commerce and banking, and launching a "red hunt" and an anti-Vietnamese campaign.

But why, in the fall of 1969, did Prince Sihanouk go so far as to entrust General Lon Nol with power three months before setting off on a long sojourn in France? Why did he thus entrust his regime to a man he had been warned against, and whose friendly relations with the West had long been known? This can be seen as an overestimation of his own charismatic power, which he believed to be so vast that he could wield it from afar. Or it can be seen as a sign of lassitude. Or it may be considered a Machiavellian trick. Like everyone else, Sihanouk was aware of the growth of the Vietnamese presence in his country. It is possible that in order to avoid having a direct confrontation with his associates, who were beginning to threaten his neutrality, he wanted to stand aside, leaving to General Lon Nol the chore of "cleaning out" Cambodia of the Vietnamese presence, to come back later with his hands clean and his country freer. This is only an hypothesis, but it cannot be completely discounted. One can be too subtle and be mistaken, not so much as to the objective as to the means used. Sihanouk underestimated either the ambition or the convictions of Lon Nol, and the influence of the general's friends in Saigon, if not in Washington.

Sihanouk, who was on the point of slipping into the Western camp, thus found himself abruptly recaptured by the party of revolution. This did not come about wholly by chance. With all his sudden changes of fortune and his diplomatic acrobatics, Norodom Sihanouk had fought almost constantly for over 15 years for peace and neutrality—a neutrality frankly oriented to the East and much more favorable to the interests of Peking and Hanoi than to those of the West. So it was not altogether surprising to find him at the opening of that curious conference of Indochinese revoluntionaries which, as I said, was one of the two most obvious signs of the extension of the conflict, both ideologically and strategically, to the entire peninsula.

IV

The inspiration for the Indochinese conference which convened on April 24, 1970, in a little village in southern China about a hundred kilometers south of Canton came as in 1965 from Norodom Sihanouk. But it was no longer 1965. And it was no longer the colorful, laughing leader, the "star" of Phnom Penh loaded down with unshared powers, the ironic virtuoso of diplomatic tightrope-walking between East and West, who met with the "serious" revolutionary chieftains of Vietnam and Laos. This was now an exile struggling to throw his rivals out of Phnom Penh, a leader flung back by a Rightist coup into the arms of the very same *Khmers Rouges* he had been hunting down three months before. He was now a revolutionary, and as such all the more radical for having been recently converted.

It was in a barracks guarded by soldiers in coarse blue uniforms and surrounded by barbed wire emplacements, a barracks which the Chinese hosts entered only to find out whether the visitors needed anything, that the four groups of Indochinese leaders met for two days. The atmosphere of these sessions, one of the participants informed me, was "brotherly." The chosen language was French, which is spoken perfectly by the lawyer Nguyen Huu Tho, president of the NLF, by the engineer Souphanouvong, the leader of the Pathet Lao, by the militant Marxist Pham Van Dong (the son of a mandarin) and by Prince Sihanouk. It was, another witness said, a meeting of "old Indochina hands," a phrase that is all the more colorful for being the same one used by aging French ex-colonials when they get together in some dusty, sunny café in Marseilles or Nice for nostalgic chats about the good old days.

The greater part of the conference was given over to drafting the final communique, a mixture of threats to the United States and its "lackeys," optimistic proclamations of "final victory," and rather prudent or moderate reminders of the concluding texts of the Geneva conferences, denounced long since by Peking as null and void. An amusing (or significant) incident occurred at the last session. Prince Souphanouvong was in the chair: he called in turn upon his Cambodian and South Vietnamese colleagues to speak. He was preparing to wind up the proceedings himself when Pham Van Dong protested: "You've forgotten me!" "Our friend has anticipated the unification of Vietnam," Prince Sihanouk remarked, making everybody laugh except the delegate from the NLF.

The most interesting themes developed at that conference seem to have been three. First came the affirmation of a very firm *solidarity* among the four movements—but a solidarity sufficiently flexible not to have led the chiefs of "red Indochina" (or those who aspire to being such) into creating a common combat structure. Second, there was the proclamation of the *original nature* of the different struggles and their diversity, from Hanoi to Phnom Penh and from Saigon to Vientiane. Clearly, Pham Van Dong and his delegation wanted to avoid the impression of being imperialists, or even excessively forceful federators. "They were very diplomatic," a witness told me, thinking perhaps that this diplomacy was not necessarily, in the long run, disinterested. And third, there was the reminder of the *"neutralist"* themes explicitly or implicitly formulated in the Geneva texts of 1954 and 1962, and in the political platforms of the NLF and the Pathet Lao (not to mention, of course, the Sihanouk

"line")—theses which could be of use in later negotiations. So in proclaiming themselves certain of military victory the Indochinese leaders were careful to leave out any form of political settlement. Militant Indochina is, then, not just a war cry: it can also be a program for peace.

V

In the meantime, the war is spreading and wreaking havoc. What is most startling in President Nixon's decision of April 30 is its suicidal aspect. I am not speaking here about the consequences of this move for internal American politics, or about the effects it will have on relations between Washington and Moscow. I do not even wish to comment on the obvious contradiction between the two aspects of a strategy which claims that it will rapidly reduce the number of men fighting in the Asian war while it enlarges the field of battle. I prefer to confine myself to a more specifically Indochinese aspect of the question.

There is, first of all, what might be called the gift that has been made to General Giap. In all his steady stream of writings over the last 10 years or so, Hanoi's commander-in-chief has never ceased to assert that every extension of the field of battle serves the revolutionary interests. This is so, he explains, for two reasons: (1) because it is to the advantage of the side with the greater firepower and superior heavy equipment on the ground to concentrate the fighting, while it is obviously in the interest of the side with the greater mobility and lighter armament to break up the fighting and seek to enlarge the combat zone; and (2) because the revolutionaries basically count on the complicity and support of the people, whereas a foreign force has to devote a great deal of time and effort to winning over or controlling by force the people among whom the fighting is going on.

For months, observers had been wondering whether Giap would dare apply his own doctrine and himself extend the front and the battle-zones outside the areas of Vietnam within which he had been more or less held in check since the counterblow that stopped the Tet offensive of February 1968. Now it is his enemies who are spreading the fighting to all of Indochina, under conditions which, in Cambodia, are uniting the masses behind a prestigious political chief who is entering the fray against these enemies. Thus, the operation launched on April 30 seems to me to be contributing to the revolutionary unification of the old colonial Indochina.

Will such a united Indochina become the satellite of China? Mao's speech of May 20 gave many observers the impression that Peking was finally ripping off the mask and proclaiming China's right to control the Indochinese area, much as the Soviet Union held Eastern Europe in thrall after World War II. In my view, this interpretation is wrong. Of course the Chinese leader took the opportunity the Cambodian operation afforded him to attack in the harshest terms the American role of world policeman, and to rejoice in seeing American power entrapped in the Asian rice paddies. But it is noteworthy that his speech did not mention any precise threat or specific action. His appeal was to world revolution, for moral aid and approval, not a call for military escalation. It was a song of triumph rather than a war-like gesture.

The evolution of the Indochina war is the fulfillment of Peking's hopes. The character of the conflict more and more clearly illustrates the validity of the warning of Lin Piao regarding the strategy of countryside versus cities, *i.e.* what is happening in Laos and Cambodia is as it was in Vietnam. The Chinese strategists do not predict complete victory. Revolution in Indochina does not mean Chinese domination. But while a united Indochina, more or less inspired by Hanoi, cannot oppose China, it can limit Chinese expansion. At present, Indochina is fighting under a Chinese banner but its aim is to survive under its own colors.

Vietnamization: Can It Work?

(By Robert H. Johnson)

The uneasy public quiet on Vietnam which the President achieved with his speech last November 3 was shattered by the large-scale U.S. military intervention in eastern Cambodia. Once more U.S. policy in Southeast Asia became the subject of major controversy. In this situation there is some danger that we shall become so caught up in the immediate issues that we neglect more fundamental questions with respect to current American strategy. The new actions are a product of a basic fault in the structure of U.S. policy but do not, by themselves, define that fault.

In his November 3 speech the President offered a strategy based upon the twin approach of negotiations and Vietnamization of the war, accompanied by withdrawals of American forces. He was pessimistic about the outlook for negotiations but told us that Vietnamization would permit the United States to disengage from the war even if negotiations failed. In the period since, the United States has further downgraded negotiations as an essential part of any solution. The only subsequent hint that the government might not consider the Vietnamization strategy sufficient by itself was provided by the President's speech on April 20 announcing future troop withdrawals, in which both the volume and tone of his discussion of negotiations implied a recognition that they were important. He stated explicitly that negotiations at least provide "a better, shorter path to peace." But there was no evidence following that speech of a change in the U.S. position in the Paris negotiations, and the President's action in Cambodia 10 days later clearly gave priority to Vietnamization. This priority was reflected in the renewed emphasis upon the use of military means to end the war and in the justification of the Cambodian intervention on the grounds that it was needed to protect American lives and to "guarantee the continued success of our withdrawal and Vietnamization program."

The basic question therefore remains: Has the President been right in de-coupling Vietnamization and American troop withdrawals from negotiations or are the two strategies essential complements to each other?

The search for an answer to this question must begin with an effort to project into the future the probable results of the Vietnamization and withdrawal policy. Three principal factors will determine the outcome of that policy: North Vietnamese and Vietcong reaction to its implementation; the stability and general viability of the government of South Vietnam; and the closely related question of the ability of the South Vietnamese government and armed forces to cope with the problems of the South at various levels of American withdrawal. As we turn to an examination of these factors, we should realize that now, as in the past, there are almost no agreed "facts" with respect to Vietnam and that any estimate of the future is certain to be disputed.

No one in Vietnam or elsewhere has any clear idea as to likely military reactions by the communists as the United States withdraws from Vietnam. However, we do have the warning last December of General Giap, North Vietnam's Defense Minister, that Vietnamization will be a "tragedy" for U.S. and South Vietnamese forces and that these forces "which have taken severe beatings will get yet harder ones."

It is very clear that the communists wish to see the United States withdraw as quickly as possible. It seems likely that their reactions will depend upon their estimates of U.S. intentions. If the United States were clearly going to remove all American forces quickly, the communists would probably lie low and let us get out with minimum casualties. However, if, as has become increasingly evident, the United States plans to maintain a substantial residual force in South Vietnam for some time, the temptation to undertake some kind of military action against American or South Vietnamese forces will be quite high. The communists would hope to induce pessimism, political change in the South and a more nearly total withdrawal. In April Hanoi did, in fact, call upon communist forces to kill American soldiers at a rate "far beyond the 100-a-week level, which the United States ruling clique has considered bearable." After this, American battle-deaths began to rise significantly above that level.

Political stability in South Vietnam will also be very difficult to estimate in a changing situation. President Thieu is coming increasingly to resemble the late President Diem in critical respects: he is becoming, in the words of a Senate Foreign Relations Committee Staff Report, "increasingly autocratic, secretive and isolated." Like Diem, he seems much more concerned with assuring the absolute security of his present narrow political base than with broadening it. The deep distrust which permeates Vietnamese political relationships is likely to be accentuated by the strains imposed upon the government as it assumes increased responsibility for the war.

The ability of the Thieu régime to cope with the problems of the South will be even more affected by its administrative and military capabilities. While there is considerable optimism in the U.S. government at present about the progress of the rural pacification program, the Senate committee staff report notes that many American officials in the field consider the gains to be fragile and heavily dependent upon the ability of the army of Vietnam (ARVN) to continue to hold the countryside as the Americans leave. Of six factors that are reported as accounting for improved ARVN performance in the past year, four are based upon U.S. matériel, planning, operational and advisory support.[1] Even though most of these elements of support may be continued during an intermediate period after withdrawal of U.S. combat troops, the American ability to influence Vietnamese military planning and action is likely to decline with the elimination of the most important direct U.S. contribution to combat. Moreover, the complex military operations which the United States has mounted in order to exploit the full capabilities of its sophisticated military equipment may be beyond the capacity of the Vietnamese to manage on their own.

The situation in the one area from which all U.S. ground combat troops have been withdrawn, the Mekong Delta, has generally been viewed with considerable euphoria as evidence that Vietnamization is succeeding. But the quiet in this area does not simply reflect a weakening of the communist position but also a clear communist policy of lying low while they rebuild their military forces and political structure for the continuing future struggle.

The predominant, but not unanimous, opinion of senior U.S. and Vietnamese officers in Vietnam is that the North Vietnamese are no longer capable of defeating the ARVN with a massive attack. The issue, however, may be incorrectly posed. The U.S. military ever since 1954 has tended to believe

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[1] As noted in the Staff Report for the Senate Foreign Relations Committee already mentioned ("Vietnam: December 1969," Washington, United States Government Printing Office 1970). The other two factors are improved ARVN leadership and increased South Vietnamese confidence. This latter factor is certainly also related in some degree to U.S. support.

that massive communist attacks represent the main danger of military catastrophe in South Vietnam. Yet when, in late 1964, the ARVN was on the ropes and about to cave in, its weakness was created more by a combination of political malaise and smaller-scale punishing attacks than by massive military actions. The continuing high rate of desertion from the ARVN is certainly not reassuring as to its ability to sustain high losses without grave effects upon morale and effectiveness.

It is evident from President Thieu's cautions views as to the appropriate timing of U.S. withdrawals, as well as from the continuing flow of news reports on the views of American officers in South Vietnam, that many in Vietnam—aware of the persistent, long-standing weaknesses of the ARVN's military efforts—are rather less sanguine than U.S. policy-makers about the prospects for a reasonably early U.S. pullout.

The U.S.-South Vietnamese military action in Cambodia warrants separate treatment since, potentially, it affects all of the factors just discussed. In the short run it is likely to reduce somewhat the capacity of the communists for military action in the Delta and the Saigon area. Longer-run effects are much less certain.

By placing renewed emphasis upon a military solution to the war and raising new questions in the minds of the communists as to the pace of future U.S. troop withdrawals, the action will reduce the incentives the communists have had to lie low in order to encourage such withdrawals. In any event, past communist behavior suggests that they will seek to make some kind of significant military or politico-military riposte to the Cambodian operations. The idea of "cleaning out" the communist sanctuary in Cambodia may seem attractive, but prior experience with "cleaning out" communist base areas should remind us that this is not a once-for-all operation. Communist forces will return after U.S. and South Vietnamese forces withdraw and the United States is now, in effect, committed to an indefinite continuation of such cleaning-out action. The rationale that argued for the original action will argue for its continuance.

Moreover, if the operation seems initially successful, there may be increased pressure for a similar "cleaning-out" operation in southern Laos (the so-called "Panhandle"). This is a very old idea; proposals for doing it were being made at least as long ago as the beginning of the Kennedy administration. While U.S. and South Vietnamese covert military actions in the Laos Panhandle have reduced the pressures for such an operation, "success" in Cambodia is likely to produce renewed demands by the military for more massive and open intervention. The Laos corridor is, after all, a great deal more important than the Cambodian sanctuary to the war in Vietnam. The political arguments against taking such action will seem weaker now that fuller publicity has been given to our involvement in Laos.

Thus, in undertaking to clear out the Cambodian sanctuaries we have increased our long-term responsibilities. The capability of the South Vietnamese to continue such complex, large-scale military actions by themselves is open to question. Moreover, to transfer such responsibilities to the South Vietnamese will, in the longer run, risk serious political difficulties in view of traditional animosities between the Vietnamese and Cambodians (or Lao). But the more basic long term dangers relate to the responsibility the United States may now have assumed for the survival of a non-communist government in Cambodia, a question that can best be discussed as part of a broader consideration of the options open to the communists as the United States withdraws from Vietnam.

For purposes of a more specific analysis of the probable outcome of a Vietnamization and withdrawal policy, we can project three stages or levels of U.S. force withdrawals. In making these projections it is assumed that the administration will not significantly alter its present negotiating position. This will permit us to focus, in this initial analysis, upon the possible consequences of a policy which is based wholly upon a Vietnamization strategy.

II

Withdrawal of most U.S. ground combat forces. The first projected level would involve the removal of all U.S. ground combat troops except for those forces needed to protect base areas containing other U.S. military elements. It would leave about 225,000 military personnel in Vietnam consisting mainly of a full-scale logistic support element, air and artillery elements, and a large-scale military advisory group. Such a withdrawal probably represents the maximum for which specific planning has been undertaken. In late March, a withdrawal down to this level was contemplated by mid-1971, but events since may have set back this target date somewhat.[2] In this situation it seems highly likely that the United States would also retain more or less its present large nonmilitary establishment in Vietnam. Aid, intelligence, information and other such personnel would be needed for their contribution of advice and support to quasi-military and nonmilitary counterinsurgency operations.

The principal danger which the U.S. government appears to foresee under these circumstances is the possibility of major communist attacks upon U.S. forces during withdrawal, or after its completion. Such communist attacks seem a genuine danger, especially if there is no evidence of definite U.S. plans for the early withdrawal of remaining forces. Communist attacks would be designed to demonstrate the dangers of retaining such a residual force in Vietnam and to shake the confidence of the South Vietnamese. The residual forces would have some capability for self-defense of their immediate base areas, but would be dependent for broader area defense upon South Vietnamese ground forces.

If the communists attacked, they would risk U.S. reescalation of the war, perhaps in the form of resumed or expanded air attacks upon the North. They would probably not consider it likely that the United States would reintroduce any substantial number of the withdrawn ground forces. While North Vietnam would certainly prefer to avoid a resumption of air attacks upon itself, past experience has demonstrated to Hanoi and to us that such attacks are unlikely to have a significant effect upon the outcome of the war. Other escalatory steps such as the mining of Haiphong Harbor, a ground invasion of North Vietnam or nuclear action would carry such high political and military costs or have such limited military value as to seem implausible as a threat and very unattractive to America as a form of action.[3]

Any such reescalation of the war would certainly produce a very substantial political reaction in the United States and would recreate the difficult problem of how to de-escalate.

But the communists would have other options. One alternative would be to leave U.S. forces alone but to undertake greatly expanded attacks upon the armed forces and civilian personnel of the government of South Vietnam designed to shake its confidence in its ability to go it alone. American withdrawals to date have apparently not yet seriously disturbed the confidence of the South Vietnamese in their capacity to cope, because those withdrawals have not yet reached the critical point, and perhaps because the government of South Vietnam remains to be convinced that we shall, in fact, withdraw all combat forces in the foreseeable future.

To the communists, major attacks upon South Vietnamese elements could be more attractive than attacks upon U.S. forces. Such attacks would be more likely to raise serious questions about the validity of U.S. assumptions underlying its Vietnamization policy; would be somewhat less likely to provoke U.S. reescalation; and, most important, could very favorably affect the political situation in the South, which must, in all circumstances, be the central communist objective.

A third option, and one which the communists could exercise under all of the scenarios discussed here, is a major military move in Laos. Such a move could have two immediate objectives—to remind the United States of the dangers of continuing to remain on the ground in mainland Southeast Asia and to point to the fact that the Laos problem cannot be settled by Vietnamization of the war in South Vietnam, but must be settled as part of a larger negotiation. Whether moves in Laos earlier this year had some such motivation or were part of the continuing jockeying for military and political position in that country is difficult to say.

Depending upon how far the communists carried their military action, such a move could present the United States with an excruciating dilemma. Continued non-communist control of that part of Laos that borders the Mekong River is viewed as crucial by the Thais and they would certainly place very heavy pressures on the United States to respond to communist action which threatened their Mekong frontier. But open, direct U.S. military involvement in Laos is a very unattractive proposition as President Kennedy perceived in 1961 when he opted instead for a negotiated settlement. It is also obvious that the Laos nerve of the Congressional opposition is exceedingly sensitive.

While we have no explicit commitment to the defense of Laos, we do have rather strong explicit and implicit commitments to the defense of Thailand. Under the Rusk-Thanat agreement, which was a by-product of the 1961–62 Laos crisis, the United States undertook to fulfill what it considered to be its obligations under the South-East Asia Treaty Organization (SEATO) in the event of a threat to Thailand, whether other SEATO members agreed to act or not. Moreover, by participating directly and indirectly in the combat in South Vietnam, the Thais have committed themselves to "our side" in a manner that is quite unprecedented in past Thai foreign policy. To the Thai, the principle of reciprocity in social and political relationships is of key importance. They are

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[2] *The New York Times*, March 25, 1970, p. 1. To reach this level, a withdrawal of 225,000 men would have been required by mid-year, as compared with the withdrawal of 150,000 by the spring of 1971 announced on April 20. More recently, however, Secretary Laird has said that U.S. involvement in ground combat will end by July 1971.

[3] In the view of many experts an invasion of North Vietnam is the one action that would very probably trigger direct communist Chines involvement in the war. While it seems most unlikely that the United States will ever employ nuclear weapons except in a situation involving an attack upon the United States, there is a marginal possibility that the threat of nuclear action might be seen as useful in inducing a political settlement. It is possible that the President's thinking on this subject may be influenced by the view that it was a veiled threat of nuclear attack on North Korea by Eisenhower that produced the Korean settlement in 1953. This is, at best, a debatable proposition and the analogy with Vietnam is open to most serious question.

very likely to view their commitment to us as entailing a reciprocal obligation on our side in the event that they are seriously threatened through Laos.

Even though the Thais have begun to hedge their foreign-policy bets somewhat and may be looking toward a future accommodation with North Vietnam and communist China, we cannot assume that they will not ask for major U.S. support in the event of a serious threat to their Laos frontier. Moreover, the question of Thailand aside, it would be very difficult for the United States to sit still during a military conquest of Laos, both because of the broader international political consequences and because of the potential effects upon Vietnam.

Finally, recent developments have provided the communists with new opportunities for action in Cambodia. They are able to back a leader, Sihanouk, who still possesses considerable popularity and an aura of legitimacy among Cambodians. Utilizing this political base and a combination of Vietcong and North Vietnamese forces with existing Cambodian communist and tribal resistance movements, the communists could make life quite difficult for a weak Lon Nol government. While the establishment of a major full-fledged guerrilla movement will take some time, the communists are likely to be capable of major military forays or the establishment of liberated zones without meeting much effective resistance from the Phnom Penh régime unless that régime receives direct U.S. or South Vietnamese military support.

The United States has now implicitly, but clearly, accepted responsibility for the security of a non-communist government in Cambodia. In his April 30 speech, the President argued that the communists posed a threat to the independence of Cambodia and he represented the military action against the Cambodian sanctuaries as response to the Cambodian government's plea for outside aid. The United States, "with the chips down," had come to the support of a small nation under attack. While the President has since denied that we have undertaken a new commitment, the administration has apparently given its blessing to a developing de facto alliance between Thieu and Lon Nol. Thus, the commitment has not been eliminated, but only made somewhat indirect.

In any of these situations, the United States would face some very difficult and unattractive policy choices. So long as there continues to be a substantial U.S. presence in South Vietnam, America is inextricably caught up in the defense of South Vietnam. Moreover, our actions have increasingly committed us to the continued survival of the Thieu government. Yet, as our experience since 1965 demonstrates, we cannot even begin to redeem our commitments without employing U.S. ground combat forces. Thus, in a situation where the communists attack U.S. or South Vietnamese forces and the South Vietnamese demonstrate an inability to cope with the attacks, the United States will very likely face the options of letting the attacks succeed or of reintroducing ground forces. The potential problems presented by Laos and Cambodia illustrate the now obvious fact that we are caught up in an Indochinese struggle and that a solution confined to Vietnam is no complete solution.

III

Withdrawal of logistic support forces. At the second projected level, with both ground combat and logistic support forces withdrawn, the U.S. military presence would be reduced to an advisory effort and, perhaps, continued air and artillery support. An advisory group of 25,000 to 50,000 has been mentioned in the press. If nonmilitary as well as military personnel are included, 50,000 would seem a fairly conservative estimate in view of the fact that 23,000 civil and military advisers remain in the Mekong Delta after withdrawal of all U.S. combat troops from that corps area. (There are four corps areas in South Vietnam.)

The immediate military arguments for retaining U.S. air and artillery support under these circumstances are likely to seem quite compelling. Such support would strengthen South Vietnamese capabilities, help protect American advisers and give those advisers more leverage in their attempts to influence Vietnamese military and nonmilitary actions. But arguments based upon longer-term political, military and ethical considerations would be much more negative. To mention the ethical argument only at this point—we draw back in horror from the Mylai massacre, yet, so long as we continue to bomb South Vietnam, we unavoidably perpetrate many such indiscriminate killings, differing from those at Mylai only in their more impersonal character and in the presumed intent of those involved in the killing.

If the United States reduced its involvement to an advisory effort, would we be well out of the woods in Vietnam? The answer, quite clearly, is no. We would simply have begun to get out of Vietnam the way we came in and, along the way, would very probably confront the old dilemmas that caused us to deepen our involvement so drastically in 1965.

If the communists had permitted us to withdraw U.S. forces to this level without reacting in one of the ways earlier discussed, their failure to react would perhaps reflect an assumption that the faster the United States withdrew, the less effective the U.S. program of Vietnamization and the better the prospects for early communist success. They would have taken us at our word that U.S. withdrawals would be related, in part, to the level of communist activity. Only if withdrawals were occurring at a quite steady and rapid pace would such a strategy be likely to seem attractive to the communists.

Once we were down to a residual advisory force (with, perhaps, air and artillery support) and it appeared that we were likely to maintain that force in South Vietnam for the indefinite future, the incentive situation would change. The communists would then very likely see it in their interests to undertake a program of political and military pressures directed against South Vietnamese forces and officials designed to produce major political changes in the South and to make the United States confront the untenability of its policy. They would seek, in this effort, to exploit war weariness and the adverse morale effects of the withdrawals in the South. They would probably consider it quite unlikely that the United States would respond by reintroduction of ground forces.

Would the government of South Vietnam be able to cope with renewed pressures? Clearly, estimating becomes extremely hazardous because this point is quite far down the road and much could happen on both the communist and non-communist sides between now and then. If the pessimists with respect to prospects for successful Vietanmization are correct, the South Vietnamese government could be in serious trouble. Moreover, many observers in South Vietnam who are optimistic about the ability of the South Vietnamese to defend themselves militarily are skeptical of the Thieu government's ability to survive in a political struggle with the National Liberation Front. Furthermore, and rather paradoxically, if Vietnamization should succeed in providing relative military security, that very security might encourage the reëmergence of the atomistic, dog-eat-dog politics so characteristic of Vietnam, which would provide increased political opportunities for the communists.

Confronted by these uncertainties, one proposition of which we can be quite certain is that the communists would not stop trying to cause serious trouble in the South. Another proposition of an almost equal degree of certainty is that the South Vietnamese government and its forces would not be free of serious vulnerabilities. From these propositions we can draw the rather obvious conclusion that there would be some clear risks that the communists would produce significant political and military deterioration in the South.

If such deterioration should occur, the presence of U.S. advisory elements could present the United States with serious dilemmas. The possibility that our large advisory group might be caught up in a politically or militarily collapsing situation would be likely to seem as horrendous a contingency to policymakers in, say, 1974 as it evidently seemed to President Johnson and his advisers in 1965. If we were faced by political deterioration, the strong temptation would be to shore up the government of the day in the South or to back whatever leadership promised to continue the struggle against the communists. Even a gradual, relatively peaceful, takeover by the communists would be embarrassing, to say the least, if it occurred with 25,000 or more U.S. advisers and billions of dollars of U.S. military equipment still in Vietnam.

Thus we return to the rock-bottom fact that so long as the United States is committed physically and politically to any degree in South Vietnam, there is always a risk that we shall pay, and pay dearly, for that commitment. As in the past, our first inclination in a weakening situation will be to throw more economic and military materiel into the breach. But if that fails, we would confront the question of military reinvolvement. If we retained U.S. air and artillery forces in the South, we would have more to work with from a military point of view, but it would, by the same token, be easier for us to slip into a deeper military involvement.

IV

Withdrawal of all special U.S. advisory elements and all combat forces. For purposes of analysis, it is assumed that, at this level, the United States would withdraw all special civil and military advisory missions and, if they had been retained earlier, all air and artillery units. Such a withdrawal would be based upon the assumption that the South Vietnamese no longer needed such support. In effect, we would consider that we had "won" the war, temporarily at least. Our relationship to South Vietnam would revert to the situation that existed prior to 1961 before the Kennedy administration build-up of advisory and air units. While no one seems to be thinking of this as a serious possibility for the foreseeable future, it is a case worth examining because it presumably represents the final goal of a policy based wholly upon Vietnamization of the war.

We must assume that in such a situation we would continue to be involved in a substantial aid program to South Vietnam. Unless the communists had faded almost completely away—a most unlikely contingency—the South Vietnamese would need to maintain a substantital military establishment for some time. The large quantities of military supplies and equipment which we have supplied in the past, and are presently augmenting under the Vietnamization program, would need to be maintained and replaced. Even in the very unlikely event that there was little sense of immediate threat, the United States would be likely to pour substantial amounts of materiel into Vietnam for the indefinite future if for no other reason than as insurance to reduce the risk of future combat reinvolvement.

A large South Vietnamese military establishment would place demands on the South Vietnamese economy which would force the

continuance of substantial U.S. economic aid. Reconstruction needs would require additional assistance. These military and economic aid programs would, in turn, mean a continued large aid establishment in South Vietnam. Hundreds—very likely thousands—of U.S. military and civilian personnel would remain in the South.

In the absence of a negotiated settlement, the United States would very probably confront the question of security guarantees for South Vietnam. The government of South Vietnam would be likely to press strongly for some kind of bilateral or multilateral guarantee before the last American combat elements departed. The Geneva Accords machinery, established in 1954, has broken down quite completely and could hardly be glued back together again without a new international agreement. While current U.S. public opinion, Congressional attitudes and stated administration policy would all suggest that we would be unlikely to commit ourselves in any way that might seriously risk future combat reinvolvement, what would an administration which is formally committed to the continued independence of South Vietnam do in such a situation? It would be unlikely to feel that it could cast South Vietnam adrift after having "won" the war; it would fear that such action would simply encourage the communists to resume the struggle after our departure.

To assume that we shall arrive at this point within the context of a policy based upon seriously intended Vietnamization is to assume that the military capacity and the political threat of the communists have been temporarily, at least, severely blunted. It is not to assume, however, that the communists have no significant military or political capabilities and it is decidedly not to assume that they have given up the struggle. Hanoi has an interest in South Vietnam that is, ultimately, deeper than our own. We may leave, but the communists will not quit. The communists would, following a U.S. departure of this scale, very likely initiate a gradually mounting program of pressures. How severe these pressures would be would depend in part upon the extent to which our withdrawal was made possible by our genuine success versus the extent to which it was made possible by a deliberate communist policy of lying low in order to encourage the final departure of U.S. combat and advisory units and to preserve communist assets for the future struggle.

The ability of the United States to stay out of that future struggle would be inhibited by our continuing substantial presence in South Vietnam and by our probable commitments to its continued survival as an independent entity.

V

The preceding discussion suggests some of the problems ahead and directs our attention to action that might minimize the risks involved in our policies. That discussion and what follows are based upon the assumption that, as indicated by the President's statement last November, the United States sees Vietnamization as a viable substitute for negotiations leading to a political settlement in the South. One must, however, bear in mind the possibility that the administration has not, for tactical reasons, revealed its full strategy and that its planning has, in fact, linked the strategies of Vietnamization and negotiated settlement along lines discussed below. Alternatively, the President may have hoped that a Vietnamization and withdrawal policy would induce the communists to lie low and thus permit us to get out of Vietnam with minimum casualties even without a negotiated settlement. The administration may have been willing to accept a fairly high probability of a communist takeover thereafter. Both of these speculations run counter to past public explanations of policy, and in the wake of the Cambodian action and the justifications that have been offered for it, both now seem quite unlikely interpretations of administration intentions.

Increasingly it has become evident that, as Chalmers Roberts noted some months ago in *The Washington Post,* President Nixon, like President Johnson before him, wants to "win" the war in Vietnam in the sense that he wants to leave behind a non-communist government in Saigon able to withstand any communist threat. This objective has been reflected in our continued support of the Thieu government in its opposition to any agreement in Paris which would clearly provide for substantial participation by the communists in political power in South Vietnam. Seen in this perspective, the Vietnamization strategy is clearly a strategy for winning the war. A serious U.S. negotiating position would involve acceptance of the fact that, while we have not lost the war in a military sense, neither are we capable of winning it. Being incapable of winning it and confronted by a foe who is certain to outlast us because of the higher relative value he places on success in the effort, we have in effect, even though not in fact, lost the war.

One of our recurrent hopes, which was revived in connection with the Cambodian operation, is that a show of great determination will cause the commission to see negotiations our way. But neither border operations nor resumed bombing of the North is any more likely to achieve this objective than past efforts to bomb North Vietnam into reasonableness.

Four specific defects of a policy based wholly upon Vietnamization have been suggested:

1. Vietnamization makes no provision for a political accommodation between the communist and non-communist forces in South Vietnam. It therefore leaves the central issue of the Vietnam struggle unresolved. With this issue unresolved we can anticipate continued political instability and continued political and military strife in the South.

2. Vietnamization by itself provides no assured basis for the total withdrawal of U.S. military personnel, including military advisers, within a reasonable time period. If the struggle continues, therefore, it is quite likely that we shall remain involved in it, with all the risks attendant thereto as sketched above.

3. Without new international machinery, obtained through negotiations, the United States will lack any body or arrangement to which it can shift the burden of responsibility for Vietnam. (I am not sanguine that, under the best of circumstances, we shall obtain very strong machinery. But some kind of machinery, weak though it may be, is essential if we are to lay our burden down in a reasonable period of time.)

4. Vietnamization fails to deal with the problems of Laos and Cambodia. Laos is a serious vulnerability for America; a convenient pressure point for the communists. For both it is a secondary theater of the Vietnam war. So long as the United States maintains a significant presence in South Vietnam—or even if it is largely out of South Vietnam, but remains committed to its defense—it can hardly agree to a settlement in Laos which would give North Vietnam free access to the corridor through eastern Laos into South Vietnam. To accept a Laos settlement which precluded the harassment of communist movement through the Laos corridor would be to leave South Vietnam with a serious vulnerability which would certainly be exploited by the communists in the absence of a political settlement in South Vietnam. On the other hand, without a political accommodation in the South, the communists are most unlikely to agree to a Laos settlement which effectively inhibits their use of the Laos corridor. Thus, a settlement of the central issue of the Vietnam war is necessary to a meaningful agreement with respect to Laos.

In Cambodia we have assumed a double responsibility: first, for preventing the border areas from being used by the communists to threaten U.S. and South Vietnamese forces; and second, for maintaining a non-communist government in Phnom Penh. We are unlikely to be able to divest ourselves of either responsibility so long as the political struggle continues in South Vietnam.

Because each of these defects could give the United States most serious trouble and because none of them could be resolved without serious negotiations, it is clear that Vietnamization without such negotiations is most unlikely to succeed in extricating the United States from Vietnam within a reasonable time.

Given limitations of space, it is hardly possible to do more than sketch out below the manner in which the policy of Vietnamization might be re-coupled to a negotiating strategy. Vietnamization represents a useful and necessary part of any plan for extricating ourselves from Vietnam. It involves a return to the principle upon which President Kennedy insisted and which we abandoned with the escalation of 1965—the principle that this is a Vietnamese war which ultimately can only be won, if it can be won at all, by the Vietnamese themselves. It is useful to return to this principle not only because it is correct but also because it provides the United States with a reasonable and understandable policy posture, both in the United States and in Asia. Reliance upon this principle will help reduce the political costs of U.S. withdrawal. The main danger in the Vietnamization policy is that it will be taken too seriously in the sense that we come to believe that it offers a real prospect for a "successful" outcome of the war.

A genuine effort to reach a truly viable settlement must begin with the recognition that the political role of the communists in the South is the heart of the matter. However, as Henry Kissinger, Assistant to the President for National Security Affairs, recognized in an article published in *Foreign Affairs* in January 1969, any agreement on this issue must be achieved, among the parties in South Vietnam itself. This places the United States in the difficult position of being dependent upon the government of South Vietnam for achievement of a settlement through negotiations, just as it is dependent upon that government in any effort to achieve success in the South through Vietnamization. If the United States is willing to abandon the concept of Vietnamization as a kind of "win" strategy and view it instead as an essential part of a political settlement strategy involving negotiations, it can be a useful tool in creating the conditions for a political accommodation in the South.

Under these circumstances, the policy of Vietnamization and U.S. force withdrawals would be utilized to make clear to the political elite of South Vietnam that it must decide, in a relatively limited period of time, what kind of political arrangements in the South are supportable on a long-term basis without continuing substantial U.S. assistance. In order to force such a decision, the United States would need to set a quite early deadline for the withdrawal of *all* U.S. forces, including logistic support, advisory and air and artillery elements.

It could be argued that such a deadline should be given to the South Vietnamese privately in order to maintain the theoretical bargaining leverage provided by communist uncertainty as to how long the United States will stay in Vietnam. But as a practical matter any deadline given to the South Vietnamese will soon be known by the North. Moreover, a public declaration of intent has the advantage of making the decision more irreversible and thus forcing the South Viet-

namese elite to confront its situation more quickly and frankly. It also has the virtue of reducing the likelihood of dilemma-creating attacks by the communists on U.S. or South Vietnamese forces.

A public American commitment to total withdrawal by a specified deadline, rather than reducing communist incentives to negotiating an agreement, could under proper circumstances actually enhance them. It is already evident from communist behavior that they feel little, if any, incentive to negotiate under present circumstances in which the United States refuses to confront the central political issue in the South and in which it seems bent upon withdrawing at least its ground combat forces at no price to the communists. A commitment to withdrawal which is part of a strategy clearly directed toward achievement of an accommodation between communists and noncommunists in South Vietnam would encourage, and could necessitate, a serious negotiating effort by the communists.

Even though the communists may believe that the political odds clearly favor them, they too confront uncertainties about the future which could be reduced, though not eliminated, by a negotiated settlement. The most obvious uncertainties are those relating to the effects of the Vietnamization program upon the military capacity of South Vietnam, especially if the United States continued "normal" military and economic aid programs after its force withdrawals.

Although the United States cannot itself negotiate political arrangements in the South, it can utilize an active secret diplomacy for exploration of the issues involved and, in this manner, could put additional pressure on Saigon. It is likely that the Thieu government's initial response will be to stiffen its already tough negotiating stance. A policy of continued active, unqualified support for Thieu is inconsistent with a successful American negotiating strategy. We need to draw back from our embrace of Thieu. He is providing us ample excuse for doing so in his increasingly repressive political actions. As we did in 1963 in the case of Diem, we need to make evident to the Vietnamese elite, including the military, that we are not committed irrevocably to the present government.

If, as rumored, Ambassador Bunker will soon leave Saigon, we shall be provided with an opportunity like that which occurred in 1963 with the shift from Ambassador Nolting to Ambassador Lodge to disengage from the existing regime. Our objective should not be the overthrow of the Thieu government, but rather the creation of a set of political pressures which would make political accommodation with the communists more likely. These pressures might lead to the replacement of Thieu, but Thieu might, if he comes to accept the necessities of the situation, be the leader of the effort to reach an accommodation.

If we can resolve the central political issue of the role of the communists in South Vietnam, it should then be possible to negotiate a new international framework—or to revive the Geneva framework—so that we can rid ourselves of our unilateral responsibility for the future of South Vietnam. It is hardly realistic to deal with the problem of Laos in a sentence, but the most obvious solution would be to negotiate a de jure partition along the lines of the present de facto partition. Such an arrangement would offer the Thais protection of their Mekong frontier while permitting the communists to continue to hold the areas that they have so long occupied and from which we are, in any event, incapable of dislodging them. However, with a settlement in South Vietnam, a less linear solution to the Laos problem may be more likely and more feasible. The Cambodian situation is too fluid for prescription, but an agreement to put back in power a Sihanouk, who at the moment is communist-leaning, might provide a solution that we could swallow and that would be acceptable to the communists.

The strategy proposed here rejects a simple U.S. pullout, such as is espoused by many critics of the war. Such a pullout would be likely to be seen by some Asians who are still important to us as a simple abandonment by the United States of its assumed responsibilities and would be likely to carry international political costs that it would be better, if possible, to avoid. On the other hand, the strategy is based upon the assumption that we cannot win the war through Vietnamization or any other means. It would require us to accept what would be, at best, a communist-leaning government in the South and a strong likelihood of the future reunification of all of Vietnam under communist auspices. Such a unified Vietnam is quite likely, however, to be able to maintain its independence from communist China.

It is obvious that it is precisely because this is the likely outcome of any serious negotiation that both President Johnson and President Nixon have resisted taking the actions necessary to produce an agreement. While such an outcome is regrettable in terms of the objectives we have sought in the postwar era, it is also inescapable. It is even more regrettable that we did not recognize this outcome for the necessity it was in 1965 and that we have had to pay such a tremendous price in lives lost and domestic problems unsolved in order to learn some lessons about revolutionary warfare in Vietnam and about the limitations of our power. To continue to refuse to recognize this necessity is to perpetuate the error and the costs.

A LOOK BACK AT THE WEIMAR REPUBLIC—THE CRY WAS, "DOWN WITH DAS SYSTEM"

Mr. SAXBE. Mr. President, I ask unanimous consent to have printed in the RECORD an article entitled "A Look Back at the Weimar Republic—the Cry Was, 'Down With Das System,'" written by Walter Laquer, and published in the New York Times Magazine of August 16, 1970.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

A LOOK BACK AT THE WEIMAR REPUBLIC—THE CRY WAS, "DOWN WITH DAS SYSTEM"

(By Walter Laquer)

(NOTE.—Walter Laquer is director of the Institute of Contemporary History and Wiener Library in London, and a professor of politics at Brandeis University.)

To understand their own troubled times, to find comfort and guidance, men and women always look to the past. The American Revolutionists turned to 17th-century England, the militants of 1793 drew inspiration from revolutionary episodes in Roman history, the 19th-century decadents were fascinated by the decline of the Roman Empire. Such immersion in the past is only partly motivated by a thirst for knowledge; at least equally strong is the desire to find proofs and arguments to support political beliefs already held. As Anatole France said about one of his heroes: He looks in the history books only for the *sottises* which he already knows. But the invocation of the spirit of the past is no less interesting for the myth-making involved.

Seen in this context, the growing attention paid in America in recent years to the culture and politics of Germany between her defeat in World War I and Hitler's accession to power is not surprising. It was a fascinating period in almost every respect, but this is not why it figures so prominently in recent discussion. Some writers have detected striking parallels with present-day America, but even those who deny this feel sufficiently troubled to devote much time and effort to disprove these analogies.

The debate itself is a manifestation of deep malaise, common apparently to both ages, and reflected in the disintegration of established authority, the contempt shown for the "system," the cult of violence, unreason and intolerance, the belief that almost any political and social order would be preferable to the present, and the alienation of large numbers of the young generation.

This is not to say that the political situation in America today resembles that of Germany after 1918. Germany had been defeated in war, the Kaiser had been expelled, a harsh peace treaty had deprived the country of substantial parts of its territory and had imposed reparations which it was clearly unable to pay.

Power was at first in the hands of the Social Democrats, but at no time did they have an absolute majority. Nationalist passions were running high, millions of Germans were convinced that their armies, victorious in the field of battle, had been stabbed in the back by the enemy within. The confidence gained in the years of normality after the political and economic breakdown of 1922–23 was destroyed by the impact of the world economic crisis (1929–32), and support for the radical parties of the left and the right became overwhelming. Their mounting strength effectively paralyzed the democratic process.

Both left and right referred with contempt to an outmoded liberalism which did not express the popular will, to the rottenness of parliament, the sickness of society. "In the liberal man German youth sees the enemy *par excellence*," wrote Moeller van den Bruck, who coined the phrase *"das dritte Reich"* (the third Reich). Most students favored a socialism of sorts and demanded the overthrow of *das System;* many of their elders were proud of their fighting spirit and their revolutionary ardor.

There were some dissenting voices; in a speech in October, 1930, Thomas Mann warned against the new wave of barbarism, fanaticism and ecstasy, the monotonous repetition of slogans "until everyone was foaming at the mouth." Mann with all his skepticism had grown up in the humanist school of the 19th century with its optimistic view of human nature and of progress; to him and others of his generation the retreat from reason seemed not only utterly abhorrent but totally inexplicable.

The political history of the Weimar Republic is a tale of almost unmitigated woe; culturally, with all its tensions and despair, it was a fertile period, a "new Periclean age" as a contemporary called it. These were the years of the revolutionary theater and the avant-garde cinema, of psychoanalysis and steel furniture of modern sociology and sexual permissiveness. It was a time of exciting new ideas and cultural experimentation, of the youth movement and youth culture. German literature and the arts, the humanities and science, were generally considered the most advanced and most authoritative in Europe. Christopher Isherwood's Berlin was the most exciting city in the world.

Weimar culture had an impact that outlasted the Third Reich and can easily be discerned in America today. The rediscovery of Brecht and Hesse, of George Grosz, the Bauhaus, and "Dr. Caligari," of psychoanalysis and modern Marxism (to mention only some of the more fashionable imports) are obvious cases in point. Certain cultural parallels are almost uncanny: the chic radicalism of New York clearly evokes memories of the drawing-room Communism of Berlin West. The phenomenal revival of astrology

and various quasi-religious cults, the great acclaim given to prophets of doom, the success of highly marketable *Weltschmerz* in literature and philosophy, the spread of pornography and the use of drugs, the appearance of charlatans of every possible description and the enthusiastic audiences welcoming them—all these are common to both periods.

Yet at this point the resemblance ends, for with all its perversities Weimar culture had a creativeness and a depth without equal in present-day America radical culture (and counterculture), which is largely eclectric and secondhand. The difference in the general cultural level, to put it bluntly, can be measured by the distance between "Portnoy's Complaint" and "The Magic Mountain." This is all the more remarkable since what is now commonly defined as "Weimar culture" was produced (and consumed) by a small group of people: some tens of thousands, rather than the millions who today constitute the American intelligentsia.

Political comparisons between the Weimar Republic and contemporary America are not, as I have said, very helpful. The United States was not defeated in a world war; aggressive nationalism and revanchism are not the main issues at stake today; democracy in America is not a foreign importation of recent date, as it was in Germany after 1918, where it failed to strike root. The extreme right in America is not a great dynamic force and racialism is on the retreat. The American crisis, such as it is, is not the result of a major economic crisis; on the contrary, it is the outcome of a long period of unprecedented prosperity.

And yet, with all the differences, Germany serves as a useful object lesson in one vital respect: to show what happens in a country where reason abdicates, where democratic authority disintegrates, and political freedom is sacrificed as those who should know better are afflicted by a failure of nerve.

The German radical intelligentsia of the left showed little wisdom in face of the Nazi onslaught. Following the Communist lead, they regarded the Socialists, not the Nazis, as their main enemy. They claimed (as some of their American successors do now) that there was no basic difference between Fascism and liberal democracy. In 1931, when Germany was a parliamentary democracy, they asserted that Fascism was already in power, so that as far as they were concerned Hitler's take-over came as an anticlimax. The German left-wing intelligentsia (unlike the French) jettisoned in its politics not only patriotism—which by itself would have been suicidal—but too often common sense as well.

The main weakness of the moderate Socialists and the German liberals was that they lacked not just inspired leadership, but the courage of their convictions. They were incapable of decisive action when the advent of Fascism could still have been averted. Unlike the Nazis and the Communists, they had no ideas, no faith or promise to offer to the young generation, only the sober, reasonable, unemotional, and tired explanation that democracy was probably the least oppressive of all political systems. This was not very satisfactory for a young generation in search of the Holy Grail. The German democrats, of whom in any case there were not too many, suffered from a paralysis of the will to survive.

Individual Jews took a prominent part in the radical movement of the left. Some were in key positions in the mass media and suffered from the delusion that their calling was to act as the conscience of the nation—as they understood it. They never realized how much out of tune they were with the mood of the nation. Having lost their own moorings in history, dissociating themselves from the Jewish community but not fully accepted by the Germans either, it was easy for them to deride national symbols—always, of course, on behalf of a great messianic idea.

The majority of their co-religionists had nothing to do with them, but in the eyes of the public they represented the urge to negation and destruction and their tactless behavior increased the latent anti-Semitism. Lacking political instinct, they did not realize that they were harming the very cause they wanted so much to promote. In the end even the extreme left deserted them.

The right-wing intelligentsia behaved disgracefully at its time of trial. Communist workers and monarchist land-owners occasionally put up courageous resistance, but only a handful of intellectuals opposed Hitler. There were still many simple, uneducated people in Nazi Germany whose scale of moral values had not been perverted and who felt in their bones that Nazism was evil and that there would be a day of reckoning.

The young intellectuals, on the other hand, trained to provide an ideological apologia for every abomination, were in the vanguard of the Nazi movement. Hitler's party won a majority in most universities well before it gained strength in the country at large. The clamor for a political university teaching only one political doctrine met no resistance from weak-kneed professors and administrators. The old humanist traditions and the idea of the inalienable rights of men were rejected as irrelevant. The conformism which overtook the academic world was frightening; the great majority plunged into the wave of the future, some out of cowardice and opportunism, others from sincere conviction.

Having said all this, one must point to certain extenuating circumstances which explain, though they do not excuse, this weakness and confusion. Germany was facing a crisis of unprecedented magnitude. Since 1914 it had experienced only five years of relative stability and prosperity (1924–29). In 1932 industrial production was only 60 per cent of what it had been three years previously, and more than one-third of the labor force was out of work.

The Government seemed utterly unable to deal with the crisis, and the conviction rapidly gained ground that only a strong leader could save the country from chaos. The German intelligentsia was numerically small and politically uninfluential; Hitler would have come to power whatever its behavior.

After 1945 those who had voted for Hitler disclaimed responsibility. They had meant to support a movement of national and social revival, not a terrorist regime and a relapse into barbarism. How could they possibly have known what Nazism would be like? Equally those who supported Communism in 1930 could claim that the Soviet experiment, still in its early stages, was much more promising than the movements for piecemeal reform. The realization of Lenin's dream of a revolution that aimed not merely to seize political power but to share it among the people, of a far more progressive and democratic system, seemed just around the corner.

Four decades and a dozen revolutions later, history has shown that the outcome of any attempt to establish a socialist regime which bypasses democracy, is bound to be a dictatorship, oppressive, fundamentally reactionary in character, and not unrelated to Fascism.

The last years of the Weimar Republic were a period of almost unmitigated gloom. But there is, I believe, one basic difference between 1932 in Central Europe and present-day America. Whereas the German disease was imminent and in all probability incurable, the confusion and loss of balance in America are to a large extent self-inflicted.

There are, to be sure, serious problems: Vietnam, the race question, the growing realization that traditional liberalism may no longer have the answers to the problems besetting the country. But serious problems are not usually solved by apocalyptic predictions about Babylon the Great, the mother of harlots and abominations. (The language of American radical literature, let it be noted in passing, seems to owe more to the Revelation of St. John the Divine than to the Communist Manifesto.)

The retreat from reason is gathering strength; a distinguished Princeton professor recently wrote in an equally distinguished journal that the moderate majority on campus sees the world in much the same way as it was seen by the New Left in April. It has absorbed many of the New Left's ideas but has impatiently pushed the S.D.S. leaders to one side, rejecting their tired rhetoric.

Which takes us right back into the world of the German cinema of the early nineteen-twenties, of "Dr. Caligari" and "Dr. Mabuse," of lunatic asylums where the psychiatrists take on the role of the psychotics, determined to show what learned madmen are capable of doing provided they jettison restraint and good sense.

Periods of grave mental confusion are less infrequent in history than is commonly thought, and they have to be studied with detachment and sympathy rather than with anger and moral indignation. Intellectuals are not necessarily the most reliable guides in such unhappy periods. By long tradition they are second to none in their sensitivity to the inequities of the world. At the same time many of them lead a sheltered life.

Even the students of society and politics among the academics all too often have little contact with real life; questions about next year's curriculum are the most important issues they have to decide. In their seclusion there is a constant temptation to devise political constructions firmly rooted in mid-air, in which everything seems possible, in which governments and political authority in general are replaced by communes of free and equal individuals, in which society exists without repression, and domestic policies require no sanctions, diplomats always tell the truth, and a foreign policy is pursued in which the wolf lies down with the lamb, and the leopard with the kid, under the supervision of Prof. Noam Chomsky.

Such utopianism may be needed as a corrective to the cynicism of the professional politicians and to unthinking conservatism. But once the divorce from reality becomes too pronounced, the results are ludicrous or dangerous or both.

Nowhere is this danger greater than in America, which has never accepted Max Weber's dictum that he who seeks the salvation of the soul, his own and others', should not seek it along the avenue of politics, for whoever engages in politics lays himself open to the diabolical forces lurking in all violence.

The present wave of cultural discontent and protest has appeared in all democratic countries, but some societies are more vulnerable than others. Certain causes are sociological: the expansion of the universities with a heavy preponderance on subjects which no longer prepare their students for any specific job in society; the emergence of the intelligentsia as a class with its own unfulfilled ambitions in the struggle for political power.

Some aspects of the present unrest are familiar to students of youth movements (of which Fascism, incidentally, was also one); others confirm the findings of those who have investigated the pattern of aggression found among young adolescents in society, both primitive and modern.

(This can be seen in the communal riots in Ireland and India or the Charrot factions of Byzantium. A student of war wrote the other day in The Times of London: "It involves confrontation with taunts, grimaces,

'pointing' and war cries, while the adversary is called animal names, usually monosyllabic: long hair and aggression often go together, e.g. in Vikings, Sikhs, and Chindits. . . . The war urge comes first and the *casus belli* after, instead of the other way round. . . . If one cause of grievance is removed or shown to be nonexistent another is quickly found. The act of removal is merely a further irritant and may even of itself be dangerous.")

Beyond these general features there are some specific ones which make America especially vulnerable. Measured by absolute standards, America is no doubt full of repression; compared with other periods and countries it is one of the freest societies that have ever existed. It faces enormous problems; yet compared with those confronting other countries they are, to the outside observer, not exactly overwhelming. How then to explain that for so many young Americans and for some of their elders, their country has become the epitome of repression, a country unfit to live in, a society doomed to perish?

To the outside observer this is perhaps the greatest riddle. It may be connected with the traditional exaggeration in American speech which Dickens derided more than a hundred years ago, and which in recent years has reached new heights of absurdity. The use of terms such as genocide, Gestapo, Auschwitz, is disturbing, for it betrays a lack of historical perspective, a provincialism and narrowmindedness so monumental as to make rational discourse impossible. It may be partly rooted in the traditional American hypochondria (also reflected in the enormous number of pharmacies and surgical operations), the state of mind in which any physical or social affliction, real or imaginary, immediately turns into a fatal illness.

Perhaps it has to do with the traditional American naiveté and the surfeit of idealism—engaging qualities in themselves but potentially dangerous. For they reflect a predisposition to be taken in by demagogues and their slogans. How else to explain the enthusiastic support given by so many well-meaning young Americans to causes and movements which, below a thin veneer of "progressive," anticapitalist, anti-imperialist verbiage, are unmistakably proto-fascist in character and which, if given power, would establish a rule of terror and oppression such as America has never known?

Which demagogue in history has not demanded "Power to the people," has not promised freedom and social justice? Yet such are the confusion and the blindness that no one wants to hear about history and the experience of other countries. It is this unthinking acceptance of slogans which constitutes perhaps the closet and most frightening parallel to the lost generation of the nineteen-thirties in Europe.

Commenting in his French exile on the suicidal policy of the governments of the day, Trotsky once wrote that he felt like an old physician with a lifetime of experience behind him who was not consulted at a time when someone dear to him was mortally ill. Europeans who lived through the nineteen-thirties and who have not been infected by the disease will react in a similar way.

Whether they have any cure to offer is less certain, and anyway it will hardly be accepted. The historical memory of a new generation does not reach back very far and the lessons of historical experience cannot be bequeathed by will or testament. Each generation has to commit its own mistakes and will have to pay for them.

Unlike Europe, America has never experienced a ruthless dictatorship or foreign invasion; civil liberties of a precious kind are taken for granted by the middle-class radicals; there is a great deal of loose talk about creeping dictatorship, but few of them have the faintest idea what it would really mean. It will be (if it should come to that) a rude awakening and it may be—as a generation of Europeans realized at the time to its detriment—too late for second thoughts.

For this much seems certain: society does not suffer anarchy for very long. It is impossible to predict whether authority will be reimposed by the right or the left if the crisis should deepen further, or by a populist mixture of both, but in any case democracy as we know it may not survive the process.

In contrast to widespread popular belief, history does not repeat itself; luckily therefore a repetition of the German catastrophe is not a foregone conclusion. But in one essential respect serious damage has already been done. World peace, the independence of Western Europe, security in the Middle East and other parts of the world depend at present on the balance of military power between the United States and the Soviet Union.

It is a highly unsatisfactory situation; it would be vastly preferable if it depended instead on the wishes and hopes of men of goodwill all over the globe. Regrettably this is not the case. No particular gifts of prophecy are needed to predict the future course of world politics if this balance is radically upset by a paralysis of American foreign policy, an inevitable by-product of the trend toward neo-isolationism.

This trend may be only the beginning of a disastrous process which could eventually affect other parts of the world. Such a prospect may not give rise to alarm among those who would welcome a defeat of their country, because, as they see it, it would mean the victory of "revolution."

But those not living in the fantasy world of the New Left know that the only revolution likely to prevail is that which now rules in Czechoslovakia and the thought does not fill their hearts with joy. If America's position in the world were that of Sweden, the present crisis could be regarded with greater equanimity. Sooner or later it will no doubt run its course, and, for all one knows, the country may emerge stronger from it. But America, for better or worse, is not Sweden, and it is not the future of America alone which is at stake.

It is unfortunate that the role of leadership should have been thrust at the end of the Second World War on a nation unprepared for the role. It is largely Europe's fault; unable to make a concerted effort, it has not asserted its role in the world and taken on itself part of the burden which has become too heavy for the United States. It is the foreign political aspect of the American crisis which now looms most prominently in the eyes of outside observers, for it is this which makes it potentially more dangerous than the European crisis of the nineteen-thirties.

These concerns and fears will not be shared by those deeply immersed in their debates on repressive desublimation and the merits of vaginal orgasm, not to mention other subjects of topical and cosmic relevance.

Kurt Tucholsky, the great writer who in many ways was the epitome of the radical intelligentsia of the Weimar Republic, wrote in 1935 from his exile in Sweden that "we have to engage in self-criticism, in comparison with which sulphuric acid is like soapy water." A few days later he committed suicide.

ORDER OF BUSINESS

The PRESIDING OFFICER. What is the pleasure of the Senate?

Is there further morning business?

Mr. BYRD of West Virginia. Mr. President, I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The legislative clerk proceeded to call the roll.

Mr. ALLEN. Mr. President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. ALLEN. Mr. President, I ask unanimous consent that I may proceed for 12 minutes.

The PRESIDING OFFICER. Is there objection? The Chair hears none, and the Senator is recognized for 12 minutes.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENTS

OPPOSITION TO THE MUSKIE AMENDMENT

Mr. ALLEN. Mr. President, I rise to oppose the Muskie amendment to H.R. 17123 because of the added expense it will cause, because it will impair the obligation of a valid contract, because it will cause disorder and confusion and will raise many serious questions.

Among the questions raised by the amendment is the following: What will be the contract price for the 15 destroyers to be built by the subcontractor?

The bid by the Bath Co. was $9 million per destroyer more than the bid of the Litton Co. If the contract is taken away from the Litton Co., which has the contract for the 30 destroyers, and the Bath Co. is given a contract for 15 destroyers, it is certainly very definite that the price that the Bath Co. would charge would be at least $9 million more per destroyer than the amount for which the Government now has a contract.

What would then be the price for the 15 destroyers to be built by Litton? Their contract is for 30 destroyers. If the contract is cut in two, so that the number to be built by Litton is reduced to 15, quite obviously the price would have to go up on the 15 destroyers retained by Litton.

Then it is contemplated by the amendment that the Litton Co., which has the contract for the 30 destroyers, would remain as the prime contractor, recognizing that it has a valid contract for the building of the 30 destroyers, but requiring it to subcontract 15 of those destroyers.

This amendment, with all due respect, would create a great state of confusion and would open a Pandora's box. Certainly it would create more problems than it would solve.

It is provided that—

> No funds authorized by this Act may be expended for the procurement of DD 963 class destroyers unless (1) the prime contractor with whom the United States contracts for the construction of such destroyers is required under the terms of such contract to subcontract to another United States shipyard and (2) the total number of such destroyers set forth under the terms of the prime contract is divided substantially equally between the prime contractor and subcontractor.

Nothing is said about the amount of the subcontract. Nothing is said about whether it will be at the price that the Litton Co. bid. Nothing is said about whether the price shall be raised or whether the price shall remain the same. It requires the present prime contractor to subcontract 15 of the destroyers for which it now has a contract. Obviously

the price at which it could subcontract the destroyers would have to be less than it is receiving, or else the contract cost is going to have to go up millions of dollars.

The Acting Secretary of the Navy, Mr. John W. Warner, in a letter dated August 29, 1970, to the distinguished Senator from Mississippi (Mr. STENNIS), points out that if this contract were split 20–10—that is, 20 retained and 10 going to the Bath Co. or a successful subcontract bidder—it would increase the cost of the contract for the procurement of the 30 destroyers by $225 million. Naturally, if it were split 50–50, the cost would be increased even more.

The Navy Department suggests that if it is desired to spend additional money, some $225 million or more, that it not be spent by splitting the contract, but that it be spent by authorizing additional ships much needed by the Navy.

So any change in the present procurement plan as proposed by the amendment would result in a serious program disruption and essentially nullify most of the benefits of competition and series production.

Mr. President, this amendment, if it is adopted, would leave the Navy on an uncharted sea without a compass. Nothing is said about the cost of the destroyers. The Navy now has a firm contract for the delivery of these destroyers, and the bid of the present holder of the contract was $9 million per destroyer less than the bid of the other company.

So why impair the obligation of the contract? Why break a validly existing, validly executed contract in order to divide it up?

The company that now seeks a part of the contract had every opportunity to bid on it, and did bid on it; and now, being dissatisfied with the result, it comes in and says, "Let us change it; let us require that half of these ships be supplied by others."

Nothing is said about the price. It leaves the Navy without any ships being built—because the amendment says that none of the funds authorized in this act may be expended for the procurement of any of these destroyers unless half of the contract is subcontracted to another company. There is no subcontract existing at this time, so until such a subcontract is entered into, the present contract would have to remain in abeyance under the amendment.

Will the subcontract require the subcontractor to build these 15 destroyers at the amount of the Litton contract? There is nothing said about that. Will it be more or less than the present contract? Are we going to add $225 million to the cost of the contract for the procurement of the 30 destroyers?

Say 15 of them are subcontracted. We all know that a prime contractor gets some sort of compensation when he lets a subcontract. He does not give the full contract price. So it is certainly fair to assume that the prime contractor would add some 10 percent to the amount the subcontractor is to receive, adding more and more to the cost to the U.S. Government—to the American taxpayer, if you please—if this contract should be broken by legislative action.

Mr. President, it occurs to me that a valid contract has been in existence for some time. The Navy gave notice to Congress in 1967 and in subsequent years that this contract was going to be let to one contractor, one shipbuilder. That suited everyone until the Litton Co. came up with the low bid, by $270 million, on the contract. Are we going to toss the contract out the window, disregard it, and impair the obligation of the contract? I do not believe the U.S. Government does business that way. I would be very disappointed if I found that it did.

So, Mr. President, it occurs to me that this amendment is not in the interest of the American taxpayer. It is not in the interest of the Navy. It is not in the interest of the Defense Department in the task of procuring ships with which to provide, or help provide, for the national security.

Mr. President, for that reason I oppose the amendment, and point out that by its very terms, it would leave the status of this contract in a great state of confusion, resulting, very probably, in costly delays, confusion, arguments, and possible litigation, because you just do not, by legislative act, seek to break a contract which has been validly entered into.

So, in the interest of the defense of this country, in the interest of the American taxpayer, and in the interest of our national honor, Mr. President, the amendment should be defeated.

The PRESIDING OFFICER. The Senator's time has expired. Is there further morning business?

THE FAMILY ASSISTANCE PLAN

Mr. GRIFFIN. Mr. President, in a statement issued from the Western White House at San Clemente last Friday, President Nixon made a strong appeal for Senate action in this session on the administration's family assistance plan.

The President accurately described this proposal as "the most important piece of domestic legislation of the past 35 years."

I ask unanimous consent that the President's statement be printed in the RECORD at this point in my remarks.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY THE PRESIDENT ON FAMILY ASSISTANCE

The most important piece of domestic legislation proposed by this Administration is the Family Assistance Act. It has properly been described as the most important piece of domestic legislation of the past thirty-five years, one of the dozen or half dozen such bills in the Nation's history.

I have emphasized the need for this welfare reform on repeated occasions since this proposal was made one year ago—in a speech to the National Governors' Conference, in a speech before the White House Conference on Hunger, Nutrition and Health, in the State of the Union Message, and in my remarks in St. Louis at the 50th Annual Convention of the Jaycees. Most recently, I have spoken about it privately to several members of the Senate Finance Committee.

I am gravely troubled by the fact that the remaining days of the 91st Congress are fast running out and Congressional action has not been completed on welfare reform. The present legislation is too far advanced, the need for reform is too great, for this to be permitted to happen.

The House of Representatives passed the Family Assistance Act on April 16, but the bill has been delayed by the Senate Finance Committee ever since. We have made numerous proposals for modification in the plan to meet the objections of Committee members. But ultimately the Senate as a whole must be given the chance to work its will on this issue and this bill. I urge this great and conscientious Committee of the Congress to conclude its public hearings and to get down to the hard business of marking up a bill as expeditiously as possible.

The House of Representatives, in its detailed and meticulous examination of the Administration proposal made a number of changes which were clearly improvements, and which have been wholeheartedly accepted by the Administration. The Nation is much in the debt of Congressman Wilbur D. Mills and John W. Byrnes who led this enquiry, and who are the authors of the legislation which passed the House overwhelmingly in April.

There is every reason to think a similar process will take place in the Senate, and every reason to welcome this prospect. Thus it has been proposed that nationwide operation of the Family Assistance Program be preceded by a period during which the program would be field-tested. This testing period would begin January 1, 1971 in a number of areas chosen by the Department of Health, Education, and Welfare. Thereafter the program would go into effect on a nationwide scale on January 1, 1972.

With time running out, and an historical social reform at stake, I have consulted with several co-sponsors of the bill including Senators Hugh Scott, Robert P. Griffin and Wallace F. Bennett, and we have agreed that if the Senate accepts this modifying amendment it will be acceptable to the Administration.

The Nation needs this legislation. The House of Representatives has acted. The Senate now must act. I have every confidence that it will.

Mr. GRIFFIN. As one of the sponsors of this legislation, I am pleased that the President has indicated his willingness to accept a suggestion that the plan be tested in a pilot basis for a year before it would go into effect nationwide on January 1, 1972.

I am confident that the members of the Senate Finance Committee, who have worked long and diligently on this proposal, will do all they can to see that this administration proposal, with such modifications as they deem appropriate, will be reported out in time for consideration during this session of the Congress.

Mr. President, I wish to commend the distinguished majority leader (Mr. MANSFIELD) for his clear statement, made over the weekend, that he wants to see that the family assistance plan considered before this session adjourns.

Finally, Mr. President, I ask unanimous consent that a statement by the distinguished Republican leader (Mr. SCOTT) concerning the family assistance plan, be printed in the RECORD.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT OF SENATOR SCOTT

As the principal sponsor in the Senate of the Family Assistance Plan, I applaud the President's reaffirmation of support of the program including a testing period.

I think it is important that this plan become operative and even to start a testing period next year, after enactment, will be of great help.

I would hope that the Senate Finance Committee would report as soon as possible a bill to the floor so that it may be considered and passed before adjournment.

This is a most meaningful Welfare Reform Program advanced by this Administration, and I believe in the interest of all our people, it should be speedily enacted.

AUTHORIZATION OF APPROPRIATIONS FOR MILITARY PROCUREMENT AND OTHER PURPOSES

The Senate continued with the consideration of the bill (H.R. 17123) to authorize appropriations during the fiscal year 1971 for procurement of aircraft, missiles, naval vessels, and tracked combat vehicles, and other weapons, and research, development, test, and evaluation for the Armed Forces, and to prescribe the authorized personnel strength of the Selected Reserve of each Reserve component of the Armed Forces, and for other purposes.

Mr. STEVENS. Mr. President, I send to the desk an amendment, and ask for its immediate consideration.

The PRESIDING OFFICER. The amendment will be stated.

The legislative clerk read as follows:

At the end of the Act, insert the following: "SEC. . No modifications or changes in the command structure of the United States Armed Forces shall be made until the Senate Committee on Armed Services and the House Committee on Armed Services of the Ninety-second Congress shall have had 60 days to examine the document known as the Fitzhugh report."

Mr. STEVENS. Mr. President, this amendment is quite similar to my amendment No. 847, which provided 90 days for the Armed Services Committee to examine the Fitzhugh report. There has been some indication that the Pentagon will not act precipitously in implementing the recommended changes in the command structure of the Armed Forces, but I feel very strongly that it is a matter that should be reviewed. We all know that we are coming down to the end of this session.

The only thing this amendment would do is prohibit a premature change in the command structure of the Armed Forces, following the Fitzhugh report, until the standing committees of the House of Representatives and the Senate have had an opportunity to review it. It will not in any way prohibit implementing those decisions if, after that review, the appropriate Committees of Congress see fit not to make any recommendations; but there are sweeping recommendations in it that would effectively downgrade the Joint Chiefs of Staff, eliminate the Alaska Command and the Southern Command, and create three new Deputy Secretaries of Defense with broad and sweeping powers; and it seems to me that the action recommended by the Fitzhugh report is the type of action that the standing committees of Congress should review.

I do not serve on either of those committees, but I would like to make certain that the administration's actions would be delayed until they are properly reviewed by the two committees.

Mr. STENNIS. Mr. President, in response to the statement of the Senator from Alaska, he mentioned this matter to me some 2 weeks ago, and had his amendment ready at that time. I had not had a chance to look into the Fitzhugh report at all at that time with reference to this command matter, and actually I have not looked into it yet, because of the pressure of time. I have learned, however, that it is a broad enough subject that it is going to require a great deal of study by the committees, by the services, by the Defense Department, and it should. It is a far-reaching matter. I certainly would not commit myself one way or another. It may be that something needs to be done. I have an open mind with respect to it. At the same time, I can understand the Senator's concern about the Alaska Command. I know of his manifestation of interest, and I am glad to take his amendment to conference, with the understanding that this matter will be explored further and we will consult with the conferees and the committee of conference and see what further can be done about the matter.

I am glad that the Senator has brought up his amendment, and I am glad to recommend that it be agreed to as a part of the bill.

The PRESIDING OFFICER. Does the Chair correctly understand that the Senator from Mississippi accepts the amendment?

Mr. STENNIS. That is correct.

Mr. STEVENS. Mr. President, I ask unanimous consent to have printed at this point in the RECORD an article published in the Anchorage Daily Times of August 21, relating to the Fitzhugh plan.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

LAIRD EXPECTED TO DISREGARD FITZHUGH PLAN

(By Mary C. Berry)

WASHINGTON.—A presidential panel's recommendations for a sweeping reorganization of the Pentagon—including abolition of the Alaskan Command—are not likely to be implemented.

At least that is the implication of a speech made Thursday by the Pentagon's number two man, Deputy Secretary Vance Packard.

Packard was talking specifically about a proposal put forward by the panel's report—the Fitzhugh Report—that the Defense Department should be reorganized with three deputy secretaries, one of whom would be directly in charge of command operations. The report is named after the chairman of the panel, Gilbert Fitzhugh.

Speaking in Los Angeles, Packard said Defense Secretary Melvin Laird wasn't likely to implement this change any time soon.

"We don't want to create a structure that adds more top-involvement," he said. "Three deputies would tend to pull even more decision-making up to the top and we don't want to move in that direction."

Robert C. Jackson, another panel member, held a similar dissenting opinion in a proposal published with the Fitzhugh report last July 1.

"Two separate joint staffs at the national level would create a highly unsatisfactory situation," Jackson wrote in that opinion. "I believe it would be chaotic to set up another large military staff in Washington to parallel the work now done by the Joint Chiefs of Staff.

Jackson was also referring to the most controversial part of the Fitzhugh report—the recommendation that the Joint Chiefs be removed from day-to-day military operations. Thursday night in Los Angeles, Packard said this idea was still under review but added that if it is done at all it will be done "on a step by step basis".

For obvious reasons, the military objects strenuously to what they consider a "downgrading" of the Joint Chiefs.

All this is directly related to the future of the Alaskan Command (Alcom).

The proposal to abolish as such and give its functions to the Pacific Command is part of the broader plan to create three deputy secretaries of defense with broad but specific powers. One would be in charge of defense operations and would take over responsibilities in this area now belonging to the Joint Chiefs of Staff. The reorganized commands, including the merged Alaskan-Pacific Command, would be under his jurisdiction.

Jackson also objected to changes in the organization of the commands, particularly changes in the area commands, of which Alcom is one. The present area commands were formed after mature consideration. "They work well in practice," he wrote, "and there is no revolutionary change in the art of warfare that requires them to be altered in a radical way."

Whether any of the Fitzhugh Report's recommendations are implemented is up to the Defense Department and Laird shows few inclinations to make these changes. Although congressional approval might be required for some things, the 1958 Defense Department Reorganization Act gives the secretary broad powers to do much of the reorganization himself.

It looks very much as though the Fitzhugh report will join Washington's library of similar recommendations, all made in good faith and urgency, but never heeded.

The PRESIDING OFFICER. Is all time on the amendment yielded back?

Mr. STENNIS. I yield back the remainder of my time.

Mr. STEVENS. I yield back the remainder of my time.

The PRESIDING OFFICER. All time on the amendment has been yielded back. The question is on agreeing to the amendment of the Senator from Alaska.

The amendment was agreed to.

Mr. STEVENS. Mr. President, I move to reconsider the vote by which the amendment was agreed to.

Mr. GRIFFIN. I move to lay that motion on the table.

The motion to lay on the table was agreed to.

The PRESIDING OFFICER. The bill is open to further amendment.

THE MUSKIE AMENDMENT

Mr. STENNIS. Mr. President, if there are no other amendments, I should like to address the Senate briefly on a matter which will be pending tomorrow.

The PRESIDING OFFICER. The Senator from Mississippi is recognized.

Mr. STENNIS. I have reference to the amendment offered by the Senator from Maine (Mr. MUSKIE) that in effect seeks to set aside a contract that has been awarded already with reference to the destroyers.

A great deal has been said about preserving the mobilization assets of our Nation in case of further need or in case of an emergency.

Mr. President, it occurs to me that in this particular contract, after all, the main mobilization background and qualities involved concern the massive material that will be used in these destroyers and the subcontracts that the prime contractor will make all over this Nation for this material. That would involve the labor that goes into it, the capacity to make the proper motors, and so forth. The greatest part of the mobilization in this contract is in the 45 States that will supply the material and the labor for the material and the fixings, the units that go into these destroyers. Those contracts will go out over 45 of the 50 States and will constitute 60 percent of the amount spent for the cost of these destroyers. It will involve a massive number of factories and industrial plants, with skilled and unskilled people and every other kind of ability that goes into the making of these products, some of which require highly skilled people, and all the complications of electronics and modern weapons and modern output of all kinds. That is the great mobilization base.

If the contract had gone to Bath, Bath would have been largely an assembly plant for putting together this 60 percent of the cost that is spread out all over this Nation. If it goes to Litton-Ingalls at Pascagoula, that will be the assembly plant that will put the pieces together, gathered from all over this Nation.

The putting together, the assembly plant, is not a complicated matter with reference to a destroyer. Modern as they may be, the modernity parts will be made throughout the length and breadth of our Nation. So for this kind of ship, I do not want Senators to get the idea that everything is made there and that no other area is involved.

Time will be quite brief in the morning, but I have a list of the shipyards—I do not have the list at hand at this time—that would be capable of making destroyers should this country need them on very reasonable notice.

Something has been said about the 20 additional destroyers above this amount. I think that is way in the future somewhere. However that may be, that would be a different type of destroyer, a different design destroyer, and Pascagoula would not have any running start to run away with that contract, should it materialize. My opinion is that it would be a long time before the Navy got the allocation of enough money through future budgets, future budget years, looking ahead, to build any additional destroyers in any large number such as 20 to follow this 30. The reason they are getting 30 now is that, because of the long delay, year after year, the Navy has had to put off a real chance to modernize their destroyer fleet. They have a hard time getting the money now, but the submarine threat from other sources, both the fighter attack submarines and those of the Polaris-type that the Soviets have launched into in such a strong way in the last few years, made this priority go up. That is why we have a contract now.

This has been an orderly process; it is an orderly contract. There is not a thing in the world unusual about this, except one thing: The Navy laid down these ground rules to start with. They were going to try to get more for their money. They were going to try to go over to a more modern shipyard concept. It is just commonsense that with a larger package, you get a better price. I recall that when I was a small boy we got two bananas for a nickel, but we got five for a dime. That economic principle is still true, and the Navy tried this out and it worked.

They got a good price for the destroyers. The GAO went over the figures very carefully. The charges were made that this was a buy-in. Their report does not sustain the allegation. Nowhere did the GAO conclude that it was a buy-in or that any of the figures of Ingalls were unsound. In a former speech I made, there is an analysis of the difference in price of $9 million per ship, and that the profits were small. Another point was on the estimate of their ability to get the material for a certain price, which the Navy checked into. The GAO auditors went into that, and they did not condemn it.

To be brief, they found no indictment, and no fault to lie at the foot of Ingalls. The low bid was found to be reasonable.

They said something about taking a chance. Well, where is there anything that a businessman does not have to take a chance on in the Government's buying of its products? Where is the case where everything is certain? Of course, there is no such thing.

Now, Mr. President, a great drive is going around here by other competitors who say in effect, "Well, we want our Senators to get us in and give us a chance to get at that contract."

I have not heard any of them saying they will do it for a smaller amount, much less a lesser amount than Ingalls. No one makes a proposition of that kind, that they will give the Government a better price.

Bath is one of the finest quality organizations in the Nation. We already know that it will not give a better price, or did not at least. They had the chance. Their bid was $9 million more per ship. There were three others in the running, and under the flair rules laid down by the Navy, they dropped out before they got down to the end.

Mr. President, if we are going to do business in that way, the Federal Government, as much material and as many weapons and so forth, it has to buy—planes, ships, tanks, everything else—so complicated and expensive—if it is going to make offers of good faith and say to the industrial units that come in here, "We will let contracts under the ground rules. Here they are. Everyone is bound by them." That is what happened here. They worked on it. They bid on it. Finally, there was a race to the wire. The last two competitors in the end, one was $9 million per ship under. That is about it. If it turns out to be for 30 ships, that will be $270 million—more than a quarter of a billion dollars.

This matter has come up about a single yard many times. It has been considered by two Secretaries of Defense, two Secretaries of the Navy, and a great host of naval officers. It has also been considered by Mr. Packard, one of the able industrial leaders in this Nation. I know it was considered, because he told me so himself. It was always their conclusion that this was a better course to follow in this particular case. We knew about that. We passed on it directly in Congress last year.

If we are going to come in now and let the ones that bid second get the contract set aside, or we have to give them half, where will that leave the Government with reference to making other purchases?

I know where it will leave the Senators. Every Senator will be having the experience in the course of the next few months where—I will not say a disgruntled contractor but I will say a disappointed contractor will say, "We want another chance. We want our Senator to get that contract set aside and get it altered. We bid for it, and we did not get it, but still we want half anyway."

Mr. President, let us not be fooled. That is what it will lead to. The shipbuilders, the planebuilders, and all the other builders who think they can set aside contracts with immunity when they need to get a contract and are not successful, they will all be in here. We just cannot afford to get into the legislative business of rewriting contracts that we have already committed the executive branch to carry out according to its best judgment and ability.

Mr. President, that is all I have to say at this time. I am sorry to have taken the time of the Senate at this point, but there is such a limited time available in the morning with only 30 minutes to a side, that I wanted to sum up now some of the high points of this matter.

I thank the Chair and I yield the floor.

S. 4309—INTRODUCTION OF A BILL TO AMEND THE IMMIGRATION AND NATIONALITY ACT

Mr. HRUSKA. Mr. President, I introduce, for appropriate reference, a bill to amend the Immigration and Naturalization Act. It is introduced at the request of the Attorney General and Department of Justice, on their own behalf and that of the Secretary of State. I ask that it be appropriately referred.

The PRESIDING OFFICER (Mr. HUGHES). Without objection, the bill will be received and appropriately referred.

The bill (S. 4309) to amend the Immigration and Nationality Act, and for other purposes, introduced by Mr. HRUSKA, by request, was received, read twice by its title, and referred to the Committee on the Judiciary.

Mr. HRUSKA. Mr. President, this bill is introduced so that it may serve as a vehicle for the consideration of much needed changes in some portions of the present immigration laws of this country; particularly as they effect the Western Hemisphere. Although I have great faith in the drafters of this bill and am confident that much of the material included in the bill has great merit, I do not endorse the bill section-by-section at this time as it is a most complicated matter.

It will require expert examination and a good deal of study before we can determine in what form and detail it should be adopted. It is my hope that this draft will serve as a springboard for a comprehensive study of our entire immigration procedures.

America has been, since its beginnings, a nation which opened its arms to the people of other lands. Immigrants have traveled to our borders for many different purposes, but with one common goal: to find a better life.

The past decade has produced tremendous change in America, as in other nations. However in spite of allegations to the contrary by some who dwell within our borders, the United States is still regarded by people all over the world as a nation which can indeed provide a better life. Because of this steady influx, we found it necessary in 1952 to set up comprehensive rules on immigration which were intended to strike a balance between the needs of this country and those of foreigners who wish to come to America. In 1965, the Congress extensively revised these preferences and exemptions which modify the established quota limitations applicable to the Eastern Hemisphere. At the same time, the Congress provided for the first time a limitation on immigration from the Western Hemisphere—one which contained no system of preferences as we have for the Eastern Hemisphere.

Mr. President, since July 1, 1968—when the Western Hemisphere limitation became effective—it has become increasingly evident that further reforms of the Immigration and Nationality Act are necessary, with particular regard to the Western Hemisphere.

The bill I am introducing today was transmitted by the Department of State with the concurrence of the Department of Justice, and is designed to alleviate many of the difficulties and inequities which now exist in the field of immigration and naturalization.

This is a comprehensive bill, the product of extensive experience and study. It would, among other things, apply the identical preference provisions to Eastern and Western Hemisphere quotas, thereby creating a worldwide system compatible with the principles of family unity and national need inherent in our immigration laws. As a further refinement, however, this proposal recognizes the special relationship we have traditionally enjoyed with our contiguous countries, and creates a special allotment of 35,000 visas each to Canada and Mexico. These numbers would exist outside of any numerical restriction applicable to any other country, and outside the preference system as well.

The bill would accomplish further reforms. For example, with regard to refugees. Presently, the seventh preference, which provides for refugee admission, applies only to the Eastern Hemisphere, and in an amount no more than 6 percent of the total hemisphere limitation. Under the proposal, the seventh preference would apply to both hemispheres in an increased amount of 10 percent of the established hemisphere limitations. This increase is in recognition of the fact that these troubled times resulted in an exhaustion of our refugee allocations in fiscal 1969 and 1970 well before the end of those years. We must not disappoint the persecuted and homeless whose sole hope is America.

Mr. President, this measure would make many other changes in the law too numerous to mention at this time. A summary of its major provisions includes:

First. Continues present 170,000 numerical limitation for Eastern Hemisphere and establishes numerical limitation of 80,000 or Western Hemisphere exclusive of Canada and Mexico.

Second. Provides separate annual allocations of 35,000 each to Canada and Mexico.

Third. Applies identical preference provisions to Eastern and Western Hemisphere quotas.

Fourth. Makes various modifications in preference classes and allocations within established quotas. Of particular interest is the grant of second preference status to parents of permanent resident aliens, and limitation of the fifth preference to unmarried brothers and sisters of U.S. citizens.

Fifth. Increases the maximum allocation for dependent areas from 200 to 600, and specifies that this limitation will be applied to the hemisphere in which the dependency is located. A special proposal would authorize the grant of permanent resident status to all West Indian workers now in the Virgin Islands in temporary status.

Sixth. In regard to refugees, the bill authorizes increase of the seventh preference allocation in each hemisphere to 10 percent. However, it does not modify the general parole authority now set forth in the statute and does not disturb the existing arrangements for the reception of Cuban refugees.

Seventh. Conditions the admission of H–2 temporary workers upon a certification from the Department of Labor. This proposal would transfer final authority to determine the labor acceptability of such temporary workers from the Department of Justice to the Department of Labor.

Eighth. Provides for waiver of nonimmigrant visas for certain 90-day visitors in order to encourage tourism.

Ninth. Provides discretionary waiver of inadmissibility for rehabilitated criminals, prostitutes, and visa misrepresenters with no close relatives in the United States upon their showing 10 years of good behavior.

Tenth. Restores adjustment of status for Western Hemisphere aliens except natives of contiguous countries and adjacent islands who are not immediate relatives.

Eleventh. Eliminates quota charge upon the grant of adjustment of status to Cuban refugees.

Twelfth. Proposes a number of changes urged by the Immigration and Naturalization Service to aid its enforcement responsibilities, including the following:

First, new criminal penalty for knowingly employing aliens in the United States in violation of law;

Second, new criminal penalty for remaining in the United States after illegal entry;

Third, new criminal penalty for acceptance of unauthorized employment in the United States by a nonimmigrant;

Fourth, amendment in the statute dealing with judicial review of deportation orders in order to minimize frivolous challenges; and

Fifth, clarification of statute dealing with waiver of deportability for aliens with close relatives in the United States who entered this country through fraud by specifying that the waiver is discretionary and that it does not apply to independent grounds of inadmissibility.

Thirteenth. Proposes a number of changes in the nationality laws in order to eliminate inequities and ambiguities.

It is a measure deserving of thoughtful and immediate consideration, and the administration is to be commended for the effort which has gone into its preparation. In justice to those who would seek to enter our borders and contribute to America's life force, I urge that this proposal receive early consideration.

Again let me say that I introduce this bill in the hope that the Judiciary Committee will examine all of its provisions in light of its expertise in these matters to see what portions of the bill should be adopted and what other changes in our immigration laws are needed and would be beneficial. The text of the bill is long so I do not ask that it be printed in the RECORD, but I do ask unanimous consent that a section-by-section analysis provided by the Department of State be printed in the RECORD at the conclusion of my remarks.

There being no objection, the section-by-section analysis was ordered to be printed in the RECORD, as follows:

SECTION-BY-SECTION ANALYSIS OF ADMINISTRATION OMNIBUS IMMIGRATION AND NATIONALITY BILL

Section 1 contains the short title of the bill.

Section 2 amends the table of contents.

Section 3 amends section 101(a)(13) to redefine "entry" by specifying that a person who obtains an adjustment of status will be regarded as having made an entry for the purposes of the immigration laws. This would place such a person in parity of status with one who enters through a port of entry. At present, the statute discriminates irrationally in favor of a person who improperly obtains adjustment of status, not subjecting him to deportation for his illegal action and relieving him from proceedings for rescission of his improper adjustment after the lapse of 5 years. The proposed amendment would treat both classes of immigrants alike, subjecting them to like consequences and time limitations (if any), and granting them identical benefits, when benefits are available.

Sections 4 (a) and *(c)* amend section 101(a)(15)(E) and (I) in identical fashion to provide derivative nonimmigrant status for "members of the immediate family" of treaty traders and investors and of information media representatives, rather than only for the spouses and children. This would enable dependent relatives (parents, unmarried daughters, etc.) of such nonimmigrants who normally are members of the household to receive the same nonimmigrant treatment accorded to the principal alien.

Section 4(b) amends section 101(a)(15)(F) to confer upon the Secretary of Health, Education, and Welfare the responsibility for approval of school to be attended by nonimmigrant students. In addition, the amendment would eliminate the reference to "approved" schools. Presently some schools use

the phrase "Approved by the Attorney General of the United States" as part of their advertising. This gives a connotation that the Attorney General approves the school in all aspects. The amended statute retains for the Attorney General a measure of supervision, in authorizing him to prohibit the entry of students coming to schools which fail to furnish required reports of termination of attendance.

Section 5(a) amends subparagraph (A) of section 101(a)(27) to delete the present definition entirely and to substitute a definition including only aliens born in contiguous territory (Canada and Mexico), their spouses and children. Two provisos are included: (a) to limit to 35,000 the number of immigrant visas which may be issued to natives of any single contiguous foreign state in any fiscal year, exclusive of immediate relatives and other special immigrants; and (b) to provide that an alien described therein cannot be deemed to be qualified for such classification until he has obtained a labor certification if he seeks to enter the United States to perform skilled or unskilled labor. This amendment to establish a separate numerical limitation of 35,000 on immigration from each of our two neighboring countries is in recognition of the special relationship which exists between us.

Section 5(b) amends subparagraph (D) to provide special immigrant status for religious functionaries as well as for ministers of religion. This amendment would make possible the admission as immigrants without numerical limitation of other religious workers as well as ministers of religion.

Section 5(c) amends subparagraph (E) to delete the requirement that the approval by the Secretary of State of special immigrant status under this subparagraph be upon a finding that "exceptional circumstances" exist in the case of the applicant concerned.

Section 6 amends section 101(b)(1)(E) to amend the definition of "child" to include adopted children who have been in the legal custody of, and have resided with, the adoptive parent or parents for a period of one year rather than the present two years. The proposed amendment would also permit peirods of residence prior to the issuance of the adoption decree to be counted. Since the purpose of the period of residence is to insure that a stable family relationship has been established it is not considered to be significant when that period of residence occurred.

Section 7 amends Section 106 of the Immigration and Nationality Act, 8 U.S.C. 1105A. As enacted in 1961, Section 106 sought to minimize dilatory, repetitious challenges to deportation orders by providing a single, unitary review proceeding in the United States Court of Appeals. Experience has demonstrated that this alm has not yet been fully achieved. Frivolous and repetitious litigation is still being brought, obstructing the administrative process and overburdening the courts. In part, this development is attributable to ambiguities in the statutory language, which have led some courts to suggest the need for clarifying amendments. In part, it is attributable to the statute's provision for an automatic stay of deportation upon the filing of a petition for review, no matter how frivolous or repetitious it may be.

The amendments would clarify the statute and would limit the possibilities for dilatory use of the automatic stay of deportation. They would specify that the statute's unitary review proceedings would include review of determinations ancillary to the deportation edict, and would eliminate automatic stays of deportation, and resultant unjustified delays, for aliens who bring repetitious review proceedings.

Section 8 amends section 201(a) to establish a separate numerical limitation of 80,000 per annum and 22,000 quarterly for the Western Hemisphere, other than Canada and Mexico for which a specific limitation is set forth in section 5. The dependent areas physically located within the Western Hemisphere would be included within this overall ceiling. Together with the amendments in sections 9 and 10, this amendment places all countries of the Western Hemisphere (other than Canada and Mexico) under a system identical to that now applicable to the Eastern Hemisphere.

Section 201(b) is also amended to provide "immediate relative" status derivatively for the spouse or child of any alien entitled to immediate relative classification, whether or not such spouse or child may also be entitled in his own right to such status.

Section 9 amends section 202 in the following ways—

(a) a separate annual ceiling of 600 is established for each dependent area and this ceiling is charged against the overall limitation for the hemisphere in which the dependent area is located rather than against the 20,000 foreign state limitation of the governing country. These changes would relieve serious backlogs of immigration demand in certain dependent areas of the world where, in many cases, the present ceiling of 200 is insufficient even to provide for immigration by spouses and children of resident aliens. They would at the same time avoid having this increased demand preempt the foreign state limitation of the governing country, especially that of Great Britain to which the immigration from the vast majority of the dependent areas is chargeable at present.

(b) the provisions relating to alternate foreign state chargeability for a spouse or child following to join the principal alien, as well as one accompanying such an alien. This change will prevent problems which can arise under present law when a spouse and child are unable, for valid reasons, to accompany the principal, only to find they face long delays in following to join him because of unfavorable foreign state chargeability.

Section 10 amends section 203 in the following ways—

(a) the percentage reserved for the first preference categroy is reduced from 20% to 10%;

(b) the definition of aliens entitled to second preference classification is expanded to include the parents of a permanent resident alien if the permanent resident is at least twenty-one years of age;

(c) the percentage reserved for the third preference category is increased from 10% to 15% and provision is made for the visa numbers unused by higher preferences to "fall down" to third preference;

(d) the percentage reserved for the fifth preference category is reduced from 24% to 20% and the class of aliens entitled to fifth preference classification is restricted to the unmarried brothers and sisters of United States citizens;

(e) the percentage reserved for the sixth preference category is increased from 10% to 15% and provision is made for visa numbers unused by higher preferences to "fall down" to sixth preference;

(f) the percentage reserved for seventh preference refugees is increased from 6% to 10%;

(g) the definition of "refugee" is amended to add a requirement that an alien not be firmly resettled in any country in order to qualify for refugee status under section 203(a)(7).

These amendments adjust the preference system to make more visa numbers available to professionals, needed workers and refugees. Very heavy backlogs have developed in the third and sixth preference categories and the amount of visa numbers available for refugees have proven inadequate to meet the legitimate demand in that category. These revisions of the percentages allocated to the various preferences will provide a more realistic distribution in terms of the demand for immigration by relatives and by aliens having skills this country needs.

The enlargement of the second preference category to include the parents of an adult permanent resident recognizes the hardship that can be imposed if the adult son or daughter cannot confer preferential status on his parents until after he has qualified for citizenship.

The restriction of the fifth preference category to unmarried brothers and sisters retains preferential treatment when the ties remain close while taking into account the fact that a person who marries transfers his primary loyalty from his other relatives to his spouse and children.

Section 11 amends section 204 to require the filing and approval of a petition to accord special immigrant status to a religious functionary under section 101(a)(27)(D), and to require, as a prerequisite to the approval of a third or sixth preference petition, a certification pursuant to section 212(a)(14) instead of "consultation with appropriate government agencies."

Section 12(a) amends section 211(a) to delete the references therein to the transition period from December 1965 to July 1, 1968.

Section 12(b) restores discretionary authority to waive innocent defects in visas presented by entrant aliens. Subsection (c) of section 211 of the Immigration and Nationality Act was repealed by section 9 of the Act of October 3, 1965. Since the effective date of the latter act no relief has been available to an alien who innocently was not entitled to the classification shown in his visa at the time of his admission. The experience under former section 211(c) and its predecessor, section 13(d) of the Immigration Act of 1924, emphasizes the need for discretionary authority to deal with the cases of worthy immigrants in a humanitarian manner. The amendment would in effect restore subsection (c), and would authorize the Attorney General to grant relief where an entry is defective for technical reasons.

Section 13(a) amends section 212(a)(14) to add nonimmigrants under section 101(a)(15)(H)(ii) to those classes of aliens to whom the section is applicable and to provide that the exemption from the provisions accorded to certain special immigrants under section 101(a)(27)(A) shall be available to the parents of a permanent resident only if the permanent resident is at least twenty-one years of age. The present reference to exemption on the basis of a specified relationship to a United States citizen has been deleted, inasmuch as such relatives are eligible for "immediate relative" status and are thereby excluded automatically from the provisions of section 212(a)(14).

Section 13(b) repeals section 212(a)(24) relating to ineligibility of an alien applying from contiguous territory or adjacent islands if the alien arrived in such place within two years preceding the application on a nonsignatory transportation company. This provision is considered to be obsolescent.

Section 14 amends section 212(d) by—

(a) making an editorial change in paragraph (4) and by deleting the word "unforeseen" therefrom; and

(b) by adding to the section a new subsection (9) to provide that certain grounds of ineligibility specified in section 212(a) shall be inapplicable to aliens seeking admission as nonimmigrant visitors for business or pleasure for periods not exceeding ninety days and who are nationals of countries designated by the Secretary of State on a basis of reciprocity or a finding that the designation would be in the national interest. The grounds of ineligibility which would be made inapplicable include that relating to

the nonimmigrant visa requirement, waiving, in effect, the visa requirement for aliens who fall within the purview of the provision. The subsection provides that aliens admitted pursuant to it may not have their stay extended beyond ninety days from date of admission, may not change to any other nonimmigrant category, and may not have their status adjusted to that of permanent resident under section 244 or 245. In addition, provision is made for placing an applicant for an immigrant visa further down on the appropriate waiting list if he had previously been admitted under this provision and had violated the terms of his admission by overstaying, accepting employment or otherwise.

Section 15(a) amends section 212(g) to add aliens afflicted with psychopathic personality or a mental defect to those aliens who may benefit from the relief provided in the section if a qualifying relationship exists between the ineligible alien and a citizen of the United States, a permanent resident alien, or an alien to whom an immigrant visa has been issued.

Section 15(b) amends section 212(h) to incorporate the provisions of present section 212(i) relating to ineligibility under section 212(a)(19) and revises the relationships which will qualify an ineligible alien for the relief to match identically those contained in section 212(g).

Section 15(c) amends section 212(i) to add a "statute of limitations" on the operation of certain grounds of ineligibility by authorizing the Attorney General, in his discretion, to waive ineligibilty under sections 212(a)(9), (10), (12), or (19) in the case of an alien if (1) the act or acts giving rise to the ground of ineligibility were committed more than ten years prior to the date of application for a visa; (2) if any conviction in a court of law resulting from the commission of the act or acts occurred more than ten years prior to the date of application for a visa; (3) if any period of confinement resulting from such a conviction terminated more than ten years prior to the date of application for a visa; and (4) during the ten year period immediately preceding the date of application for a visa there was a clear record of the alien's rehabilitation.

Section 16 amends section 221(a) editorially to change the word "quota" to "foreign state limitation", where appearing. It also amends section 221(b) to authorize the Secretary of State and the Attorney General to waive, in their discretion, the fingerprint and photograph requirement in the case of a nonimmigrant alien. Section 221(c) is amended to require reciprocity in the setting of nonimmigrant visa validity, if practicable, rather than "to the extent practicable," and by removing the requirement that an alien to whom a replace immigrant visa is issued pay again the issuance and application fees.

Section 17 amends section 223(b) to extend the period of validity of reentry permits to three years, removing the provision for renewal. The present statute makes a reentry permit valid for one year, and authorizes a one year renewal. The proposed change would amply meet existing needs, and would materially conserve manpower and funds in eliminating the need to deal with thousands of applications for extension of reentry permits.

Section 18 amends section 238 by—

(a) repealing section 238(a) which is related to section 212(a)(24), also being repealed as obsolescent;

(b) by redesignating subsections 238(b) through (e) as (a) through (d);

(c) by amending subsection (d), redesignated (c), to authorize the Attorney General to contract with private carriers for the departure of aliens admitted under section 212(d)(9) (see Section 14 of this bill); and

(d) by making technical amendments to the definition of "transportation line" contained in section 238(e), redesignated (d).

Section 19(a) amends section 241(a) to remove from the grounds of deportability enumerated therein paragraph (10) relating to deportability for entry in violation of the conditions of section 238(a) which is repealed by section 18(a) of this bill.

Section 19(b) amends section 241(c) to provide that an alien's visa could be considered to have been obtained by fraud or willful misrepresentation within the meaning of section 212(a)(19) if the marriage to the citizen fiance or fiancee of an alien admitted under section 101(a)(15)(K) were terminated within two years.

Section 19(c) amends section 241(f) to eliminate inherent ambiguities and administrative difficulties in the statutory provisions for waiver of deportability for misrepresentations in connection with entry.

Generally speaking, section 241(f) of the Act, as judicially interpreted, exempts an alien with specified close family ties from deportation on the ground that he gained entry with a fraudulent visa, and on grounds relating to documents or numerical limitations. In its original conception, as applied by the Departments of State and Justice, this Act had a limited purpose, and merely excused from deportability based solely on misrepresentations, where an alien had close relatives in the United States. In *Immigration and Naturalization Service* v. *Errico*, 385 U.S. 214 (1966), the Supreme Court interpreted the statute very broadly. The scope of this decision, and the extent to which it sanctions waivers of deportation, are unclear, and this uncertainty has bred considerable litigation. The proposed amendments would clarify the statute and eliminate the undesirable consequences of the *Errico* decision.

The proposed amendments would accomplish the following major results:—(1) would specify that deportability can be waived for a person who entered through fraud only if he is not deportable on an additional ground other than those based on the misrepresentation itself, e.g., if he is in the immoral, subversive or criminal classes; (2) would make the waiver of deportation discretionary, and thus would make possible the denial of the relief in an undeserving case; (3) would specify that relief under this section is available only to those who enter as immigrants, thus making its benefits unavailable to those who enter surreptitiously, or on a false claim to be U.S. citizens, or as nonimmigrants; (4) would specify that an alien whose deportability is waived shall be regarded as lawfully admitted for permanent residence.

Section 20 amends section 244(d) to remove the requirement that a nonpreference visa number be deducted from the applicable numerical limitation in connection with the suspension of deportation of an alien under the provisions of section 244. The deletion of this requirement would not significantly increase the number of aliens admitted for permanent residence and would avoid noncompliance with the law in cases in which aliens are chargeable to a foreign state limitation under which nonpreference visa numbers are not available.

In addition section 244(f) is technically amended to bring it into conformity with the amended provisions of section 212(e) relating to the imposition of the two-year foreign residence requirement upon former exchange visitors.

Section 21 amends section 245(c) to restrict the prohibition against applying for adjustment of status in the United States to aliens born in contiguous territory or adjacent islands. The amended section would include two exceptions to the general prohibition in that aliens born in contiguous territory or adjacent islands would nonetheless be entitled to apply for adjustment of status if they were—

(1) classifiable as immediate relatives; or

(2) the child of parents, both of whom were entitled to apply for adjustment of their status.

Section 22 repeals section 246 of the Act, 8. U.S.C. 1256, which deals with rescission of adjustment of status. The provisions for rescission of adjustment of status will unnecessary in the light of the amendment of the definition of "entry" in Section 3, under which an improper adjustment of status will be subject to the same consequences as an improper entry.

Section 23 amends section 248 to provide that an alien in the United States as an "exchange visitor" under section 101(a)(15)(J) would be entitled to change to another nonimmigrant status without restriction unless he were subject to the two-year foreign residence requirement of section 212(e) as recently amended.

Section 24 amends section 251(d) to increase from $10 to $500 the fine for failure to report to the Service the illegal landing of an alien crewman. The amendment of section 251(d) is prompted by the belief that some carriers might be tempted not to report an illegal landing which would lead to a $1,000 penalty under section 254(d). Because of organizational changes in the Bureau of Customs, the term "district director of customs" is substituted for the term "collector of customs."

Section 25 amends section 254(a) to provide that the penalty for failure to detain an alien crewman on board until inspected, or a failure to detain an alien crewman on board after inspection when no landing permit or parole has been authorized, or failure to deport an alien crewman when required to do so, be increased to $2,000 from $1,000. The purpose of that increase is to induce carriers to exercise greater precautions to prevent unauthorized landing of crewmen. Mitigation to not less than $1,000 would be permitted.

Section 26 amends section 274 to impose criminal sanctions on those who knowingly employ aliens who are illegally in the United States or in an immigration status in which such employment is not authorized. Failure of the employer to inquire whether the prospective employee is an alien or a citizen, and to request production of an alien registration card by an alien is prima facie evidence of the defendant's knowledge that the alien was in the United States in violation of law. In the interest of effective and efficient administration of the law, the penalty for this offense is made a "minor offense" within the meaning of Section 302(f) of the Federal Magistrates Act (82 Stat. 1107–1119), so as to make the offense triable before federal magistrates, facilities prosecutions, and not unnecessarily encumber already overcrowded federal court dockets. The amendment would also repeal the proviso in which states that mere employment of aliens shall not be deemed to constitute unlawful harboring of such aliens.

Section 27 amends section 275 to provide for a penalty for attempted illegal entries, not provided in the present statute, as well as a penalty for wilfully remaining in the United States after an entry in violation of law and the violator may be prosecuted whenever encountered or located. Violations of this section, which relates to unlawful entries, will be misdemeanors, and could be tried before federal magistrates. More serious offenses now classified as felonies, which are detected at time of attempted entry, i.e., 18 U.S.C. 1546 (falsification or misuse of entry documents), could, when deemed appropriate, be handled as a violation of this amended section and tried before a federal magistrate as a misdemeanor. The added provision for this minor offense would often be more in keeping with the nature of the offense, would facilitate prosecutions and

would alleviate excessive burdens on the courts.

Section 28 adds new section 278A to prescribe a new criminal offense for the acceptance of employment by a nonimmigrant during the period of his authorized stay or within one year thereafter.

Section 29 amends section 287 by adding a new subsection (d) to specifically authorize immigration officers to carry firearms. Such authority has been exercised for many years as a necessary consequence of the law enforcement activities of such officers. However, in the absence of explicit statutory authorization, this authority may be open to challenge.

Section 30 amends section 301(a) to simplify the conditions for acquisition of United States citizenship by children born abroad to U.S. citizens by making uniform the conditions precedent for acquisition of U.S. citizenship by the child, whether the child has one or two citizen parents at that time. In both situations, one year of prior continuous physical presence in the United States of one citizen parent will be sufficient.

Section 31 amends section 301(b) with regard to retention of U.S. citizenship. Where a child acquires U.S. citizenship at birth abroad to a single citizen parent the condition subsequent for retention of such citizenship is made more lenient, by requiring that the child be physically present in the United States for an aggregate period of two years between the ages of 18 and 23, and by providing that the retention provisions become inapplicable upon the timely naturalization of the alien parent.

Section 32 amends section 301(c) to apply the same liberalized condition subsequent for retention of U.S. citizenship to children born abroad to a single U.S. citizen parent subsequent to May 24, 1934.

Section 33 amends section 316(a) to liberalize the residence requirements for naturalization by providing that a petitioner who has been physically present in the U.S. for 3 years of the 6 year period prior to naturalization can qualify.

Section 34 amends section 316(b) to liberalize the permissible absences from the United States during the prescribed period of qualifying residence by extending the statute's benefits to aliens employed by recognized philanthropic organizations and to owners or partners of business concerns.

Section 35 amends section 316(c) to liberalize the requirement of one year's continuous physical presence in the United States prerequisite to obtaining approval of an extended absence from the U.S. by a naturalization applicant, by permitting absence aggregating 60 days during such one year period.

Section 36 adds a new subsection (d) to section 316 to extend eligibility for approved absences from the United States by naturalization applicants to the spouses and children of aliens to whom such approval is granted, and makes appropriate editorial changes in the other subsections.

Section 37 amends section 319(a) to extend naturalization benefits available to the spouse of a U.S. citizen to any alien who is or was married to a citizen and lived with such citizen in marital union for 3 years. This change would mean that termination of the marriage after such 3 year period of living together would not affect the alien spouse's eligibility for naturalization.

Section 38 amends section 319(b) to permit immediate naturalization of the alien spouse of a U.S. citizen who is regularly stationed abroad in connection with specified employment, eliminating the 30 day waiting period now required.

Section 39 amends section 320 to authorize derivation of U.S. citizenship upon naturalization of a citizen parent having legal custody of an alien child, and enlarges the age limit for derivation of such citizenship to 18. This amendment simplifies and liberalizes the complicated rules in the present statute for derivation of citizenship through the naturalization of parents.

Section 40 repeals, as no longer neecssary in the light of Section 39, the present statutory provisions (section 321) for derivation of citizenship through the naturalization of alien parents.

Section 41 amends section 322 to facilitate naturalization of the alien child, under 18 years of age, of a U.S. citizen, upon application filed by the citizen parent in lieu of a petition for naturalization, and upon taking the oath of allegiance before a naturalization court.

Section 42 amends section 323 to facilitate naturalization of an adopted alien child, under 18 years of age, of a U.S. citizen, upon application filed by the citizen parent in lieu of a petition for naturalization and the taking of the oath of allegiance before a naturalization court. Burdensome residence requirements for the child are eliminated, and the amendment substitutes the simple prerequisites that the adoption must have taken place when the child was under the age of 16 and that the child is in the legal custody of the citizen adoptive parent at the time of naturalization.

Section 43 amends section 328(a) to liberalize special naturalization benefits for honorably discharged veterans with three years service in U.S. armed forces by eliminating limitation of such benefits to those who apply within 6 months after discharge.

Section 44 amends section 328(b)(2) to eliminate the requirement of witnesses to support for naturalization under military veterans statute.

Section 45 adds a new paragraph (4) to section 328(b) to eliminate the requirement of lawful admission for permanent residence by aliens seeking special naturalization benefits on the basis of three years honorable service in U.S. armed forces.

Section 46 makes necessary adjustments in section 328 on the basis of changes in Sections 43, 44, and 45.

Section 47 adjusts section 329(b)(5) in light of the change made in Section 44.

Section 48 amends section 332(b) to extend to approved nonprofit organizations the present statutory provisions for sending to schools the names of naturalization applicants and for distributing citizenship textbooks.

Section 49 amends section 334(a) to eliminate, as burdensome and no longer useful, the requirement that a naturalization petitioner produce two citizens as verifying witnesses.

Section 50 amends section 334(f). While retaining provision for filing declaration of intention, although such declaration is no longer part of the naturalization process, this amendment provides that such declaration must be approved by and filed with the Serivce, instead of with the naturalization court.

Section 51 adjusts statutory language of section 335(b) because of the elimination of a requirement for verifying witnesses to the naturalization petition under Section 49.

Section 52 amends section 335(d) to eliminate the awkward and unprecedented provision that the designated naturalization examiner and the Attorney General may make separate recommendations to the naturalization court in regard to a petition for naturalization court in regard to a petition for naturalization, specifying that the decision of the Attorney General shall be controlling as to the recommendation to be made to the naturalization court.

Section 53 eliminates statutory provisions in paragraphs (f) and (g) of section 335 dealing with verifying witnesses, in light of elimination of the requirements for such witnesses under Section 49.

Section 54 makes editorial changes in paragraph (h), redesignated (f), of section 335 to make it consistent with provisions authorizing temporary absence of applicants performing religious duties abroad.

Section 55 redesignates paragraph (i) of section 335 as paragraph (g) and amends it to authorize transfer of naturalization petition upon approval of the Attorney General when the petitioner changes his residence during the pendency of the petition. The present statute also requires approval of both courts, which serves no useful purpose.

Sections 56, 57, and 58 amend section 336 to adjust the statutory language because of the elimination of the requirement for verifying witnesses under Section 49.

Section 59 amends section 340(f) to specify that children who acquired U.S. citizenship upon naturalization of a parent do not lose such citizenship if the parent's naturalization is later revoked on grounds not involving fraud.

Section 60 eliminates statutory provisions for expatriation under section 349(a) which have specifically been declared unconstitutional by the United States Supreme Court.

Section 61 eliminates the statutory provision in section 352 for expatriation by residence abroad of a naturalized U.S. citizen, which was declared unconstitutional by the United States Supreme Court in *Schneider v. Rusk,* 377 U.S. 163 (1964).

Sections 62, 63 and 64 adjust the statutory language in sections 353, 354, and 355 by eliminating provisions relating to the statutory provision repealed by Section 61.

Sections 65 and 66 amend several statutes relating to enforcement of narcotics and smuggling laws to provide that the Attorney General may provide for the seizure and forfeiture of vessels, vehicles, and aircraft used to transport illegal aliens. The statutes amended already contain provisions granting such authority to the Secretary of the Treasury with respect to vessels, vehicles and aircraft used in smuggling narcotics or other articles into the United States. These statutes would be amended by adding appropriate references to the Attorney General.

Section 67 is a "savings clause" designed to protect and retain the entitlement to immigrant classification of (1) married brothers and sisters of United States citizens who are beneficiaries of petitions filed prior to the effective date of this Act; and (2) of certain Western Hemisphere-born aliens who have qualified as visa applicants on the basis of current regulatory and statutory provisions, but for whom no entitlement to such qualification would exist after the effective date of this Act.

Section 68 would amend the Act of November 2, 1966, by adding a new section 5 which would provide that visa numbers need not be used in connection with the adjustment of status of Cuban refugees in the United States under the provisions of section 1 of that Act.

The present requirement that these refugees compete with other immigrants from the Western Hemisphere has two undesirable effects: (1) it increases the waiting period for other Western Hemisphere immigrants; (2) it delays the opportunity for these refugees to benefit from legislation enacted specifically to permit the ready regularization of their status in this country.

Section 69 establishes, for a three fiscal year period, a special program under which aliens who have been admitted to the Virgin Islands in a nonimmigrant status and who possess an indefinite labor certification granted by the Secretary of Labor pursuant to 212(a)(14) and remaining valid may, without regard to numerical limitations and notwithstanding the prohibition of section 245(c) against the adjustment of status of certain classes of aliens, have their status adjusted to that of permanent resident or be issued immigrant visas. The spouse and

minor unmarried children of any such alien would also be entitled to benefit from this provision.

Section 70 repeals section 21(e) of the Act of October 3, 1965. This section provided for the establishment of the numerical limitation on immigration by aliens born in independent countries of the Western Hemisphere and would be incorporated into the Immigration and Nationality Act itself through section 8 of this bill.

This section also repeals section 8 of the Act of September 11, 1957, which provided authority for waiving the fingerprinting requirements for nonimmigrant aliens, now incorporated into section 221(b), as amended by section 16 of this bill.

Finally section 16 of the Act of September 11, 1957, is repealed. This section provided for absences of up to 12 months during the period of residence and physical presence required under section 301(b) for retention of citizenship.

ORDER OF BUSINESS

Mr. BYRD of West Virginia. Mr. President, for the information of the Senate, what is the pending question before the Senate?

The PRESIDING OFFICER. The McGovern-Hatfield amendment, No. 862.

Mr. BYRD of West Virginia. Mr. President, I thank the distinguished Presiding Officer.

I am authorized by the majority leader to state that following the disposition of the military procurement bill on tomorrow, it will be the plan of the leadership to call up and dispose of the bill making appropriations for the Treasury and Post Office Departments.

The majority leader wanted Senators to be on notice that such action is contemplated.

ADJOURNMENT UNTIL 8 A.M. TOMORROW

Mr. BYRD of West Virginia. Mr. President, if there be no further business to come before the Senate, I move, in accordance with the previous order, that the Senate stand in adjournment until 8 o'clock tomorrow morning.

The motion was agreed to; and (at 6 o'clock and 11 minutes p.m.) the Senate adjourned until tomorrow, Tuesday, September 1, 1970, at 8 a.m.

NOMINATION

Executive nomination received by the Senate August 31, 1970:

DEPARTMENT OF STATE

John N. Irwin II, of New York, to be Under Secretary of State.

EXTENSIONS OF REMARKS

RESOLUTIONS ADOPTED BY NATIONAL SOCIETY OF SONS OF THE AMERICAN REVOLUTION

HON. STROM THURMOND

OF SOUTH CAROLINA

IN THE SENATE OF THE UNITED STATES

Monday, August 31, 1970

Mr. THURMOND. Mr. President, the National Society of the Sons of the American Revolution held its 80th annual congress June 7 through June 10 at Houston, Tex. and at that time adopted 11 resolutions.

Because of the importance of these resolutions I ask unanimous consent that they be printed in the Extensions of Remarks.

There being no objection, the resolutions were ordered to be printed in the RECORD, as follows:

RESOLUTIONS

The National Society of the Sons of the American Revolution, at its 80th Annual Congress, assembled from June 7 to 10 at the Rice Hotel, Houston, Texas, adopted by unanimous vote, the following resolutions:

RESOLUTION NO. 1

Whereas: The message of the American Revolution of 1776 was that the State exists for the People, not the People for the State, and that the rights of the individual must be protected from governmental oppression and from every form of tyranny; and

Whereas: It is the responsibility of every American to understand and maintain this American way of life and to pass it on so that it may be enjoyed by succeeding generations; and

Whereas: The best government is that which recognizes and protects the dignity and freedom of the individual to:

Worship God in one's own way;

Free speech and a free press;

Own property and enjoy its use;

Engage in business for a profit;

Work in endeavors and locations of his choice;

Bargain with his employer or employees;

Keep and bear arms to protect his person and property;

Enjoy those other benefits guaranteed by our Bill of Rights; all without arbitrary governmental regulation and control.

Resolved: That the National Society of the Sons of the American Revolution unequivocally supports:

1. The voluntary reading of the Holy Bible and the voluntary offering of prayers in our public schools.

2. The control of our public schools by the Sovereign States.

3. The reduction of government spending and the balancing of our national budget to curb inflation.

4. The minimization of competition of the Federal Government with private industry.

5. The stabilization of our currency.

6. The abolition of all programs which reward indolence and destroy initiative.

7. The strengthening of law enforcement and order on our streets, campuses, and in our communities.

8. The right of the individual to keep and bear arms without the necessity of registration, either direct or indirect.

9. The right of the States to exercise all those sovereign powers not specifically granted to the Federal Government.

10. The withdrawal of the United States from the United Nations and its removal from our country.

11. Discontinuance of all trade with Communistic nations and their satellites.

12. Adherence to the Monroe doctrine.

13. Appropriate concern by the judiciary for the general welfare of all our citizens as well as for that of the wrongdoer.

RESOLUTION NO. 2

Whereas: The Pledge to the SAR was originally drafted to read:

"We descendants of the heroes of the American Revolution who, by their sacrifices, established the United States of America, reaffirm our faith in the principles of liberty and American Democracy, and solemnly pledge ourselves to defend them against every foe"; and

Whereas: The words: "our Constitutional Republic" should have been used instead of the words: "American Democracy";

Resolved: That the National Society of the Sons of the American Revolution reword the Pledge to the SAR to read: "We descendants of the heroes of the American Revolution who, by their sacrifices, established the United States of America, reaffirm our faith in the principles of freedom and our Constitutional Republic and solemnly pledge ourselves to defend them against every foe.

RESOLUTION NO. 3

Whereas: North Vietnam has continuously refused to publish the names of War Prisoners held by their Government and denied the prisoners of war their right to communicate with their families; and

Whereas: North Vietnam has refused the International Red Cross permission to inspect their prison camps; and

Whereas: The North Vietnamese have stated that all captured Americans are regarded as war criminals and they will be tried by their "Peoples Court";

Resolved: That the National Society of the Sons of the American Revolution strongly protest North Vietnam's total disregard of the Geneva Convention and urge that all available steps be taken to secure fair treatment and the release of our Prisoners of War.

RESOLUTION NO. 4

Whereas: The 59th Congress of the United States of America at its first Session, convening on December 4, 1905, and subsequent amendments thereto, incorporated the National Society of the Sons of the American Revolution; and

Whereas: Section Two of said Charter states the purposes and objectives of said corporation and declared it to be patriotic, historical, and educational, and among other things to carry out the position expressed in the Preamble of the Constitution of our country and the injunctions of Washington in his farewell address to the American people; and

Whereas: The National Society of the Sons of the American Revolution meet periodically and address themselves to these purposes and objectives in the form of action programs and resolutions; and

Whereas: The purposes and objectives of this Society cannot be fulfilled by resolutions of its position of such purposes and objectives if not forcefully brought to the attention of the appropriate governments and to the people of our Republic;

Therefore, be it resolved at the 80th Annual Congress meeting at Houston, Texas, June 10, 1970, that the officers and trustees of this Society, during the next year, develop through its processes of bylaw amendments and administrative procedures a definite system whereby resolutions and positions taken by this National Society may be more forcefully implemented through educational means to the governments and the people.

RESOLUTION NO. 5

Whereas: The National Society of the Sons of the American Revolution, desirous of preserving the spiritual and moral principles upon which these United States of America were founded, has, through the years, passed

Resolutions which become the Policy of the National Society, but are often ignored:

Resolved: That the National Society, Sons of the American Revolution call upon all chapters and all members to support all facets of our Society;

Resolved: That the National Society, Sons of the American Revolution commend those chapters and members actively supporting the National and State Societies, and remind those not so doing that they are failing in their duty to the Society as a whole.

RESOLUTION NO. 6

Whereas: The privilege of voting is a solemn responsibility involving maturity and sound judgment concerning which the attainment of 21 years of age is generally regarded as the minimum age limit; and

Whereas: To lower the voting age would permit many minors who lack the necessary experience to manage their own affairs to vote and participate in the management of the affairs of our nation;

Resolved: By the National Society of the Sons of the American Revolution that we oppose any reduction in the age level as a voting requirement.

RESOLUTION NO. 7

Whereas: The responsibility for the defense of our nation should be borne by all eligible citizens, in order to insure the preservation of the liberty of this Country and that this responsibility should be borne by all and not become the exclusive responsibility of a professional military;

Resolved: By the National Society of the Sons of the American Revolution that we call upon the responsible Federal officials to continue the present system of the American tradition of the "citizen-soldier" so that the obligation of military service shall be equitably distributed throughout the able-bodied population of this Nation, without regard to rank, wealth or other distinction than patriotism and love of country, as against any proposed strictly voluntary army.

Be it further resolved: We reaffirm our support of the ROTC.

RESOLUTION NO. 8

Whereas: We see and read where some young and old engage in parades, marches and demonstrations, in which the flag of North Vietnam is displayed; and

Whereas: Such an act is in fact giving aid and comfort to our communist enemies, and contains all the elements of treason save and except that there has been no formal declaration of war against North Vietnam; and no such act would be committed save by an enemy of this country.

Resolved: By the National Society of the Sons of the American Revolution meeting at Houston, Texas, that we denounce the display of the flag of North Vietnam in such circumstances as traitorous and unforgivable, and call upon the proper law enforcement offices to stop such display and if present laws are not adequate we call upon Congress to enact suitable laws concerning such display.

RESOLUTION NO. 9

Whereas: The United States has not only joined Britain in backing the United Nations sanctions toward friendly Rhodesia, but has closed the United States consulate and severed diplomatic relations with Rhodesia; and

Whereas: These sanctions, imposed without public approval, unfairly penalize a friendly nation, are inimical to American defense and economic interests, and give an extraordinary price monopoly to Soviet Russia on some vital commodities, such as chrome, thereby rewarding the Soviets who are the chief source of supplies to the forces killing American men in South Vietnam;

Resolved: That the National Society of the Sons of the American Revolution support the economic and strategic interests of the United States of America and to that end urge the immediate establishment of diplomatic relations and resumption of trade with the Republic of Rhodesia.

RESOLUTION NO. 10

Resolved: That we support the President of the United States in his policy of going into Cambodia to win and ending all enemy sanctuaries and that the President be so advised.

RESOLUTION NO. 11

A Resolution to express appreciation to those whose time and energy went into the 80th Annual Congress of the Sons of the American Revolution.

Whereas: The 80th Annual Congress of the National Society of the Sons of the American Revolution has been exceedingly successful, and

Whereas: Our appreciation should be extended to the many individuals and groups that contributed to the success of this Congress;

Now, therefore, be it resolved: That the National Society of the Sons of the American Revolution hereby expresses its most grateful appreciation to President General James B. Gardiner for the time and effort he has given to make his administration an outstanding one, and

Be it further resolved: That our appreciation be given to our Executive Secretary, Warren S. Woodward, and his lovely wife, Gisela, who made the arrangements, and took part in the excellent program which was presented. Also our special commendations to Executive Secretary Woodward on account of the two awards, for the second straight year, received by him from the Freedoms Foundation, one for the SAR Magazine and the other to its Editor; and

Be it further resolved that our grateful appreciation and thanks be extended to:

The Color Guard of the Houston Independent School District R.O.T.C.

The Honorable Weaver Moore who represented the Governor of the State of Texas in an address of welcome;

The Honorable Walter Gage Sterling who represented the Mayor of Houston in an address of welcome;

The Honorable Louie Welch, Mayor of the City of Houston, for having officially proclaimed the week of June 7 through 13, 1970, as S.A.R. Week.

Compatriot Dixon H. Manly, General Chairman of Arrangements for the Congress, Compatriot Edwin D. Martin, Ph.D., General Co-Chairman of Arrangements for the Congress, and the members of the Texas Society who assisted them;

The Christ Church Cathedral for its kindness in furnishing facilities and assistance for the Memorial Service;

Mr. Dan Smoot, for his address at the luncheon on Monday;

Major General Thomas A. Lane (USA, Ret.), for his address on Tuesday evening;

The Honorable Clark R. Mollenhoff, Special Counsel to the President, for his address on Wednesday evening.

Mrs. Walter G. Sterling, Chairman of the Ladies Affairs Committee; Mrs. Robert I. Sonfield, Chairman of the Hospitality Committee; and Mrs. James T. Anderson of the Information Committee for their kindness and efficiency during the course of this 80th Annual Congress;

Mrs. Wilson K. Barnes, Organizing Secretary General, National Society, Daughters of the American Revolution, representing Mrs. Erwin F. Seimes, President General, National Society, Daughters of the American Revolution;

Dr. Margaret Willoughby, Senior State President, Texas Society, Children of the American Revolution, representing Mrs. Robert S. Hudgins, Senior National President, Children of the American Revolution;

Mr. Thomas McCune Slick, National Chaplain, Children of the American Revolution, representing Mr. Lance D. Ehmcke, National President, Children of the American Revolution.

Mr. Thomas T. Currie, President, Texas Society, Sons of the American Revolution.

Mrs. Ford Hubbard, Sr., State Regent, Texas Society, Daughters of the American Revolution.

Lt. David Alan York, USMC, a member of the Kentucky Society, Sons of the American Revolution, representing the Armed Forces of the United States.

Be it further resolved: That the National Society, Sons of the American Revolution, in this 80th Annual Congress assembled, hereby express its sincerest appreciation to all others whose efforts contributed to the success of this Congress.

LEGISLATION TO REQUIRE THE OPEN DATING OF PACKAGED FOOD—XII

HON. LEONARD FARBSTEIN

OF NEW YORK

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. FARBSTEIN. Mr. Speaker, last June, I filed a petition with the Federal Trade Commission asking it to require the last date a food can safely be kept on the grocer's shelves to appear on the label of all perishable, semiperishable, and canned foods. The objective is the same as that of H.R. 14816, legislation I first introduced last November, and which currently has 60 cosponsors in the House.

I filed the petition because of my belief that coded dating is a violation of section 5 of the Federal Trade Act and that the FTC has the authority through regulations to require open dating. While the objective of the petition is identical to that of my legislation, administrative action by the FTC could be taken more easily and quicker. The Congress will not be able to begin hearings on the proposal until the beginning of the 92d Congress, the FTC can act now.

The Washington Post on Saturday carried an editorial urging the FTC to take quick action on my petition .

I hope the FTC will heed the Post's call, and that interested consumers will write the FTC chairman to let him know that they are watching the action or lack of action by the Commission on this subject as an indication of whether the recent changes in the FTC's image are genuine or merely the result of good public relations .

The text of the editorial follows:

[From the Washington Post, Aug. 29, 1970]

SHELF LIFE

When a consumer returns from the supermarket or grocery store, opens a can of food for dinner and finds the contents spoiled or rotting, does he or she conclude, "well, that's my bad luck"? Or does the consumer suspect that perhaps canned foods are not good indefinitely, and that some date should have been printed on the can to say when it should have been pulled before spoiling set in? The answer, in our view, is that canned items probably do have a maximum safe "shelf life"—that there is a limit on how long a food keeps those qualities of nutrition and flavor for which the consumer bought it.

Rep. Leonard Farbstein, long a speaker for

consumers, has recently acquired facts that canned food, contrary to the claims of the National Canners Association and the Food and Drug Administration, does not last "indefinitely." Among his facts are those supplied by the Defense Department whose laboratory in Natick, Mass., does extensive testing on a large number of items from apples to yeast and concludes: "Rarely . . . would one call these foods good indefinitely." Other evidence includes the consumer in Baton Rouge, La., who bought a case of strained baby meats last May that turned out to be eight years old; a Pennsylvania consumer who purchased a jar of mayonnaise that was two years old and rancid; a Chicago shopper with a can of five-year-old chicken.

The FDA has tried to face the issue of shelf life. In its "fact sheet," the agency writes: "How long will canned foods keep? Canned foods will keep as long as nothing happens to the container to make it leak." One feels secure until it is discovered that the FDA's wording is strangely similar to that in a "consumer services" publication of the National Canners Association: "How long will canned foods keep? Canned foods will keep just as long as nothing happens to the can or jar to make it leak." Curious, Representative Farbstein checked out the similarity in wording. The FDA fact sheet, admitted an FDA official, was partially based on information sent over by the Canners Association.

The Federal Trade Commission has been asked to investigate this matter by Representative Farbstein. Action is obviously needed, not only to tell the consumer that canned foods do not last "indefinitely," but to force the local store manager to remove canned foods from the shelf before the safe date expires. Although the canners say that "a regular turnover about once a year is best," legislation is needed to require the dating of canned foods so that it is not left to the retailer to count the months before turnover time. The evidence is strong that canned food is not spoiled only by leaks or punctures in the can.

MAN'S INHUMANITY TO MAN—HOW LONG?

HON. WILLIAM J. SCHERLE

OF IOWA

IN THE HOUSE OF REPRESENTATIVES

Friday, August 14, 1970

Mr. SCHERLE. Mr. Speaker, a child asks: "Where is daddy?" A mother asks: "How is my son?" A wife asks: "Is my husband alive or dead?"

Communist North Vietnam is sadistically practicing spiritual and mental genocide on over 1,500 American prisoners of war and their families.

How long?